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United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 98th CONGRESS, FIRST SESSION

HOUSE OF REPRESENTATIVES—*Thursday, September 15, 1983*

The House met at 10 a.m.

Rev. Phil Jones, Bethel United Methodist Church, Charleston, S.C., offered the following prayer:

Our Father, You have made and preserved for us a great nation. We bring to You our praise and gratitude.

We pray for the reign of peace and good will in our world so that we can fly the skies, sail the seas, and walk the Earth with no fear in our hearts.

Send, O God, spiritual renewal to America so that justice might run down as waters and righteousness as a mighty stream.

This is a holy place with its memories and associations. Impress upon this Congress the sacredness of their task because of their debt to the past, their duty to the present, and their responsibility to the future.

Grant wisdom, O God, to this body in all their deliberations and decisions.

In our Saviour's name. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. ROGERS. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. ROGERS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 361, nays 23, answered "present" 4, not voting 45, as follows:

[Roll No. 338]

YEAS—361

Ackerman	Cooper	Hall, Ralph	Lowery (CA)	Panetta	Smith, Denny
Addabbo	Courter	Hall, Sam	Lowry (WA)	Patman	Smith, Robert
Akaka	Coyne	Hamilton	Lujan	Patterson	Snowe
Albosta	Craig	Hammerschmidt	Luken	Paul	Snyder
Alexander	Crane, Daniel	Hansen (UT)	Lungren	Pease	Solarz
Anderson	D'Amours	Harrison	Mack	Penny	Spence
Andrews (NC)	Daniel	Hartnett	MacKay	Perkins	Spratt
Andrews (TX)	Dannemeyer	Hatcher	Markey	Petri	Stangeland
Annunzio	Daschle	Hayes	Marlenee	Pickle	Stark
Anthony	Daub	Hefner	Marriott	Porter	Stenholm
Archer	Davis	Hertel	Martin (IL)	Price	Stokes
Aspin	DeWine	Hightower	Martin (NC)	Pritchard	Stratton
Badham	Dicks	Hiler	Martin (NY)	Pursell	Studds
Barnard	Dixon	Hillis	Matsui	Quillen	Sundquist
Barnes	Donnelly	Hopkins	Mazzoli	Rahall	Swift
Bartlett	Dorgan	Horton	McCain	Rangel	Synar
Bateman	Downey	Howard	McCandless	Ratchford	Tallon
Bates	Dreier	Hoyer	McCollum	Ray	Tauke
Bedell	Duncan	Hubbard	McCurdy	Regula	Tauzin
Beilenson	Dwyer	Huckaby	McDade	Reid	Taylor
Bennett	Dyson	Hughes	McEwen	Richardson	Thomas (CA)
Bereuter	Early	Hunter	McGrath	Ridge	Thomas (GA)
Berman	Edgar	Hutto	McHugh	Rinaldo	Torres
Bethune	Edwards (CA)	Hyde	McKernan	Ritter	Torricelli
Bevill	Edwards (OK)	Ireland	McKinney	Robinson	Traxler
Biaggi	English	Jeffords	McNulty	Rodino	Udall
Bilirakis	Erdreich	Jenkins	Mica	Roe	Valentine
Bliley	Evans (IL)	Johnson	Michel	Rogers	Vander Jagt
Boehlert	Fascell	Jones (OK)	Mikulski	Rose	Vento
Boggs	Fazio	Jones (TN)	Miller (CA)	Rostenkowski	Volkmer
Boland	Feighan	Kasich	Mineta	Roth	Vucanovich
Boner	Ferraro	Kastenmeier	Minish	Roukema	Walgren
Bonior	Fiedler	Kazen	Moakley	Rowland	Watkins
Bonker	Fish	Kemp	Molinari	Roybal	Waxman
Borski	Flippo	Kennelly	Mollohan	Rudd	Weaver
Boucher	Florio	Kildee	Montgomery	Russo	Weber
Boxer	Foglietta	Kindness	Moody	Savage	Weiss
Breaux	Foley	Kogovsek	Moore	Sawyer	Wheat
Britt	Ford (TN)	Kolter	Moorhead	Schaefer	Whitehurst
Broomfield	Fowler	Kostmayer	Morrison (CT)	Scheuer	Whitley
Brown (CA)	Frank	Kramer	Morrison (WA)	Schneider	Whittaker
Broyhill	Franklin	LaFalce	Mrazek	Schulze	Whitten
Bryant	Frost	Lagomarsino	Murphy	Schumer	Williams (OH)
Burton (CA)	Fuqua	Lantos	Murtha	Sensenbrenner	Winn
Burton (IN)	Garcia	Latta	Myers	Shannon	Wirth
Byron	Gaydos	Leach	Natcher	Sharp	Wise
Campbell	Gekas	Leath	Neal	Shaw	Wolf
Carney	Gephardt	Lehman (CA)	Nelson	Shelby	Wolpe
Carper	Gibbons	Lehman (FL)	Nichols	Shumway	Wortley
Carr	Gilman	Leland	Nielson	Shuster	Wright
Chandler	Glickman	Lent	Nowak	Siljander	Wyden
Chappell	Gonzalez	Levin	O'Brien	Sisisky	Wylie
Chappie	Gore	Levine	Oakar	Skeen	Yates
Cheney	Gradison	Levitas	Obey	Skelton	Yatron
Clarke	Gramm	Lewis (CA)	Olin	Slattery	Young (FL)
Clinger	Gray	Lewis (FL)	Ortiz	Smith (FL)	Zablocki
Coats	Green	Livingston	Owens	Smith (IA)	Zschau
Coelho	Gregg	Lloyd	Oxley	Smith (NE)	
Coleman (TX)	Guarini	Loeffler	Packard	Smith (NJ)	
Collins	Gunderson	Long (LA)			
Conable	Hall (IN)	Long (MD)	NAYS—23		
Conte	Hall (OH)	Lott			
			Brown (CO)	Frenzel	Mitchell
			Clay	Gejdenson	Roberts
			Dickinson	Harkin	Roemer
			Durbin	Hawkins	Sabo
			Emerson	Jacobs	Schroeder
			Evans (IA)	Lipinski	Sikorski
			Fields	Madigan	Walker
			Forsythe	Miller (OH)	

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

ANSWERED "PRESENT"—4

Dymally	Ottinger
Lundine	Vandergriffa

NOT VOTING—45

Applegate	Eckart	Oberstar
AuCoin	Edwards (AL)	Parris
Bosco	Erlenborn	Pashayan
Brooks	Ford (MI)	Pepper
Coleman (MO)	Gingrich	Selberling
Conyers	Goodling	Simon
Corcoran	Hance	Solomon
Coughlin	Hansen (ID)	St Germain
Crane, Philip	Heftel	Staggers
Crockett	Holt	Stump
de la Garza	Jones (NC)	Towns
Dellums	Kaptur	Williams (MT)
Derrick	Martinez	Wilson
Dingell	Mavroules	Young (AK)
Dowdy	McCloskey	Young (MO)

□ 1015

Mr. MOODY changed his vote from "present" to "yea."

So the Journal was approved.

The result of the vote was announced as above recorded.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Sparrow, one of its clerks, announced that the Senate agrees to the amendments of the House to the bill (S. 118) entitled "An act to provide for the establishment of a Commission on the Bicentennial of the Constitution."

The message also announced that the Senate had passed bills and a concurrent resolution of the following titles, in which the concurrence of the House is requested:

S. 602. An act to provide for the broadcasting of accurate information to the people of Cuba, and for other purposes;

S. 626. An act to designate the Aravaipa Canyon Wilderness in the State of Arizona;

S. 1052. An act to make certain changes in the membership and operations of the Advisory Commission on Intergovernmental Relations;

S. 1129. An act to authorize appropriations for programs under the Domestic Volunteer Service Act of 1973, and for other purposes;

S. 1729. An act to provide for the striking and presentation of medals; and

S. Con. Res. 59. Concurrent resolution to authorize the Librarian of Congress to study the changing role of the book in the future.

REV. PHIL JONES

(Mr. HARTNETT asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. HARTNETT. Mr. Speaker, we are very pleased to have with us in the Chamber this morning our visiting chaplain, Rev. Phil Jones.

Reverend Jones was born in Gresham, S.C., in January 1930, the son of J. Frank and Foye H. Jones. He graduated from Britton's Neck High School, Wofford College, and Emory University. He was elected to both general and jurisdictional conferences of his church. He has been a trustee of Wofford College since 1972. He was a recipient of the George Washington Honor Medal from Freedom's Foundation at Valley Forge in 1981.

In 1952, Reverend Jones married Gloria Wilson of Greenwood, S.C., and they have three children—Kathy Lentz of Columbia, S.C., Philip of Batesburg, S.C., and David of Charleston, S.C.—all of whom are with Reverend and Mrs. Jones this morning.

Revend Jones was honored by Wofford College with the alumni citation for outstanding service and achievement. He is currently the senior minister of the historic Bethel United Methodist Church in Charleston, S.C.

Mr. Speaker, I am sure that my colleagues join me in welcoming Reverend Jones and his family to Washington, and we thank him for this outstanding invocation this morning.

APPOINTMENT OF MEMBERS TO ATTEND THE MEMORIAL SERVICE OF THE LATE HONORABLE LARRY McDONALD

The SPEAKER. Pursuant to House Resolution 307, the Chair appoints as Members to attend the memorial service of the late Larry McDonald the following Members on the part of the House:

Mr. LEVITAS of Georgia;
Mr. BARNARD of Georgia;
Mr. JENKINS of Georgia;
Mr. FOWLER of Georgia;
Mr. GINGRICH of Georgia;
Mr. HATCHER of Georgia;
Mr. RAY of Georgia;
Mr. ROWLAND of Georgia;
Mr. THOMAS of Georgia;
Mr. PRICE of Illinois;
Mr. STRATTON of New York;
Mr. MILLER of Ohio;
Mr. NICHOLS of Alabama;
Mr. DANIEL of Virginia;
Mr. PHILIP M. CRANE of Illinois;
Mr. YOUNG of Florida;
Mr. MOORHEAD of California;
Mrs. LLOYD of Tennessee;
Mr. MARLENEE of Montana;
Mr. RUDD of Arizona;
Mr. STUMP of Arizona;
Mr. PAUL of Texas;
Mr. DANNEMEYER of California;
Mr. SHUMWAY of California;
Mr. DREIER of California;
Mr. BILIRAKIS of Florida;
Mr. NIELSON of Utah; and
Mr. WON PAT of Guam.

SALIENT POINTS CONCERNING DEFENSE AUTHORIZATION CONFERENCE REPORT

(Mr. STRATTON asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. STRATTON. Mr. Speaker, the first business today, of course, will be the consideration of the conference report on the Defense authorization bill. As one of the conferees, I just wanted to tell the House that there are only four main points to remember about this bill.

First of all, it passed the Senate of the United States by a vote of 83 to 8.

Second, like all conference reports, it is a compromise between the position of the two bodies.

The third point is that if there is any heartburn about the conference report, it deals with only two matters, both of which would provide the United States of America with a modest capability in two areas where the Soviets have an overwhelming capability—chemical warfare and hard target ICBM's.

Mr. Speaker, the fourth point is that if Members thought we were retaliating effectively against the Russians yesterday when we passed our critical resolution, a far better way to express our feelings on the shooting down of the Korean airliner is to vote overwhelmingly for the defense conference report, just as the other body did on Tuesday.

GOLD MEDAL POLICY

(Mr. ANNUNZIO asked and was given permission to address the House for 1 minute.)

Mr. ANNUNZIO. Mr. Speaker, there are a number of bills which have been introduced in this Congress to provide congressionally authorized gold medals to various groups, organizations and individuals. I am certain that all of these bills are extremely meritorious, but in the past many Members of this House, on both sides of the aisle, have expressed deep concern that gold medals were being awarded to groups or individuals whose achievements or accomplishments were not of a significant nature to deserve a congressional gold medal.

In order to meet this concern, the Subcommittee on Consumer Affairs and Coinage, which I am privileged to chair, adopted a rule that before any gold medal legislation would be considered for hearings, the legislation would have to have 218 cosponsors. In addition, these bills were brought to the floor under the suspension calendar not for the purpose of limiting debate or amendments, but rather to make certain that the medal would have to obtain a two-thirds majority in order to pass the House. This, it was felt, would give a stature to the medal, which would not be there if the medal passed by one or two vote margin.

In recent months the subcommittee has been requested to waive the 218 cosponsor requirement for a number of gold medal proposals. I am sympathetic to those requests, but I feel that if we waive the requirement for an extremely meritorious medal, the subcommittee would then be in a position of setting a precedent which may well

lead to waiving the requirement for medals of a less than meritorious nature.

In the past there have been sharp differences on this floor on the awarding of gold medals. However, since the 218 cosponsor rule has been in place, the criticism has been eliminated. I do not think we serve any purpose other than to perhaps lessen the prestige of the gold medal award by eliminating the cosponsor requirement.

Every gold medal bill that has met the 218 cosponsor requirement has been scheduled promptly for hearings by the subcommittee. And in the future I intend to continue that policy. Therefore, I am asking Members, in order to make the gold medals carry the weight and prestige that they deserve, not to ask the subcommittee to waive any of its rules, because I do not want to return to a policy where gold medals are handed out like subway tokens.

□ 1030

IN SUPPORT OF THE HAWKINS JOBS BILL

(Mr. DIXON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DIXON. Mr. Speaker, on September 20, the House will consider the Community Renewal Employment Act, H.R. 1036, sponsored by Congressman GUS HAWKINS. This legislation is imperative because unemployment remains the foremost problem facing our country.

Despite claims that our economy is on the mend, statistics do not help 10.7 million Americans still without jobs. Some 2.5 million Americans have been out of work 7 months or longer.

The Hawkins bill will offer nearly 1 million productive employment opportunities for individuals who have been out of work 15 weeks or longer.

It gives priority to those workers who have exhausted their unemployment benefits.

It targets funds for part-time employment opportunities for the Nation's youth, who have been hit by unemployment more than double the national average.

To those who argue that we are in a recovery, the fact is that any improvement has been split level.

Conditions have not improved for blacks, and there are regions and States, such as Texas, where there has been no positive movement in terms of the economy or employment.

Those of us in the Congressional Black Caucus strongly support the Community Renewal Employment Act and urge all of our colleagues to join us in this support.

CHEMICAL WEAPONS

Mr. BONIOR of Michigan. Mr. Speaker, I rise today to urge my colleagues to support the bipartisan effort of Messrs. BETHUNE and ZABLOCKI to send the defense authorization conference report back to committee, in order to delete funding for the production of chemical weapons.

I know this will be an extraordinary and a difficult vote for many Members. Yet, it is necessary because the conferees have shown a disregard for the will of this Congress where there is a clear, bipartisan majority who opposes chemical weapons production. The conferees have ignored the judgment upheld over 14 years, through both Republican and Democratic administrations, that the United States should maintain a moratorium on new chemical weapons.

A vote for the conference report will send no signal to the Soviet Union—except that this country is willing to squander its resources on weapons, such as the Bigeye bomb, that are unnecessary and simply do not work.

I am encouraged by the unprecedented number of Members who have joined Messrs. BETHUNE and ZABLOCKI in this effort. We need to send the defense authorization report back to conference with explicit instructions to delete the funds for chemical weapons production.

Mr. DANIEL. Mr. Speaker, in a very few minutes the able gentleman from Illinois (Mr. PRICE) will present the Defense authorization conference report. The late President Lyndon B. Johnson said that legislation is the art of the possible. We must realize that we are talking about a conference report, not a bill. There is a lot in this conference report with which I do not agree. But this is the best we could do. So what I hope will happen is that we will apply what I consider the 51-percent rule. If we are in favor of 51 percent of the conference report, let us vote for it; if we are opposed to 51 percent of it, let us vote against it.

This is a terribly important matter for the country and I hope very much that it will be accepted.

Mr. EDGAR. Mr. Speaker, I stand after the previous speaker to talk about the 49-percent rule. I think 49 percent of this conference report is good and 51 percent of it is bad. I particularly draw the attention of our colleagues to the effort that is going to be made by the distinguished chairman of our International Relations Committee, Mr. ZABLOCKI.

I hope that my colleagues will reject this conference report. In doing so, we do not say that we reject a stable military deterrent. What we do is we make a stand on the issue of binary nerve gas. And I think that all of us have to recognize that the House overwhelmingly supported the nonproduction of nerve gas.

The conferees caved in on the House position. It is critical that all of us who supported the effort of Mr. ZABLOCKI want a strong vote, support that vote now.

I draw the attention of the Members to an editorial in today's New York Times that begins, "The House has a chance today to rebuke a backstage legislative maneuver and avoid a dangerous competition in a loathsome weapon, poison gas. But to do so it has to take the unheard of step of rejecting the House-Senate conference report."

I urge my colleagues to reject this conference report and to not support binary nerve gas.

Mr. Speaker, the full test of the editorial follows:

[From the New York Times, Sept. 15, 1983]

REJECT THE POISON GAS PLOY

The House has a chance today to rebuke a backstage legislative maneuver and avoid a dangerous competiton in a loathsome weapon: poison gas. But to do so, it has to take the unheard-of step of rejecting a House-Senate conference report on the entire $200 billion defense authorization for 1984.

The call to do just that comes from Chairman Zablocki of the Foreign Affairs Committee and 100 colleagues. They are enraged by the maneuvering by which the report overrode the House's repeated and overwhelming rejection of a new binary nerve gas. The Senate approved $131 billion for it only by the tie-breaking vote of Vice President Bush. But members of the House Military Affairs Committee betrayed their chamber's leadership and accepted the Senate endorsement in a private deal.

As Mr. Zablocki urges, the only way to withdraw the nerve gas money now is to vote down the whole bill and force the conferees to rewrite their report. As he rightly points out, there is no military justification for new binary chemical weapons and breaking the moratorium on gas production that President Nixon proclaimed in 1969.

"Secretary Weinberger acknowledged in written testimony earlier this year," Mr. Zablocki observes, "that there is no need for more artillery shells because we already have a usable, deliverable and safe stockpile of chemical artillery shells."

The Pentagon's case, challenged by civilian experts, is that the binary gas will be safer to handle in a European war. But the NATO allies don't want it on their territory. Apart from the Russians, only the French still stock poison gas. It is useful chiefly as a deterrent. It was not used in World War II because it is less effective against protected troops than high explosives and would inflict 20 civilian casualties for every military one.

Instead of wasting money on an abhorrent, unnecessary weapon, efforts are needed to supplement the 1925 ban on its

first use by prohibiting manufacture and stockpiles. The Soviet Union has agreed to some forms of on-site inspection toward that end. The way to reach it is through more vigorous negotiation, not production.

THE PRESIDENT AND HISPANICS

(Mr. RICHARDSON asked and was given permission to address the House for 1 minute.)

Mr. RICHARDSON. Mr. Speaker, during the third week of September we always celebrate Hispanic Heritage Week. Each year we, as Hispanics, reflect upon our rich cultural heritage and celebrate the invaluable contributions we have made to the development of our Nation. This year however, Hispanic Heritage Week comes at a time when Hispanics find themselves in a politically charged atmosphere. The President is now actively wooing Hispanic voters. And as we reflect upon our heritage it is only fair that we reflect on President Reagan's record toward the Hispanic community.

Mr. Speaker, the President's record toward Hispanics is clear, and that record shows that Hispanics have no friend in the White House. During the past 2½ years, this administration has worked actively to return Hispanics back down the path of poverty, neglect, and injustice. Just consider these facts:

Today, unemployment among Hispanics stands at 12.3 percent, roughly 3 percent higher than when the President took office;

Although the President has suddenly expressed support for the bilingual education program, he has repeatedly attempted to cut the funds for this vitally important program and diminish its effectiveness;

In 1979, the number of Hispanics living below the poverty level was 2.9 million people. Under President Reagan, that number has skyrocketed to 4.3 million; and

President Reagan has cut funds for programs that help insure Hispanics equal educational opportunities, fair housing, proper medical care, and jobs.

President Reagan's economic policy of tax cuts for the rich and budget cuts for the programs that serve the poor, the elderly, and the disadvantaged has threatened the ability of millions of Hispanics to pull themselves out of poverty and into the economic mainstream.

Those of us fortunate enough to be Hispanic, and fortunate enough to be in public life, will continue to call for substance over shadow from this anti-Hispanic administration. We will also continue to flex our political muscles and let be known that we will not tolerate policies and programs that would return us to the past.

President Reagan knows that the Hispanic vote is going to be crucial in 1984, but we will not be swayed by hollow words and false promises.

UNAUTHORIZED CHANGES IN HEARING TRANSCRIPTS

(Mr. BROOKS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BROOKS. Mr. Speaker, on Thursday, September 1, a staff member of the Committee on Government Operations notified me that he personally had made unauthorized changes in the record of a hearing conducted last year by the Environment, Energy, and Natural Resources Subcommittee, along with four other House subcommittees. Lester Brown, a professional staff member of the subcommittee, advised me he had submitted to the House Committee on Standards of Official Conduct detailed written statements and sworn testimony concerning the unauthorized changes in the July 21 and 22, 1982, hearing record entitled "EPA Oversight: One Year Review." Mr. Brown submitted his resignation and he has been terminated from committee employment effective Friday, September 2.

I immediately notified the Speaker, all members of the House Government Operations Committee, the Committee on Standards of Official Conduct, and the minority members who had participated in the EPA hearing of my action. It is my understanding that the Committee on Standards of Official Conduct will continue its investigation and that a full report on the matter will be made to the House as required in House Resolution 254.

CONGRESSMAN McCOLLUM'S HUMANITARIAN EFFORTS

(Mr. WOLF asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WOLF. Mr. Speaker, I would like to take this time today to recognize a colleague who literally went the extra mile for thousands of people in another nation who urgently needed help.

I am referring to Representative BILL MCCOLLUM, who last month initiated two emergency airlifts of medical supplies to the homeless and needy in El Salvador. Last summer BILL MCCOLLUM went to El Salvador and saw the poverty and suffering which exists in the displaced persons camps, which are rows of shacks which house families who have had to flee their homes and farms because of the war. But it was the severe lack of medical supplies and the needless suffering of men, women—and especially the children—which struck him the most.

When he returned to the United States he contacted Project HOPE, and within a month 55,000 pounds of antibiotics and numerous other drugs and medical supplies had been delivered to the most destitute camps and hospitals in El Salvador. In just a few short weeks, Representative MCCOLLUM and his staff had generated donations of supplies worth nearly $2.5 million—as well as more than $30,000 to cover the costs of the two airlifts on August 4 and August 15.

I have seen these displaced persons camps, and I know what these medical supplies will mean to the people who are living there. BILL MCCOLLUM's actions are a credit to the Members of this House, and I would like to commend him for his humanitarian efforts and the people of Florida for their overwhelming response to this mission of mercy.

TROOPS IN LEBANON

(Mr. PAUL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PAUL. Mr. Speaker, it has been reported there is no sentiment in the Congress for the removal of the troops from Lebanon. If this is true, it is unfortunate because there certainly is a strong sentiment among the American people for their removal.

The motivation for sending in the marines, that is to keep the peace, certainly cannot be questioned. However, good intentions in no way guarantee wisdom. The fact that we have assisted both factions in the war in the Mideast raises questions as to just why we have positioned ourselves between the two warring factions. Already several marines have been killed and many others wounded.

Since victory is not our goal but merely stability in an area that has been unstable for centuries, it makes the task of maintaining peace impossible. Our military presence and activity is escalating rapidly. At first it was a few marines. Now we have sent in more marines to stand by offshore. Naval and air power is now being used to intimidate certain factions of this civil war. Soon we will not be able to extricate ourselves from a deepening involvement that we may well be sorry for.

We should not have gone into Lebanon in the first place. We should not be escalating the military activity there, and we should leave Lebanon immediately. All we need now is for one Russian-built missile launched by the Syrians to sink one of our warships now shelling the Druzes' position and the big war will be started.

Now is the time to prevent that from happening.

POISON GAS IN THE SAUSAGE

(Mr. BETHUNE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BETHUNE. Mr. Speaker, I never had a doubt that the Armed Services Committee would couple the emotion of the moment with the old adage that legislation is like sausage being made in the effort to try to get this conference report of DOD through this House. Never had a doubt about that.

They say that legislation is like sausage being made; do not ask what is in it, do not look, do not ask questions about it. But let me tell you something: There is poison gas in this sausage. We did not put it there. This House has voted against it for 2 years running. The Senators did not put it there. They tied 49 to 49 on this issue. The administration put poison gas in this sausage because the Vice President cast the vote that made the decision in the U.S. Senate. And our conferees being biased as they are in favor of this project, immediately caved in, rejected the House position and took the position not of the U.S. Senate but of the Vice President and the administration and put the poison gas in this sausage.

If we reject the conference report, nothing draconian is going to happen. They will go back out to the conference and do what they ought to do and that is respect the will of the people.

These weapons are not needed. We have proved that over and over again in debate here in this House. And the Big-eye bomb does not work. It blows up on us, not the enemy.

I urge a "no" vote on the conference report.

REHABILITATION ACT AMENDMENTS OF 1983

(Mr. BARTLETT asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. BARTLETT. Mr. Speaker, during the debate on the Rehabilitation Act Amendments of 1983 this week, a confusing array of statistics were used. One of my most important goals in floor debate is to be sure that Members are supplied with the best information available, that the information is soundly reasoned, and that it is accurately applied to the questions at hand. Of the many statistics cited, I have since discovered that I used one statistic in error and want to correct the record for my colleagues.

I erroneously quoted the percentage increase between the 1983 appropriations and the H.R. 3520 authorization request for the 10 programs contained in title IV as being a 34-percent rise. And I apologize for that error. In comparing the H.R. 3520 authorization levels with the 1983 appropriations for these programs, the increase was actually 15.7 percent. This represents a dollar increase of $1.5 billion from the 1983 appropriations for title IV's 10 programs. Having corrected the record in regard to this percentage let me put this statistic in further perspective as well as establish a final version of the statistics used during this week's debate. Title IV contains a total of $1.6 billion in new spending over the 1981 Reconciliation Act for 1984 for its 10 programs, a dollar amount which I accurately reported. This is $3.4 billion or 44 percent more than the President's fiscal year 1984 request for these programs, according to the Office of Management and Budget. Specifically, compared to fiscal year 1983 appropriations, title IV's authorizations for compensatory education would increase 21 percent, the authorization for education for the handicapped would increase 25 percent, the authorization for vocational education would increase 13 percent, the authorization for adult education would increase 18 percent, the authorization for low-income energy assistance would increase 14 percent, and the authorization for WIC would increase 17 percent.

I regret my misstatement of the percentage increase statistic used to compare fiscal year 1984 appropriations to H.R. 3520's authorization request for the title IV programs and hope this statement of the key budget numbers used in the title IV debate will be helpful to my colleagues. In addition, I would like to provide this House a side-by-side comparison of these programs' 1983 appropriations, their 1984 Reconciliation ceilings, and the H.R. 3520 authorizations.

COMPARISON OF 1983 APPROPRIATIONS, 1984 RECONCILIATION APPROPRIATIONS CEILINGS, AND H.R. 3520 AUTHORIZATIONS FOR THE PROGRAMS IN TITLE IV OF H.R. 3520

[In thousands of dollars]

	1983 appropriation	1984 reconciliation	H.R. 3520 authorization
ECIA	$3,200,394	$3,487,000	$3,830,000
Impact aid	540,200	475,000	505,000
Education of the handicapped	1,199,402	1,017,900	1,500,000
Vocational education	721,521	735,000	825,000
Adult education	95,000	100,000	112,000
Arts and humanities	273,900	233,000	273,900
Museum services	10,800	9,600	10,800
Community services program	385,500	389,400	398,000
Low-income energy assistance	1,975,000	1,875,000	2,250,000
WIC	1,160,000	1,126,000	1,360,000
Total	9,561,717	9,447,900	11,064,000

OPPOSITION TO BINARY CHEMICAL WEAPONS

(Mrs. ROUKEMA asked and was given permission to address the House for 1 minute and to revise and extend her remarks, and include extraneous matter.)

Mrs. ROUKEMA. Mr. Speaker, today this House will face one of the most important decisions we will make this session. The leadership will call up the conference report on the Department of Defense authorization bill. This conference report should be defeated because it contains authorization for a new generation of deadly chemical weapons.

This House rejected authorization of these lethal munitions on a recorded vote. The other body could not muster a majority in support of it, and approved it only with the tie-breaking vote of the Vice President. Unfortunately, the conferees included funding contrary to the wishes of this body.

Consequently, we should defeat this conference report and instruct the conferees to produce a new report which rejects poison gas weaponry and continues the moratorium on production in effect since 1969.

The New York Times published an excellent editorial on the subject in this morning's edition and I include it for printing in the RECORD at this point.

REJECT THE POISON GAS PLOY

The House has a chance today to rebuke a backstage legislative maneuver and avoid a dangerous competition in a loathsome weapon: poison gas. But to do so, it has to take the unheard-of step of rejecting a House-Senate conference report on the entire $200 billion defense authorization for 1984.

The call to do just that comes from Chairman Zablocki of the Foreign Affairs Committee and 100 colleagues. They are enraged by the maneuvering by which the report overrode the House's repeated and overwhelming rejection of a new binary nerve gas. The Senate approved $131 million for it only by the tie-breaking vote of Vice President Bush. But members of the House Military Affairs Committee betrayed their chamber's leadership and accepted the Senate endorsement in a private deal.

As Mr. Zablocki urges, the only way to withdraw the nerve gas money now is to vote down the whole bill and force the conferees to rewrite their report. As he rightly points out, there is no military justification for new binary chemical weapons and breaking the moratorium on gas production that President Nixon proclaimed in 1969.

"Secretary Weinberger acknowledged in written testimony earlier this year," Mr. Zablocki observes, "that there is no need for more artillery shells because we already have a usable, deliverable and safe stockpile of chemical artillery shells."

The Pentagon's case, challenged by civilian experts, is that the binary gas will be safer to handle in a European war. But the NATO allies don't want it on their territory. Apart from the Russians, only the French still stock poison gas. It is useful chiefly as a deterrent. It was not used in World War II because it is less effective against protected troops than high explosives and would inflict 20 civilian casualties for every military one.

Instead of wasting money on an abhorrent, unnecessary weapon, efforts are needed to supplement the 1925 ban on its first use by prohibiting manufacture and

stockpiles. The Soviet Union has agreed to some forms of on-site inspection toward that end. The way to reach it is through more vigorous negotiation, not production.

In conclusion, Mr. Speaker, let me stress that we are all outraged at the Soviet shooting of a Korean airliner. However, we must not allow ourselves because of justifiable outrage toward that tragedy to approve a weapon which is totally unrelated to that event and which has never been approved by majority vote of this House. The same cool analytic judgment should be exercised in our votes today.

□ 1045

SENDING A MESSAGE TO THE SOVIETS

(Mr. COURTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COURTER. Mr. Speaker, I stand in support of those individuals that argue that it is important to give the Soviet Union a more definite message than yesterday, that it is important to pass the Department of Defense authorization bill.

If we stand here and pass words on Wednesday, and then when it comes to the authorization bill, because some of us disagree with the spending of approximately one one-hundredth of 1 percent, we vote the entire DOD authorization bill down, I would argue that that would be the type of message that the Soviet Union would get, totally inconsistent from the message of Wednesday.

If we do one thing on Wednesday, I think we should be consistent on Thursday.

In addition, there is another thing we can do and I think we should do soon. We should increase the funding for the International Broadcasting System.

One of the most shocking revelations is the fact that there are hundreds of millions of people in this world that do not know the truth about what happened on Korean Air Lines flight 007.

I think it is incumbent upon us to think in terms of increasing the funding of institutions like the Voice of America so that the whole world receives the truth and the differences between democratic America and totalitarian Russia is understood by all.

MISINFORMATION ON DEPARTMENT OF DEFENSE AUTHORIZATION BILL

(Mr. BADHAM asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BADHAM. Mr. Speaker, unfortunately there has been some misinformation falling on the ears of the Members of this House.

On August 3 even before the DOD conference had completed its work a "Dear Colleague" went out from Members opposed to the actions of the DOD conference. Unfortunately there were several errors in that letter.

One letter quotes Secretary Weinberger and says we have all of the chemical warfare items that we need. He has never said that. It is an inaccurate quote.

They said we, the House conferees, walked into the conference with a House bill and walked out with a Senate bill. That is not true.

We walked out with a fair, hard-fought, reasonable compromise that does not allow for production of binary weapons. It allows for facilities construction, it allows for component production, but these components cannot be used, put together, or even made into a binary weapons system until after 1985.

I would invite my colleagues attention to the fact we all know the way the Soviets treat human life, treat the world and treat weapons systems. I would say to Members of the House: The Soviet Union has been in the continuous production of chemical weapons since 1921 and for the past 14 years have added many, many plants; while we have done nothing.

FEDERAL SUPPLEMENTAL COMPENSATION PROGRAM

(Mr. RIDGE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RIDGE. Mr. Speaker, I want to commend the administration for recognizing the serious problem we still have with unemployment. On September 13, Mr. Daniel Benjamin, the Acting Assistant Secretary of Labor, testified before the Subcommittee on Public Assistance and Unemployment Compensation that the administration supports an 18-month extension of the Federal supplemental compensation (FSC) program.

The problem of high unemployment is not going to be solved before September 30, when the current FSC program expires. For that reason, I joined with other Members of the House of Representatives in cosponsoring H.R. 3433 which extends the FSC program for another 6 months. The proposal by the administration recognizes that there are very real problems in getting the unemployed people back to work. This process is predicted to be slow even though the economy has shown signs of improvement in the last few months.

Unfortunately, my district is responding even more slowly than many other sections of the country. It is possible that northwest Pennsylvania will be suffering with high unemployment for quite some time. The extension of the FSC program will help the people of my district meet their basic needs as they look for new jobs.

This program is more vital than ever to Pennsylvania as the State recently triggered off of the extended benefit (EB) program. Pennsylvania triggered off the EB program in part because we have had people unemployed for so long that they no longer count in the statistics. These people are still unemployed but because of the length of time they have been unemployed, the Government can say that unemployment has improved. This is a cruel hoax to perpetrate on the unemployed who need Government assistance while searching for a new job, especially in areas with high unemployment.

It is necessary, however, to urge the Department of Labor to rethink its position on not changing the EB program. We need to remember that while unemployment has come down to some extent, it remains very high. It is important that people who live in areas of the country, such as northwest Pennsylvania, with high unemployment are able to receive all the assistance possible. This situation forces us to consider ways to adjust for States that have high levels of unemployment but are no longer eligible to receive EB compensation. I urge my colleagues in the House to consider the need to provide relief for unemployed people in areas with high unemployment. One way to address this problem is by joining, with me, as a cosponsor of H.R. 3575, which allows a State to trigger on to the EB program if it has a total unemployment rate of 11 percent or more. To assist Pennsylvania we need to amend the 11 percent, but I am hopeful that in either committee or on the floor this could be accomplished.

Mr. Speaker, I want to again congratulate the administration for recognizing the seriousness of the unemployment problem and recognizing the need to extend the FSC program. I also want to encourage the House of Representatives to work with the administration to extend the FSC program to help the unemployed at this time when unemployment rates remain much too high.

SENDING A SIGNAL TO THE SOVIETS

(Mr. GEKAS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GEKAS. Mr. Speaker, I, too, share the revulsion that some of the previous speakers feel for the projec-

tion of the chemical warfare provisions in the conference report. Yet I am willing to set those aside for the moment for the greater purpose of sending the necessary signal to the Soviet Union and to the world at large that this Nation is prepared to do what it can and what it will to thwart Soviet aggression.

Another day will come for another debate on the chemical warfare provisions of this bill and others yet to come. I will reserve my battle in the House of Representatives for that moment.

It is important now for the purposes of our country to pass this bill as fast as possible. I will, therefore, delay my opposition to the chemical warfare provisions.

PERMISSION FOR COMMITTEE ON APPROPRIATIONS TO HAVE UNTIL MIDNIGHT FRIDAY, SEPTEMBER 16, 1983, TO FILE PRIVILEGED REPORT ON DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, EDUCATION, AND RELATED AGENCIES APPROPRIATIONS, 1984

Mr. NATCHER. Mr. Speaker, I ask unanimous consent that the Committee on Appropriations may have until midnight tomorrow, Friday, September 16, 1983, to file a privileged report on the bill making appropriations for the Departments of Labor, Health and Human Services, Education, and related agencies, and for other purposes for the fiscal year ending September 30, 1984.

Mr. CONTE reserved all points of order on the bill.

The SPEAKER pro tempore (Mr. MURTHA). Is there objection to the request of the gentleman from Kentucky?

There was no objection.

APPOINTMENT OF CONFEREES ON H.R. 3263, MILITARY CONSTRUCTION APPROPRIATIONS, 1984

Mr. HEFNER. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 3263) making appropriations for military construction for the Department of Defense for the fiscal year ending September 30, 1984, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments and agree to the conference asked by the Senate.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina? The Chair hears none and, without objection, appoints the following conferees: Messrs. HEFNER, BEVILL, LONG of Maryland, ALEXANDER, ADDABBO, CHAPPELL, DICKS, FAZIO, WHITTEN, REGULA, EDWARDS, of Oklahoma, LOEFFLER, LIVINGSTON, and CONTE.

There was no objection.

REJECTING THE DOD CONFERENCE REPORT

(Mr. ZABLOCKI asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. ZABLOCKI. Mr. Speaker, the conference report on the Defense authorization is a report that I cannot support. This will be the first time in my 35 years in this august body that I will be voting against a defense conference report.

I do so reluctantly. Nevertheless, I think we have to point out that through a proper legislative process earlier this year, this House, by an overriding vote of 256 to 161 denied the $114.6 million for the production of these binary nerve gas weapons. Further, in the other body it was a tie vote and it took the Vice President to break the tie. These votes clearly show that there is no question that the Congress rejected the production of new lethal nerve gas weapons.

Some have questioned whether a recent "Dear Colleague" letter signed by myself and 91 other Members quote Secretary Weinberger correctly. My answer is "yes." In the other body early this year, Secretary Weinberger indeed stated that there are sufficient numbers, that we already have a usable, deliverable, and safe stockpile of chemical artillery shells.

I would submit to my colleagues the New York Times editorial of today which ends as follows:

Instead of wasting money on an abhorrent, unnecessary weapon, efforts are needed to supplement the 1925 ban on its first use by prohibiting manufacture and stockpiles.

I urge a "no" vote on the Defense conference report.

[From the New York Times, Sept. 15, 1983]

REJECT THE POISON GAS PLOY

The House has a chance today to rebuke a backstage legislative maneuver and avoid a dangerous competition in a loathsome weapon: poison gas. But to do so, it has to take the unheard-of step of rejecting a House-Senate conference report on the entire $200 billion defense authorization for 1984.

The call to do just that comes from Chairman Zablocki of the Foreign Affairs Committee and 100 colleagues. They are enraged by the maneuvering by which the report overrode the House's repeated and overwhelming rejection of a new binary nerve gas. The Senate approved $131 million for it only by the tie-breaking vote of Vice President Bush. But members of the House Military Affairs Committee betrayed their chamber's leadership and accepted the Senate endorsement in a private deal.

As Mr. Zablocki urges, the only way to withdraw the nerve gas money now is to vote down the whole bill and force the conferees to rewrite their report. As he rightly points out, there is no military justification for new binary chemical weapons and breaking the moratorium on gas production that President Nixon proclaimed in 1969.

"Secretary Weinberger acknowledged in written testimony earlier this year," Mr. Zablocki observes, "that there is no need for more artillery shells because we already have a usable, deliverable and safe stockpile of chemical artillery shells."

The Pentagon's case, challenged by civilian experts, is that the binary gas will be safer to handle in a European war. But the NATO allies don't want it on their territory. Apart from the Russians, only the French still stock poison gas. It is useful chiefly as a deterrent. It was not used in World War II because it is less effective against protected troops than high explosives and would inflict 20 civilian casualties for every military one.

Instead of wasting money on an abhorrent, unnecessary weapon, efforts are needed to supplement the 1925 ban on its first use by prohibiting manufacture and stockpiles. The Soviet Union has agreed to some forms of on-side inspection toward that end. The way to reach it is through more vigorous negotiation, not production.

NERVE GAS

(Mr. MOODY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MOODY. Mr. Speaker, I rise to urge my colleagues to register this House's position on nerve gas, and to reassert the political prerogatives of this House in a bicameral legislature, by rejecting the Department of Defense authorization conference report new before us. The key issue here is nerve gas. The bill would authorize its production starting in 1985.

Let us review the facts. The Senate has a tie vote on this issue and only the Vice President, a representative of the executive branch, broke the tie. The House decisively rejected nerve gas by a vote of 256 to 161. The simple total, adding both Houses together, is 305 to 211, strong vote, a 2-to-3 ratio.

Others are calling for swift passage of this bill, including nerve gas production, in the wake of the tragic Korean Air Lines incident.

We can resume consideration of the Defense authorization in the very near future, but we must not let Soviet actions direct and dictate the schedule and procedures in this House.

I urge my colleagues to now send the Defense authorization bill back to remove nerve gas production by supporting the Zablocki-Bethune motion and vote no on the Defense authorization conference report.

CONFERENCE REPORT ON S. 675, DEPARTMENT OF DEFENSE AUTHORIZATION ACT, 1984

Mr. PRICE. Mr. Speaker, I call up the conference report on the Senate bill (S. 675) to authorize appropriations for fiscal year 1984 for the Armed Forces for procurement, for re-

search, development, test, and evaluation, and for operation and maintenance, to prescribe personnel strengths for such fiscal year for the Armed Forces and for civilian employees of the Department of Defense, to authorize appropriations for such fiscal year for civil defense, to authorize certain construction at military installations for fiscal year, to authorize appropriations for the Department of Energy for national security programs for such fiscal year, and for other purposes.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Pursuant to the rule, the conference report is considered as having been read.

(For conference report and statement, see proceedings of the House of September 12, 1983.)

The SPEAKER pro tempore. The gentleman from Illinois (Mr. PRICE) will be recognized for 30 minutes, and the gentleman from Alabama (Mr. DICKINSON) will be recognized for 30 minutes.

The Chair recognizes the gentleman from Illinois (Mr. PRICE).

Mr. PRICE. Mr. Speaker, I yield myself such time as I may require.

Mr. Speaker, I am going to yield 10 minutes of my 30 minutes to the gentleman from Wisconsin (Mr. ZABLOCKI) with the understanding that he will yield to those who wish to speak against the conference report because of the provisions on chemical munitions.

Mr. Speaker, I am pleased to bring before the House today the conference report on S. 675, the Defense Authorization Act for fiscal year 1984. The conference report authorizes $187.5 billion for procurement; research, development, test, and evaluation; operation and maintenance; and civil defense. It also authorizes military and civilian personnel strengths for the Department of Defense during fiscal year 1984 and contains a large number of general provisions intended to improve the operation of the department, to insure that the funds authorized are used effectively, and to improve the compensation for military personnel.

Overall, Mr. Speaker, the conference report is an appropriate—and measured—response to the threat we face and to the actions of those who pose that threat.

Recognizing the serious budget problems that beset the Nation, the conferees have held real growth for defense—that is, growth over and above inflation—to approximately 5 percent. The majority of conferees believe that real growth of at least this level is absolutely essential over the next several years in order to equip and man our Armed Forces to meet the growing Soviet threat that has again been all too clearly demonstrated by the events of the recent past.

We cannot rely on the "good will" of the Soviets to help assure a stable world in the future. They look at the world from an entirely different perspective and hold an entirely different set of values. That does not mean we should not deal with them or seek agreements that will be to our mutual benefit. However, Mr. Speaker, we must do this carefully, and we must do it from a position of unquestioned strength.

It is vital to the preservation of civilization as we know it today that the superpowers continue—and, in fact, accelerate—the pursuit of arms limitation agreements. To this end, there are a number of provisions in the conference report directed specifically toward arms control. But, I want to reiterate, the United States must pursue this critical goal with eyes wide open and with a clear and unequivocal understanding of the mentality and long-term objectives of the Soviets. That mentality was displayed again in all its brutality in the shooting down of an unarmed civilian aircraft with the loss of 269 lives.

A case in point is binary chemical munitions. The House conferees understand the strong feelings in this body regarding this issue. We debated the issue extensively on the House floor, and we argued long and hard in conference to maintain the House position. In an unusual procedural instance, the House conferees sought and were provided the opportunity to reopen this matter after originally agreeing to the Senate position. However, after further consideration, the Senate conferees again insisted on their provision, including restrictive language that we believe has substantial support in the House.

The House conferees found most compelling the Senate's argument related to the need for the United States to continue—from a position of strength—its negotiations to ban chemical weapons. A nation that reacts from such national paranoia that it would shoot down an unarmed passenger aircraft because of a modest intrusion of its border will only respect strength. To become more secure, the Soviet Union must see more advantage in giving up a potential weapon than in keeping it.

A nation that has so little respect for civilian losses of another nationality would surely have little concern for using chemical weapons. Our only hope is to be perceived as firm in our determination to offset such a military and political advantage with a like capability. The Soviets are unconcerned regarding the casualties to the citizens of other nations; we can hope and pray they are not similarly unconcerned about casualties to their own population.

Who would say—after the events of the last 2 weeks—that we should take any other stance but dealing from a position of strength?

To do anything else would be to say: Trust the Soviets? Trust the Soviets to sign a chemical warfare treaty even when they are achieving a great superiority in that area? Trust the Soviets, who shoot down innocent civilians, to not use a chemical warfare advantage against the Free World?

Make no mistake about it: To vote down this conference report because of the provision for chemical warfare preparedness is to vote to trust the Soviets.

Mr. Speaker, I resent the implication in a recent newspaper article regarding the chemical weapons provision that we were acting irresponsibly in accepting the Senate provision. Any provision that either body brings to conference is a legitimate provision for inclusion in the conference report, and the Senate brought the chemical provision to conference. The requirement for a full and free conference is among the oldest rules of the Congress.

Mr. Speaker, in the conference report, we remained within the target set for national defense by the first concurrent resolution on the budget for fiscal year 1984. The conference report reflects a $10.5 billion reduction in the President's request. When added to actions already taken on the authorization and appropriation bills for military construction, the reductions recommended are consistent with the required reduction of $11.9 billion from the total of $268.6 billion requested by the President.

We are recommending 5 percent real growth compared to the 10 percent requested by the President, but I believe that this rate of growth—if maintained at a consistent level in the future—can to keep our Nation secure.

Finally, I would like to express my deep appreciation and respect to the gentleman from Massachusetts (Mr. BOLAND) and the gentleman from Kentucky (Mr. PERKINS) and to each of the additional conferees appointed to address the issues related to intelligence and impact aid. The expertise of each of these Members contributed greatly to the conference report we produced.

Mr. Speaker, I ask an overwhelming vote to adopt the conference report and send the needed signal to the Soviet Union and the world that the United States will not be bullied by Soviet threats and brutality.

CORRECTIONS TO CONFERENCE REPORT ON DOD AUTHORIZATION ACT, 1984—REPORT NO. 98-352

In addition, I would like to submit for the RECORD a number of corrections to errors made in the conference report:

Pages 101-102: The second line of the summary table on each page erroneously

states that the table excludes the land based strategic ballistic missile program. This program is included in the figures.

Page 102: In the Summary of Conference Actions table, the Total, ICBM modernization program entry is incorrect. The correct figure is 4,450.4, not 4,808.2.

Pages 122-123: Under Fort Devens training support, the last line incorrectly says the House recedes. In fact, the Senate recedes on this item.

Page 164: The table indicates that $97.8 million would be authorized for special repair parts follow on technology. This is an error. The conferees agree to authorize the $97.8 million requested for M-X spares and repair parts.

Page 171: The paragraph explaining the undistributed reduction of $19.8 million in the Army weapons and tracked combat vehicles account is misplaced. This paragraph duplicates the paragraph found at the bottom of page 114 of the report.

Page 174: The table erroneously indicates that H.R. 2969 would authorize $647.9 million for classified equipment. The correct figure is $640.0 million.

Page 212: The Operation and Maintenance, Air Force table, Central Supply and Maintenance-Real estate leasing entry should read −1,000, not 1,000.

Page 216: An extra 0 was inadvertently added to the Claims, defense conference recommendation entry in the Operation and Maintenance, Other Budget Activities table. The figure should read 172,900, not 172,9000.

□ 1100

Mr. Speaker, I reserve the balance of my time.

Mr. DICKINSON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let me say that I fully agree with the remarks of my chairman, Mr. PRICE, in support of this conference report.

Certainly no one has worked harder to produce this conference report than has our chairman, and I also want to commend all of the other House conferees who worked long hours, through the night, for several days to accomplish this conference report.

Let me say I am pleased, I am proud of this conference report. There have been allegations, evidently made in an emotional moment, by some that the House just walked in and caved in to the Senate, walked in with the House report and came out with the Senate report. Nothing could be further from the truth. The fact is that the conferees considered more than 750 differences in the mammoth legislation before the House, including over 600 differences in dollar authorizations and over 150 differences in language provisions.

The House receded to the Senate in some instances; the Senate receded to the House in some instances. And, as is the case in all conference reports, it was a matter of give and take.

We met until 10 and 11 o'clock at night for the last 3 nights of the conference trying to resolve the issues. One of the controversial issues discussed, which will be discussed today, was the matter of the binary round, the statement being that the House just went in and capitulated to the Senate and receded and put up no fight at all. I for one urged that it not be included in this report. I urged that the matter be reconsidered when in fact it was included. It was the will of the conferees, though, in the spirit of give and take, in order to get some of the things we wanted, that we receded on this one item. It was not a sellout, it was not a giveaway.

What we wound up with was approximately the same provisions dealing with binary that the House had voted for in support of the Leath amendment which only failed by some 14 votes. So whan you hear the statement "Well, the House voted overwhelmingly against it," this is just not the case. They came within 14 votes of passing it.

What we did in fact incorporate in the conference report was that same, almost identical provision contained in the Leath amendment, which was defeated by only 14 votes.

I think the conference report is a good piece of work. I think it was arrived at conscientiously, in good faith with the Members of the House. We did not breach faith. We attempted to maintain the House position. But as in all conferences, we were not able to do it in every instance.

Since the conference report was concluded a number of things have happened.

In the period of 5 weeks since then several events have happened which vividly demonstrate that we indeed are living in a dangerous world: Libya has invaded Chad, for instance; we deployed the AWACS and some F-15's to protect in that area; the fighting in Lebanon has again broken out and we have sustained American casualties in that area resulting in the death of several members of the Marine Corps in our peacekeeping force; we have had major exercises in Central America and in the Middle East. Only yesterday, Mr. Speaker, this House voted unanimously to condemn the callous and brutal destruction of a South Korean airliner, killing 269 men, women, and children including one Member from this House who was a personal friend of many of us here.

What is our response to this type of action? Will the Kremlin pay more attention to the resolution passed in the House yesterday than they will to the overwhelming passage of this conference report?

Which is going to be the most important: the passage of the Armed Forces authorization bill or some statement of principle that was passed yesterday as a matter of a resolution? Of course they will not pay nearly as much attention to a resolution yesterday as they will this conference report that we will pass today.

Passage of this conference report by an overwhelming vote will send a message to the Kremlin that they understand, the message that we seek to maintain peace but not at any price, that in pursuing arms control agreements we do not intend to unilaterally concede every advantage to the Soviet Union.

Let me say, Mr. Speaker, I would think it ironic indeed if in fact the Soviets interpreted their action in shooting down the plane as a triggering device that passed this bill, including the binary round, because this is something that is a matter of grave concern to them. They have the capability, they have been developing it for years and have practiced with it; it is indigenous to their army units.

To say that what they did has prompted the response in this House including the binary round which might not have been included otherwise, I think that would be ironic indeed, would indeed be sending a message and then the only thing that would keep it from going into our inventory would be for the Soviets to come and sit down at the table with us and sign a treaty saying that they too will not produce chemical weapons.

Now, that would be the message I would like to send.

Mr. Speaker, I reserve the balance of my time.

Mr. EDGAR. Mr. Speaker, will the gentleman yield for just a question?

Mr. DICKINSON. I yield briefly.

Mr. EDGAR. I thank the gentleman.

The gentleman made a point about the Leath amendment just losing by 14 votes. The gentleman was praising the fact that the conference committee accepted that language as a compromise.

The gentleman was not trying to indicate that we in the House had not, by an overwhelming margin, voted to delete binary nerve gas and the Senate only voted with one vote, with the Vice President casting the deciding vote.

Mr. DICKINSON. Mr. Speaker, I think the gentleman heard my words.

Mr. PRICE. Mr. Speaker, I yield 1 minute to the gentleman from Florida (Mr. BENNETT).

Mr. BENNETT. Mr. Speaker, I rise in support of the conference report. There are things in the conference report that I do not like. I would like to see us have a larger national defense, a 10-percent increase rather than the 5 percent that we have. In other words, we cut from 10 to 5, which I think was a mistake.

I would like not to see the MX included because I think it is not a credible weapon, instead one that wastes a lot of money that ought to be really

used for conventional weapons in our country.

Other things, perhaps, I would like to see a little differently, but in the field of legislation we have to arrive at something that is the best that we can do. I think this conference report is a good conference report.

Now, with regard to binary weapons, which is a matter to be discussed, it seems to me logical that we would have something to show the Russians that we are able to respond if they did use chemical weapons. It is certainly not the intention of our country to use them first. I hope we could abolish them throughout the world but as long as things are as they are now, it seems to me better judgment to have what this conference report requires in that area.

Mr. PRICE. Mr. Speaker, I yield 10 minutes to the gentleman from Wisconsin (Mr. ZABLOCKI).

Mr. ZABLOCKI. Mr. Chairman, the Defense authorization conference report, which contains funding for the production of lethal nerve gas weapons, is an affront to the House and to the legislative process. Accordingly, for the first time in 35 years, I rise in opposition to the Defense conference report.

This unprecedented action is based on my firm and unswerving commitment to a strong national defense and to the legislative process.

It is not essential that the DOD authorization be acted upon today or even next week. It will be weeks before the Defense appropriation bill will be before the House.

Therefore, Members should vote their conscience and reject the conference report to enable the House conferees to delete new nerve gas production and return with a defense bill that a strong majority can and will support.

As our colleagues may recall, the will of the House on binary lethal nerve gas was clearly expressed on June 15 when Members rejected all production funds for chemical weapons by a decisive vote of 256–161. The Senate vote to cut nerve gas funding was a tie. The Vice President broke the tie by voting to end the 14-year moratorium on chemical weapons production.

A simple tally of the two recorded votes on the binary nerve gas program clearly demonstrates the firm majority opposition in the U.S. Congress to further expenditures on this unnecessary military program. Those Members of Congress opposing new nerve gas production total 305; those favoring binary nerve gas number only 211.

The conference committee acted in fundamental disregard of these facts and the position of a clear majority of the U.S. Congress. Those conferees who voted to resume nerve gas production allowed their own personal opinions and beliefs—disregarding the will of the Congress and the will of the American people—to guide their actions. As a result, a costly and militarily unnecessary weapons system—for which there is not support among a majority of the Members of either the Senate or the House and for which there is no agreement from our allies for forward deployment—has been given the initial go-ahead. Such legislative irresponsibility does not bode well for the future of our democratic system.

It is quite clear that our Founding Fathers did not envision such a decisionmaking process. Our democratic system has flourished precisely because a variety of points of view have been tolerated and, indeed, encouraged. In the final analysis, the views of the majority were meant and properly so to prevail.

Contrary to what some have said, rejection of the conference report is a vote for—not against—a strong national defense. This vote is a referendum on nerve gas. It is a vote against a weapons system that is contrary to our national security interests. It is also a vote for the integrity of the conference process.

My colleagues, a no vote is a parliamentary move designed to strike only one item, the production of the new nerve gas which the House has, as I said earlier, repeatedly rejected in the past 2 years.

A no vote is for, not against, a strong defense. A no vote is a vote for the integrity of the conference process. A no vote is a vote against nerve gas weapons that still do not work and will cost the taxpayers, eventually, billions of dollars.

Therefore, Mr. Speaker, I urge our colleagues to reaffirm their past vote against nerve gas and vote no on the conference report.

Mr. EDGAR. Mr. Speaker, will the gentleman yield?

Mr. ZABLOCKI. I yield to the gentleman from Pennsylvania.

Mr. EDGAR. I thank the gentleman for yielding.

Mr. Speaker, I want to commend the gentleman in the well for his leadership on this important issue.

The gentleman in the well and his colleagues who are concerned as I am about binary nerve gas, I think, did the House a service when the authorization bill came before the House back in the spring and summer months. We then voted overwhelmingly in the House with a strong vote to say no to nerve gas. That does not mean we are opposed to other provisions of this conference report.

I think the gentleman makes a good point that a vote to kill the conference report is a vote to kill binary nerve gas, not the conference report itself and the vote is a strong vote for national defense because the binary nerve gas provisions do not represent the will of the House.

In the Senate, that body passed the language by only one vote, a tie-breaking vote cast by the vice president.

I think if you look at the New York Times editorial today and the many comments we have received from around the country about the production of binary nerve gas, the general public, as well, is concerned as to whether or not this is really an appropriate area for the United States to be involved in.

The gentleman has pointed out in his comments and statements and articles that binary nerve gas ought not to be part of any scenario that we are involved in militarily and that if we really want a strong national defense, we ought to vote "no" on the conference report, we ought to send it back to the House-Senate conferees and we ought to proceed with a rational defense system moving on into the future that cares about humanity and the purpose of our society and not simply allow ourselves to get swept up in what I think, frankly, is a World War II—Korean mentality of the need for what some think is a need for binary nerve gas.

So I commend the gentleman for his statement.

I wish the gentleman had more time to interpret to the House the real impact of his effort. I thank the gentleman for his work. At a time of $200 billion deficits we will be voting on a Defense authorization conference report that is $2.4 billion in outlays over the first budget resolution for 1984.

Part of that $2.4 billion cost overrun contains $131 million for new chemical weapons.

What do we know about this weapons system?

The Secretary of Defense has stated that we already have sufficient stockpiles of chemical weapons in excess of what would be bought by this $131 million. Our deterrent already exists.

The House Armed Services Committee in their report on the 1984 Defense authorization disapproved the request to produce the new binary chemical weapons because the technology was still unsound.

We will be asked today to ignore this evidence and this legislative history—do a complete about face—reverse ourselves—close our eyes—and push the yes button to approve spending the $131 million for the production of these chemical weapons anyway.

The House yesterday sent a very strong signal to the Soviet Union. A signal of condemnation. A signal that we are unified to defend decency and freedom in the world.

Our military expenditures are already billions over budget. But what kind of signal are we sending to the

American people when this House is willing to ignore its best advice and previous good judgment and vote to waste $131 million in additional expenditures for this untried and unsound weapons system.

Wasting the American taxpayers, dollars is not going to give us a stronger defense.

Throwing money away on new chemical weapons when we already have that technology demonstrates very little to the Soviet Union.

I urge my colleagues to stand by their original decision and reject the Defense authorization conference report on these grounds.

Mr. Speaker, I stand to speak out against the conferees, report to reinstate funds for binary nerve gas weapons. The conferees disregarded a 256 to 161 vote for the Bethune amendment, which indicated the express desire of the House not to include any funds for the production of these chemical weapons. Despite whether we support the remainder of the bill is irrelevant. We must vote against this conference report because it is a decision made by a few Members which ignores the wishes of two-thirds of the entire House. We must vote against this conference report as a signal to congressional leadership as well as the administration that this body will not accept decisions that conflict with its stated intentions.

Mr. Speaker, I oppose the conference report on the fundamental grounds that in a time of domestic distress, the overall level of defense authorization is dangerously inflated. Humanitarian priorities demand that we attend to the needs of our people rather than pour billions of dollars into the production of ineffective and escalatory programs such as the production of binary nerve gas weapons. We must alert the administration that we find current defense spending proposals unacceptable. We do not oppose a strong defense but we do oppose some of the dangerous and costly excesses that are to be found in this budget request. One means of signaling our disapproval is to oppose this conference report.

□ 1115

Mr. ZABLOCKI. Mr. Speaker, I yield 1 minute to the gentleman from Pennsylvania (Mr. FOGLIETTA).

The SPEAKER pro tempore. Without objection, the gentleman from Pennsylvania (Mr. FOGLIETTA) is recognized for 1 minute.

There was no objection.

Mr. FOGLIETTA. Mr. Speaker, I, too, want to compliment the gentleman in the well for his efforts to bring this matter before this body. And I also want to identify myself with the remarks of my colleague, the gentleman from Pennsylvania, in his position vis-a-vis the conference report that we are now discussing.

Mr. Speaker, I rise today in support of the Zablocki motion to defeat the conference report to S. 675, DOD authorizations for fiscal year 1984. This conference report must be defeated in order to remove funds for nerve gas production. The House has already said it does not want these funds, but the conferees, in defiance of the will of the House, have restored them.

Over the past 2 weeks, we have had to face the tough realities of Soviet military paranoia and doctrine. The murder of 269 civilians caught accidentally in Soviet airspace has made us tragically aware of the different standards by which our two nations view life. We have, justly, expressed our sadness and our outrage at a nation whose military policy forsakes morality and demands the actions that led to the shooting down of KAL 007.

Today, we are again faced with a moral question locked inextricably together with military policy. This time, however, it is the United States which is confronted with the hard questions, not the Soviet Union.

Throughout the history of warfare, there have been weapons which served a purpose less to turn a battle than to terrorize a nation. In the Second World War we saw the Germans unleash on Great Britain V-1 rockets not sufficiently accurate to destroy military targets, but capable of causing unprecedented damage on the civilian population of the cities. In Vietnam, napalm was less effective against Vietcong troops than farmers and crops. For the past 80 years, chemical warfare has been a weapon of limited military capability, but one of extraordinary terror, ineffective against troops with gas masks and protective suits, but staggeringly effective against unprotected civilians.

It is widely held that there are only three conflicts in which chemical weapons have had a major effect on the outcome. In the First World War, a war remembered for its photos of soldiers sealed behind gas masks, the only battle in which chemical agents proved decisive was the first one (the Germans unleashed mustard gas on French positions at Ypres.) Thereafter, all soldiers had gas masks and protective equipment. The Italians used gas against the Ethiopians in 1935, and the Japanese apparently used it effectively against the Chinese in 1938. But in both these situations the victims were without protective equipment. In a chemical war between the superpowers today, the only losers will be the civilians caught between opposing armies. In Afghanistan and Southeast Asia, reports of Soviet use of chemical agents come primarily from civilian victims of those agents. The Soviet position is clear on the use of chemical warfare, as is its doctrine in dealing with civilian airliners. We will not be caught unaware should conflict erupt between the United States and U.S.S.R. But readiness should not be confused with a military need for more weapons. A need does not exist for the building of more weapons of terror.

In 1969, President Nixon declared a moratorium on the production of chemical weapons and promised that the United States would never produce biological weapons. He promised that this Nation would only use chemical weapons in retaliation to an attack on American troops. The Nixon moratorium was predicated on the fact that the United States had a more than adequate stockpile of chemical weapons available to serve as an effective deterrent to Soviet capabilities. Nothing has happened to change this balance. Secretary Weinberger himself said in February of this year that the U.S. arsenal was "in the range of sufficiency * * * and actually is higher than the planned acquisition quantity for the (new Bigeye) binary projectile."

Despite the admission of this fact by the Nation's chief military spokesman, the Pentagon continues to claim that the United States is far behind in the chemical arms race, and the Reagan administration came to Congress for the second year in a row to ask for $114.6 million of the production of the Bigeye bomb and a new production of nerve gas with which to arm it.

Yet, the General Accounting Office has stated there is no evidence of a gap, and, in fact, maintains the U.S. effort in chemical warfare is misdirected. The GAO report states:

> The present Pentagon emphasis on production emerges as a mistaken priority bought at the expense of more important efforts, with clearly proven security value . . . on the fundamental question of actual battlefield value of any chemical capability at all, the Pentagon analysis is inadequate.
>
> In return for the minimal, perhaps nonexistent gains . . . binary production may both ease the way towards proliferation and complicate verification, the linchpin to a negotiated solution, yet these significant questions are rarely enunciated, and even more seldom analyzed.

Beyond the inability of the Reagan administration to convince the House or the GAO of the need for renewed nerve gas production is the absurdity of their choice of a weapon to replace older shells. The Bigeye bomb has a greater tendency to explode in the lab than in the field. It is less reliable than the shell it is to replace. In fact, the Pentagon requested a deferral of $43 million appropriated for the purchase of the Bigeye because of the problems it was having with it in the laboratory. Approval of the DOD request contained in this conference report will have the effect of reducing, not enhancing, our deterrent.

I am, and have always been, a firm believer in arms control as a vehicle for military security. A world with few, or no, weapons is safer than one with thousands. This is as true of chemical weapons as it is of nuclear ones. Should we jeopardize the prospects for reducing this race through arms control, we shall only be acting to make ourselves less, not more secure. The current plan will have that effect.

The United States has always maintained that its military exists to deter war, not initiate it. Yet in the case of chemical weapons, as with the MX missile, the United States is on the verge of forsaking defense for offense. The MX is to go in silos which cannot withstand a nuclear attack. We must, therefore, use them prior to impact, or lose them altogether. This invites speculation about U.S. intentions of a first strike. A similar case can be made of our pursuit of new offensive chemical capabilities. We are plunging headlong into new offensive weapons, while neglecting further development and training of our defensive, or protective capabilities. Without further emphasis on defense, we will be left with limited options should chemical agents ever be employed. Again, sometime in the future, we may be faced with a "use them or lose them" scenario.

Mr. Speaker, throughout the history of chemical warfare, one thing has been clear: All sides live in fear of chemical attack. Despite the existence of chemical agents in the Second World War, they were never used in Europe. The history of arms control negotiations in the field of chemical weapons is almost as old as the weapons themselves. Yet now the administration wants to renew production. They claim that we are behind, and that the U.S.S.R. cannot be allowed to gain dominance in this area. We are not behind. A decision to begin again to produce offensive chemical weapons is not a military one, it is a moral one. If, in the face of our condemnation of the Soviets for their military doctrine and its morality, we cross over into the quagmire of chemical warfare production, then we narrow the distance between us, and run the risk of scuttling arms control and verification of chemical capabilities forever. Such an action must not be taken. The House recognized this when it voted, 256 to 161, to deny the Pentagon funds for renewed production of this insidious weapon. It is rare enough that this Chamber overrules the President on a major weapons question. It should be clear by the size and the bipartisanship of the vote that the American people do not support chemical weapons. Yet our own conferees have refused to support the views of the House. Not only is this an action in bad faith, it is a dangerous legislative precedent.

Mr. Speaker, I urge that the House refuse to yield to the Senate position on this matter, and to send the conference report back with instructions to delete funding for the Bigeye bomb, and chemical warfare.

Mr. ZABLOCKI. Mr. Speaker, I yield 1 minute to the gentleman from Louisiana (Mr. ROEMER).

The SPEAKER pro tempore. Without objection, the gentleman from Louisiana (Mr. ROEMER) is recognized for 1 minute.

There was no objection.

Mr. ROEMER. Mr. Speaker, I share the chairman's concerns both about a strong national defense and the procedure by which the nerve gas, the binary gas found its way into this conference report.

Since I have been a Member of the House, I have advocated and voted consistently for a strong national defense. Such strong defense is the first duty of government and is essential to my belief in peace through strength.

Unfortunately, this conference report does not meet the criteria for a strong national defense. There is no requirement that our allies pay their fair share of defending the free world. There is no attempt to clean up the mess in defense contracting, either by eliminating cost-plus contracts or by requiring that weapons be built to proper standards initially. Assistant Secretary of Defense Paul Thayer has said that we could save up to 30 percent of procurement costs—a total savings of $20 billion-plus annually—if these current procurement practices were modified.

In addition, there is no provision for consideration of a fair, national draft to require public service on the part of young Americans.

Finally, the bill has reinserted a provision allowing the production of binary nerve gas at great cost to the taxpayer. This provision was soundly defeated in the House and has no military, moral, legislative, or economic reason for being in the bill.

We should vote against the Defense authorization conference report, requiring that the nerve gas provision be removed. Those who argue that such a defeat would mean the demise of defense are flat wrong. If we defeat the conference report, a new bill would be on the floor by midafternoon today with the nerve gas provision deleted.

The goal of a strong national defense would be best served by such action.

Mr. ZABLOCKI. I thank the gentleman for his support.

Mr. Speaker, I yield 1 minute to the gentleman from Washington (Mr. LOWRY).

The SPEAKER pro tempore. Without objection, the gentleman from Washington (Mr. LOWRY) is recognized for 1 minute.

There was no objection.

Mr. LOWRY of Washington. Mr. Speaker, I compliment the gentleman on his action. I respect the Members on the conference report, but I would like to bring one other item to the attention of the Members.

This $187.5 billion authorization bill is the major piece of a $268 billion total Defense authorization for 1984. That compares to $145 billion total Defense authorization in 1980. That is $123 billion more a year in 1984 than in 1980. At the same time, this Congress refuses to raise taxes to pay for this military expenditure. That is the major reason we have a $200 billion deficit we simply cannot afford.

I urge rejection of this conference report not only because of the MX which I oppose and the nerve gas which I oppose but also the amount of overexpenditure this authorization commits us to. Those who seriously want to reduce our devastating deficit should send this back to committee and demand serious reductions in the spending level.

Mr. ZABLOCKI. Mr. Speaker, I yield 1 minute to the gentleman from Oregon (Mr. AUCOIN).

The SPEAKER pro tempore. Without objection, the gentleman from Oregon (Mr. AUCOIN) is recognized for 1 minute.

There was no objection.

Mr. AUCOIN. Mr. Speaker, I want to compliment the gentleman on his leadership and also on his statement today.

I urge my colleagues to vote down the conference report, not because we want no conference report. There ought not to be a Member in this Chamber that doubts for 1 minute that in a matter of hours a new conference report would be brought to the House with the strongest possible signal to the Soviet Union.

That is what the effect of defeating this conference report would be.

What we are suggesting in the defeat of this conference report is that the repugnant, immoral kind of weapon that nerve gas represents be not funded. Just because the Soviet Union engaged in an immoral act in the shooting down of a jetliner does not mean that this Congress should approve funding for an immoral weapon, which I consider nerve gas to be.

So let us defeat the conference report, bring back one and have them rewrite it and one that we can all support.

Mr. DICKINSON. Mr. Speaker, I yield 5 minutes to the gentleman from Arkansas (Mr. BETHUNE).

Mr. BETHUNE. Mr. Speaker, most astute observers know that Congress seldom responds to logic and reason. Regrettably, Congress responds to pressure more often than anything else.

I hope that on this day Congress will rise above the emotion of the moment and reject this conference report on the DOD authorization bill.

I, like everyone else, am outraged and disgusted by the action of the Soviets in shooting down the commerical airliner and the loss of life, but I would quickly make a point that I really did not learn anything out of that incident that I did not believe before it happened.

My record on defense is second to none in this House of Representatives, but I have had occasion to look at this particular program and look at it closely. And this is not the time to take leave of our senses and let the conference committee stampede us into voting for a weapons system that we do not need and one that does not work.

We have been over this time and again. The Department of Defense has said that we do not need the 155 millimeter artillery shells at this time. They have said that the supply that we have is good in terms of quantity and quality into the 1990's. That is by their own admission. That is what they are asking for here. And then, of course, they are asking for the Bigeye bomb, a mechanical nightmare if there ever was one, designed 20 years ago to be dropped from high altitudes, free fall to the target, when we used to fly high and where the temperatures were low.

But now days we do not do that any more. We come in low and we come in fast and the temperatures are higher. And they learned in 1982 that when the temperature reaches 60° Fahrenheit, Fahrenheit I said, the Bigeye bomb blows up. Not on the enemy, on us. That is your Bigeye bomb. And they want you to authorize production of it. After 20 years of working on it, they discovered it did not work.

And here is the part that troubles me and I want to get into a subject I call bootstrapping, because I have wondered how we could possibly get to the point in the House of Representatives where Member are being asked to ratify something that neither Chamber gave a majority to, when you look at the legislative officials there. The administration, the moribund chemical corps, the Armed Services Committee and all those who have a bias for this program provided the majority. That is how it even got up for discussion in the conference committee.

This is bootstrapping. When you can get a weapons system we do not need and it does not work and can prove to be unneeded and unworkable into a conference report and then try to stampede this House by emotion and the biases of the moment into voting for it, that is bootstrapping.

And when you can craft a clever amendment such as the Leath amendment, which some Members think that they are not really voting for production they are only voting to build parts that are necessary for production. We will not stamp the name on it until 1985 they tell you; 1985 is the earliest date that the parts would have been ready anyway.

This is a vote to produce. And let me tell my colleagues about this bootstrapping idea that they have engineered here so carefully over the last 2 years.

They got some momentum in 1982 here in the House of Representatives because no one in the Pentagon, the contractors, the Navy and the Army, told us that the Bigeye bomb was blowing up, they did not tell us. They knew in June 1982. We had an extensive debate on the floor of this House and even as we were debating, they knew the Bigeye bomb was blowing up and they did not tell us. That my friends, is deceit.

And now they are putting out little point papers which I allege are misrepresenting the facts, because they are having severe trouble with that Bigeye bomb out there right now and they are not telling us everything that they are doing and they are not leveling with us on the development of the Bigeye bomb.

If my colleagues want to authorize R&D for the Bigeye bomb, that is appropriate. I would vote for that. The gentleman from Wisconsin (Mr. ZABLOCKI) will vote for that. My colleagues here have voted for that previously. We will give you the money to research and develop it. But why produce something that is not working at this time and may never work? And you do not need the 155 artillery shells.

So let us not take leave of our senses and do something because of the emotion of this particular moment.

We can have our cake and eat it too, as a practical matter. We can sustain the position of the House by defeating the conference report. They will go back to the conference committee and bring it back and then we can put some money in there for R&D and we can go on and use these valuable resources for something that we do need, like improving the defense capability of our Army and our men. They have taken out some money to protect our men who are riding in the Bradley vehicle from the fumes and from the gases that would be deployed against them.

I urge my colleagues strongly to defeat this and send it back and let us get this House position confirmed once and for all.

Mr. PRICE. Mr. Speaker, I yield 2 minutes to the gentleman from Arkansas (Mr. ANTHONY).

Mr. ANTHONY. Mr. Speaker, I am sorry my colleague would not yield awhile ago because he was making a very strong, but erroneous fact statement and it could mislead some Members of this body to vote "no" when I think they should be voting "yes."

He was talking about the Bigeye. When the the Bigeye bomb exploded, it exploded in a test chamber for the explicit purpose of testing to see what would happen to the metal casing. During the the Bigeye demonstration, the studies on it, they found out that there was a flaw. They changed it in October 1982. Since then there have been four successful flight tests of the Bigeye bomb. So I say to my colleagues, do not be misled by an emotional, but an incorrect statement by my colleague.

If this is going to be a nerve gas referendum, what we must do is stop and say: "We are going to take and destroy all of the present capabilities that we have." Because under this conference report, we will not be producing nerve gas, we will not be producing nerve gas at the Pine Bluff Arsenal. I represent it. I have stood there within the last week of the plant that has been constructed. The only thing that will be produced under this conference report is a simple compound that is nontoxic, it is nonlethal, and it will be put in a shell. The other component will not even be put with it until it is sent to the artillery field. The nerve-gas plant, if you will, my colleagues, will be in midair as these two components are mixed together. The nerve-gas-plant facility is going to be on the battlefield while our artillery shell is aimed at our enemy in the event we are attacked.

So if you want to say that this is a vote on nerve gas, then I say that what you should do is offer a bill, offer an amendment that will destroy all of our existing present capabilities. And what is that? Less than 10 percent of our stockpile currently is usable; 60 percent is in bulk storage.

Mr. PRICE. Mr. Speaker, I yield 2 minutes to the gentleman from Mississippi (Mr. MONTGOMERY).

Mr. MONTGOMERY. Mr. Speaker, I rise in support of this conference report. And I would like to point out to my colleagues that there are other matters in this bill besides binary gas and I would like to touch on another matter and say that the conference report has been very fair to the National Guard and Reserve Forces. Well over $1 billion is in this conference report for National Guard and Reserve units across the country. And this money will sift down to many communities and cities in the United States.

Let me say that the House Armed Services Committee has insisted, with the Defense Department, that more missions and better equipment be given to the Reserve Forces. We have been pushing on this for about 4 or 5 years now and we are getting results.

The National Guard and Reserve Forces of this country have about 40 percent of the combat missions of our force structure. The Reserves only get about 5 percent of the money, but we are going better.

□ 1130

The North Carolina National Guard got the first M-1 tanks for the Guard. We are getting F-16's into the Air Guard and into the Naval and Air Reserves. We are getting new helicopters for our Reserve Forces.

By moving toward more use of Reserve Forces, it makes the Reserves a good buy for the taxpayer. The Reserves can handle the same training as the Regulars do, but it costs the taxpayers about half as much to train the Reserve units.

So let me point out again that everything in this bill is not binary. We have some matters that pertain to the Reserve Forces. We are moving in the right direction on the Guard and the Reserves. I certainly hope the Members will support this conference report.

Mr. DICKINSON. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. BADHAM).

Mr. BADHAM. Mr. Speaker, apparently some of the membership of this body has not really been paying attention in this emotional argument about nerve gas production, which it is not, but it is about facilities for the preparation in case we might need them.

The United States of America has pledged itself not to be the first user, in an international compact of chemical warfare weapons. To my knowledge, the Soviet Union has not only never signed this but as we know as fact in the United States, the Soviets have used chemical warfare weapons in Afghanistan and in Southeast Asia. We know what the Soviets are capable of doing.

The fact of the matter is, again—and I stress this—the Soviet Union has been in the continuous production of chemical warfare agents since 1921, with no letup, with modernization. In fact, in the past 14 years since we have discontinued the production of chemical warfare agents, the Soviet Union has constructed more than 10 facilities within Warsaw Pact nations for the construction and the production of chemical warfare agents.

We must send this message to the Soviet Union that we will not be the first user of chemical weapons but we will be prepared because the logic is determinant that the Soviet Union does use chemcial agents where there is no fear of retaliation.

Mr. PRICE. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. STRATTON).

Mr. STRATTON. Mr. Speaker, I would like to make a few corrections on some of the remarks that have been made by previous speakers. For example, the distinguished gentleman from Wisconsin (Mr. ZABLOCKI) has said if you reject the conference report, it can go back to the conference for recommital with instructions. The fact of the matter, however, is that there is no conference to go back to because the Senate has already approved this conference report and thus the conferees of the Senate have been discharged. So a vote to reject this conference report in this House would mean unconscionable delay. On one of the Nation's highest priorities, national defense were that to happen, the Soviets would get the impression that we were turning the other cheek after the outrageous 747 shootdown. As we all know, what the Soviets understand is only action and strength. And if you do not believe that, ask Marshal Ogarkov.

I am also surprised that distinguished Members of the House would be so unfamiliar with the Constitution. The conferees, under the rules of the Congress and under the Constitution, are at liberty to take up any matter that is included in either bill, either the House bill or the Senate bill.

We have also heard some expressions of outrage that the vote of the distinguished Vice President of the United States, a former Member of this House, should have been counted in these deliberations. If you will take out your copy of the Constitution, you will find that the Vice President does in fact have a role in the legislative process, and a vote by the constitutional President of the Senate is just as valid as any other vote. One man, one vote, after all.

Moreover, there has been some implication that because the binary gas item was approved was only one vote, it was somehow flawed. Mr. Speaker, let me remind my colleagues it took just one vote for the highly important extension of the draft back in 1941, just a few weeks before Pearl Harbor. I was sitting in the gallery at the time. That was in fact a very valid and certainly very effective vote. Let us not try to kid the Members of this House on what the parliamentary procedures are.

A conference committee does not work under the rules of the House. The purpose is to achieve a compromise satisfactory to both Houses and in the national interest. That is what our conferees have done, and I am proud to have been able to contribute to that compromise.

One final point, Mr. Speaker, I was shocked to read in the "Dear Colleague" letter sent out by Mr. ZABLOCKI it was stated that "Secretary Weinberger acknowledged in written testimony earlier this year that there is no need for more artillery shells because we have a usable, deliverable, and safe stockpile of chemical artillery shells."

Mr. Speaker, this is a complete distortion of Secretary Weinberger on the subject of binary gas munitions. To clarify this matter I insert at this point a recent letter from Mr. Weinberger to Chairman Price.

THE SECRETARY OF DEFENSE,
Washington, D.C., September 14, 1983.

Hon. MELVIN PRICE,
Chairman, Committee on Armed Services, House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: I am pleased to respond to your request for my views on the claims made in a "Dear Colleague" letter dated September 8, 1983, which urges a no vote on the Defense Authorization Bill.

Contrary to the statement in the letter, there is strong military justification for our chemical weapons request and the conference report recommendations. Largely due to obsolescence of delivery means, our aging stocks of chemical weapons—the newest is 14 years old—no longer constitute an adequate deterrent. Our senior military leaders share the serious concerns (reflected in the letters of Tab A) that unless we take steps to redress this deficiency, we will negate our planned conventional force improvements, will encourage the Soviets to use chemical weapons and most disturbing will increase our reliance on nuclear weapons to deter nonnuclear aggression.

The reference in the "Dear Colleague" letter to my past statements on stockpile requirements is misleading. We have consistently stated that there is no need to increase the size of our stockpile; however, there is a need to replace the current deteriorating, under-ranged artillery projectiles with safer, more militarily effective modern munitions.

The "Dear Colleague" letter is mistaken in its claim that Defense officials knew in early 1982 that "Bigeye didn't work." It was not until results were available from a late October 1982 test (previously there were over 50 successful tests) that we discovered a problem sufficient to affect the schedule. Consequently, we reviewed the program, identified a solution to the problem and revised the schedule to allow additional tests required to demonstrate the solution. There are no production funds for Bigeye in the fiscal year 1984 Conference Report. The problem that caused us to delay this critically needed system is being solved as evidenced by recent successful tests (a brief summary of the Bigeye program is provided at Tab B).

The Administration will continue our intensive efforts to achieve a chemical arms ban. This year these efforts included the Vice President's visit to Geneva, tabling two major chemical arms control proposals and sponsoring an international workshop on weapon destruction to be held in Utah in November. The Conference Report's sensible handling of this difficult issue complements these efforts and will enhance the possibility of success by providing leverage for our negotiators while allowing a reasonable time to achieve a treaty before any weapons are actually produced. If indeed weapons are eventually produced, the bill prohibits stockpile growth by requiring that a serviceable existing weapon be retired for each new weapon produced.

The Soviet Union respects strength and exploits weakness. The defeat of the De-

fense Authorization Bill and the possibility of subsequent prolonged debate and renegotiation by Congress is not in the nation's interest, and I urge members of Congress to support the Conference Report.

Sincerely,

CASPAR WEINBERGER.

OFFICE OF THE CHAIRMAN,
THE JOINT CHIEFS OF STAFF,
Washington, D.C., May 25, 1983.

Hon. MELVIN PRICE,
Chairman, Committee on Armed Services, House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: As the House begins consideration of the FY 1984 Department of Defense Authorization Bill, I want to once again express the critical importance of a relatively small program—modernization of our chemical retaliatory capability.

In the face of overwhelming Soviet superiority in the ability to attack with chemical weapons, the Congress has supported improvement in our ability to defend against chemical attack. The efforts have increased the ability of our forces to survive after chemical attack, but force using protective clothing have their effectiveness degraded considerably. Our potential enemies understand that fact. If our defense efforts are not coupled to an effective retaliatory capability, we will not deter chemical attack. The Soviets need to understand that if they attack with chemical weapons, we will retaliate to place their forces at the same disadvantage our forces undergo. Our chemical weapons stockpile is old; its safety and utility become more questionable as time passes. Modernizing the stockpile with binary-type weapons will give us the retaliatory capability that coud well deter chemical attack. The same modernization will give us weapons which are far safer to store and easier and less expensive to maintain. Most importantly, the modernization will increase the effectiveness of our forces and will certainly reduce the probability that we would have to use nuclear weapons to avoid defeat by the enemies' use of chemical weapons.

While the military need for chemical modernization is clear, the arms control implications of modernization are no less apparent. Since 1969 the United States, in a unilateral demonstration of good faith, has refrained from chemical modernization or manufacture. This restraint has been paralleled by serious attempts to negotiate with the Soviets, bilateral and multilateral fora, a comprehensive, verifiable ban on chemical weapons, but to no avail. Even though world opinion demands such an accord, the Soviets have been unwilling to abandon or compromise their long standing hostility toward effective verification. In view of their increasing dominance in chemical weaponry, one must surmise that they have little incentive to surrender their advantage either by negotiation or unilateral disarmament under the circumstances that have prevailed over the past 14 years. The chemical modernization program now in the Defense Authorization Bill offers the opportunity to influence the Soviet perception of what they stand to gain from negotiating a chemical ban. We are genuinely committed to our chemical weapons arms control objective. To achieve these objectives, we must proceed with a modernization program.

To these ends, I urge your support and the support of your colleagues to insure that our chemical weapons modernization program continues to move forward.

Sincerely,

JOHN W. VESSEY, Jr.,
Chairman, Joint Chiefs of Staff.

CHAIRMAN OF THE
JOINT CHIEFS OF STAFF,
Washington, D. C., June 13, 1983.

Hon. MARVIN LEATH,
House of Representatives, Washington, D.C.

DEAR MR. LEATH: During consideration of the Administration's proposed chemical modernization program, considerable discussion has focused on the utility of the current chemical retaliatory stockpile. The Joint Chiefs of Staff recognize that the stockpile has serious liabilities either as a deterrent to enemy initiation of chemical warfare or as an effective retaliatory tool if deterrence should fail.

The detailed status of the stockpile has been presented during both open and closed committee hearings. It is important to reiterate, nevertheless, that the stockpile is old, deteriorating, and the mix of weapons is unsuitable. Further, a prime munition to attack short-range targets, the 155mm artillery projectile, cannot be fired to the full range capability of our modern howitzers. We do not have an effective capability to attack second echelon or deeper targets. The size of the stockpile is often cited as being large; however, the vast majority of that stockpile is not usable because it is either stored in bulk containers or is in munitions which are not repairable or compatible with current delivery systems.

Stockpile deficiencies also weaken our arms control position. Acquiring an adequate deterrent chemical capability is essential if we hope to achieve our national policy of ultimately reaching a complete and verifiable ban on chemical weapons through negotiations with the Soviet Union.

We consider modernization of our chemical stockpile to be essential and appreciate your support for this important program.

Sincerely,

JOHN W. VESSEY, Jr.,
Chairman, Joint Chiefs of Staff.

U.S. EUROPEAN COMMAND,
APO New York, May 16, 1983.

Hon. MELVIN PRICE,
Chairman, Committee on Armed Services, House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: I view with great concern the possibility that funding for the production of the 155mm Binary Chemical Artillery Projectile and the facilities for the production of the Bigeye Binary Chemical Bomb may not be available in the FY84 Defense Budget. I encourage you and the other members of the U.S. House of Representatives to include this funding in the FY84 Department of Defense Budget. As I pointed out in the FY83 budget process, and as it remains today, the perspective from Europe is clear cut. The Soviets already possess an overwhelming superiority in chemical warfare capabilities. Worse yet, the dated ammunition in our current stockpile will provide only a nominal deterrent until later in this decade when it becomes largely unusable. At that point there will be no deterrent chemical warfare capability extant in the Free World.

The capability to retaliate effectively against a Soviet chemical attack is fundamental to deterring continued Soviet development and use of chemical weapons. Chemical defense measures alone will not do the job. We must be able to match the Soviets, capability for capability, including chemical weapons or they will take advantage of their edge to score possibly significant gains either on the battlefield or at the bargaining table. I am particularly concerned that without the retaliatory capability that Binary Chemical Weapons would provide, we are at a loss to move the Soviets to agree to the outlawing of all chemical weapons, our ultimate goal in this arena. For this reason alone, I urge the House to ensure that the Binary production funding before the House remains in the FY84 Defense Budget.

With gratitude for your continuing support and all good wishes.

Sincerely,

BERNARD W. ROGERS,
General, U.S. Army, Commander in Chief.

COMMANDER IN CHIEF PACIFIC,
May 16, 1983.

Hon. MELVIN PRICE,
Chairman, Subcommittee on Research and Development, House Armed Service Committee, Washington, D.C.

DEAR MR. CHAIRMAN: As Congress approaches final debate on the Fiscal Year 1984 Defense Authorization Bill, I wanted you to know the importance of and my concern for some of the critical chemical deterrent programs.

Of particular importance is our chemical retaliatory capability. The planned production of binary artillery shells will provide our combat commanders with a safe, immediately available capability to counter enemy front line use of chemical weapons such as the Soviets have used in Kampuchea, Laos, and Afghanistan. The construction of facilities and subsequent production of the Bigeye aerial spray bomb will provide a survivable capability to place enemy rear area targets—specifically airfields, logistical installations, and command and control facilities—at risk. This capability will allow for balancing the operational degradation effect of chemical weapons on the battlefield, and provide impetus for the mutual repudiation of their use.

I also believe that the acquisition of a credible retaliatory chemical capability is basic to supporting our national policy of ultimately reaching a complete and varifiable ban in these weapons. In my opinion, progress toward this end can only be made when it is clear to the Soviets that they have something substantial to gain through negotiation.

I place the highest importance on our ability to deter this form of warfare, and to fight successfully should deterrence fail. The success of the proposed binary production program is critical to this posture and I solicit your continued support for its success.

Sincerely,

R. L. J. LONG.

DEPARTMENT OF THE AIR FORCE,
Washington, D.C., June 30, 1983.

Hon. JOHN D. TOWER,
Chairman, Senate Armed Services Committee, Washington, D.C.

DEAR MR. CHAIRMAN: I urge you to support passage of the bill for modernization of our chemical weapons stockpile. In view of the clearly established Soviet threat (as presented to your committee by the Joint Services and the Defense Intelligence Agency), modernization of our aging, unitary stockpile with effective, safe binary weapons is criti-

cal. With a modern, binary stockpile, DOD can continue to demilitarize the unitary munitions. Without the binary munitions, we must meet the Soviet threat with a twenty-five year old unitary stockpile which poses serious logistics and operational restrictions on us. In addition, the Soviets may not view the present stockpile as credible or effective because we lack a long range, persistent agent munition.

Production of binary weapons will give the United States the retaliatory capability needed to reduce the increasing risk that the Soviets might choose to initiate a chemical attack. Furthermore, modernization will provide an incentive to the Soviets to actively participate in serious CW ban negotiations in the Committee on Disarmament in Geneva. I ask for your support in passage of the chemical modernization bill.

Sincerely

CHARLES A. GABRIEL,
General, USAF, Chief of Staff.

DEPARTMENT OF THE NAVY,
Washington, D.C., August 3, 1983.

Hon. JOHN G. TOWER,
Chairman, Committee on Armed Services, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: I urge you to support the authorization of production facilities for the Bigeye binary bomb as provided in the Senate version of the FY-84 DOD Authorization Bill. The most serious deficiency in our capability to deter chemical warfare is the lack of an effective means to deliver persistent agent beyond artillery range. The Bigeye bomb will redress this deficiency. Further, the inherent safety of Bigeye will give us a far greater capability to deliver chemical munitions from aircraft carriers, a serious operational concern with current unitary chemical munitions.

I am confident that the technical problems identified in the Bigeye have been corrected. Testing is progressing satisfactorily, with two successful flight tests conducted since May 1983. The FY-84 funds for production facilities are essential to enable planned FY-85 production to be accomplished in the shortest possible time.

Secretary Lehman and I believe that providing for the earliest production of the Bigeye is essential to allow correction of our most serious deterrent deficiency and to provide incentive to the Soviets to seriously work with the United States toward a comprehensive and verifiable ban on all chemical weapons. I respectfully ask your support for the Bigeye program.

Sincerely,

JAMES D. WATKINS,
Admiral, U.S. Navy.

OFFICE OF THE SECRETARY OF DEFENSE,
Washington, D.C., September 7, 1983.

Hon. HERBERT H. BATEMAN,
House of Representatives, Longworth House Office Building, Washington, D.C.

DEAR MR. BATEMAN: The enclosed paper is in response to your request for information on the technical status of the Bigeye bomb.

As you are aware, the U.S. currently has no effective means to target and impose the encumbrances of a chemical protective posture upon enemy forces beyond artillery range. Thus, the Soviets have considerable incentive to use their formidable chemical warfare capabilities, which include a variety of tactical deep strike weapons, and conversely little incentive to negotiate seriously a chemical weapons ban. Therefore, it is appropriate that considerable attention be focused upon the Bigeye bomb program and in particular upon the impact of the recent development problem on Bigeye's ability to redress this critical deficiency in our deterrence posture.

Until the fall of 1982, the Bigeye program was progressing satisfactorily with over 50 successful flight or toxic chamber tests and many more successful component and subassembly tests. However, a test conducted in late October 1982 revealed a problem which indicated that the bomb, as then configured, would be unable to meet on of its design objectives: safe carry of the weapon in the event it could not be dropped on target after arming and creation of toxic agent. Specifically, higher than expected pressure developed under certain temperature conditions which could result in structural failure and release of agent.

The problem would not have affected peacetime safety of the weapon, and the bomb did not "explode" as claimed in some accounts, but it was of serious concern nevertheless. Consequently, we conducted a review of the Bigeye program, assisted by a group of experts from outside the Department. On the basis of the review, we concluded that the basic Bigeye design concept was sound, identified several possible solutions to the problem, selected one as most promising (creating toxic agent only after dropping toward the target, called "off station mixing"), and revised the schedule to allow time for the additional testing required to demonstrate that the proposed fix will work. The new schedule, which delays the availability of the weapon one year (from 1986 until 1987), does not require fiscal year 1984 procurement funds. However, fiscal year 1984 funds for production base activities (facilities and equipment only) are needed to avoid further delay.

As indicated in the enclosed paper, test results to date have been very encouraging in demonstrating the viability of off-station mixing for Bigeye. The Navy expects to complete the proof of concept series of tests and freeze the design by the end of the year, at which time we should be in a position to begin obligating funds for Bigeye production base activities (assuming Congress authorizes and appropriates the funds). I assure you that we will not proceed toward production unless we are confident that the bomb will meet its design objectives.

I hope the enclosed paper meets your needs. Please let me know if there is anything else you require. We do have video tape coverage of the flight tests, and I would be happy to arrange briefings for you or any colleague who desires more detail.

Sincerely,

THEODORE S. GOLD,
Deputy Assistant to the Secretary of Defense (Chemical Matters).

THE BIGEYE BINARY CHEMICAL BOMB—TECHNICAL STATUS REPORT

BASIC CONCEPT

Two relatively non-toxic chemicals are mixed when the weapon is enroute to the target to form a chemical warfare agent. Up until that time the two component chemicals are kept physically separated resulting in improved safety throughout the entire life cycle of the weapon (from manufacture through storage, transportation, and handling to eventual destruction) compared to unitary munitions which contain actual chemical agents.

BIGEYE DESCRIPTION

The Bigeye is a 500 lb. class gravity bomb which contains a relatively non-toxic liquid (QL)[1] in the bomb case. The second chemical is powdered sulfur contained in a cylindrical tube (ballonet), which will be stored outside the bomb and only inserted in the weapon after chemical retaliation has been authorized, and then just prior to a retaliatory mission. In the current design the sulfur is mixed into the QL only after the bomb is released from the aircraft, and then it mixes to rapidly form about 200 lbs of the highly persistent nerve agent VX. At a preselected altitude, dissemination ports open, and the VX sprays out as the Bigeye descends.

VX is a highly lethal nerve agent that persists for days or weeks, depending on the weather, and requires full protective clothing and extensive decontamination. The VX, which would be produced in Bigeye, is the same as the unitary VX which was used as fill for older chemical munitions.

The Bigeye bomb would be considered for use only in retaliation against chemical or biological attack and could be employed against enemy forces within the full combat radius of the delivery aircraft. It is planned for delivery by fighter aircraft such as the F/A-18, A-4, A-6, AV-8, F-4, F-16, and F-111. The bomb has standard suspension lugs and can be carried by any aircraft capable of carrying similar conventional weapons. A single aircraft can carry a dozen or more Bigeye on multiple ejection racks.

BIGEYE DEVELOPMENT HISTORY

The Bigeye program dates from the 1960s; however, it was suspended in the early 1970s and restarted in 1976. The Navy has the lead for development and is executing the program through the Naval Weapon Center (NWC), China Lake, CA.

The original Bigeye bomb concept called for the pilot to initiate mixing of the QL and sulfur a minute or two before dropping the bomb. Up until last fall, the Bigeye test program was proceeding as planned, and the bomb had successfully met a number of its performance requirements, including agent generation and aircraft separation. However, at that time a toxic chamber test to explore on specification (safe carriage of a mixed Bigeye) showed that if the bomb was warm enough when mixing started, sufficient pressure could build up inside after a period of time to cause the rear seal to fail. This would not affect peacetime safety or wartime safety up until the time the pilot mixed the bomb. It would constitute a problem only if the mixed bomb could not be dropped as planned due to mechanical failure of the release mechanism or an aborted mission. These are low probability events. However, they do occur, and the risks were judged to be unacceptable. Therefore, the employment concept was changed to mix the QL and sulfur (make VX) only after the bomb is released from the aircraft (We call this new configuration "off station" mixing).

With the "off station" mixing, the Bigeye will never contain toxic agent prior to being intentionally dropped toward the target. This change eliminates the risks associated with carrying a mixed Bigeye (or the current VX spray tank) aboard an aircraft.

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[1] QL is about four times less toxic than ethanol (drinking alcohol) by inhalation.

TEST PLAN

The Bigeye is being tested under realistic conditions—in the air for aerodynamics, dissemination, function, and safety; on the ground for safety, logistics, function, and operational suitability; and in an environmentally controlled chamber for generation of chemical agent. To date there have been 48 aircraft separation flight tests, 6 dissemination flight tests, 3 "off station" mixing flight tests, 10 environmental system tests, and 20 toxic agent chamber tests. We expect by the end of the program to have conducted more than 150 flight tests (with simulants in place of the actual agent), a large number of component and subassembly tests, and 50 chamber tests in which VX is produced in a weapon configuration.

The additional testing necessary to validate the "off station" mixing fix has two major elements. One—a series of flight tests with simulants—is to assess the impact of mixing in free fall on weapon stability and dissemination. The other element—a series of toxic chamber tests—is to define the rate at which VX is generated at various temperatures. As a result of these tests, we will be able to define the delivery parameters, and we expect that effective delivery of Bigeye will be possible in all relevant circumstances.

The first three of four planned flight tests to demonstrate the feasibility of mixing after release have been successfully conducted at NWC, China Lake. This series is assessing the impact of mixing action on weapon stability and dissemination. The first test was on 31 May 1983, and the weapon was dropped from 6,000 ft. in order to allow prolonged observation of flight characteristics. The second and third tests were at low altitude to demonstrate the feasibility of "off station" mixing in high threat air defense environments. In a 7 July 1983 test an A-4 used a 250 ft. run in, and on 22 August 1983 an A-6 started the release maneuver at 145 ft. In the latter test, the weapon was released from the worst case position on a fully loaded multiple ejection rack.

So far, two of seven toxic chamber tests have been conducted at the Chemical Research and Development Center in support of the "off station" mixing approach. The first showed that a simple change to the Bigeye mixing system improved and accelerated mixing efficiency. The second was one of a series to assess agent generation at the full range of operationally significant temperatures.

IMPACT OF CHANGE

The change to "off station" mixing does not affect the chemistry or basic design of the Bigeye. Further, it does not affect the load, assemble, and pack facility, the production of the chemical components, or the major metal parts tooling. "Off station" mixing requires changes in "bolt-on" components such as the fuze.

The Air Force has assessed the delivery tactics appropriate for "off station" mixing and has concluded that they do not degrade aircraft survivability in an air defense environment and in many cases reduce expected attrition.

The Navy expects to freeze the Bigeye design, fabricate operational test units, and initiate qualification testing by the end of the year.

Mr. DICKINSON. Mr. Speaker, I yield 3 minutes to the gentleman from Ohio (Mr. KASICH).

Mr. KASICH. Mr. Speaker, while Americans may not be unanimous in the kind of action they think that we ought to take in regard to the Korean airliner, Americans are almost nearly unanimous in the fact that they now have a sober attitude and believe we ought to approach the Soviet Union from a position of strength in order to insure the peace.

And I would like you to look at this report in a thorough manner. No. 1, included in this report is the MX missile, along with House language that is satisfactory to Mr. ASPIN regarding deploying the Midgetman down the line. We have got continued development of an on-line and under-cost B-1 bomber program which is a response, obviously, to the massive Soviet buildup of Backfire bombers. And additionally, something in this report that maybe many people have not carefully reviewed is funding of the M-1 tank.

Let me remind you that the Warsaw Pact at this point has about 42,500 tanks, while we as the NATO group, the NATO alliance, only have 13,000 tanks, that is 42,500 to 13,000. So we go forward with the M-1 tank program, producing 840 under this bill, and ultimately 7,000, 4,000 of those to support the alliance.

Let me continue to say that the chairman of my subcommittee (Mr. NICHOLS) ought to be commended for his action in regard to the whole spare parts controversy. It was with dogged determination that Mr. NICHOLS called witness after witness from one service and another in an attempt to establish the facts regarding spare parts, and included in this report is a report requirement that must be sent to us from the Pentagon from all the branches of the service that reviews the kind of progress and the kinds of actions that are going to be taken by the Secretary of Defense and all the services to try to clean up this area. Because, as everyone says and everyone knows, while we need to spend money, we certainly must make sure that we are not going to spend money unwisely.

Let me conclude by saying that this is a 5-percent real increase in defense, and for those people who have been concerned about the amount of dollars that we are spending in our defense budget, that is less than half of the President's request. So those people who are concerned about fiscal responsibility certainly have had their concerns answered and, second, the passage of this bill with unanimous support will send a clear message to the Kremlin that we have the will and we have the resolve to be strong.

Mr. DICKINSON. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. HUNTER).

Mr. HUNTER. Mr. Speaker, I rise in strong support of the Defense authorization conference report, and I would urge my colleagues to vote for this bill, especially in the wake of the Korean Air Lines accident. I do not think that we can at this time afford to defeat the bill.

On a program of particular interest to me, the joint surveillance and target acquisition radar system [JSTARS] I note that the conferees have expressed their concern that the Army and the Air Force work together to field a common system, including a common radar sensor and an associated surveillance and control data link. I applaud the conferees' actions and I look forward to working with the gentlemen on this important matter.

Mr. PRICE. Mr. Speaker, I yield 2 minutes to the gentleman from Virginia (Mr. DANIEL).

Mr. DANIEL. Mr. Speaker, my colleagues will recall the name Major Victor Belenko. He is a defected SU-15 pilot instructor. I hold in my hand the text of a recent interview with Major Belenko following the wanton destruction of KAL 007 with its precious cargo, 269 human beings including one of our own, Dr. Larry McDonald.

VICTOR BELENKO INTERVIEW ON KOREAN AIRLINER

Q: Victor, you have heard the tape of the exchange between the Soviet pilots and the command post. Judging from this exchange, would you say that warning shots were fired or not?

A: The answer is negative—no.

Q: What could have been done during the 2½ hour period to avoid destroying the Korean passenger plane?

A: Many things could have been done. The American embassy could have been contacted immediately. The Korean embassy could have been contacted, or the Japanese. They all could have been warned that an airplane which the Soviets can't identify is in Soviet air space; and, if nothing is done about it, the Soviets will shoot it down. I believe that after such a warning something would have been done, and there would have been no victims.

Q: The Soviet fighter pilot of the Su-15 pulled abreast of the passenger plane. In your opinion, did he recognize it as a Boeing 747 or was it an unknown entity to him?

A: For him it was a complete mystery. A Soviet pilot has never seen a Boeing 747. For him it was a big puzzle. He most likely thought it was an American reconnaisance plane, a bomber or a transport plane which had lost its direction.

Q: Having listened to the radio communications do you think that the Soviet pilot made an effort to warn the Korean pilot.

A: In accordance with his limited capabilities, I think he made an effort. But in those circumstances, at night, at that altitude it was a very difficult thing to do. But I think he tried.

Q. Marshal Ogarkov said that the decision to shoot down the plane was made at the regional command level. What's your opinion?

A. I think that is not true. In the U.S.S.R. there can be NO regional decisions because everything there is centralized—the Central Committee of the Communist Party, the Central Statistical Administration on the Central Command, etc. I think that the decision was made in Moscow because if it had been made regionally the plane would have been shot down within minutes. Therefore, the decision was made centrally—probably in the Central Air Defense Command. However, no decision is really necessary at all. In accordance with the standing order given by the Minister of Defense, if the target doesn't respond to your signals, and does not follow your orders, it must be shot down.

Q. Marshal Ogarkov said that the Korean plane ignored more than 120 warning shots. You were a Su-15 pilot instructor. Does the Su-15 have the capability to fire warning shots?

A. No.

Q. What are the plane's capabilities, what does it carry besides air to air missiles?

A. According to the radio transcripts, that particular interceptor Via (CO5) had only two rockets and fuel tanks. Therefore, he had no cannon to fire tracer bullets. If he had fired warning shots with his rockets, he would not have had anything left to shoot down the airliner.

Q. What is Soviet policy towards those who violate Soviet air space?

A: The policy is very simple—follow the orders of the Defense Minister. [If] the target is in your air space, you must intercept it. If you can't force it to land, you must destroy it. And that is what Comrade Gromyko stated at the Madrid Conference. If the same (violation of Soviet airspace) occurs again, the result will be the same.

Q: Everywhere else in the world, there are attempts to assist planes which stray off-course, to help them land safely. Why isn't this done in the Soviet Union?

A. They have to follow the (standing) orders of the Ministry of Defense, which states that the target must be intercepted and, if the target doesn't obey your commands, then you have to shoot it down. It's very simple. Soviet pilots can't—they don't have the right to think. They have to carry out the orders of their commanders. The commanders do the thinking for them.

Q. Several days ago, a Novosti Press Agency representative stated that the Soviet pilots attempted to communicate with the pilot of the Korean airliner on a special frequency which is used internationally (121.5 MH).

A. (Soviet pilots) don't have this frequency. A Soviet pilot cannot communicate with any foreign pilot. All his frequencies are classified and are changed almost every month. Everything he said was untrue.

Q. Why don't Soviet pilots have the international frequency?

A. If they had it, they could initiate a two-way conversation. Such an exchange could influence the heart and mind of a Soviet pilot, who is supposedly dedicated to the Communist cause.

Q. In other words, would two-way communications make it easier for Soviet fliers to defect?

A. Yes.

Q. President Reagan said he is closing Aeroflot offices in the United States and taking other measures. International airline pilot groups have agreed not to fly into the U.S.S.R. Do you think these measures are sufficient?

A. These measures aren't sufficient. The West should refuse the Soviets all landing rights. This policy must be continued until the Soviet Union changes its standing orders (to shoot down any aircraft violating Soviet airspace). A sixty or ninety days boycott won't have any effect on them. To prevent their flights indefinitely—until they change their policy—will be effective. Aeroflot has a 5-year plan which must be fulfilled, or they will be in trouble with the Politburo. Certain elements in the Politburo will then pressure the military, because plans have to be fulfilled. Eventually, they will change their policy—I think. We have to be firm with them.

Q. What other measures could we take in addition to denying them landing rights?

A. In critical flightpath areas, there should be representatives (of countries concerned). Then, in the event of such an event as this one, the Soviet and Western representatives could settle the matter on the spot. So that they wouldn't blow innocent people out of the air. We have to find some way of getting together and cooperating to enable people safely to fly around the globe.

Mr. Speaker, the same gangsters who ordered the butchery of the passengers of 007 will make the decision to use gas on our troops unless we deter them. The passage of the conference report will send the proper message. I urge its adoption.

Mr. DICKINSON. Mr. Speaker, I yield 4 minutes to the gentleman from Virginia (Mr. BATEMAN).

Mr. BATEMAN. I thank the gentleman for yielding this time to me.

Mr. Speaker, in the context of so much that has been said on this issue with reference to morality or immorality of chemical weapons, I am reminded of the statement of the late Justice Oliver Wendell Holmes. Holmes tells us that an ounce of history is worth a pound of logic. To the gentleman from Arkansas and others who have asked that this matter be dealt with on the basis of reason and logic, yes, I would agree; but let us not ignore that ounce of history.

As a matter of fact, on this subject there is more than an ounce of history. The history includes 14 years in which this country has produced no chemical weapon of any kind. It includes 7 years-plus to date of this country, in the context of its unilateral moratorium, seeking an agreement to ban the use of these weapons without any success and only being met with Russian intransigence.

I think the time has now come, if not long past, where, as this conference committee report suggests, we must at least make ourselves able to go forward for the first time after October 1, 1985, to produce a new, improved, and safer chemical weapon. Not to do so, I suggest, is not continuing of a position on the high moral ground. A position which undermines the security of the United States, a position which history tells us invites an attack upon our forces and our allies with chemical weapons, is not a sound moral, position.

I would hardly describe the position we are asked to support as one characteristic of high moral ground. History tells us that the nations against whom chemical weapons are used are only—only—those nations lacking a countervailing capability of their own. History proves the Soviets will and do use chemical weapons against the people of Afghanistan. Their client state Vietnam uses it against the people of Cambodia. When the Soviets shoot down an unarmed civilian airliner at a loss of life of 269 people, can we delude ourselves into thinking that if we permit them to continue producing, and improving their chemical warfare capability, while not even putting ourselves into a position, after 9-plus years of negotiation and more than 16 years of nonproduction, that they would not, were it to serve their advantage, use such weapons against us?

This morality argument on this subject bothers me more than a little. I am very disturbed that those of us who advocate the position of this conference report would be looked upon as taking an immoral position, as if we wanted to use these weapons, when the obvious, logical and correct position if you do not want these weapons used, especially if you do not want them used against our forces, is let us have a capability should we need it so that there will not be a risk of their being used. That is the lesson of history. I hope we will have learned it and that the events of September 1 may have helped some of us to better understand the lesson of history. We would ignore that lesson of our peril.

I am including a copy of my unpublished letter to the New York Times for the benefit of my colleagues:

HOUSE OF REPRESENTATIVES,
Washington, D.C., August 1, 1983.

EDITOR,
The New York Times,
New York, N.Y.

DEAR SIR: I want to take this opportunity to respond to the sincere but misconceived sentiments expressed by my Congressional colleagues from Arkansas, Senator David Pryor and Congressman Ed Bethune (Nerve Gas: A Chance to Bolster Credibility"). The logic employed by my two usually logical colleagues needs to be carefully dissected and refuted in this instance.

The central point of the Pryor/Bethune essay is that the U.S. has undermined its own credibility in the nuclear arms reduction talks, and we are about to make the same mistake in the area of chemical weapons reductions. However, I do not see how my colleagues can insist that our approach to both nuclear and chemical weapons control can or should be different. Here's why.

Imagine that the United States had decided not to deploy any additional nuclear weapons systems after 1969, while the Soviet Union was permitted to proceed unimpeded, and even engaged in limited use of nuclear weapons during the 1970s. The world situation would be much different than it is today, and the United States would be in a position of distinct disadvantage, vis-a-vis the Soviet Union. Most reasonable observers would admit at least a rough equivalence between the U.S. and

Soviet nuclear forces is an essential element of the relative stability that exists today between the two nations.

So why does our unilateral moratorium on chemical weapons production place the United States on a "moral high ground," as my colleagues suggest? Surely they would admit that even a small tactical nuclear weapon is infinitely more destructive than a chemical munition, and I know that both Senator Pryor and Congressman Bethune have voted in the past for defense bills which contained funding for nuclear weapons. It's just that there is a certain very distinct psychological dimension to chemical weapons that transcends logic and it is this dimension that deserves to be examined closely.

Pryor and Bethune are correct when they contend that Vice President Bush's presentation to the Committee on Disarmament (CD) on a chemical weapons ban was greeted positively by our allies. However, they take considerable license in contending that Third World nations reacted in a similar manner. To the contrary, as U.S. Ambassador Louis G. Fields has noted, "serious discussions were obstructed by procedural maneuvering; the Eastern Bloc, aided and abetted by certain members of the neutral and non-aligned states raised numerous procedural questions related to the Committee's agenda and establishment of our working groups. The result of this deplorable development has been a blockage of all substantive work in the Committee and a temporary frustration of our efforts to achieve progress on a chemical weapons ban."

So you can see that reaching an agreement on an enforceable ban of chemical weapons has been largely frustrated by familiar Soviet Bloc stalling techniques. But even more important, is Ambassador Fields' assessment "that chemical weapons are being used, despite the existence of a ban on such use. In such circumstances, it would seem prudent to me to assure that the temptation to use such weapons will be minimized by the knowledge that we possess the capacity for a prompt and effective response in kind." In plain English, our chemical weapons negotiators need Congressional support for a credible, modern chemical deterrent, the same way our START negotiators need Congressional support for a credible, modern strategic nuclear deterrent. You cannot have a credible negotiating position without some muscle to back you up, and this is as true for chemical weapons negotiations as it is for nuclear weapons negotiations.

Since Senator Pryor and Congressman Bethune mention the recent GAO report on chemical weapons, I think it is only fair to give that report the critical evaluation it was spared during the Congressional debate. First and foremost, this report, contrary to Pryor and Bethune's contention, drew few, if any conclusions of its own. It was a curious review of available literature and intelligence reports of U.S. and Soviet offensive and defensive chemical capabilities, which involved little or no actual GAO investigation of these capabilities. It is as if Congress asked the GAO to conduct a study on the cost of spare parts for U.S. weapons systems and told GAO it only needed to review material supplied by the defense contractors. The blame should not be placed on the GAO. The GAO only did what the House Foreign Affairs Committee asked it to do, which was prepare a series of "book reports" on chemical weapons literature. In short, the report hardly measured up to the hard-hitting standards that we have come to expect from the congressional watchdog agency.

What does the report actually say? As the Pryor and Bethune article correctly notes, the report said that binary chemical agents are "dangerous substances" and "extremely toxic." The report also noted the poor condition of existing U.S. unitary stocks, the very short range (15 miles) of present U.S. chemical delivery systems, the extreme size and variety of the Soviet chemical forces, the efficiency of the Soviet chemical decontamination systems, and other grim and discouraging statistics. However, the most compelling conclusion to be drawn from the report is that, given the current situation, the U.S. and NATO forces in the event of war would have to resort to nuclear weapons to defend against a Soviet-Warsaw Pact advance that included full use of chemical weapons. Thus, in my view, an effective chemical deterrent capability in Europe provides a "firebreak" against the necessity to use nuclear weapons against advancing Eastern Bloc armies. I know that my colleagues Pryor and Bethune would not want us to be tempted or forced to stop or blunt an attack by recourse to tactical nuclear weapons. Yet, if their argument prevails, tactical weapons could well be the only response which would prevent a successful attack.

Obviously, a credible deterrent to Soviet use of chemcial weapons against American forces is desirable. Not having such a capability invites a Soviet attack and they and their satellites have demonstrated in Afghanistan and in Southeast Asia a willingness to use chemical weapons. Given the totality of their conventional weapons superiority vis-a-vis Afghanistan freedom fighters, how can we possibly assume the Soviets would not resort to chemical weaponry against well-armed and trained U.S. and NATO forces, if they know we lack a similar capability. History teaches us that the only time chemical weapons are used is when one military force has a known superior capability that its adversaries cannot equal. The GAO report commended by my colleagues make it abundantly clear that the Soviet capability in chemical weaponry is vastly superior to our own. In the face of that knowledge, it is not responsible, and certainly not "moral" to obstruct our Department of Defense in its goal to achieve deterrence from Soviet use of chemical weapons.

I simply must address the urgent question of the much maligned "Bigeye" binary weapons system. Pryor and Bethune are correct when they note that there are problems with this system. It properly includes so many safety requirements that there are bound to be problems. This is the reason that the amendment my colleague, Congressman Bethune opposed delayed production of the Bigeye bomb until 1985. The amendment would have given the Soviets ample time to negotiate a realistic ban on chemical warfare. It would have applied pressure for them to do so. This amendment was defeated, and the House is now on record in support of "unilateral attrition" in our chemical weapons stocks. I can assure all skeptics that this action was duly noted by Soviet disarmament negotiator Issraelyan and by his superiors in the Kremlin. If this past action of the House stands, the message we send to the Soviets is that the United States Congress has jeopardized a policy to deter use of chemical weapons and removed any pressure on the Soviets to agree to a meaningful ban on the use of such weapons.

It is my hope that the House will accept the wisdom of the Conference Committee report on the FY '84 Defense bill. As Senator Pryor and Congressman Bethune have said, the world will be watching and waiting to see whether or not the United States will abandon our 14-year moratorium on the production of chemical weapons. The Soviet Union, which has been using chemical weapons on defenseless people, cannot be expected to agree to a reciprocal ban on the use of chemical weapons when they have a distinct advantage militarily not to do so. Properly considered, the Pryor-Bethune position does not occupy "high ground" and certainly is not "moral."

Sincerely yours,

HERBERT H. BATEMAN,
Member of Congress.

Mr. PRICE. Mr. Speaker, I yield 1 minute to the gentleman from Missouri (Mr. SKELTON).

Mr. SKELTON. I thank the gentleman for yielding this time to me.

Mr. Speaker, there are those who would have this vote as a referendum on nerve gas. How wrong that is. Yesterday we had a vote of 416 to 0 condemning the Soviet Union and its crassness, its brutality and its murderousness in downing and killing those 269 innocent civilians.

Today we have before us a means whereby we can remain strong, whereby we can send the message that we intend to defend our interests and to defend our freedom. The referendum today, Mr. Speaker, is one on whether we really mean what we said yesterday when we voted 416 to 0.

I ask that we support this and that we pass it by an overwhelming majority.

Mr. DICKINSON. Mr. Speaker, I yield 3 minutes to the gentleman from New Jersey (Mr. COURTER).

Mr. COURTER. I thank the gentleman for yielding this time to me.

Mr. Speaker, it is obvious, as was indicated before by the gentleman from New York, that the conferees in the Senate have been dismissed, which means that there will be no soon and quick conference again if we reject this bill, and I think Members should keep that in mind.

It has been argued by some people today that we should vote against the conference report; that a "no" vote is a vote for a strong defense. I do not really understand that. I do not think the people in this Chamber buy that.

I remember in 1959 I read a book called "1984." In that book they argued that "slavery was freedom", that "war was peace," and that "less was more." The argument that voting "no" on the Department of Defense authorization bill is a "yes" vote on a stronger defense is, I think, consistent with the logic of "1984."

My major points are as follows. First, I do not understand why we have to hold the DOD authorization bill up to a level of perfectability. Why are we making the argument today, as

some are making, that because you disagree with 1 percent of it, or 2 percent of it, or 8 percent of it, or one-half of one hundredth percent of the budget authorizations, you should vote it down.

No equal standard of perfectability is placed on any other authorization bill or any appropriation bill. Indeed, there are good Members on both sides of the aisle who have problems with different parts of this authorization bill. They made their points very eloquently when we debated the authorization bill on at least 7 different days. Some Members do not like the fact that it includes MX, some Members do not like the fact that it includes new tanks, some Members do not like Trident submarines, most Members do not like all aspects of the conference report.

But I cannot imagine that we are going to vote the entire conference report down because some of us disagree with some aspect of it.

This indeed is not a referendum on one weapons system. This authorization bill is not a referendum on any single part of it; indeed, it is a referendum on our commitment to the American people and free people throughout the world.

I urge the Members of this body, even if you do not like binary weapons, or even now if you do not like MX, do not kill the entire bill because you disagree with a small section of it.

□ 1150

Mr. DICKINSON. Mr. Speaker, I yield such time as he may consume to the gentleman from Illinois (Mr. PORTER).

Mr. PORTER. Mr. Speaker, the conference report being considered today on defense authorization ought to be defeated and sent back to the conference for a second submission. Not because our country does not need to provide for our security. Surely we do, and we have been once again most forcefully reminded of the nature of our Communist adversary by the Soviets' cruel murder of 269 innocent men and women and children, including 61 Americans, on an unarmed commerical jetliner; by the Soviets blatant lying in attempting to cover up this monstrous deed; and by their inhumanity in preventing Japanese boats, many carrying loved ones of those killed, from overseeing recovery and salvage operations.

Yes, we need to protect our people and the freedoms we, as few others in the world, are priviledged to enjoy. Most of what this conference report contains I agree with and would approve without comment.

But one provision of the report has found its way in despite the fact that it failed to achieve a majority of Members in either House of the Congress. I refer, of course, to that part of the report authorizing the resumption, after 14 years, of chemical weapons production.

This provision was overwhelmingly defeated on the floor of the House earlier this year by a vote of 256 to 161. In the Senate the vote of the Members was tied at 49 to 49. Only the vote of the administration—the Vice President's, to break the tie—put the other body on record in favor of chemical weapons production.

Mr. Speaker, no provision for any purpose, worthy or otherwise, should find its way into a conference report that fails to achieve the support of a majority of Members in each House. The Conference ought to be ashamed to present such a report to the Members and should be sent back to work to remove this provision.

Nor is this provision a worthy one. It is definitely otherwise. For what purpose does the United States need to produce more of such weapons? We condemn their use by the Soviets, and the evidence is overwhelming that they in fact have used them in Afghanistan and through proxies in Laos and elsewhere in the world.

Are we planning to use them? Of course not. We already have a huge stockpile on hand that is sufficient to deter their use against us. And can anyone imagine that if, in fact, the Soviets and the United States are fighting a hot war—and I pray this never happens—that we will be fighting one another with weapons of this limited capacity?

No, Mr. Speaker, the course of our conduct now should be clear. The United States should condemn the use of these weapons by the Soviets in the strongest possible terms and show the world the clear difference between our society and theirs by publicly rejecting the resumption of production of these horrible, cruel, and inhuman weapons of death. They are weapons reflective of the nature of their barbarous and uncivilized society, not of ours.

Mr. DICKINSON. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania (Mr. GEKAS).

Mr. GEKAS. Mr. Speaker, I thank the gentleman for yielding this particular time to me.

I just wish to take this time to reiterate the position that I took earlier today when I said, and repeat now, that my personal agony with the question of chemical warfare is a real one, and I want to continue that debate when the proper time comes.

The proper time is not today and not at this moment, and I am ready to yield my personal desires on this particular issue to the betterment of the system that we have with respect to conference reports. I do feel a kind of sadness that we have to deal with some of these matters in a conference report where the individual will or the will of the Chamber at large is sometimes thwarted.

However, the Defense authorization bill is too important to let my personal feelings stand in the way of a positive vote and a positive signal that that vote will mean with respect to the world at large. I will set aside my personal feelings at this moment on the chemical warfare debate and hope that that debate will resume at some time in the future, and I will take a proper role in it at that time.

But for now, Mr. Speaker, I will vote for the Nation in a positive fashion on this conference report.

The SPEAKER pro tempore. The Chair will state that the gentleman from Alabama (Mr. DICKINSON) has 2 minutes remaining and the gentleman from Illinois has 5 minutes remaining.

Mr. PRICE. Mr. Speaker, I yield 1 minute to the gentleman from Wisconsin (Mr. ASPIN).

Ms. FERRARO. Mr. Speaker, will the gentleman yield?

Mr. ASPIN. I yield to the gentlewoman from New York.

Ms. FERRARO. Mr. Speaker, I rise in opposition to the conference report on the 1984 Defense Department authorization bill.

I do so reluctantly. In three terms in the House, I have never before voted against either a defense authorizations bill or a defense appropriations bill.

There have been many occasions in the past when defense bills included funding for weapons systems I did not support. Indeed, this bill contains funding for the B-1B bomber and the MX missile, both of which systems I have opposed as wasteful uses of defense dollars. But never before have I voted against an entire bill.

In voting against this conference report, I am not voting to defeat it with the intention of achieving widespread changes. My vote, instead, is aimed at achieving the elimination of funds for one purpose—the production of chemical nerve gas.

I have voted repeatedly with a majority of this body—most recently a majority of 95 votes—to cancel production of chemical nerve gas weapons. My view and that of a strong majority of this body, has been that those weapons are unnecessary for our national security and represent a dangerous escalation of a new arms race with the Soviets. Furthermore, these weapons would have to be deployed in Europe, and our European allies have expressed opposition to their deployment.

The decision of the conferees to provide funding for production of nerve gas would be understandable, even given the House vote on the issue, if the Senate had taken a strong position in support of chemical weapons. But the Senate vote on the question was a 49 to 49 tie, which was broken by Vice

President BUSH. Clearly, there is no strong support in either body for this program to go forward.

Finally, let me deal with one argument that has been made by those who support this conference report. The argument is that in the wake of the Soviets' brutal action in shooting down the Korean airliner, it is important that we "send a signal" to the Soviets to show our resolve to maintain a strong defense.

Let me just say that the Soviets are not likely to be impressed by the House of Representatives voting to waste money on an unnecessary weapons system that our allies oppose. The issue here is not how to deal with the reprehensible actions taken by the Soviets in the matter of the Korean airliner. The issue is how best to provide for this Nation's defense, and how to spend out defense dollars on the most effective weapons systems we can.

Production of nerve gas is not in this Nation's best interest. Approval of this conference report is a repudiation of the House of Representatives, which has clearly and repeatedly rejected production of chemical nerve gas. Those are the issues before us. Let us vote to defeat this conference report and require the conferees to bring it back to the House without the nerve gas funds.

Mr. ASPIN. Mr. Speaker, I rise in support of the conference report.

The conference report on S. 675 is unique in one respect. It contains more provisions for and more emphasis on arms control and efforts to provide strategic stability than any other defense authorization in the past. In essence, it is a signal of Congress commitment to support arms control measures and strategic stability.

Let me review briefly:

On the MX, the House conferees:

First, accepted the Gore amendment which limited MX production to 21 missiles instead of 27 contained in the Senate version of the bill. This allows a reduction of $357.8 million in procurement funds for MX.

Second, accepted the language of the Price-Aspin amendment which links the development of MX to demonstrated progress in developing the small (maximum weight 33,000 pounds), mobile single warhead missile, known as Midgetman.

Third, included forceful statement of manager language that the United States and the U.S.S.R. should move away from less stable, fixed silo ICBM forces and multiple warhead missiles (MIRV's) and toward more stable single warhead ICBM forces. We expressed the sense of Congress that development of small single warhead ICBM's should be given the highest priority.

On the antisatellite missile (ASAT), the conference accepted the Tsongas amendment from the Senate which states that tests of an ASAT warhead against a target in space could only be carried out if the President first certified: First, the United States is trying to negotiate a mutual and verifiable treaty banning antisatellite missiles; and second, such testing is essential to avoid damage to the national security.

In the interest of reducing nuclear weapons, the conferees:

Approved a provision, section 1105, designed to identify the number and types of nuclear weapons that could be eliminated from Western Europe without jeopardizing NATO security. The provision also requires the Secretary of Defense to examine ways to develop a nuclear posture for NATO that is consistent with proper emphasis on conventional defense forces.

The conferees included a provision, section 1251, which suggests that the United States implement confidence-building measures, even on a temporary unilateral basis, such as prior notification of missiles launched and military exercises. The provision also calls for approving the communications systems for communicating with the Soviet Union.

As others have indicated, and I will not repeat, the provision on chemical weapons also emphasizes the opportunity for negotiating prior to production.

These provisions are single in their emphasis on arms control and I simply want to remind the Members of the House that we may not be able to get them again if we have to go back to conference.

Mr. PRICE. Mr. Speaker, I yield the remaining time on our side to the gentleman from Texas (Mr. LEATH).

The SPEAKER pro tempore. The gentleman from Texas (Mr. LEATH) is recognized for 4 minutes.

Mr. LEATH of Texas. Mr. Speaker, let me say to the Members of the House that, as is always the case, when Members do not have very much or anything to defend with respect to their position, they fly off in a rhetorical storm. As is always the case, unfortunately, when we discuss chemical weapons in this House, we can expect a great deal of the rhetoric, because there are no facts to back up the positions of Members who do not want us to modernize our chemical arsenal. Yet this House, Mr. Speaker, cannot be guilty of making a rhetorical, emotional decision. We must make this important decision based on facts, based on need, based on reality, and based on the historical evidence of truth.

The truth is that there is absolutely no relationship between the emotional rhetoric we have heard and the hard, cold facts of reality. If Members want to get emotional about something concerning the binary issue, Mr. Speaker, I would ask, why do they not get emotional about our soldiers whose lives we are jeopardizing with this policy of hope and wishing?

History records very graphically that the military doctrine which recognizes that the way to keep chemical weapons from being used is for there to be a comparable threat of chemical weapons on both sides. That is a sound doctrine, and it is proven by history.

Most of this debate, Mr. Speaker, through all these hours has been on the horrors of chemical weapons. But that is not the issue. Of course, chemical weapons are horrible, but all the ranting and the raving and the gnashing of teeth is not going to eliminate these horrible weapons from the arsenal of a heinous enemy.

The issue here is not whether the world will be better off without chemical weapons. Of course, it would be better off without them, but we cannot wish those weapons away no matter how hopeful we might be.

The issue here is not whether we in the United States are willing to ban and unilaterally destroy these heinous weapons. Of course, we are. We have done that and proved it conclusively over a period of 14 years.

The issue is not whether we are going to suddenly, out of the blue, amass a new arsenal of new weapons. Absolutely not. We have had chemical weapons since the early 1900's, and it is precisely because we had that arsenal of weapons, Mr. Speaker, that they were never used since World War I.

To think that we can wish the Soviets into agreement by standing on the high ground and waving morality at them is absolute nonsense. Unlike us, they have never given something away in return for nothing and they are not about to start now.

Now when we strip away the rhetoric, Mr. Speaker, the issues are really quite obvious. How do we protect our troops against the 80,000 troops that the Soviets have trained in chemical warfare, against the 30,000 vehicles that they have for chemical environment, and against the 14 plants they have that are turning out 10 tons of new chemical agent every year? We know that they have a 500-kilometer range, and the Soviets have stated unequivocally that it is in the discretion of their battalion commanders to use chemical weapons. And they are actually using those weapons around the world today.

The issue is, how do we convince a belligerent government to ban chemical weapons? Do we do it by continuing the policy of unilateral disarmament that we have had for 14 years? Has that worked? No, it has not worked, and the opponents of this vital modernization have not given one single, solitary reason why finally, after 14 years, it is going to work now.

The issue, Mr. Speaker, is, are we willing to lower the nuclear threshold by denying our forces a comparable chemical warfare threat, forcing our commanders to have no viable alternative short of nuclear war? How foolish can we be, and what a senseless gamble this House would take.

But there is a way, Mr. Speaker, to speak to all these issues. There is a way to make the Soviets bargain in good faith, not by going down the bankrupt path of continuing decay and disarmament of the last 14 years, but by rebuilding the comparability so necessary to deter these weapons, just as we did in World War II, and by destroying the highly toxic and dangerous 40-year old stocks that we have and replacing those toxic stocks with transportable, modern, deliverable weapons. But then, Mr. Speaker, we are even willing then to give them another 2½ years, another 5 negotiating sessions.

The SPEAKER pro tempore. The time of the gentleman from Texas (Mr. LEATH) has expired.

Mr. DICKINSON. Mr. Speaker, I yield the balance of my time to the gentleman in the well.

The SPEAKER pro tempore. The gentleman from Texas (Mr. LEATH) is recognized for 2 additional minutes.

Mr. LEATH of Texas. Mr. Speaker, it has been said over and over again that we hold the moral high ground on this issue. Perhaps that is true. It is my opinion we would not have to stand very high morally to hold the moral high ground against the Soviets. But while we stand on the moral high ground with our backs turned and our heads bowed, the Soviet butchers are gassing hundreds and thousands of innocent people in Laos, Cambodia, Vietnam, Afghanistan, and Lord knows where else.

Do we really believe that men who are capable of gassing millions of innocent people and shooting down an unarmed passenger plane with one of our colleagues aboard it give a damn about morality? Are Members willing to tell this House and the American people today that we can trust people like that?

As the committee chairman, the gentleman from Florida (Mr. PEPPER), said yesterday in the debate on the resolution, how do we deal with a human being that is devoid of conscience? How can we stand here and try to sell that argument when that argument went up in smoke when flight 007 went down?

□ 1200

You are not going to shame the Soviets into an agreement. They will be forced into an agreement. That is the only way they will do it. And the only thing to be accomplished would be senseless, baseless delays, to prolong the Soviet holocaust, and to threaten our own security in the process. Now, perhaps your conscience can stand that. Mine cannot.

Your way has not worked in 14 years. And we have just had dramatic world proof that it is not about to work today.

I have here a communication from Ambassador Louis Fields that said he made less progress in this last session than he had ever made. And why? Because the Soviet Union is watching this debate. They know what is being said on this floor. They know that we do not have the backbone, or at least some of us do not, to do what needs to be done to force them to reach a meaningful agreement.

So, are we going to do as some Member said yesterday, send a brilliant 416 to 0 message to them that does not mean a cotton-picking thing? Or are we going to prove the fact that we are going to modernize every defense force that we have from the conventional right up through the strategic nuclear and say, yes, we will sit down and talk with you. We want to destroy every one of them. But we have learned rather graphically, the whole world has learned, that we will not be able to accomplish that if we roll over and say we are going to depend on the great moral fiber of Mr. Andropov and his Soviet henchmen to keep us from having the holocaust of a nuclear war, or to keep us from having the total destruction of our conventional forces with a chemical agent that they can destroy NATO in a matter of hours.

So, I ask my colleagues, support this conference report and that will be the message.

● Mr. LEHMAN of California. Mr. Speaker, today, we are asked to make a weighty and difficult decision about the defense authorization conference report for 1984. Earlier this year, this body passed its own version of Department of Defense spending levels for the coming fiscal year. I reluctantly supported that bill even though it contained many weapons systems and programs I do not support and voted to delete. Overall, however, the House bill produced moderate increases in the defense budget, outlawed spending for nerve gas production, and prohibited the U.S. military from overthrowing the Government of Nicaragua. This defense conference report, however, totally disregards the will of this House and certainly of this Member of Congress.

Mr. Speaker, I cannot vote for the conference committee report before us. We should reject this bill and call for a better product. As reported, S. 675 contains multibillions of dollars for such egregious systems as the MX missile, the B-1 bomber, Pershing II missiles, and laser weapons. Unbelievably, this conference report authorizes more money for the Pentagon than either of the defense bills passed by the House or Senate. The Department of Defense conference report we are asked to support allocates $187 billion for the Defense Department which is over 10 percent above 1983 defense spending levels.

This country cannot call for arms control at the same time we escalate the arms race. Our rhetoric does not match our reality, and we will fool neither our own citizens nor the rest of the world. Yes; this Nation must maintain a strong defense. Yes; we must adequately pay and train the men and women who serve in the armed services. Yes; we must show our enemies that, if attacked, we will defend. But we should not continue to build first-strike offensive weapons such as the MX missile. We cannot lend our approval to the heinous use of nerve gas which is just as likely to harm our own soldiers and the civilians they must protect. Finally, how are we ever going to make substantial reductions in our national debt if we do not reject at least a few of these expensive items?

Mr. Speaker, I believe we must get on with the business of defense, not offense. Therefore, I urge my colleagues to vote no on the defense authorization conference report and instruct the conferees to redraft this legislation. At the very minimum, this House cannot accept the inhumane production of nerve gas which has been under an official U.S. moratorium for 14 years.●

● Mrs. SCHROEDER. Mr. Speaker, I rise in opposition to this conference report because it provides too much unnecessary spending and because it funds bad weapons programs—bad because they do not augment military readiness and bad because they escalate the arms race. Among these bad weapons programs are the B1-B bomber, the MX missile, the Pershing missile, and binary chemical weapons. I would like to know what any of these weapons would do to prevent the Soviet Union from shooting down another civilian airliner. Our problem, in responding to the Soviet attack on the Korean aircraft, is that military action has become too devastating to be a viable option in response to enemy provocations. Making military action even more vicious serves to tie our hands, not strengthen them.

While this bill should not be supported because of the big items in it, there are a number of smaller issues which are quite good.

COMBAT PAY FOR TROOPS IN LEBANON AND EL SALVADOR

The conference report provides new statutory authority which will permit the payment of special pay to our troops which are in highly dangerous circumstances in Lebanon and El Salvador. The level of this special pay—

$65 a month—remains far too low and should be raised.

LIMITS ON PERMANENT CHANGE IN STATION MOVES

The conference-adopted language, which I offered in the House, will force the Secretary of Defense to take steps to reduce the number of disruptive rotations.

TRANSPORTATION FOR CHILDREN TO U.S. SCHOOLS

The conference report includes language which attempts to equalize the position of dependents of military personnel stationed abroad with those of foreign service personnel stationed abroad for the purpose of attending schools in the United States. The language provided one round-trip voyage, at Government expense, a year for secondary and undergraduate education. I am sorry the conferees limited this provision in cases where a Department of Defense dependents school is located near the base.

CHAMPUS COVERAGE FOR LIVER TRANSPLANTS

The conferees wrote in language, which I first offered in committee, to allow liver transplants under the civilian health and medical program for the uniformed services.

SURVIVOR BENEFITS FOR FORMER SPOUSES

The conference report contains some important clarifications concerning the provision we passed last year to provide survivor benefits for former spouses of military members.

LIMITATION ON TROOPS ASSIGNED TO NATO

The conference report contains a cap on the number of American troops which can be assigned to the North Atlantic Treaty Organization. If we want our allies to do their fair share, we must force them to do so by curtailing our personnel commitment to the alliance. Only if we do so, will the Germans and others feel the need to beef up their own conventional forces for their own territorial defense.

FREEZE ON EXPANDED USE OF POLYGRAPHS

A provision of the conference report blocks, until April 15, 1983, new dragnet regulations which DOD promulgated to allow the use of lie detectors on Defense Department employees.

I will oppose the conference report. At the same time, I note that there are some excellent provisions contained in it.●

● Mr. MICHEL. Mr. Speaker, during the last 20 years we have taken the roller coaster approach to national defense. When dramatic events—such as the Soviet invasion of Afghanistan—excited the Nation, there were calls for increased defense measures. But during the long periods between such events, defense spending was the whipping boy. Cries for defense cutbacks filled the air.

The decade of the 1970's saw a long, steady decline in American defense capabilities. As a percentage of the budget and as percentage of the gross national product, defense spending declined.

So here we are, faced with the fiscal year 1984 defense authorization conference report. The report obviously does not please everybody. But it can serve as the basis of a renewed effort to put our national security on some kind of rational basis.

I am reminded of what President Eisenhower said in his farewell address about the challenge America faces:

To meet it successfully, there is called for, not so much the emotional and transitory sacrifices of crisis, but rather those which enable us to carry forward steadily, surely, and without complaint the burdens of a prolonged and complex struggle—with liberty the stake.

I also recall President John F. Kennedy's inaugural address in which he reminded us of "the burden of a long, twilight struggle, year in and year out * * *"

Each of these Presidents, one Republican, one Democrat, knew that "quick fixes," sudden emotional responses, and reflex actions cannot help our Nation defend freedom against the Soviet Union.

We need to recommit ourselves to the long, "twilight struggle, year in, year out." We have to get away from our habit of long periods in which the military is denied support, interrupted periodically by times when we are asked to indulge in higher spending.

National security is too important to be left to the emotionalism of the moment or long periods of national amnesia.

For the sake of this Nation and the free world I urge all our colleagues to come together in forming a new coalition for national security over the long haul. Let us start today by supporting this report.●

● Mr. GREEN. Mr. Speaker, despite the fact that neither branch of Congress was able to muster a majority vote for the production of new nerve gas weapons, the defense authorization conference report contains funds for new binary chemical weapons. The inclusion of such money in this bill shows blatant disregard for the 256 Representatives and the 49 Senators who vote against such funding, and is an affront to the legislative process.

Many of us have been in our districts, talking to constituents, hearing their thoughts. One which we have all heard is the need to cut the defense budget, which is out of control. Yet despite all the rhetoric about the need to cut back defense spending at a time of $200 billion dollar deficits, this Congress has delivered to the administration every major weapons system it has requested. Until the action of the conference committee to the defense authorization bill, chemical weapons had been the exception.

How can we talk about cutting back on defense spending if we rubberstamp funding for binary chemical weapons, too? I sincerely hope my colleagues will join me in sending the conference report back to conference, with instructions that the money for chemical weapons be deleted.●

● Mr. BEDELL. Mr. Speaker, I rise in opposition to the Defense Department authorization conference report and urge my colleagues to join with those of us who desire that the conferees reconvene and adopt the original House position with respect to the production of chemical binary weapons (CBW).

As you know, on June 15, the House approved the Zablocki-Bethune amendment, to prohibit the spending of $114.6 million for the production of binary nerve gas by a margin of 256 to 161. One month later, a similar amendment was defeated in the Senate when Vice President BUSH cast the deciding vote in favor of nerve gas production. This vote was 50 to 49. Thus, it appears to me that a resounding majority of the Congress remains opposed to further expenditures for this costly, unnecessary, and militarily destabilizing weapons program and yet, the conference committee restored these funds in blatant disregard of the will of this majority.

While I can readily appreciate the fact that many of us here are somewhat reluctant to reject this conference report, especially in the wake of the downing of Korean Air Lines flight 007, rejection of this report represents a preservation of the legislative process of which we are all participants. Clearly, the majority of both the House and the Senate, 305 to 211, oppose binary weapons production. Clearly, the American people question the wisdom of such expenditures. Clearly, then, as responsible representatives of the people, we have no other choice than to reject this report and instruct the conferees to readopt the position that the House took on this issue on June 15.

Finally, Mr. Speaker, I would like to remind my colleagues that should we fail in this endeavor, we shall be establishing a dangerous precedent within this body. A precedent that could serve to undermine the entire legislative budgetary process and permit minority, not majority, rule. Can you imagine if other committees were to follow the example that has been set by the Armed Services Committee conferees? Congress would fail in its sacred and trusted responsibility to be a representative body of the people. Selective cliques would begin to determine in which directions our Nation's foreign and domestic policies would be conducted and those of us who are not expert enough in the minds of those cliques to comment on these decisions would be discouraged in our efforts to debate these matters. Thus, our votes

on these matters would be little more than rubberstamping exercises in endorsement of decisions made within the inner sanctums of these minority cliques.

In my mind, we have no other alternative than rejection of this conference report. We must do this to preserve the legislative process that was established by the Founding Fathers. We must do this to prevent the establishment of a minority-ruled Congress. We must to this to insure both the public trust and confidence in our system of government.●

● Mr. OBERSTAR. Mr. Speaker, the shooting down of Korean Air Lines flight 007 by the Soviet Union was a wanton act of murder of 269 people. It was pure barbarism, an action which no democratic nation would ever permit its own government to perpetrate and remain in office.

The issue today, as some of my colleagues have noted, however, is not the shooting down of the Korean airliner. That tragedy and the need for a strong, united response by the United States and the civilized world must not obscure and overwhelm the issues involved in our consideration of this conference report. I am afraid that inevitably they will. The Senate Tuesday adopted this conference report with only eight dissenting votes.

Before the recess, and the shooting down of the Korean airliner, I had hoped that at least the House would reject this excessive authorization and force the conferees to agree upon a responsible, but smaller increase in spending and eliminate funding for nerve gas.

I oppose this conference report. It funds the procurement of the MX missile which I consider to be a colossal waste of taxpayer dollars. It funds nerve gas production which this House rejected overwhelming in July and which is included in this conference report only because Vice President BUSH cast a tiebreaking vote in the Senate to defeat an amendment which would have deleted nerve gas funding.

Nerve gas production has not commanded a majority in either the House or the Senate yet, we now have it in the conference report.

We will spend $114.6 million in fiscal 1984 for nerve gas production and thus end the 14-year moratorium on such production begun by then President Richard Nixon in 1969.

This conference report will allow the Pentagon to spend $4.83 billion on the MX missile system, including procurement of 21 missiles. I have consistently voted against authorizations and appropriations for the MX system because it will be ineffective as a defensive weapon. And it is as a defensive weapon that the administration is attempting to persuade us to fund it. As a potential offensive weapon, it will discourage arms control negotiations, and such use would be contrary to the stated policy of this administration. The ultimate cost of the system may be as high as $30 billion.

While I will vote against this conference report, I draw limited comfort from the fact that Congress has substantially reduced the Pentagon's excessive request for increased spending. This conference report authorizes $187.5 billion, a 10.1-percent increase over the 1983 appropriation. The Pentagon had asked for $198 billion, a 16.2-percent increase. Congressional action at least has cut $10.5 billion of the excess. We should have done more—with the Federal deficits in the range of $175 to $200 billion, the American economy could have used the restraint on such run-away spending.

The money spent under this bill will not provide the kind of security which might have prevented the murder of the passengers and crew of the Korean Air Lines jet. They were victims of the interaction between Soviet paranoia and ruthlessness and international tensions. Those tensions made the Soviet Union and its defense leaders at some level far too ready to commit an atrocity in a gross error of judgment on their part. They have been condemned by the civilized world. The shooting down of the Korean Air Lines jet has underscored the brutality of the Soviet leadership and their disregard for the value of life.

Escalation of the nuclear arms race, however, remains the greatest threat to the security of the American people. This bill continues that escalation. Arms control negotiations offer the means of reducing the international tensions which contribute to the risk of incidents such as the shooting down of the Korean Air Lines jet. These negotiations must continue, not out of a naive view of the Russian system or of the morality of its leaders, but out of self-interest on our part.

This conference report will in all likelihood be adopted. While I do not believe that this expensive authorization is the best means of showing the Soviets American resolve in the face of their murderous action, I do believe that the adoption of the conference report to some extent reflects the outrage of the Members of this House and of the American people. I hope that the Soviets will recognize that outrage and will recognize that the United States stands as one in our condemnation of their actions.●

Mrs. LLOYD. Mr. Speaker, I request permission to revise and extend my remarks.

Mr. Speaker, I rise to emphasize my support of the Defense authorization conference report. I am well aware of those who propose voting against this report but am most disappointed that they do so based on one issue that represents such a small percent of the dollar value of the total program. I am not saying that the issue of binary chemical munitions is not an important issue but that when considering the hundreds of differences between the House and Senate positions faced by the conferees, I feel the compromise that has been reached is one that is most favorable to the House. We must keep in mind that the Senate receded to the House provisions that one serviceable chemical shell from the existing stockpile will be destroyed for each binary munition produced. In other words, we are not increasing the stockpile but just making it safer.

I cannot help but repeat, Mr. Speaker, what I and my colleagues have said so many times in the past few days—we must not leave any impression with the Soviet Union but one that shows our determination to strengthen our national defense and maintain a strong American global posture.

Mr. Speaker, we shall never forget the tragedy that occurred on September 1, 1983—the shooting down by the Soviets of Korean commercial flight 007. This murderous act by the Soviet Union clearly shows they will do anything, no matter how many innocent people are involved, to become a sole world dominating country. If they will shoot down commercial airlines, what is to say they will not use chemical gases to accomplish the same purpose. We must let them know they cannot succeed, that we are prepared to retaliate in the same destructive way. It is unfortunate that we must spend any money on defense and cannot use it all for social improvements. We know though, that this is impossible. History has shown that weakness leads to occupation. We cannot ever let this country become weak in any phase of national defense. We must, Mr. Speaker, today, approve the Defense authorization conference report.

● Mr. FRENZEL. Mr. Speaker, I rise in opposition to the conference report on S. 675, the fiscal year 1984 Defense authorization bill.

The bill calls for $187.49 billion in new spending authority. This is $163.2 million more than the House asked for, and it is $1.5 billion more than the Senate recommended. It is also $9.6 billion more than last year's Defense authorizations bill.

Moreover, Mr. Speaker, this is only part of our defense spending for next year. Purchase and installation of weapons and facilities will generate additional, large manpower and construction costs. I do not think that we can afford large increases in any spending programs in these days of ruinous $200 billion deficits.

I concur that we must have a strong, stable defense. But because I feel that we cannot have a strong defense without a strong economy, I must register

a protest vote against this conference report.●

● Mr. MARKEY. Mr. Speaker, I rise in strong opposition to passage of the fiscal year 1984 Department of Defense authorization conference report as it is currently written. If this conference report is passed, a 14-year moratorium on nerve gas production will be ended. The funding for production of lethal nerve gas weapons would be authorized without having gained the support of a majority of Members of either House of Congress. I urge my colleagues to vote to defeat the conference report and to support a motion to instruct the conferees to remove nerve gas funding

There is no good reason to begin production of nerve gas weapons. By Secretary Weinberger's own admission, adequate stockpiles of chemical weapons already exist. There are indications that the proposed binary chemical weapons are less reliable and less effective than existing weapons, and would pose a much greater threat to civilians than they would to enemy soldiers. To begin production of chemical weapons now would end a moratorium begun by President Nixon in 1969, and would waste $114.6 million.

On June 15, the House decided by vote of 256 to 161 to delete the administration's request for funds to produce nerve gas, reaffirming its long-standing opposition to these weapons. The Senate vote on nerve gas was 49-49; the deciding vote was cast not by a Member of the Congress, but by Vice President BUSH, the first such vote in 7 years.

Despite this, the report that came out of conference had nerve gas funding in it. I think it is outrageous that such a provision might become law without ever receiving the support of a majority of the Members of either legislative branch.

I therefore urge my colleagues to oppose the DOD authorization conference report and to support a motion to instruct the conferees to remove funding for nerve gas.●

● Mr. ACKERMAN. Mr. Speaker, I rise in strong opposition to the conference report to S. 675, the Department of Defense authorization bill for 1984. This report represents a blatant disregard for the legislative process and the will of both Houses of the Congress. The decisive defeat of funds for chemical weapons production earlier this year, by a vote of 256 to 161, indicates the level of opposition to this ghastly program in the House. There is little more support for this dangerous and inhumane weapon in the Senate, where a tie vote was broken by the Vice President. There is absolutely no compelling reason to produce more of these ugly weapons when there is already an adequate stock on hand. It is essential that we maintain the freeze on productions of binary weapons so wisely begun by President Nixon 14 years ago, and continued by Presidents Ford and Carter. On the grounds of binary weapons alone, we must defeat the conference report and instruct the conferees to go back to the conference table.

There are other grounds for the defeat of this report which cannot be ignored.

The inclusion of authorizing language for the production of the destabilizing and dangerous MX missile gives us all reason to be concerned about this report. The MX missile still has no secure basing mode, and so it is extremely vulnerable to a Soviet first strike. Why, then, engage in the foolish production of this weapon? Because we have been promised that the expenditure of $4.85 billion will inspire President Reagan to pursue serious arms control negotiations with the Soviet Union, and because we are told that we need this conference report to show the Soviets how tough we are. Both these arguments are false. Mr. Speaker, it should not cost the American people almost $5 billion to inspire President Reagan to negotiate an agreement that is urgently needed in order to prevent a devastating nuclear conflict. And we will show the Soviet Union only how foolish we are by spending billions of American dollars on wasteful, needless, and counterproductive weapons.

The are a host of additional reasons for opposition to this measure. This conference report has ignored important votes in both the Senate and the House on DOD authorization legislation, by exceeding the amount set in the Senate bill by an outrageous $1.5 billion, and by exceeding the House bill by $163 million. Both Houses voted for defense bills substantially lower than the conference report figure, and now we are being asked to approve, without chance for amendment, this inflated figure. Mr. Speaker, this is a disgrace which violates the integrity of the legislative process.

At this time our economic situation is extremely serious: unemployment is rampant. Many hard-working citizens have lost their jobs; families have been split; the sick have gone uncared for; many children are hungry. Yet, we continue to pour money into wasteful defense programs at an unprecedented rate, without the same scrutiny that has been applied to many of the Gvernment programs which assist the most desperate and deserving individuals in our society. We are spending money on weapons which have never been independently tested, for a B-1 bomber which will be obsolete before it is ever deployed, for fighting vehicles that endanger the lives of the soldiers inside, and for a host of other weapons that are purchased in a manner which institutionalizes waste and inefficiency. Mr. Speaker, I cannot support this conference report, and I urge my colleagues to vote against this measure. We must instill some sanity in our defense-spending policies to insure that the security of the American people is adequately protected.●

● Mr. FAUNTROY. Mr. Speaker, I rise in opposition to the conference report on the Defense Department authorization for 1984.

I oppose this conference report because the agreement authorizes $115 million for nerve gas weapons despite a previous vote of this body to deny any funding for nerve gas weapons. This provision violates the expressed will of this body when it voted on June 15, 1983, to bar the production of nerve gas. We barred this chemical weapon on both strategic and moral grounds. On strategic grounds many, including the General Accounting Office, questioned the reliability of binary chemical weapons. It was also felt that the United States had sufficient quantities of more reliable unitary chemical weapons. More importantly, such chemical weapons are not containable and are as dangerous to those who employ them as they are to the intended victims.

Production of these lethal weapons would end a 14-year moratorium begun by our country in 1969. At that time, our Nation pledged that the United States would never use biological weaponry and would use chemical warfare only in retaliation. It would be unwise to begin now a new arms race with these most dangerous of weapons in this most dangerous international environment.

There are other problems with this conference report which includes $4.83 billion for the destabilizing and useless MX missile and $5.63 billion for procurement of the strategically flawed B-1 bomber. These big ticket items will not buy our people more security in a dangerous world. They simply represent a waste of scarce resources and revenue.

I urge a "no" vote on this conference report.●

Mr. PRICE. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the conference report.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. ZABLOCKI. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 266, nays 152, not voting 15, as follows:

[Roll No. 339]

YEAS—266

Akaka	Alexander	Andrews (TX)
Albosta	Andrews (NC)	Annunzio

Anthony	Hall, Ralph	Nichols
Archer	Hall, Sam	Nielson
Aspin	Hamilton	Nowak
Badham	Hammerschmidt	O'Brien
Barnard	Hansen (ID)	Olin
Bartlett	Hansen (UT)	Ortiz
Bateman	Hartnett	Oxley
Bennett	Hatcher	Packard
Bereuter	Hefner	Patman
Bevill	Hightower	Pepper
Biaggi	Hiler	Perkins
Bilirakis	Hillis	Pickle
Billey	Hopkins	Price
Boehlert	Howard	Pursell
Boggs	Hoyer	Quillen
Boland	Hubbard	Ratchford
Boucher	Huckaby	Ray
Breaux	Hunter	Regula
Britt	Hutto	Reid
Brooks	Hyde	Richardson
Broomfield	Ireland	Ridge
Broyhill	Jacobs	Rinaldo
Bryant	Johnson	Ritter
Burton (IN)	Jones (OK)	Roberts
Byron	Jones (TN)	Robinson
Campbell	Kasich	Roe
Carney	Kazen	Rogers
Carper	Kemp	Rose
Chandler	Kennelly	Roth
Chappell	Kindness	Rowland
Chappie	Kolter	Rudd
Cheney	Kramer	Sawyer
Clarke	LaFalce	Schaefer
Coats	Lagomarsino	Schulze
Coelho	Latta	Sharp
Coleman (TX)	Leath	Shaw
Conable	Lent	Shelby
Cooper	Levitas	Shumway
Corcoran	Lewis (CA)	Shuster
Courter	Lewis (FL)	Siljander
Coyne	Lipinski	Sisisky
Craig	Livingston	Skeen
Crane, Daniel	Lloyd	Skelton
Crane, Philip	Loeffler	Slattery
Daniel	Long (LA)	Smith (FL)
Dannemeyer	Long (MD)	Smith (NE)
Daschle	Lott	Smith (NJ)
Daub	Lowery (CA)	Smith, Denny
Davis	Lujan	Smith, Robert
de la Garza	Lungren	Snyder
DeWine	Mack	Solomon
Dickinson	MacKay	Spence
Dicks	Madigan	Spratt
Dowdy	Marlenee	Staggers
Dreier	Marriott	Stangeland
Duncan	Martin (IL)	Stenholm
Durbin	Martin (NC)	Stratton
Dwyer	Martin (NY)	Stump
Dyson	Matsui	Sundquist
Edwards (AL)	Mavroules	Synar
Edwards (OK)	Mazzoli	Tallon
Emerson	McCain	Tauzin
English	McCandless	Taylor
Erdreich	McCloskey	Thomas (CA)
Erlenborn	McCollum	Thomas (GA)
Fazio	McCurdy	Valentine
Fiedler	McDade	Vander Jagt
Fields	McEwen	Vandergriff
Flippo	McGrath	Vucanovich
Florio	McNulty	Walker
Foley	Mica	Watkins
Fowler	Michel	Whitehurst
Franklin	Miller (OH)	Whitley
Frost	Minish	Whittaker
Fuqua	Molinari	Whitten
Gaydos	Mollohan	Williams (OH)
Gekas	Montgomery	Wilson
Gephardt	Moore	Winn
Gibbons	Moorhead	Wise
Gilman	Morrison (WA)	Wolf
Gingrich	Mrazek	Wortley
Glickman	Murphy	Wright
Gonzalez	Murtha	Wylie
Gore	Myers	Yatron
Gradison	Natcher	Young (FL)
Gramm	Neal	Young (MO)
Guarini	Nelson	

NAYS—152

Ackerman	Bates	Bonker
Addabbo	Bedell	Borski
Anderson	Beilenson	Bosco
Applegate	Berman	Boxer
AuCoin	Bethune	Brown (CA)
Barnes	Bonior	Brown (CO)
Burton (CA)	Horton	Rodino
Carr	Hughes	Roemer
Clay	Jeffords	Rostenkowski
Clinger	Kaptur	Roukema
Collins	Kastenmeier	Russo
Conte	Kildee	Sabo
Conyers	Kogovsek	Savage
Crockett	Kostmayer	Scheuer
D'Amours	Lantos	Schneider
Dingell	Leach	Schroeder
Dixon	Lehman (CA)	Schumer
Donnelly	Lehman (FL)	Seiberling
Dorgan	Leland	Sensenbrenner
Downey	Levin	Shannon
Dymally	Levine	Sikorski
Early	Lowry (WA)	Simon
Eckart	Luken	Smith (IA)
Edgar	Lundine	Snowe
Edwards (CA)	Markey	Solarz
Evans (IA)	Martinez	Stark
Evans (IL)	McHugh	Stokes
Fascell	McKernan	Studds
Feighan	McKinney	Swift
Ferraro	Mikulski	Tauke
Fish	Miller (CA)	Torres
Foglietta	Mineta	Torricelli
Ford (MI)	Mitchell	Towns
Ford (TN)	Moakley	Traxler
Forsythe	Moody	Udall
Frank	Morrison (CT)	Vento
Frenzel	Oakar	Volkmer
Garcia	Oberstar	Walgren
Gejdenson	Obey	Waxman
Goodling	Ottinger	Weaver
Gray	Owens	Weber
Green	Panetta	Weiss
Gregg	Patterson	Wheat
Gunderson	Paul	Williams (MT)
Hall (IN)	Pease	Wirth
Hall (OH)	Penny	Wolpe
Harkin	Petri	Wyden
Harrison	Porter	Yates
Hawkins	Pritchard	Zablocki
Hayes	Rahall	Zschau
Hertel	Rangel	

NOT VOTING—15

Boner	Hance	Parris
Coleman (MO)	Heftel	Pashayan
Coughlin	Holt	Roybal
Dellums	Jenkins	St Germain
Derrick	Jones (NC)	Young (AK)

□ 1210

The Clerk announced the following pairs:

On this vote:

Mr. Boner of Tennessee for, with Mr. Dellums against.

Mr. Parris for, with Mr. Coughlin against.

Messrs. WEBER, HUGHES, and TORRICELLI changed their vote from "yea" to "nay."

Messrs. SLATTERY and SMITH of Florida changed their vote from "nay" to "yea."

So the conference report was agreed to.

The result of the vote was announced as above recorded.

The SPEAKER. Without objection, the Senate amendment to the title of the Senate bill is concurred in, so that the title reads as follows: "An act to authorize appropriations for fiscal year 1984 for the Armed Forces for procurement, for research, development, test, and evaluation, and for operation and maintenance, to prescribe personnel strengths for such fiscal year for the Armed Forces and for civilian employees of the Department of Defense, to authorize appropriations for such fiscal year for civil defense, and for other purposes."

There was no objection.

A motion to reconsider was laid on the table.

□ 1220

GENERAL LEAVE

Mr. PRICE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the conference report on the Senate bill S. 675, Department of Defense Authorization Act for 1984.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

TRADE ACT OF 1974 AMENDMENTS

The SPEAKER. Pursuant to House Resolution 299 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 3391.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 3391) to improve worker training under the Trade Act of 1974, and for other purposes, with Mr. KILDEE in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose on Wednesday, September 14, 1983, the bill had been considered as having been read for amendment under the 5-minute rule.

No amendments are in order except amendments printed in the CONGRESSIONAL RECORD of September 12, 1983, by, and if offered by, Representative FRENZEL.

Does the gentleman from Minnesota (Mr. FRENZEL) offer an amendment made in order under the rule?

AMENDMENT OFFERED BY MR. FRENZEL

Mr. FRENZEL. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. FRENZEL: On page 9, strike line 1 and all that follows thereafter through the material after line 20 on page 10 (section 7), and insert in lieu thereof:

SEC. 7. AUTHORIZATION OF APPROPRIATIONS.

(a) Section 245 of the Trade Act of 1974 (19 U.S.C. 2317) is amended to read as follows:

"SEC. 245. AUTHORIZATION OF APPROPRIATIONS FOR ADJUSTMENT ASSISTANCE FOR WORKERS AND FIRMS.

For the purpose of carrying out the provisions of this chapter and chapter 3 (including any administrative costs for such chapters), there are hereby authorized to be appropriated—

"(a) for fiscal year 1984, $217 million, of which not more than $27,500,000 shall be

available for adjustment assistance to firms under chapter 3; and

"(b) for fiscal year 1985, $163 million, of which not more than $27,500,000 shall be available for adjustment assistance to firms under chaper 3."

(b) The item in the table of contents to the Trade Act of 1974 that refers to section 245 is amended to read as follows:

"SEC. 245. AUTHORIZATION OF APPROPRIATIONS FOR ADJUSTMENT ASSISTANCE FOR WORKERS AND FIRMS".

Mr. FRENZEL (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

The CHAIRMAN. The gentleman from Minnesota (Mr. FRENZEL) will be recognized for 15 minutes, and the gentleman from Florida (Mr. GIBBONS) will be recognized for 15 minutes.

The Chair recognizes the gentleman from Minnesota (Mr. FRENZEL).

Mr. FRENZEL. Mr. Chairman, I yield myself 6 minutes.

First, I would like to make a general statement of how I, at least, plan to handle the remainder of this bill, and how I think the majority wishes to handle it as well.

There are two amendments of mine left, which were made in order by the Rules Committee. Because they are very similar, as they had to be at the time I was obliged to go to the Rules Committee to present them, it is my intention only to ask for a vote on the first one, which is the amendment now pending.

My understanding is that the majority has agreed to this and I hope that we need not go through the quorum call procedure, but will move directly to a vote.

On the second amendment, I should like to take a modest amount of time to say something wonderful about it, but I have agreed not to ask for a recorded vote.

After that, when the Committee rises, it is my intention to move a motion to recommit with instructions to set a ceiling on the expenditures in this bill. The ceiling will be the amount in the budget resolution approved by the Congress.

After that, I hope we will have a vote on final passage and then the House may move on to other things. At least that is the way I hope things will go.

Mr. Chairman, throughout the debate on this bill and amendments thereto, I have complained mightily, but with a great lack of success, about the special amount that is created in this bill. In my judgment it is nothing more or less the old trust fund which isolates a particular portion of Government revenues. In this case it comes from the Customs receipts, for a particular purpose which may or may not, relate to these receipts.

Our Federal Government authorizing budgeting and appropriations system should have as few of these trust funds or special accounts as possible.

What this particular bill does is to force the budget-appropriations-authorization concept to the outer limits. It is not, in effect, an entitlement, but it is an entitlement of the receipts of the funding available for the purposes of the bill.

The money is reserved through the year and, to be sure, the Appropriations Committee must appropriate that money before it can be spent. But, based on rulings of at least some courts with repsect to this kind of legislation, my judgment is that the committee may in fact find itself forced legally into appropriating it, and, if not, it will certainly have enormous pressure to make the full appropriations requested in this bill.

Worst of all, this trust account, or this special account, is an open-ended account. That is, through it we make available whatever sums may be necessary to fulfill the conditions of the bill.

With the addition of secondary workers and with unknown certifications under this act which may follow, nobody knows how much it will cost. Again, CBO estimated, based on last year's experience, that this bill will cost $217 million. Labor and OMB are now estimating, on the basis of new information, around $500 million.

As I said yesterday, I hope we will get new figures that will tell us, with a little more certainty, what those numbers are.

In any case, this particular amendment eliminates the special account and eliminates all of the entitlement features. This means that, if my amendment is passed, this bill will be a flat out authorization which the Appropriations Committee may then work its will on, in the best traditions of the House of Representatives.

□ 1230

Mr. CONABLE. Mr. Chairman, will the gentleman yield?

Mr. FRENZEL. I yield to the gentleman from New York.

Mr. CONABLE. I thank the gentleman for yielding.

Mr. Chairman, I would just like to say to the gentleman from Minnesota that I deeply regret that there is not more interest in this measure, because if there were, his persuasion would work on much larger numbers of Members than it seems to have worked so far.

Indeed, his performance is in the best tradition of the House. He is taking a courageous stand. He is a fiscal hero. The questions he is raising are pertinent questions that ought to be answered. We should not be in a business as usual mode here when it comes to encouraging this kind of open-ended spending. His amendments have been well addressed to the problems the bill creates.

I personally would like to associate myself with everything he has said in the course of his lonely stand and to assure him that his work is not unappreciated.

Mr. FRENZEL. I thank the gentleman for his comments. I am glad that there are two of us.

Mr. Chairman, as I was saying before I was so wonderfully interrupted, this amendment removes the special account, removes all the entitlement aspects of this bill and puts the House in the position that it should have been in all along. It provides for a simple authorization conforming to the amount of money that the gentleman from Ohio, the principal promoter, said he wanted to spend in this particular bill.

So if you pass this amendment, you eliminate the entitlement; you eliminate the special account; you eliminate the pressure on the Appropriations Committee; you eliminate all of the things that we consider untidy about the processes here; you go back to the normal, honest appropriations authorization budget process that the House should continue.

I hope the amendment is accepted. If it is not, we will set a dangerous precedent for the future that is going to threaten to burst our budget open, even wider than it has been in the past.

Mr. Chairman, I reserve the balance of my time.

Mr. GIBBONS. Mr. Chairman, I yield myself such time as I may consume.

I rise in opposition to the gentleman's amendment No. 3. I do so regretfully because I have a great deal of personal admiration for the gentleman from Minnesota (Mr. FRENZEL), but I think that we have tried his approach and it has not worked. And that is the reason for trying the approach in the bill.

This approach is one that I think will work. If any money is tied up it will be tied up for a very short length of time, for instance, if this were the law now, it would be tied up for 15 more days, because at the end of the fiscal year the money goes into the general revenue fund.

What we are doing here is setting aside some of the tariff revenues that we collect and putting them into a special account, to be held there in that special account so that it can be appropriated out by the Appropriations Committee process into training and other program costs.

We are trying to train people, trying to train people to use their hands and minds and their God-given talents to earn a living. These are people who, through no particular fault of their own, have been forced out of work because of trade impacts.

This training is about the least we can do for them. I wish we could train more people. I would prefer to train more people, but obviously, we have not reached a consensus on that in the House of Representatives.

The reason why we put the money in this special account is that we have found from past experience, regrettable past experience, that nobody ever put in their budget enough money for training and people were denied training, even though training was available, even though the people were available, even though jobs were available for them to move into. We all look at the want ads in the newspapers for jobs and we are always puzzled that you cannot fit the people to the jobs. Well, one of the main reasons you cannot fit the people to the jobs is that the people who are available to go into those kinds of jobs do not have the training for them.

It is regrettable that we have to use this particular type of financing to make sure that this neglected and overlooked part of our people in this country do have the opportunity to get the training.

Let me remind the House that this training is not automatic. The Secretary of Labor has to make a number of findings about job availability, training suitability, whether the person is qualified not only for trade adjustment types of training, but whether they are really qualified to receive the training.

So none of this money is going to be spent in a reckless manner.

As I said yesterday and I want to repeat again today, life is precious. We only go around once and we do not want to deny someone an opportunity, particularly somebody who has been employed and has worked legitimately and has paid their taxes, from the opportunity when conditions change to come back and be retrained and to again participate fully in our society, not only by having a job, but by paying their taxes and participating as an American.

Mr. Chairman, I yield the balance of my time to the gentleman from Ohio (Mr. PEASE), the distinguished primary sponsor of this bill and, really, the guiding spirit behind it, a man whom I admire greatly and a man who has done a wonderful job on this bill.

Mr. PEASE. Mr. Chairman, I do not want this to be too much of a mutual admiration society, but I would like to begin my remarks by thanking my subcommittee chairman, the gentleman from Florida (Mr. GIBBONS) for his unfailing cooperation during the last 9 months or so that we have been working on this bill. And acknowledge his leadership in the program that is now on the law books because in a real sense TAA is a SAM GIBBONS product from earlier incarnations. And I do appreciate his efforts. He is far more experienced and distinguished in this area than I could ever hope to be.

Similarly, I would like to tip my hat to the gentleman from Minnesota (Mr. FRENZEL). While he is opposed to this particular bill, I have found him, during my tenure on the Trade Subcommittee, to be an extremely valuable member of that subcommittee, a worthy adversary, and I am pleased to call him a friend.

Before I begin talking about this specific amendment, I would like to make reference in general to the place of the TAA program in the scheme of things for trade policy in America.

Yesterday, the gentleman from Minnesota indicated his skepticism that TAA was of very much value in promoting free trade in response to my assertion that TAA was an essential element of our whole free trade policy, that as we encourage the lowering of tariffs and goods to come into our country from overseas, it is obvious that there will be losers among our firms and our workers and the TAA program is an essential step to providing some assistance for those dislocated workers.

I would like to call, in that regard, the attention of the House to an article which appeared in Fortune magazine in the March 21, 1983 issue. In that issue there is a long article entitled, "How To Foil Protectionism" by Walter Gezardi, an editor of Fortune magazine, discussing the historical role of TAA.

Mr. Gezardi reports as follows:

International trade was an engine of growth during the Sixties and early Seventies, largely because of the decline in tariffs negotiated through the General Agreement on Tariffs and Trade. World tariffs now average only around 5% of the value of imports. The U.S. led the way in GATT's achievements. Just about every scholar of international trade is convinced that these accomplishments would not have been possible without the TAA.

□ 1240

Let me repeat that:

Just about every scholar of international trade is convinced that these accomplishments in opening up free trade in this world would not have been possible without the TAA program.

Now, Mr. Chairman, I would like to turn to the amendment which is before us and reinforce what the gentleman from Florida has already said.

We are not arguing in this amendment about the amount of money to be spent. That argument came yesterday. The House decided to stick with the bill as it came out of committee. What we are arguing now about is the mechanics of how training will become available to workers or not be available. As I mentioned yesterday, my entire thrust from the beginning, working on this bill, has been to try to figure out a way to make this program work better. We examined the problems. And one of the primary problems that we found is that workers were denied training because the Department of Labor did not have the cash in hand at any given moment. Time and again, workers who had lost their jobs because of imports would go into the local employment office and apply for TAA training funds and be told by the local employment office that there was not at the moment training funds available, so they could not apply and not be approved.

There are presently statutory deadlines by which employees have to apply for training.

Several months later, the worker would read that money was available, would go back to the employment office and be told, "Yes, there is now money available. However, the deadline has passed for you to apply for it."

We have run into dozens and dozens of those cases in my own congressional district.

The special account which we are setting up—not a trust fund; it is a special account—is designed to make sure that workers who are eligible in all of the other respects—and they have to go through about five different tests—will be approved for training so that they can get the training eventually. Indeed, we saw examples in the past where workers were willing to pay for their own training and could not be approved because of the technicality that money was not available.

Mr. Chairman, I want to further state this:

On September 12 a "Dear Colleague" letter was sent to each House Member by our colleague, Representative BARBER CONABLE, urging opposition to the reauthorization bill for the trade adjustment assistance [TAA] program for workers and firms. Attached to that "Dear Colleague" letter was a letter to him from Mr. Lionel Olmer, Under Secretary of Commerce for International Trade, which purports to show that even the TAA program for firms which is considered to be in Mr. CONABLE's words, "the most successful aspect of the TAA program," has delivered few results.

Unfortunately, Mr. Olmer's letter perpetuates a myth about the TAA program for firms which was convincingly dispelled in testimony before the Trade Subcommittee and other committees of the House and Senate. It is a myth that the TAA program for firms—which in reality is a program for firms and industries—is primarily a loan program and that the poor loan

portfolio is a measure of either the activity or the success of the program during the past several years. This myth takes no account of the fact that whereas the program in its early days was exclusively a loan program which built a weak portfolio, it is now primarily a technical assistance program which not only protects against weak loans and most often, avoids Government loans altogether in favor of repositioning a firm by other means.

The facts are that since fiscal year 1979 both the number of firms receiving loans and the total loan dollars have decreased. In fact, the cumulative decline is more than 500 percent. The loan activity since fiscal year 1982 has been negligible, accounting for only 5.7 percent of the total dollars in the portfolio and only 4.2 percent of the firms who have received loans. Not one firm brought into the TAA program under the auspices of the International Trade Administration has defaulted.

Ironically, under the Reagan administration the TAA program has been both fiscally responsible and successful in helping beleaguered firms. The credit criteria are tougher, the assets protecting loans are stronger, and the loans are better secured. But the real story of the program for firms is that in counterpoint to the approximately 300 firms that have received loan assistance, there have been more than 2,200 firms assisted overall. Since fiscal year 1981, less than 2 percent of the firms receiving TAA assistance have received loans.

Clearly, the amount of loan exposure in recent years is extraordinarily small and the program's early practices are past history. Just as clearly, the real success of the program for firms is the vital technical assistance it provides. More than 85 percent of the firms which have gotten TAA help are still operating, competing, and employing people—an achievement by any measure, but especially significant during a period when small businesses in basic industries have been failing at a record rate. Besides the technical assistance which firms have received, the TAA program has obtained more than $130 million for firms through non-Federal sources. And industry projects have helped whole classes of firms to compete more effectively.

Do not be misled by Mr. Olmer's statement that program benefits accrue to "only a handful of firms in a limited number of industries." The 2,200 firms that have received TAA assistance have employed nearly 250,000 people and are producing products in 240 standard industrial classifications. These firms and workers are arrayed across the national landscape from Maine to Hawaii.

In fact, the TAA program for firms has achieved great success at remarkably little cost. Last year, the TAA program worked with firms employing more than 120,000 Americans. The average cost of technical assistance per employee was $150. For an outlay of less than 1 week of unemployment compensation benefits more than $200 million was returned to the Treasury in employee taxes. In 1 year, this is more than 7 times the fiscal year 1983 budget for the firm program, more than 10 times the face amount of the loans in calendar 1982, and more than 60 percent of all the loans made between 1975 and 1982. The return exceeds the combined total of 1982 loans plus the 1983 program budget by a whopping 660 percent. The results are especially notable for having been achieved on a budget which is 44 percent less than the President proposed in his first budget message.

The attack made upon the TAA program for firms by the Reagan administration and attempts to discredit this program by opponents of this bill are a disservice to many struggling small businesses desperately trying to keep their doors open in the face of a flood of imports. Voting for H.R. 3391 without weakening amendments is clearly a prudent way to prevent even further loss of American jobs in our small business community.

In summation, the TAA program for workers and firms addresses two critical problems confronting our country at this time. The worker program seeks to help those who have lost their jobs to imports to maintain themselves while they look for and train for new jobs. The firms program helps those who have jobs to keep them by making their employers more competitive in the long term.

A recent study on prospective job losses from imports was conducted by a private consulting firm for the Commerce Department. That study projects losses of more than 130,000 jobs from 1982-84 in only 5 of the more than 200 industries that were examined. Those five industries studied did not include those employing large numbers of Americans like apparel, textiles, footwear, and steel.

The frightening statistics on job loss and business decline are enough to guarantee strong popular demand for more protection. An effective TAA program for workers and firms is no substitute for meaningful jobs for those most heavily affected by imports. But an effective TAA program is one element of a more effective trade policy for our country.

Mr. OBERSTAR. Mr. Chairman, will the gentleman yield?

Mr. PEASE. I yield to the gentleman from Minnesota.

Mr. OBERSTAR. Mr. Chairman, this special account is the heart of this legislation. The gentleman has described it very well. The chairman of the subcommittee has described it very well.

If we are to engender confidence among workers in target industries, that is, industries that are targeted by foreign governments and companies for competition, who have lost or in the future will lose their jobs, if they are going to have any confidence that the Government cares about them, that the system will work, this special account is it. This is the guarantee of trust on the part of the workers and of sincerity on the part of the Government.

I have had the same experience in my congressional district where workers in the iron ore processing industry that we call taconite have applied for benefits and have been told they were eligible but have also been told that there is no money. It does not make sense, and it has engendered fury on the part of workers. This is that pledge of trust by the Government that we mean what we say when we pass this legislation.

Mr. PEASE. I thank the gentleman for his contribution.

Mr. VENTO. Mr. Chairman, will the gentleman yield?

Mr. PEASE. I yield to the gentleman from Minnesota.

Mr. VENTO. Mr. Chairman, I want to commend the gentleman and the efforts of the committee members in terms of trying to make whole the trade adjustment assistance program, especially in terms of the training program. It has been a serious problem in terms of the underfunding of it and the erratic funding of it. Clearly, if we are going to be internationally competitive in terms of our products and move our industries along, we are going to have to have a program that addresses the legitimate concern of workers and businesses.

This is a modest program, it is a well-structured program. Hopefully the resources anticipated will be available in a timely manner to keep the commitments that are being made in this legislation.

Mr. Chairman, I rise in strong support of H.R. 3391, the Worker and Firm Trade Adjustment Assistance Act. I urge my colleagues to support this bill.

Since its enactment the trade adjustment assistance program has been a positive part of our Nation's policy to help the unemployed. Established to meet the severe impacts of dislocation caused by changes in trade policy, the TAA has provided essential financial job search, relocation, and training assistance for workers who have lost their jobs because of our trade policies. The program also makes assistance available to firms similarly affected. With both programs, strict guidelines are in place to insure that this assistance is directed only to those truly affected by trade.

H.R. 3391 reauthorizes the trade adjustment assistance and makes modifications to increase its direction toward retraining. I believe that this is a proper direction. We must increase our Nation's retraining efforts. Many of the jobs lost as a result of trade policies and the recession will simply not be recoverd.

Mr. Chairman, trade adjustment assistance remains an important safety net for millions of unemployed. During a Banking Subcommittee on Economic Stabilization hearing this week, a representative of the United Auto Workers, one of the largest groups of workers hurt by our trade policies, detailed the problems facing auto workers. Mr. Sheldon Friedman, UAW research director, reported that in 1982 auto-related jobs had dropped by over 1 million from 1978 levels and that many of those laid off workers were having great difficulty in finding new jobs. Trade adjustment has provided essential services to these Americans and has helped those few fortunate individuals to get new jobs.

I realize that this program has its detractors, but their criticisms are misdirected.

Some would say that we are in the midst of an economic recovery and that this aid is no longer needed. The proclamation of recovery constantly amazes me. Only under this "Alice-in-Wonderland" administration can a 9.5-percent unemployment rate be considered a recovery. The well over 10 million unemployed have not enjoyed the fruits of recovery. They still desperately need our help and commitment. As Mr. Friedman testified, the current fragile recovery will only have limited positive impact on autoworkers. While some workers in auto related industries will be called back, these will still be 900,000 below 1978 levels.

Mr. Chairman, this House has had long debate on our trade policies and I am certain that this issue will be the subject of future debate. However, one point is not subject to disagreement. Our trade policies do have an impact on jobs and American workers. In determining those policies, Congress and the administration have a moral responsibility to those who suffer economic dislocation. We should not and cannot turn our backs on those who have lost their jobs in the name of free trade.

Some constantly deplore the ability of our economy to adjust to changing competition internationally and the tendency toward protectionism, but then when basic measures and laws are put forth to ease the impact of trade and mitigate the negative effects of questionable foreign government-assisted competition, they decline to support those measures. I think that we would do well to support such measures as H.R. 3391 and help working Americans adjust to the serious change in the international marketplace.

Mr. PEASE. I thank the gentleman very much.

Mr. Chairman, let me emphasize again that this special account in no way bypasses the normal appropriations process. Money is authorized or appropriated into the special account for the purposes that we have been mentioning today. No money can be appropriated out of the special account except by the Appropriations Committee in the normal process. So we are not setting up anything unusual here, merely seeking to guarantee that workers will not be denied the opportunity to be trained because of a fluke in the statutory wording of the law.

With that, I urge defeat of this Frenzel amendment, and I reserve the balance of my time.

Mr. FRENZEL. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Ohio (Mr. KINDNESS).

Mr. KINDNESS. Mr. Chairman, I thank the gentleman from Minnesota for yielding this time. It is taken for the purpose of supporting the amendment that is offered by the gentleman from Minnesota. I realize that it is a bit like shouting down an empty barrel at the moment. But I just feel that it is terribly important for us to take the time to at least consider how those who would be benefited by this legislation are different as individuals from others who are just as much entitled to training assistance from their Government.

Why is this grouping of individuals more entitled to a guarantee of the predictability of funding than the man who has lost his job or the woman who has lost her job as a result of tax policies of the U.S. Government, as a result of other types of regulatory policies established by the U.S. Government under laws passed by this Congress?

We have created the problem. We have created it over the years. One way or another, governmental policies have done what has happened to these people who are now to be benefited. But it is not only through our trade policies. It's our tax policies, our environmental policies, our safety policies. A law is passed by this Congress, one after another, over the last 15 or 17 years, thereabouts. We have piled on quite a bit with which to deal on the part of those who provide jobs or job opportunities for Americans.

I find it very difficult to differentiate between the person who has lost his job, has seen it disappear, as a result of tax policy or environmental policy, or whatever it may be, perfectly valid and good policies, in all likelihood, in many cases, although I question that in the case of tax policy. I think it was terribly shortsighted for us not to allow enough reinvestment in new plant and machinery and equipment in this country until just 2 years ago, because our depreciation allowance was inadequate.

We have people who are affected by those policies and their jobs are gone. Why do we differentiate between some and others? I do not think it is appropriate, rational, or reasonable to do so. It is only because of the specific focus that has been directed upon this program that we now say, "Instead of following the usual procedures of funding, the usual pattern of funding, this program will have an assured mechanism for providing the funding." That is to separate it, presumably, from the Jobs Partnership Training Act. Are those people under the Jobs Partnership Training Act, or any other program this Congress might establish, any less entitled to an assurance of funding? I would say the Frenzel amendment No. 3 ought to be supported, it ought to be adopted. We ought to deal with this as we do with those programs affecting other individuals who are adversely affected.

Mr. FRENZEL. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, I take this time to thank the gentleman from Ohio and the gentleman from Florida for their kind sentiments and to suggest that all of us are looking for a way to provide effective training and to restore individuals who are seeking work back into productive life.

□ 1250

This committee is under some difficulty, however, because we do not have jurisdiction over the training programs themselves. All we can do is authorize money and hope that somebody in the Department of Labor and in the affected States and in the private sector employer and employee groups that are involved in these things will develop a system that will provide training for real jobs that exist, or may exist in the future, in the real world.

Whatever our discussions about this bill, I think that is the intent of everyone involved here. Again, I thank the gentlemen for their flattering comments.

Mr. Chairman, I reserve the balance of my time.

Mr. PEASE. Mr. Chairman, I yield myself 1 minute.

I think we have discussed this amendment at sufficient length. It is not necessary to extend the discussion.

In reply to my colleague from Ohio, however, I would say only that Federal tax policy and environmental policy may lead to the loss of jobs, but that is secondary and incidental and not on purpose; whereas, when we reduced the tariffs over the years, as we have, we knew at the time we were doing

that that it would create a loss of jobs in this country.

Mr. KINDNESS. Mr. Chairman, will the gentleman yield on that point?

Mr. PEASE. I would be happy to yield to the gentleman from Ohio.

Mr. KINDNESS. I thank the gentleman for yielding.

Mr. Chairman, although it may not have been a concrete realization on the part of the Congress when it established tax policies that would eliminate jobs, those who were wise enough to see it did try to warn of it. The same was true with some of the other policies established.

I think the gentleman is attempting to differentiate between policies where no differentiation can really be made.

Mr. PEASE. I appreciate the comment of my colleague, and I am sure he was one of the persons who tried to warn us against our folly in past years.

Mr. Chairman, I yield back the balance of my time.

Mr. GIBBONS. Mr. Chairman, I yield myself the remaining time.

Mr. Chairman, we do not live in a vacuum. Some of this unemployment has been created by unfair trade practices that have not been properly remedied under our existing law. We hope to be moving on those kinds of remedies this year in this Congress on this floor, and I hope they will pass.

I say all this because we now are faced with the situation where we have a great many unemployed people who must be trained. This is our attempt to get them back into productive life. I hope that the Members will oppose the Frenzel amendment.

Mr. FRENZEL. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota (Mr. FRENZEL).

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. FRENZEL. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 173, noes 231, not voting 29, as follows:

[Roll No. 340]

AYES—173

Andrews (TX)	Carney	DeWine
Archer	Carper	Dickinson
Badham	Chandler	Donnelly
Barnard	Chappie	Dorgan
Bartlett	Cheney	Dreier
Bateman	Clinger	Edwards (AL)
Beilenson	Conable	Edwards (OK)
Bereuter	Corcoran	Emerson
Bethune	Coughlin	English
Bilirakis	Courter	Erlenborn
Bliley	Craig	Evans (IA)
Breaux	Crane, Daniel	Fiedler
Britt	Crane, Philip	Fish
Broomfield	D'Amours	Forsythe
Brown (CO)	Daniel	Franklin
Broyhill	Dannemeyer	Frenzel
Burton (IN)	Daschle	Gekas
Campbell	Daub	Gingrich
Glickman	Martin (IL)	Schaefer
Goodling	Martin (NC)	Schulze
Gradison	McCain	Sensenbrenner
Gramm	McCandless	Shaw
Green	McCollum	Shumway
Gregg	McCurdy	Shuster
Gunderson	McGrath	Siljander
Hammerschmidt	McKinney	Skeen
Hansen (ID)	Mica	Slattery
Hansen (UT)	Michel	Smith (NE)
Hartnett	Miller (OH)	Smith, Denny
Hiler	Molinari	Smith, Robert
Hopkins	Montgomery	Snyder
Hughes	Moore	Solomon
Hunter	Moorhead	Spence
Hyde	Morrison (WA)	Stangeland
Ireland	Myers	Stump
Jenkins	Neal	Sundquist
Johnson	Nichols	Synar
Jones (OK)	Nielson	Tauke
Kasich	Olin	Tauzin
Kemp	Oxley	Taylor
Kindness	Packard	Thomas (CA)
Kramer	Panetta	Thomas (GA)
Lagomarsino	Patman	Valentine
Lent	Paul	Vander Jagt
Levitas	Porter	Vandergriff
Lewis (CA)	Pritchard	Vucanovich
Lewis (FL)	Quillen	Walker
Livingston	Ray	Watkins
Lloyd	Reid	Weber
Loeffler	Ridge	Whitehurst
Lott	Ritter	Whittaker
Lowery (CA)	Roberts	Winn
Lujan	Robinson	Wolf
Lungren	Roemer	Wortley
Mack	Rogers	Wylie
Madigan	Roukema	Young (FL)
Marlenee	Rowland	Zschau
Marriott	Rudd	

NOES—231

Ackerman	Dymally	Kennelly
Addabbo	Dyson	Kildee
Akaka	Early	Kogovsek
Albosta	Eckart	Kolter
Alexander	Edwards (CA)	Kostmayer
Anderson	Erdreich	LaFalce
Andrews (NC)	Evans (IL)	Lantos
Annunzio	Fascell	Leach
Anthony	Fazio	Leath
Applegate	Feighan	Lehman (FL)
Aspin	Ferraro	Leland
AuCoin	Fields	Levin
Barnes	Flippo	Levine
Bates	Florio	Lipinski
Bedell	Foglietta	Long (LA)
Bennett	Foley	Long (MD)
Berman	Ford (MI)	Lowry (WA)
Bevill	Ford (TN)	Luken
Boehlert	Fowler	Lundine
Boggs	Frost	MacKay
Boland	Fuqua	Markey
Bonior	Garcia	Martin (NY)
Bonker	Gaydos	Martinez
Borski	Gejdenson	Matsui
Bosco	Gephardt	Mavroules
Boucher	Gibbons	Mazzoli
Boxer	Gilman	McCloskey
Brooks	Gonzalez	McDade
Brown (CA)	Gore	McEwen
Bryant	Gray	McHugh
Burton (CA)	Guarini	McKernan
Byron	Hall (IN)	McNulty
Carr	Hall (OH)	Mikulski
Chappell	Hall, Ralph	Mineta
Clarke	Hall, Sam	Minish
Clay	Hamilton	Mitchell
Coats	Harkin	Moakley
Coleman (TX)	Harrison	Mollohan
Collins	Hatcher	Moody
Conte	Hawkins	Morrison (CT)
Cooper	Hayes	Mrazek
Coyne	Hertel	Murphy
Crockett	Hightower	Murtha
Davis	Hillis	Natcher
de la Garza	Horton	Nelson
Dicks	Howard	Nowak
Dingell	Hoyer	O'Brien
Dixon	Hubbard	Oakar
Dowdy	Hutto	Oberstar
Downey	Jacobs	Obey
Duncan	Jeffords	Ortiz
Durbin	Jones (TN)	Ottinger
Dwyer	Kazen	Owens
Pease	Schneider	Towns
Penny	Schroeder	Traxler
Pepper	Schumer	Udall
Perkins	Seiberling	Vento
Petri	Shannon	Volkmer
Pickle	Sharp	Walgren
Price	Shelby	Waxman
Pursell	Sikorski	Weaver
Rahall	Simon	Weiss
Rangel	Sisisky	Wheat
Ratchford	Skelton	Whitley
Regula	Smith (FL)	Whitten
Richardson	Smith (IA)	Williams (MT)
Rinaldo	Smith (NJ)	Williams (OH)
Rodino	Snowe	Wilson
Roe	Spratt	Wirth
Rose	Staggers	Wise
Rostenkowski	Stokes	Wolpe
Roybal	Stratton	Wright
Russo	Studds	Wyden
Sabo	Swift	Yates
Savage	Tallon	Yatron
Sawyer	Torres	Young (MO)
Scheuer	Torricelli	Zablocki

NOT VOTING—29

Biaggi	Hefner	Parris
Boner	Heftel	Pashayan
Coelho	Holt	Patterson
Coleman (MO)	Huckaby	Roth
Conyers	Jones (NC)	Solarz
Dellums	Kaptur	St Germain
Derrick	Kastenmeier	Stark
Edgar	Latta	Stenholm
Frank	Lehman (CA)	Young (AK)
Hance	Miller (CA)	

□ 1300

The Clerk announced the following pairs:

On this vote:

Mr. Latta for, with Mr. Dellums against.

Mr. Parris for, with Ms. Kaptur against.

Mr. Young of Alaska for, with Mr. Boner of Tennessee against.

Mr. Pashayan for, with Mr. Solarz against.

Mr. BEILENSON, Mr. FISH, and Mrs. LLOYD changed their votes from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

□ 1310

AMENDMENT OFFERED BY MR. FRENZEL

Mr. FRENZEL. Mr. Chairman, I have an amendment at the desk entitled No. 4, and I offer that amendment.

The Clerk read as follows:

Amendment offered by Mr. FRENZEL: On page 9, strike line 1 and all that follows thereafter through the material after line 20 on page 10 (section 7), and insert in lieu thereof:

SEC. 7. AUTHORIZATION OF APPROPRIATIONS.

(a) section 245 of the Trade Act of 1974 (19 U.S.C. 2317) is amended to read as follows:

"SEC. 245. AUTHORIZATION OF APPROPRIATIONS FOR ADJUSTMENT ASSISTANCE FOR WORKERS AND FIRMS.

"(a) For the purpose of carrying out the provisions of part I of this chapter (including any administrative costs), there are hereby authorized to be appropriated such sums as may be necessary for each of fiscal years 1984 and 1985.

"(b) For the purpose of carrying out the provisions of parts II and III of this chapter and chapter 3 (including any administrative costs), there are hereby authorized to be appropriated—

"(A) for fiscal year 1984, $172 million, of which not more than $27,500,000 shall be

available for adjustment assistance to firms under chapter 3; and

"(B) for fiscal year 1985, $118 million, of which not more than $27,500,000 shall be available for adjustment assistance to firms under chapter 3."

"(b) The item in the table of contents to the Trade Act of 1974 that refers to section 245 is amended to read as follows:

"SEC. 245. AUTHORIZATION OF APPROPRIATIONS FOR ADJUSTMENT ASSISTANCE FOR WORKERS AND FIRMS.

Mr. FRENZEL. Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. FRENZEL. Mr. Chairman, I yield myself 5 minutes.

Mr. Chairman, as I explained earlier it is not my intention to request a vote on this particular amendment. It is substantially similar to the amendment on which we have just voted.

I am pleased that at least there are 170-plus Members of this body who were willing to express themselves in favor of the authorization-appropriation process rather than to allow a committee to end run that process by means of entitlements.

This amendment which now is pending is a very similar amendment and is before us only because I was obliged to draw amendments hastily and have them approved by the Rules Committee when this bill was originally made in line for floor work back before the August recess.

The amendment before the committee now also eliminates the special fund and also calls for an authorization. The difference between it and the previous amendment is that there is an exception for that part of the existing law which has been interpreted as an entitlement. It is preserved as an entitlement.

As I said before, it is substantially similar, and I think it needs very little further discussion.

However, Mr. Chairman, I would like to take a bit of this time to explain my amendment to recommit with instructions, which I shall offer at the appropriate time. That particular motion to recommit would in effect add an amendment as follows:

Notwithstanding any other provision of this Act the total amount appropriated to the special account shall not exceed the appropriate level set forth in H. Con. Res. 91, the First Concurrent Resolution on the Budget for the fiscal year 1984 as approved by Congress.

What the motion to recommit will do, then, is to insure that we do not exceed the amount of money approved in our first budget resolution. The motion to recommit assumes that the Members who voted for that resolution meant what they said. Since they voted for that budget resolution the economy has improved, automobile sales have improved, other sectors of our economy have gove forward as well. There is even more reason today to protect the budget amounts now than there was at the time we voted for the budget.

Therefore, Mr. Chairman, it seems to me that this is perhaps the most modest of amendments that I could possibly offer. I offer the motion to recommit, to give all those Members who want to stand up for the budget a chance to vote for an amendment that specifically refers to the budget resolution a chance to do so.

I do not change the other features of the bill. Obviously, it will provide less money, there will be less latitude for those who administer the bill. But, it seems to me to be a responsible compromise that does not completely wreck the bill, and, at the same time, attempts to at least live up to what we said we would do under the budget resolution.

Mr. Chairman, as I said several times before, I do not intend to seek a vote on the amendment which is now pending and I reserve the balance of my time.

Mr. GIBBONS. I yield myself such time as I may consume.

Mr. Chairman, I rise in opposition to the Frenzel amendment, and I hope we can dispose of this rapidly.

Mr. ALBOSTA. Mr. Chairman, will the gentleman yield?

Mr. GIBBONS. I yield to the gentleman from Michigan.

Mr. ALBOSTA. Mr. Chairman, the headline from a recent Michigan Employment Security Commission news release stated: "August Jobless Rate Shows Little Change." Such news is hardly encouraging to my home State where unemployment rages on at 14.3 percent. In fact, unemployment has not been below a double digit figure since December 1979. Part of this rate is attributable to unfair trade practices, whereby countries impose great restrictions on our exports, yet our own markets are wide open to their products. The American car industry, for example, has suffered from this and as a result has contributed to my State's high unemployment rate. The Trade Adjustment Assistance Act, therefore, has been one bright spot these past years by compensating laid-off workers for the unfair trade practices.

I am pleased that there have been modifications to make the implementation of the act and the spending of its funds even more effective. Funds will be directed not only to paying the vital unemployment benefits, but also to training the laid-off worker with skills to reenter the work force. By supplementing the JTPA, which is clearly inadequate to meet the needs of our vast numbers of unemployed, the unemployed can work again through the employment services, job search and relocation expenses, and retraining services provided by TAA. And, although I believe that firms that relocate abroad to manufacture should be penalized themselves for abandoning the American workplace, I welcome the intermediate step of assisting those workers affected by the firm's move with certification for TAA. Additionally, we cannot simply abandon companies and the towns that depend on them by saying that their company is no longer competitive and should be allowed to die; instead, by assisting companies to develop new products and processes and increase imports we will be doing more good than relegating these people to the unemployment rolls and thereby furthering the Federal deficit.

There are those who argue that the local content bill, import quotas, or higher tariffs are definitely not the way to combat unfair restrictions placed by other countries on our exports. I would hope, then, that they will not hesitate to vote in support of this bill so that they can demonstrate their concern, at least in some way, for the plight of those suffering from Washington's trade decisions.

Mr. PEASE. Mr. Chairman, will the gentleman yield?

Mr. GIBBONS. Mr. Chairman, I yield the balance of our time on our side to the gentleman from Ohio (Mr. PEASE).

Mr. PEASE. Mr. Chairman, I would just say to the Members on the floor that the gentleman from Minnesota has described the amendment accurately. It is essentially the same amendment that we just defeated. I would ask the Members to again vote against this amendment.

Mr. FRENZEL. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, may I inquire from the majority whether they have any further speakers?

If not, I yield the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota (Mr. FRENZEL).

The amendment was rejected.

● Mr. DASCHLE. Mr. Chairman, although I support, in essence, the aims of H.R. 3391, the Trade Adjustment Assistance Act, I cannot wholeheartedly support any legislative initiatives which would violate the spending levels set by the first concurrent budget resolution. This is why I will vote for the motion to recommit offered by Mr. FRENZEL, which mandates that spending levels established in section 7 of this act shall not exceed the levels set forth in that resolution.

While there is still some confusion over what exactly the effect of this restriction would be on the special account established in that section, it is my clear perception that if there is

even a hint of a brand new entitlement program being created under the legislation which would exceed the budget limits we have established, we should error on the side of caution and defeat it.

As I said, I fully support the aims of the legislation in making sure that there is an adequate training program available for workers who lose their jobs as a result of imports. However, I am becoming more and more convinced that the more we spend over and above the debt limit we have ourselves established, the more and more we exacerbate the economic problems that we are just slowly beginning to recover from. Even though Treasury Secretary Regan has indicated, in a speech yesterday before the chamber of commerce, that he does not feel that the $200 billion deficits we are facing into the foreseeable future will have any effect on the recovery, it appears to me, at least, that they will in fact have a drastic impact, leading to higher interest rates and a resultant premature choking off of that as yet fragile recovery.

It is my hope that we can provide all the assistance and retraining necessary for our dislocated workers, and so I will support final passage of this legislation. But I will not do so until I have made every effort, including voting for the recommittal motion, to make sure that we are acting in a fiscally responsible, as well as compassionate, manner.●

● Mr. FIELDS. Mr. Chairman, I rise in strong support of H.R. 3391, a bill to extend and improve the trade adjustment assistance program.

As a representative with two major steel plants located in my district, I have witnessed firsthand the pain and suffering of hard-working Americans who have been displaced because of foreign imports.

While I will continue to fight for the revitalization of a strong and healthy domestic steel industry and the thousands of jobs that go with it, in the interim I believe that the Federal Government has a responsibility to provide benefits to those workers who have been adversely affected by imports.

Mr. Chairman, the trade adjustment assistance program is the lifeblood for thousands of Americans and this 2-year reauthorization is critically important.

From my own experiences, I have seen the many positive benefits of this program including not only the weekly economic assistance but the job training money which has provided individuals with the opportunity to rebuild their lives for themselves and their families.

In March of this year, after many months of working with the Department of Labor, I was pleased to announce that some 2,500 Armco workers had been certified for trade adjustment assistance. Since that time an additional 311 workers have been added to the rolls.

While the certification process has been slow in recognizing the overwhelming merits of the Baytown United States Steel workers' application, I am hopeful that within a very short period of time these workers will become eligible for trade adjustment assistance.

Mr. Chairman, I also believe that the Ways and Means Committee has made a number of important improvements in this program. For instance, a major inequity has been removed by extending eligibility to workers who supply essential parts or services used in the making of a product adversely affected by imports.

In addition, H.R. 3391 removes the discretionary authority of the Department of Labor to deny an individual worker training funds. Under this bill, if a worker satisfies the statutory requirements, then he will be immediately eligible for the additional 26 weeks of training money.

Other important improvements included within this legislation are: First, a new voucher program which allows workers to seek training on their own from private employers and educational institutions with or without employment service counseling; second, an increase in the maximum job search and relocation allowances from $600 to $800 per month; and third, supplemental assistance of $15 per day for each day a worker is in an approved training program but is not eligible for trade adjustment assistance benefits.

Mr. Chairman, H.R. 3391 is a sound and balanced piece of legislation. It deserves our wholehearted support. In my judgment, we must send a strong signal to the workers of this Nation that if they are displaced or adversely affected by foreign imports, then their Government will not ignore their needs but will provide them with the help and assistance they deserve.

Mr. Chairman, I urge my colleagues to join with me in strongly supporting this 2-year extension and these improvements to the trade adjustment assistance program.●

● Mr. ACKERMAN. Mr. Chairman, I rise in support of H.R. 3391, the Worker and Firm Trade Adjustment Assistance Act.

In 1982, the U.S. trade deficit reached a record high of $48 billion. Today, more than 70 percent of all goods produced in the United States must compete with foreign-made goods. Unemployment rates in U.S. steel and automobile industries have ranged between 30 percent and 40 percent since February 1982. Numerous studies have indicated that many of those unemployed in these industries will not be rehired once the economy improves.

In an attempt to remedy this situation, the trade adjustment assistance (TAA) program helps workers who have lost their jobs due to imports retrain for new jobs. This program also assists U.S. firms meet foreign competition by developing new products and increasing their exports.

Mr. Chairman, the state of our national economy demands passage of H.R. 3391. This bill would reauthorize the Worker and Firm Trade Adjustment Assistance Act at $111 million in fiscal year 1984 and $56 million in fiscal year 1985. The act provides trade adjustment allowances and retraining for workers who are laid off from industries where production or sales have been hurt by imports. The bill also expands coverage to workers in companies that produce component parts for industries that have been affected by imports, and increases the program's emphasis on training. The measure earmarks a percentage of custom duties for a special Treasury account, which would be used to support trade adjustment assistance, and would provide funds to aid firms and industries that are affected by increased import competition.

The bill reduces the income-maintenance aspects of TAA programs and places new emphasis on the training of laid-off employees for new employment. Estimates of the number of jobs lost to imports by early 1983 range from 750,000 to as high as 2 million. Funds appropriated under the Jobs Training Partnership Act will not be sufficient to meet the need for training and other benefits among those who have lost their jobs due to imports, since the JTPA can be expected to aid approximately only 31,500 workers in fiscal year 1983, or 4.2 percent of the lowest estimate of import-caused layoffs.

The funding of a special account for adjustment assistance, by earmarking a percentage of custom duties, will not affect the current eligibility requirements for training assistance, nor will it create new entitlement authority. It will, however, bring equity to our treatment of American workers. As the law currently stands, if two employees lose their jobs due to the effects of imports, but qualify for TAA benefits 6 months apart, it is possible that the later qualifying employee will be unable to collect any benefits due to an exhaustion of program funding. The creation of the account remedies this inequity by insuring that employees who are laid off late in the fiscal year will not fail to receive benefits because the well has run dry.

The bill also corrects a second inequity that currently exists under the program. Consider two employees who have been laid off due to the effect of

imports on the textile industry. Both were employed in the yarn-making process. However, only one of the workers had been employed by a textile firm. Under current law, only that employee is eligible for TAA benefits. The worker laid off from the spindle manufacturer is left to fend for himself. By expanding benefits to unemployed former workers in firms that produce component parts for the industries affected by imports, the bill corrects this second injustice.

Mr. Chairman, this bill is vital if we are to maintain free trade and discourage efforts to enact trade barriers. The bill not only assists workers, but also helps American companies compete with foreign imports. The measure increases from $2 million to $10 million the amount which can be provided to any industry in any given year to support new product or process development, export development, or otherwise improve its ability to compete with imports. Moreover, the bill would permit companies to receive assistance by recycling loan payments by firms that receive TAA loans for use as future loans, loan guarantees, technical assistance, or for other assistance functions.

This bill represents a responsible reaction to imports. It will help trade-sensitive firms compete in the international market, and increase the overall productivity of U.S. workers. It is for these reasons that I urge passage of H.R. 3391.●

● Mr. CONTE. Mr. Chairman, I rise in support of H.R. 3391, the trade adjustment assistance reauthorization for fiscal years 1984 and 1985.

Created by Congress to aid those workers affected adversely by U.S. trade policy, this program has benefited millions of workers over the years. According to the Department of Labor, over 1.3 million workers have received trade adjustment assistance between April 1975 and July 1983. During a slightly shorter period of time—between April 1975 and November 1981—in my own State of Massachusetts, 36,363 workers were affected by the trade assistance program. During the same period of time in Massachusetts, over $2 million were spent on retraining TAA workers. In addition thousands of firms have received assistance in coping with foreign trade practices and competition.

There is no doubt that this program has been effective over the past several years. The need for trade assistance, however, has not diminished. The Congressional Budget Office estimates that by early 1983 approximately 750,000 workers had lost their jobs as a result of imports. With a changing industrial base and a strong dollar overseas, thousands of workers—all over the country—face an uncertain future. Many have been laid off indefinitely with little hope for using their once valuable skills. This legislation, in response to these displaced workers, emphasizes training programs that will compliment those provided in the JTPA.

Mr. Chairman, our economy is in the midst of a recovery. Most of the major economic indicators reflect this improving economic situation. One indicator, however, has not improved satisfactorily. The Department of Labor estimates that over 10 million Americans are out of work. During this recovery when unemployment is a problem, the Federal Government must respond to assist workers affected by our changing economy. I urge my colleagues to support this legislation.●

● Mr. RAHALL. Mr. Chairman, I rise today to express my strong support for H.R. 3391, the worker and firm trade adjustment assistance bill. I wish to commend the author of the bill, the Honorable DONALD PEASE, and the chairman of the Subcommittee on Trade, the Honorable SAM GIBBONS, for their efforts to reauthorize the trade adjustment assistance (TAA) program. I urge that this legislation be adopted as reported from the Committee on Ways and Means.

West Virginia is home to many of our Nation's basic industries. Some examples are steel mills, mining, aluminum manufacturing, glass manufacturing, clothing manufacturing, shoe manufacturing, and chemical manufacturing. Many of these industries have been hit hard by the recession and imports. Our State still leads the Nation in unemployment. In the eight counties I represent unemployment ranges from a low of 13 percent to a high of 31.6 percent. For West Virginia, and in particular my district, the recession is still upon us. I represent the largest metallurgical coal producing district in the country. This form of coal is an essential ingredient for the steelmaking process. Thus, when American steel mills close because they cannot compete with subsidized foreign imports, West Virginia coal miners are left jobless. Employment in the coalfields is at an 82 year low. Of the 1,008 permitted coal mines in West Virginia, only 370 are producing coal today. During the past year our State not only experienced joblessness in its coalfields, but also in the following industries: Glass, aluminum, steel, chemical, shoe, clothing, and others. Since many of these jobs will not return in the near future, it is important that our Government provide those who lost their jobs as a result of imports the opportunity to obtain some training. This is the least our Government can do if it continually allows foreign countries to export their unemployment to our shores under the banner of free trade.

On September 30, 1983, the TAA program, which consists of readjustment allowances, training programs, job search, and relocation allowances, and assistance for industry, is scheduled to end unless Congress reauthorizes it. The bill before us today, H.R. 3391, is intended to do just that. The worker and firm trade adjustment assistance bill authorizes the TAA program for 2 additional years—through September 30, 1983. It makes several important changes to expand coverage for workers whose jobs are lost or threatened by imports.

Under section 1 of this bill, coverage is extended to workers in firms that supply essential parts or essential services to companies producing import-impacted products, and those whose jobs are lost because production facilities have been moved overseas.

This section was added to correct a problem with the interpretation of the present TAA law as it relates to firms that make component parts for import-impacted products. Recently the courts have ruled that import finished products are not directly competitive with domestic component parts.

Over the past several years a large number of metallurgical coal miners have lost their jobs when American steel mills curtailed operations as a result of the influx of subsidized steel imports from overseas. Since metallurgial coal is a component part in the steelmaking process, section 1 of this legislation would allow coal miners, whose unemployment can be traced to the closing or reduction in operations of an import-impacted steel mill, to apply for TAA benefits. At this time I would like for the record to show the letter I received from the bill's author, Congressman DONALD PEASE, stating that it is his interpretation that—

> Miners involved in the production of metallurgical coal be certified for participation in the TAA program because of the importance of coal to steel production and given the ripple effect of attrition on our steel industry caused by import pentration.

This would be dependent upon eligibility certification by the Department of Labor.

The worker training portion of the TAA program is amended to correct some of the problems being experienced by those applying for these benefits. Recently, many coal miners and shoe manufacturers in West Virginia, among others, were found eligible for TAA training benefits. However, because the Department of Labor had not released the appropriate funds to the States, these workers could not enroll in any retraining programs. Now I am told that even when West Virginia does get its allocation from DOL, there will not be enough money to provide training benefits for all of those who have been found eligible in West Virginia.

H.R. 3391 changes all of this by making it clear that a lack of funds

cannot deny a worker their training benefits. A State agency will be authorized to approve training and pay for it as soon as funds become available. Thus a worker could enroll in an approved training program and the State will pay for the training as soon as it receives the money from the DOL. This is in contrast to current law which would deny that worker the opportunity for training if the money is not at the State agency.

Also, those workers who enroll in approved training programs on their own can obtain a voucher to pay for their training costs, provided their training meets the criteria established by the DOL. The purpose of this voucher system is to give the worker a choice in selecting their training program and to encourage the participation of employers and education institutions. If a worker receives on-the-job training, the employer must certify that current workers are not or will not be displaced. A worker can chose either training method, regular or voucher, but they cannot participate in both.

Section 4 of this legislation provides $15 per day for those workers who enroll in training programs after the date of enactment of this bill and have exhausted their trade readjustment allowances prior to the completion of that training.

H.R. 3391 also provides a much needed increase in the job search and relocation benefits. Under current law a worker, by meeting certain guidelines, can be reimbursed for 90 percent of the job search and relocation expenses they incur up to a maximum of $600. This legislation increased the maximum amount to $800. The increase is intended to afford a worker greater mobility when looking for a new job.

The TAA program has provided assistance to import-impacted industries. Present law sets a limit of $2 million that can be provided to one industry for the purpose of solving the problems caused by foreign imports. H.R. 3301 increases the amount an import-impacted industry can receive to $10 million.

Funding for the TAA programs will be derived from two sources: Customs duties and program authorizations. This legislation earmarks 2.6 percent of the Customs duties collected in 1983 and 1.8 percent in 1984 to be used for TAA program expenses in fiscal year 1984 and 1985 respectively. It authorizes $111 million in fiscal year 1984 and $56 million in fiscal year 1985 for worker training, services, and allowances; $27.5 million is also authorized to assist import-impacted firms in fiscal year 1984 and 1985.

Critics of this legislation charge that it creates another entitlement program and that the Job Training Partnership Act (JTPA) can provide adequate training programs for all import-impacted displaced workers.

Every time Congress attempts to help those American workers who have lost their jobs as a result of imports, the President attempts to link any retraining programs to an entitlement program. The chief counsel of the House Budget Committee has stated in a letter to the Committee on Ways and Means that this legislation does not create a new entitlement program under the guidelines of the Budget Act.

Earlier this year the Congressional Budget Office estimated there were 750,000 dislocated workers in the United States. The Chairman of the International Trade Commission has said there may be as many as 1 million to 1.5 million dislocated workers in the country. If we use the President's fiscal year 1984 funding request for JTPA it is calculated that 68,571 dislocated workers can be retrained. Using the figures in the House-passed version of the first concurrent budget resolution for fiscal year 1984, 174,285 workers can get retraining. However, the success of JTPA is jeopardized by a guideline that directs the States to meet a matching requirement before they can get funding from the Federal Government. As many of us in Congress know, a large number of States are experiencing grave financial difficulties. They are having trouble balancing their own budgets let alone, finding money for a program out of Washington.

Mr. Chairman, this legislation demonstrates a commitment by Congress to provide our Nation's workers with the training programs they need to find another job in our work force. Those West Virginians who have lost their jobs desperately want to work. It is clear that the President has turned his back on thousands of hard-working Americans who have lost their jobs because some in Government feel our trade policy should be one of free trade. The President's funding request for JTPA will not even provide retraining benefits for 10 percent of our workers. One gathers the impression from the President that if we close our eyes long enough the problem will disappear. I am afraid this occurs only in fairy tales and western movies on TV.

Mr. Chairman, this bill addresses the result of a serious problem we have with our trade policy. It is time for leaders in business, labor, and government to jointly confront the flaws we have in our trade laws and adopt a policy that relies more on fairness and competition between businesses, not competition between American businesses and foreign governments. By sharing ideas and a common resolve to put Americans back to work, we can stop this problem which has devastated so many families and communities in our country. Again, I wish to express my strong support for this bill and ask that the House pass this legislation which will offer hope to thousands of hard-working Americans.●

● Mr. EVANS of Illinois. Mr. Chairman, I rise in strong support of this legislation to extend the trade adjustment assistance program.

TAA programs were originally enacted in 1962 to aid workers and firms who bore the burden of our Nation's trade policies. Since that time, the program has undergone changes to make it more efficient and responsive. It has also had to face the knife of the Reagan administration's budget-cutting efforts.

I believe that the measure before us today is essential and that the TAA program should not be allowed to die as the administration wants.

These TAA programs provide retraining and allowances to workers who have been laid off from industries where production or sales have been hurt by imports. Today, more than 70 percent of all goods produced in the United States must compete with foreign-made products. Our trade deficit, hampered by high interest rates and an overpriced dollar, has reached a record $48 billion.

And no place has been hit harder than our industrial base in the Northeast and Midwest where industries have faced declining profits and sobering prospects. Unemployment rates for U.S. steel and automobile industries have been between 30 and 40 percent. We in this area have been hit hardest by unemployment. We also need and benefit the most from TAA.

This region, including my home State of Illinois, need TAA. The firms need it. The workers need it. Our economy needs it. Since 1975, almost 39,000 workers in the State of Illinois have received some $84 million in trade readjustment allowances.

The proposed changes in the bill before us today are good ones. They recognize that unemployment does not stop at the closed door of one firm, but that, like a disease, it can infect whole sectors of our economy which are part of the economic chain.

They recognize that we must go to where we can best identify our trade and imports, and use customs duties to offset trade assistance programs.

They recognize that 25 percent of our unemployed, some 3 million workers, cannot look forward to returning to their old jobs and desperately need retraining for a longer period of time.

While I favor free trade policies, I also see that our attempts to encourage free trade in a world of increasing protectionism have not been without a price. Too often our efforts have been at the expense of our workers and industries. The cost of unemployment is simply too high.

Therefore, I urge our colleagues to support this bill to provide needed assistance to workers thrown out of work due to imports.●

● Mr. ERDREICH. Mr. Speaker, I received a letter in my office today from a laid-off steelworker from Birmingham who was looking forward to attending the National Institute of Technology, a private school in Birmingham, to take advantage of a job retraining program under the 1974 Trade Readjustment Act. He recently received a letter informing him, however, that because of insufficient funding, he would not be able to receive his job training. His efforts to obtain a new skill in the electronic field was thwarted.

Unfortunately, this case, I am sorry to say, is not an isolated incident. An estimated 4,000 to 5,000 laid-off steelworkers in the Birmingham area are believed to be eligible for the retraining program. These training and relocation funds are needed to help get our workers back into a productive job.

Passage of the Trade Adjustment Assistance Act, which will not only reauthorize, but expand the existing program, is imperative to offset the hardship that has been and is still being suffered by industrial workers in Jefferson County and across the Nation who are bearing the brunt of the adverse impact of foreign imports on our domestic markets.

Since April 1975, when the Trade Adjustment Assistance Act was first implemented, $13.5 million was spent in the Sixth District of Alabama on benefits and retraining for over 7,500 workers who lost their jobs to imports. Over 35,000 workers received help through this act statewide. The act has clearly been an important factor in helping hard-working people in Alabama and across the Nation who have lost their jobs through no fault of their own.

Failure to reauthorize the Trade Adjustment Assistance Act, which expires at the end of this month, would be a serious blow to our efforts to strengthen U.S. trade policy. I support its reauthorization and urge its speedy passage.●

● Mr. KOSTMAYER. Mr. Chairman, I rise in strong support of H.R. 3391. We have been waiting for the economy to move forward, but the unemployment rate in my district is still very high—too high. Imports are part of the problem, and are causing the loss of hundreds of jobs in the Eighth Congressional District. One of United States Steel's largest facilities, the Fairless Works, is located in Bucks County. We are all to familiar with the layoffs at this plant and the potential for future layoffs is quite possible. The steel industry is being devastated by imports. H.R. 3391 will help soften the difficulties facing the steel industry.

The trade adjustment assistance programs were enacted 20 years ago, and renewed in 1974 and 1981, to provide cash benefits, training, and job search and relocation assistance to workers, and technical and financial assistance to firms, when increased imports contribute importantly to layoffs and to sales or production declines. In 1981, Congress passed the administration backed Gramm-Latta budget bill which called for the termination of the trade adjustment assistance program on September 30, 1983. We must act today to restore this program. I have thousands of unemployed steelworkers that need retraining and deserve retraining. A letter I received from the United Steelworkers of America explained the difficult situation facing the industry:

Despite the serious depression that has plagued the domestic steel industry over the past 2 years, imports of steel products as a percentage of domestic consumption have reached record levels and pernicious unemployment continues unabated.

The situtation for U.S. industries is very serious. Today, more than 70 percent of all goods produced in the United States must compete with foreign-made products. Unemployment has not fallen below 9 percent since February 1982 and more specifically, unemployment rates in U.S. steel and automobile industries have been between 30 and 40 percent for the same period. The sad truth is that many of these workers will not be rehired after the economy improves.

H.R. 3391 is much improved over previous trade adjustment bills. First this bill reauthorized the Worker and Firm Trade Adjustment Assistance Act at $111 million in fiscal year 1984 and $56 million in fiscal year 1985. But it also corrects some inequities in the current benefit structure.

Workers in independent firms that produce essential component parts to an industry that has been adversely affected by imports—such as iron ore for steel mills—may for the first time, be eligible for the trade readjustment assistance (TRA).

Also, workers who are laid off from firms which relocate their production operations overseas may be certified for TRA benefits. Currently, these workers may be eligible only if the foreign production is imported back into the domestic market.

Under H.R. 3391, job search and relocation allowances paid to workers whose local job opportunities have dried up would be increased as well.

Technical assistance, under this bill, could now be provided for industries which have undergone a substantial adverse effect from imports. Furthermore, technical assistance, loans and loan guarantees would be authorized for firm readjustment assistance.

H.R. 3391 would provide the assistance and opportunity for unemployed workers in my district and all over the country to learn another skill and find a new, meaningful job.

This is a program that does something about the unemployment rate, this is a program that gives workers another chance to make a living, this is a program which responds to the import problem and this is a program that is necessary and I urge the House to adopt H.R. 3391.●

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. KILDEE, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 3391) to improve worker training under the Trade Act of 1974, and for other purposes, pursuant to House Resolution 279, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. FRENZEL

Mr. FRENZEL. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Does the gentleman oppose the bill?

Mr. FRENZEL. I do, Mr. Speaker.

The Clerk read as follows:

Mr. FRENZEL moves to recommit the bill H.R. 3391 to the Committee on Ways and Means with instructions that the Committee report the bill back to the House forthwith with the following amendment:

At the end of the bill, add the following new section:

"SEC. 12. Notwithstanding any other provision of this Act, the total amount appropriated to the Special Account for Adjustment Assistance established under section 7 of this Act shall not exceed the appropriate levels set forth in H. Con. Res. 91, the First Concurrent Resolution on the Budget for Fiscal year 1984, as approved by the Congress."

□ 1320

Mr. FRENZEL. Mr. Speaker, I explained this amendment a moment ago when the House was in the Committee of the Whole. What this amendment does is to change nothing in the bill except to limit the expenditures to that amount of money included in the first budget resolution as approved by the Congress.

This amendment is about the softest kind of amendment that I can make to

this bill, the least disruptive, but at least it allows those Members who believe the budget resolution which we passed should mean something to express their affirmation of the budget or, rather, their disapproval of continually exceeding our budget ceilings in our authorizations, entitlements, and appropriations.

As this bill has been scorecarded by the CBO, it would provide for expenditures of about $217 million.

As it has been reestimated by the Department of Labor and by OMB, it might in fact go as far as $500 million.

In the first budget resolution there is a figure for trade adjustment assistance of $42 million. Somehow the Budget Committee and CBO tell us that there is another mysterious add-on of $92 million, allowing approximately $134 million as against the $217 million the authors say they would like to have.

There may be other ways to find other mysterious amounts within the budget. My amendment may not restrict spending to $134 million, but at least my amendment would require that we not exceed that budget at all.

I would urge all of the Members who believe in the budget process, who want to see it maintained, and who meant what they said during the budget debate, and with their budget vote, to vote for this motion to recommit.

Mr. GLICKMAN. Mr. Speaker, will the gentleman yield?

Mr. FRENZEL. I yield to the gentleman from Kansas.

Mr. GLICKMAN. Mr. Speaker, I do not know enough about the complications of the budget process to comment on the specific numbers but it does strike me that after we have put our name on a budget resolution, which I voted for, that we ought to be reasonably limited to those numbers within that category.

My question to the gentleman from Minnesota is by going with the language he is talking about, does it cause such enormous confusion within the bill as to render the program rather inoperative?

I ask that question because my inclination is to want to hold ourselves to those budget numbers.

Mr. FRENZEL. I will say to the gentleman that I really do not know. But since this semientitlement is at least partially subject to the appropriations process anyway, there is no assurance that the full amount that might be available in the bill would ultimately be available.

Also, we do not know what the other body is going to do. So the current amount we spent this year was $95 million. This amendment will at least allow $134 million. It might defeat what the authors would like to do with the bill but it certainly will allow a good deal of expansion, and that is all I can tell the gentleman.

Mr. GLICKMAN. I thank the gentleman.

Mr. FRENZEL. Mr. Speaker, I hope that the Members will proclaim their affirmation of the budget and vote for this amendment which merely requires us to keep spending at the budgeted level.

I yield back the balance of my time.

Mr. GIBBONS. Mr. Speaker, I rise to speak in opposition to the motion to recommit.

I would yield myself 1½ minutes and then yield the balance of my time to the gentleman from Ohio (Mr. PEASE).

Mr. Speaker, I oppose the gentleman's motion to recommit for the following reasons:

This is the same motion that we voted on yesterday and we substantially defeated.

Second, it will rob this program of the certainty it must have that there is some money available and some money budgeted for these unknown contingencies that constantly arise.

I voted for the budget resolution. I honor the budget resolution and I intend to stick to it. I do not think we will exceed it with this program.

Certainly, if the projections of this administration and of other economists are correct, we will not need any of this money, or very little of this money, because jobs will be available.

The problem is we always overlook these jobless people, the people that do not have the training. These are the people who have been adversely affected by trade impact.

We hope that we can do something to get these people back into full employment. These are people who have been working and who have lost their job and who want to go out and find themselves, equip themselves for another job.

Obviously, we cannot predict how many people that will be. That is the reason why we have crafted this bill in the manner in which we have. It should not be a large amount of money.

This is essentially education and training money for people who are in a unique circumstance. I disagree strongly with the position of my friend from Minnesota. I hope that the experience we have had all the way back since 1963 will teach us one thing, which is that from time to time we are going to have fluctuations in unemployment due to trade policy, due to trade matters, and that we ought to be prepared to meet our responsibility to these people who are adversely affected.

So I would urge you to vote no on the motion to recommit.

I now yield the 3½ minutes remaining to the gentleman from Ohio (Mr. PEASE.)

Mr. PEASE. Mr. Speaker, I, too, rise in opposition to this recommital motion.

The gentleman from Minnesota is obviously opposed to this program. He has been very consistent and very honest about it. He has opposed it all along the line.

He was given every opportunity to do that with four amendments. Those four amendments attacked this bill from every possible angle. The House has rejected all four amendments.

This recommital motion is one last ditch effort to do what could not be done in the four amendments that we rejected.

The gentleman from Kansas is nervous that this recommital motion, if adopted, will create havoc and complications in the bill. He is right.

We carefully crafted this bill over a period of 7 months to correct the problems that were inherent in the old TAA program and now what we are trying to do, what we will be doing if this recommital motion were to be adopted, would be to try to squeeze a size 14 person into a size 8 outfit. It just does not work.

We would not know what the effects would be of this amendment, where it would affect, what programs it would affect, except that we do know it would retain the element of uncertainty which has been the chief problem of unemployed workers trying desperately to get retraining so they can go back to work and again maintain some dignity, and again be contributing, productive members of our society.

We are talking about retraining American workers, some 10 million who are still unemployed, and giving them some certainty that they will be able, if they apply for training, if they qualify, if the training is available, if jobs are reasonably available, to give them some certainty that they will be able to enter into a retraining program.

I think that is the least we owe to the millions of American people who have now been unemployed more than a year and a half, exhausted their unemployment benefits, who do not have health benefits, who are seeing their rosy futures slip away from them.

I urge the Members of the House to oppose this motion to recommit.

The SPEAKER. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER. The question is on the motion to recommit.

The question was taken; and the Speaker announced that the noes appeared to have it.

Mr. FRENZEL. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to the provisions of clause 5 of rule XV, the Chair announces he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device, if ordered, will be taken on the question of passage.

The vote was taken by electronic device, and there were—yeas 194, nays 218, not voting 21, as follows:

[Roll No. 341]

YEAS—194

Andrews (NC)	Gregg	Nielson
Andrews (TX)	Gunderson	Olin
Archer	Hammerschmidt	Oxley
Badham	Hansen (ID)	Packard
Barnard	Hansen (UT)	Panetta
Bartlett	Hartnett	Patman
Bateman	Hefner	Paul
Bedell	Hightower	Petri
Bennett	Hiler	Porter
Bereuter	Hopkins	Pritchard
Bethune	Horton	Pursell
Billrakis	Hubbard	Ray
Bliley	Huckaby	Reid
Breaux	Hughes	Ridge
Britt	Hunter	Ritter
Brown (CO)	Hutto	Roberts
Broyhill	Hyde	Robinson
Burton (IN)	Ireland	Roemer
Campbell	Jeffords	Rogers
Carney	Jenkins	Rose
Carper	Jones (OK)	Roukema
Chandler	Kasich	Rowland
Chappell	Kemp	Rudd
Chappie	Kindness	Sawyer
Cheney	Kramer	Schaefer
Clinger	Lagomarsino	Schulze
Conable	Latta	Sensenbrenner
Conte	Leach	Shaw
Cooper	Lent	Shumway
Corcoran	Levitas	Shuster
Coughlin	Lewis (CA)	Siljander
Courter	Lewis (FL)	Skeen
Craig	Livingston	Slattery
Crane, Daniel	Lloyd	Smith (NE)
Crane, Philip	Loeffler	Smith, Denny
D'Amours	Lott	Smith, Robert
Daniel	Lowery (CA)	Snyder
Dannemeyer	Lujan	Solomon
Daschle	Lungren	Spence
Daub	Madigan	Stangeland
DeWine	Marlenee	Stenholm
Dickinson	Marriott	Stump
Donnelly	Martin (IL)	Tallon
Dorgan	Martin (NC)	Tauke
Dreier	Mazzoli	Tauzin
Duncan	McCain	Taylor
Durbin	McCandless	Thomas (CA)
Edwards (AL)	McCollum	Valentine
Edwards (OK)	McCurdy	Vander Jagt
Emerson	McDade	Vandergriff
English	McEwen	Vucanovich
Erlenborn	McGrath	Walker
Evans (IA)	McKernan	Watkins
Fiedler	McKinney	Weber
Fish	Michel	Whitehurst
Forsythe	Miller (OH)	Whitley
Franklin	Molinari	Whittaker
Frenzel	Montgomery	Winn
Gekas	Moore	Wirth
Gingrich	Moorhead	Wolf
Glickman	Morrison (WA)	Wortley
Goodling	Myers	Wylie
Gradison	Neal	Young (FL)
Gramm	Nelson	Zschau
Green	Nichols	

NAYS—218

Ackerman	Applegate	Boehlert
Addabbo	Aspin	Boggs
Akaka	AuCoin	Boland
Albosta	Barnes	Bonior
Alexander	Beilenson	Bonker
Anderson	Berman	Borski
Annunzio	Bevill	Bosco
Anthony	Biaggi	Boucher
Boxer	Hayes	Pickle
Brooks	Hertel	Price
Brown (CA)	Hillis	Rahall
Bryant	Howard	Rangel
Burton (CA)	Hoyer	Ratchford
Byron	Jacobs	Regula
Carr	Johnson	Richardson
Clarke	Jones (TN)	Rinaldo
Clay	Kaptur	Rodino
Coats	Kastenmeier	Roe
Coelho	Kazen	Rostenkowski
Coleman (TX)	Kennelly	Roybal
Collins	Kildee	Russo
Conyers	Kogovsek	Sabo
Coyne	Kolter	Savage
Crockett	Kostmayer	Scheuer
Davis	LaFalce	Schneider
de la Garza	Lantos	Schroeder
Dicks	Leath	Schumer
Dingell	Lehman (CA)	Seiberling
Dixon	Lehman (FL)	Shannon
Dowdy	Leland	Sharp
Downey	Levin	Shelby
Dwyer	Levine	Sikorski
Dymally	Lipinski	Simon
Dyson	Long (LA)	Sisisky
Early	Long (MD)	Skelton
Eckart	Lowry (WA)	Smith (FL)
Edwards (CA)	Luken	Smith (IA)
Erdreich	Lundine	Smith (NJ)
Evans (IL)	MacKay	Snowe
Fascell	Markey	Spratt
Fazio	Martin (NY)	Staggers
Feighan	Martinez	Stokes
Ferraro	Matsui	Stratton
Fields	Mavroules	Studds
Flippo	McCloskey	Sundquist
Florio	McHugh	Swift
Foglietta	McNulty	Synar
Foley	Mica	Thomas (GA)
Ford (MI)	Mikulski	Torres
Ford (TN)	Mineta	Torricelli
Fowler	Minish	Towns
Frank	Mitchell	Traxler
Frost	Moakley	Udall
Fuqua	Mollohan	Vento
Garcia	Moody	Volkmer
Gaydos	Morrison (CT)	Walgren
Gejdenson	Mrazek	Waxman
Gephardt	Murphy	Weaver
Gibbons	Murtha	Weiss
Gilman	Natcher	Wheat
Gonzalez	Nowak	Whitten
Gore	O'Brien	Williams (MT)
Gray	Oakar	Williams (OH)
Guarini	Oberstar	Wilson
Hall (IN)	Obey	Wise
Hall (OH)	Ortiz	Wolpe
Hall, Ralph	Ottinger	Wright
Hall, Sam	Owens	Wyden
Hamilton	Patterson	Yates
Harkin	Pease	Yatron
Harrison	Penny	Young (MO)
Hatcher	Pepper	Zablocki
Hawkins	Perkins	

NOT VOTING—21

Bates	Hance	Pashayan
Boner	Heftel	Quillen
Broomfield	Holt	Roth
Coleman (MO)	Jones (NC)	Solarz
Dellums	Mack	St Germain
Derrick	Miller (CA)	Stark
Edgar	Parris	Young (AK)

□ 1340

The Clerk announced the following pairs:

On this vote:

Mr. Parris for, with Mr. Dellums against.

Mr. Quillen for, with Mr. Solarz against.

Mr. Mack for, with Mr. Boner of Tennessee against.

Messrs. FEIGHAN, LEHMAN of Florida, and SPRATT changed their votes from "yea" to "nay."

Messrs. SAWYER, CONTE, and BRITT changed their votes from "nay" to "yea."

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER. The question is on the passage of the bill.

The bill was passed.

A motion to reconsider was laid on the table.

□ 1350

GENERAL LEAVE

Mr. FRENZEL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include extraneous matter on the bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

COAL PIPELINE ACT OF 1983

Mr. LONG of Louisiana. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 309 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 309

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 1010) to amend the Mineral Leasing Act of 1920 with respect to the movement of coal, including the movement of coal over public lands, and for other purposes, and the first reading of the bill shall be dispensed with. After general debate, which shall be confined to the bill and shall continue not to exceed three hours, one and one-half hours to be equally divided and controlled by the chairman and ranking minority member of the Committee on Interior and Insular Affairs and one and one-half hours to be equally divided and controlled by the chairman and ranking minority member of the Committee on Public Works and Transportation, the bill shall be considered for amendment under the five-minute rule. In lieu of the amendments recommended by the Committees on Interior and Insular Affairs and Public Works and Transportation now printed in the bill, it shall be in order to consider an amendment in the nature of a substitute consisting of the test of the bill H.R. 3857 as an original bill for the purpose of amendment under the five-minute rule, and each section of said substitute shall be considered as having been read. It shall be in order to consider an amendment relating to cost overruns printed in the Congressional Record of September 14, 1983, by, and if offered by, Representative Shuster of Pennsylvania and all points of order against said amendment for failure to comply with the provisions of clause 7, rule XVI are hereby waived. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and any Member may demand a separate vote in the House on any amendment adopted in the Committee of

the Whole to the bill or to the substitute made in order as original text by this resolution. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER. The gentleman from Louisiana (Mr. LONG) is recognized for 1 hour.

Mr. LONG of Louisiana. Mr. Speaker, as is the custom, I yield 30 minutes, for the purpose of debate only, to the gentleman from Missouri (Mr. TAYLOR), and pending that I yield myself such time as I may consume.

Mr. Speaker, House Resolution 309 provides for the consideration of H.R. 1010, the Coal Pipeline Act of 1983. It is a completely open rule, providing 3 hours of general debate. Debate will be divided between the two committees to which the bill was referred. The House Interior and Insular Affairs Committee is granted 1½ hours of debate and the House Public Works and Transportation Committee is also granted 1½ hours of debate. The time is to be equally divided and controlled by the chairmen and ranking minority members of the respective committees.

Mr. Speaker, the division of time for debate in House Resolution 309 follows the normal procedure for special orders or rules for at least the past 60 years. The committee heard testimony from a number of Members yesterday who requested that the time be equally divided between proponents and opponents of the bill, rather than between the majority and minority parties. The concern of these Members is that the issue cuts across party lines, and that a division which recognizes only party affiliation does not necessarily insure that arguments both for and against the bill will be fully heard. However, when the Rules Committee reviewed the precedents for structuring a rule in this manner, we found that it would be an exceptionally unusual procedure.

Therefore, it was our judgment that the verbal commitments given to the committee by the chairmen and the ranking minority members of the committees involved would be sufficient to guarantee that a fair and equal opportunity would be given to both opponents and proponents of H.R. 1010. I believe everyone who was present and who heard Chairman UDALL and Chairman HOWARD describe how they would handle debate time as managers on the floor, felt secure with those assurances.

In lieu of the amendments now printed in H.R. 1010, the rule makes in order an amendment in the nature of a substitute consisting of the text of the bill H.R. 3857. This substitute is to be read as an original bill for purposes of amendment under the 5-minute rule. Each section of the substitute shall be considered as having been read.

There is one waiver. The rule waives clause 7, rule XVI to permit consideration of an amendment printed in the RECORD of September 14 by, and if offered by, Representative SHUSTER, regarding cost overruns on the construction of pipelines.

Finally, the rule provides for one motion to recommit with or without instructions.

Mr. Speaker, the purpose of H.R. 1010 is to facilitate the development of interstate coal slurry pipelines by granting them the power of Federal eminent domain. This right-of-way authority would extend to both Federal lands and, subject to strict controls, to private property.

The hours of testimony which we heard in the Rules Committee yesterday culminate nearly 20 years of discussion at one level or another in this institution about the feasibility of utilizing coal slurry pipeline technology to bring coal to domestic and export markets.

It is evident from the protracted length of this debate that we are dealing with an area of great complexity and controversy. It is also evident that we are dealing with an idea which will not simply go away.

I submit that a policy for the development of interstate coal pipelines through the United States is long overdue.

We recognized long ago that coal will play a central role in achieving our energy independence. The United States has dramatically increased its use of coal over the past few decades, and from everything we now know, this use will continue to increase in the future.

We also recognize that our Nation stands at the threshold of becoming one of the major exporters—if not the major exporter—of coal in the world. This is particularly important at a time when we have seen our share of the world export market decline.

For many years, our success in the world marketplace was the result of American ingenuity and inventiveness, and on developing new technologies, to attract other countries to our trade door. We were a "better mousetrap" country—and coal slurry is a good example of a "better mousetrap." The bill under consideration today will enable us to bring forward important new technology to help market at least part of America's vast resources of coal.

Of course, it is never easy to make the transition from an older technology to a new one. Any new, developing technology requires certain adjustment. But, with these adjustments come opportunity for new jobs, new skills, and a step toward a new industrial future. If America is going to maintain any ability to strengthen export markets, then we need to develop and perfect the innovative technology of coal slurry pipelines.

At the conclusion of the debate we are about to hear this year, I hope my colleagues will adopt the coal pipeline legislation. The bill has been carefully developed and finely tuned. I believe the committees involved made significant improvements in the bill, particularly in the very sensitive area of water rights. There are other provisions which should go a long way toward resolving some of the problems encountered in the past.

For example, under the bill, pipelines would be allowed to use the power of eminent domain to acquire rights-of-way on private lands only if a negotiated settlement is unavailable. In order to exercise this authority, a pipeline must have previously secured water rights from the affected States. In addition, the pipeline must be certified as being in the national interest, as determined by the Interstate Commerce Commission, and the Secretary of the Interior. The bill provides that any difference between the agencies will be resolved by the President.

To insure that State water rights remain intact, pipelines will be required to secure water rights from the States even before applying for certification. H.R. 1010 expressly delegates to the States the authority to regulate the use of water by a pipeline. The power of eminent domain cannot be used to acquire water rights.

Also, access for small or independent producers is guaranteed by the requirement that 10 percent of a pipeline's capacity be allocated to this group.

Environmental concerns should be eased by the inclusion of environmental impact statements with every application. The certification process also requires that the impact of the pipeline on other carriers, particularly railroads, be considered.

Mr. Speaker, my colleagues are aware that this legislation remains very controversial. However, I am not aware of any controversy concerning the substance of the rule. House Resolution 309 is a fair rule that will facilitate adequate and orderly debate on a matter of significant national interest. I urge my colleagues to adopt this rule and proceed to consideration of H.R. 1010, the Coal Pipeline Act of 1983.

□ 1400

Mr. TAYLOR. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, House Resolution 309 is the rule under which the House will again consider the longest running, most controversial issue that I have seen in my 11 years as a Member of Congress, the coal slurry pipeline legislation.

The rule has been described by the gentleman from Louisiana (Mr. LONG)

as a fair rule. I suppose it is, if you like the idea of forcing the House to rush judgment on a lengthy and complicated substitute that has been available for only 3 days.

The rule has been described as an open rule, and it is. Especially if you like the idea of using hours and hours of valuable time for amendments to fully debate issues that cannot be covered under the general debate that will be held later today.

Mr. Speaker, the rule is described as the Committee on Rules' best effort to be reasonable and the committee's decision that the time has come for a vote again on this bill. We are to have yet another judgment in the House on the ill-conceived notion that Congress should give coal slurry pipeline developers the right of eminent domain over private property. We are to have another judgment in this House that we should usurp the Nation's founding principle of federalism and take from the States a right that they have held for 200 years.

Mr. Speaker, this rule was reported from the Committee on Rules by a 7 to 5 rollcall vote. That is a majority, but what are the real views of the committee members? We had several hours of testimony and discussion on this bill yesterday and a majority of the members of the Committee on Rules made it clear that they are, in fact, against this bill.

Mr. Speaker, when the House was last given the opportunity to make a decision on this unsound and unnecessary special-interest legislation, in the 95th Congress, a bill of similar content was overwhelmingly defeated by a vote of 246 to 161. That legislation was bad in 1978. It has remained so bad that during the intervening years it has not been brought to the floor again. Now it will be brought to this House floor in even worse shape than it was when it was reported from the two committees.

This is not a simple "eminent domain" bill, nor is it a simple bill to foster "fair competition." This is a bill that would force consumers to pay more for rail transportation. This is a bill that will force electric utilities to accept "take-or-pay" contracts for their coal shipments and pass these unwarranted costs on to the consumers of this Nation. I think we all still remember the "take-or-pay" provisions in the Natural Gas Policy Act of 1977 and the havoc it has wreaked upon the consumers of this Nation. I submit that this will be very much like that legislation.

This is a bill that will put railway labor out of work. We are asked by this bill to turn our backs on the investment that America has made in the railroads of this Nation. In my 11 years of service, this Congress has twice come to the aid of the railroad retirement system. It cost us about $4 billion in 1974 when we passed that bill, and just last August 1 we passed a piece of legislation at a cost to the taxpayers of $2 billion to again rescue the railroad retirement fund.

This is a bill that says our investment, an investent made in America, on behalf of our taxpayers, should not be protected. This bill says our national interest in railroads as common carriers of every commodity and all articles of commerce is not worth protection.

If this bill ever becomes law, there will be thousands of railroad workers laid off from their jobs, and the Congress will again have to come right back and further bail out the railroad retirement system at no telling what cost to the taxpayers of this Nation.

This is a bill that will prohibit States like Missouri, Nebraska, Illinois, and Iowa from having anything to say about the diversion of our lifegiving water.

Mr. Speaker, this bill presents environmental hazards so great that I can well understand why no State would want to allow coal slurry pipelines to cross its borders.

There is an oil pipeline that crosses a farm that I own in Missouri. It also crosses the farm of a neighbor of mine across the creek. A couple of years ago the pipeline burst. It ruined not only the few acres of land that the pipeline crosses, but it also rendered useless the rest of that man's farm, but he can only be compensated for the few acres that were actually affected by the spill.

Mr. Speaker, I do not want something like this to happen to other farmers in this Nation, to other property owners, when it is not necessary. I do not want people in other States to wake up one morning and find a farm full of coal slurry sludge, and there is sludge to be dealt with.

Mr. Speaker, for five Congresses now the doubts about this bill have far outweighed the propaganda about coal slurry pipelines. I am confident that commonsense will again prevail as we debate this measure.

Mr. Speaker, at this time I would like to yield 5 minutes to the ranking member of the Surface Transportation Subcommittee of the Committee on Public Works and Transportation, the gentleman from Pennsylvania (Mr. SHUSTER).

Mr. SHUSTER. I thank the gentleman for yielding this time to me.

Mr. Speaker, this legislation, the rule upon which we are considering here today, is the most anticompetitive, anticonsumer, antienvironmental, antiagricultural, antitransportation, anti-States rights legislation that has come before this body in many a year.

Frankly, I was astonished yesterday in the Committee on Rules when testimony was given before that distinguished committee by the very distinguished chairman of the Committee on Interior and Insular Affairs, a man whom I respect greatly, and for whom I have tremendous affection, when he testified that what he wanted was only 1 hour of general debate in this body on this legislation.

□ 1410

At first it seems a bit puzzling, but then, when we stop and think for a moment, that is only 1 hour of general debate on an issue such as this in which two committees are involved, an issue in which there are those for it and against it in the Committee on Interior and Insular Affairs, and in which there are those for it and against it in the Committee on Public Works and Transportation. And if the gentleman's wish had prevailed, each of these conflicting groups and views would have been given only 15 minutes in which to deal with the many, many issues presented with this legislation.

Beyond that, we were informed by the gentleman from Nebraska (Mr. BEREUTER) and others that beyond the four different groups and interests, there are those from the Upper Plains States who have views somewhat different from the four groups that seem to be taking the lead in the two committees on this issue, and the gentleman from Nebraska (Mr. BEREUTER) and the many Members of Congress on both sides of the aisle from the Upper Plains States would have received virtually no time.

So why the request for only 1 hour of general debate on this complex issue?

Well, it seems to me, Mr. Speaker, as I look at the tactics being used in order to ramrod this legislation through this Congress, that there is a method and a motive, and that method is to slip this legislation through this House as quickly as possible so as not to permit the light of day and the glare of penetrating debate, fair and open debate on the many issues, to come before this body, because this legislation is enormously controversial and this legislation is enormously complex.

I salute the Rules Committee for, in their wisdom, not acquiescing to the request for only 1 hour, by which only a few minutes would be permitted the various interested groups, but, rather, providing for 3 hours to take up this legislation.

However, once that rule was granted, then we were told that the general debate on this enormously complex and controversial issue would take place late this afternoon after this rule is agreed to. And, of course, we know there are not going to be very many Members here to listen to this debate this afternoon.

I am further advised that to the extent the debate is not completed

today, the bill will be brought up on Monday and general debate will be completed on Monday. Now, we know that there are not going to be very many Members here on Monday as well.

So when I look at the request for only 1 hour of general debate and when I look at the timing of this general debate to be brought to the floor when virtually very few Members are on Capitol Hill, it seems to fit the pattern of a desire to sweep this under the rug and to get this through the House without affording us the opportunity to come to grips with the many issues and the complicated issues with which we are faced.

Mr. SNYDER. Mr. Speaker, will the gentleman yield very briefly?

Mr. SHUSTER. I am happy to yield to the gentleman from Kentucky.

Mr. SNYDER. Mr. Speaker, I certainly want to concur in the statement which the gentleman from Pennsylvania (Mr. SHUSTER) has made.

I think it is even more important to make this point: Everybody concedes that this is a highly controversial bill, and the bill that we are really debating is not H.R. 1010 because the rule makes in order as an original bill for the purpose of amendment a substitute which was introduced only on Monday of this week, and those of us who are interested in this matter did not get that in printed form until late Tuesday.

The SPEAKER pro tempore (Mr. VENTO). The time of the gentleman from Pennsylvania (Mr. SHUSTER) has expired.

Mr. TAYLOR. Mr Speaker, I yield 5 additional minutes to the gentleman from Pennsylvania (Mr. SHUSTER).

Mr. SHUSTER. Mr. Speaker, I yield further to the gentleman from Kentucky.

Mr. SNYDER. As a consequence, Mr. Speaker, we are debating a highly controversial bill which has had substantial changes made in it from the version with which the Members are familiar. This bill is highly different from the other bill, and, quite frankly, I have been going over it today with staff to try to identify all the changes that were made. And I will bet you your last buck that there are not a good dozen of the 434 Members who know the intricacies of the bill that was introduced on Monday. They may know something about H.R. 1010, which has been around for a while, but there are a lot of changes here, and we are going to have to try to explain this bill to an empty House.

As soon as this rule is adopted, many of the Members will go because there are not supposed to be any more votes today. I am not sure there will not be, depending on the time constraints. There is a procedure, I might tell the Members who are here, whereby under the rules the two Members or the four Members in this case who have charge of the time may yield for the purpose of making a motion to rise. That may happen, and there may be a recorded vote on that.

Mr. SHUSTER. Mr. Speaker, I thank the gentleman from Kentucky (Mr. SNYDER). He makes an excellent point. This so-called new version of the bill has not been before us up until the past few days.

The last point I would make, Mr. Speaker, at this moment, is that the distinguished chairman of the Committee on Interior and Insular Affairs, for whom I have the greatest respect and affection, argued before the Committee on Rules yesterday or testified before the Committee on Rules that this is a single-issue bill and went on to say that the issue or the problem is that railroads will not give slurry pipelines a right-of-way to cross railroad tracks. That is the issue, we were told yesterday in the Rules Committee by the distinguished chairman of the Committee on Interior and Insular Affairs.

Mr. Speaker, I again say what we have said many, many times, that we are quite prepared to accept language which will provide for the right of eminent domain for coal slurry pipelines to cross railroad tracks, period paragraph. You can write that on the back of an envelope, and we do not need all of this other legislation.

If the real problem is the big bad railroads, then we are quite willing to say, let us give a limited right of eminent domain across railroad tracks so we can solve this problem and all go home.

But, no, that is not what we have here before us today. We do not have that kind of a proposal because the whole issue of trying to paint this as simply an issue between the big bad railroads and the coal slurry pipelines is a red herring. It is a red herring; it is not the real issue, and this is not a single issue or a simple issue. This is an enormously complex issue which deals with the question of competition, which deals with the question of vertical integration, which deals with issues of consumer rights, and which deals with issues of take-or-pay contracts. And those Members who have been burned in the natural gas area to take-or-pay contracts can just hold onto their hats if this legislation ever becomes law.

This is legislation which deals with very fundamental questions of farmers' rights in agriculture, which deals with issues of water and the control of water, and which deals with issues of States rights. This is a piece of legislation which is anything but simple, which is anything but singly focused on one issue.

Instead, this is legislation, Mr. Speaker, which cuts across the board and touches virtually every interest in America from East to West and from North to South. Therefore, this is legislation which should be given the greatest and most careful and most serious consideration.

I find it interesting and ironic that even though this House has disposed of this issue overwhelmingly by defeating it in years past, we have it before us today. And what is most interesting is that the only reason we have a rule before us is because the rule squeaked through the Rules Committee by a 7-to-5 vote, and of those seven Members who voted in support of the rule, three publicly announced that they were opposed to the legislation.

So, Mr. Speaker, but for the twisting of the tail by the powerful majority leadership in this body, had the members of the Rules Committee, for whom I have the highest respect, been free to cast their votes in accordance with their feelings about this legislation itself, this legislation would have been defeated in the Rules Committee and we would not have it before us today.

□ 1420

Mr. LONG of Louisiana. I yield 3 minutes to the gentleman from Louisiana (Mr. BREAUX).

Mr. BREAUX. Mr. Speaker, I had some doubt about the rule. But I think the previous speaker has really cleared up the issue in my mind. I now know I am definitely for the rule and also for the bill. I think we are all on the right track. I would just take this opportunity to commend the Rules Committee on the rule they have reported out. Regardless of how you feel about the legislation, I think no one can in all honestly justify saying the rule should be defeated. It is a good rule. I think it will pass by a large margin. It is an open rule. Anyone who has an amendment will be willing and able to offer that amendment.

In addition to that, it is 3 hours of debate which gives us more than ample time to debate every possible issue that this rule could possibly present to the House of Representatives. It is open rule, 3 hours of debate.

Mr. SHUSTER. Mr. Speaker, will the gentleman yield?

Mr. BREAUX. I yield to the gentleman from Pennsylvania.

Mr. SHUSTER. I thank the gentleman for yielding.

I want to emphasize that this gentleman from Pennsylvania in his speech did not say that the rule should be defeated.

Mr. BREAUX. I am very pleased the gentleman from Pennsylvania supports the rule.

Mr. SHUSTER. If I might complete my sentence. What the gentleman from Pennsylvania was saying is that this rule would never have been before

this body if the members of the Rules Committee had been able to vote the way they publicly stated they feel about this legislation. This is a waste of the time of the House, since this legislation has been before the body in the past and overwhelmingly defeated.

Mr. BREAUX. I will take back my time.

The rule, I would say to the Members, is a fair rule.

The other point I want to make, I want to commend particularly Chairman UDALL and Chairman HOWARD of the Public Works Committee along with Congressman ANDERSON. When the two committees had a problem with how some aspects of this legislation would be handled, they arrived at an agreement which is a fair agreement, it is a compromise between the two authorizing committees as far as involvement of the Interstate Commerce Commission and also the involvement of the Department of the Interior.

A controversy developed between our two committees. But these men and others were involved with working out a compromise which is being presented to the House floor in a fair manner.

What I think we have, No. 1, is a rule that is totally fair, it is completely open and should be supported. The two committees together in working this out and presenting this to the House floor in a way it can be equitably handled I think is something that should be noted for the record.

I give back the balance of my time.

Mr. TAYLOR. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from New Mexico (Mr. LUJAN).

Mr. LUJAN. I thank the gentleman for yielding.

I will not take very much time. I hope that we can get right on to the rule, get that passed so that we can move on with general debate.

Mr. Speaker, I think this is a fair rule. I have not seen the Rules Committee ever offer a fairer rule than this. What is more fair than 3 hours of general debate? Generally we come to this floor with a bill with 1 hour, 2 hours maybe, at the very most, except those very complicated bills that sometimes come out of Ways and Means or some of the Defense Department bills that come before the House.

And, so, I think it is eminently fair. It is a very fair rule with the 3 hours of debate and then, of course, an open rule which gives any Member—any Member—the opportunity to offer any kind of an amendment that he or she wishes to propose.

As to the bill, it is a fair bill. The issue has been before us for over 10 years. Most of us have spent the longer part of our congressional career with this issue before us. It has been around. Anyone that would maintain that 3 hours is not sufficient to discuss an issue that we have been discussing for 10 years—I do not know what new issue could come up that most of us do not know about this connection with coal slurry.

The water issue has been taken care of. There are State controls on how that water will be used. We have endeavored not to change one little bit of the law that deals with the States' rights as far as water law is concerned. And it remains under the control of the States.

Under regulation, we had some problems with that. Some of us felt that the permits should come from the Interior Department. The Public Works Committee felt that it should come from ICC. And, so, we agreed that both would be involved. But the important fact is that before any kind of a permit can be issued by the ICC, the person applying for that permit must have a water permit from the State that controls that water.

There is access to small operators. One of the complaints was that it is going to be the big companies that are going to be moving all of this coal. And, so, we took care of that by putting in that 10-percent set-aside for those small operators.

As to the private land, it will be brought out that a coal slurry pipeline company can condemn land by eminent domain. And that is true. But the owner will be compensated for whatever inconvenience there is, and the land must be returned to its original state.

Yes, it is complicated, yes, you could just simply say that we will grant the right of eminent domain by the pipelines over the railroads, as the railroads now have. And we could have done it that way. But there were so many issues that were raised. We tried to answer every one of the concerns. That is why we got into the other problems of water and regulation and access and those kinds of things.

Therefore, I would ask my colleagues to support this Resolution 309 because I think the rule is eminently fair.

Mr. SHUSTER. Mr. Speaker, will the gentleman yield?

Mr. LUJAN. I yield to the gentleman from Pennsylvania.

Mr. SHUSTER. If I understood the gentleman correctly when he was speaking about the set-aside businesses, I am a bit confused as to how that would work. It is my understanding that when the coal slurry pipeline is going to be built there could be 30-year take or pay contracts required and committed to by major utilities, for example, to take the output of that pipeline.

Now, does that mean that if a particular pipeline is going to be built and if 90 percent of the output of that pipeline is going to be committed to by a major utility, for example, for a 30-year contract, that small businesses will have the opportunity to come in and get commitments for that 10 percent?

Mr. LUJAN. The gentleman is absolutely correct. By his own admission, you use the percentage of 90 percent, which leaves the other 10 percent that is available for other operators.

Mr. SHUSTER. If I can finish my sentence.

Does it mean that 10 percent would have to commit to a 30-year contract? If the 90 percent is committed to a 30-year contract, must the small businesses likewise commit to a similar contract?

Mr. LUJAN. I would imagine that any small business or any business would like to be guaranteed a customer for 30 years, and that they would jump at the opportunity of entering into a contract for 30 years.

Mr. SHUSTER. If the gentleman would yield further, does the gentleman believe that many small businesses have the resources or the long-term planning capabilities to be able to say, "Yes, we are willing to commit to taking coal slurry output for the next 30 years?" Does the gentleman think that most small businesses have that kind of financial strength?

Mr. LUJAN. If the gentleman would yield, the gentleman knows very well that out in the private sector, if you are holding a contract that has got that much money tied to it, that you can get the proper financing to do that. So, a small business, it would be advantageous for them to have that contract in hand for 30 years and then they would have the money. I can guarantee the gentleman that any bank would lend them the money for further development of their coal resources if they had a contract that would stipulate that they would pay them so much for 30 years. My goodness, I would love to be in that situation where some big, bad utility would guarantee to buy from me for 30 years whatever I was selling. Because with that contract in hand, I could go to any bank in this country.

Mr. SHUSTER. Perhaps I am not making myself clear. Perhaps I misunderstood. I am not talking about the front end, the company with a 30-year contract to sell. I am talking about the little business at the other end who must make a 30-year financial commitment to buy.

Mr. LUJAN. That is what I am talking about.

Mr. SHUSTER. And you are saying that small companies would be thrilled to make a 30-year financial commitment to buy coal?

Mr. LUJAN. I am saying that that small company, that 10 percent company, with a contract in their hand from a utility that says, "I will buy all

your coal," or, "I will buy so many tons of coal from you over the next 30 years," when that person has the contract in hand, he or she can go to any bank and obtain the necessary financing to develop the resource.

□ 1430

Mr. SHUSTER. Why would a utility at the end of a pipeline want to enter into such a contract with a small company? Why would not the utility enter directly into the contract with the coal slurry pipeline itself?

Mr. LUJAN. An excellent point. Because 10 percent of that pipeline capacity must be reserved and that pipeline company who enters into the primary deal with them cannot, cannot supply the coal to the utility and so, therefore, what we are doing is we are saying to the utility you cannot just go to this one because the capacity, 10 percent of the capacity must be retained for small operators. So, therefore, you must do business with the small operator.

Mr. SHUSTER. If the gentleman will indulge me just one further point, because it is coming a little bit clearer now to me, does that mean that perhaps this is analogous to the minority and small business priority set-aside, for example, in transportation, construction legislation which says that you have to give 10 percent of your contracts to minority contractors whether they exist or nor, whether they are the low bidder or not, you just have got to give 10 percent of the contracts to a minority enterprise?

I guess that is what I hear you saying.

Mr. LUJAN. I will tell the gentleman this is a refinement of that concept, because this says if there is someone out there that can provide that 10 percent, then you must allow them to do so. If there is not, then, of course, the one company has the right to the full thing.

So it is really a refinement of the program the gentleman is describing.

Mr. SHUSTER. I thank the gentleman.

Mr. LONG of Louisiana. Mr. Speaker, I have no further requests for time.

Mr. TAYLOR. Mr. Speaker, I yield 6 minutes to the gentleman from Nebraska (Mr. BEREUTER).

Mr. BEREUTER. Mr. Speaker, I oppose this rule for two reasons. The first is on equal time and fairness issue for Members of this House whose constituencies are most greatly and negatively affected.

This Member very much appreciates the courteous treatment that he received by the Rules Committee and this Member does appreciate their best effort to provide equal treatment for those Members of this body that find themselves in opposition to this legislation.

However, as I understand the rule, one-quarter of the time is given to the minority in each of the two authorizing committees and one-quarter is given to the majority in each of the two authorizing committees. As I look at the situation, I believe I am correct in finding that the majority and minority in the Committee on Interior and Insular Affairs, are in majority supporting the legislation.

The majority side on the Public Works Committee is favorable with only the minority side disposed against the legislation.

That comes down to one-quarter of the time that would be controlled by a person who is in opposition.

This Member is told that there is going to be an effort to share time with those Members that are opposed. But I would like to ask what kind of assurance those of us that come from States that are most immediately and negatively affected have, those of us who are not a member of either of the authorizing committees, and that does constitute all of us in the Northern Plains that are affected, what assurance do we really have that we will have adequate time for presenting our views on this legislation?

Mr. HOWARD. Will the gentleman yield?

Mr. BEREUTER. I will be happy to yield to the gentleman from New Jersey, the chairman of the Committee on Public Works and Transportation.

Mr. HOWARD. I thank the gentleman for yielding.

I believe it will be as it is in every other bill that comes before the House. For instance, we are going to handle this in two different ways.

As I understand it, the chairman of the Committee on Interior and Insular Affairs, the gentleman from Arizona (Mr. UDALL) is going to utilize half of his time for proponents and half for opponents.

The gentleman from New Mexico (Mr. LUJAN) on the other side, is going to do the same thing.

On the Public Works and Transportation Committee, we intend on this side to handle and have all of our time for proponents, both Democrat and Republican; and, as I understand it, the gentleman from Kentucky (Mr. SNYDER) will be utilizing his half for opponents, both Democrat and Republican.

So it seems to me that each side will have equal time.

Mr. BEREUTER. Reclaiming my time, I would ask the gentleman: Does this then assure adequate time to those of us not members of either of these two authorizing committees to make our presentation, or are we going to find ourselves at a disadvantage to the members of those two authorizing committees?

Mr. SNYDER. Will the gentleman yield to me on that point?

Mr. BEREUTER. I yield to the gentleman from Kentucky, the ranking member of the Committee on Public Works and Transporation.

Mr. SNYDER. I think the gentleman's point is well made that it is normal procedure around here to give preference to the members of the committees that are involved in allocating time.

I think that normally many of us have found ourselves wanting to talk on an issue that is not before our committee and we kind of get upset because of this idea.

Mr. BEREUTER. I thank the gentleman and he has precisely voiced my concern.

Mr. UDALL. Will the gentleman yield?

Mr. BEREUTER. I am pleased to yield to the distinguished gentleman from Arizona, the chairman of the Committee on Interior and Insular Affairs.

Mr. UDALL. I thank the gentleman from Nebraska, who is an outstanding Member of this body, and I am proud to have worked with him. We lost a good man when he left our committee.

We do a lot of things around here by gentleman's agreement and things said. The gentleman from New Jersey, Mr. HOWARD, and I said to the Rules Committee yesterday that we would guarantee fair play for half the time.

For my own part, I have 45 minutes of an hour and a half. I invite now any Members who are on the majority side who are against this bill or have reservations about it to come and see me. We are not going to finish the debate today and on Monday I will be glad to stake out 22 minutes for Members of the majority on our committee, preferably, but hopefully beyond that, to come and see me and time will be available up to one-half of our time.

Mr. BEREUTER. I thank the chairman, who has been eminently fair to me as a Member of this body in the past.

This Member wanted adequate time when Members of this House are available to hear debate. That does not mean I need much time. But I need a time when I can reasonably attempt to influence Members of this House because this matter is so vital to my State.

The second reason for which I oppose this rule is that there are times when the Rules Committee ought to say to the authorizing committees: "Go back to work. You have not presented us with legislation that should come to the floor."

As a former member of the Committee on Interior and Insular Affairs, and as a member of a State legislature that faced this issue in the 4 years immediately before I joined this House, I

know that this issue has received a great deal of debate and consideration. But I would suggest to you that it still does not fairly treat an important part of this Nation and that occasionally it does appear to this Member when he offers legislation which is quickly labeled as a "killer amendment", but which is only a response to an extraordinary measure, that is, giving the water of one State to another, that the passage of this rule would then lead us to legislation which constitutes the "Great Water Robbery."

That is what it amounts to, unless changes are made in this legislation.

I think we are finding an instance here, where it appears to me at least, that this body is willing to trample on the water rights of particular States without giving the Members of those committees a clear opportunity to present their very best effort on amendments.

I hope I am wrong about that assessment. But I think this is an instance where the minority and the Rules Committee, and it was a 7-to-5 vote, took the correct course in wanting to say: "Go back to work on this, take another look at it."

I have not even raised the question of consumer equity or consumer concerns in my comments, but I think they are important matters that ought to have been much more thoroughly debated in the authorizing committees.

For these reasons I ask the Members of the House to vote down this rule, House Resolution 309, and I thank the gentleman from Missouri (Mr. TAYLOR) for so generously yielding this time.

Mr. LONG of Louisiana. Mr. Speaker, I have no further requests for time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

□ 1440

The SPEAKER pro tempore (Mr. VENTO). Pursuant to House Resolution 309 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 1010.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 1010) to amend the Mineral Leasing Act of 1920 with respect to the movement of coal, including the movement of coal over public lands, and for other purposes, with Mr. LONG of Louisiana in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the first reading of the bill is dispensed with.

Under the rule, the gentleman from Arizona (Mr. UDALL) will be recognized for 45 minutes, the gentleman from New Mexico (Mr. LUJAN) will be recognized for 45 minutes, the gentleman from California (Mr. ANDERSON) will be recognized for 45 minutes, and the gentleman from Pennsylvania (Mr. SHUSTER) will be recognized for 45 minutes.

The Chair now recognizes the gentleman from Arizona (Mr. UDALL).

Mr. UDALL. Mr. Chairman, my colleagues, this is about the third Congress in which I have tried to get this legislation or something similar to it adopted.

In my mind, the coal slurry question boils down to one issue: Does Congress believe in competition or not? Are we going to take the action necessary to allow a new technology, coal-slurry pipelines, to compete in the coal-shipping market or are we going to continue to let the railroads operate as a virtual monopoly?

Over the years, we have heard lots of arguments about why legislation granting coal pipelines eminent domain is a bad idea. First the opponents said that granting eminent domain to coal pipelines was an extraordinary grant of Federal power, granted only rarely by Congress.

Nothing could be further from the truth. The idea behind eminent domain is that the public good gained by permitting pipelines on roads or dams to be built outweighs the interests individuals may have in private property. In the past we have allowed eminent domain for highways, for power transmission lines, for oil and gas pipelines, for bridges, and for irrigation projects.

The railroads themselves were the beneficiaries of a significant amount of Federal assistance when they were getting started. Not only did the land-grant railroads have the benefit of Federal eminent domain, but, in addition, the Government granted the railroads more than 140 million acres in fee simple.

I do not think I need to remind my colleagues that just last month Congress stepped in again to help out the railroads by voting $2 billion to shore up the railroad retirement fund.

My point is simply this: Federal eminent domain is not an unheard of grant of assistance. Our history is full of examples where Congress found that it was in the national interest to permit certain industries the acquisition of rights-of-way over private lands. Coal slurry is in the national interest because the slurry pipelines will provide competitive shipping, stimulate domestic coal production, reduce dependence on foreign fuel sources, and result in lower fuel bills for consumers.

The railroads seem to be saying: Now that we have gotten ours, we do not want Congress to help any competitors.

Opponents have also tried to use the water issue to kill the bill. They raised the specter of slurry lines taking hundreds of acre-feet of water out of a State over the objection of that State. We solved that problem too: With the help of experts in the field, we drafted language that clearly and expressly delegated to the States the power to deny a water permit, or to impose terms and conditions on a water permit for a coal-slurry pipeline.

In the absence of this legislation, a State probably cannot refuse to issue a permit for a coal pipeline. With the language in our bill, the States can deny water for coal slurry if they choose to.

The bill also says that you cannot use eminent domain to acquire a water right; that all water rights must be perfected under State law; that you have to have your water right in hand when you file an application to get eminent domain authority; and that nothing will impair State water law, and existing compacts and treaties.

When I originally supported coal-slurry legislation, it was a simple idea: Allow a coal pipeline that is in the national interest to use eminent domain to acquire rights of way. For other Federal involvement, no Federal money at all. The bill that is before you today has gotten a little more complex: We have both the Department of the Interior and the ICC participating in the certification decision. We have a procedure for electing to provide service under contract. We spell out the application procedure, and notice requirements, and we make special provisions for small and independent shippers. If the truth be known, I sort of long for the original idea that was a back-of-the-envelope bill.

But a lot of people have participated in the drafting, and two committees with strong opinions reported the bill, and I think the product is good. The bill before you, H.R. 3857, was introduced by me, Chairman HOWARD, Mr. ANDERSON, the subcommittee chairman, and Mr. BREAUX. It is a compromise that resolves differences in the bills reported by the Interior and Public Works Committees.

The central idea is still to promote competition. It is a fact that most of the domestic coal shipped today is shipped by rail; and way more than half of that coal has no shipping competition. In the absence of competition, the railroads can charge what the market will bear.

It is also a fact that competition will have an effect on the rates the rail-

roads charge for shipping. Recently Arkansas Power & Light announced that they had signed a 20-year contract with the Chicago North Western Transportation Co. and the Union Pacific. Arkansas Power & Light had been negotiating with the existing carrier, the Burlington Northern, and with a coal-slurry pipeline, the ETSI project.

Some of the opponents of pipelines have seized on this as proof that pipelines are not competitive. I think it proves the opposite: The very presence of competition, even the threat of competition from a coal pipeline, led the railroads to offer terms that were advantageous to the utility. The utility could choose the very best arrangement for its customers.

The utility itself, in a press release that I have here, said:

> We believe that the presence of competition from the coal slurry pipeline was a contributing factor to the willingness of the railroads to enter into favorable long-term transportation agreements. What we saw in Arkansas was an example that the railroads not only can but will compete when faced with a credible pipeline alternative. This competition will benefit utilities and, in turn, their customers throughout the country.

The utility went on to say:

> We feel that the passage of pending eminent domain legislation is essential to provide the desired competitive situation. Indeed, had eminent domain legislation not been delayed for the 10 years since the Middle South Utilities System first supported it, construction might have already been underway on a Wyoming-to-Arkansas slurry pipeline with even lower rates available for transporting coal.

That is the heart of the issue: Whether or not Congress will act to permit coal pipelines to be built, in order to provide competition in the coal-shipping market.

You know, it has often been said that we are the Saudi Arabia of coal, that we have greater coal reserves than any other country.

Well, let me give you a little multiple choice quiz here.

You are a big utility in the Tampa-St. Petersburg area in Florida, you are going to build a new plant, $1 billion plant, electrical plant burning coal.

The coal is going to come for the next 25 years from one of three places.

Answer No. 1 is Kentucky/Virginia, the great coal fields of Appalachia. A prospective answer No. 2 is Alabama, the great coal resources in northern Alabama, just a few hundred miles from this new plant.

The third choice is the nation of Poland. Twenty-five years of a contract to bring coal and to operate that powerplant from Poland?

Guess what the winning answer is; No. 3, Poland, with a long-term contract.

Now the Japanese have signed a contract in Texas with one of the major utilities there to deliver coal. What is going wrong?

With an adverse balance of payments and all kinds of economic problems in this country, why do we have to go, if we are the Saudi Arabia of coal, as we are told, why do we have to go around the world to purchase coal? It is in large part because the railroads have had a monopoly.

In the district I formerly represented, which the gentleman from Arizona (Mr. McNULTY) now represents, we had a similar situation where the railroads were able to go back to the Interstate Commerce Commission and effectively triple the price of coal. There is simply no recourse to it.

□ 1450

So I think after three long Congresses of debate on this issue and a lot of delay, we ought to now finally get this job done and do something for consumers, do something for jobs, do something to help our country use the abundant coal that we have.

Mr. LUJAN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in support of the substitute bill to H.R. 1010, the Coal Pipeline Act of 1983.

There are many compelling reasons for supporting this legislation, as has already been outlined by the chairmen of the two committees which reported out this compromise substitute.

I would like to simply add that, after months and years of what now seems like an endless debate on the subject, that coal slurry is a technology whose time has come—finally, I hope.

I do not know how many people know it, but coal slurry is an American technology that is now being utilized in Russia and China—but cannot be used in the United States.

Ironically, in this country where competition and private initiative are the basis of our economic system, we have blocked the advent of an exciting technology for the transport of coal, merely to protect a noncompetitive, complacent rail industry.

One thing that alarms me is that we are in danger of following the British example of restraining competition for aging industries. This can only result in economic stagnation.

The choice before us really boils down to this: We can follow the British example of restraining competition, or we can give coal-slurry technology the chance to prove itself in our private enterprise system.

Anytime you have legislation as complex and as sweeping as the Coal Pipeline Act, there are naturally certain provisions that may be troubling to many of us.

But, as those who have been involved in the committee debates will attest, every possible attempt was made to address these concerns.

For instance:

States water rights: Initially, many people in the Western States opposed this bill because of concern about whether States would maintain the right to control their own water. With the help of experts on water law and Mr. CHENEY, we went as far as we possibly could, just short of giving one State a veto right over how another State would use its adjudicated water rights. There is no way we could do that. The water language gives each State the right to decide whether it wants to use its water for coal slurry or not. Nothing could be more fair.

The legislation also contains strong environmental and safety provisions, and the certification of pipeline carriers will be handled jointly by the Secretary of Interior and the Interstate Commerce Commission.

Much of the language in this bill represents a compromise between many competing interests. It is a solid piece of legislation, that represents many months of hard work, and a lot of give and take—which is so representative of our legislative process.

We find ourselves talking about two competing technologies. And I would like to read a letter that came to my attention from then Gov. Martin Van Buren of New York to then President Andrew Jackson. This was during the debate between the canals and the railroads.

And it says:

> To: PRESIDENT ANDREW JACKSON.
>
> The canal system of this country is being threatened by the spread of a new form of transportation known as "railroads". The federal government must preserve the canals for the following reasons:
>
> One. If canal boats are supplanted by "railroads" serious unemployment will result. Captains, cooks, drivers, hostiers, repairmen and lock tenders will be left without means of livelihood, not to mention the numerous farmers now employed in growing hay for horses.
>
> Two. Boat builders would suffer and towline, whip and harness makers would be left destitute.
>
> Three. Canal boats are absolutely essential to the defence of the United States. In the event of the expected trouble with England, the Erie Canal would be the only means by which we could ever move the supplies so vital to waging modern war.
>
> For the above-mentioned reasons the government should create an Interstate Commerce Commission to protect the American people from the evils of "railroads" and to preserve the canals for posterity.
>
> As you may well know, Mr. President, "railroad" carriages are pulled at the enormous speed of 15 miles per hour by "engines" which, in addition to endangering life and limb of passengers, roar and snort their way through the countryside, setting fire to crops, scaring the livestock and frightening women and children. The Almighty certainly never intended that people should travel at such breakneck speed.
>
> MARTIN VAN BUREN,
> *Governor of New York.*
>
> January 31, 1829.

Mr. BEREUTER. Mr. Chairman, will the gentleman yield?

Mr. LUJAN. I yield to the gentleman from Nebraska.

Mr. BEREUTER. I thank the gentleman for yielding.

Just a minute or two ago the gentleman made reference to the extraordinary yeoman's work done by the gentleman from Wyoming (Mr. CHENEY) with respect to protecting State water rights. And I am most emphatically in agreement with the gentleman that what he did was important and innovative. It solved one of the problems that we have talked about in the past and that is it solved the problem of States losing control over their water once given for coal slurry pipeline uses under the Commerce clause.

But I would ask the gentleman, is it not true that the language offered by the gentleman from Wyoming (Mr. CHENEY), and similar language in the other body, really does nothing to protect the water rights of States that are not a party to that contract? In fact, if it is an aquifer, an interstate aquifer, we are dealing with an interstate river, water extracted by one State, no protections are yet provided to the other States so affected by the extraction or withdrawal of such water?

Mr. LUJAN. As the gentleman knows, surface water is protected, each State is protected by a compact that all States enter into. That is true.

What the gentleman says is the State of New Mexico, for example, cannot tell Colorado what to do with its water. And I think that is proper. That is the case now. Colorado can use it for whatever purpose they want to use it without New Mexico interjecting their own desires into it.

This water language, as the gentleman from Wyoming, I am sure, who is going to have some time after this, can better explain than I, but what we are in effect saying is that the State is supreme as to the use of that water that is allocated to the State what the State wants to use it for. And we preserve that State's right in this particular legislation.

Mr. BEREUTER. If the gentleman will yield further, I would like to bring up a less than hypothetical hypothetical.

Mr. LUJAN. Those are difficult to deal with I might tell the gentleman.

Mr. BEREUTER. We are talking about the sale, for instance, by South Dakota of water from an interstate aquifer. That interstate aquifer also underlying Nebraska.

Is it not true that Nebraska has no opportunity to protect or be involved in the decision of South Dakota to sell that water the two States jointly have? And is it not a fact that we do not have interstate compacts at the present time for that kind of situation? And is it not a fact that on page 20 of the Interior Committee's report that the committee itself recognizes this as an unresolved problem?

Mr. LUJAN. Well, I will tell the gentleman, and we have discussed it on many occasions within the committee, and that is that we do not have compacts for ground water. And that is a serious problem that I for one would have wished we could have solved in this particular legislation. But this was not the vehicle for it. And I think that perhaps—not just perhaps—we will be addressing that issue in other legislation, at least I am hoping, because the problem exists and certainly we did not address it in this. We did not change the law. I think that is the point that we are trying to make.

□ 1500

We did not change any State's rights as to how a State might use its water.

Mr. CHENEY. Mr. Chairman, will the gentleman yield?

Mr. LUJAN. I yield to the gentleman from Wyoming, who has been a guiding light in this situation.

Mr. CHENEY. I thank the gentleman for yielding, and I would like, if I might, to join in the colloquy with my colleague from Nebraska.

The charge has been made that somehow this legislation changes the allocation of water among States or that it gives water to South Dakota that belongs to Nebraska. Nothing could be further from the truth.

Let me quote specifically from page 5 of the legislation, section 3, paragraph (4):

(4) nothing in this Act or any amendment made by this Act shall alter the rights of any State to its apportioned share of the waters of any body of surface or ground water, whether determined by past or future interstate compacts, or by past or future legislative or judicial allocation;

There are three ways to allocate water. One is by interstate compact among the States; the second is by legislation, that is to have Congress say that each State is entitled to so much; and the third is by court action.

There is absolutely nothing in this legislation that in any way, shape or form gives water to a State that it currently does not have. It does not allocate any water between any States. Any charge to the contrary is simply not a correct reading of the legislation.

Mr. LUJAN. I thank the gentleman for clarifying that, because that certainly was the intent, at least within the Interior Committee, and I assume within the other committee. That was the intent, and our intent, so far as the legislation is concerned, not to change one iota of authority or to detract one iota of authority from a State as to how they might use their water.

Mr. BEREUTER. Mr. Chairman, will the gentleman yield?

Mr. LUJAN. I have a lot of requests for time, but I will yield to the gentleman for 1 minute.

Mr. BEREUTER. I thank the gentleman for yielding.

We will have an opportunity to enlarge upon this colloquy, I am sure. But I would point this out: The passage of this legislation would facilitate the extraction of interstate water, be it surface or ground water, for sale external to that State. It is true you are not changing existing water law, but you are facilitating the export of water from one State that belongs to other States as well. That is why extraordinary measures are called for when you make this kind of expansion of opportunities to export water.

Mr. CHENEY. Mr. Chairman, will the gentleman yield on that point?

Mr. LUJAN. I yield to the gentleman.

Mr. CHENEY. It is simply inaccurate to say that this legislation gives any State the right to sell water that it does not own. That is fundamentally wrong. This legislation does not do that. A careful reading of the bill will make it abundantly clear to anybody who wants to pursue it that nothing in this legislation gives any State the right to do anything with water that belongs to another State.

Mr. BEREUTER. That is not precisely what this gentleman said. This gentleman said this legislation facilitates the sale of water by one State, which is in fact arguably interstate water.

Mr. CHENEY. No. On that point, if there is a dispute over whether or not a particular State owns a certain amount of water, that can be resolved by going to court, as is currently the case in respect to ETSI. But there is nothing in this legislation that in any way, shape or form that gives Wyoming, South Dakota, or Nebraska or any other State the right to dispose of water that belongs to another State.

Mr. McCAIN. Mr. Chairman, will the gentleman yield?

Mr. LUJAN. I yield to the gentleman from Arizona.

Mr. McCAIN. Just one addition to that, if I may. I do not think we should confuse this project with high water uses projects. There was an oil shale project on the Colorado River which was a high-water usage enterprise which many people supported for the good of this country. There were compacts between Colorado and Arizona which allow them to use their water in whatever way they may see fit. So I do not think we should confuse high-water usage projects as an encroachment on other States' rights.

Mr. MOLINARI. Mr. Chairman, will the gentleman yield?

Mr. LUJAN. I yield to my friend, the gentleman from New York.

Mr. MOLINARI. The gentleman keeps making reference to the transportation of water mixed with coal. Does this legislation limit the substance that would carry coal to water?

Mr. LUJAN. No, it does not.

Mr. MOLINARI. Well, what other substances would be allowed by virtue of this legislation?

Mr. LUJAN. Well, you could mix it with oil, I suppose, and shoot it on down the pipeline and burn the oil and the coal together. There has been talk of all kinds of different substances, which I suppose can be used, but it is not.

Mr. MOLINARI. Would gas be allowed?

Mr. LUJAN. Gas?

Mr. MOLINARI. Gas mixed with coal.

Mr. LUJAN. I assume so, if that will shoot it down the pipeline.

Mr. MOLINARI. Has the EPA ruled upon this technology?

Mr. LUJAN. Not to my knowledge.

Mr. MOLINARI. I thank the gentleman.

Mr. ANDERSON. Mr. Chairman, I yield such time as he may consume to the gentleman from New Jersey (Mr. HOWARD), chairman of the Committee on Public Works and Transportation.

Mr. HOWARD. Mr. Chairman, I rise in support of H.R. 1010, the Coal Pipeline Act of 1983.

Throughout our history as a nation, the United States has taken actions to foster, promote, and utilize new and proven technology. By doing so, we have become a world leader in industry and technology.

Again, throughout our history as a nation, the United States has taken actions to foster and promote a transportation industry that would help develop the country and that would meet the needs of the people.

To accomplish that end many actions have been taken. The transportation system is a free enterprise system, one that functions under the basic theory of competition. However, the Government has functioned as a partner in the development of that industry. For example, money has been furnished for the development of roads, waterways, ports, and airports. Lands have been given to the railroads for development of rights-of-way for the purposes of, among other things, developing the West. Methods for acquiring rights-of-way have been enacted by both the Federal Government and State governments for the railroads, for oil and gas pipelines, and for the transmission of power.

In times of crisis, the Government has moved to help various industries by loaning them money. In other areas, the Government has permitted transportation industries to rid themselves of essential services which they felt they could no longer perform in an economic manner. A prime example of this was the creation of Amtrak.

In short, the people of the United States have responded to the needs of the industry in order to develop a great transportation system.

Another point. When the transportation industries sought less Government regulatory controls over their business dealings, the Government acted. The result has been a series of regulatory reform laws that have drastically lessened controls over the air, rail, and motor carrier industries.

Against this background of Government participation in the development, maintenance, and control of the American transportation system, let us examine what is being sought in H.R. 1010, the Coal Pipeline Act of 1983.

The bill would facilitate the acquisition of rights-of-way by coal pipelines. It does not give them rights-of-way nor does it give them money for acquiring rights-of-way.

The bill provides for a limited and conditioned delegation of the Federal power of eminent domain. Such a delegation should not be made easily, and it is not made easy by the bill. Now, coal pipelines may enter the transportation marketplace without compliance with any entry requirements. That is not changed. However, a laborious and stringent entry requirement is imposed for any coal pipeline that desires to receive a delegation of the eminent domain power. It requires at a minimum the participation and approval of at least three Government agencies, namely, the Interstate Commerce Commission, the Department of Interior, and the Department of Justice. In addition, it may involve action by the President. Finally, any government agency, State or Federal, any transportation company, and for that matter, any person may participate in the mandated hearing process for the purpose of supporting or opposing the granting of a certificate without which a coal pipeline cannot receive a delegation of the eminent domain power.

The certification process is not easy. It requires meeting national interest criteria, it requires meeting public convenience and necessity criteria, and it requires having the Attorney General find that issuance of a certificate is consistent with the antitrust laws.

Prior to these processes, the coal pipeline must have applied for and received every State water permit that may be needed to operate the pipeline.

The bill provides that coal pipelines may conduct their transportation services pursuant to contracts, except for any portion of the capacity of the pipeline that can be set aside for small and independent coal producers. Moreover, certain duties are imposed upon coal pipelines with respect to shippers that exercise prerogatives established in the legislation. If not met, the pipeline can be required to provide service at rates and under terms established by the Interstate Commerce Commission.

Again, the process is not easy.

Today, the only existing pipeline is operating pursuant to a contract. Today, the rail and water competitors may transport coal pursuant to contracts, and, by the way, pursuant to contracts subject to less or no Government economic regulation by the Interstate Commerce Commission.

Finally, coal pipelines are fully subject to applicable health, environmental, and safety laws.

In this process, the coal pipelines have sought no Government money. As a matter of fact, coal pipelines must pay for all administrative costs the Interstate Commerce Commission and the Department of Interior incur as the result of the filing of an application.

In this process, the coal pipelines have not sought a type of assistance that is unpecedented. The Government has given rights-of-way or facilitated the acquisition or rights-of-way for other transportation services.

The coal pipelines are asking for help in acquiring rights-of-way; rights-of-way that they will still have to pay for.

Previously, I stated that the assistance they have asked for should not be given easily. It has not been given easily, but it should be given.

Transportation demands for coal, one of our most abundant resources, is increasing and it is anticipated that there will be further increases. Constructive competition for the transportation of coal is needed in order for the marketplace to function properly as a regulator of transportation costs.

H.R. 1010 is aimed at facilitating the creation of such a competitive transportation system with safeguards for the public and competing carriers.

Coal pipelines are a technology that should and must be given a chance. I urge my colleagues to support passage of H.R. 1010.

□ 1510

Mr. ANDERSON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, we have before us today a bill of great significance to the people of our country. H.R. 1010, the Coal Pipeline Act will help create a new industry that may contribute greatly to the economic vitality of the Nation.

Today, an increasing number of powerplants around the country are turning to coal. Whereas in 1980, there were 829 million tons of coal produced here, the Department of Energy estimates domestic coal production levels of between 1.2 billion and 1.34 billion tons by 1990. Mr. Speaker, many of our colleagues have seen a map of the

country depicting the route that several pipelines might take. Even if each of these is build by 1995 and operating at 100 percent of their projected capacities, a doubtful proposition, they will carry less than half of the amount of coal that experts predict will be produced at that date in excess of levels being produced today. Even given the most optimistic projections of pipeline development, railroads will be carrying much more coal in the future than they do today, with an accompanying increase in rail employment.

Clearly, the railroads will not be put out of business by this bill. As a matter of fact, some might wonder what the fuss is about if it is only a relatively small percentage of our Nation's coal that pipelines will transport. Here is why the Public Works and Transportation and Interior and Insular Affairs Committees have been working on coal slurry pipeline legislation; we are convinced that these pipelines, if given the opportunity, can in some cases, transport coal in a less costly fashion than can present modes. If they can do this, it will result in lower utility rates for the people of this country. And if they cannot, they will not be built.

The economic system of this Nation is based on the premise of competition. Let there be competition in the marketplace and the people will benefit. That is what the railroads maintained in securing passage of the Staggers Rail Act of 1980.

H.R. 1010 will stimulate competition for the transportation of coal. And now suddenly, there are some who have lost confidence in these concepts of competition in the open marketplace. I have not. I continue to believe that given the opportunity for competition, the public cannot lose.

I was interested to see in a "Dear Colleague" prepared by opponents of this bill that the coal haulage contract which Arkansas Power & Light entered into recently with the Chicago & Northwestern Railroad, in competition with a coal pipeline, indicated that this bill was not needed. I was doubly interested, then, to read a copy of a letter from the chairman and president of the utility. He said, and I quote "Indeed, in all the prior years we have dealt with * * *" and then he names two railroads, "we could not bring them to the negotiating table with any meaningful proposals as long as they felt we had no alternatives. As a matter of fact, they have in the course of 'negotiations' exhibited little reluctance to assess what we felt to be arbitrary increases whenever they considered they had the freedom to do so with impunity."

Competition, Mr. Chairman. That one word sums up my reasons for supporting coal slurry pipelines. Now let me briefly reflect upon why I reject the concerns of those who would oppose the legislation for one of three principal reasons. They raise these concerns; the granting of Federal eminent domain to private interests, a State's ability to control its water; and its antitrust implications.

First, eminent domain can be carefully granted because the public interest is served if pipelines might have a moderating influence on utility rates.

Second, this legislation expressly guarantees the primacy of a State's ability to determine the use of its water in a pipeline. As a matter of fact, a State will have more control over that water which might be needed for a coal slurry pipeline than if it is used for any other purpose that might take it outside of the State. One cannot even go before the Interstate Commerce Commission and the Interior Department to apply for a certificate until he has his State water permits in place.

And with respect to any antitrust implications, I can only say that our Nation's antitrust laws fully apply to the construction of coal slurry pipelines and that no certificate may be issued until the Attorney General certifies that doing so would not be inconsistent with our antitrust laws.

Mr. Chairman, I commend the job done by Chairman UDALL and Chairman HOWARD, who have taken the lead in crafting this legislation. It has been carefully worked out to instill competition into a sector of American commerce where all-too-often none presently exists, and as such, I urge our colleague's support.

Mr. MOLINARI. Mr. Chairman, will the gentleman yield?

Mr. ANDERSON. I yield to the gentleman from New York.

Mr. MOLINARI. I thank the gentleman for yielding.

Mr. Chairman, will the gentleman explain why it is that they are allowing take-or-pay contracts for coal slurry pipelines, particularly in light of our adverse experience with these contracts in the natural gas fields?

Mr. ANDERSON. Take-or-pay contracts in coal slurry, unlike the gas industry, these contracts are actually ship or pay since a utility is not contracting for purchase of the commodity itself in addition to its transport, as in the gas industry, but just for its transport. So in the gas industry, if a utility enters into a contract that turns out to be bad, it is stuck with a bad contract for both the transportation and the commodity. With coal slurry, if the contract proves disadvantageous, it is only for the transportation rate, which represents a much, much smaller portion of the total cost to the ultimate consumer.

Mr. SNYDER. Mr. Chairman, will the gentleman yield and point out to me where that is in the bill? Take-or-pay is provided in this bill both for the commodity and the transportation charges; not provided for, but not prohibited, for both factors.

We had that in committee and we debated it well.

Mr. McNULTY. Mr. Chairman, will the gentleman yield?

Mr. ANDERSON. I yield to my colleague, the gentleman from Arizona.

Mr. McNULTY. I thank the gentleman for yielding.

Mr. Chairman, does the distinguished chairman from California know of any railroad that allows coal to be hauled on anything other than a take-or-pay contract?

Mr. ANDERSON. No; I do not.

Mr. SNYDER. If the gentleman will yield on that point, the ICC testified that they did not permit those contracts for railroads. That was their testimony.

Mr. McNULTY. Mr. Chairman, if the gentleman will yield further, as the attorney for a company that delivers a million tons of coal a year to a generating plant, I advise the distinguished gentleman from California that the railroads accept nothing but take-or-pay contracts, and in addition, require a million dollar bond to guarantee performance.

Mr. MOLINARI. Mr. Chairman, I have not finished my question. May I please just ask the remaining part of my question?

The CHAIRMAN. The gentleman from California controls the time.

Mr. ANDERSON. I have promised the gentlewoman from New York 3 minutes, and I do not want to lose my time.

Will the gentleman please get his own time from his own time, because I have a time limit here and I would like to yield to the gentlewoman from New York (Ms. FERRARO).

The CHAIRMAN. The gentleman from California refuses to yield. The gentlewoman from New York (Ms. FERRARO) is recognized for 3 minutes.

Ms. FERRARO. I thank the gentleman for yielding this time to me.

Mr. Chairman, I rise in support of the bill offered by the distinguished chairmen of the Public Works and Transportation, and Interior Committees.

The development of coal slurry pipelines has been the subject of intense discussion in the Congress for the better part of a decade, and I believe that the bill now before us, H.R. 3849, responds effectively to the major problems noted in earlier versions of coal slurry legislation.

First, and perhaps most important this bill guarantees to each State the right to decide whether any water will be sold to a coal slurry pipeline. This protection is absolutely critical in view of a recent Supreme Court ruling that calls into serious question the States' ability to control their own water re-

sources. I would also point out that this bill in no way affects existing State water rights. Whatever rights to interstate waters a State currently has it will still have with the passage of this bill.

Then there is the question of eminent domain. This bill requires a detailed, careful analysis by both the ICC and the Interior Department before a pipeline company can be granted a certificate to use the power of eminent domain. This power, once granted, cannot be used to acquire water rights, and it can only be used after negotiations with a property owner have proven fruitless. I would also note that oil pipelines, natural gas pipelines—and the railroads—all have been granted the power of Federal eminent domain in times past.

What I think it all comes down to is competition. I do not know whether another coal slurry pipeline will ever be built. This bill certainly does not guarantee that one will be built. But it does give pipelines the chance to compete on an equal basis with alternative transportation modes.

This bill contains new safeguards, safeguards that are needed and that were lacking in previous coal slurry legislation.

Now let us let the marketplace decide whether these pipelines can compete economically for a portion of the Nation's coal transportation business.

□ 1520

Mr. ANDERSON. Mr. Chairman, at this time I have no further requests for time.

Mr. SHUSTER. Mr. Chairman, I yield such time as he may consumer to the distinguished ranking minority member of the full Committee on Public Works and Transportation.

Mr. SNYDER. Mr. Chairman, this coal slurry pipeline bill before us is a thoroughly, comprehensively and pervasively bad piece of work. We should defeat it soundly as we did back in 1978 with a bill that was not as bad as this one up today. If we do, maybe the special interests who keep coming back with this lemon from one Congress to the next will finally get the message.

I said this is bad legislation. It is beyond redemption. Except for a few fat cat corporations which might do pretty well if one of these pipelines got going, just about everybody else who would be affected would be hurt.

Take the consumers, the customers of electric utilities served by pipelines. They will stand a good chance of taking a beating, the way this bill is written. This is all the more galling for the fact that this bill is being paraded as the saviour of the consumer. Well, do not believe it.

For one thing, there is this little matter of take-or-pay contracts, which the pipelines have been saying they have just got to have if they are going to get their lines built. What can happen under take-or-pay contracts has a lot of folks worried, not just the opponents of this legislation. The State regulatory commissions have viewed with alarm—that is their term—the gouging which natural gas consumers have been subjected to. And the consumer federation of America says take-or-pay ought to be prohibited under this legislation. (I may have a bit more to say about take-or-pay under the 5-minute rule if anybody is interested.)

Take monopoly pricing, anticompetitive practices and arrangements. The consumer federation took the position that this legislation should protect consumers, and I quote, "against monopoly profits such as that may result from interlocking ownership arrangements between coal slurry pipelines and coal suppliers and users." Well, we tried to get ownership and control limitations into this bill in committee—along the lines of provisons in some earlier versions—and they got shot down.

There are other consumer problems, Mr. Chairman, such as the absence of common carrier obligation for slurry pipelines, and hence no effective rate and charge regulation by the Interstate Commerce Commission. And there is no protection against the danger that cost overruns could be passed on to the ratepayer in the form of higher utility rates (even though a principal pipeline witness testified that such protection would be acceptable).

Before I move on to other issues, Mr. Chairman, let me just say this. The participants in these pipeline ventures are not your conventional cottage industry. They are big boys, most of them, and they have been around a long time and they have experience in energy: mining, drilling, refining, transportation and financing. If these slurry pipeline projects are such a shaky proposition, if the money boys consider them too risky, if the only way to obtain financing is to lay off the risk on the consumer, if they have to have a bill stripped of conventional safeguards, you begin to wonder how good a deal these pipelines really are. And, more to the point, you wonder whether the Federal Government even ought to consider actively and affirmatively pushing these things as a form of transportation

Farmers can get hit any number of ways: harassment by pipeline right-of-way agents, if some congressional testimony is to be believed; disruption of agriculture during construction; permanent depletion of farmland by coal-processing structures, slurry dumping ponds, and above-ground pipeline segments; possible permanent damage to agricultural drainage systems or to sensitive vegetation in arid areas; intrusion of pipeline operating and maintenance personnel and equipment; loss of water for agricultural and other use in rural areas as a result of diversion of ground or surface water to pipelines; higher costs to ship agricultural products out and higher costs of materials, supplies and equipment shipped in, if hauled by railroads or barges which lose traffic and revenue to pipelines; service could deteriorate as well; contamination of land, groundwater and surface water in the event of breaks or spills.

Workers employed by railroads and barges losing traffic to slurry pipelines could face the loss of 40,000 existing rail jobs alone. This is in addition to tens of thousands of new jobs which might be created if projected increases in coal use finally came about. All we would get in return would be an increase in short-term construction and related jobs and a relatively small number of permanent pipeline jobs. Railroad retirement would be back in trouble and it would wind up right back in our laps where it was until we acted before the recess.

Railroads would face competition, as claimed by slurry supporters, but unfair competition. Railroads have to serve all commodities, short haul and long haul. The pipelines will not even have to take all the coal proffered. They will cream off high-volume, long-haul business; the most-profitable segment of rail traffic. The legislation would allow pipelines to commit their total capacity to contract carriage, which the railroads are prohibited by law from doing, and to turn down traffic not compatible with pipeline operations.

There are other dangers in the bill; environmental problems that have not even been fully identified, much less resolved; the problems of shippers other than farmers, including small coal operators without access to pipelines, served by railroads suffering revenue losses to slurry pipelines, and a whole raft of State health, safety, environmental and other interests bypassed as a result of the granting of Federal eminent domain to coal slurry operators. As this junction, however, the only additional problem I will elaborate on is water.

I consider it absurd, at a time of recurring drought or otherwise, to foster the use of scarce water in arid Western States as a transportation medium for coal under any circumstances. It may be true that the amount withdrawn by a single pipeline might not prove an immediate problem, but there is an enormously dangerous precedent here in having the Federal Government promoting developing of a new, high-volume commercial use of water involving interbasin transfer of such water. Moreover, such pipelines

can create a considerable cumulative demand for water; three pipelines have been proposed in the Powder River Basin alone, and ground water conceivably could be used.

Under this legislation, I am not satisfied that the water language protects the rights of States in which diversion of water for a pipeline is proposed or is underway, to deny such use or terminate it once commenced. It is equally clear that the language utterly fails to protect the rights of States which share ground or surface water with the State in which the diversion of shared water originates. Slurry proponents will tell you otherwise, but I have two answers for them. First, the record will show that, in the case of water protection language in the last three Congresses, claims as to its adequacy have turned out to be worthless. Second, in the case of the shared water problem, the report of the Committee on Interior and Insular Affairs recognized the legitimacy of this concern.

Beyond those individual bases for objection, Mr. Chairman, there is simply no need for this legislation. The railroads and barges can handle any demand for coal transportation that arises. No one seriously contends otherwise. The only real argument you hear is that the railroads need competition to keep rates down. I think that argument is exaggerated myself. We certainly had competition between the railroad bidders, which outbid ETSI pipeline for a key Arkansas power and light contract. There are plenty of other instances of competition as well, not necessarily point-to-point, head-to-head competition on identical routes. There is certainly competition if a major utility system can obtain its coal from three different sources, each served by a different railroad. Precisely that occurred recently when Norfolk Southern obtained a contract with a New England utility in competition with CSX and Conrail.

But put that aside. Agree that there are areas where coal users are captive, if you will, to a single railroad. No other railroad is available, nor is any other mode of transportation. If the railroad is abusing its power in that market and gouging the utility on its coal rates, there should be a remedy. We traditionally regulate monopoly in this country, while we rely on market forces where competition in fact exists. If railroad coal rates are excessive, let the ICC go after the railroads. If it will not, then Congress should go after the ICC. That way the remedy suits the problem. Directly, cleanly.

But no, the coal slurry pipeline advocates take a different approach, a punitive approach. They are saying that because a railroad may have abused market power, may be doing so, or may do so in the future, the Federal Government ought to punish all coal-carrying railroads by an artificial injection of so-called competition. This might well punish an offending railroad. But it would also wind up affecting other railroads in the bargain. Nor would it stop there. This fascinating punitive exercise would go on to spill over and hit the consumer, the farmer, the working man, the shipper, the environment, water resources and legitimate State interests. Those will be the consequences if we depart from the practice of limiting Federal eminent domain to genuine need and justification.

Mr. Chairman, before concluding I feel bound to call to the attention of the House an error in the dissenting views accompanying the report of the Committee on Public Works and Transportation on this legislation (H. Rept. 98-64, Part 2), and to set the record straight.

In quoting the hearing record, the report erroneously attributed to Washington Attorney Gary L. Widman, three statements made by Attorney Paul L. Bloom, also of Washington, who appeared with Mr. Widman as part of a panel on April 19, 1983.

The text on page 103 of the report should properly have read as follows:

Every reason exists not to depart from our current policy. Perhaps one of the best and most persuasive is seen in the comments of Mr. Paul L. Bloom during his testimony this year at coal slurry hearings held by our Subcommittee on Surface Transportation. Mr. Bloom, a local attorney whose "clients include supporters of coal slurry pipelines," testified in support of the bill and in support of its water language. After mentioning that the lower basin of the Colorado River—and perhaps the Colorado River as a whole—is or will be soon overappropriated and the "ominous Ogallala formation declines in Texas, New Mexico and neighboring States," Mr. Bloom concluded his written statement with the following comments:

"I would like to suggest that it is now incumbent upon this Congress to view water issues involving 'States rights' and State control over water exports against the background of this serious regional water resource problem. Ultimately, only the massive movement of water, or of people, will solve these problems." (emphasis added)

Far more than cheaper coal is at stake in this coal slurry bill. H.R. 1010 could provide the first step of many down the long and previously-forbidden road of congressional sanctioning and control over interbasin transfers of our Nation's precious water resources.

If I may conclude in a different vein, Mr. Chairman, I would say to my colleagues: Do not get snake bit by the slurry serpent. Vote "no."

□ 1530

Mr. SHUSTER. Mr. Chairman, I reserve the balance of my time.

Mr. UDALL. Mr. Chairman, I understand the gentleman from New Mexico (Mr. LUJAN) wishes to yield time first.

Mr. LUJAN. Mr. Chairman, I yield 6 minutes to the gentleman from Utah (Mr. MARRIOTT).

Mr. MARRIOTT. Mr. Chairman, as a primary sponsor of the Coal Pipeline Act of 1983, I am greatly concerned that this country begin to utilize its enormous coal resources to improve our Nation's economic and energy position. This legislation is one way to help release coal's potential and put it to work for America.

THE DOMESTIC SITUATION

Largely due to our dependence on imported crude oil this Nation's energy trade balance was a whopping $71 billion in 1981, roughly only $4 billion less than the decade's high of $75 billion reached in 1980. When offset by our overall positive trade balance of $43.5 billion in other areas, the deficit trade balance was still $27.5 billion for 1981. The export of domestic coal contributed nearly $6 billion toward diminishing our balance of trade deficit, an increase of $1.3 billion from the previous year.

Domestically, consumption of petroleum and natural gas have decreased while coal consumption has increased since 1973, indicating coal has become more competitive with oil and gas as conversion of electric powerplants to coal has taken place. Correspondingly, domestic coal production has increased steadily while the domestic production of oil and natural gas has declined somewhat.

We have reached the point now where today approximately 82 percent of all coal used in the United States is burned by utilities to produce electricity while more than half the electricity used by Americans is generated by coal.

These trends toward a greater domestic use of coal and an increased demand for the export of coal must continue if this Nation is to maintain a strong and respectable economic and energy position in the world. That means we must develop our coal resources to the fullest for domestic use and for export and, in order to develop them to the fullest, we must do all we can to make U.S. coal competitive both at home and abroad.

THE PROBLEM

With production costs of coal stabilized, the most volatile factor affecting its competitiveness in the market is the cost and means of transportation. With the deregulation of rail carriers under the Staggers Rail Act and the lack of competition in coal transportation in the West, domestic utilities and foreign importers who are interested in using coal cannot make a rational business decision because the factors of assured delivery and transportation costs are currently destabilized.

What we need in the transportation sector is some healthy competition where it does not now exist. Today, 65

percent of total U.S. production moves by rail. In the West, where there are no inland waterways for barge traffic, 98 percent of the coal moves by rail.

Eighty-five percent of all coal produced in the United States and shipped via rail is captive. Ninety-eight percent of Western coal is captive to rail shipment.

Current transportation costs roughly double the price of delivered coal. Some domestic users, particularly in Georgia and Florida, find it cheaper to import coal to the United States than to use domestic coal.

The decision to convert to coal-burning powerplants is affected by the delivered price of coal and the cost of transportation is often critical in making that choice.

The inability to deliver coal at a competitive price may result in losing the opportunity to capture more of the international market for coal.

Coal is forecast to become our leading export commodity within 20 years but it must be competitively priced to fulfill this forecast.

A SOLUTION

How are we going to assure that the United States will have a strong economic and energy position in the future?

My answer is that we must create a climate conducive to healthy competition in the delivery of coal. We must enable coal slurry pipelines to compete with railroads and barge transportation for the delivery of domestic coal.

COAL SLURRY AND RAILROADS

Let me address the railroad/coal slurry controversy by making the point that I consider myself pro rail. I want a strong, viable, competitive, and profitable railroad system. I believe, however, that in the long run, the combined efforts or deregulation and more competition will be healthy for railroads.

I believe that expanding markets will support both railroads and pipelines and the public will benefit by healthy competition.

It is now projected that coal shipments will approximate 1.4 billion tons in 1990.

As of 1980, the railroads were moving about 500 million tons of coal per year. Today, the figure is closer to 550 million tons.

By 1990, the railroads are expected to be moving between 700 and 800 million tons of coal which is roughly the total coal production in the United States today. (NCA.)

Assuming that all eight presently planned and existing slurry pipelines are operating at their maximum projected capacities, in 1990, they would be handling approximately 170 million tons.

Further assume that coal hauling by trucks and barges, which in 1979 accounted for approximately 260 million tons, increased by 50 percent by 1990, to 390 million tons.

The coal shipping situation in 1990 would then be: Total coal shipped—1,400 million tons; by pipeline—170 million; by trucks/barges—390 million (560 million tons); railroad potential—840 million tons.

Thus, assuming all of this, railroad coal hauling would increase by 355 million tons. The increase for railroads would be more than twice the total handled by coal pipelines.

In 1990, coal pipelines would account for—at most—12 percent of all coal shipped in the United States. Railroads could handle at least 60 percent.

I do not believe that coal slurry pipelines will displace railroads as America's principal transportation system for coal in the foreseeable future—or indeed, at any point.

Free enterprise in the transportation of coal can only benefit the public. With deregulation now of railroads, railroads can compete without disadvantage.

THE LEGISLATION AND WATER

Mr. Chairman, I support H.R. 1010 because it will supply the critical authority necessary to make possible a new means of efficient delivery of coal from the mine to the market—coal slurry pipelines. This is a balanced piece of legislation which will allow us to move toward fulfillment of one of our most important national priorities—energy independence—within the context and with all the resources of a competitive free enterprise system. Combined with deregulation of the Nation's railroads, I believe that this legislation will enable both pipelines and railroads to engage in healthy competition for the transport of coal without mutual destruction and that the public will be the beneficiary in the end.

In acting to provide coal slurry pipelines the right of eminent domain, those of us directly involved in drafting this legislation have been especially careful to assure that the States retain complete authority over the appropriation of water for pipeline use.

I have been particularly active in advocating water language in the proposed legislation to protect States rights.

The principles set forth in the water provision that I helped draft are embodied in this legislation.

The granting of a certificate of public convenience and necessity for a coal slurry pipeline by the Interstate Commerce Commission will not convey with it any right or claim to water rights.

Water rights must be obtained in accordance with State substantive and procedural law.

Further, the granting of the Federal right of eminent domain will not in any way affect State law, interstate compacts, or allocation of water among the States.

The water provision is designed to prevent the Interstate Commerce clause of the Constitution from being invoked to prevent a State from conditioning permits or terminating rights to water once a pipeline has begun operations across State boundaries.

As a further safeguard of State control over its water, a State water permit must be obtained prior to making application for Federal pipeline certification.

In my view, and in the view of attorneys who have examined this language, no stronger or clearer language could be devised to preserve the States' prerogative than that which is in this provision.

With each State in full command of its water resources, in cooperation with other States, and without Federal interference, I believe the agreements hammered out between the States and private enterprise with regard to water still have the best potential for meeting the needs and protecting the interests of our citizens both locally and nationally.

CONCLUSION

The bottom line is—we need to set our sights on national priorities and one of those priorities is energy independence achieved within the context and with all the resources of a competitive free enterprise system.

It is our responsibility in Congress to rise above those forces which would compel us to side with one interest or another which naturally seeks its own advantage. Rather, we must seek the long-term, best interest of the American people holding in trust, as we do, their future security and economic well-being. In seeing to it that economic competition proceeds fairly, ever moving toward the best interest of the American people as a whole, I believe we in Congress will have discharged that duty faithfully with passage of the Coal Pipeline Act of 1983.

□ 1540

Mr. CHENEY. Mr. Chairman, will the gentleman yield?

Mr. MARRIOTT. I am happy to yield to the gentleman from Wyoming.

Mr. CHENEY. I would like to congratulate the gentleman from Utah. The language in the bill is very much a product of a great deal of effort by both of us. The gentleman has been a noted expert on the Interior and Insular Affairs Committee for a good many years on water language and I would share his judgment and comment today and thank him very much for the help and assistance and advice and guidance he has given all of us in trying to perfect the water language in this particular piece of legislation.

Mr. MARRIOTT. I thank the gentleman. I hope all of us will vote for

this bill. It is a good bill. It is in the national interests. It does foster competition. It will make us viable.

Mr. UDALL. Mr. Chairman, I yield 5 minutes to the gentleman from Texas (Mr. KAZEN), the ranking member.

Mr. BEDELL. Mr. Chairman, will the gentleman yield?

Mr. KAZEN. I yield to the gentleman from Iowa.

Mr. BEDELL. Mr. Chairman, I rise in opposition to H.R. 3849, the Coal Pipeline Act of 1983. During the debate on this pipeline bill we have heard a lot of discussion about the legalities and technicalities involved. But I think that we should not lose sight of the basics here. I am talking about the human element—the farmers and ranchers and their families who would be harmed if the Congress passed this legislation.

I want to first make clear that my opposition is not based upon any particular objections to the coal slurry concept itself. Instead, my opposition is based upon three very specific concerns I have about the damage this legislation could cause to individuals and the national welfare. I would like to briefly outline my concerns.

First, I am deeply disturbed about the inadequacy of water protection provisions in this bill. The coal slurry bill reported by the Public Works and Interior Committees simply fails to offer protection to those water resources shared between States. The amended coal pipeline bill protects only the interests of the State which desires to divert and sell valuable water for use in coal slurry pipelines. Vitally important rights in shared interstate waters of downstream and adjacent States, such as Iowa, are left unprotected.

In an effort to provide this badly needed protection, I, together with Messrs. HAMMERSCHMIDT, VENTO, EDGAR, LEVITAS, BEREUTER, and others, will offer an amendment to H.R. 3849 to require the drainage basin States to formulate an agreement to govern a water transfer before any State can sell, transfer, or permit the sale or transfer of shared water. It seems to me that encouraging participation by individual States in such a compact is a reasonable and prudent safeguard.

Mr. Chairman, it is clear that large-scale bidding wars between differing interests for finite water from States willing to market it could take place in the near future. With the fiscal strain many of our States are experiencing, the temptation to raise revenue through this sort of sale may prove to be irresistible. We must not allow it to happen.

Furthermore, agriculture, when pitted against better organized and well financed water users, stands only to lose. I must emphasize that these threats are very real and present. In the midst of a catastrophic drought—one which has literally devastated our farmers—it is inconceivable that Congress would act foolishly to waste a resource as scarce and valuable as water. The water prices to our farmers and ranchers would only be driven out of sight if we allow H.R. 3849 to pass and force them to complete with large pipeline companies. Can any Member of this body look at the destruction inflicted on farm families by the drought of 1983 and fail to see the added harm this bill could inflict?

The second major concern I have with H.R. 3849 is the provision which permit coal slurry pipelines to exercise the power of Fedeal eminent domain. If this pipeline bill is allowed to become law, the Congress would be granting the awesome power of Federal eminent domain to a small number of private interests. Pipeline companies have been repeatedly denied eminent domain by the States. How can Congress then, in good conscience extend Federal eminent domain authority to coal slurry pipelines, trampling the rights of our States to judge what is in the best interest of our citizens?

This leads me to my third and the most basic problem with the legislation before us today. I mentioned earlier my concern over the bill's effect on the people in our districts and across the Nation. As I said, with all the complexities of this legislation, we must not lose sight of the human element at stake here.

Mr. Chairman, in June the Agriculture Subcommittee on Conservation, Credit and Rural Development held a hearing on legislation I introduced, H.R. 1749, regarding the sale by one State of water resources shared with other States to coal pipeline companies. Keeping in mind that the coal slurry pipelines would be routed across the land of our farmers and ranchers, let me just tell you how the power of eminent domain has affected four South Dakota ranchers who came to Washington and appeared before the subcommittee. Their experience may be shared by many others if this legislation is enacted into law.

These ranchers told a shocking story of their experiences with intimidation and threats by the Energy Transportation System, Inc. (ETSI) pipeline company which is seeking land to construct a coal pipeline. They told of their struggles to protect their lands from the powerful ETSI pipeline company. While I will not go into detail about the plight of these ranchers, I will tell you their story was an eye-opener. They were told, in effect, that it did not mater to the pipeline company that the path it chose for its pipeline was almost impassable and ecologically and financially unsound. The pipeline company wanted each rancher's land and they were told to take it or leave it and if they did not like the contract, the landowner's only remedy was to take the pipeline company to court.

I do not think this body wants that kind of story repeated in other States and other communities. Certainly it is too much to expect that farmers and ranchers can absorb the legal costs necessary to challenge these energy companies.

If the House passes H.R. 3849, Mr. Chairman, Congress will give these coal pipeline companies Federal rights of eminent domain so they can force the sale of the property the pipeline company needs for its pipeline. To a big pipeline company taking some farmer or rancher's land under eminent domain it is just another number in the company's ledger book. But for the small landowner or farmer in the path of the pipeline, it may be economic life or death.

In conclusion, this bill is unfair in human terms and unwise in terms of good water policy. I urge its defeat, and I urge my colleagues to think hard about these concerns.

Mr. KAZEN. Mr. Chairman, it has taken years of study and debate and compromise for us to get to this point in the history of the Coal Pipeline Act. I do not think that there are any surprises left on either side of the situation as the issue has been debated and redebated.

We have all heard the arguments of the railroads but let us not forget that these are from an industry that sought deregulation for its own operations in the name of free enterprise. Once deregulated, the industry launched an expensive public relations campaign to close the door on competition and to keep out any form of free enterprise that does not deliver by rail.

H.R. 3857, the Coal Pipeline Act of 1983, is a remarkable bill in that it broke a long stalemate and in that it represents a carefully crafted compromise which protects the rights of the States and the environment while allowing pipeline construction to be facilitated under the power of eminent domain.

During the period of that stalemate, I would remind those who have been deluged by opposition from the railroads, it was another interest group that suffered severely.

In answer to the gentleman from Kentucky, I refer to the consumers, those people who have had no alternative other than to try to pinch together enough of their hard-earned money to pay the sky-high utility bills brought down the track by the railroads.

The people of the city of San Antonio, Tex., have been at the mercy of the railroads and the Interstate Commerce Commission since City Public Service switched to coal-fired generators in

1976. And, mind you, we have all the natural gas that we could ever use in Texas but because of the shortage they forced us to switch to coal powerplants.

We did. The city of San Antonio then went to the railroads and said, "We want you to haul our coal for us from Wyoming."

"We cannot haul your coal," is what the railroads said. "We do not have the hopper cars."

The gentleman from Kentucky says they have all of the equipment that they need. They did not have the hopper cars. They forced the city of San Antonio to spend $25 million to buy their own hopper cars, in addition to $5 million for maintenance shops.

The city had to buy their own mode of transportation before the railroad would haul for them.

During that time since 1976 coal hauling rates have been raised 24 times from an original bid of $7.90 per ton to haul coal from Wyoming to more than $26.40 per ton, while the cost of coal is approximately $8 a ton.

Talk about where the consumers are being gypped, I would say to the gentleman from Kentucky, look down my way and we have the positive proof.

During that time my consumers had no choice but to pay their bills and the railroads had no incentive for cost cutting or spreading their financial burden to other areas.

This is that opportunity.

In San Antonio air-conditioning is a necessity, not a luxury. Last summer we had many deaths in the South because of the heat.

This is why I understand the anger of a constituent who wrote to me that he was sick and tired of paying $240 a month to run one air-conditioner in a house of less than 1,200 square feet.

"I tried to conserve and when I did they raised the rates. I tried again and they raised the rates. Tell me again how I should keep my family cool," he asked.

One thing we can do is to hold the shipper increases down by returning the ICC to activities more in agreement with the congressional intent expressed in the Staggers Rail Act.

We are working on those guidelines now which are designed to shift the ICC back toward a balanced, objective approach to handling their decisionmaking.

Another thing we can do is to give the consumer a chance to benefit from that same free enterprise system the railroads endorsed in their own case. Let us deregulate coal, at least to the point of saying that it does not necessarily have to travel by rail, because now there is an alternative way.

The CHAIRMAN. The time of the gentleman from Texas (Mr. KAZEN) has expired.

Mr. LUJAN. Mr. Chairman, I yield the gentleman 1 additional minute.

Mr. KAZEN. I thank the gentleman.

I have heard people say that we might consider flying it in if the railroad's rates keep going up, but today we are more interested in the possibility of shipping it by coal slurry pipeline.

This bill would authorize coal slurry pipelines that are determined to be in the national interest and required by the public convenience and necessity to acquire rights of way over private lands by the exercise of eminent domain.

Landowners would be fully compensated and they may move the court actions from State to Federal court at their request.

□ 1550

The pipelines will be built underground to the maximum extent practical and installed in such a way as to minimize conflict with the existing land use.

Now, there have been concerns expressed about water but I think that issue has already been taken care of very, very accurately by my colleague from Wyoming in the provisions he placed in this bill.

The bill expressly states that the power of eminent domain may not be used to acquire water rights, and that no applications for pipeline certification may be submitted until the applicant has obtained the appropriate water permit from the State. It also states that all rights to use water for coal pipelines must be acquired persuant to the law of the State of origin of the water, and that nothing in the legislation will affect the validity of any State water law.

That means that if a State decides it does not want to allocate water for pipeline use, the proposed project is effectively terminated and no certificate granting eminent domain can be issued.

Although I personally consider this legislation long overdue, I am aware that the period of time involved has been helpful in fine-tuning the legislation on to the greatest extent possible in a compromise of this magnitude.

I urge you to support this legislation. I believe the rights of the consumer have been neglected and overlooked for too long. We have considered every angle and heard from every interest group while the consumer has been the captive audience of a captive shipper on the railroads. I believe our Nation needs this, and I believe our economy will benefit by it.

Mr. UDALL. Mr. Chairman, may I inquire as to the status of the time?

The CHAIRMAN. The gentleman from Arizona has 32 minutes remaining; the gentleman from New Mexico (Mr. LUJAN) has 26 minutes remaining; the gentleman from California (Mr. ANDERSON) has 31 minutes remaining; and the gentleman from Pennsylvania (Mr. SHUSTER) has 30 minutes remaining.

Mr. UDALL. Mr. Chairman, the gentleman from New Jersey (Mr. HOWARD), and I had an agreement with the leadership that we would terminate the general debate this afternoon before 4 p.m.

Mr. Chairman, I would like to yield 3 minutes to the gentleman from Minnesota (Mr. VENTO). There may be another speaker at the discretion of the Chair. Then I will move to rise.

Mr. Chairman, I yield 3 minutes to the gentleman from Minnesota (Mr. VENTO).

Mr. VENTO. Mr. Chairman, proponents of coal slurry would have us believe that the substitute bill to H.R. 1010 is simple eminent domain legislation enabling coal slurry pipeline operators to acquire rights-of-way. The fact of the matter is that this complex measure goes far beyond that scope and raises public policy questions with regard to the transportation, environment, water resources, jobs, and consumer protection consequences of this change in law.

The use of Federal eminent domain is a power to be granted only as a means to further the public good. Such a privilege requires special safeguards to assure that the public's legitimate interests are protected. H.R. 1010 is deficient in meeting the necessary high public standards. I am struck by the fact that in all the claims and counterclaims about this legislation's benefits, one fact remains inescapable—regardless of any other considerations, the only sure beneficiary of this legislation will be the coal slurry pipelines' owners and operators.

Congress has been reviewing coal slurry legislation for nearly a decade. Each new Congress has faced a different coal slurry bill with whole sections being rewritten or omitted to accommodate slurry interests, but always the central questions about jobs, competition, water policy, and the environment remain unanswered. Frankly, I view it as doubtful whether this legislation can be improved enough by amendment to merit its enactment.

I believe the legislation before us remains deficient from a public policy standpoint in many ways, but I will only touch upon two areas in which I have taken a special interest; namely, the question of water resources and the use of take-or-pay contracts.

To begin with, slurry pipelines are a dubious use of scarce water supplies. H.R. 1010 compounds this initial concern by its delegation of Commerce Clause power to the individual States. By not having in place a consent mechanism for interstate water that is exported for use outside a particular State, H.R. 1010 fosters the sale of water to serve short-term parochial interests at the expense of other affect-

ed States and the national interest. Assurances of protecting traditional water uses ring hollow when faced with the fact that many areas have neither allocation agreements or water compacts. The sweeping use of the Commerce Clause powers in H.R. 1010, combined with the provisions of section 3 overriding State or Federal law in conflict with this water language, only compounds the problems we face in carrying out a sound water policy at the State and Federal level.

There is considerable concern among many Members, including Representative HAMMERSCHMIDT and myself, on the question of the use by one State of water for coal slurry from a multi-State water source. We intend to offer an amendment to rectify this matter. Unless we address this question, we are insuring ourselves heightened confrontation by States that share a common water source.

When I offered an amendment during Interior Committee markup on "take or pay" contracts, it was labeled by slurry proponents as a "killer" amendment. Unfortunately, in this instance the real killers were the slurry proponents and their victims were the captive consumers of coal. The natural gas situation has exposed the problem with "take or pay" contracts but slurry proponents blissfully ignore this in their claim that long-term "take or pay" contracts are necessary for the financing of a slurry pipeline. Now besides the anti-consumer aspects of "take or pay", what does this say about the competitiveness of slurry pipelines if they need "take or pay" on a long-term basis to survive? They can hardly wait to leverage the financing on utility consumers, these banner-waving free enterprisers quickly forget about risk taking when the opportunity presents itself to let electric rate payers carry the risk for them. Slurry proponents claim they want competition but once they get long-term "take or pay" contracts, they have effectively locked out competition. They will have a closed captive market. It is interesting to note that one of the proponents of this legislation, the Consumer Federation of America, has changed its view, on the use of "take or pay" contracts with coal slurry pipelines and I want to publicly commend them for that change and hope my colleagues vote for the amendment, to accomplish this ban. The official position of the CFA is to actively support amendments to forbid "take or pay" contracts in the operation of coal slurry pipelines.

The issues raised by me are only a few of the many problems that exist with this legislation. H.R. 1010 is bad public policy and as such is not worthy of enactment.

Mr. UDALL. Mr. Chairman, I yield 4 minutes to the gentleman from Louisiana (Mr. HUCKABY).

Mr. HUCKABY. Mr. Chairman, I would like to begin by commending the distinguished gentleman from Arizona, the chairman of the Committee on Interior and Insular Affairs, for his tenacity in staying with this bill. I have served in four Congresses now and for the last 8 years, every other year we have been here on the floor talking about coal slurry pipeline.

Why has this bill not been able to be passed and become law before now? I think it is very simple: Nearly every congressional district in the United States, almost, has a railroad in it. But probably less than half, significantly less than half of the congressional districts in the United States will be impacted by a coal slurry pipeline within the immediate future, should this legislation become law.

We have seen the result of a very strong, influential railroad lobby. But I suggest to you the time has finally come when the railroads should allocate their costs properly.

One company has sort of gone it alone, the ETSI pipeline which is snaking its way around from Wyoming southward, even bypassing one State in the Midwest and as a result of this, Arkansas Power & Light just had a little contest, bidding competition, for a change, where we had two railroads and a pipeline bidding for their hauling business for the next 30 years, their coal from Wyoming.

The chairman of the board of Mid-South Utilities told me last week that they estimate they are saving $16 billion over the 30-year life of the contract that they entered into with the railroad because of the fact that they had additional competition both from another railroad, as well as the ETSI pipeline.

Mr. SHUSTER. Mr. Chairman, would the gentleman yield on that point for a question?

Mr. HUCKABY. I yield to the gentleman.

Mr. SHUSTER. I thank my friend for yielding.

It is our understanding as we mentioned a bit earlier today that the ETSI pipeline was actually third in the bidding, not even second. I wonder if the gentleman can confirm that.

Mr. HUCKABY. I have been told this is true, also. Whether or not it is, I do not actually know. The point is you have got bidding, even amongst the railroads, finally, and not a monopoly.

Mr. SHUSTER. If that is right, we do not need the pipeline if the two railroads were No. 1 and No. 2 in the bidding, there was no need for the slurry pipeline since it came in a poor economic third.

Mr. HUCKABY. Except perhaps to further amplify the case, why are the railroads so bound and determined to do everything they can to prohibit competition? You know, if they can beat coal slurry pipelines in the marketplace, so be it, I am all for it.

Mr. SHUSTER. I thank the gentleman.

Mr. HUCKABY. I am working for the consumer and his bill, if I can save the citizens of Arkansas $500 million a year for the next 30 years as a result of the potential of having a competitive bid situation, I think we should do it so the costs are properly allocated back. Maybe the prices of some other items are going to have to go up.

The CHAIRMAN. The time of the gentleman (Mr. HUCKABY) has expired.

Mr. UDALL. Mr. Chairman, I yield 1 additional minute to the gentleman from Louisiana (Mr. HUCKABY).

Mr. HUCKABY. I thank the gentleman for yielding.

Mr. ANDERSON. Mr. Chairman, will the gentleman yield to me?

Mr. HUCKABY. I yield to the gentleman from California.

Mr. ANDERSON. I thank the gentleman for yielding.

Mr. Chairman, I just want to clarify a point as to a letter which was referred to here several times. I have the letter referred to from the Middle South Utilities, Inc., of New Orleans. This letter, from the chairman and president of this organization, Mr. Floyd Lewis. I will not read it all but one paragraph which says:

> While there was additional competition between two originating rail carriers for the movement as far as Kansas City, the pipeline alternative provided the only competition to the delivering carrier from that point to the power plants.

So I think we ought to lay that down for once, that it was the pipeline alternative that provided the competition.

Mr. HUCKABY. I thank the gentleman for his contribution. It is certainly a very valid point.

● Mr. FIELDS. Mr. Chairman, I rise in support of H.R. 1010, the Coal Pipeline Act of 1983 and commend the bipartisan efforts of members of both the Interior and Insular Affairs Committee and the Public Works and Transportation Committee in acting on this important legislation. I believe coal slurry is a concept whose time has come and that it is incumbent upon us as public representatives to provide this badly needed competition for the transport of coal.

As a Representative from any area whose utility is a captive shipper of rail-transported coal, I strongly believe that coal slurry pipelines are in the best interest of the consumers of our country.

In light of the recent Interstate Commerce Commission ruling which allows railroad coal transportation rates to rise by 15 percent per year above inflation, consideration of this coal slurry legislation is indeed timely. Houston Lighting & Power, the major utility serving my congressional dis-

trict, is a major consumer of coal as an electricity source burning over 9 million tons of coal per year. This coal is transported over 1,600 miles before reaching the local W. A. Parish Station where it is burned. Houston Lighting & Power Co. estimates that the slurry pipeline transportation of coal to their W. A. Parish Station could result in a cost savings to local customers of $2.2 billion —present value basis—under the projected cost of rail transportation for the same coal over the remaining life of the plant.

Mr. Chairman, $2.2 billion represents a significant savings to the utility customers in Houston who are currently burdened with higher than average utility bills.

As the debate on coal slurry has proceeded, we have all been contacted by the railroads who have alleged that the existence of coal slurry pipelines will further bankrupt this ailing industry and force even greater railroad unemployment for the future. Mr. Chairman, in response to these allegations I would like to make a few points.

First of all, as an ardent supporter of the free market system, I have always felt that the existence of competition in any industry is a positive force and one which best serves the consumer. The virtual monopoly situation currently enjoyed by railroads in coal transportation does not lend itself to greater efficiency or cost savings to the consumers. Since most utilities which burn coal have no alternative to rail transport they cannot shop around for lower transportation rates. As a result railroads can charge exhorbitant rates for the transportation of this coal and these utilities have no recourse but to accept these rate increases.

The competition provided by coal slurry will force railroads to be more efficient in their delivery of service and more cognizant of their cost of service. To highlight the importance of this competition, I want to point the members' attention to the recent case involving Arkansas Power & Light. Arkansas Power & Light Co. recently signed a 20-year contract with the Chicago & North Western Railroad. The railroad, under competition from the proposed ETSI coal pipeline underbid this pipeline and was able to secure a contract for this coal transportation. Without the existence of the coal pipeline alternative, it is highly unlikely that this railroad would have the incentive to reduce their rates or reevaluate their bid.

The second point I would like to address Mr. Chairman is the issue of employment or rather unemployment as the railroads allege. In response, a few facts are worth pointing out. There is no doubt that unemployment in the railroad industry is at an alltime high. The Railway Labor Executives Association estimates that the railroads laid off 126,000 employees between 1981 and 1983. Additionally, another 70,000 railroad employees are on furlough. This decline in railroad employment cannot be attributed to coal slurry pipelines but rather stems from a variety of factors including the recession, the automation of this industry and the fundamental restructuring of this industry currently taking place. The president of the Union Pacific Corp. recently commented on the 6,000 employees of his company who were on layoff. He stated that they would probably not come back to work for the railroads, and his explanation was simple:

> We are running 40 percent more freight tonnage than we did 20 years ago—with half as many employees. If we had the same number of employees we had then, we would have priced ourselves out of the market. How have we done it? Automation.

On a more positive note relative to the employment situation is the creation of jobs resulting from the construction of coal slurry pipelines. We cannot overlook the fact that the growth of this new industry will facilitate new employment opportunities. Many of the alleged job losses in the railroad industry will be offset by the creation of jobs by these pipelines.

Mr. Chairman, in conclusion, I believe H.R. 1010 reflects the best interests of the consumers in our country. Both the Interior Committee and the Public Works Committee have worked long and hard in pursuit of legislation which grants eminent domain rights to these pipelines while at the same time reserving the water rights to the appropriate State agency. We will all be better served by the existence of coal slurry pipelines and through the passage of this legislation we will be taking a significant step forward in our pursuit of energy independence for our country. I once again reiterate my strong support for this legislation and urge its prompt approval.●

● Mr. SKELTON. Mr. Chairman, Congress is once again faced with the decision of constructing coal slurry pipelines, an issue which has received a great amount of publicity. When Congress votes on this legislation, I will once again, as I did in 1978, oppose it.

The portion of the Midwest which I was elected to represent, the Fourth Congressional District of Missouri, will be adversely affected because of this legislation. Composed of highly productive agricultural land, my Missouri district has been severely hit by the current drought. It is ironic that this legislation, which will divert billions of gallons of water from Missouri farmers and ranchers, is being considered now as a Midwestern dustbowl develops. Missourians, major contributors to our Nation's wealth of food, simply cannot afford to lose more water, nor with the teetering condition of the agricultural community, tolerate the taking of land by eminent domain, an unwise and unnecessary authority to private interests. We have witnessed that the ETSI pipeline has obtained 90 percent of its 1,400 miles of right-of-way using litigation procedures resulting in costs less than 1 percent of the total cost of the pipeline. Our farmers cannot withstand the disruption of businesses by the building and operation of pipelines on our farmlands and the use of eminent domain.

I also take offense to the devastating effect this legislation will have on our railroads. Congress has struggled to stop the demise of our railway industry, vital in transporting crops and other commodities, whose shipment prices will increase due to the loss of coal shipments. We now cannot allow for its sequential destruction. Congress has passed legislation to assist the industry through these difficult times. Can we now turn our backs to this industry and allow for higher unemployment? It has been stated that a net loss of 71,000 permanent jobs, 41,000 in the rail industry alone will be forthcoming. If pipelines are not built, 93,000 permanent rail jobs and manufacturing jobs would be created due to the increased rail coal traffic.

Mr. Chairman, waste disposal problems are also prevalent. I cannot see where this Congress has in good faith passed this legislation which will benefit so few, and disrupt the lives of so many. I urge my fellow colleagues to defeat this legislation.●

● Mr. RAHALL. Mr. Chairman, as one with a very great concern over economical coal transportation and the employment situation in the coalfields, I rise in opposition to the Coal Pipeline Act of 1983.

I firmly believe coal pipelines will erode, rather than enhance, the coal and electric utility's desire and need to obtain reasonable transportation in terms of the availability and cost of that transportation.

Coal slurry pipelines could never serve the entire industry. Rather, they would serve a selected few producers and users of coal. Those producers would predominantly be large firms with the ability to enter into the long-term contracts necessary as a prerequisite to pipeline construction and utilization. Even if small and independent coal producers take advantage of the set-aside provision I have inserted into this legislation on the committee level—and I would like to commend Chairman ANDERSON for his recognition of this situation—the majority of coal producers and users in this country would still be largely dependent on the railroads for long-haul coal movements, and if in close proximity to a waterway, the barge industry.

Yet, what would these coal producers and utilities be left with? I believe

they would have to shoulder a financial burden created by others utilizing slurry transportation. If coal pipelines are constructed in direct competition with rail lines—as most of those proposed would—as large producers tap into them undoubtedly the railroads would make up for this lost traffic and revenue from those coal producers unable to use slurry transportation. The railroads would still have the same trackage and plant to maintain, however, there would be fewer shippers to defray this cost.

As such, coal producers and users not utilizing coal slurry pipelines would witness an increase in their transportation costs. A few may benefit, but many more would suffer. The Congressional Budget Office has stated: "Railroads may respond to the loss of coal transportation revenue by raising rates for coal and other commodities." CBO further noted that while energy prices would decrease for utilities receiving coal from pipelines, they would increase those utilities that continue to receive coal by rail.

A coal industry publication from my hometown of Beckley, W. Va., located in the heart of the Appalachian coalfields, has editorialized: "We do not believe the coal slurry pipelines would be good for the entire coal industry. They would not help, but hurt, production in the bulk of coal mining areas in our country." The Pennsylvania Coal Mining Association has stated: "For those producers remaining captive to the railroads, the rates will increase to compensate for any business lost by the railroads to a slurry pipeline." From the Alabama Coal Association, I have a statement which reads, "We can see no benefit in this act for our industry." And from the Virginia Coal Council, I have a letter in which they state coal slurry pipelines are "counterproductive." Furthermore, in private talks, many West Virginia coal producers have expressed apathy on this issue.

This legislation is being promoted as a procoal bill, as a procompetition bill. However, the majority of the Members from the Nation's coal regions voted against coal slurry when it was defeated on the House floor back in 1978, and I expect they will do so again today. Coal slurry is a subterfuge. It directs attention away from the real problem within the coal industry. As a representative of a major coal-producing region, I know that this problem is indeed the prospect of devastatingly high railroad coal rates. But the way to deal with this problem is not through coal slurry pipelines, an untried and unproven method. The way to deal with the high rail coal rates is by tackling them head on by reforming the manner in which the Interstate Commerce Commission formulates railroad coal rate policy.

So I would say to my colleagues, if you are concerned over the impact high coal transportation rates will have on consumers of electricity, do not seize upon the false promise of coal slurry pipelines, but rather join the effort to insert reason into the ICC's railroad coal rate guidelines. Coal pipelines would not achieve this goal. The coal and electric utility industries need relief today, not years from now if and when a pipeline is constructed and if it represents lower transportation rates.

In the Appalachian coalfields this legislation is viewed with nothing but distrust. Mail coming into my office is 9 to 1 against this bill and the reason given is largely a concern over its negative impact on employment.

West Virginia leads the Nation in unemployment and without a doubt, this legislation would create more long-term unemployment than it would create short-term jobs during the brief construction phase of the pipelines. Do not let anyone fool you, this is the biggest job elimination bill ever to be considered on the floor of the House. I am talking about employment among the already heavily impacted railroad work force, related industries and in the coal industry itself. Nearly 100,000 rail workers have lost their jobs and around 40,000 of this number have already exhausted their unemployment benefits. The bill before us today would undoubtedly add to this grim tally. The coal labor union opposes this legislation. This is a union beseiged with a 32-percent unemployment level. It would jump at any legislation which would create jobs in the coal industry. But the bill before us today does nothing of the sort. If this legislation makes any promise, it is a promise to increase unemployment. If this legislation has a cost, it is a cost measured in very real human terms—job loss.

I would ask my colleagues, is it our job to put these workers on the unemployment rolls? I think not. Is it proper for the Congress to jeopardize the livelihood of these workers, to undermine their aspirations, to make a mockery of their hopes for a better future for themselves and their families? I think not. Can we pass legislation to shore up the railroad retirement system, necessary due to high industry unemployment, and then subvert that effort by writing off the jobs of thousands of railroad workers? I sincerely hope we will not.

The bill before us today would create a regulatory quagmire and poses some real threats to the consumer. We are gambling with the public interest. We are setting the stage for a policy fiasco that will return time and time again to haunt us.

Ask consumers of natural gas who are paying the price of take-or-pay contracts what they think of the promises made by this bill. Ask the financiers on Wall Street what they think about the feasibility of multibillion-dollar coal pipeline financing. Ask those who mine this Nation's coal what they think about the alleged jobs this legislation will bring to the coalfields. Ask those coal producers who would suffer adverse consequences as the railroads are weakened as the large producers go to slurry transportation what they think about this legislation. If you support this bill, you will not get the answers you want to hear.

As a member of both committees with jurisdiction over this matter, I have sat through countless hearings and markups on coal slurry pipelines. I have heard every conceivable argument pro and con. The bottom line for me is that coal slurry pipelines will not help the people whom I represent in the coalfields. And it is with those coal miners, those transportation workers, those consumers of electricity that I will cast my vote against this bill.●

Mr. UDALL. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

□ 1600

Accordingly the Committee rose; and the Speaker pro tempore (Mr. MCNULTY) having assumed the chair, Mr. LONG of Louisiana, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 1010) to amend the Mineral Leasing Act of 1920 with respect to the movement of coal, including the movement of coal over public lands, and for other purposes, had come to no resolution thereon.

LEGISLATIVE PROGRAM

(Mr. CHENEY asked and was given permission to address the House for 1 minute.)

Mr. CHENEY. Mr. Speaker, I ask for this time for the purpose of exploring next week's program with the distinguished majority leader.

Mr. WRIGHT. Mr. Speaker, if the distinguished acting minority leader will yield, I am pleased to advise him that when we complete our business today we will be finished for the week. There will be no session tomorrow in deference to the Jewish holidays. We will adjourn to meet at noon on Monday.

On Monday we have suspensions, but we will just do debate on the suspensions. There are five of them. The gentleman has a list, I believe, of the bills we expect to bring up on suspensions Monday.

H.R. 3323, the Washington workshop authorization; H.R. 2755, the au-

thorization of the Federal Communications Commission; H.R. 559, Insider Trading Sanctions Act; and two other bills involving the Office of Government Ethics and Federal physicians' allowances.

We will postpone votes on those bills, if they are demanded, until Tuesday, but upon completion of the debate we will go into the consideration of the State-Justice appropriation bill and attempt to finish it. Therefore Members should be on notice that there probably will be votes on amendments to that bill. We are not bringing it under any special rule, but simply under the rules of the House, and therefore, any germane amendment would be in order. There probably will be votes on Monday afternoon.

We hope to finish that bill, as I say. And if we have concluded that we would return to the Coal Pipeline Act and try to complete general debate on that bill on Monday.

On Tuesday we meet at noon. There is one bill scheduled for suspension and that is a bill to delay the pay cut for civil service to October 1.

And then we would take recorded votes on the suspensions debate the previous day, Monday, as well as that bill, if one is required.

Please note this: That following the votes on suspensions Tuesday, we intend to bring up consideration of the veto message on H.R. 3564, the crop feed grain and wheat programs bill.

After that we want to begin consideration of the Community Renewal Employment Act. That comes under an open rule with 3 hours of general debate.

We would expect to continue that on Wednesday after having considered another veto message, House Joint Resolution 338, which corrects a clerical error.

The plan is to complete consideration of the Community Renewal Employment Act on Wednesday.

We then want to take up the Labor-Health and Human Services appropriations bill for fiscal 1984 and then return to the Coal Pipeline Act and complete it by the close of business Thursday.

There will be no session on Friday, September 23d.

That concludes our program as presently planned. It is subject to change, of course.

Any conference committee reports may be brought up at any time.

Mr. CHENEY. Mr. Speaker, I wonder if it is the intention of the leadership to seek to override the two Presidential vetoes or simply refer those back to committee?

Mr. WRIGHT. It is my expectation that an attempt will be made to override the vetoes in both of those instances.

Mr. CHENEY. I thank the gentleman.

I also wonder if I might inquire as to the House Joint Resolution 338, correction of a clerical error. Surely the President would not veto a clerical error.

Mr. WRIGHT. It may have been a clerical error on the part of the President that he vetoed.

Mr. CHENEY. I see. I understand.

Mr. WILLIAMS of Montana. Mr. Speaker, will the gentleman yield?

Mr. CHENEY. I yield to the gentleman from Montana.

Mr. WILLIAMS of Montana. I thank the gentleman for yielding.

I would like to ask the honorable majority leader if I understand correctly the schedule for continuing consideration of the coal slurry pipeline legislation, we still have, I think, approximately 1½ hours left on general debate. Does the gentleman plan that to be scheduled Monday?

Mr. WRIGHT. If the gentleman from Wyoming will continue to yield, I do expect that we schedule it Monday assuming our ability to complete the State-Justice appropriations bill with any time left.

Mr. WILLIAMS of Montana. If the gentleman would yield further, if general debate is not completed Monday, when would the majority leader anticipate getting to it?

Mr. WRIGHT. Later in the week. Perhaps Thursday.

Mr. WILLIAMS of Montana. Which would then put off amendments and final vote until the following week; is that correct?

Mr. WRIGHT. If the gentleman will yield further, obviously if all we did next week were to complete general debate, then amendments would be put off. But that is not our intention. Our plan would be to complete consideration of the bill. I am aware that there are a substantial number of amendments already filed. It is our hope and our goal to complete consideration of the bill next week.

Mr. WILLIAMS of Montana. If the gentleman will yield one last time, I appreciate hearing that. Many of us have been concerned that the bill has been brought up despite the time that has been spent on it in committee before full and adequate consideration has been given to it.

However, now that it is on the floor, those same Members of Congress who have expressed that concern in the past would now like to see us get on with the bill and move it through the process.

And I am hopeful that the majority leader will encourage that effort.

Mr. WRIGHT. If the acting minority leader will yield further, that is my hope, too. I am cosponsor of that legislation and have been in two preceding Congresses. I have been disappointed as others have been on those occasions to see that legislation move almost to the state of completion and die on the calendar at the close of the Congress on two separate occasions. Once it had passed the other body.

Therefore, I would do whatever is within my reasonable power to see to it that the bill would be considered as expeditiously as possible, considering other priorities that we have. I surely hope we will be able to complete it. I do not want to see it held over until next year. If it is, of course, it is not dead as it has been on previous occasions when dying on the calendar at the end of an even numbered year.

Mr. CHENEY. I thank the majority leader very much for the courtesy he has extended to us.

□ 1610

ADJOURNMENT TO MONDAY, SEPTEMBER 19, 1983

Mr. WRIGHT. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet at 12 o'clock noon on Monday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. WRIGHT. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

PERMISSION TO EXCLUDE AN ARTICLE FROM THE PERMANENT RECORD

Mr. LAGOMARSINO. Mr. Speaker, I ask unanimous consent that an article that I inserted in the CONGRESSIONAL RECORD of September 13, 1983, at page E4229, not appear in the permanent RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

PERMISSION FOR COMMITTEE ON ENERGY AND COMMERCE TO FILE REPORT ON H.R. 559, THE INSIDER TRADING SANCTIONS ACT

Mr. WIRTH. Mr. Speaker, I ask unanimous consent that the Committee on Energy and Commerce have until midnight tonight, September 15,

1983, to file a report on H.R. 559, the Insider Trading Sanctions Act.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Colorado?

Mr. MOLINARI. Mr. Speaker, reserving the right to object, has this been cleared with the minority?

Mr. WIRTH. Mr. Speaker, if the gentleman will yield, it has been cleared with the minority, the minority staff, all of the objectors, the appropriate individuals on the floor, and everybody that we could think of, so that there would be no objection to the filing of this report.

Mr. MOLINARI. I thank the gentleman, and I withdraw my reservation of objection, Mr. Speaker.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Colorado?

There was no objection.

WORLD FOOD DAY

Mrs. HALL of Indiana. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the Senate joint resolution (S.J. Res. 81) to authorize and request the President to designate October 16, 1983, as "World Food Day," and ask for its immediate consideration in the House.

The Clerk read the title of the Senate joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Indiana?

Mr. GILMAN. Mr. Speaker, I reserve the right to object.

Mr. Speaker, on May 10, 1983, my distinguished colleague, the gentleman from Illinois (Mr. SIMON), and I introduced House Joint Resolution 263, legislation authorizing and requesting the President to issue a proclamation designating October 16, 1983, as World Food Day. The measure before us, Senate Joint Resolution 81, is identical legislation which has passed the Senate. As my colleagues will recall, during the 1st and 2d sessions of the 97th Congress, the gentleman from Illinois and I introduced similar legislation. We were pleased that the Congress, on both occasions, passed the measure and welcomed the President's proclamations officially designating October 16, as World Food Day.

While the critical problem of hunger and malnutrition has not abated since this Nation has begun celebrating World Food Day, thousands of observances and activities held throughout the United States commemorating that day helped to increase markedly public recognition of the hunger issue. For example: In 1981, 178 organizations were active participants in the National Committee for World Food Day; in 1982 the number rose to 262. Today, over 300 organizations banded together to make certain that October 16, 1983, is designated World Food Day and to hold observances, special seminars and other activities commemorating that day.

Mr. Speaker, in 1981 World Food Day was supported by special proclamations from the President, the Governors of all 50 States, and the Island of Guam. In 1982 over 100 mayors joined ranks with the President and all the Governors in issuing special proclamations. This year, in addition to a repetition of all the above support, many mayors are considering urban food policy, citizen task forces and panels to look into the problem.

At the grassroots level citizens have expanded temporary community committees commemorating World Food Day into creating permanent clearinghouses for information about the hunger issue.

I am confident that World Food Day and the related programs undertaken to inform the American public about hunger and malnutrition will continue to make a significant contribution to our public education effort.

Accordingly, I urge my colleagues to support this legislation commemorating October 16, 1983, as World Food Day.

Mr. Speaker, I thank the gentlewoman from Indiana (Mrs. HALL) for bringing this legislation to the floor, and I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Indiana?

There was no objection.

The Clerk read the Senate joint resolution, as follows:

S.J. RES. 81

Whereas hunger and chronic malnutrition remain daily facts of life for hundreds of millions of people throughout the world;

Whereas the children of the world are those who are suffering the most serious effects of hunger and malnutrition, with millions of children dying each year from hunger-related illness and disease, and many others suffering permanent physical or mental impairment, including blindness, because of vitamin and protein deficiencies;

Whereas although progress has been made in reducing the incidence of hunger and malnutrition in the United States, certain groups, notably Native Americans, migrant workers, the elderly, and children, remain vulnerable to malnutrition and related diseases;

Whereas the danger posed by malnutrition and related diseases to these groups and to other people is intensified by unemployment and slow rates of economic growth;

Whereas national policies concerning food, farmland, and nutrition require continuing evaluation and should consider and strive for the well-being and protection of all residents of the United States and particularly those most at health risk;

Whereas there is widespread concern that the use and conservation of land and water resources required for food production throughout the United States ensure care for the national patrimony we bequeath to future generations;

Whereas the United States has always supported the principle that the health of a nation depends on a strong agricultural foundation based on private enterprise and the primacy of the independent family farm;

Whereas a major global food supply crisis appears likely to occur within the next twenty years unless the level of world food production is significantly increased, and the means for the distribution of food and of the resources required for its production are improved;

Whereas the United States, as the world's largest producer and trader of food, has a key role to play in efforts to assist nations and peoples to improve the ability to feed themselves;

Whereas the United States has a long tradition of demonstrating its humanitarian concern for helping the hungry and malnourished;

Whereas efforts to resolve the world hunger problem are critical to the security of the United States and the international community;

Whereas the Congress of the United States is acutely conscious of the paradox of immense farm surpluses and rising farm foreclosures in America despite the desperate need for food by hundreds of millions of people around the world;

Whereas a key recommendation of the 1980 report of the Presidential Commission on World Hunger was that efforts be undertaken to increase public awareness of the world hunger problem;

Whereas the member nations of the Food and Agriculture Organization of the United Nations designated October 16 of each year as World Food Day because of the need to alert the public to the increasingly dangerous world food situation;

Whereas past observances of World Food Day have been supported by proclamations of the fifty States, the District of Columbia, the Commonwealth of Puerto Rico, and other territories and possessions of the United States, by resolutions of Congress, by Presidential proclamations, by programs of the United States Department of Agriculture and other Government departments and agencies, and by the governments and peoples of many other nations; and

Whereas more than three hundred national private and voluntary organizations plan to participate in World Food Day observances this year: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That October 16, 1983, is designated "World Food Day". The President is requested to issue a proclamation calling upon the people of the United States to observe that day with appropriate activities to explore ways in which our Nation can further contribute to the elimination of hunger in the world.

Mrs. HALL of Indiana. Mr. Speaker, as you are aware, hunger and chronic malnutrition remain daily facts of life for hundreds of millions of people throughout the world. Although progress has been made in reducing the incidence of hunger and malnutrition in the United States, certain groups remain vulnerable to malnutrition and related diseases. The United States has always supported the principle that the health of a nation depends on a strong agricultural foundation based on private enterprise and

the primacy of the independent family farm. Designation of this day will focus attention and alert the public to the increasingly dangerous world food situation.

Mr. Speaker, I urge the passage of this resolution.

● Mr. LELAND. Mr. Speaker, I rise in support of House Joint Resolution 263 calling on the President to designate October 16, 1983, as "World Food Day."

Each year on this day, member nations of the Food and Agriculture Organization of the United Nations which number close to 150 countries, are joined by over 300 national and private voluntary organizations to observe World Food Day, to alert the public to the increasingly dangerous world food situation.

The United States has long taken the lead in demonstrating its humanitarian concern for the world's hungry and malnourished. We must continue our commitment to ending world hunger if we expect to make a difference in our lifetime.

Of all the circumstances which can produce widespread hunger, poverty is the most prevalent cause. By alleviating poverty, we would eradicate the worst aspects of malnutrition and chronic hunger.

Consider the stark realities:

According to the FAO, approximately 450 million people are chronically hungry, as many as 1 billion are undernourished.

Each year, 15 to 20 million people die as a result of hunger and starvation.

Forty-one thousand people die each day.

Twenty-eight people die each minute, 21 of whom are children.

The Presidential Commission on World Hunger estimated that one in four children in the developing world die before the age of 5—mostly from nutrition-related causes.

One out of every eight people on Earth is hungry most of the time.

More than 1 American in 7 is living below the Government's official poverty line, or more pointedly, 34.4 million, 15 percent of the American population. Of these figures, 35.6 percent are black, 29.9 percent are Hispanic, and 12 percent are white. Clearly, poverty is colorblind. Of these figures, native American, migrant workers, the elderly, and children are most vulnerable to malnutrition and related diseases.

As a result, hunger is emerging again as a national issue even as Government stocks of surplus dairy products rise to record levels.

There are more chronically hungry and malnourished individuals in the world than 10 years ago, and both the FAO and World Bank fear the numbers will likely increase before they diminish. Ironically, food production has grown at a faster rate than the population growth for the world—except for the continent of Africa, where food production has failed to match population growth over the last two or so decades; 16 African nations are experiencing critical food shortages. Extremely unfavorable crop conditions are reported for eight more. Food shortages are also reported in Latin America and Asia. Food aid is meeting immediate needs, except for pockets of starvation in hard-to-reach areas. However, if bad weather persists, the situation could be much worse in the coming months.

A global food supply crisis appears likely within 20 years unless the level of food production is increased and the means of distribution and of resources for production are improved.

By joining with the world in commemorating World Food Day on October 16, the United States recommits itself to year-round antihunger action. It is essential that we address effective food strategies and policies as integral elements of an overall effort to alleviate poverty. By bringing about a significant and permanent rise in income and a marked improvement in the distribution of food, we will be making an important contribution to humanity.

I would add in closing, Mr. Speaker, that it now appears that the House will soon have a structural vehicle for assembling a comprehensive overview of the world hunger problem. The proposed Select Committee on Hunger which I am proud to cosponsor with the distinguished gentleman from New York (Mr. GILMAN) now has 255 cosponsors and I hope that the select committee will soon be in place so that it can provide guidance to the committees of jurisdiction regarding needed efforts to combat hunger.●

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

NATIONAL CYSTIC FIBROSIS WEEK

Mrs. HALL of Indiana. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the Senate joint resolution (S.J. Res. 131) designating "National Cystic Fibrosis Week," and ask for its immediate consideration in the House.

The Clerk read the title of the Senate joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Indiana?

Mr. WOLF. Mr. Speaker, reserving the right to object—and I shall not object—I rise to inform the House that the minority has no objection to this joint resolution.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Indiana?

There was no objection.

The Clerk read the Senate joint resolution, as follows:

S.J. RES. 131

Whereas cystic fibrosis is the number one genetic killer of children in America, and about thirty thousand children and young adults in this country have cystic fibrosis; and

Whereas public knowledge about cystic fibrosis contributes to early detection and treatment of the disease and to improved understanding about the symptoms of cystic fibrosis; and

Whereas increased national awareness of cystic fibrosis and of the young people whose lives are affected by the disease stimulates public concern and increased attention to research seeking control and cure: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week of September 18 through 24, 1983, is designated as "National Cystic Fibrosis Week", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe that week with appropriate ceremonies and activities.

Mrs. HALL of Indiana. Mr. Speaker, cystic fibrosis is the No. 1 genetic killer of children in America. Also, about 30,000 children and young adults in this country have cystic fibrosis. I feel that the public knowledge about cystic fibrosis contributes to early detection and treatment of the disease and to improved understanding about the symptoms of cystic fibrosis. Designation of this week will focus attention on this disease and encourage funding for research.

Mr. Speaker, I urge the passage of this resolution.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

NATIONAL ALZHEIMER'S DISEASE MONTH

Mrs. HALL of Indiana. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the Senate joint resolution (S.J. Res. 82) designating November 1983 as "National Alzheimer's Disease Month," and ask for its immediate consideration in the House.

The Clerk read the title of the Senate joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Indiana?

Mr. WOLF. Mr. Speaker, reserving the right to object—and I shall not object—I rise in support of this resolution declaring the month of November

as "National Alzheimer's Disease Month."

Alzheimer's disease, which is the primary cause of senile dementia, is not a normal consequence of aging. This devastating disease accounts for more than 50 percent of all nursing home admissions. it affects more than 1.5 million Americans at an anticipated annual cost of $20 billion. Furthermore, it is the fourth most common cause of death among older Americans—behind heart disease, cancer, and stroke—accounting directly or indirectly for up to 120,000 deaths a year.

Until recently, relatively little attention has been paid to this tragic disease. In fact, it had come to be known as the silent epidemic. Fortunately, the situation is beginning to change. Last year, I was most pleased to cosponsor a similar resolution, also introduced by my colleague from California. This legislation, which became Public Law 97-277, declared Thanksgiving week 1982 as "National Alzheimer's Disease Week." The declaration of such a week proved tremendously helpful in focusing national attention on the plight of Alzheimer's disease victims and their families. In recent months, numerous feature articles on the disease have appeared in national magazines such as Time and Ladies Home Journal. And in virtually every major newspaper in the country. Television shows such as "20/20," "Nightline," "60 Minutes," "Today," "Good Morning America," and even "Trapper John, M.D." have featured stories on Alzheimer's disease. It seems, at last, that the silent epidemic has found a voice.

Mr. Speaker, I believe that the declaration of the month of November as "National Alzheimer's Disease Month" will be a tremendous boost to efforts to public awareness of the disease. Hopefully, this increased awareness will encourage additional research, leading to the eventual discovery of a cure for this tragic disease. Therefore, I urge my colleagues to join me in supporting Senate Joint Resolution 82.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Indiana?

There was no objection.

The Clerk read the Senate joint resolution, as follows:

S.J. RES. 82

Whereas more than one million five hundred thousand Americans are affected by Alzheimer's disease which is a surprisingly common disorder that destroys certain vital cells of the brain;

Whereas Alzheimer's disease is the fourth leading cause of death among older Americans;

Whereas Alzheimer's disease is responsible for 50 per centum of all nursing home admission, at an anticipated annual cost of almost $20,000,000,000;

Whereas in one-third of all American families one parent will succumb to this disease;

Whereas Alzheimer's disease is not a normal consequence of aging; and

Whereas an increase in the national awareness of the problem of Alzheimer's disease may stimulate the interest and concern of the American people, which may lead, in turn, to increased research and eventually to the discovery of a cure for Alzheimer's disease: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That November 1983 is designated "National Alzheimer's Disease Month". The President is requested to issue a proclamation calling upon the people of the United States to observe that month with appropriate ceremonies and activities.

Mrs. HALL of Indiana. Mr. Speaker, more than 1,500,000 Americans are affected by Alzheimer's disease which is a surprisingly common disorder that destroys certain vital cells of the brain. Also, Alzheimer's disease is the fourth leading cause of death among older Americans. Designation of this month will focus attention on this disease and will lead to an increase in the national awareness and stimulate the interest and concern of the American people.

Mr. Speaker, I urge the passage of this resolution.

Mr. LOWERY of California. Mr. Speaker I rise in support of this resolution declaring the month of November, 1983, as "National Alzheimer's Disease Month." The Senate has already expressed unanimous approval of this resolution, and, as of this morning, 248 of our colleagues had signed on as cosponsors of the House companion bill, House Joint Resolution 179, which I introduced with my colleague from Hawaii. That there is a broad base of support for this measure is undeniable.

Alzheimer's disease is an insidious and surprisingly common disorder that destroys certain vital cells of the brain causing senile dementia. While most of its 1.5 million victims are elderly, Alzheimer's disease is not a natural consequence of growing old.

Alzheimer's disease is rapidly assuming epidemic proportions, affecting between 5 and 10 percent of all people over 65. It is the fourth most common cause of death among older Americans, accounting directly or indirectly for up to 120,000 deaths a year.

Alzheimer's disease is one of the most tragic diseases of our time, not just for what it does to the victim, but for its devastating effect on families and friends. The symptoms are slow and insidious, with the earliest impairment being loss of recent memory. As the disease progresses memory loss increases and reasoning deteriorates. Soon, simple tasks become impossible chores. The victim usually becomes depressed, agitated, irritable, and restless. In the final stages of the disease, he is totally unable to care for himself, and deteriorates to a vegetative state, requiring constant, round-the-clock care.

In the earliest stages of the disease, the victim can be cared for at home by the spouse and family. Ultimately, however, the vast majority are committed to nursing homes, placing a tremendous financial as well as psychological burden on family members. Alzheimer's victims constitute 50 percent to 60 percent of the 1.3 million Americans in nursing homes, at an estimated average annual cost of $17,000 per patient—an expense virtually uncovered by private insurance or medicare until family finances are depleted to public aid level.

Last year, I introduced similar legislation declaring a week in November as "National Alzheimer's Disease Week." The legislation, which became Public Law 97-277, was tremendously helpful in stimulating public awareness of Alzheimer's disease. Since then, numerous national magazines and major newspapers from all over the country have featured articles on the subject. Network television shows have featured countless stories about Alzheimer's disease victims and their families. In the past year, local chapters of the National Alzheimer's Disease and Related Disorders Association, comprised of family and friends of Alzheimer's victims who serve as support groups for one another, have grown in number from 58 to 80—an increase of almost 40 percent. And here in Washington increased attention is being paid to the problems associated with the disease. Earlier this year, Secretary of Health and Human Services Margaret Heckler announced the formation of an interagency task force on Alzheimer's disease. Hearings on the issue have been held in both the House and Senate, and additional funding has been proposed for research on the disease in fiscal year 1984. Progress is being made.

Mr. Speaker, I believe that the declaration of the month of November as "National Alzheimer's Disease Month" will significantly enhance our efforts to increase public awareness of this tragic affliction. This, in turn, will hopefully lead to increased research, and eventually to the discovery of a cure. I therefore urge my colleagues to join me in supporting Senate Joint Resolution 82.

● Mr. COURTER. Mr. Speaker, I rise to convey my support for House Joint Resolution 82, which would concentrate national attention on the primary cause of senile dementia, Alzheimer's disease.

The mistaken belief that senility is the natural consequence of old age engenders discrimination against older Americans in housing, employment, and particularly, health care. Due to this misconception, senior citizens displaying symptoms of memory loss,

confusion, and disorientation, usually do not receive the medical attention that is needed for a proper diagnosis of their condition.

We can no longer avoid coming to grips with a major national health problem which affects more than 1.5 million Americans and is the fourth most common cause of death among the elderly. Alzheimer's disease represents an enormous burden which will grow exponentially in coming years unless its cause and successful treatment are found. The annual cost of this disease, an estimated $20 billion, cannot continue to be absorbed by nursing homes, government, and victims' families.

Last year, I was most pleased to cosponsor a similar resolution declaring Thanksgiving week, 1982, as National Alzheimer's Disease Week. The declaration of such a week proved tremendously helpful in focusing national attention on the plight of Alzheimer's disease victims and their families. However, many Americans continue to assume that senility is the result of a natural deterioration of the mind. We must redouble our efforts to educate the public as to the accuracy of this assumption, and thereby restore dignity and respect to the elderly.

Mr. Speaker, I believe the declaration of the month of November as National Alzheimer's Disease Month will not be of great assistance in fostering public awareness of this disease. Hopefully, the increased awareness resulting from this designation will encourage additional research, leading to the discovery of a cure for this tragic disease. I urge my colleagues to join me in supporting Senate Joint Resolution 82.●

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

NATIONAL ADULT DAY CARE CENTER WEEK

Mrs. HALL of Indiana. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the joint resolution (H.J. Res. 132) designating the week beginning September 25, 1983, as "National Adult Day Care Center Week," and ask for its immediate consideration in the House.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Indiana?

Mr. WOLF. Mr. Speaker, reserving the right to object—and I shall not object—I rise to inform the House that the minority has no objection to the joint resolution.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Indiana?

There was no objection.

The Clerk read the joint resolution, as follows:

H.J. RES. 132

Whereas there are nearly eight hundred adult day care centers nationwide, some of which serve adults starting at age eighteen and others which serve primarily senior citizens, providing a safe and positive environment to partially disabled individuals in need of daytime assistance and supervision;

Whereas adult day care centers provide necessary health maintenance functions and medical care, including medication monitoring, therapies, and health education, and are operated by professional staffs who identify the need for additional health services and make appropriate referrals;

Whereas adult day care centers provide opportunities for social interactions to otherwise isolated individuals and assist them in attaining and maintaining a maximum level of independence; and

Whereas these centers offer relief to families who otherwise must care for disabled elderly persons on a twenty-four-hour-per-day basis: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week beginning September 25, 1983, is designated "National Adult Day Care Center Week". The President is authorized and requested to issue a proclamation calling upon the people of the United States to observe that week with appropriate ceremonies and activities.

Mrs HALL of Indiana. Mr. Speaker, there are nearly 800 adult day care centers nationwide, some of which serve adults starting at age 18 and others which serve primarily senior citizens. These centers provide a safe and positive environment to partially disabled individuals in need of daytime assistance and supervision. Designation of this week will focus attention on these adult day care centers that provide necessary health maintenance functions and on the professional staffs who provides excellent medical care to these individuals.

Mr. Speaker, I urge the passage of this resolution.

● Mr. HERTEL of Michigan. Mr. Speaker, for a rapidly growing number of Americans, health deterioration, social isolation, and dependence on others are a fact of life. When compounded with today's fragmented approach to health care and skyrocketing medical costs, these problems can be overwhelming. Beginning today, we in Congress have the opportunity to reverse this trend. By proclaiming the week of September 25, 1983, "National Adult Day Care Center Week," we recognize adult day care centers as a vital part of the health care continuum for disabled and senior citizens.

Since their inception, adult day care centers have proved to be a cost-effective, comprehensive means of health care delivery for those who have trouble managing on a daily basis, but do not require institutionalization. By providing a variety of health related and social services in a community setting, adult day care centers allow their participants to remain relatively independent. In addition, these centers promote self-sufficiency by easing the financial and emotional burden caring for disabled family members frequently places on their families.

Among the attributes of adult day care centers is their cost. They are funded by private donations and by fees to patients, which are determined by ability to pay. Moreover, they are considerably less expensive than nursing homes.

When one considers the minimal expense and maximum chance for functional independence, adult day care centers emerge as an enriching alternative to present health care systems. During "National Adult Day Care Center Week," I urge my colleagues to join me in coordinating activities in their districts which highlight the assets of adult day care centers. As more people make use of the services offered by adult day care centers, the quality of life for the handicapped and elderly will greatly improve.●

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

NATIONAL DISABLED VETERANS WEEK

Mrs. HALL of Indiana. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the joint resolution (H.J. Res. 283) designating the week beginning November 6, 1983, as "National Disabled Veterans Week," and ask for its immediate consideration in the House.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Indiana?

Mr. WOLF. Mr. Speaker, reserving the right to object—and I shall not object—I rise in support of House Joint Resolution 283 requesting the President to designate the week beginning November 6, 1983, as "National Disabled Veterans Week."

The purpose of this resolution is to bring to the attention of the American people the sacrifices that disabled veterans have made for the continued freedom and security of our country. Often these sacrifices are known only to the veterans and their families and will never be fully acknowledged or repaid. These brave soldiers paid a

high price for freedom, a freedom we often take for granted.

In my opinion, disabled veterans, have always deserved special consideration and we should continue to do whatever we can to protect the interest of these brave men and women.

By designating the week of November 6, 1983, as "National Disabled Veterans Week," this week can be a time of commemoration and celebration, a time to publicly recognize the bravery and loyalty of some of America's finest men and women. I feel that as a nation we should acknowledge the heroic deed of our men and women who served so bravely during a time of crisis and conflict.

Passage of this resolution will focus America's attention on all of those disabled veterans of World War II, the Korean war, and the Vietnam war who served our country so loyally. I urge my colleagues to support this legislation.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Indiana?

There was no objection.

The Clerk read the joint resolution, as follows:

H.J. RES. 283

Whereas there are two million five hundred thousand disabled veterans in the United States;

Whereas disabled veterans have sacrificed their well-being in the service of their country;

Whereas disabled veterans endure severe disabilities, such as loss of limb, paralysis, blindness, deafness, and delayed-stress syndrome;

Whereas 16 to 35 per centum of all disabled veterans are jobless as a result of their disabilities; and

Whereas disabled veterans have made important contributions to national welfare: Now, therefore, be it:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That in recognition of the contributions that disabled veterans have made to the welfare of the United States, the week beginning November 6, 1983, is designated "National Disabled Veterans Week". The President is requested to issue a proclamation calling upon all Government agencies and the people of the United States to observe that week with appropriate programs, ceremonies, and activities.

AMENDMENTS OFFERED BY MRS. HALL OF INDIANA

Mrs. HALL of Indiana. Mr. Speaker, I offer amendments.

The Clerk read as follows:

Amendments offered by Mrs. HALL of Indiana: In paragraph 1, strike out "two million five hundred thousand" and insert in lieu thereof "two million three hundred thousand."

In paragraph 4, strike out "Whereas 16 to 35 percentum of all disabled veterans are jobless as a result of their disabilities; and" and insert in lieu thereof "Whereas these disabled veterans consistently experience inordinately high rates of joblessness; and".

The SPEAKER pro tempore. The question is on the amendments offered by the gentlewoman from Indiana (Mrs. HALL).

The amendments were agreed to.

Mrs. HALL of Indiana. Mr. Speaker, there are 2,300,000 disabled veterans in the United States who have sacrificed their well-being in the service of their country. I find it disturbing that these disabled veterans consistently experience inordinately high rates of joblessness. Designation of this week will recognize the contributions that disabled veterans have made to the welfare of the United States.

Mr. Speaker, I urge the passage of this resolution.

● Mr. BADHAM. Mr. Speaker, as the sponsor of House Joint Resolution 283, I want to thank those Members who joined me in calling for a National Disabled Veterans Week last year and the 246 of my colleagues who are sponsors of this resolution this session.

As Americans, we have the good fortune and blessing to live in freedom. But, this freedom has been maintained at great cost, and it is fitting and proper that we set aside a day each year in November to express our gratitude to all Americans who have given selflessly to protect our rights and liberties.

Of the many fine men and women who have served this Nation in the Armed Forces, there is a group of veterans, the disabled, which deserves special recognition.

These veterans have suffered serious, long-lasting injury such as paralysis, blindness, loss of limb, and delayed stress syndrome, with which they must cope every day of their lives.

While it is beyond our means to ever fully compensate these brave Americans for their sacrifices, we must at the very least let them know that we remember their unselfish contribution as well as their continuing courage and that we deeply appreciate their efforts in the cause of safeguarding our national security and the freedom in which we live.

Again, I thank my colleagues who have sponsored with me this legislation to set aside the week of November 6 to pay tribute to the disabled veterans of America, and I urge all Members to vote in favor of this resolution to honor those who have lost their health and well-being in service to our country.●

● Mr. COURTER. Mr. Speaker, I rise in support of House Joint Resolution 283 requesting the President to designate the week beginning November 6, 1983, as "National Disabled Veterans Week."

The purpose of this resolution is to bring to the attention of the American people the sacrifices which veterans have made for continued freedom and security in this country. These sacrifices have many times been at the cost of loss of limbs, loss of the senses such as hearing and sight, and have often dramatically changed the lives of not only the veterans, but also of their families, and at great emotional and financial expense. Too often these sacrifices are known only to the veterans and their families and will never be fully acknowledged or repaid. However, we as fellow Americans can begin to share the anguish and suffering felt by our country's protectors by recognizing the plight of disabled veterans and by giving them the special consideration they deserve, beginning on November 6.

I would like to especially acknowledge the disabled veterans of my home State, New Jersey. Of the 50 States, New Jersey has the eighth largest population of veterans, a total of about 1.1 million people. There are approximately 77,000 disabled veterans in New Jersey whom we know about. There are probably others who have not yet felt able to be acknowledged by the rest of New Jersey's population. I want to encourage those hopefully few numbers of disabled veterans to make your presence known to us, so that we can have the opportunity to publicly recognize you for your bravery and loyalty to your country. Without your commitment to our freedom, we would not be where we are today. We would like to thank you for your selfless and heroic deeds in our times of conflict and crisis. We want you to know that we have not forgotten.

I urge my colleagues to wholeheartedly support House Joint Resolution 283 which will rightfully commemorate all disabled veterans in America, from those who still remember World War I to those who are our most recent casualties in Lebanon.●

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

NATIONAL AGRICULTURE DAY

Mrs. HALL of Indiana. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the joint resolution (H.J Res. 311) to proclaim March 20, 1984, as "National Agriculture Day," and ask for its immediate consideration in the House.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Indiana?

Mr. WOLF. Mr. Speaker, reserving the right to object—and I shall not object—I rise to inform the House that the minority has no objection to this joint resolution.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Indiana?

There was no objection.

The Clerk read the joint resolution, as follows:

H.J. RES. 311

Whereas agriculture is this Nation's most basic industry, and its associated production, processing, and marketing segments, together provide more jobs than any other single industry; and

Whereas the productivity of American agriculture is a vital ingredient in our strength as a Nation, both domestically and on the world scene; and

Whereas to maintain a healthy agriculture it is necessary that all Americans should understand how agriculture affects their lives and well-being, and should be aware of their personal stake in an abundant food and fiber supply: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That March 20, 1984, is hereby proclaimed "National Agriculture Day", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe this day with appropriate ceremonies and activities.

Mrs. HALL of Indiana. Mr. Speaker, as you are aware agriculture is this Nation's most basic industry, and its associated production, processing, and marketing segments, together provide more jobs than any other single industry. The productivity of American agriculture is a vital ingredient in our strength as a Nation, both domestically and on the world scene. Designation of this week will focus attention on this Nation's agriculture industry and will encourage Americans to find out how agriculture affects their lives and well-being.

Mr. Speaker, I urge the passage of this resolution.

● Mr. DE LA GARZA. Mr. Speaker, the bill which the House is passing today House Joint Resolution 311, is very timely. The legislation proclaims March 20, 1984, as National Agriculture Day for next year, continuing a tradition of annual celebrations of this event. As chairman of the Agriculture Committee I have sponsored House Joint Resolution 311 with the Honorable EDWARD R. MADIGAN of Illinois, the ranking minority member of the committee and 234 other Members of the House. There have been few periods in the past when the contributions of American agriculture to our national needs have been more sharply defined.

Consider this, Mr. Speaker. Many of our farming areas this summer have been devastated by the worst drought in nearly 50 years. That drought struck at a time when the planted acreage of some of our major crops had been sharply reduced by a Government surplus-control program. As a result, this year's corn crop has been cut by nearly 50 percent from last year's level.

Under these circumstances, you might think that the consumers of this country were facing a crisis. In other countries, or at earlier times, a drought of the kind we have suffered might have meant dramatic shortages of food. We might have had to worry about not having enough for our people to eat. We might be facing food rationing, or widespread hunger.

But that is not happening in the United States today. If there are lines at food stores, they are checkout lines of people who can still get the world's most varied and nutritious diet at very reasonable prices. Our agriculture is so powerful, in other words, that Americans will be fully protected in spite of the damage done by the drought.

Certainly, the drought losses will have some impact on consumers. Prices of some crops, including corn and soybeans, are up. This will put heavy pressure on our livestock producers, many of whom are losing money, and the result will be some decline in livestock supplies next year. Retail food prices in 1984 will rise by a little more than we had expected, but the increase will still be moderate by any reasonable standards.

The point that I hope all Americans will see is not so much the fact that we will have a moderate increase in some food prices next year. The important fact is that the comparatively small impact we expect is something of a minor miracle when you look at the circumstances. If American agriculture had not been as powerful and productive as it is, the 1983 drought could have been a catastrophe for our country. I realize it is hard to dramatize something that did not happen, but I wish all our people could understand and appreciate how well the agricultural industry has served us.

That industry is the largest in our Nation. When you consider the farmers and ranchers and their workers, plus all the people who work in farm supply, processing, transporting, and retailing industries, you are talking about more than 20 million jobs. That is another point we should stress. Agriculture includes our farmers, but it also includes millions of other Americans, and they too have a stake in the observance of National Agriculture Day.

Farm and city people together have been celebrating National Agriculture Day with a variety of events for more than 10 years. Since 1981, the celebrations have been carried out with the added support of laws enacted annually by the Congress and proclamations issued under those laws by the President.

Mr. Speaker, these last few years have been a rough economic time for many of our farmers and ranchers. They have gone through an economic wringer of great severity, and although the drought has raised prices of some commodities, we would be making a great mistake if we assumed that all farmers have suddenly solved all their financial problems. For many producers, including many in our vital livestock industries, there are still deep and serious problems which must be solved.

That's another reason to celebrate National Agriculture Day. If agriculture is going to perform for our country in the future as it has in the past, it will have to be a healthy agriculture. Every citizen of this country has a direct, personal stake in the preservation of a healthy agriculture. In the past, it has given us all a steadily rising standard of living at reasonable cost, it has strengthened the Nation's economy by providing exports which allow us to pay for imported commodities, it has made the difference between life and death for hungry people in many developing nations around the world, and it has done all these things in a way which has led too many of us to take agriculture's achievements for granted.

The sum of these facts is that American agriculture is basic to the welfare of us all. We should do what we can to see that all Americans understand this, so they can understand and support efforts to keep agriculture healthy. I believe passage of House Joint Resolution 311 will be a worthwhile step in this direction.●

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

NATIONAL DRUNK AND DRUGGED DRIVING AWARENESS WEEK

Mrs. HALL of Indiana. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the Senate joint resolution (S.J. 119) to designate the week of December 11, 1983, through December 17, 1983, as "National Drunk and Drugged Driving Awareness Week," and ask for its immediate consideration in the House.

The Clerk read the title of the Senate joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Indiana?

Mr. WOLF. Mr. Speaker, reserving the right to object—and I shall not object—I rise to inform the House that the minority has no objection to this joint resolution.

Mr. Speaker, I withdraw my reservation of objection.

11-059 O-87-3 (Pt. 18)

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Indiana?

There was no objection.

The Clerk read the Senate joint resolution, as follows:

S.J. RES. 119

Whereas traffic accidents result in more violent deaths in the United States than any other cause, over forty-four thousand in 1982;

Whereas traffic accidents cause thousands of serious injuries in the United States each year;

Whereas more than 65 per centum of drivers killed in single vehicle collisions and over 50 per centum of all drivers fatally injured have blood alcohol concentrations above the legal limit;

Whereas the Surgeon General has reported that life expectancy has risen for every age group over the past seventy-five years except for those fifteen to twenty-four years old, whose death rate, the leading cause of which is drunk driving, is higher now than it was twenty years ago;

Whereas the total societal cost of drunk driving has been estimated at over $24,000,000,000 per year, which does not include the human suffering tha can never be measured;

Whereas there are increasing reports of driving after drug use and accidents involving drivers who have used marihuana or other illegal drugs;

Whereas driving after the use of therapeutic drugs, either alone or in combination with alcohol, contrary to the advice of physician, pharmacist, or manufacturer, may create a safety hazard on the roads;

Whereas more research is needed on the effect of drugs either alone or in combination with alcohol, on driving ability and the incidence of traffic accidents;

Whereas an increased public awareness of the gravity of the problem of drugged driving may warn drug users to refrain from driving and may stimulate interest in increasing necessary research on the effect of drugs on driving ability and the incidence of traffic accidents;

Whereas the public, particularly through the work of citizens groups, is demanding a solution to the problem of drunk and drugged driving;

Whereas the President has appointed a Commission on Drunk Driving to heighten public awareness and stimulate the pursuit of solutions, and this Commission has provided vital recommendations for remedies for the problem of drunk driving in an interim report in December 1982;

Whereas many States have appointed task forces to examine existing drunk driving programs and make recommendations for a renewed, comprehensive approach, and in many cases their recommendations are leading to enactment of new laws, along with stricter enforcement;

Whereas the best defense against the drunk or drugged driver is the use of safety belts and greater safety belt usage would increase the number of survivors of traffic accidents;

Whereas an increase in the public awareness of the problem of drunk and drugged driving may contribute to a change in society's attitude toward the drunk or drugged driver and help to sustain current efforts to develop comprehensive solutions at the State and local levels;

Whereas the Christmas and New Year holiday period, with more drivers on the roads and an increased number of social functions, is a particularly appropriate time to focus national attention on this critical problem;

Whereas designation of the week of December 12, 1982, through December 18, 1982, as National Drunk and Drugged Driving Awareness Week stimulated many activities and programs by groups in both the private and public sectors aimed at curbing drunk and drugged driving in the high-risk Christmas and New Year holiday period and thereafter;

Whereas the number of traffic fatalities over the three-day New Year holiday in 1982 was the lowest since 1949, with 282 deaths as compared to 338 deaths for the same period in 1981;

Whereas the activities and programs during National Drunk and Drugged Driving Awareness Week in 1982 heightened the awareness of the American public to the danger of drunk and drugged driving and contributed to the decrease in traffic fatalities: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week of December 11, 1983, through December 17, 1983, is designated as "National Drunk and Drugged Driving Awareness Week" and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe that week with appropriate activities.

Mrs. HALL of Indiana. Mr. Speaker, as you know, traffic accidents result in more violent deaths in the United States than any other cause. They cause thousands of serious injuries in the United States each year. Designation of the week of December 12 through December 17, 1983, as "National Drunk and Drugged Driving Awareness Week" will stimulate many activities and programs by groups in both the private and public sectors aimed at curbing drunk and drugged driving in the high-risk Christmas and New Year's holiday periods and thereafter. Also, designation of this week will provide for an increased public awareness of the gravity of the problem of drugged driving and may warn drug users to refrain from driving and may stimulate interest in increasing necessary research on the effect of drugs on driving ability. Mr. Speaker, I urge the passage of this resolution.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

EMERGENCY MEDICINE WEEK

Mrs. HALL of Indiana. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the joint resolution (H.J. Res. 325) designating the week beginning September 18, 1983, as "Emergency Medicine Week," and ask for its immediate consideration in the House.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Indiana?

□ 1620

Mr. WOLF. Mr. Speaker, reserving the right to object, and I shall not object, I rise to inform the House that the minority has no objection to this joint resolution.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Indiana?

There was no objection.

The Clerk read the joint resolution, as follows:

H.J. RES. 325

Whereas emergency medical personnel throughout our Nation are specialists trained to handle life- or limb-threatening illnesses and injuries requiring immediate attention, and must be available twenty-four hours every day of the week to all patients who need medical aid;

Whereas the emergency medical services system in the United States provides emergency health care to thousands of people annually;

Whereas vast improvements in emergency medicine have been made within the past fifteen years, and emergency department personnel have completed extensive training and continuing educations to enable them to keep up with those improvements;

Whereas thousands of lives have been saved due to the efforts of these trained men and women; and

Whereas the designation of a week as "Emergency Medicine Week" will provide an opportunity to educate the people of the United States about emergency medicine: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week beginning September 18, 1983, is designated "Emergency Medicine Week". The President is requested to issue a proclamation calling upon the people of the United States to observe that week with appropriate ceremonies and activities.

Mrs. HALL of Indiana. Mr. Speaker, as you know, the emergency medical services system in the United States provides emergency health care to thousands of people annually. Within the past 15 years, vast improvements in emergency medicine have been made and emergency department personnel have completed extensive training and continuing educations to enable them to keep up with those improvements. Designation of this week as "Emergency Medicine Week" will provide an opportunity to educate the people of the United States about emergency medicine.

Mr. Speaker, I urge the passage of this resolution.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mrs. HALL of Indiana. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the several joint resolutions just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Indiana?

There was no objection.

OMB: IS IT THE OFFICE OF MEDDLING AND BUNGLING?

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. GAYDOS) is recognized for 20 minutes.

● Mr. GAYDOS. Mr. Speaker, grain dust has some very treacherous and dangerous properties.

It is easier to ignite than coal.

Once ignited in a confined space, it is more explosive than dynamite.

It can go off with a power capable of breaking room-sized chunks of concrete out of the walls of reinforced silos; and then it hurls them hundreds of yards through the air.

An explosion in a grain elevator is more like an eruption than anything else; it builds.

First there is a rumbling, accompanied by a fireball racing through interior rooms and chambers of an elevator as it first stirs up layers of grain dust and feeds on the dust; and then comes the explosion.

Survivors and witnesses speak of trembling earth and rolling thunder and a moving wall of fire. The explosions break windows for blocks around as the big silos rupture.

Grain elevators exploded at the rate of 1 every 12.5 days in a recent 5½-year span; and at the rate of 1 every 14 days last year when not much grain was moving.

Grain workers have a 14.7-percent injury rate, according to an informative series published last year by the Kansas City Times.

And the all-industry rate in the United States is 8.7 percent.

This work is more dangerous than the average work and the treacherous properties of grain dust are the chief reason.

An explosion that was more or less typical of the bigger ones took place in April of last year at Council Bluffs, Iowa. It was the most recent big one.

According to reports, 58 percent of the elevator's employees were injured. In all, 5 persons were killed and 22 injured, including hands who worked for haulers and the railroad doing business with the elevator.

Investigators initially had a difficult time isolating the cause except in knowing that something ignited the grain dust.

The reason given at the scene was that, "We do not have anyone alive who has any information." This condition is not uncommon.

Debris were scattered for a mile, the report said. Near to the explosion, windshields were blown out and steering wheels melted on cars and trucks.

Property damage was estimated at between $5 to $10 million.

And this one was not on the upper end of the scale of big ones.

The upper end of the scale generally is tied to the big export elevators near our seaports. They have what the trade calls a lot of throughput. They move a lot of grain, and they move it fast.

Concern about elevator safety was heightened in late 1977 and early 1978 by a series of elevator fires and explosions. The Subcommittee on Health and Safety, of which I am chairman, held a series of hearings on these disasters.

A total of 62 persons were killed in these disasters, including 36 in an export elevator explosion at Westwego, La., and 18 in an export elevator explosion at Galveston, Tex.

Property damage totaled $60 million, including $30 million in Louisiana and $25 million in Texas.

All of these deaths, all of the accompanying injuries, and all of the millions in lost grain and destroyed facilities, stemmed from one thing—the treacherous properties of grain dust.

Grain dust causes elevator explosions.

A 1917 grain elevator explosion hampered the war effort, and studies were undertaken. The conclusions were featured in a 1920 safety awareness campaign.

And the slogan of this campaign of 63 years ago went right to the point.

Dust free is explosion proof, they said.

The cause of grain elevator explosions has been known since 1917, but in this period of 66 years the Government of the United States has established no real safety standards.

This period of time is long enough for man to have been born, worked a lifetime as an elevator hand and now to be retired—if he had lived that long.

Meanwhile, almost the same working lifetime passed in another major grain-producing and grain-exporting nation, Australia. There they had only one major explosion in the 60 years ending in 1981, according to reports.

Between 1958 and the end of 1981 there were 420 elevator explosions in the United States. The States suffering the highest number of explosions during these 23 years were: Nebraska with 43; Iowa with 39; Illinois with 39; Texas with 29; and Minnesota with 26.

Each of the ranking five States had on the average of more than one explosion a year, Mr. Speaker, But Australia, a whole grain-producing nation, had only one in 60 years.

In Australia, I am told they take the dust out every time they handle grain. Here we not only allow it to lay around, we put it back in; up to 2 percent of any grain sold may be foreign matter so there is financial incentive to keep the dust around. Many operators choose to collect it and put it back into the grain stream.

The years 1977 and 1978 were good ones for grain exports from the United States, I understand, and more grain was moving than was usual. It also was a record time for big fatal explosions.

Grain was moving rapidly from the fields to the country elevators to the inland terminals and to the export elevators, and at each step silos were going off around the country with the frequency of skyrockets on the Fourth of July.

Those disasters renewed an interest in safety regulation and led to more thorough and intense study. A special panel on the causes and prevention of grain elevator explosions went to work. It was an arm of the Government's National Materials Advisory Board.

The membership of this panel included representatives of the grain industry, insurance, labor, and the academic community. It is a panel that merits the title of blue ribbon.

Furthermore, they were painstaking and exhaustive in what they did.

And they too zeroed in on grain dust, Mr. Speaker.

I want to share with the House, particularly our colleagues from the major grain-producing and grain-handling States, just seven of the conclusions I gathered from their 1982 and 1983 reports. Their conclusions will be helpful in judging subsequent events.

First, and I am quoting their reports now, they said, "the panel, as well as others who have studied the problem as far back as 1918, is of opinion that * * * by far the most important hazard is grain dust itself;"

Second, "other factors are secondary compared to the hazard imposed by the accumulation of layered grain dust on interior surfaces;"

Third, "layered dust can be reduced;"

Fourth, "Since grain dust is the fuel for an explosion, decreasing the amount of dust * * * is the most important mechanical step * * * (and) will produce the greatest results;"

Fifth, "A layer of fine dry dust only one sixty-fourth of an inch thick inside an elevator can be a hazard. In general terms, if accumulations of dust are visible the elevator has a potential explosion problem. The thicker the layer of dust, the greater * * * the probability of an explosion."

Here I might insert, Mr. Speaker, that in many of the explosions they took note of, it was not a question of grain dust in fractions of inches; it was

a question of dust in multiples of 1 inch.

In their sixth conclusion, the panel said, "The danger * * * can be reduced or eliminated only by an effective dust control program."

And last, they said, "Grain elevators in the United States are designed and operated in such a way that at least 30 of them will suffer a dust explosion in any given year."

By the way, in addition to explosions, you can expect 2,900 fires a year that do not result in explosions.

In short, this blue-ribbon panel said, as they said in 1920, a lifetime ago, dust free is explosion proof.

In summary, the dust is what explodes; a layer as thin as one sixty-fourth of an inch is dangerous; and explosions can be controlled by removing the dust.

Now, in 1983, all of this has culminated in the proposal of a grain standard by the Occupational Safety and Health Administration (OSHA). It has been in the works at least since 1980.

This long overdue standard says no more than one-eighth of an inch of dust will be allowed to accumulate in grain handling facilities. It would require that dust above those levels be drawn out by mechanical means and swept up manually.

One-eighth of an inch is a compromise. Remember, this level is eight times the one sixty-fourth of an inch that can sustain a serious explosion.

Nevertheless, organized labor, and the industry, and OSHA worked out a compromise at one-eighth of an inch in the fashion that is customary; it was bargained out among interests as provided for by our system. And even one-eighth of an inch is better than multiples of 1 inch.

However, we still have no standard ready to go forward, and we may not get one.

We may not get one despite the 9-million-ton grain export deal with Russia.

We may not have one despite the prospect of greatly increased activity at the big export elevators that go off with a special ferocity.

And the indications that we may not have one come from a new force in regulation, the Office of Management and Budget (OMB).

These indications come from our former colleague, David Stockman, the Director of OMB, and from Christopher DeMuth, the head of regulatory affairs at OMB. The latter is one of the point men for the administration's deregulation effort.

Mr. Stockman has expressed concern about whether proper cost-benefit studies have been done according to the scripture of deregulation.

And Mr. DeMuth, in testimony to a House subcommittee, complained of some questions and some difficulties with what has been proposed.

Furthermore, a deputy of Mr. DeMuth has pinpointed what seems to be a specific, large difficulty. He told a House subcommittee that the deregulators feel "there is no justification for that level" of one-eighth of an inch.

Mr. DeMuth's man said this despite 63 years of knowing that dust free is explosion proof.

He said this despite comprehensive volumes on the danger of dust.

And these volumes indicate that one-eighth inch is eight times the amount necessary for an explosion.

It begins to look like the term-deregulation, means fighting out a second time what has taken years to establish the first time. It means doing everything twice. It seems awfully inefficient. It seems like a stall.

Meanwhile, OMB also has grumbled about the way OSHA proceeded. The objection is that too much emphasis was given to the high rate of explosions in 1977. The deregulators are said to want them eliminated from agency calculations.

But the counterbalance is that grain has not moved in this country as it did in 1977 and 1978 since those times.

Grain may move if the deal with Russia holds up, but between now and the last high demand years it has not moved as it did then.

Those who have supported and worked for the standard worry that the OMB delay—and the apparent compulsion to ignore 60 years of study and experience—represents a last-ditch effort by diehard elevator operators who will not face up to the facts.

They say it is a last gasp by backward operators who think it is smarter to save the expense of safety by running a dirty elevator at the risk of explosion, of death, and of millions in damage.

By the way, OSHA estimates that the standard will reduce explosions by 74 percent; and that it will bring about a 10-percent reduction in the severity of those that do occur.

Even if OSHA is 24 percent wrong, a 50-percent reduction would be dramatic improvement. If we had been able to reduce explosions 50 percent between 1958 and 1981 we would have had only 210 rather than 420.

Based on the blue-ribbon panel's estimate, we could expect 15 a year rather than 30. It will save lives. It will save grain. It will save money.

One diverting thing about working in Washington is the informal system of acronyms which gives us the letters OMB as shorthand for the Office of Management and Budget.

And once you get an acronym, you can run the system backwards to design new names to fit the initials. Often the new names can be more descriptive of agency function and character than the originals.

Consider OMB's compulsion to ignore 60 years of experience and exhaustive study;

Factor in other published reports about agency activities or personnel;

And there may be justification for giving OMB another more accurate name—there is good cause to designate it the office of meddling and bungling.

But the tragedy is that, if there is an export boom to come, and if it produces explosions at the high rates experience indicates, meddling and bungling may well be written in blood.

So it should be stated now that authorship of the title will rest squarely with Mr. Stockman and Mr. DeMuth.

Mr. Stockman stands to be known as the director of meddling and bungling and Mr. DeMuth as his deputy bungler.

The standard should be released immediately to move forward through the rulemaking process, which will further temper it as it already has been tempered by compromise.

Remember, we can expect these facilities to erupt at the rate of 1 every 12 days on the average.●

NATIONAL ABOLITIONIST DAY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Iowa (Mr. LEACH) is recognized for 30 minutes.

Mr. LEACH of Iowa. Mr. Speaker, at the request of the Freedom Republicans I am introducing a joint resolution calling for the designation of February 12, 1984, as "National Abolitionist Day." I rise to commend this resolution to my colleagues in the House for their consideration and support.

I was asked to introduce this legislation today to commemorate Saturday's being the 121st anniversary of the Battle of Antietam. September 17, 1862, was the bloodiest single day in the costliest and most divisive war in this Nation's history. While the battle itself was a tactical draw, its ferocity removed any hope that the Civil War could be brought to a quick conclusion by either side and convinced President Abraham Lincoln that the time had come to issue the Emancipation Proclamation.

That proclamation and the final removal from our body politic of the cancer of slavery was the goal of the Abolitionist Movement this resolution is intended to honor.

The Abolitionist Movement arose in the first decades of our history as small groups of men and women came together to mount a heroic challenge to the then predominant racist assumptions of our society. As the movement grew, through the efforts of such leaders as Frederick Douglass and William Lloyd Garrison it awakened the Nation's conscience to the evils of slavery and racial prejudice.

A broad and diverse movement, abolitionism advanced the basic human rights of all Americans and culminated in the ratification of the 13th amendment to the Constitution prohibiting slavery and involuntary servitude without due process of law, as well as the ratification of the 15th amendment prohibiting the abridgment of the right to vote on the basis of race.

The Abolitionists have long since passed from the stage of history, but we have much to learn from them. In a larger sense, the egalitarian ideals the mainstream of the Abolitionist Movement stood for remain just that, ideals which remain far from full realization. The struggle to extirpate the last vestiges of racism from our society continues, just as does the effort to achieve equality of opportunity in education, employment and housing as well as to promote full participation by all Americans in the political process.

For these unfinished tasks the spirit of the Abolitionist Movement remains an inspiration. I hope all Members of the House will join me in support of this resolution, and I include the text of the resolution in the RECORD at this point:

H.J. RES. 358

Joint resolution designating February 12, 1984 as "National Abolitionist Day"

Whereas the Abolitionist Movement arose in the first decades of our history to awaken the nation's conscience to the evils of slavery and racial prejudices;

Whereas the Abolitionist Movement helped to advance the basic rights of all United States citizens by promoting the ratification of the XIII Amendment to the Constitution prohibiting slavery and involuntary servitude and the ratification of the XV Amendment prohibiting the abridgment of the right to vote on the basis of race; and

Whereas the spirit of the Abolitionist Movement remains important to the ongoing struggle to extirpate racism, to ensure equal protection under law, to achieve equality of opportunity in education, employment, and housing, and to promote full participation by all Americans in the political process: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That February 12, 1984, is designated "National Abolitionist Day". The President is requested to issue a proclamation calling upon the people of the United States to observe such day with appropriate ceremonies and activities.

NATIONAL SALUTE TO HOSPITALIZED VETERANS DAY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arkansas (Mr. HAMMERSCHMIDT) is recognized for 10 minutes.

● Mr. HAMMERSCHMIDT. Mr. Speaker, on August 3, I introduced House Joint Resolution 339 proclaiming February 14 as "National Salute to Hospitalized Veterans Day" in keeping with a tradition begun in 1974.

This nationwide tribute to our veterans who are being cared for by the dedicated men and women of the Veterans' Administration medical centers has a fourfold purpose:

First, to pay tribute and express appreciation to the thousands of veterans hospitalized each year; second, to establish and promote a continuing awareness of these patients; third, to enhance and broaden community involvement with hospitalized veterans; and fourth, to encourage more Americans of all ages to participate in the excellent VA hospital volunteer program.

The first hospitalized veterans salute, in 1974, was initiated and sponsored by "No Greater Love" a national organization and by the POW returnees of the Southeast Asian Conflict. During this premier event, prominent Americans from many fields of endeavor visited veterans in 50 of the Veterans' Administration 172 hospitals.

Veterans and visitors alike were so enthusiastic about the program that they requested the salute be an annual event. After four succesful observances, the national salute became an official Veterans' Administration program in March of 1978 and now on every Valentines Day, the President issues a proclamation in honor of our hospitalized veterans.

Mr. Speaker, it is always a pleasure to support a worthy and useful cause such as this. And I am pleased to report that this is one measure that has no budget impact on the Veterans' Administration save minor printing and publicity costs. The voluntary services of the Department of Medicine and Surgery of the VA coordinates this day's activities, and the work they do is as professional as it is caring.

The staff of each medical center develops an activities schedule and arranges programs and visitor participation. Mrs. Ronald Reagan serves as the national honorary patron. In 1982, Pearl Bailey served as the honorary chairperson, a duty shared by Sugar Ray Leonard and Dorothy Hamill. In addition, many Members of Congress have participated at VA hospitals in or near their districts.

Mr. Speaker, I urge my colleagues to note this day far in advance, and to plan to visit or otherwise remember the men and women, now hospitalized, who have done so much for this Nation. All Americans owe them an immeasurable debt. By passage of House Joint Resolution 339, let us let them know we care enough to give them a special day of thanks.

Thank you.●

TO CONTROL GOVERNMENT SPENDING WE NEED THE LINE ITEM VETO CONSTITUTIONAL AMENDMENT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. KEMP) is recognized for 30 minutes.

● Mr. KEMP. Mr. Speaker, it is increasingly apparent that there are two sides to the relation of Federal fiscal policy to the economy. The best way to reduce the total burden of government on the economy is to restrain the growth of government while increasing the size of the economy. This is the general thrust of President Reagan's economic program, and I support that effort.

But there is one tool missing from among the President's implements—the line-item veto. Every President since Ulysses S. Grant, and that includes Franklin Delano Roosevelt, has sought the authority to delete unnecessary items from appropriations bills which would otherwise exact too much of a burden on the American people. Yet Federal spending has continued to rise at an accelerating speed, apparently because Congress has not found itself capable of slowing the rise.

Today I am introducing a bill proposing a constitutional amendment to give the President a line-item veto. Congressman BILL ARCHER, Senator ALAN DIXON, and others, have proposed the line-item veto in the past as an important step in bringing spending under control. Presidential Counselor Ed Meese also advocates the plan. Forty-three States have such a provision in their constitutions, giving their Governors the ability to reduce or veto individual spending items of appropriation. I think it is time to take this important step for the good of our Nation's fiscal health.

After much study I believe this approach is the single best reform we can support in reducing the heavy burden of Federal spending, without a meat-ax. If the President had this power, he could prudently and methodically scale back Federal outlays in those areas where they are unnecessary, while leaving unchanged or permitting Congress to increase spending in those areas where it is desirable.

We have been hearing a great deal lately about crowding out by the Federal Government. It is necessary to point out that the Government crowds out the private economy, not merely through its deficit, but through its total command over resources, which is approximated by Federal spending. Raising taxes does not reduce crowding out; it merely changes the nature of crowding out as long as spending continues to rise. It is on spending therefore, that we must focus our efforts if we are truly worried about Federal pre-emption of resources,

Milton Friedman has often said that he would prefer a $100 billion deficit when spending is $500 billion, to a budget balanced at $700 billion.

This is an issue upon which traditional fiscal conservatives and supply-siders can agree, in the context of efforts to encourage economic growth. We need to restrain Government spending as well as increasing the size of the economy. The line item veto is an indispensable tool for restraining unnecessary spending.

In an excellent editorial yesterday, the Wall Street Journal answered the objection which is sometimes raised against the line-item veto:

The usual argument against the line-item veto—that it would unfairly expand the president's power—is clearly fatuous. Congress in 1974 arrogated to itself responsibility for spending; it has clearly failed. Politics in America most effectively performs its proper role—arbitrating among the competing interests of a huge population of free and informed people—when power is real but rarely used. It's most likely that once a president held the power to veto individual spending items, Congress would sort out for itself what is justifiable spending and what isn't, just as it did before the "budget control act." And if, as now, Congress declined to exercise prudence in managing the people's tax payments, that national constituency that elects a president would surely expect him to use the item veto to restore prudence, regardless of the highly publicised screams of Congress's man constituencies.

That is how the balance of power was intended to work. When it is damaged, as it is now, the American system suffers. The presidential power created by the line-item veto will restore the balance. And by forcing legitimate political horse-trading to take place again on Capitol Hill, it would allow Congress to regain its self-respect. Most important, it would show that Washington is truly serious about solving the deficit problem.

I would like to introduce into the RECORD the text of this excellent editorial, as well as a superb article on the line-item veto by Henry Hazlitt, which appeared in the Wall Street Journal on September 9, 1983, and the text of my amendment.

I urge my colleagues to join me in sponsoring and enacting this important intitiative and look forward to working with representative ARCHER to gain consponsors in the day ahead.

BUDGET SOLUTION

The days and nights of the living dead have returned: The Congress of the United States is back in Washington, where it must again confront the budget nightmare. Congress's wailing and howling over the dread budget deficit causes quite enough discomfort across the land, so we're reluctant to arouse them further. Alas, we present some simple truths about the deficit—and a proposal to free Congress from the curse of the budget process.

Recent history has taught us a few things about what a budget deficit does and does not do. Deficits do not prevent a recovery. We currently have a $200 billion deficit. We currently have a recovery.

It's widely argued that if the government has to finance a deficit of $100 billion to $300 billion, interest rates will skyrocket again, perhaps to 17%, crushing the recovery (and the Reagan presidency). We have come to doubt the validity of this argument, which depends in large part on the assumption that government borrowing—and its impact—is limited to the securities market, which in 1982 was thought to have an available savings flow of about $350 billion.

It seems more plausible, as John Rutledge argued on this page last month ("The 'Structural-Deficit' Myth," Aug. 4), that government borrowing to finance a deficit should be viewed in the larger context of the economy's total asset holdings, currently about $20 trillion. Placed against $20 trillion, a large government borrowing may cause some rise in interest rates, but nothing as large or destructive as the Armageddon generally predicted.

We've been pooh-poohing these concerns (much to the discomfort of many traditional allies) and making the point that a lot of the deficit talk is merely an excuse to get more revenues to increase spending. But we've also been saying privately that two years from now—when recovery came despite deficits—we will be the only people in the land worried about deficits. For the plain and undeniable truth is—and here we rejoin the ranks of our worried allies—deficits do crowd our resources.

But let's get something straight about this. As Norman Ture makes plain in a nearby article today, deficits crowd out resources only to the extent that they serve their imperial master—government spending. We can raise taxes to close the deficit; we can borrow from the private sector to close the deficit. Either way, the money raised becomes government spending. Government spending is the first cause of crowding usable resources out of the private sector.

The choice is as clear as it can be: If we want America to have primarily a public economy, we should quit whining about the deficit and let congressional policies proceed toward that goal. If instead we want primarily a private economy, we simply have to cut spending.

And that means we've got a very big problem: The best political minds in Washington say that all the king's horses and all the king's men will never be able to cut government spending again. That is the implicit assumption behind much of the deficit talk and the counterproductive solutions in the air. We're not so ready, however, to throw in the towel on prudent economic management. What's really happened is that the terms of the political game in Washington have changed in a way that has eroded the traditional restraints on spending imposed by Congress' internal discipline and the external pressure applied by the Executive.

The erosion began with the House committee reforms of the 1970s, which undermined the authority of the House leadership. Next, Congress perverted the principle of entitlements.

Providing basic support for citizens who fell into deep poverty was properly regarded in the 1960s as an appropriate commitment by a successful nation, and Congress, with clear public support, made the commitment. But it erred in not foreseeing (or in willfully refusing to see) that the payment formulas—primarily indexing payments to inflation—would create a claim on the nation's wealth large enough to undermine the health of the larger economy.

The last brick in the dam gave way with passage of the Congressional Budget and Impoundment Control Act of 1974. This mistake had the unintended effect of opening the spending spigot without ever finding the proper tools to shut it off (see the accompanying graph).

Forget the phrase, "budget control." No one takes that seriously anymore. The key words in the act are "impoundment control." In the early 1970s, Congress became petulant over Richard Nixon's attempts to reduce spending by using the president's power to withhold, or impound, funds appropriated by Congress. By effectively eliminating the president's impoundment powers in the 1974 act, Congress grievously damaged the balance of power. The president can still veto appropriations bills, but the bills have become so huge and inclusive that the big veto is no longer managerially or politically useful.

The fact is, this issue has gone quite beyond the question of conservative vs. liberal social philosophies. Congress can't hold down the upward growth in spending, and the president has no effective counterweight to pose against Congress. In short, the ship of state, in its current upward spending stream, is on automatic pilot, with the government laying claim to an ever larger share of whatever the economy produces.

The solution to this problem requires two things: Reimposing discipline on the politics of spending and restoring the balance of power between Congress and the presidency. And as is often suggested, the solution requires two other things: the support of the House speaker and the president. Well, we know the speaker's position: The economy be damaged; this conservative president must be jettisoned from the Oval Office no matter what the costs. Resolution of the budget crisis clearly lies with the president, and we know of one proven mechanism for getting the job done. Ronald Reagan should do the following:

He should send a constitutional amendment up to Congress, exhorting it to give the president a line-item veto over the budget. Ed Meese has been floating the item-veto idea for some time, citing in support Mr. Reagan's experience with it in California. The governor of every major state in the Union has line-item veto power, which permits the Executive to veto individual items in the legislature's budget. Nearly every president since Ulysses S. Grant—Democrat and Republican—has requested it. (Yes, indeed, that includes FDR.)

Mr. Reagan should make the line-item veto the centerpiece of his reelection campaign, and he shouldn't flinch from claiming it as the Republican answer to the deficit issue. There is no way Mr. Reagan can avoid having the Democrats fling the deficit in his face, but there's no way the Democrats can hide the intellectual exhaustion of their own ideas. Moreover, it's likely that the prospect of a line-item veto would unify the supply-side and conventional wings of the Republican party.

The usual argument against the line-item veto—that it would unfairly expand the president's power—is clearly fatuous. Congress in 1974 arrogated to itself responsibility for spending; it has clearly failed. Politics in America most effectively performs its proper role—arbitrating among the competing interests of a huge population of free and informed people—when power is real but rarely used. It's most likely that once a president held the power to veto individual

spending items, Congress would sort out for itself what is justifiable spending and what isn't, just as it did before the "budget control act." And if, as now, Congress declined to exercise prudence in managing the people's tax payments, that national constituency that elects a president would surely expect him to use the item veto to restore prudence, regardless of the highly publicized screams of the Congress's many constituencies.

That is how the balance of power was intended to work. When it is damaged, as it is now, the American system suffers. The presidential power created by the line-item veto will restore the balance. And by forcing legitimate political horse-trading to take place again on Capitol Hill, it would allow Congress to regain its self-respect. Most important, it would show that Washington is truly serious about solving the deficit problem.

[From the Wall Street Journal, Sept. 9, 1983]

LINE-ITEM LEASH ON RUNAWAY SPENDING

(By Henry Hazlitt)

We have had 45 federal deficits in the past 53 years, and uninterrupted deficits in the past 15 years.

There are two ways of preventing or ending deficits. One is to cut spending, and the other to increase taxes. We can, of course, try a little of both.

This is the approach contemplated in the balanced-budget constitutional amendment before Congress. Even many of those people who have reservations favor this amendment on the ground that something is better than nothing. But the proposal raises serious questions.

Perhaps the main objection to the balanced-budget amendment is that it puts at least as much emphasis on obliging Congress to raise taxes to achieve a balance as it does on cutting expenditures. This mistakes the nature of the problem. The real evil in the budgets of the past half century has been growing, reckless outlays, and not the deficits per se.

If federal expenditures are at a reasonable level, there isn't any great problem in finding the taxes to pay for them. But the higher the spending, the more formidable the taxing problem becomes. Taxes always undermine incentives, sales, employment and production. The higher the taxes, the greater the harm they do to the whole economy. Beyond a certain point, raising tax rates brings in lower revenues.

LIPPMANN'S PROPOSED REMEDY

All this may seem too obvious to mention, but it is persistently overlooked. This first struck me forcefully when I encountered a New York Herald-Tribune column of March 5, 1959, in which Walter Lippmann complained: "Both parties are pretending that they are struggling to balance the budget. In fact neither the Administration nor the Congress shows any sign of being willing to vote the taxes which are absolutely essential if the budget is to be balanced."

Mr. Lippmann's proposed remedy followed from his initial assumption that all the spending already going on, plus a great deal more, was absolutely necessary.

The fallacy of trying to balance the budget mainly with increased taxes can most easily be recognized if we look at the budget record since, say, this Lippmann proposal.

In fiscal 1959 the deficit was $12.9 billion because, though budget receipts were $79.2 billion, outlays were $92.1 billion. In 1960 taxes were higher, and revenues jumped to $92.4 billion enough to have balanced the 1959 budget. They did achieve a small surplus—for one year. But in 1961 spending was raised to $97.8 billion, and deficits came back.

If we now look at 1983, the estimate of budget receipts is $598.3 billion, nearly eight times such receipts in 1959. But to no avail. Spending has increased far more, leaving us with a prospective deficit of $210 billion, the highest ever.

If we carry the record back to 1931, when our string of deficits began, we find we have increased our revenues 193 times. Even allowing for the inflation that the deficits themselves have largely brought about, Congress has increased our tax burden 30 times in real terms—without stopping the deficits.

So let us finally drop the delusion that we can pay for any level of spending by raising taxes. That myth has been leading us only toward increased unemployment and economic stagnation. And let us finally put aside, also, after the past half century's record, the idle hope that Congress can somehow be induced to return to responsibility or to discipline itself. What we desperately need is an outside curb on the current unrestrained power of Congress to spend.

How has this license come about? Doesn't the president have the same power to veto appropriation bills as he has to veto other measures? Theoretically he does. But Congress has perfected the device of throwing in pork-barrel, log-rolling and other vote-buying appropriations with those that the president needs to carry on the government. In addition, Congress has perfected the practice of passing its appropriation bills at the very end of a session, so that if the president vetoed a typical omnibus spending bill in order to get rid of an objectionable item, he would be left without any money at all. So far as appropriations bills are concerned, Congress has usurped total power. The presidential veto has been reduced to a nullity.

The cure for this would be a constitutional amendment granting the president power to reduce or veto individual items in appropriation bills.

This isn't a new proposal; it has a long history. There isn't any evidence, it is true, that the question was even discussed in the Constitutional Convention of 1787. But by the time of the Civil War, when the Confederate state delegates met to frame their own constitution, the problem had been recognized. And they specifically provided for the presidential item veto. In 1867, President Andrew Johnson complained that Congess had thrown objectionable provisions into a section of an appropriations act that "virtually deprives the President of his constitutional functions as Commander in Chief of the Army." He felt forced, nevertheless, to give the approval to the measure, "but to accompany it with my protest."

Then, President Ulysses S. Grant asked Congress in 1873 to amend the Constitution "to authorize the Executive to approve of so much of any measure passing the two houses of Congress as his judgment may dictate, without approving the whole, the disapproved portion or portions to be subject to the same rules as now." President Rugherford B. Hayes, in 1879, and Chester A. Arthur, in 1882, repeated this recommendation, though confining it to appropriation measures.

Franklin D. Roosevelt was the next president to ask for the item veto, followed by Dwight D. Eisenhower. Harry S. Truman in his "Memoirs" wrote: "One important lack in the presidential veto power, I believe, is authority to veto individual items in appropriation bills."

Despite this long history, Congress has done precisely nothing. The apparently insoluble problem that confronts us is how to get congressmen voluntarily to give up or share a power that they have managed to usurp.

If we can't get two-thirds of Congress voluntarily to submit to the states an amendment giving the president the item veto, how can we get around this obstacle?

There is a glimmer of hope. The item veto is so essential to fiscal discipline that in 42 of our 50 states the governor already has this power. In at least some cases, he must have got it through voluntry action by the legislature. (This certainly has been helped by the fact that the states can't print money to cover their overruns.)

If Congress can't be persuaded to take the initiative in submitting a constitutional amendment allowing a presidential item veto, there are two alternatives. One is for two-thirds or more of the state legislatures to ask Congress to call a constitutional convention for the single purpose of drating and submitting an item-veto amendment. Congress would be obliged to comply. The delegates to such a convention would need to meet only a day or two to carry out their assignment.

ADVANTAGE AND DISADVANTAGE

Another course would be to try to persuade Congress to permit a Presidential item veto by simple legislation. This alternative actually was suggested by Mr. Roosevelt in his annual budget message of Jan. 3, 1939: "A respectable difference of opinion exists as to whether a similar item veto power could be given to the President by legislation or whether a constitutional amendment would be necessary. I strongly recommend that the present Congress adopt whichever course it may deem to be the correct one."

The advantage of granting the item veto by legislation would be that it would take effect immediately. The disadvantage is that the power could be taken back more easily by Congress or that Congress in the first place might be more reluctant to grant an item veto to the President then in office.

One question certain to be raised is whether a big-spending President actually would make much use of an item veto. One answer is that in that case, granting the power wouldn't do any harm. But it would at least remove the alibi that Presidents have as long as they lack this power. With it, they could be held strictly responsible, as they in fairness can't be now, for the spending result. As matters stand, the President is directed to present a budget, and in the eyes of the public is held responsible for it, though he has neither the power to appropriate nor any real power to cut outlays.

Presidential power to reduce or veto individual items in appropriation bills certainly would make a real difference. If we can get back to prudent and responsible spending, the task of raising the matching revenues won't seem insuperable any longer.

H.J. RES. 357

Joint resolution proposing an amendment to the Constitution of the United States allowing an item veto in appropriations bills

Resolved by the Senate and House of Representatives of the United States of America

in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States:

"ARTICLE —

"SECTION 1. The President shall have the power to disapprove any appropriation or provision and approve any other appropriation or provision in the same appropriation bill. In such case he shall, in signing the bill, designate the appropriations and provisions disapproved; and shall return a copy of such appropriations and provisions, with his objections, to the House in which the bill shall have originated; and the same proceedings shall then be had as in case of other bills disapproved by the President.

"SECTION 2. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of three-fourths of the several States within seven years from the date of its submission.".●

EXTENSION OF UNEMPLOYMENT BENEFITS AND REFORM OF UNEMPLOYMENT COMPENSATION LAWS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. COYNE) is recognized for 5 minutes.

Mr. COYNE. Mr. Speaker, yesterday I introduced two measures which address the needs of the more than 10 million Americans who remain unemployed.

Just over 2 weeks from now, on September 30, the Federal supplemental compensation program will expire. My first bill simply extends Federal supplemental compensation, or FSC, 6 months beyond that date. Without this extension, there will be no additional weeks of compensation for those workers who have exhausted their regular and extended benefits.

While the employment outlook has brightened somewhat on the national level in recent months, I ask my colleagues to consider that 13.3 percent of the work force in the Pittsburgh metropolitan area is idle. In the Commonwealth of Pennsylvania, 11.5 percent are unemployed. Moreover, the average duration of unemployment continues to rise. This means that more Americans exhaust their unemployment benefits with no foreseeable employment in sight.

Let us consider Pennsylvania, a State which has witnessed a substantial increase in the number of those who have exhausted their benefits. In June, 30,000 people exhausted all benefits. The number rose to 47,000 in July.

The second section of the bill I introduced would assist those long-term unemployed whose benefits have stopped. Increasing numbers of Americans are exhausting their unemployment benefits and have no foreseeable employment prospects. My legislation would provide 13 additional weeks of benefits for individuals who are no longer receiving compensation.

My second bill makes several overdue changes in the existing extended benefits program. To understand why these revisions are needed, it is necessary at this point to recall the 1981 budget reconciliation bill, popularly known as Gramm-Latta. The damage this measure caused demands a specific remedy.

First, Gramm-Latta raised the mandatory insured unemployment rate which determines qualification for extended benefits. This admittedly complex but seemingly technical change has had a profound personal effect on thousands of jobless Americans.

Unemployment specialists measure the insured unemployment rate by dividing the number of unemployed receiving regular State benefits by the number of individuals covered by unemployment compensation in the State.

Before 1981, the mandatory IUR trigger was 4 percent. Gramm-Latta raised that requirement to 5 percent, while raising the optional trigger from 5 percent to 6 percent. These changes meant that 12 States never triggered on the program because their IUR rate never reached these increased levels.

My legislation would restore the trigger to what it was in 1981. In addition, it would eliminate the requirement that unemployment must surge to 120-percent of the average for the previous 2 years in order for a State to be eligible. Those States which have not been able to meet this 120 percent surge requirement have been forced off the extended benefit program before long-term unemployed workers could receive their full benefits.

Second, Gramm-Latta instructed the Department of Labor not to count workers receiving extended benefits when it determines the all important insured unemployment rate.

The result of this seemingly technical change was disastrous for Michigan, a State of widespread and long-term unemployment, triggered off the extended benefit program in November 1981. Despite the fact that it had one of the highest unemployment rates in the Nation, Michigan was excluded from the extended benefits program until February 1982.

My legislation would instruct the Department of Labor to take a more accurate count of actual unemployment by requiring the inclusion of those receiving extended benefits in the calculation of the insured unemployment rate.

Third, Gramm-Latta eliminated the national trigger for extended benefits. Prior to the passage of this unwise legislation, a high national unemployment rate activated the extended benefits program in every State. A 4.5 percent insured unemployment rate enabled all American workers to become eligible for benefits. The elimination of the national trigger helped prevent States such as New York, Colorado, and California from being eligible for the extended benefits program. States with pockets of unemployment, but statewide averages below the cutoff, were eliminated from the extended benefits program. Maryland and Minnesota are two such States.

My legislation would address the national problem of unemployment, by restoring a national trigger.

Fourth, the Gramm-Latta bill required workers to have 20 weeks of unemployment in their base period to qualify for the extended benefits program. Some workers who might otherwise qualify for State benefits lost their eligibility.

I propose in the legislation introduced yesterday that the base period of eligibility be determined, as it was prior to Gramm-Latta, by each State.

Another important provision of this legislation would allow those workers receiving extended benefits to enroll in an accredited training program. Some workers in my congressional district have been chosen to participate in a retraining program, only to be told they must continue to look for employment and that, should they find employment, they must forego the training program. We should not penalize those who seek to better themselves. Jobless workers on extended benefits should be allowed to receive extended benefits, as they can now do in the Federal supplemental compensation program, while they continue to be retrained.

This legislation would also make important structural changes in the existing extended benefits program. Beginning in April 1984, a federally funded, 26-week extended benefits program would be established for workers whose regular State benefits have been exhausted. Given the duration and severity of the current recession, it is clear that existing extended benefits and Federal supplemental compensation levels are not adequate. Today only 2 States, Louisiana and West Virginia, and one territory, Puerto Rico remain eligible for extended benefits. Under current law, the maximum number of weeks provided in the FSC program is 14. However, West Virginia is the only State eligible for 14 weeks. Alaska, Louisiana, Pennsylvania, and Washington receive 12 weeks. Another 13 States qualify for 10 weeks and the remainder receive 8, the least amount of weeks authorized. It is time to recognize the results of the recession and to move to a 26-week program.

Finally, this legislation would require the Department of Labor to study the feasibility of sub-State trig-

gers on unemployment. This would address the anomaly of workers within a pocket of unemployment being denied benefits because their State fails to meet specified criteria.

Through this legislation, I hope we can begin the process of making our unemployment compensation truly national, simple, and fair. As a result of Gramm-Latta, the premiere legislative initiative of this administration, the current program is a hodge-podge of systems, complex and discriminatory.

I urge my colleagues to support this legislation which is designed to restore equity in our unemployment compensation system.

JUDGE EMANUEL A. RISSMAN RECEIVES THE FLASCHNER AWARD FOR OUTSTANDING ACHIEVEMENT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. ANNUNZIO) is recognized for 5 minutes.

● Mr. ANNUNZIO. Mr. Speaker I rise to bring to the attention of my colleagues the outstanding record of my good friend, the Honorable Emanuel A. Rissman, associate judge of the Illinois Circuit Court of Cook County. I was delighted to learn that this year at the annual American Bar Association meeting, the National Conference of Special Court Judges presented Judge Rissman with the Franklin N. Flaschner Award in recognition of the exemplary performance of his judicial duties in Chicago's small claims court, where he has presided since its creation in 1972.

Judge Rissman received his J.D. from DePaul University Law School, and is admitted to the practice of law in both Illinois and California. He has served as assistant Illinois attorney-general, and was a labor lawyer with the firm of Rissman & Mermall before becoming a judge in 1969.

Presiding over Chicago's small claims court, where individuals represent themselves without attorneys, Judge Rissman hears an average of 3,000 cases each year, and he has developed a splendid record of achievement. He is the author of the publication, entitled "The Small Claims Form Guidebook," published by the American Bar Association, and he has frequently lectured on small claims courts before many consumer and labor groups. Because of his high ideals, personal integrity, and judicial competence in deciding cases, Judge Rissman's court has been studies and visited by judges throughout the world.

The Franklin N. Flaschner Award for Special Court Judges is presented annually to a judge who has completed at least 7 consecutive years as a law-trained, full-time judge in a court with special and limited jurisdiction, and is named after the late chief justice of the district court of Massachusetts. At this point in the RECORD, I would like to include the inscription on the placque received by Judge Rissman, along with an article which appeared in the Chicago Daily Law Bulletin on August 1, 1983, which reports the judge's recognition. The inscription and article follow:

The National Conference of Special Court Judges of the American Bar Association presents the Franklin N. Flaschner Judicial Award to Judge Emanuel A. Rissman as the outstanding judge in the United States on a trial court of special and limited jurisdiction for his distinguished service in improving the quality of justice in special courts, Atlanta, Georgia, July 29, 1983.

[From the Chicago Daily Law Bulletin, Aug. 1, 1983]

JUDGE RISSMAN RECEIVES AWARD

ATLANTA.—Judge Emanuel A. Rissman of Cook County Pro Se Court has been named the recipient of the annual Franklin N. Flaschner Award for Special Court Judges.

The award, presented here at the American Bar Association annual meeting by the National Conference of Special Court Judges, was made by Justin Stanley, a former ABA president and member of the firm of Mayer, Brown & Platt.

The award is named for the late Chief Justice Franklin N. Flaschner of the District Court of Massachusetts and recognizes "high ideals, personal character and competence in performing judicial duties."

Nominees must have completed at least seven consecutive years as law-trained full-time judge in courts with special and limited jurisdictions.

Rissman, 72, has presided in Chicago's small claims court since it was created in 1972 and hears an average 3,000 cases each year. He is the author of the *Small Claims Form Guidebook*, published by the ABA.

He is a frequent lecturer on the subject of small claims courts and his court has been studied by visiting judges from around the world.

Before he became a judge in 1969, Rissman was a labor lawyer with the firm of Rissman & Mermall. He is chairman of the ABA's Small Claims Court Committee and is scheduled to be named to the executive committee of the National Conference of Special Court Judges.

Mrs. Annunzio and I share in the happiness of Manny and his wife Edie on this occasion of recognition by his peers for his distinguished service on the bench, and I extend to the members of his family my best wishes for abundant good health and continued success in the future.

I congratulate Judge Rissman on receiving the Franklin N. Flaschner Award, and I commend him for his many years of judicial service which have contributed significantly to the advancement of our legal system.●

DR. KISSINGER AND HIS COMMISSION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. GONZALEZ) is recognized for 30 minutes.

Mr. GONZALEZ. Mr. Speaker, on July 18, President Reagan announced that he was appointing Dr. Henry Kissinger to head a commission on Central America, which he labeled as bipartisan. The idea, he said, was to come up with a "long-term, unified approach to policy in Central America."

The idea of bipartisan commissions is not necessarily, if ever, to come up with new answers to old problems. It would be ridiculous to suppose that a commission composed of amateurs could in 5 months solve foreign policy problems that have bedeviled the whole foreign policy apparatus for 5 years, and which have plagued successive administrations for 50 years.

The idea of any commission of this sort is not to devise answers, but to make dissent from preconceived policy appear dishonorable, perhaps even unpatriotic. Commissions are a way to take issues out of the realm of debate and discussion.

The Greenspan Commission, for instance, did not devise any magic plan to save social security; its purpose was to take the issue off the table to enable previously disagreeing parties to recommend a course of action that had already been devised. In short, to make a bitter political pill palatable.

This is the task of the Kissinger Commission, to throw a blanket over any dissent from present actions in Central America while issuing long-range recommendations that change nothing, while ringing with high-sounding but essentially meaningless affirmations, declarations, and obfuscations. Kissinger himself is frank about this. In an August interview he said, and I quote:

I believe it is in the overwhelming national interest not to have Central America turn into a major political issue. Any President may well be grateful to have a bipartisan group on whose report he can rely so that he does not start immediately with a huge controversy.

□ 1630

In case that is not clear enough, he also said, and I again quote: "It seems to be desirable to take Central America out of politics."

Clearly, Kissinger understands that his job is not to suggest any change in existing policy, saying that the Commission "should stay out of operational issues"—in other words, not examine or say anything about what is happening right now, not talk about whether it is desirable to have clandestine operations against the Nicaraguan regime nor whether vast, long-range maneuvers, wide-scaled training operations, and other activities in Honduras make sense, nor talk about the question of how to curb death squads in El Salvador or how to give popular opinion any real voice there. In short, the Commission will have nothing to do and nothing to say about the ac-

tions that have given rise to all of the controversy in the first instance. Instead, it will confine itself to "a statement of middle and long-range objectives."

Meanwhile, the existing policies, the source of all the controversy, will not be tampered with. The whole idea is to avoid dissent and debate, because in the Kissinger view, we really cannot afford another "searing debate like we had 10 years ago."

In his view, it would have been unfortunate to have any debate about the wisdom of bombing Cambodia or mounting an invasion there either. Therefore, the secret war which became a vast controversy likewise in his view should not have happened. In fact, the only thing to do in Vietnam was to liquidate the whole commitment so as to reduce the controversy but to do so slowly with the hope of working out some deal with the North Vietnamese. He reduced the controversy and spent tens of thousands of lives and in the end failed to save Vietnam and sent Cambodia down the road to one of the bloodiest slaughters in all of human history. The only think he achieved was his domestic political goal, which was to allow Richard Nixon to proclaim an "honorable peace," which surely was the most illusory statement ever devised since Chamberlain pronounced that he had struck a bargain with Hitler.

Kissinger knows well what his role is—to rationalize existing policy in Central America, to smother defense by making it appear partisan and, therefore, suspect, even dishonorable. That was his goal in Vietnam, and it worked. He cloaked an unmitigated disaster in terms that tried to hide what could not be hidden, in mirror tricks that sought to distract a weary and a worried population, and in dramas that tried to soothe the troubled minds even after disaster mounted.

After that performance, his present job of throwing a blanket over Central America ought to be quite a pushover. But it cannot last very long. One cannot forever pretend that Pinochet in Chile is angelic nor that the right-wing killer squads of El Salvador are expressing the popular will, nor that the people of Nicaragua are demanding the ouster of the Sandinistas when none of that is true, any more than a case can be made that Rios Montt was a paragon of good government in Guatemala. Eventually, questions will again be asked, but if Kissinger does his job as he hopes, that will not be for a good while and in the meantime he will build up his own personal empire.

Nobody is better suited to the task of smoothing over the troubled waters of an unwise policy than Henry Kissinger. Nobody is better suited than he to defend and rationalize the indefensible. He has not only done it before, he has made a whole career out of it and is in the process of building a considerable fortune as a result of it.

As I brought out in a news conference in my district—not up here, but back home—Mr. Kissinger formed a private consulting association known as Henry Kissinger & Associates. His principal associate is Lord Carrington, the former Foreign Minister of England, plus an array of former officials and past and present semiofficial officials, ranging from Scowcroft, the gentleman who gave us the same performance with respect to the Scowcroft Commission that was bipartisan in order to make MX palatable to the Congress, and, above all, William Rogers. That is not the former Secretary of State under Nixon, who has the same name, but the former Assistant Secretary of State for Latin American Affairs who just last year accumulated $300,000-plus as the agent, of all things, for the Sandinista government to procure arms.

Mr. Kissinger has made his financial profit from that kind of consultantship, that kind of deal and association, and he continues to do it even as I am speaking here today. So the soldiers, our boys, that we now send are occupying Honduras because we say it is for training, but actually we have taken over Honduras. We are occupying Honduras, and sooner or later there is going to be shooting and some of it is going to be directed against our boys. I hope not, I pray not. But I have prayed before when I have spoken here, and, unfortunately, my prayers were not heard, and again, unfortunately, I was proved right. What will be the shame when these American boys, our boys, will be fired upon with the guns procured by Mr. Henry Kissinger & Associates?

As a matter of fact, I charge that Mr. Kissinger has his own private "state department," and today I am introducing a resolution of inquiry in order to find out exactly what the connections are with this administration, particularly the Secretary of State. Mr. Kissinger has been very much present, almost as if he were a hired consultant by Mr. Shultz, our Secretary. He even has his own parking space at the State Department next to Mr. Shultz'. I figure that maybe this administration is contracting out our State Department diplomatic activities, and I would like to know exactly on what basis, if any, the State Department has thus far contracted with Henry Kissinger & Associates, and, if so, how much they have dished off and under what conditions and for what purposes.

But even if that is not happening, the truth is that there are more of our foreign envoys in the United States beating a path, all the way from the French Ambassador and other Ministers from France to the Nigerian and some of the South American countries, via Rogers, who is the lawyer or the agent for this activity, or has been, at least up until this last year, which is the last reportable year that I could get the information for. And, as I said, he has already been paid $300,000 by the Sandinistas. For what? For arms procurement. For arms procurement while the President tells us that the Sandinistas are the devil himself, in fact taken over by Russia and Cuba.

So this is another case of contradiction that I find most abhorrent, and this is one of the impelling reasons why I burden my colleagues at these extraordinary times in special orders. But I would not have one charged with knowledge if I did not feel deeply, and I would not have any self-respect if the issue were not drawn. And I am not just talking. I think my record shows I do not just talk, and that when I do speak, it is after I have documented what I am going to say.

□ 1640

I did not speak until August 27 back home, after I had had the Congressional Research Service supply me with the answers to the questions I had directed and to confirm the existence of the Henry Kissinger & Associates activities.

Mr. Kissinger is not only an adviser. He is a hired gun, set up as Kissinger & Associates, ready to advise anybody about their foreign policy problems here in the United States, if the price is right.

According to Mr. Scowcroft, it takes about $250,000 to get past the entrance door for consultation.

Lord Carrington—now, that is a strange one—former Foreign Minister of Great Britain—I do not know what English customers he brings over. Being canny and a lot more astute and having a thousand years of experience over us, I doubt that they would enter into an unproductive arrangement.

Among his associates, as I say, and repeat, is Brent Scowcroft, lately of the commission that tried to rationalize the MX program by producing a contradiction in terms, a program calling for deployment that is totally vulnerable in the name of making the United States invulnerable.

Kissinger's clients know that he has access to everybody that counts, or at least that is what he has impressed them with, in this country. He makes certain that everyone knows that he is on the most intimate of terms with Secretary Shultz, who it seems, if we believe Mr. Kissinger, is not only a regular lunch companion, but who called and begged advice on how to handle the Russians, what to do about the Middle East, and most likely to proclaim that nobody but Kissinger could solve the riddle of Central America. And if some client suspects that

Shultz is not presently the man who is heard by the President's good ear, Kissinger lets it be known that it was Judge Clark, the security adviser himself, who thought of the commission idea in the first place, begged his to serve on it.

But the great man says that he was at first reluctant. He would hate to turn the President down, though, meaning, "I want my clients to know that Ronald Reagan himself had no other candidate but me for this great and this historic task."

Now, that is the line that Kissinger's clients hear, and they understand that such a man, with such unmatched contacts, is the very one who can give them the best advice there is to be had on how to handle this or that tricky problem with the United States.

Of course, we are talking about the same thing on that level as we are talking about with the formation of these gigantic PAC's, Political Action Committees, and they want the same thing. They want preferential access to that source of power. In our case, those PAC boys do not give $10,000 to a Congressman because they like the color of his eyes, but because when any pending legislation comes up they want to know that they have preferential access, that if they pick up the phone and say, "Hey, Mr. Congessman, this is so and so, remember me?"—that he, not his intake clerk, is going to get the call. Whereas if a poor, little old mailman back home tries to reach him, he might get palmed off on the legislative assistant.

It is the same thing here. Of course, the price, as I said, is a little substantial, which shows you the kind of clientele that is going to come in, and that means governments.

Scowcroft, who is Kissinger's associate, and should know, says that the price is about a quarter of a million dollars a throw. Now, this is a business that Kissinger maintains even while he is now heading this commission. He uses the Commission to boost his visibility and build his credibility, to make it clear that he is in effect a State Department of his own. By golly, this is free enterprise at its best without official portfolio, ready for sale or rent to those who have the money to pay.

I cannot imagine any greater conflict of interest than that—a man who uses his appointment to build his private business of influence peddling and does not in any way sever his ties or even take a mild vacation from it.

Compare that to the role of Clark Clifford, who was hired to evaluate the situation in Vietnam, but as Secretary of Defense.

Mr. McEWEN. Mr. Speaker, will the gentleman yield?

Mr. GONZALEZ. I yield to the gentleman from Ohio.

Mr. McEWEN. I appreciate the gentleman yielding.

I just want to say as a member of the Veterans' Affairs Committee and listening to the gentleman's attack not only on the former Secretary of State but in particular reference to those who fought in Southeast Asia, I think there are a couple of points to be made.

Recently, certain Members of this body visited some of the refugee camps in Thailand, where those people who were living in Cambodia or South Vietnam, and where the governments of North Vietnam have now—we do not use the term in any way of "dominos"—coincidentally, the governments of South Vietnam and of Laos and of Cambodia fell to the Communist governments, and as those governments went in there and massacred and destroyed the city of Phnom Penh, and killed people who had the audacity to be able to read and write, and the children and women that escaped even to the border of Thailand, to visit 180,000 refugees that are living now in Thailand within mortar fire of the North Vietnamese-dominated Cambodia. It is important to point out and fair I think at this juncture to say that when that Secretary of State or his President elected by the people of this country chose to attempt to give those people the opportunity to live under some semblance of freedom, that that is a cause that does not deserve our contempt necessarily.

Second, I would say that I have observed some of the references to those in Central America. I observed the gentleman from Texas' reluctance to say anything negative about the Government of Nicaragua, the government that just within the last 72 hours chose not to condemn the murderous act, that the reason that this Chamber is empty today is because one of our colleagues was murdered in cold blood by the Soviet Union, and Nicaragua chose in the Security Council of the United Nations not to condemn that activity. And yet, when the gentleman is going through his litany of those nations of Central America that deserve our contempt and he goes through Guatemala and he goes through El Salvador, he is by his very absence of the discussion of Nicaragua raising a certain question before this House that I think at this juncture should be raised and that is why I chose to do it.

I appreciate your giving me the time to take this opportunity.

Mr. GONZALEZ. I thank the gentleman and I appreciate his interest.

I will say that I do not think we ought to get sidetracked into diversionary and what I consider to be irrelevant to the issue on hand I am discussing. The question of Cambodia, for instance, and what has happened in the Southeast Asian situation is a lot more complex than the simplistic portrayal that you give.

Mr. McEWEN. If the gentleman would yield.

Mr. GONZALEZ. Just a minute. I am commenting on your observations. I think you ought to allow me to complete.

Let me say that I do not think you can argue the fact that you have had Pol Pot regimes in Cambodia that could not have been any more brutal than any kind of any other human brutality.

Nicaragua, the gentleman, I am sure, will admit, regardless of whether it is the kind of government we approve or disapprove, is a sovereign nation. We are not going to go in and dictate to them what their policies ought to be, no matter how reprehensible we judge them.

So, we are not talking about the same thing. As I say and repeat, this business of Mr. Kissinger is maintained all during the time that he is also on the side profiting personally. Obviously this is one of the biggest sources of his present income.

On top of that, as also pointed out in the press conference, Mr. Kissinger is a paid consultant for the Chase Manhattan Bank which has a heavy stake and in fact in large segments of the Latin American press—and when I say large segments I am talking about the overwhelming majority of the countries, not only in South America, but Central America and Mexico—as a matter of fact, look upon the role of Mr. Kissinger as an agent or enforcer of the U.S. banks for the compelling payment of their debts.

□ 1650

We in the United States, in our self-image, must, must await and find out that outside our shores our self-image is not necessarily the image held of us and that it is important we not deceive ourselves on that point.

This is the reason I consider it to be so important a matter that these obvious conflicts of interest that have everthing to do with the destiny of our country and its future relations, not with a far away nation but our next door neighbors, and both to the south and to the north, for whether I am critical or not, the fact is that this policy, which Mr. Kissinger has been selected to defend—he certainly was not appointed by the President to find condemnation of the President's preselected course of action, which is the most massive military intervention in the Caribbean and Pacific side of Central America in the history of that world. And I have constituents. I have had them all over. I had them with the Marines. I have them with the 82d Airborne up in the Sinai. I had them die in disproportionate numbers in Vietnam, and I am not going to turn my back merely because of fear of the ideologues and the blinded Presidents

whose judgment has become so warped that our priorities become so perverted. I think I would lose all self-respect, what is more important, within myself, if I did not speak up.

As I was saying before I was so—I will not say rudely interrupted, Clarke Clifford is a good example of what I think an honorable man does. Clarke Clifford has been a big lobbyist in his law firm. He has had accounts. He is registered, in fact, as a foreign agent.

But he gave that up to become Secretary of Defense under Lyndon Johnson during that period in which the President was first beginning to entertain the serious doubts about the military involvement in Vietnam.

But not Mr. Kissinger. He is willing to take on the task of window dressing a bad policy because that is his expertise, after all, and because it enhanced his business, and not for any other reason.

Now some may say I am being inordinantly severe, perhaps even unjust. But as I told you earlier, I have yet to have spoken out in the 30 years and one-half of service as a public elective official without being fully documented and with the evidentiary material to support my statements.

I would not be here today if I had been caught in just one misadventure in the offering of any kind of charge.

How many know what the terms of the secret arrangements and deals that Mr. Kissinger made any more than how many Americans know.

Mr. Kissinger in my presence lied to me to my face about the promises he made in Paris in 1973 that finally brought about the accommodation of the Paris agreement with the North Vietnamese Communists, and that was reported in the European press, never in the American press. I was the only one who ever reported and said so.

Why? Because it was reported in the European press, in the Latin American press, in the press in Spain, for instance, which I read.

And what was that? That when we promised what the French called reparations, we called it later reconstruction aid, then the North Vietnamese said OK, we will make a deal, which they had refused to make with either Lyndon Johnson's emissary or the first mission under Mr. Nixon.

Now when I raise that, and I raised it with the chairman of the Appropriations Committee, my fellow Texan, George Mahon, he did not know anything about it. He said why that would have to have congressional approval and it would never be given.

But when I asked Mr. Kissinger 2, 3, 4 years later, he denied such a thing had existed. I asked him. I thought I was really asking the question in a way that could not be evaded. I said, "Mr. Kissinger, was there any side memorandum, was there any side agreement that mentioned reparations or reconstruction?"

"Absolutely not."

Half a year later, thanks to Lester Wolff, who pursued my inquiry, he picked up the phone and called Richard Nixon in California, who said, "Oh, yes, I wrote a letter to the Vietnamese and told them that we would consider $3 billion in reconstruction aid."

Now, there were other secret arrangements like that. How many Americans knew until we had the crisis with Iran that one of the secret deals made by Mr. Kissinger was that we promised to supply Israel with oil if they ever lost their source of oil from Iran.

The reason we have not been called upon to keep the pledge, which was secret, was not brought out until the crisis, and the reason it has not been fully publicized is because, thank goodness, Israel has been able to get other supplies, like from Mexico, without having to call on the United States. But now I think that those deals that the American people ought to know. How are they going to know it if their Representatives do not know it?

This is why I say what I say about the character, because of the pattern of behavior of Mr. Kissinger.

So now he is put in this position of higher visibility. He has brought back the bodyguards. The first action he did was to appoint as executive secretary of this bipartisan commission Harry Slatterman, who was Ambassador in Argentina, but was the CIA's station chief in Chile when we were intervening for the destruction of the Allende regime.

Kissinger is not only an adviser; he's a hired gun, set up as "Kissinger Associates," ready to advise anybody about their foreign policy problems here in the United States, if the price is right. Among his associates is Brent Scowcroft, lately of the Commission that tried to rationalize the MX program by producing a contradiction in terms—a program calling for a deployment that is totally vulnerable, in the name of making the United States invulnerable. Kissinger's clients know that he has access to everybody who counts in the United States. He makes certain that everyone knows that he is on the most intimate of terms with Secretary of State Shultz, who it seems (if we believe Kissinger) is not only a regular lunch companion, but who called and begged advice on how to handle the Russians, what to do about the Middle East, and most lately, to proclaim that nobody but Kissinger could solve the riddle of Central America. And is some client suspects that Shultz is not presently the man who is heard by the President's good ear, Kissinger lets it be known that it was Judge Clark, the Security Adviser, who thought of the Commission idea in the first place, begged him to serve on it. But the great man says he was reluctant; he would hate to turn down the President. Meaning: I want my clients to know that Ronald Reagan himself had no other candidate but me for this great and historic task.

That's the line that Kissinger's clients hear, and they understand that such a man, with such unmatched contacts, is the very one who can give them the best advice there is to be had on how to handle this or that tricky problem with the United States. But the price is very high. Scowcroft, who is a Kissinger associate and should know, says that the price can be a quarter of a million dollars a throw.

Now this is a business that Kissinger maintains, even while he heads up this Commission. He uses the Commission to boost his visibility and build his credibility—to make it clear that he is, in effect, a State Department of his own, without official portfolio, ready for sale or rent to those who have the money to pay. I cannot imagine any greater a conflict of interest than that: a man who uses his appointment to build his private business of influence peddling, and doesn't in any way sever his tie or even take a vacation from it.

Compare that to the role of Clark Clifford, who was hired on by Lyndon Johnson to evaluate the situation in Vietnam. Clifford did not do that job from his private law office; he did it as Secretary of Defense. He is a superlawyer, no one denies that; but he also has a sense of right and wrong, and knows how to differentiate between his own personal business and the public business. Not Henry Kissinger. He was willing to take on the task of window dressing a bad policy because that is his particular expertise, and because it enhanced his business, not for any other reason. It put him in a position of high visibility—brought back the bodyguards, got him office space in the State Department—all that panoply of grandeur that can only benefit the fortunes of Kissinger Associates.

And, of course, he does not wish to question present policy in Central America too closely. Not only does he know that his job is to provide respectable cover for that policy, but his whole professional life depends on keeping the good will of those whose fortunes are closely tied to keeping the status quo in Central America. Revolutionaries are not going to hire Kissinger (although the Sandinistas did hire his good friend, Bill Rogers, to handle certain delicate matters). The people who hire Kissinger are those who have great stakes tied up in the way things are right now, whose fortunes depend on keeping the present

order alive—however much that may mean repression, and however much that may mean imposition of hunger and poverty among the people of Central America, and however much that may mean frustrating democratic processes or killing reform or sanctioning policies that—if they were applied here at home—would be absolute anathema to our own people. The people who have found Kissinger useful over the years have investments to protect, interests to promote, fortunes to preserve. Those are the folks—among others—who pay so handsomely for the advice of the former Secretary of State, the former security adviser, and he is not about to espouse any policy or take any action that would jeopardize his clients or in any way offend his clientele.

It is certain that no commission and no other kind of tactic will for very long keep people from raising questions about policies and actions that are indefensible. Unless we follow policies that our own people find honorable and credible, questions will arise. In that sense, the Kissinger Commission, if it does not insist on policies and programs that are worthy of our people's support, will be doing a disservice by merely postponing the day of reckoning, by raising the cost of failure. But because of Kissinger's own personal interests, it is certain that he will not want to rock any boats; to do so would cut off the access to the powerful entrenched interests upon which he feeds, upon which his extravagant lifestyle depends. As for his colleagues on the Commission, they will be driven by powerful forces to arrive at consensus; Kissinger knows that it does not matter so much what they recommend, because that will not mean anything anyway. What matters is unanimity, or enough of it to make any dissent seem mean or inconsequential. And the commissioners know that if they fail to arrive at consensus, they will look small and incompetent, to appear as bunglers. The administration knows that there is no danger the Commission will go astray from its purpose of taking the issue of Central America out of the arena of debate. For any President, stopping such a controversy is a plus. For a commission head who carried out any number of clandestine operations, who relied on dazzle to hide questions, who even tried a secret war, smothering debate comes as second nature.

But should the Congress be deaf and dumb to all of this? I think not.

We ought to be cognizant of Kissinger's private, personal interests, and how he stands to aggrandize those interests through exploiting this Commission. We ought to understand that the role of the Commission is foreordained, that it is predestined to do a job of domestic political firefighting, not to effectively recommend useful policy, not to substitute for the foreign policy apparatus. I suggest that the appropriate committee of the House ought to look into the private role of Henry Kissinger. Then we will know how valid his commission is, and we will understand that its role is not to shed light, but obscure it.

It may well be that the House would want to avoid controversy over Central America, and I can understand that. But it cannot be avoided. We have already found ourselves bound up in the question of whether or not to support clandestine warfare; we are already aware of the vast and unprecedented military maneuvers and commitments that are underway; we already know of the deep and troubling questions that concern our constituents. The hard questions that we fail to address today will only be harder and bigger as time passes. We, least and last of all, should allow ourselves to be hoodwinked by a commission whose work is predictable, whose only beneficiaries are the people who brought us this controversy in the first place, and the man who stands to profit from heading the Commission itself. We will be left with the issues, if not this year then next year, or the year after that. We would do well to look at the Commission, look at its chairman's interests, and not be part of this effort to suspend debate, suspend thought, and suspend reality itself.

H. RES. —

Resolution to request that the President provide certain information as to Henry Kissinger and Associates and the business activities of Henry Kissinger

Resolved, That the President, to the extent possible, is requested to furnish to the House of Representatives, not later than seven days following the adoption of this resolution, full and complete information on the following:

(1) any payments to Henry Kissinger and Associates by United States Government departments and agencies, including the date, amount and the exact services provided for each such service;

(2) a listing of individuals and entities that have employed Henry Kissinger and Associates, including dates, amounts paid, and the exact services provided; and

(3) a listing of individuals and entities that have employed Henry Kissinger since January 1, 1980, including dates, amounts paid and the exact services rendered. The information requested in this resolution shall be submitted to the House and disposed of in accordance with the Rules of the House.

DEPARTMENT OF DEFENSE CONFERENCE REPORT

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Maryland (Mrs. BYRON) is recognized for 15 minutes.

Mrs. BYRON. Mr. Speaker, I rise to reiterate my support of the conference report on S. 675, and request permission to revise and extend my remarks with related excerpts, which includes a responsible program of chemical weapons production to counter the threat of such arms from unfriendly nations. As a member of the Armed Services Committee and as chairman of the special panel on arms control and disarmament, it is my duty and my charge to remain aware of the changing global strategic balance. The recent focus in the media on the use of chemical and biological warfare (CBW) in current global conflicts and the possibility of production in the United States makes this conference report the critical moment to highlight the history of chemical and biological warfare and the need for U.S. production.

First, the overall action by the House and Senate thus far on this legislation shows the Congress concurs in the fact that we are now facing the result of more than 10 years of cumulative disinvestment in our defense structure. The past has shown us that the Soviet Union, along with other Warsaw Pact nations, invest large amounts of their available resources in their military establishments regardless of what we spend on defense. Second, evidence now exists that in addition to the well-documented stockpiling of nuclear and conventional weaponry, the Soviet Union is and has been stockpiling chemical and biological weapons. Ironically, I believe the convincing argument on this issue for the Congress as well as the public is not that the Soviets are obsessed with chemical and biological warfare, but why.

To discern the answer, we must examine the published evidence—excerpts from which I include at the end of my remarks—which show an intense preoccupation on the part of the Soviets with regard to increased production and deployment of chemical and biological weapons. The beginning is depicted in the gas casualty figures for World War I.

Soviet casualties were estimated to be anywhere from 300,000 to 400,000 greater than the number of chemical and biological weapon casualties of any other nation. It is clear that at that time, Soviet military experts resolved to enhance their chemical and biological weapons stockpile.

A decree of October 1920 ordered the creation within the Russian Army of a military chemistry organization. In 1924, the Russian military-chemical army administration was formed. And with the capture of the German nerve gas production plants for Tabun in World War II, the Soviets established within their military and war colleges a program of production, deployment, and defense against attack involving CBW.

In short, once Russia had become a Communist nation, the Soviets exacerbates its already advanced program.

Throughout the 1950's and the cold war of the 1960's this production continued. Eminent Soviet scientists, doctors, and professors have emphasized the necessity for continued production to insure that the losses to Russia during the First World War are not repeated. Soviet military and civilian populations are prepared and trained for action in the event of a chemical and/or biological weapons attack.

The significance of the Soviet Union's historical buildup is particularly poignant in light of the recent evidence of Soviet "yellow rain" attacks among the Hmong people in Laos. Blood samples taken from these people after four separate attacks indicate that the Soviets are using fungus-based toxins called tricothecenes. Irrefutable evidence exists to show that the Soviet Union possesses a CBW stockpile, and they are now using this stockpile.

In dramatic contrast, the United States currently has only a minimal, practically inoperable, CBW stockpile. The Library of Congress has issued a study which indicates that the Soviet Union has an advantage over the United States in this field of armaments ranging from 4 to 1 up to 10 to 1. Moreover, Soviet CBW troops are believed to number between 80,000 and 100,000.

The clear strategic advantage this gives the U.S.S.R. cannot be overlooked. At a time when the lives of people the world over could be affected by the encroachment of Soviet-trained CBW troops, I respectfully urge my colleagues to be concerned. We must address this issue with an intelligent and controlled expansion of CBW production in the United States to act as a deterrent to Soviet leaders who have and will continue to abuse the world with this awesome weapon—the result of an abnormal obsession from what was once a legitimate fear. Our ambassador, Ambassador Louis Fields in Geneva responsible for the committee on disarmament with the responsibility of chemical and biological warfare, said it is imperative he has the capability as a tool to negotiate from strength.

According to the August 19 Baltimore Sun:

> Western experts say the Soviets have up to 350,000 tons of chemicals such as nerve agents and mustard gas.

In that same article I noted the report:

> The Soviet Union indicated yesterday that it would retaliate if the United States ended a 14-year-old moratorium on chemical weapons production and began to make nerve-gas shells.

This paradox demonstrates the absurdity of the Kremlin statement and embodies the degree of Soviet paranoia on this issue.

Mr. Chairman, the Library of Congress is the source of the excerpts which follow in chronological order with the last excerpt coming from the Library's own report which was updated at the end of August in 1982.

A COMPARATIVE STUDY OF WORLD WAR CASUALTIES FROM GAS AND OTHER WEAPONS—WARFARE CASES—THEIR CASUALTIES COMPARED WITH THOSE CAUSED BY OTHER WEAPONS IN THE WORLD AND OTHER WARS—THEIR AFTER EFFECTS—HUMANENESS OF GAS WARFARE

INTRODUCTION

In submitting this publication no attempt has been made to give a history of chemical warfare, the employment of chemicals in military operations during the war, either offensively or defensively; or the rapid strides made in this method of warfare since its introduction; or its medical aspects. The following chapters are intended to cover only such phases of the subject as deal with casualties resulting from the use of gas and their comparison with casualties resulting from weapons other than gas; their after effects and the humaneness of their use in war.

In their present form the several chapters and illustrations are excerpts from lectures delivered at the regular courses of the Chemical Warfare School at Edgewood Arsenal, Md., and the Army Medical School, Washington, D.C., by the writer who has been closely associated with this method of warfare since the United States entered the great conflict, as the Commanding Officer of British Hospital No. 9 at Rouen, France, through which passed thousands of gassed cases from the British fronts; as medical director of the gas service and Chemical Warfare Service, American Expeditionary Forces, from December, 1917, to the close of the war and as the chief of the medical division and medical research division of the Chemical Warfare Service since January, 1921.

The purpose of these chapters is for the information of student officers of the several service schools and others interested in the effects of the different weapons of warfare. In compiling this study, an attempt has been made to make it as brief, comprehensive, and up to date as is possible.

The graphic charts and tables included have been made by the writer from data obtained from official documents on file in the War Department and other reliable sources and are used by him in all lecture work. They are published for the purpose of presenting graphically certain phases of chemical warfare which might otherwise be overlooked.

It is also his opinion that the fundamental knowledge presented here will be of material assistance to those interested in the subject of casualties, after effects, and the humaneness of chemical warfare.

The merest glance at the following pages will convince any candid reader that the part played by chemical warfare in the maintenance of military morale is of extraordinary moment, especially in connection with the mortality. The large number of casualties produced by chemicals compared with the low death rate from them is striking and brings up the question as to the military importance of a weapon which wounds but does not kill. Naturally, the first impression would be that such a weapon would have no place in military armament, but when considering the great encumbrance to an enemy of a large number of wounded, together with the number required to care for them (estimated at from four to five persons for each wounded), it can readily be seen that the wound-producing weapon has a greater strategic value then the one which kills outright.

It is hoped that the facts here presented will not only serve the purpose of stimulating an interest in the different weapons of warfare but will also help materially to clear up certain misunderstandings and prejudices against the use of chemicals, a prejudice altogether too common. If it accomplishes this purpose, the object of the writer will have been fully realized.

For the countries engaging in chemical warfare (i.e., Russia, France, British Empire, Italy, United States, Belgium, Portugal, Germany and Austria-Hungary), the total wounded (including battle deaths) were 28,009,723, of which 1,296,853 (4.6 per cent) were due to gas, and 26,712,870 (95.4 per cent) were due to other military agents. Of the corresponding total of 21,119,212 nonfatal battle injuries, 1,205,655 (5.7 per cent) were due to gas, and 19,913,557 (94.3 per cent) were due to other military agents. For the same countries, the total battle deaths were 6,890,511, of which 91,198 (1.32 per cent) were due to gas, while 6,790,313 (98.68 per cent) were due to other military agents.

Thus, while gas caused 4.6 percent of all battle injuries and 5.7 percent of all nonfatal battle injuries, if caused only 1.32 percent of all battle deaths. Gas was, therefore, over four times as effective in securing nonfatal battle injuries as in causing battle deaths. The military importance of nonfatal battle injuries, as distinguished from deaths, has already been pointed out, so that we may logically draw the conclusion that gas, as a military agent, responds in an outstanding degree to one of the most important requirements of modern warfare.

In considering the relative effectiveness of the various types of gases it must, of course, be borne in mind that the infliction of casualties is not the sole criterion. For example, lacrimators, being effective in much smaller concentrations than the other types, are far more efficient in forcing the enemy to mask than are any of the other gases. Indeed, so decided is the economy of the lacrimators for such use, it would be a tactical error to employ any of the other gases for this purpose. Since gas masks, no matter how much they may be improved, will always involve a material reduction in the physical vigor and fighting ability of troops, it is believed that lacrimators will always be used in war, although they cause no casualties.

Similarly, the sternutators (sneeze gases) cause relatively few casualties, but are so effective in extremely low concentrations in causing nausea and general physical discomfort that they fill a distinct tactical need for counterbattery work and in general harassment of troops. Moreover, gases of this type are generally in the form of toxic smokes and have a marked mask-penetrative power, So penetrative are these gases that special mechanical filters are required to be added to gas-mask canisters in order to protect against them. Gas masks so equipped necessarily have a higher breathing resistance and thus tend still further to lower the physical vigor and combat ability of masked troops.

From what has just been said, it is apparent that while the infliction of casualties is the primary object of modern battle, it by no means follows that because a chemical agent does not possess a high casualty-producing power, it is of no tactical value in war. This point will be more fully appreciat-

ed when the tactical employment of chemical agents is taken into consideration.

TABLE 2.5—GAS CASUALTY FIGURES FOR EACH BELLIGERENT DURING WORLD WAR I [1]

	Total casualties from CW agents (fatal and nonfatal)	Fatal casualties from CW agents
Germany	200,000	9,000
France	190,000	8,000
British Empire	189,000	8,100
Austro-Hungary	100,000	3,000
Italy	60,000	4,600
Russia	475,000	56,000
United States	73,000	1,500
Belgium	10,000	1,000
Portugal	10,000	1,000
Romania	(?)	(?)
Bulgaria	(?)	(?)
Turkey	(?)	(?)
Total	>1,297,000	>91,000

[1] The figures given in this table are very rough approximations. Only in the cases of the UK and the USA are reasonably adequate casualty statistics available. For the other belligerents, the figures given are those estimated by Colonel Prentiss of the US Army Chemical Warfare Service after a careful study of all available material. His treatise, Chemicals in War (New York, 1937), should be consulted for further information about his estimates.

IV. THE SOVIET UNION

During World War I the Russian Army had suffered immense numbers of gas casualties, and from its creation the Red Army paid close attention to CW. During the Civil War it included companies of chemical troops under the command of the engineers. A decree of October 1920 ordered the creation within the Army of a military chemistry organization, and in the same year the Army set up the Higher Military School for Chemistry in Moscow. In 1924 the Military-Chemical Army Administration was formed, and command headquarters for chemical troops were established at each provincial army headquarters. Troop-training programmes in CW were conducted at the Leningrad Artillery Academy, the Military High School for Chemistry in Moscow, and an Army chemical school in Kalinin. The Army Academy for Military Chemistry was founded in Moscow in 1932. [54,833]

National policy on CW at that is not known, but as early as November 1920 the government had called for international agreement to prohibit the use of chemical weapons [834]. It continued to seek the prohibition of CW throughout the Geneva Conference of 1925 and the League Disarmament Conference.

In 1922 the Red Army and the German Army began their joint weapons R & D programmes; this was to include work on tanks, combat aircraft and CW. A Soviet-German company was formed to manufacture CW agents at Trotsk, near Samara (Kuibyshev), and although the factory was not completed until 1928, Deputy War Commissar Unshlikht spoke in March 1926 about vast Soviet plans for the production of CW agents. Agreement to construct a joint CW experimental establishment was reached at the end of 1927, and by the summer of 1928 Soviet-German CW field trials were in progress. [711] This was the Shikhani establishment, referred to earlier. The German element [12] here brought much of its equipment with it, even the building materials for its barracks and supplies of food; most of the German workers returned home during the winter months because the thick snow and extreme cold precluded experimental work [823]. One, or sometimes two, Soviet scientists were allocated to each German scientist, participating in all trials and experiments, and the Soviet element at Shikhani received copies of the reports of all German experimental results. The relations between the two national components at the establishment were kept to a formal level, the Soviet workers living in separate barracks. Cossack troops guarded the camp [835]. When the Germans left, in the spring of 1933, they dismantled and removed their barracks [824].

Soviet work there continued, however, with the proving grounds and other facilities being designated the *Central Army Chemical Polygon* (TsVKhP) [54].

The work at Shikhani attracted the interest of War Commissar Voroshilov who advocated an enlargement of the programme, notably to include more detailed study of cold-weather CW techniques and the artillery dissemination of CW agents. He proposed that the USSR subscribe half the funds needed to extend the facilities, but the German Army was unable to provide the remainder [708].

A published reference exists to CW experimental work at Orenbrug (Chlakov) during the 1920s, again with Soviet-German cooperation [711], but the available information on this is scanty. If it did indeed take place with German participation, the German workers at Shikhani did not know about it [836]. The only Soviet-German CW work outside Shikhani which German workers there were aware of related to aircraft spray-tank trials with mustard gas conducted in 1927 at a proving ground 30 km from Moscow; this work was discontinued when the Tomka project began [837].

Soviet participation in the programme was directed by the head of the CW branch of the Red Army, Y. M. Fishman; a visiting German officer described him in 1928 as having a burning ambition to build up a powerful Soviet CW capability, and to make gas a valuable weapon of war [708]. It is not known how much support he received from the Soviet military establishment, nor how large were the programmes he had to control. Commissar Unshlikht's plans in 1926 for enormous Soviet production of chemical weapons could have been no more than an encouraging gesture for German participation, while Commissar Voroshilov's enthusiasm in 1928 for the work at Shikhani might have been nothing more than a passing interest, even though in a speech made in February 1934 he urged the closest collaboration between the Army, the universities and the chemical industry to put the USSR far ahead of the USA, France and the UK in the field of CW. [1] The statement by a German CW writer that around 1936 there were seventeen factories in the USSR devoted to the production of CW agents [1] could have been just another faulty German assessment. Such arrangements as there were for the Red Army to fight a chemical war may have been affected by the Army purges of the mid-1930s: it is reported that Fishman himself died during these. [708] (In fact, he died in the early 1950s, and was buried in the honorific Novodevichi cemetery in Moscow [1000].)

An account of the Soviet CW programme during the inter-war years has been published by Colonel Pozdnyakov, a Soviet army officer who left the USSR for good after being taken prisoner by the Germans in 1942. He held various posts within the CW branch of the Red Army from 1920 until 1942. Pozdnyakov states that by 1928 a Soviet doctrine of CW had taken shape, and that gas was seen as a powerful and effective weapon, not only in trench warfare, but also under more mobile conditions. Its military value was regarded as being beyond doubt, and was seen to lie in the ability of gas to engage large-area targets, the high casualty rates obtainable with it, its comparatively low cost, and its uses as a persistent ground contaminant. An active development programme for offensive and defensive CW matériel was being conducted in military and civilian facilities. The Military-Chemical Army Administration assigned research tasks both to its own laboratories and to those of the Soviet Academy of Sciences, universities, and industrial concerns. Experimental chemical weapons were tested at the Kuzminki Polygon near Moscow, at a proving ground at Gorokhovetsky near Gorki, and at the TsVKhp at Shikhani; the latter establishment also contained pilot-plant facilities for developmental studies on CW agent manufacture. CW agent factories were erected in the 1930s; the principal ones were at Bandyuzhsky on the River Kama, Kuibyshev, and Karaganda. The agents manufactured included phosgene, diphosgene, chloropicrin, cyanogen chloride, hydrogen cyanide, mustard gas, nitrogen mustard (HN-3), chloroacetophenone, adamsite and diphenylchloroarsine.[13] [54] During World War II the Germans estimated the Soviet CW agent manufacturing output to be at least 8,000 tons per month [51].

General F. Manets, the present head of Soviet chemical troops, states that the Soviet Army entered World War II with well-trained chemical troops that were provided with advanced and reliable anti-gas protective equipment [833]. The German Army certainly regarded Soviet anti-gas equipment as being among the best they had encountered [59]. The Japanese, however, regarded the anti-gas discipline of the Soviet Far Eastern Army as poor, in 1938 at any rate [359].

As regards its CW policy during the decade before World War II, the USSR had ratified the Geneva Protocol in 1928. Like France and later the UK, it had reserved the right to retaliate in kind against enemy initiation of CW, and did not regard itself bound by the Protocol vis-á-vis countries that were not party to it. In a speech on 22 February 1938, Voroshilov made the following statement:

"Ten years ago or more the Soviet Union signed a convention abolishing the use of poison gas and bacteriological warfare. To that we still adhere, but if our enemies use such methods against us, I tell you that we are prepared—fully prepared—to use them also and to use them against aggressors on their own soil [838]."

[12] The German element at Shikhani comprised a senior commanding officer and two administrators, three chemists, one toxicologist, one meteorologist, one physician, one engineer, two pyrotechnists, five laboratory technicians, three aircraft pilots, eight automobile and aircraft servicement and one male nurse [823].

[13] It has not been possible to check the information given by Colonel Pozdnyakov against official Soviet sources. His account was published in the UK in 1956 in a book on the Soviet Army to which a number of other Russian emigré contributed. As regards the foregoing description of the joint German-Soviet CW programme, Soviet scientists whom the present authors consulted state that the information about this programme contained in Carsten's publications [708, 711] "does not correspond to facts" [996].

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. MOLINARI) to revise and extend their remarks and include extraneous material:)

Mr. LEACH of Iowa, for 30 minutes, today.

Mr. HAMMERSCHMIDT, for 10 minutes, today.

Mr. KEMP, for 30 minutes, today.

(The following Members (at the request of Mr. GONZALEZ) to revise and extend their remarks and include extraneous material:)

Mr. COYNE, for 5 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. GONZALEZ, for 30 minutes, today.

Mr. STARK, for 5 minutes, today.

Mrs. BYRON, for 15 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. BATEMEN, and to include extraneous matter, on conference report on S. 675 in the House today.

Mr. STRATTON, and to include extraneous matter, on conference report on S. 675 in the House today.

Mrs. LLOYD, during consideration of the conference report on S. 675.

(The following Members (at the request of Mr. MOLINARI) and to include extraneous matter:)

Mr. SUNDQUIST.
Mr. TAUKE.
Mr. MCGRATH.
Mr. BEREUTER.
Ms. SNOWE.
Mr. WOLF.
Mr. ERLENBORN.
Mr. KEMP in two instances.
Mr. LENT.
Mr. DANIEL B. CRANE.
Mr. MCEWEN.
Mr. CLINGER.
Mr. WALKER.
Mr. PACKARD.
Mr. BROYHILL.
Mr. RUDD.
Mr. GILMAN in two instances.
Mr. LOWERY of California.
Mr. PHILIP M. CRANE.
Mr. MICHEL in two instances.
Mr. ROTH.
Mr. CORCORAN in two instances.
Mr. CARNEY.

(The following Members (at the request of Mr. GONZALEZ) and to include extraneous matter:)

Mr. SOLARZ.
Mr. SCHEUER.
Mr. MARKEY.
Mr. COLEMAN of Texas.
Mr. BONIOR of Michigan.
Mr. STARK.
Mr. PEASE.
Mr. ADDABBO.
Mr. YOUNG of Missouri.
Mrs. LLOYD.
Mrs. KENNELLY.
Mr. LAFALCE.
Mr. OWENS.
Ms. FERRARO.
Mr. DOWNEY of New York.
Mr. FASCELL.
Mr. FLORIO.
Mr. MILLER of California in two instances.
Mr. OTTINGER in two instances.
Mr. RICHARDSON.
Mr. HOWARD in two instances.
Mr. ACKERMAN.
Mr. AKAKA.
Mr. SCHUMER.
Mr. SYNAR.
Mr. TORRICELLI.
Mr. LIPINSKI.
Mr. JACOBS.
Mr. HERTEL of Michigan.
Mr. FORD of Michigan.
Mr. BOSCO.
Mr. ORTIZ.
Mr. KOSTMAYER.

SENATE BILLS AND CONCURRENT RESOLUTION REFERRED

Bills and a concurrent resolution of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 626. An act to designate the Aravaipa Canyon Wilderness in the State of Arizona; to the Committee on Interior and Insular Affairs.

S. 1052. An act to make certain changes in the membership and operations of the Advisory Commission on Intergovernmental Relations; to the Committee on Government Operations.

S. 1729. An act to provide for the striking and presentation of medals; to the Committee on Banking, Finance and Urban Affairs.

S. Con. Res. 59. Concurrent resolution to authorize the Librarian of Congress to study the changing role of the book in the future; to the Committee on House Administration.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 675. An act to authorize appropriations for fiscal year 1984 for the Armed Forces for procurement, for research, development, test, and evaluation, and for operation and maintenance, to prescribe personnel strengths for such fiscal year for the Armed Forces and for civilian employees of the Department of Defense, to authorize appropriations for such fiscal year for civil defense, and for other purposes.

ADJOURNMENT

Mrs. BYRON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 5 minutes p.m.) under its previous order, the House adjourned until Monday, September 19, 1983, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1861. A communication from the President of the United States, transmitting requests for supplemental appropriations for fiscal year 1983 and amendments to the request for appropriations for fiscal year 1984 (H. Doc. No. 98-111); to the Committee on Appropriations and ordered to be printed.

1862. A letter from the Acting Assistant Secretary of the Army (Installations, Logistics and Financial Management), transmitting notice of the decision to convert to contractor performance the automated data processing activity at the U.S. Army Ordnance Center and School, Aberdeen Proving Ground, Md., pursuant to section 502(b) of Public Law 96-342; to the Committee on Armed Services.

1863. A letter from the Acting Assistant Secretary of the Army (Installations, Logistics and Financial Management), transmitting notice of the decision to convert to contractor performance the audiovisual services activity at U.S. Army Support Command, Hawaii, pursuant to section 502(b) of Public Law 96-342; to the Committee on Armed Services.

1864. A letter from the Deputy Assistant Secretary of Defense, transmitting notice of a proposed new records system, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

1865. A letter from the Assistant Secretary of the Interior for Indian Affairs, transmitting a proposed plan for the use and distribution of the judgment funds awarded to the Sisseton and Wahpeton Sioux in docket 363 (1830, 1851, and 1858 treaties) before the U.S. Court of Claims, pursuant to section 2(a) and 4 of Public Law 96-134; to the Committee on Interior and Insular Affairs.

1866. A letter from the Assistant Secretary of the Army (Civil Works), transmitting a report from the Chief of Engineers, Department of the Army, on the Mamaroneck and Sheldrake Rivers Basin and Byram River Basin, N.Y. and Conn., together with other pertinent reports (H. Doc. No. 98-112); to the Committee on Public Works and Transportation and ordered to be printed.

1867. A letter from the Secretary of Health and Human Services, transmitting a report concerning the plans for issuing counterfeit-resistant social security number cards on banknote paper, pursuant to section 345(c) of Public Law 98-21; to the Committee on Ways and Means.

1868. A letter from the Secretary of Transportation and the Governor of Alaska, transmitting a report describing the rail properties of the Alaska Railroad and the liabilities and obligations to be assumed by the State of Alaska, pursuant to section 605(a) of Public Law 97-468; jointly, to the Committees on Energy and Commerce and Interior and Insular Affairs.

1869. A letter from the Chairman, Federal Election Commission, transmitting a copy of the Commission's fiscal year 1984 budget request, pursuant to section 307(d)(1) of the Federal Election Campaign Act, as amended; jointly, to the Committees on House Administration and Appropriations.

1870. A letter from the Chairman, Railroad Retirement Board, transmitting a copy

of the Board's budget request for fiscal year 1985, pursuant to section 7(f) of Public Law 93-445, as amended; jointly, to the Committees on Energy and Commerce, Ways and Means, and Appropriations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. DINGELL: Committee on Energy and Commerce. H.R. 559. A bill to amend the Securities Exchange Act of 1934 to increase the sanctions against trading in securities while in possession of material nonpublic information; with an amendment (Rept. No. 98-355). Referred to the Committee of the Whole House on the State of the Union.

Mr. DINGELL: Committee on Energy and Commerce. H.R. 2755. A bill to authorize appropriations for the Federal Communications Commission for fiscal years 1984 and 1985, and for other purposes; with an amendment (Rept. No. 98-356). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. APPLEGATE (by request):

H.R. 3900. A bill to amend title 38, United States Code, to liberalize the Veterans' Administration automotive adaptive equipment program; to the Committee on Veterans' Affairs.

By Mr. CONTE:

H.R. 3901. A bill to amend the Internal Revenue Code of 1954 to provide that the amount of social security benefits which are includible in income shall be determined without regard to tax-exempt interest, and for other purposes; to the Committee on Ways and Means.

By Mr. DAVIS:

H.R. 3902. A bill to authorize the Secretary of the Army to construct a second large lock at Sault Ste. Marie, Mich.; to the Committee on Public Works and Transportation.

By Mr. DE LA GARZA:

H.R. 3903. A bill to authorize the Secretary of Agriculture to develop and implement a coordinated agricultural conservation program in the Colorado River Basin; jointly, to the Committees on Agriculture and Interior and Insular Affairs.

By Mr. DONNELLY:

H.R. 3904. A bill to amend the Federal Water Pollution Control Act to authorize appropriations for grants to States for restoration of water quality which has deteriorated as a result of acid deposition; to the Committee on Public Works and Transportation.

By Mr. EDWARDS of California (for himself and Mrs. SCHROEDER):

H.R. 3905. A bill to eliminate the exemption for Congress from the application of certain provisions of Federal law relating to employment, and for other purposes; jointly, to the Committees on Education and Labor and House Administration.

By Mr. MADIGAN (for himself, Mr. ROBERTS, Mr. SKEEN and Mr. EVANS of Iowa):

H.R. 3906. A bill to prohibit the payment of certain agricultural incentives to persons who produce certain agricultural commodities on highly erodible land; to direct the Secretary of Agriculture to study ways that farmers who plant perennial grasses and legumes as a means of building soil quality, rotating crops, or protecting land from wind and water erosion, and enter such land in a voluntary set-aside or other program may receive benefits that serve as incentives for such programs; to allow the Secretary of Agriculture to establish a program whereby he might enter into long-term contracts with farmers to remove certain highly erodible lands from cultivation, and to direct the Secretary of Agriculture to conduct a nationwide soil and water conservation promotion program in cooperation with State and local governments, farm and conservation groups, industry and educational institutions; to the Committee on Agriculture.

By Mr. MARKEY (for himself and Mr. CONTE):

H.R. 3907. A bill to amend the Internal Revenue Code of 1954 to allow a corporation which deals in securities to establish a reserve for the net gain from certain market making activities; to the Committee on Ways and Means.

By Mr. MYERS:

H.R. 3908. A bill to designate the week in November which includes Thanksgiving Day as "National Family Week"; to the Committee on Post Office and Civil Service.

By Mr. ROWLAND (for himself and Mr. HAMMERSCHMIDT):

H.R. 3909. A bill to amend title 38, United States Code, to provide disability and death allowances for certain veterans exposed to ionizing radiation and their survivors, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. TAUKE:

H.R. 3910. A bill to amend the Internal Revenue Code of 1954 with respect to the taxation of unemployment compensation; to the Committee on Ways and Means.

By Mr. KEMP:

H.J. Res. 357. Joint resolution proposing an amendment to the Constitution of the United States allowing an item veto in appropriations bills; to the Committee on the Judiciary.

By Mr. LEACH of Iowa:

H.J. Res. 358. Joint resolution designating February 12, 1984 as "National Abolitionist Day"; to the Committee on Post Office and Civil Service.

By Mr. PEASE:

H.J. Res. 359. Joint resolution expressing the sense of the Congress concerning consultation among the Western allies before economic sanctions are imposed against another country, and for other purposes; to the Committee on Foreign Affairs.

By Mr. ROE:

H.J. Res. 360. Joint resolution to provide for the issuance of a commemorative postage stamp in honor of the Columbiettes; to the Committee on Post Office and Civil Service.

By Mr. STARK:

H. Con. Res. 167. Concurrent resolution expressing the sense of Congress that the President should instruct the U.S. Ambassador to the United Nations to introduce a resolution, promptly, that calls upon the Government of Iran to cease its persecution of Baha'is in Iran and allow Baha'is who desire to emigrate from Iran to do so; to the Committee on Foreign Affairs.

By Mr. WEISS (for himself, Mr. BONIOR of Michigan, Mr. EDWARDS of California, Mr. HARKIN, Mr. MARKEY, Mr. MILLER of California, Mr. MOAKLEY, Mr. BARNES, and Mrs. SCHNEIDER):

H. Res. 310. Resolution calling for the restoration of democracy in Chile; jointly, to the Committees on Foreign Affairs and Banking, Finance and Urban Affairs.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

259. By the SPEAKER: Memorial of the Legislature of the State of California, relative to the National Weather Service; to the Committee on Science and Technology.

260. Also, memorial of the Legislature of the State of California, relative to veterans exposed to agent orange; to the Committee on Veterans' Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. CONABLE:

H.R. 3911. A bill for the relief of Elvis J. Stahr, Jr.; to the Committee on the Judiciary.

By Mr. PORTER:

H.R. 3912. A bill for the relief of Dr. and Mrs. Milton Margoles; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 493: Mr. MATSUI, Mr. LEWIS of Florida, Mr. BONER of Tennessee, and Mr. SKELTON.

H.R. 1087: Mr. RITTER.

H.R. 1495: Mr. DENNY SMITH.

H.R. 1870: Mr. FASCELL, Mr. LUNDINE, Mr. NELSON of Florida and Mr. WAXMAN.

H.R. 1978: Mr. SEIBERLING, Mr. SOLARZ, Mr. MCEWEN, Mr. PEPPER, Mr. ROYBAL, Mr. CLINGER, Mr. SKELTON, Mr. EMERSON, Mr. PEASE, Mr. RATCHFORD, Mr. MARLENEE, and Mr. MINETA.

H.R. 2053: Mr. HARKIN and Mr. MCCOLLUM.

H.R. 2109: Mr. EDGAR, Mr. MCNULTY, Mr. SIMON, Mr. CONYERS, and Mr. MINETA.

H.R. 2154: Mr. ANDERSON, Mr. ROTH, Mr. GEJDENSON, Mr. OWENS, and Mr. TOWNS.

H.R. 2225: Mr. HOYER and Mr. MYERS.

H.R. 2351: Mr. DYMALLY and Mr. WAXMAN.

H.R. 2447: Mr. SPRATT, Mrs. KENNELLY, and Mr. SIKORSKI.

H.R. 2468: Mr. CONYERS, Mr. MARTIN of North Carolina, and Mr. HARTNETT.

H.R. 2483: Mr. GAYDOS and Mr. RUSSO.

H.R. 2553: Mr. HARTNETT.

H.R. 2715: Mr. BARTLETT, Mr. JEFFORDS, and Mr. PEPPER.

H.R. 2852: Mr. FISH.

H.R. 2984: Mr. HARTNETT.

H.R. 3018: Mr. LEVINE of California.

H.R. 3028: Mr. SUNDQUIST.

H.R. 3074: Mr. MINETA.

H.R. 3420: Mr. TORRICELLI, Mr. DE LUGO, Mr. MARLENEE, Mrs. KENNELLY, Mr. LEVITAS,

Mr. MACKAY, Mr. SIKORSKI, Mr. RALPH M. HALL, Mr. DERRICK, and Mr. BENNETT.

H.R. 3474: Mr. HUGHES, Mr. FAZIO, Mr. LIVINGSTON, Mr. FASCELL, Mr. MOORE, Mr. HUTTO, Mr. D'AMOURS, Mr. BEVILL, Mr. BOGGS, Mr. BILIRAKIS, and Mr. SHAW.

H.R. 3512: Mr. MITCHELL.

H.R. 3797: Mr. DYMALLY, Mr. RATCHFORD, Mr. FRANK, Mr. MITCHELL, Mr. MCKERNAN, Mr. AKAKA, Mr. RICHARDSON, Mr. SMITH of Florida, Mr. MOLLOHAN, and Mr. MCNULTY.

H.R. 3871: Mr. DANNEMEYER, Mr. PARRIS, and Ms. MIKULSKI.

H.J. Res. 93: Mr. DOWNEY of New York, Mr. LANTOS, and Mr. WRIGHT.

H.J. Res. 103: Mr. BOUCHER and Mr. TAUZIN.

H.J. Res. 153: Mr. O'BRIEN, Mr. NIELSON of Utah, Mr. STENHOLM, Mr. KASICH, Mr. FAZIO, Mr. ROTH, Mr. PICKLE, Mr. PEPPER, Mr. BEREUTER, Mrs. VUCANOVICH, Mr. YOUNG of Missouri, Mr. BENNETT, Mr. LEWIS of Florida, Ms. FERRARO, Mr. GORE, Mr. SHAW, Mr. FASCELL, Mr. ENGLISH, Mr. HAWKINS, Mr. FOGLIETTA, Mr. HILER, Mr. LUKEN, Mr. BERMAN, Mr. BOSCO, Mr. BROWN of California, Mr. HAMILTON, Mr. CLARKE, and Mr. BILIRAKIS.

H.J. Res. 263: Mr. BROOKS, Mr. TORRICELLI, Mr. ANTHONY, Mr. KOSTMAYER, Mr. EMERSON, Mr. BEILENSON, Mr. GREEN, and Mr. BILIRAKIS.

H.J. Res. 325: Mr. BEVILL and Mr. KOGOVSEK.

H.J. Res. 348: Mr. EVANS of Illinois, Mr. STARK, Mr. MCCLOSKEY, and Mr. OTTINGER.

H. Res. 186: Mr. DINGELL.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 1010

By Mr. BEREUTER:

(Amendment to the amendment in the nature of a substitute (text of H.R. 3857).)

—On pages 4 and 5, delete all of subsection (2) of section 3 and renumber the following subsections appropriately.

By Mr. LEVITAS:

(Amendment to Mr. Hammerschmidt's amendment to the amendment in the nature of a substitute (text of H.R. 3857).)

—In the matter proposed to be inserted after paragraph 7 of section 3 of the amendment in the nature of a substitute strike out subparagraph (B) and insert in lieu thereof the following:

"(B) such sale or transfer is in accordance with the terms of such compact.".

(Amendment to the amendment in the nature of a substitute (text of H.R. 3857).)

—In section 3 of the amendment in the nature of a substitute—

(1) strike out "and" at the end of paragraph (6);

(2) strike out the period at the end of paragraph (7) and insert in lieu thereof "; and"; and

(3) insert after paragraph (7) the following:

"(8) no State shall sell or otherwise transfer or permit the sale or transfer, for use in a coal pipeline for which a certificate is issued under section 10 of this Act outside of such State, water which is taken from any river or other body of surface water which is located in or which passes through more than one State or from any aquifer or other body of ground water which underlies more than one State unless—

"(A) there is in effect an interstate compact (i) among the States in the drainage basin of such river or other body of surface water, or (ii) among the States under which such aquifer or other body of ground water lies, which governs such sale or transfer, and

"(B) such sale or transfer is in accordance with the terms of such compact.".

By Mrs. MARTIN of Illinois:

Amendments to the amendment in the nature of a substitute (test of H.R. 3857).

—Page 16, after line 20, insert the following:

"(f) A person issued a certificate under section 10 of this Act to construct a coal pipeline or extension thereof may not, by exercise of the power of eminent domain under this section, acquire rights-of-way over, under, upon, or through any lands located in any State if the chief executive officer of such State certifies to the Commission, within 90 days after the certificate is issued, that the laws of such State relating to eminent domain allow the acquisition of such rights-of-way by eminent domain, except that such person may acquire by exercise of the power of eminent domain under this section all or any part of the rights-of-way necessary to construct, operate, and maintain such coal pipeline or extension in such State if such person is unable to acquire such rights-of-way under the laws of such State within a reasonable period of time.

"(g) This section shall take effect two years after the date of enactment of this Act."

—Page 18, line 14, strike out "and".

Page 18, line 19, strike out the period and inset in lieu thereof "; and".

Page 18, after line 19, insert the following:

"(D) the extent to which the proposed pipeline or extension would help meet national needs for coal utilization, considering, among other matters, alternate routes or means of transportation of coal and the relative costs of such alternative routes or means;

"(E) the extent to which the proposed pipeline or extension would balance the energy needs of the area to be benefitted by the project and the water requirements and other impacts on the area from which the coal is to be transported;

"(F) the extent to which the proposed pipeline or extension would be likely to impair the financial integrity of other modes of transportation or the level or type of transportation services any such mode is able to offer;

"(G) the extent to which the proposed pipeline or extension would be likely to result in lower rates for the coal transported than would be in effect if such coal were transported by other modes of transportation; and

"(H) the extent to which the proposed pipeline or extension would unduly impact on the surface and ground water at the point of destination and disposal of such water in the environment.".

—Page 27, strike out line 14 and all that follows through line 9 on page 28, and insert in lieu thereof the following:

"(j) Notwithstanding subsection (h) of this section, the Commission shall not issue a certificate under this section unless the Commission determines, in writing, that the coal pipeline or extension thereof will provide the capacity necessary to fulfill the requirement of a common carrier of coal, taking into account (1) the capacity needed to meet the requirements of coal producers and coal users who intend to use the proposed coal pipeline or extension, and (2) the additional capacity needed to meet the requirements of coal producers and coal users who might reasonably be anticipated to use the proposed coal pipeline or extension.".

Page 28, lines 16 and 17, strike out "and section 10951(b) of title 49, United States Code".

Page 32, strike out line 1 and all that follows through line 4 on page 44.

Page 44, line 6, strike out "SEC. 15." and insert in lieu thereof "SEC. 14.".

Page 46, line 21, strike out "SEC. 16." and insert in lieu thereof "SEC. 15.".

Page 47, line 4, strike out "SEC. 17." and insert in lieu thereof "SEC. 16.".

Page 48, line 16, strike out "SEC. 18." and insert in lieu thereof "SEC. 17.".

Page 48, line 16, strike out "section 16" and insert in lieu thereof "section 15".

In the table of contents on page 2 before line 1, strike out the items relating to sections 14, 15, 16, 17, and 18 and insert in lieu thereof the following:

"Sec. 14. Coal pipeline safety.

"Sec. 15. Construction work in progress.

"Sec. 16. Buy American.

"Sec. 17. Continuing jurisdiction of State public utility commissions.".

—Page 28, after line 17, insert the following:

"(l) No certificate may be issued under this section until—

"(1) the applicant submits or discloses to the Commission and the Secretary any plan, contract, agreement, or other information which the Commission and the Secretary shall determine is reasonably related to the use, or intended use, of the coal pipeline or extension thereof, including its effect on competition, and which the Commission and the Secretary consider necessary to make a determination with respect to whether such certificate should be issued and the terms and conditions which should be included in the certificate;

"(2) the applicant submits to the Commission and the Secretary a plan for—

"(A) the acquisition of the rights-of-way for the coal pipeline or extension thereof;

"(B) the construction, operation, and maintenance of the coal pipeline or extension thereof; and

"(C) the rehabilitation of such rights-of-way, after such construction or extension, which shall be in such form and contain such information as the Commission and the Secretary may, by regulation, require; and

"(3) in any case in which the applicant is a partnership, corporation, association, or other business entity, the applicant discloses to the Commission and the Secretary the identity of the participants in the entity and such other information as the Commission and the Secretary consider necessary to make a determination with respect to whether such certificate should be issued and the terms and conditions which should be included in such certificate.".

By Mr. SIMON:

(Amendment to the amendment in the nature of a substitute (text of H.R. 3857).)

—Page 48, after line 19, add the following new section:

"LIMITATION ON APPLICABILITY

"SEC. 19. Notwithstanding any other provision of this Act or any amendment made by this Act, nothing in this Act shall authorize—

"(1) the Secretary to grant or renew under this Act a right-of-way over, under, upon, or through any Federal lands in any State any part of which is located west of the Mississippi River;

"(2) any person to acquire by exercise of the Federal power of eminent domain any right-of-way over, under, upon, or through private lands in any such State; or

"(3) any coal pipeline carrier to elect to provide under contracts any coal pipeline transportation in any such State.".

At the end of the table of contents on page 2 before line 1, insert the following new item:

"Sec. 19. Limitation on applicability.".

H.R. 1036

By Mr. VOLKMER:

—Page 16, strike out line 17 and all that follows through line 19 on page 18 and insert in lieu thereof the following:

"SEC. 203. (a)(1) From the amount available for purposes of this title for any fiscal year (exclusive of the amount available for part C), the Secretary shall reserve 2 percent for allotment among Native American eligible entities described in section 202(a)(5) in accordance with subsection (b). The remainder of such amount shall be allotted by the Secretary as follows:

"(A) One-third of such amount shall be allotted on the basis of the relative number of unemployed individuals residing in each jurisdiction served by each eligible entity.

"(B) One-third of such amount shall be allotted on the basis of the relative number of unemployed individuals in excess of 6.5 percent of the civilian labor force residing in each jurisdiction served by each eligible entity.

"(C) One-third of such amount shall be allotted on the basis of the relative number of unemployed individuals residing in each jurisdiction served by each eligible entity in excess of the national average rate of unemployment.

"(2)(A) An allotment, on the basis of the relative numbers of certain individuals described in subparagraph (A), (B), or (C) of paragraph (1), shall be made by comparing the number of such individuals residing in each jurisdiction served by each eligible entity qualifying for an allotment under that subparagraph with the total number of such individuals residing in all eligible entities qualifying for an allotment under that subparagraph.

"(B) For purposes of paragraph (1)(C), the determination of the number of unemployed individuals in excess of the national average rate of unemployment shall be made by calculating the number of unemployed individuals in the civilian labor force residing in each jurisdiction served by each eligible entity in excess of the product of (i) the national average rate of unemployment (rounded to the nearest tenth of a percent) in the civilian labor force of the United States, multiplied by (ii) the civilian labor force residing in such eligible entity.

"(3)(A) For purposes of making any allotment under this section to eligible entities, a State shall not be treated as an eligible entity with respect to the area of any other eligible entity within such State which is also qualified for such allotment.

"(B) The amount allotted to each State as an eligible entity shall be made available by the Governor for use in each jurisdiction within the area for which the State is the eligible entity on the basis of the formula prescribed in subparagraphs (A), (B), and (C) of paragraph (1), except that no amount shall be made available for use in any jurisdiction if the amount would be less than $25,000. Any amounts which remain unallocated by reason of the preceding sentence shall be reallocated among other jurisdictions which are not subject to such sentence by ratably increasing the amounts otherwise made available for use in such jurisdictions.

"(4) For purposes of this subsection, the term 'jurisdiction' means—

"(A) the area of any municipality which has a population of 50,000 or more individuals, and

(B) the area of any county, regardless of population, exclusive of the area of such a municipality, if any.".

SENATE—*Thursday, September 15, 1983*

(Legislative day of Monday, September 12, 1983)

The Senate met at 9:30 a.m., on the expiration of the recess, and was called to order by the President pro tempore (Mr. THURMOND).

The PRESIDENT pro tempore. Our prayer today will be offered by Brigadier F. M. Gaugh, who is a retired Salvation Army officer living in Clearwater Beach, Fla. He is sponored by Senator PAULA HAWKINS. We are glad to have him here.

PRAYER

Brigadier F. M. Gaugh, Salvation Army officer, retired, Clearwater Beach, Fla. offered the following prayer:

Let us enjoy this opportunity to speak to God:

Dear God our Heavenly Father, we pray that strength and courage abundantly be given to each Senator as they work for a world of reason and understanding, that the good that lies in every one's heart may day by day be magnified, that each will come to see more clearly not that which divides us, but that which unites us. May each hour bring us close to final victory, not of nation over nation, but each person over their own evils and weaknesses. May Your spirit bring joy, beauty, hope, and above all peace, the peace to build and grow, to live in harmony and sympathy with others and to look to the future with confidence. Bless each Senator as they do Your work. Take their words, their skills, their faith and love and let them be channels through which Your work is done, in our Nation and the world.

This we ask in Thy name, Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The acting majority leader is recognized.

Mr. STEVENS. I thank the Chair.

SENATE SCHEDULE

Mr. STEVENS. Mr. President, today, after the recognition of the two leaders and the transaction of routine morning business, the Senate will consider the KAL resolution condemning the Soviets for the destruction of the innocent airliner of the Korean Air Lines. A rollcall vote is expected on that later today.

There is a possibility the Senate will resume consideration of H.R. 3363, the Interior appropriations bill, later in the day. The majority leader will have a further statement on that matter or other matters later.

Mr. President, I am happy to yield to my good friend from West Virginia, reserving the remainder of our time.

RECOGNITION OF THE MINORITY LEADER

The PRESIDENT pro tempore. The minority leader is recognized.

Mr. BYRD. I thank the Chair.

Mr. President, I yield the remainder of my time to the distinguished Senator from Alaska.

Mr. STEVENS. Mr. President, I thank the distinguished Senator from West Virginia, my good friend.

Mr. President, I ask unanimous consent that the time of the two leaders be reserved. I thank the Senator from West Virginia for yielding me his time, but it is not needed at this point. It may be needed before 10 o'clock by either of the two leaders. Therefore, I ask that it be reserved for the use of either of the two leaders.

The PRESIDENT pro tempore. Without objection, it is so ordered.

ROUTINE MORNING BUSINESS

Mr. STEVENS. Mr. President, I now ask that the Senate proceed to the transaction of routine morning business in which Senators may speak for not to exceed 2 minutes.

The PRESIDING OFFICER (Mr. ANDREWS). Under the previous order, there will now be a period for the transaction of routine morning business, not to extend beyond the hour of 10 a.m., in which Senators may speak for not to exceed 2 minutes.

The PRESIDING OFFICER. The Senator from Florida.

MARIHUANA SHOPS

Mrs. HAWKINS. Mr. President, I am not one to quote famous writers, as you know, but I should like to rephrase the one who wrote, "Childhood is a nightmare." I would rewrite that to be, "A childhood on drugs is a nightmare." Mr. President, I think that some unfortunate children have lived at least 30 years by the time they are 13. A childhood on drugs—with an unhealthy knowledge and experience of all kinds of criminal and illicit behavior—is a 30-year-old's nightmare.

In my readings and research as chairman of the Senate Drug Caucus, I came across an article on the ghastly existence of a group of innercity kids in Brooklyn and Manhattan. These are kids whose typical day includes smoking joints and running from the police, and whose idea of a special treat is snorting coke or "getting dusted," which is the same as ingesting PCP, or "angel dust." My apologies, in advance, to Senators D'AMATO and MOYNIHAN for focusing on this particular area. I certainly do not mean to imply that New York City—or any city—is the only area with a problem of youthful drug abuse. In fact, I recently read quite a shocking study on the drug-taking habits of a group of junior high school students in Nebraska.

The article I want to concentrate on, though, deals with the small, sleazy, two-bit marihuana stores, or "smoke shops," that crop up and move around in various parts of New York City. Police estimate that there are anywhere from 1,000 to 2,000 such shops throughout all the boroughs of the city. Many of them present an innocent front—a small grocery, a health food shop, a record store, a video arcade. But inside, over $2,000 worth of marihuana changes hands every day, much of it to teenagers and college students. A drug bust is just a minor setback for these dealers. Before the arresting officer is back on his beat, the shop is open for business again. The worst that can happen is that the youngster selling the stuff gets slapped with a $25 fine.

The kids who grow up in these areas—and the kids who take the commuter train from the affluent suburbs—are the prime victims of these criminals. The kids are the ones buying the drugs—with their parents' money—and they are the ones sitting behind the counter exchanging nickel bags for $5 bills. They are also smoking joint after joint so that after a while they can no longer function in school. Childhood truly becomes a dead end when being "streetwise" is more important than "school smarts."

Mr. President, at this point I ask unanimous consent to have printed in the RECORD the article on these marihuana shops, entitled "Buy Your Marijuana Here," in the May 1, 1983, issue of the New York Daily News.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Daily News, May 1, 1983]

BUY YOUR MARIJUANA HERE

Clyde's got a problem, he steps outside his broken-down storefront on Brooklyn's Nos-

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

trand Avenue counting a wad of singles and fives and shaking his head. "Business is slow," he says. "Too slow. Especially in the daytime." It's early Friday evening, though, and things are bound to pick up. Joining some friends, he turns on an enormous radio box and watches as the daytime trickle turns into a nightime stream.

They're teenagers, mostly. Little Hispanic and black girls in white sneakers and dancing clothes. But there are small children, too, and old women, and men coming home from work. Clyde's store doesn't look much different than the others that line this battered, nearly deserted stretch of avenue, but it's clearly the most successful. Leaning against his rusty old Chevrolet, Clyde bops to the beat and complains—like most merchants in Bedford-Stuyvesant—about the police. But unlike the rest, Clyde hates having them around. The cops are bad for business.

"The cops drive by slow and people are afraid to come in," says the slight West Indian in his slow, sing-song way. Turning to a visitor, he reaches into his pocket and asks, "You smoke commercial pot? Here. Here's some real good pot, man."

As the proprietor of a successful marijuana store, also known on the street as a "smoke shop" or a "joint factory," Clyde can spare the reefer. By any name, even on a bad night, he's got a $3,000-a-day cash business. But he is not an exclusive franchiser. The police estimate that there are anywhere from 1,000 to 2,000 such pot-peddling stores throughout New York City—about the same number as there are legitimate pharmacies. Estimates vary, however. City Councilman Abraham Gerges, who is perhaps the most vociferous opponent of the smoke shops, believes that there are close to 500 of them in North Brooklyn alone, and 4,000 citywide.

Many of them appear totally benign—bodegas, health-food shops, record stores and video parlors. Some even have the trappings of legitimacy. At one smoke shop/bodega a customer laughs. "You come back a week later, look at the shelves, and nothing's moved."

But a lot has moved. Two to three thousand dollars worth of pot each day, more when business is brisk. The customers don't dally. They come in, cash in hand, and order from a clerk on the other side of a counter, a plexiglass plate, or just a hole in a steel wall. Money is quickly exchanged for small manilla envelopes or zip-lock bags stuffed with pot. Customers can be literally anyone—from pre-teeners to Wall Street tycoons.

Nationally, 30 million people smoke marijuana, according to government statistics, and the National Organization for the Reform of Marijuana Laws (NORML) estimates that it's a $25-billion-a-year business. In New York City, where the demand is high and the pot laws relaxed, smoke shops, according to the cops, are this town's fastest-growing retail business.

"When I left New York in '76, scoring pot was basically an 'I know this guy . . .' or 'My friend's friend . . .' sort of routine," explains one 30-year-old customer stepping out of Clyde's. "Now, any guy or momma can walk into any of these places and get whatever."

Clyde's is a four-drawer operation. Which means he sells four varieties of marijuana, each pulling in more than $700 a day. "Tres and nickel bags ($3 and $5 bags of common pot), hashish, Hawaiian and Sinsemillas (more potent and expensive pot)—everything sells!" exclaims Clyde with a grin. "It's good money, man. Let me put it this way: It's a misdemeanor hustle for big bread."

For dealers like Clyde, getting busted is more of a nuisance than a major setback. He loses a small amount of cash and a little smoke. By keeping less than a quarter-pound of pot in the store at any time, the owner both cuts down on the risk of hold-ups and avoids serious criminal charges if busted. The store's supply of pot is regularly replenished from another location, an apartment, maybe, or a car parked just down the block. After a bust, it's a matter of hours before the shop is back in business, opening to a rush of customers inconvenienced by the police activity.

"All it is is harassment tactics," says a former head of the police narcotics division. Deputy Chief Charles Kelly, about the department's periodic police raids. Inspector Dennis Ryan, the current commander of the division, disagrees. "Harassment policy? It's an arrest policy. An enforcement policy."

Still, Ryan acknowledges that the police have been unable to shut down these stores permanently, and that nearly all those arrested are low-level employes who receive light penalties, maybe $25 to $50 fines.

"The shop is open again before the arresting officer is back on the street," complains Councilman Gerges, who recently worked with Boerum Hill community leaders compiling files on dozens of known smoke shops in that Brooklyn neighborhood, to no avail. Only one shop has been successfully closed there, and that after a landlord was threatened with hefty fines under a seldom used nuisance-abatement law.

In New York, no two smoke shops are alike, each varying from owner to owner and from neighborhood to neighborhood. Some specialize in one type of pot, while others have a virtual menu to choose from. Some have a lot of security and others have none at all. In high-profile locations like a busy Harlem IND subway station, the High Mountain Health Food store looked like a legitimate operation. Another smoke shop, the Itemized Grocery store at 147th Street and St. Nicholas Avenue, got busted when it refused to exchange a woman's dented can of peas and she returned with some cops.

In certain neglected and/or complacent parts of town, like sections of East New York, Harlem or the lower East Side, there is no need for a facade. On E. 10th Street, a stone's throw from the amenities of Greenwich Village, one smoke shop has next to no security: just a lookout and a big empty room with a young kid selling pot from behind a wooden counter

In Harlem, just off St. Nicholas Avenue, a high-grade, high-cost marijuana store is located upstairs on the second floor. You'll never see a face here, and the security system is modeled after the elaborate peephole-heroin operations nearby. It could take hours to break your way in.

"It's the criminals we worry about, not the police," explains one smoke-shop clerk in a heavily fortified store. That's why the police, after using battering rams and sledge hammers to smash their way in on a routine bust, often find trap doors, tunnels and ingenious escape routes inside these shops. "The police, they barge in, you get maybe a misdemeanor. People who rip off smoke shops leave you dead."

It's a Saturday night at a New York University fraternity party in Greenwich Village and the drugs are running low. Downstairs, in the barroom, a group of brothers pool their money while another one places a phone call. Thirty minutes later, a skinny little kid, maybe 15, drives up on a moped. He collects the cash and hands over an ounce of Colombian. It's that easy. Just like pizza. The delivery kid even apologizes for taking so long, but there were other stops along the way.

Dial-A-Joint. The most brazen of all New York City's smoke shops. Since 1979, it's operated out of various locations on the lower East Side, advertising in everything from High Times to the Village Voice to Rolling Stone. It's even listed in the phone book.

Its "corporate" name is the Church of Realized Fantasies, and its owner, Michael Cezar, who calls himself "the Pope," estimates daily receipts at some $30,000.

In 1980, the district attorney decided to make an example of Dial-A-Joint and busted the place. He kept on busting the place, even while the Pope stood trial—never able actually to shut it down. Cezar served six months on Rikers Island and called it a "summer camp." Today, even UPI has circulated stories about this "Only in New York" delivery service, whose workers prefer the upper East Side because of its more discriminating tastes. (Cezar was recently busted again and is awaiting trial).

Delivery services like "Grass' and "We Deliver" are Cezar's most formidable competitors. They tend to be less brazen, however, cross-referencing the addresses of regular clients with newcomers—although one was so bold as to sneak an advertisement into the New York Times garden section.

Few smoke shops in the city employ such intrepid come-ons, relying stead on flyers distributed to passerbys, business cards and most especially word of mouth. It makes sense, then, that the kids who work there are invariably the popular ones: the ones who are sure to draw a lot of friends, and develop a large clientele. Most don't have much else going for them—poor and uneducated, they've invested their lives in drugs. Working in a smoke shop lets them get girls, free drinks, all the herbs they can smoke (or rip off), and if they're lucky, maybe $100 a week.

"It's a prestige thing," explains one store owner, who admits it facinates him. "Kids come around all the time askin' 'Hey, do you need anybody to work in your store?' They're like bartenders who bring in their own crowd. They do all the publicity."

"Publicity is good," says an exsmoke-shop owner named Michael, "but overexposure—too much attention—brings problems."

"It's the kids that cause us the most problems," he explains, pointing out a steady trickle of tots traipsing in and out of the many active smoke shops only a few blocks from the federal courthouse at Foley Square.

"There's a guy I know on Nostrand who always gets fagged on—seems every other day he's getting busted. And it's mainly because he deals with the kids neighborhood. They all hang out at his store, and their mothers just keep dropping dimes on him [phoning the cops] And I Mean these are little kids. Little! Some can't be more than fifth or sixth grade.

"The kids go in and the mothers freak out." says Michael, breaking into laughter. "I mean its My Kid's Got This WEEEEED!"

But not everyone is laughing. Marijuana-and-schoolchildren is a mixture that has reached epidemic proportions. Few New York City high schools are without the sweet, acrid smell of marijuana smoke drifting off stairwells and out of bathrooms. In some schools the smoke is so thick that

teachers complain about "contact highs." Lately the problem is overwhelming the junior high and elementary schools as well.

It's no accident, then, that so many smoke shops ae located near schools. Young kids are the pot peddlers' target market. In fact, over half of the video arcades in New York City double as drug outlets, according to a report issued last year by the state Division of Substance Abuse Services.

"A lot of these kids are pretty sharp dealers themselves," says Michael, explaining the open sale of drugs inside the schools. "They buy themselves a 'tres' bag, roll up maybe five or six thin joints, sell them in school, and presto, they've salvaged their money back."

Things got so bad at the schools two years ago that the Police Department created a special 100-member narcotics task force to deal with the problem. "Operation 3 R's" stands for "Raid, Rid the schools of pushers, and Rescue the children." After having some success with shaking up schoolyard dealing, the narcs realized that the dealers were simply moving indoors. The kids followed, and so did the cops. Their next project, "Operation Smoke Shop," a series of citywide sweeps netting hundreds of arrests and thousands of dollars in marijuana and cash, proved without a doubt that the problem was there. Today it's getting worse.

Typical of the many smoke shops that prey on schoolchildren was a well-publicized hole-in-the-wall at 861 Wyckoff Ave. in Ridgewood, Queens, called Mandingo's Boutique. Located about five blocks from JHS 93, a scant three blocks from its annex and right around the corner from two city high schools (Peary and The Brunswick Annex), it specialized in nickel bags, and kids. Everybody knew about it—including parents, cops and school officials. Even when school was out, kids would trek from communities without smoke shops, like Middle Village, into the Ridgewood neighborhood.

Mandingo's was raided 15 times in one year, but nothing changed except the store itself; the name was replaced with a spinning, flashing light, a la Times Square; plexiglass gave way to steel-and-iron-mesh walls. Pressure continued to mount for something, anything to be done. Its junior high school customers kept showing up for class with red, glassy and inattentive eyes.

It was one year ago, finally, when police literally tore the place apart. Cordoning off the entire block, they busted in with sledge hammers, heavy-duty buzz saws and hydraulic tools. Outside, spectators cheered the fact that Mandingo's was finally out of business. Though a few were quick to point out that two other neighborhood smoke shops continued to thrive, still, this was a victory of sorts.

One year later, Arnie Heller is standing outside the JHS 93 annex, complaining about the smoke shop at 861 Wyckoff Ave. Last October he was informed that a sixth-grader in his math class had some pot. When confronted, the embarrassed 12-year-old reached down into his underwear and handed over his nickel bag to Arnie Heller. Then they took a ride in Heller's van to where the pot was purchased. And there it was—Mandingo's, or whatever it calls itself, thriving again—this time from a tiny side-street doorway, the front still boarded up.

A teacher for 15 years, Arnie Heller is profoundly troubled about students who pass out in class, who do not show up at all, or who run in front of moving vehicles. Once he took to squirting Crazy Glue into the locks of the local smoke shops. But there is no longer an audience for Heller's exasperation. Despite his hue and cry, no one is listening. Not the press and not the police. So Arnie Heller's taken to parking his van across the street from 861 Wyckoff Ave. and waiting. If one of his students makes a score, Heller, the self-appointed overseer, immediately confiscates it.

One afternoon, sitting and watching as the kids parade in and out—the smoke shop now reduced to a phone-booth-sized hallway with a voice that talks to you from the other side of a hole just low enough for, say, a junior high student to slide his money through—Heller shows a visitor this week's take—a pocketful of nickel bags.

"I don't know why the cops can't come here and just sit," he wonders out loud. "Even if it's just to eat their lunch. I've never seen a uniformed cop on this corner, except for the raids last year."

But despite Arnie Heller's theatrics, his heroics and his presence, every other minute or so a pint-sized kid will stop, ring the bell, look both ways and duck into a doorway. If you blink, or turn your head, you'll miss his exit.

The PRESIDING OFFICER (Mr. JEPSEN). The Senator from Wisconsin.

LATVIAN GENOCIDE—AGAIN?

Mr. PROXMIRE. Mr. President, a recent article on a new wave of terror in the Soviet-occupied Baltic republics reminds us of the continuing need for our country to ratify the Genocide Convention.

Erik Lettlander's chronicle of this new political repression harkens back to darker days. The Baltic republics, including Latvia, were occupied by the U.S.S.R. immediately prior to the Second World War. As writers, such as Aleksandr Solzhenitsyn and Roy Medvedev, remind us, systematic repression of dissent was the first stage in a process which reached genocidal proportions in those states.

Mr. President, the atrocious record of the Soviet Union on the treatment of the non-Russian national groups within the Soviet Union is notorious. Documented genocidal conduct has been the policy of the Soviet State. In the early years of Soviet power, the territory of the Soviet Union was consolidated at the expense of various Central Asian peoples. Stalin mercilessly liquidated the Crimea Tartars and the Volga Germans, not to mention millions of his political opponents. Krushchev presided over the brutal suppression of the Ukrainian Nationalist movement. And finally, antisemitism has been a recurring theme throughout Soviet history.

Mr. President, not all of these tragic events and waves of repression would fall under the scope of the Genocide Convention. Indeed, the treaty is specific in both the definition of the crime of genocide as well as in the enforceability of its provisions. Nonetheless, if even a small fraction of the lives lost could have been saved, the ratification of the Convention would have been worth the effort.

By the same token, events in contemporary Latvia have not yet reached genocidal proportions. Indeed, they may not—this time. However, the absence of the United States from the roster of adherents to the Genocide Convention deprives us of an important weapon in the event that they do. As it stands now, our diplomats are at a disadvantage, both morally and rhetorically, in criticizing Soviet human rights violations.

Mr. President, I urge my colleagues to consider our position in the world community and our often-stated commitment to human rights. Should we continue to press these laudable ideals with one hand tied behind our back? Must we shoot ourselves in the foot in the battle for the hearts and minds of the world community? I believe that we should not. Therefore, I will continue to press for favorable action by the Senate on the Genocide Convention.

Mr. President, I ask unanimous consent that Mr. Lettlander's article be printed in the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Christian Science Monitor, Aug. 31, 1983]

SOVIETS CRACK DOWN ON DISSENT IN LATVIA

(By Erik Lettlander)

STOCKHOLM.—Soviet Latvia is experiencing the worst wave of political repression in recent memory, according to exile Latvian sources.

Two Latvians were sentenced on political charges in August, and autumn may see the trial of four more religious and political activists. This is the largest known number of trials since eight persons, most of them intellectuals, were sentenced to long prison terms for alleged nationalist conspiracies in the early 1960s.

Gederts Melngailis, a former Lutheran seminary student, was sentenced to three years in a prison camp, Latvian exile sources reported Tuesday. The charges against him apparently stemmed from attempts to renounce Soviet citizenship, his refusal to serve in the Soviet Army, and contacts with Westerners in Moscow and Latvians in the West.

Before he serves his prison terms, Melngailis will undergo psychiatric treatment. Saying it would bring a milder sentence, his defense lawyer persuaded his mother to sign a statement that her son was mentally ill. "All experience with other dissidents shows that this is the worst that could possibly happen," commented Julijs Kadelis, head of the Information Bureau of the World Federation of Free Latvians in Münster, West Germany. Kadelis, who runs a clearinghouse for information on dissent in Latvia, said police and KGB officials had earlier threatened to "change" Melngailis's way of thinking with drug treatment at a mental hospital.

Exile sources in Stockholm said a Sept. 15 trial date has been set for Ints Calitis, who signed appeals for a nuclear free zone in the Baltic states and supported a protest by Balts on the 40th anniversary of the Molotov-Ribbentrop pact of 1939. Secret provisions of the treaty between Stalin's Russia

and Hitler's Germany assigned the Baltic states to the Soviet sphere of influence.

A Soviet Latvian court recently sentenced Lidija Lasmamis-Doronina to five years in prison and three years exile, her third stint in a Soviet prison since 1948. She is a Baptist accused of possessing writings from the unofficial Soviet peace movement.

Soviet authorities have also indicated to relatives that they will try Janis Rozkalns, a Baptist, sometime in late September. He was arrested in April and charged with anti-Soviet activity for having quantities of religious literature and copies of the UN Universal Declaration of Human Rights in his home. He may be tried with Janis Rozkalns, and Janis Veveris, a former champion rower arrested in early Januaury.

When the trials of Rozkalns, Calitis, and Veveris end, Kadelis in Munster says it will probably be Gunars Freimanis' turn. The electrician was arrested in late March, apparently for reading and circulating his uncensored poems to friends. He was imprisoned from 1964 to 1969 on similar charges, although a few of his poems on environmental issues appeared in the official Soviet-Latvian literary magazine Karogs in the early 1960s.

The trials are seen as part of an ideological crackdown under Yuri Andropov aimed at the most Western-oriented republics in the Soviet Union. "When the head of the KGB becomes the head of the USSR, it is clear that he wants to put the house in order," said Atis Lejins, a Latvian-born American citizen who edits a journal for the exiled Latvian Social Democratic Party in Stockholm. He also links the crackdown to the campaign for economic and workplace discipline.

Kadelis thinks the crackdown may reflect a need by officials in Latvia to show their power and loyalty to the new men in the Kremlin. "What has happened is the whole KGB apparatus has awakened and is doing things to gain attention and favor now that he former KGB chief has become the top man in the Soviet Union," he days.

Lejins suggests the repression may backfire by putting the Soviet Union in an embarrassing position concerning its promise to respect human rights at the Madrid conference to review the 1975 Helsinki Accords.

From its outset in January, the Latvian crackdown has been an international incident. When Doronina was arrested in January, KGB agents also seized a Latvian-born woman and her teen-age daughter, both Swedish citizens in Latvia as tourists. The incident was widely publicized in Sweden and is often mentioned in reports of the current trials. Both women were expelled from the Soviet Union.

THE ULTIMATE ENVIRONMENTAL CATASTROPHE—A NUCLEAR WAR

Mr. PROXMIRE. Mr. President, few experiences are more painful than hearing the dreary litany about the consequences of nuclear war repeated over and over. But Congress shares the responsibility for war and peace with the President. We authorize and appropriate every penny of the money to test and build and deploy our nuclear arsenal. No nuclear weapons can come into our arsenal without positive congressional support. We in the Congress, also support or oppose arms control limitations. And we, in the Senate, decide whether or not to ratify whatever treaty a President of the United States may negotiate to limit the nuclear arms race. We have affirmed some nuclear treaties, such as the Antiballistic Missile Treaty. We have failed to act on others, such as the second Strategic Arms Limitation Treaty. Every American, as a citizen, has a duty to face squarely the grim consequences of nuclear war. We, as Members of the Congress, have a special obligation to consider those consequences in full detail and to explain to our constituents the consequences of nuclear war.

For these reasons, Mr. President, I call to the attention of the Senate a recent article from a publication called International Wildlife. The article appeared in the September-October 1983 issue. The author of the article is Sam Iker, an environmental reporter, formerly with Time magazine. The magazine told Iker to stick to hard evidence, but acknowledges that projections of the environmental consequences of a full-scale nuclear war are, International Wildlife admits, "conjectural at best". The consequences could be not as bad as or they could be worse than Mr. Iker estimates. Too few of us have considered the vast, nationwide effects of a nuclear war on our environment. In fact, the prime civil defense scenario has been both for the Soviets and this country to evacuate the cities and send the urban population out into the vast open spaces of the countryside, where they would be away from the blast effect, the intense killing heat, and lethal fallout. In this projection, "expert" witnesses have told congressional committees that most of the population could survive, provided evacuation is organized and promptly put into effect. Many others have questioned the efficacy of this evacuation plan. But until I read Mr. Iker's article, I had not appreciated just what those who were lucky enough survive by evaluating the target areas promptly and successfully would be up against. And believe me, what they would be up against would be very grim, indeed.

Consider the six steps Mr. Iker predicts could follow a nuclear attack. Here they are:

First. Nuclear war between superpowers wipes out major U.S. and Soviet cities.

Second. Groundbursts hurl hundreds of tons of dust into the upper atmosphere.

Third. Vast firestorms engulf 380,000 square miles, sending 200 million tons of ash and soot aloft.

Fourth. The resulting pall cuts sunlight to as little as 1 percent of normal, plunging the Earth into darkness.

Fifth. With the sun's warmth blocked, temperatures drop 36 degrees Fahrenheit, leaving the Earth in frigid gloom.

Sixth. Photosynthesis stops and massive crop failures follow; aquatic plants stop reproducing, decimating ocean food chains. Vegetation dies.

Mr. Iker, of course, does not deal with the destruction of virtually all of our civilian technology that would isolate survivors. A single electromagnetic blast—that is a multimegaton nuclear bomb—exploded at 300 miles over Kansas City could knock out every electric utility in the country, destroy the ability of every radio and television station to send out signals, close down all computers, deaden every telephone and, in effect, strike our Nation deaf and dumb. The destruction of our cities would slam our transportation system flat on its back, so any food that had been produced—and Mr. Iker contends that could be very little—could not reach a significant market.

Mr. President, a few months ago, I entered into the record in a series of statements on the floor of the Senate the results of a study by the World Health Organization of the effect of a nuclear war on human life and health throughout the world. That study estimated that more than a billion persons would die in a super power nuclear war and another billion would suffer serious wounds. They also estimated that health facilities and health personnel—that is doctors and nurses—would be among the first to perish. This article by Mr. Iker is a forerunner of a study that will be made over the next year or so by the U.S. National Academy of Sciences and the International Council of Scientific Unions on the effect of a nuclear war on the environment. I hope that Members of the Congress, as well as the public, will consider these studies carefully. Any Member of Congress who wonders why the public has so consistently and resoundingly supported the nuclear freeze whenever they get a chance to vote on it should recognize how profoundly these findings of the consequences of nuclear war are affecting and, indeed, should affect the American people.

Mr. President, I ask unanimous consent that the article by Mr. Iker entitled "No Place To Hide" be printed in the RECORD, together with a briefer article by Mr. Iker entitled "Death From the Sky."

There being no objection, the articles were ordered to be printed in the Record, as follows:

NO PLACE TO HIDE

(Nuclear war is the ultimate disaster; scientists piecing together what it might mean now see a world of cold and gloom)

(By Sam Iker)

In recent months, the debate over nuclear armaments has escalated, fueled by a build-up of weapons in the Soviet Union and the American response that U.S. strength is the

best way to prevent atomic war. So much is at stake that even a rational discussion of the facts is difficult, yet nuclear war remains the ultimate environmental issue. With that in mind, International Wildlife commissioned Sam Iker, an experienced environmental reporter formerly with Time magazine, to find out the latest on what the environmental effects would be. Iker was specifically charged to stick to hard evidence, but predicting a future event as catastrophic and unprecedented as nuclear disaster is conjectural at best. Even so, a growing body of scientific data makes it possible to extrapolate some effects beyond those already known about blast zones, fire and radiation. Those effects are summarized in the following report:

The nuclear numbers game has always had a mind-numbing air of unreality. The figures are simply beyond human understanding—as many as 20 million dead, for example, if the United States and the Soviet Union attack each other's missile sites; up to 160 million fatalities in a full-scale U.S.-Russian nuclear exchange; an estimated 750 million wiped out if all major cities in the Northern Hemisphere were hit by 5,000 warheads.

Most people have simply shut this specter of incomprehensible destruction from their collective consciousness. Some have retreated to remote wilderness regions of Oregon or Washington, stored food and built fortified bunkers to ride out the apocalypse in safety. It's becoming clearer and clearer, however, that even such elaborate precautions are useless. In a nuclear war, there'll be no place to hide.

In addition to the known impacts of blast forces, heat and radioactivity, scientific evidence is mounting that any major nuclear exchange would virtually devastate the environment which sustains human life. Indeed, such a conflict could turn vast areas into flamming infernos, plunge much of the planet into frigid darkness and eventually subject all life on the earth to the deadly effects of ultraviolet radiation.

"There would be survivors," declares ecologist George M. Woodwell, "as three would be surviving plants, animals, and here and there, an untouched forest and an uncontaminated agricultural plot. But a realistic look at the Earth after a nuclear attack leaves one guessing that a quick, merciful roasting in a personal fireball might be the better way."

Woodwell, director of the Ecosystems Center at the Marine Biology Laboratory in Woods Hole, Massachusetts, isn't speaking only in terms of his own research on the ecological effects of radioactivity. His grim assessment also reflects other studies which project the environmental impacts of nuclear conflict. No aspect of our biosphere would be left untouched—the atmosphere, the oceans and their aquatic life, forests and croplands, lakes and streams, wildlife. Entire ecosystems would be destroyed or disrupted. Some of the effects would be relatively short-lived. Some would last for years—even decades. And others could be permanent.

The damage estimates depend on the extent and character of any nuclear war. Various scenarios range from widespread hostilities involving a number of nations and thousands of warheads to a limited U.S.-Soviet exchange of missiles aimed at each other's oil refineries. Regardless of the assumptions, however, the resulting catastrophe would take on unprecedented dimensions. And the full extent of the consequences remains unclear.

Indeed, over the next year or so both the U.S. National Academy of Sciences and the International Council of Scientific Unions will be launching new assessments of how nuclear war might affect the global environment. Another such effort—the Conference on the Long-Term Biological Consequences of Nuclear War—will bring leading experts from a number of nations together this fall in Washington, D.C.

In spite of the unanswered questions, however, scientists have already accumulated a great deal of information from Hiroshima and Nagasaki, atomic testing and years of research. On the basis of such information, they can make some educated forecasts about the environmental aftermath of nuclear conflict. The following estimates are based on personal interviews, ongoing investigations and published studies of the potential ecological effects of atomic war. They all add up to unparalleled environmental calamity. What will happen to the world around us in the wake of an all-out nuclear holocaust?

Night will descend on much of the northern hemisphere—a funereal pall of the kind which may have blanked out the sun some 65 million years ago and sent the dinosaurs into oblivion. At that time, some scientists theorize, a 10-kilometer-wide asteroid collided with the Earth and hurled vast quantities of fine dust into the atmosphere. Life-sustaining solar rays were blocked, and the Earth's temperature dropped. How long these conditions persisted is a question. But it's believed that the frigid darkness lasted long enough to cause mass extinctions of mammals and plants.

John Birks, an atmospheric chemist from the University of Colorado, and Paul Crutzen of German's Max Planck Institute calculate that the same sort of hemisphere-shrouding darkness would result from huge wildfires created by nuclear explosions. A single one-megaton blast, for example, could ignite more than 80,000 acres. Birks and Crutzen "conservatively" estimate that more than 380,000 square miles of forests and croplands would be engulfed by vast firestorms following an all-out nuclear exchange. This is an expanse larger than the combined areas of California, New Mexico, New Hampshire and Idaho.

Forest fires a fraction as large have produced dramatic impacts in the past. The two researchers report, for instance, that widespread blazes in Minnesota and Wisconsin during the week of October 13-17, 1918, almost blacked out parts of the Midwest. According to one account from Cincinnati, Ohio, ". . . the sun's light and its disk could be seen until 3:35 p.m., at which time the sun was entirely obscured. Objects at this time could not be seen at a distance of 300 feet."

The firestorms triggered by a nuclear exchange would last for weeks. And as much as 200 million tons of extremely fine, light-absorbing particles of soot and ash would rise into the atmosphere. Burning oil and gas wells and refineries would add to the pall. And the effects would be further compounded by hundreds of millions of tons of dust hurled into the upper atmosphere by nuclear groundbursts.

The potential result, says Birks, would be "two or three months of virtual darkness." As little as one percent of the normal sunlight would reach the Earth's surface during the first few weeks. And high noon would seem to dazed survivors like a moonlit midnight.

Much of the impact would be confined to the war-ravaged middle latitudes of the northern hemisphere. With the sun's warming rays blocked, temperatures would plunge (by as much as 36 degrees Fahrenheit, according to one estimate). If the months of frigid gloom spanned the growing season, photosynthesis would come to a halt. There'd be massive crop failures—both because of penetrating, unseasonal cold and the lack of solar radiation. Indeed, vegetation in much of the northern hemisphere would perish.

Life in the oceans could also be devastated. Phytoplankton (minute aquatic plants) multiply through photosynthesis. With little sunlight, the phytoplankton would stop reproducing. Soon the zooplankton (tiny aquatic animals) would devour most of the existing phytoplankton. And once their food supply was gone, much of the zooplankton would die. Since zooplankton sustain larger marine organisms, the entire complex aquatic food chain would be decimated—with disastrous effects on commercial fish catches for years to come.

As the suspended soot, ash and dust settled, sunlight would again start penetrating down to the Earth's surfaces. And, says Birks, "you'd start having photochemical smog formation and high levels of ozone building up." The resulting pollution would be a more intense version of the kind of acrid smog that afflicts the Los Angeles basin—months of eye-burning brownish haze choking survivors and damaging vegetation.

The ecological trauma created by the darkness, the cold and the smog would compound the more immediate environmental consequences of the nuclear Armageddon. Depending on winds, fallout from a single one-megaton explosion could leave a lethal radioactive "footprint" some 15 miles wide and upward of 150 miles long. Multiply the number of detonations by thousands and vast regions could be blanketed by deadly radiation.

Croplands which weren't incinerated by post-attack wildfires would be exposed to potent radioactive fallout. Plants generally have a higher tolerance for radiation than mammals. But some crops, such as barley, rye and oats, are more sensitive than others, like soybeans and rice. Yields of the more susceptible species would drop 50 percent or more. And if an attack occurred early in the growing season, virtually all young plants would suffer. Also, many farms areas would be contaminated by long-lived radionuclides—strontium 90, cesium 137, iodine 131.

The combination of fire, darkness, cold and radiation would spell famine for survivors of a nuclear exchange. And those in the industrialized nations would face perhaps the greatest threat. Howard Hjort, Washington agricultural economist, notes that "in some parts of the world up to 70 percent of the people still live by farming, much of it subsistence farming. So the shock to that kind of system would be nowhere what it would be to a system such as we have in the United States or Western Europe where perhaps four percent are engaged in farming."

Modern agriculture is based on intensive mechanization, massive use of fertilizer and herbicides, and complex transportation, marketing and processing systems. All of that would be destroyed or disrupted, along with the critical exports of technology and foodstuffs to dependent nations of the Third World. "It seems to me," says Hjort, "that you'd drive yourself back in history a long way." Indeed, some experts believe agriculture would revert to the Middle Ages.

Moreover, adds Hjort, "because of the high densities of people in certain parts of the world, you could visualize a scenario where hunger would turn them into animals."

Surviving forest lands would also be devastated in areas hit by intense fallout. Ecologist George M. Woodwell's research showed that trees (especially evergreens) were most vulnerable to nuclear radiation. Shrubs were less sensitive, followed by various kinds of ground cover. Most resistant were lichens and mosses. According to Woodwell, radiation exposure could transform forests into impoverished landscapes. "The areas affected might be large, tens to hundreds of square miles per bomb," he says.

In nature, a forest destroyed by fire, timbering or some other cause can take a century or longer to fully recover. But some forests destroyed by nuclear war may never come back. Given potentially massive losses of nutrients, destruction of seed sources and ravages of erosion, some of these lands might remain impoverished ecosystems—a mixture of grasses, ground cover, moses and lichens.

In such barren areas, the equilibrium of nature would be turned topsy-turvy. Many living species would perish. But others, especially insects, which can tolerate far higher levels of radioactivity than mammals or birds, would survive and thrive. The result could be what author Jonathan Schell calls "a republic of insects and grass."

Indeed, many wildlife populations would likely be decimated in the aftermath of an atomic conflict. Infernos raging over hundreds of thousands of square miles would take a staggering toll. And radioactivity in the immediate fallout zone of a nuclear blast would multiply the destruction. As a wide-ranging 1975 National Academy of Sciences study put it, "we may expect amounts of radiation ascending to levels sufficient to destroy much of the life over large areas. . . ."

Fish, crustaceans and other forms of aquatic life are generally more resistant to the effects of radiation than mammals. But runoff from blast-despoiled landscapes would choke rivers and lakes with toxic contaminants, destroying aquatic habitats and poisoning aquatic life. Shallow estuaries and coastal marshes—"nurseries" where much of the life in the oceans is nurtured—could be even harder hit. Natural environmental stresses in such sensitive areas are known to cause mass die-offs. So the unnatural stresses of nuclear blasts and smothering volumes of toxic sediments would almost surely wreak havoc in these delicate ecosystems, according to marine biologists.

Concludes George Woodwell, "No aspect of life wold remain untouched in this dust-filled, radioactive world." A number of ecologists such as Hampshire College's Arthur Westing go even further. Total nuclear war, he declares, raises "at least the possibility that the impact on the biosphere would be sufficiently drastic to lead to the ultimate extinction of the human species."

DEATH FROM THE SKY—THE SUN TURNS VICIOUS AS THE OZONE SHIELD WILTS

(By Sam Iker)

1. Nuclear detonations of more than one megaton inject oxides of nitrogen into the stratosphere.

2. Ozone, which protects the Earth from ultraviolet radiation, breaks down through chemical reaction, perhaps by as much as 50 percent.

3. With the shield gone, ultraviolet radiation strikes the Earth.

4. Mass die-offs of animals result. People must stay indoors or risk life-threatening sunburn. Food chains are disrupted. Birds, insects and animals go blind.

The ultimate environmental calamity which might result from nuclear war would be the destruction of the fragile stratospheric layer of ozone which shields the planet from the deadly effects of ultraviolet radiation.

A nuclear detonation of sufficient size (more than one megaton) can inject large amounts of oxides of nitrogen into the stratosphere. Through a complex set of chemical reactions, this can result in the destruction of ozone. Atmospheric scientists, using the most sophisticated computer models, calculate that a full-scale nuclear exchange would wipe out around 50 percent of the ozone layer. This could double or triple the intensity of the most hazardous portion of the ultraviolet spectrum reaching the Earth. Some analysts believe that the trend towards smaller, more precisely guided weapons lessens this threat. But others feel that the heavier yield warheads remaining in the Soviet arsenal make the danger very real.

If the pessimists are right, the potential impact would be cataclysmic. Scientists agree that the existence of the ozone layer enabled life to develop on the planet. Without its shielding effect (even for the two or three years it would take for the layer to partially regenerate), most living organisms would be threatend.

Human beings are especially vulnerable. Even at present levels, ultraviolet radiation causes great numbers of cases of skin cancer among those exposed excessively to the sun. If the radiation were increased by 200 or 300 percent, people couldn't remain outdoors for more than a few minutes at a time without risking life-threatening sunburn (unless they were completely protected).

Most animals and birds would be shielded by their feathers or fur. But their eyes would be vulnerable to the intense ultraviolet rays. According to University of Houston professor Donald Pitts, an authority on such effects, the exposures would cause "permanent damage to the cornea." Says Pitts, "animals such as cattle, sheep, hogs, deer and so on would be renedered blind." Even birds and insects would lose their sight. The ecological implications are staggering.

Aquatic life would be equally vulnerable. Eggs, larvae and juveniles, which generally are found near the water's surface, have no way of detecting intensified ultraviolet rays (nor do they have effective natural defenses). Increased radiation, researchers find, is often lethal to such organisms. Many species of phytoplankton are also killed by powerful ultraviolet light. With mass die-offs of phytoplankton and zooplankton, says NOAA marine biologist David Damkaer, "the food chain is derailed. It's a domino effect."

Some crops are fairly resistant to ultraviolet radiation. But others, such as corn, sugar beets, tomatoes, beans and peas are highly sensitive. The rays affect the DNA of such plants and also retard the photosynthesis process. Most research (which is ongoing) has been done on commercial crops. Scientists still lack a detailed understanding of what the intensified radiation would do to other vegetation.

Even the global climate could be temporarily disrupted by the depletion of the ozone layer. More sunlight would reach the Earth and thus raise world temperatures. At the same time, however, less heat would be radiated back to the Earth by the thinned-out ozone layer. Given the immense comlexities involved, the climatic impacts are uncertain. But even relatively minor changes in world weather patterns could disrupt or even devastate global ecosytems.

THE CONFLICT IN CENTRAL AMERICA

Mr. INOUYE. Mr. President, in the spring of this year, I came to the floor of the Senate to sound a warning—to speak against the search for a military solution to conflict in Central America.

Now, in the fall of this year, I am speaking again, because I am distressed that the executive branch, under the direction of President Reagan, continues to regard military assistance and military maneuver as the sword which will cut the Gordian knot of political and social conflict in Central America.

I speak now—in the fall—as I did in the spring—to sound the warning bell because I fear that, if we continue our present course, in the winter we may be burying our dead. If my words seem melodramatic, if my voice sounds charged with emotion, I apologize: I am struggling to control a sense of outrage, born of frustration with the present conduct of foreign policy. I ask only that a cold, rational analysis—devoid of adventurism and jingoism—be given to the actions that have been proposed.

The United States is embarking on a series of military exercises in the region of Central America. Our troops, our ships are moving in harm's way—they are to be put into a context in which the squeezing of one trigger, the launching of one rocket, could turn war games into the deadly conduct of war. It gives me pause that the same President who refused to rule out the use of U.S. combat troops in Central America, saying "you know, they blew up the *Maine*," also orders the dispatch of U.S. naval vessels to the region for exercises.

When I spoke to the Senate earlier this year, I suggested that, in the conflict in El Salvador, there were certain similarities, certain parallels to U.S. involvement in Vietnam. In the recent words of our leaders and in the gathering sounds of battle in Central America, many Americans have heard more clearly the distant echo of Vietnam.

Abroad in this land today is a profound sense of the danger of coming war; a sense that we have traveled this path before and that the path we followed blindly led inexorably to American combat involvement.

We have heard the President dismiss congressional concerns that the number of U.S. advisers in El Salvador

not exceed 55. Yet, this concern is not unfounded. In February of 1954, President Eisenhower cabled Secretary of State Dulles in Berlin:

Certain legislators have expressed uneasiness concerning any use of American maintenance personnel in Indochina. They fear that this may be opening the door to increased and unwise introduction of American troops into that area.

History has proven those unnamed legislators to have been rightly concerned, and history will judge the conviction with which we now express our concern.

It is not idle to speculate about the role of U.S. advisers in El Salvador or to be concerned about the prospects that the advisers of today will become the combat troops of tomorrow. Assurances of contemporary officials that there is no need to worry are, I would suggest, undercut by memories of John Kennedy's words of 1962. In a news conference, he said:

The training missions that we have there (that is, in Vietnam) have been instructed that, if they are fired upon, they are of course to fire back, but we have not sent combat troops in the generally understood sense of the word.

I believe that U.S. advisers in El Salvador today operate under the same instructions—it is a very fine line between being an adviser and being a combat soldier. In his press conference, President Reagan can say "we have no plans to send combat troops" and many of us hear an echo of Secretary of Defense McNamara's 1962 statement, that "there is no plan for introducing American combat forces in South Vietnam."

We all know that the introduction of U.S. trainers in Vietnam led to the introduction of advisers and, when two Americans in the military assistance advisory group in Vietnam, killed while watching a movie in their barracks in Bien Hoa, were the first American soldiers to die, that led to the introduction of American combat troops. We cannot be certain that this tragic escalation of involvement will not be repeated in Central America, particularly in the forthcoming military exercises which will be in dangerous proximity to hostile areas.

The road to Vietnam was not marked with large signposts to warn against the dangers of American involvement. Spending on the war did not exceed an annual level of $100 million until 1962, almost 10 years after the first appropriation in support of efforts to defeat the North Vietnamese. We cannot look away from military spending in El Salvador and say it is too small to be significant. Any military aid to El Salvador engages the United States—any military assistance is significant.

Gradually, incrementally, and despite the optimistic pronouncements of our highest elected officials, the United States went to war in Southeast Asia.

And so when I and others speak of the distant echoes of Vietnam, it is not because we fail to recognize the differences in geography or in societies; it is because in Central America, in the clash of arms, in the cries of the wounded, we hear not the soft assurances of optimism but the voices from an earlier time who say, sadly, "you should have listened."

TRIBUTE TO THE LATE SENATOR HENRY M. JACKSON

Mr. ARMSTRONG. Mr. President, you don't know what you have until you lose it.

There has been little that has enriched my life so much during my 5 years in the Senate than the opportunity to know, to be associated with, to work with, and occasionally to lock horns with Sen. Henry M. (Scoop) Jackson.

Scoop Jackson was not a tall man, but he was clearly a giant among us; the epitomy—and perhaps the acme—of what a Senator should be. A vigorous partisan who had been the chairman of his party's national committee, a key figure in the nomination and election of John F. Kennedy, and twice a candidate himself for the Presidency of the United States, Scoop Jackson always knew when the time for partisanship stops and the time for bipartisanship begins. I learned early on in my Senate career that there was no more vigorous and effective ally to have on your side on a particular issue than Scoop Jackson; nor a more formidable foe to have against you. But whether Scoop was for you or against you on a particular issue, he was always the best of friends.

I do not know of any Senator who was respected more for his honesty, integrity, courge, the depth and breadth of his knowledge, his ability to get things done in the Senate than Scoop Jackson. I know of none who were better liked.

Scoop Jackson will be remembered for many things. But I think he will be remembered most for his vigorous and unrelenting opposition to tyranny in any form, and his wholehearted commitment to the cause of human rights. Scoop Jackson knew that the best way to keep America free is to keep America strong. Scoop Jackson knew evil when he saw it, and he never hesitated to call it by its right name.

There never would be a good time for the Senate to be without Scoop Jackson; but we miss him especially sorely now when his knoweldge, his leadership, his bipartisan spirit of cooperation would be so useful in crafting a proper response to the cold-blooded murder of 269 people aboard KAL flight 007. That shocking deed would not have been a shock to Scoop Jackson, who had warned us often about the nature and intentions of those at the helm of the Soviet Union today.

But although Scoop Jackson the man is gone, he has left behind him a legacy which will enrich this body and all who serve in it. Scoop Jackson belongs to the ages now, like Robert Taft, Richard Russell, Bob LaFollette, Henry Clay, and Daniel Webster before him. We miss Scoop Jackson terribly now, but I suspect we will miss him even more a few years from now when historians will have a better opportunity to assess Scoop Jackson's greatness and his uniqueness. We were living with a legend, but I don't think we fully appreciated that fact until the legend stopped living.

THE LATE SENATOR HENRY JACKSON OF WASHINGTON

Mr. ZORINSKY. Mr. President, the praise has come in from every corner of the Nation and, indeed, the world. To his colleague and friend, Senator EDWARD KENNEDY, he was, "in an era of slick images and slack ideas . . . a real man." To columnist and friend George Will he was "the finest public servant I have known." To former employee and friend Ben Wattenburg he was, "by far, the most decent, most professional, and most idealistic man . . . in American political life."

What more can be said of one who has been so widely praised, so canonized? Perhaps it is enough to say, simply, I find it hard to imagine the institution of the Senate without my friend and colleague, Senator Henry M. (Scoop) Jackson.

There is no question he was a leader among us. The shadow he cast in the Senate Chamber was as impressive as it was long.

As chairman of the Energy Committee, he was the author of the National Environmental Policy Act and the creator of the EPA. As a major spokesman on defense matters, he helped shape the SALT I agreement and countless measures that have influenced and bolstered our national security. As a leading defender of the persecuted and oppressed, he reminded us constantly that securing basic human rights must forever be a goal of the United States.

But there was more—much more—to Scoop Jackson than the bills that bore his name and the national policies he helped mold. That was the human side of Scoop and, above all else, he was a remarkably decent and moral man. Our colleague, Senator WILLIAM S. COHEN, called him, most appropriately, the "gentle warrior." He had a commonsense approach, yet his views were strongly held and well thought out. He was hard working to a fault and always there when wise counsel or just

the comfort of a friend was needed. Perhaps most of all, it can be said, Scoop Jackson had character.

One measure of the man is seen in his relationship with his friend and junior colleague from the State of Washington these past 2 years, Senator SLADE GORTON. They were of different parties. Senator Jackson had chaired the campaign of SLADE's opponent in 1980, Scoop's close friend and long-time associate, Warren Magnuson. And yet, within an hour of SLADE's victory in that 1980 election, Scoop was on the phone to SLADE, offering guidance and support to his new colleague.

The first day the Senate met after Scoop's death, that same Senator SLADE GORTON had this to say about his colleague and friend from Washington:

> It is for us now to remind ourselves and our children of the virtues of patriotism, courage, and humanity which made Henry Jackson so great; to rededicate ourselves to these virtues; and to give thanks that we were allowed by our Creator to be changed and enriched by his company.

I most heartily agree.

DEPARTMENT OF DEFENSE BUDGET

Mr. HATFIELD. Mr. President, I was necessarily absent on September 13 when this Chamber agreed to the conference report on S. 675, authorizing funds for fiscal year 1984 for the Department of Defense. I am certain that every Member of this body is aware that, had I been here, I would have voted against the conference report. Certainly I outlined by opposition clearly and often during the debate on S. 675. Our citizens' needs are too many and our global responsibilities too great to squander our precious resources on unnecessary weapons systems like the MX and the B-1 or on the production of binary chemical munitions that threaten to undermine our moral position in the world. Mr. President, I appreciate this opportunity to reiterate my position and I give fair warning that I am prepared to reopen the fight when we turn to the defense appropriations bill.

U.S. POLICY IN LEBANON

Mr. MITCHELL. Mr. President, I rise to make two points regarding our policy in Lebanon. First, I wish to emphasize my belief that the President should acknowledge that the current situation faced by 1,370 American troops in Lebanon requires the invocation of the War Powers Act. Second, I want to caution my colleagues in this body not to become so taken with the unresolved legal questions conerning this act that they lose sight of the immediate challenge faced by the Congress. That challenge is to work with the President in formulating and implementing a U.S. policy which advances U.S. interests in Lebanon and througout the Middle East region.

The War Powers Act of 1973 requires the withdrawal of U.S. forces within 90 days from any foreign state in which the troops are enaged in hostilities, or face "imminent" hostilities, unless Congress has declared war or authorized their continued presence.

The act's purpose was to maintain, not alter, the constitutional balance of power between the executive and legislative branches envisioned by the Founding Fathers. Not only did the act reassert the constitutional right of Congress to commit U.S. forces to conflicts, it firmly established the principle that the legislative branch must assume at the same time a heavy responsibility for doing so.

The act cannot be discussed in a historical vacuum. Its context was the tragic experience of the United States in Southeast Asia, and the goal of its authors was to insure that "Presidential wars," lacking popular support and the approval of the people's representatives, were avoided in the future.

The act's authors sought to establish an orderly, yet flexible process to insure that the United States would not participate in conflicts to which its people were not committed, or in which it had no business being involved.

One of these authors, the distinguished Senator from Mississippi, Mr. STENNIS—a gentleman whom I hold in great esteem—emphasized correctly in 1973 that it is this process, rather than the mere sharing of the warmaking right and responsibility, which is so critical.

During the 1973 debate, Senator STENNIS stated:

> Restoring a proper share of responsibility to Congress will by no means ensure its wise exercise. There is no assurance of wisdom in Congress any more than in the Presidency. As Professor Alexander Bickel has said, "the only assurance there is lies in process—in the duty to explain, justify and persuade, to define the national interest by evoking it, and to act by consent." Enactment of the War Powers bill will not be a panacea, but it will, I believe, realign the workings of this government with the Constitution that created it. It will reduce the chance that this nation will again go to war without unity; without an expression of national will through Congressional authorization.

By invoking section 4(A)(1) of the War Powers Act, and seeking the consent of the Congress for the continued presence of U.S. troops on Lebanese soil, the President will permit the process of explanation, justification, persuasion, and definition to occur. My own view is that the process will produce support for the President's decision to establish an American presence on behalf of a sovereign independent Lebanon, governed by a strong centralized government, whose legitimacy must flow from broad-based popular support and the growing strength of a nonsectariam army.

If the President refuses to acknowledge the applicability of the War Powers Act in the Lebanese case, he will do so at great risk to a responsible policy which I believe provides the United States an opportunity to further its interests and the interests of the suffering Lebanese people.

Without the active involvement of the Congress in formulating, and taking responsibility for, U.S. policy, the process of public education will not go forward. The result will be widespread confusion about U.S. tactics and objectives in the Middle East, and gradual undermining of the all-important diplomatic initiative which the President has undertaken.

Let there be no mistake about it. The United States has important interests in Lebanon. Located at the eastern end of the Mediterranean, at a virtual crossroads between the western democracies and the Arab world, the State of Lebanon occupies a strategic and very important piece of ground. Historically, the genius of the Lebanese people has been to provide a much needed bridge between predominantly Christian Europe and the states which constitute the Moslem Arab world. Over this bridge for centuries have passed great ideas and philosophies, as well as an enormous amount of international trade. In recent years, however, the traffic of ideas and economic goods has had to take second place to heavy traffic in weapons and soldiers.

The result has been disastrous for Lebanon, a fundamentally pro-Western state which has the potential to provide stability in the most volatile region of the world.

In considering the proper course of our Nation in this situation, I urge my colleagues to consider the following:

First. Lebanon is the only democratic nation in the Arab world;

Second. It is one of the few openly pro-Western nations in the Arab world;

Third. After the Israeli invasion of Lebanon last year, the Lebanese Government was confronted with basically three routes toward seeking an end to foreign domination: Israeli, Syrian, and American. That government chose the American option and committed itself to end foreign domination through the process of peaceful negotiation. To that end, it signed an American-sponsored treaty of withdrawal with Israel;

Fourth. The current fighting represents, in part, a hostile Syrian reaction to the decision by the Lebanese Government to throw in its lot with the United States;

Fifth. The introduction of American marines into Lebanon as part of a Multinational Peacekeeping Force had

as its ultimate purpose the implementation of the withdrawal of all foreign forces; and

Sixth. The United States has a clear, vital interest in maintaining what stability exists in the region. If Lebanon fails to sustain a strong central authority, the extreme Arab States will have the geographic base they need to prevail over the moderates. As the Lebanese former Prime Minister Sa'eb Salam has written, "* * * not one single moderate Arab regime will stand its ground in the region, from the Atlantic to the Gulf."

In short, the premature American withdrawal urged by some would be damaging to our country as well as to Lebanon itself. U.S. influence in the region will diminish substantially in the wake of a U.S. withdrawal. The U.S. as a peacemaker in the region will be lost.

If neighboring powers continue to promote the disintegration of the Lebanese State and if true state sovereignty is not restored, it will become even more difficult to achieve an overall resolution to the region's numerous and multifaceted conflicts. These conflicts now threaten the lives of the region's inhabitants, place in jeopardy the economics of the West, and encourage greater superpower confrontation.

No, one, and certainly not this Senator, wants to see Americans shelled on foreign soil. I am extremely concerned, as all Americans are, that the U.S. component of the international force is under sporadic fire on the outskirts of Beirut. It is my firm belief, however, that the presence of those troops is vital. It stresses our resolve to assist the Lebanese Government in regaining control and building the respect of the many factions which make up the Lebanese populace.

President Reagan's policy is one which deserves our support. First, it seeks to accomplish the withdrawal forthwith of all foreign forces from Lebanon; second, it promotes the restoration of Lebanese Government sovereignty and a continued strengthening of the Lebanese Armed Forces; and third, it focuses on the reestablishment of a Lebanese national concensus. These policy objectives were the right ones when U.S. troops were reintroduced into Lebanon last September and they are the right ones today. I commend the President for his rejection of suggestions that he abandon these goals in favor of a U.S. withdrawal or a hasty expansion of the U.S. commitment. While Ambassador MacFarlane and his assistants certainly must make every effort to bring about an immediate cease-fire, Congress must not divert him from continuing to seek the basic objectives sought by President Reagan.

THE KIND OF INDUSTRIAL POLICY WE NEED

Mr. PROXMIRE. Mr. President, one of the most thoughtful pronouncements on a national industrial policy this Senator has seen in a long time appeared in the New York Times today. The writer, Martin Lobel, points out that those calling for, new industrial policy are really saying that America's financial institutions are not allocating capital efficiently. Mr. Lobel answers the argument that some make that we need a national development bank to do the job with devastating logic. He writes:

A national development bank . . . would merely substitute political judgments for economic ones. Can any Administration withstand the power of large labor-intensive industries seeking loans to maintain their existing structure? Probably not. Are such loans economically viable? Probably not. And such an allocation of capital would deprive the government of capital needed for other, more appropriate purposes like retraining workers so that we don't waste human capital, or repairing our infrastructure so that industry can function efficiently.

So what does Lobel propose? He proposes that the Government can encourage the sprouting cooperation between workers and management to produce efficiently the best products possible. It could make the Tax Code more rational so that investment decisions are made for economic and not tax reasons. It can provide better information more quickly. It can work harder to open up more markets for free trade. And it can discourage interlocks between big financial institutions and big business, so that the financial institutions are more likely to make more rational decisions to benefit our growth industries.

Lobel is calling for policies that will encourage the free market to work more vigorously. We should adopt these policies. Too many are calling for policies that would push the Federal bureaucracy into making the prime investment decisions for our economy. We should renounce these proposals. Regardless of the integrity of any particular administration, or their wisdom or their diligence, when the Governments makes the investment decisions they will be made in response to political pressure and political clout.

Mr. President, I am proud to say that Martin Lobel, the writer of this letter to the New York Times was until several years ago a member of my Senate staff. He is an extraordinarily intelligent man. Since he left my staff he has established a public interest law firm in Washington and won a reputation as an extraordinarily skilled lawyer.

I ask unanimous consent that the letter to which I have referred from today's New York Times written by Martin Lobel be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

[From the New York Times, Sept. 15, 1983]

WHAT AN INDUSTRIAL POLICY REALLY MEANS

(By Martin Lobel)

To the Editor: Your Sept. 1 editorial on industrial policy triggered some thoughts that I offer from the perspective of a "Washington lawyer."

Those calling for a new industrial policy to get America's economy moving again are really saying that America's financial institutions are not allocating capital efficiently. They claim, correctly, that this misallocation of capital is hurting our growth industries and our ability to compete in the world market. Seen in this light, the solutions are likely to be far different from the self-serving special-interest pleadings that have so far emerged.

A national development bank suggested by some would merely substitute political judgments for economic ones. Can any administration withstand the power of large, labor-intensive industries seeking loans to maintain their existing structure? Probably not. Are such loans economically viable? Probably not. And such an allocation of capital would deprive the government of capital needed for other, more appropriate, purposes like retraining workers so that we don't waste human capital, or repairing our infrastructure so that industry can function efficiently.

Why, we must ask, are our financial institutions failing to meet our needs? The answer, in part, is that there is an institutional bias in favor of large established companies because of the interlocking interests of large corporations and financial institutions.

In part, this is because the skills required to succeed in a large corporation are not the skills required to succeed as an entrepreneur (which leads to problems of communication), and in part because through the tax code and other legislation, government has encouraged such behavior.

What, then, can government do? It could certainly encourage the sprouting cooperation betwen workers and management to produce efficiently the best products possible. It could make the tax code much more rational so that investment decisions are made for economic and not tax reasons.

It could provide information better and more quickly so that business could react more rationally. It could work harder toward opening more markets in the world for free trade. And it could discourage the interlocks between big business and big financial institutions so that they are more likely to make more rational investment decisions that should benefit our growth industries. This last is most important, yet it is likely to be the most difficult to implement.

All institutions tend to go through three stages: achieving goals, rationalizing the decision-making process and making sure the rules are followed. Unfortunately, the last stage leads to stagnation—to responding to the past, not the present.

Government can help by providing an institutional framework to encourage the development of new businesses. But only business can revive the entrepreneurial spirit needed to succeed.

There has been some slight movement in that direction but whether "mature" industries can regain an entrepreneurial spirit remains to be seen. However, it is clear that new government subsidies or capital allocation schemes will smother, rather than encourage, the requisite entrepreneurship.

FATHER LEON PAULIN, S.S.E.

Mr. LEAHY. Mr. President, those of us who are graduates of Saint Michael's College learned with great sadness of the death of Father Leon Paulin, S.S.E. Father Paulin was a well-known and greatly respected professor at Saint Michael's, and I was one of those who had the good fortune of being taught by him. More importantly, I had the opportunity to know him as a friend for nearly 20 years.

I join with those others who mourn his passing while honoring his achievements during life, and I ask unanimous consent that the enclosed article from "Founders Hall" be reprinted in its entirety in the CONGRESSIONAL RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

REV. LEON E. PAULIN, S.S.E., PROFESSOR, ALUMNUS, TRUSTEE, DEAD AT 69

The Rev. Leon E. Paulin, S.S.E., died May 19 in the Edmundite Community House at St. Michael's College. A priest in the order of the Society of St. Edmund and SMC professor, Father Paulin was a greatly beloved member of the St. Michael's community from his entry as a student in 1932 until his death.

An emeritus professor of religious studies, Father Paulin taught at St. Michael's for nearly 40 years. He concentrated in Old and New Testament, but also taught French literature and calligraphy. Father Paulin was a trustee of St. Michael's from 1974 until his death and served as religious superior of the Edmundite Community at St. Michael's from 1970-74. He also did ministry in more than 100 parishes in the Diocese of Burlington.

A man of great personal charm, loving spirit, artistic talent and rare teaching ability, Fr. Paulin was teacher, counselor and friend to 100s of St. Michael's students and to countless members of the SMC community. He was probably asked more than any other priest to perform marriage ceremonies for St. Michael's graduates and to baptize the children of SMC alumni.

Born in Wotton, Quebec, Canada, in 1915, Father Paulin was one of nine children who grew up with his family in Turner Falls, Mass. He attended St. Ann's Academy in Swanton, Vt., from 1929-32 and St. Michael's College from 1932-37. After earning an SMC bachelor's degree, Father Paulin earned a Licence es Lettres in 1944 from the University of Montreal.

Father Paulin was ordained to the priesthood in 1941 in Burlington's Cathedral of the Immaculate Conception. The first priest to attend the New York Theological Seminary, Father Paulin earned the master of sacred theology (S.T.M.) degree there in 1970.

Father Paulin's courses in religious studies, modern languages and calligraphy gained him many devoted St. Michael's students, caught by the father's contagious zest for life and enthusiasm for his subject. His love of French comedy, the literature of Baudelaire and Balzac, his passion for art, his knowledge of scripture—all were part of his legacy to St. Michael's students.

A man of remarkable talents, Leon Paulin was at the same time an intensely loving individual. His countless friends were the students, workers, faculty, trustees and honored guests of St. Michael's College. He was also known to be able to feed birds and chipmunks from the palm of his hand, so loving and unthreatening was he to all of the God's creatures.

Father Paulin's artist's studio and home for many years was a tiny, cluttered apartment attached to Prevel Hall on the St. Michael's campus. On his front porch there were always several over flowing bird feeders. His studio apartment had barely an uncovered surface anywhere. But he cleared a place for his frequent visitors and, with bubbling enthusiasm, showed his latest artwork or his current literary passion.

Father Paulin was a talented watercolor painter whose art works are on permanent display in the St. Michael's admissions and president's offices. He did peaceful, colorful Vermont landscapes in all seasons, as well as paintings of barns and churches around Vermont and in rural France.

Father Paulin was a gifted calligrapher, who did innumerable ceremonial documents for St. Michael's in his beautiful calligraphic script. He also taught Western calligraphy and advanced calligraphy in the College's art department. Speaking of the value of this art, Father Paulin once said, "Beautiful texts will be remembered better."

Also a proficient photographer, sculptor and woodworker, Father Paulin taught many St. Michael's students photographic darkroom procedures, as part of their extracurricular activities.

The St. Michael's College yearbook was dedicated to Father Paulin in 1949, in 1958 and again in 1983. He received a number of awards from SMC students and alumni over the years, marking him as one of the all-time favorite professors and spiritual leaders on the St. Michael's faculty.

Father Paulin is survived by his brothers in the Society of St. Edmund and by his brothers and sisters, Camille A. Paulin, Bernadette Paulin, Aldea Dubrueil and Herve Paulin, all of Turners Falls, Mass; and Arthur Paulin and Mrs. Blanche Proulx of Montauge City, Mass., and Ernest Paulin of North Amherst, Mass., and by a number of nephews and nieces, including Father George Paulin of Canaan, Vt.

BILL SCHMIDT RETIRES

Mr. LEAHY. Mr. President, just as with the weather, protecting our environment is something people often talk about. But how many people can we actually point to as having done something about it?

Bill Schmidt of Dummerston, Vt., is one person we can point to as having done something very important about protecting our environment. Not only has he proven that we can protect our environment, but he has shown people how to protect our environment while allowing for growth and development. This is a very important accomplishment because the two interests are often described in national public debate as incompatible.

Bill is entering a well-deserved retirement this summer after 15 years of public service as director of the Windham Regional Planning Commission which serves 26 towns in southeastern Vermont. He has earned the public recognition showered on him by the more than 100 Vermonters who attended his retirement dinner. These folks not only included his fellow regional planners, family and friends, but community and business leaders, three Vermont Governors, and many other local and State public officials, both Democrats and Republicans.

Back in the late 1960's, Bill had the foresight, skill, and perseverance to focus the attention of Vermont's State legislators and Governor on the imminent pressures Vermont's environment would experience from new growth and residents in the 1970's.

He was a key factor in shepherding the precedent setting environmental legislation, known as Act 250, through to its final passage in 1972. Bill then focused his time and energy on showing community leaders and private developers how to work together cooperatively and constructively to accommodate new housing, and business and industrial development.

As a result of his leadership, the Windham Regional Commission area is now just one of several living, working examples in Vermont of the success of the Act 250 approach. It is proof that a community can control its own destiny, allowing for change while preserving the quality of life and environment which makes Vermont so very special. It is proof that public and private sectors can work together to meet the interests of both.

Act 250 and Bill's efforts have not eliminated future challenges. But what they both do, man and law, is provide us with the means by which we can control our destiny—by which we can make choices in a constructive and peaceful manner.

Eleven years from its inception, Act 250 enjoys solid support and deep respect both in Vermont and across the Nation.

Bill Schmidt equally deserves our respect for recognition of his significant and long-reaching contribution to protecting our environment and showing people how we can work together to shape our own destinies while doing so.

I am honored to know Bill and to have benefited from his counsel during his tenure as a regional planner. I am relieved to learn from Bill he is retiring only from his formal position as director of the regional planning commission, but will continue to be active in community activities and public debate.

THE 105TH ANNIVERSARY OF NICODEMUS, KANS., A SIGNIFICANT CHAPTER IN BLACK AMERICAN HISTORY

Mr. DOLE. Mr. President, September 17, 1983, marks the 105th anniversary of the founding of Nicodemus, Kans. It is a small town—the population is less than 100—yet Nicodemus stands as a towering monument to the ideals of America. For more than a century, Nicodemus has been a source of black pride and achievement, a town of black Americans who only asked for an equal chance to share in the dream of this great Nation. When you talk about Nicodemus, you talk about roots.

The 1870's were a turbulent time in American history. Slavery had been abolished, yet most black Americans were still held in bondage by poverty, limited opportunities, illiteracy, and rampant discrimination. They were not slaves, but neither were they free.

In 1877, freedmen and their families from Kentucky and Tennessee were told of a place in Kansas that could be their "promised land—the land of milk and honey." Here, they heard, was a State that had always been free, and the land was theirs to homestead. They need only pay $5 plus rail fare.

Nearly 300 former slaves made that long trip in river boats and boxcars. From the train station it was a walk of some 30 miles to a spot on the rolling Kansas praire that was to be their new home. In every direction, all they saw were endless grasslands and, too, the endless vista that only hope can provide.

Discouragement at this unfamiliar sight was understandable, but they chose to make the best of things, and dig in—literally. Like many pioneers of their day, every man, woman, and child put in long days in backbreaking labor—working the hard ground, shoveling dugouts in which to live and catching prairie wildlife for food. These early settlers had only three horses and some inadequate hand tools to work with, but, through sheer determination, managed to build a proper town in time.

The dugouts gave way to sod houses, then to wooden structures and farms. Nicodemus soon boasted a thriving economy, complete with livery stables, a hotel, restaurant, church, bank, post office, and two newspapers. By 1880, the surrounding county had a population of more than 500 former slaves and Nicodemus had established the first school district in the county.

Perhaps the story of a growing Midwestern community during the late 1800's is not unique, but the fact that this particular town was founded and settled entirely by former slaves is worthy of a special place in American history. Nicodemus lives on today, and its residents are understandably proud of what they and their ancestors have accomplished.

At "homecoming" each year, former residents return to reacquaint themselves with their heritage. The Senator from Kansas salutes the people of Nicodemus on this anniversary and offers best wishes for many more in the years to come.

HARRY R. OSTRANDER

Mr. WARNER. Mr. President, it is with a genuine sense of loss that I learned today of the death on September 9 of a fellow Virginian, Harry R. Ostrander, at the age of 58. Mr. Ostrander had been a member of the U.S. Capitol Police Force since July 13, 1973. The last 4 years of his service was to the Senate as a plainclothes officer.

Not only has Harry served the Congress in superlative fashion in carrying out his shared responsibility of securing the Capitol and protecting its occupants, but, indeed, all Americans owe a debt of gratitude to Harry for his outstanding service in the U.S. Army. Prior to retiring from his more than 30-year career in the Army at the rank of sergeant major, Harry was awarded the Bronze Star, the Army Commendation Medal with one Oak Leaf Cluster, the Purple Heart, also with an Oak Leaf Cluster, the Combat Infantry Badge, and the Meritorious Service Medal. Fittingly, Mr. Ostrander was interred with full military honors on Wednesday, September 14, at Arlington National Cemetery.

Mr. President, I extend my condolences to Mrs. Ostrander and to Harry's five children at this time of loss. I ask of the Senate that the obituary which appeared in the Washington Post be included in the RECORD.

The obituary follows:

OSTRANDER, HARRY RICHARD

Sgt. Major USA (Ret.). On September 9, 1983, at Fairfax Hospital, of Alexandria, Va., husband of Adele Cote Ostrander; father of Deena Pickerel, Joellyn, Elise, Lauri and Paula J. Ostrander. Also survived by a brother, six sisters and three grandchildren. Friends may call at the DeMaine Springfield-Annandale Chapel, Backlick at Edsall Rds., Springfield, Va., on Tuesday, 2 to 4 and 7 to 9 p.m. A mass of Christian burial will be celebrated at the Memorial Chapel, Ft. Myer on Wednesday, September 14 at 2:45 p.m. followed by interment in Arlington National Cemetery with full military honors.

Mr. PROXMIRE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

Mr. STEVENS. Mr. President, I now ask that the Senate proceed to the consideration of Senate Joint Resolution 158, pursuant to the previous order.

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

CONDEMNATION OF SOVIET BEHAVIOR FOR DESTRUCTION OF KOREAN AIR LINES FLIGHT 007

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to the consideration of Senate Joint Resolution 158, which the clerk will report.

The assistant legislative clerk read as follows:

A joint resolution (S.J. Res. 158) condemning the brutal behavior of the Government of the Union of Soviet Socialist Republics for the destruction of Korean Airlines flight 7 with the loss of two hundred and sixty-nine innocent lives.

The text of the joint resolution follows:

S.J. RES. 158

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

Whereas, the United States joins the world community in expressing its sense of shock and outrage over the actions of the Soviet Government on August 31, 1983, which led to the destruction of Korean Airlines flight 007 (hereinafter referred to as KAL 007) with the loss of 269 innocent lives;

Whereas, KAL 007, en route from Anchorage, Alaska to Seoul, Republic of Korea, innocently strayed into Soviet airspace on August 31, 1983;

Whereas, Soviet authorities tracked the flight of KAL 007 for more than two hours, but failed to exhaust all internationally recognized procedures to warn the aircraft of its error, to protect its passengers, and to assist in its safe landing;

Whereas, as KAL 007 was leaving, or had left, Soviet airspace, a Soviet Air Force fighter fired air-to-air missiles at and destroyed the unarmed, clearly-marked civilian airliner with innocent men, women, and children of 13 nationalities aboard;

Whereas, as a result of this barbaric action, 269 people, among them 61 of our fellow citizens lost their lives;

Whereas, the Soviet Government has refused to make known the true facts, to accept responsibility, and to apologize, for this unconscionable act;

Whereas, the Soviet Union has continued to deny access to the area where the airplane may have gone down;

Whereas, the Soviet Government has proclaimed publicly its intention to repeat this murderous act if another airliner wanders inadvertently into Soviet airspace;

Whereas, this cold-blooded attack on a commercial airliner straying off course will rank among one of the most infamous and reprehensible acts of aviation history;

Resolved, by the Senate and the House of Representatives in Congress assembled, that the United States hereby

(1) condemns this Soviet crime and calls for a full and frank explanation from the Soviet Union of its brutal behavior;

(2) extends its deepest sympathies to the families who lost loved ones and supports their rights to obtain full and just compensation from the Soviet Union;

(3) calls on the Soviet Union to assist international efforts to recover the remains of the victims;

(4) reaffirms the actions against Aeroflot and calls for an international investigation conducted by the International Civil Aviation Organization;

(5) urges the international community to demand that the Soviet Union modify its air defense procedures and practices to assure the safe passage of commercial airliners when navigational errors occur in the future;

(6) urges other nations to join with the United States in applying appropriate sanctions against Soviet civil aviation;

(7) notes that the Soviet Government's refusal to accept responsibility for this tragic event raises serious doubts among the world community of nations over the unwillingness of the Soviet Union to behave as a responsible member of the international community;

(8) urges our allies to cooperate with the U.S. in implementing additional sanctions until such time as the Soviet Government apologizes unequivocally for its actions, fully compensates the families of innocent victims, and agrees to abide by internationally recognized and established procedures which are purposefully designed to prevent the occurrence of such tragedies.

Mr. STEVENS. Mr. President, there is no time agreement on this resolution, but there is an order that the debate be equally divided between the two leaders.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. ABDNOR). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, the business before the Senate is Senate Joint Resolution 158, is it not?

The PRESIDING OFFICER. The Senator is correct.

Mr. BAKER. Mr. President, could I inquire of the Chair, is there also a resolution passed by the House of Representatives on yesterday, specifically House Joint Resolution 353, which has reached us?

The PRESIDING OFFICER. The Senator is correct.

Mr. BAKER. Mr. President, I think under the circumstances it would be appropriate to take up the House resolution instead of the Senate resolution, and let me say before I make the request that I also would plan to make a request that those amendments to the Senate resolution which were filed and printed, on yesterday or the day before, would qualify and be conformed to House Joint Resolution 353 as if they had been submitted that way in the first instance.

So I am not trying to cut anyone out. I am just trying to make sure that we approach the matter in the most expeditious way.

Mr. President, let me propound this unanimous-consent request then:

I ask unanimous consent that the Senate now proceed to the consideration of House Joint Resolution 353, and I further ask unanimous consent that any amendments that were drafted to Senate Joint Resolution 158 and are at the desk be deemed to have been drafted to House Joint Resolution 353, the House companion measure.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Tennessee?

Mr. PERCY. Mr. President, will the Senator yield?

Mr. BYRD. Mr. President, I reserve the right to object, but I do not intend to interpose myself further.

Mr. BAKER. I thank the Senator.

I yield to the chairman of the committee.

Mr. PERCY. Mr. President, I support the action of the leadership in this regard. Just for purposes of pointing out to our colleagues, the only differences that I have seen between the House version and the original Senate leadership version, which Senator PELL and I and Senator TOWER and Senator NUNN joined in introducing, are the reference to Congressman McDonald, and the provision that we would work with our allies for additional sanctions. That last rather vague language is not incorporated in the House version.

Those are the only major differences, though.

Mr. BAKER. I thank the Senator.

Mr. President, I believe the minority leader has reserved on my request.

Mr. BYRD. Mr. President, I think that is a major difference, especially with reference to working with our allies to employ additional sanctions.

I wish to see us pass the resolution without too much debate. The House, I think, passed their resolution yesterday. It was a unanimous vote, which says something.

I would hope the Senate would act expeditiously in passing the same resolution, although I do not like leaving out that amendment. I wish to see no amendments, and there are Senators on my side who have amendments.

I would like to have at least an amendment restoring that part about additional sanctions. But I am not going to object to the majority leader's request because I think it is a legitimate one and, therefore, I will interpose no objection.

Mr. BAKER. I thank the minority leader.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

CONDEMNING THE SOVIET CRIMINAL DESTRUCTION OF THE KOREAN CIVILIAN AIRLINER

Mr. BAKER. Mr. President, I ask the Chair to lay before the Senate House Joint Resolution 353.

The PRESIDING OFFICER. The clerk will state the resolution by title.

The assistant legislative clerk read as follows:

A joint resolution (H.J. Res. 353) condemning the Soviet criminal destruction of the Korean civilian airliner.

The text of the joint resolution follows:

H.J. RES. 353

Whereas the United States joins with the world community in expressing its outrage over the actions of the Soviet Government on August 31, 1983, which caused the destruction of Korean Air Lines flight 7 with the loss of two hundred and sixty-nine innocent lives;

Whereas on August 31, 1983, Korean Air Lines flight 7 inadvertently entered Soviet airspace;

Whereas Soviet authorities tracked Korean Air Lines flight 7 for more than two hours, but did not adhere to all the internationally recognized procedures necessary to warn the aircraft that it was off course and to protect its passengers;

Whereas a Soviet Air Force fighter fired air-to-air missiles at Korean Air Lines flight 7 and destroyed the unarmed, clearly marked civilian airliner with two hundred and sixty-nine innocent men, women, and children from fourteen nations aboard, including sixty-one of our fellow citizens;

Whereas among the victims was a distinguished Member of Congress, the Honorable Larry P. McDonald;

Whereas the highest levels of the Soviet Government have lied in an attempt to justify this unconscionable act and have continued to deny access to the area where the airplane went down;

Whereas the Soviet Government has publicly proclaimed its intention to repeat its murderous act if another airliner wanders inadvertently into Soviet airspace; and

Whereas this cold-blooded barbarous attack on a commercial airliner straying off course is one of the most infamous and reprehensible acts in history: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the United States hereby—

(1) condemns the Soviet crime of detroying Korean Air Lines flight 7 and murdering the two hundred and sixty-nine innocent people onboard;

(2) calls for a full and frank explanation from the Soviet Union for this brutal massacre;

(3) extends its deepest sympathies to the families who lost loved ones, and supports their rights to obtain reparations from the Soviet Union;

(4) calls on the Soviet Union to assist international efforts to recover the remains of the victims;

(5) calls for an international investigation by the International Civil Aviation Organization into this heinous incident;

(6) declares its intention to work with the international community in demanding that the Soviet Union modify its air defense procedures and practices to assure the safe passage of commercial airliners;

(7) finds that this tragic incident, and the Soviet Government's refusal to acknowledge responsibility for its wanton conduct, will make it more difficult for the United States and other nations to accept the Soviet Union as a responsible member of the international community; and

(8) urges our allies and other nations to cooperate with the United States in continuing to demand that the Soviet Government unequivocally apologize for its actions, fully compensate the families of the innocent victims, and agree to abide by internationally recognized and established procedures which are purposefully designed to prevent the occurrence of such tragedies.

The Senate proceeded to consider the joint resolution.

Mr. BAKER. Mr. President, the distinguished Senator from Illinois, the able chairman of the Foreign Relations Committee, will manage this measure, and in a moment I intend to relinquish this position so he may gain recognition in his own right.

But first, let me take 30 seconds to set the stage for this discussion. When I was in Tennessee during the August break I received a telephone message from the Secretary of State asking if I could meet with him on this subject, and I came to Washington for that purpose.

The following day I joined Senator BYRD, the Speaker of the House, Congressman MICHEL, the distinguished President pro tem of the Senate, and the majority leader of the House in a meeting with the President and certain members of his Cabinet on the situation in Lebanon, particularly on the Korean Air Lines atrocity.

Mr. President, at that time there welled up from that group—and I do not remember who suggested it first, but there welled up within that group—Republicans and Democrats alike, with the leadership in both Houses, a suggestion that we adopt a resolution condemning this murderous act.

Mr. BYRD. Mr. President, will the majority leader yield there?

Mr. BAKER. Yes.

Mr. BYRD. I think the President said that, I may be wrong but I think both of us spoke with assurance to the President that we thought he would have no difficulty getting such a resolution through.

Mr. BAKER. It may have been the President, but it was only seconds before there was a general consensus among the President and bipartisan leadership of both Houses that the first act of the Congress should be the introduction of this resolution and its early adoption to show the strength of unity of the Congress of the United States in our moral indignation and condemnation of this terrible act.

That is still the situation, Mr. President, and on the first day I joined with the minority leader, with the chairman of the Foreign Relations Committee and his counterpart, Senator PELL, the chairman of the Armed Services Committee and his counterpart, Senator NUNN, as did our colleagues and the leadership on the other side of this building to introduce such a resolution.

The resolution was drafted by a team that I thought had represented all of the several interests involved, the jurisdictional interests involved, not only the jurisdictional committees of Congress and leadership on both sides of the aisle but also the White House and State Department—and I hesitate to separate those two, they are one. But in any event the clearance process, so-called, extended to representatives of the State Department, the professional Foreign Service, the White House and the National Security Adviser's Office.

Now, Mr. President, I indicated earlier on Tuesday of this week to my caucus that the resolutions that would be introduced in both Houses would be identical, and indeed they were identical in drafting. But the House of Representatives, in its wisdom, made certain changes, particularly as pointed out by the chairman of the Foreign Relations Committee. One of the changes in particular is an appropriate change, requested by the House, and with which I fully agree. That is a specific reference of the loss of our colleague in the House of Representatives, Congressman McDonald. That change was included in the House resolution as it was adopted.

Another relates to the question of joint action with our allies. There may be other changes but I believe those are the only ones that are significant, at least they are the only ones that have been brought to my attention.

That is the reason why today I chose to ask consent that we go to the House-passed measure instead of the resolution that was the product of that original bipartisan approach. We have now done that.

There is an additional advantage to doing this. That is if we pass that House-passed measure, especially if we pass it without amendment, it will go directly to the President of the United States. It will not go back to the House of Representatives. It will not go to conference.

Mr. President, on Monday, when I attempted to get a time limitation and a limitation on amendments to this, I was operating under the impression the clearance process was complete. It was not complete in the sense that certain Senators apparently had not been consulted. While they were not in the regular clearance process they were fully within their rights to bring this matter to my attention, and I promptly withdrew that portion of the request that would limit amendments and we have no agreement at all at this moment.

But I would like to say this, Mr. President: I believe it is urgently important that we speak with one voice and do so today as promptly as possible in condemnation of this barbaric act.

The situation is such that Members may offer amendments if they wish. I hope they do not. But I am told they will, and they are perfectly within their rights. If they do I hope then that they will give us the briefest time limitation so that we can proceed expeditiously and with a show of unity of purpose.

I hope, Mr. President, that we can complete this action early today, certainly today sometime and transmit this resolution to the President of the United States.

Mr. President, I hope that we can have a unanimous vote of the Senate on this resolution, and I will dedicate my efforts to that purpose.

Mr. HELMS. Mr. President——

Mr. BAKER. I promised to yield next to the chairman of the committee, who is not presently on the floor.

Mr. HELMS. Mr. President, if the Senator will yield, Senator PERCY has gone to take a call and he asked me to act in his stead.

Mr. BAKER. May I do this, may I say to the Senator from North Carolina instead of yielding to him may I simply yield the floor.

Mr. HELMS. I want you to yield to me for just a moment.

Mr. BAKER. Yes.

Mr. HELMS. I thank the Senator. First of all I want to assure my colleagues that this resolution is going to pass unanimously. The Senate will speak with one voice. The only question is whether we will have some teeth in the resolution, whether we will respond to what I perceive to be the desire of the American people to go farther than just strong and eloquent rhetoric. So that is the reason I am going to offer an amendment.

Let me say to the majority leader and to my distinguished chairman that I am willing to enter into whatever time agreement they wish with respect to my amendment, and I would also suggest, knowing that Senator HUDDLESTON has an amendment he is going to offer, that maybe we can stack the votes and to expedite the procedure. I believe Senator HUDDLESTON has other plans and I think he will join me in expediting this in any way. So whatever the leadership wishes to do I will cooperate with in order to expedite consideration of this resolution.

Mr. PERCY. Mr. President, I am happy to yield to the majority leader.

Mr. BAKER. Mr. President, I thank the Senator from North Carolina, and even as he was speaking I consulted with the minority leader on that and he pointed out, as I will do under the similar circumstances, that before he can enter into a unanimous-consent agreement to limit time he must go through his clearance process.

Mr. HELMS. I mean with respect to my amendment.

Mr. BAKER. I understand, and I suppose we have to do the same, although I am sure we can. But the Senator from Illinois, the manager of this measure, will pursue that and it will be my hope that something can be worked out.

Mr. HUDDLESTON. Will the Senator yield?

Mr. PERCY. If it is on this point, the time limitation.

Mr. HUDDLESTON. It is on the point of time limitation.

Mr. PERCY. I yield.

Mr. HUDDLESTON. As the Senator from North Carolina mentioned, I too have an amendment, very simple amendment. I do not need much time on it. Maybe 30 minutes will certainly be satisfactory to me. And I am prepared now to enter into an agreement setting a time certain to bring up the amendment, time certain to vote on it, as the floor manager may desire.

Mr. PERCY. What would the Senator suggest as a time limitation on the amendment?

Mr. HUDDLESTON. I would think 30 minutes would be adequate.

Mr. PERCY. Equally divided?

Mr. HUDDLESTON. Equally divided.

Mr. PERCY. Mr. President, I make such a unanimous-consent request then so we can accommodate the amendment—I withdraw the request.

Mr. HUDDLESTON. All right.

Mr. PERCY. We will clear that. It has now been stated the distinguished Senator would enter into a time agreement of 30 minutes equally divided and we will clear that on both sides.

Mr. HUDDLESTON. I thank the Senator.

Mr. PERCY. I want to thank my distinguished colleague from North Carolina for his willingness to enter into a reasonable time agreement so we can act very expeditiously on this matter.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. STAFFORD). Without objection, it is so ordered.

Mr. BAKER. Mr. President, if I could have the attention of the Senate for a moment. I think the best way to proceed now is to go ahead with opening statements. The distinguished chairman of the committee has a statement and others do, I am sure.

I have enough information now that I am convinced that we may be able to arrange a sequence of time for the consideration of amendments and perhaps even a limitation of amendments; that is to say, that only certain specified amendments be in order. But before we can do that, we are going to have to carefully scrutinize our clearance process on both sides of the aisle.

So while the opening statements are being conducted, I will on this side put together, or ask the staff to put together, a proposed unanimous-consent agreement to accommodate the needs of all Senators and submit it to the minority leader, and perhaps in the next 20 minutes or so we can go through the clearance process and have a further unanimous-consent request to provide for final disposition of this matter.

Mr. BYRD. Will the majority leader yield?

Mr. BAKER. Yes; I yield.

Mr. BYRD. I believe that the time is controllable by the majority leader and the minority leader or their designees.

Mr. BAKER. That order was vacated.

Mr. BYRD. It was?

Mr. BAKER. Yes. The only remaining portion of the order was that the matter recur as the pending business today.

Mr. BYRD. Well, Senator PELL would want to manage the resolution on this side. And I ask unanimous consent that he manage the resolution or his designees manage it, and in the absence of Senator PELL or any of his designees, which is the case right now at this point, I designate Mr. MOYNIHAN.

Mr. BAKER. Very well.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, I make a similar request and I designate the distinguished chairman of the committee to manage the matter on this side.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PERCY. Mr. President, responding to the comments made by the leadership on the resolution that we have introduced, yesterday the House of Representatives passed a strongly worded resolution condemning the Soviet crime of destroying Korean Air Lines flight 007. The House resolution, passed by a unanimous vote of 416 to 0, is very similar to our leadership's resolution. We in the Senate should now join with our House colleagues in passing the House resolution unanimously. Senators BAKER and BYRD agree. There will then be no need for a conference. The resolution will go to the White House today. The President can sign it immediately.

Let me urge all of my colleagues, many of whom have some ideas of their own, that it is more important to speak with one voice to the Soviet Union than to argue among ourselves about shades of differences. This Nation is united in its outrage and its condemnation of this brutal Soviet action.

In fact, Mr. President, the entire world has been shocked and saddened by the Soviet Union's heinous attack on a commercial airliner carrying 269 passengers. All of those aboard, including Representative Larry McDonald, lost their lives because Soviet self-defense appears to be based upon a "shoot now, ask questions later" premise.

Soviet borders may well be sacred, as Soviet Foreign Minister Gromyko stated with pride in Madrid. But Soviet citizens can take not pride in the fact that their sacred borders are now stained with the blood of innocents.

What kind of regime, especially one with the power and resources of the Soviet Union, could shoot down in the name of self-defense a civilian airliner straying off course? What kind of regime would refuse cooperation with an international investigation of the tragedy, would not offer to try to prevent a recurrence in the future, and would provide no apology or compensation to the families of the victims? What kind of regime would, within a week of its crime, play the bully in an international forum, stating that, in essence, they would do it again?

We in the West search for reasons, explanations, and a full disclosure of the facts surrounding the tragedy. But there is no real explanation that we will ever understand. Soviet behavior is simply beyond the comprehension of the civilized world and of individuals and nations who have based their national identities on the principles of freedom, truth, justice, and respect for human rights. The Soviet system holds the state supreme; it holds individuals dispensable. Soviet freedom is freedom for the government to act in anyway it chooses. Soviet truth is a propaganda tool. And there is no Soviet justice.

President Reagan's response to the Soviet action has my strong support. I fully endorse his actions against Aeroflot. I also endorse his efforts to mobilize international actions against the Soviet Union. This is an international tragedy in which the Soviet Union stands against the world, not a United States-Soviet bilateral crisis. Fourteen nations had citizens killed when the Soviets shot down the airliner. I support U.S. efforts to obtain compensa-

tion for the victims' families as well as international efforts to gain access to the crashsite.

I would ask the President to consider further action against the Soviet Union in the International Civil Aviation Organization (ICAO). The United States should vote against Soviet membership on the governing council of the ICAO. We should not support membership on the council for a nation that has not followed internationally recognized procedures for dealing with intruding aircraft.

Mr. President, that organization, the International Civil Aviation Organization, elects members to its governing council every 3 years. It is meeting by happenstance and coincidence—a happy coincidence—in Montreal on September 20. An extraordinary meeting is being called today because of the tragic occurrence that I have been discussing.

Certainly, with this matter, when we have 33 members that constitute the nations that are on the governing council, I cannot see any reason for the Soviet Union to be continued on that for the next 3 years. Certainly, the 151 member nations could unite and show their unity by simply not reelecting the Soviet Union to membership on the governing council.

We should not support membership on the council for a nation that has not followed internationally recognized procedures for dealing with intruding aircraft.

We must also look into possible efforts to protect innocent airplane passengers from such renegade actions as taken by the Soviet Union. Let the Soviets not misunderstand these efforts. The current system is safe if all nations act responsibly. But if the Soviets are going to shoot down straying aircraft, which they maintain in essence they might do again, we must do what we can to enhance the safety of U.S. citizens and other citizens flying overseas. One can conjure up any number of possible reasons why an aircraft could stray: Pilot error, navigational systems breakdown, a terrorist or hijacking incident, et cetera. In today's communication explosion, we should be able to devise new safety systems to provide additional backup to those we already have.

For example, we might want to consider establishing an international communications system set up by the ICAO—something like an "international aviation hotline"—where procedures to be followed when unidentified aircraft stray into territorial airspace would include alerting either regional or international authorities. Airplanes flying nearby could be told to triple check their navigational systems. One problem with this kind of system is that the Soviets might not cooperate. They could choose to ignore the system just as they did international procedures currently in place. But they would have access to the system and would be under international pressure to use it. Both defense and civil aviation authorities near Soviet borders could also use the system if unusual circumstances come to their attention. Also, airplanes stray over nations other than the Soviet Union as well, all of which might find such an emergency system useful.

In the longer run, we should explore the commercial utilization of the new global positioning satellite (GPS) which is now being developed for defense purposes. When fully operating in 1988, the GPS would be able to tell commercial pilots where they are up to an accuracy of 300 feet anywhere on the globe.

This compares with a long record that we have of aircraft from virtually every country, including the Soviet Union, straying by a matter of hundreds of miles. This would bring us down to the point where we could narrow that gap to where we could have an accuracy of 300 feet anyplace on the globe. It will be in place for military use. It could be applied to civil international aviation by 1988. How can we open the system for commercial use? Can we speed its development? These are questions we should look into.

We Americans are pragmatic people. I have full faith in our system and our ability to make further improvements in aviation safety. But, no matter what kind of safety systems we devise for ourselves and the rest of the world, no one will be safe from outlaw behavior. The Soviets, by their actions and their words, have branded themselves international aviation outlaws. We should continue to treat them as such until they are ready to change their policies and to join the international community of nations trying to increase the safety of air travel.

Mr. President, I would like to close by indicating that I know the temptation is very great for Senators to offer their own amendments to the pending resolution. The Senator from Illinois himself developed several additional amendments which I felt would perhaps add strength to the resolution. I did work with the leadership in developing the resolution which we did introduce, but felt it possibly could be changed here or there to strengthen it.

I do feel that overwhelmingly there is a tremendous advantage when we have a vote of 416 to 0 in the House, representing every spectrum and shade of ideology, from extreme rightwing to, you might say, extreme leftwing of the American political spectrum and democratic system.

That resolution is a good resolution. It was changed from the original resolution we introduced in only two minor respects, both of which can be accepted by us.

I therefore strongly urge Senators, if pressed to a vote, to vote to not amend the House resolution, so that that resolution can be adopted unanimously by the Senate today and sent to the President today for signature.

Mr. MOYNIHAN. Will the distinguished chairman yield so I may make a comment with regard to agreeing with him?

Mr. PERCY. I yield.

Mr. MOYNIHAN. First, I wholly agree with the judgment that this resolution should be on the President's desk today and that this can only be done if the House resolution is passed unchanged.

But I would like to call to the attention of the distinguished chairman to a very important fact. It is a significant fact. At the very outset to the House resolution it states, as title, "Joint resolution condemning the Soviet criminal destruction of the Korean civilian airliner."

The basic text on the same page refers to Mr. McDonald.

It is important, it seems to me, that the world, confronted with this resolution, will know at the outset that the Congress of the United States has unanimously declared this to be criminal behavior.

There are such things, as the chairman well knows, as crimes under international law. There are crimes under conventional laws of the Geneva Convention. There have been crimes asserted at the Nuremberg trials.

There are very specific provisions of the Civil Air Convention adopted in the great city of Chicago in 1944, which, under article 9, assert the contracting parties' right to close their airspace for military purposes but specifically says that,

> Each contracting State under such regulations as it may prescribe may require any aircraft entering the areas contemplated in subparagraphs (a) or (b) to effect a landing as soon as practicable thereafter at some designated airport within its territory.

The convention says a State may require a plane to land; you may "effect a landing." Clearly, the Soviet Union has done something else. Any legal tribunal would agree that the Chicago convention does not mean you can shoot down an errant plane. You have signed an agreement to effect a landing and nothing else. Anything contrary is contrary to the convention and, therefore, a matter for the International Court of Justice.

I think this is an important addition from the House and I think it is one that we should welcome. More is the ground for stating that there ought to be no change in the resolution. It ought to be on the President's desk this afternoon, unanimously adopted by both Houses.

I congratulate the Senator, though he does not need congratulations. I simply want to join him in what he has said.

Mr. PERCY. I would like to thank my distinguished colleague very much indeed. I am pleased indeed to be working with him on this resolution. No Senator has ever been more face to face, including in confrontation, through the years in the United Nations and seen the conduct of the Soviet Union or has been more explicit in the way he has expressed himself, the outrage with which he has expressed himself, on their actions in many, many different fields.

Although I have not read it in years, I am going to get back out and read a report that I was privileged to make on behalf and at the direction of President Eisenhower, called "Decisions for a Better America." Forty Americans were appointed by President Eisenhower to look ahead—at that time it was in the late 1950's—to look ahead to the year 1976, our 200th anniversary, and determine what kind of a society should we live in, what kind of a society should we be, what kind of goals and objectives should we establish.

I recommended this to President Eisenhower. He named me the chairman of that commission, and we strongly recommended that the Democratic Party appoint a similar study group within the party structure. They did and came up with parallel conclusions.

Mr. President, I ask unanimous consent that there be incorporated in the RECORD an extract from the Republican Committee on Program and Progress report, entitled "Decisions for a Better America," a commission appointed by President Eisenhower, together with a list of the members of that commission. That list includes former Senator Dirksen, Governor Volpe of Massachusetts, and former Prof. Lev Dobriansky of Georgetown University, with whom I worked extremely closely crafting out every single word with respect to our feelings about communism at that particular time, three decades ago. I have not changed one iota of my judgment or opinions of what I said, as I recall it, 30 years ago.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

FOREIGN POLICY

FREEDOM: ITS PROTECTION AND RESTORATION

The ultimate objective of American foreign policy is a free world.

This implies the preservation of national independence and the firm establishment of individual freedom. The great task of American foreign policy, then, is to maintain and extend freedom—both of the individual and of nations.

Any course of conduct in foreign relations should be tested by these standards: if it advances the cause of freedom, let us pursue it; if it injures the cause of freedom, let us reject it.

Even in a world in which everyone acknowledged individual and national freedom as man's rights, the goal we have set for ourselves would not be easy. We do not live in such a world.

The great threat to freedom and the great obstacle to the extension of freedom in the years ahead is communism. Communism preaches the doctrine of slavery; it seeks to impose its domination over the entire world.

Leadership in the free world has been thrust upon the United States. Our nation is uniquely equipped to meet this historic challenge. By nature and tradition it has demonstrated a restless creativeness. On the foundation of a wide diversity of religious, racial and ethnic ancestries it has built a unity of purpose, spirit and deed. We thus possess a natural affinity with the peoples and nations of the world. In this, a solid basis exists for enhancing understanding, co-operation and good will among men.

In every sense, our nation is the vehicle of a living and permanent revolution. It is a nation unequalled in material and spiritual power. It is an example unmatched in human history of freedom and of opportunity for individual and national growth—and, for the past century and a half, it has been an inspiration to freedom-loving people throughout the world.

For the immediate future, the tasks of protecting freedom where it now exists and of nurturing it where it can readily develop have top priority.

Where traditions of freedom are well-rooted, as in most of the states of Western Europe, the basis for far-reaching international co-operation exists. Faced by a common danger, we can form a genuine partnership for the defense of what all parties recognize as our common cause. This we have begun to do, notably in the development of NATO. In general terms, the task for the future in our relations with these states is to develop more effective instruments for cooperative action and to work together for economic and cultural ends as energetically as we do for military purposes.

The less developed nations of Latin America, the Near East, Asia and Africa present problems of a different nature. These nations, with more than a billion people, are a tremendous potential force. Some of them have an inherited hostility toward Western nations.

In the race against the communist world, Americans must convince these peoples that we share their legitimate aspirations. Our policy must demonstrate the superiority of the way of freedom. We must help these states to achieve the economic and political stability and the cultural development that undergird freedom.

For a long period the benefits our relationship with these areas may be heavily one-sided. We shall probably give more than we get in immediate return. But, by the standards of true statesmanship—the long-term results—we shall not have lost if these nations mature into states where freedom thrives.

The United States must bear a heavy share of the defensive burden of some of those states. It must provide other types of assistance that will promote the growth of freedom.

Finally, our country must not allow itself to be made to appear as the enemy of independence anywhere. Many of today's nationalist movements found their inspiration in American history. It is indeed ironic that the United States should ever find itself cast in the role of opposing a legitimate movement in which another people seek the national and individual dignity we fought for and won ourselves.

As a nation we must assure these peoples that we affirm their right of self-determination in choosing the type of government under which they wish to live, and that once they have made their decision in free elections we will respect and work with the government of their choosing.

This Committee regards as a paramount goal of foreign policy the peaceful but unremitting support of the restoration of freedom to those who have been deprived of it by communism. We are not reconciled to the captivity of millions by communist masters, nor do we regard this as their permanent condition.

Communist imperialism divides the house of humanity. But, in the words of the Great Emancipator, a house divided against itself "cannot endure, permanently half slave and half free." President Eisenhower has observed: "There can be no true peace which involves acceptance of a status quo in which we find injustice to many nations, repressions of human beings on a gigantic scale." Moral responsibility toward the captive millions is basic in American foreign policy.

Our policy in relations to communist satellites is emancipation—achieved not by the use of force from without, but primarily by the appeal of freedom to the minds of men everywhere. For the achievement of emancipation, our weapons are not military, but ideological, psychological, political, economic and diplomatic. If these non-military forces are to be fully effective, our military power must be sufficient to neutralize the threat of communist arms. But our ultimate weapon is the inherent desire in all men for freedom.

Our people must be alert to any cracks in the empire the communists are trying to build. We must encourage and exploit any weakening of the bonds that tie the satellites to Moscow.

Eventually the spirit of freedom may overpower the force of tyranny even in the Soviet Union and China. A transition—perhaps over a long period of time—may take place which will eliminate the most dangerous features of the communist regime—its ruthless total domination of nations and of the individual.

The United States and other free nations should neglect no opportunity to encourage this transition.

The United States is today the leader of the nations that are dedicated to freedom. It must not be afraid to stand alone on matters of principle should that prove necessary.

The objectives will not be achieved by any single means. They require imaginative and patient efforts on the economic, cultural, scientific, ideological and diplomatic fronts, and in international organizations.

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Mr. PERCY. The distinguished Senator from New York points out the wording of the joint resolution adopted by a unanimous vote of the House last night. Let me just compare that language—and I ask my distinguished colleagues, who have submitted to Senate Joint Resolution 158 an amendment that will be considered today, to consider the expression. They have taken the language out of our original document, the resolution, condemning the brutal behavior of the Government of the Union of Soviet Socialist Republics for the destruction of the Korean Air Lines flight 007.

Just compare that with the beginning of the House resolution, which now is the pending business, because it does start out with the title, "Condemning the Soviet criminal destruction of the Korean civilian airliner."

I think all of us would agree that that is an improvement on the language, because this is a criminal offense. It was murder in cold blood and the world is outraged. They have demonstrated their lack of concern for human life, whether it is in the Soviet Union, whether it is in Eastern Europe, whether it is in Afghanistan, or whether it is 269 innocent civilians flying in a civil aviation aircraft on an international route that has, like dozens, hundreds, of other planes before it, strayed from course simply because of the imperfection of the navigational systems that were being used.

The Soviets have done the same thing.

Mr. MOYNIHAN. Mr. President, if I may respond to the distinguished Senator, I should like to emphasize this and I should like to add to what the chairman has just said and I should like the world to know that there is a vast difference between brutal behavior and criminal behavior.

There is no government which is not, in some respect, brutal. The sales tax can be described as brutal if you so wish. The word "criminal" is a different matter. It has reference to law. There is law in the matter before us. It is annex 2 to the Chicago Convention, which under the terms of the convention has the force of law and which reads:

Intercepting aircraft should refrain from the use of weapons in all cases of interception of civil aircraft.

All cases. That is annex 2.

Mr. President, if I may say to one of the most distinguished Members of our body, who attends to interparliamentary affairs and knows the sense of the world in these matters, the concept of crime under international law emerged in 1945 at the proceedings of the Nuremberg trials. It emerged after the adoption of the U.N. convention.

The persons who drafted the convention would not have been certain that there was such a thing as a crime under international law. That had not yet emerged. World War II was still underway.

At Nuremberg, the Soviets, the most active of all the prosecuting powers—British, French, Soviet, and American—declared there was such a thing as crime under international law, that individuals could be held accountable, that there was a higher law, a higher moral standard than that which was specifically embodied in the conventional treaty law at the time or, indeed, in traditional international law. So the Soviet Union took the lead in declaring the existence of crime under international law.

This resolution declares it to be the considered judgment of the Congress—and I hope it will, of course, be the judgment of the President, as well—that the Soviet Union has committed a crime. A crime is something you are held accountable for at law and there are tribunals. There is, first of all, as the chairman has said, the assembly of the International Civil Aviation Organization which has the power to suspend. But there is also the International Court of Justice, which has the power to condemn and to impose sanctions.

The PRESIDING OFFICER (Mr. KASTEN). The Senator from North Carolina.

Mr. HELMS. Mr. President, let me commend the Senator from Illinois and the Senator from New York for their discourse. Some have wondered why the Senator from North Carolina intends to try to amend and thereby strengthen the resolution. Let me say again for the record that the resolution is just fine as far as rhetoric goes, but I am absolutely persuaded that the American people want us to go further and put some teeth in it. Let me say to the Senator from New York why I am taking the action that I am.

I was on the Korean airplane that landed in Anchorage for refueling 20 minutes after the ill-fated plane. Both planes were on the ground for more than an hour, meaning that both planes were there together for the better part of an hour. Most of the passengers on both planes went into the terminal. It so happens that the distinguished Congressman from Georgia, Representative Larry McDonald, did not, or I did not see him. But in the lounge of the terminal I saw one of the most delightful young families anybody could ever hope to see. A young man and his wife—the young man was going to Seoul, as I understand, to head up Eastman Kodak's

organization there. They had two little girls, aged 5 and 3.

The mother was sitting reading Bible stories to those two little girls when we entered. The little girl was sitting on her mother's lap and the 5-year-old was sitting on the arm of the chair. And when the mother had finished reading to the children, I went over and introduced myself. They were on my lap and we were playing little games that I play with my own grandchildren. If I live to be 1,000, I say to the Senator, I will never forget those two little girls, who had a right to live and love and be loved, but who will never have that right because of this criminal, brutal, premeditated, cowardly act by the Soviet Union. I will forever remember the giggles and the laughter—they hugged my neck and they kissed me on the cheek. Finally, their plane was called, and my last sight of them as they scampered out the door was their waving "bye-bye" to this fellow and blowing kisses to me.

Now, that is the reason I think this Senate ought to go further. Rhetoric is fine and the language is eloquent, but the resolution does not do anything. It does not urge the President to consider certain actions. Unless and until we do that, I think the American people will sit perplexed, wondering why more is not being done. And I suppose it can fairly be said that I am trying to represent those two little girls because I say again that they had a right to live, a right that was denied them by the brutal, criminal act of the Soviet Union.

Now, I do hope, I pray, that the leadership will not move to table reasonable suggestions to the President. We are not mandating him to do anything. We are not demanding, requiring him to do anything. But we are putting forth recommendations for his consideration, and I think by doing so we are representing the wishes of a vast majority of the American people.

Mr. MOYNIHAN. Will the Senator yield?

Mr. HELMS. I will be delighted to yield.

Mr. MOYNIHAN. May I say to the distinguished Senator from North Carolina that I would respectfully disagree with him on one point. He says that the resolution before us does not do anything, does not tell the President to do anything.

I say to the contrary. I do not think in the history of the relations between the Soviet Union and the United States that the U.S. Congress has ever declared the Soviet Union to have committed a crime. In this resolution it does so. When the President as head of the executive branch signs that, he will accept an obligation to bring the matter further in international tribunals where appropriate, and particularly in the court, to charge criminal behavior and ask criminal sanction.

This is not a small event. There has not ever before been such an event. The charge of crime under international law is a solemn one. It was not thought to exist as a concept prior to the Nuremberg tribunals. There it was declared by the Soviet Union among others to be a norm of international conduct. Those norms were drafted into specific treaties called the Geneva Conventions. Individuals as well as states can be held accountable. I would hope this measure would go forward from this Chamber with the understanding by the President and the Secretary of State that when we declare an act to be criminal, we expect the executive branch to pursue the matter.

I think it could not be more important to understand that never in the history of the relations—now, I believe, exactly 60 years in duration—between the United States and the Soviet Union have we declared an act of that nation a crime.

I have an errant impulse to ask our distinguished Parliamentarian, has this body ever declared the action of any nation a crime? And I forbear to have him inquire of the precedents in this matter, but I think not. I think not.

I would dare to suggest this is the first time it has ever happened—the first time the Senate Committee on Foreign Relations has ever so described the conduct of another nation.

That is not a small thing. This is the most important evolution in the concept of crime since the Geneva Conventions themselves were drafted in 1948 and 1949. Here, the Congress of the United States will declare something criminal and the President will agree that it is, and the obligation thereupon devolves to the executive branch to respond.

Mr. HELMS. I thank the Senator. I do not want to be abrupt in reclaiming the floor. But I say to him that the Senator is a civilized man. He lives in a civilized nation and he believes in the law. Do you know what the Soviet Union is going to say about this resolution? They are going to say, "Big deal. Big deal," because the U.S.S.R. is a rogue nation and it does not care any more about international law. If they did, why do they constantly violate every treaty that they ever made with anybody? So this resolution, unless we put some teeth in it, will be shrugged off in the Kremlin and, in the words of a well-known personality in this country, they will say, "There they go again, issuing some more rhetoric."

In any case, Mr. President, the massacre of those 269 innocent civilians aboard the KAL 007 flight in my judgment marks a turning point in United States-Soviet relations. Now, turning point may be the hopeful way to state it. Watershed might be a more accurate description. The point is that no matter what we make of it, our relations with the Soviet Union can never be the same again. There are those who regard the massacre as an incident, a dreadful mistake, which the Soviets have now at long last acknowledged, and under this theory some may contend that we might as well let bygones be bygones since the Soviets have already been punished well enough in world opinion.

Well, if we believe that, Mr. President, we will believe anything. I dissent.

We saw the same reaction of world opinion during the invasion of Afghanistan, and the Soviets are still in Afghanistan using poison gas and all the rest of it. And they show no signs of leaving.

It is clear that if we allow this massacre to pass with no more than a rhetorical tongue lashing, the Soviets will continue to perpetrate such actions in ways that they perceive to enhance their own interests, and that is all they care about.

The common opinion that the Soviets have made a tactical error and are being punished by a loss of prestige is a failure to understand the Soviets. Lenin said it right. The purpose of terrorism is to terrorize. Terrorists are not interested in their moral reputation. Terrorists are always held in low esteem except by those who terrorize. Those who are terrorized may not give the terrorists high marks for morality but at least they give them high marks for power.

And you better believe that is the name of the game in the world today. But in any case, let us not forget in the name of those two little girls whom I discussed, the Soviets have made it clear, absolutely clear, that they will shoot down any plane that strays across their borders, even an unarmed plane full of innocent human beings.

They have said they will do it again. I do not think there is any rational person in the world who does not believe the Soviets will not do it again.

What have they accomplished? They have demonstrated to the world that they will commit any crime, flout any moral conviction, break any treaty, when it serves their narrow self-interest. If they are allowed to get away with it, then the world will drift away from whatever moral leadership we might claim, and follow the leadership of naked power.

What are the alternatives? Have we exhausted them all? Is there only one remaining alternative, as many contend—war?

No. War is not the alternative. The counsel of war is a counsel of defeat. In this nuclear age, no one would ever counsel war. To suggest that war is the only option is to say that there is no practical, real way of taking action;

but the fact is that we must take real actions, actions which will penalize the Soviets without calling into question their legitimate national interests.

If we confine our retaliation solely to the field of civil aviation, we have certainly not met the test of penalizing the Soviets. In the strictest terms, the Soviets have no civil aviation. Aeroflot is, in fact, a division of the Soviet military structure.

As the Senator from New York and the Senator from Illinois have indicated earlier, the Chicago Convention on International Civil Aviation was signed by most civilized nations in 1944, but the Soviet Union did not get around to ratifying it until 1970. According to the Library of Congress, the Soviet Union joined the International Civil Aeronautics Organization in 1970, but remains outside the International Air Transport Association.

Mr. MOYNIHAN. But the Senator will acknowledge that they have signed it.

Mr. HELMS. At long last.

Incidentally, the State Department apparently is not yet ready to concede that the Soviets have signed one of the Chicago air conventions at all, the International Air Service Transit Agreement of 1944. The supposedly authoritative State Department publication, "Treaties in Force," fails to list the U.S.S.R. as a signer. "Treaties in Force" is sometimes used in the U.S. courts as evidence of accession to treaties; yet, the publication inexplicably omits the Soviet Union from the signers listed on page 208 of the current 1983 edition.

Be that as it may, to treat the KAL 007 massacre as a mere violation of the international civil air transport agreements is to miss the point. It is like prosecuting Al Capone on charges of income tax evasion. It is like letting the Soviet Union off on a technicality.

The Soviets have chosen to fight the issue on the grounds of espionage. At first glance, their rebuttal seems preposterous. But if we examine the facts carefully, we will see that the Soviet accusations against the United States arise directly from their own guilty conscience. The Soviets are deeply disturbed that we find out something about their society that they do not want us to know. And it is something that affects their most deeply held convictions about their national interest. It is, in fact, an ugly truth that ought to alarm the people of the free world—that might alarm them before the Soviets are ready. That truth is the Soviet drive to attain world military superiority at any cost—even at the cost of enslaving their own people—so that they can enslave the world.

That is why I say that unless we examine the KAL 007 incident in the context of the Soviet drive for world superiority, it makes no sense at all. Their action is so disproportionate, so egregious, so insane that it could have been important to them only in the context of safeguarding some overarching goal that was more important to them than world condemnation. The goal that is more important to them than world condemnation is world domination.

There have been a number of newspaper accounts in the past few days that explain what the Soviets were up to in Kamchatka. These reports point out that the Soviets were about to make their fourth illegal test of the PL 5 missile. This is a missile that is forbidden by the unratified SALT II agreement. Neither nation has officially ratified SALT II; but the presumption of the arms control community in this city is that both nations have tacitly agreed to abide by the constraints of SALT II without formal ratification so as to create confidence for the START talks.

Yet this new Soviet missile is 220 percent larger in payload than the missiles permitted in SALT II. Moreover, in previous tests, the telemetry has been nearly 100 percent encoded to foil our monitoring process. That also is a violation of SALT II. We are supposed to be able to monitor their tests so as to be able to verify compliance. Thus, what they are doing is violating the treaty so as to achieve clear military superiority over us, and they are trying to prevent us from knowing about their violations of the agreement.

Now, enter the EC-135 reconnaissance plane mentioned by the President. The Soviet apologists have referred to this as a "spy" plane. It was not on a spy mission at all. Its mission is to verify Soviet compliance with the SALT treaties, as provided by the provisions of the treaties themselves. The treaties specify that we are to check compliance with our national technical means. The RC-135 is part of our national technical means. It had not only the right under international law, but the duty to fly that mission. According to the newspaper accounts, the EC-135 scrambled into action as soon as our monitors discovered preparations for the test. With the EC-135 in the air—and flying always in international waters—the Soviets could not hope to conceal their violations. So they canceled their test.

In that same timeframe, however, the ill-fated KAL 007 entered Soviet air space. There was no reason for the Soviets to confuse the KAL's 747 with the EC-135. Any pilot in the world could have told the one plane from the other, since the 747 is twice as big and has a distinctive silhouette. Moreover, interceptor pilots are specially trained to identify aircraft.

No, it is more reasonable to suppose that the Soviets knew from the start that it was a commercial airliner. But for the Soviets, as I already mentioned, there is no difference between military and civil aviation in their own country. When Aeroflot was flying in the United States, Aeroflot jets wandered into some strange courses on a regular basis—like the time one Aeroflot jet got lost over a Groton, Conn., shipyard on the day we launched our first Trident submarine. From the Soviet point of view, it is not abnormal for a civilian airliner to be used for surveillance purposes. The question that occupied them for 2½ hours, therefore, was not whether it was a civilian or military airplane, but what action to take to foil its supposed espionage mission. When any criminal sees that his criminal conspiracy is about to be unmasked, it is not unusual for that criminal to kill innocent persons who may be about to reveal the guilty secret unwittingly.

It should be noted that the PL 5 missile would have impacted in Kamchatka. But according to further newspaper reports, the Soviets have also recently started the deployment on Sakhalin Island of SAM-12 missiles. Although primarily a defense against enemy airplanes, such as the F-16's about to be deployed in Japan, the SAM-12 has also been tested against ICBM re-entry vehicles—that is to say, as an ABM. The tests themselves were a violation of the ABM treaty; but deployment in Sakhalin is another violation because the ABM treaty only permits one ABM deployment zone per country, and the Soviets have already deployed extensive ABM facilities around Moscow. KAL 007 would have flown over this deployment too.

From the Soviet's perverted point of view, the KAL 007 was on a course to catch them in not one dirty secret, but two.

In my judgment, the shooting down of the KAL 007 was an attempt to cover up Soviet arms control violations. Moreover, from the terrorist point of view, the vicious destruction of innocent life would make sure that no reconnaissance plane—civilian or military—would dare to cross their territory again to monitor their SALT compliance. This intention is fully seen in the gloating Soviet boast that they intend to shoot down any future plane that wanders off course.

It is perhaps wise to note at this point that the Soviet claim that their internal domestic law permits—nay, requires, even—them to shoot down civilian planes that get lost over their air space is another Soviet lie. The truth is that their law does not permit them to shoot down passenger planes. To the contrary, their domestic law forbids them to use armed force against unarmed planes. I asked the Library of Congress, with its experts on Soviet law, to analyze the Soviet legal position, on the basis of their

promulgated law. I want to commend Dr. Miklos Radvanyi, of the European Law division, for the very thorough and rapid execution of my request. Dr. Radvanyi writes:

The law on the state boundaries of the Soviet Union determined in its article 36 that no weapons shall be used under any circumstances to intercept an aircraft carrying passengers aboard.

Moreover, the Soviets violated not only their domestic law, but also international law. Dr. Radvanyi writes further:

The Soviet Union, by shooting down the Korean Air Line's Boeing 747, violated point 7 of Annex 2 of the Convention on International Civil Aviation. According to point 7, the intercepting aircraft should refrain from the use of weapons in all cases of interception of civil aircraft. Moreover, the Soviet Union violated all the international standards of the rules of the air as they are described in detail in Annex 2 of this Convention.

Mr. President, I ask unanimous consent that the entire study by Dr. Radvanyi be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

LEGAL QUESTIONS RELATIVE TO THE DOWNING OF KAL FLIGHT 007

Soviet announcements and opinions related to the shooting down of the Boeing 747 jet liner are based on articles 31 and 32 of the Constitution of the Union of Soviet Socialist Republics of October 7, 1977;[1] the Law on the State Boundaries of the U.S.S.R. of November 24, 1982;[2] the Air Code of December 26, 1961;[3] the Law on Criminal Responsibility for Crimes Against the State of February 14, 1959;[4] the Disciplinary Charter of the Armed Forces of the U.S.S.R. of July 30, 1975;[5] the Warsaw Convention as amended in The Hague;[6] and the Chicago Convention on International Civil Aviation,[7] to which the Soviet Union is a party.

Article 31, paragraph 2, of the Constitution states:

In order to defend the gains of socialism, the peaceful labor of the Soviet people, and the sovereignty and territorial integrity of the state, the U.S.S.R. maintains armed forces and has instituted universal military service.

According to the next paragraph of the same Article:

The duty of the armed forces of the U.S.S.R. to the people is to provide reliable defense of the Socialist Motherland and to be in constant combat readiness, guaranteeing that any aggressor is instantly repulsed.

The wording of the above-quoted provisions of the Constitution clearly indicate that the communist regime in the Soviet Union considers the defense of the country and the role of its armed forces as the most important function of the state. The strong wording of these provisions is designed to psychologically impress upon the people both at home and abroad that the Communist Party and the government mean business when they emphasize the inviolability of the state boundaries of the Soviet Union. This political and ultimate propaganda objective is re-emphasized in Articles 62 and 63 of the Constitution. Article 62, paragraph 1, states:

Citizens of the U.S.S.R. are obliged to safeguard the interests of the Soviet state, and to enhance its power and prestige.

Paragraph 2 of the same Article rises to new spiritual heights when it states that:

The defense of the Socialist Motherland is the sacred duty of every citizen of the U.S.S.R.

As ironic as it may sound, the use of the word sacred is intended to underline the extreme importance of the military service and the related obligations of the Soviet people. Paragraph 3 of the same Article threatens those who failed to receive the message with severe punishment in cases involving the "betrayal of the Motherland."

The language of the Constitution provides the tone for the entire legislation concerning the defense of Soviet territories. According to article 21 of the Law on Criminal Responsibility for Crimes Against the State:

Flying into the U.S.S.R. and flying out of the U.S.S.R. without the established authorization, the failure to observe the routes, landing places, air gateways, or flight altitudes specified in the authorization, or other violations of international flight rules shall be punished by deprivation of liberty for a term of a minimum of one and a maximum of ten years or by a fine in an amount of up to 10,000 rubles with or without confiscation of the aircraft involved.

It is interesting to note that this criminal provision in conjunction with article 2 of the same Law served as the basis to convict Francis Gary Powers, the pilot of an American U2 aircraft shot down over Soviet territory on May 1, 1960. The judgment that was rendered by the Military Chamber of the U.S.S.R. Supreme Court also cited article 1 of the Air Code of the U.S.S.R. according to which the Union of Soviet Socialist Republics exercises complete and exclusive sovereignty over the air space of the U.S.S.R. Thus, according to this article, all aircraft and their crews, passengers, cargo, and mail are subject to the administrative, civil, criminal, military, and other jurisdictions of the U.S.S.R. during their sojourn in Soviet air space. Soviet air space is defined in the same law as the expanse superjacent to the land and water territory of the U.S.S.R., including territorial waters.

As far as international flights are concerned, these are governed by both the general provisions and Chapter 6 of the Code, and by the Flight Rules for Foreign Civil Aircraft Within the Territory of the U.S.S.R. Flight by foreign aircraft in Soviet airspace are permitted on the basis of and in conformity with international air agreements contracted by the U.S.S.R. or special for single flights issued by the Ministry of Civil Aviation of the U.S.S.R. In general every flight across the Soviet frontier is considered to be an international one. Foreign aircraft must follow prescribed air lanes and may land only at specially designated airports. A violation of these rules is a criminal offense punishable under the above cited article 21 of the Law on Criminal Responsibility for Crimes Against the State. Foreign military aircraft may enter Soviet airspace only with the preliminary authorization of the Soviet government requested through diplomatic channels. It must be also noted that the Soviet Union has built up an extensive network of bilateral air transport agreements with other states including Bulgaria, Canada, the people's Republic of China, Cuba, Czechoslovakia, Denmark, France, the German Democratic Republic, the Federal Republic of Germany, Great Britain, Hungary, India, Iran, Iraq, Japan, Norway, Pakistan, Poland, Romania, Sweden, the United States, and others. The Soviet government also ratified the 1929 Warsaw Convention for the Unification of Certain Rules Relation to International Transportation by Air in 1934 and signed but has not ratifed The Hague Protocol of September 28, 1955, amending the Warsaw Convention. The Soviet Union joined the International Civil Aeronautics Organization in 1970, but remains outside the International Air Transport Association, although observers have been sent to meetings in recent years.

Basically, the provisions of the Air Code are aimed as are the provisions of the Constitution and the Criminal Code, at protecting state interests but also at securing total control over Soviet territory and the people who enter, stay, or exit the country.

Most recently, the law on the state boundaries of the Soviet Union determined in its article 36 that no weapons shall be used under any circumstances to intercept an aircraft carrying passengers aboard.

Another important piece of legislation is the Disciplinary Charter of the Armed Forces of the U.S.S.R. The text of this Charter itself does not appear in the official law gazette. Texts of the Charter are issued separately in book form for the use of Soviet servicemen. The Preamble of this Charter quotes Lenin who stated: "In order to triumph . . . iron military discipline is necessary." Keeping with this Leninist requirement, the Charter is a true manifestation of the militaristic nature of the political regime currently ruling the Soviet Union. The military oath contains such terms as "to unquestioningly fulfill all military charges and orders of commanders and superiors," "to defend her [Motherland] courageously, skillfully, with dignity and honor, wholeheartedly with my blood and life in order to achieve complete victory over the enemy," and "if I violate this my solemn oath, then the severe chastisement of Soviet law and the universal abhorrence and contempt of the working people shall befall me."

According to the general provisions of the Charter, military discipline means the strict and exact observance by all military servicemen of the procedures and rules established by Soviet laws and military charters. The most important part of this strict and exact observance of military discipline is the duty of a soldier to stoically bear all the burdens and deprivations of military service wholeheartedly with his blood and life when fulfilling his military duty. Although the Charter claims that military discipline in the Soviet armed forces is founded upon the high political consciousness of military servicemen in their profound understanding of their patriotic duty and of the internationalist tasks of the Soviet people and their selfless devotion to the Soviet Motherland, the Communist Party and the Soviet government resorts to very severe measures of coercion for military servicemen who are remiss in fulfilling their military duties.

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[1] *Constitution (Fundamental Law) of the Union of Soviet Socialist Republics*, (Moscow, 1977).

[2] *Vedomosti Verkhognovo Soveta* [Official law gazette of the U.S.S.R.] No. 48, Item 891. This Law entered into force on March 1, 1983.

[3] *Vedomosti*, No. 9, Item 91. It should be noted that a new air code was promulgated on May 11, 1983, that will enter into force on January 1, 1984 (*Vedomosti* 20, Supplement).

[4] *Vedomosti*, No. 7, Item 60.

[5] *Vedomosti*, No. 33, Item 495.

[6] 49 Stat. 3000.

[7] 59 Stat. 1693.

The importance of increased discipline was the topic of an editorial entitled "Discipline—The Concern of Each One" that was published in the "Agitator Armii I Flota." [8] The editiorial quotes Lenin, Brezhnev, and Ushtinov who all emphasized the need of absolute and strict compliance with military regulations, order, and laws.

It must also be noted that the problem of the Soviet air defense system has always been a high-priority sector in the eyes of the Kremlin. Accordingly, learning from the failure of the red army in 1941 to respond for two hours to the fire of the Germans who were invading the territory of the U.S.S.R., in 1948 the Soviet Union separated the National Air Defense Force, called PVO Strany. To handle the task of setting up of the Warsaw Pact in 1955, the Air Defense Force was extended across the alliance to become an integrated system which is presently headed by 58 year old Marshal Alexander I. Koldunov.[9] Reports published in the West indicate that the Soviet Union is pressing its allies to unify all Warsaw air defense forces under a joint Soviet command. In this respect it is interesting to note that First Deputy Minister of Defense and General Chief of Staff of the Soviet Armed Forces Marshall of the Soviet Union Nikolai Ogarkov published an article in "The Red Star" in which he called, among other things, for the creation of strong high-level command organization and more direct Soviet control over East European forces.[10] This article tends to imply that Ogarkov's suggestion will not only be applicable to the entire aircraft units involved but by extension to the whole military machine. Needless to say, if implemented, this new command structure will represent a new important stage in the development of the Brezhnev Doctrine which until now has only figured in times of crisis such as Hungary in 1956, Czechoslovakia in 1968, and Poland in 1981. Thus if Ogarkov has his way, henceforth there will be a permanent and not just an intermittent limitation on the national sovereignty of the Central and East European countries.

The Soviet Union, by shooting down the Korean Airline's Boeing 747, violated point 7 of Annex 2 of the Convention on International Civil Aviation. According to point 7, the intercepting aircraft should refrain from the use of weapons in all cases of interception of civil aircraft. Moreover, the Soviet Union violated all the international standards of the rules of the air as they are described in detail in Annex 2 of this Convention.[11]

In conclusion, the Soviet Union violated both domestic as well as international laws when its fighter planes used weapons against a civilian aircraft carrying 269 passengers.

Mr. HELMS. Mr. President, I further requested Dr. Radvanyi to translate article 36 of the Law of State Boundaries of the U.S.S.R. so that all of us might judge for ourselves.

It should be noted that, in the following text, the only armed attacks permitted are those against armed aircraft—and even then the use of force is not required, but merely permitted as a last resort. The entire article must be construed as a purely defensive reaction, in which the use of force can only be triggered by an aggressive use of force by the intruder. Furthermore, it is a rule of European legislative technique and legal interpretation that when a prohibition is stated in the negative, it also applies equally to a positive act. Thus, in the provisions on hijacking, armed attack is permitted only if no passengers are aboard. By implication, no attack is permitted if there are passengers aboard. The whole text begins with the specific narrow case of an armed, attacking intruder, and then proceeds to the more general cases. It is clear that article 36 is in complete conformity with the Soviet obligation under international law to refrain from the use of force when passengers are involved.

Mr. President, I ask unanimous consent that the translation of article 36 be printed at this point in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

TRANSLATION OF ARTICLE 36 OF THE LAW ON THE STATE BOUNDARIES OF THE SOVIET UNION

Border Guards and the Air Defense Forces performing the task of protecting the state boundaries of the Soviet Union may use weapons and combat equipment in order to repel an armed attack against the territory of the USSR to prevent the hijacking of an aircraft with no passengers aboard, to respond to the use of force by the violators of the state boundaries of the USSR on land, on sea, and in the air, or in cases when the stopping of the violation or the detention of the intruders cannot be accomplished by other means. When it is absolutely unavoidable, weapons and combat equipment by the other branches of the Armed Forces of the USSR may be used for the protection of the state boundaries of the USSR.

Rules for the use of weapons and combat equipment for the protection of the state boundaries of the USSR shall be determined by the Council of Ministers of the USSR.

Mr. HELMS. Mr. President, let us therefore challenge this horrible lie of the Soviet Union, which maintains that it is permissible to kill innocent civilians to protect their plans to seize strategic superiority under cover of arms control agreements. Let us take actions which will meet the Soviets on their own grounds. Let us take actions which are prudent and effective, and which do not necessarily require the assent of our allies. Our allies will follow if we take the leadership.

The amendment I will propose shortly suggests prudent steps in areas concerning Soviet espionage, Soviet violations of human rights—most important to the Soviets—their pocketbook. They are actions which, in my judgment, will deprive the Soviets of things they actually want and need, yet will not set back our own economic interests or set back effective steps toward arms reduction and world peace. Indeed, these actions will truly enhance world peace by deterring future Soviet aggression. They are actions which are purposeful, yet peaceful; punishing, yet efficacious. I do not think any of our allies could object to them; yet they would cripple the Soviet lust for power and world domination.

Mr. MOYNIHAN. Mr. President, two points in response to the remarks of my friend from North Carolina:

I have a copy here of "Treaties in Force." The Department of State publications lists the treaties under "International Agreements with the United States in Force on January 1, 1983." Pencils have erasers. Mistakes are made in listings such as this. But on page 245, the Union of Soviet Socialist Republics is listed as a signatory to the International Civil Aviation Convention and the protocols thereto.

I should like to make the point that I would not expect that mere sanctions against the Soviet Union would be sought out under this convention.

This was a convention that was drawn up, and I wish to make this point—the concept of crime under international law emerges in history at the Nuremberg conventions. The ICAD convention dates from 1944, a time prior to the Geneva convention, just as the U.N. Charter does, and just as all previous documents do.

I wish to make the point, if I may say, and I hope the Senator will agree with me, this is a problem that should be dealt with directly by the administration. I hope they would do this the moment this resolution gets to the President's desk.

As an important part of that response, the State Department should produce a white paper describing exactly what the U.S. Government knew about this event and when we knew it—to use a phrase that I believe has been heard in this body. The world has been just possibly confused by the openness of the U.S. Government in this matter. Secretary Shultz made the decision when he first learned of the destruction of the aircraft to tell everything we knew at that moment and then to add to what we knew as new information came in from new sources.

I reveal no classified matter when I say that the intelligence systems the U.S. Government, and presumably other governments, merely tape record most of what comes in, and if no event of consequence occurs then they do not search the tapes. It is when something unusual happens that they do. This was done with respect to KAL 007's last hours and minutes, and over the days new information came in.

There was the question of the RC-135 which was in the area. Yes, it was. What was it doing there? It was on a

[8] No. 15, August 1982.

[9] G.V. Zimin, *Air Defense Handbook*, Foreign Broadcasting Information Service L/10540, May 26, 1982.

[10] *Krasnaya Zvezda*, May 25, 1983.

[11] Doc 2010-RAC-104 as amended in the version of July 1981.

routine flight. Did it have a right to be there? It had every right to be and indeed those flights are referred to in SALT II as national technical means of collection. Moreover, and significantly, that plane, that RC-135, was on the ground 1 hour——

Mr. HELMS. That is correct.

Mr. MOYNIHAN [continuing]. Before the Korean plane was shot down.

I believe a white paper should be published—as we have played the tapes themselves at the U.N. and on television. We have been very open, explaining why we are open and explaining the process by which we learned. And there may be yet more to come.

This is technology as fine, almost as gene splicing—to take those little electronic blips apart and find cannon fire in the middle of it. We did it, and as soon as we did it we reported it to the world.

The idea that somehow we have been giving out in parcels information which was completely available to us at the outset is simply wrong and can be easily refuted.

But I commence to repeat the point, so I shall refrain. I see the distinguished ranking minority member of the Committee on Foreign Relations present.

Mr. HELMS. Mr. President, will the Senator yield to me before Senator PELL takes the floor?

Mr. MOYNIHAN. I will yield for a statement. I wish to get Senator PELL's attention.

Mr. HELMS. Certainly, I wish to express my total agreement with the Senator. It is fine to have a white paper. It is fine to have all the information. But that is of no concern to the Senate at this moment. The concern of the Senate is whether we are going to put some teeth into this rhetorical exercise which is eloquently drafted, with which I agree and for which I will vote no matter what form it takes at the time of final passage.

But for there to be any doubt about the openness of the U.S. Government during this tragic episode, I was a witness to the developing information that came to us in Seoul. I conferred constantly for 4 hours with our intelligence people and our defense people, and it was like starting from scratch with a jigsaw puzzle. You put in one piece when you get it and another piece, and finally the clear picture emerged, and it was realized that this totalitarian criminal regime had engaged in a premeditated cowardly criminal act costing the lives of 269 innocent people. No other face can be put on it, and that is the frame of reference which this Senate should use in making its determination about whether we shall strengthen this resolution or not.

Mr. MOYNIHAN. Mr. President, the distinguished ranking minority member of the Committee on Foreign Relations having arrived now, I simply wish to restate the proposition to which I have spoken: That, far from taking an innocuous measure here, we are taking a momentous one; that the declaration by Congress and the affirmation by the President that there has been a criminal act on the part of the Soviet Union is without precedent. It has never occurred and it therefore devolves upon the executive to proceed with appropriate measures. Subsequently, we can make judgments about how, with what expeditiousness and consequence they are proceeding.

I do also very much hope that there might be some sense in this body because I know there is concern in this body that the State Department should produce a white paper describing what we knew and when we knew it and explain to the world how open we were in contrast to the characteristic totalitarian secretness of the Soviets.

My friend, the ranking minority member, is here and I look forward to hearing his views on this, and I hope he will share my view that the resolution is correct when it declares that a crime was committed and that from the time of the Nuremberg tribunals, as codified in the Geneva Conventions, the concept of crime under international law is present. Indeed, no nation was more energetic in bringing it forward at Nuremberg than the Soviet Union. And they now stand charged with criminal behavior by this body, if we can move quickly and unanimously to agree to this resolution and place it on the President's desk this afternoon.

The PRESIDING OFFICER. The Senator from Idaho is recognized.

Mr. SYMMS. Mr. President, I also was with Senator HELMS. We heard his strong remarks here a few moments ago. We were together in Anchorage when we visited with many of the ill-fated passengers on flight 007 as it was leaving Anchorage. We were on flight 15 and were some time behind it, about approximately 30 minutes or so.

Many of us were, of course, deeply saddened by this tragic event, but I was not really that surprised that the Soviet Union would in fact make this kind of an execution of 269 innocent people because it is, after all, very consistent with Soviet behavior since 1917 when they took over the government of the Russian people.

Before I go into my remarks on the amendment itself and on the resolution itself, I wish to make just a few comments about one very distinguished American who was on that airplane, and that is Lawrence Patton McDonald.

He was born April 1, 1935, in Atlanta, Ga., the son of a prominent physician. He attended private schools in Rome, Ga., and entered Davidson College at the age of 16. Larry McDonald graduated from college when he was 18 and completed medical school at Emory University at age 22 in 1957.

Larry McDonald served 4 years in the Navy as a physician and flight surgeon. He practiced medicine in Atlanta until he ran successfully for Congress in 1974. He was reelected four times and served on the House Armed Services Committee. He established the Western Goals Foundation in 1979, and he was named head of the John Birch Society in 1983.

Larry was married to Kathryn McDonald. He was the father of five children, aged 8 months to 23 years: Tryggvi Paul, Callie Grace, Mary Elizabeth, Lawrence Patton, Jr., and Lauren Aileen.

My heart and sympathy goes out to that family. I knew Larry very, very well when I had the privilege of serving with him in the other body. I might just say that he did march to a different drumbeat than many people here in the Nation's Capital. But I, too, march to that same anti-Communist drumbeat he stood very steadfast on principle, and I think that of all the people who were on that airplane, if there was one person who undoubtedly realized what had happened to the airplane, it would be one who would not have been surprised, that is Larry McDonald, because he had certainly stood steadfast in his position on foreign policy, and had told us numerous times on how the Soviet Unon operated.

Mr. President, I was shocked—but not surprised—by the Soviet Union's coldblooded murder of 269 innocent people aboard the Korean airliner 2 weeks ago. Terrorism is always shocking, but it is such a basic weapon in the Soviet arsenal of conquest and intimidation that no one should be surprised when the killers in the Kremlin resort to such cruel, uncivilized acts. What else can we expect from a regime that has murdered millions of its own people, a regime that has been responsible for the slaughter, torture, and enslavement of millions of other innocent peoples in Poland, Afghanistan, and elsewhere around the globe?

If any good can come of this atrocity, it is that today there is broader and clearer recognition, at home and abroad, that the Soviets have little regard for human life or human rights. The shot which destroyed KAL flight 007, snuffing out the lives of 269 men, women, and children, was heard around the world and it has opened the eyes of millions.

The atrocity of August 31 is one we must never forget. Like Pearl Harbor, it should prod this Nation and its allies to strengthen their defenses and stiffen their spines in the face of Soviet terror and aggression. If that is

the result, the victims of the atrocity will not have given their lives in vain.

I mentioned about my friend and tireless patroit, Larry McDonald, who left a very successful medical practice because he felt that his lot in life was important in the Congress of the United States to try to present a point of view that he thought was badly missing in the Congress.

One of those who gave his life, Congressman Larry McDonald of Georgia, was a close friend and colleague who understood the nature of communism—and the danger it poses to the lives and liberties of all people—better, perhaps, than anyone else I have ever known. Larry was a fearless and tireless patroit, who left a very successful medical practice because his country needed him. From the moment he took his seat in Congress, he was a leader.

In his maiden speech in the House of Representatives on April 29, 1975, he discussed the tragedy of our no-win war in Vietnam and called for a policy of victory over communism.

Larry understood that communism is inherently evil, that it can only gain and hold power by violence and terror. He knew that it could only be stopped and defeated by intelligent, intrepid effort. No Member of Congress did more to expose and document the threat posed by Soviet military power, espionage, ideology, and disinformation. He was brilliant, logical, honest, and courageous. He was a man of principle who spoke the truth as he saw it, never trimming his convictions or his conclusions to fit the prevailing political winds.

How many times I recall him on the House floor saying he would vote on his interpretation of whether it would fit the Constitution. Whether it was popular in his home district or not was not his biggest concern. However, he won again and again and again after very, very difficult political campaigns, but he had a very strong, dedicated constituency who saw he was returned to office by a bigger percentage of vote each time.

A member of the House Armed Services Committee, Congressman McDonald methodically documented Soviet terrorism, subversion, and clandestine active measures aimed at the United States and its allies in the Free World. He put detailed reports on Soviet espionage and intelligence in the CONGRESSIONAL RECORD on a regular basis.

Together with the late Representative John Ashbrook, he succeeded in passing a law which protected the identities of U.S. intelligence officers, and he constantly strived to reactivate the House Internal Security Committee to deal with the threat of terror and subversion.

In 1979, he established the Western Goals Foundation to rebuild and strengthen the political, economic, and social structure of the United States and Western civilization.

An uncompromising defender of liberty and an implacable foe of statism, Larry McDonald was a model of strong character and conviction. He never wavered in his faith in God and his trust in freedom. He was a Democrat in the tradition of Jefferson, Jackson, and Cleveland, a Democrat of whom Republicans could be proud—in fact, although we were members of opposite parties, we campaigned for each other—to the chagrin of some Republicans in Georgia and some Democrats in Idaho.

Larry was usually outnumbered in the House—sometimes standing all alone—and he was frequently the target of unfair criticism and abuse. But he never faltered. He was a fighter, and he was always cool and calm under fire.

Although I am angered and saddened by the death of my friend, Larry McDonald, it so clearly confirms the correctness of everything he stood for and fought against. That battle must go on. And those of us who must now carry the torch he held so high need to redouble our efforts to defeat the enemies of freedom and defend the values of Western civilization.

Mr. President, I ask unanimous consent to insert in the RECORD an article by John Rees in this week's Review of the News, and an article by Clarence Carson in this week's Review of the News pertaining to the late patriot and Congressman, our colleague, Larry McDonald.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE COMMUNISTS ASSASSINATE CONGRESSMAN LARRY MCDONALD

(By John Rees)

At 11:00 P.M. on Tuesday, August 30th, the regularly scheduled Korean Air Lines Flight Seven from Kennedy International Airport for Seoul, South Korea, departed without incident. On board the packed Boeing 747 jumbo jet were 269 people. There were at least 61 Americans, including several small children.

Among the Americans, sitting in a forward aisle seat, was United States Congressman Lawrence Patton McDonald. A member of the House Armed Services Committee, chairman of The John Birch Society on whose National Council he had served for many years, and founder and president of the Western Goals Foundation, McDonald was one of the world's most important anti-Communist leaders. He was en route to South Korea to participate in meetings and ceremonies surrounding the 30th anniversary of the signing of the U.S.-Korea Defense Treaty.

From the time he took his oath of office in 1975 until the moment of his death, Congressman McDonald had systematically carried out a campaign against Soviet Communists of a sort which no other U.S. elected official had ever done on his own. Larry McDonald had methodically documented and exposed the use by the Soviet Communist regime of terrorism, subversion, and an entire range of clandestine "active measures" aimed at destabilizing the Free World, and especially the "main enemy," the United States of America.

Congressman McDonald organized and led the congressional fight to restore the House Internal Security Committee, and he worked constantly to keep the facts of the Soviet involvement in subversion and terrorism before a "Liberal"-dominated Congress. He and the Late Congressman John Ashbrook, who also died under bizarre circumstances, created the climate in which a law protecting the identities of U.S. intelligence officers was passed. This resulted from McDonald's careful documentation of the Soviet and Cuban ties of the Philip Agee apparatus. Discredited, the Agee gang and its functions were transferred to Communist-ruled Nicaragua.

To the Communist Left and its allies in America, Larry McDonald was the focal point and leader of a dangerous group of intelligence experts in the private sector who, dealing strictly with facts, exposed Soviet control and manipulation of the "peace" and disarmament movements. McDonald and his friends had exposed connections between the influential pro-Soviet Institute for Policy Studies, the Cuban and Soviet intelligence services, and high U.S. Government officials; they repeatedly brought to the American people information that thwarted Far Left efforts to manipulate individuals and public opinion, again and again driving the Kremlin and its U.S. collaborators to paroxysms of fury.

From the moment that Larry McDonald's internal-security team went into operation in 1975, the Left worked unstintingly to silence and discredit him. There were physical attacks, including terrorism, as when the Congressman's friend, anti-Khomeini diplomat Ali Tabatabai, was assassinated. Threats against the life of Congressman McDonald, his family and his staff, were made repeatedly by terrorist and revolutionary groups associated with Cuba. There were also attacks through the courts from groups tied to the Soviets and Cuba. These were beaten back time and again. And there were almost weekly attempts at character assassination from The Nation, the Atlanta Journal and Constitution, The Spotlight New Solidarity, the Los Angeles Times, the Village Voice, Izvestia, Pravda, and so on.

But all this failed to shake Larry McDonald from his principles. He understood that the vehemence of the attacks was in direct relationship to the effectiveness of his efforts. He remained undaunted and coolheaded under fire, providing such consistent, supportive, and enthusiastic leadership that those he led did not waver, continued to fight back, and won important victories. Their numbers grew, and his plans for The John Birch Society—whose effective leadership he was only just beginning to assume—were soundly based and certain to be even more effective.

Above all, McDonald's work in exposing the Soviet role in the "peace" and "nuclear-freeze" movements had seriously damaged the credibility of the most important Soviet "active-measures" program of recent years, and was gaining steam. Indeed, when Larry McDonald boarded K.A.L. Flight Seven, he was planning a major attack on key operations of the U.S. Communists—plans which are proceeding, and for which details are yet confidential.

The fact that the leading anti-Communist in the U.S. Congress was traveling to Seoul was no secret. Indeed, the original schedule

had been for Senator Steve Symms (R.-Idaho) and Representative Carroll Hubbard (D.-Kentucky) to travel with McDonald on Flight Seven that evening. If the Soviets, exasperated with their lack of success in silencing McDonald, wanted an opportunity, it was now available to them. Their enemy would be in an unarmed foreign airliner within a few minutes' flying time of their interceptors—a sitting target. And students of history will recall that fatal attacks on passenger aircraft to ensure the death of a single passenger are far from unprecedented.

These then are the facts now known about the last hours of K.A.L. Flight Seven.

In the pre-dawn hours of August 31st, K.A.L. Flight Seven landed at Anchorage, Alaska, the major refueling point for commercial airliners traveling the northern Pacific route to Japan and the Far East. Four passengers ended their journey here. Some disembarked to stretch their legs in a lounge where they mingled with passengers of another K.A.L. flight headed for Seoul which had originated on the West Coast. Among them was Senator JESSE HELMS (R.-North Carolina), Chairman of the Agriculture Committee and of the Subcommittee on Inter-American Affairs. The K.A.L. West Coast flight would leave 10 minutes behind K.A.L. Flight Seven, which took off at 6:00 A.M. local time in Anchorage and flew southwest into the North Pacific night toward the international date line. At the controls was a careful and experienced pilot with over 10,000 hours of flying time, who had logged five years on the intended route without navigational or other incident.

There are five very busy parallel international airlines from Anchorage to Japan. The innermost lane, designated R-20, lies closest to the U.S.S.R. But, even at its closest point, it is 38 nautical miles outside Soviet territory.

Because the Soviet Union will not permit commercial airline overflights of the Kamchatka Peninsula or of the Kuril Islands it seized from Japan after World War II, airliners cannot travel the most direct route between Anchorage and the Far East. American radar monitors in Alaska, which have a 200-mile radius, routinely check the initial flightpaths of commercial airliners departing on the southbound airways that skirt the Soviet Union. Flight Seven was on course as it started along Airway R-20, and the 747's last radio check with U.S. air controllers in Alaska was normal.

For the next 3,000 miles K.A.L. Flight Seven was on its own. The Boeing 747 was off civilian radar and was required to make radio checks when it crossed six of nine checkpoints along Airway R-20. The checks were with U.S. Federal Aviation Administration controllers in Anchorage, and then with Japanese air-traffic controllers at Narita International Airport outside Tokyo.

The third checkpoint, known as Neeva, is about 1,000 miles from Anchorage along the Aleutian Islands. Airline crews can easily check their onboard Inertial Navigational System (I.N.S.) while passing Neeva by tunning in the very strong Shemya radio station 150 miles away, to make sure distance and direction from Shemya correspond with their location as read out from the I.N.S. navigational system. There was no evidence that K.A.L. Seven was off course; and, as on every other Boeing 747, there were two separate backup navigational systems which would automatically operate if the first should malfunction.

There are the facts as they are available at present.

The United States Government states categorically that Soviet radar, meaning Soviet Air Defense radar, picked up K.A.L. Flight Seven two hours after it left Anchorage. This was at 1:00 A.M. on September first, Tokyo time (Noon, August 31st on the U.S. East Coast.)

As flight Seven approached the fifth checkpoint, called Nippi, which lies southeast of Kamchatka Peninsula, it was off course. As the angle of error increased, the K.A.L. jumbo jet approached Soviet airspace. Yet the record of air communications shows clearly that the K.A.L. pilot had no idea that any deviation had occurred.

Nippi is the checkpoint at which control of southbound flights is transferred to the Japanese controllers at Narita. At 2:10 A.M., Tokyo time, K.A.L. Flight Seven contacted the Narita air-traffic controllers and stated: "We passed safely south of Kamchatka." In fact, Flight Seven was off course, maintaining a steady altitude of 32,000 feet and a steady course inexorably leading it further and further from Airway R-20 into Soviet air space over the southern portion of Kamchatka Peninsula. The questions to be asked are: Was this course error due to pilot error, a malfunction, sabotage, the pilot acting under duress, or Soviet electronic countermeasures operating to lure Flight Seven into Soviet territory?

The United States Government states categorically that at least eight Soviet interceptors from at least two Soviet air bases were scrambled to intercept K.A.L. Flight Seven as it traveled steadily through Soviet airspace for two and a half hours. The airliner crossed Kamchatka and flew out over the Sea of Okhotsk, still on its steady if erroneous course. Inexorably, Flight Seven reentered Soviet airspace over the southern tip of Sakhalin Island where, within minutes of again leaving Soviet airspace, it was intercepted by three Soviet aircraft.

The timetable of events constructed by U.S. and Japanese government agencies tells us of events during the last 25 minutes in the life of Lawrence Patton McDonald.

3:10 A.M., SEPTEMBER FIRST (AUGUST 31, 2:10 P.M. IN WASHINGTON)

K.A.L. Flight Seven is now flying over the southern tip of Sakhalin Island. At least three Soviet interceptors are scrambled. Radar tracking and communications intercepts of this unusual Soviet air activity over Sakhalin are carried out by Japanese air-defense radar facilities near Wakkanai, only 34 miles from Sakhalin.

3:12 A.M.

Three Soviet interceptors, all apparently SU-15 "Flagons," find K.A.L. Flight Seven two hours and 12 minutes after Soviet radar had commenced tracking the huge airliner. The SU-15, primarily a high-altitude interceptor in deployment since 1967 and now being replaced by Mig-23s, normally carries two air-to-air missiles. One is a radar-homing missile and the other is the infrared-homing AA-3, which has a range of 10 miles. SU-15s are not normally armed with cannon.

A Soviet pilot, presumably the leader of the interceptor group, reports to his ground control that "the target" is flying "at 10,000 meters" (32,000 feet). A transcript released by the Japanese Defense Agency quoted the Soviet pilot as saying: "He is now within sight. We have approached within two kilometers [1.2 miles]. The plane [U.S. officials say the Soviet pilot always referred to the K.A.L. airliner as "the target"] does not yet seem to be aware of us. We will continue pursuit."

3:15 A.M.

Flying at 32,000 feet, K.A.L. Flight Seven contacts Narita air-traffic control and reports its position as 147° East Longitude and 41° North Latitude, southeast of Japan's northern-most island of Hokkaido.

Japanese Defense Agency officials have stated that their radars showed no aircraft at that location. Eventually, after checking the data recorded on their monitors, they discovered that the K.A.L. 747 jumbo jet was almost 400 miles northwest at 141° East, 47° North—over Sakhalin, a little north of the city of Yuzhno Sakhalinsk.

Flight Seven asks the Narita traffic control for permission to climb to 35,000 feet. Narita replies, "Please wait for a moment."

3:20 A.M.

Narita to K.A.L. Flight Seven: "[Request to climb to 35,000 feet] acknowledged. Rise to 35,000."

3:21 A.M.

Soviet pilot reports to his ground control that "the target" is flying at "10,00 meters" [32,000 feet].

3:23 A.M.

The following is from the Japanese Transport Ministry transcript of K.A.L. Flight Seven broadcasting to Narita.

K.A.L. Seven: "Will climb to 35,000 feet. Leaving 32,000 altitude."

Narita: "Roger."

At this point, at least one of the Soviet SU-15s comes up close alongside the K.A.L. 747. A Soviet pilot radios to his ground control that the airliner flashed its navigational lights and rocked its wings. These are the accepted international signals which are supposed to be given by a civilian aircraft to acknowledge that it has been intercepted by a military aircraft. At that point the military interceptor normally moves in front of the civilian plane so that it can follow it to an airfield and land.

The Soviet ground control instead orders the SU-15 interceptors to take aim and fire their missiles. The U.S. Government categorically states that at least one of the SU-15s was so close to the K.A.L. 747 that he had to veer away and drop back so that he could fire his air-to-air missile without being struck by shrapnel or debris from Flight Seven.

3:25 A.M.

K.A.L. Flight Seven radios to Narita tower: "This is KAL 7 . . . ." The transmission fades, and resumes two minutes later; but, in the interim, Japanese Defense Ministry transcripts show the following conversation between the SU-15s and their ground control:

Soviet Ground Control: "Take aim at the target."

SU-15 Pilot: "Aim taken."

Soviet Ground Control: "Fire."

SU-15 Pilot: "Fired."

3:26 A.M.

The United States Government categorically states that a Soviet SU-15 pilot radioed to his ground control that he had fired a missile, that the target was destroyed, and that he was breaking away from the engagement. The Soviet interceptors climbed to 50,000 feet. The Japanese transcripts also confirm that the Soviet pilot reported he had fired a missile and that the target "was crushed down"—a literal translation of Russian pilot slang for "shot down and destroyed."

Japanese defense officials state that all three Soviet interceptors fired missiles at

the Boeing 747. They quote one pilot as saying: "I am going to fire a missile. Target is K.A.L. airliner."

3:27 A.M.

Narita tower receives a burst of incomprehensible radio noise from K.A.L. Flight Seven, then silence. During the next 11 minutes, Japanese radars track the fall of the Boeing 747 from 35,000 feet.

3:38 A.M.

Korean Airlines Flight Seven disappears from radar screens.

4:30 A.M.

The Soviets order an air search of the area in which the aircraft disappeared near the small Soviet island of Morenon. They later report wreckage, some bodies, and a kerosene fuel slick. No survivors are reported.

We do not know what took place on board K.A.L. Flight Seven during those last minutes, but we do know that Larry McDonald, unable to defend himself aboard a civilian passenger airliner, was stalked by the Soviet Air Force, and as the aircraft was within seconds of leaving Soviet airspace he was murdered along with 268 other men, women, and children.

Although the reported crash site is within a mile of international waters, the Soviets refused to allow Japanese fishing or rescue boats, which were only a few miles away, to enter Soviet waters to aid in search and rescue efforts. Evidence of the massacre was hidden, perhaps for all time.

WHY DID IT HAPPEN?

The customary ethical and humanitarian considerations of Western civilization provide no clues to the rationale for the Soviet decision to shoot down an off-course civilian commercial airliner which had been intercepted and had acknowledged its compliance with intercept procedure by flashing its navigation lights and dipping its wings.

American defense officials familiar with the Soviet military command structure say they have no doubt that if the Soviets had a hard and fast policy of shooting down every off-course civilian aircraft that blundered into the U.S.S.R.'s air space, K.A.L. Flight Seven would have been shot down over the Kamchatka Peninsula when it first entered Soviet airspace. They say the fact that 2.5 hours elapsed while the Boeing 747 maintained its steady course and altitude indicates, without the slightest doubt, that the decision as to what action to take was relayed far up the Soviet chain of command to the "big board" of the Air Defense Command in Moscow.

There is no question that Soviet Air Defense radar operators knew that the distinctive "blip" on their screens was the regularly scheduled Korean Airlines Flight Seven, and they undoubtedly had their radar eyes on the airliner when it first began to wander off course east of Kamchatka. Military radar operators get to know the regular civilian flight schedules by heart, and at least one Soviet emigré who did his military service as a Kamchatka radar man confirmed this. He said that the "blip" of an oddly configured giant aircraft like a 747, diverging from a regular airway at the time of a regularly scheduled commercial flight and flying at the usual altitude, would have been expected and could not have been mistaken for any other type of aircraft.

U.S. Defense Department officials also say that the commander of the Soviet Air Defense Forces in Military District 10 (Far East) would have been awakened and told of the intruder. At the very least, he would have referred the decision as to what to do back to Moscow where it was early evening. If the decision to destroy the airliner were purely a military one, the lowest possible level on which it could have been taken is by Deputy Minister of Defense A.I. Koldunov, Commander-in-Chief of the Air Defense Forces; or by his direct superior, First Deputy Minister of Defense N.V. Ogarkov, Chief of the General Staff.

Most Pentagon analysts of the Soviet military-politico command maintain that no order to destroy a civilian airliner, whose loss would inevitably precipitate a major international incident at a time when the U.S. Administration was starting to warm up relations with Moscow regarding a possible Reagan-Andropov summit and concessions in arms-control negotiations, could have been given without Politburo-level approval. This means with the concurrence of Soviet Minister of Defense Dimitri F. Ustinov, who is not a military man but an apparatchik of the Communist Party of the Soviet Union with long years of political experience on the Politburo and one of Yuri Andropov's main allies.

So we are back to asking what factors might have brought about the decision to destroy Flight Seven.

Scenario One: K.A.L. Flight Seven was a target of opportunity whose destruction was likely to provide the Soviets with long-term political gains. First, shooting down a civilian airliner scheduled to land in Seoul, South Korea, on the 30th anniversary of the signing of the U.S.-Korea Defense Treaty could have been intended to throw South Korea's elaborate celebration plans into mourning, to frighten and intimidate South Korea with the message that, despite Seoul's alliance with Washington, Moscow was the Eastern superpower and could act as brutally as it wished, whenever it wished.

The same lesson would be taught to all the other Asian nations aligned with the U.S. Especially Japan, against which the Soviets have in the past two years resorted increasingly to threat and intimidation to galvanize Japanese pacifists into action against Prime Minister Nakasone's efforts to increase Japan's Self-Defense Forces.

Secondly, later this fall, President Reagan is to visit Japan, South Korea, the Philippines, and other Asian allies. A callous attack on an unarmed civilian airliner which became a target of opportunity might cast a pall over the American efforts to strengthen our Pacific alliances.

If this was Soviet thinking, it very badly misfired—producing exactly the opposite results. The incident has strengthened the anti-Communist alliance in the Far East and encouraged further military preparedness. It is inconceivable that it would have had any other result, and the Soviets would have known that.

Scenario Two: The Korean Airlines flight was a target of opportunity seized upon by Soviet military "hawks" led by Defense Minister Ustinov and his generals who wanted to embarrass Andropov, undermine his summit preparations, and generate Politburo pressure to oust the former K.G.B. chief and install a military leadership.

If so, heads will roll. The scenario is extremely unlikely.

Scenario Three: The Soviet military is run by drunken incompetents, so that: (a) the radar operators thought the Boeing 747 was a U.S. B-52, an A.W.A.C.S. spy plane, or a RC-135 reconnaissance aircraft; (b) the interceptor pilots could not see the red and white K.A.L. insignia (although there was a half moon, a clear sky, and they were flying so hard alongside the passenger airliner they couldn't fire their missiles until they veered off and dropped back); and, (c) therefore Soviet Air Defense commanders ordered the aircraft destroyed as a hostile invader rather than trying to force it down and capture the "spy" equipment and crew.

In this version, the destruction of a "military spy plane" would inhibit the U.S. from future efforts to conduct low-level intelligence missions over Soviet air defense or nuclear-missile submarine, naval, and other military installations.

But we have the recording of a Soviet pilot identifying the plane as a K.A.L. airliner.

Scenario Four: The Soviet Air Defense Force commander decided on his own to order the aircraft shot down knowing it was a civilian passenger flight because this action is embodied in inflexible standing orders issued after the 1978 incident in which a K.A.L. flight wandered off course for 1,000 miles through the Soviet Arctic and was shot down, with only two lives lost, over a frozen lake.

With so much at stake, and given both the long delay and the orders from the ground, this is unlikely.

Scenario Five: The Soviets are telling the truth in claiming that they believed the K.A.L. Boeing 747 was a spy plane since Aeroflot, Cubana Airlines, and all the satellite airlines are routinely used for spying on Western military facilities. Thus the Soviets assumed that the off-course K.A.L. Flight Seven was a spy plane after some closely held Soviet military secrets on Kamchatka. Soviet high military and/or civilian leaders decided that the aircraft had to be destroyed to protect secrets inevitably revealed to the aircraft and its passengers.

However, Pentagon officials who daily view information sent back by U.S. surveillance satellites say that the region is no more "strategic" than any other section of Soviet border, and that although the plane flew south of the Petropavlosk-Kamchatkiy submarine base, there is nothing of significance a civilian aircraft could see at night that the various types of military satellites can't see a thousand times better.

Pentagon officials also agree that there is nothing of exceptional interest on Sakhalin Island.

Scenario Six: The K.A.L. airliner entered Soviet airspace because it was being hijacked to Pyongyang by a North Korean agent who did not expect any problem from Soviet interceptors. The Soviet K.G.B. or the Air Defense Forces were not told of the plot to embarrass Seoul and the Soviets put into effect one of the preceding scenarios. Again, far-fetched.

But all of these scenarios, plausible or implausible as they may be, ignore the fact that K.A.L. Flight Seven carried America's most important anit-Communist leader. So now let us examine the last scenario;

Scenario Seven: Soviet electronic countermeasures were employed to lure the Korean Airlines jet into Soviet airspace so that it could be shot down, the Soviets having determined through agents in the U.S. or South Korea that Congressman Larry McDonald and other Conservative leaders were booked on K.A.L. Flight Seven. The Soviet Politburo intended to eradicate in one heinous blow key members of the Conservative leadership in the U.S. Congress. If Moscow knew about last-minute travel changes, it decided to go ahead and "liqui-

date" the primary leader, Dr. McDonald, in the expectation that without him his forces would fall apart.

Veteran intelligence professionals say there are some basic questions that must be answered, including.

Who made the bookings for Larry McDonald to take that flight?

Who knew about it in the U.S. and South Korea?

How did it come about that the other members of the delegation changed their flights?

When did that plane last make the Flight Seven trip to Korea and what was its servicing record?

Who were the crew members?

What is contained in the full and complete transcripts of the Japanese and U.S. intercepts—the signals intelligence?

Was there unusual K.G.B. activity in Washington during the flight that might indicate special interest in the passenger manifest?

Was there evidence of additional communications with Moscow during the 2.5 hour overflight?

Did the U.S. or Japan monitor or have any indication of electronic countermeasures against the aircraft?

These and many other questions must be answered, because every American leader must now ask: "If I stand up against the Communists, will I also be killed?" In their hearts, they know that the Cold War is over and that the smoldering that presages flame has begun.

ECONOMICS

(By Clarence B. Carson)

It is not in me to write my usual column. Life must go on—that I know—but for now, let me pause to pay tribute to a fallen warrior, and to search among the wreckage in which he fell for those meanings which may help us all in returning to his battle with renewed vigor. My heart is heavy, as are those of many others, at the untimely death of Congressman Larry McDonald.

I look to the thrust of Larry's life both as a means of coming to terms with the monstrous circumstances of his violent death and for inspiration to fight on without him. At times such as these it appears, as was written of old, that there is no balm in Gilead. But I tell you it is there, for it is also written:

Blessed are they which do hunger and thirst after righteousness: for they shall be filled . . . .

Blessed are they which are persecuted for righteousness sake: for theirs is the kingdom of heaven.

Blessed are ye, when men shall revile you, and persecute you, and shall say all manner of evil against you falsely, for my sake.

Rejoice, and be exceeding glad: for great is your reward in heaven: for so persecuted they the prophets which were before you.

It was not given to me to know the heart of Larry McDonald, if indeed we can ever know the heart of any man. Yet men are such that by their outwards we may know something of their inwards. The same Jesus of Nazareth who said that "Blessed are they which do hunger and thirst after righteousness" also said that by their fruits you shall know them. Dr. McDonald's whole life's work was a testimonial to his hunger and thirst for righteousness and for justice—for his own country, for the civilization to which it has belonged, and beyond that to every land in the world. Even at the moment before Communist fighter planes hurtled him to his death, he was rushing to far-off Korea to bolster a people whose border is at the dike holding back the tide of Communist totalitarianism.

Larry McDonald not only longed for righteousness but also stood for the right. More, he was a force for right. From the moment he took his place in Congress, he stood rocklike for constitutional Government, voting time and time again both to restore the Constitution and to turn back new violations of it. He was a Democrat of whom Republicans could be proud, a Democrat in the great tradition of Jefferson, Jackson, and Cleveland, concerned to limit government to its assigned role. He not only professed belief in individual liberty but also understood that freedom is only possible under limited government. How lonely he was in the House of Representatives, and how courageous his votes were in the face of such overwhelming majorities against him. Yet he never faltered, for he never looked to majorities for confirmation of what is right.

It is not enough to stand for the right, however; it is necessary also to stand against the wrong. That Larry McDonald did, steadfastly and fervently. He was an anti-socialist, anti-Fascist, anti-Communist, and an anti-totalitarian. He was National Chairman of The John Birch Society. He founded an organization, Western Goals, whose motto was ". . . to rebuild and strengthen the political, economic, and social structure of the United States and Western Civilization so as to make any merger with totalitarians impossible."

Larry understood that Communism is by its very nature totalitarian, that it advances and holds power by terror and violence, and that the tide can be turned against it only by an intelligent and determined struggle. He understood the hidden machinations and seductive devices by which Communists gain sway, and he labored to expose them. Communism had both a knowledgeable and implaceable enemy in Larry McDonald. The Soviet Communists silenced him in the only way they could: by a stealthy and dastardly assault in the dark of night upon a peaceful passenger plane.

Yet Congressman McDonald was reviled and persecuted of men. For his tenaciously principled stands for the right in Congress, he was reviled as inflexible, a "rightwing extremist," a reactionary, a person not to be reckoned with but to be ignored. So he was by the Left. Although he was elected time and again from his District, he was appointed to only one Committee, the absolute minimum.

It was Larry McDonald's way, though, to ignore the slights, to join in efforts with those friendly to his cause, and to stick to the business of revitalizing America, holding fast to that which is good, and becoming a center to which the wise and honest might repair.

We are bidden to rejoice and be exceedingly glad for those who have hungered and thirsted after righteousness, but have been reviled and persecuted for their best efforts. Great is their reward in Heaven. Indeed, our hearts are not heavy for Lawrence P. McDonald. We are deeply saddened by the untimeliness of his death, angered by the callous and brutal killing, appalled by the circumstances of his remains, and grieved for the widow and fatherless children he left behind. Yet let us remember that his thirst is now being slaked, his hunger relieved, and his longings fulfilled in a better place.

But our hearts are heavy, because the burdens he bore with such assurance and grace have now shifted to our shoulders. If we are less able than he, less filled with a clear vision, less tenacious in the pursuit of our goals, his death can only be a signal to us to redouble our efforts in the knowledge that his barbarous murder by Communists only dolefully confirms the rightness of the whole thrust of his life.

Mr. SYMMS. An important foundation of Judaeo-Christian civilization is that men must take appropriate action in response to crime. Even a child knows that transgression merits punitive measures in response. The American people and all civilized nations demand that strong punitive action be taken against the Soviet Union. Punishing this Soviet crime with real sanctions will help to preserve world peace.

The Soviets have now stated clearly and publicly that they intend to shoot down any unarmed civilian airliner that may inadvertently stray into their airspace. This is contrary to international law, as well as their own law, as Senator HELMS has pointed out. President Reagan, our distinguished colleague Senator BAKER, and all the world agree that America must show the Soviets that this kind of behavior and threats of repetition are simply unacceptable, and will not be allowed to recur without severe consequences.

The whole world realizes that the recent Soviet shoot-down of an unarmed commercial airliner violates all accepted norms of international law, and is outside the scope of civilized behavior. This deliberate destruction of the Korean airliner on the part of the Soviets was an act of war against the whole world. But such action is only symptomatic of the previous record of the Soviet Union. As leaders of the free world, we must act to deter repeated Soviet crimes against innocent people around the world. The most important question then is how best to deter repeated Soviet barbaric behavior.

History shows that the Soviets are only deterred by firmness and punitive actions. Words and rhetoric are appropriate, but do not deter them. Words are simply ignored and forgotten. Indeed, only firm U.S. deterrent action will have a meaningful, lasting impact and help to keep world peace. Strong rhetoric and words followed by no sanctions will in fact be dangerous to the peace, because the Soviets will only be encouraged to continue in their present course of world aggression. Punitive action calibrated to punish the crime will in fact preserve the peace better than any other course of action.

As President Reagan himself asked on September 3, 1983:

What can we think of a (Soviet) regime that so broadly trumpets its vision of peace and global disarmament and yet so callously and quickly commits a terrorist act that sacrifices the lives of innocent human beings?

What can be said about Soviet credibility when they so flagrantly lie about such a heinous act? What can be the scope of legitimate mutual discourse with a state whose values permit such atrocities?

The President's questions are profound, and they deserve answers and action from the Congress. I wish to emphasize that the President has called into question "business as usual" in our relations with the Soviet Union. We simply cannot continue the status quo in our relations with the Soviets. We must change our discourse with the outlaws.

Our distinguished colleague from the House, Larry McDonald did not die in vain. He would ask us now to take real, substantive action, carefully measured to prevent repetition of the crime. We must above all change the tone and actual substance of our discourse with the outlaw Soviet nation, as the President himself has suggested.

The Soviets are again banking on the fact that the people of the Western World have short memories. Throughout the 66-year existence of the Soviet regime, the world community has time and again expressed indignation and outrage over atrocious acts that consistently have become standard methods of operation for the Soviet system.

From the oppression of their own citizens, the construction of the Berlin wall, the ruthless quashing of the freedom struggles of Hungary and Czechoslovakia, the Cuban missile crisis, the invasion of Afghanistan, the crushing of Solidarity in Poland, the use of inhumane chemical warfare in Southeast Asia and Afghanistan, and genocide in Cambodia. The world seems always to look away. The Soviets, it is safe to say, have never been truly set back by any of the free world's reactions to their incredible history of aggression and relentless pursuit of their longstanding geopolitical goals. Their well-founded belief is that emotions in the West are short-lived and that past policies of appeasement will resume. The President's outrage must be met by appropriate action. We must demonstrate that barbarism has consequences more damaging than mere bad publicity.

If any good can from this terrible tragedy, it will be increased public understanding and support for President Reagan's national security and foreign affairs objectives. I intend, and I hope the Congress intends, to give full support to the President's defense and foreign policy proposals. It is these proposals which offer the best long-term protection to our scared freedoms. In addition, the measures that I and my colleagues will discuss today will support the President's initiatives, and demonstrate our national resolve to keep the peace and to deter any future incidents of Soviet transgressions.

The distinguished Senator from North Carolina, the distinguished Senator from Colorado, and myself have submitted an amendment which would be added to the current pending business of the day. That would state, very simply, that we should—

recall the United States Ambassador to the Soviet Union for urgent consultations and reduce the number of Soviet diplomats accredited to the United States to the number of United States diplomats accredited to the Union of Soviet Socialist Republics.

What this is saying, Mr. President, is that if they have some 320 people in this country, diplomats, many of which are KGB agents, many of which they have invested a great deal of time and money in to put them in positions they are in. We know who these people are—these would be the ones we should ask to leave the country to get it back in line with the amount we have.

After all, we are an open society. All an intelligence officer has to do in the United States to get 95 percent of his information is read the newspapers and follow the vast plethora of information that is available to all Americans due to our free press in this country, which we all so fondly cherish.

I think that, in a closed society like the Soviet Union, there is more reason for us to have more people in their country than there are for them here in our open, free country. But, we have only two for every three that they have here. I think we should put that back in order at parity—one Soviet diplomat for one American diplomat.

The President should "conduct a comprehensive reappraisal of the complete spectrum of the United States-Soviet relations, including arms control, human rights, East-West trade, and regional issues."

The President should "report to the Congress on the record of the Soviet compliance or noncompliance with the letter and spirit of all existing strategic arms limitation talks (SALT) agreements and other arms control agreements to which the Soviet Union is a party."

No 4, he should—

direct the United States negotiators at the strategic arms reduction talks at Geneva to link the possible success of such talks with the willingness of the Soviet Union to abide by international law as a responsible member of the community of nations, paying specific attention to the KAL 7 massacre, Soviet violations of the Helsinki accords, the Soviet invasion and subjugation of Afghanistan, the repression of Poland and its free labor movement, and the use of chemical and biological weapons in contravention of existing treaties;

(5) reemphasize the inconsistency of the Soviet military presence in the Western Hemisphere with the Monroe Doctrine;

(6) declare Poland in default on all or a part of the debt owed to the Commodity Credit Corporation, recognizing that Poland is an integral part of the Soviet economic empire and that financial credit is an element of national strategy.

What we are saying here is that if the Soviets are so bound and determined to dictate to the Solidarity unit of the people in Poland how they live, let us let them finance it.

(7) tighten substantially the foreign policy and military controls over the export of machine tools, high technology products, and equipment for the development of Soviet oil and gas resources; and

(8) direct the Secretary of the Treasury to use existing statutory authority to prevent the import of any product or material produced in the Soviet Union unless the President certifies that it was produced without the use of forced labor.

That law has been on the books for a long time.

I wish to reemphasize to my colleagues that this is in a resolution that will be added as a new section, section 2, and it says that: "It is the sense of the Congress that the President should."

This gives the President, in my judgment, more resilience, more resoluteness, more support from the American people if we add these words to this resolution today. It will demonstrate to the world and demonstrate to the Soviets that we will not tolerate this kind of action and behavior and that these measures are aimed to have an impact on the Soviet Union.

What is happening right now in the Soviet Union is that the Soviet people are not even told the truth about what their own government's policy is. They are being told that it was the fault of the United States that the airplane was shot down. They are being told lies upon lies upon lies, and they have no way of knowing this.

But if we do some of these things, the leadership of the Kremlin may not like it, but I think they will respect it. I think that we would be wise in adding this sanction language to this resolution. It will in no way interfere with the President's ability to discuss with the Soviets anything that he thinks is important for us in terms of arms agreements or any other thing. It will in no way limit the President's ability to conduct the foreign policy. It will only strengthen his hand to be the Commander in Chief and to be the leader of the United States and the free world.

Another point, Mr. President, yesterday, President Reagan was asked publicly if the Soviets were violating the 1962 Kennedy-Khruschev agreement which ended the Cuban missile crisis. President Reagan answered:

As far as I'm concerned, that agreement has been abrogated many times by the Soviet Union and Cuba in the bringing of what can only be considered offensive weapons, not defensive, there.

The Washington Post of today, September 15, 1983, stated that a Cuba expert maintained that it was the first time any administration had accused the Soviets of violating the agreement that effectively ended the 1962 Cuban missile crisis. This statement, however, is incorrect. There in fact have been four previous similar accusations by the Reagan administration. President Reagan himself previously stated on national television in June 1982:

You know, there's been other things we think are violations also of the 1962 agreement.

In March, 1982, CIA Director Casey stated that the "1962 Kennedy-Khrushchev agreement has been violated for 20 years."

Also in March 1982, the then-chairman of the Joint Chiefs of Staff, Gen. David Jones, testified to Congress:

We (the JCS) interpret Soviet actions in Cuba as a violation of the 1962 Agreement.

Jones added:

They have gone beyond the 1962 accords.

Again, in March 1982, Under Secretary of Defense Ikle testified to Congress that the 1962 agreement had been eroded away to nothing by Soviet actions, and he confirmed the accuracy of press reports of a Soviet nuclear delivery capability from Cuba.

Mr. President, the significance of these Presidential and other authoritative official statements is great. They reinforce the importance of a report to Congress on Soviet noncompliance with SALT and other arms control agreements.

Second, if the Soviets are really violating the very agreement which brought the world back from the most dangerous nuclear crisis ever in history, then, this fact has enormous implications. It reinforces the absolute vital necessity of U.S. sanctions against the Soviets, now, before it is too late to stop further Soviet transgressions.

Mr. President, it was just across the Capital about 1 year or so ago when President Reagan spoke to the Congress. He said:

If not us, who? And if not now, when are we going to take action?

I think that, with this heinous murder of 269 innocent people and one of our colleagues, without a doubt, no time would be more appropriate for the Congress of the United States to take some resolve and some strong action.

What this country needs, Mr. President, is resolve more than anything else. The question that we are facing is will. Do we have the will to resolve to maintain our freedom here in the United States of America and help those friends of ours in the free world who also want to maintain their freedom? There can be no peace in this world without freedom. There can be no peace unless the Soviets can be made to be civilized. Mr. President, I would say to my colleagues if we fail to act today, to take some strong punitive action on the Soviet Union, in my judgment we are failing and passing up an enormous opportunity to expand true peace in this world which can only be found with freedom. We have to take sanctions to deter the Soviets from further transgressions against law and peace. We have to be on the offense with ideas. We have a better way of life in the free world than our fellow human beings have who live under the heel of Communist tyranny in the Soviet Union, under the dictators in the Soviet Union.

I think it would be a real tragedy if we do not take strong action today so that the Soviets will at least feel actual sanctions and punishments and will actually have something happen rather than just strong rhetoric. If we only give rhetoric, they will be laughing in the Kremlin tonight.

Mr. President, I ask unanimous consent that the following press articles supporting my amendment be printed in the RECORD:

First, George Will, "Needed; a Policy of Punishment," Newsweek, September 12, 1983.

Second, William Safire, "Sticks and Stones," the New York Times, September 8, 1983.

Third, "Suspend the Arms Talks," the Wall Street Journal, September 13, 1983.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From Newsweek, Sept. 12, 1983]

NEEDED: A POLICY OF PUNISHMENT

(By George F. Will)

The shocking thing is how shocked people are. The day the Soviet regime murdered another 269 persons was the 24,041st day since the regime was founded. Since 1917 the regime has killed at least 20 million of its own citizens, an average of more than 800 a day for 66 years. Unless the Red Army massacred another Afghanistan village last Thursday, the regime had a below-average day of blood.

Why are people so startled when the Soviet regime acts in character? Nothing in nature—not even granite, which water wears away over time—is as durable as illusions grounded in a desire to avoid facing nasty facts. Oh, yes, with metronomic regularity the Soviet Union does shatter some Americans' illusions. But Americans are a manufacturing people, so they manufacture new illusions about Soviet willingness to move up from barbarism. In 1979, after 62 years of domestic carnage and international gangsterism, the Soviet regime invaded Afghanistan, and the president of the United States said gosh that sure opens my eyes.

Why did the Soviet regime, after 2½ hours of thinking about it, murder another 269 persons? Well, why not? The benefits are clear enough (the benefits of intimidation, especially of Japan), and the costs are almost certainly going to be negligible, and brief.

The Soviet deed has been the subject of a U.N. debate. For the Kremlin that was an ordeal akin to being bombarded with marshmallows. Thank God it is not December or some dunce would suggest dimming the national Christmas tree. The state of Ohio, which has a better foreign policy than the United States, has removed Russian vodka from state-run liquor stores. Perhaps the 269 murders will complicate the process of subordinating foreign policy to presidential politics. Perhaps it will now be harder for the president to sally off to an election-year summit and sign an arms-control agreement ruined by American eagerness. But summits and agreements have no noticeable influence on the behavior of the Soviet rainmakers—the "yellow rain" rainmakers.

IMPARTIALITY

The World Council of Churches has not yet had time to condemn Korean Air Lines for aggressively bumping into Soviet air-to-air missiles, but various other "peace" parties, with the impartiality for which they are famous, have announced: The Soviet deed proves the irrationality of "the superpowers" and demonstrates the paranoia to which U.S. policy has driven the Soviet Union. So everyone must disarm, starting now, starting here.

The cotton-candy language of journalism spreads a sticky goo of imprecision over events like the attack on the plane. It has repeatedly been referred to as a "tragedy." No, when children die of leukemia, that is a tragedy. When they are blown to bits by an act of state, that is an atrocity, and one worthy of Hitler's former allies. But too many persons by now have too large a stake in muzzy language. Remember the merry disdain that showered down upon President Reagan when, in his first press conference, he talked about how the Soviet Union lies? "There you go again," said his cultured despisers, when he recently referred to the "evil empire."

His words are fine, but he has not got a policy worthy of them. What is needed is a policy not merely of punishment, but of steady deterrents and leverage. A suitable policy, one that was desirable even before this atrocity, is at hand. But the hands of this administration are not apt to reach for it at this late date.

Felix Rohatyn, the investment banker and Democratic thinker, says: The Soviet Union has shot down an airplane. We should shoot down a Soviet-controlled country. Western governments should nationalize the loans Western banks have made to communist countries. The governments should buy up the debts at a substantial discount—at, say, between 25 and 50 cents on the dollar (that is between 25 and 50 cents more than some of them are worth). Then it should declare Poland in default, drying up the flow of credit to that country and slowing the flow to all other Soviet satellites.

This would give the banks a little liquidity—more than they deserve, given their irresponsibility. It also would force them to quit cooking their books, pretending that virtually irrecoverable loans retain their full face value as assets. But the principal benefit would be for foreign policy.

Credit is a strategic weapon. Like other strategic weapons, it should not be in private hands. Credit for communists should no more be controlled by private banks that the MX should be controlled by Hertz Loans—if any—for the East bloc should be government to government, so that Western policy will no longer be hostage to commercial calculations.

BELLY UP

Were credit nationalized, we could say to the Kremlin: You want credit for your basket-case economies? Fine—but it will be contingent on reductions in defense spending. You reject such linkage. Fine—you pay for Poland, and have fun when Romania goes belly up.

During martial law Poland received from the West a substantial subsidy: its debts were rescheduled. The Reagan administration is a shameful subsidizer: Poland has not paid debts owed to the U.S. government, yet the United States has not put Poland in default. Some bankers say that forcing default would be too kind to Poland, because it would wipe the slate clean. Poland's regime knows better; otherwise it would declare default on its own. Poland today is receiving, in effect money at 6 percent from the West while Americans pay more than twice that for mortgages. If Democratic candidates cannot make an issue of that, they should be burned on a pyre of their bumper stickers.

The Soviet Union suffocates entire nations without even a suspension of subsidies from the West. What has it to fear from reaction to the annihilation of a mere plane load of people? A regime whose essential policy is intimidation has added another brutality to its repertoire. But the diplomatic minuet will continue, from Madrid to Geneva. The grain shipments will continue and so will the subsidized sale of "nonstrategic" goods—as though such a distinction makes sense regarding a totalitarian nation with a command economy entirely subordinated to militarism. Faster than a heatseeking missile, there will be business as usual, especially for business.

[From the New York Times, Sept. 8, 1983]

STICKS AND STONES

(By William Safire)

WASHINGTON, September 7—A U.S. President, in response to the Soviet massacre of 61 U.S. citizens traveling under the protection of U.S. passports, has sounded off more fiercely than Theodore Roosevelt and has acted more pusillanimously than Jimmy Carter.

Never in the course of Presidential history have so many bombastic words been accompanied by so much handwringing and such little action. No wonder dovish commentators have been lavishing praise on Mr. Reagan's decision to limit his reaction to an orgy of oratorical self-righteousness: no matter what the provocation, the march to the election-year summit must go on.

Here is what happened near the Soviet-Japanese border. Our electronic ears told us that a major Soviet missile test was in its beginning stages; as usual, one of our RC-135 spy planes was sent up to observe the test from a position well outside the Soviet Union. At the same time, the Korean civilian jumbo jet wandered off course into the area. Preparations for the missile test were promptly shut down; as that mission was scrubbed, our reconnaissance plane returned to its base.

The local Soviet air commander asked Moscow what to do about the civilian jumbo jet about to exit Soviet air space going toward Japan. From this point on, I'm speculating: a high defense official recalled the embarrassment within the Soviet military a few years ago when a lost aircraft penetrated 1,000 miles into Russia without being challenged. With the Korean plane about to escape unharmed, he went by the Soviet book and shot it down with little concern for the 269 human beings aboard. The Soviet leadership then went into its hunker-down mode and blundered into demonstrable lying.

Here is why Moscow did not permit search-and-rescue efforts and will not allow other nations to help bring up the wreckage: The K.G.B.'s disinformation unit will now create and plant "proof" that the airliner was on a spying mission. We can expect Western electronic spying gear—perhaps an artfully recreated recording in a Boeing black box—to be dunked in salt water and then "recovered" from the real wreckage. That Russian perversion of the truth will be believed by the Soviet peoples and their fellow travelers until another Khrushchev surfaces to discredit the Andropov regime.

Why then, in the light of Soviet policy to shoot lost civilians as spies and to tough out protests, does Mr. Reagan fulminate fulsomely on television without calling for significant economic or diplomatic retaliation? Because our President sees this merely as a propaganda opportunity that will help him undercut the freeze demonstrations in Europe and bolster his MX vote in the House.

Mr. Reagan's political operatives and State Department détenteniks fail to see that after he has finished glorying in our victimization, and after he has milked the incident for all it is worth in "world opinion," Moscow will once again have shown that no aggressive action it undertakes is likely to cause it pain. Invade Afghanistan, get a double-sized grain deal complete with groveling by the Reagan Secretary of Agriculture; execute hostage airline passengers, get not even the cancellation of a meeting between Foreign Ministers. We make debating points in the U.N. while the Kremlin effectively intimidates the world.

No, we should not cancel arms control talks or break off relations. But the President can do more than set his jaw while he offers his other check. To affect Soviet behavior, we must demonstrate that barbarity has consequences beyond bad publicity.

For example, Mr. Reagan has just O.K.'d the sale of American pipelaying equipment to help the Russians construct their strategically potent gas pipeline to Europe. The excuse: If Caterpillar didn't get the business, the Russians would buy from the only other supplier, the Japanese. But Japan has been insulted in the airline massacre; might that Government not agree to join in withholding sales in memory of the 28 Japanese who were murdered? No such obvious suggestions for economic retaliation have even been placed before Mr. Reagan.

Similarly, we have been going along with the cottage industry built up around the Helsinki Final Act. We traded recognition of Soviet World War II gains for human rights promises that turned out to be farcical. Mr. Reagan should inform the meeting in Madrid that his Secretary of State will not only refuse to sign more documents, but will begin the process of rescinding U.S. approval of the pact that the Russians have so often violated and mocked. Its propaganda value is now nil; let's get back what we paid.

Only a President with a hard-line image could get away with the empty posturing of Mr. Reagan as he dithers noisily through his first Soviet challenge. Makes you wonder: Would the dovish Mr. Mondale or the owlish Senator Glenn be under pressure to talk less and do more?

[From the Wall Street Journal, Sept. 13, 1983]

SUSPEND THE ARMS TALKS

In the wake of the Soviet murder of 269 people on the Korean airliner, something approaching an official consensus holds (a) we need to find some stronger way to react and (b) we shouldn't let the incident interfere with arms-control negotiations. This is the first clue that the one proper reaction is to suspend the arms talks.

Now of course, the president was quite right not to do anything so dramatic in his first reaction to the incident; this is something to be done with due deliberation rather than an instant response. And of course, we do have to learn to live on the same planet with the Russians, and need to keep open the long-run possibility of reaching arms agreements with them. But in trying to accomplish any such ends, the absolute key is finding some way to induce the Soviets to modify the belligerent and deceitful behavior so vividly demonstrated in the airliner incident, and so often repeated in the arms negotiations themselves. It is no service to the eventual prospects of arms control to suggest that we are willing to tolerate this kind of conduct.

Consider for a moment the range of Soviet actions concerning Flight 007: First the barbaric decision to shoot down the airliner because it intruded on Soviet airspace. Then a flood of lies and denials. Then the bluster that they, not the 269 dead, were the wronged party. Finally an admission that yes, they did "end" the Korean flight. Then a briefing by their top general putting the blame on the U.S.—no doubt to be followed by forgeries to support the wholly implausible accusation that the U.S. would send a civilian airliner on an intelligence mission. Finally, a declaration by their foreign minister, at a conference supposedly devoted to human rights, that given a chance they would do the whole thing over again.

Now consider that these are the same people we are negotiating with over the nuclear balance.

And in fact, if you review the history of these negotiations (see alongside) you find a pattern of behavior entirely consistent with that displayed in the airliner atrocity. By now it has become quite clear that the Soviet purpose in arms control talks is anything but codifying strategic parity and nuclear stability. From the first they have used arms talks for one purpose and one purpose only: inhibiting U.S. weapons development while leaving their own unfettered. They have been remarkably successful at reaching treaties that foreclose technologies in which the U.S. had an advantage; they stopped the antiballistic missile in SALT-I, and ever since we have been trying to cope with the problem of Minuteman vulnerability. They have been equally successful in creating loopholes and ambiguities concerning their own advantages; for example by refusing to define a "heavy" missile in SALT-I, or by handling President Carter an unsigned slip of paper promising not to give their Backfire bomber intercontinental capabilities it already had.

When ambiguities have not sufficed, finally, the Soviets have simply violated the treaties with the same equanimity they display in shooting down airliners. Indeed, in one way the national uproar over the Korean airliner leaves a bitter taste in our mouths. The State Department has estimated that through 1981, more than 6,000 people died

in Laos alone from "yellow rain" or other biological or chemical agents used in violation of the Geneva protocal and biological weapons convention. Where was the uproar then, except in these columns? Why now is it everywhere, over so far fewer casualties? Our moralists are not concerned with stone-aged Hmong in the Phou Bia mountains, but they do ride in 747s.

After seeing what it is like to talk to the Soviets about downed airliners, finally, consider what it is like to talk to them about their compliance with arms treaties. Space satellite photos recently revealed a new large phased-array radar near the Siberian village of Abalakovo, capable of ABM battle management and near Soviet intercontinental missile fields. This is clearly a violation of specific and detailed provisions of the SALT-I treaty. When we protested, the Soviets blandly replied that it is a space-tracking station. From the radar's orientation, our analysts consider this implausible. The Soviet response is a lie like those told in the airliner episode, but what are we to do?

Let us offer our own prediction about the much-promised Soviet response to the impending deployment of Pershing missiles in Europe. They will haul out the ABM interceptors to match this and other ABM radars, and tell us their ABM does not violate SALT-I because they only intend to use it if attacked by theater missiles, not intercontinental ones. What will we do then?

The arms-control negotiations, like air-traffic regulations, have been distorted by fundamental asymmetries. We are an open society and the Soviets are a closed one. We seek the rule of law, while their official morality, as proclaimed by their venerated Lenin, is that what is moral is whatever serves the interest of the class struggle. A lie about an airliner or a radar is not a necessary breach of ethics, it is the one moral course of action.

Under these circumstances, we have undertaken to police the compliance of both sides of arms-control treaties. We are of course expected to abide by their provisions, and if the Soviets cheat we are expected to catch them. this is a burden we cannot sustain in the face of the lies and bluster the world has witnessed this last week. The meaningful reaction to the airliner atrocity is to step back to assess the entire range of our relations with the Soviets, to educate the public and our allies on how the same attitudes and behavior have tainted the arms-control talks. We should say that these negotiations cannot be serious until there is a change in Soviet attitudes and Soviet behavior, and we should bring our negotiators home until the Soviets show some evidence of moderating the brazenness that is now so clear to the world.

Yes, we know, if the taboo about interfering with arms control is breached the allies will yowl. The politicos in the White House will have to give up the notion of a summit to grab the peace issue by next November. Some scribbler will call President Reagan a cowboy. Those are the prices of leadership. For our own part, we have enough faith in democracy, both here and in Europe, to believe that the electorates will understand that however desirable arms negotiations may be, they require good faith on both sides.

Tolerating the kind of Soviet behavior displayed in both the airliner shooting and the ongoing negotiations will not produce meaningful treaties to control arms. It is precisely because we want real agreements that we need to break this pattern, to rely for the moment on the balance of military power to secure deterrence, and to come back to arms negotiations at a more opportune time. That is when, perhaps with a change in the Kremlin leadership, there is some reason to believe the Soviets are ready to turn serious.

Mr. MATTINGLY addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. MATTINGLY. Mr. President, the wanton destruction of Korean Air Lines flight 007 and the murder of the 269 innocent civilians has shocked the global community's sense of decency; it has shattered the image that some Americans had of the Soviet leadership; and it has resulted in a widespread demand for a reappraisal of U.S.-U.S.S.R. relations.

I joined with millions of other people around the country and the world in offering prayers for those who were aboard that flight and in sending my condolences to the families and friends of the victims. As is so often the tragic case, the horror of this incident was emphasized by the fact that among the lives that were lost were those of infants and children.

The people of our Nation as well as the Congress must now grapple with and attempt to grasp the meaning of this despicable act. There are those who have already issued calls to put the incident behind us and resume business as usual with the perpetrators.

I disagree; I most emphatically disagree.

The Soviet leadership has demonstrated once again in a particularly repugnant way that they use a different moral compass from that of the United States. The President has called the Soviet Union an evil empire. He correctly noted that its leaders will lie, cheat or do whatever else is necessary in order to advance Soviet interests. The leaders of the U.S.S.R. clearly place the sanctity of borders above that of human life, above children's lives. We attempt to live our lives and govern our conduct on the basis of a Judeo-Christian moral code; Soviet moral precepts are based strictly on an assessment of what will advance the class struggle.

Nowhere were these differences more evident than last week in Madrid when the Soviet Foreign Minister stood before a world aghast at the actions of his country and heard him brazenly assert that not only would the Soviets not apologize, they would not hesitate to shoot down unarmed civilian aircraft in the future.

In the wake of this latest Soviet toll of human lives and grief, the President has acted deliberately and moderately. That is probably as it should be. However, now that those initial sanctions have been placed and the Congress has had time to begin its assessment, further action is demanded.

Not to revenge those who were so unmercifully killed, but because the Congress must demonstrate its implacable opposition to such callous, wanton behavior; to the leadership that perpetrated it; and to the ideology that fostered it. It is up to the Congress to demonstrate that it will not countenance a return to business as usual.

The Soviet regime now has a choice: It may either continue as an outlaw nation, a pariah banned from association with the free world, or it can elect to change its behavior, to conclusively demonstrate its willingness to abide by basic moral and civil standards, and to peacefully coexist with the global community.

That is the choice that should be presented to the Soviets by this administation and by the Congress.

We do not seek confrontation through such a process. Indeed, we have had confrontation thrust in our face and our response, as I have said, was mild given the level of provocation.

What we do seek is a modification of Soviet behavior; a recognition by that nation that we will not tolerate its aggression, terrorism, and degradation of human rights; a recognition that such activities will cost the Soviet Union and that cost will include explusion from the affairs of the civilized community.

Only through the demonstration of such resolve can the United States expect the Soviet Union to recognize that the costs of its murderous policies outweigh their gain. And it is at that point that we might have a serious chance to reach agreements at the negotiating tables.

So, the resolution before us should be viewed only as a first step. We should plan to continue our efforts to sanction, and to condemn the Soviet Union and its client states in any appropriate commercial, economic, or political fashion.

For example, Mr. President, in the Banking Committee yesterday we held hearings on a $500 million loan guarantee and insurance package to Mexico, which I support. But Mexico plans to loan $55 million, to Cuba. I believe that we should reduce our loan guarantees and insurance to Mexico by $55 million. That is the type of action that is meaningful and that clearly signals U.S. intentions.

This resolution should be viewed, then, not as the last response of the United States but only the first.

The world has changed since September 1, 1983. The Soviet Union and its policies are recognized for what they are. Together, all the free world must make certain that moral, civil and free people stand and tell the story of democracy in order to preserve freedom.

Thank you, Mr. President.

Mr. PELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. PELL. Mr. President, last month I chaired a delegation of nine Senators which visited the Soviet Union for purposes of further familiarization with that country and a frank exchange of views with Soviet officials. Our meetings included almost 2 hours with Presidium Chairman Yuriy Andropov—his first extended contact with U.S. officials since he assumed power 10 months ago.

In that meeting, there was some tough talk on both sides, and it was clear that in a number of areas we did little to influence each other's views. However, in one area—arms control in space—our meeting did raise the possibility of substantive progress. Chairman Andropov proposed a treaty which would: First, ban all weapons in space; and second, result in the dismantlement and banning of all weapons capable of attacking targets in space, including reconnaissance satellites. These are constructive goals, closely tied with the maintenance of unclear stability and clearly worth pursuing through careful negotiation. Accordingly, I returned to the United States cautiously optimistic about the new Soviet proposal, and determined to continue my own efforts to promote stabilizing arms control agreements between the superpowers.

Yet, as it happened, it was only hours after our delegation landed in Washington that the world heard the horrifying news that Soviet forces had—in a shocking act of brutality or incompetence—shot down an errant Korean airliner carrying 269 innocent men, women, and children. Already, the East-West climate had reached a point of dangerous stalemate, and this hideous waste of life—this massacre—has undoubtedly pushed the superpower relationship to a new low.

One of the troubling lessons of this episode is that the Kremlin is fully capable, because of its domestic political imperatives, of committing acts of gross stupidity in international political terms. World opinion might have been tempered by a serious Soviet effort to explain this event and a sincere Soviet apology. Instead, by stonewalling, the Kremlin will pay a high price in the diplomatic arena. In various degrees, anti-Soviet forces all over the world, particularly within NATO, have been strengthened. Unfortunately, this phenomenon cuts two ways. It may be reassuring to see the Soviets embarrassed and clumsy, and not the master propagandists they are sometimes portrayed to be. But their insensitivity to international opinion is deeply worrisome, and, in the setback to East-West relations, the entire world has lost greatly.

Still another lesson from this episode is that, despite the sophistication of modern technology, the specter of military miscalculation is not an idle fear but a real possibility. We may never know the whole truth, but Soviet commanders apparently committed a rash mistake which quickly worked to the profound detriment—in this case, political detriment—of their own country. Perhaps nothing, save a still larger tragedy, could better serve to remind us of the danger that a Cold War between hostile, nuclear-armed adversaries might, in the most unexpected way, suddenly turn very, very hot.

I strongly support the way President Reagan has responded to this dreadful tragedy. He has spoken forcefully, wisely casting the issue as "the Soviet Union against the world." Unfairly, I believe, It is not just a case of the Soviet Union against the United States. Approximately a fifth of the passengers in the plane were American. The other four-fifths were from other nations and the plane was a Korean airliner. So it really is the Soviet Union against the world.

Unfairly, I believe, he has been attacked from his political right on the grounds that he has done nothing. His rejoinder is to ask his critics what they would have him do, short of going to war. A grain cutoff, for example, would probably hurt us more than the Soviets, who would simply shop elsewhere—hardly an effective sanction. The same can be said of proposals that we cut off all diplomatic and negotiating contacts—a notion which surfaces from time to time but which I find particularly perverse. The more difficult our problems with another country, the more important it is that we have close communications and close relations. I felt that way at the time of Franco's Spain, when I felt we were stupid to withdraw our Ambassador. I have felt this way ever since. The more critical the situation, the more important it is that we have high-level contact. This notion, though, that we should withdraw diplomatic personnel is particularly perverse, in my view. We heard it, for example, with regard to the Helsinki conference in the mid-1970's; and yet the Helsinki Final Act and the subsequent followup conferences have provided a remarkably effective forum for shedding international light on Soviet abuses of human rights. Indeed, it was only because we had a Helsinki followup conference in Madrid last week that Secretary Shultz was afforded the opportunity to bring the full force of American displeasure to bear on Soviet Foreign Minister Gromyko in a global setting.

As to the future of the superpower relationship in the aftermath of this episode, we must, I submit, keep our eye on the ball—focused, that is, on what serves long-term U.S. interests. We may find some gratification in the current Soviet embarrassment, but self-satisfaction and pronouncements of moral outrage do not suffice as a national security policy.

We have before us, Mr. President, an arms control agenda that is not only full but ominous in the implications if we fail. It includes negotiations on strategic and intermediate-range nuclear arms, on space-related weapons, on chemical and biological warfare, on nuclear test bans, and on an array of confidence-building measures. Since arms control is not a zero-sum game, it is possible in each of these areas to envisage arms agreements which would enhance both our security and Soviet security simultaneously. Accordingly, it continues to be in our own American national interest to put the Soviets to the test of accepting reasonable terms and verification procedures on the full spectrum of arms control.

Three times, I pressed Chairman Andropov on this question of verification, whether there would be adequate verification included in the proposal with regard to the banning of antisatellite weapons. He said he believed there would, that they would accept that. We must understand that we are all fellow passengers on this planet and we must learn to live together or we shall die together.

In sum, Mr. President, the Korean Air Lines incident, stunning as it was, does not change at all the basic calculus of our national interests. The Soviet Union exists today as it did 2 weeks ago—a brooding, potent, and complex adversary with which we must deal shrewdly and dispassionately. Let us continue to shape our national defense according to the merits of the programs and not the emotions of the moment. And if the recent tragedy—this horrible tragedy and massacre—is to affect our policy, let it serve as a spur, not a hinderance, to our efforts to tame the nuclear threat through tough and determined negotiation. We owe that to ourselves, to our children, and to our grandchildren.

Furthermore, Mr. President, in connection with the points previously made by the senior Senator from New York (Mr. MOYNIHAN), I support this view that the resolution should contain the word "criminal," referring to a crime. In the Webster's New World dictionary, one of the definitions of a crime is, "an offense against morality."

If ever there were an offense against morality, it is the shooting down of an unarmed passenger airliner with 269 men, women, and children aboard.

Mr. President, I yield the floor.

Mr. D'AMATO. Mr. President, the Soviet attack on an unarmed civilian airliner shocked the world much like an event nearly seven decades ago. In 1915 the sinking of the British liner

Lusitania by a German submarine seared the consciousness of civilized people everywhere. Two years later America was swept into World War I.

One need not reach back so far into history to find ominous parallels with the downing of Korean Air Lines flight 007. The essential Soviet characteristics demonstrated in this crisis are not new. A nation whose army has traipsed through the streets of Hungary (1956), Czechoslovakia (1968), and Afghanistan (1981) has already shown its aggressive nature to the world.

Then remember Poland, where hope for even a small measure of freedom has been all but stamped out by the ever present possibility of Soviet invasion. And consider the weighty evidence of Bulgarian (and very likely KGB) complicity in the shooting of Pope John Paul.

The fundamental lession of Soviet behavior in our time is that it is always calculated to advance Soviet interests as they view them. In this context, the invasion and threatened invasion of neighbors, involvement in terrorism across the globe, and the extermination of 269 innocent lives aboard a civilian aircraft all serve the same basic purpose. They tell the world that the Soviet Union abides by its own warped definition of right and wrong. In the Soviet view, anything which furthers their aim of cowering the forces of freedom serves a useful purpose—even an obliterated airliner, a wounded Pope, a subjugated Poland, a decimated Afghanistan. No matter how despicable the action in the eyes of the world, if it furthers overall Soviet objectives, it is somehow right in their eyes.

We in the Congress must keep these dangerous aspects of Soviet behavior firmly in mind as we consider issues affecting our national security. Particularly in the area of arms negotiations, we cannot rely only on Soviet assurances. We must negotiate agreements which insure mutual verification through guaranteed onsite inspection.

Nor should we be afraid to use international financial credit for strategic purposes. The United States is owed literally billions of dollars by Communist countries. We should use this massive indebtedness to influence—and perhaps moderate—the behavior of our adversaries.

If we let the Soviets know that we intend to deal much more firmly with their aggression than we have in the past, that we more fully understand their capacity for barbarism and deceit, that we are prepared to defend the strategic interests of the free world, then we can perhaps prevent the world from sliding toward the calamities that were presaged by the *Lusitania* two generations ago.

Mr. MITCHELL. Mr. President, the resolution before us expresses the outrage and disgust of all civilized nations at the Soviet action of shooting down an unarmed civilian airplane, and killing the 269 men, women, and children aboard.

To our American sense of values, with its traditional respect for human life, the kind of decisionmaking that resulted in this murderous act is incomprehensible. We cannot reconcile concern about border safety with a decision to kill innocent people.

All nations regard their borders as inviolable. All nations have regions which are militarily sensitive. But only the Soviet Union claims a right to punish any and all border transgressions with death.

Soviet planes—military and civilian—illegally enter United States and other Western airspace often. Neither the United States nor the Western European nations respond with missiles. Soviet submarines have deliberately and repeatedly entered the territorial waters of Sweden. No one in Sweden or the West suggests they be attacked, even though the provocation is far more serious and clearly military in nature.

Not only has this event dramatized the vast divergence between the precepts and practices of democratic governments and those of the Soviet Union, the Soviet response to international outrage has also dramatized the extremely precarious basis on which peace in our world rests.

The Soviet defense is that, on the one hand, their pilots cannot tell the difference between a 747 civilian plane and a military reconnaissance craft, and on the other, that their regional commanders have authority to shoot down anything that crosses the sacred borders of the Soviet Union.

If this set of explanations reflects reality, if it is not simply an effort to evade moral responsibility, then we can only conclude that the Soviet regime regards itself as being in a virtual state of undeclared war against the rest of the world. If the plane had been a U.S. military plane, as the Soviets originally claimed, then Soviet authorities are clearly willing to seriously risk the peace.

There are unanswered questions about KAL flight 007, and so long as Soviet authorities prevent outsiders from helping retrieve the wreckage, those questions are bound to remain unanswerable.

But the fact of what occurred is not diminished by claims and counterclaims that warning shots were or were not fired, or that the downed aircraft was or was not using lights. The central fact is that for reasons having nothing to do with their nation's security, for reasons having nothing to do with human fallibility, Soviet authorities purposefully fired upon an aircraft with complete disregard for the life of its crew or it passengers.

And if the explicit Soviet claim of a right to repeat this outrage—to shoot down any plane over Soviet airspace, regardless if it is lost, or having mechanical difficulties, or for any cause—if that claim is not explicity repudiated by the civilized world, the international community will enter a new and infinitely more dangerous erea.

The international community cannot function with two sets of rules for international conduct: One binding the majority of the world, and one for the Soviet Union.

The free nations of the world must take a renewed commitment to strengthen the rule of law in international behavior. We must develop mechanisms to repudiate and penalize governments which will not adhere to the most minimal standards of international legality.

So long as the Soviet Union perceives itself to be bound by no laws and responsible to nobody, international life will be hostage to the political needs of the Kremlin.

Today their political needs dictate that a series of blatant lies be told about this tragedy. Not content with constantly and compulsively rewriting their own history, they now attempt to rewrite the present.

It is essential that the international community not permit such a travesty of truth to prevail. We cannot make the Soviet Union's leadership share values for which they manifest only contempt. But we can and must do everything in our power to make certain that the truth of this event is not distorted by the lies coming out of Moscow.

Nor can we allow this reminder of the brutality of Soviet values and methods to undermine our own interests. My personal judgment about the Soviet Union, its system and its values has not been altered by this incident. Soviet history is replete with incidents of brutality and gross disregard for human life and human dignity. This event is simply one more outrage perpetrated by a government which regards the retention of its own power as the only conceivable aim in domestic or international life.

I hope that this time, we will not soon forget the nature of the system with which we must coexist. We must negotiate with the Soviet Union on issues on mutual concern: Primarily nuclear arms, but also conventional arms and other international affairs. We will negotiate better and achieve better results if we recognize the priorities that underlie Soviet actions and if we remember the limits of Soviet understanding.

Rarely have those limits been so dramatically demonstrated. The Soviets gravely misjudged the effect on world opinion of their defense of their action. But the decision to shoot down

this plane or to shoot at any unidentified craft goes dangerously close to the kind of misjudgment that can, indeed, precipitate war.

The depth of this Soviet misjudgment reflects a profound reality: The Soviet Government claims for itself total infallibility, both in the present and in the past. It is beyond the ability of the Soviet Government to acknowledge responsibility for an error. Such an acknowledgment would directly undermine its claim to legitimacy: The claim that only the Soviet Union correctly discerns and follows the inevitable forces of history. When history or present reality refuses to march in lock-step with Soviet theory, that history is rewritten and the present reality is denied. This is the way Soviet authorities have of responding to events outside their control.

When we recognize that fact about the Soviet Union, we will be better equipped to deal with its reality. We cannot allow its professions of good faith to obliterate actions which demonstrate bad faith. We cannot run the risk of allowing the Soviet authorities to continue to misinterpret and misjudge other nations, as they have so clearly done in this instance. Their lack of knowledge, their lack of understanding and their lack of imagination pose a direct threat to international order and world peace.

Clearly, the Soviet Union will continue to misjudge the nature of public opinion that is formed in a free society, that is informed by an untrammeled press, and they will undoubtedly never understand how it is that we can be both free and strong.

It is precisely because we are both free and strong that we must work together with other nations to develop some means of educating the ignorance and restraining the brutality of the Soviet Union in international life.

This resolution sets forth the goal of strengthening the international efforts to prevent a recurrence of such a tragedy, and of devising ways to insure that the Soviet Union complies with that international order. It merits the strong support of every Senator.

Mr. EXON. Mr. President, the Soviet action in shooting down an unarmed civilian aircraft, with the loss of 269 innocent people, was a dastardly act which brings to light the stark differences between the Soviet Union and the free world.

This act should remind those who sometimes tend to forget what the true face of the Soviet Union is really like. The Soviet Union and its Communist system is built upon rigidity and the supremacy of the state. The facts are still coming out into the open and there are some facts which may never be known; however, it appears to this Senator that the particulars of this Soviet action are less important than the lessons it teaches us once again about our principal, potential foe.

We do not know at this time why the Korean airliner strayed so far off course and overflew some of the most sensitive Soviet military installations. It could have been human error, mechanical error, or a combination of both. Simply put, the airliner violated Soviet airspace and was in error.

Despite this fact, did this overflight violation justify the action taken by the Soviet Air Defense Command? Certainly not.

The Soviets may have accidently confused the Korean airliner with a U.S. RC-135 reconnaissance aircraft which had been in the area earlier. If that was the case, they would be guilty of gross incompetence. The Soviets may have shot down an aircraft which had violated their airspace not even knowing or caring about the type of plane it was or its intent simply to uphold the principle of the inviolability of their borders. In that case, they would be guilty of placing the sanctity of their borders over the value of innocent human life. Finally, the Soviets may have actually known that the aircraft was a civilian airliner and shot it down anyway just to prove a brutal point to the world. In this last case, they would be guilty of one of the most heinous crimes of this century.

Why did it take the Soviets so long to admit that they had shot down Korean flight 007, regardless of what they might have thought regarding its identity? We have seen the highly unusual spectacle of the Chief of Staff of the Soviet Armed Forces conducting a press conference with Western journalists to justify the action of those under his command. The Soviets have circled the wagons to protect their military establishment—the most important institution, along with the Communist Party itself, under their system. Are they protecting incompetence or intentional, callous behavior? Whatever the answer, the Soviet Union has committed a crime against international law and civilized people everywhere. Furthermore, they have even said they would commit this act again.

Sixty-one Americans are dead. So are another 208 men, women, and children from 12 other countries. Americans continually hear about Soviet paranoia about the sanctity of their borders and what an instinctively defensive society they are. Well, Mr. President, the Soviets should get the message loud and clear that we Americans and, indeed, all civilized people have our own sensibilities. We deplore the loss of innocent lives whether it be outright murder or simply the desire to protect one's borders. The Soviet reaction to what was an innocent mistake by an unarmed, civilian airliner—regardless of the Soviet's stated justification—provokes just as instinctive and harsh a reaction among peace-loving peoples everywhere.

Unfortunately, Western actions have not matched Western rhetoric. The United States attempted to coordinate a package of actions against the Soviet Union. This coordination was necessary and correct—unilateral U.S. sanctions of most types have not worked, as we have learned painfully during the recent past. What was the reaction of our allies? All of our European NATO allies could not even agree on joining a 2-week boycott of airline flights to and from the Soviet Union. They could not even agree on issuing a strongly worded condemnation of the Soviet shoot down. A U.S.-sponsored resolution deploring this act barely received 9 out of 15 votes in the U.N. Security Council before the Soviets vetoed it.

If the rest of the nations in this world cannot agree on a simple condemnation of such an act and mild sanctions against its perpetrator, our peril is indeed great.

The world must initiate actions to investigate this incident and take steps to help insure that it is not repeated. We have, correctly in my view, taken other actions against the Soviet Union such as closing their airline offices and operations here and canceling negotiations on cooperation in the transportation, cultural, and consular fields. We have brought this issue before the United Nations and the International Civil Aviation Organization. We are also seeking reparations. I urge the President to continue working with all other nations for a tougher response to the Soviet Union. They cannot be led to believe that the passage of time will lessen Western resolve on any front.

In the future, we must keep the heat on Moscow. Our allies must come to an agreement with us regarding further restricting the flow of strategic goods and technology to the Soviet Union. Together we must take even more vigorous steps to insure our national security.

The Soviet Union has shot itself in the foot and scarred their international image forever by this act. Let the tragedy of KAL flight 007 serve as a unifying force for those nations and peoples of the world whose quest is to live in peace and freedom.

We shall not forget.

Mr. KENNEDY. Mr. President, the whole world shuddered 2 weeks ago this morning when we learned that a Soviet missile had shot down Korean Air Lines flight 007 and that 269 civilians, including 61 Americans, had been killed in a single senseless moment of international madness.

The destruction of the airliner was a barbarous assault that has shocked free peoples everywhere. This act of savagery is a chilling affront to all civ-

ilized nations and a cruel violation of the most basic human rights. By committing this terrible atrocity, the Soviet Union has placed an indelible stain on the history of our time.

There is no conceivable justification for the brutal Soviet attack over the Sea of Japan on August 31. Because of the remarkable Japanese and American monitoring and intelligence capability in the area, the entire world knows what happened and how it happened and why it happened. The Soviets were caught redhanded in their planning and their perpetration of this crime. We heard the actual voice of the Soviet pilot as he coolly locked his missile onto the airliner, and we heard his even more chilling words as he reported that the missile had been launched and that the target was destroyed.

Then, instead of admitting the truth, the Soviet propaganda machine launched a cynical campaign to deny the facts and shift the blame. But their big-lie tricks have failed, because the world had already heard the truth—we had heard the Soviet Union convict itself out of the mouth of its own pilot.

The steady stream of transparent lies, distortions, and evasions that have poured out of Moscow over the past 2 weeks have only made the tragedy worse and the Soviet guilt more obvious. They have demonstrated unmistakably that the fundamental principle they are prepared to follow in international affairs is the law of the jungle, not the rule of law.

The Soviets have not made the slightest admission of real responsibility. Instead, they have tried to cover up their incredible irresponsibility with incredible fabrications.

Their posturing and deception are accompanied by the callous threat to do it again and shoot down the next civilian airliner that strays into Soviet airspace. Their belligerent and unrepentant attitude displays, for all to see, the Soviet Government's contempt for international law and their contempt for even the most minimum standards of civilized conduct and human rights.

I strongly support President Reagan's efforts to suspend commerical flights to the Soviet Union and to restrict the operations of Aeroflot. I am encouraged by the similar steps being taken by other nations and by international pilots. I also welcome the administration's determination to seek guarantees for the safety of airliners in the future, and to insist on reparations by the Soviet Union for the victims of this tragedy. And I commend the administration's leadership in seeking a coordinated response with other countries in the United Nations and other international forums.

At the same time, I believe that the President also deserves credit for resisting the irresponsible right-wing pressures to use this tragedy to block progress on arms control. While this latest act of Soviet brutality makes arms control negotiations more difficult, it also makes them more urgent and vital.

We must do everything possible to reduce the nuclear threat from the Soviet Union—and to reduce the chance that reckless Soviet actions will lead to nuclear catastrophe.

We do not engage in arms control talks because we like or trust the Soviets. We do so because the United States has a fundamental obligation to all nations and all humanity to take every possible step for the prevention of nuclear war.

The Soviet massacre of hundreds of innocent civilians does nothing to alter that obligation. Indeed, one element in the worldwide horror over the Korean airliner tragedy was the all-too-obvious reminder that the same callous mentality that launched the missile against the airliner could also launch a nuclear warhead.

That is why we must keep the pressure on the Soviet Union, not only for a full accounting of the senseless tragedy they have caused, but also for a full and comprehensive nuclear arms control agreement at the earliest possible time.

I support the pending resolution, and I hope that it will be adopted unanimously by the Senate.

● Mr. DODD. Mr. President, I support House Joint Resolution 353, a substitute for Senate Joint Resolution 158, of which I am a cosponsor.

It is difficult to find words to express our horror and revulsion over the criminal disregard for 269 innocent lives lost as a result of the barbaric destruction of KAL flight 007 by the Soviet Union. I am particularly grieved by the loss of two constituents, Mark McGetrick of Danbury and Rebecca Scruton of Meriden, who were among the 61 Americans murdered in this atrocity.

From the first paralyzing moment of realization of what happened, it was clear that we must not restrict our reaction to verbal condemnations. The American people and world opinion demand sanctions that will make the Soviet Union realize that it cannot disregard the most elementary rules of civilized international behavior without painful consequences.

For our sanctions to be effective, however, punishing the Soviet Union without hurting our own interests, we have to go about imposing them in cool-headed, deliberate fashion. I support House Joint Resolution 353 because it strikes the proper balance in condemning the Soviet action, reminding the Soviet Union of its international obligations, and calling for the most immediate sanctions. More specifically: It condemns the brutal Soviet action in a powerful but dignified fashion; it calls for compensation for the victims' families from the Soviet Union and Soviet cooperation in recovering the remains; it calls for the most logical and immediate actions, those connected with international civil aviation; and it calls for further steps if necessary to bring the Soviet Union in conformity with international civility.

Mr. President, I fully share the outrage of those in our country who call for further, more severe sanctions than have already been imposed. Before we proceed further, however, we will have to make two important distinctions. We will have to separate those sanctions that can and should be imposed immediately from those that will require a more deliberative approach, bringing allies in line with our thinking, and so forth. We also have to distinguish between sanctions that punish the Soviet Union and ones that may well hurt ourselves just as much. With all due respect to my colleagues who want to amend this resolution to put more teeth into it, I do not see any reason why we should cram all of our reaction into a single resolution.

We have to realize that one of the most important sanctions has already been imposed by the Soviet Union on itself. Our loss is not one than we can take a measure of because our principles do not allow us to put any value on innocent human lives. It is beyond doubt, however, that the prestige, influence, credibility of the Soviet Union, or whatever was left of it, suffered an enormous loss as a result of this barbarism, and this will have a direct repercussion on their interests around the globe for a long time.

There are areas in our relationship with the Soviet Union where a break in relations would not be in the interest of the United States. We are engaged in arms control negotiations purely in pursuance of significant American interests in a secure international climate and the avoidance of nuclear war. We do not do a favor to the Soviet Union by these negotiations and there is nothing that we can deny them without hurting ourselves.

I do not favor a drastic reduction in our mutual diplomatic representation either. It is in our interest to learn about each other whatever can be legitimately learned, precisely because that may somewhat mitigate the Soviet paranoia that was one of the major factors in what happened to flight 007. If, as reported, there is a serious imbalance in our mutual representation by which the Soviets can station scores of spies in our country, while we have a significantly lower number of diplomats in Moscow, that is certainly something we should have redressed long ago.

Trade sanctions have been debated in our country continuously in recent

years. While I do not attempt to recapitulate all the arguments pro and con let me just state that we ought to have another hard look at all the cases where the Soviets may enjoy a unilateral advantage in our mutual trade. We have to proceed carefully, however, and in concert with our allies or we will end up causing more trouble to ourselves than to the Soviets. I do not even mention high technology sales as a sanction, because I am of the firm conviction that we should not sell militarily relevant high technology to the Soviets under any circumstances, sanctions or no sanctions.

Let me repeat Mr. President, that without gaining anything appreciable as a result of its barbaric act, the Soviet Union is already suffering its consequences in terms of condemnation and contempt from the international community. These consequences will surely, though perhaps not measurably, be transformed into tangible losses for that benighted county in its international relations. I state this merely to comfort my colleagues and the bereaved families, not as an argument against further measures to warn the Soviet Union about the rules of international law and civility. We should consider further sanctions but go about them with circumspection. This is precisely how the President proceeded so far in this crisis and I commend him for his prudence and wisdom.

Mr. President, this tragedy should remind us as a nation to take pride in our guiding principles and in the system of government built on them. We cannot really pay the Soviets back "in kind" because human life is precious for us and the power of state is not an absolute value that should obliterate all considerations of mercy, charity, and humanity. If, however, this tragedy will help us, as a nation, to strengthen our resolve and that of our allies who are guided by similar principles, to oppose the forces of inhumanity, violence, and brutality that will be the most fitting memorial to those senselessly extinguished 269 innocent lives.

Mr. NICKLES. Mr. President, I rise today to add my voice to the chorus of others outraged by the Russian attack on a civilian Korean airliner. As we examine the consequences of the Soviet action and the Communist government's utter disregard of world condemnation, I believe it is imperative for the free world to reevaluate its relationship with Moscow.

Their callous, matter-of-fact response to the downing of KAL flight 007, once again reveals the cold and calculating minds that comprise Soviet leadership. Their consciences, seared by years of blind obedience to a godless and ruthless philosophy, are no more bothered now than they were after invading Afghanistan and Czechoslovakia, and committing serious human rights violations for decades. How many more inhuman acts must the Soviets commit before the world awakens to reality?

President Reagan's measured response to this atrocity demonstrates statesmanship and a sincere desire to avoid provoking the Soviets toward more aggression. The President's statements about the incident have been appropriately strong, and have helped focus world attention on the cruelty inherent in the Communist/Leninist system. This rhetoric is important as it educates the American public to the true nature of the Soviet threat.

I truly grieve for the families and friends of the 269 people killed on the airliner, and every effort should be made to get reparations from the Soviet Government for the surviving families. The pain they suffer from the loss of their loved ones is only being intensified by the unrepentant attitude exhibited by the Soviets. Moscow's uncompassionate demands keeping other nations from searching in Soviet waters is another indication of their fear of truth.

This is not merely a bipolar superpower confrontation, but, rather it is a worldwide dilemma. This was demonstrated at the United Nations, where for the first time in years, nation after nation condemned the Soviet action. Except for the few Soviet surrogate states, the world was united in its condemnation. Our Government has acted properly to insure that this hideous act remain a matter of international concern, not just between the United States and Soviet Union.

However, I would support additional measures taken against the Soviets. Although the administration monitors the transfer of high technology between our two countries, I believe that we must tighten our grip on high-tech transfers and put an end to the use of American ingenuity in building the Soviet war machine.

In addition, I believe our Government should move to reduce the number of Soviet diplomats from the United States. It is no secret that most of their diplomatic corps in our country are little more than agents for the KGB. At minimum, we should act to restrict the travel of Soviet personnel within the United States.

I also urge colleges, universities, and other institutions across the country to follow the example set by the University of Oklahoma which has canceled an exhibition basketball game with a Soviet team. This type of protest is more than symbolic because it transcends the rhetoric between Government officials and communicates directly to the Soviet people our total disgust with the actions taken by their Government.

I am a vocal advocate of a strong defense, and believe that a strong defense is the best deterrent to Communist aggression. We, in Congress, must heed the call from across the land to rebuild a national defense that, until 1981, was suffering from neglect. President Reagan is to be complimented for working to strengthen our defense, despite opposition from those who have been lulled into a false sense of security. Let this latest act of Soviet aggression serve as a jolting reminder that there is a price to be paid for freedom—this is a truth as old as history itself.

Mr. HATCH. Mr. President, one of the oldest principles of law and politics is that the punishment should fit the crime. We do this in domestic family life as well—perhaps the most mundane example is rubbing the puppy's nose in the spot in the rug it has just made so it associates the punishment with the crime. Indeed, civilized societies are justly proud of their complex legal codes which relate punishment to crime. No civilized person today advocates an eye for an eye and a tooth for a tooth in any literal sense because such primitive vindictive retaliation would lower the moral level of the dispenser of justice to that of the criminal. Only in a state of war would direct action be taken on the basis of an eye for an eye and, of course, in time of war, military forces are seeking military victory rather than to punish the enemy for any specific crimes.

As I have reflected these past 2 weeks about the massacre of Korean Air Lines flight 007 which occurred the day before I arrived in Korea myself on board another Korean Air Lines flight, I confess to the Senate that I have been unable to design or even conceive of a punishment that would fit this crime. We cannot shoot down an Aeroflot Air Liner even if one should violate our sacred American airspace. We are not barbarians.

It is the Soviet pilots and the Soviet military leadership who are guilty. Their accomplices after the fact seem to be the Soviet political leadership, specifically Mr. Andropov and Mr. Gromyko, who have not only condoned what the Soviet military leadership did but have also publicly promised to do it again.

To make the punishment fit the crime, should we then seek to cause harm to the Soviet political and military leadership as individuals? I do not believe this would be a proper response.

It saddens me to see that one of the few specific punishments that have yet been administered to the Soviet Union is that the Moscow State Circus, including nine bears, has been marooned in Canada because the Canadian Government has forbidden

Aeroflot to fly into Canada. Perhaps we can also include the boycott by a few States of the purchase of Soviet vodka. The International Federation of Air Line Pilots has endeavored to punish the Soviets by recommending that air lines with routes to Moscow suspend service for 60 days unless the Soviets adequately explain what happened to flight 007 and take steps to insure that such a heinous act will never happen again.

Mr. President, although these are commendable gestures, neither marooning nine Soviet circus bears in Canada nor a boycott of Soviet vodka nor a suspension of air line flights to Moscow for 60 days comes anywhere close to being punishment appropriate to the crime. One suggestion with considerable merit is the demand that the Soviet Union release 269 prisoners of conscience so that their freedom might in some way compensate for the loss of the 269 passengers and crew aboard flight 007. But even this suggestion, Mr. President, illustrates my point that it is futile to seek a punishment to fit this crime because the joy of those families liberated from Soviet prisons in no way compensates for the grief suffered by those families who lost loved ones aboard flight 007. Perhaps the freedom of 269,000 prisoners of conscience would be a step in the right direction.

If there is no appropriate punishment available to us, what then is to be done?

First, Mr. President, I want to praise President Reagan for his actions in this matter. Because I was in Tokyo the night of the destruction of flight 007 and received top secret briefings, including the transcripts of the Soviet pilots' conversations which were made available to me in Tokyo before I departed for Korea, I knew about the massacre before it became public. I took advantage of those hours of advanced warning to prepare four recommendations to President Reagan and to convey them to his closest advisers immediately. When the massacre became public that night in Tokyo because the Japanese Foreign Minister, Mr. Abe, courageously disclosed it 3 hours before our own Secretary of State held a press conference in Washington, I made public my four recommendations to the President in interviews that night with reporters and TV cameramen.

I was bitter at first when the State Department did not initially accept any of my suggestions, but I was ultimately deeply pleased that President Reagan overruled the State Department and agreed with all four of my recommendations. They were: First, a demand that the Soviets must pay generous compensation to the victims' families; second, that the Soviets must thoroughly explain what happened, apologize for their crime, and offer to join the international community to work out a system to prevent such a tragedy from ever happening again; third, a suspension on negotiations to renew cultural and scientific exchanges that I had learned about during my visit to Moscow the previous week; and fourth, that the President release the transcripts of the Soviet pilots' conversation to the public so that world opinion leaders could draw their own conclusions and mobilize world opinion to once again remember the basic nature of the inhumane, unconscionable Soviet regime with which we are all forced to live on this planet.

Mr. President, I know there are many more sanctions we could impose unilaterally on the Soviet Union. In fact, I believe the list of eight supplied by Senators HELMS and SYMMS, in my view, represents only a sample of unilateral sanctions which can be invoked. I certainly support the spirit behind the Helms amendment and I do support some of the provisions of his amendment. However, they do not adequately match the punishment to the crime.

The problem with the Helms proposals is not that on balance they are not worthy proposals, but that I believe our best hope for the future is to seek as widespread international condemnation and sanctions against the Soviet Union as is politically possible. The tragedy of strict sanctions on a unilateral American basis is that too much of the rest of the world will dismiss the massacre of flight 007 as a Soviet-American quarrel with no implications for the rest of the world. I agree with *Joseph Kraft*, who wrote in the Washington Post on Tuesday, that

> Harsh talk now yields bitter fruit. The Russians will not give further ground unless pushed by *allied* opinion. The allies are already beginning to respond negatively from shoves from Washington. Another dose of overblown rhetoric will edge them back toward the point of viewing Russia and the United States with almost equal alarm.

Thus far, the President has succeeded impressively in presenting a united front to the Soviets, including our not always supportive NATO allies, the Japanese, the Canadians, and even a majority of the U.N. Security Council voted for our resolution before the Soviets used their veto to shoot it down as self-righteously as they shot down flight 007.

It is an ominous sign, I believe, that the People's Republic of China abstained in that Security Council vote because, in the past, the Chinese have been among the fastest in the world to condemn Soviet misbehaviour and they frequently exceeded Jimmy Carter and Henry Kissinger in this regard. This Chinese silence is alarming on the eve of Secretary of Defense Weinberger's visit to China at a time when the Chinese are hosting a senior Soviet Foreign Ministry official, Mr. Kapitsa, for the first time in a decade. We cannot manipulate the conflict between the Soviet and the Chinese, but if they carry out a rapprochement, one fundamental premise of our national security strategy for the past decade will be called seriously into question. I hope Assistant Secretary Paul Wolfowitz and our Ambassador in Peking, Arthur Hummel are urgently seeking explanations and support to condemn the massacre of flight 007 so that Chinese silence on this issue will not be added to their deplorable failure to condemn the crushing of Poland's free labor movement, Solidarity. Throughout the rest of Asia, the Soviets have been condemned and, as I pointed out, Mr. President, the Japanese preceded even our own Secretary of State in making this matter public.

Of the major world democracies, only India has failed to condemn the Soviet massacre of flight 007, which suggests to me once again the hollowness of Mrs. Gandhi's oft-repeated claim to be nonalined in world politics.

So, Mr. President, let us support the President; let us seek the broadest possible consensus with our friends and allies to condemn the Soviets' barbaric act and to implement sanctions to punish the Soviets—bearing in mind that no punishment appropriate for civilized societies can match the crime the Soviets committed when they massacred 269 innocent men, women, and children.

Mr. THURMOND. Mr. President, today, we debate a resolution officially condemning the Soviet Union for its indefensible act of barbarism in shooting down Korean Air Lines flight 007. We all share a deep sense of outrage and disgust over this attack, in which 269 people, including 61 Americans, were coldbloodedly murdered.

As peace-loving people, we have searched in vain for some justification for this vile incident. Our days since the attack have been filled with angry questions about how such an atrocity could be committed, even in the name of territorial security. We have searched, Mr. President, for some way to make sense out of the senseless, and we have come away emptyhanded.

Indeed, we have concluded that there can never be any political or moral reason for such a blatant act of terrorism. It has violated every precept of international law and principle of human decency.

This attack, so uncalled for and terrible in its consequences, has also reminded all of us that there is still great evil at work in our world—huge and formidable forces which seek to destroy peace, freedom, and all that we hold dear. It has reminded us once again that the Soviet Union will stop at nothing to accomplish its goals of worldwide domination and oppression.

As much as the attack on flight 007 has shocked and outraged the world, we should not be totally surprised at this most recent act of brutality. The history of the Soviet Union is replete with examples of mass slaughter of their own citizens, invasions into many countries, including Poland, Hungary, and most recently Afghanistan, and active attempts to subvert the governments of other nations.

Theirs is a long and bloody legacy of stopping at nothing to extend their control.

We will remember the attack on flight 007 as we remember the other great atrocities of the world. However, we must reserve for this incident a special place of infamy. The attack on this innocent, unarmed, and off-course passenger plane—which the Soviet jet fighter tracked for more than 2 hours and made no attempt to ground—must be recorded alongside other horrors like Buchenwald, Auschwitz, Belsen, and Dachau.

Let us never forget what happened on September 1, 1983, when the Korean 747 began its ill-fated voyage into history. Hopefully, what we do here today will forever preserve in our memories the fact that there are awful forces at work in our world.

Mr. President, words seem so inadequate in condemning this event, and in expressing the huge sense of loss we feel in the tragic deaths of the passengers aboard the Korean jetliner.

Two South Carolinians—Mr. Billy Hong of Mauldin and Mr. Edward Burgess of Seneca—were among those killed in the attack. I cannot begin to express the sorrow I felt in talking with their families after the news of the aircraft's fate became known.

We pray for the wives of these men—Mrs. Mickie Burgess and Mrs. Joy Hong—and other members of their families. We have asked God to console and comfort them, and the families of the others killed in the attack, in their time of need.

Yet, we are gathered here today to express our collective anger and outrage at this murderous act, and to publicly denounce the Soviet Union—in the strongest terms possible—for what they have done.

Their dastardly and unconscionable deed deserves our harshest words. It deserves denunciation not only from us, but from all peace-loving people around the world. Let us tell the Soviets that we revile their attack on the plane and the grim and thinly disguised warning last week from their Foreign Minister that other inadvertent intrusions of their airspace will receive similar treatment.

This resolution should stand as our formal protest, in lieu of the one so arrogantly vetoed by the Soviets this week in the U.N. Security Council.

With this resolution, and similar actions from other nations, we can send a message to the Soviets and their leaders in the Kremlin that this wanton act of murder has alienated them from the world.

Mr. President, the Soviet Union must know that they stand alone in this act, and that they are cursed and despised by people everywhere for their brutality and disregard for human life.

This is one moment in history when all Americans must stand together—with true unity of national purpose—and support President Reagan and this resolution of condemnation.

Whatever our own wishes for justice may be, we owe it to our President to support his initiative first and foremost. Any wavering, any prolonged wrangling over what this measure should entail, would only send the Soviets a signal that we are a nation divided on this issue and unable to join together even under the most serious of circumstances. This resolution represents a consensus of the executive branch, including the Department of State, as well as the leaders in both parties in the Congress.

However, let us also understand that the Soviet Union does not share the same sense of justice and value for human life as do we, and that they may not respond accordingly to the sanctions already imposed by the President and the language of this resolution. Should that be the case, then we should move forward in imposing additional and even harsher penalties against them.

Let us quickly approve this resolution, and in doing so, renew our commitment to maintaining peace through strength. The sad lesson of this tragedy must not be disregarded.

In closing, I ask unanimous consent that an article from the Washington Post, regarding the memorial service I attended last week for the Americans who died on the KAL jet, be included in the RECORD at the conclusion of my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Sept. 10, 1983]

CHURCH LEADERS CONDEMN DOWNING OF KOREAN AIRLINER

"When the tears are over, when the anger has subsided, we must continue the negotiations out of which we further pray that peace will emerge."

Washington's Episcopal Bishop John T. Walker, addressing a memorial service attended by President and Mrs. Reagan yesterday at the Washington Cathedral, echoed the mixed reactions of many church leaders to the shooting down of a Korean airliner last week by the Soviet Union.

Walker and others who have advocated nuclear negotiations with the Soviets minced no words over the Russian action. The Episcopal churchman called it a "senseless atrocity inflicted upon us all by . . . an outlaw in the family of nations. . . . There is no way to justify the destruction of helpless, innocent people." But "when the demonstrations have ended," he said, "the hard work of negotiation" for world peace must resume.

Archbishop John R. Roach of St. Paul/Minneapolis, president of the nation's Roman Catholic hierarchy, called the attack "an act of murder," adding, "The international community cannot tolerate such actions."

The "tragic episode," Roach said, highlights "the danger and fragility of international relations today." But he urged, "despite this massive and evil tragedy, U.S.-Soviet negotiations on nuclear arms limitations must continue."

National Council of Churches general secretary Claire Randall and United Methodist Bishop James Armstrong, who is NCC president, called the shooting down of the plane "a violation of international agreements and moral standards." In a message to the Korean Council of Churches, the U.S. Protestant leaders supported the call for "an international inquiry into this serious incident,"

The NCC leaders also sent identical telegrams to Moscow to Metropolitan Filaret of the Russian Orthodox Church and Alexei Bichkov of the Union of Evangelical Christian Baptists in the Soviet Union saying: "Profoundly distressed and saddened by Soviet military action against Korean civilian airliner which claimed 269 lives on Sept. 1. This tragedy demonstrates anew [the] disastrous consequences for world peace, disarmament and improved international relations of [the] reliance upon and use of armed force . . ."

In New York, a spokesman for the World Council of Churches, whose membership includes both Russian and Korean churches, said a statement had been prepared by that organization but had "been held back."

In a message to priests urging prayers for victims of the crash and their families, Washington Archbishop James A. Hickey said the Soviet action "merits universal and unequivocal condemnation." Hickey joined others in the call for further investigation. "The international community should seek effective measures both to punish this barbaric act and to prevent its recurrence," he said.

The Justice and Peace Commission of the Baltimore Catholic archdiocese has sent a letter to Ambassador Anatoly F. Dobrynin expressing "profound shock" and calling on the Soviets for an explanation. But the commission also stressed the need for cooperation "in matters of global security."

The Council of Korean Churches in the Greater Washington area expressed appreciation for President Reagan's "prompt action and initiative."

Mr. COHEN. Mr. President, even after nearly 2 weeks of intense press coverage and speculation about the downing of Korean Air Lines flight 007 by the Soviet Union, more questions than answers remain about this murderous incident.

The event itself was almost unprecedented for its glaring illogic. Rational people could only guess at what the Soviets hoped to gain from their actions. Unlike many of their other controversial activities in the recent past, the downing of flight 007 seemed to be neither in their short-run or long-run interest. Beyond the immediate expressions of condemnation from

around the world, serious long-term damage doubtless resulted, to the Soviet's credibility. The almost comical series of lies, doublespeak and fumbled explanations by the Soviets in the days following the event could not have helped them, either, particularly when contrasted with our Government's firm, consistent, and restrained response.

Americans had difficulty even comprehending the enormity of the barbarism involved in this event, because we were viewing it through the prism of our own beliefs and experiences. It is unthinkable that a similar action would be taken by this country—in fact, on the many occasions where Soviet aircraft have strayed into U.S. air space—and, frequently, over U.S. military installations—we have been meticulous in our regard for the planes and the human lives involved and have aided the Soviet planes back to the proper course.

Perhaps the most valuable outcome of this sad event is to reinforce a basic truth—the Soviet leaders are fundamentally different from ours in their values and world outlook, something we are occasionally too eager to overlook. Because our country—rightly or wrongly—is concerned—and even obsessed—with public opinion, we assume other countries are as well. The Soviets are not. Their brutal aggression over the years in Hungary, Czechoslovakia, Afghanistan, and Poland help to put this most recent outrage in perspective. They are far more concerned with the fulfillment of their goals than about what the world thinks. We should not delude ourselves into thinking otherwise.

The question then becomes: How should the United States properly respond to this incident? Many have suggested drastic retaliatory actions, which President Reagan wisely has rejected. We need to walk the fine line between overreaction and downplaying the incident. In working with our allies to diplomatically isolate the Soviet Union to the greatest extent possible, we are pursuing the most sensible immediate diplomatic course while we review other options.

To those who suggested a unilateral cancellation of ongoing arms control talks, it is important to keep the larger perspective in mind even as our anger and grief are still present. A suspension of arms control talks, so near to the scheduled deployment of American missiles in Western Europe, would probably be damaging to the United States. The deployment of missiles is supposed to proceed only if arms reduction negotiations with the Soviets fail, and a cancellation of talks might be interpreted by some in Western Europe as an attempt by the United States to force the talks to fail and the deployment to proceed. More basically, arms control is no less important to the United States today than it was before the Korean jetliner was destroyed. The world needs more communication between the superpowers, not less.

The answer seems to suggest that a middle ground approach is best—while not backtracking on progress made in relaxing tensions between the two countries, we should not become distracted by wishful thinking and believe that we are dealing with anything but an implacable, amoral regime.

Mr. President. I rise in strong support of this joint resolution.

AMENDMENT NO. 2135

(Purpose: To express the sense of the Congress that the President should take certain measures with respect to relations between the United States and the Soviet Union)

The PRESIDING OFFICER (Mr. EVANS). The Senator from North Carolina.

Mr. HELMS. Mr. President, I have an amendment at the desk. I ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The bill clerk read as follows:

The Senator from North Carolina (Mr. HELMS) proposes an amendment numbered 2135.

At the end of the joint resolution, add the following new section:

Sec. 2. It is the sense of the Congress that the President should recall the United States Ambassador to the Soviet Union for urgent consultations.

It is the sense of the Congress that the President should conduct a comprehensive reappraisal of the complete spectrum of United States-Soviet relations, including arms control, human rights, East-West trade, and regional issues.

It is the sense of the Congress that the President should report to the Congress on the record of Soviet compliance or noncompliance with the letter and spirit of all existing strategic arms limitation talks (SALT) agreements and other arms control agreements to which the Soviet Union is a party.

It is the sense of the Congress that the President should direct the United States negotiators at the strategic arms reduction talks at Geneva to link the possible success of such talks with the willingness of the Soviet Union to abide by international law as a responsible member of the community of nations, paying specific attention to the KAL 007 massacre, Soviet violations of the Helsinki accords, the Soviet invasion and subjugation of Afghanistan, the repression of Poland and its free labor movement, and the use of chemical and biological weapons in contravention of existing treaties.

It is the sense of the Congress that the President should re-emphasize the inconsistency of the Soviet military presence in the Western Hemisphere with the Monroe Doctrine.

It is the sense of the Congress that the President should tighten substantially the foreign policy and military controls over the export of machine tools, high technology products, and equipment for the development of Soviet oil and gas resources.

It is the sense of the Congress that the President should direct the Secretary of the Treasury to use existing statutory authority to prevent the import of any product or material produced in the Soviet Union unless the President certifies that it was produced without the use of forced labor.

Mr. HELMS. Mr. President, I thank the clerk for reading the amendment.

Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state the parliamentary inquiry.

Mr. HELMS. Has there been a time agreement yet?

The PRESIDING OFFICER. No, no time agreement has been entered into.

Mr. HELMS. So I understand there is no time agreement.

The PRESIDING OFFICER. There is no time agreement.

Mr. HELMS. I thank the Chair. Let me say for the record, Mr. President, that I have advised the distinguished majority leader, minority leader, and Senators PERCY and PELL that I am willing to enter into a time agreement on this amendment.

Further, for the record, I would make clear that it is my intent to ask for division on this amendment and to ask for a rollcall vote in connection with each of them.

Mr. President, there have been a number of newspaper accounts in the past few days that explained what the Soviets were up to. These reports point out that the Soviets were about to make their fourth illegal test of the PL–5 missile. Now, this is a missile that is forbidden by the unratified SALT II agreement, and of course we are all aware that neither nation has officially ratified SALT II, but the presumption of the arms control community in this city of Washington, D.C., is that both nations, the Soviet Union and the United States, have tacitly agreed to abide by the constraints of SALT II without formal ratification so as to create confidence for the so-called START talks. Yet, this new Soviet missile is 220 percent larger in payload than the missiles permitted in SALT II. Moreover, in previous tests, the telemetry has been nearly 100 percent encoded to foil our monitoring process. That also is a violation of SALT II.

Now, we are supposed to be able to monitor the Soviet tests so as to be able to verify compliance. Thus, what the Soviets are doing is violating the treaty so as to achieve clear military superiority over the United States. They are trying to prevent us from knowing about their violations of the agreement. Now enter the EC–135 reconnaissance plane mentioned by President Reagan.

The Soviet apologists have referred to this as a spy plane. It was not on a spy mission at all. Its mission is to verify Soviet compliance with SALT treaties as provided for in the provisions of the treaties themselves. The

treaties specify that we are to check compliance with our national technical means. The EC-135 is part of our national technical means. It had not only the right under international law but the duty to fly that mission. According to the newspaper accounts, the EC-135 scrambled into action as soon as our monitors discovered preparations for the test. With the EC-135 in the air and flying always—let me say for the purpose of emphasis—always over international waters, the Soviets could not hope to conceal their violations so they canceled their test.

Now, in that same timeframe, however, the ill-fated KAL 007 entered Soviet airspace. There was no reason for the Soviets to confuse the KAL 747 with the EC-135. Any pilot in the world could have told the one plane from the other since the 747 is twice as big and has, as everybody knows, I hope, a distinctive silhouette.

Moreover, interceptor pilots are especially trained to identify aircraft. Now, Mr. President, it is more reasonable to suppose that the Soviets knew from the start that KAL 007 was a commercial airliner. But for the Soviets, as I have already mentioned, there is no difference between military aviation and civil aviation certainly in their own country. When Aeroflot was flying in the United States, Aeroflot jets wandered into some strange courses on a regular basis like the time that one Aeroflot jet got lost over a Groton, Conn. shipyard on the day that we just happened to be launching our first Trident submarine. Now, from the Soviet point of view it is not abnormal for a civilian airliner to be used for surveillance purposes.

The question that occupied them for 2½ hours that tragic night, therefore, was not whether it was a civilian or a military airplane but what action to take in order to foil its pretended espionage mission.

Now, when any criminal sees that his criminal conspiracy is about to be unmasked, it is not unusual for the criminal to kill innocent persons who may be about to reveal the guilty secret unwittingly.

Mr. President, it should be noted that the PL-5 missile would have impacted in Kamchatka. But according to further newspaper reports Soviets have also recently started deployment on Sakhalin Island of SAM-12 missiles. Although primarily a defense against enemy airplanes such as the F-16's about to be deployed in Japan, the SAM-12 has also been tested against ICBM reentry vehicles, that is to say as an ABM. The tests themselves were a violation of the ABM treaty; but deployment in Sakhalin is another violation because the ABM treaty permits only one ABM deployment zone per country, and the Soviets have already deployed extensive ABM facilities around Moscow.

KAL 007 might have flown over this illegal deployment, too. So from the Soviets' perverted point of view, the KAL 007 was on a course to catch them in not one dirty secret but two secrets. In my judgment, the shooting down of the KAL 007 was an attempt to cover up Soviet arms control violations. There are those who say that the KAL 007 flight had nothing to do with arms control, and that we should redouble our efforts at Geneva. The Senator from North Carolina says that we should redouble our efforts at Geneva because—I repeat, because—the Soviet shooting down of the KAL 007 is intimately related to Soviet practice in attempting to hide SALT violations. Unless the Soviets accept responsibility for their actions, we cannot be confident that the START negotiations will result in real reductions.

Mr. BAKER. Mr. President, will the Senator from North Carolina yield to me so that I may make a unanimous-consent request?

Mr. HELMS. I certainly will be delighted to yield, yes, sir.

Mr. BAKER. I thank the Senator.

I ask unanimous consent that the request and any colloquy in connection with it appear at the end of the statement of the Senator from North Carolina in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT

Mr. BAKER. Mr. President, over the past 2 hours, approximately, both sides have been trying to clear the terms of a unanimous-consent agreement to provide for the further consideration of this resolution. I have before me now a paper which I believe has been cleared on both sides. I will state it now for the consideration of the minority leader and all Senators.

Mr. President, I ask unanimous consent that during the consideration of House Joint Resolution 353 the following amendments be the only amendments in order, that they be first-degree amendments, and that they be limited; that debate on those amendments be limited as follows: 1 hour on an amendment to be offered by the Senator from North Carolina (Mr. HELMS), which is printed amendment No. 2135, which is the pending amendment; 20 minutes on an amendment to be offered by the Senator from Kentucky (Mr. HUDDLESTON) dealing with reducing the Soviet official presence within the United States; 10 minutes on an amendment to be offered by the Senator from Alaska (Mr. MURKOWSKI) dealing with cutting off U.S. export of refined petroleum products to the Soviet Union; 20 minutes on an amendment to be offered by the Senator from Kansas (Mr. DOLE) dealing with reducing the credits available to the Soviet bloc; 20 minutes on an amendment to be offered by the Senator from Wisconsin (Mr. KASTEN) dealing with the Polish debt; 60 minutes on an amendment to be offered by the Senator from Michigan (Mr. LEVIN) dealing with identifying and implementing economic sanctions; 30 minutes on an amendment to be offered by the Senator from Arizona (Mr. DECONCINI) dealing with suspending future commerical relations with the Soviet Union; 30 minutes on an amendment by the Senator from Florida (Mrs. HAWKINS) dealing with Soviet Jewry; 30 minutes on an amendment to be offered by the minority leader (Mr. BYRD) dealing with European cooperation.

Mr. BYRD. Which may or may not be offered.

Mr. BAKER. I might say parenthetically, Mr. President, that some of these amendments, perhaps many of them, will not be offered, I am told. But since we are providing that only these amendments are in order, then I believe that Senators wish to be protected in that way.

I further ask unanimous consent, Mr. President, that after the disposition of the amendments qualified under this request, there be 1 hour of general debate on the resolution, to be equally divided between and controlled by the distinguished chairman of the Foreign Relations Committee, Mr. PERCY, and the ranking minority member, Mr. PELL.

I further ask unanimous consent that a vote occur on or in relation to the resolution at the end of that time or prior thereto, if the time is yielded back, without any other intervening business, motion, or proceeding, and that the agreement as to the control of time be in the usual form.

The PRESIDING OFFICER. Is there objection?

Mr. MOYNIHAN. Mr. President, reserving the right to object—and I will not object—may I make a request and an inquiry of the distinguished majority leader?

Mr. BAKER. Yes.

Mr. MOYNIHAN. Could he add at the end of that list, or at any point he wishes to place it, a request of 30 minutes for an amendment which I shall offer on Soviet grain sales, which I hope not to offer and will not offer if other amendments are not offered?

The PRESIDING OFFICER. Is there objection?

Mr. BAKER. Mr. President, I modify my request to include, after the Byrd amendment, an amendment by the Senator from New York (Mr. MOYNIHAN) on——

Mr. MOYNIHAN. Grain sales to the Soviet Union.

Mr. BAKER. Thirty minutes?

Mr. MOYNIHAN. I am happy to do that, with the understanding that I hope not to offer this.

Mr. BAKER. Thirty minutes equally divided.

Mr. MOYNIHAN. Do I correctly understand that these time agreements are equally divided?

Mr. BAKER. Yes, in each case; in the usual form as to the control of time.

The PRESIDING OFFICER. Is there objection?

Mr. ARMSTRONG. Mr. President, reserving the right to object, I inquire of the majority leader if I am correct in my understanding that there is no limitation on time for debate on the resolution itself.

Mr. BAKER. Mr. President, the request I made was that after the disposition of the enumerated amendments, there be 1 hour of general debate on the resolution itself.

Mr. ARMSTRONG. Let me come to the point. It is my desire to speak prior to the action on some of these amendments. In fact, I would like to speak before they are called for a vote. Is that in order, under the unanimous-consent request?

Mr. BAKER. I would hope that the Senator could obtain time from the two managers of the bill, and I suggest that he do that at any time.

Mr. ARMSTRONG. I want to clarify whether or not there is a limitation of time on the resolution.

Mr. BAKER. It is my understanding that there would be a time limitation on the totality of the debate on the amendments and on the resolution by reason of this agreement, if it is entered into.

Mr. ARMSTRONG. Mr. President, I guess I am confused. I wonder if I may consult privately with someone who is better informed than I, because that is somewhat contrary to my understanding.

I also ask the majority leader this question: Would he be willing to modify his unanimous-consent request to permit, notwithstanding the no-second-degree-request, a possible modification in a portion of the proposed Helms amendments, subparagraph 8?

I should like to move to change not the spirit of that but the language, which I think may be technically in error. Specifically, I should like to change it to read:

> Direct the Secretary of the Treasury to use statutory authority to prevent the importation of any product or material produced in the Soviet Union through the use of forced labor.

That does not change the spirit to any extent, but I would not want to be precluded from asking for that change.

Mr. BAKER. I understand that the Senator from Colorado is asking the Senator from North Carolina if he is willing to modify his amendment in that respect.

Mr. ARMSTRONG. Both that and whether or not the majority leader's unanimous-consent request would preclude my doing so.

Mr. BAKER. Mr. President, have the yeas and nays been ordered?

The PRESIDING OFFICER. They have not.

Mr. BAKER. Mr. President, the minority leader points out that notwithstanding that the yeas and nays have not been ordered on the Helms amendment, if this agreement is entered into, the time limitation would have the same effect—that is, it would require unanimous-consent to change it. I am perfectly willing to do that, if the Senator from North Carolina has no objection.

Mr. HELMS. Mr. President, if the Senator will yield, can we not just have the unanimous-consent agreement that this portion of that amendment may be modified?

Mr. BAKER. I am perfectly willing to include that in this request.

Mr. BYRD. Mr. President, reserving the right to object, I would not want that modification request to be open-ended.

Mr. BAKER. It would be specific language.

Mr. ARMSTRONG. It would be only to put it in more direct and acceptable form.

Mr. HELMS. I am advised that Senator DENTON has some reservation about this.

If we may have about 1 minute with a quorum call, we may be able to resolve this.

Mr. BAKER. I think we can do it now. The minority leader has indicated that he has no objection, so long as it is clear that we are not opening the door for other modifications and, indeed, we are going to use the language just read by the Senator from Colorado.

Mr. President, I further modify my request in this manner:

I ask unanimous consent that there be 1½ hours of general debate on the resolution. I believe that my request previously was that that time would start running after the disposition of the amendments. I want to change that so that the hour and a half of debate on the resolution will be available at any time and will be under the control of the two managers.

I modify my request in that way.

Mr. PERCY. Mr. President, reserving the right to object—and I shall not object—one further detail about when the vote will occur.

I understand that Senator HUDDLESTON has a problem with time. Would it be feasible, if a rollcall vote is ordered for the Huddleston amendment and the Helms amendment, that we have that rollcall vote at the conclusion of the discussion on those two amendments and then we go forward?

Mr. BAKER. The Senator from Illinois wants to stack those two?

Mr. PERCY. If they are tabled, perhaps other Senators would not feel it necessary to push forward with their own amendments. Also, it would accommodate our distinguished colleague.

Mr. BAKER. Mr. President, I wonder if the chairman of the committee would consider an alternative. It occurs to me that the Huddleston amendment and one section of the Helms amendment are very similar.

Mr. PERCY. That is right.

Mr. BAKER. The way one is dealt with may depend on what happens to the other.

I wonder if we could have a tacit understanding that after we dispose of the Helms amendment, under this order, we would turn next, I assume, to the Huddleston amendment, and that we would vote at that time, rather than stacking them? I am afraid that stacking them would make it too uncertain to deal with.

Mr. PERCY. The majority leader means to have a vote on the Helms amendment first?

Mr. BAKER. Yes.

Mr. PERCY. And then a vote on the Huddleston amendment, and then possibly stack all the rest?

Mr. BAKER. I do not know about all the rest. I would be glad to entertain that possibility.

I guess what I am saying is it is going to be a little messy to try to stack votes when they are dependent on each other as the amendments of Mr. HELMS and MR. HUDDLESTON may be.

Why do we not just do the best we can?

Mr. PERCY. All right. Leave it.

Mr. BAKER. I thank the Senator.

May I inquire of the Chair, under the formulation I have now pending before the Senate, would the amendments be presented by the Chair and debated by the Senate in order that I have read them?

The PRESIDING OFFICER. Not necessarily.

Mr. BAKER. Very well.

I wonder if that is what the managers intended. It does not make any difference to me.

Mr. PERCY. That is correct.

Mr. BAKER. They should be in that order.

Mr. PERCY. In that sequence.

Mr. BAKER. The request does not say that. I see both managers indicating a preference for that.

If I may have the attention of Senators in the Chamber, I wish to amend the request so that only these amendments are in order, that they will be presented in the order listed.

Mr. PERCY. All right.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Tennessee?

Mr. BYRD. Mr. President, reserving the right to object, and those are words I always dreaded to hear when I was trying to get a time agreement, is the amendment by Mr. HELMS as presently written divisible? May I ask the Chair that?

The PRESIDING OFFICER. The amendment of the Senator from North Carolina as drafted is divisible.

Mr. BYRD. I thank the Chair.

Mr. BAKER. Mr. President, there is one further modification. I just received word that the junior Senator from Alaska (Mr. MURKOWSKI) wishes 20 minutes equally divided instead of 10 minutes. I assume no one is going to object to that. I modify my requests to that extent.

The PRESIDING OFFICER. Without objection, the request is so modified.

Is there objection to the request of the Senator from Tennessee?

Without objection, it is so ordered.

Mr. BAKER. I thank the Chair.

Mr. President, I thank all Senators. I especially thank those who have amendments to present.

Mr. PERCY. Very good.

The PRESIDING OFFICER (Mr. WILSON). Who yields time?

Mr. JEPSEN. Mr. President, will the Senator from Illinois yield?

Mr. PERCY. How much time does the distinguished Senator require?

Mr. JEPSEN. Three minutes.

Mr. PERCY. I yield 3 minutes to the Senator from Iowa.

Mr. JEPSEN. Mr. President, I rise in strong condemnation of the Soviet Union for the murder of 269 men, women, and children on August 31, 1983. As a result of barbaric Soviet actions, 61 Americans have lost their lives. The Soviet Union has compounded the infamy of shooting down an unarmed civilian airliner by steadfastly lying about its actions until the evidence overwhelmingly provided the true picture, and by refusing to accept any responsibility for the murders.

This Soviet behavior is not an aberration. One need only look at the history of the Soviet Union since November 1917, to see the roots of their wanton action on August 31. From the beginning of Bolshevik rule, the power of the Soviet Government and the Communist Party has been not the rule of law and respect for the rights of the individual, but rule by force and terror. In the name of ideology or the expediency of power, any legal framework for the protection of the individual has been suppressed or destroyed by the party in the Soviet Union. The millions who died in the brutal and irrational forced collectivization of Soviet agriculture in the 1930's are mute testimony to this fact. This behavior has spilled over into the international arena as well. One cannot recall too often the brutal suppression of the revolts in East Berlin in 1953, in Hungary in 1956, and Czechoslovakia in 1968. Most recently we have seen the Soviets engineer the destruction of the Polish free trade union, Solidarity.

Can we expect a change for the better in the Soviet system? If history is any indication, the answer is no. Nikita Krushchev attempted some minor reforms and liberalization within the Soviet bloc in the 1950's and was soon faced with internal strife as the long suppressed creative energies of the Russian and Eastern European people were released. The experiment has not been repeated. The only basis for Soviet power is force and terror, the system would cease to exist without it.

Now we have the latest example in the barbaric downing of Korean airliner 747. The Soviet Union must know that the brutal use of force in the international arena is completely unacceptable and that the civilized nations of the world will respond vigorously to their action. I commend the Senate leadership for introducing Senate Joint Resolution 158 condemning the Soviet Union. We must continue to explore sanctions and other forms of retaliation for this action, being careful to reject those sanctions that have been tried in the past and have proven either ineffective or more damaging to our interests than the interests of the Soviet Union. Most importantly, we must insure to the fullest extent possible that our actions are not unilateral, but coordinated with the other nations in the world who share our outrage.

Mr. President, the Soviets, by their unspeakable act on August 31, have given us another bloody reminder of the nature of their regime and their ideology. We must never forget this lesson as we attempt to reach agreements with the Soviet Union on a wide variety of issues, most importantly nuclear arms reductions. We must insure that our profound grief and outrage over the murder of 269 innocent men, women, and children translate into a determination never to allow ourselves to be placed in a situation where the Soviet use of force brings them any advantage in international affairs.

I thank you, Mr. President.

The PRESIDING OFFICER. Who yields time?

The Senator from North Carolina is recognized.

Mr. HELMS. Mr. President, I ask for division on my amendment and I shall take them one by one. For the information of Senators in the Chamber and those who may be listening on the loud speaker, there will be seven rollcall votes as it now stands.

Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. HELMS. Mr. President, there is a little confusion on the unanimous-consent agreement just now. Did that in fact modify the last provision in this amendment?

The PRESIDING OFFICER. The amendment preserves the Senator's right to modify.

Mr. HELMS. It only preserves the right to modify. Very well.

The PRESIDING OFFICER. That is correct.

Mr. HELMS. I will ask the distinguished Senator from Colorado if he wishes to suggest a modification at this time to lines 20 through 24 on page 2.

Mr. ARMSTRONG. Mr. President, I do suggest the modification which we discussed earlier, which, as I understand it, would result in paragraph 8 reading as follows:

. . . direct the Secretary of the Treasury to use existing statutory authority to prevent the import of any product or material produced in the Soviet Union with the use of forced labor.

Mr. HELMS. Mr. President, I have no objection to that modification. I assume the Senator will send the modification to the desk. If he will do that, I accept the modification.

The PRESIDING OFFICER. The Senator from North Carolina has the right to so modify.

Mr. HELMS. I thank the Chair.

Mr. ARMSTRONG. Mr. President, do I understand it is hereby so modified?

The PRESIDING OFFICER. It is so modified.

The Senator will send the modification to the desk, please.

The amendment as modified is as follows:

At the end of the joint resolution, add the following new section:

SEC. 2. It is the sense of the Congress that the President should recall the United States Ambassador to the Soviet Union for urgent consultations.

It is the sense of the Congress that the President should conduct a comprehensive reappraisal of the complete spectrum of United States-Soviet relations, including arms control, human rights, East-West trade, and regional issues.

It is the sense of the Congress that the President should report to the Congress on the record of Soviet compliance or non-compliance with the letter and spirit of all existing strategic arms limitation talks (SALT) agreements and other arms control agreements to which the Soviet Union is a party.

It is the sense of the Congress that the President should direct the United States negotiators at the strategic arms reduction talks at Geneva to link the possible success of such talks with the willingness of the Soviet Union to abide by international law as a responsible member of the community of nations, paying specific attention to the KAL 7 massacre, Soviet violations of the Helsinki accords, the Soviet invasion and subjugation of Afghanistan, the repression of Poland and its free labor movement, and the use of chemical and biological weapons in contravention of existing treaties.

It is the sense of the Congress that the President should re-emphasize the incon-

sistency of the Soviet military presence in the Western Hemisphere with the Monroe Doctrine.

It is the sense of the Congress that the President should tighten substantially the foreign policy and military controls over the export of machine tools, high technology products, and equipment for the development of Soviet oil and gas resources.

It is the sense of the Congress that the President should direct the Secretary of the Treasury to use existing statutory authority to prevent the import of any product or material produced in the Soviet Union with the use of forced labor.

Mr. ARMSTRONG. I thank the Chair and thank the Senator from North Carolina.

Mr. HELMS. I thank the able Senator from Colorado. He is always constructive and helpful.

Mr. HELMS. Mr. President, I yield myself such time as I may require.

The President, in the judgment of the Senator from North Carolina, should immediately recall the U.S. Ambassador to Moscow for urgent consultation as a consequence of the cold-blooded murder by the Soviet Union of the innocent men, women, and children aboard Korean Air Lines flight 007.

Certainly, this is a prudent and proper course for the President to follow. It is normal in a crisis to recall one's Ambassador for urgent consultation. It does not imply a break in relations nor is it a break with any diplomatic convention. Such a temporary recall is, in fact, a normal and prudent diplomatic procedure.

Indeed, the President at moments such as this needs to talk face to face with his personal representative in order to obtain an exact report on this situation and on the context in which U.S. policy must operate.

It is inconceivable to the Senator from North Carolina that the President has not recalled our Ambassador for urgent consultations already.

I am aware, however, that President Reagan has been under tremendous pressure from advisers who are pressing for the creation of the illusion of normalcy in the relations between our two countries.

It is not unlikely that the President has been inundated with counsels of a most superficial nature based upon the most tenuous and contorted lines of argument that we must not be seen to move too harshly against the Soviets, and I must say that President Reagan has acted in a most restrained manner and that is plain for the world to see.

It is certainly not the President of the United States who is behaving in an uncivilized manner. Indeed, the rulers of the Soviet Union daily demonstrate to the world their barbarism, and I choose to use that word that the distinguished late Senator Jackson used.

While I believe the President has acted in a most restrained manner, I would caution against a lack of prudence which I perceive in the counsels he is receiving. By this I mean that the recall of our Ambassador to Moscow is a matter of greatest prudence. Not to have such face-to-face discussions is a reckless disregard of the gravity of the situation.

Now, Mr. President, I ask for a division of the amendment, and I have no further comment on the first provision to be voted on. I ask for the yeas and nays on that division.

Mr. PERCY. Mr. President, will the Senator yield for a question?

Mr. HELMS. I certainly would.

Mr. PERCY. Just from the standpoint of the procedure, would it be the intention of the Senator to ask for a vote at the end of the discussion of each of the amendments or would the Senator prefer to stack the votes and possibly after the first vote we could have 10-minute votes on the successive rollcalls,?

Mr. HELMS. As the distinguished chairman of the Foreign Relations Committee will recall, it was I who suggested that we have stacked votes, and I am willing to accommodate in any way that he may desire, whatever his wishes may be.

Mr. PERCY. Will the Senator think well of having the first vote a 15-minute vote and then the subsequent votes 10-minute votes?

Mr. HELMS. I think that would obviously save time. Of course, it would require unanimous consent.

The PRESIDING OFFICER. The Chair would inform the Senators they are acting somewhat prematurely.

What is the request of the Senator?

Mr. HELMS. I thought I had indicated that, Mr. President, but I will indicate it again. Mr. President, each of the provisions of the amendment is one sentence, and I ask that the amendment be divided between each sentence. I think that is the best way to put it. The first division would end with the word "consultations" on line 6.

The PRESIDING OFFICER. All right. The Senator can so divide his amendment.

Mr. HELMS. Would the Chair think it would be expeditious for us to make clear about the rest of them or is the situation clear with the Chair as it now stands?

The PRESIDING OFFICER. I think it is perfectly understood, Senator. The amendment will be deemed divided.

Mr. HELMS. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered on the first division of the amendment.

Mr. HELMS. I yield to the distinguished chairman of the Foreign Relations Committee, who may wish to propound a unanimous-consent request.

Mr. PERCY. Mr. President, I ask unanimous consent that the first amendment, first division of the Helms amendment, have a 15-minute recorded vote, rollcall vote, and that subsequent divisions be stacked together, each one of which after the first amendment would be 10 minutes in duration.

Mr. HELMS. May I ask the Senator if he has—I hope he will understand—has he checked with the leadership?

Mr. PERCY. Yes.

Mr. MOYNIHAN. Will the distinguished Senators permit me for a moment to check with the minority leader? I have not done it.

Mr. HELMS. Mr. President, I suggest the absence of a quorum with the time charged to nobody.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HELMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HELMS. Mr. President, in all candor, we have a little bit of a parliamentary tangle about the procedure suggested by the distinguished Senator from Illinois. While we unravel that, I ask unanimous consent that I may be permitted to lay aside my amendment so that a Senator may be recognized.

The PRESIDING OFFICER. Is there objection? There being none, it is so ordered.

Mr. ARMSTRONG. Mr. President, I believe it is the intention of the distinguished chairman of the committee to yield to me 30 minutes at some point during this debate and I inquire if this would be a convenient time.

Mr. PERCY. Mr. President, this is a convenient time. The Senator is happy to yield 30 minutes of the time of the chairman of the Foreign Relations Committee.

Mr. MOYNIHAN. Is it my understanding the chairman wishes to yield 30 of the 45 minutes available?

Mr. PERCY. That is right.

Mr. MOYNIHAN. As usual, the chairman knows what he is doing.

Mr. PERCY. Yes; that is right.

The PRESIDING OFFICER. Without objection, the Senator from Colorado is recognized.

Mr. ARMSTRONG. Mr. President, I am grateful to my colleague and friend, the distinguished chairman of the Foreign Relations Committee, for yielding to me.

Mr. President, I wish to join with other Senators, and indeed with all Americans, in expressing my sense of horror and shock at the barbaric event which has occurred on the other side of the world, and also to express in this forum what I have previously expressed privately, my profound sympathy to Kathy McDonald and the family of our colleague, Larry McDonald, and to the others who perished in that appalling episode.

Mr. President, like all Americans, I am deeply saddened by what has transpired. I am truly appalled. I must say, Mr. President, I am not particularly surprised. On the contrary, the brutal action of the Soviet Union is consistent with the way they have handled similar events in years past.

It is consistent with their handling of other accidental entry of their air space by other commercial airlines. It is consistent with their often expressed low view of human life. It is consistent with the Soviet Union's record of brutality, atrocity, and uncivilized behavior, which is a daily offense to the conscience of civilized persons all over the world.

Mr. President, there are some people—I trust none in this Chamber—but there are some in this country and abroad who are reluctant to face the overpowering reality that this world lives perpetually on the brink of war and conflict.

Now, some people tend to take the view that, well, there are two big powers in the world and they have big power interests and it is sort of a case that there are pros and cons on both sides. Some people have almost declared a sort of de facto moral neutrality.

I hope that what has happened in the episode of the KAL flight 007 will call public attention all over the world to the reality that Soviet intransigence is the main stumbling block to the peaceful resolution of world tensions.

Mr. President, nowhere in the world is the United States menacing other nations. Nowhere are we threatening armed invasion. Nowhere are we seeking control over weaker nations. We do not threaten the overthrow of established regimes. We are not funding terrorist groups. The Soviet Union is doing all of these things, and worse.

Recently, President Reagan addressed the United Nations. He recalled President Eisenhower's description of our foreign policy. Ike told the world:

> We are for peace, first, last and always *** and always for a simple reason. We know that only in a peaceful atmosphere, a peace with justice, one in which we can be confident, can America prosper ***

Today, more than ever, more than when President Reagan addressed the United Nations or when President Eisenhower first expressed this aspect of American policy, Americans long for peace.

We view with alarm and horrible sadness the bloodbath in the Middle East; the slaughter in Afghanistan; genocide in Southeast Asia, wars raging between Iran and Iraq, Ethiopia and Somalia, South Africa and SWAPO, Libya and Chad, South Yemen and Oman, the loss of life in El Salvador, Guatemala, Nicaragua, Angola, Mozambique, Zimbabwe—to say nothing of the horrible abuses of human rights, the torture and repression which are tragically common in other nations.

The universal desire of Americans to live in a peaceful world, to be at peace with all nations, has been expressed by every President and every Congress in our lifetime. Although our foreign policy has frequently been marred by dreadful mistakes, errors of judgment and, on occasion, incredible naivete, the consistent thrust of U.S. intentions has been exactly what President Eisenhower expressed so well—peace; independence and self-determination for all nations; cooperation, never conquest.

At the end of World War II, Japan was devastated, all of Europe lay in ruins at our feet. What happened? Did we subjugate our enemies and our former allies? By no means. On the contrary, we rebuilt their economies; through the Marshall Plan we restored Europe; we liberated the Philippines; and in the years since then we have committed American prestige, financial and military resources and fighting men in defense of freedom in South Korea, Southeast Asia, and Europe.

In return, we have sought no colonial empire. We have asked no concessions. We have extended a hand of friendship to nations around the world.

The record of the Soviet Union stands in stark and malevolent contrast—the ruthless repression of the Russian people; the brutal subjugation of the captive nations and Eastern Europe; construction of the Berlin Wall; exporting violence around the world; arming Cuban revolutionaries and PLO terrorists who have caused death and destruction in dozens of countries; supporting a genocidal regime in Southeast Asia. The Soviet Communist record is unmatched in the annals of tyranny, terrorism, and repression—a fact which we must never forget, and must never permit the world to forget.

World domination is the announced intention of the Soviet Union. To implement their plan, the Soviets have engaged in the greatest arms buildup in world history. They have been spending nearly three times as much of their gross national product on the military as has this country.

This unprecedented Soviet military buildup has borne impressive fruit. The Soviets now lead the United States in virtually every measure of military strenth, in some cases by breathtaking margins:

The United States has 16 Army and 3 Marine divisions. There are 180 divisions in the Soviet ground forces.

The Soviets have built as many tanks since 1970 as there are tanks in the entire U.S. Army. Overall, the Soviets have a 50,000 to 10,500 advantage, and an even greater qualitative advantage, since most U.S. tanks were built before 1970.

The Soviets have a 6-to-1 advantage in artillery pieces, a 4-to-1 lead in armored personnel carriers, a 2-to-1 lead in fighter aircraft, and a 3-to-2 edge in antitank missiles. In addition, the Soviets have fielded whole families of weapons systems, including rocket launchers, for which there are no counterparts in the U.S. Army.

Even on the high seas, traditionally an area of U.S. dominance, we are outnumbered. Our Navy has 189 cruisers, destroyers, and frigates, compared to 275 in the Red Navy. They have 266 attack submarines to our 80, approximately a 3-to-1 advantage.

Moreover, since 1969, the Soviet Union has deployed more ballistic missiles, 1,300, than the United States has altogether, 300 new strategic bombers, and has launched 55 new ballistic missile submarines.

In the midst of this massive strategic buildup, the Soviets have not neglected theater nuclear weapons. Since 1975, the Soviets have deployed some 300 SS-20 mobile ICBM's in Eastern Europe to supplement the 500 SS-4 and SS-5 missiles already deployed there. If one of the three warheads on the SS-20 is removed, or a third state added to the launcher, the missile is capable of striking targets in the United States. Clearly, the Soviet Union is fulfilling their plan, racing to add as much as they can to their nuclear arsenal.

The United States is making a belated effort to modernize our strategic nuclear forces, not to engage in some mindless "arms race" with the Soviet Union, but because we wish to restore stability to the nuclear deterrent which has so far prevented a nuclear war from occurring. Our goal is not more weapons, but more survivable weapons. At the end of the modernization program, we will have fewer missiles and bombers than we have now, and the aggregate destructive yield of the warheads they carry will be less than it is at present, reducing the likelihood that Soviet military planners may find a nuclear Pearl Harbor too tempting to resist.

In addition, Mr. President, over and over again President Reagan and his predecessors have advanced serious

concrete proposals to reduce the crushing burden of arms on both sides. These proposals have been made in good faith. But they have run into the same stumbling block that thwarted President Carter's proposal for arms reduction in 1977 and President Nixon's effort to negotiate a nuclear arms freeze in the context of SALT I negotiations: the stumbling block of the absolute unwillingness to the Soviet Union to agree to any mutual, balanced, and verifiable agreements to nuclear weapons.

Soviet stonewalling on nuclear arms reduction goes all the way back to 1946, when the United States had a nuclear monopoly. The United States offered to turn its nuclear weapons over to the United Nations, but our proposal was vetoed by the Soviet Union.

Even when the Soviets have entered into arms control agreements, their record of compliance has not been encouraging. The SALT I Treaty was highly advantageous to the Soviet Union, but even then the Soviets were unwilling to abide by its terms. Soviet violations of SALT I include:

Testing of both radar and missiles of an air defense system in an ABM mode, prohibited by article VI of the ABM Treaty;

Electronic jamming and the encrypting of missile telemetry to interfere with U.S. national technical means of verification, a violation of article XII of the ABM Treaty and article V of the Interim Agreement;

Replacement of the SS-11 light ICBM, about the size of our Minuteman III, with the heavy SS-19 ICBM, whose throw-weight is four times that of the SS-11, in violation of article II of the Interim Agreement; and

Deployment of ground-mobile launchers capable of launching the SS-16 ICBM. More ominous still has been the utter Soviet disregard of the International Convention prohibiting the manufacture and use of biological weapons, which the Soviet Union signed in 1972. There is, I believe, conclusive evidence the Soviets have supplied toxins for use by the North Vietnamese in Laos and Cambodia, and are using them themselves against freedom fighters in Afghanistan.

Recently we have learned that the Soviets, in violation of the understanding we have had with them about the SALT II agreement, have tested antisatellite lasers and missile tests of a sort that only seem to make sense in the context of a contemplated first strike.

The evidence of Soviet duplicity is massive. Overwhelming. Undeniable. This is the record, Mr. President, a brief summary of the record of the last 30 years or so, of relations between the Soviet Union and other nations around the world.

This is the context in which I believe we ought to consider the pending resolution.

Mr. President, I want to compliment the drafters of this resolution for the clarity and precision of their thoughts. It is obvious from the words which have been adopted by the House and which are now before the Senate that this country not only regrets and criticizes the Soviet action in the affair of the KAL flight 007, but, in fact, recognizes the Soviet regime for the outlaw nation it has become.

Mr. President, it is not enough just to criticize, it is not enough just to hurl even the strongest words at the Soviet Union, because a week from now, a month from now, or a year from now when all the words are forgotten and the public attention has shifted to another more pressing, more timely subjects, the words will be gone and all that will remain are our actions.

In the original draft of this resolution, which was considered yesterday by the other body, I believe there was a provision for some additional sanctions. My understanding is that has been removed. At least, there was some reference to additional sanctions. The reality is that thus far all we have done is complain. That we have done so in an elegant, powerful, persuasive, perhaps even a dramatic way matters very little in the long run.

It is proper and I applaud it, but in the final analysis the Soviet Union and nations of the world, all nations of the world, will recall not our words but our actions.

I think we must do something, something specific, something that exacts of the Soviet Union a penalty for this uncivilized, unlawful behavior in which they have engaged. In other words, words are not just enough, so far as I am concerned.

Mr. President, in the immediate wake of this tragic episode, it would have been very easy for the President of the United States or others to fly off the handle and recommend or take action which would be proven to be unwise on mature and sober reflection. Frankly, when this happened there were many people whose hearts told them we ought to break diplomatic relations with the Soviet Union.

But our heads told us that was not wise, that it would not advance the cause of peace, it would not bring back 269 people who perished in the KAL flight 007 episode, nor would it have afforded any protection against a future breach of the peace by the Soviet Union.

That is the real question.

There is not anything we can do to bring back the people who have already perished. The question is what constraints do we place upon the Soviet Union or other outlaw nations for the future?

I just cannot emphasize too strongly, Mr. President, that the statement of Mr. Gromyko across the table from our Secretary of State puts that in absolutely crystal-clear focus. There has not been the slightest indication that the Soviet Union repents of its action, regrets it, admits any degree of responsibility. In fact, they have made it very clear that they are fully prepared to do the same thing again.

I believe that there must be ways for this country and our allies to put measured, judicious pressure upon the Soviet Union to rethink their policies, to bring themselves into conformity with more civilized behavior.

If we do nothing, we will simply encourage future incidents of this kind which will be worse. If we fly off the handle, we run the risk of making the situation worse rather than better, which is what I think we would do if we broke diplomatic relations or failed to go to the bargaining table with them over arms issues, and so on.

Therefore, I am very pleased, Mr. President, to support the amendment proposed by our colleague from North Carolina (Mr. HELMS) which he has developed in consultation with many Members of this body as a thoughtful, restrained, moderate, temperate, judicious series of recommendations for concrete actions which do sanction the Soviet Union, which do exact a price and do so in a way that does not go too far and which does not, in my opinion, injure any interests of the United States or our allies.

Let us just review this proposal in detail.

First, our colleague (Mr. HELMS) suggests that we recall the U.S. Ambassador to the Soviet Union for consultation, that we may give in that act a demonstration of how seriously we take this matter.

Second, and this is a very important and I think really powerful, deceptively powerful, sanction that we can levy upon the Soviet Union: to reduce the number of diplomats accredited to the United States to the number of U.S. diplomats accredited to the Union of Soviet Socialist Republics.

We are not saying to send everybody home or to cut their number in half, but that they should not have any more in this country than we have in theirs.

Why is that such an important thing? For the simple reason that it is clear on the record that a great many, perhaps all but certainly a high proportion, of those so-called diplomats are, in fact, intelligence agents gathering information and they do so in the atmosphere of a country that is wide open. In other words, that is an important resource for them, to have all these people running around our country gathering industrial secrets, military intelligence, military matters, and

so on. On the other hand, the people we have in the Soviet Union are scarcely in the position to do that, no matter how many of them we might have, because they operate within the environments of a closed society.

I do not think anybody, no matter how you think about the other aspects of this, can think that this first part of the Helms amendment is extreme.

Second, the recommendations that the Congress should conduct a comprehensive reappraisal of the complete spectrum of United States-Soviet relations, including arms control, human rights, East-West trade, and regional issues.

I trust, as a result of such a reappraisal, to draw out for the whole world to see the efforts that we have made to reduce tensions and those instances—if there are any, and I believe there are many—in which the Soviet Union has refused to cooperate.

Third, to report to the Congress on the record of the Soviet compliance or noncompliance with the letter and spirit of strategic arms limitation talk agreements and other arms control agreements to which the Soviet Union is a party.

There are responsible reports raised by the media that extensive violations of international treaties are taking place at this very time by the Soviet Union. What are the facts?

Well, I think we ought to get a complete report, an official report. While I am inclined to believe, and, in fact, I do believe—I am not just inclined to believe—the news reports that have come to my attention, I believe that we ought to have a complete report of these matters from an official source.

Next, the Helms amendment directs that the U.S. negotiators at the strategic arms reduction talks link the possible success of such talks with the willingness of the Soviet Union to abide by international law as a responsible member of the community of nations.

In other words, I think we ought to tell the Soviets that we care about the way they are violating the rights of their own citizens and, in the process, breaking their word with respect to the Helsinki accords. We ought to tell them that what is going on in Afghanistan is important to us; that the repression of Poland and its free labor movement means something in this country and other Western nations; that we abhor the use of chemical and biological weapons; and that, when all of these things are happening, it makes it very difficult for us to take seriously the undertakings that they might give us with respect to strategic weapons.

They need to understand that, not just for our sake, but for theirs, because it is a fact that the people of this country are appalled by these and all of the other Soviet violations of decent conduct.

The Helms amendment urges the President to reemphasize the inconsistency of the Soviet military presence in the Western Hemisphere with the Monroe Doctrine.

It calls upon the President and other authorities to declare Poland in default on all or a part of the debt owed to the Commodity Credit Corporation.

Many of us thought this was wise some months ago. In fact, an amendment was adopted in this Chamber to do so. But particularly in the light of recent developments, this can well be a part of making the Soviet Union pay a price—in this case, a financial price—for their uncivilized action in the air line incident.

Seven, the Helms amendment suggests that we tighten substantially the controls over the export of machine tools, high technology products, and equipment for the development of Soviet oil and gas resources.

I say to my colleagues, it is a stain on the honor of this country to think that when Soviet troops went to war against the tribesmen of Afghanistan, they went in vehicles which were manufactured in plants constructed and financed with Western capital. We have a responsibility in that matter that we can never escape, but we do not have to keep making the same mistake over and over again of supplying the resources and the technology and the financing and the know-how that permits the Soviet Union to build and expand its war machine.

Finally, the Helms amendment proposes an appropriate way for the United States to respond to the barbarous murder of 269 innocent persons by enforcing the existing provisions of 19 U.S.C. 1307, which forbids importing into the United States all goods, wares, articles, and merchandise mined, produced, or manufactured wholly or in part in any foreign country by convict labor and/or forced labor.

This law, which has been on the books for nearly 50 years, has not been enforced with regard to the Soviet Union, despite the fact that most of the $227 million worth of goods we imported from the Soviet Union last year came from industries in which the CIA says forced labor is extensively used. Enforcement of this provision of law would have little impact on our economy, but it would have a considerable impact on the Soviet Union which depends on sales to the United States to acquire foreign exchange, and it would make a statement to the Soviets and the world that needs to be made.

Mr. President, nothing can be done to bring back to life the 269 men, women, and children who died on KAL flight 007. But there is much that we can do to ease the plight of estimated 4 million inhabitants of the Gulag Archipelago. A good start would be simply to enforce the law already on the books that has been too long unenforced. Enforcement of 19 U.S.C. 1307 not only would provide a real, proportionate, and appropriate penalty for the barbarous murder of the passengers and crew of KAL flight 007, it would signal continued American concern for the systematic violation of human rights throughout the Soviet empire.

I ask unanimous consent to have printed in the RECORD at this time: First, a copy of the State Department's report on forced labor in the U.S.S.R.; second, a letter from CIA Director William Casey listing Soviet industries and products which make "extensive" use of forced labor; third, a letter from the customs service listing the types of commodities the United States imported from the Soviet Union last year, and fourth, articles by persons who are knowledgeable about this matter of forced labor in the Soviet Union.

There being no objection, the materials were ordered to be printed in the RECORD, as follows:

CONGRESSIONAL RESEARCH SERVICE,
THE LIBRARY OF CONGRESS,
Washington, D.C.

RESTRICTIONS ON IMPORTING CONVICT-MADE GOODS

(By Jeanne M. Jagelski, Legislative Attorney, American Law Division)

RESTRICTIONS ON IMPORTING CONVICT-MADE GOODS

This report discusses the administrative implementation of 19 U.S.C. § 1307, which prohibits the importation of any article mined, produced, or manufactured in a foreign country with the use of convict, forced, or indentured labor, provided there are sufficient domestic quantities of such items.

Section 1307, which was enacted as § 307 of the Tariff Act of 1930, ch. 497 46 Stat. 689, provides as follows:

§ 1307. Convict-made goods; importation prohibited

All goods, wares, articles, and merchandise mined, produced, or manufactured wholly or in part in any foreign country by convict labor or/and forced labor or/and indentured labor under penal sanctions shall not be entitled to entry at any of the ports of the United States, and the importation thereof is hereby prohibited, and the Secretary of the Treasury is authorized and directed to prescribe such regulations as may be necessary for the enforcement of this provision. The provisions of this section relating to goods, wares, articles, and merchandise mined, produced, or manufactured by forced labor or/and indentured labor, shall take effect on January 1, 1932; but in no case shall such provisions be applicable to goods, wares, articles, or merchandise so mined, produced, or manufactured which are not mined, produced, or manufactured in such quantities in the United States as to meet the consumptive demands of the United States.

"Forced labor", as herein used, shall mean all work or service which is exacted from any person under the menace of any penalty for its nonperformance and for which the worker does not offer himself voluntarily.

In addition, 18 U.S.C. § 1761 penalizes any person knowingly transporting goods (other than agricultural commodities, repair parts for farm machinery, or American-made commodities produced for the use of Federal, State, or local governments) in interstate commerce or from any country, where the goods are produced in any penal or reformatory institution or by convicts or prisoners, except those on parole or probation. Under 18 U.S.C. § 1762(a), packages containing goods described in 18 U.S.C. § 1761 that are shipped or transported in interstate or foreign commerce must be plainly and clearly marked with the name and address of the shipper and consignee, the contents, and the name and address of the penal or reformatory institution. 18 U.S.C. § 1762(b) authorizes the seizure of merchandise transported in violation of 18 U.S.C. §§ 1761 and 1762 by like proceedings for the seizure and forfeiture of property imported into the United States contrary to law.

To implement 19 U.S.C. § 1307, the Customs Service has promulgated the following regulations, set forth in Title 19 C.F.R.:

§ 12.42 Findings of Commissioner of Customs.

(a) If any district director or other principal Customs officer has reason to believe that any class of merchandise which is being, or is likely to be, imported into the United States is being produced, whether by mining, manufacture, or other means, in any foreign locality with the use of convict labor, forced labor, or indentured labor under penal sanctions so as to come within the purview of the first sentence of section 307, Tariff Act of 1930, he shall communicate his belief to the Commissioner of Customs. Every such communication shall contain or be accompanied by a statement of substantially the same information as is required in paragraph (b) of this section, if in the possession of the district director or other officer or readily available to him.

(b) Any person outside the Customs Service who has reason to believe that merchandise produced in the circumstances mentioned in paragraph (a) of this section is being, or is likely to be, imported into the United States and, if the production is with the use of forced labor or indentured labor under penal sanctions, that merchandise of the same class is being produced in the United States in such quantities as to meet the consumptive demands of the United States may communicate his belief to any district director or the Commissioner of Customs. Every such communication shall contain, or be accompanied by, (1) a full statement of the reasons for the belief, (2) a detailed description or sample of the merchandise, and (3) all pertinent facts obtainable as to the production of the merchandise abroad. If the foreign merchandise is believed to be mined, produced, or manufactured with the use of forced labor or indentured labor under penal sanctions, such communication shall also contain (4) detailed information as to the production and consumption of the particular class of merchandise in the United States and the names and addresses of domestic producers likely to be interested in the matter.

(c) If any information filed with a district director pursuant to paragraph (b) of this section does not conform with the requirements of that paragraph, the communication shall be returned promptly to the person who submitted it with detailed written advice as to the respects in which it does not conform. If such information if found to comply with the requirements, it shall be transmitted by the district director within 10 days to the Commissioner of Customs, together with all pertinent additional information available to the district director.

(d) Upon receipt by the Commissioner of Customs of any communication submitted pursuant to paragraph (a) or (b) of this section and found to comply with the requirements of the pertinent paragraph, the Commissioner will cause such investigation to be made as appears to be warranted by the circumstances of the case and the Commissioner or his designated representative will consider any representations offered by foreign interests, importers, domestic producers, or other interested persons.

(e) If the Commissioner of Customs finds at any time that information available reasonably but not conclusively indicates that merchandise within the purview of section 307 is being, or is likely to be, imported, he will promptly advise all district directors accordingly and the district directors shall thereupon withhold release of any such merchandise pending instructions from the Commissioner as to whether the merchandise may be released otherwise than for exportation.

(f) If it is determined on the basis of the foregoing that the merchandise is subject to the provisions of the said section 307, the Commissioner of Customs, with the approval of the Secretary of the Treasury, will publish a finding to that effect in a weekly issue of the Customs Bulletin and in the Federal Register.

(g) Any merchandise of a class specified in a finding made under paragraph (f) of this section, which is imported directly or indirectly from the locality specified in the findings and has not been released from Customs custody before the date of publication of such finding in the Federal Register shall be considered and treated as an importation prohibited by section 307, Tariff Act of 1930, unless the importer establishes by satisfactory evidence that the merchandise was not mined, produced, or manufactured in any part with the use of a class of labor specified in the finding.

(h) The following findings made under the authority of section 307, Tariff Act of 1930 are currently in effect with respect to the merchandise listed below:

Merchandise	Country	T.D.
Furniture, clothes hampers, and palm leaf bags.	Ciudad Victoria, Tamaulipas, Mexico.	53408 54725

(Sec. 307, 46 Stat. 689; 19 U.S.C. 1307)

§ 12.43 Proof of admissibility.

(a) If an importer of any article detained under § 12.42(e) or (g) desires to contend that the article was not mined, produced, or manufactured in any part with the use of a class of labor specified in section 307, Tariff Act of 1930, he shall submit to the Commissioner of Customs within 3 months after the date the article was imported a certificate of origin in the form set forth below, signed by the foreign seller or owner of the article. If the article was mined, produced, or manufactured wholly or in part in a country other than that from which it was exported to the United States, an additional certificate in such form and signed by the last owner or seller in such other country, substituting the facts of transportation from such other country for the statements with respect to shipment from the country of exportation, shall be so submitted.

CERTIFICATION OF ORIGIN

I, ————, foreign seller or owner of the merchandise hereinafter described, certify that such merchandise, consisting of ————(Quantity) of ———— (Description) in ————(Number and kind of packages) bearing the following marks and numbers ———— was mined, produced, or manufactured by ————(Name) at or near ————, and was laden on board ————(Carrier to the United States) at ————(Place of lading) (Place of final departure from country of exportation) which departed from on ————; (Date); and that ————(Class of labor specified in finding) was not employed in any stage of the mining, production, or manufacture of the merchandise or of any component thereof.

Dated ————

————————
(Signature)

(b) The importer shall also submit to the Commissioner of Customs within such 3-month period a statement of the ultimate consignee of the merchandise, showing in detail that he had made every reasonable effort to determine the source of the merchandise and of every component thereof and to ascertain the character of labor used in the production of the merchandise and each of its components, the full results of his investigation, and his belief with respect to the use of the class of labor specified in the finding in any stage of the production of the merchandise or of any of its components.

(c) If the certificate or certificates and statements specified in paragraphs (a) and (b) of this section are submitted within the time prescribed and the Commissioner finds that the merchandise is admissible, the collector of customs concerned will be advised to that effect, whereupon he shall release the merchandise upon compliance with the usual entry requirements.

(Sec. 307, 46 Stat. 689; 19 U.S.C. 1307)

§ 12.44 Disposition.

Merchandise detained pursuant to § 12.42 may be exported at any time before it is deemed to have been abandoned as hereinafter provided for. If it has not been exported within 3 months after the date of importation, the district director shall ascertain whether the proof specified in § 12.43 has been submitted within the time prescribed in that section. If the proof has not been so submitted, or if the Commissioner of Customs advises the district director that the proof furnished does not establish the admissibility of the merchandise, the district director shall promptly advise the importer in writing that the merchandise is excluded from entry. Upon the expiration of 60 days after the delivery or mailing of such advice by the district director, the merchandise shall be deemed to have been abandoned and shall be destroyed, unless it has been exported or a protest has been filed as provided for in section 514, Tariff Act of 1930.

(Sec. 307, 46 Stat. 689; 19 U.S.C. 1307)

§ 12.45 Transportation and marketing of prison-labor products.

If any apparent violation of section 1761 or 1762, title 18, United States Code, with respect to any imported article comes to the attention of a district director, he shall detain the article and report the facts to the appropriate United States attorney. If the United States attorney advises the district

director that action should be taken against the article, it shall be seized and held pending the receipt of further instructions from the United States attorney or the court.

Thus, if a district Customs director has reason to believe that any merchandise is being imported into the United States in violation of 19 U.S.C. § 1307, he is to communicate his belief to the Commissioner of Customs, who upon receipt of such information, may initiate an investigation. 19 C.F.R. § 12.42(a), § 12.42(d). If the Commissioner of Customs finds that the information reasonably but not conclusively indicates that § 1307 merchandise is involved, he must promptly advise the district directors to withhold the release of the such merchandise pending further instructions. 19 C.F.R. § 12.42(c). If the Commissioner makes a final affirmative determination, importation of the merchandise will be prohibited, unless the importer by satisfactory evidence establishes that the merchandise does not fall within the purview of § 1307. 19 C.F.R. § 12.42(g).

The Customs Service has ruled that merchandise believed to be subject to § 1307, but which has not been the subject of a finding prohibiting entry under 19 C.F.R. § 12.42(g) "shall not be detained pending the transmittal of the statement provided for in 19 C.F.R. § 12.42(a) and (b) and the receipt of advice by the Commissioner of Customs whether any such class of merchandise shall be detained or released from Customs custody." C.S.D. 79-317 (1978). In addition, packages believed to contain convict-made goods that are not clearly marked "should be detained and reported to the U.S. attorney pursuant to 19 C.F.R. § 12.45 only when there appears to be a clear violation of the provisions of 18 U.S.C. §§ 1761 or 1762 from established facts and shipping documentation. If a package is withheld release pursuant to 19 C.F.R. § 12.45, a report shall be made to U.S. Customs Service headquarters concurrently with the detention and the submission of a report to the U.S. attorney." Ibid.

In a decision dealing with auto parts made in a prison industrial work program, the Customs Service has ruled that merchandise produced in prison on an inmate's own time, where the inmate receives adequate pecuniary benefit and where there is no pecuniary benefit to the state, will not be considered to be produced under penal sanction, and thus not subject to § 1307. Unpublished C.S.D. 710306, Sept. 13, 1979.

In general, the provision has been applied to imports of small, handmade objects. For example, in 1964 the Commissioner found that "minitanks" (small plastic tanks and vehicles used in conjunction with H.O. gauge model railroad cars) made in Austrian prisons would be subject to § 1307, unless the importer established the contrary. T.D. 56126. Under current regulations, furniture, clothes hampers, and palm leaf bags from certain areas of Mexico may not be imported. T.D. 53408, T.D. 54725, 19 C.F.R. § 12.42(h).

CENTRAL INTELLIGENCE AGENCY,
Washington, D.C., May 19, 1983.

Hon. WILLIAM L. ARMSTRONG,
U.S. Senate, Washington, D.C.

DEAR SENATOR ARMSTRONG: As you suggested, we have put together a list of Soviet industries which utilize forced labor and produce goods for export. A copy of that list is enclosed. While we have done extensive research on this question for many years, we cannot determine the exact magnitude of the contribution forced labor makes to the total output in each industry, nor can we give you a list of brand names or products.

I thought you might find the enclosed article from the Fall 1982 issue of Workers Under Communism, an AFL-CIO journal, interesting. It is a generally accurate summary, consistent with our own sources of information, and includes the names of some specific products produced with the help of forced labor.

Sincerely,

WILLIAM J. CASEY,
Director of Central Intelligence.

Enclosures.

ENCLOSURE 1

Based on a variety of intelligence sources and open publications with information from former prisoners, CIA has compiled the following list of industries and products in which forced labor is used extensively.

I. Wood Products: Lumber furniture, casings for clocks, cabinets for radio and TV sets, wooden chess pieces, wooden souvenirs, wooden crates for fruit and vegetables, and cardboard containers.

II. Electronic: Cathode ray tube components, and resistors.

III. Glass: camera lenses, glassware, and chandeliers.

IV. Automotive: Auto parts, wheel rims, and parts for agricultural machinery.

V. Mining/Ore Processing: Gold, iron, aluminum, coal and peat, uranium, asbestos, limestone, and construction stone and gravel.

VI. Clothing: Coat, gloves, boots, and buttoms and zippers.

VII. Petroleum Products and Chemicals.

VIII. Food: Tea.

IX. Miscellaneous: Brick and tile, watch parts, wire fences, mattreses, screens; steel drums and barrels, lids for glass jars, plumbing equipment, storage battery cases, concrete products, electric plugs/cords, electric heaters, electric motors, pumps, and woven bags.

DEPARTMENT OF THE TREASURY,
U.S. CUSTOMS SERVICE,
Washington, March 31, 1983.

Hon. WILLIAM L. ARMSTRONG,
U.S. Senate, Washington, D.C.

DEAR SENATOR ARMSTRONG: Thank you for your letter of February 16, 1983, concerning the importation of specific goods and commodities into the United States from the Soviet Union. You ask for the data in consideration of 19 U.S.C. 1307, relating to the prohibition of the importation of goods made by convicts or forced labor, and for offering an amendment to the Export Administration Act to require the Soviet Union and the U.S. Treasury Department to certify annually that none of the importations are produced, in whole or in part, by forced labor.

The Foreign Trade Division, Bureau of the Census, Suitland, Maryland 20233, has supplied us with the following information for significant products imported into the United States for the 1982 year from the Soviet Union.

	Commodity	Net quantity	Value
1.	Platinum metals groups	336,615 t. oz.	$30,706,000
2.	Unwrought nickel	4,196,147 lb.	10,563,000
3.	Gold bullion, dore and precipitates, sweepings, waste and scraps.	11,583, t. oz.	4,081,000
4.	Numismatic coins		6,104,000
5.	Furskins, sable, whole, raw or undressed.	76,465	7,164,000
6.	Alcoholic beverages (aquavit, arrack, bitters, tequila, spirits, and preparations, imitation of wine and brandy).	1,117,658, pfg	9,579,000
7.	Gasoline and other motor fuels	269,144 bbls	10,341,000
8.	Ammonia, (anhydrous and liquid), and aqua.		88,765,000
9.	Potassium chloride or muriate potash	65,807 stn	4,600,000
10.	Urea, NSPF	96,969, stn	10,434,000
11.	Radioactive isotopes	339,445 mc	107,000
12.	Inorganic bases and metallic oxides	24,926 lb	1,674,000
13.	Miscellaneous imports of insignificant value.		43,465,000
	Total imports, Soviet Union		227,583,000

Government statistics and data are not recorded for firms in the United States which import goods from the Soviet Union, for brand names of consumer products, or for the point of origin in the Soviet Union. However, we note that items (8), (9) and (10) may significantly apply to the Occidental Petroleum Corporation's 20-year, $20 billion fertilizer agreement to sell superphosphoric acid to the Soviet Union in return for Soviet ammonia, urea and potash.

The Soviet Union's closed economy and use of corrective labor as punishment imposed by court sentence make it unlikely that this Agency of the Treasury Department can develop conclusive evidence and gain access to fully corroborative information as to the use of forced labor, in whole or in part, in the manufacture, production or mining of the commodities or goods now being imported into the United States. In the absence of specific information that suspect merchandise of Soviet origin is being introduce into the United States in violation of 19 U.S.C. 1307, and in view of the relatively low magnitude and the character of the imports, as a whole, and the difficulties in conducting on-site investigations, this Agency has not undertaken independent action to determine that the goods were produced, in whole or in part, by forced labor.

Please do not hesitate to let us know if we can be of further help in this matter.

Sincerely,

ROBERT P. SCHAFFER,
Assistant Commissioner
(Commercial Operations).

MADE IN THE GULAG FOR SALE IN BRITAIN

Last year Britain imported £828 million worth of goods from the USSR against our own exports of only £420 million. This year that trade has increased still further. And though it may be politically and commercially embarrassing to accept it, the evidence is that a significant quantity of the imports was the product of slave labor. Much of it was made or partly made in the prison camps of the Soviet Gulag.

Russian emigrés, exiled dissidents, Jewish pressure groups and organizations like Amnesty International even assert that hardly a single item exported from Russia—whether a heavy truck or a cut glass chandelier—has not got some component in its manufacture originating in a forced labor camp or prison.

It is time, they say, for the inner secrets of Soviet industry to come under greater scrutiny by the naive West now queuing to take advantage of the thawing relations with the USSR.

In an intensive investigation in four countries over several weeks, NOW! has subjected the Soviet industrial network to just that sort of examination. Basing our inquiries on the claims of 20 former prisoners we have discovered just how much the British

market has been penetrated by force labor products—from caviar processed by women prisoners to cuckoo clocks, transistor radios and even electric motors in some Rank Xerox office copiers. At the Russian Trade Delegation's headquarters in Highgate, London, Mr. Vladimir Cheklin, its deputy head, declined to discuss the allegations about the origins of Soviet products on sale in Britain.

"These people make these accusations yet they do not really know whether they are true or not. I see no real reason for talking about it. The best thing I think is for you to go to Siberia and see for yourself. You cannot really trust anybody these days and the information these dissident people put out is old and not to be trusted." he said.

Asked whether it would be possible to go to Mordovia, one of the main areas with camps, rather than Siberia, he replied: "Do you let Russians visit the prison camps in Northern Ireland?"

But now, within 11 months of the invasion of Afghanistan and the West's ensuing trade retaliations, Britain has effectively brought to a close the commercial cold war with Russia.

The first top Soviet official to be allowed back in since the crisis was Vladimir Sushkov, the Deputy Foreign Trade Minister, who recently signed a 10 year deal worth £143 million a year in exchange trade with ICI. Britain is openly responding to Moscow's ardent trade rapprochement with the West.

Other Western nations are doing the same. Meanwhile diplomats are gathered in Madrid to condemn the USSR for its persistent violations of the Helsinki Agreement code of human rights.

They condemn among other outrages the treatment of the lost millions of prisoners who form the colossal empire of forced labour upon which much of Russia's entire export strategy of mass volume at low cost is founded. But the Russians are unimpressed.

Thousands of cheap Russian television sets, radios, cassette players and fridges have flooded the British market in recent years to be eagerly snapped up by buyers anxious for a "bargain". Nearly all of them are marketed under the name Vega, "the trustworthy choice" and all of them, along with Vega clocks and Sekonda watches are sold by the Technical and Optical Equipment Company in Edgware Road, London. The company has pushed the Vega 6in portable TV, £69.95 + VAT, to the front of its field with annual sales of between 25,000 and 30,000.

People with old black and white portable TVs which need a replacement tube are more likely to get a £30 Russian one installed than any other. The Russian tubes almost monomplise the market. A Radio Industries' Council official confirmed this: "They are now a major source of supply."

Vega Radios are produced at four plants in USSR. One, in Riga, gets components from several camps scattered around the city. Another, the Moscow Radio Works, is supplied by the Vladimir Prison. Casings for TV and radio sets are made in Camp OU-85/8 in the Crimea and a camp in Mordovia. Camp 36 in Perm provides replacement TV and radio parts, electron gun elements for cathode ray tubes and heating elements for domestic irons which are sent to the Turbo Generator Factory in Lysva.

Dr. Cronid Lubarsky, who spent five years in the camps, provided a remarkable insight into how Vladimir Prison, which is 120 miles from Moscow, is able to maintain the flow of radio resistors to Vega.

"The work norms are incredible and everything has to be carried out in the cells, which despite being only 10 metres square, contain three men, beds, lavatory and all the equipment and machinery for the constant work. Lamps in the cells come on at 5 am and never go out until 10 pm. Your only break is an hour in the exercise yard.

"To make the norm of 3,000 resistor parts a day men have to work well over their supposed eight hours. The lighting and ventilation was appalling and men's eyesight and health rapidly cracked up. The first signs were blinding headaches after three months and within six months they would break down altogether. It was all because they had this wicked system of basing the daily food rations on a prisoner's output so that if he failed he would have it cut down. More cruel still was that it was based not on weight but calories so men would be working frantically simply to stave off starvation."

Lubarsky and other dissidents, like Yuri Belov and Nikolai Scharegin recalled how in Vladimir the persistent norm breakers and dissident agitators were condemned for indefinite periods to the solitary confinement cells, the "lonely cells".

"They were in the dreaded Block Four and were so narrow you could never sleep outstretched, put your hands on hips, hear a sound or see your own hands because of the darkness. There was no bunk and proper food only each second day with black sour bread and water on the others. Once a former top Russian weightlifter went in there for 42 days weighing 70 kilos at the beginning and 50 at the end," he said.

Mr. Stuart Robinson, sales manager of Technical and Optical Equipment Co., refused to discuss the claims made about the origins of some of their sale goods. "Look, we're a commercial company and we don't known anything about human rights. Go to Russia if you want to write an article of this kind, I'm not going to be quizzed on the telephone about it and my diary is full until after Christmas if you want to see me. I suggest you get on to the Russian Embassy or somebody in authority," he said.

At the Russian Shop in Holborn, London the shelves are filled for the Christmas shopping boom with carved wooden chess sets, brightly painted toys and household trinkets such as jewelry boxes and ornamental bowls, alongside cut glassware, wall clocks, stone sculptures and, in particular, the distinctive £57 sets of interlocking carved wooden matrioshka peasant dolls. They are but an example of the considerable volume of souvenir-type consumer goods pouring into Britain among the £11.7 million worth of wooden and cork products imported from the USSR last year.

Moscow is able to cover up the involvement of forced labour in the case of the dolls because many goods are sent for finishing by craftsmen. But ex-Gulag prisoners testify that the initial labour on many dolls is done in the camps. Three who were personally involved are Joseph Lederman, Michael Vais and Abraham Sin. They said the dolls were worked on in camps around Surgut in the Tuymenskaya district and in the Alma Atinskaya region.

Three of the other dissidents interviewed, Lubarsky, Belov and Scharegin, have been in the Mordovian camps and talked of their high output of cuckoo clocks—big sellers in Britain—and wooden chess sets.

The KGB arrange for the trademark to be that of a "free" factory, village, town or city—the cuckoo clocks, made in Mordovia's Camp 19 where men frequently lost fingers and hands trying to keep up with the norms on ancient machines, were sent to Serdobsk in Penza region for final assembly and painting before being shipped here. Altogether we receive 2,000 to 3,000 a year.

Clock casings are also made in Mordovia for Vega wall and mantle clocks which sell here for between 5.35 and 24 as well as a wide range of other wooden items which include chess sets, bowls and carved figures. The principle camps involved are 5,7 and 19, which have all been used for political prisoners and described as "severe" with incredibly high norms. The main centre for the finishing process is Saransk.

Olympic souvenir brooches and Misha the Bear badges, which sell in London's Russian Shop, originated in camps around the Kalinin area, in the complex ON-55.

The camps of Potma provide much of the elegant cut glassware and chandeliers exported to the West.

In them, prisoners are put to work grinding the glass in workshops filled with glass dust. Usually they have no face masks. Some claim to have to sleep in dust-filled dormitories alongside their work areas so that chest illnesses like silicosis are rife.

Other regions for glass working are the women's camps around the Baikal Lake area and at Roslavl near Smolensk where the glass for the bottles of prized Russian vodka, Moskowskaya, is produced by prisoners.

A camp near Grozni turns out decorated souvenir goat horns which again are finished in outside "free" factories while the Russian Christmas cards which flooded British shops last year were produced alongside Russian postcards at a printing plant in the Kalinin region built by prisoners.

The decorated wooden cigarettee boxes now selling for £4 in the Russian Shop are similar to those turned out by the inmates of a camp at Suzdal in the Vladimir region.

Similarly, the soapstone items they sell at the shop for between £2 and £20 are thought by Nikolai Scharegin to originate from camps in the Urals.

Cowan, de Groot, handles within its Russian Shop division the distribution of the Soviet-made handicrafts and household ornaments to over 1,800 gift shops and stores throughout Britain as well as its shop in London's Holborn which next year celebrates its 20th anniversary.

Wholly Western-owned, Cowan, de Groot buys all its merchandise through the official Russian state trading organisations and has an annual turnover of approximately £500,000.

In the past one of its strong lines has been the Majak cuckoo clocks of the type Lubarsky made parts for in Mordovia's Camp 19. The firm's managing director, Nigel Hails, admits he has never questioned Russian officials about the products he buys from them and sells in Britain. "It's not up to me to criticise or question their system—it's the one they have just like we have ours.

"It's all a question of degree and how regimes operate their respective systems. It's not for me or you to say how they should do it. It's their right to have their own system," he said. He added that it was impossible for the goods he sells to have been produced by prisoners in camps as they were the work of specialist craftsmen trained since schooldays.

"I'm a commercial man and I don't get mixed up in politics, everything is strictly business. I have seen these products being

made and to suggest it's being done by prisoners is absolute nonsense."

He conceded that the Olympic souvenir brooches and badges on sale in his Russian Shop could have been made by prisoners. "A prisoner is a prisoner and you have to keep him occupied. If there is something therapeutic that he can do then it's a good thing. It's healthy in my opinion—and I believe that of the majority of people. If they did not do something useful then you would have a dreadful situation where they rot and die. You have got to make them try and earn their keep, it's one way of keeping them sane."

Mr. Hails dismissed the arguments and claims of dissident groups and ex-prisoners as "distorted and dangerous rubbish".

The other main outlet in Britain for household items and ornamental goods is the Russian-owned and operated Razno company which supplies stores and importers throughout Britain from its Shoreditch headquarters.

The company imports £200,000 worth of Russian glassware annually among its £4-million worth of household hardware and building materials. Mr. David Parker, the general manager, said: "I've visited most of the factories which supply us and don't believe all this stuff about prisoners. The Russians only export the very best top quality stuff and prisoners simply could not produce that kind of product. They do not have the capability, it's got to be done by full-time specialists in free factories."

But household ornaments and wooden souvenir goods are only the highly visible tip of a mountain of Russian products orginating in the Gulag which each year are imported to Britain to be unwittingly bought in our High streets.

Cameras, binoculars and precision instruments: Total imports of these amounted to £5.75 million and the main brand names involved are Zenith, Zorki and Lubitel cameras. Helios binoculars and camera lenses, Sekonda watches and microscopes, metering instruments and scientific and engineering equipment which are all marketed by the Technical and Optical Equipment Company. The Zenith and Zorki cameras sell for between £20 and £50.

Clock and internal watch components made in camps around Chistopol supply a free factory in Kazan. Camps 35 and 37 in the Perm political camp complex turn out precision instruments and tooling equipment to be then sent on to a free factory at Sverdlovsk which give them their own trade name, according to Cronid Lubarsky.

Camps around Rybinsk on the Volga conduct precision glass grinding and polshing for camera lenses, telescopes, microscopes and binoculars. At Krasnogorsk parts are made for both Zenith and Zorki cameras and Nikolai Scharegin knows of one prisoner who became so incensed at seeing a line of £26 Zorki 4 models ready for export that he went berserk, smashing over 150 before being restrained.

Office equipment: Rank Xerox provide a classic example of how even a major international company can unwittingly find itself buying the products of forced labour.

In the early 1970s they concluded a deal whereby they would sell copiers and duplicators to the Soviet Committee for Science and Technology in return for Russian electro motors to be sent to their Gloucestershire base.

These motors, which went into a range of their copiers, were in fact made by both political and ordinary prisoners in the hardline Vladimir Prison.

The discovery was made by Nikolai Scharegin who had to translate a letter detailing modifications in the motors from Rank Xerox to Russian officials supervising the prison work.

Mr. Ralph Land, head of Rank Xerox's eastern export division, confirms this but stresses the company did not know prison labour was involved. "We never countenanced it and if we had known the facts we would never have supported it," he stressed. The export of the motors to Rank stopped over four years ago.

Vehicles: Lada Cars now monopolise all Russian car exports to Britain while the Letchworth-based UMO Plant Ltd handle the imports of a wide range of Belarus tractors, Belaz dumper trucks and two models of a Land-Rover type vehicle known as a Truckmaster. Ladas are imported through Lada Cars (GB) Ltd, which is based at Bridlington, North Humberside, and which has built up a dealership network of over 170. Total imports last year in this field were £29,050,000.

According to Lada Cars (GB) Ltd all the 3,000 models now awaiting delivery plus the 12,084 already sold this year in Britain come from their massive Togliatti plant on the banks of the Volga 600 miles south east of Moscow, produced by a 100,000-strong free workforce trained by Fiat who also provided the necessary technology.

Their British spokesman knows nothing about a region around Sukhobezvodnoye, near Gorky where camps supply the plant with spare parts ranging from road wheels and engine parts to steering wheels and suspension components.

According to Yuri Belov, some of its prisoners are political, mostly Baptists, while around Togliatti itself there is another complex UR-65 working on car components.

All of our four principal informants were emphatic that Lada cars—known in Russia as Zhigulis—along with all the other Russian cars like Moskvitches, Chaikas and Volgas, include components made by the downtrodden men of the Gulag in Mordovia, Vladimir Prison, around Vsesuyatskaya in the Perm region, in the Tula region and around Krasnoyarsk and Novorossiisk.

Yuri Belov turned out cylinders for road wheels in the Mordovian strict regime Camp 10 at Udarny where temperatures plummeted to minus 20, and those who survived would sleep 40 to one two-tier roomsize bunk in a three-metre-square dormitory. His norm was 800 cylinders a day on poor food and in an unheated workshop.

Nikolai Scharegin and another exile, former engineer Lev Kwatchevsky, both verify that steering wheels destined for Lada's Togliatti plant were made at Camp 3 at Barashevo in Mordovia, along with axle parts, shock absorbers, oil chambers and wheel rims. In addition, parts for heavy trucks and agricultural machinery and tractors were turned out there.

Scharegin asserts bitterly that not a single Lada to come out of Russia is free of prisoner-made components. "It's why they are so cheap. Nobody should buy them," he said. The same goes for all other Russian cars, for the camps appear to supply a vast nationwide pool for spare and components feeding the Zil Motorworks in Moscow, another plant at Likhachev, one at Electrostal, the major Byelorusky truck plant at Minsk, a tractor plant at Chelyabinsk in the Urals and other vehicle factories at Gorky, Smolensk and Atchinsk.

In Vladimir Prison in the overcrowded, ill-ventilated poorly-lit prisoners' cells, canopies, roofs, polyurethane seats and cab components for tractors have been seen being made by prisoners by both Cronid Lubarsky and Georgy Davydov.

For Lada Cars (GB) Ltd., their public relations chief, Roger Mercer, said: "I don't believe any parts for our cars are made by prisoners or in camps and prisons. I've heard this one about steering wheels before, it's a horny old one and I don't know why these dissidents keep resurrecting it. I agree some parts for final assembly at Togliatti are made outside the factory but I think it's to much of a hot potato politically for the Russians to put export work in the hands of prisoners."

UMO Plant Ltd of Letchworth, as well as declining to disclose their sales figures to the British vehicle industry were reluctant to talk at length about their products. Their Russian managing director, Mr. Georgy Sakulin confirms that all the export trucks are assembled at the Byelorusky plant at Minsk and tractors at the city's MTZ plant, before being shipped to Britain. "We have thousands of plants all over the country making parts. That is how we operate," he said. When I later contacted the company to continue my conversation with Mr. Sakulin about where in Russia the trucks and parts were made—the telephone was put down during the first conversation—staff said he "was away visiting Russia". His deputy did not want to discuss the matter.

Agricultural equipment is turned out at a vast factory in Dnepropetovsk supplied with parts made at the nearby Camp YaE-308/26, according to Cronid Lubarsky.

Timber: This is one of the cornerstones of the USSR's export trade to the West and the £115 million of sawn softwood and plywood exported to Britain last year made it our third biggest Russian import. This year although the volume is down, its value has escalated and reached £75 million by September.

Yet over 90 percent of all Soviet timber exports are handled by prisoners in camps strung across all of Northern Russia from Murmansk and Archangel in the West to Siberia in the east. The work is regarded as amongst the most soul-destroying of the Gulag and often given to politicals in strict regime camps.

In the Perm region one of many strict regime camps is for women put to work felling and dragging timber to sawmills. In Murmansk there are at least seven strict regime camps with a special factory for wooden souvenir products which is manned by prisoners. Other timber camps are scattered around Archangel and in the endless forests stretching around the Kara Sea area.

The British Timber Trades Federation comforts itself that because the wood we get in Britain is not from the east in Siberia it has been worked on by free labour. "We get ours from the western-side of Russia around Murmansk, Archangel and the Kara Sea areas, not areas of prison labour. We would be very surprised indeed if the mills that supplied us used it."

Gold and diamonds; Russia's most lucrative export to Britain last year was uncut diamonds—£335,465,000 for sale on the London market through de Beers. Russian goldfields—the biggest in the world—supplied the West with 229 metric tons via Switzerland in 1979. Its value was in excess of £935 million and Britain was among the buyers.

Those fields are in Armenia, the Carpathians and Urals, around Chelyabinsk, Sverd-

lovsk and throughout the vast polar wastelands of Kolyma, the coldest place in the northern hemisphere where the principal occupation for thousands of miserable convicts is mining the gold for export. "All the stuff from around there comes from forced labour," admitted one specialist trade official.

Two strict regime camps engaged in gold mining are at Korkino in the Chelyabinsk region and another is near the River Lyena, claims Schareign. Much of the work on diamonds carried out by prisoners is around the Baikal Lake area and along the River Slyudyanka where there are 38 camp zones. Women do most of it—under threat that the children they have with them will be taken away if they break norms, claims a woman dissident, called Julie Wosnesenskaja. Other diamond work goes on at camps near Salekard and Mirnii.

Caviar: This again is the preserve of women prisoners—over 7,000 of them are situated in camps around Sakhalin and on Shikotan Island in the Kuril Islands of the Pacific where they also unload trawlers for the biggest canning factory in the USSR, according to Yuri Belov. The caviar is red, not black, and after removing it from fish the women clean and salt it before it is sent to a free factory at Astrakhan for packing into glass jars for export. The jars are made at another camp at Guriev on the Caspian Sea.

Last year fish and fish products accounted for £5,024,000 worth of Russian exports to us. Red caviar, which is inferior to black, sells in London for around £10.25 a half pound.

Chemicals, ores, petroleum products and mining: Many of Britain's biggest companies have been attracted to this field to trade with the USSR, often providing the technological know-how or the construction expertise to build plants and factories which then pay for themselves by exporting their produce to Britain rather than paying in rubles. ICI and Albright and Wilson Ltd of Knightsbridge Green, SWI are but two firms to do this and our imports in this area last year totalled £18.5 million.

The Soviet chemical industry, for all this outside involvement, still relies on the Gulag's workforce because the work is both dangerous to health, arduous and in remote regions of the country.

Krasnodar is at the centre of 16 prison and camp zones and has a general jail containing condemned cells for prisoners sent to work at underground atomic plants in the Ukraine whilst at Khodyzhensk prisoners work on an oilfield producing petroleum products. All the £239,614,000 worth of oil and allied products last year imported from the USSR came in through the Russian-owned company NAFTA (GB) Ltd which as well as selling it through its 250 filling stations also sold it in crude form to other British-based oil companies and to ICI as naphtha.

From the boardrooms of the City to the countless High Street stores and village craft shops the goods of the Gulag are bought in increasing numbers each year by Britain with the prospect that next year there will be even bigger business than ever—cold consolation indeed for the miserable souls making them but encouragement in plenty for the KGB masters of the lost Archipelago of prison camps.

THE GULAG ARCHIPELAGO

"Scattered from the Bering Strait almost to the Bosphorus are thousands of islands . . . they are invisible but they exist. And the invisible slaves of the Archipelago . . . have to be transferred from island to island just as invisibly."

—Alexander Solzhenitsyn in Volume One

Nobody has ever been able to estimate accurately the magnitude of the Soviet Gulag. The most cautious put its population at around 2 million and the number of its camps, prisons and MVD special psychiatric prisons in excess of 1,500. Some of them are indicated by the red dots on our map.

Political prisoners comprise at least 20,000 of its lost population—but these are not confined to zealous dissidents guilty of fermenting the seeds of democracy. Nationalists, ordinary citizens applying for exit visas or those simply believing in something different to the Soviet creed—Jews, Baptists and even Buddhists—all fall within the clutches of the KGB.

Their crimes invariably come under the list of "treasonable offences" against the Soviet Penal Code; their trials usually only last a few hours—and no dissident has yet been known to have been acquitted.

Camps come under four designations—ordinary, hard, strict or special. Of the hardest penal establishments in the USSR, Vladimir Prison near Moscow and Chistopol Prison near Kazan hold long-term political and ordinary prisoners. Politicals are often sent there as punishment for agitation or failure to maintain inhuman work norms.

The size of the camps varies from a few hundred inmates to 6,000 or 7,000.

The principal political region is now around Perm in a low lying valley where the temperatures are viciously low in winter. Medical care here, Amnesty International reports, is so bad that men have died from sheer neglect. Other camps stretch throughout Siberia and the extreme polar region of Kolyma where many of Russia's vast goldfields lie, throughout the Ukraine where prisoners face health hazards mining valuable ores, and across the North Urals where vital timber felling, one of the cornerstones of the Russian economy, is carried out by the slaves of the Gulag. Elsewhere they exist in almost every major town and city, particularly where there are major industrial complexes to be served.

Moscow, at the epicentre of this vast network of forced, cheap labour upon which the groaning Soviet economy is so dependent, has 14 prisons including the show prison of Kryukovo, to which foreign visitors are conducted for arranged visits, and the notorious Vladimir Prison to which prisoners go to be broken.

The usual diet comprises: breakfast, a bowl of watery cereal; lunch, half a litre of thin soup made from bones, rotting cabbage and frozen potatoes with the same watery substance again at night.

Working hours can vary from eight to 16 hours a day, depending on the zeal of prison and camp guards and what norms they arbitrarily apply.

Work stops only on Sundays, when prisoners then have to attend political lectures, or if the temperature outside drops below minus 45 Centigrade.

[From Workers Under Communism, Fall 1982]

MADE IN THE GULAG

Exports are vital to the Soviet economy, and an enormous number of these products are made in forced labor camps. Russian emigrants, exiled dissidents, Jewish pressure groups, and organizations such as Amnesty International affirm that every item exported by the U.S.S.R. from a heavy truck to an ornamental glass, has at least one component which is produced by slave labor.

Dissidents feel it is time that hidden secrets of Soviet industry be revealed to the naive West, which is at present taking advantage of its lukewarm relationship with the U.S.S.R. Therefore an intensive inquiry has been undertaken on the basis of the complaints of twenty former prisoners, and the extent to which the British market has been contaminated by slave labor products has been investigated.

At the Soviet Trade Delegation in London, Vladimir Cheklin refused to discuss the allegations regarding Soviet products marketed in Great Britain, asserting, "Those who make these accusations do not even know whether they are correct." That is why he sees no reason to get into the subject. He has suggested that his questioners visit Siberia themselves to pursue their inquiry "on site," maintaining that what they would see would prove the dissidents wrong. When asked whether it would be possible to visit Mordovia, a region of concentration camps more important than Siberia, he replied, "Do you allow Russians to visit prison camps in Northern Ireland?"

Thousands of cheap televisions, radios, refrigerators and tape recorders have inundated the British market in recent years, and have been snapped up by bargain hunters. Practically all these products are marketed under the name "Vega," "The reliable-choice," and all are sold by Technical and Optical Equipment, a London company.

Vega radios are manufactured in four factories in the U.S.S.R. One of them, situated in Riga, receives components from four prison camps located in the region. Components for the Moscow factory are provided by the prison at Vladimir. The casings for the radios and televisions are made in camp OU 8518 in the Crimea and in a camp in Mordovia. Camp 36 in Perm manufactures spare parts as well as electronic elements for cathode ray tubes and heating elements for irons, which are then sent to the turbo generator factor in Lysva.

Dr. Cronid Lubarsky, who spent five years in prison, has given a remarkable picture of how Vladimir prison, situated 120 miles from Moscow, is able to sustain its pace in the production of Vega radio resistors.

"The working conditions are unbelievable and everything is made in cells which, although only ten square yards in size, contain three men, beds, and a toilet as well as all the equipment and machinery necessary for the work. In the cells the lights are switched on a 5 o'clock in the morning and are not put out unitl 10 o'clock at night. Only an hour's break is provided for exercise. In order to attain the target of three thousand resistors a day, it is necessary to work more than eight hours a day. The lighting and ventilation are dreadful and consequently the prisoners' sight and health deteriorate rapidly. The first signs of headaches appear after three months and there is total physical deterioration after six months. The daily ration of food is measured according to the volume of production."

Stuart Robinson, Sales Director for the Technical and Optical Equipment Company, refuses to discuss the origin of certain of his products: "We are a commercial company, and we have nothing to do with human rights. Go to Russia if you want to write an article on that subject. Why don't you go to the Soviet ambassador in order to meet the person responsible?"

At the Russian shop in Holborn, London, the shelves are laden with wooden ornaments, painted toys, jewelry boxes, glassware, wall clocks, stone sculptures and especially the well-known little dolls of the old woman who lived in a shoe, "Matrioshka." These are some examples drawn from the considerable volume of consumer products imported into Britian from the U.S.S.R. Moscow can cover itself when accusations arise concerning the use of forced labor, as most of these articles are sent to workers or skilled craftsmen to be finished.

Knowing the situation, three dissidents have spoken out—Joseph Lederman, Michael Vais and Abraham Sin. They declared that these dolls are made in camps in the Surgut region, in the Tuymenskaya district, and in the Alma Atinstaya region. Three other dissidents who have been interviewed (Lubarsky, Yuri Belov and Nikolai Scharegin) reported that they had made cuckoo clocks and wooden chess pieces during their internment in the camps in Mordovia, while the KGB arranged for these objects to be labelled with the name of a "free" factory in a village or town. The cuckoos made in camp 19 in Mordovia, where the "workers" often lose a finger or a hand on the outdated machinery, are sent to Serdobsk in the Penza region for final assembly and painting, before being exported. Each year Britian imports two to three thousand of these clocks. The casings for the clocks are also made in Mordovia under the brand name Vega, in addition to the other wooden articles, such as chess games or sculptured figures. Camps 5, 7, and 19 are assigned political prisoners sentenced to hard labor, who work under appalling conditions. As for the souvenir Olympic badges and the mascot bears "Misha" which are sold at the Russian shop in London, they come from camp ON-55 in the Kalinin region.

The Potma camp produces glassware and chandeliers which are exported to the West. In these camps the prisoners work the glass in an atmosphere full of dust and do not wear a protective mask. There are also glassworks in the women's camp on Lake Baikal as well as at Roslavl, near Smolensk, where bottles destined to contain Moskovskaya vodka are made. In a camp near Grozny horn souvenirs are made, but are finished in "free" factories. Painted wooden cigarette boxes are made in the Suzdal camp in the Vladimir region.

The firm Cowan, de Groot distributes Russian-made articles to about 1,800 shops in the United Kingdom. These firms buy their merchandise indirectly through official Soviet commercial channels. One of the main imports has been the famous cuckoo—the type which Lubarsky made in camp 19 in Mordovia. The commercial director of the firm, Nigel Hails, says he has never questioned Russian officials about the products he buys and sells in the U.K. "It is not done to question their system. We have ours, they have theirs."

Another British firm which has distributed Russian-made products is the Razno company, whose marketing director, David Parker, states, "I have visited most of the factories which supply us, and I do not believe the story about the prisoners. The Russians export only their best quality goods, and the prisoners could not make these types of articles. They are not able to do so. It requires work done by full-time specialists in free conditions."

But the wooden souvenirs are only the tip of the iceberg of goods originating in the gulags. Cameras, binoculars and precision instruments are marketed under the brand names Zenith, Zorki, and Lubitel for cameras; Helios for binoculars and lenses; Sekonda for watches and microscopes, measuring instruments and scientific engineering apparatuses (all distributed by the firm Technical and Optical Equipment).

The internal parts of watches and clocks are made in the camps in the Chistopol region, which supplies the free company Kazan. Camps 35 and 37 (political internees) make precision equipment which is sent to a factory in Sverdlovsk, which stamps its own brand name on the goods. This fact is confirmed by Cronid Lubarsky. The camps around Rybinsk on the Volga manufacture precision glass and polished lense for cameras, telescopes, microscopes and binoculars. At Krasnogorsk components are made for Zenith and Zorki cameras.

In the field of office equipment, Rank Xerox provides a classic example of the way in which an international company can make a purchase without knowing that the goods are produced by forced labor. At the beginning of the Seventies, Rank Xerox signed an agreement that it would sell copiers and duplicators to the Soviet Committee for Science and Technology and would obtain in exchange Russian electric motors destined for its factory in Gloucestershire. These motors were to be made by both ordinary and political prisoners in the Vladimir prison. This fact was discovered by Nikolai Scharegin, who had translated a letter giving details regarding modifications of the Rank Xerox motors, which was addressed to the Russian officials supervising the work in the prison.

Ralph Land, responsible for the Eastern Bloc Export Division of Rank Xerox, has confirmed these statements, adding that his company had not known about the work of prisoners. "If we had known, we should never have sanctioned such an operation." The export of these well-known motors was stopped four years ago.

Among automobiles, Lada cars now monopolize all Russian export to the U.K., while the UMO Ltd. factory, established in Letchworth, handles the import of Belarus tractors, Belaz lorries, and two models of the Land Rover. The Ladas are imported by an intermediary of Lada Cars (GB) Ltd.

According to Lada Cars, the three thousand models now waiting to be delivered, as well as the 12,084 models which have already been sold this year, are produced in a factory in Togliatti on the banks of the Volga, and are manufactured by ten thousand free workers. Metal work is done by Fiat, which is also responsible for the necessary technology.

The British spokesman of Lada knows nothing about the Chukhobezvodnoye region, near Gorky, where camps supplying the factory with wheel rims and fly-wheels are situated. According to Yuri Belov, some of these prisoners are "political," but the majority are Baptists. Also in the vicinity of Togliatti is complex UR-65, which also manufactures parts for cars.

Four of the main informants have confirmed that Lada cars (which are known in Russia under the name of Zhigulis) and other Soviet cars—Moskvich, Chaika, Volga—are made of parts manufactured by the victims of the gulags in Mordovia, in Vladimir prison, in the Perm and Tula regions, and in the surroundings of Krasnoyarsk and Novorossiysk.

Yuri Belov himself made wheel cylinders in camp 10, a hard labor camp in Mordovia, where the temperature fell below minus 20°, and where those who did manage to survive slept forty men to one tiny dormitory room. His output was eight hundred cylinders per day and his food, by any standard, was insufficient.

Nikolai Scharegin and another exile, former engineer Lev Kvachevsky, have confirmed that wheel rims for the Lada factory at Togliatti were made in camp 3 at Barashevo. Parts for lorries, agricultural machinery and tractors were supplied from the same source.

The public relations director of Lada Cars, Roger Mercer, states, "I do not believe that any parts of our cars are manufactured in camps or prisons. I have heard this mentioned in the past in connection with wheel rims and I can't understand why the dissidents should bring this up again. I admit that part of the final assembly at Togliatti is made outside the firm, but I think it's too great a risk for the Russians to entrust products destined for export to prisoners."

As for agricultural equipment, that is made in a very large factory in Dnepropetrovsk which is supplied by camp YaE-308/26, according to Lubarsky.

Woodwork, one of the major Soviet exports to the West, represents the United Kingdom's third largest import from the U.S.S.R. Ninety percent of the wooden articles exported by the Soviet Union are made by prisoners in northern Russia, from Murmansk to Archangel in the West, and in Siberia in the east. This work is considered the most destructive in the gulag, and is often assigned to the "politicals" sentenced to hard labor. In the Perm region, one of the hard labor camps is allotted to women who have to work with saws. At Murmansk there are at least seven hard labor camps equipped by a special firm making souvenirs. Other camps of this type are situated around Archangel and in the lost forests of the Kara Sea.

The British Woodworking Federation maintains that the timber used in England does not come from Siberia but is produced under normal working conditions. "It is supplied to us from the west of Russia, from the regions of Murmansk, Archangel, and the Kara Sea.

Gold and diamonds are certainly the most lucrative of all the Soviet exports to Great Britain. The Russian gold fields (the largest in the world) supplied the West with 229 tons of gold in 1979, by arrangement with Switzerland. These fields are situated in Armenia, in the Carpathians and the Urals, around Chelyabinsk, Sverdlovsk, and the vast polar regions of Kolyma, reputedly the coldest places in the northern hemisphere. There some thousands of miserable prisoners mine gold for export. And in this particular area of commerce, specialists admit that the mining is accomplished by forced labor.

Two hard labor camps are situated at Korkyno in the Chelyabinsk region and near the River Lena. This has been confirmed by Scharegin. Other work on diamonds is done in camps near Salekard and Mirniy.

The packaging of caviar is reserved for women prisoners. Seven thousand are to be found in camps in Sakhalin and on the island of Chikotan in the Kurile Islands in the Pacific. Red caviar, after extraction from the fish, is cleaned and salted by the women, then sent to a free company in Astrakhan to be packed into glass jars for export. The jars are made in another camp, at Guriev, on the Caspian Sea.

Through finance houses in the City of London right up to the shops in the High

Street, and even in the little ships in the villages, the British buy the products of the gulag in enormous quantities each year. Hardly encouraging for the poor devils who make them for their masters in the KGB, in the lost archipelago of the prison camps.

[From the Worker Under Communism]

THE ROLE OF GULAG LABOR

(By Georgii Davydov)

TYPES OF COMPULSORY LABOR

In the Soviet Union the principle of compulsory labor is entrenched in the constitution. However, labor is not compulsory to the same degree for all Soviet citizens. One might speak of relative and absolute compulsion to labor.

According to article 60 of the constitution of the U.S.S.R., every capable citizen in the Soviet Union has an obligation to work, and the Soviet state is in no way limited in its power to enforce this constitutional principle. With the threat of criminal persecution, the state actively forces its citizens to work. Moreover, the state recognizes only what it calls "socially useful work" and excludes many kinds of independent labor or self-employment, thereby forcing citizens to work on state enterprises. Thus, a relative compulsion to labor—the obligation to work in a certain sphere designated by the state as "socially useful" and the right to choose a specific kind of work within the boundaries of this area—extends to all Soviet citizens capable of work.

Along with this comparatively mild form of forced labor, there exists in the Soviet Union another, harsher variety. In cases of absolute forced labor, an individual is not only obligated to work but is also deprived of any right to choose the form of his labor, and must work where the authorities send him. This kind of compulsory labor is enforced by means of a specially designed system of repression that utilizes subjection to hunger and cold and even physical torture. Absolute compulsory labor is imposed mainly on prisoners and on so-called uslovniki or khimiki—that is, persons who have received suspended sentences or who have been released on parole on the condition that they perform mandatory labor. According to my preliminary estimates, actual prisoners constitute about 1 percent of the population of the Soviet Union, or roughly 2.5 million persons. Other estimates are even higher. SMOT sets the number of prisoners at 6 to 9 million. While almost no estimates exists of the number of those on suspended sentences or on parole, in all probability the figure for this category of semi-prisoners is on the same order as that of prisoners, which is to say, in the millions.

KINDS OF WORK PERFORMED

The following information on the kinds of work performed by prisoners is based on data from 204 camps and prisons. This is approximately 10 percent of the total number of camps and prisons in the Soviet Union. The work done by inmates of several camps is described in detail, but for the majority of camps information on the prisoners' work is fragmentary. The data were gathered primarily in the 1970s and early 1980s. The kinds of work done have been classified and the categories listed in escending order of frequency: that is, those listed first are the ones to which most workers are assigned.

Logging and Wood Processing

This category includes the felling of trees, the initial processing of wood at timber exchanges, and other types of work involving wood products: the production of sawtimber, manufacture of railroad ties and mining supports, carpentry work, and manufacture of prefabricated houses and furniture. Camps involved in the logging and processing of wood are concentrated in the southern regions of the European section of the Soviet Union, and in Siberia. Carpentry work and furniture manufacturing are done in many camps throughout the U.S.S.R.

Construction work and production of building materials

Prisoners employed in this category manufacture bricks, glass, cement, and reinforced concrete items. The labor of inmates is also very often used in diverse construction projects, ranging from small barracks units to large factories, hydroelectric power stations, and airports. These jobs are not geographically localized at all. There appears to be a small construction and maintenance crew at every camp or prison.

Clothing, textile, and footwear manufacture

Clothing manufacture is the most widespread subdivision in this group. The camp plant may be anywhere in size from a small sewing shop to an entire factory. Prisoners sew military uniforms, prison clothing, underwear, and bedclothes for soldiers and inmates, and work and leisure clothes for the general population. This work is not specific to any particular location.

Mechanical engineering

In this branch of the economy, inmates are employed to manufacture a variety of parts and machines and to assemble machinery. For example, they: make auto parts (Mordovia, Tyumen'); assemble auto parts (Mordovia); manufacture auto trailers (Stavropol' krai and Kherson oblast) and pumps (Tomsl oblast) and motors (Altai and Vladimir); assemble bearings (Khar'Kov) and ship parts (Kherson oblast); and manufacturing agricultural equipment (Alma-Ata, Voroshilovgrad, Dnepropetrovsk, Zhitomir, and Ryazan oblast).

Metallurgy and metal-working

Foundry work and cutting of castings are hard jobs. Prisoners are often employed in these areas, as reports from camps in the Ukraine, Leningrad, Kemerovo, Lipetsk, Sverdlovsk, and Tashkent reveal. The labor of inmates is also widely used in metal-working. For example, political prisoners at camps no. 35 and 37 for political prisoners in Perm oblast make cutting instruments—drills, taps, and so on—for the Sverdlovsk tool factory.

Manufacture of packing and containers

Prisoners are so frequently employed in this area of work that it merits a separate category. They assemble boxes, construct netting that is used to transport vegetables, sew bags, and make barrels, cardboard boxes, and envelopes. This kind of work is dispersed throughout the Soviet Union.

Agricultural work

Information on camps in the Ukraine, Mordovia, Stavropol' Krai, and Tomsk, Kemerovo, and Urkutsk oblasts, indicates that prisoners are employed directly in agricultural work.

Mining

Ten camps are known where prisoners extract stone, to be used for construction, from pits and mines. Half of these camps are in the Ukraine; the rest in Kazakstan, Uzbekistan, Armenia, Estonia, and Tyumen'. There are also reports that inmates mine uranium in Bukhara oblast (Uchkuduk), and that prisoners at a camp in Muruntau, Bukhara oblast, work in a gold-processing plant.

Manufacture of parts and equipment for radios and other electric appliances

In Vladimir and Estonia prisoners make windings for electric motors, and in Tyumen', for projectors; political prisoners at two camps in Kuchino, Perm oblast, manufacture parts for electric irons. In Irkutsk oblast (Novolenino) inmates work at a lamp factory, and in L'vov oblast at an electric factory. In Leningrad, Novgorod, and Vladimir, inmates make radio components.

Chemical industry

Information indicates that prisoners work at a chemical plant in Chirchik, Tashkent oblast, and are employed to manufacture rubber and press plastics in Smolensk and Tashkent oblasts.

Subsidiary work

In Sychevka (Smolensk oblast) and Dvoryanskoe (Volgograd oblast) prisoners are employed for maintenance at the Sychevka and Volgograd special psychiatric hospitals. In Perm, Sverdlovsk, and Tyumeń oblasts inmates load and unload goods. In camps in Magadan and Sverdlovsk oblasts they work in maintenance and machine shops. In other forms of work as well, the labor of prisoners is put to use.

Despite the scant amount of data available, a survey of the kinds of work performed by inmates illustrates that prisoners' labor is used in almost all main branches of the economy. However, the food industry is conspicuous by its absence from the list. This exception can be accounted for by the fact that one of the effective means of coercing inmates to work is hunger.

I do not know whether prisoners have been directly employed in the construction of gas and oil lines in recent years. However, the example cited below of the camp in Surgut suggests that inmates manufacture various items necessary for the construction of these routes and for the workers who are building gas lines.

USE OF SEMIPRISONERS FOR COMPULSORY LABOR

Like prisoners, semi-prisoners or persons on suspended sentences or parole often perform compulsory labor in many branches of production. As a new means of directing labor, "conditional release from places of confinement with the obligation to work on construction jobs in the economy" was instituted under Khrushchev in 1964. It went through a long trial period and was ratified by a special law in 1977. Immediately after the introduction of this type of compulsory labor, so-called semi-prisoners were widely placed in jobs constructing oil lines. Information on this practice even filtered into the Soviet press. An article in Novyi mir by K. Laganov, called "Oil and People," reported that in the center of the Tryumeń oil region, in Surgut, semi-prisoners comprised 15 percent of the town's adult population, and in nearby Nefteyugansk, the figure was even higher—20 percent of the adult population.

In view of the chronic labor shortage in the Soviet Union, the also chronic housing shortage, and the extremely low level of everyday services—particularly in the nation's fast-growing, recently developed regions—such broad use of the labor of parolees and those on suspended sentences is not surprising. In addition, it is relatively inexpensive to organize work and living conditions for such persons. No special guards or camp complexes are required as they are for pris-

oners. The semi-prisoners live in regular dormitories under police supervision. In return, they are required to work where they are sent. The system of maintaining them would seem to be a specially adapted, quick, inexpensive solution to the problem posed by the inadequacy of the labor force at one site or another. The mobility of the semi-prisoners, together with the compulsory nature of their labor, makes them ideal workers for projects with extensive, mobile labor fronts, like the construction of oil and gas lines.

There is information to suggest that persons on suspended sentences and parolees have been used to build gas lines even in most recent years. Among them are some who have been convicted for political reasons, such as Rollan Kadyev, who was arrested in 1979 for his involvement in the Crimean Tatar movement and was conditionally released from camp and sent to Ukhta (Komi A.S.S.R.) to work on the construction of compressor station no. 10 there. Kadyev was released at the end of 1982. Another such case concerns Vladimir Burtsev, who was arrested in 1980 and sentenced to one and a half years' imprisonment because of his religious activities. Burtsev was also conditionally released from camp, whereupon he was sent to Smolensk oblast to participate in the building of the Druzhba gas line. Burtsev was released in August 1981.

ESTONIA AS AN EXAMPLE OF THE USE OF FORCED LABOR

The information presented here is evidence of more than just the diversity of production areas in which the labor of prisoners and semi-prisoners is put to use. As the example of Estonia shows, it also demonstrates the extent to which compulsory labor serves the requirements of local industry.

In Estonia, a small republic with a population of about 1.5 million located in the northwestern section of the Soviet Union, there are a prison, four camps, and no less than five special supervisory headquarters. There are an estimated 10,000 inmates in the prisons and camps of Estonia, and not less than 3,500 semi-prisoners.

According to the Bol'shaya Sovetskaya Entsiklopedia, "Estonia is the most important region for the slate mining and processing industry, with well-developed industries in electric power generation, mechanical engineering, chemical manufacturing, wood, pulp and paper, textiles, and food." Let us now examine what the inmates and semi-prisoners in Estonia produce, paying particular attention to the areas mentioned in the encyclopedia.

In Vasalemma there is a strict-regime camp. Half its prisoners work in a quarry mining "Vasalemma marble," which is used in construction as a decorative material, for columns, staircases, and the like. The rest of the camp's inmates work in a shop where coiling is manufactured (a subsidiary of the Vol'ta electric motor plant whose production of electric motors is noted in the encyclopedia as being of national significance) or in a welding shop (a subsidiary of an excavator factory in Tallinn whose production of excavators is also mentioned in the encyclopedia).

Vasalemma is also the site of a harsh-regime camp for men, which houses an entire factory for the manufacture of metal bedsteads in which about half of the camp's inmates are employed. Another third of the prisoners work in a knitwear shop (a subsidiary of the Marat knitwear factory in Tallinn, which is mentioned in the encyclopedia) that produces men's underwear and sporting and light summer clothing for the general population. In 1978, 1979, and early 1980, the prisoners made clothing with Olympic emblems. The rest of the inmates at this camp work in a machine shop where rotor components for electric motors are manufactured.

An ordinary-regime camp for women is located in Kharku. The manufacturing area of this camp houses a sewing shop where the women make men's underwear, mainly for soldiers and prisoners.

There is an ordinary-regime camp for men in Tallinn. Here the prisoners are employed in manufacturing parts and assembling electric household appliances: ranges, irons, radiators, and relays and other electric devices for refrigerators and washing machines for a factory in Riga, among others. A traveling construction crew composed of prisoners from this camp works on projects beyond the camp's boundaries. During the 1960s, for instance, they built a hospital in Tallinn for members of the Estonian Ministry of Foreign Affairs and KGB.

The special supervisory headquarters in Estonia administer the work performed by persons on suspended sentences or parole. One such headquarters is in Maardu, twenty kilometers east of Tallinn. The Maardu chemical plant, which processes local phosphorites into fertilizer, is located here. Semi-prisoners are employed to mine phosphorite and to peform various tasks at the chemical plant itself. They are also used in various construction projects in the village.

Another special supervisory headquarters is situated in Kohtla-Järve (in northwestern Estonia). Semi-prisoners are assigned diverse duties at the Ammiach factory (which manufactures fertilizer) and at the Lenin slate-processing enterprise.

The chemical plant in Maardu and the slate-processing enterprise in Kohtla-Järve are mentioned in the Bol'shaya Sovetskaya Entsiklopedia as the most important enterprises of the chemical industry in Estonia. Narva (in northwestern Estonia) is also the site of a special supervisory headquarters. Male semi-prisoners are used on construction jobs in the city, and their female counterparts perform various tasks in the Krengol'msk textile enterprise. Another special supervisory headquarters is located in Sindi, (in southwestern Estonia). Here, as in Narva, semi-prisoners are employed in construction work and in the local textile factory. According to the encyclopedia, the factories in Sindi and Narva are large-scale enterprises of the Estonian textile industry.

These data show that close ties exist between the compulsory work being done in Estonia by prisoners and semi-prisoners, and the branches of industry that have been developed in this republic.

[From the Swiss Review of World Affairs, April 1983]

FORCED LABOR AND THE SOVIET ECONOMY

(By Cronid Lubarsky)

(The author of this article is a Soviet astronomer, 49 years old, now living in the West. He spent the years 1972–77 in labor camp and prison, to which he had been sentenced for disseminating samizdat documents. In the following paragraphs he provides a much needed larger perspective for the unnecessarily controversial question of whether it is possible to prove the use of forced labor in the Soviet gas pipeline project. The text is a slightly abridged version of the article as it appeared in the journal "Kontinent.")

In recent time there has been a great deal of discussion in the press as to whether prisoners are being employed in construction of the Urengoj-Ushgorod-Western Europe gas pipeline. The public in the West has called for investigation of such charges, while the Soviet side categorically rejects them.

Moscow's denial is not documented, but occasionally the argument is put forward that construction of a modern gas pipeline is a complex technical project and therefore cannot be accomplished with the help of forced labor. This is a strange argument—doubly strange coming from the mouths of Soviet officials. When there is a lack of modern technology, building a gas pipeline naturally also involves a vast amount of heavy labor requiring no great skills or qualifications: cutting trees to lay the pipeline bed through the taiga; earth moving; creating access roads, etc. All these tasks can, of course, be accomplished effectively with the aid of modern techniques, but under Soviet conditions another method is traditionally used: Technology is replaced by masses of unskilled but cheap (or virtually free) laborers.

The premise that advanced technology and forced labor are somehow incompatible applies only to democratic systems. The Soviet system has resolved the paradox dialetically. An outstanding case in point was the notorious sharashki, the prison institutes for scientific research founded by Lavrenti Beria. It is worth recalling that the Soviet atomic program began in such a prison institute, that the best Soviet aircraft during the years of World War II were developed in such an institute under the leadership of imprisoned aircraft engineer Andrei Tupolev, and that other similar examples could be cited. Today there are no longer any sharashki, but there is nothing to prevent the Soviet authorities from assembling the required number of prisoners with the necessary skills and shipping them out to work on the pipeline project. Characteristically, Soviet statements do not explicitly deny the fact of forced labor being used but merely its practicality in this specific instance. In reality, however, the entire Soviet penal system is based on forced labor, which is why its institutions are termed "labor and improvement facilities."

Hard labor is used as a punishment for criminals in many countries, not just the USSR. The special thing about Soviet practice in this regard, however, is that the labor of prisoners is less a punitive measure than an important part of the national economy. Essentially there is not a single significant area of the Soviet economy in which prison labor is not exploited: metals processing, the chemicals industry, the manufacture of clothing and of machinery, agriculture, mining—forced labor is used in all of them.

A large, "free" enterprise, sometimes one of worldwide repute, is assigned a certain number of labor camps which then function as departments of that enterprise. The camps are assigned the manufacture of specific parts, or some labor-intensive operation in assembly or processing. To cite some specifics: Camp No. 36 (for political prisoners) in the Permer District installs the housing for the heating coils in electric irons which are officially manufactured by a metalworks in the city of Lyssva. Camp No. 19 (formerly for political prisoners, now for criminals) in Mordvinia manufactures the wooden casings for wall clocks, which are then sent to a clock factory in the city of Serdobsk (Dis-

trict of Pensa) where the clock movements are installed.

Some work camps produce finished goods, functioning essentially as independent industrial plants, usually turning out simple items for mass consumption. Many such "camp factories" produce low-grade clothing items, such as work clothes and prison uniforms. The lables on such items of clothing may even contain the address of the camp which produces them. But the term "camp" does not exist in official terminology; labor camps and prisons are referred to as "institutions" and assigned a code designation (e.g., UL-314/60) which is meaningless to the uninitiated. The output of these independent camp-factories, bearing a "compromising" label, is generally of low quality and distributed only on the domestic market.

An important sector of the labor-camp economy which plays a role in exports is the production of raw materials. Forced labor is of particular significance in mining operations, especially under dangerous conditions, and even more so in lumbering. The latter is of such great importance that the USSR's Interior Ministry, in addition to its main Bureau of Camps and Prisons (formerly known as the Gulag, now as GUITU), has a special bureau to supervise those camps concerned exclusively with the cutting and primary processing of lumber.

There are various estimates of the number of prisoners compelled to do active labor. No official statistics are published, so that indirect data must be relied upon. In trying to establish a minimal figure, one is consistently forced to the conclusion that more than 2.5 million prisoners are actively employed in the Soviet economy. A somewhat documented maximal estimate yields a figure three times that high—which would mean no less than 10% of the total Soviet labor force.

But sheer numbers are not the only thing. It is important to note that what is involved here is extremely cheap, virtually cost-free labor. Maintenance of the prisoners costs the state nothing, since they themselves must bear all expenses, not only food and clothing, but also the means to build and operate the camp, including salaries for the guards. Depending on the kind of prison facility, between 50% and 90% of each prisoner's salary is deducted to cover those expenses. Prisoners' wages are calculated on an extremely low scale. For example, a whole series of premiums paid to free workers as compensation for the severe conditions in northern parts of the USSR are not paid to prisoners doing the same work in the same locales. And in addition to the "official" means of depressing prisoners' wages, unofficial means are employed as well. Since a prisoner has no avenue of protest (any attempt to do so is severely punished), nor any access to labor and wage norms, administrative officials are free to set up production levels extremely high and wage levels very low. In consequence, prisoners are often paid negligible sums, many times lower than the official minimum wage. I have known cases in which prisoners received no more than three rubles per month.

Naturally the overwhelming majority of internees in every part of the USSR are criminal rather than political prisoners. The latter have become relatively rare these days. While there were millions of them during the Stalin era, there are now apparently no more than 10,000. I suspect that the actual figure is even lower, perhaps between 8,000 and 9,000.

Officially the term "political prisoner" does not exist in the Soviet Union. Instead there is the category of "especially dangerous state criminal." This includes those convicted of "betraying the Fatherland" (Article 64 of the Soviet Criminal Code) and of "anti-Soviet agitation and propaganda" (Article 70). "Betraying the Fatherland" generally covers attempts to flee the USSR, while "anti-Soviet agitation" is applied to any hint of criticism or simply to the collecting and disseminating of objective information on the actions of the power structure at all levels. "Especially dangerous state criminals" are kept in a number of widely known camps and prisons. There is the prison at Tchistopol (Tatar SSR), Camp No. 3 in Mordvinia and Camps Nos. 35, 36 and 37 in the Permer District. The number of prisoners at these facilities is small, currently no more than 300.

Other political prisoners, however, are sentenced under articles of the criminal code which formally deal with purely criminal matters. One such is Article 190, "Dissemination of slanderous information which gives the Soviet social and political system a bad name." This article differs from Article 70 in its formulation, in that it does not charge the accused with deliberately "undermining and weakening Soviet power." Judging such an intention is obviously extremely subjective, and it depends entirely on the arbitrary will of the authorities to determine under which article an accused person is charged.

In addition to those individuals who are prisoners in the traditional sense, there is in the USSR another category of persons who are not formally prisoners but who differ from them very little in practice. They are the so-called "conditionally sentenced" and those who have been "conditionally released" from labor camps. The relevant legal text describes their situation as follows: "They are obligated to work wherever they are assigned by the authorities competent to execute their sentence, and if production requires it they may, without their own consent, be transferred to another kind of work, including work in another area. These persons are generally required to live in specially assigned communal quarters. . . . During their obligatory period of labor they are forbidden from crossing the borders of the administrative district which has authority over their workplace."

Obviously the forced labor of such "conditionally sentenced" and "conditionally released" people is best utilized on projects which, by their nature, cannot be restricted to prison camp conditions. These include the construction of large factories, road building and the laying of pipelines. The purpose of this unusual type of penal servitude is reflected in the popular idiom, if not in the lawbooks. Among the people these "conditionals" are commonly referred to as "chemists," because the large-scale exploitation of their labor began during the days of Nikita Khrushchev, who became enthused at the idea of "chemicalizing" the USSR and building large chemical plants. The interests of today's Kremlin rulers have changed, but the odd term has been retained.

Like everything else in the Soviet economy, forced labor is subject to planning. The punitive organs of government, the Interior Ministry and the KGB, have their quotas of arrests to fill. It has long been evident that, whenever a major construction project is planned in a particular area, that district's newspapers launch a propaganda campaign well in advance against some particularly Soviet form of "criminality," perhaps against "hooliganism" or "parasitism." A sudden wave of arrests follows hard on the heels of such a campaign. The result: a rapid rise in the availability of cheap labor. The "crimes" inspired by such construction projects are generally not very serious, so that the accused can be "conditionally sentenced" and sent out to work without the necessity of building new camps.

In the case of major construction projects of national scope, special camp administrations are created to coordinate the labor of prisoners and "chemists." An administrative body with the title Bamspezstroi, for example, was organized for construction of the Baikal-Amur-Magistrale railway line. Among its functions was to provide the necessary laborers for the massive construction job, to organize their proper distribution and to see to their care and feeding.

It is not known whether a special camp administration bureau has been established within the Interior Ministry for construction of the gas pipeline to Western Europe. At the time of this writing no reliable information had become available about the character and extent of the use of prisoners on this project. The only thing that has come to light so far has been some isolated reports from persons in the Tjumen and Surgut districts, who have observed or worked in labor brigades on the gas pipeline; they claim that there have been "chemists" in those brigades and that one brigade consisted entirely of such persons. This is all that has been learned to date. But the lack of more direct information by no means proves that the gas pipeline is being built without the use of forced labor.

We must keep in mind the extreme isolation of Soviet society and the difficulty of obtaining reliable information about it. Aside from specially organized and carefully supervised group trips, the areas through which the pipeline is being laid are closed to foreigners. Even Soviet citizens find it extremely difficult to gather and transmit information about prisoners inside the Soviet Union; such activity is generally categorized as criminal, under the heading of "anti-Soviet propaganda" and in some cases even "treason." It took decades, let us not forget, for information about the existence of the vast "Gulag archipelago" under Stalin to seep through to the West. Today the situation has improved somewhat thanks to the efforts of civil rights advocates, but even now we can expect such information to become known only after long delays and to a limited extent.

I am confident that we will in time overcome the barrier of secrecy which the Soviet authorities have erected and acquire more concrete information about the gas pipeline. For the present we lack such information. But it is counterproductive to try and create the illusion of facts in order to convince the public of a particular viewpoint. Disinformation cannot be justified, even when those who spread it are motivated by honorable intentions. No matter what details it is concerned with, disinformation can only benefit the Soviet leaders. They should not be handed the opportunity of convincingly disproving unfounded assertions about details and thus watering down in the eyes of the world the huge and painful problem of forced labor in the Soviet Union.

This problem is one of the USSR's chronic ailments. In one degree or another, the hand of a prisoner has touched everything

that the West receives from the Soviet Union. It seems to me unimportant whether that hand belongs to a political prisoner or simply to some poor unfortunate caught in the gears of an economic system which is heading for collapse.

Mr. ARMSTRONG. Mr. President, in summary, I commend to my colleagues the Helms amendment which adds, in a low key, in a judicious, restrained, thoughtful, nonconfrontational manner, some real sanctions. It puts some teeth in this resolution. One of the most distinguished Members of the House yesterday characterized the resolution which the other body adopted as all windup and no pitch. With the Helms provisions in here, we can honestly say to ourselves and to our constituents and to the nations of the world that there is more concern than words, that we are prepared to act, that we will do it in a way that is not confrontational, not drastic, but which is a major response, which says to the Soviet Union that next time, if there is a next time, we shall be prepared to take further steps as the circumstances may warrant.

Mr. HELMS and Mr. EXON addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. HELMS. Mr. President, may I make a parliamentary inquiry?

The PRESIDING OFFICER. The Senator will state it.

Mr. HELMS. Do we resume consideration of the Helms amendment at this point?

The PRESIDING OFFICER. If the Senator wishes to resume consideration of the amendment, it would be permissible. The Senator had asked that the amendment be set aside for the consideration of other amendments.

Mr. HELMS. Mr. President, I do wish to resume. Then I shall yield to my distinguished colleague.

The PRESIDING OFFICER. The Senator from North Carolina is recognized.

AMENDMENT NO. 2135, AS MODIFIED

Mr. HELMS. Mr. President, I ask unanimous consent that it be in order for me to ask for the yeas and nays on all seven points of my amendment, which has been divided.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. HELMS. Mr. President, I ask unanimous consent for the yeas and nays.

The PRESIDING OFFICER. It has been ordered that the Senator may ask for the yeas and nays.

Mr. HELMS. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. HELMS. Mr. President, I want to expedite consideration of this amendment as much as I can. May I inquire of the distinguished Senator from Illinois if it is his wish at this time now, since I have obtained the yeas and nays on each point, to ask unanimous consent that the first vote be 15 minutes, that each succeeding vote be 10 minutes, and that the votes be stacked?

Mr. PERCY. That is correct. That unanimous-consent request has been cleared on the majority side. We are still waiting for the minority side to clear that request.

Mr. PELL. That request has not yet been cleared on the minority side. As soon as it is, we shall inform the Senator.

Mr. HELMS. Mr. President, as an accommodation to Senators, I shall be glad to lay aside my amendment provided that it becomes the pending business at the conclusion of each speech so that we can, at that time, decide whether to proceed with the amendment.

The PRESIDING OFFICER. Is there objection to the request of the Senator from North Carolina?

Without objection, it is so ordered.

The PRESIDING OFFICER. Who yields time?

Mr. HELMS. Mr. President, let me say for the RECORD that earlier today after consultation with my distinguished colleague from Kentucky (Mr. HUDDLESTON), I modified my amendment because we were going on the same track with respect to limiting the number of Communist spies masquerading as diplomats of the Soviet Union in this country, so I have eliminated that reference from point 1 of my amendment.

Mr. President, this Senator is also convinced that the time has come for the United States to have parity in its diplomatic representation with the Soviet Union. By this I mean that as of today, some 320 Soviet diplomats are accredited to the United States while only 210 U.S. diplomats are accredited to Soviet Union. The President must act swiftly to bring the number of Soviet diplomats allowed in this country to parity with the number of our diplomats allowed in the Soviet Union.

This Senator feels strongly that this is a grave matter and also a matter of the utmost prudence. It is certainly no secret that the Soviet diplomatic community in the United States contains a high percentage of KGB agents and other Soviet espionage personnel. The Soviets have been loudly proclaiming their concerns about the alleged espionage activity of a civilian airliner laden with men, women, and children which they so brutally shot out of the sky. Of course, there was no espionage activity on the part of this civilian aircraft.

There is real espionage activity, however, in the vast Soviet diplomatic apparatus in these United States. I therefore recommend that the President close immediately the Soviet consulate in San Francisco and expell the Soviet diplomatic personnel at that location. It is known to our counterintelligence services, who are indeed overworked on the subject of Soviet espionage, that the San Francisco consulate contains a high percentage of Soviet spies engaged in the deepest covert activity to extract the highly classified secrets of our aerospace and computer industry based on the west coast. Closing the Soviet consulate in San Francisco is therefore an act of great prudence as a central measure to the restoration of our internal security from Soviet bloc espionage and subversion.

Mr. President, John Barron, senior editor of Reader's Digest has very ably described and documented Soviet espionage activities around the world and in these United States. His newest book, "KGB Today the Hidden Hand," is a masterful exposure of Soviet espionage techniques in the United States to obtain our most sensitive high technology secrets. It is not therefore a matter of conjecture that the Soviets are engaged in a massive covert high technology acquisitions plan in these United States. Their activity on the west coast is intensive.

For this reason, it would be a matter of prudence for the President to close down the Soviet consulate in San Francisco. There are precedents for the expulsion of Soviet diplomats engaged in espionage activity. Mr. Barron has prepared a list of Soviet diplomats expelled from around the world from 1974 to 1983.

Mr. President, I ask unanimous consent that the list prepared by Mr. Barron and published in his most recent book be inserted in the RECORD at this time.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

SOVIET DIPLOMATS EXPELLED

(Unless otherwise stated, all those named in this list are officers of the KGB.)

Abramov, Mikhail Nikolaevich: Canada, March 1982.

Aleksandrov, Leonid Nikolaevich: Switzerland, February 1981.

Alekansyan, Eduard Ivanovich (GRU): Canada, January 1980.

Alekseyev, Vladimir Ilich: USA, February 1977.

Andrevev, Anatoli Vitorovich: USA, January 1975.

Andrusov, Eduard Valentinovich: Sudan, May 1977.

Averin, Yuri Dmitrevich (GRU): Sweden, December 1982.

Babayants, Yuri Arkhamovich (GRU): Portugal, January 1982.

Barabanov, Leonid Andreevich (GRU): Switzerland, August 1982.

Baratov, Nikolai Andreevich: North Yemen, August 1977.

Bardeyev, Igor Aleksandrovich (GRU): Canada, January 1980.
Bashmashnikov, Yevgenni Ivanovich: West Germany, June 1979.
Baykov, Vladilen Vasilevich: Pakistan, July 1981.
Besedin, Timor Anatolevich: Norway, April 1981.
Bibikov, Valeri Ivanovich: Italy, December 1982.
Bogomolov, Yevgenni Vasilevich: Switzerland, September 1976.
Bondarev, Aleksandr Aleksandrovich: Singapore, February 1982.
Borishpolets, Vadim Anatolevich: Canada, February 1978.
Bryantsev, Igor Nikolaevich: West Germany, March 1977.
Burmistrov, Gennadi Makarovich: Netherlands, April 1976.
Bychkov, Anatoli Yefimovich: Ghana, August 1978.
Bychkov, Yuri Ivanovich: Spain, March 1981.
Charchyan, Eduard Babkenovich: USA, June 1975.
Chelyag, Ivan Mikhailovich (GRU): Italy, December 1982.
Chernov, Vladimir Aleksandrovich: UK, January 1983.
Chernyayev, Rudolf Petrovich: USA, May 1978.
Chernyayev, Sergei Viktorovich (GRU): Netherlands, March 1978.
Chernysh, Yuri Stepanovich: Costa Rica, August 1979.
Chistyakov, Aleksei Fedorovich: Egypt, September 1981.
Churanov, Oleg Viktorovich: Spain, February 1980.
Dementyev, Aleksandr Vladimirovich: Norway, January 1977.
Dmitriev, Igor Ivanovich: Malaysia, June 1976.
Dokudovsky, Oleg Dmitrevich (GRU): Norway, February 1982.
Druzhinin, Vadim: Bangladesh, June 1976.
Dubas, Oleg Konstantinovich (GRU): Portugal, March 1982.
Dzhashi, Enriko Avksentyevich: USA, July 1977.
Enger, Valdik Aleksandrovich: USA, May 1978.
Fedorin, Vasili Nikolaevich: Spain, April 1982.
Filippov, Boris Anatolevich (GRU): France, June 1978.
Finenko, Aleksandr Pavlovich (GRU): Indonesia, February 1982.
Fomenko, Valentin Petrovich (GRU): Ghana, January 1974.
Frolov, Vyacheslav Ivanovich: France, February 1980.
Gadzhiyev, Abdulkhalik Magomedovich: USA, June 1975.
Geyvandov, Konstantin Yervendovich: Canada, January 1974.
Golovanov, Vladimir Vladimirovich: Iran, July 1980.
Golovatenko, Yuri Vasilevich: Spain, March 1981.
Gordeyev, Vladimir A.: Portugal, March 1982.
Gromov, Sergei Zakharovich: Norway, January 1977.
Isayev, Yuri Nikolaevich (GRU): Spain, April 1978.
Ivanov, Yevgenni Fedorovich: France, March 1976.
Ivashkevich, Gennadi Vladimirovich, Canada, February 1978.
Kabanov, Boris Nikolaevich: Iran, September 1977.
Kanavsky, Vadim Ivanovich (GRU): India, December 1974.
Kapitonov, Konstantin: Egypt, September 1981.
Karelin, Vadim Vasilevich (GRU): West Germany, May 1976.
Karpov, Yevgenni Petrovich: USA, February 1977.
Kedrov, Viktor Nikolaevich: Denmark, August 1975.
Khamidulin, Zavdat Lutfulovich: Malaysia, July 1981.
Khlystov, Vladimir Timofeevich: Netherlands, April 1976.
Khvostantsev, Lev Grigorevich: Canada, February 1977.
Kinyapin, Andrei Leonidovich: Italy, May 1980.
Kisayev, Yuri: Equatorial Guinea, February 1981.
Kiselev, Anatoli Aleksandrovich (GRU): Netherlands, August 1975.
Klimanov, Yevgenni Aleksandrovich: Norway, January 1977.
Koblov, Yevgenni Konstantinovich: Canada, February 1978.
Kolosov, A. A. (GRU): China, January 1974.
Konyayev, Vladimir Vasilevich (GRU): Portugal, August 1980.
Korniyenko, Anatoli Fedorovich (GRU): Bangladesh, May 1976.
Kovalev, Aleksei Gavrilovich (GRU): Canada, December 1974.
Kovalev, Nikolai Grigorevich: Nigeria, March 1981.
Krasilnikov, Anatoli Ivanovich: Spain, February 1980.
Krysin, Andrei Vladimirovich: Canada, February 1978.
Kukhar, Aleksandr Afanaseevich: USA, October 1979.
Kulagin, Aleksandr S. (GRU): Portugal, August 1980.
Kulemekov, Vladimir Yanovich (GRU): France, Novermber 1981.
Kulik, Vladimir Yevgenevich (GRU): France, October 1979.
Kuznetsov, Anatoli Vasilevich: Italy, August 1981.
Larkin, Anatoli Alekseevich: Singapore, February 1982.
Lazarev, Vladimir Vladimirovich: Bangladesh, August 1981.
Lazin, Viktor Nikolaevich: UK, August 1981.
Leonov, Vadim Vasilevich: Netherlands, April 1981.
Leonov, Yuri Petrovich (GRU): USA, September 1981.
Lesiovsky, Viktor Mechislavovich: Spain, June 1977.
Lezin, Oleg Sergeevich: Switzerland, April 1975.
Lilenurm, Petr Rudolfovich: Canada, February 1978.
Lisin, Yuri Viktorovich: USA, November 1977.
Liyepa, Albert Andreevich: Sweden, April 1982.
Lobanov, Vladislav Sergeevich: Sudan, May 1977.
Lopukhov, Roman Mikhailovich (GRU): Netherlands, March 1978.
Lovchikov, Vasili Dmitrevich (GRU): Switzerland, April 1979.
Lugovoy, Vladimir Vasilyevich (GRU): Switzerland, February 1983.
Lyko, Anatoli Alekseevich (GRU): Malaysia, May 1975.
Machekhin, Aleksandr Yegorovich: Japan, May 1976.
Marakhovsky, Yuri Nikolaevich: USA, October 1981.
Marchenko, Vladimir Ivanovich: China, January 1974.
Marchenko, Yuri Fedorovich: Egypt, January 1981.
Markelov, Aleksandr Pavlovich: India, August 1980.
Matveyev, Albert Alekseevich: Portugal, August 1980.
Merkulov, Vladimir Dmitrevich: Denmark, October 1981.
Mikhalin, Anatoli Aleksandrovich: Canada, February 1978.
Minkov, Yuri (GRU): Egypt, July 1976.
Mironenko, Sergei Vladimirovich: Singapore, February 1982.
Mironenko Yevgenni, Sergeevich: Norway, April 1981.
Mizin, Viktor Vladimirovich: India, March 1976.
Mordovets, Aleksandr Leonidovich: Costa Rica, August 1979.
Morozov, Mikhail M.: Portugal, January 1982.
Motorov, Yevgenni Leonidovich: Denmark, February 1983.
Muerner, Igor Ivanovich: Switzerland, October 1974.
Mushchinin, Sergei Yefimovich: Brazil, January 1975.
Muzykin, Ivan Ivanovich: Liberia, March 1981.
Myagkov, Grigori Petrovich: Switzerland, June 1978.
Nesytykh, Vladislav Leonidovich: Liberia, June 1981.
Nikiforov, Oleg Nikolaevich: West Germany, June 1979.
Nilov, Viktor Prokopevich: Ghana, August 1978.
Obinin, Vyacheslav Aleksandrovich: Portugal, March 1982.
Oshkaderov, Vladimir Ivanovich: Canada, February 1978.
Osipov, Aleksei Nikolaevich: Denmark, August 1975.
Panchenko, Aleksei Yakovlevich: Iran, October 1981.
Pashukov, Aleksandr Alekseevich (GRU): Denmark, October 1977.
Penkov, Viktor Aleksandrovich (GRU): France, July 1978.
Pereversev, Yuri V. (GRU): Egypt, April 1979.
Petrakov, Igor V.: Egypt, September 1981.
Petrosyan, Petros Artachesovich: USA, June 1975.
Petrov, Georgi Georgevich: Norway, April 1981.
Petrov, Valentin Mikhailovich: Liberia, March 1981.
Pivovarov, Yuri Sergeevich: Spain, March 1977.
Pokrovsky, Sergei Georgevich: Switzerland, March 1982.
Poleshchuk, Anatoli Ivanovich (GRU): Netherlands, March 1978
Polomarchuk, Valeri Vladimirovich: Sudan, May 1977.
Polyakov, Vladimir Porfirevich: Egypt, September 1981.
*Poperechny, Vladimir Ivanovich: Liberia, April 1979.
Popov, Yuri Pavlovich (GRU): Spain, May 1978.
Printsipalov, Aleksandr Kirillovich: Norway, January 1977.
Reztsov, Oleg Dmitrevich: Canada, February 1978.
Romanov, Vladislav Petrovich: Malaysia, July 1981.
Rostovsky, Grigori Grigorevich (GRU): France, March 1976.
Rybachenko, Vladimir Ivanovich (GRU): France, February 1977.
Samoylenko, Nikolai Aleksandrovich (GRU): Denmark, June 1977.

Semenov, Yuri A.: China, January 1974.
Semenychev, Yuri Konstantinovich: Portugal, August 1980.
Sepelev, Yuri Fedeevich: Yugoslavia, March 1976.
Shamirov, Elman Ibragim-Ogli: Iran, April 1978.
Sharov, Anatoli Vasilevich: Denmark, August 1975.
Shebanov, Yuri Konstantinovich: Egypt, September 1981.
Shelenkov, Aleksandr Ivanovich: Egypt, October 1978.
Shelepin, Vladimir Leonidovich: Egypt, October 1980.
Shepelev, Viktor Pavlovich (GRU): West Germany, July 1981.
Shiroky, Petr Ivanovich (GRU): Sweeden, December 1982.
Shitov, Vasili Ivanovich (GRU): USA, February 1982.
Smirnov, Igor Petrovich (GRU): Switzerland, February 1981.
Smirnov, Valeri Nikolaevich (GRU): Canada, July 1977.
Sofinsky, Vsevolod Nikolaevich: New Zealand, January 1980.
Sokolov, Vladimir Ivanovich (GRU): Canada, January 1980.
Solomonov, Yuri Aleksandrovich (GRU): France, June 1982.
Solovyev, Mikhail Matveevich: France, October 1976.
Stankevich, Nikolai Vasilevich (GRU): Denmark, October 1977.
Stepanov, Gennadi Ivanovich: Malaysia, July 1981.
Stepanov, Svyatoslav Alekseevich: USA, September 1976.
Stolbunov, Vyacheslav Ivanovich (GRU): Switzerland, March 1982.
Suchkov, Vitali Ivanovich: Spain, May 1981.
Suntsov, Vladimir Gennadevich: Egypt, January 1981.
Suvorov, Vladimir Leonidovich: Canada, February 1978.
Sveshnikov, Gennadi Vasilevich (GRU): Spain, June 1977.
Syzdykov, Ased: Egypt, September 1981.
Talanov, Nikolai Mikhailovich: Canada, February 1978.
Telezhnikov, Viktor Andreevich: Egypt, April 1976.
Tertishnikov, Vladimir Lukich: Spain, April 1982.
Timoshek, Vladimir Vladimirovich: Mexico, May 1976.
*Timoshkin, Mikhail Yevgennevich: Liberia, April 1979
Titov, Gennadi Fedorovich: Norway, February 1977.
Titov, Sergei Nikolaevich: India, March 1976.
Travkov, Gennadi Yakovlevich (GRU): France, February 1980.
*Trekhlebov, Igor Gavrilovich: Liberia, April 1979.
Trofimov, Vitali Konstantinovich: Canada, February 1980.
Trushenko, Yuri: Egypt, January 1981.
Tyurenkov, Aleksandr Ivanovich: Switzerland, March 1981.
Vartanyan, Igor Paruirovich: Canada, February 1978.
Vasilyev, Vladimir Mikhailovich (GRU): Canada, December 1976.
Veber, Voldemar Pavlovich: Canada, February 1978.
Vlasov, Valeri Pavlovich: Egypt, September 1981.
Vopelovsky, Yevgenni Konstantinovich (GRU): Norway, February 1982.
Vyatkin, Sergei Lazarevich: West Germany, October 1975.
Yadroshnikov, Lev Konstantinovich (GRU), Egypt, August 1976.
Yefremenkov, Vladimir Ilich: Spain, March 1981.
Yefremov, Albert Dmitrevich (GRU): Ghana, September 1978.
Yegrov, Sergei Petrovich (GRU): Indonesia, February 1982.
Yemelianov, Igor Konstantinovich: Switzerland, January 1983.
Yermakov, Oleg Vyacheslavovich: Denmark, September 1975.
Zadneprovsky, Vadim Fedorovich (GRU): UK, February 1982.
Zarkich, Yuri Grigorevich: India, March 1976.
Zashchirinsky, Igor Ivanovich: Norway, January 1977.
Zazulin, Anatoli Gerasimovich: Italy, January 1981.
Zinyakin, Vladimir Petrovich: USA, May 1978.
Zolotukhin, Aleksei Nikiforovich: Bangladesh, August 1981.
Zotin, Yevgenni Georgevich (GRU): Norway, January 1977.
Zotov, Anatoli Pavlovich (GRU): UK, December 1982.
Zuyenko, Oleg Sergeevich: Iran, January 1983.

*Although not identified as KGB, Poperechny, Timoshkin and Trekhlebov were involved, probably on behalf of the International Department of the Central Committee of the CPAU, in organizing anti-government demonstrations.

Mr. DENTON addressed the Chair.

Mr. HELMS. Mr. President, I will be willing, if the Senator from Alabama would indicate to me how long he wishes to speak, to lay aside my amendment on the condition that it become the pending business at the completion of his speech.

Mr. PERCY. So that we do not have to lay the amendment aside, I am quite willing to yield 10 minutes of my time to the distinguished Senator to speak.

Mr. HELMS. Very well, on the condition stipulated, Mr. President.

The PRESIDING OFFICER. Without objection, the Senator from Alabama is recognized.

Mr. DENTON. Mr. President, as the Senate today has begun its consideration of a joint resolution about the brutal and unnecessary destruction of Korean Air Lines flight 007 by the Soviet Union, my deepest insights and compulsions require me to state my hope that the wording of the House resolution be passed expeditiously and unanimously without substantial change.

My feelings derive from the insight that we now have an invaluable opportunity, perhaps the first since the mid-sixties, to make a strong, unified statement that recognizes the true nature of our major adversary, roundly condemning before the world the inhumanity of its governmental philosophy and modus operandi, which are typified by this latest in a long string of barbaric actions and uncivilized conduct. This statement, I believe, could be the first important step toward regaining a bipartisan U.S. foreign policy, the lack of which has retarded and even reversed the march of civilization for about 15 years.

There has developed in this country and in the world a prevailing confusion about the distinction between the relative efficacy of our American system and that of the Soviet Union. The latest tragedy has done more than anything else in recent memory to bring into focus that very clear distinction.

For that reason, we have been presented with the opportunity, the first in a very long time, for men and women of diverse views to clasp hands to make a definitive, perceptive, common statement of unity.

I see it as absolutely essential that we seize this moment to draw together those of different political and ideological perspectives who all share a sense of justice, of patriotism rooted in governments desirous of peace, justice, and freedom.

We should not, we must not, spoil or lose that historic opportunity.

The resolution we are considering was passed unanimously in the House with minor noncontroversial change, and the wording has been approved by the White House. Beyond that, I hope all Senators recognize that we in the United States are trying to speak for the entire civilized world and thus are constrained in the position we take by the necessity to follow policies that are reasonably consistent with the positions of all those other civilized nations.

Some of my closest friends in the Senate, Mr. President, have offered amendments or have indicated an intention to amend substantially the resolution in what they strongly believe is a good faith and justifiable attempt to strengthen it. I respect their motives, their own compulsions, and their sincerity. The distinguished Senator from North Carolina (Mr. HELMS), in particular, is personally close to that tragedy in that he had the poignant experience of talking, joking, and laughing with some little girls just before they boarded the ill-fated flight. And I admire Senator HELMS especially for not being among the confused regarding the Soviet's evil nature and threat. I also have tremendous respect for him and for my good friend who spoke just before me, the distinguished Senator from Colorado (Mr. ARMSTRONG). But I simply do not agree that an attempt to amend substantially is at this time in the best interests of the United States and of the prospects for security. I do hope that whatever my friends do they will not persist in individual expressions to the point of rending the fabric of potential for beginning to reweave the bond of unity regarding foreign policy.

My opposition to stronger wording does not derive from a weakness in my own beliefs about the Soviet Union. Nor do I necessarily oppose strong sanctions against the Soviet Union for its brutal act. Indeed, strong sanctions have been called for and I have advocated them, not just for the massacre of the 269 people on the KAL aircraft but for Soviet aggressions in Afghanistan, in Angola, in Central America, and Poland, for its slave labor camps, for its use of chemical weapons against innocent people, for the 60 million people inside the Soviet Union who perished at the hands of their own masters.

On later occasions I could well support and possibly originate other efforts to impose sanctions for such inhuman behavior, so my effort to support immediate and unamended passage of the resolution should not be construed as a judgment of any of the proposed amendments.

For now I must emphasize that in both my military and political careers I have been in a position to see the national and international damage that has resulted from the failure to formulate and to sustain a bipartisan American foreign policy. That failure victimized President Johnson, Nixon, Ford, and Carter, all without respect to political party or policy orientation. I believe, Mr. President, we cannot permit it to continue at this juncture with President Reagan. In my opinion, a quick, unanimous passage would be the best possible discouragement to the Soviets and the greatest possible encouragement to free peoples and to those who yearn to be free. The Senate has the constitutional mandate to provide advice and consent in the formulation of foreign policy but not to devise and dissent in the conduct of our country's international affairs.

Too much of this has come from both the left and the right for too long a time at great cost to our interests. We can never conduct a realistic, effective, successful, and truly bipartisan foreign policy if we have the 535 Members of Congress each trying to be Secretary of State at crucial decision points in foreign policy.

In this instance, the administration has completely informed and consulted with the Congress. No one can argue about that.

What we must do right now is to agree and go forward. We can do the cutting and fitting later.

From my own perspective on foreign policy, I would rather help nurse Congress into a mature bipartisan body than to try to lead my colleagues to adopt my precise point of view, because I fear the possibility of opening a partisan, divisive, nonproductive debate on this issue now.

The Constitution mandates that Congress provide for the common defense. If it does nothing else, the tragic incident over Sakhalin Island will heighten the awarness of the American people of the need for an adequate defense and for the unquestioned capabiltiy to deter aggression directed against us, against our allies, or against independent peoples anywhere in the world.

The most appropriate punishment that we can now inflict upon the Soviet leaders is to unite and to reaffirm our resolve to rebuild and maintain our national defense.

President Reagan recognizes that, although the KAL incident was a terrible tragedy, an infamous act of barbarism, it represents nothing new. It was no big surprise. Terrorism is the method by which the Soviet Union governs its people and those of its satellites. It is the dynamic of its interactions with the rest of the world.

I strongly support the President of the United States in this matter. I support the strong and responsible position that he has taken. I commend him for his courage, his foresight, and his evenhandeness in the handling of our country's response to a terrible and malicious incident.

I know of no man who has better ability to lead us and to articluate our position in this time of crisis, of sorrow, and of fury than does Ronald Reagan.

Our Nation is indeed fortunate to have such a man as President at this point in our history, at this difficult time for our world. I consider it essential that we evince our willingness to follow him at this historic moment.

As one national news commentator remarked—and, I should note, a commentator who is not necessarily friendly to Presidents—it can be said of Ronald Reagon that, during this time of crisis, "he spoke for, and represented, the West."

Mr. President, I hope that we in the Senate act in such a way as to sustain the validity of that remark.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. Mr. President, moving to point 2, line 10:

POINT 2: COMPREHENSIVE REAPPRAISAL OF U.S. SOVIET RELATIONS INCLUDING ARMS CONTROL, HUMAN RIGHTS, EAST-WEST TRADE, AND REGIONAL ISSUES.

In the wake of the Korean airline massacare, voices are rising to counsel appeasement. We hear them in the press, on radio, on television, in academic circles, in business circles, in political circles, and in legislative bodies throughout the West. The Soviet Union, however, continues with relative impunity to impose its design of terror and expansion on the world.

Rapid change is sometimes revealed more by the receding past than by the unfolding present or future. Where have we been during the last decade? What has characterized the reality of the international situation? Those innocent men, women, and children aboard the Korean airliner just as the pontiff in Rome or untold millions of individual souls across the face of this Earth have been victims of the Soviet empire's design for terror and conquest.

Following World War II, we in the West had a basic strategy. Imperfect as it may have been, the containment doctrine recognized the Soviet drive for global hegemony as the central menace to a peaceful world order and resolved to contain it. There was a basic consensus in the West on the policy although voices were raised counseling that "It is better to be Red than dead." While the world had just passed through the horrors of the Hitler regime, it did not take long for the voices of appeasement to enter the media as well as into the realm of politics and diplomacy.

The decade of the 1970's opened with the concept of détente. According to Kissinger's grand design, one could replace the containment doctrine of the West with a new approach. This idea was that legitimate international order simply meant the acceptance of a set of rules of conduct that were respected by all powers. Is the legitimacy of the international order, conceived as a consensus on rules of conduct, synonimous with stability and ultimately with peace? Détente was Kissinger's instrument to achieve a so-called legitimate international order.

Kissinger's paradigm, however, was fundamentally flawed. The missing element is an ethic of a peaceful order which involves more than just an agreement on a set of rules. His system was empty of moral content and therefore is irrelevant to the great issues of our times which center upon values and principles fundamental to the preservation of a way of life basic to our civilization.

Détente involved, we were told, interdependency, deterrence, and arms control. The atmosphere of détente, however, has swayed Western psychology toward a downgrading of the Soviet threat, cutting defense budgets, and disrupting alliances. The world power balance, or as the Soviets call it the correlation of forces, was further tipped in the Soviet's favor. The dynamics of the détente process have led to a demoralization of the West during the last decade. The Soviets have acted with relative impunity in subjugating the Afghan people; in further repressing the Polish nation and the nations of Eastern Europe; in attempting to assassinate the pontiff in Rome; in bring violence and devastation to the New World; in spreading war and misery on the African Continent; and in murdering an innocent planeload of men, women, and children in recent days.

Kissinger's détente rested on the thesis that the dominating effect of greater interdependency would restrain Soviet behavior. Have the Soviets been restrained over the last decade? In spite of billions of dollars of credit and loans, in spite of billions of dollars worth of Western technology, in spite of innumerable exchanges across a broad range of fields, the Soviet empire has indeed not been restrained in the least.

Turning to recent months, we find the voices of appeasement rising again to propose another surge toward détente. Innumerable studies and plans and options papers have been drawn up in Washington which call for a summit meeting between President Reagan and Andropov. The agenda of such a summit is no secret. The basic outline calls for discussion of arms control, human rights, east-west trade, and regional issues. Any number of voices have been raised calling upon the President to go to the summit with Andropov. The press has been full of such statements since this spring. Henry Kissinger called for it in an interview this past April. Mr. Reston of the New York Times wrote about it on May 1 of this year. Averell Harriman called for it after his visit to Moscow this June.

Just who is it that the President is being asked to go to the summit to meet? On January 3 of this year, this Senator spoke at length on the background and activities of the Soviet leader Yuri Andropov the master of KGB terror, subversion, and espionage for some 15 years. How many voices rose to say that Andropov was a moderate, that he drank scotch, that he liked modern music and art and therefore was in reality a rather mellowed personality? Would those same voices like to explain their assumptions to the family members of those murdered by Andropov and his empire whether on Soviet soil or in an airliner headed across the Pacific?

On January 3, this Senator quoted from a speech by Andropov which he delivered to the celebration of the 50th anniversary of the KGB on December 20, 1967. I will again quote Andropov's speech:

> On 20 December 1917, at the initiative of Vladimir Illich Lenin, the All-Russian Extraordinary Commission to Combat Counter Revolution and Sabotage was set up. By the will of the party and the people the Chekists were put on guard over the gains of October (the Communist coup). This is how the militant work of the Cheka began, which in the full sense of the word became the shield and the sword of the October Revolution. Since then the state security organs have been carrying out their difficult and honorable duty.
>
> Our socialist revolution needed an organ of the dictatorship of the proletariat which would expose the schemes of conspirators and could, in Lenin's words, "by merciless and immediate repression, backed by the support of workers and peasants," put a halt to all the intrigues of the counter-revolution. The Cheka became such an organ.

As head of the KGB for 15 years, Andropov would claim many successes. On the "Active Measures" front, Andropov's KGB played a major role in various psychological offensives against the West. For example: the orchestration of the anti-Vietnam war movement in Europe and in the West, the orchestration of the antineutron-weapon movement in the West, and the orchestration of the nuclear freeze and peace movement in the West.

Mr. President, consider the number of countries in the Far East, in Africa, in the Caribbean Basin that have fallen under Communist influence during the last 15 years: South Vietnam, Laos, Cambodia, Mozambique, Angola, Ethiopia, South Yemen, Afganistan, Nicaragua, Grenada. Andropov played a central role in achieving the Kremlin's objectives.

Now voices are being raised that counsel appeasement which will be symbolized in a summit meeting with Andropov whose bloodstained hands will hardly be dry from the Korean airline massacre. A new Munich indeed is stirring in some minds. Or is it a new Yalta that the President is being counseled to negotiate at a summit? The agenda: arms control, human rights, east-west trade, and regional issues.

Mr. President, the hour is late for freedom in this world. The Soviet empire is proceeding with relative impunity in achieving its global strategic objectives. It is certainly time, especially in the wake of the most recent Soviet atrocity against mankind, for the President of the United States to conduct a comprehensive reappraisal of United States-Soviet relations with the central objective of reforging a real national strategy for our great Republic which will insure our continued existence as a people dedicated to the highest values of Western Christian civilization and worthy of the heritage bequeathed to us by the blood, sweat, and lives of generations of American patriots who fought to defend our precious way of life.

It is certainly time that this Nation discard forever the illusion that the Soviet empire can be dealt with as a respectable member of the community of nations. The Soviet empire is fundamentally evil and dedicated to the destruction of all that we believe in. Western confidence and resolve must be restored. Deterrence must be reconstituted by a dramatic strengthening of our defense posture across the board. Negotiations with the Kremlin, if undertaken, must only proceed from the principles of reciprocal concession and unimpaired security.

Mr. President, the West is drifting, confusion reigns in Western legislative bodies and capitals and in Western publics. It is time for our Nation to forge a comprehensive national strategy to contain and, ultimately, to prevail against the Soviet Union and international communism. Such a national strategy must fully combine diplomatic, economic, commercial, psychological, and military policy with the fundamental objective of providing for the unimpaired security of our Republic and the preservation of our precious way of life.

Mr. President, the hour is late for the continued existence of Liberty on the face of this Earth. Dishonor and lawlessness are rising in the Soviet Union of Yuriy Andropov and the Communist dictatorship. It is within the power of the free peoples of the world to contain and prevail against the evil designs of the Soviet Empire and international communism. The voices of appeasement are rising. Let free men speak and stand to defend Liberty if they dare.

Mr. President, that is why point 2 would ask the Senate to approve the following language:

> It is the sense of the Congress that the President should conduct a comprehensive reappraisal of the complete spectrum of United States-Soviet relations including arms control, human rights, East-West trade, and regional issues.

Mr. President, I see the Senator from Massachusetts on the floor, but we have a bit of a problem, because the chairman of the Foreign Relations Committee is not on the floor.

Mr. KENNEDY. I have a 5-minute statement.

Mr. HELMS. I would welcome it, except I do not know on whose time it would be.

Mr. MATHIAS. The chairman is off the floor.

Mr. PELL. It could be on my time.

Mr. HELMS. Very well.

Mr. President, I yield 5 minutes, on the condition that my amendment is the pending business at the completion of the Senator's remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

Who yields time?

Mr. PERCY. Mr. President, I yield 5 minutes to the distinguished Senator from Pennsylvania, and I believe that the opponent of the amendment will yield him an equal amount of time.

Mr. HELMS. The Senator from Pennsylvania can get by with 8 minutes, so why do we not both yield 4 minutes, 4 minutes of the Senator's time and 4 minutes of my time?

Mr. PERCY. Mr. President, I yield 4 minutes to the distinguished Senator from Pennsylvania.

Mr. HELMS. I yield 4 minutes.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

Mr. SPECTER. Mr. President, I thank the distinguished Senator from Illinois and the distinguished Senator

from North Carolina for yielding me time from each of their allocations.

I rise to support some of the provisions of the amendment proposed by the Senator from North Carolina.

I support the President as far as he has gone, but I believe it is in our national interest to be stronger in our response to the Soviet action in shooting down the Korean airliner. I say that because of my concern as to what the Soviet Union may do next in a context of totally irrational behavior on their part, both in the act of shooting down the airliner and in their response in the intervening time.

My own sense of the situation would have been immediately to have recalled our Ambassador for an unspecified period of time and to have terminated all relations with the Soviet Union on all trade matters and other relationships except for our discussions under the nuclear arms reduction talks. I would have made an exception under the arms reduction talks explicitly on the grounds that that subject is so important on the issue of world survival.

Many say that we would have hurt ourselves more than the Soviets by terminating trade relations and other relations, including the grain deal. But my own sense is that, as a matter of principle, it was and is important to show strength in response to the Soviet action because of concern as to what they may do next.

If the trade sanctions were to fall unduly harshly on one group, such as the agricultural community, then there could be ways in which we could make compensation there because certainly our response should be a national expenditure and not be at the expense of any one particular group.

I do agree with the thesis which has been advanced that we should come forward from this debate with a unanimous resolution. I think that is a very valuable item, and I was delighted to see the House of Representatives vote 400-plus in favor of the resolution there.

In accordance with the tradition of this body, it is very healthy and very appropriate to have this debate carried on, to air our views, and to try to come to unanimous agreement, if that is possible, on terms that the President can support and enforce.

As I have reviewed the matters that Senator HELMS has proposed and discussed them with Senator HELMS and Senator SYMMS, and others, it is my view that the first provision about the recall of the U.S. Ambassador for urgent consultations is one well worth adopting.

His second provision about conducting a comprehensive reappraisal of the complete spectrum of United States-Soviet relations is also worth doing.

The third provision relating to the report to Congress on the record of Soviet compliance or noncompliance with the letter and spirit of all existing strategic arms limitation agreements and other arms control agreements is also a desirable step.

I disagree with the Senator from North Carolina on item 4 on the linkage of the strategic arms reduction talks for the reasons I have already given. That can be a logical exception because of the grave importance of those talks on the matter of world survival.

In terms of the fifth point, reemphasis of the inconsistency of Soviet military response or presence in the Western Hemisphere, again I think as a matter of policy that this is worth stating.

The sixth provision about declaring Poland in default is one that I instinctively favor, although I would be pleased to hear the remainder of the debate on the subject in terms of what kind of a problem that may pose to the United States.

But that is the kind of a provision which might well have some teeth in it beyond the rhetoric which is present in much else that has transpired.

The seventh provision about tightening substantially the foreign policy and military controls over the export of machine goods, high technology products and equipment I think is desirable in terms of limiting our trade with the Soviets in any way that may aid them in a military sense.

The eighth provision to direct the Secretary of the Treasury to use existing statutory authority to prevent the import of any product or material produced in the Soviet Union unless the President certifies that it was produced without the use of forced labor is a highly desirable provision, in my judgment, and one which should have been enforced even prior to this event.

The response is obviously a difficult one, but I believe that the proposals which have been introduced by the Senator from North Carolina have significant merit. I believe that they can be reconciled consistently with what the President has already done and can be the basis for a unanimous resolution coming out of this body.

I thank the Chair and I thank the distinguished Senator from Illinois and the distinguished Senator from North Carolina for yielding me the time, and I yield the floor.

The PRESIDING OFFICER. Who yields time?

The Senator from North Carolina is recognized.

Mr. HELMS. I thank the Chair.

Mr. President, let me not only express my gratitude for the distinguished Senator from Pennsylvania but to commend him on his eloquent comments.

Let me go down the various points.

POINT 3: REPORT ON SOVIET VIOLATIONS

Mr. President, this section merely asks the President to report to Congress on Soviet violations of the arms control agreements. This should be a noncontroversial item. Not long ago 34 Members of this body signed a letter to the President requesting such a report. The evidence of violations is just too great to be ignored.

Further, and in addition to that, Mr. President, this Senator is convinced that the American people are entitled to have the information.

The construction of the sixth Soviet phased array, battle management radar at Abalakova in Siberia, 500 miles north of the Mongolian border, is proof positive that the Soviets have violated the ABM Treaty. The President should give the administration's position on the new radar.

Indeed, just yesterday, the President stated that the Soviets have violated the Kennedy-Krushchev agreement. According to this morning's Post, he said:

> I have to tell you, as far as I am concerned, that agreement has been abrogated many times by the Soviet Union and Cuba in the bringing in of what can only be considered offensive weapons, not defensive, there.

The Kennedy-Khrushchev agreement is a de facto arms control agreement. The President has said, as he said before, that the Soviets have violated it. I think it would be very helpful for him to make a report to Congress on these and other violations.

Mr. President, I have a list of some 50 other Soviet violations of arms control agreements that I think the President should include in such a report, and I ask unanimous consent that they be printed at this point in the RECORD.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

SOVIET VIOLATIONS OF SALT II

SS-18 rapid reload and refire; covert deployment of 100 to 200 SS-16's at Plesetsk Test Range; AS-3 Kangaroo Long range ASM on 100 TU-95 Bear Bombers; new long range ASM on Bears; deployment of long range ASM's on Backfire Bombers; almost total—95 to 98 percent—encryption of telemetry.

ICBM—SS-18 MOD X, PL-4 (SS-X-24); SLCM—SS-NX-19; SLBM—SS-NX-20; IRBM/ICBM—SS-20.

Total encryption on second new ICBM-PLS (SS-X-25); 2 new ICBM's in development tests (SS-X-24, SS-X-25); direct attack on U.S. Digital Imaging Satellite; wide spread camouflage, concealment, deception.

SOVIET SALT I VIOLATIONS AND CIRCUMVENTIONS

Anti-Ballistic Missile (ABM) Treaty; SAM testing in ABM mode—SAM-5, SAM-10, SAM-12; deployment of ABM battle management radars; ABM camouflage and concealment; falsification of ABM deactivation use of new test range without prior notification; development of a rapidly deployable,

mobile ABM; Soviet testing of rapid refire ABM; Soviet deployment of more than 100 ABM launchers around Moscow; Soviet deployment of a nationwide ABM defense.

Interim Agreement: Deployment of the heavy SS-19 ICBM as the replacement of the light SS-11; failure to deactivate old ICBM's on time, and continuous falsification of official deactivation reports; bringing back ICBM equipment to deactivated ICBM complexes; keeping 18 SS-9 ICBM's at an ICBM test range illegally operational; Soviet deployment of "IIIX" silos with a configuration too similar to a missile-launch silo; increased use of deliberate camouflage, concealment, and deception; encryption of missile telemetry.

Camouflage of ICBM testing, production, deployment; concealment of SLBM submarine construction, berthing, dummy subs, construction of berthing tunnels; constructing over 68 strategic submarines, when only 62 were allowed; violation of Brezhnev's pledge not to build mobile ICBM's; deploying SS-11 ICBM's at SS-4 medium range ballistic missile (MRBM) sites; keeping about 1,300 to several thousand old ICBM's stockpiled for both covert soft launch and rapid reload of silos for refire.

SOVIET VIOLATIONS OF GENEVA PROTOCOL AND BIOLOGICAL AND TOXIN WEAPONS CONVENTION

BW manufacture and storage at Sverdlovsk and Zagorsk; 8 other suspect production and storage facilities; expansion of BW facilities after 1972 and 1975, continuing today; CW and toxin weapons employment and assistance to satellites: Kampuchea, Laos, Afghanistan; toxin assassination weapons.

SOVIET VIOLATIONS

Threshold Test Ban Treaty (1974); over 15 Soviet tests above 150 kilotons; (2 with lowest possible yield above 150).

Limited Test Ban Treaty (1963); over 30 unambiguous Soviet ventings of radioactive debris.

SOVIET VIOLATIONS OF KENNEDY-KHRUSHCHEV CUBA AGREEMENT

Soviet offensive capabilities deployed to Cuba; combat brigade; golf and echo class nuclear submarines; nuclear capable aircraft; MIG-23, Bear—TU-95 D,F (TU-142, with operable bombays); military communications center.

Use of Cuba as revolutionary base; training terrorists and revolutionary forces; equipment supply to revolutionary forces; DGI 4th largest intelligence organization; supply of drugs (heroin) to illegal drug dealers in the United States; probable BW/CW facility.

POINT 4: LINK ARMS REDUCTION TALKS WITH PROGRESS ON OTHER ISSUES INVOLVING RESPECT FOR INTERNATIONAL NORMS

Mr. President, it is high time that the President direct the U.S. negotiators at the arms reduction talks in Geneva to link the progress of these talks with the willingness of the Soviet leaders to abide by the norms of international law and civilized human behavior as a responsible member of the community of nations.

That is presuming a whole lot, that the Soviet Union could ever be a responsible member of the community of nations.

The Soviet massacre in cold blood of a planeload of innocent men, women, and children traveling in a civilian airline across the Pacific has filled the world with horror and revulsion in recent days. Of course, the world discovered the Soviet hand in the attempted assasination of the Pontiff at Rome in recent months. During the last decade, the world has witnessed nation after nation falling under the totalitarian heel of Communist dictatorship: Vietnam, Laos, Cambodia, Mozambique, Angola, Ethiopia, South Yemen, Afghanistan, Nicaragua, Grenada among others.

Has there been a substantive reaction by the free peoples of the world to such atrocities? One can search the historical records and find no such substantive reaction. Oh, there are plenty of words, plenty of rhetorical flourishes, plenty of superficial nostrums but no substantive actions.

It is clear to this Senator that the masters of the Kremlin have calculated that the world balance of forces, the "correlation of forces" as the Soviets put it, is tilted in their favor to such a degree that they can engage in any act no matter how despicable and get away with it with relative impunity.

It is time for the world to put a stop to Soviet aggression. It is time for the world to say no to those who council appeasement. It is time for the free peoples of the world to act in concert to contain Soviet expansion throughout the world.

One of the fundamental issues of our time is that of nuclear weapons and arms reduction. There appears to be agreement between liberals and conservatives that the Soviets are interested in arms reductions. The liberals point out that the Soviets want to reduce their defense burden and therefore want arms reductions. Conservatives, on the other hand, are convinced that the only reason that the Soviets want arms reductions is that so far arms reduction talks have unilaterally favored Soviet interests to the disadvantage of the West.

For whatever reason the Soviets might wish to continue the arms reduction talks, it is clear that they will have to bargain harder. By that, I mean that the Soviets must prove their good faith in these negotiations. It is prudent to require that demonstrations of good faith by the Soviets across a broad range of issues be linked to the arms reductions talks. If the Soviets demonstrate to the world community their good faith across a broad range of issues, then their credibility as a trustworthy negotiating partner is enhanced.

Massacring a planeload of innocent men, women, and children is hardly a demonstration of the good faith of the Soviet rulers. The invasion and subjugation of Afghanistan and the employment of chemical and biological weapons there is hardly a demonstration of the good faith of the Soviet rulers. The repression of Poland and its free labor movement is hardly a demonstration of good faith of the Soviet rulers. The use of chemical and biological weapons in contravention of existing treaties not only in Afghanistan but also in South East Asia and in other areas is hardly a demonstration of the good faith of the Soviet leaders.

Unless and until the Soviet rulers begin acting in a civilized manner, it will be impossible to reach any sort of agreement with them. How can the world trust such a collection of rulers to keep their word? What evidence of good faith has the Soviet empire ever demonstrated in its seven decades of existance? The list of treaties that the Soviets have broken is a long one.

In the last few days we have heard all manner of apologists for the Soviet Union describe their pet theories of Soviet behavior. The bottom line consensus seems to be that the Soviets are very paranoid, they are very jittery and nervous about the rest of the world. The rest of the world community is therefore supposed to try to allay Soviet fears and by doing this world tensions will decrease and the détente is possible which can then be followed by a stable and peaceful world order.

Well, this Senator believes that the free peoples of the world must be given demonstrations of good faith by the Soviets to allay our deep concerns about Soviet behavior and Soviet designs for world empire. The burden of proof is on the rulers of the Soviet empire not on the elected leaders and legislative bodies of the free peoples of the world. It is for the Soviets to prove by concrete actions that they are capable of refraining from global aggression and terror. It is up to the Soviets to prove that they are worthy of sitting across the table from leaders of the free peoples and nations of this world to conduct serious negotiations.

It should be immediately clear that the Soviets must allow unimpeded access to the zone of the Korean Air Lines crash so that recovery of the remains of the dead as well as the recovery of the black boxes is possible by the affected countries. At a minimum the Soviets must allow this as well as pay full compensation to the families of those who were so brutally massacred. The Soviets must further establish their good faith in the area of international civilian air travel by scrupulous respect for the norms of the existing international treaties in this area.

Consistent violations of the Helsinki accords by the Soviet Union must cease forthwith. The only way that the Soviets can demonstrate their good faith to the world in this area is by beginning this very moment to rectify all violations of the Helsinki accords in the shortest time possible.

The Soviets must demonstrate to the world their good faith by ceasing the

barbarous subjugation of the Afghan peoples. Chemical and biological attacks against the Afghan people must cease immediately. The Soviets must withdraw their aggressive military forces who are engaged in wholesale slaughter of the Afghan peoples every hour of every day.

Soviet repression of Poland must cease. The Polish nation must be allowed to organize its free labor movement in an unrestrained manner. The Polish nation must be allowed to organize in a manner which will best lead to the freest expression of their religious and political ideals.

Soviet violations of the chemical and biological weapons conventions must cease immediately. The Soviets must be required to be forthcoming at international bodies who are investigating Soviet violations of these treaties. Indeed, chemical and biological weapons are weapons of mass destruction. If the Soviets cannot act in good faith in this area, how can the world expect the United States to engage in serious and productive negotiations with the Soviets in the area of nuclear weapons?

It is time for an end to appeasement of the masters of the Kremlin. It is time for an end to treating the masters of the Kremlin in a déferential manner at every turn. It is time for an end to the trade, loans, and credit to the masters of the Kremlin which are, in fact, a form of tribute from the free peoples of the world to the Soviet empire.

Unless and until the rulers of Soviet Russia can demonstrate their good faith to the world, there will be little chance of real progress in the field of arms reductions. Of course, negotiations can be conducted in which the United States makes unilateral and dangerous concessions. This has been the situation thus far during the decade and a half of the so-called arms control process. This of course is not real progress. It is merely capitulation to the will of Moscow.

The burden of proof is not on the free peoples of the world to show their good faith toward the Soviet Union. The reverse is true. The burden of proof lies with Moscow. Moscow must demonstrate by concrete actions that it is willing to respect norms of civilized behavior and abide by agreements.

Therefore, the President of the United States must link progress at Geneva to concrete demonstrations of Soviet good faith across a broad range of issues. Unless and until this is done, there will be no progress in arms reduction advantageous to the United States and the free world.

POINT 5: THE MONROE DOCTRINE AND SOVIET POWER

Mr. President, there is action which we should take in our own hemisphere, right now, which addresses the Soviet terror network worldwide. Just 90 miles off our shore, the Brezhnev Doctrine has confronted the Monroe Doctrine, and those who espouse the Brezhnev Doctrine think they are winning. I am sure Members of this body will recall, Mr. President, that Mr. Brezhnev was not only the Soviet dictator, but also a field marshal in the army of the Soviet Union, a title he cherished deeply. And his doctrine, simply stated, insists that any country or territory which comes under Communist domination is to stay that way, period. All Communist countries should guarantee that each newly conquered slave state should never again see the light of freedom on its own horizon.

Mr. President, the Brezhnev Doctrine flies in the face of the Monroe Doctrine when we consider the Communist conquest of Cuba, of Nicaragua, of Grenada, and of Suriname. This ongoing Sovietization of our hemisphere, followed by the same assiduous militarization which now fortifies the Kamatcha Peninsula and the Sakhalin Islands, confirms the Brezhnev Doctrine and endangers the national security of the United States in the most profound sense. Should we allow it to proceed, the Soviet Union will have succeeded in adding the Caribbean and Central America to the chain with which they intend to strangle us.

Mr. President, as long ago as 1800, the United States has recognized the importance of Cuba and the security of our borders to the South. Thomas Jefferson considered the acquisition of the Louisiana Territory to be among the highest priority achievements of his administration, because it secured our new Nation from encroachment by ambitious imperialists from across the sea. He specifically recognized Cuba as indispensable to our southern security.

Mr. President, no one in this Chamber today could argue with Mr. Jefferson, or his successor, President Monroe, who enunciated the doctrine which set the foundation for the newly independent countries of Latin America and our own Nation. Since 1823, the Monroe Doctrine has been the foundation of American security in this hemisphere for all American countries, North and South; and we must now address the question, at this critical turning point in East-West relations, whether we will allow the Brezhnev Doctrine to abide as Soviet terrorism topples one government after another in its relentless attack on freedom and peaceful people everywhere.

Let us take this occasion to recommend to the President that we not acquiesce to the Soviet goals for our hemisphere, and that we resolve to take every possible action to rid the hemisphere of Soviet puppets and troops for good. The time has come for us to reemphasize the inconsistency between the Soviet presence in this hemisphere and the Monroe Doctrine.

Mr. President, there is no better time than the present to reemphasize the inconsistency of the Soviet presence in the Western Hemisphere with the Monroe Doctrine. Not too long ago, Dr. Fred Ikle, the Under Secretary of Defense for Policy, testified before the Senate Foreign Relations Committee about the increasing Soviet domination in this hemisphere. The trends of Soviet interference in the region cannot be tolerated by the United States.

In his testimony, Dr. Ikle reported that in 1981 the Soviets delivered 63,000 tons of arms to Cuba, and in 1982 the Soviet deliveries increased to 68,000 tons. This amounts to about $1 billion worth of military assistance. The number of Soviet advisors in Cuba increased by 20 percent in 1982, up to 2,500. In addition, said Dr. Ikle, the Soviet Union has some 6,000 to 8,000 civilian advisors and a brigade stationed in Cuba. Dr. Ikle made comparisons for the committee between the Soviet and the United States involvement in the region:

> Soviet military advisors in Cuba outnumber U.S. military advisors in all of the Latin American countries twenty-five to one. The amount of Soviet arms assistance to Cuba is about ten times larger than the U.S. military assistance to all of Latin America.

In further describing Soviet military developments in Cuba, Dr. Ikle states,

> In 1982, the Soviet Union delivered enough MIG-23 Flogger aircraft to Cuba to form a second, and perhaps a third squadron. Cuba also received amphibious assault ships and the modern Turya hydrofoil torpedo boat—which has been exported only to Cuba.

Mr. President, Under Secretary Ikle provided the committee with explicit detail demonstrating that the military buildup in Nicaragua has continued unabated. The testimony reads:

> Soviet support for Nicaragua is quite open. Military equipment is delivered on Soviet bloc ships directly to Nicaraguan ports. Approximately 50 Soviet tanks have been introduced into Nicaragua, enough to form a second battalion. Nicaragua has received about 1,000 East German trucks, 100 anti-aircraft guns, and three brigades of Soviet artillery that can achieve ranges over 27 kilometers. Nicaraguan forces also obtained additional HIP assault helicopters and COLT transport aircraft to upgrade their mobility. The Cuban presence in Nicaragua continues undiminished.

The assistance to Nicaragua does not arrive directly from the Soviet Union, but we all know that they are directly behind the efforts of Castro's Cuba.

Mr. President, Soviet interference does not exist solely in Cuba and Nicaragua. In the last year the Soviets have expanded their efforts to include exporting revolution to the countries of Grenada and Suriname. Cuba has installed a radio transmitter on Grena-

da to expand Cuban transmissions in the region. Dr. Ikle produced photographs of the new 10,000-foot airstrip in Grenada which will significantly increase Cuban and Soviet capabilities to extend their reach in the Caribbean and throughout Latin America. Cuba has also constructed a military camp in Grenada which is capable of housing a battalion-size unit. There are also new barracks and new naval facilities being constructed with Soviet funds. Most recently, there are discussions of installing Soviet equipment to monitor U.S. submarines. It is clear that Soviet and Cuban goals in Grenada are both political and military.

Mr. President, the vast Soviet presence in the Western Hemisphere is also increasingly evident in the two South American republics—Guyana and Suriname. The Soviet Ambassador in Suriname was chairman of the Communist Party Soviet Union in the Soviet Embassy in Washington. This Ambassador has brought in Soviet advisers under the guise of athletic coaches. The Cuban Ambassador, Oswaldo Cardenas, is a senior intelligence officer who was formerly chief of the Caribbean section of the Americas Department of the Cuban Communist Party, testified Dr. Ikle. We also know that the Soviets have constructed 10 military bases in Guyana, including airstrips capable of handling Soviet jets.

Mr. President, I cannot say enough to stress that which appears obvious—the Soviet military presence in the Western Hemisphere is, without any doubt, incompatible with the Monroe Doctrine. We simply cannot sit idly by while the Soviet Union and its surrogates export Communist revolution into the Western Hemisphere. The United States must reemphasize the inconsistency of the Soviet military presence in the region with the Monroe Doctrine.

POINT 6: TIGHTEN SUBSTANTIALLY CONTROLS OVER THE EXPORT OF MACHINE TOOLS, HIGH TECHNOLOGY PRODUCTS, AND EQUIPMENT FOR THE DEVELOPMENT OF SOVIET OIL AND GAS RESOURCES

Mr. President, it is a fact that Soviet foreign technology acquisition policy, for both legal and illegal acquisitions, is directed first and foremost at enhancing Soviet military industrial capabilities. The massacre of innocent men, women, and children aboard the Korean airliner is yet another tragic and terrible reminder of the ruthlessness of the Soviet empire in its pursuit of world conquest.

Secretary Weinberger, in his report entitled "Soviet Military Power" which was released this March underscored the fact that Western technology transfer to the Soviet Union contributes to its military industrial capabilities:

(1) by yielding a direct near-term military advantage through transfers leading to a Soviet technological breakthrough, filling a gap or overcoming a bottleneck in a mature Soviet technology: (2) by providing an indirect, long-term military advantage in helping to overcome technological lags in the Soviet industrial infrastructure; (3) by contributing to the overall growth of the Soviet economy by enhancing productivity; and (4) by releasing funds for military production.

There is ample evidence to show that industrial machinery and products imported for the civilian industry often directly support the Soviet defense industries.

At least half of the machinery acquired by the Soviet Union from the West contributes to Soviet defense production. As Secretary Weinberger has pointed out, Western, government-backed, low-interest loans and credits provided to the Soviet Union have underwritten this trade and have greatly facilitated the development and serial production of modern Soviet weapons. More than 40 percent of the machinery imported by the Soviet Union from the West has been for the metal working and chemical industries which are key contributors to Soviet defense production.

Soviet acquisitions of Western precision machining, drilling, milling, grinding, gear cutting, and reaming equipment has had a significant impact on improvements in Soviet manufacturing capabilities in the defense sector. Soviet military capabilities have also been significantly improved by their acquisition of precision ball bearing grinding machines, printed circuit board equipment, precision measuring and nondestructive testing equipment.

It is a fact that the Soviet Union has undertaken a massive program to acquire Western technology by covert means in addition to its legal acquisition efforts. The Soviet intelligence services, KGB and GRU, along with the East European intelligence services have several thousand technology collection officers operating under a variety of covers ranging from diplomats to journalists and from trade officials to scientists and engineers. Such acquisitions by covert means have direct military and industrial applications.

Mr. President, it is a fact that the vast Soviet military industrial structure which we now confront has been essentially developed over seven decades by those in the West who have engaged in trade and technology transfer with the Soviet Union. It is also a fact that the loans and credits extended to the Soviet Union by Western bankers, as well as by Western governments, have served to build the Soviet war machine and to keep the peoples and nations contained within the borders of the Soviet Union in abject terror and slavery.

At what point in history are the free peoples of the world going to face these facts? At what point in history are the free peoples of the world going to join forces to put the Soviet empire in a situation of economic quaratine? At what point in history are the free peoples of the world going to halt purchasing the tainted goods of the Soviet slave state?

The Soviet Union has been systematically pursuing a policy of psychological intimidation of the free world. The Soviet Union has in recent months attempted to assassinate the Pontiff in Rome. The Soviet Union in recent weeks has massacred men, women, and children in a civilian airliner traveling in the dark of night. The masters of the Kremlin have, it would appear, calculated that the correlation of forces in the world—military, economic, diplomatic, psychological—have reached a state where the Soviet empire has the upper hand. The masters of the Kremlin seem to believe that they are today in a position to engage in an unrestricted policy of global expansion and terror with relative impunity.

In spite of the Soviet Empire's subjugation of Afghanistan; in spite of the Soviet Empire's repression of Poland and the peoples of Eastern Europe; in spite of the Soviet Empire's subjugation of the people of Cuba, Nicaragua, and Grenada and the spread of violence throughout this hemisphere; in spite of the massacre of the men, women, and children aboard the Korean airliner; there are voices today at this very hour throughout the Western World who are counseling appeasement.

Adolph Hitler had a plan for terror and conquest. He wrote it down and published his book "Mein Kampf." Some took note of it at the time. Many did not. The world well remembers the horror unleashed by his party and his war machine.

Karl Marx had a plan for terror and conquest. Lenin had a plan for terror and conquest. Trotsky had a plan for terror and conquest. Stalin had a plan for terror and conquest. Mr. Andropov has a plan for terror and conquest. They have all written it down. It is a simple matter to find their books and speeches. Some take note; many do not. The world has been witnessing the horror and atrocities perpetrated by the Soviet Union for seven decades against its own people and against all of the nations on this Earth.

Today, at this very moment around the world, we can hear those same voices of appeasement speaking in the press, on the radio, on television, in business circles, in politicial circles, in academic circles, in the halls of legislative bodies.

How many Soviet weapons are we confronted by owing to the transfer of Western technology to the Soviet Union? Was the Korean airliner shot down by an air-to-air missile such as

the Soviet ATOLL missile? How many realize that the Soviet ATOLL missile is a near duplicate of certain Western deployed systems and their technology?

It is no secret that the Soviets are engaged in the most massive military buildup of recorded human history. It is no secret that the Soviets spend almost 20 percent of their gross national product on their war machine while we in these United States spend only about 6 percent.

How many citizens in the free world have carefully considered how the Soviets intend to pay for their military buildup during the last two decades of the 20th century? How many citizens of the free world realize that the Soviet projected receipts for their natural gas sales to the West will range to the tens of billions of dollars per year, and I repeat per year, if the pipeline project is fully developed? How many citizens of the free world realize that these multibillions of hard Western currency receipts from natural gas sales will finance the Soviets plan for their global military supremacy?

Mr. President, the hour is late for the continued existence of liberty on the face of this Earth. It is still within the power of the free peoples of the world to contain and vanquish that evil empire run from the darkest corners of the Kremlin. As Solzhenitsyn has pointed out, the West is selling the Soviet Union the rope with which the masters of the Kremlin intend to hang us. It is time to bring a halt to the transfer of high technology to the Soviet empire. It is time to bring a halt to the transfer of machinery which builds the Soviet war machine. It is time to bring a halt to the transfer of equipment which will develop Soviet oil and gas resources so that they can earn multibillions of dollars of hard currency and hold Western Europe hostage to energy blackmail.

The voices of appeasement are rising. Let free men speak and act for liberty if they dare. The hour is late.

POINT 7: PREVENT IMPORTATION OF ANY PRODUCT OR MATERIAL PRODUCED THROUGH THE USE OF FORCED LABOR

Mr. President, title 19, section 1307 of the United States Code specifically prohibits the importation into these United States of goods produced by forced labor. It is certainly time that this law be enforced with respect to the Soviet Union.

Let me quote from this law:

All goods, wares, articles, and merchandise mined, produced, or manufactured wholly or in part in any foreign country by convict labor or/and forced labor or/and indentured labor under penal sanctions shall not be entitled to entry at any of the ports of the United States, and the importation thereof is hereby prohibited, and the Secretary of the Treasury is authorized and directed to prescribe such regulations as may be necessary for the enforcement of this provision.

This law defines forced labor as:

All work or service which is exacted from any person under the menance of any penalty for its nonperformance and for which the worker does not offer himself voluntarily.

Mr. President, this law went into effect on January 1, 1932 as part of the tariff act of 1930. In light of the recent massacre of men, women, and children aboard Korean Air Line flight 007, as well as the record of Soviet expansionism and atrocities since the passage of this law some five decades ago, it is high time that this provision of the Tariff Act of 1930 be enforced.

Among the items imported from the Soviet Union in 1982 were: anhydrous ammonia, palladium, nickel, urea, gasolene, uranium compounds, vodka, sable furskins, potassium chloride, platinum sponge, rhodium, gold ore, platinum group metals, beryllium copper, chrome ore, and hardboard.

Among the items imported from the Soviet Union so far in 1983 are: anhydrous ammonia, urea, palladium, sable furskins, vodka, platinum group metals, nickel, rhodium, casein, plywood, sodium compounds, rare earth oxides, lynx furskins, gold bullion, and hardboard.

Mr. President, I ask unanimous consent that two tables prepared by the U.S. Department of Commerce describing the leading items imported from the Soviet Union in 1982 and 1983 be included in the RECORD at this time.

There being no objection, the tables were ordered to be printed in the RECORD, as follows:

TABLE B–28.—LEADING ITEMS IMPORTED FROM THE U.S.S.R.[1] BY TSUSA ITEMS, 1982, 1981, AND OCTOBER–DECEMBER 1982

TSUSA item No.	Description	1982	1981	October–December 1982
480.6540	Anhydrous ammonia	$88,765,017	$78,413,750	$22,365,613
605.0260	Palladium	24,836,173	31,142,395	6,502,755
620.0300	Nickel, unwrought	12,131,708	37,775,824	2,087,299
480.3000	Urea, n.e.s	10,434,414	.....	4,147,952
473.2520	Gasoline	10,340,507	.....	.....
422.5220	Uranium compounds, fluorides	9,647,061	11,278,337	.....
169.3300	Vodka, in containers holding not over 1 gallon, valued over $7.75 per gallon	7,173,490	5,798,505	3,096,200
124.1045	Sable furskins, whole, undressed	7,164,280	8,119,886	1,936,831
653.2200	Metal coins, n.e.s	6,103,865	328,604	43,138
480.5000	Potassium chloride, crude	4,600,259	.....	1,158,595
605.0220	Platinum sponge	3,961,199	4,625,530	1,227,690
605.0270	Rhodium	3,474,803	3,475,170	184,075
605.2060	Gold dore and gold precipitates, not bullion	2,587,618	721,914	47,336
169.3700	Vodka, not over 1 gallon, valued not over $7.75 per gallon	2,172,584	1,405,703	451,953
114.3000	Crabs, n.o.s	2,106,815	.....	.....
605.0290	Platinum group metals and combinations, n.e.s	1,909,293	6,397,167	246,285
605.0750	Palladium bars, plates, etc	1,684,518	2,814,968	288,798
612.2010	Beryllium copper	1,657,781	.....	277,423
601.1520	Chrome ore, chromium content not over 40 percent chromic oxide	1,629,077	2,456,132	.....
245.2020	Hardboard valued over $96.66–⅔ per short ton, other	1,568,820	1,977,160	468,330
	Total	203,999,282	196,731,045	44,530,273
	Total U.S. imports from the U.S.S.R.	228,792,228	357,424,134	49,674,813

[1] Includes imports from Estonia, Latvia, and Lithuania.

Source: Compiled from official statistics of the U.S. Department of Commerce.

TABLE B–6.—LEADING ITEMS IMPORTED FROM THE U.S.S.R.,[1] BY TSUSA ITEMS, JANUARY–MARCH 1983, JANUARY–MARCH, 1982, AND 1981

TSUSA item No.	Description	January–March—		1981
		1983	1982	
480.6540	Anhydrous ammonia	$26,185,727	$25,404,208	$88,765,017
480.3000	Urea, n.e.s	15,196,857	3,931,412	10,434,414
605.0260	Palladium	5,633,734	6,900,587	24,836,173
124.1045	Sable furskins, whole, undressed	2,879,174	2,748,150	7,164,280
169.3800	Vodka, in containers holding not over 1 gallon, valued over $7.75 per gallon	2,525,256	1,146,641	7,173,490
480.5000	Potassium chloride, crude	2,287,536	993,000	4,600,259
114.3000	Crabs, n.e.s	1,496,700	.....	2,105,815
605.0290	Platinum group metals and combinations, n.e.s	1,471,200	1,402,129	1,909,293

TABLE B–6.—LEADING ITEMS IMPORTED FROM THE U.S.S.R.,[1] BY TSUSA ITEMS, JANUARY–MARCH 1983, JANUARY–MARCH, 1982, AND 1981—Continued

TSUSA item No.	Description	January–March—		1981
		1983	1982	
620.0300	Nickel, unwrought	1,132,339	6,196,008	12,181,708
605.0220	Platinum sponge	605,359	1,335,229	3,961,199
605.0750	Palladium bars, plates, etc	571,474	544,136	1,684,518
605.0270	Rhodium	562,998	664,679	3,474,803
493.1200	Casein	486,339	134,717	842,629
240.1440	Plywood, with face ply of birch, not face finished	476,182	728,349	1,374,274
420.9800	Sodium compounds, chromate and dichromate	424,370	70,909	711,616
423.0030	Rare-earth oxides	377,949	305,933	1,143,593
124.1018	Lynx furskins, whole, undressed	311,173		61,800
169.3700	Vodka, not over 1 gallon, valued not over $7.75 per gallon	308,281	310,145	2,172,584
605.2020	Gold bullion, refined	264,066	203,119	1,493,178
245.2020	Hardboard valued over $96.66–2/3 per short ton, other	228,499	442,389	1,568,820
	Total	63,425,213	53,461,739	177,660,463
	Total, U.S. imports from the U.S.S.R.	66,801,619	61,080,086	228,792,228

[1] Includes Estonia, Latvia, and Lithuania.

Source: Compiled from official statistics of the U.S. Department of Commerce.

Mr. HELMS. Just this month, the Reader's Digest has published an article by one of its editors, Mr. Joseph Harriss, which is entitled, "Made in the U.S.S.R.—By Forced Labor." In this article, Mr. Harriss graphically describes aspects of the brutal forced labor system of the Soviet Union. He states that:

There can be little doubt now that much of today's Soviet economy is built on the backs of the wretched men, women, and children who toil in nearly 2,000 Russian prisons and forced-labor camps.

The Ministry of Internal Affairs (MVD) runs the forced-labor system in the Soviet Union. It supplies workers to state agencies.

As I just noted, a number of chemical products are imported from the Soviet Union. Mr. Harriss points out that much of the Soviet chemical industry has been constructed by forced labor and that several Soviet chemical plants are "integral parts of industrial prison compounds."

The United States has been importing uranium from the Soviet Union. Mr. Harriss specifically points out that:

Uranium is mined by forced labor at Zheltyye Vody in the Ukraine. Exile sources add a Ukranian camp at Novaya Borovaya, several Siberian camps at Krasnoyarsk, and another in Central Asia at Uchkuduk. Persistent rumors tell of uranium death camps where workers without protection from radiation last only a few months.

The United States has been importing gold from the Soviet Union. The Central Intelligence Agency has stated that forced laborers mine gold at Zeravsham in Central Asia. Mr. Harriss points out that exiles have said that convicts also mine gold or refine it at Muruntau in Central Asia and in Siberia at Bodaibo, Artemovsk, Taishet, and along the Yenisei River.

The United States has been importing wood and wood products from the Soviet Union. Mr. Harriss points out that logging and wood processing is done in some 350 camps in the Urals, the Northwest, the Volga-Vyatka and Siberia. He also points out that women cut trees around Kirov and lake Baikal and that children from 14 to 18 years of age make shipping cases at Novaya Lyalya in the Sverdlovsk region.

Mr. President, these are just a few examples of products and materials produced by forced labor in the Soviet Union. I would note that in addition to these few examples, information has reached my office which notes that there are females in concentration camps on Sakhalin Island who are involved in caviar production. One can imagine what those on that island must have thought should they have seen that Korean air liner being shot out of the sky just a few miles away.

Mr. President, for over five decades, title 19, section 1307 of the United States Code has specifically prohibited the importation of goods produced by forced labor into these United States. It is certainly time that this law be strictly and immediately enforced with respect to the Soviet Union.

Mr. President, I ask unanimous consent that the article by Mr. Joseph Harriss appearing in this month's Reader's Digest be placed in the RECORD.

Mr. President, this concludes my discussion of the seven divisions of my amendment.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Reader's Digest, September 1983]

MADE IN U.S.S.R.—BY FORCED LABOR

(By Joseph A. Harriss)

In Frankfurt, West Germany, I was interviewing some recent inmates of Soviet forced-labor camps. One woman pointed at the wooden folding chair that I was sitting on. "That's a souvenir from the Gulag," she said. On the bottom was marked "Made in U.S.S.R.," followed by the code 133340, indicating the camp where it was produced. The United States last year imported hundreds of such chairs, part of our multimillion-dollar trade in which we buy the products of Soviet convict labor, in contravention of U.S. law.

In February of this year, the U.S. State Department exposed Russian labor camps in a detailed study concluding that "Soviet authorities still exploit forced labor on a large scale . . . for both domestic and Western export markets."

There can be little doubt now that much of today's Soviet economy is built on the backs of the wretched men, women and children who toil in nearly 2000 Russian prisons and forced-labor camps. What is less well known is that importing the products of forced labor violates an explicit American law, the Smoot-Hawley Tariff Act of 1930. Section 307 states: "All goods, wares, articles and merchandise mined, produced or manufactured wholly or in part in any foreign country by convict labor or forced labor . . . shall not be entitled to entry at any of the ports of the United States, and the importation thereof is hereby prohibited."

Until recently, few realized the extent to which the Soviet Union still depends on convict labor—the only major industrialized nation that makes it a mainstay of its economy. To be sure, many Americans remember that Stalin built spectacular projects like the Volga-Don canal, the second Trans-Siberian railway and entire new towns at the cost of hundreds of thousands of lives. Thousands more forced laborers died in the Kolyma gold fields of Siberia in the 1930s. Nobel Prize-winning Russian author Aleksandr Solzhenitsyn documented this nearly a decade ago in his monumental work, *The Gulag Archipelago.*

But it took the controversy between the United States and its NATO allies over the Siberian gas pipeline to Europe to focus attention on continued Soviet dependence on this practice. The State Department report drew on CIA intelligence, including satellite photos, and suggested that the Soviets had indeed used forced labor on the pipeline, especially for clearing forests and building roads. Commented Sen. William L. Armstrong (R., Colo.), who originally requested the study, "This is a shameful situation beyond the comprehension of most Americans."

The number of convict laborers in the U.S.S.R. is down from its peak of 15 million under Stalin, but they still number an estimated four million, and the conditions under which they work are hardly less nightmarish. Far from fulfilling Marx's promise to free workers from their chains, the Soviet system has systematically enslaved them.

GRAVEYARD SOUP

Goading the West's conscience on the forced-labor issue are the International Society for Human Rights, based in Frankfurt, and the International Sakharov Committee in Copenhagen. Last fall in Bonn the two groups sponsored an international tribunal of parliamentarians, labor leaders and aca-

demics that heard former prisoners graphically portray brutal working conditions in sub-zero temperatures, with inmates picking lichen off trees for nourishment. The tribunal concluded that "prisoners, among them women and children, are forced to work under conditions of extreme hardship." The tribunal chairman declared, "We have presented the truth to the world, and no one can say, 'I did not know.' "

Details of what the world must know are spelled out by such former camp inmates as Julia Voznesenskaya, 43, a frail dissident author from Leningrad. She was arrested by KGB security police after she boldly scrawled on a wall, "You strangle our freedom, but you can't chain people's souls." Charged with "anti-Soviet slander," she spent three years in prison and Siberian camps. One of her main tasks was making work clothes and uniforms for the Red Army. Shifts stretched to 12 hours to meet impossibly high production quotas. Those who failed to meet them had their meager food ration cut. With gallows humor, she and her fellow laborers called the thin, half-putrid fish broth served every day "graveyard soup"—it contained nothing but bones. Prisoners with tiny children often looked on helplessly as the toddlers sickened and died.

Yuri Belov, 42, spent 15 years in prisons, camps, and banishment and psychiatric hospitals. He was first arrested in 1963 for writing "subversive" poems and founding a community of Catholic believers. The charge: "anti-Soviet agitation and propaganda." He was sent to camp ZhKh 385/11 in Mordovia, 200 miles southeast of Moscow.

Here, 2000 convicts each assembled 140 wooden chairs per shift, which were sent to a "free" factory in Minsk. There, finishing touches were put on before the chairs were exported to the West. Thus the Kremlin could claim the goods were made by "free" workers.

Belov remembers with a sardonic smile the political commissar who told ZhKh 385/11 inmates to be proud because their work earned the motherland hard currency and cost almost nothing. Indeed! The motherland paid Belov and his fellow convicts 60 rubles a month—"free" workers got about 100 rubles—but withheld 75 percent to pay for the minimal camp food, clothing, and maintenance.

SEMANTIC GAMES

Frequently those in Soviet forced-labor camps are there on flimsy pretexts such as "hooliganism" or "parasitism" (being unemployed). Vladimir Bukovsky, a scientist who spent 11 years in the Gulag, writes, "Such a high percentage of criminality is artificially maintained by the state for economic motives.

One of the first signs of a big new Soviet construction project is an anti-crime campaign. Police round up men and women for the forced-labor pool, sometimes resorting to primitive entrapment. Vladimir Borisov, an exiled founder of the underground free labor union SMOT, who now lives in France, told me of a friend of his, Ivar Jukovski. As Jukovski was shopping in a Riga clothing store, an old lady asked him to try on a jacket to see if it would fit her son. Police promptly arrested him for shoplifting, and the "corrective labor colonies" had another worker.

The Ministry of Internal Affairs (MVD) runs the forced-labor system, supplying workers to other state agencies. Because workers under armed guard are not suitable for outdoor work, convicts are often put on parole or probation on condition that they perform compulsory labor. Much of the Soviet chemical industry was constructed this way in the 1960s—so today all such workers are known in camp slang as *khimiki*, or "chemists." In the big oil and gas fields, they can amount to some 20 percent of the adult population. This forced labor without confinement enables the Kremlin to play semantic games and deny that convicts are used, for instance, on the pipeline to Europe.

Political dissidents, however, are seldom released even conditionally. Their "crimes" often fall under the infamous Article 70 of the Soviet Criminal Code, which penalizes "anti-Soviet agitation and propaganda"—a catchall ban on saying, writing or disseminating anything critical of the government.

This was the technique the Kremlin used to crush the Helsinki monitoring group, founded in May 1976 in Moscow to foster compliance with the human-rights provisions of the Helsinki accord. Nine months later, two of its cofounders, Yuri Orlow, a physicist, and Alexander Ginzburg, a journalist, were arrested and charged with violating Article 70. By last year 34 group members had been arrested, and the group's remaining three members disbanded it.

Ginzburg was sent to ZhKh 385/1 in Mordovia. Released in April 1979, he now lives in Paris, where I interviewed him. "We cut and polished glass for chandeliers," he said. "The room was full of abrasive dust. Men spat blood and got silicosis." Their quota: 75 to 90 pieces a day each, far higher than the quota in a "free" factory. (The Department of Commerce says we import articles of glass from the Soviet Union, but is unable to confirm if this includes chandeliers.)

Orlov and other well-known members of the Helsinki monitoring group, such as Anatoly Shcharansky, are still at forced labor. Orlov works as a lathe operator in a camp set up in the Perm region, near the Ural Mountains. Shcharansky, despite failing eyesight, laboriously handweaves eight potato sacks a day in his dimly lit cell at Chistopol Prison 540 miles east of Moscow.

The tortures of hunger and cold drive many Gulag prisoners to desperation. Some chop off their own fingers to get hospitalized. Suicide is often a way out. One method is to race for the barbed wire in full view of a guard. MVD guards shoot to kill; they get an extra week of leave for bagging an escaping prisoner.

BITTER FRUITS

Despite such blatant human-rights violations, we and other Western nations continue to buy the fruits of forced labor. Specifically, the United States in 1982 imported:

Chemicals, $118-million worth, particularly anhydrous ammonia for fertilizer. Several Russian chemical plants are integral parts of industrial prison compounds.

Uranium, $10-million worth. Uranium is mined by forced labor at Zheltyye Vody in the Ukraine. Exile sources add a Ukrainian camp at Novaya Borovaya, several Siberian camps at Krasnoyarsk, and another in Central Asia at Uchkuduk. Persistent rumors tell of uranium death camps where workers without protection from radiation last only a few months.

Gold, $4.2-million worth. The CIA notes that forced laborers mine gold at Zeravshan in Central Asia. Exiles say convicts also mine or refine it in nearby Muruntau, and in Siberia at Bodaibo, Artemovsk, Taishet and along the Yenisei River.

Wood and wood products, $3.5-million worth. Logging and wood processing is done in some 350 camps in the Urals, the Northwest, the Volga-Vyatka and Siberia. Women fell trees around Kirov and Lake Baikal. Children from 14 to 18 make shipping cases at Novaya Lyalya in the Sverdlovsk region.

Tractors, $500,000 worth. The main model imported by the United States is the Belarus, a light tractor. Parts are made at a Mordovian forced-labor camp.

"WE'LL ENFORCE IT"

Section 307 of the Tariff Act of 1930 is thus being largely ignored in Washington. Incredibly, I was unable to find a single official there concerned with trade who showed awareness of its relevance to our Russian imports.

Yet the law is clear. It provides that any citizen who suspects a violation can contact the Customs Service, which is required to open an investigation. If available information "reasonably" indicates a violation, the goods must be impounded. To have them released, the importer must produce a certificate from the foreign seller attesting that no forced labor was employed in any stage of production or any component of the merchandise.

Why doesn't the United States uphold the law? "The question of Soviet goods has just never come up," says a high Customs official in Washington. "But if someone shows us that Russian goods entering this country are made with forced labor, we'll enforce it."

Our allies in Europe import far more Russian goods than we do. Last year West Germany alone bought $4.7-billion worth. French imports amounted to $3.1 billion. The Siberian gas pipeline will raise these figures.

Few other countries have a law prohibiting importation of convict-made goods, but most Western nations are parties to the Universal Declaration of Human Rights and other international treaties. They should join with the United States to raise this issue in the U.N.

The time has come to expose before the world Russia's economic exploitation of its citizens. But first we must ensure that our own law, intended to prevent complicity in such barbarity, is enforced.

Mr. HELMS. Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. HELMS. Mr. President, may I ask how much time I have remaining?

The PRESIDING OFFICER. The Senator has 4 minutes 19 seconds.

Mr. HELMS. Mr. President, with the small amount of time I have remaining, and in view of the fact that the distinguished Senator from Illinois is not prepared to go ahead at this time, I ask that I be permitted to suggest the absence of a quorum without the time being charged to either side. It will not be long.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. HELMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HELMS. Mr. President, I ask unanimous consent that my amendment be laid aside temporarily so that the distinguished Senator from Alaska may call up his amendment—I am advised he does not wish to proceed now.

Mr. MURKOWSKI. I will advise the Senator from North Carolina that I have an amendment and I believe there is a time set aside for its consideration. I was not aware we were going to have divisional votes on the eight points in the Helms amendment. As a consequence, I believe I would prefer to bring up my amendment at the time designated.

Mr. HELMS. Very well.

Mr. President, I suggest the absence of a quorum on the same basis.

The PRESIDING OFFICER. Is there objection? Without objection, is so ordered. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. PERCY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PERCY. Mr. President, there are many Members, including myself, who would share the emotions motivating Senator HELMS in introducing an amendment to the resolution on the Korean airliner tragedy.

Certainly, those of us who have known Senator HELMS know that he is a very tough-minded man. He has a tough mind but he has a very soft heart. He is a gentleman through and through.

When he spoke this morning on his feeling for those little children when they got on the airplane, recognizing that those children are treasures who will never be present on this Earth again because of the dastardly action of the Soviets, no one standing near him could question how deeply he feels about this. This is an emotional experience for so many people. I know that from when I suffered tragedy. When I first became chairman of the Foreign Relations Committee, I headed a delegation to South Korea for the inauguration of their President. We flew exactly over that same route. It could have been all he Members of Congress in that delegation.

I have great empathy for the feelings of my distinguished colleague. As I said before, I did have a number of amendments that I felt could be constructive to the resolution.

But I have come to the conclusion, following the passage by a unanimous House vote of 416 to nothing, and a breakfast meeting with the minority leader, Congressman BOB MICHEL, that it would be best to have no amendments. The House of Representatives does represent a full spectrum of views, ranging in every aspect and in every degree, but the House felt as a body that it was important to stand together on this and immediately send this message loud and clear and stand with the President so that there is no confusion about foreign policy. There tends to be in our form of society a sense of confusion, occasionally. It is the very nature of our society, that we do not always have one voice on issues. But here the world seems to be speaking with one voice.

It is clearly now the strategy of the administration, because it is in accordance with the feelings of the people of the world, that this in not just a U.S. issue. It is not the United States versus the U.S.S.R. It is not an East-West confrontation. It is the world, the whole world, that feels revulsion about this action.

And I pay particular tribute to the members of the Airline Pilots Association representing pilots around the world. They have taken steps and will I think follow through to see that the sanctions imposed against the Soviet Union to ground the largest civil aviation fleet in the world, Aeroflot, will be implemented in country after country. Our friends in Canada acted immediately in that regard, thereby making far more difficult the transit of military equipment from Moscow to Cuba. That action alone deprived them of landing rights in Gander and that means that there is at least an inconvenience to the Soviet Union. It will be a humiliation as the world gradually brings to a halt the activities of that airline.

That is one thing that is already being done and I have suggested to the President a number of other things. But I do feel at this time it is highly desirable that we work together and act together.

Would that we could somehow simply ignore the Soviets, cut off trade, cut off negotiations, simply refuse to deal with them in any way, but that is not an option in our complex interrelated world.

The United States is a superpower. We cannot withdraw from our responsibilities to the Soviet Union to keep communications open at the highest level and to provide assurances to our friends who look to us to balance Soviet pressure and resist Soviet aims. If we attempt unilaterally to isolate the Soviet Union, we isolate ourselves and weaken our own ability to deal with our major adversary.

We must work with the international community. We must gain a consensus among our allies. We must not take measures which hurt ourselves more than the Soviet Union.

President Reagan's response to the Soviet destruction of Korean Air Lines flight 007 has been appropriate and hard hitting. It has gained the acceptance of the international community. It has now gained the unanimous support of 416 House Members in the joint resolution passed yesterday. Let us not dilute the President's effectiveness. We want to support what the President is doing because he is doing it extraordinarily well.

I oppose amendments to the resolution because we have agreement on the leadership resolution. It was after all, sponsored by the majority and minority leaders; by the chairman of the Foreign Relations Committee and the ranking member of the Foreign Relations Committee; and by the chairman of the Armed Services Committee and the ranking minority member of the Armed Services Committee, Senators BAKER, BYRD, PERCY, PELL, TOWER, and NUNN respectively.

I oppose amendments to the resolution because we do have extensive agreement. This resolution can be considered and pass the Senate today. It can go to the President today. And it will have his immediate signature.

Mr. President, the administration strongly opposes the Helms amendment. The Foreign Relations Committee has received specific comments from the administration this morning on the Helms amendment as it was introduced Tuesday. I would like to read those comments for the benefit of my colleagues because copies of these comments have not yet been received by every member of the Foreign Relations Committee.

Mr. President, I ask unanimous consent that just prior to the annunciation of the administration's provision on each of these several points of the Helms amendment that a copy of the original Helms amendment be incorporated which the administration is then responding to, taking into account that the Helms amendment has been modified, one item, at least, has been deleted from it. But these are the only comments I have as they relate to the original amendment.

The PRESIDING OFFICER (Mrs. HAWKINS). Without objection, it is so ordered.

The material follows:

HELMS: (1) recall the United States Ambassador to the Soviet Union for urgent consultations and reduce the number of Soviet diplomats accredited to the United States to the number of United States diplomats accredited to the Union of Soviet Socialist Republics;

ADMINISTRATION: 1. The United States Ambassador and United States diplomats accredited to the U.S.S.R. are in place vigorously to represent and to promote the interests of the United States. To reduce their number—or to invite such a reduction by reducing the number of Soviet diplomats in the United States—will diminish the capability of the United States to protect its citizens and promote its interests in the U.S.S.R.

HELMS: (2) conduct a comprehensive reappraisal of the complete spectrum of United States-Soviet relations, including arms control, human rights, East-West trade, and regional issues;

ADMINISTRATION: 2. As the President stated in his speech of September 5, the Administration has conducted long meetings, including with the Congressional leadership. The President stated that we cannot "give up our effort to reduce the arsenals of destructive weapons threatening the world." Thus he has spoken to arms control. We continue to promote our human rights concerns, east-west trade and regional issues.

HELMS: (3) report to the Congress on the record of Soviet compliance or noncompliance with the letter and ppirit of all existing strategic arms limitation talks (SALT) agreements and other arms control agreements to which the Soviet Union is a party;

ADMINISTRATION: 3. Procedures exist for dealing with the Intelligence Committees of both Houses on the questions of compliance with arms control agreements.

HELMS: (4) direct the United States negotiators at the strategic arms reduction talks at Geneva to link the possible success of such talks with the willingness of the Soviet Union to abide by international law as a responsible member of the community of nations, paying specific attention to the KAL 7 massacre, Soviet violations of the Helsinki accords, the Soviet invasion and subjugation of Afghanistan, the repression of Poland and its free labor movement, and the use of chemical and biological weapons in contravention of exising treaties;

ADMINISTRATION: 4. With regard to linkage of the START talks with Soviet actions, including the KAL massacre, as noted above the President stated that we must not give up efforts to reduce the arsenals of destructive weapons.

HELMS: (5) reemphasize the inconsistency of the Soviet military presence in the Western Hemisphere with the Monroe Doctrine;

ADMINISTRATION: 5. The President and other Administration officials have stated on many occasions and we have communicated to the Soviets our dissatisfaction with their activities in the Western Hemisphere.

HELMS: (6) declare Poland in default on all or a part of the debt owed to the Commodity Credit Corporation, recognizing that Poland is an integral part of the Soviet economic empire and that financial credit is an element of national strategy;

ADMINISTRATION: (6) Default would take the heat off Poland to continue to pay at least some portion of what it owes.

Default would not stop credits from going to Poland as some allege; no one is lending to Poland now anyway.

Poland has few assets in the West which could be attached in event of default. Thus, default is one sure way not to get paid.

Poland would have more cash if default were declared and would certainly need less short-term financial help from USSR.

HELMS: (7) tighten substantially the foreign policy and military controls over the export of machine tools, high technology products, and equipment for the development of Soviet oil and gas resources; and

ADMINISTRATION: (7) The President stated in his September 5 speech that we are redoubling our efforts with our allies to end the flow of military and strategic items to the Soviet Union.

HELMS: (8) direct the Secretary of the Treasury to use existing statutory authority to prevent the import of any product or material produced in the Soviet Union unless the President certifies that it was produced without the use of forced labor.

ADMINISTRATION: (8) The President and all Americans abhor Soviet use of forced labor. Should it be demonstrated that products or materials produced by forced labor are being imported into the United States the Administration will take appropriate steps.

Mr. PERCY. Mr. President, I understand the desire of the senior Senator from North Carolina to include in the resolution specific recommendations to the President. I would like to take just one point that is made in the revised Helms resolution, which I read as follows:

It is the sense of the Congress that the President should direct the U.S. negotiators at the strategic arms reduction talks at Geneva to link the possible success of such talks with the willingness of the Soviet Union to abide by international law as a responsible member of the community of nations, paying specific attention to the KAL 007 massacre, Soviet violations of the Helsinki accords, the Soviet invasion and subjugation of Afghanistan, the repression of Poland and its free labor movement, and the use of chemical and biological weapons in contravention of existing treaties.

A strict interpretation of that, for instance, reestablishment, let us say, of the free labor movement and labor unions in Poland, just to take one example, literally means that in the course of the Reagan administration's first term, and its expected second term in office, there would simply be no arms control agreement of any kind with the Soviet Union.

If it is a condition precedent to our willingness to enter into such agreement that there is definite linkage between any of these activities, abhorrent as they are, then I think we are simply saying we are going to shelve arms control. The President has already made his decision to do just the contrary. We would be in a position where we are tricking the President not to do something that he has already declared he will do to the world and to our citizenry, that we will carry on arms control negotiations despite our abhorrence of this tragic event.

I am not now speaking on behalf of the administration. I am describing my own strong feelings about this matter. Ambassadors Rowny and Nitze strongly support the President's viewpoint that we should move forward with these talks. Both men are admired tremendously by every single Member who is sponsoring this resolution, I believe. Arms control is not done as a favor to the Soviet Union. It is in our national interest to move the superpowers back from the brink of a nuclear holocaust.

The President has emphasized that the shooting down of KAL flight 007 is an issue of the Soviet Union versus the world. The world has vital interests in assuring that civil air travel is made safe. But there are 4.7 billion human beings living on this planet. They have even a greater stake in making sure that life on Earth is not ended by a nuclear war.

I go back now 23 years to the inaugural address of John F. Kennedy, who noted in that address that we have the power to eradicate all hunger and poverty throughout the world. Then he added that we have the power also to eliminate all human life.

Now, some 50,000 nuclear weapons later, he could have amended that and said, if he were living today, we have developed the capacity to eradicate every living thing on this planet, with just the exchange of the existing weapons, weapons that exist today on the part of the Soviet Union, the United States and our allies, as well as those that are possessed by the People's Republic of China.

There is no question that life would be extinguished, perhaps for centuries to come.

The Korean Air Lines disaster shows us that the Soviet military is prone to shoot first and ask questions later when they see targets come toward them on radar. It is debatable whether they ever really tried to confirm what they were shooting at before they fired their missiles at the airliner.

We can only imagine and we now have a basis for fearing—the whole world has—how the Soviets might react if they thought their radar showed they were under a nuclear missile attack. It is ironic that we are, right now, trying to engage the Soviets in START in a discussion of various confidence-building measures, one of which would allow each country's military command post to communicate directly if they thought an attack was occurring.

I have suggested earlier today, and I shall expand at some point on the floor of the Senate later the details as to how this can be accomplished, that we might take a global satellite system, which will be in place by 1988, and expand it to civil aviation.

What would happen is that those START talks would be suspended. Those talks are being carried on now and arrangements are being made so that we can reduce the possibility that those signals will come over the black box carried by the President of the United States or his aide every place he goes. The gravity of the problem struck me anew earlier this year. In an elevator in the Conrad Hilton hotel on January 19, there were the four of us, the military aide, the President, my wife, and myself. If that signal had come in, he would need every sort of communication capability possible.

What we are trying to do is prevent destruction of all humankind, all life on Earth.

As I say, the Soviets have shown a habit and have now demonstrated again that they shoot first and ask

questions later, when they see targets coming toward them on radar. If this amendment were to carry, we would be directing the President to suspend START talks and negotiations and thereby lose the opportunity to continue negotiations on this much-needed confidence-building measure. And this is only one example.

As I said before, I do understand the desire of the senior Senator from North Carolina and his cosponsors to include in the resolution specific additional recommendations of the President.

(Mrs. HAWKINS assumed the chair.)

Mr. SYMMS. Madam President, will the Senator yield on that last point?

Mr. PERCY. I should have to yield on the Senator's time, I am afraid. I may run out of time.

How much time do I have?

The PRESIDING OFFICER. The Senator has 2½ minutes.

Mr. PERCY. I shall probably need that amount of time.

Each of us has his or her own idea of ways to emphasize our Nation's condemnation of the Soviet attack on the unarmed civilian airliner. We do have this House-passed resolution before us which expresses our outrage very clearly and which carried in the House by the impressive, overwhelming margin of 416 to 0.

At this time, I submit that it is highly desirable to put our individual ideas aside and confirm the House language, which is almost identical to the Senate leadership resolution, so that the resolution can go to the White House for the President's signature today. If we accept a single amendment, we shall have to go to conference with the House and precious time will be lost. We want to confirm the House action today, which was to show the world that the President, the House of Representatives, and the Senate stand united with the same words with one voice in condemning the Soviet Union for its wanton act against international civil aviation and against humanity itself.

For these reasons, Madam President, I urge my colleagues to vote against the amendments before us. Let us support the President in this crisis. Let us adopt the House-passed language so that the resolution can go to the President today.

Mr. RANDOLPH addressed the Chair.

Mr. PERCY. Madam President, I believe the Senator from West Virginia wishes to speak against the pending amendment; is that correct?

Mr. RANDOLPH. I wish to make only approximately 50 to 60 seconds of comment. I would rather not make it off the bill at this time. I want to be cooperative.

Mr. PERCY. I yield whatever time I have remaining in that case.

The PRESIDING OFFICER. The Senator has 30 seconds.

Mr. RANDOLPH. Madam President, the Senator from Illinois, Senator PERCY, has very correctly stated that this is not only a problem of the United States of America, but a problem of the other countries of the world. There is every reason why we should work in concert with the other nations in connection with this murderous action that, of course, cannot be justified by any set of circumstances. We, with other countries, should pursue the demands for a full accounting of this tragedy against humankind that has worldwide implications. I support the action being taken by the Senator from Illinois and many others of us in this body. It is my privilege to be a cosponsor of the original Senate resolution, Senate Joint Resolution 158. I also recognize the sincerity of my colleague and good friend from North Carolina (Mr. HELMS).

Mr. PERCY. Thank you, Senator RANDOLPH, for that eloquent statement. It is always such a pleasure for me to work with my beloved colleague from West Virginia.

Mr. THURMOND. Mr. President, I have given careful consideration to the amendments offered by my good friend and distinguished colleague from North Carolina, Senator HELMS. Certainly I share the concerns which have motivated Senator HELMS and his distinguished cosponsors to offer this proposal, and I personally recommended to President Reagan that our Government adopt some of the sanctions called for in the Helms amendment. More important than any particular conceivable response to this heinous Soviet atrocity, however, is the importance of the American people and their elected representatives in Congress standing united behind the firm, statesmanlike approach taken by our President. The Soviets must know that the American people share a commonsense of outrage at this brutal, uncivilized attack on an unarmed commercial aircraft, and that they, despite any personal differences of opinion as to the preferred response, will strongly support the position adopted by their government and its leaders.

Mr. President, throughout my years of service in the U.S. Senate, I have pointed to the pattern of Soviet atrocities, aggressions, lack of human rights for its people, and their wanton disregard for human life itself as clear indications of the evils of communism.

After learning of the Korean airline massacre, I shared our country's outrage and disgust. Soon after the tragic event, I attended a meeting with other Members of Congress who were called to the White House for consultation with the President on this issue. The President showed a statesmanlike desire to consider all suggestions and views in regard to the U.S. response to the downing of KAL flight 007. After carefully reviewing his alternatives, he formulated a response that he felt was in the best interest of our country.

During this time of international tension over this incident, I feel that it would be a mistake to show a lack of confidence in our President's leadership ability. He has made his decision and announced our Government's official reaction to this tragedy. In addition, I have been assured by the Secretary of State and by the White House staff that they are continuing to monitor the Soviet response to determine if stronger sanctions are necessary on our part.

Mr. President, I personally agree that the provisions included in the Helms amendments are meritorious and normally would favor them. However, I believe that we must approach this matter with a view to the larger question at hand. On issues of this magnitude, in the realm of foreign policy, we must recognize the constitutional responsibilities of the President to lead our Nation and be willing to establish a unified and effective U.S. position. Furthermore, it was essential that a consensus be reached on this matter in order that the resolution be effective. This was no easy task. The resolution was finally fashioned as an agreement by the President, the Secretary of State, and the leaders of both parties in both Houses of Congress. It was not as strong as I desired, but it was essential that both the legislative and executive branches respond in a unified voice, and this resolution was the result.

Mr. President, allow me to reaffirm my disgust over the loss of 269 innocent lives and my call for reservation and caution whenever we deal with the Soviets. I support the President, and I plan to continue to work with him and his staff in an effort to insure that proper and adequate steps are taken to correct the massive injustice of Korean Air Lines flight 007.

The PRESIDING OFFICER. All time has expired. The Senator from North Carolina has 4 minutes.

Mr. HELMS. Madam President, I yield briefly to the Senator from Alaska for a unanimous-consent request.

Mr. MURKOWSKI. I thank the Senator from North Carolina.

Madam President, with the approval of the Senator from North Carolina (Mr. HELMS), I ask unanimous consent that consideration of his amendment be temporarily set aside and that I may send to the desk my amendment relating to exports of petroleum products to the Soviet Union. The time spent in considering my amendment should be charged against the time allocated for that purpose by the time agreement governing debate on my

amendment, which is 20 minutes equally divided.

This request is put with the understanding that I will withdraw my amendment at the conclusion of my remarks.

The PRESIDING OFFICER. Is there objection?

Mr. HELMS. Madam President, I do not think I have any objection, unless he wants me to set aside my amendment so he can call his up for a vote.

Mr. MURKOWSKI. No, I indicated I would withdraw my amendment.

Mr. HELMS. I hope this will not be charged against my time.

Mr. MURKOWSKI. It will be charged against my time.

The PRESIDING OFFICER. Is there objection?

Mr. HELMS. Madam I have no objection.

Mr. MURKOWSKI. I thank my colleague from North Carolina.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MURKOWSKI. Madam President, I rise to join my colleagues in strong condemnation of the destruction of the Korean Air Lines flight 007.

AMENDMENT NO. 2136

(Purpose: To urge a prohibition on the issuance of any license for export to the Union of Soviet Socialist Republics of any refined petroleum product or residual fuel oil)

Mr. MURKOWSKI. Madam President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Alaska (Mr. MURKOWSKI) proposes an amendment numbered 2136.

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the joint resolution add the following new section:

SEC. 2. (a) The Congress finds that—

(1) in December of 1982 the United States exported to the Union of Soviet Socialist Republics an average of 10,000 barrels per day of petroleum products and 222,000 barrels of petroleum coke, 81,000 barrels of lubricants, and 13,000 barrels of other miscellaneous petroleum products;

(2) in March of 1983 the United States exported to the Republic of Korea an average of only 5,000 barrels per day of petroleum products, 5,000 less per day than what the Union of Soviet Socialist Republics received in December 1982 and exported to the Republic of Korea 152,000 barrels of petroleum coke, 70,000 barrels less than which the Union of Soviet Socialist Republics received in December 1982; and

(3) while the United States permits the export of petroleum products to the Union of Soviet Socialist Republics the United States denies its allies in the Pacific Rim crude oil that would enhance their energy security and the overall international security of the Pacific Rim.

(b) No license may be issued for the export to the Union of Soviet Socialist Republics of any refined petroleum product, as defined by section 7(e)(4) of the Export Administration Act of 1979, or of any residual fuel oil.

Mr. MURKOWSKI. Madam President, as a Representative here in Washington of nearly half a million Alaskans, some residing within 2 nautical miles of the U.S.S.R., I am appalled at the inexplicable and unnecessary use of force by Soviet military officials in reacting to flight 007's accidental trespass of Soviet airspace.

Mr. President, the forefathers of Alaskan Natives personally experienced the brutality of Russian intrusions into their land and lives as early as the 18th century. Many Alaskan Natives gave their lives while resisting Russian naval attacks, colonialism, and the cruelty of the Russian trappers who settled in Alaska.

Now, in the 20th century, we witness yet another assault upon the lives of innocent people at the hands of the Soviets. The people of my State have reason to be particularly affronted. Flight 007 was one of many commercial airliners that refuel in Alaska each day. I myself have flown several times to East Asia from Anchorage over the same route taken by KAL flight 007.

I denounce this offense against international law and responsible, humane, behavior. As chairman of the East Asian and Pacific Affairs Subcommittee of the Foreign Relations Committee, I am actively considering holding hearings to examine our Pacific airspace policy. We must address the questions of air safety, of U.S. policy toward foreign incursions into our airspace, and of what capability we have to prevent the reoccurrence of this crime against mankind.

In particular, some network of communication between military and civilian radar operators seems appropriate. If such a network existed, the radar coverage for all aircraft could be expanded. I recognize that the military will be understandably reluctant to participate in monitoring civilian aircraft, but if only one airplane could be saved by a call from remote radar in Alaska or elsewhere indicating that it is off course and therefore in trouble, how many more lives might be saved from today forward?

Mr. President, the Soviets claim that the 747 was on a spy mission over their territory. Yet they provide no proof of this; because there is not any. This Senator is astounded at the Soviet contention that the United States would use another country's civilian airplane for intelligence purposes. In light of the fact that the United States, after all, has far superior means available for reconnaissance missions, one is tempted to wonder whether perhaps the Soviets make the accusation in hopes of discovering more about the surveillance capabilities we do have. If so, this is a trap that we must avoid.

Neither can I understand why the Soviets failed to force the plane down to the nearest airport, rather than arbitrarily blasting it out of the sky. The Soviets' reaction to this episode is marked from beginning to end by a lack of flexibility, honesty, or even careful thought. In contrast, American reactions to the frequent Soviet incursions into our own airspace have been noteworthy by their absence.

As a Senator from Alaska, I was extremely concerned to learn that Soviet military attack aircraft regularly fly into Alaskan airspace. So far this year, through August 31, 1983, 14 Soviet aircraft have penetrated U.S. airspace over Alaska. Indeed, Soviet military aircraft invade the skies over my home State of Alaska on an average of 15 times each year. In the past 5 years, Soviet aircraft have been escorted out of U.S. airspace in Alaska by American interceptors roughly 80 times. In fact, in the years 1963, 1968, 1969, 1974, and 1983, Soviet military aircraft not only penetrated U.S. airspace, but actually flew over Alaska soil. Few Americans know that in February 1974, an amphibious Soviet coke aircraft actually landed at Gamble on St. Lawrence Island off the west coast of Alaska.

U.S. Air Force policy in these circumstances is to scramble fighter interceptors first to identify the intruder and next to escort it out if it is improperly over our borders. I am informed by the Department of Defense that some overt, hostile act is required before violence against even a Soviet bomber in U.S. airspace would be considered. The point is, U.S. policy is to safely escort even military intruders out of American airspace while the Soviets shoot down civilian aircraft lost and in distress.

The important fact here is that the Soviets evidently have not learned the lessons of belief in world peace and of respect for human life as more important than mere territorial boundaries.

This is certainly cause for alarm, and I have requested a formal report from the commander of the Alaskan Air Command, Gen. Bruce Brown. General Brown, the new commander of the AAC, has already come out in strong protest over the inadequacy of our air defenses, and is lobbying to get AWACS up to Alaska. An article in the Anchorage Daily News on September 10, 1983, quotes General Brown as saying that the U.S. radar system is so outdated that the Soviets "could go all the way and take Omaha and never be detected."

Madam President, I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Anchorage Daily News, Sept. 10, 1983]

GENERAL: AIR DEFENSE SYSTEM NEEDS BEEFING UP

(By Larry Campbell)

The Air Force's ability to protect the skies over the Aleutian Chain has not improved significantly since World War II, when the Japanese captured Attu and Kiska islands, according to the new commander of the Alaskan Air Command at Elmendorf Air Force Base.

Even the supersensitive base on the Aleutian island of Shemya—the site of a military intelligence facility that tracks Soviet missle tests—is blind to low-flying incoming aircraft, Lt. Gen. Bruce K. Brown said in an interview Friday.

"If they wanted to, they could go all the way and take Omaha and never be detected," said Brown, former vice commander at the North American Air Defense Command at Cheyenne Mountain, just outside Colorado Springs, Colo.

Brown said Alaska and the rest of North America has been protected from invasion for years by a precarious early warning safety net.

In Alaska, NORAD stations are linked by a single Alascom communications satellite used by the state for same-day television transmissions. If that satellite were gone, information transmissions from those radar stations to the Regional Operations Command Center at Elmendorf would cease.

News of America's haphazard warning systems should come as no surprise, Brown said.

"The whole country's that way. It's been that way for 15 years," Brown said. "We've been telling you that and nobody wants to hear it. Nobody wants to hear about spending money on defense."

One big problem is NORAD radar fails because aircraft flying at altitudes below about 1,000 feet can slip under the coverage undetected, he said.

None of the areas covered by Alaska's 13 NORAD stations overlap. Neither do any of them keep watch over the Air Force station at Shemya, Brown said.

A "decade of benign neglect" has led directly to the poor defense position America finds itself in now, Brown said.

"We are spending less now for defense than when (John F.) Kennedy was president," Brown said. "The '70s was the decade of benign neglect, when spending took a tremendous dive."

Those years of spending cuts, Brown said, have been especially hard on the Alaskan Air Command, which is evidenced in everything from operations equipment to base housing.

Until recently, information on aircraft locations received from the remote NORAD sites was still mapped on large, plexiglass panels at the Regional Operations Command Center at Elmendorf.

"There hasn't been a grease pencil used in the Lower 48 and Canada since 1958," Brown said. A more advanced, computerized system is in place, but is not fully operational, he said.

Alaska had also been scheduled, at one time, to receive steady air cover from an Airborne Warning Control Systems radar airplane. That idea, included in a 1960s Air Defense Modernization Plan, has never come to be.

Even, simple maintenance items at Alaska bases fall by the wayside, many times because upkeep costs in Alaska are higher than at other military installations, Brown said.

"Alaska wasn't getting cut back any more than other installations elsewhere," he said. "But here it shows more. The harsher climate creates more wear on machines, buildings and equipment."

Technological changes are slated in the near future, however, to bring the Alaska defenses on line with the rest of the country, Brown said. Minimally Attended Radar Stations are scheduled to replace all 13 NORAD stations with more efficient, solid-state hardware, which operates with fewer people.

NORAD also must shed its dependence on using the state's communications satellite to shuttle information from the radar stations, Brown said. He said a system is being developed to bounce radio signals off ionized vapor clouds created by the hundreds of meteors that strike the Earth's atmosphere and disintegrate. The system shows promise, but is far from being ready for full-time use, he said.

A new over-the-horizon radar could be deployed to close the gap created by conventional, line-of-sight radar that is blind to low-flying aircraft hiding below the curve of the Earth or in low-lying valleys.

Brown said Congress has recently been asked for funding to begin testing the Over-the-Horizon-Back-Scatter radar. He would like to see the back scatter system in Alaska, as well as more AWACS coverage.

"I'd say 100 percent of people who would visit the Mountain (NORAD station in Colorado) believe we have an effective air defense. And that's just not true," he said.

Mr. MURKOWSKI. Alaska is the closest land mass of the North American Continent to the Soviet Union. As I pointed out earlier, Alaskan territory actually comes within 2 miles of Soviet-controlled land. How can we ignore this absolute vulnerability of American sovereignty by denying it sufficient protection?

Mr. President, if the decision to shoot down the Korean airliner was not made at the highest levels of Soviet authority, then it is an example of bureaucratic bungling unparalleled in the postwar era. Soviet air defenses tracked the 747 for 2½ hours without ever being able to identify what kind of aircraft it was, and it turns out they did not care if it was military or civilian. They evidently did not consult international flight schedules to see which airlines might be aloft at the time. Nor did they request assistance over the air traffic control link between the Siberian mainland and Japan. If the final decision to kill innocent civilians in a lost airplane was made under these circumstances, then it appears that the Soviet military operate in a world all their own, one that leaves officers unequipped or unable to deal with situations not found in their "book."

Mr. President, one must ask why did it take the Soviets so long to respond to U.S. demands for an explanation of this massacre? It may indicate dissension within the Politburo over how to respond officially to the international denunciations. Andropov's relations with the military may not be entirely smooth. If this is true, then President Andropov has a long way to go in consolidating his control. What meaning a schism in the Kremlin has for U.S.-U.S.S.R. relations, and for the stability of the world in the nuclear age, is something we must carefully consider. I can only hope and pray that this incident is not an indication that the Soviet military is no longer collared even by the minimal restraint of the Communist civilian government.

Mr. President, when KAL flight 007 was shot down it was employing an inertial navigational system; in other words, a self-guiding system. It had not been close enough to establish radar contact with Japan and was more or less operating in the "blind." Had radar contact been established, the exact position and identity of the flight would have been known to the Japanese and any corrections in the flight path, if necessary, could have been made. Obviously, the sooner radar contact is made with the Japanese, the sooner actual positions can be verified for all flights that use this route every day. Again, I emphasize that the use of U.S. military radar to assist in avoiding tragedies such as the one which we now lament, appears to this Senator to make considerable sense.

Radar coverage and flight safety could be enhanced and tragic incidents avoided if the Japanese were allowed to establish remote radar installations on a chain of islands known to most people as the Kurile Islands. Four islands associated with that chain were internationally recognized as Japanese territory until World War II. At the end of World War II, even after Japan had officially capitulated, the Soviets remained on the offensive until every island between Hokkaido, Japan and the Kamchatka Peninsula was occupied. Today, the Soviet Union still exercises administration over those islands and maintains a significant military presence there.

In fact, as a matter of further interest, the Soviet-Japanese peace treaty has been held up pending resolution of the four northern islands in the area.

In the near future, I will introduce a joint resolution affirming Japan's claim and renouncing the Soviets' occupation of those four islands near Japan, commonly called the northern territories. A friendly presence on these islands will add greatly to the security of air and sea travel in this area and possibly prevent future acts of hostility that may endanger the lives of innocent civilians.

Madam President, we have spent a considerable amount of time discussing this heinous act, and now I feel we should discuss appropriate punitive measures.

The PRESIDING OFFICER. All time of the Senator from Alaska has expired.

Mr. MURKOWSKI. Madam President, I ask unanimous consent that I be yielded an additional 4 minutes, to be charged against the time set aside for general debate on the resolution.

The PRESIDING OFFICER. Is there objection?

Mr. BAKER. Madam President, I am told that only 8 minutes remain. Can the Chair tell me how much time remains?

Mr. MOYNIHAN. The Senator from New York is happy to yield 2 minutes from this side, if the Senator from Illinois will do the same.

Mr. BAKER. I am anxious to do that, but the chairman is absent from the floor because of a meeting I asked him to attend, so I feel an obligation to inquire about the amount of time remaining and perhaps to consult with him.

The PRESIDING OFFICER. The Senator from Illinois has 8 minutes. The Senator from New York has 39 minutes.

Mr. MOYNIHAN. The Senator from New York is happy to yield 4 minutes to his friend the Senator from Alaska.

Mr. BAKER. I thank the Senator from New York.

Mr. MURKOWSKI. I thank the Senator from New York.

One area which I am particularly familiar with and find ambiguous is our policy regarding petroleum product exports. In December of 1982, we exported more petroleum products to the U.S.S.R. than we did to Korea 3 months later. Furthermore, while exporting valuable refined petroleum products, consisting primarily of petroleum coke used for steel to the U.S.S.R., we simultaneously denied our ally, Korea, crude oil that would significantly contribute to their energy security and the overall strategic security of the Pacific rim.

In view of these facts, Madam President, I have offered an amendment to the resolution pending that would prohibit future exports of U.S. petroleum products to the Soviet Union. I must assume that these U.S. refined petroleum products exported to the U.S.S.R. can be used for military purposes—maybe even in the very fighters which blasted KAL flight 007 from the skies.

In the interest of time, I now withdraw my amendment to the resolution. Instead, I am today writing President Reagan, urging him in the strongest possible terms to cut off such refined petroleum product exports to the Russians. He has the power and authority to direct that export licenses for these items, which recently average approximately 10,000 barrels per day, be stopped. I urge my colleagues to analyze my proposed amendment and join me in urging the President to halt such export to the U.S.S.R.

In closing, Mr. President, as a man whose family and friends live just 20 minutes' flight time from Siberia for a Soviet SS-20 nuclear missile, and as a Senator who represents a State with territory a mere 2 nautical miles from Russian borders, I feel that a truthful Soviet explanation of this tragedy is the minimum we should expect. The danger presented to Alaskans specifically cannot be ignored. Since 1978, the number of Soviet aircraft invading U.S. airspace over my State of Alaska alone is about 50 percent higher than the number of similar intrusions over the entire continental United States during the same period.

In the nuclear era, the callous disregard the Soviet Union has exhibited for human life threatens the future of the entire world. It has to affect how we perceive the Soviets. The international community has been fair, firm, and pragmatic. If the Soviets fail to respond in the same way, no people will be able to deal with the Soviets other than as a savage threat to life, liberty, and the pursuit of a safer, more stable world.

I again thank the Senator from North Carolina for his accommodation.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. Madam President, has the Senator withdrawn his amendment?

The PRESIDING OFFICER. The amendment is withdrawn.

Mr. BAKER. Madam President, will the Senator from North Carolina yield to me?

Mr. HELMS. I yield.

HELMS AMENDMENT NO. 2135, AS MODIFIED

Mr. BAKER. I wonder if the Senator from North Carolina would consider a request.

We are about to have a vote on each of the seven divisions of the Helms amendment. The Senator from North Carolina knows that it is my intention to move to table each of those divisions, as indeed I planned to move to table the amendment itself, had it not been divided. Rather than go through them one at a time, I am prepared to put a unanimous-consent request that one motion to table will suffice to produce a vote to table on each division of the amendment and that one show of seconds will be adequate to order the yeas and nays on each motion.

Does the Senator object to that?

Mr. HELMS. Not at all.

Mr. BAKER. Madam President, I do not see the minority leader on the floor at this moment. Let me advise him that I intend to do that.

Mr. HELMS. Very well.

Madam President, I believe I have 4 minutes remaining.

The PRESIDING OFFICER. The Senator is correct.

Mr. HELMS. Madam President, I listened with great interest and admiration to the speech by the distinguished Senator from Illinois (Mr. PERCY). His only problem was that the speech did not have anything to do with my amendment.

The amendment does not mandate the President to take action. It just tells the President, in effect, "We will support you if you will do this, if you will do that."

I could not quite follow the reasoning of the Senator in his comments, particularly with reference to his suggestion that the amendment proposes breaking off START negotiations. We do not suggest that the negotiations be suspended. We say that we should go to the negotiations and make the Soviets face reality. To the contrary, this amendment will strengthen those negotiations.

For the life of me, I cannot understand how any Senator could possibly vote against a proposal to factor the atrocities and the violations and all the rest of the activities of the Soviet Union into the consideration of whatever we are negotiating. If the Soviets will take steps to avoid there actions, then our confidence in the negotiations and in the product of the negotiations will be strenghened. This amendment is a confidence-building proposal.

The Senator from Illinois read a letter from the State Department. He did not say who wrote it. He certainly did not say that the President of the United States had read it, let alone signed it. I do not know who is talking. But I will say this: Part of the problem with respect to our relations with the Soviet Union has been the U.S. State Department over the years. They are the ones who gave us détente, for example. They are the ones who said, "Don't do anything; don't say anything," during the time the Soviets were building up their military capability so that they are a threat to the entire world.

The Senator said something to the effect that we must not have a confrontation. I do not understand what he is talking about. There is a confrontation, whether we like it or not. It is already in effect. The Soviet Union has said so. They have said, "We are going to shoot down another plane if you get in our air zone." They have said that the United States is to blame. At is already an East-West confrontation.

I would be interested in seeing how Senators explain to their constituents, when they get home, why they voted against any of these propositions.

Mr. SYMMS. Madam President, will the Senator yield?

Mr. HELMS. I yield.

Mr. SYMMS. Is it not true that there is now substantial evidence that the Soviets were in the process of violating the SALT II agreements by testing the PL-5, and they said they were going to shoot down the EC-135 because it might be able to detect their violation of the treaty?

Mr. HELMS. That is exactly right. I discussed that at length in my statement earlier today. The shooting down of the KAL 007 is a coverup for Soviet SALT violations.

I do not know what is going on in the Senate, when we say we must not do this, when we seem to stand back timidly and fearfully against taking a stand.

Mr. SYMMS. I thank the Senator.

I might also say that the Soviets are now headed by Mr. Andropov, who for the last 15 years was in charge of the KGB.

Mr. HELMS. The Senator is exactly right. We must not be surprised when a lifelong terrorist uses terror as an instrument of national policy.

Mr. SYMMS. So we are living in a dreamworld if we think we should not consider any of this evidence.

Mr. HELMS. I disagree with the Senator on one point: It is not a dreamworld; it is a nightmare world unless we face the reality I have been describing.

Madam President, how much time do I have remaining?

The PRESIDING OFFICER. Forty seconds.

Mr. HELMS. I yield it back. Let us vote.

Mr. MOYNIHAN. Madam President, before we vote, I should like to make a few remarks that would summarize some observations made this morning. I yield myself such time as may be necessary.

The PRESIDING OFFICER. From the resolution?

Mr. MOYNIHAN. From the resolution.

Madam President, this morning at 10 a.m., when we commenced this debate, I rose to state, first, that this resolution declares the Soviet Union to have committed a crime under international law.

I further stated that to the best of my knowledge no such charge has ever issued from this Chamber and that any dilution of the elemental charge would not enhance the power of the resolution; it would indeed diminish it and dilute it.

If we are to ask the Executive to act with force and range, we need only declare our judgment that a crime has been committed that, when the President signs, he concurs, and that it thereupon becomes the responsibility of the Executive to act, to execute.

Madam President, I also noted that this is a relatively new concept in international law. It only emerges as a doctrine agreed upon by major parties at the Nuremberg tribunals which followed the end of World War II and followed the adoption of the U.N. Charter.

However, it is law. Whitman's Digest of International Law gives the following definition, citing Quincy Wright and the American Journal of International Law. It defines crime under international law as follows:

> A crime against international law is an act committed with intent to violate a fundamental interest protected by international law or with knowledge that the act will probably violate such an interest and which may not be adequately punished by the exercise of the normal criminal jurisdiction of any state.

I went on to say that the Soviet Union clearly did violate a fundamental interest protected by international law. I cited the International Civil Aviation Convention and protocols thereto as listed in the international agreement of the United States enforced on January 1, 1983. The Soviet Union was one such nation.

I now wish to report to the Senate that the remarkable and industrious office of the Senate Historian in this very brief time has conducted a computer research of the records of the U.S. Senate which only go back 10 years, but it is to the best of their judgment that the U.S. Senate has never used the word "crime" in a charge against another nation.

This is a new and important event, if we could only get it into our heads. The Senate has never done it.

Madam President, I have to tell you I spoke to the American Law Division and the Foreign Affairs Division of the Congressional Research Service. That incomparable body was not able to report any previous action of this kind.

I regret to say, Madam President, that we called the legal adviser to the Secretary of State who, after all, should be better informed in such matters and more alert to them on a day that this resolution is in the Chamber but as usual, Madam President, the Office of Legal Adviser to the Secretary of State was out to lunch. The legal adviser himself was literally out to lunch. He had two assistants who might as well have been for all the help they could provide.

I wish the Secretary of State, for whom we have such admiration in this Chamber, to do that. If we are going to adopt the resolution without precedent in the history of this body, perhaps without precedent in the history of any democratic parliament, his legal advisers had better take note, because we are going to ask that the concrete proposals of the distinguished Senator from North Carolina not be included, in order that the Executive should have the opportunity to seek the widest range of retribution, reparation, and recompense, and if they would please answer the phone from time to time, else this action become derisory. It will not be, and the Secretary of State will see that it is not, but I hope he will take note.

So I sum up, and I hope it would be heard, the U.S. Senate has never in its history declared another nation to be guilty of a crime. In the heading of the resolution it refers to a joint resolution condemning Soviet criminal destruction of the Korean civil airliner. In the resolution clauses it says, No. 1, that the United States hereby condemns the Soviet crime of destroying Korean Air Lines flight 007.

We have an opportunity to make history here.

Finally, I remind us that the idea of crime under international law, the existence of crime for which individuals may be held accountable, arose at the Nuremberg tribunal and no nation so insisted on the proposition as did the Union of Soviet Socialist Republics, which we now find guilty of such a crime.

Madam President, the distinguished Senator from Hawaii wishes to have some time on the resolution.

Mr. MATSUNAGA. Madam President, I would appreciate the Senator yielding time.

Mr. MOYNIHAN. I yield 5 minutes.

Mr. MATSUNAGA. I thank the Senator from New York for yielding.

Madam President, I rise in support of the pending resolution. To begin with, Madam President, shooting down an unarmed passenger jet with 269 people aboard surely represents an enormous crime, not only against the Government and people of South Korea but against all civilized countries participating in international travel.

It all began as an incomprehensible act and it has become even more so with each passing day. Now the Soviets are engaged in air and sea maneuvers off the coast of Sakhalin in order to repulse efforts to obtain bodies from that massacre and whatever evidence there may be to shed additional light on the fate of KAL flight 007. The Soviet leaders seem bent on risking provocation with Japanese forces there, even as we speed a specialized vessel to the scene to seek the plane's black boxes.

For 2 weeks now, Madam President, the world community has watched the Soviet Government's struggle to come to grips with this great human tragedy in human terms. But while regret has been expressed over the loss of life, Soviet officials accept no blame, offer no official apology, and reject any suggestion of compensation to the families of the victims. For reasons the rest

of the world's people are unable to comprehend, the Soviet leaders are unable to deal with this event's aftermath, as can be expected of any civilized society. Now the world has gained fresh insight into the workings of the Soviet leaders' mindset: There can be no such thing as collective error on their part, only on the part of others outside their fold. Their attempts to justify their action in the face of worldwide condemnation are at once bewildering and illuminating. It makes me wonder, Madam President, whether the Soviet leaders subconsciously believe that to admit the concept of fallibility—even as a possibility—would bring down their entire edifice of Marxist belief.

To our minds it is irrational to suggest we would employ a civilian passenger plane—with women, children, even infants and citizens of many nations aboard—to gather military intelligence in such a clumsy fashion. To the Soviet leaders, however, it is the only explanation possible for what they surely must realize now was an egregious blunder in their long-term foreign policy aims.

Certainly this outrage has strengthened American resolve to protect our own interests, and those of our allies, in the Pacific and elsewhere in the free world.

But our anger over this provocation cannot deter us from the pursuit of arms control and an end to nuclear competition in the instruments of war, even though it does cast a pall over the prospects for success any time soon in these objectives.

In the longer view, the loss of KAL flight 007 should be especially enlightening to Third World countries as they evaluate two quite different value systems. An open society can accept the possibility of error—human and technical. A closed society can only accept the worst, the most conspiratorial view of the ordinary mishappenings of everyday life. That lesson should not be lost on unalined nations, Madam President. I urge my colleagues to support the pending resolution.

Madam President, so much has been said by so many, more eloquent than I, here in this Chamber, and I will make no attempt to repeat what has already been said I will conclude by directing my following remarks to the leaders of the Soviet Union. Like many Americans, including Members of the Congress, I love the Russian people. I am sure that among the Russian people themselves the feeling is mutual. I would therefore like to see their leaders redeem themselves in the eyes of the rest of the civilized world. The only way in which they are going to be able to do this is at the least to admit their grevious error, apologize for what they did, and offer just compensation to those who have suffered losses.

I strongly urge the Soviet leaders to take that step, that step which will redeem them in the eyes of the rest of the international community, so that they might effectively represent their people in dealing with leaders of other nations—hopefully toward a lasting world peace.

I thank the Senator from New York for yielding.

Mr. MOYNIHAN. Madam President, I wonder if I could not ask my friend that one of the purposes of law is to provide an alternative to violence in the resolution of disputes.

Mr. MATSUNAGA. That is definitely it.

Mr. MOYNIHAN. That is exactly what we are doing when we say this is criminal behavior, that there is a court we can go to and where the Soviet Union can acknowledge or be held accountable.

Mr. MATSUNAGA. I might add, with the permission of the Senator who controls the time, that we have to come to a point where we look to the conference table and to the courts of law as the ultimate places of solution of any international disputes, and to the point where we will not look beyond the conference table or the courts for any solution; and that means that the leaders of the world must adopt an attitude which will eliminate war and violence as alternatives to settlement of international disputes. Here is a case where the Soviets may show that they do believe in that basic concept of peace.

Mr. MOYNIHAN. And law.

Will the Senator not allow me to amend his remarks to say "the conference table or the judicial tribunal"?

Mr. MATSUNAGA. At the Senator's suggestion, I will be happy to so amend my remarks.

Mr. MOYNIHAN. Madam President, I yield the floor.

Mr. STENNIS. Madam President, will the Senator yield me 2 minutes?

Mr. MOYNIHAN. I am happy to yield to the distinguished Senator from Mississippi 2 minutes on the resolution.

Mr. STENNIS. I thank the Senator.

Madam President, the barbaric attack by a Soviet military aircraft on an unarmed, nonmilitary passenger aircraft during a time of peace is a reflection of the deadly temperment of our times. The preoccupation of wars and the unabated preparedness for war for the greater part of this century has ingrained deep feelings of insecurity in the world.

It is out of this environment of fear and distrust that military responses like the Soviet jet fighter attack on the South Korean commercial passenger airliner are triggered. Even though the South Korean nation is not at war with the Soviet Union, and indeed, no major power in the world has declared war on the Soviet Union, the rules of engagement for unidentified aircraft over Soviet territory called for methodically destroying a harmless jetliner speeding through the night toward its destination in Seoul, Korea. The result is the tragic loss of 269 international travelers who were on that flight.

The barbarism and inhumanity of this act was underscored by the lack of evidence of any concern by the Soviet Government for the men, women, and children who were passengers on this aircraft. To my knowledge, there is no evidence that the Soviet Government or any of the pilots involved ordered or engaged in a search and rescue effort to save the victims of this wanton act. This is a crime of the highest order by all international conventions in war or peace. It was deliberate; it was murderous; and it should be investigated and pursued in world courts.

It is my understanding that the South Korean Government, which does not have diplomatic relations with the Soviet Union, requested the United States to request for them that a search be joined. This request was made, but to no avail.

The stance of the Soviet Union in guarding its sovereign waters is carried to the most insensitive and ridiculous heights in their refusal to allow recovery of the dead in their waters. Search efforts have been confined to picking from international waters and the flotsam and jetsam washing up on the beaches of Japan. Clearly, the total disregard for civilized conventions should be brought before the international courts and forums.

A crime has been committed, and where a crime of this magnitude is thrust on our senses it is only human to hold in contempt those who would allow the execution of this act of violence. But these feelings of contempt, revulsion, and horror should not be allowed to cause even greater tensions. Our course must be within the law. The law must prevail. Our pursuit of this crime must be before the international courts of law. Clearly for the sake of mankind's future, one must be mindful of the need to reduce the government mindset that prompted a nation to act with force rather than law.

Madam President, this is a very grave matter and complicated facts, but our committee—and I commend each one of them for the very fine way in which they ferreted out this situation—has brought us a clean, clear-cut resolution for consideration to meet the situation with reference to essentially a statement, which is what, in substance, it is.

I respectfully submit that even though amendments alone have merit,

such as agriculture matters that are acute and we are all so interested in, they should not be offered now to divide the issues and run into really what is the passage of laws pertaining to economics and all on this horrible thing that happened.

We ought to speak as clearly as we can, it seems to me—one voice with the House of Representatives. I hope this matter can be passed this afternoon by an overwhelming vote and go to conference and soon be on the President's desk.

I thank the Senator for yielding.

Mr. MOYNIHAN. I thank the Senator from Mississippi.

Mr. WARNER. Will the distinguished Senator from New York yield me a minute or two?

Mr. MOYNIHAN. Madam President, I am happy to yield 2 minutes to the distinguished Senator from Virginia.

Mr. WARNER. Madam President, I wish to associate myself with the remarks made by my distinguished colleague from Mississippi. Senator STENNIS and I have served together on the Armed Services Committee for many years. His historical knowledge of important Senate positions dates back to 1946. His appeal to Senators regarding the importance of Congress expressing one voice on this critical, tragic international issue is most persuasive. Like Senator GOLDWATER, who will speak momentarily, I join my two colleagues in supporting the resolution offered by the distinguished leadership of the Senate. The President, speaking for America, is acting in unison with our allies and other nations of the free world.

I, too, believe that these amendments, indeed, have merit. But, at this time—and it may be one of the first times since the late President Eisenhower that the Congress of the United States has truly rallied behind a President in a strong bipartisan way on a major matter of foreign policy.

Perhaps my distinguished colleague from New York, who has a corporate memory on this subject, might make an observation.

Mr. MOYNIHAN. Madam President, I say to the Senator from Virginia that, to the best of my knowledge, he is precisely right. And that is precisely why it is important that he says what he does, as did the Senator from Mississippi, in my view.

Mr. WARNER. I thank my colleague.

Mr. MOYNIHAN. Madam President, I would like to congratulate Secretary of State George P. Shultz for the great service he has done, from the time it became known in Washington that flight KAL 007 had gone astray, in making known to the American people and the world information about this episode as it has become known by the American Government.

Precisely because he has been so forthright and so prompt in presenting this information as it has become available to him, I am concerned that there be abroad in the land a mistaken impression that the United States has been less than frank about revealing what it has known. Nothing of course could be further from the truth—which is that the United States has been entirely open and straightforward with respect to this incident. Everything about it was naturally not known immediately. As information has arrived, piece by piece, and been confirmed to the best of the Government's ability, Secretary Shultz and others in our Government have immediately made it available to the press and the public.

The world should be reminded of this very openness at such a critical time, because it is this openness that has, with such startling clarity, illustrated just how culpable the Soviets are in this episode.

In order that all the parts of this mosaic of information may be made available at one time—and precisely in order to demonstrate that the United States has made each bit of information available to the public—I would hope, and I do recommend, that the State Department publish as soon as possible a white paper setting forth every detail of this story, and explaining to the maximum extent consistant with national security, what we knew and when we knew it.

A white paper elaborating every detail would be an immeasurable aid to the Congress and the American people in appreciating not only the degree of culpability for which the Soviet Union should be held responsible in world forums, but simultaneously just how open and accountable the United States has been throughout.

I make that recommendation and would ask that any of my colleagues who might agree that a white paper would be a constructive thing to do would address such a proposal.

Mr. GOLDWATER. Will the Senator yield me a couple of minutes?

Mr. MOYNIHAN. Madam President, I am happy to yield 2 minutes to my distinguished friend, and more if he needs it.

Mr. GOLDWATER. Madam President, I am a cosponsor of the Huddleston amendment which will come up, which will be tabled. I am a cosponsor only for the reason that it is now the law of the land and if we can get our State Department and the President to exercise that law, it will be effective.

I am not overjoyed with this, but, after all, foreign policy is the business of our President. It is the only real joy he has. And when he has made up his mind and when he has spoken as he has spoken—and I think he has done a good job with it; maybe not everything all of us would want—I think we should support him because I believe, really, that the worst blow we can give the Soviet Union at this time is for both Houses of our Congress to support the President in the job that is his primary and major job in that office of President, to help originate our foreign policy. He is our Commander-in-Chief. That is a constitutional statement; it is not ours.

To prove my position, Madam President, I believe the War Powers Act is unconstitutional and I voted against it. But in this case, if we are forced on this floor to vote for the War Power Act or the President, I am going to support the President, even though I happen to believe he is wrong in having our troops in Lebanon.

But I asked my friend from New York to give me a few minutes just for the purpose of asking my colleagues in this body to remember that this is not our basic business. We can advise and consent, but that man sitting up there at 1600 Pennsylvania Avenue is the man that has to keep us out of war. He is the only man in this country that can send our troops to war. We cannot do it. And in this case, again, even though we are not probably universally overjoyed with what the House has done, it coincides with what the President has been doing and is doing and I intend to support what we are doing here.

Mr. MOYNIHAN. I say to my friend from Arizona, that was a moving and characteristic response. I hope the Senate will have heard him and will follow him in this matter. No one is more deserving of respect.

I yield 2 minutes to my friend, the Senator from Iowa.

Mr. JEPSEN. Madam President, ever since the contemptible downing of the Korean Air Lines 747, there have been calls for the United States to take specific actions in response to the Soviet action. There is no doubt in my mind that these suggestions have provided helpful direction to the President as he decides how to send a strong signal to the Soviet Union about the unacceptability of their actions.

As I look over the strong provisions in the amendment offered by my friend from North Carolina, Senator HELMS, I find that I am supportive of most of them. They are consistent with my policy of strong and vigorous responses to the challenge of the Soviet Union. However, I cannot vote for their inclusion in the resolution being offered by the Senate leadership.

The authors of Senate Joint Resolution 158 wisely restricted the language of the resolution to support of the actions of the President. Most importantly, the resolution leaves the prerogative to impose further sanctions in the executive branch where it belongs,

under the Constitution. For this reason, and no other, I support the House companion measure, House Joint Resolution 353, which is essentially the form in which it was originally introduced.

Mr. MOYNIHAN. Madam President, I congratulate the Senator from Iowa on a succinct and constitutionally important statement. We have declared our view of the act and ask that the President execute, in his best judgment, the policy decision made here.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BAKER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Madam President, may I inquire, after the division of the Helms amendment, the Senate is faced with seven votes. Is that correct?

The PRESIDING OFFICER. That is correct.

Mr. BAKER. Madam President, as the distinguished Senator from North Carolina knows, I feel obligated to table or attempt to table each of those divisions as if it were a tabling motion of the amendment as a whole. But rather than go through the procedure at each step, I would like to make this unanimous-consent request.

I ask unanimous consent that one motion to table may apply against each of the seven votes produced by the division.

I further ask unanimous consent that one show of seconds suffice to produce a rollcall vote on each motion.

I further ask unanimous consent that since there will be seven votes back to back, that the first vote be 15 minutes in length and that the subsequent votes be 10 minutes in length.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

MOTION TO TABLE

Mr. BAKER. Now, Madam President, I move to table each of the divisions within the Helms amendment as provided for in the unanimous-consent request just granted. I ask for the yeas and nays on the motion.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

VOTE ON MOTION TO TABLE DIVISION

The PRESIDING OFFICER. The question is on agreeing to the motion to table division 1. The yeas and nays have been ordered and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. STEVENS. I announce that the Senator from South Dakota (Mr. PRESSLER), is necessarily absent.

Mr. BYRD. I announce that the Senator from California (Mr. CRANSTON), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Louisiana (Mr. LONG), and the Senator from Massachusetts (Mr. TSONGAS), are necessarily absent.

The PRESIDING OFFICER (Mr. D'AMATO). Are there any other Senators in the Chamber wishing to vote?

The result was announced—yeas 70, nays 25, as follows:

[Rollcall Vote No. 245 Leg.]

YEAS—70

Abdnor	Goldwater	Murkowski
Andrews	Gorton	Nunn
Baker	Grassley	Packwood
Biden	Hart	Pell
Bingaman	Hatch	Percy
Boschwitz	Hatfield	Proxmire
Bumpers	Hawkins	Randolph
Burdick	Hecht	Riegle
Byrd	Heinz	Roth
Chafee	Inouye	Rudman
Cohen	Jepsen	Sarbanes
D'Amato	Johnston	Sasser
Danforth	Kassebaum	Simpson
Denton	Kennedy	Stafford
Dixon	Lautenberg	Stennis
Dole	Laxalt	Stevens
Domenici	Leahy	Thurmond
Durenberger	Lugar	Tower
Eagleton	Mathias	Trible
Evans	Matsunaga	Warner
Exon	Mattingly	Weicker
Ford	Melcher	Wilson
Garn	Metzenbaum	
Glenn	Moynihan	

NAYS—25

Armstrong	East	Nickles
Baucus	Heflin	Pryor
Bentsen	Helms	Quayle
Boren	Huddleston	Specter
Bradley	Humphrey	Symms
Chiles	Kasten	Wallop
Cochran	Levin	Zorinsky
DeConcini	McClure	
Dodd	Mitchell	

NOT VOTING—5

Cranston	Long	Tsongas
Hollings	Pressler	

So the motion to lay on the table division 1 was agreed to.

Mr. MOYNIHAN. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. BAKER. I move to lay that motion on the table.

The motion to lay on the table division 1 was agreed to.

VOTE ON MOTION TO TABLE DIVISION 2

The PRESIDING OFFICER. The question is on agreeing to the motion to table division 2. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. STEVENS. I announce that the Senator from South Dakota (Mr. PRESSLER), is necessarily absent.

Mr. BYRD. I announce that the Senator from California (Mr. CRANSTON), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Louisiana (Mr. LONG), and the Senator from Massachusetts (Mr. TSONGAS), are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber wishing to vote?

The result was announced—yeas 69, nays 26, as follows:

[Rollcall Vote No. 246 Leg.]

YEAS—69

Abdnor	Glenn	Nunn
Andrews	Goldwater	Packwood
Baker	Gorton	Pell
Baucus	Grassley	Percy
Bentsen	Hart	Proxmire
Bingaman	Hatfield	Quayle
Boren	Hecht	Riegle
Boschwitz	Heinz	Roth
Bumpers	Inouye	Rudman
Burdick	Jepsen	Sarbanes
Byrd	Johnston	Sasser
Chafee	Kassebaum	Simpson
Chiles	Kennedy	Stafford
Cohen	Lautenberg	Stennis
Danforth	Laxalt	Stevens
Denton	Leahy	Thurmond
Dixon	Lugar	Tower
Dodd	Mathias	Trible
Domenici	Matsunaga	Wallop
Durenberger	Melcher	Warner
Eagleton	Metzenbaum	Weicker
Evans	Moynihan	Wilson
Exon	Murkowski	Zorinsky

NAYS—26

Armstrong	Garn	Mattingly
Biden	Hatch	McClure
Bradley	Hawkins	Mitchell
Cochran	Heflin	Nickles
D'Amato	Helms	Pryor
DeConcini	Huddleston	Randolph
Dole	Humphrey	Specter
East	Kasten	Symms
Ford	Levin	

NOT VOTING—5

Cranston	Long	Tsongas
Hollings	Pressler	

So the motion to lay on the table division 2 was agreed to.

Mr. MOYNIHAN. Mr. President, I move to reconsider the vote by which the motion to lay on the table was agreed to.

Mr. PERCY. Mr. President, I move to lay that motion on the table.

The motion to lay on the table division 2 was agreed to.

VOTE ON MOTION TO TABLE DIVISION 3

The PRESIDING OFFICER. The question is on agreeing to the motion to table division 3. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. STEVENS. I announce that the Senator from South Dakota (Mr. PRESSLER) is necessarily absent.

Mr. BYRD. I announce that the Senator from California (Mr. CRANSTON), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Massachusetts (Mr. KENNEDY), and the Senator from Louisiana (Mr. LONG) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber wishing to record their votes?

Mr. MOYNIHAN. May we have the regular order, Mr. President?

The PRESIDING OFFICER. The clerk will tally the roll.

Is there any other Senator wishing to vote?

The result was announced—yeas 50, nays 45, as follows:

[Rollcall Vote No. 247 Leg.]

YEAS—50

Abdnor	Hart	Proxmire
Andrews	Hatfield	Quayle
Baker	Hecht	Randolph
Bingaman	Heinz	Roth
Boschwitz	Inouye	Rudman
Burdick	Jepsen	Sarbanes
Byrd	Kassebaum	Sasser
Chafee	Laxalt	Stafford
Danforth	Leahy	Stennis
Denton	Lugar	Stevens
Dole	Mathias	Thurmond
Domenici	Matsunaga	Tower
Durenberger	Moynihan	Trible
Eagleton	Nunn	Tsongas
Evans	Packwood	Warner
Goldwater	Pell	Weicker
Gorton	Percy	

NAYS—45

Armstrong	Exon	Mattingly
Baucus	Ford	McClure
Bentsen	Garn	Melcher
Biden	Glenn	Metzenbaum
Boren	Grassley	Mitchell
Bradley	Hatch	Murkowski
Bumpers	Hawkins	Nickles
Chiles	Heflin	Pryor
Cochran	Helms	Riegle
Cohen	Huddleston	Simpson
D'Amato	Humphrey	Specter
DeConcini	Johnston	Symms
Dixon	Kasten	Wallop
Dodd	Lautenberg	Wilson
East	Levin	Zorinsky

NOT VOTING—5

Cranston	Kennedy	Pressler
Hollings	Long	

So the motion to lay on the table division 3 was agreed to.

Mr. MOYNIHAN. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. PERCY. I move to lay that motion on the table.

The motion to lay on the table division 3 was agreed to.

VOTE ON MOTION TO TABLE DIVISION 4

The PRESIDING OFFICER. The question is on agreeing to the motion to lay on the table division 4. The yeas and nays have been ordered and the clerk will call the roll.

The bill clerk called the roll.

Mr. STEVENS. I announce that the Senator from South Dakota (Mr. PRESSLER,) is necessarily absent.

Mr. BYRD. I announce that the Senator from California (Mr. CRANSTON), the Senator from South Carolina (Mr. HOLLINGS) and the Senator from Louisiana (Mr. LONG) are necessarily absent.

The PRESIDING OFFICER (Mrs. KASSEBAUM). Are there any other senators in the Chamber wishing to vote?

The result was announced—yeas 82, nays 14, as follows:

[Rollcall Vote No. 248 Leg.]

YEAS—82

Abdnor	Biden	Bumpers
Andrews	Bingaman	Burdick
Baker	Boren	Byrd
Baucus	Boschwitz	Chafee
Bentsen	Bradley	Chiles
Cochran	Huddleston	Proxmire
Cohen	Inouye	Pryor
D'Amato	Jepsen	Quayle
Danforth	Johnston	Randolph
DeConcini	Kassebaum	Riegle
Denton	Kennedy	Roth
Dixon	Lautenberg	Rudman
Dodd	Leahy	Sarbanes
Domenici	Levin	Sasser
Durenberger	Lugar	Specter
Eagleton	Mathias	Stafford
Evans	Matsunaga	Stennis
Exon	Mattingly	Stevens
Ford	McClure	Thurmond
Glenn	Melcher	Tower
Goldwater	Metzenbaum	Trible
Gorton	Mitchell	Tsongas
Grassley	Moynihan	Wallop
Hart	Murkowski	Warner
Hatfield	Nunn	Weicker
Hawkins	Packwood	Wilson
Hecht	Pell	
Heinz	Percy	

NAYS—14

Armstrong	Heflin	Nickles
Dole	Helms	Simpson
East	Humphrey	Symms
Garn	Kasten	Zorinsky
Hatch	Laxalt	

NOT VOTING—4

Cranston	Long	
Hollings	Pressler	

So the motion to lay on the table divisons 4 was agreed to.

Mr. BAKER. Madam President, I move to reconsider the vote by which the motion to lay on the table was agreed to.

Mr. PERCY. Madam President, I move to lay that motion on the table.

The motion to lay on the table divisons 4 was agreed to.

VOTE ON MOTION TO TABLE DIVISION 5

The PRESIDING OFFICER. The question is on agreeing to the motion to lay on the table division 5. The yeas and nays have been ordered and the clerk will call the roll.

The legislative clerk called the roll.

Mr. STEVENS. I announce that the Senator from South Dakota (Mr. PRESSLER) is necessarily absent.

Mr. BYRD. I announce that the Senator from California (Mr. CRANSTON), the Senator from South Carolina (Mr. HOLLINGS) and the Senator from Louisiana (Mr. LONG) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber wishing to vote?

The result was announced—yeas 60, nays 36, as follows:

[Rollcall Vote No. 249 Leg.]

YEAS—60

Abdnor	Evans	Matsunaga
Andrews	Glenn	Metzenbaum
Baker	Goldwater	Moynihan
Biden	Gorton	Murkowski
Bingaman	Hart	Nunn
Boschwitz	Hatfield	Packwood
Burdick	Hecht	Pell
Byrd	Heinz	Percy
Chafee	Inouye	Proxmire
Cohen	Jepsen	Quayle
Danforth	Kassebaum	Randolph
Denton	Kennedy	Riegle
Dixon	Lautenberg	Roth
Dodd	Laxalt	Rudman
Domenici	Leahy	Sarbanes
Durenberger	Lugar	Sasser
Eagleton	Mathias	Stafford
Stennis	Tower	Wallop
Stevens	Trible	Warner
Thurmond	Tsongas	Weicker

NAYS—36

Armstrong	Exon	Levin
Baucus	Ford	Mattingly
Bentsen	Garn	McClure
Boren	Grassley	Melcher
Bradley	Hatch	Mitchell
Bumpers	Hawkins	Nickles
Chiles	Heflin	Pryor
Cochran	Helms	Simpson
D'Amato	Huddleston	Specter
DeConcini	Humphrey	Symms
Dole	Johnston	Wilson
East	Kasten	Zorinsky

NOT VOTING—4

Cranston	Long	
Hollings	Pressler	

So the motion to lay on the table division 5 was agreed to.

Mr. MOYNIHAN. I move to reconsider the vote by which the motion was agreed to.

Mr. CHAFEE. I move to lay that motion on the table.

The motion to lay on the table division 5 was agreed to.

VOTE ON MOTION TO TABLE DIVISION 6

The PRESIDING OFFICER. The question is on agreeing to the motion to lay on the table division 6. The yeas and nays have been ordered. The clerk will call the roll.

The bill clerk called the roll.

Mr. STEVENS. I announce that the Senator from South Dakota (Mr. PRESSLER) is necessarily absent.

Mr. BYRD. I announce that the Senator from California (Mr. CRANSTON), the Senator from Ohio (Mr. GLENN), the Senator from South Carolina (Mr. HOLLINGS) and the Senator from Louisiana (Mr. LONG) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber wishing to vote?

The result was announced—yeas 66, nays 29, as follows:

[Rollcall Vote No. 250 Leg.]

YEAS—66

Abdnor	Goldwater	Nunn
Andrews	Gorton	Packwood
Baker	Grassley	Pell
Bentsen	Hart	Percy
Biden	Hatfield	Proxmire
Bingaman	Hecht	Pryor
Boren	Heinz	Riegle
Boschwitz	Huddleston	Roth
Bumpers	Inouye	Rudman
Burdick	Jepsen	Sarbanes
Byrd	Kassebaum	Sasser
Chafee	Kennedy	Simpson
Cochran	Lautenberg	Stafford
Danforth	Laxalt	Stennis
Denton	Leahy	Stevens
Dixon	Lugar	Thurmond
Dodd	Mathias	Tower
Domenici	Matsunaga	Trible
Durenberger	McClure	Tsongas
Eagleton	Metzenbaum	Wallop
Evans	Moynihan	Warner
Exon	Nickles	Wilson

NAYS—29

Armstrong	DeConcini	Hawkins
Baucus	Dole	Heflin
Bradley	East	Helms
Chiles	Ford	Humphrey
Cohen	Garn	Johnston
D'Amato	Hatch	Kasten

Levin	Murkowski	Symms
Mattingly	Quayle	Weicker
Melcher	Randolph	Zorinsky
Mitchell	Specter	

NOT VOTING—5

Cranston	Hollings	Pressler
Glenn	Long	

So the motion to lay on the table division 6 was agreed to.

Mr. MOYNIHAN. Madam President, I move to reconsider the vote by which the motion was agreed to.

Mr. HEINZ. I move to lay that motion on the table.

The motion to lay on the table division 6 was agreed to.

VOTE ON MOTION TO TABLE DIVISION 7

The PRESIDING OFFICER. The question is on agreeing to the motion to table division 7. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. STEVENS. I announce that the Senator from South Dakota (Mr. PRESSLER) is necessarily absent.

Mr. BYRD. I announce that the Senator from California (Mr. CRANSTON), the Senator from Ohio (Mr. GLENN), the Senator from South Carolina (Mr. HOLLINGS) and the Senator from Louisiana (Mr. LONG) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 52, nays 43, as follows:

[Rollcall Vote No. 251 Leg.]

YEAS—52

Abdnor	Hart	Proxmire
Andrews	Hatfield	Riegle
Baker	Hecht	Roth
Bingaman	Huddleston	Rudman
Boschwitz	Inouye	Sarbanes
Burdick	Jepsen	Sasser
Byrd	Kassebaum	Simpson
Chafee	Kennedy	Stafford
Chiles	Laxalt	Stennis
Danforth	Lugar	Stevens
Denton	Mathias	Thurmond
Dole	Matsunaga	Tower
Domenici	Metzenbaum	Trible
Durenberger	Moynihan	Tsongas
Eagleton	Nunn	Wallop
Evans	Packwood	Warner
Goldwater	Pell	
Gorton	Percy	

NAYS—43

Armstrong	Ford	McClure
Baucus	Garn	Melcher
Bentsen	Grassley	Mitchell
Biden	Hatch	Murkowski
Boren	Hawkins	Nickles
Bradley	Heflin	Pryor
Bumpers	Heinz	Quayle
Cochran	Helms	Randolph
Cohen	Humphrey	Specter
D'Amato	Johnston	Symms
DeConcini	Kasten	Weicker
Dixon	Lautenberg	Wilson
Dodd	Leahy	Zorinsky
East	Levin	
Exon	Mattingly	

NOT VOTING—5

Cranston	Hollings	Pressler
Glenn	Long	

So the motion to lay on the table division 7 was agreed to.

Mr. MOYNIHAN. Madam President, I move to reconsider the vote by which the motion to lay on the table was agreed to.

Mr. BAKER. Madam President, I move to lay that motion on the table.

The motion to lay on the table division 7 was agreed to.

Mr. BYRD. Madam President, I ask unanimous consent that I may proceed for 2 minutes for the purpose of asking the distinguished majority leader a couple of questions.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Madam President, I ask the following questions of the majority leader:

Is it not true that the administration supports the tabling of all amendments to this resolution?

Mr. BAKER. Yes, Madam President, and as late as this afternoon just before this series of votes began, I reconfirmed that with the President's principal staff and, indeed, the notation on my advisory calendar here during the vote showed that the administration, the leadership on this side, and the jurisdictional committees, supported tabling in each instance.

Mr. BYRD. I thank the majority leader.

The next question is: Will the majority leader state at this time what the program is for the remainder of the day and the remainder of the week?

Mr. BAKER. Yes, Madam President. We will finish this resolution today, God willing, and I think we can, and I hope Members who did not feel absolutely required to offer their amendments would not do so because I know many Members have commitments they must keep and some have planes they have to catch.

Mr. BYRD. I will not offer mine.

Mr. BAKER. I thank the minority leader. I hope others will follow that example.

In that case, we might be able to finish this resolution by 5:30 p.m. or 6 p.m.

I would not expect to ask the Senate to do anything else today.

The Senate will be in session tomorrow. However, instead of the Interior appropriations bill, I would hope that we can go to the Export-Import Bank bill, which is S. 869. I think it is possible, although not yet fully determined, that we can get a time agreement on that measure, and I do not anticipate the necessity for a rollcall vote.

Then on Monday, if I may say so, I would expect the Senate to come in at noon or thereabouts and be on the Interior appropriations bill.

Mr. BYRD. I thank the majority leader.

Madam President, have the yeas and nays been ordered on final passage of this resolution?

The PRESIDING OFFICER. They have not.

Mr. BYRD. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. BAKER. Madam President, what is the question before the Senate?

The PRESIDING OFFICER. The question before the Senate is on an amendment being offered by the Senator from Kentucky.

Mr. BAKER. Madam President, may I inquire as to the time available to the Senator from Kentucky and the manager of the bill on the resolution under the order?

The PRESIDING OFFICER. Twenty minutes equally divided.

Mr. BAKER. I thank the Senator.

AMENDMENT NO. 2134

Mr. HUDDLESTON. Madam President, I have an amendment at the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Kentucky (Mr. HUDDLESTON), for himself and others, proposes an amendment numbered 2134:

At the end of the resolution, add the following:

"(9) declares its intent to reduce substantially the Soviet official presence within the United States in order to establish real equivalence with the official United States presence in the Soviet Union."

Mr. HUDDLESTON. Madam President, despite the fact there has been a trend developing here in the Senate relative to possible amendments to this resolution, I think it is important that we consider at least one more amendment.

I know the entire body here recognizes it is appropriate that the Senate of the United States and the Congress express their position relating to the horrendous act of the Soviet Union in shooting down an unarmed commercial airliner and destroying 269 innocent people who were aboard that airplane.

The President has proposed certain actions that will be taken that will express the revulsion of the American people for this kind of act.

I believe, however, we should do more than the President has suggested, as did the Senator from North Carolina, and the amendment that I offer is one that was originally included in some similarity in the amendment by the Senator from North Carolina, but which he altered and struck from his amendment due to the fact that we were offering one very similar.

This amendment is cosponsored by Senator GOLDWATER, the chairman of the Intelligence Committee of the

Senate, Senator LEAHY, Senator INOUYE, Senator EXON, Senator CHILES, Senator HELMS, Senator PRYOR, Senator WILSON, and myself and, perhaps, others of whom I have not been advised, requesting that their names be included.

This amendment would declare the intent of the United States to reduce substantially the official Soviet presence in the United States in order to establish a level of equivalence with the U.S. presence in the Soviet Union.

Madam President, this amendment really ought to be passed irrespective of what has happened with the Soviet action against the Korean airliner. But that gives an added impetus for taking this particular action.

In simpler terms, Mr. President, this amendment would reduce the total number of positions available to the Soviet Government for placement of trained intelligence officers in the United States. In other words, we would make their jobs more difficult, and we would do it in such a way as to preserve a general balance between our Nation's representation in Russia and their representation here.

Today, the total number of Soviet Government employees in the United States is about 1,000, while the number of U.S. Government employees in the Soviet Union is about 300.

Mr. SYMMS. Madam President, will the Senator yield for a unanimous-consent request?

Mr. HUDDLESTON. I yield.

Mr. SYMMS. I ask unanimous consent to be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HUDDLESTON. Madam President, to continue, more than half of the Soviet numbers in this country are attached to the U.N. Secretariat and the Soviet U.N. mission and these we cannot change under U.N. policies. However, the official presence, which includes Soviet employees of Aeroflot, Amtorg, the Soviet trade corporation, and other Soviet operations, as well as the diplomatic corps, leaves a disparity of more than 100 between our numbers and theirs.

The Federal Bureau of Investigation estimates that some 40 percent of the Soviet Government employees here are trained professional intelligence officers of the Soviet KGB and Soviet military intelligence—the GRU. Many other Soviet officials are used by the KGB and GRU to perform intelligence assignments.

The time has come to draw the line so that the Soviets can no longer take advantage of the imbalance that has existed for so long in this area.

This amendment gives us this opportunity, and I can think of no better vehicle than this resolution of condemnation of the Soviet Union for the Senate to express its will in this matter.

I would also like to address questions that might be raised about this amendment.

First, what is the intended meaning of the terms "official presence" and "equivalence?"

The amendment has been written in order to include employees of the Soviet Government who are assigned to the United States. It is not limited to accredited diplomats. However, it is not intended to include Soviet Government employees assigned to the United Nations, such as Soviet Government employees working at the U.N. Secretariat and the Soviet U.N. missions.

There is no question that some Soviets assigned to the United Nations are used by Soviet intelligence and include Soviet intelligence officers. In 1979 two Soviet employees at the United Nations without diplomatic immunity were caught redhanded in espionage and were tried, convicted, and sent to jail. They were later exchanged as part of an international arrangement. Despite the fact that Soviet intelligence uses the United Nations for espionage and other intelligence purposes, the diplomatic and political costs to the United States of attempting to reduce the Soviet official presence at the United Nations are probably not worth the gains. This means that the amendment will not affect the 518 Soviet officials currently assigned to the United Nations.

The term "official presence" does include more than just Soviet diplomats. For example, in New York City alone there are 41 Soviet Government employees assigned to the Amtorg Trading Corporation. Other Soviet commercial establishments in the United States employ about 24 Soviet nationals. Beyond that, here in Washington the Soviets have not only the Embassy itself and its compound on Chesapeake Bay, but also the Office of Trade Representative, Information Department, Military Office, Maritime Office, Agriculture Office, Office of Fisheries Affairs, and the Consular Office. There is also a separate Construction Office. Many of the Soviet Government employees in these offices are not accredited diplomats, but they deserve to be counted in determining the size of the Soviet official presence.

According to statistics as of August 1, 1983, there were 461 Soviet Government employees assigned to the United States, not counting those at the United Nations. This includes 16 Tass News Agency employees and 18 other correspondents. I believe it would not be necessary to count these Soviet Government employees in determining "equivalence" with the official U.S. presence in the Soviet Union. No doubt some of them are intelligence officers or agents; and I can assure you that no U.S. journalist in the Soviet Union is working for the CIA. Nevertheless, there are enough other positions to reduce elsewhere, without having to deal with the Soviet news media.

The terms "official presence" and "equivalence" give the United States the flexibility to address the most serious aspects of the imbalance. This requires including more than just accredited diplomats. However, it does not necessarily mean including everyone employed by the Soviet Government when there might be a risk of action, for example, against American journalists in the Soviet Union.

Based on the figures as of August 1, the action required by the amendment would reduce the number of Soviet Government employees permitted in the United States by about 100 in order to match the official U.S. presence in the Soviet Union.

The second question is what are the risks to the United States in terms of possible Soviet retaliation against U.S. officials in the Soviet Union?

There is no doubt that the action required by this amendment might result in some kind of response by the Soviet Union. However, the likelihood of that risk has been taken into account in drafting the language of the amendment. The amendment does not expell diplomats or require any other action directed at specific individuals. Instead, it reduces the permissible ceiling to a level equivalent to the official U.S. presence in the Soviet Union.

How can the Soviets object to action that simply enforces the normal and accepted principle of reciprocity? What grounds would they have to retaliate against a rule of equivalence?

Of course, we know that the Soviets do not need reasonable grounds to justify their conduct, but this amendment does not give them an excuse to retaliate.

Equally important, by including more than just accredited diplomats in the meaning of the term "official presence," the amendment makes it possible to lower the ceiling for Soviet positions by focusing on the Soviet commercial establishments. The United States has no office in the Soviet Union comparable to Amtorg, the Soviet commercial establishment in New York City. Therefore, the Soviets would not have a convenient target to go after if we insisted in reducing or eliminating the Amtorg office.

Overall, in the final analysis it is necessary to weigh the totality of the benefits and possible risks to the United States. Reducing the Soviet official presence in the United States is not a symbolic gesture, because the size of that presence creates direct and immediate dangers to the national security of the United States. Cutting back on the numbers will clearly inhibit the ability of Soviet intelligence to operate in this country. In my judg-

ment, that benefit itself outweighs the risks.

Madam President, I reserve the remainder of our time.

● Mr. PRYOR. Madam President, I would like to say a few words in support of the amendment by the Senator from Kentucky.

A recent series of articles by the New York Times described the nature and extent of present KGB activities in the Western democracies.

The Times referred to a U.S. Government report which concluded that the last 10 years of Western technology collection by the Soviet intelligence agencies have saved the Warsaw Pact countries "hundreds of millions of dollars" and "years in development time." The stolen Western technology aided the modernization of the pact's weapons industry, weapons performance, and the development of countermeasures to Western military capability.

The U.S. Government report went on to say that the manpower levels which Soviet intelligence agencies have allocated to this effort "have increased significantly since the 1970's to the point where there are now several thousand technology collection officers at work. These personnel, under various covers ranging from diplomats to journalists to trade officials, are assigned throughout the world."

Evidence indicates that among legal Soviet residents of Western nations, 30 to 40 percent are officers in the KGB or the GRU, the Soviet military intelligence organization.

For these reasons, I believe that the Senate has a duty to adopt the Huddleston amendment today.●

Mr. LEAHY. Madam President, will the Senator from Kentucky yield me a couple of minutes?

Mr. HUDDLESTON. I yield the Senator from Vermont 2 minutes.

Mr. LEAHY. Madam President, I join my distinguished colleague from Kentucky, Senator HUDDLESTON, in offering an amendment to declare the intent of the United States to reduce the official Soviet presence in this country to the approximate level of American Government employees in the Soviet Union. In calculating the number of Soviet officials in the United States, we would naturally exclude Soviet representation to the United Nations in New York.

Madam President, I support this measure as an effective, responsible protest against the brutal Soviet downing of Korean Air Lines flight 007, killing 269 innocent civilians. Equalizing the Soviet official presence in the United States with that of our country over there will not damage the ability of the two nuclear superpowers to maintain diplomatic contacts. In the nuclear age, we and the Soviets must continue to talk and to negotiate, above all in the area of arms control. I commend again President Reagan's refusal to delay the Geneva negotiations on strategic and intermediate range weapons. Nevertheless, let us show our revulsion and anger in deeds as well as word * * * as this amendment will do.

Let me review the statistics provided by the FBI on the Soviet presence in the United States. Setting aside the 518 Soviet officials accredited to the United Nations, there are some 454 other Soviet Government representatives living and working in the United States. That later figure includes TASS correspondents, who are employees of the Soviet Government. The FBI informs me that around 40 percent of all Soviet employees work for various intelligence arms of their government.

Madam President, I recently visited the Soviet Union in a delegation headed by the distinguished ranking minority member of the Foreign Relations Committee, Senator PELL. A central purpose of our trip was to do what we could to help the arms control situation. Hardly had we landed in the United States after this mission of good will than we learned of the terrible Korean Air Lines tragedy.

While in Moscow, I viewed firsthand the abysmal conditions under which our people must live and work. I witnessed the tight controls over the lives of American officials. We have only some 300 U.S. Government employees in the Soviet Union. There is, as I understand, no official numerical ceiling on our representatives, but there may as well be. Our people are jammed into overcrowded, dilapidated, appallingly inadequate quarters.

I visited with many of them last month in Moscow. We seem to make it very easy for the Soviet Union to have accommodations far more luxurious than their people would have in their own country, when they come here, but we do not see any kind of reciprocation. The United States does not get anywhere near as nice accommodations for its people. Even if we wanted to send more people, we could not until new facilities are available. As far as I could see, it will be years yet before our new chancery and living quarters will be completed. Meanwhile, the Soviets are quite comfortable in their new Embassy compound.

There is a disparity of some 150 between Soviet and American Government employees in each other's countries—again, excluding the enormous Soviet U.N. Mission in New York. A phased reduction of the Soviet official presence in the United States to approximately the number of American employees in the Soviet Union would not only be a strong signal of our outrage over the KAL incident, it would contribute to balance and equity between the two countries in the treatment of each other's representatives.

Madam President, there has been a good deal of criticism here today about our continued pursuit of arms control with the Soviet Union. Some have alluded to alleged Soviet violations of arms agreements and treaties. I regret this exploitation of the Korean Air Lines tragedy to attack the arms control process. Outrage over this callous act should not be used for such purposes. It sullies our expressions of grief and loss over the victims.

Frankly, I, too, am concerned about ambiguous and unexplained Soviet behavior regarding the unratified SALT II treaty and the ABM treaty. But, I refuse to allow the Korean airliner episode to deflect me from my determination to support mutual, verifiable arms agreements that strengthen American security and reduce the risk of war. When in the Soviet Union, I presented Chairman Yuri Andropov with a statement outlining my concerns about arms control compliance. I ask unanimous consent that a copy of my statement to Chairman Andropov appear at the end of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. LEAHY. Even though it should have no bearing, the Korean Air Lines incident does underline a fundamental reality I attempted to convey to Soviet leaders: Their lack of restraint can and will erode the political base of support for the arms control process in the United States unless they show a greater sensitivity to genuine American concerns about their behavior. Unless the Soviet Union can be made to understand how its actions affect American attitudes, I fear for the future of arms control. What a monumental tragedy it would be if, by ignoring basic norms of international behavior and by refusing to respond appropriately to legitimate American questions about compliance with arms control agreements, the Soviet Union were to destroy the broad support for arms control which now exists in this country.

Madam President, I urge my colleagues to join me in sending a clear message to the Soviet Union. We can do this by adopting this amendment to equalize official representation.

EXHIBIT 1

STATEMENT TO CHAIRMAN YURI ANDROPOV

(By Senator Patrick Leahy)

Mr. Chairman, I have come to Moscow for one overriding purpose: to underline my deep and growing concern that the arms control process is in jeopardy.

Perhaps you know that my colleagues and I are strong advocates of verifiable arms control between the United States and the Soviet Union. I supported the SALT II Treaty, and I earnestly hope the Geneva negotiations will soon lead to equitable agreements.

However, in all frankness, I must tell you that questionable Soviet activity regarding

existing formal and informal arms agreements is causing me increasing concern. Although there are important issues relating to the possible use of chemical weapons in Afghanistan and Southeast Asia, my main concerns at this meeting are about the unratified SALT II Treaty which both sides say they will observe, and the Anti Ballistic Missile Treaty.

I am worried by reports that the Soviet Union is testing two new intercontinental ballistic missiles, when the SALT II Treaty permits only one. Perhaps even more worrisome for the future of verifiable arms control is the level of encryption of telemetry from Soviet strategic missile tests. Access to telemetry is necessary to verify compliance with important provisions of SALT II, as well as any future treaty with qualitative limitations. Recently, there have also been press reports of the construction in the Soviet Union of a large phased array radar in a location which could be inconsistent with the ABM Treaty.

Mr. Chairman, I do not wish to debate these matters. My intention is to explain to you the widening distress among all members of the United States Senate, Republican and Democrat, regarding your country's activities. Arms control supporters like myself can't defend the arms control process when Soviet behavior raises legitimate questions which remain unanswered.

Not only may the political basis for American observance of SALT II thus be weakened, a climate is being created which will make Senate approval of any future arms agreement much more difficult. For the United States to ratify any treaty, two-thirds of the 100 senators must agree. Whether they do or not will depend mainly on the past Soviet arms control record.

There may be valid explanations for all these activities. As one who firmly believes mutual, verifiable arms reductions and limitations are good for both our countries, I urge you to resolve our concerns. This would immeasurably strengthen those in the United States who are convinced that arms control can reduce the terrible threat to our peoples of a nuclear catastrophe.

Mr. GOLDWATER. Madam President, will the Senator yield me a couple of minutes?

Mr. HUDDLESTON. I yield 2 minutes to the Senator from Arizona.

Mr. GOLDWATER. I became a cosponsor of this amendment because either last year or the year before we held hearings before the Intelligence Committee on this very subject, and what the amendment states is already the law.

I then conferred with the President and told him he had this weapon he can use with any country, the equivalency of diplomatic representation, and I do not think anybody can give us an accurate figure of how many Soviets are working in this country against our country. But we do have slightly in excess of 200 in the whole of Russia, and eyeball-to-eyeball intelligence just exists over there.

So this is already the law, and I would just like to impress once again on the President that he has this power if he wants to use it, if he can get the timid State Department to do something about it.

I yield the floor.

Mr. McCLURE. Madam President, will the Senator from Kentucky yield for a unanimous-consent request?

Mr. HUDDLESTON. Yes, I will yield.

Madam President, how much time remains?

The PRESIDING OFFICER. The Senator has 3 minutes.

Mr. McCLURE. Madam President, I ask unanimous consent that I be added as a cosponsor to the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ARMSTRONG. Madam President, I make the same unanimous-consent request.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NICKLES. Madam President, I make the same request.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BOREN. Madam President, I ask unanimous consent that I be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Who yields time?

Mr. FORD. Madam President, I ask unanimous consent that I be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MOYNIHAN. Madam President, if the Senator from Kentucky for the moment will reserve the remainder of his time I make three points: The overriding one is that the administration has asked us to send the President this measure declaring the action of the Soviet Union to be a crime so that he may sign it today; that in 2 days there will be a unanimous action by the House, the Senate, and the President in conformity.

For the first time in the history of the Senate, we will have declared the behavior of another government to be a crime. No stronger action could be contemplated. To dilute it with matters extraneous to that central assertion seems to those of us who have been voting to keep the House resolution intact and not to go to conference, to be the wise move.

The second point I would make, Madam President, is that the Senator from Arizona, the distinguished chairman of the Intelligence Committee, is altogether correct. The Foreign Missions Act of 1982 gives the President not just the power that he has to demand parity, but instructs him to demand parity and require it and obtain it if necessary by refusing the admission of foreign diplomats where there is not parity.

What we need is more American diplomats in the Soviet Union. And this would work directly contrary to that objective and policy, or should be policy.

Third, Madam President, I hope we would not get to use this occasion for minimal concerns. We are talking about a crime. We are not talking about the accreditation of vice counsels.

There are crimes going on right now. Six years ago in this body I introduced legislation, and have done so in every Congress, that asks the Government of the United States to force the Soviet Embassy, soon to be on Mount Alto, the highest site in the District, to stop intercepting phone calls of American citizens, including Members of this body—a crime if an American does it. It is something the Soviets do here, in New York, in San Francisco, and in Chicago, about which we do nothing. And this body, filled with brave souls in these matters, has not chosen to do a thing about that. It seems to me rather more relevant than the number of press attachés and KGB agents.

The distinguished chairman says there is not much eyeballing in the U.S.S.R. He does indeed know that the principal source of intelligence in the Soviet Union is the budget of the United States of America and the CONGRESSIONAL RECORD. They can have that mailed to Toronto if they really got down to it.

But, without in anyway wishing to demean the purposes of this—I know the Senator from Kentucky is as frustrated, as all of us have been after our hearings on the Intelligence Committee, that the State Department has not done what it can do and which the law directs them to do—I would, even so, suggest that this is an inappropriate vehicle, given the urgency of getting this matter to the President's desk tonight. Therefore, reluctantly, because the Senator from Kentucky knows the regard with which I hold him and the Senator from Arizona knows the fear in which I hold him, when the Senator from Kentucky has completed his time, I shall move to table the resolution.

(Mr. COHEN assumed the chair.)

Mr. MATSUNAGA. Will the Senator from New York yield?

Mr. MOYNIHAN. May I ask, Mr. President, how much time I have remaining?

The PRESIDING OFFICER. The Senator has 5 minutes remaining.

Mr. MOYNIHAN. I am happy to yield to the Senator from Hawaii.

Mr. MATSUNAGA. For the reasons so eloquently stated by the Senator from New York, I would urge the Senator from Kentucky to seriously consider withdrawing his amendment so that we can promptly act upon the resolution and send it to the President for his signature, as he had hoped, tonight. And I will make this assurance to the Senator from Kentucky: that

the next time he offers his proposal, I will be a cosponsor of it.

Mr. HUDDLESTON. If the Senator will yield to me for a minute, I will tell him that I will give him that opportunity. Because if the fate of this amendment is what has been the fate of the others, I do intend to offer it as a subsequent resolution.

However, in view of the arguments made by the Senator from New York, which support this amendment so strongly, that it is necessary, I must say that I agree with him. I think we ought to do something about the Soviet intelligence presence in this country. I would like to close the San Francisco Consulate, and I originally had it in this amendment, but I thought we ought to try to be a little more moderate at this time.

There is tremendous imbalance here. And our poor old FBI that has to look out for all these folks would like very much to see a reduction in their presence here. The CIA is another matter. They look at it from a different standpoint.

But, at any rate, I think it is well to go ahead and consider this and give the Senate an opportunity to vote. This would add I think some more substance to the resolution. The President would have no reason to really oppose this. As the Senator from New York says, it is what should be done anyhow.

Before the Senator makes the motion, I wanted to make sure, for those who indicated they wanted to be cosponors, that their names were received at the desk. Let me remind you, Mr. President, that Senators ARMSTRONG, MCCLURE, HAWKINS, BOREN, JOHNSTON, COHEN and FORD, in addition to those already listed, have indicated their desire to be cosponsors.

As far as I know, no one else is seeking time on this.

Mr. CHILES. Will the Senator yield?

Mr. HUDDLESTON. I yield the time I have remaining to the Senator from Florida.

Mr. CHILES. Mr. President, I just wanted to complement the Senator on offering of this amendment. It seems to me this is a very legitimate way in which we can respond. I think it is responsible.

It seems to me that we do a disservice if we do not very strongly express to the Russians the commitment of our feelings and how deep those feelings are on the subject. We have talked in many ways about the need to try to get our allies to go along with us. And I think that is true; I think we need to do that.

I think, again, we want to keep our hands off of the arms talks and try to allow those to progress. I think we want to be careful that we do not take some steps that are irresponsible.

It seems to me what the Senator from Kentucky is reaching in his amendment is a very responsible way.

Mr. NUNN. Will the Senator from New York yield me 30 seconds?

Mr. MOYNIHAN. I am happy to do so.

Mr. NUNN. Mr. President, I ask the majority leader and the manager of the bill on the minority side what their forecast is for final passage. The reason I ask is that Senator MATTINGLY and I are on the horns of a very unpleasant dilemma, because we both would like to vote for final passage and vote for this very severe condemnation of the Soviet's behavior but, on the other hand, there is a memorial service for Congressman McDonald, who, of course, was one of the victims of this tragedy. The memorial service is in our home State of Georgia and we must depart on an airplane in order to make that.

I would just like to get some feel so we can make a judgment about how we handle this impossible choice.

Mr. BAKER. Mr. President, if the Senator will permit me to reply, I am sympathetic in the extreme. The junior Senator from Georgia also mentioned this to me. I cannot think of a more difficult conflict; that is to say, a memorial service for Congressman McDonald, on the one hand, and final passage of this resolution of condemnation, on the other.

I wish I could offer some advice on how to proceed. I cannot.

All I can say is that I hope that we will get to final passage on this measure within the next 45 minutes. There are several other amendments, but I begin to get the feeling that there may not be other rollcalls, except final passage, with the exception of the Huddleston amendment.

Mr. NUNN. If there is going to be any kind of delay for any reason to accommodate other Senators on final passage, I hope both sides of the aisle would consider starting the vote at the earliest possible time on final passage so that Senator MATTINGLY and I could record our strong feelings on this subject.

Mr. BAKER. Mr. President, I assure the Senator I will make every effort to do that.

Mr. MOYNIHAN. Mr. President, I yield back the remainder of my time.

Mr. HUDDLESTON. Mr. President, I yield back the remainder of my time.

Mr. BAKER. Mr. President, I move to table the amendment and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to lay on the table the amendment of the Senator from Kentucky. The yeas and nays have been ordered and the clerk will call the roll.

The legislative clerk called the roll.

Mr. STEVENS. I announce that the Senator from Nevada (Mr. LAXALT) and the Senator from South Dakota (Mr. PRESSLER) are necessarily absent.

Mr. BYRD. I announce that the Senator from California (Mr. CRANSTON), the Senator from Ohio (Mr. GLENN), the Senator from South Carolina (Mr. HOLLINGS), and the Senator from Louisiana (Mr. LONG) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber wishing to vote?

The result was announced—yeas 49, nays 45, as follows:

[Rollcall Vote No. 252 Leg.]

YEAS—49

Abdnor	Goldwater	Percy
Andrews	Gorton	Proxmire
Baker	Grassley	Quayle
Biden	Hart	Rudman
Boschwitz	Hatch	Sarbanes
Burdick	Hatfield	Simpson
Byrd	Hecht	Stafford
Chafee	Heinz	Stennis
Danforth	Jepsen	Stevens
Denton	Kassebaum	Thurmond
Dixon	Lugar	Tower
Dole	Mathias	Trible
Domenici	Matsunaga	Tsongas
Durenberger	Moynihan	Warner
Eagleton	Murkowski	Weicker
Evans	Nunn	
Garn	Pell	

NAYS—45

Armstrong	Ford	Melcher
Baucus	Hawkins	Metzenbaum
Bentsen	Heflin	Mitchell
Bingaman	Helms	Nickles
Boren	Huddleston	Packwood
Bradley	Humphrey	Pryor
Bumpers	Inouye	Randolph
Chiles	Johnston	Riegle
Cochran	Kasten	Roth
Cohen	Kennedy	Sasser
D'Amato	Lautenberg	Specter
DeConcini	Leahy	Symms
Dodd	Levin	Wallop
East	Mattingly	Wilson
Exon	McClure	Zorinsky

NOT VOTING—6

Cranston	Hollings	Long
Glenn	Laxalt	Pressler

So the motion to lay on the table amendment No. 2134 was agreed to.

Mr. MOYNIHAN. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. BAKER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Who yields time?

Mr. MOYNIHAN. Mr. President, I yield to the Senator from Montana.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. BAUCUS. Mr. President, I support the resolution. I join my colleagues in speaking out against the Soviet Union's outrageous act of callous brutality.

The circumstances surrounding the shooting down of Korean Air Lines flight 007 are not totally clear.

But we do know that 269 people are dead.

We do know that when the Soviet Union was confronted with the dilemma of choosing between protecting itself against violation of its national boundaries and protecting against the likely loss of innocent life, it chose boundaries over people.

We do know that if it were not for the spontaneous outpouring or outrage from around the globe, the Soviet Union would not even have admitted its involvement in the incident.

There facts are incontrovertible, and these facts are a sufficient basis upon which to hold the Soviet Union accountable for their basic disrespect for the sanctity of human life.

The President of the United States is totally justified in condemning the Soviet Union and demanding that they apologize and make complete reparations.

But we should not stop there. We must continue to find additonal appropriate responses, such as reducing the number of Soviet personnel in the United States.

Also, we must continue pressuring other countries of the world to impose similar sanctions on the Soviet Union.

Some have suggested imposing another grain embargo. I do not believe this is a wise response. The lesson from recent history is that past embargoes have been ineffective and have victimized the American farmer rather than the Soviet Union.

I applaud the President's commitment to continue to pursue arms control agreements even in the face of these recent developments.

The airline incident is particularly distressing coming at a time when the entire world is waiting for the United States and the Soviet Union to engage in meaningful arms control negotiations.

If the Soviet Union has to resolve a border violation by annihilating a commerical airliner and the 269 people on it, what does that say about the prospects for arms control?

I am not sure.

But I think that we do owe it to ourselves and to the rest of the world to continue to pursue arms control regardless of our abhorrence of the Soviet Union's conduct in this matter.

Mr. President, in conclusion, the people of this country are rightfully outraged. Our response must be tough and unrelenting. We must do everything within our power to make sure the Soviet Union continues to feel that outrage.

I urge the world community to join us in condemning the Soviets and imposing tough sanctions on them.

We must let the Soviet Union know that the world community will not forget their cruel and inhumane act of international terrorism.

Mr. BAKER. Mr. President, might I inquire now of the managers of the bill on both sides how many more rollcalls we anticipate? I have heard from a number of Senators that they intend to offer amendments and withdraw them. I have heard others, at least one, who says he does not plan to offer his amendment as it is listed and that he might not offer it at all. so if we could have some sort of appraisal now of the situation, I would yield first to the distinguished minority manager.

Mr. MOYNIHAN. Mr. President, I am not the manager. I am the designee. It is my understanding that no rollcalls will be requested on this side and that perhaps no amendments will be introduced.

Mr. BAKER. I thank the Senator.

Mr. President, may I inquire on this side if there are amendments that will be offered? The Senator from Kansas.

Mr. DOLE. I will offer the amendment, discuss it briefly and withdraw it.

Mr. BAKER. I thank the Senator. Other Senators on this side?

Mr. PERCY. Mr. Leader, Senator HAWKINS is not on the floor, but she will withdraw only subject to the condition that hearings are held on the subject that she will raise. I will commit to her that hearings will be held.

Mr. BAKER. I thank the Senator.

Mr. President, we can finish this bill pretty fast, and let me urge Senators to get on with the business at hand and if possible submit their statements for or against the amendments that are offered.

The PRESIDING OFFICER. Who yields time?

Mr. MOYNIHAN. Mr. President, I yield to the Senator from Massachusetts.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. TSONGAS. Mr. President, I believe that the example that merits commendation is the action taken by the International Federation of Airplane Pilots Associations. It had been my intent to introduce an amendment which would recognize their initiative to boycott flights to the Soviet Union for 60 days. Inasmuch as this would simply delay consideration and force this resolution back to the House, I will not introduce the amendment. But I simply want to go on record in favor of the act of courage and unity which I think should be an example for other entities, particularly Western governments and Europe.

I thank the Senator from New York for yielding.

Mr. MOYNIHAN. I thank the distinguished Senator from Massachusetts.

I yield to the Senator from Michigan.

Mr. LEVIN. Mr. President, when the Soviet Union shot down a Korean airliner and condemned 269 innocent men, women, and children to death, the world was angered—but it should not have been shocked. The Soviets have too often been willing to use force to achieve their ends. The history of suppression in Poland, Hungary, and Czechoslovakia along with the continuing tragedies in Eastern Europe and Afghanistan surely demonstrate that beyond any reasonable doubt.

The resolution we are considering here today is a response to the almost inconceivable action taken by the Soviets. Our response has been understandably full of angry words and statements. But, Mr. President, it is not full of substance. It lacks concrete and specific action designed to punish the Soviets and deter repetition. I fear we will make rhetorical gestures designed to allow us to discharge our anger and then return to business as usual.

But a return to business as usual is precisely what we ought not be doing. The worldwide revulsion has given us an opportunity which I am afraid this resolution, as currently constituted, passes by.

It is for that reason, Mr. President, that I intended to offer an amendment.

My amendment would have provided direction to the President. It calls for the imposition of broad based trade and economic sanctions against the Soviet Union. In discussing this approach with my colleagues and my constituents, I sense a good deal of emotional support for the concept behind the amendment but a good deal of doubt about just how effective such sanctions would be. For instance, we are repeatedly told that President Carter's grain embargo—our response to the Soviet invasion of Afghanistan—was ineffective. The Soviets simply bought grain from other countries. In addition, American farmers, denied access to the Soviet markets, suffered some loss of income. What was designed to hurt the Soviets, we are told, ended up hurting our own country.

The evidence to support those claims, Mr. President, is not totally persuasive. There are some signs which suggest that the Soviets were hurt by the embargo and there are some ways which can prevent our people from paying the kind of price they did in 1979. Let me explain.

First, in terms of the Soviets: While people argue that the Soviets were simply able to buy the grain they wanted from other countries, that clearly is not the perception of the Soviets themselves. Their eagerness to sign a new agreement with our Government, their desire to have that

agreement contain an absolute ban on any future embargo, their fear that future American cut-offs would require them to pay higher prices for the produce they need point to the fact that they did not get through the embargo of 1979 painlessly and they do not look forward to having a new one placed on them.

Second, I do not doubt that some of our farmers suffered some loss of income as a result of the embargo. However, I do not believe it was the single explanation for the problems they experienced, nor do I believe that it hurt all farmers equally. But clearly it had some impact on us, not just on the Soviets. That impact, though, can be reduced. The Government of the United States can act through existing mechanisms to cushion the loss of income and we must devise new programs to compensate the farmers for their loss. But, to be honest, it as not just the loss of income that bothered our farmers; rather I think that it was unfair that they were the only segment of our society being asked to make a sacrifice.

No other sector of our society was asked to make the kind of sacrifice the farmers did. While grain was not being sold to the Soviets, technology was. While wheat was not being shipped, heavy duty trucks were. Farmers saw that and legitimately asked: "Why just us? Why isn't everyone being asked to help carry this burden?" And they got no answer.

My amendment would constitute an answer. It calls for broad, across the board trade and economic sanctions. It addresses itself to the totality of our economic and trade relationships with the Soviet Union. It does not single out any group and ask them to make a sacrifice which will go unmatched by others. Instead, it calls on all Americans to act together, to sacrifice together, to express their anger together.

And that, Mr. President, is to a significant degree, precisely what motivates this amendment. Part of my interest is in responding appropriately to the Soviet terror—and I do not think that mere words are appropriate. But another part of my interest is in finding a way to allow the American people to unite behind some meaningful action. An old adage suggests that if you do not pay the price, then the product is not worth it; the value of what you get is determined by the price you pay. And to a certain extent that folk wisdom is correct. If we are not willing to pay a price to express our outrage and anger at this wanton act—then our outrage and anger just is not as real as it should be.

Yes, trade confers benefits on both parties. But we should be willing to give up the benefit to us in order to deny the benefit to the Soviets.

Mr. President, this amendment would not tie the President's hands. It gives him a sense of direction; it gives him a realistic sense of the anger the American people feel. In addition, this amendment does not jeoprardize those areas of continuing negotiation—the START and INF talks, for example—which directly bear on the security of the United States and the survival of the world. The hardest lesson we may have to learn from this tragedy is that reality requires us to continue to deal with the Soviets on such issues as nuclear arms reduction. Indeed, it is probably more important than ever that we do so.

But morality dictates that we not maintain normal trade relations with the Soviet Union.

Given the votes to table all amendments, including two which related to trade, I believe the issue has been in effect, debated and voted on, and it is sadly clear that the majority of us do not wish to restrict normal trade relations with the Soviet Union, and I will, therefore, not offer my amendment.

Mr. MOYNIHAN. Mr. President, I yield to the Senator from Arkansas.

Mr. PRYOR. Mr. President, in the past 2 weeks we have witnessed a universal expression of revulsion over the downing of an unarmed passenger plane by the Soviet Union. Words like murderous, barbaric, inhuman, repulsive, and uncivilized describe that action, and yet these words hardly seem strong enough to express our feelings about this tragic loss of innocent life.

Now that we have had an opportunity to express our outrage and investigate the circumstances surrounding the incident, I believe it is time to evaluate the lessons this tragedy has taught us about the Soviet character and policies.

There are many countries around the world, particularly less-developed countries, which, for some reason, are attracted to the Soviet sphere. Perhaps it is the specious philosophy of the redistribution of wealth that is appealing; perhaps Soviet propaganda has been successful in convincing the have-nots that the U.S.S.R. is on the side of the underdog. Whatever the reason, the Soviets have been alarmingly successful in attracting the allegiance of many Third World nations.

The Korean Air Lines tragedy has had a greater impact, in human terms, than a thousand speeches on Afghanistan, Poland, Czechoslovakia, internal repression, and human rights. We need to take this opportunity, while world attention is focused on this barbaric incident, to spotlight the extent and methods of Soviet repression, which may not be immediately obvious to all observers.

To put it quite simply: The Soviets are not like us. They do not play by the accepted rules of civilized behavior. I am referring here to the Soviet leadership. The Soviet people may have the same hopes and fears and needs as the rest of the world, but that does not matter because in the Communist system the people have no voice. Only active Communist Party members count, and only a select few have a say in policy decisions.

CLOSED SOCIETY

While the story of the KAL crash was breaking all around the world, Soviet citizens, as usual, were told only what their leaders wanted them to hear. It is hard for us to realize just how completely the Soviet Government controls the flow of information within the U.S.S.R. We in the United States are blessed with a uniquely free press and the freedom of thought that accompanies it. The Soviet system has destroyed free speech, free thought, most other personal freedoms—including religion—and the political freedom to choose their leaders and direct national policies. As Soviet leaders are not accountable to their own people, they evidently feel no accountability to the rest of the world.

One of the most fascinating pieces of information to come out of new accounts was that the standard radio channel for emergency airline communications is denied to Soviet pilots for fear that they will use it to defect.

THE BIG LIE

It is ironic that this incident took place late in 1983, for in his book "1984," George Orwell described the big-lie technique used by totalitarian governments. The Nazis used it, and now the Soviets have given us a textbook example of the big-lie technique, which may be effective with the captive Soviet audience but which must be exposed and refuted by the United States at every opportunity. For example:

The Soviet Government has claimed that the KAL plane was on a spy mission for the United States and its allies. That is a lie. Our intelligence satellites can gather any information we need, and a nighttime flight by a Korean plane would not add any useful information to our intelligence files.

The Soviet Government claimed that the aircraft was flying without lights, but on intercepted transmissions the Soviet pilot reported that the KAL strobes and other lights were on.

The Soviets tried to use the earlier flight of a U.S. reconnaisance plane as a red herring in its explanation of its action, but records show that the U.S. aircraft was already on the ground in Alaska when the Korean plane was destroyed and could not have been confused with that 747.

MILITARY MINDSET

The Soviet overreaction to the Korean flight confirms the excessive

paranoia of the U.S.S.R. where its security is concerned and provides a striking lesson to all nations of the world, but especially to neighboring countries, many of which have already felt the effects of Soviet military strength. It also raises questions about the likelihood of future incidents involving commercial airline flights, shipping, and fishing.

The world should also know, if it does not already, that security concerns have taken a toll on Soviet citizens like Andrei Sakharov and others who wish to emigrate. We should also be quick to point out that the Soviet military buildup has come at the expense of the economic well-being of its own citizens, since scare economic resources have been diverted to the war sector of the economy rather than to the production of food and other necessities.

NO REMORSE

Most alarming of all, the Soviets have shown absolutely no remorse over the Korean Air Lines incident. On the contrary, they have defiantly stated that the action by the Soviet pilot was proper and that the Soviet command would not hesitate to order similar action in the future if necessary.

This incident was no fluke. It was a deliberate, cold-blooded decision.

The Soviets have offered no apology and have only grudgingly given us a highly fanciful explanation of the tragedy.

The Soviets have stonewalled the world in public, and Foreign Minister Gromyko's private discussions with Secretary Shultz have been just as unsatisfactory. The Soviet Government has even dismissed modest efforts to establish better guidelines for use of international airspace and, amazingly, has refused to permit efforts to recover the bodies of the victims.

The Soviet record over the past 65 years is very clear: In the Communist scheme of things little value is placed on either the quality or sanctity of human life. The Soviets showed no scruples about destroying 269 innocent civilians over a highly questionable matter of military security, and they will not hesitate to destroy other lives or other nations as they seek to extend their domination in other parts of the globe.

Our policies should be guided by this perspective, and we should continue to remind the people of other nations about Soviet intentions, practices, and mentality.

U.S. RESPONSE

Many differing views have been expressed here today about how we should retaliate against the Soviets. I believe that our reponse to this murderous event should be guided by three general principles:

One. We must find the whole truth surrounding the incident and see that the truth gets to the rest of the world, using the United Nations, other international organizations, our international broadcasting programs, and any other means to expose the Soviets for what they are.

Two. We should encourage other nations to respond to the Soviet action and make it clear that this is not a U.S.-U.S.S.R. grudge match.

Three. Finally, we must keep the pressure on the Soviets to accept the responsibility for their actions. That includes an apology, restitution to the families of the victims, and cooperation with other nations to prevent such tragedies in the future.

I am not suggesting that we suspend all relations with the Soviet Union. I do maintain, however, that it is vital that we know just who and what we are dealing with and that our policies reflect that awareness.

The PRESIDING OFFICER. Who yields time?

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The Senator from Kansas.

AMENDMENT NO. 2137

(Purpose: To urge the President to negotiate with U.S. allies to reduce the credits available to the Soviet Union)

Mr. DOLE. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The bill clerk read as follows:

The Senator from Kansas (Mr. DOLE) proposes an amendment numbered 2137:

At the end of the submitted text, add the following: "And be it further resolved that the Senate and the House of Representatives in Congress assembled urge the President of the United States to seek agreement with major creditors of the Soviet Union on a systematic and substantial reduction in credits and guarantees extended to the Soviet Union."

Mr. DOLE. Mr. President, the Senator from Kansas joins the rest of the civilized world in condemning the Soviet attack on an unarmed civilian airliner which killed 269 men, women, and children. As we read the reports of relatives who travel to the Sea of Japan in one final effort to be close to their loved ones on the ill-fated Korean airliner, the real cost of the Soviet Union's barbaric paranoia becomes apparent.

But from our sorrow at this totally senseless loss of life we must derive new resolve not only to punish the Soviet Union but also to find effective ways of limiting their ability and propensity to disregard the norms of civilized behavior between nations.

In seeking effective instruments to carry out this new resolve, we must avoid using economic weapons which inflict as much damage on our economy as on the Soviet Union. I commend the President for not imposing a grain embargo against the Soviet Union. Such embargos have only resulted in hardship for America's farmers without inflicting serious damage on the Soviet economy.

Almost any economic sanction chosen must, to be effective, be enforced with the cooperaiton of our allies. Potentially, one of the most effective weapons is the denial of credit to the Soviet Union. While we restricted U.S. Government guaranteed credits to the Soviet Union after passage of the Jackson/Vanik amendment, and to Poland after the imposition of martial law, we must, acting in concert with other Soviet creditors, further restrict availability of credit to Moscow. The President has made efforts in the past, without success, to persuade our European Allies to reduce their credits and guarantees to the Soviet Union. Perhaps the Soviet Union's most recent outrage will persuade our allies that concerted action to reduce credits and guarantees is appropriate. A reduction will force the Soviet Union to draw upon its hard currency reserves and will limit its ability to purchase the items in the West which it needs.

I can understand the desire to punish the Soviets by declaring Poland in default as is advocated by some of my colleagues. But I am convinced that precipitating a Polish default will not punish the Soviet Union, which is the target of our just anger. The Soviet Union has demonstrated that it is prepared to let the Polish people suffer. Declaring Polish debt in default will certainly increase the suffering of the Polish people, but there is no assurance that the Soviet Union will pay any part of that price.

Polish default will also leave our creditors with few Polish assets from which to recover. And a Polish default declared by the United States could precipitate defaults on much larger loans by our European allies. Such defaults could seriously damage allied interests.

We must recognize that default would hurt Poland and our allies more certainly than it would hurt the Soviet Union. The target is the Soviet Union.

The civilized nations of the world do not shoot down unarmed civilian aircraft flying over their territory. This policy is not the result of fear of retribution or a disregard for their national security, but of a respect for human life and of a reluctance to sacrifice innocent civilians on the altar of military security. The Soviet Union is virtually alone among the nations of the world in asserting a brazen policy of shooting down unarmed civilian aircraft which enter, even inadvertently, its airspace. This is certainly not the policy of a great country nor would it seem necessary in defense of a great military power. But the Soviet Union is superpower, and its savagery in the name of defense is all the more repre-

hensible in light of its ample military defenses.

I thus offer an amendment, with Senator HEINZ and Senator GARN, to encourage joint action with our allies to take action that will be a meaningful response to the Soviet's barbaric conduct. A systematic and substantial reduction in credits and guarantees to the Soviets is an appropriate short-term response to the murder of flight 007's passengers, and a prudent long-term policy on its own merits. I urge the support of my colleagues for my amendment urging the President to follow this course.

EAST EUROPEAN AND SOVIET HARD-CURRENCY DEBTS TO THE WEST, END YEAR 1982

[Billions of dollars]

	Official (government) total	United States	Private total	United States	BIS, IMF and CMEA [1]	Total
Bulgaria	0.6	0.1	2.2	0.2	.....	2.8
Czechoslovakia	.8	.5	3.2	.5	.....	4.0
GDR	3.5	.09	9.6	.9	.....	13.1
Hungary	.4	.02	6.7	.9	0.6	9.8
Poland	10.5	1.6	14.3	1.1	.....	24.8
Romania	1.4	.15	5.4	.2	2.9	9.8
Yugoslavia	3.1	.52	11.9	2.2	3.3	18.3
Total Eastern Europe	20.2	2.96	53.4	6	6.9	80.5
U.S.S.R.	8.6	[2]1.078	11.5	.2	.....	20.1

[1] BIS is the Bank for International Settlements in Switzerland; CMEA banks are 2 regional banks with headquarters in Moscow which borrow on the open market.

[2] Includes approximately $650,000,000 in World War II lend lease debt which, under the terms of an agreement with the United States, is payable upon the granting of MFN to the Soviet Union. Most favored nation status for the U.S.S.R. is conditioned upon its emigration policies under the Trade Act of 1974.

I think this is a serious amendment. I think it is one that ought to be explored, if not by the Senate Foreign Relations Committee, perhaps by the Banking Committee. I also understand the desire of the leadership, after successfully defeating other efforts to amend the resolution, not to take up another amendment now.

I ask the Senator from New York if there might be some assurance that at least someone will take a look at credits to the Soviet Union and Soviet bloc countries? In my view, this is one of the areas that should be addressed. We understand Soviet debt to the West totals $20 billion, most of it extended by our allies.

Mr. MOYNIHAN. The Senator from New York congratulates the Senator from Kansas for raising this subject. I cannot speak for this side of the aisle, but I can report what I believe to be the convinced judgment that this ought to be explored, it ought to be quantified, and it ought to be changed. If I understand the thrust of the amendment of the Senator from Kansas, he will have my support when the matter comes on a more appropriate legislative vehicle.

Mr. PERCY. Mr. President, I can certainly appreciate the efforts of the Senator from Kansas to put some teeth in this resolution by focusing on the question of credits. I feel that this amendment, which deals directly with commercial credits issued to the Soviet Union—rather than with Poland and CCC credits—has a great deal of merit. Much rhetoric has been heard, and many gestures have been referred to. But curtailing credits to the Soviets would indeed have an impact. With the requisite support from our allies, a gradual reduction in credit available to the Soviets would have the effect of slowing Soviet development efforts.

The Senator from Illinois prefers, however, that we should adopt the joint resolution as passed by the House yesterday. So I would ask if the Senator from Kansas would agree to defer congressional action on this today, with the understanding that the Foreign Relations Committee will carefully consider his proposals as part of hearings on United States-Soviet relations that the committee has been holding for several months.

Mr. DECONCINI. Will the Senator from Kansas yield?

Mr. DOLE. Yes.

Mr. DECONCINI. I compliment the Senator from Kansas. I understand the leadership and managers want to keep everything off this resolution, but I think the Senator from Kansas has a very good amendment. I was working on such an amendment myself. I, quite frankly, wish the Senator would bring it up for a vote.

I can see what is going to happen with it. To me, it is a very important principle that we go on record, those of us who feel strongly about it.

I am not going to call up the Senator's amendment to a vote, but I just want to tell him that I support the idea and truly hope that if we do not get a vote on it today, the Senator from New York will help us bring this matter before the Senate in a very timely and expeditious manner, because this is something that could be accomplished, in this Senator's judgment.

Mr. DOLE. I assure the Senator from Arizona that I intend to pursue it. It is going to take the cooperation of our allies, since they are the primary source of credit for the Soviet Union.

I appreciate the expressions of the Senator from New York (Mr. MOYNIHAN) and the Senator from Illinois (Mr. PERCY).

Mr. President, I withdraw the amendment.

The PRESIDING OFFICER. The amendment is withdrawn.

Mr. MOYNIHAN. Mr. President, I yield to the Senator from Arizona.

Mr. DECONCINI. I thank the Senator from New York. Mr. President, the shooting down of Korean Airlines flight 007 has shocked and outraged the American people. The reaction of our constituents is strong and consistent: They are calling upon us to do something to let the Soviets know that the United States of America will not tolerate such wanton acts of death and violence.

I believe we must respond to this call, not just because it is the sentiment of the overwhelming majority of Americans, but because it is the right thing to do from a foreign policy standpoint. The United States is the strongest Nation in the world, and because of this strength, we have the ability to affect events and the actions of others. We must begin once again to use this ability, particularly when the situation we are confronting is so clear cut.

I, of course, have no quarrel with the actions that the President has taken so far. He has demanded restitution and concrete assurances that such actions will never happen again. Not only did the Soviets refuse to pay restitution, but they stated rather clearly that they would not hesitate to shoot down any other planes which stray over Soviet airspace.

The President has joined with other nations in actions against the Soviet airline, Aeroflot; he is pressing the International Civil Aviation Organization to investigate the attack; and he has suspended the renewal of the United States-Soviet bilateral agreement in the field of transportation as well as suspending negotiations on certain other bilateral arrangements that had been under consideration.

Again, these actions are all well and good, but they treat a Soviet action which led to the deaths of 269 people, 61 of whom were Americans, as if it were merely an infraction having to do with Soviet airspace. It is, indeed, a much more serious reflection of Soviet policy. It indicates that the Soviets do not share basic moral standards accepted by the rest of the world. It demonstrates that the Soviets believe that they can callously take the lives of innocent citizens of other nations without fear of major reprisal.

These facts not only anger me—they scare me. They put the Soviet arms buildup in an even more ominous light than it was in before. I believe that the United States must show the Soviet Union the degree to which we are disgusted by their actions and their policies vis-a-vis innocent civilians.

Our response is constrained by two considerations. First, we are constrained because we already have, and for good reason, only limited relationships with the Soviet Union. Second, we are constrained from acting in a way that would prevent us from using other forums, such as the START talks or the MBFR negotiations, to prompt the Soviets to modify their behavior. Therefore, I have supported amendments to House Joint Resolution 353 which would toughen or restrict our relations with the Soviets in

areas other than arms control. I endorse in particular the imposition of commercial sanctions against the Soviets, and I urge the President to suspend our commercial relations with the Soviet Union, to refuse to extend credits to the Soviet Eastern bloc nations, and to declare Poland to be in default of their Commodity Credit Corporation debts.

Our current commercial relations with the Soviet Union are not huge by any means.

Some might argue that other nations will fill the void left by our cutoff in commerce. If that is true, then it is a sad statement about those other nations in the world. Nevertheless, the point that I believe would be made by such a cutoff is that the United States does not wish to have commercial exchanges with a nation that has no respect for human life.

Commercial relations are the basis for interaction between civilized nations. I believe that the cutoff of these relations will clearly demonstrate to the Soviet Union that we do not believe that they deserve to be treated with the respect that is implied by commercial exchanges. I have no hopes that a cutoff of commercial relations with the Soviet Union by the President will threaten the Soviet regime, but I do believe that they would get the message that the United States of America does not wish to deal with them until they agree to the basic moral principles upheld by the vast majority of nations in the world.

Mr. MOYNIHAN. Mr. President, I see that the distinguished Senator from Wisconsin has arisen.

The PRESIDING OFFICER. Who yields time to the Senator?

Mr. MOYNIHAN. I believe the Senator has 20 minutes, equally divided, by the order entered.

The PRESIDING OFFICER. The Senator is correct.

AMENDMENT NO. 2138

Mr. KASTEN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Wisconsin (Mr. KASTEN) proposes an amendment numbered 2138.

Mr. KASTEN. Mr. President, I ask unanimous-consent reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the joint resolution, add the following:

And be it further resolved that the President be urged to direct that, notwithstanding any other provision of law, no funds may be paid out of the Treasury of the United States or out of any fund of a Government corporation to any private individual or corporation in satisfaction of any assurance agreement or payment guarantee entered into by any agency or corporation of the United States Government with respect to loans made and credits extended to the Polish People's Republic unless the Polish People's Republic has been declared to be in default of its debt to such individual or corporation.

Mr. MOYNIHAN. Mr. President, will the Senator from Wisconsin do me the honor of adding my name as a cosponsor of the amendment?

Mr. KASTEN. I am pleased and honored to have the Senator from New York as a cosponsor. As we all know, the Senator from New York was a cosponsor of an earlier amendment also having to do with Polish debt. I think it is appropriate that once more, we have a Kasten-Moynihan amendment.

The PRESIDING OFFICER. Without objection, the name of the Senator from New York will be added as a cosponsor of the amendment.

CREDIT AS A STRATEGIC WEAPON: A PROPOSED RESPONSE TO THE KOREAN AIR LINES ATROCITY

Mr. KASTEN. Mr. President, the recent unprovoked attack by the Soviets on an unarmed commercial airliner is both appalling and despicable. Today, in this Chamber, we have heard this event frequently described as a tragedy. But in the words of columnist George Will:

When children die of leukemia, that is a tragedy. When they are blown to bits by an act of state, that is an atrocity, and are worthy of Hitler's former allies.

The Soviets must be held fully accountable for this action.

Yet, the Soviets continue to thumb their noses at world opinion, and persist in making the ludicrous charge that KAL flight 007 was on a spy mission for the United States. This behavior is beyond the pale of human decency and civilized conduct. The problem is that this is not the first time the Soviets have conducted themselves in this fashion, and for us to simply express our disgust and then let time take its course as we forget, just will not do.

The President was correct in asking the international community to react appropriately and to effectively isolate the Soviets in world opinion. Statesmanlike behavior, or course, requires that we not overreact even to such an outrageous act. But there are stronger measures available to us than the ones proposed by the President, and stronger than the ones called for in the resolution before us.

Mr. President, in an article for the Wall Street Journal on July 28, 1983, I pointed out that borrowing by Communist countries is part of the economic strategy of the Soviet Union. Poland and all of the East European satellites are linked to the Soviet Union in a way that we in the capitalist West cannot even imagine. Thus, the Polish debt and the Soviet attack on KAL 007 are connected because both represent aspects, economic and military, of Soviet grand strategy. Accordingly, we can and should respond to such murderous Soviet actions as the shooting down of an unarmed airliner by attacking the economic aspect of Soviet strategy.

Mr. Will has recently made a point similar to mine concerning Western credit and the Soviet bloc. He agrees that "Credit is a strategic weapon" and he argues that, as such, it ought to be used against the Soviet perpetrators of the Korean Air Lines atrocity.

In the words of Felix Rohatyn, the Soviet Union has shot down an airplane. We should shoot down a Soviet-controlled country. We have an opportunity here to use credit as a strategic weapon in response to the Soviet attack.

For more than 1 year I have urged the administration and my colleagues in the Congress to declare the Polish debt in default. The Soviet-dominated Government of Poland cannot pay its bills. And as the Western nations continue to roll over these obligations in one rescheduling action after another, we are ultimately bailing out the Soviet Government.

Now is the time—as we have more reason than ever before—to declare the Polish debt in default. This would force the Soviets into the uncomfortable position of having to admit that Communist-plagued economies do not work. They would have no choice, it seems to me, but to step in and bail out the Government of Poland.

Mr. President, the Senate has already spoken on this issue. Over 1 year ago, in May 1982, the Senate voted 83–10 to declare Poland in default.

As a result of the vote on the first Kasten-Moynihan amendment to the 1982 emergency supplemental appropriations bill, there is now in place a process that requires the President to send a certification to Congress each month in order to avoid a default declaration. In light of this latest atrocity by the Soviet Union, it is clearly time for the President to trigger the default, by refusing to certify Poland with respect to its debt. If the President fails to trigger the default himself, it will then be time for Congress to act. I hope I am wrong, but I expect that Congress may be forced to act on the Polish debt issue in the weeks ahead.

Mr. President, I ask unanimous consent to have printed in the RECORD George Will's Newsweek column of September 12, 1982, and my own piece from the Wall Street Journal of July 28, 1983.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From Newsweek, Sept. 12, 1983]

NEEDED: A POLICY OF PUNISHMENT

(By George F. Will)

The shocking thing is how shocked people are. The day the Soviet regime murdered another 269 persons was the 24,041st day since the regime was founded. Since 1917 the regime has killed at least 20 million of its own citizens, an average of more than 800 a day for 66 years. Unless the Red Army massacred another Afghanistan village last Thursday, the regime had a below-average day of blood.

Why are people so startled when the Soviet regime acts in character? Nothing in nature—not even granite, which water wears away over time—is as durable as illusions grounded in a desire to avoid facing nasty facts. Oh, yes, with metronomic regularity the Soviet Union does shatter some Americans' illusions. But Americans are a manufacturing people, so they manufacture new illusions about Soviet willingness to move up from barbarism. In 1979, after 62 years of domestic carnage and international gangsterism, the Soviet regime invaded Afghanistan, and the president of the United States said gosh that sure opens my eyes.

Why did the Soviet regime, after 2½ hours of thinking about it, murder another 269 persons? Well, why not? The benefits are clear enough (the benefits of intimidation, especially of Japan), and the costs are almost certainly going to be negligible, and brief.

The Soviet deed has been the subject of a U.N. debate. For the Kremlin that was an ordeal akin to being bombarded with marshmallows. Thank God it is not December or some dunce would suggest dimming the national Christmas tree. The state of Ohio, which has a better foreign policy than the United States, has removed Russian vodka from state-run liquor stores. Perhaps the 269 murders will complicate the process of subordinating foreign policy to presidential politics. Perhaps it will not be harder for the president to sally off to an election-year summit and sign an arms-control agreement ruined by American eagerness. But summits and agreements have no noticeable influence on the behavior of the Soviet rainmakers—the "yellow rain" rainmakers.

IMPARTIALITY

The World Council of Churches has not yet had time to condemn Korean Air Lines for aggressively bumping into Soviet air-to-air missiles, but various other "peace" parties, with the impartiality for which they are famous, have announced:

The Soviet deed proves the irrationality of "the superpowers" and demonstrates the paranoia to what U.S. policy has driven the Soviet Union. So everyone must disarm, starting now, starting here.

The cotton-candy language of journalism spreads a sticky goo of imprecision over events like the attack on the plane. It has repeatedly been referred to as a "tragedy." No, when children die of leukemia, that is a tragedy. When they are blown to bits by an act of state, that is an atrocity, and one worthy of Hitler's former allies. But too many persons by now have too large a stake in fuzzy language. Remember the merry disdain that showered down upon President Reagan when, in his first press conference, he alked about how the Soviet Union lies? "There you go again," said his cultured despisers, when he recently referred to the "evil empire."

His words are fine, but he has not got a policy worthy of them. What is needed is a policy not merely of punishment, but of steady deterrents and leverage. A suitable policy, one that was desirable even before this atrocity, is at hand. But the hands of this administration are not apt to reach for it at this late date.

Felix Rohatyn, the investment banker and Democratic thinker, says: The Soviet Union has shot down an airplane. We should shoot down a Soviet-controlled country. Western governments should nationalize the loans Western banks have made to communist countries. The governments should buy up the debts at a substantial discount—at, say, between 25 and 50 cents on the dollar (that is between 25 and 50 cents more than some of them are worth). Then it should declare Poland in default, drying up the flow of credit to that country and slowing the flow to all other Soviet satellites.

This would give the banks a little liquidity—more than they deserve, given their irresponsibility. It also would force them to quit cooking their books, pretending that virtually irrecoverable loans retain their full face value as assets. But the principal benefit would be for foreign policy.

Credit is a strategic weapon. Like other strategic weapons, it should not be in private hands. Credit for communists should no more be controlled by private banks than the MX should be controlled by Hertz Loans—if any—for the East bloc should be government to government, so that Western policy will no longer be hostage to commercial calculations.

BELLY UP

Were credit nationalized, we could say to the Kremlin: You want credits for your basket-case economies? Fine—but it will be contingent on reductions in defense spending. You reject such linkage? Fine—you pay for Poland, and have fun when Romania goes belly up.

During martial law Poland received from the West a substantial subsidy: it debts were rescheduled. The Reagan administration is a shameful subsidizer: Poland has not paid debts owed to the U.S. government, yet the United States has not put Poland in default. Some bankers say that forcing default would to too kind to Poland, because it would wipe the slate clean. Poland's regime knows better; otherwise it would declare default on its own. Poland today is receiving, in effect, money at 6 percent from the West while Americans pay more than twice that for mortgages. If Democratic candidates cannot make an issue of that, they should be burned on a pyre of their bumper stickers.

The Soviet Union suffocates entire nations without even a suspension of subsidies from the West. What has it to fear from reaction to the annihilation of a mere planeload of people? A regime whose essential policy is intimidation has added another brutality to its repertoire. But the diplomatic minuet will continue, from Madrid to Geneva. The grain shipments will continue, and so will the subsidized sale of "nonstrategic" goods—as though such a distinction makes sense regarding a totalitarian nation with a command economy entirely subordinated to militarism. Faster than a heat-seeking missile, there will be business as usual, especially for business.

[From the Wall Street Journal, July 28, 1983]

HOLD OFF RESCHEDULING THE POLISH LOANS

(By Robert W. Kasten Jr.)

What do the latest actions by the Polish government really mean for the people of Poland, and how should the U.S. react? We have conditioned normal relations with Poland upon the lifting of martial law, release of political prisoners and discussions with independent labor unions. Are conditions in Poland sufficiently changed for us to normalize relations?

In many cases the new "civil" laws are harsher than the martial laws they replace. For instance, it now will be impossible to strike legally, independent unions will be banned completely, press censorship and restrictions on movement will be tightened severely, and the regime will be able to declare an emergency whenever it decides there is a threat from "internal factors." As Gen. Jaruzelski told the Polish Parliament a week ago: "Any attempt at anti-state activity will be curbed no less unswervingly than during martial law." No wonder that Lech Walesa declared: "If I were to choose between the new (laws) and martial law, I would choose martial law." In addition, it seems that the "release of political prisioners" by Polish authorities may not include any real political prisoners.

ARGUMENTS OF THE "MODERATES"

Thus, despite the apparent changes, there hasn't been any change in substance. Yet the banking community has begun to clamor for a return to the state of affairs before martial law. Poland has requested that its foreign debt be rescheduled drastically, including an incredible eight-year moratorium on interest payments and a demand for $3 billion more in export credits. American and European leaders seem ready to discuss this. Clearly, the West has yet to learn anything about economic relations between communist and capitalist nations.

Those who advocate a rescheduling make the same arguments as the "moderates" who opposed a declaration of Polish default one year ago. Then, despite the fact that Poland had stopped making payments on its debts, they argued against facing the financial realities and declaring default.

The "moderates" asserted that if we refrained from declaring default, the West would gain in two ways: There would be an incentive for the Polish authorities to "liberalize" more quickly, to lift martial law and to treat the Polish people less harshly. And Poland would speed up its repayment of loans to the West.

But what actually happened? It has taken 1½ years to "lift" martial law, and this action itself is meaningless. The evidence doesn't support the claim that Western restraint leads to improved behavior on the part of communist governments. History indicates that in dealing with such regimes the welfare of the people depends far more on the dynamics of internal politics than on Western actions.

What about the financial situation? During hearings before my Foreign Operations Subcommittee last year, representatives of the administration claimed that if we didn't declare default, things would be better for Western creditors. Robert Hormats, former assistant secretary of state, in testimony on Feb. 9, 1982, opposed declaring Poland in default and asserted that "the best chance of putting maximum pressure

to obtain a reflow of currency from Poland to the West is by continuing to press them to pay their debts. Now they don't pay as we would like, clearly, but there is a net outflow. There is a net outflow, and it is a high cost for an economy as weak as the Polish economy."

But the past year hasn't fulfilled the predictions of those who confidently assured us that the Polish government would make every effort to repay its debt. True, Poland paid half of the interest due in 1982, but only on the condition that the other half be "recycled" back to Poland by banks as short-term credits. The net effect was to increase the debt's magnitude by one half the interest due to Western creditors. These short-term credits enabled Poland to "purchase" Western goods, leading to a further transfer of resources from West to East. And now comes the latest outrageous request from the Polish debtors. The "outflow" described by Mr. Hormats continues to be in the opposite direction.

This is perhaps the most important point to be made, for the Polish debt is but a small part of the greater issue of financing and extending credit to the Soviet Union and its satellites. Trade with the Soviet Union once was seen as an aspect of "detente." By trading with and lending to the communists, it was argued, we would bridge the gap between East and West, bringing prosperity and hope to oppressed people. And by making tyrannical states more dependent on Western goods and technology, we would convert them into more moderate and freer nations, eventually eliminating the danger of war. Western trade would "liberalize" the communist countries.

But things didn't work out that way. The oppressed people remain oppressed, the communist nations are no less tyrannical, and the danger of war hasn't been reduced. Why hasn't the theory of "liberalization by trade" worked, as we once believed it would?

Part of the answer lies in the underlying philosophy of the Soviet bloc countries themselves.

According to Lenin's theory of imperialism, the capitalist West is driven by historical necessity to export its suplus first to the underdeveloped world, and then to communist countries. In other words, when capitalists extend credit to communist nations, they are behaving as Marxist-Leninist theory predicts they will. As Lenin wrote:

". . . the capitalists of the whole world and their governments, in their rush to conquer the Soviet market, will close their eyes [to various Soviet diplomatic subterfuges] and will thereby be turned into blind deaf mutes. They will furnish credits which will serve us for the support of the Communist Party in their countries and, by supplying us material and technical equipment which we lack, will restore our military industry necessary for our future attacks against our suppliers. To put it in other words, they will work on the preparation of their own suicide."

The implication is that the accumulation of debt has been a conscious act of policy by the communist states and that they have no intention of paying it back. It is likely that communist borrowing is part of "the economic strategy of an empire." In a brilliant essay by this title in Grand Strategy: Countercurrents, Larry Arnn observed that:

". . . until the Poles actually repay the loans, the food they have consumed and the capital they have imported is not expensive to them at all. It is incredibly cheap. The spanking new Polish steel mill may not be an efficient and wise investment by our standards, but it is a large and modern steel mill, and so far someone else has paid for it."

The problem's magnitude becomes apparent when we consider that Poland's government is $25 billion richer and the West is $25 billion poorer, and that even though Poland has paid only a minute part of what it owes, its line of credit is far from exhausted. Furthermore, as Mr. Arnn noted, the logic that has allowed Poland to "borrow" $25 billion will enable the Soviet Union and the rest of its satellites to "borrow" billions and billions more, unless we recognize this policy for what it is: the economic exploitation of the West by the East, which can occur only because of the shortsightedness of capitalist nations.

SHOULD DELAY AGREEMENTS

We must recognize these things and be guided in our relations with communist countries by reason and prudence—not by our hopes alone. These hopes have been dashed too many times. I believe we have reached a point where we must draw the line. A year ago I called for the U.S. to declare Poland in default. Now I believe that the U.S. should delay any agreements on rescheduling Poland's debt until such time as that country meets objective standards of human freedom. In addition, if by the end of the year Poland hasn't made substantive changes in its policy toward its people, we should state unequivocally that we will declare Poland in default on the $1.7 billion it owes to the Commodity Credit Corporation. The U.S. thereby would accomplish three important goals. First, we would make clear to our allies and to Western business interests that trade between West and East is a risky undertaking that we will no longer subsidize. Second, we would begin to undermine the economic strategy of the Soviet empire. And finally, we would make it clear that our commitment to liberty and human rights is more than just words.

Mr. KASTEN. Mr. President, in view of the part that, for the pending resolution to have the desired impact, it must be to the President's desk today, I do not intend to pursue the amendment at this time. Accordingly, I ask that the amendment be withdrawn.

The PRESIDING OFFICER. The amendment is withdrawn.

Mr. MOYNIHAN. Mr. President, I ask for the yeas and nays on final passage.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. Are there further amendments?

AMENDMENT NO. 2139

Mr. MOYNIHAN. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from New York (Mr. MOYNIHAN) proposes an amendment numbered 2139.

Mr. MOYNIHAN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the resolution, add the following:

"(9) declares its intent to discontinue all exports of agricultural commodities to the Soviet Union until such time as the Soviet Government apologizes unequivocally for its actions, fully compensates the families of innocent victims, and provides credible assurances to the world community that it intends to fulfill its commitments to abide by internationally recognized and established procedures for insuring the safety of civil aviation.

Mr. MOYNIHAN. Mr. President, the amendment I have proposed to the pending resolution would express the intention of the United States to halt the present export of grains to the Soviet Union as part of the American response to the Soviet destruction of Korean Air Lines flight KAL 007.

My reasoning, which I would hope would win the support of colleagues here today, is straightforward: Why should the United States provide subsidized foodstuffs to the Soviet Union, as normal neighboring countries might do—when the Soviet Union refuses to abide by the minimal standards of civilized behavior that would entitle it to be treated as an ordinary, law-abiding state?

If we feed the Soviet Air Force—and do not doubt that in that totalitarian state, the armed forces eat first—what right do we have to complain about how that air force behaves? By feeding them, and then later complaining that their pilots do not do what we expect them to do, we invite their contempt and encourage them to go still further in the barbaric atrocities they feel free to commit.

Recall that a central conviction of Soviet leaders, from the earliest days of the revolution, has been precisely the belief that the Western democratic capitalists would do this. In his important work, "Russia and the West Under Lenin and Stalin," George Kennan described what he called the imaginary statement of Soviet leaders to the Western governments:

". . . since we are not strong enough to destroy you today . . . we want you during this interval to trade with us; we want you to finance us; . . . An outrageous demand? Perhaps. But you will accept it because you are slaves to your own capitalistic appetites . . . you will wink at our efforts to destroy you, you will compete with one another for our favor. . . . It is, in fact, you who will, through your own cupidity, give us the means wherewith to destroy you."

Kennan then says, for himself:

"I can only assure you that this formulation is not one whit sharper or more uncompromising than the language consistently employed by the Soviet leaders at that time. I do not believe that it embraces a single thought which did not then figure prominently in their utterances."

We have every reason to believe this view continues.

Certainly they shall have additional reason to believe it if we go forward

with the administration's recently announced arrangement with the Soviet Government to double the volume of our grain sales to the Soviets over the next 5 years.

I believe that is the essence of my argument. I will not detain the Senate any longer at this point. I would hope that Senators on both sides of the aisle would feel able to join me in stating this point.

Mr. President, I said earlier that I would offer this amendment if others had been proceeded with. They have not been, and I ask that the amendment be withdrawn.

The PRESIDING OFFICER. The amendment is withdrawn.

Mr. MOYNIHAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MOYNIHAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2140

(Purpose: To encourage a more humane policy by the Soviet Government toward Jews and others wishing to emigrate)

Mrs. HAWKINS. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The bill clerk read as follows:

The Senator from Florida (Mrs. HAWKINS) proposes an amendment numbered 2140:

At the end of the joint resolution, insert the following: "calls on the Union of Soviet Socialists Republics to also comply with its other obligations under international law, including the Helsinki Final Act and the Universal Declaration of Human Rights by ceasing its harassment of Soviet Jewry and others wishing to emigrate, and reiterates its willingness to use trade sanctions and whatever other means may prove necessary to encourage such compliance."

Mrs. HAWKINS. Mr. President, I have submitted this amendment on behalf of myself, Senator NICKLES, Senator D'AMATO, and Senator ARMSTRONG.

Mr. President, 2 weeks ago today ago today, a Soviet jet fighter brutally shot down and murdered 269 people in cold blood. This was done with the full knowledge of high authorities in the Soviet command. And since the downing of the civilian airliner Moscow has, in callous disregard of world opinion, lied, evaded, and misled the world with regard to the downing of the Korean jet.

We all share a sense of outrage and sadness, of revulsion and sorrow at this deliberate act of barbarism. But barbarism in the Soviet Union is not limited to attacks on unarmed civilian airliners who stray into Soviet airspace. This same type of barbaric behavior is also aimed at elements within Soviet society, elements that do not conform entirely with the rigid and narrow pattern of the Communist society. No group has borne more of these cruel policies than have the Jews of the Soviet Union.

Members of the Jewish faith are frequently discriminated against within Soviet society by limiting their educational, employment, and social opportunities.

For example, freedom of religious and cultural expression are denied through government intimidation, including such actions as breaking up religious meetings, arbitrary arrests and detentions, and sentencing to internal exile. And prominent prisoners of conscience such as Anatoly Scharansky and Viktor Brailovsky are held by Soviet officials for the forthright stands they have taken on protecting the rights of Soviet Jews, and indeed all Soviet citizens.

A person does not have to be an activist, however, in order to come under the eye of the Soviet Government. There are strict controls on the distribution of Jewish literature, and the Soviet Government does not permit the establishment of schools for Jewish children. Furthermore, the Soviet authorities do not allow enough synagogues to serve the population of 2 million Jews who live in the Soviet Union. In fact, the policies of the Soviet Government toward its Jewish population, when taken together, constitute a wholesale attack on the cultural heritage, family structure and basic human rights of the members of the Jewish community in the Soviet Union.

In addition, the Soviet authorities have created a new and evil organization that they refer to as the anti-Zionist Committee. The purpose of this organization is primarily to sever the link between Jews in the Soviet Union and their friends and relatives in Israel. I am pleased to have joined some of my colleagues in condemning this evil organization. Soviet authorities, however, have not been satisfied with these attempts to isolate the Jewish community. They have virtually closed their border to Jewish emigration. Jewish emigration last year was at its lowest level since 1970, 2,688 persons. And there is every indication that the emigration levels will be just as low this year. The results of these actions include emotional and psychological anguish for Soviet Jews who are dissatisfied with life in the Soviet Union and would like to start a new life elsewhere. I believe that these are cruel and barbaric policies, and that the United States must do whatever it can to encourage the Soviet Union to reform its ways.

I believe that it is appropriate to renew on this resolution our country's commitment to help Soviet Jews wishing to emigrate. The cruel and senseless downing of the Korean airliner has served as a reminder to many of us, that the same regime that is responsible for the KAL 007 massacre and the ensuing coverup, is the same regime that is responsible daily for the repression of their own people and especially their Jewish population.

Moreover, we have been reminded this week as we honor the memory of our distinguished colleague, Scoop Jackson, of his unflagging commitment on behalf of Soviet Jewry. I can think of few actions more appropriate as we remember and honor the memory of our colleague than to carry on the cause that he held so high—the cause of Soviet Jewry. I would like to take this opportunity to repeat some of his words at one of the high points of his career—the passage of the Jackson-Vanick amendment. His words and the sentiments behind those words are as relevant today as they were 7 years ago:

Mr. President, the action of the Senate today is the culmination of a struggle for human rights that began some 27 months ago. Over the last 2 years, countless Americans of diverse religious and national backgrounds and of differing political persuasions and occupations have worked long and hard to bring about the result that we are enacting today. Many thousands of my fellow citizens have expressed their support for the effort to associate freer trade with progress toward the freer movement of peoples between East and West. The American press has helped arouse the conscience of so many in the West by focusing on the human rights aspects of a genuine detente.

Above all, Mr. President, we have been sustained and inspired throughout a long and difficult struggle by the bravery and resourcefulness and dedication of those who are standing up in the Soviet Union and other such countries to demand their fundamental human right to emigrate promised them in the Universal Declaration of Human Rights which was adopted unanimously 26 years ago this week.

Mr. President, this agreement, which I believe to be a great step forward in the enduring struggle for human rights, can only operate in the interest of improved United States-Soviet relations if it is implemented in good faith. I pray that this will prove to be the case. Obviously the opportunities for bad-faith circumvention are numerous. No agreement can be drafted to prevent the maneuverings associated with bad faith.

If the Soviets fail to live up to the letter and the spirit of this agreement the basis of trust and confidence that is essential to the whole range of our relations will be destroyed. We will be watching closely—not just at the expiration of the 18-month waiver, but day by day from this moment on.

Mr. President, today, 7 years later, we still find ourselves inspired by the bravery, resourcefulness, and dedication of those individuals who risk demanding their fundamental human rights. Today as then we must remain vigilant for the cause of Soviet Jewry—and as Scoop reminded us so many years ago the fate of Soviet Jews

is largely a question of good faith and common decency on the part of the Soviet Union.

The downing of Korean Air Lines flight 007 has reminded us anew that we cannot rely on the good faith of the Soviet authorities, or on their common decency.

I believe that we must send a message to the Soviet Union, a message that says that the downing of the Korean airliner has implications beyond the brutality of the act itself. And that the United States is prepared to take whatever steps are necessary to encourage the Soviet Government to ease its restrictions on Soviet religious and cultural activities, to cease its harassment of Jewish activists, and to permit the unobstructed emigration of Soviet Jews.

Mr. President, I thought, as we all sat in this Chamber and listened to the eulogies honoring our late colleague Senator Scoop Jackson, that indeed the adoption of this amendment would be a great tribute to Senator Jackson.

The amendment calls on the Soviet Union to comply with all the obligations of the laws that are on the books and for the United States to use trade sanctions or whatever means we have to encourage such compliance in connection with harassment of Soviet Jewry.

This is, I believe, a reasonable and needed amendment. However, I have agreed to withdraw this amendment, since Senator PERCY, the chairman of the Committee on Foreign Relations, has agreed to hold hearings on this subject. I understand the desire of the leadership to get this resolution to the President as soon as possible. I believe that hearings in the Foreign Relations Committee will allow us to focus on the issue, and organize the necessary and appropriate steps to be taken on behalf of Soviet Jewry.

Therefore, I withdraw the amendment.

The PRESIDING OFFICER. The amendment is withdrawn.

Mr. MOYNIHAN. I thank the Senator from Florida for her courtesy in this matter.

Mr. PERCY. Mr. President, I would like to address myself to the question of the amendment offered by Senator HAWKINS of Florida.

Mr. President, the plight of Soviet Jews who are denied the opportunity to emigrate is always on our minds. In recent months, it has become increasingly difficult for even a small number of Soviet Jews to emigrate. And despite the claims of the so-called anti-Zionist Committee, there is no one here, and no one in the world who will believe that there are just a few hundred or thousand Jews who wish to emigrate now. There are several hundred thousand.

Let us not forget those brave and persevering individuals whose cases have become known outside the Soviet Union. Let us not forget Anatoly Shcharansky, Alexander Paritsky, Ida Nudel, Josef Begun, and Chicago-born U.S. citizen Abe Stolar. These are just a few of the many Soviet Jews who seek only to exercise their basic human right to emigrate from the Soviet Union. In this week, which is the holiest of the Jewish year, let us remember these courageous individuals and rededicate ourselves to the continuing effort to help them.

In April 1966, I first met with Soviet officials in Moscow to express my concern about that government's discrimination against Soviet Jews and the people of the Baltic States and Ukraine. In every year and on every appropriate occasion since, many efforts have been made on behalf of Soviet Jews. They need our united efforts. They need our strongest voices to be heard. Let us do all we can. And let us not relent until they are free to live wherever they choose.

Mr. President, I would like to supplement my previous comments with one further comment: That during the continuation of the U.S.-U.S.S.R. relationship in a nuclear age hearings the committee has been holding, we will at an appropriate time in those hearings take up the whole issue of Soviet Jewry, and we would be happy and delighted to have the distinguished Senator from Florida join the Foreign Relations Committee during that section of the hearings, and also the distinguished junior Senator from New York.

Mr. DURENBERGER. Mr. President, it is said that actions speak louder than words. If that is so, the Soviet Union has spoken to the world in an unmistakable voice. It is the voice of repression, of inhumanity, of the belief that political might makes moral right.

We will probably never know all the facts about the gratuitous destruction of Korean Air Lines flight 007. Most of the witnesses are dead, victims of two Soviet air-to-air missiles. Those who survived are Russian pilots and their ground controllers. But even if we never know all the facts about this incident, we know the one irreducible fact which is important: The Russians chose to respond to the violation of their borders by an unarmed civilian aircraft with brute force. They cared more about making a point than they did about the lives of the 269 people who plunged 30,000 feet to their deaths.

The Soviet Government is adept at presenting its best face to the world. It employs legions of people skilled in the art of the subtle untruth, the half-lie, and the bald-faced lie. It regularly trots out spokesmen whose accents and idioms are comfortingly American, whose tone of voice is reassuringly calm and measured, whose appearance is designed to elicit sympathy. They have made good use of their propaganda apparatus on many occasions, for instance by seeking to convince many well-intentioned and frightened people that it is we in the West and not the Soviets who are to blame for every unfortunate detail of international politics.

That is propaganda of the word, and it sometimes works. But anarchists and terrorists have long spoken of what they call propaganda of the deed. Whether or not the people who gave the order to pull the trigger that killed 269 people intended it, that one incident constituted propaganda of the deed. It conveyed a message about the nature of the Soviet Government which the world will not soon forget.

To drive the point home, the Soviet Foreign Minister, Andrei Gromyko, released this official statement at the Madrid talks: "We state: Soviet territory, the borders of the Soviet Union are sacred. No matter who resorts to provocations of that kind, he should know that he will bear the full brunt of responsibility for it." In other words, according to Mr. Gromyko, every time a pilot or a ship's captain gets lost, every time he violates the so-called sacred borders of the world's last empire, he will be killed, and his passengers along with him.

It is disturbing how often and how quickly yesterday's brutality becomes today's banality. The world was outraged in 1956 when the Soviets invaded and crushed Hungary. It was outraged again in 1968 when Czechoslovakia was singled out for the same treatment. Again in 1979, when the Russians invaded Afghanistan, the world was outraged. But after each such incident, sooner or later, people seemed to forget that the reason the Soviets act outrageously is because their government is outrageous. By passage of this resolution today, we can try to remember what we have learned and relearned for decades: The Soviets value force more than life, order more than freedom, empire more than independence.

As the President has wisely reminded us, this latest offense in the Soviet catalog of atrocities is not and was not directed at the United States alone. It does not represent an issue between the Soviets and the Americans. It represents an outrage by one government against the community of nations. It insults the decency and integrity of people everywhere, regardless of political system, nationality, or ideology.

If there was no other reminder of this, let us remember that people from 15 nations were aboard Korean Air Lines flight 007. Let us remember that the Soviets vetoed a modest resolution before the U.N. Security Council. Let

us remember that Soviet authorities have refused the requests of several governments for so basic a thing as an expression of regret. Let us remember that the Soviet Foreign Minister has belligerently stated that his government will continue to shoot down any airliner which violates what the Soviets are pleased to call their sacred borders. Let us remember that the Soviet Government is so lacking in simple human remorse that it has turned back boatloads of grieving citizens, the survivors of 269 victims, who seek merely a religious ceremony to ease their pain.

There is no shading of fact, no nuance, no room for interpretation which can diminish the simple and central fact of Soviet brutality, both at the time of this incident and since then. The only pertinent fact is this: 269 people were slaughtered through no fault of their own, and the Soviets are continuing to seek justification for the unjust while refusing even the most basic courtesies to the victims. This is not an offense against the Government of the United States. The Government of the United States was not on the boats which sought access to the grave of flight 007. This is instead an outrage against all people.

The resolution we pass today cannot alter the facts or lighten the anguish of those who mourn. It is only a simple statement of reality by the American people, who are one Nation among the many to whom the Soviets have shown the mailed fist. It is not intemperate, nor rash, nor a new turn in the United States-Soviet relationship, nor an exercise in propaganda by a government. It is simply the truth, simply told. It deserves our support and should be passed immediately.

SOVIETS OFFER NO REMORSE

Mr. PERCY. Mr. President, the Department of State has compiled a catalog of Soviet public statements about the destruction of KAL 007. A close reading of these Soviet statements indicate the extent to which the Soviets have changed their story over time. At first they were unwilling to admit their terrible deed. Next they tried to justify it, hiding behind harsh anti-U.S. rhetoric.

Then they began to argue that KAL 007 was a spy flight. This is absolute nonsense. This was reconfirmed for the Foreign Relations Committee again just yesterday by key administration officials.

Finally, the Soviet statements are unbelievably callous about the loss of human life. They continue to hide behind expressions about the sacred borders of the Soviet Union. Earlier, the junior Senator from Alaska recounted for us that no more than 90 occasions over the past 5 years, Soviet aircraft have violated U.S. airspace in Alaska alone. Our Nation has not responded brutally.

Mr. President, I ask unanimous consent that the State Department's compilation of Soviet statements on KAL 007 be placed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SOVIET PUBLIC STATEMENTS ON KAL 007 SHOOTDOWN

Moscow, September 1, TASS—"An unidentified plane entered the air space of the Soviet Union over the Kamchatka Peninsula from the direction of the Pacific Ocean and then for the second time violated the air space of the USSR over Sakhalin Island on the night from August 31 to September 1. The plane did not have navigation lights, did not respond to queries and did not enter into contact with the dispatcher service.

Fighters of the anti-aircraft defense, which were sent aloft towards the intruder plane, tried to give it assistance in directing it to the nearest airfield. But the intruder plane did not react to the signals and warnings from the Soviet fighters and continued its flight in the direction of the Sea of Japan.

Moscow, September 2, TASS—"TASS Statement"—"It was natural that during the time the identified intruder plane was in the USSR air space, Soviet anti-air defense aircraft were ordered aloft. They repeatedly tried to establish contact with the plane using generally accepted signals and tried to take it to the nearest airfield in the territory of the Soviet Union. The intruder plane, however, ignored all this. Over Sakhalin Island, a Soviet aircraft fired warning shots with tracer shells along the flying route of the plane.

Soon after this, the intruder plane left the limits of Soviet air space and continued its flight toward the Sea of Japan. For about 10 minutes it was within the observation zone of radar facilities after which it could not be observed any more."

Moscow, September 3, TASS—Continuing its condemnation of the "rabid anti-Soviet campaign by the U.S. TASS stated that "Washington is feverishly covering up traces of the provocation staged against the Soviet Union by the South Korean plane which flew from the United States and entered Soviet airspace.

"The White House and the Department of State are mounting a worldwide anti-Soviet campaign. The tone first set by the U.S. President. In his statements, permeated with frenzied hatred for the Soviet state and Socialism he used as a cover up antagonistic phrases about 'humanism and moral feelings." The head of the White House is trying to convince public opinion that the USSR allegedly is guilty (responsible for) the loss of life. Tossing forth torrents of vicious abuses, representatives of the U.S. Administration want to avoid answering clear questions: why did the plane happen to find itself in Soviet air space, deviating by 500 kilometers from the existing international route? Why did the authorities of the U.S. and Japan whose air traffic services control flights on this route, knowing that the plane had remained a long time in Soviet air space, did not take appropriate measures to put an end to this flagrant violation of Soviet sovereignty.

Moscow, September 6, Pravda—"The frantic anti-Soviet hysteria around the disappearance of the South Korean aircraft that carried out a provocative flight over Soviet territory for a long period of time on the night ending on 1 September is taking on increasingly unbridled and coarse forms. The coordinated and deliberate character of both the provocative flight itself and the broad anti-Soviet campaign subsequently unleashed by the U.S. Administration is worthy of attention. It is evident that the 'incident' was prepared in advance and that—judging by what followed—it was expected. It is also indicative that the first report about the disappearance of the aircraft came from the CIA.

"This is not a fortuitous link, but a natural one in the general chain of Imperialism's political and other actions in recent times. All of these actions are directed toward widening and deepening the front of the notorious 'crusade' against Socialism and are calculated to raise a new wave of anti-Sovietism and anti-Communism by any means and discredit the Soviet Union, kindle a feeling of hostility toward it, cast a shadow upon Soviet peace-loving policy, and heat up the situation in the world even more, thereby making it easier to implement the United States' Imperialist plans.

"Washington's unusually rapid 'reaction' to what took place is characteristic. Just a few hours after the 'incident', Shultz, U.S. Secretary of State, held an emergency press conference in Washington, which took place in a malicious anti-Soviet spirit. The State Department then made an official statement containing even sharper attacks upon the Soviet Union. The American President himself immediately took charge of the malicious anti-Soviet campaign. His speeches repeatedly contained filthy insinuations against the Soviet Union. At the present time the American mass media are whipping up an anti-Soviet atmosphere by every means and trying to drive new wedges into East-West relations. Does not all of this reveal the true underlying state of affairs behind the 'incident' that has provoked the histerical noise that has been raised around it?

"In this, possible dangerous consequences of the provocative flight were not only ignored, but a diabolical game was deliberately undertaken without regard for the possible human victims. Clearly, the calculation was that the possibility of carrying out reconnaissance flights over Soviet territory without impediment under cover of civil aircraft should be tested in practice: in the event of failure it was to be turned into grounds for slanderous accusations against the Soviet Union.

"It is known that the deliberate violation of Soviet state frontiers by American aircraft counting on going unpunished has taken on a systematic character of late. In 1982, such violations took place on 22 February, 13 March, and 4 and 7 May. During this year 12 similar violations have taken place, including violations on 4 April by carrier-based aircraft from the aircraft carriers Midway and Enterprise.

"The Soviet Union made official protests on these occasions, however, there was no reaction to them. On the contrary, the level of activity by American reconnaissance aircraft near Soviet air borders increased. Furthermore, the Soviet side possesses reliable data that bear evidence of the fact that the American special services have started to use civil aircraft on an ever-increasing scale for the fulfillment of reconnaissance tasks. Reconnaissance activity of this kind is also carried out systematically during flights along established corridors. As one may judge, the civil aircraft of other countries,

including South Korea, are involved in carrying out particularly risky and provocative tasks. It is evident that this 'risk' is not fortuitous, but specially 'programmed'—and not just anywhere, but across the ocean.

"Seven flights by American reconnaissance aircraft of the RC-135 type were registered in this region on 31 August of this year, the day before the South Korean airplane's intrusion into the USSR's airspace. A reconnaissance aircraft of this type was observed meneuvering at a height of 8,000 meters in the immediate vicinity of the point where the South Korean aircraft entered the USSR's air space from 1745 to 2049 Moscow time on 31 August. At the same time, three American warships appeared close to Soviet territorial waters. At 2000 on 31 August Soviet radar stations observed an unknown aircraft with a radar print analogous to the print of the EC-135 800 KM northeast of Petropavlovsk-Kamchatskiy proceeding on a course toward the Kamchatka Peninsula also at a height of 8,000-9,000 meters. Subsequently the Soviet air control service attempted to establish communication with it in order to point out the fact of the violation. However, the aircraft made no reply to the enquiries and continued its flight on the same course, moving more deeply into the USSR's airspace.

"Soviet aircraft of the air defenses were sent into the air in order to identify the aircraft and to give it assistance. The violating aircraft made no response to their commands but continued to fly with its air navigational lights turned off, which is characteristic of flights by American reconnaissance aircraft. The violating aircraft flew over the territory of Kamchatka, including immediately above a Soviet naval base and other military objectives.

"As the violating aircraft approached the island of Sakhalin, a new group of Soviet air defense aircraft was sent up, which tried again to establish contact with it and to bring it to the nearest Soviet airfield. However, the violator did not merely continue its flight without reacting to the Soviet aircraft's warning maneuver but, having changed course, entered the airspace over the southern part of Sakhalin and passed over a Soviet air base, at the same time maneuvering at the same altitude.

"It was only after this that warning shots using tracer shells were fired by the Soviet Aircraft * * *.

'The argument that the deviation from the course took place allegedly because of technical reasons is also clearly without foundation. According to foreign specialists, aircraft of this type are equipped with precise navigational equipment of the "Omega" system backup, which completely rules out the possibility of deviations of such a considerable distance. There are five radio installations on the aircraft, one of which has to be permanently tuned to the international frequency.

"As is known, the ruling circles of the Soviet Union expressed regret in connection with the human victims and at the same time expressed their resolute condemnation of those who either deliberately or as a result of criminal negligence brought about the deaths of people and now trying to use what happened for unscrupulous political purposes.

Moscow, September 6, Pravda—(Article by Colonel General S. Romanov, Chief of the Main Staff of the Air Defense Forces: "Political Provocation with Far-Reaching Aims")

Moreover, carrying out a flight in defiance of the standards of the International Civil Aviation Organization, with extinguished air navigation lights and collision avoidance lights, the crew failed to react to all of our fighter-interceptor's actions. The pilot of our fighter-interceptor undertook repeated attempts to bring the intruding aircraft to the nearest Soviet airfield for a long time. The crew also failed to react to the indications of instruments showing that the aircraft was flying not over the sea, where it should have been flying, but over the dry land of the Kamchatka Peninsula and the Island of Sakhalin. Aircraft of this type are equipped with the most up-do-date navigational and radar apparatus and repeated backup systems."

Moscow, September 6, TASS—"Soviet Government Statement: When it was approaching Sakhalin Island the intruder was again intercepted by fighter planes of the anti-aircraft defenses. And again attempts were made to establish contact with it, including with the help of the known general call signal on the international emergency frequency of 121.5 megacycles. Contrary to the false contentions of the United States President, Soviet anti-aircraft defense fighter planes are outfitted with communication equipment in which this frequency is fixed. So these signals had to be received by the intruder plane, but it did not respond to them. Neither did it respond, as it has been said earlier, to other signals and actions of the Soviet fighter planes.

Since even after this the intruder plane did not obey the demand to fly to a Soviet airfield and tried to evade pursuit, the interceptor-fighter plane of the anti-aircraft defenses fulfilled the order of the command post to stop the flight. Such actions are fully in keeping with the Law on the State Border of the USSR which has been published.

The Soviet pilots, in stopping the actions of the intruder plane, could not know that it was a civilian aircraft. It was flying without navigation lights, at the height of night, in conditions of bad visibility and was not answering the signals."

Moscow, September 7, TASS—"Since the intruder plane did not obey the order to proceed to a Soviet airfield and attempted to evade, an air defense interceptor carried out the order of the command post to stop the flight. Such actions are in full conformity with the law on the USSR state border which was published. We have expressed regret over the loss of human lives.

We state: Soviet territory, the borders of the Soviet Union are sacred.

No matter who resorts to provocations of that kind, he should know that he will bear the full brunt of responsibility for it."

Moscow, September 9, Soviet TV—Press Conference on 9 September in Moscow with Marshal of the Soviet Union Nikolay Ogarkov, chief of the General Staff of the Armed Forces and first deputy minister of defense; Georgiy Korniyenko, first deputy minister of foreign affairs; and Leonid Zamyatin, head of the International Information Department of the CPSU Central Committee—opening statement read by Marshal Ogarkov.

"It has been irrefutably proved that the intrusion of the plane of the South Korean airlines into Soviet airspace was a deliberate, thoroughly planned intelligence operation. It was directed from certain centers in the territory of the United States and Japan. A civilian plane was chosen for it deliberately, disregarding or, possibly, counting on loss of human life. Hence, all the grave consequences of this extraordinary incident, as it is referred to in the Western press. Naturally, all responsibility for what happened rests wholly and fully on its organizers."

Moscow, September 14, Soviet TV—Press conference in Moscow with First Deputy Foreign Minister Korniyenko and Deputy Chief of General Staff Akhrowepeu—(Korniyenko Statement): "There are signs that the American side uses its own provocation involving the South Korean plane in order to complicate the talks on curbing the arms race and on disarmament. This is confirmed by the fact that Mr. Nitze, on arriving in Geneva, declared at the airport that, you see, the talks cannot but be overshadowed by what happened to the South Korean plane. It is very likely that one should see in this explanation for whom and for what purpose that provocation was needed.

As to the readiness or unreadiness of the Soviet Union to discuss the issue of compensation, I view this question as irrelevant, for not only financial, but also political and any other responsibility for what has happened to the South Korean plane should be borne by those who used it as a tool of their dirty policies."

Mr. STEVENS. Mr. President, as everyone here is aware, on August 31, 1983, the Soviet Union shot down the Korean Air Lines 747 flight bound for Seoul, Korea, in an unconscionable act that cost 269 innocent civilians their lives.

The Soviet Union initially denied responsibility for the air tragedy. They told us that they had tried to escort the plane out of Soviet airspace, then they claimed that they did not shoot it down. The tapes released by the Japanese of the Soviet pilot's conversations with the ground control station clearly refute these explanations. Finally, just this past week, the Soviet Union admitted to stopping the flight of Korean Air Lines flight 007. It is important to note that this is not simply a flight that was stopped, it is also the stopping of 269 innocent lives aboard this unfortunate flight.

What reasons do the Soviets give for their actions in shooting down the Korean Air Lines flight? Soviet Foreign Minister Andrei Gromyko puts forth the notion that the flight of the KAL airliner was on "special duty for the American authorities and their relevant services," and that the aircraft refused to land and tried to escape. The idea that we would jeopardize innocent lives or a foreign air carrier for surveillance purposes is ludicrous. Further, the implication that the 747 looked like a RC-135 is untenable. The 747 is the largest civilian aircraft in the world—twice the size of an RC-135—and has a distinctive silhouette that can hardly be confused with that of an RC-135. The RC-135 flight originated at Shenya in the Aleutians, almost 1,300 miles from the Anchorage takeoff point of the KAL flight. The two aircraft did not fly parallel courses at any point in their respective

routes, and at their closest proximity they were more than 75 nautical miles apart. Further, the RC-135 landed in the Aleutians at 1727 Greenwich mean time, nearly 1,350 miles east of the point the KAL 747 was shot down and over an hour before the KAL airliner was destroyed. I find it incredible that the Soviets were not able to discern the KAL flight, a routine daily flight out of Anchorage, from a much smaller aircraft like the RC-135. Clearly, the assertion that the RC-135 was in any way connected with the Korean airliner is absurd.

The claim that the 747 tried to escape is refuted by the transcript of the Soviet pilot's conversation with his ground control. The transcript records the Soviet fighter pilot remarking that the target was flashing its navigation lights only moments before it was shot down. This is an international signal that the aircraft was agreeable to obeying directions of nearby military aircraft. Such action on the part of the Korean airliner contradicts Gromyko's claim that the aircraft "tried to escape." Shooting down an aircraft signaling its intent to obey directions of a military jet cannot be defended, it is simply a malicious execution. Even the claim by the Soviet pilot that the KAL flight failed to respond to cannon fire, a claim that appears to be supported by new information gleaned from the tape, is tarnished by his own announcement that the 747 could not see him.

Gromyko claims "that Soviet territory and the frontiers of the Soviet Union are sacred." Without questioning the validity of the statement, I would ask if human life is not equally as sacred? Further, I question the rationale of protecting sacred Soviet territory by waiting 2½ hours from the time of initial violation of the Soviet frontier before protecting such frontiers—a claim that is even more ludicrous in light of the possibility that the Korean jet was no longer even in Soviet airspace.

All these excuses put forth by the Soviets for this incident serve as "red herrings," drawing our attention away from their seemingly undue sensitivity about this area. In the past, I have warned about the Soviet movement eastward—they have militarized the area east of the Urals and, as the downing of the KAL airliner illustrates, are fanatical about the security of their operations there. The Soviet impression as to the importance of their operations there is evidenced by the presence of first phase fighters, and the fact that the local commander had authority to give the authorization for launching the air-to-air missiles. With Moscow more than 4,000 miles away, a threat to strategic military centers of the U.S.S.R. was perceived. Obviously, we who are adjacent to the Soviet Union are concerned about the increased Soviet military presence east of the Urals.

I agree with the President that the Soviet response to this tragedy is not yet sufficient. These fabricated excuses for uncivilized acts should not be accepted by the international community, and pressure should be brought upon the Soviets to bear the full responsibility for their disgusting disregard of human life. I applaud the administration's efforts to maintain a rationale approach to the problem and I encourage my fellow Senators not to forget this tragedy. With these thoughts in mind, I firmly endorse the Senate resolution condemning the Soviet execution of Korean Air Lines flight 007.

Mr. GARN. Mr. President, the massacre by the Soviet Union of 269 innocent men, women, and children aboard an unarmed, commercial Korean Air Line passenger aircraft was a violent act of cowardice and paranoia. Civilized people throughout the world have been repulsed by the wanton disregard for human life demonstrated by the leaders of the Soviet Union in this despicable act and their subsequent efforts to justify their actions.

It is difficult to find the words to adequately describe the outrage I felt upon hearing the news of this vicious, coldblooded act. There is possibly nothing any one of us can add to the feelings that have already been expressed in the days that have passed since that tragedy. And yet there is also probably nothing in all those words of condemnation that does not bear repeating, for this is an incident that must never be forgotten.

Almost as revolting as the murderous act itself have been the blatant attempts by the Soviet Union to deny, excuse, and justify its action on the basis of boldfaced lies, official denials of obvious facts, and sheer, unadulterated arrogance. The big lie techniques perfected by the Nazi regime of Adolf Hitler obviously have been adopted and expanded upon by the Kremlin. Yuriy Andropov—not so long ago described by some as a "closet liberal"—has again shown his true colors. The actions of his government are fully consistent with his own brutal past as head of the Soviet KGB secret police and with the terrorizing heritage of communism under Lenin, Stalin, and their successors.

For all our sophistication and experience, we adults often miss the essence of a matter that presents itself so clearly to our young children. In fact, with seven children in my family, I have long since learned of the incredible ability of children to see things in clear and stark terms, and to express their thoughts in eloquent simplicity. The same has proved true in this case, in letters I have received from young people in Utah. A group of students at the Dilworth Elementary School in Salt Lake City have written letters to Soviet President Andropov, expressing their feelings about this inexcusable tragedy. They have asked me to forward their letters to Mr. Andropov, and I intend to do so.

With the permission of their teacher, Ms. Mary Sharp, I would like to quote for my colleagues some of the comments made by these young students; 11-year-old Erik Lisonbee expressed the sentiment that must be felt by many of the families of those who died when he wrote: "If my mom or dad or both were on that plane (I) would hate Russia forever." Karen J. Pyper, age 11, seemed to sense the differences between the human values held by the West and the Soviet disregard for those values, when she wrote: "If you want to go around shooting planes, shoot down your own," as if to say "you may not care about innocent human lives, but we do." Mindi Hansen summed up the entire matter quite well: "* * * You have a mean brain. To me and millions of other people * * * you need help with learning what the word love means." Katie Jorgensen expressed her revulsion at the extreme reaction to the Soviets: "Did you know no one would have care(d) if you had had them land and checked them but no you shot them down and killed 269 people and that is why I hate you." Amy Peuler said: "* * * You are so cruel that there is no word to describe you. This letter may make you mad, but it makes me mad that you shot down that plane. I wish you would try and understand us."

Eleven-year-old Davis Herrmann wrote to Andropov saying: "* * * I am mad that my fellow Americans were killed. I expect an apology [sic]. If there is a misunderstanding, I apologize [sic]."

From Shelby E. of the United States comes this comment: "What do you have against Korea? or the United States and Japan?! People like you can cause big problems, I hope you know! you have no reason and right."

A third-grade girl wrote: "You should be ashamed! [sic] Have you ever heard of being kind or consiterate? [sic] From the sad and angry Karin North."

I could go on quoting from the letters these students have directed to Mr. Andropov, but I believe these few examples are a good indication of the feelings that have been generated by this callous act on the part of the Soviet Union.

I said earlier that this terrible deed must never be forgotten. Today, with the memory of this tragedy fresh in our minds, the reminder never to forget seems quite unnecessary—and yet, how often has it been that free men and women have forgotten the serious nature of the threat posed by the Soviet Union and the require-

ments for preserving our security? Will we finally recognize and remember that the leaders of the Soviet Union are not peace-loving, humanitarian people committed to living in harmony with the rest of mankind? However dramatic and tragic this incident is itself, it is also another of a long series of examples of Soviet aggression and abuse of human rights, including the invasion of Afghanistan, the aiding and abetting of terrorism throughout the world, the Polish oppression, the constant export of revolution, and the repression of freedom for the Soviet people, themselves. We must recognize and remember that the Soviet Union and its belligerent leadership pose a threat to world peace and human liberty. I would suggest that the magnitude of the Soviet Union's crime against humanity could be exceeded only by the crime we could commit by forgetting it, and ignoring what it tells us about Soviet values.

Adm. Bobby Inman recently commented upon this grim reminder of the Soviet value system. Inman made note of the mistake in confusing American values for those of Andropov and his colleagues. He said that:

> To an American * * * human life is the No. 1 priority * * * It is inconceivable to me that the United States would ever delegate authority to engage a civilian airliner in peacetime.
>
> With the Soviet the priority is exactly the other way around. The first priority is that they will not tolerate any intrusion into their air space.

Even upon reflection on their act, the Soviets showed no signs of remorse. If they have any second thoughts about the decision to shoot down the airliner, they are unrelated to the question of the lives that have been lost. Rather, as Inman again point out, it is:

> Because of the stark reminder * * * for the rest of the world; it does an awful lot to clear the air after this very sophisticated campaign we've watched over the last two years of their trying to portray themselves as the peacemakers and the United States as the great threat to world peace.

The point still remains that faced with the brutal reality of Soviet action how should the United States and the world community respond? Let me say first that I support the measured steps President Reagan has taken thus far in addressing this situation. I believe we should work with our allies and all countries affected by this tragedy to seek compensation for the families of the victims of this crime, a public apology from the Soviet Union, and agreement upon measures to prevent such a tragedy in the future. I do not, nor I believe, does the President, rule out further sanctions to be imposed against the Soviet Union, beyond those which have already been taken. I believe that the entire spectrum of our relations with the Soviet Union should be subject to review and reassessment, and I stand prepared to support tougher measures should they be deemed appropriate by the President.

But let us not forget that the imposition of sanctions, whatever their individual merit, constitutes a short-term, reactive approach to U.S.-U.S.S.R. relations. They do not constitute a basis for a long-term U.S. national security policy.

But out of this incident can grow improved recognition of essential facts that should be the basis for long-term relationships between the Communist powers and the West. That is, the reality that we share this planet with monstrous sinister power that seeks the destruction of free societies and is capable of rejecting the rules of civilized behavior in order to achieve that objective. A Washington Post columnist, with whom I do not often agree, said it well the other day in suggesting that the Soviets have been treating the rest of the world the way they treat their own people, by simply creating a fiction and insisting that we accept it. In doing so, they have turned a terrible tragedy into a monumental travesty. At the same time, in what can only be described as a miscalculation growing out of sheer arrogance, they have revealed themselves to the world for what they are. They have shown us—once again, and in stark, undeniable terms—that they view raw, brute power as the only valid currency in dealing with their fellow man. We must now act on this knowledge. Not in a brief flash-in-the-pan exchange of words and limited sanctions. But in a consistent, ongoing pattern of behavior that deals with the Soviet Union in the only terms it understands.

If we fail to defeat the nuclear freeze, if we fail to modernize our strategic deterrent and upgrade our conventional force capabilities, if we fail to adopt a fundamentally different approach to our trade and financial relations with the Soviets and their allies, if we fail to enforce existing arms-control agreements, if we fail to protect our security interests in Central America, then the dismissal of Soviet diplomatic personnel, consultations with our Ambassador in Moscow, the temporary suspension of arms-control negotiations, and other short-term responses will contribute little or nothing to our security, and that of the free world.

That, in my opinion, is the challenge before us today—in a mood ripe for punitive revenge, we must remember not to lose sight of these most fundamental elements of our Nation's defense and foreign policies that will insure our security over the long haul.

Mr. ABDNOR. Mr. President, I strongly support the resolution we are considering here today denouncing the Soviet Union for its calculated and heinous act in shooting down the unarmed South Korean commercial airliner, taking the lives of 269 innocent men, women, and children, including 61 of our own people. We continue to grieve for the families and loved ones of all the victims of this despicable, barbarous, and coldblooded act. We all must be outraged with the utter contempt shown by the Soviets in dismissing this act as being justified and, even worse if that can be, a course of action they intend to follow in the future.

I further strongly support this resolution since it concisely addresses the grave matter we have before us and most properly leaves the President of the United States to pursue the course he concludes is best in the interest of our Nation and in the interest of our friends and allies throughout the world.

In voting to table each of the several amendments that have been offered to the resolution, I have done so not because I do not agree with the thrust of most of them, but, as I have indicated, because they for the most part should be left for the consideration of the President following the adoption of the resolution, unanimously in the other body and now here in this Chamber. We may well consider these propositions at another time, and I will welcome the opportunity to do so, but in my judgment they are not appropriate to be included in this measure at this point in time.

THE RELATIONSHIP BETWEEN THE KAL SHOOTDOWN AND SOVIET SALT VIOLATIONS

Mr. McCLURE. Mr. President, I will ask unanimous consent that the Washington Times lead headline story of September 12, 1983, entitled "Recon Plane Thwarted Soviet Missile Test," be entered in the RECORD. This article is important for several reasons.

First, it shows just how sensitive the Soviets are about U.S. discovery of their SALT II violations, in particular their Public Law 5 second new type ICBM. I took the floor last March to point out to the Senate that the throw-weight of the Public Law 5 was 200 percent greater than the SS-3 ICBM, thereby making the Public Law 5 a second new type ICBM in violation of the unratified SALT II Treaty. Confirmation of the fact that the Public Law 5 is a SALT II violation is provided by its new name, the "SS-X-25," making it officially a second new type ICBM.

Second, this Times article shows the linkage of Soviet SALT violations with the Soviet massacre of KAL flight 007. I would ask whether there are any further lessons we can draw from the Soviet airline massacre about the Soviet approach to SALT compliance? I believe that the Soviet willingness to violate their own domestic law and international law in order to shoot down an innocent civilian airliner is

fully consistent with Soviet willingness to violate the SALT II Treaty with which they have repeatedly pledged to comply.

Third, the Soviets have claimed the right to shoot down U.S. military reconnaissance aircraft which are engaged in the national technical means of verification of SALT treaties. This outrageous Soviet claim should be regarded as an obstacle to further progress in START and INF negotiations. The United States should reevaluate its proposals for "effectively verifiable" START and INF treaties unless the Soviets withdraw this claim.

I ask unanimous consent that the Times article to which I have referred be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

RECON PLANE THWARTED SOVIET MISSILE TEST—OFF-COURSE FLIGHT 007 FLEW OVER PLANNED LANDING ZONE

(By Ted Agres)

The Soviet Union had planned to test a highly secret, new intercontinental ballistic missile the night that Korean Air Lines flight 007 strayed over Soviet airspace and was shot down, according to military and intelligence sources.

The missile would have landed on the testing grounds at Kamchatka peninsula, over which the KAL flight had flown off course.

Acting on information of the impending launch, the United States had sent up an RC-135 reconnaissance aircraft to monitor the test. The RC-135, based at the U.S. Air Force station on Shemya Islands near the tip of the Aleutians, circled in international airspace for several hours that night.

But the Soviets, having detected the U.S. reconnaissance plane, apparently decided to cancel the test launch. The RC-135, codenamed "Cobra-Ball" by the military intelligence community, returned to Shemya. It was during this time that the KAL 747 jumbo jet was making its way from Anchorage, apparently on course as it passed over Shemya.

U.S. officials believe the planned launch was to have been of a PL 5 ICBM. Officials said the throw-weight of this new missile is 2,200 pounds, roughly 200 percent greater than that of the Soviet SS 13.

"An increase of only 5 percent is all that's needed for a missile to qualify as an illegal 'new type' ICBM," said one source.

Another source said that the Soviet test flight could have been of a TT 10 or TT 11 ICBM, which would have been launched from facilities at the Tyuratam flight range in Leninsk, near the Aral Sea north of Afghanistan.

The source added that during three previous tests of the PL 5 this year the Soviets went to great lengths to conceal as much as they could. This included launching the missile at night from camouflaged launchers and encrypting or coding from 98 to 100 percent of the missile's telemetry, or radio data. That, in itself, would constitute a violation of present SALT agreements, officials said.

A source added that the first test of the PL 5 took place from Soviet launching facilities at Plesetsk, in northeastern Russia near the White Sea coast.

The U.S. operates monitoring facilities—called "platforms"—near Kamchatka to gather information on Soviet missile and other weapons development.

One of these platforms, code-named "Cobra-Judy," is a U.S. radar ship based at Shemya and usually on station off Kamchatka. It is used to track ICBM/SLBM reentry vehicles impacting on the target area on Kamchatka. Another, code-named "Cobra-Dane," is the giant U.S. radar station operating on Shemya Island.

One source explained that the United States did not have all three platforms operational during the first test this year of the PL 5 on Feb. 8. But it was during the third Soviet test, in June, that Cobra Judy, the radar ship, was operating for the first time. It was from this that the United States got its first "hard evidence," the source said.

"This recent test was to have been the first time that we would have synergistic collection from all three platforms," the source said. "It would have refined our data considerably."

White House Deputy Press Secretary Larry Speakes indirectly confirmed last week a report that the RC-135 reconnaissance plane was airborne to monitor an impending Soviet ICBM launch.

There is speculation among U.S. officials that the Soviets, already concerned over U.S. monitoring of their new ICBMs, became more nervous when the KAL jetliner inexplicably entered Soviet airspace shortly after the RC-135 was launched and after they had cancelled their own missile test.

Intelligence and other officials have charged that Aeroflot, Cubana and other Soviet-bloc civilian aircraft have been known to deliberately fly over sensitive military facilities in the United States to gather electronic and photographic information. The Soviets, the argument goes, could easily have believed that the KAL flight, even though a commercial airliner, was likewise employed on a reconnaissance mission since they themselves use their airlines in that fashion.

These officials are quick to emphasize that they are not making excuses for the Soviet action of shooting down the plane but merely are seeking to gain insight into the Soviet rationale for doing so.

In a related development, the English-language Korea Times, quoting Japanese sources, reported last week that the presumed location of the KAL crash site would have been exactly where the plane should have been at the time if the latitude and longitude coordinates were transposed.

A U.S. defense source said that Flight 007 was on course as it passed over Shemya, and that new coordinates need to be entered during flight over the Aleutians. He added that the airliner's navigation equipment could have operated from New York to Shemya without reprogramming in Anchorage, giving rise to speculation that the pilot or navigator might have reversed coordinates for the flight path bringing the plane into Soviet airspace by accident.

Mr. GRASSLEY. Mr. President, I want to add my support to the resolution on the destruction of the Korean Air Lines flight 007, condemning the brutal behavior of the Government of the Soviet Union which resulted in the loss of 269 innocent lives on August 31. President Reagan has shown great skill in managing the response of the United States to this barbaric act. Such tense international situations test the quality of leadership. This President has proven his great ability to sanely and precisely create a forum in which policy problems can be resolved without hysteria. With firmness and resolve, the President has presented his case to the international community. No nation can ignore the moral principles which underlie the President's call for concerted and effective pressure on the Soviet Union.

It is only the 15th day of September and even now the horror of the Soviet attack on the unarmed passenger plane affects all of us. That sense of tangible horror must be maintained, not lost; 269 lives were snuffed out in a murderous and coldly calculated attack. Step by terrible step the radio transmissions tell a chilling story of the process of dehumanization. The plane filled with children, women, and men was transformed into the target. The destruction of those human lives was euphemistically called termination of the target. The potential of those lives on flight 007 seems incalculable to me. Yet, the Soviet Union has created a state apparatus which not only allows such barbarity, but actively encourages murder in the interests of the state. The record of the Soviet Union in treatment of human life makes sensitive people wince. The callous attack on the Korean airliner is one more proof that we are dealing with a renegade nation; a nation which not only spurns the civility of international law, but appears to actively create an atmosphere of intimidation.

It is clear that pressure must be applied to the Soviets and the President has chosen the international forum to accomplish this. Against the Soviets, broadly based action by a number of nations creates a more lasting and forceful impact and establishes a foundation for additional action in the future. There must be a carefully planned reassessment by the United States and its allies regarding the Soviet Union. The resolution before this body reaffirms the President's announced actions against Aeroflot Airlines, calls for an international investigation, urges the international community to demand that the Soviet Union modify its air defenses, urges international sanctions against Soviet civil aviation, and urges our allies to cooperate with the United States in implementing additional sanctions until such time as the Soviets apologize for this heinous crime.

The attack on the Korean airliner was a form of large-scale international terrorism for which the Soviet Union has become infamous. Because the entire globe has become the staging ground for Soviet action, all civilized nations must coalesce and create disincentives to Soviet terror. The President has identified several forms of pressure which are supported by many

nations and the Senate applauds the wisdom of his decisions. It should be stressed that pressures on the Soviet Union should not be limited to those actions set in motion by the President. International terror must be squelched. There can be no more flight 007's. Should the international community find other actions against the Soviets appropriate, the United States should encourage concerted measures. I am convinced that international pressure on the Soviet Union has an impact. In the months to come I will be involved in organizing an International Parliamentary Union meeting which will focus upon the Soviet policies against human rights. The Soviet Union's unrepentent attitude in the case of flight 007 is another sign of that nation's total insensitivity. The world must focus attention on the practice of crimes transgressing the international law of human rights.

● Mr. QUAYLE. Mr. President, I am frankly shocked that so many Americans and people from all over the world were surprised that the Soviet Union would actually coldbloodedly attack and destroy an unarmed civilian airliner. The tragedy of KAL flight 007 is a blatant reminder that the Soviets are not rational, civilized people.

One has only to look at recent history to see examples of their brutality and ruthlessness. The Soviet Union invaded Afghanistan in 1978, and they still have an estimated 105,000 soldiers in that country. Their use of carpet bombing has increased and in the last months the level of violence has risen.

An incident that happened 1 year ago on Tuesday, September 13, 1982, is another example of the Soviet disdain for human life. On that day over 100 Afgan civilians—many of them women and at least a dozen children under 10—were callously burned to death. They had taken refuge in an underground irrigation tunnel when Soviet troops arrived in their village. These soldiers sealed the entrances, poured several liquids down ventilation shafts, and then ignited the combustible substances. After the incineration, some of the troops supposedly shouted with joy.

Reports continue to come out of Afghanistan that the Soviets are using illegal chemical and toxic weapons. The use of these heinous munitions are in violation of international law, two internationally recognized treaties, and the most basic human rights. They not only use them, but they are also providing them to the Vietnamese for use in Laos and Cambodia.

There is apparent evidence of Soviet complicity in the assassination attempt on the Pope.

The Soviets continue to provide millions of dollars a day in aid to Cuba which is in turn supporting the establishment of a Marxist-Leninist totalitarian regime in Nicaragua. This is the same regime which aids the rebel forces in El Salvador.

The expansionist Vietnamese are presently being directly supported by the Soviets. This allows the Vietnamese to have some 50,000 troops in Laos along with some 2,000 Soviet advisers. At the same time, they have about 180,000 troops in Cambodia along with hundreds of Soviets.

Syria now has the most advanced SAM sites outside of the Soviet Union. These sites are manned by upwards of 5,000 Soviets.

In 1978, the Red Army invaded Czechoslovakia. Why, because the Czechs were moving toward political change. They were beginning to fall out of the Soviet orbit.

To this day, the Soviet Government holds the sword of Damocles over Poland. They have already forced the crackdown on Solidarity and imposition of martial law, which was lifted in name only.

International terrorists are trained, equipped, and harbored in the Soviet Union, and it openly supports terrorist regimes.

Slave labor from their Gulags are used to this day.

The Soviet Union has chosen to ignore their promises under the 1975 Helsinki agreement, especially those obliging them to respect human rights.

And, the list goes on. These are just some of the major actively aggressive and repressive actions the Soviet Union has been and currently is involved in today.

Mr. President, the heart sickening loss of the 269 innocent individuals aboard KAL flight 007 means nothing to the Soviets. They have lied about it. They have said they will not compensate the families of the victims, and they have said they would do it again.

This callous disregard for human life and the Soviet's attitude are simply further examples that the Government is barbaric and not on the same level as the rest of the civilized world.

The Soviet Union is a paranoid and completely corrupt society. By now, we in the rest of the world should know this and understand this.

My sympathies go out to the families of the victims. Their losses are shared by the rest of the civilized world.●

Mr. MATHIAS. Mr. President, the downing of KAL flight 007 was an international disaster. It is hard to conceive of any circumstances which would justify shooting down an unarmed civilian airliner and certainly Soviet explanations are, as Secretary of State Shultz has said, "preposterous."

If one nation chooses to operate outside of recognized standards of human behavior, the world should demonstrate to that country that such actions will not be tolerated. The Soviet Union must be made to understand that such terrorist tactics have no place in the conduct of civilized international relations.

Therefore, I fully support this resolution and the sanctions outlined thus far by President Reagan. Even under great stress he responded to this appalling incident with an assured and reassuring combination of indignation and restraint. The President has drawn the right lesson from this heartless demonstration of Soviet military rigidity and callousness: the need to be strong in facing such a regime and the need to be persistent in efforts to reduce the nuclear menace it poses to the world. His actions, together with those of the rest of the world, clearly indicate the depth of our dismay.

It is appropriate to condemn the Soviet Union for this outrage. But it is no less appropriate to keep our own actions reasonable and restrained. As George Washington cautioned in his Farewell Address:

> The nation which indulges toward another an habitual hatred or an habitual fondness is in some degree a slave. It is a slave to its animosity or to its affection, either of which is sufficient to lead it astray from its duty and its interest.

The United States must not fall victim to any such crippling, consuming hatred. Our reaction to the downing of KAL flight 007 makes that clear. When a country must be condemned, we will condemn it. But we will also work to create a climate in international relations where such tragedies can be prevented from happening.

TRAGEDY

● Mr. LAUTENBERG. Mr. President, there are events still able to shock and outrage people everywhere, even in this modern time when we have all seen too much tragedy and too much disaster. The shooting down of a Korean civilian airliner by the Soviet Union on August 31, 1983, is one of those events. It violated all established norms of behavior and a basic respect for human life. It is a tragedy born of paranoia and callousness among leaders in the Soviet Union.

Of the 269 people who died in the explosion of Korean Air Lines flight 007, 61 were from the United States. But there were citizens of 13 different countries on this international flight. Our sympathies flow to the families of all these people. It was such a sudden and senseless way for trusting airline passengers to die. My condolences go in a special way to the families of the 16 who lived in New Jersey. In speaking with some of them in the last 2 weeks, I have gained a firsthand sense of their loss.

Mr. President, as a cosponsor of Senate Joint Resolution 158, I join my

colleagues in condemning the Soviet Union for shooting down this civilian airliner. I also join them in calling for a full investigation by the International Civil Aviation Organization, a more satisfactory and forthcoming explanation by the Soviet Union and the payment of damages to the families who have lost loved ones. The future participation of the Soviet Union in the international commercial air system should be linked to Soviet cooperation with these initiatives.

We should consider what additional steps are necessary to prevent another such tragedy in consultations with our allies and other interested nations. Further steps can only be implemented effectively if there is unity.

The Senate considered recommending additional actions that the United States might take on its own. None have been adopted, but several had substantial support. Undoubtedly, the United States will continue efforts to build some of these steps into the still evolving international response to the reprehensible Soviet action.

Senate Joint Resolution 158, introduced by Senators BAKER and BYRD, as leaders of both parties, embodies a bipartisan effort to condemn the Soviet Union for its senseless act. It calls on the Soviet Union to alter its defense procedures to prevent any reoccurrence. The resolution also calls for a Soviet explanation, an International Civil Aviation Organization investigation and appropriate civil aviation sanctions. It supports the rights of the families of the victims in seeking compensation.

In short, it places the Congress on record in a distinct and timely way against military aircraft shooting down civilian aircraft, no matter what the circumstances. It supports the view that the Soviet Union must earn its way back into the international civil aviation community. That is why the other body sent us the companion resolution of this subject, House Joint Resolution 351, by 416 to 0 vote. I urge its unanimous adoption.

We may never know the full truth about what happened August 31. But it is incumbent on us now to press for greater responsibility and more objective standards governing the safety of wayward civilian airliners. Unanimous support for this resolution is the first step.●

Mr. BAKER. Mr. President, I believe we are ready for final passage. But before I ask the Chair to put the question, I wish to speak to the minority leader, who happens to be in my office on another matter.

Mr. MOYNIHAN. Mr. President, will the Senator yield?

Mr. BAKER. I yield.

Mr. MOYNIHAN. Mr. President, we are at the end of this day, and I should like to say, once again, that this is a historic day.

We have declared a tyrannical nation guilty of a crime, of which it is guilty, and we have reason to be proud of the unanimous support we give to the House of Representatives.

We have reason to believe that the President will endorse and sign this measure today, and the world will have seen our act.

While there have been some disagreements on the floor—we have had to have some votes—it is even so the case, I believe, that we are going to end up unanimous, and the world will hear this action, having spoken with one voice in the space of 30 hours on a matter of the gravest consequence, making the gravest possible charge, which we now leave to the President to execute.

Mr. BAKER. Mr. President, I do not want the vote to occur until the minority leader approaches the floor. There is still a little time remaining under the resolution itself—1 minute; is that correct? Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, no more amendments are in order except those included in the unanimous-consent request. I believe then we are ready for third reading, and I ask for third reading of the resolution.

The PRESIDING OFFICER. If there be no further amendments, the question is on third reading of the joint resolution.

The joint resolution was ordered to be read a third time and was read the third time.

Mr. BAKER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. PERCY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HEINZ. Mr. President, in a few seconds we will vote on the resolution. I expect it will, as its companion in the House did yesterday, pass unanimously.

I hope that viewers outside this country, particularly those in the Soviet Union, will understand that in our support, our undivided support, for this resolution that they will be fully cognizant of the strength of national unity, that it will be apparent and that we will thereby lay to rest any question that any observer may have as to our depth of commitment in standing together, be we Republicans or Democrats.

The PRESIDING OFFICER. Who yields time?

Mr. MOYNIHAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, we have had third reading, the time has expired, and I ask the Chair to place before the Senate the question on the passage of the resolution.

The PRESIDING OFFICER. All time having been yielded back, the question is, Shall the joint resolution pass? The yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. STEVENS. I announce that the Senator from South Dakota (Mr. PRESSLER) is necessarily absent.

Mr. BYRD. I announce that the Senator from California (Mr. CRANSTON), the Senator from Ohio (Mr. GLENN), the Senator from South Carolina (Mr. HOLLINGS), and the Senator from Louisiana (Mr. LONG) are necessarily absent.

I further announce that, if present and voting, the Senator from California (Mr. CRANSTON), the Senator from Ohio (Mr. GLENN), the Senator from South Carolina (Mr. HOLLINGS), and the Senator from Louisiana (Mr. LONG), would each vote "yea."

The PRESIDING OFFICER. Are there any other Senators in the Chamber wishing to vote?

The result was announced—yeas 95, nays 0, as follows:

[Rollcall Vote No. 253 Leg.]

YEAS—95

Abdnor	Garn	Moynihan
Andrews	Goldwater	Murkowski
Armstrong	Gorton	Nickles
Baker	Grassley	Nunn
Baucus	Hart	Packwood
Bentsen	Hatch	Pell
Biden	Hatfield	Percy
Bingaman	Hawkins	Proxmire
Boren	Hecht	Pryor
Boschwitz	Heflin	Quayle
Bradley	Heinz	Randolph
Bumpers	Helms	Riegle
Burdick	Huddleston	Roth
Byrd	Humphrey	Rudman
Chafee	Inouye	Sarbanes
Chiles	Jepsen	Sasser
Cochran	Johnston	Simpson
Cohen	Kassebaum	Specter
D'Amato	Kasten	Stafford
Danforth	Kennedy	Stennis
DeConcini	Lautenberg	Stevens
Denton	Laxalt	Symms
Dixon	Leahy	Thurmond
Dodd	Levin	Tower
Dole	Lugar	Trible
Domenici	Mathias	Tsongas
Durenberger	Matsunaga	Wallop
Eagleton	Mattingly	Warner
East	McClure	Weicker
Evans	Melcher	Wilson
Exon	Metzenbaum	Zorinsky
Ford	Mitchell	

NAYS—0

NOT VOTING—5

Cranston	Hollings	Pressler
Glenn	Long	

So the joint resolution (H.J. Res. 353) was passed.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. BAKER. Mr. President, I wish to take this opportunity to extend my thanks and congratulations to the distinguished managers of this resolution. That is to say, Senator PERCY, the able chairman of the Foreign Relations Committee; Senator PELL, the able ranking member of that committee; Senator TOWER, Senator NUNN, the minority leader, and to all those who have participated in the management of this joint resolution.

I also offer my congratulations to those who offered amendments to the resolution and argued so forcefully for their adoption.

As they know, I was opposed to the adoption of any amendments to this joint resolution. Indeed, I am most gratified that the Senate agreed to adopt the House-passed joint resolution without change. It will now go directly to the President of the United States for his approval.

Notwithstanding that, Mr. President, I which to say, as I have said privately to Members who offered amendments—the Senator from North Carolina, the Senator from Kentucky, the Senator from Florida, the Senator from Kansas, and so many others—that among those amendments are many amendments that I would have wished personally to have supported. But it was my judgment that there was such an overwhelming reason for adopting a joint resolution that had been adopted unanimously by the House of Representatives and which could be presented to this body for adoption, as it turned out, by a unanimous vote, that I was willing to subordinate my own personal preferences in many cases to what I considered to be the greater good, that is, the passage of our expressing the unanimous sentiment of the Congress of the United States.

I have already reviewed for many Members, especially for my caucus, how this matter arose, the genuine spirit of bipartisan cooperation that spawned this effort.

It was in the Cabinet room in a meeting with the President of the United States and the joint leadership of the two Houses on a bipartisan basis on the day in August when the President requested the leadership to return to the city and consult with him on the situation in Lebanon and the situation occasioned by the Russian destruction of the Korean airliner.

Mr. President, this is a major bipartisan achievement. I hope that it greases the way for future bipartisan efforts in the field of foreign policy. I express my appreciation to all of those who participated and my gratitude for their support in bringing this matter to a successful conclusion.

Mr. PRESSLER subsequently said: Mr. President, last Thursday when the Senate voted unanimously to adopt House Joint Resolution 353 I was unable to be present. Had I been present, I would have voted with my colleagues in favor of this resolution condemning the Soviet Union for destruction of the Korean airliner and its 269 passengers and crew.

Mr. President, the Soviet action was cold-blooded murder. This destruction of an unarmed passenger plane proves once again that the Soviet Government's word cannot be trusted. They must be judged by their deeds, and not their words or paper promises. I support the continuing efforts by our own Government and other governments to put pressure on the Soviet Union for a full apology and compensation for the families of the victims.

I request that the official record for the Senate be corrected to indicate my voting position following the announcement of the vote on House Joint Resolution 353 on Thursday, September 15, 1983.

Mr. BAKER. Mr. President, there are a number of matters that can be disposed of but before I do that, I ask unanimous consent that the Senate Joint Resolution 158, which was the original resolution offered by Senator BYRD and myself and Senator PERCY, Senator PELL, Senator TOWER, and Senator NUNN, in view of the adoption of the House-passed resolution, be indefinitely postponed.

The PRESIDING OFFICER (Mr. DENTON). Without objection, it is so ordered.

SENATE SCHEDULE FOR WEEK OF SEPTEMBER 19

Mr. BAKER. Mr. President, what I plan to say next, I am sure, will gladden the hearts of many Senators. I announced earlier that we would be in session tomorrow and turn to consideration of the Export-Import Bank bill. I find that it is not feasible to do that. Therefore, we will not be in session tomorrow. We will be on the Interior appropriations bill again when we resume session on Monday.

Mr. President, I have a unanimous-consent request that I am trying to clear in respect to the conclusion of our affairs today and the reconvening of the Senate on Monday. It is my expectation that if this is cleared, and I believe it will be, we will adjourn today until Monday noon. I shall not now make that request pending the approval of the unanimous-consent request.

To repeat, the Senate will not be in session tomorrow. It will resume session, assuming there is no reason for changes, at noon on Monday. The unfinished business will be the Interior bill. I do anticipate rollcall votes on Monday. I do wish for the conclusion of the Interior bill on Monday.

I might give a general overview of some of the things that it is possible the leadership will ask the Senate to turn to next week while we have just a moment.

Mr. President, there are a number of things and I am not certain that all of them will be taken up. I hope, in addition to the Interior appropriations bill, we might reach S. 608, the Arms Control and Disarmament Agency authorization, the Inter-American Development Bank, the Asian Development Bank and African Development Fund, the State Department authorization bill, the revenue-sharing reauthorization, such conference reports as may come before us, the export administration bill, the Export-Import Bank Act, and the Martin Luther King, Jr., holiday bill, which is H.R. 3706.

That is an ambitious program for next week, but I remind Senators that we have a break coming on October 7, the Columbus Day recess of 10 days. That means we have very few days to complete an impressive array of legislation which must be dealt with, not the least of which is the continuing resolution and perhaps the debt limit. So I give up this Friday reluctantly and urge Senators to believe me when I say that is not a pattern for this fall and, indeed, I expect 5 full days of session next week.

ROUTINE MORNING BUSINESS

Mr. BAKER. Mr. President, since we have spent all day on the Korean Air Lines resolution, it would be appropriate, I think, to have a period for the transaction of routine morning business. I ask unanimous consent that there now be a period for the transaction of routine morning business to extend until 7 p.m., in which Senators may speak for not more than 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Saunders one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Acting President pro tempore laid before the Senate messages from the President of the United States submitting a nomination which was referred to the appropriate committee.

(The nomination received today is printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 9:34 a.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has passed the following joint resolution, in which it requests the concurrence of the Senate:

H.J. Res. 353. Joint resolution condemning the Soviet criminal destruction of the Korean civilian airliner.

At 2:28 p.m., a message from the House of Representatives, delivered by Mr. Berry, one of its reading clerks announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 675) to authorize appropriations for fiscal year 1984 for the Armed Forces for procurement, for research, development, test, and evaluation, and for operation and maintenance, to prescribe personnel strengths for such fiscal year for the Armed Forces and for civilian employees of the Department of Defense, to authorize appropriations for such fiscal year for civil defense, to authorize certain construction at military installations for such fiscal year, to authorize appropriations for the Department of Energy for national security programs for such fiscal year, and for other purposes; and that the House agrees to the amendment of the Senate to the title of the bill.

The message also announced that the House has passed the bill (S. 1340) to revise and extend the Rehabilitation Act of 1973 and to extend the Developmental Disability Assistance and Bill of Rights Act, and for other purposes, with amendments; it insists upon its amendment to the bill, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and appoints Mr. PERKINS, Mr. FORD of Michigan, Mr. BIAGGI, Mr. ANDREWS of North Carolina, Mr. SIMON, Mr. MILLER of California, Mr. MURPHY, Mr. CORRADA, Mr. WILLIAMS of Montana, Mr. KOGOVSEK, Mr. ERLENBORN, Mr. BARTLETT, Mr. GOODLING, Mr. GUNDERSON, and Mr. COLEMAN of Missouri as managers of the conference on the part of the House.

The message further announced that the House disagrees to the amendments of the Senate to the bill (H.R. 3263) making appropriations for military construction for the Department of Defense for the fiscal year ending September 30, 1984, and for other purposes; it agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon; and appoints Mr. HEFNER, Mr. BEVILL, Mr. LONG of Maryland, Mr. ALEXANDER, Mr. ADDABBO, Mr. CHAPPELL, Mr. DICKS, Mr. FAZIO, Mr. WHITTEN, Mr. REGULA, Mr. EDWARDS of Oklahoma, Mr. LOEFFLER, Mr. LIVINGSTON, and Mr. CONTE as managers of the conference on the part of the House.

The message also announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 5. An act to establish an Ocean and Coastal Resources Management and Development Fund from which coastal States shall receive block grants.

ENROLLED BILL SIGNED

At 5:08 p.m., a message from the House of Representatives, delivered by Mr. Berry, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

S. 675. An act to authorize appropriations for fiscal year 1984 for the Armed Forces for procurement, for research, development, test, and evaluation, and for operation and maintenance, to prescribe personnel strengths for such fiscal year for the Armed Forces and for civilian employees of the Department of Defense, to authorize appropriations for such fiscal year for civil defense, and for other purposes.

The enrolled bill was subsequently signed by the President pro tempore (Mr. THURMOND).

At 5:32 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has passed the following joint resolutions, without amendment:

S.J. Res. 81. Joint resolution to authorize and request the President to designate October 16, 1983, as "World Food Day";

S.J. Res. 82. Joint resolution designating November 1983 as "National Alzheimer's Disease Month";

S.J. Res. 119. Joint resolution to designate the week of December 11, 1983, through December 17, 1983, as "National Drunk and Drugged Driving Awareness Week"; and

S.J. Res. 131. Joint resolution designating the week of September 18, 1983, through September 24, 1983, as "National Cystic Fibrosis Week".

The message also announced that the House has passed the following joint resolution, in which it requests the concurrence of the Senate:

H.J. Res. 325. Joint resolution designating the week beginning September 18, 1983, as "Emergency Medicine Week".

HOUSE MEASURE REFERRED

The following joint resolution was read the first and second times by unanimous consent, and referred as indicated:

H.J. Res. 325. Joint resolution designating the week beginning September 18, 1983, as "Emergency Medicine Week"; to the Committee on the Judiciary.

HOUSE MEASURE PLACED ON THE CALENDAR

The following bill was read the first and second times by unanimous consent, and placed on the calendar:

H.R. 5. An act to establish an Ocean and Coastal Resources Management and Development Fund from which coastal States shall receive block grants.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-1731. A communication from the Acting Director of the Defense Security Assistance Agency transmitting, pursuant to law, a report on a foreign military sale to Egypt; to the Committee on Armed Services.

EC-1732. A communication from the Acting Assistant Secretary of the Army for Installations, Logistics, and Financial Management transmitting, pursuant to law, notice of discovery and emergency disposal of chemical munitions at Dugway Proving Ground, Utah; to the Committee on Armed Services.

EC-1733. A communication from the Chairman and Chief Executive Officer of the Communications Satellite Corporation transmitting, pursuant to law, the 20th annual report of COMSAT; to the Committee on Commerce, Science, and Transportation.

EC-1734. A communication from the Acting Assistant Secretary of the Army for Installations, Logistics, and Financial Management transmitting, pursuant to law, notice of intent to dispose of chemical munitions at Umatilla Army Depot Activity, Oregon; to the Committee on Armed Services.

EC-1735. A communication from the Acting Secretary of State transmitting, pursuant to law, a report on payments by the United States to private individuals or corporations in satisfaction of assurance agreements or loan guarantees to the Polish People's Republic; to the Committee on Foreign Relations.

EC-1736. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to law, copies of international agreements, other than treaties, entered into by the United States within the previous 60 days; to the Committee on Foreign Relations.

EC-1737. A communication from the Chairperson of the Navy Resale and Services Support Office, Retirement Trust, transmitting, pursuant to law, the annual pension report for 1982; to the Committee on Governmental Affairs.

EC-1738. A communication from the the Director of the National Security and International Affairs Division of the General Accounting Office transmitting, pursuant to law, a report entitled "Status of Major Acquisitions as of September 30, 1982"; to the Committee on Governmental Affairs.

EC-1739. A communication from the Commissioner of the Immigration and Naturalization Service transmitting, pursuant to law, a report on fiscal year 1983 waivers granted aliens under sec. 212(a) of the Immigration and Nationality Act; to the Committee on the Judiciary.

EC-1740. A communication from the Assistant Attorney General of the United States transmitting, pursuant to law, a report on allegations of violations of Federal criminal law by current and former employees of the Environmental Protection Agency; to the Committee on the Judiciary.

EC-1741. A communication from the Comptroller General of the United States transmitting, pursuant to law, a report on one deferral of budget authority relating to the Railroad Retirement Board; jointly, pursuant to the order of January 30, 1975, to the Committees on Appropriations, the Budget, and Finance.

EC-1742. A communication from the Acting Director of the Defense Security Assistance Agency transmitting, pursuant to law, a report on a foreign military sale to Korea; to the Committee on Armed Services.

EC-1743. A communication from the Assistant Secretary of Defense for Manpower, Reserve Affairs, and Logistics transmitting, pursuant to law, revised by-country breakouts of fiscal year 1982-fiscal year 1984 military end strengths; to the Committee on Armed Services.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. GARN, from the Committee on Banking, Housing, and Urban Affairs:

Special report entitled "Second Monetary Policy Report for 1983" (Rept. No. 98-227).

By Mr. THURMOND, from the Committee on the Judiciary, without amendment and with a preamble:

H.J. Res. 218. A joint resolution to designate the month of September of each year as "National Sewing Month."

H.J. Res. 229. A joint resolution to authorize and request the President to issue a proclamation designating April 24 through April 30, 1983 as "National Organ Donation Awareness Week."

By Mr. PACKWOOD, from the Committee on Commerce, Science, and Transportation, without amendment and with a preamble:

S. Res. 167. A resolution expressing the sense of the Senate that the Federal Government take all necessary steps to promote travel to the United States by foreign visitors during the 1984 Summer Olympics and the 1984 Louisiana World Exhibition, to inform such visitors of recreational and commercial opportunities throughout the United States, and to facilitate their entry into and travel within this country.

By Mr. THURMOND, from the Committee on the Judiciary, without amendment:

S. 1448. A bill to designate the square dance as the national folk dance of the United States.

By Mr. THURMOND, from the Committee on the Judiciary, without amendment and with a preamble:

S.J. Res. 50. A joint resolution designating the week beginning September 25, 1983, as "National Adult Day Care Center Week."

S.J. Res. 121. Joint resolution to designate November 1983 as "National Diabetes Month."

S.J. Res. 128. Joint resolution to designate the day of October 22, 1983, as "Metropolitan Opera Day."

S.J. Res. 134. Joint resolution to provide for the designation of the week of November 27 through December 3, 1983, as "National Entomology Week."

S.J. Res. 140. Joint resolution to provide for the designation of the week of October 2 through October 8, 1983, as "Myasthenia Gravis Awareness Week."

S.J. Res. 142. Joint resolution to designating the week of October 3 through October 9, 1983, as "National Productivity Improvement Week."

S.J. Res. 146. Joint resolution to designate March 23, 1984, as "National Energy Education Day."

S.J. Res. 150. Joint resolution to designate August 4, 1984 as "Coast Guard Day."

S.J. Res. 157. Joint resolution to designating November 13, 1983, as "National Retired Teachers' Day."

By Mr. PACKWOOD, from the Committee on Commerce, Science, and Transportation, with an amendment in the nature of a substitute:

S. 1146. A bill to amend the Federal Aviation Act of 1958 to provide for the revocation of the airman certificates and for additional penalties for the transportation by aircraft of controlled substances, and for other purposes (Rept. No. 98-228).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. THURMOND, from the Committee on the Judiciary:

Kenneth W. Starr, of Virginia, to be U.S. circuit judge for the District of Columbia Circuit;

John F. Keenan, of New York, to be U.S. district judge for the southern district of New York;

John P. Vukasin, of California, to be U.S. district judge for the northern district of California;

James B. Roche III, of Massachusetts, to be U.S. Marshal for the district of Massachusetts for the term of 4 years; and

Thomas C. Rapone, of Pennsylvania, to be U.S. Marshal for the eastern district of Pennsylvania for the term of 4 years.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mrs. KASSEBAUM:

S. 1844. A bill entitled the "Aviation Tax-Reduction Act of 1983"; to the Committee on Finance.

By Mr. CHAFEE:

S. 1845. A bill to amend the Tariff Schedules of the United States to extend duty-free treatment to the reimportation of certain articles originally imported duty free; to the Committee on Finance.

By Mr. PERCY (by request):

S. 1846. A bill to amend title II of the Arms Control and Disarmament Act, and for other purposes; to the Committee on Foreign Relations.

By Mr. DANFORTH (by request):

S. 1847. A bill to authorize the President to carry out and enforce the International Coffee Agreement, 1983; to the Committee on Finance.

By Mr. SPECTER:

S. 1848. A bill to extend the Federal Supplemental Compensation Act for 6 months, to provide additional weeks of compensation to individuals who are currently receiving such compensation or who exhausted their right to such compensation, and to suspend for 1 year the 120 percent requirement in the State trigger for extended benefits; to the Committee on Finance.

By Mr. LAUTENBERG:

S. 1849. A bill to provide financial assistance to the States for the improvement of computer education instruction in the schools of the State, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. BAKER (for Mr. SIMPSON (for himself, Mr. CRANSTON, Mr. STAFFORD, Mr. DENTON, Mr. RANDOLPH, Mr. MATSUNAGA and Mr. DECONCINI)):

S. 1850. A bill to amend title 38, United States Code, to extend for 1 year the authority of the Veterans' Administration to provide certain contract medical services in Puerto Rico and the Virgin Islands; placed on the calendar.

By Mr. HUMPHREY (for himself and Mr. RUDMAN):

S. 1851. A bill to establish additional wilderness areas in the White Mountain National Forest; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. CHAFEE (for himself, Mr. ANDREWS, Mr. BURDICK, Mr. DOLE, Mr. DOMENICI, Mr. DURENBERGER, Mrs. HAWKINS, Mr. HELMS, Mr. HOLLINGS, Mr. JEPSEN, Mr. LUGAR, Mr. MATSUNAGA, Mr. PERCY, Mr. ROTH, and Mr. WILSON):

S.J. Res. 161. Joint resolution to designate the week of April 15, 1984, through April 21, 1984, as "National Child Abuse Prevention Week."; to the Committee on the Judiciary.

By Mr. HUMPHREY:

S.J. Res. 162. Joint resolution proposing an amendment to the Constitution of the United States with respect to Senators and Representatives and the number of terms either may serve; to the Committee on the Judiciary.

By Mr. BYRD (for himself, Mr. EAGLETON, Mr. KENNEDY, Mr. SARBANES, Mr. CHILES, Mr. DIXON, and Mr. PELL):

S.J. Res. 163. Joint resolution finding that section 4(a)(1) of the war powers resolution applies to the present circumstances in Lebanon; to the Committee on Foreign Relations.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. KENNEDY (for himself, Mr. CRANSTON and Mr. DODD):

S. Res. 219. A resolution calling for the restoration of democracy in Chile; to the Committee on Foreign Relations.

By Mr. HUDDLESTON (for himself, Mr. ANDREWS, Mr. ZORINSKY, Mr. MELCHER, Mr. BOREN, Mr. PRYOR, Mr. HEFLIN, Mr. DIXON, Mr. FORD, Mr. BAUCUS, and Mr. HART):

S. Res. 220. A resolution expressing the sense of the Senate that immediate action should be taken to provide temporary emergency assistance for farmers and others adversely affected by the drought; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. BAKER (for himself and Mr. BYRD):

S. Res. 221. A resolution relative to flower displays in the Chamber for deceased Senators; considered and agreed to.

By Mr. HUDDLESTON:

S. Res. 222. A resolution calling for a reduction in the official Soviet presence in the United States in response to the destruction of Korean Air Lines flight 007; to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mrs. KASSEBAUM:

S. 1844. A bill entitled the "Aviation Tax Reduction Act of 1983"; to the Committee on Finance.

AVIATION TAX REDUCTION ACT OF 1983

Mrs. KASSEBAUM. Mr. President, I rise today for the purpose of introducing a bill which I had sincerely hoped would never become necessary. It has been little more than a year since the Commerce Committee and the Finance Committee joined forces to send the Airport and Airway Improvement Act of 1982 and its accompanying user-fee tax measures to the Senate. These pieces of legislation were enacted as shining examples of the user-fee concept that this administration has embraced so warmly. They recognized the pressing need to modernize our airport and airways systems and addressed that need by taxing the people who would benefit the most from the modernization.

I am here today to tell the Senate that the flying public, the general aviation community, cargo operators, and municipal airports all over this country have been betrayed. The administration has totally and utterly failed to carry through on the promises that it made during the formulation and enactment of the AIP legislation. The aviation taxes, significantly increased last year, are once again simply flowing into the airport and airway trust fund and bloating the surplus in that account. Because this money cannot be spent on anything other than aviation, the surplus renders no substantive benefit to anyone. It only allows the Office of Management and Budget to show a deficit number that is artificially low.

To demonstrate in detail how the administration has turned on the concept of aviation user fees, a little history is in order. In May and June of last year, I chaired a series of hearings that built on work begun in 1981 on a funding program for the national airspace system plan. Those hearings clearly established the fact that our current air traffic control system is outdated. If that system is to safely and efficiently handle the large increased projected in air traffic for the coming years, an almost complete overhaul was shown to be necessary. A pressing need also was shown for improvements at our Nation's airports. To meet these needs, the committee proposed an authorization schedule that represented a total expenditure of more than $21 billion over a 5-year span.

Aviation infrastructure improvements have traditionally been funded by taxes levied on aviation users. These taxes consist primarily of a tax on fuel used in noncommercial or general aviation, a passenger ticket and cargo waybill tax, and an excise tax on aircraft tires and inner tubes. In order to fund the ambitious modernization plan, the fuel taxes were increased significantly.

Due in large part to the accumulation of a large surplus in the trust fund, the aviation user groups were concerned that their taxes actually be used for making aviation improvements. I shared that concern. In order to make certain that the administration was committed to spending this money, contributed by the users, I closely questioned both FAA Administrator Helms and then Secretary of Transportation Lewis. I made the following request of those two gentlemen at our hearings:

. . . What I need is a pledge from you, and from Administrator Helms, that when we get this legislation in place, the user fees will be used. And that we are not going to use them to mount up a surplus in the trust fund in order to help balance the budget. . . . They are to be used for the purpose for which they are intended.

I received the following replies, in part:

Secretary LEWIS. We agree completely. And if there is any way you can lock us in in terms of the legislation, we would be pleased to be locked in so we are obligated, not only the two of us but whoever our successors should be.

We feel very strongly the money is needed. We do not see this as a budget balancer. And I am sure that Mr. Stockman will work with us, because he has accepted the need for the airports. As a matter of fact, I should point out, at the time I accepted the job as Secretary of Transportation, I asked the President two questions. And one was. Was he willing to make a commitment to the needs of the airspace in the future? So not only do we have a commitment from OMB, but also from the President of the United States.

Mr. HELMS. Senator, I would add on that just briefly that the Secretary and I recognized this is a sensitive issue, and he and I jointly discussed this directly with Mr. Stockman to ensure that there was no misunderstanding. And Mr. Stockman did pledge to work with us across the board. So we do not feel we have any qualms at all. . . .

It was that specific commitment which Mr. Stockman made that we would draw down the surplus and not let it go back up.

Unfortunately, these unqualified promises did not last even a year. In the 1984 Department of Transportation appropriations bill, the administration supported the Senate version which cut over $500 million from the authorized levels for fiscal year 1984. This action is even more incomprehensible when you examine what happened to one aviation account in particular, FAA facilities and equipment.

The facilities and equipment, or F&E, account represents spending for the construction of critical navigation and air traffic control equipment. The authorized level for F&E in 1984 is $1.393 billion. The President's budget for 1984 proposed spending $1 billion. The administration documented the reason for this reduction and pledged its support for that funding level.

The aviation community, myself included, was very disappointed when the Senate subcommittee adopted a figure of $750 million for F&E. Most believed, however, that that number could be increased to a more realistic level. Those hopes were dashed when the administration totally reversed its previous promises of support.

Aviation users were deserted by the very administration that promised little over a year ago to see that their dedicated taxes would be expeditiously spent. The time is long since past when the administration's plaintive refrain, "we will spend it next year," has any credibility at all.

I do not believe that the President, who has championed user fees as an appropriate and fiscally sound method of financing improvements, has focused on what is happening in the aviation area. Nothing could be more alien to the President's philosophy than to collect taxes for no good reason. I believe the problem lies with a Government bureaucracy that still thinks the aviation trust fund can be manipulated to show artificially low deficits. Such bureaucratic actions endanger the entire concept of user fees.

More importantly, the sharp reduction in aviation spending could endanger the timetable previously agreed to for modernizing our air traffic system. If such delays continue, we will face a choice between artificially restricting air traffic or jeopardizing the safety of millions of air travelers.

Because the stakes are so high, I can no longer rely on quiet persuasion with colleagues and the administration officials. As one who argued strongly for aviation tax increases, I feel compelled to acknowledge an undeniable breach of faith by the administration and to fight for an immediate correction. Therefore, I am today introducing the Aviation Tax Reduction Act of 1983. The goal of this bill is very simple. The Government must either spend the money it collects from the aviation community and millions of air travelers or it must reduce the taxes it levies for aviation.

The bill would adjust aviation taxes each fiscal year to reflect the appropriated levels of spending for that year, starting with the tax levels currently in effect. If only half the authorized total were appropriated, the tax rates for that year would be half

their current rates. This will provide a rough adjustment mechanism to match taxation with spending. It would stop Government bureaucrats from playing games with the aviation trust fund by halting the already huge surplus from growing larger.

I believe this is a responsible answer to a problem created by the administration. Many members of the aviation community now are calling for an across-the-board cut in aviation taxes. I do not support such a move, which would cripple and possibly doom the modernization effort that is desperately needed. Instead, my legislation would protect the funding mechanism for modernization and force the administration to fulfill the spending obligation it accepted more than a year ago. I am taking Drew Lewis at his word, whether others in the administration want to or not, by trying to "lock in" aviation spending equal to aviation taxes.

As I said at the beginning of my statement, I had hoped that this bill would never be necessary. I believed the commitments made by the administration, because they were based on commonsense and a common understanding of the needs of our air traffic system. Unfortunately, the administration's commitments have now been shredded by the administration's actions. Simple equity demands that Congress correct this situation before it completely undermines support for air traffic modernization. I hope the Finance Committee will take prompt action on this legislation, and I urge my colleagues to give it their full support.

Mr. President, I ask unanimous consent that correspondence related to the legislation, a section-by-section analysis, and the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1844

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Aviation Tax-Reduction Act of 1983."

SEC. 2. FINDINGS.

The Congress hereby finds and declares that—

(a) the safe operation of the airport and airway system will continue to be the highest aviation priority;

(b) the Airport and Airway Improvement Act of 1982 and its accompanying aviation tax measures were enacted in light of the pressing need to modernize our airport and airway systems and with a recognition that the users of such systems should bear the cost of that modernization;

(c) in light of the fact that the administration has failed to support the expenditure of funds as set forth in the Airport and Airway Improvement Act of 1982, it is not appropriate to continue taxing aviation users at a rate designed to support the spending levels originally contemplated; and

(d) the most appropriate way to fund the Airport and Airway Improvement Programs is by user taxes related to the actual level of funds appropriated for these programs.

SEC. 3. AMENDMENT OF 1954 CODE.

Except as otherwise expressly provided herein, whenever an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1954.

SEC. 4. TAX ON FUEL USED IN NONCOMMERCIAL AVIATION.

(a) CONSOLIDATION OF AVIATION FUEL TAXES.—Section 4081 is amended by adding the following new subsection (d):

"(d) Under regulations prescribed by the Secretary, no tax shall be imposed by this section on the sale of any gasoline sold for use as a fuel in an aircraft."

(b) RATE OF TAX ON LIQUID FUELS.—Subsection (c) of 4041 is amended as follows:

(1) strike the language beginning with the word "There" and ending with "4081)" in paragraph (c)(1) and substitute the following in its place: "There is hereby imposed upon any liquid (other than gasoline) a tax in any given fiscal year equal, per gallon, to the product of (A) 14 cents and (B) the tax-reduction factor for that fiscal year."

(2) strike paragraph (c)(3) and substitute the following in its place:

"(3) RATE OF TAX.—The rate of tax per gallon imposed by paragraph (2) in any given fiscal year shall be the product of (A) 12 cents and (B) the tax-reduction factor for that fiscal year."

(3) strike the last sentence in paragraph (c)(2).

(4) strike the language beginning with the word "any" and ending with "4081" in paragraph (c)(2) and substitute the word "gasoline" in its place.

(5) add the following new paragraph:

"(6) DEFINITION OF TAX-REDUCTION FACTOR.—For purposes of this section, and sections 4261 and 4271, the term 'tax-reduction factor' means a fraction the denominator of which is the total of the amounts authorized to be appropriated for the fiscal year in question under subsection 505(a) and 506 (a), (b), and (c) of the Airport and Airway Improvement Act of 1982 and the numerator of which is the total amounts appropriated under such subsections for such fiscal year."

(c) EXEMPTION FOR AVIATION AGRICULTURAL USE.—Subsection (l) of 4041 is amended to read as follows:

"(l) EXEMPTION FOR CERTAIN AIRCRAFT USES.—No tax shall be imposed under this section on any liquid sold for use in, or used in, aircraft for the purpose of—

"(1) transporting individuals, equipment, or supplies in the exploration for, or the development or removal of, hard minerals, or

"(2) the planting, cultivation, cutting or transportation of, or caring for, crops (including trees and logging operations),

but only if the aircraft does not take off from, or land at, a facility eligible for assistance under the Airport and Airway Development Act of 1970, or otherwise use services provided pursuant to the Airport and Airway System Development Act of 1982 during such use."

(d) REFUND OF TAX.—Subsection (d) of section 6427 (relating to fuels not used for taxable purposes) is amended—

(1) by inserting "or is used in an aircraft for a purpose described in section 4041(l)," after "section 4041(h)(2)(C),"; and

(2) by inserting "or in Certain Aircraft" after "Museums" in the caption thereof.

SEC. 5. TAX ON TRANSPORTATION BY AIR.

(a) TRANSPORTATION OF PERSONS.—Section 4261 is amended as follows:

(1) strike out subsections (a) and (b) and insert in lieu thereof the following new subsections:

"(a) IN GENERAL.—There is hereby imposed on the amount paid for taxable transportation (as defined in section 4262) of any person a tax equal in any given fiscal year to the product of (A) 0.08 and (B) the tax-reduction factor and (C) the amount so paid. In the case of amounts paid outside of the United States for taxable transportation, the tax imposed by this subsection shall apply only if such transportation begins and ends in the United States."

"(b) SEATS, BERTHS, ETC.—There is hereby imposed upon the amount paid for seating or sleeping accommodations in connection with transportation and with respect to which a tax is imposed by subsection (a) a tax equal in any given fiscal year to the product of (A) 0.08 and (B) the tax-reduction factor and (C) the amount so paid."

(2) Add the following new subsection:

"(g) DEFINITION OF TAX-REDUCTION FACTOR.—As used in this section, 'tax-reduction factor' shall have the same meaning given it by section 4041."

(b) TRANSPORTATION OF PROPERTY.—Section 4271 is amended as follows:

(1) Strike out subsection (a) and insert the following in lieu thereof:

"(a) IN GENERAL.—There is hereby imposed upon the amount paid within or without the United States for the taxable transportation (as defined in section 4272) of property a tax equal in any given fiscal year to the product of (A) 0.05 and (B) the tax-reduction factor and (C) the amount so paid for such transportation. The tax imposed by this subsection shall apply only to amounts paid to a person engaged in the business of transporting property by air for hire."

(2) Add the following new subsection:

"(e) DEFINITION OF TAX-REDUCTION FACTOR.—As used in this section 'tax-reduction factor' shall have the same meaning given it by section 4041."

SEC. 6. TAX ON TIRES AND TUBES.

(a) Paragraphs (2) and (3) of section 4071 are amended to read as follows:

"(2) Other tires (other than laminated tires to which paragraph (5) applies and aircraft tires to which paragraph (6) applies), 5 cents a pound.

"(3) Inner tubes for tires (other than inner tubes for aircraft tires to which paragraph (7) applies), 10 cents a pound."

(b) Section 4071 is amended by adding the following new paragraphs to subsection (a):

"(6) Tires of a type used on aircraft, 5 cents times the tax-reduction factor a pound."

"(7) Inner tubes of a type used in aircraft tires, 10 cents times the tax-reduction factor a pound."

(c) Section 4071 is amended by adding the following new subsection:

"(f) DEFINITION OF TAX-REDUCTION FACTOR.—As used in this section, 'tax-reduction factor' shall have the same meaning given it by section 4041."

SEC. 7. CONFORMING AMENDMENTS.

Section 9502 of Subchapter A of chapter 98 (relating to Trust Fund Code) is amended by striking out paragraphs (2) and (3) of subsection (b) and inserting the following in lieu thereof:

"(2) Amounts equivalent to the taxes received in the Treasury after August 31, 1982, and before January 1, 1988, under paragraphs (6) and (7) of section 4071(a) (taxes on aircraft tires and tubes).

SECTION-BY-SECTION ANALYSIS OF THE AVIATION TAX-REDUCTION ACT OF 1983

Section 1. Short Title

This section provides that this legislation may be cited as the "Aviation Tax-Reduction Act of 1983."

Section 2. Findings

This section states that Congress has the safe operation of the airport and airway system as its highest aviation priority. It is further stated that the most appropriate way of funding these systems is by taxes tied to the level of spending from the Airport and Airway Trust Fund.

Section 3. Amendment of 1954 Code

By operation of this section, all section references in the bill are to the 1954 Internal Revenue Code unless stated otherwise.

Section 4. Tax on Fuel Used in Noncommercial Aviation

This section first exempts aircraft gasoline from the 9-cent-a-gallon tax imposed on all gasoline by section 4081. This 9-cent tax is then added to the 3-cent tax on aviation gasoline used in noncommercial aviation levied by section 4041. This leaves the base rate on such gasoline at its present 12 cents a gallon. It was necessary to move the 9-cent component of this tax from 4081 because that section taxes all gasoline sold in this country.

Section 4 of the bill next adjusts the tax rate on noncommercial gasoline (12 cents a gallon) and noncommercial jet fuel (14 cents a gallon) in each fiscal year by multiplying those tax rates by the "tax-reduction factor" for that year. The tax-reduction factor is a fraction that represents the portion of the authorization from the Aviation Trust Fund accounts that is appropriated in that fiscal year. The trust fund accounts that go into making up this fraction are Grants-In-Aid to Airports; FAA Facilities and Equipment; Research, Engineering and Development; and the portion of FAA Operations and Maintenance that can be drawn from the trust fund.

Finally, the exemption from the fuel tax currently in the law for helicopters used in logging is extended to all aircraft involved in agricultural activities. Such agricultural activities have always been exempt—this provision merely eliminates a cumbersome refund process. These exemptions recognize the fact that such aircraft do not use the facilities that the aviation taxes support.

Section 5. Tax on Transportation by Air

This section applies the tax-reduction factor to the passenger ticket tax (8 percent) and the cargo waybill tax (5 percent).

Section 6. Tax on Tires and Tubes

This section applies the tax-reduction factor to the tax on aircraft tires (5 cents a pound) and aircraft inner tubes (10 cents a pound).

Section 7. Conforming Amendments

Since the bill exempts aircraft fuel from section 4081, it is no longer necessary to provide for the transfer of taxes collected pursuant to that section into the Aviation Trust Fund. This section revokes that transfer authority.

EXECUTIVE OFFICE OF THE PRESIDENT,
OFFICE OF MANAGEMENT AND BUDGET,
Washington, D.C., July 14, 1983.

Hon. MARK ANDREWS,
Chairman, Subcommittee on Transportation and Related Agencies, Senate Appropriations Committee, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: The Senate Committee on Appropriations will mark up the 1984 Transportation Appropriations Bill, H.R. 3329, on Thursday, July 14.

You and your Subcommittee are to be commended for the considerable progress you have made in moving the House version of this bill in the direction of fiscal restraint. During the Subcommittee's deliberations, $747 million of the $920 million in funding in excess of the Administration request was deleted. In total, the Bill as reported by the Subcommittee is under the President's request for annually funded discretionary programs by $50 million, and exceeds requested obligation limitations on trust fund spending by $223 million. As a result, the spending authority provided by the bill is within $173 million of the amount requested by the President.

The Administration is also encouraged that these reductions were achieved within the scope of pending 1984 appropriations requests, and did not resort, as did the House, to a false claim of "savings" due to a previously-requested $143 million rescission in fiscal year 1983 budget authority for Airport & Airways Trust Fund programs.

The Administration remains concerned over certain program increases that substantially exceed the amount the Administration believes prudent or necessary. In particular, the following increases will inflate program operating levels beyond demonstrated need:

The $415 million increase in Mass Transit formula grants;

The $100 million increase for grants-in-aid to airports from the Airport & Airways Trust Fund; and

The $56 million increase for grants to the National Rail Passenger Corporation.

As you search, in your subsequent deliberations on this bill, for ways to bring amounts provided within the levels requested by the Administration, I urge to endeavor to achieve reductions in these unwarranted funding increases.

In the Administration's view, the funding levels provided in this bill must be viewed in the context of the dramatic funding increases provided for urgent national transportation and infrastructure needs over the last two years. When appropriations are viewed side by side with increases in obligation limitations and contract authority, the Administration request for fiscal year 1984 represents a nearly $700 million increase over the fiscal year 1983 enacted level, excluding funds provided in the recent Jobs Bill, and a 31.8 percent increase over fiscal year 1982. The following table summarizes these trends:

Funding level	1982	1983	1984 request	1984 Senate subcommittee
Budget authority	10,632	10,669	10,913	10,894
Obligation limits	8,745	14,180	14,622	14,845
Total	19,377	24,849	25,535	25,739

In light of these necessary but large increases, it is imperative that the levels adopted by the Senate Subcommittee become the ceiling for subsequent deliberations. While the levels contained in the Senate Subcommittee bill are acceptable to the Administration, any net add-ons during either Senate consideration or in Conference would make it difficult to recommend favorable action to the President.

The Administration is also concerned about possible objectionable language in the bill. The House-passed bill had a number of objectionable language provisions in it. Because the Senate full Committee mark-up follows so closely after Subcommittee action, the Committee Print and bill language could not be available to us in time for our analysis of the bill. We must, therefore, reserve judgment about the language provisions in the bill until there has been time to analyze them.

The Secretary of Transportation and I urge that when H.R. 3329 is marked up by the Committee, you use your leadership and influence to oppose amendments that would increase the level of funding proposed by the Subcommittee and to ensure that the bill is free of objectionable language provisions.

Sincerely,

DAVID A. STOCKMAN,
Director.

DEPARTMENT OF TRANSPORTATION,
Washington, D.C., July 13, 1983.

Hon. MARK O. HATFIELD,
Chairman, Committee on Appropriations, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: The purpose of this letter is to convey my appreciation for the actions taken by the Senate Subcommittee on Transportation in marking up the fiscal year 1984 DOT Appropriations Bill. The excessive appropriation levels of the House passed bill were dramatically reduced and much of the objectionable bill and report language was deleted. Barring any unforeseen circumstances, the Department can operate effectively within the Subcommittee's levels. In particular, FAA Administrator Helms has indicated that the FAA levels, although reduced below those requested by the Administration for fiscal year 1984, will not severely impact the implementation of the NAS plan in 1984—the Administration remains committed to the outyear funding requirements associated with the NAS plan.

I would recommend that an enacted Appropriations Bill along the lines of that of the Subcommittee be signed by the President.

With best wishes.

Sincerely,

ELIZABETH HANFORD DOLE,
Secretary.

By Mr. CHAFEE:

S. 1845. A bill to amend the tariff schedules of the United States to extend duty-free treatment to the reimportation of certain articles originally imported duty free; to the Committee on Finance.

AMENDMENT OF TARIFF SCHEDULES

● Mr. CHAFEE. Mr. President, today, I am introducing a bill which will clarify the language of the tariff schedules of the United States.

In general, goods which are reimported into the United States are not subject to a duty if the product has not been enhanced in value. The rea-

soning behind this is sound, as there is no purpose to be served by taxing a product simply because it has been transported out and then back into the United States.

However, the language of the tariff schedule is sufficiently vague that it might be construed to impose a tariff upon reentry if the product initially entered duty-free. For example, an item that is imported under the GSP program will pay no duty. However, if that product is transferred to a non-GSP country, and later returned to the United States, it may be met with a duty upon reentry.

Mr. President, I cannot divine any logical reason for this situation. Indeed, I find it extremely illogical and counterproductive to the trade and foreign relations goals of U.S. tariff programs such as the GSP and CBI. The present tariff schedule was established before the enactment of tariff preference programs. There is no legislative history on this matter, and I can only conclude that the imposition of a tariff on reentry of products originating from GSP or CBI nations was never anticipated or intended.

I urge my colleagues' support on this bill, and I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1845

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) item 801.00 of the Tariff Schedules of the United States (19 U.S.C. 1202) is amended by inserting "or which were previously entered free of duty pursuant to the Caribbean Basin Economic Recovery Act or title V of the Trade Act of 1974" after "previous importation".

(b)(1) The amendment made by subsection (a) shall apply to articles entered, or withdrawn from warehouse, for consumption after the date of enactment of this Act.

(2) The entry, or withdrawal from warehouse, for consumption of any article—

(A) which was made—

(i) after June 1, 1982, and

(ii) on or before the date of enactment of this Act, and

(B) with respect to which no duty would have been imposed if the amendment made by subsection (a) applied to such entry,

shall, notwithstanding the provisions of section 514 of the Tariff Act of 1930, or any other provision of law, be liquidated or reliquidated as though such entry or withdrawal had been made on the day after the date of enactment of this Act if the importer of such article or the consignee or agent thereof files with the appropriate customs officer on or before the date which is 90 days after the date of enactment of this Act a request for such liquidation or reliquidation.●

By Mr. PERCY (by request):

S. 1846. A bill to amend title II of the Arms Control and Disarmament Act, and for other purposes; to the Committee on Foreign Relations.

UPGRADING OF CERTAIN POSITIONS IN THE ARMS CONTROL AND DISARMAMENT AGENCY

Mr. PERCY. Mr. President, by request, I introduce for appropriate reference a bill to amend title II of the Arms Control and Disarmament Act, and for other purposes.

This legislation has been requested by the U.S. Arms Control and Disarmament Agency and I am introducing the proposed legislation in order that there may be a specific bill to which Members of the Senate and the public may direct their attention and comments.

I reserve my right to support or oppose this bill, as well as any suggested amendments to it, when the matter is considered by the Committee on Foreign Relations.

I ask unanimous consent that the bill be printed in the RECORD at this point, together with the letter from ACDA Director Kenneth Adelman to the President of the Senate dated September 9, 1983.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1846

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That

Title II of the Arms Control and Disarmament Act (22 U.S.C. 2561-2567) is amended by adding at the end thereof the following new section:

"UNITED STATES REPRESENTATIVE FOR ARMS CONTROL AND DISARMAMENT NEGOTIATIONS

"SEC. 28. The President may appoint, by and with the advice and consent of the Senate, a United States Representative for Arms Control and Disarmament Negotiations who shall perform such duties and exercise such powers (under the direction of the President and the Secretary of State, acting through the Director) as the Director may prescribe with respect to arms control and disarmament negotiations and matters relating thereto.".

SEC. 2. (a) Section 5314 of title 5, United States Code, is amended by adding at the end thereof the following:

"Deputy Director of the United States Arms Control and Disarmament Agency.

"Special Representative for Arms Control and Disarmament Negotiations, United States Arms Control and Disarmament Agency.

"United States Representative for Arms Control and Disarmament Negotiations, United States Arms Control and Disarmament Agency.".

(b) Section 5315 of title 5, United States Code, is amended—

(i) by adding at the end thereof the following: "Assistant Directors, United States Arms Control and Disarmament Agency (4).."; and

(ii) by striking out the following: "Deputy Director of the United States Arms Control and Disarmament Agency.", and "Special Representative for Arms Control and Disarmament Negotiations, United States Arms Control and Disarmament Agency.".

(c) Section 5216 of title 5, United States Code, is amended by striking out the following: "Assistant Directors, United States Arms Control and Disarmament Agency (4).".

U.S. ARMS CONTROL AND DISARMAMENT AGENCY,
Washington, D.C., September 9, 1983.

Hon. GEORGE BUSH,
President of the Senate.

DEAR MR. PRESIDENT: With the approval of the President, I transmit herewith for consideration of the Congress proposed legislation to amend Title II of the Arms Control and Disarmament Act, and for other purposes.

The draft bill would upgrade several key executive positions at the United States Arms Control and Disarmament Agency (ACDA). ACDA has major roles in advising the President, the Secretary of State, and the National Security Council on arms control matters and in negotiating arms control agreements with the Soviet Union and other nations. This legislation is an important part of the steps the Reagan Administration is taking to invigorate and strengthen this Agency in carrying out the President's determination to pursue effective reductions in nuclear arms.

The proposed legislation would establish a new Executive Level III position in the Agency. This position would authorize a United States Representative for Arms Control and Disarmament negotiations. This position would be utilized for the United States Representative to the Intermediate-Range Nuclear Forces negotiations. The bill also would upgrade from Executive Level IV to Level III the position of the Deputy Director of the Agency and the Special Representative for Arms Control and Disarmament Negotiations (START Negotiator). Finally, the bill would upgrade the Agency's four Assistant Directors from Executive Level V to Level IV.

These changes will put ACDA officials on the same level as their counterparts in other U.S. Government agencies, and reflect the key role of the Agency's leadership and negotiators in formulating arms control policy and in conducting the important START and INF negotiations. The amendment relating to the INF Negotiator emphasizes the high priority the President attaches to the role of negotiating reductions in nuclear arms at both START and INF. The bill authorizes a Presidential appointment position for the INF Negotiator and establishes it at an executive level equal to that of the START Negotiator.

Recently, at the request of the President, the Congress provided increased funding for the U.S. Arms Control and Disarmament Agency for fiscal year 1983. In addition, the President has asked the Congress to consider a $2,095,000 amendment to the Agency's fiscal year 1984 budget estimate. Those measures, together with this proposal to upgrade key positions at the Agency, will help ACDA to fulfill its critical missions. I therefore urge early enactment of this legislation.

The Office of Management and Budget has advised that there is no objection to the submission of this bill to the Congress and that its enactment would be in accord with the program of the President.

Sincerely,

KENNETH L. ADELMAN.

By Mr. DANFORTH (by request):

S. 1847. A bill to authorize the President to carry out and enforce the International Coffee Agreement, 1983; to the Committee on Finance.

INTERNATIONAL COFFEE AGREEMENT, 1983

● Mr. DANFORTH. Mr. President, at the request of the administration, I am introducing today legislation to enable the United States to carry out and to enforce its obligations under the 1983 International Coffee Agreement (ICA). The Senate unanimously gave its advice and consent to ratification of this agreement last July 27. In order for the ICA to be effective, however, the President must be separately authorized to regulate coffee trade to a limited extent in accordance with the agreement's terms.

The ICA establishes a price range for coffee—$1.15 to $1.50 per pound—and export quotas—with stocking requirements—to maintain prices within these limits. Importing countries agree to regulate coffee to support these quotas which, like the price limits, are renegotiated annually.

The 1983 ICA is the fifth in a series of such agreements, dating back to 1963. The Congress has authorized participation by the United States in these arrangements. The administration seeks authorization for the United States to participate in the new agreement because, with certain improvements in it accepted by the member countries, the ICA will continue to provide stability in world coffee trade when authorization to enforce the existing agreement expires on September 30. This stability is extremely important to the economies of several developing countries, which can be devastated by the cyclical nature of coffee production. U.S. consumers also benefit from the protection against severe supply disruptions afforded by the agreement.

The Subcommittee on International Trade, which I chair, will conduct a hearing next Monday, September 19, on this legislation. While I understand that both the National Coffee Association and consumer advisers to the U.S. negotiating delegation support the agreement, the subcommittee will review the legislation carefully to insure that it is in the best interests of the United States. If this proves to be the case, I expect to seek early Senate consideration of the bill in view of the expiration of the President's existing authority on September 30.●

By Mr. SPECTER:

S. 1848. A bill to extend the Federal Supplemental Compensation Act for 6 months, to provide additional weeks of compensation to individuals who are currently receiving such compensation or who exhausted their right to such compensation, and to suspend for 1 year the 120-percent requirement in the State trigger for extended benefits; to the Committee on Finance.

EXTENSION OF FEDERAL SUPPLEMENTAL COMPENSATION PROGRAM

Mr. SPECTER. Mr. President, today I am introducing a bill to insure that millions of American workers who are still unemployed as a result of the recent recession will continue to be able to receive extended unemployment compensation benefits. Specifically, my bill would extend the Federal supplemental compensation (FSC) program from October 1, 1983, through March 31, 1984, a 6-month extension beyond the present deadline of September 30, 1983. My bill will also insure that workers whose benefits have expired on September 30 remain eligible for the so-called reach-back provisions contained in the social security bill passed last March. However, simple extension of the FSC program is not enough. In addition, my bill would suspend the 120-percent trigger requirement for the extended benefits program, which provides 13 weeks of extended benefits—beyond the normally provided 26 weeks.

The Federal supplemental compensation program provides up to 24 weeks of federally funded unemployment benefits to individuals who have exhausted their regular and extended benefits. Over 3 million workers have received Federal supplemental benefits in the past 6 months; if we do not act now to extend the program many of those presently receiving benefits will be cut off as of September 30; in addition, given present unemployment rates, millions more will exhaust their regular and extended benefits without having found a job. The situation is, in some respects, even worse now than it was in April 1983, when we last extended the Federal supplemental compensation program, because all but two States have now triggered off from the extended benefit program. Under that program, which is permanent, 13 weeks of benefits beyond the regular 26 weeks are provided under the following conditions: First, the State's insured unemployment rate is over 6 percent; second, the State's insured unemployment rate is in the range of 5 to 6 percent and for the past 13 weeks the rate is 120 percent of the rate for the comparable period during the past 2 years.

For millions of Americans the recession is not yet over. Our unemployment rate still stands at over 9 percent; really a staggeringly high figure compared to any other period since World War II. Furthermore, the overall rate merely represents an average throughout the Nation. In many States and individual communities the rate is much higher. In Pennsylvania, the statewide rate presently stands at 10.8 percent; in Beaver, Cambria, Cameron, Fayette, and Somerset Counties the rate is over 20 percent. In Cameron County, the rate is an almost unbelievable 29 percent.

Our unemployment statistics tell a grim story; but statistics are just numbers. To understand what the statistics really mean, in human terms, it is necessary to see and listen to the actual human beings whom the statistics represent. During a recent tour of Pennsylvania, I visited a number of unemployment offices and held 13 open houses. Over and over again I heard stories of people who had worked all their lives but now for the first time have found themselves out of work for extended periods, often more than a year. Many of these people are highly skilled; virtually all of them have deep roots in their communities. It is not easy for them to cope with the loss of their jobs. For most, unemployment benefits are the only means they have of survival, other than simply going on welfare.

In communities like those I have mentioned, which have unemployment rates of over 15 percent, the continuation of unemployment benefits is not only essential to the individuals who are receiving it, but also to the continued well-being of the entire community. Unemployment compensation benefits are not spent on luxuries. They are used to make mortgage payments, buy groceries, and for other necessities of life. In these communities the cutoff of unemployment insurance benefits would have serious repercussions for the whole economic structure of the community.

Unemployment insurance benefits thus represent not only humanitarian assistance for individuals, but they also are the means of insuring that a bad overall economic situation does not become even worse, as happened during the Great Depression. There is hardly any doubt that with unemployment levels at the depression levels they have been during the past 2 years, a major reason we have not had the kind of total economic collapse that occurred after 1929 is because of our safety net programs, such as unemployment insurance.

There is ample precedent for the bill I am introducing today. Indeed, conditions are far worse today than they have been in the past when Congress has acted both to suspend the 120-percent trigger requirement for the 13 week extended benefit program and to provide Federal supplemental compensation. For example, Federal supplemental benefits were provided in 1972 when total unemployment was 6 percent, and in 1975–77 when unemployment was in the range of 6 to 8 percent. Since the early 1970's Congress has suspended the 120-percent trigger requirement on no less than eight separate occasions, on all of which the unemployment rate was much lower than the current rate.

One of the obvious problems with the 120-percent trigger requirement, in particular, in today's environment, is that it is keyed to the insured unemployment rate rather than the total unemployment rate. According to the

latest trigger notice from the Department of Labor, dated August 20, 1983, all but two States have now triggered off the program on August 6, 1983. The reason most States have triggered off is that their insured rates have fallen below 6 percent and since their insured rates have been decreasing, they cannot meet the 120-percent trigger on requirement. Given the actual unemployment rate in many States, this result is unconscionable.

Today the percentage of unemployed workers receiving unemployment benefits, that is, those who make up the insured unemployment rate, has dropped to an alltime low—38 percent. Historically, as much as 70 to 80 percent of unemployed workers have been eligible for unemployment compensation benefits. The disparity between the insured unemployment rate and the total unemployment rate is very disturbing; at least part of the cause is the fact that so many workers have exhausted benefits during this recession. Thus, the fact that this recession has been so severe has, ironically, produced a situation where fewer of our unemployed workers than at any time in history are actually eligible for unemployment compensation benefits.

The 120 percent trigger requirement was really designed to deal with short, sharp recessions. This was the typical nature of the recessions we experienced between 1945 and 1975. Today, however, we are faced with an entirely different situation. This recession is without parallel in our postwar history. As we come out of it, many communities are being left behind in an economic sense. We have a long way to go to return to anything like full employment, yet under present law, workers in only two States will presently qualify for the 13 weeks of extended benefits. In fiscal year 1983 over 4 million workers exhausted their regular benefits; we can anticipate that over 3 million workers will exhaust their regular benefits in fiscal year 1984. For these workers the 13-week extended benefits program represents an essential first level of additional protection. I believe that in today's environment the 120 percent trigger requirement is totally unrealistic, and I hope that a majority of my colleagues will join me in voting to suspend it.

Clearly, this system is not working when over 60 percent of the unemployed workers in this country do not receive benefits and many States are hopelessly mired in debt. As part of the long-term solution to this problem, I have cosponsored legislation by Senator HEINZ and Senator BYRD which provides for a comprehensive overhaul of existing law.

In the short term, we need to take prompt action on the legislation which I have discussed. If we do not act by September 30, 1983, the combined result of the termination of both Federal supplemental compensation and extended benefits will be devastating to millions of unemployed workers and the communities in which they live.

I ask unanimous consent that the full text of the bill be printed.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1848

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

EXTENSION OF FEDERAL SUPPLEMENTAL COMPENSATION PROGRAM

SECTION 1. (a)(1) Section 602(f)(2) of the Federal Supplemental Compensation Act of 1982 is amended by striking out "September 30, 1983" and inserting in lieu thereof "March 31, 1984".

(2) Section 605(2) of such Act is amended by striking out "October 1, 1983" and inserting in lieu thereof "April 1, 1984".

(b)(1) Section 602(e)(2)(C) of such Act is amended by striking out "April 1, 1983" each place it appears and inserting in lieu thereof in each instance "October 1, 1983".

(2) Section 602(e)(2)(E) of such Act is amended—

(A) by striking out "March 31, 1983" and inserting in lieu thereof "September 30, 1983"; and

(B) by striking out "April 1, 1983" and inserting in lieu thereof "October 1, 1983".

(c) The amendments made by this section shall apply to weeks beginning after September 30, 1983.

(d) In the case of any eligible individual—

(1) to whom any Federal supplemental compensation was payable for any week beginning before October 1, 1983, and

(2) who exhausted his rights to such compensation (by reason of the payment of all the amount in his Federal supplemental compensation account) before the first week beginning after September 30, 1983,

such individual's eligibility for additional weeks of compensation by reason of the amendments made by this Act shall not be limited or terminated by reason of any event, or failure to meet any requirement of law relating to eligibility for unemployment compensation, occurring after the date of such exhaustion of rights and before October 1, 1983 (and the period after such exhaustion and before October 1, 1983, shall not be counted for purposes of determining the expiration of the two years following the end of his benefit year for purposes of section 602(b) of the Federal Supplemental Compensation Act of 1982).

(e) The Secretary of Labor shall, at the earliest practicable date after the date of the enactment of this Act, propose to each State with which he has in effect an agreement under section 602 of the Federal Supplemental Compensation Act of 1982 a modification of such agreement designed to provide for the payment of Federal supplemental compensation under such Act in accordance with the amendments made by this section. Notwithstanding any other provision of law, if any State fails or refuses, within the 3-week period beginning on the date the Secretary of Labor proposed such a modification to such State, to enter into such a modification of such agreement, the Secretary of Labor shall terminate such agreement effective with the end of the last week which ends in or before such 3-week period.

EXTENDED BENEFITS TRIGGER

SEC. 2. (a) Section 203(d) of the Federal-State Extended Unemployment Compensation Act of 1970 is amended by inserting before the last sentence thereof the following new sentence: "The State may by law provide that, during the 52-week period beginning with the week in which this sentence is enacted, the determination of whether there has been a State 'on' or 'off' indicator beginning or ending any extended benefit period shall be made under this subsection as if paragraph (1) did not contain subparagraph (A) thereof.".

(b) The amendment made by subsection (a) shall be effective during the 52-week period beginning with the week in which this Act is enacted.

(c) If the application of the amendment made by subsection (a) establishes an "on" indicator for a State for the first week of the 52-week period described in subsection (b), and such week would not otherwise have had an "on" indicator, an extended benefit period shall begin in such State with such first week, without regard to the 3-week delay provided in section 203(a)(1) of the Federal-State Extended Unemployment Compensation Act of 1970, and the 13-week wait provided in section 203(b)(1)(B) of such Act.

By Mr. LAUTENBERG:

S. 1849. A bill to provide financial assistance to the States for the improvement of computer education instruction in the schools of the State; to the Committee on Labor and Human Resources.

COMPUTER EDUCATION ASSISTANCE ACT

● Mr. LAUTENBERG. Mr. President, computer education can play an important role in revitalizing American education. This country's competitive position in world commerce is dependent on the quality of education that our children receive. The ability to use and process information is going to be a valuable skill in the economy of the future. The schools that use modern technology, primarily computers, in their curriculum will be able to educate their students to be productive in our society and to help our country maintain its position of leadership.

In my own State of New Jersey, the quality of the schools has been an important factor in our ability to attract and hold industry. Businessmen have told me that they need to know they can recruit an educated work force from the local schools. Corporation executives use the lure of quality schools in locating their managers and other workers. With the growing importance of computers and computer education, the schools will have to offer these programs in order to offer the best education. Federal assistance is needed to help schools develop strong computer education programs.

Today I am introducing a bill to establish a pilot program to begin to address the role of Federal assistance in the development of computer education in the schools and to assure special targeting of assistance of schools

with concentrations of poverty-level children. The need for a Federal investment in this area is justified by the role that computers will play in the continued growth of our economy and the strengthening of our educational system.

Clearly computer education is not a substitute for the 3R's. Putting computers in the classrooms is not a panacea for the problems in American education which have been outlined by the Commission on Excellence in Education and others. This is why planning for the appropriate role of computer education is so important. Thoughtful consideration must be given to the integration of computers into the curriculum. Computer education planners must first consider the overall goals for their schools. Then they must decide how computers can best help them meet those goals. For some purposes, old, tried and true methods will continue to be best. For other purposes, computers offer exciting possibilities for changes in the curriculum.

Computers can be used by students in every subject in every grade. Students can use word processing programs to improve their writing by editing and revising more easily then they do now. They can learn to simulate "what if" situations in history classes so that they can understand more clearly the factors that affect human behavior and events. They can learn to use graphics to present data in a clear and meaningful way.

These uses of the computer in schools would go far beyond the teaching of computer literacy—a basic understanding of how a computer works and how to operate it—and programming. Computer literacy in school should be a beginning for computer education, not an end. Computers are more like pencils than books. As educators come to view computers in this way, as tools, they will begin using them in exciting and mind-expanding ways which is their true promise.

Thinking of computer education in broader terms will require coordination with curriculum planning. It is more than computer literacy, programming, and drill and practice programs. Once children learn how to operate a computer, they should have access to a wide range of application software for use in word processing, spread sheet analysis, and data base analysis, all of which can be used more generally than highly specialized instructional courseware.

Use of computers in schools is growing, but the need for Federal seed money is convincing. From the fall of 1980 to the spring of 1982, the number of microcomputers in public schools tripled. By early 1983 slightly over half of all public schools had at least one microcomputer. However, although more than half the Nation's schools have at least one microcomputer, that is also the most that a large number of these schools have. Furthermore, little is known about the kind and amount of software or courseware that these schools are using with their computers.

A recent study, using January 1983 data, looked at the amount of time that microcomputers are actually used in schools. Looking only at the schools which reported at least one microcomputer, the survey found relatively few students obtaining access to the computers and for relatively short periods.

In elementary schools, 16 percent of the students used the computer in a week and 13 percent used one in secondary schools. The students who did use the computer spent 20 minutes a week in elementary schools and 45 minutes a week in secondary schools. These figures are for the median school, so some students had more access, some less.

To understand how small this amount of access is, consider what it would mean if students spent so little time with either pencil and paper or textbooks. The computer revolution in the schools is in its infancy, despite the growing anecdotal reports which the press has been highlighting.

The Computer Education Assistance Act will establish a pilot program to assit States and local school districts in developing the ambitious computer education program that is needed. The program will authorize $150 million a year for 4 years for grants to schools for planning, acquisition of hardware and software and teacher training. The funds will be allocated to the States half on the basis of the school age population and half on the basis of the title I formula, used for aid to disadvantaged schoolchildren. Each State will make grants to local school districts, which must assure that at least half the funds are used to serve title I eligible children and that funds are targeted on schools with the greatest need for computers.

School districts will be required to do some fairly extensive planning. This will include:

Setting goals for computer education in the schools and relating these goals to the overall educational objectives of the district;

Instructional priorities for the use of computers;

Schedules for placing computers in the elementary and secondary schools;

Criteria for selection of the hardware and software;

Planned revisions in the basis curricula of the schools designed to incorporate the use of computers;

After school availability of the computers for use by parents and students.

The Federal grants are to be matched, with the Federal share set at 75 percent and the non-Federal at 25 percent. The non-Federal share can come from public or private sources, and may be in cash or kind. Local districts that can make arrangements with businesses and industries to donate equipment, personnel, or cash will not have to use their own funds for the matching share. Private school students would be eligible for assistance. The bill also provides $3 million a year for the National Institute of Education to provide on improved instruction in computer education.

The planning requirement in this legislation is extremely important. Schools need to take a careful look at the role of computers in the total curriculum. They also need to consider such questions as whether to institute saturation programs at a limited number of schools or to provide computers in every classroom in a particular grade throughout the district. The bill does not set a goal for a specific ratio of students to computers or daily access time per student. This legislation is intended to be a pilot program which targets its funds, rather than a nationwide grant program.

Plans are to include after school availability of computers for parents and children. This would permit parents and children to spend additional time working on the computers and gaining familiarity with them. Such after school programs would be especially helpful to those without access to computers at home. The children who do not have computers at home are very likely also attending schools which are least likely to have computers. The benefits of the growth in computers are not evenly distributed among schools serving different socioeconomic groups. One study has found that 70 percent of the schools in more affluent areas had at least one microcomputer, while only 40 percent of the schools in poorer areas were so equipped. Another study found that twice as many students in well-to-do urban areas said that they had never used a computer in school as students in disadvantaged urban areas. The number of computers in homes far exceeds the number in schools and the lion's share of those computers are in more affluent homes, including many with children. The additional exposure to computers in the home creates further disparity between rich and poor children.

The funds under the Computer Education Assistance Act will be used in all schools, but at least half the funds will be targeted on schools with poverty-level children. Priority also is to be given to schools with the greatest need for computers. By establishing the targeting requirement and the priority for underserved schools, the bill aims to concentrate its resources in a way that benefits schools and children that are falling behind in computer usage.

Funds will be allocated to the States half on the basis of school-age children and half on the basis of the number of poverty-level children.

The grant funds can be used for planning, acquisition of hardware and software, and teacher training. Each district will decide the mix of uses to which they will put their funds. This provides school districts with a great deal of flexibility. In addition, the non-Federal matching share can be in-kind, such as donations of equipment or personnel services from private sources or from public agencies. This provides additional flexibility and an incentive for local school districts to involve the business community in their planning.

An authorization of $3 million is provided for information dissemination. The National Institute of Education will administer grants and contracts in this area. Many innovative computer education projects are already underway and more will be developed as this pilot program starts operating. Schools around the country should be made aware of successful approaches used by other schools. The results of research, as well as evaluations of equipment and materials, should also be made widely available.

Mr. President, this bill is meant to be a pilot program. It is intended to provide Federal seed money to schools for computer education programs. A great deal of flexibility is allowed and the result should be a wide variety of different approaches. From this variety, educators will learn which approaches work. This will be a learning process. I welcome comments on this bill from interested parties.

I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1849

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Computer Education Assistance Act".

STATEMENT OF PURPOSE

SEC. 2. It is the purpose of this Act to improve and strengthen computer education instruction in elementary and secondary schools of local educational agencies by—

(1) encouraging orderly planning for the use of computers and for the application of computers to the instructional program of elementary and secondary schools;

(2) encouraging the acquisition of computer hardware for schools having the greatest need;

(3) improvement of teacher training in computer education; and

(4) assisting in the acquisition of appropriate computer software.

DEFINITIONS

SEC. 3. As used in this Act—

(1) the term "elementary school" has the same meaning given that term under section 198(a)(7) of the Elementary and Secondary Education Act of 1965;

(2) the term "institution of higher education" has the same meaning given that term under section 1201(a) of the Higher Education Act of 1965;

(3) the term "local educational agency" has the same meaning given that term under section 198(a)(10) of the Elementary and Secondary Education Act of 1965;

(4) the term "secondary school" has the same meaning given that term under section 198(a)(7) of the Elementary and Secondary Education Act of 1965;

(5) the term "Secretary" means the Secretary of Education;

(6) the term "State" means each of the several States, the District of Columbia, and the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, the Trust Territory of the Pacific Islands, and the Northern Mariana Islands; and

(7) the term "State educational agency" has the meaning given that term under section 198(a)(17) of the Elementary and Secondary Education Act of 1965.

PROGRAM AUTHORIZED

SEC. 4. (a) The Secretary is authorized, in accordance with the provisions of this Act, to make grants to States to pay the Federal share of the costs of strengthening computer education in the elementary and secondary schools within the State.

(b) There are authorized to be appropriated $150,000,000 for the fiscal year 1985 and for each of the succeeding fiscal years ending prior to October 1, 1988.

ALLOTMENT TO STATES; WITHIN STATE ALLOCATION

SEC. 5. (a)(1) From the sums appropriated to carry out this Act for each fiscal year, the Secretary shall reserve 2 percent for payments to the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, the Trust Territory of the Pacific Islands, and the Northern Mariana Islands, to be allotted in accordance with their respective needs.

(2) From the remainder of such sums, the Secretary shall, subject to the provisions of subsection (b), allot to each State—

(A) an amount which bears the same ratio to one-half of such remainder as the school-age population of the State bears to the school-age population of all States, plus

(B) an amount which bears the same ratio to one-half of such remainder as the amount the State is eligible to receive under subpart 1 of part A of title I of the Elementary and Secondary Education Act of 1965 (as modified by chapter 1 of the Education Consolidation and Improvement Act of 1981) in the fiscal year for which the determination is made bears to the amount available to all States under such subpart 1.

(3) For the purpose of this subsection—

(A) the term "school-age population" means the population aged 5 through 17; and

(B) the term "States" includes the fifty States, the District of Columbia.

(b) For the purpose of this section—

(1) the provisions of section 111(a)(2)(D) of the Elementary and Secondary Education Act of 1965, relating to the use of the survey of income and education data, shall not apply to the allotment of funds under paragraph (2) of subsection (a); and

(2) the provision of the third sentence of section 193(a) of the Elementary and Secondary Education Act of 1965, relating to the 85 percent hold harmless, shall not apply to the allotment of funds under paragraph (2) of subsection (a).

(c) The amount of any State's allotment under subsection (a) for any fiscal year to carry out this Act which the Secretary determines will not be required for that fiscal year to carry out this Act shall be available for reallotment from time to time, on such dates during that year as the Secretary may fix, to other States in proportion to the original allotments to those States under subsection (a) for that year but which such proportionate amount for any of those other States being reduced to the extent it exceeds the sum the Secretary estimates that State needs and will be able to use for that year; and the total of those reductions shall be similarly reallotted among the States whose proportionate amounts were not so reduced. Any amounts reallotted to a State under this subsection during a year shall be deemed a part of its allotment under subsection (a) for that year.

(d) The State educational agency shall allocate the allotment of the State to local educational agencies within the State having an application approved by the State in accordance with section 8 based on—

(1) the factors described in clause (2) of section 8(a), relating to the local applications, and

(2) such other factors as the State educational agency determines to be essential in carrying out the objectives of this Act.

USES OF FUNDS

SEC. 6. Grants under this Act may be used for the payment of the Federal share of—

(1) planning activities designed to facilitate the use of Federal financial assistance under this Act for the improvement of computer education in the elementary and secondary schools within the State;

(2) the acquisition of computers and other necessary equipment for the improvement of computer education;

(3) the conduct of teacher training programs by a local educational agency, or jointly by an institution of higher education and a local educational agency, designed to improve the quality of instruction in computer education in the elementary and secondary schools within the State, with particular emphasis upon the use of seminars and inservice training and the use of specially trained master teachers to train other teachers in the targeted schools of the local educational agency; and

(4) the acquisition of software for use in the computer education program of the elementary and secondary schools within the State, including program materials and services necessary for the operation and maintenance of the computers.

STATE ASSURANCES

SEC. 7. Each State which desires to receive assistance under this Act shall file an application with the Secretary which—

(1) designates the State educational agency as the State agency responsible for the administration and supervision of programs assisted under this Act;

(2) provides assurances that the planning activities described in clause (1) of section 6 will be carried out by the local educational agencies within the State and that not more than 10 percent of the amount available to each local educational agency within the State for the fiscal year 1985 and not more than 5 percent of such amount for fiscal year 1986 will be available only for such planning activities;

(3) provides assurances that the State—

(A) will use grants under this Act (i) so as to supplement the level of funds that would, in the absence of such funds, be made available from non-Federal sources for the purpose of the program for which assistance is

sought; and (ii) in no case to supplant such funds from such non-Federal sources; and

(B) will not comingle funds made available under this Act with State funds;

(4) provides assurances that the State will not expend more than 10 percent of the funds available to it under this Act for administration and oversight activities;

(5) provides assurances that the State educational agency will furnish services necessary to local educational agencies within the State necessary for the local educational agencies to carry out their responsibilities under this Act;

(6) provides assurances that the State educational agency will pay from non-Federal sources the non-Federal share of the cost to the State of the computer education program for which assistance is sought under this Act, together with an identification of the sources of the non-Federal support;

(7) provides that the application of each local educational agency applying for funds under this Act will not be denied without notice and opportunity for a hearing before the State educational agency; and

(8) provides such additional assurances as the Secretary deems necessary to assure compliance with the requirements of this Act.

(b)(1) An application filed by the State under subsection (a) shall be for a period not to exceed 4 fiscal years and may be amended annually as may be necessary to reflect changes without filing a new application.

(2) The Secretary shall not disapprove an application submitted by the State educational agency without first affording notice and opportunity for a hearing.

LOCAL APPLICATIONS

SEC. 8. (a) A local educational agency may receive payments under this Act for any fiscal year in which it has on file with the State educational agency an application which—

(1) sets forth the uses for which assistance is sought by the local educational agency;

(2)(A) provides assurances that of the payments made to the local educational agency in each fiscal year at least half of such funds shall be used to serve children who are counted under section 111(c) of the Elementary and Secondary Education Act of 1965; and

(B) provides assurances that the local educational agency will, to the extent practicable, target the funds made available to the agency under this Act in each fiscal year to elementary schools and secondary schools of such agency in the greatest need of computers and strengthened computer education instruction;

(3) provides assurances that the local educational agency will carry out planning activities in accordance with clause (1) of section 6, including—

(A) the goals for computer education in the schools of such agency and how the goals relating to computer education relate to the education objectives of the local educational agency,

(B) instructional priorities for the use of computers,

(C) schedules for placing computers in the elementary and secondary schools of such agency selected in accordance with the provisions of clause (2)(B),

(D) criteria for selection for the acquisition of computers and program materials,

(E) planned revisions in the basic curricula of the elementary and secondary schools designed to integrate the use of computers,

(F) provisions for the security of the computers,

(G) after school availability of the computers for use by parents and students for instructional or educational purposes, and

(H) standards for the evaluation of the computer education program assisted under this Act;

(4) provides assurances that funds paid under this Act (A) will be used to supplement the levels of funds that would in the absence of such funds be made available from non-Federal sources for the purpose of the program for which assistance is sought; and (B) in no case as to supplant such funds from non-Federal sources;

(5) provides assurances that the local educational agency will pay from non-Federal sources the non-Federal share of the cost of the computer education program for which assistance is sought under this Act, together with an identification of the sources of the non-Federal support;

(6) agrees to keep such records and provide such information to the State educational agency as reasonably may be required for fiscal audit and program evaluation consistent with the responsibilities of the State educational agency under this Act; and

(7) provides assurances that the agency will comply with the other provisions of this Act.

(b)(1) The State educational agency may approve applications submitted under subsection (a) based upon the factors described in clause (2) of subsection (a) and clause (2) of section 5(d).

(2) An application filed by a local educational agency under subsection (a) shall be for a period not to exceed 4 fiscal years and may be amended annually as may be necessary to reflect changes without filing a new application.

INFORMATION DISSEMINATION

SEC. 9. (a) The Secretary, through the National Institute of Education, is authorized to make grants to or contracts with public agencies and private organizations, including business concerns, for the development, analysis, and dissemination of information relating to improved instruction in computer education.

(b) There are authorized to be appropriated $3,000,000 for the fiscal year 1985 and for each of the succeeding fiscal years ending prior to October 1, 1988.

PARTICIPATION OF CHILDREN ENROLLED IN PRIVATE SCHOOLS

SEC. 10. The provisions of section 557 of the Education Consolidation and Improvement Act of 1981 shall apply to the financial assistance made available under this Act.

PAYMENTS; FEDERAL SHARE

SEC. 11. (a) From the amount allotted to each State pursuant to section 5, the Secretary shall, in accordance with the provisions of this Act, pay to the State an amount equal to the Federal share of the cost of the program to be assisted under this Act.

(b)(1) The Federal share for each fiscal year shall be 75 percent.

(2) Non-Federal contributions may be in cash or in kind, fairly evaluated, including plant, equipment, and services.●

By Mr. HUMPHREY (for himself and Mr. RUDMAN):

S. 1851. A bill to establish additional wilderness areas in the White Mountain National Forest; to the Committee on Agriculture, Nutrition, and Forestry.

WHITE MOUNTAIN NATIONAL FOREST WILDERNESS ACT OF 1983

Mr. HUMPHREY. Mr. President, I am pleased to be joined today by Senator RUDMAN in introducing the White Mountain National Forest Wilderness Act of 1983. This bill will designate an additional 77,000 acres of wilderness in New Hampshire, and is the product of long and extensive deliberations among a broad spectrum of forest user and interest groups. All four members of the State's congressional delegation and the Governor have pledged their support for the bill. We are proud of this legislation and believe it represents an important environmental achievement—not only because it will designate a tremendous amount of new Wilderness, but also because groups with divergent interests were able to reach a consensus on sound future management of a major national forest.

Our bill will extend one existing wilderness area and will create two new wilderness areas for a total of 77,000 additional acres of statutory wilderness. First, two tracts totaling 7,000 acres will be added to the Presidential Range-Dry River Wilderness Area, which was established by act of Congress in 1975. Second, a 25,000-acre Sandwich Range Wilderness will be created, including Mount Whiteface, Mount Passaconway, and Mount Tripyramid, the Bowl area, and Sandwich Mountain. And third, the bill will designate a 45,000-acre parcel in the Pemigewasset Valley, the largest roadless area east of the Mississippi and one long recognized for its wilderness potential.

Mr. President, the White Mountain National Forest is one of the most intensively used of the Nation's 154 national forests. Each year, some 6 million people visit our 752,000-acre national forest. They range from hikers and backpackers to snowmobilers, from alpine and cross-country skiers to geologists, and from leaf lookers to birdwatchers. In addition, New Hampshire has a sizable and active forest products industry whose livelihood depends in part on the availability of timber from the national forest. These competing interests coexist in the forest, but they have not always seen eye to eye.

Looking back for a moment at the history of New Hampshire and the birth of the national forest, we observe that while the pioneers had cleared away about half the State's virgin forest by 1840, from that time on through the early 1900's, loggers accelerated the timber harvests—often in vast clearcuts. By the mid- to late-1800's though, the White Mountains had also been recognized for their scenic beauty and the opportunities

they provided for outdoor recreation. Suddenly there was competition between timbering and tourism for use of New Hampshire's forests.

Massive lumber operations caused serious erosion and water pollution problems, were the source of numerous forest fires, and scarred the landscape. Verdant mountains were reduced to eyesores. As the beauty of the White Mountains disappeared, a fledgling conservation movement was galvanized, leading finally in 1911 to passage of the Weeks Act and establishment of the White Mountain National Forest.

Many of the original tracts purchased by the Forest Service were at the time little more than barren slopes and valleys covered by stumps and slash. Today, however, the White Mountains of New Hampshire include a countless number of exceptional hardwood and softwood stands, and the area is known for its scenic splendor. From clearcuts have sprouted new forests, living proof that wilderness qualities can be restored.

During its 72-year history, the White Mountain National Forest has been a leader in the field of forest management. The forest was a star example of how multiple use management can work. Perhaps the most important contribution of the White Mountain National Forest, however, is in the area of public particpation in forest management. The fact that so many diverse groups compete for use of the forest's resources dictates that the Forest Service listens and responds to public comments and concerns. Indeed, our national forest was one of the first in the Nation to implement the unit planning process, which was successful in directly and intimately involving local citizens in deciding the best uses of various parts of the forest. It is no surprise that over the years the people of New Hampshire and the Forest Service have built a mutual trust and understanding that allows them to work together, to the point where today management of the White Mountain National Forest has developed into a true partnership. Granite Staters recognize that the Forest Service needs help in managing and maintaining the forest, and each year many private citizens and groups roll up their sleeves and donate thousands of hours in volunteer work.

The White Mountain National Forest Advisory Committee is further evidence of the substantial role that the public plays in determining the forest's future. This committee, which currently consists of 16 members, was originally appointed in 1971 by the forest supervisor to aid informulating management policies. Although it and similar groups across the country were later abolished for budgetary reasons, the committee played a major role in New Hampshire during the Roadless Area Review and Evaluation (RARE II) process. The committee has continued to meet on an ad hoc basis since 1979 to discuss wilderness and other forest issues.

The bill which Senator RUDMAN and I are introducing today is based entirely on the recommendations and consensus reached by the Ad Hoc White Mountain National Forest Advisory Committee. We believe that the ad hoc committee, whose members include an entire cross section of user groups, accurately reflects the desires and concerns of the people of New Hampshire on the issues of wilderness and of forest management in general. We also note that serveral of the groups represented on the ad hoc committee were instrumental in securing passage of the Weeks Act back in 1911.

Mr. President, as soon as our bill becomes law, the forest management plan for the White Mountain National Forest will be released. Those areas which are not designated as wilderness by our bill will be managed according to this plan. We have every confidence that through the public participation mechanisms, the forest management plan can be modified, if necessary, to provide whatever additional safeguards may be desired in order to insure protection of other areas which possess strong wilderness attributes.

This is not New Hampshire's first wilderness bill, and I suspect it will not be the last either. For the moment, however, its recommendations for wilderness go as far as the many interests working collectively are able to go. Public support is essential for wilderness designation, and this support is strong in New Hampshire for an additional 77,000 acres of statutory wilderness.

It is my hope and belief that we can move forward quickly with the White Mountain National Forest Wilderness Act of 1983. Its speedy passage will allow us to designate new wilderness areas, and will also permit us to get on with a balanced overall management plan for the forest. Senator RUDMAN and I look forward to working with the Senate Agriculture Committee through the hearing process. This is a very important bill to the State of New Hampshire, and we hope that it will enjoy the strong support of our colleagues here in the Senate.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1851

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "White Mountain National Forest Wilderness Act of 1983".

SEC. 2. In furtherance of the purpose of the Wilderness Act (78 Stat. 890), the following are designated as wilderness and, therefore, as components of the National Wilderness Preservation System—

(a) certain lands in the White Mountain National Forest, New Hampshire which comprise about 45,000 acres, are generally depicted on a map entitled "Pemigewasset Wilderness—Proposed" dated July 1983, and which shall be known as the Pemigewasset Wilderness Area;

(b) certain lands in the White Mountain National Forest, New Hampshire which comprise about 25,000 acres, are generally depicted on a map entitled "Sandwich Range Wilderness—Proposed" dated July 1983, and which shall be known as the Sandwich Range Wilderness; and

(c) certain lands in the White Mountain National Forest, New Hampshire which comprise approximately 7,000 acres are generally depicted on a map entitled "Presidential Dry River Wilderness Additions—Proposed", dated July 1983, and which are incorporated in and shall be deemed to be a part of the Presidential Dry River Wilderness as designated by Public Law 93-622.

SEC. 3. (a) As soon as practicable after this Act takes effect, the Secretary of Agriculture shall file maps and legal descriptions of each wilderness designated by this Act with the Committee on Agriculture of the Senate and the Committees on Agriculture and Interior and Insular Affairs of the House of Representatives.

(b) Each map and legal description shall—

(1) be subject to correction of clerical and typographical errors;

(2) be on file and available for public inspection in the office of the Chief, United States Forest Service, Department of Agriculture; and

(3) have the same force and effect as if included in this Act.

SEC. 4. Subject to valid existing rights, the areas designated as wilderness by this Act shall be administered in accordance with the provisions of the Wilderness Act (78 Stat. 890) except that any reference in such provisions to the effective date of the Wilderness Act shall be deemed to be a reference to the effective date of this Act.

SEC. 5. (a) The Congress finds that—

(1) the Department of Agriculture has completed the second roadless area review and evaluation program (RARE II); and

(2) the Congress has made its own review and examination of national forest system roadless areas in the States of New Hampshire and Maine and of the environmental impacts associated with alternative allocations of such areas.

(b) On the basis of such review, the Congress determines and directs that—

(1) without passing on the question of the legal and factual sufficiency of the RARE II final environmental statement (dated January 1979) with respect to national forest system lands in States other than New Hampshire and Maine, such statement shall not be subject to judicial review with respect to national forest system lands in the States of New Hampshire and Maine;

(2) with respect to the national forest system lands in the States of New Hampshire and Maine which were reviewed by the Department of Agriculture in RARE II, that review and evaluation shall be deemed for the purposes of the initial land management plans required for such lands by the Forest and Rangeland Renewable Resources Planning Act of 1974 (as amended by the National Forest Management Act of 1976) to be an adequate consideration of the suitability of such lands for inclusion in the National Wilderness Preservation System and

the Department of Agriculture shall not be required to review the wilderness option prior to the revision of the initial plans and in no case prior to the date established by law for completion of the initial planning cycle;

(3) areas in the States of New Hampshire and Maine reviewed in such final environmental statements and not designated as wilderness by Congress upon enactment of this Act need not be managed for the purpose of protecting their suitability for wilderness designation pending revision of the initial plans; and

(4) unless expressly authorized by Congress the Department of Agriculture shall not conduct any further statewide roadless areas review and evaluation of national forest system lands in the States of New Hampshire and Maine for the purpose of determining their suitability for inclusion in the National Wilderness Preservation System.

Mr. RUDMAN. Mr. President, today, Senator HUMPHREY and I are introducing the White Mountain National Forest Wilderness Act of 1983. The bill, which would designate 77,000 acres of land in the White Mountain National Forest as wilderness, is essential to the continuing process of balancing commercial, environmental, and recreational needs in New Hampshire. It is solidly supported by, and represents another example of cooperation and consensus between, a diverse spectrum of interested groups within New Hampshire.

The 77,000 acres of the White Mountain National Forest Wilderness proposal includes three new wilderness areas, with restrictions of use designed to protect their special status within the boundary of the White Mountain National Forest. They include 7,000 acres within the Presidential Dry River Wilderness Area, 25,000 acres within the Sandwich Range, and 46,000 acres within the Pemigewasset Wilderness area. By designating these areas as wilderness, we will insure the maintenance of a most valuable and pristine environment for the indefinite future. Preserving wilderness has been compatible for decades with the thinking of New Hampshire residents and the National Forest Service.

The wilderness proposal was created for a twofold purpose: First, to address the issue of designation of wilderness areas; and second, to avoid another round of the roadless area review and evaluation (RARE) process. Forest planning is currently being held up by a recent court decision in California. That decision nullified the roadless area review and evaluation (RARE II) process. As a result of the decision, the National Forest Service instituted a blanket freeze on all forest plans, including those for New Hampshire, even though objectively a freeze is unnecessary in New Hampshire. To repeat the RARE process in New Hampshire would be duplicative, expensive, and unnecessary. It would handicap the forest supervisor's ability to get on with the management of the forest. Our bill includes sufficiency language which would draw to a conclusion the study of potential wilderness which has been ongoing for the past 10 years.

The Forest Service has developed a cohesive management plan for the White Mountain National Forest which is ready for public action. New Hampshire has an immediate need to have this wilderness bill pass in order to free the Forest Service to implement the plan of future management. Without this legislation, the Forest Service will be handicapped in developing and upgrading needed recreational facilities, meeting timber output needs for commerical users, and attending to specific projects designed to maintain the integrity of the New Hampshire National Forest.

The people of New Hampshire support this bill, confident that it is in the best interests of all concerned. The bill is a product of both public support and the efforts of the ad hoc White Mountain National Forest Advisory Committee, an advisory group representing a broad range of recreational, commercial, environmental, and government interests. It was first organized to assist the White Mountain National Forest supervisor in formulating policies with respect to the management of the forest and has remained a close affiliate of the Forest Service, involved in long-term strategic planning for management of the forest. It is emblematic of the long history of working groups and public meetings used in New England to address environmental concerns.

The forest management plan embodied in this legislation, developed over 3 years, addresses all issues relating to the forest: Timber, recreational, mineral, construction, and wilderness issues. The legislation represents a consensus that balances all interests to best serve the present and future needs of New Hampshire. The Federal Government should recognize the validity of these efforts by providing maximum support and flexibilty to any state which is able to responsibly manage its environmental interest from within. I urge my colleagues to join Senator HUMPHREY, the Governor and people of New Hampshire, and me in supporting the White Mountain National Forest Wilderness Act of 1983.

By Mr. CHAFEE (for himself, Mr. ANDREWS, Mr. BURDICK, Mr. DOLE, Mr. DOMENICI, Mr. DURENBERGER, Mrs. HAWKINS, Mr. HELMS, Mr. HOLLINGS, Mr. JEPSEN, Mr. LUGAR, Mr. MATSUNAGA, Mr. PERCY, Mr. ROTH, and Mr. WILSON):

S.J. Res. 161. Joint resolution to designate the week of April 15, 1984, through April 21, 1984, as "National Child Abuse Prevention Week"; to the Committee on the Judiciary.

NATIONAL CHILD ABUSE PREVENTION WEEK

Mr. CHAFEE. Mr. President, today, along with 14 of my colleagues I am introducing a resolution designating the week of April 16, 1984 as National Child Abuse Prevention Week.

Child abuse and neglect is defined as physical or mental injury, sexual abuse or exploitation, negligent treatment or maltreatment of a child by a person responsible for the child's welfare.

There are estimates that over 2 million children suffer abuse and neglect each year. But the actual incidence of child abuse and neglect is accepted as being greater because so many incidents go unreported each year. The National Center on Child Abuse estimates that about 2,000 children die each year from abuse and neglect.

Child abuse and neglect is not a new phenomenon. Historically, children have been abused even in highly civilized societies. Dickens has painted poignant scenes of child abuse in Victorian England. Exploitation of children in employment was widespread in the 19th century and well into this century. It was not until 1875 that the first Society for the Prevention of Cruelty to Children was established in New York.

In 1974, Federal focus on the problem began with passage of the Child Abuse and Prevention Treatment Act (Public Law 93-247). The act provided Federal leadership and assistance in identifying, treating, and preventing child abuse and neglect.

Studies show that child abuse occurs in families of all socioeconomic levels, races, nationality, and religion. However, more cases are reported among the lower socioeconomic levels. Data indicate that child abuse and neglect is caused by many interacting factors: Physical and mental health problems, low intelligence, a lack of knowledge about child development and parental skills, and the parent's experience of abuse as a child.

Children may suffer physical, emotional, psychological and neurological damage because of abuse or neglect. Abuse may also affect the cognitive and language development of the child. There is evidence that some abused or neglected children are more likely to become juvenile delinquents or abusive parents.

I believe the awful effects of child abuse make a strong case for greater Federal focus on the problem and a reassessment of current programs directed at preventing or remedying child abuse and neglect. Congress should also look at the level of funding currently being appropriated for these programs.

Public awareness and attention will not alone solve the problem. However, continued national awareness and congressional support for those programs

aimed at its prevention and treatment can reduce the incidence and tragic consequences of child abuse and neglect.

Our children are both our most valuable and vulnerable resources. I urge recognition of this fact by designating the week of April 16 as National Child Abuse Prevention Week.

By Mr. HUMPHREY:

S.J. Res. 162. Joint resolution proposing an amendment to the Constitution of the United States with respect to Senators and Representatives and the number of terms either may serve; to the Committee on the Judiciary.

LIMITING TERMS OF MEMBERS OF CONGRESS

Mr. HUMPHREY. Mr. President, I do not believe that our Founding Fathers intended our national legislature to be comprised largely of career politicians. Thomas Jefferson once remarked:

> The principles of our constitution * * * are wisely opposed to all perpetuation of power, and every practice which may lead to hereditary establishments.

And yet, this is exactly what we have today; a Congress made up largely of career politicians who outdo one another in spending the public's money in order to win reelection. Since World War II, 93 percent of incumbents seeking reelection have returned.

I have been in Congress 4 years now, and I am convinced that reform is urgently needed. Current record budget deficits, runaway spending, and burdensome taxes are proof that Congress needs help to say no to enticing propositions of special interest groups requesting preferential treatment.

In my view, no one measure would be of more immense benefit to our Nation than to reform the Congress by limiting the terms which Members can serve. The legislation I am introducing today would limit Senators to two 6-year terms and Representatives to six 2-year terms.

Such a reform would help revitalize this governing body by bringing in men and women with refreshing new ideas. Moreover, it would rule out the possibility of persons making a career of serving in the Congress.

Perhaps Dwight D. Eisenhower, an advocate of term limitation, best summarized the merits of this reform in his book "Waging Peace," when he wrote that each person serving under term limitation would tend to think of his congressional career as an important and exciting interlude in his life, as a period dedicated to the entire Nation rather than as a way of making a living or making a career of exercising continuous political power * * *. More rapid turnover of the membership in both Houses with its constant infusion of new blood would largely eliminate the career politician in Congress, but I can see little damage that would result from such a change except possibly to personal ambitions of particular individuals.

Mr. President, I ask unanimous consent that the legislation be printed in the RECORD.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S. J. RES. 162

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the following Article is proposed as an amendment to the Constitution of the United States:

"ARTICLE

"SECTION 1. The term of office for Members of the Senate shall be six years. No person otherwise eligible under this Constitution shall be eligible to be elected to the Senate more than twice.

"SEC. 2. The term of office for an elected Representative shall be two years. No person otherwise eligible under this Constitution shall be elected to the office of Representative more than six times.

"SEC. 3. The limitations on election provided for Senators and Members of the House of Representatives by sections 1 and 2 of this Article shall apply to the elections of such Senators and Members of the House of Representatives occurring after the date on which this Article is ratified.

"SEC. 4. This Article shall be valid only if it shall have been ratified as an amendment to the Constitution by the legislatures of three-fourths of the several States within seven years after its submission to the States for ratification.".

ADDITIONAL COSPONSORS

S. 175

At the request of Mr. DECONCINI, the name of the Senator from Montana (Mr. MELCHER) was added as a cosponsor of S. 175, a bill to amend title 17 of the United States Code to exempt the private noncommercial recording of copyrighted works on video recorders from copyright infringement.

S. 276

At the request of Mr. GOLDWATER, the names of the Senator from South Carolina (Mr. THURMOND), the Senator from Vermont (Mr. STAFFORD), the Senator from North Carolina (Mr. HELMS), the Senator from Hawaii (Mr. INOUYE), and the Senator from Utah (Mr. GARN) were added as cosponsors of S. 276, a bill to amend title II of the Social Security Act to repeal the earnings limitation for all beneficiaries age 65 or older.

S. 480

At the request of Mr. PRESSLER, the name of the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of S. 480, a bill relating to the transfer of civil land remote sensing space satellite systems and meteorological satellite systems to the private sector.

S. 540

At the request of Mr. GOLDWATER, the name of the Senator from Kansas (Mr. DOLE) was added as a cosponsor of S. 540, a bill to amend the Public Health Service Act to establish a National Institute of Arthritis and Musculoskeletal and Skin Diseases, and for other purposes.

S. 567

At the request of Mr. THURMOND, the name of the Senator from Arkansas (Mr. BUMPERS) was added as a cosponsor of S. 567, a bill to amend title 38, United States Code, to authorize reimbursement for the reasonable charge for chiropractic services provided to certain veterans.

S. 719

At the request of Mr. THURMOND, the name of the Senator from Maryland (Mr. SARBANES) was added as a cosponsor of S. 719, a bill to amend subchapter II of chapter 73 of title 10, United States Code, to eliminate the social security offset against annuities provided for under such subchapter to the extent that the social security benefits of the annuitant are based on the annuitant's own employment.

S. 764

At the request of Mr. WARNER, the name of the Senator from Missouri (Mr. EAGLETON) was added as a cosponsor of S. 764, a bill to assure the continued protection of the traveling public in the marketing of air transportation, and for other purposes.

S. 869

At the request of Mr. BOSCHWITZ, the names of the Senator from New Mexico (Mr. DOMENICI), the Senator from Texas (Mr. TOWER), and the Senator from Illinois (Mr. PERCY) were added as cosponsors of S. 869, a bill to amend the Export-Import Bank Act of 1945.

S. 875

At the request of Mr. MATHIAS, the name of the Senator from Connecticut (Mr. WEICKER) was added as a cosponsor of S. 875, a bill to amend title 18 of the United States Code to strengthen the laws against the counterfeiting of trademarks, and for other purposes.

S. 1300

At the request of Mr. HUDDLESTON, the name of the Senator from Virginia (Mr. TRIBLE) was added as a cosponsor of S. 1300, a bill to amend the Rural Electrification Act of 1936 to insure the continued financial integrity of the Rural Electrification and Telephone Revolving Fund, and for other purposes.

S. 1407

At the request of Mr. EXON, the name of the Senator from Nebraska (Mr. ZORINSKY) was added as a cosponsor of S. 1407, a bill to protect purchasers of used automobiles from fraudulent practices associated with automobile odometer modifications, and for other purposes.

S. 1596

At the request of Mr. TRIBLE, the name of the Senator from Alabama (Mr. DENTON) was added as a cosponsor of S. 1596, a bill to amend the Internal Revenue Code of 1954 to exempt farm trucks from the heavy truck use tax where use on public highways does not exceed 10,000 miles.

S. 1621

At the request of Mr. HUMPHREY, the name of the Senator from Ohio (Mr. METZENBAUM) was added as a cosponsor of S. 1621, a bill to amend the Federal Aviation Act of 1958 to require commercial passenger carrying aircraft to be equipped with smoke detectors and automatic fire extinguisher in all aircraft lavatories and galley areas.

S. 1677

At the request of Mr. LAUTENBERG, the name of the Senator from Massachusetts (Mr. TSONGAS) was added as a cosponsor of S. 1677, a bill relating to the provision of lifeline telephone service.

S. 1680

At the request of Mr. GOLDWATER, the names of the Senator from Nebraska (Mr. EXON) and the Senator from Kentucky (Mr. FORD) were added as cosponsors of S. 1680, a bill to clarify the circumstances under which territorial provisions in licenses to distribute and sell trademarked malt beverage products are lawful under the antitrust laws.

S. 1708

At the request of Mr. GRASSLEY, the names of the Senator from North Dakota (Mr. ANDREWS), the Senator from Montana (Mr. MELCHER), and the Senator from Florida (Mrs. HAWKINS) were added as cosponsors of S. 1708, a bill to amend part D of title IV of the Social Security Act to assure that all children in the United States who are in need of assistance in securing financial support from their parents will receive such assistance regardless of the economic status of their parents and that parents prevent their children from becoming a burden on taxpayers by fulfilling, to the best of their ability, their financial obligations on behalf of their children.

S. 1734

At the request of Mr. ZORINSKY, the name of the Senator from Nevada (Mr. LAXALT) was added as a cosponsor of S. 1734, a bill to amend title 17 of the United States Code with respect to public performances of nondramatic musical works by means of coin-operated phonorecord players, and for other purposes.

S. 1747

At the request of Mr. ARMSTRONG, the name of the Senator from South Dakota (Mr. PRESSLER) was added as a cosponsor of S. 1747, a bill to amend title 38, United States Code, to establish two new programs of educational assistance for veterans of peacetime service, to close the post-Vietnam era veterans' educational assistance program to new participants, and to repeal the December 31, 1989, termination date of the Vietnam-era GI bill, and for other purposes.

S. 1843

At the request of Mr. SASSER, the names of the Senator from Maryland (Mr. SARBANES), the Senator from Arkansas (Mr. BUMPERS), and the Senator from Montana (Mr. MELCHER) were added as cosponsors of S. 1843, a bill to extend by 3 months the cutoff date for social security disability determinations which will be subject to the provisions allowing continued payment of disability benefits during appeal.

SENATE JOINT RESOLUTION 135

At the request of Mr. DECONCINI, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of Senate Joint Resolution 135, a joint resolution proposing an amendment to the Constitution of the United States for the establishment of a legislative veto.

SENATE JOINT RESOLUTION 152

At the request of Mr. LEVIN, the name of the Senator from North Dakota (Mr. BURDICK) was added as a cosponsor of Senate Joint Resolution 152, a joint resolution to designate the week of May 6, 1984, through May 12, 1984, as "Batten's Disease Awareness Week."

SENATE JOINT RESOLUTION 158

At the request of Mr. PELL, the name of the Senator from Ohio (Mr. GLENN) was added as a cosponsor of Senate Joint Resolution 158, a joint resolution condemning the brutal behavior of the Government of the Union of Soviet Socialist Republics for the destruction of Korean Air Lines Flight 007 with the loss of 269 innocent lives.

SENATE JOINT RESOLUTION 159

At the request of Mr. MATHIAS, the names of the Senator from Missouri (Mr. EAGLETON), the Senator from Vermont (Mr. STAFFORD), and the Senator from Colorado (Mr. HART) were added as cosponsors of Senate Joint Resolution 159, a joint resolution to authorize the further participation of U.S. Armed Forces in the multinational peacekeeping force in Lebanon.

SENATE JOINT RESOLUTION 160

At the request of Mr. BYRD, the names of the Senator from New Jersey (Mr. LAUTENBERG), and the Senator from Utah (Mr. HATCH) were added as cosponsors of Senate Joint Resolution 160, a joint resolution to designate the week of October 17, 1983, through October 24, 1983, as "National Adult Continuing Education Week."

SENATE CONCURRENT RESOLUTION 21

At the request of Mr. COHEN, the name of the Senator from Ohio (Mr. GLENN) was added as a cosponsor of Senate Concurrent Resolution 21, a concurrent resolution expressing the sense of the Congress respecting the administration of title X of the Public Health Service Act.

SENATE CONCURRENT RESOLUTION 40

At the request of Mr. LEVIN, the names of the Senator from Ohio (Mr. GLENN), and the Senator from Tennessee (Mr. SASSER) were added as cosponsors of Senate Concurrent Resolution 40, a concurrent resolution expressing the sense of the Congress that a uniform State act should be developed and adopted which provides grandparents with adequate rights to petition State courts for privileges to visit their grandchildren following the dissolution—because of divorce, separation, or death—of the marriage of such grandchildren's parents, and for other purposes.

SENATE CONCURRENT RESOLUTION 62

At the request of Mr. MATTINGLY, the name of the Senator from Maryland (Mr. SARBANES) was added as a cosponsor of Senate Concurrent Resolution 62, a concurrent resolution to direct the Commissioner of Social Security and the Secretary of Health and Human Services to develop a plan outlining the steps which might be taken to correct the social security benefit disparity known as the notch problem.

SENATE RESOLUTION 115

At the request of Mr. PRESSLER, the name of the Senator from Alabama (Mr. DENTON) was added as a cosponsor of Senate Resolution 115, a resolution to express the sense of the Senate on the need to facilitate U.S. exports by opposing international restrictions on the marketing and distribution of such exports.

SENATE RESOLUTION 127

At the request of Mr. ANDREWS, the names of the Senator from Massachusetts (Mr. TSONGAS) and the Senator from Nebraska (Mr. EXON) were added as cosponsors of Senate Resolution 127, a resolution to make the Select Committee on Indian Affairs a permanent committee of the Senate.

SENATE RESOLUTION 201

At the request of Mr. PRESSLER, the name of the Senator from Nebraska (Mr. EXON) was added as a cosponsor of Senate Resolution 201, a resolution expressing the sense of the Senate concerning the use and/or provision of chemical warfare agents by the Soviet Union.

AMENDMENT NO. 1299

At the request of Mr. BOSCHWITZ, the names of the Senator from New Mexico (Mr. DOMENICI), the Senator from Texas (Mr. TOWER), and the Senator from Illinois (Mr. PERCY) were added as cosponsors of amendment No. 1299 intended to be proposed to S. 869, a bill to amend the Export-Import Bank Act of 1945.

AMENDMENT NO. 2134

At the request of Mr. SYMMS, his name was added as a cosponsor of amendment No. 2134 proposed to Senate Joint Resolution 158, a joint resolution condemning the brutal behavior of the Government of the Union of Soviet Socialist Republics for the destruction of Korean Air Lines flight 007 with the loss of 269 innocent lives.

At the request of Mr. HUDDLESTON, the name of the Senator from California (Mr. WILSON) was added as a cosponsor of amendment No. 2134 proposed to Senate Joint Resolution 158, supra.

SENATE RESOLUTION 219—RELATING TO RESTORATION OF DEMOCRACY IN CHILE

Mr. KENNEDY (for himself, Mr. CRANSTON, and Mr. DODD) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 219

Whereas September 11, 1983, marked the tenth anniversary of the establishment of military rule in Chile;

Whereas on September 11, 1973, a military coup led by General Augusto Pinochet overthrew the constitutionally elected government of Salvador Alende and brought about the collapse of democratic institutions in Chile;

Whereas in the months following the September 1973 coup, up to 25,000 Chileans were killed by the regime of President Pinochet;

Whereas in the four days of demonstrations from September 8 to 11, 1983, fifteen Chileans have been reported as killed and over 550 arrested, and between June and September 1983 at least 40 persons were killed by the Chilean Armed Forces during public demonstrations of opposition to the regime of Augusto Pinochet;

Whereas during the same four month period, thousands more have been arrested in massive round-ups in working class neighborhoods in Chile;

Whereas the Pinochet regime, in response to the nationwide protests of June 14, 1983, targeted Chile's labor movement in particular, as shown by the dismissal of 31 union leaders and 799 copper workers from CODELCO, the imprisonment of 15 labor leaders by late June, and the arrest of 5 directors of the Coordinadora Nacional Sindical in the first week of July;

Whereas the Government of Augusto Pinochet has been linked by United States investigators to acts of terrorism and assassination in Argentina, Italy, and the United States, and was found "legally culpable" by a United States Federal District Court Judge for the September 21, 1976, murders of former Chilean Ambassador Orlando Leterlier and Ronni Moffit;

Whereas only a fraction of the over 11,000 Chileans exiled by the Pinochet regime since the 1973 coup have been allowed to return to their country;

Whereas the present Chilean constitution grants executive authority to Augusto Pinochet until 1989 and allows for delays in popular elections until 1998;

Whereas Amnesty International has noted that in recent years there has been a marked deterioration in the human rights situation in Chile, demonstrated by a consistent pattern of arbitrary detention, political imprisonment and killings, and systematic torture; and

Whereas Anmesty International, the International Commission of Jurists, the United Nations Human Rights Commission Ad Hoc Working Group of Chile, the United Nations General Assembly, and the Organization of American States Commission on Human Rights have stated that the regime of Augusto Pinochet has violated basic human rights and political freedoms in Chile since the military coup of 1973 in that country: Now, therefore, be it.

Resolved, That until Chile returns to its long tradition of democratic procedures and institutions—

(1) the United States should continue to deny any and all military assistance directly or indirectly to the government of Augusto Pinochet;

(2) the United States should also deny all economic assistance to the government of Chile, including Export-Import Bank and Commodity Credit Corporation guarantees and loans; and

(3) as mandated under section 701(f) of the International Financial Institutions Act of 1977, the United States should oppose all loans and grants to Chile by international financial institutions such as the Inter-American Development Bank, the International Bank for Reconstruction and Development, and the International Development Association, unless such assistance is directed specifically to programs which serve the basic human needs of the people.

Mr. KENNEDY. Mr. President, today I am proud to join with Senators CRANSTON and DODD in the Senate and Representatives TED WEISS, MIKE BARNES, and others in the House of Representatives, in submitting a resolution calling for the restoration of democracy in Chile.

Our resolution provides that until Chile returns to its long tradition of democratic government and institutions, the United States should deny all military and economic assistance to its military government under General Pinochet—except for humanitarian aid to the people of Chile on a nongovernmental basis.

Last Sunday, September 11, marked the 10th anniversary of the brutal military coup in Chile. Thousands of Chileans—leaders from the church, the labor unions, and the political oppositon—joined together with students and workers in protest against General Pinochet's repressive dictatorship. They demanded full restoration of democratic institutions and respect for human rights that had flourished for over a century and a half in Chile.

Today, in Washington, we also mark the anniversary of this tragic turn of history. We are here to voice our concern and support for the cause of democracy and human rights in Chile, and to demonstrate once again to the brave people of Chile that they do not stand alone.

Since the 1973 military takeover, Chile has become a symbol of gross and continuing violations of human rights and civil liberties, disappearances, and arbitrary killings, and detentions. The systematic use of torture, internal exile, and banishment have replaced the rule of law.

The Chilean Government also stands condemned for its sponsorship of the terrorist bombing on the streets of Washington that killed Orlando Letelier and Ronni Karpen Moffitt. For that act alone, the Pinochet regime deserves condemnation by the entire international community.

A decade has now passed since the coup of 1973, but the harsh repression inflicted by the regime has failed to muffle the people's demand in Chile for democracy and freedom. Since May of this year, the citizens of Santiago and other cities have staged continuing protests against the Pinochet regime; the clang of pots and pans in the streets echoes the cry from the heart of the growing numbers of people in every section of that land who are demanding that the dictatorship must end. The entire democratic opposition in Chile has come together in a democratic alliance for an end to military rule. Every day, the people of Chile risk beatings and imprisonment for their belief in democracy. A total of 55 people have reportedly been killed during the recent months of demonstrations—15 during last week's protests alone. Hundreds have been beaten and thousands imprisoned by Chilean security forces.

Just this past week, labor leader Rodolfo Seguel, who speaks for the Coalition of Chilean Labor Federations, was imprisoned once again. He has begun a hunger strike in protest against continued repression. His cause is our cause. His demands are our demands. We will not rest until democracy returns to Chile.

At this critical time in the struggle for democracy and human rights in Chile, the United States must make clear to the Chilean people that our Nation strongly supports their commitment to the early and peaceful restoration of democratic government in Chile. The Reagan administration must take no steps that would only serve to prolong in power the floundering military regime that has betrayed Chile's noble tradition of democratic rule and that has been censured repeatedly by respected international human rights organizations.

In desperation, the government of General Pinochet has attempted to make certain limited concessions in the face of growing opposition. We welcome the recent decisions to permit the repatriation of 200 political exiles, to ease restrictions on the press and on public protests, and to renew discussions with opposition leaders. But those minimal steps are not enough to save the General's totalitarian regime. The people of Chile want a final end

to human rights abuses and an immediate return to full democracy.

Since the military coup in 1973, I have worked closely with many of you to help restore democratic institutions and respect for human rights in Chile. I have held hearings where we heard of the personal anguish of the families of Americans and Chileans tortured and killed by the security forces. I have proposed legislation calling on the U.S. Government to halt aid to Chile. In 1976, my amendment to bar all military aid to Chile became the law of the land, and it remains today as the legal prohibition that prevents such support to the Chilean dictatorship.

I have read, year by year, the reports of international investigating commissions and private human rights organizations. Their verdict still stands. The Pinochet regime still disdains democratic values and the rule of law.

Together we say on this anniversary of repression—10 years of dictatorship is 10 years too much. As a U.S. Senator, as an American, and as a friend of the Chilean people, I am committed to the struggle for freedom in Chile. That is the only fitting memorial for all those who have died at the hands of the Pinochet regime. It is the only fitting tribute to all of those today who risk their lives and their livelihood for the cause of liberty in their land.

I am honored to join in submitting this new congressional resolution for democracy and against dictatorship in Chile. May it be passed in Congress, heeded in Santiago, and heard by all who share our cause of freedom and human rights.

Mr. President, I ask unanimous consent that a letter sent on September 13, 1983, to Secretary of State Shultz, and articles on the present situation in Chile be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, D.C., September 13, 1983.

Hon. GEORGE P. SHULTZ,
Secretary, Department of State, Washington, D.C.

DEAR MR. SECRETARY: We were pleased to see the Department of State's July 11, 1983 statement expressing "support for the right to peaceful dissent" in Chile and recognizing the need "for the transition to democracy sought by the vast majority of Chileans."

As you know, the tenth anniversary was recently observed of the military coup that interrupted a long tradition of democratic government in Chile.

Despite the passage of years, it is evident that the Chilean people have maintained their attachment to democratic principles. Recently, virtually all sectors of the population have joined in pressing demands for an early resumption of democratic government. In keeping with the high priority that you have asserted to the promotion of democracy as a goal of American foreign policy, we call upon the Department of State to aid the movement to restore full democracy in Chile to the maximum degree that is consistent with respect for Chilean sovereignty.

Specifically, we believe that it would be helpful for the Department to condemn publicly all efforts by the Chilean military junta to use repressive measures such as exile, political imprisonment and torture to crush the movement towards democracy. In addition to speaking out on such human rights matters, we hope the Department will follow up its July 11 statement by making it unmistakably clear that the U.S. supports a speedy and peaceful restoration of democratic government in Chile.

Sincerely,

DANIEL P. MOYNIHAN, EDWARD M. KENNEDY, DONALD W. RIEGLE, JR., ALAN CRANSTON, ALAN J. DIXON, JEFF BINGAMAN, JOHN GLENN, CHRISTOPHER J. DODD.

[From the New York Times, Sept. 11, 1983]

AN EXILE FINDS CHILE STRUCK BY A PLAGUE

(By Ariel Dorfman)

SANTIAGO, CHILE.—Returning to Chile after 10 years of forced exile, I am shocked by all that has changed. I am also shocked by what remains the same.

Everything seems so normal—much too normal. The same birds awaken me each morning that used to do so a decade ago, before a military coup crushed democracy. Somehow, I expected the birds to sing differently under a dictator. I imagined that the terror would have modified even the taste of food and the way people laugh. But everyday life appears much as it was when I left. Other things, however, have indeed changed.

I had read that Gen. Augusto Pinochet's model of development had created a new and opulent social class, but nothing could prepare me for what I felt when, after passing through a virtually unaltered Santiago, I reached the barrio alto—the hill-slope neighborhood where the privileged classes of Chile traditionally reside. This is the only part of the city that is unrecognizable. I found myself being guided, like a tourist, along unknown avenues filled with hundreds of glass towers and shopping malls, splendid gardens and efficient freeways. I could not believe that this was Chile. It was as if I had stepped into one of the nicer suburbs of a metropolis back in the States. In just 10 years, a modernized, sleek and exclusive city-in-itself had arisen, as if from nowhere.

There has always been, in Chile as in the rest of Latin America, an abysmal distance between the rich and the poor. But those who live in these countries find ways of disguising that distance or ignoring it. My years away from home have given back to me not only the possibility of measuring that distance but of overwhelming me with the stark, irrefutable evidence of its malignant growth. Only a few miles from the barrio alto is the price that Chile must pay for so much ostentatious luxury for a few: the slums where millions of impoverished Chileans live in squalor. When I left Chile, these people had been poor. When I came back, I discovered that General Pinochet had performed the considerable miracle of making them even more miserable, stranding them even further from the mainstream of society.

Visiting one shantytown, I realized that these people have lived an exile more terrible than my own. They may have had the comfort of the mountains, and they could speak Spanish while I had to learn foreign languages and read incomprehensible street signs, but they have been turned into strangers in their own land. They have not only been denied a decent life but also the means to protest against that denial.

What is true of them is true of most Chileans, even those in a better financial situation. It is as if Chile had been struck by a plague. I am scandalized by the physical ruin of my country. The economic crisis, the worst in our history, touches everybody.

I drove through the industrial belt of Santiago and it was like visiting a gost town. Stores are empty. Most of my friends and family are unemployed or hold only part-time jobs. Though it is winter, there is no heating in the house where I am living: Money must be used for more urgent matters.

And yet, in this land without a free press, this land where hundreds of thousands have been jailed and humiliated, where exile and violence and lying have become as natural as breathing air, the predominant mood is not despair. People know, of course, that General Pinochet still holds power. He can still order his troops to murder, and he does. He can still torture, and does. He can still transmit his most incoherent thoughts into each home whenever he so desires, and he so desires incessantly. But a dictator cannot last unless he rules the minds, as well as the bodies, of his people. If he cannot make their dreams coincide with his promises, and their fears coincide with his threats, he is lost. I am fortunate to have returned at the very moment when General Pinochet has lost control over the dreams of Chile. Day by day, I am witnessing the rebirth of this country.

Living under the shadow of violence and rage, people have somehow found the courage to demand, over and over, the return to democracy, to dream a country where it is abnormal that men can come in the night and makes you disappear, a country where it is aberrant that four square miles of a city have grown wondrously while everything else stagnates. People are no longer afraid. At night, they bang pots and pans to protest as if they were in front of the walls of Jericho, and in the daytime they march and congregate and openly discuss ways of ridding themselves of the tyrant. I have seen them risk the bullets and the beatings and the dogs. I have seen them bring a multitude of defiant Chilean flags to the airport to greet returning exiles.

Slowly, another sort of country is emerging, a country where I do not feel like a stranger. I love the birds and the mountains and the smell of fruit. I love to play with the nephews who were born during these 10 years. But what makes me feel really at home is the rebirth of my country.

To clean this land will not be easy. Dictators do not only impoverish society. They corrupt and soil its soul. They sow mistrust and division.

But it is good to be home and to be able to say that not only the birds awaken me every morning. It is so good to be able to tell the world that my country is alive.

[From the New York Times, Sept. 9, 1983]

CHILE'S 10 YEARS OF MISRULE

(By Peter Winn)

BOSTON.—A decade has passed since the Chilean military seized power in a bloody coup that overthrew President Salvador Allende Gossens and put an end to his democratic road to socialism. It has been a decade since a Chilean colonel proudly told me to

come back in 10 years and "see what we have done for Chile." In fact, he and his fellow officers have destroyed Chile's economy and united the people in opposition to their regime. They have proved to be incompetent as well as inhumane, sowing the seeds of their own overthrow.

During the weeks that followed the coup d'état, the military killed 25,000 of its 10 million countrymen—the equivalent of 500,000 in the United States. Another 100,000 passed through the prisons, concentration camps and torture chambers of the secret police, which intimidated one out of every 10 Chileans into spying on their colleagues and neighbors. Where Chile used to be famous for its civil liberties, the military made it notorious for the denial of human rights.

When the armed forces seized power, they said they did it to uphold "the rule of law" and to make sure that Chile would remain "a free country." But they have destroyed their country's democratic institutions and imposed the arbitrary personal dictatorship of Gen. Augusto Pinochet. They have censored the press, emasculated the courts and made a mockary of both liberty and law. Their totalitarian purpose is clear in their efforts to penetrate and purge the unions and universities, the churches and civic associations. Like Mussolini, they have not hesitated to murder their opponents in their places of exile, even on the streets of Washington.

When the military seized power, it said that its purpose was to defend the economic security of the nation, but what has it done to Chile's economy? The regime has given free rein to conservative economic ideologies, whose monetarist dogmas and freemarket policies have destroyed the country's industrial fabric and undermined the state's capacity to promote development or to ameliorate crisis. The consequences of the embrace of Milton Friedman's "Chicago Boys" are now all too clear. Speculators have made millions and colonels' wives drive Mercedes-Benzes, but the country is bankrupt and the people are hungrier than they ever were under President Allende.

After 10 years of misrule, industrial production and productive investments are half what they were a decade ago, and foreign capital is fleeing, along with the best educated citizens. The regime has made unemployment and underemployment a way of life for almost half the workforce and poverty a reality for most of the people. It has turned a global recession into a national depression. Inflation is 35 percent and rising, the economy shrank 14 percent last year and the per capita foreign debt is the highest in the world. The regime's vaunted economic miracle has proved a mirage.

When the armed forces seized power, they talked about the moral regeneration of Chile. But the regime has made beggars of the poor and paupers of the middle class. It has turned daughters into prostitutes and fathers into alcoholics, neighbors into informers and soldiers into torturers. Its policies have destroyed the stability of families and the fabric of society. It has deprived grown men of their dignity and children of their health. And it has become corrupt itself. It has given Chile a Government with few redeeming virtues, one with nothing to be proud of.

Many Chileans applauded the coup a decade ago, but few support the military today. Members of the middle class who beat their pots and pans for President Allende's overthrow then are banging them now for the ouster of General Pinochet. In this, the military has worked a political miracle: It has united a divided people—against itself.

It is all too clear what the military has done to Chile. Ten years ago, the colonel told me that he would "do what was necessary to save Chile." Today, it is obvious what is required. It is time that the officers returned to their barracks and gave the Chilean people another chance to rule themselves. Democracy may not be perfect, but it is far better than the military's disastrous despotism.

[From the Washington Post, Sept. 8, 1983]

TWO REPORTED KILLED, 550 ARRESTED IN PROTESTS THROUGHOUT CHILE

(By Jackson Diehl)

SANTIAGO, CHILE, September 8.—Renewed demonstrations against the government of Gen. Augusto Pinochet shook Chilean cities today, leading to more than 550 arrests and two reported deaths and jolting a fragile effort by the government and its opposition to negotiate political peace.

Despite public pledges by political leaders and authorities to avoid violence, the fifth consecutive monthly demonstration against Pinochet's military rule provoked day-long incidents in Santiago between thousands of protesters and police using tear gas, clubs and water cannon.

Marches and clashes were also reported in Concepcion, Temuto, Valparaiso and other major cities. Authorities confirmed tonight that one woman was shot to death by police in Valparaiso and a man was shot to death in Santiago. At least six persons were reported wounded.

Dozens of persons, including a protest coordinator who is the leader of the opposition Christian Democratic Party, were reported to have suffered injuries in beatings by police. Another Christian Democratic leader, former Sen. Patricio Aylwin, was arrested and later released.

The demonstrations reached a height tonight when thousands of persons marched through the streets of poor neighborhoods and built barricades to keep police out. Violent confrontations between police and demonstrators were reported in a number of neighborhoods, while in others residents limited themselves to peacefully banging pots and pans.

The new antigovernment demonstrations were scheduled three days before the Pinochet government's planned celebration of the 10th anniversary of the military coup against Socialist president Salvador Allene. They interrupted recent talks between Interior Minister Sergio Jarpa Reyes and the opposition Democratic Alliance, which includes the Christian Democrats and other parties, over a possible political solution to the growing confrontation between Pinochet and a mass protest movement.

The demonstrations in Santiago appeared to equal those of previous months despite a highly promoted initiative by Pinochet to relax his authoritarian rule. In the last month the government has authorized the return of more than 2,000 political exiles, lifted restrictions on the press and street movement and discussed further liberalization with opposition political leaders.

Following three days of violence last month that left at least 24 dead, the government also abandoned its use of troops and a curfew to repress street demonstrations today. Jarpa denounced the call for a national protest but said peaceful actions would be tolerated.

In Santiago, however, violence broke out at midday when more than 1,000 persons assembled around the traffic-congested Plaza Italia for a demonstration and sit-in planned by the Democratic Alliance.

Alliance leaders had meant to block a major traffic circle and marched down Santiago's Central Avenue toward the presidential palace. But when Genaro Arriagada, protest organizer and Christian Democratic party leader, sat down in the street with a group of protestors, he was beaten on the legs and body by police and forcibly moved.

Moments later, Aylwin, a former party president, was arrested and police began firing tear gas and jets of water from small tanks.

Militant students responded with rocks. For more than an hour afterward, more than 200 police battled with demonstrators around the plaza as opposition leaders unsuccessfully sought to mediate.

Confrontations between police and demonstrators continued through the afternoon.

Tonight, Santiago authorities reported that 250 persons had been arrested in the capital before nightfall, but that all but two had been ordered released. More than 300 were reported arrested in other parts of the country.

The conflicts led opposition leaders to charge brutality by police and a reflection by Pinochet's government of its promise of accepting peaceful protest. "A violence is being turned loose that is unacceptable," said Gabriel Valdes, the leader of the alliance and president of the Christian Democratic Party.

Jarpa rejected the opposition charges and said the violence resulted because those who organized [demonstrated] don't take responsibility for the consequences. He said tonight that fewer people had participated in the protest than in earlier demonstrations and that the country was "on the road to greater normality." He called on alliance leaders to circulate in poor neighborhoods tonight to prevent further disorders.

The debate over the violence today continued this week's harsh public dialog between opposition and government leaders over the protests and the government's progress in its political relaxation.

Jarpa and other government officials have said the new program is offering peaceful outlets for dissent and have criticized the opposition coalition for continuing to organize day-long national protests. The government maintains the protests have been dominated by extremist Marxist groups that more moderate leaders cannot control.

Today, government officials supported that charge by pointing to the slaying by security forces in shootouts last night of five alleged members of a leftist extremist group, the Revolutionary Left Movement. Another nine persons were arrested in raids that authorities said resulted in the capture of large stores of arms and evidence linking Revolutionary Left suspects to the assassination last wek of the governor of Santiago, Gen. Carol Urzua.

Jarpa said in a press conference yesterday that citizens should organize defense committees in their neighborhoods to protect themselves against violence and added that if terrorist violence increased, "the answer" of the vigilante groups "will have to be put in arms as well."

Opposition leaders, who have blamed security forces for deaths in previous national protests, sharply attacked Jarpa for his statements and warned tht they are losing

faith in the goverment's effort at negotiation.

SENATE RESOLUTION 220—RELATING TO EMERGENCY ASSISTANCE TO FARMERS AND OTHERS ADVERSELY AFFECTED BY THE DROUGHT

Mr. HUDDLESTON (for himself, Mr. ANDREWS, Mr. ZORINSKY, Mr. MELCHER, Mr. BOREN, Mr. PRYOR, Mr. HEFLIN, Mr. DIXON, Mr. FORD, Mr. BAUCUS, and Mr. HART) submitted the following resolution; which was referred to the Committee on Agriculture, Nutrition, and Forestry:

S. RES. 220

Whereas many farmers have had their 1983 crops devastated by the current drought;

Whereas further deterioration of the 1983 crops could precipitate a financial crisis for farmers, farm-related businesses, and agricultural lenders;

Whereas the people of the United States and millions of people elsewhere in the world depend on U.S. agriculture for food and fiber;

Whereas a strong agriculture is essential to the economic well-being of the Nation;

Whereas three successive years of abnormally low farm income and the problems many farmers now face due to the drought are seriously weakening U.S. agriculture;

Whereas the Agricultural Act of 1949, the Consolidated Farm and Rural Development Act, and other Acts of Congress give broad authority to the Executive Branch of the Government to take emergency action to assist farmers and others in recovering from the adverse effects of natural disasters and strengthen U.S. agriculture: Now, therefore, be it

Resolved, That it is the sense of the Senate that the President should use his authority to designate farming communities especially hard-hit by the current drought as eligible for Federal disaster assistance.

SEC. 2. It is further the sense of the Senate that the President, the Secretary of Agriculture, and the Administrator of the Small Business Administration should use the broad authorities vested in them by Congress to take emergency action immediately to assist farmers and others adversely affected by the drought and strengthen U.S. agriculture, including, but not limited to, the following actions:

(1) deployment of special emergency teams in States affected by the drought. These teams should be comprised of representatives from the agencies responsible for administering disaster assistance programs that can be used to aid farmers and farm-related businesses;

(2) making disaster payments available to wheat, feed grain, upland cotton, and rice producers, where needed in severely affected areas;

(3) use of the authority provided in the Omnibus Budget Reconciliation Act of 1982, with respect to wheat, feed grains, upland cotton, and rice, to make advance deficiency payments available to producers of 1984 crops for which there will be acreage reduction programs and for which deficiency payments are likely to be required;

(4) reopening of the emergency livestock feed program to aid farmers who have lost crops that would have been used to feed livestock;

(5) designation of counties for the Farmers Home Administration emergency disaster loans before harvesttime;

(6) return of the authority to make Farmers Home Administration county disaster designations to the Farmers Home Administration State directors;

(7) making Farmers Home Administration emergency disaster loans available based on estimated losses; and

(8) full use of Farmers Home Administration and Small Business Administration programs to make direct loans to, or guarantee loans for, rural businesses affected by the drought and payment-in-kind program.

SEC. 3. The Secretary of the Senate shall transmit a copy of this Resolution to the President, the Secretary of Agriculture, and the Administrator of the Small Business Administration.

Mr. HUDDLESTON. Mr. President, I am submitting a resolution expressing the sense of the Senate that the President and Secretary of Agriculture should take immediate action to make emergency assistance available to the many thousands of our Nation's farmers whose crops have been devastated by the current drought. The resolution calls for the Department of Agriculture to put into operation the emergency programs designed to provide assistance to farmers and others adversely affected by natural disasters.

Specifically, the resolution calls for the following:

First. Presidential disaster designations. A Presidential designation will make special assistance available under the Disaster Relief Act of 1974, as appropriate, and automatically trigger the Farmers Home Administration emergency disaster loan program.

Second. The deployment of special emergency teams in States affected by the drought. It is essential that emergency teams be deployed immediately so that they can begin to organize emergency assistance efforts and train the temporary personnel that will be needed before field offices are inundated with requests for assistance.

Third. Making disaster payments available to wheat, feed grain, upland cotton, and rice producers—under the discretionary authority provided in the Agriculture and Food Act of 1981—where needed in severely affected areas.

Fourth. With respect to wheat, feed grains, upland cotton, and rice, making advance deficiency payments available to producers of 1984 crops for which there will be acreage reduction programs and for which deficiency payments are likely to be required—under the discretionary authority provided in the Omnibus Budget Reconciliation Act of 1982.

Fifth. Reopening the emergency livestock feed payment program to aid farmers who have lost crops that would have been used to feed livestock.

Sixth. Designations of counties for the Farmers Home Administration emergency disaster loan program before harvesttime. Commercial lenders and farm suppliers need to know if farmers in their area can expect Federal assistance. Early designations will aid small businesses in their planning for the 1984 crop year and will encourage lenders to extend needed credit. Farmers and businesses need the assurance that Federal help is on the way.

Seventh. Returning authority to make Farmers Home Administration county disaster designations to the Farmers Home Administration State Directors. This will eliminate unnecessary redtape and give the local officials with the most knowledge of the problem the necessary authority to provide assistance.

Eight. Accepting individual applications for Farmers Home Administration natural disaster emergency loans based on estimated losses.

Ninth. Providing loans and loan guarantees, through the Small Business Administration and the Farmers Home Administration programs, to rural businesses adversely affected by the drought and payment-in-kind program.

In addition to the actions called for in the resolution, I urge the administration to take steps to insure that these programs, for which there will be thousands of qualified applicants, do not become bogged down in a tangle of redtape and procedural delay.

The current drought and its effects on the 1983 harvest and future food prices are matters of national concern. There is a possibility that the situation will continue to deteriorate and thereby precipitate a crisis not only for farmers but, also, farm suppliers and farm lenders. Meetings, public relations efforts, and expressions of sympathy will not solve this national problem.

The course of action outlined in this resolution will provide much-needed emergency assistance. I urge my colleagues to join me in sponsoring this resolution.

Mr. DIXON. Mr. President, the United States is facing the worst drought in 50 years. The effects of the heat wave on crop production and farm programs next year and beyond are still not clear, but they are going to be important and have major implications for agricultural policy.

Drought conditions continue to grip much of our Nation's farmland. Substantial damage has already been done to many growing crops, and further deterioration of the farm situation is possible. The U.S. Department of Agriculture's September Crop Report, released on September 12, indicated that we could harvest in 1983 the smallest corn crop and soybean crop in years.

In my own State of Illinois, farmers will, according to the estimates, harvest the smallest corn crop in 25 years.

The USDA indicated that Illinois farmers will harvest 608.4 million bushels of corn. The average yield per acre will be 78 bushels, the lowest since 1970.

Soybean production will be 247.8 million bushels with an average yield of 28 bushels an acre—the poorest crop in 9 years.

The Department of Agriculture has indicated that farmers in counties declared a disaster area will be eligible for the natural disaster emergency loan program.

The full impact of this drought has not been totally felt. Farmers, agribusinesses, lending institutions, and rural communities could be devastated by this national emergency.

It is because of my grave concern about this situation that I join my distinguished colleague, Senator HUDDLESTON, in offering this resolution to request that the President use the authority he has in providing the much needed assistance to the agricultural sector.

SENATE RESOLUTION 222—CALLING FOR A REDUCED SOVIET PRESENCE IN THE UNITED STATES AS A RESULT OF THE DESTRUCTION OF KOREAN AIR LINES FLIGHT 007

Mr. HUDDLESTON submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 222

Whereas, the United States is shocked and outraged over the actions of the Soviet Government on August 31, 1983, which led to the destruction of Korean Air Lines flight 007, with the loss of 269 lives;

Whereas, Korean Air Lines flight 007 was an unarmed, clearly-marked civilian airliner with innocent men, women, and children of 13 nationalities aboard;

Whereas, the Congress believes appropriate sanctions must be imposed upon the Soviet Government in order to demonstrate that the actions of August 31, 1983, represent unacceptable behavior;

Whereas, the official Soviet presence in the United States is substantially greater than the Official United States presence in the Soviet Union: Now, therefore, be it

Resolved, That it is the sense of the Senate that the United States should reduce the Soviet official presence within the United States in order to establish substantial equivalence with the official United States presence in the Soviet Union.

Mr. HUDDLESTON. Mr. President, earlier today my amendment to House Joint Resolution 353, regarding the destruction of Korean Air Lines flight 007 on August 31, was tabled. I am, consequently, introducing my amendment as a separate sense of the Senate resolution and will seek to find another vehicle to which to attach it.

AMENDMENTS SUBMITTED

DESTRUCTION OF KOREAN AIR LINES FLIGHT 007

HELMS AMENDMENT NO. 2135

Mr. HELMS proposed an amendment (which was subsequently modified) to the joint resolution (H.J. Res. 353) condeming the Soviet criminal destruction of the Korean civilian airliner; as follows:

At the end of the joint resolution, add the following new section:

SEC. 2. It is the sense of the Congress that the President should recall the United States Ambassador to the Soviet Union for urgent consultations.

It is the sense of the Congress that the President should conduct a comprehensive reappraisal of the complete spectrum of United States-Soviet relations, including arms control, human rights, East-West trade, and regional issues.

It is the sense of the Congress that the President should report to the Congress on the record of Soviet compliance or non-compliance with the letter and spirit of all existing strategic arms limitations talks (SALT) agreements and other arms control agreements to which the Soviet Union is a party.

It is the sense of the Congress that the President should direct the United States negotiators at the strategic arms reduction talks at Geneva to link the possible success of such talks with the willingness of the Soviet Union to abide by international law as a responsible member of the community of nations, paying specific attention to the KAL 007 massacre, Soviet violations of the Helsinki accords, the Soviet invasion and subjugation of Afghanistan, the repression of Poland and its free labor movement, and the use of chemical and biological weapons in contravention of existing treaties.

It is the sense of the Congress that the President should re-emphasize the inconsistency of the Soviet military presence in the Western Hemisphere with the Monroe Doctrine.

It is the sense of the Congress that the President should tighten substantially the foreign policy and military controls over the export of machine tools, high technology products, and equipment for the development of Soviet oil and gas resources.

It is the sense of the Congress that the President should direct the Secretary of the Treasury to use existing statutory authority to prevent the import of any product or material produced in the Soviet Union with the use of forced labor.

MURKOWSKI AMENDMENT NO. 2136

Mr. MURKOWSKI proposed an amendment to the joint resolution House Joint Resolution 353, supra; as follows:

At the end of the joint resolution, add the following new section:

SEC. 2. (a) The Congress finds that—

(1) in December of 1982 the United States exported to the Union of Soviet Socialist Republics an average of 10,000 barrels per day of petroleum products and 222,000 barrels of petroleum coke, 81,000 barrels of lubricants, and 13,000 barrels of other miscellaneous petroleum products;

(2) in March of 1983 the United States exported to the Republic of Korea an average of only 5,000 barrels per day of petroleum products, 5,000 less per day than what the Union of Soviet Socialist Republics received in December 1982 and exported to the Republic of Korea 152,000 barrels of petroleum coke, 70,000 barrels less than which the Union of Soviet Socialist Republics received in December 1982; and

(3) while the United States permits the export of petroleum products to the Union of Soviet Socialist Republics the United States denies its allies in the Pacific Rim crude oil that would enhance their energy security and the overall international security of the Pacific Rim.

(b) No license may be issued for the export to the Union of Soviet Socialist Republics of any refined petroleum product, as defined by section 7(e)(4) of the Export Administration Act of 1979, or of any residual fuel oil.

DOLE (AND OTHERS) AMENDMENT NO. 2137

Mr. DOLE (for himself, Mr. GARN, and Mr. HEINZ) proposed an amendment to the joint resolution House Joint Resolution 353, supra; as follows:

At the end of the submitted text, add the following:

"*And be it further resolved*, That the Senate and the House of Representatives in Congress assembled urge the President of the United States to seek agreement with major creditors of the Soviet Union on a systematic and substantial reduction in credits and guarantees extended to the Soviet Union."

KASTEN (AND MOYNIHAN) AMENDMENT NO. 2138

Mr. KASTEN (for himself and Mr. MOYNIHAN) proposed an amendment to the joint resolution, House Joint Resolution 353, supra; as follows:

At the end of the joint resolution, add the following:

And be it further resolved that the President be urged to direct that, notwithstanding any other provision of law, no funds may be paid out of the Treasury of the United States or out of any fund of a Government corporation to any private individual or corporation in satisfaction of any assurance agreement or payment guarantee entered into by any agency or corporation of the United States Government with respect to loans made and credits extended to the Polish People's Republic unless the Polish People's Republic has been declared to be in default of its debt to such individual or corporation.

MOYNIHAN AMENDMENT NO. 2139

Mr. MOYNIHAN proposed an amendment to the joint resolution (H.J. Res. 353), supra; as follows:

At the end of the resolution, add the following:

"(9) declares its intent to discontinue all exports of agricultural commodities to the Soviet Union until such time as the Soviet Government apologizes unequivocally for its actions, fully compensates the families of innocent victims, and provides credible as-

surances to the world community that it intends to fulfill its commitments to abide internationally by recognized and established procedures for insuring the safety of civil aviation.".

HAWKINS (AND OTHERS) AMENDMENT NO. 2140

Mrs. HAWKINS (for herself, Mr. NICKLES, Mr. D'AMATO, and Mr. ARMSTRONG) proposed an amendment to the joint resolution, House Joint Resolution 353, supra, as follows:

At the end of the joint resolution, insert the following: "calls on the Union of Soviet Socialists Republics to also comply with its other obligations under international law, including the Helsinki Final Act and the Universal Declaration of Human Rights by ceasing its harassment of Soviet Jewry and others wishing to emigrate, and reiterates its willingness to use trade sanctions and whatever other means may prove necessary to encourage such compliance."

NOTICES OF HEARINGS

COMMITTEE ON SMALL BUSINESS

Mr. WEICKER. Mr. President, I would like to announce that the full committee of the Senate Small Business Committee will hold a markup on Tuesday, September 20, 1983, to consider legislation to comply with the reconciliation instruction incorporated in House Concurrent Resolution 91, the first concurrent budget resolution. The committee will also consider S. 1022, a bill to amend section 8(a) of the Small Business Act to treat businesses owned by Indian tribes as socially and economically disadvantaged small business concerns. The markup will start at 9:30 a.m. in room 428A Senate Russell Office Building. For further information please contact Mike Haynes of the committee staff at 224-5175.

ADDITIONAL STATEMENTS

ANATOLY SHCHARANSKY

● Mr. MOYNIHAN. Mr. President, today, September 15, marks the halfway point in Anatoly Shcharansky's infamous sentence to 13 years confinement in Chistopol prison in the Soviet Union.

During the 6½ years since his arrest on the false charge of spying for the United States, and forced separation from his bride Avital, Anatoly Shcharansky has become far more than yet another prisoner in the Soviet Gulag. He has, in his tenacious devotion to his people and his faith, become the very symbol of embattled Soviet Jewry.

It is accordingly most appropriate that we note this milestone in his travail—particularly because Soviet law allows for a prisoner to be released after completing half of their prescribed sentence. The perilous state of Anatoly Shcharansky's health, a condition gravely worsened by his recent 4 month hunger strike, should, of itself, be sufficient reason for the Soviet regime to release this Prisoner of Conscience—a man whose only crime has been the desire to freely practice the faith of his ancestors in their ancient homeland.

The people of New York State are, with all Americans of good will, deeply concerned about Anatoly Shcharansky's plight. It is for this reason that our Governor, Mario M. Cuomo, has declared today to be Anatoly Shcharansky Day in New York State.

Governor Cuomo's proclamation is of significance to all of us who cherish human freedom and admire Anatoly Shcharansky. I therefore ask that the complete text of Governor Cuomo's proclamation be reprinted in full.

The proclamation follows:

PROCLAMATION

STATE OF NEW YORK EXECUTIVE CHAMBER

Whereas, Anatoly Shcharansky has been imprisoned for six and one-half years; and

Whereas, in all those years, he has been isolated from his wife and his family and has gone on a four month hunger strike to protest his isolation which resulted in the serious deterioration of his health; and

Whereas, Anatoly Shcharansky is a symbol of all Prisoners of Conscience in the Soviet Union; and

Whereas, Soviet Law makes it possible for a prisoner to be released after the completion of half of his sentence and, this will fall on September 15th,

Now, Therefore, I, Mario M. Cuomo, Governor of the State of New York, do hereby proclaim September 15, 1983, as Anatoly Shcharansky Day in New York State and call upon the President of the Soviet Union, Yuri Andropov, to release Anatoly Shcharansky from prison so that he may rejoin his wife in Israel.

I ask all citizens of our State to use this occasion to write to President Andropov to appeal to him to free Shcharansky, as well as all other Prisoners of Conscience whom he symbolizes.●

ADVISORY COMMISSION ON INTERGOVERNMENTAL RELATIONS—S. 1052

● Mr. SASSER. Mr. President, I applaud yesterday's passage of S. 1052, which expands the membership of the Advisory Commission on Intergovernmental Relations. As a second-term member of the Commission and as ranking Democrat on the Senate Intergovernmental Relations Subcommittee, I endorse the purpose of S. 1052 to add to the Commission a member of an elected school board and an elected officer of a township.

The Advisory Commission on Intergovernmental Relations is nearly 25 years old. It now has 26 members representing various levels of government and it is designed to address mutual government problems. Outside of the three private citizen members of the Commission and those members who represent aspects of the Federal Government, national public interests which are represented are chosen by the President from among names submitted by groups authorized by law. While the nature of governmental relations has evolved in the last quarter-century, I feel that the statute has lagged somewhat in reflecting these changes in the authorized Commission membership. S. 1052, which I cosponsored, remedies this situation by providing a school board member from among nominees submitted by the National School Boards Association, as well as adding an elected officer of a township.

In 1959, when the Commission was created, one could hardly have foreseen the growth in the importance of local school boards to the whole area of intergovernmental relations. Today, almost 40 percent of all expenditures by State and local governments go to education and the employees of school boards comprise about 50 percent of all State and local government employees. Schools and school districts run health services, recreation and park services, libraries and emergency shelters. They operate a $3.8 billion transit system and they spend approximately $13 billion on food. In truth, school boards are the largest unit of local government.

Furthermore, education is the shared responsibility of the Federal Government along with State and local governments. I feel that the Federal Government has been remiss in not earlier recognizing the importance of school board concerns to issues of intergovernmental relations.

Education might well be described as the most truly intergovernmental of all government functions. The Advisory Commission is a highly successful forum for the discussion of problems affecting the various levels of government and for the development of reasoned recommendations. School boards have a vital stake in the important issues of State and local taxation, local expenditures mandated by Federal and State Governments, and, most certainly, decisions affecting block grants. Their voice should be heard on our Advisory Commission. Their perspective should be a part of our deliberations.

I feel that the time has come for us to remedy a glaring lack in the membership of the Advisory Commission on Intergovernmental Relations, and I am pleased that my colleagues have seen fit to approve this legislation.●

● Mr. EAST. Mr. President, leading political commentator Patrick J. Buchanan makes a strong case in a recent column against the IMF bailout. The American taxpayers cannot afford to support corrupt and socialist governments around the world. Our Government should be encouraging the great New York City banks to loan money to

Americans desiring to buy homes and create or expand businesses, not make loans to foreign governments. I ask that Mr. Buchanan's column, which appeared in the September 17, 1983 issue of Human Events, be printed in the RECORD.

The article follows:

[From the Human Events, Sept. 17, 1983]

PRICE OF IMF BAILOUT IS RAPIDLY ESCALATING

(By Patrick J. Buchanan)

The political price to President Reagan of having signed on to the Bank Bailout, fashioned by the globalists at the Treasury Department and the State Department, is beginning to escalate. Conceivably, before the International Monetary Fund has shipped off the first billion in fresh American credit, Mr. Reagan will have split his party, shattered his coalition and jeopardized his recovery.

In the House, recall, the IMF authorization of $8.4 billion passed, and was sent on to conference, by a vote of 217-211 [see roll-call, Human Events, August 20, page 22]. Liberal Democrats were critical to passage; shift of four votes could kill the bill on return.

Sensing opportunity, Fernand St Germain (D.-R.I.), chairman of the House Banking Committee, has opted for a little extortion. If Mr. Reagan does not rescue the budget-busting housing bill in the Senate, St Germain pointedly warns, there may not be enough Democratic votes to save the IMF package in the House.

Other Democrats are demanding Mr. Reagan disown or discipline the National Republican Congressional Committee, which attacked 20 Democrats for having voted—with the President's leadership in the House—to permit the IMF to continue making loans to "Communist dictatorships." A prohibition against Communist loans was tacked on to the IMF authorization.

Mr. Reagan's reputation as the great antagonist of the Soviet Union—that "evil empire"—is not likely to emerge unscathed from a ferocious lobbying effort to remove the prohibition against IMF loans to the satellite regimes of Soviet Europe.

After all, if we are into guaranteeing the credit rating of the member states of the Warsaw Pact, what's a NATO for?

The threat to Reagan's recovery comes from the historical fact that for every dollar siphoned off by the IMF from America's credit pool, four or five dollars in commercial credits follow.

What Congress is up to, then, is authorizing, for all practical purposes, the eventual transfer of perhaps $40 billion in American capital to illiquid and insolvent regimes, capital that will be unavailable to marginal businesses and American consumers when the credit crunch comes.

Other agencies are rushing to join the bailout. To convince the banks to lend more money, the Export-Import Bank has just agreed to guarantee $2 billion in loans to Mexico and Brazil for purchases in the United States.

Under the plan, U.S. industry will get the orders. U.S. banks will handle the transactions, Mexico and Brazil will get the goods—and the U.S. taxpayer will be stuck with the paper. The announcement of Ex-Im Bank's generosity was made the very week a gathering consensus was reported in Brazil that that Latin nation—the world's largest debtor—should declare a unilateral moratorium on debt repayment.

In Poland, Gen. Jaruzelski has just completed "re-scheduling" most of that portion of his $25-billion debt due the next two years. The banks who helped him work it out are now pressuring Western governments to grant Poland new credits to get its economy moving again, and to permit Jaruzelski to join and draw upon the resources of the International Monetary Fund.

Likewise, the World Bank has been informed by the Treasury Department that the United States will provide $3 billion over the next four years—$750 million a year—for its foreign aid window that gives our money away in 50-year loans at zero percent interest.

The seeming inconsistencies and contradictions of American policy are becoming, excuse me, ludicrous.

Why are OPEC countries like Venezuela and Nigeria, and OPEC collaborators like Mexico, being advanced huge sums of American capital rather than forced to pump more oil, thereby breaking the $29-a-barrel price they are using to gouge the American people?

What is a conservative government doing shelling out $3 billion in American tax dollars to World Bank bureaucrats to be given away at zero percent interest to despots like Deng Tsaio-ping when young American couples are forced to pay 14 or 15 percent—or forgo their first home?

What national security interest is served by using precious American savings to maintain the credit rating of Stalinist Rumania? Why is keeping Yugoslavia and Hungary out of international bankruptcy court more important to us than the Soviet Union? Eighteen months after he smashed Solidarity, what argument exists for not declaring the Warsaw Quisling in default?

How terribly would the free world suffer if the Communist block sank into the pit of an endless depression? How much of the limited capital accumulated by the labors of free men and women should be used to spare these oppressive and inefficient Marxist regimes their natural fate?

Were this 1975, and were Ford and Kissinger in power, the pair would have been chased out of the Republican primaries by Ronald Reagan for having dared to pursue such inexplicable policies.

THANKS AND FAREWELL TO HOWARD LIEBENGOOD

● Mr. DOLE. Mr. President, this week a dedicated man and a good friend has decided to leave the post he has so ably filled for almost 3 years. Howard Liebengood, the Senate Sergeant at Arms, is returning to the private sector after an outstanding tenure as the chief law enforcement officer of this distinguished body.

The Senators from Indiana may disagree, and the majority leader may actually object, but this Senator will state plainly that Kansas claims Howard Liebengood as one of its own. For it was in 1964 that Howard received a bachelor's degree from Kansas State University, in Manhattan.

Howard Liebengood's personal and professional accomplishments have been exemplary, ranging from a Bronze Star in Vietnam, to an impressive private law practice in Tennessee, and to a position of tremendous responsibility on capitol hill.

Howard Liebengood became the assistant majority counsel to the historic Senate Watergate Committee in 1973. He was a consultant to Senator BAKER during the Church committee's investigation into intelligence operations in 1975. The following year he became the minority staff director for the Intelligence Committee, and in 1977 served as Senate Minority Leader BAKER's legislative counsel.

After 4 years at HOWARD BAKER's side, Mr. Liebengood was well prepared to take on many duties of the Sergeant at Arms, and everyone here can attest that the Senate is better off because of his good work.

The Senator from Kansas offers Howard his best wishes and thanks him for a decade of service to the U.S. Senate.●

MONSIGNOR CLEMENT KERN

● Mr. RIEGLE. Mr. President, during our recess, the State of Michigan, and in particular, the city of Detroit, lost one of its best known champions of the poor. It is with great sadness that I rise to note the passing of Monsignor Clement Kern on Monday, August 15.

This simple and unassuming man served as pastor to the poor, the lonely, and the dispossessed in Detroit's Corktown for 34 years. Known to many as the "saint of the slums," in his role as pastor of Most Holy Trinity Church, Monsignor Kern provided solace to Detroit's poor and impoverished as well as its leaders and well-to-do.

Born in Adrian, Mich., in 1907, Clement Kern moved with his family to Pontiac when he was 12. By the age of 14, he had enrolled in a Catholic seminary in the first step on the road that saw him ordained a priest in 1933. While physically small in stature, he was a giant in his influence on others, whatever their income, politics, ethnic heritage or religion. Few could ignore his summons to care for the poor. Said one of his many admirers: "He spoke the truth as he saw it. He initiated programs for the poor with no red-tape. He just helped people." A fellow priest added: "People knew his convictions came from the center of his soul. Clem's idea was that if it was the right thing to do, you just had to do it. And he did."

Monsignor Kern is a Detroit legend. He serves as a constant reminder to all of us that compassion is not only possible, it is necessary in every human circumstance. His crusade for human dignity lasted until the day he died. He provides an excellent example for us all to emulate.

Mr. President, I rise today to commend this remarkable individual. For all of his years of dedication and serv-

ice, all of Michigan owes a debt of gratitude to this beloved man.●

REVISED ALLOCATION PURSUANT TO SECTION 2(c) OF THE FIRST BUDGET RESOLUTION FOR FISCAL YEAR 1984

● Mr. DOMENICI. Mr. President, pursuant to section 2(c) of the first budget resolution for fiscal year 1984 (H. Con. Res. 91), I hereby report to the Senate on behalf of the Committee on the Budget an adjusted allocation to the Committee on Appropriations under section 302(a) of the Congressional Budget Act. The details of this adjustment are contained in the following letter from the Committee on the Budget to the Committee on Appropriations:

U.S. SENATE,
COMMITTEE ON THE BUDGET,
Washington, D.C., September 14, 1983.

Hon. MARK O. HATFIELD,
Chairman, Committee on Appropriations, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: This is to advise you of an adjustment in the spending totals allocated to your Committee under the First Budget Resolution for fiscal year 1984 (H. Con. Res. 91). This adjustment is made pursuant to section 2(c) of the First Budget Resolution dealing with reserve programs.

In accordance with section 302(a) of the Congressional Budget Act, the budget authority and outlay totals in the First Budget Resolution were allocated among the committees of the Senate. These allocations, contained in the statement of managers accompanying the conference report on the First Budget Resolution, excluded amounts set aside in a budget reserve for identified new initiatives in domestic programs.

Section 2(c) of the First Budget Resolution provides that the amounts in the budget reserve are to be allocated to the appropriate committees of the Senate upon enactment of authorizing legislation or at the point the Senate proceeds to consider entitlement or other direct spending legislation. The programs in the budget reserve and the amounts in the reserve fund for each program are set forth in the statement of managers accompanying the conference report on the First Budget Resolution.

On June 29, 1983, the Senate passed H.R. 3223, the agriculture, rural development, and related agencies appropriation bill for FY 1984. That bill both authorized and appropriated funds for a direct farm ownership loan program, one of the programs contained in the budget reserve. Because the appropriation bill authorized the program, your Committee should have received an adjustment in its section 302(a) allocation at the time the bill was ready to be considered by the Senate. However, this adjustment was not made because floor consideration of the bill occurred shortly after adoption of the First Budget Resolution, and the adjustment procedures had not yet been worked out. This letter contains the adjustment that should have been made at that time.

Further, on August 15, 1983, the President signed Public Law 98-77, an act to authorize appropriations for veterans job training, one of the programs contained in the budget reserve.

Based on the above two actions, the section 302(a) allocation to your Committee under the First Budget Resolution is hereby adjusted as follows:

[Dollars in millions]

	Fiscal year 1983		Fiscal year 1984	
	BA	O	BA	O
Original committee allocation	515,466	479,118	536,138	510,889
Adjustment for direct loans for farm ownership, operating, or economic emergency			75	75
Adjustment for veterans job training program			150	150
Adjusted committee allocation	515,466	479,118	536,363	511,114

The adjustment for the direct farm ownership loan program reflects the additional on-budget effect of the provision in the agriculture and related agencies appropriation bill. The adjustment for the veterans job training program is the amount authorized by Public Law 98-77.

Sincerely,

PETE V. DOMENICI,
Chairman.

Mr. President, yesterday the Budget Committee, exercising its ministerial reponsibility pursuant to section 2(c) of the first budget resolution for fiscal year 1984, made the first allocation of funds from the reserve for new initiatives in domestic programs that was established by the budget resolution. Today I report that allocation to the Senate as required by section 2(c) of the resolution.

As we make this first allocation, I think it would be useful to reiterate for the information of all Senators the procedures we have established for making allocations from the reserve fund. The procedures were set forth in letters to each applicable Senate committee on July 11, 1983.

The conference agreement on the first budget resolution for fiscal year 1984 (H. Con. Res. 91) established a budget reserve that was set aside for identified new initiatives in domestic programs, to be effective only upon the enactment of authorizing legislation or at the point the House or Senate proceeded to consider entitlement or other direct spending legislation. The dollar amounts in the reserve fund were withheld from the section 302(a) "crosswalk" allocations to House and Senate committees pending the enactment of authorizing legislation or consideration of direct spending legislation.

The statement of managers accompanying the conference report on House Concurrent Resolution 91 described the programs which may be funded from the reserve and indicated the amount of budget authority and outlays for each program that is contained in the reserve fund. Mr. President, I ask unanimous consent that copies of the reserve fund discussion in the statement of managers and the reserve fund language in the budget resolution be included in the RECORD at the end of my remarks.

The Budget Committees of the House and Senate have the ministerial task of adjusting the section 302(a) allocations to House and Senate committees, in the manner set forth in the budget resolution and the statement of managers, as action occurs on the new initiatives identified in the reserve. Here is how the process will work in the Senate.

First. In the case of a reserve fund program established through authorization of appropriations, the section 301(a) allocation to the Appropriations Committee will be increased when the legislation is signed into law by the President.

Second. In the case of a reserve fund program established through entitlement or other direct spending legislation, the section 302(a) allocation to the relevant authorizing committee will be increased when the legislation is ready to be considered on the Senate floor. If the legislation subsequently fails to be enacted into law, the section 302(a) allocation to the authorizing committee will be reduced accordingly. If the legislation is subsequently enacted into law and involves an entitlement that is funded through annual appropriations, the section 302(a) allocation to the Appropriations Committee will be increased when the law is signed by the President.

Third. There may be circumstances where a reserve fund program is enacted into law through means other than the regular legislative processes described above. In that event, the Budget Committee will make every effort to assure that the appropriate committee receives the proper increase in its section 302(a) allocation. For example, in the case of a reserve fund program established through the appropriations process—that is, the appropriation bill itself authorizes the program—the section 302(a) allocation to the Appropriations Committee would be increased when the appropriation bill was ready to be considered on the Senate floor. If the appropriation bill subsequently failed to be enacted into law, the section 302(a) allocation to the Appropriations Committee would be reduced accordingly.

Fourth. The amount of increase in a committee's section 302(a) allocation will be the dollar level for the reserve fund program that is contained in the legislation or the dollar level for that program that is contained in the reserve fund, whichever is less. No allocation will be increased by an amount greater than the amount contained in the reserve fund.

Fifth. Committees receiving increases in their section 302(a) allocations are not required to file amended section 302(b) reports.

I might add, Mr. President, in regard to the last rule, that revised section 302(b) reports are not required be-

cause the reserve fund allocations are related to the specific programs identified in the budget resolution statement of managers and in the absence of any revised section 302(b) report the amounts would simply be added to the existing suballocations that the receiving committee has already reported to the Senate. For example, the revised allocation to the Appropriations Committee that I have reported to the Senate today involves two programs—one within the jurisdiction of the Agriculture subcommittee and the other within the jurisdiction of the HUD subcommittee—and the increases would be added to the section 302(b) allocations to those subcommittees that the full committee reported to the Senate on July 14. Of course, if a committee wishes to revise its suballocations, it can file a revised section 302(b) report at any time.

The information follows:

RESERVE FUND DISCUSSION IN STATEMENT MANAGERS

RESERVE FUND

The House resolution provided budget authority and outlays for several new initiatives in domestic programs.

The Senate amendment provided for some, but not all, of these new initiatives.

The conference substitute establishes a procedure whereby a reserve is set aside for identified programs to be effective only upon the enactment of the authorizing legislation.

The conferees have agreed to reserve from allocation to committees a specified amount of budget authority and outlays for fiscal years 1983 and 1984. The statement of managers describes what programs can be funded from the reserve amount and at what levels. The budget aggregates and functional categories, as listed below, are set forth including the amounts reserved from allocation and excluding the amounts reserved from allocation.

The section 302(a) allocation of the Appropriations Committee is to be increased when the authorization for a program assumed in the reserve fund is enacted. The section 302(a) allocation of a committee reporting new entitlement legislation or direct spending legislation assumed in the reserve fund is to be increased when the legislation is reported. In the Senate, this allocation would occur when the Senate "moves to proceed" or "proceeds to consideration" of the specific legislation. The spending ceiling pursuant to section 311(a) of the Budget Act will not reflect the reserve fund until the allocation has actually been made to a committee, at which point the spending ceiling would be adjusted respectively. Any adjustment to a committee's 302(a) allocation for a particular program shall not exceed the amount for that program set forth in the statement of managers. The Budget Committees will perform the ministerial task of reporting to their respective Houses any adjustment to a committee's 302(a) allocation or the spending ceiling which would be triggered under the reserve fund procedure. The identified programs which may be funded from the reserve fund are described below and the amount of budget authority and outlays reserved for such programs is set forth in the following table:

FUNCTION 350: AGRICULTURE

(a) A program to provide loan foreclosure relief to farmers.

(b) A program to provide direct loans for farm ownership, operating, or economic emergency programs.

FUNCTION 370: COMMERCE AND HOUSING CREDIT

A program to provide emergency mortgage foreclosure relief to aid unemployed homeowners facing foreclosure on their conventional or VA guaranteed mortgages.

FUNCTION 450: COMMUNITY AND REGIONAL DEVELOPMENT

(a) A program to improve the nation's physical infrastructure.

(b) A program to provide a National Industrial Development Bank (NIDB) to provide credit guarantees for critical private sector investments.

FUNCTION 500: EDUCATION, TRAINING, EMPLOYMENT AND SOCIAL SERVICES

An economic recovery program to provide jobs for the long-term unemployed.

FUNCTION 550: HEALTH

A program to provide health insurance and benefits for unemployed workers and their families.

FUNCTION 600: INCOME SECURITY

(a) An extension of Federal supplemental compensation benefits for the long-term unemployed in fiscal year 1984.

(b) Additional funding to increase benefits or expand eligibility for the food stamp program.

FUNCTION 700: VETERANS BENEFITS AND SERVICES

A program to provide job training and retraining for veterans who have been unemployed for an extended period of time.

RESERVE FUND SUMMARY

[In millions of dollars]

Function/program title	Fiscal year—							
	1983		1984		1985		1986	
	BA	O	BA	O	BA	O	BA	O
Function 350:								
Loan foreclosure relief to farmers	250	250	500	500				
Direct loans for farm ownership, operating, or economic emergency	200	200	100	100				
Function 370: Emergency mortgage foreclosure relief to aid the unemployed	760	50		200		350		160
Function 450:								
Physical infrastructure program			75	75	2,500	750	2,500	1,325
National Industrial Development Bank			50	50	100	100	50	50
Function 500: Economic recovery program	4,500	4,500	3,500	3,500				
Function 550: Health insurance and benefits for the unemployed	350	350	2,000	2,000	1,650	1,650		
Function 600:								
Extension of federal supplemental compensation benefits for the long term unemployed			1,500	1,500				
Increased benefits and expanded eligibility for food stamp program			450	450	450	450	450	450
Function 700: Veterans job training program			150	150	150	150		
Total	6,060	5,350	8,325	8,525	4,850	3,450	3,000	1,985

RESERVE FUND LANGUAGE IN H. CON. RES. 91

RESERVE PROGRAMS

SEC. 2. (a) The following amounts of new budget authority and budget outlays for fiscal year 1983 and fiscal year 1984 are hereby reserved by the Congress for subsequent allocation to committees under section 302(a) of the Congressional Budget Act of 1974 for the functions and programs listed in the Statement of Managers, accompanying this resolution:

Fiscal year 1983:

(1) New budget authority, $6,060,000,000.

(2) Outlays, $5,350,000,000.

Fiscal year 1984:

(1) New budget authority, $8,325,000,000.

(2) Outlays, $8,525,000,000.

(b) In the House of Representatives:

(1) Upon the enactment of any legislation referred to in subsection (a) which requires an appropriation, or upon enactment of an appropriation for such purpose before the authorizing legislation is enacted, the Committee on the Budget is authorized and directed to report to the House a revised allocation of new budget authority and budget outlays for fiscal years 1983 and 1984 to the Committee on Appropriations reflecting the content of such legislation; and

(2) When one or more committees, other than the Committee on Appropriations, report legislation only referred to in subsection (a) providing new spending authority defined in section 401(c)(2)(C) of the Congressional Budget Act of 1974, or providing new budget authority, or when the Committee on Rules reports a resolution providing for consideration of such legislation which has not been reported by a committee, the Committee on the Budget is authorized and directed to report to the House a revised allocation of such new spending authority for fiscal years 1983 and 1984 to the appropriate committee reflecting the content of such legislation: *Provided, however,* That if such legislation is rejected by either House, the Committee on the Budget is authorized and directed to report to the House a similar reduction in the appropriate allocation.

(c) In the Senate:

(1) Upon the enactment of any legislation referred to in subsection (a) which requires an appropriation, the Committee on the Budget is directed to report to the Senate a revised allocation of new budget authority

and budget outlays for fiscal years 1983 and 1984 to the Committee on Appropriations or any other appropriate committee reflecting the content of such legislation insofar as it relates to the programs referred to in subsection (a); and

(2) When the Senate moves to proceed or proceeds to consider legislation referred to in subsection (a) providing new spending authority as defined in section 401(c)(2)(C) of the Congressional Budget Act of 1974, or providing new budget authority, the Committee on the Budget is directed to report to the Senate a revised allocation of such new spending authority for fiscal years 1983 and 1984 to the appropriate committee reflecting the content of such legislation insofar as it relates to the programs referred to in subsection (a) above: *Provided, however,* That if such legislation is rejected by either House, the Committee on the Budget is directed to report to the Senate a similar reduction in the appropriate allocation.

(d) Any revised allocation reported to the House or Senate pursuant to subsection (b) or (c) of this section shall be considered to be the allocation made pursuant to section 302(a) of the Congressional Budget Act of 1974 for purposes of sections 4 and 5 of this resolution and section 401(b)(2) of such Act. The adjustments made pursuant to those sections for each program shall not exceed the amounts provided for such program as set forth in the statement of managers.

(e) For the purposes of section 311(a) of the Congressional Budget Act of 1974, the appropriate levels of new budget authority and budget outlays for fiscal years 1983 and 1984 shall be considered to be the following:

Fiscal Year 1983 Budget Authority $877,200,000,000.

Fiscal Year 1983 Budget Outlays $807,400,000,000.

Fiscal Year 1984 Budget Authority $919,500,000,000.

Fiscal Year 1984 Budget Outlays $849,500,000,000.

Provided, however, That if a revised allocation is made pursuant to subsection (b) or (c) then such levels shall be similarly adjusted in any report pursuant to such subsections to reflect the revised allocation.●

APPROPRIATIONS STATUS REPORT

● Mr. DOMENICI. Mr. President, I believe it would be useful as we return from recess to bring up to date the tables on fiscal year 1984 appropriation bills that I have inserted in the RECORD over the past several weeks as individual appropriation bills have been considered on the Senate floor.

I ask to print in the RECORD at the end of my remarks a summary table and a table on each of the 10 appropriation bills for fiscal year 1984 that have been reported to or passed by the Senate or enacted into law.

These tables reflect the section 302(b) allocations to subcommittees made by the Appropriations Committee on July 14, as adjusted for the reserve fund allocations I have just reported, and they include a few minor technical changes that bring all of the information fully up to date.

The tables follow:

SUMMARY OF SENATE APPROPRIATIONS ACTION TO DATE FOR FISCAL YEAR 1984 AS OF SEPT. 12, 1983

(In millions of dollars)

Appropriations subcommittee/status	President's request		Senate 302(b) allocation [1]		Current status [2]		Current status over (+)/under(−) President's request		Current status over (+)/under(−) 302(b) allocation	
	Budget authority	Outlays	Budget authority	Outlays	Budget authority	Outlays	Budget authority	Outlays	Budget authority	Outlays
Agriculture (P)	34.5	22.2	35.6	23.1	35.4	23.3	+0.9	+1.0	−0.1	+0.2
Commerce (R)	9.8	10.9	10.9	11.4	10.6	11.4	+.8	+.5	−.3	
Defense			254.2	227.9						
District of Columbia (P)	.6	.6	.6	.6	.6	.6				
Energy-Water (E)	14.7	14.8	14.9	14.7	14.4	14.6	−.3	−.2	−.5	−.1
Foreign Operations			12.1	9.8						
HUD-Independent (E)	49.8	58.0	57.8	58.2	56.3	58.6	+6.5	+.6	−1.4	+.4
Interior (R)	6.6	8.3	8.3	9.3	7.8	8.8	+1.1	+.5	−.5	−.5
Labor-HHS			107.5	109.0						
Legislative Branch (E)	1.5	1.5	1.5	1.5	1.5	1.5				
Military Construction (P)	8.7	7.3	7.3	7.1	7.2	7.1	−1.4	−.2	−.1	
Transportation (E)	10.9	25.0	10.9	25.4	10.9	25.4		+.4		
Treasury (R)	11.5	11.3	11.9	11.8	11.9	11.8	+.4	+.5		
Unassigned to subcommittees			2.9	1.3						
Totals to date			536.3	511.1			+8.0	+3.1	−2.9	

[1] Includes reserve fund allocations made on September 14, 1983.
[2] Enacted, Senate-passed, or Senate-reported.
Note: Details may not add to totals due to rounding. Status code: R—reported to Senate; P—passed Senate; E—enacted.

AGRICULTURE SUBCOMMITTEE SPENDING TOTALS—SENATE-PASSED BILL

[In billions of dollars]

	Budget authority	
	Fiscal year 1984	Outlays
Outlays from prior-year budget authority and other actions completed	0.4	1.8
H.R. 3223, as passed by the Senate [1]	34.2	21.0
Possible later requirements:		
Food stamps	.1	
Child nutrition	.4	.1
Women, infants, and children feeding program	.3	.3
Adjustment to conform mandatory programs to first budget resolution assumptions	+.1	+([2])
Subcommittee total	35.4	23.3
Subcommittee 302(b) allocation [1]	35.6	23.1
House-passed level	35.3	23.2
President's request	34.5	22.2
Subcommittee total compared to:		
Subcommittee 302(b) allocation	−.1	+.2
House-passed level	+.1	+.1
President's request	+.9	+1.0

[1] Includes $75,000,000 budget authority and outlays for loan program included in reserve fund.
[2] Less than $50,000,000
Note: Details may not add to totals due to rounding.

COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES SUBCOMMITTEE SPENDING TOTALS—SENATE-REPORTED BILL

[In billions of dollars]

	Fiscal year 1984	
	Budget authority	Outlays
Outlays from prior-year budget authority and other actions completed	0.1	2.4
S. 1721, as reported in the Senate	10.3	8.8
Possible later requirements: SBA business loan investment fund	.3	.3
Adjustments to conform mandatory programs to first budget resolution assumptions	−([1])	−.1
Subcommittee total	10.6	11.4
Subcommittee total 302(b) allocation	10.9	11.4
House-reported level	11.0	11.7
President's request	9.8	10.9
Subcommittee total compared to:		
Subcommittee 302(b) allocation	−.3	
House-reported level	−.4	−.3
President's request	+.8	+.5

[1] Less than $50,000,000.
Note: Details may not add to totals due to rounding.

DISTRICT OF COLUMBIA SUBCOMMITTEE SPENDING TOTALS—SENATE-PASSED BILL

[In billions of dollars]

	Fiscal year 1984	
	Budget authority	Outlays
Outlays from prior-year budget authority and other actions completed		([1])
H.R. 3415, as passed by the Senate	0.6	.6
Subcommittee total	.6	.6
Subcommittee 302(b) allocation	.6	.6
House-passed level	.5	.5
President's request	.6	.6
Subcommittee total compared to:		
Subcommittee 302(b) allocation	+.1	+.1
House-passed level	+([1])	+([1])
President's request		

[1] Less than $50,000,000.
Note: Details may not add to totals due to rounding.

ENERGY AND WATER DEVELOPMENT SUBCOMMITTEE SPENDING TOTALS—PUBLIC LAW 98–50

[In billions of dollars]

	Fiscal year 1984	
	Budget authority	Outlays
Outlays from prior-year budget authority and other actions completed		6.8
H.R. 3132, enacted July 14, 1983 (Public Law 98–50)	14.4	7.9
Adjustment to conform mandatory programs to first budget resolution assumptions		−.1
Subcommittee total	14.4	14.6
Subcommittee 302(b) allocation	14.9	14.7
Senate-passed level	14.3	14.6
House-passed level	14.3	14.5
President's request	14.7	14.8
Subcommittee total compared to:		
Subcommittee 302(b) allocation	−.5	−.1
Senate-passed level	+.1	+(1)
House-passed level	+.2	+.1
President's request	−.3	−.2

[1] Less than $50,000,000.

Note: Details may not add to totals due to rounding.

HUD-INDEPENDENT AGENCIES SUBCOMMITTEE SPENDING TOTALS—PUBLIC LAW 98–45

[In billions of dollars]

	Fiscal year 1984	
	Budget authority	Outlays
Outlays from prior-year budget authority and other actions completed		23.0
H.R. 3133, enacted July 12, 1983 (Public Law 98–45)	55.8	34.9
Possible later requirements:		
Veterans compensation COLA		.1
General revenue sharing	.4	.4
Veterans job training program	.2	.2
Adjustment to conform mandatory programs to first budget resolution assumptions	−.1	−(1)
Subcommittee total	56.3	58.6
Subcommittee 302(b) allocation [2]	57.8	58.2
Senate-passed level	54.6	59.4
House-passed level	59.5	58.8
President's request	49.8	58.0
Subcommittee total compared to:		
Subcommittee 302(b) allocation	−1.4	+.4
Senate-passed level	+1.7	−.8
House-passed level	−3.2	−.2
President's request	+6.5	+.6

[1] Less than $50,000,000.

[2] Includes $150,000,000 budget authority and outlays allocated from reserve fund for veterans job training.

Note: Details may not add to totals due to rounding.

INTERIOR AND RELATED AGENCIES SUBCOMMITTEE SPENDING TOTALS—SENATE-REPORTED BILL

[In billions of dollars]

	Fiscal year 1984	
	Budget authority	Outlays
Outlays from prior-year budget authority and other actions completed		3.4
H.R. 3363, as reported in the Senate	7.6	5.3
Possible later requirements: Forest firefighting	.1	.1
Adjustment to conform mandatory programs to first budget resolution assumptions	+(1)	−.1
Subcommittee total	7.8	8.8
Subcommittee 302(b) allocation	8.3	9.3
House-passed level	8.6	9.3
President's request	6.6	8.3
Subcommittee total compared to:		
Subcommittee 302(b) allocation	−.5	−.5
House-passed level	−.8	−.5
President's request	+1.1	+.5

[1] Less than $50,000,000.

Note: Details may not add to totals due to rounding.

LEGISLATIVE BRANCH SUBCOMMITTEE SPENDING TOTALS—PUBLIC LAW 98–51

[In billions of dollars]

	Fiscal year 1984	
	Budget authority	Outlays
Outlays from prior-year budget authority and other actions completed	(1)	0.2
H.R. 3135, enacted July 14, 1983 (Public Law 98–51)	1.5	1.3
Subcommittee total	1.5	1.5
Subcommittee 302(b) allocation	1.5	1.5
Senate-passed level	1.5	1.5
House-passed level	1.5	1.5
President's request	1.5	1.5
Subcommittee total compared to:		
Subcommittee 302(b) allocation	(1)	(1)
Senate-passed level	(1)	(1)
House-passed level	(1)	(1)
President's request	(1)	(1)

[1] Less than $50,000,000.

Note: Details may not add to totals due to rounding.

MILITARY CONSTRUCTION SUBCOMMITTEE SPENDING TOTALS—SENATE-PASSED BILL

[In billions of dollars]

	Fiscal year 1984	
	Budget authority	Outlays
Outlays from prior-year budget authority and other actions completed		4.7
H.R. 3263, as passed by the Senate	7.2	2.4
Subcommittee total	7.2	7.1
Subcommittee 302(b) allocation	7.3	7.1
House-passed level	7.0	7.0
President's request	8.7	7.3
Subcommittee total compared to:		
Subcommittee 302(b) allocation	−.1	
House-passed level	+.2	+.1
President's request	−1.4	−.2

Note: Details may not add to totals due to rounding.

TRANSPORTATION SUBCOMMITTEE SPENDING TOTALS—PUBLIC LAW 98–78

[In billions of dollars]

	Fiscal year 1984	
	Budget authority	Outlays
Outlays from prior-year budget authority and other actions completed		15.7
H.R. 3329, enacted Aug. 15, 1983 (Public Law 98–78)	10.9	9.7
Adjustment to conform mandatory programs to first budget resolution assumptions	(1)	(1)
Subcommittee total	10.9	25.4
Subcommittee 302(b) allocation	10.9	25.4
Senate-passed level	10.8	25.4
House-passed level	11.3	25.6
President's request	10.9	25.0
Subcommittee total compared to:		
Subcommittee 302(b) allocation		
Senate-passed level	+.1	+(1)
House-passed level	.4	.2
President's request	+(1)	+.4

[1] Less than $50,000,000.

Note: Details may not add to totals due to rounding.

TREASURY, POSTAL SERVICE, GENERAL GOVERNMENT SUBCOMMITTEE SPENDING TOTALS—SENATE-REPORTED BILL

[in billions of dollars]

	Fiscal year 1984	
	Budget authority	Outlays
Outlays from prior-year budget authority and other actions completed		0.4
S. 1646, as reported in the Senate	11.9	11.4
Total for Treasury, Postal Service, General Government Subcommittee	11.9	11.8

TREASURY, POSTAL SERVICE, GENERAL GOVERNMENT SUBCOMMITTEE SPENDING TOTALS—SENATE-REPORTED BILL—Continued

[in billions of dollars]

	Fiscal year 1984	
	Budget authority	Outlays
First budget resolution 302(b) allocation	11.9	11.8
House-reported level	12.0	12.0
President's request [1]	11.5	11.3
Total compared to:		
First budget resolution 302(b) allocation		
House-reported level	−.1	−.2
President's request	+.4	+.5

[1] Adjusted to show comparable treatment of national defense stockpile fund.

Note: Details may not add to totals due to rounding.●

JOINT LEADERSHIP COMMISSION OF THE CONGRESSIONAL AWARD

● Mr. WALLOP. Mr. President, the Speaker, the House minority leader, the Senate majority and minority leaders, as members of the Joint Leadership Commission of the Congressional Award, have recently appointed several distinguished Americans to the Congressional Award Board of Directors.

Senator BAKER appointed Nicholas F. Brady, chairman and managing director of Dillon Reed & Co., Inc., of New Jersey; Colby H. Chandler, chairman and chief executive officer of Eastman Kodak Co., Rochester, N.Y.; Anthony John O'Reilly, president and chief executive officer of H. J. Heinz Co., Pittsburgh, Pa.; Michael R. Quinlan, president and chief operating officer of McDonald's Corp. of Illinois; Ambassador Phillip V. Sanchez, executive vice president of the Woodside Consulting Group, Woodside, Calif., and Sanford I. Weill, president of American Express Co. of New York.

Senator BYRD appointed Shirley A. Chisholm, professor at Mount Holyoke College and former Member of Congress; Cathy Lee Crosby, president, CLC Productions, Inc., Beverly Hills, Calif.; Donald R. Keough, president and chief executive officer of the Coca-Cola Co. in Atlanta, Ga.; and S. Lee Kling, chairman of Landmark Bancshares Corp., St. Louis, Mo.

The Speaker appointed Christopher Fairfield Edley, president and chief executive officer of the United Negro College Fund; Douglas Andrew Fraser, president emeritus of the International Union of United Automobile, Aerospace and Agricultural Implement Workers of America; Joseph J. Gouthro, psychologist, Atlantic Highlands, N.J.; Juanita Morris Kreps, former Secretary of Commerce; and Henry Viscardi, Jr., president emeritus of the Human Resources Center and the National Council of the Handicapped who also serves on the House Committee on Science and Technology Advisory Board.

Representative MICHEL appointed Curtis Leroy Carlson, chairman and president of Carlson Companies of Minneapolis, Minn.; the Honorable Gerald R. Ford, 38th President of the United States; Allen Harold Neuharth, chairman and president of Gannett Co. of Rochester, N.Y. and C. William Verity, former chairman and director of Armco Inc. of Middleton, Ohio.

These illustrious men and women will join the founding board members in their work with the Congress to establish the Congressional Award program across our country. Their challenge is great and they will represent the Congress well.

W. Clement Stone, founding chairman, and John G. McMillian, chairman, have made an invaluable contribution to our country through their leadership and service on the Congressional Award National Board. I thank them and their colleagues for their continuing efforts to give all our young people an opportunity to earn recognition from Congress for initiative, achievement and voluntary public service.

The Congressional Award is a formal partnership between Congress and the private sector. Its purpose is to recognize and encourage the positive achievements of our Nation's youth in voluntary service and personal development activities.

The educational thrust of the Congressional Award is to motivate youth to undertake voluntary public service; to acquire job, citizenship and leadership skills and to foster an understanding of, and an appreciation for, the values that make America a strong and free democracy.

Like several of my distinguished colleagues, I am working with the Board to establish a voluntary Congressional Award Council in my district, so that my young constituents will have the opportunity to earn their Bronze, Silver, and Gold Congressional Awards. I urge all my colleagues to join with us and actively support this call to service in the national interest.

I am honored to submit the biographies of the newly appointed members of the National Board of the Congressional Award for printing in the CONGRESSIONAL RECORD, and I commend them for their exemplary public service.

The material follows:

NAMES AND BIOGRAPHICAL INFORMATION OF SENATOR BAKER'S APPOINTEES

Nicholas Frederick Brady, is Chairman and managing director of Dillon Read & Company, Inc.

Mr. Brady served as a member of the United States Senate from New Jersey where he served on the Senate Armed Services Committee and the Banking, Housing and Urban Affairs Committee.

Born in New York City, Mr. Brady was graduated from Yale University and earned an MBA from the Harvard Business School. He is also Chairman of the Executive Committee of Purolator, Inc., and a director of NCR Corporation and NL Industries.

Mr. Brady serves as a trustee of Rockefeller University and is a member of the National Board of the Smithsonian Associates.

Colby Hackett Chandler, is Chairman and Chief Executive Officer of Eastman Kodak Company, Rochester, New York.

A graduate of the University of Maine and M.I.T., Mr. Chandler is a civic leader active with business and charitable concerns such as the Industrial Management Council, United Way of Greater Rochester, University of Rochester and Rochester Institute of Technology. He also serves on the boards of directors of The Continental Group, Inc., Ford Motor Company, J.C. Penney Company, Inc., M.I.T. Corporation and the National Organization on Disability.

Anthony John O'Reilly is President and Chief Executive Officer of H. J. Heinz Company, the international food processing company whose products are made in 15 countries and marketed in 150 nations.

Born in Dublin, Ireland, Dr. O'Reilly was graduated from University College, Dublin and earned his Ph.D. from the University of Bradford, England. Prior to joining Heinz as Senior Vice President, North America and the Pacific, he served as the managing director of the Irish Dairy Board, where he expanded the distribution of the country's dairy products throughout the world.

Dr. O'Reilly is a director of Mobil Corporation, Bankers Trust New York Corporation and Bankers Trust Company. Overseas he is Chairman of Independent Newspapers Ltd., Ireland's largest publishing group.

He is an internationally known rugby player, and represented Ireland 29 times and the British Lions team 10 times. Dr. O'Reilly serves on the boards of Notre Dame University, Duquesne University, the University of Pittsburgh, Rockefeller University, New York and the Associates of the Graduate School of Business Administration, Harvard University.

Michael R. Quinlan, is President and Chief Operating Officer of McDonald's Corporation, and President, McDonald's U.S.A., and a member of McDonald's board of directors.

Mr. Quinlan received his Bachelor of Science and Master of Business Administration degrees from Loyola University of Chicago. He serves on the Board of Directors of Good Samaritan Hospital and is a trustee of Loyola University .

Ambassador Phillip V. Sanchez, is Executive Vice President of The Woodside Consulting Group.

In February of 1971, the President of the United States appointed him as an Assistant Director of the Office of Economic Opportunity. Seven months later he was named National Director of the O.E.O., thus becoming the highest ranking Spanish-speaking appointee in the history of the U.S. Government. In March of 1983, he was named U.S. Ambassador to the Republic of Honduras where, in 1974, he directed the massive relief operations that followed Hurricane"Fifi" and was awarded that nation's highest decoration, "The Order of Morazan."

In 1975, Ambassador Sanchez received the "Distinguished Alumnus Award" from the American Association of State Colleges and Universities. In June 1976, he was named U.S. Ambassador to the Republic of Columbia. In May 1977, he was named "Distinguished Alumnus" by the Fresno State University Alumni Association.

In 1978, he and Mrs. Omar Bradley were awarded the first Doctor of Laws degrees conferred by the new University of Beverly Hills.

Sanford I. Weill, is President of American Express Company; a director of Firemen's Fund Insurance Company, and a director and chairman of the board of Shearson/American Express, Inc., both subsidiaries of American Express Company.

Mr. Weill co-founded the firm of Carter, Berlind, Potoma and Weill, a predecessor company to Shearson.

Mr. Weill is a graduate of Cornell University and Peekskill Military Academy. He has served on the boards and committees of various professional, educational and civil organizations throughout his career. Mr. Weill is a trustee of Brandeis University, vice chairman of the Advisory Council of Cornell University's Graduate School of Business Administration, and a member of the Board of Overseers of Cornell University Medical College. He is also on the Business Committee of the Museum of Modern Art, a director of the National Energy Foundation, and is a director of 20th Century Fox Film Corporation.

NAMES AND BIOGRAPHICAL INFORMATION OF SENATOR BYRD'S APPOINTEES

Shirley Anita Chisholm, former member of Congress from New York, author, and professor at Mount Holyoke College, South Hadley, Massachusetts. Nationally recognized for her human rights leadership and commitment to humanitarian causes.

Born in Brooklyn, New York, she is a graduate of Brooklyn College and Columbia University and has received numerous honorary degrees from many institutions, including Talladega College, University of Maine and Smith College. The former nursery school teacher and child care center director has served as an educational consultant to many organizations and institutions. She is a former assemblywoman to the New York State Legislature, and has served as an advisor or trustee to many civic and leadership groups across America.

Ms. Chisholm has been recognized as an Honorary Citizen of Kansas City, and received many national achievement and humanitarian awards from organizations such as the AFL-CIO, Yeshiva University, the Salvation Army, as well as the business community.

Cathy Lee Crosby, President, CLC Productions, Inc., and co-host of ABC-TV's "That's Incredible" program and star of several film and television projects is deeply concerned with the welfare of youth.

In 1980 she established the Get High on Yourself Foundation formed to create an alliance with an organized task force of corporations, individuals, groups and young people. Its purpose is to offer positive alternatives to drugs through a national awareness campaign and community effort that enables young people to participate actively in the solution to the problem.

Cathy Lee Crosby is also active in the efforts of the National Committee of the Special Olympics, the Children's Diabetes Foundation, the Heart Association and the Cystic Fibrosis Foundation.

Donald Raymond Keough, is the President and Chief Operating Officer of the Coca-Cola Company. All of the company's world wide operating units report to him.

Born in Maurice, Iowa, Mr. Keough joined Coca-Cola after graduating from Creighton University. Prior to being named president

of the Foods Division in 1971 he held a number of key marketing positions.

Mr. Keough is also a member of the board of directors of IBM World Trade Americas/Far East Corporation and is a trustee of the University of Notre Dame and a number of other educational institutions. He serves on the board of the National Conference of Christians and Jews and is a member of the American Council on Education's Business—Higher Education Forum.

S. Lee Kling, serves as Chairman of the Board and Chief Executive Officer of Landmark Bancshares Corporation, a holding company in St. Louis, Missouri. Mr. Kling also serves as Vice Chairman of the Board of the U.S. division of Reed Stenhouse, Inc., the international insurance broker.

Mr. Kling was born in St. Louis, Missouri. He attended the New York Military Academy, Cornwall-on-Hudson, New York and received his BSBA degree from Washington University, St. Louis.

From 1974-1977 Mr. Kling served as Finance Chairman of the Democratic National Committee and has served on a number of governmental advisory councils. He also serves on the boards of numerous corporations and civic and charitable organizations. He was co-chairman of the Citizen's Committee for the Ratification of the Panama Canal Treaties and represented the private sector as an economic advisor during the peace negotiations between Israel and Egypt.

Names and Biographical Information of the Speaker's Appointees

Christopher Fairfield Edley is the President and Chief Executive Officer of the United Negro College Fund. He is responsible for obtaining financial support for 42 of the nation's black private institutions of higher education.

Born in Charleston, West Virginia, Mr. Edley graduated from Howard University and Harvard Law School. Following a distinguished career in public service Mr. Edley served for 10 years as a program officer with the Ford Foundation. There he became involved in most of the major funding programs designed to promote minority rights and to improve public administration across our nation.

Mr. Edley has deservedly earned the respect of public and private sector leaders throughout our nation. He is also a member of the boards of directors of American Airlines, the Bowery Savings Bank and the Atlantic and Pacific Tea Company.

Douglas Andrew Fraser retired as President of the United Auto Workers International Union in 1983, and is now professor of labor studies at Wayne State University, a member of the boards of Chrysler Corporation and the National Bank of Washington.

He was born in Glasgow, Scotland and came to the United States when he was six years old. The family settled in Detroit and Mr. Fraser went to work as a metal finisher at the age of 18. He became active in UAW Local 227 and progressed rapidly through the union ranks; being elected International President in 1977. He achieved a historic breakthrough in union representation when he was elected to the board of directors of Chrysler, signifying the union's participation "so that workers may have a say in the corporate decision-making process."

Mr. Fraser is a member of many civic and community groups; he serves on the board of governors fo the United Way of America, is a member of the President's Commission for the Employment of the Handicapped, the Aspen Institute for Humanistic Studies and the Leadership Conference on Civil Rights.21Joseph J. Gouthro, Psychologist, Atlantic Highlands, New Jersey.

Mr. Gouthro teaches at the Center of Alcohol Studies, Rutgers University, New Jersey, and also conducts a clinical practice in psychological counseling. Mr. Gouthro has served on the National Advisory Council of the Congressional Award for three years and was one of the voluntary leaders in the development of the Congressional Award.

Juanita Morris Kreps is a distinguished educator and economist. She was the first woman to be appointed Secretary of Commerce in 1977.

Dr. Kreps was born in Lynch, Kentucky, and graduated from Berea and Duke Universities. She joined the faculty at Duke, becoming the professor of economics and Vice President of the University. She has served on the board of directors of the New York Stock Exchange and is currently a director of many public companies, including Eastman Kodak, R.J. Reynolds Industries, Citicorp, ARMCO, United Air Lines, J.C. Penny and A.T.&T.

Concerned with issues regarding the employment of women, Dr. Kreps is the author of many books on the subject and has received numerous awards for outstanding public service.

Dr. Henry Viscardi, Jr. is the President Emeritus of the Human Resources Center and National Council on the Handicapped. He serves as Chairman of the White House Conference on Handicapped Individuals and as a member of the Advisory Panel of the United States House of Representatives, Committee on Science and Technology, the Executive Committee of the President's Committee on Employment of the Handicapped and the President's Committee on Mental Retardation.

Dr. Viscardi is one of the world's most highly respected figures in the fields of rehabilitation and education. He has devoted his life to ensuring that severely disabled individuals have the opportunity to achieve their fullest potential regardless of the obstacles.

Born with only stumps for legs, Dr. Viscardi attended Fordham University, married and became the father of four daughters. Thirty years ago he gave up his job as personnel director of a textile firm and started Abilities, Inc., a company that was to prove that, given a chance, the physically handicapped can work efficiently in industry. Ten years later Dr. Viscardi fulfilled what he describes as his greatest dream of all, a school for physically disabled children "where each child would have the fullest opportunity to meet life on realistic terms, to learn, to grow, to build his future." His exemplary national service was recognized with the presentation of the 1983 Horatio Alger Award.

Names and Biographical Information of Representative Michel's Appointees

Curtis Leroy Carlson, is chairman and president of Carlson Companies Inc. an international business conglomerate that includes over 50 companies employing 30,000 people; it is one of America's largest privately-held corporations.

Born of immigrant parents in Minneapolis, Minn., Mr. Carlson started work when he was 11, operating a newspaper route and a newspaper stand that eventually helped him pay his own way through the University of Minnesota. After graduation he became a soap salesman. His rise in the business world began when he initiated a trading stamp specifically for food consumers. Today the Carlson Company is recognized as one of the business success stories of the 20th century and has earned Mr. Carlson the Horatio Alger Award among many other national and international tributes.

As a corporate, civic and community leader, Mr. Carlson was a charter member of the "Five Percent Club" which is made up of corporations that donate five percent of their domestic pre-tax earnings to charity.

Gerald R. Ford, 38th President of the United States, was born in Omaha, Nebraska and attended public schools in Grand Rapids, Michigan. He graduated from the University of Michigan and received an LL.B. degree from Yale University Law School.

After serving as an officer in the U.S. Navy in World War II, President Ford was elected to the U.S. House of Representatives in 1948, serving 25 years in the House. He was chosen Minority Leader by the Republican delegation in 1965.

Gerald Ford was nominated Vice President in 1973. He became President, on August 9, 1974 and served through January 20, 1977. He has received numerous honors for his outstanding private and public service to our nation. The most recent being his induction into the Horatio Alger Association of distinguished Americans.

Allen Harold Neuharth, is chairman and president of Gannett Company Inc., the nation's largest newspaper publisher and one of the nation's largest diversified information companies.

Born in Eureka, South Dakota, Mr. Neuharth began work at the age of 13 in a newspaper composing room to support his widowed mother and brother. He graduated from the University of South Dakota under the G.I. Bill and started his newspaper carreer as a reporter. Twenty years ago he joined Gannett, becoming president of the organization that has been described as one of America's five best managed companies.

Mr. Neuharth has been honored many times by members of his profession and by the newspaper industry, but the honor that he values most in the Horatio Alger Award which is given annually to men and women "who typify the results of individual hard work, honesty and the adherence to traditional ideals that made America a strong and free democracy".

C. William Verity, chairman emeritus of Armco Incorporated, is an active member of the board of directors and chairman of the executive and nominating committees.

Mr. Verity was born in Middleton, Ohio, graduated from Yale and worked in the advertising business before he joined Armco in 1940, where in 1965 he became president and chief executive officer.

Active in public, political and international affairs, Mr. Verity was appointed in 1981 by President Reagan to serve as chairman of the Task Force on Private Sector Initiatives. Its purpose was to encourage leaders in the private sector to accept responsibility for solving public needs through public/private sector partnerships.

Mr. Verity is also a director of Eli Lilly & Co., Chase Manhattan Bank, First National Bank of Southwest Ohio, Mead Corporation, Business International and Taft Broadcasting Company.●

THE PRAGUE SPRING ANNIVERSARY

● Mr. GLENN. Mr. President, in 1968, for a few brief but memorable months, the people of Czechoslovakia expressed their deep desire for national independence, political democracy, and economic reform. As we all know, their inspiring experience—the "Prague Spring"—came to a tragic end 15 years ago when at 11 p.m. on the evening of August 20, 1968, the forces of the Warsaw Pact launched an invasion of Czechoslovakia.

On this sad anniversary of the Soviet invasion, we in the West might be tempted to put the Czechoslovakia experience aside as just one more distant historical tragedy. We would do so at our own peril. The brutal suppression of Czechoslovakia is not only critical in its lessons for the West on Soviet behavior but contains an important message for the Atlantic Alliance.

In the third week of August 1968, Americans and Europeans were not only at ease during the traditional month of relaxation and vacation but also relaxed in their dealing with the Soviets—for 1968, despite the Vietnam war, was a banner year for détente. From politicians and musicians traveling East and West, to the Johnson administration's first major venture in strategic arms negotiations, to the June NATO meeting where the NATO foreign ministers invited the Soviets and their Warsaw Pact allies to negotiate about mutual and balanced force reductions in Europe, the sounds of détente were in the August air. And then came the invasion of Czechoslovakia with its aftermath of a Soviet appointed quisling—Gustav Husak—and the imposition of Soviet occupation forces—troops that remain until this day.

The Soviets have offered the usual array of excuses for their callous suppression of Czechoslovakia: The threat of counterrevolution, the subversive activity of the United States and West Germany, the dangers of revisionism.

The truth in Czechoslovakia in 1968 was quite another matter—as it was in East Germany in 1953, Hungary in 1956, and Poland in 1980: The Soviet Union's first priority is to maintain a political and military arm lock on its Warsaw Pact "allies" whatever the consequences for East-West relations or indeed relations with the world Communist movement. Izvestia would ask on August 24, 1968—"Can a country wrested from the socialist community really safeguard its genuine sovereignty?" Moscow has given the same hard answer consistently since 1945. The Soviet Union demands—and has been willing to pay whatever price in the terms of cordiality and détente with the West—much more than just "friendly governments" along its periphery; it insists on the imposition of Soviet values and standards on the states and people of Eastern Europe.

In the nuclear age more than ever, such a definition of Soviet absolute security is both obsolete and dangerous, and must be answered by the West with a clear message that there are costs to oppression in the East. The Soviet Union must be forced to understand that its crude and brutal means of controlling in Eastern Europe are in basic conflict with its efforts to affect political change in Western Europe.

One important lesson to be drawn from Czechoslovakia is that the Soviets must be told clearly and unequivocably that oppression in Eastern Europe has its price in movement on other East-West issues of interest to the Soviets. Surely the rigid Stalinist formula—"what's mine is mine, what's yours is negotiable"—belongs to an earlier era when the Soviet Union was weak and insecure.

In my view, a Soviet policy of seeking to decouple Western Europe from the United States on the one hand and suppress Eastern Europe on the other is unrealistic because the West cannot and will not discuss the future of Europe without discussing the future of Eastern Europe and Germany. All unrealistic and one-sided efforts must be understood and strongly resisted.

What we need, then, is a more creative and more energetic American foreign policy toward Eastern Europe which proceed on two levels: First, in the short run we must continue to encourage evolutionary, peaceful change by giving preferential treatment to those states in the region which respect human rights and those which try to distance themselves from at least some of the most disagreeable aspects of Soviet foreign policy (such as the invasion of Afghanistan). Second, our long-term goals must be achieved through negotiations with Soviet leaders. We do need patience and perseverance. And, about all, we must convince the Soviet Union that its own genuine security interests in the stability of Eastern Europe would be better served by friendly and independent governments which more closely reflect the aspirations of their peoples.

I believe in the possibility of negotiations because the persistent instability of Eastern Europe does not serve Soviet interests. For whenever the Soviet Union felt compelled to intervene in Eastern Europe—in East Berlin in 1953, in Hungary in 1956, and in Czechoslovakia in 1968—its relations with the West foundered, the prospects for genuine peaceful coexistence suffered a setback.

Mr. President, my call for a more active U.S. diplomatic effort on behalf of freedom, peace, and stability in Eastern Europe is also based on another lesson of the Czechoslovakian experience of 1968: That Soviet repression has not diminished the powerful political and social forces challenging Soviet authority in Eastern Europe. National self-consciousness and a yearning for independence have survived the suppression of 1968. The signs of it are still there in Prague and should be appreciated and applauded.

Mr. President, I recently had the opportunity to study the results of a comprehensive survey of public opinion in Czechoslovakia, Poland, and Hungary. The survey was conducted by no less than 10 prominent West European public-opinion institutes over a period of 2 years. The respondents, I might add, were all citizens of these three countries traveling abroad, not political refugees or emigres, and one of the questions they were asked was this: Which political party would you favor if free elections could be held again? I found the answers most instructive.

Only 3 percent of the Czech and Slovak respondents, only 6 percent of the Polish respondents, and only 7 percent of the Hungarian respondents said they favored the Communist party. In all three countries, in fact the overwhelming majority would support such democratic parties as a "Democratic Socialist Party," a "Christian Democratic Party," or an "Agrarian Party."

And I was particularly gratified to learn that, despite decades of indoctrination, the young Czech and Slovak respondents included in the survey expressed the same political preferences. Like their elders—and like their relatives in Ohio I know so well—they want a free political order that respects their national cultures, customs, and traditions.

With the spirit and determination that is theirs, I am sure that one day we shall see such a free political order in Czechoslovakia. Let us work to see that it happens. It is clear to me, Mr. President, that we can best remember 1968 and the democratic spirit of the "Prague Spring," by dedicating ourselves to a sustained effort to place the unresolved problems of Eastern Europe on the agenda of East-West negotiations.●

OBER

● Mr. DURENBERGER. Mr. President, during the August recess I spent a few days fishing with my sons in northern Minnesota. I came away with my spirit refreshed and restored from the time spent with crystal-clear water and pine-scented air.

I want to take a moment today to thank my colleagues in the Senate, especially Senator MCCLURE, for their continued and unwavering support of funding for the Boundary Waters Canoe Area Wilderness Act—Public Law 95-495.

I think you will find it interesting, as I did, to read the article from the September 12, 1983, Minneapolis Star and Tribune, "'Ober' Boundary Waters' Friend, Creator of a Magic Island." It details a part of the history of preserving this magnificent wilderness. Ernest Oberholtzer, diagnosed as having only a year to live, drew strength and long life from the boundary waters area and dedicated that "borrowed" time to preservation of the wilderness.

We are indebted to Ober's vision and leadership and to the people that worked with him. The Senate's yearly support of the act continues this tradition. I request permission to reprint the article in its entirety.

The article follows:

[From the Minneapolis Star and Tribune, Sept. 12, 1983]

"OBER"—BOUNDARY WATERS' FRIEND, CREATOR OF A MAGIC ISLAND

(By Ted Hall)

RANIER, MINN.—He left a charming and challenging legacy, this Ernest Oberholtzer better known as "Ober" who was the torchbearer of the half-century crusade that rescued the Boundary Waters Canoe Area from the looters and persuaded a new generation that the alternative to treating our host-planet kindly is to perish with it. Like those other pioneer conservationists, Theodore Roosevelt, Gifford Pinchot, Aldo Leopold, Jay "Ding" Darling, Robert Marchall and John Collier, he believed that wilderness is a national treasure intended for a grander purpose than to be "conquered."

Ober came to the Minnesota-Ontario boundary waters area at the age of 25 to see for himself the country then being called our last frontier. The year was 1909 and he was fresh out of Harvard two years behind his class because of a long bout with rheumatic fever that his doctor told him had left about a year of life in his damaged heart. That remaining year, Ober promised himself, would be well spent, and he prepared for it by reading the journals of early travelers along the Minnesota-Canadian boundary waters, our oldest east-west highway still relatively unchanged.

From Ely he went into the boundary waters and stayed until ice began to glaze their sparkling surface. By now he was able to carry his canoe with only a few stops to regain his wind on the rougher, longer portages. By now he was thinking of the next summer—and summers far ahead. By now he was convinced that this simple, vigorous outdoor life in the north woods—the gentle, long exercise of paddling, the more vigorous workouts on the portages and, above all, the serenity of wilderness—was extending that year of grace predicted by the doctor. He worked that winter in a Chicago investment brokerage house, and when the spring winds blew in across Lake Michigan, he resigned his job and returned to the country that promised new life.

Ober had studied to be a landscape architect, a trade of little promise in a country already landscaped satisfactorily by a passing glacier, and he fell easily into another trade—that of writing about this new frontier that he now considered home. He learned the ways of the moose and of the still-primitive Ojibwa who welcomed his friendly curiosity about their rich, quiet culture and shared with him legends few white men had—or have since—heard. During his fourth year in the northland he traveled by canoe from Winnipeg to Hudson's Bay and back, a journey only one other white man had ever undertaken.

That winter of 1913 he lectured in England as the guest of the Royal Geographical Society, feeding his tales of the northland to audiences hungry for new knowledge of Indians and moose. That year of grace predicted by his doctor was far overdrawn and had become one of his humorous anecdotes.

By now he was spending winters as well as summers in this land that had given him life. He supervised the construction of a summer home on a Rainy Lake island for a former neighbor in his boyhood town of Davenport, Iowa. He managed a farm-resort summer community on another Rainy Lake island until its visionary owner lost courage and abandoned the project. He was briefly in charge of the marine machine shop and boatyard at Rainy Lake's port village of Ranier, and all the while he continued his canoe travels through the boundary lakes area in quest of new photographs of moose and old legends of the Ojibwa, by now his trusting friends.

Ober was on his 10th year of borrowed time when he staked out his own little silver of granite in this granite land. It was called Mallard Island, one of a picturesque group of five islands, and for the next 50 years this doomed man from Harvard made it his home and his lectern.

He made it, too, the headquarters for the battle to save the boundary waters, a battle that began in 1925 when Minneapolis lumber baron and papermill tycoon Edward Wellington Backus unveiled his grand plan to conquer the boundary waters wilderness for the service of his mills. He was in for a surprise, for when Ober raised the alarm the strongest response came from Backus' own seat of power—Minneapolis—where Winstons and Wintons and Heffelfingers and Heads and Kellys and Hubacheks and Pillsburys and Crosbys rallied to stake out the public's long-term interest in the boundary waters wilderness. "We preserve our masterpieces of art," they declared in their opening salvo, "Why not preserve also a few masterpieces of Primitive America?"

That was a good question and the answers came quickly from all over the country, and the Quetico-Superior Council was born. Its supporters included Gifford Pinchot, Kermit Roosevelt, Ernest Thompson Seton, Dan Beard, Margaret Culkin Banning, Stuart Chase, Irvin S. Cobb, John Collier, Dr. John H. Finley, Judge Kennesaw Mountain Landis, Arthur E. Morgan, John P. Marquand, Samuel Eliot Morison, Frederick Law Olmstead, Viljalmur Stefansson, Carl Sandburg and Stewart Edward White. Its work horses were Ober, as president and secretary; Frederick S. Winston, who manned the council's tiny office on the 12th floor of the Flour Exchange in Minneapolis; Charles S. Kelly and Frank Brooke Hubachek, whose law office, first in Minneapolis and later in Chicago, provided the follow-through on the legal and lobbying front, and Sewell Tappan Tyng, whose access to the White House made him the council's chief troubleshooter.

The long, wearing battle for the Quetico-Superior boundary waters has been well chronicled by Newell Searle in "The Fight for Quetico-Superior—A LLnd Set Apart," published by the Minnesota Historical Society. Let us simply note that through all that long battle, Ernest Oberholtzer's Mallard Island in Rainy Lake was the real headquarters—the touchstone—for the battle, and upon his death in 1977 at the age of 93 friends steered his island home into the foundation he had set up a dozen years earlier to carry on his quiet work as teacher, friend of wilderness and Indian, friend of art and literature and music and, above all, friend of all people.

The restoration of Ober's magic island to his shipshape standards is nearly completed and recently two dozen of his old friends and neighbors came to see again this special place and help plan its future. Already it has resumed Ober's hospitality to Indians and scholars and fellow-conservationists; to handicapped young adults, to writers and artists. Of this, the old friends and neighbors now approve.

And they offer good memories and good suggestions: Try to keep it the interesting "mix" of people that came there with Ober as their host, Winston Schmidt said. Use it, but use it the way Ober used it, he adds. Bud Schlick suggests that its use to help the Indian might be balanced by its use to help the white man learn from the Indian, a two-way street, and Jim Banks, one of Ober's many younger Indian friends and travel companions, agrees.

The conversation is lively and lasts until the witching hour when mosquitoes ride their brooms into battle. Keep it small and uninstitutional, we heard, and stay out of the involuntary restaurant-and-hotel role that would sap the Oberholtzer Foundation's meager income; consider it a sufficient role for the little foundation to perpetuate the magic spell of Ober's island and make that its contribution to a rattling world.

Thus it comes together, this legacy, Ober's dream for his Mallard Island pieced together by friends like these assembled on the deck of his house-boat-kitchen, friends who heard him say that it should be a place where tired musicians could come to restore themselves, a place where in a crowding world Indians could always come to camp, a place where writers could come to escape the maddening crowd, as did John P. Marquand and Sewell Tyng and John Bakeless and Kit Bakeless, a place where youth could take sights on a wider horizon. Ober's unending little university.

In the night that followed this gathering of Ober's friends, the summer waves applauded softly against the granite shore and the loons said Bravo. The northern lights danced a message, too, and that made it seem unanimous, this response to an evening's report on Ober's legacy, Ober's challenge.●

HISPANIC HERITAGE WEEK

● Mr. RIEGLE. Mr. President, Hispanic Heritage Week, being celebrated this week, provides all of us with the opportunity to acknowledge the special contributions made by Hispanic Americans to our society, and to recognize their many achievements. At the same time, we must reflect upon the work that still needs to be done in order to insure Hispanic Americans a place of equality in our society.

The Hispanic community is this Nation's fastest growing minority group. Its members are known for their self-pride, self-respect, and for their depth of human compassion. The social, economic, and political gains achieved by

Hispanic Americans deserve our commendation and respect.

It is clear that Hispanic Americans can have a real impact in shaping this country's future. First, however, there is much work to be done to provide these citizens with equality of opportunity in education, in housing, in the work force, and in every other sector of our society. While this Nation has sought to address past inequities by instituting such laws as the Voting Rights Act, fair housing laws, equal employment opportunity laws, and other civil rights legislation, we must continue the fight for equality.

Cultural diversity and pluralism have always been integral parts of the American heritage. While preserving those ethnic origins and traditions which distinguish the Hispanic culture from all other groups, we must also renew our pledge to do all that is necessary to insure that Hispanic Americans—and all of this country's minority citizens—have the skills and opportunities required to participate fully and equally in the affairs of the United States.

On this occasion I would like to pay special tribute to the community of 163,000 Hispanic Americans residing in my own State of Michigan. I salute their strong commitment to the family, their willingness to work hard for their livelihood, and the perseverance, patience, and determination with which they pursue their objectives. The contributions of Michigan's Hispanic community to our State and to the Nation are gratefully acknowledged and deeply appreciated.●

THE ADMINISTRATION'S VIEW—WATER PROJECT COST SHARING

● Mr. STAFFORD. Mr. President, a major issue that is now before the Congress concerns the question of cost sharing on water resources development projects. During the recess, I received a letter that discussed this policy from the Director of the Office of Management and Budget.

Because these questions are before our Subcommittee on Water Resources in its evaluation on S. 1739, and in order to help explain this situation to my colleagues in the Senate, I ask that a copy of Mr. Stockman's letter be printed at this point in the RECORD.

The letter follows:

EXECUTIVE OFFICE
OF THE PRESIDENT,
OFFICE OF MANAGEMENT AND BUDGET,
Washington, D.C., August 5, 1983.

HON. ROBERT T. STAFFORD,
Chairman, Committee on Environment and Public Works, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: Thank you for your letter of June 28, 1983, in which you requested clarification of the Administration's position on increased non-federal cost sharing on water projects. I understand how uncertainty could result from apparent differences between testimony of William Gianelli, Assistant Secretary of the Army (Civil Works), and the recent letter to you from Interior Secretary James Watt.

Secretary Watt's letter and Assistant Secretary Gianelli's testimony are not inconsistent. In his June 15 testimony dealing with S. 1031, Mr. Gianelli presented to you the curent thinking of the Administration. This interim policy will be applied until consensus is reached between the Administration and the Congress. When Mr. Watt spoke of establishing cost-sharing arrangements on a case-by-case basis, he was referring to the method of financing the non-federal share of construction costs. This is consistent with Mr. Gianelli's statement that long-term cost-sharing policies for flood control and irrigation will consider the ability of project sponsors to raise capital during the construction period. Where doing so would place an undue burden on them, a portion of the non-federal share could be federally financed, provided that repayment includes appropriate interest.

Secretary Watt's letter also stated that current repayment requirements would remain in effect. This statement reaffirmed the Administration's commitment to honor existing repayment contracts on facilities already under construction or completed. The new policy applies to all facilities which are not yet under construction and for which repayment contracts have not been signed.

Please contact me if you have further questions.

Sincerely,

DAVID A. STOCKMAN,
Director.●

MARCH FOR THE DREAM

● Mr. TSONGAS. Mr. President, on August 28, 1983, more than 250,000 people gathered at the Lincoln Memorial to commemorate the 1963 "March on Washington." Buses came from 347 cities across the country carrying pride, frustration, memories from the past and hope for the future. Twenty years after Dr. Martin Luther King, Jr., came to Washington and told America that he had a dream, thousands of individuals returned to reaffirm that dream and to tell this administration that for too many, it remains a dream deferred.

The demands and concerns of those who came to this city 20 years ago were so basic and so fundamental that the rightousness of the cause needed no justification. The theme of this year's march, "Jobs, Peace and Freedom," appeared more complex, but the message was simple: The freedom, economic security, and peaceful existence of all people is basic to the American way of life.

As Members of Congress, we have a responsibility to safeguard the dream. We must insure that the rights of all Americans are guaranteed and we cannot seek simple solutions to complex issues. We must eliminate obsolete laws from our statutes that deny women economic security. We must guarantee that the laws and regulations enacted to protect civil rights and promote equality are not ignored or undermined. Further, we must assure all citizens that our committment to arms control and peaceful coexistence with other nations is unquestionable. Jobs, peace, and freedom are fundamental to the American creed.

Mr. President, the 1983 march commemorates a moment in history and challenges us to make the dream a reality for all Americans. I congratulate the organizers of the march and I commend all those individuals who came to take part in history.●

VISTA VOLUNTEERS

● Mr. MATHIAS. Mr. President, I take this opportunity to commend the VISTA volunteers who have worked with a locally sponsored project in Baltimore, Md., called the Neighborhood Design Center, Inc. The Neighborhood Design Center is a nonprofit agency that has been providing architectural and planning assistance to low-income community groups since 1968.

In 1971, the first VISTA volunteers were assigned to NDC on a full-time basis to increase the capability of low-income people to improve the quality of their own lives. Together they helped with the design and completion of over 200 community projects, worth up to $25,000 annually. The volunteers' skills were augmented by professional planners and architects, as well as students from the University of Maryland, Morgan State University, the Community College of Baltimore, and the Maryland Art Institute.

Unfortunately, the Neighborhood Design Center was without VISTA volunteers from 1976 to 1981. Last year, however, NDC received VISTA support, which enabled the community to undertake a low-cost/no-cost weatherization and training program. The 1983 VISTA volunteers are once again contributing to the efforts of the Neighborhood Design Center for the community revitalization of the city of Baltimore. In behalf of the people of Baltimore, I give public recognition to the tremendous contributions VISTA volunteers have made and continue to make in the effective exchange of ideas and experience on which further exchanges can be built.●

U.S. AMBASSADORS

● Mr. GOLDWATER. Mr. President, in a recent edition of the Washingtonian magazine, published in the Nation's Capital, there appeared an article criticizing several U.S. Ambassadors. I happen to know two of these Ambassadors personally and I happen to have had more than just a casual opportunity to observe the work of both of them.

First, Ambassador Mark Austad, our representative in Norway, is doing an excellent, outstanding job in that country. I can personally attest to this after having made a recent trip there on Senate business. I spoke to members of their Government, Norwegian military, and business at many levels and found nothing but great praise for him. Mr. Austad, naturally, was concerned about the article and he wrote Mr. John McClean relative to it. In the interest of fairness, I would like to have a copy of this letter and a copy of an article, "The Best Diplomacy," written in February 1983, be made a part of my remarks at this point.

Also, I ask that an article relative to Mr. Austad from another publication be printed at this point together with an article translated from a Norwegian paper.

The documents follow:

EMBASSY OF THE
UNITED STATES OF AMERICA,
Oslo, Norway, Aug. 1, 1983.

MR. JOHN MCCLEAN,
Chicago Tribune, Washington, D.C.

DEAR MR. MCCLEAN: As a follow-up to our recent telephone conversation, I hereby submit a few more thoughts on your recent article in the Washingtonian magazine. As I mentioned, I feel you did me a severe injustice. What you can do about it, I do not know. Hopefully, you are a fair and honest human being. I will have to leave it to you how to correct your erroneous report.

I can only assume you were "spoon fed" those falsehoods by someone who resents my standing up for our country. The very thing for which you commend your select Ambassadorial group is that for which you condemn me. I have disagreed with the State Department when I needed to, and I have spoken up when the U.S. Government is getting unfairly vilified in the media or by the "out" party.

Let me take your article point by point. I was not reappointed to Norway. I served hard and faithfully in Finland. As a result, I am proudly and humbly the only U.S. Ambassador ever to receive their so-called knighthood or the Order of the White Rose. I'm told my successors still have a problem with the record I made. (If you want evidence, please call the Finnish Ambassador to Washington who knew my work. You should know him anyway.)

As you know, there are very few political appointees who get a second go-round. I did not work for Ronald Reagan's election. I never gave five cents toward it. On the contrary, I worked hard for John Connally.

I'm told there were more applicants for Norway than any other post. One had raised five million dollars for the Senate election committee and was strongly supported by Laxalt, Baker, etc. I don't know why I was called, but it was my life's dream and I joyously accepted.

I suppose my language capability helped, my knowledge of the country, and my past record must have played a part. At any rate, I am here and working my head off trying to do a job.

The second error: "His wide-ranging attack on the Norwegian media and government." Truth: I have done neither! Shortly after arrival, I journeyed to the frozen north to witness first hand several thousand 19-year old U.S. Marines slogging through waist-deep miserable slush, snow and ice—sleeping 15 to a tent, on hard boards, facing stupifying 15° below temperatures, with frost bite the norm. They were eagerly giving all they had to prepare for NATO's defense of Norway. A small Social Democratic group led by a known strong leftist voted 39 to 38 urging the U.S. to stay out of Norway because we were involved in El Salvador. When queried by reporters, I made two simple observations. One, I did not feel it represented the people of Norway; two, I quoted Emerson, addressing the 39, saying, "Be careful what you want, you may get it."

All hell broke loose led by the Social Democrats all over the land. Several responsible papers apologized later (Arthur Burns was twice as strong in a similar situation a few days earlier). A day later, accompanied by the Norwegian Chief of Defense, I was accused of stepping over a Labor group waiting as standbys on a SAS flight. I arrived late and took my seat. The Social Democratic paper jumped on me again. The next day they apologized as SAS provide them with a confirmed reservation made two weeks earlier. My problems with the Labor Party stemmed from a predecessor labeling me as a ultra rightist. They were waiting for me! As a broadcaster, in 30 years I never once took part in politics.

Error three: "He recently assailed the nation's news media for lopsided reporting on Central America." Truth: I did criticize the reporting but never publicly. (It was recently divulged that two Norwegian reporters were graduates of a training camp in Cuba and are regarded as communists. Mind you, they are now regarded on television as Latin American experts).

Error four: "He and his aids complained directly to two papers about their reporters in the U.S." Truth: Your informant complained to me personally about this on a visit I made to the U.S. with King Olav. I hadn't heard of it, but said I would check it out. I did, and my Press Attaché was right. I, however, had had no part in it. It happened prior to my arrival. The fellow who obviously fed you some of your material is known as perhaps the most anti-U.S. reporter in Scandinavia. I have yet to see anything but venom about the U.S. come from his reporting. Now he has misled you.

Error five: "He has created a backlash against the U.S. in a country which didn't have a hint of anti-Americanism before." Truth: This is the most idiotic-ridiculous charge of all. Norway during Vietnam and early El Salvador days was a scene of regular demonstrations. While I was in Finland in 1974-77, Norway was, next to Sweden, a hotbed of anti-Americanism. Surely you must question the veracity of your quoted Norwegian diplomat to make such a preposterous charge. I urge you to question his politics and motives. It might help.

That is five errors in as many paragraphs.

Let me brag a bit.

—I have collected two million kroner to send Norwegian doctors, nurses and technicians to the United States to study heart surgery—a major problem in Norway.

—I am in the process of building a national memorial grove to peace in memory of the first American to die in World War II. It happened in Dombas, Norway. I will at the same time recognize 100 other Americans who were buried in Norwegian soil.

—I have travelled the country over many times, claiming President Reagan called me to be Ambassador to Norway—not Oslo. I take my country team en masse usually sponsored by local papers. We see labor union leaders, business people, speak at schools, visit the home guard, see factories and hospitals. We have made about a dozen such visits this year alone.

—I am making a full-length 16 MM film on my mission to Norway in conjunction with the National Geographic Society. I made a similar film on Finland and showed it to over six million Americans in lecture halls and on television. An Ambassador's main job is reporting. Believe me, this technique is unorthodox, but it works!

I am enclosing some material to back up my claims. Hopefully you will take note and try to right a wrong I just don't deserve. As final proof, you will be welcome to come to this Embassy in spite of the harm you have done me. None of your victims were from Washington and do not feel the impact of a well-read magazine in my beloved old home town. I do and it unfairly smarts!

Yours truly,

MARK E. AUSTAD,
Ambassador.

[Aftenposten, Feb. 14, 1983]

THE BEST DIPLOMACY

(By Elisabeth Engesland)

The setting for the presentation of the American Ambassador Mark Evans Austad's "Heart Fund" was indeed catchy and festive. The recipient were the National Association and The Norwegian Council for Cardiovascular Diseases, and the presentation took place in Klingenberg movie theater in Oslo. The United States Air Force Concert Band in Europe gave a fine concert for a full movie hall, and the audience numbered many of the contributors to the fund. The band played many good, old Glenn Miller tunes, catchy rock rhythms and Sousa marches.

The "Heart Fund" which is now approaching two million Norwegian kroner, was presented to the grateful chairman of cardiovascular diseases, Prof. Dr. Med. Per Lund-Johansen and the chairman of the National Association for Popular Health, Dr. Med. Liv Storstein.

I hope that the "Heart Fund" will give new hopes to many Norwegian heart patients, said Ambassador Austad who received much applause for his speech in Norwegian. He also expressed great optimism regarding the possibilities of the Norwegian/American heart project. We will all benefit from this exchange of expertise and ideas provided by this project, said Ambassador Austad. He added that there is a great distance between the ususal diplomatic activities such as politics, economy and culture, and the initiative for the establishment of a heart fund.

But perhaps this is the best type of diplomacy in the long run, said the American ambassador who expressed his heartfelt thanks to all the contributors, the American Cultural Attaché, Mr. Terry Kneebone, and to Aftenposten for their cooperation in the establishment of the fund.

Both the Chairman of the Council for Cardiovascular Diseases, Professor Per Lund-Johansen, and Dr. Med. Liv Storstein from the National Association for Public Health, thanked the Ambassador most sincerely and presented him with both a gift and flowers. The gift was most appropriate, a reproduction of Edvard Munch's "The Girl with the Heart." We regret that we can't give you the original, said Per Lund-Johansen. It was not for sale.

This is the first time the ambassador of a foreign country takes the initiative to any-

thing like this. Such an initiative is unique and will benefit many Norwegian heart patients because the newest treatment methods will now be made available to Norwegian health personnel, said the grateful recipients. A very promising start for this year's cardiovascular drive starting 1 March.

As part of the program, Ambassador Austad gave a glass bear to two prominent American doctors, Dr. Floyd D. Loop who is a heart surgeon, and Dr. John R. Kramer who is a cardiologist. Both are from Cleveland, Ohio. They got this gift for their willingness to participate in the presentation and in an American/Norwegian meeting at Rikshospitalet on Monday.

The omnipresent Erik Bye acted as the master of ceremonies, and as he himself said after the first part of the concert: This was so much fun that I might join the army again.

The following companies and individuals have contributed to the Heart Fund: Amoco Norway Oil Company, ARCO Norway, Inc., Bergen Bank, Kreditkassen, Coca Cola Norge A/S, Conoco Norway Inc., Den norske Creditbank, Esso Norway Inc., Fellesbanken A/S, Mr. Bjornar Fredriksen, Gjensidige Norsk Skadeforsikring/Livsforsikringsselskapet Gjensidige, J. L. Tiedemanns Tobaksfabrik, Mr. Paul Jensen, Mr. Asbjorn Larsen, Lautitz Kloseter, Manufacturers Hanover Trust Company, Mobil Exploration Norway Inc., Northwest Orient Airlines, Olav Thon, Phillips Petroleum Company Norway, Royal Caribbean Cruise Line, Selvaag Bygg, Sev. Dahl Assurance kontor A/S, Storebrand Insurance Company Ltd., Sverre Ditlev Simonsen & Co., Tenneco Norge, Torvald Klaveness & Co., A/S Wilh. Wilhelmsen Enterprises Ltd. The total amount is now approaching two million kroner. One has also received four round trip tickets Oslo/Phoenix, Arizona.

ON THE JOB: AMBASSADOR AUSTAD IS ALL HEART, NORWEGIANS ARE SAYING

(By Barnett B. Lester)

Ambassador Mark Evans Austad, 66, a veteran of two heart bypass operations, has helped raise $238,000 to enable Norwegian heart specialists, nurses and technicians to come to the United States to study. Norwegian newspapers are hailing Mr. Austad's efforts as "the best diplomacy." And they refer to the "Austad fund," to which Norwegian and American business firms have been making contributions. The International Heart Foundation in Phoenix and Cleveland Clinic have offered to serve as hosts for the Norwegians in the program.

Mr. Austad, a former Mormon missionary in Norway, presented the check to the Norwegian Council for Heart and Cardiovascular Diseases. He said he was motivated by his "personal debt to heart specialists."

The ambassador is also a former radio and TV commentator and a former vice president for Metromedia in Washington. He was chairman of the 1968 presidential inaugural ball and vice chairman for the 1972 inaugural. And he has traveled widely. Heart specialists have helped him to maintain his busy schedule.

So when Norwegian cardiologists told him, shortly after his arrival in Oslo last year, that there was "a major need" to have medical personnel spend time with their American colleagues, to learn the latest methods for treating severe cases, the ambassador decided to make a personal appeal for contributions.

The heart fund is only one of his incursions into public diplomacy. When he served as U.S. envoy to Finland, 1975-77, he traveled around the country with a 16-mm Bolex camera and personally filmed a 75-minute travelogue, "An American Ambassador's Mission to Finland." It was shown on Finnish television and at the National Geographic Society's lecture series here in Constitution Hall.

"For my efforts (as a cameraman), I was forced to pay some frighteningly high costs." Mr. Austad recalled. "While skimobiling across Lake Inari, to film ice-fishing, the 40-below-zero cold froze my eyeballs, blinding me for more than a week. Also, pike sport-fishing in the middle of the Finnish archipelago cost me a badly mangled left thumb; a rescue helicopter was forced to pick me up and drop me close to a surgeon's scalpel for repair. Then, filming a Finnish icebreaker cutting through eight feet of Baltic ice on a blustery Arctic day left me with a camera trigger finger so cold I couldn't feel the button. But because it worked so well in Finland. I'm doing another film—on Norway."

Mr. Austad, who is cameraman, scriptwriter and narrator, added: "This oil-rich, vital, northern wing of NATO—this land of unending vistas—makes a cameraman ecstatic with the possibilities."

AMBASSADOR IN DRAMMEN

The Ambassador will be tickled over this editorial. I'll translate, since it is unprecedented. (Monday 5.2. p. 3) Headline: Not Only Austad.

"There are many countries that call themselves democratic. If you are in doubt whether a person comes from a democratic country, just ask him whether the people in that country have the right to chose."

It was the American Ambassador in Norway, Mark Evands Austad, who said this to students at the Drammen High School recently. News reports from the meeting say the students were quite impressed with the open and humorous ambassador. He has asked for tough questions, and he got them: Why is Reagan's defense budget so high, why cuts are made in the social sector? What the CIA have to do with the murder in Chile? How come Sweden and Finland manage outside NATO?

Such confrontations are useful. We have a suggestion to the Soviet Ambassador in Norway: Shouldn't he also visit the high schools and expose himself to a round of tough questions? Such a confrontation would be very useful, especially for those who love to mention the two superpowers in the same breath and practically with the same characterization.

MARK EVANS AUSTAD, NORWAY

The Mark Evans Show, which aired on Washington television in the 1950s, hasn't played so well in Norway, where Mark Evans Austad is on his second tour as U.S. ambassador. A champion of Republican causes, he was first appointed to the post by President Ford and returned to it by President Reagan.

Austad had first-hand experience in his host country—he served in Norway as a missionary of the Church of the Latter Day Saints from 1936 to 1939. He became a radio broadcaster in Washington in the late 1940s, was the Morning Man with WTOP in the '50s, and had been a vice president of Metromedia Inc. since 1958.

Unfortunately, Austad's media exposure has not been limited to Washington. He has received plenty in Norway, too—not for his diplomatic skill, but for his wide-ranging attacks on the Norwegian media and government. He recently assailed that nation's news media for its reporting of U.S. involvement in Central America. He and his aides complained directly to two newspapers about their reporters in the United States. And his public criticism of the Norwegian government for failing to send observers to last year's elections in El Salvador caused a row throughout the country, eliciting extensive media comment and a debate in the Norwegian parliament.

Effectively representing U.S. policy is an ambassador's primary job, but Austad's broadsides, as one diplomat in Norway puts it, have created a backlash against the U.S. in a country "which didn't have a hint of anti-Americanism before."

Mr. GOLDWATER. Because of Arizona's close proximity to Mexico, as well as my own personal knowledge, I know the reaction of the people in that country to Ambassador James Gavin. Not only is he doing an outstanding job, he is well liked and respected, and I hope he will continue in that position for a long time.

I can say that both of these men are doing a good job and articles such as appeared in the Washingtonian should not be printed without more research.●

THE REPUBLIC OF SOUTH AFRICA

● Mr. EAST. Mr. President, the Republic of South Africa is surely one of the world's most controversial societies and governments, yet few informed persons doubt the strategic and economic importance of South Africa to the United States, the rest of Africa, or indeed the free world in general. For years, the term and institution "apartheid" has been the source of controversy and misunderstanding in this country and others about the nature of the Republic of South Africa, and these misunderstandings have led to serious errors in the formulation of our policy toward and relationship with South Africa.

Mr. Anthony Lejeune, in an article in the London Daily Telegraph of August 16, 1983, knowledgeably discusses the history of apartheid and its meaning in South African history and politics. I commend Mr. Lejeune's article to my colleagues as a means of understanding the background to one of the most important and difficult foreign policy issues of our time. I ask that the article be printed in the RECORD.

The article follows:

[From the London Daily Telegraph, Aug. 16, 1983]

PRETORIA DOESN'T INTEND TO GO THE WAY OF RHODESIA

Apartheid is a liberal invention; that is, it was liberal doctrine which caused apartheid to be invented. If the modern world had been satisfied with Cecil Rhodes's prescription of "equal rights for all civilised men," there might have been much argument

about degrees of civilisation but it would not have been considered necessary to devise a scheme under which everybody, however uncivilised, could participate in the processes of government.

The word "apartheid," like the word "fascism," is used so often, outside South Africa, as a mere term of abuse that its real meaning tends to be obscured: but no one can understand modern South Africa who does not appreciate, imaginatively, that, far from being the invention of wicked men to keep the blacks down, apartheid was the invention of godly men trying to find a way in which the blacks could safely be given political opportunity.

It was an attempt, by no means uningenious, to satisfy two incompatible requirements. The first, which in any other period of human history would have been taken for granted, is that the heartland of South Africa must remain in civilised hands; must, in effect, be controlled by the people who created it as it is today, making it as European as though its were part of Surrey. The second, peculiarly modern, requirement is that the relatively uncivilised black majority must all, immediately, be given votes. How to reconcile these propositions? Answer: split the territory up so that everybody has a vote somewhere, but the whites are not swamped and no black tribe dominates another.

In practice, this neat scheme raises huge, probably fatal, difficulties, about which we all know. Some of them conspicuously the problem of detribalised urban blacks, seem never to have been properly thought out: but when Dr. Verwoerd said on British television, after South Africa had been forced from the Commonwealth, that "apartheid means good neighbourliness," he was perfectly sincere. His failure to understand the derision which that remark would cause was entirely characteristic of the Afrikaners' lack of sophistication, the illusions they had about how the Western world could be persuaded to see South Africa.

Conversely, the outside world has not approached the real intractable core of the situation with much intellectual honesty. The Afrikaners admittedly don't make it easy; they are stiff, self-absorbed and very bad at public relations. For us in Britain there is an added difficulty. Our personal connections tend to be with English-speaking South Africans, most of whom still resent the Afrikaners' political dominance.

Almost every article about South Africa discusses how soon "the end of white rule" will come. Even friendly comments justify a call for better relations, whether sporting or commercial, on the grounds that this will "accelerate the process of change" and "encourage progress towards equal suffrage." And they usually begin with a disclaimer: "Although no supporter of apartheid. . . ."

Just suppose (let us try, for once, to see the matter through Afrikaner eyes) that every foreign comment on Britain began with the disclaimer: "Although no supporter of democracy . . .", and went on to discuss how pressure could best be applied to bring about a radical change in the British constitution and way of life. We might object. The Afrikaners resent such interference far more.

The crucial episode in their history was the Great Trek; which was undertaken, not so much because they resented particular edicts of the British administration in the Cape, but because they regarded any alien interference as unendurable. What the advocates of indiscriminate universal suffrage are trying to force on them now goes beyond mere interference. It would be total catastrophe, national suicide. Better again to trek away from an uncomprehending world.

The English-speaking South Africans, without the isolationist psychology of the trek-Boers, realise much better how the outside world thinks. Apartheid has never been their solution to the problem. But they are no more willing than the Afrikaners to sacrifice on the altar of universal suffrage everything they have built up. They too look northwards, at what is happening in decolonised black Africa, appalled. In Natal, where so many of them live, the flood of Rhodesian refugees constitutes a daily reminder. They would be prepared to accept change, but not suicide: and, although they talk about it endlessly, they have no clear solution to the dilemma.

Substantial changes have already occurred over the two decades during which I have been visiting southern Africa. The everyday indignities or discrimination between black and white, so-called "petty apartheid" (which is in no way intrinsic to the main scheme), have greatly diminished. What has changed much less is the gulf between Afrikaners, and English-speaking South Africans. You still hardly ever meet an Afrikaner on an English-speaking dinner table or an English-speaker in an ordinary Afrikaner home.

Politically the gap may have narrowed a little, because the United party, to which most English-speakers owed allegiance, collapsed. ("The Opposition would have splintered," the then Prime Minister John Vorster once said witheringly, "if jellies could.") It died from lack of purpose. Some, though not most, English-speakers now openly support the Nationalist party. Many see the best available hope in the constitutional reforms now being pushed through by Mr. Botha's Government. As the recent by-elections showed, Mr. Botha needs to be more wary of assault from conservative Afrikaners than from progressive English-speakers.

Of course, the greatest change has been in the external factors of South Africa's position. Portugal's abandonment of her African empire and the protracted fall of Rhodesia removed not only a political and military cordon sanitaire, but a whole structure of tripartite co-operation. At the same time, the South Africans have come, though not completely, to realise that world opinion cannot be appeased and that the Western Powers wil not help them.

This has been a hard lesson because, to the South Africans, it seems so unreasonable. They see themselves as the beleaguered defenders, not only of Western values, but of Western interests, of the West's mineral supplies and the sea routes round the Cape.

When the South Africans advanced into Angola in support of the anti-Communist forces there, they believed they had a promise of some kind of backing from America: but the promise, if it ever existed, was not kept. For a while they stopped helping and supplying the Rhodesians, because they thought an acceptable deal was obtainable through Dr. Kissinger: but nothing happened, except that the Rhodesians, left almost without ammunition for several weeks, felt bitter. In South-West Africa (or Namibia) a carefully balanced constitution was worked out, which has been allowed to crumble, because the South Africans have continued to seek international approval, even at some risk to their own security.

But nothing they do gains them any measure of respectability in the eyes of the outside world. Nor will it; because the only thing which the modern world will accept is the one thing they cannot offer—the one-man, one-vote system which would mean, as it has meant for the Rhodesians, the loss of their country.●

EDUCATION IN OUR NATION

● Mr. TSONGAS. Mr. President, at long last the Nation has focused its attention on education, recognizing the irrefutable stake we all have in its quality.

When the President's Commission on Excellence in Education released the report "A Nation at Risk," the country was jolted into the realization that the continued prosperity and advancement of our Nation, is contingent upon a superior education system. I for one embraced the Commission's findings and I continue to hail the discussion, attention and commitment generated by this report. I believe, however, that education is a multifaceted issue and whereas this report serves as a catalyst for discussion and planning, it reflects only one side of the issue.

Carol Doherty, president of the Massachusetts Teachers Association, focuses on another perspective of education in our Nation. I would like to share her views, which were recently published in the Massachusetts Teachers Association's newsletter, with my colleagues.

Mr. President, I ask that this article be printed in the RECORD.

The article follows:

[From the Massachusetts Teachers Association Newsletter]

COMMISSION REPORT MERITS (A LITTLE) PRAISE

(By Carol Doherty)

Bravo to the federal government and to anyone else who has at long last made public education the number one priority in the nation.

As educators we have always carried that banner. Now it is high time the "thought leaders" in our nation held up their end.

The plaudits end here, however. Although the National Commission on Excellence in Education report, "A Nation at Risk," is worth reading, we must be cautious in our embrace of its content. It is worth careful analysis, and close scrutiny coupled with an understanding of the current educational climate. Above all, it requires questioning of its implications for long-term educational reform in order to make the report meaningful and effective in reaching its goal.

Like so many other reports of the same nature, it takes a broad, sweeping approach to viewing public education. It makes recommendations that on first reading may seem sensible but on careful consideration may prove to be inapplicable or inappropriate for each school system, each classroom.

The report is so intent on uncovering the shortcomings of public education that it overlooks mention of education's accomplishments.

—Consider that as recently as 1970, only 37 percent of our children went to nursery school or kindergarten. Today, it is 57 percent.

—Consider that in 1960 our high school dropout rate was 39 percent. Today it is 14 percent.

—Consider that college enrollment has jumped from 3 million in 1960 to 12 million today.

These facts can hardly be construed as "an unthinking act of unilateral educational disarmament," a somewhat horrifying phrase that the report used to describe our nation's schools.

In 20 years the number of people graduating from college has doubled, and we are turning out more engineers than ever before—despite what you read.

Add to this the facts that many children are now getting a head start on language and math in kindergarten; that as many women as men now attend college; that we have made enormous strides in integrating our schools, in serving the handicapped, and in providing bilingual education to hundreds of thousands of children who otherwise would have been left by the wayside.

The report uses "facts" that are open to challenge, such as, "An international comparison of student achievement completed a decade ago reveals that on 19 academic tests American students were never first, or second, and in comparison with other industrialized nations, were last seven times."

The report fails to mention that in America these tests were done on about 78 percent of our 17-year-old population, while in other countries only about 20 percent of that same population was tested.

A more accurate presentation of the test results suggests a very different picture from the supposed disaster. On the combined reading comprehension and interpretation scores, for example, U.S. 14-year-olds compared favorably with those of any other nation. Only Finland and New Zealand scored higher. The 14-year-old results are significant, because in the countries tested, nearly 90 percent of the population at that age is still in school.

When 17-year-olds are compared, the results are different; the U.S. is surpassed by New Zealand, England, Finland, and Sweden. But the remarkable fact here is that nearly 78 percent of American youngsters complete high school, while the European standard is about 20 percent. In other words, as Ralph Tyler, director emeritus of the Center for Advanced Behavioral Studies, has put it, "From these data it appears that the American educational system enables nearly three-fourths of our youth to attain the literacy that most other nations only achieve with a very select group."

I raise these points to reinforce the suggestion that we need to approach the hand bearing educational reform proposals with caution. It is not enough for us to reject what is placed before us, without proposing alternatives. We must take the leadership for school reform. We are the education practitioners. We know best what will or will not work. We are not naive enough to believe that all is well, but we realize that a balanced view must accompany any notion of change.

We can provide that balanced view, but we must also respond vigorously to the challenge placed before us.

We must call for curriculum reform for all students, with an ambitious statewide core curriculum. We must call for the educational programs, the staffing, and the financial reform that will be necessary to make curriculum reform a reality. We must call for uniformly high expectations and support for schools across the whole Commonwealth, and for the students and teachers in these schools.

This is an ambitious undertaking, but it is critical to the future of public education. It is not beyond our capacity to develop a convincing, sophisticated, and educationally powerful analysis of education across the state.

As the MTA Long-Range Plan makes clear, the goals that one proposes for education are crucial. They will determine not only the nature of school policy and practice but the nature of reform as well.

We must create a vision of what public education should be like in a democratic society, and struggle to make that vision real. No other force in society is powerful or committed enough to do that job.

Bravo to the federal government for providing us with the perfect opportunity to take the lead.●

● Mr. GOLDWATER. Mr. President, the National Science Board Commission on precollege education in math, science, and technology deserves my highest praise for tackling a difficult problem from all vantage points and providing "a detailed, specific plan for making this country's elementary and secondary math, science, and technology education the world's finest by 1985." The report to the American people provides a plan of action which has specific solutions, a process to determine Federal and State outlays, a set target date, and a set of national goals.

The report outlines bold approaches for change through an eight point strategy, which meshes the needs and talents of diverse groups without sacrificing the integrity or the resolve of States and local school boards, to determine for themselves the best methods to meet the goals with public and private sector participation through educational partnerships.

This report, like few others, truly epitomizes the American spirit of resourcefulness and determination. But more importantly, it reiterates the responsibility of all States to provide their school districts with equal educational opportunities for all students, irrespective of their race, gender, ethnic background or socioeconomic status. I am very pleased with the concrete and workable solutions presented in the report which would allow all students and teachers the opportunities to reach their potential for greatness. It is only when all individuals are given equal educational opportunities that a society can begin to reap the rewards of its efforts in laying the groundwork. The report, "educating Americans for the 21st century." Is an excellent foundation for the groundwork to start. I cannot urge my colleagues strongly enough to read this report and to let the rebuilding on our educational system begin. I see the Commission's solutions touching off a chain reaction, as they indicated, whereby improvements will be made in the social sciences, in English and in the foreign languages, too. Also, I request that President Reagan establish the Council on Educational Financing, as recommended by the Commission, so that the implementation process can be initiated in the very near future. In closing, I would be remiss, if I did not mention that two school districts and an academic excellence program in Arizona were listed as exemplary in their efforts in the educational arena. They were MESA Public School District which has an academic magnet program that has sent 96 percent of its graduates to college—11 national merit scholars in 1981. Also, Arizonans should be proud that the State has a six-point program for academic excellence in precollege math, science, and technology. The program includes higher State university admission requirements; math and science centers at the State universities; summer institutes for teacher training; a computer literacy requirement for precollege teacher certification; and the use of industry mathematicians and scientists in the classroom.●

QUORUM CALL

Mr. HUMPHREY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. PERCY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

KOREAN AIR LINES RESOLUTION

Mr. PERCY. Mr. President, first I should like to comment on the resolution that was adopted and to once again say to all of the Senators who cooperated in making it possible, even though they might have held differing views from my own and from that of the leadership of the Senate, they acted with dispatch. They expressed their point of view. They cast their votes, and they let this resolution be adopted and it will be signed by the President tonight, a remarkable accomplishment within 24 hours to have both the House of Representatives, with a unanimous vote, and the Senate equally to send a message to the world that we stand together with the President of the United States in the actions that he has taken.

I would like to pay particular tribute to you, Mr. President, because with the background that you have, with the writings that you have made of your 7½ years experience as a prisoner of war in Vietnam, for you to have

given the magnificent comments that you did, when it would have been easily possible for you to have voted against the President on several of these resolutions—and there might have been many that would have followed you and you might alone have been able to frustrate the effort to show unity in this action—it was your words that meant so much to so many of us. And so I am deeply grateful to you.

VISIT TO THE SENATE BY VISITORS OF THE AMERICAN ENTERPRISE INSTITUTE FROM 20 NATIONS

Mr. PERCY. At this time, Mr. President, I should like to introduce to the Presiding officer, the Senator from Alabama (Mr. DENTON) and through this loudspeaker system to every Senator and staff member that is listening tonight, probably the most distinguished group that I have had the privilege of introducing to the Senate in my 16 years in this great body.

The American Enterprise Institute, under the leadership of Dr. Robert Goldwin, director of AEI's Bicentennial Constitution Project, who has been a lifetime friend of mine, and, in a sense, my first teacher in constitutional law and constitutional practices, has sponsored a Conference on the Writing of Constitutions that has brought together the founding fathers of some 20 countries around the world. The Chief Justice of the United States, the Honorable Warren E. Burger, is the honorary chairman of the conference. These visitors are the James Madisons, the George Washingtons, the Thomas Jeffersons of their countries. By helping write their country's constitution, each has helped the spread and deepening of democracy around the world with great, lasting effect. This wonderful group has been enjoying the rare opportunity of meeting in the U.S. Supreme Court building to deliberate about and share with each other their experiences of constitutionalism.

It was interesting that they were here having a reception in the Senate Mansfield Room, the room named after our respected and beloved former majority leader and now present Ambassador to Japan, when the vote was being held on the final passage of the resolution in the Senate involving a crisis in world relations, and when, in the majority leader's office, a meeting was being held between the majority and minority leadership of the Senate and the executive branch of Government headed by the chief of staff for the President, James Baker, to work out the continued presence of American forces as a part of the multinational force in Lebanon.

American Marines serving side by side with military personnel of France and Italy are there for the purpose of keeping peace, keeping a country from being further divided, and trying to bring about peace in one of the most vitally important areas of the world. And yet we face a constitutional question involving the War Powers Act, involving a recent Supreme Court decision on the veto power of the Congress, and we are resolving this by attempting to work together. I trust we shall find a way to work together in the framework of the Constitution and the War Powers Act so that we have accord just as we reached accord earlier this afternoon on the issue of the Korean Air Lines flight 007. So it is a momentous time for our visitors to be here and for us to pay great tribute to them.

I will make additional remarks concerning this rare group of constitutionalists from around the world, and about the program of the American Enterprise Institute that has brought them together for the first time. I should say, here though, that AEI's Constitution Project is designed to prepare the Nation for a thoughtful observance of the 200th anniversary of the writing of the Constitution of the United States in 1987. The project has been supported, in part, by a grant from the National Endowment for the Humanities and this international conference on the writing of Constitutions has been supported, in part, by the U.S. Information Agency and the Agency for International Development.

Mr. President, I should like to and that these visitors are but a part of a very large delegation attending this conference from 20 countries. The members who are not parliamentarians have been seated in the gallery. The members who were invited to the floor are members of the parliaments of their respective countries; and in accordance with the rules of the Senate, they are accorded the privilege of the floor because of that status.

RECESS

Mr. PERCY. Mr. President, I ask unanimous consent to recess for 2 minutes so that they might have the pleasure of shaking hands with you and you might have the pleasure and honor of shaking hands with the founding fathers of the constitutions of their respective countries.

There being no objection, the Senate, at 6:39 p.m., recessed until 6:41 p.m.; whereupon the Senate reassembled when called to order by the Presiding Officer (Mr. DENTON).

QUORUM CALL

Mr. PERCY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. (Mr. DENTON). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXTENSION OF TIME FOR THE TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. BAKER. Mr. President, I ask unanimous consent that the time for the transaction of routine morning business be extended to the hour of 7:15 p.m. under the same terms and conditions.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. I yield the floor, Mr. President.

APPLICATION OF SECTION 4(a)(1) OF WAR POWERS RESOLUTION TO PRESENT CIRCUMSTANCES IN LEBANON

Mr. BYRD. Mr. President, the Democratic Caucus met today and, with a quorum present, adopted a joint resolution, which I shall introduce shortly.

That joint resolution finds that section 4(a)(1) of the war powers resolution applies to the present circumstances in Lebanon.

I introduce this resolution on behalf of myself, Mr. EAGLETON. Mr. KENNEDY, Mr. SARBANES, Mr. CHILES, Mr. DIXON, and Mr. PELL.

So, Mr. President, I send the joint resolution to the desk and ask for its printing in the RECORD and that it be appropriately referred.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I ask that the resolution be read, even though it is being offered for appropriate referral.

The PRESIDING OFFICER. The clerk will read the joint resolution.

The legislative clerk read as follows:

S.J. RES. 163

A joint resolution (S.J. Res. 163) finding that section 4(a)(1) of the War Powers Resolution applies to the present circumstances in Lebanon.

Whereas United States Armed Forces have been deployed in Lebanon since September 1982 as participants in a Multinational Peacekeeping Force at the request of the Government of Lebanon;

Whereas since August 28, 1983, United States Armed Forces have been introduced into hostilities and into situations where imminent involvement in hostilities is clearly indicated by the circumstances;

Whereas as a result of having been introduced into such hostilities, four United States Marines have been killed and numerous others have been wounded as a result of hostile fire in Lebanon since August 28, 1983;

Whereas such events have required that United States Armed Forces return hostile

fire in Lebanon as a matter of necessary and essential self-defense;

Whereas on September 13, 1983, the Department of State announced that United States Marines in Lebanon have been authorized to "use firepower—their own and offshore firepower—in defense of the Marines, the other members of the multinational force and the Lebanese armed forces, if they (are) under attack and if that attack would endanger the Marines or the multinational force"; and

Whereas United States Armed Forces in Lebanon are receiving hostile fire pay as a result of the judgment of the area commander that the circumstances so warrant: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, As of August 28, 1983, United States Armed Forces in Lebanon were introduced "into hostilities or into situations where imminent involvement in hostilities is clearly indicated by the circumstances," within the meaning of section 4(a)(1) of the War Powers Resolution (Public Law 93-148).

Mr. BYRD. Mr. President, if the majority leader will allow me to impose further on his time, I wish to state that this action is not intended to be viewed as a partisan action.

We feel that, under the Constitution and under the war powers resolution, Congress has a very clear role. We feel that section 4(a)(1) has been triggered and that future actions, which are open to the Congress under the war powers resolution, depend, in considerable measure, on the triggering of 4(a)(1). We think that 4(a)(1) has been triggered by events. We certainly would want to continue to work with the administration and we would want to work with our friends on the other side of the aisle, not in a partisan manner but in a manner which comports with the proper role of the Congress under the War Powers Act.

I thank the majority leader.

Mr. BAKER. I thank the minority leader.

Mr. President, the minority leader, in his characteristically considerate way, advised me in advance that he intended to offer this resolution for a prompt referral and showed me a copy of it.

I share with him the hope that we can still exercise a degree of cooperation in bringing to this problem a bipartisan solution. I thank him for his courtesy in giving me a copy of the resolution.

Mr. BYRD. Mr. President, I ask unanimous consent that the war powers resolution in its entirety be printed in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

1. WAR POWERS

A. WAR POWERS RESOLUTION

(Public Law 93-148 [H.J. Res. 542], 87 Stat. 555, 50 U.S.C. 1541-1548, passed over President's veto November 7, 1973)

JOINT RESOLUTION Concerning the war powers of Congress and the President.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

Section 1. This joint resolution may be cited as the "War Powers Resolution".

PURPOSE AND POLICY

Sec. 2. (a) It is the purpose of this joint resolution to fulfill the intent of the framers of the Constitution of the United States and insure that the collective judgment of both the Congress and the President will apply to the introduction of United States Armed Forces into hostilities, or into situations where imminent involvement in hostilities is clearly indicated by the circumstances, and to the continued use of such forces in hostilities or in such situations.

(b) Under article I, section 8, of the Constitution, it is specifically provided that the Congress shall have the power to make all laws necessary and proper for carrying into execution, not only its own powers but also all other powers vested by the Constitution in the Government of the United States, or in any department or officer thereof.

(c) The constitutional powers of the President as Commander-in-Chief to introduce United States Armed Forces into hostilities, or into situations where imminent involvement in hostilities is clearly indicated by the circumstances, are exercised only pursuant to (1) a declaration of war, (2) specific statutory authorization, or (3) a national emergency created by attack upon the United States, its territories or possessions, or its armed forces.

CONSULTATION

Sec. 3. The President in every possible instance shall consult with Congress before introducing United States Armed Forces into hostilities or into situations where imminent involvement in hostilities is clearly indicated by the circumstances, and after every such introduction shall consult regularly with the Congress until United States Armed Forces are no longer engaged in hostilities or have been removed from such situations.

REPORTING

Sec. 4. (a) In the absence of a declaration or war, in any case in which United States Armed Forces are introduced—

(1) into hostilities or into situations where imminent involvement in hostilities is clearly indicated by the circumstances;

(2) into the territory, airspace of waters of a foreign nation, while equipped for combat, except for deployments which relate solely to supply, replacement, repair, or training of such forces; or

(3) in numbers which substantially enlarge United States Armed Forces equipped for combat already located in a foreign nation;

the President shall submit within 48 hours to the Speaker of the House of Representatives and to the President pro tempore of the Senate a report, in writing, setting forth—

(A) the circumstances necessitating the introduction of United States Armed Forces;

(B) the constitutional and legislative authority under which such introduction took place; and

(C) the estimated scope and duration of the hostilities or involvement.

(b) The President shall provide such other information as the Congress may request in the fulfillment of its constitutional responsibilities with respect to committing the Nation to war and to the use of United States Armed Forces abroad.

(c) Whenever United States Armed Forces are introduced into hostilities or into any situation described in subsection (a) of this section, the President shall, so long as such armed forces continue to be engaged in such hostilities or situation, report to the Congress periodically on the status of such hostilities or situation as well as on the scope and duration of such hostilities or situation, but in no event shall he report to the Congress less often than once every six months.

CONGRESSIONAL ACTION

Sec. 5. (a) Each report submitted pursuant to section 4(a)(1) shall be transmitted to the Speaker of the House of Representatives and to the President pro tempore of the Senate on the same calendar day. Each report so transmitted shall be referred to the committee on foreign Affairs of the House of Representatives and to the Committee on Foreign Relations of the Senate for appropriate action. If, when the report is transmitted, the Congress has adjourned sine die or has adjourned for any period in excess of three calendar days, the Speaker of the House of Representatives and the President pro tempore of the Senate, if they deem it advisable (or if petitioned by at least 30 percent of the membership of their respective Houses) shall jointly request the President to convene Congress in order that it may consider the report and take appropriate action pursuant to this section.

(b) Within sixty calendar days after a report is submitted or is required to be submitted pursuant to section 4(a)(1), whichever is earlier, the President shall terminate any use of United States Armed Forces with respect to which such report submitted (or required to be submitted), unless the Congress (1) has declared war or has enacted a specific authorization for such use of United States Armed Forces, (2) has extended by law such sixty-day period, or (3) is physically unable to meet as a result of an armed attack upon the United States. Such sixty-day period shall be extended for not more than an additional thirty days if the President determines and certifies to the Congress in writing that unavoidable military necessity respecting the safety of United States Armed Forces requires the continued use of such armed forces in the course of bringing about a prompt removal of such forces.

(c) Notwithstanding subsection (b), at any time that United States Armed Forces are engaged in hostilities outside the territory of the United States, its possessions and territories without a declaration of war or specific statutory authorization, such forces shall be removed by the President if the Congress so directs by concurrent resolution.

CONGRESSIONAL PRIORITY PROCEDURES FOR JOINT RESOLUTION OR BILL

SEC. 6. (a) Any joint resolution or bill introduced pursuant to section 5(b) at least thirty calendar days before the expiration of the sixty-day period specified in such section shall be referred to the Committee on Foreign Affairs of the House of Representatives or the Committee on Foreign Relations of the Senate, as the case may be, and such committee shall report on such joint resolution or bill, together with its recommendations, not later than twenty-four calendar days before the expiration of the sixty-day period specified in such section, unless such House shall otherwise determine by the yeas and nays.

(b) Any joint resolution or bill so reported shall become the pending business of the House in question (in the case of the Senate the time for debate shall be equally divided between the proponents and the opponents), and shall be voted on within three calendar days thereafter, unless such house shall otherwise determine by yeas and nays.

(c) Such a joint resolution or bill passed by one House shall be referred to the committee of the other House named in subsection (a) and shall be reported out not later than fourteen calendar days before the expiration of the sixty-day period specified in section 5(b). The joint resolution or bill so reported shall become the pending business of the House in question and shall be voted on within three calendar days after it has been reported, unless such House shall otherwise determine by yeas and nays.

(d) In the case of any disagreement between the two Houses of Congress with respect to a joint resolution or bill passed by both Houses, conferees shall be promptly appointed and the committee of conference shall make and file a report with respect to such resolution or bill not later than four calendar days before the expiration of the sixty-day period specified in section 5(b). In the event the conferees are unable to agree within 48 hours, they shall report back to their respective Houses in disagreement. Notwithstanding any rule in either House concerning the printing of conference reports in the Record or concerning any delay in the consideration of such reports, such report shall be acted on by both Houses not later than the expiration of such sixty-day period.

CONGRESSIONAL PRIORITY PROCEDURES FOR CONCURRENT RESOLUTION

Sec. 7. (a) Any concurrent resolution introduced pursuant to section 5(c) shall be referred to the Committee on Foreign Affairs of the House of Representatives or the Committee on Foreign Relations of the Senate, as the case may be, and one such concurrent resolution shall be reported out by such committee together with its recommendations within fifteen calendar days, unless such House shall otherwise determine by the yeas and nays.

(b) Any concurrent resolution so reported shall become the pending business of the House in question (in the case of the Senate the time for debate shall be equally divided between the proponents and the opponents) and shall be voted on within three calendar days thereafter, unless such House shall otherwise determine by yeas and nays.

(c) Such a concurrent resolution passed by one House shall be referred to the committee of the other House named in subsection (a) and shall be reported out by such committee together with its recommendations within fifteen calendar days and shall thereupon become the pending business of such House and shall be voted upon within three calendar days, unless such House shall otherwise determine by yeas and nays.

(d) In the case of any disagreement between the two Houses of Congress with respect to a concurrent resolution passed by both Houses, conferees shall be promptly appointed and the committee of conference shall make and file a report with respect to such concurrent resolution within six calendar days after the legislation is referred to the committee of conference. Notwithstanding any rule in either House concerning the printing of conference reports in the Record or concerning any delay in the consideration of such reports, such report shall be acted on by both Houses not later than six calendar days after the conference report is filed. In the event the conferees are unable to agree within 48 hours, they shall report back to their respective Houses in disagreement.

INTERPRETATION OF JOINT RESOLUTION

Sec. 8. (a) Authority to introduce United States Armed Forces into hostilities or into situations wherein involvement in hostilities is clearly indicated by the circumstances shall not be inferred—

(1) from any provision of law (whether or not in effect before the date of the enactment of this joint resolution), including any provision contained in any appropriation Act, unless such provision specifically authorizes the introduction of United States Armed Forces into hostilities or into such situations and states that it is intended to constitute specific statutory authorization within the meaning of this joint resolution; or

(2) from any treaty heretofore or hereafter ratified unless such treaty is implemented by legislation specifically authorizing the introduction of United States Armed Forces into hostilities or into such situations and stating that it is intended to constitute specific statutory authorization within the meaning of this joint resolution.

(b) Nothing in this joint resolution shall be construed to require any further specific statutory authorization to permit members of United States Armed Forces to participate jointly with members of the armed forces of one or more foreign countries in the headquarters operations of high-level military commands which were established prior to the date of enactment of this joint resolution and pursuant to the United Nations Charter or any treaty ratified by the United States prior to such date.

(c) For purposes of this joint resolution, the term "introduction of United States Armed Forces" includes the assignment of members of such armed forces to command, coordinate, participate in the movement of, or accompany the regular or irregular military forces of any foreign country or government when such military forces are engaged, or there exists an immiment threat that such forces will become engaged, in hostilities.

(d) Nothing in this joint resolution—

(1) is intended to alter the constitutional authority of the Congress or of the President, or the provisions of existing treaties; or

(2) shall be construed as granting any authority to the President with respect to the introduction of United States Armed Forces into hostilities or into situations wherein involvement in hostilities is clearly indicated by the circumstances which authority he would not have had in the absence of this joint resolution.

SEPARABILITY CLAUSE

Sec. 9. If any provision of this joint resolution or the application thereof to any person or circumstances is held invalid, the remainder of the joint resolution and the application of such provision to any other person or circumstance shall not be affected thereby.

EFFECTIVE DATE

Sec. 10. This joint resolution shall take effect on the date of its enactment.

Mr. BYRD. Mr. President, if the majority leader will allow me to impose further on his time, I wish to state that this action is not intended to be viewed as a partisan matter. Quite to the contrary, it is intended to reflect what I believe to be an accurate statement of fact which can be supported by a great many Senators on both sides of the aisle. That fact, simply stated, is that the circumstances in which our marines now find themselves in Lebanon are hostilities within the meaning of section 4(a)(1) of the war powers resolution. Further, we believe it should be obvious to anyone who looks at the situation that those marines are clearly involved in a situation where imminent involvement in hostilities is clearly indicated by the circumstances within the meaning of that same section.

Those conclusions which I have just stated, are so clear, so obvious, and so evident that we believed that it made abundant good sense for us all to stand up and say so by the introduction of this joint resolution. And I think the facts are so clear to the Members of this body that they should all be willing to say so by passing this resolution.

The importance of our taking this position is prompted by the language of the war powers resolution itself. For, if these "hostilities" exist, or if the "situation" exists whereby "imminent involvement in hostilities is clearly indicated by the circumstances," then section 4(a)(1) of the war powers resolution has been triggered. And if section 4(a)(1) has been triggered, that in turn then triggers the applicability of section 5(b) of the war powers resolution.

Section 5(b) clearly states that in order for our troops to remain in Lebanon beyond 60 days from the beginning of the hostilities situation—or an additional 30 days in certain circumstances—then the Congress must enact specific authorization which permits that deployment.

Mr. President, I am not suggesting that this joint resolution is a necessary ingredient in the operation of the war powers resolution. Nor am I suggesting that the only way the War Powers Act applies is if and when this resolution is enacted. As a matter of fact the war powers resolution is self-executing. And by that I mean that it is the events—the hostilities themselves—which trigger the operation of the war powers resolution. So it is not this resolution which triggers the war powers resolution. It is our position that the President should have sent us a report under section 4(a)(1) of war powers resolution, as that resolution requires him to do. The President did not send us that kind of a report. But the war powers resolution was drafted very carefully by my colleagues more than a decade ago to make sure that any President would not be able to nullify the operation of the war powers resolution by simply not sending the required report. The war

powers resolution makes clear that its operation is also triggered if a 4(a)(1) report was required to be submitted. That language—"required to be submitted"—appears in section 5(b). And that section—section 5(b)—is the one which says that the Congress must authorize the use of the troops for any time after 60 (or 90) days from the date when the report was required to have been submitted.

And let me say, Mr. President, that all this is not simply legal mumbo-jumbo. This is the law of our land. This law, the war powers resolution was passed by the Congress of the United States. It was passed by a super-majority in both Houses. It was passed overwhelmingly. It was passed in an override of a veto by the President of the United States. And this is the law which makes it clear that the Congress of the United States must be involved in the decision to send our men and women off to fight wars on foreign soil. We, the Congress, are a part of that process. This is the only way the people of this country, acting through their elected representatives can have their say about what is considered by most to be the most important and significant decision our Government is ever called upon to make.

So I am pleased to offer this resolution on behalf of the Democratic Conference, and I hope that my colleagues on the other side of the aisle will agree with what we have done and will support us in our conclusion about the situation which now exists in the country of Lebanon.

This is an area where continued discussions with the administration are agreeable. I can only reiterate what I think is obvious and what I have said before. The President of the United States must be willing to recognize that the war powers resolution is the law of the land and he must follow it. And he must, as a result, tell the Congress what it is he wants. If he wants to keep our Armed Forces in Lebanon for a longer period of time, he must tell the Congress how much time he needs. And he must tell the Congress what the mission of the troops will be.

I am confident that the Senate wants to support the President in a bipartisan spirit and in the interests of the Nation. I want to support our President where our national security and vital foreign policy interests are involved. And I look forward to the President's expression of the precise nature of the support he is seeking.

JAMES A. MILLER

Mr. BAKER. Mr. President, there are two or three brief matters that we can take care of by unanimous consent.

Before I do that, I would like to indulge in a brief personal moment to say that a valued member of my staff is going to leave tomorrow. He is a young man who has served me well and whom I will miss greatly. He leaves to pursue other objectives or goals.

I am speaking of Jim Miller, James A. Miller, who will soon depart this city and find his way to Oxford University in England where he will pursue literary and academic interests for the next several months. I wish him well in that endeavor.

I am sure that the British will do nothing to stultify the remarkable talents that already reside in that young man's head.

Jim Miller came to me on the recommendation of a great columnist, George Will. He has worked for George Will on occasion and quickly demonstrated his own facility for the language, his own sure grasp of information, both as an associate of George Will and then later on my own staff.

Some may recall that over the last several months I have usually tried to present a poem for the edification of my colleagues and those who read the CONGRESSIONAL RECORD.

I wish to acknowledge now publicly that Jim Miller has been instrumental and most helpful in the selection of those poems and prompting me to see that they begin each week, as a symbol of his sensitive spirit and his understanding of the broad spectrum of the needs of mankind. He would urge that I offer that bit of poetry every week in the hope that it would soothe our jangled nerves and civilize our legislative proceedings a bit.

For his contribution to the Senate, Mr. President, I thank him. For his bright and promising future, I am confident, and I know my colleagues join me in wishing him well.

ORDER OF PROCEDURE

Mr. BAKER. Mr. President, in a moment we are about to go out until Monday. There are two or three brief items that can be disposed of.

Before I get to them, I would like to propound a unanimous-consent request to deal with the adjournment of the Senate from today until Monday. I have consulted with the minority leader on this request, and I will now state it for his consideration and that of other Senators.

AUTHORITY FOR CERTAIN ACTION DURING ADJOURNMENT

Mr. BAKER. Mr. President, I ask unanimous consent that when the Senate convenes on Monday, September 19, 1983, that it does so pursuant to adjournment; that the reading of the Journal be dispensed with, that no resolutions come over under the rule; that the call of the calendar be dispensed with, and, following the recognition of the two leaders under the standing order, there be a period for the transaction of routine morning business not to exceed 1 hour in length in which Senators may speak for not more than 10 minutes in length, provided further that the morning hour be deemed to have expired.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

ORDER FOR ADJOURNMENT UNTIL MONDAY, SEPTEMBER 19, 1983

Mr. BAKER. Now, Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until the hour of 12 noon on Monday, September 19, 1983.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, I further ask unanimous consent that during the adjournment of the Senate until that time, that the Secretary of the Senate be authorized to receive messages from the House, and that the Vice President and the President pro tempore be authorized to sign all newly enrolled bills and joint resolutions.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT OF VOLUNTEERS IN THE PARK ACT

Mr. BAKER. Now, Mr. President, calendar order No. 351, S. 864 on the calendar of business, is cleared for action by unanimous consent on this side. Might I inquire of the minority leader if he is in a position to consider that bill?

Mr. BYRD. Mr. President, I am pleased to state to the majority leader that the item has been cleared on this side.

Mr. BAKER. Mr. President, I thank the minority leader.

Mr. President, I ask that the Chair lay before the Senate S. 864.

The PRESIDING OFFICER. The bill will be stated by title.

The legislative clerk read as follows:

A bill (S. 864) to amend the volunteers on the Parks Act of 1969, and for other purposes.

The PRESIDING OFFICER. Without objection, the Senate will proceed to its immediate consideration.

The Senate proceeded to consider the bill which had been reported from the Committee on Energy and Natural Resources with an amendment on page 1, after line 6, insert the following:

SEC. 2. Section 307 of the Federal Land Policy and Management Act of 1976 (90 Stat. 2766; 43 U.S.C. 1737) is amended by adding at the end thereof the following new subsections:

"(d) The Secretary may recruit, without regard to the civil service classification laws, rules, or regulations, the services of individuals contributed without compensation as volunteers for aiding in or facilitating the activities administered by the Secretary through the Bureau of Land Management.

"(e) In accepting such services of individuals as volunteers, the Secretary—

"(1) shall not permit the use of volunteers in hazardous duty or law enforcement work, or in policymaking processes or to displace any employee; and

"(2) may provide for services or costs incidental to the utlization of volunteers, including transportation, supplies, lodging, subsistance, recruiting, training, and supervision.

"(f) Volunteers shall not be deemed employees of the United States except for the purposes of the tort claims provisions of title 28, United States Code, and subchapter 1 of chapter 81 of title 5, United States Code, relating to compensation for work injuries.".

So as to make the bill read:

S. 864

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 4 of the Volunteers in the Parks Act of 1969 (84 Stat. 472; 16 U.S.C. 18j) is amended by changing the comma after the word "Act" to a period and striking out the remainder of the section.

SEC. 2. Section 307 of the Federal Land Policy and Management Act of 1976 (90 Stat. 2766; 43 U.S.C. 1737) is amended by adding at the end thereof the following new subsections:

"(d) The Secretary may recruit, without regard to the civil service classification laws, rules, or regulations, the services of individuals contributed without compensation as volunteers for aiding in or facilitating the activities administered by the Secretary through the Bureau of Land Management.

"(e) In accepting such services of individuals as volunteers, the Secretary—

"(1) shall not permit the use of volunteers in hazardous duty or law enforcement work, or in policymaking processes or to displace any employee; and

"(2) may provide for services or costs incidental to the utilization of volunteers, including transportation, supplies, lodging, subsistance, recruiting, training, and supervision.

"(f) Volunteers shall not be deemed employees of the United States except for the purposes of the tort claims provisions of title 28, United States Code, and subchapter 1 of chapter 81 of title 5, United States Code, relating to compensation for work injuries.".

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. BYRD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

FLOWER DISPLAYS IN THE CHAMBER FOR DECEASED SENATORS

Mr. BAKER. Mr. President, the minority leader and I had a discussion some days ago about providing floral arrangements or flowers in the Senate Chamber in connection with the death of our late colleague, Senator Jackson.

At that time, by unanimous consent, the standing orders of the Senate were waived in order to permit a floral arrangement.

I now send to the desk a resolution for myself and for the distinguished minority leader dealing with this subject and ask that it be reported.

The PRESIDING OFFICER. Is there objection? Without objection, the resolution will be stated.

The legislative clerk read as follows:

S. RES. 221

Resolved, That notwithstanding the resolution of the Senate of February 24, 1905, upon the death of a sitting Senator, the Majority Leader and the Minority Leader may permit a display of flowers to be placed upon the desk of the deceased Senator on the day set aside for eulogies.

Mr. BAKER. Mr. President, I ask for the immediate consideration of the resolution.

The PRESIDING OFFICER. Without objection, the Senate will proceed to its immediate consideration.

Without objection, the resolution (S. Res. 221) is considered and agreed to.

Mr. BAKER. I thank the Chair.

S. 1850—CONTRACT MEDICAL SERVICES IN PUERTO RICO

Mr. BAKER. Mr. President, there is one other matter to be dealt with, if the minority leader is in a position to consider it at this time.

I would propose, by unanimous consent, if the minority leader does not object, to introduce and place on the calendar a bill by Mr. SIMPSON, for himself, Mr. CRANSTON, Mr. STAFFORD, Mr. DENTON, Mr. RANDOLPH, Mr. MATSUNAGA, and Mr. DECONCINI to amend title 38 of the United States Code to extend for 1 year the authority of the Veterans' Administration to provide certain contract medical services in Puerto Rico and the Virgin Islands.

Mr. BYRD. Mr. President, there is no objection on this side.

Mr. BAKER. Mr. President, I make that request.

The PRESIDING OFFICER. Is there objection? Without objection, the bill will be placed on the calendar.

Mr. SIMPSON. Mr. President, both the House- and Senate-passed versions of H.R. 2920, dealing primarily with Veterans' Administration health care programs, contain a provision to extend for 1 year the legislative authority for non-service-connected contract care in Puerto Rico and the Virgin Islands. This provision is set forth in section 108(a) of the Senate bill as passed by the Senate on June 28, 1983, and in section 5 of the House bill, as passed by the House on May 23, 1983. The present authority will expire on September 30, 1983, and, unfortunately, it does not now appear possible to complete the House/Senate negotiations on the differences between the two versions of H.R. 2920 in time for us to have a compromise bill enacted into law by October 1 of this year.

Accordingly, I am introducing today a clean bill containing nothing but this provision. I should point out that expeditious consideration of this bill is not only necessary; it is appropriate as well. There is no need for a referral to the Veterans' Affairs Committee, which I chair, since the issue has already been addressed in committee hearings, and a committee report has been filed—Senate Report No. 98-145—containing an explanation of and the justification for this provision. Also, the bill is noncontroversial: its mother bill, H.R. 2920, passed both the House and Senate without a record vote, and I am aware of no objection having been raised to this particular provision in either forum.

Finally, we expect to have the cooperation of the House Veterans' Affairs Committee in seeking the enactment of this provision and we believe that enactment can be accomplished by September 30.

Mr. President, on behalf of myself and the cosponsors of this bill, including the distinguished ranking minority member of the Veterans' Affairs Committee (Mr. CRANSTON), and Senators STAFFORD, DENTON, RANDOLPH, MATSUNAGA, and DECONCINI, I urge my colleagues to support this legislation, and therefore avoid a lapse in this authority which both Houses have already agreed to extend.

ORDER OF PROCEDURE

Mr. BAKER. Mr. President, I have nothing further to address to the Senate. May I inquire of the minority leader if there is further business that he wishes to conduct?

Mr. BYRD. I thank the majority leader.

UNEMPLOYMENT INSURANCE BENEFITS

Mr. BYRD. Mr. President, for some time now we have known that our unemployment system has not been working as Congress intended. We have States with unemployment as high as 15 percent that are eligible for only the minimum number of weeks of benefits available under the Federal

supplemental compensation bill, and are not eligible at all for extended benefits. Furthermore, at a time when 27 States have total unemployment above 9 percent—the incontrovertible proof that we have not emerged from the most serious episode of unemployment since the Great Depression—only two States are eligible for the middle tier of unemployment benefits which Congress intended to be available to States with moderate to severe unemployment.

We have known intuitively that one of the major reasons for this is the use as the State eligibility and benefit duration determinent in both the Federal supplemental compensation program and the extended benefit program of the insured unemployment rate or IUR.

The IUR measures only a portion of unemployment in a State—those unemployed workers who are receiving State basic unemployment benefits. It does not count those receiving extended benefits. It does not count those receiving Federal supplemental compensation. It does not count those who have been unable to find work for so long that they have exhausted all available benefits. And it does not count the unemployed who, because unemployment insurance payroll taxes were never paid on their behalf, never were a part of the UI system. Nor does it count those unemployed who for other reasons failed to ever qualify for unemployment insurance. The degree of the IUR's undercounting of unemployment ironically and destructively gets more severe as the average duration of unemployment increases in a State—the very time when States most need the additional benefits the IUR makes or fails to make available in the State. The degree of undercounting also is high just after States reach peak unemployment and unemployment begins to recede—such as is the case in the majority of States today.

On Friday of last week, the Brookings Institution published a study by scholar Gary Burtless concerning the inadequacy of the IUR. That study points out that the discrepancy between the total unemployment rate and the IUR has increased sharply since 1980.

One distressing result to which the IUR inadequacy contributed is that, after adjusting for inflation, the average jobless worker received 40 percent less in unemployment benefits in 1982 than in 1976. And a far greater percentage of the unemployed in 1982 received no unemployment benefits in 1975: In 1982 only 45 percent received any benefits compared to 78 percent who received some benefits in 1975.

In today's edition of the Washington Post appeared an editorial on this subject, Mr. President, entitled "The Wrong Yardstick." It concludes, based on Mr. Burtless' study, that the insured unemployment rate is no longer a reliable indicator of the need for extra help for the jobless and that improvements are in order.

Mr. President, I ask unanimous consent that the editorial be placed in the RECORD following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. BYRD. Mr. President, the Congress must recognize this deficiency and move rapidly to correct it. I have introduced legislation which contains one remedial approach; others on both sides of the aisle have introduced various other remedial approaches. I recognize there is no alternative currently known and available which is seen to be perfect or nearly perfect. And so the data and UI program experts must continue to seek a better measure of the need of a State's unemployed workers for UI benefits beyond those in the basic State programs. But in the meantime, we must immediately select and commence using the best alternative currently available.

I want to urge the Finance Committee, which intends, as I understand it, to mark up UI legislation next week, to both require a concentrated study to determine a better measure of need for additional benefits than those measures now available, and to authorize use of the best currently available alternative in the meantime.

EXHIBIT 1

THE WRONG YARDSTICK

How severe was the recent recession? By standard counts of total unemployment, the answer is: very severe. Total monthly unemployment, as measured by the Bureau of Labor Statistics, neared 11 percent, and the bureau estimates that in 1982 one out of three workers suffered some sort of employment problem. But by another measure of unemployment, the insured unemployment rate, things weren't all that bad. This discrepancy is of keen interest, because it is the lower of the two measures that currently determines in substantial part how much additional help the government provides to the jobless.

Many unemployed people are not eligible for unemployment benefits because they have not worked long enough to qualify, have used up all their benefits or have quit or been fired. As a result, the insured unemployment rate is always lower than the total rate. But a recent study by Brookings Institution economist Gary Burtless points out that the discrepancy has increased sharply since 1980, for reasons that are not all readily explainable.

Although the 1982 recession hit a larger portion of experienced industrial workers—who would normally be expected to qualify most readily for benefits—the jobless received much less government help than in the last severe recession. Mr. Burtless calculates that, after adjusting for inflation, the average jobless worker received 40 percent less in unemployment benefits in 1982 than were paid out in 1976. Partly that's because the Reagan administration persuaded Congress to cut back sharply on the rules for providing extended benefits under state programs and was much less generous in providing special federal benefits. And longer stretches of unemployment meant that more of the unemployed ran through their benefits before they found jobs.

These and other policy and administrative changes cannot fully account for the fact that a far lower portion of those reporting unemployment in the BLS's monthly surveys appear to have qualified for regular unemployment benefits. Mr. Burtless concludes, sensibly, that the insured unemployment rate is no longer a reliable indicator of the need for extra help for the jobless. More reliable information can come only from improving the BLS's monthly surveys of total unemployment. Continuity in data collection methods is useful, but when important questions affecting social policy remain unanswered, improvements are in order.

Mr. BYRD. I thank the majority leader. I have no further business on this side.

PROGRAM

Mr. BAKER. Mr. President, let me now state the program for the Senate on Monday and next week.

Mr. President, when the Senate completes its business today, it will stand in adjournment until the hour of 12 noon, September 19. After the recognition of the two leaders under the standing order, there will be a period for the transaction of routine morning business of not more than 1 hour in length in which Senators may speak for not more than 10 minutes each.

At the conclusion of the time for the transaction of routine morning business, the Senate will resume consideration of the unfinished business, which is the Interior appropriations bill. It is anticipated that votes will occur on the Interior appropriations bill on Monday. It is hoped that that matter can be dealt with to completion and passage during the day on Monday.

A number of other items will be dealt with during the week. The week is expected to be a full week and a number of items, many of them controversial, will be placed before the Senate.

ADJOURNMENT UNTIL MONDAY, SEPTEMBER 19, 1983

Mr. BAKER. Mr. President, if there is no further business to come before the Senate, I move, in accordance with the order previously entered, that the Senate now stand in adjournment until Monday next.

The motion was agreed to and, at 7:20 p.m., the Senate adjourned until Monday, September 19, 1983, at 12 noon.

NOMINATIONS

Executive nominations received by the Senate September 15, 1983:

COMMISSION ON CIVIL RIGHTS

Linda Chavez Gersten, of the District of Columbia, to be Staff Director for the Commission on Civil Rights, vice Louis Nunez, resigned, to which position she was appointed during the last recess of the Senate.

EXTENSIONS OF REMARKS

TRADE ADJUSTMENT ASSISTANCE PROGRAM

HON. DONALD J. PEASE
OF OHIO
IN THE HOUSE OF REPRESENTATIVES

Thursday, September 15, 1983

● Mr. PEASE. Mr. Speaker, this week the House is considering reauthorization of the trade adjustment assistance (TAA) program for workers and firms. I would like to reproduce for the public record copies of correspondence sent to each Member of this House by several distinguished organizations in support of the TAA program. These groups understand the importance of TAA for the many American workers and firms who have lost their jobs and markets to imports as a result of trade liberalization.

The correspondence follows:

UNITED STEELWORKERS OF AMERICA,
AFL-CIO CLC,
Washington, D.C., September 8, 1983.

Re Trade Adjustment Assistance, H.R. 3391.

DEAR REPRESENTATIVE: Unless reauthorized, the Trade Readjustment Assistance (TRA) program will expire on September 30th.

TRA benefits include additional weeks of unemployment compensation, retraining, job search and relocation allowances for workers who are determined by the Labor Department to have lost their jobs due to foreign imports.

The TRA program was included in the 1974 Trade Act to help offset the injury to American Workers whose jobs were threatened by foreign imports.

Despited the serious depression that has plagued the domestic steel industry over the past two years, imports of steel products as a percentage of domestic consumption have reached record levels and pernicious unemployment continues unabated.

H.R. 3391 would reauthorize the TRA program for two years and correct some inequities in the current benefit structure:

1. Workers in independent firms that produce essential component parts, e.g., iron ore for steel mills, bumpers for automobiles, heels for shoes, may be certified for TRA if the final products are determined to be adversely affected by imports. Under current law, these workers are not eligible.

2. Workers who are laid off from firms which relocate their production operations overseas may be certified for TRA benefits. Currently, these workers may be eligible only if the foreign production is imported back into the domestic market.

3. All workers who are certified for TRA would be entitled to apply for a training opportunity. Currently, the training money is limited to the amount appropriated by Congress.

4. Job search and relocation allowances paid to workers whose local job opportunities have dried up would be increased from $600 to $800.

5. A special account consisting of appropriations from customs revenues to fund the costs of the TRA program would be established.

6. Technical assistance for industries which have undergone a substantial adverse effect from imports; and technical assistance, loans and loan guarantees would be authorized for firm readjustment assistance.

The House agreed to a modified open Rule allowing for Floor consideration of H.R. 3391 by a vote of 233 to 132. The Rule allows for three amendments which would strike the special account, delete the independent components parts suppliers' eligibility and reduce funding for the benefits.

The Frenzel amendments as a package are designed to:

Withdraw the assurance, which a worker now has under the program, that the weekly cash benefits for trade-related joblessness shall be available;

Eliminate the committee's intent that job training programs be more than a promise. Under the current program, job training has only limited applicability;

Reduce the funding for worker-related benefits, while leaving intact the level of company-related benefits; and

Delete eligibility to workers who produce essential parts of trade-impacted products.

At a time in which there is a great deal of emphasis upon the restructuring of industry and the pressure that imports have in that process, it is not appropriate that a worker adjustment program be terminated or weakened.

We urge Members of the House to oppose these weakening amendments and to support passage of H.R. 3391.

Sincerely,

JOHN J. SHEEHAN,
Legislative Director.

INTERNATIONAL UNION, UNITED AUTOMOBILE, AEROSPACE & AGRICULTURAL IMPLEMENT WORKERS OF AMERICA—UAW,
Washington, D.C., September 6, 1983.

DEAR REPRESENTATIVE: During the 1960s and '70s, Congress passed legislation which was to have assured that American workers who lost their jobs for import-related reasons would receive assistance to help them and their families cope with the import-caused hardship. This action was to assure that working people would not have to bear an unfair burden because of more liberal trade policies.

The legislation established a program of Trade Adjustment Assistance (TAA). This program unfortunately was one of those decimated by passage of the 1981 budget reconciliation measure, and the Reagan Administration has attempted to curtail the program even more administratively. The legislative and administrative assaults on the program have persisted in spite of the demonstrated fact that it is still needed to help workers whose jobs are lost through no fault of their own because of imports.

One of the first bills to be taken up by the House after the recess is H.R. 3391, a bill to extend and improve the TAA program in several important respects. The UAW urges strongly that you support H.R. 3391, as reported by the Ways and Means Committee, and that you vote against attempts to weaken the bill.

H.R. 3391 would extend the current TAA program for another two years through September 30, 1985. At a time of high unemployment levels, the program continues to be needed to target training, job search and job relocation benefits to workers displaced by imports.

The TAA program would be improved by H.R. 3391 in several ways, including:

Coverage would be extended to include workers in firms that supply essential parts and services to trade-impacted industries. This extension has previously been approved by the House in 1979 and 1980 and would correct the unfair situation in which General Motors workers making spark plugs for import-impacted cars are eligible, while Champion Spark Plug workers making spark plugs for the same import-impacted car model are not.

The bill seeks finally to implement a commitment to retrain workers dislocated by imports. The 1981 cutbacks in TAA almost eliminated income maintenance payments from the program. The Administration and Members of Congress have pledged to refocus TAA from income maintenance to retraining. But the Secretary of Labor has not sought adequately to implement or promote training aspects of the program. Under current law, training is discretionary. A recent decision of the U.S. District Court and the District of Columbia found that the Secretary had abused that discretion by withholding available training funds from the program for the first five months of fiscal 1982 at a time of peak demand for retraining.

The bill would correct another inequity in the present law by providing that certifications be approved in cases where a firm moves domestic operations to foreign countries.

H.R. 3391 is an important but modest measure which deserves your enthusiastic support. The UAW urges that you vote for the bill and against weakening amendments.

Your consideration of our position on this legislation will be appreciated.

Sincerely,

DICK WARDEN,
Legislative Director.

AMERICAN FEDERATION OF LABOR AND CONGRESS OF INDUSTRIAL ORGANIZATION,
Washington, D.C., September 12, 1983.

DEAR REPRESENTATIVE: This week the House is scheduled to consider H.R. 3391, the Worker and Firm Trade Adjustment Assistance bill. The AFL-CIO supports the bill as reported by the House Ways and Means Committee. We urge that you vote for the bill and against possibly as many as four weakening amendments that are expected to be offered by Representative Bill Frenzel.

Trade Adjustment Assistance is needed now more than ever. The tragic fact is that U.S. trade policy has resulted in soaring numbers of unemployed American workers since the passage of the Trade Act of 1962.

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

The main industries affected have been auto, apparel, steel, footwear, electronics, fabricated metal products, and textiles. Even this does not begin to tell the full story since coverage has not included those workers who lost their jobs with independent suppliers of parts and services.

H.R. 3391 authorizes modest appropriations of $111 million in FY 1984 and $56 million in FY 1985 for worker training, services and allowances. It authorizes $27.5 million in each of those fiscal years for trade adjustment assistance to firms. It has made no sense in the past to require that unemployed workers prove that they have been injured, gain access to the program and then, after all the qualifications have been met, find there are either insufficient or no training funds available to carry out that side of the program. H.R. 3391 addresses that problem by earmarking a portion of customs duties for a special Treasury account which would be used to support the progrm. The bill provides that 2.6 percent of customs duties actually collected in FY 1983 and 1.8 percent collected in FY 1984 could be used for program expenses.

The bill also provides program coverage to workers who work for independent suppliers of parts and services. This has long been a goal of those who are interested in having an effective, nondiscriminatory adjustment assistance program. In the past, coverage had depended not on what the worker does, but on who owns the plant. The AFL-CIO has long urged that parts and service workers should be covered under the same standards that are used for workers who are employed to make the final product.

The weakening amendments expected to be offered by Rep. Frenzel would either eliminate the special Treasury account for adjustment assistance or substantially reduce the ability to fund it, and would delete the bill's provisions that make workers who are laid off from companies that supply component parts or services to industries eligible for the program. If adopted, these amendments will virtually wipe out the skeletal remains of the program.

The AFL-CIO does not view trade adjustment assistance as a substitute for a fair trade policy. But at least the many past promises made to workers suffering massive injury and job losses from imports should be honored. We urge, therefore, that you vote for the bill as reported by the House Ways and Means Committee and against those amendments which are offered by Rep. Frenzel.

Sincerely,

RAY DENISON,
Director, Department of Legislation.

INTERNATIONAL LADIES' GARMENT WORKERS' UNION,
New York, N.Y., September 12, 1983.

DEAR REPRESENTATIVE: The International Ladies' Garment Workers' Union is very concerned with the extension of Trade Adjustment Assistance because so many of our members are unemployed due to the heavy impact of imports particularly from Far Eastern countries. While Trade Adjustment Assistance has only partially solved the problem, nevertheless it has been of benefit to workers and firms in the apparel industry. More now than ever the Trade Adjustment Assistance Act should be extended. For that reason we join the AFL-CIO in urging you to support H.R. 3391 as reported by the House Ways and Means Committee.

H.R. 3391 authorizes appropriations of $111 million in FY 1984 and $56 million in FY 1985 for worker training, services and allowances. It authorizes $27.5 million in each of those fiscal years for trade adjustment assistance to firms.

H.R. 3391 addresses that problem by earmarking a portion of customs duties for a special Treasury account which would be used to support the program. The bill provides that 2.6 percent of customs duties actually collected in FY 1983 and 1.8 percent collected in FY 1984 could be used for program expenses.

We have been informed that this bill will be on the floor of the House some time later this week. We have also been informed that the rule permits only consideration of several amendments to be offered by Representative William Frenzel of Minnesota. We consider these amendments harmful to the bill because among other things they would either eliminate the special treasury account for adjustment assistance or reduce the ability to fund it. Should the Frenzel amendments be adopted they would decimate the Trade Adjustment Assistance program and cause additional suffering to workers and firms who have suffered from our failure to develop a fair trade policy.

The ILGWU would be most appreciative of your support for this legislation as reported out by the Ways and Means Committee without amendments.

Most respectfully,

EVELYN DUBROW,
Vice President and Legislative Director.

LEAGUE OF WOMEN VOTERS OF THE UNITED STATES,
Washington, D.C., September 9, 1983.

To: Members of the House of Representatives.
From: Dorothy S. Ridings, President; Julia A. Holmes, Action Chair; and Joan Rich, International Relations Chair.
Re: The Trade Adjustment Assistance Program, H.R. 3391.

During the week of September 12, the House of Representatives will be considering a bill to reauthorize the Trade Adjustment Assistance (TAA) program for fiscal years 1984 and 1985 (H.R. 3391). The League of Women Voters urges you to support the bill and to oppose any weakening amendments.

The League believes that an effective adjustment assistance program is a cornerstone of a national policy that promotes liberalized trade. While the benefits of liberalized trade accrue to all members of society in the form of cheaper goods, the costs are borne by a smaller group of workers and firms in industries that lack an international comparative advantage. Adjustment assistance programs spread the costs over all society. We believe also that a good adjustment program can provide effective and prompt assistance without damage to our foreign relations and at a lower cost to the economy than import restrictions.

Trade adjustment assistance is a positive alternative to increased pressure to impose import restrictions to protect threatened workers and industries. Economists generally agree that protectionist measures would cost the U.S. economy more than the injury from increased imports. One Brookings Institution economist has estimated that in 1972, for example, tariff and quantitative restrictions cost the U.S. $3.3 billion a year, while the removal of those restrictions would not cost more than $330 million in labor transition expenses.

Initiatives to develop a trade adjustment assistance program date from the 1950s. In 1962, Congress passed a comprehensive adjustment assistance statute, known as the Trade Expansion Act. Congress revised and liberalized the adjustment assistance program in 1974 as part of the Trade Act of that year. The bill you will be considering, H.R. 3391, further improves and refines the compact made with American workers and firms some 20 years ago.

The League stongly supports H.R. 3391 as reported by the Committee on Ways and Means. We urge members to support the provisions of the bill that, 1) would change the certification criteria to include trade assistance benefits for workers and firms supplying essential parts or services for import-impacted end products; 2) would require that increases in imports "contribute importantly" to job separations rather than be "a substantial cause of" such separations, thus easing the standard for receiving assistance; 3) would make TAA benefits available to workers who lose their jobs as a result of their plants moving overseas; 4) would mandate the Secretary of Labor to finance training for TAA claimants; 5) would authorize a supplemental assistance benefit of $15 per day for workers in training who have exhausted their TAA benefits; 6) would raise the maximum job search and relocation allowance from $600 to $800; 7) would establish a trust fund to finance trade adjustment expenditures from customs duties as appropriated by the Appropriations Committee within the limitations of the bill; and 8) would establish a voucher system by which a worker could elect to receive on-the-job training and have that training paid for by the Department of Labor.

The League of Women Voters urges you to support the Trade Adjustment Assistance program as reported by the Ways and Means Committee. H.R. 3391 is a positive measure which would assist workers and firms who are affected by import competition.●

NEW YORK'S SHCHARANSKY DAY

HON. RICHARD L. OTTINGER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 15, 1983

● Mr. OTTINGER. Mr. Speaker, it has been 6½ years since Anatoly Shcharansky was imprisoned by the Soviet Union because he had the courage to speak out on behalf of the rights of Soviet Jews. Not one day Anatoly has spent in horrendous conditions has been justified. The Governor of New York, Mario Cuomo, has declared today to be Shcharansky Day, and I'm here today to register my outrage at the continued imprisonment of Anatoly, and the unabated persecution of all Soviet Jews.

The Jewish high holidays now being celebrated are a time to renew commitments, reflect on our actions, and undertake plans for the new year. Jews in the Soviet Union are not allowed the freedom to enjoy the new year as their faith directs; thousands of them are waiting for permission to emigrate to Israel where they may practice their faith in peace. Those of

us in the United States should use this time to renew our commitment to helping those people realize their dream.

Anatoly has suffered tremendously at the hands of Soviet authorities. His living conditions have been inhuman, his health in jeopardy more than once, his right to have visitors cruelly denied. His case has been pleaded by President Reagan, by numerous individuals and groups around the United States, and by a unanimous vote of the House of Representatives on my resolution calling for his release.

Yet the Soviet Union turns a deaf ear. Anatoly has now served half of his 13-year sentence. Early release exists in Soviet law; it is time to invoke that "privilege" for Anatoly. The Soviets have made their point: they have shown that they will not tolerate religious freedom in their country, they have shown that a Soviet citizen's proclaimed right to leave for religious reasons is worth nothing, and they have shown that they have no regard for the life of an innocent man. They have proved their points over and over again with Anatoly and others like him. There can be no justification for keeping him in jail any longer.

I urge my colleagues to join me again in calling on Soviet President Yuri Andropov to release Anatoly and let him join his wife Avital, whom he has not seen since his arrest. Let us hope that this new year will see Anatoly's goals realized, and that he may soon be reunited with his family and his faith.●

XEROX SENDING 1,000 COMPUTERS TO INNER CITY HIGH SCHOOLS

HON. JOHN N. ERLENBORN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 15, 1983

● Mr. ERLENBORN. Mr. Speaker, the age of the computer has arrived and today's children are going to have to be computer literate to live in the computerized world of tomorrow.

The Xerox Corp. is doing more than talk about the need to meet this reality, and it is not waiting for a special tax break to respond.

About a month ago, Xerox announced it was making a $5 million grant of 1,000 computers to the National Urban League. As is explained in the following news release, representatives of Xerox, the League, and the education community will form a committee to select the inner-city high schools with large enrollments of black and other minority students where the machines will be installed next year.

I salute the people at Xerox. Their awareness and generosity epitomize the kind of cooperation it will take to meet the challenge our education system faces.

The news release follows:

XEROX SENDING 1,000 COMPUTERS TO INNER-CITY HIGH SCHOOLS

NEW ORLEANS, LA., August 3.—A $5 million grant of 1,000 computers will be made by Xerox Corporation to the National Urban League for inner-city high schools with large enrollments of black and other minority students.

The grant was announced here tonight at the Urban League's annual conference by David T. Kearns, president and chief executive officer of Xerox, and the League's newly elected chairman.

In his acceptance speech, Kearns told the audience of 2,500 at the New Orleans Hilton Hotel that he hoped to help narrow the "computer gap" between rich and poor school districts.

"Electronic literacy—or illiteracy—is a concept that came out of my industry," Kearns said, "and it means quite simply the ability to use a computer. That ability will be necessary for most jobs in the future."

The computers in the grant are the Xerox 820-II, introduced in 1982 as a personal computer system for offices. The 820-II is faster and has more storage capacity than the original 820 it replaced.

A committee representing Xerox, the National Urban League and the educaiton community will be formed to select the schools for the computer grant. Installation of the machines will begin next year.

Kearns said he will insist that the computers be used for academic programs, and not just for vocational training.

"The ability to use a computer should help the kids do their job—the computer should not necessarily become their job," he added. "If poor kids are learning word processing, while kids who are better off are learning programming and advanced math, we'll only widen the gap we're trying to narrow."

Beyond that, Kearns continued, the only guidelines for the grant are that the schools be in major urban centers, have a large minority student population and show a financial need.

Kearns cited surveys showing that 80 percent of the country's 2,000 largest and richest public high schools now have at least one computer, while 60 percent of the 2,000 poorest schools have none.

"We'd like to even things out," Kearns said. "It's our way of helping to close the computer gap in our schools and shifting the emphasis and different skills for new and different jobs."

The 820-II has a display screen that shows 24 lines of 80 characters, about half a typed page, and a typewriter-like keyboard for entering text and numbers on the screen for processing.

The machine can be used as a stand-alone computer, or as an intelligent terminal for a larger computer. Its price ranges up to $4,895 with 64,000 characters of main memory, which is the version going to the high schools.●

WHAT MAKES A GOOD TEACHER?

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 15, 1983

● Mr. WOLF. Mr. Speaker, I would like to bring to the attention of my colleagues a recent program held by the staff and administrators of Arlington County public schools and recognize the efforts of Education Secretary Terrel Bell and Arlington Superintendent Charles E. Nunley during that program and their dedication to assuring quality education.

Secretary Bell congratulated Arlington educators for strengthening the school system's curriculum and increasing graduation requirements and commended the school system for its efforts in pursuing excellence in education. Secretary Bell, who expressed gratitude that his son attends Arlington schools, received a standing ovation following his presentation which encouraged educators to strive onward with their program initiatives and unswaying determination to provide the highest quality of education possible.

During this program it was noted that Arlington has already made significant progress in achieving higher academic scores, and students are taking more courses than the required number for graduation.

I would like to share the following statement Secretary Bell provided the Arlington educators concerning the fundamental role of teachers and the need to insure continuity in the supply of good teachers.

WHAT MAKES A GOOD TEACHER

(By T. H. Bell, Secretary of Education)

Our school systems are on the threshold of major reform, much of it stemming from the alarm sounded earlier this year by the National Commission on Excellence in Education.

That report stated that we have tolerated mediocrity in the schools too long, imperiling our competitive standing in the world.

Many states and local school systems are already making changes and more are inevitable. In my opinion, the community that sleeps through this educational reform movement condemns a generation of students to a D-minus life.

As we seek a change toward excellence, I want to pass on a lesson that experience has taught me: We will never—repeat, never—achieve excellence in our schools until we ensure continuity in the supply of good teachers.

We may build strong brick schoolhouses. We may fill the libraries with good books and air-condition the classrooms. We may add football fields, athletic trophy display windows and swimming pools. We may call them schools, but they will remain forever a fraud on the children of this country until we staff them with good teachers.

We need Master Teacher Programs to assue a constant flow of talented people into teaching. With that point in mind, let's look

for a moment at what we have in place today.

To be blunt about it, our teacher education departments in the colleges and universities are drawing their applicants from the bottom 25 percent in college admission scores, and this pattern must be changed.

There was a time when education attracted a disproportionate number of exceptionally able women because other professional fields were closed to them. Our country is better now that higher-paying professions, such as medicine, law, and engineering, are open to women. But those super-achievers now move with more ease into other, more profitable fields, and women are no longer a taken-for-granted, cheap labor force available to our classrooms. If we want better teachers, we will have to do what we do when we want winning coaches. We will have to pay them a competitive wage.

The Master Teacher Program that I propose calls for establishment of a system at the elementary-secondary level that is patterned after the academic rank of college staff. The Master Teacher is to elementary and secondary education what the full professor is to higher education. The regular teacher equates to the associate professor, and the beginning teacher to an assistant professor.

With a system of this kind in place, we could pay the master teachers enough to keep them in the field, while motivating regular and beginning teachers to strive for greater achievement.

A good teacher has an aptitude for the job, sound training in the academic work, a sense of purpose and commitment, and the ability to inspire students to learn more. A good teacher—certainly, a master teacher—is a product of scholarly training, experience, and dedication. A good teacher is worth more money. A master teacher is priceless.

I believe that community and teacher support can be built for a carefully planned Master Teacher Program if it permits the teachers themselves a leading role. Show me a faculty that doesn't know its best teachers and I'll show you a school in trouble.

As President Reagan has said, "For too long, teachers have been fighting a lonely war and it's about time they got some reinforcement from the rest of us."

Communities should capitalize at once on the high level of public interest in our schools to effect needed changes. If we improve teaching in only one school, we improve the quality of life for all the students who pass that way. While we have the attention of the public, let's use it to upgrade all of our schools.●

SHCHARANSKY DAY OBSERVED BY NEW YORK STATE CITIZENS

HON. STEPHEN J. SOLARZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 15, 1983

● Mr. SOLARZ. Mr. Speaker, on Thursday, September 15, the citizens of New York State will observe Shcharansky Day, which was so designated by Governor Cuomo in recognition of the halfway point in Anatoly Shcharansky's 13-year prison sentence.

I support this effort, and all other means, to reaffirm our solidarity with Anatoly while he remains imprisoned in Chistopol Prison, and while nearly 3 million Jews remain in the Soviet Union. They are unable to emigrate to a land where they will be free from persecution and free to practice their religion openly and proudly. We must continue to put pressure on the Soviet Union to ease their brutal treatment of Anatoly and other prisoners of conscience, and take every opportunity to demand that they end their anti-Semitic campaign and allow Soviet Jews to obtain emigration visas.

The facts about Mr. Shcharansky's plight remain clear, and the facts about Soviet emigration policy remain equally clear. Anatoly committed no crime and yet has already served 6½ years of a prison sentence which is only half over. Normally, under Soviet law, after half of a sentence is served, the remainder may be commuted. But for Anatoly, who is a political prisoner and not a criminal, there is little hope for any such reprieve. Other Soviet Jews have had to wait patiently for emigration visas after repeatedly being denied one for no apparent reason. With over 10,000 still awaiting permission to emigrate, the Soviets have intensified their anti-Semitic campaign and have slowly but decisively slammed shut the exit doors for these citizens.

I applaud the Governor's declaration of September 15 as Shcharansky Day, and I ask all of my colleagues to support also this initiative. It is through the efforts of each of us here today, and those of other concerned individuals throughout our Nation, that we can help improve the life of Anatoly Shcharansky and his brothers and sisters who remain in the Soviet Union deprived of the rights and privileges we all cherish so dearly.●

EQUITABLE TAXATION OF UNEMPLOYMENT COMPENSATION

HON. THOMAS J. TAUKE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 15, 1983

● Mr. TAUKE. Mr. Speaker, a constitutent of mine, a widower with four dependent children, recently alerted me to a serious inequity in our system of taxing unemployment benefits. As it turns out, my constitutent is being taxed on his unemployment compensation at a higher rate than is his neighbor, who is married but who has no dependents to support.

Today, I am introducing legislation to correct this inequity by establishing a third income threshold, for heads of households and surviving spouses, at which point unemployment compensation is included in taxable income.

As we all know, under present law, unemployment compensation becomes taxable when an individual's income reaches a set base amount. This base amount was lowered in TEFRA and is presently $12,000 for single taxpayers and $18,000 for married taxpayers filing joint returns. Unemployment compensation received in excess of these annual income limits is taxable.

However, existing rules governing the taxation of unemployment compensation do not distinguish between single taxpayer and heads of households or surviving spouses—distinctions important enough to warrant special rules in other parts of the tax code. For example, an individual who qualifies for the special head-of-household tax rate is considered single when it comes to the taxation of his or her unemployment compensation. Similarly, a qualifying widow or widower, who is entitled to use the joint return tax rate for 2 years after the death of his or her spouse, is considered single for unemployment compensation tax purposes.

Thus, heads of households and surviving spouses must pay taxes on unemployment compensation at the same point that a single taxpayer is affected—as soon as total income exceeds $12,000—regardless of the number of dependents he or she must support. On the other hand, a married taxpayer filing jointly with no dependents is not taxed on unemployment benefits until his or her total income exceeds $18,000 annually.

My bill would establish a separate income threshold for heads of households and surviving spouses at $15,000, above which unemployment compensation would become taxable. It occurs to me that we should provide some leeway to the single individual who is unemployed but who must nevertheless support a family. By providing an intermediate tier for the taxation of unemployment compensation for heads of households and surviving spouses, this legislation would provide that slight but important leeway.

Whether this aspect of the taxation of unemployment compensation has not been addressed before now intentionally or because of an oversight, it seems to me that it is time that it be corrected. With the national civilian unemployment rate still hovering near 10 percent, we cannot overlook this inequity any longer.●

INTERMITTENT CARE DEFINITION FOR HOME HEALTH SERVICES

HON. OLYMPIA J. SNOWE

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 15, 1983

● Ms. SNOWE. Mr. Speaker, on July 20, 1983, I was an original cosponsor of a measure, H.R. 3616, a bill to clarify

congressional intent regarding the "intermittent care" definition under the medicare program.

Current statute indicates only "part-time or intermittent" care for skilled nursing and home health aide services. Because the law does not specify what constitutes "part-time" or "intermittent" care, the Health Care Financing Administration (HCFA) and its State fiscal intermediaries (FIs) are free to interpret the law when designating medicare home health reimbursements. As a result, many elderly and disabled persons in the country are denied home health care benefits as the interpretation of the law varies from State to State.

H.R. 3616 should remedy the situation by: First, creating a statutory entitlement of one or more visits per day of daily skilled nursing and home health aide care for up to 90 days with physician certification required once a month; and second, allowing a client to receive up to 20 home health aide visits if, after the need for skilled nursing care no longer exists, there is still a need for some form of nursing or home health aide care.

In the meantime, the National Association for Home Care (NAHC), through its legal representative, has written to Administrator Carolyne K. Davis, Health Care Financing Administration, to urge a consistent and less restrictive application of the "intermittent" care standard. Citing both House and Senate committee report language, NAHC points out that the only time limitation Congress intended to apply to home health services involved only those services that are full-time necessitating institutionalization.

I now request that an abbreviated version of the letter be included in the CONGRESSIONAL RECORD.

The letter follows:

PIERSON, BALL & DOWD,
Washington, D.C., May 28, 1983.

Carolyne K. Davis, Ph. D.,
Administrator, Health Care Financing Administration, Washington, D.C.

DEAR DR. DAVIS: We have been retained by the National Association for Home Care (NAHC) to resolve the problems which have arisen due to the restrictive interpretations of the requirement that home health services under the Medicare program be furnished on a "part-time or intermittent" basis. The following discussion provides our analysis of the issues and recommendations for resolution of the problems.

I. INTRODUCTION

For many years, the Medicare program has reimbursed home health agencies for skilled nursing care and other home health services where care has been provided on a daily "part-time or intermittent" basis. The frequency of services has not previously emerged as a coverage issue so long as the certifying physician determined that the patient did not require full-time skilled nursing care that could only be provided through institutionalization in a hospital or skilled nursing facility.

Over the last 18 months, however, there has been a significant increase in denials of home health visits by fiscal intermediaries based on new, restrictive interpretations of the "intermittent" care standard. Moreover, these interpretations have varied from state to state. NAHC has received information on denials based on restrictive application of the "intermittent" care standard from 14 states covering 7 of the 10 regions of the Health Care Financing Administration (HCFA).

It is the position of NAHC that HCFA's current restrictive interpretation of the term "intermittent" is inconsistent with the Medicare statute and regulations. Furthermore, the wide variety of interpretations of "intermittent" care by fiscal intermediaries has caused confusion and inequitable patterns of reimburement throughout the country. It has also limited the availability of home care to a large number of Medicare beneficiaries.[1]

NAHC believes that HCFA should take immediate action to remedy the problems raised in this letter.

II. STATUTORY AND REGULATORY BACKGROUND

A. Statutory provisions

Section 1861(m) of the Social Security Act defines "home health services" as items and services furnished to a beneficiary at home under a physician's plan of treatment including:

(1) *part-time or intermittent nursing care* provided by or under the supervision of a registered professional nurse. . . . [Emphasis supplied.]

The part-time or intermittent nature of covered home health services is further set forth in sections 1814(a)(2)(D) and 1835(a)(2)(A) of the Act which provide that home health services are covered when they are: "required because the individual . . . needed skilled nursing care on an intermittent basis. . . ."

While the statute does not further define the term "intermittent," the language is clearly intended to distinguish home health services from the full-time skilled care provided to patients in a skilled nursing facility.

It is important to note that Congress intended that deference be accorded to the physician's judgment regarding the appropriateness of providing services in the home. * * * S. Rep. No. 404, *supra*, 1965 U.S. Code Cong. & Ad. News 1943, 1973. Thus, the treating physician must decide, in the first instance and on an ongoing basis, whether a patient should be receiving part-time nursing services in the home or full-time nursing care in a hospital or skilled nursing facility. Where a non-institutional level of care is deemed appropriate by a physician and the home health visits are not full-time in scope, the Medicare statute requires that coverage be provided.

B. Regulatory requirements

The regulations addressing the provision of home health services reiterate the statutory requirement that such services be rendered on an intermittent basis; 42 C.F.R. § 405.1633

The regulations do not contain any limitations that would support the varying and restrictive interpretations of intermittent care currently being applied. Consistent with the statute, the regulations confer responsibility on the treating physician to determine the appropriate frequency of treatment in the first instance.

Further, patients requiring minimal nursing or aide services, even on a daily basis, may not qualify for institutional care. Consequently, given a restrictive interpretation of the requiements for coverage of home health services, a Medicare beneficiary could be denied home health benefits and still be unable to obtain skilled nursing facility services. . . .

Institutional coverage in a skilled nursing facility—the stated alternative to home health care—depends upon the continued necessity of daily skilled care and upon a determination that, *as a practical matter*, the nursing services can only be provided in a skilled nursing facility (or a hospital) on an inpatient basis. 42 C.F.R. § 405.126(b).

Another regulation explains what is meant by the "as a practical matter" prerequisite to institutionalization: "In determining whether the care needed by a beneficiary can, as a practical matter, only be provided in a skilled nursing facility on an inpatient basis, *consideration must be given to the patient's condition and to the availability and feasibility of using more economical alternative facilities and services.*" 42 C.F.R. § 405.128a(a) (emphasis supplied).

In the case of many patients, even those requiring some period of daily care, home health services offer this economical alternative. The cost of home visits often may be less than the cost of institutionalization, depending on the patient's condition and the type and availability of institutional care in the patient's geographic area. Thus, the home health alternative permits many patients to remain at home (where they would often prefer to be) at a lower cost than would have been incurred for the same care delivered in an institution.

In addition, the fact that a doctor has prescribed home health treatment demonstrates that, as a practical matter, the required service is not one that can "*only* be provided in a skilled nursing facility . . . on an inpatient basis." Since this requirement is one of the coverage criteria for institutional skilled nursing care, a restrictive interpretation of covered home health services could lead to an inappropriate gap in Medicare coverage. . . .

Finally, the Medicare program strongly suggested that patients falling in any "gray area" of coverage between these two alternatives should be treated in the home: "[T]he medicare law permits coverage of inpatient skilled nursing facility care only where, *as a practical matter*, the needed skilled services *cannot be safely and economically furnished in a less intensive setting.* * * *" 40 Fed. Reg. 43895 (Sept. 24, 1975) (emphasis supplied). Home health care often provides the safe, economical, and less intensive setting contemplated by this statement.[2]

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[1] This trend should be of particular concern to HCFA as it develops and implements a prospective payment system for hospitals under the Medicare program. Since this plan will establish fixed rates of payment per case, regardless of the length of stay, hospital patients will be increasingly subject to early discharge. Accordingly, it is expected that there will be a corresponding increase in the need for more intensive treatment in the home.

[2] Congress' intention to promote the use of home health services rather than more costly, full-time institutional services was manifested again in the Omnibus Reconciliation Act of 1980, Pub. L. No. 96-499. Section 930 of that Act amended the Medicare home health benefit to eliminate the 100 visit per benefit period cap on home health services. Under the amendment, unlimited home health visits are available to beneficiaries under both Medicare Part A and Part B. This legislation also eliminated the 3-day prior hospitalization requirement under Part A

Thus, the regulations stress two factors to be considered in determining the appropriateness of home health services on an intermittent basis. The first is the *physicians's judgment* on whether institutional care or home health care is medically appropriate. The second is the *cost-effectiveness* of alternative types of care (including home health) considering whether, as a practical matter, the care needed by the beneficiary can only be provided on an inpatient basis and that appropriate inpatient service is available. These factors involve individualized considerations that can only be properly applied on a case-by-case basis.

C. Home health agency manual provisions

The question of what constitutes intermittent or part-time home health agency services is further addressed in two provisions of HCFA's Home Health Agency Manual (HIM-11). * * *

Section 204.1 is intended to provide general guidelines as to what constitutes "intermittent" skilled nursing care. An important component of such care is that it be based on a "medically predictable recurring need." The Manual emphasizes that these guidelines are flexible and can be adjusted for medical circumstances justifying such a need.

Notwithstanding a certain degree of flexibility, however, these provisions contain restrictions which have the effect of curbing the availability of home health services in a manner inconsistent with the Medicare statute and regulations. While the guidelines recognize the appropriateness of daily part-time visits, this frequency of visits will usually be limited to a 2-3 week period. However, we submit that a longer duration of *part-time* visits does not conflict with the statute since the care would not be "more or less full-time" in scope. Indeed, notwithstanding its restrictives provisions, the Manual appears to recognize that home care is only inappropriate when full-time care which would justify institutionalization is provided. Further, the manual specifically recognizes that there will be unusual circumstances where home health benefits may be provided *on a full-time basis over an extended period of time.*

As noted in HIM-11, § 204.1, § 206.6 is intended to provide further guidance on when home health services will be considered to be part-time or intermittent. * * *

While § 206.6 stresses the need for flexibility in the application of the guidelines, it also contains certain restrictions and inconsistencies. First, the Manual recognizes that visits of less than eight hours per day *are not full-time.* Thus, since the Medicare statute authorizes part-time visits without qualification, there is no basis for the general 2-3 week limitation on daily part-time care. We would further submit that the medical examples contained in § 206.6 could justify an indeterminate period of daily part-time visits. Finally, this section fails to take account of the factors contained in the Medicare regulations involving physician judgment and cost-effectiveness of alternative types of care.[3]

The history of HIM-11 indicates that the current guidelines on intermittent care were developed prior to the passage of the Omnibus Reconciliation Act of 1980, though issued thereafter. As noted above, section 930 of that Act eliminated the 100 visit limit on home health services. Given this change, deletion of the numerical standards in the guidelines should follow.[4]

In sum, through the guidelines in HIM-11, HCFA has established a general limitation on daily part-time visits which is not supported by the Medicare statute and regulations. Moreover, the guidelines are internally inconsistent by establishing a general restriction on daily part-time visits while implicitly recognizing that only continuous full-time care is precluded under the statute.

D. Inconsistent interpretations of medicare statute

It must be recognized that the interpretation of "part-time or intermittent" in the home health context is inconsistent with the interpretation of the same terms as applied to payment for therapy services. Section 1861(v)(5)(B) of the Act provides that the Medicare program may pay for the services of a therapist who provides services on a "limited part-time" or "intermittent" basis at a "rate per unit of service" even though such amount may exceed the generally applicable salary equivalency guidelines. The only limitation is that the aggregate payment not exceed the amount that would have been paid had the therapist provided services on a full- or part-time salary basis.

Implementing regulations limit this provision to therapists who provide services *on an average* of less than 15 hours per week. However, this option may be utilized "regardless of the number of days in each week in which services were performed." 42 C.F.R. § 405.432(b)(5).

The interpretation of section 1861(v)(5)(B) is a reasoned, non-proscriptive approach to implementation of a "part-time or intermittent" standard. A test is applied to assure that, in the aggregate, services qualify as part-time or intermittent. Further, the approach recognizes and makes allowances for those instances in which services will be provided on a daily basis. While NAHC would not contend that sections 1861(m) and 1861(v)(5)(B) must be implemented identically, there is clearly no basis for interpreting the same language to authorize daily services in one context and not the other.

III. INCREASINGLY RESTRICTIVE INTERPRETATION OF INTERMITTENT CARE

A. Actions of fiscal intermediaries

* * * Until late 1981, or nearly 16 years after the inception of the Medicare program, "part-time or intermittent" was defined to mean non-continuous or less than full-time. Full-time was defined to mean eight hours per day. (See September 1976 and May 1981 versions of HIM-11, § 206.6.) Only when a medical determination was made that the patient needed full-time skilled nursing care for an extended period of time were home health visits precluded. The standard for making such a determination had been whether the patient's condition was sufficiently serious as to require the full-time monitoring and nursing care ordinarily available only in an institutional setting.

Recently, intermediaries have been taking an increasingly inflexible approach in applying the general standards contained in HIM-11. These actions have, in many instances, been based on policy clarifications from the HCFA regional offices.

Intermediaries are implementing the current, restrictive interpretation of intermittent care in several ways: (1) by applying fixed limitations on the number of hours per visit and number of visits per week, contrary to the regulations and HIM-11 guidelines; (2) by treating the HIM-11 guidelines for the initial "short" period of allowable daily home care as a strict limitation; (3) by imposing inflexible and increasingly brief limitations on any extensions to the initial period of allowable daily care, even when prescribed by a physician and regardless of the beneficial effect on the patient; [5] and (4) by finding that a patient who could possibly qualify for institutional skilled nursing care (but who does not necessarily require such intensive care) must receive nursing care in that setting. Such determinations have been made without considering the cost-effectiveness of alternative types of care, the availability of institutional care, and the nature of the patient's condition.

As noted above, while the HIM-11 guidelines are inappropriately restrictive, some flexibility is preserved. Nonetheless, many fiscal intermediaries interpret the general standards of HIM-11 in an inflexible manner. For example, HIM-11 provides that a person requiring extended full-time care will "usually" not qualify for home health services. Similarly, the manual provides that the determination of the need for extended daily visits will "usually" be made within an initial three week period of care. Many fiscal intermediaries, in applying these guidelines on usual practice, have interpreted the general standards as absolute rules.

It must be recognized that the "intermittent" care standard, like the "homebound" requirement, is a criterion for determining whether Medicare will cover the care. Coverage criteria, however, are separate from the question of whether the actual care provided in a specific case is reasonable and necessary. The two issues should not be confused. If a patient is properly certified by a physician to be homebound and to require care on a less than full-time basis (daily or otherwise), care should be reimbursed if it is reasonable and necessary.

In sum, the denials of home health visits based on current restrictive interpretations are contrary to the intent of the Medicare statute and regulations, as well as the long history of administrative interpretation of covered home care services. The narrow interpretation of "intermittent" care will unnecessarily disrupt the lives of many Medicare beneficiaries and could increase costs to the Medicare program. These policies will

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and the Part B deductible. The recent trend in adopting a narrow interpretation of "intermittent" care for home health services restricts access by beneficiaries to these benefits at a time when Congress has chosen to expand home health coverage as a desirable and cost-effective alternative to institutionalization.

[3] As explained in the next section, in addition to being too restrictive, fiscal intermediaries have interpreted the generalized directives of HIM-11 as fixed rules. For example, the Manual identifies "usual" patterns of care which many fiscal intermediaries have interpreted as standards for which no exceptions are to be granted.

[4] The appropriateness of deleting these numerical standards is further supported by the repeal by section 930 of the presumptive coverage provisions. *See* 42 C.F.R. § 405.133.

[5] For example, Region V of HCFA, Blue Cross of Wisconsin, Blue Cross and Blue Shield of Colorado, and Hospital Care Corporation of Ohio have issued policy statements that an extension based on unusual circumstances should be limited to 7 to 10 days. Region I has ruled that in no instance may daily visits exceed 6 weeks. And, Blue Cross and Blue Shield of New Hampshire-Vermont has adopted a policy that the second period of daily visits may not exceed 3 weeks. None of these interpretations is supported by the language of HIM-11.

force patients requiring short but frequent skilled nursing or aide visits into a more costly institutional setting, despite the ability to treat such patients more efficiently and cost-effectively in the home. Under the statute and regulations, if home health services represent a less costly and less intensive alternative to institutionalization, the home health services must be covered. *See* 42 U.S.C. § 1395x(h)-(j); 42 CFR § 405.128a(a).

B. Administrative appeals

In recent months, several home health agencies have appealed denial of visits which were based upon the more restrictive interpretation of "part-time or intermittent" care presently being applied by intermediaries in various parts of the country. The administrative decisions rendered in these appeals support the view that a restrictive reading of the "intermittent" care standard does not comport with the Medicare statute.

IV. CORRECTIVE MEASURES NEEDED TO COMPLY WITH MEDICARE STATUTE

A. Recommended HIM-11 revisions

NAHC believes that HIM-11 must be revised as follows to conform to the statute and regulations and to be internally consistent:

(1) Numerical references to hours, visits, days, and weeks should be eliminated.

(2) The primary criterion for determining the appropriateness of home health services should be the certifying physician's judgment as to whether home health services are medically necessary and reasonable given the patient's condition and circumstances.

(3) In determining whether care for a patient can only be provided on an inpatient basis, the language in 42 C.F.R. § 405.128a(a) must be followed.[6]

(4) Emphasis should be placed on individual case decisions and not fixed limits on frequency or duration of care.

Alternatively, if HCFA believes that some presumptive guidelines with numerical targets are needed in applying the intermittent care standard, we would recommend the following:

(1) As to hours per day, the current "few hours a day" standard in HIM-11, § 206.6 with provision for "occasional" exceptions seems appropriate. However, it should be made clear that care may be provided up to 8 hours per day depending on the nature of the patient's condition and circumstances.

(2) As to days per week, the curreent "several times a week" and "7 days a week" under certain circumstances seem appropriate. However, it should be made clear that daily care for limited periods is permissible depending on the patient's condition and circumstances.

(3) As to number of weeks, the current two to three week standard is too restrictive. Many patients who can appropriately receive treatment in the home need a longer period of initial daily visits before they stabilize. We recommend that any presumptive guideline provide a period of 6 to 8 weeks for daily visits. We also recommend that the language in § 206.6 be changed to delete "For the very few ill patients" and substitute "For those patients."

In developing or implementing any presumptive guidelines, it must be clearly stated that the guidelines are to be considered generally in judging individual cases based on the patient's condition, physician's medical judgment, and the availability and economy of alternative types of care. Otherwise, as we have noted, many fiscal intermediaries will interpret the presumptive guidelines as fixed limits and ignore other considerations.

Finally, in developing any presumptive guidelines, NAHC would welcome having its recommendations and those of others evaluated by an impartial panel of physicians and nurses familiar with home health care to arrive at a set of clinically-sound presumptive guidelines.

B. Recommended actions with fiscal intermediaries

While HCFA considers the recommended changes to HIM-11, NAHC would suggest that a directive be issued immediately to HCFA's fiscal intermediaries to clarify the current HIM-11 guidelines. As noted above, there currently is wide variation among intermediaries in the application of the intermittent care standard.

We suggest that such a directive stress the following:

(1) The standards in HIM-11 on intermittent care are intended to provide general guidance and are not to be interpreted as fixed limits.

(2) The length and type of coverage should be based on the individual patient's condition and the physician's assessment of the setting in which care can appropriately be provided.

(3) The regulation at 42 CFR §405.128a(a) must be followed in determining whether a patient can only be treated on an inpatient basis.

* * * * *

We appreciate your consideration of these issues and look forward to your reply. We are available to discuss these issues at your convenience in an effort to remedy the situation as soon as possible.

Sincerely yours,

Eugene Tillman.●

[6] It must be recognized that the need for daily skilled nursing care, aide care, or a combination of both over an extended period of time *does not* necessarily mean that a beneficiary requires institutionalization. The medical examples in HIM-11, § 206.6, which could be amplified, are illustrative of the types of situations where extended part-time home health services would be appropriate. Currently, certain diabetic patients not physically or mentally competent to self-administer insulin may receive daily home health visits indefinitely. However, there are numerous other examples of functional disabilities which should similarly qualify for daily visits based on a medically documented need and where institutionalization is not a practical alternative.

LAWYER EXEMPTION FROM FTC JURISDICTION OPPOSED

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 15, 1983

● Mr. FLORIO. Mr. Speaker, the Federal Trade Commission reauthorization bill is due to be considered by the House this fall. This bill includes a provision reflecting a consensus developed on the Energy and Commerce Committee on a compromise regarding the jurisdiction of the FTC over professionals. Since the committee approved the bill, however, certain associations of lawyers have urged that the bill be amended to exclude lawyers from the Commission's consumer protection jurisdiction.

The proposed lawyer exemption is unwarranted. It would be bad for the public and bad for the legal profession. Fortunately, important elements of the legal profession understand this and oppose the exemption amendment.

Since I have received a number of inquiries regarding this controversy, I am inserting in the RECORD several items that I hope will be informative. These include statements from the FTC regarding the defects in the exemption proposal and describing FTC activity relating to the bar. Also included are the statements of important organizations composed of lawyers who oppose the lawyer exemption.

FEDERAL TRADE COMMISSION
Washington, D.C., July 12, 1983.

Hon. BOB PACKWOOD,
U.S. Senate
Washington, D.C.

DEAR SENATOR PACKWOOD: Thank you for your letter of June 16, 1983, asking for the Federal Trade Commission's assessment of draft legislation that is being circulated by representatives of the State Bar of Texas. We are deeply concerned about this legislative proposal, which would exempt from the FTC's consumer protection authority the activities of professionals which are "effectively regulated by the state court of last resort in civil actions . . . or by such court and by state law." If this legislation were enacted, we believe that this special exemption would result in substantial injury to consumers and to our national economy.

As you know, the Commission has unanimously and steadfastly opposed the efforts of certain groups of professionals to obtain a special blanket exemption from the antitrust and consumer protection laws enforced by the FTC. A professional degree is a guarantee of special training; it should not be a guarantee of immunity from laws that apply to all other citizens.

The Commission recognizes the important role played by the states in regulating professionals to protect their citizens. We have no desire to interfere with legitimate state regulation establishing training and education requirements for licensure of attorneys and other professionals, their permissible tasks or duties, or the quality of services provided by professionals. Nor do we have any objection to a legislative proposal that seeks to allay concern that the Commission might take such actions at some future time.

However, the proposal by the Texas Bar does not represent an attempt to clarify federal and state regulatory responsibilities in a careful and appropriate manner. Rather, it is intended to exempt lawyers and bar associations in those states that have "unified" bars from federal consumer protection laws enforced by the Commission.

If enacted into law, it would prevent the Commission from challenging purely private conduct, including deceptive practices by individual lawyers (such as fee misrepresentation), and could immunize anticompetitive provisions in certain state bar codes of ethics (such as limitations on truthful advertising). Moreover, while it seems likely that the drafters of the legislation intend it

to apply only to lawyers, its language is not so limited, and it would apparently exempt all state-licensed professionals and their associations from Commission jurisdiction where they are "effectively" regulated in state court proceedings or by such proceedings and by state law.

The phrase "effectively regulated" lacks any precise definition. It would conceivably prevent FTC law enforcement actions which in no way conflicted with any state regulation. For example, a lawyer who defrauds clients can be sued by those clients pursuant to state law, and the outcome of such a suit can often be appealed to the state supreme court. Such a lawyer could claim that his or her actions were "effectively regulated" by the state supreme court and state law and, therefore, are immune from any law enforcement action brought by the FTC.

Last December, the Senate turned down a request for special treatment from several groups of professionals, and we urge the Senate to reject this and any similar proposals that may come before it in the future.

Thank you again for giving us the opportunity to voice our opposition to this draft legislation. Please feel free to call on us if we can be of further help.

By direction of the Commission.

JAMES C. MILLER III,
Chairman.

FEDERAL TRADE COMMISSION,
Washington, D.C., July 25, 1983.

Mr. MORRIS HARRELL,
President, American Bar Association, Chicago, Ill.

DEAR MR. HARRELL: We understand that a resolution will be before the ABA House of Delegates designed, in effect, to persuade Congress to exempt the legal profession from jurisdiction of the Federal Trade Commission. Some proponents of this resolution are apparently claiming that the FTC plans a broad scale enforcement effort, particularly against integrated state bar associations. This claim is ostensibly based upon a study the Commission is currently conducting. Because there is considerable misunderstanding about this study, we wish to explain its purpose.

In 1979, the Commission distributed a questionnaire to state bars to gather facts regarding the existence and effect of regulations on professional advertising. Additionally, in 1981, the Commission retained Louis Harris and Associates to conduct a survey of 250 lawyers in 11 states regarding their pricing and advertising practices. These efforts were part of a Commission inquiry into the impact of professional advertising regulations, as well as the effect of recent modifications in such regulations, on the use of trade names, direct mail solicitation, and other attorney advertising practices. We primarily sought to obtain empirical data and other objective information about the market effects of the regulations in question. The information we have gathered will be contained in a report that we expect the Commission to issue within the next few months.

We do not intend to use the information in the report to recommend that the Commission take law enforcement action against "unified" state bars. Rather, we intend to recommend that the Commission make the report available to the ABA and state bars, with the hope that these entities will work with us in evaluating our data.

We wish to make clear that we do not believe that the Federal Government should usurp traditional regulation of lawyers by entities such as State Supreme Courts. Instead, we believe our role should be limited to prevention of unfair and deceptive practices, and unfair methods of competition, that harm consumers.

We trust that this explanation will help clarify our current study as it may be of interest to the members of the ABA.

Sincerely yours,

CAROL T. CRAWFORD,
Director,
Bureau of Consumer Protection.
TIMOTHY J. MURIS,
Director, Bureau of Competition.

NATIONAL ASSOCIATION OF ATTORNEYS GENERAL,
Washington, D.C., August 18, 1983.

Hon. JAMES J. FLORIO,
Chairman, Subcommittee on Commerce, Transportation, and Tourism, House of Representatives, Rayburn House Office Building, Washington, D.C.

DEAR REPRESENTATIVE FLORIO: In response to reports at our recent meeting that some bar associations are attempting to persuade Congress to exempt lawyers and state bar associations from scrutiny of the Federal Trade Commission, the Association adopted the enclosed policy resolution reaffirming our opposition to enactment of any limitations on the FTC to enforce the antitrust and the consumer protection laws with respect to the professions. As you know, the Association went on record in opposition to such attempts to create a privileged class of persons who would be exempt from the law by resolutions adopted in July 1982, and again in December 1982.

It is our position that the FTC should continue to have consumer protection and antitrust authority over the professions. The antitrust and consumer protection laws should apply to doctors, dentists, lawyers, and other professional and non-professional business establishments. The FTC is well equipped to evaluate the activities of the professionals and their associations for potential anti-competitive effects and potential unfair or deceptive acts or practices, without sacrificing the states' role of ensuring quality of performance standards. Removal of the FTC's authority to scrutinize the business activities of professionals would severly hinder efforts to promote competition in the professions and thereby reduce costs. The effect of such special interest legislation would be artificially to raise prices for services that are already exceedingly expensive. Thank you for your continuing leadership on this issue.

With best personal regards, and

Sincerely,

C. RAYMOND MARVIN,
Executive Director.

NATIONAL ASSOCIATION OF ATTORNEYS GENERAL SUMMER MEETING

June 22-25, 1983—Asheville, N.C.

RESOLUTION

Reaffirmation of Opposition to Enactment of Limitations on Federal Trade Commission Jurisdiction Over the Professions

Whereas, further attempts are being made to remove the professions from antitrust and consumer protection scrutiny of the Federal Trade Commission; and

Whereas, the Association wishes to express its continuing opposition to these and other such attempts to erode the antitrust and consumer protection laws;

Now, therefore, be it resolved, that:

1. The National Association of Attorneys General reaffirms its opposition to the enactment of any limitations on the Commission to enforce the antitrust and consumer protection laws with respect to the professions, as embodied in the Association's July 1982 and December 1982 policy resolutions; and

2. The Association authorizes the General Counsel to transmit these views to the members of Congress, the Administration, and other appropriate individuals.

Attorney General Francis X. Bellotti abstains.●

OLD LESSONS RELEARNED

HON. JOHN J. LaFALCE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 15, 1983

● Mr. LaFALCE. Mr. Speaker, the House of Representatives has passed, by a vote of 416 to 0, a joint resolution of the Congress condemning the Soviet Union for their callous and despicable shooting down of the Korean Air Lines 747—murdering 269 innocent men, women, and children. The House also expressed our profound sorrow and condolences to their families and friends.

I pondered what possible meaning or lessons could be had from this seemingly senseless tragedy. I doubt if any new lessons could be found here, but many old memories and old convictions about the nature of Soviet leadership and society must be recalled and relearned anew, especially by our younger generation. These old lessons had begun to fade from the minds of many. But what happened over the Sea of Japan should serve to revive and reinforce these lessons and burn them again into our individual and national consciousness. We must never forget—

One, the Soviet leadership lives by a different moral code. Not only do they tolerate lying, but have condoned it and installed it as an instrument of government policy. They lie with a regularity to their own people and the world that is simply astounding. They lie even when they know there is no chance of being believed.

Telling the truth was and is something to be deplored in a future government leader. For Lenin, telling the truth was a decadent habit of the bourgeoisie; the new proletariat's leaders were permitted, even encouraged, to use lying, deceit, and extortion as a means of gaining, and above all, keeping an iron grip on political power. The Soviet Union is probably the only state in the history of the world where lying is considered to have, in the philosophical sense, an almost transcendental value.

Two, the Soviets have a diametrically opposed view of human life—of the individual human being—from our

own. Life under the boyars and kulaks was cheap. From czarist days to our own time, the tradition of slaughter and repression of its own people and others remains strong. We see its bloody path through the purges, and gulags, and prisoner-of-war camps, through the invasions of Hungary, Czechoslovakia, and Afghanistan, through the continuing, brutal denial of basic human rights to those unfortunate enough to live in one of their satellites. This tradition of cynical repression and callous disregard for human rights and human life found a strangely logical expression over the Sea of Japan.

We value human life and freedom differently from the Soviets. We believe the state is a creature of free men and is designed to help free men protect their own and their fellows' inherent rights. We believe in the primacy of the individual over the state, while the Soviets believe, and practice their belief, that the individual is there to serve the state and that no one in the Soviet Union has any rights but those granted by the state. In another strangely Soviet paradox, living, breathing, human beings exist only to promote the well-being of an abstraction called the "state," and, of course, its leaders.

Three, in a closed society, manipulation of the truth and public opinion are considered a right and duty of the state. Truth and factual reality are not important; what matters is serving the interests of state rulers—preserving the myth of their infallibility—that government can do no wrong.

In most societies, belief and conviction are derived and produced by data, information, dialog. But in the Soviet Union belief and conviction are created out of whole cloth by government to, again, serve only the purposes of their rulers. They control the means of communication and what is communicated need have no relation to the truth nor to external reality. What passes for truth in the Soviet Union appears to the outside world as a caricature—as a grotesquerie.

Almost classic evidence of this was the early denial of any involvement whatsoever in the disappearance of the 747—then when the overwhelming evidence became incontrovertible, there was grudging admission, but no acceptance of any responsibility, no expression of regret or sorrow at the execution of 269 innocents, no granting of access for a proper search for the deceased and wreckage of the plane; only harsh, lying rhetoric trying to blame the United States for their grossness and stupidity in downing the plane and an incredible—even for that old fox Gromyko—statement that should similar circumstances occur, they are prepared to shoot down unarmed civilian airliners and the innocent souls abroad.

Four, incidents of this sort, showing the inherent deceit and repression of closed, totalitarian societies like the Soviet Union, can serve only to reinforce our own beliefs in a free open society. When the veil of soft-sell is ripped from the face of an aggressive power, we can not only be thankful that we enjoy personal freedoms undreamed of in such a regime, but that we have had the wisdom to defend our freedoms in such a way that the international bully faces assured, retaliatory destruction should he attempt the ultimate stupidity.

Sometimes the oldest sayings are the best. Realizing that we have to win and defend freedom in the United States every day has been brought home by the Soviets with a vividness that brings new life to that old slogan. Ironically, Soviet agression against these defenseless people has served to make more difficult the fulfillment of both their military and diplomatic objectives everywhere and in every way. Such terrorism by a global power can only make independent nations of whatever domestic political stripe think very cautiously about beginning or deepening entanglements with the Soviet Union.

Five, the final, and very difficult lesson to be recalled is that, despite the intense personal and world revulsion felt toward the Soviet leaders for this atrocity, we must continue to live on this planet with them.

It would be very easy to accept the shining evil in Soviet leadership for the essential nature or spirit of their people. But it would also be very wrong. For our own, as well as for the world's sake, we cannot permit such a view to color dealings with those leaders, no matter how repugnant such meetings and negotiations may be. We serve a higher cause and must subordinate personal feelings to the inevitable efforts to preserve the planet and our species.

We must continue to work for progress in arms control and reduction, in easing tensions wherever possible, in working toward a world eventually safe for the children and posterity of all peoples.

The final victory would indeed be that of evil, should we desist in our determination and steadfast efforts to create and recreate an ever better world for today and for the uncountable millenia stretching before mankind.●

LEHMAN REPORTS ON BEIRUT

HON. DANTE B. FASCELL

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 15, 1983

● Mr. FASCELL. Mr. Speaker, during the recent recess, our distinguished colleague from Florida, BILL LEHMAN, visited the troubled Middle East to review the situation there from the vantage point of his position on the Foreign Operations Subcommittee of the Appropriations Committee.

Upon his return, BILL wrote an article on his impressions of the area and of U.S. involvement there for the Miami Herald. I commend this article and his insights to our colleagues.

OUR MARINES IN LEBANON

(By Representative William Lehman)

If it is a no-win situation for the Israelis, then it is a no-win situation for us.

Only days ago I was on the Beirut patio of the U.S. ambassador to Lebanon's residence. Our noontime briefing on the situation in Lebanon was regularly punctuated by bursts of 155mm artillery shells lobbed between the Druze Moslems in the Shouf mountains outside the city and the Christian Maronites within.

There was a surreal quality to the scene: a buffet lunch alongside the not-too-distant explosions somewhere beneath the clear Beirut sky. That no one seemed to feel any immediate sense of danger indicates the illusion that people in Beirut must have learned to live by.

This false sense of security was illustrated by glimpses of Beirut life: People lined the beaches and lounged around pool cabanas. Heavy traffic in the streets told me that this commercial resort city is still functioning in the midst of a war zone, where, less than a week after I left, two American Marines were killed. Nearly half the city is bombed out, but fresh wash hangs in the breeze across roofs of gutted buildings as if trying to defy the facts. The American Embassy stood like a giant chopped off at the knees.

The root of the new fighting stems from Lebanese President Amin Gemayel's inability so far even to seek a political settlement among the independent opposition factions. Ambassador Robert Dillon thinks Gemayel overrelies on the Americans to solve all his country's problems. Gemayel's greatest fear, Dillon said, is that he will end up controlling only 20 percent of Lebanon, with a Greater Syria to the north and east and an Israeli "north bank" in the southern third of the country. Though the Israelis and Syrians are certainly not talking, Dillon spoke of their shared interest in a tacit partition. But the main problem at present is to contain the internal divisions that worsened last week and that threaten any chance of Lebanese sovereignty.

The most powerful armed force is still the Phalangist militias, a coalition of right-wing Christian groups, predominantly Maronite and dominated by the Phalange Party, which has been controlled by the Gemayel family. Despite some temporary success in its efforts to assert authority, the military arm of the government, the Lebanese Armed Forces, is as yet unable to achieve the level of control that Israel had or that is now necessary to gain and maintain control over Beirut and the rest of the country. Any positive effect from training by U.S. Green Berets is not in sight, and it may be months or more likely years, including a likelihood of additional U.S. casualties, before results are evident. In any case, it was clear that the military arm of the Lebanese government was not up to the task last week. With an imminent Israeli withdrawal and uncer-

tain government authority, last week's four-day battle may be a preview of what is yet to come.

If my meeting with President Gemayel just over a week ago was any indication, he may still be waiting for someone to hand him Lebanon's sovereignty on a silver platter. I have no doubt he would be willing to negotiate with Druze leader Walid Jumblatt in good faith if the United States threatened to withdraw from the multinational peacekeeping force. The U.S. presence is his only real lifeline as leader of what is still not a nation-state. Perhaps last week's return to civil war will force him to make a genuine effort at national reconciliation.

Gemayel's isolated mountaintop retreat is as removed from the anarchy of the city as the inexperienced leader seems to be from the reality of his country's struggle for life. I did not see a man who has the courage to exercise power or even to realize what strong actions must be taken. Cautious not to criticize Syria's deliberate attempts to destabilize his government, he was more comfortable in his eager denunciation of Israel's intentions in fortifying what he termed the "north bank" south of the Awali River. The Lebanese president stressed how dangerous Israel's failure to fully withdraw from all of Lebanon would be for the future of his country. Gemayel believes, too, that Lebanon is the only true democracy in the Middle East.

One thing that seems certain is the danger Gemayel poses to himself and his government if he does not begin a good-faith dialogue and achieve an agreement between the Druze and Christians and other opposition elements vying for greater power. Civil war is the inevitable alternative.

The Reagan Administration is so far unwilling to admit just how complex U.S. involvement in Lebanon has become. The Marines were initially sent to Lebanon with a clear mission: first to oversee the PLO withdrawal from Beirut, and later to deter violence when premature withdrawal of the peacekeeping force proved an open invitation for Christian militias to take revenge against the Palestinian community.

Deterrence has not worked. A 1,200-man U.S. Marine peacekeeping force and the U.S.S. Eisenhower anchored five miles offshore did not deter the recent fighting. There has been no reemergence of Lebanese sovereignty as Israel began its pullout but, instead, a widening arena for civil war. The *raison d'etre* for the multinational peacekeeping presence in Beirut has been removed. The peacekeeping function is alien to the Marines' traditional combat role. The traditional job of peacekeeping forces, such as that of the United Nations Interim Force in Lebanon (UNIFIL), has been to implement agreements between sovereign states or to partition parties as in Cyprus— not to remain in the midst of a cauldron of hostilities.

The most plausible choices at present would be either to expand the multinational force or to withdraw. An expanded U.S., United Kingdon, Italian and French contingent may again prove to be ineffective should the internal divisions within Lebanon remain unbridged. If the force remains modest in size and in its current locations, more casualties should be expected.

It is also reasonable speculate that an expanded U.S. force of possibly 20,000 troops could provoke even more violence by Syrian-backed factions. Any expansion of our Marine force should not take place as a substitute for President Gemayel's inability to exert his authority.

President Reagan has complied with certain terms of the War Powers Resolution. But a congressional debate can be expected in the coming weeks over the President's refusal to address the provisions of the resolution concerning the outbreak of hostilities. The debate could lead to congressional limitation of U.S. military involvement in Lebanon due to the risks faced by the present force or an expanded multinational peacekeeping force. A unilateral U.S. withdrawal would be unwise, though I think the time has come to set a timetable for withdrawal if the civil war in Lebanon continues.

The consequences of doing so must be weighed against such issues as the survivability of the Gemayel government, increased Syrian and PLO involvement (though Israel's forces will remain only 25 kilometers from Damascus after its redeployment), Soviet intentions and U.S. international commitments. Notwithstanding these concerns, the alternative I would lean toward is withdrawal should civil war persist. An outside force cannot bring peace to Lebanon.

In an effort to reduce casualties and to live up to its promised intention to withdraw from Lebanon, Israel Defense Forces (IDF) have begun to move their prefabs and other support facilities. Israel's withdrawal will prove what everyone already knows: The Lebanese government cannot reassert steady control at this time. The Druze, the Syrian-backed Shiites and the Syrian government have been working to exploit that weakness.

The United States and Israel have a mutual interest in a sovereign Lebanon. If Israel, with its intense interest in the area, has seen fit to pull back its troops from Beirut to a more defensible position, then what business does the United States have there? If it is a no-win situation for the Israelis, then it is a no-win situation for us. With troops much more numerous than the multinational force, Israel has still sustained high casualties. It is ominous for a peacekeeping force with fewer troops and less commitment.

I can understand why Prime Minister Menachem Begin may have chosen to bow out at this time. In a meeting in Jerusalem barely two weeks ago, he appeared frail but still capable, and not noticeably depressed. He considers Lebanon to be Israel's main problem. First perceived as having liberated Lebanon from the PLO, Israel no longer has the public will to stay there. The truth is that Israel is pulling out faster than the Israel-Lebanon withdrawal agreement called for.

The IDF succeeded in removing the long-range weapons that had threatened Israel's northern population. But after putting a stop to that threat, Israel has in a way become another hostage of Lebanon. It does not want to stay in but does not have security guarantees in place that would allow a full withdrawal. Begin insists he does not want to partition the country, only to implement the withdrawal agreement achieved with the help of the United States. But that agreement cannot be implemented without Syrian cooperation. Israel's leaders no longer believe that it will be implemented.

Begin wanted us to know that Israel has paid a price in Lebanon, incurring casualties in order to contain the fighting between the Christians and Druze. In what might be regarded as his last message as prime minister to members of Congress, he stated that Israel is a faithful ally of the United States and he regards the United States as a faithful ally of Israel. That means reciprocity is essential between our two countries. That is why the intelligence gathered from Israel's capture of Soviet weaponry used in Lebanon has been shared with the United States.

In Damascus, Syrian Foreign Minister Abdul Halim Khaddam repeated what he has undoubtedly told other American officials. Khaddam says there is no Isreal-Lebanon withdrawal agreement, just one between Israel and the Phalangist Party, unrepresentative of Lebanon's unique communities. He reiterated his government's position that if Isreal withdraws unconditionally from all of Lebanon within eight weeks, Syria will withdraw its forces immediately. Syria, acting as if it holds all the cards, may underestimate Israel's seeming lack of resolve to see the Lebanon debacle through.

Missions that seem impossible today may be achieved and replaced tomorrow by new impossible missions. The Middle East has proved time and again that predictions can be empty, expectations can be dashed and impossible dreams can be fulfilled. The only thing that seems certain, however, is that the situation as its stands today will not remain so for long.●

WINTER NAVIGATION: NEW YORK STATE STUDY

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 15, 1983

● Mr. BONIOR of Michigan. Mr. Speaker, on August 3, the Committee on Public Works and Transportation ordered reported H.R. 3678, to provide for the conservation and development of water and related resources. In section 1123, the committee authorized the Corps of Engineers to implement a full year extension of the navigation season on the upper Great Lakes and a 10-month extension on the St. Lawrence Seaway.

Traditionally, the navigation season on the upper Great Lakes has ended on December 15, plus or minus 2 weeks. The corps' proposal extends the navigation season through the construction of bubblers, icebooms, underwater dams, harbor and channel dredging, and the use of a fleet of new icebreakers. The corps presently estimates the project's initial investment cost to the United States at over $600 million.

The corps' 1979 draft survey study for Great Lakes and St. Lawrence Seaway navigation season extension prompted extensive criticism. A series of major studies raised substantial questions about the corps' analysis of the project's economic benefits, its real costs, and its potential environmental impact.

The New York State Department of Transportation commissioned a study from the Pennsylvania Transportation Institute at Pennsylvania State University. The Great Lakes Basin Com-

mission published a study entitled, "Economic Review of Navigation Season Extension." LBA Consulting Partners, Ltd., did a study for the St. Lawrence Seaway Authority.

In 1981, the corps' own Board of Engineers and its Chief of Engineers declined to recommend the project to Congress for authorization. The project has not received comprehensive study since the corps' 1981 decision.

The economy of the Great Lakes region, including its key steel and auto industries, has changed substantially since the late 1970's. The House should not have to decide on a major public works project—one which was not even recommended for authorization by the corps itself—on the basis of studies that may be seriously dated. Yet there may be no alternative.

I will be inserting in the RECORD abstracts of the key studies done on winter navigation, beginning today with an abstract of the study done for the State of New York. The New York study analyzed each of the corps' projected benefits from the project:

"Transportation Rate Savings" gained from the use of winter navigation in place of more expensive transportation systems.

"Winter Rate Savings" deriving from the ability to spread the fixed cost of ownership over a greater number of months of operation per year.

"Stockpile Savings" resulting from reductions in the cost of stockpiling of bulk commodities, like iron ore and coal, in order to continue production through the winter months.

In addition, the New York study did a careful analysis of the St. Lawrence Seaway system and its specific relationship to the proposed navigation extension. I urge my colleagues to give the entire study their careful consideration.

SEASON EXTENSION ON THE GREAT LAKES/ST. LAWRENCE SEAWAY: A CRITIQUE OF THE RECOMMENDED PLAN OF THE CORPS OF ENGINEERS

THE CORPS OF ENGINEERS' ANALYSIS

1. The most important benefit category is transportation rate savings, which are claimed by the Corps to be benefits to the nation.

2. The transportation rate savings resulting from the removal of lock capacity constraints are overstated:

(a) The Corps has understated the capacities of the locks.

(b) There are more cost-effective means than season extension of increasing lock capacity.

(c) There are undoubtedly more attractive alternatives to shippers than using the higher cost rail mode for all of their diverted traffic.

3. In the case of all transportation rate savings claimed, the Corps assumes that the same amount of tonnage of the same commodities will move between the same origins and destinations by a higher cost mode (substantially higher in some cases). This is an unrealistic assumption, and results in an overstatement of benefits.

4. The true economic benefits to the nation are also overstated because rates rather than differences in long-run marginal costs were used to measure transportation rate savings.

5. A substantial portion of the savings claimed can be expected to accrue to foreign shippers and receivers, as well as to foreign flag carriers, which dominate the Great Lakes-St. Lawrence Seaway overseas trade. Such savings clearly cannot be claimed as benefits to the nation.

6. Winter rate savings are overstated because the Corps fails to account for the redundant ship capacity that season extension creates.

7. Despite the experience with winter navigation derived from the demonstration program, there is no evidence that the Corps has analyzed actual ship operating costs to see if year-round navigation is attractive to the vessel operators. Whereas the Corps postulates year-round navigation on the upper lakes, the lake carriers are seeking an extension of only six weeks, or as long as it is economically feasible.

It appears, therefore, that the Corps has underplayed the difficulties of operating in the winter months and overstated winter rate savings.

8. Stockpile savings are overestimated to the extent that the unit prices used by the Corps for iron ore pellets and coal overstate the costs that shippers can avoid by not holding stockpiles. The unit value of the iron ore and coal deposits should be subtracted from the values used.

9. Stockpile savings are also overstated because:

(a) They reach a maximum at lock capacity, a fact that the Corps failed to recognize.

(b) Additional safety stock will be needed because of the added uncertainties associated with mid-winter operations.

10. Project costs are understated by the Corps because:

(a) Environmental costs are excluded.

(b) The existing system, including the 50-year-old locks on the Welland canal, is assumed to require no further capital investments for the project's life. This assumption is particularly unreasonable given the added wear and tear on locks during the winter.

(c) Canada is unlikely to assume any of the costs of season extension, let alone half of the costs as assumed by the Corps, because there appear to be few if any benefits to Canada of season extension.

(d) A 50-year useful life and a 6⅞ percent discount rate do not properly reflect the risk and uncertainty associated with the project.

11. The Great Lakes-St. Lawrence Seaway Traffic Model (hereafter, the "Model"), consisting of four sub-models, was used to develop the benefits for the alternative season-extension proposal. On the surface the Model appears to be sophisticated and accurate. In fact, it is a combination of unrealistic assumptions and arbitrary judgments, and when applied to a data base of dubious quality, it produces untested results that are significantly at variance with the "real world."

12. The most important reason for the unreliability of the traffic and benefit estimates is that the Model's predictive capability was never tested. Thus, although the Model is used to predict traffic and savings 60 years hence, it is not known if it can estimate with reasonable accuracy general cargo movements on the Seaway for the last year, the year before, or any year. Furthermore, validation of the sub-models, where it was done, is inconclusive.

13. A second major shortcoming of the Model relates to the arbitrary manner in which the shipper mode/route selection is made. The "black box" in which switches are "set" in such a manner as to allegedly replicate the shipper decision process is arbitrary. The Model also assumes, incorrectly, that each service and rate factor is valued equally by shippers.

14. The Model yields unit savings (dollars per ton) estimates that are unreasonably high, and which, if accepted, would suggest that some of the largest and most successful business firms do not know what they are doing. This condition exists because the predicted freight rates are probably not good estimates of actual rates and because other logistics costs (inventory, handling, loss and damage in transit, etc.) are not properly accounted for in the Model.

15. The traffic forecasts for both the normal and the extended season are overly optimistic. While assuming significant improvements in Seaway services, the Corps assumes there will be no service improvements on alternative modes and routes. This assumption is contrary to what has actually happened in the past 10 or 15 years, which explains why the Seaway has lost general cargo to Seaboard ports.

16. Finally, we have no confidence whatsoever in the Model. It is a gross abstraction whose predictive capability, while not known in precise terms, appears to be exceedingly poor. The results it produces are plausible only when isolated from actual events.

* * * * *

GENERAL PROBLEMS RELATED TO THE ST. LAWRENCE SEAWAY

1. Except for imported iron and steel the Seaway system has become increasingly less attractive to shippers for overseas general cargo traffic. Despite the importance of such traffic to the economic feasibility of the recommended plan for season extension, the Corps' Survey Report and the reports of the Corps' consultants contain no analysis of past problems in attracting general cargo to the Seaway.

2. Experts agree that the most important reason for the decline in the volume and diversity of general cargo on the Seaway is the increasing importance of containerization for overseas traffic. The success of containerization depends upon speed and economies of scale, that is, large, fast containerships that can be loaded and unloaded quickly at a selected number of well-equipped ports with fast and efficient overland transport services.

3. The Seaway has a number of limitations that prevent the offering of container services equivalent to, or even approaching, those provided by the tidewater ports. Chief among these is the added time required to transit the system because of distance and circuity, numerous locks, and speed restrictions. Also important are the restrictions on ship sizes and drafts imposed by the locks in the system, and the large number of ports to be served. The Corps has acknowledged that the restrictions on ship size and other limitations encourage the use of smaller, older, and less dependable ships.

4. Container service to Central Europe may be economically feasible, according to a draft report of the Great Lakes Cooperative Port Planning Study. Proposed services do not, however, depend on an extended navigation season but would channel traffic through a tidewater port during the winter months.

5. Because of its disadvantages, the Seaway has not been able, and is not likely

to be able, to provide a regular, dependable, fast, and low-cost overseas service that can compete successfully with other ocean ports on other trade routes.

6. There is no doubt that the Seaway has become increasingly less attractive to shippers for overseas general cargo traffic. Shippers are looking for frequent, dependable, fast and low-cost transport, and the Seaway services are no longer able to match those offered through the North Atlantic ports. We cannot believe that either the shippers or the carriers are uninformed about the opportunities the Seaway offers. Routing decisions are not made lightly. The "shipper naiveté" argument fails to account for the many firms that have tried the Seaway, found it wanting, and abandoned it. Therefore, the Seaway's "share" of overseas traffic is probably the share that a reliable economic analysis would suggest that it carry. This share is not likely to be increased appreciably by season extension alone.

7. There is strong evidence that season extension alone is not seriously contemplated by the Corps or the other public agencies with a vested interest in the Seaway; season extension is only the first step in an enormous investment program for the Seaway, which would involve deeper channels and larger locks. This program could well cost 20 to 50 times the estimated cost of season extension. Such an expanded program has staggering economic, political, social, and environmental consequences. Any efforts towards an extended navigation season must be related to the total plans for the Seaway.

8. There are compelling reasons why the studies of additional locks and other proposed improvements should be performed simultaneously with the study of season extension. One reason is that a second large lock at Sault Ste. Marie, which may be justified now and will probably be constructed, will have a significant impact on season-extension benefits. Another reason is that some of the work, such as dredging, is common to both season extension and system enlargement, and economies might be realized if all improvements were coordinated.

9. In any event, the economic costs and benefits of season extension should be determined by an analysis of the costs and benefits of all improvements currently proposed, and then a determination should be made of the effect on net benefits of eliminating season extension. Such an analysis should carefully consider the incremental benefits and costs of season extension on various parts of the system, such as the St. Lawrence River.●

THE BREEDER: A FRESH PERSPECTIVE

HON. MARILYN LLOYD

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 15, 1983

● Mrs. LLOYD. Mr. Speaker, a recent Rand Corp. release argues for abandoning the Clinch River breeder reactor project. I certainly disagree with their analysis, as does a most distinguished resident of my district, Dr. Alvin Weinberg. Dr. Weinberg is certainly no stranger to the Congress. His accomplishments and reputation as one of this Nation's most honored scientists and science administrators are familiar to us. A recent letter to me, which I wish to submit for the RECORD, offers a fresh and lucid response to the Rand Corp. analysis that I believe merits the attention of all Members as we approach a most crucial vote on the Clinch River project.

The letter follows:

OAK RIDGE
ASSOCIATED UNIVERSITIES
INSTITUTE FOR ENERGY ANALYSIS,
Oak Ridge, Tenn., September 7, 1983.

Hon. MARILYN LLOYD,
U.S. House of Representatives,
Washington, D.C.

DEAR CONGRESSWOMAN LLOYD: This letter is prompted by the recent analysis from the Rand Corporation to Senators Heinz and Humphrey arguing for abandonment of the Clinch River Breeder. The conclusions of the Rand Corporation are based on low projections of electric demand, high availability of large amounts of uranium, and low penetration of nuclear power—all during the next two or three decades.

I cannot deny the plausibility of each of these assumptions. I believe, however, they miss the essential justification for pursuit of breeders in general, and completion of CRBR in particular. The breeder is an inexhaustible energy source, in the same sense as solar energy or fusion. Justification for its pursuit, just as for the pursuit of solar energy or fusion, must be sought in the broadest, and longest term, national goals. What is at stake is nothing less than an energy system that can serve for centuries, if not millenia. Thus the short term considerations such as are raised in the Rand paper, even if plausible, are hardly central. At the very least, exactly the same arguments, and with greater force, can be leveled against our Nation's pursuit of fusion and solar energy—each of which receive about $600 million per year, the same amount we now spend on the breeder. (For fusion, these are direct expenditures; for solar, they are in the form of tax rebates.)

Every administration since President Eisenhower's has reconfirmed the achievement of inexhaustible energy sources as a prime national technological goal—not unlike our commitment to space exploration. This has been our basic strategic decision; there seems to be agreement that this strategic decision has been and remains valid.

The argument then comes down to tactics: how best to achieve a successful inexhaustible energy source based on fission of uranium. The Rand paper argues that CRBR should be scrapped in favor of "an alternative, lower cost R&D program." All of my 42 years of experience in heavy reactor development points to the futility of an R&D program that has no well-defined goal. Where very heavy, slow-moving technologies like nuclear energy are concerned, we learn far more, and far more efficiently, from full-scale, real reactors than we do from incremental testing that has no clear focus in an integrated device. Thus as a tactical matter, building and operating CRBR, rather than the course advocated by Rand, seems to me to be the more efficient way to achieve the strategic goal of an ultimately economic breeder.

There is a second powerful argument for completing CRBR, an argument that has unfortunately been ignored in the debate. Breeder reactors (as well as most of the other inexhaustibles) are high capital cost, low operating cost devices. In this respect they resemble dams (which utilize a form of solar energy). Conventional accounting practices for estimating costs of power are derived mostly from experience with relatively short-lived fossil-fueled plants which have high, not low, operating costs. Thus our economic horizon in judging costs is about 30 years. Yet dams last very much longer than thirty years. That reactors share this attribute with dams is attested by the 27-year-old Calder Hall non-breeder reactors in England, which are expected to operate for many more decades. They are now, and will continue to be, producing England's cheapest electricity.

The only way we can tell whether breeders will last, say, 75 or 100 years, rather than 30 years, is to build some breeders now, and operate them for a very long time. Building and operating CRBR is crucially important in determining the longevity of breeders. Should CRBR still be running well 30 years from now—which I consider entirely probable—it will be producing electricity at about one-half the cost of electricity from competing fossil-fueled plants. I should think that once this possibility of extreme longevity is realized, the economic pressure to convert to nuclear power will become very great. But we shall not be able to make this judgment unless we have experience—tedious, lengthy, and expensive—with breeder reactors.

Just 30 miles from where I live is Norris Dam, built about 50 years ago. I enjoy extremely cheap electricity from Norris Dam, and I am grateful to our predecessors who sacrificed a good deal to build Norris Dam. I believe it not unlikely that our grandchildren will be saying the same thing about the Clinch River Breeder—but only if we have the courage to finish it now.

Sincerely,

ALVIN M. WEINBERG,
Director,
Institute for Energy Analysis.●

FEDERAL LANDS FOR HAZARDOUS WASTES

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 15, 1983

● Mr. MARKEY. Mr. Speaker, today I testified before the Energy and Commerce Subcommittee on Commerce, Transportation, and Tourism concerning the use of Federal lands for hazardous wastes. I find this issue especially timely for next week the House will consider amendments to the Resource Conservation and Recovery Act. It is clear that the administration's proposal stems from industry's inability to find suitable waste sites. This inability stems from the public's lack of confidence in hazardous waste management and regulation. Public confidence can only be restored when strong regulation is in place and industry does the utmost to comply with the regulations. I feel the message is clear: we should pass RCRA with strong regulations.

I recommend to my colleagues this statement on the issue of using Feder-

al lands for hazardous wastes dump sites.

The statement follows:

Mr. Chairman, thank you for the opportunity to address your subcommittee on the issue of using federal lands for hazardous waste sites. I come to the hearing this morning with a dual perspective. As Chairman of the Interior and Insular Affairs Subcommittee on Oversight & Investigations, I have a great concern for our federal lands and their proper use. And as a member of the Energy & Commerce Committee, I have joined the distinguished chairman in drafting laws which seek to regulate and contain hazardous wastes and the danger to the public. Given that dual perspective, the only conclusion I can reach is that the idea to use federal lands for hazardous waste sites is ill-conceived, irrational, and makes a farce of the concept that our federal lands should hold our national heritage.

To put it simply: Federal lands should not be the dumping ground for industry. It is true that industry has had trouble in finding sites for the disposal of millions of tons of hazardous waste generated by industry every year. The trouble industry faces reflects the public's lack of confidence in hazardous waste regulation. Industry can only gain support for new sites when it shows that proper protective measures are followed. If industry has trouble proving to the public that waste sites are safe, and the public has every reason to be skeptical, then federal lands should not become the dumping ground of last resort.

Our federal lands contain many resources important to our society and necessary for tomorrow's generations. As Chairman of the Interior & Insular Affairs' Subcommittee on Oversight & Investigations, I have a great concern about the use of our federal lands. Throughout American history, the idea of turning America's publicly owned resources, especially land, over to private interests for private benefits has frequently surfaced. Most recently, the President has proposed accelerated development of our wilderness lands and outer continental shelf, and it has even been suggested that we should hold a great fire sale of federal lands to retire the debt. I strongly believe that each of these proposals is dangerous to the future of our precious heritage of federal lands. Instead, I commend to the Committee the 1976 Federal Land Management Planning Act, in which Congress recognized that there are appropriate reasons for federal ownership of resource and mandates that the best use of any federally owned resource is to manage it in a way that assures the greatest good for the greatest number for the longest time. It is a law which recognizes that there are a multitude of uses of federal lands which should be encouraged. The law rejects the idea that a single dominant use, be it development or strip mining, deficit reduction, or in this instance waste disposal, should exclude all others.

If our history reveals a willingness by some segments to turn our lands over to private use, American history does not support the idea that the long-term interests of the American people will be served only by preservation, with the exclusion of commercial interests. I believe it is an important point to realize that our national forests were established near the turn of the century in direct response to mismanagement of timber resources by private owners. In the West, the overcutting of forests led to fears that the nation's timber resource would be depleted beyond a renewable level, and ultimately, the nation would be unable to meet its timber needs. The federal government responded to this situation with a program which balances the requirements of nature with the needs of industry.

Let me state that it is possible to share the benefits of protected lands with oil and gas exploration; it is possible to enjoy the benefits of grazing and timber cutting if it is based upon the principles of renewable or restorable resources being carefully managed. But for the idea of placing hazardous waste on federal lands, where is the renewable or restorable interest? Where is the area so remote that its groundwater is not important to a valuable species of wildlife, a downstream village, or grazing animals? Where is the area so remote as to be expendable from the public interest whether the plot would be a protected and defended treasure such as our national parks and wilderness preservation system, or whether the plot is as important to land vegetation management as our national forest, or whether it be a wetland or a wildlife refuge?

The answer, Mr. Chairman, is that no federal lands can be used by industry as a dump of last resort. The guiding principle of our federal lands is that they should be carefully developed so we benefit from their resources without sacrificing their value. The examples of grazing and controlled timber cutting are good examples of how we can balance resources development with resource protection. The idea of using federal lands as a dump of last resort clearly violates this principle. The damage to today's citizens and environment, and the damage to the heritage we will pass on to tomorrow's generation is so great that this idea should be rejected as quickly as the proponent of this idea rejected good sense.

Many people contend that industry needs a place to dump its toxic wastes and the federal government should step in with help. Why should we bailout the petrochemical industry? Do we bailout failures at the family farm? Do we offer help to those without health insurance? No. No, but let the petrochemical industry get into trouble and the Reagan Administration—that lover of the free-market—offers a lifeline of public resources. The national treasure of a great expanse of federally owned and managed lands is not barter to irradicate the troubled chemical industry from the consequences of their actions; it is a priceless and irreplaceable natural heritage which must be nurtured and maintained for years to come.

Mr. Chairman, there are positive steps industry can take to remove the need for public lands. Industry should be encouraged to not fight ever EPA action to clean up their sites, but they should do so willingly. Industry should invest more money so we have the technology not only to store wastes, but to produce less waste. Industry should conform with the spirit of the Resource and Conservation and Recovery Act by developing ways to conserve and recover wastes. If industry took these actions and complied with the full effect of the law, the public would have a lot less to worry about and industry would have less trouble finding appropriate sites for their wastes. The way out of the problem is for industry to take positive steps to protect our environment and our citizens. If Industry does this, then there is no need for public lands, to be used as dump sites.●

THE REAL FACTS OF THE F/A-18

HON. ROBERT A. YOUNG

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 15, 1983

● Mr. YOUNG of Missouri. Mr. Speaker, recently it was brought to my attention an editorial in the New York Times criticizing the F/A-18 Hornet. Several of the opinions contained in the editorial in my view were completely without justification.

During the August district work period, a response to the New York Times editorial appeared in the paper which I would like to bring to the Members attention so that they can see the true facts.

The response follows:

[From the New York Times, Aug. 3, 1983]

THE CASE FOR THE HORNET

TO THE EDITOR: "When Weapons Flunk," an editorial of July 14, based its discussion of the F/A-18 Hornet airplane on gross and damaging errors of fact. The opinions expressed in the editorial are therefore entirely without foundation.

It is not true that half the increases in the cost of the Hornet program is due to "design changes and their inflationary costs." Fully two-thirds of the program's cost growth has resulted from inflation pure and simple. Of the remaining third, most resulted from the Navy's decision to buy 1,377 F/A-18's instead of 811.

It is not true that the F/A-18 program began ("was imposed on the Navy by the Defense Department," as you put it) in 1970. The Government authorized McDonnell Douglas to proceed with the F/A-18 in December 1975—a significant date insofar as it shows the Hornet to be technologically more up-to-date than aircraft with which it is sometimes compared.

It is not true that the F/A-18 originally "was meant to be a low-cost, low-weight, uncomplicated fighter." From the beginning the Hornet was intended as both a fighter and an attack aircraft superior to its predcessors in performance, reliability and ease of maintenance.

It is not true that the F/A-18 was "meant to replace" the F-14. The F/A-18 was intended to replace the F-4 Phantom II and the A-7 Corsair II attack plane.

It is not true that the F/A-18 has "roughly half the range" of the A-7—or that the range difference separating the two aircraft puts the F/A-18 at a disadvantage.

The F/A-18 is not designed to have the range of the A-7, which was a capable attack aircraft in its day but in today's environment is a slow, vulnerable, obsolete single-purpose plane. The Hornet can penetrate enemy defenses at speeds 100 to 150 knots higher than the A-7's, deliver its ordnance and then fight its way home more capably than any other Navy aircraft. Analyses indicate that F/A-18 losses on attack missions would be less than one-third those of the Navy's other attack aircraft. This difference results from the Hornet's more advanced technology and from its greater speed and maneuverability.

The factual errors, painful as they are to the builders of the F/A-18, are probably less harmful and therefore less unfair than the editorial's unfounded opinions.

The statement that the Hornet is "loaded with high-tech gadgetry," for example, is supported by no evidence. It ignores the fact that the F/A-18, in order to replace two kinds of airplanes and outperform both, necessarily must have an impressive array of high-technology equipment. To describe that equipment as "gadgetry" is merely to give vent to prejudice. And such a description is contradicted by the fact that, with all its equipment and capabilities, the Hornet has proved itself to be a remarkably reliable airplane.

GERALD J. MEYER,
McDonnell Douglas Corp.,
ST. LOUIS, *July 18, 1983.*●

NATIONAL HISPANIC HERITAGE WEEK

HON. RONALD D. COLEMAN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 15, 1983

● Mr. COLEMAN of Texas. Mr. Speaker, as we celebrate National Hispanic Heritage Week, I want to bring to the attention of my colleagues an article which recently appeared in the Dallas Times Herald. The subject of the article was Bowie High School in the heart of El Paso's southside barrio. It is appropriate during this week when we honor contributions made by Hispanics in this country that we should recognize this symbol of opportunity for many Mexican-Americans in my district.

The article follows:

[From the Dallas Times Herald, Sept. 11, 1983]

LA BOWIE: TRYING TO SAVE THE SOUL

(By Patrick McDonnell)

EL PASO.—For 46 years, the two-story brick building in South El Paso was evidence of separate but unequal education for Mexican-Americans in the West Texas border city.

Set in the heart of the barrio, old Bowie High School accommodated an overwhelmingly Hispanic student body in facilities that were overcrowded and poorly equipped in comparison to the white high schools on the east and north sides of town.

In a 1976 federal court desegregation order, the school was cited as part of a system that "intentionally maintained inferior facilities for Mexican-Americans."

The court order and increasing integration of middle class El Paso neighborhoods in recent years have eased the racial separation in the classroom, but the power of "La Bowie" as a Hispanic community symbol has not diminished.

Although the school was replaced by a modern facility 10 years ago, two thousand Bowie alumni have signed petitions protesting plans by the school board to demolish the old structure to build a parking lot.

"La Bowie was our life," said Raul A. Garibay a retired Army and colonel and 1948 Bowie graduate "It was South El Paso. That's where we were born, we went to school, where we raised families, where we died. . . ."

Gariby, an alumni association director, said the protest effort has been waged by alumni spanning the social scale, from lawyers and doctors to laborers and housemakers. Many still live in El Paso, he said, and they can't imagine the city without the community landmark.

"It's going to hurt—it'll hurt a lot," said Garibay. "You're going to see tears in people's eyes when that building goes down."

School district officials argue that it's a matter of economics—the district cannot afford to maintain a structure that has outlived its usefulness.

The building was used by the Head Start program and for overflow classes after the new Bowie High School was built in 1973 a mile away. But the reassignment of the last of those programs to other buildings this year has made the structure obsolete, officials say.

The alumni association has urged the board to convert the building into a library, a museum or community center, but the district said the $500,000 to $1 million that would be needed to renovate the 1927-vintage structure would be too hefty.

"I'm not emotionally tied to that building," said Arturo Aguirre, the only Hispanic on the seven-member school board. "We'd rather spend the money on some other campus where we need it."

The Bowie alumni say the school board position is insensitive.

"These school board people, all they talk about is dollars and cents—not the meaning or the feelings or anything like this," says Martin Luna, class of 1949. "They say, 'Hey we don't care anything about how you all feel. Money's the name of the game.'"

Luna and others stress their attachment to the old high school does not reflect fond feelings for the old segregated school system.

"We don't want to turn the clock back," said Luna. The high school is a symbol of community spirit and the struggle for achievement in this country, he said.

"We Mexican-Americans, we don't have a heritage, as such, that we can easily identify with," says Garibay. "We can't go back to Mexico, and many of us feel we're not accepted as Americans. So a tradition of sorts—is important to us—and Bowie High School supplied that tradition on the south side."

The tradition had its origin more than 50 years ago in the development of South El Paso as a settlement area for Mexican immigrants in the city. A grammar school was established on the site in 1922, followed by the high school, named after Alamo hero Jim Bowie, in 1927.

For decades afterward, most of the city's Mexican-Americans attended Bowie while Anglos attended El Paso and Austin high schools.

"We were like a family," said Rosa Rangel, a 1956 graduate as she sifted through reams of faded newspaper clips, yearbooks and other Bowie memorabilia on her dining room table. On a nearby glass case she keeps on display plates and glasses embossed with the Bowie bear, the school symbol.

"All the other schools in town, they had different kinds of people—the poor, middle class, affluent. But in Bowie, we had only one kind of people; we were all poor and we were all Mexican-American and we all lived in the barrio."

"La Bowie," as it was known, was where many of the barrio youth attended their first dances and football games and prepared for life outside South El Paso.

David G. Saldana, a 1939 graduate and past president of the 1,000-member Bowie Alumni of California, still recalls the nearby shops—Louie's, where a hefty chunk of Washington pie (made of leftover bread) cost a nickel, and Dona Cuca's, where the proprietor sold bean tacos for a penny.

"I guess those tacos looked as big to us as that penny looked to her," said Saldana, whose California license plate reads, "LA BOWIE."

In 1941, the school district built a new Bowie High School next door and the old building was converted to a junior high school.

In 1973, the $6 million Bowie High School was opened in South El Paso, and the 1941 building became the junior high school. The new high school remains 96 percent Hispanic, although voluntary busing from South El Paso, changed school assignment boundaries and increasing Hispanic integration of old Anglo neighborhoods have boosted Hispanic enrollment substantially in the previously white-dominated high schools.

After the last programs were shifted from the old Bowie building to neighborhood schools this spring, the school board gave the alumni association a month to come up with alternatives to razing the building.

Alumni members say that wasn't enough time to research the possibilities, and their vague suggestions for a library, community center or museum were rejected by the board. On Aug. 9, the board hired a construction company to demolish the structure for $23,800. No date has been set.

Alumni leaders say they have little hope of raising enough money to buy the site, but hope their petition drive will prompt the school board to look harder for another worthwhile use for the building.

School officials, who maintain they have a "critical need" to provide more parking space, are skeptical. And some alumni are not optimistic.

"I guess it's like everything else—we have to change with the times," said Ms. Rangel. "But it's hard for us. We have a saying in Spanish—'recordar es vivir.' To remember is to live again."●

FROM SIMON BOLIVAR TO THE MALVINAS AND BEYOND

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 15, 1983

● Mr. RICHARDSON. Mr. Speaker, all this week we have been celebrating National Hispanic Heritage Week. All of us have taken the time to reflect on the important contributions the Hispanic community has made to the history, culture, and development of this country.

I would like to draw my colleagues attention to a recent address that Ambassador Abelardo L. Valdez presented before a conference commemorating the bicentennial of the birth of Simon Bolivar in Caracas, Venezuela. The Ambassador has a distinguished background as a former Chief of Protocol for the White House and a former Administrator for Latin America and the Caribbean, a division of the U.S. Agency for International Development. I would hope that my distinguished colleagues will take the time

to read this thoughtful piece which presents a new look at the historic perspective of relations between the United States and Latin America.

The article follows:

[An Historic Perspective of U.S.-Latin American Relations]

FROM SIMON BOLIVAR TO THE MALVINAS AND BEYOND

(An Address by Ambassador Abelardo L. Valdez [1])

On July 24, 1783, the birth of Simon Bolivar in Caracas presaged the dawn of a new era. He was born into a world ready to explode, a New World ready to assert itself with its European overlords, an America ready to be free. He was to be its prophet, military hero and political champion.

That new era for The Americas was to begin only after a bloody night of violence and revolution. Old political ties with Europe would be severed, just as, three years before the Liberator's birth, they were cut finally with Great Britain, by George Washington's Army at Yorktown. Then, for the first time in history, people would put aside tradition, shun the past, establish governments more suited to their needs, choose leaders more responsive to their aspirations. Colonies would become nations and subjects become citizens.

Simon Bolivar was born to a world of political instability and social injustice. Today, twenty decades after his birth, one can speculate whether the recent military confrontation in the Malvinas, the present bloodshed in Central America, the enormous gaps which separate the poor from the privileged, the pernicious outside influences which weigh upon our policies, do not make us much the same as the America known to our Eighteenth Century forebearers. Would Simon Bolivar find the America of the Twentieth Century all too familiar?

I think not. I recognize the troubles of our Hemisphere, but am persuaded that progress has been made and in ways which the Liberator would find impressive. We are closer to the fulfillment of his New World dream than many realize, and we have attained more success than have nations of other regions of the world, in these two centuries of an America freeing itself from European Colonialism.

A growing interdependence is smoothing the edges of our differences in the Americas and melding our interests in ways originally envisioned by Bolivar, who tried, but failed, to bring unity to the newly formed nations of Spanish America. We have seen the establishment of organizations which promote regional interests—the Organization of American States, the Inter-American Development Bank, ALADI and the Andean Group. Also, I think that if, today, Simon Bolivar stood near the spot of his failed Pan American Congress, he could draw encouragement from the sight of international shipping, gliding through a PANAMANIAN, Panama Canal.

In the brief time allotted me today, I wish to review the relations between my country, the United States, and the region which has come to be known as Latin America. I use that word, "Latin America", relunctantly. I am of Spanish and Mexican heritage, but I also emanate from a family which, for many generations, has lived in North America, as citizens of the United States. That demographic fact should make me an "Anglo American", but I am no more "Anglo" than is a Japanese immigrant to Peru, "Latin". I am an American, as are we all, Americans; New World people who derive the same sense of pride from the accomplishments of Bolivar, San Martin and Artigas, as from the deeds of Franklin, Washington and Jefferson.

Three months ago, my first child, a son, was born in Washington, to me and my Colombian wife, Margarita. He was Christened, Felipe Alejandro; named after two great Americans who I admire—General Felipe Angeles, a comrade in arms of my Grandfather, who fought together beside Pancho Villa in the Mexican Revolution and Alexander Hamilton, a hero of the American Revolution, who established the monetary system of the fledgling United States and was a leading voice in the formation of its Constitution. So, Felipe Alejandro Valdez Cabrera is an authentic American. He is a Mexican-Colombian citizen of the United States . . . . and, I might add, an honorary citizen of . . . Texas.

This concept of being an "American," of establishing a "New World" identity, lies at the root of the ongoing debate in our Hemisphere. That quest is still underway today in Washington, Caracas, Lima and Buenos Aires. It is underway in Andean villages, in Amazonian jungle, on Patagonian flatlands and in the Yukon tundra. We still seek the fulfillment of the promise of Bolivar. We still seek an America in which no individual is subjugated by the State, or enslaved by an economic system or persecuted for beliefs, preferences or conditions of birth. Yes, Ladies and Gentlemen, June of 1983 still finds us as pilgrims after the ideal of America.

We in the United States, who in this Century have been thrust into a role of world leadership, daily debate what should be our policy at home and abroad. I argue that the foreign policy of my country should identify with the principles which made it great; with national development, human rights and the fostering of democratic governments and institutions.

My belief is, and was during the time in which I served in government, that our policies should be directed towards alleviating human need, by bolstering grass roots economic institutions, not as a matter of sentimental aggrandizement, but as a hard fact of the survival of the American ideal. The freedom and prosperity of the United States cannot survive in a destituted world. A truly interdependent America will require more balance in our productive capacities and more equality in the civic and human rights enjoyed by our people.

The founders of The United States looked beyond our shores when their Declaration of Independence proclaimed that, "all men are created equal". The wisdom of that document, and of our Constitution, has inspired progressive movements ever since. Extending the, "blessings of liberty," has been the motor force of most of my country's success since 1776, and I hope that it will be so, always.

At the beginning of the Independence Movement, the fledgling Republics of Hispanic America emulated the United States, and expected outright military and politial support from Presidents Jefferson, Madison and Monroe. It was not to be. We wished to keep Spain neutral, and conserve strength for our East-West conflict of the early Nineteenth Century. The United States was fearful of England's wrath, which feel upon us in 1812 when Washington was sacked and the White House burned by British Marines. Had it not been for our trading sector, scornful of both British frigates and Spain's "trade embargos," North American contact with Spanish America would have been virtually nonexistent.

In September of 1815, Simon Bolivar lamented this war with Britain. "Without this," he wrote, "Venezuela, by itself, would have triumphed and South America would not have been burned by Spanish cruelty nor destroyed by revolutionary anarchy." There was moral support in the United States for Bolivar, but our relations, unfortunately, were to be balanced by the familiar algebra of international politics; "what is strategically expedient often outweighs what is morally desirable."

In 1822, President James Monroe accepted Manuel Torres as Ambassador of the newly formed Republic of Gran Colombia, an act which formally opened diplomatic relations between the United States and the independent nations of Spanish America. On his heels, envoys came from Mexico, La Plata, Chile and Peru, and the Inter-American System was set into motion.

Just one year later, the clouds of European warfare again shadowed relations among new friends in the Americas. The French had again dominated Spain and joined Russia, Prussia and Austria, in a Holy Alliance. President James Monroe, concerned that they planned to extend their sway over the former Spanish colonies, reacted by authorizing negotiations with Great Britain to guarantee the safety of the new Republics, even though such an accord meant deviating from a fundamental principle of U.S. foreign policy: "form no entangling alliance." But the benefits seemed to outweigh the risks. A truly independent New World could mean unencumbered trade and friendly dialogue among the Republics of North and South America.

The treaty talks did not succeed. George Canning, England's Secretary for Foreign Affairs, struck his own deal with France in the midst of negotiations. It was a setback for U.S. foreign policy and a bitter lesson in big power diplomacy.

It is possible to speculate that if our treaty attempt with London had been successful, the Malvinas issue never would have developed. Just seven years later, in 1830, the British Navy claimed the Falkland Islands.

President Monroe boldly regained the initative by proclaiming his Doctrine: "America for the Americans." The brash new Republic would go it alone, as its enforcer. The doctrine was explicit: "the United States has not and shall not interfere with the existing colonies of any European Power in the Americas. But for governments who have declared and maintained their destiny, will be considered an unfriendly act towards The United States."

The initial reception of the Monroe Doctrine in Latin America was favorable. Argentina lauded the Doctrine's, "guardianship of the Hemisphere." Colombian Vice-President Santander declared it, "an act worthy of the land of American liberty." Bolivar looked to the future as he said, "as soon as we are strong, under the auspices of that liberal nation which lends us its protection, the world will see us cultivate the virtues and talents which will lead to the prosperity of which our Southern America is destined."

But as historians in the room will know, the political realists in Spanish America

[1] Former Chief of Protocol for the White House (1979-1981); Administrator for Latin America and the Caribbean, U.S. Agency for International Development (1977-1979).

knew that the United States was no match for the combined power of the Holy Alliancle, so they looked expediently to Great Britain, as they spoke glowingly to Washington. So concerned was Bolivar of offending the British, that he almost withheld an invitation to the United States to his Congress in Panama. The ensuing rivalry in the Americas, which grew between Great Britain and the United States, set into motion by Latin America's desire to play both sides of the fence, was resented in North America and became one of the obstacles to Hemispheric accord.

The Monroe Doctrine became suspect, as the United States expanded its territory, in fulfillment of its vision of "manifest destiny." The annexation of Texas and other Hispanic regions of North America, the U.S. Marines in Mexico, the Spanish-American War, the efforts to annex Cuba, the Dominican Republic of Puerto Rico, caused even our most loyal friends to wonder if, "America for Americans" did not, in fact, mean, "America for the United States."

In the 160 years since the promulgation of the Monroe Doctrine, much has happened in the relations among us, as nations, and between the political sectors of North and South America. Blood has been spilled in border wars, territory has been usurped by one nation from another, the colonial process lingered and can still be observed in our Hemisphere. The "New World" has seen a tenfold increase in population, the number of nations has increased, from a handful in 1823, to 31 Sovereign States, seated in the last United Nations General Assembly.

Most of the milestones of our relations are well known, and limited time permits only a brief mention of them. From the perspective of Latin America, the pendulum has swung from the arrogance of the "big stick" of Teddy Roosevelt, to the optimism of FDR's, "Good Neighbor Policy," from the mutuality of the Alliance For Progress, to the unilateral actions undertaken by recent Presidents of the United States in Guatemala, Cuba, the Dominican Republic and Chile.

From the perspective of the United States, the pendulum has swung from the satisfaction of joining with Latin Americans to meet a common threat during the Second World War, to the disappointment of seeing a shift of Latin energy away from the concerns of the Americas, towards Third World politics and confrontation with the United States. The Group of 77, OPEC, and the Nonalligned Movement has been forums in which Latin delegations have taken leadership roles, but at times their tactics were confrontational, leading to stalemates.

When it has been constructive, Latin American leadership has produced results. The recent call for a New World Economic Order led to the Summit of 22 Chiefs of State in Cancun in 1981 and to a growing acceptance by many in the industrialized world that extreme economic disparity is mutually detrimental. Latin Americans led the movement for a new treaty on the Law of the Sea and a 200 mile offshore economic zone, and saw opponents, including the United States, accept the concept, after decades of confrontation and open hostility in the coastal waters of America.

The reluctance of some countries of the Hemisphere to institute social reforms, to guarantee basic civil rights, to persist with authoritarian governments, to thwart the development of democratic institutions has created a negative image of Latin America in the United States. No country among us is too poor to be free, and no citizen too humble to pursue his unique path to happiness. No government has any higher calling than to empower its people and then listen to their voices.

The post World War Two U.S. preoccupation with its East-West confrontation is as resented today by Latin Americans, as was our exclusive focus on England in the Eighteenth Century repugnant to Bolivar. You have, quite rightly, pointed out that our near paranoia with the spread of Communism has blinded us to the real nature of revolution in this part of the world.

I am not naive to the reality of Soviet expansionism in Latin America, but I think that we must be confident of the ability of our people to distinguish between an accelerated pace of social and political reform, and the presence of outside conspiracies.

The history of Inter-American relations teaches that, in spite of real or imagined wrongs, progress can emerge from a climate of good will. Good will can reverse history. It did so in the case of the Panama Canal. What Panama could never have achieved by force, we all were able to effect by patient negotiations. Negotiations should provide the solution for all of our problems in this Hemisphere. Negotiations should have been the answer for the settlement of the Malvinas issue. It still should be. Negotiations must be the answer to the present crisis in Central America.

That tortured part of our Hemisphere is one that requires uncommon understanding, by neighbors to the North and South. I see a positive role in the peacemaking process for the Contadora Group, and I am hopeful that their efforts can bring forth a true focus on the problems of that region, the ultimate solutions of which are economic and political in nature, rather than military. The guns of war could be put aside tomorrow and the underlying problems of Central America would still persist. Pacification and negotiations can reduce the patient's fever, but its health and survival will depend on the surgery of basic political reform and the nourishment of economic development.

I am pleased by recent signs of flexibility in Washington towards such a view, giving me some hope that we can approach the ills of Central America multilaterally, and restore it to health, in a demonstration of Latin-U.S. cooperation. By succeeding, we will give life to Bolivar's assertion that the capacity exists for reason and compromise in Inter-American relations and that it must prevail over passion and rhetoric, if his dream for the Americas is to come to pass.

I am a member of a community that yearns for a constructive climate in the Hemisphere, and is working to achieve it. There are over 20 million persons of the Hispanic community in the United States, making the U.S. the fourth largest Spanish speaking nation in the world. Hispanic Americans have proven persistent in pursuing issues of concern. For example, they advocated for ratification of the Panama Canal Treaties, and are now working to influence Congress to enact a more humane and equitable immigration policy.

The U.S. Hispanic Community is a growing political force, one that could be pivotal in the 1984 Presidential Election. It now boasts a State Governor, several mayors of U.S. cities, including Miami, San Antonio and Denver, ten Members of the U.S. Congress, and thousands of state and local elected officials. Latin America can look to this community to sensitize other North Americans to the culture and personality of Spanish America and to serve as a bridge of understanding in the future. They can also be seen as facilitators of the growing trade among the countries of the Americas. In Miami, Houston, Dallas, San Antonio, Los Angeles, New York, and other entry ports of the United States, Hispanics are in the forefront of trade expansion with Latin America.

In 1823, it took months for the news of the Declaration of Independence to sail by threemaster to Cartagena, while today our remarks in this room can reach any other country in the hemisphere, indeed anywhere in the world, instantaneously. The world has changed and our political relations have been cast in new shadings, but the challenge and the dream persist.

This Conference is a manifestation of that dream. We come together as Americans, to share differing versions of that dream. It is urgent that we do so. Never have we been more interdependent, as the present debt crisis vividly illustrates.

When skyrocketing prices and a depressed world economy brought several Latin American countries to the brink of bankruptcy, the rally by the International Banks, many in the United States, to support them with new loans, was not an act of generosity, but a bid to survive. Several lenders likely would have failed, if the troubled countries had postponed or canceled their debt.

Trade among us, and between the United States and Latin America, albeit strained by the recession, is growing at a dramatic rate. We all have a stake in checking the persistent pressures toward protectionist policies, which could choke the growth of Inter-American trade.

The movement of large numbers of people across borders, often illegally, in search of economic survival, is a demographic phenomenon which requires a hemispheric strategy. There are explosive political issues in this migration, which have the potential of triggering diplomatic disputes and antagonisms among us. This problem, and many others, needs a new forum for Inter-American negotiations.

I was first exposed to the Inter-American Idea in 1967, when I accompanied President Johnson to the Summit Meeting of American Chiefs of State at Punta del Este. Those were the days of our "special relationship" with Latin America, envisioned by Presidents Kennedy and Johnson, and they were times of great optimism about our capacity to mutually solve the problems posed by poverty and political instability in the Hemisphere. Tragically, the conflict in Viet-Nam turned our gaze, once again, Easterly, and the psychological gains achieved by the Alliance for Progress were dissipated.

It has been sixteen years since that Summit Conference. I think that it is long past time that we had another. It is time that we refocus our international agenda towards a new Hemispheric policy. Perhaps Panama would be an appropriate place to hold such a Summit, dedicating it to the Liberator, and pledging ourselves to the completion of the work which he began.

In 1992, we will commemorate five hundred years of the concept of America . . . the concept of The New World. The meeting of Heads of State which I am proposing, could be the beginning of a "New World Dialogue", leading to a grand celebration throughout the Americas on October 14, 1992 of the epic voyage of Christopher Columbus.

The "New World Dialogue" would be a one in which the political, cultural, econom-

ic and social contacts among us would expand and flourish; one in which our governments, our universities, our private institutions and our businesses could play a leading role. Its objective would be to cool the crucible of hostility in the Americans today, and break down the suspicions which persist among us.

By the "New World Dialogue we will build the personal and institutional associations which can make our growing interdependence a positive state of affairs, spurring our magnificent potential for progress into the Twenty First Century.

A "New World Dialogue" is a big dream, but it is appropriate to the promise of America, and to the memory of the man whose two hundredth birthday we commemorate today. It is appropriate to his stated wish for the newly independent nations of America, "a flexible union, presupposing no delegation of sovereignty on the part of any country belonging to it, expressing itself through a Congress, composed of delegates from all the free nations of America, lending strength to the whole, and inspiring in all hostile nations a respect for each, which no one of them could, alone, hope to inspire."

So, let the "New World Dialogue" begin today. Let it begin in a spirit of respect for our diversity and confidence in the mutual benefits which we shall all derive from an interdependent Hemisphere. Let it begin with the expectation that candor and reason among us will clear many of the problems which cloud today's "New World" and obscure the bright sunshine of freedom, and solidarity among us, which was the vision of Simon Bolivar, and the guiding principle of his inspiring life.

Thank you.●

A BILL TO AUTHORIZE THE SECRETARY OF AGRICULTURE TO ESTABLISH A PROGRAM TO REDUCE SALINITY IN THE COLORADO RIVER BASIN

HON. E de la GARZA

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 15, 1983

● Mr. DE LA GARZA. Mr. Speaker, today I take pleasure in introducing a bill to establish a U.S. Department of Agriculture salinity control program for the Colorado River Basin. The program as outlined by my bill has been recommended by the Secretary of Agriculture with full endorsement of the Reagan administration. With enactment of this bill, the U.S. Congress can take significant steps toward reversing the increasing trends of higher salinity concentrations in the Colorado River which has been and will continue to cause millions of dollars of annual downstream damages to agriculture and nonagriculture water users in the Lower Colorado River Basin States.

Before going any further, I would first like to provide some background information. The Colorado River Basin encompasses portions of seven States. The river flows over 1,400 miles from headwaters in the upper basin in Wyoming and Colorado, joining with tributaries in Utah and New Mexico, flowing through the lower basin below Glen Canyon Dam and the States of Nevada, Arizona, and California, and terminating in the Gulf of California in the Republic of Mexico.

The Colorado River, at its headwaters, has a salinity—total dissolved solids—concentration of only about 50 milligrams per liter (mg/1). The salinity concentrations progressively increase downstream as a result of water diversions and salt contributions from a variety of natural and man-induced sources. In 1981, the salinity concentration averaged about 806 mg/1 at Imperial Dam, the last major diversion point on the Colorado River in the United States. Unless control measures are adopted, the concentration can be expected to increase, possibly reaching a level of 1,140 mg/1 at Imperial Dam by the turn of the century.

The Environmental Protection Agency recommends that drinking water contain no more than 500 mg/1 of total dissolved solids. For irrigators, increased concentrations decrease crop yields, alter crop patterns, increasing leaching and drainage requirements, and escalate management costs. Salinity levels of 700 to 850 mg/1 in applied irrigation water are resulting in agricultural losses on more than 1 million acres of irrigated farmlands in the United States, through either lower yields or increased production and management costs.

The 10 million tons of salt annually entering Lake Mead in the Lower Colorado River Basin adversely impacts the quality of life for more than 10 million residents who depend upon the Colorado River for their water supply. In addition to decreased palatability, significant losses are associated with municipal and industrial uses and occur primarily from increased water treatment costs, accelerated pipe corrosion and appliance wear and increased soap and detergent needs.

In response to a 1972 amendment to the Federal Water Pollution Control Act (88 Stat 266; 43 U.S.C. 1571), the seven Colorado River Basin States created the Colorado River Salinity Control Forum. Numerical salinity criteria were developed for the Colorado River Basin and adopted by each of the Basin States and approved by the Environmental Protection Agency.

USDA has been using existing programs to implement two salinity control projects, the Grand Valley (CO) and the Uinta Basin (UT), since 1979 and 1980, respectively. Based upon USDA experiences and the difficulties in using existing program authorities, USDA has established a proposed USDA voluntary salinity control program which is more appropriately suited to the Colorado River salinity control needs.

The major features of this bill would authorize the Secretary of Agriculture to: First, identify salt source areas and determine salt loadings resulting from irrigation; second, develop plans for implementing measures to reduce salt loads; third, provide technical assistance and cost-sharing assistance for voluntary implementation of irrigation water management and salinity control measures; fourth, provide for monitoring and evaluating program effectiveness; and fifth, carry out related research, demonstration, and education activities. This special legislative authority for a separately funded program will allow the Secretary of Agriculture and USDA to implement a more fully coordinated program in the Colorado River Basin.

In closing, let me remind each of you that in centuries past, entire civilizations have been eliminated because of salinization. Salinization is a slow process which does not develop over night. Likewise, as a soil and water resources management problem, salinization problems cannot be solved or corrected over night. Salinity problems are costly, salinity problems have widespread impacts, and salinity problems have been short-term and long-term implications. The time for action is now. Mr. Speaker, I call upon you and my House colleagues, to act upon this bill at the earliest practical date.●

WATER POLITICS

HON. EDWARD F. FEIGHAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 15, 1983

● Mr. FEIGHAN. Mr. Speaker, safe water is essential for our survival. But inadequate water treatment systems and inappropriate disposal of hazardous wastes are imperiling our national supply of safe water sources.

My colleague and friend, DENNIS ECKART, has introduced two measures to reverse this dangerous trend. Debate on his proposal to ban the use of landfills for specific toxic wastes will resume shortly, and the Safe Drinking Water Act of 1983 will probably reach the floor by the end of the year.

As we consider these vital pieces of legislation, I urge all of my colleagues to read this excellent editorial which appeared recently in the Cleveland Plain Dealer. It points out the tremendous health dangers and economic risks that we run by failing to pay immediate attention to the vital problem of safe water.

[From the Cleveland Plain Dealer, Sept. 11, 1983]

DANGER AT THE TAP

One has to look no farther than the city of Akron to be reminded that safe water, a basic survival element which most Ameri-

cans take for granted, can be a vulnerable commodity. Thousands of Akronites were recently plagued by contaminated water. No specific cause has been found, although an industrial waste source is suspected.

Of broader concern, however, is the fact that the Akron incident is not unique, that increasing threats to America's water supplies imperil the basic acts of cooking a meal, sipping from a fountain, taking a bath.

Society's dependence on chemical and industrial materials has increased the need for better disposal of their wastes. The names of Love Canal and Times Beach have been burned into the American lexicon as synonymous with the worst effects of hazardous waste contamination. Locally, the infamous problems of a burning river and a "dying" lake spurred corrective actions to improve the quality of our water.

From Massachusetts to California, a correlation has been shown between hazardous waste disposal and areas of exceptionally high rates of cancer, birth defects and other illnesses. Whether it is salt brine or vinyl chloride, solvents or degreasers, the leaching of certain elements through disposal sites and into water sources poses a constant threat, especially for groundwater which supplies much of America. Further, a Cornell University study suppressed by the government found that 15 percent of all small water systems do not disinfect water adequately to protect against water-borne disease and that about 500,000 rural Americans get water that fails to meet even the standards for public beaches.

No region is immune to threats of contamination. Ohio has more than 20 of the nation's 400 sites that qualify for the Environmental Protection Agency's Superfund Aid for cleanup. But the costs are staggering—10 times, even 100 times as much to clean up a hazardous waste dump than to dispose of the waste properly in the first place. And it is taxpayers, not just the producers or users of products, who wind up paying the billions of dollars in costs.

What to do? Certainly the issues of safe drinking water and disposal of wastes are linked. These twin problems should be addressed at the national level. After all, disposal sites often handle wastes from other states and water sources transcend political boundaries.

Two measures sponsored by Rep. Dennis E. Eckart, D-11, of Mentor, merit rapid consideration and action. When Congress returns from recess, debate is scheduled to resume on Eckart's proposal to ban the use of landfills for specific toxic wastes that would endanger public health or the environment. The chemical industry in particular is upset at the prospect of finding new disposal methods within four years. But Eckart correctly counters that the bargain basement means of disposing hazardous wastes have existed too long.

A bill on safe drinking water is expected to face a committee vote within a month and a possible floor vote by late December. Among its provisions, it would require the slow-footed EPA to limit industrial chemicals in water, help small water systems meet standards and require deep-well disposal of salt brine, which is not currently labeled toxic despite its poisoning of fish and livestock and its threat to humans. The bill would also allow users of private wells to sue polluters for treatment costs.

While public health is the major concern, water quality also is an economic issue. Projections show depletion of water sources as Sunbelt population swells and renewed importance of the Great Lakes region. Thus, the nation must begin now to protect and imporove its water sources, for even if we had water everywhere, it must be safe to drink.●

MONSIGNOR LUCITT RETIRES

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 15, 1983

● Mr. FLORIO. Mr. Speaker, I take great pleasure today in congratulating a very special constituent, the Right Reverend Monsignor Edward B. Lucitt upon his retirement as pastor of St. Mary's Church in Gloucester City. For 47 years, Monsignor Lucitt has dedicated his life to ministering to the needs of his parishioners and his community.

Monsignor Lucitt has succeeded in gaining the respect and love of his parishioners through his warmth and kindness. During the past 5 decades, Monsignor Lucitt has been an active leader of the Catholic community in my district. Born and raised in New Jersey, and a graduate of Holy Cross College in Worcester, Mass. and Christ the King Seminary in St. Bonaventure, N.Y., Monsignor Lucitt began his long and fruitful career at St. Mary's Church, the oldest church in the Diocese of Camden. After serving his country as chaplain in the U.S. Army Air Corps during World War II, Monsignor Lucitt served as pastor of the Sacred Heart Parish in Camden and then, in 1961, returned to serve at St. Mary's Church, where he has demonstrated outstanding leadership in his church's mission and in seeking to improve his society for the last 22 years.

His tireless efforts in serving his parish are to be commended. Throughout these years, he has shown great interest in both young and old, through his work on educational and charitable projects. His contributions to the citizens of Gloucester City are such that, just recently, he was named "Outstanding Citizen of 1983" by the Gloucester City Jaycees. His truly unselfish devotion is exhibited by the fact that, even after his retirement, he will continue living in the church rectory and will make himself available to his parishioners for spiritual guidance.

I laud the efforts of Monsignor Lucitt and am proud to have him as my constituent. I wish to commend the following article, which appeared in the Gloucester City News, to the attention of my colleagues.

The article follows:

[From the Gloucester News, Aug. 4, 1983]

FORTY SEVEN YEARS IN THE PRIESTHOOD DEDICATED TO GOD AND MAN

(by Msgr. Edward B. Lucitt)

He's a Phillies fan. He played basketball and football in high school and college and on the side did a little amateur boxing.

Dr. Thomas W. Sykes, superintendent of Gloucester City public schools, referred to him as, "A man for all seasons."

The Catholic Star Herald, official publication of the Diocese of Camden, said he is regarded by his fellow-priests as an "elder statesman."

To his parishioners, he's simply, "the greatest!"

It's no big secret to whom these accolades are directed. And he is the same modest, down-to-earth person as he was the day he first set foot in St. Mary's church in 1936 following his ordination into the priesthood. He's Rt. Rev. Msgr. Edward B. Lucitt, pastor emeritus of St. Mary's Church; Domestic Prelate of the City of Rome; and a Protonotary Apostolic, the latter honors conferred upon him in 1957 by His Holiness Pope Pius XII and in 1975 by His Holiness Pope Paul VI.

At age 75, a milestone Msgr. Lucitt reached on July 18, he still remains an imposing figure at six-foot, one-inch and only slightly heavier than his collegiate weight of 200 pounds.

Obedience and patience are hallmarks in the making of any person. In young Fr. Lucitt's case, fresh from his college education under the Jesuit Fathers at Holy Cross College in Worcester, Mass., and his seminary training under the Franciscan Fathers at Christ the King Seminary, St. Bonaventure, N.Y., he was assigned to St. Mary's parish for the third, major step in his priestly career as assistant to Rt. Rev. Msgr. Maurice E. Bric.

Fr. Lucitt served seven years under Msgr. Bric until he entered the military service as a chaplain with the rank of first lieutenant in the U.S. Army Air Corps. Following his discharge with the rank of major in 1946, Fr. Lucitt again returned to St. Mary's and served another four years as Msgr. Bric's assistant until the latter's death in 1950.

One more year was spent at St. Mary's as administrator until his appointment in January 1951, as pastor of Sacred Heart Parish in Camden. He was well-equipped for his assignment. Ten years later he returned to his first love, St. Mary's.

Msgr. Lucitt's outstanding accomplishments over the years have been told many times over, such as his unpublicized charitable work, his interest in the youth of the city, his building and educational programs, his kindnesses and generosity not only to his own parishioners but to all citizens of Gloucester.

Also, his ecumenical efforts and work with the Protestant clergy of the city and his dynamic religious leadership.

The latter is reflected in his being named to many important diocesan posts, which have included director of the Holy Name Society, director of the Confraternity of Christian Doctrine and director of the Family Life Bureau.

He also served on the Board of Diocesan Consultors, Priest Personnel Board, the Priest Senate, Pastoral Council, Parish Priest Consultant and chairman of the Committee on Pastoral Ministry.

Now, with retirement at hand, Msgr. Lucitt will continue to reside at the rectory where he will be available for spiritual guid-

ance. St. Mary's parishioners are most fortunate.●

PROBLEMS IN COAL MINING

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 15, 1983

● Mr. LIPINSKI. Mr. Speaker, I would like to call attention to a serious problem that is plaguing the coal industry in the State of Illinois. Current Federal and State regulations include secondary coal recovery operations in the definition of surface mining activities. This broad definition means that secondary coal recovery operations must abide by the same strict permitting provisions and performance standards which apply to the surface mines.

The application of these program requirements have put approximately 20 secondary coal recovery operations in Illinois out of business, and prevented potential operations from beginning due to the lack of money, technical staff or expertise necessary for compliance.

These regulations have had a much more severe impact on secondary coal recovery operations than on regular, small surface mine operators, since secondary coal recovery operators do business in a limited market place where their product sells for only $5 to $6 per ton. It is virtually impossible for these secondary coal recovery operations to generate the resources necessary to gather all the data, and perform all the engineering studies required to obtain a permit, and to then comply with the performance standards mandated by law.

Secondary coal recovery operations recover coal from abandoned coal waste piles and slurry ponds. A reasonable, affordable permitting and environmental control provision must be developed for secondary coal operators. By developing a workable regulatory program, we will allow private enterprise to reclaim coal sites in the coal producing regions of Illinois. Federal moneys that might have gone to reclaim these sights under title IV of the abandoned mine reclamation program could instead be used to reclaim other priority sights.

Illinois State Senator Leroy Lemke has sent me a resolution, passed by the State Senate, which calls for the Congress and Interior Department to assist Illinois in arriving at a solution that will repair environmental damage, conserve abandoned mine reclamation funds, and create additional jobs and revenue. I would like to insert that resolution into today's RECORD.

STATE OF ILLINOIS SENATE RESOLUTION No. 259

(Offered by Senator Kenneth V. Buzbee)

Whereas current federal and State regulatory schemes include secondary coal recovery operations in the definition of surface mining activities causing all the surface mine permitting provisions and performance standards of the State and federal programs to be applied to secondary coal recovery operations; and

Whereas the application of these program requirements has caused approximately 20 secondary coal recovery operations in Illinois to cease operations and potential operations to not begin due to a lack of the fiscal resources and technical staff or expertise for compliance; and

Whereas program requirements have had a much greater and more devastating impact on secondary coal recovery operations than regular, small surface mine operators since secondary coal recovery operators do business in a limited market place where their product sells for only $5 to $6 per ton; and

Whereas it is virtually impossible to generate the resources to gather all the data and prepare all the engineering studies required to obtain a permit under the existing program and to subsequently comply with the performance standards of the existing program as the result of receiving a permit; and

Whereas secondary coal recovery operations recover coal from abandoned coal waste piles (course refuse or gob) and slurry ponds and will be given high priority for reclamation under the Abandoned Mine Reclamation program authorized by Title IV of P.L. 95-87; and

Whereas if an affordable permitting and environmental control provision can be developed and inplemented for a secondary coal recovery operators, many of the abandoned mine problem sites in the coal producing regions of the State can be reclaimed by private enterprise, resulting in Title IV funds not being spent to reclaim those sites but being used to reclaim other priority sites; and

Whereas the Abandoned Mine Reclamation program under Title IV can be bolstered by secondary coal operators paying the 35¢ per ton of coal produced reclamation fee into the reclamation fund, a fiscal resource lost if the coal had been covered and revegetated under the Title IV program; and

Whereas in addition to reclaiming abandoned sites and paying into the reclamation fund, continuance of secondary coal recovery operations will directly provide several hundred jobs, thousands of dollars in federal, State and local taxes and several hundred jobs in associated industries; and

Whereas the utilization and conservation of the coal resource as mandated by Section 515(b)(1) of the Federal Act will be maximized by an increase in the number of secondary carbon recovery operations, without which much of this coal resource will be rendered unrecoverable under current economic conditions; and

Whereas there are no valid or logical reasons why these operations should be forced out of business and there are numerous reasons for taking action to allow these operators the opportunity to continue to operate; and

Whereas the Illinois General Assembly, representing all the citizens of the State of Illinois cannot unilaterally legislate a solution without federal executive branch approval; and

Whereas the Illinois Department of Mines and Minerals is seeking stopgap administrative assistance; therefore, be it

Resolved, by the Senate of the eighty-third general assembly of the State of Illinois, That we hereby request the United States Congress and the United States Department of the Interior assist and support the efforts of the State of Illinois to arrive at a solution which will repair existing environmental damage, conserve Abandoned Mine Reclamation Funds and create additional jobs and revenue; and be it further

Resolved, That a copy of this resolution be transmitted by the Secretary of State of Illinois to the President of the United States, the Secretary of the Senate of the United States, the Clerk of the House of Representatives of the United States, the Secretary of the Department of the Interior and to each member of the Congress from this State.

Adopted by the Senate, June 30, 1983.●

MONSIGNOR KERN—A LOSS TO US ALL

HON. WILLIAM D. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 15, 1983

● Mr. FORD of Michigan. Mr. Speaker, there have been many fine words written about our dear friend, Msgr. Clement Kern, a priest of the Archdiocese of Detroit who died recently. One of the most outstanding tributes was written by Msgr. George G. Higgins and I commend it to all of my colleagues at this time. For over half a century, Monsignor Kern served the public of Detroit and he made a difference in every life he touched. You will understand what I mean after you read this marvelous eulogy.

Msgr. Clement Kern, a priest of the Archdiocese of Detroit and one of the unsung heroes of the Catholic social action movement in the United States, died last week at the age of 76 as the result of an automobile accident. The most beloved clergyman in Detroit for more than half a century, he will be sorely missed by people of all faiths, rich and poor alike, in that economically troubled city.

Monsignor Kern was one of the most perfectly integrated Christians I have ever met. To begin with, he was a deeply spiritual and profoundly prayerful priest with an extraordinary sense of confidence in the goodness and providence of God. At all times and under all circumstances he was completely unflapable. In the 40-odd years that I knew him, I never once saw him out of sorts or out of patience. His rectory at Most Holy Trinity parish on the edge of the downtown business area of Detroit was frequently a madhouse, a magnet-like haven for people from all walks of life with problems that they thought only Father Clem could help them resolve.

St. John Bosco is said to have been the first educator to make a virtue out of noise in the classroom and the workshop. For his own part, Clem Kern made a virtue out of confusion. On any given day his rectory was as hectic and as confused as Grand Central Station on the eve of a national holiday. But Clem took it all in stride, with great respect for the dignity of each of his importunate callers. He could be as calm as a cucumber in the midst of the kind of disorder and confusion that would have unnerved the average person.

Always full of good cheer, Clem spent his entire lifetime, as the Gospel puts it, rejoicing with those who rejoice and weeping with those who weep. Long before the phrase came into our language, he had a preferential option for the poor, the poorest of the poor—for the derelicts on nearby skid row, for prisoners and ex-convicts, for abandoned mothers and children, for the victims of racial or ethnic discrimination, for the mentally or physically ill, in short, for all the lame, the blind, and the halt. At the same time, though not a respecter of persons, he moved comfortably and with great good feeling among the rich and the powerful in the Detroit establishment. He counseled with them, as he did with the poor, about their personal, family, and professional problems. Moreover, without fawning on them, he quietly persuaded them to share their abundance with the poor and helped them to understand the broader social implications of the Gospel. They vied with one another to support his multiple and highly imaginative social welfare and antipoverty projects. I have no doubt that these pillars of Detroit society will mourn his passing every bit as much as his nameless friends on skid row. He treated them all the same. That is to say, he was literally all things to all men and women.

Unlike many others with a highly personalized concern for the spiritual and material needs of individual men and women, both rich and poor, Clem never lost sight of the big picture. Early on in his priesthood, he came to realize that it was not enough to feed and clothe needy individuals, not enough to put Band-Aids on the socioeconomic sores of urban America. Specifically, he clearly recognized the need for a strong trade union movement in a highly industrialized city such as Detroit and did as much as any other single individual outside the movement to help the workers of Detroit get organized. He was the best friend that the autoworkers and their union, the UAW, have ever had. Though by nature a disarmingly modest, low-key, and soft-spoken person, he was never afraid to stand up and be counted on controversial labor-management issues and could be as tough as nails, though gently and humorously so, when the going got rough. Through it all, however, he retained the respect and friendship of top managment representatives in the auto industry and was instrumental more than once in bringing them together informally with their union counterparts in joint labor-management and community projects.

Following his retirement a few years ago as pastor of Most Holy Trinity Parish, Clem joined the faculty of St. John's Provincial Seminary in suburban Detroit as pastor-in-residence. From all accounts, he had a profound influence on the seminarians. I envy them. They are fortunate to have enjoyed his company and to have profited from his wise counsel in his declining years.

Because of his long association with the auto workers, it was altogether fitting that Clem's last major public appearance should have been at the union's national convention in Dallas, Tex., just a few months ago. I was with him there for a week and was delighted to see how warmly he was received by the officers and members of the UAW. They greeted him with deep affection as a revered member of the family, little knowing at the time that they were saying goodby to him forever.

Clem Kern was a great priest, one in a million. We are going to miss him very much. May he rest in peace.●

MORE EDITORIAL SUPPORT FOR NATURAL GAS DEREGULATION

HON. TOM CORCORAN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 15, 1983

● Mr. CORCORAN. Mr. Speaker, the New York Times and the Wall Street Journal do not often agree on matters of economic policy. Earlier this week, however, both publications editorially endorsed the deregulation of natural gas. This unusual agreement on what is surely one of the most difficult issues confronting Congress is very significant, and I ask that these editorials be placed in the RECORD for the benefit of our colleagues.

[From the New York Times, Sept. 12, 1983]

UNNATURAL BONDS ON NATURAL GAS

It seems unlikely that Congress will soon untangle the knot of problems that keeps natural gas unnaturally regulated. The issues are so complex, the stakes so high and the politics so charged that any deal is a long shot. But the fact remains that gas consumers, producers and pipeline companies would all be better off with a compromise. The best hope lies with an Administration-backed bill soon to be tested in the Senate.

Congress partially decontrolled the price of natural gas in 1978. "Old" gas, which was discovered before that time, was declared forever regulated. But controls on the prices of a dozen categories of "new" gas were to be phased out by 1985. Few people understood at the time that this half-free, half-regulated system could react perversely to changes in market conditions.

Cushioned by supplies of old gas that cost as little as 30 or 40 cents per thousand cubic feet, and fearing future shortages, pipelines rushed to sign long-term contracts to buy new gas from deep wells for as much as $8 or $9. That promised no difficulties so long as the averaged cost of old and new gas remained comfortably below the price of competing fuel oil. But when oil prices slackened, industrial customers began to switch, triggering a chain of events that dramatically raised the price of natural gas at the burner tip.

The declining demand meant that the fixed costs of operating pipelines now had to be spread over a lower volume of gas. The smaller sales also meant that pipelines would have to pass up some of the gas they had options to buy. In many cases they were locked into "take-or-pay" contracts that required them to buy the most expensive gas first. All this meant higher rather than lower gas prices, driving away still more customers and raising the cost for those who remained.

Last year, the Reagan Administration proposed some cleverly designed incentives for producers and pipelines to renegotiate their contracts. The plan envisioned total price deregulation. But the Administration argued that it would bring supply and demand into balance and cause a decline rather than increase in gas prices. It also predicted that uniform prices would increase production and yield greater efficiencies.

The plan won the support of industrial gas consumers, who understand that currently uncontrolled gas is so expensive because controlled gas remains so cheap. It won the approval of the large, integrated oil and gas producers who stand to profit greatly from decontrol of old gas. But it is bitterly opposed by a coalition of labor unions and liberals who can only see Big Oil's gain as the people's loss.

The deadlock has proved hard to break. The only reason to believe it might yet be broken is that the decontrol of new gas now scheduled for January 1985 could easily trigger another steep increase in gas prices, which everyone would like to avoid.

No compromise is even in sight in the House. But the Senate Energy Committee has a decontrol plan full of safeguards for consumers and pipelines. It is more cumbersome than the Administration's proposal, but would reach the same ends. Its fate now rests with pragmatic senators, who must decide whether sound legislation is worth the obvious political risks.

[From the Wall Street Journal, Sept. 14, 1983]

THE MARKET'S FOUND A CAP FOR NATURAL GAS PRICES

(By Fowler W. Martin)

The question of whether natural-gas wellhead prices should be decontrolled has gotten a lot more simple recently, but hardly anyone seems to have noticed.

As a result of a series of substantial, and quite proper, increases in recent years, natural-gas prices finally reached a level this year where they became equivalent to the cost of residual fuel oil on an energy-value basis in many regions of the country.

Most gas experts didn't consider this to be a momentous event. They tended to focus

instead on the provisions of complicated contractual arrangements between gas producers and pipelines and on the provisions of equally complicated federal gas legislation and regulations. Nearly all of those seemed to point to further sharp gas-price gains in the months and even years ahead.

But as things have turned out, the experts were looking in the wrong direction. Market forces have proven to be more powerful than the elaborate legal edifice.

In a rather disorderly fashion, gas prices gradually have leveled off and currently are headed down rather than up. With production capacity exceeding consumption by about 15%, the down turn is soundly based.

This surprising turnabout had its origins in the industrial market, traditionally the largest source of natural-gas sales. After determining over a number of years that virtually everything about natural gas should be government-controlled, Congress and the regulators nevertheless overlooked an important consideration. They failed to make it mandatory for customers to burn the fuel.

Thus, as gas prices passed parity with fuel oil, numerous industrial users that had the foresight in recent years to install boilers capable of burning more than one fuel stepped through the legislative loophole by simply canceling their gas-purchase contracts.

The pipelines and local gas distributors, believing themselves contractually locked into taking set quantities of gas from producers at ever-increasing prices, or paying for it anyway, and also accustomed to a set rate of return determined by federal regulators, at first responded to their industrial-market losses by trying to charge residential consumers more.

That produced a torrent of complaints to federal and state officials, whipping Congress into an ineffective lather and goading the administration into finally launching its long-delayed initiative to reform the gas market. As the legislative process has ground toward ever more complex and incomprehensible "solutions" to the problem, more interesting events have continued to take place in the marketplace.

Frightened by the consumer rebellion and by the sort of "quick fix" actions Congress might end up adopting to gain votes in the next election, local gas utilities and interstate pipelines began telling the producers of high-cost gas their product had no market. Some producers responded by voluntarily cutting prices and mandatory sales volumes despite contract provisions and despite the higher concessions, prompting a number of purchasers to unilaterally abrogate their contracts.

Canadian exporters, too, got into the act, cutting prices, offering concessions on volumes and employing a new discount scheme for large-volume imports.

The message in all of this is clear if poorly understood. The market rather than the government is going to set the prices of gas now that it has reached price parity with its main competitor, residual fuel oil.

Average gas prices rose rapidly in recent years despite controls on large volumes of "old gas" because the fuel was underpriced relative to its competition. When parity was reached, the uptrend hit a brick wall.

If old-gas prices were now to be decontrolled at the wellhead, events of the past few months demonstrate that it is highly unlikely that prices at the burner tip would soar as various groups fear.

What would happen would be a further, disorderly readjustment of wellhead prices with low-cost gas going up and high-cost gas going down, once again probably regardless of various contractual arrangements to the contrary. The courts would find themselves very active and federal regulators would have to reconstruct their policies and regulations to fit the new reality, but consumers would be largely untouched.

Meanwhile, the average wellhead price of gas would settle about where it is now, which is to say at a level sufficient to keep industrial customers from switching to fuel oil. Thereafter, like most other commodities, it would fluctuate in a competitive environment.

In view of this, the best course for Congress is to cease debating what sort of new controls might be appropriate for natural gas and simply do its best to clear away the debris of what is now largely irrelevant past legislation.

(Mr. Martin is Washington bureau chief of Dow Jones News Services.)●

STOPPING USELESS ANIMAL RESEARCH

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 15, 1983

● Mr. LANTOS. Mr. Speaker, the issue of the use of live animals in experimentation is one that should be of concern to us all. As you know, the Defense Department is currently reevaluating its use of animals in its training and research procedures, and has agreed to put a moratorium on the opening of a wound laboratory in Bethesda, Md., for its Uniformed Services University of Health Sciences.

I would commend to the attention of my colleagues a persuasive and perceptive letter to the Peninsula Times-Tribune of Palo Alto, Calif., by Richard Ward. Mr. Ward is the executive director of the Peninsula Humane Society.

In his letter, Mr. Ward argues that the Humane Society is not against all research on animals, but that "We are, however, against the useless, repetitive, and unnecessary experiments."

STOP USELESS RESEARCH

This is in response to your recent artical, "Surgeons Back Animal Research" (July 26, Page B-1). We all respect Dr. Norman Shumway and thank him for his contributions to medical research. Shumway, however, shows a lack of understanding as to what is going on at Stanford and other research facilities, and the issues at hand.

He stated, "I could understand the opposition, if the research was inhumane." Have Shumway and his colleagues so quickly forgotten the neglected, pound-seized research dog found by a Stanford student a few months ago? How can he, in good conscience, say research animals are humanely treated? Has he personally inspected all the research projects that are going on at Stanford to make sure of his facts? Of course, he did state, "The animals are going to be dead anyway"—I guess he feel's the end justifies the means! That, however, is why there is opposition.

As a humane society, we cannot condone shelter animals (dogs and cats) being used for medical research—we are an organization working to protect the rights of animals. Animals were not put on this earth for the use and exploitation of humankind. It is an atrocity that animal shelters across the country kill millions of dogs and cats each year, because people do not have the insight and sensitivity to have their animals spayed or neutered—and now you are stating we should experiment on them before we kill them? At what point will we stop exploiting them? At what point will humans start acting humanely?

The Peninsula Humane Society is not against all animal research; we recognize that some useful data has been obtained through live animal experimentation, and we are not implying we bring research science to a halt. We are, however, against the useless, repetitive and unnecessary experiments and want them stopped.

SB 883, which is so strongly opposed by Shumway, would not have been introduced if most animal researchers gave more concern to the care research animals receive and the types of experiments for which they are used. Researchers seem to have forgotten that animals have a wide range of emotions, needs and feelings, and are not simply research tools that can be put on a shelf to gather dust until needed.

I have personally seen how animals are treated in research labs and some of the useless experiments that take place. I will never allow any of our shelter animals to be turned over to a research laboratory and hope SB 883 passes to make it illegal for any animal shelter in California to do so.

The question we, as humans, need to address is: Are non-human animals put on earth for the sole use of human animals?●

A CONGRESSIONAL SALUTE TO LORRAINE PETERSON ON HER RETIREMENT FROM AMERICAN AIRLINES

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 15, 1983

● Mr. ANDERSON. Mr. Speaker, this month marks the end of a special and longstanding relationship one woman had with one airline.

The woman is Lorraine "Petey" Peterson; her employer, American Airlines. Lorraine has decided to retire after 43 years of dedicated service to the airline industry. What is special about this retirement is that for over four decades Lorraine has served American's passengers as a stewardess.

Her career began in 1941 on a DC-3 and ended last month on a Boeing 747. The challenges and excitement Lorraine has faced within this span is enough, I am sure, for even the most adventuresome of those who serve in this body.

When asked why she decided to retire, Lorraine simply replied: "(I'm) tired of pushing heavy carts and running up and down to serve drinks and

food." I guess, it can't be summed up any better than that.

So that our colleagues have the opportunity to learn more about this remarkable woman, I have included a copy of a recent article, which appeared in the Los Angeles Times, detailing Lorraine's career.

This article follows:

[From the Los Angeles Times, Friday, Sept. 9, 1983]

AIRLINE HONORS GLENDALE WOMAN'S 43 YEARS IN THE AIR—STEWARDESS HANGS UP WINGS AT 65

(By Lois Timnick)

When you think of an airline stewardess, adjectives like young, cute, slim, sexy, neat, efficient and unflappable whether faced with an obnoxious passenger or a malfunctioning engine usually come to mind.

Lorraine (Petey) Peterson fits most of that description—except she's 65 years old and ample. Retiring this month as her airline's oldest—and possibly liveliest—"stew," the Glendale woman ends nearly 43 years in the air.

She was honored last night at a party given by her fellow flight attendants at American Airlines with the surprise presentation of a Federal Aviation Administration distinguished service medal, and will be represented as part of aviation history in the Douglas museum in Santa Monica and the Honolulu airport museum in Hawaii.

CAREER BEGAN IN 1941

Her career began with a DC-3 flight from New York to Boston in 1941 and ended last month with a 747 round trip flight from Los Angeles to Honolulu.

Between the two came military air charters to Vietnam, the Berlin Airlift, and a white-knuckle emergency landing in Colorado when two engines of a DC-7 failed and threw the plane off balance. Her scrapbook is filled with commendations for her level-headed handling of that incident, including the airline company's highest award and descriptions of her having "manhandled" panicked passengers to save their lives.

Unlike many stewardesses who were grounded at 32 before the advent of the women's movement and other anti-discrimination policies, Peterson's age worked for her: when the airlines announced attendants over 32 could no longer fly, public outcry forced them to alter the policy to apply only to new employees who signed agreements at the time they were hired. Those already over 32 kept flying high, untouched. Now, of course, age, sex or race is not to be considered.

But she did chafe under other rigid rules: red lipstick only, no married stews, short hair, prohibitions against false eyelashes followed by orders to wear them, and her constant bugaboo, weight restrictions. She got in trouble temporarily for throwing her false eyelashes down a pool drain thinking they were centipedes, and was once suspended for being overweight and put on a liquid protein diet to alter her "corn-fed" look.

"We had no union so we went along with those situations," she said.

But no rules seem to have dampened the high spirits of the freckled redhead, who admits she took the controls in the cockpit at least once in the early days, treasures autographs signed for "the red hot mama" and "the wild one," and found the single year she spent working in an airlines office "boring, because I'd rather have different people all the time."

TIRED OF PUSHING CARTS

Although American does not require employees to retire at 65, Peterson say she's "tired of pushing heavy carts and running up and down to serve drinks and food. We used to play cards and have time to sit down and know passengers."

Flying is no longer the deluxe, civilized experience it was in the 1940s when Peterson was recruited from nurses' training in Rochester, Minn. At that time, stewardesses had to be registered nurses on the theory that passengers would feel more secure with a nurse aboard who could treat their airsickness and care for them in the event of a crash. With World War II's demands for nurses, that requirement was lifted.

Now, Peterson says she's going to unwind in Wisconsin (she was born in Minneapolis but grew up in Cornell, Wis.) and then take to the water, teaching swimming to mentally and physically handicapped children at the Glendale Y, and continue her volunteer Red Cross work.●

ANATOLY SHCHARANSKY DAY

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 15, 1983

● Mr. GILMAN. Mr. Speaker, today has been proclaimed "Anatoly Shcharansky Day" in New York State by Governor Mario Cuomo. Today marks the halfway point of the 13-year sentence imposed on this innocent political prisoner. Anatoly Shcharansky has suffered for 6½ years in Soviet prisons and labor camps. He has been deprived of material possessions, personal articles, human contact and communication and medical attention. The Soviet Union has sought to degrade him at every opportunity; yet Anatoly, who has become the embodiment of the dignity of the human spirit, continues to confound his wardens and the Soviet political machine.

In 1977 Anatoly was charged with being an agent of the United States for which he was sentenced to 13 years. The plight that has catapulted Anatoly into the forefront of world public opinion against the Soviet Union and its nonexistent human rights policy persists to this day.

When Anatoly was finally allowed a visit by his mother, his physical condition was reported as serious. His devoted wife, Avital Shcharansky has persisted in efforts to maintain public support for her husband's situation, traveling around the world and speaking out at every opportunity.

There exists in the Soviet law a provision allowing for the consideration of release of certain prisoners who have served half their sentence. This is technically known as conditional early release from punishment under article 53 of the Criminal Code of the RSFSR. I urge the Soviet Government, because the relations between our two countries are at a low point, to release Anatoly under article 53. This would be an appropriate first step in mending relations. The tenuous state of Anatoly's health underscores the need for such an early release.

All boroughs in the city of New York have declared today "Anatoly Shcharansky Day", marking the many long and arduous days he has endured since the infamous day of March 15, 1977, when Anatoly was convicted on trumped up charges of treason. This day has also been proclaimed by Westchester and Rockland Counties, which I am pleased to represent in my congressional district.

Andrew O'Rourke, Westchester County executive, and Herbert Reisman, chairman of the Rockland County Legislature, have dedicated the men and women who live in those areas to remembering Anatoly and his struggle.

Let us in Congress join with them in maintaining this vigil. Let us hope that the Soviets' early release provision will be applied to this case so that Anatoly can join his wife, Avital in Israel, where he longs to go.

Mr. Speaker, I cannot state strongly enough my convictions in this matter. Anatoly's plight, and that of so many others imprisoned in the U.S.S.R. has caused many of us to redouble our efforts in their behalf. As they endure, so will our efforts for their release.●

HOW TO ENCOURAGE R&D

HON. DOUGLAS K. BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 15, 1983

● Mr. BEREUTER. Mr. Speaker, the Washington Post was right on target today with its editorial strongly endorsing President Reagan's proposal to remove some of the antitrust roadblocks to joint research and development projects.

If American industry is to remain competitive internationally, the shackles placed upon it by outdated antitrust policy must be removed. I urge my colleagues to read the Post's editorial which follows and to lend their strong support to this important proposal:

HOW TO ENCOURAGE R&D

A very large company in a field with high technological demands—IBM, for example—has the resources to run a sophisticated research program. But what about the companies that aren't quite so large? Last year a dozen of them set up a joint venture called MCC, the Microelectronics and Computer Technology Corporation, to carry on research and development for all of them. But it may expose them to antitrust litigation.

Legal scholars say that this kind of joint venture has almost never been found in violation. But corporate lawyers are uneasy. The law is imprecise, and antitrust cases are notoriously unpredictable. The risks are increased by the rapidly growing practice of

plaintiffs' lawyers' organizing civil antitrust suits in pursuit of the triple damages and fees that the law provides. Last week a federal judge awarded fees totaling $40.7 million to the plaintiffs' lawyers in a price-fixing case involving cardboard boxes; that worked out to $352 an hour for the lawyers. Where rewards are high, litigation will increase.

The Justice Department said last December that it would not challenge the organization of MCC, but specifically would not provide advance approval of its activities. The head of MCC, Adm. Bobby R. Inman, said that he interpreted that position as "an amber light" to proceed cautiously—but he added, not entirely in jest, that his own lawyer had advised him not to get involved.

Much of American antitrust law is now obsolescent, and it regularly produces anomalies like this one. As computer technology accelerates, development costs are rapidly rising. The goal of the antitrust tradition is presumably to maintain competition by, among other things, encouraging the largest possible number of competitors. But if joint research ventures are legally risky, the alternative is the familiar succession of mergers and takeovers until only a few big companies remain.

President Reagan has now proposed legislation that would explicitly declare this kind of joint venture to be legal as long as it does not engage in price-fixing or suppression of innovation. With this bill, he makes a valuable contribution to companies' capacity to undertake research. It deserves prompt consideration by Congress.

The president's bill is also an answer to the industrial policy plans currently being floated. Industrial policy, as the term is currently being used here in Washington, carries unappealing connotations of subsidy and protection for declining industries. Mr. Reagan, in contrast, is offering help to those who are willing to use their own resources in the most useful of ways to help themselves.●

HISPANIC HERITAGE WEEK

HON. NANCY L. JOHNSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 13, 1983

● Mrs. JOHNSON. Mr. Speaker, I am pleased to participate in this special order commemorating National Hispanic Heritage Week. As the U.S. Hispanic population has grown and developed in recent years, so has their contribution to all aspects of American society. During this week of national recognition, I am particularly pleased to note the nomination of Katherine Ortega as U.S. Treasury, a position of prominience and responsibility for which she is highly qualified.

I am proud that I represent a vital Hispanic community and would like to highlight some of the important Hispanic organizations that are making my district a better place for all to live and prosper.

The Spanish Speaking Center in New Britain, directed by Mr. Joseph L. Velaz, offers a variety of programs that improve the quality of life for the local community. The center runs a food bank that is open to anyone in need, a social services program that provides information and referral, and health careers program that provides job training for Hispanics in health related fields, and a senior citizen program, Las Perlas, the Pearls, which provides not only a nutritionally balanced breakfast and lunch for our elderly citizens, but a sense of belonging to their community as well. In addition, classes in English as a second language help newcomers adjust to the demands of their new life in America.

The Club Puerto Riqueno is a center for a wide variety of social and cultural events. Under the direction of President Manuel Oritz, the celebration of such holidays as Three Kings Day, Constitution Day, and Discovery Day preserve the traditions of the Emerald Island of Puerto Rico in the Sixth District of Connecticut.

Hispanic culture has had an impact on all of us. Whether in the older communities of the Southwest, or the newer ones of the Northeast, it has enriched our lives with its unique, music, colorful traditions, and warm and vital community life. In a nation whose origins and strength are rooted in ethnic diversity, America's Hispanic citizens are rightfully honored this week for their continuing contributions to our country.●

THE FIRST NATIONAL BANK OF CLARKSVILLE, TENN., A PROUD PAST AND A SOLID FUTURE

HON. DON SUNDQUIST

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 15, 1983

● Mr. SUNDQUIST. Mr. Speaker, on March 9, 1982, ground breaking ceremonies were held for the historic First National Bank of Clarksville, Tenn. On September 6, 1983, the new facility opened at One Public Square where it had been located 118 years before, but the circumstances were markedly different. In 1865, the bank occupied only a few rooms in a building; now it has its own magnificent structure as a centerpiece for the city's historic downtown—a fitting testimony to the bank's proud past and its bright future. I think it would be appropriate on this occasion to insert a brief history of the First National Bank of Clarksville in the CONGRESSIONAL RECORD for my colleagues and fellow citizens. This history will then be placed in the cornerstone of the new bank inside a time capsule to be opened in 100 years, so our posterity will also be able to appreciate the rich history of this fine American bank.

On November 1, 1864, scarcely 7 months after the cessation of hostilities of the Civil War, a group of successful local businessmen pooled their capital and initiative, and founded the First National Bank of Clarksville. Starting with $50,000 in deposits, the bank opened its doors in a small building on Public Square. Sterling Beaumont was president and W. P. Hume was cashier.

The bank survived and even thrived despite its dependence on "King Tobacco". It moved into its own building on the corner of Franklin and Second Streets, and in the next 7 years, it acquired such newfangled devices as typewriters and electric lightbulbs.

During World War I, the bank collected money through stock dividends to send to the Red Cross War Fund. During the Great Depression, the bank carried desperate farmers on credit for the major part of each year and bank employees took cuts in pay.

In searching new ways to alleviate the situation, Mr. Bailey, the young charismatic successor to Mr. Drane, sought the advice of a successful farmer named Peter Barker who suggested: "Four crops for four seasons; tobacco to sell in late winter, lambs to market in spring, wheat to harvest in July, and cattle in the fall." Soon thereafter, Mr. Bailey led the bank on a speculative and innovative plan to do for the whole 14-county area of the bank's influence, what Mr. Barker had done for one farm.

The program met with skepticism, however, the bank took a group of 63 farmers to a nearby Kentucky county to observe lamb and wool operations, realizing $1 million a year. It brought 2,000 crossbred yearling ewes from Montana, and invited farmers from miles around to buy. Nearly $20,000 was loaned in the first few days and within 5 years, 30,000 sheep were grazing in Montgomery County, Tenn. At the same time, several farms were set up as demonstration stock farms, and the bank encouraged development of other livestock businesses in the area.

In years since, First National Bank of Clarksville has continued to work closely with the area's farmers, but it has also responded to the rapid changes in Clarksville brought on by industrialization and the building of Fort Campbell. It also supported B. F. Goodrich Co., the city's first satellite plant of a large industrial concern after Tennessee Valley Authority made cheap electricity possible.

When Mr. Bailey died in 1959, his was a hard act to follow, but his successor, Edward Norman did an excellent job. Mr. Norman was a popular, good-humored man who pushed the bank further into the modern age. He was killed in an automobile accident on May 20, 1972, and was succeeded the next month by Dewey Morris.

With substantial growth and improved earnings, branches were opened at St. Bethlehem and Tradewinds North, and First National

became the first local bank to introduce 24-hour electronic banking. With Mr. Morris' guidance, a one-bank holding company, called First National Financial Corp., was formed to permit a more comprehensive financial service. By the end of 1982, First National's total assets had grown to $140 million. The board of directors, soon after, authorized the purchase of the 3.82 acres at One Public Square to build the new main office facility and drive-in branch.

Mr. James C. Cotham III became the new president on September 13, 1983, and the future of the bank truly does look bright with 118 years of innovative experience behind it.●

HISPANICS: AN INTEGRAL PART OF AMERICAN SOCIETY

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 13, 1983

● Mr. ORTIZ. Mr. Speaker, in 1565, Spanish forces founded the first permanent European colony in America at Saint Augustin, Fla. Since that time, Hispanics have not ceased to open new frontiers, expand existing parameters, and conquer the "Terra Incognita" of modern American society. Four hundred years later, Hispanics like Francisco Jose Ayala have pioneered studies in genetics and evolution; Luis W. Alvarez, 1968 Nobel Prize winner for physics, has contributed significant data to the study of subatomic particles. Innovators in the Arts—film, dance, music, and literature—have bridged racial schisms. Trailblazers in law and politics such as Judge Harold Medina, New Mexico Senator Joseph Montoya, Congressman HENRY B. GONZALEZ of Texas, Governor Raul Castro of Arizona, and Mayor Henry Cisneros of San Antonio, have erupted into national consciousness.

Those 400 years encompass a spectrum of diversity, growth and progress. A significant watershed for Hispanics was World War II which marked a sharp reversal in the course of Hispanic history. The Depression had left in its wake population decline, devastated communities and shattered dreams; the war brought population growth, resurgent communities and rising expectations. When the military forces called for recruits, Hispanics responded in great numbers and served with distinction. Some 350,000 served and won 17 Medals of Honor, including 5 of the 14 awarded to Texans. The war also brought industrial expansion, further aggravating the labor shortage caused by the growth of the Armed Forces. Thus, Hispanics managed to gain entry to jobs and industries that had been virtually closed to them in the past. In 1977, there were 219,355 firms owned by persons of Spanish origin with gross receipts of $10,417 million. Prior to the devastating effects of the Peso Devaluation, 1,617 businesses with gross receipts amounting to $81,671 were owned by Hispanics in the Brownsville-Harlingen-San Benito, Tex., area; 1,609 with receipts of $54,995 in Corpus Christi, Tex. Kleberg County, Tex., maintained 281 Hispanic-owned businesses and brought in $9,467 in revenues. In 1981, there were approximately 5.1 million employed Hispanics in the United States. More than 57 percent of the working age population was employed, very close to the 59 percent for all workers. While employed Hispanics tended to be concentrated in those occupations which are characterized by low pay and low skill requirements, there has been marked progress shown by changes in job concentrations, reflecting to some extent changes in the economy of the Southwest. Since 1940, the area has experienced a manufacturing boom and rapid growth in such areas as government, product distribution, consumer-oriented activities and professional services, and the number of agricultural jobs has significantly declined.

Drawing on the century-long foundation of Hispanic experience in America, the Hispanic of the 1980's has become a dynamic force for social change. The impetus is not monolithic but is rather an amalgram of individuals and organizations that share a sense of pride in their ethnicity, a dedication to the enhancement and preservation of a precious cultural heritage, a desire to improve the Hispanic socioeconomic position and a commitment to making constructive changes within the framework of American society. A crucial focus is politics. It is vital that Hispanics work together within the American democratic system to increase the number of Hispanic candidates, to convince non-Hispanics to commit themselves to the needs of the Hispanic community and to conduct broad-scale voter registration drives. Working together, we can achieve an equilibrium of purpose and create an atmosphere of economic growth and political respect beneficial to all Americans.●

FAIR EMPLOYMENT IN CONGRESS ACT

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 15, 1983

● Mr. EDWARDS of California. Mr. Speaker, I am introducing today legislation to bring congressional employees under the protection of the body of laws Congress has enacted over the years on behalf of most working Americans. I am pleased to be joined in this effort by my distinguished colleague from Colorado, Congresswoman PAT SCHROEDER, who has done so much during her tenure here in Congress to encourage fair employment practices on Capitol Hill.

This proposal is the companion bill to S. 1588, legislation introduced by the Senator from Vermont, Senator LEAHY, who has also been in the forefront of efforts to bring employment equity to congressional employees.

The Civil Service Reform Act, the Civil Rights Act of 1964, the Equal Employment Opportunity Act of 1972, the Age Discrimination in Employment Act of 1967, the Equal Pay Act, and the Occupational Safety and Health Act—taken together these laws establish civil, social, physical, and financial rights and standards for most working Americans. However, in drafting these important statutes, Congress has seen fit to exempt itself from them all.

The result has been continued inequities in the workplace for congressional employees, accompanied by embarrassing but accurate charges that the Congress is "the Last Plantation," or as the Washington Post titled us recently, a "Citadel of Privilege." It is long past time to right these inequities.

Our congressional employees are some of the brightest, most capable, and industrious workers in the Nation. Without them, the work of the legislative branch would come to a standstill. Surely, they should be entitled to the same protections under the law that are provided to other workers. Congress should act now to remove the arbitrary and illogical exemptions it has provided for itself in our Nation's employment laws. I hope the legislation I am introducing will lead to achievement of that goal.

The text of the bill follows:

H.R. 3905

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That it is the purpose of this Act to eliminate the exemption for the Congress or for the Federal Government, as the case may be, in the provisions of Federal law described in this Act.

EQUAL EMPLOYMENT OPPORTUNITY

SEC. 2. Section 717(a) of the Civil Rights Act of 1964 is amended by striking out "in those units of the legislative and judicial branches of the Federal Government having positions in the competitive service" and inserting in lieu thereof "in all units of the legislative branch of the Federal Government, and in those units of the judicial branch of the Federal Government having positions in the competitive service".

LABOR-MANAGEMENT RELATIONS

SEC. 3. Paragraph (3) of section 7103 of title 5, United States Code, is amended by inserting ", any unit of the legislative branch" before ", the Library of Congress".

FAIR LABOR STANDARDS; EQUAL PAY

SEC. 4. Section 3(e)(2)(A)(iii) of the Fair Labor Standards Act of 1938 is amended to read as follows:

"(iii) in any unit of the legislative branch of the Government, or in any unit of the judicial branch of the Government which has positions in the competitive service,".

AGE DISCRIMINATION IN EMPLOYMENT

SEC. 5. The second sentence of section 11 (b) of the Age Discrimination in Employment Act of 1967 is amended by inserting before the period a comma and the following: "except the term 'employer' does include the United States for each unit of the legislative branch of the Federal Government".

OCCUPATIONAL SAFETY AND HEALTH

SEC. 6. (a) Section 3(5) of the Occupational Safety and Health Act of 1970 is amended by inserting after "United States" the following: "(except the term 'employer' does include the United States for each unit of the legislative branch of the Federal Government)".

(b) Section 3(6) of such Act is amended by inserting before the period the following: ", and the employees of any unit of the legislative branch of the Federal Government shall be deemed to be employed in the business affecting commerce for the purpose of this Act".

EFFECTIVE DATE

SEC. 7. The amendments made by this Act shall become effective thirty days after the date of enactment of this Act.

SHORT TITLE

SEC. 8. This Act may be cited as the "Fair Employment in Congress Act".●

STRASBURG: 250 YEARS OF PRESERVATION AND PROGRESS

HON. ROBERT S. WALKER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 15, 1983

● Mr. WALKER. Mr. Speaker, on Sunday, September 11, I had the privilege of participating in one of many special events being held during 1983 to commemorate the 250th Anniversary of the borough of Strasburg, Pa. Many of our colleagues who have traveled to the 16th District of Pennsylvania will undoubtedly remember Strasburg as one of the most picturesque and charming towns in the heart of Pennsylvania Dutch country as well as the home of the famed Strasburg Railroad. In honor of this historic occasion, I would like to take this opportunity to insert the following article written by Mary Rachel Hoover entitled, "Strasburg: 250 Years of Preservation and Progress."

STRASBURG: 250 YEARS OF PRESERVATION AND PROGRESS

"Some changes have come since the years long ago,
But the trees are still green and the creeks calmly flow,
The bumble-bees hum and the chimney birds trill,
In the little old town on the hill."

So wrote the poet-professor, John L. Shroy, in 1908 in a song of tribute to his native town of Strasburg.

These lines aptly described the small village at the beginning of the Twentieth Century, but such was not always the case:

This small town had its beginnings as a colonial settlement along the Indian trail known as Minqua's Path. By 1714 this path was on record as the Old Conestoga Road, a public road which was part of the link between Philadelphia and Lancaster. Heavy wagon traffic through the Village in the latter half of the 1700's prompted the appearance of more than a few Ordinaries or Public Houses. These taverns and the general appearance and behaviour of most of the people who frequented them led to the name, Hell's Hole, for the community at this time.

However, the completion of the Lancaster Turnpike in 1795 and the arrival of a clergyman in town led to change and a new era for Strasburg (by this time this name was well established), an era in which the town now became known as a center of cultural, educational and religious growth. This is a reputation the town still strives to maintain.

And now, this Community of 1,999 inhabitants, a figure which has doubled in the last fifty years, is gearing up for the Celebration of the 250th Anniversary of its settlement as a village in 1733. A real spur and added cause for celebration came in March of this year with the inclusion of the 2-mile Historic District in the National Register of Historic Places.

This celebration, which will be observed in various ways throughout the year, will have the week-end of September 9, 10, 11 as the focal time for its activities and there will be a Birthday Ball, December 3rd, to climax the festivities.

MARY RACHEL HOOVER.●

HISPANIC HERITAGE WEEK

HON. LAWRENCE J. SMITH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 13, 1983

● Mr. SMITH of Florida. Mr. Speaker, I am pleased to join my colleagues in celebrating Hispanic Heritage Week.

The three county region of south Florida is home for 840,000 Hispanics, some of whom are my constituents. The long-established Cuban American community has made a positive impact on the region. Cuban Americans, while only 6 percent of the total Hispanic population in the United States, rank highest in income and educational levels. Their businesses—ranging from million dollar firms to one-person operations—have improved the south Florida economy and provided thousands of jobs. They serve as shining examples to thousands who continue to believe that the United States remains the land of opportunity.

In recent years, non-Cuban Hispanics from Central and South America and the Caribbean also have moved into south Florida. They have contributed to the cultural diversity that characterizes the United States, and they have helped make south Florida the new international center in the Southeast. The cosmopolitan nature of the area has led to its being a focal point of increased trade and tourism with the rest of the Western Hemisphere. Let me cite just one example. Exports from south Florida to Latin America are averaging 28 percent growth annually—one of the fastest growth rates of Latin America export trade of any region in the country. This is good for south Florida and good for the United States.

Hispanic Americans in south Florida are Americans like the rest of us with one important distinction—they are Americans by choice. As Americans, they pay the same taxes and serve in the same Armed Forces as the rest of the country. They participate actively in public affairs and fulfill willingly their obligations to the community and their new country. Fiercely proud of their language, culture, and traditions, they give to the United States as much as they receive. Consequently, all of us are enriched by their presence.●

WHITE HOUSE CONFERENCE ON PRODUCTIVITY

HON. JOHN J. LaFALCE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 15, 1983

● Mr. LAFALCE. Mr. Speaker, on September 22 and 23 in Washington, D.C., President Reagan and Vice President BUSH will speak to approximately 1,000 participants in what will be known as the White House Conference on Productivity.

This is an event that I have been trying to bring about for years—a focused attention by the President and the Vice President of the United States, by the leaders of American industry and labor, and indeed, by all Americans, to the importance of productivity in our society.

Although I have worked on this issue since I first came to Congress in 1975, it was in October of last year that I was able to obtain passage of my bill that mandated a White House Conference on Productivity and, therefore, mandated that the President and the Vice President of the United States give focused attention to it.

I actively pursued this legislation for many reasons, but primarily because I felt that it is only the White House that can truly raise the consciousness of the American people to the importance of productivity, and since the White House historically has not attempted to do this, I believed the only way I could achieve this result would be to mandate it by law. Hence, the White House Conference approach.

The session that will take place on the 22d and 23d is the culmination of preparatory conferences which were also mandated by my bill and that have been held throughout the entire United States—for example, in Durham, N.C., where a great discussion took place on capital investment as a means of promoting productivity; in St. Louis, Mo., where the import of human resources in enhancing productivity was propounded; in San Diego, Calif., where the essential and appropriate role of the Government in promoting productivity was pursued; and in Pittsburgh, Pa., where the many and various private sector initiatives from all over the United States were examined. The agenda and subject matter of the plenary session of the Conference will in large part be made up of the deliberations, analyses, and recommendations of the various preparatory conferences.

On a personal note, it is also going to be a pleasure for me to share the platform with President Reagan on September 22 and, as the author of the legislation creating the Conference, to speak briefly on the importance of productivity and the need for raising the consciousness of America about the need to place improved productivity on the highest scale of our national agenda.

We do this not simply so that we can have a better set of productivity figures to toss about. We do this because the only way we can insure a future for our children better than our past is to improve our productivity. If we remain stagnant, our economy will not only remain stagnant, but it will decrease. Our standard of living will not only remain stagnant, but it will decrease. This is true because we live in a world with an integrated global economy and to stand still when others are forging ahead is to fall behind.

I am well aware that conferences come and conference go. I am well aware that, oftentimes, conferences are forgotten about the day after. I hope that this will not be the case this time. I will do my best to make sure that is not the case. Part of the legislation I drafted requires that a report be made regarding the findings of the conference 120 days after its conclusion, and then that the President submit his recommendation for the administrative actions and legislation necessary to implement the recommendations in the report with which he concurs. The President will have 120 days to submit to Congress those recommendations. Then it will be the Congress turn to do what it can to change our laws to enhance productivity, although it must be emphasized that productivity is something that must be worked on not just by government officials, but by industry, by labor, by management, by academia, by the American consumer—by everyone who has a stake in our economy.

It is my fervent hope that the focused attention that the White House Conference on Productivity will bring to this issue will help enhance our endeavor. To whatever extent it does, the effort that has been put forth will be most worthwhile.●

WHY SYRIA WILL NOT LEAVE LEBANON

HON. DANIEL B. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 15, 1983

● Mr. DANIEL B. CRANE. Mr. Speaker, I would like to share with my colleagues an article concerning the situation in Lebanon written by Daniel K. Bloomfield, M.D., the Dean of the College of Medicine at the University of Illinois. Dr. Bloomfield, a widely respected authority of Middle Eastern affairs, states that the reluctance of Syria to leave Lebanon is directly related to the basic desire of the Syrians and much of the Arab world to give Israel no respite from their 35 years of war against her. Those who would believe that the Palestinian refugee problem is central to the Middle East conflict, says Dr. Bloomfield, are deluded.

The text of the article follows:

WHY SYRIA WILL NOT LEAVE LEBANON

(By Daniel K. Bloomfield)

The current refusal or delay by Syria in refusing to leave Lebanon helps clarify Syria's long range foreign policy objectives which are: (1) the obliteration of the State of Israel, and (2) the establishment of Syrian hegemony over "greater Syria". The latter goal includes at a minimum the territory of Lebanon and probably a great deal more, and both goals are in harmony with one another. Should Syria ever conquer Jordan, Israel, and the disputed territories of Judea, Samaria (the West Bank of the Jordan River) and Gaza there would be an abrupt end to any talk of either a Jewish or a Palestinian homeland. The Syrians have used and will continue to use the PLO and Palestinian nationalism so long as both seek to destroy Israel, but they will have no compunctions whatsoever in destroying any person or group, Palestinian Arabs and PLO included, which advocates accommodation with Israel.

In essence and in fact, the Syrians along with most of the Arab world, have been at war with Israel for thirty five years. It has been a single and continuous war and while many observers prefer to think of Israel as having six wars with its Arab neighbors, such conclusions are quite incorrect. Only a treaty of peace can end a war. Except for Egypt, and hopefully for Lebanon the remainder of the Arab world remains at war with Israel in a campaign which the Arabs began in 1948 and which the Arab leadership refuses to end. Syria absolutely and unequivocally refuses even to sit at the same negotiating table with Israel. For all the benefits of third party shuttle diplomacy, in the long run it has been counterproductive by allowing total obduracy on the part of states such as Syria for more than one third of a century.

The United States has tried to play an "evenhanded" role in the conflict. Evenhandedness is a misleading term in middle eastern politics because it only means a balanced position between the existence and the extinction of Israel. The continuous Arab assault on the State of Israel, physically, economically and diplomatically for 35 years is what the entire Arab-Israel conflict is all about. The Palestinian Arab refugees are a convenient and distracting side show that must ultimately be dealt with, but the present Syrian truculence clearly demonstrates that Israel's jugular is the real target and the Arab refugees be damned. United States foreign policy has been inconsistent because it has been so difficult for us to grapple with the realities of the region. We are looking for peace and the security of all states in the region. The Syrians are simply not looking for peace so long as Israel exists, not now and probably not in the foreseeable future. Syria opposes the Lebanese settlement worked out by the U.S., Israel and Lebanon because it affords a measure of increased security for Israel and amounts to an end of the state of belligerency between Lebanon and Israel.

Furthermore, in quarrelling with Yasser Arafat, Syria has effectively demonstrated again that except for lip service and propaganda purposes, it cares little for the Palestinian cause. Recent evidence suggests that emerging within the PLO were voices of moderation that appeared willing to seek a settlement with the Israelis. The Reagan peace plan of September 1982 was an open invitation to any truly modrate elements within the Arab ranks to come forward. Arafat and Hussein engaged in an intricate dialogue that represented their first step towards rapprochement since the bloody 1970 Jordanian-PLO war which chased the PLO out of Jordan to Lebanon. But all of this was too much for Syria and for the fanatical hate mongers of the Arab world. The recent assassination of the only member of the PLO national council who was bold enough to publicly call for an effort towards an accommodation with Israel was a sign that the hate and vengeance spewing forth from Damascus and elsewhere would strive to frustrate any effort to make peace with Israel. It is "death to the peacemakers" and the Palestinian Arab refugees remain today as they have since 1948, the unwilling hostages of an endless vendetta against the Jewish state.

Syria can take its intrasignent stand because it is backed by Moscow and funded by Saudi Arabia. The Russians will continue to work for political control of middle eastern oil. The Saudis, despite their links to and dependency on the United States for their ultimate security have been and remain viciously anti-Israel. They continue to pay protection blackmail to any government or group that has the potential to upset the Saudi apple cart on the Arabian peninsula. So president Assad of Syria can tell our Secretary of State, Mr. Schultz, to bury his peace plans for Lebanon. The end result of this sorry state of affairs is that Syria and its PLO pawns will continue to occupy the northern and eastern parts of Lebanon, Israel will draw back to a less exposed position in the southern part of Lebanon but one which will protect its cities in the Galilee, the U.S. will have to bolster the multinational force in the center of Lebanon and the Palestinian Arab refugees will remain

(as the Arab countries and particularly Syria want them to remain) a festering boil of purulent rancor, crowded into unsightly camps and nourished daily on the hatred of Israel. It also means that to save Lebanon, more U.S. troops will be needed to fill the gaps left by the partial Israeli withdrawal, where they will be targets for the countless fanatics that are endemic to the area. More United States soldiers will die before Syria joins the ranks of civilized countries and is willing to negotiate an end to its pointless and endless war.●

WORLD PEACE DAY

HON. JERRY M. PATTERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 15, 1983

● Mr. PATTERSON. Mr. Speaker, there can be no greater cause in the world today than universal peace. News of ethnic, racial, religious, economic, and national animosities fills our media. Death, destruction, and terror leave no people untouched and no country unscathed.

Those who wage the wars, hoping to gain by promoting one group of ideology over all places, seem plentiful. It is the peacemakers, those who work for and promote the peaceful resolution of the world's manifold injustices, who are scarce.

The Baha'i is one such group who promotes the cause of unity and peace. In their communities all over the globe, Baha'is are working to build a foundation of understanding and harmony between people of all races, classes, colors, and creeds.

It was in such a spirit that the Baha'is of the United States established World Peace Day in 1958, 25 years ago. Since then, the Baha'is have endeavored to make World Peace Day a celebration for all, not only a Baha'i observance.

In the over 5,000 localities where Baha'is live in California, World Peace Day—the third Sunday in September—has taken on many forms. Peace fairs, interfaith meetings, seminars, service projects, entertainment programs, and athletic events commemorate the original Baha'i idea and ideal of world peace throughout our State. World Peace Day has become known as a day when our common humanity can be emphasized.

Mr. Speaker, it is with this sense of deep concern I share over world peace with Baha'is of California that I endorse the World Peace Day celebration and thank the Baha'is for their many efforts to achieve world harmony.●

"ANATOLY SHCHARANSKY DAY" IN NEW YORK

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 15, 1983

● Mr. BIAGGI. Mr. Speaker, in my home State of New York, today has been officially proclaimed Anatoly Shcharansky Day by Governor Mario Cuomo. It is a day to mark the halfway point in Mr. Shcharansky's 13 year sentence as a Soviet Prisoner of Conscience.

This day is especially significant because under Soviet law, prisoners who have served at least half their sentence can be released for medical reasons. Mr. Shcharansky, who has been reported to be in very poor health, is eligible for such an early release. In fact, when responding earlier this year to an appeal from Georges Marchais, General Secretary of the Communist Party of France, Soviet leader Yuri Andropov confirmed that persons, like Mr. Shcharansky, could be freed early in the Soviet Union.

On the occasion of Anatoly Shcharansky Day I join New Yorkers and millions of freedom loving people throughout the world in calling on the Soviet Union to abide by their own laws and release Mr. Shcharansky, and allow him to emigrate to Israel and join his wife, Avital. Simply put, Mr. Shcharansky has suffered enough, for no just reason.

History tells us that Mr. Shcharansky, a Soviet Jewish activist was arrested on March 15, 1977, on trumped up charges of treason, anti-Soviet agitation and progaganda. He was sentenced to 3 years in prison and 10 years in a strict regime labor camp.

Those of us who have closely followed Anatoly Shcharansky's case know, however, that he was not arrested for treason, or anything even remotely resembling such a crime. He was arrested because he sought, with his wife, to leave the Soviet Union so he cold live in a country that would allow him basic human rights, such as the freedom of religious and cultural expression—rights he could never expect to have in the Soviet Union.

In fact, the Shcharanskys had been married only 1 day when the Soviets let his wife leave for Israel with the promise that Mr. Shcharansky would soon be allowed to follow. Soon after their forced separation, Anatoly Shcharansky was arrested and imprisoned.

Mr. Shcharansky has spent much of his imprisonment in solitary confinement, and he has been denied proper food, sleep and health care. Last September, he began a hunger strike to protest the terrible hardships he has been forced to endure. His health deteriorated to a very dangerous level until he ended his hunger strike earlier this year, not for his own sake, but for the the sake of his family.

To this day, however, Mr. Shcharansky remains in a very weakened state of health. Reports indicate he has only enough energy to write just a few minutes at a time.

By detaining Anatoly Shcharansky, and other Prisoners of Conscience, the Soviet Union is not only violating its own laws, but also the obligations they have made under the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights and the Helsinki Final Act of the Conference on Security and Cooperation in Europe.

As a result of the Korean Air Lines massacre, the entire world is questioning whether the Soviet Government has even the slightest bit of compassion for human life. Based on their downing of Korean Air Lines flight 007, and their innumerable other crimes against humanity, the answer seems all too obvious.

However, by calling on the Soviet Union to release Anatoly Shcharansky and allow him to join his wife in Israel, we are offering the Soviet Union an opportunity to demonstrate at least a semblance of morality and decency. The Soviets have indeed earned their title of "outlaws in the Community of Man." Now it is time for them to change their ways. the entire civilized world is demanding it.●

HONORING THE ITALIAN ROLE IN PROTECTING JEWS DURING THE HOLOCAUST

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 15, 1983

● Mr. LANTOS. Mr. Speaker, in March 1981, the Congress of the United States voted overwhelmingly to confer honorary U.S. citizenship upon Swedish diplomat Raoul Wallenberg who with incomparable courage singlehandedly confronted the German SS and their collaborators in Nazi-occupied Hungary during World War II and saved close to 100,000 innocent men, women, and children from certain death in the gas chambers. In recognizing and honoring the selfless dedication of this man to the basic concepts of liberty and human dignity which are the very foundations upon which the United States were established, Congress sought to reaffirm the commitment of the American people to the values which animated Raoul Wallenberg's actions and, in the hope that he is still alive, secure his release from Soviet prison where he may still be languishing.

Today, almost 40 years after the darkest period in the history of man-

kind, other extraordinary stories of moral courage and humanity are being brought to light. One of these, certainly among the most exceptional, has remained almost completely unknown to the general public throughout the world. For the first time, a documentary film is now being made on the fact that while throughout Nazi-dominated Europe the Jewish people were being systematically murdered, tens of thousands of Jews found refuge in what would have seemed to be the most unlikely of places—the zones of Italian military occupation in France, Yugoslavia, and Greece.

Fascist Italy, Nazi Germany's main ally, had promulgated anti-Semitic laws in 1938, 1 year before the outbreak of World War II. The Italian Jews were excluded from national life, prohibited from exercising the professions, their property was confiscated, and in some cases they were enlisted for forced labor. But their physical existence was not threatened.

In 1940 and 1941, when Germany and Italy invaded and occupied France, Yugoslavia, and Greece, several thousand Jews living in those countries came under Italian rule. While in the zones under German occupation, as virtually everywhere else in Nazi-dominated Europe, the S.S. and their local collaborators rounded up the Jews and and deported them to Auschwitz and other death camps, in the zones under Italian occupation the Jews continued to live undisturbed. As news of the humane Italian attitude spread, tens of thousands attempted to flee the barbaric persecutions under way in the Nazi zones and to find refuge with the Italians. By 1943, the number of Jews living under Italian occupation in southern Europe had swollen to 60,000; they lived in complete freedom from prosecution and enjoyed the same rights as the rest of the civilian population.

The Germans were confounded and exasperated by the attitude of their closest ally, and pressed the Italian Fascist Government to permit the deportation of all the Jews residing under Italian occupation. On more than one occasion, bowing to German pressure, Mussolini himself issued orders to his troops that they were to permit the deportations to take place, but his orders were never carried out. Revolted by the idea of sending innocent civilians to their certain deaths simply because of their race or religion, the Italian military and civilian authorities followed the directives of their conscience instead of those of their Supreme Commander. They did everything in their power to obstruct and delay the execution of orders which they considered to be immoral.

In the part of France occupied by them, the Italians followed a policy of protective internment pursuant to which the Jewish refugees were housed in requisitioned hotels and private homes and told to report daily to the police; in this way, the Nazis could be told that restrictive measures had been taken while at the same time the Jews continued to live peacefully. Any attempts by the S.S. or by their local collaborators to carry out arrests were firmly opposed, when necessary even with drawn arms, on the grounds that all questions regarding measures against the Jews were of the exclusive competence of the Italian occupation authorities.

In their zone of occupation of Yugoslavia, the Italians employed a similar technique. Some 3,000 Jews living under Italian control were interned in camps on the Adriatic coast. The Italians supplied them with military rations, and although they were not allowed to move around freely, they were permitted to pursue social, cultural, and educational activities inside the camps. The Italian commanders gave their assurance that as long as they were in control, no harm would come to the Jews. Despite increasingly heavy German pressure, that promise was to be kept in full.

In Greece, the Italians in their zone simply refrained from taking any action at all concerning the Jews. The 10,000 Jews under Italian military rule continued to live undisturbed. Moreover, in Saloniki, a city in German-occupied Greece where the S.S. eventually deported and murdered virtually the entire Jewish community of 55,000 people, the Italian Consul General issued scores of certificates of Italian nationality to Greek Jews who had only the most tenuous of links to Italy, and in this manner saved their lives; they were quickly transferred to safety in Athens, which was under Italian occupation.

This humane Italian attitude naturally rendered the Nazis furious, and official German dispatches of that period make it clear that of all people it was their Italian allies who were obstructing the complete application of the "final solution" to the Jewish question in Europe.

On September 8, 1943, the day the armistice between Italy and the Allies was proclaimed, the Italian military units laid down their arms and retreated in disarray. Tens of thousands of Jews were left without protection, and the S.S. moved in swiftly. Perhaps as many as half of the Jews who had lived in safety under Italian occupation were eventually caught and deported to their deaths; the other half, between 20,000 and 30,000 people, managed to survive the war, often with the help of the local Italian and Greek populations, or of Tito's Partizans.

Joseph Rochlitz, son of one of the many who owe their lives to the Italians, is at present producing a documentary film on this outstanding episode in the tragic story of the destruction of European Jewry. Many of the Italians still alive today who played an active part in resisting the Nazi designs have already been interviewed, as have been a large number of survivors of the Holocaust who are indebted to the Italians for their courageous actions.

But not only because of the deep gratitude felt by the many thousands of men, women, and children whose lives were saved by the Italians during the Holocaust is it important today to give belated public recognition to the profound humanity of the Italian people; perhaps even more important is the example that their actions can set for the present and the future. In a world in which violence and mass murder are still all too common, this episode can demonstrate that in the face of blind hatred, racism, and barbarity, people of high moral integrity can and must unite to prevent heinous crimes from being committed, no matter how daunting the odds, no matter how desperate the circumstances.●

THE PURLOINED ADVANCE BOOK

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 15, 1983

● Mr. MICHEL. Mr. Speaker, Lynn Cheney, writing in the September 1983 issue of the Washingtonian, reports that the advance team for President Jimmy Carter's 1980 bid for reelection admits to having purloined parts of the bible of modern advance work written by Ron Walker, generally conceded to be the best advance man in national politics.

I for one hope it is not true that the Carter team descended to such tactics as purloining. Do you think we will see any of our illustrious colleagues sending letters to Carter advance men asking for their testimony on these allegations? Will there be a full-scale investigation? Will Jody Powell view this development with alarm? Will the media become hyperactive in search of the truth of the incident? If you believe all that, Mr. Speaker, you will believe anything.

At this point, I insert in the RECORD, "The Case of the Purloined Advance Manual" by Lynn Cheney, in the September 1983 issue of the Washingtonian:

THE CASE OF THE PURLOINED ADVANCE MANUAL

The bible of modern advance work is the manual used by the Nixon campaign in 1972. The manual firmly established the idea that an orderly set of procedures was important, so all subsequent campaigns owe a debt to it. And sometimes the debt has

been more direct. When the Carter people sat down to write an advance manual, they drew on "purloined parts" of the Nixon manual, according to Ellis Woodward, who headed the Carter advance office.

Written by Ronald H. Walker, who headed the Nixon advance team and was an adviser to the Reagan effort, the Nixon manual covers everything from the services provided by the White House Communications Agency to the best positioning of a motorcade at an airport arrival. When Gerald Ford became President, his people also used the manual.

In its hundreds of pages, the book advises on picking rally sites ("It is much better to stuff 6,000 people into a 5,000-person auditorium than 20,000 into a 30,000-seat auditorium"); raising crowds (a telephone campaign is "absolutely essential"); and accommodating the press (get two one-and-a-half-ton covered trucks for luggage and press-office gear). There are checklists by the dozens and very detailed case studies. There is even an appendix on balloons.

Asked how he felt about the Carter White House's unauthorized use of his work, Walker replied, "Well, I'm sure it helped them. We spent the better part of three years putting it together. Maybe we could call it 'Advance-Manual-Gate.'"●

ENFORCING U.S. NATIONAL SECURITY CONTROLS

HON. TOBY ROTH

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 15, 1983

● Mr. ROTH. Mr. Speaker, this summer the Committee on Foreign Affairs completed its markup of the Export Administration Act. The version of the bill approved by the committee incorporates amendments which present the House with two choices.

The first choice is to strengthen the level of export controls by targeting them toward militarily critical technologies and restricting their export from the West to the East. The second choice involves the elimination by Congress of certain export controls without adequately taking into account national security and foreign policy considerations.

An editorial in the June Wall Street Journal favors the first choice. It suggests the necessity of strengthening export controls and toughening Western efforts to control the flow of advanced technology to the Soviet Union. The Wall Street Journal said "two cheers for the leverage a tough Export Administration Act gives the U.S." I agree and urge my colleagues to consider the points raised by the following editorial:

[From the Wall Street Journal, June 2, 1983]

POLITICS AND TRADE

Western leaders have stepped down from the summit far more gracefully than at Versailles last year, when efforts to find unity were tripped up by differences on East-West trade. That's great but it doesn't mean by any stretch of the imagination that the trade issue has been resolved.

President Reagan has lowered the pitch of his arguments against certain kinds of dealings with the Soviets, but he hasn't dropped them. Indeed, he wants Congress to further toughen the Export Administration Act, due to expire Sept. 30, to give him stronger powers to punish foreign companies that don't abide by U.S. trade strictures, allowing him to close the U.S. market to foreign firms that violate the act. Our summit allies, no fans of the act as it already stands, would hate that. It appears that Congress doesn't like it very well either, judging from committee actions so far. Some have the effect of weakening rather than strengthening the act.

We admit to some ambivalance of our own on this issue. Our fundamental position on trade is that it should be as free as possible so that all the world's citizens can have the benefits of broad and varied commerce. But we know as well that there are special problems in trading with Communist bloc nations, who have no such liberal notions themselves and who are ideologically hostile to Western democracy and capitalism. Most importantly, much of the trade in question itself seems like a politically inspired departure from market principles.

Mr. Reagan has some good arguments and the distinctions he makes about what kinds of trade are acceptable and unacceptable are not merely politically self-serving as the Europeans often claim. The Reagan administration, in essence, makes the following points:

Detente has become a Western policy of making deliberately uneconomic trade deals with the Soviets, really simple appeasement under the guise of trade. It's a failed political strategy, and the U.S. will make no bones about voicing its view of what NATO political strategy should be.

The vast array of European subsidies to the Communist bloc for everything from butter to natural gas compressor stations is not just bad defense policy but bad economics. The heavily subsidized Soviet gas pipeline, for example, will cost European consumers an arm and a leg.

We've got to get serious about keeping strategic high-tech goodies like terrain-mapping guidance systems away from the Soviets. This means toughening up COCOM, the Paris coordinating group, which doesn't even have its own office space yet. Already U.S. Assistant Defense Secretary Richard Perle estimates that 150 Soviets weapons, among them the SS-20s aimed at European capitals, include Western technology.

Indeed, the Europeans, while decrying U.S. "economic warfare" for public consumption, are not totally unsympathetic to any of these complaints. They have even paid lip service to having East-West trade "guided by indications of the market," a promise subject to various interpretations. But there was little serious discussion of these issues until the Reagan administration's pipeline sanctions. and even now several European governments are toying with the awful idea of further expanding the pipeline project.

Given those circumstances, a good case can be made for toughening the Export Administration Act. if ever applied, the sanctions the administration has in mind clearly could raise havoc with trade and markets, but some threat seems to be just about the only way to get serious discussion about how the West behaves towards its military adversary. We say two cheers for the leverage a tough export administration act gives the U.S.—even while we hope its sanctions are never used.●

CAN CLINCH RIVER BE PRIVATELY FINANCED?

HON. RICHARD L. OTTINGER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 15, 1983

● Mr. OTTINGER. Mr. Speaker, I have spent most of this morning in a hearing before the Subcommittee on Energy Research and Production of the Science and Technology Committee listening to testimony on the administrations Clinch River breeder reactor financing scheme. Contrary to what the administration would have us believe this plan does not involve private investment put at risk, but in fact put the full faith and credit of the U.S. Government behind investors and guarantees a generous return.

At the hearing the illusory nature of the financing schemes benefits were excellently described by Prof. Hendrik S. Houthakker of Harvard University. I insert the statement of Dr. Houthakker in the RECORD;

CAN CLINCH RIVER BE PRIVATELY FINANCED?

(By Hendrik S. Houthakker)

Madam Chairman, I have to thank you for allowing me to testify on the so-called private financing plan for the Clinch River breeder reactor. To begin with, let me emphasize that I am not opposed to the breeder on environmental or other non-economic grounds. As a member of the National Academy of Science's Committee on Nuclear and Alternative Energy Systems (CONAES) I supported the Committee's recommendation to keep the breeder option open. The Committee's reasoning, in brief, was that under certain assumptions breeder reactors could be economically viable thirty or forty years from now, and that the lead time needed for commercialization is measured in decades rather than in years. The likelihood viability was considered large enough to reject abandonment of Clinch River, the most promising pilot project at that time.

The economics of breeder reactors is quite simple. Whether such reactors can supply electricity at lower cost than lightwater reactors depends principally on only two things; the price of uranium and the cost of the additional capital needed for the breeder. Given this capital cost, for instance, one can calculate the lowest uranium price that will make a breeder competitive. Similarly, a given uranium price determines how much capital can profitably be invested in a breeder. In this context "capital cost" involves not only the investment itself but also the lifetime over which the investment should be amortized as well as the rate of interest.

The CONAES report was written four years ago. Even then the case for the breeder was recognized as speculative, depending as it does on the future course of many factors, most of them difficult to predict with any assurance. These factors include the growth rate of the world economy, new discoveries of uranium, interest rates, and the prices of competing energy fuels. Since 1979

these four factors have all evolved in directions unfavorable to the economic viability of breeder reactors. The world economy went through a severe recession, considerable low-cost uranium was discovered, interest rates rose (especially in real terms) and the price of oil declined. It is still conceivable that breeder reactors will be competitive three or four decades from now, but it is distinctly less likely. Clinch River is more speculative than ever.

The description of Clinch River as speculative may surprise those who think of it as insurance against the inevitable exhaustion of uranium resources by non-breeding reactors. The fact is that the U.S. will never run out of uranium, which is widely distributed in the earth's crust. What will happen, rather, is that ultimately uranium may have to be extracted from leaner ores, such as the Chattanooga shales, once the richer ores are exhausted. Uranium will then probably cost more, which will cause breeder reactors to look better from an economic point of view and uranium mining to decline. Actually there is no compelling reason why the U.S. should use only domestic uranium. There are large low-cost reserves in Canada, Australia and other friendly countries.

It is because of the speculative aspect of breeder reactors that private sector involvement in their commercialization is essential. As the Congress has recognized from the beginning, it would be unconscionable for the Federal government to bear the overwhelming responsiblitiy for a project whose national significance is quite limited. By now we all know that the resources available to the Federal government are finite and must be allocated more carefully than in the past. Those who believe the breeder has a future should put their money where their mouth is. They are entitled to a profit if they turn out to be correct; conversely they should suffer losses if they are wrong. A modest contribution by the Federal government toward the development of technolgy may be appropriate, but it should not amount to an open-ended commitment.

The plan put forward by the Corey taskforce, and endorsed by the Administration is not responsive to the Congressional concern for greater participation from the private sector. In fact it does not provide for any meaningful participation by the private sector. The proposed "joint venture" between the Federal government and private parties is one in which the taxpayers bear all the risk while the so-called partners do just what they would be doing anyway, namely buying riskless government bonds and sheltering their income from taxation. Moreover the government would have to make a large up-front appropriation, contrary to the established budgetary process.

As to the bonds to be issued under this plan, it suffices to look at point two in the Appendix signed by Mr. Corey. Among the Federal assurances that the sponsors require is "that all debt service obligations of the Project (. . .) will be met under any and all circumstances." In other words, these obligations would be backed by the full faith and credit of the U.S. They would be fully equivalent to ordinary Treasury securities. If the purchase of fully guaranteed government bonds constitutes "private sector participation," then all Federal activities should be considered joint ventures.

The plan makes much of the idea that these bonds would be outside the budget, as if that were an advantage. Whether Federal obligations are inside or outside the budget is irrelevant from an economic point of view. The Unified budget was enacted precisely because this sort of creative bookkeeping dilutes Congressional control over the budget and encourages wasteful expenditures. It is surprising that leading financial houses should lend their support to this deceptive practice or to the statement on p. 1 of the Executive Summary that the bonds issued under the plan "would reduce the Federal budget deficit at a time when budgetary expenditures are of widespread concern." This statement alone suffices to characterize the plan as a brazen attempt to mislead the Congress and the public.

But that is not even the worst feature of this ingenious scheme. The so-called equity participation amounts to nothing more than officially sponsored tax evasion. The Corey report is relatively frank on this, stating (p. 18) that "the equity investment will be supported largely by tax incentives." No doubt the word "largely" should read "entirely." Later on the same page we read that "[e]quity investors (. . .) are, for the most part, anticipating specific tax consequences rather than the speculative profit normally associated with risk-taking. Hence assurances as to the continued availability of those tax incentives will be required." What this means is that any attempt by the Congress to close the tax loopholes in question would lead to monetary compensation for the equity participants in the joint venture. To call this equity participation is surely straining financial terminology.

Looking at the three parts of the joint venture plan together one can only conclude that the private financing it describes is largely the same as that for any other Federal project, and that the remainder involves a thoroughly objectionable reliance on tax loopholes. Moreover the government would have to make an open-ended commitment to the project into the indefinite future without any opportunity for further Congressional or Presidential review. These are the essentials of the Corey plan. More could be said about the details, but that would be overkill. The plan should be rejected in its entirety.

A truly private financing plan would have to involve new risk capital rather than guaranteed bonds and guaranteed tax shelters. Could such a plan be devised? The Corey task force report emphasizes the requirements of pension funds and similar risk-averse sources of funds; it does not even consider the prospects for raising genuine risk capital. In this respect the task force was realistic. Not many private investors will risk substantial funds in an enterprise whose pay-off, uncertain at best, will certainly not come until well into the next century.

Truly private participation in Clinch River, on a scale commensurate with the fully justified intent of Congress, does not appear to be feasible. The implication is that Clinch River must be terminated. Perhaps the breeder option will have to be reopened at a later time, when the outlook for uranium prices and interest rates is more clearly in favor of the breeder than it is now. If and when that time comes, Clinch River will probably be obsolete; some experts consider it obsolete already. The Federal government should continue to support research on new breeders and related technologies.

Termination of Clinch River will not weaken our energy security in the foreseeable future, though it could under certain conditions have an adverse effect in more distant years. We should not worry either about abandoning the world market for breeder reactors to the French. This world market is simply too hypothetical. The factors that have dampened the economic prospects of the breeder in the U.S. are at least as strong in the rest of the world. The French themselves have become noticeably more subdued; thus in recent official reports on electricity the words "Super Phoenix" and even the French equivalent of "breeder reactor" are conspicuously absent. A historical parallel exists: when the U.S. abandoned the Supersonic Transport a dozen years ago, there was much concern about leaving the field to the French-British Concorde. Yet apart from a few heavily subsidized transactions with their own captive airlines, no Concordes have ever been sold: there simply was no world market.

On the other hand the termination of Clinch River will be a small step towards the most urgent task facing the Congress and the Administration at present, which is to bring the budget deficit under control. This should be done not by bookkeeping tricks, as the Corey task force proposed, but by cutting out projects of marginal value if meaningful private participation cannot be obtained. The Clinch River reactor is clearly in that category.●

THE 75TH ANNIVERSARY OF THE CITY OF SOUTH SAN FRANCISCO

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 15, 1983

● Mr. LANTOS. Mr. Speaker, I welcome this opportunity to call to the attention of the House the 75th anniversary of the incorporation of the city of South San Francisco.

Since the town's humble beginnings in the 1800's as a large cattle ranch, it has grown and flourished beyond even the most optimistic expectations of its founders. One of the major reasons for its success and growth over the years has been its success in attracting industry.

Gustavus F. Swift owned the first major industry to settle in the town—the Western Meat Co.—and legend has it he was responsible for naming the town.

South San Francisco quickly became known as a meatpacking town, and began to attract other major industries who saw great potential for success. By September 19, 1908—the date when the city was incorporated—South San Francisco was home to 14 major industries and almost 2,000 residents.

In 1923, residents and city officials, still anxious to attract industry to the city, came up with a unique and successful idea. On the mountain separating South San Francisco from San Francisco—subsequently known as sign hill—the letters "South San Francisco—The Industrial City" were printed in letters 60 feet tall. Residents felt that the sign would be the best adver-

tising the city could have because it would be seen from miles around.

Five years later the sign had proved so successful that residents voted to make it a permanent fixture by putting the letters in cement. The sign is still there today—a reminder to millions of bay area residents and visitors of the great pride this city has maintained through the years.

The city continued to grow and flourish in the 1930's and 1940's, but in 1955 South San Francisco embarked upon one of the largest industrial expansion programs in the State by developing previously unused marshlands into industrial areas attractive to both light and heavy industry. By 1963, plans were announced for a $50 million industrial park to be built on 600 acres located on the city's bayshore. The park was built using innovative landscaping and construction standards, and still serves as a model of comprehensive industrial planning.

In keeping with its tradition of innovation and foresight, the city last year announced plans for a unique new business development called the Gateway project. Located on 117 acres, the project will mark South San Francisco's transition from an industrial and manufacturing past to a future of advanced technology and diverse interests. It will include business offices, research and development, retail stores, and hotels.

Although I have emphasized the great success of South San Francisco as an industrial city, it is a residential, commercial, and service center also. Residents take great pride in their city's outstanding schools, dedicated and concerned public officials, excellent recreational facilities, low tax rates, and mild climate.

Perhaps the finest quality that South San Francisco has, however, is its ability to maintain a tightly knit, ethnically diverse community where neighbors know and care about each other and their city. With all of its residential growth over the past 75 years, South San Francisco has retained its friendly, small town atmosphere.

Mr. Speaker, I am proud to represent this fine city, and to have the opportunity to honor it today. The people of South San Francisco should be extremely proud of their city's 75-year history, its present accomplishments, and its bright future.●

SUPPORT FOR H.R. 1036

HON. JOSEPH P. ADDABBO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 15, 1983

● Mr. ADDABBO. Mr. Speaker, scattered throughout the news of the past several months, we find optimistic stories of plants reopening their doors, of people regaining their jobs after long periods of unemployment. These lucky few have ridden out the crisis with just a severe depletion of their savings. We cannot allow their sense of relief to blind us to the plight of all those workers whose plants may never reopen, and who cannot find jobs. Unemployment in this country remains at an unacceptable level, and only prompt action by this body, not empty words of hope for a prosperous future, can change that.

We will have a chance to take action when H.R. 1036, the Community Renewal Employment Act, sponsored by my distinguished colleague from California, GUS HAWKINS, comes up for consideration next Tuesday. I commend my colleague for addressing our nagging unemployment problem effectively, and urge my colleagues to support the bill. It will target those worst hit by unemployment, and put America back to work fixing up long-neglected community facilities. Passage of the Hawkins bill would mean that our hopes for economic prosperity need not be empty.●

THE NAVY IS A GOOD NEIGHBOR

HON. BILL LOWERY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 15, 1983

● Mr. LOWERY of California. Mr. Speaker, I would like to share with my colleagues an editorial which recently appeared in the Tribune, a San Diego newspaper. The editorial lauds the Navy for its uncommon sensitivity to the concerns of local residents in planning the construction of a 120-unit family housing complex in San Diego. I am pleased to report that the recent groundbreaking for this project signals the culmination of a cooperative effort of the Congress, the Defense Department, the Navy, San Diego elected officials, and local citizens.

San Diego has been host to the Navy for over 60 years. During this period, the city has witnessed the rapid growth of the Navy in times of national emergency and has watched its contraction as emergencies subside. Yet, throughout these periods of growth and contraction there has existed a constant need to house the families of personnel assigned to San Diego.

Traditionally, Navy personnel have been congregated in military family enclaves. Though obvious economies derive from the production and maintenance of large clusters of housing, such massing of Federal employees and their dependents creates substantial social problems for those being housed.

Recognizing that this human problem could no longer be overlooked, the San Diego congressional delegation, along with city officials, sought to convince the Navy to build family housing on small sites scattered throughout the city. In addition, we urged the Navy to purchase new vacant housing for its personnel rather than undertake new construction. This approach would house families quickly and stimulate our depressed local housing market.

Both the House and Senate Armed Services Committees encouraged the Navy to implement our proposals. The Navy agreed to a trial of San Diego's ideas and, shortly after the beginning of this fiscal year, it purchased existing housing in San Diego. Furthermore, as chronicled by the Tribune editorial, the Navy agreed to move away from large enclaves and begin construction on scattered site housing.

As a logical followup to our proposals, we suggested that the Navy—and the Congress—obtain choice San Diego sites for future Navy housing needs while such property is still available. Once again, the House Armed Services Committee provided strong leadership, approving language permitting site acquisitions through purchase, land trades, or options.

I would like to pay special tribute, as does the Tribune, to the exemplary leadership of San Diego City Councilmember Dick Murphy. As the chairman of the local military housing task force, Councilman Murphy was a key figure in the formation of our housing policy proposals accepted by the Navy.

Before turning to the editorial, I would like to complement both the Department of Defense and the Navy for their willingness to consider new approaches to old problems. Their spirited cooperation with San Diegans sets a fine example for future military-civilian endeavors and I look forward to the continuation of this warm relationship in the months and years ahead.

[From the Tribune, Aug. 24, 1983]

NAVY HOUSING IS A GOOD NEIGHBOR

What? Public housing in exclusive Scripps Ranch?

At one time, the idea might have raised eyebrows, at the very least.

But there was nary a protest when the Navy broke ground there last week for a new town house complex for enlisted military families.

The reason? The Navy has shown uncommon sensitivity to the desires of the project's neighbors consulting with the community planning group and designing a 120-unit complex that will not overwhelm its surroundings.

Navy planners even went so far as to negotiate with Scripps Ranch residents on the color and texture of the military housing and whether to install interior or exterior television antennae.

The town houses going up at Scripps Ranch Boulevard and Pomerado Road are among the first fruits of the Navy's effort

to provide military housing projects on small sites scattered throughout the region.

This approach represents a positive change in the way Navy develops its housing in San Diego—an approach we hope the Navy will continue.

In the '50s and '60s, the Navy concentrated most of its apartment units on a few sites. During that era, for instance, 2,321 apartments were built on Murphy Canyon Heights.

But the city has grown since then. Tierrasanta residents were outraged two years ago when the Navy proposed construction of 1,200 units in their community.

Councilman Dick Murphy and other local officials on the San Diego Association of Government's Military Housing Task Force are to be commended for helping the Navy with an alternative that eliminated the Tierrasanta controversy while meeting military housing needs.

With task force help, the Navy last year bought 132 units of already-built housing in San Diego, Poway and Lakeside. The task force also suggested vacant sites for new projects, such as the one of Scripps Ranch.

The San Diego experiment should serve as a model for other cities where large numbers of Navy personnel and civilians must live together.●

THE IMPRISONMENT OF ANATOLY SHCHARANSKY

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 15, 1983

● Mr. ACKERMAN. Mr. Speaker, today, September 15 marks an important day for the Soviet Jewry movement, and for all of the people who have worked tirelessly for the release of Anatoly Shcharansky from the infamous Chistopol prison. Today, Anatoly Shcharansky has reached the halfway point in his 13-year prison term. He serves this sentence because of a deeply held commitment to Judaism, Zionism, and his fellow refuseniks. The Soviet Union's brutal treatment of Shcharansky exemplifies the worst tactics of oppression, which are brought to bear on those seeking to emigrate from the U.S.S.R. Year after year, the Soviets ignore the pleas of the world community to grant exist visas to all the Anatoly Shcharanskys who languish in the Soviet Union. The only crime committed by the valiant Jewish refuseniks is their refusal to succumb to the Soviet tactics of harrasment and intimidation.

Mr. Speaker, the Soviet Jewry activists in this country will never succumb to the Soviet war of attrition—a vicious tactice which is aimed at wearing down the Soviet refuseniks and their supporters in the West. We will not relent in the fight to gain freedom for Soviet Jews, who depend on our efforts to keep world opinion focused on this issue. With the Soviet's renewed determination to clamp down on Soviet Jewish emigration, we must remain vigilant in our commitment to press the Soviet Union for an improvement in their dismal human rights record.

Mr. Speaker, I have recently expressed many of these concerns directly to President Reagan. This correspondence focused on my particular concern for the Shcharansky case. I urged the President to reaise this issue with the Soviets at every possible opportunity. As a nation devoted to freedom and individual liberties, we cannot relent in our efforts to secure the release of Anatoly Shcharansky and the other refuseniks. We must persevere until these brave men and women have fulfilled their dream of living as free Jews in Israel.

A copy of my letter to President Reagan follows:

HOUSE OF REPRESENTATIVES,
Washington, D.C., September 14, 1983.

Hon. RONALD W. REAGAN,
President of the United States, The White House, Washington, D.C.

DEAR MR. PRESIDENT: I am writing to express my concern about Soviet prisoner of conscience Anatoly Shcharansky.

As you know, this case is of grave concern to the American people who have been following this situation for many years. It has been extremely frustrating to witness the Soviets' repeated refusal to permit Anatoly Shcharansky to emigrate, as they continue their vicious harassment against him.

As President, you have a unique opportunity to help save Anatoly Shcharansky. I urge you, in the course of upcoming negotiations, to make the Shcharansky case a test of Soviet intentions toward the United States. I am afraid that the Soviets will let Shcharansky go only after they are forced to confront this issue at the highest levels.

Unfortunately, time is short. Anatoly Shcharansky is a sick man who has been devastated by the conditions forced upon him. He barely survives in isolation from his family and friends. The descriptions of conditions in Chistopol prison make it difficult to believe that Shcharansky will live much longer unless he is granted permission to emigrate. During his last hunger strike, Shcharansky dropped to 77 pounds, and suffered beatings at the hands of prison officials who carry out the KGB's orders to physically harass him.

I firmly believe that the Shcharansky case is similar to the Pentecostal situation, which was resolved when you personally intervened on their behalf. In the spirit of the American commitment to the Helsinki Accords, I hope that you will personally intervene on behalf of Anatoly Shcharansky.

Thank you for your attention to this matter.

Sincerely,

GARY L. ACKERMAN,
Member of Congress.●

ANATOLY SHCHARANSKY MUST BE FREED

HON. RAYMOND J. McGRATH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 15, 1983

● Mr. McGRATH. Mr. Speaker, the Madrid Conference has ended, and the Soviet Union has signed an agreement which pledges the reunification of families. Yet, Anatoly Shcharansky is in prison. Anatoly Shcharansky, a symbol of faith, commitment, and love of freedom, who wants no more than to be reunited with his wife in Jerusalem, is representative of the Soviets total disregard for human dignity and liberty.

New York's Gov. Mario Cuomo has declared today, September 15, Shcharansky Day, in commemoration of the 6½ years Anatoly has served in prison. Since Soviet law permits the release of a prisoner after the completion of one-half of his term, this half-way point in Anatoly's sentence provides the Soviet Government the opportunity to change the perceptions that its words and promises are hollow, and that its signature on human rights agreements cannot be trusted.

The Soviet Union claims all of its citizens who want to leave have already done so. But Anatoly Shcharansky, and thousands of others who have refused to bend to Soviet pressure, harassment, and government inspired anti-semitism in response to their desire to be free, are still waiting to emigrate. I urge my colleagues in this democratic legislative body, to urge the Soviet Union to comply with the agreements of the Madrid Review Conference, and to respect and honor human rights, by beginning with the release of Anatoly Shcharansky.●

NAVAHO NATION SURVEY

HON. ELDON RUDD

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 15, 1983

● Mr. RUDD. Mr. Speaker, the Navaho Reservation is a land of contrast and diversity, approximately two-thirds of which lies in northeastern Arizona. Another one-third lies in northwestern New Mexico, while a small portion extends into southeastern Utah.

A traveler through this 25,000 square mile area can ascend from arid deserts at 3,000 feet elevation to alpine forests at more than 10,000 feet elevation. Millions of years of wind, water, Earth shifts, and volcanic action have created spectacularly dramatic rock sculptures, scenic canyons, and mesas. It is a land rich in history and cultural resources, and beneath the land lie resources of another nature, rich deposits of coal, oil, gas, and uranium.

The Navaho Reservation is unique in many ways, not the least of which is that it represents the largest land mass in the contiguous 48 States that has never been subject to an original cadastral survey. Until recently, only 10 percent of the area had been surveyed. I am proud to say the situation so long overlooked is now being cor-

rected through a cooperative program between the Navaho Tribe, the Bureau of Land Management and the Bureau of Indian Affairs.

This is a milestone in the economy of the Navaho Reservation for much of its future growth depends on development that can identify with legally binding property boundaries, which requires surveys.

I am particularly pleased that Navaho surveyors are working alongside BLM surveyors. I want to recognize the Navaho surveyors for the key role they have played in completing original surveys on 230,000 acres since the program began in June of 1982.

They are Albert Steven Tsosie, Jr., of Fort Defiance, Ariz.; Wilfred David Chee and Daniel R. Bryan, both of Window Rock, Ariz.; Gene H. Peters, Ya-Ta-Hey, N. Mex.; Reuben Mason, Gallup, N. Mex.; Jones C. Curtiss, St. Michaels, Ariz.; and Andrew Murphy, Houck, Ariz.

The importance of the survey to the further development of the Navaho Reservation was pointed out recently in an article in the Navaho Times, published at Window Rock, Ariz., and I recommend its reading to my colleagues.

The article follows:

[From the Navajo Times, Aug. 17, 1983]

SURVEY IS LINKED TO PROGRESS

(By Dick Thomas)

Shortly after dawn, Steve Tsosie and Reuben Mason pulled off the paved highway and followed a tortuous 30-mile route across the Navajo Nation that at times taxed the abilities of their four-wheel drive vehicle.

They arrived at their job site, and pulling up beside them in another vehicle were Gene Peters the Kevin Derossett. Quickly, they mounted an instrument on a tripod and began taking sitings toward a nearby sandstone mesa.

The four men are cadsatral surveyors, engaged in laying out and establishing original township and section corners on the largest unsurveyed chunk of real estate in the contiguous 48 states.

"Yeah, I guess it's kind of awesome when you think about it," Mr. Tsosie said. "The Navajo Nation is the size of West Virginia, and 90 percent has never been surveyed."

Mr. Tsosie, Mr. Mason and Mr. Peters are Navajos and are employed by the Navajo Nation. Mr. Derossett works for the Bureau of Land Management, the only agency authorized to excute and approve cadastral surveys on federal and Indian lands.

They are one of three survey crews made up of Navajo and BLM surveyors, none of whom expects to see the job through to completion. It will take 20 to 25 years.

Alfred Dehiya, acting director of Navajo land development, said the survey is long overdue.

"The tribe has been trying to get this program started since the '50s, but there were always funding snags," he said from his office at Window Rock. "Now we're rolling, and we're enthusiastic about what this survey means to the economic development of the reservation.

"We have energy resources ripe for development, but oil and gas leases, coal leases, pipeline and other rights-of-way have to be tied down to known township and section corners. Without them, we run the risk of overlapping leases that could result in lawsuits and other complications," he said.

Mr. Dehiya said top priority of the survey is the energy areas, followed by major growth areas where new townsites are likely to develop, and finally the 110 "chapters," which are local governmental units. Determining the exact boundaries of chapters will define voting precincts and will also aid in census counts.

Road construction is another desperately needed improvement that cannot move ahead without the survey.

"The pickup truck is the major method of transportation on the reservation," Mr. Dehiya said, "but we have only 660 miles of paved roads and more than 6,000 miles of dirt roads. The days of horse and wagon transportation are gone."

The two men closest to the program, Dell Cazier, a BLM employee and survey project leader, and Melvin Bautista, head of the Navajo survey office, are proud of the work accomplished in the last 14 months, and of the cooperation between BLM, the Navajo Nation, and the Bureau of Indian Affairs (BIA).

"The people I talked to in Washington were amazed at the area we have that is unsurveyed, about 25,000 square miles, and I think that revelation gave us the push we needed," Mr. Bautista said.

Mr. Bautista reiterated the theme of economic development that will be spurred by the survey, as did Genevieve Denetsone, assistant area real property management officer for the BIA at Window Rock.

"There is very little Navajo private sector, and unemployment on the reservation is high," she said. "Most dollars flow off the reservation. Through this survey, we have the opportunity for prioritizing resource development. We will be able to develop infrastructures to support communities, and that would enhance development and help achieve the goal of a vigerous Navajo private sector."

There's no question that energy-rich areas of the reservation are targeted for surveying first. Daniel Bryan, a Navajo surveyor, dug into the earth to place a 28-inch long survey monument and struck solid coal a few inches below the surface.

Jones Curtiss, another Navajo surveyor and graduate of Monterey Peninsula College in California, said he is proud of the work being done.

"I see this as more than job. I see it as being a part of history," he said. "This land has remained unsurveyed since the Navajo reservation was created 115 years ago. These survey monuments we're setting today will still be serving their purpose 115 years into the future. I feel good about what we're doing."

Andrew Murphy, a Navajo who works with Curtiss and BLM crew chief Jim Werdel, is a surveyor during the week and a bull rider in area rodeos on weekends.

"I lived in Phoenix seven years when I was in college and working for a private engineering firm" he said. "I'd rather be surveying this land than surveying runways at Sky Harbor Airport."

"Do you know," Mr. Murphy asked, "that the official plat of these surveys will carry the Navajo Nation seal on the 'north arrow' and that the monument caps we'll be getting soon will also bear the likeness of the Navajo Nation seal? That means a great deal to us Navajos."●

A CONGRESS IN MOURNING

HON. JOHN P. HAMMERSCHMIDT

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 15, 1983

● Mr. HAMMERSCHMIDT. Mr. Speaker, today, a delegation from Congress will travel to Marietta, Ga., to attend a memorial service for our late colleague, Larry McDonald, a victim of the brutal Soviet downing of Korean Air Lines flight 007. The ironic death of Representative McDonald, one of the most outspoken Members with regard to the gulag of Soviet oppression, deepens the initial shock into a more acute realization internationally of the critical implications of this tragedy.

Events transpiring from the Soviet attack have augmented world disrespect and repulsion for that nation which has displayed a total disregard for human life. Soviet responses to the whole affair have been void of concern for international peace, even to the extreme of shifting blame upon its victims. As Secretary of State Shultz has said, Soviet answers and excuses have been "totally unacceptable."

As we are united in our denouncement of this despicable act, and in our sympathy with the victims' families, the strength of our unity must be vigorously proclaimed to the Soviets as evidence that we will not stand idly by while they inflict warlike offensives on innocent U.S. citizens.

The defense policy of the Reagan administration has long realized the Soviet goal of world domination, and the Communist intent to gain such dominance as quickly and effectively as possible when there appear to be vulnerabilities in other parts of the globe. The atrocities of Poland and Afghanistan, and now the barbaric destruction of a civilian airliner, justify the "peace through strength" philosophy toward deterrence of the Soviet quest.

Upon my return to Washington from the district work period, I joined with my esteemed colleague, Congressman GEKAS, in sponsoring a resolution similar in content to House Joint Resolution 353, overwhelmingly approved by the House yesterday. The text of my own resolution is as follows:

HOUSE CONCURRENT RESOLUTION 160—CONDEMNING THE SOVIET UNION ATTACK ON KAL FLIGHT 007

Whereas, in the pre-dawn hours of September 1, 1983, Korean Air Lines flight 007, a Boeing 747 with 240 passengers and 29 crew members on board, was shot down by a Soviet-piloted SU 15 warplane over the Sea of Okhotsk near international waters, killing all passengers and crew on board;

Whereas 61 passengers on board KAL 007 were Americans, including U.S. Representative Larry P. McDonald;

Whereas the Soviet military tracked the flight of KAL 007 for more than two hours as the plane accidentally veered from its intended flight path and crossed into Soviet air space over the Kamchatka Peninsula, the Sea of Okhotsk and the Sakhalin Island;

Whereas transcripts of the communications between the Soviet pilot and his ground commander explicitly demonstrate that the Soviets made no efforts to let the civilian flight know that it was off-course or to warn it of an impending attack;

Whereas this is the second un-provoked attack by the Soviet Union on an international civilian aircraft in five years;

Whereas the Soviet Union refused to admit for several days after the incident that its warplane had shot down the KAL civilian flight;

Whereas after international opinion and stark proof forced the Soviet Union to admit to the civilian attack the Soviets maintained that it is within their right to shoot down, without warning, any international civilian airliner that accidentally strays into Soviet airspace;

Whereas the entire world has reacted with revulsion and disbelief at the savageness and brutality of the Soviet murder of 269 innocent civilians near international waters;

Whereas the Soviet Union, despite international pleas, has refused to allow any outside group or country to assist in the search efforts to find any wreckage or bodies from the downed KAL flight by continuing to cite the absolutely inviolate nature of Soviet territory, no matter what the circumstance;

Whereas these actions by the Soviet Union clearly indicate to the entire world their lack of humanity or honest desires for a peaceful international community, and further puts the world on notice of Soviet global intentions: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress that attacks on international civilian airlines are to be denounced and that the Soviet Union's attack on Korea Air Lines flight 007 and the murder of the 269 human beings on board is to be condemned in the strongest possible terms. The Congress of the United States supports the actions of the President of the United States in his efforts to bring the Government of the Union of Soviet Socialist Republics before the world community to admit its liability and responsibility for this murderous deed and offer recompense to its victims and guarantees to the world that the safety of civilian airlines will not be violated in the future.●

KOREAN AIR LINES FLIGHT 007

HON. E de la GARZA

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 15, 1983

● Mr. DE LA GARZA. Mr. Speaker, since first learning that Korean Air Lines flight 007 had been shot out of the skies by a Soviet jet fighter, with a tragic loss of 269 innocent lives, I have been following the developments closely.

The more information released about the events on the night of August 31, 1983, the clearer it becomes that we will never know the full chain of events leading to the loss of 269 innocent lives. One thing, however, is perfectly clear. The military powers of the Soviet Union are responsible for taking the lives of 269 innocent civilians who posed no threat to the security of the Soviet Union. The taking of so many lives, in such fashion can only be described as coldblooded murder.

The Soviet Union believes 269 innocent lives are meaningless when compared to the security of the state. The Soviet leaders refuse to accept responsibility or apologize for their barbarous act, believing they acted in a rational manner, and that other countries would act in the same way. I can only say that this Soviet philosophy is totally backward. Governments are created for the protection of the people, not the other way around. Innocent lives are not expendable on the grounds of national security.

While it is not possible to cut off all relations with the Soviet Union, actions must be taken by all civilized peoples and nations to put the Soviets on notice that their actions are not acceptable to the civilized world. As long as one nation believes innocent lives are expendable in the name of national security, none of us is safe.

I know that the residents of the 15th District of Texas join me in extending sincerest sympathy to the friends and families of all whose lives were so brutally taken by the Soviet Union. In the memory of the 269 who were murdered by the Soviets, it is imperative the civilized peoples of the world take action to put the Soviet leadership and the Soviet people on notice that such action is not acceptable to the rest of the world.

Due to recent abdominal surgery and physician's orders to limit my activities, I regret that I was unable to be on the floor to vote in support of the resolution. Had I been here I would have voted for passage.●

THE 50TH ANNIVERSARY OF THE WALNUT CREEK PROFESSIONAL AND BUSINESS WOMEN'S CLUB

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 15, 1983

● Mr. MILLER of California. Mr. Speaker, it is with great pleasure that I rise to recognize the achievements of the Walnut Creek Professional and Business Women's Club on the celebration of its 50th anniversary of its founding.

At a luncheon on September 14, 1933, 20 Walnut Creek businesswomen met to "be an organized effort for the good of this community and to create a friendly spirit and better understanding between the businesswomen of Walnut Creek."

The goals of the Walnut Creek Professional and Business Women's Club have been admirably achieved and many businesses have benefited from their efforts. The city of Walnut Creek has profited greatly from the club's service projects, philanthropic efforts, and civic activities.

Over the past 50 years the club has contributed to a variety of worthwhile causes and projects, including food baskets for the needy, the War Relief Fund, the American-Hungarian Relief Fund, assistance to the Alexander Lindsey Museum, Battered Women's Alternatives, scholarships, Walnut Creek Youth Athletics Association, and a host of other endeavors.

The membership has grown steadily over the years and now reflects representation from health services, education, law, banking, retail, communications, consultants, accounting, and many other businesses.

The Walnut Creek Professional and Business Women's Club achievements in community participation are outstanding. These women have helped Walnut Creek develop and grow toward its potential, and I am pleased to bring the work of this club to the attention of the Congress on the 50th anniversary of its founding.●

IN CELEBRATION OF NATIONAL HISPANIC HERITAGE WEEK

HON. JERRY M. PATTERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 13, 1983

● Mr. PATTERSON. Mr. Speaker, I am proud to join my colleagues in paying tribute to the outstanding contributions of our Hispanic brothers and sisters throughout the history of the United States. America would not have developed to its fullest were it not for the strength of the Hispanic community as demonstrated by the leadership of the United Farmworkers founding president, Cesar Chavez, or former longtime MALDEF president, Vilma Martinez.

By applying the principles of self-help, hard work, and compassion for all people, Hispanics have forged landmark changes in our Nation's laws, Supreme Court decisions, and executive policies. To cite just a few of these gains, I recall the positive influence of Hispanic Americans in promoting the passage of the 1964 Civil Rights Act, the 1965 Voting Rights Act and its 1981 amendments, and the 1973 Housing and Community Development Act. Further accomplishments include Hispanic involvement in the creation of affirmative action programs, in extending opportunities and services in higher education, and in public school programs for child nutrition. Hispanic Americans have also played an impor-

tant role in providing for the equitable delivery of services through Legal Aid Societies, community development block grants, HUD low-interest rehabilitation loans and rental assistance, public health services, and employment programs.

Quite obviously, there must be many more Hispanic Americans elected to local, State, and Federal offices in order to achieve true representation in proportion to their population. The congressional Hispanic caucus has long promoted the active participation of Hispanic Americans to affect public policy. In recent years, it has been gratifying to see an increase in the number of Hispanic citizens elected and appointed to serve in public office. This progress must continue.

Over the past few years, there have been many efforts to dismantle programs or rescind laws advocated for and by Hispanics. In addition, those of us committed to these programs have been forced to endure the accusations of adversaries who would believe that progress among Hispanic Americans has been achieved at the expense of non-Hispanics. Decries of "reverse discrimination" and "favoritism" can still be heard. Despite this, many of our colleagues continue to work toward advancing the power, influence, and progress of Hispanic Americans. We claim this goal, because we are aware of the intense poverty and sense of political disenfranchisement which has for so long been forced upon Hispanic Americans. We know that the past gains and achievements of a small number of individuals are not enough. As we stake our hope in future progress, we seek strength in the unity of purpose.

Throughout my tenure in the House of Representatives, and as the former mayor of Santa Ana, it has been my privilege to work with Hispanic representatives from labor, church, small business, and service organizations. I have personally come to know and respect Hispanic womens' advocates, barrio leaders, veterans, armed service personnel, executives, volunteers, youths, and seniors. The inexhaustible dedication of these individuals and their affiliate organizations deserve our greatest esteem.

I reflect fondly on the significant insight that Hispanic Americans have contributed in our national affairs. They have demonstrated that our political system works by affecting positive change. Hispanic Americans have restored hope in the ability of our children to succeed in the next generation, they have given relief to the needy, and they have inspired our faith in the future. Mr. Speaker, it is with great pleasure that I ask my colleagues to join in celebration of National Hispanic Heritage Week and in tribute to Hispanic Americans.●

BIRMINGHAM REMEMBERS

HON. BEN ERDREICH

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 15, 1983

● Mr. ERDREICH. Mr. Speaker, 20 years ago today a bomb exploded in the 16th Street Baptist Church in Birmingham, killing four little girls, and focusing the attention of the Nation on the racial strife in Alabama. Denise McNair, Carole Robertson, Cynthia Wesley, and Addie Mae Collins were innocent victims of the tension that characterized the civil rights movement, and their deaths helped open the eyes of our Nation to the need for justice and equality for all.

An editorial in the September 11, 1983, Birmingham News speaks of that city's remembrance of the past and hope for the future.

The editorial follows:

THE BOMBING

The bombing. No one from Birmingham need ask What bombing? We know, all of us, what bombing.

Twenty years ago next Thursday, it happened. At 10:19 a.m., Sept. 15, 1963, a Sunday, the dynamite bomb exploded at the 16th Street Baptist Church. It killed four young black girls who were in a basement dressing room.

The names of those girls should be important to us all. They were: Denise McNair, 11, and Carole Robertson, Cynthia Wesley and Addie Mae Collins, all 14. They would have been in their 30s now, perhaps married and with children of their own—children approaching their own ages that day when the bombing happened.

But the bombing did happen. It killed them. They are dead and the bombing, ironically, lives on.

It lives, however much we might have tried to ignore or forget it, rationalize it or explain it away. It lives on because it killed four innocent girls and became a symbol of the bitter result of racial hatred.

As a symbol it became ever more potent, even as the act itself was shown impotent. Birmingham became "Bombingham" to much of the world and the civil rights movement used this city as a foil to advance its own principles before the rest of the nation and indeed the world.

That the principles of civil rights should have been advanced is unquestionable; that this city should have suffered, and still suffers, the stain of villainy is another matter.

For the bombing should stand as more than a symbol of racial hatred. There was, and is, more to it than that.

Those who set the bomb were part of it, part of Birmingham. But so were those who died a part of Birmingham. Birmingham was police dogs and fire hoses; but Birmingham was also those who believed enough in what they were doing to face the dogs and hoses. And Birmingham was a larger white community that recoiled in disgust from the confrontations that divided the community, a city that changed its form of government in the midst of chaos in an attempt—too late, perhaps, but still an honest attempt—to change the entire direction in which Birmingham was moving. The commissioners who preached racial intolerance were removed—not by the Justice Department, not by the federal courts, but by Birmingham itself—and replaced by a moderate mayor and council who served their charter valiantly.

Birmingham indeed has changed itself in more than the form of its government. And that, too, is a part of the bombing.

Birmingham was a bi-racial Community Affairs Committee before such groups became standard for many cities. Birmingham was leading white citizens working behind the scenes to bring harmony in place of hatred. Birmingham was black citizens willing to swallow their hurt to work for the good of the city.

And Birmingham is now what it is—not perfect to be sure, but still trying honestly to make things right—in great measure because of the bombing. As Police Chief Arthur Deutsch wrote in a recent letter to The New York Times Magazine in commenting on an article recalling the bombing, "Birmingham is maturing, and because of those deaths has become a better place. The heat from that blast seared many hearts—some forever, but, as in most explosions, there was much light produced."

The fact of the bombing has been something, as much as possible, to forgive and forget. The 1977 conviction of Robert Chambliss for his part in the bombing was of course significant and only right in its rendering of justice, and it is not too much to hope that other convictions may someday follow—if not in the courts, at least in the judgments of history. But the fact of the bombing, in itself, is done and over and can never be changed. As an isolated act, it pales beside the car bombs of Beirut and Northern Ireland and the other acts of terrorism which have become all to common in the world.

The bombing as a symbol—a symbol of the wrongness of hatred, and of how a city can change itself—ought to be kept by us all, however. It ought, indeed, to be a permanent reminder of the wrong that can happen and of the right that can be accomplished by men of good will.

On this 20th anniversary of the bombing, the fact of it and the symbolism of it, it is perhaps time to consider whether we as a community ought to commemorate what happened. At present, the only memorials are at the church itself—a stained glass window (presented by the people of Wales) and a brass plaque that implores, "May men learn to replace bitterness and violence with love and understanding."

There should be more than that. Because we should understand better all of what the bombing meant, the effect it has had on us and the effect it ought to have on us in the future, there should be more than that.

For the bombing was, is and always will be a part of us, a part of Birmingham. We ought never to allow outselves to forget what it taught us.

If Birmingham's very name is to be indelibly written in the minds of millions as a symbol of the struggle for civil rights, why can't Birminghamians build a living memorial to our own unique place in that drama and to the larger lessons for all mankind of the corrosive power of racism and hatred and the healing power of love and justice?

In truth, Birmingham itself is a memorial to some of the most important events and days in our nation's history. Why not say so, not in a spirit of bitterness but in a spirit of hope?

To help accompish the goals stated in that editorial, the Birmingham

News has established a fund called The Memorial Fund for the Children, through AmSouth Bank. This fund will not be used for granite and glass commemorations, but for a living memorial to the power of love and justice. Through no specific plans have been made yet for the use of the fund, many ideas are being discussed: An endowed professorship at one or more of Birmingham's colleges, and a Center for Civil Rights Studies are two possibilities. The city of Birmingham is investigating the establishment of a Civil Rights Museum. All of these are ideas whose times have come, in a city that has learned and continues to learn from its past, and that looks toward the future with a great deal of hope and pride.●

WINDSOR, CONN.: 350 YEARS YOUNG

HON. BARBARA B. KENNELLY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 15, 1983

● Mrs. KENNELLY. Mr. Speaker, this September the town of Windsor, Conn., commemorates its 350th anniversary. Windsor claims the distinction as Connecticut's first permanent settlement and can be credited with contributing to much of the State's early history. In 1633, Windsor encompassed an area of over 600 square miles in the Connecticut River Valley from which 20 other Connecticut towns would later emerge.

Windsor was first discovered in 1614 by a Dutch sea captain, Adrien Block, who sailed up the Connecticut River from New Amsterdam—now known as New York—where he found an Indian village at the present site of Windsor. But it was not for 19 years, in 1633, that the first permanent settlers arrived from the colony of Plymouth, led by Lt. William Holmes. These pilgrims were later to be joined by Puritans who found their way to Windsor from England in 1635.

During Windsor's first few years as a community, no formal governmental institutions existed. Instead, the settlement relied on the cooperation of its citizens and upon the authority of leaders from church organizations and schools. It operated according to traditional customs rather than through laws.

However, as the town and the surrounding communities of Hartford and Wethersfield developed, so too did the need for a civil government. Thus, in 1636 the three towns established a commission in order to hold a meeting. Windsor's Robert Ludlow presided over this meeting as the General Court's elected President, thereby performing the duties of a State Governor. It was Ludlow and this court who would be ultimately responsible for instituting Connecticut's famed "blue laws" which sought to regulate behavior on the sabbath. From these meetings also emerged the Fundamental Orders of Connecticut, a document which formed the basis of Connecticut's founding and later to be used as a model for the U.S. Constitution.

This general court, as the State Legislature was initially called, proclaimed the right of each town to self-government. Windsor organized a selectman type of government which later evolved into the council-managerial form of local government which exists in Windsor today.

Windsor, over its 350 year history, has witnessed much progress and change, yet it has long been established as a model community in Connecticut. Beginning with its founding in 1633, and continuing through to the present, the residents of Windsor have always exemplified a strong sense of community and pride in their accomplishments. This spirit, which was kindled in colonial times, still exists today, as Windsor continues to improve the quality of life for its 25,000 citizens. Windsor is a dynamic community whose rich history has contributed to the benefit of all those who reside in the Connecticut River Valley.

I am honored to congratulate Windsor on the 350th anniversary of its founding and to share my exuberance in their celebration of this event.●

RECOGNITION OF NEW YORK STATES' SHCHARANSKY DAY

HON. THOMAS J. DOWNEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 15, 1983

● Mr. DOWNEY of New York. Mr. Speaker, I rise today in recognition of Anatoly Shcharansky, who has today reached the half-way point in his cruel and unjust sentence of 13 years in Soviet prisons. Shcharansky's sentence contradicts even minimum international standards of justice; he sought only to work and speak out for the right of emigration of Soviet Jews and the right to live out the lives of their forefathers. It is, then, our duty today to restate our outrage at this continued moral travesty. I commend Gov. Mario Cuomo for his recognition and designation of September 15 as "Shcharansky Day" in New York State and hope that his leadership in the field of human rights becomes a model for all public officials.

Today I repeat the facts of Shcharansky's saga as I will continue to do until this wrong has been righted. Our pressure must remain undaunted because our determination continues to be resolute.

On March 15, 1977, the Soviet KGB arrested the then-29-year-old Russian Jew. His arrest was the culmination of a series of confrontations with Soviet authorities. Five years earlier, Shcharansky—who had studied computer technology and its application to chess—had applied to Israel. His application was denied on what many regard as spurious grounds—"national security". But the technology to which he had access was primitive, widely known and, by now dated. In July 1974, he sought to marry his fiancee on the eve of her departure to Israel. A religious ceremony was conducted after it proved impossible to obtain formal state approval.

After a 1977 Soviet television broadcast labeled him and others as "Soldiers of Zionism," Shcharansky courageously began a series of legal attempts to demonstrate that Soviet authorities had broken their own laws which prohibit anti-Semitism and slander. He took authorities to the People's Court.

Shcharansky also had the courage to take seriously the Soviet Union's legal obligations under the Helsinki accords. He, along with several other dissidents, joined together to form a public action group for the implementation of the Helsinki agreement in the U.S.S.R. Taking the Soviet provisions of law guaranteeing freedom of speech seriously, he began to serve as unofficial spokesman for the Jewish emigration movement.

Soon after he became a member of the Helsinki Watchdog Committee in 1976, the KGB increased their pressure against him. Beginning in March 1977, Shcharansky was held under constant KGB guard with six to eight agents following him, under full-time surveillance.

Shcharansky was arrested on March 15, 1977, and, after almost 16 months held incommunicado, Shcharansky was tried on July 10. Charged with treason and espionage, Anatoly Shcharansky was sentenced to 13 years.

Mr. Speaker, in Anatoly Shcharansky's 6½ years of sentence he has suffered from brutal conditions and a hunger strike that recently brought him to near death. The movement he so poignantly symbolizes has suffered a similarly tragic recent history.

Emigration for Soviet Jews is now at a trickle and anti-Semitic activities by Soviet authorities have been on the rise. I therefore ask my colleagues to continue to bolster the unshaken commitment of Soviet Jews; a spirit well symbolized in the brave words of Shcharansky's wife, Avital:

> Over the footsteps of the jailers and over the clang of the iron gates being shut closed, we can hear the call of our prisoners in Soviet Russia: "Next Year in Jerusalem! Next year in Jerusalem!"●

COMMENDING CAPT. GEORGE L. DUPOUY UPON THE OCCASION OF HIS RETIREMENT

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 15, 1983

● Mr. MILLER of California. Mr. Speaker, George L. Dupouy of the Concord Police Department has served his community with great dedication and distinction, and is deserving of special recognition and the highest commendations upon the occasion of his retirement.

Captain Dupouy joined the Concord Police Department on May 1, 1952, as a police officer, was promoted to the rank of sergeant in 1955, was elevated to lieutenant in 1960, and was assigned as a captain in 1963.

He has, over the years, commanded all divisions of the department and guided the department in its growth from a complement of 7 men to the 126-man department it is today.

Captain Dupouy was one of the founding members of the Concord Police Association and served as its president in 1957.

As a member of the military police during World War II, he served his country as a member of the 9th Army, in England, France, Belgium, Germany, and the Philippines.

Mr. Speaker, the people of Concord are fortunate to have been served by a law enforcement officer of the stature of Capt. George L. Dupouy, through whose efforts that community has been made a safer and more desirable place in which to live.

I know that all Members of the House of Representatives join me in honoring Captain Dupouy for his many years of dedicated service to law enforcement and to the people of Concord.●

WRITE TO PRESIDENT ANDROPOV TO SEEK THE RELEASE OF MR. SHCHARANSKY

HON. MAJOR R. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 15, 1983

● Mr. OWENS. Mr. Speaker, today marks 6½ years of imprisonment for Anatoly Shcharansky who is serving a 13-year sentence in the Soviet Union. Governor Cuomo of New York has made the following proclamation urging the release of Mr. Shcharansky and all prisoners of conscience in the Soviet Union. I urge all of my colleagues to write to President Andropov to seek the release of Mr. Shcharansky.

PROCLAMATION

Whereas, Anatoly Shcharansky has been in prison for six and one-half years; and

Whereas, in all those years he has been isolated from his wife and family and has gone on a four month hunger strike to protest his isolation which resulted in the serious deterioration of his health; and

Whereas, Anatoly Shcharansky is a symbol of all prisoners of conscience in the Soviet Union; and

Whereas, Soviet law makes it possible for a prisoner to be released after the completion of half of his sentence and this will fall on September 15th,

Now, therefore, I, Mario M. Cuomo, Governor of the State of New York do hereby proclaim September 15, 1983

ANATOLY SCHCHARANSKY DAY in New York State and call upon the President of the Soviet Union Yuri Andropov to release Anatoly Shcharansky from prison so that he may rejoin his wife in Israel.

I ask all citizens of our state to use this occasion to write to President Andropov to appeal to him to free Anatoly Shcharansky, as well as all other prisoners of conscience whom he symbolizes.

It is my sincere hope that President Andropov will take this opportunity to respond to the plight of Anatoly Shcharansky and his family as well as to the plight of other prisoners of conscience in the Soviet Union.●

H.R. 1036, THE COMMUNITY RENEWAL EMPLOYMENT ACT

HON. FORTNEY (PETE) STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 15, 1983

● Mr. STARK. Mr. Speaker, I am pleased to join my colleagues in voicing support for H.R. 1036, the Community Renewal Employment Act. Mr. HAWKINS, a senior Member of my State's delegation has put many hours of work into this effort, and the passage of this bill is long overdue.

I am tired of the President's proclamations that we are well on our way to recovery. Labor Day 1983 brought news of still high unemployment rates, and the necessity for legislation such as H.R. 1036 remains critical.

This bill will provide job opportunities to unemployed workers in high unemployment areas through grants to local governments for labor costs associated with the repair of public facilities, conservation of public lands, and for public safety activities. Members of this House have long recognized the need to maintain our infrastructure and to conserve our public lands. For many years, and certainly since the passage of the Humphrey-Hawkins bill, again with the senior Member of California's delegation as a leader, we have recognized that it is in the interest of our entire Nation, that each and every American be given the opportunity to have a job. Jobs, Mr. Speaker, jobs are what America needs, not more administration rhetoric. This bill is a good start—a needed start. I am pleased to be a cosponsor of this legislation and I urge the support of this House.●

THE PLIGHT OF SOVIET JEWS

HON. GERALDINE A. FERRARO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 15, 1983

● Ms. FERRARO. Mr. Speaker, on this day exactly 6½ years ago, the gates of Chistopol Prison closed on Anatoly Shcharansky.

Since then Shcharansky has endured hunger, brutality, and separation from his family—all for the crimes of speaking out on Soviet policies toward Jewish citizens and seeking to join his wife Avital in Israel.

Soviet disregard for basic human rights—so shockingly shown by the recent downing of a civilian passenger plane—comes as no surprise to those of us who have taken a special interest in the plight of Soviet Jews and other ethnic minorities in the U.S.S.R.

True, the Soviets participate in international human rights fora, such as the Madrid Conference, and sign their names to human rights documents. Meanwhile, Shcharansky and 18 other Jewish Prisoners of Conscience are imprisoned and just 865 Jews have been permitted to leave the U.S.S.R. this year.

I join today with Governor Mario Cuomo, who has proclaimed this Anatoly Shcharansky Day in New York State, and with other Members of this House in urging the Soviet Government to at last release Shcharansky. He has served half his term, he is weakened by a hunger strike and is in failing health. It is legally and morally imperative that Anatoly Shcharansky be freed.●

EQUITY CAPITAL FORMATION INCENTIVES ACT OF 1983

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 15, 1983

● Mr. MARKEY. Mr. Speaker, in this session of Congress, a myriad of bills to spur capital formation have been introduced. Most of these bills focus on individual investors or on the businesses in need of this capital.

Substantially ignored in this process, however, are the crucial financial intermediaries—the capital markets around the country that match investors with businesses. For some, these markets still work. But for small, newer firms these markets have failed. That is why I am introducing the Equity Capital Formation Incentive Act (ECFIA) of 1983 today.

New and small firms searching for needed capital complain of many problems. Several legislative proposals are pending to provide needed R&D funds, while others encourage the provision of venture capital. But more often than not, emerging firms find that funding for the next stage—commercialization—is lacking. These firms often need $2 million to $5 million to get their manufacturing of a new product off the ground.

Traditionally, our economy has handled such needs. Firms wanting equity capital approached a local stock trader—known as a market maker—and asked him to offer equity or stock shares in his firm through one of the stock markets. Such initial offerings usually raised $2 million to $5 million in shareholder investments.

Capital markets have changed. Now, the number of market makers is the smallest ever in recent history. While the current surge in the stock market has increased the number of securities firms generally, the number of market makers has remained on the decline. Over the past 15 years, the number of market makers in the country has almost been cut in half. Today, 13 States have no market maker headquartered within its borders, while another 10 States have only one or two market makers.

Like many other industries, the securities industry has witnessed a concentration of market power in a few large firms. These firms are uninterested in doing the needed research and taking the needed risk to bring a small or new business to the market for capital. Therefore, as regional market makers have decreased in number, so too has access to equity capital for new firms. In 1969, nearly 700 small firms (worth $5 million or less) were able to obtain capital by selling stock to the public. Since 1975, that number has dropped to an average of 20 per year.

Why are market making incentives needed? Simply put, market making is a risky business. A market maker must know a firm well, for if it brings the firm to market, it is bound to subsequently repurchase stock offered for resale by investors if no other buyer can be found. Thus, market makers—key links in the chain of capital formation—expose themselves to the risk of being stuck with a large investment in unsuccessful stock ventures. That is what ECFIA is all about.

ECFIA would provide a 10-year, tax deferred reserve for the profits made by securities firms and market specialists in the trading of small business equities. The reserve would allow these firms to accumulate funds to cover future losses in market-making activities. Taxes on the reserve would be deferred for 10 years at the maximum—though profits would be liable to taxation whenever they are withdrawn.

A study of ECFIA done by the National Association of Securities Dealers (NASD) suggested that it would channel approximately $180 million a year in capital to new and small businesses. NASD also estimates this would create annually 25,000 to 30,000 jobs across the country. The tax deferral is estimated to be $35 million, or only $1,300 per job created in the private sector.

When ECFIA was introduced in different forms in previous Congresses, it received support of small business people, high technology firms, and securities firms across the country. They recognized the value of providing incentives for market making activities, and the vital role such activities could play in rebuilding our economy.

ECFIA can be an important part of an overall industrial policy being considered in the Congress. More importantly, it is an initial step to spur capital formation for productive, employing businesses that need funds for commercialization and production.●

PERSONAL EXPLANATION

HON. TOM CORCORAN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 15, 1983

● Mr. CORCORAN. Mr. Speaker, due to previous commitments, I was not present and voting in the House on the following matters:

TUESDAY, SEPTEMBER 13

On agreeing to the Journal of Monday, September 12. Had I been present I would have voted "yea."

On an amendment to H.R. 3520 that sought to strike language modifying authorization levels for nonrehabilitation programs—strike title IV of the bill—paired for.

On an amendment that changes the formula for distribution of low-income energy assistance to States, paired for. As a member of the Energy and Commerce Committee, I worked to change this formula so that a more equitable allocation of funding would occur.

On a motion to recommit H.R. 3520, Rehabilitation Act of 1973 with instructions, paired for.

On final passage of H.R. 3520, paired against.

THURSDAY, SEPTEMBER 15

On agreeing to the Journal of Wednesday, September 14. Had I been present, I would have voted "yea."●

ACID RAIN

HON. BRIAN J. DONNELLY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 15, 1983

● Mr. DONNELLY. Mr. Speaker, today I have introduced legislation which will have an immediate effect on an ongoing problem which has been debated in the Congress over the past 5 years. While most of us agree that something must be done to solve the problems created by acid rain, no steps have been taken due to the inability of the Congress to move a clean air bill.

The legislation I have introduced will bring about a temporary mitigation of this problem. This proposal will add a new section to the Clean Lake Act and authorize $25 million annually to assist States in restoring water quality which has deteriorated as a result to acid deposition. My proposal will provide up to 80 percent of the cost of neutralizing the acidity in lakes. These funds can only be used for the actual materials and work involved with the neutralization and will not subsidize any ongoing field work.

I would like to point out that this is only a temporary solution and future legislation which would control emissions is necessary. However, Federal assistance is essential. In Massachusetts, 82 percent of the lakes and streams tested have proved sensitive to acid rain. Fish loss has been documented and entire species of fish have disappeared. A conservative estimate of current loss due to fisheries damage in New York and New England is between $20–$50 million. This is small when compared to the potential loss which could occur in our aquatic resources.

Mr. Speaker, if we do not take action to bring this problem under control, we take the chance of losing one of our most valuable natural resources.●

IN HONOR OF ANATOLY SHCHARANSKY

HON. ROBERT GARCIA

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 15, 1983

● Mr. GARCIA. Mr. Speaker, today is the midpoint of Anatoly Shcharansky's prison term. His health is reported to be in poor condition, there is no sign that he is about to be released, and the imprisonment of his fellow Soviet Jews continues.

Yet, this should be looked upon as more than a moment of sorrowful meditation. It should be, instead, viewed as a moment to celebrate the strength and courage of this brave in-

dividual. His continued survival is symbolic of his victory over those who would break his spirit. He is the one who is winning, not the Soviet authorities.

The present Government of the Soviet Union does not seem to realize that it cannot eliminate those brave dissidents who oppose them by putting them in prison or mental wards. They will not be silenced. Never again will Soviet Jews be forgotten or ignored. Those of us who are remembering men like Anatoly Shcharansky will see to that. We will help him in his fight.

There is a bravery and a spirit within the dissident community that goes beyond even the power of the Soviet Government. There is nothing they can do that will change this. Anatoly Shcharansky is living proof of this strength and determination. I pause today not to mourn him, but to celebrate in his continuing victory.●

THIS IS SHCHARANSKY DAY—ACT FOR FREEDOM

HON. NORMAN F. LENT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 15, 1983

● Mr. LENT. Mr. Speaker, I wish to call to the attention of my colleagues the fact that in my home State of New York, Gov. Mario Cuomo has proclaimed this day, Thursday, September 15, 1983, Anatoly Shcharansky Day.

The Governor's action was taken in recognition of the fact that today marks the half-way point in the harsh 13-year prison sentence inflicted upon Anatoly Shcharansky, an innocent victim of the Soviet Union's anti-Semitic persecution. For 6½ years this courageous prisoner of conscience had endured constant harassment. For the past 18 months, the KGB, the Soviet secret police, has attempted to extract a confession from Shcharansky that the Jewish emigration movement does not exist. But, despite suffering physical deterioration, Anatoly Shcharansky persist in declaring the truth: Thousands of Soviet Jews are seeking the freedom to practice their religion in the country of their choice.

Earlier this year, on an offical congressional visit to the Soviet Union to meet with the Soviet officials participating in arms control talks, I had the opportunity to talk with Leonid Shcharansky, Anatoly's brother. His message was: "Carry the story of this heartless persecution to every American. Keep working for us, you are our only hope."

We need to do more to combat the tragic persecution the Soviet leaders are inflicting on the Soviet Jews. Only a few hundred Jews have been permitted to emigrate from the Soviet Union this year. In 1979, more Soviet Jews emigrated each day than have been permitted to leave in any month this year.

We must do everything within our power to open wider that door to freedom, and to help the Prisoners of Conscience. On this day I am writing President Reagan urging his personal intervention on behalf of Anatoly Shcharansky, and to Yuriy Andropov demanding that he order the immediate release of this innocent victim of persecution.

I request that my colleagues join me in this important effort. We must do more for Anatoly Shcharansky, and other Prisoners of Conscience and for all Soviet Jews desiring their freedom. Please make a personal plea to President Reagan and to Yuri Andropov.

Many thousands of Soviet Jews are looking to us for support.●

ANATOLY SHCHARANSKY DAY

HON. WILLIAM CARNEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 15, 1983

● Mr. CARNEY. Mr. Speaker, today has been officially designated as Anatoly Shcharansky Day in New York State. I join with the people and elected officials of New York in marking this day as an expression of our solidarity with Anatoly Shcharansky in his struggle for freedom, and in protest of the Soviet Government's inhumane abuse of his basic rights.

Anatoly Shcharansky is a prisoner of conscience. He was jailed by Soviet authorities in 1978 on charges of treason and anti-Soviet agitation and propaganda, and was sentenced to 13 years in labor camp. His only real crime was expressing his religious and political beliefs and his desire for freedom. For this he has been isolated in prison, where his health has deteriorated, and denied contact with his family.

Mr. Speaker, by shooting down an unarmed civilian aircraft, the Soviet Union has brutally reminded the world of their government's disregard for human life. Now, more than ever, it is imperative that we remember Anatoly Shcharansky, all Soviet Jews, and everyone who has been unjustly denied their freedom by the Soviet Government.

Today marks the exact halfway point in Anatoly Shcharansky's prison sentence. A sentence that should never have begun at all. Today is a day for all free people to call upon the Soviet leaders to release him, and all those that he has come to symbolize. I call on my colleagues and their States to join New York in remembering Anatoly Shcharansky and working for his freedom.●

WORLD SERIES DRAWS NEAR

HON. WILLIAM F. CLINGER, JR.

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 15, 1983

● Mr. CLINGER. Mr. Speaker, as the World Series, the annual fall classic to crown professional baseball's No. 1 team draws nearer, I would like to take time to recognize a baseball team which can already claim to be No. 1—the DuBois Little League All-Stars. This outstanding DuBois ball club captured the 1983 Pennsylvania Little League All-Star title.

This marks the third State crown that the DuBois Little League system has produced since 1971. This year's team, coached by Bill Nesbith and Ron Maietta, bettered seven other Pennsylvania All-Star teams to earn the championship. These 11- and 12-year olds then went on to defeat New York's best before losing in 11 innings to New Jersey in the eastern regionals for the national championship.

Also, I would like to take this opportunity to commend the DuBois community on the efforts they put toward this championship. The friends of the DuBois All-Stars contributed all the funds necessary to pay the team's traveling expenses. In addition, business sponsors made it possible for two local radio stations to bring the play by play of all eight games into the living rooms of hometown fans. Upon the team's return home, they were greeted by 200 of these fans including two fire engines which paraded them through town.

It is my honor, Mr. Speaker, to commend the town of DuBois and their Little League All-Stars. They are an example of the dedication, sportsmanship, and teamwork of which champions are made.●

HELPING TO SAVE THE BAHAIS

HON. FORTNEY H. (PETE) STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 15, 1983

● Mr. STARK. Mr. Speaker, today I am introducing a bill which concerns the plight of the Bahais in Iran. This bill directs the U.S. Ambassador to the United Nations to introduce a resolution that calls for the Iranians to cease their persecution of the Iranian Bahais and calls for the Iranian Government to let all those Bahais, who desire, to emigrate from Iran.

The Government of Iran since 1978 has rekindled their oppression of the Bahai people. It has tortured and killed the people of the Bahai faith, has jailed Bahais unjustly, has confiscated and shut down Bahai holy places

and other community property, has refused to recognize Bahai marriages, has banned Bahai meetings, has dismissed Bahais from public and private employment, has destroyed Bahai homes, businesses, and cemeteries, and has harassed and/or assaulted Bahais throughout the country.

This terrorist government, by refusing to allow Bahais to freely emigrate, does not allow the Bahais to flee from the barbaric treatment they receive, but instead forces them to accept this punishment or else to recant their faith.

I have already introduced the bill, H.R. 2778, which states that no growth or product of Iran shall be imported into the United States until the persecution of the Bahias ceases. I am now introducing this bill because the Bahai bloodbath is not an issue that only Americans find outrageous; it is a gross violation of human rights which all moral and just people throughout the world condemn. I believe a U.N. resolution is a good place to begin to show publicly this condemnation.●

ACCOMPLISHMENTS AND ACHIEVEMENTS OF ROBERT E. BORSTELMANN

HON. JAMES H. SCHEUER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 15, 1983

● Mr. SCHEUER. Mr. Speaker, it is my pleasure to call to the attention of this Congress and our Nation the accomplishments and achievements of Robert E. Borstelmann, vice president, EXTEBANK, officer in charge of its home office in Stony Brook and Branch Administrator. In honoring Bob Borstelmann with the first annual Good Scout Award of the Nathaniel Woodhull District, Suffolk County Council of the Boy Scouts of America, the very finest qualities of leadership and excellence in community service are being recognized.

Mr. Speaker and my distinguished colleagues, in these times when our Nation's young people seek direction and leadership, the contributions of Bob Borstelmann stand for more than just his service to the Boy Scouts of America. Bob Borstelmann's lasting service will be the inspirational dedication he demonstrates in his work. The example he sets for his fellow citizens can be followed in every course of action.

I have spoken on the floor of the House of Representatives on many occasions on behalf of the interests and concerns of the citizens of New York State. It is, indeed, a particular pleasure for me to speak of the great contributions of one of our leading citizens in calling the attention of the Congress to the work of Robert E. Borstelmann.●

SUPPORT BUILDS FOR SHELBY SUBSTITUTE TO H.R. 2350—NIH REAUTHORIZATION

HON. JAMES T. BROYHILL

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 15, 1983

● Mr. BROYHILL. Mr. Speaker, yesterday my friend and colleague, RICHARD SHELBY of Alabama submitted for the record an amendment in the nature of a substitute that EDWARD MADIGAN and I will join him in offering to H.R. 2350, the Health Research Extension Act of 1983, when it is considered by the House. The Shelby substitute reathorizes for 3 fiscal years the National Cancer Institute, the National Heart, Lung, and Blood Institute, the Medical Library Assistance Act, and the National Research Service Awards at the same funding levels in H.R. 2350, the Waxman bill. The amendment also includes the creation of a new National Institute of Arthritis and Musculoskeletal Disease and an authorization for 25 centers for research and demonstration of health promotion and disease prevention.

Endorsements for the substitute have been received from: American Medical Association, Association of American Medical Colleges, Association for Academic Health Centers, Federation of American Societies for Experimental Biology, American Society for Microbiology, National Society for Medical Research, American Physiological Society, American Federation for Clinical Research, the American Institute of Biological Sciences.

The membership of these organizations represent the many educators, researchers, physicians, and scientists who are directly engaged in the biomedical research activities of National Institutes of Health (NIH). These organizations believe that the current statutory authority which governs NIH activities has been effective in funding our Nation's biomedical research endeavors and has served the public well. Therefore, they oppose the significant changes to NIH structure, the many line-item authorizations for research in specific disease areas, and the detailed administrative mandates which comprise H.R. 2350.

Sidney F. Phillips, M.D., professor of medicine, Mayo Medical School, Mayo Clinic recently wrote me to express his opposition to H.R. 2350. I believe he clearly explains what I believe to be the fundamental failings of the Waxman bill.

The letter follows:

MAYO FOUNDATION,
Rochester, Minn., August 24, 1983.

Hon. JAMES T. BROYHILL,
Rayburn House Office Building,
Washington, D.C.

DEAR REPRESENTATIVE BROYHILL: I am writing in regard to a House of Representatives bill sponsored by Henry A. Waxman (HR 2350) and to a competing bill sponsored by Reps. Broyhill and Madigan. It refers to funding mechanisms for the National Institutes of Health.

I wish to oppose the concept of Representative Waxman's bill most firmly, and to suggest that you consider adopting a similar view. I state this opinion from the position of one who has been closely involved in, and supported in part by funds appropriated for, biomedical research for 20 years.

It is perhaps no surprise that the legislative arm wishes to exercise control over the National Institutes of Health. These are, indeed, public monies which are used to support biomedical research and complete accountability must be ensured. On the other hand, it must be recognized that scientific endeavor is often balanced delicately between those forces generated spontaneously within the scientific community and the more practical or targeted research goals which are imposed externally. Some feel that the ability of the National Institutes of Health to survive, and even prosper, in the face of being used for political purposes at other times is a source of encouragement.

Surely, the lessons of the past should be obvious. The targeted efforts directed towards heart disease and cancer by previous administrations have not been notable successes. On the other hand, the federal government in its wisdom places the administrative authority for the National Institutes of Health in excellent hands. The NIH system of peer review, which all will admit is not without its flaws, has nevertheless been a model for the rest of the scientific world. We thus have as administrative leaders the most accomplished of our professions, aided, extended and monitored by the most able of external reviewers. In all good sense, we must leave well alone since it seems extremely unlikely that the present format can be improved upon; however, further meddling, such as exemplified in HR 2350, has the capability of doing great harm to a most important federal program.

I urge you to what you can to defeat this bill and not to tamper further with the National Institutes of Health. Further, I would hope that you would support the maximum level of reasonable support for biomedical research. We have lead the world in this model, but many of us fear that uninformed, misdirected, though well intentioned political pressures are about to destroy yet another of the models of which this country can be justly proud.

My reactions are strong, but I feel the issue is an important one.

Respectfully yours,

SIDNEY F. PHILLIPS, M.D.

In conclusion, I can only stress to my colleagues my firm belief that H.R. 2350 fails to recognize the fundamental nature of the research activities funded by the National Institutes of Health. Enactment of this legislation could seriously jeopardize the ability of NIH to assure that funding is: First, allocated to science of the highest quality; and second, directed to the most promising research leads. The Shelby substitute significantly increases funding, while assuring that inordinate restraints are not placed on the NIH so that it may effectively capitalize on scientific opportunities which may lead to improved methods

for the prevention, diagnosis, and treatment of human disease.●

TRIBUTE TO REV. J. ISAIAH GOODMAN

HON. ROBERT G. TORRICELLI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 15, 1983

● Mr. TORRICELLI. Mr. Speaker, I rise today to pay tribute to Rev. J. Isaiah Goodman, D.D., of the First Baptist Church of Englewood, N.J. For 35 years as pastor, Reverend Goodman has committed himself to service to his community and service to his fellow mankind. During those years he has brought new spirit and growth to his congregation and new prosperity to his church.

Perhaps one of his greatest, and lasting, achievements during those 35 years has been the creation of a health center in Haiti for the sick and elderly. This Center serves as a symbol of his devotion and compassion for people, not only in Bergen County, but around the world.

This Saturday, September 17, I will attend an anniversary celebration in Reverend Goodman's honor. At the same time we will be commemorating the 90th year of the church he has served with distinction for so many years.

I am proud to have the opportunity to join with him and his friends and admirers in this time of celebration. I wish to extend my best wishes to him and his congregation for continued growth and prosperity in the years to come.●

ANATOLY SHCHARANSKY DAY

HON. CHARLES E. SCHUMER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 15, 1983

● Mr. SCHUMER. Mr. Speaker, 6½ years ago, Soviet Jewish dissident Anatoly Shcharansky was sentenced to 13 years in prison. What was his "crime"? Mr. Shcharansky was protesting Soviet human rights violations and was insisting that the Soviet Union honor its commitment to allow Soviet Jews to emigrate.

Today marks the halfway point in Mr. Shcharansky's jail sentence. To help bring attention to Mr. Shcharansky's plight and the plight of all Soviet Jews, I am honored to join with Gov. Mario Cuomo in declaring September 15 "Anatoly Shcharansky Day."

Midpoints often coincide with crisis. After 78 months of brutal oppression—months which have included long stretches of solitary confinement, inhumane living conditions, and a near-fatal hunger strike waged to regain his right to communicate with his family—he stands no closer to freedom; he remains a prisoner of conscience, and a vivid reminder of the Soviet Union's continued disregard for human dignity and human rights.

Anatoly Shcharansky's imprisonment must serve as a reminder of other instances of Soviet oppression. Recent examples of Soviet brutality—the shutdown of Soviet Jewish emigration, the creation of the Anti-Zionist Committee, the steady drumbeat of anti-Semitic propaganda, and the Korean Air Line tragedy—do not bode well for Soviet Jews. But though the prospects may appear dim, we must never falter in our insistence on justice for Soviet Jews, our demands that Soviet action live up to Soviet rhetoric, and our determination to seek freedom for Soviet Jews.

Anatoly Shcharansky still needs our help. We must not fail him.●

LEV ELBERT

HON. MIKE SYNAR

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 15, 1983

● Mr. SYNAR. Mr. Speaker, many of you are aware of the difficulties that Soviet Jews encounter when they try to emigrate out of the Soviet Union. Lev Elbert, of Kiev, is a 35-year-old engineer who has attempted to emigrate to Israel for the last 9 years. Recently, his efforts to emigrate have resulted in being sent to prison camp for a year. In addition, he has been accused of other "crimes" which could result in a longer sentence.

When I returned to my district for the August recess, a number of my constituents brought Lev's case to my attention. The Oklahoma Commission for Soviet Jewry and I decided that we would try to telephone Lev's family to express our solidarity with them. As many of you are already aware, it is extremely difficult to get a call through to the family of a Soviet Prisoner of Conscience (POC). Whether or not our call was completed, we felt that the attempt alone would let the Soviet Government—which monitors the telephone lines to POC's—know that the Elberts have support in the United States. To our astonishment our call got through. The conversation with the Elberts was one of the most moving moments of my life and I did like to share with you some of its highlights.

The call was placed at 8:30 p.m., September 6, 1983, from south Tulsa, Okla. Lev's brother, Michael, spoke excellent English. The following are the highlights from that conversation:

MICHAEL ELBERT: Inna (Lev's wife) wants to especially express her gratitude for all that you've done for her husband, and her family, and she is confident that finally the troubles of the trial, and the prosecuting authorities will find that my brother is not guilty . . . and I suppose everything will be O.K.

MIKE SYNAR: Please give the family our deepest regards, and tell her that as a United States Congressman, I want her to know that the Congress is deeply interested in Lev's condition, and, whether or not he will be released from prison . . . Congressmen throughout this country are going to be following the actions of the authorities and their treatment of Lev within the prison.

After wishing the Elberts a happy Rosh Hashanah, Michael had the following very moving message:

MICHAEL ELBERT: Go and pray for the release of my brother and for the release of all the other innocent suffering people. Pray that this year will be the year of our deliverance, and that we will join our family, our brethren, in the land of Israel.●

SENATE—*Monday, September 19, 1983*

The Senate met at 12 noon and was called to order by the President pro tempore (Mr. THURMOND).

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray.

For Thine is the kingdom and the power and the glory forever. Amen.

Father in heaven, at a time when international relations are strained to the breaking point, when there is so much division in our land among the people as well as the leadership, when almost any proposal will find strong advocacy and fierce opposition, we need a visitation of God upon us. I pray for an unprecedented manifestation of the power and the glory of God upon our city. May each office on Independence Avenue, Constitution Avenue, and Pennsylvania Avenue experience Thy presence and love.

Grant, dear God, that every Member of Congress and every Senator will somehow be made aware of the reality of God in his heart and his home. May every person who works on the Hill feel the presence of Almighty God in some undeniable, unforgetable way. Make Thyself known to us in sovereign wisdom and power, Lord Jehovah. In Thy name and for Thy glory. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

Mr. BAKER. I thank the Chair.

THE CHAPLAIN RETURNS WITH VIGOR

Mr. BAKER. Mr. President, let me first say that I am happy this morning to hear that there is renewed strength and vibrance in the tone of our distinguished Chaplain who has recently been ill but is so unmistakably recovering from that illness and shows his characteristic strength and enthusiasm in his prayer this morning.

I take great pleasure in seeing and observing that the Chaplain is making a quick and prompt recovery in regaining his strength, and we are happy to have him back with us and to see his health improved.

Mr. BYRD. Mr. President, will the majority leader yield when he has finished on that subject?

Mr. BAKER. I yield.

Mr. BYRD. Mr. President, I wish to share with the majority leader my own pleasure and relief in seeing our good Chaplain back praying daily in the Chamber as we meet.

He is a true friend of mine, because we have had some personal exchanges on matters in which he has been very, very helpful, and I am grateful that he is back and recovered.

I wish him well and express the deep hope and wish that he not have any further problems.

I thank the majority leader for yielding.

Mr. BAKER. I thank the minority leader.

SENATE SCHEDULE

Mr. BAKER. Mr. President, today after the period for the transaction of routine morning business the Senate will resume consideration for the Interior appropriations bill. I am tantalized by the prospect that we may be able to finish that measure today, but that may prove to be an idle hope.

In any event, I urge Members to try to work out their differences on this measure and to get on with the business of passing this regular appropriations bill where there are so many other things that must be dealt with this week.

Mr. President, I will try to have a further report on the outlook for that measure later in the day.

In addition to the Interior appropriations bill, it is possible that we will try to do the Export-Import Bank bill, the revenue-sharing reauthorization bill, the Martin Luther King holiday bill, and there may be other measures that can be reached, but in any event, it is going to be a full week, and I urge Senators today, on Monday, the beginning of this week, to assume that we will be in for 5 full days.

I do not expect the Senate to be in late today. I do expect, however, that it will be a full day and that rollcall votes will occur later in the day. I do not anticipate that before midafternoon, however.

Mr. President, I believe that is all I have to say in leader time this morning, and if there is any further statement I need to make I can make it during morning business or I am sure I can arrange to do it in sequence during the day.

Therefore, Mr. President, I offer the remainder of my leader time to the distinguished minority leader if he wishes.

Mr. BYRD. I thank the distinguished majority leader. I will accept the time which has so graciously been offered.

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER (Mr. GORTON). The minority leader is recognized.

Mr. BYRD. How much time do I have?

The PRESIDING OFFICER. The Democratic leader has 13 minutes.

Mr. BYRD. I thank the Chair.

BACK TO SCHOOL

Mr. BYRD. Mr. President, it is "Back to School" time. All over America, students are returning to the classroom. They are eager and expectant: Eager to get started, to see old friends and meet new ones, to meet their teachers, and to find their classrooms. They are filled with expectations about the coming year. Some may expect a challenging and rewarding learning experience; some may expect to acquire new skills, new facts, and figures; some may expect merely to put in their time. Their parents and all of us concerned with education in this country are also not only eager but also anxious and expectant. We are anxious that our children receive the very best education possible. We have expectations that such an education will equip our children—and when I say "our children," I include grandchildren, with the knowledge and skills to lead productive and happy lives.

Those of us who have great expectations about the future of our children and grandchildren have been greatly affected by the recent reports about the status of public education in our country. We want to understand what is happening in education, what has caused it, and, most importantly, what we need to do to make our public education system the very best it needs to be.

The President's National Commission on Excellence in Education, reporting to the President in April, found that:

> The educational foundations of our society are presently being eroded by a rising tide of mediocrity that threatens our very future as a nation and as a people.

The Commission recommended a number of steps that should be taken to stem this tide:

High school graduation requirements should be toughened by requiring 4 years of English, 3 years of math, 3 years of science, 3 years of social studies, and a half year of computer science. Most States currently require fewer years in each area.

I thoroughly agree with that recommendation. I think that the future strength, security, and well-being of our Nation will depend upon a toughening of those requirements, and specifically with reference to English, math, and science.

Students should be assigned far more homework.

School districts and State legislatures should strongly consider 7-hour school days and a 200- to 220-day school year.

Firm and fair codes of student discipline should be established and consistently enforced.

I think that is an excellent recommendation. It is obvious that discipline in the schools, at least in a lot of these schools, has slipped a long way from what it used to be.

Pay for teachers should be increased.

Persons preparing to teach should be required to meet high educational standards and demonstrate competence in their academic disciplines.

School boards, administrators, and teachers should cooperate to develop career ladders for teachers that distinguish among the beginning instructor, the experienced teacher, and the "master teacher".

The 20th Century Fund Task Force on Federal Elementary and Secondary Education Policy reported this spring that:

> By almost every measure—the commitment and competency of teachers, student test scores, truancy and dropout rates, crimes of violence—the performance of our schools falls far short of expectations.

The task force makes several recommendations, the majority of which are focused on the role of the Federal Government in education. Some of those recommendations include:

Establishing a national master teachers program, funded by the Federal Government, that recognizes and rewards teaching excellence.

That the Federal Government promote and support proficiency in English for all children in the public schools, but especially for those who do not speak English or have a limited command of it.

That every American public school student should have the opportunity to acquire proficiency in a second language.

That the Federal Government emphasize programs to develop basic scientific literacy among all citizens and to provide advanced training in science and mathematics for secondary school students.

Continuing Federal efforts to provide special educational programs for the poor—and for the handicapped.

That categorical programs required by the Federal Government should be paid for from the Federal Treasury.

Establishment of special Federal fellowships to school districts to enable them to create small, individualized programs to provide the alternate learning environments that some children seem to need.

The Carnegie Foundation issued a report in late August on the condition of teaching in America. The findings in the report:

> Make clear that the teaching profession is in crisis * * * poor students are going into teaching, teacher pay has actually declined in relation to other professionals and public employees, credentialing is a mess, and teachers do not receive adequate recognition and reward.

Just last week the Carnegie Foundation issued another report titled "High School: A Report on Secondary Education in America." This study finds that American high schools are adrift and calls for new core curriculums, more writing required of students, better working conditions, and more autonomy for teachers, and sweeping changes in how teachers are trained.

Also last week a National Science Foundation panel, after a 17-month study, charged that:

> The nation that * * * led the world into the age of technology is failing to provide its own children with the intellectual tools needed for the 21st century.

The panel recommends that American science and mathematics education be rebuilt. They call for national curriculum development, new nationwide exams, and 2,000 federally funded science and math schools.

All governing bodies, school boards, local governments, and State legislatures are looking closely at these reports, seeking appropriate solutions to current problems, and devising appropriate plans for the future. Here in the Congress, Senators KENNEDY, HOLLINGS, PELL, and CHILES have submitted a bill (S. 1495) calling for a National Summit Conference on Education. The Conference would call together educators, parents, policymakers, business, and labor to make recommendations and draw up blueprints for improving the quality of education in the Nation. Although earlier this summer the Senate rejected this call for a Summit Conference as an amendment to the supplemental appropriations bill on a party line vote, I continue to hope that the Senate and the House will pass this very timely legislation. The Committee on Labor and Human Resources is holding hearings this September, October, and November on the quality in education reports.

It is my hope that the Conference and hearings will point us in the direction we in the Congress must take in fashioning new initiatives. I look forward to participating in this process.

In thinking about the appropriate Federal role in education, I cannot help but be reminded of the emphasis the President's Commission, the 20th Century Fund, and the National Science Foundation put on adequately funding educational programs. The President's Commission report makes this searing admonition: "Excellence costs. But in the long run mediocrity costs far more." The 20th Century Fund makes the plea:

> We should be able to afford the price of a commitment to educational excellence. This Nation's young people are our most precious and potentially our most productive asset, provided that we invest wisely in educating them.

The National Science Foundation panel calls for a substantial additional Federal monetary commitment—$4.6 billion over the next 6 years—because our educational problems are so serious that there is a "crying need for national leadership and a national commitment."

I also cannot help but be reminded that the grave concern over education being voiced by the President and his administration is merely that—voiced concern. I cannot help but be reminded that the fiscal year 1982 budget the President pushed through Congress made deep cuts in nearly all areas of education: Elementary and secondary education programs were cut roughly 15 percent—between fiscal year 1980 and fiscal year 1982—school lunch programs 35 percent—between fiscal year 1981 and fiscal year 1982—vocational education programs roughly 16 percent—between fiscal year 1980 and fiscal year 1982—funding for Pell grants for low-income students and the national direct student loan program was severely cut back.

In his next budget the President again sought deep cuts, but Congress, awakening to the very serious threats to education these cuts would impose, was not as willing to follow the President's leadership. With each budget submitted, the Congress has been less and less willing to enact the full program cuts requested by the President. We have staved off the worst of the cuts, but because of the President's repeated gnawing at the Federal education budget, spending—after adjustment for inflation—has decreased for education since President Reagan assumed office. The President's request for fiscal year 1984, even though he and his Secretary of Education are now speaking throughout the country about our serious crisis in education, continues to cut Federal education programs. According to the Congressional Research Service—"Impact of Budget Changes in Major Education Programs During the Reagan Administration," Paul M. Irwin, CRS, Library of Congress, July 19, 1983—in comparison with fiscal year 1980 funding levels, the President's fiscal year 1984 request represents a decrease of over 40 percent for the education block grant, bilingual education, and vocational education programs. The President proposes to terminate Pell grants

altogether, replacing them with a new self-help grant program. I quote the CRS report:

After adjusting the administration's fiscal year 1984 budget for inflation since fiscal year 1980, only the college work-study request represents an increase in funding since fiscal year 1980 (15 percent). In real purchasing power, the fiscal year 1984 request would represent decreases for all other programs.

The Congress has refused to accept the President's fiscal year 1984 requests for education cuts. Under the leadership of Senator HOLLINGS, we voted to add back $1 billion to education funding in the fiscal year 1984 budget resolution. We clearly and repeatedly are sending a message to the American public that we support maintaining a Federal commitment to education in this country.

These Federal programs have made a difference.

We know that millions of Americans have worked or are working today, instead of being on welfare, because of vocational education. Federal support for vocational education began in 1917.

We know that chapter I, the education of disadvantaged children program, is effective. Recent Federal, State, and local studies, including those reported by Secretary of Education Bell, show that low-achieving children who participate in chapter I programs do significantly better in school than similar children who do not participate. The National Assessment of Education Progress—an independent national study by the education commission of the States—reports that reading scores of disadvantaged students have risen dramatically over the last 10 years and that these gains are attributable to chapter I.

We know that Pell grants this year are helping 2.35 million needy students—over 55 percent are from families with incomes under $9,000—go to college.

We know that the school lunch program, enacted in 1946, works. According to the national evaluation of school nutrition programs contracted by the Department of Agriculture, the program clearly provides meals that are superior to the lunches received by nonparticipants.

Cutting education programs has meant a significant decrease in the numbers of people these programs serve at the local level. Two recent reports—the August 25, 1983, report by the Congressional Budget Office on "Spending Cuts in Human Resources Programs Since 1981," and the report of the same date by the AFL-CIO Public Employee Department and the American Federation of Teachers on the President's record on Federal support of education—document the magnitude of the cuts and the numbers of people denied services because of program cuts.

I ask unanimous consent that the report by the AFL-CIO Public Employee Department and the American Federation of Teachers be included in the RECORD at the end of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. BYRD. We also know that school districts, already strapped for revenue to pay for education programs—29 States since 1977 have passed tax and expenditure limitation laws which severely restrict the ability of local school boards to raise taxes—have been, in many cases, left to try to absorb the provisions of these services. This absorption puts a strain on already inflexible budgets. It therefore has to have an effect on the quality of education services local school districts can provide.

Obviously the President does not know what we know, or he does not want to know. His commitment to upgrading the quality of education is limited to his speeches, not his actions. Our children need more than a public relations campaign. They need—we need—a concerted commitment to upgrade the quality of our public education system while insuring that it is accessible to all children. In the next few weeks, Congress will again have the chance to demonstrate its commitment. First, we must vote to fully fund education programs as we provided in the budget resolution. The House of Representatives has just passed legislation raising authorization spending levels in key education programs so that the budget can be fully funded. The Senate must do likewise. Then we must turn our attention to developing a comprehensive approach to the educational challenge facing this country. It is a challenge we must not fail to meet.

EXHIBIT 1.—EXECUTIVE SUMMARY, AUGUST 25, 1983

THE THREE R'S (REAGAN, RHETORIC, AND REALITY)

"I've answered a few questions here with some things that I said were facts and figures. Don't let me get away with it. Check me out. And do that with everyone who tries to bring a message to you. Don't become a sucker generation. It isn't insulting or anything. Just make sure always that you're being told the truth."—President Reagan, Speech before the National Association of Student Councils, Shawnee, Kansas, June 29, 1983.

I. INTRODUCTION

Just in time for the 1984 campaign, Ronald Reagan has discovered education. Barnstorming across the country, the President has embraced the "Back to Basics" theme of the report of the National Commission on Excellence in Education with a fervor he once reserved for his "New Federalism" initiative.

But this crusade is a cover-up. It is designed to shift public attention away from his own abysmal record in the area of federal aid to education toward areas where he can speak with more openness and candor—areas in which the federal government plays no formal role, such as teacher pay, the length of the school day, and graduation requirements for high school students. In these areas, the President can speak without regard for the financial implications of what he advocates. Thus, as he has travelled across the country, the rhetoric has flown fast and furious. A newcomer to the political scene could easily be forgiven for thinking that this President is a true champion of the American public education system.

But the reality is something else altogether. For every time the President has been required to state his own priorities for federal spending—with the annual submission of his federal budget to Congress—the major federal education programs were among the first to be placed on the chopping block.

The purpose of this study is to refocus public attention on the reality of President Reagan's record on federal support of education. To do this, we have selected two of the largest federal aid programs—Vocational and Adult Education and Chapter 1/Educationally Deprived Children—and analyzed the impact that his budgets have had in these areas on a state-by-state, and congressional district-by-congressional district basis. This sort of hard data, we believe, will permit voters—and the Congressmen and Congresswomen who represent them—to seed past the rhetorical flourishes of recent months to the reality of the past three years—and what that has meant for their communities. For hundreds of thousands of American children, Ronald Reagan's newfound interest in education comes far too late.

II. HAS THE PRESIDENT REALLY CUT FEDERAL SPENDING ON EDUCATION?

Rhetoric

"* * * Mr. Reagan was asked by another student about the Administration's commitment to public education, given his proposals for the tuition tax credits and 'cutbacks in Federal funding for education.'

"Mr. Reagan said there had been 'no such thing as a budget cut,' but rather a cut in the rate of increase. Giving a national figure for education spending by all levels of government, he continued: "This year it'll be a total spent on education of $116.9 billion. That's 7 percent more than last year, and that's double what was spent just 10 years ago on education.'" (Emphasis added.)—"Reagan Denies Fund Cutbacks for Education," Associated Press, May 23, 1983.

"The facts are, the federal budget for education in 1980 was $14.8 billion. In 1981, which was still not our budget, it was $14.8 billion. Our first appropriation, the one for 1982, held the level for education at $14.8 billion, the same as in 1981. This year, we'll spend about $15.3 billion."—President Ronald Reagan, Radio Address, June 25, 1983.

Reality

President Reagan maintains that federal aid to education has not been cut during his administration. But, President Reagan is correct in only the most narrow of senses—in fact he is correct in a sense so narrow that it is fundamentally misleading.

First, he fails to take into account the effect of inflation on program costs. Obviously, it costs more to provide the same level of service to the same number of people year after year. Therefore, the proper basis of comparison for the funding

levels he has proposed are not the funding levels that existed in the past, but rather those funding levels required today to provide the same level of service to the same number of people as was provided in the past. Only in this way, can the full impact of his budget changes be gauged.

Therefore, we have calculated for federal fiscal years 1982, 1983, and 1984, the funding levels that would have been and would be necessary to maintain the level of service to the number of program participants that existed prior to the adoption of the first Reagan budget (which was the FY 1982 budget). Our base for calculating these "current services" funding levels, then, is the level of service that existed in FY 1981.

The true budget cut that the Reagan budget request represents in any given fiscal year represents the difference between his budget request and the "current services" level for that fiscal year.

Second, President Reagan, by referring to "our first appropriations" rather than his initial budget request, implicitly takes credit for the money that Congress restored to these programs—against his wishes. Funding cuts for both Vocational and Adult Education and the Chapter 1 programs would have been far worse had Congress not acted as it did. As it was, these cuts were bad enough. But credit should be given where credit is due, and the extent to which final Congressional action diverged from the President's intentions should be underscored.

Once inflation is accounted for, and once Congressional action is isolated from the President's initial request, the conclusion that President Reagan's term in office has brought about severe cutbacks in major federal education programs is inescapable. In the process, he has denied hundreds of thousands of disadvantaged children the opportunity to receive special assistance in the development of their math and reading skills.

For the purposes of this report, we have looked specifically at two federal education programs: (1) Chapter 1, and (2) Vocational and Adult Education. We chose these two programs because we felt there could be no doubt that they serve to further goals that are truly national in scope, and they are, therefore, properly the object of federal assistance. Yet they have been particularly hard hit by the Reagan cutbacks. Our major findings include:

President Reagan's budget requests for Chapter 1 have amounted to a 25 percent, 48 percent and 26 percent reduction from FY 1981 service levels in fiscal years 1982, 1983, and 1984, respectively.

If these requests had been approved by Congress, nearly 1.2 million fewer children would have been provided Chapter 1 services in FY 1982 than in FY 1981, more than 2.5 million fewer would have been provided these services in FY 1983, and an additional 1 million would be denied these services in FY 1984.

In FY 1982, Congress restored 25 percent of what the President sought to cut from Chapter 1, retaining nearly 390,000 children in the program who otherwise would have been forced to leave. In FY 1983, Congress restored a full 62 percent of the President's proposed budget cut, allowing more than 1.7 million children to remain in the program. In FY 1984, the funding proposal backed by the American Federation of Teachers would add back more than two-thirds of President Reagan's budget cut, allowing 900,000 children to retain program services.

Even after Congressional action, however, funding for Chapter 1 programs was reduced by 19 percent in each of fiscal years 1982 and 1983 below the level required to maintain services at FY 1981 levels. As a result, nearly 800,000 children were denied Chapter 1 service in FY 1982, and another 750,000 were removed from the program in FY 1983. Despite the fact that the AFT's current proposal for FY 1984 represents a significant improvement over the FY 1983 funding level, it would fall about 8 percent short of maintaining FY 1981 service levels. If adopted, 90,000 fewer children would participate in the program next year than in FY 1981.

In the area of vocational and adult education, the Reagan budgets have been even more harsh:

President Reagan requested a cut of 25 percent in FY 1982, 49 percent in FY 1983, and 53 percent in FY 1984 below the level required to maintain FY 1981 levels in those fiscal years.

Congress, which granted the President 89 percent of what he wanted in FY 1982, stiffened somewhat in FY 1983, agreeing to 39 percent of his proposed cutback for that year.

As a result, the net budget cut in vocational and adult education for FYs 1982 and 1983 amounted to a 22 percent and 19 percent reduction from current services levels, respectively.

III. DOES FEDERAL AID TO EDUCATION CAUSE DECLINING SCORES ON STANDARDIZED TESTS?

Rhetoric

"It's time to face the truth. Advocates of more and more government interference in education have had ample time to make their case and they've failed.

"Look at the record. Federal spending on education soared eightfold in the last 20 years, rising much faster than inflation. But during the same period, scholastic aptitude test scores went down, down and down."—President Ronald Reagan, Radio Address, March 20, 1983.

"We created the greatest public school system the world has ever seen, and then have let it deteriorate . . . I think you can make a case that it began to deteriorate when the Federal Government started interfering in education."—President Ronald Reagan, News Conference, May 17, 1983.

Reality

The notion that federal aid to education is somehow responsible for all that ails our nation's schools is a recurrent theme of the President. The reasoning behind this belief takes two basic forms: (1) federal aid to education has grown dramatically at the same time that scores on standardized tests have dropped dramatically, and (2) the federal funds come with onerous regulatory burdens attached. We find both arguments curious.

If scores on standardized tests varied only with the level of federal aid to education, then scores today would be no lower than they were 15 years ago. The reason: once you adjust federal spending on elementary, secondary, and vocational education for inflation, outlays in 1982 were actually lower then they were in 1967. Nearly all of the growth in this area occurred in the mid-1960s with the initial implementation of major Great Society programs, such as the Elementary and Secondary Education Act of 1965. Since then, in real terms, federal funding has remained relatively static. (See Appendix)

Looked at another way—as a share of the total federal budget—outlays on elementary, secondary, and vocational education programs have dropped from 1.7 percent in 1967 to 0.9 percent in 1982. Or—as a percentage of total spending on education by state and local governments—federal outlays in this area actually peaked in 1967.

Thus, the data belie the widely held belief that federal spending in this area has escalated wildly in recent years. The President's constant use of the year 1960 as the one to which he compares today's spending levels is more than slightly disingenuous. It ignores a period of time in this country when we as a people vastly expanded our view of the proper role of the federal government in the enforcement of civil rights.

The regulations, moreover, so disparaged by the President were designed with the goal of ensuring that federal educational assistance goes to those the President has called the "truly needy." Clearly—in other program areas, such as food stamps, or aid for dependent children—the President has championed the adoption of regulations with similar objectives. If this regulatory goal is proper in the case of these income-support programs, why shouldn't it be proper in the case of programs like Chapter 1 as well?

But, if the President really believes that federal aid is the root of our public education problems, then he is ranging far afield from the conclusions of the National Commission on Excellence in Education.

Federal education programs have absolutely nothing to do with the central problems identified by the Commission. The federal government has nothing to say about the level of teacher pay; it does not regulate the length of the school year, the amount of homework assigned, or the kinds of courses the average student is required to take. If problems exist in these areas, they are a result of a series of decisions made over the years by state and local governments.

The federal role is, instead, limited to those areas where a compelling national interest requires that the ability to provide a particular service not hinge on the fiscal capacity or will of a given community. Such is the case, for instance, with special federal programs designed to ensure equal educational opportunity for handicapped or disadvantaged children. Similarly, the need for the development of skills suited to rapidly changing workplace, or the retraining of workers displaced by the introduction of new technology, warrants federal intervention.

All Americans presumably benefit from the enforcement of civil rights laws, and an economy where job skills match job opportunities, regardless of where they live. But, by and large, the average student is unaffected by federal "intrusion" in these areas. The dismantling of these federal programs will, then, leave the average student largely unaffected as well. Much can be lost—and nothing gained—by the sort of radical reduction in federal assistance advocated by the President.

IV. WHO WILL PAY FOR THE EDUCATION REFORMS ADVOCATED BY THE PRESIDENT?

Rhetoric

"Now I appointed a Commission to study and bring back a report on what we felt was a decline in education in our schools.

"They brought back a masterful report. And in that report there is very little suggestion for more money. *What they're talking about can be corrected without money.*

It takes some leadership. It takes some return to basics. It takes having students that now have to learn what they're supposed to learn in a class before they're moved on to the next class * * *" (Emphasis added.)—President Ronald Reagan, News Conference/The White House, May 17, 1983.

Reality

Far-reaching reforms, such as the introduction of master teacher programs or the extension of the school day and school year, are expensive propositions. According to Denis Doyle of the American Enterprise Institute, moving to a 7-hour day, an 11-month year, and a more attractive pay structure would cost at least $13.5 billion.

The critical question is not whether more money is needed, but who will pay? President Reagan offers absolutely no guidance in this area, except to rule out the possibility of any new federal aid. Does he think that the money should come from business—which benefits so clearly from the existence of a skilled labor force from which to recruit? Does he think that it should come from the wealthy, who have already benefitted disproportionately from his tax program? or should it come from workers—most of whom have already seen their combined federal, state, and local tax load go up during Reagan's term in office?

State and local governments are hardly in any position to take on a new financial responsibility of the magnitude implied by the package of reforms supported by the President. Total federal aid to state and local governments has been cut by nearly $50 billion during the FY 1982 to FY 1984 period. Repeated revenue shortfalls brought about by the recession have frustrated the planning efforts of governors and state legislators alike. The combination of these two factors has triggered personal income tax hikes in 11 states, sales tax increases in 14 states, and motor fuels tax increases in 16 states just in 1983 alone. Local property taxes—the backbone of school finance—increased 13.7 percent in 1982, more than three times the rate of increase of any other major state and local tax.

As long as the President is silent on the question of where the money to finance his education reforms will come from, he forfeits much of his credibility on this issue. And as long as he calls for continued cuts in both aid to education specifically—and aid to state and local governments generally—his policies will remain part of the education problem in this country, not part of the solution. Perhaps the President would have local governments obtain the funds for increased education spending the same way he has obtained the funds required to finance his military build-up—by even greater deficits and even greater amounts of government borrowing.

V. DOES FEDERAL AID TO EDUCATION PROMOTE ECONOMIC GROWTH?

Rhetoric

"If America's industries hope to compete and win in world markets, they must have at their hearts a broadly educated workforce trained in the skills of the 21st Century.

"America has no higher stake than in the quality of your education, the sharpness of your skills and your opportunity to use them both in well-paying jobs. I've come here today to reaffirm my personal commitment."—President Ronald Reagan, Speech before the Vocational Industrial Clubs of America Leadership Conference, Louisville, Kentucky, June 29, 1983.

Reality

Although President Reagan pays lip service to the idea that vocational training may very well be in the national interest, the personal commitment of which he speaks never quite gets translated into a federal commitment. In fact, after proposing cuts in vocational and adult education totaling in excess of $1.26 billion over the last 3 years, even the extent of his personal commitment might be subject to review.

But then President Reagan has based his political career on the contention that government spending and private economic growth are somehow competing and contradictory objectives. His line of reasoning is that money taken out of private hands is bound to be squandered.

This limited view of the role of government ignores the complementary nature of public and private investment. Perhaps nowhere is this more true than in the case of the two programs we have chosen to analyze in this report. In an economy changing as rapidly as our own, with the need to develop skills that match the needs of growing businesses, the need for an effective and well-financed system of vocational and adult education seems obvious. With unemployment among low-income inner-city youths running at all-time record highs, the benefits of compensatory reading and math programs for the disadvantaged seem self-evident. By cutting these programs as sharply as he has done, President Reagan risks jeopardizing our prospects for long-term growth, and revitalization of our cities.

Although the President has turned his back on federal programs designed to assist in the development of human capital, he has bent over backwards to provide the "incentives" necessary to create on environment suitable to the development of physical capital. No tax break is too small or too large for the President when it comes to fostering business investment in machinery or structures. The accelerated depreciation provisions of the Economic Recovery Tax Act of 1981 will cost the federal government more than $115 billion over the next five years. Yet federal spending on education, training, employment, and social services, adjusted for inflation, is slated to decline by 26 percent over approximately the same time period. We believe that the President's priorities should be reversed.

VI. IS EDUCATION A POLITICAL FOOTBALL?

Rhetoric

"Send a message to Washington, D.C., and make it loud and clear. Tell them you want the basics back in your schools and the parents back in charge. Tell them that education must never become a political football because your children come first."—President Ronald Reagan, Speech before the 87th Annual Convention of the National Parents and Teachers Associations, Albuquerque, New Mexico, June 15, 1983.

Reality

"As an issue, education has taken off like wildfire," according to White House communication strategist David Gergen. The issue has great appeal to women and Roman Catholics, two constituencies Reagan is courting for the 1984 election, he added."—Associated Press, June 20, 1983.

"* * * the most recent (1982) Gallup Poll of Public Attitudes Toward the Public Schools holds that education is 'extremely' important to one's future success and that public education should be the top priority for *additional federal funding.* Education occupied first place among 12 funding categories considered in the survey * * * with 55 percent selecting public education as one of their first 3 choices."—Report of the National Commission on Excellence in Education, April 1983.

President Reagan and his advisers can read the polls. And the polls say that Americans are concerned about the state of their public education system. When asked which issues will be most important in next year's presidential campaign, the respondents to a recent (June 27) Newsweek survey ranked "the quality of public education" second only to "unemployment." But by a 45 to 32 percent margin these same respondents disapprove of "the way Ronald Reagan is dealing with the problems of education." And few Americans share his view of the value of federal aid to education.

Survey results like these spell political trouble. Knowing this, the White House has launched a preemptive strike—attempting to corner the market on educational "reform" before the President's potential opponents are able to draw attention to his own lackluster performance.

If education has become a political football, it's because the President has made it one. He has kicked off the debate, and we do not intend to sit idly by on the sidelines. It's not by mistake that we have chosen to break down the impact of the President's budget request by Congressional District. Our goal is to demonstrate—on as localized a basis as possible—the reality of the President's record. Only with complete information, can voters make informed judgments next year. Only when armed with this sort of data, will voters be able to separate rhetoric from reality.

PROGRAM: CHAPTER 1—FEDERAL FISCAL YEAR

[Dollars in thousands]

States	President Reagan's budget proposal		Congressional action		Net, after congressional action	
	Loss	Number of children denied program services	Restored	Number of children retained in program	Loss	Number of children denied program services
Alabama	$18,064	25,646	$2,474	5,827	$15,590	19,819
Alaska	1,913	1,413	632	552	1,281	861
Arizona	10,518	19,949	3,537	8,631	6,981	11,318
Arkansas	11,297	4,542	1,523	1,655	9,774	2,887
California	80,034	139,517	13,276	27,154	66,758	112,363
Colorado	7,272	1,726	823	589	6,449	1,137
Connecticut	9,444	18,514	3,334	8,892	6,110	9,622
Delaware	2,393	3,087	562	1,109	1,831	1,978
District of Columbia	3,782	2,824	466	615	3,316	2,209
Florida	36,385	53,946	12,439	24,969	23,946	28,977
Georgia	22,139	33,047	4,249	9,659	17,890	23,388
Hawaii	1,338	1,532	(356)	(499)	1,694	2,031
Idaho	3,951	7,555	1,670	4,056	2,281	3,499
Illinois	47,934	56,771	19,076	2,882	28,858	27,889
Indiana	11,707	25,994	3,099	10,024	8,608	15,970
Iowa	6,913	8,929	1,148	2,384	5,765	6,545
Kansas	5,130	8,010	339	987	4,791	7,023
Kentucky	14,936	16,365	2,147	(2,267)	12,789	18,632
Louisiana	22,894	32,027	4,019	7,738	18,875	24,289
Maine	3,969	7,062	1,055	2,487	2,914	4,575
Maryland	10,418	9,657	189	952	10,229	8,705
Massachusetts	21,371	25,108	7,617	11,891	13,754	13,217
Michigan	24,951	25,125	(98)	2,464	25,049	22,661
Minnesota	9,841	13,954	1,394	3,481	8,447	10,473
Mississippi	17,425	23,144	2,133	5,273	15,292	17,871
Missouri	13,818	21,500	2,344	5,901	11,474	15,599
Montana	2,617	2,792	497	864	2,120	1,928
Nebraska	3,302	4,879	(29)	353	3,331	4,526
Nevada	2,454	2,907	1,231	1,748	1,223	1,159
New Hampshire	1,938	2,909	855	1,599	1,083	1,310
New Jersey	32,623	52,919	14,760	29,830	17,863	23,089
New Mexico	6,716	7,403	1,155	2,081	5,561	5,322
New York	93,105	99,163	34,172	46,989	58,933	52,174
North Carolina	23,333	29,347	3,837	6,906	19,496	22,441
North Dakota	1,615	2,473	(91)	1,009	1,706	1,464
Ohio	28,433	36,785	8,472	15,211	19,961	21,574
Oklahoma	8,919	14,592	818	2,908	8,101	11,684
Oregon	8,521	13,032	2,117	4,785	6,404	8,247
Pennsylvania	34,832	58,518	7,325	19,147	27,507	39,371
Rhode Island	2,104	2,609	15	194	2,089	2,415
South Carolina	13,515	17,192	1,591	3,683	11,924	13,509
South Dakota	2,870	3,636	772	1,376	2,098	2,260
Tennessee	16,111	26,432	1,900	5,613	14,211	20,819
Texas	67,693	113,503	15,747	39,404	51,946	74,099
Utah	2,754	4,716	643	1,578	2,111	3,138
Vermont	1,218	2,093	197	578	1,021	1,515
Virginia	17,863	27,743	4,369	9,893	13,494	17,850
Washington	14,106	17,260	4,313	6,751	9,793	10,509
West Virginia	7,374	7,561	928	1,664	6,446	5,897
Wisconsin	9,322	10,957	(193)	662	9,515	10,295
Wyoming	1,188	1,204	266	435	922	769
Puerto Rico	24,290	38,607	1,798	6,098	22,492	32,509
Other	2,120	2,738	(253)	(266)	2,373	3,004
U.S. total	877,006	1,190,914	215,449	328,583	661,557	806,415

PROGRAM: CHAPTER 1—FEDERAL FISCAL YEAR 1983

[Dollars in thousands]

States	President Reagan's budget proposal		Congressional action		Net, after Congressional action	
	Loss	Number of children denied program services	Restored	Number of children retained in program	Loss	Number of children denied program services
Alabama	$27,278	36,348	$18,707	29,456	$8,571	6,892
Alaska	3,464	2,762	2,114	1,899	1,350	863
Arizona	25,397	49,759	16,503	36,505	8,894	13,254
Arkansas	18,273	78,251	11,791	1,778	6,482	76,473
California	205,403	382,701	124,612	260,578	80,791	122,123
Colorado	17,110	3,170	9,959	2,088	7,151	1,082
Connecticut	21,524	39,699	14,034	28,823	7,490	10,876
Delaware	5,683	7,374	3,515	5,197	2,168	2,177
District of Columbia	5,732	3,972	3,880	3,204	1,852	768
Florida	93,971	112,975	50,025	81,297	43,946	31,678
Georgia	42,905	62,587	24,262	39,793	18,643	22,794
Hawaii	5,329	7,339	3,219	4,945	2,110	2,394
Idaho	12,809	13,631	4,733	9,948	8,076	3,683
Illinois	93,811	106,234	60,747	76,478	33,064	29,756
Indiana	24,529	53,091	14,990	36,411	9,539	16,680
Iowa	14,079	14,940	6,397	8,878	7,682	6,062
Kansas	10,978	13,671	5,649	10,146	5,329	3,525
Kentucky	22,613	30,413	15,999	25,880	6,614	4,533
Louisiana	37,184	51,330	23,716	38,324	13,468	13,006
Maine	8,399	16,485	5,053	11,675	3,346	4,810
Maryland	28,239	27,377	16,339	18,080	26,600	9,297
Massachusetts	46,918	53,037	30,408	38,341	16,510	14,696
Michigan	55,179	53,990	28,854	32,197	26,325	21,793
Minnesota	38,681	24,950	29,674	15,073	9,007	9,877
Mississippi	26,203	31,742	17,988	23,909	8,215	5,833

PROGRAM: CHAPTER 1—FEDERAL FISCAL YEAR 1983—Continued

[Dollars in thousands]

States	President Reagan's budget proposal		Congressional action		Net, after Congressional action	
	Loss	Number of children denied program services	Restored	Number of children retained in program	Loss	Number of children denied program services
Missouri	24,149	35,456	14,683	24,590	9,466	10,866
Montana	4,953	5,082	2,677	3,228	2,276	1,854
Nebraska	7,892	11,695	4,313	7,177	3,579	4,518
Nevada	3,681	4,601	2,368	3,428	1,313	1,173
New Hampshire	4,747	7,008	3,284	9,757	1,463	1,661
New Jersey	67,587	103,957	46,464	77,561	21,123	26,396
New Mexico	15,667	16,740	9,331	11,217	6,336	5,523
New York	201,571	208,185	131,392	150,929	70,179	57,256
North Carolina	35,880	41,316	21,025	30,203	14,855	11,113
North Dakota	2,748	2,513	1,711	1,946	1,037	567
Ohio	65,512	83,714	41,892	59,724	23,620	23,990
Oklahoma	16,717	26,937	8,742	15,073	7,975	10,964
Oregon	18,994	28,641	11,579	19,911	7,415	8,730
Pennsylvania	86,823	147,002	54,769	102,913	32,054	44,089
Rhode Island	6,369	8,459	3,860	5,730	2,509	2,729
South Carolina	20,814	24,432	13,933	19,377	6,881	5,055
South Dakota	4,508	5,362	2,903	3,947	1,605	1,415
Tennessee	29,498	46,455	15,429	27,120	14,069	19,335
Texas	127,335	218,812	71,836	145,543	55,499	73,269
Utah	6,357	10,694	3,920	7,345	2,437	3,349
Vermont	3,525	6,101	2,245	4,221	1,280	1,880
Virginia	29,539	43,195	18,195	30,663	11,344	12,532
Washington	24,723	32,079	14,268	21,693	10,455	10,386
West Virginia	12,584	12,261	7,812	8,758	4,772	3,503
Wisconsin	23,911	29,053	13,480	18,437	10,431	10,616
Wyoming	2,211	1,994	1,257	1,274	954	720
Puerto Rico	69,983	116,431	42,829	79,741	27,154	36,690
Other	5,756	8,030	3,673	5,834	2,083	2,204
U.S. Total	1,790,533	2,486,687	1,100,794	1,730,853	689,739	755,834

PROGRAM: CHAPTER 1—FEDERAL FISCAL YEAR 1984

[Dollars in thousands]

States	President Reagan's budget proposal		Congressional action		Net after congressional action	
	Loss	Number of children denied program services	Restored	Number of children retained in program	Loss	Number of children denied program services
Alabama	$18,310	17,481	$10,818	12,990	$7,492	4,491
Alaska	1,908	1,320	788	793	1,120	527
Arizona	14,090	18,478	11,511	19,228	2,579	(750)
Arkansas	12,650	8,956	5,762	8,542	6,888	414
California	137,566	165,598	110,200	174,013	27,366	(8,415)
Colorado	10,254	3,076	7,077	3,094	3,177	(18)
Connecticut	10,802	8,948	8,379	9,521	2,423	(573)
Delaware	3,154	2,608	2,473	2,817	681	(209)
District of Columbia	3,873	1,907	3,063	2,135	810	(228)
Florida	44,029	47,176	32,897	46,385	11,132	791
Georgia	24,707	24,578	15,192	19,191	9,515	5,387
Hawaii	2,594	2,208	2,027	2,414	567	(206)
Idaho	4,917	6,708	3,972	6,992	945	(284)
Illinois	41,703	29,011	29,879	27,939	11,824	1,072
Indiana	12,306	16,770	8,948	16,509	3,358	261
Iowa	7,140	5,884	3,877	3,837	3,263	2,047
Kansas	6,505	7,128	2,572	2,746	3,933	4,382
Kentucky	17,391	11,003	10,495	13,516	6,896	(2,513)
Louisiana	25,930	26,392	12,365	14,214	13,565	12,178
Maine	5,658	7,230	4,197	6,837	1,461	393
Maryland	14,925	9,026	10,250	8,685	4,675	341
Massachusetts	23,418	16,580	17,763	16,783	5,655	(203)
Michigan	35,369	25,157	26,371	25,362	8,998	(205)
Minnesota	11,436	10,563	6,629	7,600	4,807	2,963
Mississippi	18,574	16,770	7,292	6,746	11,282	10,024
Missouri	14,703	14,653	9,060	11,369	5,643	3,284
Montana	3,013	2,171	1,760	1,614	1,253	557
Nebraska	4,604	4,525	1,913	1,869	2,691	2,656
Nevada	1,893	1,762	1,318	1,670	575	92
New Hampshire	1,845	1,610	1,306	1,527	539	83
New Jersey	28,753	26,133	21,827	27,148	6,926	(1,015)
New Mexico	9,046	7,133	6,464	7,253	2,582	(120)
New York	89,016	56,393	66,601	61,416	22,415	(5,023)
North Carolina	25,567	24,556	10,948	12,588	14,619	11,968
North Dakota	2,228	1,745	297	314	1,931	1,431
Ohio	30,106	24,457	22,236	24,736	7,870	(279)
Oklahoma	10,874	12,106	7,275	10,494	3,599	1,612
Oregon	12,168	12,033	9,520	12,389	2,648	(356)
Pennsylvania	40,868	42,188	29,737	41,566	11,131	622
Rhode Island	3,091	2,546	2,223	2,476	868	70
South Carolina	14,003	11,799	5,749	5,122	8,254	6,677
South Dakota	2,525	1,961	1,133	945	1,392	1,016
Tennessee	17,621	18,453	9,727	12,294	7,894	6,159
Texas	97,572	125,480	69,611	113,079	27,961	12,401
Utah	3,303	3,513	2,605	3,821	698	(308)
Vermont	1,726	1,860	1,170	1,621	556	239
Virginia	16,684	15,806	7,591	8,054	9,093	7,752
Washington	17,490	16,687	13,518	16,810	3,972	(123)
West Virginia	7,741	5,174	3,177	2,169	4,564	3,005
Wisconsin	13,515	10,981	8,888	9,353	4,627	1,628
Wyoming	1,381	985	707	643	674	342

PROGRAM: CHAPTER 1—FEDERAL FISCAL YEAR 1984—Continued

[Dollars in thousands]

States	President Reagan's budget proposal		Congressional action		Net after congressional action	
	Loss	Number of children denied program services	Restored	Number of children retained in program	Loss	Number of children denied program services
Puerto Rico	34,630	37,828	27,119	40,929	7,511	(3,101)
Other	2,647	1,907	1,524	1,452	1,123	455
U.S. Total	1,031,544	967,404	710,952	875,648	320,592	91,756

VOCATIONAL AND ADULT EDUCATION, FEDERAL FISCAL YEAR 1982

[Dollars in thousands]

States	President Reagan's budget proposal (dollar loss)	Congressional action (dollar restored)	Net, after congressional action (dollar loss)
Alabama	$4,840	$636	$4,204
Alaska	193	(190)	383
Arizona	3,559	1,091	2,468
Arkansas	2,842	428	2,414
California	24,896	8,493	16,403
Colorado	2,552	143	2,409
Connecticut	2,075	(271)	2,346
Delaware	426	(156)	582
District of Columbia	1,357	475	882
Florida	11,546	3,443	8,103
Georgia	7,414	1,745	5,669
Hawaii	826	(14)	840
Idaho	887	(52)	939
Illinois	10,276	999	9,277
Indiana	5,370	215	5,155
Iowa	1,957	(641)	2,598
Kansas	1,260	(763)	2,023
Kentucky	4,633	661	3,972
Louisiana	3,719	401	3,318
Maine	1,088	(97)	1,185
Maryland	3,452	(122)	3,575
Massachusetts	5,438	431	5,007
Michigan	7,589	(373)	7,962
Minnesota	3,115	(482)	3,597
Mississippi	2,998	209	2,789
Missouri	4,870	210	4,660
Montana	577	(106)	683
Nebraska	987	(444)	1,431
Nevada	867	238	629
New Hampshire	949	57	892
New Jersey	6,260	470	5,790
New Mexico	1,517	137	1,380
New York	18,638	3,818	14,820
North Carolina	7,586	1,274	6,312
North Dakota	417	(343)	760
Ohio	8,925	(718)	9,643
Oklahoma	2,709	(106)	2,815
Oregon	2,253	60	2,193
Pennsylvania	10,482	(233)	10,715
Rhode Island	608	(362)	970
South Carolina	4,329	825	3,504
South Dakota	517	(309)	826
Tennessee	5,802	933	4,809
Texas	15,871	3,048	12,823
Utah	1,861	391	1,470
Vermont	497	(144)	611
Virginia	5,130	137	4,993
Washington	3,425	198	3,227
West Virginia	1,909	(118)	2,027
Wisconsin	4,120	(208)	4,328
Wyoming	246	(195)	441
Puerto Rico	4,468	902	3,566
Other	808	(9)	817
U.S. total	231,835	25,729	206,106

VOCATIONAL AND ADULT EDUCATION, FEDERAL FISCAL YEAR 1983

[Dollars in thousands]

States	President Reagan's budget proposal (dollar loss)	Congressional action (dollars restored)	Net, after congressional action (dollar loss)
Alabama	$9,713	$6,050	$3,663
Alaska	974	665	309
Arizona	5,605	3,498	2,107
Arkansas	5,457	3,354	2,103
California	39,543	17,996	21,547
Colorado	5,441	3,370	2,071
Connecticut	5,503	3,436	2,067

VOCATIONAL AND ADULT EDUCATION, FEDERAL FISCAL YEAR 1983—Continued

[Dollars in thousands]

States	President Reagan's budget proposal (dollar loss)	Congressional action (dollars restored)	Net, after congressional action (dollar loss)
Delaware	1,399	889	515
District of Columbia	1,658	1,126	532
Florida	17,885	10,914	6,971
Georgia	13,249	8,318	4,931
Hawaii	1,957	1,228	729
Idaho	2,195	1,377	818
Illinois	21,804	13,631	8,173
Indiana	12,048	7,503	4,545
Iowa	6,200	3,923	2,277
Kansas	4,867	3,096	1,771
Kentucky	9,413	5,938	3,475
Louisiana	10,476	6,690	3,786
Maine	2,767	1,726	1,041
Maryland	8,224	5,095	3,129
Massachusetts	11,560	7,234	4,326
Michigan	18,728	11,640	7,088
Minnesota	8,531	5,400	3,131
Mississippi	6,264	3,828	2,436
Missouri	11,071	6,945	4,126
Montana	1,900	870	1,030
Nebraska	3,486	2,225	1,261
Nevada	1,430	878	552
New Hampshire	2,079	1,308	771
New Jersey	13,037	7,997	5,040
New Mexico	3,256	2,057	1,199
New York	33,573	20,697	12,876
North Carolina	14,877	9,366	5,511
North Dakota	1,767	1,151	616
Ohio	22,374	13,900	8,474
Oklahoma	6,575	4,158	2,417
Oregon	16,354	2,963	1,937
Pennsylvania	24,496	15,112	9,384
Rhode Island	2,323	1,469	854
South Carolina	8,150	5,106	3,044
South Dakota	1,938	1,083	855
Tennessee	11,168	6,952	4,216
Texas	28,879	18,914	10,965
Utah	3,585	2,313	1,272
Vermont	1,421	909	512
Virginia	11,593	7,245	4,348
Washington	7,284	4,465	2,819
West Virginia	4,727	2,934	1,793
Wisconsin	10,288	6,487	3,801
Wyoming	1,028	664	364
Puerto Rico	7,735	4,630	3,105
Other	2,145	1,346	799
U.S. total	479,541	292,065	187,476

VOCATIONAL AND ADULT EDUCATION, FEDERAL FISCAL YEAR 1984

[Dollars in thousands]

States	President Reagan's budget proposal (dollar loss)	Congressional action (dollars restored)	Net, after congressional action (dollar loss)
Alabama	$11,129	$8,596	$2,533
Alaska	1,085	866	219
Arizona	6,448	5,001	1,447
Arkansas	6,267	4,810	1,457
California	45,576	26,989	18,587
Colorado	5,263	4,837	1,426
Connecticut	6,262	4,827	1,435
Delaware	1,592	1,232	360
District of Columbia	1,838	1,467	371
Florida	20,645	15,841	4,804
Georgia	15,163	11,756	3,407
Hawaii	2,237	1,731	506
Idaho	2,514	1,948	566
Illinois	24,911	19,234	5,677

VOCATIONAL AND ADULT EDUCATION, FEDERAL FISCAL YEAR 1984—Continued

[Dollars in thousands]

States	President Reagan's budget proposal (dollar loss)	Congressional action (dollars restored)	Net, after congressional action (dollar loss)
Indiana	13,815	10,672	3,143
Iowa	7,076	5,499	1,577
Kansas	5,541	4,315	1,226
Kentucky	10,748	8,341	2,407
Louisiana	11,936	9,316	2,620
Maine	3,169	2,448	721
Maryland	9,425	7,252	2,173
Massachusetts	13,229	10,234	2,995
Michigan	21,464	16,559	4,905
Minnesota	9,743	7,581	2,162
Mississippi	7,210	5,528	1,682
Missouri	12,650	9,791	2,859
Montana	2,169	1,332	837
Nebraska	3,967	3,094	873
Nevada	1,640	1,259	381
New Hampshire	2,374	1,839	535
New Jersey	14,942	11,431	3,511
New Mexico	3,726	2,899	827
New York	38,449	29,492	8,957
North Carolina	17,006	13,194	3,812
North Dakota	1,992	1,562	430
Ohio	25,643	19,775	5,860
Oklahoma	7,506	5,832	1,674
Oregon	5,666	4,328	1,338
Pennsylvania	28,089	21,578	6,511
Rhode Island	2,637	2,083	597
South Carolina	9,336	7,230	2,106
South Dakota	2,181	1,383	798
Tennessee	12,833	9,889	2,944
Texas	34,138	26,569	7,569
Utah	4,091	3,218	873
Vermont	1,213	1,256	(43)
Virginia	13,271	10,262	3,009
Washington	8,397	6,453	1,944
West Virginia	5,410	4,165	1,245
Wisconsin	11,764	9,138	2,826
Wyoming	1,160	905	255
Puerto Rico	8,949	6,797	2,152
Other	2,361	1,743	618
U.S. total	549,201	415,330	133,871

CHAPTER 1.—*Dollar loss per school age child*

[Net, after congressional action, for Federal fiscal years 1982 and 1983 combined]

(1) District of Columbia	52.20
(2) Idaho	48.40
(3) Maryland	44.74
(4) Mississippi	40.81
(5) New Mexico	40.19
(6) New York	38.69
(7) Florida	38.21
(8) Delaware	34.47
(9) Arkansas	34.44
(10) Louisiana	34.01
(11) Texas	33.58
(12) California	32.27
(13) Georgia	30.70
(14) Tennessee	30.44
(15) Alabama	29.18
(16) North Carolina	28.63
(17) Massachusetts	28.44
(18) West Virginia	28.11
(19) South Carolina	27.86
(20) Arizona	27.75
(21) Alaska	27.69
(22) Oregon	27.47

(23) Maine	27.46
(24) Illinois	27.44
(25) New Jersey	27.32
(26) Michigan	27.14
(27) Montana	27.14
(28) Pennsylvania	26.89
(29) South Dakota	26.64
(30) Rhode Island	26.42
(31) Oklahoma	25.80
(32) Kentucky	25.60
(33) Washington	25.06
(34) Iowa	23.59
(35) Virginia	23.48
(36) Colorado	23.37
(37) Connecticut	23.01
(38) Vermont	22.56
(39) Kansas	22.39
(40) Nebraska	22.22
(41) Missouri	22.04
(42) Minnesota	21.52
(43) Wisconsin	20.95
(44) North Dakota	20.47
(45) Ohio	20.15
(46) Hawaii	19.61
(47) Wyoming	17.87
(48) Indiana	16.13
(49) Nevada	15.46
(50) New Hampshire	13.54
(51) Utah	12.13

Vocational and adult education dollar loss per 1,000 population

[Net, after congressional action, for Federal fiscal years 1982 and 1983 combined]

(1) South Dakota	2,432.71
(2) District of Columbia	2,240.89
(3) Vermont	2,176.36
(4) Montana	2,138.58
(5) North Dakota	2,053.73
(6) Mississippi	2,048.22
(7) South Carolina	2,044.33
(8) Kentucky	2,030.81
(9) Alabama	1,995.18
(10) Arkansas	1,971.63
(11) Maine	1,964.69
(12) North Carolina	1,964.28
(13) West Virginia	1,960.97
(14) Tennessee	1,940.44
(15) Rhode Island	1,803.97
(16) New Mexico	1,897.72
(17) Georgia	1,879.77
(18) Delaware	1,822.26
(19) Idaho	1,820.72
(20) Missouri	1,774.59
(21) Indiana	1,772.98
(22) Utah	1,764.48
(23) New Hampshire	1,748.67
(24) Wisconsin	1,705.98
(25) Virginia	1,701.15
(26) Nebraska	1,697.35
(27) Pennsylvania	1,693.97
(28) Ohio	1,678.90
(29) Iowa	1,678.14
(30) Michigan	1,652.21
(31) Oklahoma	1,646.84
(32) Nevada	1,639.05
(33) Louisiana	1,628.61
(34) Minnesota	1,627.87
(35) Massachusetts	1,614.43
(36) Wyoming	1,603.57
(37) Arizona	1,599.65
(38) Alaska	1,579.91
(39) Hawaii	1,578.47
(40) Kansas	1,575.58
(41) Maryland	1,571.86
(42) New York	1,568.38
(43) Oregon	1,559.08
(44) Texas	1,556.81
(45) California	1,534.95
(46) Illinois	1,524.28
(47) Colorado	1,471.26
(48) New Jersey	1,456.04
(49) Florida	1,447.20
(50) Washington	1,424.26
(51) Connecticut	1,399.62

Real Federal outlays on elementary, secondary, and vocational education

[Dollars in millions Federal fiscal years]

1960	634.64
1961	644.74
1962	664.21
1963	792.52
1964	831.39
1965	1,044.91
1966	2,527.36
1967	3,401.21
1968	3,464.99
1969	3,143.21
1970	3,397.48
1971	3,691.28
1972	3,962.00
1973	3,541.37
1974	3,276.85
1975	3,683.92
1976	3,543.90
1977	3,625.85
1978	3,780.08
1979	4,092.52
1980	3,773.54
1981	3,609.20
1982	3,277.26

Source: Office of Management and Budget, "The Budget of the United States Government" for various fiscal years. (Budget outlays have been divided by the GNP deflator, 1972=1.00)

Fiscal years	Federal outlays on elementary, secondary, and vocational education as a percent of total Federal outlays	Total Federal outlays on education as a percent of total Federal outlays
1960	0.5	1.0
1961	.5	1.0
1962	.4	1.0
1963	.5	1.2
1964	.5	1.2
1965	.7	1.4
1966	1.4	2.0
1967	1.7	2.6
1968	1.6	2.5
1969	1.5	2.3
1970	1.6	2.6
1971	1.7	2.6
1972	1.7	2.6
1973	1.5	2.4
1974	1.4	2.2
1975	1.4	2.3
1976	1.3	2.2
1977	1.3	2.3
1978	1.3	2.3
1979	1.4	2.5
1980	1.2	2.4
1981	1.1	2.3
1982	.9	2.0

Source: Office of Management and Budget, "Budget of the United States Government" for various fiscal years.

Real (inflation-adjusted) spending changes between fiscal year 1982 and fiscal year 1986 proposed by President Reagan in his fiscal year 1984 budget

Rank and budget function	*Percent*
1 National defense	+41.8
2 Health	+21.9
3 Net interest	+19.1
4 General government	+8.2
5 Transportation	+7.9
6 International affairs	+5.7
7 Income security	+3.2
8 Administration of Justice	−2.0
9 Veterans benefits and services	−6.7
10 Social services	−7.9
11 General purpose fiscal assistance	−9.0
12 General science, space and technology	−9.3
13 Community and regional development	−22.4
14 Education, training, employment, and other labor	−28.6
15 National resources and environment	−44.9
16 Agriculture	−47.8
17 Energy	−51.0

Source: Office of Management and Budget, "Budget of the United States Government, Fiscal Year 1984."

ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of routine morning business for not to exceed 1 hour, with statements therein limited to 10 minutes each.

PEOPLE ASK WHY WE ARE THERE

Mr. MELCHER. Mr. President, there are 125,000 heavily armed troops and several million civilians in Lebanon, a tiny country of 4,000 square miles. Our State of Montana alone is 146,000 square miles.

Why are we in Lebanon?

The President and his White House advisers' reasoning goes like this:

First. Israel agreed to halt their aggression in Lebanon and permitted a cease-fire with the United Nations setting up a peacekeeping force. Italy, Britain, France, and the United States comprise that force of 5,350 with contingents of approximately 2,050 Italians, 2,000 French, and 97 British troops. We have 1,200 U.S. Marines as our portion;

Second. The reason that our presence and direct involvement would assure not only Israeli withdrawal from Lebanon but would also strengthen and stabilize the Lebanese Government; and

Third. The President's policy rationalizes that there was little likelihood of war breaking out and that a peaceful settlement could be agreed to by the several factions comprising the population of Lebanon.

Unfortunately, that has not been the result and I do not agree that this is the proper policy for the United States.

In this strife-torn country of longstanding conflicts among several religious sects with ancient grievances, the presence of 1,200 U.S. marines as part of the peacekeeping force is more likely to hinder rather than hasten the peace negotiations. Our presence, if not like a magnet to draw part of the hostile fire, is at least like a lightning rod attracting hostile resentment from many of the Arab inhabitants because we are correctly recognized as supporters and allies of Israel.

We find ourselves mixing in the present hostile bloodshed of the religious sects' ancient grievances. Our only role has occurred this generation through our strong and telling military and economic support of Israel.

That amounts to underwriting the military capability of Israel with modern land and air armaments plus assuring economic stability for Israel. That considerable financial support was bolstered even more with the Camp David accords to gain peace between Egypt and Israel.

Following Israel's attack on Lebanon, many of the Lebanese, as well as other Mideast countries, assume that U.S. Marines are in Lebanon to strongly support Israel.

As I noted at the outset, we should not have been involved directly with any of our forces in the U.N. peacekeeping mission in Beirut but another nation with clearly neutral identification should have made up the U.S. portion of the peacekeeping contingent. In my judgment, that is still true today.

As bad as it is to have had four marines killed and a score more of marine casualties, it is fortunate that there have not been even more. Paced in the middle of hostile camps, when the firing starts, it is certain that we eventually will be in the line of fire. Calling for air and sea strikes, which the President's policy is drifting into, will not likely add to successful peace negotiations.

The people of our country need to know what we, their representatives, think about U.S. involvement in Lebanon.

They have concluded that this is a Lebanese war and they ask, "Are we involved?"

The answer is, "Yes."

"Is our direct involvement necessary?"

The answer is, "No."

"Will it mean more involvement than the present U.S. Marine contingent?"

The answer to that is "Yes, if the President's policy is not restrained."

"Can we withdraw?"

The answer to that is, "Of course, we can withdraw."

They ask, "Why not, and how soon?"

The best answer to that is "Very soon, and that our Marine contingent should be replaced through the U.N. with a contingent from another nation."

I believe the American people also expect us to answer to them, as their representatives, that we care that they think and will act accordingly to avoid the further loss of life and drifting deeper into a Middle East war.

Mr. President, I yield the floor.

ELIE WIESEL AND THE GENOCIDE CONVENTION

Mr. PROXMIRE. Mr. President, 34 years ago the United States authored the Genocide Convention and pushed it through the United Nations. Yet, today the United States is the only developed nation in the world which has not ratified the treaty.

I am only left to think that despite atrocities of Nazi Germany, Cambodia, and other countries that we have detailed on the floor of the Senate, genocide remains too far removed, too elusive a concept for the Senate to grasp and deal with. Genocide, of course, is the planned, premeditated destruction of an entire ethnic group the way Hitler wiped out 6 million Jews in Europe, the way the Romans destroyed the Carthaginians and killed every man, woman, and child who was a Carthaginian, 2,000 years ago.

Perhaps it is because of the magnitude of the horror that we fail to realize its tremendous consequences. But, each of us has the responsibility to remember and act on these tragedies.

The Genocide Convention would outlaw genocide, the most heinous crime that I think anyone can imagine. It would outlaw genocide, make it an international crime.

As I say, every other developed country in the world has already ratified that Convention.

I recently had the opportunity to read a piece on Elie Wiesel. He is the author of 22 books, a distinguished professor at Boston University, and a survivor of four Nazi concentration camps. His adult life has been spent trying to keep alive the memory of the 6 million Jews who were killed during World War II.

In his book, "Night," Mr. Wiesel describes some of his experiences:

> . . . We pressed against the windows. The convoy was moving slowly . . . through the window we could see barbed wire. We had arrived. This was the camp.
>
> And as the train stopped, we saw this time that flames were gushing out of a tall chimney into the black sky . . . we looked into the flames in the darkness. There was an abominable odor floating in the air. Suddenly, our doors opened. Some odd-looking characters, dressed in striped shirts and black trousers, leapt into the wagon. They held electric torches and truncheons.

Mr. Wiesel has always stressed the need to preserve the memories of the Holocaust. He warns that the world has learned nothing from the tragedy and it continues to be "indifferent to suffering, especially Jewish suffering."

The story of Elie Wiesel's efforts serves as an important reminder that each of us has a responsibility to speak out against persecution.

We all must do our part to stop such atrocities from happening again. I applaud Mr. Wiesel for his desire to stimulate discussion in order to bring wider understanding of the issues. The more educated we are about the crime of genocide, the better able we should be to prevent future genocidal acts from being committed.

We, here in the Senate, can do our part to prevent the crime of premeditated mass murder by ratifying the Genocide Convention. Let us not wait for another Holocaust to occur before we are moved to action on this important treaty. Mr. President, I urge my colleagues to ratify the Genocide Convention immediately.

President after President has pleaded with the Senate to ratify it—President Eisenhower, President Kennedy, President Johnson, President Nixon, President Ford, President Carter. Yet we have failed to act throughout the years.

Mr. President, it is a real blot on the integrity and reputation of this body that we have failed to act. I earnestly hope that we will consider acting in this session.

Four times the Foreign Relations Committee has sent the Genocide Convention to the floor and we have never been able to secure a vote on the convention. I think after 34 long years, it is about time we acted.

IS McNAMARA RIGHT ON NO FIRST USE BY AMERICA OF NUCLEAR WEAPONS?

Mr. PROXMIRE. Mr. President, this country has never renounced our option to initiate the first use of nuclear weapons. However persuasively we can defend our record, we cannot escape from the fact that only twice in human history have nuclear weapons been used as a weapon against another nation, and both times—at Hiroshima and Nagasaki—they were used by our country, the United States of America. We used it.

The other superpower—the Soviet Union—has renounced any first use. To most Americans, that renunciation does not mean anything. The Soviets have cheated and lied and abrogated agreements before, most notably in the use of biological weapons in Afghanistan and in the shooting down of the unarmed Korean jet liner. Few Americans would trust the Russians not to use their nuclear power first if they thought they could gain an advantage by doing so. Realistic persons in other countries of the world must recognize this fact, too.

Nevertheless, with each passing development in nuclear military power on both the Soviet side and our side, the first use of nuclear weapons becomes more obviously suicidal. Our military experts have generally tended to overestimate Soviet strength and underestimate our strength, but they have consistently and unanimously agreed that there is no way the Soviet Union could destroy our nuclear retaliatory power with a first strike.

They have gone even farther. Secretary of the Navy Lehman, earlier this year, testified to the Senate Appropriations Committee that our submarine deterrent is not only invulnerable today, but it will become increasingly invulnerable throughout this century.

Other military experts have also assured us repeatedly that the United States deterrent that would survive a Soviet first strike, of whatever magnitude, could and would utterly devastate the Soviet Union.

Can there be any doubt that the Soviet Union knows this? Similarly, no responsible military official of our Government has ever, to my knowledge, told the Congress that, in the event we should attack the Soviet Union all-out with everything we have, we could prevent a Soviet retaliation that would utterly destroy our country as an organized society.

Should it not be clear, then, that whether we do or do not renounce a first strike, neither side will initiate such a catastrophic and suicidal act? Under what conceivable circumstances would we initiate a first strike? The strongest argument for us to reserve such a right was made by former Secretary of State Alexander Haig He argued that the Soviet's have a preponderance of conventional power in Europe, including a vast advantage in tanks.

Secretary Haig contended that if we renounced the first use of nuclear weapons, the Russians, with their preponderance in conventional weapons, would be more likely to initiate a conventional war in Europe. What prevents them from using this military advantage? Haig contended it was the fear that a conventional military success would persuade NATO to respond out of desperation with nuclear weapons, and the Russians would recognize that once NATO gave a nuclear response, the Russian homeland itself would come under full nuclear attack. Is Haig right?

In an article in Foreign Affairs and in an article in the New York Times, former Defense Secretary Robert McNamara comes down hard on the side of an American renunication of the first use of nuclear weapons for a series of reasons.

First, McNamara argues that any use of nuclear weapons between the United States and the Soviet Union would be utterly and conspiciously irrational—an act of sure, swift, and mutual suicide.

Second, he contends that the NATO countries would never agree to the use of nuclear weapons to defend against a Russian conventional attack because the nuclear exchange would bring "greater destruction to NATO than any conceivable contribution they might make to NATO's defense."

Third, that preparing for tactical nuclear war significantly limits NATO's ability to fight a conventional war.

Fourth, the nuclear threat from NATO could actually persuade the Soviets to institute their own nuclear first strike.

Fifth, at modest cost, NATO can increase its conventional strength to match the conventional Soviet threat.

McNamara concludes with this interesting series of questions:

Do we favor a world free of nuclear weapons? If so, should we not recognize that such a world would not provide a "nuclear deterrent" to Soviet conventional aggression? If we could live without such a deterrent then, why can't we do so now, thereby moving a step toward a nonnuclear world?

Mr. President, I ask unanimous consent that the article in the New York Times of September 15 by former Secretary of Defense McNamara be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times, Sept. 15, 1983]

INVITING WAR

(By Robert S. McNamara)

Even if the "first use" of nuclear weapons is not to NATO's advantage, does not the threat of such use help deter a Soviet nuclear attack and would not the removal of the threat increase the risk of war?

The problems associated with a first use seem clear enough. The launching of strategic nuclear weapons against the Soviet homeland would lead almost certainly to a response in kind which would inflict unacceptable damage on Europe and the United States—it would be an act of suicide. The threat of such an action, therefore, has lost all credibility as a deterrent to Soviet conventional aggression. One cannot build a credible deterrent on an incredible action.

Many observers in both the United States and Europe, however, believe that the threat of first use is an effective deterrent. It is not that NATO would coolly and deliberately calculate that a strategic exchange made sense, they explain, but rather that the dynamics of the crisis would literally force such an action—or so Soviet leaders would fear.

In this view, the Russians will perceive a considerable risk that conventional conflict will lead to the use of battlefield weapons, which will lead in turn to theater-wide nuclear conflict, which will inevitably spread to the homelands of the superpowers. So long as the escalation is perceived to be likely to proceed smoothly, the logic continues, then the Warsaw Pact will be deterred from taking the first step—the conventional aggression—that might start the process.

The flaw in this argument, I believe, is in its view of how NATO is likely to act. More and more Western political and military leaders are coming to recognize, and are publicly avowing, that even the use of battlefield nuclear weapons in Europe would bring greater destruction to NATO than any conceivable contribution they might make to NATO's defense. There is less and less likelihood, therefore, that NATO would authorize the use of any nuclear weapons except in response to a Soviet nuclear attack. As this diminishing prospect becomes more and more widely perceived—and it will—whatever deterrent value still resides in NATO's nuclear strategy will diminish still further.

Moreover, preparing for tactical nuclear war limits NATO's ability to defend itself conventionally. Nuclear weapons require special security precautions and special command, control and communications arrangements. They thus limit the flexibility with which units can be deployed and military plans altered. In addition, since most of the systems that would deliver NATO's nuclear munitions are dual-purpose, some numbers of aircraft and artillery must be reserved to be available for nuclear attacks and thus would not be available for delivering conventional munitions. Most important, though, the reliance on nuclear threats for deterrence makes it more difficult to muster the political and financial support necessary to sustain an adequate conventional military force.

To the extent, then, that the nuclear threat had deterrent value, it is because it in fact increases the risk of nuclear war.

Moreover, this is a double threat—for Soviet predictions of the risk could lead them to initiate nuclear war themselves. Preparing themselves for the possibility of NATO nuclear attacks would make it more difficult for them to mount a successful conventional attack, raising the incentives for a nuclear offensive. And if they believe that NATO would indeed carry out its nuclear threat—as a matter of deliberate choice or not—the Russians would have virtually no incentive not to initiate nuclear war themselves.

The costs of whatever deterrent value remains in NATO's nuclear strategy are, therefore, substantial. Could not equivalent deterrence be achieved at lesser "cost"? I believe the answer is yes. Compared to the huge risks that the alliance now runs by relying on increasingly less credible nuclear threats, recent studies have pointed to ways by which the conventional forces may be strengthened at modest cost.

Having spent seven years as Secretary of Defense dealing with the problems unleased by the initial nuclear chain reaction, I do not believe we can avoid serious and unacceptable risk of nuclear war until we recognize—and until we base all our military plans, defense budgets, weapons deployments and arms negotiations on the recognition—that nuclear weapons serve no military purpose whatsoever. They are totally useless—except only to deter one's opponent from using them.

This is my view today. It was my view in the early 1960's.

At that time, in long private conversations with successive Presidents—John F. Kennedy and Lyndon B. Johnson—I recommended, without qualification, that they never initiate, under any circumstances, the use of nuclear weapons. I believe they accepted my recommendation.

Do we favor a world free of nuclear weapons? If so, should we not recognize that such a world would not provide a "nuclear deterrent" to Soviet conventional aggression? If we could live without such a deterrent then, why can't we do so now—thereby moving a step toward a non-nuclear world?

WAR POWERS RESOLUTION

Mr. DIXON. Mr. President, let me say at the outset that I would like to associate myself with the remarks of the minority leader, Senator BYRD from West Virginia, who spoke so wisely and eloquently on the subject of the war powers resolution. I also join with my friend and colleague, Senator KENNEDY, and others, in welcoming Senator BYRDS' leadership on this issue.

As I listened to the discussion in this Chamber on the operation of the War Powers Act and its applicability to the situation on the ground in Lebanon, I was struck by the bipartisan belief that the 60-day clock, under section 5(b), had tolled. That is undeniably the case because of the workings of section 4(a)(1), which mandates a report once U.S. Armed Forces are introduced:

into hostilities or into situations where imminent involvement in hostilities is clearly indicated by the circumstances.

It appears that many Members of this Chamber, as well as an overwhelming number of Americans, are of the consensus that our Marines in Beirut are involved in hostilities, within the meaning of section 4(a)(1). There can be no other reasonable interpretation of the situation in Lebanon in conjunction with the War Powers Act. It would serve little purpose to belabor that point, especially after the forceful presentations given by many Senators.

There is at least one other critical point, though, that I wish to discuss—one which I believe is a necessary prelude to a full discussion of the applicability of the War Powers Act to the Marines' presence in Lebanon. That point concerns the question of whether the war powers resolution is still the law of the land, in light of the Supreme Court's decisions this past July which voided as unconstitutional one-House and two-House legislative vetoes. As everyone in this place recalls, section 5(c) of the act contained a legislative veto provision.

So the question becomes: Is that legislative veto section severable from the rest of the war powers resolution? The Supreme Court provided the framework for answering that question on several occasions, and recently, of course, in the landmark Chadha decision. The general standard for severability inquiries is that an invalid portion of a law is to be severed unless:

It is evident that the legislature would not have enacted those provisions which are within its power, independently of that which is not. *Champlin Refining Co.* v. *Corporation Commission*, 286 U.S. 310, 234 (1932).

In the case of the war powers resolution, Congress attempted to resolve that issue. Section 9 of the act declares:

If any provision of this joint resolution or the application thereof to any person or circumstances is held invalid, the remainder of the joint resolution and the application of such provision to any other person or circumstances shall not be affected thereby.

To those who require further proof on the issue of separability, I commend to your attention an excellent study prepared by Raymond J. Celada, a senior specialist in American public law at the Library of Congress, who recently wrote a report entitled "Effect of the Legislative Veto Decision on the Two-House Disapproval Mechanism to Terminate U.S. Involvement in Hostilities Pursuant to Unilateral Presidential Action." Mr. Celada traces the legislative history of the war powers resolution in great detail, and concludes that the legislative veto section is separable from the rest of the act, and that the remaining sections are fully operative.

It seems to me that the heart of the war powers resolution, sections 4(a)(1) and 5(b), can be triggered in two ways. Either the President can trigger the 60-day clock of section 5(b), by reporting under section 4(a)(1), or the Congress can make the 4(a)(1) determination through an interpretative reading of section 5(b), by stating that the 4(a)(1) report is required.

That is what we are doing in this place—we are saying to the President that events in Lebanon require a determination that our Marines are involved in hostilities or are in a situation where imminent involvement in hostilities is clearly indicated by the circumstances.

Mr. President, this is the reality, whether the administration admits it or not. If every Chief Executive, whether Republican or Democrat—I am not saying this in a partisan way—claims he is free to act without reference to the War Powers Act, then a very serious situation exists.

Ignoring the war powers resolution could lead us into a situation where a President acting precipitously can thrust us into a war we do not seek and do not want.

That is why so many Members of this great deliberative body argue forthrightly that section (4)(1) has been triggered. It is my belief that we must follow the statutory guidelines of the War Powers Act. These guidelines will trigger debate. We must have national debate, national discussions on what course our Nation will follow. Debate, rather than unilateral action, is imperative if the country and its citizens are to be united on what we do.

LEGAL SERVICES UNDER THE OLDER AMERICANS ACT

Mr. GRASSLEY. Mr. President, I believe that a very important program has been lost in the shuffle—or should I say scuffle—surrounding the many creative uses of Legal Services Corporation funds. And that overlooked program is the paralled legal assistance program under title III-B of the Older American Act.

Congress made legal services—or legal assistance, as I prefer to state it to avoid confusion with LSC—a priority service under the 1975 amendments to the Older Americans Act.

Quoting from section 306 of the Older Americans Act:

Each plan shall . . . provide assurances that an adequate proportion of the amount alloted for part B to the planning and service area will be expanded for the delivery of . . . legal services.

Legal services is defined in the Older Americans Act as:

Legal advice and representation by an attorney (including, to the extent feasible, counseling or other appropriate assistance by a paralegal or law student under the supervision of an attorney), and includes counseling or representation by a non-lawyer where permitted by law, to older individuals with economic or social needs.

By the way, it is rather striking that unlike the Older Americans Act, "legal services" is nowhere defined in the Legal Services Corporation Act.

The evidence indicates that legal assistance was funded under the Older Americans Act because the legal problems of the elderly were not getting sufficient attention from other Government legal services programs.

The report accompanying the 1975 amendments, submitted by my able colleague from Missouri, Senator EAGLETON, makes this clear. "(I)n far too many instances and far too many areas," states the report, "our Nation's elderly lack adequate legal services. Testimony before this committee showed that although comprising over 20 percent of the Nation's poor, the elderly represent only 6 percent of the average client load of the average legal services program funded under the Community Services Administration."

A report by the Administration on Aging in 1980 states: "The overall percentages of older persons served by Legal Services Corporation projects has been rising, and particularly where a Legal Services Corporation project received title III funding.

"In 1978, it was estimated that persons over 65 years of age constituted an average of approximately 6.5 percent of the (Legal Services Corporation's) caseload."

Indeed, a recent hearing I held on "Judicial Access and the Elderly" indicates this problem has been rectified since State and area agencies on aging got into the act. Deputy Commissioner on Aging Gene Handelsman told the Labor and Human Resources Committee that the number of older persons served under title III-B has increased 41 percent over the last 3 years—from 301,000 to 507,000. Eighty percent of area agencies now provide legal service.

And Gregg Hartley, director of Field Services for the Legal Services Corporation, indicated that the percentage of persons over 60 served by that program has now increased to 14 percent from the 6 percent cited in the 1980 report.

Of course, as the 1980 report indicates, the increase in the Legal Services Corporation's elderly caseload can be directly attributed to the infusion

of Older American Act funds. Fifty-six percent of area agencies on aging provide legal assistance contracts to Legal Services Corporation recipients.

It is not as widely known as it should be that area agencies on aging are providing this crucial operating subsidy to the Legal Services Corporation, above and beyond the $241 million already appropriated to LSC, by providing Older American Act funds to LSC recipients in exchange for services to senior center users.

Another fact not widely enough known is the innovative and cost-effective manner in which area agencies on aging across the Nation are using their title III-B legal assistance funds.

In my own State of Iowa, testimony at our hearing indicated, these innovative programs include a clinic for seniors operated by Drake University Law School, the use of senior advocates and paralegals operating under the supervision of full-time attorneys, and the availability of a collect-call number for seniors with legal problems.

In addition, it became clear at our hearing that these programs concentrate on the real legal needs of senior citizens. This is because area agencies on aging are under the tight control of local advisory boards, which carefully prioritize the use of legal assistance funds to get the most bang for the buck.

I can only contrast this performance by the network of 660 area agencies on aging with the somewhat spotty performance of the Legal Services Corporation as presented at recent oversight hearings.

Where area agencies sought innovation and cost effectiveness, Legal Services grantees have apparently stored up millions in fund balances for political purposes and spent heavily on buildings and equipment.

Where area agencies have concentrated on the real legal needs of seniors, Legal Services grantees have seemingly used seniors as pawns in a campaign for political influence and in attempts to push back the boundaries of the law.

And where area agencies have remained under the tight control and watchful eye of local advisory boards, Legal Services grantees, at least in the past, seem to have become part of a nationwide political network, a morass into which millions of dollars have disappeared from congressional scrutiny.

I believe that the innovative and cost-effective programs created by area agencies on aging provide a model for the way publicly funded legal assistance should be operated. I hope that as the debate on reauthorization of the Legal Services Corporation continues, reform efforts will succeed in making this kind of performance the norm.

And I further hope that the legal assistance programs operated by area agencies on aging will get their due recognition: that policymakers at all levels will come to realize that legal services means more than LSC.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. MURKOWSKI). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. GRASSLEY). Without objection, it is so ordered.

POLAND AND THE SOVIET UNION

Mr. MURKOWSKI. Mr. President, during the August recess two events occurred which were of major import for both the Eastern bloc and the world. The first was the anniversary of the founding of the Solidarity trade union in Poland and of the August accords between the union and the Polish Communist authorities, laying down principles for economic and social Odnowa—renewal. The second event was the tragic and wanton destruction of a Korean commercial airliner over the Japan Sea.

August 31 marked the third anniversary of the Gdansk shipyard riots out of which Solidarity was born. In late July the underground leaders of the now outlawed Solidarity union called for boycotts of public transportation and for demonstrations to commemorate the anniversary. Pressure to lift martial law was increasing, not only from the United States, but from the rest of the world, in the wake of the Pope's visit in June. So the Polish Communist authorities called a session of the Polish Parliament and foisted certain legal reforms upon them that would allow General Jaruzelski to lift martial law.

And the government did lift martial law in August. And instituted new laws bulldozed through the Parliament. I ask unanimous consent that a summary of these laws be printed in the RECORD at this point.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

Martial law measures which will remain in effect after martial law is lifted in Poland. These measures constitute "crimes" under newly codified Polish law:

It's forbidden to sing the national anthem or raise the national flag in public.

It's forbidden to speak certain words and phrases.

It's forbidden to make the "V for victory" sign.

It's forbidden to read publications deemed "unsuitable."

It's forbidden to display posters or banners with lettering and colors that have special associations (in relation to the colors used and lettering style in the word "Solidarity").

It's forbidden to wear a pin or button that has unapproved significance.

It's forbidden to organize, congregate for, or participate in an unsanctioned gathering.

In addition to the above:

No warrant is needed to hold people for 48-hours.

There is a ban on strikes for four years.

No search warrant is needed to gain entry to private residences.

Telephone eavesdropping can occur, but without the previous warning message played during martial law.

A "social parasites" bill has been passed, after pending for 15 years in the "Sejm" (parliament). This bill specifies that if a man, ages 18-45, is not working after a 3-month period, he can be imprisoned or fined.

Internment camps are to be disbanded and replaced with military penal camps (already in existence) which employ stiff, disciplinary measures.

A bill is pending in the "Sejm" which would provide for mandatory psychiatric treatment. Previously, family approval would be required before treatment could begin. If passed, psychiatric treatment would be used as widely and arbitrarily for political purposes as it now is in the U.S.S.R.

Miscellaneous information/comments:

July 22nd, Poland's "National Day," is actually the date when Communist rule was *imposed* upon the people of the country without their vote.

Underground solidarity still continues to collect dues; appoint officers; pay out benefits to members and publish many bulletins, newsletters, etc.

For their part, the Polish people commemorated the Gdansk riots with renewed demonstrations all over Poland. Tens of thousands of Poles marched in the cities and carried wreaths to memorials and to cemeteries filled with the bodies of Poles killed by the Communist authorities. The public buses and trams were almost empty. The Polish people indeed showed the world that a year and a half of suppression has left Solidarity with as much support as ever.

Where are we today? At an impasse still. The Polish Government—like the Soviet Union's—seems unable to understand and accept the strength of people's beliefs in freedom and sovereignty.

In another arena, the Soviet Union daily announce a new explanation of the second major August event, the destruction of the Korean airliner.

The simplistic and self-serving reports by the U.S.S.R. about this terrible crime are a tragic way to remind us that, to the Soviets, human life does not have the same value we place on it. The murder of 269 people underscores the dramatic difference between the Soviets and the Americans—clearly, they will always prize territorial sovereignty over human life. When the Western world speaks of the sa-

credness of human life, the Soviets speak of sacred soil, which is not to be disturbed by rude intrusions of people.

This Senator, Mr. President, does not believe that the Soviets understand why we are so upset about what we call the senseless massacre of innocent lives. Perhaps the Soviets do not believe in innocent lives—perhaps they think all outsiders are guilty. All are enemies. Perhaps they do not even understand that Americans simply would not do such a thing.

This terrible act is another illustration of the weakness of a system based on the constant and continuous repression of human life and values and in Poland and all Soviet-dominated countries. We cannot forget, we will not forget, the evil perpetrated by their system of government.

WILLIAM HAMILTON

Mr. MURKOWSKI. Mr. President, an old friend died tragically last week in my home town of Ketchikan. Bill Hamilton was well known and well loved by everyone in Ketchikan. A 36-year resident of Ketchikan, Bill taught school in Ketchikan for 18 years. After his retirement from teaching, he made his living as a very successful fisherman.

In fact, there are two members of my staff, Maggie Moran and Doris Elerding, here in Washington who remember him well, one as a student of his, and the other as a parent whose children he taught. Doris, Maggie, and I all remember Bill as an excellent teacher and a fine man.

But the kids are the ones who remember him best. They remember his playing kick the can with them, the swing in his backyard, his stories, and his jokes. And his friends remember his steadfast cheerfulness. He liked to play Sousa marches while he cleaned his fish. I am sure his enthusiasm was a prime factor in his success as a fisherman. "Darn!" he used to say, "It's easy to make money in Alaska!"

Bill Hamilton was extraordinarily active in the Ketchikan community. Mayor from 1970 to 1973, he also participated in student and other educational activities, in commercial fisherman's organizations, and in the National Guard. He was given a military funeral in the Ketchikan Armory in honor of his special relationship to the Guard.

Mr. President, I wish to take this opportunity to convey my sympathy to his wife Fran and his four children, Harriet, Patricia, William, Jr., and Deborah, as well as to his three grandchildren.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

(Mr. MURKOWSKI assumed the chair.)

Mr. HELMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. HECHT.) Without objection, it is so ordered.

SCOOP JACKSON: PATRIOT

Mr. HELMS. Mr. President, all of us deal with sadness from time to time, but sometimes, there comes a sadness that is particularly difficult to accept. That is the way I feel about the loss of the distinguished Senator from Washington, Henry Jackson.

That is the first time, Mr. President, that I recall having referred to that great Senator as Henry Jackson—and I think it tells something about him that all of us called him Scoop, referred to him as Scoop, and thought of him as Scoop. He was not just a colleague. He was a greatly admired friend.

Scoop Jackson was a patriot and a statesman. Our Nation has lost a man dedicated in the fullest sense of the word to the national security of America. He understood the evil implications of the policies pursued by expansionist totalitarian powers, whether the Germany of the Hitler regime or the Soviet Russia of the Communist regime.

On one of the most fundamental issues before this body, the defense of our Nation from the threat posed by the ever-expanding Soviet nuclear arsenal, Scoop Jackson was second to none in his dedication to building a military defense posture which would deter the Soviets from aggression.

Mr. President, throughout the SALT debates and throughout debates on our defense posture, his words and actions were boldly addressed to the dangers posed by the Soviet empire. Constantly he encouraged us to support a strong defense posture. His words on our national defense proceeded from a wisdom borne of some four decades of service in the Congress of the United States of America.

In his three decades in this body, he was respected and admired as a hard working Senator, considerate to his colleagues, and loved by the people of his State. Indeed, Scoop Jackson was loved all across this land for his dedication to a strong defense, for his defense of minorities under the heel of totalitarian regimes, and for his personal dignity and leadership.

It is an irony of history that such a staunch defender of our national security was called to his maker on the day following the Soviet massacre of 269 innocent men, women, and children who were travelling in a civilian jetliner across the Pacific. Among his last public words on that day, he stated plainly that the Soviets had committed an act of barbarism. Scoop Jackson had dedicated his career here among us to defending our Nation against just such barbarism and to improving the life of his fellow Americans.

Mr. President, I shall never forget the words, the actions, the wisdom of Scoop Jackson in his defense of America and freedom. As we consider the great issues of national defense, we should pause to reflect and ask, What would Scoop have done? His unswerving dedication to our national defense will memorialize him in the hearts of this generation and those who come after us.

Mr. President, Dorothy and I extend our loving sympathy to Helen, Anna Marie, and Peter. Theirs has been a caring, loving family, and we want them to know that we love them, too.

THE PASSING OF SENATOR HENRY JACKSON

Mr. PACKWOOD. Mr. President when Senator Henry Jackson died my home State of Oregon lost a good neighbor and, like so many of my colleagues, I lost a good friend. Our Nation and this institution will sorely miss the wisdom, leadership and experience of "Scoop" Jackson.

I join in expressing my deepest sympathy to Helen Jackson and their two children, Anna Marie and Peter.

Like the Jackson family, many of us here also feel a sense of familial loss because "Scoop" Jackson was a patriarch of what one might call the Senate "family." Few Members in the history of this body have been so willing and able to carry the torch for causes they believe in and carry that torch so effectively.

Furthermore, Senator Jackson carried that mantle of leadership in the method that marks effectiveness in the Senate—extensive research on issues—ability to persuade Senators with his knowledge and reasoning—the difficult skill of constructing compromises that permit good ideas to become law—all of which wins the unending respect and admiration of colleagues.

Ideologically, "Scoop" Jackson has been long noted for his unswerving dedication to a secure American defense, but he was just as unyielding in his belief in a just and fair America where no one should be needy and deprived. "Scoop's" compassion for the less fortunate and his pragmatic recognition of the need for a strong America in a hostile world are facets of the man that will live forever.

For those of us in the Senate, for his constituents in the State of Washington, for this country and the world, Henry Jackson left his mark. His actions, words, and deeds will never be forgotten. We have worked with one of the greatest people who has ever

served in the U.S. Senate. He will be succeeded. He will never be replaced.

HUNGER PROBLEMS—REAL AND IMAGINED

Mr. HELMS. Mr. President, Senators will be interested in an excellent article written by the distinguished Senator from Kansas (Mr. DOLE), chairman of the Nutrition Subcommittee. Few other Senators have been as diligent as BOB DOLE in providing leadership in oversight of the nutrition programs of this country.

His comments in a recent Washington Post article are especially noteworthy because they contrast dramatically with what is stated by often-quoted hunger critics. Senator DOLE's observations are all the more important because of his longstanding reputation for bipartisan leadership on nutrition issues.

Senator DOLE notes, "There has been no documentation of nationwide 'hunger' problems, unless one accepts frequently biased media reports . . . The reality of the 'hunger' problem has been distorted by media in response to complaints by 'hunger' critics who seldom offer constructive ideas. They are, by and large, liberal Democrats who will always be 'anti-Reagan'—a point never made by the writers or commentators."

Mr. President, I ask unanimous consent that the article, "Hunger Problems—Real and Imagined," be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Aug. 17, 1983]

HUNGER PROBLEMS—REAL AND IMAGINED

(By Bob Dole)

Domestic food assistance problems are on the minds of many Americans these days—including President Reagan. To demonstrate his concern, the president has appointed a special Task Force on Food Assistance to assess the problem and report to him within 90 days. Personally, I hope the group will offer constructive ideas—not just suggestions for more federal responsibility or more federal dollars.

Members of Congress, especially those of us on committees with jurisdiction over federal nutrition programs, are aware of scattered problems in the food assistance area—problems obviously accentuated by high unemployment. It is also recognized that, although more money is being spent on nutrition programs than ever before, some deserving Americans are falling in the cracks.

While there certainly are problems, most identified so far are based upon anecdotal evidence. There has been no documentation of nationwide "hunger" problems, unless one accepts frequently biased media reports.

In April, my nutrition subcommittee held a hearing on "The Nutritional Status of Low-Income Americans in the 1980s" in an attempt to determine the extent of reported "hunger" problems and the potential causes. This hearing underscored the fact that comprehensive, objective, up-to-date information is not available. The reality of the "hunger" problem has been distorted by media in response to complaints by "hunger" critics who seldom offer constructive ideas. They are, by and large, liberal Democrats who will always be anti-Reagan"—a point never made by the writers or commentators.

As the chairman of the Senate subcommittee on nutrition, I have actively participated in the development of the federal nutrition programs since the late 1960s. For the most part, it is my view that food assistance programs have been effective in alleviating domestic nutrition problems. No one who objectively reviews the issue believes we are witnessing a return to the conditions existing a decade or two ago.

Let's treat this issue fairly. While there are some deserving Americans who fail to receive adequate food assistance, there are others who benefit who should not.

This is rarely the focus of attention by "hunger" activists or the media, but it should be noted that, in the food stamp program alone, an estimated $1 billion annually is squandered through excessive benefits, payments to ineligible recipients and outright fraud. A billion dollars could go a long way in assisting those not now being reached.

Another point that deserves clarification is the repeated allegation by "hunger" critics that the Reagan budget cuts are the direct cause of all the alleged hardships. The truth is that Congress finally recognized some areas in the food assistance programs were getting out of hand. The net result was achievement of significant savings in 1981—near the level of the president's budget request, but accomplished by Republican and Democratic cooperation.

For example: we instituted a provision for the prorating of monthly benefits in the first month of participating in the food stamp program. This means in effect that, instead of receiving a full month's allotment, newly eligible participants would receive only an allotment equivalent to the actual days remaining in the month for which they initially qualified. This provision alone saves about $600 million annually.

Throughout this process of review and cost reduction, we protected the interests of those without strong voices in Congress by rejecting a number of undesirable amendments. We did this, and still managed to reduce food stamp program costs by about $7 billion over a three-year period, fiscal years 1982-1985. The changes made served to better target benefits, eliminate some fraud and waste, and initiate much-needed administrative improvements. In my view, Congress must continue to scrutinize these programs to make them more cost-effective, being responsive to the needs of both deserving recipients and overburdened taxpayers.

Let me cite another area constantly in the news. While nutrition problems persist, so do government-owned agricultural surpluses. This is a striking paradox, and it is genuinely difficult to comprehend that there can be scarcity for some while mountainous surpluses of agricultural commodities exist simultaneously.

This dilemma, recognized by Congress and the administration, perhaps explains why the final piece of legislation acted on by Congress before the August recess was a two-year extension of the Temporary Emergency Food Assistance Act. This act will require the secretary of agriculture to distribute surplus cheese, butter, milk, wheat, rice, corn, soybeans and honey to eligible recipient agencies that provide food assistance in local communities. This proposal, which I introduced for myself and 33 other Republican and Democratic senators, includes $50 million in funding for intrastate distribution and storage, with $10 million set aside for use by local agencies, in order to ensure that the program can be effectively implemented.

Finally, it should be noted that, while the unemployment rate is failing with the strong economic recovery, many Americans still face daily hardships. Soup kitchens are serving more people than ever before, and food banks are busier than ever. An unprecedented number of house holds are participating in the food stamp program—23.4 million in contrast to just under 21 million four years ago.

More money is being spent on the food stamp program now—a total of about $12.8 billion. In 1979 food stamp costs totaled about $7 billion, and combined federal food program expenditures were about $11 billion. The federal government is now spending close to $17.8 billion on about 10 separate programs.

In addition to the food stamp program, there are numerous child nutrition programs, including school lunch, school breakfast, child care food, summer food, commodity supplemental and special supplemental food program for women, infants and children, usually referred to as WIC. Nearly $4.8 billion annually is being spent on these combined programs.

There is also a false notion, advocated by some, that sole responsibility for food assistance, including distribution, should rest with the federal government. On the contrary, it is my view that federal efforts should be generously supplemented by state and local governments—all working together with nonprofit organizations and community volunteers.

While nutrition programs have had a dramatic, positive impact on hunger and malnutrition in this country, the federal bureaucracy—no matter how sensitive—cannot possibly respond to all the problems of individuals in need of food assistance. Responsibility must be spread and shared if we are to properly serve those who permanently or temporarily need help. For starters, more bipartisan cooperation and less partisan rhetoric would be helpful.

HISPANIC-AMERICANS

Mr. DOMENICI. Mr. President, I have often thought that one of the most unique characteristics of the United States is the fact that while we would all call ourselves Americans, one would be hard pressed to define exactly what that means as far as isolating a common heritage we share as a people. While there is no doubt that we are unified in those values and principles which we hold dear, the fact remains that the United States is, quite literally, a Nation of immigrants. As such, it is perhaps in the amalgamation of the many diverse cultural backgrounds that comprise our citizenry through which we derive our collective strength.

As this last week we celebrated Hispanic Heritage Week, it is appropriate that we all take note of—and state our

gratitude for—the unique contributions that those among us of Hispanic descent have made to the quality of American life. Coming from New Mexico, where more than one-third of the citizens are of Hispanic origin, I have had the privilege of working with Hispanic-Americans in nearly every aspect of business and political life. The importance they place on hard work, traditional values, and the maintenance of close family ties represent for me what would be at the heart of any society concerned with developing a strong, enduring moral fiber. While the existence of these virtues are of immeasurable value in the lives of individual Hispanic communities, I can only feel that an increased proliferation of these ethics into the mainstream of American life would be an enormous asset to the strong principles upon which this Nation was founded.

The Rose Garden ceremony officially marking last week as Hispanic Heritage Week was highlighted by the nomination of Katherine Ortega to be Treasurer of the United States. She joins Manuel Justiz, Director of the National Institute of Education; Henry Rivera, FCC Commissioner, and Linda Chavez, Staff Director of the U.S. Civil Rights Commission, as Hispanic-Americans in positions of great importance to the domestic policies of this Nation. And while I must add with great pride that all four of these outstanding citizens are from my home State of New Mexico, it is worth noting that President Reagan has appointed 125 Hispanics to serve in his administration. With more than 20 Hispanics under consideration at this time, I can only believe that this number will grow, and will grow to the benefit of our National Government as this wealth of talent is tapped.

Last week afforded us not only an opportunity to reflect on the enrichment and diversity with which Hispanic culture has endowed American life, but to look forward to an ever-widening role for Hispanic-Americans in the carving out of a productive and prosperous future for all Americans.

As a Nation, we should be keenly aware of the natural bridge we have to our Latin American neighbors. Our Hispanic citizens form this bridge, and the more we can do to brighten their future, the more we will be doing to inspire Latin America with a realistic vision of the joys and rewards of living in a democracy. As we recall past cultural achievements and contributions. I would like to close my belief comments with a call to the future possibilities in our relations with Mexico, Central America, and South America. These are troubled countries today, but the United States, with the active participation of our Hispanic population, can show the way to economic strength, peace, and prosperity. I hope that my country and my fellow Hispanics will accept this challenge.

IN MEMORY OF HENRY M. JACKSON

Mr. PRESSLER. Mr. President, during the summer recess, the Senate suffered a tragic loss. Our distinguished colleague, Senator Henry M. Jackson of the State of Washington, died suddenly on September 1.

We will greatly miss Scoop Jackson. For 42 years, Scoop Jackson represented the State of Washington in Congress. The last 30 years were spent in the U.S. Senate. At the time of his death, Scoop was the ranking member of the Senate Armed Services Committee and the third most senior Democratic Senator. On two occasions, he entered the race for his party's nomination for the Presidency.

But Jackson was a man of far greater importance to this Nation and the Senate than these simple facts suggest. In this distinguished Chamber, noted for its great leaders, Henry Jackson was a giant. Indeed, he was an institution within this great Government.

For new Members of the Senate, he was a role model and the embodiment of what it was to be a Senator. For 30 years, Senator Jackson was part of the Senate's tradition. It is with sorrow that we return to this Chamber knowing that this mighty political figure is gone.

To the Nation as a whole, Senator Jackson was best known for his advocacy of a strong defense posture. He spoke out forcefully and repeatedly for Amercian vigilance against the threat posed by the Soviet Union. It is characteristic that, in his last public act, he spoke out in protest against the Soviet Union's barbarous attack on Korean Air Lines flight 007.

Scoop was a leading friend of Israel. Year in and year out, he remained a constant friend of this uniquely democratic Middle Eastern nation. Scoop supported freedom and democracy wherever it flourished, but this only partly explains his support for Israel. The Senator was also a close friend of the world's Jewish community and used all his resources to assure that they would never again be victims of genocidal policies. His authorship of the landmark Jackson-Vanik amendment, tying most-favored-nation trade status for the Soviet Union to Soviet policy on Jewish emigration, reflected this broad concern.

Scoop had faith in the strength, loyalty, and basic goodness of the American people. He believed that the threat to U.S. security arose less from internal conspiracy than from policies of an expansionist Soviet Union.

Senator Jackson was not a one-dimensional man. Though his foreign and defense policy views were well known, he was equally active in domestic affairs. Senator Jackson was a New Deal Democrat who believed that the Government should actively advance and protect the interests of its citizens. He advocated the creation of a consumer protection agency. He authored the act that led to the creation of the Environmental Protection Agency. He was deeply concerned about the plight of our less fortunate citizens.

Henry M. Jackson left a clear record of his views. During his 30 years in this body, he cast over 11,000 votes. His statements on public policy were frequently covered in the media.

The Senate was fortunate to experience the leadership and companionship of Scoop Jackson. The Senate and our Nation are richer for the fact that he devoted his life to public service. I am saddened by the death of Senator Henry M. Jackson, and I extend my deepest sympathy to his widow, Helen, the other members of his family, and the citizens of his beloved State of Washington.

SENATOR HENRY M. JACKSON

Mr. HEINZ. Mr. President, on September 1, the Senate lost one of its greatest leaders, and we all lost a close friend.

For over four decades, Senator Henry Jackson faithfully served his constituents and our country with unparalleled vigor and an unselfish character. As we, who were honored to serve with him, were reminded and benefited time after time, he possessed a tremendous wealth of knowledge and expertise, especially in the areas of defense, energy, civil rights, and United States-Soviet relations. But, as significant as the wide sweep of his deep interests, his unfailing ability to identify and articulate the issue of central importance in any public policy debate was a gift that earned him unquestioned respect from both sides of the aisle. He was above all a fairminded man of infinite decency and total integrity, of talent married with energy that flowed from inner sources that most of us either never use or simply do not know how to draw upon. He was a man whose strongly held beliefs brought him the affection of his coworkers and millions of countrymen.

Scoop Jackson will be long remembered for his tough anti-Communist stand and for his brilliance on affairs of national defense. But he also understood the importance of bipartisanship. No Senator worked harder to remove the threatening winds of party politics from the debate surrounding national defense than Scoop Jackson. To him, national security could not be an issue decided by the ideological differences of political parties. The

safety of the American people was always first and foremost. We would be well advised, Mr. President, in these contentious and fractious times, to keep this, his example, in our minds as we remember Scoop Jackson, the man in our hearts.

Mr. President, Scoop Jackson's sentiments on issues of civil rights and personal freedoms were also a profound part of his character. As comfortable as he felt in his dealings with questions of national defense and security, he was similarly at ease in making an unflinching effort throughout his career in public service to afford the American people the widest latitude in personal freedoms. To Senator Jackson, the rights of individuals were sacred and inalienable. He believed that individual human rights should know no boundaries and that human beings, be they a black mill worker in North Carolina or a Jew in Leningrad, must be protected from those that would limit or prohibit basic and fundamental rights.

Very personally, Mr. President, I am profoundly saddened by the loss of a friend. He was the first Senator I met except for my employer, Senator Hugh Scott, when I came to work as a Senate staff member here in Washington in 1964. Although I was only a 25-year-old neophyte, he did not hesitate to welcome me into his office and be as gracious and helpful as he always was to all of us as colleagues. He was then a friend and contemporary of my father's. During my service in the Senate, I count myself fortunate to make a similar claim upon his and my relationship. It understates it to say that he is one of the most thoughtful, generous, and conscientious men I have ever met or have had the opportunity to work with. My colleagues and I are joined, I believe, by an entire international community that will mourn the passage of this outstanding leader.

THE CONGRESSIONAL RECORD

Mr. MATHIAS. Mr. President, in February of this year the Reader's Digest published an article by James Nathan Miller entitled "Congress's License to Lie." The article is in the form of a letter addressed to me as chairman of the Joint Committee on Printing, a position that I held in the last Congress. The gist of Mr. Miller's article is that the practice of editing the CONGRESSIONAL RECORD before it is printed amounts to a gross deception of the American people. He projects a picture of Senators and Representatives saying one thing on the floor and then so radically changing their words in print as to misrepresent their position on matters of public policy. It is possible to read between the lines of his article that Members change their positions on issues to correspond to the outcome of a vote. It is possible to get the idea that the RECORD is untrustworthy as an indication of the position a Member takes on a question of public policy. In fact, as a result of the article, I have been deluged with mail from concerned and sometimes irate citizens who want to know what I am going to do to rectify the situation Mr. Miller describes.

As my colleagues know, "I" alone cannot do anything about abuse of the CONGRESSIONAL RECORD, although I certainly would raise questions myself if deceptions were being practiced as Mr. Miller suggests or if there were no effective remedies. But reflection reveals that this is one of those situations where it is easier to parody than to explain why things are done the way they are. Let us consider Mr. Miller's proposed remedy. He proposes a "system of printing verbatim all words spoken on the floor." This sounds so simple, so obvious, that one wonders why it is otherwise. But, of course, there is no such thing as an unedited transcript.

I take my hat off to the official reporters of debate, to the men and women who take down what we say here. I know of no group of people in the Senate or elsewhere who surpass them in skill or devotion to duty. I am frequently amazed that they can actually keep up with the lively debate that characterizes the Senate, much less take it down so accurately—word for word. But they would be the last to claim that they never make a mistake; that there is no need to edit their work. Even an electronic record usually requires some editorial treatment, as the world learned during the Watergate hearings. So no matter how passionately one embraces the idea of a verbatim transcript at the outset, any reasonable person would have to concede the necessity for editing and correcting. Once this is conceded, it then becomes a question of where to draw the line. Or, more precisely, the question is really, who will draw the line? And how?

When a Senator or a Representative edits a transcript, who is going to tell him or her that he or she has stepped over that imaginary line between editing and revising? Is the Chief of the Official Reporters of Debate going to do it? Is the Secretary of the Senate? Is the majority leader or the minority leader? Is the President pro tempore? The Vice President? Am I supposed to do it? Are you? Who wishes to be appointed the Censor of the Senate? Or are we to put such questions to a vote of the Senate?

Merely to ask the question exposes the impracticality of the proposal. But I do not mean to suggest that there is no one to do this, or that it does not need to be done. For clearly, it is possible for a Senator or Representative to go beyond the bounds of reason in his or her editing, and just as clearly there should be a remedy. But in fact, there already is a group of people whose life work is to keep an eye on us and to raise the alarm when we overstep the lines of propriety.

Mr. Miller is a member of that group, and he and his colleagues in the press—the fourth estate of government—do a thorough job of keeping an eye on us and publishing reports about our real and imagined faults. That is how it should be.

Senators and Representatives are responsible to the people of their States and districts, and the effective remedy against Senators and Representatives who make changes in the RECORD that go beyond editing, that smack of a deceptive revising of history, is just the kind of article that Mr. Miller has written. In his assertions, naming names and citing specific instances as he has done, he brings a Member's actions to the attention of those before whom the Member must stand for election and to whom he must explain his behavior. And the value of the ammunition such disclosures provide to potential challengers is beyond measure. In fact Mr. Miller's article could serve not only as an example of investigative journalism but also as a classic example of one aspect of how American democracy works. None among us surely is so naive as to think that merely writing a new rule would work half as well.

II. ON WHETHER ANYONE REALLY IS DECEIVED

There is another dimension to Mr. Miller's allegations. His proposal assumes that a verbatim transcript is inherently preferable to the current RECORD. As we all know, the RECORD is an assemblage of many things not spoken on the floor. It includes the text of bills and resolutions and sometimes the text of reports. It includes reprints of articles from newspapers and magazines. It includes expressions of views of Senators and Representatives which are not spoken on the floor, but which are there for the purposes of stating the Member's position, communicating his views to others and sharing with the public facts and viewpoints of interest to an informed citizenry. Mr. Miller suggests that these practices, in and of themselves, are deceptive because they do not conform to the ideal of a verbatim transcript. This is, of course, a value judgment about which reasonable people can disagree. Certainly if the RECORD came with a statement on the cover proclaiming it to be a verbatim transcript, then I could understand outrage at a discovery of its true nature. But I challenge you to find anyone interested enough in public affairs to have studied the CONGRESSIONAL RECORD who does not understand what it is, what it contains, and the

useful purposes served by the way it is used.

Now none of what I have said so far should be taken to mean that I have no suggestions for improvement. In studying this matter, I have become acutely aware of certain areas that could use improvement. As I see it, there are two major problems. First, the RECORD contains materials that simply need not be there at all. This material, which is varied in nature and substantial in size, creates two problems: It is expensive, and the clutter it adds makes the essential parts of the RECORD more difficult to use. The second major problem is the rule requiring material not spoken on the floor to be identified in the RECORD by the "bullet" symbol. In both of these respects, Senate practice differs from that of the House, which, in my view, provides an example that the Senate would do well to emulate.

III. COST OF THE CONGRESSIONAL RECORD

I recently asked the staffs of the Joint Committee on Printing, the Senate Committee on Rules and Administration, and the Senate Computer Center to analyze material in the CONGRESSIONAL RECORD. The analysis covered the period from February 28 through March 11, 1983. Each page of the RECORD for each day was examined and the material classified into categories. The Senate categories were: Morning business, executive session, legislative session, and the introduction of bills and resolutions. The House categories were: 1-minute speeches, legislative session, special orders, and extension of remarks. Within each category, material was further classified into two subgroups: Statements and extraneous material. Whether material was "bulleted" or not was recorded, and the number of column inches taken up by each item was also recorded. I would like to share with Members some of the results of the analysis.

There was a total of 38,446 column inches of material in the CONGRESSIONAL RECORD for the days covered by the analysis. In this discussion it will be important to bear three things in mind. First, the per-page cost of the CONGRESSIONAL RECORD is $483. Second, there are 28.5 column inches per page. Third, each column inch, therefore, costs $16.95. The total column inches for the 12-day period, therefore, cost $651,660. This represents an annual cost of over $19 million. As a body, we often spend hundreds of hours looking for ways to save money. While savings in this area would be modest, compared with the need, we certainly are in a time when even modest savings ought not to be overlooked.

Of the overall total, 23,287 column inches, or 61 percent, was used by the Senate, and 15,158 column inches, or 39 percent, was used by the House. With one-fourth the Members, the Senate used one and one-half times as much space in the RECORD as the House. Part of this imbalance can be attributed to the cherished Senate tradition of unlimited debate, but by no means all of it. The amounts and percentages in the various categories are set forth in the two following tables:

	Measurement in column inches				Percentage of House and Senate total				Cost at $16.95 per column inch			
	Text	Statements	Extraneous material	Total	Text	Statements	Extraneous material	Total	Text	Statements	Extraneous material	Total
SENATE												
Morning business:												
Bulleted	0	835	2,286	3,121	0	2.2	5.9	8.1	0	14,153	38,748	52,901
Not bulleted	0	1,378	2,981	4,359	0	3.6	7.8	11.3	0	23,357	50,528	73,885
Total	0	2,213	5,267	7,480	0	5.8	13.7	19.5	0	37,510	89,276	126,786
Executive session:												
Bulleted	0	20	0	20	0	.1	0	.1	0	339	0	339
Not bulleted	0	536	564	1,100	0	1.4	1.5	2.9	0	9,085	9,560	18,645
Total	0	556	564	1,120	0	1.4	1.5	2.9	0	9,424	9,560	18,984
Legislative session:												
Bulleted	0	133	0	133	0	.3	0	.3	0	2,254	0	2,254
Not bulleted	0	3,378	1,035	4,412	0	8.9	2.7	11.5	0	57,257	17,543	74,783
Total	0	3,511	1,035	4,545	0	9.1	2.7	11.8	0	59,511	17,543	77,038
Introduction of bills and resolutions:												
Bulleted	1,400	1,805	978	4,182	3.6	4.7	2.5	10.9	23,730	30,595	16,577	70,885
Not bulleted	2,650	2,223	1,089	5,961	6.9	5.8	2.8	15.5	44,918	37,680	18,459	101,039
Total	4,050	4,028	2,066	10,143	10.5	10.5	5.4	26.4	68,648	68,275	35,019	171,924
Total:												
Bulleted	1,400	2,793	3,264	7,456	3.6	7.3	8.5	19.4	23,730	47,341	55,325	126,379
Not bulleted	2,650	7,515	5,669	15,832	6.9	19.5	14.7	41.2	44,918	127,379	96,090	268,352
Total	4,050	10,308	8,932	23,287	10.5	26.8	23.2	60.6	68,648	174,721	151,397	394,715
HOUSE												
One-minute speeches:												
Bulleted	0	0	0	0	0	0	0	0	0	0	0	0
Not bulleted	0	449	0	449	0	1.2	0	1.2	0	7,611	0	7,611
Total	0	449	0	449	0	1.2	0	1.2	0	7,611	0	7,611
Special orders:												
Bulleted	0	546	324	869	0	1.4	.8	2.3	0	9,255	5,492	14,730
Not bulleted	0	534	620	1,154	0	1.4	1.6	3.0	0	9,051	10,509	19,560
Total	0	1,080	943	2,023	0	2.8	2.5	5.3	0	18,306	15,984	34,290
Legislative session:												
Bulleted	0	751	227	977	0	2.0	.6	2.5	0	12,729	3,848	16,560
Not bulleted	0	3,974	1,262	5,236	0	10.3	3.3	13.6	0	67,359	21,391	88,750
Total	0	4,725	1,489	6,213	0	12.3	3.9	16.2	0	80,089	25,239	105,310
Extensions of remarks:												
Bulleted	0	2,902	3,548	6,449	0	7.5	9.2	16.8	0	49,189	60,139	109,311
Not bulleted	0	11	14	25	0	0	0	.1	0	186	237	424
Total	0	2,912	3,562	6,474	0	7.6	9.3	16.8	0	49,358	60,376	109,734

	Measurement in column inches				Percentage of House and Senate total				Cost at $16.95 per column inch			
	Text	Statements	Extraneous material	Total	Text	Statements	Extraneous material	Total	Text	Statements	Extraneous material	Total
Total:												
Bulleted	0	4,199	4,099	8,295	0	10.9	10.6	21.6	0	71,173	69,478	140,600
Not bulleted	0	4,968	1,896	6,863	0	12.9	4.9	17.9	0	84,208	32,137	116,328
Total	0	9,166	5,994	15,158	0	23.9	15.5	39.4	0	155,364	101,598	256,928

Note: Detail may not add to totals due to rounding.

Study of the tabulations reveals some startling facts. First, the largest single category, in either body, is the introduction of bills and resolutions in the Senate. Over 25 percent of the RECORD for the review period was taken up with the text of measures, statements on measures, and related extraneous material. At a cost of over $170,000 for this period. The text of measures alone took over 10 percent of the RECORD, at a cost of $70,000. The texts of bills are not printed in the House portion of the RECORD, and I would recommend that Senators content themselves with the customary printing of bills and resolutions as such. They need not be reprinted in the RECORD.

Another thing to look at in the tabulation is the volume of extraneous material. For the Senate, this totaled over 300 pages, at a cost of over $150,000. It represented almost one-fourth of the House and Senate combined total, and over 38 percent of the Senate total. Clearly the RECORD is being used for more than to report the debate on the Senate floor. Clearly also, the word "substantially" in section 901 of title 44 of the United States Code, which requires that the RECORD be "substantially a verbatim report of proceedings" has become meaningless. The combined cost of these 12 days of extraneous material in the House and Senate portions was approximately $250,000. This represents potential annual costs of $7.5 million. Review of the extraneous material reveals that the RECORD has become a catchall and that some of the material has little, if any, relevance to the business at hand and sometimes no relevance at all to the legislative process. There is material in the RECORD that more appropriately belongs in committee reports or hearings. Let us resolve to put it there, where the per page cost is only $112, less than one-fourth the per-page cost of the RECORD. There is material in the RECORD that appropriately belongs in newsletters to constituents. Let us put it there instead.

Not only does this extraneous material represent unnecessary cost, the additional volume of such material, and the fact that it is not segregated into a special section, makes it unnecessarily difficult to use the RECORD for its primary purpose; namely, to follow action on legislation on the floor. Of course, one of the reasons so much extraneous material is inserted is that the franking law allows us to send reprints of the CONGRESSIONAL RECORD as franked mail. This provision was intended to facilitate dissemination of the debate on major issues to the public. But now much of the material in the RECORD seems to be there for no purpose other than to make it frankable. Then, in addition to the RECORD costs, the Senate incurs costs to mass-mail the reprints. In this connection, it is worth recalling that the cost for Senate mass-mail in 1982 was $33 million.

IV. USE OF THE BULLET

Let me turn now to the use of the "bullet." As you know, the large dot or "bullet" is used to identify material not spoken on the floor. This began on March 1, 1978. To Senator PACKWOOD and the late Representative Bill Steiger belong the credit for the idea, which they proposed 2 years earlier. The purpose of the "bullet" is simple. It is to let readers of the RECORD know that statements so identified were not part of the live discussion on the floor. This does not detract from the usefulness of a submitted statement as a record of a Members' views, but it does allow readers to get a true picture of what happened. It could even have a bearing on legislative history. A statement spoken in debate, if unchallenged by other participants, carries a certain weight. A submitted statement, not spoken, could not be challenged because other Senators, and the managers of a bill in particular, would not even know that the statement was being made. The absence of challenge to such a statement should have different weight in the legislative history than the absence of challenge to a spoken statement. Without some typographical device to distinguish between the two, they will carry equal weight, and should, if for this reason alone, be marked.

In the Senate, there is growing resistance to use of the "bullet." In fact, from its inception, a way was found to escape it. It was agreed that if a Senator spoke the first sentence of a statement, the "bullet" would not appear, and the entire statement would appear as if spoken in its entirety. Later, some Senators found an easier way: simply to go to the Official Reporter of Debates and request that the "bullet" not appear. There have even been suggestions that the requirement for use of the "bullet" be dropped altogether.

I think that the idea behind the "bullet" is sound, and that the erosion of its effectiveness should be reversed. Instead of eliminating or further weakening the requirement, I recommend that it be strengthened. I think we should return to the practice of using bullets unless a statement is read in its entirety. If the Senator does not have the time to come and make the full statement, let us adjourn and hear him when he does have time. Or let him submit the statement to be printed with the "bullet" or put it in an appendix as an appropriate alternative.

I know the distinguished majority leader will be quick to recognize the importance of this to his hopes of restoring the Senate as a forum for the debate of major issues. This reform would require Senators who want to have a reputation for being involved in legislative debate to be actually involved in legislative debate. If the appearance is so important, let us use that as an incentive to bring about the reality. And, finally, it would make for more accurate legislative histories, a result that by itself should be justification enough.

In conclusion, I would just point out that there are already rules governing inserted material, which, if followed faithfully, would go a long way toward correcting abuses. These rules are printed occasionally in the back of the RECORD, and I urge my colleagues to read them, noting especially paragraph 13 on the two-page rule, which states that no extraneous matter in excess of two printed RECORD pages can be printed unless it is accompanied by a printing cost estimate from the Public Printer and which limits the kinds of material that can be included.

As a Republican, I am a staunch believer in government being the regulator of last resort, and whenever I address business groups I exhort them to clean up their own acts if they want government off their backs and out of their pockets. That message has equal validity for us. We can regulate ourselves and observe the sensible rules we have made for use of the CONGRESSIONAL RECORD, or we can expose ourselves to criticism and calumny for not doing so.

TRIBUTE TO JOHN R. OLDHAM

Mr. MATHIAS. Mr. President, among the many innocent victims of Korean Air Lines flight 007 was John R. Oldham, a 27-year-old aspiring attorney from Bethesda, Md.

Mr. Oldham was on his way to the People's Republic of China to teach law at the Beijing University Law School under a program established between Columbia University Law School and the Beijing University Law School. He planned to spend a year in China before joining the Washington, D.C., office of the international law firm of Surrey & Morse. He had been offered an associate position as a result of his outstanding performance as a summer associate with the firm during the summer of 1982.

Mr. Oldham was respected and admired by his contemporaries at school, at work, and in community organizations. He also was admired by his elders, teachers, friends, neighbors, and mentors. Illustrative of the respect and admiration which he engendered is the reaction to his loss by his colleagues at Surrey & Morse. They have prepared a tribute to Mr. Oldham. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the tribute was ordered to be printed in the RECORD, as follows:

JOHN R. OLDHAM—A TRIBUTE FROM HIS FRIENDS AT SURREY & MORSE

We, the attorneys of Surrey & Morse, join the family and friends of John R. Oldham in mourning the tragic and senseless death of our friend and colleague. John was aboard Korean Air Lines flight 007 from New York to Seoul when, during the early morning hours of September 1, 1983, a Soviet fighter plane attacked and brought down the Korean commercial jet. John and 268 other passengers were massacred.

To us, the attorneys of Surrey & Morse, the death of one of our colleagues, John R. Oldham, will remain a loss for us personally, for our profession, and for those who shared his dreams for the betterment of the world.

John accomplished much in his 27 years of life. He was a cum laude graduate of Princeton's Woodrow Wilson School of International Relations; a Fulbright Scholar at the University of Geneva, Switzerland; a 1983 graduate of Columbia University Law School; and a selfless, dedicated volunteer for the Red Cross and other worthy international causes. His accomplishments bespoke a person consumed with the drive to leave this world a better place than it had been.

What John had experienced and learned from his travels in Asia and the Middle East underscored his passion for improving the lives of the underprivileged and healing the wounds of the innocent victims of conflict. He dedicated his life to international law and relations. His life's journey was a path of study, training, and experience which better enabled John to enrich the lives of others and to work at solving some of the world's most truculent problems. To end suffering, to bring understanding, to find solutions where none had worked before—these were John's aspirations. His chief tools were trust, logic, strength of character, and that special kind of hope and optimism.

John was on his way to Beijing to teach and study law at The Beijing University Law School for one year before he was to rejoin our ranks as an associate. We had come to know John well. He had served as a summer associate with Surrey & Morse in 1982 and was offered a full-time position, not only because of his outstanding performance as a lawyer, but also because of his enthusiasm, integrity, humility, and great sense of humor.

Only a few days before his departure for East Asia, many of us had visited with John, discussed his plans for the year, and had wished him well. He recently had completed the District of Columbia Bar examination and eagerly was anticipating new encounters, new challenges, and new friends in the People's Republic of China. His exuberance excited our office during that recent whirlwind visit.

Each of us will long remember the all too brief period in which we were able to share our personal and professional lives with John. Individually and collectively, we will all remember and honor the times he shared with us and his dedication to righting the wrongs of humanity.

John's legacy will continue. Together with his many friends and colleagues, Columbia University Law School is establishing The John R. Oldham Scholarship Fund. This scholarship will be awarded to students so that they can continue in the work which was so dear to John.

We, his colleagues at Surrey & Morse, are grateful and privileged to have known John. We shall always miss him.

Mr. DOMENICI. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONCLUSION OF ROUTINE MORNING BUSINESS

Mr. BAKER. Mr. President, I believe the order would provide for the Chair to lay before the Senate the unfinished business.

The PRESIDING OFFICER. Morning business is closed.

DEPARTMENT OF THE INTERIOR APPROPRIATIONS, 1984

The PRESIDING OFFICER. The Chair will lay before the Senate the unfinished business.

The legislative clerk read as follows:

A bill (H.R. 3363) making appropriations for the Department of the Interior, and related agencies for the fiscal year ending September 30, 1984, and for other purposes.

The Senate resumed consideration of the bill.

AMENDMENT NO. 2110

The PRESIDING OFFICER. The question is on agreeing to amendment No. 2110 offered by the Senator from Idaho.

Mr. McCLURE addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho is recognized.

Mr. McCLURE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. McCLURE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCLURE. Mr. President, will the Chair state the pending business?

The PRESIDING OFFICER. The question is on the amendment of the Senator from Idaho, numbered 2110, to the committee amendment on page 81.

Mr. McCLURE. Mr. President, I yield at this time to the Senator from Oregon.

Mr. HATFIELD. I thank the chairman of the Interior Subcommittee of the Appropriations Committee for his courtesy.

Mr. President, I should like to pose a request to the chairman of the subcommittee and to the managers of the bill generally.

As we may recall, when we had this Interior appropriations bill before the Senate prior to the recess, there was added to the bill at that time section 317, which relates to the financing of WPPSS No. 2 and No. 3.

Before I address that particular point, I should like to recall to mind that up to this time, we have had 4 of the 13 appropriations bills passed by both the Senate and the House, reached a conference report, and now signed by the President. That is 4 of the 13. We have three more of the appropriations bills ready for conference: The agriculture, the D.C., and the military construction bills. The latter two will be in conference this Wednesday.

This in itself is a rather remarkable record thus far because generally speaking we have not moved toward the goal of passing 13 appropriations bills for a number of years.

The Senate Committee on Appropriations has marked up the remaining bills with the exception of Labor-HHS, which has now cleared the subcommittee and will be marked up next week by the full committee; the foreign operations bill, which is scheduled for subcommittee markup this Thursday and full committee next week; and the defense bill.

The Interior bill, which is now before us, is the last of the bills which the House of Representatives has acted upon and sent to the Senate thus far.

Why I think it is materially important to have action on this and any other appropriations bill is not only to try to get as many of them done as possible before we have to face the CR. We are going to have a continuing resolution. There is no way out of it. But we need to at least act on these bills in order to develop the benchmark for negotiating with the House of Representatives as it relates to the CR.

I am very hopeful that we can have a short term CR in order to give an opportunity to complete the work on all the remaining of these bills and get them down to the White House and get them signed so that we will not have to function in any agency under the CR for a long period. My hope, desire, dream, and vision would be not to have any agency function under the CR for longer than perhaps a month or 6 weeks.

But I cannot cross that bridge until we come to it. I am only indicating at this point that we, I feel, must reach some agreement on the Interior appropriations bill in order to develop our benchmark and move the appropriation process forward.

Mr. President, it is very obvious that this not only is a controversial issue within the region but it has far-reaching impact on the Nation as a whole in terms of the bonding capability of various and sundry political subdivisions, and so it is a national issue in that sense.

Rather than attempting to resolve that issue as an amendment to the Interior appropriations bill, I would much prefer to see this handled as a separate vehicle so that we can not only move the appropriations bill into final completion but also deal with this very important subject when there have been adequate hearings on the House side and when we have the benefit of the ongoing investigations that are now being conducted by the Luce Commission, named after Charlie Luce, the former Director of BPA, the Luce Commission, the Northwest Power Planning Council, which is also carrying on an investigation on this matter, and the BPA, the Bonneville Power Administration.

So we have three entities, in effect, that are carrying on an investigation as to the complexities and the problem of WPPSS 2 and 3.

I think it would be very helpful to have the results of those findings when they are available.

Also, judging from the results of the hearings earlier this week on the House side, it appears as though the House of Representatives from my general estimate is not going to act upon this matter in the immediate future, so I do not see any time incentive here to move this on an appropriations measure.

I know this subject and this problem is not going to go away. It is going to have a vehicle of its own, or we will have other vehicles coming down the track upon which this matter can be decided or at least debated.

So with that background and for those reasons, I urge, ask, and request the chairman of the committee to call or to pull this amendment down at this time in order that we may proceed with the appropriations bill generally unencumbered by what I am sure would necessitate a long, extensive discussion and debate not only in the Senate but also in the House of Representatives and probably in conference if such an amendment really survived that length of time.

I know the Senators from Washington State are very interested in this. It involves their State very intimately as well as the State of Idaho from which the chairman of the committee comes, and my own State of Oregon, the whole district and area served by the BPA, but, as I said, every Senator has some very legitimate interest in this.

I am very hopeful the Senators from Washington will comment. I see Senator EVANS has arrived in the Chamber; I am sure Senator GORTON likewise will want to make some comments on this matter.

But that is the background. Those are the reasons why I urge the chairman of the committee to pull this amendment down at this time and I make that as a request to him.

Mr. Metzenbaum and Mr. McClure addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho is recognized.

Mr. METZENBAUM. Mr. President, the Senator from Ohio sought recognition. The rules of the Senate——

Mr. McCLURE. Mr. President, before the Senator from Ohio gets involved, might I respond to the Senator from Oregon just very briefly?

Mr. METZENBAUM. Yes.

Mr. McCLURE. I am certain before we are completed, we will both have had the opportunity to express ourselves very fully upon this issue, and I do not mean to preempt at all. I will be very brief.

Mr. METZENBAUM. I yield to the Senator from Idaho.

Mr. McCLURE. I will not try at all to make a full statement at this time because I know the Senator from Ohio——

Mr. METZENBAUM. I yield to the Senator from Idaho, but I just want the Chair to understand that the rules of this body provide that the first Member of the Senate on the floor seeking recognition is entitled to it, and there was developing a practice of not providing for that recognition and each time it occurs, I am going to be on my feet and I am asking the minority leader to do the same.

It is not a question of who or what. It is the question of who is first on the floor with the exception of the majority leader and the minority leader.

The PRESIDING OFFICER. In the judgment of the Chair, both were on their feet at the same time seeking recognition at the same time.

The Senator from Idaho.

Mr. McCLURE. Mr. President, I think it would be encumbent upon me also to express the concern that has been expressed off and even on the floor as to whether or not the leadership has a priority in the claim on the attention of the Chair where there are two or more seeking the attention of the Chair at the same time. I think the manager of the bill ordinarily stands in the place of the leadership in those circumstances and the Chair ordinarily recognizes in that fashion.

But I do not want to get involved in that at this time with my friend from Ohio at all.

I do wish to express my appreciation of the remarks the Senator from Oregon has made and to acknowledge that indeed there is a reason to want to get the Interior appropriations measure done.

One of the options which I might have in this instance is to ask that further consideration of the Interior appropriations bill be deferred until we have had the opportunity to try to work something out with respect to this amendment and with other people who are involved, including the Senator from Ohio, the Senator from Wisconsin, and others who have expessed interest. It is also possible that we simply go ahead with the discussion and take however long it may take to resolve the issue and then have a vote on it.

The Senate earlier worked its will with respect to a procedural question, and I wish to take note of that just very briefly.

The question was whether or not this amendment should be in order on this bill at this time, and the discussion centered around the question of how does Congress ordinarily address the question of the operations of the Bonneville Power Administration, because that is what we are addressing here.

There were a number of the news reports in regard to the discussion in the Appropriations Committee or the hearing in the Committee on Energy and Natural Resources on the legislation pending before that committee, both the hearing that was held here in Washington, D.C., and the hearing that was held in Seattle, Wash. The news reports oftentimes referred to this amendment as something that created a new entity with which Bonneville Power then could negotiate with respect to the completion of these powerplants.

I wish to underscore that this amendment does not do that. This amendment simply allows BPA the authority to deal with such an entity if such an entity is created.

The reason I mention that at this juncture is that the jurisdiction of the Appropriations Committee has been called into question with respect to appropriations language because it deals with something other than Interior matters. As a matter of fact, all it does is do what we have done for many, many years, which is dealing with the way in which Bonneville Power Administration is instructed by Congress to conduct its business, and most of

that instruction has, as a matter of tradition and practice, been handled in appropriations language before the Appropriations Committee.

The authorization or the creation of a new entity outside of BPA might indeed be a different thing. That is the reason I draw that distinction at this time. The amendment creates no new entity. It simply gives the Bonneville Power Administration the authority to deal with such an entity if it is created.

The request of the Senator from Oregon is premised on the need for moving the Interior appropriations bill at this time. I do not desire to prolong or delay the consideration of this appropriations measure. There are many, many items in this legislation that are important to every Member of this Senate. I have had any number of requests from both sides of the aisle to somehow resolve the issue so we can get on with the consideration of this bill and all of the things that are encompassed within the bill

I am also aware of the studies that are on going, both in the Bonneville Power Administration and with the Northwest Power Planning Council, to determine the basic facts with respect to the cost effectiveness of completing powerplants Nos. 2 and 3, upon which the Bonneville Power Administration has entered into contracts with the Washington Public Power Supply System, as they did on No. 1 as well. But they did not have net billing agreements or contracts with WPPSS on plants Nos. 4 and 5, so Bonneville does have an interest with respect to 1, 2, and 3 and a responsibility with respect to 1, 2, and 3. I think it is ultimately going to devolve upon us in the Congress to give some advice and consent to actions that may be taken by Bonneville with respect to those powerplants.

In addition, the Governor of the State of Washington has appointed another commission to which the distinguished Senator from Oregon has made reference, the Luce Commission, trying to determine whether there is a solution to the problems that beset the Northwest, not just Bonneville, not just WPSS, but all of the entities and every citizen and ratepayer within the Northwest.

I think it has become abundantly clear that there are dozens of minority positions. There are as many different viewpoints and you can seek out different groups of people to provide those viewpoints with respect to what might be done or should be done, but there is no majority opinion.

I have been struggling for 2 years to try to find some way to alleviate the conditions so penalizing the Northwest and of such great concern to the country as a whole. We have tried at various times to come up with a partial solution or an entire solution, and we have always failed to reach a consensus among those contending forces and concerned groups not only in the Northwest but across the country.

I will not belabor the subject at this point other than to say that I have been persuaded that it is the better part of valor, and perhaps the better part of process, to wait until we have the benefit of those studies to which the Senator from Oregon has made reference and to which I have made reference. It may be that the conclusion of those studies will shed enough light on it that a majority view will emerge in the Northwest. It is also quite possible that those findings will not all be uniform. We may have, out of the three groups, three different answers and we will be no further along than we are today. But I have to hope, perhaps in the excess of optimism, that at least two of the three, if not three of the three, come up with at least some of the same answers and that we can then come before this body and say there is a majority of opinion, if not a unanimous opinion, in the Northwest that something needs to be done.

I know that the Senator from Ohio was seeking recognition, but I did want to respond to the Senator from Oregon before I go into more detail and I do want to go into more of the detail with respect to what the amendment was seeking to do.

I would say to my friend from Oregon, I am mindful of his request. I am not unwilling to respond to it today. It will be my intention at the appropriate time to ask unanimous consent that the amendment be withdrawn and that we set aside the Bonneville Power Administration questions for today, and come back to them at a later date.

Mr. HATFIELD. Will the Senator yield?

Mr. McCLURE. Yes.

Mr. HATFIELD. I wish to express my gratitude to the Senator for his gracious response to my request. I know, as the Senator does, and especially hearing his very erudite description of this very complex issue, that the issue is going to continue to confront us and, as I indicated, will not go away.

Also, I think it is very evident there will be a number of people who will want to speak on this subject today. I am not going to belabor the point further, but only express my appreciation to the Senator from Idaho for his acquiescing to this request and also to indicate to him my interest in continuing to study and to work together on trying to find some kind of a solution to the problem, because this, in effect, could set into sequence events and circumstances that could lead to an economic disaster for a major region of this country.

I do not want to in any way underestimate the magnitude and the importance of the problem. I think it is fairly well known that I am opposed to nuclear power as such and continue to be other than a supporter of nuclear power. But this matter transcends even that issue.

Mr. McCLURE. Will the Senator yield on that point?

Mr. HATFIELD. Yes.

Mr. McCLURE. I think the Senator states it well in that regard. I am a supporter of nuclear power, but in spite of that fact if I were not I would still be concerned about what is happening in the Northwest and the utility relationships that exist there.

Mr. HATFIELD. We are at least on agreement on that particular point, relating to the importance of the issue regardless of our personal views about nuclear power. Be that as it may, that is a battle and issue for another day and on another front.

But the economic importance of this, the power importance of it, the bonding importance, there are so many facets to this that raise it beyond just a simple simplistic idea of whether you are pro- or anti-nuclear power.

So I wanted to thank the Senator for his gracious response and I yield back to him at this time.

Mr. McCLURE. Mr. President, I believe the Senator from Ohio was seeking recognition. I have no objection to yielding the floor at this time. I will complete my remarks at a later time.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. METZENBAUM. Mr. President, I want to address myself to the issue, and I am pleased with the results that I think are about to develop. But before doing so, I would like to address myself to the parliamentary aspects, because it is a matter of concern to me and I think a matter of concern to a number of Members on this side of the aisle. I am not now taking issue with the Presiding Officer, the Acting President of the Senate, because I accept him at his word that he felt that the Senator from Idaho was on the floor first and, therefore, was entitled to recognition. So, I am not raising that issue.

But I do want to say and I want to respond to my good friend from Idaho that you do not have a preferential right as the manager of the bill, even when you are sitting as the spokesperson for the majority leader.

The Senate rules specifically provide on page 880, which is right on target:

> A Senator managing the bill who may be sitting in the majority leader's seat, but did not address the Chair, would have no preferential status as to recognition.

Now I make this point only because it was a matter of some issue at an earlier point in the Senate's deliberation

some months ago. And I have strong feelings, and I think a number of other Members on this side of the aisle share those feelings, concerning the right to recognition.

Now on the question of the fact that this matter was up previously on a procedural question——

The PRESIDING OFFICER. Will the Senator suspend for just a moment, please?

Mr. METZENBAUM. I prefer not to. The Chair has no right to interrupt my remarks. At an appropriate time, I will be glad to hear from the Chair. I have the floor and will be glad to yield to——

The PRESIDING OFFICER. The Chair simply asks if the Senator will yield.

Mr. METZENBAUM. I see no reason to, but go ahead.

The PRESIDING OFFICER. Page 883 states:

> Leaders—Preferential Recognition:
> Under the traditions and practices of the Senate, the leadership is given preferential recognition when they seek the floor simultaneously with other Senators. Leaders and managers of a bill are given preferential recognition as compared to other Senators generally.

Thank you.

Mr. METZENBAUM. I want to point out to both the Parliamentarian and the acting Presiding Officer, the President of the Senate, that there is a condition to be found on page 883 that is not to be found on page 880; that is, when they seek the floor simultaneously with other Senators.

I said earlier that I am not challenging the Presiding Officer's decision that the Senator from Idaho may have been seeking recognition at the same time. I did not hear it. I am saying that if he is not seeking recognition and then arises subsequent in time to that of any other Member, under those circumstances that is not a simultaneous seeking of the floor but it is one that follows in sequential order and should be recognized in sequential order, not on a priority basis.

If the Parliamentarian or the President of the Senate wishes to debate that issue at length, I am prepared to suggest to the minority leader that he come to the floor and enter into this debate as well because I think it goes very much to the question of how the actions of this body are conducted, at least for the remainder of these 2 years, and how they will be conducted beginning in January 1985.

With respect to the question of the matter having been deliberated by the Senate previously on a procedural basis, I am not certain that I would agree with that description.

The matter was debated previously not on a procedural basis, but it was debated on the question that the Chair had ruled that this amendment was legislation on an appropriations bill and, therefore, out of order. In the main, that was a political vote where almost the entire body on the other side of the aisle saw fit to go with the manager of the bill. I will leave the subject of mechanics behind me at this point.

I am pleased to find that the manager of the bill and the chairman of the Appropriations Committee are prepared to take down the pending amendment.

I assume, and I think I am correct in that assumption, that taking down the pending amendment is indeed intended to mean that you have not taken down the pending amendment but that you will take down the committee amendment to which the pending amendment is pending. Am I correct in that?

Mr. McCLURE. Will the Senator yield?

Mr. METZENBAUM. Yes.

Mr. McCLURE. Yes that would be my intention. The committee amendment and the amendment thereto would be withdrawn and that would leave the bill silent with respect to the WPPSS question and the Bonneville Power Administration.

Mr. METZENBAUM. That is my understanding.

I commend the manager of the bill, the chairman of the Appropriations Committee and others interested in this matter for withdrawing the amendment. I understand the urgent desire to address the WPPSS problem and I share their concern for thousands of ratepayers, consumers, and bondholders caught up in the mess. But I think we ought to look at this entire situation on an overall perspective. I would hope that when they return the issue to the floor of the Senate, that they would also give some attention to the entire matter as pertains to the Bonneville Power Administration.

The Bonneville Power Administration currently owes the Federal Government nearly $8 billion for construction of the power generating and transmission facilities in the Northwest.

I have not had any difficulty in supporting these kinds of public power undertakings, but it was always my understanding that there would be repayment and that it would be done on a fair basis. But that is not the case.

The original Bonneville Power Act provided that the BPA's rate schedules should be drawn to repay the Federal investment over a reasonable period of years.

Well, that ought to teach those of us who are in the process of drafting legislation never to use loose language, never to fail to spell it out, because what is a reasonable period of years for those who are operating BPA may be very unreasonable for the rest of the taxpayers of this country.

As a consequence of that language, through its early years BPA made timely payments to the U.S. Treasury as required by law, but in 1965 it dropped the practice of making a fixed annual repayment to the United States. Instead, BPA adopted the repayment study method. Under this procedure, which has absolutely no counterpart in the private sector, BPA abolished annual repayments to the Treasury.

Let us think of what we are saying. There is a rolling 50-year repayment period which extends repayment deadlines to as long as 89 years—89 years. The interest rate in the main is subpar, substantially below that which the Federal Government pays for the money it borrows. If somebody owes the Federal Government $8 billion and is not repaying it at all, then that is the kind of subvention that I have difficulty in understanding. I cannot believe that my liberal friends over there on the other side of the aisle, no matter what State those liberals come from, I cannot believe that they think that the Federal Government ought to subvent BPA to the extent of millions and millions and millions of Treasury dollars. What kind of giveaway programs are these? What kind of nonbusinesslike approach is this? What kind of policy can anybody advocate that is so liberal that there is no repayment?

These are the conservatives of the Senate who are supporting that posture.

The amendment that is before us, which is about to be taken down, would have added approximately $1 billion more to that repayment schedule, only it would have provided a priority in front of that $8 billion. So the Federal Government would have wound up holding the bag for another $1 billion of debt, subpar interest rates, and we would have been subsidizing the Bonneville Power Authority even further than it is presently being subsidized.

As a result of the BPA policy, which had been approved by the Congress, I am sad to say, they have fallen so far behind in the repayment of their Federal investment. According to the General Accounting Office, BPA's $8 billion had only had $638 million of its total repaid, or less than 10 percent. Most of those payments came in the early years of operation. In fact, in the last 11 years, since 1972, BPA has only repaid $43 million, and it has made no repayment at all in the last 2 years, nor is it expected to make one this year.

The General Accounting Office has looked into this subject. The General Accounting Office has led a chorus of criticism on BPA's repayment practices. In a report last month GAO said that the repayment study method "is

not in keeping with sound business practices which require regular repayment of all debt."

In an earlier report the agency said that BPA's repayment practices have "created an unsanctioned burden on the American taxpayer" by forcing the Treasury to sell bonds at much higher rates to make up for BPA's shortfall.

I can see that this afternoon we are experiencing that which we do not experience very often in the Halls of Congress. Chalk one up for the American taxpayer. This is a victory for the American taxpayer who gets very few victories. Instead of being taken for another $1 billion at subpar interest rates, at least for the present we will not have to deal further with this issue.

In saying that, I want it to be understood that I am prepared to work with the sponsors and others in coming weeks to search for a better solution which not only addresses the plant construction issue, but also the increasing delinquency situation of BPA and other power marketing agencies in repaying the Treasury. I am prepared to work together to see to it that we provide a solution with respect to BPA's problems and that we do so in a fair and equitable manner so that the rest of the American taxpayers in this country will not be called upon to further subsidize BPA over and beyond that which it is presently doing.

Mr. McCLURE. Mr. President, I appreciate the comments of the Senator from Ohio. I do not disagree with some of what he has said, which may come as a great shock to him. I do not mean to prejudice the debate by indicating that if he is not careful, he and I will join forces, and that will really cause some consternation.

I have grown up with this problem. If I am remiss, I am remiss in the assumption that I did not know I would have an ally in the Senator from Ohio in trying to get done what I have long thought ought to be done, upon which I think he and I, judging from his comments now, would find common cause.

I did not want Bonneville Power to escape the obligation to repay the Treasury, but I think the very fact that this is something that all of us in the Northwest have lived with for all of our adult lives can obscure the fact that perhaps others have not lived with it as closely as have we. I think the Senator from Ohio would be pleased to know that the Bonneville Power Administration is required to go to the Federal Energy Regulatory Commission for review of its rate structure; that that rate case is now pending; and that the rate submitted by Bonneville Power today in the case that is now pending, that will be resolved very soon, contemplates keeping current on all obligations and, in addition, catching up the amount which is in arrears by 1985.

I know that the Senator from Ohio would be very quick, probably, to point out that keeping up with their schedule of repayments does not necessarily solve the question of how they do their accounting. That is an issue that arose before the Senator came to the Congress of the United States. As a matter of fact, I arrived in the House of Representatives in January 1967 and it was then the fact, if my memory serves me correctly, that they had then adopted the system of rolling maturities that allows them to refinance the entire debt whenever there is an addition to the debt and that addition to the debt is by way of expenditures which are approved by the Congress of the United States in the facilities that they use to distribute the Federal power generated at Federal facilities and/or the additional amount that they must repay by way of the repayment schedule on power-producing facilities. So this question of rolling maturities is a matter of some hoary age and will need to be addressed. I think the Senator may be somewhat shocked to find that he and I do not disagree on that point.

The more recent practice of Bonneville making a choice of which debt to repay—the oldest debt first or the newest debt first—in which they have said that they have the authority to determine to which of the debts they will apply the payment and they choose the one that has the highest interest rate, is a matter of relatively recent practice. It is not a practice that has been specifically approved by the Congress of the United States and I think is legitimately the subject of a question of the accounting practices.

There again, I think the Senator from Ohio, if he addresses himself to that issue, may find the Senator from Idaho was there in advance of the Senator from Ohio. I shall be happy to join forces with him in looking at this question as well.

When it comes to the question of catching up on past arrearages on payments, then, indeed, I cannot disagree with the Senator from Ohio. But let me suggest that when a region is going through the trauma that the Northwest is going through today, with the tremendous change in the economy of not just that region of the United States, but it has had a particular impact in that region, with the change over from very low cost hydropower facilities to relatively much higher cost thermal facilities, whether it be coal or nuclear, we would be seeing very large rate adjustments if everything had gone according to script and everything had gone well with the Washington Public Power Supply System.

Remember, the WPPSS is an instrumentality of the State of Washington; it is not an instrumentality of the Federal Government. While Bonneville Power Administration, at an earlier date, had agreed with the Washington Public Power Supply System that they would cooperate under what became known in the Northwest as the hydrothermal accord, that they would cooperate with them in absorbing the costs of the first three of those powerplants, they did not enter into such an agreement with WPPSS with respect to the last two of those powerplants. So Bonneville Power does have a very direct responsibility on plants numbered 1, 2, and 3 because of the contractual relationship that they entered into at that time.

As a matter of fact, Bonneville Power is now responding to lawsuits brought against them by some of the participants in Plants 1, 2, and 3 saying Bonneville Power is not meeting their obligation under those contracts by way of completion of 1, 2, and 3. So while we may be here debating whether they should go ahead in some way to find arrangements by which they could complete plants No. 2 and 3—No. 1 has been deferred indefinitely—some of the participants in 1, 2, and 3 are saying, "You are not doing enough to meet your contractual obligations." We shall be addressing that question.

What was primarily a regional question with respect to how you pay for the bonds that have been issued on powerplants No. 4 and 5, the Washington Public Power Supply System having decided to build those plants and having sold participation in that to 88 public entities throughout the Northwest in the States of Washington, Oregon, and Idaho primarily, those 88 entities and the Washington Public Power Supply System were faced with the collapse of the financing for those plants based on two or three factors.

One was the delay which was attendant on the construction of most powerplants and particularly nuclear powerplants under increasing Government regulation and scrutiny that stretches out the time that it takes to build a plant. They were also struck, as was everyone else, with the tremendous escalation in interest costs. When the cost of debt servicing is the largest single cost in a powerplant, because they get nothing back from the operation of the powerplant until it is on line and producing electricity and selling electricity—the cost of financing during that interim, which has now become 13 or 14 years, is the largest single cost. When you go from a cost that averages less than 6 percent per year to a cost of 18 percent per year to carry that debt, that tripling of the cost of the largest single item is a very real reason that they got in trouble.

Well, that is a part of the background. We can look at all these burgeoning problems with respect to the Northwest and say this is not the time for us to be compelled to look at the issue of the repayment schedule, although, certainly, I am quite willing to look at the repayment schedule. As I said earlier, Bonneville Power Administration and their current rate submission says that we will generate enough revenues not only to keep current but to pay, in addition to those current requirements, those amounts by which we are in arrears.

Peter Johnson, the administrator of the Bonneville Power Administration, says and has said repeatedly—publicly, privately, consistently—that if Bonneville Power Administration is to have credibility in the financial markets, it must show that it can pay its bills and will do so.

The rate schedule in being today reflects that.

I say to the Senator from Ohio and others, we have another major concern not just to the Northwest. It is also a matter of concern to the Nation, I hope. That is whether we maintain a viable aluminum industry. From the very beginning of the great main stem Columbia River dams there has been a surplus of electricity. Grand Coulee simply produced more electricity than the ordinary consumers in the Northwest could absorb in the market in that period of time. There was a tremendous surplus of low-cost hydroelectric power as a result of the Federal installations on the Columbia River. The aluminum industry came in to become the purchaser and some would say the beneficiary of that block of low-cost hydroelectric power that was available.

The result is an aluminum industry has grown up around that hydroelectric base. That aluminum industry now provides direct employment for 12,000 men and women primarily in the States of Oregon and Washington, not primarily in my State of Idaho.

But the existence of the aluminum industry is important for two reasons. One is that if the rate structure in the Northwest gets to the point where they can no longer afford to pay their share of the electricity, they have an option—they simply close. If they close down, they do not move somewhere else in the United States because there is nowhere else in the United States to move. They will move out of the country. Another basic industry that is very important to the maintenance of the economic base and the military security of this country would be lost to us if the rate structure gets forced to the point that it can no longer support that aluminum industry and the aluminum industry then can no longer afford to stay there.

It is not just the aluminum industry that pays the bill in that event. Because they are such a large consumer of electricity, if they move out, there would be a tremendous surplus of electricity to add to the current temporary surplus. The fixed costs of maintenance and operation of that system then get spread over the remaining users, and the ratepayers in the Northwest will again take a tremendous increase in their rates simply to cover the repayment schedule to which the Senator from Ohio has made reference.

So it is a complicated situation which we are trying desperately to resolve. We are trying to sort out Bonneville's responsibility, its relationship to the Washington Public Power Supply System on plants Nos. 1, 2, and 3, and then add to that the further complication of the default by the Washington Public Power Supply System on the repayment of 2.25 billion dollars' worth of bonds that have been issued and sold with respect to the partial construction on plants Nos. 4 and 5.

Now, those plants have been abandoned, and the effort to find voluntary agreement to pay those bonds has failed. The decision of the Supreme Court in the State of Washington that the public utility districts in the State of Washington lacked legal authority to enter into the contracts for the construction of these plants meant there was no money to pay those bonds. So WPPSS has defaulted on bonds of $2.25 billion that have been issued and sold and in the hands of how many people we do not know—hundreds, thousands, people who can ill afford that loss in many instances. Some of the sad cases have made national news as newsmen go out to determine the impact of the collapse of the Washington Public Power Supply System.

That converted what was a regional disaster into a matter of national concern in a much more direct way because pension funds, insurance companies, various others who hold some of that 2¼ billion dollar's worth of bonds—bonding houses, bonding councils, people all over the United States—suddenly are very much concerned about what happens to the Washington Public Power Supply System who were not concerned prior to the time of that default.

Mr. METZENBAUM. Will the Senator from Idaho yield for a question?

Mr. McCLURE. I would be happy to yield for a question.

Mr. METZENBAUM. Just so there is no misunderstanding on the part of any one of those bondholders or anyone else for that matter, is it not a fact that even with this amendment they would not have been bailed out?

Mr. McCLURE. The Senator is correct. This amendment has nothing at all to do with the bondholders on 4 and 5, with one possible exception. That is the contention that is made by some that WPPSS creditors, even though they may be creditors or bondholders on 4 and 5, could go to court and seize whatever assets WPPSS had and therefore might be able to look to WPPSS plants 1, 2, and 3 for some kind of recoupment that would allow them to collect something on either the debt or the bonds that were issued by WPPSS.

Mr. METZENBAUM. But this would not have provided a direct payment.

Mr. McCLURE. It would not have provided a direct source of funding for payment unless they are successful, first, in establishing the fact that the WPPSS powerplants are to be taken as a whole and not as separate entities, and, second, that somehow WPPSS has an enhanced asset because of the passage of this amendment.

Question No. 1. What is the bill's impact on existing WPPSS 1-2-3 bondholders? Does the measure in any way improve their chances for being repaid? Could it hurt them?

Response. The bill has no direct impact on existing net billed bondholders as it only sets up a new entity to do the to-go financing to complete the plants. Whether the plants are completed or not, the existing bondholders would continue to receive payment since the costs to date are already in the Bonneville Power Administration (BPA) rates and being paid. That represents, for interest alone, $618 million per year for the next 25 years.

There may be a perceived benefit as the feeling exists that a bond held on a completed plant has more value. As presently written, this bill would not hurt the existing bondholders. Some may argue on perference payment because of the direct nature of the contracts with BPA, but the fact remains that as long as BPA rates reflect the total indebtedness, there should be no problem.

Question No. 2. What is the bill's impact on existing WPPSS 4-5 bondholders? Does the bill improve their prospects for repayment? Does it hurt them?

Response. The bill does not address the WNP-4/5 bondholders or the WNP-4/5 problem. It neither helps nor hurts the existing WNP-4/5 situation and probably represents a large part of its critics' comments because it is not a total solution.

Mr. McCLURE. This is not a total solution. It is not intended to be a total solution, but there are those who contend that the completion of plant Nos. 2 and 3 will enhance the position of the bondholders on 4 and 5 because they could look to any of the assets that WPPSS has. Plants 1, 2, and 3 are assets that might be obtainable by the creditors and the bondholders of WPPSS with respect to 4 and 5.

There are attorneys that make that contention, and there are lawsuits which seek to make that point, but it has not been determined. It is certainly not surprising at all that WPPSS would respond to a question in the fashion which the Senator from Ohio has made reference. While I believe that is a correct answer, there are others who say that answer is not cor-

rect. But at best it could help the bondholders of 4 and 5; at worst it would leave them no worse off than they now are.

Mr. METZENBAUM. I thank the Senator.

Mr. McCLURE. It seems to me that we look at the question of the thrust of this amendment, we need to look at the background a little bit. I do not want anybody to assume that because we are withdrawing this amendment at this time that this is an issue we are not going to have to revisit.

I think we will, and at the appropriate time I hope we will be able to find a solution to the problem for 1, 2, and 3. There is a relationship between Bonneville Power Administration and WPPSS, and 4 and 5, and I do not believe that you are going to see the largest municipal bond default in the history of this country go unaddressed by some legislative initiative. I have always felt, since the beginning of this problem with respect to 4 and 5, that it was not likely that Congress was going to step in and bail out the Washington Public Power Supply System with the infusion of Federal taxpayers' dollars.

The fact that it was a regional problem very clearly indicated to me—and my conversations with others around here bore it out—that people like the Senator from Ohio would say, "Why should we bail out the Northwest using taxpayers' funds from all over the United States to help finance the construction of these powerplants, particularly since the Northwest has already had the advantage of the investment of taxpayers' dollars in the hydropower facilities, enjoying some of the lowest power rates?"

Those lower power rates are threatened by development of thermal powerplants, and the development that is occurring also continues to be a problem with respect to the Washington Public Power Supply System, including 1, 2, and 3 and 4 and 5.

Mr. President, it is not my intention to prolong this discussion. I know that the Senators from Washington desire to participate in the discussion before we have concluded, but I think it might be well at this time if I were to ask unanimous consent that the committee amendment and the amendment thereto be stricken from the bill.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. METZENBAUM. Mr. President, will the Senator yield?

Mr. McCLURE. I yield.

Mr. METZENBAUM. I have an amendment having to do with the matter of timber and the contracts that the White House has postponed. It is my understanding that Senator HATFIELD wishes to engage in that discussion. I do not intend to call it up this afternoon. I assume that I will have no difficulty and that we will not conclude this bill today and that I will have an opportunity to do it tomorrow.

Mr. McCLURE. Let me respond as honestly as I can to the Senator from Ohio.

There has been no agreement as yet entered into with respect to the disposition of this bill or if it will be carried over until tomorrow. We intend to process amendments as rapidly as we can toward the conclusion of this bill. If all the amendments are offered, it might be possible to conclude this bill today.

Mr. METZENBAUM. I say to the Senator from Idaho that I am ready to go, but I mention this as a courtesy to the Senator from Oregon, who is the chairman of this committee. He asked me if I would hold it until tomorrow.

If the Senator from Idaho wants me to call it up today, despite that circumstance, I will be prepared to do so.

Mr. McCLURE. We have two or three amendments that will take some time. We have a whole list of amendments and colloquies we can handle in the meantime. Later this afternoon, we will have a better idea of how long it will take to complete consideration of this bill.

Mr. President, before leaving this subject, even though the amendment and the amendment thereto have been stricken from the bill and are not now pending before the Senate, I think the RECORD should reflect a little more about what this amendment was intended to do and the kinds of issues that have been raised in the hearings and the kinds of issues which will be addressed by the study which Bonneville Power Administration is conducting, the study that the Northwest Power Planning Council is conducting with respect to the effectiveness of plant No. 3, and the additional cost to complete it and finance it and sell the power. Also, we must look at the kinds of considerations which the Luce Commission will inevitably have to consider with respect to plant No. 3, as they look for the total answer to the problem.

First of all, there are a number of facts upon which reasonable minds can differ; and because reasonable minds can differ, they have.

One is, how long will it take to complete plant No. 3? The pace of construction has been slow. It takes a while to turn that around. Even if this amendment were adopted by Congress immediately, it would still take a little while to resume the same degree of activity that was there before the slowdown started.

If this amendment were adopted, a suitable entity would have to be created pursuant to State law in the State of Washington. If that entity were created, Bonneville Power Administration would still have to enter into a contract for an arrangement with that new entity to continue the construction of plant No. 3.

Following that, that entity would have to go to the market and borrow the money, by whatever means, necessary for the completion of plant No. 3.

Following that, the construction activities could then be accelerated to the completion of plant No. 3. The best estimates I have seen indicate that it probably would be 1987 or 1988, at best, before the plant could be completed, assuming we look at a very optimum time schedule for all these preliminary studies that would be necessary and then for the construction of the plant. But reasonable minds can differ as to how long that would take and what the complexity would be. So the question of "How long" is a question to which we must address ourselves ultimately.

That also affects the second question. The second question is, How much does it take to complete the plant? Here, you have not only the uncertainty of time but also the uncertainty of construction schedule and the uncertainty of cost of construction. Here again, reasonable minds can differ as to what that might be. My own best estimate, based upon the best advice I can get, is that it is about $960 million to complete the construction of that plant. There are others who will estimate at least twice that much for the completion costs of plant No. 3.

The third fact upon which reasonable minds can differ is the need for power. What will be the growth of power construction in the Northwest? Congress, in passing the Northwest Planning Act, assumed that all three of these plants would be part of the base system for Bonneville. There have been various estimates of load growth and consumption in the Northwest, but will the power be needed, and how much? Again, reasonable minds can differ; but my own estimate, after listening to everyone, has indicated to me that it would be somewhere in the time frame of 1989 to 1990 or 1991.

So you have not only a current surplus, but, also, if my assumptions based on the facts as I have outlined them are right, and if it could be completed by 1988 at the earliest, then you have 1 to 3 years of overlap between the completion of the plant and the need for the power.

If you assume the earliest possible completion on the plant and the latest possible need for power, you might have as much as 2½ years in which this power would be surplus.

Next is the question of where the surplus power is to be sold and at what rates. That becomes an important factor, whether or not it is economical

to the ratepayers of the Northwest to complete construction now.

We had to have a fixed variable upon which reasonable minds can differ, as to how much more it costs you for every additional month of delay in resumption of the completion of that plant. My own conclusion from all of that, supported by very many good minds in the Northwest, including my good friend from Washington, Senator GORTON, and the late Senator Jackson of Washington, when he agreed that this was a course we should pursue, was that you take all these variables and do the best job you can. You work out the assumptions and the risks that are involved and determine that the risk of completion of the plant and the marketing of the power is a lower risk than the failure to do so.

The studies to which we have made reference are designed to shed light upon those facts. The reason I take a little time at this particular time to go into that issue is that we will be back. I hope that the next time we have to come back, there will be some people who, either having heard this or having read it or having access to this information, may be in a better position to respond when we are ready to come forward with another kind of solution, be it a partial solution or an entire solution for the problems that confront this WPPSS situation as it has become known throughout the Northwest and throughout the Nation.

Mr. BURDICK. Mr. President, will the Senator yield?

Mr. GORTON. Mr. President, will the Senator yield?

Mr. McCLURE. Mr. President, I yield to Senator BURDICK.

Mr. BURDICK. Mr. President, I have been listening with a great deal of interest to the Senator's presentation.

One fact occurred to me. What is the schedule or how much completion has been done in plants 1 and 2?

Mr. McCLURE. Plant No. 1 has been indefinitely postponed, and it does not figure in this amendment. It may come back at a later time.

Plant No. 2 is 98 percent complete and Bonneville Power is providing through its rate revenues enough money to complete that, if they do not have the authority and the means to finance it by debt. It is scheduled now, if there are no further delays, to load fuel this fall and go to generation next year.

Plant No. 3, the one that is most in contention, is 78 percent complete at this time. Now that is not 78 percent of the expenditures but 78 percent of the physical construction.

Mr. BURDICK. Then there will be revenues coming in on plant No. 2 before 1988.

Mr. McCLURE. The Senator is correct.

Mr. BURDICK. Has that been calculated as part of the indebtedness here?

Mr. McCLURE. Plant No. 2 revenues have been included in the overall revenue structure for both WPPSS and Bonneville.

Mr. BURDICK. I thank the Senator.

Mr. McCLURE. Mr. President, I yield to the distinguished junior Senator from the State of Washington, a man while new to this body is not new to the politics of the Northwest and certainly not new to this issue. As the former chairman of the Northwest Planning Council, who has had to look at this issue under the Planning Act that this Congress passed, he comes well equipped and with a running start to confront these very, very tough issues.

I yield the floor, if I may, and if the Chair could recognize Senator EVANS.

The PRESIDING OFFICER. The Senator from Washington.

Mr. EVANS. Mr. President, I thank the Senator from Idaho for yielding and for explaining so cogently and clearly the problems which we face in the Pacific Northwest.

I need not repeat the elements of the proposal now before this body. But I believe, as chairman of the Pacific Northwest Power Planning Council for the last 2 years, that the Council, the Bonneville Power Administration and the so-called Luce Commission, which was appointed by the Governor of Washington, together will produce additional information within the next month which will be of enormous help in building what may well be a more comprehensive proposal.

But let me cut through all of the complexities and get to a fundamental goal which we are attempting to achieve. That goal is the opportunity to help ourselves.

Under no circumstances, as past chairman of the Power Council or as Senator, do I believe that the taxpayers of this Nation should bail out the ratepayers of the Pacific Northwest, nor is that intended in this proposal.

But given time I am confident we can prepare a more comprehensive answer. We can try to determine better the cost effectiveness of these various nuclear plants. Perhaps we can even advance the opportunity of conservation programs in the Pacific Northwest as part of the overall response which is going to be necessary. And most of all I believe that an appropriate and similar proposal to the one before us will better insure an appropriate payback of the necessary funds to the Federal Government from the Bonneville Power Administration.

One of the enormous difficulties Bonneville has in each rate case, especially now when rates are rising so rapidly, is to predict with any accuracy the revenues to be achieved during the next 20 month period. They are hopeful and, I believe, the rates will be sufficient to bring in revenues to both pay back on schedule the payments to the Federal Government and also to begin to catch up on some past payments.

There obviously can be no absolute assurances. Because no one can determine precisely what the economy will do in the next 20 months, or what will happen to inflation rates in the next 20 months, or what conservation decisions the citizens will make in the next 20 months. And all of those go into the determination of revenue which the Bonneville Power Administration will achieve.

There is another element at work here: The opportunity to proceed and complete cost-effective plants, and with the studies now going on, this may well give us an opportunity to work in concert with the Pacific Southwest to share resources, to develop opportunities where both areas of this Nation will be winners, to create a more stable revenue base for the Pacific Northwest and more stable power supplies for the Pacific Southwest. It will be in the best interest of all and that, also is one of the potential goals that we seek.

Mr. President, we are grateful, and I am personally greateful, that the chairman has been willing to withdraw the amendment at this time. But we will return. It is terribly important that we return with a similar yet better proposal. And we will be seeking support from the Senate and from Congress for a mechanism which will allow the Pacific Northwest to resolve its own problems. That is the goal we seek.

This is an important element. It is important to pay our just obligations back to the Federal Government.

I thank the Chair.

Mr. GORTON. Mr. President, along with my distinguished previous colleague, Senator Jackson, and the chairman of the Committee on Energy and Natural Resources, I am a sponsor of the amendment which the chairman has just withdrawn.

I joined with each of those distinguished colleagues in sponsoring this proposal because it seemed to me, as it did to the senior Senator from Idaho, that it provided the best vehicle to permit the people of the Pacific Northwest to solve their own problems and to do so without the significant additional costs which are required if construction of WPPSS plant 3 is closed down and then restarted at some point in the future.

The distinguished chairman of the Appropriations Committee was gravely concerned about the impact of the proposal on the important Interior appropriations bill. When we obtained

his agreement to vote with us in overruling the point of order lodged shortly before the August recess against this amendment, we did so on the basis that we would attempt to use the August recess to create a consensus in the Pacific Northwest in favor of a particular and specific solution.

In pursuing that consensus, the chairman of the Committee on Energy and Natural Resources and I held an all-day hearing in Seattle on this subject. That consensus is not yet a reality.

As my new colleague from the State of Washington has just reported, there are not only many views among the general public on this subject but there are at least three distinct entities, the Bonneville Power Administration, the Northwest Power Planning Council, and the Luce Commission, attempting to determine whether or not the completion of construction of WPPSS 3 is cost effective and, if so, when its reinstitution and completion will be most cost effective.

We expect each of those entities to come up with an answer within a relatively short period of time, but not within a period of time short enough to hold up this appropriations bill in order to include this rider.

Wisely, the distinguished senior Senator from Idaho has introudced a bill identical to the impact of the amendment which has been before the Senate. It is now before his committee. I am convinced that we will, through the efforts of many people working together in the Pacific Northwest, reach an answer which is supported by a broad consensus of thoughtful public opinion in our part of the country. When we do so, there is no question but that we will be back again asking Members of this body and of the House of Representatives not to provide any kind of bailout for the people of the Pacific Northwest, but to help them solve for themselves what is a very serious and a very grave problem which simply is not going to go away.

(Mr. QUAYLE assumed the chair.)

Mr. McCLURE. Mr. President, I think perhaps we have covered this about as fully as it is useful to cover it.

But I do want, just for the record, to state a response to the Senator from Ohio with respect to the meaning of the procedural vote that we had earlier. I will not reiterate what that issue is, except to say that the Senator from Ohio has a different view and he has expressed that and my silence on that issue should not be taken as an agreement with his statement.

Finally, it has been stated here in this debate, and outside of this Chamber on other occasions, that in some way this amendment would cost the taxpayers of this country. You would have to assume that the completion of WNP-3 was not cost effective, that there was no market for its power, and that Bonneville Power Administration would default upon its obligation to repayment before there could possibly be any adverse impact upon the taxpayers of this country.

Now, as I have outlined in some detail, I think those assumptions are far beyond any reasonable ascertainment of what the facts are. I simply do not believe that that is possible—it is not a possible rational construction of the effects of this amendment.

In response to the suggestions made by the Senator from Oregon, the chairman of the Appropriations Committee, and for the reasons I have stated, I have been willing to leave this subject now. But, as the Senator from Washington has just stated, we certainly will have to return to it at a later time.

AMENDMENT NO. 2141

(Purpose: To allow land surveyors to continue to prepare maps and plans for surface mining operations)

Mr. BYRD. Mr. President, I send an amendment to the desk and ask that it be stated by the clerk.

The PRESIDING OFFICER. There is a committee amendment pending.

Mr. BYRD. Mr. President, I ask unanimous consent that it may be in order for me to offer this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

The Senator from West Virginia (Mr. BYRD) proposes an amendment numbered 2141.

Mr. BYRD. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the bill, add the following:

"( ) Notwithstanding section 507(b)(14) of the Surface Mining Control and Reclamation Act of 1977 (Public Law 95-87), cross-section maps or plans of land to be affected by an application for a surface mining and reclamation permit shall be prepared by or under the direction of a qualified registered professional engineer or geologist, or qualified registered professional land surveyor in any State which authorizes land surveyors to prepare and certify such maps or plans."

Mr. BYRD. Mr. President, I have discussed this amendment with the managers. I will briefly state the purpose of the amendment.

Mr. President, section 507 of the Surface Mining Control and Reclamation Act of 1977 (Public Law 95-87, 30 U.S.C. 1201) conflicts with State laws in that it preempts registered land surveyors from a lead role in the preparation and certification of maps, plans, and cross-sections of land to be affected by surface mining activity.

This amendment restores to land surveyors the ability to prepare such materials as a lead professional. Any State which does not authorize surveyors to perform such work would not be affected by the amendment.

There are 62 registered surveyors in West Virginia who will be put out of business in the near future if the current requirement of the Surface Mining Act remains in force. At present, a Federal district court in West Virginia has stayed the implementation of this requirement, pending congressional action. Other States will be affected in the same way when their permanent surface mining regulatory program takes effect.

Mr. President, this amendment deals with an emergency situation affecting the livelihood of land surveyors in West Virginia. Surveyors in other States will also be adversely affected if action is not taken on this amendment.

The Surface Mining Control and Reclamation Act of 1977 authorizes registered professional engineers and geologists to perform design and planning work for mining projects. The act does not permit professional land surveyors to take the lead in preparing and certifying mine maps and plans.

That provision is in conflict with the laws of at least 12 States, in which registered land surveyors are authorized—and in some States are directed—to be the lead professionals responsible for mine area mapping. Land surveyors in West Virginia and other States are subject to rigorous certification requirements, and in some States mine maps cannot be legally recorded unless a registered land surveyor has signed and sealed such maps.

The provision of the Surface Mining Act that bars land surveyors from acting as lead professionals has been implemented on a State-by-State basis. As the Federal Office of Surface Mining approves each States' permanent mining regulations, the land surveyors provision becomes effective in that State. West Virginia's permanent regulations became effective during the recent congressional recess.

Consequently, the Office of Surface Mining informed the West Virginia Department of Natural Resources that land surveyors would no longer be able to prepare mine maps and plans, except under the direction of a registered professional engineer or geologist. The practical effect of this ruling is to deprive professional land surveyors in my State of their livelihood.

The West Virginia Association of Land Surveyors obtained a temporary delay in the effective date of the new regulations by requesting a Federal district court to issue a stay. The stay expires on October 10, 1983. The district court action is not permanent. The delays granted by the courts have

provided the Congress with an opportunity to rectify this problem.

The Senate has passed this amendment on a previous occasion. In 1980, this amendment was offered by the distinguished Senator from South Carolina, Mr. THURMOND and it was adopted by voice vote. The legislation that contained this amendment was the Surface Mining Act Amendments of 1980. The House took no action on that legislation, so the provision affecting land surveyors was not enacted. Since 1980, efforts have been made to remedy the surveyors' problem by legislative and administrative means, to no avail. The main problem has been an unwillingness to touch the Surface Mining Act. On that score, I can state that Representative UDALL, the chairman of the House Committee on Interior and Insular Affairs, is a cosponsor of legislation similar to my amendment.

It is important to note that any State that does not authorize land surveyors to prepare maps, plans, or cross-sections for mining operations would not be affected by my amendment. The most notable example is the Commonwealth of Kentucky. Since Kentucky law does not authorize surveyors to act as the lead professional in these matters, surveyors in Kentucky would have no new authority if the amendment is adopted. Engineers and geologists would continue to perform mapping and planning functions in Kentucky and any other State with similar statutory restrictions on its surveyors.

I regret the necessity of offering this amendment to the Interior appropriations bill. However, this legislation funds activities of the Office of Surface Mining, and has a chance of being enacted before the expiration of the stay that is delaying the effect of the permanent surface mining regulations.

I want to thank the distinguished Senator from Kentucky, Mr. FORD, for his cooperation in this matter. I also appreciate the efforts of the distinguished chairman of the subcommittee, Mr. MCCLURE, to expedite consideration of my amendment.

I ask unanimous consent that a copy of a letter to me from the chairman of the Government Affairs Committee of the National Society of Professional Engineers, in support of my amendment, as well as a policy statement of the American Institute of Professional Geologists, be inserted in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NATIONAL SOCIETY OF
PROFESSIONAL ENGINEERS,
September 7, 1983.

Hon. ROBERT BYRD,
Hart Senate Office Building,
Washington, D.C.

DEAR SENATOR BYRD: We have been advised that when the Senate reconvenes, you may be offering an amendment to H.R. 3363, the Interior Appropriations bill, to elevate the registered land surveyor to the traditional role of lead professional in the preparation of cross section maps or plans required by Sec. 507(b)(14) of the Surface Mining Control and Reclamation Act of 1977.

The National Society of Professional Engineers, on behalf of its 80,000 members, some of whom provide surveying as well as engineering services, supports your amendment. We believe that as shown by the legislative history, the omission of reference to registered land surveyors in Sec. 507(b)(14) to provide cross section maps or plans was an inadvertent oversight and that such reference should be restored. The restoration of the reference to registered land surveyors will permit the members of that profession to provide such services along with those presently included—professional engineers and professional geologists.

Sincerely,

KERMIT L. PRIME, JR.,
P.E., Chairman, Legislative and Government Affairs Committee.

APRIL 14, 1980.

AMERICAN INSTITUTE OF PROFESSIONAL GEOLOGISTS

[Policy Statement Concerning the Respective Professional Responsibilities of Geologists, Engineers, and Land Surveyors vis-a-vis PL 95-87, Section 507(b)(14)]

The American Institute of Professional Geologists (AIPG) fully supports the rights and responsibilities of all professions to practice in their respective areas of expertise as established by virtue of their formal academic training and professional experience.

Section 507(b)(14) of the Surface Mining and Reclamation Act of 1977, PL 95-87 clearly sets forth the nature of the information required on cross-section maps or plans to be effected. Most of the information is of a geological or geotechnical nature, specifically including "the nature and depth of the various strata of overburden; the location of subsurface water, if encountered, and its quality; the nature and thickness of any coal or rider seam above the coal seam to be mined; the nature of the stratum immediately beneath the coal seam to be mined; all mineral crop lines and the strike and dip of the coal to be mined, within the area of land to be affected; * * * ; the location of aquifers; (and) the estimated elevation of the water table; * * *." Provisions of Section 507(b)(14) requiring extensive input by professional geologists include "the location of spoil, waste, or refuse areas of top-soil preservation areas; the location of all impoundments for waste or erosion control; * * * ; constructed or natural drainways and the location of any discharges to any surface body of water on the area of land to be affected or adjacent thereto; * * *." The provisions of Section 507(b)(14) not normally requiring extensive geological or geotechnical input, except possibly in the planning phase, concern information on "existing or previous surface mining limits; the location and extent of known workings of any underground mines, including mine openings to the surface; * * * ; any settling or water treatment facility; * * * ; and profiles at appropriate cross sections of the anticipated final surface configuration that will be achieved pursuant to the operator's proposed reclamation plan."

AIPG fully supports the rights of land surveyors to their appropriate practice of cadastral and topographic surveying and mensuration and the preparation of maps, plats, and profiles depicting topography, property boundaries, and the location of certain other surface features and underground workings. Accordingly, AIPG also supports the rights of land surveyors to have the "lead" or primary role for the preparation and certification of documents pertaining to such work. On the other hand, the "lead" or primary role for preparation and certification of geological and geotechnical documents is the sole responsibility of professional geologists or of registered professional engineers qualified in the earth sciences.

Mr. McCLURE. Mr. President, we have had the opportunity to review this amendment. I have no objection to its adoption.

Mr. BYRD. I thank the distinguished manager of the bill and the chairman of the subcommittee.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from West Virginia.

The amendment (No. 2141) was agreed to.

Mr. BYRD. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. McCLURE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. McCLURE. Mr. President, I ask unanimous consent that the pending committee amendment be temporarily laid aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCLURE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HELMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2142

(Purpose: To violate certain access permits in Back Bay National Wildlife Refuge, Virginia)

Mr. HELMS. Mr. President, I have an amendment at the desk which I call up and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from North Carolina (Mr. HELMS), for himself and Mr. EAST, proposes an amendment numbered 2142.

Mr. HELMS. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 82, after line 15, add the following:

SEC. . (a) Section 3 of Public Law 96-315 is amended—

(1) in the first sentence of subsection (a) by striking out "December 31, 1979" and inserting in lieu thereof "July 1, 1982, and who held a valid Fish and Wildlife Service access permit for improved property owners at any time during the period from July 29, 1976 through December 31, 1979";

(2) in the second sentence of subsection (a) by inserting after "Lighthouse" the following: ", or, for anyone in continuous residency since 1976, passing through a point on the east-west prolongation of the centerline of Albacore Street, Whaleshead Club Subdivision, Currituck County, North Carolina"; and

(3) by adding at the end thereof the following:

"(f) Notwithstanding any other provision of this section or any other provision of law, the Regional Director of the Fish and Wildlife Service shall grant restricted access to noneligible permanent fulltime residents as of April 1, 1983, who can substantiate that access is essential to their maintaining a livelihood (e.g., a fulltime employee in Norfolk, Virginia).".

Mr. HELMS. Mr. President, on behalf of my colleague from North Carolina (Mr. EAST) and myself, I am offering this amendment to relieve the extreme hardship a handful of North Carolina citizens are experiencing at the hands of the Federal Government. My proposal is limited in scope and will not cost the taxpayers a penny. Simply stated, my proposal will grant to about 10 or 12 families living full time on the Currituck Outer Banks the privilege of traveling through the Back Bay National Wildlife Refuge in southeastern Virgina—a privilege some of their neighbors currently enjoy.

For years, Mr. President, anyone wishing to travel from the Outer Banks of North Carolina to Tidewater Virginia could simply jump into a car and drive. In the early 1970's, the Department of Interior determined it was necessary to protect the Back Bay Refuge from automobile traffic and used its management authority over the refuge to restrict access almost entirely. At the time, the Fish and Wildlife Service estimated that about 348,000 vehicles were crossing the area each year and that continued travel would pose a significant threat to the vulnerable dunes behind the beach. The Fish and Wildlife Service quickly moved to limit access through the refuge to all but 39 full-time permanent residents of the Currituck Outer Banks. About 100 or so individuals owning homes in the area but living there only a portion of each year were left out.

Mr. President, I am certainly not unmindful of the need to protect our refuge property from harmful encroachments. Nor am I overlooking the need to safeguard the waterfowl and other land mammals that inhabit the area. I am simply attempting to provide for the basic and necessary access a few individuals desperately need. And desperation is indeed the case. Without these access passes my amendment will provide for, these 10 families must drive 125 miles each way to their jobs, hospitals, shopping centers and places of worship, instead of 30. Even if access is granted, it will not be uninhibited. Residents must comply with current regulations, which restrict access to no more than two round trips per day between the hours of 5 a.m. and 12 midnight. In addition, current regulations limit refuge traffic to the beach, below the high tide mark and away from the fragile dunes. My amendment would neither expand the curfew nor divert traffic from the beach into what the Fish and Wildlife Service believes are more fragile areas.

Mr. President, I do not believe my proposal is contrary to the access policy of the Fish and Wildlife Service. In fact, officials of the Service are moving forward at this very minute to amend their regulations to accommodate these few families. I have spoken with Ray Arnette, Assistant Secretary for Fish and Wildlife and Parks, about the matter and he is cognizant of my interest.

I hope my colleagues will join me in supporting this amendment.

Mr. EAST. Mr. President, I am pleased to join as a cosponsor to the unprinted amendment offered by the distinguished senior Senator from North Carolina, Senator JESSE HELMS. This amendment would allow a small number of additional families access through the Back Bay National Wildlife Refuge from the Currituck Outer Banks. I support it wholeheartedly.

For many years, Back Bay National Wildlife Refuge was open to the public for a variety of uses. Vehicular access was permitted not only across the beach portion of the refuge but throughout the beach environment. By the early seventies it became apparent that unrestricted access was in conflict with refuge objectives. The Fish and Wildlife Service moved to control vehicular use when refuge visitation rose to 348,000 people per year and threatened to harm the refuge property.

In an effort to avoid undue hardship on permanent outer banks residents, the Fish and Wildlife Service published a rule which provided access for those permanent residents. Later, Congress, by law, extended access through the refuge to full-time residents. The trend of habitat damage had been mitigated, but in the process several families were caused hardships because they were inadvertently excluded. Their number is small, and the access issue is currently pending a rulemaking before the Department of the Interior.

This amendment corrects the problem of access for improved property owners on the Currituck Outer Banks. It is an equitable policy and is compatible with the intent for which the refuge was established. It continues certain restrictions imposed to minimize cumulative effects of increased permittee access. It continues to prohibit recreation-oriented travel. And it meets with Fish and Wildlife refuge objectives.

I commend this amendment to my colleagues for their support.

Mr. McCLURE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. McCLURE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCLURE. Mr. President, I ask unanimous consent that the pending amendment be temporarily laid aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

BUSBY HIGH SCHOOL NORTH CHEYENNE INDIAN RESERVATION

Mr. MELCHER. I want to ask the Senator's cooperation in dealing with a problem with the Busby High School on the Northern Cheyenne Indian Reservation.

The Busby High School was operated by the Bureau of Indian Affairs for many years until 1972. The Northern Cheyenne Tribe assumed control of the high school originally under a buy Indian contract. This was subsequently changed to a Public Law 95-638 contract. The contract stipulated that the Bureau of Indian Affairs was responsible for maintaining the facilities up to the Montana State standards for schools.

However, the Bureau of Indian Affairs has failed, to date, to meet its obligations under their agreement with the Northern Cheyenne Tribes. The tribe has repeatedly applied for funding for the maintenance of the building. However, because of the Bureau of Indian Affair's failure to comply with the contract, in the 1981-82 school year the tribe was forced to close down the two dorm facilities due to their hazardous condition. In 1982, the high school building was abandoned for the same reason.

Many of the students attending this high school have been unable to function in the public school system. Some suffer from alcohol and drug dependency problems, as well as intolerable home situations. The school designed a program to meet the special needs of these students.

The school has had a low enrollment, but the Cheyenne people contend this is due to the deplorable conditions of the facilities. Even so, many parents continued to send their children to Busby, because they believe in

the continuance of a tribally controlled alternative high school in their community.

The BIA has recommended that the high school students remain in the elementary school building, because of its low enrollment. To me this is unwise, considering the kinds of problems that some of the students have and the effect they would certainly have on elementary schoolchildren. Even if all of the students were regular high school students it would not be in their best interest to remain in an elementary school setting, because the needs of high school students are so different from the needs of elementary students.

Mr. Chairman, I want you to join with me in directing the BIA, in cooperation with the Northern Cheyenne Tribal Council, and the tribal school board to review the school program and especially the physical plant, and provide recommendations for the education of the students who had been or otherwise would be attending the Busby school.

The BIA shall present their proposal to the Senate Select Committee on Indian Affairs and the Senate Subcommittee on Interior Appropriations within 60 days of the enactment of H.R. 3363. This is not an unreasonable request. I ask that the conference report on H.R. 3363 also include language reflecting the sense of this request.

Mr. McCLURE. Mr. President, the Bureau of Indian Affairs has told us that prior to its closure, the Busby High School had an enrollment of approximately 50 students. Not all of these students, however, were Indians, so the Bureau was providing funding for only 30 students and the school board determined that it was not feasible to operate a high school program with such limited resources.

The facilities are in need of repair. A contract has recently been signed to upgrade the Busby Elementary School so that the facility will meet all code requirements. The Bureau has also changed the distribution of operation and maintenance funds so that contract schools, such as Busby, will be treated in the same manner as the BIA operated schools.

In view of the fact that there is a public school on the reservation and in view of the low enrollment at the high school, it is unlikely that a new high school would score high enough on the Bureau's test for new facilities to be included in the priority list which we use as the basis for funding new construction.

I will, however, join with the Senator from Montana in requesting that Bureau personnel visit the school and meet with the board in an effort to insure that the Indian students currently have access to an appropriate high shcool education program.

ANIMAL DAMAGE CONTROL RESEARCH

Mr. DECONCINI. Mr. Chairman, I want to take this opportunity to thank you for your assistance and support on projects contained in this measure that are important to me and to the citizens of my State. I know the difficulties you face when attempting to design a bill that responds to many needy and worthwhile projects nationwide without placing further burdens on our growing deficit.

Before the Senate grants approval to this funding measure, however, I would like to raise an issue that is rather minor in its funding need but not in its level of importance and impact. Mr. Chairman, I am referring to an estimated $225,000 under the animal damage control research account for a taste aversion project and a livestock guard dog project to determine the effectiveness of these methods for controlling coyote predation. Sufficient funds were contained in the House bill for these two projects. The taste aversion project is to be conducted by researchers at Arizona State University and requires approximately $175,000 for fiscal year 1984. As you can imagine, Mr. Chairman, the work to be done at ASU on predator control is very important to the West and, especially, to this Senator.

While I do not wish to place further demands on this body which is trying to wrap up consideration of H.R. 3363, I do want to urge you to support the House provision of this modest amount during the conference and receive an indication of what you foresee in conference.

Mr. McCLURE. I thank my colleague for his gracious remarks and generous offer not to proceed with an amendment. As the Senator knows, I am supportive of projects like the one to be undertaken by Arizona State University and believe research on predator control is very important. However, I am concerned that the House has failed to include an estimated $297,000 under the research and development account for the operation of field stations at Olympia, Wash., and Bend, Oreg. These stations provide the base support for ADC research and I believe should receive first priority. In that context, Senator, I will try to convince House conferees to include funding for these stations and then give next priority under the ADC account to the taste aversion and livestock guard dog projects.

Mr. DECONCINI. Again, I thank the chairman for his support and clear understanding of this issue.

TREATMENT OF THE FEDERAL LANDS HIGHWAY PROGRAM

Mr. SYMMS. Mr. President, I would like to discuss the National Park Service's Federal lands highway program with the senior Senator from Idaho. In past years, authorizations for parkways and park highways have been provided out of general funds by title 23, United States Code. In practice, construction of roads in the national park system has been almost exclusively financed by using the authority in the Department of Interior's Organic Act to provide direct appropriations from general fund revenues.

In the Surface Transportation Assistance Act of 1982 Congress created a consolidated Federal lands highway program. Section 126 of that act instituted two major changes in the parkways and park highways program. First, a procedure was instituted to distribute funds on a needs basis, including a comparison of the relative needs of the various elements of the national park system, taking into account need for access. This program thus would operate in a manner similar to the regular Federal-aid highway program. Second, the Surface Transportation Assistance Act provides contract authority from the higheay trust fund as the appropriate source of financing for the program. The act authorized $100 million for road and bridge construction projects in the national park system in 1984.

A transition to this new system is currently underway. While a great deal of planning has gone forth for fiscal year 1984, the executive branch agencies have not yet completed the project selection process. Further adjustments may have to be made. However, the report associated with the bill before us includes the National Park Service's nationwide priority listing of park units on which the $100 million provided in the Surface Transportation Assistance Act would be spent. It is my understanding that this is a preliminary list which has not yet received final approval by either agency involved in the administration of the program.

Mr. McCLURE. The bill before us does provide the Park Service's preliminary listing of park units on which the $100 million for the Federal lands highway program from the highway trust fund would be used in fiscal year 1984.

The committee understands that the planning process mandated by the Surface Transportation Assistance Act has not yet been completed, and recognizes the possibility that the park units contained on a final list may differ from those on this preliminary list.

The committee requested the National Park Service to provide its proposed list so that the committee would be able to satisfy Member concerns about the need for funding for a specific project. Without this list being published in the committee's report, Members would not have the same level of information that a park unit of particular interest to them would receive funding in the budget year.

For this reason, the committee does expect the Park Service to notify it of proposed park unit changes when the mandated planning process is complete. In addition, it expects the administration to complete that process on a timely basis next year and provide such information with the fiscal year 1985 budget submission.

Mr. SYMMS. I thank the senior Senator from Idaho for his comments. The Senate Environment and Public Works Committee, as the committee responsible for the direct spending authority of this program, expects that the Federal Highway Administration and the National Park Service will notify it of any modification to this list and submit future lists on a timely basis.

HISTORIC PRESERVATION FUND

Mr. RUDMAN. Mr. President, the funding for the historic preservation fund concerns me. While I do not intend to offer an amendment to raise the amount, I would like to bring the issue to the attention of the Senator from Idaho.

The administration in its budget request for fiscal year 1983 made no provision for the historic preservation fund (HPF). This was the same situation we faced last year and Congress chose to fund the HPF at $51 million, including the $25 million to the State historic preservation offices (SHPO) for the development grant program, which will produce jobs within 90 days in the construction industry by sharing in the cost of rehabilitation, repair, preservation, and development of historic properties that may not be eligible for tax incentives.

The national trust for historic preservation and the SHPO's are grateful for past congressional support, and, in fact, hope that favorable consideration might be given to the development grants program in the future. However, while the SHPO's have had no problems with handling the additional workload or implementation of projects that the funding for development grants brought on, the increase in requests for certification of projects using historic preservation tax incentives has caused a significant increase in the workload for them. The number of projects requesting SHPO certification is expected to double between 1982 and 1984 if the National Park Service (NPS) projections are correct. Additionally, increased funding from the supplemental appropriations emergency jobs bill (Public Law 98-8) for Federal projects affecting historic properties will require additional reviews of these projects by the Advisory Council on Historic Preservation. This has also increased the workload for the SHPO's, who provide invaluable assistance to the Federal agency and the advisory council to evaluate the impact, recommend approaches to avoid or mitigate any harm, and expedite the process.

The committee has recommended $26 million for HPF, the same level as the current fiscal year. However, the national trust and the SHPO's have expressed concern that additional funding may be needed to supplement the SHPO's professional staffing capabilities and to meet the additional expenses associated with increased onsite project reviews and assistance. The SHPO's ability to provide onsite assistance is a critical element of the flexible and responsive system for administering projects using the 25-percent income tax credit for historic rehabilitation.

I would hope that should an excessive workload manifest itself, the subcommittee would look favorably upon any funding requests which might be forthcoming in the future.

Mr. McCLURE. I appreciate that the Senator has decided not to offer an amendment and agree with him that Federal funding, survey and planning activities are of the highest priority. I assure the Senator that I will give his figures every consideration at the next available opportunity.

HOOSIER NATIONAL FOREST CASCADDEN PROPERTY, AND HEMLOCK CLIFFS

Mr. LUGAR. I had intended to offer an amendment to appropriate $400,000 for land acquisition in two key project areas in the Hoosier National Forest, the Cascadden property and the Hemlock Cliffs. However, I understand that there is an appropriation in the House bill for acquisition of high priority recreation composites. Both of the Indiana areas are in recreation composites approved by the Bureau of Outdoor Recreation in 1975 and could be funded under the appropriation in the House passed version of H.R. 3363.

Mr. McCLURE. That is correct. The House bill contains $3.5 million for high priority recreation composite acquisitions in national forests. The Indiana areas you have mentioned could be purchased with funds from that account.

Mr. LUGAR. It is important that the two Indiana areas are acquired during fiscal year 1984. They are available on a willing-seller-willing-buyer basis.

The Cascadden property is on the shoreline of Lake Monroe, in the midst of a State wildlife refuge, a few hundred feet from the Charles C. Deam Wilderness which you and I helped to establish last year. It is a valuable piece of land that the State of Indiana and the nature conservancy agree is the most urgent acquisition of land that can be made in the Hoosier National Forest. It must be acquired to prevent development planned for the near future. Lake Monroe is the major water supply for the growing cities of Bloomington and Nashville. The extensive lake frontage of this tract make it especially important within this context. Lake Monroe is also a very popular recreation area, because it is the largest lake within 50 miles of Indianapolis, the State's major metropolitan area.

The Hemlock Cliffs area is important for very different reasons. It is the outstanding natural area in Indiana, but it is threatened by vandalism and overuse. By acquiring additional land—without condemnation—we can protect this outstanding geologic site.

Mr. McCLURE. I have examined these areas and I can appreciate your concern. I will do what I can in conference with the House to secure $400,000 for land acquisition in the Hoosier National Forest. There are other, similar items in the Senate bill for which I will also push for funding in conference with the House.

Mr. LUGAR. I thank the chairman for his leadership and appreciation of this great natural resource. Because this matter can be resolved in conference with the House, I am pleased to yield to the skill of the chairman and will not offer an amendment to fund these projects.

Mr. QUAYLE. I echo the comments made by my colleague, Senator LUGAR. These two areas in the Hoosier National Forest are important natural areas needed to be included in the forest. No condemnation of land will take place. These areas could be purchased through the $3.5 million allocated in the bill adopted by the House of Representatives for high priority recreation composite sites. My colleague is correct that these areas are urgently needed to be acquired. The Cascadden property is near to the recently created Deam Wilderness and its acquisition is urged by the State of Indiana to prevent development. The Hemlock Cliffs area is a prime geologic site with great diversity of flora and fauna.

These two sites would add a great deal to the Hoosier National Forest and I urge the distinguished chairman to do what is possible in conference with the House to include these sites for funding. The Senator from Idaho has been very helpful in the past regarding the Hoosier Forest and other public lands in Indiana and I appreciate his cooperation and interest in the concerns of Indiana.

SOUTH CAROLINA GROUND WATER RESEARCH

● Mr. HOLLINGS. Mr. President, as the distinguished chairman of our Interior Appropriations Subcommittee will recall, earlier this year I submitted to the subcommittee a proposal for Federal assistance to an expanded ground water research developed by the South Carolina Water Resources Commission. This expanded effort between the Water Resources Division of the U.S. Geological Survey and the State of South Carolina would delin-

eate, map, and quantify the ground water resources of the State and better characterize its quality, chemical properties, and potentials.

Nearly 60 percent of South Carolina's population is supplied by ground water, as are many industries and farming enterprises. However, in contrast to this dependence, the State possesses a limited knowledge on the nature and extent of the resource as well as limited capabilities to deal with current and future problems. These limitations present a very real danger to the resource, and to its users who are largely unaware of the impacts resulting from these uses. Our Water Resources Commission is presently making every effort to address an array of serious problems ranging from coastal saltwater intrusion to ground water contamination at the Savannah River plant.

The proposed program cannot be pursued without additional technical and financial support of the U.S. Geological Survey, Water Resources Division. A statewide effort of this scope will require a special 5-year program of cooperative research, and we originally sought $500,000 annually in Federal appropriations to the U.S. Geological Survey earmarked for South Carolina. The funding would be in addition to the cooperative agreement funds now expended in South Carolina by the U.S. Geological Survey for surface and ground water monitoring, and it was anticipated that it would be excluded from the non-Federal matching requirements of the cooperative program.

In view of the overall fiscal constraints, such a program was beyond the ability of the committee to fund. After I reported that back to our State officials, the Water Resources Commission took a hard second look at their proposal. Last month by a letter from Alfred H. Vang, the executive director, they let me know that they still required the full planned program. However, they assured me that they "will be able to accrue an additional $250,000 in order to match" the provision of an equal amount from the cooperative program of the Geological Survey.

Mr. President, the Water Resources Commission has put the ultimate stamp of approval on this proposal by coming up with half of the additional funds required for this critical project. I wonder if that action puts this proposal in a different light with respect to the chairman of the subcommittee?

Mr. McCLURE. Let me assure the distinguished junior Senator from South Carolina that I am aware of and share his interest in the ground water situation in South Carolina. This summer we enacted the Supplemental Appropriations Act where he and the distinguished junior Senator from Georgia (Mr. MATTINGLY) first brought to the Congress attention the water problems associated with restarting the L reactor at the Savannah River plant.

As my distinguished colleague noted, it was impossible for the subcommittee to embrace the original proposal due to the overall constraints on the bill. The action of the State in coming up with half the needed funding is indeed impressive.

While I am hesitant to direct the Geological Survey to fund a specific project, I would join the Senator from South Carolina in encouraging the U.S. Geological Survey to give this proposal every possible consideration within the priorities established for the Federal-State cooperative research program.

Mr. HOLLINGS. I appreciate the chairman's support of this urgently needed research which is characteristic of his concerns for the problems addressed by agencies funded by this bill. While he may be reluctant to direct that funds be allocated to this project, his endorsement will certainly mean much to the Director of the Geological Survey as he reviews South Carolina's needs.●

THE RED BIRD RANGER STATION

Mr. HUDDLESTON. Mr. President, early in the development of the fiscal year 1983 budget, the regional forester for the Daniel Boone National Forest included in his request $333,500 for the construction of a ranger station to serve the Red Bird purchase unit.

The current structure was built in the 1920's, when the Ford Motor Co. owned the forest. It is in desperate need of replacement, since it poses both safety and health hazards.

I would also note that the present structure serves not only as the quarters for the park rangers, but as the depository of area surveys, plats, and grant records made by the Ford Motor Co. during its ownership of the forest. As such, the facility is utilized by the public. Local residents and others come to the station to review these historical documents to trace property transfers and boundaries, and for historical purposes.

The construction of a new station is viewed to have a lasting value. It was dropped from the fiscal year 1983 budget request under the assumption that funds would be available and could be reprogramed for the station's construction. It has just recently been realized that reprograming procedures do not permit new starts, and therefore preclude the use of reprogramed funds for the station.

I view the construction of the station to be of such priority that the Congress should, to the extent that funds are available, provide the funds needed for this project.

Knowing that the committee staff has reviewed the problems associated with the reprograming of funds and the need for the project, I would ask the distinguished floor manager if he concurs with my view that the Congress should approve the use of available funds for the Red Bird ranger station?

Mr. McCLURE. I do.

BROADER DATA BASE IN DIRECT COAL UTILIZATION

Mr. SASSER. Mr. President, I would like to ask the distinguished chairman of the subcommittee his understanding concerning report language on page 77 of the committee report. The report states,

> The committee urges the Department to begin development of a broader data base in direct coal utilization, including but not limited to transport, cleanup, burning, and ash formation and deposition.

I would ask the chairman if he is aware of the expertise of the University of Tennessee Space Institute in Tullahoma, Tenn., in research in direct coal utilization and related environmental investigations?

Mr. McCLURE. I would say to the distinguished junior Senator from Tennessee that I am aware of the particular expertise of the University of Tennessee Space Institute in this area.

Mr. BAKER. If the distinguished chairman of the subcommittee will yield, is it his understanding that the University of Tennessee could be an appropriate location to accomplish the work contemplated in the committee report?

Mr. McCLURE. I would say to the senior Senator from Tennessee that the University of Tennessee Space Institute would certainly be an appropriate facility to carry on the development of a broader data base in direct coal utilization.

MOUNT EDGECUMBE BOARDING SCHOOL

Mr. STEVENS. Mr. President, I wish to clarify a matter which was addressed in the fiscal 1983 supplemental appropriations bill. The Senate provided $22 million in the budget of the Bureau of Indian Affairs which was to be transferred to the State of Alaska on the condition that the State agreed to operate a secondary education program at the Mount Edgecumbe boarding school.

The accompanying Senate report stated:

> The Committee directs that the Bureau obtain assurance from the State of Alaska that priority will be given to upgrading or replacing the electrical distribution system and the water distribution systems that serves both the boarding school and the Indian Health Service hospital. No charge is to be assessed to the Indian Health Service for this work.

Is it the understanding of the chairman of the subcommittee that this is to be a total upgrading of the electrical distribution system on the IHS property including poles, transformers, lines, the electrical drop, and electrical meters and that all this work is

to be funded from the $22 million which was made available in the supplemental?

Mr. McCLURE. Mr. President, the Senator is correct. I understand that under State law, Alaska must have an interest in the property in order to make capital investments. It is for this reason that the bill language was amended in conference granting the State title to the IHS hospital in the event that the facility ceases to be used for health care. I believe this does give the State an interest in the property. The estimate for the onsite electrical work exceeds $750,000. There is simply no room in the IHS budget to allow them to absorb this cost. It should come from the $22 million provided in the supplemental.

Mr. STEVENS. I thank the Senator.

RIVERS AND TRAILS TECHNICAL ASSISTANCE PROGRAM

Mr. CHAFEE. Mr. President, I would like to inquire of the distinguished floor manager of the bill, my friend from Idaho, as to the level of funding for the National Park Service rivers and trails technical assistance program.

Mr. McCLURE. There is $645,000 appropriated for that program.

Mr. CHAFEE. I would say to my colleague that I have a strong interest in this program. It is playing an important role in the conservation of our Nation's water resources and recreation areas, especially in New England. Just last month, the National Park Service, the State of Rhode Island, and several local governments in the State entered into a formal agreement whereby the Service would provide technical assistance from this program to fund a joint study to develop a protection strategy for the Wood River in Rhode Island. The study is expected to be concluded during fiscal year 1984; however, I am concerned about the availability of funds to finish the study. This endeavor is important to the people of Rhode Island. As you know, we are a heavily populated State with a limited number of open areas for our residents to enjoy. If the Wood River area can be protected for outdoor recreation, it would benefit the citizens of our State immensely.

Mr. McCLURE. I would ask my colleague from Rhode Island, does the study for Wood River qualify for funding under rivers and trails technical assistance program?

Mr. CHAFEE. That is correct. On June 30 of this year, the National Park Service, the Rhode Island Department of Environmental Management, and several local governments formally agreed to carry out a cooperative study to develop a State and local government and private landowner strategy to conserve the Wood River. My concern is that the funds from the technical assistance program may not be forthcoming in fiscal year 1984.

Mr. McCLURE. I share my colleagues' concern and his enthusiasm to work for the conservation of outdoor areas. He makes a good point—Rhode Island is a small State, our smallest State—with a very large population. Outdoor recreation areas are limited. This study, as he described it to me, sounds most worthwhile and the committee has no objection to the Park Service funding this study within the overall priorities of the technical assistance program.

Mr. CHAFEE. I thank the distinguished chairman of the Interior Appropriations Committee. Not only has he worked long and hard to bring this bill to the floor but also in his capacity as chairman of the Energy and Natural Resources Committee.

I would like to raise one other matter. When the House passed H.R. 3363, it contained a provision sponsored by Congressman ST GERMAIN from Rhode Island and Congressman EARLY from Massachusetts which provided $100,000 for the National Park Service to study the Blackstone River's potential as a park. This provision is very important to me as well as my colleague, Mr. PELL, who has worked hard to secure funds for a study.

The river area to be studied runs a distance of about 45 miles—from Worchester, Mass., to Providence, R.I. This river has played a key role in the industrial development of the region and Rhode Island and Massachusetts are working to establish parks along the waterway. It is a beautiful area rich in history and I believe it is well worth studying as potential parkland. I note however that funds for this study are not included in the Senate bill.

Mr. McCLURE. That is correct. There is only so much money to go around. The House bill is already $442 million over the amount of the bill we are now considering and I have had to make difficult decisions not to fund this project and many other worthwhile projects in order to keep spending down.

Mr. CHAFEE. I share the Senator's concern. His task is a most difficult one and I understand that he has had to make many hard choices on funding for a variety of programs but I believe this study for the Blackstone River has much merit. Rural New England's industrial landscape was born in the Blackstone River Valley. Samuel Slater's cotton mill—the first in America—was followed by many others up and down the valley, so many that the river soon came to be known as "the hardest working old stream in the world." This river forms an integral part of our national heritage dating back to our early industrial roots and certainly it is most appropriate for us to study this area to see if it cannot be preserved for future generations.

Mr. McCLURE. May I suggest to my friend from Rhode Island that we not include funds for the study now in the bill but we review the matter when we go to conference with the House. As he stated, funds for the study are in the House bill so it will be a conference item. I can assure my colleague that I will carefully review this matter in the conference committee and make every effort to see if it is possible to retain funding in the conference report.

Mr. CHAFEE. I thank my good friend and colleague. He has been most kind and attentive in this matter and also on the Wood River study. These studies are important to many people in my State and I appreciate his assistance in securing funds for these projects.

Mr. McCLURE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. McCLURE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2142

Mr. McCLURE. Mr. President, we had temporarily set aside the amendment of the Senator from North Carolina (Mr. HELMS).

The PRESIDING OFFICER. The Senator is correct.

Mr. McCLURE. Mr. President, I ask unanimous consent that that amendment be the pending matter.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCLURE. Mr. President, this amendment has been cleared on both sides of the aisle. We have no objection to the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 2142) was agreed to.

Mr. McCLURE. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. HELMS. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HELMS. Mr. President, I express my appreciation to the managers on both sides of the aisle for their accepting this amendment. I thank them very much.

Mr. McCLURE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GORTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2143

Mr. GORTON. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The Senator has to have unanimous consent to set aside the pending amendment.

Mr. GORTON. I so request, Mr. President.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment will be stated.

The legislative clerk read as follows:

The Senator from Washington (Mr. GORTON), for himself, Mr. ANDREWS, Mr. BOSCHWITZ, Mr. CRANSTON, Mr. DURENBERGER, Mr. EVANS, and Mr. PRESSLER, proposes an amendment numbered 2143.

On page 58, line 21, delete "$734,151,000" and insert in lieu thereof "$742,151,000".

Mr. GORTON. Mr. President, the purpose of this amendment is to restore $8 million in appropriations for urban health services provided by the Indian Health Service. This is equal to the fiscal 1983 appropriation level, and is $1 million below the level proposed by the House of Representatives.

The urban Indian health centers are a critical component of the health care delivery system for Indians. In my State, we operate two such centers. These centers provide a number of very important services to the sizeable Indian population which lives off reservation, in and around the two cities in which the clinics are located. During the last year, over 60,000 patient visits were provided by these two clinics. Numerous other clinics around the country provide similar services.

The populations which utilized these clinics has very special health needs. Not only do they suffer disproportionately from a number of serious health problems, but they are often poorly served by other health providers. For a number of reasons, the Indian health clinics are able to provide services in a more congenial and culturally appropriate environment, and thus are able to reach a number of patients who might otherwise not be served at all.

In addition, the population served by these clinics is poor. At the clinics in my State, 80 percent of the patient families have incomes at or below the Federal poverty line. Most have no other sources of health care coverage.

The urban Indian health clinics are an important part of the historical Federal commitment to Indian health. The amount of money required to fund these clinics is small. Adoption of this amendment would not cause this bill to come into conflict with the first concurrent budget resolution. I urge my colleagues to join me in supporting this very important amendment.

● Mr. ANDREWS. Mr. President, I am pleased to cosponsor this amendment to restore $8 million to the Interior appropriations bill for fiscal year 1984 for the Indian urban health programs.

I, like many of my colleagues, do not represent a State with a health program for the Indian urban population. However, during recent hearings of the Select Committee on Indian Affairs, which I chair, on the reauthorization of the Indian Health Care Improvement Act of 1976, title IV of which authorizes the urban programs, I have learned a great deal and become a strong supporter of the urban clinics. As the other cosponsors of this amendment point out, the population served by this program has needs that are largely unmet by other health providers and programs. The urban health clinics are able to address the serious health problems of Indian people as well as the specific emotional needs of a population often far from home and in a totally alien environment.

I urge my colleagues to join in supporting funding for this crucial program and I urge the conferees, when the House and Senate meet in conference on this bill, to accept the House's recommendation and continue funding this program.

I thank my colleagues for this opportunity to speak on this most important issue.●

● Mr. BOSCHWITZ. Mr. President, I wish to join my distinguished colleagues from the State of Washington to add my support for continued funding of the urban Indian health program. In my State of Minnesota, we also have a fine program that has my full support.

As we know, the Senate Appropriations Committee has recommended a zero funding level for urban Indian health programs. I understand the knowledgeable Senator for Idaho would like to see some changes in this program, and I will support him in his efforts. I want the Senator to realize, however, that many of the urban Indian health programs are effective and it would be tragic to see this entire program discontinued.

The Indian Health Board of Minneapolis was one of the original model programs to demonstrate the health care needs of American Indians in urban setting. It is an excellent program and has been consistently referred to as "one of the best." The Minneapolis program has been especially effective in providing direct health care services to a large and needy Indian population located in the Twin Cities and surrounding area. If funding for this program is denied, it would result in an immeasurable decline in the quality of life for many of the Indian people in Minnesota. I believe it would be a grave mistake to eliminate this program.

In past years, the conference committee has seen fit to add funds into the appropriations bill for this program. I hope that with the support of the distinguished Senator from Idaho, we can find additional funds to keep this program operating.●

● Mr. DURENBERGER. I am pleased to join Senator GORTON's colloquy and wholeheartedly support his efforts to restore funding for urban Indian health care. I am hopeful that Senator MCCLURE, and the other conferees, will support these very valuable programs through continued funding in conference.

Passage of the Indian Health Care Improvement Act in 1976, marked a major legislative effort of Congress to "raise the status of health care for American Indians and Alsakan Natives, over a 7-year period, to a level equal to that enjoyed by other American citizens." As part of that act, title V—Urban Indian health—was designed to "assist urban Indians both to gain access to those community health resources available to them as citizens and to provide primary health care services where those resources are inadequate or inaccessible."

I can speak specifically of one program in Minnesota that was the original model program to demonstrate the health care needs of American Indians in urban settings. This is the Indian Health Board of Minneapolis, Inc. which is a nonprofit corporation formed in 1972. The Indian Health Board has documented and presented to Congress evidence indicating that disease and mortality rates for urban Indians are just as high, and in some cases, higher than rates for reservation Indians.

Since the Indian Health Board began providing dental and medical outpatient services, in 1973 and 1974, there has been a significant decrease in the infant mortality rates of urban Indians. Expansion into mental health care and linkage with other community service providers has completed the service model for health care and treatment.

I believe these programs should, and can, continue to be operated in such a manner to offer the necessary services specified in the Indian Health Care Improvement Act. They offer appropriate health care services to medically underserved populations conditioned to episodic and emergency room care.

I urge my colleagues to support the promotion and improvement of the health status of Indian people by encouraging continued funding for urban Indian health programs.●

● Mr. EVANS. Mr. President, I join with Senator GORTON and my other colleagues in urging the Senate's sup-

port for continued funding for urban Indian health clinics. I am familiar with the special health needs of Indians living off-reservation in our Western States. I know that some Senators question the need for special programs in urban areas, where, in general, there are adequate numbers of health personnel and adequate facilities. But this is not sufficient reason to terminate the urban Indian health clinics. There are special health needs in this population which are often only poorly addressed by the traditional health system, and I know that the two clinics in my State are providing a service that often is simply unavailable from other sources.

The health care system in my State will be poorly prepared to absorb the additional demands that will be made of it if the urban Indian health clinics are not funded. In the past, these clinics have provided services to over 16,000 Indians and Alaskan Natives. For the most part, these people are poor, and could not turn to the private sector for their health care. If they do not have the urban health clinics, they will simply do without.

Allowing this to happen by failing to fund these clinics would not be consistent with the traditional Federal responsibilities in the area of Indian health. These responsibilities do not end at the reservation boundary.

I urge my colleagues to join in supporting this amendment.●

● Mr. PRESSLER. Mr. President, I support this amendment to restore $8 million for title V of the Indian Health Care Improvement Act. Our urban Indian health programs are in dire need of assistance.

The movement of our Indian people to cities resulted in their unknowingly forfeiting their access to Federal health care and BIA services. The transition to the urban way of life produced a low level of health care utilization.

The first Federal Indian Health Service funding for an urban Indian health program was provided in 1972. Since that date, more and more programs have come to the aid of our Indian people.

In 1976, Congress recognized the serious health problems of the urban Indian people by enacting the Indian Health Care Improvement Act. I am pleased to see that, today, the IHS is providing at least partial support for 38 urban Indian health programs which serve nearly 285,000 Indian people. In my home State of South Dakota, our urban Indian health care programs have proved most successful.

I urge the adoption of this amendment, which will allow these important urban programs to continue to meet the needs of our Indian people.

It is our duty to provide quality health care to all Americans.●

Mr. McCLURE. Mr. President, I appreciate the remarks of my colleagues. I know that many of the urban Indian health clinics around the country have done a good job of providing some very important health services. I would ask, however, that they consider withdrawing their amendment. The committee considered this issue in light of the overall Indian Health Service appropriation, and in light of what the House proposed. I would say that I am not an opponent of the urban health services. I believe the program is a good one. I will certainly listen very hard to the House conferees on this issue, because I recognize there is a great deal of support for this program. At this time, I would not want to support the amendment the Senators are proposing, but I think I can assure them that their voices are heard, and I can promise to give urban Indian health services funding very serious consideration in conference with the House.

Mr. GORTON. Mr. President, I thank the Senator from Idaho. I understand the complexity of the position he finds himself in, and I would not want to force a vote on this issue if it would be counterproductive. I appreciate his assurances of his careful consideration in conference. The Senator from Idaho has always been most attentive to my requests, and I am appreciative of that. Mr. President, I withdraw my amendment.

Mr. McCLURE. I thank the Senator.

The amendment (No. 2143) was withdrawn.

Mr. McCLURE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. GORTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GORTON. Mr. President, I ask unanimous consent to set aside the pending committee amendment in order to consider two amendments I shall send to the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2144

Mr. GORTON. Mr. President, I ask that the amendments I send to the desk be considered.

The PRESIDING OFFICER. The amendments will be stated.

The bill clerk read as follows:

The Senator from Washington (Mr. GORTON), for himself and Mr. EVANS, proposes an amendment numbered 2144:

On page 11, line 8, strike $28,600,000 and insert in lieu thereof $30,600,000.

On page 16, line 9, strike $149,650,000 and insert in lieu thereof $151,650,000.

Mr. GORTON. Mr. President, the two amendments which I have just offered are important to the State of Washington. They propose to add $2 million to the fish and wildlife and parks, U.S. Fish and Wildlife Service, land acquisition appropriation; and the fish and wildlife and parks, National Park Service, land acquisition and State assistance, respectively.

The first amendment I am offering appropriates $2 million to complete the land acquisition at Protection Island. On October 15, 1982, President Reagan signed Public Law 97-333, the Protection Island National Wildlife Refuge Act. This act authorized $4 million for land acquisition by the U.S. Fish and Wildlife Service of property in Jefferson County, Wash., for the Protection Island National Wildlife Refuge; $2 million was appropriated in fiscal year 1983 and $2 million is needed in fiscal year 1984 to complete the land acquisition. The fiscal year 1984 House Interior appropriations bill includes $2 million for this purpose.

Protection Island is the most significant seabird nesting area in the Puget Sound region. It provides habitat for thousands of birds, including several endangered species. The U.S. Fish and Wildlife Service is currently in the process of establishing a protection plan for the refuge and it has just completed the appraisal process for the privately owned land on the island. During the appraisal process, it become apparent that the $2 million appropriated last year will fall short of allowing the Fish and Wildlife Service to purchase all of the land of willing sellers. An additional appropriation of $2 million is needed to insure that the remaining willing sellers can be bought out. Since the mid-1970's, a building moratorium has been imposed on the island because an acceptable source of water has not been found. Few lots have therefore been developed, and most owners are anxious to sell.

The second amendment I am offering with my distinguished junior colleague (Mr. EVANS), who is also a cosponsor of the first amendment, would appropriate $2 million out of the land and water conservation fund to complete acquisition of lands in Olympic National Park in Washington State. Olympic National Park contains the largest remaining contiguous stands of undisturbed old-growth coniferous forest and rain forest in the United States. The park contains outstanding examples of wilderness coastlines and primeval stands of coastal hemlock, spruce, and western cedar. It is the only natural area administered by the Park Service outside of the State of Alaska to have substantial numbers of native anadromous salmonoids, and it is also that home of the only major Roosevelt Elk herd in the United

States living undisturbed in its natural environment.

The $1 million of this appropriation would be used for land acquisition in the park's newly added Lake Ozette/Point of Arches area. These areas were added to the park in 1976 by Public Law 94-578. The other $1 million would be used to continue land acquisition from willing sellers in the Lake Crescent and Elwha Rivers areas, as well as the purchase of other scattered inholdings within the park. Most of these funds would be used to acquire tracts from sellers who qualify as hardship cases who have been attempting to sell to the park for years, but who have been unable to do so due to the Park Service's lack of land acquisition funds. The fiscal year 1984 House Interior appropriations bill includes the $2 million needed for land acquisition in the park.

Mr. President, both of these amendments are important to my State and are necessary to avert the development of lands within the Protection Island National Wildlife Refuge and Olympic National Park, areas which Congress has determined should be protected.

Mr. McCLURE. Mr. President, we are caught a little bit the way we were last year in regard to these issues. Neither of these was included in the administration's budget submission. I assured the Senator last year when he raised these issues that we would be willing to give sympathetic attention to this in the conference. Moneys are included for both of these projects in the House-passed bill.

It would be my expectation that in all likelihood it will have the same kind of result that it had last year; that when we got to the conference and sat down with the conferees and worked out the details of the legislation, more than sympathetic attention would be given to it. I can make the same assurance to the Senator from Washington that I made last year but hope that he will withdraw the amendments.

Mr. GORTON. The Senator from Idaho was most gracious to me and Senator Jackson last year when we made these proposals. He was understanding of the urgent necessity of going forward on the Protection Island National Wildlife Refuge and of the justice of the claims of people who are inholders within Olympic National Park and have been for many, many years. That thoughtful and gracious consideration last year did exactly what the Senators from Washington wished. The Senator from Washington hopes the same will be true this year. Because of the thoughtfulness and consideration of my friend from Idaho, I will now withdraw the amendments.

Mr. McCLURE. I thank the Senator.

The PRESIDING OFFICER. The amendments are withdrawn.

The question recurs on the committee amendment.

Mr. McCLURE. Mr. President, I ask unanimous consent that the pending committee amendment be temporarily laid aside for the consideration of three amendments which I will offer.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2145

Mr. McCLURE. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The bill clerk read as follows:

The Senator from Idaho (Mr. McCLURE) proposes an amendment numbered 2145.

Mr. McCLURE. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 21, line 9, strike the number "$5,064,000" and insert the following new number in lieu thereof: $2,564,000"

Mr. McCLURE. Mr. President, I ask unanimous consent that a second amendment may be considered en bloc with the first and that the clerk report the second amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment will be stated.

The bill clerk read as follows:

On page 21, line 7, strike the italicized number "$127,425,000" and insert the following new number in lieu thereof: "$129,925,000"

Mr. McCLURE. The first amendment, Mr. President, simply adds $2,500,000 in new budget authority to the Bureau of Mines. The second amendment reduces by the same amount funds which had been set aside for the purchase of a new facility at Bruceton, Pa., but which had been used to offset new budget authority in this 1984 bill. The House of Representatives and the Senate committee had included this offset in their bills because the Bureau had not moved expeditiously to determine just exactly what type of new facility was needed. At the same time, the facility they are now using could not be turned over to Carnegie-Mellon University as is stipulated in the law.

The Bureau has just recently informed the committee that its plans now call for the construction of a new facility costing approximately $2,500,000. These amendments result in providing $129,925,000 in new budget authority and $2,564,000 in offset from the Bruceton account, leaving $2,500,000 in the Bruceton account for the construction of the new building.

It is my understanding my colleagues on the other side of the aisle have no objection to these amendments.

Mr. SPECTER. Mr. President, I rise in support of Senator McCLURE's amendment to increase the amount for the mines and minerals account by $2,500,000. As the chairman of the Interior Subcommittee has stated, these funds are for construction or renovation of a building at the Bureau of Mines research facility near Bruceton, Pa.

In the 96th Congress, a bill was enacted to allow the Carnegie-Mellon University to buy a building from the Bureau of Mines for $5.4 million. As part of the transaction, the Bureau of Mines was promised a new facility outside of Pittsburgh to replace the building to be purchased by Carnegie-Mellon. The appropriation was needed to provide for the new building for the Bureau of Mines before Carnegie-Mellon could purchase and occupy the Bureau of Mines facility. There would be no cost to the Government because Carnegie-Mellon would eventually purchase the old building for the fair market value.

Unfortunately, a contract of sale was not accomplished until May of this year. According to the Director of the Bureau of Mines, Robert C. Herton, this delay "was not caused by inaction on the part of either party, but by the difficulty of establishing the fair market value within the constraints and requirements of applicable law." In the meantime, the Bureau of Mines has reassessed its needs and concludes that only $2,500,000 is required to build a suitable building.

Completion of this transaction is necessary in order that the University may continue to expand its research facilities. I am informed by officials of the Carnegie-Mellon University that they have been striving to purchase this property for over 26 years and as you can well imagine they are most anxious to have this transaction completed as soon as possible. The Senator's amendment will help finalize this action.

I thank the distinguished Senator from Idaho for his assistance in this matter.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Idaho.

The amendment (No. 2145) was agreed to.

Mr. McCLURE. Mr. President, I move to reconsider the vote by which the amendments were agreed to.

Mr. GARN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2146

Mr. McCLURE. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The bill clerk read as follows:

The Senator from Idaho (Mr. McCLURE) proposes an amendment numbered 2146:

On page 14, line 1 strike the word "Service" and insert the following new word in lieu thereof: "System"

Mr. McCLURE. Mr. President, this is simply a technical amendment to correct a typographical error.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Idaho.

The amendment (No. 2146) was agreed to.

AMENDMENT NO. 2147

Mr. McCLURE. Mr. President, I have two amendments to send to the desk, and I ask that they be considered en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment will be stated.

The legislative clerk read as follows:

The Senator from Idaho (Mr. McCLURE) proposes an amendment numbered 2147.

Mr. McCLURE. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 46, line 10, delete "$24,787,000", and insert in lieu thereof: "$24,362,000";

On page 46, line 12, delete "$232,832,000", and insert in lieu thereof: "$233,257,000."

Mr. McCLURE. The committee has recommended $1,320,000 to continue construction of the Lake Kincaid recreation area in the Kisatchie National Forest. The committee provided all of these funds in the construction of facilities category for the Forest Service. However, the project includes $425,000 for access road construction and $895,000 for facilities. These two amendments do not increase the amount appropriated for this project but revise the allocation to accurately reflect the types of costs included.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Idaho.

The amendment (No. 2147) was agreed to.

Mr. McCLURE. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. BURDICK. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. McCLURE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. McCLURE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCLURE. Mr. President, I ask unanimous consent that the pending committee amendment be temporarily set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2148

(Purpose: To increase funds available for firefighting under Forest Service activities)

Mr. PRESSLER. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The bill clerk read as follows:

The Senator from South Dakota (Mr. PRESSLER) proposes an amendment numbered 2148.

Mr. PRESSLER. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On Page 45, line 11, strike out "$51,730,000" and insert in lieu thereof "$52,155,000".

On page 45, line 15, strike out the period and insert in lieu thereof ": *Provided further,* That $14,425,000 shall be available for fire protection.".

Mr. PRESSLER. Mr. President, the amendment I am offering to the Interior appropriations bill would restore the funding level for the rural fire prevention and control program to the fiscal year 1983 level and to the level recommended by the House of Representatives. The rural fire prevention and control program was funded at $14.4 million in fiscal year 1983 and at approximately the same level in 1982. The House bill includes funding for the program at the same $14.4 million level in fiscal year 1984, but the Senate Committee recommendation is only $14 million.

Earlier this year, I introduced a resolution, which has 11 cosponsors, calling for the continuation of the rural fire prevention and control program at no less than fiscal year 1983 levels. The program has been cut drastically in the last 5 years and our rural areas cannot afford to have the program cut any further. In fiscal year 1979, funding for the program was at $30.6 million and it was cut to $14 million by fiscal year 1982. Few Government programs have suffered such drastic funding reductions.

The rural fire prevention and control program is one of the Federal Government's most effective and essential programs. This modest $14 million program provides fire protection to approximately 880 million acres of non-Federal wildlands in all 50 States. Almost 9 acres of land are protected from fire for each penny spent by the Federal Government. This is a small price to pay for fire protection.

The program is so effective because most of these areas are served by volunteer fire departments. The volunteer fire departments are largely financed by donations, but they also need other assistance. The rural fire prevention and control program helps to provide this much needed additional funding.

Each State forester works in cooperation with the Department of Agriculture to administer the rural fire prevention and control program. The State forester, either through State efforts or through local rural fire departments, uses these funds to protect non-Federal range and forest land. This money is used to train volunteer firemen, purchase equipment, collect data, and provide fire protection through various other programs. The program helps to protect valuable resources such as timber, livestock, human lives, and wildlife.

Mr. President, the rural fire prevention and control program is a very cost-effective program and is vital to rural areas. I urge my colleagues to join me in support of this measure.

Mr. President, I ask unanimous consent to have printed in the RECORD a list of moneys, in tabulation form, State by State, territory by territory.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Rural fire prevention and Control Program—1983 State payments

[In thousands of dollars]

State:	
Idaho	219.9
Montana	245.1
North Dakota	67.1
Total R-1	
Colorado	296.7
Kansas	167.1
Nebraska	161.6
South Dakota	228.7
Wyoming	140.8
Total R-2	
Arizona	71.4
New Mexico	144.8
Total R-3	
Nevada	131.9
Utah	119.8
Total R-4	
California	811.3
Guam	50.0
Hawaii	74.8
Total R-5	
Oregon	330.9
Washington	333.0
Total R-6	
Alabama	300.1
Arkansas	269.3
Florida	366.1
Georgia	347.4
Kentucky	240.8
Louisiana	304.4

Mississippi	311.1
North Carolina	329.8
Oklahoma	164.9
South Carolina	314.3
Tennessee	282.5
Texas	260.4
Virginia	314.3
Virgin Islands	26.0
Puerto Rico	50.0
SSPF Southeastern area total (R-8)	
Connecticut	57.2
Delaware	50.0
Illinois	114.3
Indiana	73.7
Iowa	59.3
Maine	251.7
Maryland	160.5
Massachusetts	157.2
Michigan	306.7
Minnesota	231.9
Missouri	288.0
New Hampshire	112.2
New Jersey	201.1
New York	284.7
Ohio	170.4
Pennsylvania	315.5
Rhode Island	56.2
Vermont	50.0
West Virginia	179.2
Wisconsin	303.1
S&PF Northeastern area office—Total R-9	
Alaska	206.6
Total R-10	
Puerto Rico	
Grand total—USA	11,105

Note: Tabulation form—by regions, States, and USA totals.

Mr. McCLURE. Mr. President, this matter is similar to one we had in prior years and, most recently, last year. If I recall correctly, there was a similar budget request for this account last year.

The Senator has come to the floor of the Senate in prior years and has made a very persuasive case, and the Senate has then voted for the inclusion of additional rural fire protection funds. I can say that those actions were a result of the actions taken by the Senator.

When we came again to this item in the budget this year, with the budget request of about $3 million, remembering what had been done on the floor and the support that was generated by the Senator for this program in prior years, we elected not to make any fight again. As a matter of fact, we added nearly $11 million to the account because of the actions the Senator has taken in prior years.

There is virtually no difference between the amount in this bill and the amount in the House bill. They are virtually the same amounts of money, very little difference between the two.

I think the Senator can take credit for the fact that the administration, in looking at this question, has moved a long way toward accommodating what is very obviously the view of the Senator from South Dakota and certainly the view of the majority of the Members of the Senate.

So I think the battle has virtually been won already, and the Senator from South Dakota can take credit for that having been the case.

Mr. PRESSLER. Mr. President, I thank the Senator from Idaho, and I thank him for his leadership on this bill and the hard work he and his staff have done on the bill.

As he points out, this amount has been increased by $11 million at my request and at the request of others. It has been a fight. Last year, we brought this matter to a rollcall vote and won. This year, the committee voluntarily increased it before the matter came to the floor. I want to make that point so that the increase to this level is not lost in conference.

It had been my intention to ask for a rollcall vote today, because the actual increase we are asking for here is less than a million dollars—a few hundred thousand dollars. The Senator from Idaho has increased it to the $14 million level, at my request and several other Senators, and because of his own support, which has been very outstanding.

Therefore, with the assurance that the Senator has given me today, indicating that he will fight in conference for this, and the House already has agreed to this level, I withdraw my amendment.

I thank the Senator from Idaho for the outstanding job he has done in this regard.

The PRESIDING OFFICER (Mr. RUDMAN). The amendment is withdrawn.

Mr. McCLURE. Mr. President, I commend the Senator for the action that he took last year. As the Senator did note, I supported the action that he took. The Senate supported it very strongly.

With that kind of background, I do not think there is the likelihood that anyone will move to reduce this amount. Therefore, the action that he has taken I think is sufficient.

I thank him very much for his leadership.

Mr. PRESSLER. I thank the Senator, and I think his remarks make it unnecessary to have a rollcall vote.

I thank him for his cooperation and leadership.

Mr. McCLURE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BAUCUS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question recurs on the committee amendment.

Mr. BAUCUS. Mr. President, I ask unanimous consent that the pending amendment be temporarily laid aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2149

Mr. BAUCUS. Mr. President, I have an amendment and I send it to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Montana (Mr. BAUCUS) proposes an amendment numbered 2149:

On page 22, line 24, before the period insert the following: "*Provided further*, That $1,000,000 of the funds made available to the State of Montana for State reclamation grants pursuant to section 402(g)(2) of Public Law 95-87 shall be used for reclamation of the Colorado tailings site in Montana".

Mr. BAUCUS. Mr. President, this amendment would direct the Office of Surface Mining to release $1 million of Montana's State share funds to the Governor of Montana to reclaim the Colorado tailings site near Butte, Mont.

I have discussed this amendment with the distinguished chairman of the committee, Mr. McCLURE, and the ranking member, Mr. BYRD, and I understand they are agreeable to accepting the amendment.

Mr. McCLURE. Mr. President, I have no objection to the amendment.

Mr. BAUCUS. Mr. President, I thank the Senator from Idaho, my distinguished colleague.

At this point I wish to say a word or two about the amendment before we put it to a vote.

Mr. President, my amendment will permit the State of Montana to clean up Montana's worst heavy metal and acid polluting mine waste site: the Colorado tailings, on Silver Bow Creek near Butte, Mont. This is an abandoned mine waste site that poses a substantial hazard to the health and safety of the residents and waste users of Silver Bow Creek.

The State of Montana and the Environmental Protection Agency have ranked a 24-mile stretch of Silver Bow Creek as the No. 1 hazardous waste site in the State of Montana. In fact, Mr. President, it is No. 24 on the EPA's national Superfund inventory list. Since we in Montana pride ourselves as having a State that is virtually pollution free, to be ranked No. 24 nationwide is something that concerns us greatly. Reclamation of the Colorado tailings site, which this amendment addresses, would reduce the heavy metal and acid pollution in the creek by 66 percent.

This site, and Silver Bow Creek, have been intensively studied since 1977. The State has developed a reclamation plan to remove the mine wastes from the creek channel and flood plain, thereby substantially re-

ducing ground and surface water pollution. The State intends to build a temporary pipeline to transport these concentrated wastes to the north dump, a secure toxic wastes storage facility operated by the Arco Co. That company, which is not responsible for the pollution at the site, will assume future responsibility for storage of these tailings.

Mr. President, this amendment does not increase the appropriation recommended by the committee for State reclamation programs; nor does it authorize the expenditure of discretionary funds included in the bill for noncoal projects. All this amendment does is to direct the Office of Surface Mining to release $1 million from Montana's State reclamation program for the Colorado tailings project.

This amendment does not address any of the broad issues involving the abandoned mine reclamation program that have been raised not only in Montana but in many other Western States. Many reclamation projects are being held up because of disagreements between States and the Office of Surface Mining about the proper interpretation of the Federal Surface Mining Act and particularly the eligibility of 409(c), or noncoal, projects. There appears to be natural reluctance on the part of the Office of Surface Mining to grant funds for these projects. The State of Montana feels very strongly about this and, in that regard, has testified before various congressional committees on these issues.

Mr. President, I hope the Congress will act soon to resolve these difficulties and disagreements so we can move more quickly to clean up dangerous toxic sites like the Colorado tailings. In the meantime, I hope the Senate will agree to my amendment to take care of this dangerous site in the State of Montana. It is very clearly in the public interest.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Montana.

The amendment (No. 2149) was agreed to.

Mr. BAUCUS. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. McCLURE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The question recurs on the committee amendment.

Mr. STEVENS. Mr. President, I ask unanimous consent that the committee amendment be temporarily laid aside so that I might offer a series of amendments which I believe will be accepted.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2150

(Purpose: To provide for necessary funding for housing for PHS hospital personnel in Bethel, Alaska)

Mr. STEVENS. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Alaska (Mr. STEVENS) proposes an amendment numbered 2150.

"On page 58, line 21, strike $734,151,000 and insert in lieu thereof $734,651,000."

Mr. STEVENS. Mr. President, the purpose of the additional $500,000 I am proposing for the Indian Health Service in fiscal year 1984 is necessitated, happily, not by inefficiency or a bureaucratic foulup, but just the opposite.

Calista, a native corporation in the Bethel area, arranged financing to construct new housing to accommodate personnel at the Bethel Indian Health Service facility. Originally, Calista did not expect to have this project completed until some time late in the next fiscal year—which would have been late spring or summer of 1984. However, we have now been informed that the housing will be ready for habitation by November of this year, and this additional $500,000 is to defray the lease costs for this new housing that IHS will be leasing from Calista. I regret this matter did not emerge in time for us to deal with it at the committee level, but I hope that I will have the understanding of the chairman and the members of the committee as to the reasons why I did not put the amendment forward before. I do urge that it receive favorable consideration.

Incidentally, should the housing not be ready by November, as it is now anticipated, there obviously would be reduced costs. But we are saving funds in the long run by the new personnel housing, so I do believe this amendment is in the best interests of the Government.

Mr. McCLURE. Mr. President, as the Senator from Alaska has indicated, authority was granted to the Indian Health Service several years ago to lease quarters for staff serving the Bethel Hospital. As there had been some problems in the financing of the project, IHS did not anticipate that the quarters would be available during fiscal year 1984. It now appears, however, that the quarters will be available for occupancy in November.

Mr. President, I am willing to accept the amendment and I understand it has been cleared on the other side.

Mr. PRYOR. Mr. President, that is correct, the amendment has been cleared on this side.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the amendment of the Senator from Alaska (Mr. STEVENS).

The amendment (No. 2150) was agreed to.

Mr. STEVENS. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. McCLURE. I move to lay that motion on the table.

The motion to lay on the table as agreed to.

AMENDMENT NO. 2151

Mr. STEVENS. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Alaska (Mr. STEVENS) proposes an amendment numbered 2151.

On Page 82, at the end of the bill, add the following new section:

"Funds available in this Act for the purpose of contracting for services that require the utilization of privately owned aircraft shall be used only to contract for aircraft that are certified as airworthy by the Administrator of the Federal Aviation Administration as standard category aircraft unless the Secretary of the contracting department determines that such aircraft are not reasonably available to conduct such services."

Mr. STEVENS. Mr. President, presently, the Department of the Interior, through the Bureau of Land Management, and the Department of Agriculture, through the Forest Service, contract with owners of aircraft to control brush and forest fires by means of dropping fire retardents from the air. In most instances, the aircraft used for these operations are former military aircraft which do not meet standard FAA safety requirements and, thus, are barred from operating in a normal environment. In order to avoid meeting FAA safety standards, the owners of these aircraft classify the aircraft as "public aircraft" and therefore do not come under the purview of the FAA. This is because the FAA only has jurisdiction over civil aircraft. These public aircraft however, can only be used in the service of a Government agency.

This amendment is intended to limit contracting for aircraft by the Department of the Interior and the Department of Agriculture to situations where there are no other aircraft available in the civil aircraft category. Some of the aircraft which have operated as public aircraft have had questionable safety records. I might say, Mr. President, in most instances, they are very much what we would call warweary aircraft.

The Department of the Interior and the Department of Agriculture, in my opinion, must be encouraged to contract for aircraft which meet all FAA safety requirements—something which

public aircraft, as I have noted, do not have to meet.

The safety of those people who are operating them on behalf of these Government agencies and those who might be required to be in the vicinity or to be part of the flight crew, I think, must be taken into consideration.

The two affected departments under this amendment would be required to contract with operators of aircraft which do meet FAA safety requirements and, thus, do not needlessly endanger the flight crew or people on the ground unless the head of the department certifies that such civil aircraft certified by the FAA are not reasonably available.

As a matter of fact, I think that standard ought to be even tougher because I think that these war-weary aircraft are jeopardizing the lives of many people involved in the brush and forest fire containment operations of these two departments.

I urge that this amendment be adopted. A similar amendment, I might add, was added several years ago. I urge the Congress to once again state that we do not favor the use of public aircraft if there are civilian aircraft available that are certified as meeting all of the safety standards of the FAA.

Mr. McCLURE. Mr. President, I want to point out that the amendment makes provision at the end for an exception. It says:

> Unless the Secretary and the contracting department determines that such aircraft are not reasonably available to conduct such services.

I mention that only because I think that the evidence that we have indicates that the Secretary says they use only FAA certified equipment and that they do not need to do otherwise.

I believe that they have, in many instances, used restricted aircraft under the public aircraft category. I want to make it possible for them to do that if, as a matter of fact, in the discretion of the Secretary, he determines that it is necessary or desirable to do so. It seems to me that the language in the amendment is well drafted and correct.

Mr. STEVENS. The amendment speaks for itself. Unless the aircraft are not reasonably available in the civil aircraft category, they should not be using the public aircraft category in these efforts.

Mr. McCLURE. Mr. President, I have no objection to the amendment.

The PRESIDING OFFICER. Is there further debate? Is there objection to the amendment?

Mr. PRYOR. There is no objection on this side of the aisle, Mr. President.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 2151) was agreed to.

Mr. STEVENS. I move to reconsider the vote by which the amendment was agreed to.

Mr. McCLURE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. McCLURE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DANFORTH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2152

(Purpose: To prohibit the use of funds for the processing or issuance of prospecting permits in an area of the Mark Twain National Forest, Mo., to be designated as wilderness)

Mr. DANFORTH. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The question will recur on the committee amendment.

Mr. DANFORTH. Mr. President, I ask unanimous consent that the committee amendment be temporarily laid aside and that I may offer my amendment.

The PRESIDENT OFFICER. Without objection, it is so ordered. the clerk will report.

The assistant legislative clerk read as follows:

> The Senator from Missouri (Mr. DANFORTH) for himself and Mr. EAGLETON, proposes an amendment numbered 2152.

Mr. DANFORTH. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered. The amendment is as follows:

> On page 9, line 5, strike out the period and insert in lieu thereof ": *Provided further,* that subject to valid existing rights, no appropriations herein made shall be used by the Secretary of the Interior for the processing or issuance of prospecting permits in certain lands in the Mark Twain National Forest, Missouri, which comprise approximately 17,562 acres, as generally depicted on a map entitled 'Irish Wilderness—Proposed', dated December 1981.".

Mr. DANFORTH. Mr. President, this amendment is offered by myself and Senator EAGLETON. It relates to a bill which was previously passed by the Senate, S. 64, which set aside 17,562 acres of the Mark Twain National Forest as part of the National Wilderness Preservation System.

The House of Representatives has passed a companion bill which sets aside 15,500 acres. Therefore, the House and the Senate are just a little more than 2,000 acres apart. It is anticipated that this difference between the House and the Senate will be resolved in the very near future.

Right now, as of today, no applications for permits for exploration for minerals have been granted with respect to any land in the Irish Wilderness. However, a number of applications for lead prospecting permits for the Irish Wilderness are now pending in the U.S. Department of the Interior.

This amendment would prohibit the Department from taking further action on those pending permits. It would, therefore, preserve the status quo until Congress completes its action on S. 64, which, again, is expected to be completed in the very near future.

Mr. McCLURE. Mr. President, the Senator from Missouri does state the background correctly. The Senate has acted on this already. The House has acted on a different figure. There is no issue as to whether or not it is going to be done. The issue is the resolution of the exact number of acres involved. It seems to me that it is prudent under those circumstances to adopt the amendment that the Senator has offered so that no one is misled as to what we would like to have here.

I have no objection to the amendment. I think it is useful to this bill and useful to the directions of the administration.

The PRESIDING OFFICER. Is there further debate?

Mr. DANFORTH. I simply want to say to the Senator from Idaho, Mr. President, that he has spent an enormous amount of time and effort over a period of years on behalf of people of Missouri, many of whom have an intense interest in the future of the Irish Wilderness. It would not be important to the people of Idaho, but the Senator from Idaho, as he always is, has been very considerate and very helpful on this matter. This is a further example and I want him to know that I appreciate his help.

Mr. McCLURE. Mr. President, if we were more pressed, I would not take the time to respond to that very gracious statement, but since we are not pressed for time I will take a moment.

As the Senator knows, his State of Missouri is my grandfather's native State and that of my great-grandfather after coming from Ireland. How could I not but help the Irish Wilderness in Missouri? Certainly, the amount of time I have spent on it is not comparable to that which the distinguished Senator has spent on this matter. While on a scale of national importance it may not deal equally with the matter in Lebanon and the other great tensions facing this country, nevertheless to the people of that State this is a very important issue.

They are indebted to the Senator from Missouri for his steadfastness in this matter. I realize the difficulties he has had in dealing with the State and local pressures he has dealt with in trying to bring a resolution to this.

I thank the Senator for his remarks.

The PRESIDING OFFICER. Is there further debate?

Is there objection to adopting the amendment?

Mr. PRYOR. No objection on this side, Mr. President.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 2152) was agreed to.

Mr. DANFORTH. I move to reconsider the vote by which the amendment was agreed to.

Mr. McCLURE. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. STEVENS. Mr. President, I ask unanimous consent that the pending amendment be temporarily set aside so that I may offer another amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2153

The PRESIDING OFFICER. The clerk will state the amendment of the Senator from Alaska.

The assistant legislative clerk read as follows:

The Senator from Alaska (Mr. STEVENS) proposes an amendment numbered 2153:

On page 10, line 18, strike "$14,050,000" and insert in lieu thereof "$19,585,000".

Mr. STEVENS. Mr. President, over two-thirds of the lands that are included in the National Wildlife Refuge System are in my State of Alaska. This amendment would facilitate ongoing Fish and Wildlife Service activities in Alaska. It would not result in an increase in the number of Service personnel or an expansion in the Service's activities in the State. This amendment would make available funds for the construction of office, operations and residential facilities to support Fish and Wildlife Service activities in Alaska; $1,500,000 would be appropriated for a residential housing project at Galena, $2,925,000 for a headquarters complex at Bethel, and $1,010,000 for a residential housing project at Tok.

In addition, the amendment would appropriate $100,000 for a study to identify the most cost-effective way to meet the Service's need for a vessel to use in the Alaska Maritime National Wildlife Refuge, which is a series of islands off Alaska.

Mr. President, I emphasize again that this is not to provide money to increase personnel or increase law enforcement activities. This is to meet the basic needs of the new people who have been sent to Alaska to help administer the sizable increase in the refuge system that came about with the passage of the Alaska Lands Act of 1980.

Mr. McCLURE. Mr. President, I have no objection to the amendment.

The PRESIDING OFFICER. Is there further debate? Is there objection to the amendment?

Mr. PRYOR. There is no objection on this side.

Mr. STEVENS. Mr. President, I thank my two good friends, the Senator from Idaho and the Senator from Arkansas, for their consideration of this amendment. Some of it was highlighted by trips taken by members of the staff of the committee during the recent recess, so I am delighted to have the opportunity to present them and to have the cooperation of my two colleagues in their consideration of this amendment today.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 2153) was agreed to.

Mr. STEVENS. I move to reconsider the vote by which the amendment was agreed to.

Mr. McCLURE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. STEVENS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. McCLURE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2154

(Purpose: to retain the operation and maintenance of the Warm Springs National Fish Hatchery within the Fish and Wildlife Service)

Mr. McCLURE. I ask unanimous consent that the pending committee amendment be temporarily set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCLURE. On behalf of the Senator from Oregon, the chairman of the full committee, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Idaho (Mr. McCLURE), for Mr. HATFIELD, proposes an amendment numbered 2154.

On page 10, line 4, insert before the colon ", and of which $292,000 shall be available for the operation and maintenance of the Warm Springs National Fish Hatchery"

Mr. McCLURE. Mr. President, this amendment deals with the Warm Springs hatchery in the State of Oregon.

● Mr. HATFIELD. Mr. President, in committee, I raised a question regarding the appropriateness of transferring from the Fish and Wildlife Service to the Bureau of Indian Affairs a fish hatchery which is located on the Warm Springs Indian Reservation in Oregon. Senator McCLURE and I agreed at that time that if the hatchery operations principally benefits Indians, it would be transferred to the BIA, as planned. But, if the hatchery principally benefits non-Indians, it would remain under the jurisdiction of the Fish and Wildlife Service.

After further inquiry, we have learned that at least 95 percent of the fish reared and released at the hatchery are anadromous fish which benefit non-Indians throughout the entire Columbia River system. Moreover, for those few thousand rainbow trout which are released for on-reservation use, the Warm Springs Tribe pays the Fish and Wildlife Service $5,000 annually to offset the cost of feeding the trout while they are maturing at the hatchery.

Mr. President, I ask to have printed in the RECORD, a letter from Mr. Gary R. White, U.S. Fish and Wildlife Service Hatchery Manager at Warm Springs dated July 26, 1983, which outlines the numbers and species of fish reared and released at the hatchery in question.

The letter is as follows:

U.S. DEPARTMENT OF THE INTERIOR,
FISH AND WILDLIFE SERVICE,
WARM SPRINGS NATIONAL FISH HATCHERY,

July 26, 1983.

DELBERT FRANK, SR.,
Vice-chairman, Tribal Council, Confederated Tribes, Warm Springs, Oreg.

DEAR MR. FRANK: I was pleased to receive your letter of July 25, 1983 requesting information regarding operation of the Warm Springs National Fish Hatchery. Information provided is of fish reared and released from this hatchery.

Releases:

SPRING CHINOOK

	1980	1981	1982	1983
Spring release	178,890	355,100	142,880	194,260
Fall release	54,660	65,300	108,470	200,000
Total	233,550	420,400	251,350	394,260

All chinook were released at the hatchery at the proper time for immediate seaward migration. Size at release is six to seven inches. The fall 1983 release is anticipated numbers. Anticipated releases in 1984, 1985 and 1986 are 800,000, 900,000 and 1,200,000 respectfully.

STEELHEAD TROUT

	1979	1980	1981	1982	1983
Fingerlings	164,380	0	102,480	0	0
Fry	0	0	27,330	149,420	101,120

All steelhead have been released in reservation waters, destined for seaward migration.

RAINBOW TROUT

1979	1980	1981	1982	1983
52,600	15,500	17,770	23,000	11,500

Rainbow trout releases have been for on-reservation use. Anticipated numbers in 1984 and beyond are 13,500 fish per year.

Return: The hatchery has not been in operation long enough to have complete return data for any given year. Below is listed numbers of hatchery fish that have returned to the hatchery. Again, please remember this information is incomplete.

	1982	1983
Spring Chinook	890	415
Steelhead Trout	144	86

Annual Hatchery Budget:

Fiscal year 1983:	
U.S. Fish and Wildlife Service ..	$282,000
Warm Springs Tribe	5,000
Total.....	287,000
Fiscal year 1984 (Proposed):	
U.S. Fish and Wildlife Service ..	$292,000
Warm Springs Tribe	5,000
Total.....	297,000

As you can see the bulk of our funding is from the U.S. Fish & Wildlife Service. The tribe purchases fish feed in the amount shown above, to help defray the cost of Rainbow Trout production.

If you need more information, please don't hesitate to ask.

Sincerely,

GARY R. WHITE,
Hatchery Manager.

Mr. McCLURE. Mr. President, I am happy to accept the amendment offered by my colleague from Oregon and clarify for the record that the National Hatchery at Warm Springs is, in fact, a Mitchell Act facility which provides regional non-Indian benefits. Two other hatcheries will, however, be administered by the BIA because they are primarily Indian facilities. They will not be terminated, but rather transferred to that budget account which most appropriately reflects the beneficiaries of the program.●

Mr. President, I know of no objection to the amendment. I urge its adoption.

Mr. PRYOR. There is no objection on this side of the aisle, Mr. President.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 2154) was agreed to.

Mr. McCLURE. I move to reconsider the vote by which the amendment was agreed to.

Mr. PRYOR. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

HOLOCAUST MEMORIAL COUNCIL

● Mr. CHAFEE. Mr. President, concerning funding for the Holocaust Memorial Council, I notice that the Appropriations Committee, on page 109 of its report accompanying this bill, has indicated its reluctance to fund activities "outside the immediate scope of the Museum" absent action by the authorizing committees. I believe this is a sound approach, and I want to commend the committee and the chairman of the subcommittee, for adopting it.

In my view, the Holocaust Memorial Council, which was established by Congress nearly 3 years ago, has a valuable service to perform. I understand this mission to consist primarily of organizing the effort to create the Holocaust Memorial Museum here in Washington.

The Holocaust was an absolutely ghastly series of acts perpetrated by the government of Nazi Germany, and all of us should reflect on the causes of this historical tragedy and on its ramifications.

Mr. President, the fundamental purpose of this Museum is solely to memorialize the victims of the Nazi persecution as provided in Public Law 96-388, which states that the museum is intended to be "a permanent living memorial museum to the victims of the holocaust." The intent of Congress is clear.

Could I ask the Senator from Idaho if my remarks accurately reflect the intentions of the committee?

Mr. McCLURE. The Senator from Rhode Island is correct. The funds in this bill are provided to the Executive Director of the Holocaust Memorial Council to assist the Council in the planning and design work associated with a museum to commemorate the victims of the Nazi persecution. There are no funds provided for purposes beyond this.

Mr. CHAFEE. Mr. President, I applaud the language of the committee report outlining the position just outlined by the Senator from Idaho.●

Mr. McCLURE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HEFLIN. Mr. President, I rise today to express my concerns over one section of the fiscal year 1984 Interior appropriations bill—that section which deals with forest management.

Last year, the forest management budget was funded at a level of $7,674,000. The Appropriations Committee has recommended a funding level of $2,177,000 for fiscal year 1984.

Obviously, Mr. President, such a drastic reduction in funding of the forest management program would adversely affect State and private forestry programs. As you know, these programs are carried out by the U.S. Forest Service in cooperation with State foresters. These programs are designed primarily to aid private, nonindustrial landowners. These landowners own 58 percent of the Nation's commercial forest lands. These forests offer us the greatest opportunity to increase timber production, production needed to meet the projected 30-percent increase in domestic demand by the year 2000.

Mr. President, the committee has recommended a reduction of $5,497,000 in the forest management budget. I strongly believe that this is too large a reduction. I believe we need to increase production of forest lands and strengthen our Nation's global economic position by providing increased forest products for export to developing world markets.

Clearly, such a drastic cutback in funding would not help us reach these goals.

Mr. President, a survey of our State foresters indicates that this $5.497 million budget cut would eliminate 300 Forest Service positions. Several States have indicated they would eliminate their programs altogether if these proposed cuts are made. Others have stated that their programs would be reduced severely under the reduction. Losses of this magnitude would undoubtedly have an adverse impact on our State and private forestry programs.

It is unwise, I believe, at a time when our farmers are facing such financial stress, that we subject our forests and other holdings to an even greater risk of destruction by forest fires.

Mr. President, I had intended to offer an amendment that would change the committee's overall recommendation for funding State and private forestry programs from $51,730,000 for fiscal year 1984 to $57,227,000, restoring $5,497,000 to the forest management budget, thus bringing it to last year's level.

However, I have no desire to further delay this measure. It has already met with too many delays. Nonetheless, I did want to bring this reduction to the attention of my colleagues and let them know what impact the cut would have on their State and private forestry programs.

Mr. President, the House has recommended $5,177,000 for fiscal year 1984 for the forest management budget, compared to the $2,177,000 figure recommended by the Senate Appropriations Committee.

I feel the House figure is a more reasonable one, providing fairness and equity to our private, nonindustrial forest owners. Therefore, I wish to suggest, respectfully, to the distinguished chairman, Mr. McCLURE, that the Senate conferees look with favor upon the House figure, when the Inte-

rior appropriations bill goes to conference.

Mr. President, I sincerely believe this money is well spent and the House figure would be more in keeping with the needs of the Nation and our commitment to our State and private forestry interests.

Mr. McCLURE. Mr. President, the subcommittee recognizes the value of State and private forestry and the contribution that this program can make to it.

What we did in the deliberations of the subcommittee was simply take the budget recommendation in full because we do recognize that value. I am aware of the concern the Senator has stated. He has stated it to me numerous times privately, as is his wont, not necessarily abrasively, gently but persuasively, and he has done so again today. I am sympathetic to the needs of this program and the contributions that it can make. I say to the Senator that if we take no action today, and I hope we will not take action today, this matter will be considered very sympathetically in the conference.

It would be my expectation that if that is the case, we will probably come out of the conference with the amount of money that the House has suggested.

I particularly appreciate the leadership that the Senator has given. There is no one has been more determined and more steadfast in his determination that this program not be neglected. If we come out of the conference with that full figure, the people that are concerned about it certainly ought to be able to look to Senator HEFLIN for the credit that is justly due him for having kept this matter alive through the deliberations in the Senate and into the conference. I think I can safely say to the Senator that this is one that will probably be resolved in the conference in the manner which he would find pleasing.

Mr. HEFLIN. I appreciate the remarks of the distinguished chairman, and I thank him.

Mr. McCLURE. I thank the Senator.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, what is the pending question?

The PRESIDING OFFICER. The pending question is the committee amendment.

Mr. BAKER. Mr. President, I ask unanimous consent that the committee amendment, the pending question, be temporarily laid aside so that I may offer an amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2155

Mr. BAKER. Mr. President, I send an amendment to the desk and ask that it be reported.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Tennessee (Mr. BAKER) for himself and Mr. SASSER proposes an amendment numbered 2155:

On page 10, line 18, strike the number "$14,050,000" and insert in lieu thereof "$14,250,000".

Mr. BAKER. Mr. President, I will be very brief.

On September 13 of this year, my distinguished colleague, Senator SASSER, and I wrote to the chairman of the Subcommittee on Interior and Related Agencies of the Committee on Appropriations in respect to this matter:

It has been brought to our attention the urgent need for an additional appropriation of approximately $200,000 for the U.S. Fish and Wildlife Service to purchase machinery that will aid them and the Tennessee Department of Conservation in halting the rapid deterioration of Reelfoot Lake located on Obion County, Tennessee. This beautiful natual resource is in serious danger of dying due to the increased siltation and vegetation.

Under the terms of an agreement signed in 1941, the U.S. Fish and Wildlife Service in cooperation with the Tennessee Department of Conservation is responsible for maintaining Reelfoot Lake and Reelfoot National Wildlife Refuge. Recently, a Task Force was created by the Tennessee General Assembly, on which the Fish and Wildlife serves, to study proposals for the future revitalization of the lake. The purchase of aquatic machinery has been recommended to us by the Task Force as an interim measure. It is our understanding that the Fish and Wildlife Service does not have sufficient funds to cover this expense and that an additional appropriation is necessary.

Mr. President, that is the purpose of this amendment.

Mr. SASSER. Mr. President, I want to express my strong support for the amendment offered by my distinguished colleague. An additional appropriation of $200,000 to the U.S. Fish and Wildlife Service will enable it to fulfill it responsibilities to the Tennessee Department of Conservation in the management of Reelfoot Lake. These funds will be used to purchase the necessary machinery to start a revitalization effort already begun by the Tennessee General Assembly.

Mr. President, Reelfoot Lake is a national treasure created by the New Madrid earthquake of 1812. It is now threatened by siltation and overgrowth of vegetation. These funds will certainly move us forward in a preservation effort of this beautiful and unique lake for future generations.

Mr. McCLURE. Mr. President, we have no objection to the amendment.

The PRESIDING OFFICER. Is there further debate?

Mr. DECONCINI. Mr. President, we have no objection to the amendment.

Mr. BAKER. Mr. President, I ask that my amendment be modified so that it will conform to the numbers contained in the status of the previous section amended today by the Senator from Alaska (Mr. STEVENS).

The PRESIDING OFFICER. Without objection, it is so ordered.

The modified amendment is as follows:

On page 10, line 18, strike the number "$19,585,000" and insert in lieu thereof "$19,785,000".

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 2155), as modified, was agreed to.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. McCLURE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BAKER. Mr. President, I thank the manager of the bill, and I thank the minority leader for permitting me to transact this piece of business. I understand that he has an amendment that he wishes to offer.

The PRESIDING OFFICER. The minority leader.

Mr. BYRD. Mr. President, the distinguished majority leader is welcome.

Mr. President, I ask unanimous consent that notwithstanding the fact that the committee amendment has not been adopted, I be permitted to offer this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2156

Mr. BYRD. Mr. President, I send an amendment to the desk and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from West Virginia (Mr. BYRD) proposes an amendment numbered 2156.

Mr. BYRD. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 14, line 19, strike "$27,355,000" and insert "$27,555,000" in lieu thereof; and on page 16, line 9 strike "$149,650,000" and insert "$149,450,000" in lieu thereof.

Mr BYRD. Mr. President, this amendment has been discussed with the managers on both sides, and I will

not delay the Senate with any lengthy discussion.

The amendment would add no funds to the bill. It would simply transfer $200,000 in funds which were originally planned for land acquisition at the New River Gorge National River to permit the Park Service to construct visitor sanitation facilities. This past May I had the pleasure to dedicate the new temporary visitor center located on the rim of the New River Gorge. Visitor use of this new center is apparently far greater than was anticipated, and, as a result, the existing vault type restroom facilities have proved to be very inadequate to meet the additional demand. While the New River Gorge is just entering its land acquisition phase, and, therefore, land acquisition funds are very necessary, I believe that it is of utmost importance to establish adequate and sanitary restroom facilities as soon as possible. Mr. President, I urge that my amendment to shift these funds within the total funds recommended for the New River Gorge National River be accepted.

I thank the managers for what I believe will be their reponse in accepting the amendment, inasmuch as they have indicated that they have no objection.

Mr. McCLURE. Mr. President, we have reviewed the amendment. I agree with the statement the Senator from West Virginia has made. We have no objection to the amendment.

Mr. BYRD. I thank the distinguished manager of the bill.

Mr. DECONCINI. Mr. President, we do not object to the amendment on this side.

Mr. BYRD. I thank the acting manager of the bill on this side.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 2156) was agreed to.

Mr. BYRD. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. McCLURE. I move to lay the motion on the table.

The motion to lay on the table was agreed to.

Mr. COCHRAN. Mr. President, I ask unanimous consent that the pending amendment be temporarily laid aside so that I may offer an amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2157

Mr. COCHRAN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Mississippi (Mr. COCHRAN) proposes an amendment numbered 2157.

Mr. COCHRAN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER (Mr. WILSON). Without objection, it is so ordered.

The amendment is as follows:

On page 16, line 2, insert before the period the following:

": *Provided further*, That up to $1,000,000, to be derived from the Historic Preservation Fund, shall be available until expended for the preparation of a feasibility report recommending measures necessary to provide protection from the severe sloughing of bluffs in Natchez, Mississippi, between the north limits of the National Cemetery and the U.S. Highway 84 bridge, where potential bluff sloughing is found imminent and historic properties, roads, streets, utilities and other improvements are threatened, such funds to be transferred to the Secretary of the Army for utilization by the U.S. Army Corps of Engineers".

On page 14, line 19, strike the number "$27,355,000" and insert in lieu thereof "$28,355,000"

Mr. COCHRAN. Mr. President, this amendment would appropriate $1,000,000 to the historic preservation fund for the purpose of entering into an agreement with the Corps of Engineers to do a survey/study of the problem of sloughing/caving along the Natchez Bluffs. This sloughing, if unchecked, threatens parts of four historic districts which contain 90 properties listed on the National Register of Historic Places.

The study would focus on the caving between the north boundary of the National Cemetery and the Highway 84 Bridge, a distance of approximately 1.5 miles. Several historic properties are in imminent danger of destruction at this time. Weymouth Hall, one of our most impressive Greek revival mansions, is now within 7 feet of the bluffs and in danger of being lost. The National Cemetery, established in 1867, is an 11-acre complex maintained by the Veterans' Administration which contains the graves of hundreds of known and unknown soldiers, including many black veterans such as Wilson Brown of Natchez who received the Congressional Medal of Honor. This cemetery is now within 20 yards of the bluff caving. Other threatened properties include the Gardens, Natchez City Cemetery, Charity (U.S. Marine) Hospital, Learned House, Smith-Bontura House, Edelweiss, the Parsonage, Rosalie, and the Briars.

The area to be studied contains some of the most important and unique examples of historic architecture and has become a tourist mecca and popular filming location.

The study that would be carried out with this appropriation is the only method available to determine the causes of the Natchez Bluffs problem. The Corps of Engineers is well qualified to investigate the problem to determine the cause for the bank caving and recommend solutions to protect these historic properties. The study would include compiling all available data on the soils peculiar to the region and allow the corps to take further soil borings to compile a complete inventory of the phenomena involved.

Mr. President, I ask unanimous consent to have printed in the RECORD a resolution approved by the city of Natchez and signed by its mayor, Tony Byrne.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

RESOLUTION

Whereas, the City of Natchez, Mississippi, has a unique and rich history and the bluffs forming its westerly boundary along the Mississippi river have played a significant part in such history by being a momentous factor in the settlement, development and beauty of the City and are therefore of major importance to all the citizens of Natchez; and

Whereas, the City of Natchez and Adams County are recognized as a state and national treasure with four historic districts and ninety individual properties listed on the National Register of Historic Places; and

Whereas, the bluffs are presently in very real and serious danger from natural slides and sloughs which, if unchecked, will continue and lead to further loss of life and property, including property unique to the architectural history of Natchez, and the State of Mississippi, and the United States; and

Whereas, a group of individuals interested in saving the bluffs are currently making efforts to call attention to the problem and seek possible solutions thereto; and

Whereas, it is in the best interest of the City of Natchez and its citizens both to support such efforts and to implement any and all means at their disposal to stabilize the bluffs;

Now, be it resolved, that the City of Natchez does hereby express and declare its unqualified support in finding a practical and feasible solution to the problem of the bluffs and the present efforts of its citizens in achieving same.

Mr. COCHRAN. Mr. President, I ask unanimous consent to have printed in the RECORD a resolution of the Adams County Board of Supervisors and a letter from the president of the National Trust for Historic Preservation.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

RESOLUTION

Whereas, Adams County, Mississippi, has a very unique and rich history and the bluffs forming its westerly boundary along the Mississippi River have played a significant part in such history by being a momentous factor in the settlement, development and beauty of the County and are therefore of major importance to all the citizens of Adams County; and

Whereas, the City of Natchez and Adams County are recognized as a state and national treasure with four historic districts and ninety individual properties listed on the National Register of Historic Places; and

Whereas, the bluffs are presently in very real and serious danger from natural slides

and sloughs which, if unchecked, will continue and lead to further loss of life and property, including property unique to the architectural history of Adams County, and the State of Mississippi, and the United States; and

Whereas, a group of individuals interested in saving the bluffs are currently making efforts to call attention to the problem and seek possible solutions thereto; and

Whereas, it is in the best interest of Adams County and its citizens both to support such efforts and to implement any and all means at their disposal to stablize the bluffs;

Now, be it resolved, that the Board of Supervisors of Adams County does hereby express and declare its unqualified support in finding a practical and feasible solution to the problem of the bluffs and the present efforts of its citizens in achieving same.

NATIONAL TRUST
FOR HISTORIC PRESERVATION,
Washington, D.C., September 13, 1983.

Hon. JAMES MCCLURE,
Chairman, Committee on Appropriations, Subcommittee on Interior, Dirksen Office Building, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: We understand that your Subcommittee is evaluating a proposal to include funding in the FY84 Interior and Related Agencies Appropriations Bill for a study of the fluff erosion problem in Natchez, Mississippi. The receding bluff is threatening five National Register Historic Districts. The National Trust for Historic Preservation would like to voice its concern for the threat to these significant properties and their inhabitants and urge favorable action on the proposal.

The National Trust's Southern Regional Office and its Advisor form Mississippi, Ronald Miller, have been actively involved in this issue at the local level. The five threatened historic districts are of national significance and contain one of the finest collections of antebellum homes in the South.

The erosion problem is reaching a critical stage. There is imminent threat to Weymouth Hall, an 1855 Greek Revival Mansion, which presently sits only seven feet away from the edge of the bluff. Recent slides have destroyed the Old Powder Magazine, sections of two streets and have taken two lives.

Unfortunately, the study to determine the cause of erosion and a method of arrest is beyond the financial resources of the National Trust as well as the local community. It is our hope that the Subcommittee will appropriate money to solve the bluff erosion problem before further losses are incurred.

Thank you for the opportunity to express our support on this important issue.

Sincerely,

MICHAEL L. AINSLIE,
President.

Mr. STENNIS. Mr. President, I support the amendment offered by my colleague from Mississippi, Senator THAD COCHRAN, which will provide for a study of a very serious situation in Natchez, Miss. There in that historical city there is a problem which has come about as a result of the sloughing of bluffs overlooking the Mississippi River. These bluffs, which provide the border of a designated "National Historical District," have been eroding for several years and have reached a point that they are perilously close to some national landmarks.

Mr. President, Senators may recall in 1980, in that same area, two people were killed and much damage occurred to property when heavy rains caused a massive mud slide. This is the kind of thing that could happen again if we do not look at some possible solutions.

The money provided in this amendment would make it possible to study the situation to see if anything can be done and how much it would cost if it is possible. I think that the chairman and ranking member of this subcommittee and others who are familiar with this problem realize this study is urgently needed.

Therefore, I urge the adoption of this amendment.

Mr. COCHRAN. Mr. President, we have discussed the amendment with the managers of the bill, and we have been working with the staff in connection with this proposal. We hope that the managers will be able to recommend to the Senate that the amendment be accepted.

Mr. MCCLURE. Mr. President, I cannot commend the Senator from Mississippi too highly for having brought this amendment to the floor. When I say that, I mean it most sincerely, because there is a problem here.

There is no real legal precedent for this kind of action.

We, I think, should be very careful in taking this action that we do not casually invade land and water conservation funds for this kind of activity.

There would be those who would agree that an analysis of the statutes would say that the legal authority is at best questionable. As to what might be done, we do not really know whether this is the appropriate vehicle for the solution to the problem.

These particular historic features are not the highest on the priority list, and there may be some who would question the propriety of moving them forward as rapidly as this would do.

I should also mention the fact that whenever you are trying to take action of this kind, it is very uncertain as to whether or not we will be successful in reversing what others might say is the inexorable natural tendency of erosion in areas of this kind.

But after having said all of that, I say I do not know any other way to reach the problem that he is trying to reach. Since I know of no other way, I have to commend him for the ingenuity and for his persuasiveness in coming forward with this amendment, and say that it has our approval.

I add that the preliminary estimates indicate that we probably could accomplish this work for maybe half the full amount, and I wish the record to reflect that we do not expect them to spend $1 million. If indeed they can get by with an expenditure of half that amount, of $500,000, we would expect that they do so in the most prudent and most economical way to do it.

But, as I said at the outset, I know of no other way to get done what the Senator very rightfully suggests needs to be done. Therefore, we do support the amendment and hope that the amendment is adopted. If others in similar circumstances arise, we will take a look at them also. But it is very hard to conceive of exactly the same kind of circumstances arising at other times and in other places.

Once again I commend the Senator from Mississippi.

Mr. DECONCINI. Mr. President, the minority has no objection to this amendment.

Mr. COCHRAN. Mr. President, I ask unanimous consent that the senior Senator from Mississippi be listed as a cosponsor of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COCHRAN. Mr. President, I thank very sincerely the managers of the bill for their support of this amendment and the recommendation they are making to the Senate.

I agree with the distinguished Senator from Idaho that we hope the study can be accomplished for less than the amount shown in the amendment. This is a study hoping to find whether or not there is a feasible solution to the problem that is being experienced in the Natchez area.

I appreciate very much the consideration of both sides of the aisle in support of the amendment.

Mr. DECONCINI. Mr. President, I move adoption of the amendment.

The PRESIDING OFFICER. Is there further debate?

Is there objection to the amendment?

The question is on agreeing to the amendment of the Senator from Mississippi.

The amendment (No. 2157) was agreed to.

Mr. DECONCINI. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. MCCLURE. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The question recurs on the committee amendment.

Mr. MCCLURE. Mr. President, I ask unanimous consent that the pending committee amendment be temporarily laid aside in order to provide for the consideration of the amendment of the Senator from Wyoming.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Wyoming is recognized to offer an amendment.

AMENDMENT NO. 2158

Mr. SIMPSON. Mr. President, I send to the desk an amendment and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Wyoming (Mr. SIMPSON) (for himself and Mr. WALLOP) proposes an amendment numbered 2158:

On page 23, line 23, delete "$819,260,000" and insert in lieu thereof "$819,360,000"

Mr. SIMPSON. Mr. President, the Lander, Wyo., U.S. Fish and Wildlife field unit has been an important contributor to the preservation, evaluation, and development of some of the best trout fishing in the United States. This field station has been active for many years in assisting two of our Indian tribes in the State of Wyoming, the Shoshone and Arapaho Indian tribes in management of fisheries and wildlife habitats and in learning proper sampling and evaluation techniques.

The results of this assistance are clearly discernable. Trout streams and lakes that have been stocked are indeed, teeming with fish. Lakes that had no trout or that just had rough fish now contain healthy populations of new trout. In addition, the field station has contributed greatly to the training of Indian tribal members, so that one day the Wyoming tribes may assume total primacy for fish and wildlife management on the Wind River Indian Reservation.

Unfortunately, funding levels for the Lander unit have fallen below a minimum operational level in recent years. The Fish and Wildlife Service and the Bureau of Indian Affairs both recommend an increase in funding for this station and its related programs. The Wyoming tribes have consistently contributed funding for part of the Fish and Wildlife management on the reservation—over $200,000 per year for almost the past decade—yet Federal funding has fallen from a comparable level to less than $50,000.

For these and various other reasons, I propose this amendment to the Interior appropriations bill that would increase the appropriation by $100,000. This is the minimum level needed to keep the station open and functional.

Previously, I have had conversations with the chairman of the Interior Subcommittee, Mr. MCCLURE, on this issue. Unfortunately, we simply ran out of time and were not able to accomplish this addition during committee markup.

It is my understanding that the committee has no objection to this amendment, and that it has been cleared with the committee staff.

I believe that the amendment might be adopted and I submit it on behalf of MALCOLM WALLOP of Wyoming, my friend and colleague.

I ask for adoption of the amendment.

● Mr. WALLOP. Mr. President, I am pleased to join my colleague from Wyoming, Senator SIMPSON, in offering an amendment to H.R. 3363 which will provide $100,000 for the Fishery Assistance Station in Lander, Wyo.

This amount will help to remove the uncertainty over the future of the program which has stifled any long range planning, and research.

The Fish and Wildlife Service originally established the Lander unit to provide technical assistance in both fish and wildlife management to the Shoshone and Arapaho Tribes located on the Wind River Indian Reservation in west central Wyoming. This is a formidable job. The reservation contains over 2 million acres of land which is the natural habitat of numerous species of game including elk, deer, mountain sheep, grizzly bear, moose, and antelope. In addition, the Wind River is 1,109 miles of streams and 263 lakes that contain some 27 different species of fish.

Although the funding for the wildlife portion of the unit was previously cut, the fishery research continues to provide valuable information which is critical to the tribes, the State of Wyoming and the surrounding region.

This money which we are now requesting will be combined with contributions from the tribes to insure that this program is not lost.●

The PRESIDING OFFICER. Is there further debate?

Mr. MCCLURE. Mr. President, we have no objection to the amendment. We urge its adoption.

Mr. DECONCINI. Mr. President, I have no objection.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Wyoming.

The amendment (No. 2158) was agreed to.

Mr. WARNER. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. SIMPSON. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. SIMPSON. Mr. President, I appreciate the patience and understanding of Senator MCCLURE and Senator DECONCINI.

Mr. MCCLURE. Mr. President, I ask unanimous consent that the pending committee amendment be temporarily laid aside in order to provide for the consideration of an amendment to be offered by the Senator from Virgina.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Virginia is recognized.

AMENDMENT NO. 2159

(Purpose: To provide funds for the Mary McLeod Bethune NHS)

Mr. WARNER. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Virginia (Mr. WARNER) proposes an amendment numbered 2159.

On page 13, line 18, strike out the period and insert in lieu thereof "*Provided further*, tht $200,000 shall be available for a cooperative agreement for the Mary McLeod Bethune NHS to carry out the provisions of Public Law 97-329."

Mr. WARNER. Mr. President, last year, along with the Senator from Oregon, Senator HATFIELD, I introduced legislation to designate the Mary McLeod Bethune "Council House" here in Washington, D.C. as a national historic site. I was pleased that the bill passed the Congress and was signed into law by President Reagan.

I am now offering this amendment to earmark, from available funds in the Senate Interior Appropriations bill, $200,000 authorized by that legislation in order to assure the preservation, maintenance and interpretation of "Council House."

"Council House," located at 1318 Vermont Avenue NW., was the last official residence of Mrs. Bethune, a great American and prominent black leader. The house also served as the first national headquarters of the National Council of Negro Women.

It was from this historic building that Mrs. Bethune and others labored to develop the strategies and programs which advanced the interests of black women and the black community.

Mrs. Bethune worked tenaciously to achieve goals which many thought impossible at the time. She had the fortitude, persistence, and confidence to believe that if one was willing to work hard, even the greatest barriers could be overcome. She is an example of the spirit and hope upon which America was founded.

Heads of State, government officials and leaders from around the world were received at "Council House" which now serves as the site of the Mary McLeod Bethune Memorial Museum, and the National Archives for Black Women's History.

During my tenure as administrator of the Nation's Bicentennial, the Bicentennial Administration made a grant to the National Council of Negro Women to assist in this program. I have a continuing personal interest in this repository of black American history of which Mrs. Bethune and her associates are so much a part.

Mr. President, that effort during the bicentennial was during the period of 1974 through 1976, so my association

with this project goes back some considerable period.

Mr. President, I ask unanimous consent that the section on Mary McLeod Bethune from the work Black Women in America: Contributors to Our Heritage by Dr. Bettye Collier-Thomas be printed in the RECORD so that we may have a better understanding of the contributions to our society by Mrs. Bethune. Dr. Collier-Thomas is the director of the Bethune Museum Archives.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

BLACK WOMEN IN AMERICA—CONTRIBUTORS TO OUR HERITAGE

Mary McLeod Bethune was the fifteenth of seventeen children of Samuel and Patsy McLeod, slaves on the McLeod Plantation in Mayesville, South Carolina. Born after the Emancipation, Mary McLeod was a free woman. Seeing the overriding importance of real freedom and equality, she became a powerful force in the emerging struggle for civil rights. Beginning as an educator and founder of a school which bears her name, she became the valued counselor to four presidents, the director of a major government agency, the founder of a major organization for human rights (the National Council of Negro Woman), and a consultant to world figures seeking to build universal peace through the United Nations.

Mrs. Bethune obtained prominence as an educator. Her work, building the Daytona Normal School for Negro Girls into Bethune-Cookman College, brought her into contact with important political and financial figures. Under President Calvin Coolidge, and later Herbert Hoover, the national government began utilizing Mrs. Bethune's considerable experience for the National Child Welfare Commission. However, it was Franklin Delano Roosevelt who recognized the important role Mary McLeod Bethune could play in the implementation of his "New Deal" policies. Roosevelt created the office of Special Advisor on Minority Affairs in 1935. This position later became a part of the National Youth Administration (NYA).

As Director of the Division of Negro Affairs from 1936-1944, Mary McLeod Bethune was in a position to do much to further the interest of the Negro in America. She saw her task as one of interpreting the needs of black people to the directors of government. Equality of employment, housing, and personal freedom were immediate needs. To expedite these ends, she actively campaigned for the inclusion of blacks on the staff of federal agencies and other key positions of power. Perceiving the need for establishing concrete guidelines for the improvement of the position of blacks in the U.S., Mrs. Bethune organized three major national conferences of black leaders. Representatives came from all regions and political and religious persuasions. The conferences on problems of the Negro and Negro youth were highpoints in the career of Mrs. Bethune and in the struggle for civil rights. Recommendations from these conferences were submitted to President Roosevelt accompanied by Mrs. Bethune's urgings for implementation.

A fighter for the rights of all, Mary McLeod Bethune had a special interest in the rights and abilities of women, particularly black women. Recognizing the then almost untapped resource of America's women, she sought out other women who were aware of the contributions they could make for the advancement of world interests. She perceived in the united efforts of women a bridge to the unity which world governments sought. On December 5, 1935, a group of notable black women leaders representing a spectrum of national women's organizations joined together to form an umbrella organization to further the efforts of each affiliate. Among the thirty attendants were Mary Church Terrell and Charlotte Hawkins Browne. Mary McLeod Bethune was unanimously elected President of the new organization—the National Council of Negro Women. Working through this organization of organizations, Mrs. Bethune was able to realize the implementation of numerous programs addressing the problems of black women, the black community and the world community.

In 1955, feeling that death was imminent, Mrs. Bethune wrote her "Last Will and Testament," which defined the meaning of her life and her hopes for her people. Known as the Bethune "Legacy," this document, distributed throughout the world, is recognized as a truly great literary work.

Mr. WARNER. Mr. President, I would also like to thank Ms. Dorothy Height, president of the National Council of Negro Women, for her leadership on this issue and Mr. Guy C. McElroy, curator/assistant director of the Bethune Museum, for his assistance.

Mr. President, I urge the adoption of the amendment.

The PRESIDING OFFICER. Is there further debate?

Mr. McCLURE. Mr. President, we have no objection to the amendment.

Mr. DECONCINI. Mr. President, we have no objection to the amendment on this side.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Virginia (Mr. WARNER).

The amendment (No. 2159) was agreed to.

Mr. WARNER. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. DECONCINI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. WARNER. Mr. President, I wish to thank the distinguished managers of the bill for their cooperation and support in this matter.

The PRESIDING OFFICER. The question recurs on the committee amendment.

Mr. McCLURE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. Mr. President, I ask unanimous consent that I be added as a cosponsor of the amendment offered by the distinguished minority leader relating to surface mining.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCLURE. Mr. President, I ask unanimous consent that the pending committee amendment be temporarily laid aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2161

(Purpose: Technical Amendment to Amendment 2111.)

Mr. McCLURE. Mr. President, on behalf of Senator EXON, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Idaho (Mr. McCLURE), on behalf of Mr. EXON, proposes an amendment numbered 2161.

Mr. McCLURE. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

The last sentences of amendment numbered 2111 is amended to read as follows:

The last sentences of amendment numbered 2111 is amended to read as follows:

Withdrawals from the public domain as they pertain only to the lands described in this paragraph under Secretarial Orders of February 11, 1903, and July 24, 1917, for purposes of the North Platte Project, are revoked by conveyance of the rights, title, and interests as set forth in this paragraph.

Mr. McCLURE. Mr. President, this is simply a technical amendment. Prior to the August recess, we had adopted an amendment offered by the distinguished Senator from Nebraska. That amendment had in it one technical error and this would correct that technical error in an amendment already agreed to by the Senate. I think there is no controversy and I urge the adoption of the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Idaho (Mr. McCLURE).

The amendment (No. 2161) was agreed to.

Mr. McCLURE. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. DECONCINI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. McCLURE. Mr. President, the distinguished majority leader is on the floor and this might be a good time to suggest to him that we have made as much progress on this bill as we are

likely to be able to make today. Just as a kind of a scorecard on it, we have considered and adopted 17 amendments today. We have considered two which were withdrawn by their sponsors after discussion. We have had colloquies with respect to interpretation of the bill on 12 different points.

My understanding is that there are 12 amendments remaining to be considered. Three of those might be considered as amendments which would require some debate, and the balance would be of the nature we have discussed today and can be handled relatively expeditiously on tomorrow. I understand there are three or four other subject matters upon which Members may wish to have some colloquy.

I believe, in view of the order and the arrangement the majority has made, that if we will get at this promptly tomorrow and attend to the business of the Senate on this, we can finish the bill in good time on tomorrow with the remaining business that we know of.

Mr. BAKER. Mr. President, I thank the Senator for the report, and a very good report it is indeed. I, too, hope we can finish this bill during the day tomorrow.

Mr. President, there will be no more votes today. I believe there is no other matter that can be disposed of on this measure.

IN SUPPORT OF H.R. 3363, THE INTERIOR APPROPRIATIONS BILL

Mr. WILSON. Mr. President, I rise in support of H.R. 3363, the Interior appropriations bill for fiscal year 1984, but I do so with two grave reservations. In one instance, too much money is made available by this bill. I am referring to the conspicuous absence of any language which would preclude the Department of the Interior from spending moneys to offer for lease certain Outer Continental Shelf tracts off my home State of California.

In the second instance, not enough money is made available for an important park project near Los Angeles—the Santa Monica Mountains National Recreation Area. In fact, the committee has recommended zero funds for needed parkland acquisition at this site.

These faults—too much money on one hand and too little on the other—relate to different but important needs of the 25 million people of California.

Let me speak first of the absence of any Outer Continental Shelf moratorium language. In recognition of the concerns that have been expressed by California's coastal communities, the Department of the Interior recommended that moneys not be appropriated in fiscal year 1984 for Outer Continental Shelf leasing in central and northern California. Despite this recommendation, the Appropriations Committee bill, as presently written, does allow Outer Continental Shelf leasing in this area.

And to make the situation much worse, the committee refused to include nearshore tracts off southern California in even a 1-year moratorium. Indeed, the committee strips the bill of this needed protection which was added by the House to allow time for resolution of serious questions that remain unanswered. This action was taken by the committee over my strenuous objections and those of my distinguished senior colleague from California, and of those coastal communities that would be directly threatened by Outer Continental Shelf leasing. The objections registered by the cities of San Diego and Los Angeles and a score of counties, business groups, city councils, and concerned citizens went unheeded.

These objections were voiced loudly and clearly most recently on July 26 at a series of public hearings in San Diego, Ventura, and Long Beach on proposed Outer Continental Shelf lease sales No. 80. In San Diego alone, over 100 witnesses testified. Except for the statements made by the oil and gas industry, all those who testified argued strenuously against the proposed lease sale. Included in this testimony was a statement by the San Diego Chamber of Commerce—an organization to which Secretary Watt looks to for support of his leasing program. The chamber's endorsement is anything but unqualified. Rather, the chamber voiced many concerns which have not been adequately addressed by the Department of the Interior. Their testimony can best be summarized as highly qualified support for the prudent and careful development of our natural resources, but not for what they fear will be at the cost of substantial environmental degradation or economic damage.

I share the chamber's sentiments. It has never been my purpose to impose a total ban on OCS development off California. To the contrary, what Senator CRANSTON and I seek to do is give California only the same protection enjoyed by other coastal States, and in what amounts to but 2½ percent of the billion acres Secretary Watt plans to lease. And in fact, California makes a substantial contribution to national energy self-sufficiency. As the fourth largest oil-producing State in the Union, California is a leader in oil and gas production. Recent oil strikes on the Outer Continental Shelf off the coast of Point Arguello have been making national headlines in the last several months.

All that my colleagues from California and I, and all that the House are proposing at this time, is the deferral for 1 year on leasing certain near shore southern California tracts; and we would join the Department of the Interior in supporting exclusion of central and northern California. In southern California, we specifically seek protection for Santa Monica Bay and a 12-mile buffer zone from Newport Beach to the Mexican Border. Even with these deferrals, key oil and gas fields are left open for development.

The committee should have recommended protection for California that the Department of the Interior has already provided for the eastern gulf, sections off the State of Massachusetts, and elsewhere. California is not Camelot, but it does deserve fair and equitable treatment commensurate with that received by other States.

Let me now move to the other serious shortcoming I see in this bill—the absence of any moneys for parkland acquisition at the Santa Monica Mountains National Recreation Area. This park was authorized in 1978, yet Congress has failed to make moneys available for parkland acquisition in the last 2 years. If we continue this pattern—as the Appropriations Committee would have us do—we stand to seriously jeopardize the good-faith standing of the U.S. Government on park-related matters.

By not following through on our commitment to make certain acquisitions in the Santa Monica Mountains National Recreational Area, we are committing a grave injustice to those individuals that have private inholdings. With the creation of this national recreation area, these individuals have effectively been stopped from developing their property. These landholders would have few objections if they could sell their property to the Park Service. Unfortunately, the Park Service will have no money to make these purchases if the bill before us today is enacted into law.

Equally as important as fairness to the property owners is the opportunity we have to provide wholesome and needed outdoor experience to millions of nearby Los Angeles residents. Due to socioeconomic circumstances, some of these people might not otherwise have the opportunity to enjoy the outdoors. As many of my colleagues know, I am currently embroiled in the midst of a very contentious debate on the question of how many acres should be added to the national wilderness system in California. While many of these proposed wilderness areas have merit, none can offer the same kind of access to so many urban-area residents—many of limited personal resources and in need of outdoor recreation to ease the pressures of urban living—as can the Santa Monica Mountains National Recreation Area. The committee, in my view, failed to recognize the importance of this asset by not recommending appropriations for this national recreation area.

As disappointed as I am about the failure to provide for OCS moratorium language and funding for the Santa Monica Mountains National Recreation Area, I do very much appreciate other recommendations that have been made by the committee. In particular, land and water conservation fund moneys for land acquisition in the Golden Gate National Recreation Area and at Lake Tahoe have my full endorsement. These projects are of special importance to my northern California constituents. Evidence of the popularity of the Golden Gate National Recreation Area, for example, can be seen in the 2.4 million visitors recorded in 1982. The Lake Tahoe project, on the other hand, is a project that provides not for parkland access, rather for the acquisition of environmentally sensitive tracts. Purchase of these lands will aid in the protection of this pristine national treasure.

In conclusion, I support this bill, but with the serious reservations I have stated. My only consolation is that changes are likely to be made before this bill goes to the President. I hope and ask that conferees will make the changes I seek to cure its defects. By doing so, they will earn the deep gratitude of my colleague from California and me, and of the millions of Californians we represent.

Mr. CRANSTON. Mr. President, I cannot support H.R. 3363, the fiscal year 1984 interior and related agencies appropriation bill, as reported by the Senate Appropriations Committee and intend to vote against its passage. While I have several objections, the most important are the failure of the bill to address two issues of vital concern to Californians, and to millions of non-Californians who value the scenic beauty California offers.

First, H.R. 3363 fails to provide any moneys in fiscal year 1984 for the Santa Monica Mountains National Recreation Area. Yet there is no national park in the country in greater need of Federal acquisition funds. Authorized in 1978, the Santa Monica Mountains NRA to date has received less than one-third—or just $41 million—of the total $155 million authorized for land purchases. If this bill is enacted, this will be the third consecutive year that the park's needs have not been met. No moneys were appropriated in fiscal year 1983 and only $5 million was made available in fiscal year 1982. At the same time, the parklands are under intense pressures for development. Without Federal funds forthcoming, local governments have no incentive to deny zoning for subdivisions in this highly scenic area of southern California. As a result, some superb parklands have already been lost.

The House of Representatives—at the urging of 30 Members of the California congressional delegation—approved $25 million for the Santa Monica Mountains NRA in its version of H.R. 3363. This sum would enable the National Park Service to double the size of the existing recreation area by acquiring top priority parcels of undeveloped lands entirely from willing sellers. Plainly this is a critical year for the Santa Monica Mountains. I fervently hope that the conference report on this bill will include an adequate level of funding—as much of the $25 million as possible—for the Santa Monica Mountains National Recreation Area.

Second, the Senate Appropriations Committee has also stripped out of H.R. 3363 all language protecting select portions of the California coastline from overzealous attempts at offshore oil and gas leasing by the Department of the Interior.

For the past 2 years the Congress has recognized the importance of preserving California's spectacular northern coastline by prohibiting in the Interior appropriation bill the use of funds to lease certain areas. This year—as the Secretary of the Interior proposes to offer for sale in February 1984 the entire southern California coast from Point Conception to the Mexican border—the House has protected certain close in, environmentally sensitive areas of the southern California coast. The House took this action after a full hearing, and with the support of 23 members of the California delegation, both California Senators and the unanimous support of the cities, towns, and counties of the affected region. The House action also has the support of the California Coastal Commission, the body established by Federal law to manage the development of California's coastal zone.

The proposed lease sale makes no economic sense. It would risk destroying far more valuable economic interests to prospect for oil in places where energy resources estimates are low. It makes no environmental sense. It would threaten the air quality and the ecology of an especially vulnerable region. And it makes no energy sense. It depresses the amount the public will receive for leasing public lands for development at a time when the west coast will be glutted with an oversupply of oil for the foreseeable future, as the oil companies themselves admit.

Senator WILSON and I have introduced bills to ban oil and gas leasing in those close-in coastal waters where oil and gas exploration would threaten recreational and commercial activities, commercial and sport fishing, marine life, air quality and even the military training areas off San Diego County. Although our bills differ slightly, they are in agreement totally on the California offshore areas which deserve to be protected from oil and gas leasing. Our bills do not affect recovery from the promising new oil finds off Point Arguello in the southern Santa Maria Basin.

Companion legislation to our bills has been introduced in the House and hearings have been held. The language approved by the House in H.R. 3363 would have given Congress time to examine this legislation and act before the next lease sale takes place.

However, the Senate Appropriations Committee has ignored the history of this vital House provision, the expressed will of Congress and the compelling reasons for including this provision in the bill just as it failed to include funds for the Santa Monica Mountain National Recreation Area. Both the California coastline and the Santa Monica Mountains are precious national assets which can be fatally wounded by this failure to protect them. I urge my colleagues to join me in urging the restoration to this bill of provisions protecting these two priceless areas of California.

ROUTINE MORNING BUSINESS

Mr. BAKER. Mr. President, I ask unanimous consent that there now be a period for the transaction of routine morning business of not to exceed 5 minutes in length in which Senators may speak for not more than 1 minute each.

The PRESIDING OFFICER. Without objection, it is so ordered.

HENRY M. JACKSON

Mr. COCHRAN. Mr. President, the sudden and unexpected death of Senator Scoop Jackson has cast a mood of gloom on the Senate as no other event has since I have been a Member of this body.

This is explained simply by acknowledging that Scoop was genuinely respected and loved by his colleagues.

He was very competent and conscientious in the representation of his constituents, and in his relationship with fellow Senators he was always friendly and thoughtful.

I will always consider it a distinct privilege to have served in the Senate with him.

I admired him greatly and enjoyed being with him very much. He was so unpretentious and so openly warm and caring with everyone he encountered.

He was, at the same time, a talented legislator who used his skill and unusual abilities to gain passage of some of the most important legislation of our generation.

Scoop Jackson will be remembered and revered for a long, long time.

MESSAGE FROM THE PRESIDENT

Messages from the President of the United States were communicated to

the Senate by Mr. Saunders, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Acting President pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriated committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

ENROLLED BILL AND JOINT RESOLUTIONS SIGNED

At 12:35 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the Speaker has signed the following enrolled bill and joint resolutions:

S. 118. An act provide for the establishment of a Commission on the Bicentennial of the Consititution;

S.J. Res. 131. Joint resolution designating "National Cystic Fibrosis Week"; and

H.J. Res. 353. Joint resolution condemning the Soviet criminal destruction of the Korean civilian airliner.

The enrolled bill and joint resolutions were subsequently signed by the President pro tempore (Mr. THURMOND).

At 12:54 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has passed the following bill and joint resolutions, in which it requests the concurrence of the Senate:

H.R. 3391. An act to improve worker training under the Trade Act of 1974, and for other purposes;

H.J. Res. 283. Joint resolution designating the week beginning November 6, 1983, as "National Disabled Veterans' Week"; and

H.J. Res. 311. Joint resolution to proclaim March 20, 1984, as "National Agriculture Day."

HOUSE MEASURES REFERRED

The following bill and joint resolutions were read the first and second times by unanimous consent, and referred as indicated:

H.R. 3391. An act to improve worker training under the Trade Act of 1974, and for other purposes; to the Committee on Finance.

H.J. Res. 283. Joint resolutions designating the week beginning November 6, 1983, as "National Disabled Veterans' Week"; to the Committee on the Judiciary.

H.J. Res. 311. Joint resolution to proclaim March 20, 1984, as "National Agriculture Day"; to the Committee on the Judiciary.

HOUSE MEASURE PLACED ON THE CALENDAR

The following joint resolution was read the first and second times by unanimous consent, and placed on the calendar:

H.J. Res. 132. Joint resolution designating the week beginning September 25, 1983, as "National Adult Day Care Center Week."

ENROLLED BILLS AND JOINT RESOLUTION PRESENTED

The Secretary of the Senate reported that on today, September 19, 1983, he had presented to the President of the United States the following enrolled bills and joint resolution.

S. 118. An act to provide for the establishment of a Commission on the Bicentennial of the Constitution.

S. 675. An act to authorize appropriations for fiscal year 1984 for the Armed Forces for procurement, for research, development, test, and evaluation, and for operation and maintenance, to prescribe personnel strengths for such fiscal year for the Armed Forces and for civilian employees of the Department of Defense, and for other purposes.

S.J. Res. 131. Joint resolution designating "National Cystic Fibrosis Week."

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-1744. A communication from the Assistant Secretary of the Army for Civil Works transmitting a draft of proposed legislation to terminate authorization for Lake Brownwood modification project, Pecan Bayou, Tex.

EC-1745. A communication from the Assistant Secretary of the Interior for Indian Affairs transmitting, pursuant to law, a plan for the use of Indian judgment funds awarded to the Standing Rock Sioux Tribe; to the Select Committee on Indian Affairs.

EC-1746. A communication from the Assistant Secretary of the Interior for Indian Affairs transmitting, pursuant to law, a plan for the division and use of judgment funds awarded to the Sisseton and Wahpeton Sioux; to the Select Committee on Indian Affairs.

EC-1747. A communication from the Mayor of the District of Columbia transmitting, pursuant to law, a two-part report entitled "Legislative History, District of Columbia Statehood Constitutional Convention" and a petition for the admission of the District of Columbia to the Union of States as New Columbia, the 51st State; to the Committee on the Judiciary.

EC-1748. A communication from the Executive Associate Director for Budget, Office of Management and Budget, transmitting, pursuant to law, a report on the need for a supplemental appropriation for compensation, pensions, and readjustment benefits for the Veterans' Administration; to the Committee on Appropriations.

EC-1749. A communication from the Acting Assistant Secretary of State for Legislative and Intergovernmental Affairs transmitting, pursuant to law, a report on certain properties to be transferred to the Republic of Panama in accordance with the Panama Canal Treaty of 1977; to the Committee on Armed Services.

EC-1750. A communication from the Secretary of the Treasury transmitting, pursuant to law, a report on activities under the Olympic Commemorative Coin Act of 1982, to the Committee on Banking, Housing, and Urban Affairs.

EC-1751. A communication from the Assistant Secretary of the Interior transmitting a draft of proposed legislation to withdraw and reserve for the Army certain public lands in the McGregor Range, Otero County, N. Mex., for use as a training and weapons testing area; to the Committee on Energy and Natural Resources.

EC-1752. A communication from the Secretary of Defense transmitting, pursuant to law, a report on the mineral potential of the Special Mining Management Zone, Clear Creek, Idaho; to the Committee on Energy and Natural Resources.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. DOMENICI, from the Committee on the Budget, without recommendation without amendment:

S. Res. 187: An original resolution waiving section 402(a) of the Congressional Budget Act of 1974 with respect to the consideration of S. 856 (Rept. No. 98-229).

S. Res. 189: An original resolution waiving section 402(a) of the Congressional Budget Act of 1974 with respect to the consideration of S. 500 (Rept. No. 98-230).

S. Res. 192: An original resolution waiving section 402(a) of the Congressional Budget Act of 1974 with respect to the consideration of S. 1001 (Rept. No. 98-231).

By Mr. STAFFORD, from the Committee on Environment and Public Works:

A report regarding section 302(b) of the Congressional Budget Act (Rept. No. 98-232).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. TRIBLE:

S. 1852. A bill to extend the expiration date of the Defense Production Act of 1950; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. TOWER (for himself and Mr. JOHNSTON):

S. 1853. A bill to amend the Tariff Act of 1930 to exempt from duties equipments and repairs to certain vessels, and for other purposes; to the Committee on Finance.

By Mr. CRANSTON:

S.J. Res. 164. A joint resolution to support the Contadora peace process; to the Committee on Foreign Relations.

By Mr. MATHIAS:

S.J. Res. 165. A joint resolution to commemorate the bicentennial anniversary of the constitutional foundation for patent and copyright laws; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. MURKOWSKI (for himself and Mr. STEVENS):

S. Res. 223. A resolution to express the appreciation of the American people for the efforts of the Japanese Government in connection with the Korean Airlines tragedy; to the Committee on Foreign Relations.

By Mr. GORTON (for himself, Mr. PRESSLER, Mr. TRIBLE, Mr. DANFORTH, Mr. SARBANES, Mr. HUDDLESTON, Mr. ABDNOR, Mr. EAGLETON, Mr. STENNIS, and Mr. WARNER):

S. Con. Res. 67. A concurrent resolution expressing the sense of the Congress that it is not appropriate at this time to transfer ownership or management of any civil meteorological satellite system and associated ground system equipment to the private sector; to the Committee on Commerce, Science, and Transportation.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. TRIBLE:

S. 1852. A bill to extend the expiration date of the Defense Production Act of 1950; to the Committee on Banking, Housing, and Urban Affairs.

EXTENSION OF THE DEFENSE PRODUCTION ACT

Mr. TRIBLE. Mr. President, I send to the desk a bill to extend for 5 years the authorities of the Defense Production Act of 1950 which expire on September 30, 1983.

The Defense Production Act (DPA) is the foundation for our Nation's defense preparedness capability both in times of war and times of peace. This act provides the President with the authority to divert certain materials and facilities to defense purposes; reduce the time required for full mobilization; insure availability of strategic and critical materials, including energy; insure productive capacity and supply; and develop preparedness programs.

Hearings to be held by the Banking Committee later this week will examine proposals put forward by the Department of Defense to use the Defense Production Act to establish price supports for a variety of defense-related materials. In addition these hearings will consider elements of House legislation which would establish several new programs under the authorities of the Defense Production Act. Finally the committee will consider the need for any amendments to the act which may be necessary in light of the Supreme Court's decision with regard to the legislative veto.

The Defense Production Act has been the continuing victim of uncertainty as the result of a succession of short-term extensions of its authorities. The Department of Defense, the Federal Emergency Management Agency and the General Accounting Office have all pointed out in forceful terms the negative consequences of an expiration of the Defense Production Act. For this reason, I am strongly advocating a 5-year extension of the act at this time.

In addition to extending the DPA for 5 years, the legislation I am introducing would make statutory the Defense Department's existing criteria for the evaluation of project proposals under title III of the Defense Production Act. The General Accounting Office, in reporting to our committee, has praised DOD for developing these criteria for DPA projects, but questioned whether they had been strictly or consistently applied. The inclusion of this provision will insure that DOD conducts a rigorous evaluation of a proposed project before it is submitted to the Congress.

Finally, in response to the Supreme Court's decision in the Chadha case concerning the legislative veto, this bill removes the legislative veto provisions from sections 301 and 302 of the act, replacing them with requirements that the Congress approve proposed loans, or loan guarantees with an authorization bill or joint resolution rather than disprove them with a legislative veto devise. Congressional approval would also be required for price guarantee proposals under section 303, which are not currently subject to adequate congressional control.

I am hopeful that this 5-year extension and these minor amendments to the DPA can be promptly reported by the Senate Banking Committee and that the Senate can act on this legislation well before the September 30 deadline.

The extension of the Defense Production Act will provide the continued availability of many of the authorities necessary to continue improvement in our Nations ability to mobilize resources in times of national emergency and I am pleased to introduce this legislation.

By Mr. TOWER (for himself and Mr. JOHNSTON):

S. 1853. A bill to amend the Tariff Act of 1930 to exempt from duties equipments and repairs to certain vessels, and for other purposes; to the Committee on Finance.

OVERSEAS REPAIR OF U.S.-FLAG VESSELS

● Mr. TOWER. Mr. President, today I am introducing, along with my colleague, Senator JOHNSTON, legislation to remedy an inequity presently existing for U.S.-flag vessels.

Currently, these vessels are assessed a 50-percent ad valorem duty on the cost of equipment, parts or materials purchased for, and repairs made to, U.S.-flag vessels in a foreign country, unless necessitated by emergency. The apparent purpose behind this duty is to have nonemergency repairs and work done in U.S. shipyards. However, there is a certain impracticality in expecting vessels regularly trading for protracted periods between distant ports of the world to return to the United States solely for these repairs. Indeed, Congress earlier recognized this inequity when it chose to amend section 466 of the Tariff Act of 1930. The act was changed in order that shrimp boats and other "special purpose" craft such as barges, oil drilling rigs, and oceanography vessels remaining away from U.S. ports for 2 or more years would be exempt from this duty.

The bill we are introducing today would broaden that exemption such that U.S.-flag cargo and passenger vessels will be included. This bill, S. 1853, is nearly identical to Public Law 91-654 which exempted special purpose vessels remaining away from U.S. ports for 2 or more years. Under our bill, the statutory requirement that a duty be levied on any repair work done in the first 6 months a vessel is away from a U.S. port would remain intact. Additionally, the requirement that a U.S.-flag vessel be away from a U.S. port for 2 or more years in order for equipment and repairs to achieve "duty-free" status would not be changed. Further, our bill includes a proviso that does not appear in current law. This proviso would forbid duty-free status for repairs if a cargo or passenger vessel is taken overseas for the sole purpose of obtaining these repairs, regardless of how long it may thereafter be absent for whatever reason.

In my view, this legislation will have little, if any, impact on shipyards in the United States with regard to the ship repair business. This is particularly ture since return of the vessels to the United States would impose a prohibitive economic burden for out-of-service and steaming costs. Yet, at a time when the competitive posture of the U.S. merchant marine is under severe constraints, due to the cost advantage enjoyed by foreign competitors and the trading protections being imposed by an increasing number of our maritime partners for the benefit of their own fleets, it is appropriate that U.S. merchant vessels regularly deployed abroad for extended periods be relieved of the further cost disadvantage of a duty on foreign equipment repairs if ultimately returned to the United States.

Our proposal is also consistent with a recommendation by the Comptroller General of the United States in a 1981 report to the Congress in which he noted that the 50-percent duty on foreign equipment and repairs inhibits subsidized U.S.-flag operators and recommended that Congress consider alternative U.S. policies for promoting the U.S. ship repair industry with the objective of making them more equitable to U.S.-flag operators.

Impact of the duties collected on the Federal budget is de minimus. In fiscal year 1981 duties on foreign vessel repairs amounted to only $12 million, or about 0.13 percent of the $9.3 billion of customs duties collected that year.

By contrast, that $12 million represented a substantial cost imposition on the carriers against which the duties were assessed.

Finally, I would note that the Tariff Act of 1930 was further amended in 1979 to exempt all U.S.-registry commercial aircraft from applicability of the duty in question, regardless of period of absence from the United States, to enhance their operators' international competitive position. Since U.S. commercial aircraft have the ability to return to the United States quite rapidly from any point in the world at substantially less operating and lost opportunity cost than ocean-going vessels, the case for also exempting the relatively small number of U.S.-flag merchant vessels engaged in foreign-to-foreign service rather than in the U.S. import and export trades is indeed compelling.

I ask unanimous consent that the text of S. 1853 be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1853

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 466(e) of the Tariff Act of 1930 (19 U.S.C. 1466(e)) is amended to read as follows:

"(e) In the case of any vessel referred to in subsection (a) that arrives in a port of the United States two years or more after its last departure from a port in the United States, the duties imposed by this section shall apply only with respect to (1) fish nets and netting, and (2) other equipments, and parts thereof, and repair parts and materials purchased, or repairs made, during the first six months after the last departure of such vessel from a port of the United States: *Provided,* That if such vessel is designed and used primarily for transporting passengers or property, this subsection shall not apply if the vessel departed from the United States for the sole purpose of obtaining such equipments, parts, materials, or repairs.".

SEC. 2. (a) The amendment made by the first section of this Act shall apply with respect to entries made in connection with arrivals of vessels on or after the date of the enactment of this Act.

(b) Upon request therefor filed with the customs officer concerned on or before the ninetieth day after the date of the enactment of this Act, any entry in connection with the arrival of a vessel used primarily for transporting passengers or property—

(1) made before the date of the enactment of this Act but not liquidated as of January 1, 1983, or

(2) made before the date of enactment of this Act but which is the subject of an action in a court of competent jurisdiction on the date of introduction of this Act, and

(3) with respect to which there would have been no duty if the amendment made by the first section of this Act applies to such entry,

shall, notwithstanding the provisions of section 514 of the Tarriff Act of 1930 (19 U.S.C. 1514) or any other provision of law, be liquidated or reliquidated as though such entry had been made on or after the date of the enactment of this Act.●

● Mr. JOHNSTON. Mr. President, today Senator TOWER and I are introducing legislation to correct an inequity imposed on owners of U.S.-flagged vessels when their vessels are overseas 2 or more years. The inequity is this:

Under current law (19 U.S.C. 1466) there is a 50-percent ad valorem duty on repairs made overseas on a U.S. vessel.

For example, if a gulf coast company's offshore supply vessel returns to a U.S. port after 8 years overseas, the company must pay the U.S. Government a duty equal to 50 percent of the company's repair costs while it was overseas—an offshore supply vessel carries pipe, mud, equipment, and so forth to an offshore drilling rig or platform and is less than 500 gross tons.

Current law (19 U.S.C. 1446(e)) exempts mobile drilling units and certain special-purpose vessels, such as a derrick barge, from the 50-percent duty if the exempted vessel was overseas for 2 or more years; but if that vessel incurred repairs within 6 months of departing a U.S. port, then the vessel's owner is subject to the 50-percent ad valorem duty on those repairs.

This legislation we are introducing today would amend 19 U.S.C. 1466(e) by extending its provisions to all U.S.-flag vessels, plus an additional limitation that the exemption would not apply to those vessels, not previously exempted, which left the United States for the purpose of obtaining repairs.

In other words, the legislation provides that—

A U.S.-flag vessel would not be subject to the 50-percent ad valorem duty on repairs made 6 months after departing the United States if:

First. The vessel was overseas for 2 years or more; and

Second. The vessel, if not previously exempted, did not depart the United States for the purpose of obtaining repairs.

The legislation would amend current law in the following manner, with words in brackets to be deleted, and words in italic to be added:

§ 1466(a) The equipments, or any part thereof, including boats, purchased for, or the repair parts or materials to be used, or the expenses of repairs made in a foreign country upon a vessel documented under the laws of the United States to engage in the foreign or coasting trade, or a vessel intended to be employed in such trade, shall, on the first arrival of such vessel in any port of the United States, be liable to entry and the payment of an ad valorem duty of 50 per centum on the cost thereof in such foreign country . . .

(e) In the case of any vessel [designed and used primarily for purposes other than transporting passengers or property in the foreign or coasting trade which] *referred to in subsection (a) that* arrives in a port of the United States two years or more after its last departure from a port of the United States, the duties imposed by this section shall apply only with respect to (1) fish nets and netting, and (2) other equipments and parts thereof, and repair parts and materials purchased, or repairs made, during the first six months after the last departure of such vessel from a port of the United States: *Provided, That if such vessel is designed and used primarily for transporting passengers or property this subsection shall not apply if the vessel departed from the United States for the sole purpose of obtaining such equipments, parts, materials or repairs.*

Section 2 of H.R. 3330 sets forth the proposed effective date of the new section 1466(e) as follows:

SEC. 2. (a) The amendment made by the first section of this Act shall apply with respect to entries made in connection with arrivals of vessels on or after the date of the enactment of this Act.

(b) Upon request therefor filed with the customs officer concerned on or before the ninetieth day after the date of the enactment of this Act, any entry in connection with the arrival of a vessel used primarily for transporting passengers of property—

(1) made before the date of the enactment of this Act but not liquidated as of January 1, 1983, or

(2) made before the date of enactment of this Act but which is the subject of an action in a court of competent jurisdiction on the date of introduction of this Act, and

(3) with respect to which there would have been no duty if the amendment made by the first section of this Act applies to such entry,

shall, notwithstanding the provisions of section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) or any other provision of law, be liquidated or reliquidated as though such entry had been made on or after the date of the enactment of this Act.

The reasons for enacting this legislation are several. First, when a vessel is overseas for 2 or more years, it is unreasonable, as well as uneconomical, for that vessel to return to the United States for routine and special repairs. Thus, current law, which is designed to protect U.S. shipyards and their workers, is not logical when applied to a U.S. vessel that is overseas 2 or more years because such a vessel will not use a U.S. shipyard for repairs.

Also, when a U.S. vessel is overseas for long periods of time, as is often the case with vessels in the service of the offshore oil and gas industry, the overseas U.S. presence helps the U.S. economy and lowers the U.S. trade deficit.

Another reason is that when a U.S. vessel is overseas many years, current law is very difficult to administer. Frequently, it takes 2 to 3 years after a vessel arrives in a U.S. port to determine the 50 percent ad valorem duty. For example, one U.S. company had vessels overseas in Indonesian waters for nearly 10 years. It is thought that tracking down the invoices of all repairs made in Indonesia in that 10-year period will take 1½ to 2½ years.

Finally, current law, exempting vessels which do not carry passengers or property if overseas for 2 or more

years, has spawned numerous disputes and expensive litigation. For example, a tug or a vessel used primarily as a tug overseas, might be exempt. A vessel of the same type as a tug, but used frequently to carry supplies, may be liable for the duty. Obviously, when a vessel has had a mixed use overseas, confusion and disputes arise when the Treasury Department tries to administer current law.

In conclusion, the present 50-percent ad valorem duty on repairs on U.S. vessels overseas for more than 2 years serves no purpose, hurts the U.S. economy, and is very difficult to administer.

The revenue impact of this legislation is very minor. The limited exemption provided would result in a $2 to $3 million reduction in revenues to the Treasury on an annual basis.

Mr. President, we have examined this legislation carefully. Because it is impossible for vessels that are overseas for more than 2 years to return to the United States for needed repairs, this legislation will not impact on U.S. shipyards.

We seek prompt consideration of this legislation by the Senate Finance Committee.●

By Mr. CRANSTON:

S.J. Res. 164. A joint resolution to support the Contadora peace process; to the Committee on Foreign Relations.

CONGRESSIONAL RESOLUTION EXPRESSING SUPPORT FOR THE CONTADORA PEACE PROCESS

Mr. CRANSTON. Mr. President, last month I traveled to Latin America, accompanied by Congressman Esteban Torres of California, to talk with the leaders of the four democracies who met on Contadora Island off Panama last January to chart a path to peace with the nations of Central America.

When I left for Venezuela, Colombia, Panama, and Mexico, I was uncertain about the practicality of the Contadora approach. After 6 days of nonstop discussions, I returned to the United States both encouraged and discouraged. I was encouraged by the great opportunity we have to contribute to the success of the Contadora process. I was discouraged by the great dangers apparent in current U.S. policies.

These dangers lie in an American policy that alienates potential friends in the region by emphasizing military solutions when the region's leaders know that military force cannot cope with the fundamental causes of the turmoil in Central America.

One Contadora President I met seemed to speak for all when he admonished America against continued military intervention. He quoted Robert Kennedy, who said, "In Vietnam, we are gaining territory but losing the spirit of the people." This President then implored me: "Senator, don't make the same mistake in Latin America."

We in the United States debate this Vietnam analogy.

But there is palpable fear on the part of our neighbors that their countries are becoming an ideological battleground between East and West—that they, too, will soon be "another Beirut, another Saigon."

These leaders fear military intervention from any outside source, but what concerns them most is intervention by the United States, on the one hand, and by Cuba backed by the Soviet Union, on the other.

They are distressed by Cuba's training of guerrillas that are active in several Latin American countries—by the presence of so many Cuban military advisers in Nicaragua and the increasing closeness of the Sandinistas to Havana—and by Cuban backing of the rebels in El Salvador.

They fear an East-West confrontation because of the elimination of moderates and the strengthening of Marxists and reactionaries in the Salvador civil war, because of the CIA's bank-rolling Somocista thugs, because of the deployment off Nicaragua of the largest U.S. fleet ever to sail Latin American waters, and because of the growing role of the military and the diminishing role of civilians in Honduras.

These Contadora leaders made a strong impression on me as men who fervently share our basis goals in the region. Their countries are closer to the crisis than ours. It is their freedom and security that will suffer first should our policies fail. Their regional leadership will play an essential role if Central Americans are to know any peace and stability in the years ahead. Any American policy that ignores their historical perspective is doomed to failure.

The Contadora leaders hear Reagan administration assertions that the U.S. goal is to thwart outside intervention. But they see hypocrisy in this position given the legacy of U.S. military intervention throughout the hemisphere, the gunboats off Panama in 1903, the border incursions against Mexico, and the seizure of Vera Cruz in 1914, the occupation of Nicaragua from 1927 through 1932, the CIA-orchestrated overthrow of the democratically elected Guatemalan Government in 1954, the travesty of the Bay of Pigs, and the destabilization of the Allende government in 1973.

The Guatemalan case is a particularly galling memory for leaders of Latin American democracies.

It was a caricature of American policy gone bad, a macabre tale of corporate interests working with CIA operatives to orchestrate the military overthrow of a democratically elected government, albeit one led by a fumbling leftist. In the name of anticommunism, the United States propelled to power a series of ruthless military dictatorships in Latin America—not hesitating to fabricate evidence of communist military intervention, as we did in 1954 in Guatemala.

The leaders of democracies there hear the Reagan administration denounce foreign arms supply to the region. But they cite our practice of extensive military supply of anti-Arbenz Guatemalans, anti-Castro Cubans, and anti-Sandinista Nicaraguans.

They hear the Reagan administration lambast the Sandinistas for delaying free elections and they hear the administration's rhetorical commitment to civilian rule and democracy in Central America. But they notice administration silence in the face of rightwing dictatorships in Chile, Guatemala, and the faraway Philippines. They witness administration indifference to the continued systematic murder of civilians by the Salvadoran army. And they see the nascent Honduran democracy daily shaken by the growing influence of White House favorite General Alvarez.

If U.S. national interests in Latin America are to be secured, our policy must be grounded in an awareness of this legacy and we must not repeat past mistakes. U.S. policy should reflect the basic understanding that most Contadora leaders share our primary goals for the region: democracy, stability, and economic development.

They oppose communism. They want peace. They want the means to grow and to trade with their neighbors.

We must do more to help them reach those goals. Rigid support for rightwing dictators and oligarchical rule does not help. It merely sows the seeds of violent revolution. It allows Moscow and Havana to become parasites, feeding on the poverty and injustice that foster violent revolution. And, as even the United Fruit Co. eventually learned in Guatemala, dictatorships are not good for American business. As long as we fight the inevitable social change that must take place in Latin America, there will be instability and violence, and business will suffer.

If we support any government, no matter how brutal, as long as it is not Marxist, then when the inevitable social change occurs, those who bring it about and who come to power as a consequence will not be favorably disposed toward us and our business.

In Mexico, I met an academic leader who told me the story of why his best friend from his undergraduate days became a revolutionary in Guatemala. After graduation, his friend was hired as an accountant for the United Fruit Co. One day in a company ledger he found the name of every high-ranking

government official on the United Fruit payroll—at the same time the Guatemalan Government was refusing land reform for the people. His friend put down the ledger and picked up a gun.

The U.S. policy must be on the side of needed change—or else our policy will fail.

As John F. Kennedy warned several decades ago, "Those who make peaceful revolution impossible will make violent revolution inevitable."

U.S. policy must reflect an appreciation of the basic fact that nationalism is today a far more potent driving force in Latin American nations than capitalism or communism. Parading American military macho in the region may make Ronald Reagan feel good today. But it will do a great deal of harm to our long-term interests.

Nowhere is this more evident than in Nicaragua. Administration backing of the hated remnants of Somoza's National Guard daily consolidates nationalist support for the Sandinistas. Administration policy is used to justify the Sandinistas' otherwise unjustifiable military buildup. And it undermines efforts of democratic opponents to focus attention on the Sandinistas' betrayal of pledges for a free press and free elections.

U.S. policy toward Nicaragua stands in direct contravention of the OAS charter, which prohibits nations from intervening in the affairs of other signatories. The Reagan administration never took its case to the OAS. If the administration has a case that there is a significant arms flow from Nicaragua to El Salvador, it should make it before the OAS. But the available evidence suggests that this alleged arms flow is an insignificant trickle.

The Reagan administration's reliance on military force in Central America could get American troops simultaneously embroiled in hostilities on two continents. American Marines are already being shot at and killed in the civil war in Lebanon. Unless hotheads in the Pentagon and the White House are restrained, more Americans may soon be shot at and killed in El Salvador and Nicaragua.

Contadora leaders reject the counterproductive contra effort. They view with skepticism U.S. policy in El Salvador, which they argue has produced absolutely no progress in respect for human rights. I share their skepticism of our Salvadoran policy.

For 2 years Congress has granted most of the administration's Salvadoran funding requests. Over 4 billion in U.S. taxpayers' dollars have been sent or are on request from the Reagan administration for the civil war in El Salvador.

What are the results of this enormous infusion of guns and ammunition?

More than 30,000 civilians have been killed in El Salvador, the majority of them by government security forces and assassination squads armed with American guns and bullets. We have already spent more than $140,000 for each of the estimated 7,000 armed Salvadoran guerrillas.

Today, administration estimates of guerrilla size are drifting upward while military strategists anticipate that fighting will intensify during the coming dry season with no end in sight. If poverty and human rights are not adequately addressed, there can be no military solution in El Salvador. Our best chance for peace is to work through the Contadora process.

I came away from my trip impressed by what the Contadora countries have already accomplished.

They have produced not only the general framework but also the specific proposals that could bring peace to the region.

They seek an end to foreign arms supply, the withdrawal of foreign military advisers and a halt in the use of one nation's territory for attacks on neighbors, secure free elections, and regional economic development.

In the process, what I see as four key U.S. objectives have been advanced.

Regional leadership has emerged as an alternative to the U.S. interventionism that historically has set back our interests in Latin America.

Traditional enemies in the region are engaged in discussions seeking a comprehensive regional peace.

Nicaragua's Sandinista regime has abandoned its opposition to multilateral peace negotiations and now has joined in them.

Fidel Castro, according to two senior Contadora nation diplomats who talked with him in Havana recently, has stated a willingness to cooperate fully with the Contadora plan for peace.

All of this of course must be put to a hard test: Will actual steps toward peace ensue? Success depends on U.S. cooperation, as well as that of the Cubans.

Yet despite the substantial developments that have occurred, most Contadora leaders feel their effort is being undermined by the Reagan administration.

Administration officials mouth qualified support for the regional peace effort.

Yet President Reagan totally ignored Contadora in his postsummit comments in Mexico last month, just as he ignored it in his address to Congress in April.

Contadora efforts are hurt by the CIA-funded covert war against the Sandinistas.

Contadora leaders point out to me that within hours of Secretary Shultz's meetings on peace prospects in Mexico City last April, the U.S.-backed Contras launched their first major attack against Nicaragua, thus raising serious questions about the administration's commitment to the peace process.

The Reagan administration's "gunboat diplomacy" is also frustrating Latin American peace efforts.

Contadora leaders pointed out to me that within 24 hours of the July 17 proposal by the Contadora presidents of a comprehensive 10-point peace plan, the Reagan administration undercut it by announcing the deployment of the enormous U.S. flotilla, as well as plans to land up to 5,600 U.S. troops in Honduras for military exercises.

One Contadora president sarcastically told me that when he heard of this American move:

> I was convinced Castro's agents had infiltrated your State Department because it was so certain to stir up anti-American sentiment and solidify support for the Sandinistas.

Talking with the Contadora leaders made clear to me some of the risks inherent in the administration's military escalation.

Will the administration simply withdraw the U.S. armada 6 months hence if the status quo is unchanged in Nicaragua and El Salvador?

What will happen if American troops maneuvering in Honduras close to the Nicaraguan border encounter hostile fire, or if an incident at sea off the Nicaraguan coast results in American casualties?

How can the United States insist on prompt Nicaraguan elections when we are sponsoring a war against them, led by terrorists who just last week dropped bombs on the civilian Managua airport?

How will the CIA rein in these paid gunmen if the Sandinistas do speed up their timetable for Presidential elections in 1985?

The brewing financial crisis in the region—the total Latin America international debt is $300 billion—also threatens efforts to achieve peace in the region.

Economic sacrifices necessary to service the debt will increase existing domestic political strains throughout Latin America.

Costa Rica is everyone's model democracy in the region.

But it has the highest per capita debt in the world—currently running at 92 percent of its GNP.

War has obviously dimmed hopes for economic growth in El Salvador and Nicaragua.

Both have a per capita income of less than $1,000 per year.

And the GNP in El Salvador has declined 25 percent over the past 3 years.

But a development aid package for these nations will not succeed unless,

like the Marshall plan, it is carried out under democratic institutions after the shooting has stopped.

These are but a few of the many questions left unanswered by the Reagan administration's emphasis on a military solution.

Critics of administration policy have an obligation to spell out an alternative course.

I believe we should give the Contadora process our full support and press our allies in Costa Rica, El Salvador, Guatemala, and Honduras to do likewise. This would improve the prospect that Nicaragua and Cuba will cooperate.

There are two specific steps we should take now to advance the Contadora program.

First, the United States should recall the huge fleet patrolling off Nicaraguan shores and curtail the maneuvers in Honduras.

Second, the United States should terminate all funding for the covert war against Nicaragua.

There are three parallel, more long-term efforts that we should undertake to secure U.S. national interests in the region and to fulfill Contadora goals:

One, the United States should work with allies in OAS, and OECD, and with international financial institutions to advance a package of development assistance and debt refinancing for Central American nations.

Two, the United States should join with other nations in the region to press for secure, internationally supervised elections in El Salvador, Nicaragua, and Guatemala. These elections should provide for unfettered opposition access to media and physical security if they are to be meaningful.

Three, the United States should encourage the Contadora nations to pursue their dialog with Cuba and we should be prepared to enter into that dialog either indirectly through them, or directly, if necessary. Diplomatic recognition of Cuba—which sets off such a firestorm of political protest whenever it is mentioned in our country—is not the issue here.

Recognition is not at the top of our bilateral agenda, nor of Cuba's.

The issue is simply whether the United States can demonstrate the political maturity necessary to participate in a regional dialog including Cuba. Every one of the Contadora leaders I met said that this is essential for long-term regional peace.

Cuban policy is clearly part of the problem: discussions with Havana and agreements involving Havana will have to be part of any enduring solution—involving for example withdrawal of foreign military advisers and halting foreign arms supply. The Contadora process gives our Government a framework for pursuing such discussions that we can no longer afford to shun.

Whether the Contadora process succeeds or not, the Sandinista movement is in Nicaragua to stay. But the Contadora process could secure a halt to the efforts the Reagan administration alleges the Sandinistas have undertaken to foment revolution elsewhere.

A Sandinista regime freed of a compulsion to rely on Havana and Moscow for defense against invasion would not be likely to threaten our own security nor our vital interests in Central America.

It is very much in our interests, of course, to promote democracy, not dictatorship, whenever possible. But let us not pretend that the Sandinista leaders are going to cooperate eagerly in ushering in a democratic and pluralistic society in Nicaragua not dominated by Marxist-Leninists. They are not. Nor are the well-to-do rulers of El Salvador and Guatemala and the generals who are their partners going to give up all their power and prerogatives willingly. They would not.

The best hope of the Contadora approach is that it would lead to an end to the violence in Central America and promote progress on human rights, economic development, and a slow evolution toward democracy.

Do we really have a viable alternative to Contadora? I think not. The only alternative seems to be the Reagan administration's pursuit of a policy that inevitably leads from cruel, authoritarian dictatorships through guerrilla warfare to Marxist regimes. This is the same, dead-end policy that supported Batista in Cuba and produced Castro. It is the same, fatal policy that installed and backed Somoza in Nicaragua and ended up with the Sandinistas. And it is the same misbegotten Vietnam policy that supported totalitarian Saigon and got totalitarian Hanoi.

It is a policy that supports the status quo—any status quo no matter how unjust—so long as it is not Marxist.

It is a policy that forefeits any moral right to leadership of the forces of liberty, justice and wise restraint.

The root causes of the violence that wracks Central America are clear: hunger, poverty, and the denial by the obligarchies' military strongmen of any access for the impoverished and the middle classes to political power.

The Soviet Union and their Cuban proxies in Central America have preyed on these circumstances.

But they did not create them.

U.S. policy in Latin America has too often betrayed the commitment of our own revolution to greater freedom and human rights. We have used military force to quash agitation for change. We have left the militaristic, totalitarian Cuban revolution as the only alternative model for millions of oppressed peoples in the region, and as their only strong ally in their struggle.

One Contadora president gravely reminded me that the Communists and the military rightists share but one common objective: They both want to eliminate the political center, to eliminate any democratic alternative to civil war and totalitarian rule.

If we are to have any realistic hope of achieving our goals in Latin America we must combat such extremism while strengthening the centrist forces that are committed to democratic pluralism.

In 1936 I returned to the United States to warn Americans of the dangers posed by Adolf Hitler.

I urged then that we prepare to fight Hitler's forces, which posed a threat to freedom everywhere.

Last month I returned from Venezuela, Colombia, Panama, and Mexico, and I am urging now that we muster a different kind of courage—the courage to turn away from the counterproductive path of brute force, and to support the forces pushing for social change and democratic development in Latin America.

If we had shown greater wisdom and political maturity 20 years ago, the Gulf of Tonkin incident might not have led to the loss of more than 50,000 young American lives in Southeast Asia.

Time is running out on the Reagan policy of military brinksmanship in Central America.

I believe this policy is doomed to fail and that the Contadora peace effort offers the only promising alternative to secure U.S. national interests in the region.

Twenty years ago, Walter Lippmann saw clearly the perils of militaristic policies in Latin America. In the aftermath of the Bay of Pigs disaster, he wrote:

> A policy is bound to fail, which deliberately violates our pledges and our principles, our treaties and our laws. In the great struggle with communism, we must find our strength by developing and applying our own principles, not in abandoning them.

That in sum, is the clear and present challenge we all face.

Mr. President, for these and other reasons today I am introducing a joint resolution of Congress, that expresses U.S. support for the Contadora group's 10-point peace proposal.

I ask unanimous consent that the text of my proposed resolution be printed in the RECORD.

Mr. President, I also ask unanimous consent that the entire text of an article that I wrote with Representative Esteban Torres be printed in the RECORD. The article, "Ignoring Contadora Defeats Our Purposes," appeared in the Los Angeles Times on August 26, 1983.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S.J. RES. 164

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

Whereas the United States has an important national interest in encouraging peace, stability and democratic development in Central America; and

Whereas the escalating military conflict in Central America threatens these important U.S. national interests; and

Whereas four key Latin America democracies close to the turmoil in Latin America—Colombia, Mexico, Panama and Venezuela—initiated a regional dialogue in a January 1983 meeting on Contadora Island, Panama; and

Whereas leaders of these so-called "Contadora nations" have made significant and substantial progress in subsequent discussions towards agreement on goals for a comprehensive regional peace; and

Whereas the Contadora nations have proposed a ten-point peace plan for the region involving commitments to:

(1) "End to all existing warlike situations";

(2) "Freeze existing offensive weapons";

(3) "Agree to control and reduce the present inventory of armaments, with adequate supervisory mechanisms";

(4) "Prohibit the existence of foreign military installations in their territories";

(5) "Give previous notice of troop movements near a border";

(6) "Carry out joint border patrols or international supervision of borders as needed";

(7) "Form joint security commissions to prevent, and if necessary, to settle border incidents";

(8) "Establish internal control mechanisms to prevent the supply of arms from the territory of any country in the area to another country";

(9) "Promote a climate of detente and trust in the area"; and

(10) "Coordinate systems of direct communications among the governments in order to prevent armed conflicts and to generate an atmosphere of reciprocal political trust"; Now therefore be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

(1) That the United States government expresses its full support for the objectives of the Contadora negotiations and its support for the ten points outlined by the presidents of the Contadora nations.

(2) That the President of the United States should encourage all the nations of Central America to give their full support to the Contadora peace process.

(3) A copy of this resolution shall be provided to the ambassadors from Colombia, Mexico, Panama and Venezuela.

[From the Los Angeles Times, Aug. 26, 1983]

IGNORING CONTADORA DEFEATS OUR PURPOSES

(By Esteban Torres and Alan Cranston)

The United States has critical national interests at stake in Central America—fundamentally, the achievement of peace, stability and democracy in the region. This cannot be achieved unilaterally, yet we are increasingly becoming isolated from friends in Latin America who share our goal.

Earlier this year, representatives of Mexico, Colombia, Venezuela and Panama met on Panama's Contadora Island to initiate a multilateral peace process. We have just returned from meeting with key officials in each of these democracies. While we are greatly impressed with the progress that they have achieved, we also are alarmed at the negative effect that Reagan Administration actions have had in systematically undermining the Contadora Group's efforts.

Contadora has already produced not only the general framework but also specific proposals that could bring peace to the region. The participants have pursued commitments to halt foreign arms supply, withdraw foreign military advisers, secure free elections, promote regional economic development and bar the use of one nation's territory for attacks on neighboring countries. In the process, four key U.S. objectives have been advanced.

Regional leadership has emerged as an alternative to the U.S. interventionism that historically has set back our interests in Latin America.

Traditional enemies in the region are cooperating to engage in a dialogue for comprehensive regional peace.

Nicaragua's Sandinista regime has embraced the idea of a multilateral peace negotiation.

Fidel Castro has shown a willingness to make compromises that would facilitate Cuba's reentry into the Latin American family of nations.

Despite these substantial developments, the Contadora process is suffering.

It is suffering from serious neglect by the Reagan Administration. When pressed, Administration officials pay lip service to the regional peace effort. Yet President Reagan ignored Contadora in his post-summit comments in Mexico this month, just as he ignored it in his address to Congress in April.

Contadora is suffering from U.S. attempts to pressure Nicaragua with a show of force. Just 24 hours after the Contadora nations' presidents proposed a 10-point peace plan, the Reagan Administration announced the deployment of the largest U.S. flotilla ever to sail Latin waters, as well as plans to land up to 5,600 U.S. troops in Honduras for "military exercises." One Contadora president told us that when he heard the news from Washington, he was convinced that Castro's agents had infiltrated the State Department, for the move could only stir up tremendous anti-American sentiment and solidify support through those whom it was designed to intimidate. The Contadora leaders, who share U.S. aspirations for democracy in the region, repeatedly expressed dismay that the Reagan Administration's rhetoric of peace is consistently contradicted by its military actions.

And Contadora efforts are suffering from the CIA-funded "covert" war against the Sandinistas. This hapless venture is seen as counterproductive by virtually every Contradora leader. U.S. backing of the universally hated remnants of Anastasio Somoza's National Guard justifies the Sandinistas' otherwise unjustified military buildup, and undermines efforts of democratic opponents to focus attention on the Sandinistas' betrayal of pledges for a free press and free elections.

The leadership of the Contadora nations offers the best means to achieve U.S. goals in Nicaragua, El Salvador and Guatemala, and to secure the imperiled democracies of Honduras and Costa Rica. The Contadora nations, which face a far more immediate threat than we do if the gathering storm erupts, are united in agreement that an essential step is dialogue between the United States and Cuba. While diplomatically necessary, such a dialogue has been blocked for reasons of domestic U.S. politics. With the Contadora process, our government has a framework for pursuing discussions that we can no longer afford to shun.

The United States must now demonstrate political maturity. We should withdraw our naval flotilla, stop CIA funding of the war against the Sandinistas; prepare to join Contadora parties in a dialogue with Cuba; press for secure, internationally supervised elections in El Salvador, Guatemala and Nicaragua, and advance a package of development assistance and debt refinancing for Central American nations.

Instead of the Reagan Administration paying lip service to the Contadora peace process, it should undertake these specific steps, giving Contadora the unequivocal support that it must have if long-termed U.S. national interests are to be secured.

By Mr. MATHIAS:

S.J. Res. 165. Joint resolution to commemorate the bicentennial anniversary of the constitutional foundation for patent and copyright laws; to the committee on the Judiciary.

PATENT AND COPYRIGHT LAWS

Mr. MATHIAS. Mr. President, today I introduce a joint resolution to commemorate the bicentennial anniversary of the constitutional foundations of our patent and copyright laws.

Mark Twain wrote in "A Connecticut Yankee in King Arthur's Court:"

A country without a patent office and good patent laws is just a crab and can't travel any way but sideways and backways.

And, although no Marylander cares to bad-mouth a crab, sideways and backways is no way for a country to proceed.

Our Founding Fathers knew this very well. As worldly, practical men, they also knew that the best way to move this young Nation frontways in a hurry would be by encouraging native invention. The result, of course, was article I, section 8 of the Constitution, where they empowered Congress to pass laws to preserve ownership rights in intellectual property. The importance of these rights in the minds of the founders is underlined by the fact that this section contains the only instance of the word "right" in the body of the original Constitution.

We have heard this clause over and over again, but I would like to cite in the RECORD today these 34 simple, direct words that have for almost two centuries spurred American inventive genius:

The Congress shall have the power to promote the progress of science and the useful arts by securing for limited times to authors and inventors the exclusive right to their respective writings and discoveries.

My resolution simply calls for special recognition of the bicentennial of these words, in the form of appropriate programs and activities, and for a Presidential proclamation.

Many years ago, Dr. Samuel Johnson, the great 18th century moralist, philosopher and lexicographer, ob-

served, with characteristic asperity: "No man but a blockhead ever wrote except for money."

If as thoughtful and experienced a man as Dr. Johnson recognized the importance to creative writers and scholars of the prospect of accumulating a kind of property right in their writings as an incentive to work and ambition, it would underscore the interest of society which benefits from such creative work.

Much has changed since the drafting and adoption of our Constitution. But through it all, man's nature has been one of the constants, and our protection of intellectual property has served the great interest of society. I think this constitutional wellspring for our intellectual, cultural and industrial vitality deserved special attention as we approach the bicentennial year of that document, and I urge all my colleagues to join me in this effort to celebrate it.

I ask unanimous consent that the resolution be printed in the RECORD after my remarks.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 165

Whereas 1987 is the bicentennial year of the United States Constitution;

Whereas a clause in Article I, Section 8 of the Constitution empowers Congress "To promote the Progress of Science and useful Arts, by securing for limited Times to Authors and Inventors the exclusive Right to their respective Writings and Discoveries;"; and

Whereas this clause is the foundation of all patent and copyright laws and is worthy of special recognition during such bicentennial year: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That special recognition be given during 1987, the bicentennial year of the United States Constitution, to the constitutional foundation for patent and copyright laws, and the President is authorized and requested to issue a proclamation upon the enactment of this joint resolution calling upon the people of the United States to foster such recognition through appropriate programs and activities.

ADDITIONAL COSPONSORS

S. 128

At the request of Mr. ROTH, the name of the Senator from Montana (Mr. MELCHER) was added as a cosponsor of S. 128, a bill entitled the Equal Opportunity Retirement Act of 1983.

S. 617

At the request of Mr. STENNIS, the name of the Senator from South Dakota (Mr. ABDNOR) was added as a cosponsor of S. 617, a bill to promote the use of energy-conserving equipment and biofuels by the Department of Defense, and for other purposes.

S. 657

At the request of Mr. DOLE, the name of the Senator from Arizona (Mr. GOLDWATER) was added as a cosponsor of S. 657, a bill to amend the Animal Welfare Act to insure the proper treatment of laboratory animals.

S. 919

At the request of Mr. DOMENICI, the name of the Senator from Nebraska (Mr. EXON) was added as a cosponsor of S. 919, a bill to amend the Equal Access to Justice Act, and for other purposes.

S. 1001

At the request of Mr. COHEN, the names of the Senator from Missouri (Mr. DANFORTH), and the Senator from Florida (Mr. CHILES) were added as cosponsors of S. 1001, a bill to authorize appropriations for the Office of Federal Procurement Policy for an additional 5 fiscal years.

S. 1003

At the request of Mr. DENTON, the name of the Senator from Rhode Island (Mr. PELL) was added as a cosponsor of S. 1003, a bill to extend and revise the provisions of the Child Abuse Prevention and Treatment Act and the Child Abuse Prevention Treatment and Adoption Reform Act of 1978.

S. 1029

At the request of Mr. SASSER, the name of the Senator from Nebraska (Mr. EXON) was added as a cosponsor of S. 1029, a bill to amend the Equal Access to Justice Act to include appeals to a board of contract appeals.

S. 1069

At the request of Mr. CHAFEE, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 1069, a bill to amend the Federal Power Act to limit the recovery by public utilities of certain costs of construction work in progress through rate increases.

S. 1163

At the request of Mr. GLENN, the names of the Senator from North Dakota (Mr. BURDICK), the Senator from Illinois (Mr. DIXON), the Senator from Kansas (Mr. DOLE), the Senator from Maryland (Mr. MATHIAS), the Senator from Delaware (Mr. ROTH), the Senator from Kentucky (Mr. HUDDLESTON), the Senator from New Jersey (Mr. BRADLEY), and the Senator from Michigan (Mr. LEVIN) were added as cosponsors of S. 1163, a bill to amend title 5 of the United States Code to provide death benefits to survivors of Federal law enforcement officers and firefighters, and for other purposes.

S. 1164

At the request of Mr. GLENN, the name of the Senator from Kentucky (Mr. HUDDLESTON) was added as a cosponsor of S. 1164, a bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to authorize payment of benefits with respect to public safety officers who die of certain medical conditions sustained in the performance of duty.

S. 1171

At the request of Mr. HEINZ, the name of the Senator from North Dakota (Mr. ANDREWS) was added as a cosponsor of S. 1171, a bill to authorize and direct construction of certain navigation projects of critical national and regional importance, to provide jobs during construction, to foster and encourage economic revitalization and increased employment opportunities through provision of efficient, economical, and dependable inland waterway transportation, and to provide for coordinated use and enhancement of the upper Mississippi River system.

S. 1197

At the request of Mr. STEVENS, the name of the Senator from Florida (Mrs. HAWKINS) was added as a cosponsor of S. 1197, a bill to admit certain passenger vessels to the coastwise trade.

S. 1448

At the request of Mr. BYRD, the names of the Senator from Mississippi (Mr. COCHRAN) and the Senator from New York (Mr. MOYNIHAN) were added as cosponsors of S. 1448, a bill to designate the square dance as the national folk dance of the United States.

S. 1566

At the request of Mr. ROTH, the name of the Senator from Colorado (Mr. ARMSTRONG) was added as a cosponsor of S. 1566, a bill to amend title 5, United States Code, to provide civil penalties for false claims and statements made to the United States, to certain recipients of property, services, or money from the United States, or to parties to contracts with the United States, and for other purposes.

SENATE JOINT RESOLUTION 121

At the request of Mr. ABDNOR, the names of the Senator from Maryland (Mr. SARBANES), the Senator from Oklahoma (Mr. BOREN), the Senator from Tennessee (Mr. SASSER), and the Senator from Maryland (Mr. MATHIAS) were added as cosponsors of Senate Joint Resolution 121, a joint resolution to designate November 1983 as "National Diabetes Month."

SENATE JOINT RESOLUTION 148

At the request of Mr. KENNEDY, the names of the Senator from Vermont (Mr. STAFFORD), the Senator from North Dakota (Mr. ANDREWS), the Senator from Ohio (Mr. METZENBAUM), and the Senator from Kansas (Mrs. KASSEBAUM) were added as cosponsors of Senate Joint Resolution 148, a joint resolution to designate the week of May 6, 1984, through May 13, 1984, as "National Tuberous Sclerosis Week."

SENATE JOINT RESOLUTION 155

At the request of Mr. WILSON, the names of the Senator from Colorado (Mr. ARMSTRONG), the Senator from North Dakota (Mr. BURDICK), the Sen-

ator from West Virginia (Mr. BYRD), the Senator from Mississippi (Mr. COCHRAN), the Senator from California (Mr. CRANSTON), the Senator from New Jersey (Mr. LAUTENBERG), the Senator from Georgia (Mr. MATTINGLY), the Senator from Indiana (Mr. QUAYLE), the Senator from Wyoming (Mr. SIMPSON), the Senator from Vermont (Mr. STAFFORD), and the Senator from South Carolina (Mr. THURMOND) were added as cosponsors of Senate Joint Resolution 155, a joint resolution designating the week beginning November 6, 1983, as "National Disabled Veteran's Week."

SENATE JOINT RESOLUTION 160

At the request of Mr. BYRD, the name of the Senator from Ohio (Mr. METZENBAUM) was added as a cosponsor of Senate Joint Resolution 160, a joint resolution to designate the week of October 17, 1983 through October 24, 1983, as "National Adult Continuing Education Week."

SENATE JOINT RESOLUTION 161

At the request of Mr. CHAFEE, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of Senate Joint Resolution 161, a joint resolution to designate the week of April 15, 1984 through April 21, 1984, as "National Child Abuse Prevention Week."

SENATE CONCURRENT RESOLUTION 62

At the request of Mr. MATTINGLY, the names of the Senator from Massachusetts (Mr. TSONGAS) and the Senator from West Virginia (Mr. RANDOLPH) were added as cosponsors of Senate Concurrent Resolution 62, a concurrent resolution to direct the Commissioner of Social Security and the Secretary of Health and Human Services to develop a plan outlining the steps which might be taken to correct the social security benefit disparity known as the notch problem.

SENATE RESOLUTION 183

At the request of Mr. CHAFEE, the names of the Senator from Indiana (Mr. LUGAR), the Senator from Kentucky (Mr. HUDDLESTON), the Senator from Illinois (Mr. PERCY), the Senator from Alabama (Mr. HEFLIN), the Senator from Hawaii (Mr. INOUYE), the Senator from California (Mr. CRANSTON), and the Senator from New York (Mr. MOYNIHAN) were added as cosponsors of Senate Resolution 183, a resolution dealing with the prevention of arson.

SENATE RESOLUTION 201

At the request of Mr. PRESSLER, the names of the Senator from Indiana (Mr. LUGAR), the Senator from Mississippi (Mr. COCHRAN), and the Senator from Florida (Mr. CHILES) were added as cosponsors of Senate Resolution 201, a resolution expressing the sense of the Senate concerning the use and/or provision of chemical warfare agents by the Soviet Union.

SENATE CONCURRENT RESOLUTION 67—RELATED TO CIVIL METEOROLOGICAL SATELLITES

Mr. GORTON (for himself, Mr. PRESSLER, Mr. TRIBLE, Mr. DANFORTH, Mr. SARBANES, Mr. HUDDLESTON, Mr. ABDNOR, Mr. EAGLETON, Mr. STENNIS, and Mr. WARNER) submitted the following concurrent resolution, which was referred to the Committee on Commerce, Science, and Transportation:

S. CON. RES 67

Whereas the Federal Government has traditionally provided weather forecasts which rely significantly upon data gathered by civil meteorological satellites;

Whereas within the United States the Federal Government is the principal user of data gathered by civil meteorological satellites;

Whereas the Federal Government has the responsibility for providing forecasts and warnings regarding severe weather in order to protect property and public safety;

Whereas the United States has engaged for over 100 years in the free international exchange of meteorological data;

Whereas civil meteorological satellite systems and associated ground-system equipment are essential components in ensuring the national security of the Nation, through their use in conjunction with satellites operated by the Department of Defense;

Whereas transfer to the private sector of ownership or management of any civil meteorological satellite system and associated ground system equipment would likely create a government-subsidized monopoly and jeopardize the cost-efficiency and reliability of data gathered by such system and equipment;

Whereas it is highly unlikely that, under the current plan for transfer of civil meteorological satellites, any significant new commercial venture involving marketing of weather data would develop;

Whereas continued consideration of the transfer of civil meteorological satellite systems only serves to complicate and delay the pressing decision about the future of the civil land remote sensing satellite system;

Whereas no satisfactory explanations or proposals have been advanced for the transfer of ownership or management of any civil meteorological satellite and associated ground system equipment to the private sector: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of the Congress that it is not appropriate at this time to transfer ownership or management of any civil meteorological satellite system and associated ground system equipment to the private sector.

Mr. GORTON. Mr. President, I rise today to introduce a resolution expressing opposition to the proposed sale to the private sector of the Government's civil meteorological satellite (Metsat) systems. I am pleased that nine of my distinguished colleagues have joined me in doing so.

Last March, the President announced his intention to transfer the Government's weather satellites and the land remote sensing satellites (Landsat) to the private sector. The transfer was justified on the basis of more cost efficient and broader delivery of services to the public, if the services were provided by the private sector. We believe that it is not appropriate at this time to transfer the weather satellites.

We believe that it is important for the public, the Government, the prospective bidders for the satellite systems, and for the future of the Landsat system that the administration and the Department of Commerce realize the sense of the Congress that the transfer of the weather satellites is not appropriate at this time.

On July 11, 1983, I wrote Commerce Secretary Baldrige about my strong skepticism as to whether a compelling case could be made for the transfer of the weather satellites. The Committee on Commerce, Science, and Transportation, on which I sit, reported language in the authorization bills for NASA and NOAA this year which requires the Secretary of Commerce to secure congressional approval prior to the transfer of either satellite system. The NASA authorization was signed by the President on July 15, 1983.

Last month, I chaired a hearing in my home State of Washington on the Nation's weather satellites and services, in which representatives of many users of weather information expressed their views on the Metsat proposal. Spokespersons from the agricultural, marine, aviation, and foresty communities all raised reservations about the ability of a private operator to provide the reliable weather information on which they depend.

As I wrote the Secretary of Commerce, I do not oppose the transfer of the weather satellites if greater efficiencies, improved services, and assurance that obligations of international agreements and national defense can be achieved. These issues have been examined in detail by the Department and we have followed the process closely. We conclude that there is not a compelling case for the transfer. The Government is and will, very probably, remain the overwhelmingly predominant user of data from the weather satellites; a broader commercial market does not seem a promising prospect.

There are, at the same time, a number of reasons not to pursue the transfer at this time.

Continued consideration of the transfer of the weather satellites serves only to complicate and delay the pressing decision about the future of the land remote sensing satellite (Landsat) system. Our present Landsat satellite will have a much shorter lifetime than anticipated and its replacement is the last Landsat satellite that the Government is authorized to procure. Observational capability will cease by 1987 unless a follow-on satel-

lite is launched, an event which is unlikely before the end of the decade unless authorized very soon. Current Landsats cost about $300 million; alterative, probably less costly, technologies, Government or private, cannot be readied in time unless decisions on the future of land remote sensing are made soon. These decisions will be longer in coming while the weather satellites are a candidate for transfer.

It is becoming clearer that transfer of the weather satellites would require very careful reconsideration of international agreements which derive from a heritage of 100 years of free international exchange of data. Availability of international weather data has important defense, as well as civil, implications. Maintenance of this international data availability may be possible only if the terms of the weather satellite transfer are very carefully drawn and accepted by other parties to our international agreements. The American Meteorological Society, among other groups, doubts that such an agreement can be reached.

The Federal Government has a longstanding responsibility for providing forecasts and warnings critical to public safety, forest and crops protection, the fishing industry, and aviation, among others. These responsibilities will remain with the Government and will depend in part on weather satellite data.

For these reasons, and others, the transfer of the weather satellites does not seem appropriate at this time. The future of the land remote sensing satellites, however, must be addressed very soon, whether as a private or a public responsibility.

Mr. PRESSLER. Mr. President, I am pleased to join my distinguished colleague from Washington in introducing this resolution today, expressing Congress' opposition to the proposed sale of our Nation's weather satellites. This issue has been of vital interest to me over the years. I appreciate the chairman's cooperation and attention in this matter.

When I introduced legislation last February concerning this issue, I expressed grave concerns that the transfer would result in a Government-subsidized monopoly benefiting a huge corporation at the expense of American taxpayers. Among my other concerns mentioned then included the possible reduction in weather information and services now available to the American public, and the scientific research community, and so forth. Mr. President, my concerns in these areas remain. Indeed, after further research—more studies, arguments, and debate—I have become even more convinced that a transfer of our civil remote sensing satellites is inappropriate at this time.

It is healthy for the Government, from time to time, to stand back and assess its role in supplying goods and services as a matter of public policy. I applaud the administration's efforts in this area. Whenever private enterprise can responsibly and effectively assume control of Government operations, the transfer should be made. But the evidence against the case for commercialization of these satellites is so overwhelming as to justify ending this review now.

We are simply prolonging the agony and unnecessarily causing great anxiety to those employees, users, and the general public who rely on our present satellite system. By virtue of our current state of indecision and uncertainty in the commercialization issue, we are further muddying the waters for the future of the other half of a civil remote sensing program—the land sensing satellites (Landsats). We have to make some tough decisions on the Landsat program very soon. Resolution of the commercialization issue is crucial in addressing these other very important and timely concerns.

So I urge my fellow colleagues to join me in support of this resolution, and to act as swiftly as possible so we can address the concerns and anxiety of the American people, and get on with other important business at hand. Thank you.

SENATE RESOLUTION 223—RESOLUTION THANKING THE JAPANESE GOVERNMENT FOR THE ASSISTANCE IN CONNECTION WITH THE KOREAN AIRLINES TRAGEDY

Mr. MURKOWSKI (for himself and Mr. STEVENS) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 223

Whereas the United States and Japan have both condemned the Soviet action against Korean Airlines flight 007 resulting in the loss of 269 lives;

Whereas the Japanese Government made the decision to release the transcript of the Soviet pilot's transmissions to the ground control post;

Whereas that transcript has provided a basis for international efforts to obtain the truth regarding this tragedy;

Whereas the Japanese Government has joined with the United States in taking action against Aeroflot;

Whereas the Japanese Government has facilitated international efforts to search the seas in the area near the crash site;

Whereas the Japanese Diet has considered and already passed resolutions condemning the Soviet action: Now, therefore, be it

Resolved by the Senate, That it is the sense of the Senate that—

The United States owes the Japanese a debt of gratitude for their full and complete cooperation, which reflects the strong ties between our two peoples and governments.

SEC. 2. The Secretary of the Senate shall transmit a copy of this resolution to the President with the request that he further transmit such copy to the Government of Japan.

Mr. MURKOWSKI. Mr. President, I am sending to the desk a resolution to express the appreciation of the American people for the efforts of the Japanese Government in connection with the Korean Air Lines tragedy. I hope that the resolution will receive expeditious consideration by the Senate Foreign Relations Committee and the full Senate.

The United States-Japan partnership is strong and enduring. On this floor, from time to time, it is true that criticism can be heard of Japan. Friction in a relationship as close as ours is inevitable. Trade disputes and U.S. interest in the Japanese making a greater contribution to Western security are two topics that are often covered in Senate speeches on United States-Japan relations.

But it is my view that we should never lose sight of Japan's crucial and sometimes quiet support for its ally and partner, the United States. By coordinating closely in the aftermath of the Korean Air Lines tragedy, the United States and Japan have once again demonstrated a unity of outlook and purpose.

Mr. President, we should all be aware that it was a difficult decision for the Government of Japan to release the Japanese intelligence tape which recorded the Soviet pilot's communication with the ground command post. Though it was reportedly an extrasensitive tape with national security implications, the Japanese Government decided to release it during the televised session of the U.N. Security Council meeting in order to expose the truth to the world. It was shortly after the release of the tape that the Soviet Union admitted shooting down KAL 007.

That tape exposed the Soviet Union in a way in which no number of U.N. speeches could have. The truth became unavoidable, even for a nation as experienced in evasion and untruth as the Soviet Union.

The Japanese Government has paid a price for its contribution. I understand from press reports that Japanese access to Soviet communications has been reduced substantially.

The Japanese Government, on behalf of its people, has strongly demanded from the Soviet Union a full explanation and formal apology. Both Houses of the Japanese Parliament, the National Diet, have adopted resolutions unanimously denouncing the Soviet Union. The Government has also decided to suspend Aeroflot flights and Japan Airline flights between Japan and the Soviet Union for 2 weeks.

Even today, Japanese and American efforts are continuing with close con-

sultation and coordination to search the seas in the area near the crash site.

Mr. President, my resolution thanks the Japanese for their contributions. Our gratitude is well deserved and I hope that this resolution will receive the unanimous approval of my colleagues.

Mr. President, I wish to read into the RECORD a portion of a telegram received from Mike Mansfield, the U.S. Ambassador to Japan, which reads as follows:

I understand that the Senate is, or will shortly be, considering a resolution thanking Japan for its cooperation with the United States on the Korean airliner shooting down. I heartily agree with this approach since the Japanese have been extremely helpful and forthcoming.

The telegram is signed by Mike Mansfield, Ambassador to Japan from the United States. I have excluded certain other parts of the telegram.

Mr. STEVENS. Mr. President, in the past 2 weeks we have seen Soviet explanations concerning the Korean Air Line's tragedy dismissed as misleading and misinformative. The unraveling of the Soviet fabrications would have been much more difficult had it not been for the Japanese Government's decision to release the tape of the Soviet pilot's communications with his ground control station. The decision was not without cost to the Japanese, as releasing the tape notified the Soviets extent to which their communications were being intercepted. Further, Japan's efforts in the search for wreckage of the aircraft are appreciated by all nations interested in justice.

I commend Senator MURKOWSKI for submitting this resolution of gratitude and for his efforts in further strengthening the ties between the peoples and Governments of Japan and the United States.

In light of the Japanese Government's role in the search for truth behind the Korean Air Line's tragedy, I am honored to be an original cosponsor of Senate Resolution 223

AMENDMENTS SUBMITTED

DEPARTMENT OF INTERIOR APPROPRIATIONS, 1984

BYRD AMENDMENT NO. 2141

Mr. BYRD proposed an amendment to the bill (H.R. 3363) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1984, and for other purposes, as follows:

At the appropriate place in the bill, add the following:

"( ) Notwithstanding Section 507(b)(14) of the Surface Mining Control and Reclamation Act of 1977 (P.L. 95-87), cross-section maps or plans of land to be affected by an application for a surface mining and reclamation permit shall be prepared by or under the direction of a qualifed registered professional engineeer or geologist, or qualified registered professional land surveyor in any State which authorizes land surveyors to prepare and certify such maps or plans."

HELMS (AND EAST) AMENDMENT NO. 2142

Mr. HELMS (for himself and Mr. EAST) proposed an amendment to the bill (H.R. 3363) supra, as follows:

On page 82, after line 15, add the following:

SEC. . (a) Section 3 of Public Law 96-315 is amended—

(1) in the first sentence of subsection (a) by striking out "December 31, 1979" and inserting in lieu thereof "July 1, 1982, and who held a valid Fish and Wildlife Service access permit for improved property owners at any time during the period from July 29, 1976 through December 31, 1979";

(2) in the second sentence of subsection (a) by inserting after "Lighthouse" the following: ", or, for anyone in continuous residency since 1976, passing through a point on the east-west prolongation of the centerline of Albacore Street, Whaleshead Club Subdivision, Currituck County, North Carolina"; and

(3) by adding at the end thereof the following:

"(f) Notwithstanding any other provision of this section or any other provision of law, the Regional Director of the Fish and Wildlife Service shall grant restricted access to noneligible permanent fulltime residents as of April 1, 1983, who can substantiate that access is essential to their maintaining a livelihood (e.g., a fulltime employee in Norfolk, Virginia).".

GORTON (AND OTHERS) AMENDMENT NO. 2143

Mr. GORTON (for himself, Mr. ANDREWS, Mr. BOSCHWITZ, Mr. CRANSTON, Mr. DURENBERGER, Mr. EVANS, and Mr. PRESSLER) proposed an amendment to the bill, H.R. 3363, supra, as follows:

On page 58, line 21, delete "$734,151,000" and insert in lieu thereof "$742,151,000".

GORTON (AND EVANS) AMENDMENT NO. 2144

Mr. GORTON (for himself and Mr. EVANS) proposed an amendment to the bill, H.R. 3363, supra, as follows:

On page 11, line 8, strike $28,600,000 and insert in lieu thereof $30,600,000.

On page 16, line 9, strike $149,650,000 and insert in lieu thereof $151,650,000.

McCLURE AMENDMENT NOS. 2145 THROUGH 2147

Mr. McCLURE proposed three amendments to the bill H.R. 3363, supra; as follows:

On page 21, line 9, strike the number "$5,064,000" and insert the following new number in lieu thereof: "$2,564,000".

On page 21, line 7, strike the italicized number "$127,425,000" and insert the following new number in lieu thereof: "$129,925,000".

AMENDMENT No. 2146

On page 14, line 1 strike the word "Service" and insert the following new word in lieu thereof: "System".

AMENDMENT No. 2147

On page 46, line 10 delete "$24,787,000" and insert in lieu thereof: "$24,363,000".

On page 46, line 12 delete "$232,832,000" and insert in lieu thereof: "$233,257,000".

PRESSLER AMENDMENT NO. 2148

Mr. PRESSLER proposed an amendment to the bill H.R. 3363, supra; as follows:

On page 45, line 11, strike out "$51,730,000" and insert in lieu thereof $52,155,000".

On page 45, line 15, strike out the period and insert in lieu thereof ": *Provided further,* That $14,425,000 shall be available for fire protection.".

BAUCUS AMENDMENT NO. 2149

Mr. BAUCUS proposed an amendment to the bill H.R. 3363, supra; as follows:

Page 22, line 24, before the period insert the following:

": *Provided further,* That $1,000,000 of the funds made available to the State of Montana for state reclamation grants pursuant to sec. 402(g)(2) of Public Law 95-87 shall be used for reclamation of the Colorado Tailings site in Montana"

STEVENS AMENDMENT NOS. 2150 AND 2151

Mr. STEVENS proposed two amendments to the bill H.R. 3363, supra; as follows:

AMENDMENT 2150

"On page 58, line 21, strike $734,151,000 and insert in lieu thereof $734,651,000."

AMENDMENT 2151

On Page 82, at the end of the bill, add the following new section:

"Funds available in this Act for the purpose of contracting for services that require the utilization of privately owned aircraft shall be used only to contract for aircraft that are certified as airworthy by the Administrator of the Federal Aviation Administration as standard category aircraft unless the Secretary of the contracting department determines that such aircraft are not reasonably available to conduct such services."

DANFORTH (AND EAGLETON) AMENDMENT NO. 2152

Mr. DANFORTH (for himself and Mr. EAGLETON) proposed an amendment to the bill H.R. 3363, supra; as follows:

On page 9, line 5, strike out the period and insert in lieu thereof" ": *Provided further,* that subject to valid existing rights, no appropriation herein made shall be used by the Secretary of the Interior for the processing or issuance of prospecting permits in certain lands in the Mark Twain National Forest, Missouri, which comprise approximately 17,562 acres, as generally depicted

on a map entitled "Irish Wilderness—Proposed", dated December 1981.".

STEVENS AMENDMENT NO. 2153

Mr. STEVENS proposed an amendment to the bill H.R. 3363, supra; as follows:

On page 10, line 18, strike "$14,050,000" and insert in lieu thereof "$19,585,000".

HATFIELD AMENDMENT NO. 2154

Mr. McCLURE (for Mr. HATFIELD) proposed an amendment to the bill H.R. 3363, supra; as follows:

On page 10, line 4, insert before the colon ", and of which $292,000 shall be available for the operation and maintenance of the Warm Springs National Fish Hatchery"

BAKER AND WARNER AMENDMENT NO. 2155

Mr. BAKER (for himself and Mr. WARNER) proposed an amendment to the bill H.R. 3363, supra; as follows:

On page 10, line 18, strike the number "$19,585,000" and insert in lieu thereof $19,785,000.

BYRD AMENDMENT NO. 2156

Mr. BYRD proposed an amendment to the bill H.R. 3363, supra; as follows:

On page 14, line 19, strike "$27,355,000" and insert "$27,555,000" in lieu thereof; and on page 16, line 9 strike "$149,650,000" and insert "$149,450,000" in lieu thereof.

COCHRAN AND STENNIS AMENDMENT NO. 2157

Mr. COCHRAN (for himself and Mr. STENNIS) proposed an amendment to the bill H.R. 3363, supra; as follows:

On page 16, line 2, insert before the period the following:

: *Provided further*, That up to $1,000,000, to be derived from the Historic Preservation Fund, shall be available until expended for the preparation of a feasibility report recommending measures necessary to provide protection from the severe sloughing of bluffs in Natchez, Mississippi, between the north limits of the National Cemetary and the U.S. Highway 84 bridge, where potential bluff sloughing is found imminent and historic properties, roads, streets, utilities and other improvements are threatened, such funds to be transferred to the Secretary of the Army for utilization by the U.S. Army Corps of Engineers

On page 14, line 19, strike the number "$27,555,000" and insert in lieu thereof "$28,555,000"

SIMPSON (AND WALLOP) AMENDMENT NO. 2158

Mr. SIMPSON (and Mr. WALLOP) proposed an amendment to the bill H.R. 3363, supra; as follows:

On page 23, line 23, delete "$819,260,000" and insert in lieu thereof, "$819,360,000".

WARNER AMENDMENT NO. 2159

Mr. WARNER proposed an amendment to the bill H.R. 3363, supra; as follows:

On page 13, line 18, strike out the period and insert in lieu thereof ": *Provided further*, that $200,000 shall be available for a cooperative agreement for the Mary McLeod Bethune NHS to carry out the provisions of Public Law 97-329."

DEPARTMENT OF STATE AUTHORIZATION ACT, 1984

DeCONCINI AMENDMENT NO. 2160

(Ordered to lie on the table.)

Mr. DeCONCINI submitted an amendment intended to be proposed by him to the bill (S. 1342) to authorize appropriations for the fiscal years 1984 and 1985 for the Department of State, the U.S. Information Agency, and the Board for International Broadcasting, and for other purposes, as follows:

On page 24, between lines 19 and 20, insert the following new section:

DOMESTIC POLITICAL ACTIVITIES OF AMBASSADORS

SEC. 122. (a) Section 7323 of title 5, United States Code, is amended by inserting "(other than an ambassador or minister)" after "Senate".

(b) Paragraph (3) of section 7324(d) of such title is amended by striking out "in its relations with foreign powers or".

DEPARTMENT OF THE INTERIOR APPROPRIATIONS, 1984

EXON AMENDMENT NO. 2161

Mr. McCLURE (for Mr. EXON) proposed an amendment to the bill H.R. 3363, supra, as follows:

The last sentence of amendment numbered 2111 is amended to read as follows:

"Withdrawals from the public domain as they pertain only to the lands described in this paragraph under Secretarial Orders of February 11, 1903, and July 24, 1917, for purposes of the North Platte Project, are revoked by conveyance of the rights, title, and interests as set forth in this paragraph."

NOTICES OF HEARINGS

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. ROTH. Mr. President, the Senate Committee on Governmental Affairs will hold a mark up on budget reconciliation on Thursday, September 22, at 10 a.m. in room SD-342 of the Dirksen Senate Office Building. For further information, please contact Ms. Mary Lewis at 224-4751.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. McCLURE. Mr. President, I would like to announce for the information of the Senate and the public the scheduling of a public hearing before the Committee on Energy and Natural Resources on the alternative funding plan for completing the Clinch River Breeder Reactor Plant project recommended by the administration on August 1, 1983, for consideration and action by the Congress.

The hearing will be held on Thursday, September 22, beginning at 2 p.m. in room SD-366 of the Dirksen Senate Office Building.

Those wishing to testify or who wish to submit written statements for the record should write to the Committee on Energy and Natural Resources, U.S. Senate, Washington, D.C. 20510.

For further information regarding this hearing you may wish to contact Mr. Paul Gilman of the committee staff at 224-4431.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. BAKER. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be deemed to have been authorized to meet during the session of the Senate on Monday, September 19, to hold a hearing on S. 1679, the Honest Budgeting Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ARMED SERVICES

Mr. BAKER. Mr. President, I ask unanimous consent that the Armed Services Committee be authorized to meet during the session of the Senate on Tuesday, September 20, at 10 a.m., to hold an open session to receive testimony from outside experts on organization and decisionmaking procedures of the Department of Defense.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Tuesday, September 20, at 3 p.m., to meet in executive session with the German Defense Committee members.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. BAKER. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Tuesday, September 20, at 2:30 p.m., to receive a briefing on intelligence matters.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

NATIONAL EYE CARE PROJECT A SUCCESS

● Mr. GORTON. Mr. President, Washington was one of three States that recently participated in the successful pilot phase of the national eye care project, a program designed by the American Academy of Ophthalmology to offer medical eye care to all citizens over age 65.

The program was cosponsored by the Washington State Academy of Ophthalmology, and nearly all of Washington's 200 ophthalmologists volunteered to participate.

Cary Grant, Gene Kelly, and James Mason appeared in media announcements advertising that any person over age 65 could call a toll-free number for information about medical eye care. If they had no personal ophthalmologist, they were given the name of an ophthalmologist in their area who had volunteered to provide care. If the caller did not have medicare or other health insurance and was truly needy, the care was provided free of charge. I am speaking of actual medical, and in a few cases, surgical treatment—not merely routine screening—provided at no cost if the patient had no means to pay.

I am pleased to note that in Washington, more than 1,500 seniors called the toll-free helpline during the pilot 8-week period. More than 900 callers were put in contact with eye physicians who provided care for them. The program was equally successful in the two other pilot States, Michigan and West Virginia. In all three States, a total of more than 4,100 calls were received and 2,375 persons were referred to physicians.

The American Academy of Ophthalmology's national eye care project is an excellent example of private sector dedication. Most of the equipment and services were donated by private firms and individuals. The Government was not involved, except in the official White House ceremony to launch the program. President Reagan said:

> This (Project) is volunteerism at its finest. It is the kind of concerned, neighborly help that Americans are offering to each other with increasing frequency and increasing generosity.

Words of support and encouragement for the national eye care project have come from key administration officials. Chief of the medicare program, HCFA Administrator Carolyne A. K. Davis, Ph. D., said in a letter to the academy:

> As you and I well know there are many elderly individuals who have very limited resources and do not recognize the importance of medical eye care to protect their vision. Your effort to reach these individuals is in the very finest tradition of American voluntarism in caring for the elderly poor . . . It could become, I hope, a model for other professional organizations who would like to offer their skills in a very worthwhile cause.

Assistant Secretary for Health, Edward N. Brandt, Jr., M.D., said:

> I commend you and the membership for the compassion, initiative and innovation that this project signifies. It is in keeping with the highest of the ideals of the medical profession.

Assistant Secretary for Planning and Evaluation, Robert J. Rubin, M.D., said:

> I am pleased that the Academy has taken the lead in this important preventive health area.

There are now plans to expand the national eye care project to all 50 States if sufficient private sector support can be obtained. I heartily endorse the academy's efforts. Sight is vitally important at any age, but as a person grows older, three things happen that have a direct effect on seeing well.

First is the deterioration of vision itself. Many diseases and disorders of the eye are associated with the aging process. Many conditions can be corrected, improved, or at least arrested with proper medical eye care—but the tragedy is that many elderly persons are under the impression that decreasing vision is an unavoidable penalty of growing old.

Second, older people have difficulty remaining within the health care network. In many instances, their personal physicians have retired. The older person sometimes has fewer close friends or associates who can assist in putting him or her back in contact with a practicing physician. Mobility is increasingly difficult. These phenomena are common to all medical conditions, but are particularly acute for medical eye care, where only ophthalmologists are qualified to deliver the needed services.

Finally, there is the problem of lack of resources to pay for care a difficulty for many elderly. It is a long tradition in medicine to offer care without charge to the needy. Ophthalmologists and other physicians have continued this practice in the several instances where Federal, State, or private health insurance does not provide benefits to cover the individual. Estimates vary, but some studies indicate that approximately 4 to 5 percent of U.S. residents over age 65 do not qualify for medicare. Some are not citizens, some did not establish a long enough employment history to qualify for social security, and some simply do not enroll, for whatever reason. It is safe to estimate that many of these people urgently need professional medical eye care, lack the resources to pay for it—and fail to seek help because of this deficiency.

Mr. President, an excellent article by columnist H. Scott Wilson explained the national eye care project and appeared in the Grandview, Wash., Herald and other Washington newspapers. I ask that it be printed in the RECORD.

The article follows:

[From the Grandview (Wash.) Herald, May 12, 1983]

VISION HELP AVAILABLE

(By H. Scott Wilson)

Medical help is now available for any person age 65 or older who has a medical eye problem, according to Richard P. Mills, M.D., president of the Washington State Academy of Ophthalmology.

Dr. Mills said older adults who have or suspect having a medical eye problem can receive help by using the toll-free number of the American Academy of Ophthalmology. The toll-free number is 1-800-222-EYES. The letters E-Y-E-S correspond to the numbers 3937 on your telephone.

Any person 65 or older who phones that number will receive helpful information. If he is needy and has no ophthalmologist he will be directed to an ophthalmologist in this area who will provide, without charge, the medical help he needs.

This offer, a pilot project, expires June 17, 1983. The offer is being made available in only three states—Michigan, West Virginia and Washington.

Personally, I have met many senior citizens in the past three years who have benefited from eye surgery from a doctor in the Yakima Valley.

Just this morning I spoke to a woman, not a senior citizen, who benefited from surgery to remove cataracts more than 13 years ago. Her vision is vital to her occupation. Regaining her sight was like a miracle. During the past three years I have heard many similar statements, usually by people past 65, some up in their eighties.

People past 65 who need eye care by a doctor should not hesitate to seek advice. It won't cost a cent to ask. It may save your sight. Remember, the call is toll-free. Just dial 1-800-222-EYES.

EYE CARE SAVES SIGHT

Nearly a million Americans past age 65 suffer severe loss of vision, according to the American Academy of Ophthalmology. The Academy says people past 65 comprise half of blind Americans although they represent only 12% of the total population.

The most prevalent vision problems are: glaucoma, diabetic eye diseases, macular degeneration and cataracts. The Academy estimates 30% of the people past 65 have cataracts, a condition characterized by a clouding of the lens. Typically, cataracts cannot be seen from outside the eye unless the disease is extremely advanced.

Although there are many cataracts, most are caused by changes in the chemical or protein composition of the lens. Surgery is the only effective treatment for cataracts, the Academy claims. Cataracts cannot be reduced or dissolved by eye drops, ointments, special diets or eye exercises, the Academy says.

Cataract surgery is highly successful, according to the Academy. They claim more than 90% of patients regain useful vision after surgery. Often the improvement in vision is dramatic. The patient feels a miracle has occurred, since sight has been regained. This claim corresponds with my casual observation the past three years.

Once the cloudy, natural lens has been removed, a substitute is required, either in the form of glasses, contact lens or an intraocular lens permanently implanted in the eye.

There are many misconceptions about cataracts. It is time to "de-bunk" these false notions. Cataracts are not related to cancer, are not a new growth of skin over the eye, and do not spread from eye to eye, although they can develop in both eyes at the same time. Further, cataracts are not caused by overuse of the eyes, and using your eyes does not make a cataract worse.

For further information, phone the National Eye Care HELPLINE. Again, the toll-free number is 1-800-222-EYES.●

THE PROPER ROLE FOR THE INTERNATIONAL MONETARY FUND

● Mr. ARMSTRONG, Mr. President, the recent debate about the International Monetary Fund and the world debt situation has done much to raise the consciousness of the Congress about the role of the IMF. Mr. Fred Smith, director of Government affairs for the Council for a Competitive Economy recently wrote an excellent article regarding the proper role for the IMF. The article appeared in the July 26, 1983, issue of the Wall Street Journal. I commend it to my colleagues, and ask that it be printed in the RECORD.

The article follows:

[From the Wall Street Journal, July 26, 1983]

HOW THE IMF COULD BECOME A REAL S&P FOR INTERNATIONAL DEBT

(By Fred L. Smith Jr.) [1]

Should the U.S. donate an added $8.4 billion to the International Monetary Fund? IMF opponents, of course, answer "No." They claim that increased IMF funding only would bail out the big banks. Generally, however, IMF supporters favor the increase. They view the IMF as a vital credit-rating agency, a political Standard & Poor's that also lends. And, certainly, accurate credit-assessment is necessary if private institutions—the developing nations' primary source of funds—are to continue foreign lending.

But the IMF's proponents fail to consider the S&P example fully. Why do we need an imitation S&P? Why not S&P itself, or some other private-sector concern? A close examination of the S&P model suggests that the IMF functions are better handled privately, and that the IMF's lending role be eliminated—not expanded.

To see this, let us briefly review how the IMF functions. A debtor nation calls upon the IMF when it discovers a foreign-exchange shortage. The IMF then sends a "mission" to determine what steps the nation should take to regain economic well-being, and those steps are defined in a "conditionality" agreement. If the debtor nation accepts these conditions, it gets a direct IMF loan and—far more important—access to the world's private credit markets. The IMF then monitors the debtor nation's adherence to these agreed-upon conditions. If problems develop—as they have in recent years with distressing frequency—the IMF threatens to suspend loan payments, the private sector follows suit and negotiations begin again.

The main reason that countries accept such restrictions or conditions is their desire for private-sector loans that are predicated on the IMF's credit approval. The IMF's direct lending role plays at most a minor part, because private sources historically provide almost 80% of the funds made available through IMF operations. Private lenders accept the IMF's ratings largely because they trust its accuracy and honesty.

But this trust is compromised by both the IMF's political nature and its direct lending role. The political problems are obvious. Suppose the U.S. government rated municipal bonds. Democratic administrations would be accused of favoritism by Republican mayors and vice versa. In contrast, while Moody's and S&P receive occasional criticism—no borrower likes his credit rating lowered—their overall reputations remain intact. The reasons for this are clear. Like any private concern, S&P must sell its product—in this case, its credit assessments—to survive. In contrast, the IMF needn't meet any such market test, and thus is free to play politics. Not surprisingly, the IMF has been accused of political bias in its decisions on loans to such nations as South Africa and Nicaragua.

The IMF's lending role creates an equally obvious problem. Suppose S&P had to rate New York City's bonds while it simultaneously held them. S&P would have a strong incentive to avoid any downgrading that would reduce the value of its own holdings. Instead, it would be tempted to "work with" city officials to arrive at a "sound economic program for gradual recovery." Naturally, city officials would take advantage of S&P's conflict of interest to argue against any "severe" readjustments. They would argue for increased city salaries and continued public spending. S&P thus would be exposed to the type of political blackmail that the IMF undergoes.

The private market outperforms the IMF in yet another way. Both Moody's and S&P provide far more credit information than the IMF. S&P, for example, uses a 20-tier rating system (triple-A to single-D) with credit availability and interest rates varying accordingly. On contrast, the IMF uses only two classifications—a nation either is or isn't meeting its agreement. This makes the IMF's enforcement role difficult. Suspending loan payments seems too severe for minor infractions, yet a series of minor infractions becomes significant over time. The results are bizarre. Unwise policies by U.S. mayors—but not Third World leaders—are immediately reflected in bond ratings and thus higher borrowing costs. Cities are given an immediate chance to rethink their policies, while debtor nations don't receive warning until their economies are in crisis.

The private sector tries to avoid conflicts of interest and diffusion of effort. S&P leaves the business of lending to others, which leaves it free to let the rating chips fall where they may. Also, S&P elects not to play the paternalistic role assumed by the IMF and does not dictate any "recovery" plan. S&P doesn't consider itself competent to run a sovereign government, and is well aware that if mayors want management advice, they can hire professional consultants. The IMF would benefit from a similar concentration of function.

And the S&P approach works. Cities are aware of the basis of S&P ratings and determine their policies accordingly. Of course, S&P stands ready to discuss its decisions and may elect to revise them if the city modifies its policies. But S&P doesn't dicker with the city or offer to relax its usual grading terms in hopes of advancing the "bargaining process." Only the city's officials decide whether the policy is worth the higher borrowing costs.

Further, S&P, unlike the IMF, judges results, not merely intent. Thus, S&P avoids the dilemma confronting IMF when it finds that a debtor's economic prospects have been reduced by uncontrollable events or actions not circumscribed by the conditionality agreement. The changed economic prospects suggest further belt-tightening, but as the nation has lived up to its agreement, it wouldn't be "fair" to penalize it. The S&P approach is superior. S&P provides information about the prospects for debt repayment—not moral judgments about the debtor's intent.

Finally, the S&P model has the attraction of being self-financing. The costs of rating and monitoring a bond issue over its lifetime are paid by the concerns or governments issuing the debt.

In brief, the market has much to teach the IMF's supporters. In particular, the market's separation of lending and credit-assessment tasks argues against any expansion of the IMF's lending role. Such an expansion merely would exacerbate an already serious conflict of interest. More generally, S&P and its private-sector competitors demonstrate the superior approach that the IMF should seek to imitate. Congress should avoid any act that moves us further from this ideal.●

[1] Mr. Smith is director of government affairs for the Council for a Competitive Economy, a Washington-based business membership organization.

THE AGRICULTURAL DISASTER

● Mr. PRYOR. Mr. President, I want to take a few minutes today to bring to the attention of the Senate the agricultural disaster in the State of Arkansas. I know many Members of this Chamber know how devastating the drought has been in their States, and I hope the Secretary of Agriculture will aggressively use the powers he has under existing law to alleviate many of the problems our farmers are experiencing as a result of the drought. The resolution recently introduced by many of my colleagues, including Senator HUDDLESTON, the ranking Democratic member of the Senate Agriculture Committee, and by me outlines some of the steps the Secretary should take to deal with this very serious situation. Of course, Mr. President, there are other things that should be considered and I hope we will take a hard look at many of these options in the days and weeks ahead. There is no doubt that much of the Central and Southern regions of the country are experiencing the worst drought in many decades, and conditions are worse than they were in 1980, the most recent year in which many parts of our Nation were suffering from a lack of rainfall.

In the State of Arkansas, Mr. President, crop conditions are dismal. Many soybean fields will not even be harvested, and in many, many others yields will be at least 50 percent below last year. The most recent crop report from the Department of Agriculture

estimated that the average soybean yield in Arkansas for this year will be about 18 bushels per acre, a figure which I believe to be optimistic based on the fields I have seen. The rice crop has been damaged by the hot, dry weather, and the drought has seriously damaged the cotton crop. In addition, there has been considerable damage to pastures, and livestock and poultry producers have had to make many adjustments in an effort to cope with the drought.

Mr. President, this most recent drought comes on the heals of 3 bad years. In 1980 we also had a drought in many areas of the country, and in 1981 and 1982, 2 years when harvests were good, our farmers saw commodity prices drop to low levels. In short, the last 4 years have been awful, and I hope the Secretary of Agriculture would use the many tools we have given him in the farm bill to help many of these hardworking men and women through an extraordinarily difficult period. They deserve our help and assistance and I think if the Secretary would use these tools it would be of great benefit. We must also consider other measures, and I know many members of the Senate Agriculture Committee will want to discuss what can be done. I look forward to working with them, and I commend the Senator from Kentucky for his efforts.

The resolution calls for:

First, Presidential disaster declaration which would make special disaster assistance available and would automatically trigger the Farmers Home Administration emergency disaster loan program;

Second, immediate deployment of special emergency teams in drought-affected States to organize and train the temporary personnel which will man the field offices handling disaster-relief requests;

Third, making disaster payments available to wheat, feed grain, upland cotton, and rice producers—under the discretionary authority provided in the Agriculture and Food Act of 1981—where needed in severely affected areas;

Fourth, under certain conditions with respect to wheat, feed grains, upland cotton and rice, making advance deficiency payments available to producers of 1984 crops;

Fifth, reopening the emergency livestock feed payment program to aid farmers who have lost crops that would have been used to feed livestock;

Sixth, designating counties under the FmHA emergency disaster loan program before harvest time to aid small agriculture-related businesses in their planning for the 1984 crop year and to encourage lenders to extend credit;

Seventh, returning the authority for making FmHA county disaster designations to the State FmHA director to speed up the process by putting the decision in the hands of the authority closest to the people affected;

Eighth, accepting individual applications for Farmers Home Administration natural disaster emergency loans bases on estimated losses;

Ninth, providing loans and loan guarantees through the Small Business Administration and the Farmers Home Administration programs to rural businesses adversely affected by the drought and the payment-in-kind program.●

INTERCOLLEGIATE STUDIES INSTITUTE

● Mr. EAST. Mr. President, for the past 30 years, the Intercollegiate Studies Institute (ISI), headquartered in Bryn Mawr, Pa., has educated a generation of American leaders in the principles of liberty and the foundations of their national and civilizational heritage. I want to congratulate ISI and its president, Mr. E. Victor Milione, for this generation of educational work, and I would like to take this opportunity to say something about the importance of ISI to American conservatism and to America.

Thirty years ago, American conservatives were, in many respects, disorganized and uncertain of their future. A few of them—Frank Chodorov, Frank Meyer, and Richard Weaver, among others—saw these weaknesses and attempted to correct it. Through their work in ISI, they undertook the task of restoring a proper understanding of what America is, where it came from, and where it should go. Never a brainwashing exercise, ISI, through its publications, seminars, and summer schools, has encouraged wide-ranging and often intense debate, interdisciplinary studies, and philosophical inquiry as the means by which conservative ideas would have consequences.

Today, we see these consequences in the administration of Ronald Reagan, in this distinguished body, in the House of Representatives, and in positions of academic and business leadership throughout the country. I do not believe the political and intellectual gains of conservative ideas of the last few years would have been possible or would have come to pass without the important work of ISI. I am proud to have taken part in that achievement, and I salute the officers and staff of the Intercollegiate Studies Institute for working for it. Recently, I sent a letter of congratulations to Vic Milione, and I ask that it be printed in the RECORD.

The letter follows:

U.S. SENATE,
Washington, D.C., September 19, 1983.

Mr. E. VICTOR MILIONE,
President, Intercollegiate Studies Institute, Bryn Mawr, Pa.

DEAR VIC: I want to take this opportunity to offer my congratulations on the occasion of the thirtieth anniversary of the Intercollegiate Studies Institute.

Throughout the past generation, I.S.I. has been the major conservative intellectual and educational organization in the United States. It has taught a generation of students the meaning of the principles of the rule of law, freedom of the person, and the life of reason. Your leadership of I.S.I. in particular has accounted for much of its success, in my opinion.

Today, in the Reagan Administration, the Congress, in universities and businesses, and in every field of leadership, we see the fruits of Richard Weaver's precept that ideas have consequences. Many of these consequences I know are directly attributable to I.S.I.

Congratulations again, and may you and I.S.I. enjoy another thirty years of success.

Sincerely,

JOHN P. EAST,
U.S. Senator.●

YOUTH DRUG ABUSE PREVENTION PROGRAMS IN OUR SCHOOLS

● Mrs. HAWKINS. Mr. President, recent reports have detailed the decline of marihuana use among school-age children. Many people have taken this as a sign of victory in the battle against substance abuse. Unfortunately, I fear this is not true. Now more than ever, students are substituting more powerful, more pernicious drugs is place of marihuana. In the most vulnerable group—junior and senior high students—cocaine use rose almost 30 percent between 1979 and 1982; LSD and PCP are also regaining their former popularity. The widespread nature of drug use is proven by the fact that now more than one in every four teenagers take drugs at least three times a week.

Drugs are readily available in our Nation's schools. Friends and even relatives are often eager to supply unwary children. Bathrooms, playgrounds, and even classrooms are transformed from their original purpose into a veritable bargain basement drugstore. This kind of drugstore does not sell magazines or shampoo; it sells grass, coke, smack, or angel dust. The combination of a plentiful supply of drugs, the power of peer pressure, and the lack of an adequate educational campaign in most school systems have made our schools a haven for drug dealers and their wares. The virtual epidemic of substance abuse among our children can be directly traced to our failure to produce the right environment in school.

However, I do not mean to sound as the voice of doom. A number of educators have launched highly successful programs to eradicate the drug presence in their schools. Instead of rely-

ing on strong arm tactics, they have with patience taught their students the fallacy of drug abuse. With the devotion of education and parents, I am sure more schools will develop such laudable programs.

Mr. President, one such model program is presently achieving remarkable success in the Bronx. I ask that a May 31, 1983 New York Daily News article, entitled "Pot Scrubbers at PS 81," be printed in the RECORD.

The article follows:

[From the New York Daily News, May 31, 1983]

POT SCRUBBERS AT PS 81

(By Alex Michelini)

You could call it the cleanest school in town. Public School 81, at 5550 Riverdale Ave., Bronx, is the only school among 36 surveyed by the state Divison of Substance Abuse Services that continues to turn up positive ratings—that is, there has been no drug peddling observed in and around the school. What's PS 81's secret of success?

"The students are interested in school," said Bernice Schatz, principal of the 350-pupil school, who pointed out that 86% are reading at or above grade level. "They like coming to school. And we run the type of school where children feel very free to talk about the problems they may be having at home."

"Maybe that keeps you off drugs because you don't need something to make you feel high when you've got a problem. I want children to feel that no matter what bothers them, it can be discussed with us. Almost on a daily basis, there are kids who ask to see me for a few minutes. They'll see me walking through the hallways and they'll share something with me. We're always there ready to listen to them whether it's a scrape on the knee or a divorce problem."

Schatz, who has headed the school for 12 years, said the parents also deserve credit, because they're "very tuned into the needs of their children and to their problems." And she pointed to an effective drug prevention program administered by District 10 officials in which representatives go from school to school talking to fifth and sixth-graders about the dangers of drugs.

But while the pupils at PS 81 are hooked on education, all too often it is heroin and pills and marijuana that have the attention of youngsters elsewhere.

Since Sept. 17, 1981, when members of the Police Department's Street Enforcement Program launched Operation 3-Rs, 6,623 persons have been arrested at city schools—424 of whom were students and the rest outsiders. In the last two months alone, arrests were made at or near 275 schools.

The Rev. Terence Attridge, director of the Substance Abuse Ministry for the New York Archdiocese, lives at St. John's Rectory in the Bronx and has seen first-hand the damage wrought on the young by drugs. Some of the children are as young as 8, he said. Alcohol and other drugs, he said, are "equal opportunity destroyers," crossing social and economic lines, affecting parochial as well as public schools.

In partnership with school officials and police in the Bronx, Attridge is leading a community war against drugs as part of DARE (Drug, Alcohol Rehabilitation Education). He has helped train 750 persons as substance abuse ministers. They, in turn, have involved more than 5,000 people in combating drug abuse and its causes. Part of it involves a direct appeal to merchants.

"We've gotten people to go around to stores, telling them not to sell alcohol to minors, not to self wrapping paper (for joints) to minors," Attridge said.

[From the New York Times, July 30, 1983]

NEIGHBORHOODS SET UP GROUPS TO BATTLE CRIME

(By E. R. Shipp)

In Greenwich Village, some residents are up in arms about street prostitution.

Exasperated by what they see as the Criminal Court's lack of response to the situation, they have taken matters into their own hands. They record the license numbers of cars whose occupants patronize the prostitutes, then contact the registered owners and threaten to expose them to friends, families and employers.

In Brooklyn's Bedford-Stuyvesant section, as in Manhattan's Chelsea district and several areas of the South Bronx, people are outraged that illegal numbers establishments are springing up in residential enclaves.

In the Gramercy Park area of Manhattan, in Long Island City, Queens, and in the Hunt's Point section of the Bronx, residents are also complaining about prostitution.

In Manhattan's Washington Heights, elderly residents are fighting to rid their buildings and blocks of drug dealers. In Chelsea, residents are trying to reclaim a neighborhood park from the drug pushers. In Brooklyn, the Bronx and Queens, people are trying to force the "smoke shops"—shops that sell paraphernalia generally used by drug dealers and users—out of business.

To many residents, the criminal justice system, particularly the Criminal Court, is seen as a stumbling block to their efforts.

So throughout New York City, they have formed neighborhood groups to exert pressure on legislators, law enforcement officials and judges to do something about the very crimes that the Criminal Court is unable to do much about: low-level drug use and drug dealing, gambling and prostitution.

The groups have begun petition and letter-writing campaigns aimed at judges, district attorneys, police officials and legislators. They have organized volunteer patrols and block watchers to detect crimes, and they have held meetings to discuss their progress.

Several groups now have plans to set up court-monitoring units that will visit Criminal Court, to determine whether the judges are doing their jobs.

There is some criticism of the Police Department for failing to crack down on the most blatant criminal activities. But Deputy Chief Emil A. Ciccotelli of the Organized Crime Control Division said in an interview what the citizens' groups said they were often told by officials in their precincts: "We don't have the manpower to attack this totally on a citywide basis."

Chief Ciccotelli estimated that there were from 500 to 800 smoke shops in the city and at least 5,000 illegal gambling establishments.

Although the police do not escape unscathed, the brunt of the criticism is reserved for the Criminal Court, which has a branch in each of the city's five boroughs and handles several hundred thousand cases a year. Members of several groups said the police often told them that the crime problem existed in part because of the judges' failure to impose adequate punishment.

THEY HAVE TO BE JAILED

"There is a lot to be desired from the courts," said Thomas L. Granger. He, along with his neighbors in the Riverside-Edgecombe Neighborhood Association, is trying to combat the drug problem in upper Manhattan.

"Something greater than taking a few dollars out of their pockets has to be done," he said. "They have to be jailed and that's not being done."

Mr. Granger said that in the lobby of the West 157th Street building in which he lives, young men can be seen transacting drug deals and smoking marijuana. In the last five years, he said, the problem has grown worse.

Mr. Granger, who is 73 years old, said he had been "fighting this kind of thing" since 1937, when he moved to New York City. At first, he lived in the Bronx, where eventually, he said, "you would see people growing marijuana and shooting up on the streets."

TIRED OF RUNNING

"So I ran to Bed-Stuy," he said. "Then I ran back to the Bronx. And, 26 years ago, I ran here to Manhattan. I've just gotten tired of running, and I'm trying to fight it."

The Riverside-Edgecombe Neighborhood Association, known as RENA, has been writing to elected officials, meeting with representatives of the 34th Precinct and gathering signatures for petitions.

In Laura Cruz's Bronx neighborhood—the Burnside-Morris Heights area—"the problem is drugs," she said.

"According to the police, they say when they close down the storefronts, they close them today and the following day they are back," Mrs. Cruz said. "The police blame it on the court system. I think it's correct, but we also need more police in the area."

Mrs. Cruz is an active member of People for Change, one of several neighborhood anticrime groups organized through the Roman Catholic churches of the Bronx. She and her neighbors have taken a petition bearing 2,000 signatures to the police, demanding more foot patrols, and have been meeting with their precinct officials on a regular basis.

LeRoy F. Smith, a Bedford-Stuyvesant resident, is one of the founders of a group called the Bed-Stuy Coalition of Block Associations. It came into being last April to force an illegal numbers establishment out of business.

"To give you an idea of this particular area," he said, "if Eubie Blake was living, he could look right into that numbers place from his back window."

PIE-IN-THE-SKY DREAM

Numbers businesses, Mr. Smith said, are "a menace."

"They are killing us in our community," he said. "They don't put anything back into the community over all. They take everything out. They are feeding some black people a pie-in-the-sky dream and that may be fine for a while when you've got so much unemployment. But they are not doing the community any good."

A survey last April turned up 240 numbers parlors in the community, he said.

The coalition has held two public meetings and has been lobbying elected officials to do something about this problem, as well as about smoke shops.

One of the most organized groups seems to be the Greenwich Village group called Villagers Against Crime, which is trying to

stamp out transvestite prostitution in a residential section of the West Village.

They have held community meetings with legislators and law enforcement officials in attendance; have written letters to all the Manhattan Criminal Court Judges to register their concern about their neighborhood and their desire to have the judges impose stiff penalties, and have monitored cases and followed up by sending letters and petitions to judges they thought were too lenient.

"The fault in our opinion," said Harry Malakoff, an organizer of Villagers Against Crime, "lies with the judges. They don't realize the impact this has on the quality of life. Both the prostitutes and the johns are from outside the neighborhood. It's outsiders coming in to turn our neighborhood into their bedrooms."

[From the Daily News, July 31, 1983]

DOPE HAS EAST SIDE ON THE ROPES

(By Murray Weiss, Patrick Clark, and Stuart Marques)

Those are voices from "Alphabetland," the heart of the lower East Side—an area bounded by Delancey and 14th Sts. and Avenues A and D, and plagued by a problem.

Always a home to poor immigrants on their way up the ladder and out to suburbia, the lower East Side now is a neighborhood where the major industry is the sale of narcotics.

The crime rate is among the highest in the city. Twenty major drug-pedding operations—each grossing $30,000 to $100,000 a day—have turned its busiest corners into open-air dope markets that supply heroin and cocaine to junkies and Wall Street workers alike.

Dealers and junkies have taken over abandoned buildings and converted them to hollow fortresses faster than the city can seal or raze them. Law-abiding citizens live in constant fear or try to make an uneasy truce with drug merchants and junkies.

Violence is everywhere. Carmen Rivera, 15, was shot to death July 23 as she walked past a holdup near her home on E. Eighth St. Two days later, Jeanette Rivera (no relation), 13, was shot in the hand as she walked past two men who were fighting over drugs.

Heroin addicts sprawl across sidewalks and stoops, and uneducated young men and women earn up to $100 a day steering buyers to dealers selling brand-name drugs such as "Executive," "Menudo" and "Toilet."

Drug arrests have more than doubled since the city began a crackdown in the area last August. But few of the junkies and dealers go to jail for more than 90 days, and dozens wait to take their places.

"It is the No. 1 drug-sale area in the Northeast," says Lt. David Lynott of the Manhattan South narcotics unit. "Hundreds of millions of dollars in cash and narcotics change hands there. It's wide open. They get off the subways in droves beginning at 6 a.m.; from three-piece suits to shorts, girls and guys. They buy drugs on the street and then go to work. This place never shuts down."

Arrests are constant but, some say, almost futile. Police made 6,441 drug arrests in the area from July 1, 1982, to May 31, 1983.

The 40-member Manhattan South narcotics unit made 797 drug arrests in the first six months of 1983, compared with 328 in the same period last year. Precinct street enforcement teams in the area made 1,766 arrests in the first six months of the year, compared with 827 for the first half of 1982.

A city study of 594 drug arrests in the area last August shows that, of the 452 completed cases, only 103 people were given jail terms. Only 27 were jailed for more than 90 days.

"Most crimes here are drug-related." says Capt. Raymond Abruzzi, commanding officer of the E. Fifth St. station. "Narcotics is the No. 1 problem in my command, and from narcotics come most other problems."

The hotbeds of activity are the corners of Eldridge and Rivington Sts., Second St. and Avenue B. and Rivington and Essex Sts. On busy days, dozens of people line up four and five abreast waiting to make a buy.

Dealers operate out of abandoned buildings honeycombed with escape tunnels and getaway routes. Buyers sell their wares—at profits of 1.000% or more—from behind locked steel doors or walls with one or two bricks missing. The money goes through a peephole or missing brick, and the dope comes out the same way.

In an effort to get the dealers out, the city has sealed 121 abandoned buildings and razed 65 others in the area since last August. But police say the dealers just hopscotch from building to building—generally one step ahead of them.

"The profits are incredible, that's why this exists," says Capt. John Healy of the Manhattan South narcotics unit. "They run it like a business—very professional. But look what it does to the neighborhood. It brings noise, attracts undesirables and destroys the quality of life."

"It's like the Wild West here," says Luis Nieves, 35, director of the community-based Lower East Side Coalition. "The police make arrests, but it's mostly street junkies. The numbers look impressive, but they don't get the big guys. But it's not hopeless. If the city would provide more money for homesteading, we could do more."

Graham Hodges has lived on E. Third St. since 1975, and he says things are as bad as ever. "I don't sit outside anymore. The junkies are dying on their feet in front of you. We're being forced to live amidst something terrible. It's evil . . . The dealers are always armed. They could start shooting anytime. The potential for injury or death is always there. It's deeply depressing."

Capt. Healy sits in his office, shuffles some papers and says he thinks the city is making headway in cleaning up the drug operations. But he is a realist. "Sometimes I feel like I'm shoveling sand against the tide."●

PROPOSED ARMS SALES

● Mr. PERCY. Mr. President, section 36(b) of the Arms Export Control Act requires that Congress receive prior notification of proposed arms sales under that act in excess of $50 million or, in the case of major defense equipment as defined in the act, those in excess of $14 million. Upon such notification, the Congress has 30 calendar days during which the sale may be reviewed. The provision stipulates that, in the Senate, the notification of proposed sales shall be sent to the chairman of the Foreign Relations Committee.

In keeping with the committee's intention to see that such information is available to the full Senate, I ask to have printed in the RECORD at this point the notifications which have been received. The classified annexes referred to in several of the covering letters are available to Sentors in the office of the Foreign Relations Committee, room SD-423.

The material follows:

DEFENSE SECURITY ASSISTANCE AGENCY,
Washington, D.C., September 12, 1983.
In reply refer to I-01909/83ct.
Hon. CHARLES H. PERCY,
Chairman, Committee on Foreign Relations, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: Pursuant to the reporting requirements of Section 36(b) of the Arms Export Control Act, we are forwarding under separate cover Transmittal No. 83-52, concerning the Department of the Navy's proposed Letter of Offer to Pakistan for major defense articles and services in excess of $14 million. Since most of the essential elements of this proposed sale are to remain classified, we will not notify the news media.

Sincerely,

WALTER B. LIGON,
Acting Director.

TRANSMITTAL NO. 83-52

Notice of Proposed Inssuance of Letter of Offer Pursuant to Section 36(b) of the Arms Export Control Act

(i) Prospective purchaser: Pakistan.

(ii) Total estimated value:

Major defense equipment[1]	[Deleted]
Other	[Deleted]
Total	[Deleted]

[1] As definded in Section 47(6) of the Arms Export Control Act.

(iii) Description of articles or services offered: [Deleted.]

(iv) Military department: Navy (ABD).

(v) Sales commission, fee, etc., paid, offered, or agreed to be paid:

(vi) Sensitivity of technology contained in the defense articles or defense services proposed to be sold: See Annex under separate cover.

(vii) Section 28 report: Case not included in Section 28 report.

(viii) Date report delivered to Congress: September 12, 1983.

POLICY JUSTIFICATION

[Deleted.]

[Deleted.]

(U) This sale will contribute to the foreign policy objectives of the United States by enabling Pakistan to increase its capability to provide for its own security and defense. Pakistan plays an increasingly greater role as a stabilizing force in the Indian Ocean region. It is strategically important in the defense of sea lines of communication in the Arabian Sea and approaches to the Persian Gulf.

[Deleted.]

[Deleted.]

(U) Implementation of this sale will require the assignment of contractor representatives to Pakistan beginning in March 1986 approximately as follows: nine persons for six months and two persons for one year.

(U) There will be no impact on U.S. defense readiness as a result of this sale.

DEFENSE SECURITY ASSISTANCE AGENCY,
Washington, D.C., September 12, 1983.
In reply refer to I-02861/83ct.
Hon. CHARLES H. PERCY,
Chairman, Committee on Foreign Relations, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: Pursuant to the reporting requirements of Section 36(b) of the Arms Export Control Act, we are forwarding herewith Transmittal No. 83-53 and under separate cover the classified annex thereof. This Transmittal concerns the Department of the Army's proposed Letter of Offer to Egypt for defense articles and services estimated to cost $145 million. Shortly after this letter is delivered to your office, we plan to notify the news media of the unclassified portion of this Transmittal.

Sincerely,

WALTER B. LIGON
Acting Director.

TRANSMITTAL NO. 83-53

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b) of the Arms Export Control Act

(i) Prospective purchaser: Egypt.
(ii) Total estimated value:

	Millions
Major defense equipment [1]	$112
Other	33
Total	145

[1] As defined in Section 47(6) of the Arms Export Control Act.

(iii) Description of articles or services offered: Ninety-four M60A3 tanks with tank thermal sights, machine guns, smoke grenade launchers, concurrent spare parts, related communications equipment, special tools, test equipment, major assemblies supporting these vehicles, and ancillary support items.

(iv) Military department: Army (UEV).

(v) Sales commission, fee, etc., paid, offered, or agreed to be paid: None.

(vi) Sensitivity of technology contained in the defense articles or defense services proposed to be sold: See annex under separate cover.

(vii) Section 28 report: Case not included in section 28 report.

(viii) Date report delivered to Congress: September 12, 1983.

POLICY JUSTIFICATION

EGYPT—TANKS

The Government of Egypt has requested the purchase of 94 M60A3 tanks with tank thermal sights, machine guns, smoke grenade launchers, concurrent spare parts, related communications equipment, special tools, test equipment, major assemblies supporting these vehicles, and ancillary support items at an estimated cost of $145 million.

This sale is consistent with the stated U.S. policy of assisting other nations to provide for their own defense by allowing the transfer of reasonable amounts of defense articles and services. It will demonstrate the continuing willingness of the U.S. to support Egypt which is an important force for modernization in the region.

The Government of Egypt will use these tanks to equip an additional armored brigade. This continues the ongoing program of replacing aging Soviet equipment with modern U.S. equipment.

The sale of this equipment and support will not affect the basic military balance in the region.

The prime contractor will be the General Dynamics Corporation of Warren, Michigan.

Implementation of this sale will not require the assignment of any additional U.S. Government or contractor personnel to Egypt.

There will be no adverse impact on U.S. defense readiness as a result of this sale.

DEFENSE SECURITY ASSISTANCE AGENCY,
Washington, D.C., September 13, 1983.
In reply refer to I-02522/83ct.
Hon. CHARLES H. PERCY,
Chairman, Committee on Foreign Relations, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: Pursuant to the reporting requirements of Section 36(b) of the Arms Export Control Act, we are forwarding herewith Transmittal No. 83-55, concerning the Department of the Air Force's proposed Letter of Offer to Korea for defense articles and services estimated to cost $71 million. Shortly after this letter is delivered to your office, we plan to notify the news media.

Sincerely,

WALTER B. LIGON,
Acting Director.

TRANSMITTAL NO. 83-55

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b) of the Arms Export Control Act

(i) Prospective purchaser: Korea.
(ii) Total Estiamted Value:

	Millions
Major defense equipment [1]	$0
Other	71
Total	71

[1] As defined in Section 47(6) of the Arms Export Control Act.

(iii) Description of articles or services offered: Cooperative logistics supply support arrangement, requisition case (FMSO II), for follow-on spares and supplies to support aircraft and other systems and subsystems of U.S. origin.

(iv) Military department: Air Force (KBR).

(v) Sales commission, fee, etc., paid, offered, or agreed to be paid: None.

(vi) Sensitivity of technology contained in the defense articles or defense services proposed to be sold: None.

(vii) Section 28 report: Included in report for quarter ending 30 June 1983.

(viii) Date report delivered to congress: September 13, 1983.

POLICY JUSTIFICATION

KOREA—AIRCRAFT SPARE PARTS

The Government of Korea has requested the purchase of a cooperative logistics supply support arrangement, requisition case (FMSO II), for follow-on spares and supplies to support aircraft and other systems and subsystems of U.S. origin at an estimated cost of $71 million.

This sale will contribute to the foreign policy and national security of the United States by helping to improve the security of a friendly country which has been and continues to be an important force for political stability and economic progress in Eastern Asia. This sale will help to ensure that aircraft previously obtained by Korea from the U.S. are maintained in a mission-ready status to the maximum extent practicable.

This cooperative logistics supply support arrangement is necessary to ensure an uninterrupted flow of spare parts to support the C-123K, F-4D/E, F-5A/B/E/F, T-33, and A/T-37 aircraft, and other systems and subsystems of U.S. origin. The Korean Air Force will have no difficulty in absorbing the articles.

The sale of this equipment and support will not affect the basic military balance in the region.

Procurement of these items and services will be from the many contractors providing similar items and services to the U.S. forces.

Implementation of this sale will not require the assignment of any additional U.S. Government or contractor personnel to Korea.

There will be no adverse impact on U.S. defense readiness as a result of this sale.

DEFENSE SECURITY ASSISTANCE AGENCY,
Washington, D.C., September 13, 1983.
In reply refer to I-02705/83ct.
Hon. CHARLES H. PERCY,
Chairman, Committee on Foreign Relations, U.S. Senate, Washington, D.C.

DEAR MR. CHARIMAN: Pursuant to the reporting requirements of Section 36(b) of the Arms Export Control Act, we are forwarding herewith Transmittal No. 83-56 and under separate cover the classified annex thereto. This Transmittal concerns the Department of the Navy's proposed Letter of Offer to Egypt for defense articles and services estimated to cost $40 million. Shortly after this letter is delivered to your office, we plan to notify the news media of the unclassified portion of this Transmittal.

Sincerely,

WALTER B. LIGON,
Acting Director.

TRANSMITTAL NO. 83-56

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b) of the Arms Export Control Act

(i) Prospective purchaser: Egypt
(ii) Total estimated value:

	Millions
Major defense equipment [1]	$25
Other	15
Total	40

[1] As defined in Section 47(6) of the Arms Export Control Act.

(iii) Description of articles or services offered: A quantity of 16 RGM-84D Harpoon missiles, two Harpoon missiles with training warheads, test and maintenance equipment, spare parts, and weapon station design and construction.

(iv) Military department: Navy (AAG).

(v) Sales commission, fee, etc., paid, offered, or agreed to be paid: None.

(vi) Sensitivity of technology contained in the defense articles or defense services proposed to be sold: See annex under separate cover.

(vii) Section 28 report: Included in report for quarter ending 30 June 1983.

(viii) Date report delivered to Congress: September 13, 1983.

POLICY JUSTIFICATION

EGYPT—HARPOON MISSILES

The Government of Egypt has requested the purchase of a quantity of 16 RGM-84D Harpoon missiles, two Harpoon missiles with training warheads, test and maintenance equipment, spare parts, and weapon station design and construction at an estimated cost of $40 million.

This proposed sale will contribute significantly to U.S. foreign policy and national security and objectives by helping to increase the security of a friendly country of vital interest to the United States.

The Government of Egypt intends to equip two "Descubierta" class corvettes being provided by Spain with the Harpoon missiles, which will be a significant factor in the defensive capabilities of these corvettes. Based upon its ability to assimilate the advanced technology of other weapons systems currently being delivered, Egypt should be able to absorb this weapons system.

The sale of this equipment and support will not affect the basic military balance in the region.

The prime contractor will be McDonnell Douglas Astronautics of St. Louis, Missouri.

Implementation of this sale will not require the assignment of any additional U.S. Government or contractor personnel to Egypt.

There will be no adverse impact on U.S. defense readiness as a result of this sale.

DEFENSE SECURITY ASSISTANCE AGENCY,
Washington, D.C., September 14, 1983.

In reply refer to; I-02960/83ct.

Hon. CHARLES H. PERCY,
Chairman, Committee on Foreign Relations, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: Pursuant to the reporting requirements of Section 36(b) of the Arms Export Control Act, we are forwarding herewith Transmittal No. 83-58, concerning the Department of the Army's proposed Letter of Offer to Saudi Arabia for defense articles and services estimated to cost $33 million. Shortly after this letter is delivered to your office, we plan to notify the news media.

Sincerely,

WALTER B. LIGON,
Acting Director.

TRANSMITTAL NO. 83-58

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b) of the Arms Export Control Act

(i) Prospective purchaser: Saudi Arabia.

(ii) Total estimated value:

	Millions
Major defense equipment [1]	$25
Other	8
Total	33

[1] As defined in Section 47(6) of the Arms Export Control Act.

(iii) Description of articles or services offered: Forty-two 155mm M198 towed howitzers with required support equipment and spare parts.

(iv) Military department: Army (VFM).

(v) Sales commission, fee, etc., paid, offered, or agreed to be paid: None.

(vi) Sensitivity of technology contained in the defense articles or defense services proposed to be sold: None.

(vii) Section 28 report: Included in report for quarter ending 30 June 1983.

(viii) Date report delivered to Congress: September 14, 1983.

POLICY JUSTIFICATION

SAUDI ARABIA—M198 HOWITZER

The Government of Saudi Arabia has requested the purchase of 42 M198 155mm towed howitzers with support equipment and spare parts at an estimated cost of $33 million.

This sale is consistent with the stated U.S. policy of assisting other nations to provide for their own defense by allowing the transfer of reasonable amounts of defense articles and services. It will demonstrate the continuing willingness of the United States to support the Saudi Arabian effort to improve the security of the country through modernization of the Saudi Armed Forces.

The purchase of the M198 howitzer by the Saudi Arabian Land Forces (SALF) will permit improvement of current ground force artillery support by replacing aging M114 155mm towed howitzers with a modern artillery piece with an extended range. This improvement is required as part of the ongoing military modernization plan to build a ground force capable of deterring external attacks. Acquisition of this equipment by the SALF will not introduce a new military capability into the region.

The sale of this equipment and support will not affect the basic military balance in the region.

The principal work will be done at the Rock Island Arsenal in Rock Island, Illinois.

Implementation of this sale will require the assignment of approximately 10 additional U.S. military personnel to Saudi Arabia for 18 months.

There will be no adverse impact on U.S. defense readiness as a result of this sale.

DEFENSE SECURITY ASSISTANCE AGENCY,
Washington, D.C., September 14, 1983.

In reply refer to I-03098/83ct.

Hon. CHARLES H. PERCY,
Chairman, Committee on Foreign Relations, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: Pursuant to the reporting requirements of Section 36(b) of the Arms Export Control Act, we are forwarding herewith Transmittal No. 83-51 under separate cover the classified annex thereto. This Transmittal concerns the Department of the Navy's proposed Letter of Offer to Spain for defense article and services estimated to cost $64 million. Shortly after this letter is delivered to your office, we plan to notify the news media of the unclassified portion of this Transmittal.

Sincerely,

WALTER B. LIGON,
Acting Director.

TRANSMITTAL NO. 83-51

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b) of the Arms Export Control Act

(i) Prospective purchaser: Spain.

(ii) Total estimated value:

	Millions
Major defense equipment [1]	$11
Other	53
Total	64

[1] As defined in Section 47(6) of the Arms Export Control Act.

(iii) Description of articles or services offered: Four P-3A aircraft with modifications and rework; the modification and rework of two Spanish Air Force P-3A aircraft; and complete logistics support to include spares, repair parts, support equipment, training, and contractor engineering technical services.

(iv) Military department: Navy (SCF).

(v) Sales commission, fee, etc., paid, offered, or agreed to be paid: None.

(vi) Sensitivity of technology contained in the defense articles or defense services proposed to be sold: See annex under separate cover.

(vii) Section 28 report: Case not included in Section 28 report.

(viii) Date report delivered to Congress: September 14, 1983.

POLICY JUSTIFICATION

SPAIN—P-3A AIRCRAFT, MODIFICATIONS, REWORK, AND SUPPORT

The Government of Spain has requested the purchase of four P-3A aircraft with modifications and rework; the modification and rework of two Spanish Air Force P-3A aircraft; and complete logistics support to include spares, repair parts, support equipment, training, and contractor engineering technical services at an estimated cost of $64 million.

This sale will contribute to the foreign policy and national security objectives of the United States by improving the military capabilities of Spain; furthering NATO rationalization, standardization, and interoperability; and enhancing the defenses of the Western Alliance.

The Spanish Air Force has been operating outdated P-3A aircraft in a maritime patrol capacity since the mid-1970's. While they would like to replace them with new production aircraft, budget constraints dictate that they replace those that they now lease from the U.S. (four aircraft) with aircraft that are of the same approximate age as those they own (two aircraft). Using this approach and modifying all six aircraft with identical capabilities will enable the Spanish Air Force to keep pace with U.S. forces in equipment commonality and continue to carry out its mission of surface/subsurface surveillance in the IBERLANT/Mediterranean area.

The sale of this equipment and support will not affect the basic military balance in the region.

There will be no prime contractors associated with this sale. All of the rework and installation of modifications are planned to be accomplished at the Naval Air Rework Facility, Alameda, California.

Implementation of this sale will not require the assignment of any additional U.S. Government personnel to Spain; however, three U.S. contractor representatives will be required in Spain for one year.

There will be no adverse impact on U.S. defense readiness as a result of this sale.●

50TH ANNIVERSARY OF THE ORDINATION OF BISHOP JOHN J. DOUGHERTY

● Mr. LAUTENBERG. Mr. President, on Saturday, September 24, 1983, friends and admirers of Bishop John J. Dougherty will be joining him to celebrate the 50th anniversary of his ordination. A concelebrated Mass followed by a reception and dinner will be among the highlights of the day.

Bishop Dougherty is a popular and beloved figure in the church and education and broadcasting circles. He is a true son of New Jersey, who was born in Jersey City and has made a distinguished career almost exclusively in his home State. He was a college student at Seton Hall, later returning to teach and become president of the university. He has also taught at Immaculate Conception Seminary in Darlington, N.J. During his career he has

studied in Rome, earned a law degree from Rutgers University, and been involved in both radio and television broadcasting. After his service as president of Seton Hall, he served for a number of years as pastor of St. Rosa of Lima Church in Short Hills. In 1963, 30 years after he was ordained as a priest, Father Dougherty became a bishop.

Currently Bishop Dougherty is a scholar in residence at Seton Hall where is is continuing his longtime interest in Bibical studies.

The celebration of Bishop Dougherty's ordination anniversary is indeed a happy occasion. He has served his church and his State with honor and distinction. I am pleased to join with his many friends in recognizing the bishop's service. May there be many more such celebrations in the years to come.●

MARKETING ORDERS FOR FRUIT AND TREE NUTS

● Mr. TOWER. Mr. President, I want to take this opportunity to attempt to correct for my colleagues some of the misconceptions that have surrounded the recent discussion of changes in marketing orders for fruit and tree nuts. I also want to reemphasize my support for the marketing order concept and underline the crucial role that marketing orders play in stabilizing farm income while insuring a steady supply of quality food products for consumers. These two goals are accomplished with minimal cost to the U.S. Treasury along with guarantees that we have a strong domestic citrus and nut industry.

Federal marketing orders direct the quality and distribution of over half of the fruit and tree nuts and about 15 percent of all the vegetables produced in the U.S. marketing orders impose important quality standards on fruits and nuts, and insure an even flow of good quality products to the marketplace. In addition, product image and consumer demand are greatly enhanced. Ultimately, consumers benefit from increased quality, as foreign producers are forced to adhere to the same standards as domestic producers.

Like other farm programs, marketing orders are designed to bring stability to sectors of our farm industry which are inherently unstable. Although I strongly support our return to market systems which work efficiently with as little Government intervention as possible, several factors make it necessary for Government involvement in many aspects of our agricultural industry, so that we can continue to have a strong domestic supply of food. Agriculture production is highly dependent on the unpredictable forces of nature. Demand for farm products is flexible, thus slight changes in supply cause large price fluctuations. Marketing orders, like most other farm programs, provide some protection against these uncontrollable events which could prevent farmers from receiving a fair investment at harvest time.

However, unlike other farm programs whose costs have escalated up to over $20 billion in recent years, the marketing order system is effective while also providing a bargain to the American taxpayer. The citrus industry self-imposes marketing orders; that is, marketing orders are proposed within the industry, determined within the industry, administered within the industry, and terminated within the industry. Barely 9 percent of the cost of the marketing order system is paid by the taxpayer, and this fraction is a proper regulatory expense of the U.S. Department of Agriculture. The other 90-plus percent of the cost is borne by the industry.

No fruits and vegetables covered by marketing agreements are being subsidized by the Federal Government. Even though the citrus industry has been facing some severe times, I have heard nothing from the industry to request the type of subsidies that many other agriculture producers in the United States are receiving. Marketing agreements and orders are intended to be self-help programs that allow our domestic food producers to survive the unstable circumstances they face in the industry. This is being accomplished in all parts of the country, and it only costs the U.S. Department of Agriculture $2.6 million of their overall $20-plus billion budget. Considering the current problems facing many of the citrus and nut producers, I do not agree with the current proposals to recover these minimal costs to the U.S. Department of Agriculture through the imposition of user fees. In my view, this is no way to say thanks to a group of farmers who have stayed off the rolls of government subsidized farm programs for so long and have worked so well under a system that has proven itself to be effective at a low cost to the U.S. Treasury.

Mr. President, whereas the benefit of the marketing order system to the taxpayer is a bargain, the cost to the taxpayer of an agricultural industry without marketing orders would, in my view, be great. An agricultural market for these crops historically covered by marketing orders without the continuation of their marketing orders is an agricultural market out of control. An agricultural market out of control would utltimately require the attention of Congress. Surely, any legislation required to stabilize the fruit and nut industry, in the absence of marketing orders, would be costly.

Let me add, Mr. President, that I am well aware of the recent study of the current marketing order system by the Vice President's Regulatory Review Task Force. As a result of this study, a new set of guidelines was issued which would phase-out several quantity controls now in effect for a number of marketing orders. I believe the review established guidelines eliminating some wasteful standards while preserving the general concept. Although I invite the continued study of quantity controls in an effort to expose severe and wasteful policies I will continue to emphasize my strong support for the marketing order program and will oppose any efforts to undermine its strength.

In conclusion, Mr. President, I support the use of marketing orders for the fruit and nut industry. Furthermore, I urge my colleagues to be mindful of the crucial role that these orders play in assuring both a stable income for farmers and a quality product for consumers.●

SMALL BUSINESS COMPETITION IN CONTRACTING ACT OF 1983

● Mr. D'AMATO. Mr. President, I rise today in support of S. 1730, the Small Business Competition in Contracting Act of 1983. This legislation, which I have cosponsored, was introduced by my distinguished colleague from Illinois, Senator DIXON.

S. 1730 would open up the procurement process of the Department of Defense to small businesses and eliminate the continued waste of taxpayer dollars. As a member of the Small Business Committee, I applaud such worthy goals. Today, small firms have the virtually impossible task of trying to enter the Federal Government's procurement process. Throughout both the defense and nondefense procurement processes, however, emphasis is placed on the ability of individual businesses to market their products. This practice affords large companies an unfair advantage over small businesses. In the end, taxpayer dollars are needlessly wasted and the backbone of the Nation's economy, small business, suffers.

In response to this problem in the nondefense sector, I introduced S. 1794, legislation that would reform the General Services Administration's multiple award schedule program. The multiple award schedule is a roughly $3 billion program that has been criticized by the General Accounting Office for gross inefficiency. Products are listed on the schedule for Federal agencies to select from at prices above retail. S. 1794 would remedy this inefficiency by mandating local purchasing by Federal agencies whenever both the price and quality of a product is the same or better than the comparable product listed on the multiple award schedule. Through local purchasing, small business participation

will increase and taxpayer dollars will be saved.

The Small Business Competition in Contracting Act of 1983 will achieve the same results in the Department of Defense's procurement process. Numerous studies have shown that 50-percent savings and greatly reduced delivery times could be achieved through increased use of competitive bidding. At this time, only 10 percent of all defense contracts are negotiated on a competitive basis. The balance of the contracts are negotiated on a sole source basis. This is both wasteful and bad for small business.

S. 1730 will make the following changes in defense procurement procedures:

First. Require DOD to obtain and make available design data on all major weapons systems. DOD does not currently have available this data, which prohibits the creation of competitive bidding packages.

Second. Require all Federal agencies to publicly post and make available for inspection all bid documents relating to agency solicitations.

Third. Providing small businesses with a greater opportunity to participate in major weapons systems, component systems, and spare parts procurements.

Fourth. Close loopholes created by procuring agencies to avoid the certificate of competency process for small business; and

Fifth. Require a report by the Comptroller General to Congress 3 years after this legislation has been enacted. The report will review the compliance with the act.

I urge my colleagues to join me in support of S. 1730.●

CLINCH RIVER—TIME TO SUBMIT SEPARATE LEGISLATION

● Mr. HUMPHREY. Mr. President, as I noted before in a RECORD entry of September 14, if the promoters of alternative financing for the Clinch River breeder reactor project truly believe their plan to be sound, they should submit it in the form of separate legislation before it is considered on the Senate floor. By using such normal procedures, the backers of such financing would assure that their plan would be reviewed by all the appropriate authorizing and appropriating committees in the House and Senate.

They also would eliminate the stigma that would naturally be associated with any effort to end-run normal procedure by trying to attach complex and controversial legislation on a continuing appropriations resolution at the last minute. Finally, by submitting separate legislation, the backers of the plan would avoid breaking the Senate rules' own stricture against legislating on an appropriations bill.

In fact, by the Department of Energy's (DOE's) own admission, alternative financing legislation for Clinch River is not simply an appropriation, but gives the Secretary of Energy new authority to contract, first, to share ownership in the plant or the revenues it produced; second, to repay participants if the plant is terminated; third, to insure revenues from the plant; fourth, to indemnify participants against changes in Federal laws affecting their participation; fifth, to indemnify participants and the operator against uninsured liabilities; and sixth, to purchase and sell power from or for the project. Finally, the plan would give DOE new multiyear spending authority for the project—currently the project is not authorized for fiscal year 1984—totaling $1.5 billion.

Since the Senate Energy and Natural Resources Committee has agreed to hold hearings September 22 on the plan, it makes sense to submit separate legislation on it. Until now, DOE has refused to submit such legislation and has said that it will not. This is odd since DOE has been working day and night preparing such legislation and has had some version of it for the last 2 months or more. In fact, recently, the House Energy and Commerce Oversight Subcommittee obtained copies of DOE's work. Apparently, DOE has been attempting to do the Senate Energy and Natural Resources Committee's work since DOE not only has a complete draft bill dated September 12, 1983, but a suggested committee report draft dated September 12, 1983, and a complete clause-by-clause analysis of the bill as well.

Mr. President, given that the Congress asked DOE to perfect a substantive cost-sharing plan for the Clinch River project nearly a year ago and DOE submitted its suggestions in March, it is simply inexcusable that the backers of the plan have refused to submit separate legislation and instead have been holding out to attach this legislation at the last-minute on the continuing appropriations resolution where full and measured consideration of the plan will be most difficult.

I ask that the full text of DOE's draft legislation, draft committee report, and clause-by-clause analysis be printed in the RECORD along with a copy of the formal request I have made of the Energy and Natural Resources Committee to submit DOE's draft legislation as a separate bill before hearings are held this Thursday.

The information follows:

WASHINGTON, D.C.,
September 20, 1983.

JAMES A. MCCLURE,
Chairman, Senate Energy and Natural Resources Committee, U.S. Senate, Washington, D.C.

DEAR JIM, I want to thank you for scheduling Senate hearings on the off-budget Clinch River financing plan for next Thursday. As Senator Bumpers and I have noted several times before, it is essential that separate legislation for this plan be submitted and referred to the various authorizing and appropriating committees so that no question of the Senate's willingness to cooperate with the House is raised in this matter.

I believe that proceeding with separate legislation also is the most prudent course and especially so since the Department of Energy has already made available an alternative financing bill, a clause-by-clause analysis, and draft committee report (see attachments). Certainly, if the supporters of alternative financing for the project believe this plan is sound, they have nothing to fear from submitting it to Congress in the form of separate legislation. As Senators Bumpers, Hart, Boschwitz and I have stated before, we would welcome such legislation's expeditious consideration.

Since a draft of this legislation is now available and the Energy and Natural Resources Committee has scheduled hearings for this Thursday, I would hope this bill would be submitted as a matter of course. Indeed, with such draft legislation now available, it would be a mistake to burden the continuing appropriations resolution by attempting to amend it with Clinch River legislation. Such an attempt, I fear, would not only violate existing rules against legislating on an appropriations bill, but force a lengthy and tedious debate on the floor.

With warmest regards, I am

Sincerely,

GORDON J. HUMPHREY,
U.S. Senator.

[DOE Draft Bill, September 12, 1983]

CLINCH RIVER BREEDER REACTOR

For construction and operation of the Clinch River Breeder Reactor project, $1,500,000,000, to be available until expended but contingent upon commitments, satisfactory to the Secretary of Energy, for utility and private sector financial participation for a minimum of 40 per centum of the Department of Energy estimate of remaining capital costs as reported to Congress on March 15, 1983.

In addition to the amounts herein appropriated and in consideration for such financial participation, the Secretary is authorized to contract incontestably to (1) provide to participants ownership interests in the project, products, services and/or revenues from the project, (2) repay funds invested by the participants subsequent to the passage of this Act, plus interest, if the project is terminated, not completed or not licensed for operation, (3) insure revenues from the project, (4) indemnify participation against changes in Federal tax laws, regulations and rulings affecting the tax consequences of their financial participation in the project, (5) indemnify participants and the operator against uninsured liabilities with respect to the project, and (6) purchase and sell power, products and services from or for the project.

Such contracts may be assigned and shall be enforceable against the United States in accordance with their terms except in the

case of fraud by the assignee. Participation in the project shall not subject a participant to regulation under the Public Utility Holding Company Act of 1935. All monies received by the Secretary under this heading may be retained and obligated for the purposes of the project without further appropriation and shall remain available until expended.

Of the $1,500,000,000 appropriated by this heading, up to $270,000,000 may be obligated during fiscal year 1984, of which $135,000,000 may be obligated not withstanding any other provision of this heading; and up to the following amounts may be obligated during the following fiscal years: $285,000,000 during 1985; $290,000,000 during 1986; $290,000,000 during 1987; $185,000,000 during 1988; $75,000,000 during 1989; $105,000,000 during 1990 and beyond. Notwithstanding any other provision of this Act, the authority provided in this heading shall be available until fully utilized.

[DOE Draft Committee Report, September 12, 1983]

COMMITTEE REPORT ON CLINCH RIVER BREEDER REACTOR APPROPRIATION

This Act appropriates $1.5 billion (60 percent) of the March 15, 1983 DOE estimated costs to complete the CRBR Project, $135 million of which is unconditionally available in fiscal year 1984 and the balance of which is available only if utility and private sector commitments are obtained to finance the remaining $1 billion (40 percent) of such costs and if such commitments are satisfactory to the Secretary. Private sector financing could be a combination of debt and equity or, if equity can only be obtained at costs or on terms which the Secretary determined are unreasonable, all debt. Such commitments would include 750 electric utilities (including TVA) and project contractors, in addition to the $150 million which they will have contributed by the end of the fiscal year 1983, as well as underwriting agreements with investment bankers for the purchase and sale of securities, contracts for borrowings from institutional investors and/or banks, and/or contracts for equity funds from corporations which would obtain customary tax benefits from the investment of such funds which they could otherwise obtain from the investment of such funds in other projects.

All private sector commitments are expected to include conventional conditions to the private sector financing as well as the condition that certain Federal contracts be in full force and effect. Such commitments would be satisfactory to the Secretary if he has a reasonable basis to believe that such commitments will be met and that such financing would be provided by such commitments, after considering such matters as he deems relevant, which may, but need not necessarily include, (i) the financial condition of the proposed private investors who made such commitments; (ii) the terms of any conditions to such financing and whether it appears to him that such (terms are reasonable) conditions have a reasonable possibility of being satisfied; and (iii) the qualifications and experience of any underwriters which will obtain such financing.

The federal government has been and will continue to be the principal designer and construction manager of the Project which will be operated by TVA. Under the contemplated arrangements, private sector investors will have no control of the Project during any portion of its useful life. This Act authorizes the Secretary to contract on a long-term basis to provide assurances to such investors that (a) the Project will be completed, (b) its revenues will be adequate to pay its expenses, including debts service, (c) expected tax benefits (will be maintained despite) due to any changes in the tax laws, regulations of IRS interpretations although their individual tax situation may not permit them to realize such benefits, and (d) private participants and the operator will not be liable for uninsured risks with respect to the Project this Act also authorizes contracting for shared ownership of the Project by the government and private investors and for the sale of power.

The Federal contracts which private sector investors will require are the types of contracts specifically excepted from the Anti-Deficiency Act. The investors may decide not to commit to make investments in the Project unless such contracts are incontestable, provide the kinds of assurances which are essential to obtaining utility and private sector financing as described in the June 29, 1983 Breeder Reactor Corporation (BRC) Task Force Report to the Secretary presenting the BRC plan for private financing for the project in response to the December, 1983 Congressional directive to the DOE ". . . to . . . explore proposals . . . that would reduce Federal budget requirements for the CRBR Project . . . and secure greater participation from the private sector."

The BRC plan would (1) make no change in existing Project objectives or management arrangements including decision making authority and responsibility for safety, (2) make no change in current licensing procedures or requirements, (3) does not require any further review of financial qualification and (4) makes no changes in the environmental aspects of the Project. Current Project contracts will be honored under the BRC plan, although it is expected that the TVA will no longer be the sole purchaser of electricity generated by the plant and will not exercise its option to purchase the entire plant after completion of the demonstration period. This Act, therefore, authorizes a modification to the existing Project arrangement which would otherwise require that power produced by the plant be acquired by TVA.

CRBR APPROPRIATIONS LEGISLATION—CLAUSE BY CLAUSE ANALYSIS

For construction and operation of the Clinch River Breeder Reactor project, $1,500,000,000, to be available until expended but contingent upon commitments, satisfactory to the Secretary of Energy, for utility and private sector financial participation for a minimum of 40 per centum of the Department of Energy estimate of remaining capital costs as reported to Congress on March 15, 1983.

The appropriated $1.5 billion represents 60 percent of the March 15, 1983 DOE estimate of remaining construction costs. This appropriation may be used for the continued design and construction of Clinch River Breeder Reactor, but if such costs are less than $1.5 billion, the remainder of this appropriation could be used for operating, maintenance, upgrading and other Project costs during the useful life of the reactor. The penultimate sentence (discussed below) of the Appropriation provides that $135 million of such appropriation will be available during fiscal year 1984 while the commitments for private sector financing are being obtained. Further appropriations, the remaining $135 million for fiscal year 1984 and the sums appropriated for following years will be available only if utility and private sector commitments are obtained for at least the remaining 40 percent (approximately $1 billion), excluding interest, paid by the private sector investors during construction, of the March 15, 1983 DOE estimated remaining construction costs, and if such commitments are satisfactory to the Secretary.

Private sector financing could be a combination of debt and equity or, if equity can only be obtained at a cost or on terms which the Secretary determines are unreasonable all debt.

Private sector financial commitments could take the form of (a) conventional underwriting agreements executed and delivered by investment banking firms, which would obligate such underwriters to purchase for resale to private investors specified securities, the proceeds of which would be invested in the Project; (b) contracts with banks or institutional investors, such as insurance companies, to loan funds to the Project, and (c) contracts with corporations or other persons to directly or indirectly invest equity funds in the Project in order to obtain certain tax benefits derived from an ownership interest in the Project assets, which corporations or other persons may include suppliers to, or contractors for, the Project. Each such underwriting agreement and contract would have certain conditions that must be satisfied before funds are actually provided by the private sector investors thereunder; such conditions would include (but not be limited to) the requirements that certain Federal contracts (described below) be in full force and effect, and that private sector investors receive satisfactory opinions from counsel to the Department of Energy, and, perhaps, other governmental agencies concerning the enforceability of such Federal contracts, the legal status of the CRBR Project, and other related matters.

Also, over 750 electric utilities (including the Tennessee Valley Authority) and project contractors will have contributed more than $150 million for research and development by the end of fiscal year 1983. Furthermore, if the Project goes forward, the utilities and the contractors will contribute an additional $175 million (including interest) to the Project for research and development.

The Secretary will similarly require that appropriate conditions be satisfied before Federal money (other than the initial $135 million in fiscal year 1984) is actually obligated under this Appropriation. Such conditions would include (but not be limited to) the requirement that the private sector financial commitments which are then in effect be satisfactory to the Secretary. It is expected that the Secretary will be satisfied with the utility and private sector financial commitments if he has a reasonable basis for believing, that such commitments will be met and that such funds would be provided to the Project, after considering such matters as he deems relevant, which may, but need not necessarily include, (i) the financial condition of the proposed private investors who made such commitments; (ii) the terms of and conditions to such financing and whether it appears to him that such terms are reasonable and such conditions have a reasonable possibility of being satisfied; and (iii) the qualifications and experience of any underwriters which will obtain such financing.

In addition to the amounts herein appropriated and in consideration for such finan-

cial participation, the Secretary is authorized to contract incontestably to (1) provide to participants ownership interests in the project, products, services and/or revenues from the Project, (2) repay funds invested by the participants subsequent to the passage of this Act, plus interest, if the project is terminated, not completed or not licensed for operation, (3) insure revenues from the Project, (4) indemnify participants against changes Federal regulations and rules affecting their financial participation in the project, (5) indemnify participants and the operator against uninsured liabilities with respect to the project and (6) purchase and sell power, products and services from or for the Project.

The second sentence of the bill provides long term contract authority, in addition to the $1.5 billion of appropriated funds, under which the Secretary is authorized to enter into contracts in advance of funding. Contracts entered into by the Secretary pursuant to this authority would be the types of contracts specifically excepted from the Anti-Deficiency Act, and such authority enables the Secretary of Energy to contract to provide the Federal government assurances which are essential to attract debt and equity investors to the Project, as follows:

"In addition to the amounts appropriated and in consideration of such financial participation,"

Private sector debt and equity investors will participate in the project by investing capital in the CRBR Project, either directly or through corporations, partnerships or other organizations commonly used for financial investments. Any person or organization investing in the Project or facilitating such investments may be considered by the Secretary to be a "participant" in the Project. The Secretary may under this authority contract with private investors for the required CRBR funding which would assure that the Secretary could continue the construction and operation of the CRBR under the present project arrangements. Such long term contracts in consideration for such funding, may provide a number of assurances specified below.

"the Secretary is authorized to contract incontestably to"

Private sector investors have available a vast array of possible investments, some of which are supported by financial commitments of the Federal government; almost all of which Federal financial commitments have been entered into pursuant to legislation which provides that the government's commitments thereunder are "incontestable." [1] Thus, in order to make investments in the CRBR Project at least as attractive to private sector investors as investments in other federally-supported investments, and to induce such investors to make investments in the CRBR Project, it is necessary that CRBR financing contracts similarly be "incontestable." The Appropriation authorizes, but does not require the Secretary of Energy to make such contracts incontestable. Such contracts may be of a duration coextensive with the financing period. It is expected that the incontestability of such contracts would be subject to the conditions of such contracts and would not be incontestable with respect to fraud or misrepresentation on the part of the holder of such contract.

[1] See, for example, 42 U.S.C. § 5919(f) [Alternate fuel demonstration facilities]; 45 U.S.C. § 664(b) [Emergency rail services]; 46 U.S.C. § 1273(e) [Federal ship financing].

(1) provide to participants ownership interests in the project, products, services and/or revenues from the project,

Private sector investors will not invest in the CRBR Project unless they derive benefits from such investments.

Tax benefits associated with investments in any project are only available to investors which have a direct or indirect ownership interest in its assets; thus, it is necessary to authorize the Secretary to grant to private sector equity investors ownership in the CRBR Project so that such tax benefits will be available to them as a result of such investment.

Equity investors also conventionally participate in the profits or losses, if any, of a project in which they have an ownership interest, and parties which loan funds to a project frequently require that the repayment of the principal of and interest on such funds be secured by a pledge of revenues from the project or some other form of credit; thus, it is necessary to authorize the Secretary to provide to private sector equity investors and/or parties loaning funds for the Project, on a long term basis, property interests in the CRBR Project, products, services and/or revenues so that they may be induced to make such investments and loans. It is contemplated that the term of such contracts may be coextensive with the term of any capital borrowed from the private investors.

The extent, term and nature of ownership interests in the CRBR Project and its revenues provided by the Secretary of Energy would be established by negotiations between the Secretary and private sector investors providing the financial commitments which must be satisfactory to the Secretary.

(2) repay funds invested by the participants subsequent to the passage of this Act, plus interest, if the project is terminated, not completed or not licensed for operation.

This clause authorizes the Secretary to provide the first of the specific assurances which will be required by private sector investors in this Federally managed and controlled research and development project as described in the BRC task force report submitted to the Secretary of Energy on June 29, 1983 as follows:

"1. Assurances as to completion, licensability and operability Governmental contracts to provide sufficient funds to repay all construction loans, private equity and other investments in the Project if it is not completed satisfactorily, fully licensed and placed in commercial operation in a timely fashion, in which case the investors would be entitled to recover their capital plus interest or a return thereon."

Such contracts will define the conditions which constitute completion, licensing, operation, and termination of the CRBR Project for purposes of the private investments in the CRBR Project and any capital costs. In general, "completion" of the CRBR Project may contemplate that it be fully licensed and operating at a level of electric generation over a period of time sufficient to demonstrate its operating reliability, and capability of producing sufficient revenues to enable it to pay its operating and maintenance costs and to provide negotiated returns of and on private debt investments made in the CRBR Project. Research and development contributions made by utilities (including TVA) pursuant to their existing contracts would not be recovered by them under any circumstances.

(3) insure revenues from the project.

This clause authorizes the Secretary to provide the second of the specific assurances which will be required by private sector investors as described in the June 29, 1983, BRC task force report as follows:

"2. Assurances that all debt service obligations of the Project as well as its obligations to equity investors will be met under any and all circumstances Governmental contracts to provide sufficient funds to cover all obligations to private investors plus all construction and operating costs, taxes and other claims, with respect to the CRBR Project, and to receive a portion of the proceeds from the sale of the power and any other revenues from the CRBR Project up to the amount of such funds, whether or not there are any such other revenues or power."

Long term contracting authority which will insure the availability of an agreed upon level of revenues from the sale of power, steam or other products or services from the Project after its completion is necessary so that the Project will be able to pay its costs, including its private sector capital costs. The amount to be provided by the federal government will be offset to the extent of revenues actually derived from operation of the Project. The CRBR Project will be operated, managed and totally controlled by the Federal government, and private sector investors will not assume operating and management risks over which they have no control.

(4) indemnify participants against changes in Federal laws, regulations, and rulings affecting their financial participation in the project.

This clause enables the Secretary to provide the third of the specific assurances which will be required by private sector investors as described in the June 29, 1983, BRC task force report as follows:

"3. Assurances that all tax credits, deductions and other tax incentives, related to the privately-financed portion of the Project, will be available to the private investors as planned Governmental contracts to provide sufficient funds to make appropriate repayments to private equity investors if tax incentives are not made available as planned.

Private sector equity investors would commit funds to the Project based upon an assumed after-tax rate of return on their investments, an important element of which is the realization by such investors of Federal income tax benefits associated with their ownership interest in the Project.

Such contracts will require the Federal government to pay to private sector equity investors funds in such amounts which, after any Federal, state and local taxes on such payments, will provide such investors with the originally contemplated rate of return on their investments if such benefits, which include investment tax credits, depreciation expenses, and related matters are not available to such investors.

Each investor will bear the risk that its particular tax situation may limit or prevent it from actually using such tax benefits.

(5) indemnify participants and the operator against uninsured liabilities with respect to the project.

This clause, and the one immediately following, authorize the Secretary, in addition to maintaining indemnifications outstanding under existing Project arrangements, to provide the last of the specific assurances required by private sector investors, as de-

scribed in the June 29, 1983 BRC task force report as follows:

"4. Assurance against liabilities for replacement power costs and all uninsurable tort liabilities, resulting from the CRBR Project Governmental contracts to provide such assurances."

Such contracts would insure the operator (TVA), private sector investors and contributors against risks for which insurance cannot reasonably be obtained from commercial sources. Such assurances are necessary for private sector investors and contributors because they may be co-owners of the Project but will have no control over the operation or management of the CRBR Project, or the conditions under which such liabilities could arise.

The CRBR Project will be operated by the Tennessee Valley Authority under a full cost-reimbursement contract with DOE; but the TVA will not own the Project, or the electricity produced therefrom, nor will the TVA obtain any economic benefits from the CRBR Project. Therefore, as operator, the TVA must be fully indemnified against uninsurable risks which otherwise could adversely affect its customers, just as would be the case if the TVA were to contract to operate any facility for another organization.

and (6) to purchase and sell power, products and services from or for the project.

This clause, as noted above, makes it clear that the Secretary is authorized to enter into long term purchase contracts and/or sales contracts as another means of providing financial assurances to the private sector investors. For example, the Secretary may, under this authority, decide it to be in the best interest of the government to acquire the CRBR output for use by the DOE facilities in the geographical area of the Project.

Such contracts also will require the Federal government to pay for any power or steam purchased to enable the Project to deliver power or steam pursuant to contracts for sale, if and when such power or steam is not available from the CRBR Project. Such a situation could arise if, in order to obtain a higher price for the power or steam produced from the Project, the Project is obligated to deliver power or steam which it is temporarily or otherwise not able to produce.

Such contracts may be assigned and shall be enforceable against the United States in accordance with their terms except in the case of fraud by the assignee.

The third sentence of the Act will provide a degree of liquidity to investors in the CRBR Project by assuring that, in accordance with the terms of their contracts, such investment may, with the consent of the Secretary, be assigned or transferred and will remain enforceable against the Federal government except, of course, in the case of fraud by the holder of such investments.

Participation in the project shall not subject a participant to regulation under the Public Utility Holding Company Act of 1935.

The fourth sentence of this Appropriation exempts participants in the CRBR Project which are not presently subject to regulation under the Public Utility Holding Company Act of 1935 from regulation under that Act arising in any manner out of their participation in the CRBR Project.

The sources of the largest potential equity investments in the CRBR Project are business corporations, institutional investors and, perhaps, some individual investors, which are not regulated utility companies. Private sector investors will not accept any ownership interest in the CRBR Project if there is any risk that they would be regulated under the Holding Company Act, pursuant to which the Securities and Exchange Commission regulates the terms of securities and their issuance, the capital structure, and certain corporate functions of entities which are subject to regulation thereunder.

Under the Holding Company Act, any "organized group of persons, whether incorporated or not . . . which owns or operates facilities used for the generation . . . of electric energy for sale . . ." is defined as a "public utility company".[2] This definition would apply to any entity which has an ownership interest in the CRBR Project. Any entity which owns, controls or holds five percent or ten percent of the voting securities of, or directly or indirectly exercises a controlling influence over, a public utility company will be regulated as an "affiliate" of a holding company or a "holding company" under the Act. Exemptions from regulation under the Holding Company Act which are presently available are neither sufficiently broad nor permanent, nor can they be obtained by SEC rule or other action in a timely fashion, to provide potential investors with the assurance that they will not become regulated thereunder as a result of their investment in the CRBR Project.

If an entity is, or otherwise becomes, regulated under the Holding Company Act and participates in ownership of the CRSR Project, it would continue to be or become regulated in the same manner following such investment. The Appropriations legislation is not intended to change the nature or extent of regulation of any Project participants under the Holding Company Act, if they already are, or for some other reason become, regulated thereunder.

All monies received by the Secretary under this heading may be retained and obligated for the purposes of the project without further appropriation and shall remain available until extended.

Such monies could be obtained by the Secretary from the sale of products and services from the Project, and could be used to pay all or a portion of the obligations of the Secretary under contracts with private sector investors, or for operating, maintenance, modernization and other Project costs.

Of the $1,500,000,000 appropriated by this heading, up to $270,000,000 may be obligated during fiscal year 1984, of which $135,000,000 may be obligated notwithstanding any other provision of this heading and up to the following amounts may be obligated during the following fiscal years: $285,000,000 during 1985; $290,000,000 during 1986; $290,000,000 during 1987; $185,000,000 during 1988; $75,000,000 during 1989; $105,000,000 during 1990 and beyond.

The penultimate sentence of the Appropriation divides the $1,500,000,000 appropriation into portions to be available during each fiscal year from 1984 through 1990, all of which, except for $135 million unconditionally available during fiscal year 1984, are contingent upon there being commitments for private sector financing. The funds appropriated for fiscal years 1984 through 1990, with the funds provided by the utility and private investors under the BRC plan, would provide sufficient financing to assure the construction of the project in accordance with the construction schedule.

Notwithstanding any provision of this Act, the authority provided in this heading shall be available until fully utilized.

The final sentence assures that the authorities provided in this Appropriation will survive beyond the term of the Continuing Resolution.●

[2] 15 U.S.C. § 79b(1)-(3), (5).

LAND REFORM IN EL SALVADOR

● Mr. PACKWOOD. Mr. President, many Members are aware of, and supportive of, the land reform program now being carried out in El Salvador. The purpose of that program is to give the peasants of that country title to the land they have tilled for so many years without reaping the benefits of their labor. What many are not aware of is that the constitutional basis for agrarian reform in El Salvador could be negated or greatly curtailed by the draft constitution now being debated in the Constitutent Assembly.

Mr. President, today's New York Times carried a story about the efforts of Farm Unions in El Salvador to defeat the damaging articles in the draft constitution. This story points not only to the imminent problem of the draft constitution and its potential effect on agrarian reform in El Salvador, but also to the many other problems facing land reform and those who support it.

I believe the land reform program in El Salvador is critical to our interests in that country. I think the New York Times article does a good job of outlining some of the real obstacles facing that program.

Mr. President, I ask that the New York Times article be placed in the RECORD at this point.

The article follows:

[From the New York Times, Sept. 19, 1983]

FARM UNIONS IN SALVADOR FACING BATTLE TO PRESERVE LAND PROGRAM

(By Lydia Chavez)

SAN SALVADOR, Sept. 18.—Farm workers' unions in El Salvador will face a major test of strength in the next few weeks when the Constituent Assembly considers three articles of a draft constitution that deal with the country's land redistribution program.

As drafted by an Assembly committee, the three articles—103, 104 and 105—could severely set back the land program, according to political and union leaders and labor advisers.

They said the issue would test the ability of the 200,000 organized farm workers to remain unified in the face of threats by the far right to kill some of their leaders. The outcome, they said, would also indicate how much weight the political parties give to the union vote.

The articles which are vaguely worded, could restrict farm workers' cooperatives in determining the kind of crops they will grow and permit the sale of land. Such sales, which are now frozen, would allow owners to break up large parcels of land among family members, bringing each plot below the minimum area under which it can be considered for land redistribution.

At present, the Assembly appears evenly divided over the articles, with 30 members in favor of changes favoring the unions and 30 against. All political parties say publicly that they support the land redistribution program, but labor leaders said the degree to which they are willing to make compromises in the three articles will be a measure of that support.

Under the land program, more than 20 percent of the country's land has been redistributed among some 83,000 families. According to labor advisers, however, many potential beneficiaries have not applied to buy the land they rented because they fear retribution from landlords or because it is in the fighting zones and they have been unable to farm it.

3 GET DEATH THREATS

The tone of the battle over the three articles has already been set. Three leaders of the Popular Democratic Union, an umbrella organization representing four farm workers' unions, have received death threats. In recent weeks, the Secret Anti-Communist Army, a far-right death squad, has taken responsibility for murdering two union members and planting a bomb in the truck of a union leader.

The threats come from a clandestine group that says it has no relation with any political party. But an American labor adviser said he was concerned that through these threats and assassinations the far right could weaken the will of union members.

"The problem is that terrorism works," the labor adviser said. "When things fall apart it's because they're scared."

So far, the union leaders show no signs of backing down, but their coalitions are fragile and their membership rolls are filled with the names of people who have memories of family and friends who have been victims of rightwing terrorism and therefore might be intimidated.

'WAR AGAINST THE UNIONS'

"I am sure that this is the beginning of a war against the unions," said Jorge Camacho, a director of the Popular Democratic Union. "I believe they basically want to break the movement's morale so that we won't demonstrate the day that they are going to talk about the articles in the Assembly."

Mr. Camacho, whose truck was destroyed by a bomb set by the Secret Anti-Communist Army and who has received a warning to leave town, is living under heavy security in the offices of the American Institute for Free Labor Development, the A.F.L.-C.I.O.'s international advisory group.

"We are not only going to continue our fight, we are going to increase our fight," Mr. Camacho said. "I am not going to leave the country."

LEADERS VOW UNITY

José Luis Grande, the director of the General Workers' Confederation, an independent union that says it has 40,000 members, said, "If they pass these articles, there will really be a civil war here because the campesinos will not give back their land easily."

Already this year the labor movement has shown its strength, amassing more than 6,000 farm workers in the parking lot of the Constituent Assembly in March and pressing it into extending a part of the land redistribution program.

"They were taken by surprise at their own strength in March, and they basically want to make sure they can do it again and have some influence on the elections," a labor adviser said.

Directors of the Popular Democratic Union said they intended to stick together through the Assembly's debate on land redistribution and into the elections tentatively set for early next year. If they are unsatisfied with the support they win the Constituent Assembly over land redistribution, union leaders said, they may form their own political party.

While this is the stated strategy, there are already rumblings that the largest of the four unions in the umbrella group, the Salvadoran Communal Union, which represents 100,000 farm workers, is making its own deal with the moderate Christian Democrats to support them in the elections in return for Cabinet positions.

DISTRUST IS NOTED

"The problem is that all of these people simply do not trust each other," an American labor adviser said.

The country's other large labor umbrella organization is the United Union and Guild Movement, which has some ties to the Salvadoran left and represents some 36,000 workers, including textile, construction and housing employees.

This union has been planning a general strike of its workers over wages, but so far only one of its affiliates, which represents more than 550 housing institute employees, has started a work stoppage.

"They can't do anything effective" without the Popular Democratic Union, said one labor adviser. At present, Mr. Camacho said, the Popular Democratic Union has no plans to join a general strike, but there is the possibility that if it does not win changes in Articles 103, 104 and 105 it will refuse to harvest the coffee crop.

All of the labor leaders interviewed said they maintained informal contacts with the left and the extreme right, but that any union leaders who advocated a violent, nondemocratic movement were ostrasized by the group.

"Here the violence is not like they say, it has not been generated only by Communism," said Mr. Grande of the General Workers' Confederation. "It has been generated by social injustice, exploitation and the lack of guarantees for the union movement."●

QUORUM CALL

Mr. BAKER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. DECONCINI). Without objection, it is so ordered.

ORDERS FOR TUESDAY

ORDER FOR RECESS UNTIL 11 A.M. TOMORROW

Mr. BAKER. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in recess until the hour of 11 a.m. tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR SPECTER ON TOMORROW

Mr. BAKER. Mr. President, I ask unanimous consent that, after the recognition of the two leaders under the standing order, the distinguished Senator from Pennsylvania (Mr. SPECTER) be recognized on a special order of not to exceed 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR TRANSACTION OF ROUTINE MORNING BUSINESS ON TOMORROW

Mr. BAKER. Mr. President, I ask unanimous consent that, at the expiration of time for the special order or the yielding back of that time, there be a period for the transaction of routine morning business to extend not past the hour of 11:45 a.m., in which Senators may speak for not more than 3 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, at 11:45 a.m., or at such time as morning business is closed, the Senate will resume consideration of the Interior appropriations bill, which is the unfinished business.

ORDER FOR RECESS FROM 12 NOON UNTIL 2 P.M. TOMMORROW

Mr. BAKER. Mr. President, I ask unanimous consent that at the hour of 12 noon on tomorrow the Senate stand in recess until the hour of 2 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, I may say for the benefit of the RECORD that on Tuesday Members on both sides of the aisle meet in caucus off the floor of the Senate. These caucuses are of a quasi-official nature and contribute significantly to the progress of the Senate in its deliberations on many issues.

Mr. President, I hope that we can finish the Interior appropriations bill tomorrow and proceed to other matters, as well.

RECESS UNTIL TOMORROW AT 11 A.M.

Mr. BAKER. Mr. President, I am advised that the minority leader will not return to the floor for the formality of the recess. I therefore move that, in accordance with the order previously entered, the Senate stand in recess until the hour of 11 a.m. tomorrow.

The motion was agreed to, and the Senate, at 5:28 p.m., recessed until Tuesday, September 20, 1983, at 11 a.m.

NOMINATIONS

Executive nominations received by the Senate September 19, 1983:

THE JUDICIARY

Nan R. Huhn, of the District of Columbia, to be an associate judge of the Superior Court of the District of Columbia for a term of 15 years, vice David Luke Norman, retired.

IN THE ARMY

The following-named Army Medical Department officers for appointment in the U.S. Army to the grade indicated under the provisions of title 10, United States Code, sections 611(a) and 624:

To be permanent major general

Brig. Gen. William P. Winkler, Jr., xxx-xx-x... xxx-... Medical Corps, U.S. Army.

Brig. Gen. Tracy E. Strevey, Jr., xxx-xx-xx... xxx-... Medical Corps, U.S. Army.

HOUSE OF REPRESENTATIVES—*Monday, September 19, 1983*

The House met at 12 noon.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

Almighty God, creator of the world, sustainer of the nations, and the strength of all who turn unto You, be with us this day and cause Your blessing to be upon us. Take away any selfishness that clouds our actions and remove any undue pride that allows us to think more highly of ourselves than we ought. Fill us instead with the bounty of Your love, a love that forgives and pardons and makes us whole. Comfort, O God, those who are anxious about the day and may Your spirit give all Your people peace and confidence. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Sparrow, one of its clerks, announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 864. An act to amend the Volunteers in the Parks Act of 1969, and for other purposes.

CONSENT CALENDAR

The SPEAKER. This is the day for the call of the Consent Calendar. The Clerk will call the bill on the Consent Calendar.

AUTHORIZING CONVEYANCE OF CERTAIN LANDS IN LANE COUNTY, OREG.

The Clerk called the bill (H.R. 1062) to authorize the Secretary of the Interior to convey, without consideration, certain lands in Lane County, Oreg.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. WORTLEY. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

The SPEAKER. This concludes the call of the Consent Calendar.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

WASHINGTON, D.C.,
September 16, 1983.

Hon. THOMAS P. O'NEILL, Jr.,
The Speaker, House of Representatives, Washington, D.C.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 5, Rule III of the Rules of the U.S. House of Representatives, the Clerk received at 9:30 a.m. on Friday, September 16, 1983, the following message from the Secretary of the Senate: That the Senate passed H.J. Res. 353.

With kind regards, I am

Sincerely,

BENJAMIN J. GUTHRIE,
Clerk, House of Representatives.

COMMUNICATION FROM THE CHIEF OF POLICE OF THE U.S. CAPITOL POLICE

The SPEAKER laid before the House the following communication from the Chief of Police of the United States Capitol Police:

U.S. CAPITOL POLICE,
Washington, D.C., September 16, 1983.

Hon. THOMAS P. O'NEILL, Jr.,
Speaker, House of Representatives, Washington, D.C.

DEAR MR. SPEAKER: This is to inform you, pursuant to the provision of House Rule L (50), that *James M. Powell, Chief, U.S. Capitol Police,* has received a subpoena from the *Superior Court for the District of Columbia.* In the matter of *United States District of Columbia* vs. *Roger Ludwig,* Docket Number M3763-83.

After consulting with counsel, I have determined that compliance with the subpoena is consistent with the privileges and rights of the House.

Sincerely,

JAMES M. POWELL,
Chief of Police.

IMPROVED EDUCATIONAL FACILITIES PROMISED BY PASSAGE OF COMMUNITY RENEWAL EMPLOYMENT ACT

(Mr. KILDEE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KILDEE. Mr. Speaker, an editorial appearing in this morning's Washington Post highlights an important recommendation of two national studies released last week: That improved working conditions for teachers would result in better teaching and a better education for our students. These two reports, released by the National Science Board and Ernest L. Boyer of the Carnegie Foundation for the Advancement of Teaching, respectively, are the latest in a growing list of national studies concluding that immediate action is necessary to maintain and improve the quality of education in the United States.

Tomorrow the House will begin consideration of a measure that offers the opportunity to improve working conditions for teachers and learning environments for students by upgrading school buildings and academic facilities. I am speaking of H.R. 1036, the Community Renewal Employment Act introduced by Mr. HAWKINS. This bill would provide desperately needed employment for persons out of work for 15 weeks or longer, many of whom have exhausted all unemployment benefits. Title III of the bill would allocate funds to allow local school districts and institutions of higher education to hire these workers to repair and renovate buildings and academic facilities. Many of these are badly in need of repair as a result of economy measures, schools have been forced to adopt, due to revenue shortfalls in recent years.

Mr. Speaker, I am certain that as the current national debate on how best to improve education continues, the House will be giving its attention to measures aimed at the improvement of education. Passage of H.R. 1036 this week would be a decisive first step toward this improvement which I urge my colleagues to support.

BAN SOVIET GOLD COIN IMPORTS

(Mr. ANNUNZIO asked and was given permission to address the House for 1 minute.)

Mr. ANNUNZIO. Mr. Speaker, all Americans were shocked and horrified by the barbaric act of the Soviet Union in shooting down an unarmed civilian jetliner, murdering 269 people. Since then people have constantly asked what we can do to punish the Soviet Government for its outrageous act. I have one small suggestion that I intend to offer.

Over the past 4½ years, the Soviet Union has exported almost 46 million dollars' worth of gold coins to the United States. I see no reason why we should permit the Soviet Union to sell coins in the United States to raise money to pay its coldblooded fighter pilots. Therefore, when the Export Administration Amendments Act, H.R. 3231, comes to the floor, I will offer an

amendment to ban the importation of gold coins from the Soviet Union into the United States.

I urge all my colleagues to join me in cutting off the flow of cash from our country to the outlaw Soviet Union.

WITHDRAWAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1693 AND H.R. 953

Mr. REID. Mr. Speaker, I ask unanimous consent to withdraw my name as a cosponsor of H.R. 1693 and of H.R. 953.

The SPEAKER pro tempore (Mr. MURTHA). Is there objection to the request of the gentleman from Nevada?

There was no objection.

THE GOAL OF SECURING DEMOCRACY FOR THE PHILIPPINES

(Mrs. BOXER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BOXER. Mr. Speaker, many issues are competing for our attention, but developments in the Philippines must not be overlooked. Because of its strategic importance and close ties to America, the Philippines are very important.

Its government institutions are modeled after our country, yet, despite fervent promises, the people have not been granted the democracy they crave.

If we do not use our leverage to help bring about democracy, the consequences could be dire.

Last week, I introduced a resolution—cosponsored by 55 of our colleagues—calling on the President to cancel his trip to the Philippines; calling for an impartial tribunal to investigate the cowardly assassination of Benigno (Benino) Aquino, the leader who died for democracy; and calling for free elections with a free press.

We want free elections in El Salvador and Nicaragua—we surely must want free elections in the Philippines. Let us be on the side of the Filipino people. This resolution is the first step.

KOREAN AIR LINES VICTIMS' CLAIMS ACT

(Mr. BONKER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BONKER. Mr. Speaker, I am today introducing legislation which would set in motion the process of obtaining restitution from the Soviet Union for the loss of American lives and property suffered in the destruction of Korean Air Lines flight 007 on September 1, 1983. The legislation would authorize and direct the U.S. Foreign Claims Settlement Commission to review the claims of the families and others with a beneficial relationship to the Americans lost in that horrible disaster, and to establish an appropriate value of those claims for loss of life and property. It directs the Secretary of State to initiate and conduct formal negotiations with the Government of the Soviet Union for the payment of such claims after they have been validated by the U.S. Foreign Claims Settlement Commission.

I am introducing this legislation, Mr. Speaker, with the cosponsorship of Mr. ZABLOCKI and Mr. MICA, and I intend to circulate the bill immediately for additional cosponsors. It is a measure which, I am sure, most Members of the House will want to support. As chairman of the Subcommittee on International Economic Policy and Trade, which has jurisdiction over claims of U.S. nationals against foreign governments, I plan to take prompt action on this and any other proposals that will lead to compensation for the losses that have been suffered by the survivors of our countrymen who were so unjustly and deliberately murdered by the trigger-happy defense forces of the Soviet Union with the full knowledge and approval of the Soviet Government.

This legislation does not, in itself, assure payment of compensatory claims by the Soviet Union. No legislation or other unilateral action of the United States can achieve that. Full compensation, however, along with a formal and official apology for their action, from the Soviet Union seems to me the minimum prerequisite for stabilizing relations between our two countries in the wake of this extremely hostile and inhumane action, and for averting a serious decline in political and economic relations.

What this legislation would accomplish, Mr. Speaker, is to establish a precise and sound basis under United States and international law for the pursuit of U.S. claims arising from this incident, and to give the U.S. Government a clear mandate actively and aggressively to seek payment of the claims through direct negotiations with the Government of the Soviet Union. The families of the Americans lost should not be left to themselves to pursue their claims—an approach that would make it much easier for the Soviet Union to ignore its responsibility and almost certainly result in a failure of the families to gain compensation. The shooting down of flight 007 is an international incident affecting relations between the United States and Soviet Governments. The cause of the U.S. heirs and associates should be taken up and represented officially by the U.S. Government. The legislation I am introducing today would accomplish that by making appropriate amendments to the International Claims Settlement Act of 1949 under which we have successfully pursued and settled claims against various foreign governments over the past 30 years. We should waste no time in following the same procedures in this case through enactment of appropriate legislation.

No amount of restitution can bring back the Americans lost, nor fully compensate us as a nation or the families and friends of the victims. But it is only fair and reasonable that restitution be provided by those who took this wrongful action, and I urge my colleagues to support this measure taking a strong and concrete step in that direction.

□ 1210

SUPPORT THE COMMUNITY RENEWAL ACT

(Mr. FRANK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FRANK. Mr. Speaker, last week several people from Massachusetts who have the responsibility of educating our children came to ask us to support the Community Renewal Act, which would have the dual purpose of helping us meet some unmet public needs and would put back to work people who through no fault of their own have long been out of work due to this serious recession from which we have just begun to emerge; yet the administration tells us we cannot afford it.

When the President can say, as he said earlier this year, that $600 million is an insignificant sum in his words if it goes to Central America to support his policies there and if he can ask us to pledge more than $8 billion of taxpayers' money to the International Monetary Fund to deal with loans which now turn out to be imprudently made, I do not understand his militant opposition to a relatively small amount of money that would put Americans back to work who seek to work and would meet some of our needs with regard to our infrastructure, our educational system, and other important public needs.

The Community Renewal Act would cost far less than the payment-in-kind program for agriculture which this administration sponsored, and the President's refusal to support it belies his proposed concern for working people.

THE REAGAN ADMINISTRATION HAS SKIRTED THE WAR POWERS ACT

(Mr. SIKORSKI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SIKORSKI. Mr. Speaker, the Reagan administration has skirted the 1973 War Powers Act by claiming that the fighting in Lebanon does not constitute "hostilities." This supposed absence of "hostilities" has killed 4 marines; it has wounded 29 others.

To defend the Lebanese Army, President Reagan is willing to send 1,200 marines into Lebanon and station 17,000 American servicemen in support. But he refuses to defend the U.S. Constitution. For under our Constitution, the people of the United States through their elected Representatives in Congress, declare war. The framers of the Constitution realized that the flesh-and-blood commitment of war requires nothing less.

If the President will not obey the law, our troops should be brought home now. This is not a battle between the Congress and the President. It is a battle for the constitutional right of the American people to be consulted before sending their children to kill and be killed in wars thousands of miles away.

H.R. 3909, THE ATOMIC VETERANS RELIEF ACT

(Mr. ROWLAND asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROWLAND. Mr. Speaker, as my colleagues know, beginning in 1945 and continuing until 1963, the U.S. Government exploded approximately 235 nuclear weapons in the atmosphere over the American Southwest and the Pacific Ocean.

The Department of Defense estimates that approximately 220,000 personnel participated in those tests. And additional personnel may have been exposed while in the occupation forces in Japan after the atomic bombings of Hiroshima and Nagasaki in 1945.

Unfortunately many of these troops were exposed to low-level ionizing radiation which may or may not have been accurately documented with proper exposure devices or methodologies. To compound the problem, there is a limited scientific understanding of the relationship between exposure to low doses of ionizing radiation and subsequent health problems. And efforts to analyze the cause-and-effect relationship often are more politically motivated than scientific.

At this time, the Veterans' Administration has initiated much research on the health effects of low-level ionizing radiation on veterans, utilizing the resources of the Interagency Radiation Research Committee and the National Library of Medicine.

In order to provide a group of eminently qualified scientists, professionals, and veterans to evaluate this information and make recommendations to the Administrator of the Veterans' Administration regarding this important issue, I, along with the ranking minority member of the House Committee on Veterans' Affairs, Mr. HAMMERSCHMIDT, have introduced H.R. 3909, the Atomic Veterans Relief Act.

This legislation authorizes an advisory committee to review radiation related research relevant to veterans' concerns, as well as the unique needs of such veterans with respect to compensation, health care, and rehabilitation, and provide advice to the Administrator concerning this matter.

H.R. 3909 will also authorize temporary disability benefits for veterans who may have been exposed to ionizing radiation in service and who are suffering from certain diseases that significant data has been presented to demonstrate a relationship to such exposure. My bill would authorize a temporary disability allowance for veterans who, within 20 years from the date of participation in a nuclear test or occupation of the atomic bombing sites in Japan, suffer from leukemia, polycythemia vera, and carcinoma—three diseases which are known to result from significant levels of exposure to ionizing radiation.

Although it may be many years before there is conclusive medical evidence to warrant the addition of these, or any other diseases, to the list of VA service-connected compensable illnesses, I feel very strongly that we have sufficient reason to provide temporary financial assistance to the atomic veterans while the ongoing research continues.

My bill contains a sunset clause whereby payments would terminate 1 year after the Administrator sends the Congress the first report due under Public Law 96-151. It is my belief we may have adequate information at that time to convert this to a permanent program and address a number of other diseases which may be shown to be related to ionizing radiation.

This is a bipartisan bill that offers hope to a large group of patriotic veterans that for too long have felt that their requests for recognition have gone unanswered. I urge my colleagues to join me and my distinguished colleague, Mr. HAMMERSCHMIDT, in supporting this legislation.

ANOTHER OIL CRISIS COULD LEAD TO ECONOMIC DISASTER

(Mr. ALBOSTA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ALBOSTA. Mr. Speaker, a very disturbing if not frightening article appeared today in the Washington Post charging that an oil crisis could very well lead to an economic disaster in this country. The article is based on information from a 2-month test coordinated by the International Energy Agency of how 20 countries, including the United States, are prepared to deal with a severe cut in oil supplies.

The IEA test clearly shows what would happen should world oil supplies be cut 10 percent or greater—those people and companies who can afford to pay for oil will get it, the rest will freeze, go out of business or bankrupt themselves. Sounds farfetched and frightening. Not really if one considers what happened during the Arab oil embargo in the 1970's when prices shot through the roof, black markets for oil developed, and long lines at the gas pump caused social unrest in certain areas of the country. Unfortunately, we are facing another similar situation or even worse if the current administration policies of relying completely on the free market to set prices and distribute oil during an energy emergency.

Even major oil companies seriously question whether the administration's energy emergency policies would work if they had to be used. The oil companies found many of the supply offers claimed by the administration in the IEA test "dubious."

The Wisconsin Department of Energy, one of the 12 State agencies providing information to the Federal Government for the IEA study, said:

> We hope it will not take the economic collapse of one of these cities, probably ensuing riots and accompanying death and destruction before the Administration realizes that its policies have failed the country and must be changed.

The Congressional Research Service study on the same topic concluded that a disruption in oil supplies from the Persian Gulf could "produce a catastrophic drop in the U.S. gross national product of as much as 28 percent."

These dire results need not occur. Congress approved the Energy Security Act of 1980 establishing the synfuels program. Instead of doing everything possible to gut the synfuels program and turn over energy policy to the big oil companies, this administration must change its course for the good of the country and promote the development of synfuels to make this country energy independent. We have it in our means to develop our own energy sources but the work must go on now, not during the next oil crisis when it will be too late.

THE PRESIDENT SHOULD INVOKE THE WAR POWERS ACT

(Mr. ALEXANDER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ALEXANDER. Mr. Speaker, the Constitution grants to Congress, and to Congress alone, the power to declare war. It thereby mandates that the sacrifice of American blood and

treasure in war be subject to the will of the people.

The aftermath of World War II brought with it the argument that the Chief Executive should—in time of quick-breaking emergency—be able to commit American troops on his own authority.

But during the long and tragic Vietnam conflict it began to be obvious that the pendulum had shifted too far. This was the origin of the War Powers Act of 1973.

It is clear that the original mission of the marines in Lebanon no longer exists. It is also clear that our men are being shot at and killed during a Lebanese civil war which the Columnist I. F. Stone has characterized as "a huge family fight in a bar room where the lights were long ago shot out."

The President himself should invoke the War Powers Act, and, if not him, then the Congress must. Hostilities have begun, and the long-term presence of the marines in Lebanon must be made subject to the will of the Congress. It is our peoples' desire, and it is the clear meaning of the law and of the Constitution of the United States.

THE RESURRECTION OF YASIR ARAFAT

(Mr. SOLOMON asked and was given permission to address the House for 1 minute.)

Mr. SOLOMON. Mr. Speaker, I do not wish to revise and extend.

Mr. Speaker, news arrived over the weekend that Yasir Arafat, like some foul phoenix, has risen from the ashes of Lebanon to reassert his place as the premier terrorist of the Middle East. With his resurrection dies any notion that Lebanon's war is a civil war or that America should pull out its marines and leave Lebanon to the PLO, the Syrians, and the Russians.

We all know how Mr. Arafat conducts his war—through murder and massacre. Now, Mr. Speaker, we must decide how we are going to respond. Will we heed the wisdom of our Founding Fathers, who, through the "separation of powers" doctrine, entrusted foreign policy to the executive branch? Or will we bludgeon Presidential power to death with that blunt instrument of congressional arrogance, the War Powers Act?

When it comes to foreign policy, Mr. Speaker, I know many in this Chamber long to be the straw that stirs the drink. But do we really need 535 Secretaries of State? What will happen to our military effort when, in the words of the Wall Street Journal, "you have to get approval from mommy to continue fighting, as well as tell everyone how long you plan to keep it up."

No James Madison could have predicted an Arafat, Mr. Speaker. But our forefathers seemed wiser in the ways of the modern world than many of us who have the benefit of living in it, but seem to be blind to the true nature of our enemy.

THANKS FOR HUMANITARIAN RELIEF TO EL SALVADOR

(Mr. McCOLLUM asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McCOLLUM. Mr. Speaker, today I am inserting into the Extension of Remarks a list of some of the many, many people who made it possible for more than 25 tons of medical supplies to be delivered to the homeless in El Salvador last month.

Some very kind remarks were made about me on the floor last week, concerning an emergency medical airlift operation which I initiated in early August to bring critically needed medicine and supplies to thousands of civilians—many of whom were living in poverty in displaced persons camps because of the war.

However, it took the time and dedication of many people to bring this about—and the generosity of many more. Our goal was to get medical supplies to the Salvadorans as quickly as we could. We were able to do this because of the rapid and overwhelming response on the part of everyone involved—most especially the pharmaceutical companies and other manufacturers who donated thousands of pounds of supplies practically at a moment's notice. At the same time dozens of central Florida individuals and businesses responded with more than $30,000 in donations to get these supplies on an aircraft and down to El Salvador.

Throughout this operation, the humanitarian relief organization Project HOPE was coordinating with us and providing the assistance and expertise we needed to accomplish our mission. Our joint efforts were heavily assisted by the U.S. Agency for International Development, and supported by the State Department, the U.S. Embassy in El Salvador, and the Salvadoran Government.

Today I would like to give these many people the recognition they deserve—and to thank them for their important roles in this "people to people" mission of mercy.

□ 1220

URGING MEMBERS TO REFUSE COMPLIMENTARY HUSTLER MAGAZINE SUBSCRIPTION

(Mr. WORTLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. WORTLEY. Mr. Speaker, in this morning's mail I received an unsolicited copy of pornographic material called Hustler magazine from its publisher, along with a letter noting that I would continue to receive this filth on a regular basis.

I wrote him back immediately asking to be taken off his smut mailing list and that he cease and desist from promoting Dial-A-Porn services and other pornographic items that are inflicted on our young people.

In my opinion we are the victims of a sick publicity stunt by a man whose sole business is to degrade women, whose reputation as a purveyor of pornography and moral depravity is unquestioned.

I urge all my colleagues to not only trash this trash but to register their disgust and their rights by requesting their names to be taken off the complimentary subscription list.

LARRY FLYNT AND FIRST AMENDMENT RIGHTS

(Mr. SUNDQUIST asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. SUNDQUIST. Mr. Speaker, today I received a magazine of unsolicited pornography. I assume that all other Members received the same copy of Hustler magazine.

Included is the letter enclosed by Publisher Larry Flynt:

HUSTLER MAGAZINE,
Los Angeles, Calif., September 14, 1983.

DEAR REPRESENTATIVE: Considering you are a public servant, who no doubt wants to stay well informed on all social issues and trends, I have taken the liberty of adding you to Hustler's complimentary subscription list. You now will receive on a regular, monthly basis the world's greatest porn magazine.

Hustler will keep you up-to-date in the latest cooze news, sex reviews, humor, and political satire, the finest in fiction and the most in-depth, investigative articles published anywhere. I am as committed to my pornography as the Pope is to his celibacy, so the quality of Hustler will never be compromised.

I am sure that your constituents, who appreciate good pornography, will be happy to know that you have a subscription to their favorite magazine.

Sincerely,

LARRY C. FLYNT,
Editor and Publisher.

Here is my answer:

HOUSE OF REPRESENTATIVES,
Washington, D.C., September 19, 1983.

LARRY C. FLYNT,
Editor and Publisher, Hustler,
Los Angeles, Calif.

DEAR MR. FLYNT: Your letter indicating you had placed my name on your complimentary subscription list, along with the first copy of your magazine, arrived in my office today. Enclosed you will find both your magazine, as well as your correspondence. Please be advised that I do not wish to receive your magazine.

Frankly, I was repulsed to receive unsolicited pornographic material through the mail of the U.S. House of Representatives. I read recently in People magazine where you said you were going to push your First Amendment rights to free speech as far as you can. Your outrageous gesture in sending copies of your trash to Members of Congress is certainly a manifestation of your desire to push your "rights" to the breaking point. It is not appreciated by me, and I'm sure it will not be received well by any other decent Member of Congress.

Please remove my name from your complimentary subscription list immediately.

Sincerely,

DON SUNDQUIST,
Member of Congress.

Frankly, I was repulsed to receive unsolicited pornographic material through the mail of the U.S. House of Representatives. I read recently in People magazine where Flynt said he was going to push his first amendment rights to free speech as far as he could.

I do not want to be acrimonious about it, but this outrageous gesture in sending copies of trash to Members of Congress is certainly a manifestation of Flynt's warped desire to push his rights to the breaking point.

It is not appreciated by me, and I am sure it will not be received well by any other decent Member of Congress.

Within the pages of filth in this magazine is an article urging readers to call telephone numbers to hear an obscene recording. I think the fact that this magazine was received in today's mail is ironic, because within the next couple of weeks, we probably will be considering a measure which will prohibit such obscene messages. The measure, which is contained in the Federal Communications Commission authorization bill, will prohibit them without regard to whether the sender of the message initiated the call. I strongly support this measure.

I also think the fact that we received this in the mail this morning underscores the fact that the judicial branch has not properly put sufficient controls on the kinds of material which can be sent through the mails unsolicited by the receiver.

Within a week, I will be introducing legislation which will call for a constitutional amendment to limit the tenure of Federal judges to 10 years with a provision for reconfirmation. I think this is in keeping with the spirit of the Constitution, and will allow the Senate the opportunity to review judges to insure that they are enforcing pornography laws, among the many others.

LET'S THINK ABOUT OUR VIETNAM VETS WHO SUFFER WITH AGENT ORANGE EFFECTS

(Mr. RICHARDSON asked and was given permission to address the House for 1 minute.)

Mr. RICHARDSON. Mr. Speaker, on Friday, I attended a ceremony of the Vietnam veterans trying to focus attention on H.R. 1961, providing for just compensation for agent orange. This is a tragedy beyond repair where we have men and women that served in Vietnam, many who came back maimed, injured, and under stress who simply want just compensation for combat-related afflictions that this administration claims are not scientifically linked to exposure to this defoliant.

Yet, many of these Vietnam vets came back to their country and asked for help, some of their children similarly afflicted, and all we can say to them is sorry, there are no funds in the budget, sorry, there is no scientific evidence to show that you were afflicted, and so you cannot be helped.

Mr. Speaker, we owe the Vietnam veteran, and here is a place to start.

Mr. Speaker, H.R. 1961 is a bill that corrects this injustice, and as we discuss insuring that U.S. troops are protected in Lebanon and Central America, let us not forget those unsung heroes who came back from Vietnam.

REASONS BEHIND THE SENDING OF HUSTLER MAGAZINE TO MEMBERS OF CONGRESS

(Mr. OXLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. OXLEY. Mr. Speaker, I had not planned to speak today but after the eloquent words from my colleagues from New York and from Tennessee I could not help but comment on the mail that we received today from Hustler magazine, and the arrogance by which the letter stated the goals of Larry Flynt.

I am embarrassed at the fact that Larry Flynt used to reside in Columbus, Ohio, and wanted to make my apologies to the House for what I consider outrageous conduct on his part. The letter, however, was mailed from California.

As I said in my letter to Mr. Flynt today, canceling my subscription, he has given new meaning to the term "junk mail."

I think that all of us should follow the example that was set by our colleagues and remind Mr. Flynt of this.

I might point out, Mr. Speaker, there is a monetary reason behind Mr. Flynt's desire to seek publicity by doing this outrageous act, and that is because on at least two occasions he has been sued and had judgments against him for well over $40 million in two separate suits, one in Franklin County, Ohio, and one in New York City. I think there is a very good reason why he seeks this publicity in sending the Hustler magazine to all Members of Congress.

I urge my colleagues to do the same that our other colleagues did and cancel those unsolicited subscriptions immediately.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to the provisions of clause 5 of rule I, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 4 of rule XV.

Such rollcall votes, if postponed, will be taken on Tuesday, September 20, 1983.

THE INSIDER TRADING SANCTIONS ACT OF 1983

Mr. WIRTH. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 559) to amend the Securities Exchange Act of 1934 to increase the sanctions against trading in securities while in possession of material nonpublic information, as amended.

The Clerk read as follows:

H.R. 559

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. This Act may be cited as "The Insider Trading Sanctions Act of 1983".

SEC. 2. Section 21 of the Securities Exchange Act of 1934 is amended by redesignating subsection (d) as subsection (d)(1), and adding at the end thereof the following new paragraph:

"(2)(A) Whenever it shall appear to the Commission that any person has violated any provision of this title or the rules or regulations thereunder by purchasing or selling a security while in possession of material nonpublic information in a transaction (i) on or through the facilities of a national securities exchange or from or through a broker or dealer, and (ii) which is not part of a public offering by an issuer of securities other than standardized options, the Commission may bring an action in a United States District Court to seek, and the court shall have jurisdiction to impose, a civil penalty to be paid by such person, or any person aiding and abetting the violation of such person. The amount of such penalty shall be determined by the court in light of the facts and circumstances, but shall not exceed three times the profit gained or loss avoided as a result of such unlawful purchase or sale, and shall be payable into the Treasury of the United States. If a person upon whom such a penalty is imposed shall fail to pay such penalty within the time prescribed in the court's order, the Commission may refer the matter to the Attorney General who may recover such penalty by action in the appropriate United States District Court. The actions authorized by this paragraph may be brought in addition to any other actions that the Commission or the Attorney General are entitled to bring. For purposes of section 27 of this title, actions under this paragraph shall be actions to enforce a liability or a duty created by

this title. The Commission, by rule or regulation, may exempt from the provisions of this paragraph any class of persons or transactions.

"(B) No person shall be subject to a sanction under subparagraph (A) of this paragraph solely because that person aided and abetted a transaction covered by such subparagraph in a manner other than by communicating material nonpublic information. Section 20 of this title shall not apply to actions brought under this paragraph. No person shall be liable under this paragraph solely by reason of employing another person who is liable under this paragraph.

"(C) For purposes of this paragraph 'profit gained' or 'loss avoided' is the difference between the purchase or sale price of the security and the value of that security as measured by the trading price of the security a reasonable period after public dissemination of the nonpublic information.

"(D) No action may be brought under this paragraph more than five years after the date of the purchase or sale. This paragraph shall not be construed to bar or limit in any manner any action by the Commission or the Attorney General under any other provision of this title, nor shall it bar or limit in any manner any action to recover penalties, or to seek any other order regarding penalties, imposed in an action commenced with five years of such transaction.".

SEC. 3. Section 32 of the Securities Exchange Act of 1934 is amended by striking out "$10,000" in subsection (a) and inserting in lieu thereof "$100,000".

SEC. 4. Section 15(c)(4) of the Securities Exchange Act of 1934 is amended by inserting "14," after "section 12, 13,".

SEC. 5. The amendments made by this Act shall become effective immediately upon enactment of this Act.

The SPEAKER pro tempore. Is a second demanded?

Mr. OXLEY. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from Colorado (Mr. WIRTH) will be recognized for 20 minutes, and the gentleman from Ohio (Mr. OXLEY) will be recognized for 20 minutes.

The Chair recognizes the gentleman from Colorado (Mr. WIRTH).

Mr. WIRTH. Mr. Speaker, I yield myself such time as I may consume.

GENERAL LEAVE

Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Colorado?

There was no objection.

Mr. WIRTH. Mr. Speaker, this legislation is the result of a bipartisan effort by members of the Subcommittee on Telecommunications, Consumer Protection and Finance to give the Securities and Exchange Commission the tools it needs to combat insider trading and other abuses in the securities markets.

The bill was passed by a unanimous vote of the subcommittee, and it was reported by a unanimous voice vote of the Committee on Energy and Commerce. That demonstrates the committee's strong support for an aggressive SEC enforcement program to protect the integrity of the markets.

I want to acknowledge the important role Mr. RINALDO and his staff have played in developing the legislation. What we have developed is a bill that not only gives the SEC the deterrence it needs, but which, I believe, will be perceived by all as fair.

It is also important to ackowledge the SEC's work in developing this legislation. The SEC came to Congress 1 year ago and asked for help in its war against insider trading. The SEC's initiative is particularly commendable in this deregulatory time, when most agencies are simply cutting back, afraid to undertake new initiatives. Each of the five commissioners and the outstanding staff of the Commission who worked with us on the legislation deserve our thanks.

The legislation has three major provisions.

There are three major provisions of this legislation. The first increases the sanctions for trading while in possession of material nonpublic information—what we call generally insider trading. The need for increased sanctions to deter insider trading is well documented on the front pages of our newspapers. Insider trading threatens our capital markets by undermining the public's expectations of fair and honest securities markets where all participants play by the same rules.

Existing remedies do not effectively deter insider trading. This legislation would give the SEC the authority to ask a court to impose a civil penalty of up to three times the amount of profit gained or loss avoided in an insider trading transaction.

We have limited secondary liability under the bill. The committee's report is very clear as to when the new penalty will or will not apply to those persons who aid and abet violations. It also makes it very clear that existing theories under which the SEC now pursues insider trading by means or civil injunctive actions or other remedies are not affected by this bill and should be used aggressively in those situations where the new penalty may not apply. Those theories include aiding and abetting liability, respondeat superior liability and control person liability under section 20 of the Exchange Act.

We have also made it clear that this bill does not change the substantive law governing the kind of trading activity that may be deemed to be violative of the antifraud provisions of the Federal securities laws. We are, however, evaluating the impact of recent court decisions on the SEC's ability to pursue insider trading, and we have asked the SEC to report to the committee over a period of 2 years on the development of the substantive law and the effectiveness of its enforcement program against insider trading.

A second provision of the bill increases the maximum criminal fine for willful violations of the Exchange Act from $10,000 to $100,000. The current fine was established in 1934 when the Exchange Act was passed. Inflation has diminished the value of the fine since this time, and this legislation restores its deterrent impact.

The third major provision of the bill gives the SEC authority to bring administrative proceedings to remedy tender offer and proxy abuses. This authority is in addition to the SEC's current power to bring civil injunctive actions and use other tools to remedy violations of the tender offer and proxy provisions of the securities laws.

The committee's report covers each of these provisions in great detail.

Mr. OXLEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, today the House is considering under suspension of the rules a very important piece of legislation, the Insider Trading Sanctions Act. This bill will strenthen Government enforcement of violations of the Federal securities laws involving insider trading. It was reported from the Committee on Energy and Commerce by unanimous voice vote.

This legislation was originally recommended by the Securities and Exchange Commission to provide increased deterrence of insider trading violations. It would amend the Securities Exchange Act of 1934 to give the SEC authority to go to court to seek a civil penalty of up to three times the profit gained or loss avoided by those profiting from insider trading.

The need for this legislation is well established. Insider trading violates fundamental expectations of fairness and honesty, and undermines public confidence in our Nation's securities markets, which are the best in the world.

Incidences of insider trading have become more prevalent in recent years, with the increase in corporate mergers and tender offers and the growth of the options market. The SEC has given insider trading violations a higher enforcement priority and has initiated an increased number of cases. During the past 4 years, more such cases have been brought than in all previous years combined.

However, present sanctions available to the Commission do not serve as a real deterrent when compared to the vast profits which can be gained so rapidly by trading with inside information. The most that the Commission can do at present is enjoin an inside trader from future violations and re-

quire him to disgorge his illegal profits. Clearly, neither of these remedies penalizes the trader's illegal conduct. Disgorgement of profits simply puts him back in the position he would have been in if he had obeyed the law in the first place.

This bill provides for increased deterrence by making a person involved in insider trading subject to a civil penalty of up to three times his profit. The bill does not change the underlying substantive law of insider trading. Insider trading violations of the securities laws will continue to be judicially defined. This bill only provides an increased penalty for such illegal conduct.

During consideration of this legislation in the Committee on Energy and Commerce, a number of issues were raised by representatives of the securities industry and the securities bar. These included whether the bill should include a definition of insider trading, secondary liability under theories of aiding and abetting and respondeat superior, the appropriate burden of proof, the right to trial by jury, and statute of limitations.

These issues received detailed consideration by the subcommittee and by the SEC. Based on careful review, the SEC recommended several changes in the bill which were adopted by the committee. These changes satisfy the legitimate concerns which have been raised without in any way undercutting the deterrent effect of the increased sanctions.

These provisions:

First, limit the application of the triple penalty for aiding and abetting violations to those who communicate inside information; that is, tippers. It also provides that employers and control persons would not be subject to the penalty under secondary liability;

Second, define the measurement of profit gained or loss avoided as the difference between the purchase or sale price of the security and the trading price a reasonable time after the inside information becomes public; and

Third, provide for a 5-year statute of limitations.

In addition to the insider trading civil penalty, the bill would increase the maximum fine for criminal violation of the Securities Exchange Act of 1934 from $10,000 to $100,000. The current fine of $10,000 was established in 1934. Inflation has greatly diminished its deterrent value, and an increase is therefore warranted.

Another provision of the bill would extend the SEC's authority to bring administrative proceedings to include proxy and tender offer violations.

I urge the House to suspend the rules and pass H.R. 559.

□ 1230

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Colorado (Mr. WIRTH) that the House suspend the rules and pass the bill, H.R. 559, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

ETHICS IN GOVERNMENT ACT AMENDMENTS

Mr. SAM B. HALL, JR. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2717) to amend the Ethics in Government Act of 1978 to make certain changes in the authority of the Office of Government Ethics, and for other purposes, as amended.

The Clerk read as follows:

H.R. 2717

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

AMENDMENTS TO ETHICS IN GOVERNMENT ACT OF 1978

SECTION 1. Except as otherwise expressly provided in this Act, whenever an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Ethics in Government Act of 1978.

AUTHORITY OF DIRECTOR

SEC. 2. (a) Section 402(a) is amended by striking out "under the general supervision of" and inserting in lieu thereof "in consultation with".

(b) Section 402(b) is amended—

(1) in paragraph (1)—

(A) by striking out "and recommending to the Office of Personnel Management";

(B) by inserting "and the Office of Personnel Management" immediately after "Attorney General" and

(C) by striking out "President or the Office of Personnel Management" and inserting in lieu thereof "President or the Director";

(2) in paragraph (2)—

(A) by striking out "and recommending to the Office of Personnel Management";

(B) by inserting "and the Office of Personnel Management" immediately after "Attorney General" and

(C) by striking out "President or the Office of Personnel Management" and inserting in lieu thereof "President or the Director";

(3) in paragraph (6) by striking out "Office of Personnel Management" and inserting in lieu thereof "Director";

(4) in paragraph (12)—

(A) by inserting "and the Office of Personnel Management" immediately after "Attorney General" and

(B) by striking out "Office of Personnel Management" and inserting in lieu thereof "Director"; and

(5) in paragraph (15) by striking out "and recommending for promulgation by the Office of Personnel Management" and inserting in lieu thereof ", in consultation with the Office of Personnel Management, and promulgating".

(c) Section 404 is amended by striking out "Office of Personnel Management" and inserting in lieu thereof "Director".

(d)(1) Any rules or regulations issued under section 402 of the Ethics in Government Act of 1978 which are in effect immediately before the effective date of the amendments made by this Act shall remain in effect according to their terms until modified, superseded, set aside, or revoked on or after such effective date.

(2) The responsibilities of the Director of the Office of Government Ethics under paragraphs (6) and (12), respectively, of section 402(b) of the Ethics in Government Act of 1978 with respect to rules and regulations issued by the Office of Personnel Management before the effective date of the amendments made by this Act shall not be affected by this Act or any of the amendments made by this Act.

SEPARATE BUDGET LINE ITEM FOR OFFICE OF GOVERNMENT ETHICS

SEC. 3. Title IV is amended by adding at the end thereof the following new section:

"SUBMISSION OF BUDGET

"SEC. 407. (a) In the budget submitted to the Congress pursuant to section 1105(a) of title 31, United States Code, the President shall include estimated expenditures and proposed appropriations the President decides are necessary to support the Office of Government Ethics in the fiscal year for which the budget is submitted and the four fiscal years after that year.

"(b) In the statement of changes submitted to Congress with respect to the budget pursuant to section 1106(b) of title 31, United States Code, the President shall specify the effect of such changes on the information submitted pursuant to subsection (a) of this section.".

REVIEW OF FINANCIAL DISCLOSURE REPORTS OF HIGH LEVEL WHITE HOUSE AIDES

SEC. 4. Section 203(c) is amended by inserting after "designated agency officials," the following: "employees described in section 105(a)(2) (A) or (B), 106(a)(1) (A) or (B), or 107 (a)(1)(A) or (b)(1)(A)(i), of title 3, United States Code,".

LIMIT ON OUTSIDE EARNED INCOME FOR HIGH LEVEL WHITE HOUSE AIDES

SEC. 5. Section 210 is amended to read as follows:

"OUTSIDE EARNED INCOME

"SEC. 210. Except where the employee's agency or department shall have more restrictive limitations on outside earned income, all employees covered by this title—

"(1) who are compensated at a pay grade in the General Schedule of grade GS-16 or above and who occupy nonjudicial full-time positions appointments to which are required to be made by the President, by and with the advice and consent of the Senate, or

"(2) who are described in section 105(a)(2) (A) or (B), 106(a)(1) (A) or (B), or 107 (a)(1)(A) or (b)(1)(A)(i), of title 3 United States Code,

may not have in any calendar year outside earned income attributable to such calendar year which is in excess of 15 percent of their salary.".

REPORTS BY PRESIDENTIAL NOMINEES

SEC. 6. Section 201(b) is amended—

(1) by inserting "(1)" immediately after "(b)";

(2) by inserting after the first sentence the following: "Such individual shall, not later than the date of the first hearing to consider the nomination of such individual, make current the report filed pursuant to this paragraph by filing the information required by section 202(a)(1)(A) with respect to income and honoraria received as of the date which occurs five days before the date of such hearing."; and

(3) by adding at the end thereof the following new paragraph:

"(2) An individual whom the President or the President-elect has publicly announced he intends to nominate to a position may file the report required by paragraph (1) at any time after that public announcement but not later than is required under the first sentence of such paragraph.".

ETHICS AGREEMENTS

SEC. 7. Title II is amended—

(1) by redesignating section 211 as section 212; and

(2) by inserting after section 210 the following new section:

"NOTICE OF ACTIONS TAKEN TO COMPLY WITH ETHICS AGREEMENTS

"SEC. 211. (a) In any case in which an individual agrees with that individual's designated agency official, the Office of Government Ethics, or a Senate confirmation committee to take any action to comply with this Act or any other law or regulation governing conflicts of interest of, or establishing standards of conduct applicable with respect to, officers or employees of the Government, that individual shall notify in writing the designated agency official, the Office of Government Ethics, or the appropriate committee of the Senate, as the case may be, of any action taken by the individuals pursuant to that agreement. Such notification shall be made not later than the date specified in the agreement by which action by the individual must be taken, or not later than three months after the date of the agreement, if no date for action is so specified.

"(b) If an agreement described in subsection (a) requires that the individual recuse himself or herself from particular categories of agency or other official action, the individual shall reduce to writing those subjects regarding which the recusal agreement will apply and the process by which it will be determined whether the individual must recuse himself or herself in a specific instance. An individual shall be considered to have complied with the requirements of subsection (a) with respect to such recusal agreement if such individual files a copy of the document setting forth the information described in the preceding sentence with such individual's designated agency official, the Office of Government Ethics, or the appropriate committee of the Senate, as the case may be, within the time prescribed in the last sentence of subsection (a).".

BLIND TRUST AMENDMENTS

SEC. 8. (a) Sections 102(e)(7), 202(f)(7), and 302(f)(7) are each amended to read as follows:

"(7) Any trust may be considered to be a qualified blind trust if—

"(A) the trust instrument is amended to comply with the requirements of paragraph (3) or, in the case of a trust instrument which does not by its terms permit amendment, the trustee, the reporting individual, and any other interested party agree in writing that the trust shall be administered in accordance with the requirements of this subsection and the trustee of such trust meets the requirements of paragraph (3)(A), except that in the case of any interested party who is a dependent child, a parent or guardian of such child may execute the agreement referred to in this subparagraph;

"(B) a copy of the trust instrument (except testamentary provisions), a copy of the agreement referred to in subparagraph (A), and a list of the assets held by the trust at the time of approval by the supervising ethics office, including the category of value of each asset as determined under subsection (d) of this section, are filed with such office and made available to the public as provided under paragraph (5)(D) of this subsection; and

"(C) the supervising ethics office determines that approval of the trust arrangement as a qualified blind trust is in the particular case appropriate to assure compliance with applicable laws and regulations.".

(b) Sections 102(e)(5)(A), 202(f)(5)(A), and 302(f)(5)(A) are each amended by adding at the end thereof the following new sentence: "This subparagraph shall not apply with respect to a trust meeting the requirements for being considered a qualified blind trust under paragraph (7) of this subsection.".

APPLICATION OF FINANCIAL DISCLOSURE REQUIREMENTS TO STAFF OF FEDERAL ADVISORY COMMITTEES

SEC. 9. Section 201 is amended by adding at the end thereof the following new subsection:

"(j)(1) Any individual who performs staff functions in support of an advisory committee which is composed, in whole or in part, of special Government employees shall be subject to the provisions of this title as if that individual were such a special Government employee.

"(2) For purposes of paragraph (1)—

"(A) the term 'advisory committee' means any committee, board, commission, council, conference, panel, task force, or other similar group which is established—

"(i) by statute or reorganization plan,

"(ii) by the President, or

"(iii) by one or more agencies,

in the interest of obtaining advice or recommendations for the President or one or more agencies or officers of the Federal Government; such term includes any subcommittee or other subgroup of an advisory committee, but does not include the Advisory Commission on Intergovernmental Relations and the Commission on Government Procurement;

"(B) the term 'staff functions in support of an advisory committee' means such activities as the Director of the Office of Government Ethics by regulation prescribes which are carried out with respect to those functions for which the advisory committee was established as described in subparagraph (A) of this paragraph;

"(C) the term 'special Government employee' has the meaning given that term by section 202 of title 18, United States Code; and

"(D) the term 'agency' has the meaning given that term by section 551(1) of title 5, United States Code.

"(3) The Director of the Office of Government Ethics shall prescribe such regulations as may be necessary to carry out this subsection.".

EXTENSION OF AUTHORIZATION OF APPROPRIATIONS

SEC. 10. Section 405 is amended in paragraph (2) by striking out "four" and inserting in lieu thereof "nine".

EFFECTIVE DATE

SEC. 11. The amendments made by this Act shall take effect on October 1, 1983.

The SPEAKER pro tempore. Is a second demanded?

Mr. KINDNESS. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from Texas (Mr. SAM B. HALL, JR.) will be recognized for 20 minutes, and the gentleman from Ohio (Mr. KINDNESS) will be recognized for 20 minutes.

The Chair recognizes the gentleman from Texas (Mr. SAM B. HALL, JR.).

Mr. SAM B. HALL, JR. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the Committee on the Judiciary and the Committee on Post Office and Civil Service have reported H.R. 2717 to the House and recommended that the House pass H.R. 2717 as amended.

The purposes of H.R. 2717 are to reauthorize and strengthen the independence of the Office of Government Ethics. In addition, H.R. 2717 clarifies and strengthens several provisions of the Ethics in Government Act of 1978.

H.R. 2717 was reported by the Committee on the Judiciary on May 5, 1983. On May 16, 1983, the Committee on Post Office and Civil Service reported the bill with one substantive and several technical amendments. Since that time, the two committees have worked together to produce the compromise version of the bill which is before the House today.

I would like to express my appreciation to the chairman of the Post Office and Civil Service Committee (Mr. FORD) and to the gentleman from Michigan, chairman of the Human Resources Subcommittee (Mr. ALBOSTA) for their diligent work and assistance in producing this bill. I would also like to thank Mr. KINDNESS, the ranking minority member of the Subcommittee on Administrative Law and Governmental Relations for his assistance in working for his assistance in working on this legislation.

At the end of my statement, it is my intention to yield to the distinguished gentleman from Michigan (Mr. ALBOSTA) who will be handling the bill for the Committee on Post Office and Civil Service.

In 1977, the General Accounting Office studied executive branch procedures for applying and interpreting financial disclosure and conflict of interest requirements. GAO concluded that these procedures were inadequate and recommended that Congress establish an Office of Government Ethics as a central office to oversee

and improve the overall ethics program in the executive branch.

In response to this recommendation, the Congress included the establishment of the Office of Government Ethics as title IV of the Ethics in Government Act of 1978. Since 1978, this office has effectively and efficiently carried out its responsibilities under the law.

The Office of Government Ethics is responsible for providing overall direction of executive branch policies related to conflicts of interest. The Director of the Office is appointed by the President of the United States with the advice and consent of the Senate. Organizationally, the Office is located within the Office of Personnel Management.

The Office has a number of specific responsibilities under the act. These include: Implementing the executive branch financial disclosure requirements of the act; developing regulations regarding postemployment restrictions; monitoring and investigating executive agencies' ethics programs; interpreting rules and regulations concerning standards of conduct; and establishing a formal advisory opinion service for the executive branch.

The Office works closely with the Department of Justice on conflict-of-interest matters. It also works closely with the ethics officers of the various agencies and departments, acting as an adviser regarding the issues within the Office's jurisdiction.

The Ethics in Government Act authorized the appropriation of $2 million a year for the Office of Government Ethics through the end of fiscal year 1983. OGE's funding, which comes from appropriations to the Office of Personnel Management, has never reached this level. The Office's funding level for salaries and expenses for fiscal year 1983 is $1,016,000. The administration has proposed that the funding level of 1984 be $1,093,000.

One of the main purposes of H.R. 2717 is to reauthorize the Office of Government Ethics for a period of 5 years. This reauthorization would be continued at the current level of $2 million per year. Both the Judiciary Committee and the Post Office Committee have determined that this Office has carried out its responsibilities in a responsible manner and that it should continue to perform its important work.

During the course of consideration of the reauthorization of the Office of Government Ethics, the Judiciary and Post Office Committees inquired into the status of the Office of Government Ethics in relation to the Office of Personnel Management, of which the Office of Government Ethics is a part. After examining this relationship, both committees included provisions in H.R. 2717 to strengthen the independence of the Office of Government Ethics in two ways.

First, under current law, the Office can only recommend ethics regulations to the Office of Personnel Management, which is responsible for their issuance. H.R. 2717 grants the Office the authority to independently issue ethics regulations.

Second, H.R. 2717 strengthens the Office of Government Ethics by requiring that the President of the United States include a line item for the Office in his budget. The purpose of this provision is to assure that both the President and Congress consider the appropriate level of funding for OGE.

In addition to reauthorizing and strengthening the Office of Government Ethics, H.R. 2717 clarifies and strengthens other provisions of the Ethics in Government Act as they apply to officers and employees of the executive branch. Specifically, the bill—

Requires that the financial disclosure and outside income limitations are the same for high-level White House aides as for similarly situated Senate-confirmed Presidential appointees;

Provides a statutory basis for Office of Government Ethics' review of financial disclosure forms during Presidential transitions;

Requires Senate-confirmed Presidential nominees to update earned income information at the time of their confirmation hearing;

Requires reporting individuals who made agreements to divest or recuse themselves to affirmatively notify authorities when these actions are taken;

Clarifies the requirements for the blinding of certain trusts; and

Requires any individual who performs staff functions in support of an advisory committee whose membership includes one or more special Government employees (as defined by section 202 of title 18, United States Code) to file financial disclosure forms as if he were a special government employee.

The provision which imposes financial disclosure requirements on certain staff members of advisory committees is contained in section 9 of H.R. 2717. The Judiciary Committee version of H.R. 2717 did not contain any provision relating to advisory committees. However, the Post Office Committee version of the bill did contain such a provision. Section 9 of H.R. 2717 as it is before the House today sets forth the compromise reached by the two committees on this provision.

The intent of section 9 is to require financial disclosure by individuals who devote a substantial amount of time to assisting an advisory committee in carrying out the functions for which it was established. The section is not intended to cover individuals who have only a casual relationship with a committee. For example, the personal secretary of a corporate executive serving on an advisory committee should not be required to file simply because the secretary arranges meetings or types material which the executive uses in fulfilling advisory committee responsibilities. On the other hand, in the case of an individual who devotes substantial amount of time and effort conducting research, developing draft reports or recommendations, or assisting in policy formulation for the advisory committee, disclosure may be appropriate.

As a practical matter, existing law already distinguishes very effectively between individuals who have a casual role and those who may actually affect recommendations or actions. First 201(h) of the act excludes from filing requirements individuals who work less than 60 days in a calendar year. Second, even in an individual exceeds the 60-day limit, section 202(f) provides filing is not required unless the position held by the individual is determined to be a grade GS-16 or equivalent position. The bill does not affect these existing limitations on who must file.

Finally, under section 9, the Director of the Office of Government Ethics is authorized to define, by regulation, the term "staff functions in support of an advisory committee," and safeguard to insure the section 9 requirements do not become onerous.

Mr. Speaker, H.R. 2717 as amended reflects the joint efforts of the Committee on the Judiciary and the Committee on Post Office and Civil Service. H.R. 2717 will assure that the Office of Government Ethics will continue for the next 5 years to perform its duties. Since its creation, this Office has performed in a commendable fashion. In a most professional manner, it has assisted executive branch employees in complying with ethics and conflict-of-interest laws. It has also helped increase public confidence in the fair operation of the Federal Government. The changes made by H.R. 2717 to the other provisions of the Ethics in Government Act are needed to strengthen and clarify its requirements. Therefore Mr. Speaker, I urge adoption of this bill.

Mr. Speaker, at this point I would like to submit for the RECORD a section-by-section analysis of the compromise version of H.R. 2717 which is before the House today.

SECTION-BY-SECTION ANALYSIS OF H.R. 2717

SECTION 1: AMENDMENTS TO ETHICS IN GOVERNMENT ACT OF 1978

This section states that all amendments contained in this bill are amendments to the Ethics in Government Act of 1978.

SECTION 2: AUTHORITY OF THE DIRECTOR

This section amends sections 402 and 404 of the Ethics in Government Act to author-

ize the Director of the Office of Government Ethics to issue regulations pertaining to financial disclosure, conflicts of interest, and ethics in the executive branch. The Director is required to consult with the Office of Personnel Management (OPM) regarding the issuance of these regulations since OPM is generally responsible for employee discipline within the Executive Branch.

SECTION 3: SEPARATE BUDGET LINE ITEM FOR THE OFFICE OF GOVERNMENT ETHICS

This section adds a new section 407 to the Ethics in Government Act to require the President to include in the budget he submits to Congress a separate line item for the Office of Government Ethics. Presently, the Office of Government Ethics has no separate line item because its budget is included in the general budget for the Office of Personnel Management. This requirement assures Presidential and Congressional consideration of the appropriate level of funding for the Office.

SECTION 4: REVIEW OF FINANCIAL DISCLOSURE REPORTS OF HIGH LEVEL WHITE HOUSE AIDES

This section amends section 203 of the Ethics in Government Act to include high level White House Aides among those officials whose financial disclosure forms are filed with the Office of Government Ethics. Presently, these officials file only with the White House ethics official.

SECTION 5: LIMIT ON OUTSIDE EARNED INCOME FOR HIGH LEVEL WHITE HOUSE AIDES

This section amends section 210 of the Ethics in Government Act to extend the fifteen percent (15%) limit on the outside earned income to high level White House aides.

SECTION 6: REPORTS BY PRESIDENTIAL NOMINEES

This section amends section 201(b) of the Ethics in Government Act to require presidential nominees who must be confirmed by the Senate to update their financial disclosure information at the time of their first confirmation hearing. This requirement would apply only to earned income and honoraria as defined in section 202(a)(1)(A) of the Act that has been received as of 5 days prior to the hearing.

In addition, this section adds a new paragraph (2) to section 201(b) to provide a statutory basis for the Office of Government Ethics to review the financial disclosure forms of those persons whom a president or a president-elect has designated to be his nominee prior to their official nomination.

SECTION 7: NOTICE OF ACTIONS TAKEN TO COMPLY WITH ETHICS AGREEMENTS

This section adds a new section 211 to the Ethics in Governments Act to address those situations where an official or employee has made an agreement with an agency ethics official, the Office of Government Ethics, or a Senate confirmation committee to take certain actions to come into compliance with ethics requirements (for example, an agreement to divest or to recuse himself from involvement in certain matters).

This section requires the official or employee to notify the one with whom he made the agreement when he has complied with that agreement. If the agreement requires the individual to recuse himself from certain categories of decisions, notification will consist of filing a list of the subjects to which the recusal agreement will apply and a description of the process by which it will be determined whether a recusal is necessary in a specific instance.

SECTION 8: BLIND TRUST AMENDMENT

This section amends sections 102(e)(7), 202(f)(7), and 302(f)(7) of the Ethics in Government Act. These sections concern the "blinding" of existing trusts. The Office of Government Ethics recommended these changes because it has found the current provisions to be unworkable. These sections as rewritten would provide that existing trusts can be considered to be blind trusts if the following criteria are met:

(1) The trust instrument must be amended to comply with the same requirements that must be met by a newly created trust. If the trust instrument does not by its terms permit amendment, the trustee, the reporting individual, and any other interested parties must agree that the trust will be administered in accordance with those requirements.

(2) A copy of the trust instrument, copy of the agreement described in paragraph (1), and a list of the trust assets at the time of approval of the agreement must be filed with the supervising ethics office.

(3) The supervising ethics office must determine that the agreement regarding the trust assures compliance with the applicable ethics laws and regulations.

SECTION 9: APPLICATION OF FINANCIAL DISCLOSURE REQUIREMENTS TO STAFF OF FEDERAL ADVISORY COMMITTEES

This section adds a new subsection 201(j) to the Ethics in Government Act to require an additional group of individuals to file public financial disclosure reports. Any individual who performs staff functions in support of an advisory committee whose membership includes one or more special government employees (as defined by section 202 of title 18, United States Code) will be required to file as if they were a special government employee.

Thus, if the individual is employed in excess of sixty days in a calendar year and performs functions similar to those of a federal employee who is classified at GS-16 or G-7 or above, as determined by the Office of Government Ethics, the individual will be required to file the public financial disclosure report described in section 202 of the Act.

The amendment requires the Director of the Office of Government Ethics to prescribe regulations to implement this new subsection.

SECTION 10: EXTENSION OF AUTHORIZATION OF APPROPRIATIONS

This section amends section 405 of the Ethics in Government Act to extend the authorization of appropriations for the Office of Government Ethics for five years at the current rate of $2 million for each year.

SECTION 11: EFFECTIVE DATE

The effective date for this Act is October 1, 1983.

□ 1240

Mr. KINDNESS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, in March of this year the Judiciary Subcommittee on Administrative Law and Governmental Relations held hearings on the appropriations authorization for the Office of Government Ethics. This provided an opportunity for us to review the operations of the Office of Government Ethics since its inception in 1978. We heard from the agency itself, from the General Accounting Office and from Common Cause, which has taken an active interest in ethics in Government if not elsewhere.

All of the testimony we heard can be summarized in one sentence: "The Office of Government Ethics is working well and is effectively monitoring ethics within the executive branch of the Federal Government." I think it is significant that a newly created agency, dealing with the difficult and sometimes delicate problems relating to ethics and financial disclosure, has achieved such a high degree of credibility and respect.

The subcommittee was unanimous in its judgment that the Office of Government Ethics should be reauthorized for 5 years.

As with any new agency, however, we found that there were sections of the law and ethics which needed clarification or further definition. We concurred with the Senate that the agency should have a separate line item in the Presidential budget, and that the Office of Personnel Management should comment upon but not veto Office of Government Ethics regulations.

I am not certain personally that there was a strong need for that change in view of the functioning of the Office of Government Ethics up to this point, but it was suggested that this change would strengthen its functioning.

Our subcommittee added language regarding blind trusts, to make it possible for existing trusts to be blinded when an individual accepts Government employment. We also added language authorizing OGE participation in Presidential transitions, in effect ratifying its activities during 1981, and authorizing such activities for the future.

We rejected two other amendments, changing the structure of the OGE which were both unnecessary and unwise. The most significant of these would have given the OGE Director a fixed term, with the President limited to removal of the Director for cause only. Beyond the very serious constitutional problem with such a limitation on the power of the President over an executive function, an obvious double standard would be created since both the Congress and the Federal judiciary would control their own ethics functions, while the executive branch would lose such authority. The Judiciary Committee concluded that there is little reason to make such substantial structural changes in an agency when the current structure works.

The bill which is before you today is a compromise between the Judiciary Committee and the Post Office and Civil Service Committee. Because it is a compromise, the bill is not exactly as I would like to see it—that is the

nature of a compromise. Specifically, I do not like the amendment which requires some advisory committee staff members, who are not paid by the Government, to file financial disclosure statements. That kind of intrusion seems to me to discourage the active involvement of private sector people in Government, at a time when we need their advice.

But in the spirit of compromise, I urge my colleagues to support this bill, to insure that the important work of the Office of Government Ethics continues.

In addition I would also like to express my appreciation for the attention and guidance given to this legislation by the gentleman from Texas (Mr. SAM B. HALL), chairman of the Subcommittee on Administrative Law and Governmental Operations.

I think the support of the House of Representatives will be very great and I certainly urge passage under suspension of the rules of H.R. 2717.

Mr. Speaker, I reserve the balance of my time.

Mr. SAM B. HALL, JR. Mr. Speaker, I yield as much time as he may consume to the gentleman from Michigan (Mr. ALBOSTA).

Mr. ALBOSTA. Mr. Speaker, we bring before the House today a bill to reauthorize the Office of Government Ethics for 5 years. This bill also makes a number of improvements in the Ethics in Government Act of 1978.

The first hearing in the 98th Congress by the Subcommittee on Human Resources dealt with the operation of the Office of Government Ethics and the act. At that session, loopholes in the Ethics in Government Act were discovered, and I am pleased that amendments to close those gaps are included in H.R. 2717.

While committee action was completed on this legislation on May 11, 1983, it had been my hope that the investigation into the unauthorized transfer of information from the Carter administration to the Reagan campaign would have been completed to allow us the opportunity to amend this bill and include any changes that may be necessary to discourage such unethical conduct by Federal employees.

That inquiry is not yet complete. Since the Office of Government Ethics will expire without congressional action on September 30, 1983, Chairman HALL and I agreed that we must move this legislation to the floor for passage. The Senate has already passed its version of this bill.

When the current inquiry of the subcommittee is complete, the results may well require that we turn our attention to the Ethics in Government Act again in the not-too-distant future.

One set of concerns raised regards the law and standards of conduct affecting Federal employees' stewardship of Government property and information and the use of their positions for personal gain. Are those standards adequate? Are they understood, enforced, or enforceable at all?

We may also be forced to return to the act to review such things as the confidential financial disclosure requirements, and the general understanding of executive branch employees about their standards of conduct, and to make amendments that may be appropriate.

The Office of Government Ethics and the White House are in the process of preparing a new executive order concerning financial disclosure requirements. This order may address questions that have arisen about the confidential disclosure requirements and systems that predate the 1978 act. Until the executive order is issued, or new regulations are promulgated by the OGE, the instructions that the OGE has issued to agencies to continue existing systems will be understood to reflect the executive branch interpretation of the law. The new executive order may recognize that specific information required by particular agencies or programs that is not available through general financial disclosure requirements is an important part of our financial disclosure system.

In any case, since we have not had the chance to review the act as interpreted and affected by the anticipated executive order, it may be necessary to return to the act for that purpose.

The bill before us today represents a bipartisan consensus of the Post Office and Civil Service Committee and the Judiciary Committee. I would like to commend Mr. CRANE, the ranking minority member of the Subcommittee on Human Resources, for his work on this legislation. Additionally, I would like to thank the chairman of the subcommittee on administrative law, Mr. HALL, for his efforts to work out this compromise legislation between the two subcommittees.

In addition to reauthorizing the Office of Government Ethics, we have included in the bill a number of improvements in the act. The bill provides greater independence for the OGE by providing the Office authority to issue its own regulations. Currently, any regulations must be approved by the Office of Personnel Management. It provides a line item in the President's budget for the OGE to insure that any reductions for the Office in the budget will be clearly visible for congressional review.

This bill also closes gaps in the law that were identified at the subcommittee hearing. It requires that information about the income of Presidential nominees be made current before their confirmation hearings. It requires that if agreements are made by Government officials to withdraw from meetings or actions where there could be a conflict of interest, then these agreements should be in writing and filed with their agencies to provide notice.

It also requires individuals to report when they have taken actions to comply with agreements made under the law to divest themselves of conflicting interests or to place those interests in a blind trust.

The bill clarifies the process for establishing blind trusts and corrects administrative problems in the act in regard to blind trusts.

In conclusion, I believe it is important that the ethics law governing the conduct of Federal employees should be as strong as possible. I have continually said that this law should be strong enough to discourage unethical conduct, without being so strong that it actually discourages quality people from serving their government. This is a fine distinction. I believe the bill before us makes that distinction. I urge its passage.

□ 1250

● Mr. FORD of Michigan. Mr. Speaker, I rise in support of H.R. 2717, a bill to amend the Ethics in Government Act of 1978.

This bill has been worked out through the cooperation of the Committee on Post Office and Civil Service and the Committee on the Judiciary. While it does not, and could not, address some of the ethical concerns which the gentleman from Michigan's (Mr. ALBOSTA) subcommittee is currently looking into, it does plug some loopholes we found in the 1978 act, and, most importantly, it does reauthorize the Office of Government Ethics (OGE) for 5 more years. Unless we act expeditiously on this legislation, OGE will go out of business on September 30.

I would like to direct the Members' attention to section 9 of the bill concerning the application of financial disclosure requirements to staff of Federal advisory committees. This provision was added as the result of an amendment I offered in committee and is intended to address the problems we encountered with the President's private sector survey on cost control, the so-called Grace Commission. As a result of discussions with the gentleman from Texas (SAM B. HALL, JR.), we have slightly modified the definition of "advisory committee" in section 9.

I am sure most Members by now are familiar with the Grace Commission. My Subcommittee on Investigations looked into the Grace Commission situation. What we found was an extraordinarily complicated organization which appeared to have been set up primarily to avoid the applicability of the Federal Advisory Committee Act, the criminal conflict-of-interest laws,

and the financial disclosure requirements of the Ethics in Government Act.

The survey itself consisted of about 150 top corporate executives and, by Executive order, the survey was designated as a Federal advisory committee. The advisory committee, however, was inactive. Instead a private foundation was established. This private foundation made use of over 1,000 corporate volunteers. These volunteers did the real work of the survey poking into every nook and cranny of the Federal Government ostensibly to find ways to increase Government efficiency. The foundation, it was claimed, was private and was not an advisory committee. The volunteers, it was claimed, were not staff of an advisory committee since they worked for the foundation. As a result, it was claimed, the Federal Advisory Committee Act, the criminal conflict-of-interest laws, and the Ethics Act were inapplicable, and the protections these laws provide to the public were not available.

Section 9 attempts to address this situation, at least so far as the applicability of the Ethics Act is concerned.

Section 9 amends the act to add a new section 201(j) which requires an additional group of individuals to file public financial disclosure reports. The amendment provides that any individual who performs staff functions in support of an advisory committee whose membership includes one or more special Government employees shall be considered a special Government employee—as defined by section 202 of title 18, United States Code—for purposes of the financial reporting requirements of title II of the act.

Thus, if the individual is employed in excess of 60 days in a calendar year and his position is classified at GS-16 or above or, in the case of the uniformed services at 0 to 7 or higher, or if the Office of Government Ethics determines that the individual's position is of equal classification, he will be required to file the public financial disclosure report described in section 202.

The intent of section 9 is to require financial disclosure by individuals who devote a substantial amount of time to assisting an advisory committee in carying out the functions for which it was established. The section is not intended to cover individuals who have only a casual relationship with a committee. For example, the personal secretary of a corporate executive serving on an advisory committee should not be required to file simply because the secretary arranges meetings or types material which the executive uses in fulfilling advisory committee responsibilities. On the other hand, in the case of an individual who devotes substantial amount of time and effort conducting research, developing draft reports or recommendations, or assisting in policy formulation for the advisory committee, disclosure may be appropriate.

As a practical matter, existing law already distinguishes very effectively between individuals who have a casual role and those who may actually affect recommendations or actions. First, section 202(h) of the act excludes from filing requirements individuals who work less than 60 hours in a calendar year. Second, even if an individual exceeds the 60-day limit, section 202(f) provides filing is not required unless the position held by the individual is determined to be a grade GS-16 or equivalent position. The bill does not affect these existing limitations on who must file.

Finally, the Director of the Office of Government Ethics is authorized to define, by regulation, the term "staff functions in support of an advisory committee," another safeguard to insure the section 9 requirements do not become onerous.

Mr. Speaker, H.R. 2717 is a good bill which addresses those problems we are currently aware of. If, as a result of recent revelations concerning possible unethical conduct of Government employees, additional actions need to be taken, I assure the Members they will be taken at the appropriate time. Right now, however, we need to pass this bill to insure the continued functioning of the Office of Government Ethics. I urge my colleagues to support this legislation.●

Mr. SAM B. HALL, JR. Mr. Speaker, I would like for the record to reflect that the administration supports enactment of H.R. 2717.

Mr. Speaker, I reserve the balance of my time.

Mr. KINDNESS. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, I had hoped that today would not be the occasion for comments to be made about an investigation which has been described by the gentleman from Michigan. It is not the occasion for the discussion of such matters, but before we go to discussing matters of that sort which are said to have something to do with the Ethics in Government Act, and they do not inasmuch as we are talking about an area in that investigation, as I understand it, which is concerned with campaigns and campaign laws and the ethics of campaigns and non-Government employees or people who are not governmental employees at the present time. I would certainly not like to cast any shadow over the bill that is pending before the House, H.R. 2717, by expressing dissent about the contest of the debate today, but before we go talking about matters of the content of that investigation, we might very well bring up and clarify before this House of Representatives how we are going to deal with ethical questions such as "Altergate."

It is all very well to talk about ethics in Government if you are talking about somebody else. Let us talk about our House and cleaning up its problems if we are going to be talking about ethical matters.

I regret that this was brought into the discussion on H.R. 2717 today, but if we are going to tighten up on ethics considerations and provisions of law in any area, let us start right here in the House of Representatives.

● Mrs. SCHROEDER. Mr. Speaker, Congress devoted a great deal of time and effort to the passage of the Ethics in Government Act in 1978. We passed this legislation to eliminate conflicts of interest, require public disclosure of financial interests, and insure appointment of a special prosecutor when high officials were the subject of allegations of wrongdoing. In drafting that legislation, we tried to strike a balance between the need for a Government of integrity and the fear that would lose high quality individuals if we made the restrictions on Government service too onerous.

After 4 years of watching this act in operation, it has become obvious that we sacrificed too much to our concern about scaring away prospective public servants. I know of no documented case of individuals refusing Government service because of the requirements of the Ethics in Government Act. But there are, for sure, dozens of cases of questionable ethical conduct by political appointees of the Reagan administration which have occurred while the Office of Government Ethics has stood on the sidelines with no role to play.

The Wall Street Journal of June 24, 1983, states that, when asked about all the charges of ethical misconduct that have swirled around the Reagan administration, a senior White House aide sighs and says: "If only you knew about all the things I've been able to kill before you heard of them." Last May, I put together a rather sobering list of over 50 cases of alleged criminal wrongdoing, abuse of power and privilege, and unethical behavior of Reagan administration appointees. The quote in the Journal suggests that my list is woefully incomplete. The extent and variety of well-documented misdeeds within the current administration proves that a stronger eithics law is needed.

H.R. 2717 strengthens the act by providing greater independence for the Office of Government Ethics, by extending the reach of the act to include top While House officials, and by clarifying the requirements for blind trusts.

I strongly support H.R. 2717, and I urge its swift passage. But legislation alone can not insure high standars of conduct. The single most critical factor is an administration which

takes seriously its mission of public service and takes care to appoint only those individuals who can conduct themselves in an ethical and principled manner.●

Mr. SAM B. HALL, JR. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. KINDNESS. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. SAM B. HALL, JR.) that the House suspend the rules and pass the bill, H.R. 2717, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

Mr. SAM B. HALL, JR. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service and the Committee on the Judiciary be discharged from further consideration of the Senate bill (S. 461) to extend the authorization of appropriations for the Office of Government Ethics for 5 years, and ask for its immediate consideration.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 461

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

AMENDMENTS TO ETHICS IN GOVERNMENT ACT OF 1978

SECTION 1. Except as otherwise expressly provided in this Act, whenever an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Ethics in Government Act of 1978.

FIVE YEAR TERM FOR DIRECTOR

SEC. 2. Section 401(b) is amended by striking out the period at the end thereof and inserting in lieu thereof the following: ", and who shall serve for a term of five years. The Director shall be removed from office only for good cause.".

UPGRADING DIRECTOR OF OFFICE OF GOVERNMENT ETHICS TO LEVEL III

SEC. 3. Section 406 is amended to read as follows:

"ANNUAL PAY

"SEC. 406. (a) Section 5314 of title 5, United States Code, is amended by adding at the end thereof the following:

" 'Director of the Office of Government Ethics.'.

"(b) Section 5316 of title 5, United States Code, is amended by striking out the item:

" 'Director of the Office of Government Ethics.'.".

AUTHORITY TO ISSUE REGULATIONS

SEC. 4. (a) Section 402(a) is amended by striking out ", under the general supervision of the Office of Personnel Management,".

(b) Section 402(b) is amended—

(1) in clause (1)—

(A) by striking out "and recommending to the Office of Personnel Management"; and

(B) by striking out "President or the Office of Personnel Management" and inserting in lieu thereof "President or the Director";

(2) in clause (2)—

(A) by striking out "and recommending to the Office of Personnel Management"; and

(B) by striking out "President or the Office of Personnel Management" and inserting lieu thereof "President or the Director";

(3) in clause (6) by striking out "Office of Personnel Management" and inserting in lieu thereof "Director";

(4) in clause (12) by striking out "Office of Personnel Management" and inserting in lieu thereof "Director"; and

(5) in clause (15) by striking out "and recommending for promulgation by the Office of Personnel Management" and inserting in lieu thereof "and promulgating".

(c) Section 404 is amended by striking out "Office of Personnel Management" and inserting in lieu thereof "Director".

SEPARATE LINE ITEM FOR OFFICE OF GOVERNMENT ETHICS

SEC. 5. (a)(1) Section 1105(a) of title 31, United States Code, is amended by adding at the end thereof the following new paragraph:

"(25) a separate statement specifying the estimated expenditures and proposed appropriations the President decides are necessary to support the Office of Government Ethics in the fiscal year for which the budget is submitted and the four fiscal years after that year.".

(2) The second sentence of section 1106(b) of such title is amended by inserting a comma and "(a)(25)," after "section 1105(a)(1)(14)".

(b)(1) Notwithstanding any other provision of law or of the Standing Rules of the Senate or the Rules of the House of Representatives, it shall not be in order in the Senate or the House of Representatives to consider any bill, resolution, amendment, or any conference report on any bill or resolution, which provides appropriations for the Office of Government Ethics unless such bill, resolution, or conference report contains a separate provision specifying, or such amendment amends a separate provision of a bill or resolution specifying, or inserts into a bill or resolution a separate provision specifying, the amount appropriated for such Office.

(2) The provisions of paragraph (1) are enacted by the Congress—

(A) as an exercise of the rulemaking power of the House of Representatives and the Senate, respectively, and as such they shall be considered as part of the rules of each House, respectively, or of that House to which they specifically apply, and such rules shall supersede other rules only to the extent that they are inconsistent therewith; and

(B) with full recognition of the constitutional right of either House to change such rules (so far as relating to such House) at any time, in the same manner, and to the same extent as in the case of any other rule of such House.

USE OF INSPECTORS GENERAL

SEC. 6. Section 403 is amended by inserting at the end thereof the following: "The authority of the Director under this section includes the use of the Inspectors General to investigate possible conflicts of interest and to conduct audits at the request of the Director.".

REPLACEMENT OF AGENCY ETHICS OFFICIALS

SEC. 7. Section 402(b) is amended by—

(1) striking out "and" at the end of clause (14);

(2) striking out the period at the end of clause (15) and inserting in lieu thereof "; and"; and

(3) adding at the end thereof the following:

"(16) recommending the replacement of any agency ethics official where such official fails to properly and effectively perform his or her duties.".

OGE REVIEW OF FINANCIAL DISCLOSURE BY HIGH LEVEL WHITE HOUSE AIDES

SEC. 8. (a) Section 203(c) is amended by adding after "designated agency officials," the following: "employees of the White House Office who are compensated at or above a rate equivalent to level II of the Executive Schedule under section 5313 of title 5, United States Code,".

LIMIT ON OUTSIDE EARNED INCOME FOR TOP WHITE HOUSE AIDES

SEC. 9. Section 210 is amended by inserting after "consent of the Senate," the following: "and employees of the White House Office who are compensated at or above a rate equivalent to level II of the Executive Schedule under Section 5313 of title 5, United States Code.".

BLIND TRUST AMENDMENTS

SEC. 10. (a) Section 202(f)(4)(B) is amended by striking out "appointed to office by the President, by and with the consent of the Senate".

(b) Section 202(f)(7) is amended by—

(1) striking out clause (A);

(2) redesignating clause (B) as clause (A) and amending it to read as follows:

"(A) the trust is amended to comply with requirements of paragraph (3) or, if such trust instrument does not by its terms permit amendment, all parties to the trust instrument, including the reporting individual and the trustee, agree in writing that the trust shall be administered in accordance with the requirements of paragraph (3)(C) and a trustee is (or has been) appointed who meets the requirements of paragraph (3); and"; and

(3) redesignating clause (i) as clause (B).

EXTENSION OF AUTHORIZATION OF APPROPRIATIONS

SEC. 11. Section 405 is amended in clause (2) by striking out "four" and inserting in lieu thereof "nine".

EFFECTIVE DATE

SEC. 12. The amendments made by this Act shall be effective on October 1, 1983.

MOTION OFFERED BY MR. SAM B. HALL, JR.

Mr. SAM B. HALL, JR. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. SAM B. HALL, Jr., moves to strike out all after the enacting clause of the Senate bill, S. 461, and to insert in lieu thereof the provisions of the bill, H.R. 2717, as passed by the House.

The motion was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

The title of the Senate bill was amended so as to read: "An Act to amend the Ethics in Government Act of 1978 to make certain changes in the authority of the Office of Government Ethics, and for other purposes."

A motion to reconsider was laid on the table.

A similar House bill (H.R. 2717) was laid on the table.

GENERAL LEAVE

Mr. SAM B. HALL, JR. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the legislation just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

FEDERAL PHYSICIANS COMPARABILITY ALLOWANCE AMENDMENTS OF 1983

Ms. OAKAR. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2077), to amend title 5, United States Code, to extend the Federal Physicians Comparability Allowance Act of 1978, and for other purposes.

The Clerk read as follows:

H.R. 2077

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Federal Physicians Comparability Allowance Amendments of 1983".

SEC. 2. Section 5948(d) of title 5, United States Code, is amended—

(1) by striking out "September 30, 1983" and inserting in lieu thereof "September 30, 1985"; and

(2) by striking out "September 30, 1985" and inserting in lieu thereof "September 30, 1987".

SEC. 3. Section 3 of the Federal Physicians Comparability Allowance Act of 1978 (Public Law 95-603; 92 Stat. 3018) is amended by striking out "September 30, 1985" and inserting in lieu thereof "September 30, 1987".

SEC. 4. (a) Any service agreement entered into on or after the date of the enactment of this Act pursuant to section 5948 of title 5, United States Code, as amended by section 2 of this Act, shall be effective only to such extent or in such amounts as are provided in advance in appropriation Acts.

(b) The amendments made by this Act shall not be construed to authorize additional or supplemental appropriations for the fiscal year ending September 30, 1983.

The SPEAKER pro tempore. Pursuant to the rule, a second is not required on this motion.

The gentlewoman from Ohio (Ms. OAKAR) will be recognized for 20 minutes, and the gentleman from California (Mr. DANNEMEYER) will be recognized for 20 minutes.

The Chair recognizes the gentlewoman from Ohio (Ms. OAKAR).

Ms. OAKAR. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 2077 and the Federal physicians comparability allowance program.

This bill amends title 5 of the United States Code to extend the Federal Physicians Comparability Allowance Act of 1978, which has already been extended twice, in 1979 and 1981. In particular, H.R. 2077 extends for 2 years, until September 30, 1985, the period during which the heads of agencies may enter into service agreements with physicians in exchange for special allowances. It also extends for 2 years, until September 30, 1987, the period of service which may be covered by such agreements. The bill explicitly provides that no additional or supplemental appropriations may be authorized for fiscal year 1983. In fact, all H.R. 2077 does is simply continue an existing program.

The Federal Physicians Comparability Allowance Act was enacted in the 95th Congress (Public Law 95-603). It authorized the heads of agencies to determine categories of physicians in which a significant recruitment and retention problem exists. The agencies may then enter into service agreements with Government physicians in these categories under which the physicians will agree to remain with the agencies in return for special allowances. The maximum annual allowance is $7,000 per year for a physician who has served 2 years or less and up to $10,000 per year if the physician has served for more than 2 years. These bonuses increase physicians' total compensation above their scheduled salary. Under current law, the authority to enter into these service agreements will expire on September 30, 1983, and no agreement entered into by that date may extend beyond September 30, 1985.

Under the General Schedule and certain other allied pay plans, the Federal Government currently employs almost 3,000 physicians in various categories or specialties. Of these, almost 1,300 physicians, or approximately 43 percent, receive comparability allowances that average $8,570. The Department of Health and Human Services is the largest employer of physicians, working in the U.S. Public Health Service, the National Institutes of Health, the Food and Drug Administration, and similar agencies. The Armed Forces are the next largest employers, supplementing their military cadre of physicians with almost 1,000 civilian doctors.

Regulatory responsibility for this program has been delegated by the President to the Director of the Office of Personnel Management (OPM), who must act in consultation with the Office of Management and Budget. One of OPM's responsibilities is to collect information on the administration and effects of the physicians' comparability allowance program. In May of this year, OPM released a report on the program which contained information from the 27 agencies who employ Federal physicians and statistical information on the program since 1980. None of the 27 agencies opposed renewal of the program, and OPM found that the need for the program continues. OPM cited the continuing difficulty that Federal agencies are having in recruiting and retaining physicians, given the higher pay that is available to physicians outside the Federal Government and in Federal agencies with separate authorities for physicians' pay and bonuses. The administration, therefore, supports H.R. 2077 and the continuation of the physicians' comparability allowance program, as does the General Accounting Office.

Mr. Speaker, if Congress does not extend this authority, our Federal physicians will flee the system, and agencies will find it increasingly difficult to recruit and retain physicians in the Federal service. These physicians play an important role in the health of our Nation, and I urge my colleagues to pass H.R. 2077.

□ 1300

Mr. Speaker, I reserve the balance of my time.

Mr. DANNEMEYER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I wish to join the gentlelady from Ohio, the distinguished Chair of our Compensation and Employee Benefits Subcommittee, in supporting H.R. 2077, the "Federal Physicians Comparability Allowance Act of 1983."

This is a long title for a small program with a good purpose. Briefly, this bill continues for 2 years a 1978 program of extra allowances for some 1,300 Federal physicians whose jobs are hard to fill or to keep filled without extra pay. Both the Office of Management and Budget and the Office of Personnel Management support this 2-year reauthorization.

In fiscal year 1982, this program cost some $10.9 million. The Congressional Budget Office estimates that new service agreements in 1984 will require no more than $500,000, and for 1985, no more than $1 million. Budget authority beyond our first budget resolution is not required for this program since fiscal year 1984 and fiscal year 1985 spending have already been counted in budget projections. Although this bill was not reported by May 15 as provided in the Budget Act, I am advised that the House Budget Committee approves of its consideration today.

The problem addressed by this program is not a shortage of applicants

for these jobs. The problem is a current shortage of qualified specialists. OPM has found that over 3 years, the staffing success rate has fallen from 60 percent to 38 percent. Staffing success rate is the number of jobs filled over the number of jobs open.

Members may be interested to know briefly how this program works. First, this program covers only 2,966 Federal physicians. This excludes the vast number of physicians covered separately by the VA and the Defense Department. Of the 2,966, some 1,298 work for the Health and Human Services Department. Most of the M.D.'s works as clinicians and researchers. Only a few are involved in occupational health jobs.

Second, this is not an entitlement program. Of the 2,966 positions eligible for the allowance or "PCA," only 43 percent receive it. Federal managers, under OPM rules, determine which positions require an extra allowance ranging from $7,000 to $10,000. The average PCA in 1982 was $8,570. A VA study of average physicians pay reports that average pay of the PCA population—without the PCA—was $56,300; uniformed services physicians received a base pay of $73,200; HMO's paid an average of $78,500, and medical schools paid an average of $85,900.

Finally, I should reiterate that this legislation lasts only 2 years. OPM notes that there will be a 43-percent increase in the U.S. physician supply between 1978 and 1990 and, accordingly, urges that legislation be short term. Again, I thank the gentlelady for her leadership on this issue and urge my colleagues to swiftly approve this legislation.

Mr. DANNEMEYER. Mr. Speaker, I have no other requests for time, and I yield back the balance of my time.

Ms. OAKAR. Mr. Speaker, I simply want to thank the distinguished minority member, the gentleman from California (Mr. DANNEMEYER), for his fine cooperation, and also the chairman of our full committee for his cooperation.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Ohio (Ms. OAKAR) that the House suspend the rules and pass the bill, H.R. 2077.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Ms. OAKAR. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and to include extraneous matter, on H.R. 2077, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Ohio?

There was no objection.

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS, 1984

Mr. SMITH of Iowa. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 3222) making appropriations for the Departments of Commerce, Justice, and State, the judiciary, and related agencies for the fiscal year ending September 30, 1984, and for other purposes; and pending that motion, Mr. Speaker, I ask unanimous consent that general debate be limited to not to exceed 1 hour, the time to be equally divided and controlled by the gentleman from Illinois (Mr. O'BRIEN) and myself.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Iowa?

Mr. WALKER. Mr. Speaker, reserving the right to object, I would like to know, at the outset, what our plans are in terms of debate. I understand there will be general debate for an hour under the unanimous consent request. Is it the gentleman's intention then to go through the bill section by section so that appropriate points of order can be raised?

Mr. SMITH of Iowa. Mr. Speaker, if the gentleman will yield, it would be my intent to go through the bill section by section. However, if there are no amendments for several pages, I would ask unanimous consent to consider the bill as read for those pages up to the next amendment that I know of. If any Member who has an amendment will just tell me, I will not try to go beyond that.

Mr. WALKER. Is it the gentleman's intention to permit fund-limitation amendments to be offered at the conclusion of the bill?

Mr. SMITH of Iowa. No. At the end of the bill I intend to move that the Committee rise, and the reason is that there is not just one amendment in the nature of a nonlegislative limitation. As the gentleman knows, there are half a dozen amendments that Members want to offer. I just believe that at this point it would be the better part of wisdom to move to rise rather than have those amendments today.

□ 1310

Mr. WALKER. Further reserving the right to object, Mr. Speaker, there are a number of important items in this bill that relate to matters now before us. For example, there could be fund limitations offered to do something about those nations that voted against us at the United Nations the other day on the Korean Air Lines incident in the State Department portion of this bill. By precluding amendments of that type being offered, the gentleman rules out this House taking appropriate action.

Some Members might want to do something about the situation in Lebanon with fund limitations in this bill, and that is going to be precluded. I have regularly offered a school prayer amendment to this bill that has been adopted by the House on three occasions. That would be precluded by the gentleman's motion.

As the gentleman knows, the bill is filled with places where points of order could be raised, and it seems to me we jeopardize the bill itself with the idea that some of those points will be raised if we do not have an opportunity to offer the fund limitations that many of us feel are important at the end of the bill.

Could something be arrived at with the gentleman that would allow the House to work its will in both regards?

Mr. SMITH of Iowa. I agree with the gentleman. About 70 percent of the bill has not been authorized, so there is about 70 percent of the bill that could be knocked out on points of order. However, the scenario is this:

We are trying to pass the bill today. It will go to the Senate. There is almost no likelihood that a conference report will have been agreed to and be back here by the time the continuing resolution comes up in about a week. So any question that is not settled today can be settled on the continuing resolution.

What I would like to see done here is to settle the amounts for as many agencies in the bill as possible today, and if anybody has an objection to funding a department or an agency under a certain paragraph, he can knock it out on a point of order. However, I propose to put items that are stricken from the bill on a point of order in the continuing resolution at the level in this bill as reported to the House.

So to the extent we can, I would like to decide the funding levels of as many agencies as possible in this bill today, however, Member will have in about a week or 10 days a continuing resolution that will continue funding for those agencies eliminated from the bill on points of order, and at that point Members could make any kind of limitation they wanted to.

Mr. WALKER. Further reserving the right to object, Mr. Speaker, would not the same philosophy apply to some of the things where there is funding limitation language that might apply? Would it not be well to

have the House work its will on some of those matters before we get to a continuing resolution so that if the House does endorse some of those things, they can be included in the continuing resolution as well?

Mr. SMITH of Iowa. It probably would, but we do not know for sure this is going to become law, and we know the continuing resolution is going to become law. If we decide some of those issues on this bill, there is a greater likelihood that the bill will not emerge from the Senate.

I just think that given the time constraints and everything else, we should try to get through with those items in the bill that nobody objects to on a point of order and send the bill to the other body. Then we will fight the rest of it out on the continuing resolution.

Mr. WALKER. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of by the gentleman from Iowa (Mr. SMITH)?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Iowa (Mr. SMITH).

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 3222) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1984, and for other purposes, with Mr. BROWN of California in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the unanimous-consent agreement, the gentleman from Iowa (Mr. SMITH) will be recognized for 30 minutes, and the gentleman from Illinois (Mr. O'BRIEN) will be recognized for 30 minutes.

The Chair recognizes the gentleman from Iowa (Mr. SMITH).

Mr. SMITH of Iowa. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this bill appropriates the money for three departments, the Department of Commerce, the Department of Justice, the Department of State, and also for the Judiciary and for several independent agencies including the Federal Communications Commission, the Federal Trade Commission, the SEC, SBA, International Trade Commission, Legal Services Corporation, the Federal Maritime Commission, and the Marine Mammal Commission.

I will, in a very short time, if the Members will listen, recap the bill and the figures and indicate where we are with regard to this bill. Part of it I have already mentioned to the gentleman from Pennsylvania (Mr. WALKER) but I will recap it.

The bill appropriates a total of $10,691,200,000. Of that amount, only $3,235,046,000 has been authorized. Here we are at the beginning of fiscal year 1984, and 70 percent of the programs in this bill have not been authorized. Our committee would much rather deal with a bill where all of the authorizations have been passed, but that is out of our control. Some of these programs have not been authorized for several years. It would be much better to bring you a bill that had all been authorized, but that is not going to be possible again this year. So we are going ahead and doing our part of this process, even for those programs not yet authorized.

The President requested $9,744,502,000 for the programs that we appropriated for in this bill, and of those, we cut that by $169,853,000; that is, we cut his request by that amount. However, we added programs he did not ask money for, or we increased programs by $1,373,551,000. I would like to briefly explain what those are.

In NOAA, we added $198,667,000. For example, the President did not ask money for Sea Grant. We thought it was an important program, and to be continued we added $35 million. For Coastal Zone Management, we added $28.4 million. These were programs that we felt were very important to be continued.

The President did not ask anything for EDA. Last year, EDA had a total of $298 million in program funds and $26.7 million for salaries and expenses. We added $315 million for EDA programs. There is a new authorization for EDA, H.R. 10, that has passed the House. It passed the House overwhelmingly. It is for $500 million, but we put $315 million in the appropriation bill. There is some disagreement between the gentleman from Illinois and me on the amount of funding we ought to have for this program, but other than that, I think this bill is supported almost unanimously by our subcommittee.

For the International Trade Administration, we added $38.9 million. A good share of that is for trade adjustment assistance. For Legal Services, we put in $296 million. They had $241 million last year and they requested $257 million this year. However, I would like to point out that $296 million is $25.3 million less than they had in 1981, so it is still holding them down very considerably.

For INS, the Federal prison system, juvenile justice, and other programs in the Justice Department, we added $153.8 million. Since that time, however, the President has sent up a budget amendment for several justice programs.

□ 1320

For the Small Business Administration, we added at total of $253 million. However, it still leaves the Small Business Administration with $258.1 million less than it had a year ago.

So this is a rather stringent bill. It requests the money for new programs that were requested by the committees of $385 million, some of which had not been considered at that time by the administration. But we think this is a fairly stringent bill. I Also want to point out that under the budget process we are given an allocation for our subcommittee of part of the total allocation to the Appropriations Committee. This bill is within the 302 allocation to the subcommittee. We are over the President's budget, but we are under the congressional budget. What happened was that the full committee in its wisdom took a little bit more out of defense than they put into some other areas. Then the full committee gave us our allocation, which is above the President's budget, but we are within our congressional budget allocation.

So, Mr. Chairman, I think it is important that we go ahead with this bill at this time. We have the drug enforcement program that depends on the funds in this bill. The Immigration Service depends on this bill being enacted, as does international trade programs as well as our support for the Federal prison system. And then there are job programs like those in EDA and the SBA. And the administration has a good many foreign obligations in this day and age, and they need funding in this bill for the State Department which is included in this bill. Then, of course, there is a whole range of fisheries programs that are in the bill which I think are very imporant, especially for people on the west coast, the gulf, and the Pacific coast and the Great Lakes areas. They think they are very important, but they really are important for the whole country.

So as I explained to the gentleman from Pennsylvania a minute ago, 70 percent of the bill is not authorized, and any Member who wants to, can make a point of order against those sections of the bill. But if Members would instead disagree with the amount of money and offer amendments instead of making a point of order against the whole section, we could at least settle the amount of money today and not be settling that on the continuing resolution. So, Mr. Chairman, I hope that we can pass as much of this bill as possible today, and I am asking the Members to support the bill.

Mr. O'BRIEN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, as most of us already know, the bill contains funding for programs which the administration

opposes but which by and large receive the support of the House. Programs such as legal services, juvenile justice, EDA, and trade adjustment assistance programs were targeted for elimination by the administration because they were programs which were deemed to be ineffective or no longer necessary.

The House authorizing committees, on the other hand, with jurisdiction over these programs seemed to believe otherwise, as do numerous other special interest groups. We have included funding for these programs for another year, in many cases over the objections of the administration.

In this connection, I plan to offer an amendment which will reduce this bill's overall funding level by $100 million. It will not solve the administration's problem with the bill, but perhaps it will help.

I am aware of the political difficulties the bill will pose for the Members, and I would remind them that, at least in terms of the funding level problem, the Senate is considerably lower than we are, and it is not unlikely that we will reduce some of these programs in conference.

As a parting shot and a curtain-dropping word, Mr. Chairman, I urge an affirmative vote for H.R. 3222 on final passage.

Mr. Chairman, I reserve the balance of my time.

Mr. SMITH of Iowa. Mr. Chairman, I yield 3 minutes to the gentleman from Connecticut (Mr. RATCHFORD).

Mr. RATCHFORD. Mr. Chairman, I want to thank the committee for the focus it has placed on economic development. I know that there are questions relating to authorization, but I would say that the targeted focus now placed in this appropriation on economic development is a very appropriate one.

In my district, which is indeed the economic heartland of the State of Connecticut, this program has produced more jobs than any other action taken by Congress in recent years. Funding in this area has been used to attract new industrial parks, and to provide the rail, the roads, the water, and the sewer for these facilities. This has also been used to rehabilitate old facilities in the copper, brass, and steel industries. Not only has there been a Federal involvement, but through an active program on behalf of the State of Connecticut, State funds have been used to match the Federal funds, so we have definitely leveraged capital in this job-creating area.

Above and beyond that, more than anything else, this program has been used to leverage private capital in the State of Connecticut. It is truly a job-producing program, and these are not make-work jobs, not push-a-broom jobs, not short-term jobs but long-term, private sector, private initiative jobs.

Sadly, as the gentleman from Illinois pointed out, this program, when we received the budget proposed by the administration in February of this year, was scheduled for zero funding. When David Stockman came before the Appropriations Committee, he said that really throughout the country this program had been abused and, therefore, he could not justify its continued authorization or appropriation.

I said to him at that time, and I say today, "Come to Connecticut, Mr. Stockman, and you will see the real value of economic development."

This is an appropriate program. It is targeted in the correct fashion. It is sensitive to the job needs of the country. It is a reasonable approach to a necessary program to solve a problem.

Mr. Chairman, on behalf of the committee, I urge its support.

Mr. O'BRIEN. Mr. Chairman, I yield 5 minutes to the gentleman from Pennsylvania (Mr. WALKER).

Mr. WALKER. Mr. Chairman, I think in this bill we can focus on some of the problems brought about by the rules, we adopted at the beginning of this Congress that were supposed to help us get through the process of appropriations, but now where we find ourselves frustrated by those rules, that is in terms of being able to deal with extremely important issues that face this country and this Congress.

The bill that we now have before us comes before us, as the subcommittee chairman has already explained, with numerous provisions in it which are subject to points of order because proper authorizations do not exist or because a reappropriation takes place within it in violation of the House rules. Therefore, we are faced with a situation where much of the bill could be ruled out on points of order.

I do not know that it serves the best interests of the House or the best interest of the country to proceed under that process, but certainly it should focus our attention on the fact that we are not doing our job properly around here if we bring appropriation bills to the floor when we have not previously gone through the authorization process.

That becomes important because the authorization process is the only way by which we can address some of the important issues that these appropriations are supposed to fund.

We have the State Department in this bill. There are a number of issues arising around the world at the present time which involve the expenditure of State Department moneys. Now, if we had an authorization bill before us where we could get in amendments to limit that funding in some of those areas, such as in Lebanon, or Central America, or the United Nations, with regard to the Korean plane incident, if we had a chance in the authorization bills to get at some of those issues, it would not be as crucial to address them in the appropriation bill. But the fact is that under the rules adopted by this Congress early on, we now will not be able to address them in the appropriation bill, and we have not had any authorization bills either.

So some of us are concerned. We are concerned about bringing appropriations to the floor that then offering no opportunity for Congress to address very legitimate issues.

I point out one issue in particular because it is an issue that I have addressed on several occasions when this bill has been on the floor in past Congresses. It is the issue of prayer in the schools; 80 percent of the people of America indicate that they want something done by this Congress to assure that appropriate voluntary prayer programs can be implemented. I have offered language in the past to say that the Justice Department cannot interfere with these programs if they are instituted at the local level.

□ 1330

Regularly this House had adopted that language in this bill. Because of the rules adopted earlier on in the Congress, we will be unable to address that issue this year. That seems to me to be wrong. This is the place where the House has expressed its will on several occasions and now the will of the House will not be able to be expressed in this regard.

I would hope that maybe we would get a reconsideration of this matter and that we would be permitted to offer appropriate amendments that are within the scope of this legislation.

Certainly the kinds of fund limitation amendments that would not fit the content of the bill have no business being offered. The funding limitations have given us a good vehicle for addressing legitimate issues of concern to the American people and I think it ought to be permitted and I think it ought to be permitted in this bill today. If we are not given those opportunities, then I think that the American people ought to look back at those rules that were adopted at the beginning of the Congress and question whether or not the people who voted in favor of those rules did in fact vote to take away an historic ability of legislatures to address funding limitations in a way which does express the will of the Congress on extremely important matters.

Mr. SMITH of Iowa. Mr. Chairman, will the gentleman yield?

Mr. WALKER. I yield to the gentleman from Iowa.

Mr. SMITH of Iowa. I think at least we agree on one thing. It would be much better to have authorization

bills determine the limitations on agencies and to fight out all those kinds of questions on authorization bills so that when we come to the floor with an appropriation, the principal thing we have to do is determine how much money should be appropriated for a particular program out of the total Federal budget. Unfortunately, that has not been the case for several years.

The problem is this. If we have limitations permitted at the end of this bill, then are we not really doing just what those people want to do who do not get their authorizations passed? In other words, we are letting them have their field day on this bill instead of bringing up an authorization bill and having the House work its will?

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. O'BRIEN. Mr. Chairman, I yield 2 additional minutes to the gentleman from Pennsylvania.

Mr. WALKER. Mr. Chairman, I thank the gentleman for the time.

Let me reclaim my time and answer the gentleman. The point is that the rules that we have adopted, though, have also given those same people encouragement never to bring their authorization bills to the floor. They know it will not shut down the Government. They know it will not in any way inhibit the operation of the Government if they do not bring those authorization bills out here, because we will go ahead and take care of everything through the appropriation process, or worse yet, through the continuing resolution process.

So, therefore, we never get those authorization bills out here. Anything which might prove controversial or might not fit the wishes of the leadership of this Congress with regard to authorization never gets to this House floor; so we go years and years with no authorization bills and we continue to appropriate without the authorization.

I agree thoroughly with the gentleman. I think we ought to have authorization bills out here; but then it seems to me we have got to start holding the Appropriations Committee responsible for the fact that if there is no authorization, there cannot be an appropriation, because if we do not do that, if we do not follow through with the second step, we will continue to appropriate with no authorization and we will never consider any authorization bills in this Congress.

That to me is a mistake, too. I understand the gentleman's point. It would be far preferable to act on the authorization bills, rather than go through the fund limitation business; but otherwise we never address the issues, period. If you do not have funding limitation amendments, the issues never get addressed, period. The authorizations never come before us. All we get is appropriations that allow us to go on without properly addressing the legitimate subjects within those areas.

Mr. SMITH of Iowa. Mr. Chairman, if the gentleman will yield further, I think the gentleman has a legitimate argument. He has his point of view and when we get to the end of the bill, that is something that ought to be addressed at that point. Perhaps when we are about one section from the end of the bill, anybody that wants to could move to strike the last word and debate this particular matter as to whether or not we ought to agree to a motion to rise at the end of the bill. I think that is a legitimate question.

Mr. WALKER. Mr. Chairman, I thank the gentleman. I think maybe that is something which will take place in the proper course.

I thank the gentleman for yielding the additional time.

Mr. O'BRIEN. Mr. Chairman, I yield 8 minutes to the gentleman from New York (Mr. FISH).

Mr. FISH. Mr. Chairman, my observations will be directed at the provisions appropriating funds for the Legal Services Corporation. The basic question for us to consider today is whether or not the Federal Government should continue to support legal assistance to the poor. Of all the witnesses we on the Judiciary Committee heard from, not a one testified against the Legal Services Corporation on this principle.

We profess the belief in the rule of law. How can we have rule by law unless we make provisions for reasonable access to our system of justice. Access to justice is the foundation of any rule by law. As our laws become more complex, the service of a lawyer becomes more necessary and more costly. Money can and will remain a substantial barrier to the delivery of justice unless Government prevents this from happening.

Our President agrees that Federal moneys can be used for this purpose. Where there is a difference is in the method used to deliver these services. He believes that the same thing can be accomplished through block grants to the States. I fear that in my State of New York if block grant money is provided, legal services will suffer simply because there will be to much competition for that money. I suspect that is going to be the case in many States. This is the practical objection.

We cannot as a country afford to have 29 million poor persons disaffected from our system of justice. The tensions and strifes within a country of 228 million people must be adjusted—must be harmonized—must be accommodated, and like it or not, attorneys play an important part in providing that accommodation.

I believe it is important to put into proper perspective just who the Legal Services Corporation represents. They represent the 29 million poor persons earning less than $6,700 and families earning less than $12,500. They represent a disproportionate number of American minorities and a disproportionate number of America's elderly citizens. Legal Services attorneys spend most of their time helping these individuals. Of the 1.5 million legal matters handled annually by local programs, over 30 percent relate to family matters (divorce, custody, visitation problems, support, wills, and guardianships). Legal Services attorneys differ from lawyers in private practice in the large percentage of cases they handle in the income maintenance area, which are over 17 percent since January 1981. These cases include social security disputes, including aid to families with dependent children. Another 14 percent of the Legal Services cases fall into the area of consumer and finance law, which include collection, repossession, warranties, and debtor relief.

There is a far more fundamental reason why the Legal Services Corporation provides access to justice. The reason is grounded in the Constitution of this Nation which calls for "equal justice under law"—the words on the facade of the U.S. Supreme Court.

Justice Lewis Power, Jr., at an annual meeting of the American Bar Association in August 1976, may have said it best when he said that equal justice under law:

> . . . is one of the ends for which an entire legal system exists. And, central to that system is the precept that justice not be denied because of a person's race, religion, or beliefs. Also, it is fundamental that justice should be the same, in substance and availability without regard to economic status.

Mr. Chairman, the Committee on the Judiciary, in its markup of the Legal Services Corporation Act Amendments of 1983, carefully delineated the categories of aliens that can receive legal services. H.R. 3222 incorporates this work-product of the Judiciary Committee. Because Congress last year, in making further continuing appropriations for fiscal year 1983 (Public Law 97-377), adopted a more restrictive approach, I will discuss those categories of aliens that are covered by the pending legislation and not covered by Public Law 97-377. I believe the Committee on the Judiciary appropriately recognized that compelling policy considerations justify excluding these narrowly defined groups from the alien disqualification.

Public Law 97-377 excludes from access to legal services immediate relatives of lawful permanent resident aliens—relatives who have pending applications for permanent resident status and wish to contest action or inaction of the Immigration Service. The relatives H.R. 3222 protects—and

Public Law 97-377 overlooks—are parents, spouses, and unmarried sons and daughters (under age 21) of lawful permanent resident aliens. Depriving these aliens of legal representation will directly and adversely affect the rights of their immediate family members with lawful permanent resident alien status in the United States.

Other aliens that Public Law 97-377 excludes from possible representation are certain specified groups with legal status in the United States as a result of action taken by our own Government. The Committee on the Judiciary, in recognition of special circumstances, selected only a few out of a large number of classes of aliens legally in this country. Persons granted parole status are included because of the inconsistency inherent in providing various Federal benefits—and hearing and appellate rights—to these individuals and at the same time denying access to counsel. Cuban-Haitian "entrants" have possessed this special designation for several years already, have been resettled in this country, and undoubtedly will be permitted to remain permanently. H-2 workers, as the Judiciary Committee report on the Legal Services Act Amendments of 1983 points out, are "clearly in the United States as a result of decisions by the executive branch that such persons are a benefit to the American economy."

Asylum applicants are included in H.R. 3222 because the nature of the threat that awaits a legitimate refugee fully justifies providing the procedural protections of counsel for the persons who asserts a claim of persecution. Persons escaping persecution, it must be remembered, often cannot take with them resources to hire attorneys. The United States, in my view, must not have two essentially different processes for determining asylum status—depending on the finances of the applicant.

The Judiciary Committee also has recognized the special situation of individuals granted extended voluntary departure or indefinite stays of deportation. The Judiciary Committee, in our report, concluded that "it would be anomalous to refuse to return these individuals to another country because of human rights problems there, while at the same time denying them access to legal services here."

The Judiciary Committee reported bill, in contrast to Public Law 97-377, also allows access to legal services by aliens eligible for permanent resident status under the suspension of deportation and registry provisions of the Immigration and Nationality Act. The relief available under these provisions of immigration law are quite limited because of the stringent provisions on eligibility.

Most of the categories delineated by the Committtee on the Judiciary consist either of aliens with substantial ties to the United States or aliens who face great personal risk from expulsion. The committee, in my view, has been guided by considerations of basic fairness in developing a limited list of exceptions to the alien disqualification. I commend the Committee on Appropriations for incorporating this list by reference in H.R. 3222.

□ 1340

Mr. SMITH of Iowa. Mr. Chairman, I yield myself such time as I may consume.

Mr. JONES of North Carolina. Mr. Chairman, will the gentleman yield for a question?

Mr. SMITH of Iowa. I yield to the gentleman from North Carolina, the chairman of the committee on Merchant Marine and Fisheries.

Mr. JONES of North Carolina. The last paragraph on page 13 of the bill (H.R. 3222) prohibits the Maritime Administration (MarAd) from using any of its funds to promulgate or enforce any regulations concerning the repayment of construction differential subsidies (CDS). Am I correct in my understanding that the Appropriations Committee, in adopting this particular provision, was not aware of, and consequently did not intend to affect, MarAd's pending administrative proceeding concerning the vessel *Bay Ridge*?

Mr. SMITH of Iowa. The gentleman is correct. When the Appropriations Committee adopted this provision prohibiting so-called CDS payback, it had no knowledge of the pending MarAd proceeding concerning the *Bay Ridge*. Consequently, the Appropriations Committee did not intend to affect that MarAd administrative proceeding.

Mr. Chairman, I yield 8 minutes to the gentleman from Arkansas (Mr. ALEXANDER).

Mr. ALEXANDER. Mr. Chairman, I rise in support of the bill before us providing fiscal year 1984 funding for the Departments of Commerce, Justice, and State, and the Judiciary, and related agencies.

First, I want to take this opportunity to express my appreciation to the gentleman from Iowa (Mr. SMITH), our subcommittee chairman, to the other members of our subcommittee and to our staff. It has taken long hours, hard work, and cooperation to bring our bill to you for consideration.

This is a good bill. It is a balanced bill. The recommendations we are bringing to you provide positive, constructive, and responsible proposals. They address problems and needs which were cited during the more than 2 months of hearings our subcommittee conducted on budget requests for the coming year.

In addition to administration witnesses, we heard from more than 100 leaders of business, of State and local governments, of community service organizations and of education and technical service organizations and from Members of Congress from all over the Nation.

Funding recommendations in our bill are within the allocation to our subcommittee under the budget resolution. Congress has a constitutional duty to establish the policies and priorities for investing Federal funds in programs which our citizens have identified as those which they believe are in the best interest of our Nation. Thus, although our bill exceeds the funding the President requested, our recommendations are a responsible exercise of our constitutional duties.

During the debate on this bill, we will hear from many of our colleagues on various recommendations in this bill. In view of that, I want to limit my remarks to the funding our committee has proposed for two groups of programs.

For the past 15 months the number of our fellow Americans who are unemployed has ranged from above 10 million to 11.5 million. Last year the percentage of jobless Americans who went without employment for more than 6 months was greater than at any other time in four decades. And this year has started off as another recordsetter.

Our national unemployment rate has reached the highest levels since the Great Depression. The district I represent has 24 counties; 18 of them had double-digit unemployment rates in 1982. At the countywide level, the yearly unemployment rates since 1980 have grown by as much as 50 to 100 percent in my district. Thousands of our young people are completing their educations facing a grim future in the job market as a result of the sustained economic recession of the past 2 years and the slim prospects of rapid economic expansion in the near term.

The need for a job-stimulating partnership between Government and the private sector is greater now than it has been for a generation. The bill we bring before you today is a partial response to that need. It does not contain as much job stimulation funding as we would like, because of the stringent budget situation in which we find ourselves. But it is a step forward.

We are recommending the appropriation of $315 million for the continuation of the economic development assistance programs operated by the Economic Development Administration. President Reagan did not request this funding. But, the record EDA has compiled since its creation in the mid-1960's convinces us that these programs are both efficient and effective.

They should not be discarded on the heap of broken dreams and shattered

hopes for economic security that has grown to Mount Everest proportions during the past 2 years. EDA can help resurrect those dreams and hopes and should be given the opportunity to do so.

Since 1965 our Nation has had a policy of investing in the future of our workers and our communities. EDA has been an important part of that policy. With its "seed money" EDA has leveraged private sector investments. These have generated 1½ million long-term jobs. Holders of these jobs have paid into the Federal Treasury many times more dollars than the total amount of Federal money EDA has invested throughout its entire history.

The long-term, private-sector jobs that have been generated as a direct result of EDA investments have meant that our people had a realistic opportunity to earn the income they need to support themselves and their families.

For a State poor in financial resources like mine—Arkansas—EDA investments and the private-sector funding they leverage are vital to our prospects of enjoying our fair share of the economic vitality of our Nation. Arkansas' average household, family, and per capita income is only about three-quarters the national averages. In the First District, which I represent, the average household, family and per capita income is only about two-thirds the average for all Americans. Although we have progressed substantially—with EDA assistance—since Congress established the agency in 1965, we still have a long way to go.

From 1965 through July 1983, EDA had invested approximately $176.2 million in 345 projects in Arkansas. These had generated more than 70,000 jobs with an estimated annual payroll of $546 million. The holders of these jobs pay an estimated $112.7 million in Federal taxes annually. In other words, about every year and a half, the workers holding jobs generated through EDA investments pay taxes to the Federal Treasury equal to the total investment EDA has made in the State since its beginning. Few, if any, businesses can show a 100-percent return of their investment in so short a time or as often.

The number of direct, private-sector jobs EDA investments have generated in Arkansas is equivalent to almost one-third of all the manufacturing jobs in our State. EDA-generated private-sector jobs in the First District are almost equal to 20 percent of all the manufacturing jobs in my district. And these statistics do not even count the jobs that have come into being indirectly as a result of the economic activity stimulated by EDA investments.

At a time when we have almost 20 million Americans looking for work, the need for investments in job-creating projects is urgent. The need for the kind of effective Government private-sector partnership which EDA represents is critical. It is the wrong time to be proposing to shut down successful job-producing programs, as the administration did in its budget for fiscal year 1984.

A time of such high unemployment—a time when our Nation is struggling with the effects of record international trade deficits—is also the wrong time to be proposing, as the administration did, to close out a trade adjustment assistance program that helps people whose livelihoods are threatened by import competition. Because of this, our committee rejected the President's proposal to wipe out the trade adjustment assistance program. We are recommending funding this program at $40 million, an increase of $12.5 million over the current year.

There are an estimated 4 million American workers in 50,000 U.S. firms who are potential candidates for assistance under this program. Theirs are jobs and businesses to which import competition could deal a lethal blow if these Americans were deprived of the trade adjustment assistance under this program.

Last year alone, trade adjustment assistance centers around the Nation worked with firms employing 120,000 workers. Prorated on the basis of the 1982 funding for this program, these services represented an investment of $150 per worker. It is estimated that the workers paid into the Federal Treasury taxes equaling $204 million, or seven times the total trade adjustment assistance budget.

But that is not the whole story. Firms whose closure due to competition from imports was a certainty before they received trade adjustment assistance have not only been able to continue operation, they have expanded their employment of American workers. While some attrition may be inevitable with a dynamic economy, it is against the best interests of our people and our Nation to allow our businesses and industries—certainly our basic businesses and industries—to sink into oblivion because of import competition simply because our Government failed to make the minimal investments represented by the trade adjustment assistance program.

These two program groups, those of economic development assistance and trade adjustment assistance, are the kind of positive responses to the needs of our people that are contained in the bill before us today. They are investments in the present and future economic progress of our people.

Because of the authorization situation relating to many of the programs covered under this bill, we find ourselves bringing it to the floor under extremely difficult circumstances. I would urge—indeed, I plead—with all of my colleagues to search your conscience carefully, to consider how you will describe your action to the jobless people in your district, and to resist the pressure the White House brings to bear on you to get you to strike from this bill, on a technicality, a private sector job generating program that has benefited hundreds of thousands of Americans.

I would urge that we move expeditiously and vote for passage of this bill as it has been recommended by our committee.

□ 1350

Mr. OBERSTAR. Mr. Chairman, will the gentleman yield?

Mr. ALEXANDER. I yield to the gentleman from Minnesota.

Mr. OBERSTAR. I thank the gentleman and would like to associate myself with his remarks and compliment him on the leadership he has given in this committee and in the House generally in support of economic development legislation.

The gentleman has been very instrumental in shaping the driving force of economic development programs under the aegis of the EDA.

To support what the gentleman says, our subcommittee conducted intensive hearings on the operation and effectiveness of the EDA programs. To be sure, there are some shortcomings.

But over its 15 years of existence with $4.7 billion in Federal funds invested in distressed areas, $9 billion in additional private and non-Federal funds has been leveraged creating one-half million jobs and each year those jobs, which are still there in the work place, are generating $6.5 billion in Federal, State, and local taxes, meaning that ever year this program more than pays for itself.

I thank the gentleman for making that point.

Mr. ALEXANDER. I thank the gentleman for his contribution. He has stated the case far better than I could myself.

Let me simply conclude within the short time I have remaining by saying that since 1965 our Nation has had a policy of investing in the future of our workers and our communities through the Economic Development Administration, which has proven itself time and again to be an effective and efficient administrator of job-creating programs.

This bill contains money for a continuation of that program, and I have taken this time to alert my colleagues in hopes that they will vigorously support this bill and especially the Economic Development Administration provisions within it in order that this wonderful program can be continued.

Mr. O'BRIEN. Mr. Chairman, I yield 3 minutes to the gentleman from Mississippi (Mr. LOTT).

Mr. LOTT. Mr. Chairman, I would like to address just a couple of questions to the distinguished chairman of the State, Justice, and Commerce Subcommittee of the Appropriations Committee.

I understand from what has already been said by our colleague from Illinois that this bill is some $1.3 billion, approximately, over the President's budget request.

I wonder if the gentleman, though, could tell us how much more this bill is than last year's State, Justice, and Commerce appropriation bill, taking into consideration the supplementals, and so forth.

Mr. SMITH of Iowa. Will the gentleman yield?

Mr. LOTT. I yield to the gentleman from Iowa.

Mr. SMITH of Iowa. It is $560,000,000.

I would mention to the gentleman we are under our 302 allocation and we did cut the Presidential request for the things he wanted by $169.9 million. But we did add then $1,373,551,000, making a net of something like $1,203,698,000.

I reported earlier what those are for. They are quite largely for NOAA, EDA, the International Trade Administration, Legal Services, and some Justice programs and SBA.

Mr. LOTT. I thank the gentleman for that information and I do want to say at the beginning I know the gentleman does an excellent job with a very difficult task with this particular appropriation subcommittee. We all appreciate the job he had done there and the work he has done in the Rules Committee this year trying to find a way to get this bill to the floor with a rule.

I also say that about our distinguished ranking member, the gentleman from Illinois (Mr. O'BRIEN).

But, having said that, here comes the bad news. Who among us that has been home in the last month, and I said this last week, but who among us has not been hearing people complaining about deficits and Federal spending?

We read in the newspapers something must be done or it is going to have an impact on the economy. We are talking about State, Justice, Commerce, and the Judiciary appropriation bills.

Many of these are fine and excellent programs. I think that EDA in years gone by has been an excellent program.

These are all fine programs but, my colleagues, where are we going to start drawing the line? Every appropriation bill that comes through here is going to wind up being $500 million over the President's budget request, or a $1 billion over last year's bill, and we will never get a control of the Government's spending.

I have considered even making points of order. That is very hard to do the way the bill has come to the floor, and I realize the gentleman has made a legitimate case about how we need to move the appropriations bill.

But I would say to my colleagues, and in spite of the efforts that have been made by this subcommittee and the full committee, this bill is too much money.

We must begin saying "no," we are going to have to hold these bills below what we spent last year. If we cannot do it with State, where will we do it? There is $64 million in here for Justice Department administration.

State, Justice, the Judiciary. If we cannot get a control on spending in these areas where are we going to do it?

So I urge my colleagues to listen to the administration. Do not pass this bill in this form because it will be vetoed.

Mr. SMITH of Iowa. Mr. Chairman, I yield myself such time as I may consume.

I would like to point out to the gentleman from Mississippi (Mr. LOTT) that the amount in the bill for the State Department is under the President's request already. We cut the President's request.

The gentleman mentioned the Small Business Administration. It is $258 million under last year. They have taken their punishment.

What we really did here was to take the difference between the Congress and the President on the military budget. He wants to increase it by $35 billion. A part of that money was taken back by the full committee and redistributed to other subcommittees.

Mr. LOTT. Will the gentleman yield?

Mr. SMITH of Iowa. I yield to the gentleman from Mississippi.

Mr. LOTT. I heard the gentleman say that earlier. Do I understand correctly you are saying we are taking money out of the military budget and we are redistributing it among the other areas or the other subcommittees of the full Appropriations Committee? Is that correct?

Mr. SMITH of Iowa. The congressional budget did that. We reduced the President's military requests and increased some other requests like EDA and SBA and a number of other programs. That is what happened.

Mr. LOTT. So instead of reducing the spending or deficit by the amount we have taken out of the military budget, we redistributed it among all of the various departments?

Mr. SMITH of Iowa. We redistributed part of it but not all of it. We are under the 302(b) allocation on this bill.

So we are proposing to spend less money in total than the President, is but we are spending it in a different way.

Mr. LOTT. So you have told us those areas where you are under the budget. You mentioned the State Department, if you will yield further, but you have turned around and added this money in other areas such as the Legal Services Corporation; is that correct?

Mr. SMITH of Iowa. Yes; we added money for the Legal Services Corporation and we added for the trade adjustment assistance bill which passed the House by an overwhelming majority a few days ago.

Everybody wants ITA to enforce the dumping statutes and all of that, so we gave them some money to do so, what they said they needed. We also added funds for EDA and for these fisheries programs which are so important to the Gulf of Mexico and the Pacific coast and the east coast. We do not get any of it in Iowa, but I think these are important programs and they are good programs.

Mr. LOTT. I understand that, if the gentleman will yield. Certainly I represent an area that could benefit from these programs, but that is my point; we all say we want to do something about the deficit, but do not cut our programs and do not cut the ones I like.

If we do not draw the line, if we cannot hold spending levels at least to the level of last year, we are never going to be successful.

Mr. SMITH of Iowa. I would like to say this, and I should have said it earlier, our subcommittee heard the testimony. We got our letters and our communications from our colleagues in the House and we took them into consideration. Except for one item, this was a unanimous report of our subcommittee. Those of us that really heard all of these items, we decided that the money in this bill was needed. I would also point out that the total amount in the bill is within the 302 budget allocation to our subcommittee. So I think that I want to thank all of the members of the subcommittee for working together in putting this bill together.

Mr. LOTT. Will the gentleman yield for just one additional question?

Mr. SMITH of Iowa. I yield to the gentleman; yes.

Mr. LOTT. I know the gentleman is trying hard to get this legislation through and I am sorry that we could not get a rule out of the Rules Committee. As a matter of fact, as a member of the Rules Committee, I could have called that rule up that we had voted on earlier in the Rules Committee today but I did not think that was the way to do it.

But what I am worried about is with other appropriations bills this year, the committees have gotten very close

to what the administration has asked for and we have tried to avoid vetoes. They have been held down to just maybe a couple of million within what the President had asked for.

□ 1400

But this one, in its present form, is headed for a veto.

Will there be any additional amendments offered on the floor here that would try to get this bill down closer to a range that would be acceptable to the administration so that we would not be faced with that delay in funding?

Mr. SMITH of Iowa. Of course, anybody who wants to can offer an amendment to any one of the sections if they are not eliminated on a point of order. And I hope they can have their amendments considered, because that is the way to settle these issues.

I point out also that we have a considerable difference with the Senate on the bill. They added some things that we do not have in the bill. We know we are going to conference and we will probably not come out with this bill the way it is now.

Mr. O'BRIEN. Mr. Chairman, will the gentleman yield to me?

Mr. SMITH of Iowa. I yield to the gentleman from Illinois (Mr. O'BRIEN).

Mr. O'BRIEN. Mr. Chairman, in answer to the gentleman's (Mr. LOTT) question, I plan to offer an amendment to EDA that it would reduce it by $100 million, if the opportunity arises.

Mr. O'BRIEN. Mr. Chairman, I yield such time as he may consume to the gentleman from Minnesota (Mr. FRENZEL).

Mr. FRENZEL. I thank the gentleman for yielding.

Mr. Chairman, I want to ask a question of the distinguished chairman of the subcommittee.

One of the parts of the bill that would be subject to a point of order is a part of the appropriation to ITA, that is the firm assistance under trade adjustment assistance.

The authorization bill passed here the other day and provided about $27,500,000 for firm assistance.

The gentleman's bill has at least $40 million in it, plus the guarantee authority, which I think is subject to a point of order, of $30 million. The President asked for nothing, and the House authorizing committee went to $27 million.

My question is: Is this bill high so that you can negotiate a little bit?

Mr. SMITH of Iowa. Mr. Chairman, will the gentleman yield to me?

Mr. FRENZEL. I am glad to yield to the gentleman.

Mr. SMITH of Iowa. Sure, we will negotiate, especially if the House has approved an authorization that is less than the amount in our bill for this program. We certainly would pay attention to that.

Mr. FRENZEL. I thank the gentleman. I want to talk to him a little further because I am contemplating a point of order, but I am reassured by his statement.

Mr. O'BRIEN. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. HUNTER).

Mr. HUNTER. Mr. Chairman, in 1965, acting under provisions of a 1944 treaty between the United States and Mexico, the two countries, through the State Department's International Boundary and Water Commission, the IBWC agreed that the city of San Diego would accept domestic sewage from Tijuana, Mexico, into the city's metropolitan sewer under emergency conditions.

Now the term of this agreement is going to expire in 1985. The reason for the pact was to avert serious health and environmental problems in both countries due to the discharge of Mexican sewage into the two border communities or into the Pacific Ocean near the International Boundary.

A fee was paid for this service based on rates in effect at the time and on the assumption that Mexico's use of the emergency connection would be limited. Initially this was the case. During the first 10 years, San Diego treated Mexican sewage on an average of only 26.3 days per year; however in the mid-1970's the usage increased dramatically to a point where today we are treating approximately 80 percent of Tijuana's sewage daily.

Mr. Chairman, for the years 1978 through 1982 the city's average yearly excess of cost over revenue for the treatment of Mexican sewage was $834,000 and it is projected to be something like $1.7 million this year.

For that reason, Mr. Chairman, I am going to request an amendment that would reimburse the city of San Diego for some $800,000, or about half of the deficit that is caused by the agreement between the United States and Mexico, which puts a tremendous health burden and financial burden on the city of San Diego.

Mr. UDALL. Mr. Chairman, will the gentleman yield?

Mr. HUNTER. I will be happy to yield to the chairman.

Mr. UDALL. Mr. Chairman, I support the gentleman's proposed amendment. I have a similar one covered by the Hunter amendment relating to the city of Nogales, Ariz., with the city of Nogales, Sonora just across the border.

Mr. Speaker, the amendment I am offering today would appropriate an additional $100,000 to the International Boundary and Water Commission. The Commission is charged with the responsibility of maintaining and operating the international sewage treatment plant in Nogales, Ariz. The plant is used to treat effluent from Nogales, Sonora, Mexico, as well as effluent from Nogales, Ariz. The Commission is charged with apportioning costs between the two cities, according to the terms of an international agreement. Recently, however, the Mexican contribution has been delayed by as much as 12 months and those costs have been picked up by Nogales, Ariz., the operators of the plant.

My amendment would appropriate an additional $100,000 to the Commission, It is my hope and expectation, that the Commission would use those moneys to reimburse the city of Nogales, Ariz., for any unreimbursed expenses that it may incur in treating Mexican sewage.

I think the gentleman's amendment is sound. I certainly support it.

Mr. HUNTER. I thank the gentleman.

In Arizona as well as in California there is a critical health problem.

Mr. O'BRIEN. Mr. Chairman, may I inquire of the Chair how much time is left?

The CHAIRMAN. The gentleman from Illinois (Mr. O'BRIEN) has 7 minutes remaining.

Mr. O'BRIEN. Mr. Chairman, I yield 2 minutes to the gentleman from Florida (Mr. MCCOLLUM).

Mr. MCCOLLUM. Mr. Chairman, this bill concerns a lot of different aspects of the appropriations involving the Committee on the Judiciary on which I serve. But the one that concerns me the most is the portion that deals with restrictions and, really, the authorization of the Legal Services Corporation.

I have in the past and in the last Congress supported the continuation of Legal Services Corporation because I believe there is a role for the Federal Government, on a limited basis, to provide legal services to the poor, really provide them.

What was wrong with Legal Services Corporation in the past and has continued to be wrong, though it has been corrected to some extent over the last year or so, is that many attorneys, many local boards and organizations that are implementing legal services have chosen to be more political, have established a political agenda rather than simply serving the poor.

They have become lobbyists in many cases, they have gone out of their way to expend Federal moneys in manners which do not serve the direct legal requirements and needs of the poor people but rather a social agenda they are interested in.

In the 97th Congress we changed a great deal of that by including in the appropriations continuing resolution, Public Law 97-377, restrictions found in the authorization bill that had passed this House, but which never passed the Senate.

This appropriations bill contains restrictions on legal services in the form of directing that the restrictions in the authorization bill out of the Committee on the Judiciary, which has never been heard or debated on this floor, be adopted.

Those restrictions are broader in scope that what we did before, but they obliterate the essence of what was done.

What I am talking about specifically is in two areas, one of them falls particularly in the lobbying area, which the gentleman from California (Mr. MOORHEAD) will offer an amendment to, if given the opportunity.

The second one which concerns me very greatly is in the composition of the local governing boards. Where under Public Law 97-377 the local bar associations now control them, under this bill they can no longer control the Legal Services Corporation operations locally and instead the Corporation will go back to the politicizing involvement which in essence is what was bad about the old law.

So I hope as we try to narrow the scope of what is done in this area in the amendment to this appropriations bill we not lose sight of that.

Despite my past support of the Legal Services Corporation, I will vote against any authorization or appropriation measure which removes the depoliticizing restrictions which were imposed by the 97th Congress. Although I expect that the amendments which I have in mind to correct the problems raised in this appropriation bill to be moot today because of points of order which will be raised, the issue will return to this floor within a few days as a part of a continuing resolution on appropriations, and I would like to elaborate on the amendments which I would propose to correct the problem.

There is one very simple amendment which I will offer at the appropriate time that would dispose of any complicated debate and a series of time-consuming amendments.

The pending appropriations bill adopts several very material changes in the operation of the Legal Services Corporation without the authorization bill, H.R. 2909, ever having been brought to the House floor for debate and vote. At the present, the Legal Services Corporation is funded pursuant to the continuing resolution, Public Law 97-377, which contains funding restrictions based upon the authorization bill which passed the full House in the 97th Congress, but which died without action in the Senate. I will offer an amendment which would continue the restrictions as they exist presently (Public Law 97-377) until such time as an authorization bill for 1984 becomes law.

If my amendment to continue the funding of the Corporation pursuant to current law is not successful, I will offer an amendment to keep the presently existing control of LSC local boards in the hands of local bar associations who represent a majority of the attorneys practicing law in the area governed by the board. One of the most critical reforms obtained in the 97th Congress is a requirement that all organizations receiving Corporation funds and doing legal assistance be governed by a board of directors controlled by a majority appointed by local bar associations who represent a majority of lawyers practicing in a given locality. The proposed changes in the appropriations bill would eliminate local bar control of Corporation activities and mean that control can return to the hands of a small minority in the local communities who may be more interested in a political agenda than in providing legal assistance to the poor, a condition which existed before Public Law 97-377.

The majority bar requirement is an important part of the depoliticizing of the Legal Services Corporation, and prevents capture of local programs by organizations with a political agenda. Without a majority bar requirement, specialty bars, often highly political, will have power to appoint attorney members and combine with other appointees to form the controlling majority of a local governing board.

Prior to the changes in the 97th Congress, such bar associations as the ACLU, the National Lawyers Guild, the organization of former Legal Services attorneys, Community Action Agencies, and many others were often molded together to control the activities of local boards providing legal services. The results were highly politicized activities by the Legal Services Corporation with a very liberal bent, but if the effort to depoliticize Legal Services is not allowed to continue, conservatives could do what liberals have done in the past and assign board seats to groups like Pacific Legal Foundation, Mountain States Legal, and the Conservative Caucus, or other groups.

Another amendment I may offer would prohibit legal services from being provided to any alien who is applying for political asylum, which is prohibited under present law, but would be allowed under the proposed appropriation language. There are thousands of aliens here illegally today who are using every device available to them to try to stay in this country, including applications for political asylum, even though the vast majority have no foundaiton for such a claim. Whatever one's view with regard to the right of such illegal aliens seeking political asylum, the task of representation should not be given to the already strapped Legal Services Corporation. With limited resources available to provide services to the poor who are American citizens, we certainly should not be charging the Legal Services Corporation with the duty to represent the thousands of illegal aliens who are now or may in the future be applying for political asylum. If there is a need for attorney representation, which the government should provide, then let us address that issue and provide the necessary resources directly to the problem rather than further spreading the limited resources that we provide to our poor citizens for legal services.

As I said earlier an amendment may be offered by the gentleman from California (Mr. MOORHEAD) to maintain the presently existing restrictions on the Corporation preventing lobbying of Federal, State, and local government legislators and officials, which restrictions would otherwise be removed by the appropriations language. This is also a crucial amendment I support.

It would be a travesty to have major reforms depoliticizing the Legal Services Corporation which were adopted in the last Congress reversed through the pending appropriations bills. We need a Legal Services Corporation to provide legal services for the poor, not to pursue a political agenda. The amendments I will offer are to accomplish this goal.

Mr. SMITH of Iowa. Mr. Chairman, I yield 4 minutes to the gentleman from New Jersey (Mr. RODINO).

Mr. RODINO. I thank the chairman for yielding.

Mr. Chairman, I rise to point out that some of the provisions of title II of the bill appropriate funds for the Department of Justice without a prior authorization, and therefore are subject to a point of order.

Rule XXI, clause 2 of the House Rules requires that any appropriation be "previously authorized by law." While I have stated that these provisions would be subject to a point of order, I shall not make such a point of order.

The Committee on the Judiciary in the execution of its oversight and authorizing jurisdiction held a series of hearings at the beginning of this Congress in order to fulfill our responsibilities and be prepared to authorize appropriations for the Department of Justice. Each of the subcommittees held hearings and the Attorney General himself came to testify concerning the authorization. The committee reported out H.R. 2912, the fiscal year 1984 authorization and filed a detailed report. We received a rule on June 21 and are fully prepared to take the bill to the floor.

It is my belief that the authorization process serves a very important function and that the Appropriations Committee may benefit from the authorizing committee's activities pursuant to

the authorization process. I feel that that was the fundamental reason behind the rule which requires that appropriations be previously authorized by law.

I am a strong believer in the orderly procedure of the legislature. It is my hope that in the future we may proceed in a more orderly fashion and that floor scheduling will accommodate both the letter and the spirit of rule XXI.

I know that the gentleman from Iowa is also a strong believer in prior authorization and I commend him for that philosophy.

In closing, I merely urge the leadership and the Members to help us return to the normal procedures of authorization and appropriation.

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As I stated, I do not want to file a point of order and I will not do so. The process of authorization has been delayed, but I would urge that the leadership and the Members of the House get together and live up to the legislative process and live up to the rules of the House and bring authorization bills before this body so that when we are working on appropriations there may be better input.

Mr. SMITH of Iowa. Mr. Chairman, will the gentleman yield?

Mr. RODINO. I yield to the gentleman from Iowa.

Mr. SMITH of Iowa. I thank the gentleman for yielding.

Mr. Chairman, I want to thank the gentleman for his cooperation. The gentleman has been very cooperative and his committee has also been cooperative in working out the provisions in this bill under very difficult circumstances. And I might say in passing that I think 98 percent of the legislation in here that is legislation on an appropriations bill was put in because the authorizing committee either asked for it or though it would be a good thing to do.

We have tried to work together very closely with the gentleman and it is a difficult situation. I hope that the gentleman's bill is called up before we leave here this fall because it also contains the authorization for 1985. And that bill at least will get us an opportunity next year to come to the floor with an authorization for the Justice Department.

Mr. RODINO. I want to thank the gentleman for giving me this time and I want to point out again that the subcommittee chairman has been most cooperative in the way he has attempted to discharge his responsibilities.

Mr. O'BRIEN. Mr. Chairman, I yield 3 minutes to the gentleman from Illinois (Mr. PORTER).

Mr. PORTER. Mr. Chairman, let me say first what a distinct pleasure it has been for me, as the newest Republican member of the subcommittee, to work with the gentleman from Iowa (Mr. SMITH), my subcommittee chairman, and with my colleague from Illinois (Mr. O'BRIEN), the ranking minority member, on this bill.

The hearings were extremely interesting and productive and my pleasure in working with the members of the subcommittee could not be greater.

One matter that I want to point out to the Members of the House that came before our subcommittee in the course of our hearings and is a matter of great concern to me is the fact that in the Department of Justice, an agency for which I used to work, there is in the Antitrust Division a lack of enforcement in respect to vertical agreements to fix prices between manufacturers and retailers.

The chairman of the Antitrust Division, Mr. Baxter, testified before our committee and in response to questioning said that he did not intend to prosecute cases in this area.

Now, Mr. Baxter is an expert and we recognize his expertise, but this Congress, through the Sherman Act, and the Supreme Court of the United States through its interpretation of that act, has found that these agreements are in violation of the law. And any prosecutor, while he may have discretion not to prosecute an individual case, does not have discretion not to prosecute an entire area of the law, an entire group of cases.

We asked, and there was put into the report accompanying this bill language suggesting that Mr. Baxter ought to live up to his responsibilities as the head of the Antitrust Division of the Department of Justice. And I want to say that I think the Congress and this House should look upon the failure to prosecute the law, the failure, particularly of a Republican administration, to prosecute, in an area where competition is being restricted and where consumers are being hurt, as a matter of great gravity and concern to us.

Let me further say, Mr. Chairman, that this bill is not without controversy. It has already received a veto threat by the administration because it is $1.2 billion over the administration's budget request. I have my own problems with some of the funding levels proposed in the bill but I believe the majority of what is before us today is critical to the maintenance of existing worthwhile government activities and research efforts.

The bill includes funding for many programs the administration would like to eliminate. In many cases, I agree with the administration's judgment, though the minority does not generally have the votes on the subcommittee to succeed. In other cases, I disagree. Some of those programs the administration has proposed to zero fund are within the National Oceanic and Atmospheric Administration (NOAA) in the Department of Commerce. These NOAA programs have received continuing support from Members of Congress because of the valuable data the research initiatives have been able to produce. For example, programs such as the sea grant and the PACE weather modification study as well as the work underway at the Great Lakes Environmental Research Laboratory continue to be important to my State and to the entire Great Lakes region.

Also within this bill is an appropriation of $12 million for planning and construction grants for public telecommunications facilities. This matching grant program offers funding to eligible public television and radio stations, as well as nonbroadcast facilities for planning and construction. There are still many people in this country who do not have access to public radio and television and this matching grant program will continue to help spread public communications to those who reside in unserved areas.

Let me further expound on my earlier remarks regarding the Antitrust Division. In the committee report for the Department of Justice, the committee has seen fit to address the serious problem of the Justice Department's lack of enforcement of this Nation's antitrust laws. Price fixing actions, both vertical and horizontal, which have been denounced as illegal by the Congress and specifically found to be so by the Supreme Court, are being ignored by William Baxter, the head of the Antitrust Division. Instead of enforcement of these laws we seem to have a policy at the Justice Department of nonenforcement and nonaction in this area.

Some consideration was made, by members of the subcommittee, to cutting the appropriation for antitrust activities because we are not getting our money's worth. That is not a solution to the problem at this time. However, I cannot reiterate strongly enough how important it is that the antitrust division live up to its responsibility to enforce the law as it exists, regardless of whether Mr. Baxter agrees with it or not. Important language was placed in the report urging Mr. Baxter to prosecute antitrust cases in the area of vertical agreements between retailers and manufacturers. I trust that the Justice Department will adhere to this directive and do its duty to carry out the law as written by the Congress.

The bill includes $20 million for the cooperative agreement program, a program that gives financial assistance to our States and local governments that house Federal prisoners. This is an important program, and I support its inclusion.

Also in this bill is some very important funding for the Federal Prison System account for buildings and fa-

cilities. New prisons facilities are desperately in need in many parts of the country and my personal view is that the Department of Justice should do more to assist the States in this regard. We are all concerned about the high cost of new construction, but I feel the cost to society of releasing prisoners early—and in many cases there are dangerous individuals—because there is no longer room to house them, is a much greater concern. The situation in this Nation with regard to prison overcrowding is an outrage, and I would hope the Congress will take immediate, substantive action on this issue this year through the authorization process. The bill (H.R. 2747) I am cosponsoring with my colleague from Michigan (Mr. SAWYER) would go a long way toward providing a solution.

With regard to overcrowding in State prisons and local jails, the committee debated at length the possibility of transferring surplus Federal property to the States to house inmates. I am pleased that in the report for this bill, the Bureau of Prisons has been directed to conduct a survey of appropriate Federal surplus property that might be available for transfer to States and local governments for use as a prison or jail facilities.

Mr. Chairman, this is the first year I have served on the Commerce, State, Justice, and the Judiciary Subcommittee and I have appreciated the opportunity to work with Chairman NEAL SMITH and my good friend and Illinois colleague GEORGE O'BRIEN, the ranking minority member of the subcommittee. They, and all the members of the subcommittee, have produced a good piece of work in this bill and I hope the Members will see fit to approve it.

Mr. SMITH of Iowa. Mr. Chairman, will the gentleman yield?

Mr. PORTER. I yield to the gentleman from Iowa.

Mr. SMITH of Iowa. I thank the gentleman for yielding.

First, I want to thank the gentleman for his contribution on this subcommittee. And I want to say that I agree with every word the gentleman said. The Antitrust Division is not doing its job. We are appropriating $43.9 million for the Division in this bill. As I told Mr. Baxter a year or 2 ago, I think we could take $2 million and give it to some law firm and they could do a better job than they are doing with $43.9 million. At least, a law firm would not come up here and tell us that they intend to intervene on behalf of defendants in civil lawsuits. It is unbelievable. And so we mean every word that is in the report.

What do we do about the problem? If we cut the money, then they say, "Oh, well, you didn't want us to enforce the law."

We are sort of in a bad position. But certainly the gentleman's contribution with regard to antitrust is important and we appreciate it on the subcommittee.

Mr. PORTER. I thank the gentleman.

Mr. O'BRIEN. Mr. Chairman, I have no further requests for time.

Mr. SMITH of Iowa. Mr. Chairman, I yield such time as he may consume to the gentleman from Texas (Mr. KAZEN).

Mr. KAZEN. I thank the chairman for yielding to me.

Mr. Chairman, I rise to commend the gentleman from Iowa for the way he has dealt with the problem that we have had year after year concerning the amount of inspection positions of the Immigration Service along the Mexican border. As the chairman well knows, for many, many years, we have been short of inspectors at the border with Mexico. And last year the gentleman from Iowa was nice enough, his committee has been nice enough, to give us the sum of $5 million for 100 additional inspectors along the border.

Unfortunately, last year when that was done, the Immigration Service interpreted that provision to mean temporary employees.

This year I see that the gentleman has in the language of the bill and in the report appropriated $5 million to fund 100 additional permanent positions, which is what we have really needed all along. That temporary business was just a band-aid.

And in addition to that, I want to commend the gentleman for his concern over the continuing problem of delays of travelers and cargo at points of entry in the United States. There should be some kind of a system whereby all of the agencies that have jurisdiction over incoming traffic of passengers have some way of combining their services at primary inspection so that there will not be these tremendously long lines and long waits for people coming back into this country.

I am very happy to see that this concern has been addressed in the report. And again, I want to commend the gentleman and his committee for, first of all, their good understanding of these problems and their magnificent response to them.

Mr. SMITH of Iowa. I thank the gentleman. I want to say that our understanding has been greatly enhanced by the gentleman's comments from time to time to members of the committee because he is right there where he sees all the problems. We know that personnel alone will not solve these problems, but at least we ought not to overwork the INS employees who are there the way they have been at times in the past.

Mr. KAZEN. I thank the gentleman.

Mr. O'BRIEN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would like to make reference to an amendment to be offered.

The 1983 appropriation for EDA came in two parts; $200 million for regular EDA programs and $100 million for emergency expenditures, which was known as the jobs bill.

For 1984 the administration requested no funding for EDA, planning to phase it out. Our subcommittee believed that this program should be continued and I support the continued funding at a level slightly above the 1983 figure. But the subcommittee funding level is $147,500,000 over the 1983 level. The $100 million in the 1983 jobs bill has been carried over to 1984.

The jobs bill appropriation was a one-time emergency antirecessionary effort, which I supported. It was not viewed as a recurring requirement.

I intend, if I can, to offer an amendment which would cut the $100 million of the jobs bill money out of the bill. It will not bring us into line with the administration's budget request, but it will get us a little nearer to that figure and perhaps a little further away from the possibility of a veto.

● Mr. SEIBERLING. Mr. Chairman, as a member of the Judiciary Committee and of the Subcommittee on Monopolies and Commercial Law, I was pleased to read the strong language in the Appropriations Committee report recommending that the Antitrust Division of the Department of Justice devote all of its resources to the vigorous enforcement of the Nation's antitrust laws.

I share the sympathies of the committee in this matter. The antitrust laws form the backbone of our free market system. If we want to continue to deregulate our economy, we must seek to strengthen, not weaken, the antitrust laws. Every time that the Assistant Attorney General for Antitrust comes before our subcommittee, the members inform him in no uncertain terms that he is expected to maintain strong antitrust policies and energetically enforce those laws. Unfortunately, I do not think he is getting the message.

As mentioned in the Appropriations Committee report accompanying H.R. 3222, the Antitrust Division has decided, as a matter of policy, not to enforce the prohibition on resale price maintenance, despite a long string of Supreme Court decisions and congressional action declaring that the law requires such a ban on retail price fixing. In fact, the Justice Department recently urged the Supreme Court in a private action to which the United States is not a party, to overturn the precedent that resale price maintenance is illegal.

Another example of the weakening of the Antitrust Division's efforts to

enforce the antitrust laws can be seen in its proposal to reallocate 55 positions and $2,759,000 from the Antitrust Division to U.S. attorneys offices around the country. One of the options the Department recommended for carrying out this proposal was to select the 55 employees first by asking for volunteers. If that were insufficient, the Department recommended closing the Cleveland field office of the Antitrust Division.

The Antitrust Division has maintained a field office in Cleveland for many years. The office currently has responsibility for antitrust enforcement in Ohio, Kentucky, West Virginia, and eastern Michigan, including such major metropolitan areas as Cleveland, Detroit, Cincinnati, Louisville, Toledo, and Columbus. The office covers one of the most economically diverse and industrialized regions of the country.

As a major headquarters city, Cleveland itself is ideally suited to host the office. The Cleveland-Akron-Lorain Standard Consolidated Statistical Area is home to 33 of Fortune magazine's 1,000 largest industrial headquarters with 29 Fortune 1,000 headquarters located in the city. But not only has the office in Cleveland allowed ready access to so many major businesses, it has been a very effective source of antitrust enforcement. According to Cleveland Mayor George Voinovich, from 1977 to 1982, the Cleveland office obtained fines totaling more than $11.8 million stemming from criminal antitrust convictions.

Consumers, businesses, State government agencies, and private counsel have experienced clear and substantial benefits from the Cleveland antitrust office. No acceptable justification has been advanced for its closing. For that reason, the Ohio congressional delegation has united in opposition to the move. And the House Judiciary Committee included in H.R. 2912, the fiscal year 1984 Department of Justice authorization bill, a provision limiting the Department's authority to transfer positions from the legal divisions to the U.S. attorneys offices. The committee was particularly concerned with the apparently unstudied manner in which the Department considered the closing of the Cleveland office. H.R. 2912 demonstrates the Judiciary Committee's opposition to any proposal to close the Cleveland office without a thorough review.

I must say that I was pleased last week when Assistant Attorney General William Baxter, appearing before a Monopolies Subcommittee oversight hearing, responded to my question on this subject that the Justice Department had gotten the committee's message and that the Cleveland office is "alive and well." He did say, however, that the matter is still "on hold" and that it will not be finally resolved until the overall funding issue of the Antitrust Division is resolved. I hope that in final consideration of this issue, the Department of Justice and the administration will recognize that the mission of the field offices of the Antitrust Division is vital to effective enforcement of the antitrust laws, that the specialized skills, experience, and expertise of the field office staff will not be casually disposed of, and that the Cleveland office in particular will be permitted to continue its work at full force.●

● Mr. WYDEN. Mr. Chairman, I hope our colleagues will strongly support H.R. 3222 which would appropriate $296 million for the Legal Services Corporation for fiscal year 1984. Now, more than ever, we cannot afford to close the doors of justice on the poor and the unemployed.

Take my home State of Oregon for example. Legal aid offices there are experiencing a nearly threefold increase in demand for legal assistance. The recession has left a record number of Oregonians unemployed. With this unemployment has come more legal troubles, not less.

The results of an undefended legal proceeding for one who is unemployed can be tragic. Homes can be repossessed and life savings lost if legal advice is not available to those who need it most. If we pass the recommended funding level of $296 million for the Legal Services Corporation, legal aid offices in Oregon will be able to maintain their current level of service, and at least some of these tragedies can be averted.

Both the Courts Subcommittee and the Appropriations Committee have recommended providing $296 million for the Legal Services Corporation. This figure represents a slight gain over last year's funding level, but it barely makes up for the drastic loss in funding LSC experienced 2 years ago.

To put the importance of this $296 million figure into perspective, let me point out that if we were to approve funding for LSC at last year's level of $241 million, three legal aid offices in Oregon would be forced to close. That is, 3 offices out of a total of 12.

In Oregon, legal aid offices are usually located in small rural communities. These communities are often hardest hit by the recession and have among the highest rates of unemployment in the country. Each legal aid office in Oregon serves about 10,000 eligible people. Of those 10,000 people who are eligible approximately one-half receive some type of assistance from a legal services program. That service may include actual handling of the case, rendering of advice where that may be sufficient, or referring the case to another lawyer or agency.

Thus, if we fund legal services at last year's level of $241 million, 10,000 to 15,000 Oregonians who cannot afford a traditional attorney will be forced to go without any legal assistance. Again, these are the very individuals who are really suffering the effects of the recession and the ones who need our help the most.

Likewise, if we approve a funding level of only $260 million, two legal aid offices in my State still will be forced to close. Ten to twelve staff members will be laid off and 10,000 needy Oregonians will not receive vital legal assistance.

With the effects of the recession still prevelent, now is not the time to be cutting back funds for a program which helps those in our society who are truly in need of justice. I urge my collegues to support the $296 million funding level for the Legal Services Corporation.●

● Mr. BOUCHER. Mr. Chairman, I am pleased to support H.R. 3222, legislation making appropriations for the Departments of Commerce, State, and Justice, for the Federal judiciary and for related agencies.

I am particularly pleased to note that the committee has included in the bill $296 million for the activities of the Legal Services Corporation, which provides legal counsel and other services to low-income individuals who might not otherwise have the benefit of legal representation in civil cases.

Since taking office, President Reagan has sought to abolish this important agency by requesting no funds for the Legal Services Corporation for fiscal years 1982, 1983, or 1984. The President's opposition to fair legal representation for the poor led to a 25-percent cut in LSC funding in fiscal year 1982. The fiscal year 1982 funding level was continued in fiscal year 1983, and as a result, the American Bar Association reports that local legal services programs have had to reduce client representation by 30 percent.

I am pleased that the Appropriations Committee has recognized the need for increased Legal Services Corporation activities, but even the $55 million increase proposed for this fiscal year will leave LSC funding $25 million below the fiscal year 1981 funding level.

Equal access to justice is fundamental to the American legal system; individuals should not be denied legal representation in civil cases because of their economic status. I commend the committee for its support of the Legal Services Corporation, and I urge my colleagues to vote for H.R. 3222.●

● Mr. WALGREN. Mr. Chairman, I would like to make a few observations on the provisions of this bill relating to the funds for the National Bureau of Standards and the Office of Productivity, Technology and Innovation in the Commerce Department. These activities are aimed at the important

function of advancing the use by American industry of the most advanced scientific and technological discoveries in the interest of achieving higher productivity and a strong effort in technological innovation.

In title I, on page 10, the bill would provide the sum of $125.5 million for the programs of the NBS. This amount is identical to the amount authorized by the House Science and Technology Committee in the bill H.R. 2513 which was reported on May 9 of this year. As part of this total sum, the bill would permit the important programs of fire research, building research, and computer standards research, which the administration had targeted for elimination or severe reduction, to continue.

The Center for Fire Research at the NBS performs a function which affects every community in the United States. The work of the Fire Research Center has the potential to reduce drastically the losses in lives and property from fire which each year takes much too large a toll. The Building Research Center conducts research which similarly affects each and every community in our Nation. The results of that research finds its way into the building codes used throughout the country. And the research at the NBS on computer standards will directly affect both the domestic use of computer equipment and the foreign sales of this important sector of American industry.

The funds for all of these activities, together with the significant core programs of the National Bureau of Standards, will permit the Bureau to maintain the strength which over the years has led to its worldwide recognition as a leader in its field while at the same time benefiting our citizens and our country.

H.R. 3222 would also provide a modest level of funds for the important activities of the Stevenson-Wydler Technology Innovation Act. The $5.7 million included in the bill for the Office of Productivity, Technology and Innovation would permit several of the significant initiatives aimed at strengthening U.S. technology and productivity to move forward in fiscal year 1984.

I commend the subcommittee and its distinguished chairman, the gentleman from Iowa, for including in this bill the funds that are required to keep American research and development strong in these several important areas, and urge my colleagues in the House to support the bill before us.●

● Mr. BONKER. Mr. Chairman, I urge my colleagues to support the appropriations measure for the Departments of Commerce, Justice, and State, and the judiciary. Of special concern are the provisions that overturn the administration's proposed cuts in Pacific Northwest fisheries programs.

Earlier in the year, the administration proposed to slash the National Marine Fisheries Service budget by 38 percent. Included in these cuts were a phase-out of support for the Columbia River fish hatcheries; termination of the vessel buy-back program; virtual elimination of fisheries promotion funds; transfer of Saltonstall-Kennedy to the General Fund; termination of industry grants; a dramatic reduction of support for the regional fishery management councils; termination of the industry loan guarantee program; and the end of commercial and anadromous fisheries research efforts.

In short, the administration's actions represented a wholesale assault on recreational and commercial fisherman nationwide. The timing could not have been worse. Our commercial fishermen are literally reeling from a disastrous year. Recreational fishermen are bewildered by the poor performance of some traditional runs.

In March, we considered the administration's proposed cuts in the Merchant Marine and Fisheries Committee. Congressman PRITCHARD and I are the only two Northwest Members on the committee. We succeeded in overturning many of the cuts in the committee report to the Budget Committee.

Thereafter, the congressional delegations of Washington and Oregon testified in support of funding before the Appropriations Subcommittee on Commerce, Justice, State, and the Judiciary. Today's bill is the product of those efforts and the receptiveness of Subcommittee Chairman NEAL SMITH, who has been very helpful and understanding throughout.

The measure before us today restores level funding of $10.4 million for the Columbia River hatcheries. These funds will be used to continue meeting the Federal Government's obligation to mitigate the loss of fish caused by Federal hydropower facilities on the Columbia River. Expenditures will be made not only for hatcheries, but also for fish passage, stream clearance, irrigation diversion screening, and research.

The bill also provides $5 million for anadromous fishery research grants. The funds will be used for ocean sampling, freshwater production evaluation, tagging studies, and related research.

The important vessel buy-back program is kept alive; $2.5 million is provided for reduction of the commercial fleet whose fishing opportunities were undermined by Federal court decisions construing Indian fishing rights.

The vital planning effort being pursued under the Salmon and Steelhead Conservation and Enhancement Act of 1980 will be carried through to conclusion. I remain optimistic that, through this process, the competing factions will be able to arrive at mutually agreed plans for enhancing the salmon and steelhead resources of the Pacific Northwest.

The bill restores funding for commercial fisheries research. In the Northwest, these funds will be used to assess ground fish stocks, to manage the dungeness crab harvest, to evaluate underutilized invertebrates, and much more.

The administration's intention to put the Saltonstall-Kennedy program into the General Fund, effectively terminating it, is also rejected in the bill. This important money will be used in Washington State to develop a squid and scallop fishery, and to develop new aggregation technologies to promote recreational fisheries.

There is more good news in the bill for fisheries. Funding for the regional managment councils is restored; the highly cost-effective sea grant program is slated to receive $35 million; and other salmon research activities are funded.

In short, the House bill is a thorough repudiation of the administration's antifisheries budget. It is an endorsement of quality fisheries programs around the country.

I congratulate the subcommittee and the full committee for their excellent work and hope that the clear signal of our House vote will convince the administration to halt its unnecessary, uneconomic, and dangerous assault on our Nation's fisheries.●

● Mr. SOLARZ. I rise, Mr. Chairman, to call attention to the fact that the legislation under consideration today fails to provide funds for protection of foreign officials in the United States who face extraordinary threats. The House Appropriations Committee is concerned about the potential magnitude of the funding requirements for such a program, particularly in view of the worldwide increase in terrorism in recent years. It is precisely because of this increase in terrorism that the Secretary of State must sometimes ask for extraordinary protection which some local jurisdictions are unable or unwilling to provide without Federal assistance. Many of us in the House are concerned about this problem, and we provided for funding for this extraordinary protection in the State Department authorization, which has not yet been acted upon by the Senate.

Local jurisdictions provide protection to diplomats and other foreign officials, as to all persons, under equal protection of the law. However, our responsibility as a nation goes further. The 1963 Vienna Convention on Consular Relations describes the special duty of the receiving state to protect consulates. The ability of the United States to meet these obligations also has a direct effect on our ability to re-

quest special protection from other nations when it is needed for U.S. diplomatic and consular personnel abroad.

Extraordinary threats require more effective cooperation among Federal, State, and local authorities. On January 28, 1982, the Turkish Consul General in Los Angeles was assassinated. On May 4, 1982, the Honorary Turkish Consul in Boston was assassinated. In just the first 4 months of this year, there were 140 terrorist incidents involving diplomats in 28 locations throughout the world. Over 50 were killed and nearly 150 wounded. There have been 377 such incidents in the United States since 1968. Let us not wait until others die in the United States before we act.

We need to craft guidelines which will insure that funding for this program will not be open-ended yet will enable us to meet our responsibilities. This program is intended not to reimburse local jurisdictions for routine protection, but to provide extraordinary protective services when there is an extraordinary threat. I understand that our colleagues in the Senate are working with the State Department on an amendment to the State authorization bill which will set guidelines to make clear that the funds provided may be used only in these circumstances. I hope that those guidelines will meet the concerns of our colleagues on the House Appropriations Committee, and that we will be able to proceed in conference to agree on authorization and appropriations for this necessary program.●

● Mr. FUQUA. Mr. Chairman, I would like to congratulate the gentleman from Mississippi and the gentleman from Iowa for their leadership in bringing this appropriations legislation to the floor. The funding levels contained in H.R. 3222 are below the budget allocations contained in the budget resolution. I also want to thank them for their careful attention to the recommendations of the Committee on Science and Technology.

I believe that as a result of the deliberations of the Appropriations Committee, we have before us a bill which is both responsive to national needs and to the tight budgetary situation.

I am pleased that the bill commits to the growth of our industries. I commend the committee for providing additional funds for implementation of the Stevenson-Wydler Act. These funds will stimulate the economy by bringing the expertise of universities to bear on the problems of industry in centers for industrial technology, and by supporting a Center for the Utilization of Federal Technology to transfer new technology from Federal laboratories into use.

The bill restores what the Committee on Science and Technology has viewed as essential funding for programs at the National Bureau of Standards, including the Center for Fire Research, Center for Building Technology, and the Institute for Computer Science and Technology.

The committee has acted with sound judgment and foresight in maintaining the two-polar orbiting satellite system for NOAA. This is vitally important to the Nation's weather forecasting capabilities.

I applaud the efforts of the Appropriations Committee in presenting this bill and I urge my colleagues to join me in voting for its passage.

Thank you, Mr. Chairman.●

● Mr. MATSUI. Mr. Chairman, I rise in strong support of H.R. 3222, the Commerce-Justice-State-Judiciary appropriations bill for fiscal year 1984. This measure contains funding which will assist such vital programs as public radio and television, Trade Adjustment Assistance, and the Legal Services Corporation. H.R. 3222 also will provide needed assistance to local communities, like Sacramento, Calif., which are grappling with the problem of finding adequate jail space to place both their Federal and non-Federal inmate populations.

H.R. 3222 provides $20 million for the U.S. Marshals Service's cooperative agreement program (CAP). This innovative program aids State and local governments to renovate, construct and equip facilities that detain Federal prisoners. This program enables cities like Sacramento, in which Federal courts are situated, to handle increasing Federal inmate populations. This assistance is most necessary as these communities' detention facilities often do not meet prescribed Federal standards.

While the Federal Government currently operates 42 detention facilities for unsentenced prisoners nationwide, it is still principally dependent upon the availability of State and local detention services to confine persons arrested for Federal offenses. According to the U.S. Marshals Service, the enormous problems of overcrowding and substandard jail conditions have terminated or restricted severely Federal access to 190 contract facilities. The CAP program was intended, in part, to reverse this trend by providing financial assistance, equipment and supplies, and staff training to major use facilities in exchange for a guaranteed level of space in which to house Federal prisoners.

In Sacramento, the CAP program will aid county officials to construct a work release center as well as make a sizable financial contribution to the proposed county jail. As it is anticipated that Sacramento's Federal inmate population will increase from 60 inmates a day to 150 inmates a day over the next 5 years, the CAP funding is absolutely critical to assure that adequate detention space is available for all inmates.

Many other cities and towns throughout the Nation face similar problems of inmate overcrowding, and the CAP program will provide needed relief to these areas. Indeed, I find it most encouraging that the Congress has recognized the problem of inadequate facilities for jail inmates is national in scope by heretofore funding the CAP program. In conclusion, let me say to my colleagues that we should continue to demonstrate our support for this important program by approving H.R. 3222 today.●

● Mr. STARK. Mr. Chairman, while appropriations to the great majority of agencies included in H.R. 3222—particularly the law enforcement agencies and the LSC—are worthwhile, a glaring $54 million mistake appears—and this mistake prevents me from supporting the bill as a whole.

Project Democracy and the National Endowment for Democracy are, shall we say, interesting. To promote our system of Government throughout the world is admirable. Unfortunately, here at home we are facing enormous deficits, high unemployment, imbalances in trade, lack of food and housing for the poor, deterioration of our infrastructure, and inequities in our tax system. I think many Members will agree that our most potent campaign for democracy can, and should, be waged at home. What better persuasion to our system of government than proof that it works? What better testimony to democracy than adequate food and housing for our citizens, equal employment opportunity, and intelligent budget priorities? These programs do not address the problems we face with our own citizens.

Therefore, in protest to the start of this new program in a bill which is already overbudget, I intend to vote no.●

● Mr. CORRADA. Mr. Chairman, I rise in support of H.R. 3222, appropriations for the Departments of Commerce, Justice, State and the Judiciary, and related agencies, for fiscal year 1984.

The bill before us continues funding, and restores funds in some cases, for programs which have provided invaluable support for a variety of Federal assistance efforts throughout the Nation and in Puerto Rico.

I would like to commend the subcommittee chairman, NEAL SMITH of Iowa, and his colleagues on both sides of the aisle for reporting this legislation out expeditiously, and in providing a sensible and balanced approach in keeping some programs in place that have been instrumental in helping areas suffering high unemployment.

The committee recommends a total of slightly more than $345 million in new budget authority, and $150 million in loan guarantee authority for the programs and expenses of the Fed-

eral Economic Development Administration.

While there have been proposals to totally eliminate the EDA and its programs, I am pleased that the Appropriations Subcommittee has realized that the role of the Federal EDA in helping provide badly needed assistance for employment opportunities and at the same time to build public facilities.

Also, I am pleased to note that the Subcommittee on Economic Development chaired by our colleague Congressman JIM OBERSTAR, has reported H.R. 10, the National Development Investment Act, which will reauthorize the Federal Economic Development Administration for 3 years.

I have personally seen the impact and record of EDA in Puerto Rico. Its programs of public works grants planning assistance, emergency public works, and other programs such as business and loan guarantees comprise an effective, strategy for putting people to work, and for helping communities with high unemployment help themselves.

The fact that this appropriation measure also, on a parallel basis, recognizes the need to stimulate the economy, and to use EDA as one tool for that strategy, is extremely important, and I commend the members for realizing that EDA has a significant role to continue to play in economic recovery efforts.

H.R. 3222 also includes $53,881,000 in new budget authority for the Minority Business Development Agency. The committee wisely has reported language which will help the private sector give financial assistance to public and private organizations which, in turn, help provide management assistance to minority businessmen.

This provision is critical for new and struggling minority businesses, to fairly compete in the private sector, must have the necessary outside expertise to guide them into solvency.

Another important program funded in this bill is the coastal zone management program. This program has been vital to Puerto Rico, confronted as we are with an increased responsibility for management programs to preserve and protect our island's coastal zone.

I am pleased to note that the bill provides $29 million in funding for State assistance programs. This will help Puerto Rico in our efforts to manage our coastal resources.

For the Small Business Administration, the committee has provided funds for assistance programs. The legislation would earmark $22 million in funds for small business development centers, and restore funds for new direct loan obligations for the entire range of SBA loan programs under the jurisdiction of this agency.

There are, in addition, several activities of the U.S. Department of Justice which are continued at an essential level. I refer to the Drug Enforcement Administration and the committee recommendation to restore personnel measures to DEA programs to enable them to combat narcotic traffic and assist State and local police in various DEA efforts.

Finally, the Office of Justice Assistance, Research and Statistics (OJARS) of the Department of Justice is an invaluable agency which, along with the Law Enforcement Assistance Administration, has helped keep in place a variety of programs to update criminal statistics, and operate juvenile and delinquency prevention programs.

All of the programs mentioned, as continued by H.R. 3222, are reasonable and commonsense approaches in helping solve a variety of societal problems. I commend the subcommittee for reporting this bill and strongly support this effort.●

□ 1420

Mr. O'BRIEN. Mr. Chairman, I yield back the balance of my time.

Mr. SMITH of Iowa. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. All time has expired.

The Clerk will read.

The Clerk proceeded to read the bill.

Mr. FRENZEL (during the reading). Mr. Chairman, I reserve a point of order on page 5, lines 22, 23, and 24.

The CHAIRMAN. The Chair will advise the gentleman from Minnesota that the gentleman's point of order is premature. The Clerk has not reached that point in the reading as yet.

PARLIAMENTARY INQUIRY

Mr. FRENZEL. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. FRENZEL. Mr. Chairman, at what point would such a point of order be appropriate?

The CHAIRMAN. When the Clerk has read that paragraph.

Mr. FRENZEL. I thank the Chair.

The CHAIRMAN. The Clerk will continue to read.

The Clerk read as follows:

SPECIAL FOREIGN CURRENCY PROGRAM

For payments in foreign currencies which the Treasury Department determines to be excess to the normal requirements of the United States, for necessary expenses for the promotion of foreign commerce and for scientific and technological research and development, as authorized by law, $700,000, to remain available until expended: *Provided,* That this appropriation shall be available, in addition to other appropriations to the Department of Commerce, for payments in the foregoing currencies.

POINT OF ORDER

Mr. WALKER. Mr. Chairman, I make a point of order against the section beginning on line 11, page 2, as a violation of clause 2, rule XXI, being an appropriation without proper authorization.

The CHAIRMAN. Does the gentleman from Iowa (Mr. SMITH) wish to be heard on the point of order?

Mr. SMITH of Iowa. Mr. Chairman, it is not authorized.

The CHAIRMAN. The gentleman from Iowa (Mr. SMITH) concedes the point of order.

The Chair sustains the point of order against the paragraph.

The Clerk will read.

The Clerk read as follows:

ECONOMIC AND STATISTICAL ANALYSIS

SALARIES AND EXPENSES

For necessary expenses, as authorized by law, of economic and statistical analysis programs, $41,134,000.

POINT OF ORDER

Mr. WALKER. Mr. Chairman, I make a point of order against the section beginning on line 12 of page 3, as a violation of clause, 2 rule XXI.

The CHAIRMAN. Does the gentleman from Iowa (Mr. SMITH) desire to be heard on the point of order?

Mr. SMITH of Iowa. Mr. Chairman, I concede the point of order, but I send an amendment to the desk.

The CHAIRMAN. The gentleman from Iowa (Mr. SMITH) concedes the point of order.

The Chair sustains the point of order.

AMENDMENT OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SMITH of Iowa: On Page 3, after line 10, insert the following:

ECONOMIC AND STATISTICAL ANALYSIS

SALARIES AND EXPENSES

For necessary expenses, as authorized by law, of economic and statistical analysis programs, $37,207,000.

Mr. SMITH of Iowa. Mr. Chairman, this is the amount that is authorized. The new authorization legislation has not passed yet. We anticipated that they need the additional money, but this is the amount that is presently authorized under the existing law.

I ask for a favorable vote.

Mr. WALKER. Mr. Chairman, I move to strike the requisite number of words, and I rise to ask the gentleman a question.

Did I understand correctly that this is the amount that is authorized by law?

Mr. SMITH of Iowa. That is right.

Mr. WALKER. So, therefore, this would bring the appropriation in line with the authorization?

Mr. SMITH of Iowa. That is right.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa (Mr. SMITH).

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

ECONOMIC DEVELOPMENT ADMINISTRATION

ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

For economic development assistance as provided by the Public Works and Economic Development Act of 1965, as amended, and Public Law 91-304, and such laws that were in effect immediately before September 30, 1982, $315,000,000 *Provided*, That during fiscal year 1984 total commitments to guarantee loans shall not exceed $150,000,000 of contingent liability for loan principal.

POINT OF ORDER

Mr. WALKER. Mr. Chairman, I make a point of order against the section beginning at line 16 on page 3, as a violation of clause, 2, rule XXI.

The CHAIRMAN. Does the gentleman from Iowa (Mr. SMITH) wish to be heard on the point of order?

Mr. SMITH of Iowa, Mr. Chairman, I concede the point of order.

The CHAIRMAN. The gentleman from Iowa (Mr. SMITH) concedes the point of order.

The Chair sustains the point of order.

Mr. OBERSTAR. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I am very disappointed that the gentleman from Pennsylvania made a point of order against the Economic Development Administration program. I cannot think of a worse time to strike funding for the Government's only and proven effective job development and job creation program.

EDA has had some difficulties, to be sure. Our Subcommittee on Economic Development of the House Public Works and Transportation Committee has held extensive hearings, and on a bipartisan basis, with total cooperation on the Republican side of our committee, fashioned a new economic development program, H.R. 10. This House passed that legislation by a vote of 306 to 113, an overwhelming vote, after a rather extensive discussion and debate, at an authorization level that is provided for within the budget resolution.

We hope that the other body will act on that legislation. Its outcome is certainly in doubt at the present time, but there is an opportunity to pass such legislation.

But with unemployment still well above 9 percent, double what in the 1960's was considered to be an unacceptable level of unemployment; with 10½ million Americans who do not have jobs, including my own congressional district where some counties have as high as 60 percent unemployment, with the devastation we are experiencing in the steel industry and in iron ore mining, the Economic Development Administration programs have offered the only hope, the only opportunity for those communities to leverage non-Federal public funds and private funds, to create jobs, open up employment opportunities, and this motion just simply wipes out that opportunity.

I hope that the chairman of the subcommittee, when the continuing resolution is considered, will take this matter under consideration and work to include funding for the Economic Development Administration in that continuing resolution and restore these funds which are desperately needed.

I would like to comment briefly on the hearings that we had on the operation and effectiveness of the EDA program. A witness from Reading, Pa., John Sheehan, chairman of Reading Industries, a former member of the Federal Reserve Board, appointed by President Richard Nixon, as he described himself, a conservative, a very strong, staunch conservative, his company was saved by an EDA loan guarantee, and he said:

> Our company has provided not only $45 million to the Reading community in direct wages but perhaps another $150 to $250 million in supporting wages. I conclude that the EDA funds were spent wisely and well. 700 men and women are at work in our plants. The government funds have been covered at least 10 times and perhaps 50 times if you consider the total value of not only our line employment but also the 5 times—or more—that many in the general vicinity of Reading who gain their support from those line manufacturing jobs.

Mr. Sheehan went on to point out that had his company not received the EDA loan guarantee—it was not direct loan money—if they had not received the loan guarantee, this business would have left Pennsylvania, it would have left the United States, it would have gone to West Germany and the product manufactured there and exported to the United States. Instead, that product is being manufactured in the United States, creating jobs, taxpaying jobs in this country, and exporting product to West Germany.

That is just one of many, many examples that we have and could cite supporting the effectiveness of the EDA program.

I deplore the point of order the gentleman made that strikes the EDA funding, and I hope the full amount can be restored, particularly during this time of continuing recession.

Mr. WALKER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I think we have just understood the gentleman from Minnesota to say that we ought to go ahead and appropriate money, even though his authorization committee has not completed its work.

I think that that really calls the question before this Congress. This Congress does not operate as a one-body unicameral legislature. We do, in fact, have two bodies of this Congress, and the Congress has not yet cleared EDA legislation.

The gentleman in the well admitted that there are problems with the program the way it has been operated and that there were needed reforms. The bill that passed the House was a part of that reform program. We have none of those reforms in place, no changes in place, because of a lack of authorization and, therefore, what we would be doing under the funding, had this point of order not rested, would be funding a program that the gentleman admits is flawed. And that is really a major problem, I think. I think it demonstrates why we should have authoriztaions before we have appropriations.

□ 1430

We ought not in this body to go forward with the idea that we can simply appropriate money for programs even though there is no proper authorization on which the Houses of Congress have worked their will.

So I would hope that while the gentleman feels strongly about EDA, he also recognizes that part of his job as a Member of this institution and a part of all of our jobs as Members of this institution is to assure that we do things in an orderly way so that the mistakes of the past are not repeated with Federal tax money in the future. By allowing the point of order to rest, we do give ourselves, hopefully, an opportunity to move toward an authorization process which will produce a better program if, in fact, we end up with the funding.

Mr. OBERSTAR. Mr. Chairman, will the gentleman yield?

Mr. WALKER. I would be very glad to yield to the gentleman from Minnesota.

Mr. OBERSTAR. I thank the gentleman very much for yielding.

There are, as I have said, and as our committee has pointed out, shortcomings in the current EDA program. Many of those have been corrected by the current administration of that program, which is working very hard to put EDA on a better track. That does not mean that the program is fatally flawed. By continuing those programs, we do provide a measure of relief to distressed Areas with high unemployment, and I think this is not money that is wasted.

I do want to point out to the gentleman that the current administration of the EDA program has taken the advice of the committee and corrected many of the problems administratively.

Mr. WALKER. If the gentleman will allow me to reclaim my time, I do not believe that I did say it was fatally flawed; I said the gentleman had admitted that it was flawed. That is a question when we are mounting $200 billion deficits, as to whether or not we ought to continue to pour tax money down drains when the money is not being spent wisely.

That is the point of this point of order. We have $200 billion worth of deficit that we have got to begin to deal with. If one place we can deal with it is in programs that even the authorizing committee admits have some problems with them, then I think this is the right time and the right place in which to deal with that particular problem.

The point of order rests only because there is not an authorization. Once the gentleman and his committee and the committees of the Congress on the other side have completed their process, it may well be that it can be subjected to an appropriation, but it should not be a course of funding which simply continues a stream of money to programs which are not now working as well as we know they should.

Mr. OBERSTAR. If the gentleman will yield further, I hope we can enlist the gentleman's support with the other body to move that authorization bill through over there, since it passed overwhelmingly in this body.

Mr. WALKER. I thank the gentleman, and I think the other body certainly will want to work its will one way or the other on the legislation.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SALARIES AND EXPENSES

For necessary expenses of administering the economic development assistance programs as provided for by law, $30,141,000: *Provided*, That not to exceed $300,000 may be advanced to the Small Business Administration for processing of loan applications: *Provided further*, That these funds may be used to monitor projects approved pursuant to title I of the Public Works Employment Act of 1976, as amended, title II of the Trade Act of 1974, as amended, and the Community Emergency Drought Relief Act of 1977. Notwithstanding any other provision of this Act or any other law, funds appropriated in this paragraph shall be used to fill and maintain forty-seven permanent positions designated as Economic Development Representatives out of the total number of permanent positions funded in the Salaries and Expenses account of the Economic Development Administration for fiscal year 1984, and such positions shall be maintained in the various States within the approved organizational structure in place on June 1, 1981, and where possible, with those employees who filled those positions on that date.

POINT OF ORDER

Mr. WALKER. Mr. Chairman, I make a point of order against the section beginning with line 1 on page 4 as a violation of clause 2, rule XXI.

The CHAIRMAN. Does the gentleman from Iowa (Mr. SMITH) desire to be heard on the point of order?

Mr. SMITH of Iowa. Mr. Chairman, I concede the point of order.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk will read.

The Clerk read as follows:

INTERNATIONAL TRADE ADMINISTRATION

OPERATIONS AND ADMINISTRATION

For necessary expenses for international trade activities of the Department of Commerce, including trade promotional activities abroad without regard to the provisions of law set forth in 44 U.S.C. 3702 and 3703; full medical coverage for dependent members of immediate families of employees stationed overseas; employment of Americans and aliens by contract for services abroad; rental of space abroad for periods not exceeding five years, and expenses of alteration, repair, or improvement; purchase or construction of temporary demountable exhibition structures for use abroad; payment of tort claims, in the manner authorized in the first paragraph of 28 U.S.C. 2673 when such claims arise in foreign countries; not to exceed $165,200 for official representation expenses abroad; awards of compensation to informers under the Export Administration Act of 1979, and an authorized by 22 U.S.C. 401(b); purchase of passenger motor vehicles for official use abroad and motor vehicles for law enforcement use; $183,831,000, to remain available until expended: *Provided*, That the provisions of the first sentence of section 105(f) and all of section 108(c) of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2455(f) and 2458(c)) shall apply in carrying out these activities. During fiscal year 1984 and within the resources and authority available, gross obligations for the principal amount of direct loans shall not exceed $15,000,000. During fiscal year 1984, total commitments to guarantee loans shall not exceed $30,000,000 of contingent liability for loan principal.

Mr. FRENZEL. Mr. Chairman, I move to strike the last word.

Mr. WALKER. Mr. Chairman, will the gentleman yield?

Mr. FRENZEL. I yield to the gentleman from Pennsylvania.

Mr. WALKER. Mr. Chairman, I reserve a point of order against this section of the bill.

The CHAIRMAN. The gentleman from Pennsylvania (Mr. WALKER) reserves a point of order against this section of the bill.

Mr. FRENZEL. Mr. Chairman, I take this time simply to indicate that this is an unauthorized section, as was noted in the general debate. But, after discussing this matter with the distinguished chairman and the distinguished ranking member, I think that it will not be necessary to make a point of order.

The House authorization bill, which was only passed last week, contained about $27½ million for this total range of programs. This authorization bill contains $40 million plus $30 million in loan guarantee authority. The chairman and ranking member have indicated that they would like to follow the House authorization as closely as possible when the bill moves into conference.

This is a section of the law which has not been terribly effective, but on the other hand, in light of our present difficulties in this trade area, it is considered important to many Members. I would hope that the Committee of the Whole would stand easy on this one and trust the Appropriations Committee to carry it through in conference.

The CHAIRMAN. Does the gentleman from Pennsylvania insist upon his point of order?

Mr. WALKER. Mr. Chairman, in light of the remarks of the distinguished ranking member of the committee that handles this legislation, I withdraw my reservation of a point of order.

The CHAIRMAN. The gentleman withdraws his reservation of a point of order.

The Clerk will read.

The Clerk read as follows:

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

OPERATIONS, RESEARCH, AND FACILITIES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of activities authorized by law for the National Oceanic and Atmospheric Administration, including maintenance, operation, and hire of aircraft; 399 commissioned officers on the active list; construction of facilities, including initial equipment; alteration, modernization, and relocation of facilities; and acquisition of land for facilities; $942,871,000, to remain available until expended, of which $27,000,000 shall be derived from the Airport and Airway Trust Fund; and in addition, $13,600,000 shall be transferred to this appropriation from the fund entitled "Promote and develop fishery products and research pertaining to American fisheries".

POINT OF ORDER

Mr. DANNEMEYER. Mr. Chairman, pursuant to clause 2 of rule XXI, I raise a point of order against the appropriation for this item contained on page 7 beginning at line 9 on the grounds that there is no authorization that has been passed and in law.

The CHAIRMAN. Does the gentleman from Iowa (Mr. SMITH) desire to be heard on the point of order?

Mr. SMITH of Iowa. I concede that point of order, but I have an amendment at the desk.

The CHAIRMAN. The gentleman concedes the point of order.

The Chair sustains the point of order against the paragraph.

AMENDMENT OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SMITH of Iowa: On page 7, after line 8, insert the following:

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

OPERATIONS, RESEARCH AND FACILITIES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of activities authorized by law for the National Oceanic and Atmospheric Administration, including maintenance, operation, and hire of aircraft; construction of facilities, including initial equipment; alteration, modernization and relocation of facilities; $888,592,000, of

which $27,000,000 shall be derived from the Airport and Airways Trust Fund.

Mr. SMITH of Iowa. Mr. Chairman, this is the amount that is authorized. We thought the additional amounts were very important, and I think a good many Members, maybe most of the Members did, but in view of the point of order, this is the most that we can put in for this program, so I ask for a vote.

Mr. DANNEMEYER. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Iowa. I yield to the gentleman from California.

Mr. DANNEMEYER. I thank the gentleman for yielding.

Mr. Chairman, is there an existing authorization in the law for an amount for this function?

Mr. SMITH of Iowa. Yes.

Mr. DANNEMEYER. What is that amount?

Mr. SMITH of Iowa. It is the amount that is in the amendment.

Mr. DANNEMEYER. $888,592,000?

Mr. SMITH of Iowa. That is right, and the $27 million transfer was authorized just a few months ago.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa.

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

FISHERIES LOAN FUND

For expenses necessary to carry out the provisions of section 221 of the American Fisheries Promotion Act of December 22, 1980 (Public Law 96-561), there are appropriated to the Fisheries Loan Fund, $11,000,000 from receipts collected pursuant to that Act: *Provided*, That during fiscal year 1984 not to exceed $300,000 of the Fisheries Loan Fund shall be available for administrative expenses.

POINT OF ORDER

Mr. WALKER. Mr. Chairman, I make a point of order against the section beginning at line 12, on page 9, as a violation of clause 2, rule XXI.

The CHAIRMAN. Does the gentleman from Iowa (Mr. SMITH) desire to be heard on the point of order?

Mr. SMITH of Iowa. My understanding is that this is authorized. So I do resist the point of order under section 103 of Public Law 98-44.

The CHAIRMAN. Does the gentleman from Pennsylvania (Mr. WALKER) desire to be heard further?

Mr. WALKER. It was my understanding, Mr. Chairman, that this was not authorized. I am told that it is, so therefore I withdraw my point of order.

The CHAIRMAN. The gentleman from Pennsylvania (Mr. WALKER) withdraws his point of order.

□ 1440

The Clerk will read.

The Clerk read as follows:

NATIONAL BUREAU OF STANDARDS

SCIENTIFIC AND TECHNICAL RESEARCH AND SERVICES

For necessary expenses of the National Bureau of Standards, $125,485,000, to remain available until expended. Of the foregoing amount, not to exceed $52,031,000 is for Measurement, Research and Standards; not to exceed $22,881,000 is for Engineering Measurements and Standards; not to exceed $11,500,000 is for Computer Science and Technology; not to exceed $14,356,000 is for Core Research Program for Innovation and Productivity; not to exceed $6,386,000 is for the Fire Research Center; not to exceed $7,672,000 is for Technical Competence; not to exceed $10,659,000 if for Central Technical Support; and, not to exceed $5,661,000 may be transferred to the "Working Capital Fund".

POINT OF ORDER

Mr. WALKER. Mr. Chairman, I make a point of order against the section beginning on line 3, page 10, as a violation of clause 2 of rule XXI.

Mr. SMITH of Iowa. Mr. Chairman, I concede the point of order.

Mr. ALBOSTA. Mr. Chairman, I rise in strong support of the funding for the Economic Development Administration, more commonly known as EDA, contained in H.R. 3222, the Commerce-Justice-State appropriations bill the House is considering today.

This administration has systematically sought to destroy EDA by poor management and bad policies. With double-digit unemployment still existing in many parts of the country, including my own State of Michigan, there is no question EDA is needed to help create jobs. Instead of trying to improve the EDA program by targeting economic development assistance in a more effective way as Congress has proposed, this administration, through the Commerce Department, has tried to destroy the program.

This country needs a targeted economic development assistance program to encourage companies to locate in high-unemployment areas and to assist cities and towns with double-digit unemployment in attracting new businesses or helping existing ones expand. Cutting EDA funding, as the gentleman from Illinois is proposing today, would be pennywise and dollar foolish. For every percentage point that unemployment drops, the Federal deficit, now running at close to $200 billion per year, will drop $30 billion. Putting America back to work makes good economic sense and programs like EDA are an important tool in achieving this goal.

I strongly urge my colleagues to support the $315 million contained in H.R. 3222 for the Economic Development Administration so that all parts of the country can share in the economic recovery of America.

The CHAIRMAN. The Chair sustains the point of order against the section referred to, lines 3 through 17, on page 10.

The CHAIRMAN. The Clerk will read.

Mr. SMITH of Iowa. Mr. Chairman, I ask unanimous consent that the bill be considered as read through the bottom of page 11, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Iowa?

There was no objection.

The CHAIRMAN. The bill is considered read through the bottom of page 11.

Are there any points of order against provisions in that portion of the bill?

Are there any amendments to that portion?

If not, the Clerk will read.

The Clerk read as follows:

DEPARTMENT OF TRANSPORTATION

MARITIME ADMINISTRATION

OPERATING-DIFFERENTIAL SUBSIDIES (LIQUIDATION OF CONTRACT AUTHORITY)

For the payment of obligations incurred for operating-differential subsidies as authorized by the Merchant Marine Act, 1936, as amended, $401,294,000, to remain available until expended.

RESEARCH AND DEVELOPMENT

For necessary expenses for research and development activities, as authorized by law, $11,500,000, to remain available until expended.

OPERATIONS AND TRAINING

For necessary expenses of operations and training activities authorized by law, $74,013,000, to remain available until exended: *Provided*, That reimbursements may be made to this appropriation from receipts to the "Federal ship financing fund" for administrative expenses in support of that program.

POINT OF ORDER

Mr. WALKER. Mr. Chairman, I make a point of order against the material on page 12, beginning at line 2 and ending at line 20, as a violation of clause 2, rule XXI.

Mr. SMITH of Iowa. Mr. Chairman, I concede the point of order.

The CHAIRMAN. Without objection, the three paragraphs included theretofore will be considered as read.

There was no objection.

The CHAIRMAN. The point of order is sustained.

The Chair will inquire, does the gentleman from Iowa (Mr. SMITH) concede the point of order against all three paragraphs?

Mr. SMITH of Iowa. I do, Mr. Chairman.

Mr. CHAIRMAN. The point of order is sustained against all three paragraphs.

The Clerk will read, beginning at line 21, page 12.

Mr. SMITH of Iowa. Mr. Chairman, I ask unanimous consent that the bill be considered as read through the bottom of page 13, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Iowa?

There was no objection.

The CHAIRMAN. The bill is considered as read through the bottom of page 13.

Are there any points of order against the provisions in that section?

Are there any amendments to that section?

The Clerk will read.

The Clerk read as follows:

CHRYSLER CORPORATION LOAN GUARANTEE PROGRAM

ADMINISTRATIVE EXPENSES

For necessary administrative expenses, as authorized by the Chrysler Corporation Loan Guarantee Act of 1979 (Public Law 96-185), $1,005,000.

AMENDMENT OFFERED BY MR. VOLKMER

Mr. VOLKMER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. VOLKMER: On page 14, line 6, delete "$1,005,000" and insert in lieu thereof "$500,000".

The CHAIRMAN. The gentleman from Iowa (Mr. VOLKMER) is recognized for 5 minutes in support of his amendment.

Mr. VOLKMER. Mr. Chairman, this amendment will remove half a million dollars plus $5,000, from the Chrysler Corporation Loan Guarantee Act fund for the administration of that program since the fund has been successfully completed and utilized by Chrysler and has been paid back. The only administrative necessity now for the loan office is to make its final report to the Congress on it and close shop.

Mr. SMITH of Iowa. Mr. Chairman, since we marked up the bill, they have exercised their options, and I understand that the gentleman's amendment is in line with the needs of the agency.

Mr. VOLKMER. Mr. Chairman, we have contacted Mr. Seward at the Chrysler loan office, and he said this is satisfactory and this is the money that will be needed.

I think it has been a successful action by this Congress in the past in helping Chrysler ge through this period. They are now successful, and this amendment will reduce the appropriation to the amount the loan office actually needs to finish administering the program.

Mr. O'BRIEN. Mr. Chairman, will the gentleman yield?

Mr. VOLKMER. I yield to the gentleman from Illinois.

Mr. O'BRIEN. Mr. Chairman, we have no objection to the amendment on this side.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Missouri (Mr. VOLKMER).

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

FEDERAL COMMUNICATIONS COMMISSION

SALARIES AND EXPENSES

For necessary expenses for the Federal Communications Commission, as authorized by law, including uniforms and allowances therefor, as authorized by law (5 U.S.C. 5901-02); not to exceed $600,000 for land and structures; not to exceed $385,000 for improvement and care of grounds and repair to buildings; not to exceed $3,000 for official reception and representation expenses; purchase (not to exceed ten for replacement only) and hire of motor vehicles; special counsel fees; and services as authorized by 5 U.S.C. 3109; $86,981,000. Not to exceed $300,000 of the foregoing amount shall remain available until September 30, 1985, for research and policy studies. In addition, an amount equivalent to funds deposited into the General Fund of the Treasury by the State of Florida as a result of the expense of construction and relocation of the Fort Lauderdale Monitoring Station shall remain available until expended for the completion of construction and relocation of such monitoring station.

POINT OF ORDER

Mr. WALKER. Mr. Chairman, I make a point of order against the section beginning on line 8 of page 14 as a violation of clause 2, rule XXI.

The CHAIRMAN. Does the gentleman from Iowa desire to be heard on the point of order?

Mr. SMITH of Iowa. I have to concede the point of order, Mr. Chairman.

The CHAIRMAN. The gentleman from Iowa (Mr. SMITH) concedes the point of order, and the Chair sustains the point of order.

The Clerk will read.

The Clerk read as follows:

FEDERAL MARITIME COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Federal Maritime Commission, including services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles; and uniforms or allowances therefor, as authorized by 5 U.S.C. 5901-02; $10,756,000: *Provided*, That not to exceed $1,500 shall be available for official reception and representation expenses.

Mr. LEVITAS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I note that the language in the next section on the Federal Trade Commission provides that the funds would be made available only in the event of an authorization bill being passed. While I understand that the next section calling for funds for the FTC would be subject to a point of order because there is no authorization, I have no intention of offering that point of order and would hope that we might appropriate subject to authorization in this fashion so that there could be an authorization, because if there is not, and funds for the FTC are put in the conference, I think it would be incumbent on this body to resist that funding either in the conference on this bill or in a continuing resolution, until there is an authorization.

Mr. SMITH of Iowa. Mr. Chairman, will the gentleman yield?

Mr. LEVITAS. I am happy to yield to the gentleman from Iowa.

Mr. SMITH of Iowa. Mr. Chairman, I certainly agree. I will resist in every way I can if money is put in without being authorized, because I wanted the paragraph for the FTC put in the bill, making the availability of the funds subject to authorization. I think it is about time we get an authorization for this agency.

Mr. LEVITAS. Mr. Chairman, I commend the chairman of the subcommittee. That is precisely the constructive type of attitude that should be expressed on this matter. We need to deal with this important FTC issue, and the way the chairman of the subcommittee and the subcommittee have brought this matter to the attention of the House is the proper way to deal with it. In the absence of dealing with it in this fashion—that is making the appropriation subject to an authorization—I, for one, would prefer to see no funding at all either in this bill or in the continuing resolution.

Mr. SMITH of Iowa. Mr. Chairman, lest I be misunderstood, I do not agree with everything the gentleman stands for on FTC, but nevertheless I think the House ought to work its will on the FTC instead of trying to decide these issues on the appropriation bill.

Mr. LEVITAS. Mr. Chairman, I will relieve the gentleman from Iowa of the onus of having to agree with everything the gentleman from Georgia advocates about the FTC. I do not want to impose that burden on him.

I would simply suggest that the gentleman is absolutely correct. In a matter that has the significance that the FTC authorization does in terms of the issues that are raised, the only way to deal with it is through authorization. That bill should be brought to the floor, and in the absence of an authorization, I for one would work to see that there be no funding for this Commission until the issues have been addressed by this House.

PARLIAMENTARY INQUIRY

Mr. FLORIO. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. FLORIO. Mr. Chairman, am I correct in understanding we are still on the Federal Maritime Commission section? Is that correct?

The CHAIRMAN. The gentleman is correct.

Mr. FLORIO. I thank the Chair.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

FEDERAL TRADE COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Federal Trade Commission, including uniforms or allowances therefor, as authorized by 5 U.S.C. 5901-5902; services as authorized by 5 U.S.C. 3109; hire of passenger motor vehi-

cles; and not to exceed $2,000 for offical reception and representation expenses; there shall be available only upon enactment into law of authorizing legislation, the sum of $65,122,000.

POINT OF ORDER

Mr. FLORIO. Mr. Chairman, I raise a point of order on the ground that there is no authorization for the Federal Trade Commission, and, therefore, the provisions contained in line 9 through line 17 of page 15 of the bill should not be permitted to go forward.

The CHAIRMAN. Does the gentleman from Iowa desire to be heard on the point of order?

Mr. SMITH of Iowa. Mr. Chairman, I concede the point of order even though the language would not make the appropriation effective until there is an authorization. I concede the point of order.

The CHAIRMAN. The point of order is conceded, and the Chair sustains the point of order against the paragraph.

The Clerk will read.

The Clerk read as follows:

INTERNATIONAL TRADE COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the International Trade Commission, including hire of passenger motor vehicles and services as authorized by 5 U.S.C. 3109, $20,737,000.

POINT OF ORDER

Mr. WALKER. Mr. Chairman, I make a point of order against the section beginning with line 19 on page 15 as a violation of clause 2 of rule XXI.

The CHAIRMAN. Does the gentleman from Iowa desire to be heard on the point of order?

Mr. SMITH of Iowa. Mr. Chairman, I concede the point of order.

The CHAIRMAN. The gentleman from Iowa concedes the point of order, and the Chair sustains the point of order.

The Clerk will read.

The Clerk read as follows:

SECURITIES AND EXCHANGE COMMISSION

SALARIES AND EXPENSES

For necessary expenses for the Securities and Exchange Commission, including services as authorized by 5 U.S.C. 3109, and not to exceed $2,000 for official reception and representation expenses, $95,782,000.

□ 1450

POINT OF ORDER

Mr. WALKER. Mr. Chairman, I make a point of order against the section beginning at line 15 on page 16 as a violation of clause 2, rule XXI.

The CHAIRMAN. Does the gentleman from Iowa desire to be heard on the point of order?

Mr. SMITH of Iowa. No, Mr. Chairman, I do not desire to be heard. I concede the point of order.

The CHAIRMAN. The gentleman from Iowa concedes the point of order. The Chair sustains the point of order.

The Clerk will read.

The Clerk read as follows:

FEDERAL BUREAU OF INVESTIGATION

SALARIES AND EXPENSES

For expenses necessary for detection, investigation, and prosecution of crimes against the United States; including purchase for police-type use (not to exceed one thousand four hundred of which one thousand two hundred will be for replacement only) and hire of passenger motor vehicles; acquisition, lease maintenance and operation of aircraft; and not to exceed $70,000 to meet unforeseen emergencies of a confidential character, to be expended under the direction of the Attorney General, and to be accounted for solely on his certificate; $1,050,381,000, of which not to exceed $52,000,000 for automated data processing and telecommunications and $1,000,000 for undercover operations and $10,000,000 for the relocation within the District of Columbia of the Washington field office shall remain available and the provisions of section 7(a) of Public Law 96-132 shall remain in effect until September 30, 1985: *Provided*, That notwithstanding the provisions of title 31 U.S.C. 3302, the Director of the Federal Bureau of Investigation may establish and collect fees to process fingerprint identification records for noncriminal employment and licensing purposes, and credit not more than $13,500,000 of such fees to this appropriation to be used for salaries and other expenses incurred in providing these services: *Provided further*, That passenger motor vehicles for police-type use may be purchased without regard to the general purchase price limitation for the current fiscal year.

POINT OF ORDER

Mr. EDWARDS of California. Mr. Chairman, I make a point of order against the phrase: "and the provisions of section 7(a) of Public Law 96-132 shall remain in effect."

This is on page 22, lines 16 to 18. That is in violation of clause 2, rule XXI, which prohibits legislation in an appropriations bill.

The CHAIRMAN. Does the gentleman from Iowa desire to be heard?

Mr. SMITH of Iowa. No, Mr. Chairman, I concede the point of order.

The CHAIRMAN. The gentleman from Iowa concedes the point of order. The Chair sustains the point of order against that phrase.

The Clerk will read.

Mr. SMITH of Iowa. Mr. Chairman before the Chair moves on, I think the gentleman from California intended to include the words, "until September 30, 1985", or did he?

Mr. EDWARDS of California. No, I believe not. This language is in the authorization bill.

Mr. SMITH of Iowa. All right.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk will read.

The Clerk read as follows:

OFFICE OF JUSTICE ASSISTANCE, RESEARCH, AND STATISTICS

LAW ENFORCEMENT ASSISTANCE

For grants, contracts, cooperative agreements, and other assistance authorized by the Justice System Improvement Act of 1979, as amended, including salaries and expenses in connection therewith, $18,466,000, to remain available until expended; and for grants, contracts, cooperative agreements, and other assistance authorized by title II of the Juvenile Justice and Delinquency Prevention Act of 1974, as amended, including salaries and expenses in connection therewith, $70,155,000, to remain available until expended.

AMENDMENT OFFERED BY MR. HUGHES

Mr. HUGHES. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. HUGHES: Page 27, beginning on line 13 strike out "Justice System Improvement Act of 1979, as amended" and insert in lieu thereof "title I of the Omnibus Crime Control and Safe Streets Act of 1968".

Page 27, line 21, strike out the period and insert in lieu thereof the following:

"; and, contingent upon any enactment into law of H.R. 2175 or S. 53 as passed by the 98th Congress (and in addition to the other appropriations made in this paragraph), for grants, contracts, cooperative agreements, and other assistance authorized by title I of the Omnibus Crime Control and Safe Streets Act of 1968, including salaries and expenses in connection therewith, and for any other program which is established in H.R. 2175 or S. 53, as so enacted, and which authorized the Attorney General of the United States to provide Federal law enforcement assistance to States to address crime problems of serious and epidemic proprotions, $162,000,000, to remain available until expended.".

Mr. HUGHES (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. SENSENBRENNER. Mr. Chairman, I reserve a point of order against the amendment.

The CHAIRMAN. The gentleman from Wisconsin (Mr. SENSENBRENNER) reserves a point of order against the amendment.

Mr. HUGHES. Mr. Chairman, on May 10, 1983, the House of Representatives overwhelmingly passed by a margin of 399 to 16, H.R. 2175, the Justice Assistance Act of 1983. Also, I am informed that recently the full Judiciary Committee of the Senate favorably reported S. 53, their version of the Justice Assistance Act of 1983. This bill, in a nutshell, establishes a modest Federal financial aid program for State, local, and private initiatives against crime, targeted at the most critical crime problems and administered by an office of justice assistance in the Department of Justice. What we are proposing is a very limited program of Federal assistance to support activities that can help all crime fighting agencies at the State and local levels, but which realistically, few can afford to undertake. This includes developing good information and statistics to measure our crime problems. It includes research on matters of crime, testing promising ideas, and, when

they seem to work, demonstrating their effectiveness in criminal justice agencies throughout the country.

What this amendment does is merely increase the amount of money available to the Department of Justice by $162 million contingent upon the enactment of the Justice Assistance Act. The fact that the bill as reported does not contain such an appropriation is not because the Appropriations Committee rejected it on the merits. At the time the committee acted, the administration had not submitted a request for funding of these programs because, as I understand it, the bill authorizing these programs was not enacted or sufficiently close to enactment. Based on the passage of the authorization legislation by an overwhelming margin in the House, and considerable progress toward passage of similar legislation in the Senate, OMB has now made a request for funding of these programs. I am further informed by the distinguished chairman of the Subcommittee on Commerce, Justice, and Judiciary, Mr. SMITH, that he supports funding of these programs. He has no objection to this amendment and the $162 million amount can be accommodated within his budget allocation.

We propose that the amendment make the availability of this appropriation contingent upon enactment of the authorization legislation I just described. Authorization for appropriations for predecessor programs under the Justice Systems Improvement Act of 1979 expired in fiscal year 1983. We believe this contingency provision is needed for two reasons. The first is that we should not be expending funds for programs which have not been finally authorized. The second is that such a contingency is needed to insure that such an appropriation is available only for Justice assistance programs as recently overhauled by the Congress, not as authorized under the 1979 legislation which Congress has seen fit to scale down considerably, both in funding levels and program expanse. A simple extension of the authorization for the 1979 programs, as the appropriation bill reported in the Senate would do, would not reflect the major revisions we have made under the Justice Assistance Act of 1983.

Mr. O'BRIEN. Mr. Chairman, will the gentleman yield?

Mr. HUGHES. I am happy to yield to my colleague.

Mr. O'BRIEN. Mr. Chairman, am I correct that the amendment of the gentleman simply adds $92 million to the $70 million referred to in line 20?

Mr. HUGHES. No. It adds $162 million.

Mr. O'BRIEN. But the figure of the gentleman of $162 million simply includes the $70 million and adds $92 million to it?

Mr. HUGHES. That is right, that is correct.

Mr. O'BRIEN. Mr. Chairman, I thank the gentleman.

Mr. SAWYER. Mr. Chairman, will the gentleman yield?

Mr. HUGHES. I am happy to yield to the gentleman from Michigan.

Mr. SAWYER. Mr. Chairman, I just wanted to join with the gentleman in the well. This is a very modest, but very worthwhile program. It has been very carefully considered in our subcommittee. We have discussed it with the White House counsel, Ed Meese, and have his agreement.

I would just hope that the amendment will be carried.

Mr. HUGHES. I thank the gentleman.

Mr. O'BRIEN. Mr. Chairman, will the gentleman yield further?

Mr. HUGHES. I am happy to yield to the gentleman.

Mr. O'BRIEN. Mr. Chairman, the minority side has no objection to the amendment.

Mr. HUGHES. Mr. Chairman, I thank the gentleman.

□ 1500

POINT OF ORDER

Mr. SENSENBRENNER. Mr. Chairman, I insist upon my point of order against the amendment.

The CHAIRMAN. The gentleman will state the point of order.

Mr. SENSENBRENNER. Mr. Chairman, the amendment is in violation of clause 2, rule XXI of the Rules of the House of Representatives in that it proposes an appropriation for a program that has not been authorized by law.

The distinguished chairman of the subcommittee, Mr. HUGHES, has stated that there has been no final authorization legislation cleared through the Congress. I believe that the point of order should be sustained.

The CHAIRMAN. Does the gentleman from New Jersey desire to be heard on the point of order?

Mr. HUGHES. I concede the point of order.

The CHAIRMAN. The gentleman concedes the point of order.

The Chair therefore sustains the point of order.

AMENDMENT OFFERED BY MR. HUGHES

Mr. HUGHES. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. HUGHES: Page 27, beginning on line 13, strike out "Justice System Improvement Act of 1979, as amended" and insert in lieu thereof "title I of the Omnibus Crime Control and Safe Streets Act of 1968".

Page 27, line 21, strike out the period and insert in lieu thereof the following:

"; and, contingent upon any enactment into law of H.R. 2175 or S. 53 as passed by the 98th Congress (and in addition to the other appropriations made in this paragraph), for grants, contracts, cooperative agreements, and other assistance authorized by title I of the Omnibus Crime Control and Safe Streets Act of 1968, including salaries and expenses in connection therewith, and for any other program which is established in H.R. 2175 or S. 53, as so enacted, and which authorizes the Attorney General of the United States to provide Federal law enforcement assistance to States to address crime problems of serious and epidemic proportions, $92,000,000, to remain available until expended.

Mr. HUGHES (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

PARLIAMENTARY INQUIRY

Mr. SENSENBRENNER. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. SENSENBRENNER. Has the clerk completed reading the amendment?

Mr. HUGHES. I am going to explain the amendment.

Mr. SENSENBRENNER. Mr. Chairman, I reserve a point of order against this amendment, too.

The CHAIRMAN. The gentleman from New Jersey (Mr. HUGHES) is recognized for 5 minutes.

Mr. HUGHES. Mr. Chairman, essentially the amendment is the same. If the gentleman from Wisconsin (Mr. SENSENBRENNER) pursues the point of order it obviously will be sustained. I only implore the gentleman not to make a point of order. The $92 million that is contemplated is what the Office of Management and Budget has requested for this particular program. It is a major overhaul of the Justice System Improvement Act. It complies with what OMB has requested. It is in accord with what is moving ahead on the Senate side. I think that it is a modest program. It is contingent upon this authorization being enacted into law, signed by the President.

So, it is contingent on that. If that does not occur, there is no appropriation. I would ask the gentleman not to press his point of order.

I yield back the balance of my time.

POINT OF ORDER

Mr. SENSENBRENNER. Mr. Chairman, I make a point of order against the amendment in that it is in violation of clause 2, rule XXI, of the House of Representatives, in that the program proposed by the amendment has not been authorized.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk will read.

The Clerk read as follows:

RELATED AGENCIES

COMMISSION ON CIVIL RIGHTS

SALARIES AND EXPENSES

For expenses necessary for the Commission on Civil Rights, including hire of passenger motor vehicles, $11,887,000.

POINT OF ORDER

Mr. SENSENBRENNER. Mr. Chairman, I make a point of order against that section of the bill which begins at line 19, page 28, in that the Commission on Civil Rights is not authorized and consequently the appropriation is in violation of clause 2, rule XXI.

The CHAIRMAN. Does the gentleman from Iowa desire to be heard?

Mr. SMITH of Iowa. I concede the point of order. I think it begins at line 20.

The CHAIRMAN. The Chair will so construe it.

The gentleman from Iowa concedes the point of order.

The Chair sustains the point of order.

The Clerk will read.

The Clerk read as follows:

LEGAL SERVICES CORPORATION

PAYMENT TO THE LEGAL SERVICES CORPORATION

For payment to the Legal Services Corporation to carry out the purposes of the Legal Services Corporation Act of 1974, as amended, $296,000,000: *Provided*, That none of the funds appropriated in this paragraph shall be expended for any purpose prohibited or limited by or contrary to any of the provisions of—

(1) H.R. 2909 as reported to the House of Representatives unless paragraph (2) or (3) applies;

(2) authorizing legislation for fiscal year 1984 for the Legal Services Corporation passed by the House of Representatives unless paragraph (3) applies; or

Mr. GONZALEZ. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in order to direct a couple of questions to the distinguished chairman. The action just taken as a result of the point of order interposed against that particular section having to do with the funding of the Civil Rights Commission, precisely where does that leave the Civil Rights Commission?

Mr. SMITH of Iowa. Mr. Chairman, will the gentleman yield?

Mr. GONZALEZ. I yield to the gentleman from Iowa (Mr. SMITH).

Mr. SMITH of Iowa. When we take up the continuing resolution in about a week or 10 days, I intend to ask the Appropriations Committee to include in the continuing resolution the funding for the Civil Rights Commission which would include exact language and amount that was knocked out here on a point of order. Then when the continuing resolution comes to the floor anybody can oppose it that wants to.

Mr. GONZALEZ. I thank the distinguished chairman.

POINT OF ORDER

Mr. SENSENBRENNER. Mr. Chairman, I make a point of order against that section of the bill which begins on line 12, page 29, in that it violates clause 2 of rule XXI of the Rules of the House of Representatives in that the program is not authorized.

The CHAIRMAN. The gentleman from Iowa.

Mr. SMITH of Iowa. I concede it is not authorized.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk will read.

The Clerk read as follows:

This title may be cited as the "Department of Justice and Related Agencies Appropriation Act, 1984".

PARLIAMENTARY INQUIRY

Mr. GILMAN. Mr. Chairman, reserving the right to raise a point of order, I have a parliamentary inquiry.

Mr. Chairman, is the entire title III now open for consideration?

The CHAIRMAN. We have not reached that point as yet. We have just started title III.

Mr. SMITH of Iowa. Mr. Chairman, I move to strike the last word.

I would like to yield to the gentleman from New York and make an inquiry.

What is it his intention to do?

Mr. GILMAN. If the gentleman will yield, it is my intention to raise a point of order against all those provisions from page 36, line 6, through page 41, line 8, inclusive.

Mr. SMITH of Iowa. First, Mr. Chairman, to accommodate the House time, I will ask unanimous consent that the bill be considered as read and open to amendment at any point from line 8, page 30, through line 5, page 36.

The CHAIRMAN. Is there objection to the request of the gentleman from Iowa?

There was no objection.

The CHAIRMAN. Are there any points of order?

POINT OF ORDER

Mr. GILMAN. Mr. Chairman, I have a point of order.

The portions of the bill to which the point of order relates is as follows:

TITLE III—DEPARTMENT OF STATE AND RELATED AGENCIES

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

SALARIES AND EXPENSES

For necessary expenses of the Department of State and the Foreign Service, not otherwise provided for, including obligations of the United States abroad pursuant to treaties, international agreements, and binational contracts (including obligations assumed in Germany on or after June 5, 1945); expenses authorized by section 9 of the Act of August 31, 1964, as amended (31 U.S.C. 3721), and section 2 of the State Department Basic Authorities Act of 1956, as amended (22 U.S.C. 2669); telecommunications; expenses necessary to provide maximum physical security in Government-owned and leased properties and vehicles abroad; permanent representation to certain international organizations in which the United States participates pursuant to treaties, conventions, or specific Acts of Congress; acquisition by exchange or purchase of vehicles as authorized by law, except that special requirement vehicles may be purchased without regard to any price limitation otherwise established by law; $1,129,369,000, of which $17,500,000 shall remain available until September 30, 1985.

REOPENING CONSULATES

For necessary expenses of the Department of State and the Foreign Service for reopening and operating certain United States consulates as specified in section 103 of the Department of State Authorization Act, fiscal years 1982 and 1983, $2,500,000.

REPRESENTATION ALLOWANCES

For representation allowances as authorized by section 905 of the Foreign Service Act of 1980, as amended (22 U.S.C. 4085), and for representation by United States missions to the United Nations and the Organization of American States, $4,190,000.

ACQUISITION, OPERATION, AND MAINTENANCE OF BUILDINGS ABROAD

For necessary expenses for carrying out the Foreign Service Buildings Act of 1926, as amended (22 U.S.C. 292-300), $162,889,000, to remain available until expended; and, in addition there shall be available subject to the approval of the Committees on Appropriations of the House and Senate under said Committees' policies concerning the reprogramming of funds, the sum of $40,000,000, to remain available until expended, for overseas housing requirements.

ACQUISITION, OPERATION, AND MAINTENANCE OF BUILDINGS ABROAD (SPECIAL FOREIGN CURRENCY PROGRAM)

For payments in foreign currencies which the Treasury Department determines to be excess to the normal requirements of the United States for the purposes authorized by section 4 of the Foreign Service Buildings Act of 1926, as amended (22 U.S.C. 295), $10,113,000, to remain available until expended.

EMERGENCIES IN THE DIPLOMATIC AND CONSULAR SERVICE

For expenses necessary to enable the Secretary of State to meet unforeseen emergencies arising in the Diplomatic and Consular Service, to be expended pursuant to the requirement of 31 U.S.C. 352(e), $4,400,000.

BUYING POWER MAINTENANCE

For the purposes of section 24b of the State Department Basic Authorities Act of 1956, as amended (22 U.S.C. 2696(b)), $4,500,000, to be available without fiscal year limitation.

PAYMENT TO THE AMERICAN INSTITUTE IN TAIWAN

For necessary expenses to carry out the Taiwan Relations Act, Public Law 96-8 (93 Stat. 14), $9,457,000.

PAYMENT TO THE FOREIGN SERVICE RETIREMENT AND DISABILITY FUND

For payment to the Foreign Service Retirement and Disability Fund, as authorized by law, $103,791,000.

INTERNATIONAL ORGANIZATIONS AND CONFERENCES

CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS

For expenses, not otherwise provided for, necessary to meet annual obligations of

membership in international multilateral organizations, pursuant to treaties, conventions, or specific Acts of Congress, $525,773,000: *Provided*, That none of the funds appropriated in this paragraph shall be available for a United States contribution to an international organization for the United States' share of interest costs made known to the United States Government by such organization for loans incurred on or after October 1, 1983, through external borrowings.

CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES

For payments, not otherwise provided for, by the United States for expenses of the United Nations peacekeeping forces, $66,948,000.

INTERNATIONAL CONFERENCES AND CONTINGENCIES

For necessary expenses authorized by section 5 of the State Department Basic Authorities Act of 1956, contributions for the United States share of general expenses of international organizations and representation to such organizations, and personal services without regard to civil service and classification laws, $9,500,000, to remain available until expended, of which not to exceed $225,000 may be expended for representation as authorized by law.

INTERNATIONAL COMMISSIONS

For necessary expenses, not otherwise provided for, to meet obligations of the United States arising under treaties, conventions, or specific Acts of Congress, as follows:

INTERNATIONAL BOUNDARY AND WATER COMMISSION, UNITED STATES AND MEXICO

For necessary expenses for the United States Section of the United States and Mexico International Boundary and Water Commission, and to comply with laws applicable to the United States Section; and leasing of private property to remove therefrom sand, gravel, stone, and other materials, without regard to section 3709 of the Revised Statutes, as amended (41 U.S.C. 5); as follows:

SALARIES AND EXPENSES

For salaries and expenses, not otherwise provided for, including preliminary surveys, $9,849,000: *Provided*, That expenditures for the Rio Grande bank protection project shall be subject to the provisions and conditions contained in the appropriation for said project as provided by the Act approved April 25, 1945 (59 Stat. 89): *Provided further*, That the Anzalduas diversion dam shall not be operated for irrigation or water supply purposes in the United States unless suitable arrangements have been made with the prospective water users for repayment to the Government of such portions of the cost of said dam as shall have been allocated to such purposes by the Secretary of State.

CONSTRUCTION

For detailed plan preparation and construction of authorized projects, to remain available until expended, $679,000.

AMERICAN SECTIONS, INTERNATIONAL COMMISSIONS

For necessary expenses, not otherwise provided for, $3,461,000; for the International Joint Commission, including salaries and expenses of the Commissioners on the part of the United States who shall serve at the pleasure of the President; salaries of employees appointed by the Commissioners on the part of the United States with the approval solely of the Secretary of State; travel expenses and compensation of witnesses; not to exceed $3,000 for representation; and the International Boundary Commission, for necessary expenses, not otherwise provided for, including expenses required by awards to the Alaskan Boundary Tribunal and existing treaties between the United States and Canada or Great Britain

INTERNATIONAL FISHERIES COMMISSIONS

For necessary expenses for international fisheries commissions, not otherwise provided for, $8,966,000: *Provided*, That the United States share of such expenses may be advanced to the respective commissions.

Mr. GILMAN. Mr. Chairman, I raise a point of order against the section of H.R. 3222 appropriating for the Department of State and U.S. Information Agency on the grounds that no authorization has been enacted, and that those sections are in violation of clause 2 of rule XXI. I specifically raise points of order against all those provisions contained in page 30, line 5 through page 36, line 5, at this time.

Mr. SMITH of Iowa. I concede the point of order as to those parts.

The CHAIRMAN. The gentleman from Iowa concedes the point of order.

The Chair sustains the point of order against the paragraphs from page 30, line 7, through page 36, line 5.

The Clerk will read.

The Clerk read as follows:

OTHER

UNITED STATES BILATERAL SCIENCE AND TECHNOLOGY AGREEMENTS

For expenses, not otherwise provided for, to enable the United States to participate in programs of scientific and technological cooperation with Yugoslavia; $1,700,000 to remain available until expended.

Mr. SMITH of Iowa. Mr. Chairman, some of the title is authorized.

The CHAIRMAN. The Chair will state that the Clerk has not read all of the remaining paragraphs in the title. The gentleman from Iowa has not yet asked that further reading be suspended.

POINT OF ORDER

Mr. GILMAN. Mr. Chairman, I raise a point of order against those sections on page 36, line 8, through page 36, line 12, and note that no authorization has been enacted for that section that is in violation of clause 2, House rule XXI.

The CHAIRMAN. Does the gentleman from Iowa desire to be heard on that?

Mr. SMITH of Iowa. No; I concede that point of order.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk will read.

The Clerk read as follows:

THE ASIA FOUNDATION

For a grant to the Asia Foundation, $10,000,000, to remain available until expended.

POINT OF ORDER

Mr. GILMAN. Mr. Chairman, I raise a point of order against that section and all those provisions on page 36, line 13, through page 36, line 15, on the grounds that no authorization has been enacted, that the section is in violation of clause 2 of rule XXI.

The CHAIRMAN. Does the gentleman from Iowa desire to be heard?

Mr. SMITH of Iowa. No.

The CHAIRMAN. The gentleman concedes the point of order. The Chair sustains the point of order.

The Clerk will read.

□ 1510

The Clerk read as follows:

UNITED STATES INFORMATION AGENCY

SALARIES AND EXPENSES

For expenses, not otherwise provided for, necessary to enable the United States Information Agency, as authorized by Reorganization Plan No. 2 of 1977, the Mutual Educational and Cultural Exchange Act, as amended (22 U.S.C. 2451 et seq.), and the United States Information and Educational Exchange Act, as amended (22 U.S.C. 1431 et seq.), to carry out international communication, educational and cultural activities, including employment, without regard to civil service and classification laws, of persons on a temporary basis (not to exceed $20,000); expenses authorized by the Foreign Service Act of 1980 (22 U.S.C. 3901 et seq.), living quarters as authorized by 5 U.S.C. 5912, and allowances as authorized by 5 U.S.C. 5921–5928; and entertainment, including official receptions, within the United States, not to exceed $50,000; $480,845,000, of which not to exceed $5,509,000 of the amounts allocated by the United States Information Agency to carry out section 102(a)(3) of the Mutual Educational and Cultural Exchange Act, as amended (22 U.S.C. 2452(a)(3)), shall remain available until expended: *Provided*, That not to exceed $615,000 may be used for representation abroad: *Provided further*, That receipts not to exceed $500,000 may be credited to this appropriation from fees or other payments received from or in connection with English-teaching programs as authorized by section 810 of Public Law 80–402, as amended; and, for expenses of certain exchange programs of the United States Information Agency, $84,349,000, of which $72,211,000 shall be for the Fulbright and International Visitors Programs, $3,430,000 shall be for the Humphrey Fellowship Program, and $8,708,000 shall be for the Private Sector Programs; and in addition, there shall be available only upon enactment into law of authorizing legislation, the sum of $55,000,000, of which $31,300,000 shall be for the National Endowment for Democracy and $23,700,000 shall be for Project Democracy, including $6,166,000 which shall be for the Fulbright and International Visitors Programs and $4,343,000 which shall be for the Private Sector Programs.

POINT OF ORDER

Mr. GILMAN. Mr. Chairman, I raise a point of order on this section on page 38 between line 21 through page 40, line 9, and note that it is in violation of clause 2 of House rule XXI in that no authorization has been enacted for that section.

The CHAIRMAN. Does the gentleman from Iowa desire to be heard on the point of order?

Mr. SMITH of Iowa. Mr. Chairman, I concede the point of order.

The CHAIRMAN. The gentleman concedes the point of order.

The Chair sustains the point of order.

The Clerk will read.

The Clerk read as follows:

SALARIES AND EXPENSES (SPECIAL FOREIGN CURRENCY PROGRAM)

For payments in foreign currencies which the Department of the Treasury determines to be excess to the normal requirements of the United States, for necessary expenses of the United States Information Agency, as authorized by law, $10,556,000, to remain available until expended.

POINT OF ORDER

Mr. GILMAN. Mr. Chairman, I raise a point of order on page 40, line 10, through page 40, line 16, in that that section is in violation of clause 2 of House rule XXI and ask that it be ruled out of order.

Mr. SMITH of Iowa. Mr. Chairman, I concede the point of order.

The CHAIRMAN. The gentleman concedes the point of order, and the Chair sustains the point of order.

The Clerk will read.

The Clerk read as follows:

CENTER FOR CULTURAL AND TECHINCAL INTERCHANGE BETWEEN EAST AND WEST

To enable the Director of the United States Information Agency to provide for carrying out the provisions of the Center for Cultural and Technical Interchange Between East and West Act of 1960, by grant to any appropriate recipient in the State of Hawaii, $18,547,000: *Provided*, That none of the funds appropriated herein shall be used to pay any salary, or to enter into any contract providing the payment thereof, in excess of the highest rate authorized in the General Schedule of the Classification Act of 1949, as amended.

POINT OF ORDER

Mr. GILMAN. Mr. Chairman, I raise a point of order on page 40, line 17, through page 41, line 2, in that no authorization has been enacted and the section is in violation of clause 2 of House rule XXI.

Mr. SMITH of Iowa. Mr. Chairman, I concede the point of order.

The CHAIRMAN. The gentleman from Iowa (Mr. SMITH) concedes the point of order, and the Chair sustains the point of order.

The Clerk will read.

The Clerk read as follows:

ACQUISITION AND CONSTRUCTION OF RADIO FACILITIES

For an additional amount for the purchase, rent, construction, and improvement of facilities for radio transmission and reception and purchase and installation of necessary equipment for radio transmission and reception, $34,013,000, to remain available until expended.

POINT OF ORDER

Mr. GILMAN. Mr. Chairman, I raise a point of order with regard to page 41, line 3, through page 41, line 8, in that it is in violation of clause 2 of House rule XXI in that no authorization has been enacted.

Mr. SMITH of Iowa. Mr. Chairman, I concede the point of order.

The CHAIRMAN. The gentleman concedes the point of order and the Chair sustains the point of order.

Mr. SMITH of Iowa. Mr. Chairman, I ask unanimous consent that the bill be considered as read and open to amendment through line 4 on page 45.

The CHAIRMAN. Is there objection to the request of the gentleman from Iowa?

There was no objection.

The CHAIRMAN. Are there any points of order against the paragraphs in question?

If not, are there any amendments to any of the paragraphs included?

If not, the Clerk will read.

The Clerk read as follows:

SPACE AND FACILITIES

For rental of space, alterations, and related services and facilities, including the procurement, transportation, and installation of furniture and furnishings for the United States Courts of Appeals, District Courts, Bankruptcy Courts, and Claims Court, $142,624,000.

Mr. WALKER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, we are getting close to the end of the bill at this point and I rise simply to make the point again that if the chairman of the subcommittee does offer a motion to rise, we would be precluded from offering a number of amendments that Members on this side of the aisle, and I think on the other side of the aisle, would like to have considered as a part of this legislation.

I, for example, have an amendment on the issue of school prayer that has been adopted overwhelmingly by this House on three previous occasions. I would hope that we would have an opportunity to address that issue.

I think it is also important that some of the other fund limitation amendments that might be offered in the course of our deliberations here also be given their opportunity to come to the floor.

That, of course, would be precluded if we permit the gentleman's motion to rise to stand. So whether you favor my amendment on school prayer or some other amendment that might come up addressing a variety of other subjects, I would hope that the Members would vote against the motion to rise, thereby giving us an opportunity to offer those relevant amendments.

In each case, of course, the amendments have to be germane to the bill. In each case, they have to meet the tests of germaneness that the Parliamentarian would lay down. But they should be permitted to at least be debated and discussed. Otherwise, on many of these issues, we will never be given a chance to address those issues in the future.

As the gentleman from Iowa has already noted, most of the provisions of this bill are probably going to be folded into a continuing resolution. When that continuing resolution is out here, we will be under the same kind of strictures and will not be able to address the issue, so we will be left once again with matters that are of intense interest to the American people left undebated and left unsolved by the Congress.

I would hope that in this instance we will take this opportunity when Congress is passing funds for legislation to decide whether or not we want to limit those funds in some particular way, and so I would ask at the appropriate time for a vote against the gentleman's motion to rise.

I yield back the balance of my time.

Mr. SMITH of Iowa. Mr. Chairman, I ask unanimous consent that the bill be considered as read and open to amendment through line 9, page 48.

The CHAIRMAN. Is there objection to the request of the gentleman from Iowa?

There was no objection.

The CHAIRMAN. Are there any points of order against these sections of the bill?

If not, are there any amendments to these sections of the bill?

Mr. SMITH of Iowa. Mr. Chairman, I move to strike the last word.

I would like to point out in response to the gentleman from Pennsylvania (Mr. WALKER) that he is quite accurate; it is my intention, as soon as the Clerk finishes reading these next three lines, to move the committee do now rise. And the gentleman is quite accurate in saying that the importance of this motion is that if it carries, it does prevent a number of amendments from being made to this bill.

Among those that I know of is one on school prayer the gentleman mentioned, although I think it may be subject to a point of order. It may not. I do not know. That would be up to the chairman to rule on.

There might be one on busing. We know that there is a raging controversy between the moviemakers and the networks, and that might come up. There is another one, I am told, about the United Nations and maybe one on satellites, and one on whether or not the INS can send Salvadorans back to San Salvador. At least we know of those.

It is my preference that we not have a whole lot of those limiting amendments on this bill.

I remember very well, as other Members do, that in the last 2 or 3 years, the bill had amendments like that attached to it and when it went to the other body, the bill died. So putting those amendments in the bill did not serve the purposes of those who favored such amendments or who were against such amendments either. So putting such amendments on really does not serve a good purpose, I do not think. It just helps to assure that the

bill will not go to conference and that there will not be a final bill enacted.

I recognize the gentleman's right to take the opposite position and he has done so, and expressed himself very well. But that is just how simple the issue is.

I am going to move to rise. If my motion is sustained, then it will be up to somebody, if they want to, to have a motion to recommit or for final passage.

If my motion is not approved, then the bill is going to be open for I do not know how many amendments and nobody else does, either.

AMENDMENT OFFERED BY MR. HUNTER

Mr. HUNTER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. HUNTER: On page 48, after line 9, add the following new section:

INTERNATIONAL BOUNDARY AND WATER COMMISSION, UNITED STATES AND MEXICO

For necessary expenses for the United States Section of the United States and Mexico International Boundary and Water Commission, and to comply with laws applicable to the United States Section; and leasing of private property to remove therefrom sand, gravel, stone, and other materials, without regard to section 3709 of the Revised Statutes, as amended (41 U.S.C. 5); as follows:

SALARIES AND EXPENSES

For salaries and expenses, not otherwise provided for, including preliminary surveys, $10,749,000: *Provided*, That expenditures for the Rio Grande bank protection project shall be subject to the provisions and conditions contained in the appropriation for said project as provided by the Act approved April 25, 1945 (59 Stat. 89): *Provided further*, That the Anzalduas diversion dam shall not be operated for irrigation or water supply purposes in the United States unless suitable arrangements have been made with the prospective water users for repayment to the Government of such portions of the cost of said dam as shall have been allocated to such purposes by the Secretary of State.

Of such amount, $800,000 shall be available for reimbursement of the city of San Diego, in the State of California, for expenses incurred in treating domestic sewage received from the city of Tijuana, in the State of Baja California, Mexico, and $100,000 shall be available for reimbursement of the city of Nogales, in the State of Arizona, for expenses incurred in treating domestic sewage received from the city of Nogales, in the State of Sonora, Mexico.

Mr. HUNTER (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. HUNTER. Mr. Chairman, I am offering this amendment to the general provisions with my colleague from Arizona (Mr. UDALL). It is a very critical amendment, and it is due to the raw sewage which is flowing across our borders in our respective districts.

□ 1520

Mr. SMITH of Iowa. Mr. Chairman, will the gentleman yield?

Mr. HUNTER. I yield to the gentleman.

Mr. SMITH of Iowa. This is a matter which has come up since the committee reported the bill. It relates to the economic problems in Mexico. There is a serious problem. I do not want to say that we agree with everything that is in this amendment or that I will agree when we go to conference, but I think it is worthy of going to conference and being considered at that point.

Mr. HUNTER. I thank the gentleman.

Mr. UDALL. Mr. Chairman, will the gentleman yield?

Mr. HUNTER. I yield to the chairman.

Mr. UDALL. I thank the gentleman for yielding.

Mr. Chairman, this is really an emergency situation. Raw sewage is flowing through the city of Nogales, Ariz., coming across the border. The topography is downhill. It is coming across the border into Arizona. It is not only a serious health hazard, it has caused great problems in those communities.

About 10 years ago, largely with Federal money and an international agreement with Mexico, with the Mexican Government, we built a large sewage plant in Nogales, Ariz. This whole arrangement is threatened. Mexico has not made payments on time. The gentleman from California has a similar situation with respect to the Tiajuana/San Diego area.

I would hope the House would go with us on trying to take care of this very difficult emergency health situation.

Mr. HUNTER. I thank the gentleman.

Mr. O'BRIEN. Mr. Chairman, will the gentleman yield?

Mr. HUNTER. I yield to the gentleman.

Mr. O'BRIEN. I thank the gentleman for yielding.

This amendment includes the problems that confront San Diego as well as Nogales?

Mr. HUNTER. Yes. It includes San Diego and Nogales' problems, yes.

Mr. O'BRIEN. For the minority side of the committee, we have no objection.

Mr. HUNTER. I thank the gentleman.

The CHAIRMAN. If the gentleman's amendment is broad enough to include sewage at Calexico, I might be willing to support it.

Mr. HUNTER. There is not a reimbursement situation at Calexico, but if there were, we will place it in here.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. HUNTER).

The amendment was agreed to.

● Mr. FRENZEL. Mr. Chairman, since many provisions of this bill have been removed by points of order, there is little left on which to express approval or disapproval.

Nevertheless, the House conferees will no doubt follow past practice and reinstate the deleted provisions, or most of them. Since the bill came to us in a bloated condition, we can expect that it may come back in the same condition.

My negative note, then, is a warning to our committee, and our House managers, not to put all the spending back into the conference report, or back into a continuing resolution the end of this month.●

The CHAIRMAN. The Clerk will read.

The Clerk concluded the reading of the bill.

The CHAIRMAN. For what purpose does the gentleman from Iowa rise?

Mr. SMITH of Iowa. Mr. Chairman, I offer a motion. I move that the Committee do now rise.

PREFERENTIAL MOTION OFFERED BY MR. WALKER

Mr. WALKER. Mr. Chairman, I offer a preferential motion.

The CHAIRMAN. The gentleman from Pennsylvania (Mr. WALKER) has a preferential motion.

The Chair will ask the Clerk to finish reading the motion offered by the gentleman from Iowa before reading the motion offered by the gentleman from Pennsylvania.

The Clerk read as follows:

Mr. SMITH of Iowa moves that the Committee do now rise and report the bill to the House with sundry amendments with the recommendation that the amendments be agreed to and that the bill as amended do pass.

Mr. WALKER. Mr. Chairman, I have a preferential motion at the desk.

The CHAIRMAN. The Clerk will report the preferential motion.

The Clerk read as follows:

Mr. WALKER moves that the Committee do now rise and report the bill to the House with the recommendation that the bill, as amended, be recommitted to the Committee on Appropriations with instructions that the committee report the bill, as amended, back to the House with the following amendment:

At the end of title II, add the following new section:

"None of the funds appropriated under this title shall be used to prevent or in any way prohibit the implementation of programs of voluntary school prayer and meditation in the public schools."

Mr. SMITH of Iowa. Mr. Chairman, I make a point of order against the amendment.

The amendment is a nonlegislative limitation to a general appropriations bill and under the revised clause 2 of

rule XXI, such amendments are not in order during the reading of the general appropriations bill.

Mr. Chairman, the revised rule states in part "except as provided in paragraph D, no amendment shall be in order during consideration of a general appropriations bill proposing limitation not specifically contained or authorized in existing law for the period of limitation."

Mr. Chairman, the gentleman's amendment is not specifically contained or authorized in existing law and therefore is in violation of rule XXI, clause 2(c).

The CHAIRMAN. Does the gentleman (Mr. WALKER) wish to be heard on the point of order against the preferential motion?

Mr. WALKER. Yes, I do, Mr. Chairman.

Mr. Chairman, what we have before us is not an amendment but, rather, a motion. It is a motion of recommittal. It is a motion to rise and report with instructions that we recommit, with instructions that the committee report back language as contained in the amendment.

It is, therefore, wholly within the rules of the House of Representatives as we adopted earlier in the year.

The precedent for this particular motion is in Cannon's Precedents, volume 8, paragraph 2329, which stated that a simple motion to recommit is not admissible in the Committee of the Whole. However, it is permissible to rise and report with the recommendation that the bill be recommitted and that takes precedence over the motion to rise and report with the recommendation that the bill do pass.

So, therefore, I offered this motion in order, under the rules, and it is somewhat different from this provision under Cannon's Precedents in that it has a motion to instruct.

However, there is nothing in the rule that prevents us from having a motion to instruct as part of a recommittal motion.

As a matter of fact, as a portion of rule XVI of the House of Representatives, the motion to recommit and the motion to recommit with instructions are definitely tied together. There is absolutely no doubt that those two things exist in concert within rule XVI of the House of Representatives.

The only way that you cannot have a motion to recommit with instructions is under a rule that is reported from the Rules Committee.

In fact, no specific rule does exist on this bill. So there is no rule governing the offering of such motions. So therefore because there is no rule against offering a motion to recommit with instructions, this certainly fits under the provisions of Cannon's Precedents which indicates that this preferential motion can be offered and indicates that this preferential motion with instructions is certainly within the rules as previously developed in the House of Representatives.

The CHAIRMAN. Does the gentleman from Iowa desire to be heard further?

Mr. SMITH of Iowa. I do.

Mr. Chairman, section 835 of clause 2, rule XXI states, "A motion to recommit a general appropriations bill may not propose an amendment containing legislation."

Clearly this motion to recommit is legislative in nature and it would be in violation of that rule.

The CHAIRMAN. Does the gentleman from Pennsylvania desire to be heard further?

Mr. WALKER. I do, Mr. Chairman.

Mr. Chairman, I again state that the amendment is part of a motion to recommit. What the House has before it is a motion. What the Chair has to rule upon is the appropriateness of the motion, not the appropriateness of the language for instruction.

I would point out to the Chair, however, that the language within the amendment as proposed is language that this House has previously adopted, which is in order. It is a strict funding limitation which falls certainly within the germaneness of this bill. It has been previously adopted by the House.

But what the Chair has to rule on is the motion here, not the language of the amendment, and certainly we have a proper motion before us given Cannon's Precedents.

The CHAIRMAN. The Chair is ready to rule.

It is the opinion of the Chair that the precedents cited by the gentleman from Pennsylvania is not applicable to the situation that exists today under rule XXI, clause 2 as rewritten in the 98th Congresss and that the gentleman's motion in the form in which it was presented is not a preferential motion to that offered by the gentleman from Iowa.

Accordingly, the Chair upholds the point of order.

Mr. WALKER. Mr. Chairman, respectfully I appeal the ruling of the Chair.

The CHAIRMAN. The gentleman from Pennsylvania appeals the ruling of the Chair.

The question is, Shall the decisions of the Chair be sustained as the judgment of the Committee?

The decision of the Chair was sustained.

The CHAIRMAN. The question is on the motion of the gentleman from Iowa (Mr. SMITH) that the Committee do now rise.

The question was taken; and the Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. WALKER. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 245, noes 120, not voting 68, as follows:

[Roll No. 342]

AYES—245

Ackerman	Gejdenson	O'Brien
Addabbo	Gephardt	Oakar
Albosta	Gibbons	Oberstar
Alexander	Gilman	Obey
Anderson	Glickman	Olin
Andrews (TX)	Gonzalez	Ortiz
Annunzio	Gore	Ottinger
Anthony	Gradison	Panetta
Applegate	Gray	Patman
AuCoin	Hall (IN)	Patterson
Barnard	Hall, Sam	Pease
Barnes	Hamilton	Penny
Bates	Hance	Perkins
Bedell	Harkin	Pickle
Beilenson	Harrison	Price
Bennett	Hawkins	Ratchford
Berman	Hertel	Ray
Biaggi	Hightower	Reid
Boehlert	Hillis	Richardson
Boggs	Horton	Ridge
Boland	Hoyer	Rodino
Bonior	Huckaby	Roe
Borski	Hughes	Roukema
Boucher	Hutto	Rowland
Boxer	Jacobs	Roybal
Britt	Jeffords	Russo
Broomfield	Jenkins	Sabo
Brown (CA)	Johnson	Savage
Broyhill	Jones (NC)	Sawyer
Bryant	Jones (OK)	Scheuer
Byron	Jones (TN)	Schneider
Carper	Kaptur	Schroeder
Carr	Kastenmeier	Schumer
Chandler	Kazen	Seiberling
Chappell	Kennelly	Sharp
Clarke	Kildee	Shelby
Clay	Kogovsek	Shuster
Clinger	Kolter	Sikorski
Coleman (MO)	Kostmayer	Sisisky
Coleman (TX)	LaFalce	Skelton
Conte	Lantos	Slattery
Cooper	Leath	Smith (FL)
Coyne	Lehman (CA)	Smith (IA)
Crockett	Lehman (FL)	Smith (NE)
Daniel	Levin	Smith (NJ)
Daschle	Levine	Snowe
Davis	Levitas	Spratt
de la Garza	Lipinski	Staggers
Dellums	Long (LA)	Stark
Derrick	Long (MD)	Stokes
Dickinson	Lowry (WA)	Stratton
Dixon	Luken	Studds
Donnelly	Lundine	Stump
Dorgan	Markey	Swift
Dowdy	Martinez	Synar
Downey	Matsui	Tallon
Durbin	Mavroules	Tauzin
Dwyer	McCloskey	Thomas (GA)
Dymally	McCurdy	Torres
Dyson	McDade	Traxler
Early	McHugh	Udall
Eckart	McKernan	Valentine
Edgar	McKinney	Vandergriff
Edwards (CA)	McNulty	Vento
English	Mica	Walgren
Erdreich	Mikulski	Watkins
Evans (IL)	Miller (CA)	Waxman
Fascell	Miller (OH)	Weaver
Fazio	Mineta	Weiss
Feighan	Minish	Wheat
Ferraro	Mitchell	Williams (OH)
Fish	Mollohan	Wilson
Flippo	Montgomery	Wirth
Florio	Moody	Wolpe
Foglietta	Morrison (CT)	Wright
Foley	Morrison (WA)	Wyden
Fowler	Mrazek	Yates
Frank	Murphy	Yatron
Frenzel	Murtha	Young (MO)
Fuqua	Natcher	Zablocki
Garcia	Nelson	Zschau
Gaydos	Nowak	

NOES—120

Archer	Bateman	Bethune
Badham	Bereuter	Bilirakis

Bliley	Hunter	Paul
Breaux	Hyde	Pepper
Brown (CO)	Kasich	Porter
Burton (IN)	Kemp	Quillen
Campbell	Kindness	Regula
Carney	Kramer	Rinaldo
Cheney	Lagomarsino	Ritter
Coats	Latta	Roberts
Conable	Leach	Robinson
Coughlin	Lent	Rogers
Courter	Lewis (CA)	Roth
Craig	Lewis (FL)	Rudd
Crane, Philip	Livingston	Schaefer
Dannemeyer	Lloyd	Sensenbrenner
Daub	Loeffler	Shaw
DeWine	Lott	Shumway
Dreier	Lowery (CA)	Siljander
Edwards (AL)	Lujan	Skeen
Edwards (OK)	Lungren	Smith, Denny
Emerson	Mack	Snyder
Erlenborn	Madigan	Solomon
Evans (IA)	Marlenee	Spence
Fiedler	Martin (NC)	Stangeland
Fields	Martin (NY)	Stenholm
Forsythe	Mazzoli	Sundquist
Franklin	McCain	Tauke
Gekas	McCandless	Thomas (CA)
Goodling	McCollum	Vander Jagt
Gramm	McGrath	Volkmer
Gregg	Michel	Vucanovich
Gunderson	Molinari	Walker
Hall, Ralph	Moore	Weber
Hammerschmidt	Moorhead	Whitehurst
Hansen (ID)	Myers	Winn
Hartnett	Nielson	Wolf
Holt	Oxley	Wortley
Hopkins	Packard	Wylie
Hubbard	Pashayan	Young (FL)

NOT VOTING—68

Akaka	Gingrich	Pritchard
Andrews (NC)	Green	Pursell
Aspin	Guarini	Rahall
Bartlett	Hall (OH)	Rangel
Bevill	Hansen (UT)	Roemer
Boner	Hatcher	Rose
Bonker	Hayes	Rostenkowski
Bosco	Hefner	Schulze
Brooks	Heftel	Shannon
Burton (CA)	Hiler	Simon
Chappie	Howard	Smith, Robert
Coelho	Ireland	Solarz
Collins	Leland	St Germain
Conyers	MacKay	Taylor
Corcoran	Marriott	Torricelli
Crane, Daniel	Martin (IL)	Towns
D'Amours	McEwen	Whitley
Dicks	Moakley	Whittaker
Dingell	Neal	Whitten
Duncan	Nichols	Williams (MT)
Ford (MI)	Owens	Wise
Ford (TN)	Parris	Young (AK)
Frost	Petri	

□ 1540

Messrs. MADIGAN, RINALDO, STENHOLM, RALPH M. HALL, and Mrs. LLOYD changed their votes from "aye" to "no."

Mrs. KENNELLY and Mrs. ENGLISH changed their votes from "no" to "aye."

So the motion was agreed to.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. FOLEY) having assumed the chair, Mr. BROWN of California, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 3222) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1984, and for other purposes, had directed him to report the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill, as amended, do pass.

The SPEAKER pro tempore. Without objection, the previous question is ordered.

There was no objection.

The SPEAKER pro tempore. Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. MILLER OF OHIO

Mr. MILLER of Ohio. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. MILLER of Ohio. I am, in its present form, Mr. Speaker.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. MILLER of Ohio moves to recommit the bill, H.R. 3222, to the Committee on Appropriations.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The motion to recommit was rejected.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. DANNEMEYER. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 228, noes 142, not voting 63, as follows:

[Roll No. 343]

AYES—228

Ackerman	Brown (CA)	Dowdy
Addabbo	Bryant	Downey
Albosta	Carper	Durbin
Anderson	Carr	Dwyer
Annunzio	Chappell	Dymally
Anthony	Chappie	Dyson
Applegate	Clarke	Early
AuCoin	Clay	Eckart
Barnes	Coelho	Edgar
Bateman	Coleman (MO)	Edwards (CA)
Bedell	Coleman (TX)	Evans (IL)
Beilenson	Collins	Fascell
Bennett	Conte	Fazio
Berman	Cooper	Feighan
Bethune	Coughlin	Ferraro
Biaggi	Coyne	Fish
Boehlert	Crockett	Florio
Boggs	Daschle	Foglietta
Boland	Davis	Foley
Bonior	de la Garza	Forsythe
Borski	Dellums	Frank
Boucher	Derrick	Fuqua
Boxer	Dixon	Garcia
Britt	Donnelly	Gaydos
Gejdenson	Markey	Roe
Gephardt	Martinez	Rowland
Gibbons	Matsui	Roybal
Gilman	Mavroules	Rudd
Glickman	Mazzoli	Russo
Gonzalez	McCloskey	Sabo
Goodling	McDade	Savage
Gore	McGrath	Scheuer
Gradison	McHugh	Schneider
Gray	McKernan	Schroeder
Hall (IN)	McKinney	Schumer
Hamilton	McNulty	Seiberling
Hammerschmidt	Mica	Sikorski
Harkin	Mikulski	Sisisky
Harrison	Miller (CA)	Smith (FL)
Hawkins	Mineta	Smith (IA)
Hayes	Minish	Smith (NE)
Hertel	Mitchell	Smith (NJ)
Hightower	Molinari	Snowe
Horton	Mollohan	Spratt
Hoyer	Moody	Staggers
Hughes	Morrison (CT)	Stokes
Hunter	Mrazek	Stratton
Jeffords	Murphy	Studds
Johnson	Murtha	Swift
Jones (NC)	Myers	Synar
Jones (TN)	Natcher	Tallon
Kaptur	Nelson	Thomas (GA)
Kastenmeier	Nowak	Torres
Kazen	O'Brien	Traxler
Kennelly	Oakar	Udall
Kildee	Oberstar	Valentine
Kogovsek	Obey	Vander Jagt
Kolter	Olin	Vento
Kostmayer	Ortiz	Volkmer
LaFalce	Ottinger	Walgren
Lantos	Panetta	Watkins
Leach	Patterson	Waxman
Lehman (CA)	Pease	Weiss
Lehman (FL)	Penny	Wheat
Lent	Pepper	Williams (MT)
Levin	Perkins	Williams (OH)
Levine	Pickle	Wirth
Lewis (CA)	Porter	Wolf
Lewis (FL)	Price	Wolpe
Lipinski	Ratchford	Wright
Lloyd	Ray	Wyden
Long (LA)	Reid	Yates
Long (MD)	Richardson	Yatron
Lowry (WA)	Ridge	Young (MO)
Luken	Rinaldo	Zablocki
Lundine	Rodino	Zschau

NOES—142

Andrews (TX)	Flippo	McCain
Archer	Fowler	McCandless
Badham	Franklin	McCollum
Barnard	Gekas	McCurdy
Bates	Gramm	Michel
Bereuter	Gregg	Miller (OH)
Bilirakis	Gunderson	Montgomery
Bliley	Hall, Ralph	Moore
Breaux	Hall, Sam	Moorhead
Broomfield	Hance	Morrison (WA)
Brown (CO)	Hansen (ID)	Nielson
Broyhill	Hartnett	Oxley
Burton (IN)	Hillis	Packard
Byron	Holt	Pashayan
Campbell	Hopkins	Patman
Carney	Hubbard	Paul
Chandler	Huckaby	Quillen
Cheney	Hutto	Regula
Clinger	Hyde	Ritter
Coats	Jacobs	Roberts
Conable	Jenkins	Robinson
Courter	Jones (OK)	Roemer
Craig	Kasich	Rogers
Crane, Daniel	Kemp	Roth
Crane, Philip	Kindness	Roukema
Daniel	Kramer	Sawyer
Dannemeyer	Lagomarsino	Schaefer
Daub	Latta	Sensenbrenner
DeWine	Leath	Sharp
Dickinson	Levitas	Shaw
Dorgan	Livingston	Shelby
Dreier	Loeffler	Shumway
Edwards (AL)	Lott	Shuster
Edwards (OK)	Lowery (CA)	Siljander
Emerson	Lujan	Skeen
English	Lungren	Skelton
Erdreich	Mack	Slattery
Erlenborn	Madigan	Smith, Denny
Evans (IA)	Marlenee	Snyder
Fiedler	Martin (NC)	Solomon
Fields	Martin (NY)	Spence

Stangeland	Thomas (CA)	Wilson
Stark	Vandergriff	Winn
Stenholm	Vucanovich	Wortley
Stump	Walker	Wylie
Sundquist	Weaver	Young (FL)
Tauke	Weber	
Tauzin	Whitehurst	

NOT VOTING—63

Akaka	Gingrich	Petri
Alexander	Green	Pritchard
Andrews (NC)	Guarini	Pursell
Aspin	Hall (OH)	Rahall
Bartlett	Hansen (UT)	Rangel
Bevill	Hatcher	Rose
Boner	Hefner	Rostenkowski
Bonker	Heftel	Schulze
Bosco	Hiler	Shannon
Brooks	Howard	Simon
Burton (CA)	Ireland	Smith, Robert
Conyers	Leland	Solarz
Corcoran	MacKay	St Germain
D'Amours	Marriott	Taylor
Dicks	Martin (IL)	Torricelli
Dingell	McEwen	Towns
Duncan	Moakley	Whitley
Ford (MI)	Neal	Whittaker
Ford (TN)	Nichols	Whitten
Frenzel	Owens	Wise
Frost	Parris	Young (AK)

□ 1600

The Clerk announced the following pairs:

On this vote:

Mr. Rahall for, with Mr. Frenzel against.

Mr. Rangel for, with Mr. Nichols against.

Mr. Howard for, with Mr. Duncan against.

Mr. Dingell for, with Mrs. Martin of Illinois against.

Mr. MacKay for, with Mr. Young of Alaska against.

Mr. Simon for, with Mr. Parris against.

Mr. Guarini for, with Mr. Marriott against.

Mr. Ford of Tennessee for, with Mr. Hansen of Utah against.

Mr. Green for, with Mr. Bartlett against.

Mr. Pursell for, with Mr. Corcoran against.

Mr. RALPH M. HALL and Mr. ANDREWS of Texas changed their votes from "aye" to "no."

Mr. MILLER of California changed his vote from "no" to "aye."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 3222, DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS, 1984

Mr. SMITH of Iowa. Mr. Chairman, I ask unanimous consent that in the engrossment of the bill (H.R. 3222) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1984, and for other purposes, the Clerk be authorized to correct section numbers and paragraph headings.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Iowa?

There was no objection.

CONFERENCE REPORT ON H.R. 2972, MILITARY CONSTRUCTION AUTHORIZATION ACT, 1984

Mr. DELLUMS submitted the following conference report and statement on the bill (H.R. 2972) to authorize certain construction at military installations for fiscal year 1984, and for other purposes:

CONFERENCE REPORT (H. REPT. No. 98-359)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2972) to authorize certain construction at military installations for fiscal year 1984, and for other purposes, having met, after full and free conference, has agreed to recommend and does recommend to the House and Senate as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

That this Act may be cited as the "Military Construction Authorization Act, 1984".

TITLE I—ARMY

AUTHORIZED ARMY CONSTRUCTION AND LAND ACQUISITION PROJECTS

SEC. 101. The Secretary of the Army may acquire real property and may carry out military construction projects in the amounts shown for each of the following installations and locations:

INSIDE THE UNITED STATES

UNITED STATES ARMY FORCES COMMAND

Fort Bragg, North Carolina, $31,100,000.
Fort Campbell, Kentucky, $15,300,000.
Fort Carson, Colorado, $17,760,000.
Fort Devens, Massachusetts, $3,000,000.
Fort Douglas, Utah, $910,000.
Fort Drum, New York, $1,500,000.
Fort Hood, Texas, $76,050,000.
Fort Hunter, Liggett, California, $1,000,000.
Fort Irwin, California, $34,850,000.
Fort Lewis, Washington, $35,310,000.
Fort Meade, Maryland, $5,150,000.
Fort Ord, California, $6,150,000.
Fort Polk, Louisiana, $16,180,000.
Fort Richardson, Alaska, $940,000.
Fort Riley, Kansas, $76,600,000.
Fort Stewart, Georgia, $29,720,000.
Presidio of Monterey, California, $1,300,000.

UNITED STATES ARMY WESTERN COMMAND

Schofield Barracks, Hawaii, $31,900,000.

UNITED STATES ARMY TRAINING AND DOCTRINE COMMAND

Carlisle Barracks, Pennsylvania, $1,500,000.
Fort Benjamin Harrison, Indiana, $5,900,000.
Fort Benning, Georgia, $21,750,000.
Fort Bliss, Texas, $40,580,000.
Fort Jackson, South Carolina, $39,190,000.
Fort Knox, Kentucky, $4,200,000.
Fort Leavenworth, Kansas, $13,550,000.
Fort Lee, Virginia, $5,930,000.
Fort Leonard Wood, Missouri, $12,600,000.
Fort McClellan, Alabama, $4,220,000.
Fort Rucker, Alabama, $11,600,000.
Fort Sill, Oklahoma, $25,150,000.
Fort Story, Virginia, $9,000,000.

MILITARY DISTRICT OF WASHINGTON

Fort Myer, Virginia, $2,750,000

UNITED STATES ARMY MATERIEL DEVELOPMENT AND READINESS COMMAND

Aberdeen Proving Ground, Maryland, $39,850,000.
Detroit Arsenal, Michigan, $270,000.
Fort Monmouth, New Jersey, $14,900,000.
Harry Diamond Laboratories, Maryland, $400,000.
Kansas Army Ammunition Plant, Kansas, $1,150,000.
Louisiana Army Ammunition Plant, Louisiana, $4,250,000.
Milan Army Ammunition Plant, Tennessee, $550,000.
Picatinny Arsenal, New Jersey, $460,000.
Pine Bluff Arsenal, Arkansas, $10,200,000.
Red River Army Depot, Texas, $1,250,000.
Redstone Arsenal, Alabama, $25,400,000.
Rock Island Arsenal, Illinois, $26,500,000.
Sierra Army Depot, California, $3,950,000.
Tobyhanna Army Depot, Pennsylvania, $9,200,000.
Watervliet Arsenal, New York, $2,150,000.
White Sands Missile Range, New Mexico, $310,000.

AMMUNITION FACILITIES

Iowa Army Ammunition Plant, Iowa, $2,000,000.
Lake City Army Ammunition Plant, Missouri, $600,000.
Lone Star Army Ammunition Plant, Texas, $1,300,000.
Longhorn Army Ammunition Plant, Texas, $270,000.
Milan Army Ammunition Plant, Tennessee, $340,000.
Radford Army Ammunition Plant, Virginia, $4,620,000.
Scranton Army Ammunition Plant, Pennsylvania, $1,000,000.

UNITED STATES ARMY COMMUNICATIONS COMMAND

Fort Huachuca, Arizona, $2,750,000.

UNITED STATES MILITARY ACADEMY

United States Military Academy, New York, $12,840,000.

UNITED STATES ARMY HEALTH SERVICES COMMAND

Fort Detrick, Maryland, $1,650,000.
Walter Reed Army Medical Center, Washington, District of Columbia, $4,200,000.

CLASSIFIED PROJECT

Various Locations, $1,300,000.

OUTSIDE THE UNITED STATES

UNITED STATES ARMY, JAPAN

Okinawa, $1,400,000.

EIGHTH UNITED STATES ARMY

Korea, $59,580,000.

BALLISTIC MISSILE DEFENSE SYSTEMS COMMAND

Kwajalein, $5,620,000.

UNITED STATES ARMY FORCES COMMAND OVERSEAS

Fort Buchanan, Puerto Rico, $1,550,000.
Panama, $1,460,000.

UNITED STATES ARMY, EUROPE

Europe, $19,000,000.
Germany, $286,010,000.
Greece, $4,880,000.
Italy, $2,710,000.
Turkey, $5,250,000.

UNITED STATES ARMY INTELLIGENCE AND SECURITY COMMAND OVERSEAS

Korea, $260,000.

FAMILY HOUSING

SEC. 102. (a) The Secretary of the Army may construct family housing units (including land acquisition) and may acquire man-

ufactured facilities at the following installations in the number shown, and in the amount shown, for each installation:

Aberdeen Proving Ground, Maryland, one hundred and six units, $6,816,000.

Various Locations, Alaska, six units, $1,158,000.

Aliamanu, Hawaii, community center, $9,900,000.

Various Locations, North Atlantic Treaty Organization nations in Europe, five hundred units, $40,000,000.

Fort Greely, Alaska, thirty-eight units, $5,203.000.

Fort Polk, Louisiana, two hundred units, $15,342,000.

Fort Stewart, Georgia, two hundred and forty-four units, $14,626,000.

Wildflecken, Federal Republic of Germany, one hundred and fifty-three units, $12,157,000.

Bayreuth, Federal Republic of Germany, thirteen units, $1,132,000.

Kitzingen, Federal Republic of Germany, one hundred and three units, $11,140,000.

Vicenza, Italy, two units, $354,000.

(b) The Secretary of the Army may rehabilitate existing family housing units at Aberdeen Proving Ground, Maryland, or may construct new family housing units at such installation, whichever the Secretary determines is most cost effective, and may use for such purpose (1) any funds not in excess of $6,080,000 that were appropriated for fiscal year 1983 for the improvement of existing family housing at such installation and which remain unobligated on the date of the enactment of this Act, and (2) any funds appropriated pursuant to subsection (a) for the construction or acquisition of family housing at such installation.

CONTRACTING FOR CERTAIN PROJECTS

SEC. 103. (a) The following projects authorized in sections 101 and 102 may be carried out only as provided in subsection (b):

Operations Building in the amount of $2,000,000 at Fort Carson, Colorado.

Child Care Center in the amount of $3,000,000 at Fort Devens, Massachusetts.

Bulk Fuel Storage Facility in the amount of $4,200,000 at Fort Hood, Texas.

Multipurpose Training Range in the amount of $3,350,000 at Fort Hood, Texas.

Physical Fitness Training Center in the amount of $1,000,000 at Fort Hunter Liggett, California.

Barracks Modernization in the amount of $7,700,000 at Fort Irwin, California.

Hangar Addition in the amount of $2,800,000 at Fort Lewis, Washington.

Instrument Landing System in the amount of $870,000 at Fort Lewis, Washington.

Electrical Substation in the amount of $1,400,000 at Fort Riley, Kansas.

Sewage Treatment and Water Upgrade in the amount of $6,500,000 at Fort Riley, Kansas.

Physical Fitnes Training Center with Pool in the amount of $1,500,000 at Carlisle Barracks, Pennsylvania.

Barracks in the amount of $5,900,000 at Fort Benjamin Harrison, Indiana.

Infantry Remote Target Systems Ranges in the amount of $3,000,000 at Fort Bliss, Texas.

Physical Fitness Training Center in the amount of $2,850,000 at Fort Bliss, Texas.

Chapel/Child Care Center in the amount of $6,400,000 at Fort Jackson, South Carolina.

Education Center in the amount of $5,200,000 at Fort Jackson, South Carolina.

Trainee Barracks in the amount of $26,800,000 at Fort Jackson, South Carolina.

Classrooms in the amount of $1,950,000 at Fort Rucker, Alabama.

Trainee Barracks with Dining Facility in the amount of $23,000,000 at Fort Sill, Oklahoma.

Trainee Barracks in the amount of $9,800,000 at Aberdeen Proving Ground, Maryland.

Medical Research Laboratory Alterations in the amount of $3,650,000 at Aberdeen Proving Ground, Maryland.

Electrical Distribution System in the amount of $2,500,000 at Fort Monmouth, New Jersey.

Pulse Power Center in the amount of $12,400,000 at Fort Monmouth, New Jersey.

Bridge Repair in the amount of $4,500,000 at Rock Island Arsenal, Illinois.

Shelter Handling Facility in the amount of $9,200,000 at Tobyhanna Army Depot, Pennsylvania.

Laboratory in the amount of $2,150,000 at Watervliet Arsenal, New York.

Brigade Headquarters in the amount of $1,500,000 at Fort Huachuca, Arizona.

Construction of Family Housing in the amount of $40,000,000 at various locations, North Atlantic Treaty Organization nations in Europe.

(b) A contract for a project listed in subsection (a) may be entered into only if the funds to be obligated for the contract are derived from the total amount of funds (if any) available from (1) the net savings from the execution of the projects authorized by sections 101 and 102 other than those listed in subsection (a), (2) total savings from cancellations of such projects, and (3) other sources, including savings from projects authorized for the Army in previous Military Construction Authorization Acts.

(c) Before the Secretary of the Army may advertise for bids, or may negotiate, for a contract described in subsection (b), the Secretary shall submit a written report to the appropriate committees of Congress certifying that funds for the contract are available in accordance with subsection (b) and identifying the source of the funds. Such a report may not be submitted before January 1, 1984.

IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS

SEC. 104. Subject to section 2825 of title 10, United States Code, the Secretary of the Army may make expenditures to improve existing military family housing units in an amount not to exceed $103,553,000, of which $26,623,000 is available only for energy conservation projects.

ARCHITECTURAL AND ENGINEERING SERVICES AND CONSTRUCTION DESIGN FOR FAMILY HOUSING PROJECTS

SEC. 105. Subject to section 2807 of title 10, United States Code, the Secretary of the Army may carry out architectural and engineering services and construction design in connection with military family housing projects (including improvements) in the amount of $6,750,000.

PROJECTS USING UNOBLIGATED PRIOR YEAR AUTHORITY

SEC. 106. (a) The Secretary of the Army may carry out the following projects (for which funds are not authorized under section 601) as provided in subsection (b):

Unspecified minor construction projects in the amount of $4,600,000 at various locations.

Construction projects of $1,000,000 or less in the amount of $6,800,000 at various locations.

(b) A contract for a project described in subsection (a) may be entered into using authorization amounts available from approved projects authorized under title I of any previous Military Construction Authorization Act.

AUTHORIZED NAVY CONSTRUCTION AND LAND ACQUISITION PROJECTS

SEC. 201. The Secretary of the Navy may acquire real property and may carry out military construction projects in the amounts shown for each of the following installations and locations:

INSIDE THE UNITED STATES

UNITED STATES MARINE CORPS

Marine Corps Air Station, Beaufort, South Carolina, $3,530,000.

Marine Corps Base, Camp Lejeune, North Carolina, $31,760,000.

Marine Corps Base, Camp Pendleton, California, $39,070,000.

Marine Corps Air Station, Cherry Point, North Carolina, $1,805,000.

Marine Corps Air Station, El Toro, California, $14,030,000.

Marine Corps Air Station, Kaneohe Bay, Hawaii, $7,900,000.

Marine Corps Air Station, New River, North Carolina, $2,730,000.

Marine Corps Camp Detachment, Camp Elmore, Norfolk, Virginia, $1,160,000.

Camp H. M. Smith, Oahu, Hawaii, $2,700,000.

Marine Corps Development and Education Command, Quantico, Virginia, $2,570,000.

Marine Corps Recruit Depot, San Diego, California, $10,690,000.

Marine Corps Air Station, Tustin, California, $455,000.

Marine Corps Air-Ground Combat Center, Twentynine Palms, California, $25,120,000.

Marine Corps Air Station, Yuma, Arizona, $8,920,000.

CHIEF OF NAVAL OPERATIONS

Naval Academy, Annapolis, Maryland, $9,720,000.

Naval Station, Annapolis, Maryland, $405,000.

Naval Space Surveillance Field Station, Hollandale, Mississippi, $495,000.

COMMANDER IN CHIEF, UNITED STATES ATLANTIC FLEET

Naval Air Station, Brunswick, Maine, $7,800,000.

Naval Air Station, Cecil Field, Florida, $17,670,000.

Naval Station, Charleston, South Carolina, $43,150,000.

Naval Air Station, Jacksonville, Florida, $10,000,000.

Naval Air Station, Key West, Florida, $15,635,000.

Naval Amphibious Base, Little Creek, Virginia, $9,170,000.

Naval Station, Mayport, Florida, $25,520,000.

Naval Submarine Base, New London, Connecticut, $8,200,000.

Naval Station, Norfolk, Virginia, $2,560,000.

Naval Air Station, Oceana, Virginia, $415,000.

Tactical Training Group, Atlantic, Virginia Beach, Virginia, $3,750,000.

COMMANDER IN CHIEF, UNITED STATES PACIFIC FLEET

Naval Station, Adak, Alaska, $2,970,000.

Naval Submarine Base, Bangor, Washington, $8,040,000.

Naval Air Station, Barbers Point, Hawaii, $890,000.

Naval Amphibious Base, Coronado, California, $21,222,000.
Naval Air Station, Fallon, Nevada, $11,900,000.
Naval Air Station, Lemoore, California, $20,920,000.
Naval Air Station, Miramar, California, $2,020,000.
Naval Air Station, Moffett Field, California, $1,870,000.
Naval Air Station, North Island, California, $20,650,000.
Fleet Intelligence Center, Pacific, Pearl Harbor, Hawaii, $990,000.
Naval Station, Pearl Harbor, Hawaii, $3,350,000.
Naval Submarine Base, Pearl Harbor, Hawaii, $2,590,000.
Tactical Training Group, Pacific, San Diego, California, $3,260,000.
Naval Station, San Diego, California, $980,000.
Naval Submarine Base, San Diego, California $6,660,000.
Naval Station, Mare Island, Vallejo, California, $2,010,000
Naval Air Station, Whidbey Island, Washington, $3,160,000.

NAVAL EDUCATION AND TRAINING COMMAND

Naval Air Station, Chase Field, Texas, $2,625,000.
Naval Air Station, Corpus Christi, Texas, $495,000.
Fleet Combat Training Center, Atlantic, Dam Neck, Virginia, $12,190,000.
Fleet Intelligence Training Center, Dam Neck, Virginia, $12,200,000.
Naval Guided Missiles School, Dam Neck, Virginia, $1,860,000.
Naval Air Station, Kingsville, Texas $4,830,000.
Naval Air Station, Memphis, Tennessee, $11,800,000.
Naval Air Station, Meridian, Mississippi, $610,000.
Naval Education and Training Center, Newport, Rhode Island, $1,110,000.
Fleet Anti-Submarine Warfare Training Center, Atlantic, Norfolk, Virginia, $4,130,000.
Fleet Training Center, Norfolk, Virginia, $1,120,000.
Naval Training Center, Orlando, Florida, $19,690,000.
Naval Air Station, Pensacola, Florida, $2,200,000.
Naval Technical Training Center, Pensacola, Florida, $2,410,000.
Fleet Anti-Submarine Warfare Training Center, Pacific, San Diego, California, $14,200,000.
Fleet Training Center, San Diego, California, $10,000,000.
Naval Air Station, Whiting Field, Florida, $4,260,000.

BUREAU OF MEDICINE AND SURGERY

National Naval Medical Center, Bethesda, Maryland, $37,170,000.
Naval Regional Medical Center, Long Beach, California, $8,370,000.
Naval Regional Medical Clinic, Pearl Harbor, Hawaii, $8,490,000.

NAVAL MATERIAL COMMAND

Naval Air Rework Facility, Alameda, California, $21,560,000.
David W. Taylor Naval Ship Research and Development Center, Bethesda, Maryland, $5,030,000.
Naval Supply Center, Puget Sound, Bremerton, Washington, $200,000.
Naval Ordnance Test Unit, Cape Canaveral, Florida, $57,000,000.
Charleston Naval Shipyard, Charleston, South Carolina, $15,000,000.
Naval Weapons Station, Charleston, South Carolina, $1,570,000.
Naval Air Rework Facility, Cherry Point, North Carolina, $20,040,000.
Naval Weapons Center, China Lake, California, $31,100,000.
Naval Weapons Station, Concord, California, $2,720,000.
Naval Surface Weapons Center, Dahlgren, Virginia, $5,355,000.
Fleet Combat Direction Systems Support Activity, Dam Neck, Virginia, $4,000,000.
Naval Weapons Station, Earle, New Jersey, $465,000.
Naval Construction Battalion Center, Gulfport, Mississippi, $2,960,000.
Naval Ordnance Station, Indian Head, Maryland, $1,950,000.
Naval Air Rework Facility, Jacksonville, Florida, $2,875,000.
Naval Underwater Engineering Station, Keyport, Washington, $1,400,000.
Naval Submarine Base, Kings Bay, Georgia, $118,129,000, of which $6,019,000 may be used to provide community impact and planning assistance to the communities located near the submarine base.
Naval Air Engineering Center, Lakehurst, New Jersey, $4,195,000.
Mare Island Naval Shipyard, Vallejo, California, $14,800,000.
Naval Air Rework Facility, Norfolk, Virginia, $3,020,000.
Naval Supply Center, Norfolk, Virginia, $6,400,000.
Naval Coastal Systems Center, Panama City, Florida, $6,070,000.
Naval Air Test Center, Patuxent River, Maryland, $10,150,000.
Pearl Harbor Naval Shipyard, Pearl Harbor, Hawaii, $26,040,000.
Navy Public Works Center, Pearl Harbor, Hawaii, $13,100,000.
Pacific Missile Test Center, Point Mugu, California, $840,000.
Portsmouth Naval Shipyard, Kittery, Maine, $7,100,000.
Norfolk Naval Shipyard, Portsmouth, Virginia, $19,350,000.
Puget Sound Naval Shipyard, Bremerton, Washington, $7,300,000.
Naval Transmitter Facility, Republic, Michigan, $13,000,000.
Naval Ocean Systems Center, San Diego, California, $8,000,000.
Naval Supply Center, San Diego, California, $1,110,000.
Navy Public Works Center, San Francisco, California, $220,000.
Naval Shipyard, Philadelphia, Pennsylvania, $2,600,000.
Naval Ships Systems Engineering Station, Philadelphia, Pennsylvania, $14,500,000.

NAVAL OCEANOGRAPHY COMMAND

Naval Oceanographic Office, Bay St. Louis, Mississippi, $6,320,000.
Fleet Numerical Oceanography Center, Monterey, California, $6,980,000.

NAVAL TELECOMMUNICATIONS COMMAND

Naval Communication Area Master Station, Atlantic, Norfork, Virginia, $1,690,000.

NAVAL SECURITY GROUP COMMAND

Naval Security Group Detachment, Sugar Grove, West Virginia, $7,400,000.

OUTSIDE THE UNITED STATES

UNITED STATES MARINE CORPS

Marine Corps Air Station, Iwakuni, Japan, $750,000.

COMMANDER IN CHIEF, ATLANTIC FLEET

Naval Air Station, Bermuda, $810,000.
Naval Facility, Bermuda, $1,110,000.
Naval Station, Guantanamo Bay, Cuba, $730,000.
Naval Station, Keflavik, Iceland, $6,850,000.
Naval Station, Roosevelt Roads, Puerto Rico, $1,300,000.
Atlantic Fleet Weapons Training Facility, Roosevelt Roads, Puerto Rico, $1,945,000.

COMMANDER IN CHIEF, PACIFIC FLEET

Commander, U.S. Naval Forces Korea Detachment, Chinhae, Korea, $460,000.
Navy Support Facility, Diego Garcia, $31,800,000.
Naval Station, Subic Bay, Republic of the Philippines, $6,140,000.

COMMANDER IN CHIEF, NAVAL FORCES, EUROPE

Naval Support Activity, Holy Loch, Scotland, $8,840,000.
Navy Personnel Support Activity, Naples, Italy, $640,000.
Naval Support Activity, Naples, Italy, $4,700,000.
Naval Station, Rota, Spain, $9,250,000.
Naval Air Station, Sigonella, Italy, $20,810,000.

NAVAL OCEANOGRAPHY COMMAND

Naval Oceanography Command Center, Rota, Spain, $980,000.

NAVAL TELECOMMUNICATIONS COMMAND

Naval Communication Station, Harold E. Holt, Exmouth, Australia, $3,020,000.
Naval Communication Area Master Station Western Pacific, Guam, Mariana Islands, $980,000.
Classified Location, $1,280,000.

NAVAL SECURITY GROUP COMMAND

Naval Security Group Detachment, Guantanamo Bay, Cuba, $1,700,000.

HOST NATION INFRASTRUCTURE SUPPORT

Various Locations, $2,970,000.

CONTRACTING FOR CERTAIN PROJECTS

SEC. 202. (a) The following projects authorized in section 201 may be carried out only as provided in subsection (b):
Unaccompanied Enlisted Personnnel Housing in the amount of $10,000,000 at Naval Air Station, Jacksonville, Florida.
Unaccompanied Enlisted Personnel Housing Modernization in the amount of $1,800,000 at Naval Station, Mare Island, Vallejo, California.
Applied Instruction Building in the amount of $10,000,000 at the Fleet Training Center, San Diego, California.
Unaccompanied Enlisted Personnel Housing in the amount of $7,300,000 at the Naval Shipyard, Puget Sound, Bremerton, Washington.
Station Access Facilities in the amount of $1,400,000 at the Naval Underwater Engineering Station Keyport, Washington.
TRIDENT Training Facility in the amount of $17,000,000 at the Naval Submarine Base, Kings Bay, Georgia.
Training Facility in the amount of $4,600,000 at the Pearl Harbor Naval Shipyard, Pearl Harbor, Hawaii.
Service Shops in the amount of $4,000,000 at the Pearl Harbor Naval Shipyard, Pearl Harbor, Hawaii.
Electrical Distribution Lines in the amount of $7,200,000 at the Naval Shipyard, Mare Island, California.
Facility Energy Improvements in the amount of $1,600,000 at the Naval Shipyard, Mare Island, California.
Horizontal Paint and Blast Facility in the amount of $6,000,000 at the Naval Shipyard, Mare Island, California.
Medical/Dental Clinic in the amount of $2,550,000 at the Naval Support Activity, Holy Loch, Scotland.

General Warehouse in the amount of $2,800,000 at the Naval Support Activity, Holy Loch, Scotland.

Supply Pier in the amount of $2,950,000 at the Naval Support Activity, Holy Loch, Scotland.

Family Services Center in the amount of $540,000 at the Naval Support Activity, Holy Loch, Scotland.

Armed Forces Radio and Television Station in the amount of $1,200,000 at the Naval Air Station, Sigonella, Italy.

(b) A contract for a project listed in subsection (a) may be entered into only if the funds to be obligated for the contract are derived from the total amount of funds (if any) available from (1) the net savings from the execution of the projects authorized by section 201 other than those listed in subsection (a), (2) total savings from cancellations of such projects, and (3) other sources, including savings from projects authorized for the Navy in previous Military Construction Authorization Acts.

(c)(1) During fiscal year 1984, the Secretary of the Navy may enter into a contract for the total amount authorized under section 201 for the construction of the Trident Training Facility at the Naval Submarine Base, Kings Bay, Georgia, but may not obligate more than $17,000,000 of any funds described in subsection (b). Any amount for the construction of such facility in excess of $17,000,000 may be obligated only after fiscal year 1984 from funds realized from savings on other projects or to the extent provided for in appropriation Acts.

(2) During fiscal year 1984, the Secretary of the Navy may enter into a contract for the total amount authorized under section 201 for the construction of the Service Shops at Pearl Harbor Naval Shipyard, Pearl Harbor, Hawaii, but may not obligate more than $4,000,000 of any funds described in subsection (b). Any amount for the construction of such facility in excess of $4,000,000 may be obligated only after fiscal year 1984 from funds realized from savings on other projects or to the extent provided for in appropriation Acts.

(d) Before the Secretary of the Navy may advertise for bids, or may negotiate, for a contract described in subsection (b), the Secretary shall submit a written report to the appropriate committees of Congress certifying that funds for the contract are available in accordance with subsection (b) and identifying the source of the funds. Such a report may not be submitted before January 1, 1984.

FAMILY HOUSING

SEC. 203. The Secretary of the Navy may construct family housing units (including land acquisition) and may acquire manufactured home facilities at the following installations in the number of units shown, and in the amount shown, for each installation:

Marine Corps Air Station, El Toro, California, one hundred and thirty units, $11,666,000.

Marine Corps Base, Camp Pendleton, California, three hundred units, $23,160,000.

Navy Public Works Center, Subic Bay, Republic of the Philippines, three hundred units, $29,300,000.

IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS

SEC. 204. Subject to section 2825 of title 10, United States Code, the Secretary of the Navy may make expenditures to improve existing military family housing units in an amount not to exceed $13,240,000, of which $3,953,000 is available only for energy conservation projects.

ARCHITECTURAL AND ENGINEERING SERVICES AND CONSTRUCTION DESIGN FOR FAMILY HOUSING PROJECTS

SEC. 205. Subject to section 2807 of title 10, United States Code, the Secretary of the Navy may carry out architectural and engineering services and construction design in connection with military family housing projects (including improvements) in the amount of $7,395,000.

MODIFICATION OF LEASING LIMITATION FOR NAVAL AIR STATION, LEMOORE, CALIFORNIA

SEC. 206. Section 2 of Public Law 92-378 (86 Stat. 530), relating to leases of lands for agricultural and grazing purposes at the Naval Air Station, Lemoore, California, is amended by striking out "160 irrigable acres" and inserting in lieu thereof "960 irrigable acres".

MODIFICATION OF AUTHORITY FOR PROCUREMENT OF STEAM SUPPLY FOR THE CHARLESTON NAVAL STATION

SEC. 207. Clause (1) of section 205(a) of the Military Construction Authorization Act, 1982 (Public Law 97-99; 95 Stat. 1366), is amended to read as follows:

"(1) construct steam lines and any other needed facility, or pay a connection fee, to make use of energy generated by a waste heat recovery facility or a process-related, coal-fired cogeneration facility to be furnished by the Macalloy Corporation (a corporation organized under the laws of the State of Delaware) or a successor in interest to that corporation; and".

TITLE III—AIR FORCE

AUTHORIZED AIR FORCE CONSTRUCTION AND LAND ACQUISITION PROJECTS

SEC. 301. The Secretary of the Air Force may acquire real property and may carry out military construction projects in the amounts shown for each of the following installations and locations:

INSIDE THE UNITED STATES

AIR FORCE LOGISTICS COMMAND

Hill Air Force Base, Utah, $16,155,000.
Kelly Air Force Base, Texas, $22,590,000.
McClellan Air Force Base, California, $10,200,000.
Newark Air Force Base, Ohio, $800,000.
Robins Air Force Base, Georgia, $18,780,000.
Tinker Air Force Base, Oklahoma, $12,560,000.
Wright-Patterson Air Force Base, Ohio, $5,923,000.

AIR FORCE SYSTEMS COMMAND

Arnold Engineering Development Center, Tennessee, $12,552,000.
Brooks Air Force Base, Texas, $10,110,000.
Cape Canaveral Air Force Base, Florida, $9,400,000.
Eastern Launch Site, Florida, $6,000,000.
Edwards Air Force Base, California, $12,400,000.
Eglin Air Force Base, Florida, $11,990,000.
Laurence G. Hanscom Air Force Base, Massachusetts, $3,670,000.
Johnson Space Center, Texas, $700,000.
Los Angeles Air Force Base, California, $2,670,000.
Patrick Air Force Base, Florida, $2,392,000.

AIR NATIONAL GUARD

Buckley Air National Guard Base, Colorado, $2,000,000.

AIR TRAINING COMMAND

Chanute Air Force Base, Illinois, $89,210,000.
Columbus Air Force Base, Mississippi, $2,180,000.
Goodfellow Air Force Base, Texas, $10,040,000.
Gunter Air Force Station, Alabama, $6,750,000.
Keesler Air Force Base, Mississippi, $24,620,000.
Lackland Air Force Base, Texas, $10,700,000.
Lowry Air Force Base, Colorado, $6,100,000.
Mather Air Force Base, California, $4,460,000.
Reese Air Force Base, Texas, $1,550,000.
San Antonio Area, Texas, $12,000,000.
Sheppard Air Force Base, Texas, $16,080,000.
Vance Air Force Base, Oklahoma, $1,250,000.
Williams Air Force Base, Arizona, $2,700,000.

ALASKAN AIR COMMAND

Eielson Air Force Base, Alaska, $58,390,000.
Elmendorf Air Force Base, Alaska, $10,770,000.
Galena Airport, Alaska, $13,350,000.
Shemya Air Force Base, Alaska, $45,600,000.

MILITARY AIRLIFT COMMAND

Altus Air Force Base, Oklahoma, $21,600,000.
Andrews Air Force Base, Maryland, $1,786,000.
Bolling Air Force Base, Washington, D.C., $2,300,000.
Charleston Air Force Base, South Carolina, $3,200,000.
Dover Air Force Base, Delaware, $1,300,000.
Kirtland Air Force Base, New Mexico, $2,240,000.
Little Rock Air Force Base, Arkansas, $3,120,000.
McChord Air Force Base, Washington, $12,160,000.
McGuire Air Force Base, New Jersey, $620,000.
Pope Air Force Base, North Carolina, $6,500,000.
Scott Air Force Base, Illinois, $790,000.
Travis Air Force Base, California, $6,200,000.

PACIFIC AIR FORCES

Hickam Air Force Base, Hawaii, $3,150,000.

PEACEKEEPER CONSTRUCTION

Various Locations, $46,700,000.

SPACE COMMAND

NORAD Cheyenne Mountain Complex, Colorado, $5,660,000.
Peterson Air Force Base, Colorado, $78,700,000.

SPECIAL PROJECT

Various Locations, $24,000,000.

STRATEGIC AIR COMMAND

Barksdale Air Force Base, Louisiana, $34,970,000.
Beale Air Force Base, California, $5,550,000.
Blytheville Air Force Base, Arkansas, $6,950,000.
Carswell Air Force Base, Texas, $4,110,000.
Castle Air Force Base, California, $6,500,000.
Dyess Air Force Base, Texas, $14,300,000.
Ellsworth Air Force Base, South Dakota, $6,700,000.

Fairchild Air Force Base, Washington, $28,450,000.
Forsyth Air Force Station, Montana, $4,225,000.
Grand Forks Air Force Base, North Dakota, $8,525,000.
Griffiss Air Force Base, New York, $12,400,000.
Grissom Air Force Base, Indiana, $9,830,000.
Havre Air Force Station, Montana, $4,936,000.
K. I. Sawyer Air Force Base, Michigan, $40,460,000.
Loring Air Force Base, Maine, $36,400,000.
Malmstrom Air Force Base, Montana, $630,000.
March Air Force Base, California, $3,550,000.
McConnell Air Force Base, Kansas, $9,570,000.
Minot Air Force Base, North Dakota, $13,800,000.
Offutt Air Force Base, Nebraska, $38,520,000.
Pease Air Force Base, New Hampshire, $7,200,000.
Plattsburgh Air Force Base, New York, $5,955,000.
Vandenberg Air Force Base, California, $46,002,000.
Whiteman Air Force Base, Missouri, $24,500,000.
Wurtsmith Air Force Base, Michigan, $5,000,000.

TACTICAL AIR COMMAND

Bangor International Airport, Maine, $10,100,000.
Bergstrom Air Force Base, Texas, $20,310,000.
Cannon Air Force Base, New Mexico, $6,800,000.
Davis-Monthan Air Force Base, Arizona, $5,850,000.
England Air Force Base, Louisiana, $3,357,000.
George Air Force Base, California, $220,000.
Holloman Air Force Base, New Mexico, $20,500,000.
Homestead Air Force Base, Florida, $4,060,000.
Langley Air Force Base, Virginia, $8,300,000.
Luke Air Force Base, Arizona, $9,663,000.
MacDill Air Force Base, Florida, $6,360,000.
Moody Air Force Base, Georgia, $1,300,000.
Mountain Home Air Force Base, Idaho, $6,590,000.
Myrtle Beach Air Force Base, South Carolina, $1,550,000.
Nellis Air Force Base, Nevada, $4,490,000.
Seymour-Johnson Air Force Base, North Carolina, $5,240,000.
Shaw Air Force Base, South Carolina, $9,990,000.
Tyndall Air Force Base, Florida, $29,040,000.
Unspecified Location, $500,000.

UNITED STATES AIR FORCE ACADEMY

United States Air Force Academy, Colorado, $10,085,000.

OUTSIDE THE UNITED STATES

MILITARY AIRLIFT COMMAND

Lajes Field, Portugal, $1,400,000.
Rhein-Main Air Base, Germany, $1,870,000.

PACIFIC AIR FORCES

Clark Air Base, Republic of the Philippines, $8,850,000.
Diego Garcia Air Base, Indian Ocean, $58,200,000.
Kadena Air Base, Japan, $11,260,000.
Korea, Various Locations, $5,900,000.
Kunsan Air Base, Korea, $31,013,000.
Kwang-Ju Air Base, Korea, $210,000.
Misawa Air Base, Japan, $18,700,000.
Osan Air Base, Korea, $42,150,000.
Saechon Air Base, Korea, $210,000.
Suwon Air Base, Korea, $400,000.
Taegu Air Base, Korea, $2,750,000.
Kokota Air Base, Japan, $1,250,000.

STRATEGIC AIR COMMAND

Andersen Air Force Base, Guam, $4,710,000.

TACTICAL AIR COMMAND

Howard Air Force Base, Canal Zone, $613,000.

UNITED STATES AIR FORCES IN EUROPE

Camp New Amsterdam, The Netherlands $2,050,000.
Germany, Various Locations, $46,464,000.
Italy, Various Locations, $30,430,000.
Morocco, Various Locations, $28,000,000.
Oman, Various Locations, $28,600,000.
Spain, Various Locations, $6,832,000.
Turkey, Various Locations, $73,220,000.
United Kingdom, Various Locations, $44,768,000.
Various Locations, $67,550,000.

CONTRACTING FOR CERTAIN PROJECTS

SEC. 302. (a) The following projects authorized in section 301 may be carried out only as provided in subsection (c):

Non-Destruct Inspection Facility in the amount of $5,900,000 and Depot Production Support Facility in the amount of $3,500,000 at McClellan Air Force Base, California.

Alteration of Unaccompanied Enlisted Personnel Housing in the amount of $1,450,000 at Robins Air Force Base, Georgia.

Alteration of F-107 Engine Facility in the amount of $420,000, Combat Communications Headquarters in the amount of $2,150,000, and Communications Electronic Installation Facility in the amount of $960,000 at Tinker Air Force Base, Oklahoma.

Fire Protection-Bulk Fuel Farm in the amount of $382,000 at Arnold Engineering Development Center, Tennessee.

RAPCON/CCF Facility in the amount of $490,000 at Edwards Air Force Base, California.

Addition to Recreation Gymnasium in the amount of $2,150,000 at Eglin Air Force Base, Florida.

Commercial Power Connection in the amount of $2,000,000 at Buckley Air National Guard Base, Colorado.

Central Heat Plant in the amount of $11,700,000 at Chanute Air Force Base, Illinois.

PMEL Laboratory in the amount of $530,000 at Columbus Air Force Base, Mississippi.

Alteration of Electrical Distribution System in the amount of $1,500,000 and Voice Processing Training Facility in the amount of $7,800,000 at Goodfellow Air Force Base, Texas.

Unaccompanied Enlisted Personnel Housing/Senior NCO Academy in the amount of $5,000,000 at Gunter Air Force Station, Alabama.

Computer Training Facility in the amount of $11,900,000 and Unaccompanied Enlisted Personnel Housing with Dining Hall in the amount of $6,400,000 at Keesler Air Force Base, Mississippi.

Chapel in the amount of $2,900,000 at Lackland Air Force Base, Texas.

Academic Classroom (Weapons) in the amount of $6,100,000 at Lowry Air Force Base, Colorado.

Gymnasium in the amount of $3,180,000 at Sheppard Air Force Base, Texas.

Composite Operations in the amount of $3,700,000 and Composite Support Facility in the amount of $5,700,000 at Galena Airport, Alaska.

Consolidated Operations/Maintenance Facility in the amount of $3,400,000 at Altus Air Force Base, Oklahoma.

Gymnasium in the amount of $2,300,000 at Bolling Air Force Base, District of Columbia.

Composite Wing Headquarters Facility in the amount of $3,200,000 at Charleston Air Force Base, South Carolina.

Base Transportation Complex/Land Acquisition in the amount of $3,700,000 at Pope Air Force Base, North Carolina.

Composite Medical Facility (David Grant Medical Center) Phase I in the amount of $5,000,000 at Travis Air Force Base, California.

Upgrade Power Plants ADWS in the amount of $710,000 at Carswell Air Force Base, Texas.

Unaccompanied Enlisted Personnel Housing in the amount of $8,500,000, Dining Hall in the amount of $3,730,000, alteration of Consolidated Base Personnel Office in the amount of $1,100,000, Hydrant Fueling System in the amount of $4,400,000, and alteration of Unaccompanied Enlisted Personnel Housing in the amount of $5,000,000 at Fairchild Air Force Base, Washington.

Unaccompanied Enlisted Personnel Housing in the amount of $6,700,000 at Griffiss Air Force Base, New York.

Addition to and alteration of Vehicle Maintenance Shop in the amount of $1,030,000, Dining Hall in the amount of $3,200,000, and Military Personnel Support Center in the amount of $5,600,000 at Grisson Air Force Base, Indiana.

Air Field Apron Lighting in the amount of $1,230,000 and Unaccompanied Enlisted Personnel Housing in the amount of $5,500,000 at McConnell Air Force Base, Kansas.

Unaccompanied Officer Personnel Housing in the amount of $4,000,000 at Offutt Air Force Base, Nebraska.

Base Civil Engineer Maintenance Complex in the amount of $7,200,000 at Pease Air Force Base, New Hampshire.

STS External Tank Area Icing Protection in the amount of $6,600,000 at Vandenberg Air Force Base, California.

Physical Fitness Facility in the amount of $4,190,000 at Plattsburgh Air Force Base, New York.

Alteration of Heat Plant in the amount of $1,800,000, Unaccompanied Enlisted Personnel Housing in the amount of $8,600,000, Dining Hall in the amount of $3,300,000, Missile Maintenance Facility in the amount of $7,900,000, and Vehicle Maintenance Shop in the amount of $2,900,000 at Whiteman Air Force Base, Missouri.

Base Support Center in the amount of $6,500,000, Composite Wing Facility in the amount of $1,280,000, Education Center in the amount of $2,750,000, and alteration of Base Entrance/Land Acquisition in the amount of $3,000,000 at Bergstrom Air Force Base, Texas.

Consolidated Support Center in the amount of $6,800,000 at Cannon Air Force Base, New Mexico.

Aircraft Maintenance Hangar in the amount of $7,700,000, Munitions Storage in the amount of $3,700,000, addition to Air-

craft Maintenance Unit in the amount of $600,000, addition to Engine Inspection and Repair in the amount of $1,000,000, Aircraft Corrosion Control in the amount of $1,400,000, alteration of Unaccompanied Enlisted Personnel Housing in the amount of $3,100,000, and Airmen Dining Hall in the amount of $3,000,000 at Holloman Air Force Base, New Mexico.

Unaccompanied Officer Personnel Housing in the amount of $4,600,000, Unaccompanied Enlisted Personnel Housing in the amount of $4,500,000, Civil Engineer Science Lab in the amount of $4,650,000, Education Center in the amount of $2,000,000, and Base Support Center in the amount of $6,500,000 at Tyndall Air Force Base, Florida.

Addition to Satellite Communication Receiver Facility in the amount of $4,250,000, Consolidated Support Facility in the amount of $2,250,000, alteration of Unaccompanied Officer Personnel Housing in the amount of $1,450,000, and alteration of Electrical/Mechanical Facilities (energy) in the amount of $900,000 at Clark Air Base, Republic of the Philippines.

Air Base upgrade in the amount of $48,700,000 in Turkey.

Various projects each costing $1,000,000 or less in the amount of $7,000,000 at various locations.

(b) An advance payment to the Secretary of Transportation for a defense access road project under section 210 of title 23, United States Code, to widen Tippacanoe Avenue Bridge at Norton Air Force Base, California, in the amount of $6,400,000 may be made only as provided in subsection (c).

(c) A contract for a project listed in subsection (a) may be entered into and the advance payment described in subsection (b) may be made only if the funds to be obligated for the contract or advance payment are derived from the total amount of funds (if any) available from (1) the net savings from the execution of the projects authorized by section 301 other than those listed in subsection (a), (2) total savings from cancellations of such projects, and (3) other sources, including savings from projects authorized for the Air Force in previous Military Construction Authorization Acts.

(d) During fiscal year 1984, the Secretary of the Air Force may enter into a contract for the total amount authorized under section 301 for the construction of the Central Heating Plant at Chanute Air Force Base, Illinois, but may not obligate more than $11,700,000 of any funds described in subsection (c). Any amount for the construction of such facility in excess of $11,700,000 may be obligated only after fiscal year 1984 from funds realized from savings on other projects or to the extent provided for in appropriation Acts.

(e) Before the Secretary of the Air Force may advertise for bids, or may negotiate, for a contract described in subsection (a) or make the advance payment under subsection (b), the Secretary shall submit a written report to the appropriate committees of Congress certifying that funds for the contract or advance payment are available in accordance with subsection (c) and identifying the source of the funds. Such a report may not be submitted before January 1, 1984.

FAMILY HOUSING

SEC. 303. The Secretary of the Air Force may construct family housing units (excluding land acquisition) and may acquire manufactured home facilities at the following installations in the number of units shown, and in the amount shown, for each installation:

Lajes Field, Portugal, one hundred and fifty units, $11,812,000.

Havre Air Force Station, Montana, five units, $496,000.

Forsyth Air Force Station, Montana, fifty units, $4,000,000.

Camp New Amsterdam, The Netherlands, fifty units, $4,898,000.

RAF Upper Heyford, United Kingdom, three hundred units, $33,982,000.

IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS

SEC. 304. (a) Subject to section 2825 of title 10, United States Code, the Secretary of the Air Force may make expenditures to improve existing military family housing units in an amount not to exceed $64,715,000, of which $10,559,000 is available only for energy conservation projects.

(b) Within the amount specified in subsection (a), the Secretary of the Air Force may, notwithstanding the maximum amount per unit prescribed in section 2825(b) of title 10, United States Code, carry out projects to improve existing military family housing units at the following installations in the number of units shown, and in the amount shown, for each installation:

Carswell Air Force Base, Texas, two hundred and three units, $7,477,500.

Kadena Air Base, Japan, three hundred and forty-two units, $20,586,200.

ARCHITECTURAL AND ENGINEERING SERVICES AND CONSTRUCTION DESIGN FOR FAMILY HOUSING PROJECTS

SEC. 305. Subject to section 2807 of title 10, United States Code, the Secretary of the Air Force may carry out architectural and engineering services and construction design in connection with military family housing projects (including improvements) in the amount of $5,000,000.

TITLE IV—DEFENSE AGENCIES

AUTHORIZED CONSTRUCTION PROJECTS AND LAND ACQUISITION FOR THE DEFENSE AGENCIES

SEC. 401. The Secretary of Defense may acquire real property and may carry out military construction projects in the amounts shown for each of the following installations and locations:

INSIDE THE UNITED STATES

DEFENSE LOGISTICS AGENCY

Defense Fuel Support Point, Adak, Alaska, $14,200,000.

Defense Property Disposal Office, Anchorage, Alaska, $2,500,000.

Defense Fuel Support Point, Ozol, California, $1,100,000.

Defense Fuel Support Point, Long Beach, California, $42,100,000.

Defense Depot, Tracy, California, $480,000.

Defense Property Disposal Office, Vandenbery, California, $880,000.

Defense Property Disposal Office, Colorado Springs, Colorado, $810,000.

Defense Fuel Support Point, Escanaba, Michigan, $1,000,000.

Defense Depot, Memphis, Tennessee, $750,000.

Defense Property Disposal Office, San Antonio, Texas, $500,000.

Defense Property Disposal Office, Tooele, Utah, $420,000.

Defense Property Disposal Office, Norfolk, Virginia, $940,000.

Defense Property Disposal Office, Fort Lewis, Washington, $650,000.

DEFENSE MAPPING AGENCY

Hydrographic/Topographic Center, Brookmont, Maryland, $1,830,000.

NATIONAL SECURITY AGENCY

Fort Meade, Maryland, $31,000,000.

OFFICE OF THE SECRETARY OF DEFENSE

Classified Activity, Fort Belvoir, Virginia, $3,000,000.

Defense Systems Management College, Fort Belvoir, Virginia $4,700,000.

Presidio of Monterey, California, $29,100,000.

DEFENSE INVESTIGATIVE SERVICE

Fort Holabird, Maryland, $210,000.

DEFENSE NUCLEAR AGENCY

Armed Forces Radiobiology Institute, Bethesda, Maryland, $10,900,000.

DEFENSE COMMUNICATIONS AGENCY

Pentagon Building, Virginia, $1,000,000.

OUTSIDE THE UNITED STATES

DEFENSE LOGISTICS AGENCY

Defense Property Disposal Office, Hanau, Germany, $1,300,000.

DEFENSE NUCLEAR AGENCY

Johnston Island, $600,000.

OFFICE OF THE SECRETARY OF DEFENSE

Classified Location, $10,000,000.

NATIONAL SECURITY AGENCY

Classified Location, $21,550,000.

Classified Location, $25,200,000.

DEPARTMENT OF DEFENSE DEPENDENTS SCHOOLS

Ansbach, Germany, $4,800,000.

Baumholder, Germany, $1,200,000.

Darmstadt, Germany, $6,000,000.

Giessen, Germany, $6,040,000.

Spangdahlem Air Base, Germany, $6,350,000.

Wildflecken, Germany, $5,200,000.

Vicenza, Italy, $2,310,000.

Lajes Field, Portugal, $4,590,000.

Zaragoza Air Force Base, Spain, $680,000.

Incirlik Air Base, Turkey, $5,800,000.

RAF Lakenheath, United Kingdom, $1,120,000.

RAF Wethersfield, United Kingdom, $2,832,000.

FAMILY HOUSING

SEC. 402. The Secretary of Defense may construct family housing units (including land acquisition) and acquire manufactured home facilities at classified locations overseas in the total amount of $1,210,000 for not in excess of eleven units.

IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS

SEC. 403. Subject to section 2825 of title 10, United States Code, the Secretary of Defense may make expenditures to improve existing military family housing units in an amount not to exceed $35,000.

AUTHORITY TO USE UNOBLIGATED PRIOR YEAR AUTHORITY FOR CONTINGENCY CONSTRUCTION

SEC. 404. During fiscal year 1984, the Secretary of Defense may carry out contingency construction projects under section 2804 of title 10, United States Code, in an amount not to exceed $16,000,000.

TITLE V—NORTH ATLANTIC TREATY ORGANIZATION INFRASTRUCTURE

AUTHORITY OF THE SECRETARY OF DEFENSE TO MAKE CONTRIBUTIONS

SEC. 501. The Secretary of Defense may make contributions for the North Atlantic Treaty Organization Infrastructure program as provided in section 2806 of title 10, United States Code, in an amount not to

exceed the amount authorized to be appropriated in section 605.

RECOUPMENT OF PREFINANCING PAYMENTS

SEC. 502. None of the funds appropriated pursuant to authorizations of appropriations in this Act may be obligated for payments for prefinancing of projects eligible, or expected to be come eligible, to be paid for (in whole or in part) by the North Atlantic Treaty Organization infrastructure program until the Secretary of Defense provides to the appropriate committees of Congress a written report which shall (1) include a complete accounting for funds authorized by this and previous Military Construction Authorization Acts for the prefinancing of projects otherwise eligible for funding under such program, and (2) describe in detail how the Secretary plans to recoup such funds that have been or are to be obligated for such prefinancing of projects.

TITLE VI—AUTHORIZATION OF APPROPRIATIONS AND RECURRING ADMINISTRATIVE PROVISIONS

AUTHORIZATION OF APPROPRIATIONS, ARMY

SEC. 601. (a) Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1983, for military construction, land acquisition, and military family housing functions of the Department of the Army in the total amount of $2,450,959,000 as follows:

(1) For projects authorized by section 101 that are to be carried out inside the United States, $575,180,000.

(2) For projects authorized by section 101 that are to be carried out outside the United States, $366,920,000.

(3) For unspecified minor construction projects under section 2805 of title 10, United States Code, $27,400,000.

(4) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $188,000,000.

(5) For military family housing functions—

(A) for construction and acquisition of military family housing and facilities as authorized by title I, $173,131,000; and

(B) for support of military family housing, $1,120,328,000, of which not more than $86,258,000 may be obligated or expended for the leasing of military family housing units in foreign countries.

(b) Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variations authorized by law, the total cost of all projects carried out under section 101 may not exceed the total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a).

AUTHORIZATION OF APPROPRIATIONS, NAVY

SEC. 602. (a) Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1983, for military construction, land acquisition, and military family housing functions of the Departments of the Navy in the total amount of $1,763,520,000 as follows:

(1) For projects authorized by section 201 that are to be carried out inside the United States, $875,811,000.

(2) For projects authorized by section 201 that are to be carried out outside the United States, $94,285,000.

(3) For unspecified minor construction projects under section 2805 of title 10, United States Code, $22,000,000.

(4) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $115,600,000.

(5) For advances to the Secretary of Transportation for construction of defense access roads under section 210 of title 23, United States Code, $1,387,000.

(6) For military family housing functions—

(A) for construction and acquisition of military family housing and facilities as authorized by title II, $74,961,000; and

(B) for support of military family housing, $579,476,000, of which not more than $149,000 may be obligated or expended for the leasing of military family housing units in the United States, the Commonwealth of Puerto Rico, and Guam and not more than $18,063,000 may be obligated or expended for the leasing of military family housing units in foreign countries.

(b) Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variations authorized by law, the total cost to all projects carried out under section 201 may not exceed the total amount authorized be appropriated under paragraphs (1) and (2) of subsection (a).

AUTHORIZATION OF APPROPRIATIONS, AIR FORCE

SEC. 603. (a) Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1983, for military construction, land acquisition, and military family housing functions of the Department of the Air Force in the total amount of $2,375,071,000 as follows;

(1) For projects authorized by section 301 that are to be carried out inside the United States, $857,984,000;

(2) For projects authorized by section 301 that are to be carried out outside the United States, $464,944,000.

(3) For unspecified minor construction projects under section 2805 of title 10, United States Code, $19,000,000.

(4) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $147,000,000.

(5) For advances to the Secretary of Transportation for construction of defense access roads under section 210 of title 23, United States Code, $3,250,000.

(6) For military family housing functions—

(A) for construction and acquisition of military family housing and facilities as authorized by title III, $112,649,000; and

(B) for support of military family housing, $770,244,000, of which not more than $492,000 may be obligated or expended for the leasing of military family housing units in the United States, the Commonwealth of Puerto Rico, and Guam and not more than $53,046,000 may be obligated or expended for the leasing of military family housing units in foreign countries.

(b) Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variations authorized by law, the total cost of all projects carried out under section 301 may not exceed the total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a).

AUTHORIZATION OF APPROPRIATIONS, DEFENSE AGENCIES

SEC. 604. (a) Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1983, for military construction, land acquisition, and military family housing functions of the Department of Defense (other than the military departments) in the total amount of $306,386,000 as follows:

(1) For projects authorized by section 401 that are to be carried out inside the United States, $143,070,000.

(2) For projects authorized by section 401 that are to be carried out outside the United States, $90,572,000

(3) For unspecified minor construction projects under section 2805 of title 10, United States Code, $4,000,000.

(4) For construction projects under the contingency construction authority of the Secretary of Defense under section 2804 of title 10, United States Code, $16,000,000.

(5) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $33,000,000.

(6) For military family housing functions—

(A) for construction and acquisition of military family housing and facilities as authorized by title IV, $1,245,000; and

(B) for support of military family housing, $18,499,000, of which not more than $15,231,000 may be obligated or expended for the leasing of military family housing units in foreign countries.

(b) Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variations authorized by law, the total cost of all projects carried out under section 401 may not exceed the total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a).

AUTHORIZATION OF APPROPRIATIONS, NORTH ATLANTIC TREATY ORGANIZATION

SEC. 605. There is hereby authorized to be appropriated for fiscal years beginning after September 30, 1983, for contributions by the Secretary of Defense under section 2806 of title 10, United States Code, for the share of the United States of the cost of construction projects for the North Atlantic Treaty Organization infrastructure program, as authorized by section 501, the sum of $150,000,000.

ACTIVITIES INCLUDED WITHIN AUTHORIZATIONS FOR MILITARY FAMILY HOUSING

SEC. 606. (a) Amounts authorized under sections 601 through 604 for construction and acquisition of military family housing and facilities include amounts for minor construction, improvements to existing military family housing units and facilities, relocation of military family housing units under section 2827 of title 10, United States Code, and architectural and engineering services and construction design.

(b) Amounts authorized under sections 601 through 604 for support of military family housing include amounts for operating expenses, leasing expenses, maintenance of real property expenses, payments of principal and interest on mortgage debts incurred, and payments of mortgage insurance premiums authorized under section 222 of the National Housing Act (12 U.S.C. 1715m).

EXPIRATION OF AUTHORIZATIONS: EXTENSION OF CERTAIN PREVIOUS AUTHORIZATIONS

SEC. 607. (a)(1) Except as provided in paragraph (2), all authorizations contained in titles I, II, III, and IV for military construction projects, land acquisition, and family housing projects and in title V for contributions to the North Atlantic Treaty Organization infrastructure program (and all authorizations of appropriations therefor contained in sections 601 through 605) expire on October 1, 1985, or on the date of the enactment of the Military Construction Authorization Act for fiscal year 1986, whichever is later.

(2) The provisions of paragraph (1) do not apply to authorizations for which appropriated funds have been obligated before October 1, 1985, or the date of the enactment of the Military Construction Authorization Act for fiscal year 1986, whichever is later, for construction contracts, land acquisition, or contributions to such program.

(b)(1) Notwithstanding the provisions of section 606(b) of the Military Construction Authorization Act, 1983 (Public Law 97-321; 96 Stat. 1567), authorizations for the following projects authorized in sections 101, 201, and 301 of the Military Construction Authorization Act, 1982 (Public Law 97-99; 95 Stat. 1359), shall remain in effect until October 1, 1984, or the date of enactment of the Military Construction Authorization Act for fiscal year 1985, whichever is later:

(A) Solid Waste Incinerator construction in the amount of $4,100,000 at Fort Dix, New Jersey.

(B) Crane and Equipment Maintenance Shop in the amount of $13,600,000 at the Charleston Naval Shipyard, Charleston, South Carolina.

(C) Steam Plant in the amount of $150,000,000 at the Puget Sound Naval Shipyard, Bremerton, Washington.

(D) Aircraft Parking Apron in the amount of $3,200,000 at the Naval Air Station, Oceana, Virginia.

(2) Notwithstanding the provisions of section 606(b) of the Military Construction Authorization Act, 1983 (Public Law 97-321; 96 Stat. 1567), authorization for the following project authorized in section 201 of the Military Construction Authorization Act, 1981 (Public Law 96-418; 94 Stat. 1749), and extended in section 606(d) of the Military Construction Authorization Act, 1983 (Public Law 97-321; 96 Stat. 1549), shall remain in effect until October 1, 1984, or the date of enactment of the Military Construction Authorization Act for fiscal year 1985, whichever is later:

Nautilus Memorial in the amount of $1,930,000 at the Naval Submarine Base, New London, Connecticut.

(3) Notwithstanding the provisions of section 606(b) of the Military Construction Authorization Act, 1983 (Public Law 97-321; 96 Stat. 1567), authorization for the following projects authorized in section 201 of the Military Construction Authorization Act, 1980 (Public Law 96-125; 93 Stat. 928), and extended in section 705(d) of the Military Construction Authorization Act 1982 (Public Law 97-99; 95 Stat. 1359), shall remain in effect until October 1, 1984, or the date of enactment of the Military Construction Authorization Act for fiscal year 1985, whichever is later:

(A) Industrial Waste Collection and Treatment construction in the amount of $6,500,000 at the Long Beach Naval Shipyard, Long Beach, California.

(B) Aircraft Maintenance Hangar Addition in the amount of $1,500,000 at the Naval Air Facility, Sigonella, Italy.

ESTABLISHMENT OF CERTAIN AMOUNTS REQUIRED TO BE SPECIFIED BY LAW

SEC. 608. For projects or contracts initiated during the period beginning on the date of enactment of this Act or October 1, 1983, whichever is later, and ending on the date of the enactment of the Military Construction Authorization Act for fiscal year 1985 or October 1, 1984, whichever is later, the following amounts apply:

(1) The maximum amount for an unspecified minor military construction project under section 2805 of title 10, United States Code, is $1,000,000.

(2) The amount of a contract for architectural and engineering services or construction design that makes such a contract subject to the reporting requirement under section 2807 of title 10, United States Code, is $300,000.

(3) The maximum amount per unit for an improvement project for family housing units under section 2825 of title 10, United States Code, is $30,000.

(4) The maximum annual rental for a family housing unit leased in the United States, Puerto Rico, or Guam under section 2828(b) of title 10, United States Code, is $6,000.

(5)(A) The maximum annual rental for a family housing unit leased in a foreign country under section 2828(c) of title 10, United States Code, is $16,800.

(B) The maximum number of family housing units that may be leased at any one time in foreign countries under section 2828(C) of title 10, is 30,000.

(6) The maximum rental per year for family housing facilities, or for real property related to family housing facilities, leased in a foreign country under section 2828(f) of title 10, United States Code, is $250,000.

EFFECTIVE DATE FOR PROJECT AUTHORIZATIONS

SEC. 609. Titles I, II, III, IV, and V of this Act shall take effect on October 1, 1983.

TITLE VII—GUARD AND RESERVE FORCES FACILITIES

AUTHORIZATION FOR FACILITIES

SEC. 701. There are authorized to be appropriated for fiscal years beginning after September 30, 1983, for the costs of acquisition, architectural and engineering services, and construction of facilities for the Guard and Reserve Forces, and for contributions therefor, under chapter 133 of title 10, United States Code (including the cost of acquisition of land for those facilities) the following amounts:

(1) For the Department of the Army—

(A) for the Army National Guard of the United States, $66,826,000; and

(B) for the Army Reserve, $54,700,000.

(2) For the Department of the Navy, for the Naval and Marine Corps Reserves, $28,245,000.

(3) For the Department of the Air Force—

(A) for the Air National Guard of the United States, $108,620,000; and

(B) for the Air Force Reserve, $41,200,000.

MODIFICATION OF GUARD AND RESERVE MINOR CONSTRUCTION AUTHORITY

SEC. 702. Effective on October 1, 1983, section 2233a(a)(1) of title 10, United States Code, is amended by striking out "$200,000" and inserting in lieu thereof "$400,000".

TITLE VIII—GENERAL PROVISIONS

MILITARY FAMILY HOUSING LEASING PROGRAM

SEC. 801. Section 2828 of title 10, United States Code, is amended by adding at the end thereof the following subsection:

"(g)(1) Notwithstanding any other provision of law, the Secretary of a military department may enter into a contract for the lease of family housing units to be constructed on or near a military installation within the United States under the Secretary's jurisdiction at which there is a validated deficit in family housing. Housing units leased under this subsection shall be assigned, without rental charge, as family housing to members of the armed forces who are eligible for assignment to military family housing. A contract under this section shall include a provision that the obligation of the United States to make payments under the contract in any fiscal year is subject to the availability of appropriations for that purpose.

"(2) Each contract under paragraph (1) shall be awarded through the use of publicly advertised, competitively bid or competitively negotiated contracting procedures. Such a contract may provide for the contractor of the housing facilities to operate and maintain such housing facilities during the term of the lease.

"(3) Each contract under this subsection shall require that housing units constructed pursuant to the contract shall be constructed to Department of Defense specifications.

"(4) A contract under this subsection may be for any period not in excess of 20 years (excluding the period required for construction of the housing facilities).

"(5) A contract under this subsection shall provide that, upon the termination of the lease period, the United States shall have the right of first refusal to acquire all right, title, and interest to the housing facilities constructed and leased under the contract.

"(6) A contract may not be entered into for the lease of housing facilities under this subsection until—

"(A) the Secretary of Defense submits to the appropriate committees of Congress, in writing, an economic analysis (based upon accepted life cycle costing procedures) which demonstrates that the proposed contract is cost effective when compared with alternative means of furnishing the same housing facilities, and

"(B) a period of 21 calendar days has expired following the date on which the economic analysis is received by those committees.

"(7) This subsection may be implemented only by a pilot program. In carrying out such pilot program—

"(A) the Secretary of each military department may not enter into more than two contracts under this subsection; and

"(B) any contract may not be for more than 300 family housing units.

"(8) A contract may not be entered into under this subsection after October 1, 1985.".

MILITARY HOUSING RENTAL GUARANTEE PROGRAM

SEC. 802. (a) The Secretary of a military department, under uniform regulations prescribed by the Secretary of Defense, may enter into an agreement to assure the occupancy of rental housing to be constructed by a private developer or by a State or local housing authority on private land, on land owned by a State or local government, or on land owned by the United States, if the housing is to be located on or near a new military installation or an existing military installation that has a shortage of housing to meet the requirements of eligible members of the Armed Forces (with or without accompanying dependents). An agreement under this section shall include a provision that the obligation of the United States to make payments under the agreement in any fiscal year is subject to the availability of appropriations for that purpose.

(b) An agreement under subsection (a)—

(1) may not assure the occupancy of more than 97 percent of the units constructed under the agreement;

(2) shall establish initial rental rates that are not more than rates for comparable rental dwelling units in the same general market area and may include an escalation clause for operation and maintenance costs which shall (if included) be effective for the term of agreement;

(3) may not apply to existing housing;

(4) shall require that the housing units be constructed to Department of Defense specifications;

(5) may not be for a term in excess of 15 years;

(6) may not be renewed;

(7) may not assure more than an amount equivalent to the shelter rent of the housing units, determined on the basis of amortizing initial construction costs;

(8) may only be entered into to the extent that there is a validated deficit in military family housing;

(9) may only be entered into if existing military-controlled housing at all installations in the commuting area (except for a new installation of an installation for which there is projected a significant increase in the number of families due to an increase in the number of authorized personnel) has exceeded 97 percent use for a period of not less than 18 consecutive months immediately preceding the date on which the agreement is entered into, excluding units temporarily inactivated for major repair or improvements;

(10) shall provided for priority of occupancy for military families; and

(11) shall include a clause rendering the agreement null and void if, in the opinion of the Secretary of the military department concerned, the owner of the housing fails to maintain a satisfactory level of operation and maintenance.

(c) An agreement under subsection (a) shall be made through the use of publicly advertised, competitively bid or competitively negotiated procedures.

(d) An agreement may not be entered into under subsection (a) until—

(1) the Secretary of Defense submits to the appropriate committees of Congress, in writing, an economic analysis (based upon accepted life cycle costing procedures) which demonstrates that the proposed agreement is cost effective when compared with alternative means of furnishing the same housing facilities, and

(2) a period of 21 calendar days has expired following the date on which the economic analysis is received by those committees.

(e) The Secretary concerned may require that disputes arising under an agreement entered into under subsection (a) be decided in accordance with the procedures provided for by the Contract Disputes Act of 1978 (41 U.S.C. 601 et seq.).

(f) This section may be implemented only by a pilot program. In carrying out such pilot program—

(1) the Secretary of each military department may not enter into more than two agreements under this section; and

(2) the Secretary of a military department may not enter into such an agreement for more than 300 family housing units at one location.

(g) An agreement may not be entered into under this section after September 30, 1985.

FAMILY HOUSING CONSTRUCTED OVERSEAS

SEC. 803. (a) The Secretary of Defense shall ensure that any contract entered into for the construction of military family housing for the Department of Defense in a foreign country shall require the use of manufactured or factory-built housing which is fabricated in the United States by a United States contractor.

(b) The Secretary of Defense may waive subsection (a) with respect to not more than 10 percent of the total number of military family housing units authorized to be constructed in foreign countries in any year if—

(1) the Secretary determines that with respect to such units compliance with the requirement in such subsection is infeasible, and

(2) the Secretary—

(A) notifies the appropriate committees of the Congress in writing of his intention to waive such requirements and includes in the notification the justification for the waiver, and

(B) a period of 21 days has elapsed after the receipt by such committees of the notice.

(c) This section shall apply to any contract entered into after the date of the enactment of this Act.

ARCHITECTURAL AND ENGINEERING SERVICES AND CONSTRUCTION DESIGN

SEC. 804. The first sentence of section 2807 (a) of title 10, United States Code, is amended—

(1) by striking out "such purposes" and inserting in lieu thereof "military construction and military family housing"; and

(2) by inserting ", family housing projects, and projects undertaken in connection with the authority provided under section 2854 of this title that are" after "projects".

IMPACT ASSISTANCE FOR AREAS AFFECTED BY DEPLOYMENT OF THE MX MISSILE

SEC. 805. Subsection (a) of section 802 of the Military Construction Authorization Act, 1981 (10 U.S.C. 139 note), is amended—

(1) by inserting "communities located near MX Missile System sites and" after "may assist"; and

(2) by striking out "East Coast Trident Base" the second place it appears and inserting in lieu thereof "MX Missile System or the East Coast Trident Base, as the case may be,".

(b) Subsection (b) of such section is amended—

(1) by striking out "East Coast Trident Base" in paragraph (1)(C) and inserting in lieu thereof "MX Missile System site or the East Coast Trident Base, as the case may be"; and

(2) by striking out "East Coast Trident Base" in paragraph (3) and inserting in lieu thereof "MX Missile System sites or the East Coast Trident Base, as the case may be".

(c) Subsection (d) of such section is amended by inserting "the MX Missile System deployment program and" before "the East Coast Trident Base".

(d) The heading of such section is amended by inserting "BY DEPLOYMENT OF THE MX MISSILE AND" after "AREAS AFFECTED".

SMALL BUSINESS SET-ASIDE FOR ARCHITECTURAL AND ENGINEERING SERVICES AND CONSTRUCTION DESIGN

SEC. 806. (a) The Secretary of Defense shall conduct a comprehensive review of current policies and practices of the Department of Defense with regard to the award of contracts for architectural and engineering services and construction design for military construction projects. The Secretary shall conduct such review with a view to determining whether current policies and practices of the Department of Defense result in a reasonable distribution of such contracts to firms of all sizes throughout the architect-engineer community.

(b) Upon the completion of such review, the Secretary shall modify current policies and practices of the Department to the extent necessary to ensure—

(1) that shall business concerns (as defined in section 3 of the Small Business Act) are assured of a reasonable share of such contracts; and

(2) that large architect-engineer firms are not precluded from competing for such contracts when the estimated amount of such contracts is greater than a reasonable threshold amount prescribed by the Secretary.

(c) Not later than March 1, 1984, the Secretary shall submit to the appropriate committees of Congress a written report on the results of the review required by subsection (a) and on any changes made to current policies and practices as required by subsection (b).

(d) For the purposes of this section:

(1) The term "reasonable share" means an appropriate percentage share of all contracts referred to in subsection (a) as determined by the Secretary of Defense after consultation with the Admininstrator of the Small Business Administration and representatives of the architect-engineer community.

(2) The term "reasonable threshold amount" means an appropriate estimated contract dollar amount determined by the Secretary of Defense after consultation with the Administrator of the Small Business Administration and representatives of the architect-engineer community.

SALE AND REPLACEMENT OF NONEXCESS REAL PROPERTY

SEC. 807. (a)(1) Chapter 159 of title 10, United States Code, is amended by inserting after section 2667 the following new section:

"§ 2667a. Sale and replacement of nonexcess real property

"(a)(1) Subject to paragraph (2), the Secretary of Defense may carry out real property transactions in accordance with this section. Any such transaction shall consist of—

"(A) the sale of any real property under the control of the Department of Defense other than property described in paragraph (3); and

"(B) such acquisition of land, construction and acquisition of facilities to replace facilities included in the property to be sold, and relocation of Department of Defense activities to such replacement facilities as may be required to ensure efficient and effective continuity of defense functions being carried out at the property to be sold.

"(2) A transaction under this section may not be carried out unless the transaction is specifically authorized by law.

"(3) A transaction under this section may not include the sale of any of the following:

"(A) Public domain lands.

"(B) Property which can be considered excess under the provisions of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471 et seq.).

"(C) Property that the Secretary of the Interior has determined under subsection (b)(2) to be suitable for use as a public park or recreation area and with respect to which the Secretary of the Interior has sent a notification to the Secretary of Defense under such subsection.

"(b)(1) A proposal to Congress for authorization of a transaction under this section shall include—

"(A) a description of the property to be sold (including the specific location of the property);

"(B) an estimate of the fair market value of the property to be sold;

"(C) an explanation of the need for any property or facilities to replace property or facilities to be sold under the transaction;

"(D) an estimate of the costs of such replacement facilities and of relocation from the property to be sold to the replacement facilities; and

"(E) a net financial statement for the transaction, including a schedule of estimated expenditures under the transaction and a schedule of the estimated proceeds to be realized from the sale of property under the transaction.

"(2) Before proposing a transaction to Congress under this section, the Secretary of Defense shall notify the Secretary of the Interior in writing of the proposed transaction. The transaction may not be proposed to Congress if the Secretary of the Interior notifies the Secretary of Defense in writing not later than 60 days after receipt of the notification that he has determined that the property proposed to be sold under the transaction is suitable for use as a public park or recreation area. Any such determination by the Secretary of the Interior shall be made in accordance with procedures and standards used by the Secretary under section 203(k)(2) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 484(k)(2)).

"(c) A transaction authorized pursuant to this section—

"(1) shall be accomplished, to the extent feasible, using competitive bid procedures or qualified contract realty brokers;

"(2) may not be carried out unless the property to be conveyed under the transaction will be sold for at least the equivalent of its fair market value;

"(3) may not be carried out unless the amount of the estimated proceeds from the sale of property under the transaction exceeds the amount of the costs of such transaction described in subsection (e); and

"(4) may not be carried out unless the activities intended to be performed at the replacement facilities are substantially similar in character or nature to those performed at the property to be sold.

"(d)(1) The sale of any real property pursuant to a transaction authorized under this section shall be conducted by the Administrator of General Services. The Administrator may sell such property upon such credit terms and financial conditions as he and the Secretary of Defense may agree upon. The Administrator shall execute such documents for the transfer of title and take such other actions as necessary to dispose of such property under the provisions of this section.

"(2) Proceeds from any such sale shall be covered into the Treasury.

(3) The Secretary of Defense shall reimburse the Administrator for expenses incurred in making such sales as authorized by subsection (e)(3).

"(e) To the extent provided for in appropriation Acts, the Secretary of Defense—

"(1) may carry out the acquisition of land and the construction and acquisition of facilities included as part of an authorized transaction under this section;

"(2) may pay the reasonable relocation expenses made necessary by the transaction; and

"(3) may pay all expenses incident to the sale of property under the transaction, including reimbursement of expenses under subsection (d)(3).

"(f) Upon completion of a transaction under this section—

"(1) ninety-five percent of the proceeds remaining from the sale of property under the transaction (after subtracting the amount of applicable costs described in subsection (e)) shall remain in the Treasury; and

"(2) an amount equal to five percent of the proceeds remaining from the sale of property under the transaction (after subtracting the amount of applicable costs described in subsection (e)) shall be credited to the account established under subsection (g).

"(g)(1) There is hereby established on the books of the Treasury an account to be known as the Department of Defense Facilities Replacement Management Account (hereinafter in this section referred to as the 'account'). The account shall be administered by the Secretary of Defense and shall be administered as a single account.

"(2) The account may be used for—

"(A) advanced planning, design, and other expenses related to potential future transactions; and

"(B) advances where necessary to meet expenses of an authorized transaction before appropriations are made available for the transaction.

"(3) An expenditure from the account in an amount greater than $300,000 may not be made until the Secretary of Defense has notified the appropriate committees of Congress in writing of the proposed expenditure and a period of 21 days has elapsed after the date of the receipt of that notification by those committees.

"(4) Any unobligated moneys in the account at the end of a fiscal year in excess of $50,000,000 (or in excess of any lesser amount determined by the Secretary of Defense of be sufficient for the purpose of this section) shall be covered into the Treasury.".

(2) The table of sections at the beginning of chapter 159 of title 10, United States Code, is amended by inserting after the item relating to section 2667 the following new item:

"2667a. Sale and replacement of nonexcess real property.".

(b) There is authorized to be appropriated to the Department of Defense Facilities Management Account established by section 2809 of title 10, United States Code (as added by subsection (a)), for purposes of initial capitalization, the sum of $50,000,000. Any amount appropriated pursuant to this subsection shall remain available until expended.

(c) Effective on October 1, 1985—

(1) Section 2667a of title 10, United States Code (as added by subsection (a)), is repealed;

(2) the table of sections at the beginning of chapter 159 of such is amended by striking out the item relating to section 2667a;

(3) the Department of Defense Facilities Replacement Management Account established by such section is abolished and any balance in such account is transferred into the Treasury.

(d) Notwithstanding any other provision of law, the Secretary of Defense may not take any action to initiate the sale, lease, rental, excessing, or disposal of any portion of the land identified on the date of the enactment of this Act as a part of Fort DeRussy, Hawaii.

THRESHOLD FOR COMMUNITY PLANNING ASSISTANCE

SEC. 808. Effective on October 1, 1983, section 2391 (b) (2) of title 10, United States Code, is amended by striking out "2,500" and inserting in lieu thereof "2,000".

FEDERAL CONTRIBUTION FOR MOVING LANDFILL NEAR LANGLEY AIR FORCE BASE.

SEC. 809. (a) The Secretary of the Air Force may contribute, as the share of the United States for the moving of the existing landfill adjacent to Langley Air Force Base, Virginia, a sum equal to not more than 50 percent of the cost of moving such landfill to a new location, but not more than $3,750,000. The Secretary may not make any contribution under this section unless the new location of the landfill meets the minimum standards for the location of landfills on or near airport facilities prescribed by the Administrator of the Federal Aviation Administration in Order Number 5200.5 (Guidance Concerning Sanitary Landsfills on or near airports).

(b) The Secretary shall obtain such assurances as he determines necessary (including the execution of covenants and easements) to ensure that the present landfill location adjacent to Langley Air Force Base will be used in the future only in a manner compatible with the Air Installation Compatible Use Zone (AICUZ) for Langley Air Force Base.

LAND ACQUISITION FOR FUTURE FAMILY HOUSING REQUIREMENTS, SAN DIEGO, CALIFORNIA

SEC. 810. The Secretary of the Navy may acquire up to 125 acres of real property in San Diego, California (or the surrounding area), that the Secretary determines to be suitable as a site or sites for future construction of military family housing for the Department of the Navy. Such property may be acquired by exchange or by purchase using funds derived from savings in carrying out previously authorized projects. The Secretary may acquire options on such property as provided in section 2677 (a) of title 10, United States Code, and (notwithstanding section 2677 (b) of such title) may pay, from funds available for projects under section 2805 of title 10, United States Code, not more than $1,000,000 for such options.

AUTHORITY FOR THE SECRETARY OF THE NAVY TO ACQUIRE LAND FROM THE CITY OF LOS ANGELES, CALIFORNIA

SEC. 811. The Secretary of the Navy may acquire approximately 55 acres of land from the City of Los Angeles, California, at a cost not to exceed $750,000.

LAND CONVEYANCE, VENTURA COUNTY, CALIFORNIA

SEC. 812. (a) Subject to subsection (b), the Secretary of the Navy (hereinafter in this section referred to as the "Secretary") shall convey to the Oxnard Harbor District, a special district of the State of California, all right, title, and interest of the United States in and to a tract of land, together with the improvements on such land, located in the City of Port Hueneme in the County of Ventura, California, consisting of the United States Navy Wharf Number 2 and approximately 18.546 acres and more particularly described in the official records on file in the Office of the County Recorder of the County of Ventura, California, in book 665, page 349.

(b) In consideration for the conveyance under subsection (a), the Oxnard Harbor District shall pay to the United States an amount equal to the appraised fair market value of the property to be conveyed (as determined by the Secretary).

(c) The exact acreage and legal description of the lands to be conveyed under this section shall be determined by surveys that are satisfactory to the Secretary. The cost of any such survey shall be borne by the Oxnard Harbor District.

(d) The Secretary may require such additional terms and conditions with respect to the conveyance under this section as the Secretary considers appropriate to protect the interests of the United States.

(e) In the event of a war or a national emergency declared by the Congress or a national emergency declared by the President

after the date of the enactment of this Act, and upon a determination by the Secretary of Defense that the property conveyed under subsection (a) is necessary or would be useful for military or other national defense purposes, the United States shall have the right, upon payment to the Oxnard Harbor District of just compensation, to reenter upon the property and use the property or any part of it, including any and all improvements made thereon, for the duration of the war or emergency plus six months.

LAND CONVEYANCE, ALABAMA SPACE SCIENCE EXHIBIT COMMISSION

SEC. 813. (a) Subject to subsection (b), the Secretary of the Army (hereinafter in this section referred to as the "Secretary") is authorized to convey, without consideration, to the Alabama Space Science Exhibit Commission (hereinafter in this section referred to as the "Commission"), an agency of the State of Alabama, all right, title, and interest of the United States in and to two tracts of land, consisting of 61 acres (more or less), located on the northwestern boundary of Redstone Arsenal, Alabama.

(b)(1) The conveyance authorized under subsection (a) shall be subject to the condition that the real property conveyed shall be used by the Commission (A) to display suitable public exhibits of United States weaponry and allied subjects, public exhibits of the activities of the National Aeronautics and Space Administration, and space-oriented public exhibits of other departments, agencies, and instrumentalities of the United States Government, (B) to carry out educational and recreational activities related to the purposes described in clause (A), or (C) for purposes described in both clauses (A) and (B). The use of a portion of such real property for construction of a proposed interstate highway, and such access roads as necessary, and any use of such real property in accordance with existing easements and rights-of-way shall not be considered a use which is inconsistent with the purposes described in clause (A) or (B).

(2) If the property conveyed pursuant to subsection (a) is not used for one or more of the purposes described in paragraph (1), all right, title, and interest in and to such property shall revert to the United States which shall have the right of immediate entry thereon.

(3) The Secretary shall reserve to the United States a drainage and utility easement for use in connection with Redstone Arsenal.

(c) The exact acreage and legal description of the property to be conveyed under subsection (a) and of the easement to be reserved under subsection (b)(3) shall be determined by surveys approved by the Secretary of the Army. The cost of any such survey shall be borne by the Commission.

(d) The Secretary may require such additional terms and conditions in connection with the conveyance authorized by this section as the Secretary considers appropriate to protect the interests of the United States.

LAND EXCHANGE, FORT LAUDERDALE, FLORIDA

SEC. 814. (a) Subject to subsection (b), the Secretary of the Navy (hereinafter in this section referred to as the "Secretary") is authorized to convey to Broward County, Florida (hereinafter in this section referred to as the "County"), all right, title, and interest of the United States in and to approximately 6.3 acres of unimproved land comprising portions of the Naval Surface Weapons Center Detachment, Fort Lauderdale, Florida.

(b)(1) In consideration for the conveyance authorized by subsection (a), the County shall convey to the United States all right, title, and interest in and to approximately 4.805 acres of unimproved land adjacent to the Naval Surface Weapons Center Detachment.

(2) The County shall pay to the United States an amount equal to the amount, if any, by which the fair market value (as determined by the Secretary) of the lands to be conveyed by the United States to the County under subsection (a) exceeds the fair market value (as determined by the Secretary) of the lands to be conveyed by the County under subsection (b).

(c)(1) The exact acreages and legal descriptions of all lands to be acquired or conveyed under this section shall be determined by surveys that are satisfactory to the Secretary. The cost of any such survey shall be borne by the County.

(2) The Secretary may require such additional terms and conditions in connection with the acquisition and conveyance authorized by this section as the Secretary considers appropriate to protect the interests of the United States.

LAND EXCHANGE, ORANGE COUNTY, CALIFORNIA

SEC. 815. (a) Subject to subsection (b), the Secretary of the Navy (hereinafter in this section referred to as the "Secretary") is authorized to convey to Orange County, a political subdivision of the State of California, all right, title, and interest of the United States in and to a parcel of land consisting of approximately 137 acres located in the center of Mile Square Regional Park, Orange County, California, together with the improvements on such land.

(b) In consideration for the conveyance by the Secretary under subsection (a), Orange County shall convey to the United States a parcel of land consisting of approximately 57 acres located at the northwest corner of Mile Square Regional Park, Orange County, California. Such parcel shall not be acceptable unless zoned for commercial use and otherwise acceptable to the Secretary. If the fair market value of the land and improvements conveyed by the Secretary under subsection (a) exceeds the fair market value of the land conveyed by Orange County under this subsection, the County shall pay the difference to the United States. Any such payment shall be covered into the Treasury as miscellaneous receipts.

(c) The exact acreages and legal descriptions of the lands to be conveyed under this section shall be determined by surveys which are satisfactory to the Secretary. The cost of any such survey shall be borne by Orange County.

(d) The Secretary is authorized to accept and land conveyed under subsection (b) and to use such land to exchange for other lands as authorized to be acquired for military purposes.

(e) The Secretary may require such additional terms and conditions in connection with the transaction authorized by this section as the Secretary considers appropriate to protect the interests of the United States.

LAND EXCHANGE, COLUMBUS, OHIO

SEC. 816. (a) Subject to subsection (b), the Secretary of the Air Force (hereinafter in this section referred to as the "Secretary") is authorized to acquire by exchange all right, title, and interest of the city of Columbus, Ohio (hereinafter in this section referred to as the "City"), in all or in part of certain parcels of land in the county of Franklin, Ohio, comprising approximately 122.84 acres and now leased from the City for the use of Air Force Plant Numbered 85.

(b)(1) In consideration for the acquisition under subsection (a), the Secretary shall convey to the City all right, title, and interest of the United States in all or any part of certain parcels of land (and any improvements thereon) in the county of Franklin, Ohio, comprising approximately 231.96 acres. The Secretary may adjust the size of the parcels to be conveyed and acquired.

(2) If the fair market value (as determined by the Secretary) of the land and improvements conveyed by the Secretary exceeds the fair market value (as determined by the Secretary) of the land conveyed by the City, the City shall pay the difference to the United States. Any such payment shall be covered into the Treasury as miscellaneous receipts.

(c) The exact acreages and legal descriptions of the properties to be acquired or conveyed under this section shall be determined by surveys which are satisfactory to the Secretary. The cost of any such survey shall be borne by the city.

(d) The Secretary may require such additional terms and conditions in connection with the transaction authorized by this section as the Secretary considers appropriate to protect the interests of the United States.

LAND EXCHANGE, ORLANDO, FLORIDA

SEC. 817. (a) Subject to subsection (b), the Secretary of the Navy (hereinafter in this section referred to as the "Secretary") is authorized to convey to the Greater Orlando Aviation Authority (hereinafter in this section referred to as the "Authority") all right, title, and interest of the United States in and to approximately 37 acres of unimproved land comprising a portion of the Naval Training Center, Orlando, Florida. Such conveyance may be subject to a reservation restricting development of the land conveyed to commercial and light industrial uses.

(b) In consideration for the conveyance authorized by subsection (a), the Authority—

(1) shall convey to the United States all right, title, and interest of the Authority in and to a tract of land consisting of approximately 12 acres of land, together with improvements thereon; and

(2) shall convey or make available to the United States such additional interests in lands and improvements, pay such capital costs, perform such road construction, and make such additional monetary payment to the United States as specified in a memorandum of understanding between the Secretary and the Authority.

Any monetary payment to the United States shall be deposited into the Treasury as miscellaneous receipts.

(c) The total value of the consideration to the United States under subsection (b) shall be at least equal to the fair market value of the land conveyed to the Authority under subsection (a) (as determined by the Secretary).

(d) The exact acreages and legal descriptions of the property to be conveyed under this section shall be determined by surveys that are satisfactory to the Secretary. The cost of such surveys shall be borne by the Authority.

(e) The Secretary may require such additional terms and conditions in connection with the transaction authorized by this section as the Secretary considers appropriate to protect the interests of the United States.

LAND EXCHANGE, SANTA CLARA COUNTY TRANSIT DISTRICT, CALIFORNIA

SEC. 818. (a) Subject to subsection (b), the Secretary of the Army (hereinafter in this section referred to as the "Secretary") is authorized to convey to the Santa Clara County Transit District of Santa Clara County, California (hereinafter in this section referred to as the "District"), all right, title, and interest of the United States in and to a parcel of land of Santa Clara County, California, consisting of approximately 2.5 acres, together with improvements thereon, comprising a portion of the United States Army Reserve Center, San Jose, California.

(b)(1) In consideration for the conveyance authorized by subsection (a), the District shall convey to the United States all right, title, and interest in and to a parcel of land consisting of approximately 2.5 acres, together with improvements thereon, located adjacent to the United States Army Reserve Center, San Jose.

(2) If the fair market value (as determined by the Secretary) of the property to be conveyed by the United States to the District under subsection (a) exceeds the fair market value (as determined by the Secretary) of the property to be conveyed by the District to the United States under subsection (b), the District shall pay to the United States the amount of the difference.

(c) The exact acreages and legal descriptions of the parcels to be conveyed under this section shall be determined by surveys which are satisfactory to the Secretary. The cost of any such survey shall be borne by the District.

(d) The Secretary may require such additional terms and conditions in connection with the transaction authorized by this section as the Secretary considers appropriate to protect the interests of the United States.

And the Senate agree to the same.

MELVIN PRICE,
G. V. MONTGOMERY,
ABRAHAM KAZEN, JR.,
A. B. WON PAT,
WM. L. DICKINSON,
KEN KRAMER,
G. WILLIAM WHITEHURST,
Managers on the Part of the House.

STROM THURMOND,
JOHN W. WARNER,
GORDON J. HUMPHREY,
DAN QUAYLE,
JOHN P. EAST,
HENRY M. JACKSON,
JOHN C. STENNIS,
J. J. EXON,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and Senate at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2972) to authorize certain construction at military installations for fiscal year 1984, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report.

The Senate amendment struck out all of the House bill after the enacting clause and inserted a substitute text.

The House recedes from its disagreement to the amendment of the Senate with an amendment which is a substitute for the House bill and the Senate amendment. The differences between the House bill, the Senate amendment, and the substitute agreed to in conference are noted below, except for clerical corrections, conforming changes made necessary by agreements reached by the conferees, and minor drafting clarifying changes.

COMPARISON OF HOUSE AND SENATE BILLS

As passed by the House, H.R. 2972 provided $7,970,085,000 in new authorization.

The bill as amended by the Senate provided $7,349,310,000 in new authorization.

SUMMARY OF RESOLUTION OF DIFFERENCES

As a result of the conference between the House and Senate on the differences in H.R. 2972, the conferees agree to a new adjusted authorization for appropriations for military construction and family housing for fiscal year 1984 in the amount of $7,345,527,000. The Department of Defense and the respective military departments submitted a request in the amount of $8,547,586,000.

Authorization for appropriations granted, fiscal year 1984

Section 601 (Army):	
Inside the United States	$575,180,000
Outside the United States	366,920,000
Unspecified minor construction	27,400,000
Planning and design	188,000,000
Defense access roads	0
Family housing construction	173,131,000
Family housing support	1,120,328,000
Subtotal	2,450,959,000
Section 602 (Navy):	
Inside the United States	875,811,000
Outside the United States	94,285,000
Unspecified minor construction	22,000,000
Planning and design	115,600,000
Defense access roads	1,387,000
Family housing construction	74,961,000
Family housing support	579,476,000
Subtotal	1,763,520,000
Section 603 (Air Force):	
Inside the United States	857,984,000
Outside the United States	464,944,000
Unspecified minor construction	19,000,000
Planning and design	147,000,000
Defense access roads	3,250,000
Family housing construction	112,649,000
Family housing support	770,244,000
Subtotal	2,375,071,000
Section 604 (Defense Agencies):	
Inside the United States	143,070,000
Outside the United States	90,572,000
Unspecified minor construction	4,000,000
Contingency construction	16,000,000
Planning and design	33,000,000
Defense access roads	0
Family housing construction	1,245,000
Family housing support	18,499,000
Subtotal	306,386,000
Section 605 (NATO Infrastructure)	150,000,000
Section 701 (Guard and Reserve Force):	
Army National Guard	66,826,000
Army Reserve	54,700,000
Naval Marine Corps Reserve	28,245,000
Air National Guard	108,620,000
Air Force Reserve	41,200,000
Subtotal	299,591,000
Total authorization of appropriations	$7,345,527,000

GENERAL TOPICS

BUDGET CONSIDERATIONS

SETTING CONFERENCE GUIDELINES

The limitations imposed by the First Concurrent Resolution on the Budget with respect to defense spending complicated the task of the conferees in resolving the substantial differences between the House and Senate military construction authorization bills.

There were several hundred projects or language items in dispute between the two bills and in order to facilitate the resolution of these differences the conferees established several "ground rules":

1. A spending target of $7.3 billion in budget authority was determined to represent the amount that the conferees could authorize for appropriations with reasonable confidence that the ceiling for the defense function, established by the First Concurrent Resolution on the Budget, would not be breached.

2. Within this target, first priority was given to the restoration of adequately justified projects that had been included in the budget request but were cut by either the House or by the Senate for budgetary reasons.

3. Prior year savings were used to the maximum extent possible. In general, unbudgeted projects added to the bill by either the House or the Senate, if justified, were included in the conference bill, but authorized for construction only with savings that are expected to be generated as budgeted and authorized projects are put under contract.

PROJECTS CONSTRUCTED WITH SAVINGS

Based upon the information provided by the military departments, the conferees expect about $600 million in prior year appropriations, referred to throughout this report as savings, to become available as fiscal year 1984 and prior year programs are executed. Experience to date in fiscal year 1983 has shown that savings from the amounts authorized for projects, based upon bids received from the construction industry, have ranged from 15 to 20 percent of the amount authorized.

The conferees, therefore, have elected to authorize certain projects to be accomplished with savings that the services are forecasting will accrue as a result of the extremely competitive bidding climate in the construction industry. The conferees believe this approach is sound because it provides an incentive for the services to seek savings, since additional projects can be built only if these savings can be realized.

In applying these savings the conferees direct that priority should be assigned to savings projects as follows:

Priority 1—Projects originally in the budget request;

Priority 2—Projects of an operational nature (fuel facilities, hangers, ranges, etc.);

Priority 3—Projects for housing medical and administrative facilities; and

Priority 4—Projects for morale and welfare facilities.

MILITARY FAMILY HOUSING

The conferees approved several actions that are designed to strengthen the military family housing program.

Overseas military family housing

The conferees approved the requested construction of more than 1,100 units of family housing at various overseas locations. In addition, the conferees agreed with the Senate initiative to authorize an additional 500 units to be built with savings at overseas locations in support of the Army.

In authorizing the additional housing, the conferees have approved a Senate provision (Section 803) that requires the use of manufactured or factory-built housing for all overseas military family housing. Under this provision the services have options, ranging from the shipment of completed housing modules, to the erection of an on-site assembly plant that would be used to produce housing components made from U.S. materials; in any event, U.S. contractors will be directly involved, U.S. materials will be used, and more U.S. dollars will remain in the U.S. economy. Recognizing that certain construction requirements, existing treaty obligations or environmental constraints may dictate the use of other types of housing, the conferees agreed to a House amendment that would permit waiver of the requirement for up to ten percent of the total number of overseas family housing units authorized for construction. For fiscal year 1984, some 1,600 units of housing are authorized to be built overseas; therefore, 160 units, if necessary, could be built by conventional means.

This waiver should be used only in those cases where it is absolutely necessary. Given the fact that the United States is spending well over $1 billion annually in construction funds in the NATO countries alone and American construction firms have little opportunity to compete there because of constraints included in Status of Forces Agreements, the conferees believe that U.S. business should be afforded more opportunity to participate in the overseas military family housing program. Section 803 should provide this opportunity.

Domestic military family housing

To further encourage the involvement of the private sector in meeting the family housing needs of the military services, two provisions have been approved that establish, on a two year test basis, a leased housing program and a guaranteed rental housing program.

SECTION 801—MILITARY FAMILY HOUSING LEASING PROGRAM

The House bill contained a provision (Section 801) which authorized the military departments to enter into long term leasing contracts for the provision of military family housing at U.S. intallations. The Senate amendment contained no similar provision.

After some deliberations, the conferees agreed to a carefully crafted compromise provision (Section 801) that would authorize a pilot program to determine if the domestic leasing option is a cost effective option when compared to the traditional method of building military family housing with appropriated funds. The conferees have included the following, somewhat detailed discussion of this provision so that the legislative intent is clear.

The provision is written as an amendment to 10 USC 2828 with the conferees' expectation that, if the proposal proves to be cost effective, the pilot program paragraph and the "sunset" paragraph (paragraphs (g), (8) and (9) respectively) can simply be repealed. However, if the military departments fail to execute any contracts or if the appropriate committees of the Congress are not satisfied with the quality of the contracts proposed by the military departments, then the subsection simply expires in two years.

The conferees intend that this provision be for new family housing built on or near a domestic military installation. Leasing of existing housing is not envisioned and is provided for elsewhere in 10 USC 2828.

Housing units made available through contracts executed under this provision would be made available to eligible military families. These families would forfeit their entire Basic Allowance for Quarters (BAQ) and Variable Housing Allowance (VHA). The military housing authority could make assignment of this housing mandatory; i.e., the service member must accept the housing and forfeit his BAQ and VHA just as is now the case with respect to on-base military-owned housing. The conferees emphasize that housing is provided only for eligible military (E-4 over two years service) except when all eligible personnel are otherwise adequately housed. The conferees do not intend for this program to be applied against requirements for ineligible military families; the issue of eligibility is a separate issue. The conferees continue to believe that priority for military family housing must be given to eligible military, who in all likelihood are committed to a career in the military.

The conferees intend that contracts entered into under this provision shall be entered into competitively bringing to play the full force of the open marketplace. The military departments are expected to announce publicly, through the Commerce Business Daily and through other established forums, their intention to enter into such a contract and what the criteria will be for selecting a contractor. Bids or proposals will be received in accordance with established practice and Defense Department procurement regulations.

The conferees would hope that the military departments would opt for having the contractor provide for the operation and maintenance of the housing units; however, flexibility has been retained to permit the government to operate and maintain the units if that option is more cost effective.

The units may be built either on military-owned land or near a military installation or on privately-owned land near a military installation.

Since these will all be new units, the conferees have specified that they must be built to Defense Department specifications. The conferees do not intend that this requirement needlessly restrict the options of the contractor. The conferees intend for the military departments to specify general performance standards (building size, number of bedrooms, fire rating, wind loading, etc.) and that the selection of design, materials, and equipment be left to the contractor.

A period of 20 years has been specified as the maximum period for any contract entered into under this provision. It may be possible to execute a contract of shorter duration that is cost effective. The conferees have not placed a ceiling on the maximum annual lease cost, but the conferees do not expect any short term, high annual lease cost contracts to be executed.

The conferees have included a requirement that the government should have first option (or right of first refusal) to acquire the units at the expiration of the lease term. The terms and conditions that a contractor is willing to enter into pursuant to this requirement are expected to be important factors in evaluating the bids or proposals prior to contract award. In doing the life cycle cost analyses required to justify these contracts, the residual unit value at the expiration of the lease term will be a significant factor.

Any contract entered into under this provision will represent a significant obligation on the part of the government. For that reason the conferees have included a requirement for the Secretary of Defense to submit any such proposed contract to the appropriate Congressional committees before any such contract is entered into. The intent is to have the office of the Secretary of Defense and the Office of Management and Budget review each of these contracts proposed to be executed by the military departments before they are executed. The conferees will expect that any notification to the Congress by the Secretary of Defense will reflect that the proposed contract has been reviewed and approved by OMB. The 21-day waiting period will provide the Congress sufficient time to review the proposed contract and to object if the contract does not appear to be justified.

There are many unanswered questions with regard to the implementation of this provision. The conferees have for that reason elected to authorize each service to enter into just two contracts pursuant to the provision. This pilot program should enable both the Department of Defense and the Congress to evaluate the feasibility of this approach and to decide if changes are appropriate or if the concept should be repealed altogether.

SECTION 802—MILITARY HOUSING RENTAL GUARANTEE PROGRAM

In an effort that somewhat parallels the previous discussion of Section 801, the Military Family Housing Leasing Program, the conferees have included Section 802 to encourage the use of rental units where such options might prove to be cost effective.

There are many similarities between the two provisions, and where the provisions are similar, the discussion of Section 801 pertains also to Section 802:

Both are pilot programs, both have two year "sunset" provisions;

Both are for new housing, built specifically to implement the concept;

Both are on or near a domestic military installation;

Both are to be implemented through publicly-advertised, competitively-bid or competitively negotiated procedures;

Both require that housing be built to Department of Defense specifications; and

Both have similar Congressional oversight requirements.

There are, however, important differences between Sections 801 and 802:

Section 801 is only for eligible military families; Section 802 is for eligible military families and bachelor military personnel;

Section 801 envisions occupants forfeiting their BAQ and VHA: under Section 802, occupants would receive their BAQ and VHA and would pay their own rent to include utilities.

The conferees intend that the military departments may enter into rental agreements only to the extent that there is a validated shortfall of housing for eligible military personnel. During the life of the agreement, housing of ineligibles is not precluded (and would be only prudent to keep the units occupied); however, the housing of eligibles should have priority. Just as the case with Section 801, assignment of rental guarantee quarters must be accepted by military personnel, if offered, or forfeiture of BAQ and VHA would result.

BURDEN SHARING: U.S. PREFINANCING OF NATO ELIGIBLE MILITARY CONSTRUCTION

Closely related to the concerns expressed in the discussion on the overseas military family housing program is the issue of United States prefinancing of NATO eligible military construction projects. For fiscal year 1984, the Department of Defense requested nearly $130 million in authorization for military construction projects that are eligible for NATO funding.

Prefinancing results in essentially an interest free loan to NATO and also reflects the establishment of different construction priorities from those requirements agreed to by NATO. This approach serves to undermine the collective decision making approach of the alliance.

Because of the Department of Defense's inability to recoup funds from NATO for prefinanced projects, the House bill included a provision that prohibited the obligation of any funds for a project to be prefinanced until the Secretary of Defense provided the appropriate committees with a schedule as to when recoupment would be accomplished. At present, according to the General Accounting Office, only about 38 percent ($270 million) of the $832.6 million that has been prefinanced since 1959 has been recouped. Another 30 percent of the prefinanced work totaling some $250 million is considered unlikely to be recouped.

In view of this situation, the conferees have included Section 502 in the conference agreement. The provision prohibits the obligation of any funds for prefinancing of any NATO eligible project until the Secretary of Defense submits a detailed report to the appropriate committees explaining how recoupment is to be accomplished.

The conferees cannot emphasize too strongly their frustration and concern with the department's inability or unwillingness to come to grips with this issue of U.S. unilateral prefinancing of NATO eligible projects. The department should be advised that unless there is some resolution of this issue, the Armed Services Committees may seek to mandate in law that some fixed amount of the prefinanced backlog shall be recouped each year and that interest shall be charged on the outstanding balance.

MISCELLANEOUS REPORT REQUIREMENTS

In the respective reports on the bill, both the Senate and the House Armed Services Committees included items of "Special Emphasis". The conferees hereby endorse the language on items of "Special Emphasis" found in both reports and, unless some modification to that language is contained in this joint statement of the committee of conference, the positions and requirements contained under items of "Special Emphasis" in both Senate and House reports on the fiscal year 1984 military construction authorization bills are concurred in by the conferees.

TITLE I—ARMY

The House bill approved $2,645,029,000 in authorization for the Department of the Army military construction and family housing programs. The Senate amendment approved authorization in the amount of $2,426,173,000 for such purposes. The conferees agree to authorize appropriations for projects in Title I in the amount of $2,450,959,000 which is $194,070,000 below the House figure and $24,786,000 above the Senate figure. Among the items considered in conference and acted upon by the conferees were the following:

ABERDEEN PROVING GROUNDS

The conferees consider the need for adequate family housing at Aberdeen Proving Grounds an urgent concern and expect the Department of the Army to act on the housing authorized in this bill for that base in a timely manner.

The House bill approved the budget request of $6.8 million to continue the upgrade of a housing complex known as Chesapeake Gardens. The Senate amendment disapproved of this project because the cost per family unit exceeded $40,000.

Because of the deteriorated condition of the Chesapeake Gardens family housing complex at Aberdeen Proving Grounds, the conferees believe that it might be more prudent to replace the 647-unit complex than to rehabilitate the existing housing. Therefore, the Army may use the $6.1 million authorized last year for rehabilitation of existing housing for the construction of new housing. These fiscal year 1983 funds, which are still unobligated, may be combined with the $6.8 million authorized in this bill to produce a $12.9 million project to provide about 200 new units of housing.

The conferees expect the Army to report back to the appropriate committees of the Congress within 90 days after the enactment of this bill and before any funds are obligated on their comprehensive plans for satisfying the entire housing requirements at Aberdeen Proving Grounds and their specific proposal for spending fiscal year 1983 and 1984 funds.

FORT HAMILTON, NEW YORK

The Army requested $5,280,000 for the second phase of a three-phase program to upgrade and modernize a family housing complex at Fort Hamilton, New York. The House bill approved the request. The Senate amendment denied the funds because it considered the projected cost per unit to be excessive. In conference, it was learned that the Army recently awarded the initial phase of the project for $32,519 per unit, well below the $35,000 per unit threshold preferred by the Senate. Therefore, the conferees agree to authorize $3,800,000 of the request and direct the Army to advertise the project at full scope.

AMMUNITION STORAGE IN GERMANY

The Army requested $7,860,000 for projects to store ammunition for newly deployed weapons systems assigned to Army units in Germany. The House bill approved the request but the Senate amendments denied the funds stating that the cost should be borne by NATO.

Over the years, the United States had developed a cost sharing arrangement with NATO for ammunition storage facilities. The result of this agreement is that only about half of the ammunition storage facilities are eligible for NATO funding. Under current arrangements, the United States is responsible, as are the other NATO nations, for building their own basic load ammunition storage facilities and those ammunition facilities for an increment of war reserve stocks agreed to by all the allies under the long term defense plan. NATO is responsible for construction funding of the forward storage sites and the storage required for reinforcements, primarily from the United States, until wartime resupply is established.

Recognizing that adequate basic load storage for newly fielded weapons is important to maintaining U.S. Army readiness in Germany, the conferees believe, however, that the present cost-sharing arrangement should be reassessed within NATO and amended so that more ammunition storage facilities are eligible for NATO funding.

TITLE II—NAVY

The House bill approved $1,930,060,000 in authorization for the Department of the Navy military construction and family housing programs. The Senate amendment approved authorization in the amount of $1,741,483,000 for such purposes. The conferees agree to a new total in Title II of $1,763,520,000 which is $166,540,000 below the House figure and $22,037,000 above the Senate figure.

Among the items considered in conference and acted upon by the conferees were two projects that were authorized in full with funding phased over more than one year. In taking this action, the conferees are following a practice that has been used in recent years on other large projects that are constructed over a period of more than one year.

TRIDENT TRAINING FACILITY, KINGS BAY, GEORGIA

The Senate amendment authorized $81.7 million for a Trident Training Facility to be constructed at Kings Bay, Georgia from available savings. The House bill contained no authorization for this purpose.

The conferees are unanimous in their support of the requirement for the Trident Training Facility to provide essential training in support of the strategic Trident weapon system. Accordingly, full authorization of $81.7 million for the facility is provided.

However, because of budget constraints, the conferees agree to limit the obligation of funds in fiscal year 1984 to $17 million from available savings. This amount approximates the expected outlay rate for the project. The Secretary of the Navy is expected to fund the balance of the project, $64.7 million, after fiscal year 1984 either from savings, if available, or from future appropriations.

SERVICE SHOPS, PEARL HARBOR NAVAL SHIPYARD

The House bill authorized $20 million for construction of service shops at Pearl Harbor Naval Shipyard. No authorization was provided in the Senate amendment.

The conferees agree to provide the total project authorization of $20 million but limit the obligation of funds in fiscal year 1984 to $4 million from available savings which is the expected outlay rate for this project.

The conferees expect the balance of $16 million to be funded after fiscal year 1984

either from savings or future appropriations.

TITLE III—AIR FORCE

The House bill approved $2,594,269,000 for military construction and military family housing for the Department of the Air Force. The Senate amendment approved $2,428,908,000. The conferees agreed to a new total in the amount of $2,375,071,000, which is $219,198,000 below the House figure and $53,837,000 below the Senate figure.

Major issues resolved in the conference include:

Ground launched cruise missile basing

The Department of Defense requested $207.6 million for the ground launched cruise missile (GLCM) construction program in fiscal year 1984. These funds were requested to build supporting facilities for U.S. military personnel who would be stationed at five locations, including Greenham Common Air Base, United Kingdom, Comiso, Italy and three classified sites. The NATO Infrastructure program is being used to finance the operational facilities for GLCM.

The House bill provided some $106 million in authorization for the GLCM system. The reduction in the Administration's request reflected the decision to defer for one year approximately $67.2 million in authorization for accompanied tour facilities, such as family housing, schools and other family-oriented facilities. Also, $34 million was not authorized for facilities for the 5th country location for which final negotiations between the United States and the host nation have not been concluded.

The Senate amendment authorized $145.9 million for GLCM facilities. Funds were not authorized for facilities supported by non-appropriated fund activities, NATO conjunctively funded facilities and 5th country facilities.

The conferees agreed to authorize $79.2 million for the GLCM program in fiscal year 1984. This authorization level eliminates funding for the accompanied tour facilities, including $35.5 million for three overseas dependents schools that would have been included in Title IV, Defense Agencies, if authorized. Also, the conferees accepted the Senate reduction for facilities supported by non-appropriated fund activities and NATO conjunctively funded facilities. The committees have repeatedly expressed their disapproval of "conjunctive funding" wherein the services seek U.S. funding for certain amenities that exceed the criteria established for facilities being built by NATO with NATO funding. As a member of the alliance, the U.S. should make do with facilities built to the standards agreed to by the alliance. On the other hand, there are U.S. peculiar requirements (e.g., space required for the handling and release of nuclear weapons) that are a unilateral U.S. responsibility; such requirements are not considered "conjunctive funding" requirements in the traditional definition of the term.

In taking this action, the conferees wish to emphasize that they are not opposed to accompanied tours for the GLCM sites. Rather, the conferees are concerned with the pace and timing of the current intermediate range nuclear force (INF) negotiations at Geneva between the United States and the Soviet Union. The conferees are reluctant to proceed at this time with the construction of GLCM bases with support facilities that would accommodate U.S. dependents. If the negotiations should produce an arms reduction agreement between the United States and the Soviet Union, the conferees want to avoid undertaking costly and potentially unnecessary construction.

The one year deferral should provide sufficient time to adequately assess the likely outcome of the negotiations, since GLCM deployment is scheduled to begin in late 1983. Therefore, the conferees fully expect the Department of Defense to resubmit the request for the accompanied tour facilities in fiscal year 1985, if the status of the negotiations indicate that full deployment of the GLCM system is necessary.

AIR BASE UPGRADE—TURKEY

For fiscal year 1984, the Department of Defense requested $66.7 million to begin the upgrade of two Turkish air bases that would serve as collocated bases for U.S. augmentation aircraft that would be assigned to them under NATO auspices.

The House bill did not provide the requested authorization because the projects are eligible for NATO funding. The House had taken the position that U.S. prefinancing of the projects was not the appropriate course of action to take. The House bill provided an additional $18 million in authorization for the NATO Infrastructure program to cover the 27.5 percent U.S. share of the project cost under the NATO cost sharing formula and stipulated that the U.S. share would not be available until the other NATO countries provided their allocated shares.

The Senate amendment provided the full $66.7 million authorization on the basis that the program is of vital importance to the United States' national security interests.

In reaching agreement, the conferees decided to provide $66.7 million in new authorization for the program with the understanding that $48.7 million of that amount would be made available from prior year savings. The concern expressed previously by the conferees over U.S. prefinancing of NATO eligible projects remains and this project may not be started until the requirements of Section 502 have been met. The conference agreement is based solely on the strategic importance attached to the program.

MISAWA AIR FORCE BASE, JAPAN—F-16 BEDDOWN

The House bill included $29.9 million in authorization, as requested by the Administration, for the U.S. share of Phase I of the buildup of the Misawa Air Base in Japan. The base would provide support for F-16 aircraft to be assigned at some future date.

The Senate amendment did not provide for authorization of the construction of facilities at Misawa. The Senate position was based on the judgment that the Govenment of Japan should underwrite the total cost of the program.

After receiving assurances that the new Japanese defense budget would provide adequate funds to cover Japan's share for Phase I of the construction at Misawa in timely manner, the conferees agree to authorize $17 million for the program. In approving this authorization, the conferees direct that the United States should not obligate any funds for the Misawa construction program until the Japanese share is available. Furthermore, the Japanese government is expected to maintain the funding levels for its host nation facility improvement program that supports U.S. military personnel assigned elsewhere in Japan. The work at Misawa should not result in any reduction in the level of effort in the Japanese facility improvement program.

OVER-THE-HORIZON BACKSCATTER (OTH-B) RADAR FACILITIES

For fiscal year 1984, the Department of the Air Force requested $10.1 million for OTH-B radar support facilities at Bangor Air Force Base, Maine, and $1.5 million for land acquisition for the West Coast OTH-B radar site.

The House bill did not provide authorization for either request because procurement of the supporting radar equipment had been deleted in the House version of the fiscal year 1984 defense authorization bill.

The Senate amendment included $10.1 million for the Bangor work and $500 thousand for the West Coast land acquisition request.

As a result of conference action on the defense authorization bill which provided for procurement of one increment of the OTH-B radar, $10.1 million for Bangor and $500 thousand for the West Coast site has been authorized. However, before any funds are obligated at either site, the Air Force is directed to review the scope of the construction program and advise the appropriate committees of Congress as to the potential for a construction effort of reduced scope.

STRATEGIC AIR COMMAND MILITARY CONSTRUCTION BUDGET

The fiscal year 1984 military construction request of the Department of the Air Force included $26.9 million for aircraft maintenance facilities at Offutt Air Force Base, Nebraska, the headquarters of the Strategic Air Command (SAC).

The House bill did not include the requested authorization. Based upon field trips and review of the overall structure of the SAC military construction program it was determined that a potentially serious imbalance could exist in the allocation of resources to the various SAC bases. The House deferred the project at Offutt Air Force Base in order to make room for badly needed projects at other SAC bases.

The Senate amendment provided for authorization of the aircraft maintenance facility project at Offutt. Additional projects were authorized to be built with savings at other SAC bases.

The conferees agreed to authorize the Offutt project and build the other projects with savings. In taking this action, the conferees serve notice that future SAC military construction budgets will be closely examined in order to make certain that an equitable allocation of resources is made available for all SAC bases. If necessary, the authorizing committees will restructure the SAC military construction budget in order to assure that a fair share distribution occurs in the future.

THIRD PARTY FINANCING OF MILITARY CONSTRUCTION

The fiscal year 1984 Department of the Air Force request included $35 million for addition/alteration work on the central heat plant at K.I. Sawyer Air Force Base, Michigan. In addition, congressional requests were submitted to both the House and Senate Armed Services Committees for a $79 million central heat plant project at Chanute Air Force Base, Illinois.

The conferees agreed to provide $35 million in authorization for the project at K.I. Sawyer. At Chanute, the $79 million project is authorized and $11.7 million in prior year savings is authorized to be expended in

fiscal year 1984 for the project. The Air Force is expected to fund the balance of the project after fiscal year 1984 either from savings, if available, or from future appropriations.

Before funds are obligated for either project, however, the Air Force is directed to make a reasonable effort to obtain third party contracts for the construction and operation of these facilities at the two bases.

In fact, as a matter of overall policy, the conferees on behalf of their respective committees, serve notice that in the future all requests for large scale heating and power plants will be closely examined and the military services are expected to aggressively explore and pursue third party financing before any project is authorized.

Consideration of the third party option shall, as a minimum, include a comprehensive analysis of the potential advantages and disadvantages of contracting for the required energy services by a third party venture. If the analysis results in a determination that a third party contract is not advisable, such analysis shall accompany the justification for the military construction project when it is submitted to Congress. If the analysis supports further consideration of a third party contract, then proposals will be solicited, prior to any budget request for authorization. If a third party contract cannot be successfully awarded, the committee will be advised of the reasons when the project is submitted for authorization.

MEDICAL FACILITIES, UNITED STATES AIR FORCE ACADEMY

During the course of the conference, it was brought to the attention of the conferees by congressional members of the Academy Board of Visitors that the Air Force has identified a requirement for additional medical facilities at the Air Force Academy. According to the information provided, the medical facility may have slipped in overall Air Force military construction programming.

The conferees, therefore, direct the Department of the Air Force to proceed with the necessary design of the facility in order to have it ready for inclusion in the earliest possible military construction program.

TITLE IV—DEFENSE AGENCIES

The House bill authorized $332,586,000 in new construction for Defense Agencies while the Senate amendment approved $344,836,000. The conferees agree to a new total of $306,386,000 which is $26,200,000 below the House figure and $35,450,000 below the Senate figure.

DEFENSE DEPOT, MECHANICSBURG, PA.

The Defense Logistics Agency (DLA) requested $18 million to construct an integrated materials storage and retrieval complex at the Defense Depot at Mechanicsburg, Pa., which is DLA's primary depot for shipment of bulk supplies to U.S. forces in Europe. The House approved the request while the Senate deferred the project because of budget constraints.

The House conferees reluctantly receded to the Senate position after it was agreed in conference that the project should be resubmitted for congressional consideration in the fiscal year 1985 defense budget. The conferees noted that the project, when built, would generate sufficient savings to pay for the project within five years.

TITLE V—NATO INFRASTRUCTURE

The House bill authorized $168 million for the NATO Infrastructure program. The House bill included an additional $18 million for the Turkish air base upgrade program that was discussed earlier in the report.

The Senate amendment provided authorization identical to the requested amount of $150 million for the NATO fund.

The conferees agreed to $150 million authorization for the program and included Section 502 discussed previously in the general topics section of the report.

TITLE VI—AUTHORIZATION OF APPROPRIATIONS AND ADMINISTRATIVE PROVISIONS

NAVY DEFENSE ACCESS ROADS, PRINCESS ANNE ROAD, VIRGINIA BEACH, VA.

Under Sec. 602 the House bill authorized $1,387,000 for Navy defense access roads, including $487,000 for completion of the Princess Anne Road which serves the Navy family housing area in Virginia Beach, Va. The Senate amendment authorized the requested $900,000 for Navy defense access roads. The conferees agree with the House position and authorize $1,387,000 for this purpose.

The conferees recognize the urgent need to reduce the impact on the local community that would be caused by further delay in project execution. The Secretary of the Navy is directed to advance $487,000 to the Secretary of Transportation under section 210 of Title 23 U.S.C. for the completion of the Princess Anne Road project using appropriated funds or through reprogramming of funds available to the program from savings.

OVERSEAS HOUSING LEASES

In Section 608, the House bill approved the Department of Defense's request for authority to lease up to 33,000 units of family housing at any one time in foreign countries. The Senate amendment, however, reduced the requested number to 29,000 units, the same as the level authorized for fiscal year 1983.

The conferees settled on a compromise figure of 30,000 units. Because the services are embarking on a program to build family housing overseas, the requirement for leased housing in foreign countries should be reduced. Also, it was noted that the conferees added to the conference bill 500 units of new family housing to be built for U.S. Army forces in Europe.

TITLE VII—GUARD AND RESERVE

The House bill provided a lump sum authorization of $300,141,000 for the Guard and Reserve construction program. The Senate amendment contained authorization in the amount of $260,910,000. The conferees agree to authorize $299,591,000.

NAS DALLAS, GRAND PRAIRIE, TEXAS AICUZ PROPERTY PURCHASE

The House bill contained authorization of $295,000 for the replacement of a fire station located in an air installation compatible use zone (AICUZ) at Dallas Naval Air Station, Grand Prairie, Texas. The Senate amendment contained no authorization for this purpose.

The Senate conferees agree to the House provision with the understanding that the authorization of this project completes the third and final phase of the clear zone acquisition program at NAS Dallas, Grand Prairie, Texas.

NAVY/MARINE CORPS CENTER, WHEELING, W. VA.

The report accompanying the Senate amendment contained language supporting the construction of a Naval/Marine Corps Reserve center at Wheeling, West Virginia, in the amount of $2,900,000. No reference to this project was included in the House bill.

Since authorization of $3.4 million was provided for the construction of this project in the fiscal year 1982 Military Construction Authorization Act, the conferees direct the Naval Reserve to use the prior year authority and to move expeditiously to accomplish this project at the earliest possible date.

ARMORY RESTORATION, BUFFALO, N.Y.

The House bill included $976,000 in authorization for restoration of the fire damaged Connecticut Street armory in Buffalo, New York, and $424,000 for construction of a maintenance facility at the same location. The Senate amendment included no reference to these projects.

The conferees agree to authorize the $424,000 for the maintenance facility, but direct the Army National Guard to construct the armory using available unobligated lump-sum authorization.

HIGH-PRIORITY PROJECTS

In addition to the projects approved in the budget request, authorization is included to construct the following high priority items from the available lump-sum authorization:

[In thousands]

Army National Guard:	
St. Paul, Minn.—Rehab. armory and aviation facility	$2,280
Camp Shelby, Miss.—Land acquisition	2,914
Buffalo, N.Y.—Maintenance shop	424
Latham, N.Y.—	
Add to armory project	1,850
Maintenance facility	494
Gloster, Miss.—Armory	575
Indianola, Miss.—Armory	572
Lebanon, Tenn.—Armory	900
Camp Dawson, W. Va.—Parachute Shop/Special forces training facility	695
Army Reserve: Laurel, Miss.—Reserve center/maintenance facility	3,000
Naval and Marine Corps Reserve:	
NAS South Weymouth, Mass.—Main gate relocation	1,400
NAS Dallas, Tex.—	
AICUZ property purchase	295
Air traffic control	250
Chapel	1,500
Air National Guard:	
Stewart Field, N.Y.—Joint ANG/MCR training complex	29,200
Dannelly Field, Ala.—Base civil engineering facility	520

TITLE VIII—GENERAL PROVISIONS

In addition to the housing initiatives discussed earlier in this report, the following major actions were taken by the conferees with respect to the general provisions.

Sale and replacement of nonexcess real property

The Senate amendment included a provision, requested by the Administration, that would permit the Secretary of Defense to sell certain nonexcess real property. The House bill did not contain a comparable provision. The conferees agreed to a compromise provision (Section 807) that adopted the essence of the Senate provision, but provided for a two-year sunset provision.

Under the conference provision, the Secretary of Defense may sell certain Defense Department owned real property (including land and structures on that land) and part of the sale proceeds may be used to build or acquire replacement facilities. Real property to be sold will *not* be excess property; the

disposition of excess property will continue to be handled under the provisions of the Federal Property and Administrative Services Act of 1949 (40 USC 471 et seq.). The property to be sold will be property not being put to its optimum use; for example, an old, inefficient Reserve armory in a high value urban area might be sold and part of the proceeds from the sale used to build a new armory on an existing military installation in the suburbs. The thrust of the provision is to give the Secretary of Defense the authority and an added incentive to manage his real property assets efficiently.

Although the provision gives certain authority to the Secretary of Defense, the conferees are aware that most Defense real property is owned by one of the Military Departments, and in view of the Department's policy of management decentralization, the conferees expect this authority to be delegated to the Military Departments. However, since this is a new program, the conferees have included stringent oversight provisions. Every transaction under this Section must be authorized in law and the conferees expect to handle these transactions as part of the normal legislative process utilized for all other military construction programs.

As mentioned previously, excess real property may *not* be sold under this provision; likewise public domain lands under the jurisdiction of the Secretary of Defense may *not* be sold. In addition, the Secretary of the Interior will screen every transaction and no transaction may be proposed where the property to be sold might be suitable for a public park or recreation area. In those instances where the Secretary of Interior has made such a determination, the real property will remain with the Defense Department until the necessary replacement facilities can be programmed, constructed and the incumbent actively relocated. Once this occurs (and this process may take many years depending on when the Department can program the necessary resources), the property would become excess and would be handled under the established procedures for disposing of excess Federal property.

Several criteria have been established which must be met before a transaction may be proposed under this section. First, any transaction must be accomplished using competitive bid procedures or qualified contract realty brokers. The conferees would expect most transactions to be accomplished competitively, bringing to play the full force of the marketplace to maximize the return to the Government. Second, no Defense Department land can be sold for less than its fair market value. The conferees will expect that the fair market value of any piece of real property to be sold will be determined by established real estate appraisal means *in advance* of advertising the property for sale. Third, every transaction must show a "profit" (i.e., the sale proceeds must be greater than all associated costs.) Finally, every transaction must involve the relocation of essentially the same mission and function.

The Administrator of General Services is designated to handle all sales of Defense real property under this provision. The GSA has the expertise and the structure to handle these sales and is expected to be able to perform this function without additional personnel.

In order to provide an added incentive for the Secretary of Defense to pursue this type of transaction, a special account is established in the Treasury. This account will receive five percent of the "profits" from each transaction. Funds in the account will be used primarily to pay the "up front" costs to examine future potential transactions. Any expenditure from the account above $300,000 is subject to a "notice and wait" provision wherein the Armed Services and Appropriations Committees will be advised of proposed transactions. There is a ceiling of $50 million (or any lesser amount that the Secretary of Defense determines is sufficient) on the account. In essence, the Secretary of Defense will be able to pursue this program without having to take the costs "out of hide".

While this effort is not expected to generate large sums that will be deposited in the Treasury to be applied against the national debt, the important first step of establishing a Defense real property management program has been taken and incentives have been provided to encourage the Department to manage its lands more efficiently. The fact that some excess funds will go to the Treasury to reduce the national debt, and thereby begin to relieve hard-working Americans from this burden, is an added bonus.

Land conveyances, exchanges and acquisitions

The conferees agreed to authorize five fair market and equal value land exchanges, two land conveyances, two family housing program land acquisitions and a landfill relocation at Langley Air Force Base, Virginia.

APPENDIX

PROJECT LISTING: FISCAL YEAR 1984 MILITARY CONSTRUCTION AUTHORIZATION BILL

PROJECTS AUTHORIZED FOR CONSTRUCTION INSIDE THE UNITED STATES

[In thousands of dollars]

State/component/installation	Project cost	Total
Alabama:		
Army:		
Fort McClellan:		
Infantry remote target system ranges	3,500	
Boiler plant shutdown	280	
Machinegun training range	440	
Fort McClellan		4,220
Redstone Arsenal:		
Laboratory addition	2,600	
Missile system software center	16,000	
Weapons maintenance training facility	5,700	
Weapons maintenance training facility	1,100	
Redstone Arsenal		25,400
Fort Rucker:		
Flight simulator building	3,050	
Classrooms with staging field	6,600	
Classrooms	[1] 1,950	
Fort Rucker		11,600
Army		41,220
Air Force:		
Gunter Air Force Base:		
Add to/alter senior NCO Academy	1,750	
Unaccompanied enlisted personnel housing/ senior NCO Academy	[1] 5,000	
Gunter Air Force Base		6,750
Army National Guard:		
Birmingham:		
Armed Forces Reserve Center	979	
Birmingham		979
Centreville:		
Armory	723	
Centreville		723
Cullman:		
Combined support maintenance shop	1,601	
Armed Forces Reserve Center	458	
Cullman		2,059
Army National Guard		3,761
Air National Guard:		
Dannelly Field:		
Weapons calibration shelter	470	
Base civil engineer facility	520	
Dannelly Field		990
Army Reserve:		
Birmingham:		
Armed Forces Reserve Center-maintenance shop	4,441	
Birmingham		4,441
Cullman:		
Armed Forces Reserve Center-maintenance shop	541	
Cullman		541
Army Reserve		4,982
Air Reserve:		
Maxwell Air Force Base:		
Addition/alteration hangar	1,498	
Fuel system maintenance dock	2,457	
Maxwell Air Force Base		3,955
Alabama		61,658
Alaska:		
Army:		
Fort Richardson:		
Range and training facility improvements	940	
Fort Richardson		940
Navy:		
Naval Station Adak:		
Security improvements	2,970	
Naval Station Adak		2,970
Air Force:		
Eielson Air Force Base:		
Maintenance hangars	16,170	
Medical/dental clinic	22,220	
Extend utilities	20,000	
Eielson Air Force Base		58,390
Elmendorf Air Force Base:		
Air freight terminal	10,200	
Hospital heat recovery	570	
Elmendorf Air Force Base		10,770
Galena Airport:		
Control tower	3,950	
Composite operations	[1] 3,700	
Composite support facility	[1] 5,700	
Galena Airport		13,350
Shemya Air Force Base:		
Unaccompanied enlisted personnel housing	21,400	
Aircraft hangar	24,200	
Shemya Air Force Base		45,600
Air Force		128,110
Defense Logistics Agency:		
Defense fuel support point, Adak:		
Fuel tankage	14,200	
Defense fuel support point, Adak		14,200
Defense property disposal office, Anchorage:		
Covered storage	2,500	
Defense property disposal office, Anchorage		2,500
Defense Logistics Agency		16,700
Alaska		148,720
Arizona:		
Army:		
Fort Huachuca:		
Brigade Headquarters	[1] 1,500	
Training facility	650	
Warehouse	600	
Fort Huachuca		2,750
Navy:		
Marine Corps Air Station Yuma:		
Ordnance handling pad	8,920	
Marine Corps Air Station Yuma		8,920
Air Force:		
Davis-Monthan Air Force Base:		
Aircraft generation squadron parts storage	570	
Environmental medical facility	480	
Alter unaccompanied enlisted personnel housing	4,800	
Davis-Monthan Air Force Base		5,850
Luke Air Force Base:		
Fire station	2,250	
Flight simulator training facility	2,100	
Sound suppressor support	300	
Vehicle maintenance	3,000	
Data processing facility	1,400	
Radio control system	213	
Luke Air Force Base		9,663
Williams Air Force Base:		
Field training facility	950	
Recreation complex	1,750	
Williams Air Force Base		2,700
Air Force		18,213
Air National Guard:		
Sky Harbor International Airport, Phoenix:		
Power check pad with suppressor	500	
Sky Harbor		500
Air Reserve:		
Luke Air Force Base:		
Hanger/shops	3,200	
Conventional munitions shop	950	
Aerospace ground equipment shop storage	620	
Munitions storage	300	
Luke Air Force Base		5,070
Arizona		35,453

PROJECTS AUTHORIZED FOR CONSTRUCTION INSIDE THE UNITED STATES—Continued

[In thousands of dollars]

State/component/installation	Project cost	Total
Arkansas:		
Army:		
Pine Bluff Arsenal:		
Chemical agent disposal facility	10,200	
Pine Bluff Arsenal		10,200
Air Force:		
Blytheville Air Force Base:		
Tanker alert area	3,550	
Tanker alert crew facility	1,600	
Air launched cruise missile igloos	1,800	
Blytheville Air Force Base		6,950
Little Rock Air Force Base:		
Refueling vehicle parking	620	
Regional sewage connection	2,500	
Little Rock Air Force Base		3,120
Air Force		10,070
Arkansas		20,270
California:		
Army:		
Fort Hunter-Liggett:		
Physical fitness training center	[1]1,000	
Fort Hunter-Liggett		1,000
Fort Irwin:		
Barracks modernization	[1]7,700	
Unaccompanied officer housing	5,400	
Communication and computer center	1,900	
Outdoor courts and fields	2,400	
Fire station	850	
Physical fitness training center	5,800	
Ammunition storage	10,800	
Fort Irwin		34,850
Fort Ord:		
Water wells	3,200	
Company administration and supply	1,750	
Battalion headquarters and classroom	1,200	
Fort Ord		6,150
Presidio of Monterey:		
Dining facility modernization	1,300	
Presidio of Monterey		1,300
Sierra Army Depot:		
Physical fitness training center	2,200	
Communications center addition	1,750	
Sierra Army Depot		3,950
Army		47,250
Navy:		
Naval Air Rework Facility, Alameda:		
Materials engineering laboratory	2,960	
Corrosion control facility	18,600	
Naval Air Rework Facility Alameda		21,560
Marine Corps Base, Camp Pendleton:		
Amphibious vehicle test center	3,160	
Airfield pavement improvement (MCAF)	6,230	
Enlisted dining facility modernization	2,020	
Data processing center	6,420	
Unaccompanied enlisted personnel housing	13,570	
Enlisted dining facility (MWTC) Bridgeport	5,580	
Maintenance facility fire station Bridgeport	2,090	
Marine Corps Base Camp Pendleton		39,070
Naval Weapons Center, China Lake:		
Radiographic inspection facility	12,240	
Range operation and instrumentation laboratory	6,810	
Trident II motor test facility	12,050	
Naval Weapons Center China Lake		31,100
Naval Weapons Station, Concord:		
Land acquisition	830	
Missile component rework building	580	
Enlisted dining facility	1,310	
Naval Weapons Station Concord		2,720
Naval Amphibious Base, Coronado:		
Landing craft air cushion complex (Camp Pendleton)	21,222	
Naval Amphibious Base Coronado		21,222
Marine Corps Air Station, El Toro:		
Maintenance hangar addition	8,800	
Maintenance facility	5,230	
Marine Corps Air Station El Toro		14,030
Naval Air Station, Lemoore:		
Inert storehouse	900	
Ordnance operations building	1,400	
Unaccompanied enlisted personnel housing	6,040	
Sewerage system	1,950	
Applied instruction building	5,390	
Telephone exchange building	740	
Airfield pavement improvements	4,500	
Naval Air Station Lemoore		20,920
Naval Regional Medical Center, Long Beach:		
Medical clinic (NCBC Port Hueneme)	8,370	
Naval Regional Medical Center Long Beach		8,370
Naval Shipyard, Mare Island:		
Horizontal paint and blast facility	6,000	
Electrical distribution lines	7,200	
Facility energy improvements	1,600	
Naval Shipyard, Mare Island		14,800
Naval Station Mare Island, Vallejo:		
Family services center	210	
Unaccompanied enlisted personnel housing modernization	1,800	
Naval Station Mare Island, Vallejo		2,010
Naval Air Station, Miramar:		
Engine maintenance shop addition	2,020	
Naval Air Station, Miramar		2,020
Naval Air Station, Moffett Field:		
Operational trainer facility	1,390	
Aircraft direct fueling station	480	
Naval Air Station Moffett Field		1,870
Fleet Numerical Oceanography Center, Monterey:		
Meteorologial building	6,980	
Fleet Numerical Oceanography Center Monterey		6,980
Naval Air Station, North Island:		
Unaccompanied officer personnel housing	9,770	
Instrument calibration shop	1,390	
Aircraft parking apron	9,490	
Naval Air Station North Island		20,650
Pacific Missile Test Center, Point Mugu:		
Missile test cell	840	
Pacific Missile Test Center, Point Mugu		840
Fleet Anti-Submarine Warfare Training Center Pacific, San Diego:		
Operational Trainer Facility	14,200	
Fleet Anti Submarine Warfare Training Center Pacific, San Diego		14,200
Marine Corps Recruit Depot, San Diego:		
Recruit process building	10,690	
Marine Corps Recruit Depot, San Diego		10,690
Fleet Training Center, San Diego:		
Applied instruction building	10,000	
Fleet Training Center, San Diego		10,000
Naval Ocean Systems Center, San Diego:		
Ocean sciences laboratory	8,000	
Naval Ocean Systems Center, San Diego		8,000
Naval Station, San Diego:		
Fire Station	980	
Naval Station, San Diego		980
Naval Supply Center, San Diego:		
Liquid fueling and dispensing facility	1,110	
Naval Supply Center San Diego		1,110
Naval Submarine Base, San Diego:		
Enlisted dining facitily addition	1,120	
Unaccompanied officer personnel housing	4,150	
High explosive magazines	1,390	
Naval Submarine Base, San Diego		6,660
Public Works Center, San Francisco:		
Ventilation improvements	220	
Public Works Center, San Francisco		220
Marine Corps Air Station, Tustin:		
Oil spill prevention	465	
Marine Corps, Air Station, Tustin		465
Marine Corps Air-Ground Combat Center, Twentynine Palms:		
Cold storage warehouse	1,390	
Unaccompained enlisted personnel housing	8,860	
Maintenance facility	6,610	
Enlisted dining facility modernization	2,070	
Maintenance facilities	6,220	
Marine Corps Air Training Combat Center, Twentynine Palms		25,120
Tactical Training Group Pacific, San Diego:		
Operational trainer facility	3,260	
Tactical Training Group Pacific, San Diego		3,260
Navy		288,867
Air Force:		
Beale Air Force Base:		
Additions to/alterations child care center	760	
Pave Paws power line upgrade	990	
Unaccompanied enlisted personnel housing	3,800	
Beale Air Force Base		5,550
Castle Air Force Base:		
Unaccompanied enlisted personnel housing	6,500	
Castle Air Force Base		6,500
Edwards Air Force Base:		
Control tower	2,500	
Sound suppressor support	1,100	
Test engine support facility	5,700	
Alterations unaccompanied enlisted personnel housing	2,000	
Additions to alterations gymnasium	390	
High efficiency lights	220	
RAPCON/CCF Facility	[1] 490	
Edwards Air Force Base		12,400
George Air Force Base		
Alterations mechanical/electrical	220	
George Air Force Base		220
Los Angeles Air Force Station:		
Additions to/alteration gymnasium	1,700	
Child care center	970	
Los Angeles Air Force Station		2,670
McClellan Air Force Base:		
Sound suppressor support	800	
Nondestructive inspection facility	[1]5,900	
Depot production support facility	[1]3,500	
McClellan Air Force Base		10,200
March Air Force Base:		
Dental clinic	3,550	
March Air Force Base		3,550
Mather Air Force Base:		
Control tower	2,200	
OSH-fire protection systems	810	
Additions to/alterations to offensive avionics facility	1,450	
Mather Air Force Base		4,460
Norton Air Force Base:		
Access Road Tippacanoe Avenue Bridge	[1]6,400	
Norton Air Force Base		6,400
Travis Air Force Base:		
Alterations refueling vehicle shop	600	
Boiler/high efficiency lighting	600	
David Grant Medical Center, phase 1	[1]5,000	
Travis Air Force Base		6,200
Vandenberg Air Force Base:		
Uninterruptible power supply-range Operations	2,782	
Addition to fire station	720	
STS-External tank area icing protection	[1]6,600	
STS-security modifications	14,000	
STS-hazardous material management facilities	21,900	
Vandenberg Air Force Base		46,002
Air Force		104,152
ASDA:		
Presidio of Monterey:		
Base-wide utilities upgrade	5,600	
General instruction facility	9,200	
Enlisted barracks	14,300	
Presidio of Monterey		29,100
Defense Logistics Agency:		
Defense Fuel Support, Point Ozol:		
Fire protection	1,100	
Defense Fuel Support, Point OZOL		1,100
Defense Fuel Support Point, Naval Station Long Beach:		
Fuel pier	42,100	
Defense Fuel Support, Point Naval Station Long Beach		42,100
Defense Depot Tracy:		
Stock mechanization facility	480	
Defense Depot Tracy		480
Defense Property Disposal Office, Vandenberg:		
Hazardous material disposal facility	880	
Defense Property Disposal Office, Vandenberg		880
Defense Logistics Agency		44,560
Army National Guard:		
Fresno:		
Aviation classification repair depot	5,530	
200 person armory	1,066	
Fresno		6,596
Air National Guard:		
Fresno IAP:		
Aircraft Arresting System	600	
Fresno IAP		600
March Air Force Base:		
Composite base support facility	2,200	
March Air Force Base		2,200
Moffett Naval Air Station:		
Upgrade fire protection water supply	300	
Moffett Naval Air Station		300
Air National Guard		3,100
Navy Reserve:		
Naval Air Reserve Unit, Alameda:		
Install 400hz power in maintenance hangar	500	
Naval Air Reserve Unit, Alameda		500
Air Reserve:		
March Air Force Base:		
Additions to squadron operations	682	
March Air Force Base		682
Norton Air Force Base:		
Reserve forces aeromedical evacuation training facility	1,465	
Civil engineering training facility	650	
Norton Air Force Base		2,115
Travis Air Force Base:		
Additions/alterations reserve aeromedical evacuation training facility	1,045	
Travis Air Force Base		1,045
Air Reserve		3,842
California		527,967
Colorado:		
Army:		
Fort Carson:		
Operations building	[1] 2,000	
Sewage treatment plant expansion	490	
Tactical equipment shop	7,800	
Range Rroads	7,200	
Correct safety deficiencies	270	
Fort Carson		17,760
Air Force:		
U.S. Air Force Academy:		
Land fee purchase	380	
Additions to/alterations fire stations	440	
Airmanship training support facility	900	
Alter cadet personnel housing	2,000	
Additions to community center chapel annex	490	

PROJECTS AUTHORIZED FOR CONSTRUCTION INSIDE THE UNITED STATES—Continued

[In thousands of dollars]

State/component/installation	Project cost	Total
Insulate/alterations mechanical	4,975	
Sewage flow equal basin	550	
Upgrade heat/hot water mains	350	
U.S. Air Force Academy		10,085
Buckley Air National Guard Base:		
Commercial power connection	[1] 2,000	
Buckley Air National Guard Base		2,000
Lowry Air Force Base:		
Academic classroom (weapons)	[1] 6,100	
Lowry Air Force Base		6,100
Peterson Air Force Base:		
Consolidated space operations center (CSOC) access roads	1,250	
Consolidated space operations center (CSOC) phase II	73,750	
Test/development and training center	4,950	
Peterson Air Force Base		79,950
NORAD Cheyenne Mountain Complex:		
Convert to computer facility	1,700	
Cooling towers	710	
Technical support facility	3,250	
NORAD Cheyenne Mountain Complex		5,660
Air Force		103,795
Defense Logistics Agency:		
Defense Property Disposal Office, Colorado Springs:		
Relocate scrap yard	810	
Defense Property Disposal Office, Colorado Springs		810
Colorado		122,365
Connecticut:		
Navy:		
Naval Submarine Base, New London:		
General purpose/berth pier	8,200	
Naval Submarine Base, New London		8,200
Connecticut		8,200
Delaware:		
Air Force:		
Dover Air Force Base:		
Base cold storage	600	
Upgrade composite medical facility	700	
Dover Air Force Base		1,300
Air National Guard:		
Greater Wilmington Airport:		
Security police operations facility	350	
Greater Wilmington Airport		350
Delaware		1,650
District of Columbia:		
Army:		
Walter Reed Army Medical Center:		
Insulate buildings	250	
Steam distribution system	3,950	
Walter Reed Army Medical Center		4,200
Air Force:		
Bolling Air Force Base:		
Gymnasium	[1] 2,300	
Bolling Air Force Base		2,300
District of Columbia		6,500
Florida:		
Navy:		
Naval Air Station, Cecil Field:		
General warehouse additions	2,700	
Maintenance hangar	7,500	
Engine test cell modifications	1,180	
Sewage and industrial waste treatment plant improvements	1,780	
Operational trainer facility	4,000	
Family services center	510	
NAS Cecil Field		17,670
Naval Air Rework Facility, Jacksonville:		
Materials engineering laboratory	2,600	
Landing gear shop	275	
NARF Jacksonville		2,875
Naval Air Station, Key West:		
Land acquisition	6,810	
Family services center	495	
Berthing wharf improvements	5,530	
Utilities improvements	2,800	
NAS Key West		15,635
Naval Station, Mayport:		
General warehouse	4,250	
Unaccompanied enlisted personnel housing and dining facility	14,400	
Unaccompanied officer personnel housing	3,910	
Waterfront utilities upgrade	2,960	
NS Mayport		25,520
Naval Training Center, Orlando:		
Sewerage system	2,760	
Applied instruction building	7,540	
Unaccompanied enlisted personnel housing	9,390	
NTC Orlando		19,690
Naval Coastal Systems Center, Panama City:		
Aircraft parking apron	670	
Underwater weapons systems laboratory	5,400	
NCSC Panama City		6,070
Naval Air Station, Jacksonville:		
Unaccompanied enlisted personnel housing	10,000	
NAS Jacksonville		10,000
Naval Air Station, Pensacola:		
Runway improvement	2,200	
NAS Pensacola		2,200
Naval Technical Training Center, Pensacola:		
Public works shop	210	
Chapel	2,200	
NTTC Pensacola		2,410
Naval Air Station, Whiting Field:		
Land acquisition	990	
Operational trainer facility	2,790	
Family services center	480	
NAS Whiting Field		4,260
Naval Ordnance Test Unit Cape Canaveral:		
Trident II development flight test facility	57,000	
Naval Ordnance Test Unit, Cape Canaveral		57,000
Navy		163,330
Air Force:		
Eglin Air Force Base:		
Addition and alterations to armament research test facility	7,000	
Various air defense simulation radar facility	2,050	
Flightline security improvements	490	
Aircraft washrack canopy	300	
Addition to recreation gymnasium	[1] 2,150	
Eglin Air Force Base		11,990
Homestead Air Force Base:		
Alteration/aircraft washrack	990	
Addition to child care center	680	
Alterations mechanical/structures	2,390	
Homestead Air Force Base		4,060
MacDill Air Force Base:		
Addition to chapel center	1,100	
Addition to warehouse	1,350	
Alter unaccompanied enlisted personnel housing	3,150	
Addition and alterations to child care center	560	
Radio control system	200	
MacDill Air Force Base		6,360
Patrick Air Force Base:		
Alter Air Force technical application center headquarters facility	2,392	
Patrick Air Force Base		2,392
Tyndall Air Force Base:		
Drone parking and facility	620	
Aircraft washrack canopy	360	
Various maintenance/opns training facilities	5,810	
Unaccompanied officer personnel housing	[1] 4,600	
Unaccompanied enlisted personnel housing	[1] 4,500	
Civil engineer science laboratory	[1] 4,650	
Education center	[1] 2,000	
Base support center	[1] 6,500	
Tyndall Air Force Base		29,040
Cape Canaveral Air Force Station:		
Hypergolic stockpile storage facility	4,900	
Addition and alterations to missile assembly building—NAVSTAR gps	4,500	
Cape Canaveral Air Force Station		9,400
Eastern Launch Site:		
STS-security modifications	6,000	
Eastern Launch Site		6,000
Air Force		69,242
Air National Guard:		
Jacksonville IAP:		
Add to and alter building 5—squadron operations/telecommunication/sec pol/op	1,760	
Jacksonville IAP		1,760
Air Reserve:		
Homestead Air Force Base:		
Additions to squadron operations	550	
Homestead Air Force Base		550
MacDill Air Force Base:		
Add to and alter Reserve Forces aeromedical evacuation training facility	947	
MacDill Air Force Base		947
Air Reserve		1,497
Florida		235,829
Georgia:		
Army:		
Fort Benning:		
Ammunition storage	2,650	
Infantry remote target system ranges	5,200	
Energy monitoring and control system	8,400	
Tactical equipment shop	5,500	
Fort Benning		21,750
Fort Stewart/Hunter AAF:		
Electrical distribution system	3,000	
Steam distribution system	6,500	
Battalion headquarters and classroom	2,600	
Tactical equipment shop	8,800	
Relocate vanguard facility	2,670	
Tactical equipment shop	2,450	
Company administration and supply	1,500	
Battalion headquarters and classroom	1,400	
Hardstand	370	
Company administration and supply	430	
Fort Stewart/Hunter AAF		29,720
Army		51,470
Navy:		
Subbase Kings Bay:		
Utilities and site improvements	18,570	
Port services support facilities	11,840	
Community impact planning assistance	400	
Community impact assistance	5,619	
Trident training facility	[1, 2] 81,700	
Subbase Kings Bay		118,129
Air Force:		
Moody Air Force Base:		
Sound suppressor support	950	
Vehicle operations facility	350	
Moody Air Force Base		1,300
Robins Air Force Base:		
Combat communication deployment facility	4,200	
Pave paws support facility	3,570	
Automotive maintenance facility	4,600	
Alterations unaccompanied enlisted personnel housing	[1] 1,450	
Alterations to electrical distribution system	3,000	
OSH-upgrade fire protection system	560	
OSH-upgrade fire protection system	1,400	
Robins Air Force Base		18,780
Air Force		20,080
Army National Guard:		
Waycross:		
Armed Forces Reserve Center Expansion	377	
Waycross		377
Army Reserve:		
Waycross:		
Additions/alterations AFRC/OMS	533	
Waycross		533
Air Reserve:		
Dobbins Air Force Base:		
Additions to aircraft engine inspection and repair shop	470	
Additions/alterations survival equipment shop	353	
Addition to warehouse	1,950	
Dobbins Air Force Base		2,773
Georgia		193,362
Hawaii		
Army:		
Schofield Barracks:		
Tactical equipment shop	5,100	
Tactical equipment shop	6,200	
Upgrade petroleum storage	2,000	
Barracks with dining facility	16,400	
Tactical equipment shop	2,200	
Schofield Barracks		31,900
Navy:		
Naval Air Station, Barbers Point:		
Family services center	890	
NAS Barbers Point		890
Marine Corps Air Station, Kaneohe Bay:		
Armories	2,790	
Airfield pavement improvements	5,110	
Marine Corps Air Station Kaneohe Bay		7,900
Naval Regional Medical Clinic, Pearl Harbor:		
Medical/dental clinic (MCAS Kaneohe Bay)	8,490	
Naval Regional Medical Clinic Pearl Harbor		8,490
Naval Station, Pearl Harbor:		
Operations control center	3,350	
Naval Station Pearl Harbor		3,350
Naval Submarine Base, Pearl Harbor:		
Pier improvements	1,390	
Child care center	990	
Water storage tanks	210	
Naval Submarine Base Pearl Harbor		2,590
Naval Shipyard, Pearl Harbor:		
Asbestos delagging facility	1,440	
Training facility	4,600	
Service shops	[1, 3] 20,000	
Naval Shipyard Pearl Harbor		26,040
Public Works Center, Pearl Harbor:		
Utilities improvements	13,100	
PWC Pearl Harbor		13,100
Fleet Intelligence Center Pacific, Pearl Harbor:		
Stand-by generator plant	990	
Fleet Intelligence Center Pacific Pearl Harbor		990
Camp H. M. Smith, Oahu:		
Unaccompanied enlisted personnel housing and dining facility	2,700	
Camp H. M. Smith, Oahu		2,700
Navy		66,050
Air Force:		
Hickam Air Force Base:		
Environmental medicine facility	1,200	
Child care center	1,950	
Hickam Air Force Base		3,150

PROJECTS AUTHORIZED FOR CONSTRUCTION INSIDE THE UNITED STATES—Continued

[In thousands of dollars]

State/component/installation	Project cost	Total
Army National Guard:		
Wheeler Air Force Base:		
Army aviation support facility expansion	2,432	
Armory addition	57	
Wheeler Air Force Base		2,489
Air National Guard:		
Hickam Air Force Base:		
Addition to aircraft parking apron	990	
Hickam Air Force Base		990
Army Reserve:		
Fort Derussy:		
Addition to Army Reserve center	2,830	
Fort Derussy		2,830
Hawaii		107,409
Idaho:		
Air Force:		
Mountain Home Air Force Base:		
Addition to telecommunications center	530	
Addition to flight simulator training facility	1,550	
Electronic warfare range support facility	910	
Addition to child care center	800	
Addition to gymnasium	2,800	
Mountain Home Air Force Base		6,590
Air National Guard:		
Boise Airport:		
Operational training facility	2,800	
Fire station	740	
Base engineer maintenance	1,300	
Boise Airport		4,840
Idaho		11,430
Illinois:		
Army:		
Rock Island Arsenal:		
Modernize manufacturing facility—REARM	22,000	
Renovation of Davenport Bridge	[1] 4,500	
Rock Island Arsenal		26,500
Air Force:		
Chanute Air Force Base:		
Alter structural	210	
Upgrade regional connection	10,000	
Central heat plant	[4] 79,000	
Chanute Air Force Base		89,210
Scott Air Force Base:		
Addition to religious education center	790	
Scott Air Force Base		790
Air Force		90,000
Army National Guard:		
Marseilles:		
Small arms range	663	
Marseilles		663
Air National Guard:		
Capital MAP:		
Fire station security police, operations facility	1,500	
Capital MAP		1,500
Illinois		118,663
Indiana:		
Army:		
Fort Benjamin Harrison:		
Barracks	[5] 5,900	
Fort Benjamin Harrison		5,900
Air Force:		
Grissom Air Force Base:		
Dining hall	[3] 3,200	
Military personnel support center	[5] 5,600	
Add to and alter vehicle maintenance shop	[3] 1,030	
Grissom Air Force Base		9,830
Army National Guard:		
Noblesville:		
60 person armory	704	
Noblesville		704
Salem:		
100 person armory	813	
Salem		813
Army National Guard		1,517
Air National Guard:		
Hulman Field:		
Warm-up/holding pad	1,250	
Hulman Field		1,250
Army Reserve:		
Bloomington:		
Addition to Armed Forces Reserve Center	889	
Bloomington		889
Navy Reserve:		
NMCRC, Fort Wayne:		
Reserve center alteration	400	
NMCRC, Fort Wayne		400
Indiana		19,786
Iowa:		
Army:		
Iowa Army Ammunition Plant:		
Replace rail-dock and barricades	2,000	
Iowa Army Ammunition Plant		2,000
Iowa		2,000
Kansas:		
Army:		
Kansas Army Ammunition Plant:		
Sewage treatment plant	1,150	
Kansas Army Ammunition Plant		1,150
Fort Leavenworth:		
Physical fitness training center	3,550	
Unaccompanied officer housing	10,000	
Fort Leavenworth		13,550
Fort Riley:		
Tactical equipment shop	5,000	
Correct safety deficiencies	1,300	
Bulk fuel storage facility	3,000	
Electrical substation	[1] 1,400	
Sewage treatment and water upgrade	[1] 6,500	
Dining facility modernization	600	
Utilities	5,400	
Multipurpose training range	31,000	
Company Administration and supply	1,700	
Company Administration and supply	2,150	
Tactical equipment shop	1,200	
Company administration and supply	1,500	
Brigade headquarters	1,400	
Aircraft maintenance facility	8,100	
Tactical equipment shop	3,950	
Battalion headquarters and classroom	1,200	
Battalion headquarters and classroom	1,200	
Fort Riley		76,600
Army		91,300
Air Force:		
McConnell Air Force Base:		
Environment monitoring and control system (EMCS)	2,430	
OSH-fuel cell repair shop-deluge system	410	
Unaccompanied enlisted personnel housing	[1] 5,500	
Airfield apron lighting	[1] 1,230	
McConnell Air Force Base		9,570
Air National Guard:		
McConnell Air Force Base:		
Fuel system maintenance/corrosion control dock	1,810	
Communications/electronics training facility	1,100	
McConnell Air Force Base		2,910
Kansas		103,780
Kentucky:		
Army:		
Fort Campbell:		
Dining facility modernization	2,050	
Energy monitoring and control system	3,600	
Flight simulator building	5,500	
Upgrade water supply	2,850	
Battalion headquarters and classroom	1,300	
Fort Campbell		15,300
Fort Knox:		
Tank instruction facility	4,200	
Fort Knox		4,200
Army		19,500
Air National Guard:		
Standiford Field:		
Fire suppression/detection	750	
Standiford Field		750
Kentucky		20,250
Louisiana:		
Army:		
Louisiana AAP:		
Pink water filtration system	4,250	
Louisiana AAP		4,250
Fort Polk:		
Tactical equipment shop	12,800	
Dynamometer test facility	380	
Child care center	3,000	
Fort Polk		16,180
Army		20,430
Air Force:		
Barksdale Air Force Base:		
Hydrant refueling central aircraft support system	15,000	
Alter unaccompanied enlisted personnel housing	4,500	
Add to/alter child care center	670	
Air-launched cruise missile support facility	14,800	
Barksdale Air Force Base		34,970
England Air Force Base:		
Additions to/alterations composite medical facility	500	
Consolidated support center	2,500	
Radio control-alterations mechanical/electrical	357	
England Air Force Base		3,357
Air Force		38,327
Navy Reserve:		
Naval Air Station, New Orleans:		
Sewage treatment facility	2,400	
Modifications to building and air-conditioning systems	150	
NAS New Orleans		1,850
Naval Support Activity, New Orleans:		
Chapel	1,500	
Modifications to building and air conditioning systems	350	
Naval Support Activity, New Orleans		1,850
Navy Reserve		4,400
Air Reserve:		
New Orleans NAS:		
Power check pad	523	
New Orleans NAS		523
Louisiana		63,680
Maine:		
Navy:		
Naval Air Station, Brunswick:		
Operations control center	7,800	
Naval Air Station, Brunswick		7,800
Portsmouth Naval Shipyard, Kittery:		
Ventilation improvements	1,400	
Fire protection	5,700	
Portsmouth Naval Shipyard, Kittery		7,100
Navy		14,900
Air Force:		
Loring Air Force Base:		
Alert runway	16,000	
Upgrade alert area	7,000	
Add to/alter offensive avionics facility	500	
Composite maintenance complex	4,100	
Unaccompanied enlisted personnel housing	4,800	
Add to/alter crew facility	4,000	
Loring Air Force Base		36,400
Bangor:		
Over the horizon-backscatter radar support facility	10,100	
Bangor		10,100
Air Force	46,500	
Air National Guard:		
Bangor IAP:		
Composite operational training facility	2,200	
Bangor IAP		2,200
Maine		63,600
Maryland:		
Army:		
Aberdeen Proving Ground:		
Replace gas filter system	17,500	
Weapons maintenance training facility	8,900	
Medical research laboratory alterations	[1] 3,650	
Trainee Barracks	[1] 9,800	
Aberdeen Proving Ground		39,850
Fort Detrick:		
Communications center addition	1,650	
Fort Detrick		1,650
Harry Diamond Laboratory:		
Test facility alterations	400	
Harry Diamond Laboratory		400
Fort George G. Meade:		
Water wells	3,900	
Satellite terminal facility addition	1,250	
Fort George G. Meade		5,150
Army		47,050
Navy:		
Naval Academy, Annapolis:		
Utilities modernization	6,650	
Boat basin improvements	3,070	
Naval Academy, Annapolis		9,720
Naval Station, Annapolis:		
Family services center	405	
Naval Station, Annapolis		405
David Taylor Naval Ship Research Development Center, Bethesda:		
Computation and analysis laboratory	5,030	
David Taylor Naval Ship Research Development Center, Bethesda		5,030
National Naval Medical Center, Bethesda:		
National Naval Medical Center, modernization	28,800	
Unaccompanied enlisted personnel housing	8,370	
National Naval Medical Center, Bethesda		37,170
Naval Ordnance Station, Indian Head:		
Unaccompanied enlisted personnel housing modernization	1,950	
Naval Ordnance Station, Indian Head		1,950
Naval Air Test Center, Patuxent River:		
Child care center	1,320	
Aircraft systems integration laboratory	4,930	
Electrical distribution system modernization	3,900	
Naval Air Test Center, Patuxent River		10,150
Navy		64,425
Air Force:		
Andrews Air Force Base:		
OSH-fire protection sprinkler system	1,786	
Andrews Air Force Base		1,786
DMA:		
DMA Hydrographic/Topographic Center:		
Energy conservation projects	1,830	
DMA Hydrographic/Topographic Center		1,830

PROJECTS AUTHORIZED FOR CONSTRUCTION INSIDE THE UNITED STATES—Continued

[In thousands of dollars]

State/component/installation	Project cost	Total
DIS:		
Fort Holabird:		
Replace lighting and ceiling	210	
Fort Holabird		210
NSA:		
Fort Meade:		
Special processing Labs	27,840	
Toxic chemical treatment	1,300	
Chemical storage building	420	
Metal reclamation building	675	
Mechanical equipment building	565	
Fort Meade		31,000
DNA:		
Armed Forces Radiobiology Research Institute, Bethesda:		
Upgrade mechanical and electrical systems	10,900	
Armed Forces Radiobiology Research Institute, Bethesda		10,900
Air National Guard:		
Glenn L. Martin Airport:		
Aerial port training facility	990	
Glenn L. Martin Airport		990
Maryland		158,191
Massachusetts:		
Army:		
Fort Devens:		
Child care center	[1] 3,000	
Fort Devens		3,000
Air Force:		
Hanscom Air Force Base:		
Addition to telecommunications facility	480	
Payload verification/interpretation facility	2,250	
Alter mechanical	940	
Hanscom Air Force Base		3,670
Army National Guard:		
Taunton:		
200 person armory	1,291	
Taunton		1,291
Navy Reserve:		
Naval Air Station, South Weymouth:		
Training building	350	
Main gate relocation	1,400	
Naval Air Station, South Weymouth		1,750
Air Reserve:		
Westover Air Force Base:		
Fire training facility	325	
Westover Air Force base		325
Massachusetts		10,036
Michigan:		
Army:		
Detroit Arsenal:		
Energy efficient lighting	270	
Detroit arsenal		270
Navy:		
Naval Transmitter Facility, Republic:		
Transmitter facility and land acquistion	13,000	
Naval Transmitter Facility, Republic		13,000
Air Force:		
KI Sawyer Air Force Base:		
Add to/alter offensive avonics facility	950	
Various operations/maintenance/training facility	4,510	
Addition to heat plant	35,000	
KI Sawyer Air Force Base		40,460
Wurtsmith Air Force Base:		
Alter unaccompanied enlisted personnel housing	5,000	
Wurtsmith Air Force Base		5,000
Air Force		45,460
DLA:		
Defense Fuel Support Point, Escanaba:		
Fire protection	1,000	
Defense Fuel Support, Point, Escanaba		1,000
Army Reserve:		
Traverse City:		
Addition to Army Reserve Center	1,303	
Traverse City		1,303
Michigan		61,033
Minnesota:		
Army National Guard:		
Bloomington:		
200 person armory	1,435	
Bloomington		1,435
St. Paul:		
Armory rehabilitation	647	
Army Aviation support facility rehabilitation	1,633	
St. Paul		2,280
Army National Guard		3,715
Air National Guard:		
Minneapolis-St. Paul:		
Base supply equipment warehouse and comptroller facility	2,600	
Minneapolis-St. Paul		2,600
Duluth, IAP:		
Fire station	960	
Duluth, IAP		960
Air National Guard		3,560
Air Reserve:		
Minneapolis-St. Paul, IAP:		
Composite training facility	1,845	
Minneapolis-St. Paul, IAP		1,845
Minnesota		9,120
Mississippi:		
Navy:		
Naval Oceanographic Office, Bay Saint Louis:		
Computer programming operations center	6,320	
Naval Oceanographic Office, Bay Saint Louis		6,320
Naval Construction Battalion Center, Gulfport:		
Unaccompanied enlisted personnel housing	2,960	
Naval Construction Battalion Center, Gulfport		2,960
Naval Air Station, Meridian:		
Family services center	610	
Naval Air Station, Meridian		610
Naval Space Surveillance Field Station, Hollandale:		
Space surveillance antenna	495	
Naval Space Surveillance Field Station, Hollandale		495
Navy		10,385
Air Force:		
Columbus Air Force Base:		
Alter unaccompanied enlisted personnel housing	1,650	
PMEL laboratory	[1] 530	
Columbus Air Force Base		2,180
Keesler Air Force Base:		
Unaccompanied enlisted personnel housing	5,900	
Aircraft corrosion control facility	420	
Unaccompanied enlisted personnel housing with dining hall	[1] 6,400	
Computer training facility	[1] 11,900	
Keesler Air Force Base		24,620
Air Force		26,800
Army National Guard:		
Clinton:		
60 person armory	498	
Clinton		498
Flowood:		
Organizational maintenance shop	383	
Flowood		383
Gloster:		
60 person armory	575	
Gloster		575
Indianola:		
60 person armory	572	
Indianola		572
Rolling Fork:		
60 person armory	572	
Rolling Fork		572
Camp Shelby:		
Land Acquisition, phase II	2,914	
Camp Shelby		2,914
Camp Shelby:		
Range improvements, phase 20	1,613	
Camp Shelby		1,613
Army National Guard		7,127
Army Reserve:		
Jackson:		
Addition to Army Reserve Center, maintenance shop support activity	2,371	
Jackson		2,371
Greenville		
Army Reserve Center, maintenance shop	1,880	
Greenville		1,880
Laurel:		
Army Reserve Center, maintenance shop	3,000	
Laurel		3,000
Army Reserve		7,251
Mississippi		51,563
Missouri:		
Army:		
Lake City AAP:		
Fire alarm system	380	
Fuel oil tank replacement	220	
Lake City AAP		600
Fort Leonard Wood:		
Maintenance complex, phase II	12,600	
Fort Leonard Wood		12,600
Army		13,200
Air Force:		
Whiteman Air Force Base:		
Alter heat plant	[1] 1,800	
Unaccompanied enlisted personnel housing	[1] 8,600	
Dining hall	[1] 3,300	
Missile maintenance shop	[1] 7,900	
Vehicle maintenance shop	[1] 2,900	
Whiteman Air Force Base		24,500
Army National Guard:		
Kennett:		
60 person armory	728	
Kennett		728
Lebanon:		
60 person armory	794	
Lebanon		794
Saint Joseph:		
100 person armory	1,070	
Organizational maintenance shop	347	
Saint Joseph		1,417
Army National Guard		2,939
Missouri		40,639
Montana:		
Air Force:		
Malmstrom Air Force Base:		
Add to/Alter child care center	630	
Malmstrom Air Force Base		630
Forsyth Air Force Station:		
Strategic training range complex, site 3/ land acquisition	4,225	
Forsyth Air Force Station		4,225
Havre Air Force Station:		
Strategic training range complex, site 2/ land acquisition	4,936	
Havre Air Force Station		4,936
Air Force		9,791
Army Reserve:		
Butte:		
Exp armory to reserve center, maintenance shop	985	
Butte		985
Montana		10,776
Nebraska:		
Air Force:		
Offutt Air Force Base:		
Add to air-conditioning Air Force global weather control	710	
Aircraft maintenance facilities, phase 1	26,900	
Weatherization	210	
OSH-correct asbestos hazards	1,300	
Unaccompanied enlisted personnel housing	5,400	
Unaccompanied officer personnel housing	[1] 4,000	
Offutt Air Force Base		38,520
Army National Guard:		
Hastings:		
Quarters/dining facility/utilities	1,031	
Hastings		1,031
Army Reserve:		
Omaha:		
Rehabilitate reserve center, maintenance shop, support activity	4,202	
Omaha		4,202
Nebraska		43,753
Nevada:		
Navy:		
Naval Air Station, Fallon:		
Airfield pavements	11,900	
Naval Air Station, Fallon		11,900
Air Force:		
Nellis Air Force Base:		
Alter unaccompanied enlisted personnel housing	3,000	
Add to/alter to child care center	1,050	
Alter to mechanical/electrical	440	
Nellis Air Force Base		4,490
Nevada		16,390
New Hampshire:		
Air Force:		
Pease Air Force Base:		
Base civil engineer maintenance complex	[1] 7,200	
Pease Air Force Base		7,200
New Jersey:		
Army:		
Fort Monmouth:		
Pulse power center	[1] 12,400	
Electrical distribution system	[1] 2,500	
Fort Monmouth		14,900
Picatinny Arsenal:		
Computer center modernization	460	
Picatinny Arsenal		460
Army		15,360
Navy:		
Naval Weapons Station, Earle:		
Torpedo shop addition	465	
Naval Weapons Station, Earle		465
Naval Air Engineering Center, Lakehurst:		
Unaccompanied enlisted personnel housing	3,720	
Safety alarm system	475	
Naval Air Engineering Center, Lakehurst		4,195
Navy		4,660
Air Force:		
McGuire Air Force Base:		
Taxiway lighting	620	
McGuire Air Force Base		620

PROJECTS AUTHORIZED FOR CONSTRUCTION INSIDE THE UNITED STATES—Continued

[In thousands of dollars]

State/component/installation	Project cost	Total
Army National Guard:		
Woodbury:		
Armory addition	1,294	
Woodbury		1,294
Air National Guard:		
Atlantic City:		
Operational training, medical training and administration, dining hall facility	2,780	
Atlantic City		2,780
Air Reserve:		
McGuire Air Force Base:		
Addition to reserve forces aeromed training facility	1,430	
McGuire Air Force Base		1,430
New Jersey		26,144
New Mexico:		
Army:		
White Sands Missile Range:		
Physical fitness training center addition	310	
White Sands Missile Range		310
Air Force:		
Cannon Air Force Base:		
Consolidated support center	[1] 6,800	
Cannon Air Force Base		6,800
Holloman Air Force Base:		
Aircraft maintenance hangar	[1] 7,700	
Addition to aircarft maintenance unit	[1] 600	
Addition to engine inspection and repair	[1] 1,000	
Aircraft corrosion control	[1] 1,400	
Munitions storage	[1] 3,700	
Alter unaccompanied enlisted personnel housing	[1] 3,100	
Airmen dining hall	[1] 3,000	
Holloman Air Force Base		20,500
Kirtland Air Force Base:		
Addition to/alter precision measurement equipment laboratory	970	
Alter electrical/mechanical	600	
Addition to/alter fire station	670	
Kirtland Air Force Base		2,240
Air Force		29,540
Air National Guard:		
Kirtland Air Force Base:		
Aircraft arresting system	400	
Air National Guard		400
New Mexico		30,250
New York:		
Army:		
Fort Drum:		
Recreation center	1,500	
Fort Drum		1,500
U.S. Military Academy:		
Barracks modernization	3,100	
Weather stripping	450	
Energy monitoring and control system	480	
Energy efficient lighting	360	
Land acquisition—Ladycliff	3,450	
U.S. Military Academy		12,840
Watervliet Arsenal:		
Laboratory	[1] 2,150	
Watervliet Arsenal		2,150
Army		16,490
Air Force:		
Griffiss Air Force Base:		
Air launched cruise missile Igloo	1,300	
OSH—deluge system in aircraft hangar complex	2,150	
Add to/alter electronic research test facility	2,250	
Unaccompanied enlisted personnel housing	6,700	
Griffiss Air Force Base		12,400
Plattsburgh Air Force Base:		
Child care center	1,100	
Weatherization/alter mechanical	665	
Physical fitness facility	[1] 4,190	
Plattsburgh Air Force Base		5,955
Air Force		18,355
Army National Guard:		
Buffalo:		
Organizational maintenance shop	424	
Buffalo		424
Latham:		
400-person armory	4,577	
Organizational maintenance shop	494	
U.S. property and fiscal officer	1,289	
Latham		6,360
Army National Guard		6,784
Air National Guard:		
Hancock Field:		
Dining hall	900	
Aircraft maintenance dock	1,340	
Hancock Field		2,240
Niagara Falls:		
Squadron operations facility	1,540	
Add to/alter building 906 for support equipment shop	530	
Niagara Falls		2,070
Stewart Field:		
Joint ANG/MCR training complex (phase II)	29,200	
Stewart Field		29,200
Suffolk County Airport:		
Composite squadron operations/maintenance facility	2,230	
Suffolk County Airport		2,230
Air National Guard		35,740
Army Reserve:		
Fort Drum:		
Equipment site—maintenance activity	4,373	
Fort Drum		4,373
Amityville:		
Armed Forces Reserve Center, Amityville	2,084	
Amityville		2,084
Army Reserve		6,457
Navy Reserve:		
Armed Forces Reserve Center, Amityville:		
Reserve training building	3,100	
Armed Forces Reserve Center, Maintenance Shop, Amityville		3,100
Air Reserve:		
Niagara Falls, IAP:		
Vehicle operations heated parking	510	
Niagara Falls, IAP		510
New York		87,436
North Carolina:		
Army:		
Fort Bragg:		
Child care centers	4,400	
Field operations facility	2,600	
Dining facility modernization	1,800	
Physical fitness training center	2,800	
Tactical equipment shop	6,300	
Barracks	12,000	
Intelligence training facility	1,200	
Fort Bragg		31,100
Navy:		
Marine Corps Base, Camp Lejuene:		
Combat vehicle maintenance shops	6,420	
Amphibious vehicle maintenance shop	6,790	
Electronics/communication maintenance shop	335	
Unaccompanied enlisted personnel housing	14,800	
Sewerage system	455	
Utility improvements	2,960	
Marine Corps Base, Camp Lejuene		31,760
Marine Corps Air Station, Cherry Point:		
Maintenance shops	1,530	
Ventilation improvements	275	
Marine Corps Air Station, Cherry Point		1,805
Naval Air Rework Facility, Cherry Point:		
Aircraft power check facility	4,740	
Automatic plating facility	15,300	
Naval Air Rework Facility, Cherry Point		20,040
Marine Corps Air Station, New River:		
Enlisted dining facility addition	1,530	
Radar air traffic control center	1,200	
Marine Corps Air Station, New River		2,730
Navy		56,335
Air Force:		
Pope Air Force Base:		
Comptroller services center	1,100	
Add to/alter recreation center	1,700	
Base transportation complex/land acquisition	[1] 3,700	
Pope Air Force Base		6,500
Seymour-Johnson Air Force Base:		
Aircraft maintenance dock	4,550	
Addition to/alter child care center	690	
Seymour-Johnson Air Force Base		5,240
Air Force		11,740
Army National Guard:		
Fort Bragg:		
Mobilization and training equipment site addition	1,000	
Fort Bragg		1,000
Parkton:		
60 person armory	493	
Parkton		493
Army National Guard		1,493
Air National Guard:		
Douglas, MAP:		
Fire station	1,050	
Douglas, MAP		1,050
Badin ANGB:		
Communication/electronic training facility	1,500	
Badin ANGB		1,500
Air National Guard		2,550
North Carolina		103,218
North Dakota:		
Air Force:		
Grand Forks Air Force Base:		
Ambulance garage/medical logistics facility	490	
Add to education center	1,100	
Alter unaccompanied enlisted personnel housing	6,935	
Grand Forks Air Force Base		8,525
Minot Air Force Base:		
Alter unaccompanied enlisted personnel housing	6,700	
Various maintenance/operations/training facilities	7,100	
Minot Air Force Base		13,800
Air Force		22,325
Ohio:		
Air Force:		
Newark AFS:		
Systems metrology engineering laboratory	800	
Newark AFS		800
Wright-Patterson Air Force Base:		
OSH-Addition to/alter aircraft corrosion control	3,400	
Addition to/alter virvarium	510	
Alter electronic research laboratory	600	
Alter structural/mechanical	613	
Addition to water supply and storage system	800	
Wright-Patterson Air Force Base		5,923
Air Force		6,723
Air National Guard:		
Rickenbacker Air Force Base:		
Alter building 863—medical training/administration facility	350	
Crew readiness facility	500	
Rickenbacker Air Force Base		850
Air Reserve:		
Wright-Patterson Air Force Base:		
Fuel system maintenance dock	1,585	
Wright-Patterson Air Force Base		1,585
Youngstown, MAP:		
Vehicle maintenance shop	1,376	
Fire station	1,700	
Youngstown, MAP		3,076
Air Reserve:		
Rickenbacker, ANGB:		
Alter building 863—medical training/administration facility	350	
Rickenbacker, ANGB		350
Air Reserve		5,011
Ohio		12,584
Oklahoma:		
Army:		
Fort Sill:		
Barracks with dining facility	[1] 23,000	
Weapons training facility	2,150	
Fort Sill		25,150
Air Force:		
Altus Air Force Base:		
Airlift training center	16,500	
Unaccompanied enlisted personnel housing	1,700	
Consolidated Ops/maintenance facility	[1] 3,400	
Altus Air Force Base		21,600
Tinker Air Force Base:		
Squadron operations facility	760	
Unaccompanied enlisted personnel housing	2,200	
Alter mechanical	720	
Emergency backup power	2,850	
Flying training classroom	2,500	
Combat communications headquarters	[1] 2,150	
Communications electrical installation facility	[1] 960	
Alter F–107 engine facility	[1] 420	
Tinker Air Force Base		12,560
Vance Air Force Base:		
Energy monitoring control system expansion	1,250	
Vance Air Force Base		1,250
Air Force		35,410
Army National Guard:		
El Reno:		
60 person armory	630	
El Reno		630
Idabel:		
60 person armory	612	
Idabel		612
Army National Guard		1,242
Army Reserve:		
Oklahoma City (Krowse):		
Addition to Army Reserve Center	3,952	
Oklahoma City (Krowse)		3,952
Oklahoma		65,754
Oregon:		
Air National Guard:		
Kingsley Field:		
Aircraft arresting system	600	
Kingsley Field		600
Air Reserve:		
Portland, IAP:		
Aircraft maintenance hangar	1,905	
Composite maintenance facility	1,830	

PROJECTS AUTHORIZED FOR CONSTRUCTION INSIDE THE UNITED STATES—Continued

[In thousands of dollars]

State/component/installation	Project cost	Total
Aerospace ground equipment engine inspection/repair shop	1,000	
Portland, IAP		4,735
Oregon		5,335
Pennsylvania:		
Army:		
Carlisle Barracks:		
Physical fitness training center with pool	[1] 1,500	
Carlisle Barracks		1,500
Scranton AAP:		
Lighting upgrade	660	
Compressed air dryers	340	
Scranton AAP		1,000
Tobyhanna Army Depot:		
Shelter handling facility	[1] 9,200	
Tobyhanna Army Depot		9,200
Army		11,700
Navy:		
Naval Ships Systems Engineering Station, Philadelphia:		
Evaluation test facility	14,500	
Naval Ships Systems Engineering Station, Philadelphia		14,500
Naval Shipyard, Philadelphia:		
Berthing wharf improvements	2,600	
Naval Shipyard Philadelphia		2,600
Navy		17,100
Air National Guard:		
Harrisburg IAP:		
Base supplies and equipment warehouse	2,400	
Harrisburg IAP		2,400
Willow Grove NAS:		
Communications/electronics training facility, mobility storage	2,200	
Auto maintenance/support equipment shop	1,100	
Willow Grove NAS		3,300
Air National Guard		5,700
Army Reserve:		
Lock Haven:		
Reserve center, maintenance shop, support activity	3,191	
Lock Haven		3,191
Air Reserve:		
Willow Grove ARF		
Alter reserve forces operations and training facility	495	
Vehicle maintenance facility	1,028	
Willow Grove ARF		1,523
Pennsylvania		39,214
Rhode Island:		
Navy:		
Naval Education and Training Center, Newport:		
Electrical distribution lines	200	
Academic instruction building alterations	910	
Naval education and training center, Newport		1,110
Army National Guard:		
Middletown:		
100 person armory	922	
Middletown		922
Rhode Island		2,032
South Carolina:		
Army:		
Fort Jackson:		
Education center	[1] 5,200	
Chapel/child care center	[1] 6,400	
Energy distribution system modernization	790	
Trainee barracks	[1] 26,800	
Fort Jackson		39,190
Navy:		
Naval Shipyard, Charleston:		
Electrical distribution system improvements	15,000	
Naval Shipyard, Charleston		15,000
Marine Corps Air Station, Beaufort:		
Maintenance hangar modernization	1,390	
Tactical support van pads	1,110	
Aircraft support facilities	1,030	
Marine Corps Air Station, Beaufort		3,530
Naval Station, Charleston:		
Berthing pier	39,250	
Fire protection pipeline	3,900	
Naval Station, Charleston		43,150
Naval Weapons Station, Charleston:		
Child care center	1,570	
Naval Weapons Station, Charleston		1,570
Navy		63,250
Air Force:		
Charleston Air Force Base:		
Composite wing facility	[1] 3,200	
Charleston Air Force Base		3,200
Myrtle Beach Air Force Base:		
Missile maintenance shop	1,300	
Alter mechanical/electrical	250	
Myrtle Beach Air Force Base		1,550
Shaw Air Force Base:		
Base engineer facility	7,100	
Alter unaccompanied enlisted personnel housing	2,450	
Radio control—alter mechanical/electrical	440	
Shaw Air Force Base		9,990
Air Force		14,740
Army National Guard:		
Darlington:		
100 person armory	908	
Darlington		908
Timmonsville:		
100 Person armory	814	
Timmonsville		814
Army National Guard		1,722
Air National Guard:		
McEntire:		
Base supplies and equipment warehouse/ mobility storage	2,240	
Fire station	1,050	
McEntire		3,290
South Carolina		122,192
South Dakota:		
Air Force:		
Ellsworth Air Force Base:		
Unaccompanied enlisted personnel housing	6,700	
Ellsworth Air Force Base		6,700
Air National Guard:		
Joe Foss Field:		
Power check pad with suppressor	500	
Joe Foss Field		500
South Dakota		7,200
Tennessee:		
Army:		
Milan Army Ammunition Plant:		
Runoff collection/treatment system	550	
On-line storage facility	340	
Milan Army Ammunition Plant		890
Navy:		
Naval Air Station, Memphis-Millington:		
Applied instruction building	4,650	
Municipal sewer connection	7,150	
Naval Air Station, Memphis-Millington		11,800
Air Force:		
Arnold Engineering Development Center:		
Convert to precision machine shop	1,600	
Captive trajectory support system propwind tunnel	7,400	
Solid propellant storage facility	2,500	
Alter mechanical/structural/electrical	670	
Fire protection—bulk fuel	[1] 382	
Arnold Engineering Development Center		12,552
DLA:		
Defense Depot, Memphis:		
Enclose building 942	750	
Defense Depot, Memphis		750
Army National Guard:		
Dayton:		
60 person armory	706	
Dayton		706
Lebanon:		
100 person armory	900	
Lebanon		900
Murfreesboro:		
100 person armory	899	
Murfreesboro		899
Waynesboro:		
60 person armory	690	
Waynesboro		690
Army National Guard		3,195
Air National Guard:		
Memphis IAP:		
Fuel System maintenance corrosion control dock	2,600	
Memphis IAP		2,600
McGhee-Tyson Airport:		
Composite squadron operations/telecommunications facility	2,715	
Fire station	1,000	
Jet fuel storage	1,035	
Power check pad with suppressor	450	
McGhee-Tyson Airport		5,200
Nsshville, MAP:		
Fuel system maintenance/corrosion control deck	2,650	
Nashville MAP		2,650
Air National Guard		10,450
Tennessee		39,637
Texas:		
Army:		
Fort Bliss:		
Physical fitness training center	[1] 2,850	
Company administration and supply	2,200	
Battalion classroom	530	
Replace exterior lighting	1,150	
Dining facility modernization	4,350	
Infantry remote target systems ranges	[1] 3,000	
Multipurpose training range	17,500	
Multipurpose DIVAD range	9,000	
Fort Bliss		40,580
Fort Hood:		
Aircraft maintenance facility	11,400	
Storm windows and weatherstripping	2,250	
Aircraft maintenance facility	13,200	
Field lighting	700	
Automated tracked vehicle washing facility	5,500	
Bulk fuel storage faciilty	[1] 4,200	
Multipurpose training range	9,600	
Multipurpose training range	[1] 3,350	
Multipurpose training range	2,800	
Multipurpose training range	5,200	
Tactical equipment shop	8,400	
Tactical equipment shop	8,200	
Brigade headquarters	1,250	
Fort Hood		76,050
Lone Star AAP:		
Land mine production facilities	1,300	
Lone Star AAP		1,300
Longhorn AAP:		
Shield test facility	270	
Longhorn AAP		270
Red River Army Depot:		
Bradley vehicle support facility	1,250	
Red River Army Depot		1,250
Army		119,450
Navy:		
Naval Air Station, Chase Field:		
Control tower	580	
Child care center	550	
Elevated potable water storage tank	1,030	
Family services center	465	
Naval Air Station, Chase Field		2,625
Naval Air Station, Corpus Christi:		
Family services center	495	
Naval Air Station, Corpus Christi:		495
Naval Air Station, Kingsville:		
Runway improvements	4,270	
Family services center	560	
Naval Air Station, Kingsville		4,830
Navy		7,950
Air Force:		
Bergstrom Air Force Base:		
Additions to engine inspection and repair shop	640	
Regional aircraft stripping/painting facility	5,700	
Alter mechanical/electrical	440	
Base support center	[1] 6,500	
Composite wing facility	[1] 1,280	
Education center	[1] 2,750	
Alter base entrance/land acquisition	[1] 3,000	
Bergstrom Air Force Base		20,310
Brooks Air Force Base:		
Additions to/alterations occupational environmental health laboratory	5,260	
Alteration base supply administrative facility	1,550	
Consolidated support center	2,660	
Alterations mechanical/electrical/structural	410	
OSH-fire protection system	230	
Brooks Air Force Base		10,110
Carswell Air Force Base:		
Jet fuel storage	3,000	
Alter electrical/mechanical/structural	400	
Upgrade power plants ADWS	[1]710	
Carswell Air Force Base		4,110
Dyess Air Force Base:		
Aircraft fuel system maintenance dock	2,900	
Alter unaccompanied enlisted personnel housing	5,500	
Munitions support facilities	4,000	
CCTS support facilities	1,900	
Dyess Air Force Base		14,300
Kelly Air Force Base:		
Addition to electronic system command headquarters facility	7,000	
Alter deluge pump power supply	240	
Addition to air freight terminal	3,050	
Weatherize/alter mechanical	1,300	
Upgrade industrial waste treatment	11,000	
Kelly Air Force Base		22,590
Lackland Air Force Base:		
Unaccompanied enlisted personnel housing	7,800	
Chapel	[1]2,900	
Lackland Air Force Base		10,700
Reese Air Force Base:		
Aircraft maintenance engine inspection/ repair shop	1,550	
Reese Air Force Base		1,550
Sheppard Air Force Base:		
Unaccompanied enlisted personnel housing	7,200	
Visiting officer quarters	5,200	
Insulation	500	
Gymnasium	[1]3,180	
Sheppard Air Force Base		16,080
Johnson Space Center:		
STS-security modifications	700	
Johnson Space Center		700

PROJECTS AUTHORIZED FOR CONSTRUCTION INSIDE THE UNITED STATES—Continued

[In thousands of dollars]

State/component/installation	Project cost	Total
Goodfellow Air Force Base:		
OSH-fire protection system	320	
Pave Paws, real estate acquisition	420	
Alter electrical distribution system	[1]1,500	
Voice processing training facility	[1]7,800	
Goodfellow Air Force Base		10,040
San Antonio Area:		
Upgrade regional connection	12,000	
San Antonio Area		12,000
Air Force		122,490
Defense Logistics Agency:		
Defense Property Disposal Office, San Antonio:		
Hazardous material disposal facility	500	
Defense Property Disposal Office, San Antonio		500
Army National Guard:		
Eagle Pass:		
100 person armory	681	
Eagle Pass		681
San Antonio:		
Armory addition	1,115	
San Antonio		1,115
Army National Guard		1,796
Air National Guard:		
Ellington:		
Fuel system maintenance/corrosion control dock	1,360	
Refueling vehicle parking	250	
Fire suppression/detection	650	
Ellington		2,260
Army Reserve:		
Corpus Christi:		
600-member AFRC/OMS/AMSA	2,490	
Corpus Christi		2,490
Navy Reserve:		
Naval Air Station Dallas:		
Unaccompanied enlisted personnel housing	4,400	
AICUZ	295	
Chapel	1,500	
Air traffic control facility	250	
Naval Air Station Dallas		6,445
Armed Forces Reserve Center, Corpus Christi:		
Reserve training building	3,350	
Armed Forces Reserve Center, Corpus Christi		3,350
Navy Reserve		9,795
Texas		266,731
Utah:		
Army:		
Fort Douglas:		
Military entrance processing station	910	
Fort Douglas		910
Air Force:		
Hill Air Force Base:		
Depot aircraft weapons maintenance shop	5,600	
Squadron operations facility	3,000	
Addition to depot aircraft fuel system maintenance dock	640	
Refueling vehicle maintenance shop	700	
Occupational health clinic	2,950	
Religious education center	1,600	
Sound suppressor support	965	
Base supply and equipment warehouse	700	
Hill Air Force Base		16,155
Defense Logistics Agency:		
Defense Property Disposal Office, Tooele:		
Administrative building	420	
Defense Property Disposal Office, Tooele		420
Air National Guard:		
Salt Lake City IAP:		
Power check pad with suppressor	475	
Salt Lake City IAP		475
Air Reserve:		
Hill Air Force Base:		
Addition/alteration squadron operations	400	
Aircraft generation shop	470	
Addition to rocket checkout and assembly facility	260	
Hill Air Force Base		1,130
Utah		19,090
Vermont:		
Army National Guard:		
Ethan Allen:		
Unit administration/supply building	260	
Ethan Allen		260
Army Reserve:		
Rutland:		
Expand to Army Reserve Center, maintenance activity	1,384	
Rutland		1,384
Vermont		1,644
Virginia:		
Army:		
Fort Lee:		
Food service training facility	5,300	
Electric power generating plant	630	
Fort Lee		5,930
Fort Myer:		
Steam distribution system extension	1,850	
Insulate Buildings	900	
Fort Myer		2,750
Radford AAP:		
Fuel storage facilities	870	
Barricades	1,650	
155MM stick propellant manufacturing facility	2,100	
Radford AAP		4,620
Fort Story:		
Physical fitness training center	1,800	
Maintenance facility	7,200	
Fort Story		9,000
Army		22,300
Navy:		
Marine Corps Camp Det. Norfolk, Camp Elmore:		
Physical fitness center	1,160	
Marine Corps Camp Det. Norfolk, Camp Elmore		1,160
Fleet Combat Direct System Support Activity, Dam Neck:		
Combat data systems building addition	4,000	
Fleet Combat Direct System Support Activity, Dam Neck		4,000
Fleet Intelligence Training Center, Dam Neck:		
Applied instruction building	12,200	
Fleet Intelligence Training Center, Dam Neck		12,200
Fleet Combat Training Center Atlantic, Dam Neck:		
Gymnasium addition	1,390	
Unaccompanied enlisted personnel housing	10,800	
Fleet Combat Training Center Atlantic, Dam Neck		12,190
Naval Guided Missiles School, Dam Neck:		
Operational trainer facility (N.S. Norfolk)	1,860	
Naval Guided Missiles School, Dam Neck		1,860
Naval Amphibious Base, Little Creek:		
Electronics/communications maintenance shop	1,070	
Vehicle maintenance facility	3,110	
Electronics/communications maintenance shop	3,160	
Personnel support facilities	1,830	
Naval Amphibious Base, Little Creek		9,170
Fleet Anti-Sub Warfare Training Center, Norfolk:		
Applied instruction building	1,900	
Applied instructions building	2,230	
Fleet Anti-Sub Warfare Training Center, Norfolk		4,130
Fleet Training Center, Norfolk:		
Applied instruction building	1,120	
Fleet Training Center, Norfolk		1,120
Naval Air Rework Facility, Norfolk:		
Repair shop improvements	3,020	
Naval Air Rework Facility, Norfolk		3,020
Naval Station, Norfolk:		
Dredging	2,560	
Naval Station, Norfolk		2,560
Naval Supply Center, Norfolk:		
Data processing facility	6,400	
Naval Supply Center, Norfolk		6,400
Naval Shipyard, Norfolk:		
Municipal sewer connection	8,290	
Child care center	560	
Electrical distribution system modernization	10,500	
Naval Shipyard, Norfolk		19,350
Naval Air Station, Oceana:		
Family services center	415	
Naval Air Station, Oceana		415
Marine Corps Development and Education Command, Quantico:		
Field maintenance shop	2,570	
Marine Corps Development and Education Command, Quantico		2,570
Naval Communications Area Master Station, Atlantic, Norfolk:		
Satellite Earth Term.(G Bay)	1,090	
Fire protection (Annapolis)	600	
Naval Communications Area Master Station, Atlantic, Norfolk		1,690
Naval Surface Weapons Center, Dahlgren:		
Applied instruction building	4,180	
Unaccompanied enlisted personnel housing addition	800	
Unaccompanied officer personnel housing addition	375	
Naval Surface Weapons Center, Dahlgren		5,355
Tactical Training Group, Atlantic, Virginia Beach:		
Operational trainer facility	3,750	
Tactical Training Group, Atlantic, Virginia Beach		3,750
Navy		90,940
Air Force:		
Langley Air Force Base:		
Base supply complex—phase 1	5,000	
OSH-Fire Suppression System	3,300	
Langley Air Force Base		8,300
DCA:		
Pentagon:		
Pentagon computer facility expansion	1,000	
Pentagon		1,000
ASDA:		
Classified Activity, Fort Belvoir:		
Communications support facility	3,000	
Classified Activity, Fort Belvoir		3,000
Defense Systems Management College, Fort Belvoir:		
Academic facility	4,700	
Defense Systems Management College, Fort Belvoir		4,700
ASDA		7,700
Defense Logistics Agency:		
Defense Property Disposal Office, Norfolk:		
Hazardous material disposal facility	940	
Defense Property Disposal Office, Norfolk		940
Army National Guard:		
Gate City:		
Armory addition	484	
Gate City		484
Fort Pickett:		
Mobilization and training equipment site	4,844	
Direct support logistical facility	390	
Fort Pickett		5,234
Army National Guard		5,718
Virginia		136,898
Washington:		
Army:		
Fort Lewis:		
Hangar Addition	[1] 2,800	
Instrument landing system	[1] 870	
Battalion headquarters and classroom	1,450	
Barracks	1,740	
Tactical equipment shop	7,800	
Correct safety deficiencies	2,650	
Company administration and supply	4,250	
Battalion headquarters and classroom	2,800	
Temperature controls and lighting	1,450	
Brigade headquarters	1,500	
Flight simulator building	8,000	
Fort Lewis		35,310
Navy:		
Naval Submarine Base, Bangor:		
Family Services Center	1,180	
Unaccompanied enlisted personnel housing	5,280	
Data Processing Center (Trident refit facility)	1,580	
Naval Submarine Base, Bangor		8,040
Naval Underwater Engineering Station, Keyport:		
Station access facilities	1,400	
Naval Underwater Engineering Station, Keyport		1,400
Naval Supply Center, Bremerton, Puget Sound:		
Oil spill prevention	200	
Naval Supply Center, Bremerton, Puget Sound		200
Puget Sound Naval Shipyard Bremerton:		
Unaccompanied enlisted personnel housing	7,300	
Puget Sound Naval Shipyard, Bremerton		7,300
Naval Air Station, Whidbey Island:		
Heating plant addition	3,160	
Naval Air Station, Whidbey Island		3,160
Navy		20,100
Air Force:		
Fairchild Air Force Base:		
Aircraft alert apron	3,050	
Air launched cruise missile igloos	2,100	
Alter mechanical/structural	570	
Unaccompanied enlisted personnel housing	[1] 8,500	
Dining hall	[1] 3,730	
Alter consolidated base personnel office	[1] 1,100	
Alter unaccompanied enlisted personnel housing	[1] 5,000	
Hydrant fueling system	[1]4,400	
Fairchild Air Force Base		28,450
McChord Air Force Base:		
Unaccompanied enlisted personnel housing	7,000	
Various maintenance operations/training facilities	3,750	
Sound suppressor support	420	
Exterior area lighting	990	
McChord Air Force Base		12,160
Air Force		40,610
Defense Logistics Agency:		
Defense Property Disposal Office, Fort Lewis:		
Hazardous material disposal facility	650	
Defense Property Disposal Office, Fort Lewis		650
Navy Reserve:		
Naval Air Reserve Unit, Whidbey Island:		
Aircraft parking apron	4,500	

PROJECTS AUTHORIZED FOR CONSTRUCTION INSIDE THE UNITED STATES—Continued

[In thousands of dollars]

State/component/installation	Project cost	Total
Naval Air Reserve Unit, Whidbey Island		4,500
Air Reserve:		
McChord Air Force Base:		
Reserve forces aeromedical evacuation training facility	1,630	
McChord Air Force Base		1,630
Washington		102,800
West Virginia:		
Navy:		
Naval Security Group Detachment Sugar Grove:		
Communications center	7,400	
Naval Security Group Detachment Sugar Grove		7,400
Army National Guard:		
Beckley:		
Organizational maintenance shop	381	
Beckley		381
Camp Dawson:		
Special forces training building	695	
Camp Dawson		695
Army National Guard		1,076
Army Reserve:		
Grafton:		
Army Reserve Center, maintenance shop	1,636	
Grafton		1,636
Navy and Marine Corps Reserve:		
Reserve Center, Wheeling	[5] (2,900)	
West Virginia		10,112
Wisconsin:		
Army Reserve:		
Appleton:		
Addition to Army Reserve Center, maintenance shop	1,115	
Appleton		1,115
Air National Guard:		
General Mitchell Field:		
Power check pad with suppressor	475	
General Mitchell Field		475
Wisconsin		1,590
CONUS Unspecified:		
Navy:		
Unspecified locations:		
General reduction for inflation (I/S U.S.)	−24,310	
Reduction for projects to be funded with savings	−70,900	
Reduction for project to be funded with future appropriations	−80,700	
Unspecified locations, Navy		−175,910
Air Force:		
Unspecified locations:		
OTH–B West land acquisition	500	
Peacekeeper access roads	2,000	
Peacekeeper operations/training maintenance facility	46,700	
Support facilities	24,000	
General reduction for inflation	−41,430	
Reduction for projects to be funded with savings	−274,932	
Reduction for project to be funded with future appropriations	−67,300	
Reduction for projects under $1 million—unspecified	−4,760	
Unspecified locations, Air Force		−315,222
ASDA:		
Unspecified locations:		
General reduction for inflation	−5,000	
Unspecified locations, ASDA		−5,000
Army National Guard:		
Unspecified locations:		
General reduction for inflation	−1,766	
Unspecified locations, Army National Guard		−1,766
Army Reserve:		
Unspecified locations:		
General reduction for inflation	−1,000	
Unspecified locations, Army Reserve		−1,000
Air National Guard:		
Unspecified locations:		
General reduction for inflation	−1,000	
Unspecified locations, Air National Guard		−1,000
Air Force Reserve:		
Unspecified locations:		
General reduction for inflation	−1,000	
Unspecified locations, Air Force Reserve		−1,000
CONUS unspecified		−500,898
CONUS Various:		
Army:		
Various, United States:		
Special support	1,300	
General reduction for inflation inside United States	−26,000	
General reduction for projects to be funded with savings	−155,120	
Various, United States		−179,820

PROJECTS AUTHORIZED FOR CONSTRUCTION INSIDE THE UNITED STATES—Continued

[In thousands of dollars]

State/component/installation	Project cost	Total
Totals:		
Army		672,622
Navy		900,256
Air Force		861,234
Defense Agencies		143,070
Inside the United States		2,702,741

[1] Projects to be accomplished with savings.
[2] $17 million to be funded from savings and $64.7 million to be funded from future appropriations.
[3] $4 million to be funded from savings and $16 million to be funded from future appropriations.
[4] $11.7 million to be funded from savings and $66.3 million to be funded from future appropriations.
[5] Extension of prior year authority.

PROJECT LISTING: FISCAL YEAR 1984, MILITARY CONSTRUCTION AUTHORIZATION BILL

PROJECTS AUTHORIZED FOR CONSTRUCTION OUTSIDE THE UNITED STATES

[In thousands of dollars]

Country/component/installation	Project cost	Total
Australia:		
Navy:		
Naval Communication Station, Harold E. Holt:		
Electronics maintenance shop	1,390	
Automotive vehicle maintenance shop	1,630	
Naval Communication Station, Harold E. Holt		3,020
Bermuda:		
Navy:		
Naval Air Station, Bermuda:		
Family services center	810	
Naval Air Station, Bermuda		810
Naval Facility, Bermuda:		
Security improvements	1,110	
Naval Facility, Bermuda		1,110
Navy		1,920
Diego Garcia:		
Navy:		
Naval Support Facility, Diego Garcia:		
Administrative facilities	4,100	
Transmitter building addition	8,220	
Waterfront operations building	800	
Aviation warehouse	3,500	
Boat shop	1,600	
Counseling service center	480	
Public works transportation facilities	6,300	
Unaccompanied enlisted personnel housing	6,800	
Naval Support Facility, Diego Garcia		31,800
Air Force:		
Diego Garcia:		
Upgrade runway	41,300	
Tracking/monitoring station, NAVSTAR operations	2,800	
Space track observation facility (GEODSS)	14,100	
Diego Garcia		58,200
Diego Garcia		90,000
Germany:		
Army:		
Ansbach:		
Consolidate boiler plants	1,100	
Ansbach		1,100
Augsberg:		
Renovate hospital	22,000	
Fire protection systems	2,550	
Augsberg		24,550
Babenhausen:		
Barracks	8,300	
Battalion headquarters	1,800	
Dining facility	3,200	
Utilities	6,800	
Tactical equipment shop	12,900	
Babenhausen		33,000
Bad Toelz:		
Attic insulation	920	
Bad Toelz		920
Bamberg:		
Finance/personnel center	1,800	
Facilities modernization	2,300	
Bamberg		4,100
Baumholder:		
Facilities modernization	5,400	
Baumholder		5,400
Bindlach:		
Facility engineer shop	2,200	
Bindlach		2,200

PROJECTS AUTHORIZED FOR CONSTRUCTION OUTSIDE THE UNITED STATES—Continued

[In thousands of dollars]

Country/component/installation	Project cost	Total
Camp May:		
Tactical equipment shop	500	
Camp May		500
Darmstadt:		
Multipurpose recreation facility	1,150	
Physical fitness training center	1,300	
Facilities modernization	5,700	
Darmstadt		8,150
Ettlingen:		
Tactical equipment shop	2,550	
Ettlingen		2,550
Europe various:		
Storage bunker security	19,000	
Europe various		19,000
Feucht:		
Barracks with dining facility	7,100	
Feucht		7,100
Finthen:		
Barracks	2,370	
Finthen		2,370
Fischbach:		
Skill development center	1,250	
Fischbach		1,250
Friedberg:		
Barracks	2,350	
Tactical equipment shop	3,100	
Barracks	3,250	
Tactical equipment shop	1,700	
Friedberg		10,400
Fuerth:		
Hardstand	340	
Fuerth		340
Fulda:		
Physical fitness training center	2,250	
Facilities modernization	8,700	
Aircraft maintenance facility addition	1,200	
Fulda		12,150
Garmisch:		
Attic insulation	590	
Garmisch		590
Gelnhausen:		
Facilities modernization	10,900	
Consolidate heating plants	970	
Gelnhausen		11,870
Giebelstadt:		
Physical fitness training center	1,550	
Barracks	9,300	
Dining facility	3,000	
Tactical equipment shop	660	
Heating and utilities	2,450	
Giebelstadt		16,960
Goenppingen:		
Physical fitness training center	2,650	
Tactical equipment shop	1,600	
Barracks	3,100	
Goenppingen		7,350
Grafenwoehr:		
Fighting vehicle range modernization	15,000	
Grafenwoehr		15,000
Grossauheim:		
Facilities modernization	9,100	
Grossauheim		9,100
Hanau:		
Parking area	2,400	
Hanau		2,400
Heidelberg:		
Physical fitness training center	2,550	
Heidelberg		2,550
Kaiserslautern:		
Intelligence operations building	380	
Kaiserslautern		380
Karlsruhe:		
Facilities modernization	4,500	
Karlsruhe		4,500
Kirchgoens:		
Automatic temperature controls	760	
Auto self help garage	1,050	
Kirchgoens		1,810
Kitzingen:		
Ammunition storage	2,550	
Physical fitness training center addition	760	
Barracks	6,800	
Tactical equipment shop	2,150	
Kitzingen		12,260
Koeppern:		
Ammunition maintenance facility	9,700	
Koeppern		9,700
Kriegsfeld:		
Ammunition surveillance facility	3,350	
Administration building	750	
Physical fitness training center addition	410	
Kriegsfeld		4,510
Mainz:		
Barracks modernization	6,600	
Tactical equipment shop	13,800	
Mainz		20,400
Mannheim:		
Facilities modernization	7,000	
Mannheim		7,000
Mutlangen:		
Hardstand	410	

PROJECTS AUTHORIZED FOR CONSTRUCTION OUTSIDE THE UNITED STATES—Continued

[In thousands of dollars]

Country/component/installation	Project cost	Total
Mutlangen		410
Rivers Barracks:		
Facilities modernization	4,550	
Rivers Barracks		4,550
Schwabach:		
Dining facility	4,350	
Tactical equipment shop	11,800	
Schwabach		16,150
Schwebisch Gmuend:		
Facilities modernization	4,400	
Schwebish Gmuend		4,400
Schweinfurt:		
Physical fitness training center	2,450	
Schweinfurt		2,450
Seventh Army Training Command:		
Tactical equipment shop	500	
Seventh Army Training Command		500
Stuttgart		
Consolidate heating systems	1,850	
Consolidate heating systems	1,750	
Stuttgard		3,600
Wielerbach:		
Ammunition maintenance facility	6,800	
Wielerbach		6,800
Wertheim:		
Battalion headquarters and classroom	1,750	
Wertheim		1,750
Wildflecken:		
Fighting vehicle range modernization	2,450	
Wildflecken		2,450
Zweibrucken:		
Alter administrative buildings	490	
Zweibrucken		490
Army		305,010
Air Force:		
Hahn Air Base:		
Second echelon medical logistics storage	1,250	
Base supply and equipment warehouse	2,800	
Hahn Air Base		4,050
Ramstein Air Base:		
Alter unaccompanied enlisted personnel housing	2,000	
Satellite communications ground terminal	700	
Passenger terminal headquarters facility	6,300	
Modify aircraft shelters	660	
Add to accounting and finance facility	1,450	
Add to corrosion control facility	1,600	
Base engineer storage facility	270	
Warehouse	4,150	
Add to/alter precision measurement equipment laboratory	370	
Ramstein Air Base		17,500
Rhein-Main Air Base:		
Chemical warfare shelter support	300	
Small arms training facility	870	
Second echelon medical logistics storage facility	700	
Rhein-Main Air Base		1,870
Sembach Air Base:		
Aircraft corrosion control facility	1,350	
Area security lighting	360	
Warehouse	3,300	
Second echelon medical logistics storage	800	
Sembach Air Base		5,810
Bitburg Air Base:		
Second echelon medical logistics storage	1,400	
Security lighting flightline roads	720	
Central heating plant	4,950	
Addition to water plant	810	
Water storage tank	650	
Warehouse	660	
Bitburg Air Base		9,190
Zweibrucken Air Base:		
Avionics facility-chemical warfare protection	1,464	
Zweibrucken Air Base		1,464
Geilenkirchen Air Base:		
Dental clinic	1,450	
Geilenkirchen Air Base		1,450
Various locations—Germany:		
Communications site survivability	4,000	
Pave tiger–11	3,000	
Various locations—Germany		7,000
Air Force		48,334
ASDA:		
Ansbach:		
Elementary school	4,800	
Ansbach		4,800
Spangdahlem Air Base:		
Elementary/high school	6,350	
Spangdahlem Air Base		6,350
Wildflecken:		
Elementary school	5,200	
Wildflecken		5,200
Baumholder:		
Elementary school addition	1,200	
Baumholder		1,200
Giessen:		
High school	6,040	
Giessen		6,040
Darmstadt:		
Elementary school	6,000	
Darmstadt		6,000
ASDA		29,590
Defense Logistics Agency:		
Defense property disposal office, Hanau:		
Covered and open storage	1,300	
Defense property disposal office, Hanau		1,300
Germany		384,234
Greece:		
Army:		
Unaccompanied personnel housing	1,400	
Operating building	370	
Multipurpose recreation facility	480	
Unaccompanied officer housing	600	
Operating building	410	
Multipurpose building	620	
Physical fitness training center	1,000	
Army		4,880
Guam:		
Navy:		
Naval Communications Area Master Station Western Pacific, Guam:		
Telemetry building addition	980	
Naval Communications Area Master Station Western Pacific, Guam		980
Navy		980
Air Force:		
Andersen Air Force Base:		
Alter unaccompanied enlisted personnel housing	8,100	
Upgrade power plant	610	
SRAM offensive avionics support facility	16,000	
Andersen Air Force Base		24,710
Air National Guard:		
Andersen Air Force Base:		
Base engineer maintenance facility	1,960	
Andersen Air Force Base		1,960
Guam		27,650
Guantanamo Bay, Cuba:		
Navy:		
Naval Station, Guantanamo:		
Family services center	730	
Naval Station, Guantanamo		730
NSGD Guantanamo:		
Receiver building addition	1,700	
NSGD Guantanamo		1,700
Guantanamo Bay, Cuba		2,430
Iceland:		
Navy:		
Naval Station, Keflavik:		
GSE facility	1,040	
Maintenance shop addition	1,720	
Utility improvements	2,050	
Avionics shop	2,040	
Naval Station, Keflavik		6,850
Italy:		
Army:		
Camp Darby:		
Care and preservations building	2,350	
Warehouse dehumidification	360	
Camp Darby		2,710
Navy:		
Naval Air Station, Sigonella:		
Air Cargo terminal expansion	1,440	
Avionics shop	7,250	
Public works facilities	980	
PASS office	1,070	
Child care center	1,250	
AFRTS station	1,200	
Fleet mail center	1,530	
Utilities improvements	6,090	
Naval Air Station, Sigonella		20,810
Naval Personnel Support Activity, Naples:		
PASS office	640	
Naval Personnel Support Activity, Naples		640
Naval Support Activity, Naples:		
Unaccompanied enlisted personnel housing and support facilities	2,280	
Calibration laboratory	2,420	
Naval Support Activity, Naples		4,700
Navy		26,150
Air Force:		
Aviano Air Base		
Air photo facility-chemical warfare protection	900	
Base supply warehouse	3,000	
Clinic	6,310	
Central heat/alter structural	880	
Aviano Air Base		11,090
San Vito Air Station:		
Warehouse	660	
Air freight terminal	530	
San Vito Air Station:		1,190
Camp Darby:		
Munitions supervision facility	400	
Camp Darby		400
Comiso:		
GLCM facilities	17,750	
Comiso		17,750
Air Force		30,430
ASDA:		
Vicenza:		
Elementary/high school addition	2,310	
Vicenza		2,310
ASDA		2,310
Italy		61,600
Japan:		
Army:		
Okinawa various:		
Petroleum tank relocation	1,400	
Okinawa various		1,400
Navy:		
Marine Corps Air Station, Iwakuni:		
Aircraft rinse facility	750	
Marine Corps Air Station, Iwakuni		750
Air Force:		
Kadena Air Base:		
Central intermediate repair facility—supply warehouse	3,200	
Alter, mechanical	760	
Squadron flight operations facility	1,700	
Jet fuel storage, JP–7	5,600	
Kadena Air Base		11,260
Misawa Air Base:		
Alterations, mechanical/structural	1,700	
F–16 beddown	17,000	
Misawa Air Base		18,700
Yokota Air Base:		
Petroleum operations facility	950	
Insulation and Upgrade Lighting	300	
Yokota Air Base		1,250
Air Force		31,210
Japan		33,360
Johnston Island:		
DNA:		
DNA Headquarters Field Command:		
Renovate and upgrade buildings	600	
DNA Headquarters Field Command		600
Korea:		
Army:		
Camp Carroll:		
Tactical equipment shop	1,300	
Camp Carroll		1,300
Camp Colbern:		
Unaccompanied personnel housing	2,500	
Communications maintenance facility	200	
Company administration and supply	470	
Camp Colbern		3,170
Camp Edwards:		
General purpose auditorium	500	
Camp Edwards		500
Camp Essayons:		
Tactical equipment shop	1,000	
Company administration and supply	450	
Camp Essayons		1,450
Camp Howze:		
Physical fitness training center	1,950	
Camp Howze		1,950
Camp Humphreys:		
Chapel with community activity center	1,200	
Technical support facility	1,650	
Aircraft shelters	5,000	
Camp Humphreys		7,850
Camp Kittyhawk:		
Tactical equipment shop	610	
Camp Kittyhawk		610
Camp Red Cloud:		
Security lighting	400	
General purpose auditorium	690	
Barracks	1,200	
Warehouse	750	
Physical fitness training center addition	360	
Skill development center	430	
Camp Red Cloud		3,830
Korea various:		
Unaccompanied personnel housing	19,500	
Tactical equipment shop	4,750	
Communications center	2,200	
Korea various		26,450
K–16 Army Airfield:		
Physical fitness training center with pool	1,550	
Barracks with dining facility	3,650	
K–16 Army Airfield		5,200
Location 177:		
Perimeter fence	260	
Location 177		260
Seoul:		
Storage facility	630	

PROJECTS AUTHORIZED FOR CONSTRUCTION OUTSIDE THE UNITED STATES—Continued

[In thousands of dollars]

Country/component/installation	Project cost	Total
Tactical equipment shop	890	
Vehicle parts supply facility	1,100	
Seoul		2,620
Taegu:		
Material management center	3,600	
Taegu		3,600
Yongsan:		
Air condition library	620	
Boiler modifications	430	
Yongsan		1,050
Army		59,840
Navy:		
Commander, U.S. Naval Forces Korea, Detachment, Chinhae:		
Chapel	460	
Commander, U.S. Naval Forces Korea, Detachment, Chinhae		460
Air Force:		
Kunsan Air Base:		
Fire station/weather observation facility	3,000	
Second echelon medical logistics storage	600	
Unaccompanied enlisted personnel housing	18,200	
Unaccompanied officer personnel housing	8,100	
Alter, mechanical/electrical/structural	393	
Weapons maintenance facility	720	
Kunsan Air Base		31,013
Osan Air Base:		
Alterations, mechanical/electrical/structural	1,390	
Aircraft shelters	9,100	
Sound suppressor support	620	
Second echelon medical logistics storage	770	
Supply/equipment warehouse	3,800	
Unaccompanied enlisted personnel housing	11,200	
Additions to/alterations gymnasium	1,550	
Underground fuel storage	7,100	
OSH-fire protection system	610	
Unaccompanied officer personnel housing	5,300	
Publications management center	710	
Osan Air Base		42,150
Taegu Air Base:		
Security police operations facility	490	
Second echelon medical logistics storage	210	
Underground fuel storage	2,050	
Taegu Air Base		2,750
Kwang-Ju Air Base:		
Second echelon medical logistics storage	210	
Kwang-Ju Air Base		210
Saechon Air Base:		
Second echelon medical logistics storage	210	
Saechon Air Base		210
Suwon:		
Second echelon medical logistics storage	400	
Suwon		400
Various locations, Korea:		
Chemical warfare protection facilities	5,900	
Various locations, Korea		5,900
Air Force		82,633
Korea		142,933
Kwajalein:		
Army:		
Kwajalein:		
Multipurpose recreation facility	3,550	
Missile assembly facility	830	
Explosive storage facility	710	
Wastewater treatement facility	530	
Kwajalein		5,620
Morocco:		
Air Force:		
Various locations:		
Variolus support facilities	28,000	
Morocco		28,000
Oman:		
Air Force:		
Various locations, Oman:		
Rapid Deployment Force facilities	28,600	
Various locations, Oman		28,600
Netherlands:		
Air Force:		
Camp New Amsterdam:		
Base administration facility	2,050	
Camp New Amsterdam		2,050
Panama:		
Army:		
Corozal:		
Electrical distribution system	760	
Dining facility modernization	700	
Corozal		1,460
Air Force:		
Howard Air Force Base:		
Radio control system—alter mechanical	613	
Howard Air Force Base		613
Panama		2,073

PROJECTS AUTHORIZED FOR CONSTRUCTION OUTSIDE THE UNITED STATES—Continued

[In thousands of dollars]

Country/component/installation	Project cost	Total
Philippines:		
Navy:		
Naval Station, Subic Bay:		
Unaccompanied enlisted personnel housing modernization	6,140	
Naval Station, Subic Bay		6,140
Air Force:		
Clark Air Base:		
Addition to satellite communication receiver facility	[1] 4,250	
Consolidated support facility	[1] 2,250	
Alter unaccompanied officer personnel housing	[1] 1,450	
Alter electrical/mechanical	[1] 900	
Clark Air Base		8,850
Philippines		14,990
Portugal:		
Air Force:		
Lajes Field:		
Alter unaccompanied enlisted personnel housing	1,400	
Lajes Field		1,400
ASDA:		
Lajes Air Base:		
Elementary/high school addition	4,590	
Lajes Air Base		4,590
Portugal		5,990
Puerto Rico:		
Army:		
Fort Buchanan:		
Electrical distribution system	1,550	
Fort Buchanan		1,550
Navy:		
Naval Station, Roosevelt Roads:		
Family services center	1,300	
Naval Station, Roosevelt Roads		1,300
Atlantic Fleet Weapons Training Facility, Roosevelt Roads:		
Range operation center additions	1,530	
Land acquisition	415	
Atlantic Fleet Weapons Training Facility, Roosevelt Roads		1,945
Navy		3,245
Army National Guard:		
Fort Buchanan:		
U.S. property and fiscal officer	784	
Fort Buchanan		784
Air National Guard:		
San Juan IAP:		
Aircraft arresting system	400	
San Juan IAP		400
Puerto Rico		5,979
Spain:		
Navy:		
Naval Station, Rota:		
Pass office	980	
Unaccompanied enlisted personnel housing	8,270	
Naval Station, Rota		9,250
Naval Oceanography Command Center, Rota:		
Meterological building addition	980	
Naval Oceanography Command Center, Rota		980
Navy		10,230
Air Force:		
Torrejon Air Base:		
Alter unaccompanied enlisted personnel housing	4,000	
High efficiency lighting	430	
Alter central heat plant	1,872	
Torrejon Air Base		6,302
Zaragoza Air Base:		
Sound suppressor support	530	
Zaragoza Air Base		530
Air Force		6,832
ASDA:		
Zaragoza Air Force Base:		
High school addition	680	
Zaragoza Air Force Base		680
Spain		17,742
Turkey:		
Army:		
Turkey:		
Health Clinic	1,300	
Barracks modernization	3,350	
Multipurpose recreation building	300	
Multipurpose recreation building	300	
Turkey		5,250
Army		5,250
Air Force:		
Incirlik Air Base:		
Squadron opns additions-chemical warfare protection	1,100	
Security police operations facility	1,450	

PROJECTS AUTHORIZED FOR CONSTRUCTION OUTSIDE THE UNITED STATES—Continued

[In thousands of dollars]

Country/component/installation	Project cost	Total
Base civil engineer complex	1,300	
Traffic management facility	1,050	
Incirlik Air Base		4,900
Izmir:		
Weatherization/alter electric/solar collectors	310	
Izmir		310
Ankara:		
Housing supply warehouse	1,100	
Alter mechanical system	210	
Ankara		1,310
Various locations—Turkey:		
Air Base upgrade	18,000	
Air Base upgrade	[1] 48,700	
Various locations—Turkey		66,700
Air Force		73,220
ASDA		
Incirlik Air Base		
Elementary/high school addition	5,800	
Incirlik Air Base		5,800
Turkey		84,270
United Kingdom:		
Navy:		
Naval Support Activity, Holy Loch:		
Medical dental clinic	[1] 2,550	
General warehouse	[1] 2,800	
Supply Pier	[1] 2,950	
Family Services Center	[1] 540	
Naval Support Activity, Holy Loch		8,840
Air Force:		
RAF Alconbury:		
Alter mechanical/structural	1,433	
RAF Alconbury		1,433
RAF Bentwaters:		
Alter/new unaccompanied enlisted personnel housing	3,851	
Weatherize/alter electrical	356	
Warehouse	322	
Gymnasium	3,218	
RAF Bentwaters		7,747
RAF Fairford:		
Base operations facility	1,950	
Upgrade base water system	1,755	
RAF Fairford		3,705
Mildenhall Air Base:		
Satellite communication ground terminal	624	
Alter visiting airman quarters	2,291	
Visiting officers quarters	3,023	
Electrical aircraft outlets	585	
Install mechanical controls	215	
Mildenhall Air Base		6,738
RAF Upper Heyford:		
Alter unaccompanied enlisted personnel housing	2,291	
Alter visiting officer quarters	634	
RAF Upper Heyford		2,925
RAF Woodbridge:		
Unaccompanied enlisted personnel housing	2,594	
RAF Woodbridge		2,594
RAF Croughton:		
Add to/alter satellite communication ground terminal	2,145	
Communication site survivability	1,658	
RAF Croughton		3,803
RAF Chicksands:		
Add to/alter operations facility	6,387	
RAF Chicksands		6,387
RAF Greenham Common:		
GLCM facilities	9,436	
RAF Greenham Common		9,436
Air Force		44,768
ASDA:		
Royal Air Force, Wethersfield:		
Elementary/high school addition	2,832	
Royal Air Force, Wethersfield		2,832
Royal Air Force, Lakenheath:		
High school addition	1,120	
Royal Air Force, Lakenheath		1,120
ASDA		3,952
United Kingdom		57,560
Virgin Islands:		
Air National Guard:		
Virgin Islands:		
Communications electronics training Facility	1,400	
Virgin Islands		1,400
Overseas classified:		
Navy:		
Overseas classified:		
Telecommunications center	1,280	
Overseas classified		1,280
Air Force:		
GLCM—third country:		
GLCM facilities	33,670	
GLCM—third country		33,670
GLCM—fourth country:		
GLCM facilities	18,380	
GLCM—fourth country		18,380

PROJECTS AUTHORIZED FOR CONSTRUCTION OUTSIDE THE UNITED STATES—Continued

[In thousands of dollars]

Country/component/installation	Project cost	Total
Air Force		52,050
NSA:		
Classified location:		
Classified project	21,550	
Classified location		21,550
Classified location:		
Classified project	25,200	
Classified location		25,200
NSA		46,750
ASDA:		
Overseas classified:		
Computer facility expansion	10,000	
Overseas classified		10,000
Overseas classified		110,080
Overseas various:		
Army:		
Various locations:		
Inflation reduction—outside United States	−14,000	
Specified minor construction—undistributed reductions	−6,800	
Various locations—Army		−20,800
Navy:		
Various locations:		
Inflation reduction—outside United States	−2,740	
Reduction for project to be accomplished with savings	−10,040	
Navy host nation infrastructure support	2,970	
Various locations—Navy		−9,810
Air Force:		
Various locations:		
Minimum essential facilities	15,500	
Inflation reductions—outside United States	−21,516	
Reduction for project to be funded with savings	−48,700	
Specified minor construction (AF) undistributed reduction	−2,240	
Various locations—Air Force		56,956
ASDA:		
Dependents schools:		
Reduction for inflation	−15,000	
Dependent schools		−15,000
Overseas various		−102,566
Totals:		
Army		367,704
Navy		94,285
Air Force		464,944
Defense agencies		90,572
Specified outside the United States		1,021,265
Worldwide unspecified:		
NATO infrastructure:		
ASDA	150,000	
NATO infrastructure		150,000
Access roads:		
Navy	1,387	
Access roads		1,387
Emergency construction:		
ASDA	16,000	
Emergency construction		16,000
Minor construction—unspecified:		
Army	27,400	
Navy	22,000	
Air Force	19,000	
ASDA	4,000	
Army National Guard	7,600	
Air National Guard	5,500	
Army Reserve	4,600	
Navy Reserve	1,000	
Air Reserve	3,013	
Minor construction—unspecified		94,113
Planning and design:		
Army	188,000	
Navy	115,600	
Air Force	147,000	
ASDA	33,000	
Army National Guard	3,200	
Air National Guard	8,600	
Army Reserve	7,900	
Navy Reserve	2,800	
Air Reserve	3,388	
Planning and design		509,488
Worldwide unspecified		620,998
Worldwide various:		
Navy:		
Various locations:		
Host nation infrastructure support	2,970	
Various locations		[1] 2,970
Totals:		
Army		238,700
Navy		142,787
Air Force		186,501
Defense agencies		203,000
Unspecified worldwide		770,988

FAMILY HOUSING AUTHORIZED WORLDWIDE

[In thousands of dollars]

County/component/installation	Project cost	Total
Army:		
New construction:		
Alaska:		
Fort Greely:		
New construction	5,203	
Fort Greely		5,203
Nome:		
New construction	386	
Nome		386
Bethel:		
New construction	386	
Bethel		386
Kotzebue:		
New construction	386	
Kotzebue		386
Alaska		6,361
Georgia:		
Fort Stewart:		
New construction, Fort Stewart	14,626	
Fort Stewart		14,626
Hawaii:		
Aliamanu Military Reservation:		
New construction	9,900	
Aliamanu Military Reservation		9,900
Louisiana:		
Fort Polk:		
New construction	15,342	
Fort Polk		15,342
Maryland:		
Aberdeen Proving Ground:		
New construction	6,816	
Aberdeen Proving Ground		6,816
Europe:		
Various locations, Europe:		
New construction	40,000	
Various locations		40,000
Germany:		
Wildflecken:		
New construction	12,157	
Wildflecken		12,157
Wuerzburg/Kitzingen:		
New construction	11,140	
Wuerzburg/Kitzingen		11,140
Bayreuth:		
New construction	1,132	
Bayreuth		1,132
Germany		24,429
Italy:		
Livorno—CP Darby:		
New construction	354	
Livorno—CP Darby		354
New construction		117,828
Construction improvements	103,553	103,553
Planning	6,750	6,750
Reduction for projects to be funded with savings	−40,000	−40,000
General reduction for inflation	−15,000	−15,000
Total family housing, Army, construction		173,131
Army:		
Operating expenses:		
Management account	62,195	
Services account	39,930	
Utilities account	306,289	
Furnishings account	97,026	
Miscellaneous account	1,725	
Operating expenses		507,165
Leasing	86,258	86,258
Maintenance of real property	492,067	492,067
Total family housing, Army operations		1,085,490
Interest payments, Capehart and Wherry	2,776	2,776
Mortgage insurance premiums	362	362
Debt interest		3,138
Debt principal		31,700
Grand total family housing, Army		1,293,459
Navy:		
New construction:		
California:		
Marine Corps Base, Camp Pendleton:		
New construction	23,160	
Marine Corps Base, Camp Pendleton		23,160
Marine Corps Air Station, El Toro:		
New construction	11,666	
Marine Corps Air Station, El Toro		11,666
California		34,826
Philippines:		
Navy Public Works Center, Subic Bay:		
New construction	29,300	
Navy Public Works Center, Subic Bay		29,300
New construction		64,126
Construction improvements	13,240	13,240
Planning	7,395	7,395
General reduction for inflation	−9,800	−9,800
Total family housing, Navy construction		74,961

FAMILY HOUSING AUTHORIZED WORLDWIDE—Continued

[In thousands of dollars]

County/component/installation	Project cost	Total
Navy:		
Operating expenses:		
Management accounts	38,327	
Services account	29,992	
Utilities account	161,498	
Furnishing account	16,698	
Miscellaneous account	3	
Operating expenses		246,518
Leasing account	18,212	18,212
Maintenance account	288,652	288,652
General reduction		−5,550
Total family housing, Navy operations		547,832
Interest payments family housing debt	2,832	2,832
Mortgage insurance premiums	679	679
Debt interest		3,511
Debt principal		28,133
Grand total family housing, Navy		654,437
Air Force:		
New construction;		
Montana:		
Forsyth Strategic Training Range Complex:		
New construction (50)	4,000	
Forsyth Strategic Training Range Complex		4,000
Havre AFS:		
New construction (5)	496	
Havre AFS		496
Montana		4,496
Netherlands:		
Camp New Amsterdam:		
New construction (50)	4,898	
Camp New Amsterdam		4,898
Portugal:		
Lajes Air Base:		
New construction (150)	11,812	
Lajes Air Base		11,812
United Kingdom:		
RAF Upper Heyford:		
New construction (300)	33,982	
RAF Upper Heyford		33,982
New construction		55,188
Construction improvements	64,715	64,715
General reduction, inflation	−12,254	−12,254
Planning	5,000	5,000
Total family Housing, Air Force construction		112,649
Operating expenses:		
Management account	24,223	
Services account	24,957	
Utilities account	233,306	
Furnishing account	42,907	
Miscellaneous account	177	
Operating expenses		325,570
Leasing	53,538	53,538
Maintenance of real property	335,738	335,738
Total family housing, Air Force operation and maintenance		714,846
Interest payments, C&W housing	3,373	3,373
Principal payments, C&W housing	51,376	51,376
Mortgage insurance	649	649
Total family housing, Air Force debt		55,398
Total family housing, Air Force—support		770,244
Grand total family housing, Air Force		882,893
DMA:		
Operating expenses:		
Services account	3	
Utilities account	15	
Furnishing account	2	
Operating expenses		20
Leasing	6	6
Maintenance of real property	14	14
Total family housing, DMA		40
NSA:		
New construction:		
Overseas classified:		
Classified location:		
Classified project	1,210	
Classified location		1,210
Overseas classified		
New construction		1,210
Operating expenses: Miscellaneous account	545	545
Operating expenses		
Leasing	5,732	5,732
Maintenance of real property	520	520
Total family housing, NSA		8,007
DIA:		
Operating expenses:		
Furnishings	1,731	1,731
Operating expenses		
Leasing	9,493	9,493
Total family housing, DIA		11,224

FAMILY HOUSING AUTHORIZED WORLDWIDE—Continued

[In thousands of dollars]

County/component/installation	Project cost	Total
DLA:		
Construction improvements	35	35
Operating expenses:		
Services account	8	
Utilities account	141	
Furnishing account	15	
Operating expenses		164
Maintenance of real property	274	274
Total family housing, DLA		473
Grand total family housing, defense		19,744

[1] Projects to be accomplished with savings.

MELVIN PRICE,
G. V. MONTGOMERY,
ABRAHAM KAZEN, JR.,
A. B. WON PAT,
WM. L. DICKINSON,
KEN KRAMER,
G. WILLIAM WHITEHURST,
Managers on the Part of the House.

STROM THURMOND,
JOHN W. WARNER,
GORDON J. HUMPHREY,
DAN QUAYLE,
JOHN P. EAST,
HENRY M. JACKSON,
JOHN C. STENNIS,
J. J. EXON,
Managers on the Part of the Senate.

TRIBUTE TO MRS. LEONA CARRICO

(Mr. HUBBARD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HUBBARD. Mr. Speaker, I speak today in tribute to an outstanding teacher and a longtime friend of mine, Mrs. Leona Carrico, who died on August 12 at the age of 53 in Russellville, Ky.

Mrs. Carrico, a native of Marshall County, Ky., was a teacher in the Russellville Independent School System for many years. Leona Mangrum Carrico was an inspiration to her students and to the ministry of her husband, Rev. Joe Carrico, pastor of Russellville's Post Oak Baptist Church. Leona was the epitome of loving kindness and her passing has caused much sorrow, not only to her family, but to every person that she ever came in contact with in her life.

Brother Joe referred to her as "my buddy, my best friend." Leona was a friend to a great many people.

I am personally grieved at her death. It seems that we too often lose at an early age those who have given the most in this world where we have a vast majority of takers. It is not for us to question. For those of us who knew Leona Carrico, we can be thankful to God that our lives were enriched by her steadfastness and her unfailing Christ-like spirit of kindness and helpfulness.

Survivors in addition to her husband are one daughter, Miss Renee Carrico; her mother, Mrs. Elizabeth Mangrum Hendrick of Mayfield, Ky.; one sister, Mrs. Glenda Mathis of Mayfield; four brothers—Dr. Franklin Mangrum of Morehead, Ky.; Louis V. Mangrum, an attorney friend of mine from Mayfield; James Mangrum of Des Plaines, Ill., and Curtis Mangrum of Lombard, Ill. I extend my sympathy to the survivors and friends of this fine Kentuckian who was truly an inspiration to those who knew and loved her.

COAL PIPELINE ACT OF 1983

The SPEAKER pro tempore. Pursuant to House Resolution 309 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 1010.

□ 1610

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 1010) to amend the Mineral Leasing Act of 1920 with respect to the movement of coal, including the movement of coal over public lands, and for other purposes, with Mr. KILDEE (Chairman pro tempore) in the chair.

The Clerk read the title of the bill.

The CHAIRMAN pro tempore. When the Committee of the Whole rose on Thursday, September 15, 1983, the gentleman from Arizona (Mr. UDALL) had 26 minutes of debate remaining; the gentleman from New Mexico (Mr. LUJAN) had 26 minutes of debate remaining; the gentleman from California (Mr. ANDERSON) had 30 minutes of debate remaining; and the gentleman from Pennsylvania (Mr. SHUSTER) had 30 minutes of debate remaining.

The Chair recognizes the gentleman from Arizona (Mr. UDALL).

Mr. UDALL. Mr. Chairman, I yield myself 5 minutes.

Mr. Chairman, one of the most troublesome problems with this coal slurry legislation has been the problem of water rights. Over the last few weeks before we finally disposed of the bill at the committee level, the gentleman from Wyoming and I collaborated on an attempt to draft water rights language that would assure the primacy of State and local water rights.

I would take this time to yield to the gentleman from Wyoming to ask a few questions to clear up this issue once and for all.

Mr. CHENEY. Mr. Chairman, I thank the gentleman for yielding and would like to take the opportunity to enter into a colloquy to discuss the issues.

Mr. Chairman, I wonder if I might inquire, what is the heart of the water issue?

Mr. UDALL. The heart of the issue is that the States are concerned about their ability to control whether or not water leaves the State via a coal pipeline.

When this issue was debated 10 years ago, the States were concerned that, due to the interstate nature of the pipelines, State laws that said no to coal slurry might be invalid. Last year, those fears were realized, when the U.S. Supreme Court, in the Sporhase case, said that water is an article of commerce. The Supreme Court decision means that State statutes that flatly prohibit the export of water are unconstitutional.

Mr. CHENEY. Does that mean, for example, that if a coal pipeline wanted to use water from South Dakota, or from Wyoming, or Michigan, that the State could not say no?

Mr. UDALL. Under existing law as declared by the Supreme Court in Sporhase, the State probably could not prohibit the use of water by a coal pipeline.

Mr. CHENEY. What does H.R. 1010 do to alleviate this problem?

Mr. UDALL. The language in H.R. 1010 gives the States the power to say no to a coal pipeline. It gives the States the power to say, "You can take water but only on these terms." It gives the States the power to impose terms and conditions that would otherwise be considered invalid as a burden on interstate commerce. In effect, this bill makes constitutional State laws that want to limit the right of coal pipelines to use water. The decisions about how State water is to be used are placed squarely on the States by this bill.

Mr. CHENEY. What about States that share interstate sources of water? How are they affected by one State's decision to sell water for a coal slurry pipeline?

Mr. UDALL. Let me say that a State, like South Dakota, that wants to issue a permit for water use by a coal pipeline, can only authorize the use of its share of an interstate body of water. South Dakota cannot sell Missouri's share of the river, nor can it sell the rightful shares of any other State. South Dakota can only sell what it owns. If another State thinks South Dakota has issued a permit for water it does not control, that State can bring legal action to stop South Dakota.

In fact, that is exactly what has happened: Nebraska and Missouri and others have sued South Dakota to enjoin the sale to ETSI. I want to emphasize that disputes over allocations of water have traditionally been resolved in just this manner by the courts. The major part of the body of

law on water rights is case law, especially in the area of interstate water rights disputes.

Mr. CHENEY. What are the people in the downstream States concerned about?

Mr. UDALL. Some downstream States fear—mistakenly, in my judgment—that an upstream State will be able to sell water that belongs to the downstream State. This is flatly wrong. No State can sell what it does not own. Since 1907, the Supreme Court has maintained that all States that share an interstate body of water are entitled to an equitable share of that water.

Mr. CHENEY. Does this bill give those downstream States more cause for concern?

Mr. UDALL. No; to the contrary, the power that this bill gives the States is the power to say no to water for coal slurry. The impact of the delegation in the bill to the States can only be to reduce the amount of water that will be dedicated to coal slurry. That is because States that want to say no, can say no—which they cannot do, I emphasize, right now. The States will be unable to say no without this bill. This applies to all 50 States. And the bill specifically says, on this point, in section 3, page 5:

> Nothing in this Act or any amendment made by this Act shall alter the rights of any State to its apportioned share of the waters of any body of surface or ground water, whether determined by past or future interstate compacts, or by past or future legislative or judicial allocation.

We do not change the shares the States have. We give them the power to say no as to slurry use of what they are each entitled to.

Let me ask the gentleman from Wyoming a couple questions, so we can nail this down as closely as we can.

My first question would be, are water compacts not a good idea?

Mr. CHENEY. Interstate water compacts are one means of resolving interstate water disputes. The other traditional means of resolving such disputes are Supreme Court decrees and congressional allocation.

Supreme Court decrees enforce the long-established doctrine of equitable allocation. Under that doctrine, the Supreme Court guarantees States which share an interstate stream an equitable share of the water of that stream.

In congressional allocation, under certain circumstances Congress can divide the waters of an interstate stream among States legislatively.

The CHAIRMAN pro tempore. The time of the gentleman from Arizona has expired.

Mr. CHENEY. Mr. Chairman, I would ask the gentleman from New Mexico for 2 minutes.

Mr. LUJAN. Mr. Chairman, I yield the gentleman 2 minutes.

Mr. CHENEY. So there are three different ways of resolving interstate water disputes. All three have been used in different circumstances. The key point is that Congress has always let the States decide what means they wanted to use to resolve their disputes.

Mr. UDALL. Let me ask the gentleman from Wyoming then, why are not proposals for mandatory compacts a good idea?

Mr. CHENEY. First, you have already pointed out that the fear that some States will misappropriate the water of other States is essentially groundless. Under existing law, all States have protected rights in interstate streams—and the legislation reaffirms this.

Second, such a mandate would represent a radical, unprecedented Federal intrusion into State water decisions. Traditionally, compacts are voluntary agreements among compacting States. Congress should not require the States to enter into compacts to resolve allocations if the States desire to resolve the issue by other means.

Third, mandatory compacts, or sister State vetoes, come to the same thing in the end. They mean that one State can veto interstate water transfers of someone else's water for an indefinite period of time. By refusing to participate in compact negotiations, a single State will be able to paralyze the water resources planning and development of every State in the basin or watershed. Such a notion flies in the face of the great body of water law and is abhorrent to the interests of State control of water law.

Mr. UDALL. Would the gentleman enlarge upon his statement that mandatory compacts stop sound planning and development of water.

Mr. CHENEY. Yes; in essence, such proposals all have the same basic flaw. They make it impossible for any State to know what its resources are, thus making sound planning for, and use of, scarce resources impossible.

There is no sound reason to force such a requirement on the States.

There is no reason New York should be able to tell Michigan what to do with its industrial water. Nor should South Dakota be able to tell Missouri what to do with its agricultural water.

Yet these are exactly the types of controls which can logically be asked for next if mandatory compact proposals are successful here. I want to emphasize to the gentlemen the fact that such proposals are completely inconsistent with the entire traditional structure of American water law in both the Eastern and Western United States.

PARLIAMENTARY INQUIRY

Mr. SHUSTER. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN pro tempore. The gentleman will state it.

Mr. SHUSTER. Mr. Chairman, my parliamentary inquiry has to do with procedure. I would direct it to the Chair and to the distinguished gentleman from Arizona.

It was our understanding that the gentleman from Arizona would allocate 22 of his minutes to those in opposition to this legislation, and it is my understanding there are several Members on the gentleman's side of the aisle who have attempted to get time.

Mr. UDALL. Mr. Chairman, will the gentleman yield?

Mr. SHUSTER. Yes; I yield to the gentleman from Arizona.

Mr. UDALL. Mr. Chairman, I said to the gentleman in the Rules Committee in a solemn pledge that 22 minutes of our 45 will go to Members who are in opposition to the legislation. That promise will be kept. We only have 21 minutes remaining now. I control 21, but the gentleman must bear in mind that several Members against the bill were yielded time by me in our last session.

Mr. SHUSTER. I understand there was one Member who was yielded 3 minutes, the gentleman from Minnesota (Mr. VENTO).

□ 1620

Mr. UDALL. He will get more if he wants to.

Mr. SHUSTER. Does that mean there are 19 minutes left on your side to yield to those in opposition to the bill?

Mr. UDALL. Let me look at my account and I will get back to you in a minute.

Mr. SHUSTER. I understand there are several Members on your side who tried to get time and have not been able to do so.

Mr. UDALL. We will see they get the time.

The CHAIRMAN pro tempore. The Chair recognizes the gentleman from New Mexico (Mr. LUJAN).

Mr. LUJAN. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, we heard some interesting arguments by opponents of H.R. 3857, the coal slurry pipeline bill, during the opening debate on the legislation last Thursday afternoon.

As I listened to opponents of the bill, and then pondered over this past weekend what was really taking place, I became concerned about where this great country of ours is heading.

I am concerned that too many of us are determined to restrain competition in this country.

In my opening statement on this bill last week, I read the letter written by then Governor of New York, Martin Van Buren, to then President Andrew Jackson, in January 1829.

As those of you who have seen the letter recall—and the letter has been documented by the Library of Con-

gress as being accurate—the New York Governor was concerned about what the new mode of transportation, "railroads" was going to do to the canal system of this country.

The same arguments that Martin Van Buren was using against the railroads are being used today by the opponents of coal slurry pipelines.

Here are some of the similarities:

Serious unemployment would result if the railroads were allowed to compete with the canal boats.

The canal system was vital to the security of our country, so they should be protected against the "evils" of railroads.

There was also environmental and safety concerns about railroads in 1829, because, according to Van Buren, and I quote:

> Railroad carriages are pulled at the enormous speed of 15 miles per hour by "engines" which, in addition to endangering life and limb of passengers, roar and snort their way through the countryside, setting fire to crops, scaring the livestock and frightening women and children.

Thank goodness, the leaders of our country had the vision and foresight in the early 1800's not to listen to the naysayers and the doomsayers, who were opposed to the technological advantages provided by the railroads.

Fortunately, commonsense prevailed in that day and our Government not only encouraged the railroads, but gave them vast acreages of land in the West, and if you will, the right of eminent domain to cross Federal and private lands.

I think it would be not only tragic, but a terrible injustice, if now—150 years later—we let the might and political power of the railroads stand in the way of another technological advancement.

It would be especially tragic, because coal slurry pipelines do not provide the threat to the rail industry, like that industry did to the canal system in the 1800's. If all the coal slurry pipelines now being proposed were built, they could handle only a very small percentage of our estimated increased coal production that is anticipated over the next 20 years.

We all know that America became great—and has remained great—because of our free enterprise system and because of technological innovations.

In the case of coal slurry pipelines, this not only an American technology—which, by the way is being utilized by both the Russians and Chinese, but not by us—but it is a new mode of transportation that has earned it the right to compete in our private enterprise system.

Like everyone in this body, I have responded to political pressures and realities. I come from a city that got its start as a railroad town—Albuquerque, N. Mex.—and the railroad still contributes greatly to the New Mexico economy.

But, we cannot stand in the way of progress, and we cannot block a vital new technology, solely because it may impact on another industry.

It is time for us to be looking to the 21st century—not looking back to the 19th century. We must have the foresight to give new technologies a chance.

In the case of coal slurry pipelines, this represents a new technology whose time has come. We must pass H.R. 3857 the Coal Pipeline Act of 1983.

Mr. HUCKABY. Mr. Chairman, will the gentleman yield?

Mr. LUJAN. I yield to the gentleman from Louisiana.

Mr. HUCKABY. Mr. Chairman, I would like to commend the gentleman for his excellent statement bringing this before Congress. It is time to look to the future.

Mr. Chairman, on August 2, 1983, I placed a statement in the CONGRESSIONAL RECORD dealing with the issue of coal slurry pipelines and their competitive impact on the railroads. My remarks were in answer to claims made by Mr. FLORIO of New Jersey in a July 29, 1983, RECORD statement that, in underbidding the ETSI pipeline project and signing a long-term coal transportation agreement with the Arkansas Power & Light Co. (AP&L), the railroads had proven that coal slurry pipelines cannot compete in the marketplace. The basis of Mr. FLORIO's statement was a July 23, 1983 article from the Washington Post headlined "Two Railroads Outbid Pipeline Consortium for Coal Shipment." My response to Mr. FLORIO's contention was to insert in the RECORD the text of a July 25, 1983, press release from Mr. Floyd Lewis, chairman and president of Mid-South Utilities, Inc.—the holding company for AP&L—in which Mr. Lewis indeed cited the proposed ETSI pipeline as a significant factor in making the railroads more willing to negotiate in good faith and enter into a favorable long-term coal transportation agreement, thereby benefiting AP&L's consumers.

Mr. SHUSTER of Pennsylvania has now dredged up the same newspaper article and on September 13, 1983, included it in the RECORD. Mirroring Mr. FLORIO, Mr. SHUSTER claims again that the AP&L contract with the railroads is proof positive that coal pipelines cannot provide cheaper coal transportation or help reduce costs to consumers. I wish my friends who support the railroads in their desperate efforts to defeat H.R. 1010 would come up with a new script. They continue to grasp at straws such as the Washington Post article while the vast majority of newspapers in the country editorialize in support of coal pipeline legislation.

In response to Mr. SHUSTER's September 13, 1983, RECORD statement, I would like to make my colleagues aware of a recent exchange of letters between Senator BENNETT JOHNSTON of Louisiana and Mid-South's Floyd Lewis, in which the AP&L contract with the Chicago & Northwestern Railroad (C&NW) is discussed. In the Lewis letter, I ask you to note the references to competition. What is more, particular attention should be paid to the unwillingness of the railroads to let Mid-South/AP&L disclose any particulars of their contract because these matters are deemed by the railroads to be commercially sensitive. In the September 15, 1983, floor debate on H.R. 1010, Mr. SHUSTER stated that the ETSI pipeline bid for the AP&L coal transportation contract was third in the bidding behind those submitted by the competing railroads. I do not know if this is in fact the case; it might very well be. Mr. Lewis, however, could not disclose any such information to Senator JOHNSTON because of the stringent confidentiality provisions imposed on AP&L by the terms of their contract with C&NW. Mr. SHUSTER, on the other hand, apparently has a direct pipeline to the railroads and is free to discuss the contract openly and as it serves his purpose. In any case, Mr. Lewis clearly states in the letter below that the railroads competed with one another to bring AP&L's coal from Wyoming to Kansas City. From Kansas City to Arkansas, however, Lewis notes—and underlined it to emphasize the point—"the pipeline alternative provided the only competition to the delivering carrier from that point to the powerplants."

Without doubt, the most telling point in Mr. Lewis' letter is made when he states—

> It must be recognized that the terms and conditions of the AP&L contracts are not representative of what any given shipper can expect to negotiate, especially if he has no alternative; rather they represent what competition, particularly intermodal competition, may produce. Without pipeline competition the railroads have no incentive to negotiate a competitive contract and the utilities are stuck with the Interstate Commerce Commission tariffs.

As my colleagues read these letters I wish they would also keep in mind that under the provisions of H.R. 1010, all tariffs for coal pipelines will be openly filed with the ICC. Railroads do not have to withstand such public scrutiny.

The exchange of letters between Senator JOHNSTON and Mr. Lewis follows:

U.S. SENATE,
Washington, D.C., August 3, 1983.

Mr. FLOYD W. LEWIS,
Chairman/President, Middle South Utilities, Inc., New Orleans, La.

DEAR FLOYD: Thank you for your letter of the 25th in which you discussed Arkansas Power & Light's coal haulage contract with

the Chicago and Northwestern Railroad. I understand your need to secure the cheapest form of transportation for your customers, and I am pleased that the prospective competition from the ETSI pipeline played a role in reducing the transportation rates of the Chicago and Northwestern.

As you know, I continue to support the development of coal pipelines, and expect that my legislation to facilitate such development will be considered by the full Senate this fall. In order to fend off arguments which opponents of this legislation might make I would appreciate it if you could answer the following questions with regard to the AP&L contract:

(1) Do these contracts provide for the transportation of minimum volumes of coal annually?

(2) Do these contracts provide that, if less than the minimum volume of coal is transported, the rate paid for the remaining coal transportation shall increase? Is there some similar provision that assures the railroad a certain minimum level of revenues?

(3) Do the contracts provide the utilities the right to renegotiate the contract if a cheaper form of transportation becomes available during the life-time of the contract?

(4) Are these contracts subject to prorationing? That is, can the contracted volumes of coal to be transported be reduced if later coal haulage demands of the railroad cannot be accommodated without such reductions?

(5) If the Chicago and Northwestern Railroad line is not developed from the Powder River Basin, must the utility still make payments to the railroad?

(6) If the Chicago and Northwestern Railroad line into the Powder River Basin cannot be built at the cost anticipated by the railroad, must the utility cover these increased costs either through a direct payment to the railroad or through increased rates under the terms of the contract?

(7) Does the law require that the ICC review and approve these contracts? Does the law require that the terms of the contracts are to be made public?

I believe this information will prove most useful during consideration of S. 267, and I look forward to hearing from you.

With kindest personal regards, I am

Sincerely,

J. BENNETT JOHNSTON,
U.S. Senator.

MIDDLE SOUTH UTILITIES, INC.
New Orleans, La., August 25, 1983.

Hon. J. BENNETT JOHNSTON,
U.S. Senate, Hart Senate Office Building, Washington, D.C. 20510

DEAR BENNETT: This is in response to your letter of August 3, 1983, regarding the recently contracted transportation arrangements for Arkansas Power & Light Company's coal movement to its generating plants in Arkansas.

I believe you assessed the situation accurately when you noted that the presence of a proposal from a credible slurry pipeline alternative enhanced the competitive bidding environment for this transportation. While there was additional competition between two originating rail carriers for the movement as far as Kansas City, the pipeline alternative provided the only competition to the delivering carrier form that point to the power plants.

As I have previously indicated, the Middle South System still supports the slurry pipeline concept. I want to thank you again for your continuing support for the development of coal pipelines and ask that you continue your support for the pending legislation which, hopefully, the Senate can favorably consider this fall. In my opinion, successful enactment of this legislation into law is necessary for consumers of electricity throughout the country to have the benefits of competitive pricing for transportation of coal.

In addition, your letter asked several specific questions regarding our recently signed transportation contracts. As you probably can appreciate, the railroads have insisted on stringent contract confidentiality provisions which would prevent the release of any "commercially sensitive" matters without the prior written consent of all parties to the contract. The railroads have indicated that they deem a response to your first two questions having to do with whether or not the contracts provide for minimum volume and asking if there exists some provision similar to "take-or-pay" that would assure a minimum level of revenues, to be "commercially sensitive" matters and, accordingly, the railroads refused permission for us to be responsive. Responses to the remaining five questions are detailed on the attachment hereto.

Bennett, I would point out that even if we were free to answer the first two questions, we do not believe the responses as to these specific contracts would be useful in furthering the cause of slurry pipeline eminent domain.

Perhaps, in the particular area of "take-or-pay", a somewhat different approach may be more appropriate and productive. It must be recognized that the terms and conditions of the AP&L contracts are not representative of what any given shipper can expect to negotiate, especially if he has no alternative; rather they represent what competition, particularly intermodal competition, may produce. Without pipeline competition the railroads have no incentive to negotiate a competitive contract and the utilities are stuck with the Interstate Commerce Commission tariffs. In evaluating any "take-or-pay" provisions that slurry pipelines might require, we must compare them to the published tariffs which can, particularly if present ICC philosophies prevail, only be expected to grow more onerous—both in terms of obligations on the shippers and cost to the electric consumers.

The captive utility coal shipper, absent real alternatives, cannot force the railroads to negotiate a favorable contract. Indeed, in all the prior years we have dealt with the Burlington Northern and Missouri Pacific, we could not bring them to the negotiating table with any meaningful proposals as long as they felt we had no alternatives. As a matter of fact, they have in the course of "negotiations" exhibited little reluctance to assess what we felt to be arbitrary increases whenever they considered they had the freedom to do so with impunity. For instance, the distance to the second AP&L plant which started up four years after the first one is some 7.5 percent shorter than to the first, yet when the railroads filed the tariff for this plant, they placed it at the same price as the tariff for the first plant, which we were already protesting before the ICC as being too high. Thus, the expected economies of scale of a shorter route and a doubling of the tariff tonnage moving over most of the route were denied to AP&L.

The published railroad tariffs under which the great majority of captive coal moves do have strict minimum volumes, and in a number of these, there are several tariffs in which the lower volumes have higher prices. Virtually, in all of them there is a provision for what is called a "fall-back" rate. This rate is usually on the order of 150 percent of the base rate and the shipper, if he ships reduced amounts, would pay the lesser of the cost of shipping the entire tariff specified volume at the tariff rates (even though he did not ship that much) or pay the "fall-back" rate for the tons he did ship. In any event, the results are the same; the railroads have established a minimum level of revenues under the existing tariffs which, as I stated before, are usually the only choice captive shippers have.

A typical tariff imposes performance obligations in the form of "take-or-pay" requirements on the shipper, but carries no reciprocal obligations of performance by the railroad.

Possibly, Bennett, there are other areas where we might be of assistance in helping you to continue your pursuit of the slurry pipeline eminent domain legislation in order that this mode of transportation can present itself as a credible competitor. If you wish, Mr. George E. White, Jr. can arrange for some of our personnel, who have been intimately involved in the railroad and pipeline situation over the years, to meet with you or your staff at your convenience. If you feel this would be desirable, just let us know.

Again, I wish to thank you for your support on this important legislation.

Very truly yours,

FLOYD.

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3. The contracts do not provide the utilities the right to renegotiate the contract if a cheaper form of transportation becomes available during the base period of the contract, nor is the railroad afforded any renegotiation rights.

4. These contracts are not subject to prorationing.

5. If the Chicago and North Western Railroad line is not developed from the Powder River Basin, the utility has no obligation to make any payments to the railroad.

6. If the Chicago and North Western Railroad line into the Powder River Basin cannot be built at the cost anticipated by the railroad, the utility has no obligation to cover any increased cost through either a direct payment to the railroad or increased rates under the terms of the contract.

7. The law does require that the ICC review and approve these contracts. It is our understanding from the railroad that these contracts were filed with ICC on July 22, 1983. It is, further, our understanding of the law that ICC is required to retain the terms of the contracts confidentially.

Mr. LAGOMARSINO. Mr. Chairman, will the gentleman yield?

Mr. LUJAN. I yield to the gentleman from California.

Mr. LAGOMARSINO. Mr. Chairman, I rise in strong support of H.R. 1010, the Coal Pipeline Act of 1983.

The energy crises of the past should have taught us that the increased use of coal as a source of energy is crucial toward developing a stable and rational energy policy for our Nation. Coal is our most abundant fossil fuel and currently generates over 50 percent of the electricity produced in the United States. However, if we are to increase

our utilization of this important energy source in order to decrease our reliance on unstable foreign oil sources and continue to meet the growing energy demands of our Nation, coal transportation must become more economically feasible. The development of coal pipelines would certainly stimulate production and use of coal and allow the United States an expanding role in the international coal market.

Furthermore, as we are well aware, our country was founded on, and continues to operate under a free enterprise system with competition as the key element in that system. H.R. 1010 will provide much needed competition for the transportation of coal by means of slurry pipelines which, due to market forces, will ultimately result in lower electric rates for consumers. Since a practical alternative to the railroad transportation of coal has never been developed, the railroads have long dominated the coal transportation market which has stifled incentives to lower coal transportation rates, and in fact, served to escalate rail freight rates for coal by 58 percent between November 1978 and November 1982.

Mr. Chairman, for quite some time we have heard cries of outrage from our colleagues, as well as our constituents, over perpetual raises in utility rates. H.R. 1010 will effectively assist in our efforts to curb these devastating increases by insuring reasonable electric rates for U.S. consumers.

In addition to the benefits I have already mentioned, H.R. 1010 would provide thousands of jobs for construction workers who would be employed to build the pipelines. During this time of high unemployment we should promote responsible privately financed projects which will put many of the unemployed back to work.

Congress has debated the coal slurry issue for many years, and finally, I believe, the major areas of concern, primarily water usage, water rights, and eminent domain, have been satisfactorily addressed after thorough examination by the committees. Coal slurry technology demonstrates that the pipelines will use comparatively little water and will not waste nor pollute the water. In addition, technology is currently being developed which will pipe coal as a slurry in liquid CO_2, virtually eliminating the use of water. Liquid CO_2 slurry pipelines will further reduce the cost of transporting coal and lessen the adverse environmental impacts of coal transportation. State water rights are protected in the bill which specifically delegates authority to the States to regulate the use of water by coal pipelines. The authority to exercise the power of eminent domain in obtaining rights of way would be limited by the bill.

For several years, the Black Mesa slurry pipeline, which generates electricity to meet the needs of over 1 million people in Nevada, Arizona, and my home State of California, has served as an example of the economical feasibility of coal pipelines. For over 13 years, the Black Mesa pipeline has proven to be an economically more attractive option than railroad transportation. According to the Southern California Edison Co., which manages the generating station for coal supplied by the Black Mesa pipeline, coal slurry pipelines are 25 to 30 percent variable cost intensive, compared to 75 to 85 percent for railroads.

Mr. Chairman, I believe this is an idea whose time has come. We must not stifle new, innovative technology which will benefit our Nation as a whole. The time has come for the development of a more economical method of transporting American coal. It is definitely in the national interest and in the interest of consumers that this legislation to facilitate and stimulate the development of interstate coal pipelines be enacted at this time. It is time that our Nation, its consumers and the coal industry be allowed to reap the numerous benefits of coal slurry pipelines. Thus, I urge all of my colleagues to support and vote for this vital energy bill.

Mr. SHUSTER. Mr. Chairman, will the gentleman yield?

Mr. LUJAN. I yield to the gentleman from Pennsylvania.

Mr. SHUSTER. I would simply ask the gentleman what happened to the canal system.

Mr. ROEMER. Mr. Chairman, will the gentleman yield?

Mr. LUJAN. I yield to the gentleman from Louisiana.

Mr. ROEMER. I thank my colleague, the gentleman from Mexico, for yielding.

Mr. Chairman, I would like to join with him in his remarks.

Mr. ANDERSON. Mr. Chairman, I yield 5 minutes to the gentleman from Louisiana (Mr. BREAUX).

Mr. BREAUX. Mr. Chairman, there was a great ad on television not too many years ago. It said something like this: "Railroads, who needs them, you do."

I agreed with that ad at that time and I agree with it today. It is even more true if you happen to be in the business of trying to ship coal because basically today in most areas you need the railroads because you do not have anybody else to ship the coal at a reasonable price.

Twenty years ago President Jack Kennedy said that Congress ought to try and consider establishing or let be established another system, a competitive system, for shipping coal in this country. That was over 20 years ago. We find ourselves here in 1983 still trying to address legislation which is designed to allow another means of competition to come into being which will allow for the cheaper shipment of coal in this country.

We have made decisions in this Congress which say very clearly that we are going to be moving toward a coal using society. It has been said that we are the Saudi Arabia of coal and have over a 200-year adequate supply of coal. But what we do not have is a real competitive system in this country for delivering that coal.

So, while coal is cheaper in most areas, we find that utility companies are having to pay outrageously high prices and charging those prices to their consumers because of the fact that they are having to pay such a high price to ship it. I say that they do that because there is not real competition within the system.

Now, there have been a number of arguments over the years that have been raised as to why we should not have those coal slurry pipelines constructed. One argument in the past has been, well, it is going to take the water from the States. We have very clearly said that there is no eminent domain authority to take water in this legislation. In fact, it does just the contrary. It says that States cannot have their water taken for the use of eminent domain. It allows States to enter into interstate compacts with other States and to say, "We are not going to sell our water for coal slurry pipelines or for any other reason." We are required to recognize now those interstate compacts. And in fact that adds to the rights of the States to control their own water rights.

There was raised, I think the last time we debated this bill, the question of "Suppose I am in an adjacent State to another State who wants to sell water to this line and that they are going to take my water without my State's permission."

We in no way in this legislation affect the doctrine of the Supreme Court that has been around since 1907 which deals with the equitable allocation of water rights. Whatever rights an adjacent State has now they would have after this legislation has been adopted.

I think that adjacent States rights are protected. I think it is certainly true that they do not have any danger of having their water taken by the doctrine of eminent domain authority. I think that is absolutely very, very clear. Some have said, well, these coal slurry lines are going to be able to enter into take-or-pay contracts, they are going to have to pay for their coal even though it is not being shipped. That is really interesting. We looked at a number of railroad contracts. About three-fourths of the railroad contracts that we looked at that provide for the shipping of coal all have a

form of take-or-pay contracts that require the coal shippers to pay for the coal even though maybe it is not being shipped.

I think that this particular legislation provides very adequate protection because coal slurry pipelines are going to have to have their contracts looked at by State public utility commissions, they are going to have it looked at by the U.S. Attorney General. And at any one of those stages, if they find what is being done is noncompetitive or out of line, then the contract can be modified.

It is interesting along that line that the National Association of Regulatory Utility Commissioners has testified before our committees in strong support of this provision and feel that they are more than adequately protected in this area.

So, I think that what this legislation does, and we have done this so many times, but only to be stopped at the last minute by those who would not like to see competition in the area of shipping coal, we insure them that what the legislation does is provide a balanced approach, it takes into consideration the legitimate concerns of the States with regard to water rights.

There are more than ample environmental protections. We have seen clearly that the National Environmental Protection Act covers the way water is handled, both at the beginning of the line and when the water is being discharged. All of the provisions of environmental protection continue to apply. And I think that there is more than adequate protection in that area.

I would just conclude with the statement that what we are trying to do is not to run the railroads out of business. Studies have clearly indicated there is going to be more business for everybody involved.

It is interesting to note also that one of the only operating coal slurry lines in the world is in fact owned by a railroad. I think that tells us where we are.

Mr. ANDERSON. Mr. Chairman, I yield 5 minutes to the gentleman from Arizona (Mr. McNULTY).

Mr. McNULTY. Mr. Chairman, much has been made of the issue of taking or paying. That phrase captured public attention when the Nation found itself in a position of a serious oil shortage in 1973-74. That panic induced the signing of contracts that would in the absence of that panic never otherwise have been signed. Ever since then there has been a popular political theory that if we identify take or pay, we have identified the devil in our midst and have slain the otherwise adverse results we might expect from that devil.

The truth of course is that most of the people who get coal of any quantity or any description from railroads do so under contracts.

I thought perhaps some of you would be interested in this official tariff of the Atchison, Topeka & Santa Fe Railroad, ICC Form 4027A, which says among other things:

Volume requirement. One million tons received during the 12-month period commencing with the date of written notification to the Santa Fe and Southern Pacific and thereafter successive 12-month periods. Before the beginning of the service an indemnity bond shall be furnished and it must be in an amount sufficient to cover the difference between the amount of the freight charges that would have been collected in accordance with paragraph C and the amount that would accrue in the event the consignee failed to meet the volume requirements.

□ 1630

What is the difference between that and take or pay language?

I submit to you there is none at all.

If you are a captive shipper, as is the Arizona Electric Power Cooperative in Cochise, Ariz., you will find when you do a comparison of western unit train coal movements that of the 10 on this sheet in my hand, 7 of them pay 16 to 19 mills per ton per mile, and that is the only valid yardstick: how much per ton per mile does it cost to ship coal.

Out of these 10, 7, as I say, pay between 16 and 19 mills per ton per mile. But there is one here called Arizona Electric Power Co-op. I cannot get the coal from Gallup, N. Mex., any way but by train. And what does it pay in mills per ton per mile? The answer is 27.95, almost 3 cents per ton, double nearly some of the other figures.

What else have you had an experience with? My answer is if you were the Arizona Elecric Power Cooperative you would have had 24 rate increases between January 1, 1978, and January 1, 1983. This document is available for inspection by anyone who is interested.

So the point of these remarks today is that notwithstanding the clear ignorance of Mr. Taylor from the Interstate Commerce Commission, there has been a large number of contracts with provisions that are, in the carrier business, the equivalent of take or pay, and that is one of the very powerful reasons that this bill should be approved and that the railroads should suffer competition like any other American enterprise.

I yield back the balance of my time to my chairman.

Mr. LUJAN. Mr. Chairman, I yield 2 minutes to the gentleman from Arizona (Mr. RUDD).

Mr. RUDD. Mr. Chairman, I represent a district which includes all of the interests at stake here—including the only operating coal slurry pipeline. I rise in oppositon to the measure before us, H.R. 1010, the coal pipeline act.

The single most important resource to my arid State and of the Nation is water: without this resource, Arizona, indeed, much of the western region, cannot sustain its growth; nor can it survive, in addition to human consumption, we need water for municipal requirements; we need water for irrigation of a farm-livestock sector that would not exist without the billions of dollars of dams, and reservoirs, and canals that have been built and continue to be built; we need it for power.

We also have rail transportation in Arizona, particularly in the rural areas. The only currently operating coal slurry pipeline—Black Mesa—also is located in the Fourth Congressional District, in northeastern Arizona. But the key issue is water.

Much of the discussion of this legislation, which would grant the special privilege of eminent domain—guaranteed access to our public and private lands—to private pipeline operators, has revolved around the issue of State's water rights and allocations under existing law. I cannot agree to this.

Unfortunately, water is not a plentiful resource and many States are not yet equipped to deal with the extraordinary grant of water regulation to be delegated under this proposal. The latter is true because water is not always under the exclusive control of one particular State: It is often a shared right that is not altogether determined by existing agreements. This bill purports to preserve a particular State's water rights, but what protection is there for the export of water also of interest to downstream users? Legitimate questions have been raised as to whether this bill will defend State water laws only to foster a new round of court disputes between neighboring States competing for the same water supply.

The primacy of State water law becomes a secondary problem to our Nation, however, if one views this debate with the serious and unresolved water issues at hand. This legislation proposes to facilitate the transfer of massive quantities of water, which does not heed State borders as the bill presumes. Coal pipelines require about 1 ton of water for every 1 ton of coal that is transported. A ton of water is about 240 gallons.

The argument has been repeated that this is not an unreasonable quantity of water. An estimate of the total water consumed by all of the nine planned pipelines would amount to about 136,000 acre-feet annually. This is more than Phoenix, ninth largest city in the United States allocation from the cap. It has been said that this quantity of water is a small price to pay for a new mode of coal trans-

portation. I do not agree. Water is the West's, indeed, the Nation's most valuable resource and must be preserved for the people.

If our Nation's water future was as bright as our projected coal output, then this exchange would be to our benefit. But many of our Nation's largest farm groups do not see it that way. To them, the prospect for water is already dim, and long-term water management should not be set aside for what may be perceived as a short-term gain for pipeline interests. Ranchers and farmers have no alternative to water. Without it, they cannot survive. This year's drought, for instance, has not yet been fully felt by consumers, but no one doubts its inevitable impact upon food prices and market conditions.

Coal slurry proponents maintain that water used in this process will be suitable for other purposes. Except for recycling this water for a return pipe, which would involve great expense, or use in an electric-generating station's cooling system, this water is lost.

It makes no sense to me to divert an already scarce natural resource to slurry coal when other means of transporting coal are available. It makes little sense to explain to farmers or manufacturers why their most precious resources is to be diverted to a less arid part of the Nation for this purpose.

The loss of valuable water, already in great demand and without replacement, will certainly lead to higher costs to users. They have no alternative source unlike coal producers. Moreover, grain transportation costs will increase as railroads lose revenues to pipelines.

The expansion of coal as a primary energy source for our Nation is without question a critical objective as we seek energy independence. Delivery of this valuable resource by rail undoubtedly will continue, whatever the outcome of this legislation. But let us not lose sight of the critical water issues at stake with this pending bill. The granting of eminent domain to coal slurry opens the floodgates for an equally precious resource. Just as Congress needs to exercise foresight when it comes to extracting our energy needs, it is equally imperative that we place weight on our water needs. For too long water management has been without a coherent State-Federal policy.

This legislation promises further discontinuity among the States and regions which are entangled by natural water supplies. It empowers an awesome Federal right of eminent domain to a comparatively narrow interest, while alternative transportation by rail is available and expandable, when needed.

Congress has been understandably reluctant to grant this privilege in past sessions. I urge my colleagues to examine the evidence, which I believe to be insufficient, and then vote against adoption of H.R. 1010.

Mr. SHUSTER. Mr. Chairman, I yield myself 10 minutes.

Mr. FLORIO. Mr. Chairman, will the gentleman yield?

Mr. SHUSTER. I yield to the gentleman from New Jersey.

Mr. FLORIO. Mr. Chairman, I must rise in strong opposition to H.R. 1010, the coal supply pipeline legislation.

I believe there are a number of sound reasons for opposing this legislation.

First, I am greatly concerned with the problem of take-or-pay contracts and how coal slurry pipeline construction could adversely affect utility rates.

Coal slurry pipelines are enormously expensive to build. For example, it is estimated that the ETSI pipeline would cost at least $3.5 billion. I am particularly concerned about how a slurry pipeline company would finance that huge cost.

It is generally recognized that a slurry pipeline company would need to enter into long-term coal delivery contracts with utilities in advance of construction. These contracts would need to provide a slurry pipeline an adequate volume of business and adequate revenues—to guarantee the pipeline's viability. These contracts would then be used as a form of collateral to receive financing.

To insure the pipeline of adequate revenues, the contract would need to be a take-or-pay contract. That is, the pipeline company would need to be guaranteed revenue from its utility customers regardless of whether the utility actually received coal from the pipeline. Thus, if the pipeline and utility entered into a 30-year take-or-pay contract, and 10 years into the contract the utility found a cheaper source of coal or some other form of energy, the utility would either have to take the pipeline's coal or, in any event, pay for it. Of course, it would not be the utility that pays—it will be the utility's hard-pressed ratepayers.

These will be the same types of contracts that have been subject to abuse in the natural gas area. And if this legislation is passed and coal slurry pipelines are built, electricity consumers will be subject to the same sort of exorbitant rate increases that gas consumers have been subject to.

I am also concerned with the wisdom of using scarce capital for constructing what is basically a duplicative transportation system. Revitalizing our industrial base will require much capital investment. We cannot afford to squander our limited capital in this manner.

As chairman of the Subcommittee on Commerce, Transportation, and Tourism, I am also worried about the effect of this legislation on the railroad industry. Railroads have a common carrier obligation for all commodities while coal slurry pipelines will carry only one commodity.

Furthermore, railroads are an energy efficient form of transportation. The Congressional Budget Office has determined that railroad unit trains are more energy efficient than coal slurry pipelines.

As a result of this legislation, many railroad jobs could be lost. As it is, because of the recession, railroad employment has already gone down 25 percent in the last year and a half. We should not make a bad situation worse.

In addition, because of this further decline in employment, the railroad retirement system could be adversely affected. One million retirees depend on this system for their livelihood. I do not think we should jeopardize their lievelihood by passing this legislation, particularly after all the effort we have just gone through to save the system from drastic benefit cuts.

This legislation also raises serious environmental concerns. For example, it is unclear what the effect of slurry effluent will be on ground water supplies.

In addition, I know there are serious concerns regarding the effects of this legislation on agriculture and State water rights.

For all these reasons, I urge a "no" vote on this legislation.

Mr. SHUSTER. Mr. Chairman, I certainly do not question the sincerity of those who are attempting to have this legislation pass, but I would suggest it is my considered judgment that in my decade in the Congress, this is the worst special-interest legislation that has ever come before this body. It is anticompetitive. It is antienvironmental. It is anti-States rights. It is anti-agriculture. It is antitransportation and it is antilabor.

There are 16 different reasons any one of which by itself is justification for voting down this legislation.

But before I turn to some or all of those reasons I would like to deal briefly with the debate which has taken place on this floor last Thursday and today.

First of all we were told by the distinguished gentleman from Arizona (Mr. UDALL) that in this country today and particularly in Florida we are faced with a situation where we are buying Polish coal. I believe he suggested that somehow this was caused as a result of the exorbitant transportation rates of the railroads on coal into Florida.

I think the record should be set straight, Mr. Chairman. The only purchase of coal by Tampa Electric in Florida from Poland was a single purchase about 3 years ago, and the main reason that Poland was able to deliver

the coal so cheaply was, first of all, because of the near slave labor in Poland; second, because in Poland the Government subsidizes their exports; and, third, and very significantly, with regard to the particular coal we are talking about, it was because Poland already had ships on their way over to Tampa to pick up valuable cargoes of phosphate which could only be purchased out of the Tampa Bay area.

So the reason for Polish coal was unique and indeed, I would go on to say that the gentleman from Arizona suggested in the RECORD that this was "a long-term contract" with Poland.

The information I have is that is not the case at all. It was only a 1980 purchase. Zero tons were purchased in 1981. Zero tons were purchased in 1982. Zero tons have been purchased in 1983.

So I simply do not concede the point the gentleman was making.

Beyond that, the gentleman suggested in the RECORD that the Japanese have signed a contract in Texas with one of the major utilities there to deliver coal and "what is going wrong?"

Mr. Chairman, Japan is a net importer of coal. Last year the Japanese only produced 19 million tons of coal. They imported 76 million tons. They exported zero tons.

So I do not know where the distinguished gentleman, for whom I have the greatest regard, is getting his statistics. But it seems to me that they do not fit with the facts that have been spread upon the RECORD.

Now, turning further, Mr. Chairman, we were told in the debate last Thursday by my good friend from New Mexico (Mr. LUJAN) that coal slurry pipelines are being built in the Soviet Union and in Red China. We checked on this. There are no coal slurry pipelines being built in the Soviet Union or Red China. There are no coal slurry pipelines in the process of being constructed or in operation.

There was a Journal of Commerce blurb that said they were thinking about maybe building a coal slurry pipeline in the Soviet Union. But I suggest that it is far from standing here and waving the flag of patriotism and saying we cannot let the Soviets and the Red Chinese get ahead of us. They simply are not in this business today.

Further, we have been told time and time again: Let there be competition. Many of the speakers last Thursday and my good friend from Louisiana (Mr. BREAUX), for whom I have the greatest regard, took this floor and talked about those terrible coal rates by those terrible railroads, those big, bad railroads, and the exorbitant rates they charge on coal.

What are the facts? In 1982 the railroads earned a return on equity of 5.6 percent which placed them ninth from the bottom of 43 major industries in America.

By the way, the giant electric and gas utilities who are trying to destroy competition in this industry and support their own slurry pipelines—in large measure they will own the coal and the pipeline—and so have vertical integration, and move in the direction of monopolies, those wonderful, civic-minded electric and gas utilities realized a return on equity of 14 percent, almost three times what these big, bad railroads received.

□ 1640

Beyond that we should not have the short memory to forget that the railroad industry in America has been on the ropes. In fact, many of the railroad lines have been near bankrupt. Particularly those of us in the East and the Midwest know all too well of the eight bankrupt railroads and the fact that they were not realizing an adequate return on their investment; they were not getting an adequate price.

If you look at the various railroads even today, even in a recession climate, nevertheless, a situation has developed where they have improved their return on investment. A 5.6-percent return on investment is woefully inadequate.

I think it is also important to recognize when we talk about these big, bad railroads and their supposed gouging of coal rates, that the average coal rate in America has never been half as much as the average rate on all other commodities.

In 1982, just last year, it was 44 percent, the average rate on all other commodities hauled by the railroads.

Further, coal rates have not increased as rapidly as the price of coal itself. If you look at the history of the increases in coal rates, going way back to the 1930's and 1940's, coal prices increased 42 percent, the rail rates zero; up through the 1950's coal prices increased 125 percent, the rail rates 42 percent; and up to 1961 coal prices decreased by 7 percent and the rail rates increased by 8 percent, the only exception to the trend; from 1961 to 1971 coal prices increased 54 percent, rail rates increased only 9 percent; from 1971 to 1981 coal prices increased 272 percent, rail rates 200 percent; and in the past 6 months virtually zero.

Now, I grant you there may be isolated cases where railroads have exercised monopolistic power to gouge. That is what the Interstate Commerce Commission exists for to prevent. This is the job of the Interstate Commerce Commission and, indeed, if it is not doing its job then we should get the Interstate Commerce Commission to do its job.

We should not try to prepetuate these arbitrary and capricious low returns of investment on a rail industry which has been on the ropes and which is vital to this country.

Turning in the few minutes I have left to at least some of the 16 reasons why this special interest legislation should be rejected, first of all it is antitransportation.

I have the privilege to serve as the ranking member of the Subcommittee on Surface Transportation and have had the privilege to serve as chairman of the National Transportation Policy Commission, a bipartisan congressional group created by this Congress.

One of the things which seemed so very important and very clear as we look at transportation policy in America is that transportation modes have or should have a common carrier obligation.

Certainly virtually every other mode does have a common carrier obligation.

One of the reasons for voting against this legislation is that it fails in this test. Under common law, common carriers of a particular kind of goods have the duty to receive a transport all such goods tendered to the limit of their capacity. And if they cannot carry them all, then they have a duty to prorate that which they can carry among all those coming to them.

Coal slurry pipelines do not fit this requirement. Coal slurry pipelines are not common carriers under this legislation. Therefore they should not be given this extraordinary special benefit, the powerful Federal right of eminent domain.

But beyond that reason, Mr. Chairman, this legislation should not be passed because if it is passed there will be a lack of effective rate regulation on coal slurry pipelines.

This is anticompetitive legislation because it destroys the ability to effectively regulate rates.

I thank the Chairman and in our amendments I shall deal with the other reasons why this legislation should be defeated.

Mr. UDALL. Mr. Chairman, I yield 2 minutes to the gentleman from West Virginia (Mr. STAGGERS).

Mr. STAGGERS. Mr. Chairman, I request unanimous consent to revise and extend my remarks. I rise in opposition to the Coal Pipeline Act. As many of you in this Chamber know, West Virginia continues to lead the Nation in percentage of workers without jobs. Tens of thousands of coal miners head up the State's unemployment roll. Many of them out of work for months, others of them count their time waiting for the callback to the mines in years. But these harvesters of our Nation's most abundant energy resource are not out of work due to the absence of coal slurry pipelines linking the coalfields of Fayette and Monongalia Counties to eastern ports. Coal miners, in my district, are

not off the job because a pipeline is nonexistent between Randolph County and Florida utilities. These coal miners are unemployed solely due to current market conditions. The demand for coal to fuel our Nation's electric plants is deeply depressed. West Virginia's rich metallurgical coal remains in the ground because steel mills have no use for it. And our coal export trade that flourished a few years back flounders in the face of inadequate demand.

Coal slurry pipelines will not change these economic realities; nor will the passage of this measure before us insure employment in the coalfields of West Virginia or other coal-producing States across America. A vote for the Coal Pipeline Act is a vote to take away some 71,000 permanent jobs—an estimated 41,000 in our Nation's rail industry alone. A vote for the Coal Pipeline Act will negatively impact on the railroad retirement system, telling thousands of railroad retirees they do not matter.

In voting against this Coal Pipeline Act we will say that employment for Americans is our primary concern. As 93,000 permanent jobs will open up in our Nation's railroad and manufacturing industries as rail coal traffic increases.

A vote against this measure, before us, acknowledges the contribution made by our railroad retirees and our dedication to insuring their well-being; while at the same time we will protect the legacy left by them—a national transportation system second to none.

For 20 years, Congress has been debating the benefits of coal slurry pipeline legislation. As was true in 1963 is as true today, there exist no concrete evidence that the granting of Federal eminent domain rights to a handful of pipeline investors will significantly benefit our Nation's coal industry. Moreover, it will definitely undermine our existing transportation system; placing in jeopardy this vital national security network.

We will be in serious error if we ignore the broad coalition led by consumers, farmers, labor and environmentalist in opposition to this measure. Their concerns are legitimate concerns and they should be our concerns as well.

Mr. LUJAN. Mr. Chairman, I yield 3 minutes to the gentleman from Idaho (Mr. CRAIG).

Mr. CRAIG. Mr. Chairman, when H.R. 1010, the Coal Transportation Act of 1983, was before us in the Committee on Interior and Insular Affairs, we argued about water.

It then moved over for consideration by my colleagues who serve on the Committee on Public Works and Transportation.

They argued about water.

Today, it is on the floor of the House of Representatives, and we are going to talk about water some more, because no one has solved the fundamental problem in this bill.

Congress can write a million words about the protection of States rights, but that does not take away from the fact that H.R. 1010 is the biggest public works authorization in the history of the world.

Moses did not try to move this much water around.

And I would be willing to bet that he had more water to play with and for fewer people competing for the benefits of its use.

We spend billions of dollars in this country to impound enough water to call it a lake. From that impoundment, technology assists us in harnessing the benefits of that water in increasingly sophisticated, but benign, ways. We have utilized rivers and reservoirs to turn water wheels and turbines. We have used water's heat-sink properties to cool nuclear facilities. We have used its expansion properties to harness the strength of steam. These impoundments provide water for irrigation, water for recreation, water for communities' industry and safe drinking supplies, and water for wildlife and fisheries habitat. And as these benefits are extracted in one community, we have returned the water to the cycle to be used again and again as it moves downstream.

The use of water in a coal slurry pipeline system is a radical departure from the cycling of water as a renewable resource. The technology of this energy transportation system requires that we withdraw massive amounts of water from a river basin or underground aquifer and transport that water to the source of the coal—in many cases, a distance of many hundreds of miles.

It is then slurried with ground coal. Chemists warn us that this process increases the acidity of the water and introduces heavy metals, chlorinated hydrocarbons, and other hazardous materials.

In this condition, slurried with the coal, the water then moves several to many hundreds of miles to the terminal customers of the coal slurry system.

So what we have is a lot of dirty water transported miles away from its river basin, and in most cases the coal slurry customers receiving this water are in the Southern and Eastern States where fairly abundant water supplies already exist. The newly arrived water supply from the semiarid coalfields of the United States is not needed, nor does it arrive in any condition to be safely used.

Congress tries in its collective wisdom to determine priorities for best and highest uses of scarce resources. In the case of H.R. 1010, Congress is endorsing a last and final use of a scarce resource which violates the high priority we have established for agricultural production, community drinking water, hydropower, wildlife, and all the other productive reuses of water as it flows along a multistate basin.

I am not suggesting that Congress bar the use of water for coal slurry pipelines. I am simply suggesting that in the minds of many, this is a wasteful and dangerous priority to establish as a Federal goal for the use of water. It should be a decision guided solely by State and local authorities who share in the benefits of a water source and are prepared to determine the extent to which the community can afford to have any portion diverted outside their basin or aquifer.

I would suggest to the sponsors of this bill that you trust no heavenly signs that your language protects the Nation's water resources. It has not rained in the Midwest for a long time.

□ 1650

Mr. ANDERSON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I have been listening as some of our colleagues have been discussing the current financial well-being of our railroads, and their prospects for the future, given enactment of the legislation that is before us today. And let me say that I am convinced that we must have a railroad system that is economically viable. But somewhere along the line, it seems to me that all of the facts are not getting out.

Let us talk about coal production. According to the Department of Energy, there were 829 million tons of coal produced in this country in 1980. Estimates for 1995 have had this level going up to 1.5 billion tons. A more recent national energy transportation study conducted by the Department shows that between 1.184 billion and 1.345 billion tons will be produced each year by 1990. Why, even the Republican Study Committee has concluded that production would hit 1.2 billion tons annually by 1995.

The most conservative estimates for coal production indicate that we will see a 370 million ton annual increase over 1982 production. Even under the unlikely prospect that all proposed U.S. coal pipelines could be built and operating at 100 percent of their capacity by 1995, they would be carrying only 176 million tons by that date, less than one-half the additional amounts of coal that conservative estimates indicate will be produced at that time.

The 1980 national energy transportation study found that only three or four pipelines were likely to be built, and would carry only 9 percent of the amount of coal that will be produced in 1990 over and above the levels being conducted currently.

This means that, contrary to the notion that they might be hauling less coal given this legislation, railroads will be getting 91 percent of all additional coal produced in this country, plus those amounts they are carrying now. How can anyone think this will be anything but a profitable era for the railroads.

And, of course, the gentleman from Pennsylvania commented on the railroad's reported current return on investment of 5.6 percent. I would suggest to the gentleman that, though I cannot confirm that figure, I can point out that since the Staggers Rail Act of 1980, the three leading coal originating railroads, despite their revenue inadequacy and their continued employee layoffs, have found the money to make major corporate acquisitions. On June 7, the CSX Corp. announced an agreement to purchase Texas Gas Resources Corp., a major interstate natural gas company, for $1 billion. In early 1982, after Norfolk & Western and the Southern Railroad combined, the new entity, Norfolk Western purchased 20.2 percent of the stock in Piedmont Airlines for $57 million. And in January 1983, Burlington Northern, Inc., purchased the El Paso Co., a major interstate natural gas company, for $700 million.

Mr. Chairman, a small handful of railroads have a virtual monopoly position regarding coal haulage. The true issue before the Congress on the coal slurry question is whether these railroads will be allowed to maintain that position free of competition. The acquisitions indicate that these railroads are very profitable and that they are using their new profits to buy other companies rather than to rebuild their lines. This indicates they can withstand competition from coal pipelines and survive.

The railroads must be profitable today if they are going out and buying these companies, and with projections for massive increases in coal production in the future, up to levels far beyond that which slurry pipelines can carry, it is certain that they will continue to be profitable.

Mr. SHUSTER. Mr. Chairman, will the gentleman yield?

Mr. ANDERSON. I yield to the gentleman from Pennsylvania.

Mr. SHUSTER. I thank the gentleman for yielding.

If these railroads the gentleman cites are disinvesting and putting their money in other industries, and if they have such a low return on their investment of 5.6 percent, is this not an indication that the railroad industry is sick rather than well and needs to make more profits, not less profits?

Mr. ANDERSON. I did not say they were disinvesting. I said they were acquiring additional companies in addition to what they have. And I pointed out that two are interstate natural gas companies and that one is an airline. I pointed out that even by the Republican Study Committee estimates, down the road all the coal that is being hauled by the railroads—is going to be hauled plus an additional 370 million tons by 1995.

Mr. SHUSTER. If I might ask the gentleman just one more question.

Mr. LUJAN. Mr. Chairman, will the gentleman yield?

Mr. ANDERSON. I yield to the gentleman from New Mexico.

Mr. LUJAN. I thank the gentleman for yielding.

If I might answer the gentleman from Pennsylvania, it just occurred to me that if they really want to make money they can go into the coal slurry pipeline business.

Mr. SHUSTER. I say to the gentleman that may well happen and it would not be good for America. It might be good for the railroads, but not for America.

If the gentleman will yield for just one more question.

If, indeed, the gentleman's point that there is not going to be any diversion away from railroad traffic and railroad employment and railroad tonnage, then why has the gentleman's side refused to support a labor protection amendment? Why has the gentleman opposed it as a killed amendment if indeed there is not going to be any adverse impact upon labor?

Mr. ANDERSON. I would assume that with the tremendous growth of railroad carriage of coal, as I have indicated, there is going to be a large number of people hired.

Mr. SHUSTER. Then would the gentleman reconsider his position and support labor protection, since it is not going to hurt anyway?

Mr. ANDERSON. It would surely look as though there is not going to be any problem, since as I indicated, there is going to be such tremendous increases in the amounts of coal hauled by the railroads.

Mr. SHUSTER. Would the gentleman support a labor protection amendment then?

Mr. ANDERSON. It may come up later this week.

Mr. UDALL. Mr. Chairman, will the gentleman yield?

Mr. ANDERSON. I yield to the gentleman from Arizona.

Mr. UDALL. I thank the gentleman for yielding.

It depends on the kind of railway labor protection the gentleman is talking about. In our committee and let me be specific, we labeled it a killer amendment. In this country we believe in competition and the efficient guy makes a profit and the inefficient guy goes broke.

What this amendment said was we were going to have a contest on hauling coal between trains and between coal slurry pipelines and if it turns out that the coal slurry pipeline is the way to go and can make a profit and the railroad suffers, then the winner in this competition has got to pay into the railroad retirement fund enough money to take care of retirement for people who would be affected by this.

We never had anything like this in this country.

Mr. SHUSTER. I thank the gentleman for clarifying his antilabor position.

Mr. Chairman, I yield 3 minutes to the gentlewoman from Nebraska (Mrs. SMITH).

Mrs. SMITH of Nebraska. Mr. Chairman, I speak in opposition to the bill, H.R. 3857, granting Federal eminent-domain authority to coal slurry pipelines. This bill benefits one private industry group while inflicting great harm to individual landowners' and States' rights, to scarce water resources in the arid Midwestern States, and to the continued viability of our railroads.

This bill preempts States eminent-domain laws that are tailored to reflect that State's judgment on property rights and land use. It runs roughshod over any State's decision that coal slurry pipelines are not of sufficient benefit to its citizens or its economy to warrant being granted the extraordinary authority of eminent domain. The Nebraska State Legislature has repeatedly voted down bills granting State eminent-domain authority to coal slurry pipelines.

The bill purports to maintain State control over property rights by providing that State law shall govern the matter of compensation and siting of the pipeline. In fact, the bill gives States very little leeway on where the pipeline will be built, allowing only minor deviations from the proposed route. To quote from the committee report:

> It is not the intention of the Committee to permit pipelines to be rerouted merely because they might cause normally expected disruption in local hydrology or remove certain agricultural land from production or limit its productivity.

The use of scarce water resources to transport coal through a pipeline is the most serious threat posed by this bill. In Nebraska, adequate water supplies are critical to the productivity and viability of farms and ranches. Nebraska is in the process of developing a water policy to better manage and conserve our scarce water resources in the face of declining ground water tables. At a time when we are trying to conserve our water for agricultural and hydroelectric uses, it makes no sense to export this water from our area to transport coal to the States.

We must also recognize that surface and ground water resources are shared by several States. The State of Nebraska, along with Missouri and Iowa,

have brought suit against the South Dakota sale of water from its Oahe Reservoir, to the ETSI coal slurry pipeline. The Oahe unit is a reservoir on the main stem of the Missouri River. The sale of water from the Oahe unit has serious consequences for Nebraska communities who depend upon the river. The complaint sets forth the the many uses of the Missouri River, and I quote:

That water is used to irrigate farmer's fields, and thus increase agricultural production. Ground water levels and associated wells are recharged by the Missouri's flows. The river provides barge transportation to move heavy commodities. It generates electricity in hydroelectric dams. It supports fish and wildlife habitats, provides for maintenance of the natural riverine system, and provides extensive recreation.

These disputes are best left to the States to resolve, under existing judicial doctrines of shared water use among equal and sovereign States. This bill, H.R. 3857, has the potential to do serious damage to that process. I say the damage is potential because it is unclear how an express delegation to the States of Congress power to regulate interstate commerce, over the use and acquisition of the water within their boundaries, will affect interstate compacts or judicial doctrines on shared water use or sale. Both the interstate compacts and judicial doctrines presume equal and sovereign States. Is the equal status of the States upset by the congressional delegation of power provided in this bill?

The proponents of granting Federal eminent-domain authority to coal-slurry pipelines have not shown that these pipelines will be operating in the public interest. They will not be operating as common carriers, as railroads do. Are all businesses in the private sector to be granted eminent-domain authority? Or just those having problems acquiring the property they want?

And finally, we cannot overlook or brush aside the harm this may do to the railroad industry. Coal-slurry pipelines will skim off the profitable coal traffic, while railroads as common carriers, transport the less profitable commodities. In Nebraska where our economy is mostly agricultural, railroads are an important industry. Railroads pay considerable taxes and provide employment for many people. Coal hauling is a major revenue source for railroads. Even if you hate railroads, any legislation that would threaten their economic serviceability by depriving them of their livelihood is at least questionable national policy and, at most, might well be inimical to the national interest.

Mr. Chairman, I urge that this well-intentioned but unwise legislation be rejected by the House and by the Congress.

□ 1700

Mr. SHUSTER. Mr. Chairman, I yield 7 minutes to the distinguished gentleman from New York (Mr. MOLINARI).

Mr. MOLINARI. Mr. Chairman, I rise in strong opposition to this (coal slurry pipeline) legislation. My opposition is based on two major problems in this bill. First, the unprecedented nature of the Federal eminent domain power this legislation permits and, second, the serious environmental problems that this legislation fails to address and, in fact, encourages.

In the early part of this debate, this bill was described as enormously complex. It is more than that—it is also a dangerous precedent. Other Members have gotten up on the floor and said there is nothing unique about this legislation. It has been granted to railroads, to oil companies, and for natural gas pipelines. But let us not pass these statements by too quickly. The fact is, never before in the history of this country have we granted such vast and far-reaching powers of eminent domain and condemnation. We would be gravely wrong to do so now.

In the case of railroads, the Federal right of eminent domain was granted since there were no States established at the time, and the railroads could not appeal to States for the right in question. Railroads no longer have the Federal right of eminent domain and must proceed on a State-by-State basis.

Natural gas pipelines have the right of Federal eminent domain for one simple reason: It is the only adequate mode of transportation for natural gas. We know this is not true for coal.

With respect to oil pipelines, the grant of Federal eminent domain was an emergency measure during World War II and was limited to several years in scope. The law specifically set an expiration date for the use of this power.

I ask my colleagues to consider the effect this legislation will have on our constitutents. For it is the average homeowner, farmer, and landowner who will be paying the real price of this granting of eminent domain—and they will be paying dearly. Think of it—with a stroke of a pen, the title to your home or your farm is taken away from you. The battle then begins to try and secure just compensation, and that usually takes a number of years.

Condemnation is the greatest power we can give, and it must be granted under the most cautious and limited circumstances. The right to own and enjoy property is something that we prize very dearly in our country.

As a real estate lawyer practicing for approximately 30 years, I have witnessed some of the most shocking and sickening examples of abuses that are brought about by condemnation. Yes, it can be said that the fifth amendment to the Constitution says, "Nor shall private property be taken for public use, without just compensation." But there have been many cases in my own limited experience where the compensation has been far from just.

Passage of this legislation would create an open season. The powers that would be granted are so broad that there is an invitation to abuse. A false impression has been created that the coal slurry pipelines would only traverse railroad rights-of-way. There is no limitation in this bill on the installation of these pipelines except for some protections for some Federal lands, recreational, historic and wilderness areas. Where is the protection for the many thousands of homeowners, landowners, and farmers whose lives and livelihood will be disrupted from one end of this country to the other? Have you ever witnessed the trauma of somebody who receives a notice that their home or farm is being taken from them in a condemnation proceeding? Well, I have—too many times.

The fifth amendment to the Constitution states that private property can only be taken when a public use is involved. This bill states that the construction of coal slurry pipelines is a public use, in our national interest, and therefore, the granting of Federal eminent domain powers is warranted. But is this what our Founding Fathers meant when they used the term, public use? Did they envision the unlimited and broad implications and ambiguities that are contained in this legislation? I think not. In my judgment, they intended it to be used very sparingly and only in cases of emergency or where there is no other alternative.

If this bill were to become a precedent, we could justify virtually any form or condemnation by reading into legislation some public benefit or national interest that would flow from prospective condemnation. We are stretching the term public use much too far in this legislation. A coal slurry company could run a pipeline to an export facility in a coastal city without any of the coal being used in this country at all. In fact, three of the presently proposed pipelines will be used solely for coal exporting.

I would just like to spend a brief minute on the environmental risks that would be created by this legislation. There are two major hazards of slurry pipelines from an operational standpoint: plugging and breakage. Pipeline failures are not unique events. They occur now all too frequently. Friction and abrasion are inherent in pipeline movement. Coal slurry pipelines are not like oil pipelines which are segmented and can be shut off. The slurry must be flushed

out through the breakage and dumped into a holding pond. We know that some of these pipelines will be traversing very environmentally sensitive areas. We do not know where the breaks or spillage will occur, but we do know that they will occur. Obviously, every area adjacent to a coal slurry pipeline will be subject to risk, and some environmentally sensitive areas could be irreversibly damaged by such an event.

My colleagues from urban areas should not think that these pipelines will not go near their districts. I had a coal slurry pipeline proposed for my own district in New York City. The potential for public safety and environmental catastrophies from a pipeline in such a densely populated area was enormous.

This bill is carefully and deliberately worded so that environmental concerns carry very little weight in the certification process. Specific time limits are put on each phase of the certification process so that those making the decisions will be forced to act in many cases without adequate information on the specific pipeline in question. This is a very deliberate move on the part of the coal slurry companies since they know that the more time anyone has to look at the real implications of these pipelines, the less the chance they have of being certified.

This bill provides that there will be no Federal standards regarding design, installation, construction, initial inspection, and initial testing for a pipeline which has had a final environmental impact statement prepared. I am sure if this bill passes, we will see a flurry of environmental impact statements being prepared so that the statements are in place before any regulations are issued.

In short, my colleagues, by voting for this bill, you are giving the coal slurry companies the power to take land from your constituents and putting in a coal slurry pipeline. And you, even as a Member of Congress, will have little power to insure that the public health and safety of your constituents is even considered when the pipeline is constructed and in operation.

I urge you to vote against this dangerous, precedent-setting legislation. While it benefits a few companies, it does so at the expense of your constituents.

Mr. LUJAN. Mr. Chairman, I yield 2 minutes to the gentleman from Arizona (Mr. McCAIN).

□ 1710

Mr. McCAIN. I thank the gentleman for yielding this time to me.

Mr. Chairman, in reply to the gentleman from New York, I was certainly happy to hear that we might have the capability of exporting coal, since our balance of trade is such that it would make the export of one of our greatest resources attractive to many of us.

I just want to mention eminent domain. The railroads could not have been built without granting eminent domain and I think it is only fair that these coal slurry pipelines be given the same privilege.

As far as competition and rates are concerned, the gentleman from Pennsylvania said, I believe, overall rates were raised 5 percent. Testimony before the Interior Committee is that coal freight rates increased 58 percent between November 1978 and November 1982, and I would hope we could clear that up.

Mr. SHUSTER. Mr. Chairman, will the gentleman yield, since he used my name?

Mr. McCAIN. I yield to the gentleman from Pennsylvania.

Mr. SHUSTER. I thank the gentleman for yielding.

Mr. Chairman, I said that the return on investment was 5.6 percent. I did not say that the increase was in rates.

Mr. McCAIN. I see.

Mr. SHUSTER. I said that the increase in rates was less than the increase in actual coal costs.

Mr. McCAIN. I thank the gentleman from Pennsylvania. Then it is accurate that coal and freight rates increased 58 percent between November of 1978 and November of 1982.

As far as competition is concerned, I believe that ample evidence is provided by the gentleman from Texas, from San Antonio, who told about a $25 million investment that was required to be made by the city of San Antonio in order to get coal from Wyoming, and another $5 million investment in maintenance.

Finally, I would like to mention what is most crucial to the State of Arizona and, of course, that is water. I do not believe that the gentleman from Arizona (Mr. UDALL) would support legislation which would in any way jeopardize the water of the State of Arizona, since it is our most precious asset.

I believe this measure will improve our country's energy picture, international trade position, and employment scene. At the same time, it has been carefully designed to protect our State's precious water rights.

Our Nation depends heavily on coal for its electrical supply. With the demand for electricity steadily on the rise, we must use increasing amounts of coal if we are to reduce our dangerous dependence on imported oil. However, far too many of the major coal users have become captive customers of the railroads.

Nearly two-thirds of the coal shipped in the United States goes by rail. Of this, 85 percent has no alternative means of transportation; in other words, it is captive. Rail freight rates for coal increased 58 percent between November 1978 and November 1982. Testimony before the Interior Committee revealed that transportation costs for utilities can be as high as 50 percent of the cost of coal.

Without effective competition, the high cost of moving coal by rail will surely inhibit increased usage of coal. I see coal slurry pipelines as a necessary and economical alternative which will provide competition and supplement the transportation of coal by rail. With the ability to bargain for lower transportation costs, a coal-fired utility will be able to lower its costs, thereby providing cheaper electricity to its customers.

Lower transportation costs will also allow our country to remain a major coal exporter. Although we have massive coal reserves, idle capacity, and a reliable supplier reputation, coal importing nations are increasingly turning to other countries because excessive transportation costs are pricing our coal out of the market.

U.S. coal exports have fallen around 33 percent in the last 3 years. We cannot afford further losses in the exporting area. Indeed, our potential customers overseas have urged us to deal with our high transportation costs, and our competitors in the world coal market are considering coal pipelines to facilitate the movement of their coal to market. If we have any desire to remain in the coal exporting business, approval of this legislation is a must.

Let me also briefly discuss the impact this legislation will have on jobs. A central argument against this bill is the potential loss of railroad jobs. This argument, which has its basis in protecting the status quo against technological innovation could have been advanced by Pony Express riders and stage coach hands against the railroads. The acceptance of this argument is one reason our country is experiencing economic problems today. However, I do not believe we will lose the number of jobs claimed by the opponents of this legislation. There is evidence that by 1990 the amount of coal on the market will have increased to the point where the slurry pipelines effect on railroad traffic will not be noticeable. In addition, it is estimated that nearly 150,000 direct and indirect jobs will be created in the construction, manufacturing, and mining fields. This bill will create jobs through the private sector without Federal subsidies or loan gurantees.

This brings us back to what I believe is the only genuine issue, water rights.

In my home State of Arizona, nothing is more important than water. If I believed this measure would jeopardize Arizona's water supply, I would

oppose it. However, I do not believe this to be true.

In writing this legislation, those of us who supported it consulted extensively with our Nation's preeminent water law experts. Language was developed to protect State water rights and to delegate expressly to each State the right to control interstate water transfers for coal slurry, a right they do not presently have. Specifically, this bill provides:

The right to use water for coal pipelines must be acquired pursuant to the substantive and procedural law of the State.

Forbids the invalidation of any State water law or any interstate compact on water use.

Pipeline certificate applications may be submitted only after the applicant has obtained the appropriate water permit from the State.

Requires the Secretary of the Interior to consider the effect of a pipeline on the surface and ground water at both ends of a pipeline.

The bill does not allow a State to grant rights to water it does not control or authorize a State to allow use of more than its rightful share of interstate water. And finally, this legislation preserves the rights of States to seek judicial relief in water disputes under the well-established judicial doctrine of equitable allocation.

I urge all of my colleagues to support this carefully crafted piece of legislation.

Mr. UDALL. Mr. Chairman, I yield 3½ minutes to the distinguished gentleman from Virginia (Mr. OLIN).

Mr. OLIN. I thank the chairman for yielding this time to me.

Mr. Chairman, I rise in opposition to the coal slurry bill. I do so because of really three reasons, and all of these relate to the fact that in my judgment really there is not overriding benefit to the Nation in granting eminent domain for this purpose.

We have heard a lot of the reasons. The first one, of course, related to the scarcity of water and the control of water, and I will not get into that.

The second relates to the question of the validity of the cost estimates that are really at the heart of the matter. I am not going to get into that in detail except to say this: I am an engineer, and I spent 35 years of my life in major project work of an electro-mechanical nature. I know that this is going to be an experiment, if it ever goes through, of a higher order of magnitude than presently experienced. It is going to involve the shipping of billions of tons of water to places that do not have it. It is going to involve unknown risks that normally engineers underestimate by factors of between 2 and 5.

I would like to mention the question of the hazards of the remaining waste. I would like to call to the attention of my colleagues a report by the Los Alamos National Laboratory a year ago dealing with the question of the toxicity of the waste.

Over a year ago, a panel of scientists there analyzed the residual chemical content of coal slurry effluents. Their examination covered surface water, ground waters, and effluents from a large number of disposal sites from coal preparation and cleaning plants. Their studies revealed that draining from coal slurry ponds associated with plants processing high-sulfur coal may pose a significant environmental problem because of the high acidity and concentrations of iron, manganese, nickel and aluminum; that harmful and toxic elements remain in the water after the coal particles are removed. I will say this simply in layman's terms.

This means that coal slurry water can be distilled, filtered, the coal removed, all visible matter removed, and it looks like a glass of drinking water, but still this does not remove elements that are invisible and are still dissolved in the water. These constitute an unacceptable danger of toxicity.

The Los Alamos report makes it abundantly clear that this effluent must not be permitted to be mixed with the drinking water supplies either above ground or below ground that supply humans and animals; that coal slurry water has elements of slow poison in it.

It is very clear that postprocessing plants of some nature are going to be required, particularly at the termini involved with exports, where there is no other way to use up the water. We are going to have this water which cannot be disposed of in clear ponds. It is very clear that the question of toxic water in postslurry waste is real, it cannot be ignored, and until a satisfactory solution is found, the answer to the coal slurry legislation, in my view, is a solid "no."

Mr. UDALL. Mr. Chairman, I yield 2 minutes to the gentleman from New York (Mr. NOWAK).

Mr. NOWAK. I thank the gentleman for yielding this time to me.

Mr. Chairman, in 1979 the General Accounting Office delivered shocking news to the consumers of oil:

Decades of regulatory abuse and neglect, according to GAO, had permitted oil pipelines, owned by major oil companies, to collect hundreds of millions of dollars in excess profits.

GAO said that in 1976 alone—had recent decisions affecting other regulated industries been applied to oil pipelines consumer costs could have been reduced by as much as $300 million.

While consumers today continue to tremble over the size and profits of the oil companies, the GAO report did much to bring legitimate regulatory functions back into play to control the oil industry and the pipeline delivery system which it owns.

And so, Mr. Chairman, I find it difficult to believe that the House of Representatives will be asked this week to approve a similar pipeline delivery system for coal which contains no consumer protection features of substantial consequence.

There are no provisions to guard against the pricing practices available to a utility which owns its own coal and the pipeline which brings it to the plant.

There are no restictions on take-or-pay contract provisions.

The very last paragraph of the bill says nothing in H.R. 1010 shall be construed to diminish, preempt, or modify the ratemaking authority of any State utility regulatory agency.

Very frankly, that ratemaking authority has been virtually of no help when applied against the problems of the take or pay contract.

I urge my colleagues to vote "no" this week when they are asked to visit upon coal consumers the same problems faced by the consumers of natural gas.

Mr. UDALL. Mr. Chairman, I yield 3 minutes to the gentleman from Colorado (Mr. KOGOVSEK).

Mr. KOGOVSEK. I thank my chairman for his generosity in yielding this time to me to speak on this issue, an issue that we do not agree on.

Mr. Chairman, I rise in strong opposition to H.R. 1010. I cannot help but feel that 50 or 100 years from now the Congresses that are sitting here are going to look back, should we pass this legislation, and ask themselves;

What were those people thinking about when they were taking something as valuable as water and using it to transport coal from one part of the country to another?

It seems to me that one of the main reasons that those of us who are opposed to coal slurry pipelines are opposed to them for a couple of reasons: What it does to environment of several Western States, and what it does to the agricultural economy or what it has the potential of doing to the agricultural economy of several of the Western States.

Speaking parochially, Colorado is a unique State, the only State in the United States that has no water flowing into it. All the water flows out of the State of Colorado. It flows into Arizona, into the central Arizona project. It flows into several of the water projects in California, and even within the State we already have pipelines that tend, not only tend but in fact do transfer clean Rocky Mountain water from the western slope to the growing cities of Denver and Colorado Springs and all of the other large metropolises.

I say that for a couple of reasons. When those kinds of transmountain deversions take place with the limited

amount of water that we already have in the West, we tend to dry up some of the wilderness areas.

□ 1720

That water is very important to the streams and the rivers to maintain a healthy ecology.

Second of all, there is an old saying in the West—and I mentioned this in the Rules Committee the other day—that water flows up hill to money. It does that time and time again in the West. The farmers in the West are having a very difficult time as far as agriculture is concerned right now.

Why is that? They cannot get a good price for their product. A lot of young people in agriculture are saying that they are going to get out of the business because they do not want to be bumping their heads against the brick wall that their parents and grandparents have been bumping up against for many years.

What do they own? Two valuable things, land and water. When we have the coal industry and a lot of other industries coming to the farmers and saying, "We are going to buy that water from you, and we are going to bail you out," we cannot blame a lot of young farmers for taking this attitude.

So what is going to happen? We are going to find that the coal industry and other industries are going to be owning all the water in the West. We are going to find that we are going to be sending that water that we should be using to maintain the ecology and to maintain agriculture down into Texas. And I would remind those Members who have not seen a map of the proposed coal slurry pipeline that all of the pipelines go from the northern part of the West right into Texas.

Mr. Chairman, I ask the Members to be very, very careful before they pass this kind of legislation that uses water to transport coal.

Mr. SHUSTER. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Georgia (Mr. ROWLAND).

Mr. ROWLAND. Mr. Chairman, I thank the gentleman from Pennsylvania for yielding this time to me.

As I understand it, this legislation is proposed so that we can produce cheaper energy by providing cheaper coal. I submit that there are too many unknowns in this equation right now to make this kind of sweeping assumption.

How do we know that we will be able to reduce the cost of coal with a consequent reduction in the cost of energy? If there are any savings to be had, would they even be passed on to consumers? What do we know about the cost of construction of these coal slurry lines?

Almost invariably there is an overrun when these lines of similar types are constructed, and how do we know that this will not take place now?

Have we looked into the possibility of using other ways to transport coal? What about rail and water, both more efficient modes of transportation than slurry pipelines?

Have we explored this combination to any great degree? If another mode of transporting coal were really necessary, would we have the many barges and railcars standing idly by today?

While there are some areas in our country in which our river systems are not available, most of the country does have a river system available to it. Our barge and towing industry already serves 87 percent of the major American cities.

Why do we not look into the possibility of what it will cost per ton on the basis of mileage when we talk about rail and water, if our true concern is the cost of moving coal?

They say that this will create more jobs. It will create more jobs probably during a short period of time when this construction is taking place, but I submit that if they are successful in producing a system that will transport coal cheaper, it can only have a tremendous deleterious effect on the railroads in our country. Coal carried in unit trains is the largest and least costly commodity carried by rail. To lose any share of this market would only result in an increase in the cost of carrying other commodities and possibly the abandonment of no longer profitable rail lines.

We also talk about getting this coal into the areas where the utilities are able to convert coal use. How are we going to coordinate this production of coal or this transportation of coal to the areas where these utilities are converting? Many of these expected customers cannot or will not convert because of expensive adaptations for preparing the slurry for use of because of existing contracts for coal. How will this be coordinated? Will there be a lag period where there will be a great deal of difficulty?

They talk about this being inflation proof. Is it inflation proof? Will the sponsors of this legislation be willing to accept a provision in this legislation that will not allow them to pass through any of the cost of doing business that is brought about by inflation? Will they do that? If so, where is the incentive for doing business?

This is not just an issue of the railroads versus coal slurry. Let me tell the Members what another very important issue is. That is the issue of the farmers in this country. That is a group of people that is the backbone of this country, and they are the most put-upon group of people in this country. And now we are going to hassle them? We are going to put an additional anxiety on them? Give the go-ahead to attack the very livelihood of the American farmer?

These are people who are having difficulties with inflation and high interest rates and who produce at a cost that is much more than what they get for their commodities.

I had the chairman of the Agriculture Committee of the Georgia House of Representatives visit me recently, and he gave me a list of questions that the farmers had presented. Now, while some of these questions may be answered, not all of the questions are answered in this legislation. There are 11 national groups of farmers representing 41 States that oppose this legislation. Surely their ranks should be considered when evaluating the public interest. I submit to the Members that we must be very, very careful in passing this legislation. There are too many people that will be hurt by it.

If we are to give carte blanche to a private industry to take away a right guaranteed to the American people in the Bill of Rights, then the very least we can do is to require that the burden of proof be on this entity.

Not only do I want answers to those questions posed by the farmers, but I want proof that eminent domain is required.

Proof that coal slurry pipelines are necessary.

Proof that consumers stand to save money.

Proof that the pipelines will not put our common carriers out of business, but most importantly, before I relinquish my stewardship of the public welfare, I want proof that tranferring Federal authority, not to the States, not even to a city or county, but to a private corporation, is any way serving the interest of the American public.

Mr. Chairman, here are some questions American farmers have asked about the coal slurry pipeline legislation pending in Congress. Can you answer these questions? Or find anyone who can? Until they are answered, there is only one responsible position on the issue: opposed to the pipelines and to S. 267 and H.R. 1010.

How much water will pipelines consume and contaminate? Can it be recycled? Will it be recycled? Or will it be dumped in an ocean or river or waste pond to seep into the ground water? Can the water be decontaminated?

If the Ogalalla and other aquifers—national resources more valuable than our coal fields—are depleted or contaminated by the pipelines, what means are available to stop the damage? How responsive can the courts or Congress be? How quickly can damage be stopped?

Once interbasin transfer of water is permitted on a massive scale by 12 or 13 coal slurry pipelines, will the precedent be set to raid any water basin anywhere in the United States? What

becomes of State's rights? Of what value are existing water compacts and agreements?

In times of drought, how will scarce water be allocated? Who will play God? Will water needed by coal slurry pipelines be deemed more important than water for irrigation or water needed for human consumption?

Will land needed for coal slurry waste ponds also be taken by eminent domain?

Are there any safeguards against spills and leaks? Will owners of pipelines be required to carry insurance to compensate landowners for damages resulting from spills and leaks?

Can trees and other vegetation be planted and cultivated on land taken by the pipelines?

If Congress gives builders of coal slurry pipelines the precious right of eminent domain, what recourse will farmers have if the compensation offered for their land is not adequate?

Is the power not of Federal eminent domain supposed to be granted only in the interest of national defense or in times of overwhelming public need? Do coal slurry pipelines not fail these tests?

If Federal eminent domain authority is granted to private, for-profit enterprises for this purpose, what questionable purpose will be offered the next time Congress is asked to turn over to a private entity the right, backed by Federal law, to take even more fertile acreage out of agricultural production?

The National Agricultural Lands study, issued in 1981, identified about 90 programs that reduce the availability of land for agricultural production. Coal slurry pipelines would be another such program and an unnecessary one at that. Why cram it down our throats?

Congress, in the 1981 farm bill, admonished Federal agencies to minimize the extent to which their policies and activities contribute to the unnecessary conversion of farmland to other purposes. Should Congress not heed this admonition as it considers the coal slurry pipeline legislation?

How much agricultural acreage will be taken out of production by the pipelines?

Has anyone begun to assess the adverse consequences of forfeiting forests, grasslands, and other croplands to build these pipelines?

What will happen, 10 or 15 years down the road, if coal supplies for a pipeline are depleted? Or if there is no longer any demand for that coal? Or if water needed to move the coal is no longer available? Or if inflation, interest rates or other economic factors force pipelines into backruptcy?

Will landowners be paid in a lump sum or receive annual lease payments?

How many interstates and farm-to-market roads will the pipelines cross? How long will highway traffic be disrupted for pipeline construction? For maintenance?

What will be the impact on capital markets when billions of dollars are spent to build a redundant transportation system? Will there be further delays in allocating capital to repair and maintain the roads and bridges farmers need to get crops to market?

How much more will railroads charge to haul farm products once they begin to lose coal revenues to the pipelines? What effect will these higher rates have on consumer food prices?

Is it not likely the pipelines will cause more coal-hauling railroads serving rural areas to go bankrupt, as Milwaukee Road and the Rock Island did? Is not another likely result the abandonment of branch rail lines which primarily serve farmers?

Mr. SHUSTER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I wish to insert in the RECORD at this point a letter from the Pennsylvania Coal Mining Association opposing this coal slurry pipeline legislation. The letter is as follows:

PENNSYLVANIA COAL MINING ASSOCIATION,
Harrisburg, Pa., September 13, 1983.

Hon. E. G. SHUSTER,
Congressman of the United States,
Washington, D.C.

DEAR CONGRESSMAN SHUSTER: Congress will be considering slurry pipeline legislation within the next few days. The Pennsylvania Coal Mining Association is opposed to this legislation. Our opposition is aimed at three general aspects of the federal legislation: eminent domain, economic damage to most coal producers, and water demands for pipeline transportation.

Coal slurry pipeline proponents are asking for powers to force homeowners, farmers, and ranchers to surrender their land-ownership rights by federal court-ordered condemnation at court-established prices. Yet, the pipelines which have been constructed in Ohio and Arizona were constructed without such powers.

We agree that a precedent was established in granting eminent domain to natural gas pipelines. A pipeline, however, is the only practical way to transport and distribute natural gas. Such a need does not exist for coal transportation. The present infrastructure of rails and waterways can transport all of the coal produced. The pipeline companies claim they will handle only "new" coal. There is no new coal. Production projections for domestic and export markets are significantly downward. The National Coal Association, a proponent for pipelines, has revised its 3-5 percent growth projection for 1983 to less than 1 percent; and there is little likelihood of a significant growth in this decade to the extent that new transportation modes will be needed.

Pipeline proponents have not shown that pipelines are essential for coal transportation. Nor have they shown any benefits to the public or to the national transportation policy. In fact, the economic impact on railroads will be such that increased rail rates on all goods will adversely effect the public. Furthermore, since two pipelines have been built without federal eminent domain powers, pipeline proponents have not shown that such power is needed.

* * * Federal laws do not prohibit the construction of slurry pipelines. State government and laws, therefore, should determine if the benefits accrued are sufficient to warrant condemnation of right-of-ways. Coal slurry pipelines have not shown any need which merits the abrogation of State sovereignty.

If such powers are granted for construction of pipelines, can the need for eminent domain powers to address water rights be far behind? After the lines are constructed, they would be of little utility without sufficient water to move the coal.

The projected needs are one ton of water per ton of coal transported. Moving 25 million tons of coal would require 6 billion gallons of water. The Coldstream Pipeline is designed to move 54 million tons of coal per year. It will require 13 billion gallons of water per year or an average of 36 million gallons per day. Since this is a one-way trip, it only poses one-half of the problem. Where will the silt-laden water be treated, cleansed and disposed?

The only real hindrance to pipeline construction is the need for "take-or-pay" contracts prior to beginning construction. On the basis of take or pay contracts, the pipeline capacity must be committed before it is built. As a result, pipeline promoters do not want to interrupt services for the purpose of prorating capacity to other shippers although claiming a willingness to accept common carrier status. Small producers and small users cannot make take-or-pay long-term commitments. Pipelines can only benefit a few large producers and a few large users.

Consequently, pipelines will not hold down railroad rates for all coal producers as proclaimed. Those coal producers not served by the pipelines will remain to the railroads. The pipelines, if successful, will take high volumes of coal from regular routes which are the base of the railroads' coal traffic. The pipelines must compete for existing markets, not "new" coal markets.

In Pennsylvania, as in West Virginia and Alabama, the independent coal operators have recognized the economic damage to be done by slurry pipelines. The Pennsylvania Coal Mining Association vehemently opposes any legislation granting federal eminent domain to slurry pipelines. Enclosed for your convenience is a listing of many organizations opposing such legislation.

Pipelines have not been successful, thankfully, in competing with railroads. The Ohio pipeline has been mothballed. The Arizona pipeline rate is equal to or higher than comparable rail rates. The ETSI pipeline was recently underbid by railroads for a 20 year, 10 million ton/year contract with Arkansas Power and Light.

The small and medium-sized coal producers will lose in two ways: the loss of markets and higher rail rates. The railroads will recoup profits lost to pipelines by raising rates on their remaining coal traffic. Any producer remaining captive to the railraod will be damaged and could be squeezed out-of-business. When the small and medium-sized coal producers are eliminated or put into a no-growth situation, competition among coal producers will cease to exist. Pipeline competition with railroads, the banner-cry of proponents, will never be a reality for most coal producers. Again, only a very few producers and users can benefit.

We thank you very much for your consideration of the Pennsylvania Coal Mining Association's position and for your support.

Sincerely,

J. ANTHONY ERCOLE,
Executive Vice President

Mr. SNYDER. Mr. Chairman, the debate on coal slurry legislation on the floor of the House is winding up just about the way it started back in committee earlier in this session—with massive misunderstanding.

In the time remaining, it is scarcely possible to enumerate the issues being bent out of shape, much less offer even the briefest clarification. I therefore am inserting in the RECORD a compilation of some of the claims and assertions made in support of this legislation to which I particularly object, along with commentary putting them in perspective. I would urge my colleagues to examine this material in advance of the vote on amendments and final passage, possibly to come later this week.

My principal objection is to the fundamental assumption that coal slurry pipelines will be truly competitive alternatives to railroads—and barges; let us not forget them—in the transportation of coal. Indeed, my RECORD statement goes to some length to indicate the questionable nature of the competitive assumptions being put forth and the lack of real consumer protection in this bill.

Indeed, it goes into a number of provisions contained in previous legislation in earlier Congresses to protect the consumer. I find it disappointing that these provisions have not been incorporated into the legislation before us, particularly since that legislation is touted as being flamingly proconsumer.

These missing provisions include requirements that pipelines operate as common carriers in fact, subject to rate and charge regulation of the Interstate Commerce Commission, rather than contract carriers utilizing long-term take-or-pay contracts, as this legislation permits. Such earlier provisions also provided protections against abuses of monopoly power through prohibitions against common ownership or control of pipelines, utilities and coal producers, and so-called commodities clause protection prohibiting pipelines from transporting coal they own, control, or mine.

The same can be said of the water provisions of this bill, which have in at least one major respect gotten worse. I think any fair reading of the bill and my RECORD statement will leave one inescapable conclusion; States which share water with other States which want to sell shared, multistate ground or surface water for coal pipelines are going to be placed at an extraordinarily grave legal disadvantage. This is another instance in which the bill has gotten worse over the many years of its evolution.

Moreover, Mr. Chairman, I think the facts similarly rebut contentions of slurry proponents that what we are doing in the way of granting the Federal power of eminent domain to private slurry operators is not all that extraordinary.

Finally, Mr. Chairman, it is my contention—and I think the materials which we have generated make this case beyond dispute—this bill goes much too far in the interest of coal slurry operators. It goes far beyond the narrow issue of eminent domain for acquisition of right-of-way.

That tilt, that bias, what should be an embarrassing giveaway to the slurry industry, is something that also began with the initial consideration. Like the misunderstanding about the bill, it continued throughout consideration in two committees of the House, even to the final compromise between the two committees which is before us now. I can say with no question, that from the standpoint of the public interest, this substitute is far worse than the versions reported out by the two committees. This is a point which my RECORD statement explores, and I urge Members to examine it and at the proper time vote against this bill. I think it will be totally apparent that it is beyond redemption, regardless of how it might be amended.

Mr. Chairman, during general debate on H.R. 1010, a number of claims were made concerning the merits of coal slurry pipelines and the legislation which cannot withstand scrutiny. Following are several of the principal claims, followed by the appropriate responses:

COMPETITION

GENERAL

Claim: Proponents claim that the principal rationale for this legislation is that slurry pipelines will inject needed competition into the transportation of coal, resulting in lower utility rates. This assertion has been far and away the most frequently and heavily relied upon by slurry supporters.

Response: Pipelines will depend on long-term take-or-pay contracts of 30 to 35 years in duration, which would be permitted under special and totally unnecessary contracting provisions of this bill. Aside from the other anti-consumer implications of such contracts, their duration is anti-competitive in that they can lock out competition for decades. If a potential competitor becomes ready, willing and able to offer pipeline customers a better deal, that competition nonetheless will remain shut out by long-term, uninterruptable contracts.

In the 1960's, introduction of unit trains undercut a slurry pipeline operating between Cadiz, Ohio, and the Cleveland area. Had it been operating under a long-term, take-or-pay contract, the benefits of the railroads' competitive innovation represented by unit trains would have been frozen out.

PIPELINES' COST EDGE?

Claim: The proponents claim that pipelines will be cheaper than rail transportation.

Response: Pipelines will not necessarily provide lower-cost transportation of coal than their competitors. However, even higher costs would not prevent them from obtaining a share of the coal-haul business, particularly if they were under common control or ownership with their utility customers; such arrangements are permitted by this bill, thanks to proponents' success in preventing incorporation of protective provisions contained in earlier legislation in past Congresses. This accounts for the Consumer Federation of America's advocacy of such amendments to this legislation. (This is similar to the position taken by the Justice Department during the Carter Administration, despite that Administration's support for slurry pipelines.)

Cost overruns covered by escalator contract provisions could victimize the consumer. Utilities could pass through unnecessarily high—and unregulated—pipeline costs to the consumer by building them into their regulated rate bases. It is not unheard of for a utility to pay higher costs for coal from a mine under common ownership rather than buy cheaper coal elsewhere.

As discussion below indicates, EYSI pipeline demonstrated no competitive cost edge when it lost out to two railroad bidders in head-to-head competition for a key contract to deliver Powder River Basin coal to Arkansas.

PIPELINES' EFFECT ON RAIL RATES

Claim: Proponents claim that even if not built, or if unsuccessful in bidding against railroads, pipelines will moderate rail coal-haul rates merely by their participation in contract negotiations or by the threat that they will be constructed. In particular, they seek to invoke the recent experience of Arkansas Power and Light, which signed a long-term contract with a joint venture of Chicago & Northwestern and Union Pacific.

Response: Details of the Arkansas Power and Light contract remain largely confidential according to the terms of the contract itself. However, the bidders included not only C&NW and UP, but Burlington Northern as well as a slurry pipeline, ETSI. It is our informal understanding that ETSI came in third behind the two railroad bidders, disputing the claim that the pipeline had an effect on their contract offers. This understanding with respect to the bid offers is shared by at least some coal slurry proponents.

POLISH COAL

Claim: Proponents claim that rail monopoly power has boosted coal transportation rates to the point where a Florida utility finds it cheaper to import coal all the way from Poland.

Response: Polish coal rates are determined by (a) lower wages paid Polish miners, (b) the fact that Polish mines, inland transportation and ocean shipping are owned by the Polish government, and (c) that government is prepared to sell its coal for whatever it can get out of desperation to acquire foreign exchange. A Polish miner receives a monthly wage of $167.67, in comparison with $2,047 for the average United States miner.

The Polish government is obviously willing to subsidize its coal industry, and is evidently prepared to meet any price to get western currency. For a directly comparable

situation to arise here, you would have to support government ownership of railroads, barges and deep draft vessels, a policy to sell below cost to secure exports, and a reduction in U.S. coal miners' wages.

THE SAN ANTONIO CASE

Claim: Proponents claim that substantial increase in rail rate charged to San Antonio, Texas also supports the monopoly pricing argument.

Response: San Antonio rates initially were artificially and unjustifiably low because of the rail carrier's lack of experience in hauling coal, a comparatively new commodity in that particular rail market. As real costs of providing service were encountered, the rail rates increased.

I have a copy of a letter sent by Burlington Northern to the Gentleman from Wyoming on this very point which states in part:

"Our initial rates were based on incomplete knowledge of the long term costs of hauling heavy tonnages over extraordinarily long distances. Until that time we had mostly handled comparatively short hauls of coal from Illinois—less than one fourth the tonnage we now haul. Because of that, we did not foresee the need for a multi-billion dollar investment to upgrade our system to handle Wyoming coal. Those investment needs were not reflected in the original rate quotation. We have learned from this most difficult experience and we have tried hard—and successfully—to present our customers and potential customers with a low cost coal service.

"FAIR" COMPETITION?

Claim: Proponents claim that competition afforded by pipelines will be fair competition, engaged in an equal basis by all participating modes.

Response: Such competition as occurs will be unfair. Rails must serve all shippers regardless of type, size and length of shipment. Now permitted under the Staggers Act to enter into long-term contracts, rails nonetheless are prohibited from committing their total capacity to contract carriage. Pipelines would merely skim off the most profitable high-volume, long-haul segment of the coal transporting market, leaving to the railroads smaller, less-accessible coal or coal that is "incompatible" with pipeline operations.

WHO WOULD BENEFIT?

Claim: Proponents invariably imply that consumers would inevitably share in any savings should they occur as a result of a coal diversion from rail to pipeline or otherwise.

Response: The Office of Technology Assessment, in its highly respected study of pipelines issued in 1978, concluded that the consumer is most likely to bear the risks of uncertain pipeline economics, while any benefits would more likely accrue to utility stockholders, pipeline companies and coal operators. So much for the uncritical assumption that any savings would be passed on to consumers.

WRONG SOLUTION

Claim: It is the proponents' position that if rail rates are a problem, the appropriate solution is the creation of a totally new industry with a costly and capital-intensive infrastructure duplicating existing coal-haul capability.

Response: If there is legitimate concern that a railroad has abused, is abusing or will abuse its power in the coal transportation market, the appropriate response is for the Interstate Commerce Commission to crack down on the railroad. If the ICC fails to meet its responsibility, it is the duty of the Congress to crack down on the ICC.

WATER

STATE WHERE DIVERSION ORIGINATES

Claim: Proponents assert that the water language in the bill provides total protection for a State, in which a coal slurry pipeline company attempts to obtain water for its operation—or in fact succeeds in doing so—to deny permission for such use or to require termination of such use.

Response: These claims are similar to those made in previous Congresses by the same slurry proponents but applied to totally different language. Those assurances have proven worthless, as new language is deemed necessary in each successive Congress in which such legislation has been taken up. Most of the earlier claims, in fact, have been shot down by nothing short of a landmark decision of the Supreme Court in 1982.

SHARED WATER

Claim: Proponents seek to make the claim that the bill does not affect the rights of States whose ground or surface waters are shared by States which wish to divert those waters for coal slurry pipelines. They insist that the bill affects in no way the allocation of water which is traditionally accomplished by judicial determination, legislative enactment or interstate compact.

Response: Such arguments ignore the indisputable fact that this legislation affirmatively fosters the creation of a new, high-volume commercial use of water which depends on the interbasin transfer of such water. The Federal legislation creates the market for the water, hence competition for its use among States and various users.

It also ignores that fact that not all surface waters are covered by any form of allocation—much less interstate compacts—an observation which is even more applicable to scarce and increasingly depleted groundwater.

This legislation *attempts* to protect the rights of States which seek to prohibit the export of their waters for pipelines by diversion occurring within their borders. It *attempts* to achieve this by delegating all of the Congress' plenary powers under the Commerce Clause of the Constitution to States in which such a diversion might originate. By so doing, by going to such extraordinary lengths, it would give extraordinary power—both negative and affirmative with respect to water for slurry pipelines—to States of origin *at the expense of States which might seek to assert their rights against a diversion of shared water in any dispute.*

Even a principal supporter of coal slurry legislation concedes the failure of this legislation to deal with the groundwater problem. And the Interior Committee, in its report accompanying this legislation, concedes that the shared-water concerns of States other than those selling the water for slurry pipelines are valid, *and that the Congress might have to address them at some point.*

CONSUMER INTERESTS

Claim: Proponents claim that this bill is superior to earlier versions in a number of respects, including protection provided the consumer.

Response: Aside from the discussion of competition above, it should be noted that this bill utterly fails to incorporate protection contained, for example, in H.R. 1609, the last slurry bill to go to the Floor, in 1978:

Common carrier obligations for pipelines, requiring them to be subject to full rate and charge regulation by the Interstate Commerce Commission. (Not only is this requirement not included, the bill explicitly permits pipelines to lock up their customers by long-term, uninterruptable take-or-pay contracts.)

Commodities clause protection, prohibiting pipelines from transporting coal which they own, mine, or control.

A prohibition against common ownership and/or control of coal slurry pipelines, utilities, and/or coal companies.

Claim: Proponents claim that restriction or prohibition of take-or-pay contracts is unnecessary because the coal pipeline industry will somehow be immune from the same sorts of abuses which victimized the consumer in the natural gas industry. They base this argument on the fact that in the natural gas industry, a pipeline acquires the gas and thus provides both the transportation and the commodity being shipped. In the case of slurry pipelines, they would be strictly transportation companies.

Response: As noted above, this bill fails to provide any assurance against such anti-competitive arrangements as common ownership and control, and indeed encourages them by means of its contracting provisions. And again, slurry proponents now resist any sort of amendments of this nature, even though they were contained in earlier legislation *introduced by slurry proponents.*

Claim: Proponents contend that many railroads use take-or-pay contracts covering the transportation of coal.

Response: The Interstate Commerce Commission chairman has testified that such is not the case. Moreover, it is our understanding that no take-or-pay restriction was contained in the recent contract negotiated by Arkansas Power and Light and a rail bidder.

I understand that there is some dispute regarding the ICC testimony. The confusion raised by assertions of slurry interests and some Members who support the legislation may arise as a result of a misunderstanding. Take-or-pay contracts may be getting confused with those which provide for volume discounts or "service" contracts, which oblige a purchaser to take 100 percent of his requirements from a particular seller, but without any requirement that he pay for anything not actually received.

EMINENT DOMAIN

Claim: Slurry proponents claim that there is nothing out of the ordinary in the grant of the Federal power of eminent domain to private slurry pipeline operators, citing the use of eminent domain in other industries, including some railroads (at one time) and pipelines for oil and natural gas.

Response: True, railroads did have the power of eminent domain in the West, but in the case of Western territories where there were no States to grant eminent domain. Oil pipelines were exercised Federal eminent domain powers during World War II as an emergency measure. Natural gas pipelines were later granted Federal eminent domain, which is altogether reasonable in view of the fact that there is no realistic alternative to pipelines for the movement of this commodity.

Pipelines, which will not be serving as Federally regulated common carriers, fail to meet the same high standard of justification. Competing with multi-commodity rail-

roads, they would skim off only the most profitable segment.

One proposed pipeline in Virginia consists of a 50-50 joint venture of a major energy company and a single utility. This hardly serves the broad public interest. What's more, under this legislation coal users other than utilities, for example, a major energy user such as General Motors, could own a pipeline. Is this in the public interest warranting the Federal power of eminent domain?

By-passing of State eminent domain statutes, which are often conditioned by certain environmental and economic regulatory requirements, makes it possible for slurry operators to circumvent legitimate State interests. And a claim that lowering of utility rates is sufficient basis for granting Federal eminent domain erroneously assumes that such will in fact occur.

HEALTH, SAFETY AND THE ENVIRONMENT

Claim: Proponents claim that this legislation contains strong health, safety and environmental provisions, and has been strengthened by the addition of a requirement that an environmental impact statement be issued for each project.

Response: This legislation explicitly excludes from certain initial safety requirements any pipeline for which an environmental impact statement has been approved for actual construction by the time such requirements are issued. This is despite the fact that at this stage, no detailed design work need necessarily have begun.

A provision in existing Federal law, whereby State requirements must apply to pipelines crossing Federal land if they are more stringent than Federal requirements, has been omitted from this bill.

Environmental assessment of coal slurry pipelines has been totally inadequate, for lack of knowledge as to what substances other than water—such as oil or methanol—may be moving through the pipelines. The fact that the legislation explicitly requires preparation of an EIS in connection with each project represents no strengthening, since there is no doubt that an EIS would be necessary in the absence of a specific statutory requirement.

ADEQUACY OF CERTIFICATION REQUIREMENTS

Claim: Proponents claim that this legislation contains tough, stringent and laborious certification requirements, and that certification requires findings of national interest *and* public convenience and necessity.

Response: In fact, this legislation is weaker than either the Interior or Public Works versions of H.R. 1010. Both versions required extensive fundings on a wide range of issues to be made: by the Secretary of Interior, in the case of the Interior Committee bill and the Interstate Commerce Commission, in the case of the Public Works Committee bill. However, the substitute before the House splits up the certification process, giving a handful of general findings to the Secretary of Interior alone, and others such as critical transportation evaluations to the ICC alone. The bill also provides that if either the Secretary or the Commission makes an affirmative finding on the basis of his narrowed review process, then the President can find in favor of the pipeline and require the issuance of a certificate. A certificate can be issued on the basis of national interest *or* public convenience and necessity.

We are concerned that this substitute therefore makes it far easier to approve a certificate for a pipeline, notwithstanding disastrous transportation implications. The factors considered by the Interior Secretary are narrow, relatively routine, and apparently easy to satisfy. And, in case of a dispute over energy and transportation economics, a President would be likely to side with his own Interior Secretary rather than an independent regulatory commission.

Mr. ANDERSON. Mr. Chairman, I yield 3 minutes to the gentleman from Texas (Mr. KAZEN).

Mr. KAZEN. Mr. Chairman, I spoke on this matter last Thursday when my distinguished friend, the gentleman from Kentucky, took the well and talked about freight rates, railroads, the water problem and others. He talked about who is going to suffer and who is not. I then took the floor and spoke about the plight of my consumers.

The greatest advantage to come from a coal slurry pipeline will be to the consumers, and they are the ones we have not talked about too much.

Let me tell my friend, the gentleman from Pennsylvania, that those of us who speak for this bill are concerned about the consumers of utilities. If he considers them a special interest group, so let it be.

Mr. SHUSTER. Mr. Chairman, will the gentleman yield?

Mr. KAZEN. Mr. Chairman, I only have 3 minutes, and I am answering the remarks of the gentleman in part. I would appreciate it if he would let me answer him and yield after I finish my remarks.

Let us look and see what captive shippers are doing to my consumers in Texas. One ton of coal from Prince Rupert, Canada, on the west coast of Canada, right under Alaska, transported by boat through the Panama Canal to the Texas coast is $25.86 a ton. One ton of Colorado coal transported by rail is $28.58. The difference is in the mode of transportation. My consumers have to pay for that.

I cited the case of San Antonio in my district. The rates have gone up many times in the last 5 years. When they started out in 1976, it was $7.90 a ton; they are now paying $26.40 a ton while the cost of the coal is only approximately $8 a ton.

That is the way that consumer who runs his air-conditioning in the summertime in the South and Southwest is treated. And believe, air-conditioning is not a luxury, it is a necessity.

One of my utilities has just very recently bought 15,000 tons of West Virginia coal. I wish that my colleague, the gentleman from West Virginia, who spoke a while ago were to hear this.

The CHAIRMAN pro tempore. The time of the gentleman from Texas (Mr. KAZEN) has expired.

Mr. ANDERSON. Mr. Chairman, I yield 1 additional minute to the gentleman from Texas (Mr. KAZEN).

Mr. KAZEN. Mr. Chairman, that coal went through the Kanawha River in West Virginia to the Ohio River, to the Mississippi River, to the Intercoastal Canal to Texas, up the Victoria Barge Canal and then it was trucked 22 miles to the plant at $2.30 per million Btu's, as against $2.59 a ton coming by rail from Colorado.

Do not tell me that railroads cannot afford this type of competition, that the railroads are not forcing higher utility bills upon the consumers of this country, those who were forced to switch from natural gas to coal in order to save our energy and help solve our problem of an energy shortage after the Government said, in effect, "You have to convert from natural gas to coal."

□ 1730

This was forced upon us even though we have all the natural gas that we could ever use in Texas.

And then to have my consumers pay these high transportation costs is not right. I urge you to support this bill.

Mr. ANDERSON. Mr. Chairman, I yield 3 minutes to the gentleman from Arizona (Mr. MCNULTY).

Mr. MCNULTY. Mr. Chairman, what happens to the water in the coal slurry pipeline when it arrives at its terminus. Let me relate a conversation Mr. J. Cox, manager of operations at Mohave generating station on the Colorado River in California, the only recipient now of coal by a slurry pipeline. The answer is this. The material is delivered to great tanks, kept in agitation until pumps take it from these tanks and put in centrifuges, great hollow cylinders with tiny holes in the sides, which are then spun at great speed. All the water, three-fourths of it, and that includes the imbedded moisture in the coal, comes out the sides of these centrifuges, gathers in canals and goes to an enormous bowl, bigger than this Chamber, into which it is pumped at the center and that is gradually filled up with this material, with the hidden material at the low middle.

Finally, the bowl is filled and over the edges comes some liquid. What you see in this glass in my left hand is identical, at least in appearance, to what goes over the edge of that bowl. It is, in fact, not potable, but it is then taken and used in cooling towers, generating stations that are going to be the principal beneficiaries of this science, and the steam which has been used to spin the turbine must be condensed back to water in the cooling towers of the way that it is done.

I advise you that Mr. Cox advised me that 100 percent of the water in the coal slurry pipeline is used and reused to a factor of four in the business of cooling the pipelines. The same material that has to be removed from that water has to be removed from any water that is used in a generating plant. That is why solid sludge ponds

are built at all generating stations, whether they have coal slurry pipelines or not.

Only four one-hundredths of 1 percent of the annual consumption of water in the United States would be used if every pipeline ever envisioned by the mind of man or human beings were constructed.

To give you an idea of the quantity of water that we are talking about, 1,070 times as much water is used in the ETSI pipeline flows past the city of Sioux City in the Missouri River every year.

So the business of water being the great problem is simply not true. The consumption is far less. The consumption of a generating station to pump that water would run five to eight times as much as the water that is delivered in a coal slurry pipeline. So the environmental concerns are, to put it mildly, exaggerated and the consumption of water is efficient, intelligent, and environmentally sound.

Mr. SHUSTER. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Minnesota (Mr. STANGELAND).

Mr. STANGELAND. Mr. Chairman, I rise in strong support of H.R. 1010. I do it for basically three reasons.

First of all, I am eminently opposed to the right of Federal eminent domain. I am going to elaborate on that under the 5 minute rule, but let me say that Federal eminent domain should never be exercised except in those cases of extreme emergency or crisis. Really, in this case, we have no extreme emergency or crisis.

First of all, the rails can handle the coal movement.

No. 2, coal slurry pipelines today can utilize the right of State eminent domain. They really do not need Federal eminent domain. I am experienced with eminent domain in my district, and as I say, I will elaborate on that in the future.

I would like to address briefly the remarks of my good friend, the gentleman from Texas (Mr. KAZEN) on his concern for the consumers in the talk about competition.

Let me say that in this case competition is a very narrow window. In fact, you might even just call it a peephole. Competition enters the day coal slurry pipelines come to a user and says, "Hey, have I got a deal for you," and he sells the user on his coal slurry pipeline; but then that user will sign a 20-year contract and that is the day that competition ends; because that contract is going to be take or pay for 20 years and the user is locked in. Those contracts are going to be adjustable, so that if the cost to the coal slurry pipeline goes up, as costs may well go up, those costs to that user are going to go up, and they are going to be just a tad below what it will cost for rails to deliver.

On the question of water, let me say this. There is going to be competition for water and today we are talking about surface water basically, but when that coal slurry pipeline is in place, the competition will be great.

The CHAIRMAN pro tempore. The time of the gentleman from Minnesota has expired.

Mr. ANDERSON. Mr. Chairman, I yield 2 additional minutes to the gentleman.

Mr. STANGELAND. The competition for that water is going to be great.

Let me say that my good friend, the gentleman from Colorado (Mr. KOGOVSEK) discussed water to agriculture, so I will not elaborate on that any more; but let me say also that to take the coal hauls away from the railroads, and those of us who are fighting coal slurry are all supposed to be tools of the rail lobby, but let me say that my first two instances are for agriculture and the consumer; but let us take a look at the railroads for a minute.

We are served in my district by the Burlington Northern. Take away the coal hauls and you are going to increase the cost to every agricultural producer in this country to ship his product.

You know, the farmer is the only one who pays the freight both ways. He pays the freight of his product going to market and he pays when he goes to buy the needed inputs he has in his farming operation.

I think we ought to be concerned about what we are going to do to the rail interests. You know, if this bill passes, we could well have a Midwest Conrail; heaven help us, I do not think we want that.

I think we ought to take a good hard look. This bill deserves to be defeated. I think it is a strong special interest bill and I would urge my colleagues to vote no on the legislation.

Mr. SHUSTER. Mr. Chairman, I yield 2 minutes to the gentleman from Nebraska (Mr. BEREUTER).

Mr. LUJAN. Mr. Chairman, I further yield 3 minutes to the gentleman from Nebraska (Mr. BEREUTER).

The CHAIRMAN pro tempore. The gentleman from Nebraska is recognized for a total of 5 minutes.

Mr. BEREUTER. Mr. Chairman, I rise in opposition to this bill. While there are many extremely serious problems with the grant of Federal eminent domain for the acquisition of the rights-of-way for these pipelines, this Member will address his comments only to the impact which passage of the measure would have upon those States which share water resources with other States which are willing to sell that shared water. I would like to take this opportunity to review this serious issue for my colleagues.

As we began debate last week, the proponents of the bill spoke at great length of the protection which has been provided for the individual States. I noted with interest the imaginative and one-sided colloquy today between the gentlemen from Arizona and Wyoming. There may certainly be some confusion as to the effects which passage of this measure would have upon those States downstream of the State which chooses to sell the large amounts of surface water which these coal slurry pipeline systems will require. Proponents will say that the water provisions in the bill do not in any way affect the existing water rights of the States relative to one another. They say that these are hold-harmless provisions, and that States are in the exact same position relative to one another as they were without the bill. Only in the strictest and most limited sense is that true. What the proponents of the bill do not say, however, is that passage of this bill will result in encouraging States to sell water which they share with other States for use in coal slurry pipelines, without consulting those other States which may be adversely affected. Passage of this bill will, in effect, place a Federal imprimatur upon interstate and interbasin transfers for coal slurry pipeline purposes, regardless of the effect which that usage will have upon other States which share that water source.

It is essential to point out that this bill, supposedly amended in an effort to protect the water rights of the States, delegates back to the State of origin the Constitution's commerce clause powers to govern the export of water. The practical effect of this action, however, will be to give a State which wishes to sell, for use outside that State water which it shares with other States, the awesome advantage of commerce clause power over other States which may be adversely affected. Does this Congress really want to bestow upon any one State such an unfair advantage over others with which it shares these resources? That is unfair and bad public policy.

When we begin consideration of amendments to this bill later this week, amendments will be offered which will require the existence of a compact among affected States before interstate water can be transferred outside any State for use in these pipelines. Proponents will say that this approach does violence to the traditional water laws of this country, and that the requirement for agreement among States which share scarce water resources is an unprecedented Federal action and without justification. Do they seriously believe that these issues are best resolved in lawsuits among the States in Federal court, rather than be requiring agreement among the affected States? An impartial observer would surely say that this bill,

as it stands, does a great deal more damage, in the long run, to the water rights of the individual States, and to interstate relations in general, than any amendment addressing the shared-water question.

Proponents of the bill will also argue that adoption of a shared-water amendment will give any State which shares that resource an absolute veto power over another State's decision to transfer water for that purpose. I would state clearly that it is not the intention of this Member, nor I believe that of any other Member, to subject each sale to the approval of the other compact States. Rather, it is intended that the compact process would make allocations of interstate water to each State, and that each State would then be entitled to dispose of all or part of that allocation in any manner which it desired, in accordance with the laws of that State and the wishes of its citizens. I repeat, each and every transaction would not be subjected to the approval of the compact States. Transfers would be made from each individual State's allocation, freely arrived at by agreement among the States which share that resource.

Proponents of the bill will talk in terms of a State's right to dispose of the water which it controls. That statement does not answer the question of the rights of other States to that water. A more basic question must be addressed. Should we give each State an unqualified right to dispose of unlimited quantities of water to which it has access, regardless of the legitimate rights and needs of other States with which it shares that resource? It seems clear to me that rationality and sound public policy would require an agreement among all those States.

Finally, proponents would have Members believe that adoption of a shared-water amendment would give other States a veto power over intrastate water uses for whatever purpose. A recently circulated dear colleague questions whether Congress would establish a major precedent which would in time allow States which "neighbor" a State "to exercise a veto over your State's use of water for industrial, municipal, agricultural, or recreational purposes?" That is clearly not the issue embodied in the present debate. I would stress that the shared-water amendment which is expected to be offered only governs interstate transfers, and only for coal pipeline purposes. The decisions of individual States as to the best use of water, for whatever purpose, within that State, will remain unfettered.

I know that some of my colleagues will ask why some of the major proponents of this bill, coming from the arid States of the West, would support this bill unless all the water issues were resolved. I would just point out that many of the States have coal, as well as water, and that a great deal more revenue can be generated from the sale of that coal, in the short term, than from any use of the water in question. I urge my colleagues to consider the impacts of this use of water upon those States which are downstream of the Mountain States, those States which have no coal and which depend upon adequate water.

Let us preserve the water rights of all of the States, as they stand, but let us not, my colleagues, give any one State the right to exercise the awesome commerce clause power delegated to it by the Congress in this bill, to the serious long-term disadvantage of other States with which it shares water. Make no mistake about it, that will be the effect of this bill, unless we adopt and appropriate shared-water amendment.

In conclusion, I urge my colleagues to support appropriate amendments to protect the water rights of all States, with respect to the coal slurry pipeline legislation, or to defeat the resolution.

□ 1740

Mr. UDALL. Mr. Chairman, I yield such time as he may consume to the gentleman from Pennsylvania (Mr. MURPHY).

Mr. MURPHY. Mr. Chairman, I rise in opposition to this measure.

Mr. Chairman, proponents of H.R. 1010, the Coal Transportation Act of 1983, have tried to convince my colleagues that this is a jobs bill.

I want the record set straight on that argument, because for Pennsylvania and many other parts of the country, this is not a jobs bill.

It is true that the construction of these coal transportation system will create temporary construction jobs. But let's look at what happens when construction's over and the itinerant labor moves on. For every permanent job created for the operation of that pipeline, six railroad jobs will be lost.

In my part of the country, that's six families without income—six heads of household who move from the taxpayer column into the unemployment statistics. Given today's economy, the move from the unemployment line to out and out welfare is swift.

Dealing in bigger numbers, this means that if all of the currently proposed pipelines are built, America will have gained 7,000 new pipeline operations jobs. In the process, it will lose 41,000 railroad jobs.

Congress has spent the past year agonizing over the condition of the railroad retirement account. In the end, we committed enormous amounts of money from labor, from management, and from the Federal Treasury to insure the retirement years of millions of rail employees.

It makes no sense to undo what we have accomplished for rail labor by passing legislation like H.R. 1010.

Mr. UDALL. Mr. Chairman, I yield 3 minutes to the gentleman from Minnesota (Mr. VENTO).

Mr. VENTO. Mr. Chairman, I too was a witness to the rather interesting ad hoc discussion on water between our chairman and the gentleman from Wyoming (Mr. CHENEY). I want to at the start thank my chairman for giving me the additional time today to respond to that.

This legislation, whatever its intention is with regard to water rights, has at its core the desire to facilitate the utilization of water in coal slurry pipelines. That is the intent of it. You might do it by suggesting you are enshrining States rights. But it is indeed an enshrinement and a one-way street with regard to those particular rights.

This legislation in and of itself does a great deal in terms of preserving States rights, but only in a one-way fashion for the coal slurry use of that particular water. The use of the water for coal slurry pipelines even when such a State's action would otherwise constitute an impermissible burden on interstate commerce is provided in this particular legislation. States contesting the loss of their shared-waters diversion occurring in another State would be forced to rely on existing mechanisms which permit the State to seek legislative, judicial or compact allocations according to the Interior Committee report.

By contrast the States choosing to sell shared water would be armed with the extraordinary grant of congressional plenary power over water for coal slurry. Not only is that power granted in this bill on page 4 pursuant to the commerce clause article I, but it expressly delegated to States the power to establish and exercise in State law whether now in existence or hereafter enacted. It is about the broadest interpretation that one could write into law for the reservation, appropriation, use by that State. But nevertheless to abrogate any contracts that it has. And do such contracts exist within States? Yes, indeed they do. Much to my dismay, after having received answers in this, for example the Yellowstone River compact points out in article X, the agreement of course between the States of Wyoming, Montana, and North Dakota, no water shall be diverted from the Yellowstone River without the unanimous consent of all signatory States. The first line of article X. The rest does not compromise it. A full examination of that should be looked at, and the type of language that is included in this bill and the modification that it makes to the same language.

The legally operative effect of all of the bill's water language, especially

that purporting not to affect other States, is to streamline, literally to pave the way for the use of this water in coal slurry pipelines. And I might add in looking at this language, it is just filled with the same types of loopholes.

If you look at the top of the page that purports to affect or preserve States rights, "nothing in this act," the bottom of page 5, "or amendment made to this act shall preempt or otherwise affect States rights."

But only with regards to quality and disposal, not quantity. Interesting.

Mr. LUJAN. Mr. Chairman, I yield 1½ minutes to the gentleman from Missouri (Mr. COLEMAN).

Mr. SHUSTER. I would yield 1 minute to the gentleman also.

Mr. COLEMAN of Missouri. Mr. Chairman, I would like to thank you for this opportunity to share my views on the water resource issues associated with H.R. 1010, the Coal Slurry Pipeline Act of 1983.

Recent proposals indicate that coal slurry pipelines may result in the transfer of river waters for use outside their basin; I would like to focus my remarks on the concerns that have developed in the Missouri River basin in relation to these proposals.

As you know, the State of South Dakota has contracted to sell water from the Oahe Reservoir—which is connected to the Missouri River—to Energy Transportation Systems, Inc. (ETSI) for a coal slurry pipeline project. As I understand the agreement, ETSI will pay South Dakota $1.4 billion over the 50-year lifetime of the contract in return for as much as 16 billion gallons of water per year. This water will be transferred from the Oahe Reservoir to the Powder River basin coal mining region in Wyoming, where it will be mixed with coal; a coal slurry pipeline will then carry the 50-50 mixture from Wyoming to utility companies in Louisiana, Oklahoma, and Texas where they are expected to purchase the coal.

The drought and killer heat waves we have experienced in the Midwest in the last several years, especially this year, have made us realize that water, or the lack thereof, is the most serious long-range problem now confronting the region, and the Nation—potentially more serious than the energy crisis.

Just as Americans have discovered the hidden costs of energy in a multitude of products, they are also about to discover the hidden costs of water. According to water experts, you can begin with the water that irrigated the corn that was fed to the steer, and find that a single Kansas City steak may have accounted for 3,500 gallons. The water that goes into producing a 1,000-pound steer would float a naval destroyer. It takes 14,395 gallons of water to grow a bushel of wheat, 60,000 gallons to produce a ton of steel, and 120 gallons to put a single egg on the breakfast table.

We can hardly ignore the impact of diversion on the cities and towns that utilize the Missouri River for drinking water. For example, in Missouri, nearly 60 percent of the population received their drinking water from the Missouri River, including those who reside in our two biggest metropolitan areas, Kansas City and St. Louis.

The South Dakota/ETSI coal slurry pipeline sale raises a significant concern for those of us in downstream States. The sale will result in the large-scale transfer of water from a State in one basin to a State in another basin. It is the precedent set by this interbasin transfer that most concerns me. Sponsors of this bill say they resolved water rights problem by delegating to the States the powers to decide whether any water would be sold to coal slurry companies. I feel their solution only compounds the problem. This gives upper basin States a blank check to sell water. We in the downstream States do not have any safeguards. Perhaps there would not even be any water left by the time the river gets to us. This will certainly cause conflict between the upper and lower basin States.

When water is used for irrigation, municipal consumption, or industrial applications within a water basin, about 60 percent of the water returns to the basin. If coal slurry pipelines begin operating, we will see water from the Missouri River eventually ending up outside the basin, and not one drop of the pipeline water will ever be returned to the Missouri River basin.

We are all aware that the Colorado River is virtually exhausted by the time it reaches Mexico. The distribution of its water by the U.S. Supreme Court to the seven States through which it flows has not worked. Because of a tangle of unreasonable demands and court decisions, these States and Mexico have legal rights to more water than the Colorado River contains. Before a similar point of no return is reached in reference to the diversion of Missouri River water, a solution to the controversies surrounding the diversion of Missouri River water must be achieved. Of course, the best solutions to the problems surrounding the diversion of Missouri River water would be the voluntary implementation of an interstate compact on water use by the 10 basin States. However, as of this time, the States have not come together to work out a plan for future utilization of the river.

I am also concerned about the fate landowners would face if the privilge of eminent domain is given to private industry without any restrictions. Landowners in South Dakota testified before the Agriculture Subcommttee on Conservation, Credit and Rural Development that officials from ETSI tried to use one neighbor against the other in acquiring contracts. One landowner stated, "They (ETSI officials) planned to use that old routine of muscle your way through and threaten and bluff."

Permitting coal pipelines to use eminent domain without any restrictions is dangerous to landowners. It says that big corporations are more important than small landowners * * * no matter that they bought the land with their blood, sweat, and tears. As many of you know, ETSI pipeline recently lost a bid for a contract with Arkansas Power & Light. Because of increased construction cost of the pipeline, ETSI was not able to compete with railroad transportation. There is talk that ETSI will reroute its pipeline to Texas. How many more landowners will be harassed by this corporate giant because of the new route.

Finally, I am concerned with the liability aspect. Who is responsible for cleaning up coal slurry spills? How many times is this liability extended? The amendment I plan on offering would require the agency issuing a construciton permit to determine the liability of the coal slurry company and the landowner before the permit is issued. This will provide adequate safeguards to the landowner and the pipeline company.

Once again, I urge my colleagues to join with me in opposing the Coal Slurry Pipeline Act of 1983.

Mr. UDALL. Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania (Mr. EDGAR).

□ 1750

Mr. EDGAR. Mr. Chairman, I rise in strong opposition to this coal slurry pipeline bill and I do so for a number of reasons, the most important of which for me is the issue of water.

As you know, I have taken the well of the House on several occasions to talk about the quantity and quality of our water, the water development in this Nation, and I think the previous speaker focused on the issue very well in talking about the water being pumped into these pipelines that in fact can be pumped out of a watershed, water that could be used by downstream States but in this instance is piped to another watershed and used for another purpose.

We had a previous speaker who talked about the quality of this water when it comes out of the pipeline and what it is used for and how it is going to cool down powerplants and power facilities.

That may be true in some cases but I think it is a mistake for us to give national eminent domain, to not have in place a water policy that aids all of the States in the region in knowing

where the water is going to come from and where it is going to go; and, third, answers the real questions of what is the impact going to be in terms of both the entry water and the exit water.

I belive that if the people who proposed to develop coal slurry pipelines were really serious they would have come to us a few years ago and said we would like to build a pipeline from point A to point B and from point C to point D. Here are the areas that it is going to cross and here is the water we are going to use. Here is the water we are going to dispose of and here is how we are going to do it in these two instances. Give us that opportunity to demonstrate that it works and then perhaps we will come back and add different pipelines on in the future in an interstate water system.

But that is not what they want. They want national eminent domain, carte blanche, to put pipelines where they want with no justification of where the water use to going to be or to come from.

I urge opposition to coal slurry pipelines.

Mr. Chairman, I rise in opposition to H.R. 1010, the Coal Pipeline Act. Although I have a specific concern on the water issue which will be dealt with when amendments to this bill are considered, I also have a number of other concerns which go to the very heart of the legislation before us.

On the water issue, I was the original author of an amendment in the House Public Works and Transportation Committee which would guarantee protection of all States affected by a transfer or sale of water for use in a coal pipeline. This amendment, which I will work for on the floor, would require States to have an interstate compact in effect before water diversions for pipeline use may take place.

There is also a serious water quality issue to be considered. At this point, we have only the assurances of pipeline developers that wastewater at the receiving end of proposed coal slurry pipelines can be treated and returned to our rivers and streams without harm to public health. The EPA has not yet completed all its studies on the water quality issue. The only existing pipeline in use cannot discharge its wastewater, but rather disposes of water in huge evaporation ponds in the Arizona desert.

Pipelines safety issues present a problem. Our experience with existing oil pipelines proves beyond any doubt that pipelines can and do break and leak. The coal, dirty water, and solvents will eventually find its way into the soil and ground water in many of the areas now slated as pipeline routes. Such leaks will be disastrous for the environment, public health, and agriculture.

No provision has been made in this bill for the serious problem of dislocation of rail workers, thousands of whom stand to lose their jobs as a result of coal slurry legislation. Labor protection language has been repeatedly rejected by coal slurry supporters, many of whom have supported strong labor protection provisions on other transportation legislation or on legislation dealing with foreign trade.

The cost of this legislation to the economy as a whole will be enormous for an investment which is dubious and speculative at best. Although supporters of the bill argue that no Federal money will be provided, the fact is that this investment will be a direct result of action by the Federal Government. According to an August 22 article in the Wall Street Journal the current cost estimate for the 1,200 miles ETSI pipeline is $3.8 billion. Multiply this figure by the proposed 10,000 miles of coal pipelines which are currently proposed across the Nation, and it is clear that we are talking about an investment of over $30 billion in coal pipeline technology. The impact of this tremendous diversion of capital on interest rates to housing, for small business, for revenue bonds, and for public infrastructure improvements will be horrendous.

All of these issues, water supply and quality, labor protection, safety and public health, and enormous cost are critical reasons why the coal slurry bill as a whole is unacceptable and must be defeated by the House. We have an example of this kind of dubious investment in the half-built and shut down nuclear powerplants today strewn across the Nation, a waste of billions of dollars for taxpayers and consumers. In our haste to develop nuclear power, ignoring the problems associated with that techology, we got the accident and Three-Mile Island and the the other disasters which are so familiar today. I am convinced that we would make an equally disastrous commitment by passing the bill before us today.

Mr. SHUSTER. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Kentucky (Mr. ROGERS).

Mr. ROGERS. Mr. Chairman, I rise today in opposition to the Coal Pipeline Act.

I represent a coal-producing region. As a matter of fact, it is one of the biggest coal-producing districts in the country. And although this bill is intended to benefit coal, I would like to tell you why I have decided to vote against it and why I would urge my colleagues to vote against it.

First and foremost, the coal slurry bill is not in the best interest of the American coal industry. It might help a few, very large coal companies. But the vast majority of our companies are small, and not only would not they be helped by coal slurry, they would probably be badly hurt by it. Most of these companies would not ever have access to the pipelines—and even if they did, the loss would be prohibitive. And coal companies left shipping by rail would be forced into paying higher rates.

Let me explain how this would happen.

The bill addresses the access question through a system designed to guarantee fair access to the pipeline. Any coal company could apply for certification as an original supporter of the pipeline, which would guarantee them a certain volume of coal movement and access to the pipeline. Unfortunately, however, very few small companies have the long-term contracts with buyers which would allow them to become original supporters.

This means that very few small companies would have convenient access points. The rest would be forced to transport their coal across the hills and hollows—places where the railroads now run but where the pipeline never would be laid—all the way to these few access points. And they would probably have to haul their coal by truck, adding precious dollars onto their costs.

And even if they could get access, many smaller companies would face serious rate problems when they tried to use the pipeline. The bill allows for contracts between the coal companies and the pipelines. But since the smaller companies rarely have long-term sales commitments, they would not be able to enter into these long-term transportation contracts. Instead, they would pay on a tariff basis—and we would find a repetition of the current rail situation where we have a two-tiered rate system, with large companies paying one rate and the smaller operators paying a much higher rate.

And of course, without the big companies defraying the railroads' overhead costs and line maintenance costs, the smaller companies would be left to pick up the tab—and this spells out to even higher rail rates than they face today. As Department of Transportation officials have confirmed in congressional hearings, if the pipeline skims off the lucrative coal traffic, other users, and that includes smaller coal operators, would be forced into paying higher rates.

So what this bill gives us is a transportation alternative for the big companies, but higher transportation costs for the small companies. In my mind, Mr. Chairman, this bill is no answer to our coal transportation problems. Every year, more and more small coal companies are forced to shut down. I am deeply concerned that this bill, by raising smaller companies' shipping costs, would force even more of them to fold up.

Let me point out some additional problems with this legislation.

This bill would mean lost jobs. While the slurry pipelines' supporters argue that the pipeline would give us construction jobs, the fact is that it would lead to a loss of about 41,000 railroad jobs. Of course, we need construction jobs during these days of high unemployment. But the fact remains that the railroad jobs are permanent jobs and the construction jobs would only be temporary. And Mr. Speaker, it makes no sense at all to give up these permanent rail jobs in exchange for some temporary jobs.

I am also concerned that this bill could hurt our railroad retirees. The Congress has just finished legislation to shore up the railroad retirement system. But if we lose another 41,000 workers, which the slurry bill would force us to do, there would be fewer workers paying into the railroad retirement system. That would force the system into further chaos and could lead to another shortfall, putting our retirees' benefits into jeopardy once again. Mr. Speaker, I would urge my colleagues to be extremely cautious in any legislation that might endanger these hundreds of thousands of retirees' benefits.

Finally, Mr. Speaker, I would like to point out that the coal slurry pipeline is bad for agriculture. They would suffer with higher rail rates once the big coal companies were no longer paying their share of the overhead costs on the railroads.

And of course, there would be the huge loss of water. It seems especially ironic that at the same time we are in the middle of the worst drought we have had in years, we are considering a program to give away 13 billion gallons of water every year. This can only mean higher irrigation costs for our farmers in years to come.

Of course, I understand the goal of the authors of this bill. I do believe that in some cases our rail rates have climbed too high and that we do need to find a way to keep them at a reasonable level. But I am convinced that the way to do that is to address the problems in the Staggers Act and to work with the ICC to maintain a reasonable system of regulation to protect our captive shippers.

But, Mr. Chairman, the answer to our rail problems is not to raise the small coal operators shipping costs, is not to throw away 41,000 railroad jobs, is not to jeopardize our railroad retirement benefits, and is not to raise our agricultural shipping costs. In short, this coal slurry bill, designed to benefit a handful of companies, is not the answer we need.

I urge my colleagues to work with me in addressing the problems of our rail rates—but to defeat the bill before us today.

Mr. LUJAN. Mr. Chairman, I yield 3 minutes to the gentleman from Pennsylvania (Mr. CLINGER).

Mr. CLINGER. Mr. Chairman, we are approaching the end of the debate period on this very important bill and we have heard a lot of discussion about water rights, and unemployment issues, take or pay contracts, environmental concerns, and all of these are going to be debated at length, I am sure, under the 5-minute rule.

But for me, the issue really comes down to this, and the reason that I support the coal slurry legislation is because I think on the issue of fairness it is abundantly clear that this is legislation that has been delayed too long and really deserves to see the light of day.

I think it is intrinsically unfair, Mr. Chairman, for one mode of transportation, the railroads, which have a near monopoly on the transportation of coal in this country, to arbitrarily block, and let us make no mistake about it, it is solely the railroads that have blocked the development of coal slurry pipelines in this country.

It is intrinsically unfair for them to exercise the club which they have to prevent the development of a competitive mode of transportation.

Competition, after all, in the marketplace in this country has been the driving force behind the development of this country in so many other fields. It allows the entrepreneurs of our society to flourish by developing and marketing new products and services.

But in the coal transportation market there is not much competition because, quite frankly, most of our Nation's coal production is transported by railroads. Trucks, sure, for the short hauls, while barges are useful in some areas where convenient water systems are available.

But for the last 20 years the Congress has debated the merits of the fourth alternative, coal slurry pipelines, and has reached no resolution solely because of the opposition of railroads in this body.

Since the 19th century railroads have enjoyed this near monopoly and they had the right of eminent domain when they were developed and they have used that ownership to thwart the construction of coal slurry pipelines.

The railroad industry argues that coal slurry pipelines will result in massive unemployment as their historic markets are captured by a cheaper mode of transportation.

It is interesting to me that the only time we have really come into competition, that is where railroads have been in direct competition with coal slurry pipelines, it was the coal slurry pipeline that was shut down. So I do not really feel that it is a valid argument to suggest that in every event railroads are going to suffer as a result of the competition of coal slurry pipelines.

No, Mr. Chairman, it seems to me that in every other area of endeavor in this country we permit, we encourage competition. There is no reason for any difference in the method of transportation of coal and, therefore, Mr. Chairman, I would most strongly urge a favorable vote on coal slurry pipeline by the House.

Mr. Chairman, competition in the marketplace has been the driving force behind our Nation's No. 1 position in the world economy. It allows the entrepreneurs of our society to flourish by developing and marketing new products and services. In the coal transportation market, there is not much competition because most of our Nation's coal production is transported by railroads. Trucks are used for short hauls while barges are advantageous where a convenient water system is available. For the last 20 years, Congress has debated the merits of a fourth alternative, coal slurry pipelines.

Since the 19th century, railroads have enjoyed the right of eminent domain and they have used their ownership of rights-of-way to thwart the construction of coal slurry pipelines. The railroad industry argues that coal slurry pipelines will result in massive unemployment as their historic markets are captured by a cheaper mode of transportation.

Yet, several studies predict greater domestic and international coal consumption. The increased demand for coal cannot be met by our railroads alone. We must provide for modern means of transporting coal in order to meet future demand. This capacity cannot be built overnight without overcoming the legal monopoly that only railroads enjoy by restoring fair play in the marketplace.

Furthermore, the Interstate Commerce Commission must, under this bill, make a determination during the certification process "on the extent to which the proposed pipeline or extension would have an economic impact on any other common carrier or would affect the type or level of transportation services of any other common carrier." In other words, this provision is an important requirement in determining whether or not the proposed pipeline or extension is or will be required by the present or future public convenience and necessity before the right of eminent domain is granted to coal slurry pipelines at the expense of railroad interests.

Mr. LENT. Mr. Chairman, will the gentleman yield?

Mr. CLINGER. I yield to the gentleman from New York.

Mr. LENT. Mr. Chairman, I rise in opposition to H.R. 1010, the Coal Pipeline Act of 1983.

Although H.R. 1010 was not referred to the Committee on Energy and Commerce, on which I serve, I have some strong concerns that the legislation will have a negative impact on an area within our jurisdiction—the rail industry.

The construction of coal slurry pipelines could have a devastating impact on rail employment. In testimony given before the Energy and Commerce Committee, representatives of the rail industry estimated that it would lose roughly 41,000 permanent jobs as a result of these pipelines.

In August of this year, rail unemployment was 51,900, according to the Railroad Retirement Board. In the past 1½ years, rail employment levels have dropped off approximately 25 percent. The railroad unemployment compensation program which pays unemployment benefits to furloughed rail workers is currently in debt over half a billion dollars. This amount is owed to the railroad retirement system which itself until the recent passage of legislation has been on the brink of insolvency. This system is dependent in large part on the contributions of active workers and rail carriers.

Clearly, the rail industry can ill afford the loss in employment the operation of these pipelines will cause.

If the transport of coal is diverted from rail to coal slurry pipelines, the overall financial health of the rail industry, which only recently has begun to get back on its feet would be severely jeopardized. The better economic outlook for the railroads, achieved in large part through deregulation under the Staggers Rail Act of 1980, could well be reversed by this legislation. Coal is the railroads single most important commodity, representing 40 percent of its traffic. According to the slurry pipeline data, 250 million tons of coal annually will be moved in pipelines. This translates into lost rail revenues of $3.5 billion.

Slurry proponents attempt to allay our fears with the assertion that coal production in the United States will increase in the future, with the result that the rail industry will not realize any harm from the construction of pipelines.

Yet, according to the American Association of Railroads, the railroads are ready, willing, and able to handle any increase in coal production if one should occur, with 60,000 excess coal hoppers and 5,000 excess locomotives. This available equipment would enable the railroads to haul 30 percent more coal than they currently do.

This legislation also raises other serious concerns including:

First, the proper handling and disposal of slurry effluent, a potentially hazardous waste;

Second, the use of take-or-pay contracts, under which utilities would be required to purchase large quantities of coal over long periods of time, which will have the effect of "locking in" consumers and freezing out competition by railroads; and

Third, the use of massive quantities of water, aggravating the already scarce water supplies in the West.

I know my colleagues on the Public Works and Transportation Committee and the Interior and Insular Affairs Committee will speak to these concerns in greater detail during the course of this debate.

Given the unresolved problems and uncertainties that this legislation poses, I simply cannot support H.R. 1010 and would ask my colleagues to do likewise.

Mr. LUJAN. Mr. Chairman, could we have an indication of the time remaining by each each one, please?

The CHAIRMAN pro tempore. The gentleman from Arizona (Mr. UDALL) has 5½ minutes; the gentleman from New Mexico (Mr. LUJAN) has 4½ minutes; the gentleman from Pennsylvania (Mr. SHUSTER) has 1 minute; and the gentleman from California (Mr. ANDERSON) has 5 minutes.

Mr. UDALL. Mr. Chairman, I yield 2 minutes to the gentleman from Iowa (Mr. BEDELL).

Mr. BEDELL. Mr. Chairman, for some long time, I have had a bill in which would say that no State will be permitted to sell water outside its own boundaries if that water would normally come from outside its boundaries and would normally flow through the State to other States unless there was a compact among the States in the drainage basin which authorized such sale.

It is my understanding that such an amendment will be offered on this bill and I certainly urge support.

But the main reason I wanted to speak was that, as I appeared before the Committee on Interior and Insular Affairs, I advised the committee that I did not have a particular stand on coal slurry pipelines and I want you to know that was a truthful statement.

I think I approached it with an open mind.

But I would hope that before people vote on this bill, they would read the testimony of three South Dakota ranchers as they came before our Agriculture Committee, to state what had happened to them when South Dakota had given eminent domain to the ETSI Pipeline Co. to transfer, move across their land.

In effect, what they said was that the pipeline company had told them we do not care if it makes more sense to run the pipeline in this part of your farm; we do not care if that is where it would be best for everybody involved; this is where we are going to run it. If you do not like it, you can go to court.

I asked people: Is that really what you want to do at this time all across the country for everybody, for all farmers?

I think there is some sense to what the gentleman said, that we should require the railroads, to permit them to go across their territory, but that is not what we are doing in this bill.

We are saying that every farmer in the country will have to do whatever the pipeline tells them they have to do unless they want to go to court.

I ask you: How many farmers are going to want to do that?

I urge the defeat of this bill.

□ 1800

Mr. LUJAN. Mr. Chairman, I yield 2½ minutes to the gentleman from Wyoming (Mr. CHENEY).

Mr. CHENEY. Mr. Chairman, I rise in support of the pending legislation to allow coal slurry pipeline companies to acquire rights-of-way so that they might compete for the business of transporting America's coal to market.

In past years, when coal slurry legislation came up for consideration, I voted against it because I felt the previous bills did not offer adequate protection for the rights of the individual States with regard to any water that might be needed for coal slurry pipelines, and for landowners whose land might be crossed by pipelines.

However, this year's bill contains important new provisions which I offered as amendments in the Interior Committee that will safeguard State water laws and enhance protection for landowners who might find themselves involved in eminent domain proceedings with coal slurry pipeline companies. Because these provisions were included, I voted for the coal slurry bill when it was adopted by the Interior Committee, and assuming the bill is not changed by the House in a way that would damage the protections it currently contains, I intend to support its approval by the House.

This bill will benefit the Nation by removing a major barrier to the development of a new method of transporting coal. More transportation alternatives will mean more efficient, and likely increased, coal development, thereby reducing our dependence on foreign oil, creating jobs, stimulating the economy, and providing fuel for industry and consumers.

And by putting the Congress forthrightly on record as endorsing State authority and control over water with respect to coal pipelines, the bill sets an important new precedent for protecting the rights of States to allocate and manage their own water resources, free of Federal and judicial interference.

THE WATER ISSUE

Much of the coal to be moved by any slurry pipelines that may be built is located in the West where water is a scarce and precious commodity. Consequently, a major element in previous debates on this issue has been how to safeguard the ability of the individual States to decide whether water should be committed at all to slurry pipelines, and if so, how much and under what conditions. But concern over this aspect of the issue changed to alarm for those of us representing water-short States in the wake of two recent court decisions which have the effect of leaving the States all but powerless to limit the export of their water, whether for slurry pipelines or other purposes.

The U.S. Supreme Court, in Sporhase against Nebraska, and a Federal District Court in El Paso against New Mexico, have declared groundwater (and, by implication, surface water) to be an article of commerce under the Constitution's commerce clause and have said the States may not restrict the flow of water outside their boundaries except in the most narrow of circumstances. In effect, these court decisions have stripped the States of their ability to manage and control their own water resources.

Earlier versions of coal slurry legislation considered by previous Congresses included water-related provisions designed to make it clear that the individual States would have full authority to decide whether water would be committed to slurry pipelines. But the subsequent Sporhase and El Paso decisions have underlined the importance of such water provisions and have made it essential that the Congress act to restore State authority and control over water.

These court cases clearly have struck down State laws prohibiting the export of water except in the most restricted of circumstances. Wyoming Governor Ed Herschler, in a recent letter, had this to say about the El Paso decision:

What is surprising and most disconcerting in the El Paso decision, is the very narrow interpretation that the judge gave to the public health and safety standards set forth in Sporhase. Judge Bratton's interpretation of Sporhase that "a state may discriminate in favor of its citizens only to the extent that water is essential to human survival" is an exceedingly narrow and unwarranted interpretation of the Sporhase decision.

Governor Herschler goes on to say that—

There are probably no statutes in the Western States governing the export of water that can pass constitutional scrutiny. If El Paso is affirmed on appeal, it is probable that the State statutes governing the export of water can only be upheld if Congress expressly immunizes them from Commerce Clause challenge.

Accordingly, in consultation with several lawyers and water experts, I developed language for this year's coal slurry bill that will guarantee State authority over water allocation decisions where coal slurry pipeline decisions are concerned and insulate that authority from judicial challenge on the basis of the Constitution's commerce clause.

The provision I developed, which was approved by both the Interior and Public Works Committees, specifies that Congress expressly delegates to the individual States the power to decide whether any water will be allocated to any coal slurry pipeline. It also provides that all State laws, practices, and procedures relating to water allocation would have to be followed. States would have the right to interrupt or terminate the use of water if they deemed it necessary.

In my view, this water language accomplishes the following: First, it makes it crystal clear that not a drop of water will ever flow into an interstate coal slurry pipeline unless the State concerned allows it to happen. Second, it places the Congress squarely on record as having recognized the legality of State control over water. It delegates to the States full and complete control over water with respect to slurry pipelines and insulates State decisions from legal challenges such as those in Sporhase and El Paso. In the language of the provision, itself:

. . . Congress declares that the development of coal pipelines may occur only if now or hereafter permitted by state water law and interstate allocations, and hereby delegates to and ratifies the exercise of such authority by the states . . .

EMINENT DOMAIN AUTHORITY

The whole purpose of Federal coal slurry pipeline legislation has been to help pipeline companies obtain rights-of-way for pipelines by allowing the limited use of Federal eminent domain authority. One of my objections to earlier bills was that the eminent domain provisions ignored State laws on eminent domain and were not sufficiently protective of property rights. Each State has its own unique eminent domain laws which have been developed over the years according to local conditions and circumstances. It bothered me that earlier bills did not take into account these State statutes.

Consequently, I revised the eminent domain provisions of this year's bill so that they would more closely parallel State eminent domain laws. Specifically, under my provision which was accepted by the Interior and Public Works Committees, a pipeline exercising Federal eminent domain authority would have to conform to the laws, practices, and procedures of the State in which the property was located with regard to compensation, trial by jury, and siting alternatives. These changes significantly benefit individual States and insure that citizens will be afforded the same protections and benefits in any coal slurry eminent domain proceeding as they would receive under State law with regard to compensation, trial procedure, and location of the pipeline. Other amendments adopted by the committees have provided further protections for property owners, such as requiring proceedings to occur in State court unless a landowner chooses otherwise and providing attorney's fees to landowners if bad faith negotiations occur before an eminent domain action begins.

COAL AND OUR FUTURE

Last year, Wyoming was the No. 3 coal-producing State in the Nation, and we possess vast reserves of low-sulfur, surface-mineable coal—enough to help meet America's energy needs for many years into the future. Coal is an important component of my State's economy, and Wyoming citizens benefit from its development and exportation, as do millions of consumers in other States who receive their electricity from Wyoming coal.

Wyoming is also a large, sparsely populated State with vast undeveloped areas, magnificent national parks and forests, and clean air—all of which must be protected. The demand for Wyoming's coal comes not from the people who live in Wyoming, but from those who live in cities far away in Texas, Illinois, and elsewhere. In order to meet that demand, there must be reasonably priced methods for moving the coal from where it is mined to where it will be burned.

If we don't move the coal to those who use it, the only other alternative is to build the powerplants in Wyoming at the mine sites, and then move the power to the consumers by means of high-voltage powerlines—an option I do not favor.

Right now, western coal moves by rail, and millions of tons of Wyoming coal wend their way daily over many miles of track from Wyoming to points in all directions. It may well be that, at some point, it will make sense for there to be other methods of transportation in addition to railroads, such as slurry pipelines.

The problem with slurry pipelines for a State like Wyoming is that they may require the use of water. There is the possibility that, in time, other substances may be perfected for mixing with the coal, such as liquid carbon dioxide, so that water will not be needed. But most of the discussion about coal slurry pipelines at this point in their evolution has involved water—a word guaranteed to perk up the years of any Westerner.

My own view of the coal slurry/water issue is best expressed by a sentence included in my amendment to the bill we are discussing: "The need for coal pipelines is subservient to the national interest in the primacy of

State water law and interstate allocations of water." Because in this bill, the Congress agrees to give Wyoming and other States absolute, unquestioned, legally-defensible authority to determine whether any water will ever be allocated to a slurry pipeline and to specify how that water will be obtained and used, I am willing to support legislation to facilitate rights-of-way for coal slurry pipelines.

COAL SLURRY AND RAILROADS

The main opposition to coal slurry legislation has come from railroads. In the West where enormous reserves of coal are located, the railroads are currently the only means of transporting coal. The railroads have lobbied hard against the pending legislation to give slurry companies the right to obtain rights-of-way by means of eminent domain.

But competition is the lifeblood of the American economic system—a fact which the railroads, themselves, emphasized in the 1800's when they, too, successfully sought and received from Congress the right to use eminent domain authority to acquire their rights-of-way for rail lines. More recently, the railroads trumpeted the benefits of competition and free enterprise to convince the Congress to free them of unnecessary Federal regulation, and Congress responded by passing railroad deregulation legislation.

Proof of how competition for the right to haul coal is beneficial can be found in the recent contract between the Union Pacific Railroad and Arkansas Power and Light to transport coal from Wyoming's Powder River Basin to Arkansas. Arkansas Power and Light invited bids for hauling the coal, and received proposals from the ETSI coal slurry pipeline company and two railroads. One railroad submitted a bid for hauling the coal all the way from Wyoming to its destination, while the other offered to serve only part of the route. The low bidder was the railroad, but Arkansas Power and Light has indicated that if there had not been competition from the slurry pipeline company, the cost of hauling the coal by rail would have been significantly higher. As it is, the prospect of being underbid by a coal slurry pipeline company forced the railroad to carefully examine its charges, with the result that Arkansas Power and Light will save some $16 billion in transportation costs over the life of the contract as a direct result of the effects of competition. This is good for the consumers, good for Wyoming because of the jobs and tax revenue that will be generated by the mining and railroad activity, and good for the railroads because they will be forced to run a more efficient, effective system with competition than without.

Wyoming is fortunate to have vast coal resources—enough to aid our economy for many, many years to come. But because we are a long way from our markets, we can compete only if there are economical ways to move our coal. Over the past several years, the price of coal has increased by less than 10 percent, but the cost of shipping it from Wyoming to Texas, for example, has increased by nearly 260 percent. Coal slurry pipelines may provide the competition that will force more reasonable rates for hauling coal, which will benefit Wyoming.

One of the methods the railroads have used to try to stop the pending coal slurry legislation has been to urge their current and former employees to lobby the Congress. In their letters to their employees, they have made certain statements which I believe deserve a response, and I would like to discuss these statements:

First, the railroads are telling their employees that legislation to grant coal slurry pipelines the right to use eminent domain authority to acquire rights-of-way is "unprecedented," constitutes the granting of "extraordinary Federal powers," and is "special interest" legislation.

What they have neglected to tell their workers is that in the 1800's when the railroad industry was attempting to establish itself, it received from Congress the same eminent domain authority. Furthermore, the Congress gave almost 10 percent of the land mass of the continental United States to the fledgling railroad industry for rights-of-way—some 145 million acres of land representing an area bigger than the combined States of Florida, Georgia, South Carolina, North Carolina, Virginia, West Virginia, Maryland, and Delaware. Much of this land is still owned today by the railroads, and is valued in the billions of dollars.

The coal slurry pipelines, on the other hand, would receive under the pending bill neither free land nor free rights-of-way from the Federal Government. What they would get is the same power of eminent domain which the railroads used to build our rail system, except that landowners would have greater protection than before. And wherever that power may be used, the pipelines would have to provide just compensation to the owners of any land that may be used for a right-of-way.

Second, the railroads are telling their employees that the pending bill would "give coal slurry promoters the right to take land from ranchers, farmers and other property owners for pipeline rights-of-way."

What they have failed to point out, as I previously mentioned, is that just compensation would have to be provided any time the eminent domain authority might be exercised. Moreover, the pending bill contains provisions far more protective of landowners than ever before in any previous eminent domain legislation, so that any landowner who may be affected by a slurry pipeline's use of eminent domain procedures will have many more advantages than did landowners who were affected in the past by the railroads' use of earlier eminent domain powers granted by Congress.

Third, the railroads are telling their employees that the competition from coal slurry pipelines will cause the loss of thousands of jobs in the railroad industry, and that pipelines will siphon off coal hauling business, leaving the railroads in financial difficulty.

What they are not saying is that coal production is expected to rise to 1½ billion tons by the mid-1990's, and there is no way the railroads could be carrying less coal in the future. Their share of the hauling market will increase, even if every proposed pipeline were to be built. If all of the proposed pipelines were to be in operation by 1995, which is unlikely, they could carry about 180 million tons of coal per year. This leaves 1.3 billion tons annually to be carried by existing methods of transportation, and that mainly means railroads. Any way you look at it, the railroads are expected to be carrying more than 800 million tons of coal annually, more than is produced today.

According to a recent analysis of coal by the Joint Economic Committee of the Congress, more than 13,000 rail jobs are created for every 100 million tons of annual coal production carried by rail. Simple arithmetic shows that rather than suffer job losses, the railroads can expect to hire some 40,000 new workers by the mid-1990's.

The railroads have also contacted their retired workers to say that coal slurry pipelines would jeopardize the railroad retirement system. In my view, this tactic is the most unfortunate of all the weapons the railroads have used to fend off competition from slurry pipelines. As I have just pointed out, even if all of the pipelines that have been proposed to date were to be built, which is unlikely, the railroads will still be hauling the vast majority of this Nation's coal, and their volume can only increase in future years. Therefore, they will be hiring more workers, who will be paying into the retirement system to help keep it solvent. Congress has just this year enacted legislation to shore up the railroad retirement system, and there is nothing in the pending coal slurry legislation that would in any way jeopardize railroad retirement. If anything, the bill could benefit retired citizens by injecting needed competition into the coal-hauling business, thereby assuring more reasonable utility rates, which frequently are a burden on retirees living on fixed incomes.

Fifth, the railroads are saying that pipelines would "rob our agricultural shippers of scarce water." As the Representative from a State where water is a scarce and precious commodity, I spend a great deal of my time in Washington on water-related issues, and no one is more conscious of the importance of adequate water supplies to the future of a State like Wyoming. I have commented at length earlier in this statement about the water provisions of this bill, which grant solely to the individual States the right to decide whether any water will be committed to a slurry pipeline.

Without such authority for the States, I could not support coal slurry legislation. This language affords the States the authority and protection they need to manage their own water resources.

I would also like to comment briefly on the volume of water we are talking about for coal slurry pipelines. A pipeline uses only one-fifth to one-seventh the amount of water that would be required for an electrical powerplant at the mine site. Because Wyoming is so far away from most of the markets for its coal, there are only three ways our coal can be moved to market: by rail, as it is now, by building the plants in Wyoming at the mines and exporting the power by means of high-voltage transmission lines, or by a combination of rail and coal slurry, should the State of Wyoming decide it wishes to allow the export of coal by slurry line. I personally would not want to see Wyoming become the location for more powerplants which would provide power to people living elsewhere. I would prefer to see our coal exported to those who ultimately will use it. And that brings us to yet another statement the railroads have made, which is that slurry pipelines would "harm the environment."

As a Wyoming citizen, I would much rather see my State's coal shipped to the place where it will be used for burning than to see it burned at powerplants in Wyoming and the power exported via transmission lines. Moreover slurry lines would be buried underground in most cases where they would be silent and invisible. Wyoming is a State of vast, open areas and clean air. I would like to keep it that way.

And finally, Mr. Chairman, I would like to conclude these remarks with a comment about the importance of competition. It is essential if we are to grow and prosper as a Nation, and it accounts for our progress to date.

I would like to bring to the attention of the House of Representatives a rather remarkable letter written in 1829 which says something about the position the railroads are taking now on the possibility that slurry pipelines might haul some coal.

The letter was written by Martin Van Buren, then-Governor of New York, to then-President Andrew Jackson, on January 31, 1829. I would like to read it:

TO PRESIDENT ANDREW JACKSON: The canal system of this country is being threatened by the spread of a new form of transportation known as "railroads." The federal government must preserve the canals for the following reasons:

One. If canal boats are supplanted by "railroads" serious unemployment will result. Captains, cooks, drivers, hostlers, repairmen and lock tenders will be without means of livelihood, not to mention the numerous farmers now employed in growing hay for horses.

Two. Boat builders would suffer and towline, whip and harness makers would be left destitute.

Three. Canal boats are absolutely essential to the defence of the United States. In the event of the expected trouble with England, the Erie Canal would be the only means by which we could ever move the supplies so vital to waging modern war.

For the above-mentioned reasons the government should create an Interstate Commerce Commission to protect the American people from the evils of "railroad," and to preserve the canals for posterity.

As you may well know, Mr. President, "railroad" carriages are pulled at the enormous speed of 15 miles per hour by "engiles" which, in addition to endangering life and limb of passengers, roar and snort their way through the countryside, setting fire to crops, scaring the livestock and frightening women and children. The Almighty certainly never intended that people should travel at such breakneck speed.

It is in the national interest to develop our coal reserves. To do so will create jobs, lessen our dependence on foreign oil, and help meet our energy needs. In order to use our coal, we must have efficient, reasonably-priced ways to transport the coal from where it is mined, to where it will be used. The railroads have always done a remarkable job of providing this transportation, and they will continue to do so in the future. They will be hauling more coal than ever before.

But there is always room in our system for competition, I see no reason why coal slurry pipelines should not be allowed to compete if they can with railroads.

● Mr. MATSUI. Mr. Chairman, coal slurry proponents contend that H.R. 1010 is necessary to foster meaningful competition for the transportation of coal. The Udall-Howard substitute does nothing to prevent the creation of anticompetitive situations and has even taken steps away from earlier versions that provided some safeguards. In particular, the substitute provides no review of contracts by the Attorney General in order to identify contract provisions that may be inconsistent with the antitrust laws.

Distrubing trends in the ownership of captive coal production by electric utilities and acquisition of coal reserves by major oil companies highlight the particular anticompetitive potential for H.R. 1010. According to a February 1982 report by the Federal Energy Regulatory Commission—

Captive Coal is rapidly increasing in importance as a source of fuel for the electric utilities. In 1965, 13 million tons or about 6 percent of all coal used by electric utilities came from captive mines. In 1978, captive coal deliveries totaled 67 million tons or 14 percent of total coal deliveries to the electric utilities. Captive coal production is projected to reach 143 million tons by 1985, when it will account for 20 percent of the projected 1985 total utility coal consumption.

Of the nine possible coal slurry pipelines, three are owned or controlled by major electric utilities which also have purchased or reportedly have plans to purchase substantial captive coal production or coal reserves. One source indicated that the Nevada Power Co.—sole owner of the Allen-Warner coal slurry pipeline—would increase its captive coal production from 800,000 tons in 1975 to 3.5 million tons in 1985 or over a 400-percent increase. Therefore, it is likely that electric utilities will own the pipeline, the coal and the generating source. In previous versions of this legislation, slurry proponents included Federal rate regulation to prevent pipelines from being "able to charge monopoly prices for use of the pipeline." In the substitute to H.R. 1010, Federal rate regulation is abolished. In previous versions of this legislation, slurry proponents hailed a control provision, similar to ours, as a way to "prevent serious anticompetitive situations from developing rather than trying to deal with such situations after the fact when corrective action poses much greater obstacles." This legislation has been stripped of any meaningful antitrust protections for the American energy consumer and could foster gigantic energy monopolies.

The other disturbing trend is the substantial increase of major oil companies acquisition of coal production and their deep involvement in coal slurry pipelines. Today 6 of the top 15 coal producers are now owned by major oil companies and they have increased their ownership of coal production in 1977 of 13 percent of U.S. production to 25 percent of U.S. production or a 92-percent increase.

Of the nine possible coal slurry pipelines, three are owned or controlled by energy companies that own substantial coal reserves and five are owned or controlled by major oil companies or small oil companies that would be susceptible to acquisition. An investigation of the energy interests that control the proposed coal slurry pipelines reveals that collectively they own 14 billion tons of coal reserves or nearly 10 percent of all U.S. coal reserves.

Big oil's interest in this legislation becomes very clear when of the five mines scheduled to feed the ETSI pipeline, three are owned by Atlantic

Richfield Oil Co., Shell Oil and Exxon, with a fourth operated by Peabody Coal which is owned by Bechtel Corp., a 21-percent owner of ETSI.

It is clear to see that ownership of a coal slurry pipeline and ownership of the coal could have significant anticompetitive consequences with—particularly after the initial certification process—no protections for other competitors who may wish to sell their coal. Therefore, with this evidence and the desire for competition to remain alive and well in the coal transportation business, I hope my colleagues will join me in opposing this bill.●

● Mr. TALLON. Mr. Chairman, today I rise to offer my opposition to H.R. 1010, the coal slurry pipeline legislation.

Specifically, I would like to address the delicate situation between our railroad industry and agriculture. My district is a heavily agricultural area with predominantly small family farmers. The grains, soybeans and corn raised are shipped out by rail. While practically every factor in determining a farmer's profit or loss is uncontrollable, they depend on steady and reasonable freight rates.

Transporting coal is a major and stable revenue generator for the railroads. These pipelines would take the high volume, more profitable traffic from railroads. Without those revenues, we would see railroads restricting their service and increasing their rates for transporting other products, particularly agricultural products. And, of course, ultimately, consumers will share the increased costs.

This pipeline is guaranteed to have a detrimental effect of our Nation's fragile railroad system. We have invested in this industry, which has aided our national economy. The railroad industry has been hard hit by the recession, yet this legislation will put rail jobs in jeopardy. During unsteady economic times we need to preserve stable and secure jobs, such as in the rail industry. The projected loss of 40,000 jobs would not be offset by the increase in short-term construction of the pipeline or the relatively small number of permanent pipeline jobs.

I believe this is a very risky venture. The pipeline, while being basically a duplicative coal transportation system, is known to be less efficient that railroad transportation and involves a difficult technology with which we have very little experience.

For these reasons, I urge my colleagues to oppose H.R. 1010.●

● Mr. DENNY SMITH. Mr. Chairman I rise in strong support of the Coal Pipeline Act. Unlike many of the bills that we have been considering in recent months, this legislation does not drain the Federal Treasury and add to the deficit. Instead, this legislation will unleash the competitive power of the marketplace to directly benefit the entire Nation.

Competition from coal slurry pipelines will help restrain rapid increases in coal transportation costs. This, in turn, will help stabilize utility bills for American consumers, stimulate coal production, and encourage coal exports to other countries.

Competition in coal transportation is desperately needed; 97 percent of the coal produced from western coal mines must travel by rail, and rail rates have skyrocketed in recent years. One of the basic lessons of economics is that a captive market is a dying market, and coal is no exception. This bill will help revitalize that market.

In addition, the Coal Pipeline Act will offer badly needed protection for State water rights. Recent court decisions in Nebraska and New Mexico have eliminated the traditional right of the States to control their own water resources. This bill reaffirms that right, and insures that no coal slurry pipeline can use a State's water without its explicit permission.

The effects of this bill are clear. It will not add to the deficit, and it will not subsidize an industry that cannot compete without assistance. It will help break the virtual monopoly on coal transportation that threatens to strangle the American coal industry and at the same time, provide lower energy costs to consumers. Perhaps most importantly, will help guarantee the authority of States over their own water. For these reasons, I urge adoption of the Coal Pipeline Act—it is legislation that is long overdue.●

● Mr. FRENZEL. Mr. Chairman, the coal slurry legislation which we are debating today is one attempt to resolve a question involving huge sums of money. It involves jobs, States' rights to their water supplies, and access to, and costs of, energy.

The Public Works and the Interior Committee members are to be commended for producing a bill which has been considerably improved over past years' versions. Nevertheless, as in past Congresses, I shall oppose the coal slurry legislation.

The argument that the coal slurry pipelines could provide competition for coal carrying railroads, and thereby bring the cost of coal transport significantly down, is a strong argument. But on the other hand, as a Representative of Minnesota, I am concerned about the impact this bill would have on transportation services to my part of the country.

My concerns may be regional, but they are very real. In my judgment, it would be unwise to support the development of coal slurry pipelines which would direct traffic from rail carriers which have spent billions of dollars on railroad revitalization.

My intention is to oppose this bill.●

● Mr. MARKEY. Mr. Chairman, the Coal Transportation Act of 1983, H.R. 1010, is seriously deficient in its failure to prohibit monopolistic control of the energy transportation system which the bill is designed to facilitate.

Nearly every coal slurry pipeline bill considered by Congress between 1974 and 1981 has contained language requiring coal slurry pipelines to act as legitimate common carriers. Such language precluded coal slurry pipelines from participating in anticompetitive vertical monopolies by prohibiting coal producers and purchasers from holding interests in such pipelines.

It was precisely this kind of vertical monopoly which led the Government Accounting Office to investigate the oil industry and its pricing practices in 1979. The figures available showed that in 1976 alone, pricing practices of the oil pipelines' vertically integrated systems had cost consumers nearly $300 million in excess charges.

Yet, we are faced with a 1983 version of the coal slurry legislation which contains no language crafted to prevent monopoly controls in the operation of coal slurry pipelines.

This is not an academic problem in the world of coal consumers.

In Virginia, it is the utility itself which is proposing a coal slurry pipeline to transport utility-owned coal to its plant.

Throughout the country, companies designing these projects are themselves developing major coal holdings.

I urge my colleagues to examine this deficiency in H.R. 1010 in light of the recent experiences consumers have faced in the transportation of oil and natural gas. Can anyone honestly say that those experiences demonstrate that vertically integrated energy providers are the least bit desirable or that such arrangements should be extended to yet another aspect of our Nation's energy mix.

I fear that the congressional committees which approved current version of the coal slurry legislation have turned their backs on the very serious and costly consumer problems which could develop for users of coal as a result of more vertical integration in the energy industry.●

● Mr. MURPHY. Mr. Chairman, I rise today to strongly oppose H.R. 1010, the Coal Transportation Act of 1983. For more than 20 years the Congress has debated whether it is in the public interest to grant the right of Federal eminent domain to the coal slurry pipeline companies. Through the years of debate one thing remains clear; there are definite harmful effects of coal slurry pipelines toward our ultimate goal of energy independence and the development of a coal-based economy.

The history of coal development demonstrates that coal slurry pipe-

lines do not need Federal eminent domain authority. The two coal pipelines built in the country were completed without Federal eminent domain power. The ETSI pipeline has already obtained nearly 90 percent of its 1,400 miles of right-of-way without such authority.

Proponents of the slurry pipelines contend that railroads will not be able to keep pace with increased volumes of coal traffic as demand for coal grows. The validity of this argument is disputed by the Department of Transportation study in 1978 which stated that the demand for rail transportation of coal will require an investment of over $10 billion, DOT concluded that the investment could by made by the railroads and that in some instances the rail coal hauling capacity already exists. The Office of Technology Assessment reaffirmed those conclusions when it stated that the capacity of the rail system can be expanded faster than can coal mining or electric power generation using coal, provided the necessary investments in local rail facilities are made. It is clear from these studies that railroads can meet the Nation's coal transportation needs.

Our capital investment in the railroad industry has allowed the railroads to keep pace with increased demand for coal hauling. The construction of coal slurry pipelines would undermine our basic commitment to the railroad industry. While it is true that the construction of these coal transportation systems will create temporary construction jobs. But we must analyze what happens when construction's over and the itinerant labor moves on. For every permanent job created for the operation of that pipeline, six railroad jobs will be lost. In my part of the country, that's six families without income—six heads of the households who face the uncertain prospect of looking for new employment. Dealing in bigger numbers, this means that if all of the currently-proposed pipelines are built, America will have gained 7,000 new pipeline operation jobs. In the process, it will lose 41,000 railroad jobs. This would exasperate an already severe problem. Railroad employment declined from 514,000 in July 1981 to 355,000 in May 1983. The railroad retirement system already is threatened by this loss of employment; as this Congress was forced recently to pass legislation to shore up the retirement plan. The passage of the coal slurry pipeline legislation, with the inevitable job losses that will occur, will only subvert efforts to make the railroad industry financially stable.

It is clear that it makes no sense to undo what we have accomplished for rail labor by passing legislation like H.R. 1010. We cannot afford to gamble on a coal slurry pipeline that will threaten the financial foundation of one of America's finest forms of transportation, our railroads.●

Mr. UDALL. Mr. Chairman, I understand I have 3½ minutes remaining but to keep my pact with the opponents, I agreed to make that time available; that is, a total of 21 of 22 minutes.

Mr. Chairman, is there anybody on the "anti" side of the bill who would like to have a little time?

If not, Mr. Chairman, I reserve the balance of my time. The gentleman from California, Mr. ANDERSON, had promised to give me some of his time in order to close the debate.

But we have no further speakers on this side.

Mr. LUJAN. Mr. Chairman, I yield myself the remaining 2 minutes that I have.

Comment was made a few minutes ago that this was one of the greatest public works projects in the history of the United States.

Let me point out, because it has not been pointed out, that this is not a Federal project, this is an authorization for eminent domain. If a private company wants to build a coal slurry pipeline, then that company must pay for it. It is not an expenditure of Federal funds to build a pipeline.

I must also say that we have also had lots of difficulties as we went along with this legislation. At the beginning the administration was not supportive of this legislation as were so many people not supportive also.

But there were a couple of things that were done that changed the bill drastically that convinced the administration, and should have convinced others that they should support the bill.

One was the question on State water law that the gentleman from Wyoming so eloquently explained. It certainly delegates exclusive authority to the States to regulate the use of the water.

Mention was made of the Yellowstone River Compact where all three States must agree to the use of any water in that river. That changes absolutely nothing in this particular bill. Those same provisions remain in there because the bill as it is now written protects interstate compacts.

The bill denies the use of Federal eminent domain authority to acquire water for use by these pipelines. The only thing that I can see that someone wanted us to do was to have one State veto the use of water in another State.

I do not think we should have done that.

The second issue was the question of eminent domain. We thought that we took good care of that. A pipeline company has to pay attorneys' fees if the land is not equal to 80 percent of the value. The State law on eminent domain must be followed.

I think we ought to utilize this technology in the transportation of coal. It makes sense to do so.

The CHAIRMAN. The gentleman from Pennsylvania.

Mr. SHUSTER. Mr. Chairman, I reserve the balance of my time since I have only 1 minute and was the last of four to be recognized.

The CHAIRMAN. The gentleman reserves the balance of his time?

Mr. SHUSTER. Yes.

The CHAIRMAN. Mr. UDALL has the right to close debate.

Mr. SHUSTER. Mr. Chairman, how much time is left?

The CHAIRMAN. The gentleman from Pennsylvania has 1 minute remaining, the gentleman from Arizona (Mr. UDALL) has 3½ minutes remaining, and the gentleman from California (Mr. ANDERSON) has 5 minutes remaining.

Mr. SHUSTER. Then I would presume the gentleman from California would want to use his time.

Mr. UDALL. Mr. Chairman, his time will be yielded to me and my time will be yielded to me, that which is left.

The CHAIRMAN. Does the gentleman from Pennsylvania (Mr. SHUSTER) yield back the balance of his time? Or does he wish to use it?

Mr. SHUSTER. No, I do not, Mr. Chairman.

I will use this last minute then.

Mr. UDALL. Mr. Chairman, if the gentleman wants, I will give him 2 minutes of my time.

Mr. SHUSTER. I thank the gentleman. If I need it I will take advantage of that very gracious offer.

Mr. Chairman, this special interest legislation is a recipe for a price gouging disaster. If you combine monopolistic, interlocking ownership of big coal, big pipelines and big ultilities and to that you add a 20- or 30-year take-or-pay contract, to that you add the extraordinary power of the Federal right of eminent domain and subtract from it the common carrier obligation you have indeed a recipe for price gouging disasters.

I would once again like to emphasize, and I heard my dear friend from Pennsylvania, Mr. CLINGER, say words to the effect that this is a railroad opposition.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SHUSTER. Mr. Chairman, I would ask for 2 additional minutes.

Mr. UDALL. Mr. Chairman, I yield the gentleman 2 minutes.

Mr. SHUSTER. I thank the gentleman for his gracious offer.

My dear friend from Pennsylvania, once again, said it is only the railroads who are blocking the coal slurry pipeline. I would say once again for I think the eleventeenth time, but I suppose we will say still more times before we finish here, if the problem is the rail-

road, then those of us who oppose this legislation will support giving the Federal right of eminent domain to the coal slurry pipelines to cross railroad tracks. Let us pass this simple legislation and go home.

But, no, once we make that offer—and we have made that offer in 1978, 1980, and again and again and again, we have said, "If you really want to pin the tail on the big bad railroad, then let us, and we will support you, pass legislation for giving coal slurry pipelines the right of eminent domain of a railroad tracks."

But having said that, what response do we get? We do not get agreement. So I think one can safely conclude the argument about railroads being the only opposition here is simply a red herring, that is all it is, a red herring, a simplistic, well-meant but factually inaccurate description of what the problem is.

□ 1810

This is an enormously complicated piece of legislation which has far-reaching consequences, which goes far beyond the issue of railroads and transportation to the many other issues we have heard so well debated here today on both sides of the issue, including anticompetition and antienvironmental issues.

For all these reasons, I would urge the defeat of this onerous, blatant, special interest legislation.

Mr. ANDERSON. Mr. Chairman, I yield the balance of my time to the gentleman from Arizona (Mr. UDALL).

Mr. UDALL. Mr. Chairman, it is passing strange to me that among the cliches we hear so much around here these days one of them is "high tech." Everybody is going to go high tech. High tech is going to revive our economy.

And the other one I hear so frequently is that we are the Saudi Arabia of coal. Coal is going to be our salvation.

And how strange it is that we are having this debate in about the third straight Congress on whether a new technology—not very high tech, but it is tech at least—is even going to be permitted to be tried. In effect, you strangle in the crib this new baby who is trying to get a little protection until it can try out its stamina and get on with that job. But here we have a massive attempt by the railroads, a shrewd tenacious attempt to defeat all legislation. They do not want 90 or 95 percent of the additional coal that is going to be mined in this country in the next couple of decades, they do not want the biggest part of that increase, they want it all. And they have been clever and tenacious about keeping it.

Let me catch the Members up with a couple of points here in the debate today. I hear a lot about spills and sludge and I am sure we will hear about that. I may be wrong, but I seem to remember about every month some railroad has a spill and it is not the kind of harmless sludge that you get from coal dust, it is usually toxic chemicals that require people to move out of their homes and that kind of thing. So we will talk more in the debate about the spills and the sludge problem.

The fact is this is a tiny fraction of what is spilled in coal dust as the trains roar through the Middle West going east in these unit trains. It is a mere fraction of that and we will show the Members how the coal dust is not damaging, as we discuss this issue.

The environmentalists kicked around a lot. They may take away my "Smokey Bear" hat, but I think the few environmental groups—and not all of them by any means—involved in this, that are against this—it is kind of knee jerk. Technology is bad, coal slurry pipelines are technology, coal slurry pipelines must be bad.

I have not seen any special environmental arguments here. In fact, I asked here what is the best kind of environmental impact to have? You have the choice of two in your little community in Montana or Wyoming or South Dakota. You have a couple of options. Would you rather have 100 or 80 or 60 or whatever the number of unit trains? There are communities where unit trains, loaded with coal, roar through that town, day and night, and they drop, depending on the wind and the conditions, all kinds of coal dust all over the place.

Would you rather have that? Or would you rather build a little pipeline, running 10 miles out of town. Under the bill you have to protect the farmers and the topsoil. You have got to dig down 9 feet and save the topsoil and cover it up again so it will grow. Is that better environmentally or worse environmentally than units trains roaring through the town where these tracks are located?

As with all major legislation of this kind, there is some input from outer people.

The American Public Power Association says that:

The American Public Power Association and the Consumer Federation of America urge you to vote for H.R. 1010, the Coal Pipeline Act . . . and to oppose all crippling amendments. The bill will be considered . . .

APPA and CFA have actively worked for passage of H.R. 1010 as a consumer measure. It is important to both consumer owned utilities and individual consumers. A small handful of railroads have a virtual monopoly . . .

And so forth.

The Reagan administration, the gentleman from New Mexico (Mr. LUJAN) referred to it, objected last year and testified in the last Congress against any coal slurry bill. They say:

The Administration has no objection to enactment of H.R. 3849 if the bill amended to delete the objectionable "Buy American" provision which is contrary to our GATT commitments.

The New York State delegation memo to new Members:

New York is satisfied that state water rights are protected in Section 3 of the legislation, and that the State's concerns regarding water diversion from the Great Lakes have been suitably addressed.

Letters referred to follow:

OFFICE OF THE GOVERNOR,
Austin, Tex., September 15, 1983.

Hon. MIKE ANDREWS,
House of Representatives, Longworth House Office Building, Washington, D.C.

DEAR MIKE: As you know, today the House of Representatives will begin consideration of H.R. 3857, the Coal Pipeline Act of 1983. H.R. 3857 will provide eminent domain authority for the construction of coal slurry pipelines. I am writing you today in support of H.R. 3857 and to encourage you to vote for this important legislation.

Initially, I was concerned that H.R. 3857 might negatively impact our ability to protect Texas' valuable water resources. However, the measure as it has been reported from both the House Committee on Interior and insular Affairs and the Committee on Public Works and Transportation has clearly established the primacy of state water law in governing access to necessary water supplies. I am convinced that Texas' laws will have full reign to function under this new law to protect our vital water resources, as pipelines are built to bring coal to power Texas' industries and utilities.

Coal is our nation's most abundant domestic fuel resource, and it will play an ever-increasing role in the Texas energy future, especially as domestic oil and natural gas supplies diminish. Daily, Texas is using increasing amounts of coal in a continuing diversification of our State's energy base. Coal slurry pipelines offer the promise of additional access to remote coal supplies. They hold the promise of access to those supplies at reasonable transportation costs, which will help to ease the burden of increasing electricity bills for Texas consumers of coal generated electricity.

As you are aware, rates for the transportation of coal have increased dramatically in the recent past, particularly for captive shippers, and they are likely to continue to rise unless checked by competition from an alternative mode of transportation. Coal slurry pipelines can provide that alternative, and I hope you will vote for H.R. 3857.

Yours truly,

MARK WHITE,
Governor of Texas.

MEMORANDUM

SEPTEMBER 13, 1983.

To: New York State congressional delegation.
Fr: Brad Johnson.
Re: Coal Pipeline Act of 1983.

The upcoming House floor debate on the coal slurry pipeline development legislation is likely to focus on state water rights. New York is satisfied that state water rights are protected in Section 3 of the legislation, and that the State's concerns regarding water diversion from the Great Lakes have been suitably addressed.

The bill provides that any claim or interest by the United States in water within any

state for a coal pipeline must be in accordance with state substantive and procedural law. The measure also expressly delegates to the states the power to limit or bar the use of water by a coal slurry pipeline. In addition, subsection 3(3) states that the legislation will not impair the validity of state laws, interstate compacts, or treaties governing the "appropriation, use, export, or diversion of, or other claims or rights to water."

While New York has no plans for a coal slurry pipeline, it has been greatly concerned with any attempts to divert water from the Great Lakes. In addition to the loss of water quantity, a diversion would have adverse impacts on fish and wildlife habitats, recreational boating, and navigation. Section 3 retains states' rights over the use of their water.

If you have any questions, please contact Jim Goldwater in my office at 638-1311.

STATEMENT OF ADMINISTRATION POLICY

SEPTEMBER 8, 1983.

H.R. 3849—COAL PIPELINE ACT OF 1983

(Rep. Udall (D) Arizona and 28 others)

The Administration has no objection to enactment of H.R. 3849 if the bill is amended to delete the objectionable "Buy American" provision (Sec. 17), which is contrary to our GATT commitments.

AMERICAN PUBLIC
POWER ASSOCIATION,
Washington, D.C., September 9, 1983.

Hon. MORRIS K. UDALL,
Member of Congress, Cannon House Office Building, Washington, D.C.

DEAR MR. UDALL: The American Public Power Association and the Consumer Federation of America urge you to vote for H.R. 1010, the "Coal Pipeline Act of 1983," and to oppose all crippling amendments. The bill will be considered by the House Rules Committee September 14 and will probably be considered by the full House shortly thereafter.

APPA and CFA have actively worked for passage of H.R. 1010 as a consumer measure. It is important to both consumer owned utilities and individual consumers. A small handful of railroads have a virtual monopoly on hauling coal needed by electric utilities. Coal slurry lines can provide needed competition to railroads and encourage them to modify their coal hauling rates, which in turn will benefit consumers through lower utility rates.

Presently, about 85 percent of all coal shipped in the United States is captive to rail transportation, and, on average, one-half of the delivered price of coal is due to these transportation costs. Electric utility rates are strongly affected by rail transportation costs, because 52 percent of the nation's electricity is generated by the burning of coal.

There are several documented examples of the competitive impact coal slurry lines can exert on railroad transportation costs. One is the recent decision by Arkansas Power and Light Company to award a long-term contract for coal deliveries to railroads instead of to the ETSI Pipeline Project. Vigorous competition between the railroads and the coal pipeline company for the contract made it possible for the utility to get the best possible price for its coal shipments. The utility estimates that the savings over present fuel transportation costs projected through the year 2016 will be $16.5 billion.

Recent negotiations of Oklahoma Gas and Electric Company are another example of the pro-consumer, competitive effect of coal pipelines on railroad rates. When the utility began negotiating with the ETSI pipeline for coal transportation, the railroad offered substantially lower rates, and the utility signed a five-year contract with the railroad. The utility has not yet signed a long-term contract, but whether the railroad or pipeline receives it, the availability of an alternative form of coal transportation has already demonstrated that it will save money for consumers.

The Arkansas and Oklahoma cases demonstrate the value of coal slurry pipeline competition which will be more widely available if Congress passes H.R. 1010.

Coal slurry pipeline legislation is long overdue, and APPA and CFA urge you to vote for H.R. 1010.

Sincerely,

ALEX RADIN,
Executive Director, American Public Power Association and Vice President, Consumer Federation of America.

Mr. UDALL. So I hope, Mr. Chairman, that we can resolve this, that our country is wise enough to use the new technology and compassionate enough that should this cause problems for communities or railroad labor people or anyone else that we can maybe stop those impacts or minimize them.

This is a good bill, it is good for consumers, it is good for utility companies, it is good for environmentalists, it is good for the land. I think we have got a pretty good bill this year and I hope we will pass it by a very large vote.

Mr. PORTER. Mr. Chairman, will the gentleman yield?

Mr. UDALL. I yield to the gentleman from Illinois.

Mr. PORTER. I thank the gentleman for yielding.

I think that the points that the gentleman has been making are extremely well taken. And there is one more that I would like to reemphasize, and this is, what is the best situation in this country for competition, because the consumer is going to have the best deal if we have the maximum amount of competition available.

It seems to me that if we allow alternatives, such as pipelines competing with one another or with railroads, that we are going to get the lowest possible price and the best possible service. And that is what convinces me that we ought to pass this legislation.

The Coal Slurry Pipeline Act of 1983, which would grant the right of eminent domain to coal slurry pipelines. I have received many pieces of mail from constituents, State governments, and organizations expressing their respective opinions on the merits of supporting and opposing this legislation. Certainly we all have heard about the benefits that passage of this legislation would have for the construction industry, and, conversely, the havoc that this bill could wreak on the railroad industry. The farmers fear that their costs will rise as railroad transportation costs rise, and yet consumers will pay lower electricity bills because of a competitive alternative to railroad transportation of coal.

In my judgment, the issue of competition is at the heart of this legislation. I am not necessarily an advocate for the construction of coal slurry pipelines, but I do believe that it is only fair to grant the pipeline builders the same right-of-way rights to gain entry into the marketplace that the railroads received 100 years ago. Coal slurry pipelines have the potential to serve as an effective and competitive transportation alternative to railroads for long-distance shipment of coal, if they are given the chance.

Currently, the railroads carry 65 percent of the total coal traffic in the country, and coal is the railroads' top revenue producer. With U.S. coal consumption increasing 67 percent over the last 20 years and industry experts predicting an increase in production from 825 million tons in 1980 to 1,486 million tons by 1995, what we are talking about here is not a decrease in the volume of coal carried, but rather competition over the price at which coal is transported. Recently the Chicago North Western and Union Pacific railroads underbid the Energy Transportation Systems Inc. pipeline project and won a 20-year contract with the Arkansas Power & Light Co. to deliver coal from Wyoming to Arkansas powerplants.

The point is that the economics of the marketplace should play the critical role in determining the future method of coal transportation, which can only benefit the citizens of this country in the long run. I do not see how we could fail to enact this measure which is so firmly rooted in the spirit of the competitive marketplace. I urge my colleagues to pass this legislation and work to be sure that it becomes law.

Mr. UDALL. The gentleman is exactly correct and I share his views.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. All time has expired.

Mr. UDALL. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore. (Mr. MOODY) having assumed the chair, Mr. KILDEE, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 1010), to amend the Mineral Leasing Act of 1920 with respect to the movement of coal, including the movement of coal over public lands, and for other purposes, had come to no resolution thereon.

GENERAL LEAVE

Mr. UDALL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include extraneous matter on the bill just under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona?

There was no objection.

FEDERAL SUPPLEMENTAL UNEMPLOYMENT COMPENSATION

(Mr. MICHEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. MICHEL. Mr. Speaker, today I am introducing a bill which will extend the current Federal Supplemental Unemployment Compensation program for another 18 months, and most importantly, would initiate a new program of targeted benefits to high unemployment areas within States.

Under this bill, unemployed individuals residing in areas of 15 percent or more unemployment would receive 26 weeks of supplemental benefits, 12 weeks more than what they are entitled to at present. In areas of between 13 and 15 percent unemployment, lesser increases would be provided.

The major benefit of this targeted approach is that we can provide additional benefits in the areas of most severe unemployment without substantially increasing overall costs. The Labor Department estimates that this bill will only cost an additional $50 to $100 million per year.

I am inserting at this point in the RECORD a more detailed description of the bill:

A BILL PROVIDING TARGETED UNEMPLOYMENT BENEFITS TO HIGH UNEMPLOYMENT AREAS

(By Robert H. Michel)

This bill would extend the current Federal Supplemental Compensation Benefits Program for 18 months, through March 31, 1985, and would increase the number of weeks of benefits payable to individuals in high unemployment areas. A total of 26 weeks of supplemental benefits would be available for unemployed individuals residing in Metropolitan Statistical Areas or counties with unemployment rates 15 percent or greater. The current maximum is 14 weeks, depending on the state. Such individuals thus would be eligible for a minimum of 52 weeks and a maximum of 65 weeks, depending on whether they have received extended benefits.

By targeting extra benefits on the high unemployment areas, the bill would provide assistance where the needs are the greatest, and at the same time avoid the higher costs associated with the payment of extra benefits across the board, regardless of the unemployment rate.

PROVISIONS

Extend the current Federal Supplemental Compensation Benefits Program for 18 months, through March 31, 1985.

Provide for the payment of 26 weeks of supplemental benefits to unemployed individuals residing in targeted areas of 15 percent or greater unemployment, 21 weeks of benefits to idividuals in targeted areas of between 14 and 15 percent unemployment, and 16 weeks of benefits to individuals in targeted areas of between 13 and 14 percent unemployment.

"Targeted Areas" are defined as Metropolitan Statistical Areas, when compromised solely of complete counties, and counties when counties do not fall within such Metropolitan Statistical Areas.

A targeted area's eligibility would be determined quarterly, beginning October 1, 1983. Should a targeted area become ineligible at the beginning of a subsequent quarter, all extra benefit payments under the program would cease for that quarter and the area would be treated the same as the rest of the state with respect to supplemental benefits. Should such an area then become ineligible in a later quarter, an eligible individual's extra benefits would resume where they left off.

An individual's eligibility would be based on place of residence. An individual would be eligible for targeted benefits if he exhausts other unemployment benefits during the period that his place of residence is eligible for targeted benefits, or if he exhausted other unemployment benefits within 6 months of the time that his area initially triggers on to the targeted program.

ADDITIONAL INFORMATION

The Bureau of Labor Statistics currently collects county and Metropolitan Statistical Area unemployment statistics every month. Such statistics would be the basis of determining an area's eligibility for targeted benefits. Such statistics reflect the total unemployment rate, not the insured unemployment rate. Targeted benefits thus would be based on the total unemployment rate.

Targeted benefits would depend solely on the area's unemployment rate. The state unemployment rate would be irrelevant. A state with a low unemployment rate might have pockets of high unemployment. Such pockets would be eligible for targeted benefits.

At present, most states are ineligible for the extended benefits program. Consequently, the unemployed in such states are eligible for 26 weeks of regular benefits plus between 8 and 14 weeks of supplemental benefits, for a total of between 34 and 40 weeks of benefits. Under this bill, individuals in targeted areas of 15 percent or more unemployment would be eligible for a total of 52 weeks of benefits. In targeted areas of between 14 and 15 percent unemployment, they would be eligible for 47 weeks of benefits, and in targeted areas of between 13 and 14 percent unemployment, they would be eligible for 42 weeks of benefits.

If such individuals in targeted areas have received, or are receiving, extended benefits, they would be eligible for up to 26 weeks of supplemental benefits, for a total of 65 weeks in areas of 15 percent or more unemployment.

The estimated cost of the targeted benefits is between $50 and $100 million a year.

□ 1820

THE LATE HONORABLE LARRY McDONALD

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. LEVITAS) is recognized for 60 minutes.

GENERAL LEAVE

Mr. LEVITAS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the subject of my special order on today.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. LEVITAS. Mr. Speaker, I have the sad but necessary task today to take this special order in order that Members of this body might pay a final tribute and farewell to our colleague LARRY PATTON MCDONALD, late a Member of Congress, a Representative from the State of Georgia.

We are all too well aware of the tragic and brutal circumstances in which our former colleague, along with 268 other innocent human beings, met their death in a Korean airliner, a commercial 747, which was barbarically shot out of the skies in an act of uncivilized murder by the Soviet Union.

LARRY MCDONALD came to this House the same year that I had the honor of being elected, and we served together for that entire time, until his tragic death. While LARRY MCDONALD and I did not see eye to eye on many issues, I can tell you that Congressman MCDONALD was a man true to his convictions and unswerving in his principles to those ideals in which he believed he was committed and was committed not only in words but in deed as well.

Having been first elected in 1974 and reelected in each election thereafter, he served as a member of the House Armed Services Committee and on the Subcommittee on Research and Development and on the Subcommittee on Readiness.

LARRY was a native of Atlanta, Ga., and went from both public and private schools in Georgia to Davidson College in North Carolina, where he completed his premedical training, and then went on to receive his M.D. degree from Emory University in Atlanta in 1957.

LARRY served in the U.S. Navy for 4 years as a physician and as an overseas flight surgeon, primarily in Iceland and completed his duty as a lieutenant commander and rose to the rank of captain in the U.S. Navy Reserve.

LARRY was known for his views. He was a member of numerous organizations through which he promoted his political ideals, and many of these organizations have recognized and paid tribute to LARRY MCDONALD'S work in promoting their causes.

He received the Distinguished Service Award from the Americans for Constitutional Action in 1980, the Naval Reserve Association's National

Distinguished Service Award in 1980, the Veterans of Foreign Wars Post 5290 Loyalty Day Award in 1979, and in 1982 he was presented with the Annual Leadership Award for his activity in Congress by 32 conservative organizations.

In addition to that, I think LARRY reached the high point of his career in terms of the organizational identification with his election earlier this year as chairman of the John Birch Society.

I mention these few items, and will revise and extend my remarks to include other material that relates to LARRY MCDONALD, simply to give a capsulized picture of an individual who was firmly committed to the ideals that he held and was willing to make sacrifice for them.

His needless death will not be soon forgotten as the United States and the world continues to respond to the unthinkable crime which caused it.

At this time I yield to my distinguished colleague from the Ninth District of Georgia (MR. JENKINS).

Mr. JENKINS. Mr. Speaker, the strength, the effectiveness, the uniqueness of this House of Representatives derive from those who compose it. The greatness of the whole results from the diversity of its parts. Thus, when one is taken from us the whole is diminished.

LARRY MCDONALD was a part of this House for more than 8 years. In this arena and from this base, he expressed his views and espoused his philosophy. His voice added to all of ours here to form this united yet atonal chorus reflective of the uniformity of our Nation and the dissimilarity of its citizens.

We are shocked by the untimely, unnecessary death of LARRY MCDONALD. We feel outrage at the sudden, violent, senseless act which took his life.

I believe few men loved their country more—few men expressed this devotion with greater vigor or fidelity. LARRY MCDONALD was a man committed to his beliefs, true to his ideals, and consistent to his purpose. He was outspoken in his principles and did not fear nor shrink from the opposition, though sometimes unpleasant and unfriendly, which his position often aroused.

As an advocate and defender of our Nation, he shared with Thomas Jefferson the belief that "eternal vigilance is the price of liberty." He saw his belief in military preparedness as a complement to his dedication to our country and our form of Government. LARRY MCDONALD was certainly an avid and relentless supporter of our military establishment and those directly involved in the defense of our Nation.

LARRY MCDONALD was an energetic and hard working Representative of the Seventh District and of Georgia. Our congressional districts border within our State, and we were many times called upon to exert our efforts in concert for the good of our area and its constituents. He was always cooperative and willing to do his share for the ultimate benefit of Georgia and Georgians.

When I first came to the House of Representatives, I remember with a feeling of warm appreciation LARRY's efforts to be helpful as I endured the overwhelming experience, frustrated by its delays, of settling into my office. One of my last contacts with LARRY was a very personal and human one—a handwritten note from him expressing appreciation for a simple gesture of sympathy at the death of his father.

LARRY MCDONALD was a young man, a vigorous man, a man true to himself.

In expressing to his wife Kathy, his children, his family our condolences, we are reminded of lines from that great Christian hymn, "Blest Be the Tie That Binds":

We share each other's woes, each other's burdens bear, And often for each other flows the sympathizing tear.

LARRY MCDONALD was a part of us. We suffer at his loss.

□ 1830

Mr. THOMAS of Georgia. Mr. Speaker, will the gentleman yield?

Mr. LEVITAS. I yield to the gentleman from the First District of Georgia.

Mr. THOMAS of Georgia. I thank my colleague for yielding.

Mr. Speaker, the death of our colleague, Hon. LARRY MCDONALD, was an act of murder in a tragic event that has echoed throughout the world. It is an act that is reshaping international affairs. But for those of us in this body, and for those of us in the Georgia delegation, it is a loss that is also deeply personal.

We have lost a Member of our congressional family in Washington, and in Georgia we have lost a public servant who had been active in elected public affairs for many years.

Though I have been in Congress for only a few months, I came to know LARRY MCDONALD as a colleague and I found him to be one who was clear and firm in the advocacy of his political positions.

There is no doubt that LARRY was a public official with both strident friends and strident opponents. That fact illuminates the central feature of LARRY MCDONALD as a Member of Congress.

He attracted support and opposition quickly because he was decisive in his views and uncompromising in his work to implement them in world events.

Politicians are often criticized for their twists and turns in confronting the tough issues that challenge our Nation. All too many drift, with the most gentle shifts, in the whims of public opinion.

But that did not apply to LARRY MCDONALD. He was a man with the total assurance that he knew where he stood on the issues, and he was unrelenting in his work involving them.

His constituency paid him the high compliment of sending him back to Congress in an unbroken series of election victories since 1974. His supporters are among the most dedicated and hard working of any group of citizens in the State of Georgia. He was loyal to his personal ideals, and those who shared them were tireless in giving of their time and energy for his support.

LARRY MCDONALD was a man whose voice was strong, whose course was unwavering, and whose life is a story of iron-willed resolve.

There has been much written and said about what should be the appropriate response of our Government in retaliation to the Korean airliner tradegy. If LARRY MCDONALD were here today, I am sure he would have no doubts about that question.

He would urge, just as I urge, that the memorial to those who died should be a renewal of commitment by our Government and our people to a strong national defense.

LARRY MCDONALD's death was tragic, it was stunning and it should not be in vain. It should be a constant reminder that we have adversaries in the world who do not share our sense of justice and our concern for human life. We must never allow ourselves to grow weak, because to do so would be to put our Nation at the mercy of those who have no mercy.

My family joins me in extending to Mrs. McDonald and their children our deepest sympathies, and I join with my colleagues in mourning the death of one of our own.

Mr. ROWLAND. Mr. Speaker, will the gentleman yield?

Mr. LEVITAS. I will be happy to yield to my colleague from the Eighth District of Georgia (Mr. ROWLAND).

Mr. ROWLAND. I thank my colleague for yielding.

Mr. Speaker, throughout his very successful career in public life, Congressman LARRY MCDONALD carried out a fervent crusade for the philosophical beliefs that burned deeply within him.

He was dedicated, he was tireless, he was firm in his pursuit of those beliefs.

I first met LARRY MCDONALD in 1975, just a year after he had first been elected to Congress and when his reputation as a person absolutely committed to his beliefs was being established.

Although I did not always agree with the positions he held, he was always well informed and invariably had something thought-provoking to say when circumstances brought us to-

gether from time to time during the following years.

When I joined him in Congress last January, He welcomed me as a fellow physician and was generous with his advice about the pitfalls he felt I might encounter. I appreciated his friendship.

LARRY MCDONALD believed devoutly in patriotism. He believed we should love our country, demonstrate pride in our country, and be willing to defend our country and make the necessary sacrifices to keep her free and strong.

While many people were aware of Congressman MCDONALD's outspoken positions on national and international affairs, few fully recognized the concern he had for the individual problems of the people of Georgia's Seventh Congressional District. He developed and maintained a very busy and effective constituent services program, which provided critical help to many individuals and also contributed significantly, I believe, to his successful campaigns.

When we learned that LARRY MCDONALD had evidently perished in the murderous attack on the Korean airliner, all of us were shocked, and angered, and saddened.

Whether you agreed with LARRY MCDONALD or not, you had to acknowledge that he was a stimulating part of the political scene. And you had to admire the great courage he displayed in standing up for his convictions.

When Congressman MCDONALD went down aboard Korean Air Lines flight 007 with many other innocent passengers and crew members, he was traveling in the performance of his duties.

We will remember Congressman LAWRENCE PATTON MCDONALD as a patriotic American who made the ultimate sacrifice for his country.

We will miss him.

Mr. RAY. Mr. Speaker, will the gentleman yield?

Mr. LEVITAS. I would be pleased to yield to my distinguished colleague from the Third District of Georgia.

Mr. RAY. I thank my colleague for yielding.

Mr. Speaker, I want to join my good friends in the House of Representatives today in paying tribute to the memory of our departed colleague—LARRY MCDONALD.

I join my colleagues in our thoughts and prayers for his wife, Kathy and his loved ones.

As a freshman Member of the 98th Congress, I came to respect LARRY's sincere concern for America and for his strong belief that America must remain economically and militarily strong.

LARRY MCDONALD was respected by not only those who shared his views, but also by those who had a different philosophy.

At the core of his convictions were his love of and concern for America and for the freedoms which we enjoy and many times unfortunately take for granted. It was this love for our country which led him to distrust the Soviet Union and their Marxist form of government and to dedicate so much of his energy to expressing these views.

We have had much evidence over the years that the Soviet Union does not base their convictions and actions on the same moral and ethical standards that we do—we have only to recall some of their more recent actions, such as the invasion of Afghanistan, their stifling of freedom in Poland, and their systematic oppression of civil and human rights all around the world. Sadly, it has taken the coldblooded murder of 269 civilians to reawaken us to the true nature of the Russian Government.

I hope we will not forget the lesson which we have learned from this tragedy—the lesson that the Soviets, indeed, have long-term, worldwide goals in mind.

Despite this, we must continue our negotiations in Geneva, Vienna, and Madrid. We must keep up the hope that, at some point, we can go forward with successful negotiations to the benefit of all mankind.

However, we must enter these negotiations with a new sense of determination to bargain with the Soviets from a position of strength, not from a position of weakness.

We cannot allow our Nation or our allies to be put in a position of nuclear or economic blackmail.

Our negotiators must be given the support and tools they need to encourage an agreement in America's best interests.

The 007 Korean plane incident makes it crystal clear that any agreements which are reached with the Soviets must be verifiable beyond a shadow of a doubt and that we must move in unison with the Soviets toward disarmament.

Often in the House we hear well-meaning rhetoric which implores us to trust the Russians. Naive voices implore us to take the first steps toward disarmament, with the suggestion that the Russians will follow.

When these voices are heard again in the House, which I am sure they will be, I hope the memory and philosophy of Congressman LARRY MCDONALD will be remembered and that we will also remember our obligation as he did, that America must have and maintain a strong defense and a strong economic foundation.

1840

Mr. STRATTON. Mr. Speaker, will the gentleman yield?

Mr. LEVITAS. I am happy to yield to my distinguished colleague, the gentleman from New York.

Mr. STRATTON. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, all of us in this House were deeply shocked and angered when it was finally determined that our great colleague from Georgia, LARRY MCDONALD, was 1 of the 269 victims of the brutal, barbaric shooting down by the Soviets of the Korean airliner over the Island of Sakhalin.

LARRY had been one of the strongest, hardest working, and most dedicated Members in the fight against world communism. What an irony that he should have been one of the victims of the most brutal action, affecting the United States, which backed up the validity of everything that LARRY MCDONALD and everything that President Reagan had been saying about the nature of the Soviet threat and the character of its governmental leadership.

While I honestly do not believe the Soviets shot down KAL flight 007 because LARRY was on it, his death in that fiery crash certainly vindicated everything that LARRY had been saying. In that sense he was clearly a martyr to his convictions and beliefs.

I was privileged to serve with LARRY MCDONALD on the House Armed Services Committee, and on most of the matters that came before our committee he and I were in close agreement. But LARRY's concerns and interests went beyond even the problem of restoring the military balance between the United States and the Soviets.

LARRY traveled far and wide across the country to expound his views and to bring to people the facts and the intertwined Communist relationships that his careful and painstaking research had dug up.

I was frequently a signer of letters that LARRY had drafted to send to the White House or to the press. And the positions he took needed to be expounded, as LARRY's life and LARRY's death have now so clearly demonstrated.

We who served with LARRY MCDONALD will miss him greatly. Not often does a person come to Congress with such a deep inward sense of mission, and maintained it throughout his congressional career—though all too brief.

But the spirit of LARRY MCDONALD will indeed live on in this House as it did, for example, last Thursday. And we Americans are already the wiser and the safer for LARRY MCDONALD having walked among us—if only for so short a time.

Mr. LEVITAS. Mr. Speaker, I thank the gentleman from New York (Mr. STRATTON) for his words.

Mr. MONTGOMERY. Mr. Speaker, will the gentleman yield?

Mr. LEVITAS. I am happy to yield to my colleague, the gentleman from Mississippi.

Mr. MONTGOMERY. Mr. Speaker, I thank the gentleman from Georgia for giving me this opportunity to participate in this special order.

I would like to say that I am very sorry to say that we have to gather here today for such a sad occasion, but I think it is important that we pay our tribute to our colleague and friend, Representative LARRY MCDONALD.

I enjoyed, as the gentleman from New York (Mr. STRATTON) did, serving with LARRY on the Committee on Armed Services of the House. He was a very hard-working and knowledgeable Member, and when it came to work on projects for his country and also for his district, LARRY was always well prepared, and he got the job done.

Yesterday, I noticed that the Naval reservists were flying a new DC-9, and I remembered that LARRY MCDONALD had introduced an amendment to the authorization bill about 4 years ago to give this personnel aircraft that was so needed to the Navy. It was ironic that we saw this new aircraft flying yesterday because of LARRY MCDONALD'S amendment.

Let me say that he stuck to the Constitution. He believed that this country should go by the U.S. Constitution, and if we would look at his votes over the years, we would see they supported what the Constitution spelled out and what LARRY thought was legal.

As mentioned in this Chamber, he was very strong against communism, and he spoke out strongly and often about the dangers posed by the Soviet Union and by its client states.

I think LARRY was driven in his strong stand against communism by his love and respect for the principles of freedom and democracy that we have in this country.

The message that LARRY worked so hard to get across will now live forever by the tragic way in which he died. LARRY MCDONALD will not be forgotten.

Mr. Speaker, I want to extend my thoughts to LARRY'S wife, Kathy, and his family. He will be missed here in Congress, and I am glad I have the chance to serve with him.

Mr. LEVITAS. Mr. Speaker, I thank our colleague, the gentleman from Mississippi, for his words.

Mr. MOORHEAD. Mr. Speaker, will the gentleman yield?

Mr. LEVITAS. I am happy to yield to the gentleman from California.

Mr. MOORHEAD. Mr. Speaker, I wish to thank my colleague, the gentleman from Georgia (Mr. LEVITAS), for calling this special order to honor the memory of our good friend and colleague, LARRY MCDONALD.

Certainly LARRY MCDONALD was one of the most patriotic Members of the House of Representatives. He loved his country and its Constitution, and he had strong feelings about his service to his country. LARRY had strong spiritual and moral convictions, and I am sure he lived his life in accordance with those convictions.

I do not believe that anyone would deny that LARRY MCDONALD had purpose and direction in his life, and that he believed totally and fervently in his cause. As a result of his devotion to his beliefs, he had impact in his district and with people in every corner of the Nation. It was in the furtherance of these convictions that LARRY MCDONALD gave his life on that tragic airplane trip to Korea, where he intended to speak about liberty and freedom in that far-off land.

America is a better place because of LARRY MCDONALD'S life, and we shall miss him very much.

Mr. Speaker, I wish to express my own regrets about LARRY'S death to his beloved wife, Kathryn, and to his family.

Mr. LEVITAS. Mr. Speaker, I thank our collegue, the gentleman from California, for his contribution.

Mr. PAUL. Mr. Speaker, will the gentleman yield?

Mr. LEVITAS. I am happy to yield to the gentleman from Texas.

Mr. PAUL. Mr. Speaker, in the attack on KAL 007, America lost a loyal friend. LARRY MCDONALD was a constitutionalist, an advocate of freedom, and an opponent of communism and socialism, the ideologies that have engulfed half of the world's population in blood and war in the past 70 years.

In the introduction to LARRY'S 1976 book, "We Hold These Truths," subtitled "A Reverent Review of the U.S. Constitution," Dan Smoot wrote:

> If the Constitution does not mean what it says, then we have no Constitution: We are at the mercy of lawless government. . . . Never, in my happiest daydream, did I ever imagine a Member of the United States Congress writing a book like this one. . . .
>
> Congressman Larry McDonald indicts everyone and everything that gets in the way of a Constitutional principle. . . . The book factually ilustrates the awful consequences of allowing our hired public servants to disobey the fundamental law of the land. . . .
>
> That is what I think of Congressman McDonald's book. What do think of him? I think we Americans have found ourselves a Statesman.

LARRY MCDONALD was a statesman; that is why our loss in his death is so great. His understanding of the importance of constitutional government may be seen in these words:

> Other constitutions and bills of rights assume that all power is inherent in government, but government should be contractually obligated to provide certain rights for the people. The Soviet Union has a "bill of rights," contained in a written constitution. It is a long series of statements listing what government promises to do for the people. It promises them social security, medical care, child care for working mothers, maternity leave, schooling, and equal rights for men and women.
>
> In the American Bill of Rights, not one such promise is made. Our Bill of Rights, (as well as our Declaration of Independence and Constitution) assumes that all power is inherent in the people. Our Bill of Rights contains 462 words, telling the federal government what it must not do. Congress shall make no law is the opening statement in our Bill of Rights. It expresses the old American conviction that the greatest threat to a man's life, liberty, and property is the government under which he lives. It recognizes that government is like fire—necessary to civilization, but deadly if it gets out of control.

The unprovoked attack on a Korean airliner by a government out of control starkly punctuates LARRY'S words. LARRY'S anticommunism flowed from his love for freedom. As the world's most successful and implacable enemies of freedom, the Communists attracted LARRY'S attention and anger. It is not ironic that this intransigent defender of freedom was killed by the Communists; it was almost predictable.

LARRY'S love of freedom and hatred for totalitarianism made him few friends in Washington, D.C. Congress assaults freedom daily, and daily seeks to curry the favor of totalitarians by extending loans and credits to Communist regimes around the world. The Washington establishment was annoyed by LARRY'S voice, for he insisted on pointing out that their most cherished beliefs about communism were false and would lead only to a global disaster. Far from being a warmonger—as his McCarthyite detractors have pictured him—he was a man of peace.

In "We Hold These Truths" LARRY wrote:

> All foreign aid should be stopped. Our participation in multi-nation pacts, such as NATO agreements and the UN Charter, should be formally terminated. Our troops should be withdrawn from foreign lands, and our armed forces trimmed down to such size as is needed for the defense of our homeland. We should return not only to traditional American foreign policy, but also to traditional diplomatic procedures in this handling of our foreign affairs.

Those are hardly the words of a warmonger. But those who continue to subsidize the Soviets cannot so easily escape the label. It is the West's subsidies to the Communists that have built the Soviet Union's military-industrial complex to its present world-threatening proportions. The continued pursuit of such a suicidal policy will insure that KAL 007 will happen again and again.

I am convinced that the best tribute that can be paid to a fallen friend is to take his ideas seriously. This Congress and all America would benefit greatly by taking LARRY'S ideas about limited government as seriously as he himself did. He dreamed of a world in which governments, as well as the governed, would be limited by law. He was murdered by one of the bloodiest and lawless governments that has ever marred

the face of the Earth. In his death, the battle lines were drawn: freedom or totalitarianism, the rule of law or lawlessness, a Christian-style civilization or a materialist slaughterhouse. I hope that his life and his death will not be forgotten by the people he was trying to warn.

Mr. LEVITAS. I thank my colleague, the gentleman from Texas, for his contribution.

Mr. HUBBARD. Mr. Speaker, will the gentleman yield?

Mr. LEVITAS. I am happy to yield to my colleague, the gentleman from Kentucky.

Mr. HUBBARD. Mr. Speaker, Congressman LARRY MCDONALD was a friend of mine who was dedicated to zealously pursuing his goals for the United States. He was often able to persuade some who were not in agreement with him by the force and organization of his arguments, and/or by his calling for rollcall votes in the U.S. House of Representatives.

LARRY MCDONALD was a leader among conservatives and was respected by many who did not share his views.

He already had attained a distinguished career as a physician before he was elected to Congress in 1974, and his education and precise thinking served him well in Congress.

LARRY and I were first elected to Congress in the same year and became well acquainted as Members of the same freshman class in the House of Representatives 94th class. We were both Democrats from the South and felt a special bond by being contemporaries from the same region of the country. To put it simply, LARRY MCDONALD was my neighbor and my friend, and I will miss him.

We shared an additional bond toward the end of his life. We were both scheduled to speak at a conference in Seoul, Korea, to celebrate the 30th anniversary of the mutual defense treaty between the United States and the Republic of Korea. In fact, I was scheduled to introduce Congressman LARRY MCDONALD at this conference and considered it an honor to do so. You can imagine my shock upon being told that Korean Air Lines flight 007 had been "lost," knowing that LARRY MCDONALD and several Americans with whom I had conversed that August 31 in the Anchorage, Alaska Airport were on this flight. I felt special empathy for all who were on the flight, because for several days I had been scheduled to be on the same Korean Air Lines flight 007 myself. Fortunately, my flight was changed due to an invitation I had accepted from president Sala Stroup at Murray State University, Murray, Ky., for Tuesday, August 30.

In my hotel room in Seoul, I thought how it must feel to be aboard a plane which had lost all communication with the rest of the free world and how frightening this would be. Then, the whole horror of it became clear when we heard that this plane had been shot down by the Russians. It is always tragic when 269 people are killed for any reason, but my colleague and friend LARRY MCDONALD and at least 10 people I talked with at the Anchorage Airport were on the plane, and that made it personally traumatic and painful for me.

I deeply regret the tragic death of Congressman LARRY MCDONALD and deplore the criminal, vicious, and inhumane action of the Soviet Union in shooting down a defenseless passenger plane.

My wife, Joyce, daughters Kelly and Krista, and I extend our deepest sympathy to LARRY's wife, Kathy McDonald, as well as to his five children and his entire family.

Ironically enough, by his death LARRY MCDONALD causes many more people to be aware of the brutal and cruel attitude of the Soviet Union's leadership and military than he ever did by his words on this floor of the U.S. House of Representatives.

In other words, LARRY MCDONALD tried to convince us during his lifetime that the Soviet Union regarded their air space to be of higher priority than human lives, even those inside the Soviet Union. Now that LARRY MCDONALD is dead, we know he was right.

□ 1850

Mr. LEVITAS. Mr. Speaker, I thank our colleague, the gentleman from Kentucky, for those comments.

I am happy to yield 3 minutes to the gentleman from New York (Mr. GILMAN).

Mr. GILMAN. I thank the gentleman for yielding.

Mr. Speaker, I thank the gentleman from Georgia, Mr. LEVITAS, for arranging this special order so that we may honor our distinguished colleague who perished aboard KAL flight 007, the Honorable LARRY MCDONALD.

Born and raised in Georgia, LARRY MCDONALD entered the medical profession, and served his country as a physician and flight surgeon in the U.S. Navy. He continued his practice as a urologist until his election to the 94th Congress in 1974. During his 8 years in the Congress, LARRY became known in the House for being a staunch supporter of a strong national defense and for speaking out on foreign policy matters, most especially where the Soviet Union was concerned. LARRY never wavered from his strong anti-Communist stance, and consistently spoke out on behalf of all those who, kept behind the Iron Curtain, suffer from the yoke of Soviet domination and oppression. LARRY often reminded us that the Soviet Union could not be trusted to keep its word, and he was right. By shooting down an unarmed, civilian passenger plane, the Soviet Union demonstrated its utter lack of concern for humanity and its disregard for the 269 men, women, and children who unknowningly and innocently strayed into Soviet airspace. It is ironic that LARRY perished in this manner. He fought Soviet aggression with every ounce of energy and every tool available to him, yet it was the Soviet's unbridled, hostile action that caused his demise.

Congressman MCDONALD will be sorely missed by his colleagues, but his loss is felt even more so by his family, his close friends, and constituents. I join my colleagues in extending my sincerest condolences to his widow, Kathryn, and to their five children; may they take comfort in knowing that LARRY MCDONALD served the people of Georgia and the Nation meritoriously and with all his heart.

Mr. LEVITAS. Mr. Speaker, I thank our colleague, the gentleman from New York, for his contribution.

I am happy to yield 3 minutes to the gentleman from California (Mr. MCCANDLESS).

Mr. MCCANDLESS. Mr. Speaker, I thank the gentleman from Georgia.

As a freshman, I only met LARRY MCDONALD recently, but I liked and admired him, and I was outraged by the manner in which he died.

It seems to me that as time goes on, it becomes more and more difficult in life to do the right thing. The world has become so complex, that the old black and white answers do not seem to work too well anymore.

Everything is questioned in an existential way: What is right? What is wrong? Who can say?

All too rarely do we see men and women of conviction: People who are not afraid to say what they believe and why they believe it, without apology or qualifiers.

LARRY MCDONALD was one of those rare men of conviction. Time after time, he stood in this well and forced us to examine our actions and motives.

Time after time, he told us that if we do not distinguish right from wrong as a nation and act on it, that we would not survive. He vigorously and tirelessly defended our Constitution and the principles upon which this country was founded.

He refused to be silent or to equivocate about the Communist threat this entire planet faces, and his prophetic words often had the ring of truth to them.

LARRY had a kinship with many of us, but his convictions and valor extend far beyond this lifetime.

More than three centuries ago, the English statesman John Milton said, "Give me the liberty to know, to utter, and to argue freely according to conscience, above all liberties." He would have respected LARRY MCDONALD, and

LARRY would have understood John Milton.

The Soviet Union, which LARRY understood so well, has robbed us and LARRY's family of a patriot and loving husband and father. This House is diminished by his absence.

Mr. LEVITAS. Mr. Speaker, I thank the gentleman from California for his contribution.

I am happy to yield to our colleague, the gentleman from Texas (Mr. SAM B. HALL, JR.).

Mr. SAM B. HALL, JR. Mr. Speaker, in an age of conformity and pragmatism, our colleague, LARRY MCDONALD, refused the norm. He bucked the tide—often alone—and he never relented, never tired, and never apologized. He stood four-square for America, and the sworn enemies of America were his enemies. Ultimately, it was the most aggressive of the sworn enemies of America, the Soviet Union, that snatched his life away.

Frankly, I am not certain how LARRY MCDONALD would like to be remembered. He would probably be a little embarrassed over our tributes and accolades. Knowing him as I did, I can imagine him saying right now, "Well, this is all well and good, but what I really needed was your vote on occasion."

LARRY MCDONALD was a good man, if you can say that about a person, then regardless of his politics, he measured up to God's admonition to all of us. He was a courageous man. I believe he was the only Green Beret to serve among us. He spoke his mind, but he was not vicious. Some of his enemies were vicious but he always seemed too busy fighting for America and freedom to get involved in personal vendetta.

I am going to miss LARRY MCDONALD. In Texas, we would call him a maverick. It is an endearing term that is a proud part of Texas history. He was a maverick. He would not compromise, and if it meant standing along, so be it. It was Henry Clay, who served as Speaker of this House, who once said, "I'd rather be right than be President," In other words, he was not willing to compromise principle. That, in essence, sums up LARRY MCDONALD.

We have had our say and passed our resolution on the Korean airline disaster. I know that my remarks got broadcast all over the country as did many of our colleagues. Now, we return to pay tribute to LARRY MCDONALD. Well, if we were really to honor his memory, we will stand up to communism wherever it rears its ugly head. We will rededicate ourselves to freedom and the principles of democracy. He would like that and so would the vast majority of the American people.

□ 1900

Mr. LEVITAS. I thank our colleague from Texas for his contribution.

I yield 3 minutes to the gentleman from California (Mr. DANNEMEYER).

Mr. DANNEMEYER. Mr. Speaker, I am pleased to take part in this special order for LARRY MCDONALD, because LARRY MCDONALD was a friend, an important Member of this House, and a national leader who deserves recognition for his contributions to our society.

What impressed me most about LARRY was that he was a man of integrity and conviction: He held strong beliefs and was unafraid to voice his viewpoint. This was especially true with regard to his outspoken criticism of communism and its challenge to our economic system. he was keenly aware of the threat posed by the Communist world and he was diligent in his efforts to alert the American people of the pervasiveness of that threat. Indeed, there is a tragic irony in how this stalwart spokesman of freedom met with his demise. The question of whether his death was an accident or an intentional homicide may remain unanswered, but the legacy that he leaves us in terms of his thought and vision shall not be diminished and the impact that he had shall continue to be profound.

LARRY was more than just a man of words, he was a man of action. And in this respect he will be remembered for the commitment that he maintained with tenacity and perserverance. Three examples come to mind of how LARRY MCDONALD translated his activity into action: He served on the Committee for the Survival of a Free Congress; he introduced legislation in the last Congress to establish the House Committee on Internal Security; and he participated as a speaker at a rally commemorating the 50th anniversary of the famine in the Ukraine, where the Soviets deliberately starved 8 to 10 million innocent men, women, and children. I recall these events because I had the pleasure of taking part in each of them with LARRY. He earned my respect, and that respect grew with each opportunity I had to work with him.

In a similar vein, LARRY demonstrated an unfailing commitment to a moral way of life. And this was evident in the way that he conducted himself in his personal, as well as his professional, life. LARRY adhered to the traditional values of American family life; he maintained that the preservation of such values is central to the preservation of our very society. As such, he espoused a pro-life position on abortion and believed that there was no moral alternative to a heterosexual lifestyle. To LARRY, the very notion of permissive attitudes toward homosexuality was unacceptable and cohabitation between such persons could never be a viable option for our society to sanction.

My last conversation with LARRY took place on the floor of the House shortly before the past recess. He took me aside to express his criticism of my support for a Sunday holiday in recognition of Dr. Martin Luther King. I recall telling him that Dr. King had made a contribution to our society that was worthy of being acknowledged in such a manner, and that such recognition is important to all Americans, especially black Americans. Yet, there was no changing LARRY's mind because, to him, King was a man who fostered violence and undermined our way of life.

Neither LARRY nor myself could have imagined that that conversation would be our last. We parted wishing each other well, unaware of the peril that was in the offing. His death was senseless, but his life was not without meaning. I pray for his soul and hope that my fellow Members of this House will give new life to what this fine man stood for.

Mr. LEVITAS. I thank our colleague from California for his contribution.

I will be happy to yield 3 minutes to the gentleman from Pennsylvania (Mr. RITTER).

Mr. RITTER. Mr. Speaker, I want to thank Congressman LEVITAS, the dean of the Georgia delegation, for arranging this special order to honor the life of LARRY MCDONALD.

August 31, 1983, will be remembered as a day when civilized nations around the globe were shocked by the brutal slaying of 269 innocent people by the Soviet military, among those who perished was Congressman MCDONALD. On a personal note, August 31 will be remembered as a day of the passing of a friend and colleague.

LARRY blazed a lonely trail here in the Halls of Congress. He was one of those rare individuals that stood up and fought for his beliefs even if it sometimes meant fighting alone. He warned us of the threat of Soviet expansion. He warned us that the Soviet Union was a regime that did not respect human rights and liberties and extended that disrespect to the arena of international competition. He warned us that the Soviets would go to any lengths to accomplish their ends. Considering how his life was taken, LARRY's warnings are nothing short of prophetic.

But LARRY was much more than a champion of democratic principles. He was a husband, father, physician, an accomplished public servant and a hard-working friend to many of us here in Congress. His absence will be felt but his death will not be forgotten.

I thank the gentleman from Georgia (Mr. LEVITAS), as the dean of the Georgia delegation, for conducting

this special order on behalf of our departed colleague, LARRY MCDONALD.

I would personally like to see this House pay even a more substantial tribute to our departed colleague via the convening of some ceremony participated in by the leadership and by indeed each and every Member of this House. After all, our friend and our colleague was murdered along with 268 others by our adversary. This Congress lost one of its own to our adversary. And I ask the American people is, there any difference between assassinating LARRY MCDONALD in Georgia or in Moscow, or killing him along with 268 other innocent people by firing a heat-seeking missile at a defenseless airliner? And I ask the men in Moscow that same question. I would hope that this House and the Members of the delegations of all the States would join together for an official ceremony involving the entire leadership and the entire membership to note the passing of our friend and colleague, LARRY MCDONALD.

It is indeed, as others have stated, the ultimate irony that LARRY MCDONALD's characterization of the Soviets, criticized by some in this House as overzealous, was borne out as accurate in the way he died, the mode of his death.

I express my deepest sympathy to his family who I hope will carry on what LARRY tried to do in his life.

LARRY MCDONALD was a man with boundless energy, dealing with problems related to communism—particularly the expansion of Soviet power. He had a virtually encyclopedic knowledge of various so-called wars of national liberation around the globe. LARRY MCDONALD had detailed understanding and acquaintance with the players in these various wars of national liberation, and could link and tie in so many cases Communist leadership, the Soviet international fighting force of assorted Bulgarians, Vietnamese, North Koreans, Cubans, and the like, to so many of these so-called liberation movements. And we criticized him in this body—not this Member, but others—for being overzealous. And, yet, his death in many ways proved him right.

When we think of what LARRY MCDONALD would wish this body to do, perhaps not in honor of his death, but as a necessity for the life of this Nation and the lives of its people, what he would have wished we could do in this body, let us consider it.

First of all, LARRY MCDONALD would have wished that we would stand fast in Central America and that we would not desert the cause of freedom or be fooled by the rhetoric of communism or allow the Soviet international fighting force which is so active in Central America, particularly out of Cuba and Nicaragua, that we would oppose them.

□ 1910

Perhaps his life did not convince us of the necessity of such standing fast but maybe his death will help us achieve that goal.

I thank the gentleman from Georgia for taking out this special order. I am happy to have been a part of it.

Mr. LEVITAS. I thank our colleague from Pennsylvania for his contribution.

● Mr. SHUMWAY. Mr. Speaker, like most Americans, my shocked reaction to the reprehensible Soviet strike against an unarmed Korean airliner was exacerbated by the knowledge that our friend and colleague, LARRY MCDONALD, was onboard. It is perhaps the height of irony that a man who dedicated so much of his public and private life to campaigning against communism and alerting others to the need to repel its growing threat such perish at Communist hands. In a truly tragic sense, LARRY's death has strongly proven the point he strove so hard to make: The Soviets cannot be trusted; they have no regard for the most basic human rights, and we must negotiate with them from strength.

From the time he took office in 1975 until his untimely death, LARRY MCDONALD worked tirelessly and effectively to expose the threat of spreading Marxism. No amount of criticism from those who opposed his conservative thinking could deter him from his principles, and for that he must be admired, by those who did not agree with him as well as by those who did. LARRY MCDONALD was always consistent, and the leadership he demonstrated was likewise. Throughout his tenure in office, he provided outstanding representation for his constituency, as well as a determined example for his colleagues.

It is always saddening to lose a Member of this body, but it is all the more so when we lose a colleague under inexcusable and violent circumstances. In the case of LARRY MCDONALD, there is one consolation of sorts: While his voice may now be silent, he has awakened America with a jolt to the dangers he sensed. He will be missed by all those who were privileged to work with him and know him, and I know I speak for all of us when I say he will not be forgotten.●

● Mr. PERKINS. Mr. Speaker, I join my colleagues today to pay my respects to our late colleague, Representative LARRY P. MCDONALD of Georgia.

For more than 8 years LARRY MCDONALD represented a great district and a great people in these Halls. He did not take his duties lightly, and he gave his job the best that was in him.

His views of this country, its history, and its potential were often controversial, but no one can say that they were not firmly held and vigorously expressed. You always knew where he stood on the issues that came before the Congress for decision.

LARRY MCDONALD was a friendly and agreeable man, a generous man, a good family man, and a good neighbor. That such a man should have been lost through the action of a tyrannical, renegade government with a philosophy he loathed seems to compound the tragedy.

Mr. Speaker, I extend my sympathy to the McDonald family, and to those friends of his who mourn his loss.●

● Mrs. HOLT. Mr. Speaker, I note that the recent destruction of a civilian airliner by the Soviet Union appears to have reawakened the country to the character of the Soviet regime and the need for the free world to be strong and vigilant in our defenses.

If that is an accurate observation, then our colleague LARRY MCDONALD did not die in vain. He and the 268 other people on that plane have died in a manner that reminds the world of the nature of the brutal adversary that confronts us.

It is almost as though the fates conspired to place LARRY MCDONALD on that plane. He was an anti-Communist who pursued that cause with zealous energy. He took flight 007 because he had missed an earlier flight, and it was 007 that flew off course to meet destruction by Soviet fighter planes.

He served among us in this House for 9 years, and I counted him among my friends. He was a man of strong convictions and worked with great passion and diligence on those issues that attracted his interest.

Before he came to Congress he was a practicing physician, where he could demonstrate the compassionate side of his nature. That side of him was very strong, as strong as his determination to compete for his principles in the political arena.

I am sure that all Members of the House join me in expressing condolences to his widow, Kathryn, and their five children.●

● Mr. DREIER of California. Mr. Speaker, special orders for deceased colleagues are always difficult. It is a much harder task when the events surrounding that death are as horrible as those surrounding LARRY MCDONALD's death.

No kinder compliment can ever be paid a Member of the House of Representatives than to say that they stood firmly behind their views. Although I did not always agree with LARRY MCDONALD, it is difficult not to admire this strong and unwaivering conviction to his views.

LARRY had many accomplishments in the House. He stood for the strengthening of our Nation's defenses—a goal he fought long and hard for both on the Armed Services Committee and in his efforts outside this body. He assisted us with our ef-

forts to lower taxes and reduce the size and scope of the Federal Government. He firmly believed that the United States should stand behind her allies, and in fact was on his way to South Korea when he died.

The death of Congressman McDONALD raises many troubling questions. We may never know the full story behind the Soviet downing of an innocent, civilian airliner. But we must remember LARRY. He had a message to tell. And if his death—however hard to accept—causes more Americans to think and take note of the current world situation, then it was not in vain.

I add my condolences to Kathryn McDonald and their entire family. I offer to them my support for the trials they will face ahead.●

● Mr. DANIEL. Mr. Speaker, with the coldblooded destruction of Korean Air Lines flight 007, this body and this Nation lost one of the most steadfast defenders our Nation has known.

Congressman LARRY MCDONALD stood consistently against the kind of treachery this incident represents. In my years in Congress and before, I have never known a more effective spokesman against the Communist menace.

His was the concern of one whose perception of the future is rooted in his knowledge of the past, uncolored by wishful thinking or unrealistic dependence on the good will of an implacable enemy.

It was a special privilege to serve with LARRY on the Armed Services Committee. He always shared freely his knowledge and his understanding of the security needs of this country, and it is a knowledge which cannot be easily replaced. This service would have been rewarded by his appointment as chairman of a panel on special forces, which I had planned following adoption of our conference report, and he had been so advised.

LARRY MCDONALD made a lot of people uncomfortable—people who preferred not to be reminded of the fact that there has been and remains a threat to our Nation, so long as the Soviet Union pursues its present course. This most recent outrage vindicated the correctness of his views.

The death of our colleague has left a void in this Chamber which will not soon be filled, and I mourn, as I am sure all do, this loss.

His wife Kathy and other members of his family have my deepest sympathy.●

● Mr. MAZZOLI. Mr. Speaker, I wish to pay my respects to my former colleague, Representative LARRY MCDONALD, who tragically died in the doomed Korean Air Lines flight 007.

I did not always agree with LARRY, but he was forthright and committed to a political philosophy. He stood strong for his beliefs and always accepted the majority even when it disappointed him.

He was a dedicated Member of the House and he served his constituents of Georgia with diligence and devotion.

I extend my condolences to his wife Kathryn and to his children.●

● Mr. ROE. Mr. Speaker, the downing of Korean Air Lines flight 007 by the Soviet Union was an act of blatant murder that has outraged freedom loving people the world over. One of those among the 269 passengers who lost their lives in that slaughter was our colleague LARRY MCDONALD of Georgia.

It is indeed with much sadness in my heart that I rise today to join in this tribute to LARRY MCDONALD, who was truly a champion in defending our cherished traditions of freedom and democracy.

LARRY MCDONALD had a profound commitment to preserving the highest ideals of man, which he rightly believed were embodied in the principles under which our great Nation was founded. While it may sound old fashioned to some, there is no better word than "patriot" to describe our fallen friend.

The Russians made a tragic mistake in downing that civilian airliner. For they not only alienated the world against them, but they strongly fortified the warnings LARRY MCDONALD had so often made concerning the brutal intentions of that cold hearted nation.

The legacy his tragic death leaves us is clear. We must not be lulled into any sense of false security in our Nation's dealings with the Soviet Union.

LARRY, more than anyone else, would not have been totally shocked by the Russians' cruel murder of 269 defenseless passengers on a commercial jetliner.

He warned us time and time again, that despite cosmetic appearances the Soviet Union attempts to put on in the international arena as a peaceloving nation seeking détente with the United States, it is still a nation controlled by Communist tyrants who have little regard for either human rights or human life.

If we remember that message, LARRY MCDONALD will not have died in vain.●

● Mr. KILDEE. Mr. Speaker, it was with profound shock and sadness that I learned of the Soviet downing of Korean Air Lines flight 007 over the Sea of Japan during the early morning hours of September 1. Violent loss of innocent life is always difficult to accept, and in this case the brutal murder of 269 innocent, unsuspecting travelers has rightfully been greeted with worldwide horror and revulsion.

But the tragedy over the Sea of Japan struck an especially close chord here in Washington. Among the victims of flight 007 was our friend and colleague, Representative LARRY P. MCDONALD, of Georgia.

LARRY and I often disagreed on legislative approaches to issues. But he was always a gentleman. He possessed a deep and abiding love for our country and our way of life, and he was a dedicated and able defender of both. His frankness and dedication will be missed by this body. Many here will always treasure his friendship.●

● Mr. BARNARD. Mr. Speaker, many of us rise today to pay tribute to a Member whose death has been noted in every capital of the world.

As a Member of the Georgia delegation to which he belonged, I feel particularly aggrieved at both the fact of his passing and the manner of his death.

Much has already been said on this floor about the callous, brutal action of the Soviets. The Korean Air Lines incident has served to remind us that we are in an adversarial relationship with a people whose values are light-years away from our own. Not only is there an apparent disregard for human life, but also a mechanical enslavement to the dictates of a paranoid state.

Perhaps today is a time, however, for reflection on LARRY MCDONALD and his work in the House. It has been said that the House is the most American and the most democratic of all our institutions, truly representing all the different people of the country. Because of this diversity and because of the sheer number of our 435 seats, we in this body look to Members who can articulate their views. We look to Members who can bring us new information, who are not afraid to be candid about their beliefs, and who can argue forcefully for what they believe to be right and in the best interests of the Nation.

LARRY MCDONALD was all of these things, to the extent that he became a national figure with a following in every State. For many people, his ideas were, and will continue to be, a clear view of where our country should stand and in what direction we should face. There will be others to voice these ideas, but LARRY was unique in the pure breadth of his political and geographic constituency, and his passing will diminish the House as a whole.

Finally, on a personal note, it should be said that a Member of the House is judged by the way in which he presents his views. Despite the passion with which he held his views, LARRY MCDONALD could also be gracious and charming. A loner with the strength to stick to his guns, he was a forceful character on our stage, and his presence will be missed.●

● Mr. YOUNG of Florida. Mr. Speaker, it is with sadness that I join today in paying tribute to our colleague from

Georgia who dedicated his life to warning the American people about the Soviet menace. LARRY MCDONALD, ironically, died as a result of the type of Soviet brutality of which he was such an outspoken critic.

Although we sat on opposite sides of the aisle, LARRY and I were united in our efforts to call attention to the Soviet threat to world peace and our Nation's need to respond to that threat by providing for a strong national defense. Together we sought to inform the American people that it is the Soviet Union, and not the United States, that imperils world peace. We will never use our Armed Forces to attack another nation and deprive our fellow human beings of their freedom as the Soviets have done in Eastern Europe, Africa, Southeast Asia, Central America, South America, Cuba, and most recently Afghanistan. And needless to say, we will never use our military weapons, as the Soviets callously did on September 1, to shoot down unarmed passenger aircraft.

LARRY and I many times from the floor of the House of Representatives called attention to acts of Soviet aggression and deceit because the American people must have a better understanding of the Soviet threat and the unpredictability of their actions. Our Nation also must realize that the Soviet Union cannot be trusted to negotiate in good faith or to honor international agreements to which they are a signatory.

Our colleague LARRY MCDONALD died at the hands of the Soviet Government which he told the American people seeks to fulfill its goal of world domination regardless of the cost of human life. Territorial expansion and control is the primary Soviet goal.

Mr. Speaker, LARRY MCDONALD spent his life cautioning the American people and the world about the impending Soviet threat to peace. As a Member of this body for 9 years, his message and work was being recognized by a growing number of people. Unfortunately, it was not until he lost his life that his warnings were fully understood.

That is why we now must realize as a nation that the Soviet Union is deterred only by a show of strength. Soviet worldwide aggression will be prevented so long as we maintain a national defense capable of responding to and repelling any Soviet advance against our Nation and our allies.

The murder of our colleague LARRY MCDONALD by the Soviet Union is a painful reminder that the message of his lifelong work must not go unheeded.●

● Mr. FIELDS. Mr. Speaker, it is with great sorrow but with a great sense of honor as well that I participate in this tribute to our late distinguished colleague, LARRY MCDONALD. The loss of LARRY MCDONALD is both a loss to the House of Representatives as a whole and to many of us as individuals.

Since my election to this body in 1980, I have looked to LARRY MCDONALD as a statesman. He was a man who identified his goals and never waivered from the goals. It has been often said that LARRY MCDONALD was a different breed of man. I suppose that statement is accurate but I am not sure that its connotations are fair.

LARRY MCDONALD was a true American patriot. He valued his country more than his own personal wealth or well-being. Often perturbed by the bureaucratic intricacies of the legislative process, LARRY MCDONALD chose to focus on broader horizons. It was as though he saw the future more distinctly than the present. He observed legislation with as much an eye to the future as the present. He did not ask, "Is this decision expedient?" He asked, "How will this decision affect my children and their children."

He was a champion of a strong national defense. As our Founding Fathers had, he feared too much power in the hands of Government. He viewed private enterprise as essential to individual liberty, and he believed that private sector solutions were superior to Government solutions. He sought to preserve the freedoms we have inherited as a birthright—knowing that freedom may easily be lost.

For LARRY MCDONALD, the constitution reigned supreme. While one may disagree with his objectives, LARRY MCDONALD's motives were beyond reproach.

LARRY MCDONALD's history of taking unpopular stands in Congress is well known, but his political side is only part of the man. LARRY MCDONALD was brilliant. A graduate of Emory University School of Medicine at the age of 22, his medical excellence was undisputed. And, he was a caring man, who, while vigilantly opposing the welfare state, gave himself liberally to those in need and called upon others around him to do likewise. Finally, his sense of humor was superb.

LARRY MCDONALD was never quite at home with the give-and-take, compromising nature of politics, yet he represented his district well. Undoubtedly, Congress needs men and women who are immersed in the grinding and sometimes tiresome legislative process. But, Congress has room for that cautious voice reminding us that liberty is fragile, that its price is high and that it must not be taken for granted. In a sense, LARRY MCDONALD was a modern-day "voice in the wilderness." I respect his contribution and am honored to have been his colleague.●

● Mr. KEMP. Mr. Speaker, I rise today to express my deepest sympathies to the family of our former colleague, LARRY MCDONALD of Georgia's Seventh District, his wife Kathryn, and to all those Americans who share this loss.

LARRY MCDONALD was a man who could be counted on at all times to vote his conscience and in accord with deeply held principles. He was never afraid to take a stand on any issue, no matter how tough or how controversial his views might be.

LARRY was a family man, devoted to his wife Kathryn and his five children. He was a distinguished urologist and a physician of great skill and compassion. He served his country as Navy physician and flight surgeon. His career in Congress was distinguished by his service to his constituents and his willingness to listen to the concerns of the people of Georgia's Seventh District.

But the trait we will most remember about LARRY MCDONALD was his great love for the traditional ideals of the United States, and his conviction that the Soviet Union is an active and indeed belligerent threat to freedom and democracy around the world. LARRY MCDONALD was aware of the present danger and was willing to risk so much to speak out and make Americans aware of the need to keep the lamp of eternal vigilance lit.

The brutal murder of LARRY MCDONALD and the other 268 passengers of KAL flight 007 is an atrocity, and I again extend my deepest sympathies to his wife and children. Our support for a strong America and strong defense would be one way in which we can help pay our tribute to his memory.●

● Mr. MILLER of Ohio. Mr. Speaker, I join my House colleagues today in paying tribute to a distinguished American and exceptional Member of Congress who so tragically lost his life recently. LARRY MCDONALD was, in every sense of the word, a dedicated servant of the citizens of both Georgia and the Nation. He was a man of principal and idealism whose leadership on the House floor will be greatly missed.

One of the things I personally admired most about LARRY MCDONALD was the fact that he was forthright and purposeful in his position on issues that others might find easy to skirt or sidestep. Whether you agreed with him or not on a particular issue, there was never any doubt about where he stood. There was never any doubt, either, about the fact that his position was based on study and research and not simply on reflect reaction. He was not a politician who would shift with the winds of expediency or political favor.

It distresses me deeply, Mr. Speaker, when I consider the fact that he is missing from this Chamber. But what distresses me even more is the manner in which he left us. LARRY MCDONALD was an innocent passenger on a Korean airliner bound for Seoul. He

became a victim of violence by a paranoid Soviet Union. He died along with 268 others at the hands of a nation that has tried every excuse to explain this atrocity when we know there is none.

History will remember the incident that took LARRY's life, just as we will remember his good deeds and conscientious work here in the House. Let us resolve to remember what he stood for and learn something from his passing.

My sincerest sympathy is extended to his family.●

● Mrs. LLOYD. Mr. Speaker, my district borders Georgia' Seventh Congressional District. LARRY MCDONALD was a very visible leader and the people of our area have been touched by his tragic death. His life was marked by an unswerving commitment to exposing communism and particularly the communism espoused by the Soviet Union, a nation which has demonstrated its lack of regard for human life much less human rights. LARRY helped remind us of the nature of the Soviet Union as shown in the long list of its crimes against humanity.

The flight of Korean Air Lines flight 007 is still far from resolved and we must not slacken our efforts to win retribution for that unjustifiable act. But it is appropriate for us at this time to pay tribute to the man and to his dedication to his cause. I wish to join with my colleagues in mourning his passing and extend my deepest sympathies to his wife and their five children.●

● Mr. STARK. Mr. Speaker, I join with my colleagues in expressing sadness at the death of our colleague, LARRY MCDONALD—and of those many others who died on Korean Air Lines flight 007.

I often disagreed with LARRY, but I always admired his energy and his passion for America and the future of our country. He was a very hard worker, dedicated to his service to the Nation and his constituents.

We should all rededicate ourselves to insure that his death, and the death of the other passengers on that flight are not forgotten, but can forge the heat necessary to make the nations of the world sit down and find ways to prevent this type of tragedy from ever-occuring again.●

● Mr. BENNETT. Mr. Speaker, the tragic death of Congressman LARRY MCDONALD is a blow to each of us, his colleagues, and to our country. I knew him as a very friendly man, always supportive of measures to strengthen the national defense of our country. We served together on the Armed Services Committee and on several of its subcommittees. He was a man of patriotism, courage, candor, and enthusiasm for every cause he espoused. And he studied with care and perseverance to be fully informed. He set a fine example for all of us in his dedication to duty. We will all miss him greatly and I am sure I share with all Members of the House a sincere and deep feeling of loss in his death and an expression of deepest sympathy to his beloved wife and family.●

● Mr. WINN. Mr. Speaker, in the wake of the downing of the Korean jetliner flight 007 by the Soviets, which killed 269 people from across the world including one of our own colleagues, we all sense a feeling of frustration in explaining and reacting to this despicable tragedy. In looking for answers, I am reminded of a saying that to me describes the sentiments of many in Congress, "Their hindsight was better than their foresight." I can assuredly say that today, after the unexplainable event, many of us are wiser about the threat that the Soviet Union poses to the rest of the world.

But perhaps no one had more foresight in explaining the motivation of the Soviet Government than Representative LARRY MCDONALD himself, who lost his life as a direct consequence of action taken by the nation he worked so hard to expose. On countless occasions, LARRY stood in this Chamber denouncing Soviet terrorism and warning of their lack of respect for human life. And we, in return, often turned a deaf ear to his persistent campaign against communism.

LARRY's foresight about Soviet tyranny was demonstrated in a most cruel way with the killing of 269 innocent men, women, and children through an inappropriate show of power. Today I wish to pay tribute to LARRY P. MCDONALD, a man who showed great foresight and courage by standing apart from the crowd in his fight against communism—a man whose life has provided us with valuable hindsight to guide us in the future.●

● Mr. SUNIA. Mr. Speaker, you may wonder why an American Samoan is here rendering final homage to an American. But you see, it is just that simple—ever since the First World War we have been fighting side by side with Americans in every fight and scrap that this Nation has reluctantly been forced into.

Moreover, LARRY MCDONALD was a colleague of mine and mentor. Not that I can say that I cosponsored x number of his bills or he passed me "the" secret way to get a bill through in less time and effort than previously expected, but in the larger sense, the sense that when I saw him I saw a Member of Congress in capital letters. Mayor Barry says that the District of Columbia is a capital city, let me paraphrase for LARRY; he was one helluva "capitol member," and saying that, as a lay minister in my transplanted Samoan Church, and as a son of a faifeau (minister) that, to coin a well-turned phrase is saying a lot.

The best examples around this Hall and this building are those of by example. From the venerable and Honorable Speaker, to the newest Member here present. I look up to you all as I looked up to LARRY and I say that his passing shall not be forgotten. I do not know, as many of you probably do not know, just yet, what the best way to honor and remember LARRY will eventually be. But I say this with all the conviction that I can muster: He will not be forgotten.

My sympathies and condolences go out to his lovely wife Kathryn and their fine children. Viewing young Tryggvi's composed responses on TV recently, convinced me that I was watching LARRY. Again, by example. Let the perpetrators of this dastardly deed beware, there are lots of Americans by the name of McDonald, and Jones and Sunia and others that will not forget this heinous deed—no not on your life, nor in any short time span.

May LARRY rest in peace.●

● Mr. BROOMFIELD. Mr. Speaker, when Korean Air Lines flight 007 was remorselessly blown out of the sky by an air-to-air missile fired by a Soviet warplane, the House lost a uniquely dedicated and outspoken defender of the U.S. national security interests. During his service in the House, LARRY MCDONALD's tireless vigilance against the soul-destroying tyranny of Communist dictatorship, wherever he perceived it, was unparalleled. Perhaps no other person who has ever served in this House has earned a greater reputation for unrelenting and eloquent opposition to the dangers of Communist oppression however manifested.

Surely it is a tragic irony that LARRY MCDONALD reportedly missed an earlier flight by a matter of moments. Nevertheless, the perverse twist of fate which placed him on flight 007 gave his untimely and violent death a certain grim but transcendent meaning. He fought all of his life to expose the cruelty, perfidy, and wanton contempt for basic human values which characterize the Soviet regime and to educate and forewarn Americans to the nature of overt and subversive dangers presented by Soviet policies and actions. The manner of LARRY MCDONALD's shocking and contemptible assassination was itself the most forceful and persuasive demonstration of just the facts about the fundamental nature of Soviet behavior which he dedicated his life to bringing to light and defending the United States against.

We sincerely mourn the passing of our colleague, the loss of one of the most constant sentries on the ramparts of the free world. But we may all take some comfort in our mourning of his martyrdom by recognizing that his death has served to firmly focus the

brilliant light of truth on the dark and bloody hearts and hands of the Soviet regime and expose them to the shocked and outraged understanding of the honorable and peace-loving people of the world.●

● Mr. CAMPBELL. Mr. Speaker, I would like to thank my colleague from Georgia for giving me this opportunity to pay tribute to Congressman McDONALD.

When Korean airliner 007 was shot from the sky, Congress lost a man of great principle. LARRY McDONALD never voted for something because it was popular or an in issue, but rather because it was the right or moral decision to make. And, once that decision was made, he never wavered from his course, leaving a record of conservative consistency that will be hard to match.

LARRY was not afraid to take on the tough, controversial issues and face them squarely, often at odds with his own party. His hard work and high principles won him the respect and admiration of his colleagues from both sides of the aisle. He will be sorely missed by us all.●

● Mr. WOLF. Mr. Speaker, it is with sadness and a great sense of loss that I rise to join my colleagues in this special tribute to LARRY McDONALD. My sincere, heartfelt sympathies are with the family who survive Dr. McDONALD's tragic death.

Last week, I attended the memorial service held for our friend and colleague. Through the many speeches, accolades, songs, and tributes made in Representative McDONALD's behalf, one statement has stuck with me from that gathering. Rev. Imagene Stewart took the podium to sing Amazing Grace, but before she began the hymn, she related a story giving her personal insight into the man. She explained of her meetings and conversations with LARRY McDONALD on a host of various social and religious issues. She related how they had their differences, but went on to quote something Dr. McDONALD had once told her: He said, "Imagene, if you don't stand for something, you will fall for anything." And then she began to sing the hymn.

LARRY McDONALD personified this principle. He was a man of deep commitment and conviction. I admired his courage and dedication to an agenda from which he never deterred.

To his wife, family and friends, we offer our prayerful support and condolence. This body will sorely miss his influence.●

● Mr. FUQUA. Mr. Speaker, I appreciate this opportunity, arranged by Congressman LEVITAS and the Georgia delegation, to pay my respects to the family of LARRY McDONALD. He was a decent and honorable man who faithfully served his constituents in Georgia's Seventh District, and left his mark on the entire Nation as well.

LARRY was a dedicated proponent of his point of view and always argued with great knowledge and sincerity. People may not always have agreed with LARRY but you could not doubt that he believed deeply in what he said.

His goal was always to make America strong and able to withstand any challenge from a hostile world. He recognized the need for a strong defense if we are to make the world a better place in which to live.

He was an honest man who loved his family, his State and his nation. His presence will be sorely missed in this Chamber. We can only hope that through his brutal murder by the Soviet Union some good will be gained. The philosophy he embodied must be remembered by this and future generations.●

● Mr. HATCHER. Mr. Speaker, I rise today to join my colleagues in remembering a fellow Member of the Georgia congressional delegation, Congressman LARRY McDONALD, whose life was taken by the barbarous and coldblooded Soviet attack on Korean Air Lines flight 007.

During my service in the Congress, I have known Congressman McDONALD as a man of ardent and deeply-held convictions whose actions without exception were true to his beliefs and personal commitments. I, further, have known him as a friend and colleague who time and time again offered and provided encouragement and assistance to projects and efforts important to the Second District of Georgia, which I represent. The role Congressman McDONALD played in the House and in the Nation is one which cannot simply be filled. This Nation, which cannot afford to lose her leaders, certainly has lost one of them with Congressman McDONALD's passing.

My thoughts and sympathies and those of my wife, Ellen, remain with Congressman McDONALD's family and friends during this terrible and difficult period.●

● Mr. REGULA. Mr. Speaker, today we pay tribute to our late colleague LARRY McDONALD. I want to first extend my deepest sympathies to LARRY's wife, Kathy, and his children. Death, whatever the circumstances, is tragic, but to come so suddenly and unnaturally is particularly painful.

William Lloyd Garrison, a prominent American abolitionist, said, "We may be personally defeated, but our principles, never."

First and foremost LARRY McDONALD was a man of strong principles. Whether you agreed with him or not, you had to admire and respect the strength of his convictions.

Thomas Paine called moderation in temper a virtue, but moderation in principle a vice. LARRY McDONALD never compromised his principles and as such he became an recognized and effective spokesman for conservative philosophy.

The strength of our system of government is that it encourages and fosters diversity of opinion. Only in such a free and open democratic system as ours could such diverse political philosophies as those of LARRY McDONALD and the late Phil Burton coexist.

Although they came from opposite ends of the political spectrum, both men shared the same strong allegiance to principle. It is this dedication to cause which LARRY McDONALD will long be remembered for. Although he has left us, the principles for which he fought will live on in this Chamber of democracy.●

● Mr. ADDABBO. Mr. Speaker, the passing of our colleague from Georgia, the distinguished LARRY P. McDONALD, has cast an ominous shadow on the proceedings of this body. None of us will ever forget the horrible event that took his life.

While the incident intensified the tragedy of this Member's death, I think it important to mourn LARRY McDONALD away from the glare of international furor. Representative McDONALD was, foremost, a man of courage. While he and I may have disagreed more than once on political issues, I admired a man who stood firmly behind his convictions. He will be remembered as a man who lived out his convictions daily through his dedication to his church and family.

I offer my deepest consolation to the Representative's wife, Kathryn, and to all his children and close friends. The Nation mourns a fine man whose religion gave him the guidance to be the wonderful father, husband, and powerful leader, that he was.●

● Mr. RODINO. Mr. Speaker, I want to join in honoring LARRY McDONALD and to extend condolences and my feeling of sorrow and compassion to his grieving family.

Congressman McDONALD and I were rarely on the same side of any of the major issues that this body regularly faces. Seldom did we agree on solutions.

But, during the saddest and most painful time of my life, LARRY McDONALD sought me out to offer me his professional counsel as a physician and, as a caring human being, to console me in those terrible hours.

For that kindness, I shall always be grateful, and I shall miss him.●

● Mr. NICHOLS. Mr. Speaker, I appreciate our friend, ELLIOTT LEVITAS, arranging for this special order so that the many friends of our departed colleague, LARRY McDONALD, may pay tribute to the life of this outstanding American.

It was my privilege to work with Congressman McDONALD as a member of the House Committee on Armed

Services and, certainly, there was no Member of Congress more dedicated to the principles in which he believed.

I would say further, Mr. Speaker, that although all of us in this body to some degree love and appreciate the type of government under which we are privileged to serve, LARRY MCDONALD above any other Member of Congress displayed that appreciation in his fierce and determined support of the precepts which over the years have made America the great country that we are.

Last Thursday night as Carolyn and I sat behind the Georgia delegation in the First Baptist Church in LARRY's hometown of Marietta, Ga., I thought about the depth of our friend's love for his country, the concerns that he held in opposition to communism, both at home and abroad, and of the imprint that his life has made on those of us who knew him, loved him and were privileged to serve in the halls of Congress with him over these years.

Congressman MCDONALD's untimely death, to use a military term, was most certainly service connected for he was on a mission to visit with the free people of Korea as a part of an American delegation seeking closer ties with the Korean people and the Korean Government. He will be missed by me as a friend and his advice, counsel, and knowledge on matters relating to defense will be sorely missed by our Armed Services Committee and by the Congress.

I would want to express my deepest sympathy to his widow, Mrs. Kathryn McDonald and to all other members of the McDonald family.●

● Mr. HORTON. Mr. Speaker, today I join with my friends to pay tribute to our fallen former colleague, Congressman LARRY P. MCDONALD of Georgia. His tragic and untimely death aboard Korean Air Lines flight 007, along with 268 other innocent human beings, stands as a testimonial to the Soviet's treachery, deceit, and callous disregard for human life. As we in this body know, it was this threat posed by the Soviets that LARRY spoke out against so loudly and for so long.

Since coming to the House in 1975 representing Georgia's Seventh Congressional District, LARRY took a leadership position in the fight against communism both at home and abroad. Although often adopting a bold or controversial position on difficult issues, LARRY stuck by his convictions and was never yielding in his efforts to educate Americans and the people of the free world on the Communist threat. Ironically, the Soviets cold-blooded attack on flight 007 which killed LARRY MCDONALD has been a tragic vindication of his tireless efforts.

As we in the House move on to consider legislation or policies that will influence our relationship with Communist-block nations, I hope we will remember the words and the warnings of LARRY MCDONALD. With the downing of flight 007 we are reminded again of the insignificant value which the Soviets place on human life. When we deal with the Soviet leaders we must do so in full knowledge of their capablity of committing the most atrocious of acts. These are the teachings for which LARRY MCDONALD gave his life.

Mr. Speaker, on behalf of myself and the people of the 29th District of New York I would like to extend my deep and sincere condolences to the family and friends of Congressman LARRY MCDONALD.●

● Mr. RUDD. Mr. Speaker, the premeditated murder of 269 civilians aboard the Korean airliner by the Soviet Union was also an attack upon the founding principles of our great Nation and the free world.

There was no greater defender of America's right to fight for these principles than Congressman LAWRENCE PATTON MCDONALD, a distinguished Member of this body, who was a victim of the brutal Soviet attack.

It was a sad, but unmistakable, irony that Representative MCDONALD was a leader in the struggle against international communism and a leader in the building of a strong and prosperous America.

His death, along with 268 other passengers and crew members of KAL flight 007, is directly attributed to the totalitarian regime he so consistently and vigorously fought to expose to the disbelievers. The truths about the nature of Soviet communism he espoused on the floor of this Chamber, and around the world, have been brought to the full attention of all civilized peoples as a result of the Soviet attack, their lies, and lack of contrition.

Congressman MCDONALD's contributions to the security of the United States and his diligence in documenting the threat of communism are testaments to his life's work in and out of Government.

A urologist by profession, in a family of physicians, Representative MCDONALD was an activist on a range of prominent issues: The right to life, the right to bear arms, the modernization of our Nation's military defense, fiscal discipline in Federal spending, and the rights of taxpayers.

His efforts to oppose the concepts and true-to-life subversion and terrorism of the Soviet Union and its client states went beyond his service within the U.S. Congress.

LARRY was the founder and president of the Western Goals Foundation, a group of distinguished Americans, devoted toward the exposure of the vastly expanding network of Soviet-sponsored revolution and terror throughout the world.

His anti-Communist campaign made him a recognized dignitary among our friends in the free world, and a hated enemy among the Communist regimes.

As a young doctor, Representative MCDONALD spent 4 years in the U.S. Navy, much of that service as a physician and overseas flight surgeon to naval squadrons in Iceland. At the time of the Soviet massacre, he held the rank of captain in the U.S. Naval Reserve. His steadfast support for improved U.S. intelligence and military capabilities, and resistance to Soviet encroachments anywhere on the globe, was invaluable during his membership of the House Armed Services Committee.

LARRY's crusade against Soviet aggression was to bring him to South Korea a few weeks ago to participate in meetings and ceremonies surrounding the 30th anniversary of the signing of the United States-Korea Defense Treaty. A Soviet interceptor jet shot down the commercial jet on which LARRY and 268 other civilians were en route to Seoul. But this brutal act did not destroy the hard-fought causes which this Member of Congress so ably represented.

Mr. Speaker, the survival of America and our principles as a free nation is tied to the courageous patriotism exemplified by Americans like LARRY MCDONALD. For this, we owe him our recognition and commitment to the freedom and liberty of those who are persecuted and threatened by the Soviet empire.

I join my colleagues in expressing condolences to Kathryn McDonald, their entire family, and many friends and followers, who must share in this tragic loss of life and leadership.●

● Mr. ANNUNZIO. Mr. Speaker, I rise today to mourn the loss of our colleague, the Honorable LAWRENCE P. MCDONALD, who died tragically when a Korean commercial air flight was deliberately shot down by the Soviet Union on September 2, in a dastardly act of barbarism—an act beyond all bounds of civilized conduct.

Congressman MCDONALD was a loyal, patriotic American, who served our Nation with distinction as a Navy flight surgeon, after having received his doctorate in medicine from Emory University in 1957. He was elected to the 94th Congress, and for the last 9 years has ably represented his constituents from the Seventh Congressional District of Georgia, as a member of the House Armed Services Committee, its Subcommittee on Readiness, and its Subcommittee on Research and Development.

At the time of his death, Congressman MCDONALD was a captain in the Naval Reserve, and was faithfully serving our Government in an official

capacity, en route to a conference marking the 30th anniversary of the United States-South Korean defense pact, when his unarmed plane carrying 269 passengers, was fired upon by the Soviet Union.

The United States must take firm and decisive action to show the Communists that we will not tolerate the killing of innocent civilians and public officials, while they travel aboard defenseless commercial aircraft.

Mrs. Annunzio and I extend our deepest sympathy to Congressman MCDONALD's wife, Kathryn, to his children, and to all of the other members of his family who survive him.●

● Mr. PRICE. Mr. Speaker, I rise to pay tribute and respect to the late Honorable LARRY P. MCDONALD of Georgia, a member of the House Committee on Armed Services.

The media accounts of the tragic shooting down of Korean Air Line 007 that led to his death have generally portrayed him as an ultra conservative loner whose legislative accomplishments and influence in this body was limited.

That description is inaccurate and unfair.

LARRY MCDONALD provided a valuable service to this Congress. He represented a conservative constituency in the State of Georgia and contributed to the flow of ideas in this House just as moderate or liberal Members do.

LARRY was widely characterized by his abhorence of communism. He studied Communist ideology and the methods the Soviet Union uses to infiltrate Democratic institutions. He warned us repeatedly to be alert to Communist maneuvering, either political or military, that could be detrimental to U.S. interests.

The LARRY MCDONALD I and most of the House Armed Services Committee members and staff know was a different LARRY MCDONALD then generally portrayed by the media. Words such as "compassionate," "conscientious," "helpful," "hardworking," and "highly intelligent," "warm," "gentle," and "pleasant," flow easily from the description of those who worked closely with him.

LARRY MCDONALD served on three subcommittees of the Armed Services Committee; Research and Development, Seapower and Readiness.

His association with the military services as a Navy flight surgeon, provided him with a working knowledge of the needs of the services and their personnel. He was a behind-the-scenes workaholic. It was characteristic of LARRY to offer his services to the committee and the staff to learn more about a subject so that the essence of an issue could be more articulately and understandably presented to the members of the committee and the public. He would often come to the committee rooms after normal working hours to study and discuss military programs of special interest to us. He was recognized by the committee membership as a person who did his homework.

LARRY MCDONALD was never reluctant to accept a challenge. He welcomed the opportunity to work in perhaps one of the most complicated areas in defense—research and development. He was not a technologist per se but he spent many hours trying to understand military technology and doing his part to make sure that our advances in technology would benefit the man in the field or in the fleet.

He worked long and hard to insure that our technology would not be compromised and offered to those who would use it against us on the battlefield. The entire subject of technology transfer was introduced to the Research and Development Subcommittee by LARRY MCDONALD. Larry took the initiative in many other areas as well. His expertise in the medical field enabled the subcommittee to professionally judge the Department of Defense medical technology program.

His understanding of naval matters was a great help to Chairman BENNETT on the Seapower Subcommittee. He was very interested in the programs involving assignment of medical doctors to the fleet, particularly on nuclear-powered submarines that were deployed underwater for periods of 90 days or more.

LARRY was also a tireless worker on DAN DANIEL's readiness Subcommittee. On a number of occasions (in the absence of the chairman because of scheduling conflicts) he was asked by Chairman DANIEL to chair the subcommittee at important hearings. He is remembered as always willing to help, to dig into the essence of the subject matter and ask meaningful and intelligent questions.

He always left the sincere impression that he was interested in the subject matter before the committee, and his contribution to the hearings process in the Armed Services Committee bears that out.

There is another side of the man, LARRY MCDONALD, that I know about that does not bear directly on his duties in my committee. LARRY's medical work for charity was well known to us. He engaged in an impressive effort to provide medical help to the poor and the needy of diverse races and nationalities.

LARRY MCDONALD was a complex and highly intelligent individual. I want his wife, Kathryn, and his children, Tryggvi, Callie, Mary, Larry, and Lauren, to know I am deeply grateful for his contributions to the Armed Services Committee and to the national defense.

So that some of you who may not know the extent and breadth of LARRY MCDONALD's personal accomplishments and service to the public, I am including at this point his detailed biography for the RECORD:

LARRY P. MCDONALD—DETAILED BIOGRAPHY

Congressman Lawrence (Larry) Patton McDonald, a Democrat, was elected to the U.S. House of Representatives in November, 1974, to represent the Seventh District of Georgia.

Rep. McDonald first sought the Seventh District seat in 1972 but was narrowly defeated in the Democratic Primary by the incumbent congressman. However, Dr. McDonald defeated the incumbent in the 1974 Democratic Primary and went on to win the 1974 General Election over the Republican nominee.

Congressman McDonald defeated three challengers without a runoff in the 1976 Democratic Primary and again beat his 1974 Republican challenger in the 1976 General Election.

He won the 1978 Democratic Primary runoff election after defeating three opponents in the primary and went on to easily defeat the Republican challenger in the 1978 General Election.

Rep. McDonald was renominated in the 1980 Democratic Primary and won the 1980 General Election, both by landslide margins.

He defeated two opponents in the 1982 Democratic Primary and was reelected in the November General Election, both by landslide margins.

Rep. McDonald is a veteran member of the House Armed Services Committee, its Research and Development Subcommittee and its Subcommittee on Readiness.

Rep. McDonald was born in Atlanta on April 1, 1935. He has been a resident of Cobb County, Ga. since 1966. He attended public and private schools in Georgia, graduating from Darlington School, Rome, Ga., in 1951. He completed his pre-medical training at Davidson College, N.C. in 1953 and was accepted to Emory University School of Medicine in Atlanta, Ga. prior to his 18th birthday. He received his Doctor of Medicine degree from Emory University in 1957.

Dr. McDonald spent four years in the U.S. Navy, most of that time as a physician and overseas flight surgeon to Naval Squadrons in Iceland. He completed his tour of duty as a Lieutenant Commander. Currently, he holds the rank of Captain in the U.S. Naval Reserve.

After two years residency in general surgery at Grady Memorial Hospital, Atlanta, Dr. McDonald spent three years in further residency training in urology at the University of Michigan Hospital in Ann Arbor, Mich. He also received his first taste of politics in Ann Arbor when he made an unsuccessful bid for that city's Council as a Democrat.

Congressman McDonald was a junior member of the McDonald Urology Clinic in Atlanta before his election to Congress. He is from a family of physicians. His father, Dr. Harold McDonald, is the senior member of the McDonald Urology Clinic and his brother, Dr. Harold McDonald Jr., is a member of the Clinic. The Congressman's grandfather, Dr. Paul McDonald, was in general practice in Bolton, Ga. for more than a half-century.

Rep. McDonald is a member of several medical associations. They include the Association of American Physicians and Surgeons, Association of Clinical Urologists, Medical Association of Georgia, Medical Association of Atlanta and the Atlanta Urol-

ogy Society. He served on the Georgia State Medical Education Board from 1969-74, as vice chairman and acting chairman.

He is the co-author of "Correlation of Urinary Output with Serum and Spinal Fluid Mannitol Levels in Normal and Azotemic Patients," published in the "Journal of Urology" in 1968.

In summary, the solon is also a member of several business, economic, health and conservative organizations, including the Cobb County Chamber of Commerce and the Smyrna, Ga. Rotary Club, where he is an honorary member.

He is also a member of the Northside, Ga. Independent Methodist Church.

The Northwest Georgia representative belongs to the Atlanta Astronomy Club, the Economic Monetary Investment Research Society and the Economics Committee of the Association of American Physicians and Surgeons; American Legion, Bolton Post 156. He serves as commissioner of Clan Donald for the District of Columbia.

The Congressman is on the National Board of the Movement to Restore Decency (Motorede) and a member of the Georgia Right to Life Committee. He is also on the Board of Advisors for American Life Lobby and a member of the Congressional Advisory Committee of Christian Voice Inc. Rep. McDonald is a member of the Advisory Council of Birthright of Atlanta Inc. and he serves as an honorary Board member of the Atlanta Interreligious Task Force on Soviet Jewry and Human Rights. He regularly scores 100 percent on the pro-family ratings of Christian Voice. He is a member of the National Pro Life Political Action Committee and he belongs to the Committee for Freedom of Choice in Cancer Therapy, for which he serves as legislative advisor.

He is a member of the National Rifle Association, the American Pistol and Revolver Association, Advisory Board of the National Committee for the Right to Keep and Bear Arms, Gun Owners of America, National Advisory Council of the Second Amendment Foundation, Citizens Committee for the Right to Keep and Bear Arms.

Rep. McDonald. A member of its National Council since 1966, was named chairman of The John Birch Society in March, 1983. It is a constitutionalist education-action organization. He is also a member of the Advisory Board of the Committee for the Survival of a Free Congress, serves as Congressional Advisor to the American Conservative Union, American Security Council, Conservative Caucus and the National Federation of Independent Business, is on the National Advisory Board of the Committee for a Free China, Association of American Dentists and Young Americans for Freedom, is a member of the National Advisory Council of the American Legislative Exchange Council and serves on the Congressional Advisory Panel of the National Tax Limitation Committee.

He is an ex officio member of the Georgia Democratic Committee and a member of the Floyd County, Ga. Democratic Association in his District.

In addition, the congressman has been appointed a member of the Congressional Advisory Board of Conservatives Against Liberal Legislation. He serves on the Membership Committee of the American Civil Defense Association, a panel that includes Dr. Edward Teller, designer of the hydrogen bomb.

Congressman McDonald is a member of the Board of Advisors of the Fund to Restore an Educated Electorate, as well as a member of the Conservative Leadership Youth Foundation's Advisory Board.

He has been named an honorary member of the Georgia Chapter, Association Builders and Contractors. The National Taxpayers Union has presented him the "Most Frugal Member of Congress" award for his voting record against wasteful and inflationary government spending.

Continuing, the Georgia Democrat is a life member of the Reserve Officers Association of the United States, an honorary member of the National Aeronautical Association, Friends of the Davidson College Library, Clan Donald of the Southeastern United States, the Naval Reserve Association and the Special Operations Association.

He has been named a Knight of Honor in the Sovereign Order of St. John of Jerusalem, Knights Hospitaller.

Congressman McDonald is a member of the Monday Club in London, England, the quarterly Tax Reform Immediately (TRIM) bulletin for the Tennessee Valley of North Alabama and numerous other TRIM Committees, which are nonpartisan, nonpolitical educational groups designed to encourge reduced Federal spending.

He is listed in "Who's Who in America," "Dictionary of International Biography," "Who's Who in American Politics," "Who's Who in the South and Southwest" and "Community Leaders and Noteworthy Americans."

The congressman was the U.S. representative to the World Freedom Day Rally on Taiwan in 1976 at the request of the World Anti-Communist League. It was attended by more than 50,000 people.

Rep. McDonald was presented the Bernado O'Higgins Award in 1977 by the government of Chile. It is the highest award that can be given by Chile because O'Higgins is remembered as "the George Washington of Chile."

Readers of Conservative Digest picked Rep. McDonald as one of the most admired conservatives in Congress in 1980 and 1981. Americans for Constitutional Action also presented him its distinguished service award in 1980.

He received Veterans of Foreign Wars Post 5290's Loyalty Day Award in 1979. In addition, the congressman was presented the annual Americanism citation from the Westchester County Committee of the American Legion in New York in 1979. He was recognized by the Greater Atlanta Chapter, Reserve Officers Association, that same year. In early 1980, the Anti-Communist Bulgarian National Front in New York also presented him the Order for the Fight for Liberty in Bulgaria, with merit.

Rep. McDonald received the Naval Reserve Association's national Distinguished Service Award in 1980.

He was the Grand Marshal of the Captive Nations Parade in New York in 1982.

Also, the solon was named the "Most Conservative Member of the 97th Congress" by the Philip M. Crane Chapter, Young Americans for Freedom, based in New York.

In 1982, he was presented with the annual leadership award for his activity in Congress by 32 conservative organizations, an award previously given to Sen. Jesse Helms (R-N.C.)

The Georgia Democrat has been recognized for his efforts to restore constitution government by Conservative Caucus, receiving its leadership award.

The Congressional Medal of Honor Society presented Rep. McDonald its distinguished service award in 1981 for his leadership on national defense issues. And he has been honored by the American Security Council for his contributions in that same area.

In 1980, Rep. McDonald received the Gen. John J. Pershing "True American" award from Barracks 948, Veterans of World War I, at Pershing Point ceremonies in Atlanta. That same year, he received a special baton from the world champion U.S. Army Golden Knights parachute team at Grant Field on the Georgia Tech campus.

He is a member of the Golden Age Hall of Fame, sponsored by the independent National Alliance of Senior Citizens, the second largest membership organization for older citizens in the nation, for his concern about the retired and elderly.

Rep. McDonald received a certificate of appreciation in 1978 from the National Human Rights Committee for POWs and MIAs. He was also recognized as TRIM Congressman of the Year in 1978 by the New Jersey TRIM Committee. He has been cited by the Captive Nations Committee, as well as by the American Defense Preparedness Association.

Since being in Congress, Rep. McDonald has consistently received the Watchdog of the Treasury Award, first presented by the National Associated Businessmen and now presented by Watchdogs of the Treasury Inc. He has also been awarded the "Guardian of Small Business" award from the National Federation of Independent Business on a regular basis.

The National Rifle Association has recognized Rep. McDonald "for his legislative efforts to preserve the right to keep and bear arms" by presenting him with its "Defender of Individual Rights" award.

Congressman McDonald was a member of a special Armed Services Committee panel that investigated Western defenses in Japan, Taiwan and South Korea in 1978.

He was the chairman of a House delegation that studied civil defense operations in Norway, Ireland, Switzerland, Egypt and Israel during the winter, 1979. During that trip, he met with then Egyptian President Anwar Sadat and Israeli Prime Minister Menachem Begin.

In 1981, he became the only Seventh District Congressman ever selected to participate in the Georgia Chamber of Commerce's annual Pre-Legislative Forum, a two-week, statewide program designed to inform Chamber members around the state about the upcoming session of Congress. The Forum is three decades old. He is the only Georgia congressman in the last 10 years to sponsor Federal Procurement Conferences in the state for Georgia businesses.

In 1982, Rep. McDonald was a key leader in the House for gaining approval of the C-5B transport plane, after it had been defeated in the Senate. The House approved the plane by a near three-to-one margin and the Senate went on to concur basically with the House and approve the aircraft. McDonald had pointed out merits of the plane to more than 140 of his colleagues in addition to his other activities on behalf of the plane.

The solon is a trustee of the Southern Foundation for Education and Medical Research, Atlanta. He is also a member of the Board of the Joseph McCarthy Foundation.

He is a member of the Board of Directors of the John M. Ashbrook Memorial Library and Political Forum, Ashland College, Ohio. Rep. Ashbrook, who died in 1982, was a close personal friend of Rep. McDonald's.

The congressman is also the unpaid president and chairman of the board of Western

Goals Foundation. The Advisory Board includes former Rep. Jean Ashbrook, Mrs. Walter Brennan, Taylor Caldwell, Roy Cohn, Rep. Philip Crane, Gen. Raymond G. Davis, Henry Hazlitt, Dr. Mildred Jefferson, Dr. Anthony Kubek, Roger Milliken, Adm. Thomas Moorer, E. A. Morris, Mrs. John C. Newington, Gen. George S. Patton, Dr. Hans Sennholz, Gen. John Singlaub, Dan Smoot, Roger Stoddard, Rep. Bob Stump, Mrs. Helen Marie Taylor, Dr. Edward Teller, Gen. Lewis Walt and Dr. Eugene Wigner.

Western Goals has published several works, including "FALN," about the Puerto Rican terrorist group; "Red Locusts" about Soviet support for terrorist groups in Southern Africa; "Outlaws of Amerika" about the Weather Underground Organization; "Ally Betrayed-The Republic of Korea," "Ally Betrayed-The Republic of China," "The War Called Peace" about Soviet influence of the nuclear freeze movement; "Red Tide Rising in the Carolinas" about efforts by militant groups to penetrate communities and trade unions in North and South Carolina; "Ally Betrayed-Nicaragua," and "Broken Seals" about the interconnection of groups that seek to undermine the Central Intelligence Agency and the FBI. It has also produced the network quality video presentation, "No Place To Hide," about the strategy and tactics of terrorism.

The solon serves on the Board of Directors of the Committee for the Survival of a Free Congress Foundation and the Conservative Caucus Education and Research Foundation. Rep. McDonald also serves on the Board of Advisors of The Ludwig von Mises Institute for Austrian Economics. Serving with him are Mrs. von Mises, chairwoman, and Nobel Prize winner Dr. Friedrich A. Hayek, along with noted free market economists Murray N. Rothbard, Henry Hazlitt and Dr. Hans Sennholz, as well as Congressman Ron Paul (R-Texas). Mr. Hazlitt and Dr. Sennholz also serve on the Board of Western Goals, of which Rep. McDonald is chairman.

Congressman McDonald is the author of several articles and books, including the book, "We Hold These Truths," a review of the U.S. Constitution. It has been described by former Secretary of Agriculture Ezra Taft Benson as "the most concise, courageous and forthright presentation of the present problems, their origin and solution," that I have seen anywhere. Rep. McDonald also authored "Trotskyism and Terror: The Strategy of Revolution," published by the American Conservative Union's Education and Research Institute. M. Stanton Evans, former chairman of the Institute said the book "offers a wealth of data by which to gauge the . . . media effort to portray the Socialist Workers Party (SWP) as a group of peaceable Socialists."

He is a contributor to "American Opinion," a conservative monthly magazine. "U.S. News and World Report" has published an essay by Rep. McDonald on the dangers of recognizing Communists Cuba, as well as a detailed interview on the ineffectiveness of the United Nations. He has also authored a guest editorial on the need for community leadership in "The Financial Planner" magazine. The congressman has written numerous articles on gun control, the volunteer army, the power of liberal special interest groups and the state of U.S. defenses.

Congressman McDonald has been recognized nationally as a leading conservative spokesman and Sen. Barry Goldwater (R-Ariz) said after his second term that Rep. McDonald had perhaps "contributed more to the Congress than . . . any other freshman who has ever come there."

Conservative groups that rate congressmen regularly on the basis of their votes have consistently placed Rep. McDonald at the top of their scales. Several of these groups include the National Taxpayers Union, American Conservative Union, Americans for Constitutional Action, The Review of the News and Committee for the Survival of a Free Congress.

He and his wife, Kathy, reside in Marietta when Congress is not in session. Their residence while Rep. McDonald is in Washington, D.C. is in Alexandria, Va. Rep. McDonald has three children, Tryggvi Paul, Callie Grace and Mary Elizabeth. He and Kathy have two children, Larry Jr., born in August, 1981, and Lauren Aileen, born on Christmas Day, 1982.●

● Mr. HUTTO. Mr. Speaker, I would like to take this time to express my sorrow over the untimely passing of our colleague. It was my good fortune to sit by the gentleman from Georgia on two subcommittees of the Armed Service Committee and, in this position, I had an extensive opportunity to view the work of LARRY MCDONALD. In the interrogiation of witnesses, he asked pointed and pertinent questions, but I never saw him be disrespectful to anyone. He was knowledgable of the issues. Although we did not always agree, I developed a healthy respect and admiration for LARRY. No one loved his country more. He was a true American patriot who believed in our system of government and fiercely fought against communism.

To Kathy and McDonald family, you have to have our sympathy. May God comfort you in the knowledge that LARRY gave his life for our Nation. The ruthless uncivilized Russians took him and the lives of 268 other innocent people when they and shot down Korean Air Lines Flight 007. LARRY's voice is stilled, but the freedom he cherished shall live on.●

● Mr. STUMP. Mr. Speaker, the definition of murder is the wanton, malicious, and premeditated killing of another. That definition clearly applies to the Soviet missile action which killed 269 passengers of the Korean Air Lines flight 007. That missile was specifically ordered by Soviet military authorities.

The tragic irony of that Soviet mass murder is that among those 269 innocent victims it struck down Congessman LARRY MCDONALD, of Georgia, who had spent his career in public life trying to convince the free world that the Soviets were not only capable of murder, but that in their passion to subjugate the peoples of the world, they were willing to use any violent means. They have proven their capabilities in Afghanistan and Southeast Asia. LARRY MCDONALD was not just a thorn in the side of the Soviets, he was the most dedicated Member of Congress, if not the United States in the fight against communism. He constantly was exposing their "peace" efforts as a sham, a confidence game in which the Soviets were lulling Western democracies into disarmament and weaknesses, so the free world could be terrorized into submission to Soviet power.

Through the years in which this country was led by those who held the naive belief that unilateral disarmament would somehow change the blood thirsty character of the Soviet Government, LARRY MCDONALD preached that the real road to peace was through strength.

Through those years, his messages stressing courage as a virtue were often received by small audiences. His work defending freedom and democracy was ridiculed and reviled by those opponents who tried to undermine the purpose and will of this country by crying for appeasement with their slogan "Better Red Than Dead."

Congressman MCDONALD, with his outspoken views on Soviets and communism, helped reawaken the American public to the dangers that we face so that they would support leadership who believe in peace through strength.

It is ironic that just as the message about the Soviets, that he had labored so long and hard to carry, was being recognized, and we were finally moving to strengthen national defense, LARRY MCDONALD was struck from the roll of patriots by the trigger finger of those who feared his rallying cry to the American people.

Throughout history our country has been preserved by voices crying in the wilderness warning us of dangers. LARRY MCDONALD has been one of those voices. He is truly a martyr in the cause of freedom and democracy.●

● Mr. JONES of Tennessee. Mr. Speaker, I appreciate the opportunity to present these remarks at this special order to pay tribute to our fallen colleague, LARRY MCDONALD. His untimely death was the result of what was simply an insane act by a nation whose dictatorial principles of government were fought so valiantly by our fallen colleague.

LARRY MCDONALD was a man of firm convictions and stood strong for those convictions even when it was not popular to do so. He felt deeply for the future of our Nation and unashamedly expressed his views to all. He truly tried to live up to the high principles and ideals on which this Nation was founded.

On many issues, LARRY MCDONALD and I disagreed, but even in those disagreements, he treated me with the respect that we all accord our colleagues recognizing that this institution mirrors the huge diversity that is one of the strengths of this Nation. LARRY

McDONALD's principles were high but not insensitive to the needs of others.

His death is a big loss to this Chamber. I want to extend to his wife and family my deepest sympathy.●

● Mr. SPENCE. Mr. Speaker, I rise to pay tribute to one of America's finest patriots, the late Hon. LARRY P. McDONALD.

LARRY P. McDONALD had a fundamental message for all Americans: Beware of those who would undermine our freedoms and our way of government. To that end he was a teacher of constitutional government and anti-communism.

LARRY was the author of books and articles on the U.S. Constitution. His book, "We Hold These Truths," has been acclaimed at the most concise, courageous, and forthright presentation of present constitutional/governmental problems, their origin and solution seen anywhere. LARRY also authored "Trotskyism and Terror: The Strategy of Revolution" which has been described as a book that "offers a wealth of data by which to gage the media effort to portray the Socialist Workers Party (SWP) as a group of peaceable Socialists."

LARRY was most active in his efforts to expose the worldwide activities of the Soviet Communist Party and the impact of such activities on American society. His Western Goals Foundation has published such works as "Red Tide Rising in the Carolinas" about the efforts of militant groups to penetrate communities and trade unions in North and South Carolina; and "Broken Seals" about the interconnection of groups that seek to undermine the Central Intelligence Agency and the Federal Bureau of Investigation. The foundation has also produced a first-rate video documentary, "No Place To Hide," about the strategy and tactics of terrorism.

I am reminded of a recent comment in a House Armed Services Committee briefing by Ambassador Edward L. Rowny, head of the U.S. delegation to the Strategic Arms Reduction Talks (START) in Geneva. The Ambassador was asked for his evaluation of the problems of negotiating with the Soviets. He said that he has studied the Russians for over 30 years and concludes that they are essentially different. He noted that when a Russian leader was asked for this reaction to the U.S. Congress denial of procurement of the B-1 bomber portrayed as a good-faith effort toward arms reduction, the Russians replied: "We are neither pacifists nor philanthropists."

That is the Russian mind set that LARRY McDONALD so eloquently attempted to portray to the Congress and the American people. It is perhaps unfortunate that more Members of this body and the media do not understand the Russian mentality and how different they really are in relation to Western thought and values. As my colleague PHILIP CRANE so aptly quipped at a memorial for LARRY in Constitution Hall: "No Samantha, they are not like us." LARRY McDONALD matched Soviet words and activities with Soviet deeds and found them to be lacking in sincerity and consistency. I believe we all owe him a debt of gratitude for portraying the Russian Communist for what he really is, and not what some people would like him to be. We should all benefit from LARRY's message and approach any détente with the Soviets with caution and realism.

LARRY McDONALD did so many things well. He worked tirelessly not only for his constituency in Georgia, but also for many classes of Americans. His work with the retired and elderly led to his installation in the Golden Age Hall of Fame by the National Alliance of Senior Citizens. His work with the business community has resulted in his consistently receiving the Watchdog of the Treasury Award by the National Association of Businessmen. All of us know best his unceasing work for medical charity.

LARRY McDONALD was considerate and caring for his associates; the Members and the staff. It was characteristic of him to go out of his way to be helpful to others. It was something he did naturally. Few people I have ever known have been so universally recognized by his peers for this commendable trait.

I will personally miss LARRY McDONALD for the intelligence and dignity he brought to this Chamber and for his dedication to a revival of the spirit of America as he envisioned it.

To his wife, Kathy, and to his family, I offer my sincere condolences and hope that they all will have the strength and courage to carry on the rich legacy LARRY McDONALD has bequeathed to them.●

Mr. LEVITAS. Mr. Speaker, much has been said about our colleague, Congressman McDONALD's political activities, of his zealous pursuit of the principles in which he believed, and the diversity of this House to which he contributed in a very special way.

But on the more human dimension, as an individual, LARRY McDONALD was a vigorous, hard-working human being. He spent many hours on the floor of this House. I remember on many occasions behind the rail at the rear of this chamber talking with LARRY and being talked to by LARRY about matters that were coming before the House, or his approaching me as he did other Members, to sign on to letters that he felt were important to send either to the President, the Secretary of State, or other world leaders.

He was someone who stood in his own shoes, as we say, and was unswerving in his commitments and his life has been untimely ended.

In that sense the real loss is not just to the causes in which he believed but to his family. I would like to extend my sympathy and my condolences to his mother and say that the last conversation I had with LARRY was one about the death of his father that had occurred just a few weeks before his own and LARRY was commenting about a note I had sent him and discussed with me in a very human and touching way the relationship between himself and his father. So, to his mother I extend my condolences and my sympathies as well as to his wife and his children.

May LAWRENCE PATTON McDONALD'S soul rest in peace.

I yield back the balance of my time.

HOUSE RESOLUTION 311

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. PATMAN) is recognized for 5 minutes.

● Mr. PATMAN. Mr. Speaker, today I have introduced House Resolution 311 to express the sense of the House of Representatives that the Export-Import Bank of the United States delay issuing guarantees and insurance to the Government of Mexico and the Government of Brazil in the amount of $2 billion until the Congress has an opportunity to review such transactions.

In an unprecedented action, the Export-Import Bank informed Congress on August 17, 1983, that it was planning to extend $500 million in guarantees to the Government of Mexico, and $1.5 billion to the Government of Brazil, as part of an international effort to shore up the finances of these two countries.

Congress has only until September 22, 1983, to review a transaction of this magnitude unless we delay their implementation of this guarantee. I have written Mr. William H. Draper, President and Chairman of the Eximbank, to express my concern, and have also written Mr. Charles A. Bowsher, Comptroller General of the United States, asking him several questions, including whether the Eximbank can legally approve the proposed guarantee in the amounts indicated. Similar concerns have been expressed in the Senate.

My concern about a guarantee of this size is, what would happen in the case of default? We already know that these two countries are already facing severe credit problems. If we are in the position of extending credit to an admittedly poor credit risk, is there not need for additional security? What precedent are we setting that could be cited on future large guarantees for countries less worthy of our support

and perhaps even less capable of repaying the debts secured?

All I am asking at the present time is to delay the implementation so the Congress can examine these problems in the normal budget and appropriation process.●

REMARKS OF SPEAKER THOMAS P. O'NEILL ON THE DEATH OF HUMBERTO CARDINAL MEDEIROS

(Mr. O'NEILL (at the request of Mr. THOMAS of Georgia) was given permission to extend his remarks at this point in the RECORD.)

Mr. O'NEILL. Mr. Speaker, this past weekend Humberto Cardinal Medeiros died. He was a prince of the church and the spiritual leader of a large and dynamic archdiocese. He was a humble man who never forgot his humble roots. His many selfless acts of charity and kindness were well known. He liked to refer to himself as a "simple priest." I believe he chose to do so because his faith in God was so deep and his commitment to spreading the word of the Gospel was so total.

When you were in his presence there was no mistaking his gentleness, his compassion, and his concern for his fellow man. His life is testimony to his devotion to Christian ideals. He was truly a man of peace whose sudden passing is a deep personal shock to his flock, to the people of Massachusetts, and to me. We will miss him greatly.

REPORT FROM COMMITEE ON THE BUDGET 1983 CONGRESSIONAL BUDGET

(Mr. JONES of Oklahoma asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. JONES of Oklahoma. Mr. Speaker, pursuant to the procedures of the Committee on the Budget and section 311(b) of the Congressional Budget Act of 1974. I am submitting to the RECORD a letter to the Speaker advising him of the current level of spending and revenues for fiscal year 1983.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON THE BUDGET,
Washington, D.C., September 13, 1983.

Hon. THOMAS P. O'NEILL, Jr.
Speaker, House of Representatives, Washington, D.C.

DEAR MR. SPEAKER: On January 30, 1976, the Committee on the Budget outlined the procedure which it had adopted in connection with its responsibilities under Section 311 of the Congressional Budget Act of 1974 to provide estimates of the curent level of revenues and spending. Pursuant to Committee Rule 10, I am herewith transmitting the status report under H. Con. Res. 91, the First Concurrent Resolution on the Budget for Fiscal Year 1984. This report reflects the adjusted resolution of July 26, 1983, and the current CBO estimates of budget authority, outlays, and revenues based on all completed action on spending and revenue measures as of the close of business September 9, 1983.

With best wishes,
Sincerely,

JAMES R. JONES,
Chairman.

REPORT TO THE SPEAKER OF THE HOUSE OF REPRESENTATIVES FROM THE COMMITTEE ON THE BUDGET ON THE STATUS OF THE FISCAL YEAR 1983 CONGRESSIONAL BUDGET ADOPTED IN HOUSE CONCURRENT RESOLUTION 91—REFLECTING COMPLETED ACTION AS OF SEPTEMBER 9, 1983

[In millions of dollars]

	Budget authority	Outlays	Revenues
Appropriate level	877,896	807,781	604,300
Current level	869,188	806,988	604,131
Amount under ceilings	8,708	793	
Amount under floor			169

BUDGET AUTHORITY

Any measure providing budget or entitlement authority which is not included in the current level estimate and that exceeds $8,708 million for fiscal year 1983, if adopted and enacted, would cause the appropriate level of budget authority for that year as set forth in H. Con. Res. 91 to be exceeded.

OUTLAYS

Any measure providing budget or entitlement authority which is not included in the current level estimate and that exceeds $793 million in outlays for fiscal year 1983, if adopted and enacted, would cause the appropriate level of outlays for that year as set forth in H. Con. Res. 91 to be exceeded.

REVENUES

Any measure that would result in a revenue loss for fiscal year 1983, if adopted and enacted, would cause revenues to be less than the appropriate level for that year as set forth in H. Con. Res. 91.

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, D.C., September 12, 1983.

Hon. JAMES R. JONES,
Chairman, Committee on the Budget, House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: Pursuant to section 308(b) and in aid of section 311(b) of the Congressional Budget Act, this letter and supporting detail provide an up-to-date tabulation of the current levels of new budget authority, estimated outlays and estimated revenues in comparison with the appropriate levels for those items contained in the most recently agreed to concurrent resolution on the 1983 budget (H. Con. Res. 91). This report for fiscal year 1983 is tabulated as of close of business September 9, 1983 and is based on our estimates of budget authority, outlays, and revenues using the assumptions and estimates consistent with H. Con. Res. 91.

Since my last report Congress has completed action on the Railroad Retirement Solvency Act of 1983 (Public Law 98-76) and amendments to the Federal Supplemental Compensation Act of 1982 (Public Law 98-92). The budget resolution used in this comparison reflects the July 26, 1983 committee action making allocations of reserves under Section 2 of the budget resolution, H. Con. Res. 91.

[In millions of dollars]

	Budget authority	Outlays	Revenues
1. Enacted	869,188	806,988	604,131
2. Entitlement authority and other mandatory items requiring further appropriation action			
3. Continuing resolution authority			
4. Conference agreements ratified by both Houses			
Current level	869,188	806,988	604,131

[In millions of dollars]

	Budget authority	Outlays	Revenues
Second budget resolution, revised, H. Con. Res. 91	877,896	807,781	604,300
Current level is:			
Over resolution by			
Under resolution by	8,708	793	169

Sincerely,

RUDOLPH G. PENNER,
Director.

PARLIAMENTARIAN STATUS REPORT SUPPORTING DETAIL, FISCAL YEAR 1983 AS OF CLOSE OF BUSINESS SEPTEMBER 9, 1983

[In millions of dollars]

	Budget authority	Outlays
I. Enacted:		
Permanent appropriations and trust funds	476,500	469,041
Enacted previous session	484,011	465,953
Offsetting receipts	−133,407	−133,407
Enacted this session:		
Economic Development Administration deferral disapproval, H. Res. 74		5
DOE strategic petroleum reserve deferral disapproval, H. Res. 80		6
1983 supplemental jobs bill, Public Law 98-8	15,736	7,336
Offsetting receipts	−5,159	−5,159
Social Security Act Amendments of 1983, Public Law 98-21	26,610	731
MX missile approval, S.Con. Res. 26		50
Freeze tobacco support level, Public Law 98-59		−46
1983 supplemental appropriations, Public Law 98-63	7,065	4,681
Offsetting receipts	−2,263	−2,263
Carribbean Basin Initiative, Public Law 98-67	2	2
Railroad Retirement Solvency Act of 1983, Public Law 98-76	2	−32
Federal Supplemental Compensation Act of 1982 (unemployment) Public Law 98-92	90	90
Total, enacted	869,188	806,988
II. Entitlement authority and other mandatory items requiring further appropriation action		
III. Continuing resolution authority		
IV. Conference agreements ratified by both Houses		
Total, current level as of September 9, 1983	869,188	806,988
Second budget resolution, H.Con. Res. 91	877,896	807,781
Amount remaining:		
Over ceiling		
Under ceiling	8,708	793

Note.—Detail may not add due to rounding.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. STENHOLM, for 60 minutes, on September 22.

Mr. ROBERTS (at the request of Mr. STENHOLM), for 60 minutes, on September 22.

(The following Members (at the request of Mr. CHANDLER) to revise and extend their remarks and include extraneous material:)

Mr. MCKERNAN, for 5 minutes, today.

Mr. REGULA, for 60 minutes, on September 21.

(The following Members (at the request of Mr. THOMAS of Georgia) to revise and extend their remarks and include extraneous material:)

Mr. ANNUNZIO, for 5 minutes, today.

Mr. GONZALEZ, for 30 minutes, today.

Mr. PATMAN, for 5 minutes, today.

Mr. PANETTA, for 60 minutes, on September 21.

Mr. GEPHARDT, for 60 minutes, on September 21.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. CHANDLER) and to include extraneous matter:)

Mr. CONTE in two instances.

Mr. WINN in two instances.

Mr. MCCOLLUM.

Mr. LOWERY of California.

Mr. KEMP.

Mr. GUNDERSON.

Mr. LEWIS of California.

Mrs. HOLT.

Mr. RITTER.

Mr. PORTER.

Mr. LEWIS of Florida.

Mr. GREEN.

Mr. CORCORAN.

Mr. MOLINARI.

Mr. ROTH.

Mr. YOUNG of Florida in 10 instances.

Mr. FIELDS in two instances.

(The following Members (at the request of Mr. THOMAS of Georgia) and to include extraneous matter:)

Mr. ANDERSON in 10 instances.

Mr. GONZALEZ in 10 instances.

Mr. ANNUNZIO in six instances.

Mr. JONES of Tennessee in 10 instances.

Mr. BONER of Tennessee in five instances.

Ms. KAPTUR in two instances.

Mr. GARCIA.

Mr. HANCE.

Mr. LANTOS.

Mr. RODINO in three instances.

Mr. OBEY in five instances.

Mr. FLORIO.

Mrs. SCHROEDER.

Mr. HOYER.

Ms. OAKAR.

Mr. EDGAR.

Mr. ERDREICH.

Mr. VALENTINE.

Mr. HAWKINS.

Mr. WAXMAN.

Mr. DOWNEY of New York.

Mr. TOWNS.

Mr. AUCOIN.

Mr. SCHEUER.

Mr. WISE.

SENATE BILL REFERRED

A bill of the Senate of the following titles was taken from the Speaker's table and, under the rule, referred as follows:

S. 864. An act to amend the Volunteers in the Parks Act of 1969, and for other purposes; to the Committee on Interior and Insular Affairs.

SENATE ENROLLED BILL AND JOINT RESOLUTION SIGNED

The SPEAKER announced his signature to an enrolled bill and a joint resolution of the Senate of the following titles:

S. 118. An act to provide for the establishment of a Commission on the Bicentennial of the Constitution; and

S.J. Res. 131. Joint resolution designating "National Cystic Fibrosis Week."

ENROLLED JOINT RESOLUTION SIGNED

Mr. HAWKINS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a joint resolution of the House of the following title, which was thereupon signed by the Speaker:

H.J. Res. 353. Joint resolution condemning the Soviet criminal destruction of the Korean civilian airliner.

ADJOURNMENT

Mr. LEVITAS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 15 minutes p.m.) the House adjourned until tomorrow, Tuesday, September 20, 1983, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1871. A letter from the Auditor of the District of Columbia, transmitting a report entitled, "Review of the H Street Business Community Association-Facade Renovation Loan/Grant Program," pursuant to section 455(d) of Public Law 93-198; to the Committee on the District of Columbia.

1872. A letter from the Acting Assistant Secretary of State, Legislative and Intergovernmental Affairs, transmitting a report of political contributions by Ambassador-designate Clayton E. McManaway, Jr., and members of his family, pursuant to section 304(b)(2) of Public Law 96-465; to the Committee on Foreign Affairs.

1873. A letter from the Secretary of the Treasury, transmitting the 10th annual report entitled, "The Operation and Effect of the Domestic International Sales Corporation Legislation DISCs," pursuant to section 506 of Public Law 92-178; to the Committee on Ways and Means.

1874. A letter from the General Counsel of the Department of Defense, transmitting a draft of proposed legislation to amend title 10, United States Code, to provide participation by members of the Armed Forces in international sports activities; jointly, to the Committees on Armed Services and Merchant Marine and Fisheries.

1875. A letter from the Chairman, National Advisory Committee on Oceans and Atmosphere, transmitting a report entitled, "Marine Minerals: An Alternative Mineral Supply," to provide direction for a national commitment to the oceans; jointly to the Committees on Merchant Marine and Fisheries and Interior and Insular Affairs.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

[Pursuant to the order of the House on September 15, 1983, the following report was filed on September 16, 1983]

Mr. NATCHER: Committee on Appropriations. H.R. 3913. A bill making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies, for the fiscal year ending September 30, 1984, and for other purposes. (Rept. No. 98-357). Referred to the Committee of the Whole House on the State of the Union.

[Submitted September 19, 1983]

Mr. FORD of Michigan: Committee on Post Office and Civil Service. Report pursuant to Section 302(b) of the Congressional Budget Act of 1974 (Rept. No. 98-358). Referred to the Committee of the Whole House on the State of the Union.

Mr. PRICE: Committee of Conference. Conference report on H.R. 2972 (Rept. No. 98-359). Ordered to be printed.

REPORTED BILLS SEQUENTIALLY REFERRED

Under clause 5 of tule X, bills and reports were delivered to the Clerk for printing, and bills referred as follows:

Mr. ZABLOCKI: Committee on Foreign Affairs. H.R. 2853. A bill to establish a National Oceans Policy Commission to make recommendations to Congress and the President on a comprehensive national oceans policy; with an amendment; referred to the Committee on Interior and Insular Affairs for a period ending not later than October 19, 1983, for consideration of such provisions of the bill and amendments as fall within that committee's jurisdiction pursuant to clause 1(1), rule X (Rept. No. 98-339, Pt. II). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

[Submitted September 16, 1983]

By Mr. NATCHER:

H.R. 3913. A bill making appropriations for the Departments of Labor, Health and

Human Services, and Education, and related agencies, for the fiscal year ending September 30, 1984, and for other purposes.

[Submitted September 19, 1983]

By Mr. BEDELL (for himself, Mr. ROBERTS, Mr. DE LA GARZA, Mr. FOLEY, Mr. MARLENEE, Mr. HARKIN, Mr. JONES of Tennessee, Mr. DASCHLE, Mr. EMERSON, Mr. EVANS of Iowa, Mr. LEACH of Iowa, Mr. MORRISON of Washington, Mr. STENHOLM, Mr. DURBIN, Mr. PENNY, Mr. WEAVER, Mr. ENGLISH, Mr. EVANS of Illinois, Mr. HIGHTOWER, Mr. GLICKMAN, Mr. MCCURDY, Mr. MADIGAN, Mr. TAYLOR, Mr. DORGAN, Mr. SLATTERY, Mr. SHARP, Mr. STANGELAND, Mr. SMITH of Iowa, Mr. OLIN, Mr. TAUKE, Mr. STAGGERS, Mr. HOPKINS, Mr. SKEEN, Mr. FRANKLIN, Mr. VOLKMER, Mr. JEFFORDS, and Mr. COLEMAN of Missouri):

H.R. 3914. A bill to require the Secretary of Agriculture to make an earlier announcement of the 1984 crop feed grain program and of the 1985 crop wheat and feed grain programs; to the Committee on Agriculture.

By Mr. MICHEL:

H.R. 3915. A bill to extend the Federal Supplemental Compensation Act of 1982 for 18 months and to increase the number of weeks for which compensation is payable under such act to individuals residing in areas of unusually high unemployment; to the Committee on Ways and Means.

By Mr. ARCHER (for himself and Mr. PICKLE):

H.R. 3916. A bill to amend the Internal Revenue Code of 1954 to make technical correctons with respect to the application after 1983 of the percentage depletion allowance to oil and natural gas resulting from secondary or tertiary processes; to the Committee on Ways and Means.

By Mr. BERMAN (for himself and Mr. MCCOLLUM):

H.R. 3917. A bill to exempt States from the statute of limitations applicable to quiet title actions against the United States; to the Committee on the Judiciary.

By Mr. BONKER (for himself and Mr. MICA):

H.R. 3918. A bill to amend the International Claims Settlement Act of 1949 to provide for the determination of the claims of survivors of the U.S. citizens on board the Korean Air Lines airplane that was shot down on September 1, 1983; to the Commitee on Foreign Affairs.

By Mr. CLINGER:

H.R. 3919. A bill to amend title 28, United States Code, to remove the requirement of an amount in controversey for certain actions involving common carriers; to the Committee on the Judiciary.

By Mr. FAUNTROY:

H.R. 3920. A bill to authorize the District of Columbia Council to enact any act relating to the organization, jurisdiction, and rules of the landlord-tenant branch and the small claims and conciliation branch of the Superior Court of the District of Columbia; to the Committee on the District of Columbia.

By Mr. GREGG (for himself and Mr. D'AMOURS):

H.R. 3921. A bill to establish additional wilderness areas in the White Mountain National Forest; jointly, to the Committees on Agriculture and Interior and Insular Affairs.

By Mr. SAM B. HALL, JR.:

H.R. 3922. A bill to establish a 1-year limitation on the filing of claims for unpaid accounts formerly maintained in the postal savings system; jointly, to the Committees on the Judiciary and Post Office and Civil Service.

By Mr. JACOBS (for himself, Mr. SUNIA, Mr. STANGELAND, Mr. KASICH, Mr. SAM B. HALL, JR., and Mr. ANNUNZIO):

H.R. 3923. A bill to prohibit the issuance of most immigrant and nonimmigrant visas to citizens of the Soviet Union until the anniversary date of the shooting down by the Soviet Union of unarmed civilian aircraft; to the Committee on the Judiciary.

By Mr. MINISH:

H.R. 3924. A bill to increase alternatives to institutionalization for senior citizens; jointly, to the Committees on Energy and Commerce and Ways and Means.

By Mr. PERKINS:

H.R. 3925. A bill to amend title II of the Social Security Act to provide increases in primary insurance amounts to account for depressed replacement rates; to the Committee on Ways and Means.

By DANIEL B. CRANE (for himself and Mr. MADIGAN):

H.J. Res. 361. Joint resolution expressing the sense of the Congress that the United States should not suspend grain shipments to the Soviet Union; to the Committee on Foreign Affairs.

By Mr. FORSYTHE (for himself, Mr. JONES of North Carolina, Mr. BREAUX, Mr. SUNIA, Mr. D'AMOURS, Mr. MCCANDLESS, Mr. WAXMAN, Mr. LEVINE of California, Mr. BATES, Mr. YOUNG of Alaska, Mr. DAVIS, Mr. CARPER, Mr. PRITCHARD, Mr. BOSCO, Mr. BIAGGI, Mrs. BOXER, Mr. BONKER, and Mr. HUGHES):

H.J. Res. 362. Joint resolution to declare June 4–10, 1984, as National Fisheries Week; to the Committee on Post Office and Civil Service.

By Mr. TORRES (for himself and Mr. BARNES):

H.J. Res. 363. Joint resolution expressing the support of the U.S. Government for the objectives of the negotiations of the Contadora nations, and for other purposes; to the Committee on Foreign Affairs.

By Mr. ANDREWS of Texas (for himself, Mr. SCHEUER, Mr. WRIGHT, Mr. DINGELL, Mr. PEPPER, Mr. BROOKS, Mr. PICKLE, Mr. FASCELL, Mr. AKAKA, Mr. FROST, Mr. LELAND, Mr. BROWN of California, Mr. MACKAY, Mrs. SCHNEIDER, Mr. HARKIN, and Mr. TORRICELLI):

H. Con. Res. 168. Concurrent resolution expressing the sense of the Congress that it is not appropriate at this time to transfer ownership of management of any civil meteorological satellite system and associated ground system equipment to the private sector; to the Committee on Science and Technology.

By Mr. APPLEGATE:

H. Con. Res. 169. Concurrent resolution urging the President to take certain actions with respect to the Soviet Union, and for other purposes; to the Committee on Foreign Affairs.

By Mr. PATMAN (for himself, Mr. ROEMER, and Mr. MCCOLLUM):

H. Res. 311. Resolution expressing the sense of the House of Representatives that the Export-Import Bank of the United States should delay issuing certain guarantees and insurance to the Government of Mexico and the Government of Brazil until the Congress has an opportunity to review such transactions; to the Committee on Banking, Finance and Urban Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. SAM B. HALL, JR.

H.R. 3926. A bill for the relief of Theron M. Bradley, Jr.; to the Committee on the Judiciary.

H.R. 3927. A bill for the relief of Kenneth L. Perrin; to the Committee on the Judiciary.

By Mr. UDALL.

H.R. 3928. A bill for the relief of Elvis J. Stahr, Jr.; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 29: Mr. ACKERMAN, Mr. BOLAND, Mr. FAUNTROY, Mr. JEFFORDS, Mr. MONTGOMERY, and Mr. WIRTH.

H.R. 433: Mr. DYMALLY.

H.R. 943: Mr. MINETA.

H.R. 1016: Mr. BOEHLERT.

H.R. 1031: Mr. CORCORAN.

H.R. 1199: Mr. MOODY and Mrs. BYRON.

H.R. 1315: Mr. EMERSON, Mr. GEKAS, Mr. HORTON, Mr. SNYDER, and Mr. WHITTAKER.

H.R. 1415: Mr. THOMAS of Georgia and Mr. LUJAN.

H.R. 1736: Mr. GEKAS.

H.R. 1795: Mr. MARRIOTT.

H.R. 2053: Mr. HANSEN of Idaho.

H.R. 2126: Mr. FRANK.

H.R. 2127: Mr. FRANK.

H.R. 2300: Mr. GUARINI, Mr. WISE, Mr. BILIRAKIS, and Mr. MINETA.

H.R. 2449: Mr. MOAKLEY, Mrs. BURTON of California, and Mr. MINETA.

H.R. 2474: Mr. GRAY, Mr. LEVINE of California, Mrs. BOXER, Mr. FAZIO, Mr. CROCKETT, Mr. EDGAR, Mr. MORRISON of Connecticut, Mr. OTTINGER, Mr. FAUNTROY, Mr. LOWRY of Washington, Mr. MARTINEZ, Mr. BATES, Mr. CONYERS, Mr. DYMALLY, and Mr. WAXMAN.

H.R. 2640: Mr. MINISH.

H.R. 2729: Mr. CORRADA, Mr. COURTER, Mr. FIELDS,Mr. MITCHELL, Mr. NEAL, Mr. SOLOMON, Mr. STUDDS, and Mr. WON PAT.

H.R. 2853: Mr. FASCELL, Mr. HAMILTON, and Mr. LAGOMARSINO.

H.R. 2883: Mr. CONYERS, Mr. MORRISON of Connecticut, and Mr. YOUNG of Florida.

H.R. 2997: Mr. GREEN.

H.R. 3016: Mr. DORGAN, Mr. BORSKI, Mr. BOEHLERT, Mr. DWYER of New Jersey, Mr. LUJAN, Mr. CONYERS, Mr. WILLIAMS of Montana, Mr. TRAXLER, Mr. NICHOLS, Mr. LUKEN, Mr. HANSEN of Idaho, Mr. FAZIO, Ms. OAKAR, Mr. WILLIAMS of Ohio, Mr. LEHMAN of California, Mr. BRITT, Mr. GAYDOS, and Mr. DYMALLY.

H.R. 3026: Mr. DEWINE.

H.R. 3027: Mrs. COLLINS.

H.R. 3101: Mr. MRAZEK, Mr. BEDELL, Mr. FAUNTROY, Mr. FAZIO, Mr. SKELTON, and Mr. WILLIAMS of Montana.

H.R. 3137: Mr. EVANS of Illinois.

H.R. 3292: Mr. CAMPBELL.

H.R. 3302: Mr. DREIER of California, Mr. PACKARD, and Mr. SHAW.

H.R. 3485: Mr. DYSON, Ms. FERRARO, Mr. GUARINI, Mr. HAYES, Mr. HOYER, Mr. LEVIN of Michigan, Mr. LONG of Louisiana, Mr. LUKEN, Mr. MOAKLEY, Mr. MOLLOHAN, Mr. SCHUMER, Mr. STAGGERS, Mr. TRAXLER, Mr.

VOLKMER, Mr. WAXMAN, Mr. WILLIAMS of Ohio, and Mr. RICHARDSON.

H.R. 3498: Mr. SEIBERLING, Mr. MINISH, Mr. OTTINGER, Mr. OBERSTAR, Mr. SIMON, Ms. MIKULSKI, Mr. VENTO, Ms. FERRARO, Mr. GRAY, Mr. RATCHFORD, Mr. FOGLIETTA, Mr. MARTINEZ, Mr. EVANS of Illinois, Mr. MCNULTY, Mr. OWENS, Mr. TALLON, Mr. TORRICELLI, and Mr. WISE.

H.R. 3532: Mr. MITCHELL, Mr. MOLLOHAN, Mr. KEMP, and Mr. SISISKY.

H.R. 3554: Mr. LAGOMARSINO, Mr. MCCAIN, and Mr. DOWDY of Mississippi.

H.R. 3635: Mr. WYLIE, Mr. KEMP, Mr. NELSON of Florida, Mr. CONTE, Mr. PARRIS, and Mr. BEREUTER.

H.R. 3642: Mr. TRAXLER, Mr. BARNARD, Mr. DICKS, Mr. RODINO, Mr. WEISS, Mr. LEVINE of California, Mr. CROCKETT, Mr. HARKIN, Mr. OTTINGER, Mr. VANDER JAGT, Mr. LUNDINE, Mr. STUDDS, Mr. MACKAY, Mr. KASTENMEIER, Mr. HANSEN of Utah, Mr. LUKEN, Mr. CAMPBELL, Mr. JONES of North Carolina, Mr. AUCOIN, Mr. BRITT, Mr. DASCHLE, Mr. ORTIZ, Mrs. SCHROEDER, Mr. SCHUMER, Mr. CARR, Mr. WAXMAN, Mrs. BOGGS, Mr. RATCHFORD, Mr. ANDERSON, Mr. CONTE, Mr. DYSON, Mr. WALGREN, Mr. SYNAR, Mr. BOLAND, Mr. HERTEL of Michigan, Mr. LOWERY of California, Mr. LEVIN of Michigan, Mr. GIBBONS, Mr. MINISH, Mr. SIMON, Mr. CONABLE, Mr. HANCE, Mr. MARTINEZ, Mr. BERMAN, Mr. MCCLOSKEY, Mr. VOLKMER, Mr. NOWAK, Mr. OBEY, Mr. JONES of Tennessee, Mr. FUQUA, Mr. FRANK, Mr. YOUNG of Missouri, Mr. LEATH of Texas, Mr. MCHUGH, Mr. COYNE, Mr. HOYER, Mr. THOMAS of California, Mr. HUCKABY, and Mr. HIGHTOWER.

H.R. 3647: Mr. MAVROULES.

H.R. 3678: Mr. SWIFT.

H.R. 3778: Mr. ACKERMAN, Mr. ANDERSON, Mr. DELLUMS, Mr. FOGLIETTA, Mr. FRANK, Mr. GRAY, Mr. KASTENMEIER, Mr. LUNDINE, Ms. KAPTUR, Mr. FORD of Tennessee, Mr. DASCHLE, Mr. TORRICELLI, Mr. KOGOVSEK, Mr. STUDDS, Mr. MOODY, Mr. MORRISON of Connecticut, Mr. SIMON, Mr. EVANS of Illinois, Mr. MINETA, Mr. STARK, Mr. WALGREN, Mr. EDWARDS of California, and Mr. RATCHFORD.

H.R. 3686: Mr. SUNIA, Mr. MITCHELL, Mr. WOLF, Mr. MOLLOHAN, Mr. STOKES, Mr. WON PAT, Mr. KINDNESS, Mr. RAHALL, Mrs. HALL of Indiana, Mr. FAZIO, Mr. ROE, and Mr. WISE.

H.R. 3734: Mr. NIELSON of Utah.

H.R. 3782: Mr. BEDELL.

H.R. 3871: Mr. EVANS of Illinois and Mr. VANDERGRIFF.

H.R. 3888: Mr. MACKAY, Mr. BENNETT, Mr. CHAPPELL, and Mr. SMITH of Florida.

H.J. Res. 103: Mr. FRANKLIN and Mrs. BOGGS.

H.J. Res. 215: Mr. HEFNER, Mr. BILIRAKIS, Mr. COUGHLIN, Mr. HARRISON, Mr. WYLIE, Mr. RANGEL, Mr. ERDREICH, Mr. PASHAYAN, Mr. CHAPPELL, Mr. BEILENSON, Ms. KAPTUR, Mr. FROST, Mr. SILJANDER, Mr. BERMAN, Mr. CONYERS, Mr. CORRADA, Mrs. HOLT, Mr. HUTTO, Mr. HANSEN of Idaho, Mr. BROWN of California, Mr. ENGLISH, and Mr. KEMP.

H.J. Res. 243: Mrs. MARTIN of Illinois and Mr. WHITLEY.

H.J. Res. 260: Mr. CAMPBELL, Mr. MURPHY, Mr. EARLY, Mr. CROCKETT, Mr. SISISKY, Mr. SUNIA, Mr. JONES of Tennessee, Mr. DAUB, Mr. PRICE, Mr. BLILEY, Mr. MORRISON of Connecticut Mr. TRAXLER, Mr. LOWRY of Washington, Mr. EDWARDS of Oklahoma, Mr. MAZZOLI, Mr. FRANK, Mr. ROWLAND, Mr. SOLOMON, Mr. LEWIS of California, Mr. WEISS, Mr. SKELTON, Mr. GORE, Mr. DOWDY of Mississippi, Mr. EVANS of Iowa, Mr. FOWLER, Mr. SCHEUER, Mr. ST GERMAIN, Mr. HOWARD, Mr. MRAZEK, Mr. WHEAT, Mr. MCCAIN, Mr. SNYDER, Mr. ALEXANDER, Mr. LONG of Maryland, Mr. VANDER JAGT, Mr. GUARINI, Mr. TAUKE, Mrs. ROUKEMA, Mr. MCHUGH, Mr. WINN, Mr. LONG of Louisiana, Mr. SMITH of New Jersey, Mr. DYSON, Mr. ANTHONY, Mr. HUBBARD, Mr. D'AMOURS, Mr. MOLLOHAN, Mr. HARKIN, Mr. Hopkins, Mr. CLAY, Mr. BONIOR of Michigan, Mr. FEIGHAN, Mr. RUDD, Mrs. BOXER, Mr. BILIRAKIS, Mr. TAUZIN, Mr. RAHALL, Mr. PERKINS, Mr. FORD of Michigan, Mr. WILSON, Mr. REID, Mr. DYMALLY, Mr. MCKERNAN, Mrs. SCHNEIDER, Mrs. LLOYD, Mr. HARRISON, Mr. DANIEL, Mr. MINETA, Mr. ALBOSTA, Mr. LEHMAN of Florida, Mr. NCNULTY, Mr. LAGOMARSINO, Mr. ANDREWS of Texas, Mr. ROGERS, Mr. EVANS of Iowa, and Mr. PATMAN.

H.J. Res. 324: Mr. LATTA, Mr. TORRES, Mr. LOEFFLER, Mr. BOUCHER, Mr. BRITT, Mr. WALKER, Mrs. BYRON, Mr. STUMP, Ms. FIEDLER, Mrs. VUCANOVICH, Mr. WORTLEY, Mr. WISE, Mr. LEWIS of California, Mr. SOLOMON, Mr. PAUL, Mr. GINGRICH, Mr. WEBER, Mr. MACK, Mrs. BOXER, Mr. RUSSO, Mr. SPRATT, Mr. SMITH of New Jersey, Ms. SNOWE, Mr. BONIOR of Michigan, Mr. NIELSON of Utah, Mr. RICHARDSON, Mr. FRENZEL, Mr. STANGELAND, Mr. CONYERS, Mr. WAXMAN, Mr. MILLER of California, Mr. EVANS of Illinois, Mr. EDGAR, and Mr. MINETA.

H.J. Res. 348: Mr. CROCKETT, Mrs. BOXER, Mr. MCNULTY, and Mr. FROST.

H. Con. Res. 9: Mr. GEJDENSON, Mr. SHARP, Mr. ADDABBO, and Mr. DYMALLY.

H. Con. Res. 93: Mr. ANDREWS of Texas, Mrs. BOXER, Mr. CARPER, Mr. DICKS, Mr. FISH, Mr. GILMAN, Mr. GOODLING, Mr. HAWKINS, Ms. KAPTUR, Mr. MARKEY, Mr. MCHUGH, Mr. MCKINNEY, Mr. MOODY, Mr. MRAZEK, Mr. RANGEL, Mrs. ROUKEMA, Mrs. SCHNEIDER, Mr. SPRATT, Mr. WHEAT, Mr. MILLER of California, Mr. BOUCHER, Mr. JACOBS, Mr. OLIN, and Mr. PICKLE.

H. Con. Res. 100: Mr. MARRIOTT, Mrs. JOHNSON, Mr. WEBER, Mr. GORE, Mr. FEIGHAN, Mr. BOEHLERT, Mr. TALLON, Mr. ROBINSON, Mr. SKEEN, Mr. PARRIS, Mr. DANIEL, Mr. MCDADE, Mr. ACKERMAN, Mr. SCHAEFER, Mr. MOLLOHAN, Mr. PAUL, Mr. PANETTA, Mr. DUNCAN, and Mr. COATS.

H. Con. Res. 146: Mr. ROGERS and Mr. JEFFORDS.

H. Res. 280: Mrs. SCHROEDER, Mr. MORRISON of Connecticut, Mr. FEIGHAN, Mr. LEVIN of Michigan, Mr. LOWRY of Washington, Mr. MITCHELL, Mr. CORRADA, Mr. EVANS of Illinois, Mr. LEVINE of California, and Mr. UDALL.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 953: Mr. REID.

H.R. 1693: Mr. REID.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 1010

By Mr. COLEMAN of Missouri:

(Amendment to the amendment in the nature of a substitute (text of H.R. 3857).)

—At the end of section 10 of the amendment in the nature of substitute, insert the following:

(1) The Commission shall issue regulations specifying the extent to which a holder of a certificate issued under this section to construct, operate, maintain, or extend a coal pipeline shall be liable to any person whose land is acquired for such construction, operation, maintenance, or extension for damage or injury incurred by such person caused by the use and occupancy of such land. The regulations shall also specify the extent to which such holder shall indemnify or hold harmless such person for liabilities, damages, or claims caused by the use and occupancy of such land.

By Mr. VENTO:

(Amendment to the amendment in the nature of a substitute (Text of H.R. 3857).)

—In section 3 of the amendment in the nature of a substitute—

(1) strike out "and" at the end of paragraph (6);

(2) strike out the period at the end of paragraph (7) and insert in lieu thereof"; and"; and

(3) insert after paragraph (7) the following:

(8) no State shall sell or otherwise transfer or permit the sale or transfer, for use in a coal pipeline for which a certificate is issued under section 10 of this Act outside of such State, water which is taken from any river or other body of surface water which is located in or which passes through more than one State or from any aquifer or other body or ground water which underlies more than one State unless—

(A) there is in effect an interstate compact (i) among the diverting State and each State located downstream of such diversion and prior to the confluence with a river or stream of which it is a tributary, or (ii) among the States under which such aquifer or other body of ground water lies, which governs such sale or transfer, and

(B) such sale or transfer is in accordance with the terms of such compact.

H.R. 1036

By Mr. DURBIN:

—Page 7, strike out line 15 and all that follows through line 9 on page 8 and insert in lieu thereof the following:

LIMITATION ON USE OF FUNDS

SEC. 104. (a) Not less than 75 percent of the funds made available to any recipient under titles II and III of this Act from funds appropriated for any fiscal year shall be used to provide for wages and related employment benefits to eligible participants for work which the recipient certifies has been performed in one or more of the activities authorized under this Act.

(b) Not more than 15 percent of the funds provided to any recipient under title II or III of this Act from funds appropriated for any fiscal year may be used for the cost of administration.

(c) The remainder of the funds provided to any recipient under title II or III of this Act from funds appropriated for any fiscal year (after compliance with subsection (a) and deduction of cost of administration permitted by subsection (b)) may be used for the acquisition of supplies, tools, equipment, and other materials.

(d)(1) Nothing in this Act shall be construed to preclude or limit the payment of the costs of administration or the costs of supplies, tools, equipment, or other materials either in whole or in part, from non-Federal sources or from Federal sources other than this Act, such as section 106 of the Housing and Community Development Act

of 1974 (42 U.S.C. 5306) (popularly known as the community development block grant program) and chapter 67 of title 31, United States Code (popularly known as the general revenue sharing program).

Page 8, line 18, redesignate subsection (c) as subsection (e).

—Page 8, after line 17, insert the following new paragraph:

(3) Rates of pay for administrators funded in whole or part by this Act shall be at a wage no greater than the compensation in effect for grade GS-10.

By Mr. JEFFORDS:

—Page 3, lines 12 and 16, redesignate subsections (b) and (c) as subsections (c) and (d), respectively, and insert before line 12 the following new subsection:

(b) If, in the first three months of the calendar year in which begins the fiscal year for which an appropriation is to be made under subsection (a)(2), the national average rate of unemployment in the civilian labor force of the United States is less than 10 percent, then subsection (a)(2) shall be applied by substituting for "20 percent" a percent which is equal to 20 percent minus 5 percentage points for each full percentage point by which such national average rate of unemployment is less than 10 percent.

EXTENSIONS OF REMARKS

LEGAL AND ILLEGAL IMMIGRATION: THE IMPACT, THE CHOICES

HON. BILL LOWERY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 19, 1983

● Mr. LOWERY of California. Mr. Speaker, we will soon be debating the most important piece of immigration legislation to come before the Congress in over 20 years. Accordingly, I would like to share with my colleagues the following remarks by Charles R. Stoffell of the Federation for American Immigration Reform. Mr. Stoffell brings a great deal of expertise to the immigration reform arena and I am sure Members will find his speech before the California Roundtable stimulating and informative:

LEGAL AND ILLEGAL IMMIGRATION: THE IMPACT, THE CHOICES

Our Nation has a proud history of responding compassionately and humanely to the world's oppressed people. We are, after all, a Nation of immigrants. Most Americans would agree that we should continue to honor our tradition of help. But it must not blind us to the fact our Nation's resources are limited, and that our economy cannot long sustain the pressures of a continuing flood of immigrants.

IMMIGRATION CONCERNS AND FAIR

FAIR was founded in 1979 to tackle the intricacies of the immigration issue. Today, it is still the only national non-profit organization in the country that is educating the American people to the problems uncontrolled immigration pose to our future. FAIR believes that unlimited immigration is contrary to the national interest, that illegal immigration can and should be ended, and that all legal immigration should be placed within a single, stable ceiling that is consistent with our country's history of compassion and generosity for less fortunate people.

Immigration has always benefited America. But legal immigration at today's massive levels and illegal immigration that is completely out of control have numerous negative results. These negative effects can be seen in pressures on social welfare and health care systems unable to cope with this growing population, in job competition between illegal immigrants and American minority and youth job seekers and in ethnic conflicts. Conceivably a majority of Americans might in the end come to the conclusion that all immigrants hurt the country, and this could be the greatest tragedy of all.

I think that this growing awareness has come about in part because of the realization that our resources are not limitless. If we have learned anything from the long gas lines and water shortages here in the West in the past few years, it is that we are beginning to run short—that our melting pot, like any pot, indeed has a bottom.

Every nation has as one of its sovereign rights, the right to control the flow of people into its country. Of the 165 nations on this planet, 164 do so rigidly. Only the United States has a lax immigration policy. If you or I were to go to Mexico or Canada, it would be next to impossible under their laws for us to cross that border, get a job or become productive members of their societies. What we have to ask as a nation are three basic questions:

First, how many people will we admit to this country for permanent residency?

Two, who will get the slots? Who, of the 600 million people around the world who want to migrate, most of them to the United States, will be allowed entrance to our country?

And, three, how are we going to enforce the rules of our immigration policy?

I think this public debate, the answering, if you will, of these three questions is going to involve two stages. The first, and the one that Washington is grappling with now, is an attempt to form a consensus on the fact that we must limit immigration into this country.

The second stage, the one that will come after this agreement is what that limit should be. What is the number of people that should be allowed into our country every single year as immigrants? Will it be 400,000—800,000—or over a million, as we're getting today from both legal and illegal immigration?

ECONOMIC IMPACT

What are the impacts of current and prospective patterns of immigration in the U.S. labor market and economic system? There are those who have driven across the "empty space" of America and say that we have room to accommodate many, many, more people. What they don't understand is the need for this empty space in America to support our crowded urban population and the hungry world population which depends in ever increasing amounts on our grain. The economic competition felt by poor, minority and lesser skilled Americans when the volume of illegal immigration is high is another major problem. The main victim of illegal immigration is the unskilled domestic American worker.

Dr. John Reid is a graduate professor in Sociology at Howard University. In December, 1981, a study he did on the economic advancement of "Black America in the 1980's," was released. Dr. Reid writes, "Blacks are affected more than any other U.S. group by the massive increase in immigration since the mid-1970's. The surge of legal and illegal immigrants and refugees, no longer white Europeans, but primarily Hispanics and Asians, ironically presents new competition for Black Americans, just as they have finally begun to edge up the socio-economic ladder . . . it is clear that right now the masses of new immigrants are taking jobs away from disadvantaged Blacks, particularly Black teenagers. Furthermore, it cannot be argued that U.S. Blacks and Whites shun the kinds of jobs that illegal immigrants typically fill."

Then Dr. Reid presents evidence from the Department of Labor that a third of all workers employed in this country—34 million people—hold jobs in exactly the kinds of low-skilled industrial, service and agricultural jobs in which illegal aliens typically find employment, and that 10.5 million workers are employed at or below the minimum wage.

LEGAL INEQUITIES

Though there are necessarily two parties in this offering and accepting of employment, only undocumented foreign nationals are legally culpable. Worse yet, this legal inequity increases the dependence of undocumented aliens on their employers, making them even more vulnerable to exploitation.

In other words, as the law now reads, it is illegal for an illegal alien to take a job; it is illegal to harbor an illegal alien; but it is not illegal to hire one. It must be understood that undocumented workers do not make less than the minimum wage. Recent governmental surveys have shown that the average illegal alien makes between $4.00 and $5.00 per hour. To the extent that they take good jobs at good pay with the protection of the law, they are competing illegitimately and unfairly for the jobs that many Americans want and need.

Former Secretary of Labor, Ray Marshall, has observed, "I am convinced that we are sowing the seeds of a serious future civil rights struggle. We would be better off if we could confront it now."

ILLEGAL ALIENS TAKE NEEDED AMERICAN JOBS

For years we have heard that undocumented workers are a cost-free benefit to the United States. The argument rests on the belief that low-skilled American workers at worst are lazy, and at best choosy, about the jobs which they will do, and that they will no longer take jobs which they consider to be demeaning. Therefore, there exists a number of jobs that, if they are to be done at all, must be done by illegal immigrants.

This widespread myth is not supported by any data. Nor is the data that Americans won't take hard, dirty jobs supported by surveys of thousands of Americans. An Ohio State university study of young Americans performed for the Labor Department found that a majority of young people would take lowpaying jobs in fast-food restaurants, cleaning establishments, and supermarkets as well as washing dishes—exactly the types of occupations most associated with undocumented workers. A substantial number of the young people in the survey said they would work at wages even below the minimum wage.

A Los Angeles Times survey published on April 7, 1981, found that, "The widely accepted notion that some jobs are so menial only illegal aliens will take them is untrue . . . among unemployed people interviewed seventy-five percent said they would apply for jobs paying between $3.35 an hour, the legal minimum wage, and $4.50 an hour."

Former Secretary of Labor, Ray Marshall, stated in the Los Angeles Times on December 2, 1979:

"It is false to say American workers cannot be found for all of the jobs filled by undocumented workers. The truth is that there are millions of American workers in

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all of these low-paying occupations already. The job market in which they (the illegal aliens) compete is highly competitive, with a surplus of people vying for a shortage of jobs, no matter how undesirable the jobs may be."

One of the lowest estimates of the number of illegal workers in the United States is 6 million. If only half of them are in jobs that would otherwise be held by U.S. workers, eliminating this displacement could bring unemployment down by one-third.

Recently, in Hempstead, Long Island, a new hotel opened up and 4,500 people stood in line to apply for 280 jobs as bellboys, busboys, and dishwashers—exactly the same types of jobs usually associated with illegal aliens, and that many would like us to think no one else is willing to do.

The real tragedy of this displacement is that its burden falls on the most vulnerable people in our society, minority teenagers, women who head families, and older workers. Their high rates of unemployment are public record. They will continue to suffer if high levels of illegal immigration continue.

Secretary Marshall has stated, "We may need foreign workers, but they should only be allowed to work here legally, under the protection of our laws."

THE SOLUTION TO PROTECTING AMERICAN JOBS

In the past decade a number of very impressive groups have studied the problem. In the sessions of Congress in 1971-1972, the House Judiciary Committee took a detailed look. The Domestic Policy Council reported to President Ford in December of 1976 on the subject. President Carter set up an Interagency Task Force in 1977. There was a Presidential Bipartisan Select Commission chaired by Father Theodore Hesburgh of Notre Dame that issued its report in 1981. President Reagan set up a commission to restudy that report and make its recommendations.

Every single one has concluded that we cannot regain control of our borders unless we make it first illegal to hire illegal immigrants. So long as people have a certainty of being able to get jobs when they get here, they will continue to come, and you cannot blame them. If you're in Mexico making $.30 an hour and you can cross that border and be assured of getting a job that pays between $4.00 and $5.60 an hour, and the worst thing that can happen to you is to get caught and sent home, you're going to come.

Changing the law in that regard will remove this magnet of jobs and therby make it possible to control the flow of illegal immigrants into this country. In a recent interview with U.S. News, Jorge Bustamante, Mexican population expert, stated flated, "Eighty-one percent of the people that come from Mexico go to the United States for jobs." While sanctions alone will not stop illegal immigration, nothing else without it makes sense.

SOCIAL SERVICES AND ILLEGAL IMMIGRATION

Let us now take a look at the status of illegal immigration as regards social services. Recent court decisions expanding the rights of illegal aliens in the United States have given at least some illegal aliens the right to claim at least some public benefits hitherto reserved for United States citizens and legal immigrants only. Today, illegal immigrants are not only willing to seek welfare and other social services, they are applying for and receiving hundreds of millions of dollars worth of services at the same time these programs are being cut back for disadvantaged Americans.

The available evidence suggests that publicly financed Health Services (especially emergency, obstetric and pediatric care) are widely employed. Of all births in Los Angeles County public hospitals in 1981, 67.5 percent were to illegal aliens. And, this was all at a cost of more than 100 million dollars to the taxpayers of Los Angeles County. In Denver, Colorado, in 1981, 81 percent of the births were to illegal aliens. And this creates an entirely new problem, because now we have children who are American citizens and their parents are here illegally.

The cost of educating the children of illegal immigrants, and nobody says we should not do this if they're here, in Los Angeles county alone, is more than 200 million dollars a year. In a recent meeting I had with the Board of Education, I was told that the Los Angeles County School System adds 25,000 children of illegal immigrants a year, or the equivalent of 20 new schools.

Unemployment Insurance is used to varying degrees. The worst example I have heard is in Illinois, where a recent study showed that in 1982, 45 percent of new applications for unemployment benefits were from illegal aliens.

And Social Security retirement benefits currently are used very little primarily because undocumented workers tend to be very young.

At the same time, they do pay taxes to support such services, though in the case of the low-paid workers who apparently predominate among illegal immigrants, such taxes are, of course, very low.

There's another side to this; on September 10, 1982, the Los Angeles Times reported on a study issued by the private nonprofit population research group, The Environmental Fund. After a computer analysis of Census Bureau and United Nations data, they found that:

"Illegal aliens cost the Federal Government in payments to displaced U.S. workers in unemployment insurance and food stamps alone, $8 to $18 billion a year."

And, this at a time when we are confronting a 200 billion dollar deficit!

To summarize the state of knowledge regarding social service costs, immigrants both legal and illegal, cannot be blamed for the rapid increase in governmental expenditures, but their impact is by no means trivial.

ENFORCEMENT OF THE LAW

Where are we in regard to enforcement of existing laws? In 1980, we had six to nine million illegal immigrants in the United States and our borders were, for all practical purposes unguarded. We have fewer people guarding our 1,750 mile border with Mexico than guarding the 103 acres of the United States Capitol; and, they do it all with a budget less than that of the Baltimore Police Department. Is it any wonder why so many consider enforcement of American Immigration Law by the Immigration and Naturalization Service to be poor? Under present circumstances, the chances are very low of even detecting, much less apprehending, most illegal immigrants.

As an example, several weeks ago in San Ysidro, two border patrol agents came upon 350 Mexican nationals crossing the border at one time. They were able to stop 40 of them and the rest got through.

A couple of weeks ago, I was in San Ysidro myself, and I went out with the border patrol. I spent the night and we went out on Kearney Mesa, looked through the scopes and watched as people crossed the Ensenada Highway into the United States, got into automobiles, and were picked up. That night we stopped a car and found six teenagers in one trunk, forty-eight in the back of a U-Haul trailer. That night, which was described as being slow, on a stretch of border 8½ miles long, 572 illegal aliens were caught. The tide has become a wave. And, as long as we continue to ignore that problem, and as long as Mexico continues in its current economic crisis, that tide will not slow.

Part of the problem is that the increase in illegal immigration has not been accompanied by a significant increase in the resources available to the INS. It alone is not an effective or sufficient strategy for controlling illegal immigration.

WORLD PROBLEMS

Unfortunately, the world of the 1980's is a less stable place, both in political and in economic terms. Domestic or international conflicts may produce real or only pyrrhic victors, but they always seem to produce refugees. Increasing strife, coupled with populations that are today more than twice as large as those of 1950, portends burgeoning numbers of refugees seeking asylum in the coming decades. Modern communication has brought our lifestyle into their homes, increasing the desire around the world to come to America. On the other side of the coin, that same modern communication has brought into our homes, the suffering of refugees on the high seas or in hastily erected encampments; suffering of which most of us would have been unaware in the past.

When emigration occurs, we must remember that the poorest of the poor, the sick and the old, do not migrate. They lack the requisite resources. Those who do come to the U.S. are those who are advancing within their societies; those who have attained the necessary knowledge of America and how to get here; those who have accumulated or been able to borrow the funds necessary to pay for their airline tickets or their smugglers; those that the sending countries can least afford to lose because their contributions to the future of their nations stand to be the greatest.

To go back to that interview in U.S. News with Jorge Bustamante, he stated flatly, "The people that are coming to America to look for jobs are those that Mexico has invested the most in, in terms of education and job training." The people that they need to build their economy and make their country as strong as it can be.

I firmly believe that we need to be committed to our southern neighbors, to helping them out of their current economic crisis, and to creating jobs there. It's our moral responsibility, and it's in the best interest of the United States. Let's take a look if we can just very briefly at some numbers. The labor population in Mexico has grown from 20 to 40 million people in the last 20 years. They're experiencing 40 percent unemployment or underemployment. And, by the year 2000, there will be 70 million people in the labor pool in Mexico. That's 30 million more in the next 17 years. And, unless we are willing to be a safety valve for that many people, we have got to encourage them to take the difficult decisions they have thus far put off within their economic and social structure. How do we know there are going to be that many people in the labor market? Because they're already born. But, it is not just Mexico.

Increasingly, we have to look at the Caribbean basin—Mexico, Central America, and the island nations. If we look at that region, in 1950 there was a population of 51 million

people. In 1981, there were 117 million. By the year 2025, just 37 years from now, that population will more than double to 298 million people. They are going to demand jobs and housing and all that they need. The problem we're facing throughout Central

a U.S/Mexican problem. In 1981, 800,000 more people flew into the international airports of this country than left. And nobody knows where they are! That's more in one year than the population of Washington, D.C., San Diego or San Francisco. And that does not count the estimated 500,000 from Mexico. The numbers are stagging: in Los Angeles County alone, it is estimated that there are 900,000 illegal immigrants; the population of Santa Ana, in Orange County, is estimated at 25% illegal; San Jose, in northern California, more than 30% illegal; at these levels, we are importing a new generation of poverty into this country every year.

Kevin F. McCarthy of the Rand Corporation, a Santa Monica based Think Tank, was quoted in the Torrance Daily Breeze on January 20, 1983, as saying in an El Segundo speech, "It is no exaggeration to say that California is really the Ellis Island of the 1980's."

To sum the major points, I feel very strongly it's essential to stop illegal immigration into this country for four central reasons:

Number One, illegal immigrants are in increasing amounts using social services in this country at a time when those same social services are being cut back for disadvantaged Americans.

Two, there is increasing evidence that illegal immigrants take jobs that Americans are willing to take and that Americans desperately need in a time of high unemployment.

Three, illegal immigrants, most of whom come to this country as undocumented workers, are the people sending countries can least afford to lose because they're those that stand to make the greatest contributions to improving their own societies.

And lastly, America currently takes in one half of all people who emigrate from anywhere to anywhere else in the world and America simply cannot be the home of the world's dispossessed.

However, we must insist that new policies not stop immigration. But, we must recognize that immigration, in the broadest sense, is a solution to human problems which, though it seems to have worked for this country at a very different demographic and ecological time, increasingly is a solution only for the very few. In fact, it delays the devising of solutions for the great masses of humanity whose lives will be spent not in escape, but in learning how to manage to live where they are.

We must balance the idea that the size of the U.S. population must be controlled with the desire that the American nationality never be perceived as fixed in its ethnic or cultural components. We must never allow our policies to be derived from, nor encourage racial or ethnic discord or ideological intolerance. Our public policy, however, must change as the world changes. Abraham Lincoln said it well, "As our case is new, so must we think and act anew. We must disenthrall ourselves.●

"WORK AND WOMEN IN THE 1980'S" RECENTLY PUBLISHED BY RAY MARSHALL

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, September 19, 1983

● Ms. KAPTUR. Mr. Speaker, the Women's Research and Education Institute of the Congressional Caucus for Women's Issues, recently published "Work and Women in the 1980's"—a perspective by Ray Marshall on basic trends affecting women's jobs and job opportunities.

Mr. Marshall describes the trends which have important implications for all parties involved in the labor market—women's groups, labor organizations, management, and government. National policy, he points out, must give greater weight to women's issues. While the Federal Government's antidiscrimination programs have been effective in improving the economic position of women, they are not enough. The report notes that general economic policies to reduce employment, specially targeted programs to meet the needs of women, as well as systematic policies to deal with the reality that women are permanent parts of the work force are all necessary. Tax and spending policies enacted over the last 2 years have adversely affected women. For example, over 70 percent of the cuts now in place affect programs serving low income groups, in which women predominate.

An executive summary of Mr. Marshall's article follows.

The increased labor force participation of women is one of the most important labor market trends of this century. From being peripheral and often temporary parts of the labor force during the early part of the century, women have become permanent and integral participants in the labor market. As late as 1950, 70 percent of American households were headed by men whose income was the sole source of household income; today, less than 15 percent of American households fit this "traditional" model. Major economic and labor market tensions are created by the fact that employment policies are still based on the traditional model.

Increased labor force participation by women has been accompanied by other important trends which interact to condition the nature and extent of employment opportunities for women. The internationalization of the American ecoonomy has intensified competition, caused the policies of multinational corporations to be important labor market actors, intensified competition between workers in the U.S. and other countries (especially low-wage Third World countries), and made it necessary for American firms to pay much more attention to the efficiency and productivity requirements of international competition. Internationalization has contributed to rising unemployment among women because they are heavily concentrated in the industries most vulnerable to competition, even though unemployment has risen most in male-dominated industries in recent recessions, reversing the traditional pattern where the unemployment rates for women were higher than those for men. Nevertheless, current unemployment rates for women are higher in the management and professional ranks, where women's breakthroughs have been most recent.

International competition also has called into question the traditional American management system, which tends to be authoritarian, is driven mainly by short-run profit maximizing, and pays little attention to long-run technological viability, This model is commonly contrasted with the Japanese management system, which pays more attention to long-run technological viability and emphasizes worker participation in production decisions and "life-time" employment for workers. While there is some truth in these models, both are stereotypes. American management across-the-board is more productive than the Japanese. In addition, the Japanese system applies to only one-third of the economy, provides security for only about 15 percent of the work force, is made possible by less secure "shock absorbers," and tends to discriminate against women. Moreover, well-managed companies everywhere have many characteristics in common. Indeed, the Japanese management system, while adapted to the Japanese realities, was developed from the experiences of enterprises in other countries, especially the United States.

Another important trend is the declining reate of productivity growth, which reduces the competitiveness of American firms, makes it difficult to improve real incomes, and aggravates social tensions. Real wages in the U.S. declined during the 1970s, but real per capita incomes rose, mainly because of the increased employment of women. Obviously, this is a self-limiting process, because fewer and fewer families have wives who are not already in the work force. In the future, greater attention will therefore have to be given to improving productivity as a way to increase real incomes or to prevent them from declining.

The reasons for the decline in productivity are not well understood, but many experts give heavy weight to capital formation and the American management system. While these and other things are important, uncoordinated, discontinuous, and unstable national economic policies probably are more important causes of our productivity disadvantages relative to other countries.

The trends toward higher inflation and unemployment also have important implications for the employment of women. The inflationary biases built into traditional demand management macroeconomic policies were aggravated by external shocks to the economy during the 1970s. The monetarist policies adopted to reduce inflation have greatly increased unemployment. Structural unemployment is a serious problem for the U.S. and other countries, especially Third World countries, and is likely to continue to be a worldwide problem, at least for the rest of this century. High levels of unemployment limit the nature and extent of jobs available to women at the very time that increasing unemployment of other family members put greater pressure on women to work. Federal budget cuts, driven by the deficits resulting from the recession and the Reagan Administration's 1981 tax cuts, have a disproportionately adverse impact on women, who were most dependent on federal human resource programs

and are least likely to benefit from the regressive 1981 tax cuts. Moreover, the decline in federal employment has been detrimental to women to whom federal employment has offered higher positions and more advancement than has the private sector.

There also are a number of demographic and labor market trends that affect women workers. The decline in fertility rates influences, and is influenced by, lifestyles associated with increased labor force participation of women. In combination with declining productivity growth, unemployment and inflation, the aging of the work force has placed a great strain on retirement systems. This is of concern to women because it has probably dimmed the prospects for redesigning retirement systems so that they will be more appropriate for women workers. Most retirement systems are still geared to the traditional male-supported family model.

With respect to the trend toward higher eduction levels of workers, there have been significant increases in female enrollments in professional training programs and, while there are still important differences, male-female undergraduate college enrollments are converging. Moreover, younger women have more than closed traditional gaps with young men. There educational trends are very likely to form the basis for continued changes in the quality of the labor force participation by women.

A more highly-educated work force is likely to have more interest in what have traditionally been managerial decisions. While the worker participation movement in the U.S. has not reached the level that it has in other industrialized countries, it is growing and could be important to women because decisions in which they participate are more likely to reflect the unique labor market needs to women.

Some important occupational shifts have been significant for women workers. The rapid growth of services, which now represent about three-fourths of the American labor force, has greatly increased the demand for women workers. Technological changes which have lengthened female life expectancy, reduced the number of years spent in childbearing and child care, and mechanized housework have greatly increased the time women have for work outside the home. The growth in the information occupations has decentralized economic activity, reduced the size of work places, and greatly altered the nature of work. Most workers now produce information, not goods. This has increased the demand for women and changed the definition of "women's work." Moreover, the greatest impact of these new information technologies is likely to be in office work, where women are concentrated.

These trends have been accompanied by significant shifts in female employment patterns. Women have entered many nontraditional occupations, especially in the professions, but are still heavily concentrated in occupations with other women. Moreover, women tend to be concentrated in the lower income classifications, even within nontraditinal or male-dominated occupations. Much of the change in occupational segregation has been by white women, but black women have higher labor market participation rates and earning ratios relative to men, even though black women are more heavily concentrated in minority- and female-dominated occupations.

Women have made less progress in improving their relative earnings than their occupational positions. That job segregation is an important determinant of these earnings differentials is suggested by the fact that women's earnings are greatest in predominantly male occupations. Moreover, the earnings ratios of white women relative to men have declined in recent years—unlike the experiences of women in other industrial countries, where female-male earnings ratios have increased. The reasons for these different experiences are not known, but undoubtedly reflect tighter labor markets throughout the post-war period, which have caused managements and governments to provide more supportive services as well as policies to make it possible for women to work. Some other countries also have pursued more egalitarian policies to reduce the income differentials between low-wage jobs (where women are concentrated) and higher-paying jobs, which have been dominated by men. Part of the lower earnings of American women can be accounted for by such labor market factors as less experience, discontinuous employment, and educational differences; however, detailed studies show a fairly large residual that cannot be accounted for except by labor market segregation and discrimination.

In the U.S., the incidence of poverty is very high among women, especially minority women, who have been unable to work. The poverty problem is particularly serious for women with young children; most of these women do not receive support payments from the children's fathers.

These trends are very significant for women and the country. Private management systems and public policies must change to reflect the fact that women are permanent and integral participants of the labor force. For women, as for men, work has become important not only as a way to improve incomes, but also as a unifying experience and an important means for self-fulfillment and identification. The dominant model has become the dual-earner family where both the man and woman work, even when there are young children. Attention therefore should be given to a family policy which will recognize this reality. Of course, stable economic growth at low levels of unemployment would improve the quality of family life, which is greatly strained by the social pathologies resulting from unemployment. Greater attention to human resource development would also strengthen families. Policies likewise are needed to meet the particular needs of women: strengthening affirmative action (especially equal pay for comparable work and eliminating job segregation), changing policies which discriminate against women in the conditions of employment, providing supportive services to facilitate the entry and reentry of women into the work force, and paying particular attention to the needs of female-supported poor families. Pressure for these changes will come mainly from women, but these pressures undoubtedly will be strengthened in the future by labor organizations (which must cater to women's needs in order to enhance their relative position in the labor market), by the political process (because women are becoming a more important political force), and by enterprise managers, who will increasingly see better-educated, more experienced women as productive, permanent parts of the work force. Thus, the economic, political, and social health of the country will depend heavily on how we adapt the needs of women to the realities of the modern world.●

BIRMINGHAM BARONS—BASEBALL "KINGS"

HON. BEN ERDREICH

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 19, 1983

● Mr. ERDREICH. Mr. Speaker, 16 years have passed since Birmingham has reigned as king of the Southern League. But the Birmingham Barons' tremendous comeback triumph over the Jacksonville Suns during the league's 1983 championship series in Jacksonville, Fla., this month brought the pennant back to Rickwood Field once again.

Baron fans and citizens across my district are proud of the team's accomplishments this season, and I share their feelings.

The text of an editorial that appeared in the September 13, 1983 edition of The Birmingham News, which highlights the outstanding efforts of this very special team, follows:

PENNANT AT RICKWOOD

For the first time since 1967, there's a pennant for Rickwood Field. The Birmingham Barons are the 1983 champions of the Southern League.

And the beautiful thing was not only that they won, but how they won. After dropping the first game of the championship series to the Jacksonville Suns here last Thursday, the Barons won three straight—the last two in hostile Jacksonville—to take the pennant.

Such play was no quirk. The club lost the Western Division playoff opener to Nashville before winning that series in five games, with two of the three victories needed coming at Jacksonville.

And what made those achievements even more impressive is a regular season in which the Barons won only one game at Jacksonville and lost every series at Nashville. Clearly, there was something extraordinary about this Birmingham team.

Perhaps 21-victory pitcher Don Heinkel expressed it best after evening the Jacksonville series 1-1: "I would like to see this club stay together all the way up. It seems like there's something special about this club."

That won't happen, of course. Double-A reality is that next year's Barons will be pretty much a different bunch; some of this year's team will be in Evansville or Detroit, others will be down a rung or out of professional baseball. Perhaps a third of the championship team will return, and they will be looking to go up.

But next year's team will only have to look back one year to see what it takes to make a true championship team. This year's Barons, without certified blue-chip, major-league prospects, hung together all season, winning games with grit, and determination when other clubs might have folded.

And that was something truly special, as Heinkel observed. Large credit for the team's attitude must go to Manager Roy Majtyka and General Manager Art Clarkson, whose drive for a first-class operation at Rickwood this year reached the playing field.

For the players, though some will never make it to the majors or even Triple-A, there will be championship rings and a place in the memories of Birmingham base-

ball fans which the passing years will only enhance. This was truly a championship team, with the emphasis on "team."

The only sad part is that they can't all be back next year. But there will be a pennant at Rickwood to remember them by, and a permanent warm spot in the hearts of Barons fans.●

NATIONAL COMMANDER KEITH KREUL TO TESTIFY BEFORE VETERANS' AFFAIRS COMMITTEE

HON. STEVE GUNDERSON

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, September 19, 1983

● Mr. GUNDERSON. Mr. Speaker, on September 20, 1983, Keith A. Kreul, national commander of the American Legion, will be testifying before the House Veterans' Affairs Committee.

Keith, who is both a constituent and a personal friend, is from Fennimore, Wis., and elected national commander of the American Legion at its 65th annual convention on August 25.

Commander Kreul has previously served the American Legion as its national vice commander in 1979–80 and as Wisconsin State commander in 1973–74.

Of interest to my colleagues on the Agriculture Committee, Keith has also been State Executive Director of the Agricultural Stabilization and Conservation Service (ASCS) for 6 years and recently completed a 2-year term as State Director of the Farmers Home Administration (FmHA) in Wisconsin.

I am including Commander Kreul's recent acceptance speech at the American Legion convention in the RECORD at this point so that all of our colleagues will have an opportunity to get to know the man who leads the largest of our Nation's veterans' organizations.

ACCEPTANCE REMARKS—KEITH A. KREUL, NATIONAL COMMANDER, THE AMERICAN LEGION, SEATTLE, WASH., AUGUST 25, 1983

National Commander Keller, distinguished national officers of The American Legion, distinguished guests and delegates to this 65th Annual American Legion Convention. This moment is one that will remain with me for a lifetime. When I joined The American Legion 28 years ago I never believed I would have the opportunity, much less the realization of becoming your national commander. But, by dreaming of the future, setting goals, and getting involved, this great land of ours, the United States of America, has prospered, just as its people have prospered.

At this time I would like to recognize some people that have been with me down the long path and we have worked together many, many hours. Would the delegation and representatives of the Auxiliary all please stand from the department of Wisconsin.

Ladies and gentlemen, thank you for recognizing Wisconsin, and to Wisconsin, I must leave for now. I am a part of you all. Would you all please stand so I can salute you.

At this time it is ironic, in a way, that this great organization has been woven from the same fabric as that from which individual lives are built. The American Legion, as well as our great nation, has been built on dreams and high ideals, the structure with which we climb together the mountain of success.

But, as in every life, there comes a time to turn dreams into reality. To dream of high goals is fine, but the time arrives when you have to consider where you are going and just how you are going to get there.

We did that 65 years ago and haven't stopped since. We were founded on dreams, yes. Our dreams of Americanism programs that would make every citizen in this great land proud of our flag and for all that the Stars and Stripes stands for. Our dreams, of activities and programs for the children and youth of America.

Our dreams of a nation secure from the threat of war so that we could pursue our great ambitions in the sanctity of peace.

We did not arbitrarily enter into these areas. We did not rush without consideration into establishing the greatest veterans organization ever created.

In addition to idealism, vision, and hopes, our founders had a sense of direction. They knew what they wanted to do and they gathered not once, but several times, to chart a course that has guided this organization to the greatness it holds today.

They knew there would be challenges. They knew there would be obstacles. They knew they would prevail.

And our founders, in their quest for excellence, organized and planned. They knew the very core of the organization would be at the gross roots level and it would be the effort of the individual Legionnaire that would make the organization's programs and activities succeed. In order for that Legionnaire to accomplish his goals, a framework was put in place. The American Legion is a structure through which the actions and the successes of the individual can be enjoyed by the whole. Without the energy generated by the enthusiasm of each and every Legionnaire, there would be no electricity, there would be no power to propel this organization.

I have strong feelings about this. When I was a youngster my family was an active Legion family. Our American Legion post was founded by my father. My parents and American Legion activities in our community taught me the worth of a good education, industriousness, integrity, and patriotism.

And that American Legion legacy must be carried forward today and tomorrow.

When you stop to think about it, community involvement begins with a voluntary step. That step is to join The American Legion. No one forced, no one ordered, no one threatened us to join The American Legion.

My fellow Legionnaires, we volunteered to join The American Legion. We took that first step in voluntarism when we put on that blue cap and said to ourselves, "I want to join an organization that is good for my community, good for my fellow veteran, good for my nation."

By taking that step we joined the team of the greatest volunteer organization this nation has ever seen. And when we joined that team we began providing that power, that electricity, that energy, to our national organization. We drew then, and are drawing today, upon the vigor and vitality of every Legionnaire to propel The American Legion up that mountain for the good of all Americans. That is what makes this organization the respected power that it is, being a team of more than two and a half million veterans, each dedicated to the ideals that were first espoused by our founders in 1919.

We have always operated as a team. We have always been "one for all and all for one." And do you know who that "one" is? It is the veteran, it is the veteran's child, or spouse, or any individual in our community who needs help.

Now, that help does not come from a ragged group that has nothing better to do. Our American Legion has been blessed with perceptiveness, intuition, and the foresight of our founders.

They had a plan; we have a plan; just as every successful team has a plan. It doesn't make any difference what kind of team you are talking about, a successful team has a plan.

You can accept the challenge of community involvement, or coach an athletic team, or you can be on a team challenging a mountain. But, for your team to succeed, a plan has to be in place.

The plan includes the kind of tools that are best suited for the job at hand. It occurs to me that, no matter what challenge we care to tackle, if you don't have the right tools you can't do the job properly. One of the many tools we have available to us, as Legionnaires, is our Regional Leadership Conferences. They provide skill and direction for the tasks we have at hand.

My friends, we can do the job well because we know where we are going, we know what we have to do, and we know what tools we need to conquer the challenges that face us.

I am a blue cap Legionnaire. When I look in the mirror tomorrow morning I will see only the chief volunteer of this nation's greatest team of volunteers, The American Legion.

You have placed in my hands a great responsibility. I accept it willingly. You have my admiration and my support, most of all, you have my thanks for entrusting your faith in me. As we climb together other veterans will get involved by our example and we will help America work. Thank you so very much.●

DONORS OF SALVADORAN EMERGENCY MEDICAL AIRLIFT THANKED

HON. BILL McCOLLUM

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 19, 1983

● Mr. McCOLLUM. Mr. Speaker, last month I had the privilege of heading up an emergency medical relief operation to El Salvador with the assistance of Project HOPE, the international recognized humanitarian relief organization.

As a result of our efforts, more than 55,000 pounds of medicines and medical supplies were delivered for the treatment of thousands of civilians—men, women, and children—many of them displaced persons left homeless by the war. As one who personally witnessed this emergency operation, I can tell you that the gratitude expressed

by the Salvadorans was overwhelming—and that they will not soon forget the people in the United States who cared enough to help them in their time of need.

This effort could not have taken place without the generous donations of supplies, money, time, and effort by literally hundreds of people in the United States and El Salvador. More than a dozen U.S. companies which manufacture drugs and health-related products donated close to $2.5 million worth of supplies—practically at a moment's notice. In central Florida, nearly 50 businesses and individuals donated more than $30,000 to cover costs associated with the airlift. Many other businesses donated goods and services—ranging from hotel rooms to pilots—and a number of others provided special consideration and assistance in many other areas.

Here in Washington, we were supported in our efforts by the Department of State and AID, the Agency for International Development. In El Salvador, we received the consistent cooperation of President Magana, Salvadoran officials, and many people at the U.S. Embassy—including State Department Deputy Chief of Mission Ken Bleakley and Commercial Attaché Bonnie Lincoln, who offered our personnel many hours of hospitality as well as assistance. Our operations also received the strong support of Col. John Cash, Defense Attaché, as well as many other Embassy personnel. A tremendous amount of credit must go to the Knights of Malta and their president, Jerry Coughlin, who took on the major responsibility of assisting with the transportation, storage, and distribution of the medical supplies.

Also in El Salvador for several weeks were two of my staff members—my administrative assistant, Vaughn Forrest and my legislative aide, Kristin Foskett—who supervised the entire operation locally. Their efforts were backed up by my Washington and Winter Park staff, whose tireless efforts enabled this operation to come together in just 3 short weeks. In addition, my colleague, Representative JIM MCNULTY, provided immeasurable support by offering the services of his staff member, Ruben Ortega, who acted as translator.

There is no doubt that the Fifth District's emergency relief effort changed the lives of literally thousands of people in El Salvador. We can be proud of what we have done and of the many people in our Nation and in El Salvador who played leading roles in this "people to people" mission of mercy.

Listed below are some of the many individuals, businesses, and organizations who assisted in this effort—and whom I would like to recognize—though there are many, many more whose help was invaluable.

DONORS OR SUPPLIES

A. H. Robins, Alcon, Bristol-Myers, Burroughs Wellcome Co., Eckerd Drugs, K Mart, Lederle Laboratories, Merck & Co., Parke-Davis, Pfizer, Revco Drugs, 3M Center, Wyeth, and a number of anonymous donors.

DONATIONS

Jim Weinberg, Wall Street Co.; Bill Nassal; Cecil Moore, Southest Home Mortgage; Hermann Engelmann, Engelmann Nurseries; Hank Snow; Eric Braun, Braun Cadillac; Phil Grace, Grace Properties; Sun Bank; Wayne Densch, Densch Distributors; Dave Peoples, Southeastern Academy; Raymer Maguire; Jim Dever, Clark Chrysler Plymouth; Michael Ashington-Pickett; Pat Hargon, H&M Printers; Ted Bywater, The Bywater Co.; Jerry Chicone, Jr.; Hughes Supply; Stromberg-Carlson, Lake Mary; Sea World; Greater Construction; Bruce Berger; Fred McLeod, Plyworld; Gene Miller, M.D.; Days Inn; Duda Farms; Jim Gooding, Gooding Supermarkets; Residential Communities of America; Trammel Crow; Herndon Iles & Scott Insurance; Peter Barr; Central Florida Regional Medical Center; Howard Needles Tammen Bergendoff Architects; Jeno Paulucci; M. Stuart; Martin Marietta; Mr. and Mrs. Stanley Lewis; Mr. and Mrs. Crabtree; Mr. and Mrs. William Dunn; Mr. and Mrs. William Ruppel; Mrs. and Mrs. M. Robinson; Morely Properties; Florida Hospital; Orlando Central Park; Gary Strack; Neil Switzer.

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Chevron; Howard Johnson's Executive Center, Orlando, Hwy. 50/I-4; Clark Chrysler Plymouth, Casselberry; H&M Printing, Altamonte Springs; Church Street Station, Orlando; Joiner Mayflower, Inc., Orlando; Auto Machine & Parts, Co. Orlando; Florida Utility Trailer, Inc., Orlando; Townsend's Fish House and Tavern, Orlando; Dr. Copy; Marriott Inflite Services; George Stuart Office Supply.

SPECIAL CONSIDERATION

Page Avjet Corp., Orlando; Airlift International, Miami; Advance Petroleum, Miami; Greater Orlando Aviation Authority; TACA Airlines.

SPECIAL ASSISTANCE

San Salvadoran Chamber of Commerce; Pharmaceutical Manufacturers Association; Florida Petroleum Council.

FLIGHT CREW VOLUNTEERS

Rosie O'Grady's Flying Circus: Joe Kittinger, chief of flight operations; Robert Snow, Dennis Saunders, Robert Favreau.●

FOXES, CHICKENS AND HUNGER

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, September 19, 1983

● Ms. KAPTUR. Mr. Speaker, the President is beginning to admit that there might in fact be a hunger problem in this country. If the President is serious about the shame of hunger, it is time his administration became more responsive to the needs of hungry Americans. I commend to my colleagues the following editorial from the New York Times on this important topic.

FOXES, CHICKENS AND HUNGER

If you are President of the United States, what do you do when people are going hungry?

(a) Feed them.

(b) Appoint a committee.

(c) Cut spending for food assistance.

Ever since Lyndon Johnson declared war on poverty and Richard Nixon resolved to end hunger in America, the answer usually has been (a). President Reagan's answer is (b) and (c).

True, this Administration has spent billions to feed hungry people, but at sharply reduced levels—and in the face of an increase in hunger. The evidence of need is apparent everywhere.

Unemployment remains high—and so does the number of people whose unemployment benefits have expired. The Center on Budget and Policy Priorities, a nonprofit research group, finds a dramatic increase in patronage at soup kitchens and emergency feeding programs. The nation's mayors say hunger is their No. 1 concern.

The Census Bureau reports that 15 percent of the population—a 17-year high—has fallen below the official poverty line, based on a Spartan food budget. "We're getting a whole lot of people who don't know how to be poor," says the head of a Seattle program.

Until recently, Mr. Reagan's comments on hunger tended toward the anecdotal. He told a story, for instance, mocking food stamps, the major anti-hunger program: A man uses $10 in food stamps to buy an orange and then uses the change to buy a bottle of vodka. It's only a story, impossible in real life. Cash is used for food-stamp change only when the amount is less than a dollar.

Lately, in response to the increase in hunger, Mr. Reagan has become verbally alarmed. "I am deeply concerned about the extent to which we have a problem which should not exist in this great and wealthy country," he said last month. And now he has appointed a study committee, asking it for a "no-holds-barred" report by Jan. 31. The background of some prominent members makes their appointment should like asking foxes to design the chicken coop.

One of the 13 members is Dr. George Graham of Johns Hopkins, who last spring told a Senate committee that hunger has been sensationalized and that "the nutritional status of our people, including low-income groups, is very good and continually getting better."

A second member is J. P. Bolduc, an official of a White House cost control survey that has called for harsh reductions in Fed-

eral food assistance. A third member, Kenneth Clarkson, was a Reagan budget official who helped design the Administration's sharp anti-hunger spending cuts. The only conspicuous Democrat is former Massachusetts Gov. Edward King, a pronounced conservative hostile to social welfare spending.

If there are members who want to increase Federal anti-hunger efforts, they'll have a hard time being heard.

What makes the outlook more discouraging is the reality of Administration intentions for fiscal 1984, which begins Oct. 1, just three weeks after the committee's appointment. According to the Congressional Budget Office, food-stamp spending will be $2 billion less than it would have been without the cuts Mr. Reagan has already won. Beyond that, the Administration is asking Congress to cut *another* billion in 1984.

In four years, the Administration will spend about $7 billion less for food stamps than the $55 billion that would otherwise have been available, a cut of 13 percent.

Such cosmic numbers mask personal reality. It's not as if benefits are generous in the first place; they average 46 cents a meal. The Administration says it's only cutting out waste, or cutting off the richest of the poor. In fact, benefits are down even for people below the poverty line. And those receiving full benefits have trouble making them last. Small wonder that the soup kitchen lines are longer.

The good news is that, at last, the President is responding to the plight of America's hungry, at least with words. The better news, if he's serious about the shame of hunger, would be for him to put his money where their mouths are.●

MEXICO—THE ULTIMATE CRISIS IN CENTRAL AMERICA

HON. JOHN F. SEIBERLING

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, September 19, 1983

● Mr. SEIBERLING. Mr. Speaker, although the focus with respect to Central America these days is directed mainly to the situation in El Salvador and Nicaragua, a crisis of greater and more serious proportions is brewing in our largest and closest neighboring Central American country, Mexico.

Even when the news media talk of Mexico, they have focused mainly on the serious financial threat posed by the huge debt owed by Mexico to various United States and foreign banks. Serious as that is, measures are being taken, through the International Monetary Fund and other channels, to deal with it, assuming the Congress has the courage to vote for the requested increase in IMF's capital.

However, very little is being done so far to help Mexico cope with the enormous social problems that have been building in Mexico for years because of its rapidly expanding population. These problems have been exacerbated by the worldwide economic recession and the decline in oil revenues that have accompanied it.

Four or five years ago, Robert McNamara, then the head of the World Bank, spoke to a group of Members of Congress about the seemingly insoluble problem that Mexico and the United States would face in the coming decades as a result of Mexico's incredible population growth. At that time, Mexico had a population of about 65 million people but at the then-rate of population growth was likely to have a population of between 200 and 300 million people by the year 2030. Mr. McNamara pointed out that even if the Mexican people could bring their birth rate down close to one on one, which would be an almost inconceivable achievement in the short term, the population would nevertheless expand to around 175 million by the year 2030, if I correctly recall his estimates.

Mr. McNamara pointed out that there was, obviously, no way that a land the size of Mexico could support a population that large with anything like a passable standard of living, and that it was inevitable that most of those people would end up going elsewhere to survive. The most likely "elsewhere" would be the United States. So we will be facing a potential influx of immigrants, legal or illegal, on a scale that dwarfs anything we have experienced to date—possibly 100 to 200 million people.

To dramatize the situation, Mr. McNamara pointed out that the population of Mexico City at that time was approximately 14 million and that most of them lived in conditions of horrendous pollution, water shortages, substandard housing and general poverty. Today the situation in Mexico City is even worse.

A recent article by Gordon D. Mott of Knight-Ridder Newspapers, published in the Akron Beacon Journal of September 4, 1983, paints a grim picture of a Mexico City of 17 million that for most residents, must be about as close to hell as one can get in a non-war situation. As the article points out, 3,000 tons of garbage goes uncollected each day and is simply piled high in the streets; chemical pollutants from cars and factories blacken the sky; blinding, disease-transmitting dust storms sweep across the city carrying pollution from a lake bed used as a drying rack for raw sewage.

And the worst is yet to come. The city population is expected to reach 35 million by the year 2000. The city's top officials concede that roads, houses, waterlines, sewage pipes, electrical lines, and stores cannot even be built quickly enough to cope with the city's annual growth rate. In the words of one of the city planners, "The future is a totally black panorama."

Mr. Speaker, expert after expert on Lation America has pointed out that unless the economic and social problems of the countries of Central America can be solved, the political problems are hopeless. We tend to relax about Mexico, because it has oil revenues and has had stable and reasonably democratic governments for several generations. However, unless something is done to begin to correct the appalling economic and living conditions, and to come to grips with the population explosion in Mexico, it does not take much foresight to see that there will be a political explosion in Mexico which will make the current crises in Nicaragua and El Salvador look tame by comparison.

Those in the administration and in the Congress who think that the situations in Central America can be handled if only we will apply more military muscle would do well to look closely at Mexico and ask themselves how long military force could contain the kind of explosive pressures building there. The answer is obvious. It is less obvious in the other countries of Central America only because they are smaller and seem easy to intimidate or occupy.

We must move ahead, in collaboration with other Central American governments, to substitute a multilateral, diplomatic approach for unilateral military approaches to the immediate crises in Central America. But even more important, we need to get together with our neighbors in Central America, and particularly Mexico, in a major effort to develop and implement a comprehensive plan for helping Mexico and the rest of Central America break out of the vicious circles of poverty and exploitation that threaten to bring them all—and us—to a common disaster.

The threat to our security is just as great, the urgency is just as compelling as it was when Gen. George Marshall proposed the famous Marshall plan for Western Europe. Because the Central American countries start from a lower industrial and educational base, the challenge is even greater.

Mr. Speaker, the full text of the Knight-Ridder Newspapers article on Mexico City follows these remarks:

MEXICO CITY IS ALL BUT UNLIVABLE AS 17 MILLION FACE NIGHTMARE OF BAD AIR, CRIME, AND RATS

(By Gordon D. Mott)

"This city could become uninhabitable . . . . It has drowned under mountains of garbage. It is overrun with rats and flies. The number of assaults, kidnappings and assassinations are growing. There is a collective hysteria."—Ramon Aguirre Velasquez, mayor of Mexico City.

MEXICO CITY.—For Mexico City, the future is now. The projections of urban doomsayers have come true. The roughly 17 million residents in the largest city in the world exist in an oppressive cauldron of noise, dirt and stress.

Traffic jams slow the average speed to less than 3 mph downtown and raise the average noise level to about 90 decibels, which is akin to standing near a jackhammer. Poor distribution of 17 tons of fresh food a day causes frequent shortages of the milk, eggs

and vegetables hauled in by 1,500 trucks to the 7,300-foot-high Valley of Mexico.

Blinding, disease-transmitting dust storms sweep across downtown Mexico City in the dry season, carrying pollution from a lake bed used as a drying rack for raw sewage.

Chemical pollutants from 80,000 factories and businesses blacken the sky. Exhaust fumes from 2.3 million cars and 5,000 diesel buses billow up from streets and expressways.

The dust and smog combine with dried, airborne refuse from 3,000 tons of garbage left daily on the streets to foul the air with an estimated 11,000 tons of solid particle pollution every day. One autonomous University of Mexico study suggested that breathing Mexico City's air is like smoking two packs of cigarettes a day.

Even the city's top officials concede its future looks hopeless. They admit that roads, houses, water and sewage pipes, electrical lines and stores can't be built quickly enough to cope with the city's annual growth rate of 5 percent. By 2000, the city's population is expected to reach 35 million.

"The future is a totally black panorama," said Javier Caraveo, a city planner. "Our problem is that we just got our first city plan in 1980, after 450 years."

"That's not pollution. It's just fog."—Manuel Lopez Portillo, former environmental official.

If there is one factor that is making the city unbearable and its inhabitants crazy, it is the air pollution. Mexico City residents face the unavoidable fact that walking out the front door each morning and breathing the air can be injurious to their health.

During the city's hottest months, February through May, the dawn sun faintly glimmers through a huge, hanging bubble of brown air. Visibility on downtown streets drops during the morning rush hour to less than three blocks, or shorter than a football field. Government statistics reveal that about 70 percent of the pollution can be attributed to automobile and bus exhaust. About 15 percent to 20 percent comes from the day heavy industrial zones on the city's northern perimeter. The rest comes from natural sources: animal feces, human excrement and the lake bed dust.

In one 24-hour period in 1980, the latest year for which data is available, particulates in Mexico City's air reached 800 micrograms per cubic meter. The U.S. standard for safe levels is 260 micrograms. By contrast, the highest level recorded in Los Angeles in 1982 was 291 micrograms.

Carbon monoxide concentrations, measured over a one-hour period in the downtown area, reached a high of 80 parts per million in Mexico City in 1980. U.S. government standards put the maximum tolerable limit at 35 ppm. The highest level reached in Los Angeles in 1982 was 27 ppm.

There are no hard facts about another source of automobile-based contamination: lead. But experts have cautioned that the heavy leaded gasoline made in Mexico has raised the level of toxic metal in residents' blood to intolerable levels. Regular joggers on paths near highways have reported serious cases of lead poisoning.

Ozone concentration, an indicator of industrial pollution, has been recorded in Mexico City at 0.36 part per million, compared with Los Angeles's high in 1982 of 0.40 ppm. The U.S. standard for safe levels is 0.12 ppm.

In addition, according to Dr. Alicia Barcena Ibarra, the sub-secretary of ecology, refineries and electric generating plants pump 481 tons of sulfur dioxide into the air every day.

The incidence of gastrointestinal diseases, typhoid and various fungus-based lung infections increases during the dry season, when there isn't rain to clean the air or settle the dust. The dust flies off Lake Texcoco, a raw-sewage deposit near the end of Mexico City airport's two main runways.

Dr. Enrique Wolpert, an internist, said he sees "a marked increase" in infections during the dry months.

Though Mexico's anti-pollution laws are some of the world's strictist, government officials have not enforced them, preferring instead to take the same path that nearly every Third World nation takes—develop, and don't worry about the environment.

Cesar Reyes, the new spokesman for the Secretariat of Ecology and Urban Development, criticizes the previous administration's program to control pollution.

Reyes said that despite public pressure to stop new factories from opening unless they had adequate pollution-control systems, former President Jose Lopez Portillo's administration routinely handed out permits so factories could start up without such controls.

"We are so far behind, it's hard to know even where to start," Reyes said. The secretary of urban development and ecology, Marcelo Javelly, and Mayor Aguirre Velasquez declined to be interviewed, claiming they still don't know their domains well enough to comment.

"There is the human potential in this valley equal to some European nations. There's no way the government can stop an entity of that size from growing. It just won't work."—Humberto Munoz, urban studies professor.

The magnitude of the problem is staggering. The Federal District, which accounts for 60 percent of the metropolitan area, covers 543 square kilometers and contains more than 10 million people. About 10 million people live in the Los Angeles megalopolis, which, with 1,200 square kilometers in a five-county area, is more than twice as large as Mexico City.

Officially, the 1980 census puts the Mexico City metropolitan area's population at 14.4 million. Considering growth and those not counted, the actual figure is more than 17 million.

"It's just going to be a bigger and bigger megalopolis," Munoz said. "It is urban stain in the heart of the country."

The lack of planning is exhibited everywhere. At least 5 million people live in slums or substandard housing. More than a million homes were built illegally on private or federal land.

The city contains what has been called the world's largest slum, Netzahualcoyotl. It also is the country's second largest municipal entity, even though it is part of the metropolitan Mexico City area. Two million to 3 million people live in a dusty maze of dirt streets and concrete block houses on the edge of Lake Texcoco.

Two other areas, Naucalpan and Ecatepec, rank as the country's fourth and fifth largest cities, though they also form part of the urban sprawl. These slums count thousands of homes built in steep ravines, on hillsides and beside heavily traveled roads and railroad tracks. Shacks are built with little more than thick tar paper, a few planks of wood and sometimes a tin roof.

Because of the high mountain ranges that ring the city, including several extinct volcanoes towering to 18,000 feet, the city must pump all its water into the valley and then pump the waste out.

The cost of pumping the water from more than 100 miles away makes Mexico City's water five times more expensive than that of New York City or Sao Paulo, Brazil, two of the world's most populous cities.

The city government claims 90 percent of the city's residents get water, but the steady flow of about 1,000 immigrants a day means that whole new sections of the city are built every year without water service.

The city forbids using wells in the valley, but at least 40 wells still pump hundreds of thousands of gallons of water out of the ground every year. The old part of the city, which is built on a lake bed, is sinking up to 8 inches a year as the water table drops.

The city generates nearly 750 million gallons of sewage a day. Although some sewage flows through a 300-foot deep sewage tube to a cesspool lake 40 miles north of the city, much of it still ends up in the sewage drying pit at Lake Texcoco.

Of the 10,000 tons of garbage produced each day, the city admits it can pick up only about 7,000 tons, so 3,000 tons remain in the streets. In some lower-class neighborhoods, the medians of four-lane streets are stacked with piles of rotting garbage.

The uncollected garbage also serves as a spawning ground for rodents and flies. Fernando Leon Diaz a former official of the Health Secretariat's rodent control department, estimated last year that 78 million rats lived in the Mexico City metropolitan area—about five per person.

"The public security is in crisis. Life in the street has become an exercise in faith."—Victoria Adato De Ibarra, Federal District attorney general.

There also are plenty of two-legged rats here. The city's crime rate has become a growing problem, with more than 53,000 robberies reported in the Federal District alone in 1982.

Official figures show there were 122 rapes last year, but one women's group claims there are about 16,000 rapes a year, or 43 a day. The group says the rapes go unreported because women fear that police won't help.

There were almost 1,000 murders in the city last year.

Transportation can be aggravating at best and deadly at worst. Of the 8,640 violent deaths in the city last year, 3,550 resulted from traffic accidents.

A private businessmen's organization estimates that 15 million man hours are lost every day because of traffic jams, too few buses and an incomplete subway network.

Public transportation provides more than 21 million trips daily. Most of those trips are on buses, although the expanding subway system now carries about 1 billion riders a year, or almost 3 million a day. The government subsidizes fares, so a bus ride costs 2 cents and a subway chit 0.6 cent.

The bus system, however, only has about 5,000 buses running at once. About 3,000 usually are broken down, according to the city government, which claims it needs twice that many new buses to meet demand.

Subway crowds press so tightly into the trains at rush hours that guards separate male and female passengers to cut down on complaints of molestations.

Double- and triple-parking blocks the traffic flow on the narrow streets. But policemen permit the illegal parking because there are 450,000 too few parking spaces downtown.●

PUERTO RICO AND SECTION 936—PART I

HON. ROBERT GARCIA

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, September 19, 1983

● Mr. GARCIA. Mr. Speaker, I would like to call to the attention of our colleagues an extremely informative report on the Puerto Rican economy. The article, published by the Institute for Research on the Economics of Taxation was written by Dr. Norman B. Ture, IRET Board Chairman and former Under Secretary of the U.S. Treasury Department.

In the article, "Puerto Rico and Section 936: A Case Study of the Effective Use of Private Sector Incentives," Dr. Ture describes Puerto Rico's economic transformation during the past 30 years from being the "Poorhouse of the Caribbean" to the technologically advanced industrial economy it is today. Section 936, a carefully designed and tested tax incentive program targeted to a specific area, suggests ways of modifying our current revenue code to encourage new productive investment in distressed areas also.

The economic milestone which Puerto Rico has accomplished and which Dr. Ture discusses has resulted from the application of section 936. While calling this impressive economic progress "a marvelously successful laboratory demonstration of achievement relying on the private sector," Dr. Ture also cites Puerto Rico's lingering high levels of unemployment and expresses the hope that future policy developments seeks to fortify the achievements of section 936.

I enter Dr. Ture's article in the RECORD so that we all may better understand the importance to the economy and the people of Puerto Rico of the section 936 program.

The article follows:

PUERTO RICO AND SECTION 936: A CASE STUDY OF THE EFFECTIVE USE OF PRIVATE SECTOR INCENTIVES—PART I

For those who have a professional concern with ensuring expanding opportunities for rewarding employment, there is no better setting for sharpening the focus of those concerns than Puerto Rico. This beautiful island has been a laboratory in which it has been demonstrated how strong and constructive the response of the private sector of the economy can be to appropriately designed tax incentives. There is much for everyone to learn from the experience of Puerto Rico with respect to public policy strategies for economic development initiated in the private sector.

Even a quick tour of San Juan brings home to one a sense of the vitality of the people who live and work in Puerto Rico, of their sense of urgency about progress in their economic life. One of the most impressive attributes of that progress is that rather than rejecting or destroying established cultural values, it is built on a foundation of solid traditions. In contrast with so many of our mainland cities, San Juan's urban progress has not been at the cost of losing the beauty of the past. Old San Juan, for example, spans the centuries and reminds one today of the sources of the intellectual and cultural strength of the fine people whose energy is transforming this land economically.

The statistical record of that economic transformation is an extraordinary one. Some of the major accomplishments over the last three decades may be highlighted by citing a few of the statistics which describe the changes in the amount and composition of employment, output, and income in Puerto Rico.

Slightly more than three decades ago, Puerto Rico was one of the poorest lands in the western world—"The Poorhouse of the Caribbean." In a little over thirty years, the Puerto Rican economy has been transformed from an impoverished, predominantly agricultural economy to a technologically advanced, industrial economy. It is difficult to capture the full import of this transformation in simple words and numbers, but one cannot help but be impressed by them.

Measured in constant (1972) dollars, GNP increased from $1.565 billion in 1950 to $7.383 billion in 1980. This is an increase of 372 percent. The percentage increase in real GNP in the U.S. as a whole was less than half—176 percent.

Per capita real GNP in Puerto Rico increased from $709 to $2,324 or by 228 percent over these 30 years. In the United States, as a whole, per capita real GNP rose from $3,526 to $6,475 or by 84 percent.

The average yearly growth rate of real GNP in Puerto Rico was 5.3 percent over the three decades; it was 3.4 percent during the same period in the U.S. as a whole.

Per capita real GNP increased by 4.0 percent a year, on the average, in Puerto Rico, almost twice as fast as the 2.1 percent average annual growth in the U.S. as a whole during these years.

This dramatic growth did not occur as a result of an explosion in the agricultural sector of the Island's economy. Quite the contrary; it came about as a result of a tremendous shift of employment from agriculture to other sectors, combined with a huge increase in labor's productivity.

In 1950, more than a third—36 percent—of the employed labor force worked in agriculture; manufacturing employment was 9.3 percent of total employment, little more than the amount of employment in home needlework, which was 8.6 percent of the total. In 1980, agricultural employment was only a fifth of what it had been 30 years earlier, accounting for only 5.2 percent of total employment. Manufacturing employment has almost tripled in absolute terms, and more than doubled—to 19 percent—as a shre of total employment. In the U.S. as a whole, the number of manufacturing wage and salary workers increased by one-third over the three decades; as a fraction of the total of such employment, manufacturing employment fell from more than a third in 1950 to 22.4 percent in 1980.

Net income originating in manufacturing was 14.5 percent of total net income in 1950; by 1980, this share was 3¼ times the 1950 percentage, accounting for 47.5 percent of total net income. This experience contrasts sharply with that of the U.S. as a whole where income originating in manufacturing fell by more than a fifth.

This growth in output and income in manufacturing was not financed by exploiting labor—by paying workers less than their contribution to total output and income. On the contrary, total real compensation in manufacturing and real compensation per manufacturing employee soared over this 30-year period. Total real compensation for manufacturing employees increased by 740 percent; real compensation per manufacturing employee was almost three times as much in 1980 as in 1950. Over the period productivity of workers in manufacturing increased by more than 3½ percent a year, on the average.

As these data show, the growth in manufacturing output and income was not achieved by importing cheap labor, an important element in the rapid growth of certain European economies. Across the entire labor force spectrum, expanding employment has meant expanding the number of jobs filled by Puerto Ricans, almost one for one. Even in the most demanding management and technical jobs, over 93 percent of these positions are filled by Puerto Rican men and women.

Particularly in the last decade, a very substantial share of the employment growth has been in high technology industries.

In chemicals and allied products, especially pharmaceuticals, almost 9,000 jobs were added from 1971 to 1981. In nonelectrical machinery manufacturing, particularly computers, employment increased almost fivefold in this period. Over 7,000 jobs were added in electrical and electronic machinery, equipment and supplies production. Employment in the manufacture of scientific instruments more than doubled.

In the pharmaceutical industry alone, employment gains have been remarkable. From 1970 to 1980, almost 9,300 jobs were added, nearly 6,400 of which were production workers. The size of pharmaceutical establishments grew, from 20 workers per establishment in 1960 to 143 per establishment in 1980.

The expansion of employment has not been confined to manufacturing. Impressive gains in jobs in trade and services occurred over the three decades. As one might expect, this diversification of employment has been associated with a marked upgrading of employment. In just the eight-year period from 1973 to 1981, white-collar employment grew by about 88 thousand jobs, from 40.2 percent of total employment to over 47 percent. Within this category, almost 43 thousand of the additional jobs were in professional and related positions.

The rapid growth in the private sector of the Puerto Rican economy both gave rise to increasing demands on the public sector and provided it with the financial capacity to service those demands. In 1950, only 45,000 persons were employed by government in Puerto Rico. By 1980, the number had reached 202,000, almost a quarter of total employment.

One final observation about this truly remarkable record of employment growth and economic progress is called for. It has not occurred at the expense of jobs, output, or income on the U.S. mainland or elsewhere. As the data shows, the most impressive employment gains in the private sector of the Puerto Rican economy have occurred in the very same industries which have registered the most pronounced growth in jobs and output on the mainland.

Moreover, Puerto Rican economic growth has required increasing imports, principally from the mainland. In 1980, for example, Puerto Rican business establishments and households bought $1.5 billion of goods and

services from the mainland U.S. It is estimated that about 153,000 mainland jobs were involved in producing these goods and services. A year later, imports from the mainland had increased to $5.7 billion, implying an increase in mainland employment to meet these output requirements.

Of course, there have been reverses along this economic growth path. The Puerto Rican economy is extremely sensitive to changes in economic conditions elsewhere, particularly in the mainland United States. Recession developments on the mainland lead quickly to even sharper downturns in Puerto Rico, and recovery on the mainland transmits its expansionary impulse to the island economy only with a significant time lag. In the 1979-1982 recession, the rising unemployment rate on the mainland was dwarfed by that in Puerto Rico, reaching more than a fifth of the labor forces in 1981 and 1982.

Notwithstanding such reverses, the overall record of economic development from the early postwar years to the present is really remarkable. It can be capsulized briefly by pointing out that in the late 1940's, the Island's economic demography was a prototype of the sources of social unrest and upheaval—a handful of affluent persons and the overwhelming proportion of the population living in grinding poverty. No middle class, generating social and political stability as well as a solid economic base, existed. The contrast with today's economic profile is striking.●

HOW MANY RANDY CLARKS?

HON. DAVID R. OBEY

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, September 19, 1983

● Mr. OBEY. Mr. Speaker, a little over a week ago I had the sad duty to visit the family of L. Cpl. Randy Clark who had just been killed in Lebanon.

The Clark's were proud of Randy. Jim and Norma Clark typical patriotic Americans who love this country but they are asking the kinds of questions that all of us should ask before this House votes to give the administration a free hand in Lebanon.

I would ask every Member to read the enclosed Newsweek article of September 26. It is a story which can easily be repeated again and again and again if the Congress votes to allow an open ended American military presence in Lebanon in the absence of a cease fire.

The article follows:

[From Newsweek, Sept. 26, 1983]

A BITTER FAREWELL

(By Jerry Adler and Madlyn Resener)

The conflict in which Marine Lance Cpl. Randy Clark died was ancient history before he was born, and up until last May seemed to have as much to do with him as the Peloponnesian War. All of Lebanon would fit snugly into the corner of northwestern Wisconsin, roughly between Duluth, Minn., and Eau Claire, where Clark grew up and where he was buried last week in a little cemetery outside his hometown of Minong. The bloody Shouf mountains, where generations have fought for every single rock and gully, could disappear into the woods that start just beyond Clark's grave.

The only place in Minong big enough for Clark's funeral—more than 1,000 people attended, twice the population of the town—was the gymnasium of Northwood High School, from which Clark had graduated just 16 months ago. The choice of jobs in Minong at the time was between part-time logging and part-time pulp cutting, and so Clark—an honors student and all-conference lineman on the high-school football team—decided to enlist in the service. "He wanted to go into the military for the adventure, like you see on TV," said his friend Kevin Postl; and because their standards were the highest, Clark carefully chose the Marines.

FOURTH OF JULY

Clark went to Lebanon last May, posted first to guard duty outside the American Embassy in Beirut, and later among the peacekeeping troops stationed around the Beirut airport. He was happy to be there at first: "He loved the country," his mother, Norma, recalled; "he said it was so beautiful." It was even beautiful in the dark, with rockets and artillery fire lighting up the hills—"like the Fourth of July every night," he wrote to his parents. He sent them a picture, but they were less interested in the view than in the M60 machine gun in the foreground, wondering uneasily why it clearly had no ammunition.

As the fighting intensified, Clark began to worry. He wrote of how callous the Lebanese militia appeared about the casual slaughter of civilians, about how awful it was to see bodies lying unburied for days. He was happy to hear that he would be rotated out on Aug. 19—and crushed when the transfer was canceled. On Sept. 1 he wrote about the shelling—said at the time to be accidental—that killed two Marines and wounded 14, all of them from Clark's Alpha Company. ". . . I'm all right," he told his parents. "Not hurt. Just scared . . . There were four or five of us that helped the wounded and carried out the dead to the Am-Tracs. I hope I don't ever have to do that again."

Five days later Clark and another corporal, Pedro J. Walle Ramos, of San Juan, Puerto Rico, were crossing a field on their way back to their bunker at 4 a.m. when a rocket round landed almost on top of them, killing them both instantly. Col. Timothy J. Geraghty, who commands the Marines in Lebanon, said that this time the gunner—who could have been a Druse, or one of any number of other warring factions—was clearly aiming at the Marine position. It was just fate, however, that he happened to hit the two Marines in the dark. "The round came out of nowhere," said Clark's company commander, Capt. Paul Roy. "The odds were a million to one."

SENSELESS

To the people of Minong, and especially Clark's father, James, it seemed a particularly senseless way for him to die. On the morning that the two Marines came to Clark's house to deliver the news of his death, a White House aide called his parents and asked them to stand by for a call from the president; by the time the call came, six hours later, James Clark's shock had turned to anger. "I told him [Reagan] I was very bitter," said Clark, a burly construction foreman who supported Reagan in 1980. "I asked him why we were over there, and he said we were needed. I said I didn't agree."

Clark finds it peculiar that the Marines are supposed to be protecting "the Lebanese people"; the only Lebanese people he seems to hear about are divided into warring camps that want only for the Americans to leave and let them settle their differences in their traditional fashion. If that includes massacre, Clark is in no mood to stop them. For the Clark family of Minong, Wis., America's intervention in Lebanon is over for good.●

TAX CUTS AND ECONOMIC DEVELOPMENT

HON. PATRICIA SCHROEDER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, September 19, 1983

● Mrs. SCHROEDER. Mr. Speaker, high technology companies looking to relocate are more interested in a State's educational facilities, transportation systems, and general quality of life than in the tax rate levels.

This is an important message from Colorado Gov. Richard Lamm in the September 12, 1983, Rocky Mountain Business Journal, "Lamm Says Tax Cuts Imperil High-Tech Future."

A related and equally significant message comes from the Denver Post senior editor, Bill Hornby, "Growth and Slow Learners: the West's Political Tragedy," Denver Post, September 11, 1983. Western States, which have depended heavily on Federal spending, are refusing to plan or pay for the future.

The two articles follow:

LAMM SAYS TAX CUTS IMPERIL A HIGH-TECH FUTURE

(By Paul Danish)

Every time Colorado cuts taxes it becomes that much harder to induce high technology industry to locate in the state, according to Gov. Richard Lamm.

In an interview Lamm told the Rocky Mountain Business Journal that national studies have found low tax rates placed no higher than seventh on the lists of priorities corporations use in deciding where to locate their facilities.

The first priorities, he said, especially to high technology corporations are proximity to strong educational facilities in general and higher education in particular, availability of good transportation, access to amenities, and overall quality of life.

The state's ability to provide all of these declines each time it cuts taxes, the governor said, and as a consequence business is more inclined to look elsewhere "as we cannibalize our system of government."

"I think the legislature ought to take great pride in all the tax relief it has given," Lamm said. "There's some of those things I've been pushing for too to make our tax structure more progressive. But the fact is they overdid it."

The governor said the state's failure to properly fund higher education contributed to its failure to induce the new Microelectronic Computer Consortium to come to Colorado.

The consortium is a joint venture of several of the country's largest electronic compa-

nies organized to undertake advanced computer-related research projects, including those related to the development of supercomputers and fifth generation machines.

It is widely considered one of the most important research ventures ever undertaken by private industry.

Some 30 states were attempting to attract the consortium, which ultimately located in Austin, Texas. Texas promised it a 20-acre headquarters site on the University of Texas Research Campus, a $20-million, 200,000-square-foot office laboratory building, $20 million in low-interest mortgage loans, 30 new faculty positions at the University of Texas plus a $750,000 more for research, and use of a Learjet.

Lamm said in a view of Texas' very generous package it is questionable if Colorado could have landed the center in any event, but that the quality of the state's universities took it out of the running early on.

He said the consortium's president and chief executive officer, former CIA head Admiral Bobby Inman, told him the state's higher education facilities were found wanting.

"Bobby Inman was very impressed with Colorado's quality of life and how easy it would be to recruit here," the governor said. "But in his letter to me he specifically said that we've let our universities run down. Essentially he was saying we don't have first tier universities and the excellence we did have we're allowing to deteriorate."

In the letter to the governor explaining the rejection Inman wrote:

"The principal suggeston that I would give to Colorado is to intensify your efforts to develop your state universities into the first tier of universities in computer science and institutions. Your institutions have many well-known faculty members and excellent programs, but I don't think they are generally considered to be in the same tier as Stanford, MIT, the University of California at Berkeley and Carnegie Mellon."

Lamm, who made his remarks against the backdrop of a special session of the legislature to deal with a state budget shortfall and cries from some Republican lawmakers to further cut college and university funding, was critical of the legislature's attitude toward higher education.

"I think that our legislature looks at universities as just another hog feeding at the trough," he said. "We've got to explain to them that the jobs of the future we want attracted to the state are going to need higher education facilities."

He said Colorado "has been successful beyond what we deserve to be [in attracting industry] when you look at the foresight of our public officials. The fact is economic development has been very easy for Colorado."

"However, our historic economies—tourism, mining, and agriculture—are all under a great deal of pressure, and really the prospects in a lot of those are not for the kind of jobs that are going to keep us going in this state," he said.

"This state as far as we can say is the fifth in [attracting] high technology firms," he said, "and we've really done very well up to now.

"The fact is that I think the competition is toughening and companies are looking for more than snowy mountains. Now they're going to look and say 'what kind of engineering department do you have?'" he said.

The governor said that in dealing with the present budget shortfall he has asked the legislature "to cut a dollar and raise a dollar" in new taxes.

"There's been a lot of Republican feeling that all we have to do is cut the budget again," he said. "Well, we've cut for seven years in a row now. The average per capita cost of government has gone down, down, down, and now what we have to do is recognize we gave too much tax relief and take some of it back.

"We've given $2.2 billion worth of tax relief in the past few years, and I need $46 million of it back," he said.

Lamm said he has suggested increases in the state's personal and corporate income taxes "either through a surtax or something else" as the best way of getting the added revenues.

"I don't think we need a permanent tax increase," he said. "The good news in Colorado is that for two years from now our projections still show some very healthy surpluses."

FAST GROWTH AND SLOW LEARNERS: THE WEST'S POLITICAL TRAGEDY

(By Bill Hornby)

The tea leaves of the demographers, those who study population growth and distribution, were given a mighty stir by the U.S. Bureau of the Census this week with its projection of where Americans will be in the year 2000, less than 20 years away.

The bureau predicts the West, including the Pacific Coast states, Alaska and Hawaii, will continue as the country's fastest growing region, with all that implies in the redistribution of political and economic power. The projected increase is 45 percent, compared to a national average of 18 percent. The South is also expected to grow considerably by 2000, some 31 percent. The Northeast is expected to decline slightly and the Midwest to remain stagnant.

Descending from the bureau's lofty generalizations about large areas to our Mountain West in particular, three of our states are expected to more than double their populations by the year 2000—Nevada (140.1 percent), Wyoming (112.9), and Arizona (105.4). Then at lesser rates of growth but still far ahead of the national average, we have Utah (90.1 percent), Colorado (61.2), Idaho (60.2), New Mexico (32.9) and Montana (22.4). These high growth rates are given perspective by the relative figures for the neighboring Great Plains wheat states. Kansas (5.6 percent) and Nebraska (5.9) are indicative that the population flow is toward the mountains and the energy resources and recreation they foster.

Colorado is expected to have 4,656,600 people by the year 2000, compared to 2,888,800 at present, almost two more people for every three you see today. At least two-thirds of the new arrivals will jam into the Front Range from Colorado Springs to Fort Collins, given the now-obvious lack of lead time to develop major population centers on a more spread-out pattern.

The Washington political journal, "Congressional Quarterly," has just surveyed the states, and of Colorado it says that this demographic packing of the Front Range is good news for the state's Republicans. It notes the Democratic core cities of Denver and Pueblo are not sharing in the general growth, and that the heavily Republican suburbs and rural areas will continue to dominate the state legislature.

If this is true, then the state Republican party bears the major responsibility for preparing for the huge population growth ahead. The Democratic state administration can propose, as it has, a myriad of action programs to prepare for growth, but the GOP leadership in the legislature is where the real power lies. If it doesn't provide more money for roads, schools, water, cultural and recreation facilities, and the other basic elements of Colorado's quality lifestyle, the state will inevitably decline.

Under the Census Bureau's population projections, Colorado would climb from 28th ranking to 21st among the 50 states by the year 2000. Already its median family income is much richer in state ranking than its population position. We rank 12th in family income, as opposed to 28th in size. And we rank very low in the tax burden per capita, 39th.

The conclusion is obvious that Coloradans could afford a heavier tax load to prepare for the future. But whether we will encourage our political leaders to take the long view and the unpopular step of increased public investment is doubtful, at least as suggested by the past decade of legislative history.

What is true of Colorado is mostly true in the other states of the Mountain West. The decline of federal spending on Western public facilities, especially roads and water storage, has not been balanced by an increased role of the state and local governments. The result is the inevitable loading of more and more people onto the same public infrastructure, which is eroding under the weight.

Practically wherever one looks in today's West, our schools, roads, reservoirs, transportation systems and parks are just barely meeting adequately the population pressures of today, let alone those ahead in the next two decades. We won't be able to do much about it if the only reaction of legislators is to cut budgets, delay capital improvements, and mislead people into thinking they can have a quality life cheaply.●

TO HONOR DR. GERALD A. SMITH

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 19, 1983

● Mr. LEWIS of California. Mr. Speaker, on Monday, September 26, the people of San Bernardino County will be honoring a very special man, Dr. Gerald A. Smith, at a retirement dinner and ceremony dedicating the Dr. Gerald A. Smith Hall of Anthropology in his honor. Unable to attend this gathering, I would like to take this opportunity to ask the Congress to join me along with his many friends and admirers in expressing our deep appreciation and gratitude to this outstanding human being upon the occasion of his retirement after his many years of dedicated service.

Dr. Smith was born in Gravette, Ark., but raised in the San Bernardino Valley. He and his wife, Dr. Maxine Smith, live in Redlands and are the proud parents of daughters Jerilynn and Meredith; and sons Geoffrey and David. His professional education reflects his devotion and dedication to his profession. He graduated from the University of Redlands in 1937 where

he received his master's degree in 1939. He earned his doctorate in education from the University of Southern California in 1953.

Dr. Smith began his career as an elementary and junior high school teacher in San Bernardino Valley schools; coached the football and basketball freshman teams for the University of Redlands in 1937-38. His administrative abilities earned a promotion from teaching principal at Warm Springs Elementary School in San Bernardino to superintendent of the Warm Springs District, a position he held from 1941-43. Dr. Smith has been the director of the San Bernardino County Museum since 1971, but his association with the museum dates back over 50 years, first as a volunteer and later as an employee of the county. He was instrumental in establishing the county museum in Bloomington in 1961 and later guided the plans for the present museum which was built in 1975 in Redlands.

Dr. Smith has earned many honors during his career, including a special award at the Indian Affairs Conference of California Historic Societies in 1971; the American Educator's Medal from the Freedom Foundation in 1963; a national honorary membership in the Parent-Teachers Association. As well as receiving his many distinguished awards and honors, he has published many articles and books in the fields of history and anthropology including "The Mojaves," "Cattle Brands of San Bernardino County;" "Newberry Cave Excavations;" "Prehistoric Man of San Bernardino Valley;" "Natives of the Marshall Islands Kwajalein Atoll" and the "Historical Diego Sepulveda Adobe of Yucaipa."

Some of Dr. Smith's other activities include holding presidencies of the San Bernardino County Historical Society; San Bernardino County Museum Association, Archaeological Survey Association, and the California Conference of Historical Societies. He is also a member of the California Association of Museums Board of Directors, the Pacific Coast Archaeological Society, American Association of Museums, Society of California Archaeology, Arrowhead Area Council of Boy Scouts, Arrowhead United Way, and the YMCA.

All who are privileged to work with Dr. Gerald Smith recognize and admire his dedication as an outstanding citizen and for his contributions to his community as well as the entire State of California. Dr. Smith continues to serve his community now as the executive director of the San Bernardino County Museum Association.

Mr. Speaker, I take great pride in commending to my colleagues, Dr. Gerald Smith, a truly dedicated man who has, through his selfless years of hard work, contributed to his community in a most beneficial way.●

HISPANIC WEEK

HON. BARBARA BOXER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 13, 1983

● Mrs. BOXER. Mr. Speaker, I am grateful for the opportunity to participate in this special order. I am especially pleased to speak as a Member whose State has one of the largest and most dynamic Hispanic populations in the country.

Throughout their histroy, Hispanic Americans have struggled to achieve success in our country using their talents and gifts to enhance the cultural diversity and moral foundations upon which this country was established.

The Hispanic community has consistently worked successfully within the American system to obtain social and economic justice. The Hispanic community has consistently been in a vital part of the civil rights movement and has achieved remarkable gains for thousands of otherwise forgotton migrant workers and farmworkers. The Hispanic community has initiated strong support for quality bilingual programs which have enabled many children to become productive and respected members of our society.

Hispanic culture, cuisine, art, and music have enhanced the quality of American life, making us a richer country.

National Hispanic Heritage Week gives us the opportunity to praise a great people and to honor them for their contributions to American society.●

COMPETITION VERSUS RESEARCH

HON. LARRY WINN, JR.

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Monday, September 19, 1983

● Mr. WINN. Mr. Speaker, I have always been a strong advocate of deregulation as a means of serving the public interest by spurring competition in our free market economy. However, we must be mindful that in our enthusiasm to deregulate we may eliminate business and industry from participating in certain pursuits which we want to encourage. Such is the case with basic research—an area of great concern to the Committee on Science and Technology, on which I am privileged to serve as the ranking minority member. When business and industry are forced to abandon basic research ventures to remain competitive on the balance sheet, the Federal Government is forced to pick up the slack. A recent newspaper article discusses this anomaly. I include it as this point in the RECORD for the benefit of my colleagues:

[From the New York Times, Aug. 31, 1983]

COMPETITION VERSUS RESEARCH

(By William J. Baumol)

Many economists advocate vigorous competition as the most effective means to get to consumers the mix of products they want at the lowest sustainable prices. Deregulation of transportation by air, trucks and railroads, for instance, has been promoted in the belief that most of these markets are now reasonably competitive, and that substitution of competition for regulation serves the public interest.

However, competition, like virtually all good things, incurs some social costs that are usually overlooked. If businesses are forced to vie with each other in charging the lowest possible prices for similar products, they will have nothing left over for nonbusiness-related expenditures.

Competition, whatever the personal morality of individual business executives, all but precludes voluntary spending for social projects such as environmental protection, training of the unskilled and support of worthy causes such as education, health care and the arts. Perhaps even more disturbing, competition impedes business expenditure on basic research, whose marketable products are unpredictable, but on which the nation's future productivity and living standard depend.

None of this, however, weakens economists' loyalty to competition.

Paradoxically, the basic source of virtue of the competitive process is also responsible for its discouragement of good works by business management. In a vigorous competitive environment the company that turns our inferior products or engages in wasteful outlays is rapidly replaced. The marketplace makes no distinction between expenditures that arise from inefficiency and waste, and therefore serve no purpose, and those that yield benefits to society rather than just to the company's customers.

Voluntary outlays to prevent the emission of pollutants or to help the arts are all "wasteful" insofar as market forces are concerned because they yield no marketable product. The public-spirited management that makes such expenditures will quickly be undercut by less scrupulous rivals and driven from the market. The more competitive, the less monopolistic an industry, the more powerful these forces will be.

Basic research is another victim of this process that is of critical concern for public policy, given this country's poor record of productivity growth in recent decades. Basic research, in contract to applied research, is the pursuit of knowledge for knowledge's sake. It seeks no better mousetrap but only better understanding. Yet there is widespread agreement that it has had enormous payoffs in the past and must continue to yield breakthroughs in the future if society is to continue to prosper. It has spawned high-technology industry; new sources of energy, computer technology, revolutions in medical care and more effective economic policy.

These technological revolutions originated largely in universities, and Government laboratories. Business contributed only a small share because money spent by private companies for basic research, even if it yields

valuable discoveries, may very well not benefit the sponsoring companies themselves. Moreover, the enterprise that benefits from company A's basic research may well be company B in another industry, which will very likely pay nothing to defray the costs of the advance in knowledge.

Economists call this "the free-rider problem"—investment in basic research is unremunerative to private companies because such free riders are likely to reap the bulk of the benefits. Worse still, sometimes company A's basic research will primarily benefit its rival, company C, which may be quicker to appreciate the value of the new knowledge and to learn how to use it.

Up to now, the International Business Machines Corporation and the American Telephone and Telegraph Company, whose enormous market shares reduced their vulnerability to competitors, have been virtually alone in sponsoring such research extensively. It is unlikely that these two corporations will continue to spend as much as they did on basic research in the past, as they find themselves increasingly subjected to competition.

It is little wonder that a recent report by the Committee for Economic Development, an organization composed largely of business executives little inclined to encourage Government expenditure, concluded that there was no realistic alternative to the Federal Government as the primary source of support for basic research.●

NATIONAL HISPANIC HERITAGE WEEK

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 13, 1983

● Mr. RODINO. Mr. Speaker, it is a privilege for me to take part again in this celebration of National Hispanic Heritage Week. I thank the Congressional Hispanic Caucus and its friends for this effort to bring to the Nation's attention the contributions of the various Hispanic cultures to our country and for focusing on persisting problems that demand solution, particularly economic problems, problems that require attention not for 1 week but for 52 weeks out of the year.

From the very discovery of America, right up until today, the Spanish settlers and their descendants have added invaluably to the rich diversity of our society in which all of us take great pride. These contributions span the spectrum of our Nation's endeavors: art, music, education, science, government, business, entertainment. The bravery of Hispanic heroes in the service of their country is legendary.

There are some 16 million Hispanic citizens of the United States, and they are the fastest growing minority group in America. They are a political force to be reckoned with. Their pivotal role in recent elections in many States—Texas, New Mexico, Illinois, Florida, Colorado, to name a few—has stimulated a sudden and frantic (some say unseemly) courtship of the Hispanic vote that is chronicled almost daily by the Nation's media.

This courtship cannot be a sometime thing. I pledge to work constantly with my colleagues to eliminate from our society the inequity and injustice that daily frustrate the Hispanic and other minorities. We and our successors cannot rest as long as the promise of our Constitution to secure the blessings of liberty to ourselves and our posterity remains, for too many citizens, a promise unfulfilled.●

WHO WILL SPEAK FOR THE UNEMPLOYED?

HON. AUGUSTUS F. HAWKINS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 19, 1983

● Mr. HAWKINS. Mr. Speaker, this week the House begins full consideration of H.R. 1036, the Community Renewal Employment Act. As this body deliberates the merits of this necessary and urgent legislation, we should also examine the deeper questions of what are the real purposes of an economy, and of our Nation.

Before elected President, candidate Ronald Reagan commented, "I don't think the American people want an administration that talks about unemployment as something to be 'used' against Americans. You don't 'use' the suffering of human beings—you alleviate that suffering."

What a hollow ring these words have today, especially from an administration who deliberately manufactured a severe recession to bring down inflation, and opposes any meaningful jobs program to help the unemployed. Many of the victims of this recession will never completely recover from their losses, and thousands of others will never return to jobs they have held most of their lives.

When the President's economic recovery program was adopted unemployment was 7.2 percent, a level which Mr. Reagan referred to as a "depression state" as a candidate. Unemployment is currently 9.5 percent, 20 percent for blacks, and 53 percent for black youth. This level is 0.5 percent higher than the peak of the severe recession in 1975 and 2.2 million more individuals are unemployed.

This deplorable economic picture is further clouded by the latest Congressional Budget Office projections forecasting unemployment to drop only to 8.2 percent by the end of 1984 and not reaching the prerecession level of 7.2 percent until after 1986.

Further, the current official jobless rate of 9.5 percent is grossly understated. When you include hidden unemployment, that is, the discouraged worker, and those working only part time for economic reasons, over 18 million people are unemployed.

The seriousness of the unemployment problem is further confirmed by thousands of other Americans who receive below minimum or below poverty level pay for full-time work; workers forced to reduce their regular workweek hours; and other individuals who simply are not found by the statistic counters.

The human dimension of the unemployment crisis becomes even more critical because the duration of joblessness has been getting longer. The average length of unemployment during August was 19.9 weeks. Nearly 2½ million persons have been unemployed for more than 6 months. The duration of unemployment has more than doubled since the start of the recession in July 1981.

Mr. Speaker, how long can the communities in this Nation hold out and wait for this so-called recovery to take place, if it does at all? And how long can people continue on inadequate diets or do without proper health care? How long can our Nation continue to put the problems of the impoverished on a scrap heap of inattention and indifference?

Those of us who support H.R. 1036 do not advocate this to be the total solution or even a substantial amount of the solution to the problem; we do so on the theory that it is complementary to monetary and fiscal policies and doing the things that are right, and that it is only one of a series of things that need to be done in the context of a total jobs package.

H.R. 1036 addresses the immediate problems of the long-term unemployed by creating jobs in both the public and private sector to repair and renovate deteriorating community facilities essential to public safety; to provide vital health and social service activities; and for conservation and improvement of public lands.

These are not make work jobs, as sometimes misstated by the administration, but are meaningful, labor intensive jobs necessary to rebuild America's crumbling infrastructure. H.R. 1036 not only makes good economic and human sense, it also is desirable from a policy point of view. The recent bridge collapse on a Connecticut highway vividly illustrates the desolate shape of many of our Nation's streets and bridges. The Congressional Budget Office estimates that governments at all levels must spend an extra $11 billion each year in this decade to repair deteriorating transportation and water systems. America's schools have indicated they have $25 billion worth of repair and maintenance problems.

Additionally, the social services provided by this bill are in short supply. The U.S. Conference of Mayors reports that only 36 percent of the eligible population receive health services,

only 14 percent receive day care, and a scant 4 percent are reached by employment and training programs. It is also estimated that local officials met only 43 percent of the demand for emergency services, such as food and shelter.

The administration's opposition to past structural programs is well known. They continually make simplistic arguments and reckless anecdotal references to criticize job programs to galvanize support for their narrow agenda. The President recently accused the press corps of using "hype and hoopla" in their reporting methods. But as columnist James Reston pointed out, "he should know, he's an expert on both."

The administration's unfounded attacks on structural programs, is a divide and conquer strategy, used in such a way to aggravate certain groups, and play the working population against the unemployed. But now, even the administration's top officials are criticizing their program which in 1981 phased out a CETA jobs program and called on the private sector to help CETA employees make job transitions.

The administration's approach simply does not work, as confirmed by Albert Angrisani, the current Assistant Secretary of Labor for Employment and Training, in his interview with the Wall Street Journal, "This darn re-employment effort isn't the perfect example of our efforts to get jobless people into the private sector. It's just a hodgepodge and a mess, and I'll be glad when it's over."

This is evidence that the administration does not have any real mechanism for dealing with the unemployed. The only explanation we get from the President is to wait for the economy to recover. Mr. Speaker, the unemployed, especially those who have been without work for an extended time period, can wait no longer.

And while we wait and do nothing about this tragic national problem, the economic and human costs of this policy inaction continue to mount. It is estimated that each 1-percent increase in unemployment adds between $26 and $40 billion to the Federal deficit. Unemployment compensation alone added approximately $33 billion to the deficit in 1983.

Unemployment not only bears a heavy financial cost; but it also exacerbates the real but immeasurable cost of physical and mental illness, loss of dignity, and broken homes. The effects of unemployment are felt acutely by children, who suffer from higher rates of child abuse, infant mortality, childhood illness and anxiety. These are not assumptions, Mr. Speaker. These are factual, well documented studies on the social impact of high rates of unemployment.

Have we so quickly forgotten the purposes of our society to provide for the welfare of our people? Shall we do nothing as we watch West Germans send care packages to our urban poor? Have we forgotten the words of one of our Nation's Founding Fathers when referring to this body he said, "Here sir, the people govern." Have the pleas of the poor and the disenfranchised fallen on deaf ears? It becomes incumbent to all of us not only to listen, but to act in their behalf. Listen to the words of the wife of an unemployed worker:

To me, Reaganomics is cruel and self-serving. Reagan seems to be telling us that the United States is a sinking ship and that if we harden our hearts and throw a few people overboard, we can lighten the load. I don't see my country quite that way. The philosophy behind the original structure of the United States is that we are a people who sink or swim together. We don't make human sacrifices.

Another unemployed worker tells us:

I wish the President could be that unemployed guy in South Succotash for just one month. I'd be curious to know what his view would be on the greater need for warheads than for jobs if the window of vulnerability were situated on the front porch of his home.

What we are providing in H.R. 1036 is a bridge to opportunity. A helping hand to thousands of Americans who have been abandoned by this recession, and may still be left behind even if we achieve recovery. H.R. 1036 allows our young people to trade dependence for independence. It provides a stepping stone to opportunity for jobless individuals who have been condemned to idleness and placed in a psychological no-man's land.

Mr. Speaker, H.R. 1036, the Community Renewal Employment Act is the first real alternative to our chronic unemployment crisis. Clearly, much more is needed. Surely we can do no less, if we are to be guided by the light of reason, hold our head high, be true to our conscience and sense of justice, and do our best, not our worst.●

THE 75TH ANNIVERSARY OF GENERAL MOTORS HYDRAMATIC OF TOLEDO, OHIO

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, September 19, 1983

● Ms. KAPTUR. Mr. Speaker, this week General Motors Hydramatic of Toledo, Ohio, is celebrating its 75th anniversary. For three-quarters of a century, the General Motors Hydramatic facility and its workers have served as an anchor for our local industrial economy. The facility has provided thousands of jobs for our citizens and the type of capital necessary for community growth and prosperity. We, in the Toledo area, are especially proud of General Motors Hydramatic. It has shown itself to be extremely innovative and progressive, taking a lead in critical industrial competitiveness areas such as product innovation, energy conservation, and labor-management relations. The recent expansion of operations by General Motors Hydramatic is evidence of the commitment by the company and its workers to continue taking the steps necessary to keep the facility in the forefront of the automotive industry. To all those associated with the anniversary celebration, I offer, on behalf of the House of Representatives and the citizens of the Ninth District, congratulations and best wishes to General Motors Hydramatic, its management, and employees.

STATEMENT ON WEEA

HON. MARY ROSE OAKAR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, September 19, 1983

● Ms. OAKAR. Mr. Speaker, I submit for the RECORD today a piece by Judy Mann which appeared in the Wednesday, September 14, Washington Post. Ms. Mann addresses the issue of the recent cutbacks in the Department of Education and specifically in the Women's Educational Equity Act program. She questions the President's commitment to women and to education. His rhetoric on these issues has been geared toward winning the support of women and minorities in this Presidential election season. But his actions are very different. He is cutting programs that benefit these same groups.

Mr. Speaker, I insert Ms. Mann's excellent piece in the RECORD at this point:

[From the Washington Post, Sept. 14, 1983]

TWO-FACED

(By Judy Mann)

While President Reagan is preoccupied with international crises, his New Right appointees in the Department of Education are quietly getting away with mischief that will give the Democrats wonderful ammunition to fire into the gender gap.

In the weeks immediately preceding the Korean airline crash, the president toured the country citing his administration's accomplishments on behalf of women. At the American Bar Association meeting in Atlanta, for example, he pledged to "assure that every women has an equal opportunity to achieve the American dream."

The connection between education and achieving the American dream is well-established. But while President Reagan was saying one thing, his appointees were doing the exact opposite. They were busily carrying out a right-wing vendetta against the only federal program that helps schools and universities give girls and women the same opportunities in education that boys and men have.

Under the guise of a reorganization, Reagan appointees have downgraded the Women's Educational Equity Act program from its place near the top of the Education Department bureaucracy to one near the bottom of it. Five of the seven staff members who worked in the $5.5 million-a-year program have been RIF'd, including Dr. Leslie Wolfe, the program director who was the target of a particularly virulent attack in the Conservative Digest. All five were women. The two people who were not RIF'd are men. They, it is worth noting, were protected by veterans preference.

"WEEA is one of the most cost-effective programs in government," says Dr. Bernice Sandler, head of the Project on the Status and Education of Women of the Association of American Colleges. "All of the programs must be replicable. These programs don't push anybody. They encourage the schools to be fair and to give maximum opportunities for all of their students."

The Project on the Status and Education of Women, for example, received a WEEA grant to study the awarding of campus prizes—which are important in getting jobs and into graduate school—and it developed suggestions about how institutions and foundations can make sure that both men and women students get equal consideration. "We were able to point out things that people were inadvertently doing," Sandler says. "A lot of discrimination is not overt."

WEEA has also given grants to develop manuals for training rural women, for career planning for minority women, for guiding women reentering the job market, and to help women in vocational education programs, in gifted and talented programs and in bilingual educational programs.

WEEA was targeted in the Heritage Foundation's "Mandate for Leadership," which labeled it a haven "for extreme feminist ideology." The editor of the Heritage Report, Charles Heatherly, subsequently became deputy undersecretary for management of the Department of Education, and he has engineered the reorganization.

In April of 1982, the Conservative Digest printed an anonymous article, purportedly written by a "concerned employee in the Education Department," that accused the program of funding "hard-left women's groups" and attacked Wolfe, labeling her a "radical feminist." Within two weeks Wolfe was transferred out of her job and an important part of the grant selection process for 1982 was taken over by a Reagan administration appointee. This produced an outcry among women's groups and in Congress and Wolfe was later reinstated.

Congress has also repeatedly rescued WEEA from administration efforts to kill it by taking away its funding. But this time the program's staunch supporters on the Hill have been unable to block the reorganization that takes its staff and expertise away.

On Aug. 16, RIF notices were sent out affecting WEEA and four other programs, abolishing more than 100 positions, including that of WEEA director. Wolfe, a GS 15, who has been in the civil service 10 years, will be out of a job on Friday.

At the same time the president was trying to mend fences with female voters, his administration abandoned broad enforcement of Title IX, the only law that protects women from discrimination in education, and his appointees gutted the only federal program that promotes equity in education. There is a lesson in this for voters who care about the commitment President Reagan and his aides have toward women.

Watch what they do, not what they say.●

NORTH CAROLINA SCHOOL FOR EXCELLENCE

HON. TIM VALENTINE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 19, 1983

● Mr. VALENTINE. Mr. Speaker, during the past several months the state of American education has come under substantial scrutiny and criticism. We in the Congress are responsible for establishing our Nation's priorities. We would do well to take notice of the considerable needs our young people have with respect to basic education, and we should take steps to ensure that our investment in America's future pays sound dividends.

I am proud that my State of North Carolina frequently takes the lead in improving the quality of public education. The North Carolina School of Science and Mathematics, in particular, has become a model for other States to emulate. Two recent articles in State Government News and the Raleigh News & Observer outline the school's tremendous achievements, and I ask that they be inserted in the RECORD.

The articles follow:

[From the State Government News]

NORTH CAROLINA SCHOOL FOR EXCELLENCE

(By Elaine S. Knapp)

For its best and brightest high school students in science and math, North Carolina has created a special place for learning.

It is the North Carolina School of Science and Mathematics (NCSSM), a public, residential, coeducational high school for juniors and seniors with high intellectual ability.

The school was created by the general assembly in 1978 with the strong backing of Gov. James B. Hunt, Jr. It opened in fall 1980 with 150 juniors and has since grown to nearly 400 students. Located in Durham on 27 acres, it utilizes the educational and research institutions in the Research Triangle area.

GIFTED STUDENTS

Before the school existed the "educational needs of gifted students were not being met in most high schools in North Carolina," explained Braughn Taylor, director of development at the school. These were the few children who were ready to do higher mathematics in the 10th and 11th grades, but whose rural schools did not have teachers to work with them.

The 380 students at NCSSM come from 87 of North Carolina's 100 counties; 45 percent are female and 23 percent are black. Tenth graders are selected through a competitive process which includes interest and ability in science and mathematics, standardized test scores, academic performance, personal interviews and other activities and accomplishments. A committee of leaders in the scientific and educational communities and NCSSM staff makes selections.

Family income is not a consideration in selection since tuition and room and board are provided.

"The idea was to bring these gifted students to one place, and let them learn as rapidly as they wanted and progress as far as they could," Taylor said. Some seniors at NCSSM are working at the level of college sophomores.

COLLEGE ATMOSPHERE

As a residential school and in its learning methods, the school is more like a college than high school. Classes are held three days a week, so that there's time for students to learn on their own. One of the most difficult things students must learn is to be responsible for their own time, Taylor noted. Facilities are open until late at night so that learning can go on around the clock. Classes are organized so that students who quickly master one course can move into another with little disruption. Subject areas are organized to allow more intensive study than the general survey courses offered in most high schools.

Students have found the challenge worth the home life they had to give up, Taylor said. Many have commented that they had felt isolated and alone in their home schools. At NCSSM they have formed new friendships and their intellectual growth has been stimulated by fellow students. These students have a tremendous appetite to learn, Taylor commented.

As a minimum, students must take three units of science, two of mathematics, two of English, as well as courses in American history, foreign language, physical activity and electives. One unit of credit is given for satisfactorily completing one year-long course. Students must also be proficient with computers.

Because they must live at the school, students are required to spend four hours weekly in housekeeping, groundskeeping or office chores to complete two years of work service. They must also spend three hours weekly in community service, such as volunteering in schools or hospitals, to complete one year of community service.

TOP FACULTY

Half the full-time faculty hold Ph.D's, and the rest have master's degrees. It is essential that the faculty be throughly knowledgeable about their field, and be willing to say "let's find out" if they don't know an answer, Taylor said. The state scale for a high school teacher with a Ph.D and 10 years experience is $20,000. NCSSM pays a supplement of $2,000 to $2,500. Although the pay is not what many might get in industry, it's easy to get teachers for NCSSM, Taylor said. "There's no discipline problems. All the students want to learn. It's an opportunity to work with bright young people," he commented. Plus, teachers "just teach," and don't have the other duties often imposed on teachers.

Teachers have come from other public schools, universities, education in industry and straight out of industry. NCSSM has its own Board of Trustees and is not limited by state restrictions on hiring faculty or on course offerings or textbooks.

There are 27 full-time teaching faculty, 11 part-time faculty and four Babcock visiting instructors in mathematics, biology and chemistry. The visiting teachers come from North Carolina high schools and teach three classes while developing materials, computer programs or new approaches to teaching. After one year they are expected to return to their home schools.

SUCCESSES

Students have won admission to some of the nation's finest colleges and universities, most with advanced standing and scholarships and awards.

The 138 members of the first graduating class in June 1982 were offered over $325,000 in scholarships and awards. Over 70 percent chose to attend North Carolina institutions, with most selecting North Carolina State University and University of North Carolina at Chapel Hill. The 1983 graduating class of 148 were offered $1.4 million in scholarships and awards. In-state institutions were selected by 65 percent of the class.

The high visibility of the school has likely contributed to the number and amount of scholarship offers.

The quality of the students is attested to by NCSSM being second in the nation, after a New York school with over 2,000 students, in the number of National Merit Scholarship awards during each of its first two years of operation.

NCSSM has attracted visitors from foreign nations and other states interested in learning more about the concept. Louisiana is opening its own version this fall.

Another goal of the school has been to lead the way to improvements in all State high schools. Already 500 science and math teachers have taken summer courses in computers in the classroom at NCSSM. Those teachers have held workshops at their home schools and taught another 500 teachers.

FUND RAISING

When NCSSM was created, the legislature realized the state could not finance it all. Thus, the school aggressively pursued private funding. It has raised $7 million in three years.

When asked whether the concept of the school could work in other states, Taylor saw no limitations. "It needs political leadership at the top," he declared.

For North Carolina, the school has been a highly visible indication of the state's long-standing commitment to education. Terry Sanford, now president of Duke, started the tradition during his term from 1961-65. But Gov. Hunt has taken a leading role in the state and nationwide in pushing education. He started a reading program for the primary grades, asking volunteers to work in the classroom and volunteering himself.

The concern over the crisis in science and mathematics education is spreading nationwide. But North Carolina is "proving that educational excellence is possible, practical, adaptable to most communities, and, best of all, an idea whose time has come," wrote NCSSM Director Charles R. Eilber.

[From the Raleigh News and Observer, Sept. 15, 1983]

NORTH CAROLINA MATH, SCIENCE SCHOOL TOUTED AS NATIONAL MODEL

(By Ben Esters)

DURHAM.—The North Carolina School of Science and Mathematics should be used as a model in a national effort to improve education in the fields of math and science, a co-chairman of a National Science Foundation study commission said Wednesday.

The commission issued a proposal this week that calls for $1.5 billion in federal funds to go in part "to help start more schools like the N.C. School of Science and Math," said Dr. Cecily C. Selby of New York City, former dean of academic affairs and chairman of the board of advisors of the Durham school.

The commission's proposal calls for "a level of mathematics, science and technology education that is the finest in the world" by 1995. It states that the country "is currently failing to provide its own children with the intellectual tools needed for the 21st century."

During a news conference at the school Wednesday afternoon, Dr. Selby said the commission conducted a detailed study of America's educational system. "We found ourselves looking at models such as this school," she said.

One of the commission's proposals is to create 1,000 elementary and 1,000 secondary schools that have "exemplary programs" in mathematics and science.

"We're not looking at a network of elite situations," Dr. Selby said. The Criteria for admission to the schools should be "committed students and committed parents," she said.

Other changes recommended by the commission include providing students with earlier exposure to the fields of math and science, retraining of teachers in those fields and attracting high quality instructors, improving the quality and usefulness of math and science courses, and taking advantage of new information technologies, especially computers.

"We felt the most important thing to do was to try and put a price on everything we recommened," Dr. Selby said. She said these changes will require strong leadership along with the $1.5 billion investment.

Several professional organizations have endorsed the plan, including the American Federation of Teachers and the American Association of School Administrators.

"There's no question that committed presidential backing would be the best thing to happen to us," Dr. Selby said. "Top leadership is the key."●

A STANDARD WORTH EMULATING

HON. JOHN EDWARD PORTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, September 19, 1983

● Mr. PORTER. Mr. Speaker, at a time when most hospitals in this country are struggling to adjust to more cost-conscious times, I am extremely proud to draw your attention to a hospital in my district which has set an example for the entire health care community of Illinois.

Victory Memorial Hospital of Waukegan, Ill., recently received the Blue Cross and Blue Shield Award of Merit for its excellence in cost-effective management. Victory Memorial was honored for its outstanding utilization review program, its exceptional performance in the Blue Cross and Blue Shield guaranteed payment/hold harmless program and for other ambitious and effective cost containment initiatives.

Victory Memorial's successful utilization review program has meant that patients who once were hospitalized as a matter of course have received high quality outpatient care at a far lower cost. For those patients who have been hospitalized, the program has insured requisite number of hospital days their condition requires.

Under the guaranteed payment/hold harmless program, Blue Cross and Blue Shield members have been assured that they will not be required to pay for any service that is determined to be unnecessary during claim processing. In turn, the program denies reimbursement to the hospital if the unnecessary services reach a certain level. To be successful in this program requires the maintenance of an effective utilization review program to see that medically unnecessary services are kept at the bare minimum. Victory Memorial has succeeded in this area beyond all expectation.

With these and other cost containment programs, Victory Memorial has generated an annual savings of $2,720,000.

I applaud Victory Memorial and its fine staff for what clearly has been a cooperative and extraordinary effort to attain quality and cost-effective health care for the people of Waukegan. Theirs is a standard well worth emulating.●

JOSEPH J. BAKER, VETERANS SERVICE OFFICER

HON. BOB EDGAR

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 19, 1983

● Mr. EDGAR. Mr. Speaker, I would like to pay a special tribute to Joseph J. Baker who recently retired after 37 years in Federal service with the Veterans' Administration.

During this distinguished career he coupled years of personal and compassionate service to the veteran community with an in-depth knowledge of veterans benefits and services. Mr. Baker became one of the most knowledgeable experts within the Veterans' Administration on the history, implementation, and incalculable benefit of VA educational programs, serving three generations of our Nation's veterans. His service to the agency and particularly with the VA Regional Office and Insurance Center in Philadelphia will be sorely missed. As a member of the House Veterans' Affairs Committee, and, on behalf of his coworkers and the veterans he served, I would like to commend and thank Joe Baker for a job well done.

Mr. Speaker, I submit for the RECORD, a brief summary of Joe Baker's accomplishments in Federal service detailing an outstanding contribution in service to his country. We are very grateful:

JOSEPH J. BAKER, VETERANS SERVICES OFFICER

Mr. Joseph Baker has held the position of Veterans Services Officer (VSO) for the

Veterans Administration Regional Office and Insurance Center in Philadelphia from August 3, 1975 through July 29, 1983. His extensive knowledge of all areas of veterans' benefits coupled with his managerial skills made him an invaluable asset to the Philadelphia Regional Office and the Agency.

Mr. Baker's vast knowledge of veterans' benefits began with his employment in the Vocational Rehabilitation and Education Division in 1946. As he rose through the ranks of the division, he acquired in-depth knowledge of the broad spectrum of services available to veterans. His knowledge of veterans' benefits as well as his ability to communicate with all types of people established him as a leader. While in the Adjudication Division, Mr. Baker was called upon to provide assistance to the VA Central Office by conducting compliance surveys at various stations and by revising the VA education manual. In addition, he was instrumental in developing a ten-week college preparatory course at Pennsylvania State University for educationally disadvantaged Vietnam veterans.

As VSO, Mr. Baker managed the activities of over 80 employees in the Veterans Services Division. He oversaw numerous changes in methods, procedures, and operations in his division. His flexibility and talent for establishing new procedures quickly and efficiently was demonstrated through his assistance during the implementation of the TARGET system. In both the Adjudication and Veterans Services Division, Mr. Baker pioneered the use of the TARGET system. His efforts resulted in greater productivity and efficiency for both the veteran and the Agency.

Mr. Baker's unique sense of responsibility and driving initiative inspired his staff to achieve. During his tenure as VSO, the division consistently ranked among the most rated Veterans Services Divisions in effectiveness and productivity. Under his direction, the last two Supervisory Visit Evaluations resulted in excellent ratings for management. Because of his expertise in the area of Veterans Services, Mr. Baker was called upon by Central Office to be a subject matter expert for a job analysis of the VSO position.

Since his days as a Veterans Claims Examiner, Mr. Baker demonstrated the ability to deal effectively with employees, veterans, and the general public. Early in his career, he established himself as liaison between local educational institutions and the VARIOC. His knowledge of VA educational benefits is unsurpassed and he was the source of expertise concerning educational inquiries at the Philadelphia Regional Office. As VSO, he coordinated a network of social, political, and veterans' groups to keep abreast of the needs of veterans and to acquaint the public with the benefit programs available through the VA. He was the chairman of the local Vietnam Veterans Civic Council. Under Mr. Baker's guidance, the Civic Council expanded and became an active and important link in the VA's relationship with the community. As the result of a proposal submitted by the local Civic Council under Mr. Baker's direction, the delimiting date and eligibility requirements for educational benefits were liberalized. Always searching for more effective ways to serve the veterans in the community, Mr. Baker initiated various special studies and outreach projects. At the time of his retirement, he held the position of Station Coordinator for Consumer Affairs, Station Coordinator for POW Activities, Station Coordinator for Outreach to the Aged and Liaison for the Discharge Upgrade Review Program. He also frequently conducted training sessions for County Veterans Affairs Officers and veterans services organizations, such as the American Legion, Veterans of Foreign Wars and United Vietnam Veterans Organization.

Throughout his career, Mr. Baker was presented with numerous performance awards. He received an Outstanding Performance Award in 1956, Superior Performance Awards in 1962 and 1967, and a Quality Increase in 1969. In 1969, he was also awarded the Station Public Service Award for Direct Service to the Public for developing on-the-job training programs for the Philadelphia Police Department, Fairmount Park Police, and the Fire Department of Philadelphia. He received a Public Service Award in Communications in 1972 for his development of a summary of information regarding flight training and, in 1973 and 1974, he received Superior Performance Awards for the training and supervision he provided concerning education benefits.

Over the years, Mr. Baker grained a reputation of which he can be proud. He earned the loyalty and respect of his co-workers and representatives of various agencies and veterans' organizations. He consistently maintained a fair and professional image and never lost sight of our ultimate goal—"to provide the best possible service to the veterans and their dependents."

On the day of his retirement, Mr. Baker was honored with awards and accolades from various colleagues and veterans organizations. The following is a partial listing of those who paid tribute to Mr. Baker.

Jewish War Veterans;
Disabled American Veterans;
Veterans of Foreign Wars;
American Legion;
Red Cross;
Military Order of the Purple Heart;
AMVETS; and
PA Bureau of Veterans Affairs.

The numerous commendations given to Mr. Baker were evidence of the admiration and respect with which he is regarded.●

GRACE TEMPLE NO. 424 OF TOLEDO, OHIO, CELEBRATES 57TH ANNIVERSARY

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, September 19, 1983

● Ms. KAPTUR. Mr. Speaker, this week Grace Temple No. 424, of Toledo, Ohio, is celebrating its 57th anniversary. Grace Temple is one of the oldest black women's organizations in the city of Toledo. For more than a half century, this fine organization has dedicated itself to community service. Over the years, the members of Grace Temple No. 424 have worked hard to make Toledo a better place in which to live. On behalf of the House of Representatives, I offer congratulations and best wishes to the women of Grace Temple No. 424 who have made our community a better place for all people.●

LAWYER EXEMPTION FROM FTC JURISDICTION OPPOSED

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, September 19, 1983

● Mr. FLORIO. Mr. Speaker, I wish to supplement the background material I inserted in the RECORD on September 15 (page E4305) regarding the proposal to exempt lawyers from the consumer protection jurisdiction of the Federal Trade Commission.

That proposal is entirely unwarranted, and I am happy to note that many lawyers themselves recognize this. Following is a statement from the Association of the Bar of the City of New York opposing the exemption:

THE ASSOCIATION OF THE BAR OF THE CITY OF NEW YORK, COMMITTEE ON TRADE REGULATION,
New York, N.Y., August 26, 1983.

Re FTC reauthorization bill (H.R. 2970), proposed exemption of lawyers from jurisdiction of FTC.

Hon. JAMES J. FLORIO,
Chairman, Subcommittee on Commerce, Transportation, and Tourism, Committee on Energy and Commerce, U.S. House of Representatives, Washington, D.C.

DEAR REPRESENTATIVE FLORIO: The Committee on Trade Regulation on behalf of the Association of the Bar of the City of New York has adopted a position paper with respect to proposed legislation that would make lawyers exempt from regulation by the FTC. A copy of this position paper is enclosed.

As set forth in the enclosed position paper, we strongly oppose any effort to grant lawyers a blanket exemption from regulation by the FTC. The Association of the Bar of the City of New York has a membership of more than 14,000 lawyers, and our committee is comprised of more than 20 active practitioners in the antitrust field.

Although our position is at variance with the position adopted by the House of Delegates of the American Bar Association on August 2, 1983, we believe strongly that exemption of lawyers from the FTC's jurisdiction would not be in the public interest.

Respectfully yours,

GUY MILLER STRUVE.

POSITION PAPER

There are two amendments to the FTC Authorization Act (H.R. 2970) presently pending in Congress that would affect the regulation of professionals by the Federal Trade Commission ("FTC"). The first is the product of a compromise worked out between the American Medical Association ("AMA") and the FTC which provides, in pertinent part:

"The Commission shall not use its authority under section 5 or section 18 to prohibit unfair or deceptive acts or practices engaged in by professionals in a particular State if such use of authority would result in the invalidation of a State law of such State or any part of such law if such law or part establishes—

"(1) Training, education, or experience requirements for the licensure of professionals, or

"(2) Permissible tasks or duties which may be performed by professionals and which are based, in fact, on specialized training or education. . . ."

To that language, the House Energy and Commerce Committee has added the following proposal by Representative FLORIO (D., N.J.):

"Nothing in this section shall be deemed to restrict the Federal Trade Commission's authority under this Act or any other Act with respect to commercial or business acts or practices of professionals."

The second amendment, a proposal drafted by the State Bar of Texas, was introduced by Representative SAM B. HALL, Jr. (D., Tex.) on June 14, 1983. That amendment would prohibit regulation of unfair or deceptive acts or practices by professionals

"If such acts or practices are effectively regulated by the state court of last resort in civil cases or by such state court and state law."

We support the AMA-FTC compromise, if the Florio amendment is included, and oppose the Hall amendment.

In the last Congress, several bills were introduced which would have given professionals broad exemption from regulation by the FTC. In the face of opposition from the present administration, among others, those bills were defeated after an all-night session of both Houses of Congress on December 17, 1982. The Trade Regulation Committee, on behalf of the entire association, opposed those bills on the ground that there was no compelling reason why the commercial practices of professionals should not be subject to the same strictures as the commercial practices of other sectors of the economy. We also pointed out that, while many states regulate professions through the licensure mechanism, such regulation does not typically cover commercial practices. Finally, we noted that the proposed professional exemption seemed to be nothing more than special interest legislation, and we urged the members of Congress to stand up for the principle of uniform application of the laws.

We repeat and reaffirm those principles today. Professional services are a growing and important segment of the American economy. Public policy should strive to create an environment in which the highest quality professional services are delivered to the public at the lowest possible cost, with the least amount of governmental regulation required to achieve those ends. In pursuing those ends, it should be remembered that the primary focus of state law has been the quality of professional services whereas the primary focus of federal law has been the commercial aspects of such services. That is not to say that quality concerns and commercial concerns never overlap; they sometimes do. In our opinion, however, this does not justify the blanket exemptions that have been proposed. Experience has shown that it is almost always possible to reconcile the competing considerations of quality and competition when they appear to conflict in a regulatory scheme.

The AMA-FTC proposal and the Florio amendment are consistent with these principles. The AMA-FTC proposal preserves the State's traditional role in setting requirements for training, education and experience, while permitting the FTC to pursue the national policy of free and open competition. The Florio amendment clarifies the AMA-FTC proposal by making it clear that the FTC may proceed in situations where a state regulation purports to establish professional qualifications but in fact deters competition.

The proposal of the Texas Bar Association is inconsistent with the principles articulated above. It extends the pre-eminence of the State's role beyond licensing activities into the commercial area. With its emphasis on regulation by "the state court of last resort" the Texas Bar Association's proposal is quite clearly designed to provide a special exemption for lawyers. It is not clear why such an exemption has been proposed, since the FTC has never sought to regulate the acts or practices of lawyers as distinguished from other commercial or professional activities. Nor is it clear why the Texas Bar Association has chosen to focus on the FTC, leaving the Justice Department's antitrust jurisdiction over lawyers intact.

We can envision few, if any, benefits that would flow from such an exemption and can foresee a enormous potential for abuse. For example, the proposal would make concerted activity by a State's legal establishment to prohibit certain truthful advertising, which also had the effect of reducing competition, immune from challenge by the FTC. Similarly, if a state bar decided not to take action against certain types of deceptive advertising, the FTC would presumably be powerless to act.

It might be argued that the Texas Bar Association's proposal would not prevent action by the FTC in appropriate cases because it exempts from FTC jurisdiction only acts or practices that are "effectively regulated" by the State. This highlights an ambiguity in the proposed legislation: does the word "effectively" refer to the effectiveness of the regulation or is it another way of saying, "in effect"? If the latter interpretation is correct, then it would prevent FTC action even where the state regulation is in fact ineffective. If the former interpretation is correct, then it raises the question of who determines whether the regulation is effective and the standard by which that determination is made.

It must be recognized that we have entered an era in which lawyers are permitted to advertise as a matter of constitutional right and lawyers are increasingly engaging in activities that extend across state lines. In these circumstances, it may become important to have a consistent national policy governing the commercial practices of lawyers and the truthfulness of their statements to the public. The only real effect of the Texas Bar Association's proposal would be to deter development of such a national policy, especially in the area of deceptive acts or practices, where the FTC is the only federal agency with authority to act.

It has often been said that lawyers must adhere to standards stricter than those of the marketplace if they are to command the public confidence that their unique position in society requires. See e.g., Stone, "The Public Influence Of The Bar," 48 Harv. L. Rev. 1 (1934). The Texas Bar Association's proposal raises the spectre of lawyers being held to a looser standard than the rest of society. Moreover, it places lawyers in the unseemly position of advocating an exemption for their own profession. Passage of such a proposal can only have the effect of diminishing public confidence in the bar while providing no tangible benefit in return. We strongly urge its rejection.●

IN SUPPORT OF CONCURRENT RESOLUTION OFFERED BY MR. ANDREWS

HON. JAMES H. SCHEUER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, September 19, 1983

● Mr. SCHEUER. Mr. Speaker, I rise in strong support of the concurrent resolution offered by our distinguished colleague from Texas (Mr. ANDREWS). This resolution expresses the clear intent of the Congress that it is not appropriate to sell the Government's civil weather satellites to the private sector at this time.

Since April of this year, the Subcommittee on Natural Resources, Agriculture Research and Environment, which I chair, has had five hearings on the proposed commercialization of civil land and weather satellite systems. These hearings heightened my concern about how the decision to commercialize weather satellites was reached. In April 1982, the Cabinet Council on Commerce and Trade, chaired by Secretary of Commerce Malcolm Baldrige, concluded that "weather satellites should not be transferred to the private sector." Eight months later, that decision was reversed, even though neither the Cabinet Council nor any of its work groups had met in the interval. In fact, if one examines the advice which the administration received in the interval, it is almost inconceivable to me that the decision to commercialize weather satellites could have been reversed.

Specifically:

Thirteen of fourteen industry respondents to the Commerce Department's request for information did not endorse sale of weather satellites.

The Commerce Department's Land Remote Sensing Satellite Advisory Committee concluded that "there is only a small commercial opportunity associated with weather satellites * * * weather satellites were judged to be inherently governmental."

A joint DOD/NASA study concluded that "there is considerable financial, policy, and program risk to the government in commercializing weather satellites and there is no clear policy or financial benefit to be realized."

Since President Reagan announced his decision to sell both the weather and land remote-sensing satellites in March of this year, we have heard testimony from the President's own Private Sector Survey on cost control and from three congressionally chartered panels that transfer of weather satellites is not a sensible or a cost-effective idea. We have heard disturbing allegations that the former Deputy Secretary of Commerce had extensive employment negotiations with the one

company that has consistently expressed an interest in purchasing and operating the weather satellites. We have also reviewed the draft "RFP" language which will be used to solicit bids from industry. The administration's plan would allow for free and open distribution of weather data both domestically and internationally, which guarantees that no significant new commercial venture involving marketing of weather data could develop. It also guarantees that transfer of the weather satellites would create a government-subsidized monopoly which might ultimately degrade the level of services provided to the public by the National Weather Service.

In light of this mounting evidence, we in the Congress have expressed repeatedly our views that weather satellites provide a legitimate public service and that any plan to sell them should be summarily dropped. Yet the administration has refused to listen to our suggestions and has refused to admit that it made a mistake.

It is never easy to admit a mistake, and I could understand, and perhaps even condone, the administration's intransigence on this issue if it were not so costly. But this continued sham is costly, and in many ways. While no one who understands the issue believes there is the slightest chance that Congress would ever approve the sale of weather satellites, private industry in the meantime is forced to spend millions of dollars to protect itself with defensive bids. More importantly, pursuing the sale of weather satellites distracts from the real issue—whether the U.S. Government should act decisively to maintain its leadership in land remote-sensing. The longer we argue over weather satellites, the more we are allowing the U.S. land remote-sensing capability to wither away, to be replaced by French and Japanese capability.

Secretary Baldrige stated at a hearing earlier this year that land remote-sensing is the central issue in this debate and that a vigorous policy initiative is needed or the United States will lose its rapidly dwindling technological advantage in this field. I agree with his assessment of the Landsat issue. But I do not agree, nor do any of the experts who have looked at this problem, that we should sell a weather satellite system that is working well in order to cross-subsidize our land remote-sensing capability. There are many other options for preserving our capabilities in this growing industry without selling our weather satellites.

I urge my colleagues to restore sanity and leadership to this debate by supporting the Andrews resolution.●

THE HUMAN RACE

HON. ANDREW JACOBS, JR.,

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 19, 1983

● Mr. JACOBS. Mr. Speaker, the following constitutes one of the main things wrong with the human race:

"U.S. Says Soviet Downed Korean Airliner; 269 Lost; Reagan Denounces 'Wanton' Act."—New York Times, 9-2-83.

"Tass Accuses U.S. Of Provocation."—Washington Post, 9-4-83.

"Israelis Down A Libyan Airliner In The Sinai, Killing At Least 74; Say It Ignored Warning To Land."—New York Times, 2-22-73.

"Arab Nations Outraged; Soviet Denounces Israel."—New York Times, 2-23-73.

"U.S. Reluctant To Criticize Israel For Air Attack."—London Times, 2-23-73.

Faults are things that make our friends human and make our adversaries inhuman.●

TRIBUTE TO VANESSA WILLIAMS—MISS AMERICA 1983

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, September 19, 1983

● Mr. BIAGGI. Mr. Speaker, as a Representative from the State of New York it gives me great pleasure to congratulate the lovely Ms. Vanessa Williams of Millwood, N.Y., who captured the Miss America pageant this past weekend in Atlantic City.

Vanessa, a student at Syracuse University, thus becomes the first black Miss America in our Nation's history. She has joined the ranks of other black pioneers who have broken down arbitrary color barriers and have done so on the basis of merit. Vanessa Williams was the class of the 1983 contestants. She combined beauty with style and grace and blended them in such a way as to make both a captivating and compelling presence to not only the judges at the contest but to the millions of Americans who watched on television.

Vanessa Williams, I am proud to note, did live for a period of her life in the Bronx, which I have represented in Congress for the past 14 years. All of New York State is proud of our native daughter, Vanessa Williams, and her tremendous accomplishment. She has displayed a strong independent spirit in her dealings with the media thus far and her reign as Miss America promises to be interesting.

As President Reagan said in his congratulatory phone call to Vanessa her selection was "a wonderful thing for our Nation." Now as a Nation let us permit Vanessa to enjoy her year as Miss America and not focus so much on the past but rather on the present and future.

At this point in the RECORD, I wish to submit an article from today's New York Daily News entitled "Miss Millwood to Them."

MISS MILLWOOD TO THEM

(By Larry Sutton)

The local girl made good.

So while the rest of America spent yesterday getting to know Vanessa Williams, Miss America 1984, Millwood was busy bursting with pride over their hometown heroine.

The beauty pageant winner came to the small, comfortable Westchester County town while just a baby.

She grew up in Millwood population 2,500, and had the hopes and prayers of the community with her as she paraded down the runway in Atlantic City Saturday night.

The town let loose when she won the title.

"Everybody in the room stood up, screamed and hollered, poured champagne," said David Sarles Jr., 26, who watched the pageant on television with about 15 of Williams' neighbors.

Some neighbors set off firecrackers when Williams was named winner.

Edward Hart, Williams' former high school principal, was almost as excited as his former student when he heard the good news.

"He was howling and screaming around the house," said Hart's son Christopher. "We were afraid he was going to wake up the baby."

Town firefighters made a banner reading "Welcome Home Vanessa Williams, Miss America 1984," which community leaders hope to display on her return.

Williams already has a prominent position in one of the town's most popular spots.

"I work in a deli down the road," said Steven Santon, 15, a neighbor, "and we have a picture of her on the bulletin board."●

TRADE ACT OF 1974

HON. BOB EDGAR

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 19, 1983

● Mr. EDGAR. Mr. Speaker, on Thursday, September 15, I was unavoidably absent when the House was considering H.R. 3391, amending the Trade Act of 1974. As a strong supporter of trade adjustment assistance, I would have voted against the two amendments to weaken the bill. As passed, H.R. 3391 will make needed changes in the adjustment assistance program, improving our ability to help workers in industries affected by imports. Had I been present, I would have voted with the majority, against the attempts to eliminate the special account and entitlement provisions of the bill.●

A TRIBUTE TO SENATOR JOHN TOWER

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, September 19, 1983

● Mr. KEMP. Mr. Speaker, the Senate is losing one of its most able spokesmen and America is losing one of its most respected leaders, Senator JOHN TOWER. During his 22 years of dedicated service to the United States in the Senate, Senator TOWER earned the admiration of his colleagues and the gratitude of the Nation for his insight, his calm judgment, and his untiring efforts not only on behalf of his State of Texas but for all America. His experience, knowledge, and leadership will be sorely missed in the Senate Chamber, in the Congress and in the country. I personally hope his voice and efforts will continue wherever he goes.

JOHN TOWER assumed the chairmanship of one of the most demanding committees in the Senate, the prestigious Armed Services Committee, at a moment in history when this Nation had its attention riveted on the need to reinvigorate our defenses in the face of an unprecedented expansion of the Soviet military threat. Since then, no one in Congress has spoken more forcefully or more effectively on behalf of a strong America or President Reagan's defense program than the distinguished chairman of the Senate Armed Services Committee. Those who care about the defense of our country sincerely hope that he will continue to lend his voice and his efforts to our national endeavor to remain strong, and free, and at peace.

George Will has written a tribute to Senator TOWER, in an article that appeared in the Buffalo Evening News on September 14 entitled, "Another Giant Is Leaving the U.S. Senate." Mr. Speaker, I ask that this tribute to my good friend be printed in the RECORD.

ANOTHER GIANT IS LEAVING THE U.S. SENATE

(By George F. Will)

WASHINGTON.—When asked recently why a colleague had voted against a defense program, Sen. John Tower snapped: "He abuses the right to be stupid." When Tower points the Green Bullet (his 1972 Dodge Charger) toward Texas next year, the Senate will lose one of its tartest tongues and sharpest minds.

Tower, whose office is a few yards from what was Sen. Henry Jackson's office, will not quite say so, but he might have reversed his decision to retire if he had not announced it before Jackson died. In the Senate, as in many other institutions, 20 percent of the members do 80 percent of the work. For two decades Tower and Jackson have been two of the consequential 20. Since 1981 they have been, respectively, chairman and ranking Democrat on the Armed Services Committee.

So in 1985, the Senate is certain to be without at least 15 percent (counting Howard Baker) of the 20, and even more of the heart of its leadership on military matters.

Tower has been in the Senate 22 years, 20 of them in the minority. In 1965-66 he had just 32 Republican colleagues. No senator, having been a chairman, can stand the thought of returning to the minority.

But there are 19 Republican and only 14 Democratic seats up in 1984, and today at least six Republican seats (Texas, Tennessee, Illinois, Iowa, North Carolina, New Hampshire) look more vulnerable than any Democratic seat. (Savor this, gender-gap scholars: Some Republicans hope three women potential candidates—in Michigan, Rhode Island and Nebraska—can save Republican control of the Senate by defeating Levin, Pell and Exon.)

Tower thinks probably rightly, he would have been re-elected. Polls show him 20 percent ahead of his nearest rival; his job-approval rating is higher than ever. And he actually likes campaigning across his unreasonably vast and complex state.

However, the Texas electorate is 11 percent black, 18 percent Mexican-American, and as the 1982 defeat of Gov. Clements showed, Texas Democrats have been reading the Republican book on organizing turnouts. Tower would not have needed to spend a nickel to build name-recognition, so his campaign might have cost "only" $7 million. Texas has 19 media markets. Four cover 70 percent of the electorate, but the other 15 can turn an election like the one Tower won in 1978 by 12,227 out of 2.3 million votes cast.

Beyond a desire for a fresh and less draining life, Tower's decision to leave the Senate reflects dismay about the institution. Not long ago, he says, the Senate was more efficient and civil, in part because power was concentrated in a few persons who received considerable deference—persons like Richard Russell, Everett Dirksen, Styles Bridges, Lyndon Johnson, Bob Kerr. There never was a record vote unless that leadership wanted one. That saved time and, even more important, prevented what has become common—the engineering of record votes, often on amendments that are going nowhere, often for grandstanding purposes, or to get responsible incumbents to make themselves vulnerable to irresponsible challengers by casting politically dangerous votes.

Tower thinks the Senate has "lost its corporate memory." Forty-three senators have been there less than six years, and 63 less than 10. Too many of the new members are "media creatures." They are frightened of politically awkward publicity. They increasingly share, or at least are inhibited by, the values of a press corps that see itself as an adversary of established institutions. Many younger senators assess their success by the media attention they receive.

The easiest way to get attention is by challenging the executive on defense and foreign policies. That is one reason why, having awakened to the fact that it has delegated two much discretion to the executive, Congress began asserting itself in the wrong area—in defense and foreign policies, where it is least equipped to cope, and where deference to the executive is proper.

Because President Reagan's defense buildup has been the most important public business since 1981, since 1981 Tower and Jackson have been, with Baker, the most important senators. As Reagan contemplates the likely mixture of pain and pleasure in a second term, he must be imagining how hard it would be for him to deal with a Senate with those three men missing.

When Tower leaves, the Senate will lose half its contingent from the London School of Economics. (Patrick Moynihan is the other alumnus.) Tower, a former professor, wants to do some teaching. That is good news for American education. Some students are going to learn something, and their teacher will not grade on a curve.●

MAX TURCHEN HONORED

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 19, 1983

● Mr. WAXMAN. Mr. Speaker, on September 23, 1983, Max Turchen will be honored for 29 years of dedicated service to my State of California at a special retirement dinner given by his friends and associates. Max Turchen's activities over the years reflect his special interest in the welfare of fellow State employees as well as his dedication to the community at large.

Max Turchen was born in Sturgeon Bay, Wis. He is a graduate of the University of Wisconsin where he received a BA from the school of commerce. After graduation, Max joined the U.S. Army serving a 4-year tour of duty with the 1263d Combat Engineer Battalion in the European Theater. While in the service he attended an Army specialized training program in languages at the University of Michigan.

In 1952, Max Turchen moved to California. His career with the State of California began in November 1954, when he became an employment and claims assistant in the department of employment. He subsequently served as an employment security officer, industrial welfare agent, senior industrial welfare agent and currently is an area administrator with the division of labor standards enforcement.

In 1954, Max became a member of the California State Employees Association and began active participation in chapter 4 in 1964 when he became a general council delegate. Since that time until the present he has remained active and involved in many CSEA activities and in community affairs which are almost too numerous to mention.

In CSEA-chapter 4, he served as vice president 1964-65, president 1965-66, 1972-73; ways and means chairman 1975, 1976, 1977, 1978; member of the insurance committee 1963-64; regional director region XI 1966-67, 1967-68; member, trichapter parking committee 1964-65, 1965-66; member, CSEA Insurance Committee 1964-65, 1965-66; member CSEA Insurance Marketing Review Committee 1970; sponsor Los Angeles area CSEA Immunization Clinics 1964-75; president CSEA Health, Inc. 1964-79; chairman Employees Political Information Committee Governing Council 1970-75; Region

XI Employees Political Information Committee Coordinator 1970 present; member CSEA Legislative Committee 11 years; member CSEA Ad Hoc Committee on Reorganization of Legislative Committee and Poltical Action Policy 1973; Los Angeles Institutes of Government, 1967, 1968; Organization and southern chairman, California Labor Standards Association; member, board of directors, San Fernando Credit Union; chairman, Supervising Committee California State Employees Credit Union No. 3; recipient of CSEA Award of Merit 1979; president of La Cienega Cadillac Community Association 1980–83; associate chairman of United Way Aid Campaign for State-Employees 1982–1983.

In all of Max Turchen's endeavors, he has had the support of his wife Geraldine and children Barry and Freya.

I ask the Members to join me in congratulating Max Turchen on his outstanding record of service and to wish him many more years of success and fulfillment.●

PERSONAL EXPLANATION

HON. KENT HANCE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, September 19, 1983

● Mr. HANCE. Mr. Speaker, last week I spent several days touring counties in Texas that have been devastated by drought. It was important for me to examine firsthand the effects of the dry weather so I could make appropriate recommendations to State officials and the administration on how to deal with this situation. Unfortunately, my tour of the drought area caused me to miss the vote on House Joint Resolution 353, a resolution condemning the Soviet Union for its actions in the KAL airline incident. As you know, I was a cosponsor of House Joint Resolution 353 and had I been present the day the House voted on the resolution, I would have voted "yea."●

FINANCING RUSSIA'S DEFENSE BUDGET

HON. TOBY ROTH

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, September 19, 1983

● Mr. ROTH. Mr. Speaker, "for nearly two decades the West has been financing two separate defense budgets: its own, and a steadily increasing part of the Soviet bloc's," wrote veteran reporters Arnaud de Borchgrave and Michael Ledeen in the New Republic in December 1980. At that time the administration was preparing to embark on a major effort to strengthen export controls on the flow of information and advanced technology to the Soviet Union and the Warsaw Pact countries.

During the last 2 years, there have been major improvements to the U.S. export control system. Most importantly, for the first time since the early days of détente, the United States is devoting increased resources to the enforcement of export controls. This is a most difficult task because the Soviets and their agents from East European countries have embarked on a major campaign to acquire advanced Western technology. Until quite recently, no country within the Western alliance devoted the resources necessary to prevent the diversion of advanced Western technology to the Soviet Union. At this time, we simply cannot rely on the enforcement capabilities of our allies to prevent the diversion of strategic goods and technologies.

On September 30 the Export Administration Act expires and with it the President's ability to license, and thereby restrict, exports for reasons of national security and foreign policy. Last summer the Committee on Foreign Affairs approved amendments to the Export Administration Act. Several of these proposed changes to the existing statute seriously weaken United States and multilateral controls on goods and technologies of significant strategic value to the Soviets. Other proposed changes strip away the President's foreign policy authority to extend controls to foreign subsidiaries of U.S. corporations and U.S. goods and technologies.

Mr. Speaker, the destruction of South Korean flight 007 was followed by another tragedy—it was the loss to America of Henry Jackson. He was an undaunted advocate of improving the administration of U.S. export controls. He saw the danger in the Soviets pirating advanced Western technology and applying that technology to their weapons systems.

As the House begins its debate on reauthorizing the Export Administration Act, we should keep in mind the memory of Henry Jackson and his views on export controls.

Mr. Speaker, I urge my colleagues to consider the points raised by Henry Jackson, as well as other issues, contained in the article "Selling Russia the Rope."

The article follows:

[From the New Republic, Dec. 13, 1980]

In one of his most oft-quoted remarks. Lenin predicted that the capitalist countries would provide the Soviet Union the rope with which it would hang the West. And today, in the words of Senator Henry Jackson. "our export control system is a shambles. The United States and its allies have been selling the rope to the Soviets. What we haven't sold, we have been giving away in educational, governmental, and technical exchange programs. What we haven't sold or given away, they have been stealing."

In the last 10 years alone, Western countries have sold the Soviets $50 billion worth of goods, including machine tools; power lines; sophisticated technology that has gone into missiles and tanks; command, control, and communications systems; spy satellites; and radar. The Russians also have been able to purchase complete factories, designed and built by Western companies and financed with Western credits, that produce a substantial part of their military stockpile. Restraints on Western shipments to the Soviets actually have weakened in recent years. This is partly because the people and institutions that are supposed to regulate this traffic are generally ill equipped to judge the possible impact of technology transfer; and it is partly because of a blind faith in the virtues of East-West trade.

Last year, for example, Datasaab of Sweden sold the Soviet Union an air traffic control system that is able to detect any kind of airborne object (even is there is no radio signal), and also can determine if the object is a hostile aircraft or missile. The Datasaab system can calculate the flight path of the object, and can predict its location at a specific moment in the future. In short, the "air traffic control system" sold to the Soviet Union has many characteristics uniquely suited to military purposes. This Swedish system, destined for Moscow airport, contains American integrated circuitry and was sent to Moscow with American approval, even though some Pentagon officials expressed concern.●

LOUIS L. GOLDSTEIN

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, September 19, 1983

● Mr. HOYER. Mr. Speaker, I am indeed very pleased today to bring to the attention of my colleagues an event which will take place on Wednesday, September 28, in honor of a great Marylander and fine man, Louis L. Goldstein. On that day I will join hundreds of other well-wishers at his 70th birthday party and testimonial dinner sponsored by the Mental Health Association of Maryland.

Certainly, the association could not have picked a finer representative of public service than Louis Goldstein. I have know Louis Goldstein for more than 20 years; in fact, I cut my teeth on the campaign trail with him. He is a man who knows how important one-on-one contact is for a politician, and I am sure that in all his years in elected office he has rarely forgotten a face.

Louis Goldstein has served the people of Maryland since 1938 when he was elected to the Maryland House of Delegates. In 1946, he was elected to the Maryland State Senate, where he served 4 years as majority floor leader and 4 years as president of the Maryland Senate. In 1958, he ran for the office of the comptroller, and since that time he has served consecutively as State comptroller, having been reelected six times.

We in Maryland are very familiar with one aspect of Louis Goldstein's job—and every spring we are reminded by him on the radio, on television, and in the news media to get our tax returns in on time. Not everyone would like to be the taxman; but not only does Louis Goldstein do an excellent job, he does it with a smile and one of the fastest tax return records in the United States.

Louis serves as the chief fiscal officer. He also serves on the board of public works, the highest administrative agency in the State, is a member of the Governor's cabinet and serves as chairman of the Maryland Retirement and Pension Board, chairman of the board of revenue estimates, and chairman of the committee to study the State debt. He is an outstanding civic leader, as well, and is a member of numerous historical societies, and the Baltimore Symphony Orchestra. He is also an active conservationist.

But Louis is equally well known nationally. He has served as a delegate or alternate to nine Democratic National Conventions, and was a member of the platform and resolutions committee in 1964, 1968, 1972, and 1976. He was president of the National Association of State Auditors, Comptrollers and Treasurers in 1969 and is still active in that organization. He is also a member of the Maryland Public Finance Association and Municipal Finance Officers Association of United States and Canada. He has also been honored by numerous county, State, and national organizations for his work on issues ranging from the U.S. savings bond campaign to preserving Assateague Island as a national wildlife refuge.

So it is truly appropriate that we honor him on his 70th birthday. He and his wife, Hazel, have contributed greatly to our State, both in their public lives and in their private times. The courtesy and good humor they have extended to one and all are remarkable in this era of quick tempers, curt replies, and canned responses.

The Mental Health Association of Maryland is to be commended in their choice of honorees. The association is also worthy of much praise for its tremendous contribution to our community. The association's service is critically important during this era of reduced public funding for mental health programs. I am sure that this testimonial dinner will provide a great boost to the funding of many, much-needed programs.

Mr. Speaker, Louis Goldstein has certainly made an important mark on the State of Maryland, and, in particular, his community of Calvert County. I know you will be happy to join me in wishing him all the best in the coming years.●

THE DEATH OF SENATOR HENRY M. JACKSON OF WASHINGTON

HON. SILVIO D. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, September 19, 1983

● Mr. CONTE. Mr. Speaker, I would like to take a few moments to join my colleagues in paying tribute to Senator Henry M. Jackson of Washington. My expression of sorrow may provide little consolation to his family so soon after his passing. But I do hope that they will come to realize how deeply his loss has been sustained by the good people of Washington State, the Congress, and the Nation.

Senator Jackson's contributions to American history will long be remembered with admiration and respect. During his 42 years in the U.S. Congress as an elected official, he served the people of his district, his State, and his country with dignity. As a distinguished statesman, and a leader of the Democratic Party, his efforts to address and provide for the needs of the American people and the security of this Nation were recognized across the country and around the world.

It has been a privilege, Mr. Speaker, for me to serve in the U.S. Congress with Scoop Jackson. Indeed, one of the most special honors which I have been accorded in 25 years of service in the House is to have served with him on the Board of Regents of the Smithsonian Institution, where he had been a member for 10 years.

While Senator Jackson will long be remembered for his leadership in many other areas of national and local concern, I will best remember him for the key roles which he played on the board in its efforts to expand and preserve this country's cultural heritage. As a U.S. Senator, and as a Smithsonian regent, Scoop Jackson maintained his moral and professional integrity, his devotion to public service, his commitment to quality education, his love for his family and for this great country.

The untimely death of Senator Henry M. Jackson has left a void in many lives and institutions. Yet his memory will serve as a vivid reminder of our individual responsibilities to advance and defend those values and principles which we as Americans most cherish.●

CLINGING TO THOSE OLD LONG-DISTANCE SUBSIDIES

HON. TOM CORCORAN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, September 19, 1983

● Mr. CORCORAN. Mr. Speaker, the issue of changing telephone rates as a result of the impending AT&T divestiture is one which will soon be considered by the Congress and more specifically by the Energy and Commerce Committee, on which I serve. One of our former colleagues, Lionel Van Deerlin, a member of the Commerce Committee and one time chairman of the House Communications Subcommittee, recently wrote an article which appeared in the San Diego Tribune, on August 8, dealing with this important telecommunications matter. Entitled "Congress Plays Telephone Games," Van Deerlin, after citing the benefits of competition and of cost-base pricing, concludes that:

> Other than the very poor, for whom arrangements can be made, there seems no reason for any of us to accept subsidized phone service from now on—much less demand it of our Congressmen.

His approach to this complex matter is on target and I would, at this time, insert the entire article into the RECORD for our colleagues to read:

[From the San Diego (Calif.) Tribune, Aug. 8, 1983]

CONGRESS PLAYS TELEPHONE GAME

(By Lionel Van Deerlin)

As kids we played a game where two teams started from behind parallel lines. One by one we'd try to scamper to the other side without being caught. At the game's end, everyone who hadn't been caught was on the side opposite where he started.

Congress seems to be playing a game like that with the telephone industry. Just seven years ago AT&T sent its army of lawyers across Capitol Hill promoting a bill they called the "Consumer Communications Reform Act of 1976." It was a misnomer. If passed (and it had more than 190 congressional sponsors), the bill would have spiked all competition, present or future, in telephone service and equipment. It would have conferred on the world's largest corporation a permanent monopoly over not only the communications we know today, but over any device or service the company might provide in the years to come.

In justifying so audacious a departure from the principles of competition, its lawyers explained that the telephone business was a "natural monopoly" that would become less efficient, if shared with competitors. They argued for continuing the acknowledged subsidy that long-distance tolls have provided to local users, keeping home-subscriber rates artificially low.

The prevailing mood in Congress back then was that competition was the best way to improve service and keep rates down. This already has been demonstrated on the equipment side of the business—not only by the variety of individual telephones then coming onto the market but in ever new and more efficient PBS systema. Non-AT&T

manufacturers were already installing fully 40 percent of on-premise switching systems.

Congress refrained from passing the "Bell bill" or any other legislation restructuring the industry. Instead, change came last year through settlement of a long-standing antitrust case against the company—an arrangement under which AT&T gave up its 22 regional operating companies and agreed to concessions in the management of its wholly owned research and manufacturing arms, Bell Laboratories and Western Electric.

In a chorus, public utilities commissions of the various states now sound the warning cry that homephone rates—long held below actual cost by the subsidy from toll service—will be going up. And scores of senators and House members, hearing from home, are pushing legislation to keep that from happening. How? By clinging to those long-distance subsidies as a drunk hangs on to his bottle. Joint House-Senate hearings began on these bills in late July, with members unashamedly voicing the very argument AT&T advanced in 1976 and has now abandoned. "The telephone business is a natural monopoly," they intoned as if it were a fresh idea. "Only by subsidizing household service can we preserve the world's greatest communications system."

The Chicken Littles tended to ignore an intriguing possibility—that a decline in long-distance rates may hold overall phone bills fairly steady. AT&T executives, excited by the freedom divestiture will allow them to compete for data processing and other unregulated new markets, urged Congress to lay off—to do nothing until the industry has had a chance to shake out under a plan carefully crafted by the company, the Justice Department and the courts.

Underpinning the new approach is the principle of cost-based pricing—paying for what we get, no more, no less. Early-day toll service utilizing human operators, who relayed cross-country calls manually, was very expensive. Today those calls are completed in seconds with automatic switching. Yet the dominant Bell system kept tolls skyhigh to cover part of the cost of local service. The sleight of hand enabled a commercial entity to play God, deciding in effect that only the well-to-do had a need for long distance. It also enabled Ma Bell to keep those pesky PUCs reasonably happy.

Which brings us to another of the players who has switched roles in recent months—our friend John Bryson. Until last year, Bryson, a Jerry Brown appointee, was the president of California's toughest of all regulatory bodies. Perceiving himself a sentry at the guard gate of the public interest, Bryson stoutly fought revision of the time-honored system which let AT&T decide who paid how much for what service, while state commissioners claimed credit for keeping basic home rates low.

Where is Bryson today? The sentry has gone over to the enemy. He accepted employment with MIC—Microwave Communications, Inc., the company which, more than any other, precipitated change by forcing its way into Bell's local phone systems, skimming off the cream of inter-city calls.

Competing smartly, MIC and its smaller imitator, Sprint, signaled the end of the old system by threatening to dry up the source of that subsidy, from tolls. Instead of trying to force things back into the bottle, Congress should push the PUCs to demand further steps toward cost-based pricing. Is there good reason why Mrs. Gab, who sits on her phone four hours a day, should pay no more for it than a neighbor who makes only 20 to 30 calls a month? Microelectronic measuring, a present possibility, could bill each of us for what we actually use. "Usage-sensitive pricing," it's called.

Other than the very poor, for whom arrangements can be made, there seems no reason for any of us to accept subsidized phone service from now on—much less demand it—of our congressmen.●

THE THREAT: INSIDE THE SOVIET MILITARY MACHINE

HON. JACK FIELDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, September 19, 1983

● Mr. FIELDS. Mr. Speaker, last week each Member of the House and the Senate received in their offices a copy of Andrews Cockburn's recent book, "The Threat: Inside the Soviet Military Machine." This book was sent by Random House Publishers and distributed by the Military Reform Caucus.

The Military Reform Caucus has, by this action, made the book an important element in the ongoing discussions of the nature and effectiveness of the Soviet military, a subject whose interpretation has direct bearing upon U.S. policy, spending, and military preparedness.

The entire history of the Soviet Union, KAL 007 being only the most recent example, is neck-deep in atrocity and barbarism—the nature of the Soviet leadership and its military is unquestioned by all but the most witless apologists.

However, the effectiveness of the Soviet military forces is a subject of fair debate, and an important one. Mr. Cockburn's basic thesis is that the Soviet power and effectiveness are vastly overstated by the Pentagon, and that American attempts to redress the balance is both dangerous and a waste of resources.

There are those, of course, who strongly disagree with Mr. Cockburn's analysis. Some believe that Mr. Cockburn's book is excessvie and reckless, and that his real target is not the Soviet military but rather the American military establishment.

As members of Congress and their staff consider this book, I strongly recommend that they also read and consider "Inside the Soviet Army." (Macmillan) by Viktor Suvorov, a former Soviet military officer and veteran of 15 years.

For the benefit of all, I am inserting into the RECORD a book review of Mr. Suvorov's book, and two reviews of Mr. Cockburn's work. The reviewers are Eliot A. Cohen, assistant professor of government at Harvard, and Francis Fukuyama, a member of the political science department of the Rand Corp.

I recommend that Members and their staffs remove these reviews from the RECORD and insert them into the frontispiece of Cockburn's book as a reminder to readers that the work may be deeply flawed, and that misreading the Soviets can be fatal.

THE THREAT: INSIDE THE SOVIET MILITARY MACHINE

(By Andrew Cockburn)

(Reviewed by Francis Fukuyama)

All thoughtful analysts of the Soviet military are well aware that the Soviet threat is at times exaggerated for political purposes, and that complicated issues are treated simplistically. There are many reasons for taking a balanced view of Moscow's capabilities. For one thing, an awareness of Soviet weaknesses and vulnerabilities allows us to plan policies which exploit them and yield the greatest return on a given political or military investment. Static "bean counts" of weapons inventories hide the complex realities of actual combat and fail to take into account the all-important human element in war. Overemphasis on the threat can be counterproductive: the current administration's rhetoric about the Soviets have not stopped and may even have contributed in some measure to the unraveling of the national consensus for a stronger defense that existed when it came into office.

Andrew Cockburn's book *The Threat* presents the case that Soviet military power has been vastly overrated by the West, and that American attempts to redress the balance are both wasteful and dangerous. *The Threat* obviously reflects considerable research into various aspects of the Soviet military. The author has, for example, interviewed recent Soviet émigrés who have served in the Soviet military. He present considerable anecdotal evidence about racial tensions between Slavs and Central Asians in the Army, accidents and discipline problems in the Navy, and soldiers who go blind drinking the hydraulic fluid out of their airplanes.

Much of this is interesting and represents an inadequate pursued line of inquiry. Unfortunately, this mass of information is subordinated to the sole purpose of denigrating every aspect of Soviet power—a purpose, I suspect, the author had formulated long before he knew what a T-72 tank was. His unremitting single-mindedness and pretzel-like twisting of arguments and facts are breathtaking and frequently laughable.

In Jokes and Their Relation to the Unconscious, Sigmund Freud cites the following story: "A. borrowed a copper kettle from B. and after he had returned it was sued by B. because the kettle now had a big hole in it which made it unusable. His defence was: 'First, I never borrowed the kettle from B. at all; secondly, the kettle had a hole in it already when I got it from him; and thirdly, I gave him back the kettle undamaged.' " (Freud, incidentally, comments that while this may not be a joke, it is a piece of sophistry.) Cockburn, in his eagerness to deflate the Soviet threat, adduces a number of similar arguments. Take the example of air defense weapons. Cockburn correctly notes that during the 1973 Yom Kippur War only one-third of the aircraft lost by Israel were downed by surface-to-air missiles, the rest falling victim to simple antiaircraft guns and other fighters. (This of course neglects the fact that modern Soviet air defenses are an integrated system of overlapping layers of fire, in which high altitude missiles force aircraft to fly low into ground defenses—a mistake made in the book at several places.) Cockburn then goes on to argue that the

Soviet ZSU-23-4 anticraft gun (which in fact accounted for a large proportion of Israeli losses) is an oversophisticated piece of technology whose worthlessness has been demonstrated on the test range. How then were those Israeli A-4s and F-4s shot down? Evidently they fell out of the sky of their own accord, victims no doubt of American gold-plating.

Other examples of Cockburn's peculiar logic abound. For instance, he spends a good deal of time documenting the poor quality of life in the Soviet armed forces, citing low pay, bad food, inadequate health services, and high incidence of alcoholism as evidence that the Soviets will perform poorly on the battlefield. The actual relationship is quite likely to be the reverse: a future war will not be a girls' school outing, and the Russian soldier, whose daily privation merely reflects the lower standard of living of Soviet society as a whole, will be better suited to survive its rigors than an American serviceman who has opted for military service as an alternative to unemployment. There are endless stories from World War II of the unbelievable toughness of individual Soviet soldiers and the miserable quality of their service conditions as they fought their way—often completely drunk—to Berlin.

Cockburn's efforts to run down the Soviet military would be simpler but for his countervailing desire to give the American military no credit for doing things well. Indeed, the book's stated theme is that "there is very little military rationale to be found in any of the activities of the superpowers' armed forces." Cockburn therefore devotes much space to an across-the-board criticism of American weapons systems, including areas like tactical airpower or anti-submarine warfare where everyone is agreed we have a substantial lead. In his breezy treatment of the enormously complicated Quantity-Quality debate, Cockburn predictably accepts James Fallows' criticisms of advanced aircraft like the F-15 and F-16, but goes beyond Fallows by arguing that advanced systems are actually less capable than the ones they replace. The pilots who fly these planes, for instance the Israelis operating over Baghdad and Lebanon, would gasp in disbelief.

Cockburn's failure to see a military rationale for these weapons is related to his basic ignorance about military operations, and the book is replete with simple factual errors. For example, he suggests that armored personnel carriers would be better off without roofs; he claims that the E-2C Hawkeye did not play a major role in Lebanon; and that sonar and radar were not crucial in destroying German submarines in World War II. The list could go on. Cockburn's self-assurance in passing judgment on highly technical questions and sneering at the viewpoints and motives of those who don't agree with him would be more becoming were he less manifestly unqualified to pose as an expert. Fallows at least admitted from the outset that he was an amateur.

Now, Cockburn's thesis that threat overestimation drives unnecessary U.S. military spending has some validity, particularly for the late fifties and early sixties when Khrushchev's valiant but ultimately vain efforts to cut back Soviet military spending generally went unrecognized in the West. But the opposite has also occurred: for several years in the mid-to-late sixties the CIA consistently *underestimated* the level of Soviet ICBM procurement. (Cockburn notes this fact, but typically uses it as a basis for attacking the CIA's competence.) Since the non-Vietnam share of U.S. defense spending shrunk steadily in real terms from 1964 until midway through the Carter Administration, Cockburn's point of view is difficult to sustain. A book which treats Soviet weaknesses objectively and deals with qualitative issues remains to be written. As for *The Threat*, it is best summarized by the Soviet pamphlet *Whence the Threat to Peace?*, quoted by Cockburn in a different context: "tendentiously selected and deliberately distorted information about the Armed Forces of the USSR."

THE RED ARMY—AND US

INSIDE THE SOVIET ARMY

(By Viktor Suvorov)

THE THREAT: INSIDE THE SOVIET MILITARY MACHINE

(By Andrew Cockburn)

(Reviewed by Eliot A. Cohen)

S.L.A. Marshall, the great combat historian of the United States Army, once wrote that "The basic study in all warfare is the mind and nature of the probable enemy, compared to which a technical competence in the handling of weapons and engines of destruction is of minor importance." According to Marshall, what needs to be known is not only the quantity and technical characteristics of an opponent's military apparatus—his "order of battle," in military jargon—but his culture and psychology, the mind, the logic, and the ethos that shape his military organization.

These two books, both of which attempt to describe Soviet weapons, military organization, and doctrine, must be measured by the extent to which they also succeed in describing and explaining Soviet military culture. This task is an exceptionally difficult one, for the Soviet Army by design and historical accident has swaddled itself in wraps of myth, secrecy, and disinformation.

The author of *Inside the Soviet Army* is identified as a former Soviet Army officer, a veteran of fifteen years' service with troops and staffs, who fled to the West and now writes under a pseudonym. In his introduction to the book, Sir John Hackett, the eminent retired British general, assures us of the author's credentials and experience, including participation as a young company commander in the 1968 invasion of Czechoslovakia. Although General Hackett expresses reservations about some of Suvorov's conclusions, he gives the book high praise, recommending it to all who "wonder about the makeup and outlook of the armed forces in the free world's main adversary."

The book is uneven. It contains long, dull stretches of interest only to the specialist, in which Suvorov describes the structure of the Soviet high command, the military district system, and the rivalries among the various Soviet military services. But Suvorov more than redeems these tedious passages with his description of the Soviet approach to war, of how Soviet officers and soldiers live and think.

To take material matters first: Suvorov describes an army devoted to a rigorous simplicity of equipment, and offers a number of intriguing examples. Thus, the Soviets vary the calibers of most of their projectile weapons by a few millimeters, a practice of which Suvorov approves since it bespeaks a high degree of military realism. In one passage he evokes the likely consequences in 1941 when, before this policy was adopted, the Soviets introduced a 7.62 mm pistol into an arsenal already containing a 7.62 mm rifle:

In wartime when everything is collapsing, when whole armies and groups of armies find themselves encircled, when Guderian and his tank army are charging around behind your own lines, when one division is fighting to the death for a small patch of ground, and others are taking to their heels at the first shot, when deafened switchboard operators, who have not slept for several nights, have to shout someone else's incomprehensible orders into telephones—in this sort of situation absolutely anything can happen. Imagine that, at a moment such as this, a division receives ten truckloads of 7.62 mm cartridges. Suddenly, to his horror, the commander realizes that the consignment consists entirely of pistol ammunition. There is nothing for his division's thousands of rifles and machine guns and a quite unbelievable amount of ammunition for the few hundred pistols with which his officers are armed.

Or take a grimmer piece of Soviet military logic: according to Suvorov, the Soviet forces on the front lines in Eastern Europe do *not* get the most modern Soviet equipment. This may seem odd to Americans and other Westerners, who tend to assume that the units most likely to enter battle first ought, in fairness, to receive the best equipment. The Soviets, however, reason that their first echelon will probably suffer near destruction in the opening battles of a campaign; hence the most modern equipment should go to the follow-on troops, who will win the war. It was this policy, argues Suvorov, which enabled the Soviets to absorb the German *Blitzkieg* in 1941 and then surprise the invaders with masses of troops equipped with T-34 tanks, at the time the best in the world.

In short, Suvorov shows how thoroughly the Soviets have absorbed the bitter lessons of the Eastern front in World War II. They favor mass and simplicity over quality and technical refinement (which does not mean that they are incapable of producing sohisticated weapons). They favor weight of fire over accuracy, which is why they possess thousands of easily operated heavy mortars, weapons as destructive as they are simple. They design their weapons in the knowledge that most of the users will perish in battle; their aim is not to enhance a soldier's chances for survival, but to maximize the brief utility of his equipment and himself.

Soviet tactical doctrine reflects this same, brutally pragmatic approach to war. Suvorov recounts a tactical problem that he has often posed to Western officers. Suppose three Soviet motor-rifle companies are advancing: one has fallen apart under fire, the second is advancing slowly but suffering heavy losses, and the third has endured a counter-attack and, having lost its officers, is retreating. The regimental commander has three tank companies and three artillery batteries to deal with the situation. What does he do? Never, according to Suvorov, has his audience given the correct reply, which is to throw all resources behind the second, advancing company, and the devil take the other two. "My audience smiles," writes Suvorov, "they believe they have found the Achilles heel of Soviet tactics. But I am always irritated—for this is not weakness, but strength."

Suvorov does not minimize the weaknesses of the Soviet Army. He questions its ability to conduct a sustained war (despite the Soviet capacity for industrial and civic mobilization) and he has no illusions about the average soldier's commitment to the regime. He predicts that in a lengthy war, Soviet

troops would desert in the millions—assuming, of course, that they could safely find their way to enemy lines. He describes in considerable detail the inefficiency of a military-service system which allows senior recruits to bully and rob the younger ones, a system (unlike that of virtually all Western armies) which possesses no seasoned cadre of professional noncommissioned officers to train, discipline, and set standards for the rank and file. Nonetheless, he makes clear his belief that the Soviet military machine, because of its brutal realism (which extends to training with real, if diluted, nerve gas), makes a formidable opponent.

Such is not the view of Andrew Cockburn, whose book offers a sustained case for the fragility of the Soviet military system. Selecting bits of evidence from Suvorov and other writers, he argues that the Soviet threat is far smaller than we have been led to believe. In four sets of essays—on Soviet personnel, land power, nuclear and chemical weaponry, and sea power—Cockburn hammers at the theme that Soviet bureaucrats and soldiers are incompetent and dispirited, their weapons ill-constructed and obsolete, their nuclear and chemical strength chimerical, their Navy fatally constricted by geography and inferior equipment.

Some of his points are valid. If the American Army finds it difficult to cope with Spanish-speaking soldiers, imagine the perplexities of the polyglot Soviet Army, made up of antagonistic and mutually incomprehensible ethnic groups. American generals worry about the morale of the armed forces when only a third of all enlisted men sign up for a second tour: in the Soviet Union, the comparable figure is 1 percent.

Never, however, does Cockburn wrestle with the Soviet Union's military successes and strengths. He does not confront the brute fact that the Soviets, did, after all, beat the Wehrmacht, probably the most efficient military machine of the 20th century. And this occurred, it should be remembered, only a few years after the Russo-Finnish war had supposedly demonstrated the incurable military incompetence of Communist regimes. Cockburn asserts that the recent battles between Israelis and Syrians in the Bekaa Valley of Lebanon prove the complete superiority of American over Russian equipment, but he neglects to point out that on the one side there was first-line and improved American weaponry operated by a superb army and on the other Soviet export models (of a kind discussed by Viktor Suvorov) operated by a stolid but third-rate Arab force.

Cockburn does not adequately examine—and cannot conjure away—the staggering numerical advantages of the Soviet Army, particularly in such key items as tanks and artillery pieces. As American campaigns in northwest Europe in 1944 and 1945 demonstrated, superior numbers of inferior tanks (in our case, Shermans) backed by vast quantities of artillery, can provide victory—perhaps not elegant or easy victory, but victory nonetheless. He ignores completely the advantages of geographical location and the existence of subservient client states which further enhance Soviet military power. Not to mention the pervasive secrecy which in 1941, for example, enabled the Soviets to surprise the invading Germans with a force almost twice as large as that estimated by German intelligence.

Most important of all, Cockburn fails to weigh adequately the military advantages of Soviet ruthlessness. In quality of organization, equipment, and training, the Soviet armed forces are indeed the inferior of some of those in the West. Nonetheless, the Soviets are increasingly willing to project force and to sustain long-term and bloody military commitments abroad. The steadily accumulating proof of the use of chemical and biological weapons in Afghanistan and Laos indicates that the Soviets' callousness toward their own troops is more than matched by a willingness to destroy their enemies by any means available. As Viktor Suvorov's book suggests, in war a complete lack of scruple confers advantages as substantial as they are chilling, advantages which can outweigh deficiencies in tactics or equipment.

Cockburn's undisguised disdain for the Soviet armed forces is both excessive and reckless. Indeed, he finds the Soviet military apparatus so ludicrously hollow that he must take pains to explain why anyone in the West should regard it seriously. He comes up with two contradictory answers: first, the Soviet threat is a sham, concocted by self-interested American bureaucrats and generals who knowingly and deliberately distort the truth in order to win power and money from an intimidated Congress; second, the Soviet threat is the hallucination of stupid and credulous soldiers and analysts, gulled by Soviet propagandists. Thus, throughout the book, Cockburn alternates between *frissons* of horror at the bellicosity of Western generals and a genial contempt for their competence. He pursues the latter theme so far that he undercuts his own argument, claiming at one point that American generals cannot even devise workable weapons for their own troops. According to this view, the next war will take place between two armies of incompetents equipped with unusable arms.

In fact, the real agenda of this book is an attack not on the Soviet but on the American military establishment. On the penultimate page Cockburn writes: "Today we see militarism in the ascendant both in the Soviet Union and in the United States. . . . Only by understanding the true motivations and actions of the military bureaucrats, both in the East and at home, can we hope to frustrate them. . . ." Presumably the person who wrote these words knows that few Soviet citizens will read his book, and none will act on its message. One must therefore conclude that his aim is less to analyze the outlook and methods of Soviet military men than to discredit those of their Western counterparts.●

RAYMOND WHITE CELEBRATES 40 YEARS OF COUNTY SERVICES

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, September 19, 1983

● Mr. FLORIO. Mr. Speaker, I would like to bring to the attention of my colleagues a lifelong Camden City, N.J., resident, Raymond White, who has the distinction of celebrating more than 40 years as an employee of Camden County. I join with the Camden County Board of Chosen Freeholders in honoring this outstanding individual. In tribute to Raymond White's dedication and dependability, Thursday, September 22, 1983, will be designated as "Raymond White Day" in Camden County—a tribute he well deserves.

Seventy-three years young, Raymond happens to be one of the best known men in Camden and he may well be the most liked. He has faithfully executed his role as elevator operator and managed his shoeshine stand for well over 40 years. He has not missed a day's work at city hall for the past 30 years. I feel that the words "steady," "dependable," and "hard working" are fairly descriptive of Raymond's many fine qualities.

Raymond has established himself as a "permanent fixture" at city hall through his dedication to his job. He is ever ready with a warm smile and friendly greeting to his coworkers and he considers no job too small or unimportant. Raymond is a constant reminder that pride in one's job is still an admired American ideal and virtue.

The father of 13, with more than 100 grandchildren, great-grandchildren, and great-great-grandchildren, Raymond has no intention of retiring from either of his occupations. His shoeshine stand provides employment to any grandchild in need of work.

I commend Raymond for his many fine achievements and I am sure that my colleagues will join me in wishing him many more happy and healthy years with Camden County.●

HOUSE BOLSTERS EDUCATION AND SOCIAL PROGRAMS

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, September 19, 1983

● Mr. TOWNS. Mr. Speaker, the House wisely passed the Rehabilitation Act Amendments of 1983, H.R. 3520, on Tuesday, September 13. H.R. 3520 extends the vocational rehabilitation program for disabled Americans and increases the fiscal year 1984 authorization levels for 10 major education and domestic programs, including chapter 1 for disadvantaged children, the Education of All Handicapped Act, vocational education, WIC, the special supplemental feeding program for women, infants, and children, as well as the community services block grant, and others.

I would like to stress the importance of several of these programs. Chapter 1 is extremely important in meeting the education needs of disadvantaged children. This program has improved the achievement levels of poor, educationally deprived, and minority children; it has also closed the achievement gap between minority and nonminority students. Even Secretary of Education Terrel Bell has described it as "a very successful federally funded program." In spite of its effectiveness, the Federal funding for this program

was cut nearly 6 percent between fiscal years 1980 and 1982. At the present time, only 47 percent, or 5.2 million, of the 11 million eligible children are being served. The new authorization would enable approximately 6.2 million children to be served.

The WIC program has been equally effective in improving the health of pregnant women, infants, and young children who are nutritionally at risk. Studies show increased birth weights and fewer infant health problems among WIC participants. According to testimony, every dollar spent on the WIC food package can save as much as $3 in immediate medical costs.

Yet with a reported increase in infant mortality, the current WIC funding level is unable to address the needs of thousands of eligible women and children. In fact, without an increase in the authorization level 500,000 women and children will have to be dropped from the program.

The community services block grant (CSBG) provides the only Federal program with the specific objective of ameliorating the causes of poverty. It sponsors State and local initiatives, through block grants to States, aimed at making poor people self-sufficient. Title IV of H.R. 3520 will maintain the community economic development program, programs to address rural poverty, the national summer youth sports program, programs for the elderly poor, programs to assist the families of migrant and seasonal farmworkers, and State and local community initiatives.

In 1981, when the President proposed his New Federalism concept, Congress was assured that this was not an effort to kill the poverty program, but rather an effort to have States participate more directly in maintaining their own programs. Yet for fiscal year 1984, the President has proposed to terminate all assistance for the community services block grant. The need for a reauthorization of the CSBG was graphically illustrated in the August 25 New York Times article by Lisa Belkin entitled "Most of 166 Children Pass Health Tests at Shelter." The children's health deteriorated largely as a result of poor housing and poverty. "None of them eat," said Bianca Carbera, the children's mother, "they don't like the roaches crawling on the food."

The CSBG can directly address this kind of problem. Block grant funds can be used "to obtain and maintain adequate housing and a suitable living environment" as well as providing emergency assistance to meet "urgent individual and family needs, including the need for health services, nutritious food, and housing."

The passage of the Rehabilitation Act Amendments of 1983 will insure that the poor and disadvantaged gain some relief from their pressing economic problems. I only hope that our colleagues in the Senate will be wise enough to agree to the reauthorization of these programs in conference.●

PERSONAL EXPLANATION OFFERED

HON. ROBERT E. WISE, JR.

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 19, 1983

● Mr. WISE. Mr. Speaker, according to the best information I was able to obtain late last Friday afternoon, there were not to be any recorded votes today during proceedings in the House. Based upon this knowledge, I kept the longstanding obligations I had made in my district.

Early this morning, I learned recorded votes were scheduled for today. By the time I learned of these votes, it was impossible to catch a commercial airline flight back to Washington, D.C., in time to cast my votes.

I missed House rollcalls 342 and 343—on a motion that the Committee of the Whole do rise, and final passage of the State/Justice appropriations.

Had I been able to attend, I would have voted "aye" on both.●

TRIBUTE TO BISHOP JOHN J. DOUGHERTY

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, September 19, 1983

● Mr. RODINO. Mr. Speaker, next Saturday, September 24, 1983, a thousand friends and admirers will join with Auxiliary Bishop John J. Dougherty of the Archdiocese of Newark as he celebrates the golden anniversary of his ordination into the priesthood.

Bishop Dougherty's 50-year career as a priest is an illustrious one. A native of Jersey City, N.J., he was graduated from Seton Hall University in South Orange in 1930. He journeyed to Rome to continue his preparation for the priesthood and was ordained in Rome on July 23, 1933. He went on to earn advanced degrees in Rome, including a doctorate in Sacred Scripture.

Upon his return to the United States, Bishop Dougherty, a highly respected scholar, became professor of Sacred Scripture at Immaculate Conception Seminary in Mahwah, N.J., in 1937. In addition, he conducted the Catholic Hour, a highly regarded network radio and television program sponsored by the National Council of Catholic Men.

In 1959, Bishop Dougherty was chosen to be the 13th president of his alma mater, Seton Hall. He held that prestigious position for 10 years. During his tenure there, he was appointed a bishop by Pope John XXIII and was consecrated on January 21, 1963.

After leaving the Seton Hall presidency, Bishop Dougherty served as pastor of St. Rose of Lima Church in Short Hills, N.J., until September 1977. He then returned to Seton Hall to become the university's first distinguished scholar in residence. Bishop Dougherty continues to serve as the chairman of the New Jersey Catholic Historical Records Commission at the university. He also has recently taken on the direction of a group that is expanding its service of reading to the blind over the campus radio station.

Bishop Dougherty's achievements and honors are many. During the Vietnam war, he established a national organization, Negotiations Now, to focus on the "futility of the conflict." He was chairman of the Committee on World Justice and Peace of the National Conference of Bishops and of the Interfaith Council on Religious and National Affairs. He received a Sylvania award for his work on a National Broadcasting System documentary, "Rome Eternal." He also has been honored with a gold medal award from the Freedoms Foundation. Bishop Dougherty has pubished many articles and books. The latter include "Searching Scripture," a study of the Dead Sea Scrolls, and the recently completed "Personalities in the Bible."

To honor this distinguished clergman, eminent scholar and beloved pastor, a pontifical mass will be celebrated at 3:30 Saturday afternoon in the Sacred Heart Cathedral in Newark. The Most Reverend Peter L. Gerety, archbishop of Newark, will preside and deliver the homily. Bishop Dougherty will be the principal celebrant. The nine concelebrants will include the other auxiliary bishops of the archdiocese, other bishops from New Jersey, and two men who were classmates of Bishop Dougherty during his time in Rome.

That evening there will be a reception and dinner at Seton Hall to continue the celebration of Bishop Dougherty's golden jubilee. Auxiliary Bishop Joseph A. Francis will be the principal speaker.

It is a pleasure and a privilege for me to join in honoring Bishop Dougherty for his invaluable contributions to the religious and educational life of my State and for his devotion to the well being of our citizens. I wish him well in his current labors and future endeavors.

We are proud of Bishop Dougherty and all his accomplishments and I want to thank the cochairmen of this golden anniversary celebration, Brendan T. Byrne, former Governor of New Jersey, and Robert R. Ferguson, Jr., chief operating officer of the First

National State Bank Corp. of Newark and all the many others who organized this most fitting tribute to Bishop Dougherty.●

CORPORATIONS "ADOPT" ELDERLY

HON. JACK FIELDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, September 19, 1983

● Mr. FIELDS. Mr. Speaker, in proclaiming May 1, 1983, through April 30, 1984, as "National Year of Voluntarism," President Reagan stated:

Voluntarism is a cornerstone of the American way of life and a fundamental characteristic of our American heritage. The gererosity and civic-mindedness of the American people has long been a noted aspect of our Nation. Since its inception, this has been a country in which neighbor has lent a hand to neighbor, and families have banded together to help one another in times of adversity.

The concept of "neighbor helping neighbor" is not a concept buried in the American past. Voluntary assistance is as important today as it was in the rugged early days of our Nation's history. While society has changed with time, the principle of voluntarism remains ageless. We simply cannot rely solely on the institutions of Government to meet all of the needs of society.

For this reason, I wholeheartedly support President Reagan's private sector initiative program and commend those individuals, civic organizations and businesses which accept the challenges and responsibilities of private sector voluntarism. In particular, I commend the initiative of three Houston corporations who have "adopted" the elderly residents of three Houston Housing Authority projects in an ongoing outreach project.

In that light, I bring the following article from the September 4 edition of the Houston Post to the attention of my colleagues:

CORPORATIONS "ADOPT" ELDERLY IN NEW PROJECT

(By Janet Elliott)

Three Houston corporations have "adopted" elderly residents of three Houston Housing Authority projects, in what is being billed as the first such partnership of its kind in the nation.

Employee volunteers are sponsoring parties for elderly residents, taking them on field trips, helping them with their gardens and generally getting to know them.

The project is an outgrowth of the Houston Committee for Private Sector Initiatives, a group of local business and civic leaders who believe in President Reagan's theory of meeting social needs through private industry rather than government programs.

James Ketelsen, chairman and chief executive of Tenneco, came up with the idea for the Partners in Public Housing Program. Tenneco adopted the elderly housing project at 6000 Telephone Road.

Texas Eastern is working with residents of the Lyerly project at 75 Lyerly, and Bank of the Southwest has adopted Bellerive, 7225 Bellerive.

Ketelsen also is serving on a citizens committee working with the housing authority to determine what should be done with Allen Parkway Village.

The theme of the program of HEART—Help Elderly Achieve Real Ties. It has the enthusiastic support of Earl Phillips, executive director of the housing authority.

"This is a new era in public housing where private industry and public housing come together," Phillips told Tenneco volunteers and Telephone Road residents at a recent party to celebrate the project's sixth anniversary.

About 40 Tenneco volunteers, wearing identifying T-shirts, socialized and danced with some 150 residents. Other volunteers challenged the resident experts at cards, dominos and checkers.

A band of Tenneco workers and other volunteers played country-western music. Tenneco provided food for the party and donated an $865 kiln so the residents could continue their ceramics work.

Mary Capers, a secretary at Tenneco, explained what motivated her to spend her Friday evening at the housing project. "I'm basically a happy person. And I want to share all I have with other people," she said.

"I come from a small town and am used to being around older people. They have so much love and knowledge to give."

Jo Ann Swinney, head of community affairs for Tenneco, said she hopes the relationship between the Tenneco volunteers and the Telephone Road residents continues.

"The ultimate goal is to keep their minds healthy and have them more involved in community," Swinney said. "We want to listen to them and develop friendships. We want them to feel they are wanted."

Tenneco surveyed the residents to find out what kind of activities they wanted.

Gladys Vaughan, president of the Telephone Road facility's resident council, said residents were curious, and maybe a little skeptical at first, but once they understood the program, they supported it.

The program also benefits Tenneco employees who participate, Swinney said.

"They know they are making their community a better place to live," Swinney said.

Linda Wilson Jordan, administrative assistant in personnel for Texas Eastern, said a Sept. 17 kickoff party at Lyerly is planned.●

CHRONIC POVERTY MARKS SUB-SAHARA'S STAGNATION

HON. LES AuCOIN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Monday, September 19, 1983

● Mr. AuCOIN. Mr. Speaker, events in Chad have attracted renewed international attention in recent weeks. The social, economic, and political problems besetting this impoverished African nation are by no means unique to Chad.

Recently, Nicholas D. Kristof, a Rhodes scholar from Yamhill, Oreg., traveled through several sub-Saharan African nations. He wrote a series of enlightening reports which were published in the Oregonian, Oregon's largest daily newspaper. I believe it would be useful to share with my colleagues Mr. Kristof's observations. His first report follows:

CHRONIC POVERTY MARKS SUB-SAHARA'S STAGNATION

(By Nicholas D. Kristof)

MONROVIA, LIBERIA.—Amid the squalor of this city—the prostitutes, the hustlers, the malnourished children, the open sewers and filthy streets—shine flashy new posters exhorting Monrovians to roll up their sleeves and pull in their belts for a better Liberia.

It is a sure sign of stagnation, repeated in dozens of other African cities. When the economic pie isn't growing as quickly as the population, the government reminds people they shouldn't eat sweets.

Passing up dessert—or dinner—threatens to become a way of life, not just in Liberia but in much of Africa. The World Bank Development Report for 1981 predicted that even with optimistic assumptions about expansion of the world economy, the low-income, oil-importing countries of Africa—most of the continent—would realize annual growth in per capita Gross National Product of only 0.1 percent in the 1980s. With less optimistic assumptions, per capita GNP would actually fall 1 percent per year.

The economic downturn first hit in the 1970s, for what was a tremor in the West was an upheaval in Africa. Per capita incomes dropped by 0.4 percent per year in that decade among the low-income, oil-importing nations of sub-Saharan Africa, the only region to experience a decline in the last decade or expected to experience one in the next.

The World Bank calls it a crisis. In fact, the stagnation may last too long to be called a crisis, it may become a way of life. But if there were such a thing as a chronic crisis, this would be it, for stagnation hits much harder in the Third World than in the developed countries.

Where a majority of the population is engaged in subsistence agriculture, dangling over the abyss of starvation, a recession means doing without food, shelter, clothing. There is nothing else to economize on. Food grain consumption already has dropped steadily in the last 20 years to just 312 pounds per person per year, far lower than anywhere else in the world.

Where economic development is still under way, churning up the population and sending thousands to live in the streets or shanty towns of cities like Lagos and Dakar, then the wanderers are left with nothing—and "nothing" here rings with much more hollowness and finality than in the West. Fragile governments are easily sucked under by the economic whirlpool, leaving countries to lurch into further fragility and instability.

Economic stagnation also means that governments cannot provide even basic social services in a continent that ranks far behind the rest of the world in social statistics. Life expectancy in sub-Saharan Africa is 47 years, compared to 57 for low-income countries in general and 74 for industrialized countries. Child mortality rates are 25 times higher in Africa than in Latin America. In many areas even elementary schooling remains a luxury.

The stagnation in black Africa is partly the result of the increased oil prices and worldwide economic downturn of the 1970s, but its roots go deeper than that. One important factor is dizzying population growth: 2.5 percent per year in the 1960's rising to 2.7 percent in the 1970's. These figures mean that just to tread water the economy must grow considerably.

Agriculture illustrates the problem. Agricultural production grew by 2.3 percent per year in the 1960s and 1.3 percent per year in the 1970s. But this was not enough to keep up with the population explosion, so food production per person is less now than it was 20 years ago.

The increases in production, moreover, came mostly from increases in the amount of land under cultivation, rather than from increases in productivity per unit of land. Crop yields in Africa lag considerably behind the rest of the world; cocoa and palm oil yields are only half what they are in parts of Asia.

The agricultural lag is partly the result of a hostile environment—infrequent and uncertain rains and scarcity of humus—but it also reflects ineffective agricultural methods and government neglect of farmers. Much less research on agriculture is conducted in Africa than in developed countries, and only one-twentieth as much fertilizer is applied per acre of land.

In the desperately poor Sahel regions of Mali and Upper Volta, farmers painstakingly cultivate their land with hoes under the scorching sun. If they had plows pulled by horses or oxen, they could turn over the soil and farm much more land. In Mali, only about 4 percent of the arable land is cultivated.

Governments have also tended to pay farmers much less than their produce is worth. World Bank data from 13 countries suggest that farmers often were paid only about half what their crops were worth. But where farmers were paid well, as in the Ivory Coast, production soared, so that in a short time the Ivory Coast became the world's leading producer of both cocoa and coffee.

As the success of the Ivory Coast shows, the prospects for Africa are not uniformly bleak. Continued growth is expected in Ivory Coast, Togo and other bright spots. The prospects of the entire continent would brighten if industrialized nations were more forthcoming with aid.

The problem is not a lack of potential, for Africa is rich in resources; the difficulty lies in exploiting them. The proven oil reserves on the continent are only 1 percent of the estimated potential, and many other minerals are locked in the ground. The offshore waters are teeming with fish, and the agricultural output could be enormous if modern methods, including irrigation were applied.

But Africa is constrained by its own poverty, locked in a vicious vortex that spins faster and faster and shows no signs of slowing down in the 1980s.●

COMMEMORATING GOOD SHEPHERD HOME'S 75TH ANNIVERSARY

HON. DON RITTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 19, 1983

● Mr. RITTER. Mr. Speaker, this Sunday, September 25, 1983, the Lehigh Valley of Pennsylvania will be celebrating the 75th anniversary of the Good Shephard Home in Allentown, Pa. Since 1908, Good Shepherd Home has been a source of hope and care to our community's handicapped citizens.

The success that will be celebrated on September 25, is the work of many people who have dedicated their lives to this institution and the beliefs for which it stands. However, it is all fitting and proper that we also reflect on the man who started the home 75 years ago, a man with a large heart and a vision of a better tomorrow. His story epitomizes the true meaning of the Good Shepherd, a man who gave quietly and unselfishly so that others may have a fuller, more richer life. That man was Rev. John Raker.

Reverend Raker began his home primarily as a place for handicapped orphans. However, the mission of Good Shepherd soon grew to include all handicapped people and in later years it reached out to the community and, through its many shops, gave those who had difficulty in gaining employment a chance to work and earn a wage. Its size has also expanded and today it has a staff of 400 people and over 200 permanent residents. In addition, many others from all over our community and State use the facilities and care of Good Shepherd. Age is no barrier. It cares for the young and old alike with over 135 beds devoted to long-term care for the physically handicapped. Its workshops keep an average of 200 people working weekly and their involved in everything from crafts to micrographics. The Good Shepherd Home has become a community unto itself and its future looks even brighter.

Few communities are as fortunate as ours in having a facility such as Good Shepherd Home. Their work has been recognized on both the local and national level and their programs have been studied by others in this area of health care. Under the guidance of Rev. Dale Sandstrom, Good Shepherd Home stands as a beacon of hope for those who are in need of its services. Their good work has caused many miracles in the lives of those it touches. Most importantly, it allows the handicapped the ability to reach the maximum independence they can through love, understanding, and attention.

As we in the community mark this important day in Good Shepherd's history may we think of all those who have contributed so much to its success over these many years and may we hope and pray that the programs and mission of Good Shepherd may continue for many more years to come. Your work has earned our hearty congratulations and best wishes for the future.●

GUILD FOR EXCEPTIONAL CHILDREN

HON. GUY MOLINARI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, September 19, 1983

● Mr. MOLINARI. Mr. Speaker, the spirit of concern for one's neighbors is thriving in the Borough of Brooklyn, thanks to the outstanding efforts of the Guild for Exceptional Children.

The group, which, I am proud to say, is based in my district, started 25 years ago through the hard work and determination of a handful of women who saw a need and decided to act.

In the ensuing years, the guild has become a vital force in the community. It currently serves the needs of 500 retarded people and their families, providing programs that both educate and enrich.

The guild works with universities, health care facilities, schools and other community agencies, provides staff education and training and offers opportunities for parent and community involvement through membership and fund-raising activities.

Mr. Speaker, the guild is a voluntary, nonprofit, nonsectarian agency whose dedicated staff is a shining example of love and humanity. The guild's motto: "Guiding an exceptional child is an exceptional accomplishment," is not just a fine-sounding phrase, but literally words to live by.

The Guild for Exceptional Children will be celebrating its 25th anniversary this month, Mr. Speaker. I cannot think of a more appropriate time for all of us to not only salute the guild's work, but to live its principles and its dedication in our daily lives.●

TRIBUTE TO DR. PASQUALE CARONE

HON. THOMAS J. DOWNEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, September 19, 1983

● Mr. DOWNEY of New York. Mr. Speaker, one of the great advantages of serving in Congress is the opportunity to become acquainted with individuals of the highest merit and dedication to their fields of endeavor. I want to take this opportunity to recognize one such individual, Dr. Pasquale

Carone. Dr. Carone is one of the most gifted and caring members of the Long Island community. His dedication to serving his fellow man, as well as his contributions to his profession, are truly exceptional. I would like to take a few moments to highlight some of his achievements.

Dr. Carone has been involved in the field of psychiatry for more than 40 years, since he received his M.D. from Creighton University School of Medicine. His education was broadened through appointments at St. Vincent's Hospital in Staten Island, Colorado State Hospital, Lyons VA Hospital in New Jersey, the New York Psychiatric Institute, and fellowships with the American Board of Psychiatry and Neurology, and the American Psychiatric Association. Dr. Carone consulted at numerous Long Island hospitals, including Good Samaritan Hospital, Nassau County Medical Center, Catholic Medical Center, Mercy Hospital, Southside Hospital. At present, he is the executive director of South Oaks Hospital and Broadlawn Manor Nursing Home and Health Related Facility in Amityville, N.Y.

His publications are extensive and widely respected, and illustrate the breadth and depth of his knowledge. They deal with such widely diverse subjects as psychoses and depressive features, drug abuse, cost containment, drug therapy, quality of care, and the impact of life style on cancer. He is the author of seven books, in which he has probed questions of mental health in an industrial society.

His commitment to his community is in many ways most noteworthy. The list of groups to which he has donated precious time and skills is too extensive to be reprinted here. However, he has lent his expertise to the NYS university system, the Rehabilitation Institute, the United Fund of Nassau and Suffolk, the Asthmatic Children's Foundation, the Narcotics Guidance Council, youth organizations, numerous State education and nursing boards, the U.S. Congress, and many national associations. No group is too small, and no request too great, to receive the attention of Dr. Carone.

Although Dr. Carone is already the recipient of many honors and awards, I would like to take this opportunity to mention two of his latest honors.

Mr. Speaker, few acts of recognition are so meaningful or as telling as those given by fellow workers. The staff of South Oaks Hospital has underlined their appreciation in a recent decision to name their new hospital offices the "Carone Administration Building" in his honor.

But he is far more than a local hero—he has reached national prominence. Next January, Dr. Carone will become the president of the National Association of Private Psychiatic Hospitals (NAPPH). NAPPH is a nonprofit organization made up of more than 204 independent, private psychiatric hospitals located in 35 States and Puerto Rico. These hospitals provide the highest quality, most comprehensive care available for emotionally disturbed children, adolescents, adults of all ages, and persons suffering from chemical dependencies. NAPPH hospitals provide leadership in mental health care, training of pshychiatrists and auxiliary personnel, individualization of psychiatric care, and the implementation of the most advanced techniques of treatment.

Pat Carone has striven for an excellence in his work which he has clearly achieved. He has also reached out to help all those who need it, and I am proud today to recognize the efforts of this great humanitarian.●

ACT FURTHER ON KOREAN JET TRAGEDY

HON. TOM LEWIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 19, 1983

● Mr. LEWIS. Mr. Speaker, I commend my colleagues for their quick and unanimous passage of the resolution condemning the Soviet Union's murderous assault on Korean Air Lines flight 007.

The Russians shot down an unarmed passenger plane in an unwarranted, senseless, and wanton act of destruction. They continue to lie and distort the truth.

Anyone that knows anything about the Soviet mentality knows that they did it to protect their system of total physical and psychological control over their land, air space, and people.

They continue to lie because it is their belief that if they repeat the lie often enough, somebody will believe it.

We must respond in a manner that graphically illustrates our abhorrence with this tragic episode and discourages it from ever happening again. Appropriate responses should include exercising restraint in assessing all available options.

The President should also be commended for exercising that restraint immediately following this tragic event. President Reagan made the best possible decision in pursuing the issue through appropriate international channels in an effort to clearly emphasize that this is a matter of the Soviet Union versus the world, not the Soviet Union versus the United States.

While the search continues for the bottom line answer to what happened, we must now initiate specific actions and demand that the Soviets provide a full accounting of their role in the shooting down of a defenseless airliner.

We must insist upon a Soviet apology, compensation to the families of those lost and the institution of safeguards to prevent the repetition of such an uncivilized and unwarranted act.

I agree wholeheartedly with the editorial comments in the Palm Beach Post, a daily newspaper in my district, which state that those responses from the U.S.S.R. "are the least one would expect of a civilized nation."

If those responses are not forthcoming, then the Russians should expect nothing less than tough action by the United States and other civilized nations.

Short of a complete cutoff in diplomatic relations, retaliation on the part of the United States could include shutting down their consulate offices, reducing their Embassy staff to the bare minimum, closing our seaports to all Soviet and Eastern bloc nation ships and eliminate favorable credit and debt payment agreements.●

PRESERVING COMPETITION AND DIVERSITY IN TELEVISION

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 19, 1983

● Mr. LANTOS. Mr. Speaker, our Nation's most creative community, the independent television producers, is in danger of having its artistic spark snuffed out by the Federal Communications Commission and the three networks, ABC, CBS, and NBC.

This combination of Government and big business is trying to shackle the marketplace of television production that earlier had been set free by regulations allowing the producers to maintain a financial interest in programs they create.

Those rules on syndication, enacted in 1970, caused an explosion of diverse, innovative, and challenging programing.

Those rules spawned a new burst of creative energy by increasing the number of independent producers, by generating new outlets for programing as independent television stations sprang up and by providing the competition and diversity that had not been present before.

And yet, the FCC and its allies now want to repeal those rules.

If the FCC succeeds, the networks will enjoy an ominous concentration of power. Three men, the network presidents, will have virtual control over what we all watch on television. Imitation, not innovation, may again become the watchword on television.

In essence, the FCC would rely on the good will of the networks to make certain the competitive forces that

exist today would continue. We surely can do better than that.

Many segments of our society: consumers, parents, women, minorities, and the elderly have all voiced their strong opposition to the proposed FCC actions.

They all fear that it would be the end of competition in the television markets if the FCC succeeds in abolishing syndication rights for producers.

Mr. Speaker, we must preserve the competition and diversity in the television industry. We must keep intact the independent producer community, with its vitality and energy.

I have cosponsored H.R. 2250, to prevent the FCC from repealing the syndication rules for at least 5 years.

If those rules are repealed, and the FCC and its allies win, the American people will be the losers.●

THE GLITTER OF GOLDSTEIN

HON. MARJORIE S. HOLT

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, September 19, 1983

● Mrs. HOLT. Mr. Speaker, on September 28, the Mental Health Association of Maryland will sponsor a testimonial dinner to honor the 70th birthday of Maryland State Comptroller, Louis L. Goldstein, and his 45 years of service to the State of Maryland.

Another name for his job is tax collector. It might seem strange to you that a person with that job would be the most popular public figure in the State of Maryland, but that is the truth of the matter.

You could not possibly understand it if you have not known Mr. Goldstein, a man of such bouyant good cheer and enthusiasm that it would be impossible to imagine his having an enemy.

I dare to say that most citizens of Maryland have met Mr. Goldstein on one occasion or another. He is a lively presence at an astounding number of public events throughout the State each year, and he is a star even when he walks down the street of a town, greeting folks as he goes.

I know Mr. Goldstein as a dedicated public servant, and one with a very keen mind. He has a sharp wit, which is a pleasure to all who know him.

In the State senate, his colleagues elected him as majority leader and then president of the senate.

Mr. Goldstein was elected State comptroller in 1958 and has been reelected six times for 4-year terms.

The testimonial dinner marking his 70th birthday promises to be a major event in the State of Maryland, and I certainly hope that his presence will grace the State for many more years.●

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Any changes in committee scheduling will be indicated by placement of an asterisk to the left of the name of the unit conducting such meetings.

Meetings scheduled for Tuesday, September 20, 1983, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

SEPTEMBER 21

9:30 a.m.

Banking, Housing, and Urban Affairs

Housing and Urban Affairs Subcommittee

To hold hearings on S. 1821, proposed Secondary Mortgage Market Enhancement Act.

SD-538

Commerce, Science, and Transportation

To hold oversight hearings on the implementation of the Motor Carrier Act (P.L. 96-296).

SR-253

10:00 a.m.

Energy and Natural Resources

Business meeting, to consider pending calendar business.

SD-366

Environment and Public Works

Business meeting, to consider proposed amendments to the Clean Water Act (P.L. 95-217), S. 1354 and H.R. 3103, bills to provide emergency relief for disaster-damaged roads administered under the Federal-aid highway emergency relief (ER) program, and S. 452, to establish public buildings policies for the Federal Government, to establish the Public Buildings Service in the General Services Administration, to provide for the authorization of funds for the construction, renovation, and maintenance of public buildings and related activities of the Public Buildings Service.

SD-406

Finance

Business meeting, to consider the nomination of Katherine D. Ortega, of New Mexico, to be Treasurer of the United States, and other pending calendar business.

SD-215

Governmental Affairs

Business meeting, to mark up S. 121, to establish a U.S. Department of Trade as an executive department of the Federal Government.

SD-342

Judiciary

Administrative Practice and Procedure Subcommittee

To hold hearings on the substance of S. 1080, to improve and modify the Federal regulatory reform process (pending on Senate calendar).

SD-562

*Labor and Human Resources

Business meeting, to consider S. 1838, authorizing funds for fiscal years 1984, 1985, and 1986 for the Legal Services Corporation, and other pending committee business.

SD-430

Conferees

On H.R. 3263, appropriating funds for fiscal year 1984 for military construction programs of the Department of Defense.

S-128, Capitol

2:00 p.m.

Judiciary

To hold hearings on pending nominations.

SD-226

3:00 p.m.

Conferees

On H.R. 3415, appropriating funds for fiscal year 1984 for the District of Columbia government.

H-302, Capitol

SEPTEMBER 22

9:30 a.m.

Agriculture, Nutrition, and Forestry

Soil and Water Conservation, Forestry and Environment Subcommittee

To hold hearings on S. 566, S. 1503, and S. 129, miscellaneous land conveyance bills.

SR-328A

Banking, Housing, and Urban Affairs

Housing and Urban Affairs Subcommittee

To continue hearings on S. 1821, proposed Secondary Mortgage Market Enhancement Act.

SD-538

10:00 a.m.

Energy and Natural Resources

Business meeting, to consider pending calendar business.

SD-366

Foreign Relations

To hold hearings to review recent developments concerning the U.S. Information Agency.

SD-419

Governmental Affairs

Business meeting, to consider recommendations to the Budget Committee with regard to budget reconciliation requirements imposed by House Concurrent Resolution 91, revising and replacing the congressional budget for the U.S. Government for fiscal year 1983 and setting forth the congressional budget for the U.S. Government for fiscal years 1984 and 1985.

SD-342

Judiciary

Business meeting, to consider pending calendar business.

SD-226

Labor and Human Resources

Education, Arts, and Humanities Subcommittee

To resume hearings on a Presidential commission report on excellence in education, and to review Federal and

State efforts to impose higher standards in education.
SD-430

Labor and Human Resources
Family and Human Services Subcommittee
To resume oversight hearings on the breakdown of the traditional family unit, focusing on causes and societal implications.
SD-628

10:30 a.m.
Environment and Public Works
Nuclear Regulation Subcommittee
Business meeting, to mark up S. 893 and S. 894, bills to provide an effective and efficient licensing and regulatory process for the siting, construction, and operation of nuclear powerplants, and on proposed legislation authorizing funds for fiscal years 1984 and 1985 for certain programs of the Nuclear Regulatory Commission.
SD-406

2:00 p.m.
Appropriations
Foreign Operations Subcommittee
Business meeting, to mark up proposed legislation appropriating funds for fiscal year 1984 for foreign assistance programs.
S-126, Capitol

Energy and Natural Resources
To hold hearings on an alternative funding plan for completing the Clinch River breeder reactor plant project recommended by the administration on August 1, 1983, for congressional consideration and action.
SD-366

Environment and Public Works
Environmental Pollution Subcommittee
Business meeting, to mark up S. 1329, to provide financial assistance to States for wetlands conservation, and other pending business.
SD-406

3:00 p.m.
Armed Services
Closed briefing on the political and military situation in Lebanon.
S-407, Capitol

SEPTEMBER 23

9:00 a.m.
Energy and Natural Resources
Public Lands and Reserved Water Subcommittee
To hold hearings on S. 1090, to establish a National Outdoor Recreation Resources Review Commission to study and recommend appropriate policies and activities to assure the continued availability of quality outdoor recreation.
SD-366

9:30 a.m.
Finance
Economic Growth, Employment and Revenue Sharing Subcommittee
To hold hearings on the future of U.S. basic industries.
SD-215

Judiciary
Constitution Subcommittee
To hold hearings on Senate Joint Resolution 26, proposing an amendment to the Constitution authorizing the President to disapprove or reduce an item of appropriations.
SD-226

Labor and Human Resources
Aging Subcommittee
To hold hearings to review certain provisions of the Age Discrimination and Employment Act which affect Americans working abroad.
SD-430

10:00 a.m.
Joint Economic
To resume hearings on job training needs of American workers.
2203 Rayburn Building

SEPTEMBER 26

9:30 a.m.
Finance
Taxation and Debt Management Subcommittee
To hold hearings on numerous tax proposals, including S. 120, S. 1397, S. 1584, S. 1814, S. 1815, and S. 1826.
SD-215

10:00 a.m.
Judiciary
Immigration and Refugee Policy Subcommittee
To resume hearings to review the progress of this year's refugee resettlement program.
SD-226

*Joint Economic
To resume hearings on job training needs of American workers.
2203 Rayburn Building

SEPTEMBER 27

9:00 a.m.
Office of Technology Assessment
The Board, to hold a general business meeting.
H-227, Capitol

9:30 a.m.
Judiciary
Constitution Subcommittee
To hold hearings on S. 141, to provide a special defense to the liability of political subdivisions of States under section 1979 of the revised Statutes (42 U.S.C. 1983) relating to civil actions for the deprivation of rights.
SD-226

10:00 a.m.
Agriculture, Nutrition, and Forestry
Soil and Water Conservation, Forestry and Environment Subcommittee
To hold hearings on S. 843, to reimburse farmers for the costs of applying conservation practices to acreage diverted under an acreage limitation program for the 1982 through 1985 crops of wheat, feed grains, upland cotton, rice, and soybeans, S. 998, to establish a conservation program for erosion-prone cropland, and S. 1053, to use surplus agricultural commodities to make supplemental payments-in-kind (PIK) to producers who divert acreage from production of agricultural commodities and devote such acreage to long-term conservation uses.
SR-328A

Commerce, Science, and Transportation
Merchant Marine Subcommittee
To hold hearings on S. 1624, to reserve up to 20 percent of bulk commodity imports and exports for U.S.-flag ships, to allow a tax credit for increased shipping costs, and to establish a capital construction fund for building shipyards, S. 1616, to clarify laws regarding transportation of Government cargoes on U.S.-flag vessels, S. 206, to increase the Secretary of Transportation's role in administering cargo preference laws, and S. 188, to require all U.S. mail shipped overseas to be carried on American vessels.
SR-253

Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366

Environment and Public Works
Nuclear Regulation Subcommittee
Business meeting, to resume markup of S. 893 and S. 894, bills to provide an effective and efficient licensing and regulatory process for the siting, construction, and operation of nuclear powerplants, and on proposed legislation authorizing funds for fiscal years 1984 and 1985 for certain programs of the Nuclear Regulatory Commission.
SD-406

SEPTEMBER 28

9:30 a.m.
Banking, Housing, and Urban Affairs
Consumer Affairs Subcommittee
To hold hearings on S. 573, proposed Fair Deposit Availability Act.
SD-538

Judiciary
Juvenile Justice Subcommittee
To resume oversight hearings to review State and local victims assistance programs.
SD-562

Select on Intelligence
Legislation and the Rights of Americans Subcommittee
To hold closed hearings on intelligence matters.
S-407, Capitol

10:00 a.m.
Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366

Environment and Public Works
Business meeting, to resume markup of S. 1354 and H.R. 3103, bills to provide emergency relief for disaster-damaged roads administered under the Federal-aid highway emergency relief (ER) program, and S. 452, to establish public buildings policies for the Federal Government, to establish the Public Buildings Service in the General Services Administration, and to provide for the authorization of funds for the construction, renovation, and maintenance of public buildings and related activities of the Public Buildings Service.
SD-406

Governmental Affairs
Permanent Subcommittee on Investigations
To resume hearings to investigate alleged involvement of organized crime and mismanagement of funds in the hotel and restaurant workers union (HEREIU).
SD-342

SEPTEMBER 29

9:30 a.m.
Banking, Housing, and Urban Affairs
Housing and Urban Affairs Subcommittee
To resume hearings on S. 1821, proposed Secondary Mortgage Market Enhancement Act.
SD-538

Rules and Administration
To hold hearings to discuss media and the regulation of campaign finance.
SR-301

10:00 a.m.
Commerce, Science, and Transportation
Merchant Marine Subcommittee
To resume hearings on S. 1624, to reserve up to 30 percent of bulk commodity imports and exports for U.S.-flag ships, to allow a tax credit for increased shipping costs, and to establish a capital construction fund for building shipyards, S. 1616, to clarify laws regarding transportation of Government cargoes on U.S.-flag vessels, S. 206, to increase the Secretary of Transportation's role in administering cargo preference laws, and S. 188, to require all U.S. mail shipped overseas to be carried on American vessels.
SR-253

Energy and Natural Resources
Water and Power Subcommittee
To hold hearings on S. 1811 and H.R. 71, bills to authorize and direct the Secretary of the Interior to engage in a special study of the potential for ground water recharge in the high plains States.
SD-366

Environment and Public Works
Regional and Community Development Subcommittee
To resume hearings on S. 1525, authorizing funds through fiscal year 1986 for administrative expenses of the Federal Emergency Management Agency and for emergency and disaster relief assistance, and to revise procedures concerning State requests for relief assistance.
SD-406

Governmental Affairs
Permanent Subcommittee on Investigations
To continue hearings to investigate alleged involvement of organized crime and mismanagement of funds in the hotel and restaurant workers union (HEREIU).
SD-342

Labor and Human Resources
Education, Arts, and Humanities Subcommittee
To resume hearings on a Presidential commission report on excellence in education, and to review Federal and State efforts to impose higher standards in education.
SD-430

Joint Economic
Economic Goals and Intergovernmental Policy Subcommittee
To hold hearings on certain economic issues relating to the Soviet Union.
2203 Rayburn Building

SEPTEMBER 30

9:00 a.m.
Energy and Natural Resources
Public Lands and Reserved Water Subcommittee
To hold hearings on S. 837, to designate certain lands in the State of Washington as wilderness.
SD-366

9:30 a.m.
Finance
Oversight of the Internal Revenue Service Subcommittee
To hold hearings on S. 1262, to clarify and expedite Internal Revenue Service audits of religious organizations.
SD-215

10:00 a.m.
Environment and Public Works
Water Resources Subcommittee
Business meeting, to consider S. 865, to provide for the operation, maintenance, and construction of water resource projects, and S. 970, to authorize funds through fiscal year 1988 for maintenance dredging and to require non-Federal interests to pay for 50 percent of the annual Federal costs to dredge deep-draft channels and harbors.
SD-406

OCTOBER 3

9:30 a.m.
Finance
Economic Growth, Employment and Revenue Sharing Subcommittee
To resume hearings on the future of U.S. basic industries.
SD-215

10:00 a.m.
Joint Economic
Agriculture and Transportation Subcommittee
To hold hearings on issues relating to certain changes in the telecommunications industry.
SD-138

OCTOBER 4

9:30 a.m.
Commerce, Science, and Transportation
Aviation Subcommittee
To hold hearings on S. 764, proposed Air Travelers Security Act.
SR-253

Labor and Human Resources
Labor Subcommittee
To hold hearings on S. 19 and S. 918, bills to revise current Federal pension law with respect to the rights and benefits of working and nonworking women, and the substance of S. 372, to promote interstate commerce by prohibiting discrimination in the writing and selling of insurance contracts.
SD-430

10:00 a.m.
Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366

Finance
Social Security and Income Maintenance Programs Subcommittee
To resume hearings on S. 1691, to restructure the administration of the child support enforcement program, and a related proposal, S. 1708.
SD-215

Labor and Human Resources
Family and Human Services Subcommittee
To resume oversight hearings on the breakdown of the traditional family unit, focusing on the role of government.
SD-628

11:00 a.m.
Finance
Social Security and Income Maintenance Programs Subcommittee
To resume hearings on S. 1691, to restructure the administration of the child support enforcement program, and a related proposal, S. 1708.
SD-215

OCTOBER 5

9:30 a.m.
Labor and Human Resources
To hold hearings to review human resources implications in job corps reform.
SD-430

10:00 a.m.
Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366

Environment and Public Works
Nuclear Regulation Subcommittee
Business meeting, to resume consideration of S. 893 and S. 894, bills to provide an effective and efficient licensing and regulatory process for the siting, construction, and operation of nuclear powerplants, and on proposed legislation authorizing funds for fiscal years 1984 and 1985 for certain programs of the Nuclear Regulatory Commission.
SD-406

Judiciary
Courts Subcommittee
To hold hearings on S. 1706, to provide for the positive identification of persons holding identification documents.
SD-226

Judiciary
Administrative Practice and Procedure Subcommittee
To holding hearings on proposed legislation to authorize compensation for those citizens and resident aliens of the Aleutian Islands who were interned, detained, or forcibly relocated by the U.S. Government during World War II.
SD-628

Joint Economic
To hold hearings on the emerging economics of agriculture.
SD-138

OCTOBER 6

9:30 a.m.
Energy and Natural Resources
Energy Conservation and Supply Subcommittee
To hold hearings on S. 1366, to implement the recommendations of the Interim Report of the Northern Mariana Islands Commission on Federal Laws, and to revise certain provisions of the Revised Organic Act of the Virgin Islands and the Organic Act of Guam, and S. 1367, to repeal certain provisions of law relating to the territories and insular possessions of the United States.
SD-366

Labor and Human Resources
Business meeting, to consider pending calendar business.
SD-430

10:00 a.m.
Environment and Public Works
Business meeting, to consider S. 23, S. 532, and S. 1330, bills to develop long-term job opportunities in public works.
SD-406

Joint Economic
To resume hearings on job training needs of American workers.
SD-138

OCTOBER 7

9:30 a.m.
Joint Economic
To hold hearings on the employment/unemployment statistics for September.
SD-106

OCTOBER 17

10:00 a.m.
Environment and Public Works
Toxic Substances and Environmental Oversight Subcommittee
To hold hearings to review environmental research and development programs.
SD-406

OCTOBER 18

10:00 a.m.
Energy and Natural Resources
Energy and Mineral Resources Subcommittee
To hold hearings on S. 1634, to repeal certain provisions of the Federal Coal Leasing Act Amendments of 1976.
SD-366
Judiciary
Security and Terrorism Subcommittee
To hold hearings to examine the influence of communism in liberation theology.
SD-226
Judiciary
Administrative Practice and Procedure Subcommittee
To resume oversight hearings to provide indemnification to Government contractors against the risks of catastrophic accidents and noncatastrophic accidents for which the Government is primarily responsible.
SD-562
Labor and Human Resources
Alcoholism and Drug Abuse Subcommittee
Business meeting, to mark up S. 503, to make it unlawful to manufacture, advertise, distribute, or possess a drug which is an imitation of a controlled substance.
SD-628
Labor and Human Resources
Education, Arts, and Humanities Subcommittee
To resume oversight hearings on vocational education programs administered by the Department of Education.
SD-430

OCTOBER 19

9:00 a.m.
Labor and Human Resources
Business meeting, to consider pending calendar business.
SD-430
9:30 a.m.
Labor and Human Resources
To hold hearings to review Federal and State efforts to impose higher standards in education.
SD-430
10:00 a.m.
Judiciary
Security and Terrorism Subcommittee
To continue hearings to examine the influence of communism in liberation theology.
SD-226

OCTOBER 20

9:30 a.m.
Labor and Human Resources
Labor Subcommittee
To hold hearings on proposed legislation to improve and clarify the employee retirement income security program.
SD-430
10:00 a.m.
Environment and Public Works
Business meeting, to consider pending calendar business.
SD-406
Labor and Human Resources
Aging Subcommittee
To hold hearings to review certain programs for older veterans.
SD-628

OCTOBER 21

10:00 a.m.
Environment and Public Works
Toxic Substances and Environmental Oversight Subcommittee
To hold hearings on ground water contamination.
SD-406
Judiciary
Courts Subcommittee
To hold hearings on S. 1581, to grant congressional approval to the Central Interstate Low-Level Radioactive Waste Compact.
SD-226

OCTOBER 25

9:30 a.m.
Governmental Affairs
Oversight of Government Management Subcommittee
To hold oversight hearings to review computer security in the Federal Government and the private sector.
Room to be announced
Labor and Human Resources
To resume oversight hearings on alleged illegal sales of union memberships or books to unqualified welders by officials of local chapters of the International Brotherhood of Boilermakers, Iron Shipbuilders, Blacksmiths, Forgers and Helpers.
SD-430
10:00 a.m.
Labor and Human Resources
Education, Arts, and Humanities Subcommittee
To resume oversight hearings on vocational educational programs administered by the Department of Education.
SD-628

OCTOBER 26

9:00 a.m.
Labor and Human Resources
Business meeting, to consider pending calendar business.
SD-430
9:30 a.m.
Governmental Affairs
Oversight of Government Management Subcommittee
To continue oversight hearings to review computer security in the Federal Government and the private sector.
SD-628
Labor and Human Resources
To hold hearings to review volunteer initiatives in health.
SD-430

OCTOBER 27

10:00 a.m.
Labor and Human Resources
Education, Arts, and Humanities Subcommittee
To hold oversight hearings on Federal arts policy.
SD-430

NOVEMBER 2

10:00 a.m.
Labor and Human Resources
To resume hearings to review Federal and State efforts to impose higher standards in education.
SD-430

NOVEMBER 3

9:30 a.m.
Labor and Human Resources
Labor Subcommittee
To hold hearings on proposed legislation to revise certain provisions of the Federal Employees Compensation Act.
SD-430

NOVEMBER 9

10:00 a.m.
Labor and Human Resources
To resume hearings to review Federal and State efforts to impose higher standards in education.
SD-430

NOVEMBER 15

10:00 a.m.
Labor and Human Resources
Aging Subcommittee
To hold hearings to redefine old age provisions contained in the Older Americans Act.
SD-430

NOVEMBER 16

9:00 a.m.
Labor and Human Resources
Business meeting, to consider pending calendar business.
SD-430
9:30 a.m.
Labor and Human Resources
To hold hearings to review the human resources impact of the U.S. Supreme Court's legislative veto decision.
SD-430

NOVEMBER 29

10:00 a.m.
Labor and Human Resources
Aging Subcommittee
To hold hearings to review targeted scarce resource provisions of the Older Americans Act.
SD-430

NOVEMBER 30

9:30 a.m.
Labor and Human Resources
Business meeting, to consider pending calendar business.
SD-430

DECEMBER 6

10:00 a.m.
Labor and Human Resources
Aging Subcommittee
To hold hearings to review long-term care policy provisions of the Older Americans Act.
SD-430

HOUSE OF REPRESENTATIVES—*Tuesday, September 20, 1983*

The House met at 12 noon.

The Reverend John G. Alley, pastor, Calvary Baptist Church, Alexandria, La., offered the following prayer:

Eternal God, we acknowledge Thee as our Creator, the Giver of Life, the One who called the world into being and dotted the night with stars.

We beseech Thee to grant these Representatives the sharp wisdom, strong will of spirit, depth of compassion, and integrity of soul, that they may be the instruments of peace in our time.

Grace this Chamber always with Your presence, being the ultimate lobby to insure we never forget the less fortunate. Knowing, O God, that when we have done it unto the least of these we have done it unto You.

Grant us the grace to be the guardian of shattered dreams by providing the atmosphere of hope for all mankind.

Now grant perfect peace here in this place, forgive our transgressions as You receive our gratitude and praise.

In Your name we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

REV. JOHN G. ALLEY

(Mr. LONG of Louisiana asked and was given permission to address the House for 1 minute.)

Mr. LONG of Louisiana. Mr. Speaker, it gives me great pleasure to introduce to the House of Representatives our guest chaplain, the Reverend John G. Alley, and I thank Reverend Alley for the gracious and compassionate prayer he has offered this morning.

For the last 12 years, Reverend Alley has been the pastor of Calvary Baptist Church, which is located in my hometown, Alexandria, La. The church's large and enthusiastic membership—nearly 3,000 members—is testimony to his inspirational Christian leadership.

In addition, Mr. Speaker, Reverend Alley's uplifting sermons reach a wider audience in central Louisiana each week by means of an active and growing television ministry.

A graduate of Louisiana College and the New Orleans Baptist Theological Seminary, Reverend Alley has devoted himself since age 17 to the spiritual enrichment of Louisianans. He is a past president of the executive board of the Louisiana Baptist Convention and is also active in the Southern Baptist Convention.

In addition to ministering to spiritual needs, Mr. Speaker, Reverend Alley is also a prominent figure in civic and humanitarian endeavors. These range from involvement in the Boy Scout movement to service on our local hospital board. Reverend Alley also has served as chairman of the Governor's committee on crime and justice in central Louisiana.

He is recognized not only within his church but through all of central Louisiana as a compassionate man of God to whom you can go with your problems.

My respect for him is further enhanced by his intellectual ability and his great love of nature as exemplified by his skill as a superb bass fisherman.

I am delighted to have been able to share Reverend Alley with the Congress today.

THE GREAT MORAL TRAGEDY OF OUR TIME

(Mr. HAWKINS asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. HAWKINS. Mr. Speaker, 11 million Americans are officially unemployed. Almost an equal number are either underemployed or simply not counted in the rate.

At the same time, long festering and critically needed human and community needs are unmet, constituting a serious backlog; and a threat to our personal security and economic stability.

Recent surveys found no region, population segment, or area free of pressing infrastructure problems.

The U.S. Conference of Mayors recently reported only 36 percent of the eligible population receives health services, only 14 percent receives day care, and a scant 4 percent are reached by employment and training programs. Emergency food, shelter, and even police protection often go unanswered.

This situation—which need not exist—has been aptly called "the great moral tragedy of our time."

Today as we begin consideration on H.R. 1036, the Community Renewal Employment Act, we have the opportunity to address the problem. I plead for the attention and support of my colleagues.

INVOKING THE WAR POWERS ACT

(Mr. FROST asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. FROST. Mr. Speaker, I rise to speak on the question of the application of the War Powers Act to the situation in Lebanon. This is an issue about which many Members have deep feelings.

A majority of this House has been elected since 1974. Those of us who were elected in the last 10 years differ on many issues. However, most of us feel strongly that Congress must play a role on the use of American troops abroad. There are voices in the House seeking a compromise with the White House to avoid a confrontation on this issue in the Congress.

Mr. Speaker, sometimes in our history confrontation is necessary. Accordingly, I urge that we adopt a joint resolution invoking the War Powers Act. If the President wishes to veto that resolution, then let this issue be joined in the House where it belongs.

OPPOSITION TO A PROPOSED SOVIET GRAIN EMBARGO

(Mr. DORGAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DORGAN. Mr. Speaker, in the wake of the shooting down of the Korean airliner we once again are hearing some Members of Congress call for a grain embargo to the Soviet Union.

Well, I too am furious with the Soviets. Their behavior is despicable.

But, proposing a Soviet grain embargo because we are angry with them is like hitting ourselves on the head with a hammer. It just does not make sense.

The fact is the Soviets' agriculture industry is in a shambles. They cannot produce enough food for their domestic needs. Therefore they have to make grain purchases from abroad.

Now I happen to think it makes good sense for us when the Soviets are forced to use their hard currency to buy American wheat. A ruble that the Soviets use to purchase a bushel of American wheat is a ruble that the Soviets cannot use to build a tank or jet fighter airplane.

We are better off when that Soviet hard currency heads in the direction of an American farmer's pocket that

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

when it is being invested in another Soviet missile silo.

In short, I think a grain trade relationship with the Soviets strengthens us and weakens them. There is not any other way to read it. That is why I intend to fight these proposals for a new grain embargo.

THE 1983 DROUGHT—A TRUE CATASTROPHE

(Mr. ALEXANDER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ALEXANDER. Mr. Speaker, while much of the Nation's attention these last few weeks has been focused on disasters abroad, our Nation has experienced a true catastrophe at home.

I refer to the unprecedented drought of 1983, which has created Dust Bowl conditions in 27 States and has caused crop production losses of up to 50 and as much as 80 percent in many areas. In my own State of Arkansas, farm crop damage, because of the drought could exceed $500 million.

For 3 years already, our Nation's farmers—crippled by debt, suffocated by surpluses, and faced with a shrinkage of their markets—have experienced the reality of an economic depression.

In this crisis situation, it is urgent that we eliminate the delays that have so often impeded disaster assistance under the Department of Agriculture's programs.

Accordingly, tomorrow I will propose amendments to the continuing appropriations resolution for fiscal 1984 which would establish reasonable time boundaries for the provision of relief to afflicted States and counties.

I invite the attention of my colleagues to these amendments and to the reality of the emergency which they underscore.

A government serves the people best when it acts expeditiously in the people's best interest.

□ 1210

THE COMMUNITY RENEWAL EMPLOYMENT ACT

(Mr. BROWN of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BROWN of California. Mr. Speaker, the national unemployment figures have begun to decline in the last few months as the economic recovery has been officially declared. Any decline in unemployment should be hailed as good news—as it most assuredly is—but let us look at the entire picture. Nine months into the recovery, unemployment is still worse than at any other time since the Great Depression. In my own district, unemployment remains high with the July figures indicating that 11 percent of the work force was unemployed—this is a district which is expected to be the fastest growing area in the country during the 1980's. Nationwide, nearly 11 million people are still unemployed, with many millions more either underemployed or too discouraged to look for work.

Later today the House will debate the merits of the Community Renewal Employment Act. Some will argue that with the recovery underway such a program is not needed. But the fact remains that we are not yet down to prerecession unemployment levels. The fact remains that we continue to have unemployment rates not seen since the 1930's. The fact remains that since fiscal year 1980 total spending on employment and training programs has dropped from $10.3 billion to $5.2 billion in fiscal year 1983, a reduction of 50 percent in 3 years.

The Community Renewal Employment Act is still very much needed; it is long past the time to help those most severely hit by the longest, hardest recession in over 40 years—the unemployed, minorities, and women.

THE NATIONAL SECURITY CREDIT SANCTIONS ACT OF 1983

(Mr. McCLOSKEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McCLOSKEY. Mr. Speaker, today I am introducing the National Security Credit Sanctions Act of 1983.

Commentators running the gamut from George Will through Felix Rohatyn and Walter Mondale have commented that in the wake of the Korean airliner travesty, there should be more significant sanctions short of all-out war.

This legislation seeks to fill this void.

It also seeks to correct the anomaly of hundreds of banking institutions making decisions in relation to the Soviet bloc that undermine the military, diplomatic, and economic security of the Western alliance.

This bill will make illegal further extensions of credit by banking institutions in this country to the Soviet Union and other Communist nations without specific and detailed approvals of the U.S. Government.

It calls for the Secretary of the Treasury to immediately formulate a plan to purchase all outstanding Soviet bloc loans in the United States and foreign nations—subject to approval of the Congress.

Perhaps such measures could give the Soviets pause for thought about the consequences of future actions. The Soviets could take appropriate measures in numerous areas of concern for us to prevent default.

I urge support of the Congress for the National Security Credit Sanctions Act of 1983.

SENIOR AMERICAN EMPLOYMENT

(Mr. REID asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. REID. Mr. Speaker, it has become a widely accepted notion that older people either want to quit work or do not want to work at all. Yet, in reality, most senior Americans seek options about work. These options would help them earn more money or serve as volunteers or keep them active in other meaningful and productive ways.

Recently, the Select Committee on Aging held hearings in my district, Las Vegas, Nev., not to discuss traditional issues related to aging, such as social security, housing and medicare. Rather, we heard testimony about senior employment.

It was more than educational to learn about the enthusiasm and energy these forgotten people have. It was inspirational. We listened to seniors who represent millions of people with the ability and energy to make vital contributions to their communities. But they are discriminated against because of an arbitrary birth date, a mere number on a calendar.

The benefits of reintroducing seniors who want to work into the workplace are unlimited. For the country this senior employment would fortify the economy and reduce the current Federal outlay through social security. For the individual this employment would translate into economic independence and renewed self-esteem.

IN SUPPORT OF H.R. 1036, THE COMMUNITY RENEWAL EMPLOYMENT ACT

(Mr. MITCHELL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MITCHELL. Mr. Speaker, today and tomorrow we will consider the Community Renewal Employment Act. The physical deprivation associated with unemployment is bad enough, the loss of a standard of living, and so forth; but it seems to me that the psychological impact of unemployment is even greater, the feeling of worthlessness, the feeling of hopelessness, the feeling of despair.

In my State of Maryland, where the unemployment rate has dropped statewide, more than 10,000 people are going to lose or have lost their extended unemployment compensation benefits. The State says it does not have the money to continue and there

are not 10,000 jobs available in my State to hire those people.

I would hope as we consider this legislation that the Members of this House who are so far removed from the pain of unemployment, who have never experienced it, who are so caught up about budget deficits and other things, would consider the human factor, the absolute misery to an individual or a family when there is no job available.

The legislation we will consider this afternoon is within the budget. There will be an amendment to reduce the spending down to $3.5 billion and I hope we will pass this legislation overwhelmingly.

Certainly we can point to some semblance of decreased inflation and a hint of recovery among the Wall Street activities. This notwithstanding, one must wonder if, indeed, such positive results of the prevailing economic policies are not at the expense of needed moneys for essential job training programs, community improvements, survival of small and minority businesses, and economic stimuli to such depressed industries as housing.

The prevailing economic policies of this current administration accept shameful levels of unemployment and deprivation as the price to pay for lower interest rates and declining inflation. These policies dictate that certain families are forced to choose between such essentials as food and affordable housing, or education and adequate health care.

The Community Renewal Assistance Act is not just another "makework" proposal. Specific activities are targeted, the improvement of which will bring long-term stimulation to our neighborhoods. The initial investment in such projects as disaster relief, infrastructural repairs, and the removal of hazardous materials from public buildings, is unquestionably a feasible approach to addressing the problems of needed job training and community improvement simultaneously. Who can question the merits of this proposal?

I would commend my friend, Mr. HAWKINS, for his foresight in presenting this critical bill and urge emphatically that my colleagues vote favorably when this measure is considered.

THE COURAGEOUS S. SGT. CHARLES R. KESSLER, JR.

(Mr. McCURDY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McCURDY. Mr Speaker, the Nation has recently become aware of the ridiculously high prices the armed services have been paying for certain spare parts. Unfortunately, this is not a recent phenomenon; it has been allowed to exist for some time by the Department of Defense.

Wasteful and inefficient procedures often go uncorrected because people are afraid to challenge the system. Fearful of jeopardizing their careers, they go along rather than rock the boat. One person who had the courage to step forward and say "enough" was S. Sgt. Charles R. Kessler, Jr., a crew chief at Tinker Air Force Base, Okla.

Sergeant Kessler challenged a system which cost the taxpayer $1,118.26 for a plastic stool cap worth about 50 cents. The resulting investigation was a key factor in alerting the public and Congress to the exorbitant prices being charged for spare parts to keep our military equipment operational.

At a time when we are looking for every possible way to hold down the Pentagon budget without compromising national security, Sergeant Kessler and his colleagues represent our frontline of defense against waste and inefficiency.

In a welcome change of attitude, the Air Force and the Department of Defense have commended and rewarded Sergeant Kessler for his courage. Today I want to recognize and thank him on the floor of the House of Representatives.

THE COMMUNITY RENEWAL EMPLOYMENT ACT

(Mr. BATES asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BATES. Mr. Speaker, when the House of Representatives considers H.R. 1036, the Community Renewal Employment Act, authored by Congressman HAWKINS, today I urge my colleagues to support this legislation which will provide employment opportunities to individuals out of work 15 weeks or longer. Despite President Reagan's contention that the economy is on the upswing, there are still more than 10 million Americans who do not have a job. In California alone, the unemployment rate averaged 9.9 percent last year.

Rather than covering up the unemployment problem by spending more money for increased welfare services, this bill takes a different approach by authorizing funds to be distributed to local units of government for jobs in community improvement projects and for the repair of educational facilities.

First priority would go to those who have exhausted or otherwise are not eligible for unemployment insurance. Rather than perpetually extend unemployment benefits, this bill would put people to work in areas such as the improvement of roads and water systems—all of which would benefit the public. Twenty percent of the $5 billion authorized would be spent on unemployed youths aged 16 to 19.

Rather than making work for the unemployed or handing out more unemployment checks, this bill puts people to work. At the same time, it provides practical benefits in the form of improved community projects to the public. I urge my colleagues to support this bill.

□ 1220

PRIORITY HIRING FOR THE UNEMPLOYED

(Mr. EDGAR asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. EDGAR. Mr. Speaker, I represent a State where the unemployment rate went up last month, not down. Pennsylvania's displaced steelworkers and manufacturing workers, laid off mine workers and construction workers, and its structurally unemployed know that there are not enough jobs to go around. Over 40 percent of Pennsylvania's unemployed have been looking for work for more than 15 weeks.

Recovery is not around the corner for some of these workers, it is down the drain. That is why we need to pass the Community Renewal Employment Act, carefully crafted by Representative HAWKINS, and I call on the other body to come up with a "real" jobs bill as well.

This bill is targeted to those who have been unemployed for over 15 weeks with priority given to those who have exhausted their unemployment benefits. It is for those who will not be lifted by the first rise in our economic tide.

Unlike the emergency jobs bill, it offers much more in the way of job opportunities for the unskilled and for women. This bill funds a wide range of work activities such as public school repairs, weatherization, the provision of emergency food and shelter, and dependent care services to veterans, handicapped, and the elderly—to name a few.

The Hawkins bill also makes a substantial investment in our public works repair needs, which are vital to business location and economic growth for the future.

I would like to point out the findings of my most recent constituent questionnaire. While the respondents to this questionnaire were alarmed with the Federal Government's sky-rocketing deficits, the one program they would overwhelmingly urge more spending for was the creation of public works and service jobs.

Our constituents are bright enough to see that there are not enough jobs to go around. Let us show them that we are bright enough to see this as well.

SIMPSON-MAZZOLI BILL SHOULD BE CONSIDERED UNDER OPEN RULE

(Mr. ROYBAL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROYBAL. Mr. Speaker, it is my understanding that the Committee on the Judiciary has asked for a rule on the Simpson-Mazzoli immigration bill. This means that this infamous piece of legislation, already passed by the other body, will once again be considered by the House of Representatives.

Simpson-Mazzoli was considered last year under an open rule subject to amendment at any point, and it should likewise be considered under an open rule this year.

Enough time must be given for debate, not only to members of the committee but to those of us, not in the committee who oppose this legislation because of its adverse effect on the people of America. We want time to point out the dangers it presents, particularly those dangers inherent in its anti-human and civil rights provisions.

We want to show that the Simpson-Mazzoli bill because, of its well intentioned, but dangerous provisions, will effect adversly, not only those who live among us without documents, but every man, woman, and child in the United States.

It is important that we know all the ramifications inherent in the Simpson-Mazzoli immigration bill before it is too late.

DANNY LaBOCCETTA—WINNER OF POSTAL SERVICE STAMP DESIGN CONTEST

(Mr. ADDABBO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ADDABBO. Mr. Speaker, I take this opportunity to publicly congratulate a talented young artist from my district. Eight-year-old Danny LaBoccetta entered a design for the 1984 Christmas stamp in a nationwide contest. Out of over half a million participants, Danny was one of two finalists selected by the U.S. Postal Service—his Santa Clause design will appear on next year's secular stamp issued nationwide.

The whole community is proud of Danny's accomplishments, which do not end with his recent success as an artist. Danny attends the second grade at Our Lady of Perpetual Help School in Richmond Hill, where his principal, Margaret Mahon, describes him as an excellent all-around student. He entered the contest at the urging of Mrs. Furia, his art teacher, who recognized his talent. Danny, she says, would rather be out playing shortstop or pitcher than indoors drawing, which makes him quite normal. In spite of a rush of local publicity, including an appearance on the evening news, Danny remains nonchalant about the whole episode.

I am proud to have this talented young man as a constituent; he obviously has a solid base from which to choose the future he wants. He is also fortunate to have teachers who notice individual achievement, who push their students to fulfill their potential, and who get involved with each student. Congratulations also go out to his parents and the dedicated staff of Our Lady of Perpetual Help.

We all look forward to seeing Danny's stamp next holiday season.

MARINES SHOULD NOT BE SITTING DUCKS

(Mr. ROEMER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROEMER. Mr. Speaker, do you not just love the hypocrisy alive in our land; columnists and Congressmen who say it is just fine to send our fighting men to Lebanon to protect freedom, where none exists, yet it is foolish to send advisers to El Salvador to help cultivate freedom where it is clearly growing. But hypocrisy or double standards aside, I have an idea about Lebanon. We need to pull the Marines out now, take our propaganda lumps, and save their precious lives. We need to replace them with men trained to be ducks, like in sitting ducks. Marines are not ducks. They do not act like ducks, they are not equipped as ducks, they do not think like ducks. Marines come to fight. Since we are not going to let them fight in Lebanon, nor should we, let us bring them home and replace them with volunteers willing to serve for an indefinite period of time and assume the role of ducks.

When these volunteers are shot at and shelled and used as political pawns and macho symbols, we can easily ignore their squawks. After all, they are just ducks, not men with families or dreams or futures. Just ducks—sitting ducks.

HOPE INSTEAD OF DESPAIR

(Mr. ECKART asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ECKART. Mr. Speaker, throughout the past 2 years we have heard a series of horror stories of unemployment which are becoming more and more commonplace in our country today. Indeed, as we prepare for what soon will be a bitter winter, many of these thousands of our fellow citizens find themselves in the most difficult of economic circumstances. Indeed, yes, even in my own State in which just a few years ago an unemployed person could have unemployment compensation for 65 weeks they now find that cut to 36 weeks as a result of actions by the Reagan administration. Instead of further punishing our Nation's unemployed we should try to help them.

The Community Renewal Employment Act does just that. My hard hit district along with many others of my colleagues would be benefited from it.

After years of neglect, this bill offers us the chance to create jobs to rebuild our Nation's crumbling public works and improve other services provided by our financially strained localities. Several schools in my district have contacted me about their state of ill repair and the need to remove cancer causing asbestos from their buildings; however, the funding just does not exist for such important jobs. But, with the Hawkins bill, we can put people back to work, repair our buildings and roads, and protect our children.

The administration says that time will solve the problems of the unemployed. Time is one thing that the unemployed already have too much of. They do not want a dole. They want dignity and a job. The Community Renewal Employment Act offers hope instead of despair for millions of Americans.

COMMUNITY RENEWAL EMPLOYMENT ACT DESERVES SUPPORT

(Mrs. BOXER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BOXER. Mr. Speaker, as president of the Democratic New Members Caucus, I am pleased to report that the vast majority of our 60 members support H.R. 1036, the Community Renewal Employment Act.

When we got elected in 1982, we saw first hand during our campaigns the suffering and misery caused by the administration's unrelenting goal to cure inflation through unemployment.

We forged a coalition to help pass the first Emergency Jobs Bill in 1982 and are part of that same coalition now.

The unemployment rate is 9.5 percent. Many of these unemployed are American women—single, divorced, widowed or separated—whose husbands earn less than $15,000 per year. The feminization of poverty continues to grow and if we do not reverse this trend by the year 2000, almost all of those in poverty will be women.

H.R. 1036 addresses this important need by providing employment opportunities for both men and women through jobs which will help the com-

munity and make these unemployed members of our society productive once more.

Unemployment brings personal misery and adds to our deficit as the unemployed seek sustenance programs for their economic survival. H.R. 1036 is a good bill that deserves our support.

MARINES INVOLVED IN INTERNECINE WARFARE IN LEBANON

(Mr. MARKEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MARKEY. Mr. Speaker, the U.S. Marines have become involved in internecine warfare among religious factions in Lebanon. American forces have taken casualties and have become involved in combat. Yesterday, a new level of involvement was reached when U.S. naval ships engaged in shore bombardment in support of the Lebanese Government.

Clearly, our marines no longer form a part of a peacekeeping force. They are becoming involved in an age-old conflict among Lebanese factions. While the nature and mission of the forces we have deployed in Lebanon have changed, the administration has refused to recognize that we are now involved in hostilities and that the War Powers Act should now be in effect.

□ 1230

This is not a dispute over whether catsup is a vegetable. The President is saying that the American Marines killed in combat were not involved in hostilities. This is just not true.

Regardless of the advisability of committing U.S. troops in this situation, one fact stands clear: The President should not be allowed to make such a commitment unilaterally and the Congress must not allow him to defy the law.

The War Powers Act must be invoked if we are indeed a nation of laws.

THE HOUSE MUST PASS THE COMMUNITY RENEWAL EMPLOYMENT ACT

(Mr. SEIBERLING asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SEIBERLING. Mr. Speaker, I rise today in strong support of H.R. 1036, the Community Renewal Employment Act that we are taking up later today.

Since the Reagan recession began, millions of American workers have joined the ranks of the officially unemployed. In my own State of Ohio, the unemployment rate is 10.8 percent, third highest in the Nation. Officially, 564,000 Ohioans are out of work. But official unemployment statistics do not tell the whole story. According to Ohio Gov. Richard Celeste, more than 800,000 Ohioans are without jobs. More than 250,000 of them have simply given up hope of ever finding a job. They are the statistically invisible unemployed, and they are no longer calculated in any official employment figures.

At hearings last week on unemployment compensation, worker after worker testified about the frustrations and deprivations caused by unemployment. These are people who are facing the prospects of losing everything—their homes, their personal property, and their self-esteem. These unemployed workers also were resoundingly clear on one point—they would rather work than receive unemployment benefits.

Yet during most of this recession, the Federal Government has had no authority to respond to the unemployment crisis by creating jobs. The Reagan Budget Act of 1981 eliminated the only countercyclical jobs program then in existence. Congress has responded to this crisis by enacting the Job Training Partnership Act, and by approving the emergency supplemental appropriations bill, which included funds for short-term jobs creation.

But we need to do more, Mr. Speaker. The Community Renewal Employment Act, of which I am a cosponsor, will provide a shot in the arm to efforts to create meaningful short-term unemployment to the chronically jobless. H.R. 1036 will target funds toward those areas with higher than average employment rates, and will provide jobs to individuals with a demonstrated inability to secure unsubsidized employment. This is not a makework bill. The jobs created will directly benefit communities, since eligible activities will include road repair, water systems repair, mass transit system development, and health care and emergency shelter programs.

Mr. Speaker, America's unemployed do not want handouts. They want jobs. And H.R. 1036 is a vital step in the right direction. I urge my colleagues to vote for passage.

LET'S HEAR IT FOR CHARLES LICHENSTEIN

(Mr. BROOMFIELD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BROOMFIELD. Mr. Speaker, let me offer my personal praise of the U.S. Representative to the U.N., Charles M. Lichenstein. I appreciate the frank comments he made about the United Nations yesterday when he told the Soviets that if their delegate, or any other member, wished to propose that the United Nations get out of the United States, that the United States would put no impediment in their way.

Since the Korean war, the United Nations has had a spotty record in preventing or controlling the outbreak of wars around the globe. U.N. spending alone has risen over 80 percent in 5 years. This has meant a rise in the U.S. contribution from $99 million in 1977 to over $171 million in 1983.

Mr. Lichenstein's comments reflect the frustration of myself and many Americans when we think of the U.N.'s costs, its lack of effectiveness, and its basic orientation. With this in mind, I say to the United Nations, shape up or ship out.

Ambassador Lichenstein, I am sure that many Members of Congress agree with what you said and many of us would be happy to join you at the dock to wave a "fond farewell."

RELOCATING THE U.N.

(Mr. SOLOMON asked and was given permission to address the House for 1 minute.)

Mr. SOLOMON. Mr. Speaker, by now, we have all grown quite used to the preposterous charges that the Soviet Union has leveled against America in an attempt to cover up their despicable downing of Korean flight 007. But there is one charge that deserves an answer—the charge that America has failed to fulfill our obligations as host country for the United Nations.

For once, Mr. Speaker, I agree with the Russians. I join with Charles Lichenstein, one of our Representatives to the United Nations, in extending a cordial invitation to Ambassador Gromyko and his Third World colleagues, clones and stooges, to relocate the United Nation someplace that better reflects their customs, and their craven political style. Afghanistan, perhaps.

As hosts for the United Nations, the American taxpayer will shell out $389 million next year. That is a lot of money to pay to be alternately harangued, insulted and double-crossed by some of the rudest guests since the Redcoats put their boots up on Dolly Madison's furniture.

EULOGY TO VICTIMS OF KAL 007

(Mr. PHILIP M. CRANE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PHILIP M. CRANE. Mr. Speaker, the entire world has echoed with shock and outrage in the wake of the shooting down by the Soviets of a civilian plane carrying defenseless men, women, and children. By this action the Soviets have once more shown

themselves to be contemptuous of not only international law, but of all standards of civilized behavior. The Soviet disregard for human life and human rights displayed yet again in this incident has been made manifest for all the world to see.

This horrifying tragedy claimed the lives of 269 people, including a distinguished Member of this Congress, and it must not be forgotten.

Today I am inaugurating a series of 269 1-minute speeches which will memorialize each of the individuals whose lives were snuffed out in the barbarous attack, and which will call on the Soviets—in the name of simple justice—to partially rectify the wrong that has been done by giving life and freedom to one of thousands of Soviet subjects—each as innocent as the KAL-007 flight victims—currently occupying Soviet prisons, hard-labor camps, and psychiatric hospitals.

So today, Mr. Speaker, I would like to begin by eulogizing our fallen colleague, the Honorable Larry McDonald, who was unceasing in his efforts to bring into the light of day the hidden machinations of the Soviets throughout the world. He had the courage of his convictions, the willingness to speak out, any time and any where, in order to raise the consciousness of all his fellow Americans regarding Soviet actions and the dangers posed by the Communist threat throughout the world.

Mr. Speaker, we realize, of course, that there is nothing we or the Soviets can do to bring back the lives of the KAL-007 victims. However, we can, we must, and we will ask the Soviets to give new life and freedom to others as a reparation for this heinous crime against humanity. Specifically, we call upon the Soviet Union, in reparation for the life of Larry McDonald, to release another man of conscience; a champion of freedom and justice, Andrei Sakharov.

HELP THE POULTRY INDUSTRY: SUPPORT H.R. 3231

(Mr. BEREUTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BEREUTER. Mr. Speaker, President Carter's 1980 grain embargo of the Soviet Union is regularly decried because of its deleterious impact upon the grain producers of America. We forget, however, that the grain embargo hurt more than just the grain producers of our Nation.

According to the Poultry and Egg Institute of America, the last Soviet embargo cost poultry producers an order for 65,000 metric tons of chicken. They received no compensation for their losses.

When the United States imposed controls on the export of soybeans due to domestic shortage considerations in the early 1970's, the Japanese responded by encouraging the development of Brazil as a major producer of soybeans. Increased chicken production in Brazil naturally followed. According to the president of the Poultry and Egg Institute of America, "a major cause of our losing export markets is Brazil's practice of subsidizing poultry," another offshoot of our ill-considered and ineffectual export controls.

This year, Congress will have an opportunity to review the laws which allow the imposition of export controls upon agricultural commodities and all other goods and technologies. When H.R. 3231, the Export Administration Amendments Act of 1983 comes to the floor in the coming weeks, I hope that all Members will review it closely and give their strong support to its necessary reforms to our Nation's export control policies.

COAL SLURRY PIPELINE RED HERRINGS

(Mr. SHUSTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SHUSTER. Mr. Speaker, after so many years of debate on the coal slurry issue it was disappointing to read in the Washington Post this morning the wornout, discredited claim that this issue has gone to Congress because it is impossible to build a pipeline very far without having to cross a railroad right-of-way and the railroads generally refuse to allow it.

For the umteenth time, Mr. Speaker, let us say once again that those of us who oppose this special interest legislation has said we will support legislation giving coal slurry lines limited, limited right of Federal eminent domain over railroad tracks. But when we have offered this time and time again it has been declined, proving, exposing that this issue of not being able to cross railroad tracks is the only issue is simply a red herring.

This is an enormously complex issue that goes far beyond that simple red herring. Given the awesome power of Federal eminent domain to private coal slurry lines is anticompetitive and should be defeated.

COMPENSATION FOR VICTIMS OF KAL 007

(Mr. NIELSON of Utah asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. NIELSON of Utah. Mr. Speaker, each of us has risen to his or her feet in the memory of our respected colleague, Larry McDonald; the premature ending of his life represents a tragic waste. I knew him, I respected him, and I will miss him deeply. As much as I have been personally touched by his death, I cannot help but think about the 268 others aboard that Korean airliner: Those innocent people whose lives were ended suddenly and without reason 35,000 feet above the cold cruelty of a vast ocean. I think of the 8-month-old boy on his way to see his father for the first time; the young businesswoman on her way to her first job; the young father of two who had turned down the chance to catch an earlier flight so he could spend a few extra hours with his loved ones.

Because of the inhumane disregard of the Soviet Government, all of these were brutally murdered in a devastating missile blast. For Larry McDonald, and for the 268 others, I pray we will have the courage to stand firm, and take whatever steps are needed to get adequate recompense.

□ 1240

OUR MARINES SHOULD BE ABLE TO PROTECT THEMSELVES IN LEBANON

(Mr. LEWIS of Florida asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEWIS of Florida. Mr Speaker, I would have preferred the establishment of a multinational, peacekeeping force under the auspices of the United Nations in Lebanon. But since it appears the decision for us to maintain a presence there is inevitable, it is important that we make our resolve in Lebanon crystal clear to all nations.

Since that commitment cannot be successful if tied to a capricious timetable, we should not bind ourselves to time constraints if the purpose of our mission in Lebanon is to keep the peace or to be a forthright symbol of legitimacy for the Lebanese Government.

And while our marines remain in Lebanon they should have the absolute freedom to defend themselves.

Their presence there is not to fight but if their positions are fired upon then our marines should use any means to protect and defend their positions and their lives with utmost dispatch.

THE CHADHA RESPONSE BILL FOR FEDERAL REGULATIONS

(Mr. LOTT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LOTT. Mr Speaker, today, I am being joined by a group of my Republican leadership colleagues in the House in introducing the "Regulatory Oversight and Control Act of 1983" as a response to the recent Supreme

Court decisions holding the legislative veto device unconstitutional.

Our bill offers a four-pronged approach to retaining congressional control over the Federal regulation-making process. First, the bill calls for internal agency regulatory improvements, including cost-benefit analyses for major rules and their alternatives, a requirement that agencies choose the most cost-effective alternative unless another is mandated by law, and a sunset date of not more than 10 years for all major rules, including existing major rules.

Second, our legislation requires submission of most rules of general applicability to the Congress for a 90-day period. Major rules must be approved by the enactment of a joint resolution, while other rules could be disapproved by enactment of a joint resolution. In both instances, this meets the Chadha requirement of Presidential involvement in the process.

Third, our bill amends House rules to provide for a more rational and accountable oversight process. And finally, we permit the offering of limitation amendments to appropriations bills during the initial amendment stage for those regulations for which a resolution of disapproval has not been considered by the House or has not been enacted during the specified review period.

Mr Speaker, I invite my colleagues to join as cosponsors in this effort to retain congressional control over the lawmaking authority we delegate to the regulatory bureaucrats.

JOBS NEEDED NOW

(Mr. GONZALEZ asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GONZALEZ. Mr. Speaker, since 1980, unemployment has increased by leaps and bounds—today, the number of unemployed is 50 percent greater than it was then. And that is not all; the number of people forced into part-time work has also increased, by almost 50 percent. And that is not all; the real wages of American workers are not improving at all. Yet a great economic recovery is being trumpeted. Where is that recovery, when long-term unemployment is twice as high today as it was 2½ years ago?

Millions of American—at least 11 million—are looking for work and not finding it.

There is a great and burgeoning need for jobs, and jobs now.

That is why we need a jobs bill. That is why the House must enact H.R. 1036, the Community Renewal Employment Act. It is not all that is needed, but it is at least a step in the right direction.

Through this bill, communities will be able to make urgently needed repairs and investments in their basic capital structures—schools, roads, parks, and all manner of other public facilities. We have hundreds of billions of dollars' worth of needed public works.

These are investments that must be made, cannot be avoided.

We have millions of people desperate for work.

What could make more sense than to put people who need jobs to work on jobs that need to be done? With all the need we have for improving this Nation's wornout, worn-down public facilities, why not get the job done? Nothing could be more sensible or practical than the Community Renewal Employment Act, and I urge my colleagues to support it.

If we can afford to spend better than $9 billion a year on military space ventures, surely we can afford to spend one-third that amount to put safe streets under our cars, to put sound walls in our schools, and to make our communities decent places in which to live.

WHY, I ASK, ARE WE THERE?

(Mr. PAUL asked and was given permission to address the House for 1 minute.)

Mr. PAUL. Mr. Speaker, the parents of marines killed and wounded in Lebanon are asking: Why are we there? What is our goal? Where is the enthusiasm for the mission? What is our role?

Americans will support, and fight and rally together when the objectives are clear. They will grow discontented and divided if our goals are vague and untenable.

Now is the time to decide what the purpose for our Middle East involvement is. If we wait a day longer, we will become deeply mired in a conflict from which we cannot escape.

It has been said that we are a peacekeeping force and yet there is less peace now than when we went into Lebanon. We did not go in to fight and yet we fire our weapons daily to protect our marines. But if our marines were not there, there would be no reason to participate in the killing—nor have our own marines killed and wounded.

Last year, we rescind the PLO at great risk and expense. Today, those same PLO members are firing at our marines.

Some have said that our marines feel good about their mission in Lebanon. But Alexander Ortega, in his last letter home before being killed, said: "I never knew how much I love America. I want to come home." Soon after he wrote that letter, he came home—in a box. And for what?

No—there is no peace, yet we are told there is no war. If there is no war, then victory can never be the goal.

It makes no sense. It is time we admit it and come home before a lot more marines come home as Alexander Ortega did.

It would be a serious mistake for Congress to give approval for our troops to occupy Lebanon for an additional 18 months. Our involvement in Lebanon serves to escalate the war, jeopardizes our national security, and detracts from our ability to provide for a true defense of America. It is time to come home.

PERMISSION FOR TASK FORCE ON SOCIAL SECURITY AND WOMEN OF SELECT COMMITTEE ON AGING TO SIT ON THURSDAY MORNING, SEPTEMBER 22, 1983

Ms. OAKAR. Mr. Speaker, I ask unanimous consent that the Task Force on Social Security and Women of the Select Committee on Aging be permitted to sit on Thursday morning, September 22.

The SPEAKER pro tempore (Mr. MOAKLEY). Is there objection to the request of the gentlewoman from Ohio?

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to the provisions of clause 5, rule I, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 4 of rule XV.

Such rollcall votes, if postponed, will be taken today after debate has been concluded on all motions to suspend the rules.

DELAYING PAY CUT FOR CIVIL SERVICE

Mr. FORD of Michigan. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3871) to amend the Omnibus Budget Reconciliation Act of 1982 to provide that the figure used in determining hourly rates of pay for Federal employees not be changed before the comparability adjustment in the rates of pay for such employees has been made for fiscal year 1984.

The clerk read as follows:

H.R. 3871

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 310(b) of the Omnibus Budget Reconciliation Act of 1982 is amended by adding at the end thereof the following new paragraph:

"(4) Notwithstanding any other provision of this subsection, paragraph (1) shall not be effective with respect to pay periods beginning before the effective date of any increase under section 5305 of title 5, United

States Code, in the rates of pay under the General Schedule and the rates of pay under the other statutory pay systems for fiscal year 1984.".

SEC. 2. The amendment made by this Act shall be effective as of October 1, 1983.

The SPEAKER pro tempore. Pursuant to the rule, a second is not required on this motion.

The gentleman from Michigan (Mr. FORD) will be recognized for 20 minutes, and the gentleman from California (Mr. DANNEMEYER) will be recognized for 20 minutes.

The Chair recognizes the gentleman from Michigan (Mr. FORD).

Mr. FORD of Michigan. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the sole purpose of H.R. 3871 is to delay the effective date of section 310(b) of the Omnibus Budget Reconciliation Act of 1982 until the effective date of the next Federal employee pay increase.

This bill is supported by a majority of the members of the Committee on Post Office and Civil Service, by numerous other Members of the House, and by the administration. Unless it is enacted prior to October 1, hundreds of thousands of Federal employees will suffer an unintended and unexpected pay cut this October.

Section 310(b) was one of several provisions reluctantly accepted by the House conferees on the 1982 budget reconciliation bill. These provisions, which adversely affect Federal employees and retirees, were necessary to achieve the spending cuts required by the reconciliation instructions. Section 310(b), for example, was estimated to save $120 million in fiscal year 1984. I should point out that although the House finally approved the conference report—it was rejected the first time it was considered—I and a majority of the members of the Committee on Post Office and Civil Service voted against it.

Section 310(b) requires a bookkeeping change in the way pay is computed for general schedule—white collar—and most other annual rate Federal employees. In order to compute paychecks for these employees their annual salaries must be converted into hourly rates. Currently, this is done by dividing the annual salary by 2,080 hours, number of house in 52 weeks of 40 hours each. In fact, however, each year there is a fraction of a week more than 52 weeks which means employees are being paid a little more than their stated annual rate in most calendar years. To save money, the Reconciliation Act requires that for fiscal years 1984 and 1985 the more mathematically accurate divisor of 2,087 hours should be used to compute hourly rates.

According to the Office of Personnel Management, use of the new divisor will mean pay cuts of $3.20 to $8.80 per pay period for affected employees. To minimize the impact on employees, the Reconciliation Act provides the new computation method will take effect with the pay periods beginning on or after October 1. This coincides with the traditional effective date for the annual Federal pay comparability adjustments. Thus, although the new divisor means a slight pay reduction, the comparability adjustment which was expected to take effect at the same time would more than compensate for it, and employees' take-home pay would still increase.

The President has now formally proposed delaying the pay adjustment until next January and capping it at 3.5 percent. Congress may or may not go along with the President's plan. It earlier endorsed a 4-percent increase. But in the meantime affected employees will suffer a pay cut in a few days as a result of the President's plan to delay the annual pay adjustment.

This bill will avoid an October pay cut. Specifically, it provides that the new computation method will not take effect until the pay comparability adjustment also takes effect. Thus the reduction required by the new computation method will be more than offset by the pay comparability adjustment.

I urge my colleagues to support this bill out of fairness to Federal employees who will be unintentionally damaged if we fail to act.

Mr. DANNEMEYER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of the bill, H.R. 3871. As a cosponsor of this bill, I join the distinguished chairman of our committee, the gentleman from Michigan, and the distinguished ranking minority member, the gentleman from Missouri, in urging swift approval of this legislation. It is only fair that a salary computation change take place when a pay hike is enacted as originally intended in the 1982 Reconciliation Act.

As Members know, this change was made in order that the biweekly paychecks of Federal white-collar workers more accurately reflect the actual year.

But let it be clear where this change originated. It did not start with Ronald Reagan. It did not start with Donald Devine. It started in 1981 with a letter from the Chair of the Compensation and Employee Benefits Subcommttee to the General Accounting Office.

This change results in savings of $120 million per year. This means a one-third of 1-percent cut in the biweekly paychecks of Federal employees.

It should be noted that since H.R. 3871 amends the 1982 Reconciliation Act, the workyear change lasts only 21 months, if a pay hike is approved for January 1984. It is my view that this computation change which the Congress approved last year should be made permanent.

With respect to pay, this House has some large unfinished business and that is approving legislative savings through the reconciliation process. I regret to say that our committee came up $567 million short by approving an October 1 pay hike when the full House called for an effective date of January 1. The committee could not even bring itself to vote against a pay hike for Members of Congress. I trust that we can move swiftly on that needed legislation as well.

Again, I commend the chairman of our committee for his action in bringing H.R. 3871 to the House floor and urge swift passage of this legislation.

Mr. PARRIS. Mr. Speaker, will the gentleman yield?

Mr. DANNEMEYER. I yield to the gentleman from Virginia.

Mr. PARRIS. Mr. Speaker, I rise in support of the bill.

Mr. Speaker, the new pay computation formula contained in last year's Budget Act is a slap in the face to all Federal workers. Under the new formula, Government employees will suffer a reduction in their pay averaging $3.20 per pay period, and ranging up to $8.80 per pay period for high paid employees.

While this reduction is considered by some in the Congress to be a relatively small amount, it is still a reduction in take home pay and will have an adverse effect on the morale of employees at all levels. This pay formula was initiated by the Congress and in my opinion, should be repealed by the Congress.

For several years now, Federal employees have received limited cost-of-living increases, have experienced significant reductions in health benefits, and have been required to contribute to the medicare trust fund. At a time when a 21-percent pay increase is necessary to reach comparable levels in the private sector, it is unconscionable to permit any further reductions in pay or benefits.

I commend the House Post Office and Civil Service Committee for moving forward with H.R. 3871. This bill has the support of the administration and corrects a serious inequity that we must address now. I urge my colleagues in the House to support this measure.

Mr. FORD of Michigan. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Ohio (Ms. OAKAR).

Ms. OAKAR. Mr. Speaker, much as I would like to claim credit for things that I do which are right, I think the gentleman needs to be a little corrected.

The result of this cut was a result of the Reagan Omnibus Reconciliation

Act, no study. As a matter of fact, when GAO did a study related to this issue, they asked the chair of the committee to put forth a formal request so they could release the study. So it was not really a formal thing that we initiated. It was a result of a vote on the Omnibus Reconciliation Act of 1982. No study can produce a vote. And I did not support that Reconciliation Act, I am proud to say.

Mr. Speaker, make no mistake about it, this is an important bill for our Federal employees. And, naturally, this pay cut has upset many of our workers. Even though the amounts appear to be small, they are not small when it comes to the individuals who make a relatively small salary.

Federal employees see it as another slap in the face from the White House. And over the past several years various administrations, especially this one, has criticized and admonished the Federal employees for being the source of many of our problems, which is of course not true.

In addition, this cut comes on top of other reductions, for pay reductions for Federal employees. You cannot do too much more to an employee than offer them, as this administration has done, no pay raise, offer to gut their retirement plan, and to ask them to pay up to 55 percent more for their health plan and get an equivalent amount of a decrease in benefits.

So they have just clobbered them every time they have turned around.

And in today's Washington Post—and if the gentleman had not blamed me for this particular cut of Federal employees, I would not be going into this detail, but since the gentleman raised it, I feel we have to put forward the facts—it relates that the administration—we do not know if it is true or not, but at least it is on the front page of today's paper—plans to increase the cost to Federal employees for their health benefits up to 25 percent more.

And, in addition to all of this, Federal employees, by all studies that are verified, lag behind the private sector in comparable salaries some 21 percent.

So hundreds of thousands of Federal employees view this problem as another setback.

I would like to commend my chairman for coming forward with a solution that I know he worked out with the Senate side that at least will delay this further cut for Federal employees.

Now, Mr. Speaker, in my judgment, Federal employees deserve the consideration of this body and the American people. The productivity of Federal workers has increased an average of 1.5 percent per year between 1967 and 1981, almost double that of the national average and certainly higher than in other countries.

Federal employees are not asking to be treated any better than any other employee, they only want to be treated equally. They should not be considered second-class citizens or be forced to bear an unfair burden of Government cutbacks.

Simply put: Federal employees should be afforded the same types and levels of benefits they could receive from any other employer.

And this is the least we can do today to pass H.R. 3871. I certainly support it. I ask my colleagues to do so. And I am glad that for a change there is a bipartisan support for assisting the Federal employees not to take still another cutback in their benefits.

Mr. DANNEMEYER. Mr. Speaker, will the gentlewoman yield?

Ms. OAKAR. I would be happy to yield now to the gentleman from California.

Mr. DANNEMEYER. I thank the gentlewoman for yielding.

After listening to the gentlewoman's comments, I have to ask a question.

Is the gentlewoman supporting this legislation?

Ms. OAKAR. Absolutely supporting it.

Mr. DANNEMEYER. I had to ask that question.

Ms. OAKAR. But I did not support the Omnibus Reconciliation Act of 1982 that had this legislation in it.

Mr. DANNEMEYER. And I have another question. Did the gentlewoman write on March 10, 1981 to the General Accounting Office requesting what this concept would do in terms of its impact on the Federal budget?

Ms. OAKAR. That is right. After the GAO, who had already done the study, asked me to write formally so that they could release their findings, I did do that. But as the gentleman knows I did not initiate it. Nonetheless, even if I had, the fact of it is the study does not produce the action. The action was by a vote on the Omnibus Reconciliation Act.

□ 1300

I know the other side of the aisle would like to blame the Democrats, for a change, for various kinds of cuts in Federal employees. The fact is that we have always tried to protect Federal employees. We believe this is the greatest country in the world, and one of the reasons it is is because we have the greatest Government which is run, by and large, by Federal employees.

So I would be happy to have the gentleman join me. I am glad he is a cosponsor of this legislation. I think H.R. 3871 is important. I am delighted that the gentleman is a cosponsor, as I am, in joining our Chair's leadership to protect, for a change, the health and welfare of our Federal employees.

Mr. DANNEMEYER. Mr. Speaker, I thank my colleague.

Mr. Speaker, I yield 2 minutes to the gentleman from Utah (Mr. NIELSON).

Mr. NIELSON of Utah. Mr. Speaker, I would like to commend the gentleman from Michigan (Mr. FORD), the gentlewoman from Ohio (Ms. OAKAR) and the gentleman from California (Mr. DANNEMEYER) for this essential legislation. I think it is very good to delay this so that it comes at the same time the salaries are adjusted in January, rather than have the accounting change. In addition to the hardship on the civil servants involved, it also involves a good deal of accounting and computer changes, as well.

So I commend you for doing that, and I wholeheartedly support it.

Mr. DANNEMEYER. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. FORD of Michigan. Mr. Speaker, I yield such time as he may consume to the gentleman from Maryland (Mr. HOYER).

Mr. HOYER. Mr. Speaker, I would like to take this opportunity to congratulate the chairman of the Post Office and Civil Service Committee as well as the ranking minority member of the committee for their timely movement of this legislation. If it were not for their deliberate efforts to prevent this impending pay cut on October 1, I am certain you would find an increasingly demoralized and frustrated Federal work force on the next pay day.

There is little rationale for this pay cut in the first place. It is the result of the budget reconciliation instructions of fiscal year 1983 that forced the authorizing committee to make savings where there was no room for savings. Federal pay is a constant overhead affected by pay raises and the number of employees onboard. Similarly, Federal retirement is also essentially an entitlement account. Thus, the authorizing committees responding to reconciliation instructions were faced with very difficult demands that they somehow reduce the overhead costs of this Government. But you cannot reduce overhead, especially in the personnel area without some negative effects. The result, in this case, was a nickle and dime approach—but the only approach the authorizing committee could take. If this legislation is not enacted, the next pay day will bring a pay cut.

As my colleagues know, the past years have been difficult ones for the Federal employees. A recent report by the President's Advisory Committee on Federal Pay indicates that Federal pay falls an average of 21.5 percent behind private sector pay. A report commissioned by the House Post Office and Civil Service Committee indicates that 2 years ago the value of the Federal employee health benefit plan was 21 percent less than the

health plans available to private sector employees and 18 percent less than that available to State government employees. With last year's premium increases and benefit reductions and this year's impending 18 to 25 percent increase in premiums, the health insurance gap between the private sector and that offered by the Federal Government will increase even more dramatically.

With good reason, then, civil servants feel betrayed, undermined, and unappreciated. Despite the relatively small size of the pay cut scheduled to take effect on October 1, the impact on employee morale will be large and negative.

I am pleased to see that this legislation has broad bipartisan support and that Congress is refusing to nickel and dime to death the men and women who make this Government run and run well. Again, I congratulate the gentleman from Michigan for his efforts on this legislation and urge the unanimous support of my colleagues for this bill.

Mr. FORD of Michigan. Mr. Speaker, I yield such time as he may consume to the gentleman from Maryland (Mr. BARNES).

Mr. BARNES. Mr. Speaker, I will be very brief. I came to the floor simply to salute the leadership of the chairman and the chairwoman of the subcommittee on this issue.

Just this morning the front page of the Washington Post reports that there is going to be yet another attack on Federal workers, and that is another huge increase in the premiums for health benefits for Federal employees and another huge reduction in the benefits that Federal employees receive. To tackle Federal employees with all of these attacks at the same time has simply, as was just said so correctly by my friend from Maryland, totally demoralized our work force.

What we are doing here today is a very small step, but it is an important one. I am delighted that we have the leadership of the members of the committee on this question, that they are moving this forward, and I urge strong support from our colleagues on both sides of the aisle.

Mr. BLILEY. Mr. Speaker, I rise today to support H.R. 3871 delaying pay reductions for salaried Federal employees past October 1 of this year. I commend the Committee on Post Office and Civil Service for bringing this legislation to the House floor in a timely fashion.

H.R. 3871 is a simple, well-reasoned response to a problem not anticipated when Congress passed the fiscal year 1983 Budget Reconciliation Act last year.

As we know, salaried Federal employees are currently paid on the basis of a 2,080-hour work-year, although they often work several hours longer than that, up to 2,096 hours in some years.

Because last year's reconciliation bill changes the annual hours worked from 2,080 to 2,087 on October 1, 1983, Federal employees are scheduled to have their pay cut on October 1, even though they will receive a 3.5- to 4-percent pay raise 90 days later.

It was intended that all salary changes would be made at the same time as the annual cost-of-living increase, which normally comes on October 1, to cushion the effect of this necessary but unfortunate pay adjustment. Without this bill our decision to postpone the pay increase to January 1 would be a double blow to Federal workers: Not only would their annual increase be late, but they would actually see their paychecks reduced on October 1.

In addition to the equity feature of this bill for Federal workers, the measure would save the Federal Government considerable time and expense of accounting and bookkeeping changes in Federal checks only 3 months apart.

Federal employees do an outstanding job in the service of our country. We owe it to all civil servants to be fair and understandable when we make changes that affect them.

H.R. 3871 is needed, fair and sound. I urge its adoption.

● Mr. FAZIO. Mr Speaker, I would like to take this opportunity to strongly endorse H.R. 3871, which will delay the recomputation of Federal white-collar salaries from October 1 until the date of the Federal pay comparability adjustment for fiscal year 1984. The expeditious action by Congress on this issue is due to the commitment of our colleagues to the Federal workforce, and I would especially like to commend Representative BILL FORD, chairman of the Post Office and Civil Service Committee, for his leadership in bringing this legislation to the floor of the House.

The recomputation involves a changeover from computing pay on the basis of a workyear of 2,080 hours to one of 2,087 hours and will cost the average civil servant about $3.20 every 2 weeks. The bookkeeping change, as mandated by the 1982 Omnibus Budget Reconciliation Act, was to go into effect this October 1—the usual date for the annual Federal pay adjustment—so that its impact would be minimized. Now that the President has proposed a pay adjustment to take place in January, it is only fair that the recomputation be delayed to that date. This bill has received the endorsement of the Office of Personnel Management, and represents a bipartisan effort among Members of Congress on behalf of our Federal work force. I urge my colleagues to give H.R. 3871 their swift and favorable consideration.●

● Mr. WOLF. Mr. Speaker, I rise in support of H.R. 3871, a bill I cosponsored which would delay until January the effective date for recomputing hourly pay rates for certain Federal employees. This bookkeeping change was originally slated for implementation in October, however, I support this effort to delay the effective date for several reasons.

I did not support the Omnibus Reconciliation Act of 1982 which initially imposed this change. I believe the intent of the original legislation, though, was to have this computational change coincide with the next comparability pay increase. Since the next pay raise now appears likely in January, if this bookkeeping change were made then, I believe it would be absorbed by the pay raise and pose less of a negative impact on Federal workers. Likewise, this yearly work-hour change would coincide with the calendar year to which this change pertains rather than with the fiscal year.

This bill as introduced by the chairman of the House Post Office and Civil Service Committee, has broad bipartisan support and, as outlined in the attached letter from the Office of Personnel Management, has administration backing as well.

Mr. Speaker, I urge my colleagues to support this bill.

OFFICE OF PERSONNEL MANAGEMENT,
Washington, D.C., September 9, 1983.

Hon. WILLIAM D. FORD,
Chairman, Committee on Post Office and Civil Service, U.S. House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: I am writing to express the Administation's support for a delay in the effective date of the impending change in the method by which pay for Federal salaried workers is computed.

Under section 310(b) of Public Law 97-253, the Omnibus Budget Reconciliation Act of 1982, General Schedule employees, and most other annual rate employees of the Government, will have their pay computed during fiscal years 1984 and 1985 under a different formula than has been used in the past. In order to compute paychecks for these employees, it is necessary to convert their annual salary rates into hourly rates. Up till now, this has been done by dividing the annual rate by 2,080 (the number of hours in 52 weeks of 40 hours each) and rounding the result to the nearest cent to yield the hourly rate. Since there is a fraction of a week more than 52 weeks in a calendar year, this formula has resulted in most employees being paid a little more than their stated annual rate in most calendar years. In recognition of this situation, the Reconciliation Act provided that the mathematically more precise divisor of 2,087 would be used in lieu of the 2,080 divisor for two years, beginning October 1, 1983.

The Reconciliation Act was subsequently amended by Public Law 97-346, which provided, among other things, that the effective date of the 2,087 divisor would be delayed until the first day of the first pay period beginning on or after October 1, 1983. This change was made so that the effective date of the new computation formula would coincide with the then-expected ef-

fective date of the fiscal year 1984 General Schedule pay adjustment, and the pay reduction resulting from the new divisor would thus be more than offset by the pay adjustment.

However, on August 31, 1983, the President transmitted to Congress an alternative pay plan that will delay the effective date of the General Schedule pay adjustment to the first pay period in January 1984, and this same delayed effective date is assumed in H. Con. Res. 91, the fiscal year 1984 budget resolution that was adopted by the Senate and House of Representatives on June 23, 1983. Accordingly, it now seems clear that the pay raise will in fact be delayed until January, and the implementation of the 2,087 divisor will therefore not coincide with the pay raise.

As a result, the affected employees will suffer a reduction in their pay averaging $3.20 per pay period, and ranging up to $8.80 per day period for high-paid employees. While this is a relatively small amount, any reduction in pay is certainly a difficult matter for low-paid employees, and would have an adverse effect on the morale of employees at all levels. Since it was clearly not the intent of anyone that this change in the pay computation formula take place in isolation and actually reduce people's take-home pay, we urge that the Committee initiate legislation delaying the effective date of the 2,087 divisor until the first day of the first pay period beginning on or after January 1, 1984, the same day that the General Schedule pay adjustment will become effective.

While this delay would reduce the savings anticipated from the 2,087 divisor during fiscal year 1984, these savings could be recouped in fiscal year 1986 by extending the current expiration date of the 2,087 divisor from September 1985 to December 1985, and we urge that such an extension be included in legislation delaying the use of the 2,087 divisor.

The Office of Management and Budget advises that, from the standpoint of the Administration's program, there is no objection to the submission of this report.

Sincerely,

DONALD J. DEVINE,
Director.●

● Mr. MATSUI. Mr. Speaker, I rise in support of H.R. 3871, legislation to delay the recomputation of hourly Federal pay rates. Passage of this bill is vital if we are to prevent the recomputation from taking effect on October 1.

As we are all aware, because of a provision of last year's Reconciliation Act, on October 1, salaries for Federal employees will be based on a work-year of 2,087 hours rather than on the current 2,080 hours. This will reduce the average employee's salary by $6.40 per month and save the Government an estimated $240 million during fiscal years 1984 and 1985.

Over the past 2 years, Federal employees have witnessed an unprecedented assault on their rights and benefits by this administration. Health insurance benefits have been reduced by an average of 16 percent, while premiums have been increased by an average of 56 percent. At the same time, the administration has attempted—so far, unsuccessfully—to increase the employee contribution to civil service retirement, raise the retirement age and change the formula for computing retirement benefits. Thus, the actual loss of wages next month—no matter the rate—would be one more burden imposed on Federal employees.

For this reason, I strongly support the delay of the recomputation until such time as the Federal comparability pay raise takes effect. I urge my colleagues to do the same.●

● Mr. DAUB. Mr. Speaker, I rise in support of H.R. 3871 which will delay the implementation of a change in the computation of the hourly wage rates for Federal civil servants.

Because this change will result in a reduction for Federal workers, it was to be initiated on October 1, 1983, in concert with the scheduled cost-of-living increase for the Federal work force.

Now that this cost-of-living increase has been delayed until January 1, 1984, the only responsible course of action is to delay this recomputation in wage rates until the same date.

Those who work in public service at the Federal level certainly merit more than this small sign of respect and concern from the Congress, but it is a step in the right direction. I urge my colleagues to vote in favor of this bill.●

● Mrs. SCHROEDER. Mr. Speaker, I rise in support of H.R. 3871, legislation to prevent 2 million Federal workers from seeing a real reduction in their paychecks 2 weeks from now. Frankly, we made a drafting error in the conference report on the Omnibus Budget Reconciliation Act of 1982 and we have come back here today to correct it before anyone is harmed by it.

The story has already been told: We achieved savings by switching the presumed number of hours of annual employment from 2,080 to 2,087. The higher number reflects reality somewhat more accurately; nevertheless, the change was made to reach budget reconciliation savings by slightly reducing Federal pay. To make sure this went by with little notice, we timed the change in presumed hours to the October 1, 1983 comparability adjustment. Well, for the first time in recent memory, there is not scheduled to be a comparability adjustment on October 1, 1983.

All this bill does is delay the change in hours until there is a pay comparability adjustment. Both under the alternative pay plan proposed by the President and under the budget reconciliation legislation reported by the Committee on Post Office and Civil Service, a January 1, 1984 pay adjustment is planned. We only differ on the amount. So, the delay provided in this bill is certain to be only 3 months long.

In more general terms, however, I think we have done far too much false economizing out of the pay and benefits of Federal workers. We have a demoralized and anxious work force. We do not have the pick of the labor market, as we used to. Young people are no longer excited about a career in public service. Senior workers are retiring as early as they can to avoid having their retirement system pulled out from under them. It is time for the Congress and the President to declare a cease-fire in the war against the public service. Such a cease-fire will allow Government workers to get back to doing what they do best: Providing needed and wanted service to the American people.●

Mr. FORD of Michigan. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MURTHA). The question is on the motion offered by the gentleman from Michigan (Mr. FORD) that the House suspend the rules and pass the bill, H.R. 3871.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. FORD of Michigan. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and to include extraneous matter, on this bill, H.R. 3871.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

CROP FEED GRAIN AND WHEAT PROGRAMS

Mr. DE LA GARZA. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3914) to require the Secretary of Agriculture to make an earlier announcement of the 1984 crop feed grain program and of the 1985 crop wheat and feed grain programs.

The Clerk read as follows:

H.R. 3914

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

ANNOUNCEMENT OF ACREAGE LIMITATION AND SET-ASIDE PROGRAMS

SECTION 1. (a) Effective for the 1984 and 1985 crops of feed grains, the second sentence of section 105B(e)(1)(A) of the Agricultural Act of 1949, as amended by section 124(l) of the Omnibus Budget Reconciliation Act of 1982, is amended to read as follows: "The Secretary shall announce any such feed grain acreage limitation program or set-aside program for the 1984 crop not later than September 30, 1983, and for the 1985 crop not later than September 30, 1984: *Provided*, That, notwithstanding any other

provision of law, the Secretary shall have the authority to make appropriate adjustments in such announcement for the feed grain acreage limitation program or the set-aside program for the 1984 crop not later than October 30, 1983, and for the 1985 crop not later than October 30, 1984, if the Secretary determines that there has been a significant change in the total supply of feed grains since the earlier announcement.".

(b) Effective for the 1985 crop of wheat, the second sentence of section 107B(e)(1)(A) of the Agricultural Act of 1949, as amended by section 122(l) of the Omnibus Budget Reconciliation Act of 1982, is amended to read as follows: "The Secretary shall announce any such wheat acreage limitation program or set-aside program for the 1985 crop not later than July 1, 1984; *Provided*, That, notwithstanding any other provision of law, the Secretary shall have the authority to make appropriate adjustments in such announcement for the wheat acreage limitation program or the set-aside program for the 1985 crop not later than July 31, 1984, if the Secretary determines that there has been a significant change in the total supply of wheat since the earlier announcement.".

The SPEAKER pro tempore. Is a second demanded?

Mr. MADIGAN. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from Texas (Mr. DE LA GARZA) will be recognized for 20 minutes, and the gentleman from Illinois (Mr. MADIGAN) will be recognized for 20 minutes.

The Chair recognizes the gentleman from Texas (Mr. DE LA GARZA).

Mr. DE LA GARZA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 3914, a bill to require the Secretary of Agriculture to make an earlier announcement of the 1984 crop feed grain program and of the 1985 crop wheat and feed grains programs. This bill replaces H.R. 3564 which had passed the Congress but was vetoed by the President on August 12, 1983.

H.R. 3914 is compromise legislation that is supported by the administration and generally meets the objectives sought by the committee in H.R. 3564. As was the case with the earlier legislation, the compromise proposal would change the final date for announcing the acreage limitation program for the 1984 and 1985 crops of feed grains from November 15 until October 1 of the year preceding the year in which the crop is harvested, and in the case of wheat from August 15, 1984, to July 1, 1984. However, in addition it would vest the Secretary with authority to make appropriate adjustments in the announcement within 30 days of such dates if the Secretary determines that there has been a significant change in the total supply of the affected commodities since the earlier announcement.

This legislation is designed to meet a perennial complaint made by farmers regarding participation in wheat and feed grain programs requiring acreage cutbacks that these programs are never announced early enough so that farmers can maximize their participation in the programs. The inconvenience and added cost of having to adjust production after production plans have already been adopted discourages many farmers from participating in the offered program. Many farmers cannot afford to participate in these programs because the benefits of the program do not offset the financial losses they would experience by idling land that has already been prepared for cropping. This earlier date of announcement would encourage greater farmer participation, thereby making our farm programs more effective and cost efficient.

Early announcement of next year's wheat and feed grain programs is also extremely important to farm suppliers. For instance, the delayed payment-in-kind (PIK) program announcement aggravated the severe financial bind agribusiness experienced in 1983.

The bill should allow Government officials sufficient time to assess the present year's production in relationship to the expected demand. With this information in hand, these officials would then be in a position to decide, given the estimated season-end carryover stocks, whether a wheat and feed grain program would be needed in the next crop year and if so, design and announce the details of the program by these dates. The drought that has afflicted agriculture has changed only the need for another massive acreage reduction program—not the need for an early program announcement.

I would like to read to the Members a letter I have received from the Secretary of Agriculture in support of the provisions contained in H.R. 3914:

DEPARTMENT OF AGRICULTURE,
Washington, D.C., September 16, 1983.

Hon. KIKA DE LA GARZA,
Chairman, Committee on Agriculture, U.S. House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: There has been much interest and concern about the legislation, H.R. 3564, which mandates an earlier announcement of the 1984 crop feed grain program and the 1985 crop wheat and feed grain programs. The Department understands and supports the need for program announcements to be made as early as possible; however, we do not support the enactment of H.R. 3564, as these dates may be too early to allow for effective program design.

To avoid any unnecessary confrontation with the Congress, while at the same time furthering producers' interests and facilitating responsible program design and administration, the Department has agreed to the following:

1. Announcement of the 1984 crop feed grain program intentions by September 30, with the understanding the Secretary may make adjustments in the program announcement within 30 days if there is a significant change in the total supply of feed grains;

2. Accept legislation that would require the Department to announce the 1985 crop wheat program by July 1, 1984;

3. Accept legislation that would require the Department to announce the 1985 crop feed grain program by September 30, 1984; and

4. Accept legislation providing discretionary authority for the Secretary of Agriculture for an additional 30 days to make adjustments in each program announcement if there is significant changes in the total supply of such commodities.

We believe that our proposal will meet the needs of farmers while allowing the Department to responsibly manage these programs. We hope you and the Congress share our views.

We are sending a copy of this letter to Congressmen Madigan, Foley and Marlenee, as well as Congressmen Roberts and Bedell.

Sincerely,

JOHN R. BLOCK,
Secretary.

Mr Speaker, I urge the Members to join me in support of this legislation.

Mr. MADIGAN. Mr Speaker, I yield such time as he may consume to the gentleman from Kansas (Mr. ROBERTS).

Mr. ROBERTS. Mr. Speaker, I rise in strong support of H.R. 3914, the substitute bill to require the Secretary of Agriculture to make an earlier announcement of the 1984 and 1985 feedgrains program and the 1985 wheat program.

For the third year in a row, the wheat program has been held hostage to politics, budget considerations, and weather conditions. This has meant that once again the wheat producers from Nebraska to Texas have had to make crop preparations and undergo costs without knowing what the Government wheat program will be for the next year.

During the August district work period, I visited all 58 counties that I have the privilege of representing. In virtually every county courthouse, farmers expressed concern, anger, and frustration over the delay of the 1984 wheat program. This bill will provide the farmer with what he needs most—consistency, predictability, and a better planning horizon so that he can make more rational business decisions on his cropping plans. As one producer told me recently: "Pat, I don't care what the USDA and the Congress do to me, just let me know in time."

The USDA has objected to an earlier version of this bill (H.R. 3564) because they said they needed the flexibility of the current statutatory dates. However, while the USDA may feel that the July 1 date is early for the announcement of the wheat program, I would point out to the USDA and my colleagues that the summer-fallow producer begins working his fallowed

ground in March and April. For the summer-fallow wheat producer in Kansas, a May 15 announcement would be timely. Unfortunately, the USDA objects to this date and the July 1 date, with the 30 days of flexibility, is a compromise date.

Mr. Speaker, this bill, the so-called earlier announcement bill, really mandates an announcement date for the wheat program that is only 2 months before wheat farmers start planting in Kansas and the High Plains—the area where most U.S. wheat is harvested. While I would prefer an earlier announcement for the wheat program, I urge my colleagues to support this bill. This bill is a simple matter of equity for the farmer. The road to sound policy is always paved with good intentions, but these intentions do not help the farmer if the USDA and the Congress do not follow through.

I urge the House to adopt this bill.

□ 1310

I think this shows what we can do, Mr. Speaker, if in fact we can work together and avoid a Presidential veto and avoid the kind of partisan politics that should be avoided in this particular case in working out the compromise with the gentleman from Iowa (Mr. BEDELL). I think the President wins, I think without question this body wins, I think the USDA wins, and most important, I think the farmer wins.

I want to express my personal thanks to the gentleman from Iowa (Mr. BEDELL), my good friend and colleague. I want to express also my strong appreciation to the chairman in regard to his efforts, and thanks to our Republican leader, the gentleman from Illinois (Mr. MADIGAN) who was able to bring the compromise together, and to my colleague, the gentleman from Iowa (Mr. EVANS) who was also very, very instrumental in this compromise.

Mr. COLEMAN of Missouri. Mr. Speaker, will the gentleman yield?

Mr. ROBERTS. I would be happy to yield to my colleague, the gentleman from Missouri.

Mr. COLEMAN of Missouri. I thank the gentleman for yielding.

Mr. Speaker, I would like to state this: that the gentleman in the well certainly deserves a great deal of credit for allowing us to go forward with this bill today and not be confronted with a Presidential veto override.

I think when the gentleman talked about visiting 58 different counties in his district, in the great First District of Kansas, the biggest wheat-producing district in the country, I am sure the people out in Dodge City, and Goodland, and all over are going to appreciate the representation. Nobody is ever totally satisfied with any one piece of legislation that comes through here, but I think that those wheat farmers will be better served by this resolution when it is signed into law than the present law which actually would set back to August 15 the announcement date for wheat.

So the gentleman has done a very good job for his farmers, he has done a good job for this country, and I want to congratulate him for it.

Mr. SMITH of Iowa. Mr. Speaker, will the gentleman yield?

Mr. ROBERTS. I would be happy to yield to my colleague from Iowa.

Mr. SMITH of Iowa. I thank the gentleman for yielding.

Mr. Speaker, I want to commend the committee and everybody for working on this legislation. It is some improvement over the present situation.

But I do want to ask this question: Is the gentleman in agreement that it would be a very extraordinary situation when they would change within that 30-day period?

Mr. ROBERTS. Yes, sir. As a matter of fact, it is mandated in this bill that we have to have a circumstance of real change in the crop reports, and the crop estimates, and the total commodity carryover prior to making any change.

I know that the farmer says, "Well, this is never set in concrete," but in this particular instance there would have to be sigificant change, and that language is in this legislation.

Mr. SMITH of Iowa. I just want to make it clear because I think people down in the Department, some of them may not realize the investments that are made in farming and it could be a big expense to a farmer to fertilize his land, and prepare it, and then have to change his plans.

Mr. ROBERTS. I thank the gentleman for his comments. He makes an excellent point.

Mr. MARLENEE. Mr. Speaker, will the gentleman yield?

Mr. ROBERTS. I yield to my friend and colleague, the gentleman from Montana.

Mr. MARLENEE. I thank the gentleman for yielding.

Mr. Speaker, I would like to offer my congratulations and thanks to my colleague, who serves with me on the Wheat Subcommittee, and to the ranking minority member, the chairman, and the gentleman from Iowa (Mr. BEDELL).

I think they deserve this commendation for pulling the chestnuts out of the fire on this one. This is something that we had sought all along when we had pursued early announcement or earlier announcement for the farm programs. The negotiation that took place is commendable, due no doubt to the expertise of the handling of it by those people who I have mentioned.

I support this as a cosponsor of H.R. 3914, and urge my colleagues to pass this particular piece of legislation quickly and swiftly, and again commend my colleagues for their work in negotiating this particular settlement.

Mr. ROBERTS. I thank the gentleman for his kind comments and for his contribution.

Mr. EVANS of Iowa. Mr. Speaker, will the gentleman yield?

Mr. ROBERTS. I would be happy to yield to my friend and colleague, the gentleman from Iowa.

Mr. EVANS of Iowa. I thank the gentleman for yielding.

Mr. Speaker, I would like to associate myself with the remarks of the gentleman from Missouri and the gentleman from Montana, and to take just a moment to address the concerns that I imagine exist in the minds of some of the Representatives from the summer-fallow wheat areas, and to say that I think the members of the committee understand very well that July 1 is not the best date for an announcement, and that July 31 is not the best date for revisions, and to assure them that the members of the committee understand that problem very well.

We are going to be looking hard at that in the future and we hope that we can do better by those summer-fallow growers there the next time around.

Mr. ROBERTS. I appreciate the gentleman's comments.

The SPEAKER pro tempore. The gentleman from Kansas (Mr. ROBERTS) has consumed 7 minutes.

Mr. DE LA GARZA. Mr. Speaker, I yield such time as he may consume to our colleague, the gentleman from Iowa (Mr. BEDELL), the original author of the legislation, the bill that passed initially, and this bill.

Mr. BEDELL. I thank the gentleman for yielding this time to me.

Mr. Speaker, I rise in support of H.R. 3914 which I introduced yesterday, together with the gentleman from Kansas (Mr. ROBERTS), along with 35 of our colleagues, including the gentleman from Texas (Mr. DE LA GARZA), the chairman of the committee, and 26 members of the Committee on Agriculture.

I want to again thank the chairman of our committee for his continued cooperation and support in assuring that this issue is resolved in a timely and acceptable manner.

The bill, H.R. 3914, essentially ratifies an agreement worked out between the administration and members of the Committee on Agriculture regarding the announcement dates for our 1984 feed grains program, and our 1985 wheat and feed grain programs. The legislation would require the Secretary of Agriculture to announce the 1984 feed grains program by September 30 of this year, and the 1985 wheat and feed grain programs by July 1 and September 30, respectively, of next year. In all cases, the Secretary would

be granted the authority to make appropriate adjustments in the announced programs, for a period of 30 days following the initial program announcement, if warranted by a significant change in the total supply of wheat or feed grains, as the case may be.

Mr. Speaker, I should also state that we have a letter from the Department saying that if this legislation is not signed into law in time this year that they commit themselves to doing this for the feed grains program in the current year.

Mr. Speaker, one of the great pleasures of serving on the Agriculture Committee is the opportunity to work in the often nonpartisan manner to address the issues confronting agriculture. Indeed, the area of agriculture—as perhaps no other—offers the chance for Members from both sides of the aisle to work in a cooperative fashion to achieve what is best for our farmers and the farm community as a whole.

It was in this cooperative and nonpartisan spirit, I think, that the current accord came about. Because of the active involvement of a number of Members from the Republican side including, certainly, Mr. ROBERTS, Mr. EVANS of Iowa, Mr. MARLENEE, and others, the administration was persuaded to reconsider its opposition to earlier program announcements and to accept a reasonable compromise.

I believe the agreement before us today has something for everyone, just as every compromise should. The earlier announcement dates provide farmers and the supply businesses which serve them with an early indication of the Department's intentions with respect to any acreage reduction program or change in price support levels. The Department, on the other hand is provided with an important safeguard which allows program adjustments if sudden weather developments or other unforeseen events significantly change the outlook for our total supplies of wheat or feed grains.

Finally, the taxpayers may receive something as well. Although, the earlier program announcements by themselves will result in absolutely no additional costs to the Federal Government, it is possible that the more timely announcement of our programs will actually lead to lower outlays for farm price supports. This is because earlier announcements provide more farmers with the option of participating in our farm programs, and higher participation means a program more effective at reducing periodic surpluses, and a program more effective at reducing our surplus reduces farm price support costs.

Again, Mr. Speaker, I urge the prompt adoption of this important compromise, and I wish to again thank all of those who have been responsible for working out this important compromise which I believe is beneficial to our farmers, to everybody involved, and to the taxpayers as well.

The SPEAKER pro tempore. The gentleman has consumed 4 minutes.

Mr. MADIGAN. Mr. Speaker, I yield such time as he may consume to the gentleman from Mississippi (Mr. FRANKLIN.)

Mr. FRANKLIN. I thank the gentleman for yielding this time to me.

Mr. Speaker, I rise in support of this legislation.

Mr. MADIGAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to add my congratulations to the gentleman from Iowa (Mr. BEDELL) and the gentleman from Kansas (Mr. ROBERTS) who worked so hard to make this compromise a real possibility, and also, of course, to the distinguished chairman of the full committee, the gentleman from Texas (Mr. DE LA GARZA) without whose leadership none of this would have been possible.

Mr. Speaker, I rise in support of H.R. 3914, a bill that successfully merges the interests of farmers, consumers, and taxpayers. Farmers need the earliest possible announcement of Federal farm programs to help them make crop decisions. H.R. 3914 calls for announcement dates several weeks earlier than present law, while retaining the ability to deal with natural disasters and other emergencies.

Consumers need to be assured that an abundant supply of affordable food is available. H.R. 3914 provides the administrative flexibility to insure steady food supplies. Taxpayers want to know that the money being spent on support of farm programs is being wisely used to achieve aims that are in the public interest. H.R. 3914 allows time for adjustments in the grain programs to insure adequate support for farmers without needlessly overspending.

Mr. Speaker, it is not often in this body that we are able to take an action that deals with the concerns of such a broad cross section of American concerns. I want to especially commend the efforts of my colleagues, the gentleman from Iowa, (Mr. BEDELL) and the gentleman from Kansas, (Mr. ROBERTS), who put this bill in its final form and have worked to achieve this compromise.

The advantages of H.R. 3914 over previous attempts to legislate early announcements of grain programs have been made more apparent over the last 60 days, as our corn farmers have faced a drought of staggering proportions. The extent and severity of this natural calamity could not be foreseen in July, and the full impact of the drought will not be assessed for several weeks yet. A rigid early announcement scheme would prevent adequate evaluation of damage and could lead to a distorted feed grain program. In the same way, my district in Illinois was part of a wide area in which the 1974 corn crop was severely damaged by frost. An early announcement of the feed grains programs with no flexibility to assess that late damage would have been disastrous for the farmers in my area.

H.R. 3914 provides a measure of certainty about Government programs that farmers badly need, while insuring that late-breaking developments that could produce major changes in the crop picture can be taken into account. The Secretary of Agriculture has stated his willingness to accept the provisions of this legislation for the 1984 and 1985 crop years. As we move to enact the next farm bill in 1985, we should consider making the provisions of H.R. 3914 a part of permanent law.

For now, however, I urge the Members of the House to support H.R. 3914. The farmers, consumers, and taxpayers of the Nation will thank you for it.

Mr. Speaker, I yield such time as he may consume to the gentleman from Missouri (Mr. EMERSON).

□ 1320

Mr. EMERSON. Mr. Speaker, I want to pay my compliments to the gentleman from Iowa (Mr. BEDELL), and the gentleman from Kansas (Mr. ROBERTS) for their fine leadership in bringing about this important compromise that will, indeed, be to the benefit of our agricultural producers.

Mr. MADIGAN. Mr. Speaker, I yield back the balance of my time.

Mr. DE LA GARZA. Mr. Speaker, I yield back the balance of my time.

Mr. FRANKLIN. Mr. Speaker, I rise in support of the bill, H.R. 3914. I feel that this bill represents a valid compromise between the American farmer and the Department of Agriculture in the area of early announcements for farm programs. When these programs are planned it is important to meet the farmers' needs as well as to allow the Secretary of Agriculture to develop responsible programs.

It is essential that the farmer and the supply businesses which serve them have the benefit of early announcements. Farmers must have sufficient time to weigh various farm program options and to make decisions about program participation.

I also understand that it is important to the Department of Agriculture to have the best possible information about the current year crop for planning purposes. The Secretary of Agriculture needs this data and needs a certain flexibility to respond quickly to unforeseen circumstances, such as drought.

Valid estimates of production and timely announcements are both essential in planning successful programs.

This bill would give the farmer the benefit of early announcements and also allow the Secretary of Agriculture the flexibility he needs. In the spirit of this compromise I wish to express my support.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. DE LA GARZA) that the House suspend the rules and pass the bill, H.R. 3914.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

REQUIRING EARLIER ANNOUCEMENT OF 1984 CROP FEED GRAIN PROGRAM AND 1985 CROP WHEAT AND FEED GRAIN PROGRAMS—VETO MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore. The unfinished business is the further consideration of the veto message of the President on the bill (H.R. 3564) to require the Secretary of Agriculture to make an earlier announcement of the 1984 crop feed grain program and of the 1985 crop wheat and feed grain programs.

The Chair recognizes the gentleman from Texas (Mr. DE LA GARZA).

Mr. DE LA GARZA. Mr. Speaker, I ask unanimous consent that the veto message of the President on the bill, H.R. 3564, together with the accompanying bill, be referred to the Committee on Agriculture.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

GENERAL LEAVE

Mr. DE LA GARZA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 3914, the bill previously passed, and on the unanimous consent request with reference to the veto message of the President on the bill, H.R. 3564.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

COMMUNITY RENEWAL EMPLOYMENT ACT

Mr. WHEAT. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 302 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 302

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 1036) to provide employment opportunities to long-term unemployed individuals in high unemployment areas in projects to repair and renovate vitally needed community facilities, and for other purposes, the first reading of the bill shall be dispensed with, and all points of order against the consideration of the bill for failure to comply with the provisions of section 402(a) of the Congressional Budget Act of 1974 (Public Law 93-344) are hereby waived. After general debate, which shall be confined to the bill and shall continue not to exceed three hours to be equally divided and controlled by the chairman and ranking minority member of the Committee on Education and Labor, the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider the amendment in the nature of a substitute recommended by the Committee on Education and Labor now printed in the bill as an original bill for the purpose of amendment under the five-minute rule, and said substitute shall be considered for amendment by titles instead of by sections and each title shall be considered as having been read. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentleman from Missouri (Mr. WHEAT) is recognized for 1 hour.

Mr. WHEAT. Mr. Speaker, for the purposes of debate only, I yield 30 minutes to the gentleman from Ohio (Mr. LATTA), pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 302 is an open rule providing for 3 hours of general debate to be divided equally between the chairman and ranking minority member of the Committee on Education and Labor. The rule makes in order an amendment in the nature of a substitute which is recommended by the Committee on Education and Labor and is now printed in the bill. This amendment in the nature of a substitute shall be considered as original text for the purpose of amendment under the 5-minute rule. Furthermore, the bill shall be considered by title instead of by section for amendment and each title shall be considered as having been read.

House Resolution 302 also waives points of order agaisnt the bill for failure to comply with section 402(a) of the Congressional Budget Act of 1974. As you know, Mr. Speaker, section 402(a) requires any authorization for new budget authority be reported before May 15 of the preceding fiscal year. The waiver is necessary because the bill becomes effective fiscal year 1983. Since the bill was not reported by May 15, 1982, it violates section 402(a) of the Budget Act.

Finally, Mr. Speaker, the rule provides for one motion to recommit, with or without instructions.

Mr. Speaker, the importance of H.R. 1036, the Community Renewal Employment Act, cannot be overly stressed. While some cite declining unemployment figures as evidence that the recession is over, the fact remains that the unemployment level in this country is abnormally high.

As of August of this year, the unemployment rate in the Nation was 9.5 percent. That means that at least 10.7 million people in this country are out of work. An additional 1.5 million had ceased to look for work because of the state of the Nation's job market.

Mr. Speaker, these figures indicate that for a significant numbr of Americans, the economy has not recovered.

H.R. 1036, the Community Renewal Employment Act, is a bill which would aid this Nations' unemployed and assist State and local governments in constructing and rehabilitating public facilities.

H.R. 1036 authorizes $5 billion for this fiscal year and $9.2 billion for the next fiscal year, to be used to pay wages to individuals to work on public works projects, repair public buildings, staff day care centers and improve educational facilities. It is estimated that as many as 900,000 of the currently unemployed could benefit if this legislation is enacted.

Mr. Speaker, H.R. 1036 is a responsible piece of legislation which seeks to remedy some of the problems that have resulted because of the current recession. For many, it will provide an opportunity which has been denied them for too long—the oportunity to work and provide for themselves and their loved ones.

Therefore, I urge that we adopt the rule so that we may expeditiously proceed to consideration of this important piece of legislation.

Mr. LATTA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the bill which this rule makes in order attempts to decrease unemployment by throwing money at the problem one more time.

This is the wrong approach for several reasons.

First, any economic stimulation that may result from pouring billions of dollars into the economy in the name of job creation will be more than offset by the economic drag created by redistributing the dollars from the private to the public sector.

Second, Mr. Speaker, public service jobs were tried and failed under the CETA program. The jobs were expen-

sive. They did not develop skills which led to permanent employment. Finally, the CETA public service jobs program was subject to problems of fraud, and abuse. We do not want to repeat that experience.

Third, Mr. Speaker, last year Congress passed the Job Training Partnership Act, legislation to provide job training for disadvantaged and dislocated workers. This training should provide a means by which individuals can move into unsubsidized jobs and become productive members of our labor force.

Fourth, Mr. Speaker, this Congress has already enacted an emergency jobs bill. We appropriated $4.6 billion. These dollars have barely begun to flow out from the Federal Treasury. The results of that legislation are not yet in.

Mr. Speaker, even if this bill were the right solution it is being offered at the wrong time. If public service job creation is useful at all, it is useful at the beginning of an economic downturn, not at its end. To throw taxpayers money into this kind of a program while the economy is accelerating merely serves to drive up deficits and ultimately interest rates. By taking capital out of the economy and forcing individuals and businesses to pay higher interest rates than would otherwise be the case, would hinder the recovery rather than help it.

Mr. Speaker, Members on both sides of the aisle have repeatedly expressed concern about our large deficit numbers. We cannot complain about large deficits and at the same time continue to spend billions more for new initiatives such as this.

The Congressional Budget Office has estimated that this bill will cost $5 billion in the first year, which we do not have and over $9 billion in the second year which we will not have either.

Finally, Mr. Speaker, this whole effort may well be an exercise in futility. At the time of the Rules Committee hearing on this bill, the Office of Management and Budget provided us with a policy statement indicating that if H.R. 1036 were to reach the President's desk, disapproval would be recommended.

Mr. Speaker, this rule before the House provides 3 hours of general debate and an open amending process. There is a waiver of section 402(a) of the Budget Act which is the May 15 authorization deadline.

Mr. Speaker, while the chairman of the Budget Committee wrote a letter to the Chairman of the Rules Committee agreeing to go along with this waiver, he did express the following reservation, with which I agree. He wrote:

I think we would all agree that failure to report out and act on authorizations in a timely manner impacts directly on the ability of the House to consider appropriations bills and thwarts enactment of appropriations prior to the beginning of the fiscal year.

Mr. Speaker, I concur with this point. We are waiving Budget Act provisions far too frequently.

□ 1330

Mr. YATES. Mr. Speaker, will the gentleman yield?

Mr. WHEAT. I yield to the gentleman from Illinois.

POSTPONING CONSIDERATION OF VETO MESSAGE FROM THE PRESIDENT OF THE UNITED STATES, CORRECTING PUBLIC LAW 98-63, SUPPLEMENTAL APPROPRIATIONS, 1983

Mr. YATES. Mr. Speaker, I ask unanimous consent that consideration of the veto message of the joint resolution (H.J. Res. 338) to correct Public Law 98-63 due to an error in the enrollment of H.R. 3069, which is scheduled for consideration tomorrow, be postponed until September 28, 1983.

I have cleared this with the minority.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. WHEAT. Mr. Speaker, I am glad that the Members of the minority support the passage of this rule for consideration of this very important bill to alleviate the 9.5-percent unemployment that still exists in this country.

Let me take just a moment, Mr. Speaker, to point out that in trying to adjust the problems of the deficit, one of the most important things we can do is to address the unemployment problem. As we know, every 1 percent of unemployment in this country adds 25 percent to the bill that we as American taxpayers have to pay.

Probably the most important thing we can do is to address the unemployment problem by considering the Community Renewal Employment Act.

Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. WALKER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The vote was taken by electronic device, and there were—yeas 309, nays 108, not voting 16, as follows:

[Roll No. 344]

YEAS—309

Ackerman	Anderson	Aspin
Addabbo	Andrews (NC)	AuCoin
Akaka	Andrews (TX)	Barnes
Albosta	Annunzio	Bates
Alexander	Applegate	Bedell
Beilenson	Hamilton	Ottinger
Bennett	Hammerschmidt	Owens
Berman	Hance	Panetta
Bevill	Harkin	Parris
Biaggi	Harrison	Patman
Boehlert	Hatcher	Patterson
Boggs	Hawkins	Pease
Boland	Hayes	Penny
Boner	Hefner	Perkins
Bonior	Hertel	Pickle
Bonker	Hightower	Porter
Borski	Hillis	Price
Bosco	Hopkins	Pursell
Boucher	Horton	Rahall
Boxer	Howard	Rangel
Breaux	Hoyer	Ratchford
Britt	Hubbard	Ray
Brooks	Huckaby	Regula
Broomfield	Hughes	Reid
Brown (CA)	Hutto	Richardson
Bryant	Ireland	Ridge
Burton (CA)	Jacobs	Rinaldo
Byron	Jeffords	Rodino
Carper	Jenkins	Roe
Carr	Johnson	Roemer
Chappell	Jones (NC)	Rogers
Clarke	Jones (OK)	Rostenkowski
Clay	Jones (TN)	Roukema
Clinger	Kaptur	Rowland
Coats	Kastenmeier	Roybal
Coelho	Kazen	Russo
Coleman (MO)	Kemp	Sabo
Coleman (TX)	Kennelly	Savage
Collins	Kildee	Sawyer
Conte	Kogovsek	Scheuer
Conyers	Kolter	Schneider
Cooper	Kostmayer	Schroeder
Coughlin	LaFalce	Seiberling
Courter	Leach	Shannon
Coyne	Leath	Sharp
Crockett	Lehman (CA)	Shelby
D'Amours	Lehman (FL)	Sikorski
Daschle	Leland	Simon
Davis	Lent	Sisisky
de la Garza	Levin	Skelton
Dellums	Levine	Slattery
Derrick	Levitas	Smith (FL)
DeWine	Lewis (FL)	Smith (IA)
Dicks	Lipinski	Smith (NJ)
Dingell	Lloyd	Smith, Robert
Dixon	Long (LA)	Snowe
Donnelly	Long (MD)	Solarz
Dorgan	Lowry (WA)	Spratt
Dowdy	Luken	St Germain
Downey	Lundine	Staggers
Duncan	MacKay	Stark
Durbin	Madigan	Stokes
Dwyer	Markey	Stratton
Dymally	Marriott	Studds
Dyson	Martin (IL)	Sundquist
Early	Martinez	Swift
Eckart	Mavroules	Synar
Edgar	Mazzoli	Tallon
Edwards (CA)	McCandless	Tauzin
English	McCloskey	Thomas (GA)
Erdreich	McCurdy	Torres
Evans (IL)	McDade	Torricelli
Fascell	McEwen	Towns
Feighan	McGrath	Traxler
Ferraro	McHugh	Udall
Flippo	McKinney	Valentine
Florio	McNulty	Vandergriff
Foglietta	Mica	Vento
Foley	Mikulski	Volkmer
Ford (MI)	Miller (CA)	Walgren
Ford (TN)	Miller (OH)	Watkins
Fowler	Mineta	Waxman
Frank	Minish	Weaver
Frost	Mitchell	Weiss
Fuqua	Moakley	Wheat
Garcia	Mollohan	Whitehurst
Gaydos	Moody	Whitley
Gejdenson	Moore	Whitten
Gephardt	Morrison (CT)	Williams (MT)
Gibbons	Mrazek	Williams (OH)
Gingrich	Murphy	Wilson
Glickman	Murtha	Winn
Gonzalez	Natcher	Wirth
Gore	Neal	Wise
Gradison	Nelson	Wolf
Gray	Nichols	Wolpe
Green	Nowak	Wright
Gregg	O'Brien	Wyden
Guarini	Oakar	Yates
Gunderson	Oberstar	Yatron
Hall (IN)	Obey	Young (AK)
Hall (OH)	Olin	Young (MO)
Hall, Ralph	Ortiz	Zablocki

NAYS—108

Archer	Goodling	Pashayan
Badham	Gramm	Paul
Bartlett	Hall, Sam	Petri
Bateman	Hansen (ID)	Quillen
Bereuter	Hansen (UT)	Ritter
Bethune	Hiler	Roberts
Bilirakis	Hunter	Robinson
Bliley	Hyde	Roth
Brown (CO)	Kasich	Rudd
Broyhill	Kindness	Schaefer
Burton (IN)	Kramer	Schulze
Carney	Lagomarsino	Sensenbrenner
Chandler	Latta	Shaw
Chappie	Lewis (CA)	Shumway
Cheney	Livingston	Shuster
Conable	Loeffler	Siljander
Corcoran	Lott	Skeen
Craig	Lowery (CA)	Smith (NE)
Crane, Daniel	Lujan	Smith, Denny
Crane, Philip	Lungren	Snyder
Daniel	Mack	Solomon
Dannemeyer	Marlenee	Stangeland
Daub	Martin (NC)	Stenholm
Dickinson	Martin (NY)	Stump
Dreier	McCain	Tauke
Edwards (AL)	McCollum	Taylor
Edwards (OK)	McKernan	Thomas (CA)
Emerson	Michel	Vander Jagt
Erlenborn	Molinari	Vucanovich
Evans (IA)	Montgomery	Walker
Fiedler	Moorhead	Weber
Fields	Morrison (WA)	Whittaker
Forsythe	Myers	Wortley
Franklin	Nielson	Wylie
Frenzel	Oxley	Young (FL)
Gekas	Packard	Zschau

NOT VOTING—16

Anthony	Hartnett	Pritchard
Barnard	Heftel	Rose
Campbell	Holt	Schumer
Fazio	Lantos	Spence
Fish	Matsui	
Gilman	Pepper	

□ 1350

Mr. WHITTAKER, Mrs. SMITH of Nebraska, and Mr. DAUB changed their votes from "yea" to "nay."

Mr. ANDREWS of North Carolina changed his vote from "nay" to "yea."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. Pursuant to House Resolution 302 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 1036.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 1036) to provide employment opportunities to long-term unemployed individuals in high unemployment areas in projects to repair and renovate vitally needed community facilities, and for other purposes, with Mr. WHEAT, Chairman pro tempore, in the chair.

The Clerk read the title of the bill.

The CHAIRMAN pro tempore. Pursuant to the rule, the first reading of the bill is dispensed with.

Under the rule, the gentleman from California (Mr. HAWKINS) will be recognized for 1½ hours, and the gentleman from Vermont (Mr. JEFFORDS) will be recognized for 1½ hours.

PARLIAMENTARY INQUIRY

Mr. JEFFORDS. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN pro tempore. The gentleman will state his parliamentary inquiry.

Mr. JEFFORDS. I would like to clear up the procedure for today and ask the gentleman from California as to what the intentions are. I would ask the Chairman if he would set forth the procedure for today.

There is some confusion on the calendar indicating that there would only be general debate today. I wondered if the Chair could clarify first of all as to whether or not that is correct; and, second, as to what time we may rise.

Mr. HAWKINS. Mr. Chairman, I will be very glad to answer the gentleman's question.

It is the intent of the managers on this side to proceed through general debate today and to take up such amendments as we can possibly accommodate during the period of time before 6 o'clock. It is the intent to rise at 6, not later than 6.

So in the event that the general debate is concluded before that time, it is possible that we may have several amendments.

Mr. JEFFORDS. It is my understanding that there are 3 hours allowed for general debate, which would mean that we would be ending, in any event, by 5 o'clock, which would mean that in all likelihood there will be time between 5 and 6 for amendments.

Is that correct?

Mr. HAWKINS. The gentleman is correct.

Mr. JEFFORDS. And if there is time less than 3 hours utilized, then we will have more time for amendments; is that correct?

Mr. HAWKINS. The gentleman is correct, depending on the amount of time we have.

We have approximately enough requests to consume a little over 1 hour of time at this point on this side. I assume that others will join that list. But we will try to not add to that list, to the extent that we can limit it. But I would assume that we will have at least 1½ hours of general debate on this side.

Assuming the gentleman has the same amount of time, that would consume the 3 hours.

Mr. JEFFORDS. Mr. Chairman, I thank the gentleman for that clarification.

The CHAIRMAN pro tempore. The Chair recognizes the gentleman from California (Mr. HAWKINS).

Mr. HAWKINS. Mr. Chairman, I yield 6 minutes to the gentleman from Kentucky (Mr. PERKINS), the distinguished chairman of the Education and Labor Committee.

Mr. PERKINS. Mr. Chairman, enactment of the Community Renewal Employment Act will make jobs available very quickly to 500,000 Americans who have been unemployed for the longest periods of time. These jobs will provide badly needed work that our counties and cities have not been able to do.

Because local tax revenues are limited, we all know that local governments cannot afford to pay for many kinds of needed work to be done. It simply makes sense to give jobs to the long-term unemployed to get that work done. Under this bill, the Federal Government would both help the unemployed get work and at the same time help local governments provide useful services to the citizens.

This country is still suffering the effects of the worst recession in more than 40 years—since before World War II. Responsibility for the high level of unemployment rests with the current occupants of Federal office—the President, the Federal Reserve Board, and the Congress—whose policies have tolerated high interest rates which brought on the recession.

The unemployed victims of those misguided policies have already paid a heavy price.

The least the Federal Government can do is to provide jobs for many of those who have been unemployed for so long in order that they can perform work that needs to be done anyway.

For a year, the national unemployment rate has been around 10 percent. In the last 2 months, the unemployment rate of the civilian labor force has been 9.5 percent. More than 10 million citizens are jobless, according to official figures.

Over 4 million of the jobless have been out of work for at least 15 weeks. The bill before the House today is aimed at those who have been unemployed for 15 weeks or more.

If we pass this bill into law, and if we appropriate the money which has been provided for it in the budget resolution, 500,000 out of the 4 million long-term unemployed could be put to work—1 out of 8 of the number of people who have been jobless for 15 weeks or over.

The Community Renewal Employment Act gives priority to individuals who do not qualify for unemployment insurance or who have exhausted their rights to UI.

A recent study for the Department of Labor showed that only 45 percent of the total unemployed population have been receiving UI payments recently. That is a much lower percentage than during the recession in 1975, when 78 percent of the numbers of unemployed received UI benefits.

The fact that more than half of the unemployed are not receiving UI benefits shows why it is so important at

this time to pass this bill to provide work for those who no longer can receive such benefits.

This bill will allow local governments to put 500,000 unemployed people to work doing vitally needed work in our communities. These workers will help in repairing bridges and roads; repairing schools, libraries, and other public buildings; installing weatherization materials; carrying out reclamation activities; providing emergency medical rescue services; and assisting nutrition programs and other services for the elderly and the handicapped—to name just a few types of jobs they will be doing.

Mr. Chairman I would like to point out just a few other features of the bill.

Most of the jobs will be provided through local governments in both rural and urban areas. Twenty percent of the funds under the bill will be reserved for educational agencies to put unemployed individuals to work repairing school facilities.

Training is also authorized by the bill.

Funds under the bill may be used for training through educational institutions or other agencies where an employer has a job for the participant after completion of the training.

In addition, an annual authorization of $30 million would enable the Job Corps to establish a limited number of career preparation demonstration centers on a regional basis. These centers would not be residential centers, but would demonstrate the use of teaching materials and techniques which have been developed successfully through Job Corps experience. This would be demonstrated through the provision of training to eligible participants, including youth, who are receiving training under this bill.

Mr. Chairman, the U.S. Conference of Mayors has strongly endorsed this bill.

Its president, Dick Fulton, will be remembered by many of you as a former colleague of ours in this body. He is now mayor of Nashville, Tenn. The letter on behalf of the Nation's mayors states forcefully:

With 10 million people unemployed in this Nation, we feel that it is absolutely essential for the Congress to take positive steps to provide employment.

Hopefully, the Nation will soon find the correct formula for continued economic growth and prosperity. However, people are out of work now. They need to feed their families and keep their homes now. Tomorrow may be a better day, but we need to provide relief today. The most positive type of relief is employment. It provides the means for people to earn the money they need and regain their dignity.

The Community Renewal Employment Act would provide such employment opportunities. At the same time it would provide a way to rehabilitate the urban infrastructures and school facilities upon which economic development is at least partially dependent.

The letter concludes with the assurance that the mayors "stand in support of the bill and anxiously await the opportunity to implement the employment program when it comes to our cities."

The letter mentioned follows:

U.S. CONFERENCE OF MAYORS,
Washington, D.C., September 19, 1983.

Hon. CARL D. PERKINS,
Chairman, House Committee on Education and Labor, Washington, D.C.

DEAR CARL: The Conference of Mayors would like to express its strong support for H.R 1036, the "Community Renewal Employment Act", which is scheduled for consideration by the full House on September 20, 1983. With 10 million people unemployed in this nation, we feel that it is absolutely essential for the Congress to take positive steps to provide employment.

Hopefully, the nation will soon find the correct formula for continued economic growth and prosperity. However, people are out of work now. They need to feed their families and keep their homes now. Tomorrow may be a better day, but we need to provide relief today. The most positive type of relief is employment. It provides the means for people to earn the money they need and regain their dignity.

The "Community Renewal Employment Act" would provide such employment opportunities. At the same time it would provide a way to rehabilitate the urban infrastructures and school facilities upon which economic development is at least partially dependent.

Throughout the progress of the "Community Renewal Employment Act" as it passed through the Committee, I have made sure that mayors were kept informed on its provisions and its prospect for passage. I have received continued interest in the bill, especially from those cities in which unemployment has been very high. I assure you, on behalf of the Conference of Mayors, that we stand in support of the bill and anxiously await the opportunity to implement the employment program when it comes to our cities.

Sincerely,

RICHARD H. FULTON, *President.*

Mr. Chairman, the legislation before us was developed by the Member of the House who has devoted more attention to the employment and training needs of the Nation than any other public leader—GUS HAWKINS, the author of the Humphrey-Hawkins Full Employment and Balanced Growth Act. I have always taken pride in standing shoulder to shoulder with him on every piece of employment and training legislation he has sponsored as chairman of the Subcommittee on Employment Opportunities of the Committee on Education and Labor. I commend him for the excellent leadership he has provided on this bill.

□ 1400

Mr. JEFFORDS. Mr. Chairman, I yield such time as he may consume to the gentleman from Illinois (Mr. ERLENBORN).

Mr. ERLENBORN. Mr. Chairman, I speak in opposition to the bill being considered today, H.R. 1036, the Community Renewal Employment Act. As the ranking Republican on the Education and Labor Committee, the committee of record for this bill, I believe that I represent the views of many of my colleagues when I say that we should not perpetuate the errors of the past by discussing a bill that ignores the improved state of the economy and proposes instead to increase categorical spending programs. A program that has the possibility of continuing too long, contributing to inflation as the economy recovers, and that will increase the total deficit over the next 5 years, unsettling financial markets and leading to higher longer term interest rates, should not be a priority of this Congress.

As well intentioned as H.R. 1036 may be, it suffers from four major failings. First, to pay for the temporary jobs created under this bill, the Federal Government will have to borrow billions of dollars. This borrowing will retard the economic recovery now underway and serve as a contributing factor to continued high unemployment rates. Equally important, the individuals who get these temporary jobs receive little or no training. Thus, when their subsidized jobs terminate, they will be no better prepared for the job market than they are now. Further, by considering this legislation, we divert attention from other alternatives which create jobs without increasing the deficit and inhibiting the recovery. Finally, this legislation ignores the real needs of the structurally unemployed once the full employment, noncyclical level is reached. Under H.R. 1036, funding would be continued regardless of the level of unemployment, even though we have learned that at the level of full employment, job creation is not what is needed by those who remain out of work.

The most important step that the Congress can take now is to make certain that the economic climate continues to improve so that job growth can occur. If there is anything that we should have learned from the past 3 years it is that high interest rates and the resulting slowdown in capital investment take their toll in jobs. Any economic stimulus that may result from pouring billions of dollars into the economy in the name of job creation will be more than offset by the economic drag created by redistributing the dollars from the private sector to the public sector.

The real cause of unemployment is stagnant economic growth. The lethargy of our economy is a chronic condition created largely, and made worse, by unrestrained Federal spending. Clearly, a healthy economy is the best creator of jobs. The information we are hearing now points to a much

improved economy and a strong recovery.

The Government's index of leading economic indicators increased again last month, as it has for the past 11 months. Capacity utilization in the Nation's manufacturing, mining, and utility industries increased 1.2 percentage points in July to 75.8 percent, the highest rate since late 1981. Similarly, industrial production increased 1.8 percent in July especially sharp rises in automobile and steel. The industrial production index stood 10.2 percent above its most recent November 1982 low. Clearly, these are not signals for the Government to create new jobs.

According to the Congressional Budget Office's update of the economic and budget outlook in August, the country is now well on the way to recovery. Consumer spending increased sharply in the second quarter, contributing to an 8.7-percent annual rate increase in real GNP. The gains in economic activity were large and widespread. Labor markets improved dramatically. Real earnings, employment, and consumer balance sheets have improved and consumer confidence has risen to the highest level in more than a decade.

Employment indicators appear to be improving as well. According to a quarterly survey by the National Association of Business Economists, nothing but growth and few problems are predicted for the next year and a half. That is, the association sees no outbreak of inflation, no upsurge in interest rates, and no new recession. Additionally, the latest survey of the National Federation of Independent Business, which represents about 500,000 independent businesses, indicates that small firms plan strong employment expansion during the third quarter of this year. The hiring plans were strongest in manufacturing and construction, with one out of every four firms planning to increase employment. Furthermore, the results of a recent Bureau of National Affairs survey indicate that about 22 percent of the private employers responding, plan to increase production/service payrolls, 20 percent plan to hire more technical/professional employees, and 13 percent will expand office/clerical staffs in the remaining months of 1983.

In August, there were 101.6 million people employed in the United States. This is the largest work force in our Nation's history. Nearly 1.5 million people have gone back to work this year, and the unemployment rate dropped half of a percent in July. This drop is the largest drop in the unemployment rate in this country since December 1958. The unemployment rate held steady in August. The lack of a further decline could appear to be discouraging, but generally an improving economy and a declining unemployment rate encourages workers to reenter the labor market. Therefore, the fact that the rate of unemployment did not increase, and held level, is an indication that the situation is improving.

Long-term unemployment declined for the second straight month. Since June, the number of very long-term unemployed, those jobless for 6 months or longer, the major target population under H.R. 1036, has decreased by half a million people. Additionally, the mean duration of unemployment dropped sharply over the month between July and August, from 21.7 to 19.9 weeks. The median duration of unemployment registered its third consecutive monthly decline by falling 1 full week.

The decrease in unemployment was widespread across all sectors of the economy, showing strength in the establishment industries. In manufacturing, the index of hours worked rose about 8.5 percent in the 8 months through July; durable goods manhours by 10.8 percent. In the transportation equipment (auto) industry, callbacks and overtime increases raised the hours index by 17 percent during the 8 months. Altogether, 76 percent of industries showed increases in employment in the first half of 1983. Almost all industries have shown some increase in production, but the auto industry has grown particularly fast. The unemployment rate in that industry has fallen from about 25 percent in November 1982 to 9.5 percent today. Residential construction, though, has been the star performer of the economy in recent months. Housing starts are 47 percent above the July 1982 level.

With this knowledge, I question the wisdom for example, of including as eligible activities for funding under this act the repair, rehabilitation, and maintenance of public facilities such as road repair, water systems, mass transportation systems, and education facilities. The overall unemployment rate among construction workers declined almost 4 percent the first 6 months of this year. To place workers subsidized under this act in direct competition with construction workers in the private sector seems to be self-defeating. Instead, our efforts should be to assure that the unemployed can find long-term, unsubsidized work in the private sector.

One factor that cropped up time and again, even though the indicators show a growing economy and improvement, is the uncertainty as to what the Congress will do to reduce the deficit, spend realistically, and not jeopardize the economic recovery with actions that increase inflation, interest rates, and long-term deficits. Huge deficits inhibit private capital formation, which is the root of real job creation. A bill such as this one, which pulls billions of dollars out of a recovering economy, only exacerbates unemployment by removing dollars from where they can be most productive.

Admittedly, unemployment is likely to remain relatively high for some time to come. Nevertheless, the question is whether the best way to solve the needs of the unemployed is to put them into jobs which will only result in short-term work and not provide them with kinds of skills and employability development which they really need if they ultimately are to be able to compete for employment in the growth sectors of the economy.

Matching people with the jobs of the 1980's is a true challenge. Technology has created new vocations and is phasing out others. Some jobs have simply ceased to exist. We can never go back to the kind of work force we had in the past. Therefore, job retraining and relocation will play vital roles in increasing employment.

The jobs of the future will be in categories which the individuals targeted under this proposal, if given appropriate counseling and training, would be qualified to obtain. Some of the fastest growing occupations during the 1980's are projected to be: Data processing mechanics, computer operators, office machine servicers, computer programers, tax preparers, and correction officers. Because the individuals targeted under this bill have demonstrated labor force attachment, with a small investment in training, they could again become productive members of our Nation's work force.

Economic expansion increases the demand for highly skilled workers. Although the new technologies represent a break with the past, they are not so radical that existing workers cannot be retrained to handle the new equipment or techniques. A rapidly changing economy is almost always bound to experience shortages of some workers, because future needs are never predicted perfectly. Now is the time to train out-of-work individuals to meet the challenges of a dynamic marketplace.

Last year we passed the Job Training Partnership Act, legislation calling for the strong pairing of the public and private sectors to implement a program that provides job training for disadvantaged and dislocated workers. This training, if designed properly, should provide a means by which individuals can move into unsubsidized jobs and become productive members of our labor force. The frustration with temporary, subsidized jobs is that the unemployed are filling them at the very time that they should be receiving training so that they can benefit from the jobs that are created by a healthy economy.

Rather than considering a proposal that absorbs billions of dollars to

create jobs, the Congress should examine existing laws for ways that with minor changes, jobs could be created. Also there are proposals before the Congress that offer alternatives that create jobs in concert with the private sector. In March, the Republican Task Force on Employment Opportunities did just that. The result was a report that made recommendations which focused in the problems of the structurally unemployed, including youth between the ages of 16 and 25, and the dislocated worker. Our alternative included retraining tax credits, pension plan investment in residential mortgages, small business investment credits, new jobs tax credits, and the possible use of a national public works bank. These recommendations created hundreds of thousands of job slots with little pressure to increase the budget. To move on the approach provided in H.R. 1036 only makes it less likely that these more effective alternatives will receive the priority consideration they deserve by the Congress.

Finally, this bill ignores blatantly what we have learned in previous employment and training programs. That is, that the structurally unemployed do not need temporary jobs, but rather education, training, relocation, job search assistance, and other measures to increase incentives and opportunities to work, as I have mentioned before. This bill proposes an open-ended authorization of appropriations which puts scarce funding into job creation programs even at full employment levels. The people who are unemployed, when the overall national rate of unemployment reaches the noncyclical rate, are the stucturally unemployed. Why must we continue to fund a jobs program at that unemployment rate, when what is proposed is not the best way to aid those who remain unemployed? Without a provision to phase down the funding for this program so that at the full employment level, no authorization for appropriations remains, this bill is even more seriously flawed. The result of a job-creation program which continues too long is unnecessary economic stimulation and increased deficits, outyear interest rates, and inflation. Not a favorable prospect. It is my hope that should the supporters of this bill succeed in gaining its passage, an amendment be accepted that insures that the programs which are initiated are for short periods of time when the unemployment rate is unusually high due to economic downturns.

Although H.R. 1036 addresses many of the ills of previous jobs-creation programs, it is still the wrong program at the wrong time. Any public employment program that produces goods or services takes time to plan and implement. Therefore the effect of the program is to create jobs when they are no longer needed. If job creation is useful at all, it is most useful at the beginning of an economic downturn, not at its end. We do not need this type of program now. I urge my colleagues to vote against this proposal and defeat this effort to undo what is the best creator of jobs that we have, an improving economy.

□ 1410

Mr. HAWKINS. Mr. Chairman, I yield myself 15 minutes.

Mr. Chairman, 5 years ago next month, the Full Employment and Balanced Growth Act was enacted. This act, for the first time, established full employment as a clear national priority and set a goal of 4 percent unemployment to be reached by 1983. Regrettably, the mandates under that act, which are now the law of the land, have been ignored, and the Nation has suffered ever rising rates of unemployment, reaching the post-Depression record of 10.8 percent this past winter, unemployment deliberately and needlessly generated in the name of combatting inflation.

I do not need to remind my colleagues of the pain and suffering that unemployment has caused throughout the land. This Hall has heard more eloquent statements than I can offer about that needless suffering and the waste it has brought to our economy. Nearly one out of every four persons in the labor force experienced some unemployment during 1982—4 million were unemployed for the entire year. For the first time in decades, the number of individuals in poverty is increasing and the Nation has seen soup kitchens and tent cities reminiscent of the worst days of the Great Depression.

Even as the recession deepened to historic levels, precious little Federal response has been made to alleviate the suffering and put people back to work. Unlike previous recessions, no job creation measure has been enacted. In fact, the only program previously on the books to provide jobs was eliminated as a part of the 1981 Omnibus Reconciliation Act.

Today, we have an opportunity to remedy that deficiency by passing H.R. 1036, the Community Renewal Employment Act. If enacted and funded at the approved budget level, this measure would put 500,000 long-term jobless individuals to work immediately in productive activities ranging from repair of public facilities to disaster relief and health care in communities around the Nation.

Despite marginal reductions in the overall jobless rate in recent months, unemployment remains unacceptably high in the Nation as a whole and disasterously so in regions of the country and among certain groups in the labor force including women, minorities, older workers, and teenagers. In August, 1 out of every 5 black workers was unemployed; over 53 percent of black teenagers were jobless. Unemployment among Hispanics is 35 percent greater than the national average. For these groups, and others, the economy continues to be in a depression.

The signs of economic recovery do not portend significant increases in employment. In fact, increased profitability in many industries is being accomplished through permanent reductions in the work force. Harvey Shaiken, a Massachusetts Institute of Technology specialist on labor and technology, says that previously, as with the recovery that followed the Depression, "people were reintegrated into the labor force." Now, he says, "we are looking at the possibility of economic recovery and redundant workers at the same time." Recent testimony by the administration before the Ways and Means Committee, reinforced this view. Assistant Secretary of Labor Daniel Benjamin stated:

> Despite the impressive economic gains in the last 9 months, more than ten million Americans continue to be unemployed and 2.4 million of these individuals have been unemployed for more than 6 months. It is also clear that continued economic expansion is not likely to reduce unemployment as quickly as we would like.

The Congressional Budget Office, in its revised Economic Outlook released last month, projects unemployment at 8.4 percent in 1984 and 7.9 percent in 1985. On the basis of these estimates, unemployment would not get down to even pre-recession levels, much less anything approaching full employment, until after 1986—3 years after now. What are the millions of unemployed workers to do during this time?

Recently, six former Secretaries of Labor in both Republican and Democratic administrations sent a letter to the President urging a comprehensive program of job creation and retraining. The letter, signed by former Secretaries Willard Wirtz, Arthur Goldberg, Ray Marshall, Peter Brennan, John Dunlop, and W. J. Usery, Jr., told the President:

> We agree that the private sector, under ideal circumstances, should generate such jobs and participate in retraining programs, but this will take time. Until then, Government has an obligation to provide relief.

It is also apparent that this economic recovery is very uneven. Whole industries and regions of the country have been bypassed. Fortune magazine, in its October 1983 issue, examined 12 industries and came up with six basic industries which remained mired in depression: steel, entertainment, paper, construction machinery, cosmetics and hotels-motels. For many of these industries, a return to profitability will require a permanent reduction of their work force, so that even if an industry recovers, its workers will not.

While national unemployment has dropped to 9.5 percent, 15 States have unemployment rates of 10.2 percent or above. West Virginia, the highest, has an unemployment rate of 17.4 percent. Similarly, many cities continue to experience depression level unemployment: Mobile, Ala., 14.1 percent; Modesto, Calif., 17.6 percent; Lakeland, Fla., 17 percent; Peoria, Ill., 16.7 percent; Dubuque, Iowa, 11 percent; Shreveport, La., 11.9 percent; Flint, Mich., 16.5 percent; Brownsville, Tex., 16.6 percent. For these communities, and countless others, there is no recovery. A recent Wall Street Journal article described the recovery as "one of the most uneven in memory." The article described the "biggest losers in this recovery are the energy-producing regions, including parts of Texas, Louisiana, West Virginia, Oklahoma, and Wyoming."

Nor is the continuing recession just an urban problem. Rural areas have been doubly affected by staggering interest rates and by drought and the strong dollar's impact on exports. In fact, nonmetropolitan areas have an average unemployment rate of 11.4 percent compared with an average metropolitan rate of 9.3 percent.

The cycles of recession and recovery over the past two decades have led to a disturbing pattern: At each recovery, unemployment is left at higher levels than the previous cycle. The chart behind me illustrates this phenomenon. In 1969, for example, there were 2.8 million individuals unemployed, 3.5 percent: at the beginning of the next cycle, in 1973, 4.4 million were unemployed, 4.8 percent; in 1980, 6.6 million were unemployed, 6.3 percent; and in 1981, 7.8 million were unemployed, 7.2 percent. Mind you, these are the low points of the unemployment cycle.

Let us assume for the sake of argument that the administration's economic projections are correct and that the current economic recovery will be sustained at least through 1986, but let us speculate that inflation rises during that period and that economic policymakers decide to combat inflation by another round of constrictive monetary and fiscal policies. Unemployment would then rise significantly from a plateau of 7.5 percent. Does this mean that the new full employment level is 7.5 percent, over 8 million Americans unemployed? What level are we as a nation willing to tolerate as our base level of unemployment—8, 15, 20 percent? What does that say about us as a nation if we cannot function without sacrificing millions of citizens who want only to contribute their productive energies and support themselves and their families?

There has been much wringing of hands in recent weeks about the deficit. Let me be absolutely clear and emphatic about this issue—unemployment and recession cause deficits. Putting people back to work reduces deficits. It is widely accepted that each 1-percent increase in the rate of unemployment adds $25 billion to $30 billion to the deficit. The joblessness we are continuing to experience has increased outlays for unemployment compensation alone by 50 percent between 1980 and 1983. Other Federal assistance programs increase as the number of low-income persons eligible for medicaid, food stamps, and cash assistance payments grows as unemployment rises. The Community Renewal Employment Act would more than pay for itself through reductions in unemployment-related payments, increases in tax revenues, through the value of community improvements and the indirect employment generated by the stimulus to the economy.

The 1984 first budget resolution includes $4.5 billion in budget authority for this program in 1983 and $3.5 billion for 1984. At the proper time during consideration of H.R. 1036, I intend to offer an amendment to the committee-reported bill to delete authority for 1983 recognizing that the 1983 fiscal year is ending within days of the House's action on this bill. I will also propose to amend the 1984 authorization in the bill to bring it to the ceiling in the first budget resolution—$3.5 billion.

It is important to note that H.R. 1036 includes a triggered authorization designed to bring funding down as the level of unemployment declines. The authorization formula in the bill is directly proportional to the severity of the hardship caused by unemployment. Funds are authorized to provide job opportunities for 20 percent of the number of long-term unemployed individuals—those who have been unemployed for 15 weeks or more. For example, at 8.5 percent unemployment, approximately 500,000 jobs would be authorized under the triggering formula; at 5.6 percent unemployment, the bill's formula would authorize 191,000 jobs.

By emphasizing the long-term unemployed, the bill targets these federally assisted job opportunities on those individuals who have experienced the greatest difficulties locating employment. Although it is not realistic to expect sufficient funds to be available to serve all of the long-term unemployed, it is clearly feasible to employ 20 percent of the long-term unemployed in useful activities filling unmet public needs.

In addition to requiring that 90 percent of the participants must be certified by the employment service as having been unemployed for at least 15 out of 20 weeks, the bill establishes a priority for individuals who have been unemployed for the longest periods of time and those residing in families in which no other member is employed on a full-time basis. Unlike previous periods of high joblessness, this recession has been accompanied by reduced protection for individuals who lose their jobs. During 1982 only about 45 percent of the Nation's unemployed workers received unemployment benefits compared with about 78 percent claiming benefits in 1975. During August only 3.7 million of the 10.7 million unemployed received benefits—only 36 percent. The majority of jobless must exhaust savings, rely on family or charity and on Federal and other government payments in the form of food stamps and welfare.

The Community Renewal Employment Act targets resources on the areas experiencing the most severe unemployment while assuring that all areas have the possibility of putting long-term jobless to work in their communities. All jurisdictions of 50,000 population or more would be eligible to be direct recipients under the act. Funds would be distributed by a highly targeted formula, however, so that 75 percent of the funds would go to areas above the national average rate of unemployment. Rural areas, which have experienced disproportionately high unemployment during this recession, would receive their fair share of the job opportunities provided.

The bill provides a simplified, expedited procedure for allocating funds so that jobs could be created quickly. Testimony presented before the Education and Labor Committee during consideration of the Community Renewal Employment Act underscored the backlog of repair and renovation activities as well as unmet service needs which could be quickly mounted in virtually every community.

The jobs which would be created under the Community Renewal Employment Act are not make-work jobs—they are useful, productive activities which will leave a tangible benefit to the community. The bill authorizes employment in three categories of community improvement activities: First, the repair, rehabilitation or improvement of public facilities; second, the conservation, rehabilitation or improvement of public lands; and third, public safety, health, social service and other activities necessary to the public welfare. Within these categories, local officials would have the discretion to design projects to meet local priorities; such activities as removal of asbestos from school buildings, reclamation of public lands damaged by strip mining, emergency food and shelter programs, and disaster relief are just four examples of the scores of vital public projects which could be implemented to put jobless individuals to work in the community. Because of the broad flexibility given to local job creation and the authority for providing services as well as con-

struction and repair activities, the bill assures that job opportunities will be available to women and minorities.

Unlike previous job creation programs, funds can be used under this measure to support private sector employment. In many communities, it is routine practice to contract with private companies for certain services, particularly activities associated with the repair or rehabilitation of public facilities. H.R. 1036 would permit employment of eligible participants by private firms under such contracting arrangements.

The bill has intentionally constrained wages to assure maximum job creation out of the Federal funds. The maximum wage which could be federally subsidized is $230 per week—approximately $12,000 per year. Wages could be supplemented out of local resources, but only up to 50 percent of the Federal wage. This wage limitation is intended to allow equitable wages for work performed while still discouraging participants from viewing employment under this act as more attractive than unsubsidized jobs. It should also be noted that the jobs are temporary, not more than 1 year, and that participants must engage in job search for unsubsidized employment.

While the emphasis of the Community Renewal Employment Act is on job creation to provide employment opportunities where private unsubsidized employment is unavailable, the bill also provides flexibility to use funds for training for identified job openings. If, for example, a hotel is being constructed in a community which has suffered substantial job loss due to plant closings, jobless workers could be trained for openings in the hotel so long as the new employer agreed to hire them at the conclusion of training. In this provision, as well as other provisions of the bill, job creation is intended to be closely tied to economic development activities.

The Community Renewal Employment Act recognizes the particularly severe rate of joblessness among young workers. In August, youth aged 16 to 19, representing almost 18 percent of the total unemployed, experienced an unemployment rate of 23 percent—almost one in every four young people in the labor force was jobless. For black teenagers, the rate of unemployment is catastrophic—officially 53 percent, the highest rate ever recorded for these young workers. These young people must compete with older, more skilled workers who are also jobless. H.R. 1036 requires that 20 percent of the funds be used for programs for unemployed youth aged 16 through 19. Reflecting the highly successful youth incentive entitlement program, the bill requires that participating youths will be employed no more than 32 hours per week in community improvement projects and must be enrolled in high school, a high school equivalency program or skill training program for at least 8 hours per week.

In addition, the bill establishes a career preparation demonstration program to test the effectiveness of using combined written, audiovisual and computer-based materials within the basic instructional format of the Job Corps and establishes five centers as high technology centers to provide training in combination with subsidized internships in the private sector to prepare individuals for careers in expanding and emerging high technology occupations.

One of the most perplexing yet remediable aspects of our changing economy is the mismatch between the jobs which are available and those who are seeking work. To the extend that this mismatch reflects a change in skill requirements, retraining must be provided. Under the Job Training Partnership Act, we are beginning to address this problem. Much more needs to be done to assure the flexibility of the work force to meet rapidly changing occupational requirements. Yet much of the mismatch is the result of inadequate information on the availability of job openings and insufficient job search skills. The Community Renewal Employment Act addresses these deficiencies in two ways. First, the bill provides direct authority to the State employment service agencies to provide job search services to eligible participants to help them find regular unsubsidized jobs as soon as possible. Second, the bill authorizes $50 million for 1984 for the development and impelmentation of job bank systems in each State. At present, only 21 States are operating automated job matching systems. Some States still rely upon manual systems for filing paper or card job applications and orders. Computerized systems could be used not only for matching employers and job seekers but to display occupational supply and demand information and projected trends.

Mr. Chairman, the Community Renewal Employment Act is not a resurrection of past jobs programs. It is an entirely new initiative which reflects the extensive evaluations conducted on both public works and public service employment job creation strategies of the past two decades. It responds to the criticisms of those programs and reflects the changes in our economy. It is a carefully conceived proposal which can be quickly implemented to create productive and useful employment opportunities targeted to the long-term unemployed and to areas of high joblessness.

This legislation is not the only solution to our current unemployment crisis. A comprehensive strategy which includes not only job creation but retraining and other structural policies as well as monetary and fiscal policies designed to assure economic growth is essential to a lasting recovery. However, job creation and H.R. 1036 in particular, is an essential component of a comprehensive employment strategy such as the one called for by six former Secretaries of Labor. At present, the United States is the only Western industrialized nation which does not include some form of job creation as an integral component of economic policy. In Great Britain, for example, a Community Programme, providing jobs for long-term unemployed people on community projects, will provide 130,000 full and part-time places by October 1983. Similar programs are operating in Canada, Denmark, Norway, and Belgium. Japan, a country with which we are at an increasing competitive disadvantage, establishes full employment within its constitution and integrates job creation into its unemployment insurance system. For us to do likewise is not only a humane response to the suffering of millions of unemployed Americans. It just makes good sense if we are to be competitive with the rest of the industrialized world.

I urge this House to send a message to the 10.6 million officially unemployed Americans and to the 1.7 million discouraged workers not even counted as unemployed and to the 5.8 million part-time workers who cannot find full-time work. That message is that we are concerned about their plight and that we are willing to take the essential first step to put them back to work.

□ 1420

Mr. JEFFORDS. Mr. Chairman, I yield 5 minutes to the gentleman from Texas (Mr. BARTLETT).

Mr. BARTLETT. Mr. Chairman, I rise to speak against the so-called jobs bill, H.R. 1036.

I would first give my personal regards, in the good working relationship that I have as a member of the subcommittee, to the chairman, the gentleman from California. He and I work well together, and I have the highest personal regard. On this particular subject and on the subject of how to create jobs in this country, we have vehement and very substantial disagreement.

There was a sad joke that made the rounds of this country last spring, that made the rounds of the rest of the country, but apparently Congress did not hear it, and the joke was that the country must be in a recovery because Congress is passing a jobs bill. And that sad joke becomes a macabre joke today as Congress is considering passing another so-called jobs bill.

I speak against the so-called jobs bill because it is not a jobs bill at all. It is a spending bill, it is a borrowing bill, it

is an unemployment bill, and it is a high-interest-rate bill, but it is not a jobs bill, because this bill would result in an incrementally higher rate of interest, and it is those interest rates that would plunge the economy back into a recession and cause more people to be unemployed.

The result of this legislation and other legislation like it would be that more people would be thrown out of work and out of permanent jobs, and there would in fact be fewer jobs created in this country than there would be without this bill.

So I rise to speak, Mr. Chairman, on behalf of those 10 million Americans in this country who are unemployed and who want to and are eager to go back to work and rejoin the work force. And they can only do so, Mr. Chairman, if this Congress has the discipline and the priorities and the guts to act to hold interest rates down, to reduce the deficit and to allow the economy to breathe again and to invest to create more jobs.

Americans can be helped by a recovering economy; Americans can be hurt by the creation of temporary make work, 12-month jobs that in fact, while it may create a temporary band-aid, will not create any sort of a permanent cure.

The fact of the matter is that since this subcommittee began marking up H.R. 1036, this economy, through a recovery process, through lower interest rates, and some modest curtailment of the growth of Federal spending, has added jobs. During the markup this economy has added over 1½ million new jobs, just since December 1982.

Now, I realize that this so-called jobs bill is going to pass. It is going to pass not for reasons of the 10 million unemployed Americans but for politics. I think we ought to examine for a few minutes what this so-called jobs bill would actually do, and I would contend that it would deny permanent employment to millions of Americans.

No. 1, the jobs bill and so-called jobs bills like H.R. 1036 would give false hope to people who truly want to work in permanent jobs, jobs with a future, because participation in temporary jobs programs may well prevent that individual from being brought into the private labor market, and then once the public funds run out, which they always do, so does the job, and the participant is thrown back into the economy, not only not being helped, but being hurt by his experience.

No. 2, H.R. 1036 may not be a bona fide make-work program, but H.R. 1036, there is no doubt about it, emphasizes short-run temporary 12-month job creation rather than training and placement into permanent jobs.

□ 1430

No. 3, Mr. Chairman, if we want to help the structurally unemployed in this country, which we do, in addition to a recovering economy, we need to understand that the presence of short term temporary public works jobs and the existence in the placement of long term unemployed do not necessarily match.

Areas that need public service projects are not necessarily those areas that have the highest levels of unemployment. H.R. 1036 specifically wrongly assumes that there is a match between the skills of the long term unemployed and the skills needed for public works jobs. The skills needed to build bridges and rake leaves are not those of unemployed auto and steel workers.

Those workers need retraining, they need a secure future, not a 12-month band-aid. America's unemployed do want, they do demand jobs. They want to go to work; they want to badly. This bill, H.R. 1036, would not offer them jobs or a future or meaning; they are offered dogma, they are offered more politics.

H.R. 1036 does not offer jobs; it offers political rhetoric. While we have waited until well into the recovery to even begin debating it on the House floor, even the timing of this bill reeks of politics.

I support jobs bills, Mr. Chairman. I support a reduced deficit, lower interest rates, private job retraining account, as we heard in our subcommittee hearings, which are not contained in this bill, enterprise zones, and lower interest rates. In short, I support those permanent, structural, real, creative jobs that Americans can obtain and are eager to obtain to put themselves back to work.

Mr. HAWKINS. Mr. Chairman, I yield 4 minutes to the gentleman from Missouri (Mr. VOLKMER).

Mr. VOLKMER. I thank the gentleman for yielding this time to me.

Mr. Chairman, I rise in support of H.R. 1036. I plan to offer an amendment however which is designed to insure that the rural areas with high unemployment will receive a fair share of the jobs money in this bill.

In my part of the country many people are suspicious of Congress whenever we consider a jobs bill. Their concern is based in large part on the fear that the money in jobs bills passed by Congress will end up in the Nation's urban areas at the expense of the unemployment problems of people in the rural areas.

I would like to remind the Members that, as Chairman HAWKINS has said earlier, right now there is higher unemployment percentagewise in the rural areas than in the urban areas, and that holds true in my State of Missouri.

On that issue, I want to commend Chairman HAWKINS for his diligence in putting together a jobs bill to deal with the grave unemployment problems in both the major cities and the rural areas.

I also want to thank him for his cooperation in working with those of us from the rural areas who had concerns about this bill.

The amendment we have worked out would require the States to use the basic allotment formula in the bill in distributing the jobs funds to the so-called balance of State counties. These counties are the rural counties which would be served by the State governments under this bill.

As reported by the committee the bill provides that cities and counties with populations of 50,000 or more would be designated as independent eligible entities to operate the program directly and funds would be alloted to them on a formula basis.

For the "balance of State" counties the bill would make the State governments responsible for administering the jobs program. The bill would give the States discretion in distributing jobs money to these counties.

The problem is that a rural county with high unemployment faces the possibility, under the bill, without amendment, that it would receive no funds because the State government decided, at its discretion, against distributing jobs money to that county.

My amendment would require the States to use the "balance of State" funds in accordance with the bill's basic allotment formula, thereby assuring an equitable share to rural counties.

The formula share is based: One-third on the relative number of unemployed; one-third on the relative number of unemployed individuals in excess of 6.5 percent of the civilian labor force; and one-third on the number of unemployed in excess of the national average rate of unemployment.

Under the amendment the "balance of State" areas would recieve a share of the funds relative to their share of the national total on each formula factor.

Also under the amendment the areas in the "balance of State" would be eligible to receive funds only if their initial allotment were greater than or equal to $25,000. Any excess funds within a State, resulting from areas not meeting the minimum allotment requirement, would be redistributed among eligible areas within the "balance of State."

I also want to tell you what my amendment will not do. It will not change the provisions of the bill requiring the States to operate the programs for the "balance of State." It will not reduce, in any way, the

amount of funds available to the independent eligible entities.

The amendment will simply assure that the "balance of State" funds will be distributed to these areas on the basis of relative unemployment in the rural areas.

H.R. 1036 contains a number of provisions designed to insure that rural areas receive and use productively their fair share of the job opportunities provided. My amendment will add yet another provision which will further improve the bill from the standpoint of rural America.

My amendment will meet the purpose of H.R. 1036 which is to target assistance to the long-term unemployed and to target resources to areas experiencing the greatest unemployment. I urge your support.

In closing, I would also like to say that for many people in my district, which is basically a rural district, we have many who still have not found employment. They have been unemployed for over a year. Many of those in the highest unemployment counties in my district are those in rural areas, the rural counties, and not the urban counties.

We do need this type of legislation. If we wait for the recovery, as many people have waited now for over a year, since 1981 and early 1982, they may not see any employment for yet another year, and yet they have no source of income. They have families, they have house payments to make, car payments to make, and this bill will help them through this time until we do have the recovery.

Mr. JEFFORDS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would like to speak on this bill and ask the Members on my side of the aisle to take an objective look at this legislation. This is especially true if an amendment of mine is offered and accepted which would make this bill not a permanent program but one which would be phased out when, as all of us hope, enough private jobs are there so that the unemployment rate goes down below 6 percent, which is now generally accepted as a noncyclical rate of unemployment.

My amendment which I refer to as the "Faith in America" amendment, would indicate that we do expect that we are going to handle these problems by a good economy and that this program would not be necessary under such circumstances. I would ask that those on my side of the aisle keep some things in mind.

First, the evidence is that we are going to have sustained unemployment for a few years and most likely the normal cyclical occurrences which we have experienced in the past are not about to occur now.

Second, there is a basic Republican philosophy which we have espoused over and over again which we ought to consider when we take a look at this bill, and that is "workfare not welfare." It is better to put people into meaningful work than it is just to give them income transfer payments.

Also, I think it is important to examine the results of other jobs bills which we have passed this year, and ask whether or not they are effective ways of funding new jobs from a Government perspective by comparing the experience in this legislation and what it would promise with that which has been experienced in the public works-type employment bills.

Mr. Chairman, the Community Renewal Employment Act is one response to high unemployment. Some of you may question why some Republicans would be supportive of such a proposal. More to the point, I wonder why not more Republicans are supporting it.

Is not it basic Republican policy to support the concept that those who are in need of assistance should work for that help? That is the common cry of "workfare not welfare" that we have all been hearing. It makes far greater sense to fund programs that not only provide assistance to those who need it, but that in return, result in useful community services and repair.

Sociologists and psychologists warn of the serious side effects and social problems associated with long-term unemployment. There is a greater demand for social services in areas of high unemployment. The long-term unemployed suffer from greater health-related problems, have a higher incidence of divorce, experience more spouse and child abuse in their families, and tend to withdraw from being productive, contributing members of society.

We need to take an objective look at this bill and some reasons for giving it support. First, it was Republican amendments in 1978 that improved the public service employment programs under CETA. In the President's budget recommendations for fiscal year 1982, credit was given to these amendments which limited wages, tightened eligibility criteria, and limited tenure in the program for correcting many of the problems associated with public service programs. It is from this base that the proposal before us was developed. Those errors are not repeated. The stigma of the CETA programs, prior to the 1978 amendments, should not be carried over to these programs. Rather, we should recognize the improvements made by the Republicans that have been carried forward in the development of this program.

Second, the typical economic cycles that we are used to are not with us today. Periods of substantial unemployment and economic downturn are predicted to last longer, thereby creating a greater need for some type of program which assists the long-term unemployed. We should not force the burden of unpredictable economic swings on a few, when it is through no fault of their own that they find themselves unemployed.

Third, the public works projects of the past no longer work under current economic conditions. With greater numbers of long-term unemployed for longer periods of time, we cannot afford to authorize programs that focus their funding on equipment and construction supplies and materials. Instead we should target these resources on wages, so that our efforts are labor intensive, not capital intensive. The cost per participant in a public works program is double, even up to 40 times that in a public service program. There is also no guarantee that those people who get jobs under a public works bill are those individuals who are the long-term unemployed. With the unemployment rates very high for women and youth it is difficult to look to public works to provide opportunities for them as well.

I would like to repeat some of the comments that I made concerning the problems of the emerging jobs bill enacted earlier this year and our penchant for looking to public works bills to solve our problems.

When jobs bills are considered, there is a misguided, nostalgic preoccupation with public works. Most of us have heard of the excellent results of public works in the Great Depression. But these are the eighties, not the thirties. What was done in the thirties with shovels and wheelbarrows is now done with bulldozers and trucks. For comparable amounts of money, in equal real dollars, where millions could be put to work in the thirties, only thousands of unemployed will be put to work in the eighties.

The reasons for this are fairly simple. The programs of the New Deal were targeted to the unemployed. Jobs under the Work Projects Administration, for example, were given almost exclusively to men and women who were unemployed heads of households who had exhausted their assets. Roughly 95 percent of WPA workers came from the ranks of the unemployed. Few unemployed workers will be hired as a result of the bill before us today.

The workers who will be hired will be mostly from the skilled construction trades. Again, the model of the New Deal does not serve us well. The vast majority of workers under the New Deal programs were unskilled workers.

The proportion of labor to nonlabor costs has changed even more dramati-

cally. Under the WPA, three-quarters of the money went to wages. Under our public works program of the late seventies, only a quarter of the funds did.

With national unemployment at devastatingly high levels, the temptation is strong to advocate massive, New Deal-style public works programs. Unfortunately, the economic climate of 1983 does not lend itself to the same responses as 1933. A trillion dollar national debt and a $200-billion deficit will simply not accommodate one large public works program designed more to stimulate the economy than to create jobs. By increasing pressure on the limited funds available for capital investment, such programs would most likely be counterproductive.

When one considers the fiscal restraints placed on us by the $200 billion deficit, the predominant use of public works programs, as against other alternatives, is irresponsible, if not criminal.

A little math makes it apparent why public works programs, while they might be justifiable on other grounds, cannot be justified as a good way to create jobs. Every billion dollars we spend can accommodate 1 million participants in summer youth jobs programs. Or we could pay for 1 million participants in vocational rehabilitation for the unemployed handicapped. That same $1 billion would pay for 500,000 training slots for disadvantaged workers, or 400,000 training slots for dislocated workers—assuming a State match of 40 percent. Or it could pay for 400,000 Youth Conservation Corps slots, or 130,000 Jobs Corps slots or 100,000 public service jobs. But if we put the $1 billion into capital-intensive public works projects, we will create only 15,000 to 30,000 jobs. In the last public works go-around, each job cost $64,500 and only 13 percent of those jobs went to individuals who were unemployed. Few if any jobs go to youth, to women, or to unemployed minorities.

In summary, whereas we will spend from $40,000 to $400,000 for each unemployed person helped by untargeted public works, we can train a person to be employed for $2,000 to $4,000, or give meaningful work in other areas for $10,000 per person.

Clearly, we need to step back and make an honest assessment of the situation. We cannot afford to look at this debate as a pure political battle. This proposal uses basic Republican principles in providing constructive alternatives and answers to these new and perplexing circumstances. We cannot totally depend upon the Job Training Partnership Act to serve the needs of the long-term unemployed. About half the unemployed do not need training, but rather an opportunity to work. Also, it is not enough to say that we should create jobs in the private sector. The fact is that in times of high unemployment when business and industry are unable to retain their work force, let alone hire new workers, we cannot depend totally on the private sector to deal with this problem. Substantial, long-term unemployment is here for the foreseeable future. The final answer must come basically from the private sector, but that is tomorrow—or the day after—years away—not today.

I am speaking in support of H.R. 1036, the Community Renewal Employment Act. Just over 6 months ago, with much sound and fury, we approved a so-called jobs bill to put Americans back to work. Six months later, I think that we would be hardpressed to find a single worker outside of Washington, D.C., on the job as a result of that bill. The emergency supplemental was a public works bill and should have been presented and debated as such.

Today we have a jobs bill before us, pure and simple. For all of us—who on the campaign trail promised to do something to create jobs—this bill is our one and best chance.

Our Nation has faced historically high levels of unemployment recently, with an average unemployment rate of 9.7 percent for 1982. Thus 26.5 million people, or 22 percent of the labor force in that year, experienced some spell of joblessness. Many alternatives have been offered this Congress to alleviate the problems faced by the millions of unemployed and to create jobs to employ those who have been most severely affected by long-term unemployment. Unfortunately, I do not believe that those proposals would prove to be successful in reaching their goals.

I believe that this bill, developed to provide employment opportunities to the long-term unemployed in high unemployment areas in projects to repair and renovate vitally needed community facilities, can serve as a strong vehicle to supplement job training programs in periods of unusual economic downturn and exceptionally high unemployment.

We are in the midst of an economic recovery. For many of us, this recovery means being able to stretch our paychecks further, finally having repairs made that we have been postponing, or buying that new car. But for about 10.7 million people and their families, talk of a recovery is meaningless. Though other economic indicators are improving, present evidence indicates the high rate of unemployment will continue well beyond the recovery. The administration and the Congressional Budget Office estimate that the unemployment rate will remain around 8 percent through 1985, a full 2 years down the road.

As a nation, we cannot afford to disenfranchise 10 million workers. Through no fault of their own, but rather because of changing national economic policy, rapid technological change, and international recession, millions of Americans find themselves unemployed for long periods of time. These individuals have invested in our economy. They have worked long and hard, and have a wealth of occupational skills. They do not necessarily need job training, but need instead some means by which the burden of long-term unemployment can be eased.

There are different opinions regarding the appropriate actions, if any, necessary to ease this burden. We must remember that there is no one magic solution.

A year ago, Congress considered and passed job training legislation to replace the Comprehensive Employment and Training Act. The result is the Job Training Partnership Act (JTPA) which goes into effect in just about 2 weeks. The JTPA can serve as a major part of an overall national strategy to meet the employment and training needs of disadvantaged and dislocated workers, but it cannot resolve the unemployment problem alone. Many of the concepts embodied in the JTPA were supported strongly by the Republicans. These are: Including the private sector as a decisionmaking partner, devoting a major portion of the funds to the direct provision of training rather than for support costs, providing a greater structural role for the States, incorporating a more rational structure for coordination of separate employment and training programs at the State and local levels, and stressing performance outcomes rather than process. The bill before us today also contains concepts that can be supported by Republicans.

Republicans have long supported the philosophy that it is better to pay people for doing something than for doing nothing. I believe that Republicans would find it preferable to have the long-term unemployed put to work and paid for the services they can provide rather than keeping them idle, unproductive, and dependent on their unemployment insurance benefits and other income transfer payments and assistance. The economic interests of the community, State, and Nation are best served when those who are capable of working are involved in productive activities which contribute to the overall tax structure and provide substantive services and improvements.

Is it not better to provide an opportunity for 500,000 long-term unemployed to engage in community service, than to expend billions of dollars in supplemental compensation which pays them for not working? Under the current Federal supplemental compensation program, we have committed $5.5 billion in fiscal year 1983 already for payments to 4.5 million people.

Also, it is not unlikely that we will soon extend this program an additional 6 months. Is this the only alternative we have to serve the needs of the long-term unemployed?

Congress has considered legislation to help those who find themselves without health insurance benefits because of unemployment; to supply assistance to those who face mortgage defaults because they cannot meet the payments without a salary; and to distribute commodities so that the nutritional needs of those who are dependent upon the lost income are met.

By providing the long-term unemployed with meaningful work experiences that contribute service to the communities in which they live, the fiscal pressures on these other support programs for assistance can be reduced. The ripple effect of H.R. 1036 extends throughout the community. It stimulates secondary job creation, reduces the need for income and support payments, lessens the drain on community services, and improves the overall health of the community.

The main purpose of H.R. 1036 is to establish a program that provides productive and useful employment opportunities to the long-term unemployed. In the past, such programs have been perceived as the cause of many of the problems associated with employment and training programs. Those problems have been addressed in this bill. It remains critical though, that rather than to respond hastily in periods of high unemployment with temporary, make-work job programs, a well-defined initiative be in place to be implemented quickly as the need arises.

There rests my single concern with this bill. The authorization for appropriations under this bill is open ended. Even if we reach full employment, this program could continue to be funded. The bill establishes the expectation that the needs of the long-term unemployed, regardless of the economic conditions and the overall unemployment rate, are best served by the creation of short-term, temporary jobs. I do not believe that such a national policy should be established. As such, the economic needs of the country are ignored.

Although high unemployment is sustained generally beyond the period of an economic downturn, the incidence of long-term unemployment is sensitive to cyclical conditions, which suggests that it will diminish as the economy recovers. In fact, the best creator of jobs is a sound economic recovery, but in the interim, other measures such as those in this bill may be necessary to assist those most affected by the recession. These programs, however, should be sensitive to economic conditions, so that in periods of economic downturn, greater numbers of the unemployed can be assisted. As the recovery takes hold, a balance must be achieved so that inflation is not ignited as employment increases. That is, as the overall national rate of unemployment reaches the full employment level, the need to fund programs such as those established under this bill, subsides. The authorization to appropriate funds under this act should be controlled realistically so that it is phased down as the unemployment rate declines. Without a phase out provision, we run the risk of continuing a job creation program too long thereby contributing to inflation and increasing out year deficits which lead to higher long-term interest rates. A similar position on a trigger-off provision for job creation programs was taken by Isabel Sawhill, a senior fellow at the Urban Institute in testimony before the budget committee earlier this year.

Additionally, once the unemployment rate reaches the noncyclical unemployment range, those who remain unemployed are not those who benefit from placement in a temporary job. They are individuals whose skills are obsolete, who lack the prerequisite training to obtain a job, who do not know how to find a job, who do not have basic educational skills, or who lack an attachment to the labor force. What is needed by the long-term unemployed subsequent to economic recovery and improved unemployment rates, is not short-term temporary jobs, but a means by which permanent jobs can be obtained and retained. The purpose of the JTPA, enacted in the 97th Congress, is to provide such training. Unless the funding for the program created under this bill can be limited once unemployment is reduced substantially, scarce resources will be diverted from training programs when the need for them is most evident.

With high unemployment and in the absence of new jobs, to simply provide training to these workers pushes someone else further back in the hiring queue and reshuffles the unemployed. Education and training are good long-term growth strategies and work toward reducing structural unemployment. I intend to offer an amendment that allays my concerns regarding the authorization for appropriations under this bill. With the inclusion of the amendment, I am confident that an appropriate balance is struck between the need for job creation and training programs during periods of economic fluctuation. I encourage my colleagues on both sides of the aisle to recognize the need for this amendment and to support it.

In my judgment H.R. 1036, along with the Job Training Partnership Act, brings our policies a long way toward meeting this national need.

□ 1440

Mr. Chairman, in summary, I believe that it is important, provided that my amendment is adopted which makes this bill a temporary program, that we as Republicans give an objective look at this bill and consider supporting it, because I believe it is consistent with Republican philosophies and policies and I believe it may well be preferable to other programs that we have in existence today. This is an authorization bill and an option we may prefer to use now, or in the future.

Mr. HAWKINS. Mr. Chairman, I yield 6 minutes to the gentlewoman from Ohio (Ms. KAPTUR).

Ms. KAPTUR. Mr. Chairman, the bill before us, H.R. 1036, deserves the strong support of this Congress. It should not be rejected on the basis that recovery is here, that the jobs provided would be of no use, or that the deficit is too large. None of these arguments are tenable. Millions of Americans continue to suffer from the devastating effects of unemployment. It would provide worthwhile jobs to those who have been out of work the longest and those who have exhausted all benefits. I took to the floor last week during the special order on deficits to discuss the national and international consequences of the historic Federal deficit. This measure is being brought into conformance with the budget resolution.

Those who believe that the recent upturn in the economy will solve the problems of the long-term unemployed are sorely mistaken. The sad truth is that the needs of the long-term unemployed will remain for some time to come. Anyone who is opposed to this legislation on the grounds that the recovery will provide all the jobs we need should try and tell the unemployed in my district, some of whom have been out of work for 1 year or 18 months. Tell them to wait longer; tell them that it is somehow better to remain unemployed rather than going to work. The people in my district are practical, commonsense people. They know that a job now makes a lot more sense than waiting for a possible job that may exist somewhere down the road. They want no handouts. They want to work. Last week in our local ironworkers hall on a typical morning, 376 workers came in. There were two jobs. Twenty-five percent of our carpenters are out of work; 40 percent of our truckers; 20 percent of our autoworkers; our local boilermakers, who work on such difficult projects as nuclear powerplant construction and ships' boilers see no work in sight. We know that in July housing starts took a nosedive, as did housing sales in my area.

Nationally unemployment remains at staggering levels. In August 1983, 10.7 million Americans were officially classified as unemployed; 1.7 million more were so discouraged about their job prospects that they had quit look-

ing for work; while 5.8 million Americans who preferred full-time positions, resigned themselves to part-time jobs. These figures add up to 18.5 million individual Americans. The issue here is whether to enact legislation aimed to help roughly 500,000 individuals. Are there 500,000 individuals who need work today? The answer to that question is a resounding yes!

H.R. 1036 is carefully drafted to target aid to those most devastated by the recession—the 4.0 million individuals who have been unemployed for more than 15 weeks. Less than 40 percent of the long-term unemployed receive any unemployment insurance benefits, while 1.4 million of the long-term unemployed have been out of work for over a year. In my district alone, over 8,000 unemployed workers will have exhausted their unemployment insurance by October 1. My district needs this bill—now, and my district is not alone.

The upturn in the economy cannot be counted on to solve the problems of the long-term unemployed for three reasons. First, it will not produce jobs fast enough. The latest CBO projections estimate that the unemployment rate will be at 8.9 percent at the end of this year and 8.2 percent at the end of next year. These rates correspond to unemployment levels of 10 million and 9.4 million people.

Second, the upturn will not affect all areas of the country evenly. High levels of unemployment will remain for some years to come in States like my own, like West Virginia, Louisiana and Ohio where unemployment rages at 17.5 percent, 12.8 percent and 11.1 percent respectively. Severe unemployment problems will also remain in Laredo, Tex., and Modesto, Calif.: areas with unemployment rates of 26.6 percent and 20.5 percent. Unemployment will remain high in these areas because of the historic transformation occurring within the American manufacturing base. My district, the Toledo, Ohio area, which is heavily dependent on the auto and glass industries, is only one example of the many areas where workers are attempting to make the difficult adjustment required by economic restructuring.

Third, a continued economic uptrun is by no means assured. The Federal deficit, high interest rates, the huge trade imbalance, uneven exchange rates, and a shaky international economy, all dim the prospects of a recovery long enough to solve the problems of the unemployed. In the meantime people must survive. Who in this body could turn their backs on Americans who wish to work?

Let me now focus on the provisions of the legislation. H.R. 1036 is not, as some critics claim, a wasteful program providing unproductive jobs and fraught with all the problems of the early CETA program. Real or potential problems were considered and addressed in the drafting of the bill. CETA experience was valuable in suggesting ways in which this bill could be strengthened. This has been done.

The bill targets aid to those most devastated by the recession—the 4 million individuals who have been unemployed for more than 15 weeks. Eligible individuals must be certified by a State employment agency. Funds under this bill would be carefully targeted by a three-part formula to States, cities and counties based on the severity of their unemployment: consequently, approximately 75 percent of the funds will go to areas with unemployment above the national average.

Useful work in much-needed community improvement projects would be provided. H.R. 1036 specifies vital activities—such as road and street repair, removal of hazardous materials from public buildings, infrastructure repair, repair of public housing, rehabilitation of water systems, improvement of public lands, disaster relief, school and library repair, child care, health care and other services—which local communities are not now providing, due to the severity of the recession and budget cuts. Tough, enforceable anti-substitution provisions include automatic review to prevent displacement of regular workers and severe financial penalties on any community abusing Federal job funds. There are also strict limits on wages and length of employment. And Davis-Bacon applicability is carefully thought through and applied modestly. And local government recipients are liable for the ways in which funds are expended.

Finally, let me turn to the issue of the deficit. An amendment offered by Chairman HAWKINS conforms the bill to the budget resolution. This amendment lowers fiscal year 1984 funding authorization to $3.5 billion, the amount provided to the reserve fund for economic recovery programs. Furthermore, outlays for the program will be partially offset immediately by reductions in Federal payments to the jobless in the form of food stamps and welfare. Federal revenues will increase by the taxes paid by these newly employed workers. In addition, if the economy does improve, automatic adjustment provisions contained in the bill readjust funding levels based on the number of remaining long-term unemployed.

While the deficit issue requires urgent action, the deficit argument must not be allowed to defeat proposals designed to assist those in desperate need of productive work. These programs should be our first funding priority, not our last.

Mr. Chairman, one need only look behind the rosy figure of GNP growth to know that the need for this jobs bill is indisputable. H.R. 1036 will provide many unemployed individuals with what they want and with what they desperately need—a decent job. It will provide our communities with services—from school repair to health care—that are vitally important. I strongly urge my colleagues to vote help where it is vitally needed and pass H.R. 1036. For those of us elected last November in order to be a voice for the unemployed, this bill provides a major opportunity for us to translate the message of the people's mandate.

□ 1450

Mr. JEFFORDS. Mr. Chairman, I yield such time as he may consume to the gentleman from California (Mr. PACKARD).

Mr. PACKARD. Mr. Chairman, I would like to enter into a colloquy, if I may, with the chairman of our subcommittee, the gentleman from California (Mr. HAWKINS).

Mr. Chairman, I would appreciate it if you could clarify for me a provision of the general requirements of this bill. The purpose of H.R. 1036, as I understand it, is to provide opportunities for employment to individuals who have been unemployed for 15 of 20 weeks, especially directed to areas of high unemployment. Such employment will be created with Federal grants to State and local governments for labor costs associated with repair, maintenance, or rehabilitation of essential public facilities and other activities. Mr. Chairman, in our efforts to help provide meaningful jobs for our unemployed citizens, we must also be sure that we are providing opportunities which can lead to eventual long-term, permanent job skills, and which will also help to revitalize industry and commerce.

One of our most basic industries, construction, has been severely hampered during these difficult times. Over 20 percent of America's construction workers have been unemployed for long periods of time. As our economy improves, and unemployed construction workers return to the producing work force, other industries will also improve and generate long-term economic improvement.

Section 501(c) of H.R. 1036 states that funds shall not be used from this bill for private contractors or organizations to perform activities "customarily performed by employees of a State, a political subdivision, or a local educational agency in the area served by the program." Let me ask my first question. Is this provision intended to prohibit displacement of current public sector employees affected by this bill?

Mr. HAWKINS. Mr. Chairman, if the gentleman will yield, I would say yes, the committee does not want to displace the permanent public work force by transferring work normally

done by public employees to work contracted out to private employers, as a result of this measure.

Mr. PACKARD. I appreciate that, Mr. Chairman. My second question, then, does the reverse also hold equally true? That is, shall communities in which it is routine practice for State and local governments to contract with private companies or organizations for certain services, particularly construction associated with repair or rehabilitation of public facilities, be encouraged to continue their normal practice of contracting with private contractors for the provision of services authorized under this bill?

Mr. HAWKINS. Yes, that is our intent and the intent of the bill. By providing private employment opportunities, the bill increases the likelihood that unemployed workers have the chance for permanent, unsubsidized employment with private firms, which the distinguished gentleman alluded to in his earlier remarks. In some instances, the cost of the service or activity determines whether it is performed by private contractors or public employees. In other cases the decision is based on the nature of the activity or on provisions of State law. In any situation, the committee does not wish to disrupt the established method for determining how the project shall be performed for the purposes of this measure.

Mr. PACKARD. I thank the distinguished gentleman for his clarifying remarks. I, too, believe that work which has been contracted out should continue in that manner, and that a bill of this nature, which is addressing the very pressing question of unemployment, should not, as an unexpected result, put persons currently employed out of a job—be that job in the private sector or in the public sector.

I appreciate again the comments of the gentleman from California.

□ 1500

Mr. HAWKINS. Mr. Chairman, I yield 2½ minutes to the distinguished gentleman from Pennsylvania (Mr. GRAY).

Mr. COYNE. Mr. Chairman, will the gentleman yield?

Mr. GRAY. I yield to the gentleman from Pennsylvania.

Mr. COYNE. I thank the gentleman for yielding.

Mr. Chairman, I rise in strong support of H.R. 1036, the Community Renewal Employment Act of 1983.

The 10.7 million Americans now searching for work would be the principal beneficiaries of this overdue measure, a bill which would create jobs for 500,000 in community improvement projects and in the repair of educational facilities in fiscal year 1984.

Let us keep in mind that the unemployment rate, while slightly reduced from that of a year ago, remains at the highest it has been since the Great Depression. After 8 months of recovery, the unemployment rate in August of this year stood at 9.5 percent. This is one-half of 1 percentage point higher than in any recession since the 1930's.

The duration of unemployment for millions of Americans is just as disturbing as the aggregate number of jobless. In 1979 the average length of unemployment was 10.8 weeks. By July 1981 the average length of time without work was 14 weeks. This is nearly double the amount of time one went without work in 1979. Last month, roughly one out of four people unemployed was without work for more than 6 months.

The Community Renewal Employment Act aims to provide work to those long-term unemployed. Local governments would receive funds to hire those who have been without work for at least 15 of the past 20 weeks.

The funds would be distributed in a manner to assure that those areas with the highest unemployment would receive the greatest share. Eighty percent of the money would go to community improvement projects, such as renovation of public buildings, repair of parks and playgrounds, rehabilitation of mass transportation, and weatherization. In addition, funds under this part of the bill, title II, could assist emergency food and shelter programs, public health, child care, and library programs, and services for the elderly and handicapped. The bulk of the funds would go for wages and salaries, with an allowance for up to 25 percent for materials, tools, and administrative expenses.

I am especially pleased that title III of H.R. 1036 sets aside 20 percent of the funds authorized for jobs created by the rehabilitation of school facilities. I can assure my colleagues that those funds will go to good use in the city of Pittsburgh, where the average age of our 90 public schools is 50 years.

The city has targeted three high schools for renovation, on a staggered basis, beginning in the spring of 1984. The cost of renovation of Schenley High School, constructed in 1916, will be $7.6 million. Renovation costs for the North Side's Oliver High School, built in 1924, will be $11.3 million. Squirrel Hill's 56-year-old Tayler-Allderdice High School needs $10.8 million in rehabilitation.

In each of these schools, vocational and business areas will be modernized. Where necessary, inadequate physical education facilities will be replaced. New roofs on Schenley and Oliver, and new windows at Taylor-Allderice, will reduce long-term energy costs.

The legislation now before us would enable the city of Pittsburgh to coordinate a locally initiated program, financed by a planned bond issue, with a federally funded jobs program. This is the type of partnership we should encourage. It addresses community needs while putting the jobless back to work.

At this point, I think it is worthwhile to note that we will be putting people back to work at a reasonable cost to the Federal Government. While every job created through the defense procurement process costs the Treasury about $120,000 per job, and each public works job requires a $40,000 to $50,000 Federal commitment, the average job created by H.R. 1036 will cost approximately $12,500.

By improving our communities while helping someone out of work obtain a useful income, we reap double dividends on our Federal investment.

I urge a "yes" vote on the Community Renewal Employment Act of 1983.

Mr. GRAY. Mr. Chairman, I rise in support of H.R. 1036.

There are a number of myths regarding the potential impact of this proposal which I would like to address at this time.

First, this proposal will have the effect of reducing the overall Federal deficit and not, as many purport, raising that deficit. The Congressional Budget Office has estimated that each 1 percent increase in unemployment adds between $26 to $40 billion to the Federal deficit. This proposal, if passed, could create as many as 500,000 new jobs for the unemployed, having the effect of reducing the unemployment rate from 9.5 percent to 9 percent.

I have estimated that the net effect of removing the unemployed from the Federal rolls and putting them on the payrolls will more than offset the Federal investment envisioned in H.R. 1036.

Second, there are many who argue that H.R. 1036 is not needed because the recent upturn in the economy will create new job opportunities, thus alleviating unemployment—all we have to do is wait. In response, however, the economic recovery has not alleviated the problems of the long-term unemployed, and indeed there is universal agreement within economic circles that the unemployment rate will continue to hover at or near 9 percent throughout 1984 and beyond.

What are we to do, then? Wait for the private sector and the long-awaited recovery? Even the administration's own optimistic people say it will be 1986 before unemployment comes down to the 1980 level of 7.2 percent. What, I ask, are people to do? Are they to wait? Are they to listen to us say, just wait 3 years, we will find you a job.

What are we to tell them, that we have a great economic theory, that if they just wait 3 years, and 1986 will

come, they will find employment? I say that we must act here in this body, and that we ought to pass 1036. It will not solve all of our problems, but it will go a long way toward addressing the problem of the long-term unemployed who cannot wait 3 years and have their dreams and their hopes deferred because of an economic theory that has not worked, is not working, and even the most optimistic people in the administration say it will be 1986.

Mr. JEFFORDS. Mr. Chairman, I yield such time as he may consume to the gentleman from Utah (Mr. NIELSON).

Mr. NIELSON of Utah. Mr. Chairman, I rise in opposition to H.R. 1036. The district I represent is not unfamiliar with the hardships that accompany unemployment. I have just returned from that district where, in almost 40 town meetings, I talked with steelworkers, coal miners, and many others about the steps that must be taken to provide a real answer to unemployment. Without exception, I heard unified voices telling me that budget deficits do matter and that Congress must quit relying on deficit spending in attempting to achieve economic and political goals. These people are painfully aware that it has been Congress' past unwillingness to bring fiscal responsibility to the Federal budget that has led to the economic problems of today.

In order to pay for the temporary jobs that H.R. 1036 would provide, the Federal Government would take billions of dollars out of the private sector. This would come at a time when economic indicators have given us positive signs that the fragile recovery is definitely underway. The prime rate is down around 11 percent—half of the 22.5-percent rate in 1980. The rate of inflation was 12.4 percent in 1980 and is now 3.5 percent. Other statistics indicate that 500,000 unemployed persons have returned to work across the Nation. Now is the time we must encourage true, long-term employment. This can be achieved through much more cost-effective measures such as private sector tax incentives, vocational education programs, small business investment tax credits, and enterprise zone legislation.

This is not the time to look for an easy answer to unemployment. It is not the time to adopt a Federal program that creates another bureaucracy, gives us high interest rates, high inflation, and fails to address the decline in productivity that hampers the economy. It is not the time to spend additional billions of dollars—billions of dollars we do not have—in a year that has already seen the passage of a major jobs bill. The $4.6 billion emergency supplemental appropriations for public works programs, as finally passed by Congress, promised to provide employment through aid to local communities, job training programs, summer youth programs, and humanitarian aid. Let us give this program a chance to work before we pass competing legislation.

Neither the taxpayers nor the unemployed would benefit from this bill. I urge a vote for fiscal responsibility—a vote against H.R. 1036.

Mr. GAYDOS. Mr. Chairman, will the gentleman yield?

Mr. NIELSON of Utah. I yield to the gentleman from Pennsylvania.

Mr. GAYDOS. I have served on the subcommittee with my colleague. I have great respect for him. I would like to ask a very practical question: This morning in the Pittsburgh Post Gazette there is a headline, "Four Thousand"—not blue collar workers, not 40, not 400, but 4,000 "White Collar Workers Are Being Laid Off Today in Pittsburgh."

I ask my colleague, is this not proof that there are many, many pockets throughout this country that must be addressed and a solution must be advanced, and this bill is the least, the only solution that we have presently before us?

Mr. NIELSON of Utah. I agree with your symptoms but not your solution. There are a lot of white collar people being laid off at Kennicott and United States Steel in my area as well.

Mr. GAYDOS. I cannot understand the callousness then. I have sensitive feelings toward the white collar people and blue. But this shows the depth to which the unemployment now is progressing.

Mr. NIELSON of Utah. I grant that. However, I do feel that we have to get hold of the budget and bring down our spending and cut down the inflation it brings.

I think that is the better solution.

Mr. GAYDOS. Would my colleague agree with me that maybe the better problem to address would be maybe foreign aid, and maybe some of these development banks, where the money does not get to the people it is supposed to serve. Maybe that is the place we should be practicing the economy that you speak of rather than here with our own people.

Mr. NIELSON of Utah. I have supported such legislation. I supported section 409 of the IMF bill and also Mr. RITTER's amendment to protect the steel companies. I agree with that. We need to help on the foreign aid side as well. But I do think this legislation does not do it.

Thank you.

Mr. GAYDOS. Thank you for yielding.

Mr. WALKER. Mr. Chairman, will the gentleman yield?

Mr. NIELSON of Utah. I yield to the gentleman from Pennsylvania.

Mr. WALKER. Mr. Chairman, I think we ought to recognize these kinds of programs that we have before us today have not worked either. I quote from a New York Times article with regard to the emergency jobs program that we passed earlier in the Congress, where the New York Times says:

> Although the money was intended primarily to help men and women whose jobs have been in declining industries, the early beneficiaries of the funds have been the lawyers, accountants, engineers and consultants brought in to draw up proposals, plan new projects and conduct public hearings on them.

That is where the money goes. It does not get to the unemployed and that is the tragedy.

Mr. GAYDOS. Mr. Chairman, will the gentleman yield.

Mr. NIELSON of Utah. I yield to the gentleman from Pennsylvania.

Mr. GAYDOS. Lawyers and accountants are unemployed today. The record shows that. They pay taxes. They should have some programs that help them too. If fundamentally we are right on the principle, and I suggest that we are in this bill, I do not think the sponsor of this bill or the maker of this bill has ever directly or indirectly insinuated that this bill is a solution.

This bill is to help people, help families, to overcome those emotional problems, wife beating, drinking, broken homes. If this bill accomplishes just that, I think it is well worth it. I do not like the callousness of my good friend who does not seem ever to have the sensitivity to respond to people and their needs.

□ 1510

Mr. NIELSON of Utah. Reclaiming my time, I do not believe the gentleman should impugn motives.

Mr. WALKER. Will the gentleman yield?

Mr. NIELSON of Utah. I yield to the gentleman from Pennsylvania.

Mr. WALKER. I think it is important to point out that the New York Times article made it quite clear that the lawyers and accountants and all of these consultants that they were talking about were not people off the unemployment roles; they were people who had jobs and who were simply eating up the money that the Federal Government apportioned to supposedly help these people.

I am certain that the gentleman from Pennsylvania is going to be willing to support an amendment and I am going to propose one later which I will talk about here in a few minutes that would devote 100 percent of all of the jobs that are created in this bill to people who have been unemployed for 6 weeks immediately prior to the enactment of this bill.

In other words, let us make certain, at least on one of the bills we have around here, that every job that is created as a result of this bill goes to

somebody who has had a long record of unemployment.

Let us not have the money siphoned off by the lawyers and the accountants and all of these people out there who are doing work that does not really end up helping the unemployed.

Let us really employ some unemployed people and I am certain, given the gentleman's remarks, that that amendment is one that he is definitely going to want to support.

Mr. GAYDOS. Will the gentleman yield one more time?

Mr. NIELSON of Utah. I yield to the gentleman from Pennsylvania.

Mr. GAYDOS. I sincerely appreciate the gentleman yielding.

I submit to my good friend from Pennsylvania this bill does exactly that which he requests. So I really welcome him aboard. I know he is going to help us pass this because this bill does exactly that.

Mr. LEVIN of Michigan. Mr. Chairman, will the gentleman yield?

Mr. NIELSON of Utah. I yield to the gentleman from Michigan.

Mr. LEVIN of Michigan. I appreciate the gentleman yielding. We are debating this bill and not the previous jobs bill. But I do want the gentleman from Pennsylvania to come to the State of Michigan and to talk to the thousands of youths who were employed this summer because of the actions of this Congress.

It is mythology that our action does no good. It did so several months ago in terms of the summer and, as I will remark in a few minutes, we can act again to help the unemployed of this Nation.

I thank the gentleman for yielding.

Mr. NIELSON of Utah. I thank the gentleman and yield back the balance of my time.

Mr. HAWKINS. Mr. Chairman, I yield 3 minutes to the gentleman from California (Mr. ANDERSON).

Mr. DIXON. Mr. Chairman, will the gentleman yield?

Mr. ANDERSON. I yield to my colleague, the gentleman from California.

Mr. DIXON. Mr. Chairman, I rise in support of this bill and congratulate the subcommittee on crafting a bill that brings some equity and some jobs to our society.

We began the 98th Congress with a commitment to address the No. 1 problem facing America—unemployment.

Our initial response, and emergency jobs bill passed last March, provided $4.6 billion in additional funds for existing public works, infrastructure, and safety net programs.

However, this only primed the pump. The emergency jobs bill was only begun to stem the rising unemployment rate that had consumed 12 million American workers. Left undone were programs to address the needs of those already without jobs—particularly women, minorities, youth, and the long-term unemployed.

Today, we begin to address the job that was left undone. The Community Renewal Employment Act, sponsored by Congressman GUS HAWKINS, will provide important employment opportunities to those citizens hardest hit by the recession.

We all know the statistics, and we know that they are not good. Despite claims that the economy is on the mend, nearly 11 million Americans are without jobs; youth unemployment is more than double the national average; and the black unemployment rate is a staggering 20 percent.

For these people and the national economy, H.R. 1036 makes good economic sense. The bill is targeted for long-term jobless workers in areas of high unemployment. The bill provides employment opportunities in conservation of public lands, repair of public facilities, and the provision of day care, health, and other community services.

Funds have been specifically targeted for individuals who have exhausted their unemployment benefits, and for part-time employment opportunities for the Nation's youth. Special provisions will be added here on the floor to improve targeting for rural areas, and to decrease the bill's authorization in the event that unemployment drops significantly.

H.R. 1036 is the essential next step in combating unemployment. It provides an opportunity for those workers who can no longer wait on an economic recovery that continually passes them by. Each percentage point of unemployment affecting these workers also adds $20 billion to the national debt. As our debts increase, interest rates climb higher. And high interest rates will only plunge us into another devastating recession.

It is our responsibility to provide this positive stimulus to get our country back on its feet, and I urge you to support passage of H.R. 1036.

Mr. ANDERSON. Mr. Chairman, as a coauthor of the Community Renewal Employment Act, I rise to urge our colleagues' support for this bill. I feel that the author, Chairman HAWKINS, has written into this legislation sufficient safeguards against its becoming labeled a "make work" jobs bill; it is not. Also, the amendment he intends to offer will bring H.R. 1036 into conformity with the budget resolution for fiscal year 1984.

H.R. 1036 will provide worthwhile jobs to persons who have been unemployed for at least 15 of the past 20 weeks. Because H.R. 1036 specifies a timeframe within which any appropriations must be applied to renewal projects, this legislation will not create a bureaucratic maze. Rather, chronically unemployed Americans will almost immediately be hired to repair dilapidated schools; to operate public health, child care, and nutritional programs; and to augment services to the elderly and the handicapped.

Mr. Chairman, even in the wake of the administration's increasingly optimistic forecasts about the strength of the recent economic upturn, a nationwide unemployment rate of 9.5 percent is astoundingly high. Particularly for blacks, Hispanics, and American Indians, it seems unemployment is a stigma which our society is all too willing to accept. The rate of joblessness for Hispanics is 12.9 percent; and today one out of every five black Americans cannot find work. The Bureau of Indian Affairs reports that the jobless rate among American Indians is 51 percent, meaning one in two is unemployed.

What even these statistics do not bear out is the large number of jobless Americans who do not turn up in the monthly unemployment statistics because they have lost confidence in American business and, quite frankly, in their elected officials. The August 9.5 percent unemployment figure does not take into account those who have lost their jobs, have run out of unemployment insurance, and have lost all hope. The latter are callously disregarded as no longer a part of the American work force.

It is particularly unfortunate that, in my district, far too many people who want to work, and are capable of holding a job, are still unemployed. A constituent of mine who was dismissed because of the deep recession wrote to me:

> I am among the number of people having been laid off for 13 months. I was a foreman at the time. Now I have 27 years experience and am unable to obtain a job.

She and other constituents of mine have not been inquiring about what the Congress is doing to expand welfare programs. These people do not want food stamps, they want jobs. They long to contribute to the growth and the strength of our country, and they want to know whether this Congress has any compassion and is willing to do something to help them. In answering my constitutents, I urge my colleagues to join me in passing H.R. 1036.

Mr. JEFFORDS. Mr. Chairman, I yield such time as he may consume to the gentleman from Wisconsin (Mr. PETRI).

Mr. PETRI. Mr. Chairman, while I have reservations about this legislation, there is at least one good idea here that deserves our attention. I refer to the career preparation demonstration program, added in committee by my colleague on the Education and Labor Committee, the distinguished gentleman from Vermont. This program extends the benefits of the Job Corps to more Americans.

The Job Corps traditionally serves potentially dangerous problem youth by providing training and discipline in tough residential centers. While these centers are just what the doctor ordered for some, others who could benefit from the training, do not need the discipline. One of my constituents, a fine young woman from a good home, mistakenly got recruited into a Job Corps residential center only to later learn by sad experience that, in the words of one residential security guard, "This is no place for a nice girl from Reedsville."

At the same time, Job Corps has a long and successful history of working with the most disadvantaged youth. Throughout its history, the Job Corps has become a learning laboratory under which many useful programs have been developed. Career preparation demonstration centers would test the effectiveness of using Job Corps materials to train eligible participants on a nonresidential basis.

These centers would be distributed equitably between rural and urban areas and spread geographically among 10 regions. Outreach satellite centers would provide training close to home. Five high-tech demonstration centers would provide training in combination with subsidized private sector internships to prepare individuals for careers in high technology jobs.

The career preparation demonstration program is a good idea. Even if this bill is dragged down by its other provisions, we should preserve this idea, and take steps to extend the benefits of Job Corps training materials to nice girls and boys from Reedsville and elsewhere.

Mr. HAWKINS. Mr. Chairman, I yield 10 minutes to the gentleman from Michigan (Mr. KILDEE).

Mr. McCLOSKEY. Mr. Chairman, will the gentleman yield?

Mr. KILDEE. I am happy to yield to the gentleman.

Mr. McCLOSKEY. Mr. Chairman, I rise in support of H.R. 1036. The recession has not ended in the Eighth District of Indiana. Although the percent of working people who receive unemployment continues to fall slowly, the total numbers are still staggering. In the Eighth District of Indiana, 39,000 people are still unemployed. In Evansville alone, over 8,000 men and women turned to their unemployment insurance to pay the rent, buy food, and get their children clothes for school.

H.R. 1036 would directly channel funds to those counties in southwestern Indiana hardest hit by unemployment, with $1.6 million going to Lawrence County, $2.24 million to Vanderburgh County, and nearly $900,000 to Monroe County. This bill does not require communities in need to compete with each other. H.R. 1036 will provide over $7 million in direct funds to the Eighth District to create jobs for both men and women. This phase II jobs bill funds jobs in bridge repair, land conservation, and of great concern to our area, reclamation of lands affected by strip mining. In times such as these, jobs in the service sector are particularly important to the well-being of the community, and H.R. 1036 creates employment in veterans services, health care, child care, and elderly care facilities.

It is less expensive to return people to work than to support mistaken economic policies with various forms of Federal charities. Unemployment is itself a major factor in the deficit: Each 1-percent increase in unemployment adds $25 billion to the national deficit.

A quarter million Hoosiers still are unemployed. I can hardly call this a recovery. H.R. 1036 is an important step toward genuine economic growth.

FUNDS FOR DISTRICT EIGHT UNDER H.R. 1036

	Title II [1]	Title III [2]
Crawford County	234,000	58,000
Daviess County	290,000	85,000
Gibson County	341,000	87,000
Greene County	564,000	130,000
Knox County	451,000	118,000
Lawrence County	1,368,000	298,000
Martin County	188,000	46,000
Monroe County	609,000	253,000
Orange County	453,000	105,000
Pike County	103,000	27,000
Posey County	112,000	36,000
Spencer County	246,000	61,000
Vanderburgh County	1,859,000	391,000
Warrick County	219,000	60,000
Washington County	653,000	152,000

[1] Eighty percent.
[2] Twenty percent for school repair and rehabilitation.

Mr. KILDEE. Mr. Chairman, there are those who say this bill is not needed, that this country is in the midst of a very robust recovery, or at least a recovery. While many people say that very sincerely, including Members of this House and members of the committee, they are really ignoring the facts.

Let us listen to a recitation of those very dreary, dismal, and disheartening facts. Those facts should lead us to some type of action because governments cannot remain coldly neutral in the face of the highest unemployment since the Great Depression.

I cannot remember, although I was born in 1929, I cannot remember as well as my parents could those dismal days. But I do know that nothing has been worse in my adult lifetime than what I see in the city of Flint, Mich., and the State of Michigan in general.

So if we are going to read objective data and remain coldly neutral, perhaps we should examine our own consciences.

We know that the August national unemployement is 9.5 percent. That is an outrageous figure.

□ 1520

That should sensitize us to some type of action. We find that there is 1.7 million workers who have become discouraged and are actually out of that figure now.

We have 5.8 million people who are working part time who wish to work full time. We have 18 million, then, who are unemployed, dropped out, or underemployed. We cannot ignore that fact and call ourselves people of conscience.

Now, in my city of Flint, Mich., we have 21.9 percent unemployment, according to the last available figures, 21.9.

You know, I used to teach school in that town. It has been a long time since I have taught school. I have students of mine who are unemployed. They are in their forties. But you can be sure that people under 30 are probably not working or not working full time because you really need about 12 years of seniority in the plants there to still be working.

So that generation, those under 30 are not working. That is a terrible thing to which we must be sensitive. We must demonstrate our conscience. Those are the people who want to start a family, who want to get into homes, but they cannot do it. That puts severe strains upon them and upon, very often, the parents with whom they have moved back to live, sometimes after they have been married. There are two families trying to make it under difficult circumstances.

Those people, I know those people well, I have lived in that town 54 years. Those people want to work. They prefer work to welfare. Yet we hear work fare, work fare, work fare. If you are sincere on work fare, I submit that you should be concerned then about a jobs bill because it is inconsistent to talk about work fare and then try to scuttle a meaningful jobs bill.

I commend Mr. HAWKINS. He has worked hard on this bill. This is one of the best jobs bill I have seen in my 18 years of public service.

This is carefully crafted, it is addressing real problems. It works with the private sector, for public contractors who can be involved in it. Let us look at those objective figures, have those move us to some type of action. We cannot remain coldly neutral in the face of those things; 9.5 unemployment. You know we have passed jobs bills with unemployment far less than that and I submit they have been helpful, they have worked.

Now we have 9½. I guess the reason why people think that figure is good is because things were worse a few months ago. But 9½ objectively, is intolerable, immoral, unconscionable.

This House must address itself to it or we, then, share the guilt for it.

So let us address ourselves to those people out there, particularly those

under 30 who want a job. Let us give them some opportunity for that job.

Now I would like to address myself to one part of the bill that I worked on with Mr. HAWKINS. That is title III of the bill which will help our educational institutions to take care of deferred repairs, a massive number of repairs, very often because of the very recession we are in.

We have a school district in my city that has deferred repairs because Flint has been strapped for dollars. They are the victims of this recession. They cannot take care of the repairs because they have more immediate problems to address themselves to. This bill, in a very meaningful way, not only will provide jobs for people but will also take care of those deferred repairs that many of our educational institutions, elementary, secondary, colleges, need to take care of because they have had to delay them. A delayed repair becomes a very costly repair.

In the high school in which I taught, for example, and this is very specific, and Members should look around in their districts, but in a high school in which I taught the bandroom has asbestos dropping down into the bandroom from the ceiling. The school board is scurrying around trying to find some way to either cover it up or do some temporary repairs to protect the health and safety of those students.

Now, cannot we, who spend billions of dollars where we should not spend them—you know, it is not a question of busting the budget, it is a question of priorities—we put a bill through here with about $187.5 billion for defense, and all of us do want a first-class defense but that was a bad bill. If everyone who thought that bill was too much had voted against it, I doubt whether it would have passed. But they are afraid to have to explain that bill to certain people.

But that was way too much money for that department of Government, way too much. It will be spent but will not be spent wisely, nor will every dollar spent there contribute to the defense of this country. So it is a question of priorities.

I submit that if we cannot find a few billion dollars to put our younger people to work, our people under 30 especially, then it is our fault for having misplaced priorities in this country.

So let us think of those people, let us think of our educational institutions.

We talk about excellence in education; title III of this bill can pair and wed those two well, jobs for people and help for our educational institutions. We will respond to the call for excellence in education and at the same time provide needed jobs.

Gentlemen, examine your consciences and please vote for this bill.

Mr. GAYDOS. Mr. Chairman, will the gentleman yield?

Mr. KILDEE. I yield to the gentleman from Pennsylvania.

Mr. GAYDOS. I want to thank my colleague for yielding.

Mr. Chairman, I want to congratulate the gentleman (Mr. KILDEE) in the initial instance because I think he has squarely put the question. We look at waste, and a lot of my colleagues criticize this bill, and I am not going to say this personally, but a lot who do criticize this bill never criticize the folly of a program such as the IMF and all of its ramifications, the wasted money in foreign aid in so many different ways, the Asian-American Development Bank, the Inter-American Bank, and all the projects going down the drain. Nobody complains about those.

When it comes to this little bill here, $3.5 billion, it was properly pointed out that the unemployment rate was so much less 2 or 3 years ago and the expenditures was so much more, in the neighborhood of $5 billion to $6 billion, and this stinky, little $3.5 billion, under these conditions people are getting up and objecting to, particularly when this bill itself on the face of it, one of the primary elements in it, one of the titles in there provides that you must have, I believe, 15 weeks of unemployment before you qualify.

Now, if that is not a safeguard, what is it that you want?

Now, I mentioned what appeared in the Pittsburgh Post-Gazette, I was most sincere, I did not do it for any other reason than to emphasize the fact that it is not just the blue-collar people who are now being affected, it has insidiously invaded the white-collar people and the professionals.

Do you not remember, do I have to ask my colleagues in this House, do you not remember when we had the airplane industry down the drain, in a tailspin, do you remember that; 50,000 engineers? Did we not make Federal funds available, unquestionably, to bail them out? We put those people back to work.

The CHAIRMAN pro tempore. The time of the gentleman has expired.

Mr. HAWKINS. Mr. Chairman, I yield 2 minutes additional to the gentleman from Michigan (Mr. KILDEE).

Mr. CLAY. Mr. Chairman, will the gentleman from Michigan yield to me?

Mr. KILDEE. I yield to the gentleman from Missouri.

Mr. CLAY. Mr. Chairman, I rise in support of the bill.

Mr. Chairman, the greatest con job in history is currently being perpetrated on the American public. The administration, the media, and big business are involved in a major campaign to convince the public that economic recovery is just around the corner. The lead stories on television, the headlines in the daily press, and the propaganda issued from the White House all suggest that our Nation is recovering from economic recession.

The fact is that only some Americans are recovering from the recession, while almost 11 million Americans remain unemployed and without prospects of returning to the work force.

Unemployment is still worse than at the worst point of any recession since the Great Depression, and the jobless rate is not projected to return to a tolerable level for several years to come. The unemployment crisis remains our Nation's most urgent problem and it must be this Congress foremost priority. We should not even have to debate the merits of the legislation before us today.

The Community Renewal Employment Act will authorize $5 billion in fiscal year 1983 to provide job opportunities to long-term unemployed individuals and is targeted to high-unemployment communities. This legislation would provide grants to States and local governments for repair, maintenance, or rehabilitation of essential public facilities, including the repair of public school buildings. It will also fund such activities as weatherization and energy conservation programs, emergency food, and shelter programs, disaster relief, dependent care, and services to veterans, the handicapped, and the elderly. This form of direct job creation is the most effective, timely, and efficient means to combat record high levels of unemployment. The jobs created by this legislation will be of tangible benefit to all citizens. The need for the community renewal employment bill cannot be overstated.

My only criticism of the legislation is that it will not be able to help all of those in need. Budget constraints have already forced a funding reduction in this proposal. But the Community Renewal Employment Act remains our best plan for helping alleviate the unemployment crisis which continues to threaten the quality of life in our society and the strength of our Nation. We must enact H.R. 1036 and provide some relief to the 10.7 million unemployed Americans. If we fail to enact this legislation, we are negligent in our responsibility to promote the human enterprise. H.R. 1036 will put people to work. It will provide needed maintenance and repair in our communities, it will take an important step toward reviving our economy and it will give hope to those who have been most victimized by this long-term recession.

The Community Renewal Employment Act will provide vital community services in addition to providing employment opportunities for up to 500,000 Americans. I urge my colleagues to move in the direction of a more productive future for all Ameri-

cans and to vote for passage of H.R. 1036.

Mr. GAYDOS. Will the gentleman yield further?

Mr. KILDEE. I yield to the gentleman from Pennsylvania.

Mr. GAYDOS. I thank the gentleman for yielding further.

What I am probably trying to say and probaby very clumsily in stating it is that this is not a novel thing.

We went to work and we helped that city with its problems. We went to Chrysler, we took care of the aerospace industry, and we do this all over the world. If so, what, why, and how, what is the rationale, the reasoning here? Why is this such a bad bill? If I had someone respond to that with good reasons, I might pull off the bill. But I do not think that is the case.

Let me close with one point: Most of the unemployment in the steel industry is the direct result of a bad international trade policy in this country. We are being penetrated by 24-percent steel imports.

Let me give you an example: In Korea, because we are trying to build up that bastion of democracy over there in the Southeast Asian area, in Korea we take from them into this country, into our market, 25 percent of the steel that they manufacture and 50 percent—and I have to emphasize that, because I get so worked up about it—50 percent of their total output in world trade is what we take.

□ 1530

And now, because they have problems down in the Caribbean, we have a Caribbean Initiative. A Caribbean Initiative, over 10 to 12 years, we are going to take many, many products, in fact, most of their production duty free into this country.

That, I submit to reasonable men and women, is why I say that the problem we have in the steel industry today is based upon a fallacious and a bad foreign policy in trade. I challenge anybody to question that. I could talk for hours on what is happening. I have made an attempt to do that, to talk and to explain to my colleagues on the record in many of our special orders.

Mr. Chairman, there was much self-congratulation in July when what some call the recovery knocked half a point off the unemployment rate, which has been 9.5 percent since then.

Yet with this bill—H.R. 1036—funded at a reduced level of $3.5 billion, we can knock half a point more off that awful rate, and if we were able to fully fund it we could look for a rate in the neighborhood of 8.5 percent.

This alone is enough to commend the bill.

However, there is more in its favor.

There is little sign of recovery in the parts of America that make the goods that are the objectives of dumping and subsidy in the current trade war of our foreign trading partners. Their goal is to keep their people working. The result is unemployment here.

And when you have import penetration of 20 percent, and 30 percent, and 50 percent in dumped and subsidized goods, you have people out of work who should not be out of work; and no recovery will help them.

Pittsburgh, seat of the steel industry, is one such area and for almost 2 years there has been no truce in the trade war.

Unemployment among steelworkers in one of the United Steelworkers of America's biggest district still is running over 50 percent; and unemployment in my hometown of McKeesport is over 18 percent.

I wish those who see a recovery could walk with me through the streets of McKeesport, and Monessen, and New Kensington.

They would find formerly hard-working men and women—who have supported pay cuts to fight imports—whose unemployment benefits have run out or are expiring, and whose trade adjustment assistance is gone. They would find them in the hundreds and thousands.

And all of these people would ask the experts, what recovery? Steel companies are still laying off steelworkers and white-collar help.

These people understand what is happening, and they are by letters, and cards, and personal contact asking that the Government quit pretending they do not exist.

Much of the unemployment in industrial America stems from a Government that has for decades been afraid to enforce its just and proper trade laws against subsidy and dumping.

So now—when this fear has resulted in wide destruction—it is the responsibility of this same Government to react to what it has caused.

H.R. 1036 is necessary because it will lead to productive work and create related economic activity that is targeted into the areas of highest unemployment.

And, best, it is to benefit the long-term unemployed. A criteria for eligibility is unemployment in 15 of the last 20 weeks. We have men and women who have been unemployed for 104 of the last 104 weeks, and they want to work badly.

Passage of H.R. 1036, coupled with other bills such as last week's measure on trade adjustment assistance, will show these people they do not fight alone.

Mr. Chairman, I strongly urge passage of H.R. 1036, the Community Renewal Employment Act.

Mr. JEFFORDS. Mr. Chairman, I yield such time as he may consume to the gentleman from Pennsylvania (Mr. WALKER).

Mr. WALKER. Mr. Chairman, I would say, first of all, that this bill certainly is brought to the floor with the very best of intent. I have no doubt that the sponsors of the bill really do want to see people employed, really do believe that this bill will meet the employment needs of the future, really do think that this is the way to go to bring down the unemployment rates that are devastating this country at the present time.

I would submit, though, that it is a rewarmed version of precisely the way in which we have tried to deal with unemployment and recession in the past. And in the immediate past we have found that those efforts have been quite unsuccessful, particularly toward getting the unemployed employed.

When President Carter attempted to respond to the recession, which came about toward the end of the Ford administration, he responded with exactly this kind of program. And this kind of program was the program that then led us toward the Carter recession that we have now been trying to work our way out of, too.

We, so far on this floor today, have failed to note that there is job creation now underway. In fact, we have had more job expansion than ever before in modern history following a recession in the last 9 months. The last 9 months have seen the employment force not only gain back the 3 million jobs that were lost in the midst of the recession, but we have created another million as well.

So that, in fact, there is job creation taking place right now under a new kind of idea that involves tax incentives, that involves stimulus to investment, that involves getting small business, once again, investing in the country and thereby investing in jobs.

This is precisely the kind of program, with its potential deficit add ons and the potential cost of that is on interest, which will frustrate and undermine the efforts that are now underway. And we could very well see a turnaround in the kinds of things that are now happening. That would be devastating.

One of the previous speakers mentioned, for example, that one of the ideas behind this bill is to bring the unemployment rate down from 9½ percent down to 9 percent. That is a goal we all share. But I would submit that virtually the entire economic community now says that we will probably achieve 9 percent unemployment by the end of this year anyhow under the programs that the administration now has in place.

Now that is not going far enough. We need to bring it down a lot further than that. But if this bill is attempting to achieve a 9-percent rate, we are going to get a 9-percent rate anyhow.

And then the question becomes, how much does this add on to the deficit result in more potential for unemployment in the future?

If we take a look at this kind of welfarism approach that is embodied in this kind of bill, we find that the past programs simply have not worked very well. The programs passed in the late seventies, the programs to which I referred, 88 percent of the jobs went to people who previously had a job, only 12 percent got to the unemployed. And 98 percent of the money was spent on people who already had a job. Only 2 percent of the money got to people who were without work. There is something wrong with a program like that. And it needs to be addressed here and I am afraid that it has not been addressed. The committee has made some effort to respond to that. There is some effort in the bill. But I would submit to my colleagues that even under this bill 25 percent of the moneys can be used elsewhere, other than employing the jobless. It has a provision for 90 percent of the jobs going to the unemployed. Why not 100 percent?

I hope that my colleagues will support me when I offer an amendment later on that says 100 percent of the jobs created under this bill have to go to people who have been unemployed for 6 weeks immediately prior to the passage of the bill.

Let us get all of the work in the hands of the people who are unemployed. If we are going to go this route, let us make certain that the real unemployed are the people who get jobs under the bill that we pass.

Now, I would hope that perhaps the amendment would be supported. Certainly the jobs programs that we passed earlier in this Congress, the emergency jobs program that was passed—again with the best of intentions—has not worked in that way.

I quoted earlier from the New York Times and I would like to include it again, because the New York Times makes it quite clear that these same arguments that are being made on the floor today were being made about that program and here is the result:

> Although the money was intended primarily to help men and women whose jobs had been in declining industries, the early beneficiaries of the funds have been the lawyers, accountants, engineers and consultants brought in to draw up the proposals, plan new projects and conduct public hearings on them.

That is precisely what happened the last time out. It happened on the emergency jobs program. And I submit to my colleagues that the potential is there to do it again if we do not say that virtually every job created under the bill should go to a person who is unemployed.

Mr. GEKAS. Mr. Chairman, will be gentleman yield?

Mr. WALKER. I yield to the gentleman from Pennsylvania.

Mr. GEKAS. I thank the gentleman for yielding.

The gentleman from Pennsylvania (Mr. WALKER) made an interesting reference to the bill taking on the proportions of a kind of welfarism bill. And that is in concord with some of the conversations I have had over the recess with some of the unemployed in my district.

I am wondering if the gentleman has had the same experience where the unemployed themselves, who have been laid off from productivity types of factory and other kinds of producing types of jobs, have said to the gentleman that when they go back to job they want to go back to the same type of productivity. They do not want these kinds of makeup jobs that seem to be giving them something to do, but in their hearts would know would not be a permanent type of thing, would not be a reestablishment of the productivity to which they have been used.

Has the gentleman run across that kind of sentiment?

Mr. WALKER. I certainly have. I think that that is true across the country, that people do not want Government-sponsored kinds of jobs. They do not want jobs that are created as a make-work kind of project. They want real jobs and a productive economy. And you have got to have a productive economy producing those jobs in order to get the kind of jobs created that the gentleman is talking about.

That is the reason I say that I think one of the great dichotomies between the parties on this floor is the fact that we tend to base a social program around work. The other party tends to base their ideas for improving social betterment around welfare. And the approaches that we bring to the floor exemplify those two different approaches.

I think that that is exemplified in this bill. I think that this bill does say flatly that we believe that the way that we are going to reduce unemployment for the future is with some kind of Government involvement, more expenditures at the Federal level, which in my mind then frustrate the productive economy from creating that same number of jobs or probably more.

Mr. GEKAS. The other comment that I wanted to make, to the extent that Government through the consensus of this House needs to get into stimulating some of the economy, is it not true that the bill that was passed in the spring to that measured extent is to serve that purpose?

□ 1540

And now, the rest of the time that we have in the 98th Congress, ought to be to stimulate the economy to provide for those kinds of jobs that we have referred to as the permanent productivity-related jobs.

Mr. WALKER. I think that is a legitimate point. And I also point out to my colleagues that last December we passed a bill for highway construction that was supposed to be a great boon to jobs and was going to be a great boon to the economy. The direct result of that bill was that when the 5-cents-a-gallon gasoline tax was imposed as a part of that approach, it set off a wave of inflation which is the highest inflation we have had so far this year.

In other words, Government helped pull down the economy by having a 2-month period in which inflation spiked way up, led by fuel costs. Those fuel costs were imposed because of the additional taxation that we brought about in Congress supposedly to do some good for the economy and help the unemployed. That increased inflation will ultimately result in fewer people working, and that is a tragedy.

Mr. MITCHELL. Mr. Chairman, will the gentleman yield?

Mr. WALKER. I yield to the gentleman from Maryland.

Mr. MITCHELL. I have listened with a great deal of interest, and you are really pointing out a fundamental difference between approaches in terms of the two parties. But I was constrained to ask you to yield some time to me because my experience is in sharp contradistinction to yours.

People in my district are saying, "Get me any kind of damn job you can get me. Sweeping floors, hauling garbage, anything."

They are not worried about going back into productive jobs in the private sector. They never have had them. Black people in my district have been disproportionately unemployed since the end of World War II, twice as high. And you come up here with this stuff about, "Let us go into certain kinds of jobs, where we are back in the factories."

My people are not telling me that. "Any damn kind of a job you can get me," that is what they are telling me. I think you have got to take them into account, as well as those folks over there.

I thank you for yielding to me.

Mr. WALKER. I thank the gentleman for his point, because I do think it is important that we make certain that we give people the opportunity to work. He is absolutely right. And the people who have not gotten jobs before, we ought to be providing job opportunities out there for them.

I would hope that as we create those kinds of jobs that we create jobs with future and with hope.

The problem here is that we create jobs that are very temporary in nature, that really are dead end kinds of jobs, in too many instances, and what we need to be doing is creating

the kinds of jobs that give people some real hope and opportunity, as well as just the work.

Mr. MITCHELL. Will the gentleman yield for one more moment?

Mr. WALKER. I yield to the gentleman from Maryland.

Mr. MITCHELL. I will get my own time on this, but let me explain something to you that you apparently just do not understand. Despite everything that we have done, people are still out of work disproportionately. And you are acting like some guy who is dealing with a patient who has cancer and says, "We have some things we can treat you with, but we would rather not give you any treatment at all because somewhere down the line we are going to invent a cure for cancer."

Meanwhile, people are suffering.

I will get my own time to answer you, but I get so upset when I hear all of these specious arguments about the right kinds of jobs, long-term jobs, jobs that have a real future.

People are not talking about that right now. They want a job today.

Mr. WALKER. Well, I would submit to the gentleman that those people failed to get jobs in the last jobs bills that were passed around here, when 98 percent of the money went to people who already had jobs.

Mr. MITCHELL. Some of them got jobs.

Mr. WALKER. It was some of your constituents who failed to get jobs because 98 percent of the money ended up in the hands of people who are already employed.

Mr. MITCHELL. Some of my people got jobs.

Mr. WALKER. I would hope also that the gentleman would listen to the next part of my presentation, because there are a couple of other things that I intend to offer in terms of amendments here that I think speak to some of the problems that he brought up.

One of the problems that is being pointed out by more and more observers on the national scene is the fact that there are groups within our society who are particularly susceptible to unemployment, who have not been able to get jobs, in the first place, largely because of labor restrictions which are Government imposed.

In many instances what the Government has done is set up barriers to people getting jobs. This bill has some of those same barriers in it. And I also will offer amendments that will speak to some of those.

I know the gentleman is acutely interested in, and reasonably so, the problem of minority youth unemployment. And what we have seen there is that as the economy has improved, minority youth unemployment has still gone up, so that the minority youth in this country are not benefiting in any way from the little bit of economic recovery that we have seen. That has been a problem in nearly every recovery that we have had. Ever since the early 1960's we have seen economic recoveries come and go, but minority youth have been left out of it.

The statistics on it are absolutely devastating. It is a terrible crime in this society that some of the people who are looking to get on to the economic ladder, who are looking to climb in the first place, have not been able to do so because of a number of restrictions, labor restrictions, economic restrictions, that we have imposed at the Government level.

Now, we are not wise enough to know what all of those may be as they apply to local community. So I intend to offer an amendment which would say that the local community, if they see those kinds of labor restrictions imposed under this act, and they feel that they could create substantially more employment if they could waive those restrictions, that they would be able to apply to the Secretary to get such a waiver so that they could create more jobs in their communities. And that is one way in which we could speak to the need to increase jobs out there. It will impact on programs that are very, very popular with a lot of special interests around here. It impacts on things like Davis-Bacon, it impacts on things like minimum wage, it impacts on a number of those kinds of things. But it is very important to understand that those labor restrictions are among the things that are creating unemployment out there, particularly among the most vulnerable people in our society.

I think we as a Congress need to begin to speak to that issue, as well—of whether or not we ought to pass things in the guise of a jobs bill that includes the same kinds of restrictions that have caused much of the unemployment in the first place.

I am going to propose amendments, one of which will be directed toward a general waiver in a community. If that would not pass, I think we ought to at least address the problems of minority youth, because they are that pocket of unemployment in the country which is devastating. Of that 10.5-percent unemployment that we had a while back, the minority youth were unemployed at the rate of 50 percent. And now we have moved down to 9.5 percent, and they are up to 53 percent of the unemployed.

Now, that seems to me to be a pocket that we can at least address, from the standpoint of labor restrictions.

Mr. GAYDOS. Mr. Chairman, will the gentleman yield?

Mr. WALKER. I yield to the gentleman from Pennsylvania.

Mr. GAYDOS. I really hesitate to interrupt the gentleman and I do not question his sincerity. But I would like to ask the gentleman a question. The gentleman has raised so many side issues that I am confused, I really cannot follow. Taft-Hartley, this and that. I am so confused.

Mr. WALKER. I do not think I mentioned Taft-Hartley. Davis-Bacon I think I mentioned.

Mr. GAYDOS. Davis-Bacon. You raised them all.

Mr. WALKER. All cut from the same cloth.

Mr. GAYDOS. May I ask a very simple question? I know my colleague will be honest enough to respond. If a country, any country—we are talking about our country here, I think it is our country yet, I hope it is—if a country asked its youth and its people, No. 1, to pay taxes, No. 2, to serve and to make that supreme sacrifice, in many instances, like Vietnam, and so forth, where we make the decisions and they go ahead and carry them out, if that is the case, does not my colleague in the well agree with me that that person, that individual, that citizen or that family man, call him what you will, does he not have a right to expect a job?

Mr. WALKER. Absolutely.

Mr. GAYDOS. Then why are you confusing the issue here with all of these collateral issues?

Mr. WALKER. I will tell the gentleman from Pennsylvania that is exactly the point of this gentleman.

Mr. GAYDOS. I do not know where you fellows get your information. You go back to your district and you hear strange things.

Mr. WALKER. Let me reclaim my time. I think it is important to understand that the point that I was making was that this Government, through some of the laws and regulations that we have put on the books, deny people the opportunity to work.

We are eliminating jobs in our society as a result of actions we have taken.

Now, all I am going to propose here at some point is that instead of doing that, we ought to allow local communities to waive those restrictions that we have artificially imposed in order to allow more people to work within those communities. That seems to me to be a reasonable kind of thing to do. Let us put more people to work, let us get them in jobs where Government here is denying them jobs, where we have created the restrictions.

Mr. GAYDOS. Will the gentleman yield?

Mr. WALKER. I yield to the gentleman.

Mr. GAYDOS. I thank the gentleman for yielding, I really and sincerely do. The point I am making is that you ought to leave those things to another time, another place, and another piece of legislation, because I submit in good conscience to my good friend from Pennsylvania, my colleague from my State, that you are confusing the

issue, so confusing that we are not going to pass anything because you are raising all of these red herrings, and we are going to lose the basic fundamental principle of the bill.

Mr. WALKER. Well, I do not think I have waved a fish on the floor yet, but I think what I am attempting to do is to point out that to bring jobs bills out here that do not address some of these issues, basic issues in the employment sector of our country, is to make a mockery, too, that that confuses the issue, that it confuses the issue to bring a bill out that we call a jobs bill which then, as in the past, the experience in the past, that only 2 percent of the money got to the unemployed. And we beat ourselves on the chest and said that we were doing something to help the jobless, but in fact the money did not get to the jobless. I think that confuses the issue, too.

Mr. HAWKINS. Mr. Chairman, will the gentleman yield at that point?

Mr. WALKER. I yield to the gentleman from California, the distinguished author of the bill.

Mr. HAWKINS. I appreciate what the gentleman is saying and for yielding.

The gentleman keeps repeating that somehow we passed a bill recently in which only 2 percent of the jobless——

Mr. WALKER. That was passed in 1977. The bill I am referring to was the 1977 bill.

Mr. HAWKINS. What bill is the gentleman referring to.

Mr. WALKER. That was the jobs bill that was passed in 1977. I do not recall the name of it.

Mr. HAWKINS. Is the gentleman referring to the Comprehensive Employment and Training Act?

Mr. WALKER. Yes; I think that is the one.

□ 1550

Mr. HAWKINS. The gentleman must have his facts incorrect, then, because that bill was labeled as being very effective; that it returned at least $1.42 for every dollar invested. What is the basis on which the gentleman is basing the 2 percent?

Mr. WALKER. That was a study that was done, and I will have to get a copy of the study for the record for the gentleman. But that, in fact, was a study that was done of the bill and it showed that 98 percent of the money went to people who have previously had jobs and only 2 percent of the money got into the hands of people who had been jobless at the time the bill was passed.

Mr. HAWKINS. I think the gentleman has his facts incorrect.

Mr. WALKER. I would say to the gentleman that I think the facts I am presenting are quite correct.

Mr. HAWKINS. Well, if the gentleman has any reference to base those facts upon, we certainly would appreciate them because we do not agree completely with all of the bills that have been passed heretofore, but we have built upon that experience to craft a bill that will overcome some of those deficiencies.

Did I understand the gentleman to also refer to the supplemental appropriation bill which we passed this year as also the one under which these so-called employed white-collar workers, was that the reference?

Mr. WALKER. The New York Times article to which I referred on the bill recently was in reference to the emergency jobs law.

Mr. HAWKINS. That we passed in March?

Mr. WALKER. The $4.6 billion emergency jobs program that was passed. This article refers to 3 months after it became law. I do not have the exact date.

Mr. HAWKINS. Is the gentleman aware that that was not a jobs bill? It has been mislabeled as such, but the President himself indicated that it was not a jobs bill when he signed it. It was a public works bill. It was not targeted to the unemployed. It was to do the public works that it was felt necessary to be done. To view that as a jobs bill and to say that did not result in jobs, I think, is correct, and I would agree with the gentleman.

I said at that time that it was not a jobs bill; that we do not have a jobs bill today. We have not enacted one since 1981; therefore, we are without a jobs bill, and if we do not pass this one, we will be completely without a jobs bill of any kind.

Mr. WALKER. Mr. Chairman, if the gentleman will allow me to reclaim my time, I would say to the gentleman that the history of these, as I have pointed out previously, has been extremely checkered and that we have found that, in fact, they have not gotten to the unemployed, and I think the gentleman recognizes that in his bill.

There is an attempt in this bill, and I think it is a meritorious attempt, but there is an attempt in this bill to speak to some of those very issues. So obviously they are not phony issues. Obviously the committee recognized, when it was drafting this bill, that there have been some problems in the past. That is the reason why that material was put in here, and all I am saying is let us toughen it up even further. Let us make it a 6-week requirement in terms of unemployment, and let us make it 100 percent of the jobs.

That was the only point that I was making with regard to the past program. Why not adopt that?

With regard to the Government-imposed labor restrictions in the bill, as I say, there will be four amendments, one directed to the general community. If we do not adopt that, one directed at minority youth. If we cannot see our way clear to try to give a little bit of help to minority youth, there is also one directed at women, as well, because what we have found is that labor markets, in a recent study by the Heritage Foundation confirming this completely, is that women have been particularly devastated by the labor restrictions that have been Government imposed.

Let me just quote from the conclusion of that study.

It said:

> While the efforts of women to advance have been hampered by the outdated attitudes of those who choose to discriminate, they have been frustrated as well by government regulations and restrictions. By creating obstacles, imposing costs, and reducing competition, these restrictions have helped to perpetuate a climate in which discrimination could take place.

That is the point here. It is the point with regard to women. It is the point with regard to many of the minorities in our society. Adoption of the kind of amendments that I plan to offer would move us one small step toward addressing these concerns as a part of a job-related issue. If we are going to speak to jobs, let us speak to the totality of the climate in which jobs are being denied. That includes the fact that the economy has not performed well, but it also includes that fact the we in Government too often have not recognized that what we do on one hand supposedly to help people ends up harming people, and too often the people harmed are at the very bottom of the economic ladder.

Mr. JEFFORDS. Mr. Chairman, will the gentleman yield?

Mr. WALKER. I would be glad to yield to the gentleman from Vermont.

Mr. JEFFORDS. I thank the gentleman for yielding.

Mr. Chairman, for clarity's sake, I think the bill the gentleman is referring to that had a very bad record as far as creating jobs was the Local Public Works Capital Development and Investment Act of 1976. I would agree pretty much with the comments the gentleman made in that it was not, as referred to, the Comprehensive Employment and Training Act.

Mr. WALKER. I thank the gentleman for correcting the record on that, and I think if I understand the gentleman correctly, the statistics that I was quoting were for that particular bill.

Mr. JEFFORDS. Yes; they were, and they pointed out the very, very low productivity of public works type jobs in assisting the unemployed people of this country.

Mr. WALKER. I thank the gentleman very much.

I appreciate the gentleman yielding me this time.

Mr. HAWKINS. Mr. Chairman, I yield 5 minutes to the gentleman from Montana (Mr. WILLIAMS).

Mr. WILLIAMS of Montana. I thank the gentleman for yielding this time to me.

Yes, Mr. Chairman, this bill has a major flaw. It does not do enough. There are jobs to be done in this country and there are millions of unemployed people to do them. There are alleys to be cleaned and streets to be paved. There are children and elderly to be cared for. There are bridges to be reconstructed. There are mine dumps to be reclaimed. We have 10.7 million people out of work willing to do those jobs.

This bill does not spend enough money. This bill does not touch enough people. If it has a flaw, that is it.

Does this bill target the highly unemployed? Absolutely. People who have been unemployed 15 of the last 20 weeks in the hardest hit communities are eligible for this money, and it is the first jobs bill to come before this session of Congress.

Does this bill violate the budget? No. No. Even with its cost, it does not violate the budget. The contingency reserve fund, which was agreed upon by this House and by this Senate in the conference committee has the money in it for this bill.

This House has a flaw. This institution and the Members of this institution have a short memory. Have we forgotten about the infrastructure that we talked about, the bridges and the roads and the highways and the necessity for jobs in this country that we talked about just 90 days ago? Apparently, from some of the debate here today.

Have we forgotten about the unemployment of last winter and the unemployment that is going to be here again in the months ahead, starting in 30 days? Apparently.

Mr. Chairman, presently, 10.7 million Americans are searching for work, close to 1.7 million more have become so discouraged that they have stopped looking, and another 5.8 million who want to work full-time have only been able to find part-time jobs. Thus, a total of 18 million workers—one-sixth of the labor force—are now either unemployed, discouraged, or underemployed. The average unemployed worker has been out of a job for just short of 20 weeks, and there are 2.4 million people who have been unemployed for more than 6 months.

In terms of unemployment, the 1981–82 recession was clearly the most severe since the 1930's. Although unemployment has been declining recently, it still remains very high—not only when compared to prerecession levels, but also when compared to the levels reached at the worst point of earlier recessions.

During the recession, the unemployment rate reached a peak of 10.8 percent in December 1982, before beginning to decrease. In August—the latest month for which data is available—unemployment stood at 9.5 percent—more than 2 full percentage points higher than the 7.2 percent unemployment rate recorded in July 1981, the month when the recession began. In fact, the most recent unemployment rate is still a half-percentage point higher than the highest unemployment rate recorded during any previous recession since the Great Depression—9 percent in May 1975.

In terms of the numbers of people affected, 10.7 million workers were officially counted as unemployed in August, compared to 7.9 million unemployed in July 1981. Thus, after 8 months of declining unemployment, there are still 2.8 million more people out of work than there were when the recession began.

The official unemployment figures tell only part of the story. In addition to those counted as unemployed, there are also the discouraged workers—persons who want a job but who have become so discouraged about the prospects of finding one that they have at least temporarily stopped looking. These workers are not included in the official unemployment total, because the Government's definition of unemployment requires a person to be actively searching for work in order to be counted.

According to the Bureau of Labor Statistics (BLS), there were 1.8 million such discouraged workers in the fourth quarter of 1982, the bottom of the recession. (Statistics on discouraged workers are compiled quarterly, rather than monthly.) This was by far the highest number recorded since the BLS began publishing these statistics in 1970. By the second quarter of 1983—the latest period for which data is available—the number of discouraged workers had edged down only slightly, to 1.7 million. This most recent total is still 615,000 above the prerecession level of 1.1 million. In fact, the most recent figure is 560,000 higher than the level reached at the bottom of the 1974–75 recession, which, at the time, was the most severe recession since the 1930's.

When these discouraged workers are counted along with the officially unemployed, there are clearly still more than 12 million people who want to work but are without jobs—despite the fact that economists declared the recession to be officially over at the end of last year.

In addition to those who are unemployed or discouraged, there is a large number of people who are underemployed—those who want a full-time job but who have been able to find only part-time work. This figure, too, reached a postdepression record of 6.4 million in December 1982. Since that time, the total has dropped to 5.8 million, still 1.4 million more than when the recession began.

If workers able to find only part-time jobs—but who desire full-time work—are counted along with the unemployed and the discouraged, the total number of jobless and underemployed stands at roughly 18 million. This represents 16 percent of the labor force, or one worker out of every six.

Long-term unemployment reached a peak in June 1983. At that time, the average unemployed worker had been jobless for 22 weeks—more than 5 months. Since then, the duration of unemployment has declined only slightly, and in August the average stood at 19.9 weeks. By comparison, the average duration of unemployment at the start of the recession in July 1981 was 14 weeks, and the average in 1979 was 10.8 weeks—roughly one-half the current figure.

In August, 23 percent of the unemployed—2.4 million people—had been out of work for more than half a year. In July 1981, 14 percent of the unemployed, or 1.1 million people, had been jobless for more than half a year, and in 1979, only 9 percent, or 535,000 people, had been jobless for more than half a year.

With unemployment still above the high water marks of previous recessions, the unemployed are receiving far less assistance from the Government that they received in previous downturns, largely as a result of Reagan budget cuts and administrative/Republican resistance to emergency programs of recession relief. Currently, only 36 percent of the unemployed are receiving unemployment compensation, compared with 76 percent of the unemployed receiving benefits in 1975, and 67 percent in 1976—2 comparable years in terms of unemployment levels.

As a result of cuts made by the Gramm-Latta reconciliation law, the extended benefits program—designed to provide additional weeks of benefits at times of high unemployment—is now operating in only two States. While up to 65 weeks of unemployment benefits were provided in 1975 and 1976, in most States only 34 to 40 weeks of benefits are now available.

In addition, Federal spending on employment and training programs has been reduced from $10.3 billion in fiscal year 1980 to $5.2 billion in fiscal year 1983. If the House accepts the fiscal year 1984 Labor-HHS-Education Appropriations Act, H.R. 3913, without amendment, funding for employment and training will be further cut to $3.6 billion in fiscal year 1984.

In the absence of a recovery which creates new jobs for the millions of unemployed, the Congress must enact an interim measure to provide jobs. This bill will do just that.

During the debate on this bill in subcommittee and full committee a number of amendments that I offered were adopted and are in the final bill. In response to the valid criticism of previous jobs bills that women and other traditionally underrepresented groups do not receive their fair share of jobs under these bills, I authored an amendment to correct this problem (section 103(f)). Specifically, it requires the State employment service to certify and refer such eligible applicants. The committee report (House Report 92-199) states:

The committee bill also directs the State employment service agency to be responsible in certifying and referring eligible participants for insuring equal employment opportunities and the full participation of traditionally underrepresented groups including women and racial and ethnic minorities in such employment. It is not the committee's intent to establish a system of quotas or to place burdensome and costly compliance mandates upon the State employment service agency. However, as the primary certifying agency under this act, it is important for the employment service to be sensitive to the needs of traditionally underrepresented groups and to exercise fairness in fulfilling its certification and referral responsibilities.

I also offered an amendment that allows projects to be conducted on private lands as long as they provide "a documented public benefit and reimbursement will be provided to the recipient for that portion of the total costs of the project which does not provide a public benefit" (section 201(d)).

I was also responsible for an amendment which further targets the 5-percent set-aside for State job programs (section 241(c)). Specifically, my amendment requires that States:

Shall give special consideration to the establishment of those programs and activities which will provide job sites: First, within areas in the States in which the rate of unemployment equals or exceeds the national average rate of unemployment; or second, if there are no such areas within the States, within areas in the State in which the rate of unemployment equals or exceeds the average rate of unemployment in the States. In designing projects under this section, the State shall evaluate projects on the basis of the severity and duration of unemployment within localities in the State and the level of need which exists for the activities and services to be provided.

In title III, Mr. KILDEE's amendment to the bill, we achieved a set-aside of one-half of 1 percent to fund projects at Indian tribal schools (sections 302(a)(1)(B) and 301(d)(1-4)).

I urge my colleagues to vote for jobs for Americans and to support this bill.

□ 1600

According to the Bureau of Labor Statistics, there were 1.8 million such discouraged workers in the fourth quarter of 1982, the bottom of the recession. This was by far the highest number recorded since the Bureau of Labor Statistics began publishing these statistics.

I have asked for permission to revise and extend my remarks, and I have what I think are some interesting facts here. They will appear in the RECORD, and I encourage my colleagues and my staff to sort them out when they have a chance.

Mr. Chairman, let me end by again quoting someone out of the administration of Franklin Roosevelt and the New Deal. One would think that this argument was behind us now. At that time there was some objection to Roosevelt's public works efforts, and the suggestion was made to the President that his programs were not workable enough because the jobs were short term.

The CHAIRMAN pro tempore. The time of the gentleman from Montana (Mr. WILLIAMS) has expired.

Mr. HAWKINS. Mr. Chairman, I yield 30 additional seconds to the gentleman from Montana (Mr. WILLIAMS).

Mr. WILLIAMS of Montana. Mr. Chairman, to continue, someone said to the President, "Mr. President, the jobs that you are creating are short term," and FDR said, "My friend, people eat in the short term."

These people want to work so that they can feed their families, and there will be millions of people who will work under this bill. The question is whether or not this House has the will to provide the funds so that those people can come off of the end of that soup line and get on the end of that shovel.

Mr. Chairman, I thank the gentleman from California (Mr. HAWKINS) for yielding this time to me, and I thank the House for giving me its attention.

Mr. JEFFORDS. Mr. Chairman, I yield 5 minutes to the gentleman from Pennsylvania (Mr. GEKAS).

Mr. GEKAS. Mr. Chairman, I was a little bit surprised when I saw my colleagues, the gentleman from Maryland and the gentleman from Pennsylvania, rise in such indignation about what we were trying to get across about the difference in the types of jobs.

There is no one in this Chamber, I submit, who would say, "We don't want our people to get jobs." I want every American to have a fulfilling job. That is your goal, and that is my goal.

What I simply said was that my understanding in talking with unemployed is, of course, that they would take any job—any job, just like the gentleman from Maryland said—but when we ask them about what the Government's role is in this, in trying to get them jobs, I say to the Members that they say they would prefer a job that had long-term implications, productivity, a purpose to it, and a future to it. They would prefer that type of job to any kind of job if they had their preference. And their instructions to us, to the gentleman from Maryland, to the gentleman from Pennsylvania, and to every other Member, whether we hear those instructions or not, are: "Create the atmosphere to do what you can as government officials to prepare an environment where there will be full-productivity, full-term, long-term jobs or futuristic jobs."

Mr. MITCHELL. Mr. Chairman, will the gentleman yield?

Mr. GEKAS. Let me finish my statement.

Mr. Chairman, in the meantime, let us do what we can to give them any kind of job, sweeping the streets, cleaning the highways and so forth. Let us do what we can on that.

Mr. GAYDOS. Mr. Chairman, will the gentleman yield?

Mr. GEKAS. But they want those long-term jobs.

The difference in the approaches, I say to the Members, is that while Members say, "Yes, let's give them that temporary job that they want so desperately now," they should then say, "But let's work together with management, with labor, and wherever the Government stimulus will be to create that kind of environment that will insure the full productivity and permanent future jobs that will stabilize the economy, not exacerbate it with government giveaway jobs."

That is the only point I make, and what we are saying is that the previous public works jobs bill, or whatever it was, did take a measured step toward giving them any kind of job, as the gentleman from Maryland has said.

Mr. MITCHELL. Mr. Chairman, does the gentleman want to yield now?

Mr. GEKAS. What we want to do now is to say, "Don't make that deficit situation worse so that we can allow the productive portion of our American establishment and work environment have the full sway to make those jobs fully producing."

Mr. GAYDOS. Mr. Chairman, will my colleague, the gentleman from Pennsylvania, yield?

Mr. GEKAS. I just want to set the record straight with the gentleman. If he rises in indignation and indicates that I do not want to see my people work, the gentleman is sadly mistaken, and he misses the whole point and resorts to indignation of rhetoric instead of trying to listen and work through this with us and listen to what we want to say.

Mr. MITCHELL. Again, Mr. Chairman, I would ask the gentleman, will he yield to me?

Mr. GAYDOS. Mr. Chairman, will the gentleman yield to me?

Mr. MITCHELL. Or would the Chairman give me some time?

Mr. GEKAS. I yield to the gentleman from Maryland. He sprang up first.

Mr. MITCHELL. That is right, I sprang up. The gentleman is right, I sprang up in righteous indignation.

The gentleman is talking about a deficit. I do not want a deficit either, but that does not mean a darned thing to my people. I say to the gentleman, "You kept us out of work in good times and bad."

Mr. GEKAS. Mr. Chairman——

Mr. MITCHELL. Mr. Chairman, the gentleman yielded to me, and let me keep going.

Mr. GEKAS. The gentleman is indulging in rhetoric again.

Mr. MITCHELL. I am talking about fact, and if the gentleman looks at the record, he will see that we have been disproportionately unemployed in the black community, in black America, since the end of World War II, and that has been when we had a little deficit, a big deficit, good times, or bad times. It has been the same.

Point No. 2: One reason why we have been so disproportionately unemployed is, I say to the gentleman, "I do not see you guys on that side rising in anger when there is still discrimination at the hiring gates, even though you have a title 7."

I ask the gentleman, "Why don't you talk about that some time?" If that is rhetoric, those are still the facts, I say to the gentleman.

Mr. GEKAS. Mr. Chairman, I will take my time back.

That has nothing to do with what we are talking about. The gentleman may be right, and I have joined in a hundred different causes having to do with discrimination. That has nothing to do with what I am talking about, and I want to keep it in the context of the difference between permanent types of jobs and temporary types of Government-created jobs that do not satisfy our hunger for full employment.

Mr. GAYDOS. Mr. Chairman, will the gentleman yield?

Mr. GEKAS. I yield to the gentleman from Pennsylvania.

Mr. GAYDOS. Mr. Chairman, I would like to ask my colleague a question, if I may.

How are we going to provide long-term, stable jobs, which is what I think the gentleman is referring to, and stay away from the short-term jobs? How are we going to create the long-term jobs when we cannot even get together to create these little short-term jobs because we run into brick walls? We have no job program in place now.

Mr. GEKAS. Then, Mr. Chairman, I say that we worked futilely last spring to try to do something in the same kind of debate with the same kind of words the distinguished gentleman from Pennsylvania is using now.

The CHAIRMAN pro tempore. The time of the gentleman from Pennsylvania (Mr. GEKAS) has again expired.

Mr. JEFFORDS. Mr. Chairman, I yield 2 additional minutes to the gentleman from Pennsylvania (Mr. GEKAS).

Mr. GAYDOS. Mr. Chairman, if the gentleman will yield, I believe I have raised a logical question.

Mr. GEKAS. Mr. Chairman, this is like deja vu. Last spring the gentleman from Pennsylvania joined with others in this Chamber to speak on the same subject, with the same level of rhetoric, with the same concerns, and with the same sense of responsibility.

Mr. GAYDOS. And we were emotional then, too, were we not?

Mr. GEKAS. That debate was on the bill that was passed in the spring, and that was to advance public works to create jobs. It was a jobs bill, no matter what everybody else said, because the actual intent was to create these temporary jobs. And I say that is well and good. We have to do that from time to time. It is the business of Government to stimulate the work force through those kinds of things. That is part of our life and times, and I am willing to submit to that.

All I am saying is that if we ask someone in the unemployment lines, "Which kind of job would you prefer? Would you prefer a long-term job or one the Government has created for you?" Nine chances out of ten, they will say to us, if we put it to them properly, that they want the kind that means full productivity, long-term employment, the kind that they can look to with some kind of predictability and stability, rather than a handout job.

That is all I am saying. It is not that the handout jobs and the short-term jobs are not important, but they have to be placed in their proper context so we can work together while we are working on this long-term program to stimulate productivity. And that goes along with this one strong element: Do not increase that deficit.

Mr. GAYDOS. Mr. Chairman, if the gentleman will yield on that point, my colleague raises the point of the deficit when it pertains to or is connected directly or indirectly with jobs.

Is it not unfair to raise that point when many of our colleagues—and I am not going to include my colleague, the gentleman from Pennsylvania—do not raise the point of the deficit when they are talking about foreign aid and when they are talking about a multitude of other expenditures? When it comes to jobs, they always raise the point about the deficit, but when it comes to other things, no one raises the question of the deficit.

Mr. GEKAS. Mr. Chairman, I submit that the gentleman's memory is short.

The CHAIRMAN pro tempore. The time of the gentleman from Pennsylvania (Mr. GEKAS) has again expired.

Mr. JEFFORDS. Mr. Chairman, I yield 1 additional minute to the gentleman from Pennsylvania (Mr. GEKAS).

Mr. GEKAS. Mr. Chairman, I just finished saying to the gentleman from Pennsylvania that in the spring, when we had a large deficit, this House approved, in the face of that deficit, just what the gentleman is asking that this Congress do now. This House passed a public works advancement jobs bill.

□ 1610

So that the allegation of the gentleman that we did not keep the deficit in mind when we passed these bills or legislation does not pertain, because in the face of that deficit we did pass that advanced public works jobs bill. We did that and the gentleman wants to do it again and again.

I am saying, stop and look what we are doing. While we did that in the spring and we are going to do other little things to try to help in the short term, we have got to turn our full attention to narrowing the deficit, to not exacerbating it at least, so that we can create that atmosphere for full productivity jobs.

Mr. GAYDOS. If my colleague will yield further, I know it is the gentleman's time, but permit me one observation. If the gentleman is talking about deficits as such, I can take two parts of the argument.

No. 1, if we are talking about creating a deficit and if the gentleman is correct, and I am not conceding that point, I say so be it; but I think the other point, jobs do not create deficits. They help to uncreate them.

Mr. HAWKINS. Mr. Chairman, I yield 5 minutes to the gentleman from New York (Mr. OWENS).

Mr. LEVIN of Michigan. Mr. Chairman, will the gentleman yield?

Mr. OWENS. I yield to my colleague, the gentleman from Michigan.

Mr LEVIN of Michigan. Mr. Chairman, I rise in strong support of this bill. There are several points I would like to make in behalf of our country's need for a well crafted, carefully targeted jobs program, which this legislation would create.

First, high levels of unemployment will not go away soon. Even the Reagan administration forcasts that unemployment will still be at 8.7 percent by the end of 1984. That unemployment rate is higher than the rate recorded at any time between 1942 and 1980, with the exception of the 8 worst months of the 1974-75 recession. The administration does not project unemployment going below 7 percent until 1987. The administration does not foresee unemployment receding to the 5.8-percent rate of 1979 until the end

of this decade, at the earliest. In my home State of Michigan, the unemployment rate in August actually rose by more than 1 percent, from 13.1 percent to 14.3 percent. The rise meant there were 47,000 more jobless workers in the State, bringing the total to 616,000.

Second, there will be no easy, magical solutions to this problem. As a front-page article in this past Sunday's New York Times pointed out, high technology is no jobs panacea.

Third, the problem of long-term unemployment has been more severe in this recession than at any time since the Great Depression. In June of this year the average unemployed worker had been jobless for 22 weeks—more than 5 months. By comparison, the average length of unemployment at the start of the the recession in July 1981 was 14 weeks, and the average in 1979 was 10.8 weeks, approximately half the current figure.

Fourth and most tragically, our social safety net is breaking down. Currently, only 36 percent of the unemployed are receiving unemployment compensation, compared to 76 percent during the 1975 recession. What is happening to those people no longer receiving benefits? Many not only exhaust their unemployment insurance but their life savings as well. Long-term unemployment often has serious physical and mental health side effects and areas of high unemployment report dramatic increases in child abuse and family breakup.

The question we have to ask ourselves—all of us—is what are we going to do about this?

I would argue tht the best alternative is a job.

The cost of this jobs program will be significantly offset by reductions in Federal payments to the jobless, and increased Federal revenues in 1984 and 1985 from taxes paid by the newly reemployed workers.

I have studied the bill under consideration carefully, and I am convinced that it is the most carefully thought out and crafted jobs bill ever produced by the Congress. The bill targets aid to those most in need and to areas of the country most severely hit by unemployment. The bill specifies the community improvement projects eligible for funding, and contains tough, enforceable antisubstitution provisions to prevent displacement of regular workers, and severe financial penalties for any community abusing Federal job funds.

In his election campaign in 1980, President Reagan decried the 7-percent unemployment rate as unacceptable. Well it looks like an unemployment rate above 7 percent will be with us for many years. That represents a personal crisis for millions of Americans and a crisis of conscience for all of us as a nation. I urge my colleagues to support this legislation as an important step toward meeting that crisis.

Mr. OWENS. Mr. Chairman, I think what a lot of the previous debate shows is that we have not recognized that a very new phenomenon has emerged and that economic recovery has less and less to do with unemployment or employment. The correlation between economic recovery and employment is less and less all the time. That is true now and I think it is going to be more so in the future.

While the economy goes forward, all the other indicators are positive and they go forward, there is no decrease in unemployment which is corresponding. There is no increase in employment which is corresponding to the economy surging forward.

We have a situation where all indicators may go up, but the job market still goes down. We should come to grips with that fact.

There are new forces at work in our internationally oriented economy. These new forces have erased the conventional cause and effect relationship which once existed between the general economic performance and the availability of jobs.

We take certain steps in order to be competitive in the international world. We have to automate as rapidly as possible. We have to move in order to increase profitability and keep up with the Japanese or the Germans. We move factories around. We do things which may increase the economic performance and it results in greater profits, but it does not necessarily have anything to do with increasing the number of jobs.

The performance of the economy is almost irrelevant in this discussion. The performance of the economy from now on should be separated and we should have separate discussions which deal separately from the need to provide jobs.

Unemployment is a crisis which stands isolated by itself. Unemployment is a separate disease which must be treated regardless of the health of the larger economic body.

The goal of increased employment itself, by itself is a worthwhile goal.

Who among us really wants to deny jobs to 500,000 people. This bill only proposes to give jobs to 500,000 people. There are 10.7 million people unemployed. All we are proposing is to help 500,000.

Who here would propose or would like to contend that the economic recovery is going to take care of that 10.7 million people, even if it is successful. Even if the economic recovery does go forward and is successful, do you propose that it is going to employ all those 10.7 million people, or will it employ even a million more to reduce the unemployment from 10.7 million to 9.7 million, or will it employ 2 million?

You know, how far down do you think we are going to get unemployment, assuming that the economic recovery is successful and continues to go forward?

I do not think any of us will argue, nobody here will argue that it is going to employ everybody and the 500,000 we are talking about here will not need those jobs. The 500,000 will be taken care of, in addition to the rest of the 10.7 million.

This is a small step. It puts food on the table immediately. It takes care of families immediately. It provides dignity to men out of work immediately and I think the American taxpayer would support it if we would only give them a chance.

In opinion poll after opinion poll they indicate that jobs are a high priority. Why is it that this House and the Members of this Congress find it so difficult to understand that jobs are a high priority?

The American taxpayer will get better value for his dollar with this legislation than will be achieved with any other legislation which we have passed this year, any other expenditures we have made this year. We get better value.

Consider for a moment the fact that once an amendment is offered and accepted, and I think the chairman of the committee, the author of the bill, is prepared to make an amendment which will reduce the expenditure related to this bill to $3.5 billion. Now, $3.5 billion happens to be almost exactly the same cost as one aircraft carrier. One aircraft carrier costs $3.5 billion. For one aircraft carrier, for the price of one aircraft carrier, we can create 500,000 jobs.

Who here wants to discuss the dificit in terms of these 500,000 jobs?

The CHAIRMAN pro tempore. The time of the gentleman from New York has expired.

Mr. HAWKINS. Mr. Chairman, I yield 1 additional minute to the gentleman from New York.

Mr. OWENS. For the cost of one aircraft carrier, we deny 500,000 people a job. There is no real contradiction here or conflict with the proponents who say that the economic recovery is the automatic solution. If the economic recovery is the automatic solution, the bill is phased or structured so that it will be phased out if the economic recovery is successful.

Again I say that the economic recovery has nothing to do with the decrease in unemployment. These are human beings who deserve the support of their leaders. We are their leaders. We cannot afford to make a mess, to ruin the economy and then expect these people to survive. Everybody has a right to have a job, to be able to look to their leaders for means of survival. Our total social structure

is based on people yielding certain of their rights in exchange for what they get from the society. Our society should at least provide a job opportunity to every individual who wants to work.

Mr. JEFFORDS. Mr. Chairman, I yield 6 minutes to the gentleman from Wisconsin (Mr. GUNDERSON).

Mr. GUNDERSON. Mr. Chairman, I would like to begin my remarks today, if I can, in a fashion that I think is only proper for those of us who have sat on the Subcommittee on Employment Opportunities, which has heard all the debate regarding this bill. Regardless whether one is for or against this particular legislation, and reasonable men and women can certainly differ on this particular issue, I think we would all be remiss if we did not give a special debt of gratitude to the distinguished chairman of our subcommittee, the gentleman from California (Mr. HAWKINS) and the ranking member, the gentleman from Vermont (Mr. JEFFORDS) for the long hours that they have put into this particular legislation.

As a member of that subcommittee, I have sat through not hours, but days and days of hearings on this particular issue as we have brought in all kinds of economists and individuals from across this country to discuss really what is going on in America industrially and economically and what ought to be done to deal with this problem.

I would suggest that there is not a Member among us that is not concerned about the unemployment in this country, and if there is one, they ought not to be a Member of this Chamber, I say quite simply and quite frankly; but as we go through all those hearings and as we have heard the different testimony that has occurred, I think it is fair to say that we really came to two conclusions.

The first one was brought forth most eloquently by that MIT economist, Dr. Richard Thurow, who said,

> The fact is, we are not in an American economic shutdown, we are in a worldwide economic shutdown.

No longer does the American economy exist simply by itself, irrelevent or not affected by what happens worldwide, and I could go into the problems with Japan, England, Germany and all of our Western industrialized countries, what they are feeling.

The second thing is I think all too common to all Americans. It has been brought forward by John Nesbitt in his book, "Megatrons." It has been brought forward by Lane Kirkland, the head of the AFL-CIO. We are in a changing industrial base in this country. Lane Kirkland of the AFL-CIO said not too long ago that 25 percent of the people who are unemployed in this country will never get their jobs back, regardless of what happens to the economy, because unfortunately that 25 percent has been replaced by technology.

□ 1620

So we need to begin this discussion today and for the next couple of days as we debate this legislation, exactly where are we and where are we trying to go, and how best can we put together some kind of economic program, jobs policy, training program, that will get us where we want to go.

And I think that is how reasonable men and women can differ on the merits or demerits of H.R. 1036 that is in front of us.

I happen to believe this will not solve the problem. What my distinguished colleague on the committee, Mr. OWENS, just said, is just exactly right, 500,000 jobs with 10.7 million people unemployed does not solve the problem. And we ought not try to tell the American people that it is going to. Worst of all, we ought not to try to tell the unemployed that it is going to do that for them, because too often the reason that the Congress suffers credibility in this country is we give people impressions we are going to do things we really cannot do or are not able to do.

We are going to spend $5 billion, $3.5 billion, if the amendment is adopted, and this combined with a jobs bill of $4.6 billion that we passed earlier will give us an expenditure of about $8 billion in this area.

The two of them will employ about 800,000 people in temporary jobs. The problem is what do we do with the other 10 million people unemployed in this country and what do we do with the 800,000 people once their year is up.

It seems to me when we talk about some kind of an industrial jobs policy in this country, that there are a couple of things we need to keep in mind. Most important is, as you talk to every individual and every labor union, every unemployment line in this country, they do not want a permanent public sector job. The fact of the matter is most of those people do not like us in Government very well. What they want is a permanent private sector job, and exactly how do we get that? The way we get that is from training, and I stand here to tell you I will vote for more job training funds, and we are going to in an appropriation bill later this week appropriate about $6.4 billion for the Job Training Partnership Act, going to increase funding for vocational adult education to over $800 million. And I think that kind of funding is going to be absolutely necessary.

But we need to ask ourselves today as we debate this bill in general debate before we get to the amendments, regardless of the economic policy, and I think we can debate that pros and cons as it is affecting the deficit, but in terms of putting people back to work in America how do you do it.

First and foremost you have to expend the money on training. The average person who graduates from high school today is going to have four different careers in their lifetime. We are going to have to put into place in this country the most massive adult training and retraining program we can ever imagine. And is it going to cost money? Yes, it is going to cost a lot of money. It is going to cost the Federal Government money. We better be ready to pay for that.

In addition, beyond training, the second most preferable way to deal with people in putting them to work is in some kind of a public works project where you have something to show for it. That is what the $4.6 billion bipartisan public works program was last spring. That is what the Public Works and Transportation Committee is calling for in their $3.6 billion phase II jobs bill. That ought to be our second preference.

Only at the end should we look and even consider something like we are looking at today which is some type of temporary assistance with no training and no future. That my friends by itself is the greatest disservice, not service, we can give to 10 to 11 million unemployed in this country.

I yield back the balance of my time.

Mr. HAWKINS. Mr. Chairman, I yield 2 minutes to the gentleman from Puerto Rico (Mr. CORRADA).

Mr. CORRADA. Mr. Chairman, I rise in support of H.R. 1036, the Community Renewal Employment Act, which would create jobs for individuals who have been unemployed 15 weeks or more, with preference going to unemployment insurance exhaustees. This bill represents the second portion of a plan to stabilize the economy and to revitalize the employment sector by providing opportunities in activities which benefit the community as well as the individual.

Mr. Chairman, no survey or poll is necessary to tell us that one of the most serious problems in the minds of Americans today is unemployment.

We all know the numbers, and a recapitulation of the statistics at this point would be almost redundant. We all are too well aware that unemployment has climbed to a heartbreaking rate of 9.4 percent and that more than 10 million people are officially counted as jobless—and more than 4 million of them have been out of work for more than 15 weeks.

While the average unemployment rate is unacceptably high, it is a poor indication of the true status of certain groups, such as blacks, Hispanics, and youth. August figures show that 790,000 Hispanics, or 12.9 percent out of a total work force of 6,124,000 are out of work, as are 20 percent of

blacks. Unemployment figures in Puerto Rico are at 24.1 percent, and have not been below 20 percent since 1981. Almost one-fourth of teenagers searching for employment have met with no success. In every case, these figures indicate a worsened status for each subgroup over last month. And we must remember that these figures do not count those who have decided to return to school, those who have accepted part-time jobs earning abysmally low salaries, or those who have simply given up hope and have stopped looking. Just as the construction industry is beginning to move again here on the mainland, Puerto Rico statistics show that construction suffered the largest loss in job slots during August—jobs affecting mostly males ages 25 to 44. Our unemployment is hitting the major family breadwinner in his prime years.

The Community Renewal Employment Act can help to reverse the trend America's labor force is now experiencing. Not only would H.R. 1036 provide employment to those individuals who need it most urgently, it would insure that those jobs are designed by local governments to improve community resources, such as in the repair and conservation of public buildings, expansion of day care centers, services to the handicapped, rebuilding of educational facilities, and in disaster relief. Funds would flow to cities with populations of 50,000 or more, and would be targeted so that areas of highest unemployment would receive the largest share of funds.

Mr. Chairman, I would also like to point out that the Education and Labor Committee worked diligently to insure that this bill would not fall to the same criticisms as did the public service employment program under CETA. I believe we have crafted a program which escapes the major CETA pitfalls—jobs are funded for a maximum of 52 weeks, and provisions are included to assist participants to obtain unsubsidized employment. Only individuals with demonstrated inability to secure employment in the regular economy are eligible for jobs under this act, and they must have been unemployed for at least 15 weeks. Funding for local projects must be used within 105 days of receipt, to insure prompt action to meet current, not past, community needs.

Jobs may also be filled through contract with private employers if such contracting is the customary procedure for the activity to be funded, such as repair or renovation of public facilities.

Substitution of funds or displacement of regular workers is virtually eliminated by the inclusion of the toughest antisubstitution provisions in any Federal grant program, including an automatic triggering of an investigation by the Inspector General where the regular work force declines more than 5 percent.

H.R. 1036 is a temporary measure, designed to phase out as the number of individuals unemployed 15 weeks or more declines.

While the current authorization level would be $5 billion, an amendment will be offered by Subcommittee Chairman AUGUSTUS HAWKINS to reduce authorizations for fiscal year 1984 to $3.5 billion. This revised figure would be in accordance with the House and Senate passed fiscal year 1984 budget resolution, and would not be a budget buster.

I expect that Puerto Rico's unemployed would benefit substantially from H.R. 1036, given the funding due the island under current formula allotments. Preliminary estimates show that more than $175 million in sorely needed funds would reach the 12 eligible communities in Puerto Rico, and the elementary, secondary, and postsecondary institutions throughout the island.

Clearly, the private sector is not fully prepared to absorb the large unemployed work force which so desperately needs an opportunity. In the context of an economic situation where almost 1 of every 10 adults is in search of work, sole dependence on the private sector is not feasible.

I urge my colleagues to strongly support H.R. 1036, which would provide Federal support for employment in areas of long-term unemployment. I believe that it is only through this type of intervention that we can ameliorate the present day economic situation, particularly in areas which are hardest hit, such as Puerto Rico.

Mr. JEFFORDS. Mr. Chairman, I yield myself such time as I may consume.

I do this for a relevant but not exactly relevant issue which I would like to bring to the attention of the chairman and also of this body.

At recent hearings which we held in Vermont regarding social security disability problems, it came to my attention that we were creating a class of people who are not eligible for assistance. Under the review process, a number of people are being removed from social security disability rolls. When they then take the time and effort to go and seek assistance or training, they find that because of their disabilities they are ineligible for training. This means that they are put in a real catch-22 circumstance of being told by the Goverment that they are ready, able to work, and yet going to other agencies to ask for help in being employed, to be able to find gainful work, and find they are too disabled to be eligible for training.

Though this is not particularly relevant to this bill, I would just raise it to a sense of visibility such that when we reconsider the Joint Training Partnership Act or Vocational Rehabilitation Act that we take into consideration that these people ought to be given an opportunity to be training for work and that we ought to do whatever is possible to make sure that we are not creating what is a rather absurd situation under our laws.

I just wanted to raise that to the body's attention so that perhaps sometime in the future we may be able to make some relevant amendment to some bill. I would just ask the chairman of the committee, make him aware of that and hope that at some point we can try to take care of some of these problems as we go into relevant legislation.

Mr. HAWKINS. The chairman of the committee is fully aware of it. I wish to commend the gentleman for calling it to our attention today. I think we can certainly assure the gentleman that the committee has a deep commitment to do something about the problem, and in conjunction with the ranking minority member we will certainly plan early hearings and we will certainly move forward on doing whatever is necessary.

It was, I think, the intent of the committee that JTPA would be used to help these people. If that is not being accomplished, I think certainly the committee will take every effort, make every effort to see that it is done.

Mr. JEFFORDS. I thank the gentleman.

Mr. Chairman, I have no other requests for time, and I retain the balance of my time at this time.

Mr. HAWKINS. Mr. Chairman, I yield 2½ minutes to the gentleman from Maryland (Mr. MITCHELL).

Mr. MITCHELL. Mr. Chairman, I lost my temper on the floor a few minutes ago and I make no apology for doing it. I think it time we get angry about all of these arguments against human beings, against the general welfare of our citizens.

I for one have been in this Congress for 14 years and have seen and heard the same old hoary agruments time and time again from certain Members on that side who, when it comes to social programs, when it comes to the welfare of human beings, always have some tortured rationale as to why it cannot be done.

□ 1630

Where were these voices when we talked about jobs being exported out of this country by the big corporations? When we raised that issue those on that side, some of them said, well, that was a free enterprise system, but it was creating more employment for us.

Where were those voices that raised those hoary arguments again today when we said look, more and more

spare parts are being imported into this country and you are putting our people out of work?

Nobody said anything. That is the free enterprise system.

Bethlehem Steel in my district has laid off because this Congress and this Government permitted the Japanese to dump steel and force my people out of work.

Earlier today I took a 1-minute speech. Better than 10,000 people in my State of Maryland are going to lose their extended unemployment compensation benefits and there is no money left in the State for them.

What are we going to do with those people? Wait for this so-called economic recovery to take place? It has not happened in my district as yet.

I am sorry. I get angry and I am not sorry that I got angry about it. If you had to live every day like I live, hearing the plaintive cries of desperation from people, you would be angry too, people who just want to work.

Nobody raised any voices on that side about $187 billion for the military budget, and 10 B-1 bombers at a half billion dollars each. There was no argument about that from some on that side.

I am sorry the gentleman from Pennsylvania (Mr. WALKER) is not here. He was quoting from the Heritage Foundation and that is one of the most conservative pseudoscientific publications that I know about. They make the facts to fit their rationale.

The real thing we deal with are human beings and real human beings are out there in the street, hungry and desperate and wanting to maintain some dignity.

No, it is not going to employ everybody, only half a million people. But if it employed 50,000 people, is that not better than none at all?

I am sick of it. Let us vote for a decent bill and put some people to work.

Mr. HAWKINS. Mr. Chairman, I yield 3 minutes to the gentleman from the District of Columbia (Mr. FAUNTROY).

Mr. FAUNTROY. Mr. Chairman, I rise in support of H.R. 1036, a bill that is quite familiar to some 100,000 American citizens who gathered here in Washington now 3 weeks ago to celebrate the 20th anniversary of the march on Washington, this time for jobs, for peace, and for freedom.

They assembled in the best tradition of the first amendment of these United States and its Constitution.

Our forefathers were blessed with wisdom when in the Constitution they recognized there would come times when those elected to make public policy would be out of touch with where the people are and so in addition to guaranteeing the right of people to vote and elect public officials they guaranteed the right of people to peacefully assemble to petition their Government for redress of grievances.

So they came, 500,000 strong; they came by bus, and by bike, and by airplane, and by wheelchairs with the handicapped to say: "We want jobs, we want peace, and we want freedom." And they came because they feared that our public officials are not aware of the fact that 8 months into the so-called recovery we still have 9.5-percent unemployment, 18 million people out of work, and that is the highest unemployment since the depression.

They came recognizing that a bill to provide jobs for 500,000 of them, not the 2.5 million who have been out of work for 27 weeks, nor even the 1.4 million who have been out of work for 1 year, but jobs for a paltry 500,000, and they said it because they have seen as we have seen.

I do not know to whom some of these Members are talking. They have seen people who have been out of work, who no longer have unemployment compensation, whose food stamps have been cut by some $7 billion over this 4-year period, whose medicaid has been cut $3.9 billion, whose AFDC has been cut by some $7 billion.

So they came, nearly half a million people, because they are concerned about what this long-term unemployment is going to do to people. They are concerned about the nervous breakdowns, the wife beatings, the child abuse, the drunkenness. So they are saying do something.

We have said this is not a panacea, not an ideal bill. It is simply a necessary first step for those who have been the most hurt by the continued long-term unemployment that they are experiencing.

Then there are some saying that this will increase the deficit. The fact is that the deficit will be enhanced. We will reduce the deficit by $1.5 billion to $1.8 billion as a result of reduced outlays in unemployment compensation and other things, and as a result of the increased tax revenues.

So we are going to do good with this bill and I hope those of us who have been concerned about their constituents who want jobs will recognize this necessary first step is indeed one that the Nation must take by passing H.R. 1036.

Mr. Chairman, I rise in support of H.R. 1036, the Community Renewal Employment Act, legislation which would authorize a job-creation program providing public jobs for the long-term unemployed in community improvement projects and repair of educational facilities.

A little over 3 weeks ago, on August 27, 1983, nearly 500,000 citizens assembled before the likeness of Abraham Lincoln to urge our Nation to adopt 14 pieces of legislation with a prime focus on H.R. 1036, the Community Renewal Act.

The 500,000 people participating in the March on Washington 1983 for jobs, peace, and freedom were marching not only to commemorate the march on Washington of 1963, 20 years before, but in support of legislation such as H.R. 1036 and the 13 other pieces of legislation on which the march of 1983 was sharply focused. Though neither ideal nor panacean, the passage of these legislative initiatives would be important first steps in reviving Dr. Martin Luther King, Jr.'s, dream of jobs, peace, and freedom for all American.

H.R. 1036 is a prime focus of the New Coalition of Conscience that developed in the process of organizing the 1983 march on Washington. The New Coalition of Conscience is focused on this legislation because our Nation is still in the midst of the crisis of unemployment. Over 10 million Americans are without jobs and the overall unemployment rate is 9.5 percent. The average length of unemployment is now 19.9 weeks and over 4 million of the 10 million unemployed have been out of work 15 weeks or longer. Unemployment is particularly severe among women and minority groups. This legislation would guarantee jobs for many women, minorities, and youth groups plagued most often by structural unemployment and the economic situation confronting our Nation and the world.

The New Coalition of Conscience recognizes that this legislation with the committee amendment will be a positive first step in addressing the human catastrophe of unemployment by creating 500,000 new jobs. The coalition is also mindful that this legislation would help to meet another vital national need. The Congressional Budget Office has estimated that an additional $17 billion a year is needed between now and 1990 to repair the Nation's crumbling public infrastructure. Local officials also report a severe lack of people providing crucial human services. Only 43 percent of the demand for services in areas of basic human needs such as food and shelter are being met; only 36 percent of the eligible population is receiving public health services; and only 14 percent of all eligible persons are receiving child day-care services. In my own district, Washington, D.C., where the unemployment rate is above 11 percent, many of my constituents go without the vitally needed services cited above.

The New Coalition of Conscience, made up of 715 national organizations and 352 locally based organizations drawn from civil rights, labor, religious, women's rights, youth, environmental, and peace organizations, is united in firm support of H.R. 1036 as

a necessary first step in the quest for full employment and jobs for all Americans.

Support of H.R. 1036 would be a positive response to the New Coalition of Conscience of citizens which 3½ weeks ago peacefully petitioned our Government under first amendment provisions urging us to pass this legislation.

I urge my colleagues to vote yes on H.R. 1036.

Mr. HAWKINS. Mr. Chairman, at this time I would like to indicate that as the manager on this side it is our intent for my next speaker to complete the speakers on this side participating in the general debate.

It is further our intent that we will take up one amendment which I have discussed with the minority, which is noncontroversial. It is a committee amendment with respect to the funding.

After the completion of that amendment, it is the intent to rise.

At this time I yield 5 minutes to the distinguished gentleman from Pennsylvania (Mr. GAYDOS).

Mr. GAYDOS. I want to thank my chairman sincerely for allowing me this additional time. I think it is important at this time to remind my colleagues that this bill, as distinguished from one of our earlier bills, the accelerated public works program wherein aid to school districts was exclusively and pointedly prohibited, that this bill will permit repair to school buildings.

If most congressional districts are like mine, and if my colleagues, when they went home, did have some public workshops, and I am sure they did, they would be in full accord with my observations that this is a vital necessity in this bill.

School districts are under a terrible burden. The Federal Government in our various programs to elementary and secondary education have deaccelerated, pointedly deaccelerated funds that are available, and school buildings throughout all of our thousands of districts in this country are in dire need of repair.

Unemployed people cannot pay property taxes and particularly school taxes.

So that is a very vital element to not overlook when considering this bill.

Before yielding to my colleague who is well versed in school matters for all of his political career, my colleague that serves on the committee from Illinois (Mr. SIMON), let me make this concluding observation.

In my area we had 45,000 steelworkers working prior to the catastrophe that has befallen us these last 2 to 3 years. We now have roughly half, 20,000, that are working, and most of those part time.

That, to me, is a very, very critical situation. I want to close, before I yield, by again referring to the headlines, and maybe some of my colleagues did not have an opportunity to hear it, or maybe they missed it, but the headlines in the Pittsburgh Post Gazette again very emphatically said this morning 5,000 not blue collars, not part-time underemployed people, but 5,000 white-collar workers are going to be laid off by United States Steel in the steel valley which I represent.

I think that is significant, and I would like my colleagues to bear that in mind.

Mr. SIMON. Mr. Chairman, will the gentleman yield?

Mr. GAYDOS. I yield to my colleague from Illinois.

Mr. SIMON. I thank my colleague from Pennsylvania.

I just want to add a word or two and ask my colleague then to yield to our colleague from Washington.

There are those who say let the free market system work these problems out. I am for the free market system working where it can to solve problems. But the free market system needs a little lift.

That argument, "Let the free market system work" was the argument that was used against social security and against every positive step we have made in this country.

□ 1640

The reality is we have to permit the people of America to be productive. When they are not productive, it is not good for the country, it is not good for those people.

This is one small step in the right direction.

I thank my colleague (Mr. GAYDOS) for yielding.

Mr. LOWRY of Washington. Mr. Chairman, will the gentleman yield?

Mr. GAYDOS. I yield to the gentleman from Washington.

Mr. LOWRY of Washington. I thank my colleague for yielding to me.

Mr. Chairman, the defense authorization bill we passed last week was $187.5 billion. But that was only the major chunk of a 1984, $268 billion total defense authorization function. That is $123 billion more than the same function in 1980.

Now, if we can spend $123 billion more in 1984 than we did in 1980 for the defense function, certainly we can spend $3.5 billion for this very important, solid, good legislation.

Mr. Chairman, I rise in continued support of this legislation. I compliment the committee for bringing it here.

Mr. Chairman, I thank my friend (Mr. GAYDOS) for yielding.

Mr. GAYDOS. In conclusion, Mr. Chairman, I would state this bill is a good bill. It is not perfect. It is a bill that may be comparable to the Chinese philosophy that "A thousand-mile journey starts with the first step." Maybe this is a first step.

It is distinguished from other bills that we had passed prior hereto; it is a sensitive bill.

I think it is grossly inadequate insofar as the $3.5 billion price tag on it, which is what it is eventually going to have on it, as I understand.

In my mind, looking at the gravity of the situation, I think it is just a drop in the bucket, so to speak, but something is better than nothing. Maybe, philosophically, we are going to score some points and maybe this is a step in the right direction.

I want to conclude by congratulating the chairman and the committee for the fine job that they have done.

● Mr. RAHALL. Mr. Chairman, I rise in support of H.R. 1036, the Community Renewal Employment Act.

I am especially pleased with this legislation because it places emphasis on providing assistance in the form of employment opportunities for community improvement projects and the repair of educational facilities. This is not make-work. This is needed work, serving the public interest. Of further importance is that these jobs would mostly go to individuals experiencing long-term unemployment.

The long-term unemployed have already used their unemployment insurance. They are the hardest hit by the recession. And do not let anyone fool you. The recesssion is still raging in the hills and hollows of Appalachia. West Virginia has the highest unemployment level in the Nation at 17.4 percent. The national average is only 9.4 percent. All of the eight counties in my congressional district have unemployment levels higher than the national average. Worst yet, half of them have higher levels of unemployment than the West Virginia average. McDowell County is laboring under an unemployment level of 31.6 percent, Wyoming County at 26.5 percent, Logan County at 23.1 percent, and Mingo County at 22.8 percent.

The Community Renewal Employment Act gives priority to individuals who have exhausted or are not eligible for unemployment insurance, have been unemployed longest prior to applying for this program or belong to a household where no other member is employed full time. I commend Chairman PERKINS and his committee for this provision, and for bringing H.R. 1036 to the floor of the House.

This legislation will provide funds to local governments for community improvement activities. These activities include road and bridge repair, renovation of public buildings and improvement of parks and playgrounds. Moreover, funds may also be used to assist in emergency food and shelter programs, public health programs, child care programs, and services for the el-

derly and handicapped. Of the total authorized by this legislation, 80 percent of the funds would be directed to these activities allocated on a distribution formula based on the number of unemployed in an area, the number of unemployed in excess of a 6.5-percent unemployment rate, and the number of unemployed in excess of the national unemployment rate. I expect West Virginia to do quite well under this formula.

The other 20 percent of the funds authorized by this legislation would go to the repair of educational facilities. Of this amount, 75 percent would be directed at providing jobs in the repair of elementary and secondary schools and 25 percent for higher education facilities.

Mr. Chairman, the work provided by this legislation is good, honest work. It serves the public interest. I urge adoption of H.R. 1036.●

● Mr. LAGOMARSINO. Mr. Chairman, it never fails to amaze me how quickly some Members of the other party can change gears. For the past 2 months, all we have been hearing from the other side of the aisle are complaints about high interest rates and how they are going to snuff out the recovery. Then along comes this bill, like some afterthought to the budget resolution, calling for another $3.5 billion in outlays, with absolutely no suggestions as to how to pay for it.

Not only is the timing all wrong for this bill—it comes at the end of a recession rather than in the middle—but the effect will be completely the opposite from what I presume the authors of this legislation want. The effect of this legislation, Mr. Chairman, will be to remove $3.5 billion from the capital formation markets, add $3.5 billion to the Federal deficit, put further upward pressure on interest rates, and increase the difficulty of achieving economic recovery and full employment.

We already have a Federal jobs program in place. We passed it at the beginning of this year and it is doing the job it was intended to do—creating new jobs in the private sector and improving the Nation's infrastructure. This new proposed program, Mr. Chairman, does precisely the opposite. It takes funds from the private market, increases the Federal payroll and budget deficit, and does nothing in the long term for unemployment. When this $3.5 billion runs out, it is gone. And the jobs will be gone with it. The workers will be back out on the street, the recovery will have been delayed, and the sponsors of this bill will be back before us asking for an extension or yet another make work program. That is not the way to solve unemployment.

Mr. Chairman, I urge the Members to take the long view. Do not throw money at this problem—that does not work, especially when you do not have the money to throw. Leave that money in the economy to do the job it is supposed to do—provide funds for capital formation, for payrolls, for new Government receipts as these workers come on line. Do not sabotage the economy at the very point where it is working. What we need is to adequately fund and expand the job training bill we passed last year. That will do the job of helping to create permanent, productive jobs in the private sector. Recognize this bill for the cruel hoax that it is, and vote no.●

● Mr. RAY. Mr. Chairman, I rise in opposition to H.R. 1036, the Community Renewal Employment Act.

Although the sponsors and supporters of this legislation have good intentions in trying to reduce our country's high unemployment, we must begin to understand that more temporary dead-end jobs are not the solution.

Earlier this year, the House passed a jobs bill which provided over $4 billion to create temporary jobs for the unemployed of our Nation. This is $4.1 billion that we did not have in America's bank account and money that will have to be added to our already incredible national debt.

Today, we are considering another jobs bill, which will create still more make-work positions for the jobless. This bill, moreover, will spend another $5 billion which we do not have and will create an entitlement program which will drain our country's coffers for years to come.

The intentions behind this legislation are honorable. We would all like to see the unemployment rate reduced and our country's production increased. However, we cannot continue to use Band-Aids to patch up our country's hurts, when these hurts are growing to the point where major surgery is needed.

This jobs legislation is simply another Band-Aid to hide the worsening problem which our fiscal irresponsibility and increasing budget deficits are causing. It covers the wound, but does nothing to heal it.

It is time we as a Nation, and more immediately, we as Members of this House, begin to work seriously to solve our Nation's economic problems and to curb our rampant spending. This is the only way we will be able to return these unemployed Americans to our work force in productive, necessary roles rather than in temporary dead-end jobs.

Also, I believe we are making a serious error in considering more jobs legislation before we have had time to examine the results of our earlier jobs legislation. All the funds given to the States in that earlier legislation have not been put to work yet, and we have not seriously discussed how that money has been spent or how much more is needed by the individual States. This legislation would simply hand the States more money to make more jobs before an accounting of the earlier effort can be made.

There have been considerable problems in getting these funds to the people which they are supposed to help. The funds have been held up in several States for a variety of reasons: The State legislature had adjourned for the year and could not determine how the funds would be spent; local officials could not agree among themselves on how to use the funds; or simply because the money came as a surprise to the States and they had made no plans in their budget for spending them. Yet, we are discussing sending these States more money when we do not know how effective our previous funds were.

To summarize, I agree with my colleagues who say we must have concern for the unemployed of our country. I am very concerned about their plight and believe we must make every effort to return these people to productive positions.

But we will not do this by creating more temporary jobs. The only way to restore these people to positions which are vital to our country's economy and positions which they can depend on as they look to their future is to work to support and encourage our Nation's recovery. Specifically, we should direct funds to training programs so that American workers whose skills have been made obsolete by the rapidly changing world economy, can be made productive again. Adding another $5 billion to our national debt will endanger our recovery, not help it along.

We must look for solutions that will reach to the core of our problems and solve them, not short-term solutions that will whitewash our rotting economic foundation.

Our national debt is already over $1 trillion. If we continued deficit spending at our current rate, in 40 months our national debt will reach the outrageous total of $2 trillion. The interest on this debt alone will equal our current military budget—$187.5 billion.

Our economy cannot survive with deficit levels this high and the burden of this debt will have to be carried by all American people—including the aged, the ill, the unemployed, and all those on fixed incomes. Therefore, I must oppose H.R. 1036. I believe that a vote against H.R. 1036 is a vote that, in the long run, will be in the best interests of all Americans, including the unemployed.●

● Mr. DOWNEY of New York. Mr. Chairman, our President recently made the comment that the economy is "beginning to sparkle." Well, for the 55,000 unemployed people in my own county of Suffolk, and for millions of Americans nationwide, that sparkle is nothing but cheap tinsel.

American workers have been cheated by the administration's economic policies. Stupendously high rates of unemployment have caused millions of workers to suffer physical and mental illness, emotional distress, the breakup of families, and increased rates of alcoholism and suicide.

Children have suffered. Child abuse, infant mortality, and illness have all tragically increased. And while the state of child health has worsened, parents' ability to pay for doctors and the availability of public health care and nutrition programs has disintegrated.

Youth and minorities have been especially hard hit. Overall youth unemployment has risen to 23.5 percent while youth training and employment programs have been dismantled. Black unemployment rose well above 20 percent and the unemployment rate for black teenagers hovers at a shocking 50 percent.

Dislocated workers are ignored, as is the fact that many of their jobs will not ever come back. Employment in the primary metals industries is 26 percent below its prerecession levels, and more than 40 percent of the UAW members in the agricultural equipment and heavy machinery industries remain laid off. Yet Federal employment and training programs have been halved in the space of 3 years, absorbing 23 percent of the cuts made in human resource programs. Local governments have been abused. Budget cuts have shifted more responsibility onto their shoulders, while public schools, bridges and streets fall apart, and the demand for fire protection, public health services, shelter assistance, and day care is exploding.

The administration's economic policy is a policy of negligence. And it is precisely these neglected areas that H.R. 1036, the Community Renewal Employment Act addresses.

The unemployed will benefit. Five hundred thousand new jobs will be created, skills will be acquired, and new, permanent jobs in the work force will become a reality.

Children will benefit. As their parents go back to work, they will be freed of the emotional and financial strains of unemployment, and public health care, day care, and nutrition services will be expanded.

Minorities and youth will benefit. The emphasis on targeting jobs on these groups, and the work experience they gain, will help them become self-reliant.

Local units of government and all citizens will benefit. Public schools will have their sidewalks and roofs repaired, potholes will be filled in, bridge supports can be replaced, and street signs repaired.

Everyone stands to gain from passage of this bill. Everyone has to lose by continuing to believe in the false sparkle held out at the end of the administration's tunnel. I strongly urge my colleagues to support this bill.●

● Mr. BIAGGI. Mr. Chairman, I rise, as an original cosponsor of this legislation, to lend my strong support for the Community Renewal Employment Act before us today.

Let us not be lulled into a belief that full economic recovery is around the bend. I believe that this legislation is insurance against the possibility that it may not be the recovery that all of us—Democrats and Republicans alike—hope for. Our national priority should continue to remain full employment—for all of those willing and able to work. It should also be employment which is directed toward improving our communities and the services these communities provide. This legislation does just that.

This bill also recognizes the fact that the long-term, hard core unemployed should be the target and the focus of our national reemployment effort. This bill does that by making eligible those individuals who have been unemployed at least 15 out of the last 20 weeks. It places them in community jobs which require no additional training—such as repair of roads and buildings, as well as mass transit systems, improvement of parks and playgrounds, weatherization and other energy conservation activities, and also allows people to be employed in food banks and shelters for the homelesss, senior citizen centers, child care centers and libraries. By targeting jobs in these areas—we attempt to address a dual problem—the lack of services in local communities as a result of budget cuts in programs such as the social services block grant—as well as a lack of jobs as a result of the elimination of CETA and other countercyclical job programs over the past several years.

The bill sees a central role for local units of government—who can best decide how to target resources provided under H.R. 1036. Ninety-three percent of the funds are provided to areas with populations over 50,000. They are distributed directly on the basis of unemployment; one-third allocated according to the number of persons unemployed in the area; one-third on the basis of the amount of unemployed in excess of 6.5 percent and one-third on the number of persons in excess of the national employment rate. The remaining 5 percent is allotted for State-run programs and 2 percent provided for native American units of government.

I also wish to note that the committee remains concerned that the most recent available census data be used in calculating the distribution of funds under this program. The Department of Labor has traditionally been lax in previous Federal job programs in collecting timely unemployment data which has the direct effect of reducing funds to some areas, such as my own city of New York, which would otherwise qualify. I intend to vigorously monitor this area to insure that New York as well as other localities which are suffering under unemployment of excess of the national average will receive their fair share of funds under this legislation.

Of particular concern to me are the provisions in this legislation that will prevent federally funded activities under this bill from supplanting local public-sector jobs. It specifically protects collecting bargaining rights of union employees, requires that any subsidized employment be in projects that would otherwise not be conducting with existing funds, prohibits contracting out work that would normally be done by public employees, establishes a complaint process for alleged substitution and an automatic review process by the inspector general where such alleged activity occurs. It also requires that participants be paid the highest of Federal, State or local minimum wage up to $230 per week or $11,960 annually.

Finally, title III of the bill earmarks 20 percent of the $5 billion authorization under this legislation for the renovation and repair of educational facilities. These funds would not only be used specifically on schools to repair and also weatherize as well as remove architectural barriers. It also allows for unused school buildings to be converted into community centers to provide health and social services to local residents.

Prior to approval of this legislation by the House Education and Labor Committee, I conducted hearings in this specific bill in my home city of New York. We learned that the problem of addressing the deteriorating infrastructure of the older cities of the Northeast can be done through this bill. The estimated costs associated with making our infrastructure up-to-date run into the billions. While H.R. 1036 will not be a cure-all, it certainly will be a needed first step toward eliminating the problemmatic breaking water mains and potholes that continue to plague New York City residents.

I also wish to commend the distinguished chairman of the subcommittee, Hon. GUS HAWKINS whose dedication to full employment in this Nation is exceeded by no one in this body. In 1981, the programs which GUS spearheaded to assist the unemployed in this Nation were wiped out in one budget vote. This legislation is a reasoned response to its predecessor, CETA, where we have built upon the best and tried to address the abuses. I believe that H.R. 1036 is a fiscally responsible piece of legislation as well for its funding is directly tied to unem-

ployment. As the unemployment rate subsides, the funding in the bill is decreased. In addition, we have accommodated this legislation in the first concurrent budget resolution signed by the President earlier this year. Thus, we are not in excess of the spending assumptions that we have bound ourselves to nor are to adding to the projected Federal deficits.

This legislation deserves our support. We cannot expect optimal recovery and leave those who depend upon the bill to be left with no more job opportunities than they had prior to its passage. It is not a long-term solution—but rather a stopgap measure to help those very people who have been hurt by the infamous tear in the so-called safety-net. It is time to stop promising and time to start delivering. Let us pass H.R. 1036, the Community Renewal Employment Act today.●

● Mr. ROYBAL. Mr. Chairman, I rise in support of H.R. 1036, the Community Renewal Employment Act. It is important we pass this measure, if only in recognition of the fact that our economy is by no means recovered and our unemployment rate still hovers at 9.5 percent. With 10.7 million Americans looking for work and another 1.7 million so discouraged that they have stopped looking, we must respond to this desperate need for jobs in our communities. The alternative is the prospect of a core of several million long-term, jobless Americans, unable to provide for themselves or their families.

It is difficult for me to understand how many in power have failed to grasp the seriousness of the above statistics. Families with no means of support have no place to sleep at night. They do not know where their next meal is coming from. Their health problems are increasing, but they have little access to medical care. Millions of other Americans fill our welfare rolls, depend solely on food stamps for their nutritional needs and medicaid for their health problems, and have no job skills or access to employment training. These people will not go away just because others will not acknowledge their existence. What kind of a true recovery can we generate until we begin to respond to the needs of all Americans? And what these particular Americans need most is employment.

This need may translate into expanded job training programs or retraining for workers with obsolete skills. It may mean providing adequate day care facilities so that single parents will be able to seek employment. It may mean intensive programs of industrial development or redevelopment. Or it may take the course of this bill by simply providing what is needed most to those who are most in need.

H.R. 1036 targets funds to areas of high unemployment to provide assistance especially to the long-term unemployed and to young people. The bill is also designed to increase job opportunities for minorities and women, groups that have been little affected by previous jobs actions.

The jobs provided will not be just make-work projects, for that would be no real solution to anyone's problem. Eighty percent of the funds will go toward employment in community improvement projects—our infrastructure that we have discussed so thoroughly during the last few years; our infrastructure that everyone admits is sadly in need of repair. These funds can also be used to assist in providing some of the services so desperately needed by the unemployed.

Twenty percent of these funds will also be targeted for youth employment. One look at the unemployment rate of our young people should be enough to convince us of the desperate need in this area. We certainly don't want the youth of America to become discouraged workers before they are even old enough to enter the labor force full time.

The remaining 20 percent of the funds authorized by this bill will be used for employment in the repair and renovation of educational facilities. With the scarcity of funds designated for education, it is hard to argue with the wisdom of using the money and labor provided for in H.R. 1036 to beef up the facilities. Communities will then be able to free up more of their funds for in-school education projects.

We cannot afford not to pass H.R. 1036. It makes sense for our jobless, it makes sense for our communities, and it makes sense for our taxpayers. If we expect to bring about a true and lasting national recovery, we must respond to the problems which create recession in the first place. I urge all of you to join with me in support of this measure.●

● Mr. SUNIA. Mr. Chairman, as one of the cosponsors of H.R. 1036, I would like to add my support and wholehearted approval for this most important piece of legislation.

Although American Samoa, my district, is small in comparison to the vastness of the United States and the larger more conventional districts represented by the distinguished Members of this House, we still, in Paradise, suffer from high unemployment and are in reality a microcosm of reflecting economic pressures and conditions as they are in the United States. The last figures that I saw indicated that there was an estimated 12 percent, or better, unemployment rate in our islands, by local statistical survey. This is extremely bad when compared to our virtual one-industry economy—tuna fishing and canning. I am very pleased at the provision in this bill whereby priority is extended to those who "are otherwise not eligible for unemployment insurance benefits." This typifies my district as we in American Samoa do not have the coverage afforded by unemployment insurance, at this time.

We also are a very underdeveloped jurisdiction. Any assistance that this bill may provide will be a godsend when it comes to repairing and rehabilitating our essential community and educational facilities—which, due to our unique climate and rain characteristics, are always in sore need of repair and rehabilitation. This will allow us to do what we might not have been able to do otherwise under extremely constrained budgetary and appropriation conditions for this fiscal and next fiscal year.

In summary, then, I would like to add my support to that which has already been shown here today, and say that I feel that all of America will be the beneficiaries of this legislation, not just my district, which definitely will benefit the Nation as a whole.

I strongly urge passage and approval so that the job of recreating America at its best community and educational facility level—may take place.

Thank you for allowing me to participate with this support for H.R. 1036—thank you, Mr. Chairman.●

Mr. JEFFORDS. Mr. Chairman, I have no further requests for time and I yield back the balance of my time.

Mr. HAWKINS. Mr. Chairman, I have no further requests for time and I yield back the balance of my time.

The CHAIRMAN pro tempore. All time for general debate having expired, pursuant to the rule, the committee amendment in the nature of a substitute recommended by the Committee on Education and Labor now printed in the reported bill shall be considered by title as an original bill for the purpose of amendment, and each title shall be considered as having been read.

The Clerk will designate section 1.

The text of section 1 is as follows:

H.R. 1036

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act, together with the following table of contents, may be cited as the "Community Renewal Employment Act".

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The CHAIRMAN pro tempore. The Clerk will designate title I.

The text of title I is as follows:

TITLE I—GENERAL PURPOSE AND AUTHORITY

STATEMENT OF PURPOSE

SEC. 101. It is the purpose of this Act to provide productive and useful employment opportunities to long-term unemployed individuals through payments for labor and related costs associated with the repair or rehabilitation of essential community and educational facilities; with the conservation, rehabilitation, and improvement of public lands; and with public safety, health, social service, and other activities necessary to the public welfare.

AUTHORIZATION OF APPROPRIATIONS

SEC. 102. (a) In order to provide employment opportunities for unemployed individuals under this Act—

(1) there are authorized to be appropriated $5,000,000,000 for fiscal year 1983; and

(2) there are authorized to be appropriated for each succeeding fiscal year not more than the product of (A) 20 percent of the number of long-term unemployed individuals, multiplied by (B) $10,000.

(b) Of the amount appropriated pursuant to subsection (a) for any fiscal year, 80 percent shall be available for purposes of title II and 20 percent shall be available for purposes of title III.

(c) For purposes of this section, the number of long-term unemployed individuals means the average number of individuals in the civilian labor force of the United States who, in the first three months of the calendar year in which begins the fiscal year for which the appropriation is to be made, had been unemployed for 15 or more weeks as determined by the Bureau of Labor Statistics on a seasonally adjusted basis.

ELIGIBLE PARTICIPANTS

SEC. 103. (a) An individual shall be eligible to participate in a program or activity receiving funds under this Act only if the appropriate State employment service agency certifies that such individual (1) is an unemployed individual (as defined in section 505) at the time of such certification, and (2) has been unemployed for at least 15 of the 20 weeks immediately preceding the date of such certification, except as otherwise provided in subsection (e) of this section and section 222. In the case of an eligible entity described in section 202(a)(5), individuals may be so certified, by other means than the employment service agency, in accordance with procedures agreed to by the employment service agency and the eligible entity.

(b) No individual who is eligible under subsection (a) shall receive wages from funds made available under this Act in excess of fifty-two weeks in any two-year period.

(c) In the selection of participants for activities under this Act, priority shall be given to individuals who, at the time of selection, have exhausted or are otherwise not eligible for unemployment insurance benefits, particularly (1) those individuals who have been unemployed for the longest periods of time preceding the date of their selection, and (2) those residing in families in which no other member is employed on a full-time basis.

(d) With regard to services to veterans provided under section 201(a)(3)(N) of this Act, special consideration in selecting participants for employment in such activities should be given to veterans who otherwise meet the eligibility requirements in this section.

(e)(1) Notwithstanding subsection (a)(2), not more than 10 percent of the eligible participants selected by a recipient for subsidized employment from funds appropriated pursuant to this Act for any fiscal year may be individuals certified in accordance with paragraph (2).

(2) For the purposes of paragraph (1), an unemployed individual who has been unemployed for less than 15 weeks shall be certified by the State employment service agency if it determines that—

(A) such individual has been employed only intermittently or temporarily during 15 weeks of the 20 weeks immediately preceding the date of such certification and has experienced substantial periods of unemployment prior to and during such 15 weeks;

(B) such individual does not have an established work history which can be documented to provide verification of 15 weeks of unemployment during the 20-week period;

(C) such individual is a worker with the requisite skills necessary to fill a nonmanagement position to ensure the productivity and usefulness of the work carried out in a particular project or activity; or

(D) such individual has recall rights under a formal agreement with the employer which provides the subsidized job position.

(f) In certifying eligible participants under subsection (a) and in referring them for employment to recipients under titles II and III of this Act, the State employment service agency shall be responsible for ensuring equal employment opportunities and the full participation of traditionally underrepresented groups, including women and racial and ethnic minorities, in employment provided with funds made available under this Act. Each recipient of funds under title II or III of this Act shall be responsible for ensuring such opportunities and full participation in the selection of eligible participants for such employment.

LIMITATION ON USE OF FUNDS

SEC. 104. (a) Except as provided in subsections (b) and (c), funds made available under titles II and III of this Act may be used only to provide for wages and related employment benefits to eligible participants for work which the recipient certifies has been performed in one or more of the activities authorized under this Act.

(b)(1) Subject to paragraph (2), not more than 25 percent of the funds provided to any recipient under title II or III of this Act from funds appropriated for any fiscal year may be used for the cost of administration (including supervision) and the acquisition of supplies, tools, equipment, and other materials. Nothing in this Act shall be construed to preclude or limit the payment of such costs, either in whole or in part, from non-Federal sources or from Federal sources other than this Act, such as section 106 of the Housing and Community Development Act of 1974 (42 U.S.C. 5306) (popularly known as the community development block grant program) and chapter 67 of title 31, United States Code (popularly known as the general revenue sharing program).

(2) In designing projects under this Act, the recipient shall, to the extent feasible, ensure that supplies, tools, equipment, or other materials purchased or procured (in accordance with paragraph (1)) have been manufactured, mined, or produced in the United States, unless such supply, tool, equipment, or material is not available in reasonable quantity and quality as required to fulfill the needs of the project or activity.

(c) Notwithstanding subsection (a), funds available under title II may be used for costs associated with training and related support for a number of participants if—

(1) employers have made commitments to fill an equal number of unsubsidized jobs with participants who have successfully completed such training;

(2) the recipient has entered into an agreement for the provision of such training to participants with one or more of the following: an administrative entity designated under section 103(b)(1)(B) of the Job Training Partnership Act (Public Law 97-300), a local educational agency, an area vocational education school, an institution of higher education, a community-based organization, a career preparation demonstration center established under section 105, or other qualified public or private nonprofit provider of training services; and

(3) the costs associated with providing such training and related support to any participant from funds available under this Act do not exceed, on a weekly basis, the maximum wage which may be paid with funds available under this Act in accordance with section 501(g)(2).

CAREER PREPARATION DEMONSTRATION PROGRAM

SEC. 105. (a) There are authorized to be appropriated for fiscal year 1984 and for

each of the three succeeding fiscal years $30,000,000 for the purposes of this section.

(b) The Secretary, utilizing the Office of Job Corps, shall establish in each of the Federal regions four career preparation demonstration centers (equitably distributed between rural and urban areas) to demonstrate the effectiveness of using combined written, audiovisual, and computer-based materials within the basic instructional format developed by the Job Corps to provide training to eligible participants, primarily under section 104(c) or 221. Such Centers—

(1) shall be nonresidential;

(2) shall provide basic skills and literacy training and remediation, occupational skill training (including customized training), technology-related training, employability skills training, and classroom training leading to employment or the acquisition of a high school diploma or its equivalent;

(3) shall utilize appropriate materials, curricula, and methodologies developed successfully through Job Corps program experience;

(4) shall establish outreach training sites in locations easily accessible to eligible participants; and

(5) shall utilize, to the extent feasible, the facilities and expertise of existing Job Corps centers (including Civilian Conservation Centers) or contractors operating such centers.

(c)(1) Not more than five of these Centers shall be designated as high technology training centers to provide training in combination with subsidized internships in the private sector to prepare eligible participants for careers in expanding and emerging high technology occupations including, but not limited to, robotics, health technology, and computer operations.

(2) The costs associated with providing any subsidized internship in the private sector under this section from funds available under this Act shall not exceed, on a weekly basis, the maximum wage which may be paid with funds available under this Act in accordance with section 501(g)(2).

AMENDMENT OFFERED BY MR. HAWKINS

Mr. HAWKINS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. HAWKINS: Page 4, strike out lines 6 and 7 and insert in lieu thereof the following:

(1) there are authorized to be appropriated $3,500,000,000 for fiscal year 1984; and

Mr. HAWKINS. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. KILDEE) having assumed the chair, Mr. WHEAT, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 1036) to provide employment opportunities to long-term unemployed individuals in high unemployment areas in projects to repair and renovate vitally needed community facilities, and for other purposes, had come to no resolution thereon.

REAGAN ADMINISTRATION'S RECORD OF APPOINTING WOMEN

(Mrs. SCHROEDER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. SCHROEDER. Mr. Speaker, yesterday President Reagan called on those of us who have criticized his record on the appointment of women to stop "talking in generalities" and examine his record. Well, I have reviewed the data produced by the White House and can tell you that President Reagan has appointed vastly fewer women than President Carter. The data shows one other fact with clarity: the Reagan administration has vastly more political appointees than the Carter administration did. Both of these conclusions come from White House supplied documents.

President Ronald Reagan told a press conference on July 26, 1983, that he had appointed over 1,000 women to executive positions in his administration and that his record on the appointment of women compared favorably to that of President Jimmy Carter at midterm. Since these revelations contradicted statistics released by the U.S. Commission on Civil Rights, I wrote the White House to ask for documentation.

On September 14, the President again told a news conference that his record exceeded that of President Carter and had White House Personnel Director John S. Herrington explain.

Finally, the next day, I received most of the documentation I had requested. Copies of it are available at the office of the Subcommittee on Civil Service in room 122 of the Cannon House Office Building.

The White House data shows two things: First, that President Reagan has made vastly more political appointments than President Carter. Second, President Carter appointed vastly more women, particularly to policymaking positions, than President Reagan has.

There are two charts prepared by my subcommittee. Chart No. 1 shows the staggering growth in the number of political appointees in the Reagan administration. In terms of full-time Presidential appointees, which includes both agency heads who have to be confirmed by the Senate and White House staff who do not, there has been a 14-percent growth in number of appointees during the first 2 years of the Reagan administration over the same period of the Carter administration.

Moving to the next column, you see a 44-percent growth in the number of political appointees to boards and commissions. This category includes, in the case of the Reagan administration, 252 appointees who had to be confirmed by the Senate, such as the members of the Legal Services Corporation Board, and 1,139 who did not, such as members of the Grace Commission.

There has also been a 44-percent growth in the number of Senior Executive Service positions held by other than career public servants. As you know, the Senior Executive Service was created by the Civil Service Reform Act of 1978 as a cadre of top career managers.

Finally, according to White House figures, there has been a 10-percent growth in the number of schedule C appointees. Schedule C appointees are paid at the GS-15 level or below—GS-15, step 1 now pays $48,553 a year. Schedule C appointees are appointed outside of the competitive service because their jobs have "a confidential or policy-determining character." Schedule C jobs include some midlevel speechwriters and policy analysts as well as numerous personal secretaries, drivers, and the like.

It is impossible to give you a precise cost estimate for this growth, but such figures are hard to calculate because we do not know how many days of pay have been claimed by those serving on boards and commissions. Excluding that category, the cost for the rest of the growth is $76 million a year, in salary costs alone. This figure is clearly too low, but it is impossible to be more accurate.

Chart No. 2 is quite straightforward. It shows the percentage and number of women appointees as of midterm by President Reagan and President Carter. The single most important column is the first one which shows full time, Presidentially appointed, Senate confirmed individuals. Within this category are all the major actors in the Government, such as Cabinet Secretaries and Assistant Secretaries, Ambassadors, judges, and the like.

The figures show that President Carter appointed women to 10.9 percent of these positions, while President Reagan appointed women to only 8.3 percent. Although President Reagan has made 7 percent more appointments to these jobs, the number of women has declined by 22 percent.

The next column refers to those people appointed by the President who are not confirmed by the Senate. The overwhelming majority of these people work in the White House office. Again, the percentage of women appointed to these jobs have declined from 20.7 percent under President Carter to 16.9 percent under President Reagan.

The third column shows appointments to boards and commissions. Here the difference is most pronounced. President Carter appointed women to 31.5 percent of the positions on boards and commissions which he

filled. President Reagan has only appointed women to 18.0 percent of these positions.

The final column gives the total numbers for Presidential appointments as of midterm. Unfortunately, the White House could not supply us with comparative data on Senior Executives or Schedule C's during the Carter administration. Nevertheless, the data for all Presidential appointees shows that President Carter appointed 22.4 percent women and President Reagan has appointed 14.3 percent women. While President Reagan has made 30 percent more appointments than President Carter did during the same period, President Reagan appointed 18 percent fewer women.

Before concluding, let me deal with President Reagan's claim that he has appointed more than 1,200 women to executive jobs in the Federal Government, a claim he repeated yesterday. The White House got to 1,200 by counting 584 female Schedule C's who are at GS-13, GS-14, and GS-15 and another 181 noncareer SES members. Also counted in this figure are 329 women who serve part time on boards and commissions. Generally, when we talk of executive level positions in the Federal Government, we are talking about those individuals paid under the executive level pay schedule, which runs from $63,800 to $80,100. The sad fact of the matter is that, as of midterm, there were only 88 women who held full-time executive level positions in this administration.

I hold no special brief for Jimmy Carter. I was quite critical of his record in appointing women to his administration. Nevertheless, the record of the Reagan administration is much worse. No one should be misled by White House assertions to the contrary, no matter how often they are repeated.

THE REGULATORY OVERSIGHT AND CONTROL ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Mississippi (Mr. LOTT) is recognized for 15 minutes.

● Mr. LOTT. Mr. Speaker, today I am being joined by a group of my House Republican leadership colleagues in introducing the Regulatory Oversight and Control Act of 1983 in response to the recent Supreme Court decision holding the legislative veto device unconstitutional.

Mr. Speaker, in its sweeping decision in the Chadha immigration case, and in its subsequent holdings in the FERC natural gas and FTC used car rule cases, the Supreme Court presumably thrown some five decades of carefully developed congressional-executive branch relations and some 200 legislative veto statutes out the window. It did so on grounds that this procedure to give one or both Houses of Congress a check on powers delegated to the Executive tilts the balance between the branches in favor of the Congress by excluding the President from the process. I will refrain here from a discourse on which branch currently has the upper hand in our Government, notwithstanding the existence of the legislative veto device. Suffice it to say that the invalidation of this important mechanism has left the Congress in a temporary state of disarray and at a clear disadvantage vis-a-vis the executive branch in many important areas.

One of these areas is the realm of Federal regulations. The Senate brief filed in the Chadha case identifies some 56 currently operable legislative veto statutes, of which some 15, containing approximately 20 legislative veto provisions, apply to Federal regulations. These include one- or two-House vetoes for regulations of the Department of Education, the Federal Election Commission, the Federal Trade Commission, the Consumer Product Safety Commission, and certain regulations of the Department of Transportation and the Environmental Protection Agency.

Moreover, the drive to extend the legislative veto device to nearly all regulations through an amendment to the Administrative Procedure Act was particularly strong in the Congress at the time of the Chadha ruling. In the last Congress, Representative LEVITAS had some 253 House cosponsors on such a bill, H.R. 1776, including 142 Republicans and 111 Democrats. The legislative veto mechanism for Federal regulations was also endorsed in the 1980 Republican platform and by candidate Ronald Reagan at the time.

Mr. Speaker, the strong support in the Congress for such a check on regulations was further evidenced in the last Congress by the inclusion of a two-House veto in the regulatory reform bill passed by the Senate last year, S. 1080, by a vote of 94 to 0, after the veto amendment itself had passed on a vote of 69 to 25. The overwhelming support for this mechanism in the Congress emanated from a general concern that, in delegating rulemaking authority to agencies, we had given away our article I lawmaking function to unelected bureaucrats without retaining proper control over it. In many instances, our delegations were too broad, and we had nobody but ourselves to blame when agencies promulgated regulations that bore little resemblance to the statutes we thought we had enacted. Nevertheless, there was little we could do but vent our rage, accept the heat from our constituents, scapegoat the bureaucrats, and maybe pass a law to amend the regulation or cutoff funds for its implementations. In short, it has not only been an embarrassing and frustrating experience for us, it has been an often painful and costly experience for those directly affected by the regulations.

The lesson from all this is that we should not only hold agencies more accountable for the regulations they issue, but that we should hold ourselves more accountable for the laws we pass and the regulations they give rise to. That was the whole theory behind the legislative veto procedure for regulations. Now that we have been deprived of that tool by the Supreme Court we must find new means to accomplish the same objectives.

The purpose of the Regulatory Oversight and Control Act we are introducing today is to insure greater accountability from both the agencies and Congress for the regulatory process by establishing alternatives to the traditional legislative veto device. Our bill recognizes that in order to make the regulatory process more responsible and responsive, we must not only be able to rifleshot particular regulations, though that should be one important weapon in our arsenal, but we must also reform the agencies' internal rulemaking procedures to make them more accountable, and we should improve our own overall oversight efforts in order to determine how well the laws, agencies and programs we have put in place are working.

AGENCY RULEMAKING IMPROVEMENTS

Title I of our bill would amend the Administrative Procedure Act to provide for internal improvements in the rulemaking process. At the heart of this title is a requirement that agencies perform regulatory analyses for all major rules and their alternatives. Major rules are defined as those which an agency or the President determine would have an annual impact on the economy of $100 million or more or would otherwise have substantial impact on some sector. The agencies would be required to choose the most cost-effective alternative unless otherwise prohibited by the regulation's underlying statute. Agencies would also be required to establish a review schedule for all existing major rules at least once every 10 years. And new and existing major rules would sunset or cease to be effective according to the schedule established by the agency. If an agency wants to extend or amend a rule after its sunset date, it would have to perform a regulatory analysis and resubmit the rule.

Title I of our bill also includes many provisions which have previously appeared in various House and Senate regulatory reform bills reported or passed over the last few years. These include a requirement for a regulatory agenda to be published semiannually in the Federal Register in which agencies would list all their planned rule-

making activities for the next year, together with certain required information. The informal rulemaking process would be reformed to make it more accessible to public participation and information. A modified Bumpers amendment for judicial review would require appeals courts to independently decide all relevant questions when agency actions are challenged, without according any presumption in favor or against the actions. The so-called race-to-the-courthouse problem would be resolved by permitting the Administrative Office of the U.S. Courts to choose the court in which the record shall be filed when actions are challenged in two or more courts within 10 days of the agency action. And finally, intervenor funding would be prohibited using Federal funds unless specifically authorized by law.

Mr. Speaker, title I of our bill is virtually identical in many respects to the compromise regulatory reform bill worked out in the last Congress between representatives of the Speaker's Office, the White House, the House Judiciary Committee, and business and public interest groups. Although this bill never got out of the House Rules Committee due in part to an extended hearing process involving a few committee chairmen, I think it is an important foundation on which to build in this Congress. After all, it is not every day we can get the Speaker of the House, the current President, and diverse business and public interest groups to agree on something.

CONGRESSIONAL REVIEW OF AGENCY RULES

Title II of our bill also amends the Administrative Procedure Act. Under this title, all rules subject to the informal rulemaking process shall be transmitted to Congress for a period of 90 days of continuous session of Congress after their final publication. The rules would be referred to the committee of primary jurisdiction in each House. For major rules to take effect, a joint resolution of approval must be enacted within that review period. Other rules could take effect unless a joint resolution of disapproval is enacted, and could take effect sooner if neither House has acted on a joint resolution within 60 days or if either House had rejected a resolution.

Mr. Speaker, one of the criticisms of many veto devices is that they are meaningless since they could simply be bottled up in committees while the review period lapses. This would be an especially troublesome prospect for major rules under our bill since they require approval by enactment of a joint resolution. To address this situation we have utilized the automatic consideration procedures now found in chapter 9 of title 5 of the United States Code relating to the President's reorganization authority for the executive branch. While that authority, which permitted a one-House veto of executive reorganization plans, expired on April 7, 1981, an extension of the authority has been reported in H.R. 1314 which calls for approval of executive reorganization plans by enactment of a joint resolution. That bill retains the automatic consideration procedures which we have adopted in our bill for major rules resolutions which require enactment for a regulation to take effect.

Under this procedure for major rules, the chairman of the committee to which a rule is referred, or his designee, must introduce a joint resolution of approval within 1 day after receipt of the major rule. The committee is required to report the resolution not later than 45 days after receipt of the rule. If it does not, the resolution is automatically discharged and placed on the appropriate calendar of the House. A motion to proceed to its consideration is privileged, and, if adopted, debate on the resolution would be for 2 hours. If the chairman or his designee fails to introduce the required resolution, the first resolution introduced by anyone else would be discharged after 45 days.

For other rules, subject to joint resolutions of disapproval, there would be no such automatic consideration procedures since this could burden the Congress with hundreds of rules resolutions each year which any Member might introduce. Instead, for nonmajor rules we have provided a front-end discharge mechanism which will require a showing of substantial support before a resolution can be brought to the floor. Under this provision, a "motion for consideration" can be filed with the Clerk of the House or Secretary of the Senate at any time after a resolution of disapproval is introduced, but not later than 25 days after the rule is received. If, not later than 30 days after the rule is received one-fourth of the membership of the House involved signs the motion for consideration, the committee involved would be required to consider and report the resolution, though obviously it could report the resolution with a recommendation that the resolution be rejected. If the committee has not reported as required within 45 days after the rule is received, it would be automatically discharged of the resolution which would then be placed on the appropriate calendar.

At the appropriate time, a motion to proceed to the consideration of the resolution would be privileged, but, if the resolution has been discharged pursuant to the motion for consideration procedure, the motion would be debatable for 20 minutes. In instances in which the committee has reported the resolution on its own, the motion to proceed to its consideration would not be debatable. If the motion is adopted, the resolution would then be debated for 1 hour.

Finally, our procedure makes provision for resolutions received from the other House. If a House receiving such a resolution has not reported or been discharged of its own resolution within 75 days after the receipt of the rule, the resolution of the other House would be considered discharged and placed on the appropriate calendar and subject to privileged consideration. In any event, if a resolution is received from the other House, and the receiving House has reported or been discharged of its own resolution in the meantime, the final vote would occur on the resolution of the other House in order to avoid the necessity for a vote on both resolutions by both Houses.

Mr. Speaker, the advantage of our front-end discharge procedure is to give committees sufficient warning and opportunity to report on a resolution for which there is substantial Member interest. Under many existing discharge procedures, a committee could be blind-sided by such motions at the last minute, without opportunity to consider and report on the matter. Our procedure respects both the integrity and expertise of our committee system, and would give the Congress an informed basis on which to act. This is especially important in the case of regulations which are often very technical and complex.

REGULATORY OVERSIGHT AND CONTROL AMENDMENTS TO HOUSE RULES

Title III of our bill would amend House rules to make several important changes. First, there would be established a House Regulatory Review Calendar to which would be referred all approval and disapproval resolutions for regulations which have been reported or discharged from committees. This Calendar would be called after the approval of the Journal on every first and third Monday and second and fourth Tuesday of each month. The purpose of this Calendar is to provide for the orderly consideration of these resolutions. Given the privilege attached to these resolutions and other expedited procedures involved, it is important that the leadership retain this form of control over the House floor schedule and that Members have advance warning of what is likely to be considered and when. Under our procedure, priority consideration would be given to resolutions for regulations whose review period would expire before the next calling of the Calendar. As mentioned previously, motions to proceed to the consideration of a resolution would be privileged, and, in the case of those brought pursuant to a motion for consideration signed by one-fourth of the membership, would be debatable for 20 minutes.

Our second amendment to the Rules of the House would modify the current restriction on limitation amend-

ments to appropriations bills, clause 2 of rule XXI. Under the current procedure adopted at the beginning of this Congress, limitation amendments may not be considered until other amendments have been disposed of and only if the House then votes down the motion that the Committee of the Whole rise and report the bill to the House. Under our revision, certain limitation amendments could be considered during the initial amendment process—amendments to prohibit the use of funds to implement a regulation for which a resolution of disapproval has not been considered by the House, or has been passed by the House but not enacted, within the specified review period. This is to make clear that the appropriations process should be used as a last resort to block a rule if it has not been properly considered by the authorizing committee involved, or if its disapproval has been blocked by the other body or by a Presidential veto of the disapproval resolution.

Our third set of amendments are aimed at improving House oversight efforts. House rule X would be amended to require committees to formally adopt their oversight plans at the beginning of a Congress and would prohibit the consideration of their funding resolutions unless these were adopted and submitted to the Government Operations Committee. At present there is a requirement that oversight plans be submitted at the beginning of a Congress, but no requirement that these receive formal committee consideration and approval. As the chairman of the Government Operations Committee has conceded, this is basically a staff operation. As such, it is basically meaningless since most Members are not even aware that the plans exist. Our rule change would also require that the committee's final activity report at the end of the Congress contain an oversight section which relates its original plans to its actual oversight activities and accomplishments.

Finally, we have suggested another House rule which would permit the Speaker to appoint, with the approval of the House, special ad hoc oversight committees for specific purposes from among the membership of two or more committees with shared jurisdiction over a problem. This authority currently exists for legislative purposes only. Our bill specifically provides for such appointment in the case of a regulation referred to Congress over which more than one committee has primary jurisdiction, but it obviously could be used for other useful oversight endeavors.

CONCLUSION

Mr. Speaker, we offer this bill at a time when the Congress is groping for appropriate responses to the Chadha decision that will enable us to retain our rightful role in our system of government bereft of the legislative veto device which has been so critical in such areas as foreign affairs, budget matters, and regulations. On July 26 our Committee on Rules was petitioned by 15 House committee chairmen to take a central role in coordinating our response to Chadha. Our two Rules Subcommittees will be holding joint hearings, this month with this in mind. We have introduced this bill today as one appropriate response for the post-Chadha Congress to take to our delegation of rulemaking powers to agencies. We think our comprehensive approach is both responsible and workable. Moreover, it makes good sense to take a uniform approach through such a generic law. If we do not, we will again witness these types of legislative vetoes being attached piecemeal to every authorization bill that comes along. We invite our colleagues to join us in cosponsoring this important legislation.

At this point in the RECORD, Mr. Speaker, I include a brief summary of our bill. The summary follows:

BRIEF SUMMARY OF THE "REGULATORY OVERSIGHT AND CONTROL ACT OF 1983"

TITLE I—AGENCY RULEMAKING IMPROVEMENTS (AMENDMENTS TO THE ADMINISTRATIVE PROCEDURE ACT)

Regulatory Analysis of Major Rules.—Agencies would be required to perform regulatory analyses of major rules and alternatives. Major rules are those which the agency or President determines would have an annual impact on the economy of $100 million or more or would otherwise have a substantial impact. The agency would be required to choose the most cost-effective alternative unless another alternative is mandated by the underlying statue. The President (or the Vice President or other Executive Officer confirmed by the Senate) would establish guidelines for compliance and would review and monitor compliance. The Comptroller General may also monitor compliance.

Regulatory Agenda.—Each agency shall publish in the Federal Register in April and October of each year a regulatory agenda listing all rules the agency tends to propose, promulgate, modify, repeal or otherwise consider in the next 12-months. Certain information is required to be included with each rule listed on the agenda.

Agency Review of Existing Rules.—Not later than nine months after the effective date, each agency shall publish in the Federal Register a schedule for the review of existing major rules over the next ten years. A final schedule would be published not later than six months later, after public comment. The President could add rules to this review schedule. The reviews would be subject to the same comment and analysis requirements as new major rules.

Sunset for Major Rules.—All newly proposed and existing major rules scheduled for review shall include a date on which they shall cease to be effective, not later than 10 years after they are initially effective, in the case of new rules, and according to their sunset review schedule for existing rules.

Informal Rulemaking Process.—The informal rulemaking process is amended to provide greater notice, information, and opportunity for oral and written public comment.

Judicial Review (modified "Bumpers Amendment").—When agency actions are challenged in the courts, the courts shall independently decide all relevant questions without according any presumption in favor or against the actions.

Appeals of Agency Orders ("race to courthouse" problem).—When agency actions are challenged in two or more courts of appeals within ten days of their issuance, the Administrative Office of the U.S. Courts shall, by random selection, designate one court in which the record shall be filed.

Intervenor Funding.—Federal funds could not be used for public participation in agency rulemaking proceedings unless specifically authorized by law.

TITLE II—CONGRESSIONAL REVIEW OF AGENCY RULES (AMENDMENTS TO ADMINISTRATIVE PROCEDURE ACT)

Submission and Review of Agency Rules.—Agencies would be required to submit most rules of general applicability to Congress for a 90-day review period. The rules would be referred to one committee of primary jurisdiction in each House or to an ad hoc committee if more than one committee has primary jurisdiction.

Congressional Action on Rules.—Major rules could not take effect unless a joint resolution of approval is enacted within 90-days of continuous session of Congress; other rules could take effect unless a joint resolution of disapproval is enacted within the 90-day period, and could take effect sooner if neither House has acted on a resolution within 60-days or if either House has rejected a resolution.

Committee Consideration of Resolutions.—In the case of major rules, resolutions of approval must be introduced by the chairman (or his designee) of the committee to which the rule is referred within one day after the rule is received, and the committee would be required to report the resolution not later than 45-days after receipt of the rule, or would thereafter be discharged of the resolution. Other rules would be subject to joint resolutions of disapproval which the committee could report at its own discretion or would be required to report if a "motion for consideration" is filed within 25-days after the rule is received and is signed by one-fourth of the membership of the House involved not later than 30-days after the rule is received. If the committee has not reported such a resolution within 45-days after receipt of the rule, the resolution would be discharged.

Floor Consideration of Resolutions.—Resolutions reported or discharged would be referred to the appropriate calendar of the House involved, a motion to proceed to their consideration would be privileged and, if adopted, debate on major rules resolutions would be for two-hours, and for other rules resolutions, one-hour. If one House receives a resolution from the other House and has not reported or been discharged of its own resolution within 75-days after the rule is received, the resolution of the other House would be placed on the appropriate calendar.

TITLE VII—REGULATORY OVERSIGHT AND CONTROL AMENDMENTS TO HOUSE RULES (AMENDMENTS TO THE RULES OF THE HOUSE)

House Regulatory Review Calendar.—A Regulatory Review Calendar would be established in the House to which all joint resolutions of approval and disapproval would be referred once reported or dis-

charged from committee. The Calendar would be called on the first and third Monday and second and fourth Tuesday of each month after the approval of the Journal. Priority consideration would be given to resolutions for rules whose review period would expire before the next calling of the Calendar. Motions to proceed to the consideration of a resolution would be nondebatable except for resolutions discharged pursuant to a "motion for consideration" signed by one-fourth of the membership, in which case the motion would be debated for twenty minutes.

Regulatory Appropriations Riders.—The present House rule restricting the offering of limitation amendments to appropriations bills would be amended. At present such limitation amendments can only be offered after other amendments are disposed of and only if the House votes down a motion that the Committee of the Whole rise. Under the proposed rule change, limitation amendments could be considered during the initial amendment process with respect to regulations for which a resolution of disapproval has not been considered by the House, or has been passed but not enacted, during the specified review period.

Oversight Improvements.—Committees would be required to formally adopt oversight plans at the beginning of a Congress and their funding resolutions could not be considered until the plans have been submitted to the Government Operations Committee. Committees would also be required in their final oversight reports to relate their actual oversight activities and accomplishments to their original plans. The Speaker could create special ad hoc oversight committees, subject to House approval.

REPUBLICAN LEADERSHIP GROUP COSPONSORS OF LOTT'S "REGULATORY OVERSIGHT AND CONTROL ACT OF 1983"

Hon. Hamilton Fish, Jr. (N.Y.)
Hon. James H. Quillen (Tenn.)
Hon. James T. Broyhill (N.C.)
Hon. Thomas N. Kindness (Ohio)
Hon. Jack F. Kemp (N.Y.)
Hon. Richard Cheney (Wyo.)
Hon. James G. Martin (N.C.)
Hon. Jack Edwards (Ala.)
Hon. Guy Vander Jagt (Mich.)
Hon. Robert J. Lagomarsino (Calif.)
Hon. Delbert L. Latta (Ohio)
Hon. Gene Taylor (Mo.)
Hon. Jerry Lewis (Calif.)
Hon. Henry J. Hyde (Ill.)
Hon. Charles Pashayan, Jr. (Calif.)
Hon. William M. Thomas (Calif.)
Hon. Thomas E. Coleman (Mo.)●

EMMETT DEDMON

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. ANNUNZIO) is recognized for 5 minutes.

● Mr. ANNUNZIO. Mr. Speaker, I rise to call to the attention of my colleagues the untimely passing of Emmett Dedmon, former vice president and editorial director of the Chicago Sun-Times and the defunct Chicago Daily News.

Emmett Dedmon was my good friend for over 25 years. He was a highly respected journalist who had the best interests of his readers, and especially the city of Chicago, at heart. Over the years, he contributed so much, not only as a journalist, but as a civic leader as well, and all those who had the privilege of knowing him will miss him greatly.

Emmett graduated with a degree in economics in 1941 from the University of Chicago and joined the old Chicago Times as an assistant to the foreign editor. A few months later, after the Japanese attacked Pearl Harbor, he quit to join the Army Air Corps. He rose to the rank of captain, was awarded the Air Medal for his service, and spent 2 years as a prisoner of war in Stalag Luft II in Silesia.

After the war, he returned to his beloved Chicago where he became the old Chicago Sun's literary editor and drama editor of the Sun-Times. He became assistant managing editor of the Sun-Times in 1955, managing editor in 1958, executive editor in 1962, editor in 1965, and in September 1968, was named executive vice president and editorial director of the Sun-Times and Daily News. He resigned from the Sun-Times and the Daily News in February 1978, and went on to explore new challenges. He is the author of five books, with a sixth to be published soon.

Emmett was inducted last year into the Chicago Press Club Hall of Fame, and he was a trustee of the University of Chicago and merited the university's Alumni Service Medal in 1983. He also served as president of the YMCA of Metropolitan Chicago from 1965 to 1968, and gave generously of his time and effort to numerous civic activities aimed at the betterment of our great city of Chicago.

I shall always remember Emmett as a man of extraordinary courage, commitment, and effectiveness, who was regarded with affection and admiration by all those who knew him.

Mrs. Annunzio joins me in expressing our heartfelt sympathy to his devoted wife, Claire, and to his son, Jonathan, as well as to the other members of his family.

Mr. Speaker, at this point in the CONGRESSIONAL RECORD I would like to include the text of an article about Emmett Dedmon which appeared in the September 19 edition of the Chicago Sun-Times. The article follows:

[From the Chicago Sun-Times, Sept. 19, 1983]

FORMER SUN-TIMES EXECUTIVE DEDMON DIES

(By Bob Olmstead)

Emmett Dedmon, 65, former vice president and editorial director of the Sun-Times and the defunct Chicago Daily News, died of cancer Sunday night in the University of Chicago Hospital.

Mr. Dedmon, of the Near North Side, resigned from the Sun-Times in 1978 after 38 years as a Chicago newsman, critic and executive.

Until he entered the hospital a few weeks ago, Mr. Dedmon worked as a senior consultant for Hill & Knowlton Inc., an international public relations firm. He was a frequent world traveler and the author of five books in print as well as a sixth to be published soon.

Both as a newspaper editor and in his civic life, Mr. Dedmon was a frequent speaker and board member. He was a trustee of the University of Chicago, national chairman of its alumni fund for 20 years and former chairman of its visiting committee of the Center for Far Eastern Studies. The university awarded him its Alumni Service Medal in 1983.

He was president of the YMCA of Metropolitan Chicago from 1965 to 1968 and had been a trustee of the Chicago Historical Society, the Pullman Educational Foundation, the American Public Service Institute and the Newberry Library. He was a former member of the Pulitzer Prize selection committee and a founding member of the Trilateral Commission.

He was a past director of the United Way and former vice president of the Economic Club of Chicago, and served on the executive committees of the Chicago Club and the Commercial Club.

Marshall Field V, chairman of the board of Field Enterprises Inc., owner of the Sun-Times, said "Under Emmett Dedmon's leadership the Sun-Times earned a position among the great newspapers of this country. He contributed so much to the paper and to our city with his dynamic style and boundless energy. All of us who worked with him will miss him."

James Hoge, Sun-Times publisher, said, "With energy and imagination Emmett Dedmon gave editorial leadership to the Sun-Times during one of its periods of significant growth. He contributed mightily to Chicago as an editor, author and caring civil leader."

Sun-Times Editor Ralph Otwell said, "Although an adopted son of the city, Emmett had a love affair with Chicago and proudly wore his heart on his sleeve, not only in his civic and charitable activities, but also as a journalist with a strong commitment to Chicago and its people."

Herman Kogan, corporate historian for Field Enterprises, said: "Emmett was one of the quality guys I found over the years. Up to the point of his death, he was a guy with a lot of guts."

Hannal H. Gray, president of the University of Chicago, said, "Emmett Dedmon was a dedicated friend of the university for more than 40 years, since he graduated here. As a trustee and as national chairman of our alumni fund-raising efforts for nearly 20 years, he served his alma mater with an extraordinary blend of cheerfulness, commitment and effectiveness. He will be missed."

Mr. Dedmon, born Emmett Deadman, son of a minister in Auburn, Neb., described himself, probably accurately, as brash—even as a high school newspaper editor who took it upon himself to cover a bank robbery in Fairbury, Neb. He was a gregarious, bluff, hearty man with a short fuse and an ability to soothe wounded feelings after his explosions.

After graduating with a degree in economics in 1941 from the University of Chicago, where he was editor of the Daily Maroon, Mr. Dedmon joined the old Chicago Times as an assistant to the foreign editor.

But a few months later the Japanese attacked Pearl Harbor and he quit to join the Army Air Corps, where he became a navigator and rose to the rank of captain. He flew many missions before the days of fighter escorts and returned safely from one in a

burning plane. He was awarded the Air Medal for his service.

He was shot down over Germany in July, 1943, on a bombing mission to Hanover, and parachuted from his B-17 bomber. Captured, he spent two years as a prisoner of war in Stalag Luft II in Silesia. He later incorporated his prison camp experiences, which he had recorded on the backs of chocolate bar wrappers, in a novel, *Duty to Live.*

After the war, Mr. Dedmon returned to Chicago to become the old Chicago Sun's literary editor and, later, both literary and drama editor of the Sun-Times. He also was the ballet critic, occasional music critic, feature editor and news editor.

He rose to assistant managing editor of the Sun-Times in 1955, managing editor in 1958, executive editor in 1962, editor in 1965 and, in September, 1968, was named executive vice president and editorial director of the Sun-Times and Daily News.

Mr. Dedmon continued traveling, to the Philippines, Japan, Germany, the Soviet Union and China. At the same time his travels and civic interests led him to publish four more books—*Great Enterprises,* a centennial history of the YMCA in Chicago; *A History of the Chicago Club; China Journal,* an account of a 23-day trip to China in 1972, and the best-selling *Fabulous Chicago,* a history of Chicago published in 1953 and updated in 1981.

A sixth book on the history of Standard Oil Co. (Indiana), written with the company's recently retired chairman, John E. Swearingen, is expected to be published soon.

Mr. Dedmon resigned from the Sun-Times and Daily News in February, 1978, two years after Hoge was named editor in chief of both newspapers and shortly after the closing of the Daily News was announced. Marshall Field V. who then was the publisher, said, "With the impending demise of the Daily News, Emmett feels that much of the challenge of his job has been lost and, in his words, he 'wants to explore new challenges.' "

In recent days, his name had been mentioned in print as one of the principals in the proposed founding of a new afternoon newspaper, the Chicago Evening Post. But his family said that although he showed some initial interest, he never was heavily involved.

Mr. Dedmon was inducted last October into the Chicago Press Club Hall of Fame.

Survivors include his wife, Claire, whom he met in his first newspaper job; a son, Jonathan, an account executive at Hill & Knowlton; a sister, Dee Henney, and two brothers, Homer and Robert.

Funeral arrangements are incomplete.●

VICTIMS OF KAL 007

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. DWYER) is recognized for 5 minutes.

● Mr. DWYER of New Jersey. Mr. Speaker, it is with a deep sense of sadness that I join today in this special order honoring the 269 innocent people who lost their lives on Korean Air Lines flight 007.

Much has already been said about this total act of barbarism on the part of the Soviet Union, and we are sure to hear more as the debate on the foreign policy implications of this incident continues.

It is an essential debate that must be carried out fully, openly and with diligence to uncover every detail possible in an all-out effort to prevent this international atrocity from recurring.

Throughout this debate, however, we must never lose sight of the fact that the central issue is the loss of innocent, civilian lives. Sixty of these individuals were American citizens. I am sorry to report that one young man was from my own congressional district, and several other passengers were residents of the State of New Jersey. I join my colleagues in extending my most heartfelt sympathies to the survivors of all the passengers and crew members on KAL flight 007.

The resolution passed by this Chamber last week is an important first step in expressing our outrage. We owe it to the victims' families and to the victims themselves to remain steadfast in our determination to make the Soviets fully accountable for their act of terrorism.

The tragedy of the downing of KAL flight 007 will remain with us for a long time, and that is as it should be. We must actively search for the truth surrounding this incident and seek effective international responses on many fronts.

To help guide us in this quest, we can be inspired by the KAL passengers and crew members, who will stand forever as international symbols of the humanity we strive to protect in a world marked by the forces of peace and reason than by the inhumane actions of totalitarian regimes.●

THE NEED FOR PERSONAL EMERGENCY RESPONSE SYSTEMS FOR THE SEVERELY FUNCTIONALLY IMPAIRED

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. PEPPER) is recognized for 5 minutes.●

Mr. PEPPER. Mr. Speaker, I am very pleased to introduce today, with my distinguished colleague from Tennessee (Mr. QUILLEN), a bill that will provide medicare (part B) and optional medicaid coverage of personal emergency response services for the severely functionally impaired. This bill is similar to a bill I introduced last session with the Honorable Margaret Heckler, now Secretary of the Department of Health and Human Services. I believe this legislation takes an important step toward the prevention of premature institutionalization while at the same time providing savings to the Federal Government.

Mr. Speaker, the rapid growth of Federal expenditures for institutional health care increasingly has led the health-care community and Congress to consider in-home and community-based alternatives to nursing homes and hospitals that would be less expensive while at the same time better meet the needs of health-care recipients. Personal emergency response services represent precisely the kind of alternative care that can help improve the quality of life for the elderly and disabled while reducing the overall costs of long-term care. My bill will offer the Federal Government the opportunity to participate with the private sector in supporting these services for those most at risk of institutionalization. Indeed, through this support, the Federal Government has the proven potential to avoid the significantly higher institutional and other health-care costs it would otherwise incur on behalf of these service recipients. Thus, we have the rare opportunity of helping people and having a positive impact on the Federal budget at the same time.

The essential purpose of personal emergency response services is to permit an individual at home to summon assistance automatically in the event of a medical or environmental emergency. The utility of such a service is clear. Elderly or disabled persons with physical or mental infirmities but no need for around-the-clock care frequently enter nursing homes simply to insure 24-hour monitoring in the event an emergency should arise. A personal-emergency-response service can permit these individuals to remain independent and in the community, secure in the knowledge that assistance can be summoned by the push of a button. If used as part of hospital discharge planning, the service can also facilitate a patient's early return home.

A recently completed study sponsored by the National Center for Health Services Research (NCHSR) strongly supports the conclusion that personal emergency response services can assist the elderly and disabled to remain independent in their own homes while reducing the incidence of institutionalization and creating significant savings in health-care costs for the severely functionally impaired. The study, conducted by Drs. Syliva Sherwood and John Morris of the Hebrew Rehabilitation Center for Aged in Boston, evaluated the effects of a particular personal emergency response system known as lifeline. The lifeline system allows clients to request aid by simply pressing a button on a portable pocket-sized unit; if the person is unconscious, the system senses the inactivity over a period of time and signals for help automatically.

In greater detail, the lifeline system tested by the study works as follows:

The personal-emergency-response service client normally carries a miniature wireless call button that can be

worn on a chain, or attached to a belt, or other article of clothing. When help is needed, the client presses the button and a small machine attached to the telephone receives the wireless signal, captures the phone line, and sends a digital message over the phone line to a community-based 24-hour emergency response center—such as a hospital's emergency switchboard—where the message is automatically printed.

Response center personnel read the client code from the printed tape and retrieve the client information card with name, address, telephone number, a brief statement of medical or physical problems, and a list of volunteer responders. These responders are designated by the client at the time the system is installed. Included are people such as relatives, friends, or neighbors, with whom the client is comfortable and who have indicated their willingness to respond in the event of an emergency. Also on the list are municipal agencies, such as police and ambulance services, which can provide assistance in the event that the volunteer responders are not available.

On receipt of the alarm, a response center worker immediately places a call to the client. If the client can get to the telephone, the coordinator evaluates what help may be needed and responds accordingly. If the client is unable to answer the phone, the coordinator assumes that the client is injured and unable to move. Immediate action is taken to contact a responder who can arrive on the scene quickly.

In the event that the client is unconscious and unable to press the button, a clock timer in the lifeline equipment at the client's home will initiate an emergency call. The timer can be set for 11 or 24 hours and is reset manually by pushing the reset button on the unit. Lifting the telephone handset during normal use also automatically resets the timer.

The NCHSR-sponsored study made several significant findings of particular significance for this bill.

First, psychological benefits. Personal emergency response service users felt more confident about continuing to live independently. They reported better sleep patterns and moved around their homes with greater ease.

Second, reduced need for institutional care. The largest group of tested personal emergency response service users:

Severely functionally impaired and not socially isolated;

Averaged only one day in a nursing home compared to an average of up to 11 nursing home days for nonservice users during the 13-month testing period.

Third, cost benefits. For the largest group tested, each $1 spent for personal emergency response services produced a net savings of $7.19 in total long-term care costs due to reduced use of both institutional and community services. Subsequent experience with tens of thousands of users has shown that personal emergency response services can be offered for under $20 per month, including amortized capital costs.

Fourth, screening instrument. The researchers developed a brief, reliable screening questionnaire to identify potential personal emergency reponse service users with the greatest need and who would benefit most from such a service.

Personal emergency response services can clearly offer advantages to people of all ages and physical conditions. However, this bill would limit coverage of personal emergency response services to those individuals for whom the services would be most beneficial and cost effective: severely functionally impaired persons who are living alone or are left alone for substantial periods of time. Restricting coverage in this manner recognizes the importance of carefully targeting Federal health-care dollars to achieve the maximum benefit, consistent with the NCHSR-sponsored study's findings.

Mr. Speaker, it is clear that personal emergency response services can assist the frail at-risk elderly, and disabled to live independently in the community and to avoid inappropirate institutionalization while reducing long-term-care costs. Medicare and medicaid support of these services will help insure their availability for the severely functionally impaired who will most benefit from both an economic and social perspective while at the same time providing savings to the Federal Government. I believe this legislation exemplifies the way in which Congress can allocate the Federal health dollar in a socially beneficial, cost-effective manner, improving quality of life for the elderly while reducing overall costs of long-term care.●

KAMPUCHEA AND THE UNITED NATIONS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. CROCKETT) is recognized for 5 minutes.

● Mr. CROCKETT. Mr. Speaker, during the current General Assembly meeting of the United Nations, it is expected that the issue of ousting the current representatives of the nation of Kampuchea will be put before the nations of the world.

As many Members are aware, the United States has supported the present Kampuchean delegation to the United Nations consisting largely of former members of the regime of Pol Pot, whom the Chicago Tribune called "the greatest mass murderer since Hitler." Those who support the ouster of this delegation, which they believe to be illegal and against the wishes of the vast majority of the people of Kampuchea, have circulated petitions calling for Pol Pot's removal from the United Nations. It is my understanding that over 6,000 signatures have already been secured for these petitions.

Mr. Speaker, I would like to insert in the RECORD for the benefit of my colleagues a copy of the resolution, circulated by the National Lawyers Guild, which expresses the concerns upon which the petition is based, and the text of the petition itself:

1983 NATIONAL LAWYERS GUIDE CONVENTION

RESOLUTION CALLING FOR THE SEATING IN THE GENERAL ASSEMBLY OF THE REPRESENTATIVE OF THE PEOPLE'S REPUBLIC OF KAMPUCHEA

Whereas

1. Kampuchea's seat in the United Nations is now held, with major U.S. support, by a representative of a grouping, comprised largely of the forces of the former regime of Pol Pot, which calls itself the government of "Democratic Kampuchea;"

2. The present government of the People's Republic of Kampuchea, with its capitol in Phnom Penh, is the only effective government in the terriorty of Kampuchea;

3. From 1975 through 1979 the people of Kampuchea were subjected to dreadful suffering and tragedy in every aspect of their lives, at the hands of the government of that period, under Pol Pot, during which period more than 25 percent of them lost their lives;

4. In 1979 the government of the Socialist Republic of Vietnam intervened militarily in Kampuchea. It is not the purpose of this resolution to approve or to condemn the Vietnamese motives for such intervention, but merely to acknowledge the fact that this action put a stop to the wanton internecine bloodshed that had for those four years been visited upon the people of Kampuchea, and established a period of relative tranquility in which the Kampuchean people could begin the process of reconstructing their nation and their own lives.

5. The U.S.A. has played the leading role in organizing opposition to the seating of the representative of the People's Republic of Kampuchea as a part of the continuation, by other means, of its war against Vietnam, and in furtherance of its geopolitical strategies without regard to the well-being of the Kampuchean people.

6. The exclusion of the People's Republic of Kampuchea from the United Nations violates international law, particularly the UN Charter and the internal rules and precedents of the General Assembly; when there is a change of government in a member country, the General Assembly seats the representative of the government which possesses in fact the effective power within the territory of the country. Examples include Yemen, Chile and Kampuchea itself, when the U.S. backed Lon Nol deposed Prince Sihanouk from what was then the ruling regime of Cambodia.[1]

7. It is for these reasons that the National Lawyers Guild calls upon the government of the United States, and upon the United Nations, to accept the reality and the legitimacy of the effective administration of the

[1] This resolution is supported by a memorandum of law which has been furnished to the Permanent Resolutions Committee.

government of the People's Republic of Kampuchea. It is only in this way that the process of reconstruction can proceed, that peace in the Southeast Asia can be maintained and secured, and that the possibility of a renewal of the devasting internal shedding of blood can be avoided.

Resolved: This August 1983 Convention of the National Lawyers Guild demands that the United States government end its support for the Pol Pot grouping in the United Nations that that it vote to seat the representative of the People's Republic of Kampuchea.

Implementation: The National Executive Committee shall immediately communicate this resolution to the President, the Dept. of State, the Senate Foreign Affairs C'ee, the government of the PRK, the UN General Assembly, the IADL and other appropriate bodies.

To President Reagan and Congresspeople: Oust the Pol Pot Coalition from Kampuchea's Seat in the U.N.!

The murderous Pol Pot dictatorship was responsible for the massacre of almost three million people before it was overthrown in January 1979. The Kampuchean people, now in control of their own destiny, are steadily recovering from the effects of the deposed genocidal regime and rebuilding their country.

U.S. support in the U.N. for the ousted barbaric regime, however, aids and encourages continuous raids by remnant Pol Pot terrorist bands, hindering the recovery of Kampuchea and endangering peace and stability in the entire region.

We, the undersigned, demand that the Reagan administration end its support for the Pol Pot coalition in the U.N. and vote to seat the legitimate, elected government of the Kampuchean people: the People's Republic of Kampuchea.●

JOBS AND ENERGY SECURITY

(Mr. PRICE asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

● Mr. PRICE. Mr. Speaker, once again, Members of this body will consider the need to fund the CRBR. As we enter this often emotional debate, I would like to keep some important facts in perspective.

The case for Clinch River rests firmly on its national importance as a research and development facility that can tap an essentially inexhaustible resource. In addition to this essential role, the CRBR will also provide two other significant national benefits:

It will generate electric power sufficient to meet the needs of a city of 200,000 people;

It will provide employment for thousands of people, and even more jobs from the secure energy supply it will create.

These aspects are well brought out in the speech "Jobs, Energy, Security and the Clinch River Project," by Mr. Robert A. Georgine, president of the Building and Construction Department of the AFL-CIO, and I ask that Mr. Georgine's comments be entered in the RECORD.

We must take heed and listern to the clear practical commonsense approach of Mr. Georgine. I urge your support by joining me in the effort to complete the Clinch River breeder project.

Mr. Georgine's comments follow:

JOBS, ENERGY, SECURITY AND THE CLINCH RIVER PROJECT

(By Robert A. Georgine)

I'd like to thank the master of ceremonies for that long and comprehensive introduction outlining my pedigree. What you could have done was just say that I was born in Chicago and that I'm a building tradesman and that I'm here and that would have been enough.

It is a great pleasure to be here today in Oak Ridge, Tennessee. I'm extremely impressed with all the progress that has been made on the Clinch River Breeder Reactor Plant Project. I only wish that more people, especially those in decision-making positions, could see the progress that has been make. Perhaps than more of them would recognize how far we've come and that Clinch River is a living and breathing and important technological demonstration project.

I also wish more people could come down here to witness firsthand the productive and cooperative environment that exists between labor and management. Work has moved along in a very smooth and efficient fashion—the application of the stabilization agreement[1] and the commitment on the part of everyone to live up to the spirit of that agreement. Both contribute to the healthy and productive atmosphere that exist here.

Organized labor has long supported the completion of the Clinch River Project, because we recognize the potential for breeder technology to supply vast amounts of electricity in the next century and even beyond. We also recognize that the nation's energy future is frighteningly unsettled. We can only be made secure by an aggressive and decisive commitment to energy research and development and demostration. Here in Oak Ridge, you have a fine example of that commitment: a commitment the nation must rededicate itself to; and I, for one, can assure you that we remain committed to Clinch River and to other efforts like it.

As labor officials, our obvious concerns related to the quality and the availability of employment for all Americans. Yet some often overlook the intricate balance required to attain the goals that we all seek. These goals depend first and foremost on a strong and a productive economy. In turn, a strong, productive economy is largely dependent on the availability of abundant and affordable energy supplies. The potential of breeder technology, a potential that is far greater than all of OPEC's oil, is one we cannot afford to ignore. As I said a moment ago, our energy future is dangerously unsettled; and when we have ready for demonstration a technology that could do as much for us as breeder technology, then we must—and we should—take advantage of it to ensure future generations that this technology will be available to meet their future needs. While I'm obviously concerned about the 4,000 or so jobs that Clinch River will create here in Oak Ridge, I'm even more concerned about the many thousands and even millions of jobs that a secure energy supply will help create.

As many of you know, I chair a relatively new coalition known as the Committee on Jobs, Environment and Technology. CJET includes among its diverse membership the U.S. Chamber of Commerce, the National Association for the Advancement of Colored People, the General Federation of Women's Clubs, the National Conference of Black Mayors, and the National Association of Manufactures, in addition to approximately seventeen trade unions. Completion of Clinch River is the Committee's first issue and first priority. Over the last five months we have been working hard to establish local chapters across the country to increase the awareness and support for Clinch River among the general public and the decision makers.

Now I mentioned CJET beacuse it is a very visible manifestation of our ongoing commitment to Clinch River, as well as the commitment that is shared by many diverse and very credible national and local organizations. Right now it appears that a decision—in fact, what might be the most important decision ever rendered on Clinch River—faces us in this Congress. I'm personally impressed by the analysis and the proposals that have come out of the Department of Energy and the utilities regarding alternate methods of financing the completion of Clinch River. The proposals clearly meet the mandate of the last Congress. They reduce the strain on the federal budget by some 40 percent and call for the infusion of a substantial amount of private funds to make up the difference. As I understand it, there is general agreement among the government, the investment community, and the utility industry that about one billion dollars can be raised.

Now that's an impressive number. It should erase once and for all any impression that private industry is not committed to seeing Clinch River built or that the commitment to, or confidence in, this project and its technology does not exist. It does exist. It exists in the more than a half billion dollars that private industry has committed to breeder programs prior to and including Clinch River. And it exists in the ability to raise that one billion dollars that I spoke of. Certainly, as has always been true with most major research and development, much of the risk must be borne by the government. But the plans that are now receiving the most attention will reduce the actual outlay of funds, and that's what the mandate from Congress called for.

So for our part, I repeat once more than we will continue to work closely with everyone involved in this Project and to make clear our continued and our irrevocable support. I am confident that once our elected officials have the time to review and to study the proposals that have been put forth, Clinch River will continue to move forward on time, on schedule, and ultimately on line; because God knows it's a long time in coming. Thank you.

[1] The labor agreement mentioned will facilities accelerated construction of the Clinch River Plant. The contract placed the project under terms of the National Nuclear Power Construction Stabilization Agreement. This 1978 accord essentially eliminates strikes and "lockouts" during construction.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Member (at the request of Mr. JEFFORDS) to revise and extend his remarks and include extraneous material:)

Mr. LOTT, for 15 minutes, today.

(The following Members (at the request of Mr. SIMON) to revise and extend their remarks and include extraneous material:)

Mr. ANNUNZIO, for 5 minutes, today.

Mr. GONZALEZ, for 30 minutes, today.

Mr. DWYER of New Jersey, for 5 minutes, today.

Mr. MONTGOMERY, for 5 minutes, today.

Mr. PEPPER, for 5 minutes, today.

Mr. CROCKETT, for 5 minutes, today.

Mr. FOLEY, for 60 minutes, on September 27.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. BLILEY, to revise and extend on H.R. 3871.

(The following Members (at the request of Mr. JEFFORDS) and to include extraneous matter:)

Mr. LEWIS of Florida.

Mr. CAMPBELL.

Mr. RUDD in two instances.

Mrs. HOLT.

Mr. ZSCHAU.

Mr. DENNY SMITH.

Mr. YOUNG of Alaska.

Mr. FIELDS in two instances.

Mr. CORCORAN.

Mr. ERLENBORN.

Mr. DUNCAN.

Mr. PARRIS.

Mr. COURTER in two instances.

Mr. WILLIAMS of Ohio.

Mr. GOODLING.

Mr. MCDADE.

Mr. LAGOMARSINO.

Mr. PHILIP M. CRANE in three instances.

(The following Members (at the request of Mr. SIMON) and to include extraneous matter:)

Mr. MONTGOMERY.

Mr. FLORIO.

Mr. MORRISON of Connecticut.

Mr. RICHARDSON.

Mr. HARRISON.

Mr. MARKEY.

Mr. CLAY in two instances.

Mr. LANTOS.

Mr. EDWARDS of California.

Mr. BONIOR of Michigan.

Mr. CONYERS.

Mr. MATSUI.

Mr. EDGAR.

Mr. FLIPPO.

Mr. SOLARZ.

Mr. WEISS.

Mr. RATCHFORD.

Mr. JACOBS in two instances.

Mr. SMITH of Florida.

Mr. ROYBAL.

Mrs. BOXER.

Mr. OTTINGER.

Mr. PEPPER.

Mr. STARK in three instances.

Mr. BARNES.

Mr. GARCIA.

Mr. LEHMAN of California.

JOINT RESOLUTION PRESENTED TO THE PRESIDENT

Mr. HAWKINS, from the Committee on House Administration, reported that that committee did on September 19, 1983, present to the President, for his approval, a joint resolution of the House of the following title:

H.J. Res. 353. Joint resolution condemning the Soviet criminal destruction of the Korean civilian airliner.

ADJOURNMENT

Mr. SIMON. Mr. Speaker, on behalf of my colleague, the gentleman from Illinois (Mr. HAYES) and myself, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 48 minutes p.m.) the House adjourned until tomorrow, Wednesday, September 21, 1983, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1876. A letter from the Assistant Secretary of the Air Force (Manpower, Reserve Affairs and Installations), transmitting a draft of proposed legislation to amend section 301 of title 37, United States Code, to assure equity for members of the Reserve components in computation of hazardous duty pay; to the Committee on Armed Services.

1877. A letter from the Acting Deputy Assistant Secretary (Logistics and Communications), transmitting notice of the Air Force's decision to convert to contractor performance the consolidation containerization point function at McClellan Air Force Base, pursuant to section 502(b) of Public Law 96-342; to the Committee on Armed Services.

1878. A letter from the Chairman, Council of the District of Columbia, transmitting D.C. Act 5-62, "Closing of Portions of Public Streets Abutting Squares 459 and 460 Act of 1983," pursuant to section 602(c) of Public Law 93-198; to the Committee on the District of Columbia.

1879. A letter from the Chairman, Council of the District of Columbia, transmitting D.C. Act 5-63, "Rental Housing Conversion and Sale Act of 1980 Amendments and Extension Act of 1983," pursuant to section 602(c) of Public Law 93-198; to the Committee on the District of Columbia.

1880. A letter from the Chairman, Japan-United States Friendship Commission, transmitting the sixth annual report of the Commission's activities covering fiscal year 1982, pursuant to section 5(b) of Public Law 94-118; to the Committee on Foreign Affairs.

1881. A letter from the Inspector General, Veterans' Administration, transmitting notice of a proposed new records system, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

1882. A letter from the Assistant Secretary of the Interior for Indian Affairs, transmitting a proposed plan for the use and distribution of the judgment funds awarded to the Standing Rock Sioux Tribe in docket 119, U.S. Court of Claims, pursuant to sections 2(a) and 4 of Public Law 93-134; to the Committee on Interior and Insular Affairs.

1883. A letter from the Assistant Secretary for Human Development Services, Department of Health and Human Services, transmitting a report on voluntary foster care placement agreements, pursuant to section 102(e) of Public Law 96-272; to the Committee on Ways and Means.

1884. A letter from the Director, Office of Legislative Affairs, Agency for International Development, transmitting a letter to correct an error in the Agency's report on the allocation of funds appropriated by the Supplemental Appropriations Act of 1983, pursuant to section 653(a) of the Foreign Assistance Act of 1961, as amended, which was submitted on August 30, 1983 (Ex. Com. No. 1838); jointly, to the Committees on Appropriations and Foreign Affairs.

1885. A letter from the Comptroller General of the United States, transmitting the first of a series of reports on States implementation of the block grants authorized by the Omnibus Budget Reconciliation Act of 1981 (GAO/RCED-83-186; September 8, 1983); jointly, to the Committees on Government Operations and Banking, Finance and Urban Affairs.

1886. A letter from the Assistant Secretary of the Army (Civil Works), transmitting a draft of proposed legislation to amend section 1225(b)(2) of the Panama Canal Act of 1979; jointly, to the Committees on Post Office and Civil Service and Merchant Marine and Fisheries.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. HOWARD: Committee on Public Works and Transportation. H.R. 3308. A bill to designate the Federal building in Las Cruces, N. Mex., as the "Harold L. Runnels Federal Building" (Rept. No. 98-360). Referred to the House Calendar.

Mr. HOWARD: Committee on Public Works and Transportation. H.R. 3379. A bill to name a U.S. post office in the vicinity of Lancaster, Pa., the "Edwin D. Eshleman Post Office" with amendments (Rept. No. 98-361). Referred to the House Calendar.

Mr. HOWARD: Committee on Public Works and Transportation. H.R. 3576. A bill to designate a Federal building in Cincinnati, Ohio, as the "John Weld Peck Federal Building" with an amendment (Rept. No. 98-362). Referred to the House Calendar.

Mr. HOWARD: Committee on Public Works and Transportation. H.R. 1551. A bill to name the Federal building to be constructed in Savannah, Ga., as the "Juliette Gordon Low Federal Building" (Rept. No. 98-363). Referred to the House Calendar.

Mr. HOWARD: Committee on Public Works and Transportation. H.R. 1748. A bill to name the building to be constructed in Lufkin, Tex., and leased to the United States as the "Colonel Homer Garrison, Jr.,

Federal Building" (Rept. No. 98-364). Referred to the House Calendar.

Mr. HOWARD: Committee on Public Works and Transportation. H.R. 3090. A bill to designate the Federal building at Fourth and Ferry Streets, Lafayette, Ind., as the "Charles A. Halleck Federal Building" (Rept. No. 98-365). Referred to the House Calendar.

Mr. HOWARD: Committee on Public Works and Transportation. H.R. 3303. A bill to designate the Federal building in Fort Myers, Fla., as the "George W. Whitehurst Federal Court Building" (Rept. No. 98-366). Referred to the House Calendar.

Mr. HOWARD: Committee on Public Works and Transportation. H.R. 3238. A bill to designate the U.S. Post Office Building in Flushing, N.Y., as the "Benjamin S. Rosenthal Post Office Building" (Rept. No. 98-367). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ROSTENKOWSKI (for himself, Mr. CONABLE, and Mr. FORD of Tennessee):

H.R. 3929. A bill to extend the Federal Supplemental Compensation Act of 1982, and for other purposes; to the Committee on Ways and Means.

By Mr. CLAY (for himself and Mr. ERLENBORN):

H.R. 3930. A bill to amend the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1954 to improve the single-employer pension plan termination insurance program, and for other purposes; jointly, to the Committee on Education and Labor and Ways and Means.

By Mr. DANNEMEYER:

H.R. 3931. A bill to require annual authorizations for amounts appropriated for the Smithsonian Institution; to the Committee on House Administration.

By Mr. FAUNTROY:

H.R. 3932. A bill to amend the District of Columbia Self-Governmental Reorganization Act, and for other purposes; to the Committee on the District of Columbia.

By Mr. FISH:

H.R. 3933. A bill to amend title 11, United States Code, with respect to forward contracts; to the Committee on the Judiciary.

By Mr. LEHMAN of California:

H.R. 3934. A bill to amend the National Housing Act to extend the authority of the Secretary of Housing and Urban Development to enter into contracts to provide assistance payments and mortgage insurance under the homeownership assistance program for lower income families; to the Committee on Banking, Finance and Urban Affairs.

By Mr. LONG of Maryland:

H.R. 3935. A bill to restore benefits and allowances under the Job Training Partnership Act to the level payable under the Comprehensive Employment and Training Act; to the Committee on Education and Labor.

By Mr. McCLOSKEY:

H.R. 3936. A bill to prohibit new loans to be made to Communist countries, and to provide for the purchase by the United States of outstanding loans to such countries; to the Committee on Banking, Finance and Urban Affairs.

By Mr. MOORHEAD:

H.R. 3937. A bill to direct the President to provide for the award of the Purple Heart to prisoners of war held during World War I, World War II, and the Korean conflict under the same criteria applicable to prisoners of war held during the Vietnam era; to the Committee on Armed Services.

By Mr. PARRIS:

H.R. 3938. A bill to provide for a 6.9-percent pay comparability increase for Federal officers and employees, effective as of January 1, 1984; to the Committee on Post Office and Civil Service.

By Mr. LOTT (for himself, Mr. FISH, Mr. QUILLEN, Mr. BROYHILL, Mr. KINDNESS, Mr. KEMP, Mr. CHENEY, Mr. MARTIN of North Carolina, Mr. EDWARDS of Alabama, Mr. VANDER JAGT, Mr. LAGOMARSINO, Mr. LATTA, Mr. TAYLOR, Mr. LEWIS of California, Mr. HYDE, Mr. PASHAYAN, Mr. THOMAS of California, and Mr. COLEMAN of Missouri):

H.R. 3939. A bill to amend title 5, United States Code, and the Rules of the House of Representatives and the Senate to make regulations more cost effective, to insure review of rules, to improve regulatory planning and management, to provide for periodic review of regulations, and to enhance public participation in and congressional oversight and control of the regulatory process, and for other purposes; jointly, to the Committees on the Judiciary and Rules.

By Mr. RUDD:

H.R. 3940. A bill to authorize a land conveyance from the Department of Agriculture to Payson, Ariz.; to the Committee on Interior and Insular Affairs.

By Mr. WAXMAN:

H.R. 3941. A bill to amend title XIX of the Social Security Act to prohibit the charging of copayments with respect to prescribed drugs under State medicaid plans; to the Committee on Energy and Commerce.

By Mr. ZABLOCKI (for himself, Mr. BROOMFIELD, Mr. WRIGHT, Mr. FOLEY, Mr. MICHEL, Mr. LOTT, Mr. KEMP, Mr. FASCELL, Mr. HAMILTON, Mr. SOLARZ, Mr. MICA, Mr. BARNES, Mr. CROCKETT, Mr. GEJDENSON, Mr. LANTOS, Mr. SMITH of Florida, Mr. BERMAN, Mr. REID, Mr. FEIGHAN, Mr. WINN, Mr. GILMAN, Mr. LAGOMARSINO, Mr. PRITCHARD, Mr. LEACH of Iowa, Mr. HYDE, Mr. SOLOMON, Mr. SILJANDER, and Mr. ZSCHAU):

H.J. Res. 364. Joint resolution providing statutory authorization under the war powers resolution for continued U.S. participation in the multinational peacekeeping forces in Lebanon in order to obtain withdrawal of all foreign forces from Lebanon; to the Committee on Foreign Affairs.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

261. By the SPEAKER: Memorial of the Legislature of the U.S. Commonwealth of the Northern Mariana Islands, relative to nonvoting representation in the House of Representatives; to the Committee on Interior and Insular Affairs.

262. Also, memorial of the Legislature of the State of California, relative to water rights of areas of origin; to the Committee on Interior and Insular Affairs.

263. Also, memorial of the Legislature of the State of California relative to the American Telephone & Telegraph Co. divestiture rulings; to the Committee on Energy and Commerce.

264. Also, memorial of the Legislature of the State of California, relative to Executive Order 9066; to the Committee on the Judiciary.

265. Also, memorial of the Legislature of the State of California, relative to the U.S. Merchant Marine; to the Committee on Merchant Marine and Fisheries.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 375: Mr. GAYDOS and Mr. BRITT.

H.R. 433: Mrs. SCHROEDER.

H.R. 1016: Mr. FORD of Michigan.

H.R. 1197: Mr. SISISKY, Mr. PORTER, Mr. PANETTA, Mr. EMERSON, and Mr. ROBINSON.

H.R. 1415: Mr. FUQUA, Mr. WEBER, Mr. MORRISON of Washington, Mr. ROEMER, Mr. SPRATT, Mr. RAY, Mr. CROCKETT, and Mr. MCCOLLUM.

H.R. 1905: Mr. CAMPBELL, Mr. SEIBERLING, Mr. GINGRICH, Mr. TALLON, Mr. GEKAS, and Mr. WISE.

H.R. 1918: Mr. SMITH of Florida, Mr. KASTENMEIER, Mr. DAUB, Mr. MURPHY, Mr. TOWNS, and Mr. VANDERGRIFF.

H.R. 1942: Mr. GEJDENSON and Mr. ROE.

H.R. 2086: Mr. GEKAS.

H.R. 2226: Mr. WOLF.

H.R. 2352: Mr. MARRIOTT, Mrs. COLLINS, Mr. MARTINEZ, and Mrs. KENNELLY.

H.R. 2468: Mrs. SMITH of Nebraska.

H.R. 2837: Mr. STANGELAND and Mr. ROBINSON.

H.R. 2871: Mr. FAZIO.

H.R. 2911: Mr. EMERSON, Mr. DERRICK, Mr. RAHALL, Mr. NIELSON of Utah, Mr. MOLLOHAN, and Mr. WILLIAMS of Montana.

H.R. 2916: Mr. RINALDO and Mr. LEWIS of Florida.

H.R. 2929: Mr. RUDD.

H.R. 3045: Mr. BOUCHER.

H.R. 3072: Mr. TORRICELLI.

H.R. 3265: Mr. MITCHELL, Mr. DE LUGO, Mr. STOKES, and Mr. FAZIO.

H.R. 3273: Mr. DANIEL.

H.R. 3325: Mr. BERMAN.

H.R. 3350: Mr. WISE.

H.R. 3354: Mr. LAGOMARSINO, Mr. COUGHLIN, Mr. GORE, Mr. GUNDERSON, Mr. FRANK, Mr. HARTNETT, Mr. GINGRICH, Mr. PETRI, and Mr. PARRIS.

H.R. 3405: Mr. FOGLIETTA, Mr. FRANK, Mr. HARRISON, Mr. CORRADA, Mr. FROST, Mr. BOXER, Mr. SMITH of Florida, Mr. WON PAT, Mr. RATCHFORD, Mr. LELAND, Mr. LANTOS, Mr. TOWNS, and Mr. VENTO.

H.R. 3591: Mr. FOGLIETTA.

H.R. 3616: Mr. BROWN of California, Mr. DWYER of New Jersey, Mr. CORRADA, Mr. MORRISON of Connecticut, Mr. CONYERS, Mr. REID, Mr. FISH, Mr. CLINGER, Mr. WEAVER, Mr. PENNY, Mr. CORCORAN, Mr. VENTO, Mr. SCHEUER, Mr. YATES, Mr. MINETA, Mr. RICHARDSON, Mr. ECKART, Mr. MCNULTY, Mr. LEVIN of Michigan, and Mr. LAFALCE.

H.R. 3635: Mr. RAHALL and Mrs. ROUKEMA.

H.R. 3681: Mr. LATTA, Mr. WILEY, Mr. BEILENSON, and Mr. KINDNESS.

H.R. 3697: Mr. WEISS.

H.R. 3755: Mr. SHANNON, Mr. JACOBS, Mr. MATSUI, Mr. ANTHONY, Mr. ROYBAL, Mr. WRIGHT, Mr. CONTE, Mr. SHUMWAY, Mr. SYNAR, Mr. OBERSTAR, Mr. VENTO, Mr. SISISKY, Mr. CLARKE, Mr. MACKAY, Mr. MOLLO-

HAN, Mr. RAHALL, Ms. OAKAR, Mr. FORD, of Tennessee, and Mr. PEPPER.

H.R. 3870: Mrs. ROUKEMA.

H.J. Res. 176: Mr. GEJDENSON, Mr. BERMAN, Mr. FEIGHAN, Mr. DIXON, Mr. WIRTH, Mr. KOGOVSEK, Mr. COLEMAN of Missouri, Mr. BOUCHER, Mr. DUNCAN, and Ms. SNOWE.

H.J. Res. 239: Mr. HERTEL of Michigan, Ms. MIKULSKI, Mr. OTTINGER, Mr. SKELTON, Mr. FRENZEL, Mrs. BURTON of California, Mr. ANTHONY, Mr. HOYER, Mr. WAXMAN, Mr. WIRTH, Mrs. COLLINS, Mr. KOGOVSEK, Mr. RICHARDSON, Mr. CLAY, and Mr. CORCORAN.

H.J. Res. 240: Mr. BARNES.

H.J. Res. 241: Mr. BARNES.

H.J. Res. 284: Mr. ROE, Mr. BROWN of California, Mr. WALKER, Mr. SCHEUER, Mr. HARKIN, Mr. GREGG, Mrs. LLOYD, Mr. MCGRATH, Mr. WALGREN, Mr. SKEEN, Mrs. SCHNEIDER, Mr. GORE, Mr. LOWERY of California, Mr. YOUNG of Missouri, Mr. CHANDLER, Mr. BATEMAN, Mr. NELSON of Florida, Mr. BOEHLERT, Mr. LUNDINE, Mr. MCCANDLESS, Mr. RALPH M. HALL, Mr. LEWIS of Florida, Mr. MCCURDY, Mr. DYMALLY, Mr. SIMON, Mr. MINETA, Mr. DURBIN, Mr. ANDREWS of Texas, Mr. MACKAY, Mr. VALENTINE, Mr. REID, Mr. TORRICELLI, Mr. BOUCHER, Mr. MCDADE, Mr. MICHEL, Mr. FLIPPO, Mr. DASCHLE, Mr. MARTINEZ, Mr. JENKINS, Mr. WATKINS, Mr. UDALL, Mr. MCEWEN, Mr. STENHOLM, Mr. WILSON, Mr. WHITLEY, Mr. GREEN, Mr. RICHARDSON, Mr. PEPPER, Mr. PANETTA, Mr. BEDELL, Mr. MCKINNEY, Mr. DE LUGO, Mr. HYDE, Mr. TALLON, Mr. KASICH, Mrs. HOLT, Mr. HORTON, Mr. HUGHES, Mr. WON PAT, Mr. NIELSON of Utah, Mr. SABO, Mr. YOUNG of Alaska, Mr. BARNARD, Mr. HUTTO, Mr. COATS, Mr. BERMAN, Mr. WHITEHURST, Mr. CROCKETT, Mr. BARTLETT, Mr. WYDEN, Mr. CORRADA, Mr. NEAL, Mr. SUNIA, Mr. LELAND, Mr. BOLAND, Ms. FIEDLER, Mr. DWYER of New Jersey, Mr. HANSEN of Idaho, Mr. PATTERSON, Mrs. BOXER, Mr. CHAPPELL, Mr. BEVILL, Mr. GINGRICH, Mr. FOWLER, Mr. WOLPE, Mr. GRAMM, Ms. FERRARO, Mr. GAYDOS, Mr. FIELDS, Mr. FOGLIETTA, Mr. FAZIO, Mr. FEIGHAN, Mr. DICKS, Mr. GUARINI, Mr. BROOKS, Mr. EVANS of Iowa, Mr. DANIEL, Mr. PASHAYAN, Ms. OAKAR, Mr. O'BRIEN, Mr. MAVROULES, Mr. MATSUI, Mr. MARRIOTT, Mr. KEMP, Mr. LAGOMARSINO, Mr. FORSYTHE, Mr. WORTLEY, Mr. KILDEE, Mr. DEWINE, Mr. WOLF, Mr. HOYER, Mr. BARNES, Mr. FORD of Tennessee, Ms. MIKULSKI, Mr. EVANS of Illinois, Mr. SMITH of Florida, Mr. VANDERGRIFF, Mr. STOKES, Mr. MYERS, Mr. BONER of Tennessee, Mr. THOMAS of California, Mr. MOORHEAD, Mr. LIPINSKI, Mr. TRAXLER, Mr. RATCHFORD, Mr. SKELTON, Mr. MCNULTY, Mr. LEWIS of California, Mr. STANGELAND, Mr. LANTOS, Mr. HEFTEL of Hawaii, Mr. ORTIZ, Mr. LEVINE of California, Mr. FRENZEL, Mr. KAZEN, Mr. DREIER of California, Mr. VENTO, Mr. KRAMER, Mr. WAXMAN, Mr. MORRISON of Washington, Mr. LIVINGSTON, Mr. FROST, Mr. CORCORAN, Mr. WIRTH, Mr. RINALDO, Mr. ARCHER, Mr. FISH, Mrs. MARTIN of Illinois, Mr. SHELBY, Mr. EDGAR, Mr. WHITTAKER, Mr. BRITT, Mr. BILIRAKIS, Mr. MCHUGH, Mr. DE LA GARZA, Mr. ADDABBO, Mr. WHEAT, Mr. GEKAS, Ms. SNOWE, Mr. WEISS, Mr. MCCOLLUM, Mr. BADHAM, Mr. BERMAN, Mr. BEREUTER, Mr. OWENS, Mr. HAMMERSCHMIDT, Mr. HATCHER, Mr. GEPHARDT, Mr. HAWKINS, Mr. BREAUX, Mr. CONYERS, Mr. CHAPPIE, Mr. HARRISON, Mr. SAM B. HALL, JR., Mr. CLAY, Mr. HANSEN of Utah, Mr. LONG of Maryland, Mr. EMERSON, Mr. SISISKY, and Mr. SHUMWAY.

H.J. Res. 292: Mr. LENT, Mr. GARCIA, Mr. KOSTMAYER, Mr. HALL of Ohio, Mr. GRADISON, Mr. IRELAND, Mr. BROYHILL, Mr. BEILENSON, Mrs. MARTIN of Illinois, Mr. MAZZOLI, Mr. LEVIN of Michigan, Mr. STOKES, Ms. FERRARO, Mr. ARCHER, Mr. DICKS, Mr. LAGOMARSINO, Mr. HOWARD, Mr. HAWKINS, Mr. FRANK, Mr. MCDADE, Mr. CONABLE, Mr. CONYERS, Mr. TRAXLER, Mr. THOMAS of California, Mr. HARRISON, Mr. FLORIO, Mr. BEVILL, and Mr. SHELBY.

H.J. Res. 333: Mr. HUGHES, Mr. FORSYTHE, Mrs. BOXER, Mr. FRANK, Mr. MINETA, Mr. DASCHLE, Mr. DYMALLY, Mr. FAZIO, Mr. CONYERS, Mr. OWENS, Mr. VANDERGRIFF, Mr. STOKES, Mr. FISH, Mr. FOGLIETTA, and Mr. HORTON.

H.J. Res. 336: Mr. WEAVER, Mr. UDALL, Mr. ROBERT F. SMITH, Mr. DYMALLY, Mr. DASCHLE, Mr. DIXON, Mr. DANIEL, Mr. LOEFFLER, Mr. WINN, Mr. WYDEN, Mr. VANDERGRIFF, Mr. MCNULTY, Mr. STUMP, Mr. SUNIA, Mr. WON PAT, Mr. BONIOR of Michigan, Mr. YOUNG of Missouri, Mr. HUTTO, Mr. BEVILL, Mr. DENNY SMITH, Mr. STENHOLM, Mr. MORRISON of Washington, Mr. DWYER of New Jersey, Mr. LEWIS of California, Mr. HANCE, Mr. TALLON, Mr. SOLOMON, Mr. HORTON, Mr. WHITTAKER, Mr. MAVROULES, Mr. OBERSTAR, Mr. ROE, Mr. FRENZEL, Mr. TORRICELLI, Mr. MADIGAN, Mr. PATTERSON, Mr. BEDELL, Mr. NEAL, Mr. BARNARD, Mr. LUKEN, Mr. GORE, Mr. FISH, Mr. ROEMER, Mr. MOORE, Mr. BREAUX, Mrs. BOGGS, Mr. LONG of Louisiana, Mr. ZSCHAU, Mr. MCCURDY, Mr. WAXMAN, Mr. OXLEY, Mr. FAZIO, Mr. JEFFORDS, Mr. GRAMM, Mr. RALPH M. HALL, Mr. WILSON, Mr. EDGAR, Mr. BRYANT, Mr. DERRICK, Mr. DOWDY of Mississippi, Mr. FASCELL, Mr. NATCHER, Mr. HAMMERSCHMIDT, Mr. LAGOMARSINO, Mr. HIGHTOWER, Mr. CHAPPELL, and Mr. DE LA GARZA.

H.J. Res. 348: Mr. VENTO and Mr. STOKES.

H. Con. Res. 142: Mr. CHAPPIE.

H. Con. Res. 156: Mrs. BOXER, Mr. COYNE, Mr. FOGLIETTA, Mr. LELAND, Mr. NEAL, Mr. ECKART, Mr. FORSYTHE, Mr. KOGOVSEK, Mr. COURTER, Mr. LEHMAN of Florida, Mr. FRANK, Ms. FERRARO, Mr. HORTON, Mr. MRAZEK, Mr. WAXMAN, Mr. LEVINE of California, Mr. FASCELL, Mr. LAFALCE, Mr. MITCHELL, Mr. BARNES, Mr. CONYERS, Mr. HUGHES, Mr. WILLIAMS of Montana, Mr. OLIN, Ms. KAPTUR, Mr. EVANS of Illinois, Mr. MCNULTY, Mr. TALLON, and Mr. BEDELL.

H. Res. 191: Mr. FOGLIETTA.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

232. By the SPEAKER: Petition of the De Witt County Taxpayers League, Yoakum, Tex., relative to national defense; to the Committee on Armed Services.

233. Also, petition of Raymon Ramos, Jr., et al., relative to political dissenters in the Philippines; to the Committee on Foreign Affairs.

234. Also, petition of the Board of Supervisors, County of Los Angeles, Calif., relative to the Soviet Union's attack on the Korean Air Lines passenger airplane; to the Committee on Foreign Affairs.

235. Also, petition of the Common Council of the City of Utica, N.Y., relative to shooting down of the South Korean airliner; to the Committee on Foreign Affairs.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 1036

By Mr. SOLOMON:

—Page 45, after line 24, insert the following new subsection:

"(i) The Secretary shall insure that each individual participating in any program established under this Act, or receiving any assistance or benefit under this Act, has not violated section 3 of the Military Selective Service Act (50 U.S.C. App. 453) by not presenting and submitting to registration as required pursuant to such section. The Director of the Selective Service System shall cooperate with the Secretary in carrying out this section."

H.R. 2144

By Mr. SIMON:

(Amendment in the nature of a substitute.)

—Strike all after the enacting clause and insert in lieu thereof the following:

That this Act may be cited as the "Challenge Grant Amendments of 1983".

SEC. 2. Part C of title III of the Higher Education Act of 1965 (hereinafter in this Act referred to as "the Act") is amended by adding after section 332 the following new section:

"ENDOWMENT GRANTS

"SEC. 333. (a)(1) The purpose of this section is to establish a program to provide matching grants to eligible institutions of higher education in order to establish or increase endowment funds at such institutions, to provide additional incentives to promote fundraising activities by such institutions, and to foster increased independence and self-sufficiency at such institutions.

"(2) For purposes of this section:

"(A) The term 'endowment fund' means a fund established by State law, by an institution of higher education, or by a foundation which is exempt from taxation and is maintained for the purpose of generating income for the support of the institution, but which shall not include real estate.

"(B) The term 'endowment fund corpus' means an amount equal to the grant or grants awarded under this section plus an amount equal to such grant or grants provided by the institution.

"(C) The term 'endowment fund income' means an amount equal to the total value of the endowment fund established under this section minus the endowment fund corpus.

"(b)(1) From sums available for this section under section 347, the Secretary is authorized to award endowment grants to eligible institutions of higher education to establish or increase an endowment fund at such institution. Such grants shall be made only to eligible institutions described in paragraph (4) whose applications have been approved pursuant to subsection (g).

"(2) No institution shall receive a grant under this section, unless such institution has deposited in its endowment fund established under this section an amount equal to the amount of such grant. The source of funds for this institutional match shall not include Federal funds or funds from an existing endowment fund.

"(3)(A) The period of a grant under this section shall be not more than 20 years.

"(B) During the grant period, an institution may not withdraw or expend any of the endowment fund corpus.

"(C) After the termination of the grant period, an institution may use the endow-

ment fund corpus plus any endowment fund income for any educational purpose.

"(4)(A) An institution of higher education is eligible to receive a grant under this section if it is an eligible institution as described in section 331(a)(1) (A) or (B).

"(B) No institution shall be ineligible for an endowment grant for a fiscal year by reason of the previous receipt of such a grant but no institution shall be eligible to receive such a grant for more than two fiscal years out of any period of five consecutive fiscal years.

"(5) An endowment grant under this section to an eligible institution year shall—

"(A) not be less than $50,000 for any fiscal year; and

"(B) not be more than (i) $250,000 for fiscal year 1984; or (ii) $500,000 for fiscal year 1985 or any succeeding fiscal year.

"(6)(A) An eligible institution may designate a foundation, which was established for the purpose of raising money for the institution, as the recipient of the grant awarded under this section.

"(B) The Secretary shall not award a grant to a foundation on behalf of an institution unless—

"(i) the institution assures the Secretary that the foundation is legally authorized to receive the endowment fund corpus and is legally authorized to administer the fund in accordance with this section and any implementing regulations;

"(ii) the foundation agrees to administer the fund in accordance with the requirements of this section and any implementing regulation; and

"(iii) the institution agrees to be liable for any violation by the foundation of the provisions of this section and any implementing regulations, including any monetary liability that may arise as a result of such violation.

"(c)(1) An institution awarded a grant under this section shall enter into an agreement with the Secretary containing satisfactory assurances that it will (A) immediately comply with the matching requirements of subsection (b)(2), (B) establish an endowment fund independent of any other such fund of the institution, (C) invest the endowment fund corpus, and (D) meet the other requirements of this section.

"(2)(A) An institution shall invest the endowment fund corpus and endowment fund income in low risk securities in which a regulated insurance company may invest under the law of the State in which the institution is located such as a federally insured bank savings account or comparable interest bearing account, certificate of deposit, money market fund, mutual fund, or obligations of the United States.

"(B) The institution, in investing the endowment fund established under this section, shall exercise the judgment and care, under the circumstances then prevailing, which a person of prudence, discretion, and intelligence would exercise in the management of his own affairs.

"(3)(A) An institution may withdraw and expend the endowment fund income to defray any expenses necessary to the operation of such college, including expenses of operations and maintenance, administration, academic and support personnel, construction and renovation, community and student services programs, and technical assistance.

"(B)(1) Except as provided in clause (ii), an institution may not spend more than 50 per centum of the total aggregate endowment fund income earned prior to the time of expenditure.

"(ii) The Secretary may permit an institution to spend more than 50 per centum of the endowment fund income notwithstanding clause (i) if the institution demonstrates such an expenditure is necessary because of (I) a financial emergency, such as a pending insolvency or temporary liquidity problem; (II) a life-threatening situation occasioned by a natural disaster or arson; or (III) another unusual occurrence or exigent circumstance.

"(d)(1) If at any time an institution withdraws part of the endowment fund corpus, it shall repay to the Secretary an amount equal to 50 per centum of the withdrawn amount, which represents the Federal share, plus income earned thereon. The Secretary may use such repaid funds to make additional endowment grants, or to increase existing endowment grants, to other eligible institutions.

"(2) If an institution expends more of the endowment fund income than is permitted under subsection (c), the grantee shall repay the Secretary an amount equal to 50 per centum of the amount improperly expended (representing the Federal share thereof). The Secretary may use such repaid fund to make additional endowment grants, or to increase existing endowment grants, to other eligible institutions.

"(e) An institution receiving a grant under this section shall provide to the Secretary (or his designee) such information (or access thereto) as may be necessary to audit or examine expenditures made from the endowment fund corpus or income in order to determine compliance with this section.

"(f) In selecting eligible institutions for grants under this section for any fiscal year, the Secretary shall—

"(1) give priority to an applicant which is a recipient of a grant made under part A or B of this title during the academic year in which the applicant is applying for a grant under this section; and

"(2) give priority to an applicant with a greater need for such a grant, based on the current market value of the applicant's existing endowment in relation to the number of full-time equivalent students enrolled at such institution;

"(3) consider—

"(A) the effort made by the applicant to build or maintain its existing endowment fund; and

"(B) the degree to which an applicant proposes to match the grant with nongovernmental funds.

"(g) Any institution which is eligible for assistance under this section may submit to the Secretary a grant application at such time, in such form, and containing such information as the Secretary may prescribe. Subject to the availability of appropriations to carry out this section and consistent with the requirement of subsection (f), the Secretary may approve an application for a grant if an institution, in its application, provides adequate assurances that it will comply with the requirements of this section.

"(h)(1) After notice and an opportunity for a hearing, the Secretary may terminate and recover a grant awarded under this section if the grantee institution—

"(A) expends portions of the endowment fund corpus or expends more than the permissible amount of the endowment funds income as prescribed in subsection (c)(3);

"(B) fails to invest the endowment fund in accordance with the investment standards set forth in subsection (c)(2); or

"(C) fails to properly account to the Secretary concerning the investment and expenditures of the endowment funds.

"(2) If the Secretary terminates a grant under paragraph (1), the grantee shall return to the Secretary an amount equal to the sum of the original grant or grants under this section plus income earned thereon. The Secretary may use such repaid funds to make additional endowment grants, or to increase existing endowment grants, to other eligible institutions.".

SEC. 3. Section 347 of the Act is amended—

(1) by inserting after the period at the end of subsection (a)(2) the following: "Of the amount appropriated for such part for fiscal year 1984, 20 per centum shall be available for grants under section 333 of such part, and of the amount appropriated for such part for fiscal year 1985, 100 per centum shall be available for grants under such section"; and

(2) by adding at the end thereof the following new subsection:

"(f) For each fiscal year, the Secretary may reserve from the appropriation for part B not more than an amount equal to the aggregate amount grantees receiving grants under part B would contribute under section 324 to the cost of the grants in that fiscal year, assuming the grant amounts remain the same as those received in the prior fiscal year, and may use those funds to award grants to eligible institutions under section 333. In reserving and awarding such funds, the Secretary shall assure that funds that would have been reserved under part B for the institutions described in subsection (c) or (e) shall continue to be set aside under section 333 for those institutions.".

SEC. 4. (a) Section 516(c) of the Omnibus Education Reconciliation Act of 1981 is amended by striking out paragraph (1) and inserting in lieu thereof the following:

"(1) The total amount of appropriations to carry out title III of the Higher Education Act of 1965 shall not exceed $134,416,000 for fiscal year 1984.".

(b) Section 503 of such Act is amended by striking out "1982, 1983, and 1984" and inserting in lieu thereof "1982 and 1983 and $159,700,000 for fiscal year 1984".

(c) Notwithstanding section 516(g) of such Act, there are authorized to be appropriated such sums as may be necessary to carry out parts A and B of title VII of the Higher Education Act of 1965.

(d) Subsections (a)(2), (b) and (c) of section 721 of the Higher Education Act of 1965 shall not apply to funds appropriated by Public Law 98-63 for part B of title VII of the Higher Education Act of 1965. Such funds shall be used in accordance with section 713(g) of such Act and distributed in accordance with the statement of the managers pertaining to the appropriation of such funds, as contained in the conference report on Public Law 98-63 (H. Rep. 98-308, p. 53).

SENATE—*Tuesday, September 20, 1983*

(Legislative day of Monday, September 19, 1983)

The Senate met at 11 a.m., on the expiration of the recess, and was called to order by the President pro tempore (Mr. THURMOND).

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray.

If any of you lack wisdom, let him ask of God, that giveth to all liberally, and upbraideth not; and it shall be given him. But let him ask in faith.—James 1 :5, 6, KJV.

God of all wisdom, when the discussion and debate are finalized, when everything that can be said has been, the time for decision has come, and the buck stops with Congress and the White House. Many have made loud noises, but they are free from this awesome responsibility. They can criticize and complain, but they do not have to decide. And dear God, the destiny of the whole world often rides on these decisions.

Father in Heaven, in these critical hours, when the world could explode in a conflagration, guide the Senators and the President as they face this monumental burden. In the loneliness of decision, reassure them that Thou art willing to lead them through the tangled web of confusing and contradictory alternatives to a righteous judgment. In the name of the Prince of Peace, we pray. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

Mr. BAKER. I thank the Chair.

SENATE SCHEDULE

Mr. BAKER. Mr. President, when the Senate completes its opening formalities today and the time for the recognition of the two leaders has expired and the special order and morning business, at 11:45 a.m., we shall return to the Interior appropriations bill. I am advised by the distinguished chairman of the subcommittee that he thinks we can finish this bill today. We made good progress yesterday. If my memory serves me, we disposed of 17 amendments and a number of colloquies. We are probably more than halfway through. The major controversies on this measure apparently will not be submitted. I am speaking primarily of the WPPSS issue. In a word, I would like to finish this bill today if we can, Mr. President, and I think we can.

It will be the intention of the leadership on this side to ask the Senate to turn to the consideration of the revenue sharing reauthorization bill after the completion of the Interior appropriations bill. I have advised the minority leader of this in private conversations before the opening and it has been on our list of things that might be brought up for sometime. I hope no Senator is taken by surprise by this announcement. I believe they should not be. We do not have a time agreement on that bill yet but we should have, in my opinion. I hope staff on both sides of the aisle will work to that end.

In any event, it is the wish of the leadership on this side that the Senate turn to the consideration of the reauthorization as soon as we finish Interior appropriations. I assume that will be on Wednesday. It could be this afternoon, depending on how fast Interior appropriations is completed.

After revenue sharing reauthorization, Mr. President, it is the hope of the leadership on this side that we shall turn to the consideration of one of the three bills from the Foreign Relations Committee or related to foreign policy matters. That is, State Department authorization or Export-Import Bank, which is from the Banking Committee but international in character, and the foreign assistance authorization bill—one of those three—this week. I have talked to the distinguished chairman of the Committee on Foreign Relations this morning. I have not yet had an opportunity to talk to Senator GARN, who is chairman of the Banking Committee, but I hope one of these will be taken up.

My own personal choice would be to take up the State authorization bill, since it is one of the line agencies that does not yet have an authorization bill addressed by the Senate. Whatever we do in that respect I hope we can do by the close of business on Thursday or perhaps earlier. It is the intention of the leadership on this side to ask the Senate to turn to the consideration of the Martin Luther King, Jr., holiday bill on Thursday afternoon or on Friday, depending on when we finish the State Department authorization or whichever of those three bills we decide to go to. I have previously indicated that bill will be taken up this week and it is my intention to do so.

As I said at the beginning of this week, this will be a full week. We shall certainly be in on Friday, Mr. President. Depending on circumstances, there is at least some possibility that it may be necessary to have a Saturday session. I do not think so but I wish Senators would at least take account of that possibility simply because there are 16 days left, counting Saturdays—I repeat, counting Saturdays—before the October 7 break.

That means there are only 14 working days left if we do not count Saturdays. So we have a good bit to do in the ordinary course of events, to say nothing of a continuing resolution and a debt limit bill, perhaps, and appropriations bills as they are available, and other matters that I have discussed with the minority leader, such as authorization bills, some of which I have mentioned this morning. And, of course, Mr. President, there is the possibility of taking up a resolution relating to the status of American personnel in the Middle East.

I do not know that we shall reach that. Under the statute, it is not necessary that we reach it before we go out on the 7th, but it is my view that if we can work out an accommodation on a bipartisan basis and with the President, we ought to do promptly whatever we are going to do. If we cannot work it out, we shall find a mutually convenient way to address the issue under the terms of the War Powers Act.

The clock is running on that act by reason of the introduction of two resolutions—certainly one, the Mathias resolution. But I reiterate, Mr. President, if it is possible to work this thing out, I would like to do it promptly, sooner rather than later.

I shall consult with the minority leader further on that matter of scheduling. I bring this matter up only to point out that, in addition to the regular work we have to do, it might be severely increased by the necessity to deal with the resolution of the War Powers Act even before we go out. While there is a time limitation of 3 calendar days on such resolution, it would still be a major part of the 16 days remaining to us, or maybe 14 days if we are not in on Saturdays.

Mr. President, these rambling remarks are to sort of set the stage for our agenda between now and the 7th of October. It is the intention of the leadership on this side to ask the Senate to go out on the 7th of Octo-

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

ber. Members have made plans and, absent an extraordinary national emergency or such compelling reasons that we could not do otherwise, it is the firm intention of the leadership to ask the Senate to adjourn on the 7th of October for the 10 days in which both the House and Senate are scheduled not to be in session.

In brief résumé, Mr. President, I hope we finish the Interior appropriations bill today, to be followed by revenue-sharing reauthorization, to be followed by State authorization for one of the foreign operations-type bills, one of the other two, to be followed by the Martin Luther King, Jr., holiday bill, and such other matters as may be cleared on both sides to deal with.

The Senate will be in session 5 full days this week, with some possibility of a Saturday session, which I do not now predict but which I wish to warn Senators about. I will have a further announcement, Mr. President, about the schedule for next week after the matter is a little clearer.

Mr. President, I am prepared now to yield my remaining time to the minority leader.

Mr. President, if I might impose on the time of the minority leader for one further question. Last evening we had a folder of so-called wrap-up material. Would the minority leader be in a position to do those things after his standing order time today as the first item of business in morning business, or during leader time, if he wishes?

Mr. BYRD. Mr. President, in response to the majority leader, I had a few remarks to make, but they will not consume the 10 minutes that I am entitled to under the order, so we can do those during that 10-minute period.

Mr. BAKER. I thank the minority leader. If there is any time remaining, I urge that we do the wrap-up as soon as we can.

Mr. President, may I recapture enough time to yield to the distinguished Senator from Mississippi?

Mr. STENNIS. Mr. President, I appreciate the accommodation of the leader.

The PRESIDENT pro tempore. The Senator may proceed.

THE WAR POWERS RESOLUTION

Mr. STENNIS. Mr. President, I am here at this moment primarily concerning what we are going to do about the War Powers Act. I am not trying to demand or insist on any particular thing being done right now, as tragic as the world affairs likely are. But we are in disagreement. We must work together some way, if at all possible; that being the legislative and the executive branch.

I have been interested in this for many years, since the Vietnamese war, particularly. I think that we make a great mistake if we sidetrack that now, as urgent as these other matters are.

Mr. BAKER. I agree with the Senator.

Mr. STENNIS. I am glad to see the concern of the majority leader and I know the Senator from West Virginia is concerned, also.

I have no full answer. I am not advocating that we just pull out of Lebanon. But I think there is something fundamental about this problem and I think we should find a way to understand each other, the executive and the legislative, within a ground of machinery of action when it becomes necessary.

So I want to encourage the leaders to continue to grapple with this matter.

I have some brief remarks prepared about it, but I will not go into it further now. But the problem is No. 1 of all of our affairs concerning a war and the possibility of a war and policy questions.

Mr. BAKER. Mr. President, I thank the Senator. I read a newspaper account this morning recounting the early words of caution and concern expressed by the Senator from Mississippi on the War Powers Act and about the general situation of the relationship with the Congress and the President in terms of international policy and national defense. He has been a leader in this field and a clear thinker for longer than I have been in the Senate and I commend him for it.

Let me take just 30 seconds, if I may, so I do not unduly impose upon the miniority leader's time, to express my view.

Mr. President, my first duty is to my country. My second duty is to the Senate. My third duty is to see, if possible, that there is a functional arrangement between the President and the Congress to address effectively the great issues that confront us. It is in the second and third category that I am now trying to discharge an obligation.

The concern I have, Mr. President, is that we find some way to express what I believe is a substantial support within the Congress and within the country for American action in the Middle East without infringing on the authority, either constitutional or statutory, of the Congress and without diminishing the authority and responsibility of the President of the United States.

That is not an easy job, but I am persuaded that there is a possibility we can work that out. I have communicated directly with the President on this subject, with the Secretary of State, with the President's National Security Adviser, with the minority leader, with representatives of the Speaker, Congressman MICHEL, Senator PERCY, and Congressman ZABLOCKI. I tried to sample opinions from many sources to try to put together some sort of a vehicle to avoid technicalities and get down to the issue.

I would report to the Senate and to my friend from Mississippi that I have found absolute good faith and cooperation among everyone of those people. I told the minority leader yesterday that if and as there is a resolution produced that I think has a chance of going, I intend to submit it to him because he and I must work together if possible in this body to see that we discharge our responsibilities.

So that while I have no answers, as the Senator from Mississippi indicates he has no answers, I wish to assure him that I believe I recognize the urgent need involved, to report that negotiations are underway, and that I am hopeful that a combination and not a confrontation can be arrived at.

Mr. STENNIS. I thank the majority leader. I am glad to hear this report, which I think is encouraging. I thank the Senator very much.

ORDER OF PROCEDURE

Mr. BAKER. Mr. President, I apologize to the minority leader for taking this additional time, perhaps out of his time, and I ask unanimous consent that if I have encroached on his time, it be restored to him under the standing order.

The PRESIDENT pro tempore. Without objection, it is so ordered.

RECOGNITION OF THE MINORITY LEADER

The PRESIDENT pro tempore. The minority leader is recognized.

Mr. BYRD. Mr. President, I thank the majority leader for his characteristic courtesy. I think I will require the full 10 minutes and perhaps more, but little more, if at all. I will try to avoid that. So do I have 10 minutes, Mr. President?

The PRESIDENT pro tempore. Yes. The minority leader is correct.

Mr. BYRD. I thank the distinguished Presiding Officer, the President pro tempore of the Senate.

CONGRESS AND FOREIGN POLICY

Mr. BYRD. Mr. President, I am becoming increasingly concerned over what appears to be an escalation of attacks by administration spokesmen regarding the role of Congress in the conduct of foreign policy.

These attacks imply that the Congress does not have any role in the fashioning of our policies as they relate to the rest of the world or to decisions which may place the lives of American servicemen on the line. These statements, far from seeking bipartisan cooperation in the area of foreign policy, are directed at exclu-

sion of the Congress from its constitutionally mandated role.

Just a few days ago, the third highest ranking official in the Pentagon, Mr. Fred C. Ikle—I hope I am not mispronouncing his name—delivered what I considered one of the most inappropriate and bellicose attacks on the Congress that I have ever witnessed in my 31 years as an elected official representing my constituents from West Virginia on Capitol Hill.

Mr. Ikle claimed that the Congress was, according to newspapers, crippling the President's military assistance program in latin America and that this would cause the United States to be locked into a protracted failure in that region. Mr. Ikle claimed that the Congress was tying the President's hands and denying to the President the means to succeed in that region. Mr. Ikle further stated that the American people should not tolerate Congress. He claimed further that the legislative actions of the Congress would enable the promoters of totalitarianism and totalitarian-Leninist forces to operate in Latin America from safe havens that would be protected by the U.S. Congress.

I think that is simply outrageous. That is outrageous, Mr. President.

These are extreme statements and an uncalled-for attack upon the integrity of the Congress which ignore the role that Congress must play in fashioning reasonable and enduring policies regarding our global obligations. And in his attack on Congress he was not distinguishing between Democrats and Republicans. The Congress is made up of Republicans and Democrats. When he attacks the Congress, he attacks both Republicans and Democrats, many of whom, if not most of whom, are certainly as zealous as I am in guarding the constitutional prerogatives of the Congress in matters affecting war and peace.

What it worse is that is appears Mr. Ikle's remarks might not have been the untempered, isolated, or off-the-cuff observations of a minor administration official. The New York Times on September 12, 1983, reported that unnamed senior administration officials viewed the speech by Mr. Ikle as the kickoff of an intense campaign to get congressional support for its military assistance request for Latin America.

The Times reported an unnamed administration official as stating the administration had had it with opposition in the Congress—they have had it with opposition in the Congress—and that the administration was fed up with their interference, meaning the Congress.

I would like to set the record straight on the congressional role as it relates to Central America.

Only recently has the Congress refused to approve the full amount of administration security assistance requests for Central America. In fiscal year 1981, Congress approved everything asked for. In fiscal year 1982, Congress approved everything except $35 million in military assistance to El Salvador over the initial request. This was defeated not as a result of the Central America debate but because the whole security supplement failed. Also in fiscal year 1982, Congress allocated $75 million in supplemental ESF under the Caribbean Basin Initiative rather than the full request of $128 million for El Salvador, but the total package of money for Central America was approved. It should be noted that this passed the Congress only over the President's veto. In fiscal year 1983, the Congress has approved the entire ESF request of the President for Central America. It has only balked at the sharply increased level of military aid for El Salvador. Congress approved $86.3 million in military aid instead of the $136 million requested.

Many Members of the Congress on both sides of the aisle have expressed their opposition to any expansion of the number of U.S. advisers in El Salvador beyond 55. But surely Congress has the right and the duty to hold and express such views.

The ceiling of 55 advisers is not now a congressionally imposed limit. It is the limit the administration itself adopted in 1981. Certainly if that limit were to be lifted, many Members of the Congress, including the members of the President's own party, would be critical of such an action. But that is because the President told us our direct military involvement in El Salvador would be limited, that 55 advisers were enough to do the job, and now members of his administration complain about the limit. That only indicates that their estimates of success may have been exaggerated.

Finally, the administration has sent over 100 U.S. military trainers to train Salvadoran troops in Honduras as a way of circumventing the 55-adviser limit. It has done this despite the Senate Foreign Relations Committee's explicit request that such training not be done in Third World countries lest those countries be drawn into the maelstrom of the Salvadoran war.

Radio Marti has been passed by both Houses of Congress. It was delayed not because of any congressional opposition to having radio broadcasts to Cuba but because Congress had serious reservations about the method of broadcasting that the administration was proposing. When the administration agreed to reach a compromise on that issue, the Senate passed the measure immediately.

In short, what the administration seems to be objecting to is the very fact of congressional criticism, of participation in debate on U.S. policy toward Central America. But that is the price of democracy. It is simply not true that the Congress has tied the President's hands in Central America.

I, Mr. President, repeatedly have said that I want a bipartisan foreign policy. However, a decision by the executive branch, if that is the case, to attack the Congress is not a serious way to go about forging such a bipartisan consensus. This is why I am hopeful that that speech and reports of it representing a change in the administration's methods of dealing with the Congress are an isolated incident.

I ask unanimous consent, Mr. President, to insert into the RECORD the New York Times article to which I have alluded.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

PENTAGON GETS TOUGH ON LATIN POLICY

(By Philip Taubman)

WASHINGTON, Sept. 11.—The Reagan Administration, despite the objections of some top State Department officials, has decided to go on the attack against Congressional opposition to its Central America policy, according to senior Administration officials.

The new stance, which represents a break with past efforts to reach an accommodation with Congress on Central America, is scheduled to be outlined in a policy speech on Monday by the Under Secretary of Defense for Policy, Fred C. Iklé, the third ranking official in the Pentagon.

The tone of the speech, which Mr. Iklé is to deliver to the Baltimore Council on Foreign Affairs, includes some of the harshest criticism of Congress by the Reagan Administration on this or any other foreign policy issue, Administration officials said. They said it was endorsed last week by White House aides over the opposition of some State Department experts on Latin America. An advance text was made available by a foreign policy adviser involved in its preparation.

It says, in part, "As long as Congress keeps crippling the President's military assistance program, we will have a policy always shy of success." It also says: "The President's policy for Central America has not been given a chance to work, Congress has denied the President the means to succeed."

"AN ARSENAL FOR INSURGENCY"

In addition, the speech offers the clearest statement to date by the Administration on United States opposition to the Nicaraguan Government.

"We must prevent consolidation of a Sandinista regime in Nicaragua that would become an arsenal for insurgency," the text says. "If we cannot prevent that, we have to anticipate the partition of Central America. Such a development would then force us to man a new military front line of the East-West conflict, right here on our continent."

Senior Administration officials said the speech will be the kickoff for an intense Administration campaign this fall to fight for increases in security assistance to El Salvador and Honduras and against a cutoff in American support for Nicaraguan rebels.

Congress has not completed action on a series of requests for supplemental security assistance for El Salvador and Honduras for the current fiscal year, but the Senate and

House committees involved have approved less than half of the $110 million in extra money asked for El Salvador. The House voted last month to end support for Nicaraguan rebels.

"WE'RE FED UP"

"We've had it with the opposition in Congress," a senior Administration official said today. "We're fed up with their interference on one hand and their lack of support on the other and we intend to fight for what we think is a minimum American commitment in the region."

The decision to go on the attack, which was reportedly supported by Defense Secretary Caspar W. Weinberger, William P. Clark, the White House national security adviser, and William J. Casey, the Director of Central Intelligence, appears to end a protracted debate within the Administration about how best to deal with Congress on Central America.

The State Department has advocated using a conciliatory posture to try to negotiate compromises with Congress on security assistance and support for Nicaraguan rebels.

This tactic was openly ridiculed by Defense Department officials, including Mr. Iklé, who argued that the best way to handle Congress was to hold out for the Administration's goals and make Congress take responsibility if American policy failed.

Administration officials see the coming fight as a crossroads for American policy in Central America. They are particularly concerned that a failure to obtain continued financing for Nicaraguan rebels in the 1984 fiscal year, which begins next month, will lead to a serious setback for United States interests in the region. The Administration has requested $50 million to finance rebel activities in fiscal 1984.

The House, which has voted to cut off financing for the Nicaraguan rebels in fiscal 1983, is not expected to approve any money for the operation in budget bills for 1984. The Republican-controlled Senate, which has not supported last month's House cutoff, is likely to vote to extend the financing, forcing the two houses to resolve the issue when the budget legislation comes up for compromise negotiations between the House and Senate.

The text of Mr. Iklé's speech warns that a failure to extend financing could allow Nicaragua to become a "second Cuba" that would pose a direct military threat to its neighbors. In a direct slap at the House vote to cut off money for the rebels, the text says, "The House, in effect, voted to establish a sanctuary for the Sandinistas." It goes on to charge that a failure by Congress to continue financing for the rebels would be tantamount to creating "safe havens" for terrorist and insurgent attacks.

J. LYNN HELMS' STATEMENT TO INTERNATIONAL CIVIL AVIATION ORGANIZATION COUNCIL

Mr. BYRD. Mr. President, during last week's extraordinary session of the International Civil Aviation Organization Council on the Korean Air Lines tragedy, U.S. Delegate J. Lynn Helms of the Federal Aviation Agency delivered an excellent statement to the Council. Mr. Helms brought to bear his own experience in civil aviation in his remarks, and I find them to be commendably firm and decisive.

I asked that a member of the Senate Democratic Policy Committee staff attend those meetings. He did attend them, and I think certainly made a fine contribution to the discussion.

I ask unanimous consent that Mr. Helms' statement appear in the RECORD at this point.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF FAA ADMINISTRATOR J. LYNN HELMS BEFORE THE EXTRAORDINARY SESSION OF THE COUNCIL OF THE INTERNATIONAL CIVIL AVIATION ORGANIZATION (ICAO)

Mr. President, Distinguished Members of Council, I need not repeat the outrage expressed at the highest levels of my Government at the interception and destruction by Soviet military aircraft of Korean Airlines Flight No. 007. We have expressed our deepest sympathy to the families of the 269 passengers and crew aboard that ill-fated aircraft who were killed in this incident. As we know, from sad experience, the attack on KAL 007 was not the first time that a civilian passenger airliner has been intercepted and destroyed. This Soviet action constitutes a grave threat to the safety of the international civil aviation system requiring urgent remedial measures.

The civilized world cannot permit this type of incident to recur. This extraordinary session of the ICAO Council must take action to initiate an investigation of this incident, condemn those responsible, and clearly reaffirm that such use of force against civil aircraft is prohibited.

Mr. President, I need not remind this distinguished audience of aviation experts that a previous incident involving a Soviet interception of a Korean Airlines Boeing 707 in 1978 prompted ICAO to revise its material in Annex 2 governing the interception of civil aircraft.

This latest event and the apparent repudiation by the U.S.S.R. of internationally accepted legal and humanitarian norms for dealing with civil aircraft has shattered the confidence in the safety and security of air travel that this new guidance, in effect only two years, was designed to restore. We deplore the failure of the Soviet Union in its official statements to acknowledge the paramount importance of the safety and lives of passengers and crew when dealing with a civil aircraft in or near its territorial airspace. The Soviet Union has told the world that it would take the same action again. The International civil aviation community must categorically reject the appalling threat of similar action in future instances.

The world must insist that the Soviet Union offer a formal apology, provide full and complete information regarding this incident, comply with its obligation under international law to make appropriate compensation, and give credible guarantees to refrain from similar action in the future. Elementary considerations of humanity dictate that the Soviet Union assist the bereaved families to visit the site of the incident and to return the bodies of the victims and their belongings promptly.

Such threats can only further weaken the international community's confidence in the safety of flight. We have a right to expect the Soviet Union to join in an endeavor to ensure that such a tragic incident never occurs again. In this regard, the United States is prepared to join with other members of this Council in putting forward a resolution which we believe could make a constructive contribution to preventing such use of force against civilian aviation in the future. We believe that the Soviet Union should be strongly condemned for this senseless and irresponsible violation of international law which resulted in the destruction of a civil aircraft—an action that is an established fact. An investigation must be conducted. The Air Navigation Commission should study ways to facilitate coordination between civilian and military aircraft and their respective air traffic control systems.

As one of the founders of the International Civil Aviation Organization, the United States looks to this organization as the recognized international forum for promoting the safe and orderly growth of civil aviation. Under the umbrella of ICAO's rules and procedures, civil aviation has become a singularly important factor in international commerce, tourism and other kinds of travel. More than 750 million passengers travelled to their international destinations in 1982. Each of the 151 members of ICAO has agreed to respect certain principles and obligations, as codified in the Convention on International Civil Aviation of 1944 and its annexes, to facilitate this travel.

The Soviet Union must, as an ICAO member, also respect these principles and obligations. It is clear to my delegation that the Soviet Union not only failed to carry out its responsibilities with regard to KAL 007 but failed in a consistent and comprehensive fashion. Let us look at the record in detail.

PRINCIPLES AND OBLIGATIONS UNDER THE CONVENTION ON INTERNATIONAL CIVIL AVIATION AND ITS ANNEXES

The countries that have joined together as parties to the Convention have agreed that the safety of flight in international air navigation is of the highest priority. To this end, States have agreed, in the exercise of their sovereignty, to work together to foster the safety of civil aircraft traversing national boundaries. It is upon this foundation that the International Civil Aviation Organization was built and it is with this basic premise in mind that the nations of the world have carried out their good work under ICAO auspices. We have recognized the unique vulnerability of the people aboard aircraft engaged in international air navigation and, have promised to conduct our activities as sovereign states accordingly. It has been and continues to be unthinkable that a commercial airliner in time of peace should operate under threat of being shot out of the sky. The world community has labelled this type of behavior from private individuals and organizations as terrorist action. For an ICAO member state to take such action against airliners which stray into their airspace, and to assert their intent to do again sets an ominous example and fundamentally inimal to the aims and objectives of the Convention.

INTERNATIONALLY AGREED UPON INTERCEPT PROCEDURES

The ICAO countries have agreed that they will "have due regard for the safety of navigation of civil aircraft" when issuing regulations for their military aircraft. It is self-evident that intercepts of civil aircraft by military aircraft must be governed by this paramount concern.

The international community has rejected deadly assault on a civil airliner by a military aircraft in time of peace as totally unacceptable. It violates not only the basic principles set forth in the Convention, but

also the fundamental norms of international law enshrined in the Charter of the United Nations and established firmly in the practice of the civilized world. This is clear from the statements and actions of States in response to each time this event has occurred in the past several decades. One example, if I may refresh the memories of my distinguished colleagues, is the position of the Soviet Union when this Council examined an incident involving the interception of a Libyan airliner in 1973. On that occasion the Soviet Union was "convinced that ICAO could not remain aloof" from such a "barbaric act".

The Soviet representative insisted that ICAO, as a specialized agency of the United Nations pledged to the promotion of air safety in all parts of the world, must strongly condemn that act, in accordance with the principles embodied in the Convention on International Civil Aviation and other international legal instruments. The Soviet Union also joined in a unanimous Assembly resolution calling for an investigation of the incident.

As a result of the deplorable attack of a KAL airliner by the USSR in 1978, the ICAO Council, on April 1, 1981, approved new and expanded material for Annex 2 on the interception of civil aircraft. This was a direct effort to ensure that such an act would not recur. The USSR was represented on the Air Navigation Commission and the ICAO Council at the time, and assisted in the preparation of these new guidelines.

The U.S.S.R.'s Airman's Information Publication (AIP) indicates that ICAO intercept signals are to be used by the U.S.S.R. Specifically, the U.S.S.R. AIP states that, at night, a military aircraft will signal the fact that it is intercepting another aircraft by:

1. "Rocking wings from a position in front and normally to the left of the intercepted aircraft", and

2. "Flashing navigational and, if available, landing lights at irregular intervals."

The U.S.S.R. AIP also contains the following:

"An aircraft which is intercepted by another aircraft shall immediately:

"(c) Attempt to establish audiocommunications with the intercepting aircraft or with the appropriate intercept control unit, making a general call on the emergency frequency 121.5 MHz and repeating this call on the emergency frequency 243 MHz, if practicable . . ."

The evidence that we have indicates the U.S.S.R. fighters did not use these intercept signals before destroying KAL 007. It is clear from communications that KAL 007 was unaware that it was being intercepted. We do not know, if the Korean airliner chose to broadcast on 121.5 MHz, that the appropriate U.S.S.R. intercept control unit has that frequency capability or, if so, was using it.

TREATMENT OF CIVIL AIRCRAFT IN PROHIBITED AREAS

States reserve the right under article 9 to restrict or prohibit operations of foreign aircraft over certain areas of their territory for reasons of military necessity or public safety. These prohibited areas must be of "reasonable extent and location so as not to interfere unnecessarily with air navigation." Further, Article 9(c) contemplates that the remedial measure for aircraft entering a prohibited area is a requirement to land within the territory of the state in which the prohibited area is located. By its actions and words, the Soviet Union has declared the right to guard its prohibited areas by the destruction of civil aircraft, even those which have left or are about to leave its airspace. Such actions clearly go far beyond the rights of States contemplated in Article 9, or reflected elsewhere in international law.

THE OBLIGATION TO ASSIST

A commercial airliner found to be flying off course should not be presumed to be hostile. It is likely that such an aircraft is lost and in need of assistance. Under Article 25 of the Convention, each ICAO state has promised "to provide such measures of assistance to aircraft in distress in its territory as it may find practicable, and to permit, subject to control by its own authorities, the owners of the aircraft or authorities of the State in which the aircraft is registered to provide such measures of assistance as may be necessitated by the circumstances."

This obligation to assist is a reaffirmation of basic principles of humanitarian behavior and is also a recognition on the part of the international community that civil aircraft are uniquely vulnerable and should, accordingly, regardless of nationality, be helped when the situation calls for help. From the statements made, it appears that the Soviet Union tracked the straying airliner for at least two hours. Then, apparently without adequate warning and without any known attempt to assist the aircraft back onto its course, the Soviet Union fired on the airliner and its 269 occupants. This action was precisely the opposite of what the Chicago Convention seeks to ensure.

OBLIGATION TO FACILITATE SEARCH AND RESCUE

The precise location of the remains of KAL 007 as of this date is not certain. However, we do know that the airliner went down in either Soviet territorial waters or in that portion of the high seas contained in the Flight Information Region (FIR) around Yuzhno-Sakhalinsk. The U.S.S.R. is assigned responsibility for this FIR under the ICAO regional air navigation plan and has accepted responsibility under annex 12 to provide search and rescue services in this area.

As an ICAO member state, the U.S.S.R. is also obliged to immediately acknowledge receipt of requests by other states to enter Soviet territory for search and rescue purposes. Further the U.S.S.R. has agreed to permit and facilitate, in accordance with such conditions as it may impose, entry into its territory by rescue units from other states for the purpose of searching for the site of an aircraft accident and rescuing any survivors of that accident. To date, the U.S.S.R. has refused to permit search and rescue units from other countries to enter Soviet territorial waters to search for the remains of KAL 007. Moreover, the Soviet Union has blocked access to the likely crash site and has refused to cooperate with other interested parties to ensure prompt recovery of all technical equipment, wreckage, and other material that may facilitate and expedite completion of an investigation.

OBLIGATION TO INVESTIGATE

The Soviet Union destroyed KAL 007 in the early morning hours of September 1. Despite widespread demands on the part of the international community for a confirmation and an explanation, the Soviet Union refused to even acknowledge its action for almost an entire week. Yet the destruction of an aircraft that was engaged in international air navigation has multinational ramifications and is of utmost international concern. Each member of ICAO has agreed under article 26 of the convention to institute an investigation into the circumstances of an aircraft accident occurring in its territory. The international community defines an accident as an occurrence involving an aircraft resulting in death or serious injury. The country in which the accident occurs also has the obligation under the treaty to invite the state of registry to attend the inquiry as an observer. It is self-evident that the Soviet destruction of the Korean airliner has international ramifications. The aircraft was registered in Korea and operated by a Korean air carrier. The aircraft, a Boeing 747, was manufactured in the United States. Two hundred sixty-nine citizens of thirteen countries were on board. The safety of all civil aircraft of countless nations that fly in or near the Soviet Union has been placed in extreme jeopardy. The Soviet Union owes the entire world an accounting as to how and why such an unthinkable event occurred.

NORTH PACIFIC COMPOSITE ROUTE SYSTEM

KAL 007 was flight planned on designated route R20 in the north Pacific composite route system (NOPAC) when for some reason it strayed off course. NOPAC was developed and implemented by the United States and Japan using accepted domestic and international procedures according to annex 11. Since the route is largely in international airspace it was coordinated using normal ICAO procedures for amendment of the regional air navigation plans. All interested states were asked for comments on the route system, including the U.S.S.R. The U.S.S.R. had no objection. On the contrary, during a meeting convened in Montreal November 12–13, 1981, the U.S.S.R. acknowledged R20 and agreed to "provide separation, in accordance with applicable ICAO provisions, between aircraft under their control and the airspace to be protected in respect of ATS routes NOPAC 2/R 20 (proposed), i.e., the airspace bounded by a line 50nm north of the route centre line, and without any coordination of information on or restrictions to flights assigned to operate thereon." By this agreement, the U.S.S.R. acknowledged the existence of R20 and the relatively less precise nature of navigation used on long, over water flights.

RADIO COMMUNICATIONS ON THE EMERGENCY FREQUENCY

Requirements in annex 10 indicate that KAL 007 should have been monitoring 121.5. Was there any attempt by the U.S.S.R. to contact KAL 007? (The United States can find no evidence of such attempts.) If so, what are the details and what is the evidence?

There are many unknowns involved in this tragic occurrence. We do not know, for example, what caused the aircraft to stray off-coursed. Some of these questions may never be answered. Some may be resolved by a technical investigation. It cannot, however, be denied that there is no answer to any of these questions that could possibly justify, under international legal and humanitarian norms, the wanton destruction of KAL 007.

U.S. RESPECT FOR ICAO

In contrast to the procedures employed by the Soviet Union in the KAL incident, the United States and other ICAO members do not use deadly force against off-course civilian airlines of other countries. The U.S.S.R has alleged in its communication to the president of ICAO that "Soviet civil air crews always comply religiously with the international standards and regulations of

ICAO when engaged in international flights." This Soviet claim is not supported by the facts. Soviet airliners have strayed from their assigned paths and over flown sensitive U.S. military installations. I have here in my hand a detailed list of Aeroflot violations in U.S. airspace, showing the date and the aircraft. Our response to these violations has been to assist the offending aircraft back to its assigned flight path, to lodge formal protests through diplomatic channels with the Soviet authorities, and apply an appropriate penalty—the suspension of Aeroflot services for a reasonable period of time. We certainly have never shot such an aircraft down.

The United States has firmly supported measures to prevent the unjustified use of force against civil aviation operations. We have actively worked to institute procedures to reduce threats from terrorists. Likewise, we have joined ICAO in responding to downing of civil aircraft in 1973 and again in 1978.

The perpetrators of this most recent tragedy have attempted to downplay their action by alleging that they were victims of a provocation. They have suggested that their military forces may have mistaken the Korean airliner for an American reconnaissance aircraft. My government has acknowledged that a RC-135 aircraft was conducting a routine reconnaissance mission in international air space off the Kamchatka Peninsula to monitor compliance with the SALT treaties. There was no connection between the RC-135 mission and the KAL flight.

The closest point of approach of the two aircraft was 75 nm. At the moment of actual interception of KAL 007, the RC-135 had been at its base in Alaska for more than an hour. Thus it is absurd to suggest that the RC 135 was there to monitor the KAL flight, or that the planes flew together for ten minutes. This group of aviation experts knows well that the silhoutte of the RC-135 is different from that of the Boeing 747, you must also share our conclusion that no military pilot using accepted intercept procedures, could fail to recognize the Boeing 747 with its distinctive features.

A majority of the members of the United Nations Security Council supported a full investigation into the circumstances of this tragedy. But a veto by the Soviet Union prevented adoption of this resolution.

This extraordinary session of the council has the most important duty of reaffirming the principles on which civil aviation has developed in an orderly and safe manner over the past four decades. We cannot shirk that responsibility. To preserve and protect those principles we must condemn this violation. We must also, through an impartial investigation, establish as clear a record as we can of the relevant facts. Each of ICAO's 151 members has subscribed to promoting a system of safe and secure international civil aviation. We can strengthen that system by taking steps to repudiate that violation and prevent recurrences. Unless we do so, we will have failed to meet our obligation to international civil aviation.

I call on this council to ensure that the "spirit of the Chicago convention" endures. That spirit requires that violators be warned, and the travelling public assured, that transgressions against the international norms of civil aviation will not be tolerated. Our success in making the airlines safe from such threat of force will be an important contribution to international peace and security. In that task, the United States is pleased to join our colleagues.

CHRONOLOGY OF REPORTED HOSTILITIES IN LEBANON

Mr. BYRD. Mr. President, in order that we may all have a clear picture of the situation in Lebanon as it has been developing during the past few weeks and in particular as it has affected the U.S. Armed Forces, I ask unanimous consent that there be printed in the RECORD at this point a chronology of some of the more significant reports of events in which our troops have been involved in that country beginning on August 28, 1983, and continuing until the present time.

There being no objection, the material was ordered to be printed in the RECORD as follows:

CHRONOLOGY

August 28, 1983.—Marines in Lebanon in fire fight at Beirut Airport for first time. "United States Marines fought a 90-minute battle with militiamen thought to be Shiite Moslems, a Marine spokesman said. There were no Marine casualties." (N.Y. Times, August 29, 1983)

August 29, 1983.—2 Marines killed in Lebanon and 14 others are wounded as Beirut fighting spreads. "Two American marines were killed and 14 wounded this morning as fierce fighting between the Lebanese Army and Moslem militiamen turned this city into an arena of exploding shells, machine-gun fire and snipers' bullets." (N.Y. Times, August 30, 1983)

August 30, 1983.—New battles rage in Beirut; 4 in France's force killed; marines again in fire fight. "Late this afternoon, American marines came under attack at all three of the positions they maintain near Beirut International Airport and were returning fire, a Marine spokesman said." (N.Y. Times, August 31, 1983)

September 1, 1983.—U.S. positioning 2,000 marines off Beirut coast. "President Reagan today ordered a 2,000-member Marine force into the Mediterranean to position itself off Beirut so 'that all necessary measures' could be taken to 'assure the safety' of the 1,370 marines already on shore." (N.Y. Times, September 2, 1983)

September 4, 1983.—Militias in Beirut battle for land vacated by Israel. "Heavy fighting erupted in the mountains overlooking the Lebanese capital today as Christian and Druse militias scrambled for positions evacuated hours earlier by Israeli troops pulling back from the Beirut area." (N.Y. Times, September 5, 1983)

September 6, 1983.—Fierce battles continue around Beirut's airport: 2 more U.S. marines killed and 3 wounded. ". . . Other Druse groups battled Lebanese Army soldiers south of the capital after two United States marines were killed and three wounded at dawn when rockets, mortars and artillery shells landed in an around the Marine base at Beirut International Airport." (N.Y. Times, September 7, 1983)

September 7, 1983.—2 French soldiers killed as shells pound on Beirut. ". . . Tonight United States Marine positions near Beirut International Airport came under artillery fire, and the marines responded with six 155-millimeter artillery rounds." (N.Y. Times, September 8, 1983)

September 8, 1983.—U.S. Navy enters Lebanon fighting shelling hill site. "A United States warship shelled an artillery emplacement in hills southeast of this capital today after gunners, presumed to be Druse militiamen, had fired at American Marine positions at the Beirut International Airport." (N.Y. Times, September 9, 1983)

September 11, 1983.—Druse militiamen battering troops of Lebanese Army. ". . . shells landed near the United States marine peacekeeping contingent deployed by Beirut International Airport, and the marines went into their highest state of alert." (N.Y. Times, September 12, 1983)

September 12, 1983.—3 marines injured in mortar attack at Beirut airport. "A new contingent of 2,000 United States marines arrived off the coast of Lebanon today. Hours later, three more marines ashore were wounded when their positions at the Beirut airport came under renewed shellfire." (N.Y. Times, September 13, 1983)

September 13, 1983.—Reagan to let marines give some aid to Lebanese Army and European Peace Forces. "The Reagan Administration announced today that the Marines in Lebanon were now authorized to call on American naval and air power not only to defend themselves but also to aid other Western forces and the Lebanese Army in certain circumstances." (N.Y. Times, September 14, 1983)

September 17, 1983.—U.S. warships fire on Lebanon area held by Syrians. "Two American Naval vessels bombarded artillery positions belonging to anti-Government forces deep inside Syrian-controlled areas of Lebanon today. The Syrians responded by saying they would retaliate against American forces if their positions were attacked." (N.Y. Times, September 18, 1983)

September 19, 1983.—U.S. warships fire in direct support of Lebanese Army. "Two United States Navy ships off Beirut fired dozens of shells today in support of Lebanese Army units defending the town of Suk al Gharb on a ridge overlooking Beirut. It was the first direct military support of the Lebanese Army by United States forces." (N.Y. Times, September 20, 1983)

Mr. BYRD. Mr. President, I also ask unanimous consent to have printed in the RECORD two items from the New York Times. The first is an article which appeared in the Saturday, September 17, issue, by Hedrick Smith, entitled "War Powers Dispute." The second is an article which appeared in Monday's edition, by Anthony Lewis, entitled "Flouting the Law."

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the New York Times, Sept. 17, 1983]

WAR POWERS DISPUTE

(By Hedrick Smith)

WASHINGTON, September 16.—The political stalemate over keeping American marines in Lebanon springs from a determined effort by Congressional leaders to establish an important legal precedent that President Reagan wants to avoid.

There's almost perfect unanimity on policy and the mission of the marines," said one White House official. "It's all a question of institutional pride, but it has big foreign policy implications."

Congressional leaders, and even many of President Reagan's frequent critics in Congress, concede that there is general agreement on the substance of policy but they insist that in the present case form is at least as important as substance.

From the legislature's perspective, the fundamental issue is whether Congress will

be accepted by President Reagan as a partner in the decision to put American troops into combat situations overseas or, as in this case, in the decision to keep them there once hostilities develop.

WHITE HOUSE VIEW

From the perspective of the White House, the basic issue is whether the President will be allowed enough flexibility in the use of American troops or whether Congress will dangerously tie his hands in ways that foreign adversaries can exploit.

The immediate legal issue concerns the War Powers Resolution of 1973 and whether, under its provisions, the President is required to seek Congressional authority to extend the Marine Corps presence in Lebanon. That act grew out of Congressional frustration over the longer American military involvement in the Vietnam War without any explicit war vote by Congress.

But historically, the dispute has roots in what some see as a Constitutional ambiguity that makes the President the Commander in Chief of the armed forces but which also gives Congress the power "to declare war" and "to raise armies." The constitutionally divided war powers have many times before in American history seen the executive and legislative branches jealously guarding prerogatives and reluctant to cede any portion of its share of the war power to the other.

"There are few issues of greater importance than the issue confronting us—the balance of powers between the legislative and executive branches," Robert C. Byrd, the Senate minority leader, told the Senate in debate Thursday. "This issue is bigger than political parties, bigger than personalities, bigger than any particular office of the United States."

THREAT TO POWERS OF CONGRESS

More concretely, Congressional Democrats joined by many Republicans contend that if they do not now force President Reagan to seek their concurrence, it will be a dangerous precedent, diminishing the powers of Congress.

"If we don't trigger the War Powers Act now, it will be a precedent that will make that legislation a dead letter," said Representative Stephen J. Solarz, a Brooklyn Democrat. "What is at stake here is the ability of Congress to exercise any control over the dispatch of American forces into combat situations."

The White House fears the opposite danger. If the President too openly accepts the basic premise of the War Powers Resolution, officials say, he will lose flexibility and be left naked to foreign military pressures in such delicate situations as Lebanon today.

A GUN TO OUR OWN HEAD

Specificially, the White House concern in centered on those sections of the War Powers Resolution that Congress wants to use that require the President to report to Congress in case American forces are involved in hostilities or face imminent hostilities and also require him to withdraw the troops within 60 days unless Congress explicitly extends their stay.

"What that means," said one White House official, "is that some foreign party, merely by shooting at your troops, can force you to withdraw them within 60 days if Congress fails to act, and there are lots of ways in which Congress can fail to act. If that's true, then we've put a gun to our own head in a whole host of difficult negotiating situations abroad."

After days of fairly cautious maneuvering, the debate sharpened when Senate Democrats demanded on Thursday that President Reagan explicitly accept the War Powers Resolution by sending Congress a message that invokes its provisions and seeks Congressional authority to keep the marines in Lebanon. The White House balked.

To try to force the President's hand, Senate Democrats introduced their own resolution to trigger the 60-day time limit in the War Powers Resolution. If the resolution is passed, it could technically force the withdrawal of the Marine force within 60 days, but it is currently being held in committee.

The Speaker of the House, Representative Thomas P. O'Neill Jr., has been trying a softer sell, hoping to lure the President into a political bargain by offering to endorse Administration policy and authorizing the marines to stay in Beirut another 18 months. Mr. O'Neill has not demanded that President Reagan take the initiative.

HOUSE DEMOCRATS' RESOLUTION

Instead, House Democrats drafted their own joint resolution, replete with references to key provisions of the War Power Resolution that would score constitutional points for Congress in their view once the President signed it.

This resolution would give the President much of what he wants. It would authorize the use of offshore air and naval firepower to protect the peace-keeping force in Lebanon and would let the marines stay in Lebanon indefinitely if there were a cease-fire.

But if there were hostilities after 18 months, this resolution would require another report from the President to Congress and another Congressional vote to extend their stay.

So far the Administration has refused to accept that and there are reports of internal divisions. White House negotiators led by James A. Baker 3d, the Chief of Staff, and Secretary of State George P. Shultz are said to favor striking a compromise with Congress. But the Secretary of Defense, Caspar W. Weinberger, and William P. Clark, the national security adviser, and Justice Department lawyers have taken a tougher stand.

Many Republicans as well as Democrats believe the Administration so badly needs Congressional support that the President will have to give some ground. If so, the consensus here is that Congress will have affected the balance of power on the delicate issue of war and peace and the gray situations in between.

The exchange between the White House and Mr. Byrd introduced a new note of contentiousness into the delicate negotiations to achieve some form of legislative authorization for the troops that met the institutional demands of Congress and the White House.

Mr. Byrd and other Democrats, as well as some Republicans, feel that the requirement for Congressional approval came into effect last month when the first of our four marines was killed in shelling by Syrian-backed Druse militiamen outside Beirut.

THE WHITE HOUSE VIEW

The White House argues that despite the onset of more violence, there is no requirement under the War Powers Resolution that Mr. Reagan seek Congressional approval to keep about 1,300 marines committed to the multinational force in Lebanon.

Because both sides agree with the principle that the Marines should be there, a battle has emerged over institutional prerogatives and constitutional questions.

Today the White House seemed to be trying to sweep aside the complicated questions of prerogatives and assert that, in general, requirements for Congressional authorization for the troops damage American interests in the Middle East.

Meanwhile, negotiations continued today between the White House and Senate leaders on compromise language in a possible Congressional resolution backing the use of the troops.

Mr. Reagan seemed to signal today what White House aides had said before, that the Administration would be able to accept some form of resolution as long as it did not embody the idea that the troops were in Lebanon under Congressional authorization.

Asked by a reporter in the Oval Office whether he could "live with" some sort of war powers resolution, Mr. Reagan said, "I am sure I can." Asked to be more specific, he said, "I can't get into that while it's being discussed."

He was apparently alluding to the talks on Capitol Hill today involving James A. Baker 3d, the White House chief of staff, as well as Senator Byrd and Senator Howard H. Baker Jr., the Tennessee Republican who is the Senate majority leader.

Mr. Reagan's comments came at a picture-taking session in the Oval Office before a meeting with supporters of tuition tax credits.

NO PROGRESS REPORTED

The meeting with Senator Baker, Senator Byrd and Mr. Baker of the White House broke up this evening with no apparent progress in achieving a compromise.

Aides indicated that Senator Byrd was still insisting that the President acknowledge that the troops' presence in Lebanon is subject to Congressional approval.

An aide to Senator Baker said the Senator was "tired of shoveling smoke" and getting bogged down in a battle of prerogatives, and would try to break the impasse by introducing his own version of a compromise on Monday.

There were few details tonight of that compromise, which the Baker aide said would be drafted over the weekend. The aide said Senator Baker wanted to "precipitate Senate action" by coming up with a resolution simply authorizing the President to continue to keep the troops in Lebanon for a period of time.

THE ZABLOCKI APPROACH

This has been basically the approach of Democrats in the House of Representatives led by Representative Clement J. Zablocki, the Wisconsin Democrat who is chairman of the Foreign Affairs Committee. Mr. Zablocki favors a resolution that would permit the troops to remain in Lebanon for up to 18 months.

The White House has objected even to Mr. Zablocki's approach because it would make explicit reference to the legitimacy of the War Powers Resolution's requirement that the President have Congressional approval to keep the troops there.

It is not clear tonight whether Senator Baker's proposal would have the same features, which would presumably also make it objectionable to the White House.

At the center of the struggle between the White House and the Congress are interpretations of a 1973 statute that says the President must notify Congress when American troops face a combat situation, and must then withdraw the troops within 60 days

unless Congress authorizes them to remain. The 60-day period can be extended by 30 days.

The White House official, in addressing the consequences of requiring Congressional approval for the presence of the Marines, emphasized that he was not trying to "impugn the motives of Congress."

[From the New York Times, Sept. 19, 1983]

FLOUTING THE LAW

(By Anthony Lewis)

BOSTON, September 18.—In the growing struggle between Congress and the White House over the War Powers Resolution, few have noticed a curious and important fact. President Reagan has so far offered no defense—not in fact, not in law—for his failure to follow the rules in Lebanon.

He and his aides have produced no legal brief or other document justifying their refusal to comply with the resolution. And the reason is simple: They have none. There is talk in the newspapers, for example, to the effect that Congress is demanding something "unconstitutional"; but we have seen no Opinion of the Attorney General reaching that conclusion. And the Administration in another instance has conceded Congress's authority in the Lebanese situation.

The War Powers Resolution was passed by Congress over President Nixon's veto in 1973. Its central provisions trigger certain consequences when "United States forces are introduced into hostilities."

Are U.S. forces in Lebanon involved in "hostilities" today? It is hard to make a serious argument that they are not when 4 marines have been killed and another 25 wounded, when U.S. Navy ships offshore are firing into the hills of Lebanon, when the official reason for shooting has been expanded far beyond "self-defense" in its usual meaning.

On the facts, then, the War Powers Resolution applies. What about the law? Is there some constitutional or other way for the Administration to escape the demand for compliance?

The resolution gives Congress two ways to limit the Presidential use of the armed forces. First, it says that the President "shall terminate" their use 90 days after "hostilities" trigger the act unless Congress has authorized him to carry on. Second, it provides that Congress may at any time direct the President to withdraw forces by passing a form of resolution that does not require Presidential approval.

The second of those provisions was effectively held unconstitutional by the Supreme Court in June in the legislative veto case. The Court said that Congress had to act in such matters through regular legislation, subject to a President's veto.

But the first war powers provision is a very different matter, legally. It simply sets a time limit on what a President may do with the armed forces until he has Congressional authority. That has all kinds of precedent behind it in "sunset laws" and statutes giving Presidents scope to take certain actions within a limited period. And the provision is supported by Congress's explicit constitutional power to declare war.

As that war powers provision is applied to particular facts, it might run up against a President's power as Commander in Chief—and be unconstitutional as applied. A President could make that argument convincingly, for instance, if the provision called on him to remove forces under emergency circumstances threatening them or the nation. But that is very different from saying that a time limit as such is unconstitutional.

President Reagan really conceded the principle of Congressional authority in Lebanon on June 27, when he signed into law the Lebanon Emergency Assistance Act. Section 4(a) of the act says "the President shall obtain statutory authorization from the Congress with respect to any substantial expansion in the number or role in Lebanon by the United States Armed Forces."

Before that language became law the Deputy Secretary of State, Kenneth W. Dam, wrote a letter to Senator Charles Percy saying it was "acceptable to us." He said it described "what this Administration intends to do," namely "seek authorization from Congress" for the force in Lebanon. And, he said, the language gave flexibility for emergencies by allowing the President to begin introducing forces, "if circumstances urgently required, while Congress is considering his request for statutory authorization."

In short, the Reagan Administration has already agreed to a formal Congressional role in sending U.S. forces into Lebanon. It has deferred to an assertion of authority consistent with the War Powers Resolution.

There is strong reason in democratic theory and in our recent history to favor that Congressional role. Senator Roger Jepsen of Iowa, a conservative Republican, put it: "If the deployment of the marines in the very volatile environment in Lebanon is to have the full support of the American people, they must have a voice through their elected representatives in Congress."

As Senator Jepsen's words show, Republicans as well as Democrats in Congress are pressing Mr. Reagan to comply with the War Powers Resolution. Yet he continues to evade it: without legal or factual argument. Not since Richard Nixon has there been such a case of stonewalling by the White House.

ORDER OF BUSINESS

Mr. BAKER. Mr. President, the Senator has time remaining. I wonder if we could do some housekeeping items at this point.

Mr. BYRD. Yes.

Mr. BAKER. Mr. President, does the Senator have time remaining?

The PRESIDENT pro tempore. The Senator has about one-half minute.

Mr. BAKER. I ask unanimous consent that we have 2 additional minutes.

The PRESIDENT pro tempore. Without objection, it is so ordered.

THE CALENDAR

Mr. BAKER. Mr. President, there are several items marked on the calendar for action by unanimous consent on this side. I will identify them for the minority leader and ask if he is in a position to consider all or any of them at this time. They are calendar Nos. 370, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, and 385.

Mr. BYRD. Mr. President, there is no objection on this side. Those items have been cleared, I am pleased to state.

Mr. BAKER. I thank the minority leader.

The PRESIDING OFFICER (Mr. HUMPHREY). Without objection, it is so ordered.

DESIGNATING THE SQUARE DANCE AS THE FOLK DANCE OF THE UNITED STATES

The bill (S. 1448) to designate the square dance as the national folk dance of the United States was considered.

Mr. BYRD. Mr. President, this week square dancers from across America will be coming to Washington to celebrate National Square Dance Week.

This is an appropriate time, therefore, to bring before the Senate my bill, S. 1448, to designate the square dance as the National Folk Dance, in perpetuity.

In so doing, allow me to remark that the square dance embodies the evolution of dance in our country since colonial times. Nearly every ethnic group can recognize a contribution of its own to the many steps and movements of the modern square dance.

Although the square dance has changed with the growth of our Nation, the basic character of the dance has continued to uphold the spirit of equality, chivalry, precision, joy—qualities highly valued in the American way, and as a creed for square dancers. Thousands of young, middle aged, and elderly belong to clubs and associations as devotees and students of the square dance. These Americans are to be applauded for keeping alive a colorful heritage which belongs solely to our country. I hope that all of my colleagues in the Senate will support my bill, and that they will give their unanimous consent to the passage of S. 1448, to designate the square dance as the "National Folk Dance of the United States."

The bill was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 1448

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress finds that—

(1) square dancing has been a popular tradition in America since early colonial times;

(2) square dancing is a joyful expression of the vibrant spirit of the people of the United States;

(3) the American people value the display of etiquette among men and women which is a major element of square dancing;

(4) square dancing is a traditional form of family recreation which symbolizes a basic strength of this country, namely, the unity of the family;

(5) square dancing epitomizes democracy because it dissolves arbitrary social distinctions; and

(6) it is fitting that the square dance be added to the array of symbols of our national character and pride.

SEC. 2. The square dance is designated as the national folk dance of the United States.

SEC. 3. This Act shall take effect January 1, 1984.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

NATIONAL DIABETES MONTH

The Senate proceeded to consider the joint resolution (S.J. Res. 121) to designate November 1983 as National Diabetes Month.

Mr. ABDNOR. Mr. President, I am pleased to note that 36 Senators have joined me in sponsoring Senate Joint Resolution 121, to designate the month of November 1983, as "National Diabetes Month." I would like to thank the distinguished chairman of the Judiciary Committee, Mr. THURMOND, and his colleagues for acting expeditiously on this important legislation.

Mr. President, I trust that this initiative will promote a greater understanding of the effects this disease has on the 11 million Americans who suffer from diabetes—and their loved ones, together with a recognition of the importance of sustaining our commitment to develop more effective methods of treating diabetes.

To date, Representative HOYER has obtained 145 cosponsors for the companion measure (H.J. Res. 307) he introduced in the House of Representatives. Mr. President, I urge our colleagues in the House to act on this vital resolution in a timely manner.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

The joint resolution and the preamble are as follows:

S.J. RES. 121

Whereas diabetes kills more than all other diseases except cancer and cardiovascular diseases;

Whereas eleven million Americans suffer from diabetes and five million seven hundred thousand of such Americans are not aware of their illness;

Whereas $9,700,000,000 annually are used for health care costs, disability payments, and premature mortality costs due to diabetes;

Whereas up to 85 per centum of all cases of noninsulin-dependent diabetes may be controllable through greater public understanding, awareness, and education; and

Whereas diabetes is a leading cause of blindness, kidney disease, heart disease, stroke, birth defects, and lower life expectancy, which complications may be reduced through greater patient and public understanding, awareness, and education: Now therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the month of November 1983 is designated as "National Diabetes Month", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe that month with appropriate programs, ceremonies, and activities.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the joint resolution was passed.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

METROPOLITAN OPERA DAY

The joint resolution (S.J. Res. 128) to designate the day of October 22, 1983, as "Metropolitan Opera Day," was considered, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

The joint resolution and the preamble are as follows:

S.J. RES. 128

Whereas the Metropolitan Opera is one of the world's premier performing arts organizations and has an audience larger than that of any other such organization in the world;

Whereas the Metropolitan Opera, since its first performance one hundred years ago on October 22, 1883, has provided the finest quality in opera to audiences throughout the Nation;

Whereas the Metropolitan Opera pioneered radio presentations of live opera, performing on radio for more than forty years and more recently on television;

Whereas the Metropolitan Opera has toured the United States since its founding in 1883;

Whereas the Metropolitan Opera provides educational services to the people of the United States by generously encouraging and training young artists and by providing technical and managerial assistance to other opera companies in the Nation;

Whereas the Metropolitan Opera has presented renowned performing arts companies from all over the world at the Opera House;

Whereas the Metropolitan Opera House, which is maintained by the company, is one of the Nation's treasures and one of the greatest performing arts theaters in the world; and

Whereas, throughout its long history, the Metropolitan Opera Company has fostered generations of music lovers and has enriched and inspired this Nation: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is authorized and requested to issue a proclamation designating October 22, 1983, the one hundredth anniversary of its first performance, as "Metropolitan Opera Day" throughout these United States.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the joint resolution was passed.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

NATIONAL ENTOMOLOGY WEEK

The joint resolution (S.J. Res. 134) to provide for the designation of the week of November 27, through December 3, 1983, as "National Entomology Week," was considered, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

The joint resolution and the preamble are as follows:

S.J. RES. 134

Whereas the study of entomology continually yields advances in our knowledge of the ecology, behavior, and dynamics of insects;

Whereas entomologists make significant contributions to the production and protection of food, clothing, and shelter and in the preservation of human health and the environment;

Whereas advancements in entomology contribute substantially to the national welfare and improvements in the daily lives of our Nation's citizens;

Whereas entomological research is being undertaken in all fifty states—in the Federal, State, and private sectors; in colleges, universities, and museums; in Government, commercial, and private laboratories; and in experiment stations;

Whereas 1983 marks the thirtieth anniversary of the founding of the Entomological Society of America; and

Whereas the Entomological Society of America will hold its annual meeting on November 28 through December 2, 1983, in Detroit, Michigan, and approximately two thousand five hundred leading entomologists from around the world will gather at the meeting to share their research findings and discuss developments in entomology: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week of November 27 through December 3, 1983, is designated as "National Entomology Week" and the President is authorized and requested to issue a proclamation calling on the people of the United States to observe such week with appropriate activities.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the joint resolution was passed.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

MYASTHENIA GRAVIS AWARENESS WEEK

The joint resolution (S.J. Res. 140) to provide for the designation of the week of October 2 through October 8, 1983, as "Myasthenia Gravis Awareness Week," was considered, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

The joint resolution, and the preamble, are as follows:

S.J. RES. 140

Whereas the incidence and prevalence of myasthenia gravis present a significant health problem in the United States;

Whereas myasthenia gravis is a severe neuromuscular disorder, characterized by weakness of the voluntary muscles of the body;

Whereas an estimated one hundred thousand to two hundred thousand diagnosed,

and over one hundred thousand undiagnosed, Americans of both sexes, and all races and ages, are afflicted with the disease;

Whereas the Nation faces a continuing need to support innovative research into the causes, treatment, and cure of myasthenia gravis; and

Whereas it is appropriate to focus the Nation's attention upon the problem of myasthenia gravis: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week of October 2 through October 8, 1983, is designated as "Myasthenia Gravis Awareness Week" and the President of the United States is authorized and requested to issue a proclamation calling upon all government agencies and the people of the United States to observe the week with appropriate programs, ceremonies, and activities.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the joint resolution was passed.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

NATIONAL PRODUCTIVITY IMPROVEMENT WEEK

The joint resolution (S.J. Res. 142) designating the week of October 3 through October 9, 1983, as "National Productivity Improvement Week," was considered, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

The joint resolution, and the preamble are as follows:

S.J. RES. 142

Whereas the economic stability and growth of this Nation relies largely on the collective industry and endeavor of its working citizens;

Whereas the time-honored tradition of American leadership in work-related ingenuity and know-how has brought about great strides in productivity;

Whereas growth in productivity in turn improves the standard of living of United States citizens;

Whereas public awareness of the economic importance of productivity will promote individual and collective ideas and innovations for productivity improvements; and

Whereas a conscientious effort to improve productivity will foster a better standard of living for all citizens and reduce the level of inflation: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of providing for a better understanding of the need for productivity growth and of encouraging the development of methods to improve individual and collective productivity in the public and private sectors, the week of October 3 through October 9, 1983, is designated "National Productivity Improvement Week". The President is requested to issue a proclamation calling upon the people of the United States to observe such week with appropriate ceremonies and activities.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the joint resolution was passed.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

NATIONAL ENERGY EDUCATION DAY

The joint resolution (S.J. Res. 146) to designate March 23, 1984, as "National Energy Education Day," was considered, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

The joint resolution and the preamble are as follows:

S.J. RES. 146

Whereas an adequate and competitively priced energy supply is essential for a strong economy in the United States;

Whereas affordable energy resources are required to fuel the economic growth which will provide new jobs and employment opportunities so that all people of our society may enjoy a higher standard of living and greater prosperity;

Whereas the developments needed for the future will require greater attention to the scientific laws in the areas of physics and chemistry as they relate to the development, distribution, and efficient use of our energy for transportation, communication, manufacturing, and personal use;

Whereas people are striving to make energy work more efficiently in their homes, transportation systems, and workplaces;

Whereas fundamental changes in the United States energy future requires the United States educational system at all grade levels to prepare our youth for the new demands and challenges which lie ahead;

Whereas the celebration of a National Energy Education Day (NEED) will bring together students, teachers, school officials, and community members to focus attention on the need for a greater understanding of energy issues; and

Whereas such celebration should be conducted in a manner which encourages a deeper understanding of the efficient ways energy works for the United States: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That, in order to promote and enhance energy education programs at all grade levels of public and private schools throughout the United States, March 23, 1984, is designated "National Energy Education Day". The President is requested to issue a proclamation calling upon the people and educational institutions of the United States to observe such day with appropriate ceremonies and activities, and directing all Federal agencies to participate in the observance of such day and to cooperate with persons and institutions conducting such ceremonies and activities.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the joint resolution was passed.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

COAST GUARD DAY

The joint resolution (S.J. Res. 150) to designate August 4, 1984, as "Coast Guard Day," was considered, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

The joint resolution and the preamble are as follows:

S.J. RES. 150

Whereas the United States Coast Guard is the oldest continuous seagoing service, its history tracing back to 1790;

Whereas the United States Coast Guard has made valuable contributions to our Nation in the areas of boating safety, search and rescue, aids to navigation, merchant marine safety, environmental protection, maritime law enforcement and port safety;

Whereas the military and civilian personnel of the United States Coast Guard and its predecessors have displayed enthusiasm, excellence and courage since 1790 in serving the people of this Nation; and

Whereas the Nation relies on the readiness of the nearly one hundred thousand active duty and reserve military officers and enlisted personnel, cadets, civilian employees, and auxiliary volunteers of the United States Coast Guard to rescue victims, protect our environment, and defend our Nation if the need arises: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is authorized and requested to issue a proclamation designating August 4, 1984, as "Coast Guard Day", and calling upon all Federal, State and local government agencies and people of the United States to observe the day with appropriate programs, ceremonies, and activities.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the joint resolution was passed.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

NATIONAL RETIRED TEACHERS DAY

The joint resolution (S.J. Res. 157) designating November 13, 1983, as "National Retired Teachers' Day," was considered, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

The joint resolution and the preamble are as follows:

S.J. RES. 157

Whereas education is the surest foundation for the preservation of freedom, justice, and happiness in our American democracy;

Whereas education transmits not only knowledge but the values of a society;

Whereas America has always placed its major hopes for the future on education as a means of improving and developing the potentialities of the individual and the society;

Whereas, as Henry Adams said, "a teacher affects eternity; no one can tell where his influence stops";

Whereas the approximately one million five hundred thousand retired teachers of America chose what should be recognized as the most important profession in the world, dedicating their working lives to the battle against prejudice, greed, and ignorance and receiving in return very little material remuneration for their dedication; and

Whereas it is fitting to acknowledge a debt of gratitude to these former teachers, who gave the country the most important gift of all, the instruction of its youth: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That November 14, 1983, is designated as "National Retired Teachers Day" and the President is authorized and requested to issue a proclamation calling on the people of the United States to observe such day with appropriate ceremonies and activities.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the joint resolution was passed.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

NATIONAL SEWING MONTH

The joint resolution (H.J. Res. 218) to designate the month of September of 1983 as "National Sewing Month," was considered, ordered to a third reading, read the third time, and passed.

The preamble was agreed to.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the joint resolution was passed.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

NATIONAL ORGAN DONATION AWARENESS WEEK

The joint resolution (H.J. Res. 229) to authorize and request the President to issue a proclamation designating April 22 through April 28, 1984, as "National Organ Donation Awareness Week," was considered, ordered to a third reading, read the third time, and passed.

The preamble was agreed to.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the joint resolution was passed.

Mr. BYRD. I move to lay the motion on the table.

The motion to lay on the table was agreed to.

Mr. GORTON. Mr. President, it is with great pride and pleasure that I rise in support of House Joint Resolution 229, which asks the President to declare April 22 through 29, 1984, as "National Organ Donation Awareness Week." I thank my Senate colleagues for their approval in April of a similar resolution, Senate Joint Resolution 78; and I thank the Members of the House and especially Congressman FORD for their support of House Joint Resolution 229. I am especially appreciative of Congressman SID MORRISON's efforts in this regard.

Mr. President, many people whose kidneys, eyes, skin, or human growth are unable to sustain them can be helped or cured through organ transplants. For example, there are presently 4,800 kidney transplants performed each year but approximately 10,000 medically eligible patients do not receive one because of a lack of suitable donors.

Through organ donation, those who care and have foresight may, when they die, give the gift of life and living to those in need. Every State of the Union supports the organ donation program, in hopes that its citizens will make an anatomical gift upon death, as Mrs. Gorton and I have pledged to do. A donor may pledge any needed organs or parts; only specified organs or parts; or may donate his or her body for anatomical study.

It is my hope that proclamation of "National Organ Donation Awareness Week" will create for the people of our Nation an awareness of the need and opportunity for organ donation; and I invite all citizens to consider giving this great gift of themselves to those who are less fortunate.

CONTRACT MEDICAL SERVICES IN PUERTO RICO AND THE VIRGIN ISLANDS

The bill (S. 1850) to amend title 38, United States Code, to extend for 1 year the authority of the Veterans' Administration to provide certain contract services in Puerto Rico and the Virgin Islands, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 1850

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 601(4)(C)(v) of title 38, United States Code, is amended by striking out "September 30, 1983" and inserting in lieu thereof "September 30, 1084".

Mr. BAKER. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

NATIONAL ADULT DAY CARE CENTER WEEK

Mr. BAKER. Mr. President, I say to the minority leader that I propose to call up House Joint Resolution 132, if the Senator will concur in that.

Mr. BYRD. That is Calendar No. 389?

Mr. BAKER. Yes.

Mr. BYRD. I have no objection.

Mr. BAKER. I thank the Senator.

Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 389, House Joint Resolution 132.

The PRESIDING OFFICER. The joint resolution will be stated by title.

The legislative clerk read as follows:

A joint resolution (H.J. Res. 132) designating the week beginning September 25, 1983, as "National Adult Day Care Center Week."

The PRESIDING OFFICER. Is there objection to the present consideration of the joint resolution?

There being no objection, the joint resolution was considered, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the joint resolution was passed.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

SENATE JOINT RESOLUTION 50 INDEFINITELY POSTPONED

Mr. BAKER. Mr. President, I ask unanimous consent that Calendar No. 371, Senate Joint Resolution 50, a companion measure, be indefinitely postponed.

The PRESIDING OFFICER. Without objection, it is so ordered.

SEQUENTIAL REFERRAL OF S. 1683

Mr. BAKER. Mr. President, I have a request on a sequential referral, and I will state it for the consideration of the minority leader.

I ask unanimous consent that once S. 1683, a bill to facilitate the use of barter to trade Government-owned agriculture surplus commodities for national defense stockpile materials, is reported out of the Committee on Agriculture, Nutrition, and Forestry, it be sequentially referred to the Armed Services Committee for a period not to exceed 30 calendar days.

Mr. BYRD. There is no objection, Mr. President.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. BAKER. Mr. President, I understand that the distinguished minority leader wishes to present a resolution at this time on behalf of another Senator.

Is that correct?

Mr. BYRD. Yes. I thank the majority leader.

COMMENDATION OF VIRGINIA P. BOBO

Mr. BYRD. Mr. President, I send to the desk a resolution and ask that it be stated by the clerk, after which I will ask unanimous consent that it be

given immediate consideration. I do this on behalf of Senator HOLLINGS.

The PRESIDING OFFICER. The resolution will be stated by title.

The legislative clerk read as follows:

A resolution (S. Res. 224) to commend Virginia P. Bobo for her exemplary service to the U.S. Senate and the Nation.

Mr. BYRD. Mr. President, on behalf of Mr. HOLLINGS, I ask for the immediate consideration of the resolution.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

● Mr. HOLLINGS. Mr. President, today I take great pleasure in introducing a sense of the Senate resolution to recognize the distinguished career of Mrs. Virginia P. Bobo and the valued service she has provided to the Capitol Guide Service. Mrs. Bobo, from Spartanburg, S.C., is currently in charge of the Service's Congressional Ticket Office. She will be ending her career on September 30, 1983, after 22 years of devoted duty.

Virginia Bobo began working for the Capitol Guide Service on September 7, 1961. Originally employed as a Capitol guide, her dedication and competent service elevated her to her present position. As head clerk of the Congressional Ticket Office, she has had the unenviable responsibility of arranging not only congressional tours for Members, but accommodating constituents who visit Washington and express a desire to tour the Capitol. As so many of my colleagues personally know, these are duties that Virginia has performed cheerfully and with great skill. The favorable impression that many take home with them from their visit to the Nation's Capitol is due in large measure to the abilities of individuals like Virginia.

Mr. President, Virginia P. Bobo has been a tremendous asset to Congress during her tenure with the Capitol Guide Service. While her exemplary skills will be greatly missed, I am confident that the high standards she has set will be maintained and will guide others in this important job.

Mr. President, let me, on behalf of the many who have benefited from Virginia's dedicated performance of her responsibilities, wish her well in her retirement and thank her for a job very well done.●

The resolution was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 224

Whereas Virginia P. Bobo, the principal congressional tour clerk of Capitol Guide Service, is retiring after having served the Senate for more than twenty-two years;

Whereas Virginia P. Bobo, has, at all times, discharged the difficult duties and responsibilities of the office with high efficiency and abiding devotion; and

Whereas the unsurpassed fidelity and unfailing dedication to her career have earned for Virginia P. Bobo the affection and esteem of the Senate: Now, therefore, be it

Resolved, That the Senate of the United States extends its appreciation and gratitude to Virginia P. Bobo for her long, faithful, and exemplary service to the United States Senate and the Nation.

SEC. 2. The Secretary of the Senate shall transmit a copy of this resolution to Virginia P. Bobo.

Mr. BYRD. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. BAKER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

EXECUTIVE SESSION

Mr. BAKER. Mr. President, I say to the minority leader that on today's Executive Calendar, I am cleared to consider the nominations on page 1 under "The Judiciary," on page 2 under "Department of Justice," and on page 3, "Nominations Placed on the Secretary's Desk in the Foreign Service."

Mr. BYRD. Mr. President, I say to the distinguished majority leader that those items have been cleared on this side.

Mr. BAKER. I thank the minority leader.

Mr. President, I ask unanimous consent that the Senate now go into executive session for the purpose of considering the nominations just identified.

There being no objection, the Senate proceeded to the consideration of executive business.

Mr. BAKER. Mr. President, if the minority leader does not object, I ask unanimous consent that the nominations so identified be considered and confirmed en bloc.

The PRESIDING OFFICER. Without objection, the nominations are considered en bloc and confirmed en bloc.

The nominations considered and confirmed en bloc are as follows:

THE JUDICIARY

Kenneth W. Starr, of Virginia, to be U.S. Circuit Judge for the District of Columbia Circuit.

John F. Keenan, of New York, to be U.S. District Judge for the Southern District of New York.

John P. Vukasin, Jr., of California, to be U.S. District Judge for the Northern District of California.

DEPARTMENT OF JUSTICE

James B. Roche III, of Massachusetts, to be U.S. Marshal for the District of Massachusetts for the term of 4 years.

Thomas C. Rapone, of Pennsylvania, to be U.S. Marshal for the Eastern District of Pennsylvania for the term of 4 years.

NOMINATIONS PLACED ON THE SECRETARY'S DESK IN THE FOREIGN SERVICE

Foreign Service nominations beginnings James E. Sarn, and ending John F. Cannon, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of July 25, 1983.

JOHN S. KEENAN

● Mr. MOYNIHAN. Mr. President, I should like to bring to the attention of my colleagues the nomination of John F. Keenan, currently the criminal justice coordinator of New York City, to be U.S. District Judge for the Southern District of New York. The American Bar Association endorses the nomination of Mr. Keenan.

Following his graduation from Fordham Law School in 1954, Mr. Keenan was admitted to the bar in New York State. His career began with the law firm of Halpin, Keogh, & St. John. After serving in the District Attorney's Offices of New York and Queens Counties, Mr. Keenan became special prosecutor for the investigation into corruption in the Criminal Justice System of New York City. Before accepting his current position, he was chairman and president of the New York City Off-Track Betting Corporation.

Mr. Keenan is an able and experienced member of the legal profession and is to be congratulated on his nomination.●

Mr. BAKER. Mr. President, I move to reconsider the votes by which the nominations were confirmed.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BAKER. Mr. President, I ask unanimous consent that the President be immediately notified that the Senate has given its consent to these nominations.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. BAKER. Mr. President, I ask unanimous consent that the Senate now return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. BAKER. Mr. President, I thank the minority leader for his time and indulgence, and I apologize to the holder of the special order, Mr. SPECTER, for taking this time. We do appreciate it.

I now yield the floor.

RECOGNITION OF SENATOR SPECTER

The PRESIDING OFFICER. Under the previous order, the Senator from Pennsylvania (Mr. SPECTER) is recognized for not to exceed 15 minutes.

PEACE VERSUS NUCLEAR WAR

Mr. SPECTER. Mr. President, I take the floor this morning to speak about the most important issue of our era: peace versus nuclear war.

I am personally more concerned about the threat of nuclear war today than at any time in the past because I believe that the world is now confronted with the most perilous threat in its entire history, including the 1962 Cuban missile crisis.

I am very much concerned about two recent actions, taken not by the President or Congress, which enormously undermine the previous strength of the U.S. position in achieving world condemnation of the Soviet action in shooting down the unarmed Korean airliner.

In my judgment, the United States has an unassailable position as it seeks to achieve world condemnation of the Soviet action. The evidence is clear and unequivocal that the Korean airliner was a civilian aircraft and that there was absolutely no justification for the Soviet action in shooting it down with the attendant loss of 269 lives. Almost equally inexplicable has been the failure of the Soviet leadership to respond in an appropriate way to that egregious act.

During the course of the last few days, however, two actions have occurred which undermine the position of the United States. I supported the President in his reaction to the Korean airliner massacre, and I supported the senior Senator from North Carolina (Mr. HELMS) on six of his seven amendments, which the Senate considered last week, to make a somewhat tougher response to the Soviet action.

Nevertheless, in my judgment we have to be very careful lest we equate toughness with action which will only deprive the United States of the best forum to assert its position and with an important channel to continue the dialog with the Soviet Union which I consider to be indispensable.

The first action which I consider to materially weaken the U.S. position and to be inappropriate, was taken by the States of New York and New Jersey in restricting Foreign Minister Gromyko's plane from landing at either Kennedy or Newark International Airports. I take this position, not because of the personal convenience of Mr. Gromyko but because of the very important interests of the United States—the national interests of the United States—which are jeopardized by those actions.

The actions of the States of New York and New Jersey, in my legal judgment, are directly violative of the Host Country Agreement which provides: "Federal, State, or local authorities of the United States shall not impose any impediments to transit to or from" the United Nations.

That language on its face is unequivocal, and those who seek to interpret away that clear mandate resort to the argument that no impediment to the travel by Foreign Minister Gromyko arises if his plane is compelled to land at McGuire Air Force Base or some locale other than Kennedy or Newark International Airports.

A contention that such action does not constitute an "impediment" is simply not legally sound.

We should not be giving Mr. Gromyko an excuse not to come to the United Nations so that he may avoid the condemnation which his nation would face. And we should not create a situation where Mr. Gromyko is not present because of the importance to our own interests of dealing with the Soviet Union at the highest possible levels in a continuing dialog addressing the very tough problems which confront the world and the two superpowers—the United States and the Soviet Union—which must coexist if the planet is to stay intact.

The other action which I believe seriously undermines the position of the United States was the comment yesterday by the American delegate, a Mr. Charles M. Lichenstein, when he stated in the United Nations:

> If in the judicious determination of the members of the United Nations they feel they were not welcome and treated with the hostly consideration that is their due, the United States strongly encourages member states to seriously consider removing themselves and this organization from the soil of the United States.

I am pleased that there has been a prompt repudiation from the White House by the spokesman for President Reagan of that statement as official U.S. policy because it obviously adds to the controversy now confronting the United States an ingredient which very seriously weakens our position.

Instead of debating the condemnation of the Soviet Union for destroying the Korean airliner, the attention of the United Nations and the attention of the world has been diverted to the propriety of the States of New York and New Jersey violating the Host Country Agreement and an unauthorized statement by the American delegate in the United Nations which puts the United States on substantially weaker ground in trying to secure the support of the other nations of the world since those nations have been invited to leave the United States as has the United Nations itself.

The history of the founding of the United Nations is a long and tortuous one, dating from the days of the League of Nations and President Wilson's efforts and the refusal of this body to ratify the League of Nations and including the efforts to approve the U.N. Charter, and the United States of America remains in the United Nations today because the United States considers it in our national interest to be there for good and sufficient reason.

Now there may come a time when the United States will choose not to remain in the United Nations. Frankly I doubt it, but that time may come. Or there may come a time when the United States will determine that it no longer wishes to have the U.N. Headquarters in New York City. Again, I doubt that that time will come. But if either of those situations should occur, then it is within the province of the duly constituted lawful authorities, Congress and the President, to make those determinations. It certainly is not a matter to be pronounced by a delegate of the United Nations as his own personal reaction as it has to be denominated.

These actions that weaken our position may be interpreted by the State of New York and the State of New Jersey and Mr. Lichenstein as being tough actions. But I suggest that they are not tough at all but are misdirected. While I do believe that the United States has every right to be tough, I believe it is conclusively in our national interest to continue to talk with the Soviet Union.

Since April 1982, I have urged that there be a summit between our President and the Chief of the Soviet Union because of my personal view that such a dialog is indispensable if we are to move ahead on the important subject of nuclear arms reduction. Now I have fully backed President Reagan in his position on strength as evidenced by my vote in support of the Department of Defense measures, and I also support the President's two-track approach which emphasizes strength but also emphasizes the importance of talks on nuclear arms reduction.

I believe it is now going to be more difficult than ever to have such a summit, but I do not believe that we should lose sight of its importance even though extra groundwork must now be completed in view of the Korean airliner incident and the tensions which exist in the world.

But the prospects of such dialog ultimately leading to a summit are hindered materially by actions which keep away the ranking Soviet foreign policy official, since talks with him may provide the basis leading to such summit discussions.

The Senate prayer this morning by Chaplain Richard Halverson I thought was most appropriate, when he said ". . . in these critical hours, when the world could explode in a conflagration, guide the Senators and the President as they face this momentous burden;" and when the Chaplain said, ". . .when the discussion and debate are finalized, when everything that can be said has been said, the time for

decision has come, and the buck stops with Congress and the White House."

We are the duly constituted bodies to deal with these crucial questions, not the State of New Jersey, not the State of New York, and not the American delegate to the United Nations.

The difficulty that I see, Mr. President, is that as these tensions escalate and as there appears to be a premium on who, however unauthorized he may be, speaks with extra toughness, the U.S. position is being very materially weakened. It escalates the situation so that some pilot trailing a Korean airliner thinks that he has to be strong and he "shoots from the hip" and that some American delegate thinks that he has to be strong and he, so to speak, "shoots from the lip," and as the tensions mount we face the increasing risk somewhere down the line of someone making a grievous mistake which could trigger a nuclear war.

That is why I speak out today on the subject and in doing so I am well aware of the tremendous complexities of the issues which are involved and am aware of the high level of tension which is presented in so many parts of the world, in Central America, in El Salvador, in Honduras, in Nicaragua, in Lebanon, where reports are that Soviet officers are in charge of Syrian-backed forces, and where by Presidential order, the United States is taking a strong and, I think, appropriate position.

But we are so close to the kind of spark which could light an irreversible fuse toward nuclear holocaust.

That is why I would be hopeful that appropriate action would be taken to remove the impediment of the closing of the Kennedy and Newark International Airports. Then if Mr. Gromyko chooses not to come, so be it, that is his decision. There is no ground for blaming the United States and there is no excuse for his not coming. And the statement is plain and unequivocal just as the White House has said it, and let it come from this body as well, that we do not support a statement that the United Nations should leave U.S. soil or that the delegates should be encouraged to leave.

In our discussions with the Soviet Union, when our Secretary of State, who is distinguished and able, carries on negotiations, however tough he is—and he should be very tough—there should be a clear-cut delineation between his condemnation of Soviet action on the Korean airliner and the other business which he has to transact in the interests of the United States because our fundamental responsibility is to protect, preserve, and defend this great country.

It is in our national interest to have Andrei Gromyko available so that we can talk to him and not at him. It is in our interest to have the United Nations in New York so that we can have a dialog which may set the scene for a summit meeting between our President and the chief of state of the Soviet Union, a summit which I submit is more important now than ever when we see that lower ranking representatives of our nations, be they Soviet pilots or American delegates to the United Nations, are taking unto themselves action which could ignite a nuclear holocaust. If we can maintain the dialog, there is ground for improvement in the relations which we have with the Soviet Union, which are vital since we have no choice about occupying the same planet.

If this kind of mature, responsible, reflective position is to be maintained, then we must discourage the kind of conduct which has threatened the ability of our national leaders to carry on a constructive dialog.

I thank the Chair and I yield the floor.

ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. There will now be a brief period for the transaction of routine morning business.

FLIGHT 007—ANOTHER TRAGIC CASE OF INHUMANITY

Mr. PROXMIRE. Mr. President, 3 weeks ago, 269 innocent passengers aboard Korean Air Lines flight 007 died senselessly at the hands of the Soviets. This violent and barbaric act shocked and outraged the world, and reminded us that human rights violations are an ever-present fact of international life. Even here in the United States we cannot be lulled into a false sense of security that human rights tragedies are only a province of the past or some renegade country. For that reason, we must ratify the Genocide Treaty.

Some Members of the Senate would rather overlook the possibility of another genocide. They claim that experience will be our teacher, that past atrocities will prevent future ones. But I have demonstrated time after time in speech after speech that history repeats itself, that inhumanity continues, and that genocide is a potential, looming threat to all people. It is time we recognize and accept that fact. It is time we let the world know that we support every effort to deter and punish the ultimate crime against humanity—genocide. It is time we put substance behind our words of anger and outrage by ratifying the Genocide Treaty.

This treaty will not necessarily prevent another tragedy like the Korean incident. It might not even prevent another act of genocide. But it will serve as a rallying cry for humanity. The Korean tragedy has demonstrated that an aroused public opinion can be influential and we should make use of that force to help deter genocide. Only by taking world opinion and giving it the status of law can we hope to halt the spread of barbarism.

As a world leader and a proponent of human rights, we in the United States must not let the other nations of the world who have already ratified the Genocide Treaty share that responsibility alone. I only hope that the recent outrageous tragedy that hit so close to home will spur us on to ratify the Genocide Treaty.

As one man who lost a friend on that ill-fated Korean flight stated in the New York Times:

> I can only hope it will help us to remember what has happened and reflect on what we can do in the future so that this senseless loss shall not be swallowed up in time as so many other international tragedies are.

Mr. President, let us learn from these tragedies and ratify the Genocide Treaty.

SENATOR HENRY M. JACKSON

Mr. JOHNSTON. Mr. President, virtually every one of us who recently paid tribute to Scoop Jackson made mention of his special relationship with his staff. One of the most moving tributes to Scoop that I have seen comes from his longtime friend and chief counsel on the Senate Energy Committee, Mike Harvey. I ask unanimous consent that those remarks be printed in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

SCOOP

(By Mike Harvey)

His life was noble, and the elements so mixed in him that Nature might stand up and say to all the world: "This was a man."

And when he shall die, Take him and cut him out in little stars, And he will make the face of heaven so fine That all the world will be in love with night And pay no worship to the garish sun.

Henry Martin Jackson, United States Senator from Washington State, died last Thursday. Those of us who had the privilege and the joy of working with Scoop Jackson learned a lot about him and even more from him.

Short, grey-haired, youthful and vigorous at 71, and frequent wearer of the "Jackson uniform" (blue blazer, grey slacks, blue button-down shirt, stripped tie, and black penny loafers), Scoop dearly loved his wife Helen and his children, Anna Marie and Peter. he took great pride in his children's accomplishments. he also practiced diagnostic medicine without a license.

Scoop taught us how to remember things we had to do by writing them on many little slips of paper that are kept folded together in your pocket. He taught us how to maintain a quick retrieval file system using brown manila envelopes that are kept stacked on your desk and chairs. He regularly demonstrated that it was possible to hold, simultaneously, three different meetings and two telephone conversations—each

about different subjects—and achieve remarkably coherent results all around.

Scoop believed that the study of history and English literature were the best preparation for a political career. As he once put it: "History teaches us how things got the way they are, and the great writers give us insight into human nature and behavior. Both help us make better public policy."

He consistently reminded us of the need for thorough professionalism in an all too often hurried and slapdash world. When we performed well, he gave us the ultimate Jackson accolade: "Good work, troops!"

His national reputation came from his magnificent record on defense, foreign policy, economic, environmental, human rights, energy and natural resources issues, and two tries for the Democratic Presidential nomination. But when asked what he regarded as his single most important accomplishment, Scoop said it was when in 1960 as Democratic National chairman for John F. Kennedy's successful Presidential campaign, "We put an end to religious bigotry as a major factor in American politics."

Scoop was not our boss, he was our leader, our teacher, and above all our friend. He showed us how to disagree without being disagreeable. He believed that civility is not a sign of weakness, and that character is as important as competence. He taught us to lower the level of rhetoric and raise the level of reason. That willingness to compromise is not capitulation.

He demonstrated that one can accomplish more by openness, patience, and persistence than by cunning and surprise. He taught us that in government good people are even more important than good policy, and that idealism is still a viable force in the frequently cynical world.

Most importantly, he reminded us that honor and decency are essential ingredients of a truly civilized society. That each man and woman, regardless of his or her station in life, is entitled to be treated with dignity on the basis of our fundamental equality as human beings.

Our work with him exemplified John Kennedy's view of public service as "a proud and lively career." We respected him, we admired him, and we loved him. When he died, we cried, not for Scoop, but for ourselves and for our country.

From now on in whatever we do, if we follow the lessons Scoop taught us, we may not always be winners, but we will never be losers. And, from time to time when we have done our professional best, I'm willing to bet that we will hear a distant, but still penetrating voice saying a cheery: "Good work, troops!"

WHAT WOULD A NUCLEAR FREEZE IN 1983 ACCOMPLISH?

Mr. PROXMIRE. Mr. President, by far the most critical need for the prevention of nuclear war is to stop the onrush of nuclear arms technology that will, as time goes on, enable virtually every country on Earth and even terrorist groups to build their own nuclear arsenals. My fellow Senators, look at your children or grandchildren and then ask yourself, "Do you really believe that unless we stop this arms race our children will have any real chance to live out their lives?" Do I? No. I do not think they will have a prayer without comprehensive nuclear arms control action by us. With each passing year, the technology advances. Nuclear explosive devices become cheaper. They become smaller and lighter. They become more reliable. They become more widely available. Think what that means. Within a few years, a terrorist or a foreign agent could carry a nuclear device weighing a pound or two in his pocket. He could drop it just outside the White House grounds or in bushes near the Pentagon or in a trash can in the heart of New York City. He could detonate it by remote control. What deterrent do we have to stop this kind of nuclear devestation? One of the hardest crimes to detect and prevent today is arson. With miniaturization of nuclear weapons, we could suffer a series of nuclear explosions in each of our crucial cities or in the heart of our critical military facilities without any basis for knowing the perpetrator. And how would we then deter a catastrophic series of attacks on the United States. How would we even know where or how the attack originated or what foreign agent or terrorist did it? And without knowing the perpetrator we could not respond with the kind of swift and sure retaliation that constitutes the heart of our deterrent against the Soviet Union.

Here is why it is essential that we freeze the arms race. Is this possible? Yes. How? For the answer. Consider what is the heart—the essential element—of any successful nuclear arms research project? It is testing. Without an ability to test theoretical advances or improvements in nuclear weapons, research scientists can not have any assurance that they will work. Stop testing and we stop effective research. Nine years ago in 1974 both the United States and the Soviet Union agreed to stop testing nuclear devices with explosive power that exceeded 150 kilotons. We have not ratified that treaty. But both the Soviets and this country have abided by it. We should ratify that treaty, and we should work to steadily reduce the maximum permissible kiloton level to the minimum level monitoring would permit us to detect.

Would this assure us that the nuclear arms race would not continue? No. And for two reasons. First without any further research or testing both the United States and the Soviet Union as well as at least four other countries now possess nuclear arsenals in being. Other countries may be moving rapidly to acquire nuclear capability and they can use the well established technology to produce and deploy nuclear weapons without further research or testing.

Second, the limit of 150 kilotons would permit a sufficient explosive level of testing to permit continued advances in nuclear weapons particularly in the miniaturization of weapons. Nuclear devices small enough to be concealed, transported and easily deployed at the very heart of the target add with a 150 kiloton explosive power could—in sufficient numbers—utterly devastate this country's most vital facilities and totally demolish its leadership. Meanwhile already developed multimegaton bombs exploded at an altitude of 300 miles above the center of the country would without killing any human beings, set off an electro magnetic pulse that would knock out the Nation's electricity, its radios, its television, its computers. It could strike the country in a sense dumb and blind and even prevent many of our cars from starting.

So, in addition to stopping testing, we urgently need to halt the proliferation of the present technology by the strictest possible compliance with nonproliferation agreements, and we must begin the reduction of the present nuclear arsenals as Senators PERCY, NUNN, and COHEN have called for.

No proposition that has come forward would even try to do these things except for a mutual verifiable and comprehensive nuclear freeze. It would stop testing. It would stop production. It would stop deployment. It would stop proliferation. Sure it would constitute an immense challenge to develop and negotiate an effective system of verification. Could we verify such a freeze? It would require satellite monitoring, buttressed by on-site inspection—without notice. It would also need vigorous enforcement of present nonproliferation agreements. Does it involve risk? Of course. Any course involves risk. But it alone would give the survival of our children and grandchildren a fighting chance in this increasingly dangerous nuclear world.

DRUG ABUSE OF YOUNGER STUDENTS

Mrs. HAWKINS. Mr. President, no one has yet done a study on what kind of person the 10-year-old smoker in the fourth grade grows up to be in 20 years. I can only imagine that the results would be shocking.

The sad fact, Mr. President, is that there are no drug-free schools in this country anymore. And the drug users are getting younger and younger—junior high school students and grade school students, from the inner-city day schools to the affluent suburban private boarding schools. According to a school survey by the Weekly Reader, children as early as the fourth grade report significant peer pressure to try drugs. Those not experimenting with drugs feel isolated from their classmates. Pills and pot seem to be the ellicit drugs favored by younger students.

A poll taken at a junior high school in San Francisco indicated that 65 percent of the seventh and eighth graders had used marihuana, 11 percent had tried cocaine, 11 percent had used "uppers" and "downers." Drug abuse in the schools has gotten so bad that parents are actually relieved when they hear that their kids are drinking alcohol instead of taking drugs. Nearly 66 percent of the Nation's high school seniors have used an illicit drug, and 40 percent have used an illicit drug other than marihuana. More than 50 percent of the student marihuana smokers tried the drug between the ages of 11 and 15.

Mr. President, prepubescent children suffer greater health hazards from drugs than older children—danger to their endocrine systems and their bodies' fragile hormone balance. Drug abuse in school also etches into the student a behavior pattern of failure and escapism that will persist into adulthood. The student drug abuser's inevitable personality changes may alter his life forever.

Many youngsters report that taking drugs makes them do better in school. But that is only an illusion. Their grades do not bear that out. Witness the steady decline in SAT scores in this country. From 1967 to 1983, years in which high school drug use soared, average verbal SAT scores fell over 50 points, and math scores dropped by 40 points. Maybe one of the main reasons that kids today are having trouble reading and writing is that they are high most of the time. Chronic marihuana users have short-term memories and are ususally so lethargic that they cannot cope with academic demands.

Mr. President, the current jargon for child drug abusers is "garbage can kids," because I believe they not only ingest every kind of junk drug into their systems, but also because they are literally throwing their lives away. We have to get these kids off drugs now, and keep them off. Otherwise, we are throwing away in the garbage can everything that has ever given meaning and purpose to our own lives.

I ask unanimous consent that two articles on the subject of drug abuse in younger students be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

PRESSURE TO TRY DRUGS STARTS IN EARLY GRADES

Grade school children report substantial peer pressure to try drugs and alcohol as early as fourth grade, according to a survey of U.S. school children by the classroom publication *Weekly Reader.*

The readership poll, said to be the first major national survey of young children on the subject of drugs and alcohol, was distributed to 3.7 million students in grades four through twelve. Five hundred thousand children responded.

The results show that in grades four and five children receive their education about the dangers of drugs and drinking about equally from family and movies-television. Not until grade six does school become an equal source of information, and not until grade seven does school become the major source.

And yet, as early as fourth grade about 25 percent say that children in their age-group feel "some" to "a lot" of peer pressure to try beer, wine, liquor, or marijuana. By the time they are in seventh grade, about 60 percent feel pressure to try alcohol; and about 50 percent to try marijuana.

The motivation for trying drugs and liquor in the lower grades appeared to be a desire to "feel older"; and then as the children progressed through the middle grades, to "fit in with other kids"; and finally in grades nine through twelve, "to have a good time."

About 75 percent of children in fourth grade saw "some" or "great" risk posed to children their age who had one alchoholic drink or smoked one marijuana cigarette daily, while about 20 percent saw "no risk." The percentage seeing "some" or "great" risk for daily use of alcohol or marijuana rose slightly from fourth to seventh grade, and then dropped slightly in high school.

Another significant finding was the school children's beliefs concerning experiments with hard drugs by their peers. In grade four, about 50 percent of the students estimated that no "kids your age" in "your town or city" had tried cocaine, and about 60 percent said that no students had tried angel dust or LSD.

[From the Los Angeles Time, May 4, 1983]

CHILDREN KNOW DRUGS' LURE AND DANGER

(By Alan Thompson)

WASHINGTON.—One of every four fourth-graders says children their age feel "some" to "a lot" of pressure to try drugs or alcohol, a survey by "The Weekly Reader" says.

Three of four fourth-graders say they perceive "some" or "great" risk to themselves if they have one daily drink or beer, wine or liquor or if they smoke one marijuana cigarette daily.

And more than 30 percent of those youngsters say they get most of their information about drugs and drinking from their families and from watching TV and movies, while 16 percent cite school as the main source of information.

It is not until the sixth grade that school draws even with the family, TV and movies as a source of information about drugs and drinking, and not until seventh grade that the classroom becomes the foremost source of information.

"It isn't until the seventh grade that most of the (anti-drug and alcohol-abuse) programs begin to crank up," said Dr. Terry Borton, editor-in-chief of Xerox Education Publications, which publishes "The Weekly Reader." "There is a lot of evidence that that is too late."

The survey was distributed to 3.7 million students in grades four through 12. Answers were received from 500,000 children, then adjusted to reflect the total U.S. population distribution. Results of the poll, believed to be the first of its kind, were released at a White House news conference.

Borton said the survey revealed three major themes:

There is a "fairly significant pressure" to try alcohol or drugs at a very young age; youngsters do not see their schools as a "significant counterforce" until well into their school carers; they do understand there are risks involved in using drugs or alcohol.

Other findings of the survey include:

From fourth through sixth grades, other children, TV and movies run about equal when children are asked where they have learned what might make drugs or drinking fun. But from grade six through 12, other children become a much more important factor. That suggests that drug—and alcohol-abuse programs might be more effective at a younger age before peer pressure becomes stronger.

Nine of 10 youngsters believe marijuana should be called a drug, while roughly three of 10 think alcohol should be so classified and two out of 10 think cigarettes should be.

"Fitting in with other kids" is the main reason youths of all ages try marijuana. About one-third of children in grades four through eight believe drinking alcohol is "a big problem" among children their age and 40 percent believe smoking drugs are a big problem. The percentages rise as children get older.

The survey also reported that girls are more likely than boys to say other children try drugs or liquor to "fit in" and are more apt to believe drugs and drinking are a big problem among their classmates.

More children in urban areas report pressures to try drugs and alcohol, and children on both coasts report more involvement with drugs of all sorts.

AMI CALLS FOR REDUCED NITRITES IN BACON

Mr. EAGLETON. Mr. President, I would like to salute a recent effort by the American meat industry to respond to consumer concerns about food additives. Acting on behalf of its member companies and U.S. meat processors in general, the American Meat Institute has petitioned the U.S. Department of Agriculture to reduce the quantity of nitrite used in curing bacon.

Meat processors have found that by taking advantage of new bacon processing technology and techniques and through improved plant quality control, further reductions in the use of nitrites are possible.

The only bar to a voluntary reduction on the part of the industry is the fact that nitrite levels in bacon inspected by the U.S. Government are set by regulation. Thus, the American Meat Institute's petition is necessary.

I believe this effort is clear evidence of the meat industry's increased awareness of and responsiveness to consumer concerns and deserves recognition.

I ask that the text of the American Meat Institute's nitrite petition be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

AMI PETITION TO REDUCE SODIUM NITRITE IN BACON FROM 120 TO 100 PPM

The petitioner requests a change in the regulations to reduce the quantity of sodium (potassium) nitrite for curing

pumped bacon from 120 parts per million (PPM) to 100 PPM. As produced today, bacon is not a health hazard. It is possible, however, to reduce the formation of nitrosamines in fried bacon by lowering the amounts of sodium (potassium) nitrite and the industry has been encouraged to do so.

The American Meat Institute (AMI) is a national trade association representing more than 300 meat packers and processors. The safety and acceptance of bacon is important to the welfare of the industry. AMI has continued to search for practical procedures which will approach the goal of eliminating potential health hazards from meat products. The requested change will aid the industry in accomplishing this objective.

I. ACTION REQUESTED

The current regulation [9 CFR 318.7(b)(1)] states in part, "Sodium nitrite should be used at 120 parts per million (PPM) ingoing or an equivalent amount of potassium nitrite shall be used (148 PPM ingoing); and 550 PPM of sodium ascorbate or sodium erythorbate (isoascorbate) shall be used." The petitioner requests that this regulation be changed to read "100 PPM of sodium nitrite" and "123 PPM of potassium nitrite." Hereafter, the petition will hereafter address only sodium nitrite, with the understanding that potassium nitrite would be affected on an equivalent basis.

II. STATEMENT OF GROUNDS

A. Concern for safety

In October 1969 meat industry scientists met with the Assistant Secretary of Agriculture to discuss the possibility of nitrosamine formation in cured meat products. This concern led immediately to extensive collaborative studies with FDA and USDA to determine the extent of the problem and to evaluate possible solutions. In 1973 the Secretary of Agriculture appointed an Expert Panel on Nitrite and Nitrosamines to assess the available data, determine the public health significance, and to investigate alternate methods of processing. This panel's recommendation regarding bacon, made in 1977, were the basis of the regulation under discussion.

The 15 meetings of the Expert Panel, focused attention on nitrite's protective effect against botulism and the concern that residual nitrite could contribute to preformed nitrosamines. Data were developed showing clearly that, of the range of cured meat products, fried bacon was the only product with preformed nitrosamines present (Ref. 1415, Harvey, Gray). This evidence, in combination with the reassurance of the UAREP study that nitrite was not a carcinogen, made bacon the central concern of both the Expert Panel and the USDA. In the final analysis, only the bacon regulation was changed, lowering ingoing sodium nitrite from 156 PPM to 120 PPM.

In a response to the Hearing Clerk (March 17, 1978), AMI commented that this was a first step toward eliminating nitrosamines. But the industry was equally concerned about the possible consequence of reduced nitrite on the control of C. botulinum in cured products. The safety record of cured meats has been commendable and the role of nitrite has never been seriously challenged, but there is an uncertainty about the minimum level required to control botulism during normal distribution patterns. The safety of 156 PPM in bacon has a historical basis; and the level of 120 PPM, combined with 550 PPM of ascorbate, has proven safe for the past five years, when an estimated 8 billion pounds of bacon were consumed safely.

B. National Academy of Sciences

In 1980 the National Academy of Sciences (NAS) contracted with USDA and FDA to examine the health effects of dietary nitrate and nitrite and to evaluate possible alternatives to those substances. NAS addressed these subjects in two separate reports.

1. The first reaffirmed the conclusion of the UAREP report that nitrite was not a carcinogen, but recommended that exposure to nitrite should be reduced to the extent that protection against botulism is not compromised. This petition is consistent with the NAS recommendation.

2. The second NAS report failed to identify any individual compound with nitrite's unique properties. Although the report described processes effective in inhibiting nitrosation in bacon or which would effectively control botulism growth, all are deficient in some way that prevents their use today. USDA has, however, sanctioned the use of bacteriological starter cultures and acid phosphates in the curing process. The effectiveness of these procedures is largely related to the product's increased acidity and the instability of nitrite under these conditions. Such processes meet all regulatory requirements but effectively reduce the ingoing level of nitrite and the likelihood of violative levels of nitrosamines. A direct formulation reduction would be as effective and offer the advantage of positive control.

C. Response from industry

Early investigations by industry revealed poor process control in many operations. to alleviate this problem, the USDA conducted seminars where processors could acquaint themselves with improved processing techniques. An industry coalition supplemented these workshops with a Good Manufacturing Practice bulletin. In many situations, large investments were made in new equipment. The inherent variability in pork bellies and the restrictions placed on the process by dimensional requirements are not readily overcome but, as will be illustrated later, industry was able to reduce both the quantity and variability of the nitrosamine in the fried bacon.

D. Summary

In 1969, industry realized the need to alter bacon processing procedures in a manner which would continue to protect consumers from the threat of botulism and would reduce both the quantity and variability of the nitrosamine content of the fried product. With the encouragement and advice of the scientific community, the industry moved toward these goals by petitioning the USDA to reduce ingoing sodium nitrite to 120 PPM. Since then, industry has brought processing procedures under tighter control and has provided the opportunity for a much more critical evaluation of the use of a nitrite in bacon. The proposed regulatory change is an important second step in assuring the consumer of the safety of bacon.

III. REASONS FOR PETITION

The desirability of keeping nitrite at the lowest practical level has been recomended frequently by scientific advisory groups. The Expert Panel described this approach as an appropriate goal throughout its deliberations. The NAS report, "The Health Effects of Nitrate, Nitrite and Nitroso Compounds," recommended that "exposure to nitrite should be reduced to the extent that protection against botulism is not compromised." The same advice was repeated in the second part of the study, "Alternatives to the Current Use of Nitrite in Foods."

The incidence of presumptive violative nitrosamines dropped significantly when the industry first learned of the potential threat. Generally speaking, the nitrosamine level has remained low, but USDA's weekly monitoring report continues to identify plants which are presumptively out of compliance. Although nitrite level is but one factor correlated with nitrosamine content in bacon, it is the primary one; any general reduction should be expected to reduce the overall level of nirosamines in bacon and also reduce the incidence of presumptive violations.

This petition is restricted to pumped bacon because a comprehensive survey demonstrated that all other commercially cured meat products were free of nitrosamines (Nitrite Safety Council report, Food-Technology, July 1980). Dry cured bacon has been excluded because of a continuing investigation of curing methods and because the dry cure method does not lend itself to the control provided in pumped product. Furthermore, dry cured bacon is a specialty product representing a very minor portion of total bacon production.

The indispensable role of sodium nitrite in controlling the growth of C. botulinum was the primary concern when the 1977 decision was made to reduce the level of nitrite in bacon below 156 ppm. That concern remains, but industry can now more closely control processes and provide equal protection at a reduced average nitrite level (i.e., 100 ppm). The Expert Panel was presented extensive data on the effect of reduced nitrite on the growth of C. botulinum in innoculated products, but at no point did the panel discuss minimum values required to provide anticlostridial activity. Rather, most of the panel regarded the reduction to 120 PPM as a safe first step which would assure product safety and reduce nitrosamine formation. It is of note "that the Panel viewed these levels as interim until more information is developed or other alternatives found." (FR 3, p. 20994) At least three panelists believed that a reduction to 100 PPM was appropriate at the time. On another occasion, two panelists recommended a standard of 100±20 PPM.

IV. TECHNICAL SUPPORT

A. Nitrosamines related to ingoing sodium nitrite

The nitrosamine level found in fried bacon is controlled by a wide array of product characteristics, curing formulations, processing conditions and method of preparation. However, experience has shown that sodium nitrite at the time of frying is the most significant single factor in bacon produced by most processors. This relationship has been documented in several controlled experiments and was demonstrated in the early 1970's, when the industry began voluntarily to reduce the quantity of sodium nitrite in pump pickles (1976 Symposium at Zeist). FDA laboratories also showed a reduction of 75 percent in nitrosamines between 1971–74 and 1975–76 (Table 1) corresponding to a period of reduced usage of nitrite. The USDA weekly monitoring program, initiated in 1978, also indicated a reduced nitrosamine level as industry process control improved (Table 1). These results also suggest that further reduction in nitrosamine levels cannot be expected with existing technology; hence the need to again lower the amount of added nitrite.

B. Sodium Nitrite Needed for Botulism Protection

The importance of sodium nitrite for controlling the growth of C. botulinum is documented abundantly, but the exact quantity required in any particular prepared product under practical processing and distribution conditions remains uncertain (Expert Panel).

During the deliberations of the Expert Panel only a few studies had been conducted showing the relationship between nitrite and the prevention of growth in bacon. Since that time, additional research has been performed. Recently, a comprehensive assessment of the botulism hazards from cured meat products was presented by Housechild (Food Technology, December 1982). He summarized the data of 11 reports of inoculated pack studies using a method which allowed a comparison of all results. His evaluation prompted the statement that "it appears that no compensation would be necessary if nitrite input were to be reduced to 40 PPM." However, in his conclusions, he did not recommend major across-the-board reductions in nitrite, but rather that "Selective reductions in nitrite could be made safely, provided that the basic product formulations remain the same with respect to brine, carbohydrates and erythorbate."

Charges in processing procedure since 1978 have not altered the relationship between nitrite levels and nitrosamine formation in bacon, but they have made it less likely that very low levels of nitrite, which were of concern in establishing the 120 PPM standard, will be encountered in pumped bacon today. Although there is no way to determine that tightened processing controls have reduced the possiblity of botulinal growth in bacon, this would be anticipated.

The AMI believes it is timely and appropriate to heed the directives to reduce nitrite by taking advantage of the technological improvements which allow a modest reduction in nitrite without compromising safety. By integrating the two effects of nitrite concentration, it is possible to arrive at an estimate which maximizes the usefulness of nitrite in bacon. A reduction to 90-100 PPM is indicated.

V. SUMMARY AND CONCLULSION

The contribution of cured meat products to the total dietary load of nitrosamines has been reduced to less than 3 percent, but both consumer and industry want further reductions when they can be accomplished safely.

The safety of bacon has been maintained at 120 PPM nitrite and there is every indication that this safety would be maintained under normal commercial and household conditions at significantly lower levels. However, there is nothing compelling a reduction on the order adapted in 1978 and the more conservative approach of a moderate reduction seems appropriate at this time. The voluntary reduction of sodium seems appropriate at this time. The voluntary reduction of sodium nitrite in pumped bacon is part of an ongoing industry commitment to supply the consumer with the safest possible meat and meat products.

NATIONAL OSTEOPATHIC MEDICINE WEEK

Mr. LEVIN. Mr. President, each September, one week is set aside to honor the profession that emphasizes wholistic health care—osteopathic medicine. This year, the week beginning September 18, 1983, has been designated as "National Osteopathic Medicine Week."

Osteopathic medicine, which has been practiced in the United States since 1874, is based upon the theory that every patient should receive complete health care. This approach to treatment stresses care to the entire person, not just the symptom or illness, because what happens to one part of the body can affect other parts of the body. Physical, mental, and emotional well-being, as well as nutritional needs and environmental factors, are all important considerations in a doctor of osteopathic medicine's (DO's) diagnosis and treatment of a patient. Furthermore, a DO pays particular attention to the musculoskeletal system. The DO recognizes that muscles, bones, and joints make up over 60 percent of the total body mass, playing a vital role in every person's physical and mental health.

The osteopathic profession is dedicated to providing health services to entire families. More than 20,000 osteopathic physicians practice throughout the United States, caring for more than 20 million Americans. Nearly 40 percent of these DO's work in communities of less than 20,000 people, bringing health care to families in small towns and rural areas. More than 90 percent of all practicing DO's provide primary care. Most are general practitioners who are family-practice-oriented, but many DO's specialize in various areas such as surgery, pediatrics, obstetrics, and radiology.

In addition to the private practitioners, there are over 200 osteopathic hospitals located in 31 States which provide vital health care services to Americans. With more than 25,000 beds, these medical centers provide treatment for approximately 877,000 patients. Each year, osteopathic hospitals account for some 6.5 million patient-days of care. Osteopathic hospitals also treat roughly 3.8 million outpatients per year, providing emergency and ambulatory care.

Mr. President, I am proud to represent a State that has been a pioneer in the practice of osteopathic medicine. Sixteen percent of all DO's practice in my own State of Michigan. We have more than 30 of the Nation's 200 osteopathic hospitals located in Michigan—more than any other State in the country.

The Nation's first freestanding osteopathic hospital for children and adolescents in need of psychiatric treatment is located in the State of Michigan. We are also proud to be the home of the Michigan State University College of Osteopathic Medicine—a leading national medical school.

Americans continue to turn to osteopathic physicians for the total health care needs of their families. In short, osteopathic medicine offers something more for those who seek medical treatment that emphasizes the whole person.

I want to take this opportunity to salute the osteopathic medical profession and to commend individual DO's, hospital administrators, and their staffs, and health care practitioners throughout the Nation and the 15 osteopathic medical schools, for the remarkable contribution they have made to improving the quality of health care for all Americans.

Mr. President, I ask unanimous consent that an article entitled "Competition Within the Physicians' Service Industry: Osteopaths and Allopaths," which appeared in the American Journal of Law and Medicine during the summer of 1982, appear in the RECORD following my statement.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

COMPETITION WITHIN THE PHYSICIANS' SERVICES INDUSTRY: OSTEOPATHS AND ALLOPATHS

(By Erwin A. Blackstone, Associate Professor of Economics, Temple University)

ABSTRACT

Within the physicians' services industry, doctors of osteopathy are the only "full line" competitors of medical doctors.[1] Given the current interest in merger of the two schools of practice, this Article examines the benefits of having an independent osteopathic school. These benefits include: (1) reduction of the monopoly power of medical doctors in malpractice litigation, fee negotiations with third party payors and the formulation of health policy; (2) greater satisfaction of consumer desires; and (3) diversity and innovation in physicians' training and methods of practice. The Article concludes that society has an interest in discouraging merger of the two groups; osteopathy should be maintained as an independent school of practice. To this end, society should carefully consider the impact of legislation and regulatory policies that may have the unintended effect of eliminating osteopathy as an independent competitor.

I. INTRODUCTION

For a variety of reasons, the physicians' services industry has been somewhat unresponsive to the market forces of supply and demand.[2] Because of this unresponsiveness, regulation rather than competition has been relied on to allocate resources in the health care industry.[3] Now, because of a growing disenchantment with regulation, competition is emphasized wherever feasible.[4] It is frequently lamented that the physicians' services segment of the health care industry lacks competition.[5] A closer look at this segment, however, reveals that substantial competition does exist and provides an opportunity to examine both the impact of and appropriate role for such competition.

There are two competing groups of physicians in the United States—doctors of osteopathy (D.O.s or osteopaths) and doctors of medicine (M.D.s or allopaths). Osteopaths, like allopaths, are licensed to practice all healing modalities.[6] D.O.s graduate from osteopathic medical colleges and currently

[1] Footnotes at end of article.

comprise about four percent of all physicians.[7] Although osteopaths have emphasized general and family practice, they do offer a full line of medical services including specialties such as neurosurgery.[8]

The American Osteopathic Association (A.O.A.) is similar in structure to the American Medical Association (A.M.A). The A.O.A.'s control over osteopathy is similar to the A.M.A.'s control over allopathy. Graduation from an A.O.A.-approved osteopathic medical school is generally required for state licensure of osteopathic physicians.[9] Osteopathic medical schools teach both the standard medical curriculum and osteopathic principles and practice. Teaching of the latter comprises only three to five percent of the total curriculum.[10]

There have been important changes in allopaths' attitude toward osteopaths. Originally osteopaths were labelled "cultists." Now D.O.s can be accepted into A.M.A.-approved internship and residency programs, can become staff members at allopathic hospitals, and can join allopathic medical societies.[11] While allopathy previously tried to inhibit osteopathy's ability to compete, it now tries to gain control over osteopathy by merger of the two schools.[12] Because the gains from achieving monopoly are substantial,[13] it is not surprising that allopaths would want to acquire control over their only competitors. Even a single competitor can significantly constrain the behavior of the dominant firm.[14]

A monopoly exists when one seller produces the entire output of an industry.[15] In an effort to maximize profits, a monopoly controls output to produce less than what would be produced by a competitive industry that faced the same cost and demand conditions.[16] Without a competitive spur, a monopolist is not forced to tap all segments of the market. This absence of competition can lead to a lack of product variation and a lessening of consumer satisfaction.[17] Competition is often induced in monopoly situations to alleviate these problems.[18]

Allopaths comprise approximately 96 percent of all physicians. As a group they enjoy substantial monopoly power. Their power over accreditation of both medical schools and graduate training programs provides them significant control over the supply of allopathic physicians.[19] Unification of osteopathy and allopathy would give the A.M.A. control over production of all physicians.

The existence of osteopathy as a competitor provides significant gains for society, such as increased innovation and responsiveness to unmet consumer desires. Competition between the two groups will likely occur on a service rather than a price level, because consumers have little incentive to shop for health care services.[20] First, third-party insurers reimburse insureds with little regard to fees charged,[21] which tends to blunt consumers' interest in cost containment. Although most osteopaths are general practitioners, they do perform substantial hospital work, usually under insurance coverage.[22] Second, "comparative shopping" among health care providers on the basis of price is virtually unknown.[23] No one wants to skimp on health care; when an individual is sick, he seeks the best care possible, regardless of cost.[24]

While an independent osteopathic school benefits society, threats to its continued existence are manifest. This Article points out the traditional benefits of competition found in the physicians' services market despite the presence of only two competitors. The Article will describe certain aspects of the operation of the physicians' services market to show that significant benefits accrue to society as a result of the independent existence of the osteopathic school of medicine. Finally, it will suggest public policies aimed at maintaining that competition.

II. CURRENT THREATS TO DUOPOLISTIC COMPETITION

Osteopaths face several impediments to their continued existence as competitors with allopaths. The first major impediment to the realization of the benefits of osteopathic rivalry is osteopathy's minority position. In some areas of the country, there are too few osteopaths to provide consumers with a meaningful choice of service.[25] In 1979, for example, five states had fewer than ten osteopaths providing patient care; thirteen states had fewer than twenty osteopaths.[26] Similarly, in some areas there are very few osteopathic hospitals. In the early 1970's, the entire New England region had only five.[27] Further, while more and more osteopaths enjoy staff privileges at allopathic hospitals, many still face substantial difficulty gaining such access.[28]

Osteopathy may also face a shortage of training positions for osteopathic physicians.[29] A study by the Task Force on Graduate Osteopathic Medical Education projects that within ten years there will be over 1800 osteopathic graduates to fill approximately 1100 osteopathic internship positions.[30] There are relatively few osteopathic hospitals, and of these, slightly less than half are approved for graduate training.[31] Most osteopathic hospitals are relatively small[32] and have insufficient patient volume to train many sub-specialty osteopaths.

The second major impediment to osteopathy's continued existence as an independent school is the discriminatory effect of some health planning regulation. Some osteopaths have alleged intentional discrimination by regulators.[33] For example, the American Osteopathic Hospital Association charged that approval of a plan for merger of three osteopathic hospitals, which would result in a reduction of surplus beds, was delayed for two and one-half months just after a similar plan involving three allopathic hospitals had been routinely approved in four weeks.[34]

Generally, however, discrimination by health planning agencies against osteopaths is unintentional. For instance, certificate-of-need controls instituted under the National Health Planning and Resource Development Act[35] have threatened the existence of the osteopathic hospital systems.[36] A West Michigan Health System Agency proposal illustrates this threat.[37] The Agency proposed that hospital obstetrical departments in population centers of 100,000 or more should have a minimum of 1500 deliveries per year.[38] The Chairman of the Board of Directors of the Grand Rapids Osteopathic Hospital noted that only one osteopathic hospital in the United States could meet this standard.[39] He also noted that closure of osteopathic obstetrical units would effectively eliminate graduate osteopathic education in its present form, since obstetric experience is required as part of the osteopathic rotating internship.[40]

These problems were brought to the attention of Congress by the A.O.A. and in 1979 the Health Planning and Resources Development Act was amended to require that consideration be given osteopathy's unique situation.[41] The amendment mandates that state agencies reviewing an application for a certificate of need shall consider "the need for and the availability in the community of services and facilities for osteopathic and allopathic physicians and their patients."[42] It also requires consideration of an application's "impact on existing and proposed institutional training programs for doctors of osteopathy and medicine at the student, internship, and residency training levels."[43] Despite the amendment, the potential for discrimination against osteopathy still exists.[44]

The impediments to osteopathy's continued existence as an independent minority school of physicians are significant. Osteopathy must deal with problems resulting from its minority position in the physicians' services market and government policies aimed at reducing the cost of health care which discriminate against osteopathy. Against this background, the following discussion examines ways in which osteopathy's existence as an independent school benefits society.

IV. BENEFITS OF DUOPOLY

Although osteopaths account for only a small percentage of physicians in the United States, their continued existence as an independent school of medicine has provided, and should continue to provide, a competitive spur to the physicians' services industry. They are an important source of expert testimony in malpractice litigation against allopaths, which can help break the "conspiracy of silence" that exists among allopaths. They can intervene in negotiations with third-party payors to reduce the leverage that allopaths could otherwise exert on the establishment of reimbursement rates. Osteopaths fill otherwise untapped segments of the physicians' services market, such as rural and inner-city areas. Finally, they innovate in their methods of training and practice, providing possible alternatives to allopaths seeking to contain costs.

A. Reducing monopoly power

I. Malpractice Litigation.—By raising the cost of poor performance, the threat of malpractice litigation may induce a higher quality and care.[45] Most physicians view malpractice liability as detrimental to their individual interests. In addition, malpractice liability diminishes the respectability of the profession. This loss of respect translates into reduced physicians' earning power. To the extent that physicians take reasonable measures to avoid malpractice liability, the quality of their service will necessarily improve.

Few would argue that a patient harmed by a clear case of physician malpractice should be unable to obtain recovery. Nevertheless, in some instances, allopathy's monopoly power could lead to precisely this result.[46] That a "conspiracy of silence" exists among allopaths is well-established.[47] Allopaths often refuse to testify against one another on behalf of a plaintiff who seeks to establish by expert medical testimony[48] that a departure from the prevailing standard of care occurred. Physicians may be discouraged from testifying against one another for fear of ostracism and "disciplinary action," such as loss of referrals from other physicians, inability to obtain or maintain hospital staff privileges, or cancellation of malpractice insurance.[49]

Osteopaths can be a key source of expert testimony against allopaths. Treatments used by osteopaths and allopaths are frequently the same or similar; therefore, osteopaths are generally competent to testify as to the prevailing standard of care.[50] Further, since osteopaths generally rely on re-

ferrals from other osteopaths, they can testify against allopaths without fear of reprisal. The availability of osteopaths to testify against allopaths is especially important when a plaintiff is unable to procure any other source of expert medical testimony.[51] In *Morrill* v. *Komasinski*, for example, the plaintiff consulted several allopaths who advised her that while the defendant allopaths' diagnosis and treatment was "faulty," they would not testify. The plaintiff subsequently secured the testimony of two osteopaths and ultimately prevailed against the defendant.[52]

The independent existence of osteopathy is beneficial in malpractice litigation. The growing number of osteopathic specialists and the greater acceptance of osteopaths as full-fledged physicians will make it easier to overcome allopaths' ability to avoid malpractice litigations.[53] Even if there is a "conspiracy of silence" among allopaths, a "conspiracy" between the two competing schools of physicians is unlikely.

2. Third-Party Payors.—Allopaths possess substantial power over standardized rates of reimbursement established by third-party payors for medical services. Their influence is especially evident in a program such as Medicaid,[54] which is designed to make health care affordable to low-income persons.[55] The viability of Medicaid depends on physicians' voluntary acceptance of government established fees.[56] If allopaths could maintain monopoly control here, they would have tremendous power and incentive to "walk" if not satisfied with the prescribed fees.

With the separate osteopathic school, allopaths must be aware that a concerted refusal to participate in this program may provide an opportunity for osteopathy to expand its share of the market. The D.O.s' ability to intervene in these negotiations benefits society. First, it keeps fees reasonable. Second, since the money available for Medicaid reimbursement is finite, lower costs mean more treatment can be provided for a given amount of government money. Finally, if M.D.s choose not to participate in the Medicaid program, the poor can turn to D.O.s.

Osteopaths may have helped overcome allopaths' opposition to a temporary reduction of Medicaid reimbursement levels in New Jersey. In 1975, the New Jersey Department of Human Services instituted a ten percent reduction in Medicaid fees in an attempt to balance the state's budget.[57] The Board of Trustees of the New Jersey Medical Society recommended withdrawal of support from the Medicaid program in an apparent attempt to force the state to rescind the cut in fees.[58] In contrast, the New Jersey Association of Osteopathic Physicians indicated that, despite its displeasure with the fee reductions, its members would continue to serve Medicaid patients.[59] The New Jersey example suggests that the existence of an independent osteopathic school may reduce the power of allopaths to influence or control third party payor reimbursement rates.

3. Health Care Legislation and Policy.—The advantages of diversity extend to the legislative arena where the two medical groups, because of their different types of practice, may take divergent positions on government activities. While other groups may offer testimony on proposed health care legislation, osteopaths, as physicians, have potentially greater power to counter the views presented by allopaths.

There are numerous examples of osteopaths and allopaths presenting differing views on legislative proposals. In 1961, the A.M.A. stated its opposition to the proposal that the federal government take major responsibility for the provision of health care to the elderly, labeling the proposal "socialized medicine."[60] The A.O.A. supported the bill.[61] Osteopaths and allopaths presented different views on Professional Standards Review Organizations (PSROs).[62] After the PSRO law was passed, the A.M.A. recommended nineteen amendments.[63] The osteopathic statement given before a House subcommittee acknowledged some problems in the PSRO program, but cautioned against major changes that would reduce the program's effectiveness, noting that "[t]here are those who would have you amend this program to death."[64] Another subject on which the A.M.A. and A.O.A. have advocated different positions is malpractice liability insurance. The A.O.A. advocated federally funded "no fault" insurance to compensate victims of malpractice,[65] while the A.M.A. advocated limitations on damage awards and attorneys' fees and a shorter statute of limitations.[66]

While the extent of osteopathy's influence on the legislative process is unknown, its presentation of views different from allopathy's serves to increase Congress' awareness of alternative solutions to problems in health care. Congress' recognition of osteopathy's special needs in the 1979 amendments to the National Health Planning and Resources Development Act indicates that osteopathy's voice is not unheard.[67]

B. Responsiveness to consumers' desires

Osteopathy has helped to improve the responsiveness of the physicians' services industry to consumers' desires in two ways. First, in certain areas where lack of competition has resulted in "gaps" in allopaths' provision of services, osteopaths have helped to increase the availability of physicians' services in terms of geographic distribution and type of practice. Second, osteopaths have competed with allopaths to a limited extent by providing services different from those offered by allopaths.

For a variety of reasons, allopaths have been relatively free from normal market forces.[68] One result is that relatively few allopaths practice in rural areas.[69] In contrast, in 1979, thirty-nine percent of all D.O.s practiced in communities with populations of less than twenty thousand.[70] Allopaths' unresponsiveness to the demand for physicians' services in these areas has provided the opportunity for osteopaths to establish their practices. Osteopaths are also relatively over-represented in the core areas of many cities. In 1970, they comprised twenty-two percent of the three thousand practicing general physicians in metropolitan Philadelphia and thirty-seven percent of those in West Philadelphia, an inner-city area.[71]

Osteopaths have also helped fill the gaps left by the exodus of allopaths from general practice into the specialities.[72] Osteopathy emphasizes primary care in the training of its physicians[73] and consequently produces a relatively high percentage of general practitioners. In 1975, eighty-two percent of Philadelphia's osteopaths and only forty percent of its allopaths were generalists.[74]

In addition to filling gaps left by allopaths, osteopaths have been able to compete directly with allopaths to a limited extent. Osteopaths satisfy consumers' demand for a type of physician different from an M.D. It has been suggested that because the role of "doctor" in our culture does not enjoy the esteem it used to, many patients seek a "less doctorly" doctor, a desire fulfilled by osteopaths.[75] For those patients who seek medical care, but choose not to consult an M.D., osteopathy provides at least one alternative to reliance on self-treatment or an unqualified practitioner.[76]

C. Diversity and innovation in methods of training and practice

Innovation and diversity often result when a competitor tries to capture some of the dominant firm's market share. Osteopaths have been forced to be innovative because of their minority position, their desire to compete with allopaths, and their lack of reliance on government funding. Innovation has been apparent in osteopaths' methods of training and practice, in quality control, and in continuing medical education. As osteopaths become more competitive, as costs rise, and as government funding decreases, allopaths may adopt some of osteopathy's innovations.

Osteopathic schools do not receive as much outside aid as do allopathic schools.[77] They must rely on tuition to cover expenses, and thus have a great incentive to make innovations that will reduce their training costs. While allopathic schools may share this incentive to reduce their training costs, they have been slow to innovate. Entry of new allopathic schools that varied from the traditional curriculum has been discouraged by the majority of allopaths.[78] Competition between the two schools of medicine, however, may lead to a departure from the rigid M.D. structure.[79]

One major point of diversity between the two schools is the time required for training. The standard osteopathic curriculum is four years plus one year of internship, considerably shorter than the standard allopathic program. Required post-doctoral education for M.D.s and D.O.s also differs. Osteopathy utilizes a rotating internship with exposure to all major fields of medicine over the course of one year.[80] Allopaths, on the other hand, generally spend one year in an internship in either internal medicine or surgery and then enter a residency program for further specialization. The shorter training period for osteopaths reflects osteopathy's concerns with keeping education costs low and educating physicians as generalists. If and when cost constraints give allopathic schools incentive to reduce training costs, the D.O. model is an alternative means of training that they can adopt.

Philosophical differences between the two schools have led to innovations in practice. For example, osteopaths claims that their practice of manipulative therapy and interest in holistic medicine have now been adopted by M.D.s, as evidenced by allopaths' current interest in biomechanics.[81]

Osteopathy has been innovative in the area of quality control. As part of their effort to obtain a greater market share, osteopaths have instituted measures demonstrating their concern with the quality of medical care provided. The existence of the quality-conscious competitor to allopathic medicine forces allopaths to provide high quality service; relatively low quality could lead to a loss of patients to osteopaths.

For example, continuing medical education illustrates the benefits provided by a competitive osteopathic school. In 1967, twelve states required that D.O.s receive continuing medical education in order to obtain relicensure.[82] These provisions were "unique among licensure laws for health personnel [and] were enacted at the insistence of state osteopathic associations.[83] At

that time, no state required that M.D.s receive continuing education.[84] Following the lead of osteopaths, however, allopaths established continuing medical education as a condition for licensure. By 1978, nineteen states' M.D. licensing boards had adopted this requirement.[85]

Osteopathy's presence as a competitor reduces allopathic monopolization of the physicians' services market, particularly in the areas of malpractice litigation, negotiations with third-party payors, and the formulation of legislative health care policy. In addition, osteopathy responds to gaps in the provision of physicians' services that result from allopathy's monopoly power in certain areas. Finally, the existence of the osteopathic school provides diversity and innovation in methods of training and practice within the health care industry.

V. RECOMMENDATIONS FOR THE MAINTENANCE OF COMPETITION BETWEEN SCHOOLS

The major benefit of rivalry between osteopathy and allopathy is the greater likelihood that the diverse demands of society will be met. Consequently, it is important to ensure that osteopathy remain a distinct school. To maintain and possibly increase the significance of osteopathic rivalry, a number of policy recommendations are in order.

First, a separate licensing board for osteopathic physicians is desirable to prevent M.D.s from gaining control over the licensure and output of osteopathic physicians. In 1977, nonosteopaths were in the majority on boards that license osteopaths in twenty-seven states, and in many of these states M.D.s evidently comprised the majority of board members.[86] Medical licensing boards might try to gain control of osteopathic licensure by offering to provide M.D. degrees to D.O.s. Such an offer was recently made in California, but was withdrawn after threats of litigation by osteopaths.[87]

Second, separate osteopathic hospitals should be maintained. They play an important role in providing full medical and surgical care. In addition, graduate medical education occurs largely within the hospital context. Benefits from having separate osteopathic hospitals, which accrue directly to osteopaths but result in indirect benefits to society, include: (1) assurance of a number of programs and positions for graduate education for osteopaths; (2) assurance for the opportunity for clinical hospital practice by many osteopathic physicians; and (3) diversity and innovation in treatment methods, hospital management, and accreditation standards for hospitals. It is therefore important for osteopaths to have access to and control over hospitals. The existence of a sufficient number of separate osteopathic hospitals is essential to maintain the benefits of having separate schools and philosophical bases for medical practice.

Third, regulatory bodies such as Health Systems Agencies, in setting policies to control costs, should carefully consider the impact that their regulations may have on osteopathic competition. Even if the actions of hospital regulatory agencies economized significantly on the use of resources [88] (and it is not clear they do),[89] the loss of the benefits from competition in the physicians' services segment of the industry might well outweigh any resource savings in the hospitals.

VI. CONCLUSION

Osteopathic-allopathic rivalry has already provided substantial benefits to society. It promises to provide even more benefits in the future. Public policy requires that osteopathic competition continue. Given the benefits from competition between the osteopathic and allopathic disciplines, society has a strong interest in resisting the pressures for merger of the two disciplines and instead should try to maintain their separate, though cooperative, existence. Accordingly, osteopaths should have sufficient access to hospitals, a separate licensing board, and freedom from discriminatory regulatory treatment. These policies will ensure that society will continue to benefit from the "second opinion" represented by osteopathy.

FOOTNOTES

[1] This article uses the term "allopaths" to refer to doctors of medicine (M.D.'s). The term is used, as a matter of convenience, to distinguish conventional medical doctors from osteopaths. There is some dispute as to whether this usage is correct. The term has been used to refer to conventional medical practice in general *See e.g.*, WEBSTER'S THIRD NEW INTERNATIONAL DICTIONARY 57 (1976). On the other hand, allopath is understood by some to refer to a type of doctor different from a medical doctor. Thus, a medical dictionary includes under its definition of allopath: "2. Erroneously, a physician of the rational or regular school, as distinguished from eclectic or homeopathic practitioners." STEDMAN'S MEDICAL DICTIONARY 45 (4th Lawyer's ed. 1976). The term is used in this article in the sense of the former definition.

[2] Some factors contributing to this unresponsiveness are that: (1) health care services are generally paid for by third-party insurers; (2) consumers are often unable to evaluate and compare physicians' services; (3) consumers are often inactive in creating demand; and (4) consumer's traditional respect for the medical profession inhibits their questioning physicians' judgment. Rosoll, *Antitrust Laws and the Health Care Industry: New Warriors into Old Battle*, 23 ST. LOUIS U.I.J. 446 (1979); Note. *Antitrust Implications of Chiropractic Peer Review Committees*, 8 AM J.I., & MED. 45, 61-62 (1982). For Blackstone, an analysis of the workings of a medical market, *see Market Powers and Resource Misallocation in Medicine; The case of Neurosurgery*, 3 J. HEALTH. * * * & L 345 (1978).

[3] Havighurst & Hackbarth, *Competition and Health Care*, REGULATION, May-June 1980, at 39-43.

[4] Havighurst & Hackbarth, *supra* note 2, at 46-48; Rosoll, *supra* note 1, at 447-48. *See also* Arizona v. Maricopa County Med. Soc'y. 102 S. Ct. 2466 (1982); Blue Shield of Va. v. McCready, 102 S. Ct. 2540 (1982); Union Labor Life Ins. Co. v. Pireno, 50 U.S.L.W. 4911 (U.S. June 28, 1982).

[5] *See, e.g.*, Havighurst. *Competition in Health Services: Overview, Issues and Answers.* 34 VAND. L. REV. 1117 (1981).

[6] INSTITUTE OF MEDICINE, NATIONAL ACADEMY OF SCIENCES, COSTS OF EDUCATION IN THE HEALTH PROFESSIONS 109 (1974).

[7] Bloom, *The D.O. Growing Pains*, MED. WORLD NEWS, Oct. 27, 1980, at 42.

[8] Blackstone, *The A.M.A. and the Osteopaths: A Study of the Power of Organized Medicine*, 22 ANTITRUST BULL., 405 (1977).

[9] A study of osteopathic licensing notes: "As a practical matter, graduation from an A.O.A. accredited college should satisfy the professional educational requirements of all states." McDevitt, *Osteopathic Licensing Summary*, J. AM. OSTEOPATHIC A., Sept. 1975, at 79.

[10] INSTITUTE OF MEDICINE, *supra* note 6, at 110.

[11] For example, the Board of Trustees of the Medical Society of New Jersey approved on October 17, 1976 a report recommending the admission of DO.s. *See New Jersey Doctors' Notebook* 73 J. Med. Soc'y N.J. 1075, 1095-96 (1976).

[12] The A.M.A. Board of Trustees has attempted to achieve unification of the two disciplines. Blackstone, *supra*. note 8, at 422.

[13] *See infra* notes 15-22 and accompanying text.

[14] For example, in the professional team sports industry, "[n]ew leagues or financially troubled older ones often adopt playing and institutional innovations that eventually are adopted by more successful—and more conservative—competitors." Noll, *Major League Team Sports*, in THE STRUCTURE OF AMERICAN INDUSTRY 365, 395 (W. Adams ed. 1977).

[15] *See generally* R. POSNER, ECONOMIC ANALYSIS OF THE LAW ch. 9 (2d ed. 1977).

[16] *Id.*

[17] *Id.*

[18] "The heart of our economic policy has long been faith in the value of competition." Standard Oil Co. v. FTC., 340 U.S. 231, 218 (1951). Indeed, the Sherman Act assumes that competition is desirable in every market. *See* Note, *supra* note 1, at 61.

[19] Rayack, *The Physicians, Services Industry* in THE STRUCTURE OF AMERICAN INDUSTRY 401, 407-09 (W. Adams ed. 1977).

[20] *See supra* note 1.

[21] Insurance companies generally compare submitted treatments and charges to those that are "usual, customary, and reasonable" for providers in a given area. *See* Pireno v. New York State Chiropractic Ass'n, 650 F.2d 387, 388 (2d Cn. 1981), *aff'd sub. non.* Union Labor Life Ins. Co. v. Pireno, 50 U.S.I.W. 1911 (U.S. June 28, 1982).

[22] Matmon, Boyer & Greenberg, *Medical Care and Procompetitive Reform*, 34 VAND. I., REV. 1003, 1004 (1981).

[23] Rosoff, *Supra* note 1, at 448.

[24] *Id.*

[25] *See* SUBCOMM. ON HEALTH & THE ENVIRONMENT OF THE HOUSE COMM. ON INTERSTATE & FOREIGN COMMERCE, 96TH CONG., 2D SESS, HEALTH MANPOWER DATA BOOK 15 (Comm. Print 1980).

[26] *Id.*

[27] THE NEW ENG. BOARD OF HIGHER EDUC., RECOMMENDATIONS FOR REGIONAL ACTION FOR OPTOMETRIC., OSTEOPATHIC., AND PODIATRIC EDUCATION IN NEW ENGLAND 74 (1975).

[28] *See, e.g.*, Wott v. Jane Phillips Episcopal Memorial Medical Center, 513 F.2d 684, 685 (10th Cir. 1975). In 1978, Senator Hathaway of Maine noted that osteopaths in Maine had difficulty obtaining staff privileges at allopathic hospitals despite their constituting a significant proportion of the state's primary physicians. *Hearings on H.R. 10450 Before the Subcomm. on Health & the Environment of the House Comm. on Interstate & Foreign Commerce*, 95th Cong., 2d Sess. 598 (1978) (letter written by Senator Hathaway).

[29] Although osteopathy emphasizes strongly primary care, it nevertheless provides a full range of medical services. *See* Blackstone, *supra* note 8 and accompanying text.

[30] AMERICAN OSTEOPATHIC ASS'N, PRELIMINARY DRAFT REPORT OF THE TASK FORCE ON GRADUATE OSTEOPATHIC MEDICAL EDUCATION 29 (1980) [hereinafter cited as PRELIMINARY DRAFT REPORT]. As of July 1980, there were 1421 approved residency positions, far below the number likely to be necessary in the near future. *Id.* at 34.

[31] *Id.* at 27; Northup, *A Word for the Little Guy*, J. AM. OSTEOPATHIC A., Jan. 1977, at 323.

[32] As of July 1980, only six osteopathic hospitals had more than 400 beds. PRELIMINARY DRAFT REPORT, *supra* note 30, at app. 4, 1-3.

[33] *Part 1 Health Planning & Resources Dev. Amendments of 1978: Hearings on H.R. 10460 Before the Subcomm. on Health & the Environment of the House Comm. on Interstate & Foreign Commerce*, 95th Cong., 2d Sess. 586 (1978) [hereinafter cited as *HPRDA of 1978*].

[34] *Id.*

[35] 42 U.S.C. § 300k-300t (Supp. IV 1980).

[36] *See* Havighurst & Hackbarth, *supra* note 2, at 39-43.

[37] *See HPRDA of 1978*, *supra* note 33, at 625-27 (letter from J. Miller, Chairman of the Board of Directors of the Grand Rapids Osteopathic Hospital to Judge F. Grimm).

[38] *Id.*

[39] *Id.*

[40] *Id.*

[41] 1979 Amendments to the National Health Planning and Resource Development Act, Pub. L. No. 96-79, 93 Stat. 618 (1979).

[42] *Id.*

[43] *Id.*

[44] In Michigan, for example, state law empowers local health planning agencies to eliminate "surplus" hospital beds. *See* Holweiho, *What a Crackdown on "Surplus" Beds Can Do to Doctors*, MED. ECON., Mar. 3, 1980, at 25, 36. In 1981, the Michigan Health Systems Agency threatened closure of an osteopathic obstetrical unit. *Id. See also* McGuire, *BOH Obstetrics Shouldn't Be Cut*, MICH. OSTEOPATHIC J., Sept. 1981, at 37.

[45] Project, *The Medical Malpractice Threat: A Study of Defensive Medicine*, 1971 DUKE I., J. 939, 948.

[46] *See* Morrill v. Komasinski, 256 Wis. 417, 41 N.W.2d 620 (1950) (plaintiff could find no M.D. to

testify against M.D. defendant). *See also infra* noted 52-53 and accompanying text.

[47] *See* Markus, *Conspiracy of Silence*, 14 CLEV.-MAR. I., REV. 521; (1965) D. HARNEY, MEDICAL MALPRACTICE 193 (1973) ("It has been held to be a matter of common knowledge that a plaintiff in a medical malpractice action often is unable to find a medical expert willing to testify against a fellow physician . . . ."); Faulkner v. Pezeshki, 44 Ohio App. 2d 186, 193, 337 N.E.2d 158, 164 (1975) ("Locating an expert to testify for the plaintiff in a malpractice case is known to be a very difficult task, mainly because in most cases, one doctor is reluctant and unwilling to testify against another doctor.").

[48] Expert medical testimony is generally required in all malpractice cases because negligence in the diagnosis and treatment of the patient would not be obvious to a layman. Musachia v. Terry, 140 So. 2d 605, 607 (Fla. Dist. Ct. App. 1962), *aff'd*, 190 So. 2d 147 (1966).

[49] See Eisenberg. *Malpractice Witnesses from Abroad: The New "Hired Guns"?*, MED. ECON., May 1, 1978, at 142, 149.

[50] Creasey v. Hogan, 292 Or. 154, 637 P.2d 114 (1981); Lisi v. Workmen's Compensation Appeal Board, 17 Pa. Commw. 291, 296, 331 A.2d 253, 254 (1975) ("The fact that Dr. Pettenelli is an osteopath, and not a cardiologist, may affect the weight or credibility of his testimony, but it does not affect its competency."); Morrill v. Komasinski, 256 Wis. 417, 41 N.W.2d 620 (1950); *see generally* Annot., 46 A.I. R.3d 275 (1972).

[51] Morrill v. Komasinski, 256 Wis. at 422, 41 N.W.2d at 622-23.

[52] *Id.*

[53] It is ironic, perhaps, that the benefits that result from osteopaths' ability to testify against allopaths in malpractice cases depends on similarities between the two schools, whereas many other benefits discussed in this Article depend on differences between them.

[54] 42 U.S.C. § 396 (1976).

[55] 42 U.S.C. § 396a(30) (Supp. 1982).

[56] 42 U.S.C. § 5396a(37) (Supp. 1982); Pharmacist Political Action Comm. of Md. v. Harris, 502 F. Supp. 1235 (D. Md. 1980) (maximum allowable reimbursement rates upheld).

[57] *See* Reilly, *State Problems in Government and Medicine*, 74 J. MED. SOC'Y N.J. 611, 612 (1977).

[58] *New Jersey Doctor's Notebook*, 72 J. MED. SOC'Y N.J. 950 (1975). *See also* Reilly, *supra* note 57, at 612.

[59] N.Y. Times, Aug. 8, 1975, at 60, col. I.

[60] *Health Services for the Aged Under the Social Security Insurance System: Hearings on H.R. 4222 Before the House Comm. on Ways & Means*, 87th Cong., 1st Sess. 1309 (1961).

[61] *Id.* at 2224.

[62] U.S.C. § 1320c (1976).

[63] *Selected Medical Issues:* Hearings before the *Subcomm. on Health of the House Comm. on Ways & Means*, 94th Cong., 1st Sess. 124-25 (1975).

[64] *Id.* at 134-35.

[65] *Health Insurance for the Unemployed and Related Legislation: Hearings Before the Subcomm. on Health of the House Comm. On Ways & Means*, 94th Cong., 1st Sess. 26-28 (1975).

[66] *Id.* at 274.

[67] *See supra* notes 41-43 and accompanying text.

[68] *See supra* note 1 and sources cited therein; *see* also marmor, Boyer & Greenberg, *supra* note 22, at 1004.

[69] Hesbacher, Schein & Leopold, *Psychiatric Illness Detection: A Comparison of Osteopaths and M.D.'s in Private Family Practice*, 9 SOC. SCI. & MED. 461 (1975).

[70] Faverman, *Task Force on Graduate Osteopathic Medical Education: Practice Distribution by Community Size*, THE D.O., Nov. 1979, at 69, *reprinted in* AMERICAN OSTEOPATHIC ASS'N, PRELIMINARY DRAFT REPORT OF THE TASK FORCE ON GRADUATE OSTEOPATHIC MEDICAL EDUCATION (1980).

[71] *See* Hesbacher, Schein & Leopold, *supra* note 69.

[72] *See* Blackstone, *Misallocation of Medical Resources: The Problem of Excessive Surgery*, 22 PUB. POL'Y 329, 330-31 (1974).

[73] For example, the Philadelphia College of Osteopathic Medicine requires 42 weeks of primary and ambulatory clinical experience, Editorial comment, J. AM. OSTEOPATHIC A., Jan. 1976, at 472-73.

[74] PRELIMINARY DRAFT REPORT, *supra* note 30, at 26. Osteopaths also have responded to patients' inability to obtain physicians' services in the home. A survey of Philadelphia College of Osteopathic Medicine alumni showed that 43 percent of the college's alumni made house calls. 42 DIG. PHILADELPHIA C. OSTEOPATHIC MED. 5 (1980). *See also* Hesbacher, Schein & Leopold, *supra* note 69.

[75] Reilly, *Client Choices among Osteopaths and Ordinary Physicians in a Michigan Community*, 14B Soc. Sci. & Med. 111, 119 (1980).

[76] Osteopathy's emphasis upon treating the whole patient and use of manipulative therapy probably satisfies the demands of many who would otherwise turn to other sources.

[77] P. FELDSTEIN, HEALTH CARE ECONOMICS 341-45 (1979).

[78] *Id.* at 343.

[79] *Id.*

[80] *Manual for Intern Training*, J. AM. OSTEOPATHIC A., Sept. 1975, at 102.

[81] *Proud D.O.s, Buoyed by Growth, Affirm Medical Independence*, MED. WORLD NEWS, Aug. 7, 1978, at 20-21.

[82] Forgotson, Roemer & Newman, *Licensure of Physicians*, 1967 WASH. U.I.Q. 249, 267-93.

[83] *Id.* at 293.

[84] *Id.*

[85] Storey, *Mandatory Continuing Medical Education*, 298 NEW ENG. J. MED. 1417 (1978).

[86] U.S. DEPT. OF HEALTH, EDUCATION AND WELFARE, STATE REGULATION OF HEALTH MANPOWER 172-74 (1977). Other board members would be public representatives. For example, in 11 states, the public had at least one board member. *Id.*

[87] *See California Osteopaths*, 34 MED. CARE REV. 343, 344 (1980). *See also* California Osteopaths, 37 MED. CARE REV. 565, 566 (1980).

[88] *See supra* notes 35-44 and accompanying text.

[89] Havighurst & Hackbarth, *supra* note 2, at 40-41.

CONCLUSION OF ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. The time for routine morning business has expired.

DEPARTMENT OF THE INTERIOR APPROPRIATIONS, 1984

The PRESIDING OFFICER. The Chair will lay before the Senate the unfinished business, which the clerk will state.

The legislative clerk read as follows:

A bill (H.R. 3363) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1984, and for other purposes.

The Senate resumed consideration of the bill.

Mr. SPECTER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The Chair, in his capacity as the Senator from New Hampshire, asks unanimous consent that the order for the quorum call be rescinded.

Without objection, it is so ordered.

RECESS UNTIL 2 P.M.

The PRESIDING OFFICER. Pursuant to the previous order, the Senate will stand in recess until 2 p.m.

Thereupon, the Senate recessed at 12 noon until 2 p.m.; whereupon, the Senate reconvened when called to order by the Presiding Officer (Mr. MATTINGLY).

ORDER OF PROCEDURE

Mr. GOLDWATER. Mr. President, I wonder if I may ask the Senator from Idaho to yield me 5 minutes.

Mr. McCLURE. Mr. President, what is the pending business?

The PRESIDING OFFICER. The pending business is H.R. 3363 and the committee amendment on page 42.

Mr. McCLURE. Mr. President, I ask unanimous consent that the Senator from Arizona may proceed for not to exceed 10 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Arizona.

NO TIME FOR PARTISANSHIP IN FOREIGN AFFAIRS

Mr. GOLDWATER. Mr. President, I rise today in support of the Baker resolution.

While I do not agree with any declaratory provisions of the resolution that imply the war powers resolution is a binding law, I do agree that we must find a way out of any potential impasse in foreign affairs between the executive and legislative branches.

It would be the height of folly for us to stand here debating legal technicalities and political theory while, in Lebanon, the marines are getting shot at. What we need at this moment of crisis in Lebanon is support for a bipartisan foreign policy, not a constitutional confrontation between the Congress and the President.

This is no time for our Nation to be fighting internally over the interpretation of the war powers resolution, a legislative measure that uses general, undefined terms, and is probably the most unconstitutional measure Congress has ever passed.

Mr. President, Congress should never attempt to impose an artificial time limit on the deployment of U.S. military units. Marine Corps Commandant General Kelley has explained why. He warned last week that Congress should not "start an artificial timetable that signals to anyone that we are about to withdraw within a certain period of time." His advice was that "a withdrawal should be based on a series of circumstances and not on a timetable."

General Kelley is quoted in the Washington Times as warning that by starting an arbitrary timeclock moving for withdrawal of the marines, "it could lead to movement on the part of forces hostile to our marines, to increase harassing fires against the marines." Of course, General Kelley is right. It is the height of nonsense to tell forces who are shooting at you that, no matter what they do, you will pull out by a date certain.

The Democratic Caucus resolution stands in contrast with the position

taken by a Democratic President, Harry Truman, who, in June 1950, sent American troops to try and hold the area around Pusan after South Korean forces collapsed under a massive attack by North Korea. The late Dean Acheson, then Secretary of State, has reported President Truman briefly considered asking for a congressional resolution approving what the United States was doing in Korea.

Dean Acheson advised the President not to go to Congress and the President agreed that this should not be done. Mr. Acheson gave the following explanation:

> It seemed to me if, at this time, action was pending before the Congress, by which hearings might be held, and long inquiries were being entered into as to whether or not this was the right thing to do, or whether the President had the authority to do it, or whether he needed congressional authority for matters of that sort—we would be doing about the worst thing we could possibly do for the support of our troops and for their morale.

Mr. Acheson's advice is relevant to our debate today. I wish my Democratic friends in the Senate would heed the counsel that a Democratic Secretary of State gave to his President at an important moment of history, when fast decisions, not an impasse, were required.

Also, we might examine how the interpretation proposed by the Democratic Caucus would have impeded the actions of an earlier Democratic President, Franklin Roosevelt, when he moved independently of Congress to support the opponents of Nazi Germany before the declaration of war of December 11, 1941. If the war powers resolution has been in effect in the 1940's, President Roosevelt would have stood in violation of the law after April 15, 1941, when he placed troops in Greenland. President Roosevelt would have violated the war powers resolution after July 7, 1941, when he stationed over 8,000 marines in Iceland with orders to defend what was then a British base, being operated by the British against the Nazis.

If these actions did not reach the level of the deployment of American forces into hostilities, then most certainly what happened on September 6, 1941, would have started a clock moving for the withdrawal of American naval units from hostile waters, under the interpretation used by the Democratic Caucus today. On September 6, the American destroyer *Greer* was traveling through the American defense zone on a mail run to Iceland when it encountered a German U-boat, which launched two or three torpedos at the *Greer*. The *Greer* dodged them and dropped a circle of depth charges around the U-boat.

On September 11, 1941, President Roosevelt made a radio broadcast to the Nation in which he told the American people that shots had been fired in anger between an American destroyer and German submarine. He did not report, however, that the *Greer* had first trailed the U-boat and reported its exact position to a British control plane which had dropped several depth charges on the submarine.

President Roosevelt announced that the "time for active defense is now" and said that: "From now on, if German or Italian vessels of war enter the waters, the protection of which is necessary for American defense, they do so at their own peril." His biographer, James MacGregor Burns, writes that Roosevelt was in effect declaring naval war on Germany with a policy of "shoot on sight." To clear up any doubt, Secretary of the Navy Knox declared publicly on September 15, 1941, that "the Navy is ordered to capture or destroy by every means at its disposal Axis-controlled submarines or surface raiders in these waters."

Now, what would have happened if Congress decided to vote on each of these actions by the President? Do you think the Congress would have approved American participation with Great Britain in a military alliance to resist Nazi aggression?

Not at all. If the matter of Presidential authority had come before Congress for debate, Congress would likely have listened to the voices of appeasement and defeatist elements who would not unite, who would not rearm, and who would not consider sacrifices of any kind for our individual or collective security.

Robert Sherwood, who at this time was a Presidential aide, has reported that advisers close to the Roosevelt White House were convinced that his military defense measures before Pearl Harbor represented suicide for Roosevelt and possibly for this Nation.

Remember that in 1936 and 1937, Congress had passed two neutrality laws. Remember that in 1940, Congress had passed two statutes expressly prohibiting the President from deploying U.S. military forces anywhere outside the Western Hemisphere, laws which we have seen that President Roosevelt violated in 1941. And we must remember that, in 1941, Congress, by only a single vote, passed an extension of the Selective Service Act, thereby saving the Army.

In the summer of 1941, public opinion polls had revealed a decrease in support for aid to Britain. A vast majority of Americans thought that doing anything to aid Britain was pouring it down the sink.

No, the President could not have looked to Congress for the vision to understand that democracies must honestly confront threats to their survival and that democracies will avoid disaster only by maintaining their defenses.

In other words, history proves that we can have no assurance Congress will act when a firm response is needed. History shows it is wrong for Congress to interefere with tactical military decisions of the President. It is wrong for Congress to usurp the President's direction of the day-to-day operations of foreign policy.

Mr. President, it is useless for us to get into a technical discussion of what each word of the war powers resolution means. We need not and should not be getting into a fight with the President over the allocation of the war powers at a time when the marines are being shot at.

Mr. President, the constitutional issue is not the real issue before us today. Whatever powers Congress may or may not possess, we should not use these powers to impose an artificial timetable on the presence of U.S. forces in Lebanon or any other area of the world. It is unwise and dangerous for the Congress to lay down artificial rules telling our potential enemies how long our forces can remain within a given area.

The effective conduct of foreign policy requires a degree of flexibility in order to meet unforeseen events. The war powers resolution attempts to take away that flexibility from the President and, in doing so, it harms the national security and puts at risk the freedoms of 230 million American citizens.

Mr. President, I urge that we adopt the resolution by the majority leader and reject the resolution offered by the Democratic Party Caucus. This is no time for partisanship in foreign affairs.

Mr. BUMPERS addressed the Chair.

Mr. BAKER. Mr. President, this will not take more than a moment.

The PRESIDING OFFICER. The majority leader.

Mr. BAKER. Mr. President, may I ask the distinguished manager of this bill (Mr. McCLURE) if he will yield to me as in morning business for not to exceed 3 minutes?

Mr. McCLURE. Mr. President, I have no objection. I ask unanimous consent that I may do so.

The PRESIDING OFFICER. Without objection, it is so ordered.

MULTINATIONAL FORCE IN LEBANON RESOLUTION

Mr. BAKER. Mr. President, for some time now Members, I think, on both sides of the aisle have been aware of the fact that negotiations have been underway to try to resolve the issues involved in the War Powers Act vis-a-vis the situation in Lebanon. I am about to introduce a joint resolution which is being introduced today in the House of Representatives in identical form. I intend to discuss this with as many Senators as possible. I have advised the minority leader that I intend to introduce this resolution. It will be introduced for reference.

Mr. President, I send the joint resolution to the desk and ask that it be appropriately referred.

The PRESIDING OFFICER. The joint resolution will be received and appropriately referred.

Mr. BAKER. Now, Mr. President, I ask unanimous consent that the joint resolution be printed in the RECORD at this point.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 166

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This joint resolution may be cited as the "Multinational Force in Lebanon Resolution".

FINDINGS AND PURPOSE

SEC. 2. (a) The Congress finds that—

(1) the removal of all foreign forces from Lebanon is an essential United States foreign policy objective in the Middle East;

(2) in order to restore full control by the Government of Lebanon over its own territory, the United States is currently participating in the multinational peacekeeping force (hereafter in this resolution referred to as the "Multinational Force in Lebanon") which was established in accordance with the exchange of letters between the Governments of the United States and Lebanon dated September 25, 1982;

(3) the Multinational Force in Lebanon better enables the Government of Lebanon to establish its unity, independence, and territorial integrity;

(4) progress toward national political reconciliation in Lebanon is necessary; and

(5) United States Armed Forces participating in the Multinational Force in Lebanon are now in hostilities requiring authorization of their continued presence under the War Powers Resolution.

(b) The Congress determines that the requirements of section 4(a)(1) of the War Powers Resolution became operative on August 29, 1983. Consistent with section 5(b) of the War Powers Resolution, the purpose of this resolution is to authorize the continued participation of United States Armed Forces in the Multinational Force in Lebanon.

(c) The Congress intends this joint resolution to constitute the necessary specific statutory authorization under the War Powers Resolution for continued participation by United States Armed Forces in the Multinational Force in Lebanon.

AUTHORIZATION FOR CONTINUED PARTICIPATION OF UNITED STATES ARMED FORCES IN THE MULTINATIONAL FORCE IN LEBANON

SEC. 3. The President is authorized, for purposes of section 5(b) of the War Powers Resolution, to continue participation by United States Armed Forces in the Multinational Force in Lebanon, subject to the provisions of section 6 of this joint resolution. Such participation shall be limited to performance of the functions, and shall be subject to the limitations, specified in the agreement establishing the Multinational Force in Lebanon as set forth in the exchange of letters between the Governments of the United States and Lebanon dated September 25, 1982, except that this shall not preclude such protective measures as may be necessary to ensure the safety of the Multinational Force in Lebanon.

REPORTS TO THE CONGRESS

SEC. 4. As required by section 4(c) of the War Powers Resolution, the President shall report periodically to the Congress with respect to the situation in Lebanon, but in no event shall he report less often than once every six months. In addition to providing the information required by that section on the status, scope, and duration of hostilities involving United States Armed Forces, such reports shall describe in detail—

(1) the activities being performed by the Multinational Force in Lebanon;

(2) the present composition of the Multinational Force in Lebanon, including a description of the responsibilities and deployment of the armed forces of each participating country;

(3) the results of efforts to reduce and eventually eliminate the Multinational Force in Lebanon;

(4) how continued United States participation in the Multinational Force in Lebanon is advancing United States foreign policy interests in the Middle East; and

(5) what progress has occurred toward national political reconciliation among all Lebanese groups.

STATEMENTS OF POLICY

SEC. 5. (a) The Congress declares that the participation of the armed forces of other countries in the Multinational Force in Lebanon is essential to maintain the international character of the peacekeeping function in Lebanon.

(b) The Congress believes that it should continue to be the policy of the United States to promote continuing discussions with Israel, Syria, and Lebanon with the objective of bringing about the withdrawal of all foreign troops from Lebanon and establishing an environment which will permit the Lebanese armed forces to carry out their responsibilities in the Beruit area.

(c) It is the sense of the Congress that, not later than one year after the date of enactment of this resolution and at least once a year thereafter, the United States should discuss with the other members of the Security Council of the United Nations the establishment of a United Nations peacekeeping force to assume the responsibilities of the Multinational Force in Lebanon. An analysis of the implications of the response to such discussions for the continuation of the Multinational Force in Lebanon shall be included in the reports required under paragraph (3) of section 4 of this resolution.

DURATION OF AUTHORIZATION FOR UNITED STATES PARTICIPATION IN THE MULTINATIONAL FORCE IN LEBANON

SEC. 6. The participation of United States Armed Forces in the Multinational Force in Lebanon shall be authorized for purposes of the War Powers Resolution until the end of the 18-month period beginning on the date of enactment of this resolution unless the Congress extends such authorization, except that such authorization shall terminate sooner upon the occurrence of any one of the following:

(1) the withdrawal of all foreign forces from Lebanon, unless the President determines and certifies to the Congress that continued United States Armed Forces participation in the Multinational Force in Lebanon is required after such withdrawal in order to accomplish the purposes specified in the September 25, 1982, exchange of letters providing for the establishment of the Multinational Force in Lebanon; or

(2) the assumption by the United Nations or the Government of Lebanon of the responsibilities of the Multinational Force in Lebanon; or

(3) the implementation of other effective security arrangements in the area.

INTERPRETATION OF THIS RESOLUTION

SEC. 7. (a) Nothing in this joint resolution shall preclude the President from withdrawing United States Armed Forces participation in the Multinational Force in Lebanon if circumstances warrant, and nothing in this joint resolution shall preclude the Congress by joint resolution from directing such a withdrawal.

(b) Nothing in this joint resolution modifies, limits, or supersedes any provision of the War Powers Resolution or the requirement of section 4(a) of the Lebanon Emergency Assistance Act of 1983, relating to congressional authorization for any substantial expansion in the number or role of United States Armed Forces in Lebanon.

Mr. BAKER. Mr. President, I will have more to say on this subject later, because it obviously deserves a great deal of thoughtful debate and consideration by all Members on both sides of the aisle. But in order to make sure that everyone has a copy of this joint resolution, I want to take this step today, that is, to introduce the resolution, have it printed in the RECORD and in due course I will consult with the minority leader, with the ranking minority member of the Foreign Relations Committee, and other members of the Foreign Relations Committee and such other Senators as I can manage to talk to about it.

I conclude only with this, Mr. President. I think it is time we get on with the business at hand and get rid of at least the questions involved in the War Powers Act and get on with the questions of what is our policy in the Middle East.

So I indicated to the minority leader and will repeat here, it is my intention to ask that we expedite the proceedings under the War Powers Act in respect to this resolution.

Mr. President, I thank the distinguished manager for yielding.

Mr. PERCY. Mr. President, I join with the majority leader in introducing this joint resolution authorizing the continued participation of U.S. Armed Forces in the multinational force in Lebanon. This resolution is presented in accordance with our responsibilities under the Constitution of the U.S. to approve the commitment of our Armed Forces to hostilities abroad. It is fully consistent with, and in fulfillment of, the terms and the intent of the war powers resolution of 1973.

U.S. MARINES IN HOSTILITIES

This resolution makes clear the determination of the Congress that our Marine contingent in Lebanon has been involved in actual or imminent hostilities since August 29, when the first hostile exchanges of fire occurred resulting in the death of two of our

men. Such exchanges and casualties have continued since that time, reaching the point yesterday that hundreds of rounds were fired from U.S. vessels off the coast of Lebanon in response to a series of provocative attacks on U.S. personnel and positions. There can be no doubt that the standard of section 4(a)(1) of the war powers resolution applies to this situation and that the Congress is now charged with debating and deciding the question of authorizing the continued participation of U.S. forces in Lebanon. Specifically, it is our responsibility as Members of Congress to decide whether the risks and sacrifices of our Armed Forces are justified by the interests we have at stake in Lebanon and the Middle East. At this point, I ask to have included in the RECORD a memorandum prepared by the Chief Counsel of the Foreign Relations Committee on the applicability of the war powers resolution to the situation in Lebanon.

There being no objection, the memorandum was ordered to be printed in the RECORD, as follows:

UNITED STATES SENATE,
COMMITTEE ON FOREIGN RELATIONS,
Washington, D.C., September 14, 1983.

MEMORANDUM

To: Senator Charles H. Percy, Chairman.
From: Frederick S. Tipson, Chief Counsel.
Subject: Lebanon and War Powers.

At your request, this memorandum summarizes my views on the applicability of the War Powers Resolution of 1973 to the current situation of our Marines in Lebanon. The Lebanon Emergency Assistance Act of 1983 is also central to this issue.

The following conclusions are drawn:

(1) The circumstances of our Marines in Lebanon recently reached the point where "imminent involvement in hostilities is clearly indicated," as intended by Congress in the War Powers Resolution. This judgment is not a simple one, but the conclusion seems justified.

(2) This hostile situation began with the shelling of Marine positions on August 29, resulting in the deaths of two Marines and significant return fire, followed by sporadic but continuing exchanges and further casualties since that time. There appears to be little likelihood of a significant reduction in the imminence of hostilities in the near future.

(3) The significance of these facts under the War Powers Resolution is that they call into play the requirements of Section 5(b) of that Resolution: the President must remove United States Armed Forces from the hostile situation (if he cannot otherwise alleviate the conditions which have created it), unless he obtains either a specific authorization from Congress to keep them there or an extension of the sixty-limit on his emergency authority. The requirements of Section 5(b) for Congressional authorization apply whether or not the President has submitted a report under Section 4 certifying that the hostilities threshold has been crossed.

(4) As the Mathias Resolution (S.J. Res. 159) indicates, the sixty-day period is measured from the date at which such a report was due (August 31), meaning that the deadline for Congressional authorization would be October 30. Consideration of the Mathias Resolution would be carried on in accordance with the expedited procedures of Section 6 of the War Powers Resolution.

(5) Authorization would otherwise be required by the Lebanon Emergency Assistance Act of 1983 if the President should initiate "any substantial expansion in the number or role in Lebanon of United States Armed Forces."

I will try to explain each of these conclusions and add some final points on the issue of constitutionality.

(1) Hostile situation

In enacting the War Powers Resolution, Congress made little effort to go beyond the "plain meaning" of the key terms "hostilities" and "situations where imminent involvement in hostilities is clearly indicated by the circumstances." These terms originated in the early Senate versions of the Resolution and prompted little subsequent discussion. The House Foreign Affairs Committee later substituted them for its original phrase, "armed conflict," because the term "hostilities" was considered "somewhat broader in scope." "In addition to a situation in which fighting actually has begun," the Committee wrote, "hostilities also encompasses a state of confrontation in which no shots have been fired but where there is a clear and present danger of armed conflict."

In short, the exchange of fire with hostile forces would indicate an outbreak of hostilities, and a high probability of such exchanges would suggest "imminent involvement." Brief, non-recurring situations such as occasional sniper fire would not suggest the continuing dangers associated with an ongoing set of hostile circumstances.

Arguments might be made that a hostile situation is not indicated by the present circumstances because the Marines:

(a) only return rather than initiate fire;
(b) act only in self-defense;
(c) remain essentially in one location;
(d) perform a mission of "peacekeeping," "presence," or "interposition".

However, there is nothing in the legislative history of the War Powers Act (or the recollection of several key participants) to indicate that any of these considerations would alter the fact that "hostilities" are indicated. For the same reason, it is also not conclusive that a battalion commander may have decided, as in the present situation, to make his men eligible for "hostile fire pay." Whether or not the standard should have been defined differently, it was the one which governed Congressional assumptions throughout the debate over the Resolution.

The broader point, of course, is that for the Resolution to be workable, this standard cannot be so narrowly interpreted as to be invoked only when its applicability is beyond all reasonable doubt. Unless he rejects the constitutionality of the entire provision, a President should presumably seek such authorization before the question of applicability becomes a contentious one, thereby diverting attention from the central issues.

(2) August 29 outbreak

The President's report to the Congress describes the circumstances surrounding the initial exchanges of fire on August 29:

On August 28, sporadic fighting between Lebanese Armed Forces and various armed factions took place in South Beirut; from time to time during the course of this fighting, positions in the vicinity of the Beirut airport manned by U.S. Marines of the MNF came under small-arms fire (without injury to U.S. personnel), and this fire was returned. On August 29, fighting erupted again. Marine positions came under mortar, rocket, and small-arms fire, with the result that two Marines were killed and fourteen wounded. In addition, several artillery rounds fell near the U.S.S. *Iwo Jima* (an amphibious support vessel lying offshore), with no resulting damage or injuries. As contemplated by their rules of engagement, U.S. Marines returned fire with artillery, small arms, and, in one instance, rocket fire from a helicopter gunship. There were additional exchanges of fire earlier today, August 30, without injury to U.S. personnel.

Such exchanges have continued, with additional casualties and fatalities, until the present. Although there have been continuing efforts to arrange a ceasefire and to achieve a broader, more permanent arrangement which would reduce the occurrence or imminence of hostilities, there is no immediate indication that this situation will soon change significantly. Therefore, the hostile situation would appear to be a continuous and continuing one.

It is conceivable, and certainly highly desirable, that the circumstances could change so substantially as to remove the "imminence" of hostilities. If that clearly becomes the case, the "sixty-day clock" would then presumably stop running and the requirement for further authorization would be removed for so long as that remains the case.

(3) Need for authorization or extension

The requirements of Section 5(b) speak for themselves:

"(b) Within sixty calendar days after a report is submitted or is required to be submitted pursuant to section 4(a)(1), whichever is earlier, the President shall terminate any use of United States Armed Forces with respect to which such report was submitted (or required to be submitted), unless the Congress (1) has declared war or has enacted a specific authorization for such use of United States Armed Forces, (2) has extended by law such sixty-day period, or (3) is physically unable to meet as a result of an armed attack upon the United States. Such sixty-day period shall be extended for not more than an additional thirty days if the President determines and certifies to the Congress in writing that unavoidable military necessity respecting the safety of United States Armed Forces requires the continued use of such armed forces in the course of bringing about a prompt removal of such forces."

Two points about this language should be emphasized, however. First, the actual submission of a report by the President is not a prerequisite to the operation of the requirement for authorization. The language "submitted or is required to be submitted" is obviously intended to cover situations in which the required report is either not submitted at all or is submitted late. In other words, the President does not need to certify that a hostile situation is involved under Section 4 in order to be bound by the requirement for an authorization in Section 5.

Second, the available thirty-day extension of the deadline is not simply a matter of Presidential discretion. The President must certify in advance that he is in the course of withdrawing U.S. forces and needs the extra time in order to do so safely because of "unavoidable military necessity."

(4) October 30 deadline

Assuming that hostilities involving U.S. forces can be said to have begun on August 29, the sixty-day period would begin on August 31, since that is when the report would have been due. (It also happens to be when the President's report of August 30 was actually submitted, which is the alternative starting point.) In other words, the War Powers Resolution actually prescribes a 62-day period from the outbreak of hostilities. Counting forward sixty days from August 31 takes us to October 30.

Under Section 6 of the War Powers Resolution, the Mathias Resolution should be considered by the Foreign Relations Committee, along with any comparable authorizations, no later than October 6, when the Committee is required to report a resolution with its recommendations. It then becomes the pending business in the Senate, which has up to three calendar days to vote on it. Further procedures are prescribed to assure Committee and floor consideration by the House and a House-Senate Conference prior to the sixty-day deadline. If the House should pass such a provision first, it would be referred to Committee for action prior to October 16, followed by Senate floor action within three calendar days.

(5) Lebanon Emergency Assistance Act restriction

On June 27, 1983, the President signed into law Public Law 98-43, the Lebanon Emergency Assistance Act of 1983. Section 4 of that legislation contains the following language:

UNITED STATES ARMED FORCES IN LEBANON

"SEC. 4. (a) The President shall obtain statutory authorization from the Congress with respect to any substantial expansion in the number or role in Lebanon of United States Armed Forces, including any introduction of United States Armed Forces into Lebanon in conjunction with agreements providing for the withdrawal of all foreign troops from Lebanon and for the creation of a new multinational peace-keeping force in Lebanon.

"(b) Nothing in this section is intended to modify, limit, or suspend any of the standards and procedures prescribed by the War Powers Resolution of 1973."

Given the strictures of this language, the President might wish to have an authorization for U.S. forces in the near future regardless of whether it is otherwise required by the War Powers Resolution.

Constitutionality

Both Presidents Nixon (in his veto message) and Ford (after leaving office) made clear their views that Sections 5(b), the sixty-day limitation, and 5(c), the legislative veto, were unconstitutional. Although President Carter made some statements which indicated his acceptance of the Resolution, his Counsel circulated a position paper following the Iran rescue mission which implied that the Section 3 consulting requirements might be unconstitutional.

Both Secretaries of State Haig and Shultz paid their ritual respects to the "letter and spirit" of the Resolution during their confirmation hearings. The Supreme Court's decision in June, of course, removed all vitality from the 5(c) legislative veto provision. It is likely that various high officials of the Reagan Administration question the constitutionality of the remainder of Section 5 as well. In speaking for the Administration on the Supreme Court's legislative veto decision, Deputy Secretary of State Kenneth Dam indicated as much. While accepting the severability of the legislative veto provision and acknowledging the continuing requirements for consultation and reporting, Secretary Dam recalled the traditional concerns of the Executive Branch about the 60-day limitation and suggested that no "purpose would be served by debating these questions here, in the abstract."

Several Congressional supporters of the War Powers Resolution, as well as its opponents, expressed concerns about the constitutionality of this requirement at the time it was passed. Nevertheless, the concept of temporary emergency authority in the President, during which time Congress should decide the matter, was fundamental to the Senate version of the Resolution and an integral part of the final version approved by both Houses and passed over the President's veto.

Undoubtedly, some of the reluctance of Administration officials to accept the characterization of the current situation as a hostile one results from a determination not to concede the constitutionality of the Section 5(b) requirement for further authority. However, given the restrictions of the Lebanon Emergency Assistance Act, it would seem desirable for the President to obtain a specific authorization with a somewhat broader definition of his authority whether or not he concedes the constitutionality of the War Powers Resolution.

It would be impossible, and probably pointless, to reiterate the entire debate which preceded passage of the Resolution in 1973. The dilemma was how Congress could perform its most solemn responsibilities under the Constitution, regarding decisions for peace or war and the provision and regulation of the armed forces, under the conditions of modern times. Professor Alexander Bickel referred to the "ambiguity bred by years of Presidential assertiveness and congressional inertia." "The upshot," he told the Committee "is that Congress does not know its place, so to speak; it has lost its bearings in this area. If Congress is ever again to take meaningful specific measures in matters of war and peace, it is apparent to me that it must first perform some quasi-constitutive act, an act of standing forth before the people as responsible, of declaring its responsibilities to itself and to the country with some clarity."

The War Powers Resolution was such a "quasi-constitutive act", but taken in the spirit of fulfilling constitutional responsibilities, not of altering the Constitution. Now that the Supreme Court has for all practical purposes removed the possible operation of the legislative veto in this area, the requirement for authorization beyond sixty days is the essence of the Resolution. If it is not applied in a case where the facts clearly indicate it was meant to apply, then Congress is clearly back to the starting line.

COMMENDATION OF MARINES

Mr. PERCY. Mr. President, I believe that the continuation of the current mandate of the Multinational Force should be extended. But whether or not every Senator agrees with me on this question, we can all agree that our Marines have earned a special debt of gratitude for their extraordinary service in Lebanon. We know what enormous pride and spirit it takes to be a U.S. marine. But it takes a special kind of courage, when you are trained and imbued with the skills and spirit of combat to sit tight day after day, week after week, and endure the attacks and provocations which have become a daily fact of life for the Multinational Force. As the Marine Commandant, Gen. P. X. Kelley, testified before the Foreign Relations Committee last week, Marines are trained not just to hold ground but to take it. Their restraint and steadfastness in the performance of this new and unaccustomed role has added a new dimension to our pride in the U.S. Marine Corps.

MULTINATIONAL FORCE

The task the Marines have undertaken, in combination with forces from France, Italy, and Great Britain, is to lend political and limited military support to the efforts of the Government of Lebanon to restore its independence. This is not a task we should ask them to undertake without the most searching consideration of our interests in that part of the world. Their mission is a restricted one, as set forth in the agreement which established and now governs the role of the Multinational Force. That agreement was concluded in an exchange of letters last September 25 between our Ambassador, Robert Dillon, and the Lebanese Foreign Minister. I ask unanimous consent that the text of these letters, accompanied by the State Department's background statement submitted under the Case Act, but included in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

BEIRUT,
September 25, 1982.

[9. Agreement between the United States and Lebanon on United States participation in a multinational force in Beirut. Effected by exchange of notes at Beirut September 25, 1982. Entered into force September 25, 1982.] (No. 100)

His Excellency FOUAD BUTRUS,
Deputy Prime Minister and Minister of Foreign Affairs, Beirut

YOUR EXCELLENCY: I have the honor to refer to Your Excellency's note of 25 September 1982 requesting the deployment of an American Force to the Beirut area. I am pleased to inform you on behalf of my Government that the United States is prepared to deploy temporarily a force of approximately 1200 personnel as part of a Multinational Force (MNF) to establish an environment which will permit the Lebanese Armed Forces (LAF) to carry out their responsibilities in the Beirut area. It is understood that the presence of such an American Force will facilitate the restoration of Lebanese Government sovereignty and authority over the Beirut area, an objective which is fully shared by my Government, and thereby further efforts of the Government of Lebanon to assure the safety of persons in the area and bring to an end the violence which has tragically recurred.

I have the further honor to inform Your Excellency that my Government accepts the terms and conditions concerning the presence of the American Force in the Beirut

area as set forth in your note, and that Your Excellency's note and this reply accordingly constitute an agreement between our two Governments.

BEIRUT,
September, 25 1982.

His Excellency ROBERT DILLON,
Ambassador of the United States.

YOUR EXCELLENCY: I have the honor to refer to the urgent discussions between representatives of our two governments concerning the recent tragic events which have occurred in the Beirut area, and to consultations between my government and the Secretary General of the United Nations pursuant to United Nations Security Council Resolution 521. On behalf of the Republic of Lebanon, I wish to inform Your Excellency's Government of the determination of the Government of Lebanon to restore its sovereignty and authority over the Beirut area and thereby to assure the safety of persons in the area and bring and end to violence that has recurred. To this end, Israeli forces will withdraw from the Beirut area.

In its consultations with the Secretary General, the Government of Lebanon has noted that the urgency of the situation requires immediate action, and the Government of Lebanon, therefore, is, in conformity with the objectives in U.N. Security Council Resolution 521, proposing to several nations that they contribute forces to serve as a temporary Multinational Force (MNF) in the Beirut area. The mandate of the MNF will be to provide an interposition force at agreed locations and thereby provide the Multinational presence requested by the Lebanese Government to assist it and the Lebanese Armed Forces (LAF) in the Beirut area. This presence will facilitate the restoration of Lebanese Government sovereignty and authority over the Beirut area, and thereby further efforts of my government to assure the safety of persons in the area and bring to an end the violence which has tragically recurred. The MNF may undertake other functions only by mutual agreement.

In the foregoing context, I have the honor to propose that the United States of America deploy a force of approximately 1200 personnel to Beirut, subject to the following terms and conditions:

The American military force shall carry out appropriate activities consistent with the mandate of the MNF.

Command authority over the American Force will be exercised exclusively by the United States Government through existing American military channels.

The LAF and MNF will form a liaison and coordination Committee, composed of representatives of the MNF participating governments and chaired by the representatives of my Government. The Liaison and Coordination Committee will have two essential components: (A) Supervisory liaison; and (B) Military and technical liaison and coordiation.

The American Force will operate in close coordination with the LAF. To assure effective coordination with the LAF, the American Force will assign liaison officers to the LAF and the Government of Lebanon will assign liaison officers to the American Force. The LAF liaison officers to the American Force will, inter alia, perform liaison with the civilian population and with the U.N. observers and manifest the authority of the Lebanese Government in all appropriate situations. The American Force will provide security for LAF personnel operating with the U.S. contingent.

In carrying out its mission, the American Force will not engage in combat. In may, however, exercise the right of self-defense.

It is understood that the presence of the American Force will be needed only for a limited period to meet the urgent requirements posed by the current situation. The MNF contributors and the Government of Lebanon will consult fully concerning the duration of the MNF presence. Arrangements for the departure of the MNF will be the subject of special consultations between the Government of Lebanon and the MNF participating governments. The American Force will depart Lebanon upon any request of the President of Lebanon or upon the decision of the President of the United States.

The Government of Lebanon and the LAF will take all measures necessary to ensure the protection of the American Force's personnel, to include securing assurances from all armed elements not now under the authority of the Lebanese Government that they will refrain from hostilities and not interfere with any activities of the MNF.

The American Force will enjoy both the degree of freedom and movement and the right to undertake those activities deemed necessary for the performance of its mission for the support of its personnel. Accordingly, it shall enjoy the privileges and immunities accorded the administrative and technical staff of the American Embassy in Beirut, and shall be exempt from immigration and customs requirements, and restrictions on entering or departing Lebanon. Personnel, property and equipment of the American Force introduced into Lebanon shall be exempt from any or of tax, duty, charge or levy.

I have the further honor to propose if the foregoing is acceptable to Your Excellency's Government, that Your Excellency's reply to that effect, together with this Note, shall constitute an agreement between our two governments.

Please accent, Your Excellency, the assurances of my highest consideration.

FOUAD BOUTROS,
Deputy-Prime Minister,
Minister of Foreign Affairs.

BACKGROUND STATEMENTS

Background statements:

1. Agreement between the United States and Lebanon on United States participation in a multinational force in Beirut. Effected by exchange of notes at Beirut September 25, 1982. Entered into force September 25, 1982.

Agreement was sent under cover of the Department's letter of November 10, 1982.

STATEMENT REGARDING AGREEMENT BETWEEN THE UNITED STATES AND LEBANON ON U.S. PARTICIPATION IN A MULTINATIONAL FORCE IN BEIRUT, EFFECTED BY EXCHANGE OF NOTES IN BEIRUT, SEPTEMBER 25, 1982

EXPLANATION OF AGREEMENT

In response to a request from the Government of Lebanon (GOL), the U.S. agreed in an exchange of notes to deploy temporarily a force of approximately 1,200 personnel as part of a Multinational Force (MNF) to establish an environment which will permit the Lebanese Armed Forces (LAF) to carry out their responsibilities in the Beirut area. The presence of such an American force will facilitate the restoration of Lebanese Government sovereignty and authority over the Beirut area, an objective fully shared by the U.S. government, and thereby will further efforts of the GOL to assure the safety of persons in the area and bring to an end the violence which has tragically recurred.

The U.S. agreement to deploy a contingent to the MNF was in the wake of a tragic massacre during the period September 16–18 of Palestinian civilians in the Sabra and Shatila refugee camp areas of Beirut. The GOL informed the U.S. that it was determined to restore its sovereignty and authority over the Beirut area and thereby to assure the safety of persons in the area. To this end, Israeli forces were to have withdrawn from the Beirut area.

The urgency of the situation in Beirut required immediate action in response to the GOL's request. The mandate of the MNF is to provide an interposition force at agreed locations and thereby provide the international presence requested by the GOL to assist it and the LAF in the Beirut area. The U.S. deployment was subject to the following terms and conditions:

The American military force shall carry out appropriate activities consistent with the mandate of the MNF.

Command authority over the American Force will be exercised exclusively by the United States Government through existing American military channels.

The LAF and MNF will form a Liaison and Coordination Committee, composed of representatives of the MNF participating governments and chaired by the representatives of the GOL. The Liaison and Coordination Committee will have two essential components: (A) Supervisory liaison; and (B) Military and technical liaison and coordination.

The American Force will operate in close coordination with the LAF. To assure effective coordination, the American Force will assign liaison officers to the LAF and the GOL will assign liaison officers to the American Force. The LAF liaison officers to the American Force will, inter alia, perform liaison with the civilian population and with the U.N. observers and manifest the authority of the Lebanese Government in all appropriate situations. The American Force will provide security for LAF personnel operating with the U.S. contingent.

In carrying out its mission, the American Force will not engage in combat. It may, however, exercise the right of self-defense.

It is understood that the presence of the American Force will be needed only for a limited period to meet the urgent requirements posed by the current situation. The MNF contributors and the Government of Lebanon will consult fully concerning the duration of the MNF presence. Arrangements for the departure of the MNF will be the subject of special consultations between the Government of Lebanon and the MNF participating governments. The American Force will depart Lebanon upon request of the President of Lebanon or upon the decision of the President of the United States.

The Government of Lebanon and the LAF will take all measures necessary to ensure the protection of the American Force's personnel, to include securing assurances from all armed elements not now under the authority of the Lebanese Government that they will refrain from hostilities and not interfere with any activities of the MNF.

In addition, the GOL and the U.S. Government agreed on certain rights to freedom of movement, facilities, and privileges and immunities for the U.S. force.

BACKGROUND INFORMATION ON NEGOTIATIONS

On September 14, 1982, the President-elect of Lebanon, Bashir Gemayel, was as-

sassinated. On September 15, Israel Defense Forces moved to take over the city of Beirut. During the period September 16-18, while Israeli forces were in control of the West Beirut area, a tragic massacre of Palestinian civilians occurred in the Palestinian refugee camps of Sabra and Shatila. To avert a recurrance of this violence, the GOL requested that the contributors to the Multinational Force in August agree to contribute to another MNF for deployment in the Beirut area. This request was also pursuant to consultations between Lebanon and the United Nations Secretary General.

EFFECT OF AGREEMENT

This agreement was to provide appropriate assistance to the GOL's effort to restore order, safety and control in Beirut. Most importantly, it was necessary to prevent by all available and agreed means a recurrence of the tragic massacre of innocent civilians. Concurrent with the entry of the MNF into Beirut, Israeli Forces moved out of the City of Beirut.

LEGAL AUTHORITY

Article II, sections 1 and 2 of the Constitution of the United States.

U.S. INTERESTS IN LEBANON

Mr. PERCY. Mr. President, our goals remain the same as they were when the marines entered Lebanon a year ago. They are:

The withdrawal of all foreign forces from Lebanon, including Syrian, Israeli, Palestinian, and others; the reassertion of Lebanese sovereignty throughout that nation; the protection of the civilian population in areas in which the Multinational Force operates; and a secure northern border for Israel.

Progress in achieving these goals has not been as rapid as we had hoped. Nevertheless, we should not overlook what has been accomplished. The Lebanese Parliament elected a new President. An overwhelming majority of Muslims as well as Christian deputies support the President. The Lebanese Government has reasserted central control throughout the capital and in most of the surrounding suburbs. Warring factions which had for years dominated the thoroughfares and alleys of Beirut have been removed. The port, for the first time in nearly a decade, is controlled by the Central Government. Most importantly, a national army has been formed and has performed better than almost all observers have anticipated. Finally, an agreement on the withdrawal of Israeli forces has been reached between the Lebanese and Israeli Governments.

Despite this progress, much has yet to be accomplished. The Government of Syria has refused to negotiate the terms of its withdrawal or to even admit that they intend to withdraw.

In addition, the Lebanese people are still deeply divided, although I do not believe the divisions are as deep as some would have us believe. In the past week representatives of the Shi'ite, Sunni, Maronite, Melkite, and Aremenian communities have come to my office asking that the United States continue its participation in the Multinational Force and its support for the Government of Lebanon. This resolution assures our continued assistance to the Lebanese so that they will have time to strengthen their national institutions and develop a political arrangement so that all the communities in Lebanon believe they are fully represented and fully protected in Lebanon. The task of reconciliation rests with the Lebanese. The Multinational Force can only help create the climate in which the Lebanese can resolve their own problems.

If the marines are withdrawn at this time, Lebanon once again could be overwhelmed by internal divisions fomented by outside sources. This could well lead to regional confrontations which would impact adversely on American interests in the entire region.

NATURE OF AUTHORIZATION

Therefore, Mr. President, I have joined with the majority leader in supporting this joint resolution authorizing the continued participation of U.S. Forces in the Multinational Force in Lebanon. Its principal elements are the following:

First, a congressional determination that our Marines have been involved in actual or imminent hostilities since August 29, as contemplated by section 4(a)(1) of the war powers resolution;

Second, an 18-month authorization for the continuation of American participation, as required by section 5(b) of war powers, which is limited to the current mandate of the Multinational Force as set forth in the original September 25 agreement but also recognizes the need for defensive actions to protect the force itself;

Third, a commitment to continuing review of the situation during the interim, to be facilitated by periodic reports from the President, which may lead to possible future amendments of the original authorization.

Mr. President, attention will no doubt be focused on the 18-month duration of this authorization. I, myself, would prefer not to have a specified time limitation in this authorization. I have heard it said by some Members that they fear such an authorization will be taken as a blank check for our military involvement over an extensive period. The press has even referred to analogies with the Tonkin Gulf resolution of 1964.

Mr. President, I think such analogies are simply not well-founded. First, this authorization is keyed to the limited mandate of the Multinational Force as set out in the agreements last year. Let me quote from Ambassador Dillon's letter of September 25 on behalf of the U.S. Government. Our commitment was:

To deploy temporarily a force of approximately 1200 personnel as part of a Multinational Force (MNF) to establish an environment which will permit the Lebanese Armed Forces (LAF) to carry out their responsibilities in the Beirut area.

The further stipulations in the Lebanese Foreign Minister's letter also include the understanding that—

The American Force will not engage in combat. It may, however, exercise the right of self-defense.

Mr. President, I fully recognize that the Senate and the House will want to discuss our understanding of these terms and conditions, and some of the uncertainties which are undoubtedly present in implementing the language on protective measures. However, I think all Members will have to agree that this authorization is not an open-ended blank check.

Second, there is already in law a provision of the Lebanon Emergency Assistance Act which effectively places a lid on the level of U.S. involvement. It requires that any substantial expansion in the number or role in Lebanon of U.S. Armed Forces would require a further authorization. That requirement is not affected by the resolution being introduced today and would continue to apply. The President has said that he does not seek to go to beyond the present level of U.S. involvement in any case.

Finally, Mr. President, I want to emphasize that in providing an authorization for an 18-month period, we are not simply dropping out of the picture until the spring of 1985. The resolution itself provides for continuing reporting and consultations to assure that we will follow the situation carefully. We may, at some point, want to consider amendments to this authorization if the circumstances should justify it. That is why I would prefer no deadlines for such an authorization, because they have a tendency to confuse the ongoing nature of our responsibilities. But I support the basic elements of this authorization and I think it deserves the support of my colleagues in the Senate.

MATHIAS RESOLUTION

Mr. President, last week Senator MATHIAS introduced Senate Joint Resolution 159, which also provides an authorization for the continuation of U.S. participation in the Multinational Force. I made clear on the floor that day, September 12, that I fully supported the thrust of the Senator's resolution and agreed with him that his initiative would, and should, trigger the expedited procedures for the war powers resolution. I also presented at that time some of the background to the consideration of this issue by the Foreign Relations Committee, which I will not repeat at this time. However, I would like to make clear that I continue to support the purpose of the Mathias resolution and commend him for assuring that the Congress would take the necessary steps under the war powers resolution to consider the ques-

tion of an authorization. I simply felt then, as I do now, that the 6-month limitation in that resolution would send an unfortunate and misleading message about the intentions of Congress in this matter.

Both the Mathias resolution and the present resolution will be considered in the Foreign Relations Committee in accordance with the stipulations of the war powers resolution.

COMMITTEE ACTION

It would be my intention, at the urging of the majority leader, to seek final committee action on the matter at the earliest possible time, recognizing that it is a matter of great urgency, but also recognizing that there are difficult issues to discuss and that many members of the committee and the Senate will take a deep personal interest in them.

DEPARTMENT OF THE INTERIOR APPROPRIATIONS, 1984

AMENDMENT NO. 2165

(Purpose: To establish a commission to evaluate the Department of the Interior's coal leasing procedures and to postpone new leasing during that evaluation periods)

Mr. BUMPERS addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas is recognized.

Mr. BUMPERS. I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The Chair informs the Senator from Arkansas that a committee amendment is pending

Mr. BUMPERS. Parliamentary inquiry, Mr. President, What amendment is pending?

The PRESIDING OFFICER. The committee amendment on page 42 striking lines 13 through 25.

Mr. BUMPERS. Is my amendment not keyed to the committee amendment?

This is an amendment to the committee amendment.

The PRESIDING OFFICER. The amendment is not correctly drafted as such.

Mr. BUMPERS. Mr. President, I withdraw the amendment temporarily then so we can work it out.

Mr. McCLURE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. BUMPERS. Will the Senator withhold that?

Mr. McCLURE. I will be happy to withhold that request.

Mr. BUMPERS. I ask unanimous consent that the amendment be considered in order.

Mr. McCLURE. Mr. President, I ask unanimous consent that the amendment as submitted by the Senator from Arkansas be conformed as an amendment to the committee amendment so that it would qualify.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The Senator from Arkansas is recognized.

Mr. BUMPERS. Mr. President, may we have the amendment reported?

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Arkansas (Mr. BUMPERS), for himself and Mr. DIXON, proposes an amendment numbered 2165.

Mr. BUMPERS. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

In lieu of the language proposed to be stricken, on page 42, lines 13 through 25, insert the following:

SEC. 112. None of the funds in this Act shall be expended for the sale or lease of coal on public lands, except for emergency leasing as defined in 43 CFR 3425.1-4, lease modifications as defined in 43 CFR 3432, and lease exchanges as defined in 43 CFR 3435, until the Secretary has appointed a Commission to review the Department's coal leasing and valuation procedures to ensure receipt of fair market value and the development of coal leases in an environmentally compatible manner; the Commission has submitted its report to the Congress within six months after appointment; and ninety days have elapsed after the report is submitted to Congress."

Mr. BUMPERS. Mr. President, Members of the Senate will recall that our dear departed friend, Senator Jackson, and I offered an amendment similar to this back in July to the fiscal year 1983 supplemental appropriations bill that would have placed a moratorium on Secretary Watt's continued leasing of coal lands until the end of this fiscal year, which occurs at the end of this month.

Recently, the House passed a bill, the 1984 Interior bill, that required the Secretary to appoint a commission to study how we could best get what we call the fair market value for Federal coal leases.

For those who were not paying that close attention, let me just recount the history of this issue.

Secretary Watt last year leased 1.6 billion tons of coal, and the price he received for the coal was so ridiculously low it raised a lot of eyebrows.

One of the committees of the House found that the leases had brought $60 million less than the fair market value. A subsequent investigation by the General Accounting Office which presumably has no ax to grind—the GAO does not have that built-in bias against James Watt that I have—looked at the Power River basis coal sale presumably objectively and dispassionately, and found that that 1.6 billion tons of coal had been leased for $100 million less than the fair market value. When you look down the list of sale results, some of the coal brought 0.7 cents per ton.

Now, when you look at the sizable amounts of coal that are owned by the people of the United States—admittedly, it is located mostly in the Western States but it is actually owned by all the people of the country—when you look at substantial blocks of coal being sold for such ridiculous amounts, you have to ask yourself: Why are we leasing it at all?

Senator Jackson and I lost by a vote of 51 to 48, so here I am back today, without the services of our beloved colleague, asking the Senate again in light of a totally new absurdity on the part of James Watt to please look again at this matter.

The other day Secretary Watt announced that he had 540 million tons of coal in the Fort Union region that he wanted to lease, and even though the House Interior Committee had asked him to postpone this lease sale until a Commission had reported back to them and told them how they might better get fair market value for coal, he says, "That is not binding on me. I don't have to do that, and I am going ahead with the lease sale."

I think Secretary Watt probably had a right to do that. That is a grudging admission on my part. I always hate to see the Congress or particular committees of the Congress and members of the executive branch in that kind of a fight. But we all know that Secretary Watt is an arrogant man, and unless he is really brought to bay, he is like a rogue elephant.

So the Secretary went ahead and offered the leases on the 540 million tons of coal for sale on September 14. And the bids came in. Eight tracts were offered, five of which are what we call maintenance tracts, that is, expansion of existing operations or leases, and three of which were new tracts. The five maintenance leases brought 0.79 cent per ton, less than 1 penny a ton. And on how much of the 540 million tons originally offered for sale? About 110 million tons. The coal companies did not even offer a bid on over 400 million tons.

I think most of this was lignite, as I said earlier. But surely even the most ardent proponent of coal leasing, the most ardent fan of James Watt, has to ask why this man is insisting on leasing this country's resources when he cannot even give it away?

Second, why is this man insisting on going forward and literally doubling the amount of coal on Federal lands under lease in this country while a commission that he himself has appointed to study the problem has hardly begun its study? It is a real curiosity, is it not?

Even the coal companies are beginning to wonder if this is right. What if you are a coal company and you had enough coal leased right now for your needs for the next 20 or 30 years and you said, "I'm not going to bid a tenth of a cent a ton; I'm not going to use it; I can't sell what I have"? Everybody knows coal is a drag on the market right now. We have excessive capacity; we have excessive stockpiles.

However, if you were a coal operator out here and you were operating a lease and you had no interest in this because you had more coal than you could possibly mine for the next 30 years, in the back of your mind you might think, "You know, one of my competitors is going to get this coal for some ridiculously low sum, and later on when coal becomes much more in demand and I'm going to need it, the price is going to be up, and the guy who is bidding today will have an advantage over me. I may wind up having to pay a dollar a ton and he's going to be getting his for a half-cent a ton, and I am going to be at a competitive disadvantage."

That is one reason why some of the coal companies in this country are beginning to question the coal-leasing policies of James Watt.

My amendment is not difficult to understand. It simply allows the Commission that has been appointed to do its work.

There are Members of the U.S. Senate who are going to be asked to testify before that Commission and express their objections or their acquiescence to our existing coal-leasing policies. Let the Commission do its job, as it has been appointed to do, and make its recommendations, which it will do in January 1984, and then wait 90 days.

My amendment does not require that Congress has to approve or disapprove the Commission's report. It simply says that we will not lease any more coal until 90 days after the Commission reports.

The 90-day period is provided for a very specific purpose. If the Commission comes up with recommendations that are totally unsatisfactory, Congress will at least have an opportunity to deal with them. The 90-day period will provide a sufficient length of time to allow Congress to act on those recommendations if it chooses.

Mr. MELCHER. Mr. President, will the Senator yield?

Mr. BUMPERS. I yield.

Mr. MELCHER. I read the amendment at the desk, and I hope I am correct. The Senator's amendment exempts or allows maintenance tracts or bypass tracts.

Mr. BUMPERS. It certainly does.

I am pleased that the Senator brought that up, because there are a couple of Senators who are always concerned about that. The Secretary has the specific authority under the amendment to continue leasing bypass and maintenance leases.

Mr. MELCHER. It seems to me that some of the statements the Senator has made might be misconstrued.

First of all, the maintenance for the coal that he has described is a bid on the tract itself. Yet, the bulk of the return to the Federal Government on any coal operation in the West is from the amount paid on the royalty, is it not?

Mr. BUMPERS. The royalty, of course, is the bigger item.

Mr. MELCHER. Second, the Senator has described a reluctance by coal companies to put a bid on this lignite coal. There are two points. The Senator does recognize that there is a coal glut and that if they did bid and did get it, they would have to follow the due diligence requirements of the Mineral Leasing Act.

Mr. BUMPERS. The Senator is correct. As he properly points out, we have this giant glut of coal right now. We have the production capacity to produce much more than we can use. The last time I checked, we had 75,000 coal miners unemployed in this country.

Mr. MELCHER. I thank the Senator for yielding.

I intend to support this amendment. If there is any problem that the coal companies can find with the maintenance tracts or the so-called bypass tracts not being available for bid, I trust that there is plenty of time between now and conference for them to suggest different language which would better suit their purpose.

Mr. BUMPERS. Every point the Senator has made is well taken, and I appreciate his questions and his participation and his support of this amendment.

Mr. President, I want to make three points, because this matter has been debated here before.

The point I want to make is that there is a whole new set of circumstances since Senator Jackson and I offered this amendment about 3 months ago.

No. 1, Secretary Watt is thumbing his nose at the House, flouting the law, and saying, "I do not care what you think. I am going to proceed with the leasing of this coal." He then proceeds with the Fort Union coal lease sale and only gets bids of any kind on about 20 percent of the coal offered, and on that, the bid averaged only $^{7}\%_{100}$ of 1 cent.

However, here is the real clinker—and I hope that if every Senator is listening, he will listen carefully, and if he is not, I hope his aide, wherever he or she may be, will communicate this: The leases let on September 14, 6 days ago, brought $911,000, and the administrative costs associated with holding the sale were over $880,000.

When you pay 50 percent of that $911,000 to the States, which we are required to do, the United States comes up with a net loss of about $400,000. Talk about pennywise and pound foolish! This sale is the epitome of it.

Then, Mr. President, as the distinguished Senator from Montana just pointed out, we have a coal glut. But how much Federal coal do you think we already have under lease, when Secretary Watt is proposing to double that amount? We have 18 billion tons of coal under lease. That is Federal coal. That does not include the coal in Pennsylvania and Kentucky and Virginia and West Virginia. This is just Federal coal—18 billion tons under lease.

How much of it do you think we are producing a year? Last year, we produced 104 million tons from Federal coal leases. At that rate, we have between 170 and 180 years' supply under lease now.

I do not know whether James Watt is planning on being around 170 or 180 years from now; but if he is not, I cannot imagine why he wants to add another 170 years' supply.

Why are we leasing more coal, when you have to show due diligence within 10 years of the time you lease the coal, and we have 170 years' supply on hand right now, less than 50 percent of which is under development? I will tell you why. James Watt simply wants to get as much coal as he can under lease. It is a shame, in my opinion, that he has to even take bids, when he would like to give it away so badly.

Before the Powder River Basin sale last year, the Interior Department got the distinct impression that nobody was going to bid what they determined the fair market value of those tracts to be. What did the Department do? It downgraded the fair market value of the tracts to entry level bids and cut the price by about $60 million. So the bids came in close to the entry level bids, and the Department went ahead and executed the leases.

My amendment does not interfere with the coal program's environmental work. It does not prohibit the Department from going ahead with planning and environmental assessment work in 1984. Only the sale or lease of new leases will be prohibited until 90 days after the Commission reports to Congress.

If we do not care what the Commission says, and if we do not care about receiving fair market value for coal leases, then we should defeat this amendment and follow it with another to dissolve the Commission; because if we do not care what the work of the Commission is going to show, why appoint a Commission at all? But if Senators do care, if they care about the American people getting fair market

value for their finite resources, then they will vote for this amendment.

Mr. President, I yield the floor.

(Mr. WARNER assumed the chair.)

Mr. WALLOP. Mr. President, I will not be long. The arguments have been made in the past, as the Senator from Arkansas has stated.

One of the things that has happened since the past argument is the sale of the Fort Union leases. That sale is raised by the Senator in his own behalf, but is one of the best arguments against his amendment.

It is amazing to me that the Senator thinks that the Secretary of the Interior is putting coal on the market at less than fair market value, but finds that the fair market assessment of the Department of Interior's coal experts is higher in the case of new tracts, than any company in the country cared to pay.

The fact is, it is an argument that says that the Secretary is right on track with his assessment.

He says there is a whole new set of circumstances that took place since we argued this before. He is dead right. The Department has changed a number of the processes by which it handles leasing. They have not changed the means by which they assess the value of coal, but rather the means in which they handle the bids afterward.

They have done a number of things which have been reasonably suggested. I will enumerate those if the Senator does not know them—I think he does, and I would be happy to enumerate them for other Senators, should they ask for it. But suffice to say that they have significantly tightened up on the means by which they handle the bidding procedures.

The use of oral bidding has been eliminated so that bids received might be a truer reflection of a tract's value. The minimum bid for any tract must be at least $100 an acre. Presale estimate of fair market will be prepared, but the final fair market appraisal will be completed after the sale using competition at the sale as a factor. There are other changes as well. There is a new, responsible, and accountable set of processes within the Department.

But let us go the Senator's argument which he has raised time and time again. That is the findings of the GAO report which is, on its face, a preposterous argument.

The GAO reached its conclusions by changing assumptions that had long been in place through Democratic and Republican Secretaries of the Interior. By changing assumptions, anyone in the economic field can come up with different conclusions. Their most significant conclusion was that no production rate adjustment was legitimate. The GAO said that the Department could not document that each variable, namely the production rate and stripping ratio, has an independent impact on tract value. However, the Department has demonstrated that they do in fact have an independent impact on tract value.

There was an assumption that noncoal fiscal wizards, who know nothing about mining and nothing about production of minerals, came up with, out of their own heads. However, they said, if it were in fact independent and could be so demonstrated, that it was legitimate. This the Department has done. That was $73 million out of their $100 million so-called undersale assessment.

Let us look at another argument that the Senator from Arkansas continues to raise. It amazes me that he continues to do so. He confuses what the royalty bonus is with the principal interest that the public has, not in the bonus bid, but in the royalty production.

In those tracts on which he said we only got $900,000 and had to give half of that to the States, let us look at the rest of the public interests—a Federal royalty of $86 million, State severance taxes of $115 million, employment of 930 people, and a signicant addition to added mine life in all of these. The public's basic interest is not the bonus payment but the royalties that they receive.

If you wish to have experts other than I to justify that, let us just read from the Congressional Research Service report on the policy of leasing the less costly Federal reserves.

It could conceivably lower the market price of coal—

I am quoting from it now—

because of increased competition in coal supply markets and the elimination of the market's effect on Government monopoly power, assuming that adequate amounts of Government least cost reserves are not currently being leased.

The bonus bids on both Federal and privately owned higher cost reserves would decline. These lower bonus bids would still incorporate a return from economic rent but any revenue from the bonus bid attributable to higher market price of coal caused by the Government's failure to offer adequate amounts of its less cost coal reserves would be eliminated over time.

Now note well what I am about to say from this report.

Income would be transferred to consumers in the form of lower prices and away from the Government and private resource owners.

In effect, this interrelationship of Federal leasing policy and market price for coal demonstrates that a larger bonus bid is not necessarily consistent with the leased policy that is functioning efficiently and in the public interest.

Let us put this into some perspective here. The Senator says there is a coal glut. The last "temporary" moratorium that was put in place lasted a decade.

Let us just take a look at the chart which I have over here, which I will move to and demonstrate how long it takes to put together a coal mine under present Federal procedures.

Let us just take the chronology of events in the Fort Union region alone. In 1979, the region was established by Secretary Andrus. In 1980, in April, the regional coal team was established and activity planning was initiated.

In 1981, in December, the leasing target was established of 0.8 to 1.2 billion tons. Mind you, established—the figure that the Senator now finds so easily to criticize—was not established by Secretary Watt, but by Secretary Andrus.

In 1982, the draft EIS was completed. In 1983, the final regional EIS was completed. In September of this year there was the first Fort Union lease sale.

Let us take a look at what has happened. Five years have already passed. On top of that, it is going to be 10 years before the mine gets established by virtue of the Federal Surface Mining Control Act and State laws, and probably 40 years after that in terms of mine life.

Is the Senator prepared to say that he knows the economics of a bonus bid of 45 years of production and development any better than anyone else does?

I think the country has gotten fair market value on the Fort Union leases by the fact that there were bids on some leases and not on others that were offered at the same time.

Let us take a look at how badly abused the Federal interest in the Fort Union region is. There are 225 billion tons of total reserves in the region, of which 90 billion are Federal reserves.

Out of that, only 9.3 billion have been cleared through land use plans, 2.2 bilion was nominated by industry, and only 1.9 billion was studied in the EIS. A decision to offer 1.1 billion was made. On September 14, only 0.54 billion tons were offered and only 114 million tons received bids. We do not yet know how much will actually be sold.

I tell you, my friends, there is benefit in having predictability in coal life.

One of the reasons why we have so much trouble in the coal business is that the Federal Government's exercise of its monopoly power has been outrageously irresponsible.

I return to my desk for just a second to talk about the value for the coal that the Senator from Arkansas questioned so strongly.

The Senator made the claim that the Department received only seventy-nine one-hundredths of a cent on lease coal and criticizes it so roundly, in a time when as he states the market for coal is not very high. But let me tell you that that price was approximately 3½ times as much as Secretary Andrus

got for North Dakota lease sales during the time of the highest coal prices in this country's history.

From 1978 through 1980, he got twenty-seven one-hundredths of a cent. This was that Sectretary of the Interior who was responsible when it came to the public purse; the one who is now irresponsible got three times as much.

The agruments do not flow.

Now why lease when things are a drag on the market? You lease when the market is slow and you lease when the market is good. You lease in an orderly manner to eliminate what has been the consumer's greatest enemy, the Federal Government's exercise of its coal monopoly.

The decade moratorium cost the public endlessly more in the cost of their energy than anything that has happened under Secretary Watt's brief tenure.

That happened under both Democrats and Republicans, but it was what cost the consumers.

I would just suggest that many of these agruments do not need to be hashed and rehashed. The fact is that the orderly process of leasing the Federal Government's monopoly holding of coal is the public's, the consumers', and the taxpayers' greatest interest. Bonus payments account for precious little of the public's interest. The cost of $900,000 which the Senator raised is a one-time cost. Should these tracts be leased and not produce, guess who is the beneficiary? The taxpayer and the public purse. If they do not get any development within the diligence requirement of 10 years, the leases revert to the public and can be leased again for another bonus payment.

What we have is a continuation of a leasing program and plan that is far more modest than that, that was initiated and comptemplated by Secretary Andrus, but is is orderly; it is progressing responsibly and accountably. They have established a commission to make further recommedations for improvements. Everything is on track and being accounted for properly. The public does not need another decade of moratorium. Even though this one is said to last only 90 days after the commission report, the Senator and I know how well those 90-day limits appear to work.

In fact, what Congress does is what it always does so brilliantly. It decides not to make up its mind and extend it until it can. That decision ends up lasting a decade and costing the Nation more than it ever should. We tell the people we are doing something for them, but in time we are doing something to them. I urge Senators on both sides of the aisle to reject the arguments of the Senator from Arkansas and vote to defeat his amendment.

● Mr. MURKOWSKI. Mr. President, I rise in opposition to the amendment by the Senator from Arkansas.

It is no secret that the United States is the "Persian Gulf of coal." Our vast coal resources should be able to provide a significant portion of our energy needs well into the next century. Sadly, however, a number of factors have been keeping these resources from reaching its true supply potential. These factors include transportation bottlenecks, fluctuating demand, environmental concerns, and even some Federal coal leasing policies of the past. In the face of these impediments to coal development, we should ask ourselves what kind of coal leasing policy should be embraced in an effort to move more coal into production.

Because the Federal Government controls in excess of 80 percent of western coal, our approach toward Federal coal leasing holds at least a few of the answers. We could adopt an approach aimed at maximizing our financial return from Federal coal properties. The Federal Government could, by virtue of its extensive control over the resource, behave in a monopolistic fashion. But I think we can see the consequences of that approach. Higher lease acquisition costs would result in reduced leasing, reduced tax and royalty income, reduced employment, increased dependence on foreign fuels, and higher consumer prices.

On the other hand, we could adopt an approach where ample supplies of coal could be leased, developed, and utilized for the Nation's benefit.

The Federal Coal Leasing Amendments of 1976 mandate that no Federal coal lease can be sold for less than its fair market value. In recent months the Department of the Interior has come under fire for allegedly offering coal in the Powder River lease sale at "bargain basement, fire sale prices." Now I will readily admit that it is not clear what constitutes fair market value for much of this coal. Nor do I believe that you can look at a figure of 6, 8, or 10 cents per ton in bonuse payments and conclude that the Government received or did not receive fair market value. Indeed, there are a number of factors which must be considered.

For instance, at what price should coal be offered in order to insure national economic efficiency in the development of the resource, provide for the timely development of the resource; promote competition in the coal industry, counter rising energy prices and inflation, provide for an equitable sharing of Federal coal value of production between the public and the producers, provide for socio-economic responsibility, and maximize national energy supply? A Federal coal leasing policy must balance all these goals. The maximization of bonus revenues at the expense of all other factors would be irresponsible and counterproductive.

Regardless of one's conception of fair market value and appropriate levels of bonus bidding, it is an indisputable fact that a lease in production will yield higher Federal revenues in the form of royalties and taxes than will a lease that is never produced. In one key indicator of success, the Department of Interior has made tremendous progress in bringing more Federal coal under lease. In the decade prior to 1981, the Department leased virtually no coal. I, for one, would like to commend Secretary Watt for his ability to turn that situation around.

I believe it is safe to say that the Federal coal leasing program is not without its flaws. But a moritorium is not the answer. Secretary Watt has created a special blue-ribbon citizens' panel headed by David Linowes to investigate the shortcomings of the coal leasing program and to provide suggestions for change where change is needed, but to go a step beyond and cease Federal coal leasing activities completely simply does not make sense. When we discovered that the Federal mineral royalties mangement program contained flaws, we did not cease oil and gas leasing, we heeded the advice of a special commission and enacted legislation to correct the problems.

The Federal coal leasing program, like the mineral royalty management program is a complex, difficult program to manage. Improvements can be made which will "fine tune" the program, but these improvements can be made without shutting it down.

We have recently emerged from a 10-year leasing moritorium. I would urge my colleagues to reject the "moritorium mentality" and vote against this amendment.

Thank you, Mr President.●

● Mr. HART. Mr. President, I urge my colleagues to support the amendment by the Senator from Arkansas, Senator BUMPERS, to prohibit additional coal leasing until the newly established independent review commission completes its evaluation of the coal leasing program and submits its report to Congress.

The Senate has twice before come very close to passing similar amendments. Last December, an amendment to the fiscal year 1983 Interior appropriations bill, to prohibit additional leasing during the current fiscal year, failed by a single vote. Earlier this year, the same amendment failed by three votes. These close votes in this Chamber, and the votes in the House of Representatives, clearly demonstrate the strong concern in Congress about the continuing efforts of the Reagan administration to give away

the public's coal resources at far less than their true value.

That congressional concern should be even stronger now than it was when the Senate considered the two previous proposals to limit additional coal leasing. Two recent developments have occurred which should persuade Senators who previously voted against similar amendments to support the amendment offered today by Senator BUMPERS.

First, Congress has established an independent commission which is now at work evaluating the Department of the Interior's procedures and practices for insuring a fair market value for sales of Federal coal. That commission is required to submit its report and recommendations to Congress by next January. The existence of this commission should reassure any Senators who previously were skeptical that a moratorium on coal leasing will in fact accomplish the goal claimed by myself and other supporters of the two previous amendments: Providing an opportunity for meaningful reforms in the Department's procedures, after which leasing would be resumed. The Bumpers amendment is not an amendment to prevent any future coal leasing. It is an amendment to insure that future leasing is carried out in a way that protects the public interest. We know now that the independent commission will submit its report to Congress and that Congress will consider that report. The Bumpers amendment simply allows that to take place before the Department issues additional leases, not after the Department has issued other leases under its obviously inadequate current practices.

The second recent development that should influence the Senate is the Department's recent issuance of additional leases in the Fort Union region of North Dakota and Montana. These leases clearly demonstrate that the Department intends to continue the practices that the General Accounting Office concluded involve "deficiencies in its valuation, leasing, and fair market value procedures." Of the eight tracts offered for lease, only five received any bids, and each of those tracts received only a single bid. With this little industry interest and this little competition, the Department's return for more than 100 million tons of coal will only barely cover the administrative costs of issuing the leases. If any Senator previously doubted that Secretary Watt and other Interior Department officials are currently and actively engaged in a deliberate campaign to give away our public resources, this latest lease should have dispelled that doubt.

Mr. President, when Secretary Watt has gone too far in overleasing our public lands—as he repeatedly has—Congress has blocked him. We have stopped the leasing of portions of the Outer Continental Shelf off California, where environmental values clearly outweigh energy values. We have blocked the leasing of our wilderness areas. Now it is time to block additional coal leasing, until reforms can be adopted to guarantee an adequate return for these public resources.●

● Mr. GLENN. Mr. President, I rise in support of the Bumpers amendment which would restrict coal leasing until the Congress has a chance to review the recommendations of the Linowes Commission on Fair Trade Value.

Coming from a major coal-producing State, I know full well the importance of coal to our economic vitality. Industry access to the billions of tons of federally owned reserves located in the West may prove eventually to be crucial to our long-term energy policy objectives. However, unlike the present administration, and in particular Secretary Watt, I sincerely believe that we can lease and mine coal consistent with maintaining stringent protections to safeguard our citizens and our environment.

Prudent management of these plentiful reserves is essential. Blind adherence to ideological purity for the sake of expediency and in the name of public policy too often entails sacrificing elements of the public welfare. This is exactly what we have witnessed as a result of Secretary Watt's determination to sell an unprecedented amount of public lands at "fire sale" rates.

Earlier this year, the General Accounting Office estimated that the Department of Interior's Powder River basin coal lease sale, at prices lower than the fair market value, cost the public over $100 million. Even more disturbing, there have been allegations that Department of the Interior officials intentionally engaged in activities designed to tilt the leasing process toward a handful of favored bidders. These charges must be fully investigated and the necessary reforms made in the coal leasing program to insure proper, impartial management that will obtain the full, fair return for our Nation's valuable resources. I find it ironic that this administration, which strongly proclaims its faithfulness to the free market system, has attempted to impede the workings of the marketplace.

There are, at present, over 18 billion tons of recoverable Federal coal under lease—175 years supply at current production rates. In fiscal year 1981, only 104 million tons of coal were produced from these leases. Moreover, out of the 616 existing Federal coal leases in fiscal year 1981, only 105 produced coal. Indeed, there certainly is no "coal rush" on. Just last week, in a highly controversial sale centered on the Fort Union region in North Dakota and Montana, the Interior Department sold only 114 million tons of Federal coal leases out of a possible 542 million tons.

Given these facts, it is now time to impose a temporary moratorium on these sales until the advisory committee's recommendations can be reviewed by Congress. It is in the best interests of our Nation, from an economic, environmental, and energy standpoint to establish effective safeguards in the coal leasing program. Prudent management is absolutely essential to restore public confidence in this program. In my judgment, leasing should only proceed when the value of the resources clearly outweighs the estimated environmental damages, including the damage to wildlife that might result from development. Procedures must be followed to insure that the Government, as required by law, receives a fair market value. And finally, strict environmental protections must be afforded when exploration or production occur.

It is for these reasons that I support the Bumpers amendment and urge my colleagues to accept it.●

● Mr. BINGAMAN. Mr. President, the administration has proposed leasing up to 16 billion tons of coal in the United States by 1985, part of a plan to accelerate energy development on public lands. In New Mexico, the Department of the Interior is planning to lease 3 billion tons of San Juan Basin coal in the northwestern part of the State.

Considerable controversy has surrounded this planned leasing program especially since a review of the first major sale last year in the Powder River basin of Wyoming raised significant problems with the process. This controversy continues with the recent Fort Union sale that drew low bids and few bidders.

The major issue in dispute is in providing an adequate return to the public for the release of these public resources at this time.

Fair market value for coal is the process by which the Department of the Interior estimates the value of a coal lease and/or assesses whether a given high bid offered for the lease is adequate. This is not an easy task, especially when coal is sold in a market that has experienced decades of noncompetitive leasing and speculation and where current land use and coal activity processes may not match the Government's leasing needs.

The amendment we consider today will suspend, temporarily, further Federal coal leasing pending review by Congress of the recommendations of the Commission on Fair Market Value Policy for Federal Coal Leasing, established to review the procedures under which the program is conducted, especially the issue of fair market value.

The public deserves fair and equitable remuneration for the use of its

lands. Determining this fair market value is one of the major problems that must be resolved if we are to have public confidence in this program. The amendment offered today provides the opportunity for the American public and the Congress to know that the Department of the Interior is receiving fair market value. It is my hope that the Commission could complete its work and report to the Congress before the 6-month deadline and that we could proceed with the national coal leasing program.

People may question why we cannot allow leasing to continue while the Commission reviews the procedures of the program. I think it both prudent and reasonable to defer new sales until these issues are resolved and the Congress has the opportunity to review the Commission recommendations. Hopefully, this temporary suspension will insure that the Commission's work receives priority attention by the Department of the Interior which has been slow to accept the recommendations of the GAO, with regard to fair market value.

I think it is important for the integrity of the program that we clear up any questions or concerns relating to its administration. We want to insure confidence among the public and potential investors that this program will provide a steady and reliable supply of Federal coal.

This amendment should in no way delay or defer the planning activities leading up to a proposed sale, including preparation of environmental impact statements. It places the responsibility with Congress now to review the Commission's work and allow a fair and equitable program to proceed.

The coal leasing program in recent days has become embroiled in a dispute of the Secretary of the Interior with the Congress over the issue of legislative veto. That is unfortunate. It is neither fair nor in the industry's best interests to be caught in the middle of this conflict. I would hope now that the Secretary can focus his efforts on improving the coal leasing program rather than seeking a confrontation with the Congress.

New Mexico is a major contributor to the coal resources of our country and I am vitally interested in making sure that we have a national coal program. I think it is important to our long-term energy needs and future energy security.

Our Nation needs a coal program. Our citizens deserve a fair return for the use of its coal resources. I think this amendment will help provide that assurance.●

● Mr. BAUCUS. Mr. President, I wish to thank the Senator from Arkansas for offering this amendment. I endorse this amendment. I represent a State richly endowed with vast coal resources, and I am deeply concerned about the current direction of Federal coal leasing policy.

It is time that Uncle Sam becomes a prudent businessman. It makes no sense to continue to give away the Federal estate.

In my part of the country, the administration proposes to lease up to 6 billion tons of coal. This includes 4.8 billion tons in the Powder River coal region, which straddles the Montana-Wyoming border, and 1.2 billion tons in the Fort Union region, an area including eastern Montana and western North Dakota.

The target set by the Department of the Interior is greater than the amount recommended to be leased by the regional coal team and Montana's Gov. Ted Schwinden. These leases, coupled with the 1.6 billion tons of coal leased in April 1982, are roughly equal to 76 years of Federal coal production nationally at current rates of production. I caution you that these coal leases encompass only two of the six Federal coal regions in the West.

The recent Fort Union Federal coal lease sale held in my State demonstrates the accuracy of many of the major criticisms that have been leveled at the Department of the Interior's coal program. In that sale, the Department offered 542 million tons of Federal coal for lease. Only one-fifth, 114 million tons, received any bids. There was only one bidder per tract. The average bonus bid was less than 0.8 cents per ton, a figure that is only nominally above the level set by the Department to discourage nuisance bidders. The Federal Government's share of the bonus bids does not even come close to covering the administrative costs of holding the lease sale.

Let us take a moment to look at the total amount of coal leasing. Nationwide, the coal industry now holds 616 Federal coal leases which include 18 billion tons of coal. The coal already under lease would meet our needs for the next 180 years.

Imprudent Federal coal leasing policies threaten to wreak havoc on the economy of a State like Montana. Montana is a major coal producing State. We want coal production and mining to continue to occur, both to benefit Montana and the entire country.

But we are concerned that leases be fair to Montana, to producers, and to the U.S. Government, and the taxpayers.

Senator BUMPERS has called for a cautious evaluation of the entire coal leasing process. The proposed Commission is not a moratorium on leasing. I, for one, do not support a moratorium.

This pause in leasing would only apply to the leasing of new production areas. It is my understanding that it would not affect first, maintenance leasing, second, bypass leasing or emergency leasing. In other words, the legitimate needs of the mining industry will not be affected. Even new leasing will not be halted since the Commission will formulate its recommendations within 6 months and the Department of Interior does not propose any leases within this time period. This amendment allows for a pause to deal with this important problem; and the adoption of adequate modification to insure that future energy needs are met in a manner which provides the highest benefit to Montana, the producers, the U.S. Government, and the American taxpayer.

I am not alone in the West in my support of this amendment.

The Governor of Montana supports this action, but it is an issue which affects not just Montana, but the entire West. A resolution was recently passed at the Western Governor's Conference held in Montana.

This resolution was signed by Governor Lamm of Colorado, Governor Schwinden of Montana, Governor Anaya of New Mexico, Governor Matheson of Utah, and Governor Herscher of Wyoming. I believe that this resolution demonstrates the desire of the Western States to have a workable Federal coal leasing program. This resolution states:

FEDERAL COAL LEASING PROGRAM: RESOLUTION ADOPTED AT WESTERN GOVERNORS CONFERENCE, JUNE 16, 1983

The Western coal state Governors want federal coal leasing to continue. Whatever problems may have arisen in the recent lease sales, we feel the program is fundamentally sound. In the words of Governor Herschler; "Don't shoot the horse because the jockey is causing a problem."

However, we recognize that serious questions have been raised with regard to obtaining a fair return for publicly-owned coal. These questions undermine public and Congressional confidence in the coal leasing program and should be expeditiously addressed. Western coal states have a very real interest in obtaining a fair return.

Congress should direct the Department of the Interior to resolve these concerns by preparing new procedures and policies concerning fair return. The Secretary should:

(a) develop a detailed analysis of the economic and geographic variables affecting the value of each Federal coal lease, including a comparison of the effect of changing variables;

(b) prepare and publish in the Federal Register new internal procedures for conducting coal lease valuations (including criteria for comparable sales analyses), refining the technique used to develop original minimum acceptable bids for the Powder River Basin lease sale held in April 1982;

(c) develop and publish in the Federal Register guidelines for additional and experimental bidding systems for regional coal sales (including entry level and intertract bidding and limits on the percentage of leasing target permitted under such experimentation);

(d) consider establishing minimum regulatory selling prices for coal leases in each Federal coal region on a cents per ton basis;

(e) revise the procedures for determining fair market value so as to include specific quantitative tests which (1) are applicable whether or not adequate bidding competition is present at the lease sale, and (2) place greater reliance on prior comparable sales and on recent bona fide sales in the absence of bidding competition at the lease sale; and,

(f) establish written internal procedures for safeguarding coal lease pricing, economic valuation and other proprietary data against unauthorized disclosures.

A draft report should be prepared by September 30, 1983, for review and comment by the GAO, affected states, and the public. Interior should submit a final report to Congress by December 31, 1983. This will give Congress, affected states and the public sufficient time to review these new policies and procedures before the coal lease sales scheduled to take place in fiscal year 1984.

In the interim,

(a) the schedule for pending lease sales should be determined by the affected states. For example, New Mexico has requested a year's delay in the San Juan lease sale. We support that request. Similarly, Montana has sought a deferral of the Montana tracts in the Fort Union sale. That request should be honored. The North Dakota portion of the sale should proceed consistent with Governor Olson's wishes;

(b) the regional coal teams should review bids after the sale and before lease issuance, offering recommendations to the Secretary on the acceptance of those bids; and,

(c) Interior should use the proven procedures for setting fair market value and for bidding that were used prior to the 1982 Powder River lease sale.●

Mr. President, in conclusion, I believe it is unwise to continue to charge recklessly ahead when leases will not be developed for years to come. It is absurd to lease up to 12 billion tons of coal in the next 18 months. That would equal the total amount leased by 11 administrations since the Mineral Leasing Act of 1920 was passed. The recent Fort Union coal lease sale demonstrates the folly of these actions. It is common knowledge that worldwide coal markets are depressed. Adequate leased areas exist to insure that prudent coal development can continue. It appears to me that this amendment is in the best interest of all parties concerned.

I urge the adoption of this amendment so that we can look at where we are and make the proper decisions concerning the leasing of Federal coal deposits for the future.

Mr. McCLURE. Mr. President, I know of no others who wish to debate this amendment. I believe we are ready to vote. I assume the Senator from Arkansas desires a rollcall vote.

Mr. BUMPERS addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. BUMPERS. Mr. President, I had promised the Senator from Illinois the opportunity to speak. I think he is on his way to the floor. I would like to make a 3- or 4-minute presentation in response to some of the things the Senator from Wyoming has said. Hopefully, the Senator from Illinois will be here by then. He has a statement of 5 or 10 minutes.

I want to say first of all the Senator from Arkansas does understand the difference between bonus bids and royalties. I do not try to make the case that we ought to be getting as much from bonus bids as we get from royalties. Obviously, that is not the case. We get 12½ percent of the value of all the coal that is mined. If there is a Federal lease in operation in Wyoming and coal is selling for $10, the Federal Government gets $1.25 a ton, and half of that money goes back to the State of Wyoming.

I do not quarrel with that, Mr. President. Wyoming has profited. My own State is importing 11 million tons of coal a year from Wyoming, and we are very pleased. I hope it is as beneficial to Wyoming as it is beneficial to the State of Arkansas.

I might say we are also paying a 17-percent royalty to Wyoming. This is sort of a side question. We have already debated that one. But the State of Wyoming gets a 17-percent royalty at the State and local level on every ton of the 11 million tons that comes to my State, which happens to be next to the lowest per capita income State in the Nation. So we are making a pretty good contribution to Wyoming, roughly $4 per man, woman, and child in Arkansas, money that we export to Wyoming.

But the point I want to make is yes, I do indeed understand the difference between bonus bids and royalties. I have a small cattle farm and I have four oil and gas leases on my farm. I tried to exact the highest bonus bid I could from all the oil companies who wanted to lease that land. If they happened to hit gas, I tried to exact the very highest royalty I could get.

We are indeed talking about two different things. I know that bonus bids are never going to bring as much to the Treasury per ton as royalties bring. But I want to point out that that is no excuse for giving coal away. Non-Federal coal in the State of Wyoming is bringing anywhere from 17 cents to $1.20 a ton in bonus bids, royalties are paid on top of that.

The Senator tells me that James Watt is a very discrete conservator of the natural resources of this country and of the Treasury when he chooses to lease coal that belongs to the taxpayers of this country for anywhere from a very small fraction of 1 cent per ton up to 3 cents a ton, while people in the private sector are leasing their coal for 17 cents to $1.20 a ton.

Does that sound like a great conservative, Mr. President, who really is trying to save the taxpayers of this country money, trying to reduce the deficit from $200 billion to $199,999,000,000?

It sounds exactly like what it is. James Watt is trying to give away our national heritage to whoever happens to show up.

Last week he offered for sale five maintenance tracts and three new production tracts. How many bids do you think each of the maintenance tracts got? You guessed it. One. Only one bid per lease because the lease had been very carefully crafted and orchestrated to accommodate one company and only that company had any interest in the lease. You guessed it. The companies got it for an average of 0.79 of 1 penny per ton.

If we do nothing, James Watt will lease 10 million more tons of coal in 1984. If you do not believe that, pick up the phone and call him and ask him what his plans are. Eighteen billions tons of Federal coal under lease right now, a 170-year supply, and James Watt in fiscal year 1984 plans to add another 100-year supply to the coal industry's reserves.

If Congress did not know the difference between bonuses and royalties, why did it write into the Federal Coal Leasing Amendments Act of 1976, "No bid shall be accepted which is less than the fair market value of the coal subject to the lease"? Congress did not put that in there so James Watt could give away our national heritage. We put it in there because we wanted competitive bidding and we wanted the taxpayers of this country to get fair market value for their resources.

Mr. President, if this were just the Senator from Arkansas or our recently departed colleague, Senator Jackson, that would be one thing. The National Taxpayers Union is a very conservative organization. The National Taxpayers Union has consistently prided itself on trying to save taxes for people and keep the Federal deficits down. It is one of the most conservative organizations in the United States.

What does the National Taxpayers Union say? They say they "support the Bumpers-Jackson amendment to suspend current leasing plans until the commission has convened and Congress has had an opportunity to act upon its recommendations."

All people who read those thousands of polls that different organizations come out with at the end of the year better look out because nobody likes the National Taxpayers Union to get on them, and they are going to get on everybody who votes against this amendment.

The National Taxpayers Union says, "We do not endorse a long-term moratorium on coal leasing, but feel this temporary action is necessary in light of a multibillion dollar problem. It received unanimous bipartisan support from the House subcommittee and full committee which reviewed it. We be-

lieve that the market should not be flooded in the middle of a depression. Prices will be driven down and potential revenues will be lost for years to come."

I would hate to be a Senator from Virginia, West Virginia, Kentucky, or Pennsylvania, and go home and say, "We just authorized the Secretary of the Interior to put another 10 billion tons up for lease. To all of you 75,000 or 80,000 unemployed coal miners, it probably means you will be unemployed for another 100 years."

It is not only conservative organizations like the National Taxpayers Union that support this amendment. The United Mine Workers not only support this amendment, they are absolutely bonkers about it.

The New York Times, the Los Angeles Times, the Baltimore Sun, the Hartford Courant, the Arizona Daily Star have all endorsed the amendment. Everybody in this country who has looked at this situation, from the editorial writers, to the most conservative organizations, to the Sierra Club, all support the amendment.

I yield to the distinguished Senator from Illinois.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. DIXON. Mr. President, I thank my distinguished friend and colleague from Arkansas for yielding to me.

Mr. President, once again, I feel compelled to speak out against the Department of the Interior's misguided and mismanaged coal leasing program. We are all familiar with the facts: a $100 million windfall; bargain basement prices; questionable environmental safeguards. All of these factors operate to the detriment of the American taxpayer.

If we had acted positively last December 14, when I joined my friend from Arkansas, Senator BUMPERS, in voting for an amendment to cut appropriations for the Department of the Interior funding of leasing programs, we could have avoided the costly giveaway leases in the Powder River Basin. Mr. President, the ball is again in our court. We can countenance this bad public policy by ignoring it, or we can stop it now.

The Powder River Basin sale was a monumental mistake, conducted under old planning rules and Secretary Watt's new sales procedures. The planned fiscal year 1984 lease of offerings will see the full implementation of the Secretary's program. These sales are a disaster waiting to happen.

The Department of the Interior anticipates four sales in fiscal year 1984. Each could top 1 billion tons. Why do we continue to add to the potential for flooding an already depressed coal market? Why are we force feeding the market at the expense of the taxpayers?

It is time to stop, step back, and take a long hard look at the Department's coal leasing policies before Secretary Watt gives away billions of more tons of coal at bargain basement prices. These public lands belong to all Americans, and their handling and treatment should redound to the benefit of all of us.

The creation of a commission to study the coal leasing problem was the first step toward a responsible leasing policy. The recent ridiculous sale clearly points out that it makes no sense to continue this program until the commission makes its final report.

It is our duty, Mr. President, to insure that the public gets a fair price for its coal. With 18 billion tons of Federal coal already under lease and coal demand slowing, a temporary sales deferral will have little market impact.

This amendment will not end coal lease planning or environmental analysis, nor will it interfere with ongoing mining operations. It will give us precious time: time to carefully review the Department's policies; time to sort out this mess; and most importantly, time to insure that the taxpayers get a fair return on public lands which are held in trust for all of us, now and in the future.

I am honored to support the amendment by my distinguished friend from Arkansas.

Mr. McCLURE. Mr. President, does the Senator from Wyoming wish to make any further comments?

Mr. WALLOP. No, Mr. President. I just say to my friend from Arkansas that if he wants the contribution of the people of Arkansas to the people of Wyoming to go up, he has only to put in place a system which will make their coal cost a little more. From our perspective, we could probably absorb that increased revenue, but I do not think it will do his people or the country any good.

Let me say to my friend from Illinois that we can in this Chamber and frequently do bandy about all kinds of adjectives to describe events that have taken place. However, the description he used of the Powder River coal sales is simply not borne out by the facts. That is including the GAO's own statement that if these things could be independently verified, they would be acceptable. They have been now and apparently are acceptable to the tune of $73 million of the $100 million which GAO felt was undervalued.

The only other thing I say to Senators is if the fair market value assessment and judgment of the Department of the Interior was too low, then somehow or other some of the best coal-mining minds in the country missed a hell of a boat, because they did not bid on some things that were to be given away.

If, in fact, the fair market value of it was so badly underestimated, it seems only logical that somebody would have come in and picked those up.

One last point of difference. I might say to the Senator from Arkansas that private coal leases do not carry anything like the baggage that public coal leases do, not the least of which is a diligence requirement for development. Private coal ends up being a real property right, not a transient one. The argument has been made before and I salute the Senator from Arkansas, who remains my good friend, but who is in error here.

Mr. BUMPERS. I try to be enlightening as well as entertaining.

Mr. WALLOP. I am always entertained, but I am not sure I am enlightened.

Mr. BUMPERS. Mr. President, let me say Secretary Watt obviously feels the fair market value of this land is zero; therefore anything he gets is above fair market value.

I make one final plea to my colleagues. This is a representative government. When you go to vote on Lebanon and whether to leave the marines there, every person in this body ought to vote just as though one of those marines were his son or her son. When you come onto the floor to vote on this amendment, you ought to assume that this coal belongs to you personally.

Just carve out a 100-acre tract of coal for yourself when you vote and ask yourself, if it were yours, would you be willing to lease it the way James Watt is leasing it? If you believe in representing your Government the way you represent your people, vote that way and I shall appreciate your vote.

Mr. McCLURE. Mr. President, I assume the Senator wants the yeas and nays on the amendment. Is that correct?

Mr. BUMPERS. Yes, Mr. President.

Mr. McCLURE. Mr. President, I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER (Mr. NICKLES). Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. McCLURE. Mr. President, let me say again to the Senator from Wyoming what a tremendous job he has done, both in the past and today, in marshaling the arguments that need to be presented to the Senate in the consideration of this measure.

I say to my friend from Arkansas in all sincerity that the point he made at the outset is the summary as far as I am concerned. He admits to a prejudice against the Secretary of the Interior. That is a prejudice which he is entitled to have. He stated repeatedly throughout the arguments today that he hopes the Secretary is soon gone.

That is an opinion which he is entitled to have. It is one I do not share.

If as he said the Secretary obviously believes these reserves have zero market value, then why all the process to establish fair market value? Indeed, the latest sales in which there were no bidders indicated that the Department had set a fair market value that was higher than the market judgment of those buying coal leases.

I think it is obvious that not only does he set a fair market value through the procedures within the Department in offering these for bid, but at some time, that judgment is higher than the market value.

We have been trying for years to get the record clear with respect to how much coal is under lease and how much is in economically recoverable reserves and how much of it is committed to specific plants over the life of the plant—20 or 30 years, which is usually the case if it is a utility plant operation. They have to have enough coal committed before they build a plant. But all of that 20- or 30-year supply for a specific plant will show up in the current inventory of some coal company somewhere for their future mining plans, although committed to that plant. So there is some distortion in the record as to how much is under lease, how much is there, and why there is any need to put more on the market.

The Senator from Arkansas also makes one other statement that bothers the Senator from Idaho to a certain degree. That is that there is a single standard by which you look at the uses of resources under public lands, that you should somehow look at it as if you are a private owner.

We do not do that on any of the public lands. The public lands are expected to yield a variety of different uses and we protect a variety of different values in a way which is quite different from that which a private landowner would do on behalf of the national interest. That is quite properly the case.

I do not think it is simply a question of whether I as a taxpayer am going to look at a resource to extract from it every possible dollar I can get at the outset. A bonus bid is a way of getting an orderly coal market established so that that coal can be mined. My interest as a taxpayer is seeing that the land is protected, that the resources are available to the users of this country at the lowest possible cost, not the highest possible cost. We protect the environmental aspects of the land, the air, and the water even though there is a cost. That is not something that is done in order to maximize the return to the taxpayer. It is a way of protecting the values all of us see as citizens in the public land. We need an orderly coal market.

Finally, Mr. President, let me reiterate what was said earlier. Secretary Andrus, in his stewardship as Secretary of the Department of the Interior, had plans to put up for bid and lease for future mining 200 billion tons of coal. That is far more than is in the current inventory of plans of the man who is described by the Senator from Arkansas as somehow pillaging the natural resources of this country.

I do not believe the Senator from Arkansas would say Secretary Andrus was a rape, ruin, and run advocate in the management of public lands.

Somehow we have lost sight of what really is at stake. Might I suggest that perhaps one of the problems here is that those who are out to get Jim Watt, and I mention this only because the Senator from Arkansas did, that there are those within this country who are out to get Jim Watt. I think the Senator from Arkansas would claim with some pride that he is among their number. There are others who do not share that view and the Senator from Idaho, with some pride, would say I am among that number. But there are those who thought they had Jim Watt on coal leasing, that there were improprieties, illegalities, immoralities in the coal leasing program and they made all kinds of reckless charges about this program and about his stewardship of it. The analysis, the investigations, the legal challenges, the factual inquiries have laid all of those charges to rest.

But there is a lagacy of that earlier belief on the part of those who are his critics that they had at least found the smoking gun that would get him, a reluctance to let go of that issue because they were unable to make it fly the way they wanted. And so we have the residuum of that debate in which there is a stubborn insistence that there must be something wrong here in spite of the fact that nothing wrong has been found. So we have a continuation of the battle when really the battle ought not to be continued.

I would hope that the Senate will reaffirm its earlier judgment and will do again what it has done repeatedly in the committee and on the floor—respectfully listen to our friend from Arkansas, recognize with some degree of admiration the diligence and the persistence with which he pursues what he believes is a holy cause, and again make it our judgment that while we respect that we differ in our judgment and reject the amendment.

Mr. BUMPERS. I thank the Senator very much for his closing comment.

I would like to make this point. If Cecil Andrus had gone through with a plan to lease anything like the amount of coal that he may have planned to lease, I promise you I would be standing right where I am standing today.

The Senator from Idaho will remember that since the Bureau of Land Management let a 33,000-acre lease in Fort Chafee, Ark., for $1 an acre for gas exploration, they have never heard the end of it. The Senator will recall that I am the one that demanded hearings. I have been squealing like a pig under a gate ever since that lease was executed. It was one of the most outrageous abuses of power I have ever seen in my life, and I have screamed about it ever since.

Mr. McCLURE. Will the Senator yield?

Mr. BUMPERS. Yes.

Mr. McCLURE. The Senator will remember that the Senator from Idaho stood shoulder to shoulder in helping resolve that problem.

Mr. BUMPERS. I thank him. I want him to stand shoulder to shoulder with me on this now.

The other point I want to make is that when it comes to other Federal resources we demand fair market value. We will not give a timber company the right to cut one tree that does not bring a bid equal to what the Forest Service has already determined the fair market value of that tree to be. We will not even consider leasing offshore oil and gas for less than full value. We will not even, as absurd as the law is, consider leasing oil or gas lands on a known geological structure unless it brings fair market value. Why, the Secretary of the Interior within 2 months after he came to office said he was going to help President Reagan balance the budget by getting $18 billion in bonus bids for offshore oil and gas leases alone in 1982.

Well, of course, that figure just shriveled and shriveled, and I do not know what it turned out to be—I think a little over $2 billion. But why do we demand fair market value for every resource that belongs to the people of this country and insist on giving coal away? What sets it apart? I do not know.

Mr. McCLURE. Mr. President, I am grateful to the Senator from Arkansas for injecting the issue of timber sales, because the timber sales are an excellent case in point to make our case entirely.

There is no bonus bid on timber sales. The value on timber sales is the appraised market value of the timber, and that is what they pay. They bid for it. But there is no bonus bid at all, zero, not 1 penny. Unlike this instance, the fair market value being sought here is what will people pay for the opportunity to enter into a lease upon which then they will have to pay a royalty.

The Secretary, I think quite rightly, is saying that rather than have bureaucrats create an artificial value by withholding resources from utilization, which they have the monopoly power to do, we will try to have

enough resources offered so that the market will establish what that value is.

That is the essential difference between the opinion of the Senator from Arkansas and myself.

Mr. WALLOP. If the Senator will yield, too, there is one additional point that should be made here. The Department will not accept a bid that they think is less than fair market value for that bonus either.

Mr. McCLURE. As was demonstrated in the last sale.

Mr. WALLOP. The fact of it all is that there may be a quarrel that the Senator from Arkansas has with the means by which we arrive at what fair market value is, but apparently the Department of the Interior's means is greater than the coal companies' view of what fair market value is, as they demonstrated in the Fort Union coal sale by not getting a bid. So I believe we are getting fair market value. I believe it is demonstrable on the record. All the arguments the Senator makes are in favor of the defeat of his own amendment.

Mr. BUMPERS. Could we vote?

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the amendment of the Senator from Arkansas. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. STEVENS. I announce that the Senator from Tennessee (Mr. BAKER), the Senator from Maryland (Mr. MATHIAS), and the Senator from South Carolina (Mr. THURMOND), are necessarily absent.

I further announce that, if present and voting, the Senator from South Carolina (Mr. THURMOND), would vote "nay."

Mr. CRANSTON. I announce that the Senator from Hawaii (Mr. INOUYE) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber wishing to vote?

The result was announced—yeas 63, nays 33, as follows:

[Roll Call Vote No. 254 Leg.]

YEAS—63

Baucus	Gorton	Metzenbaum
Bentsen	Grassley	Mitchell
Biden	Hart	Moynihan
Bingaman	Hatfield	Nunn
Boschwitz	Hawkins	Packwood
Bradley	Heflin	Pell
Bumpers	Hollings	Percy
Byrd	Huddleston	Proxmire
Chafee	Humphrey	Pryor
Chiles	Jepsen	Quayle
Cohen	Kassebaum	Randolph
Cranston	Kasten	Riegle
D'Amato	Kennedy	Roth
DeConcini	Lautenberg	Rudman
Dixon	Leahy	Sarbanes
Dodd	Levin	Specter
Eagleton	Long	Stafford
Evans	Lugar	Stennis
Exon	Matsunaga	Tsongas
Ford	Mattingly	Warner
Glenn	Melcher	Zorinsky

NAYS—33

Abdnor	East	Nickles
Andrews	Garn	Pressler
Armstrong	Goldwater	Sasser
Boren	Hatch	Simpson
Burdick	Hecht	Stevens
Cochran	Heinz	Symms
Danforth	Helms	Tower
Denton	Johnston	Trible
Dole	Laxalt	Wallop
Domenici	McClure	Weicker
Durenberger	Murkowski	Wilson

NOT VOTING—4

Baker	Mathias
Inouye	Thurmond

So the amendment (No. 2165) was agreed to.

Mr. BUMPERS. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. DIXON. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The adoption of the amendment of the Senator from Arkansas, which is the substitute for the language proposed to be stricken by the committee amendment, renders that amendment moot and is not acted upon.

CORRECTION IN ENROLLMENT OF S. 602

Mr. STEVENS. Mr. President, on behalf of the majority leader I shall in a moment ask to set aside this bill temporarily to offer a resolution on behalf of the majority leader. It has been cleared with the minority. It is a resolution to make a technical correction in a bill, S. 602, that was already enrolled. I make that statement for the information of all Senators.

I now ask unanimous consent that this bill be set aside temporarily in order that I might submit a Senate concurrent resolution on behalf of the majority leader.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, let me again state to the Senate that this is a resolution to correct a technical error in enrollment of S. 602.

It is simple. The clerk may read it. It changes the word "shall" to "may."

The PRESIDING OFFICER. The concurrent resolution will be stated.

The bill clerk read as follows:

A concurrent resolution (S. Con. Res. 68) to correct the enrollment of S. 602.

The PRESIDING OFFICER. Without objection, the Senate will proceed to its consideration.

The concurrent resolution (S. Con. Res. 68) was considered and agreed to, as follows:

S. CON. RES. 68

Resolved by the Senate (the House of Representatives concurring), That in the enrollment of the bill (S. 602) to provide for the broadcasting of accurate information to the people of Cuba, and for other purposes, the Secretary of the Senate is hereby authorized and directed to make the following correction, namely, in section 7(b), in the first sentence, strike out "shall" where it first appears and insert "may".

Mr. STEVENS. Mr. President, I move to reconsider the vote by which the concurrent resolution was agreed to.

Mr. BYRD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. STEVENS. I thank the minority leader and thank the distinguished Senator from Idaho for yielding.

DEPARTMENT OF THE INTERIOR APPROPRIATIONS, 1984

The Senate resumed consideration of H.R. 3363.

The PRESIDING OFFICER. The Senator from New Jersey is recognized.

AMENDMENT NO. 2166

(Purpose: To provide funding for the Strategic Petroleum Reserve)

Mr. BRADLEY. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from New Jersey (Mr. BRADLEY) for himself and Mr. MELCHER proposes an amendment numbered 2166.

Mr. BRADLEY. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Strike lines 16 through line 23 on page 54 and lines 1 through 9 on page 55 and substitute in lieu thereof:

"STRATEGIC PETROLEUM RESERVE AND EMERGENCY PREPAREDNESS

"For expenses necessary to carry out the provisions of sections 151 through 166 of the Energy Policy and Conservation Act of 1975 (Public Law 94-163), $528,770,000, to remain available until expended, and for necessary expenses in carrying out emergency preparedness activities, $5,230,000.

"SPR PETROLEUM ACCOUNT

"The aggregate amount that may be obligated under section 167 of the Energy Policy and Conservation Act of 1975 (Public Law 94-163), as amended by the Omnibus Budget Reconciliation Act of 1981 (Public Law 97-35), for the acquisition and transportation of petroleum, and for other necessary expenses," is $1,310,000,000, in addition to authority provided in fiscal years 1982 and 1983, to remain available until expended."

Mr. BRADLEY. Mr. President, this amendment adds funds to raise the fill rate of the strategic petroleum reserve from 145,000 barrels per day to the congressionally mandated rate of 220,000 barrels per day.

This fill rate requires an additional $1.3 billion to the off-budget oil purchase account and the amendment also adds $370 million to the on-

budget oil facilities account, to begin construction of the permanent oil storage facility at Big Hill, Tex. It was this $370 million for Big Hill that was included in both the Senate and House versions of the supplemental appropriations bill.

The administration convinced the conferees to drop the funding for Big Hill. My amendment restores that cut.

My amendment restores that cut. Since the House interior appropriations bill contains funding for the 220,000 fill rate and for Big Hill construction, my amendment would bring the Senate in line with the House.

Mr. President, the argument for this amendment is simple: We are vulnerable to an oil supply disruption. An oil supply disruption is very likely to occur, perhaps as a result of the Iran-Iraq War. We are not prepared for such a disruption. The strategic petroleum reserve is our best possible preparation.

Mr. President, let us consider just three events in the last several days to try to focus this debate on the real issue.

Last week the Congressional Research Service released a study on our energy supplies and vulnerabilities to disruption, and the study found that other than the strategic petroleum reserve, military force might be the only effective response to the threat of an oil supply disruption.

Mr. President, in the last several days we had reports of the Soviet Union pursuing Afghan rebels into Pakistani territory. We have seen subheadlines of the Soviet Union moving top military personnel to Syria. We have, for a matter of years, seen the Soviet Union massed on the northwest border of Iran. We have, for a matter of years, seen the Soviet Union taking a greater presence among the Iranians.

Mr. President, the noose is tightening. The Soviet noose is tightening around our and the world's oil supply in the Persian Gulf.

The second event: Mr. President, the Washington Post carried an article just yesterday that said the State Department was increasingly concerned about the Iran-Iraq War escalating out of control. A few flashes from the front. Keep in mind that this is a war which has raged since 1980 and in which over 100,000 people have already lost their lives. Throughout the Vietnam war, the total U.S. loss of life was 58,000. One hundred thousand people have lost their life in this war. It is escalating out of control, according to the State Department. Why?

Reports in the Wall Street Journal and the New York Times, from the Persian Gulf, state that the Iranians are preparing to bomb the pipeline through which Iraq moves its oil supply out of Iraq and through Turkey. At the same time, Mr. President, the French are selling Exocet missiles and modern fighting planes to the Iraqis. So if they ever desire to target an oil vessel or an oil facility it would be extremely easy to do so.

So we have a situation in which the Soviet Union is moving to tighten the noose around the Persian Gulf and in the center of that noose there is a war raging that itself could fly out of control and disrupt the oil supply of the Western World.

The third event in the last several days, Mr. President: There was an interview in one of the newspapers with James Aikens, the former Ambassador to Saudi Arabia who, by the way, predicted the Arab oil embargo of 1973, a year before it occurred. He was asked in this interview the chances of a major political disruption in the Middle East. His reply:

> The chances of it not occurring seem about zero. For anybody in Washington to say there is going to be political tranquility among the oil-producing nations would require a degree of naivete we have not seen in decades.
>
> How big a threat is the Iran-Iraq war?
>
> Answer. The threat is very serious.
>
> Question. What would Iran do if the Iraqis used their French Exocet missiles to sink an Iranian tanker?
>
> Answer. I think they would aim their missiles at the people who have financed Iraq, and that means Saudi Arabia and Kuwait. If that happend, panic would break loose in the world market. There could be a serious interruption of oil supplies to the West.
>
> Question. Is the world ready for this?
>
> Answer. No. People tend to consider this kind of disruption too horrible to contemplate. Therefore, they are not contemplating it. But they better start reading the signs.

Mr. President, the analysis of a distinguished former Ambassador of ours to Saudi Arabia, the events in the war between Iran and Iraq escalating out of control, and the Soviet Union tightening the noose about the Persian Gulf, this is a series of events that is ominous to say the least. Our only line of defense against the oil-related threats to our economic and national security is the strategic petroleum reserve.

Mr. President, a little over a year ago the Senate went on record 51 to 44 saying that we wanted a fill rate of 300,000 barrels a day with a minimum of 220,000 barrels a day—220,000 barrels a day.

Mr. President, there is absolutely no reason for the Senate to reverse its commitment to an aggressive fill of the strategic petroleum reserve. We are faced with an ominous situation, and in the face of the those threats the fill rate proposed by the administration and in this bill at the moment is 145,000 barrels a day.

It is not beyond belief that the world oil supply is clearly threatened. But beyond that, assuming that case has been made, if not persuasively at least thoroughly, let us keep in mind that what we have now in stockpile is probably going to be used primarily by the military in a disruption. Recent reports from administration officials consider that we will need a little over 200 million barrels for the military, if there is a serious disruption, a conflict. So what is left? What is left if we have a little over 200 million in stockpile? Very little is left for the civilian economy.

The next point: Oil prices will never be significantly lower. Now is the time to accelerate our oil purchases, not to slow them down.

For the RECORD, I would submit the GAO report which states clearly that a slow fill rate of 145,000 barrels a day will cost us more in the long run, not less. It will cost us more, as we defer purchases of oil until oil becomes more and more expensive.

Next, Mr. President, the Interior Appropriations Committee bill is under the first budget resolution. The addition of $370 million will not bring the bill's total anywhere near the budget resolution limits.

But despite all these arguments for a more rapid fill rate, and despite the President's signature last year on legislation requiring 220,000 barrels per day, the administration now wants to drop that rate to 145,000 barrels. Earlier this year they even wanted to drop it to 100,000 barrels.

Mr. President, the strategic petroleum reserve is not a Federal building that you can delay over this little budget crisis another 6 months, another year or another 2 years. It is not a Federal building. There is much more urgency here, much more urgency. We are buying insurance against an economic disaster that could make the Great Depression look tame. One of the ways we buy that insurance is by putting oil in stockpile.

It is just not good enough to have an adequate strategic petroleum reserve in 1990 if the supply disruption occurs in 1984.

Mr. President, that is the case. It is fairly clear. The crisis is real. Nobody disputes that. the SPR is the only defense. Nothing else is in place in emergency energy preparedness. The oil will never be cheaper. It is within the budget resolution.

So, Mr. President, I hope, on the basis of those simple arguments, the Senate will reaffirm its position of last May and support this amendment.

Mr. McCLURE addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. McCLURE. Mr. President, the Congress and the administration share a strong commitment to the strategic petroleum reserve as part of our Nation's energy emergency preparedness efforts. Considerable progress has been made during the last year to improve the United States energy emer-

gency preparedness. Recent, and ongoing, tests and exercises by the Department of Energy have documented areas for further improvement in our energy emergency response capability. Some of the areas of improvement were recently outlined in Secretary of Energy Donald Paul Hodel's letter of July 19, 1983. That letter was prepared as part of a two-part agreement negotiated with the administration to save approximately $1 billion annually while ensuring that the United States will be more fully prepared for an international oil supply interruption.

The agreement will, first, provide a strong multiyear commitment by the administration to completion of the strategic petroleum reserve to the full 750 million barrels approved by the Congress and, second, support for the necessary administrative and legislative actions to insure full implementation, in a timely fashion, of the current energy emergency preparedness policy established by the Energy Emergency Preparedness Act of 1983.

Mr. President, I outlined this agreement in some detail on July 25, 1983, when I introduced the Energy Emergency Preparedness Act Amendments of 1983. The initiatives in letters from OMB Director David A. Stockman and from Secretary of Energy Donald Paul Hodel reflect the determination of the administration and the Congress that the United States maintain and improve its defense and national security positions in the event of petroleum supply interruptions.

SPR FILL RATE

The agreement also endorses maintenance of an annual fill rate of approximately 145,000 barrels per day through fiscal year 1988. This will insure a continuous, predictable, and relatively constant filling of the reserve to its full capacity of 750 million barrels, as the construction of permanent storage facilities proceeds. Significant budget savings of approximately $769 million in fiscal year 1984 and $972 million in fiscal year 1985 will result form more realistic fill rates in the near term.

As the quid pro quo for congressional adoption of a fill rate of 145,000 barrels per day, the administration is prepared to support this fill rate until the reserve reaches full capacity. By comparision, in its 1984 budget request, the administration proposed a lower fill rate of 145,000 barrels only during fiscal year 1984, and a lower fill rate of 100,000 barrels per day thereafter. In addition, the administration proposed no funds for construction of the final 150 million barrels of permanent storage, which is now supported by the agreement.

Mr. President, a fill rate of 145,000 barrels per day can be undertaken without any noticeable reduction in the amount of protection provided the United States by the reserve.

I want to stress this:

Look at what happens over time and in periods of time. For example, in 1985 the United States will have the ability to replace all imports with SPR oil for 73 days compared to 82 days supply (or 9 days more of supply) under a fill-rate of 220,000 barrels per day. And the difference in cumulative fill at the end of fiscal year 1984 will be only 27 million barrels, or 6 percent of the total.

That is what the fight is about. That is what this discussion is about.

What do we get in exchange for reducing the cumulative fill rate by 6 percent, at the end of that year?

Under existing economic circumstances, along with improvements in conservation and efficiency in the use of energy in the United States, current import levels are markedly reduced. The world oil market is dramatically changed for the better since establishment of the strategic petroleum reserve. Instead of importing 11 million barrels per day in 1985 as projected in 1977, recent Department of Energy forecasts project United States imports at only 6.1 million barrels per day; this represents a 45-percent reduction from those earlier forecasts. As a consequence, the United States will be provided 73 days of protection instead of the 60 days that would have been provided based upon projections made as recently as 1980.

Moreover, the OPEC share of United States oil imports has declined from a peak of 70 percent in 1977 to 30 percent in 1983. Concurrently, the share of our imports from Arab OPEC countries has declined from 37 percent in 1977 to 10 percent in 1983. The decline in volumes of Arab OPEC oil imports is even more dramatic; imports in 1983 will be 350,000 barrels per day compared to a 1977 peak of 3.2 million barrels per day.

A recent analysis by the Congressional Research Service of the SPR compromise "suggests that, for the next few fiscal years, the difference in available supply from the reserve would probably be too insignificant to have much leveraging effect on price increases during a shortage. In later years, because the reserve becomes a progressively stronger hedge against disruption, the singificance of the low fill rate dims even more except during shortages of greater severity and durations."

SPR CONSTRUCTION

In addition, construction of additional major permanent storage facilities can proceed at a fairly constant and predictable pace which reflects fiscal year national security considerations. Under the agreement, the Big Hill facility will begin construction by mid-fiscal year 1985.

This construction schedule and fill rate will avoid the use of interim storage facilities, thus keeping storage costs to a minimum. This construction schedule and fill rate also will enable the strategic petroleum reserve to provide approximately a constant level of protection of the American economy in the event of a petroleum disruption.

CONCLUSION

The possibility thus exists to reduce the Federal budget deficit by the stretchout of the strategic petroleum reserve completion date without a threat to the health of our economy and national security.

A barrel of oil bought today at $29 costs the Treasury exactly the same as a barrel of oil bought in 1985 for $34; yet, forecasts show that oil is likely to cost only about $30 per barrel in 1985.

When the Senator from New Jersey made reference to the fact that it is going to cost us more to buy the oil later, he was assuming an escalation of oil prices either significantly higher than that or was ignoring the interest on the money invested in that oil between now and the time of that purchase.

This agreement, Mr. President, as I stated on July 25, exemplifies the great and significant potential for cooperation between the Reagan administration and the Congress. By such cooperation we can achieve the dual purpose of urgently needed Federal budget savings while advancing policies and programs which are critical to our Nation's economic and national security.

Finally, Mr. President, I ask unanimous consent that a letter dated September 20, 1983, addressed to me from David Stockman, Director of the Office of Management and Budget, be printed in the RECORD at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

EXECUTIVE OFFICE OF THE PRESIDENT, OFFICE OF MANAGEMENT AND BUDGET,
Washington, D.C., September 20, 1983.

Hon. JAMES A. MCCLURE,
U.S. Senate, Washington, D.C.

DEAR JIM: As the Senate resumes debate on the 1984 Interior and Related Agencies Appropriations bill, I want to reaffirm the Administration's strong opposition to any attempt to increase funding of the Strategic Petroleum Reserve above the level reported by the Appropriations Committee. For the reasons outlined below, any amendment resulting in increased funding for the program would be unacceptable to the Administration.

The Committee, in our view, has adopted a sound plan for development of the Strategic Petroleum Reserve. The Committee's approach balances our energy security concerns and fiscal policy objectives. I would note, for example, that the Committee recommendation for a fill rate of 145,000 barrels per day (B/D) would reduce 1984 outlays by nearly $800 million below that required to attain a 220,000 B/D fill rate, while reducing the level of oil in storage at the end of 1984 by only 6%.

The Administration has taken the steps needed to improve our energy emergency preparedness. In January 1981, the Administration decontrolled oil markets, and in the 2½-year period since, has more than tripled the size of the Strategic Petroleum Reserve. As a result of these and other actions, the level of U.S. energy emergency preparedness, measured in terms of days of protection against a cut-off of imports, has increased from 18 days in January 1981 to over 100 days currently, more than a five-fold increase.

To further improve our Nation's preparedness, the Administration has agreed to work with the Congress to enact legislation to assure the availability and effectiveness of Executive Manpower Reserves, to extend the International Energy Agency anti-trust defense, and to make existing emergency preparedness legislation as effective as possible.

There are additional important reasons for supporting the alternative which we favor. The interest rates on Treasury borrowing are projected to be higher than the rate of increase in oil prices. Consequently, any increase in SPR fill rates would increase the total cost of the SPR to the taxpayer. In addition, these higher fill rates would increase Treasury borrowing requirements, and this would lead to upward pressure on interest rates during a critical period in our economic recovery.

Finally, I understand that an amendment may be offered to add 1984 funding for the SPR storage facility at the Big Hill site. This action would be inconsistent with the intent of both Houses of Congress as expressed during the deliberations on the 1983 Supplemental Appropriations bill. In addition, this action would add $370 million to the budget, providing only 7 million barrels (1 percent) of additional storage capacity in fiscal 1986 rather than fiscal 1987. Under this accelerated construction schedule total costs, including interst on borrowing, would also increase.

For the reasons outlined above, the Administration supports the appropriation level in the Committee bill and opposes any amendments which would further increase 1984 funding for the SPR.

Sincerely,

DAVID A. STOCKMAN,
Director.

(Mr. SPECTER assumed the chair.)

Mr. McCLURE. Mr. President, I want to paraphrase from that letter just a couple of points. Some of them have already been made in part.

One is that the difference between 220,000 barrels per day and 145,000 barrels per day is a difference of accumulated supplies in the SPR of only 6 percent by the end of 1984. So let us aline against that what we got in exchange: a commitment to continue that fill rate until we have achieved 750 million barrels, which was and is the congressional target for SPR. It takes them a little longer to get there, but we will get there under this schedule.

Second, we got a commitment for the completion of Big Hill, which is only a short stretchout from the original construction schedule for Big Hill. That, to me, is not a disproportionate or untenable position to take.

Finally, we got the agreement from the administration to take actions which were outlined in the letters that I made reference to and that I put into the RECORD in July with respect to our capacity to deal with supply interruptions.

Am I concerned about conditions in the Middle East? Of course I am. One would have to be blind, deaf, and dumb not to be concerned about the impact of what may happen there. But let us look not just at SPR but at the total capacity of the United States to respond to supply interruptions. This package of actions which has been agreed upon between myself and others in the administration is a stronger package of response than we enjoyed before that agreement was reached.

I believe, too, as several Members have reminded me in the past debates, when I have stood with the Senator from New Jersey asking for the higher fill rate, there is another threat to the security of United States. That threat lies in economic disruption in this country because of budget deficits. Surely, we have, under the prodding of the distinguished Senator from Louisiana, moved SPR off-budget. It is not reflected in the budget numbers.

The Senator from New Jersey is correct with respect to the aggregate numbers under the budget resolution, but it does have an impact on Federal spending because, whether we denominate it on-budget or off-budget, it still takes the same number of dollars coming from the same sources being expended to the same places, and therefore, does impact Federal borrowing and Federal spending, whether we call it on-budget or not.

For those several reasons, Mr. President, I ask that the Senate support the position taken by the committee in making this recommendation that we accept the fill rate of 145,000 barrels a day and the initial construction of the Big Hill facility stretchout, as was outlined in the prior communications between the administration and the Congress on these subjects.

It is not a bad package. It does not damage the security of the United States. It is not an untenable position, and I believe it is a position which can and should be supported.

Mr. JOHNSTON. Mr. President, we are again at our annual debate on strategic petroleum reserve. It is a deja vu. It happens every year. And while the arguments vary a little bit, the considerations are today the same as they have been, I guess, every year since 1977, since we began to fill this reserve. The arguments are very simple. The administration in control, whether it be President Ford, who started off, or President Carter, or President Reagan, thinks that the strategic petroleum reserve is good in theory. They all back it, except when they get into office they want to slow it down during their term because they do not want to pay for it because, as Mr. Stockman says, it represents only a 6-percent incremental increase. And so it is every year that the administration in power looks at this additional year, and it seems small in relationship to the whole reserve, and so therefore says, "Yes, it is good but not me, not this administration. Put that off for another administration."

Well, sensing that argument and at a time when we thought the Reagan administration was committed to the balanced budget, we put this account off-budget so as to take the consideration of the size of the deficit out of the consideration of the strategic petroleum reserve, because we thought the strategic petroleum reserve was so important that it should not be balanced off by some little increase in the amount of the deficit. And I say some little increase. Maybe it is a big increase in the deficit that this involves, but it is only about one-half of 1 percent the size of today's Federal deficit of $210 billion.

So what you are balancing off is a 6-percent increase in the reserve as opposed to an increase which does not show in the size of the deficit of only one-half of 1 percent or figures of that nature.

And so it is that annual debate, Mr. President, balancing off whether or not we really have a real problem, enough to spend money for the strategic petroleum reserve.

Mr. President, one of those who has been strongest for the strategic petroleum reserve has been the distinguished chairman of this committee, the Senator from Idaho (Mr. McCLURE). He is to be congratulated for having brought it back up to 145,000 barrels a day. I guess that is a victory when you consider that they were not going to build Big Hill at all and were going to cut it down to 100,000 barrels a day.

But, Mr. President, the Bradley amendment, in calling for 220,000 barrels a day, is already down from 300,000 barrels a day, which is the fill rate favored by the committee on a bipartisan basis, so we are down from 300,000 to 220,000 already. There is no need further to reduce the fill rate of the strategic petroleum reserve.

Mr. President, you can make this argument about do not pay for it this year, wait until next year because the interest you pay in the meantime probably will not amount to any increase in price.

You can make that same argument with respect to an insurance policy: You probably will not die this year so wait until next year for your insurance policy and you can buy a bigger policy with the interest you save in the meantime. Do not buy the fire truck

this year; the fire truck will depreciate in the meantime. You will have to pay interest on it. Put off that fire truck purchase until next year.

But, of course, Mr. President, the point is very simply that there may be some need for the fire truck or the insurance policy or, in this case, the strategic petroleum reserve in the meantime. And, indeed, the events in the Middle East underline that danger.

Now, we are really not talking about putting this 6 percent in because of the Iran-Iraq war or the Exocet missile or the events of 1983. We are talking long term, Mr. President. In my view, the political stability in the Middle East in the long term will be no better than it is in the short term, so the 6-percent increase we are talking about added to the 6 percent which we hope to make next year, and 6 percent every year will get us to a total fill of three-quarters of a billion barrels, which is where we ought to be.

The need for foreign oil, for imported oil is not going down, Mr. President. It is going up. It is true that because of conservation we have reduced the total consumption of oil in this country since 1981 and reduced it a lot more than anybody predicted. We are all pleased and happy with that, but we know there is a limit to that which we can conserve. We also know that in every year since 1957, we have gone down in the amount of domestically produced oil. We are producing much less oil today than we were in 1981, or less oil in 1983 than we were in 1982. And in 1990, we will be producing still less, perhaps markedly less than we are today.

Where is that incremental amount going to be filled in? Well, it is not going to be nuclear, because we are not going to start any new nuclear plants. Coal plants are also not being put on line. The chances are that it is going to be filled in with imported oil.

The estimates in which I have most confidence would indicate that we are now probably at a low point at $29 a barrel for Saudi Arabian light. Indeed, the spot market has begun ever so slowly to creep up above that posted price. I do not know whether that forecasts a trend, but it certainly is evidence that that price is holding and that there is not the imminent break that some predicted in the price of foreign crude. So crude will not get cheaper. Crude at very best will hold for a few more months around the $29-a-barrel price and begin its inexorable march up in price as we all expect.

Whether that will happen in 1984 or whether it will be a few months later is anybody's guess. It is clear that if the war starts to involve petroleum between Iran and Iraq the fat is in the fire, that the oil plug is in the bottle and that the price is going up very, very fast. Indeed, it is rather amazing that we have not had oil supplies more directly involved in this Middle Eastern war than we have already. The Saudi Arabians, greatest producers of oil in the world, have been supplying dollars to the Iraqis, and the Iranians thus far have made no raids against the Saudi oil fields. That is rather amazing when you consider it. It is particularly amazing that the Iraqis and the Saudis have not up to this point attacked each other's fields, but when that starts—and the selling of the Exocet missile may well be the first indication of that—then I submit that the supply of oil from the Middle East will be totally unreliable; its price will be up, its supply will be down.

The fact that consumption in this country is temporarily down, that there is a temporary surplus, everyone knows, I believe, is due principally to the fact that we have a recession, due to the fact that factory utilization rates slipped down to as low as 69 percent at one time. As I recall correctly, it is only now at about 74 percent. As that begins to creep up and we begin to use a higher percentage of our industrial capacity, then the need for oil, indeed, the need for natural gas and other fuels, will go up with it. With it will go up the price.

Mr. President, it is the annual argument again whether or not a 6-percent increase is worth an increase in the off-budget account, the equivalent of about one-half of 1 percent the size of the deficit.

Put in that context, Mr. President, and considering the size of the deficit already, I submit that it is worth the price. We are not spending this money. We are not consuming it. We are not burning it up. We are not handing it out. This is no giveaway program. This is an investment in our future, and investment in an insurance policy. The strategic petroleum reserve program as a whole can be the difference between national economic survival and national economic catastrophe. A 6-percent addition to that insurance policy I think is well worth the price.

Mr. ANDREWS. Mr. President, the Senator from Louisiana makes an excellent point. He is talking about an insurance policy. He is really talking about timeliness.

Not only do the Iraqis now have an Exocet missile system that could raise havoc with the exports of oil from a key area of the world, but also, we see in this morning's newspapers and on our television screens two American warships traversing back and forth a few miles off the beach behind which lie the military equipment that could wipe out those ships in the event of a war.

Those kinds of things make you wonder about just what kind of preparedness we have for a disruption in the Middle East and for the need rapidly of taking care of our own energy needs here at home.

Mr. President, I have spoken in behalf of agriculture in rural America and in the energy emergency preparedness debate. Agricultural exports have paid for the imports of oil for the last decade-and-a-half. Agriculture is the industry in this country that is most likely to be incapacitated in the case of an energy shortfall. I was first involved in this matter as a Member of the House and for the past several years as chairman of the Oversight Subcommittee of the Senate Agriculture Committee.

At hearings which I chaired in 1981, it became abundantly clear that, unlike most agricultural goods, petroleum is not the kind of commodity which changes hands freely in the marketplace. There is no free market in the world oil community today. It is rigged by OPEC countries primarily and other traders that do not really have the best interests of the United States at heart.

These findings led me to act as an original cosponsor to comprehensive emergency preparedness legislation. Ultimately, we did secure final enactment of a bitterly fought compromise with the administration. It is the implementation of that law about which I have become most concerned.

It is for that reason that I rise in support of Senator BRADLEY'S amendment.

U.S. agriculture remains dependent upon the world community for much of its energy. We are at the end of the distribution system, and are likely to get hit first and hardest by any future oil disruption. Agriculture is critically dependent upon sufficient fuel supplies on a timely basis. Unlike other industries, an interruption of even short duration can result in lost production for an entire year. Every American consumer, and indeed the world community, would suffer if this were allowed to happen.

Experts agree, and contemporary events all too painfully illustrate, that political instabilities in oil producing regions could lead to another shortage at any time. Let us not be lulled into a false sense of security by present circumstances, as some were just prior to the Iranian revolution.

Mr. President, as the Senator from Louisiana has stated, this is a time to have that insurance policy, given today's events. So let us not be lulled into a false sense of security by present circumstances, as some were just prior to the Iranian revolution. Surplus oil capacity is disappearing as the world economy recovers, and inventories are being maintained at minimum levels.

The strategic petroleum reserve is this Nation's only significant line of defense against future oil emergencies.

The current administration until now has maintained an unprecedented record of filling the SPR. I have consistently supported the building of a strong SPR. However, the contingency plans for utilizing the SPR remain woefully inadequate and fundamentally flawed. I call attention of Senators to the page 1 article in the September 19 Washington Post, entitled "Oil-Crisis Test Yields Economic Disaster." This article reveals that the DOE analysis of a recent test yielded a tripling of oil prices; yet the DOE lauded the exercise as a successful test of the free market, in spite of severe adverse impacts—including farmers being forced to abandon crops in the field.

Most important, the DOE specifically chose not to utilize any oil from the SPR in the face of this simulated crisis. They are taking a look-see at what might happen in the case of a petroleum emergency, and they are not putting into play one of the insurance policy concepts we have. That is not a fair shake in analyzing the situation. To put it mildly, I am appalled by the ineptness revealed by this test.

It has become all too clear to me that the Congress must roll up its sleeves and go to work to provide additional direction on emergency preparedness. I appreciate the initial efforts of Senator McCLURE, as exhibited in S. 1678. But my own analysis has forced me to conclude that other major issues must be addressed. I intend to act further on these concerns at the appropriate time.

Regardless, we can ill afford the double jeopardy which inept planning and sharply reduced SPR fill-rates represent. Until standby plans are improved to an acceptable level, I can see no basis for making any move to reduce the fill-rate below that mandated under current law. Any short-term budget savings are more than offset by future higher costs. And it seems a miniscule price to pay when our national and economic security is at stake.

Mr. President, it is about time some people around here begin to realize the difference between an investment and spending. This is an investment in our economic future. It is an extremely important investment to make. It is time we analyze what is happening in this Interior appropriations bill.

The statement is made that we are not able to put this amount of money in for a strategic petroleum reserve, when the people from the Defense Department come wandering into our offices—those of us who sit on the Defense Subcommittee—and say, "We have to have $22 billion for a rapid deployment force." To deploy where? To deploy in the Middle East. To deploy why? To deploy in order to keep our hands on oil that is not ours.

If they can justify spending $22 billion in military preparedness to keep our hands on somebody else's oil, it makes a lot more sense to invest a few hundreds of million dollars in stockpiling oil for our country to take care of any future emergency.

I ask my colleagues to join me in voting for the pending amendment.

Mr. WARNER. Mr. President, will my distinguished colleague yield for a question?

Mr. ANDREWS. I am happy to yield.

Mr. WARNER. We both serve on the defense committee—I on the authorization and the Senator from North Dakota on the appropriations. As such, we both examine the defense budget, although from a slightly different perspective.

My concern here is that, with the looming deficits facing the country, defense would be the first to be cut, if in fact this body and our colleagues in the House determined that we had to make some quick savings.

In reality, our national defense can be no stronger than the foundation on which it rests, and that foundation is our economy. It is the judgment of those closest to this issue of deficits and the economy that we should try to incur these savings, as reported now by letter from Mr. Stockman, of $800 million in fiscal year 1984 to preserve that economic base and, in turn, to support the national defense.

I wonder if my colleague shares with me the feeling that our defense can be no stronger than the economy and that, indeed, that is the reason for opposing this amendment.

Mr. ANDREWS. Mr. President, the Senator from Virginia makes a wonderful point, and I totally agree with it, but for a reason totally different from that posed by the Senator from Virginia.

I point out that the strongest defense of our freedom is a strong economy. Ours is an energy-based economy. To spend in excess of $200 billion a year for the defense of our freedom and then to allow—for the lack of spending $800 million to fill a strategic petroleum reserve, less than one-half of 1 percent—the economy to collapse, thereby negating our ability to take care of the needs of the defense of this country, reminds me of the story of a battle long gone, where, for want of a nail, the shoe was lost; for want of a shoe, the horse was lost; and for want of a horse, the battle was lost.

Mr. President, I hope my colleagues do not say that they would oppose this amendment because it would require the spending of some $800 million and that that spending might, somehow or other, detract from a $200 billion-plus budget. I think the opposite is really true, and the Senator from Virginia makes an excellent case in support of the amendment.

Mr. WARNER. Mr. President, if I may, I should like to pursue this further with my distinguished colleague.

Does he mean to intimate that the small additional increments to be put in the petroleum reserve, as occasioned by the amendment of the distinguished Senator from New Jersey, might make a difference in the national defense situation?

I would think that the $800 million plus—perhaps even $1 billion—could make a very serious difference as an integral part in the deficit situation that could begin to bring down defense expenditures. But if we were put into a situation in the next 30 days, 60 days, or 90 days in terms of our national defense, the small increment added to the reserves would not be that significant. In other words, I see more sensitivity and more importance to our budget and our defense situation in the next 90, 120, or 365 days than in that small increment in petroleum reserves.

Mr. ANDREWS. Mr. President, let me respond to my good friend this way: If, indeed, we do not spend this $800 million—about which I think we have made the point that it is not spending so much as it is investment—and if, indeed, we do not have it, and 90 days hance or 100 days hence we come into a crisis, and suddenly in this country we have a shortfall on petroleum to heat our homes or plant our crops and we lose a good deal of a crop, or we have some tragedy befall us in the northern tier of States in this country because we cannot heat our homes, yes, the lack of that $800 million investment in an adequate fuel reserve to tide us over some unanticipated shortfall could be far more significant than all the military armaments we could purchase with the same amount of money.

That is the point, Mr. President, I wish to make to my good friend, the Senator from Virginia, because the defense of this country depends on much more than just the armaments. It depends on the strength of our economy, and the cost is not, Mr. President, the $800 million; the cost could well be conceived to be the interest on that $800 million, but even not then because the amount of oil that we put in this strategic stockpile now will be worth two or three times as much when emergency comes and we have to take it out.

Mr. WARNER. Mr. President, in brief reply, and then I will yield the floor to my distinguished colleague, it seems, in summary, Senators must face this issue as follows: Which is the more serious risk, that of unforeseen cutback in our oil supplies or the criticality of the deficit facing us which in turn would require very sharp and swift reductions in the defense budget?

To me, the latter is the more critical issue and based on some experience in the Department of Defense I point out to my distinguished colleague the greatest source of waste in that Department occurs when there are unforeseen and abrupt cancellations of contracts, abrupt retractions in terms of total numbers of manpower and womanpower. Therein begins the waste and if this Congress were forced to go back and try and recoup some money from the Department of Defense budget and precipitate such actions, I think it would be far more disastrous than any possible threat of reduction of oil supplies.

Mr. ANDREWS. Mr. President, my colleague, the Senator from Virginia, has made some excellent points which I frankly interpret more in support than against the thrust of this amendment.

Let me offer to the Senator from Virginia the opportunity to vote as I intend to vote to put some teeth into the budget resolution so we can stick with those figures which would probably have more, shall we say, ability to deal with the shortfall of dollars to the Treasury than this particular amendment on this bill would have. If we can indeed and in fact put some teeth in that budget resolution, and then if we cannot find that that is a sufficient way of cutting the deficits we might even add a little tax on income, I think we can solve this problem.

Let us not run the risk of having this Nation be energy short at some point in the future. We have done it twice. In the upper Midwest, we have had fantastic problems. Our farmers have had to pay through the nose for the amount of diesel fuel to keep those tractors running in the fields. I do not want to do it again.

I think it is prudent and it is wise, and it is an investment that we buy that kind of an insurance policy today to prevent that from happening.

I yield the floor.

Mr. WARNER. Mr. President, I yield the floor.

Mr. BRADLEY. Mr. President, I wish to reassure the distinguished Senator from Virginia, who has been a very significant leader on this issue on strategic petroleum reserve, as he chairs the subcommittee in which the issue is discussed. I recognize he does have a legitimate concern about the very sizable deficits and economic security that that threatens both in the short and in the long term. And as I also know, because of his strong support for the strategic petroleum reserve, he was one of the cosponsors of Senate Resolution 84, which was introduced by Senators McCLURE, JOHNSTON, WARNER, and I and the late Senator JACKSON.

In this resolution, it does specifically call for a fill rate of at least 220,000 barrels per day. So I know of his real commitment to that fill rate.

On the point of reassurance, it is a tradeoff as he so aptly stated, between the added insurance for national security of having the oil in the stockpile at a fill rate of 220,000 versus the economic uncertainty of adding a couple hundred million more to the deficit.

To reassure you from the time that you cosponsored Senate Resolution 84, the deficits due to the robustness of the recovery have turned downward significantly so that if you felt given the level of the deficit in March that 220,000 barrel fill rate would be in our national interest, let me assure you that you should feel quite comfortable with this amendment in a world where the budget deficit is much lower than it was in March, so that I hope Senators would join in support of the amendment.

Mr. DOMENICI addressed the Chair.

Mr. WARNER. Mr. President, I reply to my distinguished colleague from New Jersey. First, he has very accurately given a rendition of the facts. Indeed, I do find myself in something of an awkward position since I must now reject the very strong advocacy of that fill rate that I and others stated by virtue of that resolution in March.

And I appreciate the characterization of the present economy as robust from our distinguished colleague. Unfortunately, that robustness has not recouped the deficit to a point where I am sufficiently confident that this Nation can rest on its laurels, so to speak, with respect to further expenditures in this magnitude.

Therefore, I must join those who support a curtailment of our spending and object to the amendment.

Mr. DOMENICI. Mr. President, first let me apologize to my friend from Virginia. I thought he had finished when I sought recognition.

Mr. President, I will not speak long, but I rise to compliment Senator McCLURE, the distinguished Senator from Idaho and manager of the bill on the floor.

I really did not catch the whole argument here, but I hope I did not hear what I think I heard.

This particular amendment that the distinguished Senator from New Jersey, Senator BRADLEY, seeks to offer will add $1.46 billion in budget authority to this bill, this appropriations measure. That is calculated to spend out at $800 million, but it is $1.46 billion in budget authority.

I hope I did not hear anyone say: "It does not really matter. Our deficits are so high. What does a billion and a half matter?"

I guess last year we were talking about $200 or $300 million not mattering, and I hope we are not to the billion and a half having no significant impact, because the deficits are so high.

I really do not know when we are going to get the deficit under control if a billion and a half does not matter.

Now, from the standpoint of substance, I hear those saying we have to go back to some number and continue to fill because we did it once and to reduce it any is to take great risks. That is to imply that we have not been doing a fantastic job of filling the strategic petroleum reserve since 1981.

I need not tell my friend from New Jersey how well we have done. In the midst of fiscal policies beyond anything we have seen in the past by way of deficits, since January 1981 the size of SPR has tripled. We can now cover a cutoff of imports for 90 days rather than the 18 days which were there in 1981.

Now granted it would be better if we added during the year 6 percent more than we are going to add. But I think the distinguished Senator from Idaho made a tremendous compromise with the administration. They have shown that they want to fill it. They do not find stumbling blocks like the previous administration. They fill it. They do not find excuses. They put the oil in the ground. And it has been tough.

They wanted 100,000 a year and he struck a compromise, if I understand Senator McCLURE, at 145,000, not a little tiny bit; a huge amount.

Now I submit for those who think we should wait around to bite the bullet on some budget resolution that that really is ignoring reality. The place you bite the bullet in real expenditures is on the appropriations bills, not budget resolutions. And, if you like what is in this Interior appropriations bill, and you want us to go to conference and eventually have the President sign a bill, then I gather that you should be concerned about adding $1.46 billion in budget authority to this bill unless you are prepared to take some things out of the bill, and I gather from talking to the chairman that no one wants to take anything out. They think it is about where it should be, and maybe they want even some more.

Where are you going to find the $1.46 billion that is over what the President wants and over this compromise which Senator McCLURE has made with the administration, again I repeat, an administration that obviously from this Senator's standpoint, while they may not understand the significance of planning for an emergency, which my good friend from Louisiana and Senator McCLURE have been telling them they should do, they surely understand we should be putting oil in SPR.

They have been doing it at a rather incredible rate, in a relatively short time.

So I do not think there is a lot to be said in arguing that it ought to be 2, 4, or 6 percent higher. I think we have struck a deal with the administration that has been acted upon in good faith. We will get 145,000 barrels instead of 220,000 added to 90 days, which used to be 18, and we are on the way to doing something real significant, as far as I can tell.

I close by saying I do not disagree that there may be a disaster pending in the Middle East. I do not know when it will come, but we have been talking about it for a long time. It may be more imminent with every day that passes.

On the other hand, I can tell you that the GAO study says it is fiscally prudent to buy oil now because it is cheap, but I can tell you that the flip side is that the interest rates which we are going to pay on the $1.46 billion in budget authority, and the add-ons for the next 3 or 4 years through 1988, from what we can tell, are higher than the expected increases in the cost of oil. As far as fiscal prudence, logic says it is fiscally more prudent not to buy it because the interest rates are too high and we are paying more in increased interest rates than we are going to pay in letting the price of oil go up gradually, if it does, and buy it at the market as it comes onboard.

I cannot prove that, but I tell you GAO cannot prove their position either. I can merely tell you that there are certainly two sides to that argument. When you have past deficits as long as we are having with the debt service, everyone knows something about the interest rates on Treasury bills, short term and long term, which are paying for the $1.46 billion in budget authority and the added ones in the outyears that will go into that total.

I want to compliment the distinguished Senator from Idaho who has been a leader in insisting that we do what we can about SPR and has regularly insisted that the administration do the maximum. He took the lead in the past in asking that they do more than they wanted to do. I compliment him for getting the compromise before us that I think will lead to an Interior bill which will be signed by the President and which contains many of the things that many of us want, with a rather prudent SPR policy, as I see it.

Senator BRADLEY says oil prices will never be lower and therefore we should buy oil now when oil is a bargain.

Prices, in fact, have fallen from $34 per barrel last year to $29 per barrel or less today.

Some forecasters see the possibility of prices falling still further to $23 per barrel in the next year or so. Oil-producing countries—Mexico, Indonesia, Nigeria, and others—are under pressure to produce more to earn more and this can ony work to our advantage.

Right now, prices are expected to hold steady for the next several years. DOE forecasts support his view. We assume as much in the Congressional Budget Resolution. But if we rush to fill the SPR, we must borrow to pay our bills. When interest charges are added to flat oil prices, it turns out that it is cheaper to fill the SPR later rather than sooner.

Mr. BINGAMAN addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, I commend Senator BRADLEY for his leadership in directing the Senate's attention to the needs of the strategic petroleum reserve at this time.

I think the real issue before the Senate is whether energy security is going to be on the national agenda or whether it is not.

His amendment today will provide sufficient funding to maintain the fill rate of the reserve at 220,000 barrels per day in fiscal year 1984. Current world events, including the continuing turmoil in the Middle East, and the war between Iraq and Iran that threatens to spill over to other Persian Gulf oil producers, make it imperative that we prepare our best defense against oil-related threats to our economic and national security. That defense is the strategic petroleum reserve.

There may have been some arrangement or some deal made between some Members of the Congress and the administration to arrive at a 145,000-barrel-per-day rate of fill.

While I recognize the need to reduce our Federal budget deficits, I do not believe the long-term interests of our Nation are served by seeking short-term-deficit reductions that compromise our energy security.

We should not forget it has only been 10 years since the United States and the world were thrown into economic turmoil with the Arab OPEC oil embargo. We all remember the long lines at the gas pumps and the sudden dramatic price increases for gasoline and home heating fuel. We cannot and should not forget the chaos of that time. It was a lesson in energy preparedness that we should have learned well. If we did not learn the lesson in 1973, we had another opportunity in 1979 with the Khomeni revolution in Iran to see how vulnerable we remain to oil supply disruptions. Again, that spring we faced long lines to gasoline pumps, sharply increased prices, and rationing in many areas.

Many argue that with more than 355 million barrels in the reserve currently, and with a worldwide glut the SPR is now sufficient to meet our needs. However, we know that the first 200-300 million barrels should—and probably will—be reserved for use in case of military action. This means that we are only now beginning to put oil in the reserve that would be used to moderate the economic damage otherwise resulting from an oil supply disruption. The current excess capacity to produce oil will not last long. It is no time to slow down our oil purchases, especially if oil prices are likely to rise in the future with the economic recovery.

As Senator BRADLEY has pointed out, if we had rapidly filled the reserve in 1977, we would have bought oil at $13 per barrel. Today it costs us $29-$30 per barrel. Delay not only prolongs our vulnerability, it most probably increases the total cost of the reserve. This view is shared by the General Accounting Office. The GAO has concluded that the administration's proposed slower fill-rate schedule results in the highest expenditures of all oil fill-rate options included in their analysis, if oil prices rise over time.

Buying oil now for the SPR is an important investment in our energy security which we would be ill advised not to make.

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, the question is whether we want to reduce the rate at which we are filling the strategic petroleum reserve. My understanding is that the existing fill rate is 220,000 barrels per day, that is the actual fill rate. In May of 1982 the Senate voted against reducing the authority of the President to fill the SPR at a rate less than 300,000 barrels per day.

I think the most important statistic is this: The actual average fill rate during fiscal year 1983 was 220,000 barrels per day. That is the rate that the Bradley amendment would preserve. Without the Bradley amendment, if we adopt the approach that the committee is proposing, we would reduce the 220,000-barrel figure to 145,000 barrels.

I am on the Armed Services Committee as is my good friend from Virginia. I believe that if this Nation enters into a military conflict, the great likelihood is that it is going to be over energy. It is clearly in the interest of protecting our military security that we make this amendment, which is a rather modest investment compared to the amount of money that we have adopted for the overall defense budget.

Mr. President, the need for an adequately filled SPR is shown by a Congressional Research Service study that I requested and which was just recently released. The study is entitled "Western Vulnerability to a Disruption of Persian Gulf Oil Supply." Their study, which was just released yesterday, shows that the United

States would be badly hurt by a cutoff of oil from the Persian Gulf and that the administration's policies to avert or to deal with such a crisis are inadequate at best and potentially highly dangerous. The report states:

If Western nations react to the currently more favorable situation by relaxing efforts to conserve energy, encourage development of alternative energy sources and build petroleum reserves, the future could find the West once again vulnerable to the effects of a disruption of Persian Gulf oil supplies.

Mr. President, that is exactly what we will be doing if we do not adopt the Bradley amendment. We will be relaxing efforts to build petroleum reserves from the current average rate for fiscal year 1983 of 220,000 barrels per day to the proposed 145,000 barrels per day.

This study comes at a time when events are demonstrating all too dramatically the persistent instability of the Persian Gulf. Despite efforts we have made to reduce our vulnerabilities in that region, the CRS study concludes that the United States is still unable to avoid an economic crisis except by military means, should the West be denied access to Persian Gulf energy sources. By slowing down the fill rate of SPR, and that is what we are doing if we do not adopt this amendment, we would have to depend on a catch-as-catch-can policy in case of an oil embargo. That would only exacerbate the economic dislocation resulting from the phenomenal increase in prices expected after an oil cutoff. The CRS report shows that in the event of a cutoff of Persian Gulf oil the U.S. economy would be hurt about as much as our allies' economies. Previously, it was assumed that our economy would not suffer as much as our allies because of our domestic energy supplies. The interdependencies of modern international trade have changed that. The CRS report analyzed what the impact of a cutoff would have been in 1980 and then in 1982. In 1980 production of all goods and services would have fallen between 12 and 27 percent for all seven countries including the United States combined. It was estimated that the U.S. GNP would have dropped by 11 to 29 percent in the event of a cutoff in 1980.

The conclusions of this study also underscore the need to improve our military capabilities and those of our allies in the Middle East and Southwest Asia. That is why we should support the military improvements connected with the Rapid Deployment Force. But I am concerned that our focus not be one-dimensional, ignoring nonmilitary policies like the strategic petroleum reserve. Indeed, the administration's free market approach has negative military repercussions because the CRS report states that:

U.S. adoption of a go-it-alone policy would constitute a critical blow to the collective security arrangements established with West European countries and Japan. The United States could well be hard put to reassure allies of the credibility of its defense guarantees after announcing an emergency oil sharing plan of which it was the principal architect.

So I commend Senator BRADLEY for offering this amendment. I hope that our colleagues will join him in supporting the funding necessary just to maintain the present fill rate of the strategic petroleum reserve.

Again, that is the issue: Do we want to reduce the fill rate of the strategic petroleum reserve? Delay can only cause higher costs—and that is the best case. It could lead to military activity in the Persian Gulf under scenarios that unfortunately may well occur in the worst case. Delay also subjects us to political pressure from the oil-producing nations that thereby jeopardize an independent foreign policy.

I commend my friend from New Jersey, and I yield the floor.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. McCLURE. Mr. President, I think there is reason to try to expedite the passage of this bill. We had earlier said to Members that we had thought we could complete this bill by 6 o'clock. I remind Members that there are some dozen other amendments that have to be disposed of yet this evening. I shall attempt to expedite each of those. The rest will not, of course, take very much time individually. They can be disposed of expeditiously. I know of only one other amendment that has the potential for requiring any extended debate or a rollcall vote. I hope that is the way it develops.

We still have hopes of completing this bill on or near that schedule. It is still my intention and hope that we can do that.

Allow me for just a few minutes, Mr. President, to put into perspective some of the arguments that have been made.

I hear various Members saying we must pass the amendment because we have to have an insurance policy. The question is not whether we have an insurance policy; the question is how large are the benefits and what is the premium? We have an insurance policy in a strategic petroleum reserve and we are paying a premium for that coverage.

I would say again, in the same analogy to an insurance policy, our emergency capacity to respond is part of the coverage of that insurance policy. And we are broadening the coverage of this policy by other actions which the administration has agreed to take as we balance this particular part of the coverage against other parts of the coverage against emergency.

It has been suggested that indeed, there is increased danger that the hostilities in the Middle East may spread in such a fashion as to interrupt the supply of oil. It is expressed in terms of urgency: This is something that is new and it is different; therefore, it may happen almost any time. Indeed, that is perhaps true. But let us put that into perspective.

The difference between a fill rate of 145,000 barrels a day and 220,000 barrels a day is the difference between the end of 1984 of having in the strategic reserve 411 million barrels of oil or 439 million barrels of oil—measurable, important, but not earth shaking by itself. If we look at it in the timeframe of the urgency of the current critical conditions in the Middle East, indeed, it washes out. As a matter of fact, it is less significant if you look at what the administration has agreed to do with respect to the balanced package which we have tried to put together and of which this is just a part.

I hope that Members remember—I certainly do—the struggles we have had in the past to try to forge emergency responses. We passed a Standby Petroleum Allocation Act that was hard fought. I was a sponsor of that act; I fought for it; I argued with the administration about it. We lost that argument. The President vetoed the bill and that veto was sustained by Congress. I suggest to my colleagues, too, that what we got back as a part of the overall package of coverage under this insurance policy we call emergency response is a significant gain from where we were at the time of the veto of that particular measure. So we have made some progress, we in the Congress and in the administration, working together.

I cannot help but think, as the Senator from New Mexico (Mr. DOMENICI) was talking about: Have we gotten to the point where a billion dollars does not make any difference anymore? We are talking about $1.4 billion in budget authority. Not the appropriations or outlays, but $1.4 billion in budget authority. That is what we will be measured against. It is there, at that point, that the Office of Management and Budget will make a recommendation to the President with respect to a veto.

I stress, too, and I do not mean to overstress this, but I think it is important for us to remember that every dollar we add by way of amendment here puts stress on every other appropriation in this bill. I say to Members on both sides of the aisle, no threats involved but just realism, if you add $1 billion or $1.4 billion in budget authority here what do I do to try to get that bill down to a size the President will sign? I start looking around at other things that we can pare out of it. So if you have any favorite things in this bill, you had better look carefully

before you add $1.4 billion more, because indeed, something else is going to have to give.

I know from the contacts I have had with various and sundry Members on both sides of the aisle of their very great concern about several different items within the bill. We have been adding amendments or colloquies with respect to spending all day yesterday and we shall do some more today as Members express their concern about the priority of spending. All I can say is $1.4 billion added here makes it a lot tougher for me to be accommodating everywhere else in the bill. That is no threat. It is a statement of fact.

I hope people will keep that in mind before they exercise what really is a symbolic gesture of who is most in favor of the strategic reserve.

Let me say to my friend from New Jersey that I compliment him for the fight he has made. I have been with him. But I think we also must recognize that whether it is 145,000 barrels per day or 220,000 barrels per day or 300,000 barrels per day, it is an arbitrary figure. It is an arbitrary figure because certainly, if the difference between 145,000 barrels per day and 220,000 barrels per day is going to destroy or jeopardize national security, then for heaven's sake, let us make it 300,000 barrels a day because that extra 80,000 barrels per day is also threatening to national security. So we make a judgment of what is the right balance and that is subjective.

I hope the Members of the Senate will stay with the subcommittee and support the administration in this particular instance so that evaluation of what is the proper balance between various aspects of emergency preparedness, of a response capability, and of the balance required between spending and restraint in spending is properly struck at the figure which the committee had adopted.

Mr. NICKLES. Mr. President, I support my good friend and colleague (Mr. McCLURE) in opposing the amendment that I know the Senator from New Jersey offered in all sincerity. We have worked with the Senator from New Jersey on this issue for the last couple of years. He repeatedly has shown his desire and support for the strategic petroleum reserve. However, I think we have some other considerations that need to be taken in mind in light of this amendment.

First and foremost, is the effect this would have on the budget. We are talking about $1.4 billion that will be added on, that will be money spent regardless of whether it is on budget or off budget. Either way it is going to have the exact same effect. We are looking at budget deficits this year of over $200 billion. This bill that we are looking at today, if my figures are correct, I think is already $929 million over the budget estimate for 1984. So it is almost a billion dollars over. If we are going to add another $1.4 billion, I think this bill would certainly be veto bait. I do not really plan on voting for it in the first place, with its being $929 million over the original budget estimate.

I was also pleased during discussion of this amendment to hear some Senators stand up and make strong statements for energy independence and for a need to have a strong energy policy to protect us against a possible energy embargo. However, I have a hard time reconciling that with the vote that occurred earlier, which calls for a moratorium on coal leasing. If we want to insure our independence from OPEC, we should be trying, as much as possible, to increase the production of domestic energy resources, certainly including coal, which would decrease the demand for oil.

I think this is one argument which could be made and should be made that I have not heard my colleagues address. Again and again, we have heard "yes, we need to increase the size of the SPR." I think Senator McCLURE was exactly correct when he said whether we are talking about 145,000 barrels per day or 220,000 barrels per day, those two particular numbers are not that significant; the significant point is that we are talking about dollar—cash—outlays that will affect the budget this year and will aggravate a very, very serious problem that I think we are all wrestling with. We do need economic recovery. If we continue to spend money we do not have, we are going to be further postponing and aggravating the recovery that we all want to see.

One thing more: in the oil industry particularly, I think there is a tendency, as the stockpile of SPR increases, it is also recognized that it somewhat diminishes the likelihood for increased stockpile held in the private sector. I think our colleagues should be aware of that. It is an argument that can be made quite forcefully and probably quite correctly. I personally have some questions about the need for SPR in the first place.

I compliment Senator McCLURE for his effort in working this out with the administration. I think they have come up with a workable solution, one that makes it unnecessary to adopt the Bradley amendment and add this additional $1.4 billion.

● Mr. DURENBERGER. Mr. President, I rise to speak in favor of the amendment by the Senator from New Jersey. It is clear to me that the strategic petroleum reserve is the one thing standing between this Nation and economic disaster should we ever suffer a severe and sustained loss of our oil supplies from the Mideast. We need to keep the SPR fill rate at 220,000 barrels a day.

On yesterday I had the opportunity to read an interesting article in the Washington Post on a recent simulation conducted by the Department of Energy on the effects of an oil emergency. I shall include that article for the RECORD.

The article notes that under the conditions expected, the price of oil would rise to $98 a barrel, that farmers would be forced to abandon their crops in the field, that elderly Americans by the tens of thousands would once again face the "heat or eat" decision, and that several State agencies who participated in the exercise were frightened by the impacts projected.

But the most frightening aspect of the whole article was a single sentence, a quotation attributed to the Assistant Secretary for Emergency Preparedness at DOE. He said, and I quote:

> This is a significant achievement and reaffirms the validity of President Reagan's market-based approach to energy emergency preparedness.

If the time ever comes when the American public thinks $98 a barrel oil a significant achievement, this Senator will be greatly surprised. If the article is accurate, the Assistant Secretary was apparently alone in his optimism.

Some of us have been fighting this mentality for a long time now. Many longer than I. One Member, recently taken from us, had the foresight many years ago to start an insurance policy for the Nation, the strategic petroleum reserve. Although I hope the day never comes, in the end the petroleum reserve and our continuing efforts to get it filled may be Scoop Jackson's most important contribution to the security of his Nation.

The one thing we have not been able to accomplish, however, is to decide how the SPR oil should be used. We have spend more than $8 billion filling the salt caverns, we are more than one-third of the way toward the goal of protection against even the worst disruption, but should an emergency occur tomorrow there would be no consensus how to put that oil to use. How much do we draw down? How soon? Who has access? How can the oil be used?

One possibility—one steadfastly endorsed by this administration—is to sell the oil to the highest bidder. I am not for that policy. It has many flaws. How would the American public react, if the oil was shipped to foreign nations to meet their shortages? What would be the response, if the buyers made substantial profits in resale or stored the oil in their own facilities until the price went higher?

I have always believed that any strategy for drawing down the reserve must contemplate early use to avoid economic disruption, must look first to

the needs of the American economy, and must assure that the oil is used to keep essential industries and services in operation. In time of economic calamity, I do not want people taking cross-country vacations in RV's simply because they can afford to when a farmer cannot afford to bring in his crop or a senior citizen heat his home.

These considerations prompted me to author the Petroleum Disruption Management Act in 1981. I was joined by Senator ANDREWS and other colleagues from the Midwest in that effort. I though it was a good bill, a well-balanced bill. And some of the notions in that legislation eventually made it to the President's desk after passing the Congress by substantial majorities.

The President vetoed that standby oil bill for reasons that I suspect are very similar to those expressed by Mr. Vaughn. Some in this administration consider $98 per barrel oil an achievement.

I must say that Senator MCCLURE has persisted in his efforts to get a balanced drawdown policy in place before the next emergency. His efforts do the country a great service. I want to be helpful in those efforts. But I also want to send a message to those assistant secretaries at DOE who have never beeen able to come to grips with the disruption, suffering and loss that an oil crisis produces.

I hope in the next few weeks to have more to say on this subject. I may offer a new bill, drafted along the lines of the Petroleum Disruption Management Act to reflect the views of this Senator and others from the Midwest region. But, today I have to say I know how they think down at DOE—the plans they make for our future. And with many who participated in the recent exercise, I must say that I am horrified at the prospect and convinced that the Senate has an obligation to continue our commitment to filling the SPR.

The article follows:

OIL-CRISIS TEST YIELDS "ECONOMIC DISASTER"

(By Milton R. Benjamin)

In the most realistic test of how the U.S. government would deal with a new world oil crisis, the Reagan administation's free-market approach turned an oil shortage into a national "economic disaster," according to reports by 10 states that participated.

The type of crisis postulated in the two-month test, coordinated by the International Energy Agency, was very similar to what could occur, government and industry analysts said, if further escalation of the Iran-Iraq war cuts the flow of Persian Gulf oil.

"The threat of such a thing happening is very serious. And I'm not talking about six months from now, I'm talking about six weeks," said James Akins, a Middle East expert and former ambassador to Saudi Arabia, who forecast the 1973 Arab oil embargo.

Since completion of the test June 17, The Washington Post has obtained internal government documents, evaluations by the 10 states that participated and three IEA reports providing the most detailed look to date of how the Reagan administration would deal with a new oil crisis and what the impact would be on the United States.

In the exercise, which hypothesized a partial blockage of oil exported from the Persian Gulf, the Reagan administration took no regulatory action and let the price of crude oil, now $28.63 a barrel, rocket to $98.

This huge increase, which sent the retail price of gasoline and home heating oil soaring to more than $3 and $4 a gallon in some parts of the United States, had the effect of lowering consumption in this country by 18 percent.

The administration contended that the test thus proved that letting the free market determine the price of oil in a crisis would reduce consumer demand sufficiently to eliminate the need for government regulation to restrain prices and consumption or allocate supplies.

"This is a significant achievement and reaffirms the validity of President Reagan's market-based approach to energy emergency preparedness," Assistant Energy Secretary William A. Vaughn declared following completion of the exercise.

But strong disagreement came from states participating in the test, which surveyed widespread business and industrial shutdowns, bankruptcies, massive unemployment, commuters unable to afford gasoline, farmers abandoning their crops and low-income and elderly residents without heat or electricity.

"The administration's refusal to deviate from its allocation-by-price scenario transformed the petroleum crisis into an economic disaster in which petroleum supplies were adequate for those who could afford them," the Vermont State Energy Office said in a post-mortem.

Florida Gov. Robert Graham's Energy Office, criticizing the administration's "general disregard for the enormous and social costs" of its approach, urged that "the federal government's policy of total reliance on the uncontrolled market be reconsidered."

The 20 other nations belonging to the IEA, formed at U.S. urging in 1974 to coordinate efforts of the industrialized world to minimize the impact of future oil emergencies, also were highly critical of the Reagan administration's decision to let the price of oil soar.

"The whole idea behind the IEA is to keep emergencies from resulting in vastly higher oil prices," a Dutch official said. "that can't work if the other 20 countries are trying to restrain demand and hold down prices and the United States allows the price to go through the ceiling."

THE TEST

The IEA's emergency system depends on the willingness of its members—the major European industrial nations plus the United States, Japan, Canada, Australia and New Zealand—to share the pain equally in a major world oil disruption.

If forecasted oil supplies fall short of historical use by more than 12 percent, each member country is required to cut domestic consumption by 10 percent. the IEA then activates a sharing system to ensure that available supplies are distributed equally among members.

To test the system, the IEA periodically notifies members that a hypothetical disruption has taken place. Members then devise a new supply plan based on the amount of oil available, and the IEA calculates which nations should share oil.

The countries and their member oil companies then hypothetically redirect oil supplies to mitigate the crisis.

This test, the fourth since the agency's creation, was to be particularly significant. For the first time, the IEA planned to include the element of price.

But at an IEA Governing Board meeting last Oct. 28, the United States suddenly announced that it opposed any consideration of pricing.

A major reason for the switch, Energy Department official Romulo L. Diaz Jr. explained in a subsequent memorandum, was "concern that a simulated world price would erode support in the Congress for the president's market approach to energy emergencies."

While the other IEA members, according to State Department memos, strongly opposed the switch, the United States, as the most important member of the agency, prevailed. No price information would be generated as part of the test.

Hence, the other countries "expressed shock when, in its first official communication in the test, the Energy Department announced that by its calculations, world oil prices would increase to $98 per barrel in the month following the hypothesized oil supply interruption," Deputy Assistant Secretary of State E. Allan Wendt reported in a memo June 3.

THE FREE MARKET

In addition to the U.S. government, 19 major American oil companies belong to the IEA.

Under a special antitrust exemption, they provide information on world oil supplies and movements to the IEA secretariat. In a crisis, the IEA would rely to a great extent on member oil companies to make the sharing system work.

Each country asks its oil companies to "volunteer" as much oil as can be spared to meet that country's sharing obligations.

Most oil companies have indicated since formation of the IEA, however, that they would not volunteer to divert supplies to other countries—at the risk of not having enough for regular customers—unless guaranteed that all oil companies would be equally disadvantaged.

To achieve this, most member countries established so-called "fair sharing" programs. Until 1981, the United States accomplished this under the domestic crude oil allocation system.

In early 1981, however, the Reagan administration abolished oil allocation and price controls. The oil industry, while generally welcoming deregulation, nevertheless noted that a standby fair-sharing system was needed. The industry also reiterated that it would not volunteer to share oil in an emergency unless such a system was in place.

The Energy Department, however, has not established such an emergency program and did not use the fair-sharing system in the test.

Instead, to meet the U.S. obligation to provide 22 million barrels of oil to other IEA nations, the administration relied heavily for the first time on voluntary pledges from independent oil companies and large industrial users, including U.S. Steel, Monsanto Co., Union Carbide, Burlington Industries, Inc., and Corning Glass Works.

In the opinion of several government officials, the appeal to many of these companies to volunteer oil was blatantly political.

Deputy Assistant Energy Secretary Ronald L. Winkler, in a memo April 29 seeking help from outside companies, said: "If we cannot demonstrate that the free market and voluntary programs work, even during this simulation, that will be turned against us up on the Hill."

Vaughn, in a letter to General Motors Corp. Chairman Roger B. Smith urging him to aid this "important test for the Reagan administration's market-based energy programs," said:

"Your company's participation in making simulated voluntary offers would greatly assist in demonstrating that mandatory and intrusive government regulatory programs are not needed to respond to energy emergency situations and that cooperative and voluntary programs will, indeed, do the job."

Smith, whose company volunteered to surrender some of its oil during this mock emergency, later wrote Energy Secretary Donald P. Hodel declaring: "The success of the test reaffirms our belief that President Reagan's market-based approach is the best way to deal with the issue of emergency preparedness."

While non-IEA member companies volunteered to provide 35.8 million barrels of oil, letting the United States comfortably exceed its sharing commitment, many industry and IEA observers expressed doubt that this oil would be available in a real emergency.

"Oil company representatives participating in the allocation system in Paris found many of these offers dubious," the State Department's Wendt said in the June 3 memo. "Oil was reported in locations where no oil facilities exist, or in vessels too large to enter the specified port or in quantities greater than the United States normally imports.

"In response to IEA questions, DOE acknowledged that, in the press of tight deadlines, they had 'made up' details relating to some of these offers," Wendt added.

"Even as they were playing the game, the Reagan administration manipulated the statistics and tried to manipulate the behavior of the oil companies," Sen. Howard M. Metzenbaum (D-Ohio) charged. "The oil companies involved viewed the administration's role as nothing short of naked political coercion designed to justify their no-controls philosophy."

THE STATES

U.S. allies' concern about how the administration's approach would affect them in a new oil crisis was at least matched by the 10 participating states.

Despite the administration's insistence through most of the test that free-market allocation would move petroleum products to where they are most needed, New York and California each reported a fuel oil shortage on the East Coast and a glut in the West.

Maine's Office of Energy Resources complained that during the test "no administration spokesman confronted the real crisis; the hardship created by the huge increase in oil prices."

"The tourist industry faces a bleak summer. . . . Many schools, hospitals and mills have suffered. Coal prices have also skyrocketed due, we suspect, to hoarding," Maine reported.

"Our utilities have also been hard hit . . . and are seeking emergency rate hikes. We are hearing from many consumers who cannot afford to heat their homes and/or hot water and commute to work," Maine added.

"The impact of the disruption and high energy prices on the low-income group would be devastating," Florida said.

All of the states echoed Wisconsin's complaint that the federal government "had abdicated its responsibilities for formulating a comprehensive economic response package."

In its final hypothetical message to the White House, the Wisconsin Division of State Energy said: "Although Milwaukee's situation is severe, there are several other major U.S. cities in worse shape.

"We hope it will not take the economic collapse of one of these cities, probably ensuing riots and accompanying destruction and death, before the administration realizes that its policies have failed the country and must be changed."

Nor was the hypothetical crisis in the IEA exercise the most severe oil shock possible.

A Congressional Research Service study released yesterday examined two other Persian Gulf disruption scenarios and concluded that they could produce a catastrophic drop in the U.S. Gross National Product of as much as 28 percent.

"Looking at the IEA test results, looking at the comments from our allies, from the oil companies themselves and from the states, the Reagan administration's approach clearly does not pass the test," said Rep. Mike Synar (D-Okla.), whose House Government Operations subcommittee is to open hearings Thursday on U.S. Preparedness for oil emergencies.

"I believe in the free market, but I am a pragmatist," he said. "Reality dictates that something more than the free market is going to be necessary in a crisis."●

● Mr. D'AMATO. Mr. President, today I shall vote for an amendment offered by my distinguished colleague from New Jersey, (Senator BRADLEY), to add funds to the Interior appropriations measure to more swiftly fill the strategic petroleum reserve. I take this action in spite of the large cost because I believe that one of the major sources of concern and trouble for this great country remains the precarious state of dependence on OPEC in which we find ourselves.

Since I came to the Senate in 1981, I have been a consistent supporter of many different initiatives designed to lessen our dependence on unsure sources of energy. Among the foremost methods for achieving this goal is the strategic petroleum reserve. Only by aggressively developing alternative sources of energy can we hope to be freed of the shackles in which the OPEC countries would have us bound. It is imperative, however, that we realize that the day when America will be truly free of the constraints imposed by foreign countries that control our energy supplies has not yet arrived. Therefore, we must remain vigilant in our pursuit of sufficient petroleum stocks to fuel our industrial machine.

I am proud to vote for the Bradley amendment. It is vital that we not allow temporary fiscal constraints to cloud our vision of our strategic interests.●

● Mr. HEINZ. Mr. President, I rise today in support of the amendment offered by my distinguished colleague Senator BRADLEY.

What this amendment is about is the recognition that one of the soundest ways to protect the national security interests of the United States is to insure that this Nation and its allies have at their disposal enough oil in storage to meet the military and diplomatic contingencies which may arise from an oil supply disruption. In short, the best defense policy is an aggressive strategic petroleum reserve acquisition policy.

Mr. President, the Bradley amendment is simply a reaffirmation of law already enacted by the Congress—the Energy Emergency Preparedness Act of 1982, Public Law 97-229.

The law directed the President to fill the strategic petroleum reserve at a rate of 300,000 barrels per day unless he made a finding that such a fill rate would not be in the national security interest of the United States. In such a case the minimum fill rate would be 220,000 barrels per day.

The law specifically states that the minimum fill rate which is acceptable is 220,000 barrels per day.

Before the Senate is appropriations legislation which proposes a fill rate of 145,000 barrels per day—a level clearly contrary to public law. A level which will ignore the very real relationship which exists between national security interests of this Nation and an effective, aggressive program of emergency preparedness.

We are asked in effect to make a good faith agreement with the administration whose original proposed fill rates would have if implemented had the following effect.

First, the administration's program would give our Government no capability to purchase oil on the spot market in fiscal year 1984 to take advantage of favorable oil prices and in effect leave this Nation with some 17 million barrels in unused storage capacity during fiscal year 1984 alone.

Second, it would result by the end of 1986 in 54 million barrels of total unused storage capacity.

Third, it would delay the achievement of 500 million barrel fill level for SPR by more than 2 years and the achievement of a 750 million barrel level by between 3 and 6 years, depending on fill rate assumption.

Finally, according to the General Accounting Office, "If rising oil prices are assumed—the administration's proposed schedule results in the highest total expenditures of all oil rate options available."

Mr. President, we are being asked to accept legislation today in which the administration has promised to in-

crease its fill rate in the outyears from 100,000 barrels to 145,000 barrels per day in return for the promise to take actions to enhance this Nation's energy emergency preparedness which the administration should be taking anyway.

In effect we are being asked to undermine current law and not receive much in return—not much of a deal from this Senator's perspective.

I would ask my distinguished colleagues to think about what has so changed in the international environment to lead us to believe that this Nation is somehow less vulnerable to an oil supply disruption.

Has the war in Lebanon, the Iran-Iraq war, Lybian aggression against Chad, or terrorist activities given any of us a greater sense of security in this regard?

In a recent study conducted by the Congressional Research Service on the impact on seven major industrial countries—United States, Canada, France, West Germany, Italy, Japan, and the United Kingdom—of the elimination of all tanker service through the Strait of Hormuz the following was found:

In 1980 the seven countries in the aggregate would have experienced a shortage of 7.1 to 7.7 million barrels per day, or 20 to 25 percent of their oil requirements. Crude oil prices would have escalated from the base period price of thirty dollars to at least 90 and perhaps as much as $300. Production of all goods and services would have fallen between 12 and 27 percent for the seven countries combined. Employment would have dropped by 15-30 percent. In sum the major industrialized nations would have suffered a dramatic economic decline.

Though these dramatic results would have been somewhat modified had the oil disruption occurred in 1982 the study makes it clear that the same dramatic results could again manifest themselves in the future.

If Western nations react to the currently more favorable situation by relaxing efforts to conserve energy, encourage development of alternative energy sources and build petroleum reserves, the future could find the West once again vulnerable to the effects of a disruption of Persian Gulf oil supplies.

In the short term the United States could suffer economically from a Persian oil disruption in the same approximate range as would our allies in Western Europe and Japan.

With regard to the value of a strategic petroleum reserve the study is very explicit, it states:

Building the public and private strategic petroleum reserves of Western oil importing countries beyond current objectives and careful management of those reserves in a time of crisis could enable the United States and its allies to ride out a disruption for a considerable period of time. Reserves also have important deterrence value in enhancing the perception that the Western industrialized nations are less vulnerable to the effects of petroleum disruptions.

Finally, it has been estimated that the cost of establishing a rapid deployment force—and an integrated Southwest Asian command is on the order of $40 billion.

We continue to justify the need for higher personnel the readiness and procurement dollars specifically the procurement of a 600-ship navy, and air and sea lift capability on the basis of our need to protect our strategic interests in the Middle East.

Well its high time the American taxpayer received the benefit of some very basic cost comparisons—$1 billion spent today to enhance our SPR fill rate may not only save this Nation billions in unnecessary military expenditures but will insure that the equipment and personnel we do invest in, have the time needed to accomplish their missions. I urge my colleagues to support the Bradly amendment. It is a vote for commonsense.●

Mr. BRADLEY. Mr. President, I am prepared to vote in just a few minutes if the distinguished chairman is prepared. First let me say to my distinguished chairman, as I heard him make his case, I do not really think his heart was in it.

I recall all the battles we fought. Just last May, for example, when Senator DOMENICI came on the floor and offered an amendment that would have indeed cut the fill rate of the strategic petroleum reserve to around 200,000, he was there to support a 300,000-barrel fill rate. I think that is the way it has always been with this issue, whether it was back in 1979, when Senator DOLE and I stood and forced the Carter administration to fill, or whether it was in the early phases of this administration when the distinguished chairman and I pushed a 220,000- and a 300,000-barrel fill rate.

It has always been done in a bipartisan way, and that is the way it is being done today. It is being done in a way that says it is the Congress that continually has to define our national security in terms broad enough to actually insure our total national security.

It has always been the Congress, from 1973 when the late Senator Jackson put the SPR amendment in for the first time until today, that has insisted we give ourselves that economic cushion in the strategic petroleum reserve.

As to the chairman's argument about the trade off of a couple hundred million dollars versus 9 days, he said, of additional oil, we really do not know if it is 9 days. That depends on what our import levels are at the time of the disruption. It depends on the size of the disruption. It depends on how long the disruption is going to last. So what we are talking about could be significantly more than 9 days of oil.

I appreciate how hard he has negotiated from that position of support for 300,000 barrels a day that he has consistently advocated since taking over the chairmanship, but I really do not think that we have gotten as much as all of us would like to have gotten for an agreement to fill at 145,000 barrels a day.

Keep in mind the commitment is that there will be a fill of 145,000 barrels a day until you reach 750 million barrels. Well, in 1982, the commitment was fill 220,000 barrels a day until you reach 750 million barrels. So one wonders about the nature of the commitment, not on the part of the distinguished Senator from Idaho but on what is going to translate actually into barrels of oil going into the reserve.

Mr. President, if the Middle East were not so troubled these days, I might buy the argument that 145,000 to 750,000 might be a good enough thing to take. If the Soviet Union was not tightening the noose around the Persian Gulf from the Yemens to Syria to Abidjan to Afghanistan, if the Iranians were not preparing to bomb the pipeline out of Iraq, and if the Iraqis did not have Exocet missiles targeted on Iranian oil facilities, I might be prepared to buy the compromise. If the distinguished former Ambassador to Saudi Arabia did not say anyone is naive who believed there would not be another oil supply disruption in the near term, I might buy the compromise.

But with all that geopolitics aside, if Congress had not spoken on this issue very clearly several times, I might buy the compromise.

That is what this comes down to. It comes down to a question of bipartisan congressional will as to whether we are willing to assert the longer term general interests over the shorter term interests.

I would argue that this is the time to send that message very clearly, because as we look at the problems around our world that message would be more reassuring at no other time.

So I hope my colleagues will join me in support of this amendment, and I am prepared to vote.

Mr. Levin addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. LEVIN. Mr. President, we have heard a lot of figures bandied about, and I am wondering whether or not my friend from Idaho would confirm one figure that I have used which I think is a critical figure. I happen to agree with him. There is a lot of judgment and a lot of subjectivity involved, and we all have to reach our conclusion as to what tradeoffs we will make to fill up this reserve at what rate and how significant it is we achieve independence by what year.

I would like to confirm one figure that I have used with the Senator from Idaho, and that is that the

present average 1983 fill rate, fiscal 1983 fill rate is 220,000 barrels a day.

Mr. McCLURE. The Senator is correct.

Mr. LEVIN. I thank my friend.

Mr. McCLURE. I would also add just one other fact, and that is that the budget submission to us calls for a fill rate during this year, under existing law, of 220,000 barrels a day; by 1984, 145,000 barrels a day, and each year thereafter 100,000 barrels a day. While we are changing downward from current levels, we have a commitment to change upward on future levels.

Mr. LEVIN. That was part of the budget submission itself?

Mr. McCLURE. The Senator is correct.

Mr. LEVIN. The current rate is 220,000.

I thank the Senator.

Mr. BRADLEY. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. DOLE. Mr. President, I rise in opposition to the amendment offered by the Senator from New Jersey. The Senator from Kansas has long supported rapid filling of the strategic petroleum reserve. On several occasions during the last administration I stood side by side with the Senator from New Jersey as we attempted to force that administration to live up to the congressional mandate to fill the strategic petroleum reserve. But, despite my support for the Senator's objectives, given the realities of our current budget situation, I must oppose the amendment.

For this fiscal year we are looking at a deficit in the neighborhood of $200 to $210 billion and the estimates for fiscal 1984 do not look much better. In that environment it seems to me we should require extraordinary circumstances to justify the expenditure, be it on or off budget, of an additional $1.3 billion.

Mr. President, this Senator does not believe that extraordinary circumstances exist to justify this expenditure. Since the 1989 fill date target was set much has changed. Our mix of supply sources has changed. We are much less reliant on OPEC for imported crude oil, and consequently, less vulnerable. Additionally, we are importing less crude oil, which further reduces our vulnerability. While I remain firmly committed to completing the 750 million barrel reserve, it does not seem unreasonable to defer completion until fiscal year 1991. By the end of next year the SPR will contain some 411 million barrels and we have a commitment from this administration that the reserve will be completed, and completed in a manner which minimizes temporary storage costs.

The argument has been made that by purchasing at a higher rate now, while oil is as cheap as it will probably ever be, we actually minimize the total cost of the SPR. I am not convinced that argument holds up. If we accept this amendment, the Treasury will be forced into the market next year to borrow an additional $1.3 billion. The interest cost for that borrowing during the first year would in all likelihood exceed $100 million and that is just the first year. This Senator has no reason to believe that we are going to start reducing our accumulated national debt any time in the near future. So we will continue to make those interest payments on the extra $1.3 billion. If you factor in the interest expense of buying now, the price of oil has to go through the roof in the out years before this amendment can be justified on grounds of cost savings.

Additionally, Mr. President, I do not believe that overall cost savings is the proper way to assess this amendment. The distinguished Senator from New Jersey looks on this as a capital budgeting problem.

What we really face is a cash flow problem. Even if we are able to look back during the 1990's and realize we could have saved a few million dollars if we had bought more oil during 1984, the fact will remain that we did not have the money during 1984 to do that. That to buy in 1984 we were forced to borrow more, run up the deficit and threaten recovery. To me that is the way this problem should be analyzed.

Mr. President, much has been made of the fact that SPR expenditures are really national security expenditures. I agree. But I am not sure what that proves. This Senator believes we should have a strong defense and be willing to pay for it. But, that does not mean we give the Pentagon a blank check. Their budget can be trimmed like all the others. Similarly, I believe we should have a strategic petroleum reserve. But not at the expense of another billion or so dollars tacked on to an already enormous deficit. We simply cannot justify every imaginable expenditure on grounds of national security and expect to ever put our fiscal house in order.

For these reasons, Mr. President, I oppose the amendment. The Senator's objectives are admirable. It is unfortunate that we cannot accommodate them.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the amendment of the Senator from New Jersey. The clerk will call the roll.

The legislative clerk called the roll.

Mr. STEVENS. I announce that the Senator from Tennessee (Mr. BAKER) and the Senator from South Carolina (Mr. THURMOND) are necessarily absent.

I further announce that, if present and voting, the Senator from South Carolina (Mr. THURMOND) would vote "nay."

Mr. CRANSTON. I announce that the Senator from Hawaii (Mr. INOUYE) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber wishing to vote?

The result was announced—yeas 54, nays 43, as follows:

[Rollcall Vote No. 255 Leg.]

YEAS—54

Andrews	Durenberger	Melcher
Baucus	Eagleton	Metzenbaum
Bentsen	Exon	Mitchell
Biden	Ford	Moynihan
Bingaman	Glenn	Nunn
Boren	Hart	Packwood
Bradley	Heflin	Pell
Bumpers	Heinz	Pryor
Burdick	Hollings	Randolph
Byrd	Huddleston	Riegle
Chafee	Johnston	Rudman
Chiles	Kennedy	Sarbanes
Cohen	Lautenberg	Sasser
Cranston	Leahy	Specter
D'Amato	Levin	Stennis
Danforth	Long	Tsongas
DeConcini	Mathias	Weicker
Dodd	Matsunaga	Zorinsky

NAYS—43

Abdnor	Hatfield	Pressler
Armstrong	Hawkins	Proxmire
Boschwitz	Hecht	Quayle
Cochran	Helms	Roth
Denton	Humphrey	Simpson
Dixon	Jepsen	Stafford
Dole	Kassebaum	Stevens
Domenici	Kasten	Symms
East	Laxalt	Tower
Evans	Lugar	Trible
Garn	Mattingly	Wallop
Goldwater	McClure	Warner
Gorton	Murkowski	Wilson
Grassley	Nickles	
Hatch	Percy	

NOT VOTING—3

Baker	Inouye	Thurmond

So the amendment (No. 2166) was agreed to.

Mr. JOHNSTON. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. McCLURE. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Senator TSONGAS addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho is recognized.

Mr. McCLURE. Mr. President, before yielding to the Senator, may I ask this question, because a number of Senators have suggested that they have some concern about how late we are going to go tonight. Let me say now that I know of only one matter that may require a vote. Senator TSONGAS has an amendment which I think we are in a position now to agree upon.

There are a number of others who have amendments that will not require a vote but will require just a little bit of time to get them done in the RECORD.

Senator DOMENICI has an amendment which I understand the distinguished Senator from Montana has some exception to and may require a vote on a procedural matter with respect to that amendment.

The remainder of them, aside from final passage, I do not believe will require any vote at all.

I ask our distinguished colleague, the Senator from Alaska, the acting majority leader, if he would have any objection, and I ask Senator BYRD, the minority leader, if it would be possible for us to take the Domenici amendment, do whatever we have to do with respect to the procedural or substantive vote with respect to that amendment, agree that all other amendments that we have listed now would be the only remaining amendments, and under those circumstances then to ask that the vote on final passage occur on tomorrow?

Mr. BYRD. I would have to run that on my hotline.

Mr. McCLURE. I understand.

Mr. BYRD. I will be glad to do it and get back.

Mr. McCLURE. It seems to me that we might in that manner allow the managers of the bill to work our way through remaining matters that have to be dealt with and the other Members would not have to be held here.

Mr. STEVENS. Mr. President, will the Senator yield?

Mr. McCLURE. I am happy to yield.

Mr. STEVENS. Mr. President, it is my understanding, then, if we can run and we will run a hotline similarly, it would be the plan of the distinguished managers of the bill that we go through the Domenici amendment, which may require a vote, and then go to these other amendments which can be apparently accepted or worked out.

Mr. McCLURE. Without vote.

Mr. STEVENS. And carry the vote on final passage over until tomorrow. It would be sometime around noon, if we can work it out.

Mr. McCLURE. That would be my suggestion, and I am not making that as a unanimous-consent request at this time, but I think we could list then the amendments that we know of that we think we can work out and we could accommodate all Members in that fashion.

Mr. STEVENS. It is our desire to finish all amendments tonight.

Mr. McCLURE. It is.

Mr. STEVENS. So the only thing that would take place tomorrow would be final passage.

Mr. McCLURE. The Senator is correct.

Mr. STEVENS. There would be no debate or further amendments.

Mr. McCLURE. The Senator is correct.

Mr. BYRD. I have to clear through my cloakroom line two things: One, that there would be no additional amendments tomorrow; further, that there would be a vote which would occur at, say, 12 noon?

Mr. McCLURE. That would be fine with me.

Mr. JOHNSTON. Mr. President, if I may ask the distinguished chairman of the committee, does he have confidence that there is nothing that requires a vote other than the Domenici amendment?

Mr. STEVENS. That is why we are running the hotlines. We will be able to answer that in a few minutes.

Mr. JOHNSTON. I had an indication from the Senator from Ohio that he may require a vote on the slant-hole drilling.

Mr. METZENBAUM. It is my understanding that Senator DECONCINI indicated some concern about that amendment and would take a position in opposition to it. I indicated that if he did not, I very well may.

I also want to make it clear that Senator HATFIELD and I are still in some discussions with respect to the matter concerning the postponement of the timber leases which the administration seems to want to take on.

I do not know whether or not this procedure the Senator is talking about would work out. I would like to find out from Senator DECONCINI, and I will do that on my own, as to where he stands on that particular subject. I do not see him on the floor and I do not know whether he has a position.

In connection with the Domenici amendment, it is not impossible that that would require two votes.

Mr. FORD. We have a procedural vote which may occur.

Mr. McCLURE. There could be two votes, one on a procedural question and the other on the substance of the amendment.

With respect to the slant-hole drilling, the staff has informed me that Senator DECONCINI is still discussing that at the staff level. I think that can be worked out. I would be happy to discuss that with the Senator from Ohio.

Mr. METZENBAUM. Has the amendment with respect to the carbon process funding been accepted?

Mr. McCLURE. It has not been accepted.

Mr. METZENBAUM. I believe the Senator from Idaho and I are to engage in a colloquy as well with reference to another matter.

Mr. McCLURE. With respect to the Great Plains project?

Mr. METZENBAUM. Yes.

Mr. McCLURE. The Senator is correct.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I wish to advise the managers of the bill that I am prepared to send an amendment forward which is a technical amendment to an amendment agreed to yesterday. The proponent of the amendment was the Senator from North Carolina. Since it is in the nature of a technical amendment, I would hope that the amendment would be acceptable. It would not take more than a minute.

Mr. METZENBAUM. Would the Senator from Virginia enlighten us as to what the amendment is?

Mr. TSONGAS. Will the Senator yield?

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia still has the floor.

Mr. WARNER. The amendment of the Senator from North Carolina enables a certain number of North Carolina residents to transit Backbay Wildlife Refuge in Virginia if necessary to maintain their livelihood and in certain other very limited circumstances. At the time the amendment was put forward, there was no indication of the number of persons who might be affected.

Upon closer review of the amendment by myself, the Governor of my State, Mr. Robb, and environmental advocates, it is desirable to cap the number of individuals at a figure not to exceed 25.

Mr. METZENBAUM. I thank the Senator from Virginia. I see no problems with that.

Mr. WARNER. I thank my colleague from Ohio.

AMENDMENT NO. 2167

(Purpose: To restore certain energy conservation programs to fiscal year 1983 levels.)

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. TSONGAS. Mr. President, I believe we have worked out an accommodation on my amendment.

I am offering an amendment to the Interior appropriations bill to add $27.2 million to the energy conservation subfunction. The purpose of the amendment is to restore funding for certain energy conservation programs closer to the fiscal year 1983 levels. The funds added by the amendments would be broken down as follows: $11.5 million for the schools and hospital programs——

The PRESIDING OFFICER. Would the Senator send his amendment to the desk?

Mr. TSONGAS. Let me read this and then I will send the amendment forward: $3.8 million for buildings and community systems; $4.5 million for the energy policy and conservation grants; $5 million for the Energy Extension Services, and $2.4 million for multisector.

These additions would bring these programs half way to last year's funding levels. Without these additions,

these programs would be 41 percent below last year's level. With this amendment they will still be 20 percent lower.

This amendment would not "bust the budget." The Interior appropriations bill would still be approximately $1 billion below the levels allocated in the first concurrent budget resolution for 1984. It would also be $661 million below the Appropriations Committee's own allocation for Interior. The conservation budget would also still be over $105 million below the assumption for energy conservation contained in the budget resolution.

This amendment would permit all existing programs to continue at levels closer to current level of effort and avoid eliminating any existing program elements.

I would like to describe the areas to which funds would be restored under this amendment:

Schools and hospitals program provides matching grants for conservation activities to schools and hospitals. It provides financial assistance to overcome unique barriers to energy conservation that exists in the nonprofit sector. During the life of this program, thousands of schools and hospitals have benefited from the implementation of energy savings measures. This program was funded at $150 million in fiscal year 1981. Last year in fiscal year 1983 it was only $48 million—excluding jobs bill money. The Interior appropriations bill includes only $25 million. This amendment would raise it to $36.5 million for fiscal year 1984.

Buildings and community systems support a range of research and development programs aimed at increasing the energy efficiency of the building sector. DOE's Energy Research Advisory Board has found that the building industry is one of the most fragmented sectors of the economy and thus has no focus for an industrial research program. A strong and steady program emphasizing basic and applied research and measures to encourage the transfer of such results to the private sector is an important priority.

In fiscal year 1981, this program was funded at $91 million. In fiscal year 1983, it was only $39.1 million. This Interior appropriation bill provides only $31.5 million. This amendment would add $3.8 million in order to maintain almost current general level of effort and avoid eliminating any existing program elements.

This increase would provide continued support for: research in indoor air quality; building performance prediction, monitoring and modeling; developing a data base on energy performance of buildings and appliances; monitoring voluntary compliance of building energy performance standards; research into institutional factors that influence energy consumption and adoption of efficient techniques; monitoring, evaluation, and technical assistance to States in providing residential, commercial, and multifamily audit services; research into urban waste, including efforts to develop, demonstrate, and disseminate technology and information on new separation, preparation, and conversion techniques; and technical assistance to communities in developing and implementing district heating projects.

In addition to supporting the excellent work of the Lawrence Berkely Laboratory at Princeton, I would hope that the Department could extend its support to other collaborative efforts involving industry participation such as the National Institute of Building Sciences and MIT's joint program for energy efficient buildings and systems.

Energy policy and conservation grants provide support to State energy offices for a range of energy conservation activities. These activities have resulted in significant energy savings through programs that reflect the unique energy problems and resources at the State level. State energy grants were funded at $48 million in fiscal year 1981 and $24 million in fiscal year 1983. The Interior appropriations bill would cut this to $15 million in fiscal year 1984. This amendment would bring the program up to $19.5 million.

Energy extension service funds support State outreach programs for public institutions, small businesses, and individuals. This has been a very successful program that DOE reports to have leveraged $16 of private investment for every Federal dollar spent. In fiscal year 1981, this program was funded at $25 million. In fiscal year 1983, it was at $10 million. In the Interior appropriations bill, the program is eliminated. This amendment would restore $5 million to keep the program going.

Multisector programs consist of the energy conversion technology program, inventors program, and the National Appropriate Technology Assistance Service.

The energy conversion technology program supports basic and applied research on advanced concepts for energy efficiency in areas such as engine combustion, thermal science, materials, and lubrication. This program supports generic research to insure a strong technology base. In fiscal year 1983, it was funded at $9 million. The Interior appropriation provides only $6 million.

The inventors program provides evaluations of inventions submitted to the National Bureau of Standards and, through DOE, provides technical assistance and financial support for development and demonstration of inventions that receive a favorable review. Several studies have shown that a significant number of valuable ideas have come out of this program. It is one of the very few channels through which inventors can obtain an objective hearing. In fiscal year 1981, this program received $5.8 million. In fiscal year 1983, there was $2 million. In the Interior appropriations bill, there is $1.5 million for evaluations by NBS only. This amendment would provide funds to provide technical assistance and support to inventors that receive a favorable review. A modest program to help inventors develop a business plan or obtain venture capital would provide considerable help in transferring these inventions to the private sector.

The National Appropriate Technology Assistance Service (NATAS) is a follow on program to the appropriate technology grants program which provided thousands of grants to individuals and small businesses to develop and demonstrate small-scale renewable energy and energy conservation technologies. This program amply demonstrated the usefulness and reliability of several new technologies such as passive solar greenhouses, solar water heaters, methane gas production from animal wastes, and waste heat recovery. NATAS will focus on disseminating information and providing technical assistance to individuals and organizations interested in appropriate technologies.

This program was funded at $1.5 million in fiscal year 1983, but because of delays by DOE, a contractor to run the program will not be selected until September. The Interior appropriations bill provides only $100,000 because of the delay in starting the program. However, DOE has indicated that it will award the contract for 18 months. Thus, additional funds would be necessary to maintain the program's intended fiscal year 1983 level over a longer period.

This amendment would add $2.4 million to multisector and thus provide funds to maintain levels closer to current level of effort in the energy conversion technology program, provide technical assistance and support for inventors who receive favorable review, and provide additional support for the National Appropriate Technology Assistance Service to maintain activity over the length of the contract.

Mr. President, the programs supported by this amendment are not new untried proposals. They are proven programs with a long history of accomplishment and energy savings. This is true despite the fact that these programs have already been seriously eroded by repeated budget cuts. In fiscal year 1983, these five programs were just 40 percent of their fiscal year 1981 levels. The Interior appropriations bill would cut them to 24 percent of their fiscal year 1981 levels. By what logic have these invaluable programs been so drastically cut back? At the levels in this bill, several of

these programs would be eliminated and others would drop below levels at which a minimal program could be administered.

Energy conservation is still a critical national priority. We have already let our commitment to energy efficiency slip so significantly. I urge my colleagues not to let these programs fall any further.

In these times of large budget deficits, the Senate has accepted the principle of level funding for energy programs. This amendment would merely keep these programs at this year's level. When the energy crisis is revisited upon this country in the years ahead, we will be very glad that we did not let our commitment to energy conservation fade away, that we held the line and saved these critical programs.

I send the amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Massachusetts (Mr. TSONGAS), for himself, Mr. HEINZ, Mr. SARBANES, Mr. PELL, Mr. RIEGLE, Mr. GLENN, Mr. EAGLETON, Mr. DODD, Mr. PERCY, Mr. CRANSTON, Mr. MELCHER, Mr. DIXON, Mr. MATTINGLY, and Mr. BOSCHWITZ proposes an amendment numbered 2167.

On page 53, line 11, strike the number "$333,481,000" and insert "$360,681,000".

Mr. TSONGAS. Mr. President, these additions would bring these programs halfway to last year's funding levels. Without these additions the programs would be 41 percent below last year's level and with the amendment then would still be 20.6 percent lower.

I would say that my original amendment brought all of these programs up to last year's funding levels. In the spirit of accommodation, we have cut these numbers in half. The chairman has indicated that he would look favorably upon this and try to have these approved in conference.

Mr. McCLURE. Will the Senator yield for a comment?

Mr. TSONGAS. I yield.

Mr. McCLURE. The Senator has indeed discussed this matter with me and I am aware of both the substance of the requests contained in the amendment and the figures which the Senator has offered to the Senate in this amendment. The House figures are different. The matters will be in conference. It is my expectation when the conference has been completed that the original desires that the Senator has expressed are likely to be accommodated. It is certainly my intention in going to the conference to try to accommodate these figures in that manner.

Mr. TSONGAS. I thank the chairman. I ask unanimous consent that the groups in favor of the Tsongas-Heinz amendment be printed in the RECORD.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

GROUPS IN FAVOR OF TSONGAS-HEINZ AMENDMENT

Energy Conservation Coalition.
Alliance To Save Energy.
Solar Lobby.
National Center for Appropriate Technology.
Federation of American Scientists.
National Governors Association.
U.S. Conference of Mayors.
National League of Cities.
National Association of Counties.
American Association of School Administrators.
American Hospital Association.
Higher Education Energy Task Force.
National Audubon Society.
Conservation Foundation.
Environmental Policy Center.
Environmental Defense Fund.
National Resources Defense Council.
League of Women Voters.
Citizen/Labor Energy Coalition.
Critical Mass Energy Project.
Baltimore Jobs in Energy Project.
United Methodist Church—Board of Church and Society.

Mr. TSONGAS. I yield to the Senator from Pennsylvania.

Mr. HEINZ. Mr. President, I rise today in support of the amendment offered by my distinguished colleague from Massachusetts, Senator TSONGAS.

It is a mistake to believe that this Nation no longer finds itself in an energy crisis. Though we have made progress toward achieving energy independence, that progress can be instantly wiped out by an unexpected act in the Middle East.

The question is: How can we seek to protect this Nation from the consequences of such a tragic event?

The answer: By maintaining a balanced energy policy.

Mr. President, that is what this amendment is all about—balance.

Without the $27.2 million Senator TSONGAS and I seek to add to the conservation budget, the programs in question will be funded at 41 percent below the fiscal year 1983 level and 76 percent below the fiscal year 1981 level.

Our objective is simply to keep these very important programs at their fiscal year 1983 levels—nothing more, nothing less.

This amendment supports programs that work—programs which have not only reduced our energy costs but also created jobs and most important have stimulated the emergence of a vibrant private sector to produce, market, and install successful conservation technologies.

The programs impacted by this amendment have a tremendous impact on State governments all across this Nation. A majority of States, according to the National Governor's Association receive 80 percent or more of the support from their State energy offices from Federal funds—Federal funds channeled through the State energy conservation program (SECP) account in the Federal conservation budget.

SECP has established the States as the major delivery mechanisms of energy conservation programs. It has resulted in the implementation of specially tailored energy conservation programs to meet the specific needs of States and localities. It has spawned the growth of industries sensitive to specific energy needs and the design of products to meet those needs.

It has been estimated that between 1976 and 1980 federally supported State energy conservation programs have produced cumulative energy savings worth $22 billion—30 times more than they cost.

From 1976 through 1981 the core State energy conservation programs have saved the Commonwealth of Pennsylvania 46,930,000 barrels of oil, resulting in $1.4 billion in energy savings.

A very important program, the energy extension service (EES) whose goal it is to bring the latest personalized renewable energy and conservation information and assistance to small energy users have been entirely deleted from the Interior appropriations bill.

EES participants in 10 pilot States surveyed have saved the equivalent of 6,400 barrels of oil per day. Beyond what they would have saved without the program and invested $59.9 million more in energy conservation measures than did comparable nonparticipants. The private sector invested approximately $16 for every 1 Federal dollar expended.

The cost to the program to participants achieving these additional energy savings averaged $8.50 per barrel of oil equivalent. Compared to the cost of buying a barrel of imported oil—approximately $30. The approach of the EES is clearly cost effective.

For the last year figures were available—1980—the EES program generated enough energy savings to equal 6.9 million barrels of oil equivalent.

Is there any possible reason to eliminate such highly leveraged Federal activities? Clearly not if we are attempting to become an energy independent nation.

The list of accomplishments does not end with the energy extension service.

The schools and hospital program which provides matching grants to institutions to encourage implementation of conservation measures has thus far through the award of over 22,000 technical assistance grants achieved 17.8 million barrels of oil equivalent. It is expected that these savings should be realized each year since they resulted from permanent capital improvements to buildings and equipment.

This program saves Federal dollars that otherwise would be spent on hospital energy costs through medicare

and medicaid reimbursements. The hospital energy bill paid by medicare and medicaid amounted to approximately $3.4 billion in 1982.

As a result of the fact that over 125,000 buildings in the program have received energy audits, State and local governments have saved dollars that would otherwise be spent on energy bills in public schools—the energy bill for public schools and colleages amounted to approximately $7.6 billion in 1982.

Despite the fact that this program has been cut by 68 percent from its fiscal year 1981 level, demand for the program remains strong. Many States have a huge backlog of applications that would be funded if Federal money were available. New York has $110 million worth of applications that meet funding criteria, Florida has a $81 million backlog, Pennsylvania a $35.7 million backlog, Massachusetts a $31 million backlog.

The list of accomplishments in program areas affected by this amendment is a long one. They include the following:

During the fiscal years 1978 to 1981, 42 district waste-to-energy technologies were investigated to find ways of improving economic, technical and environmental performance. Of the 25 feasibility studies initiated in fiscal 1978, 20 resulted in projects that are proceeding to construction. Through an investment of just over $7 million, more than $1 billion in private capital has been attracted to those projected which are expected to provide 15,000 barrels of oil equivalent.

Joint research and development with the private sector led to the development of prototype window systems which are 65 percent to 85 percent more energy efficient than existing ones. As a result the energy savings potential of "daylight" in office buildings was identified.

The energy related inventions program has evaluated over 10,000 energy savings inventions; 115 inventions have been awarded grants at a cost of approximately $3.8 million. A study by the Massachusetts Institute of Technology concluded that the inventions program provides one of the few funding channels through which inventors can receive an objective hearing.

Mr. President, these are just some examples of how Federal dollars have worked to erase the image that conservation is somehow to be equated with energy denial. On the contrary, the programs impacted by this amendment proves that placing a greater responsibility on State and local governments and the private sector has had a tremendous energy and economic impact on this Nation. This is no time to stifle the advances which have been made. I urge my colleagues to support the amendment which Senator TSONGAS and I offer today.

Mr. President, I commend the Senator from Massachusetts for having offered this amendment. I am privileged to be a cosponsor of it. I believe we have made great progress here, thanks to the chairman of the committee, Senator MCCLURE, in restoring approximately half of what we lost in the previous year.

I have listened very carefully to the comments about the conference. I understand his concern and his strategy.

I want to compliment him for understanding the need for a balanced energy policy. I appreciate my chairman's support of the Tsongas-Heinz amendment.

Mr. JOHNSTON. Mr. President, we support the amendment.

FAIRNESS FOR ENERGY CONSERVATION

Mr. DIXON. Mr. President, I rise as a cosponsor of the amendment from the Senator from Massachusetts (Mr. TSONGAS).

During the 1970's, Congress and the Nation wrestled with the appropriate response to the energy crisis. After much debate, legislation was passed that helped insure adequate supplies of crude oil, stabilized future natural gas supplies, promoted alternative energy sources, and encouraged conservation wherever possible.

Today there is movement to break that agreement and knock out energy conservation programs. Since entering the Senate in 1981, I have seen continued assaults on energy conservation programs. If we fail here today, then energy conservation programs will be cut 41 percent below last year's funding and 76 percent below fiscal year 1981.

What we are asking for today is fairness. Let us be fair to our national energy program. Let us be fair to the Nation. Let us be fair to American citizens.

This amendment will not bust the budget. If passed, this amendment will still be more than $100 million below the budget levels we set for ourselves in June. Energy conservation programs will not bankrupt the country. Instead conservation preserves it.

In my home State of Illinois, energy savings have been staggering. Illinois consumers have saved over $2.5 billion in energy costs since 1978. The savings have come in the form of energy audits done by the utilities and coordinated by the State Residential Conservation Service to help homeowners receive constructive advice on insulating their homes. The savings have been fostered by the State energy clearinghouse, which has provided 55,000 Illinoisans per year with conservation information to help businesses, industry, and homeowners. The savings have come in the form of the State community energy management planning assistance program, which has provided the communities of Evanston, Jacksonville, Peoria, and all of DuPage County with help in setting up local initiatives to combat rising energy bills. Without Federal assistance, these valuable programs will be discontinued.

Equally important, the State of Illinois, without this amendment, will be unable to carry out its statutory requirements under title II, part I of the National Energy Act of 1977.

Conservation programs are not run by and for the benefit of Federal agencies. Rather, the programs are run for the benefit of local communities and more importantly, for the consumer.

Conservation is the best alternative energy source currently available for the Midwest for several reasons. First, the energy savings are immediately realized by consumers who conserve our nonrenewable resources. Second, conservation can occur without rewriting the Natural Gas Policy Act, with the possibility of raising the cost to consumers. Third, it does not require the heavy capital investment cost that synthetic fuels need to become operational. Fourth, it allows a sensible Federal program to continue.

Who will be helped by this amendment? The answer is simple: schools, hospitals, homeowners, farmers, small businesses, industry, and churches are its benefactors.

Let us recognize, as past Congresses have, that our energy resources are precious and that conservation is the best recognized and most effective response.

Mr. SASSER. Mr. President, I rise in support of the Tsongas-Heinz amendment to the Interior appropriations bill. In this time of escalating energy prices, this amendment is vital to achieving energy efficiency. This amendment is not only timely, but it is crucial toward getting this Nation back to a level of energy responsibility.

Mr. President, over the last few months, indeed, over the last few years, Americans have been asked to tighten their energy belts. All too often, energy consumers throughout this Nation have been hit by a steady, unrelenting onslaught to their energy budgets.

Americans are sick and tired of these energy price hikes. The time has arrived such that Americans cannot afford their electric bills, they cannot afford their gas expenditures. Indeed, many Americans cannot afford the ordinary necessities of life.

The present administration, through its budget proposals, has demonstrated a callous indifference to the plight of the average American. The administration's fiscal year 1984 energy conservation budget slashed some $184 million from schools and hospitals, the energy extension service, State energy conservation programs, and building research programs alike.

Energy conservation, contrary to the administration's budget proposals, is not merely an arrangement of words and figures in a budget book. Energy conservation represents hope for the poor, the elderly, the unemployed, and the young school aged children of this Nation. Americans of all walks of life depend daily upon the vital programs administered as a result of the energy conservation budget.

Mr. President, I join my colleagues, Mr. TSONGAS and Mr. HEINZ, in supporting an effective and responsible energy conservation budget. I believe that the addition of this $54 million to the energy conservation account is a small price to pay toward advancing that effort. I urge my colleagues to accept this amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 2167) was agreed to.

Mr. McCLURE. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. TSONGAS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2168

(Purpose: To appropriate funds to reimburse private litigants in a water adjudication suit involving Indians where the United States is required to hire private counsel for individual Indian Tribes)

Mr. DOMENICI. Mr. President, I send an unprinted amendment to the desk for myself and for my distinguished junior colleague, Senator BINGAMAN, and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from New Mexico (Mr. DOMENICI) for himself and Mr. BINGAMAN, proposes an amendment numbered 2168.

Mr. DOMENICI. I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Strike line 23 on page 23 through line 8 on page 25 and insert in lieu thereof the following: "in field offices, $819,710,000 of which not to exceed $53,735,000 for higher education scholarships and assistance to public schools under the Act of April 16, 1934 (48 Stat. 596), as amended (25 U.S.C. 452 et seq.), shall remain available for obligation until September 30, 1985, and the funds made available to tribes and tribal organizations through contracts authorized by the Indian Self-Determination and Education Assistance Act of 1975 (88 Stat. 2203; 25 U.S.C. 450 et seq.) shall remain available until September 30, 1985: *Provided*, That this carryover authority does not extend to programs directly operated by the Bureau of Indian Affairs; and includes expenses necessary to carry out the provisions of section 19(a) of Public Law 93-531 (25 U.S.C. 640(d)-18(a)), $3,951,000, to remain available until expended: *Provided further*, That none of these funds shall be expended as matching funds for programs funded under section 103(a)(1)(B)(iii) of the Vocational Education Act of 1963, as amended (20 U.S.C. 2303(a)(1)(B)(iii): *Provided further*, That in addition, moneys received by grant to the Bureau of Indian Affairs from other Federal agencies to carry out various programs for elementary and secondary education, handicapped programs, bilingual education, and other specific programs shall be deposited into this account and remain available as otherwise provided by law: *Provided further*, That $450,000 shall be made available until expended for transfer by the Secretary of the Interior to the Attorney General to reimburse private litigants for legal fees incurred in the *State of New Mexico ex rel. Reynolds* v. *Aamodt* water adjudication suit: *Provided further*, That any cost of".

Mr. DOMENICI. I understand the Senator from Ohio (Mr. METZENBAUM) may be opposed to this amendment. Since I have revised it slightly after conferring with Senator MELCHER, I will send a copy of this amendment to him.

Mr. METZENBAUM. I thank the Senator.

Mr. DOMENICI. Mr. President, in simple terms this amendment provides for $450,000 to be made available until expended for transfer by the Secretary of the Interior to the Attorney General to reimburse litigants for legal services incurred in the State of New Mexico ex rel. Reynolds versus Aamodt, a water adjudication case.

The money cannot be made available to the State of New Mexico which is a party to this suit. They will spend their own money. But in a nutshell, Mr. President, here is where we are in this case: The case has been in some stages of adjudication for 17 years. But in the last few years there has been a circuit court decision that basically says the U.S. Government has to pay attorneys fees for the four Indian Pueblos involved, to permit them to hire their own legal counsel, pay for that counsel and for experts of various and sundry types that might be required for them to prove their particular premise in terms of water rights that they claim in this area of New Mexico.

I want to make it clear that this is different in that respect, in that not only is the Department of Justice defending the four Indian pueblos in their water rights contentions and assessments, but to this point the U.S. Government has paid $2.9 million, and it is rising all the time, to the four pueblos to pay their own private lawyers and for payment of experts in the field of anthropology, modeling of water, and the like, so that they can adequately present their version, including the Winters doctrine version, of what rights they are entitled to.

The dilemma, Mr. President, and I say this to the Members of the Senate who are here and who will vote on this amendment, is very simple: While there are some non-Indians who can afford legal counsel, I think I can say without fear of being proved wrong that collectively the 800-plus defendants cannot possibility afford lawyers and expert witness fees so as to present a fair case to the Federal master and judge when you compare their ability to pay with four sets of legal counsel and all the experts that can be found in the country to present the Indians' case.

I have met with the leaders of the Indian pueblos involved in my State. In my State, Pueblos are small Indian tribes generally found along rivers where they have built their communities called pueblos.

I told them that, basically, I was not going to oppose attorneys fees to them at this point, but I wanted them to understand that, in the interest of fairness, I had to seek some money for expert witness fees and adequate counsel for the non-Indians—for they will proceed through this complicated litigation assuming that they are not being dealt with fairly by the court system, which will only make it more difficult as we attempt to resolve these very complicated water litigations in New Mexico. This is one of five cases and I do not seek money in the others just now, just this one.

If there is anything sure about our jurisprudence, it is that you have to have legal counsel and experts in a suit as complicated as this one. The State cannot represent the non-Indians because they may have a different version of water law than the Indians. Both the Indians and the non-Indians have good title, have a good basis upon which to argue their particular ideas, premises, and theories of water law.

I am convinced that if we are going to pay anything like $2.9 million for the attorneys for the Indian people, we had better help the non-Indians with some resources or we are going to end up not only adjudicating but having those who cannot win the case—and everyone cannot win—assuming that they did not lose because of the law, but rather that they lost these very important issues because they could not match or even come close to matching the resources that the Indians had in this case.

Some will argue that perhaps the Indian people will oppose this and think it is dealing unfairly with them. I am convinced as to this case that they are not going to argue that.

Mr. JOHNSTON. Will the Senator yield for a question?

Mr. DOMENICI. I shall yield in just a moment.

Theoretically, they might, but in this case, they really cannot, and I am convinced they will not. There may be some Senator who wants to argue that this is not fair to the Indian people. I do not know if it is fair theoretically

or philosophically, but I can tell you in this case, it is fair: $2.9 million and growing in terms of attorneys' fees for those four pueblos and nobody here on the floor is saying, do not pay their attorneys' fees. We are merely saying, be fair and set some aside for adequate representation so this tremendous issue involving the winners doctrine for Pueblo Indians in the United States is fairly adjudicated by the master and Federal court and ultimately, the circuit and perhaps even Supreme Court.

I shall be happy to yield to my friend from Louisiana for a question.

Mr. JOHNSTON. It seems to me the Senator's arguments are compelling. My problem is with the precedent-setting nature of this amendment. Is this distinguishable so it does not necessarily set a precedent for future actions, or does it set a precedent?

Mr. DOMENICI. I say to my good friend, from the standpoint of the Senator from New Mexico, I cannot stand here and say it would set no precedent. I do think it is limited, however. For those who would say in every Indian adjudication, every water case out there that has Indian claims, that this is a precedent to put in on the opposite side, I do not think it is a question of that because, in most cases, the courts have not ordered private legal counsel for each of the Indian entities representing their position.

In fact, some of the Senators who have asked me about it have had cases where the Department of Justice under the trust doctrine represents the Indians. That is not the case here. Here, we have a circuit court case, and nobody took it all the way up to the Supreme Court, that said you have to pay private counsel in addition. I am not sure that is the law any more, with some recent Supreme Court decisions on the trust doctrine and durality of representation. In this case it is.

So, Mr. President, let me say if it is precedent, it is limited to that kind of case where, in addition to Department of Justice counsel, you have the U.S. Government paying private counsel for the adjudication of trustee water rights such as the Indian people against non-Indians, many of whom cannot afford it.

Mr. JOHNSTON. I thank the Senator.

Mr. DOMENICI. Mr. President, I understand my good friend and colleague, Senator BINGAMAN, who joins me as cosponsor, would like to address the Senate on this issue. Then I shall yield the floor to the Senator from Ohio, who wants to discuss the matter.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. I thank my colleague.

Mr. President, I support the amendment which my colleague has offered and which I cosponsor. I do think the issue is very clearly an issue of equity or fairness in this case. Many of my constituents have talked to me about this problem.

The Federal Government, through the greatest desire to come to a good resolution of the issues being litigated, has provided very substantial resources to the Indian tribes to see that their position is properly presented in the Federal litigation. The problem is that the other side of the argument may not be properly presented if something is not done by Congress to see that resources are provided as well to the non-Indians. That is the issue that is before us.

There is some precedential effect of what we are doing, but clearly, this case is a unique case in the history of New Mexico. As the senior Senator from New Mexico stated, the case has been pending for 17 years. It involves the water rights of many individual small landowners throughout northern New Mexico, in particular on the tributaries of the Rio Grande throughout northern New Mexico. It is crucial to the fairness and to the perception of fairness among the people involved in that case that that case be properly argued to the court on both sides and that, whatever decision the Federal court comes out with, it be a decision that is based on the full record of argument of the case and presentation of the various points of view.

Here, I believe, we need to support a departure, perhaps, from the usual and provide this relatively small amount of funding so that the non-Indians can see to it that their case is properly litigated.

Mr. President, I commend the senior Senator from New Mexico for taking the initiative and bringing this issue to the Senate. I support him fully in his efforts.

I thank the Chair.

Mr. DOMENICI. Mr. President, I see the distinguished Senator from Montana (Mr. MELCHER) has arrived on the floor. I was not going to speak any further and I will not on the substantive issue. I might say to the Senator that what I have done is offer an amendment which would have put this money in a different section of the bill if that would have helped with the problem he has. I did not hear from him and I gathered that he would oppose it in any event.

Let me just say that we have put this in the same section with the Indian reimbursement money.

I have checked with the Parliamentarian. While it may be subject to a point of order, it is germane. I say this to the Senator: If he intends to raise a point of order, I shall raise the issue on the question of germaneness and we can vote on that. Senators know they are going to have a vote here tonight. I hope we will do it on substance, but I did not want to surprise the Senator. I just wanted to tell him how I arrived at the decision. I thank him for his efforts to cooperate with me today and I thank him for his concern.

Mr. MELCHER. Mr. President, I do not know where this amendment came from, but I am going to acquaint myself. I thank my friend from New Mexico for his remarks about the germaneness and the point of order that might be raised about legislation on an appropriation bill.

I really welcome this discussion because there is something of merit in what the two Senators from New Mexico have said about trying to capture some money out of the Treasury to help the litigant in a major water suit. We have had these suits in Montana for a number of years.

This generation and the generation before us has known that there is going to be a tremendous amount of water litigation, and when they are faced with that it is a natural, ordinary thing to reach out for money to pay the lawyers.

This amendment—no matter where it is attached, in whatever part of the bill it is—reduced to what it means is that the United States is being required, if this amendment were passed, to pay for the legal services, the lawyers, on both sides of the suit. We may come to that at some point. We may come to that, but I do not think there is any authorization in present law that says that that can be done.

Now, present law, based on the treaties and based on some statutes that Congress has enacted, requires that the United States defend the rights of the property of Indians, including water. And there is no real getting around that. That is the way it is and I believe it is right.

I believe it is proper that whatever is left to the tribes, that the defense of that in court will be made by the United States, because it is the United States itself that has placed the Indian tribes in the position they are in, in terms of the reservations, in terms of what the area of the reservation is, in terms of how they acquaint and adapt themselves to this modern society of ours.

Now there are many times when it is true that individual tribes can afford to procure and pay for their own counsel, and they do in many instances. But the obligation remains; the trust responsibility remains. And that trust responsibility will be defended by the United States through the Department of the Interior and the Department of Justice.

So now we have this proposal that has come up on the floor. We were advised that it would. We were not ad-

vised where it would be attached and how it would be molded into this bill.

So we have a situation where, in order to avoid the issue of whether or not it is legislation on an appropriation and subject to a point of order, it has been drafted this way. I am a little bit surprised that it has been. But I can understand that, realizing the difficulty it is for the Senate to set a precedent of legislating on an appropriation bill—that is no precedent; we have done that before—set a precedent that says that we are going to appropriate some money out of the Treasury from the taxpayers to pay for some lawyer's fees, some court costs, of private litigants against the Indian tribes, which means, in effect, that they are confronted with the Justice Department in court.

Let me explain. I have a sympathy for discussing and having Congress consider the quantification of water where there is a mixture of claims of Indians, the United States—meaning the Federal agencies themselves—and private individuals. I have a sympathy for those court costs and how long it takes to get a resolution of that problem. And if it takes forever to get a resolution, I have a sympathy for discussing and for trying to develop some policy on whether or not it is proper for Congress to enter into paying part or all of the litigant's fees, even the private people.

So when I oppose this amendment, I do not oppose what these two Senators from New Mexico are describing as a serious situation. I oppose it because this is the wrong place to do it. The policy should be developed first by legislation. We have not done that. We have not done that at all.

As far as I can tell, there is absolutely nothing in the United States Code that authorizes this type of expenditure for this purpose, because it puts the United States in a weird position of both defending the trust responsibilities that they must for the Indians and then paying for the plaintiff's costs, in this instance, of non-Indian, private individuals, for their lawyer's fees.

I believe that it is time the Congress should address some of the ramifications of the Winters doctrine and the 1962 Arizona against California case which, as far as I can tell, are the two leading cases that establish what might be the proper mode of settlement of Indian water claims versus other people. But I am not in favor of doing it in this piecemeal fashion, starting with a half million dollars here or a million and a half next week, or three or four different amendments on the next appropriation bill that comes along for the supplemental.

We had our cases starting in the early 1970's where we thought of the fact and amended the fact that in Montana we had not established any clear policy by law and brought up to date the concept of the Winters doctrine and the Arizona against California case to make it simpler to satisfy the water claims of the Indian tribes versus the non-Indians who were getting water from the same source and from the same drainage.

I do not have much feeling, however, that this should be proposed at this time.

Despite the attachment of the amendment at this point, I think we ought to do the ordinary thing in the ordinary way that is devised by the laws of the United States and by the rules of the Senate and consider this on its merits. The first and ordinary thing to do, to be consistent and to have a mode of operation in this body that follows the laws of the United States and the rules of the Senate, would be to raise a point of order against the amendment under rule XVI.

Mr. President, I make that point of order.

Mr. METZENBAUM. Just a moment before the Senator does that.

Mr. DOMENICI. Mr. President, I raise the question of germaneness.

The PRESIDING OFFICER. Does the Senator from Montana withhold?

Mr. MELCHER. I will withhold.

Mr. METZENBAUM addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

Mr. METZENBAUM. Mr. President, I rise in connection with this matter now because I think it is a major matter, but I think there is a great matter of principle involved. We are only talking about $450,000. I think it is a matter of concern to the Senate that the Congress should consider paying both sides their legal fees in connection with litigation that is pending in the courts. I am wondering how far a matter of this kind can go. As a matter of fact, I think the manager on the minority side made the point well as to whether this does not set a precedent. In all fairness to the author of the amendment, he indicated, that, indeed, it does set a precedent. I wonder whether we are using good judgment just to see who has the most number of votes on the question of germaneness, because, frankly speaking, it is not germane, regardless of what the vote count might be. It is legislation on an appropriations bill. But all of that has to do with the procedural aspects.

What really bothers me about the amendment is that it is offered by the chairman of the Budget Committee, and the chairman of the Budget Committee is more aware than probably any Member of this Senate as to the problems we have in attempting to reach a balanced budget.

I am the first one to stand on this floor and agree to stipulate that $450,000 is not the difference between balancing the budget, or is it even a drop in the bucket, or does it even become a line item when we are dealing with a budget that does not take note of items less than $50 million. But it seems to me that there is a principle involved, a principle of establishing a new precedent, paying both sides in a legal matter and then picking up $450,000. The next time it will be $1,250,000, and the next time it will be $3 million or $4 million or $8 million.

I question my good friend from New Mexico pushing this amendment on an appropriations bill. If there is that much merit to it, he is a very important member of the Energy Committee, which would be the authorizing committee. He would certainly have no difficulty making his case before that committee and certainly would have no difficulty getting the matter scheduled for a hearing. He may prevail this afternoon, and my guess is that he will, but in prevailing I think that he sets back the Senate and the congressional procedures more than I would consider to be a worthy objective.

I am not positive about the merits of the objection. I think there is some argument that can be made as to the question of paying people who are not in a position to pay their own legal costs under the Indian trust fund where they can pay something over $2 million for lawyers and the other side has to pay for their own lawyers. I think that kind of matter ought to be handled in the authorizing committee.

I really wish the Senator from New Mexico had not offered this amendment. I am not going to be very exercised about it. I am not going to toss and lose any sleep as to whether this amendment does or does not pass. But I think he knows as well as any Member of this body that this is not the road that he ought to be taking; that this is a bad precedent; that this is not the kind of an amendment the chairman of the Budget Committee ought to be attaching to an appropriations measure.

I will not raise the point of order. That has been done by the Senator from Montana. Before doing that I would very strongly urge my friend from New Mexico to withdraw his amendment. This is not really the right way to proceed on this appropriations bill.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER (Mr. SYMMS). The Senator from New Mexico is recognized.

Mr. DOMENICI. I will be very brief because I am most appreciative of the remarks of the distinguished Senator from Ohio. The implications of his remarks make me feel very good. I think he implies that I have a great deal of

respect for the Senate processes, and I do. If this was the only legislation in this appropriation bill, I would lose today because if I win it will be on germaneness, which is predicated upon the fact that it has legislative language in it; that I am adding an amendment to provide some fairness for some people in New Mexico that desperately need it and cannot wait very long.

So I am not worried about it harming this institution and its processes, nor am I the least bit worried, I say to my good friend, about harming the appropriations process by adding this language.

I have long since learned that if you look at these appropriation bills that come over from the House, you will be amazed at the amount of legislation that is there. I am not suggesting that is all so good in the long run, but I am suggesting that I am doing no violence to it today that bothers me one bit.

The Senator from Ohio says that we ought to wait, my good friend, Senator BINGAMAN, who I am pleased is supporting me on this and my cosponsor, because we can take our time going through the authorizing process. Let me tell the Senator that he would not feel that way if he was one of the 700 or 800 rather poor Hispanics who are getting notices from all over the place to go to big trials about their water rights when they think they have owned them for 80, 90, 100 years, one I think for 160 years. They are told they are going to probably have nothing left. Altogether they have raised $50,000 or $60,000 for lawyers and they read $2.9 million has gone to four of the best law firms in New Mexico, already having hired the best anthropologists and theoreticians about what happened 200 years ago, all going to court shortly with reference to water that their small orchard or little farm or ranch that barely makes its needs. Their titles are now in jeopardy. We do not even know if you can sell property anymore in this adjudication. It is so notorious that I assume those preparing title insurance and abstracts are writing in "We don't have any assurance that you have any water."

The Senator says let us wait. Well, I am for waiting but not when we are only talking about $450,000, when it might make the difference between a fair adjudication, or at least as my good friend, Senator BINGAMAN, said, the perception that at least fairness can be done here today without doing any violence.

I am going to work very hard to win, even though it is not very much, because it means an awful lot to a lot of people who are very worried in New Mexico. It also means a lot to the continued reasonably good relationship between Indians and non-Indians in that part of my State, which I am not so sure is going to continue in any event.

But if you think there are not going to be worse situations where they have no money to defend themselves and the Indians have this kind of money, then I am not reading human nature right, and I do not want that to happen.

So, while this may be subject to a point of order, I am confident that the Senate will find germaneness; and I am saying that it is plenty germane, in the way we vote in this body, and we are doing violence to nobody by voting for this and permitting these people to be represented in a fair manner.

Mr. MELCHER. Mr. President, this amendment for a half million dollars sets a kind of precedent which involves sort of an open-door invitation to get the Federal Government to pay for the attorneys' fees. It is a tough precedent to establish.

There are 52 cases pending right now in 10 different States. I recall in 1972, 1973, or 1974 when the northern Cheyenne case was started in Montana; 4 of 500—maybe 600 or 700—individuals, non-Indians, were made part of the case. They were served with summonses and answered. It was with respect to a claim about water.

This is not the only one in New Mexico. There are others in New Mexico. What is being described as a New Mexico case is not different from that in other States or different from other cases in New Mexico.

There is only one reason to raise a point of order, and that is just to keep this in the proper sequence and to emphasize that it is setting a precedent, and probably a dangerous precedent, for the Government to be paying the lawyers on both sides of a case, in a case in which the Government is involved, in representing the trust responsibility of the tribes.

I do not know what the Indian tribes think about this, but that is beside the point. It is what Congress—the Senate and the House—thinks about it.

The real situation we are facing here is that if the Senate finds that the language in the amendment is germane, we are nowhere anyway. We still have to debate the amendment, because it is a question of whether or not it is proper to add the language, the last five or six lines at the tail end of this section that is already in the bill. So we will be in the situation of debating the amendment until we are satisfied that we have done our utmost on it.

The amendment will be subject to a tabling motion, for example. If the tabling motion is agreed to, does that strike the language dealing with $53 million for higher education, scholarships, and assistance to public schools under the act of April 16, 1934? No. If the tabling motion is successful, that language will remain in the bill because it is in the bill.

So what are we doing here? We do not get away from the issue of whether or not this was offered for just the last five or six lines, the precedent-setting lines. We are not getting away from anything. I think the regular procedures should be followed.

Therefore, Mr. President, I raise the point of order under rule XVI against the amendment.

Mr. DOMENICI. Mr. President, I raise the question of germaneness, and I ask for the yeas and nays.

The PRESIDING OFFICER. Under rule XVI, the defense of germaneness is submitted to the Senate.

Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. STEVENS. I announce that the Senator from Tennessee (Mr. BAKER), the Senator from Arizona (Mr. GOLDWATER), and the Senator from South Carolina (Mr. THURMOND) are necessarily absent.

I further announce that, if present and voting, the Senator from South Carolina (Mr. THURMOND) would vote "yea."

Mr. BYRD. I announce that the Senator from California (Mr. CRANSTON), the Senator from Colorado (Mr. HART), the Senator from Hawaii (Mr. INOUYE), and the Senator from Mississippi (Mr. STENNIS) are necessarily absent.

The PRESIDING OFFICER. (Mr. COCHRAN). Are there any other Senators in the Chamber wishing to vote?

The result was announced—yeas 77, nays 16, as follows:

[Rollcall Vote No. 256 Leg.]

YEAS—77

Abdnor	Hatch	Murkowski
Andrews	Hatfield	Nickles
Armstrong	Hawkins	Packwood
Bentsen	Hecht	Pell
Bingaman	Heflin	Percy
Boren	Heinz	Pressler
Boschwitz	Helms	Pryor
Chafee	Hollings	Quayle
Chiles	Huddleston	Randolph
Cochran	Humphrey	Riegle
Cohen	Jepsen	Roth
D'Amato	Johnston	Rudman
Danforth	Kassebaum	Sarbanes
DeConcini	Kasten	Simpson
Denton	Kennedy	Specter
Dixon	Lautenberg	Stafford
Dole	Laxalt	Stevens
Domenici	Leahy	Symms
Durenberger	Levin	Tower
Eagleton	Long	Trible
East	Lugar	Tsongas
Evans	Mathias	Wallop
Ford	Mattingly	Warner
Garn	McClure	Weicker
Gorton	Mitchell	Wilson
Grassley	Moynihan	

NAYS—16

Baucus	Dodd	Nunn
Biden	Exon	Proxmire
Bradley	Glenn	Sasser
Bumpers	Matsunaga	Zorinsky
Burdick	Melcher	
Byrd	Metzenbaum	

NOT VOTING—7

Baker	Hart	Thurmond
Cranston	Inouye	
Goldwater	Stennis	

The PRESIDING OFFICER. The amendment is germane; the point of order falls.

Mr. DOMENICI. I move to reconsider the vote.

Mr. McCLURE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MELCHER. Mr. President, I want to tell my colleagues that in just a few moments, the leadership will announce a schedule that is quite pleasing to me and, I think, will be pleasing to all of us for this evening, finishing this matter sometime tomorrow.

I want to say I have no objection to the Senate voting germaneness on such a proposition as this, because I have done the same in many instances. Germaneness is what the Senate says it is. What I am interested in is that every Member of the Senate consider the precedent that is established by paying the lawyers who represent plaintiffs in a suit against the United States, to consider what that invites, certainly to consider the part that the trust responsibility for the Federal Government for the Indians mandates: That they shall have proper legal representation in any suit brought against them.

Mr. President, when we vote on the merits of the amendment, I hope Senators will consider that. There are numerous cases that could be brought into Federal court involving water. There are 52 cases pending right now. There are other cases that could be brought into Federal court involving other Indian claims where the plaintiffs might well desire one of us or one of the Members of the House to bring into an appropriation bill the funds to pay the lawyers to defend the non-Indians.

That is a very dangerous precedent. I only ask my colleagues to consider that before we vote on the merits of the amendment itself.

Mr. McCLURE. Mr. President, I wonder if I may have the attention of all Members.

The PRESIDING OFFICER. The Senator will suspend until the Senate comes to order.

The Senator from Idaho.

Mr. McCLURE. I thank the Chair.

Mr. President, a good many Members have been asking what the order will be for tonight. Let me outline where I think we are.

We have the Domenici amendment pending. It is my hope that we can reach an agreement under which that amendment would be displaced temporarily, to be considered tomorrow under a time limitation, with a vote up or down at the expiration of that time.

We have an amendment by Senator PERCY, one by Senators NUNN and HOLLINGS, and one by Senator METZENBAUM dealing with Forest Service timber relief. I understand he wishes that to be deferred until tomorrow.

There is an amendment by Senator GARN, upon which there is no disagreement; a Stevens-DeConcini amendment which can be disposed of tonight; an amendment by myself with respect to visitors facility funds; one by Senator TOWER on the national wildlife refuge in the Rio Grande Valley; one by myself with respect to wilderness study areas; and an amendment by Senator WARNER with respect to Fish and Wildlife Service at Back Bay National Wildlife Refuge.

Those are the only amendments of which I am aware and I have consulted with Members on the other side of the aisle. I understand they are not aware of any other amendments, either.

It would be my hope that in setting aside the Domenici amendment, we could then get a unanimous-consent agreement that it would be pending under a time limitation tomorrow; that the amendment by Senator METZENBAUM would be eligible for consideration under a time limitation tomorrow; and that all other matters would be handled tonight.

In that manner, we would then dispose of this in an expeditious manner on tomorrow, and we could assure all Members that there would be no further rollcalls tonight. That consent is being circulated on both sides, and I hope we can come to that agreement.

I think that conforms to the requirements of which Senator JOHNSTON is aware, if I understand it correctly.

Mr. JOHNSTON. That is suitable, so far as I know. I see the minority leader on the floor. We have put out a hotline to confirm that, and he can speak to the results of that hotline.

Mr. BYRD. Mr. President, who has the floor?

The PRESIDING OFFICER. The Senator from Idaho has the floor.

Mr. McCLURE. Mr. President, I am happy to yield to the distinguished minority leader.

Mr. BYRD. Mr. President, may I say to the distinguished manager of the bill that I am not in a position to enter into a time agreement at this time.

Mr. STEVENS. Mr. President, will the Senator yield to me?

Mr. McCLURE. I am happy to yield to the acting majority leader.

Mr. STEVENS. Mr. President, I might state that the request of the majority leader was to finish the bill, if possible, this evening. Under the circumstances, I do not think we can make that determination yet. I would like to continue with the amendments that the Senator has outlined and attempt to reach an agreement in a few minutes, if that is possible. But I do think we are going to have to try and see if we can finish tonight.

We do have the revenue sharing bill ready to go tomorrow, as I understand it. We would like to get to that bill, if it is at all possible, early enough tomorrow to see to it that we could finish that within a reasonable time. I do not know if it is possible to finish tomorrow, but certainly we ought to be able to finish it by Thursday.

We had intended to start on that bill tomorrow at noon. I am hopeful that we can still have the possibility of starting the bill early in the afternoon, at least. Under the agreement as outlined by the Senator from Idaho that might have been possible. But, under the circumstances, if we cannot get an agreement now, I think we should continue to proceed. I suggest, however, that it might be possible to set aside the Domenici amendment temporarily and proceed to some of these noncontroversial amendments that we can dispose of, since there is an agreement I understand the Senator from Montana is willing to make concerning an hour and a half of time for debate on the Domenici amendment tomorrow.

Mr. McCLURE. Mr. President, I ask unanimous consent that the pending amendment be temporarily set aside.

The PRESIDING OFFICER. Is there objection?

Mr. DOMENICI. Mr. President, reserving the right to object, could we do that with a little more specificity? If it is for some amendments the Senator wants to list, that would be fine with me.

Mr. McCLURE. Let me rephrase it. Mr. President, I ask unanimous consent that the pending amendment be set aside so that we can consider the amendment to which I just referred.

Mr. DOMENICI. I have no objection.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

AMENDMENT NO. 2170

Mr. NUNN. Mr. President, on behalf of myself, Senator HOLLINGS, Senator MATTINGLY, and Senator JOHNSTON, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Georgia (Mr. NUNN), for himself, Mr. HOLLINGS, Mr. MATTINGLY, and Mr. JOHNSTON, proposes an amendment numbered 2170.

Mr. NUNN. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 12, line 25, strike out all beginning with "608,202,000" through "(16 U.S.C.

451)" on page 13 and insert in lieu thereof "608,302,000 without regard to the Act of August 24, 1912, as amended (16 U.S.C. 451) of which $100,000 shall be made available upon entering into a cooperative agreement with the Martin Luther King, Jr. Center for Noviolent Social Change, Inc."

Mr. NUNN. Mr. President, I rise to offer an amendment to the fiscal year 1984 Interior Department appropriations measure directing the National Park Service to enter into cooperative agreements with the Martin Luther King, Jr., Center for Nonviolent Social Change for reimbursement of expenses incurred in the maintenance of certain areas located within the Martin Luther King, Jr., National Historic Site in Atlanta, Ga.

In so doing, I hope to clear up the confusion which exists in the minds of some regarding the relationship between the Martin Luther King, Jr., National Historic Site, a designated National Park Service facility, and the privately operated Martin Luther King, Jr., Center for Nonviolent Social Change.

Under the original 1980 legislation, which I cosponsored, establishing this area as a national historic site, the National Park Service was authorized to develop and interpret significant features of the Martin Luther King, Jr., National Historic Site, situated east of Atlanta's central business district. The 23.5-acre historic site covers a two-block area encompassing the birth home of Dr. King, his church, and his memorial gravesite. The preservation district is composed of the commercial and residential sections of the Sweet Auburn community in which Dr. King grew up.

The King gravesite is part of the Freedom Hall complex which was selected for the living memorial to Dr. King. The complex includes interpretive exhibits and the King Library and Archives, and is located on property owned and occupied by the Martin Luther King, Jr., Center for Nonviolent Social Change. The center, under the direction of Coretta Scott King, is a nonprofit corporation funded primarily through private donations which carries on the legacy of Dr. King by continuing to work for nonviolent social change leading to economic and social equality for all.

This historic site is an important asset to the city of Atlanta, to the Nation and, indeed, to the world. It tells much of the history of black urban culture in the South, and provides the background for the story of the civil rights movement. Approximately 500,000 visitors converge on the site each year, not only to pay homage to Dr. King and his work, but to learn more about the struggle for racial equality in America. This number is steadily growing and poses a substantial problem for the Martin Luther King, Jr., Center for Nonviolent Social Change in this way: The center is burdened with the awesome task of maintaining the areas adjacent to the King gravesite and Freedom Hall complex by using its own financial and other resources.

While Federal funds are appropriated each year by Congress for National Park Service staffing and other costs associated with the King site development—and indeed the Senate appropriations bill for fiscal year 1984 contains $200,000 more in operational funds than the administration requested—none of these funds are now used for maintaining the grounds around the crypt and Freedom Hall complex—an area which absorbs most of the visitor traffic. I am informed that the King Center spends in the neighborhood of $7,000 per month of its own resources for operating, clean-up and maintenance expenses. These expenses include utility costs associated with operation of the freedom walkway lighting system and terraced fountain adjacent to Dr. King's crypt; continuous maintenance of the fountain and restroom facilities; and general ground maintenance of the area. Currently, the center receives none of the operation and maintenance funds appropriated by the Congress for these expenses. Mr. President, this is unfair and contrary to congressional intent.

The purpose of the 1980 enacting legislation was to encourage the development of this site and to adequately accommodate the public. It in no way envisioned the imposition of a financial hardship on any private organization for upkeep of this facility.

My amendment adds $100,000 to the Martin Luther King, Jr., National Historic Site's operational budget and directs the National Park Service to use the funds to remunerate the King Center for operation and maintenance costs associated with public visitations to its Freedom Hall complex. In order to facilitate the accomplishment of these tasks, I would propose that the National Park Service and the Martin Luther King, Jr., Center for Nonviolent Social Change negotiate the terms of a performance-based contract for the work involved. I am acutely aware of the current budget difficulties confronting our Nation. I want to reassure my colleagues that this amendment does not create an open-ended grant with no strings attached, but instead offers a quid pro quo: The Federal Government's investment in the national historic site would be protected, and, indeed enhanced, while the Martin Luther King, Jr., Center for Nonviolent Social Change would be made whole for any costs incurred in the operation and maintenance of the facility. I would note, Mr. President, that, even with the addition of this amount, the funding level in the Senate appropriations measure for this park is substantially lower than that contained in the House bill. All we are doing here is correcting an inequity which was neither anticipated nor intended in the original act establishing this national park facility.

Without adequate support and assistance from the Federal Government, the successful development and growth of the Martin Luther King, Jr., National Historic Site will be impossible. The timely development of the site will not only honor the contributions of Dr. King, but will also serve to reduce blight in the Sweet Auburn district in Atlanta. This was the intention of Congress in enacting the authorizing legislation placing this facility under the National Park Service's umbrella, and I hope that we can continue to fulfill the financial requirements necessary to develop the area to its full potential.

Mr. President, I urge the adoption of this amendment.

Mr. HOLLINGS. Mr. President, earlier this year I spent a day at the Martin Luther King, Jr. Center and have had subsequent conversations with Mrs. King. The center now projects 500,000 visitors to both the Martin Luther King, Jr. National Historic Site and the King Center. The Congress has provided for the National Park Service acquisition and operating costs of the site. While these appropriations are barely adequate, they are better than the complete lack of Federal assistance to the center. There is just no way that the King Center can cope with 500,000 visitors a year without Federal assistance.

I asked the officials of the center how much help they required and they replied $300,000. I recommended that amount in a letter to the chairman of the Interior Appropriations Subcommittee. The subcommittee did not provide that amount, but did earmark $100,000 for the development of Park Service exhibits, and $200,000 for the site. The House of Representatives also provided the increase for site maintenance, as well as $300,000 for site construction and $500,000 for site land acquisition.

We have a breakdown of the $300,000 from the center. It provides for a coordinator, 8 to 10 part-time tour guides, information clerks, security, and maintenance personnel, as well as the brochures, utilities, supplies, insurance, repairs, exhibit maintenance, and other necessary expenses of the center in hosting a half million visitors annually.

For those unfamiliar with the center, let me hasten to explain that nobody is going to get fat off this money. The bulk of the people working there are paid subsistence salaries, or poverty levels. The coordinator I mentioned earlier is budgeted at $20,000, but the rest of the positions are budgeted at approximately $8,000

annually. The tour guides are expected to be filled by unemployed senior citizens, while unemployed youth will be hired for the security positions to train them for a career in that field.

For a number of years I served on the Interior Appropriations Subcommittee, and would still be a member except for the loss of Democrat slots after the 1980 election. I recall the initial appropriations to the Kennedy Center and then to the other cultural activities here in Washington. I support those appropriations and commend the subcommittee for their concern for cultural activities in the Nation's Capital.

We need a similar concern for the Martin Luther King, Jr. Center. Not only does the center keep alive the dream of Martin Luther King, Jr., for nonviolent social change, but the other activities it sponsors. For instance, the center sponsors the Kingfest that provides 12 weekends of free musical and cultural programs for the citizens and visitors to Atlanta.

Mr. President, the need is definitely there for a $300,000 appropriation, and I believe we should be fully addressing those needs. However, I am aware of the overall constraints on this bill and join with my distinguished colleague in urging the appropriation of $100,000 to provide the help the Martin Luther King, Jr. Center vitally needs.

Mr. President, we have worked very carefully with the majority, Senator McCLURE and his staff, and the minority, Senator JOHNSTON and his staff. It is my understanding—I hope I am correct in this—that they are prepared to accept the amendment.

Mr. McCLURE. Mr. President, we are prepared to accept the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Georgia (Mr. NUNN).

The amendment (No. 2170) was agreed to.

Mr. McCLURE. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. JOHNSTON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Are there further amendments?

AMENDMENT NO. 2171

Mr. McCLURE. Mr. President, on behalf of the Senators from Illinois, Mr. PERCY and Mr. DIXON, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Idaho (Mr. McCLURE), on behalf of Mr. PERCY and Mr. DIXON, proposes an amendment numbered 2171.

Mr. McCLURE. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 13, line 18, before the period insert the following: *: Provided further,* That up to $100,000 shall be available for a study to examine the suitability of a site in East St. Louis, in the State of Illinois, for a museum of American culture and anthropology, and to determine the variety and breadth of the collections that might be exhibited in such museum"

Mr. PERCY. Mr. President, I offer this amendment on behalf of my distinguished colleague from Illinois (Mr. DIXON) and myself to provide for a National Park Service study to examine the suitability of a site in East St. Louis, Ill., for a museum of American culture and anthropology, and to determine the variety and breadth of the collections that might be exhibited in such museum.

Communities on both the Illinois and Missouri sides of the Mississippi River have long envisioned the establishment of a national memorial in East St. Louis, opposite the Gateway Memorial Arch. Indeed, the original plans for the Jefferson Expansion Memorial called for such a memorial in East St. Louis. In my judgment, the establishment of a museum of American culture and anthropology in Illinois would constitute a significant step toward the completion of the original plans for the Jefferson Expansion Memorial. Supporters of this project contemplate a museum of national and international significance which would highlight the cultural, religious and ethnic heritage of our Nation.

At the request of Representatives MEL PRICE and PAUL SIMON, the House included $100,000 in the fiscal year 1984 Interior appropriations bill for the Smithsonian Institution to study the feasibility of a museum in East St. Louis. Because the National Park Service presently operates the Jefferson Expansion Memorial as a national historic site and because Representative PRICE has introduced H.R. 2107 to authorize the Secretary of the Interior to enlarge this historic site, I think it is more appropriate for the National Park Service to study the feasibility of such a museum, rather than the Smithsonian. It is for this reason, that the amendment calls for the Park Service to conduct this study.

Mr. DIXON. Mr. President, I am pleased to join my distinguished colleague, Senator PERCY, in offering this amendment to provide a modest amount of funds to underwrite a study of the feasibility of establishing a museum of anthropology on the Illinois side of the Mississippi River opposite the magnificent Gateway Arch at St. Louis.

Specifically, the amendment calls for an expenditure of up to $100,000 of available funds by the National Park Service to examine the suitability of a site in East St. Louis for a museum of American culture and anthropology.

The House, at the request of Congressmen MEL PRICE and PAUL SIMON, has already included this project in the appropriations bill for the Department of the Interior. The dollar amount is the same, but the language calls for a study by the Smithsonian Institution. This matter can easily be resolved by the conference committee. One important factor is that the National Park Service already administers and maintains the Gateway Arch.

The model all of us have in mind, Mr. President, is the outstanding museum of anthropology in Mexico City. The location of this American institution would be on a prime riverfront site in East St. Louis. For several decades, citizens and communities on both sides of the Mississippi have envisioned a major development on the Illinois side of the Gateway Arch to complete the dream of Eero Saarinen, designer of the arch, of a "great green park on both banks of the river." Unfortunately, that dream has yet to be realized.

The proximity of the East St. Louis site to the Gateway Arch and all it symbolizes about our Nation's past and future provides us with a forceful argument, Mr. President, for its use as a suitable location for a museum of American culture and anthropology. Such an institution would spotlight the variety of cultures, and religious and ethnic backgrounds which are central features of our national experience and character.

Those of us who ask your consideration of this undertaking have in mind an institution of national scope and international significance. Completion of the dream of Eero Saarinen on the banks of the Mississippi River would be an accomplishment of which all of us can be proud. I ask for favorable consideration of the amendment.

Mr. McCLURE. Mr. President, it is my understanding that if a study indicates that East St. Louis, Ill. would be a suitable site for a museum of culture and anthropology, then authorization would be sought under the National Park Service for the construction of such a facility.

The House provided the authorization for the study under the Smithsonian Institution as part of the Interior Appropriations bill. If such a study is to be conducted with Federal funds, the National Park Service is the logical bureau as they would be responsible for construction, if authorized.

Mr. President, I hope the amendment can be agreed to. I know of no objection.

Mr. JOHNSTON. Mr. President, the amendment has been cleared on this side.

Mr. PERCY. Mr. President, I wish to thank the managers of the bill very much indeed. Senator DIXON and I feel this is an extraordinarily important amendment. It was added in the House, and it is in the bill from the House standpoint. Symbolically, this will add a lot to East St. Louis, and that is a city that we all want to help right across the Gateway. It will mean a great deal. It is just a study to see what the feasibility is. I appreciate it very much indeed.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 2171) was agreed to.

Mr. McCLURE. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. JOHNSTON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2172

Mr. STEVENS addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

Mr. STEVENS. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Alaska (Mr. STEVENS) proposes an amendment numbered 2172.

Mr. STEVENS. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 51, line 25, delete "$248,714,000" and insert in lieu thereof "$255,714,000"; and

On page 53, line 3, after the word "process" insert the following: ": *Provided further,* That $7,000,000 of the amount provided above shall be used to support research and development of purged carbons technology".

Mr. STEVENS. Mr. President, this amendment adds $7 million to the Department of Energy's Fossil Energy Research and Development programs. This money would be used to support research and development of purged carbons technology. Integrated Carbons Corp. has recently submitted an unsolicited proposal to the Department of Energy proposing a program to develop a pilot plant which would produce 3 tons per day of purged carbon fuel.

Purged carbon is a hydrocarbon fuel derived from coal. It can be used to replace liquid petroleum fuels like No. 6 fuel oil in utility and industrial boilers, in gas turbines and for diesel fuel.

The process involves applying hydrofluoric or hydrochloric acid to sand-sized raw coal and removing the ash. It is expected that the process will be able to remove 99 percent of sulfur dioxide and reduce or eliminate nitrous oxides and particulate emissions. The process can be used with either high- or low-sulfur coal, bituminous and subbituminous coal.

While it is true that the average official crude oil price from OPEC has been just under $29 per barrel since March, we cannot and should not expect the price to remain so low.

It is important that this Nation begin developing alternative sources of fuel to imported crude oil which will be available when we need them. The purged carbons process offers us a way to substantially broaden the way we use our coal resources.

It should be remembered that the United States has over 25 percent of the estimated recoverable reserves of coal according to figures assembled by the Energy Information Administration. It is imperative that we pursue all available options for using our coal resources to protect us from the rise in crude oil prices which are bound to occur.

The development of this technology should be pursued now in partnership with private industry which has already invested over $2 million.

Mr. DeCONCINI. Will the Senator from Alaska yield?

Mr. STEVENS. I yield to the Senator from Arizona.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. DeCONCINI. Mr. President, this is a very significant amendment, in my opinion. I have talked at some length with the manager of the bill. He has been considerate of it, though not quite as much as I would like to see. I hope we can address this a little more seriously in the supplemental.

The Department has already begun preliminary investigations into the process the Senator from Alaska has pointed out. It is my understanding that the proposal has been submitted to the Department. This coal refining process, which reacts in liquid-like coal powder, could make coal slurry possible without the use of water. To those of us from scarce water States like the State of Arizona, this is very, very significant. If it is successful, this could have a tremendous positive effect on not only the West but numerous other States and the concept of our total water policy, or lack thereof, in this Nation.

I support the amendment. I ask unanimous consent that I be added as a cosponsor. I hope the Senator from Alaska will pursue this to the utmost.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPECTER. Mr. President, a product with the potential of purged carbons should be seriously examined, since it could potentially provide the Nation with a coal-based substitute for oil at prices competitive with the current price of oil; it could be used in existing coal, oil, gas, and diesel applications without expensive retrofitting or use of scrubbers and precipitators; and it could substantially eliminate sulfur dioxide and nitrous oxide emissions, and thus contribute to our clean air goals and the reduction of acid rain.

A proposal for further research of this process has been submitted to the Department of Energy. The Department has previously verified the major scientific capability and projected economics of the process. I, therefore, strongly recommend that Congress provide assistance for further research on this process from funds appropriated for 1984 for fossil energy research and development.

Mr. DOMENICI. Mr. President, I concur with the remarks made today by Senators STEVENS and DeCONCINI concerning the purged carbons technology for coal preparation. A product with the potential of purged carbons should be seriously examined, since it could potentially provide the Nation with a coal-based substitute for oil at prices competitive with the current price of oil; it could be used in existing coal, oil, gas, and diesel applications without expensive retrofitting or use of scrubbers and precipitators; and it could substantially eliminate sulfur dioxide and nitrous oxide emissions, and thus contribute to our clean air goals and the reduction of acid rain.

A proposal for further research of this process has been submitted to the Department of Energy. The Department has previously verified the major scientific capability and projected economics of the process. I therefore strongly recommend that the Department provide assistance for further research on this process from funds appropriated for 1984 for fossil energy research and development.

Mr. NICKLES. Mr. President, I concur with the remarks made today by Senator STEVENS on the purged carbon process of coal. This new and developing method to provide an alternative fuel, for use as a substitute to petroleum, has potential merit.

I commend Integrated Carbons Corp. of Tulsa, Okla., for their research in this area. I believe they submitted to the Department of Energy an unsolicited proposal to further the research of this process.

I am confident that the Department will examine the proposal fairly and extensively. If the Department finds merit in the proposal and finds it has potential benefit to our national interest, then I encourage DOE to consider funding the proposal from available funds.

Mr. BYRD. Mr. President, I would like to add my support to the remarks made today by Senators STEVENS, DECONCINI and others regarding the purged carbons coal preparation technology. Purged carbons could potentially provide the Nation with a coal-based substitute for oil at competitive prices.

This product could be used in existing coal, oil, gas, and diesel applications without expensive equipment modifications or use of scrubbers and precipitators; and it could substantially reduce sulfur dioxide and nitrous oxide emissions, and thus contribute to our clean air goals and the reduction of acid rain.

The Department of Energy has performed initial studies to determine the technical capability and projected economics of the process. The Department has a proposal to expand on this research. Mr. President I recommend that the Department continue to examine the viability of this technology in order that the Senate can make an informed judgment on it in connection with our future research needs in the fossil fuel area.

Mr. McCLURE addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho is recognized.

Mr. McCLURE. Mr. President, the Senator from Alaska and the Senator from Arizona have indeed been very persuasive in trying to get us to accept this amendment. They have made a very good case that in their belief this is a justified technology. In all honesty, this is a matter which the committee has not had an opportunity to look at sufficiently for me to make a judgment. I have suggested to the Senator from Alaska that rather than pushing the amendment at this time I will commit to him that we will ask the Department to look at it very carefully, give us a recommendation, and we will look at it very carefully ourselves. If it is justified, as both Senators have indicated it is, at the next opportunity we have we would be much more likely to be able to fund it. But in all honesty, I cannot say that we are at the point now where I can recommend that course of action to the Senate. I would hope that the Senators who have offered this recognize the concerns that we have in not having had the opportunity to review this project as carefully as we would like and would not press the matter further at this time.

Mr. STEVENS. Mr. President, I think the Senator from Idaho is correct in his position that we should have presented this to the subcommittee. Those of us who presented it are members of this committee. Neither there nor in the full committee were we in a position to present the matter.

I do think it is a research project that, as I indicated, ought to be in partnership with the private sector because it means so much to the future of the energy industry in this country. We have discussed it not only on the floor but at length off the floor, and I understand what the chairman is saying. We will pursue it at the time the supplemental appropriations bill is before the Senate.

On the basis of the statement made by the chairman and the statement by my colleagues who support the amendment, I think it is the better part of valor to ask the Chair to permit us to withdraw the amendment at this time. I so request.

The PRESIDING OFFICER. The amendment is withdrawn.

Mr. McCLURE. Mr. President, let me express my appreciation to the Senator from Alaska. I know how strongly he feels about this. I appreciate the accommodation he has made to me and the committee.

AMENDMENT NO. 2173

Mr. McCLURE. Mr. President, on behalf of the Senator from Utah (Mr. GARN) and myself, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Idaho (Mr. McCLURE), for himself and Mr. GARN, proposes an amendment numbered 2173.

Mr. McCLURE. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 74, line 25, before the coma insert the following: ", and except to carry out the obligations and responsibilities of the Secretary of Interior under section 17(k)(1) (A) and (B) of the Mineral Leasing Act of 1920 (30 U.S.C. 226)"

Mr. GARN. Mr. President, I wish to thank the Senator from Arizona, Mr. DECONCINI, as well as the Senator from Idaho, Mr. McCLURE, for their willingness to help resolve an issue related to the Combined Hydrocarbon Leasing Act of 1981, Public Law 97-78. I was one of the authors of that act, and I know the distinguished chairman of the Energy Committee is very familiar with its provisions, and I appreciate the role he played in its enactment.

The act resolves a very difficult legal controversy which for years prevented the development of the significant deposits of heavy oil and tar sands found on Federal lands in my State. The principal feature of the act is that it imposes a mandatory duty on the Secretary to convert oil and gas leases to combined hydrocarbon leases "upon the filing of an application containing an acceptable plan of operations which assures reasonable protection of the environment and diligent development."

Congress intent in granting the right to convert was to clarify the oil and gas lessee's right to all hydrocarbons, except coal, oil shale, and gilsonite, that may be found in the lands covered by the lease.

A significant concern that I have with the language of section 308 of the bill before us is that it not upset the lease conversion program that the BLM has established under the Combined Hydrocarbon Leasing Act. One of the richest deposits of heavy oil and tar sands in the United States is located in the tar sands triangle area of southeastern Utah, and part of this deposit, as I understand it, is located within a Bureau of Land Management wilderness study area. There are Federal oil and gas leases in this area eligible for conversion to combined hydrocarbon leases under existing valid rights.

Mr. President, the amendment before the Senate will correct what I believe was an unintended consequence of the provision contained in the Interior bill which bans leasing activities in the Bureau of Land Management wilderness study areas.

Specifically, my amendment would uphold the obligation and responsibility of the Secretary of the Interior under Public Law 97-78 to process applications to convert oil and gas leases into combined hydrocarbon leases and issue the converted leases if appropriate even though such leases may be within wilderness study areas. So that there is no misunderstanding of what this amendment would accomplish, let me state it is my understanding that no environmental laws, including the nonimpairment standards in section 603 of the Federal Land Policy and Management Act, Public Law 94-579, would be altered in any way.

Mr. DECONCINI. Mr. President, I have agreed to the amendment offered by my colleague, Senator GARN from Utah, which attempts to clarify the authority of the Secretary of the Interior with regard to the conversion rights of oil and gas lessees.

The purpose of this amendment is to permit the Secretary of the Interior to expend funds to process any applications for combined hydrocarbon leases which fulfill the requirements of section (k)(1)(A) of the Combined Hydrocarbon Leasing Act and its regulations. At the same time, this amendment preserves existing law which requires protection of wilderness values in all wilderness study areas. As recognized and discussed in the May 22, 1983, opinion of the Solicitor of the Department of the Interior in wilderness study areas, the "reasonableness protection of the environment" required by section (k)(1)(A) of the Combined Hydrocarbon Leasing Act is defined by the requirements of section 603(c) of the Federal Land Policy and Manage-

ment Act (43 U.S.C. 1782c). All combined hydrocarbon leases in wilderness study areas are subject to the nonimpairment standard of section 603(c) of FLPMA.

I wish to thank my colleague from Utah for his cooperation in the formulation of this amendment and assure him that it was not the intent of this Senator, by the inclusion of section 308 of this act, to prevent the processing of conversion applications consistent with the provisions of Public Law 97-78.

Mr. McCLURE. Mr. President, I know of no objection to the amendment. I urge its adoption.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 2173) was agreed to.

Mr. McCLURE. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. MELCHER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. McCLURE. I thank the Senator from Montana.

AMENDMENT NO. 2174

Mr. McCLURE. Mr. President, on behalf of the Senators from Texas (Mr. TOWER and Mr. BENTSEN), I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Idaho (Mr. McCLURE), on behalf of Mr. TOWER and Mr. BENTSEN, proposes an amendment numbered 2174.

Mr. McCLURE. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 11, line 8, strike out "$28,600,000" and insert in lieu thereof "$30,100,000".

On page 11, line 9, strike out the period and insert in lieu thereof ": *Provided*, That $1,500,000 shall be available for land acquisition in the Rio Grande Valley National Wildlife Refuge, Texas.".

Mr. TOWER. Mr. President, I offer an amendment today, for myself and Senator BENTSEN, to reinstate $1.5 million to the Department of the Interior fiscal year 1984 budget for the purpose of acquiring land for the Lower Rio Grande Valley National Wildlife Refuge. As you know, the economy of south Texas is still badly damaged as a result of the devaluation of the Mexican peso.

The Lower Rio Grande Valley National Wildlife Refuge may also be affected by this event. Presently, it is the only remaining natural habitat with a subtropical climate in the United States. As such, it shelters over 115 species of wildlife, including 9 species listed as endangered. Its rich animal, bird, and plant populations attract environmental and sports enthusiasts from around the world. Unfortunately, many owners of the estimated 30,000 acres of remaining natural habitiat in the area are under economic pressure to conver their land for agricultural uses. Over 90 percent of the land in the area has already been converted. In fact, Mexico has instituted an intensive land-clearing effort on the southern border of the Rio Grande. Mexico's activity emphasizes the need to preserve the remaining wooded acreage on the U.S. side of the river.

The only remaining native palm grove in this country, a variety of orchids, the Montezuma cypress, and the Texas ebony can be found in the refuge. Endangered species living in the area include the jaguarundi, ocelot, bald eagle, brown pelican, peregrine falcon, Ridley sea turtle, and three varieties of Atlantic green sea turtles, further, the refuge is an extremely important nesting habitat for white-winged doves, which are popular game for sportsmen. The Santa Anna unit of the refuge, about 2,000 acres, host over 325 separate species of birds, which to my knowledge is more than may be found in any other wildlife refuge in the United States.

Authorized in 1979, the refuge, buying, leasing, and accepting donations, has been able to protect about 10,000 acres of natural land. Only half of that property actually has been acquired by the refuge. As I mentioned previously, willing sellers are ready to sell a large portion of the remaining 30,000 acres of natural habitat. However, the severe economic pressures in the area may force these landowners to convert these lands to agricultural uses. In my estimation, it is imperative that we act to preserve the only remaining subtropical wildlife habitat in the continental United States. Therefore, I urge my colleagues to join me in supporting this amendment.

Mr. BENTSEN. Mr. President, I am pleased to join with my distinguished colleague from Texas in offering this amendment to earmark $1.5 million for the acquisition of land for the Rio Grande Valley National Wildlife Refuge. I strongly support this program of land acquisition, and I urge the approval of this amendment.

Mr. President, the Lower Rio Grande Valley National Wildlife Refuge is a unique ecological area, unlike any other in the United States. This south Texas brush country, with its semitropical climate, is used by over 500 species of birds and animals, and it is the principal habitat for an estimated 115 species of wildlife. Many of these birds and animals can be found nowhere else in the country, since the Rio Grande Valley is the northernmost limit of their range.

This ecological niche is tremendously productive. It is the principal nesting habitat for the white-winged dove, which is famed far and wide among sportsmen. A small 10- to 15-acre patch of brush can be host to as many as 1,000 nesting pairs of white-winged doves. The Santa Anna unit, which covers only 2,000 acres, has had more than 300 species of birds identified on it, making it the most productive unit in the entire national wildlife refuge system for birdwatchers.

In addition, this habitat is depended on by nine species which are on the Federal endangered species list—ocelot, jaguarundi, brown pelican, bald eagle, peregrine falcon, ridley turtle, Atlantic green turtle, Atlantic leatherback turtle, and Atlantic hawksbill turtle. It is also home to 30 bird and animal species which the Texas Department of Parks and Wildlife has recommended for protection. Many of the plant species found in these communities are also rare and unique, such as the Texas ebony, the Montezuma cypress, and native palms.

It is critically important that this habitat be protected immediately. This brush country is prime agricultural land when cleared. An estimated 90 percent of this brush habitat has already been cleared on the U.S. side of the river, and it is estimated that if the current trend continues there may be no unprotected brush remaining within 5 years on the U.S. side of the border. In addition, massive land clearing operations have been launched in Mexico in recent years.

Since this refuge was authorized in 1979, less than $3 million has been appropriated for land acquisition. Yet the Fish and Wildlife Service has been able to protect about 10,000 acres through an innovative combination of land purchases, donations, and long-term no-cost leases with public entities such as the Brownsville Navigation District.

Interior Secretary Watt has recognized the importance of early land acquisition efforts at the Lower Rio Grande Valley National Wildlife Refuge. In his letter of July 12, 1983, to Chairman McCLURE regarding the House-passed Interior appropriations bill, Secretary Watt recognized that this refuge has a high priority from a resource management prespective and recommended that the Rio Grande Valley National Wildlife Refuge be included if any funds are appropriated for land acquisition. This land acquisition program is also strongly supported by conservation groups such as the Audubon Society.

Mr. President, we are simply asking that the funding priorities for wildlife refuge land acquisition in this bill be modified to reflect the consensus that the Lower Rio Grande Valley National Wildlife Refuge should be one of the

top-priority projects. If we do not move quickly to protect this key wildlife habitat, then it will be lost forever. I urge my colleagues to support this amendment.

Mr. McCLURE. Mr. President, I urge the adoption of the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 2174) was agreed to.

AMENDMENT NO. 2175

Mr. McCLURE. Mr. President, on behalf of Senator WARNER, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Idaho (Mr. McCLURE), for Senator WARNER, proposes an amendment numbered 2175.

Mr. McCLURE. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Amendment No. 2142 is amended by adding the following new section (b):

"(b) No more than 25 additional permits shall be issued pursuant to this amendment."

Mr. McCLURE. Mr. President, this amendment is one to which Senator WARNER made reference earlier today.

The PRESIDING OFFICER. Will the Senator suspend for one moment?

This amendment amends an amendment previously agreed to so it will take unanimous consent to consider the amendment.

Mr. McCLURE. Mr. President, I ask unanimous consent that it be in order to consider this amendment.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. McCLURE. Mr. President, this is the amendment to which Senator WARNER made reference earlier today. It limits the effect of the Helms amendment, which was adopted yesterday, by setting a cap or an upper limit on the number of people affected by the amendment.

I know of no opposition to the amendment. I hope it will be agreed to.

Mr. WARNER. Mr. President, the purpose of this amendment is to cap at 25 the number of permits which can be issued by the Fish and Wildlife Service under Helms amendment No. 2142 which was agreed to by this body yesterday.

The intent of the Helms amendment is to provide vehicular access through the Back Bay Wildlife Refuge in Virginia to permanent, full-time residents of North Carolina as of April 1, 1983, who can substantiate that access is essential to maintaining their livelihood and to a very small number of other residents who do not precisely meet other categories of residents now eligible for permits.

Upon careful review of the Helms amendment, I became concerned about the implications of the provision providing permits if necessary to maintain a livelihood. Depending upon the interpretation of this phrase, vehicular access to the refuge could be substantially increased, possibly resulting in damage to the fragile environment.

Senator HELMS has graciously assured me that this is not his intent and has agreed to modify his amendment to satisfy my concerns. I want to express my appreciation to Senator HELMS for his willingness to cooperate on this issue which is so vital to both Virginia and North Carolina.

I also want to commend Governor Robb and Virginia's secretary of commerce and resources, Betty Diener, and others in Virginia and North Carolina who are working on a bistate agreement relating to access and protection of both False Cape State Park and the Backbay Wildlife Refuge.

Mr. JOHNSTON. We have no objection.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 2175) was agreed to.

AMENDMENT NO. 2176

Mr. McCLURE. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Idaho (Mr. McCLURE) proposes an amendment number 2176.

Mr. McCLURE. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 14, between lines 14 and 15, insert the following new appropriation account:

"VISITOR FACILITIES FUND

For grants to the National Park Foundation for reconstruction, rehabilitation, replacement, improvement, relocation, or removal of visitor facilities within the National Park System, and related expenses, as authorized by Public Law 97-433, $5,800,000 to remain available for obligation until September 30, 1989, to be derived from the National Park System Visitor Facilities Fund."

Mr. McCLURE. Mr. President, this amendment deals with the national park system visitor facilities fund and the National Park Foundation and would allow the National Park Foundation to enter into the kind of arrangement which we have been trying to get whereby they actually perform some of the functions that the National Park Service has been doing directly. The National Park Foundation would be allowed to perform some of the repair and rehabilitation of visitor facilities within the National Park System under the conditions outlined in the amendment.

Mr. President, Public Law 97-433 established the National Park System Visitor Facilities Fund, to which is to be credited an amount equal to all national park system concession fees paid to the Government after October 1, 1982, and authorized the appropriation of such receipts to the National Park Service, to be made available to the National Park Foundation for the repair and rehabilitation of visitor facilities within the national park system.

To date, about $5.8 million has been credited to the visitor facilities fund. This amendment appropriates those receipts to be spent on existing selected facilities in five national parks.

In proposing this amendment, I am concerned that the National Park Foundation, which is to be credited with undertaking this extremely valuable task, is careful to limit the use of money provided from the visitor facilities fund to project related activities only. There are a number of these costs identified in the material to be inserted into the RECORD that is appropriate to be charged to the fund. I want it to be clear, however, that the foundation is not having its overall operating cost subsidized by this amendment but instead is merely recovering appropriate costs associated with its functions under the act.

Mr. President, I ask unanimous consent to have printed in the RECORD justification material submitted by the Department of the Interior.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

BUDGET JUSTIFICATION—VISITOR FACILITY FUND—FISCAL 1984

Public Law 97-433, passed on, January 8, 1983, established the National Park System Visitor Facility Fund (VFF). The source of income to the fund is to be national park concessioner franchise and building use fees. Appropriations are authorized to begin in fiscal 1984, though deposits to the fund began on October 1, 1982, as provided for in the act. Estimated income to the fund during fiscal 1983 is $6.0 million. Work to be accomplished under this act includes reconstruction, rehabilitation, replacement, improvement, relocation or removal of concession operated visitor facilities located in the National Park System in which no concessioner has a possessory interest. The Director of the National Park Service is to develop a list of qualifying projects to be submitted to the National Park Foundation. The Foundation is to carry out these projects from amounts appropriated from the fund and granted to them by the Secretary.

With the passage of this law, the National Park Service began to collect specific demographic, architectural, and engineering data on those facilities which qualified for treatment under the act. To date, 1,005 buildings

in all 10 Regions of the country have been indentified as eligible. Forty-three parks are represented with half of the buildings found in five parks alone: Grand Canyon National Park, Olympic National Park, Bryce Canyon National Park, Zion National Park, and Glacier Bay National Park and Reserve. Over half of the buildings are used as public or employee sleeping cabins, while 80 percent of all structures are less than 2,000 square feet in size. Fifteen percent of the buildings have some historic value.

For all eligible structures, the National Park Service has undertaken an inventory and inspection program using a team of professional architects, engineers, and fire protection specialists from the Georgia Institute of Technology and the National Bureau of Standards. Comprehensive building reports are being prepared currently which document the types of building materials present; their quantities and condition; rating them as being good, fair or poor. This report specifies deficiencies in the following nine building systems: site, interior structure, exterior structure, electrical, fire/life safety, handicapped accessibility, heating, ventilating and air conditioning (HVAC), public health, and plumbing. Deficiencies are classified by severity as being either critical, serious or minor. The inspectors use national consensus standards and provide a reference citation to the applicable code violated.

The architects and engineers on the team prepare a work recommendation to correct every problem found during the inspection. Cost estimates are generated by using a nationally recognized repair and rehabilitation guideline which may be modified by the inspection team in each park to reflect any special conditions which would impact on project costs such as remoteness of location or short construction seasons. All eligible buildings have been inspected.

The fiscal 1984 list of projects has been developed, reviewed and approved by the National Park Service and the National Park Foundation. This list is attached with project detail sheets for each.

Visitor facility fund, fiscal year 1984

Park, State, and fiscal year 1984 project description	*Estimated cost*
Olympia, Wash.:	
Rehabilitate 2 lodges and 10 cabins	$1,500,000
Death Valley, Calif.:	
Renovate Stove Pipe Wells concessions buildings, provide replacement dormitory	2,069,000
Crater Lake, Oreg.:	
Phase 1, planning replace lodge and 2 support buildings	100,000
Mammoth Cave, Ky.:	
Repair cabins, Sunset Lodge and provide replacement dormitory	180,000
Glacier Bay, Alaska:	
Phase 1, rehabilitate Glacier Bay lodge and cabins	750,000
Subtotal	4,599,000
15-percent contingency	690,000
Subtotal	5,300,000
Planning, engineering and administration—National Park Foundation [1]	500,000
Total program	5,800,000

[1] The National Park Foundation estimates that approximately $400,000 of this amount will provide for planning, design, and engineering specifications for fiscal 1984 and future year projects and $100,000 for cost of liability insurance, performance bonds, accounting, legal fees, computer time and the Foundation's administrative expenses.

NATIONAL PARK SERVICE

FISCAL 1984 VISITOR FACILITIES FUND PROGRAM

Park: Crater Lake National Park.

Region: Pacific Northwest

Project title: Replace Crater Lake Lodge and two support buildings, Phase 1.

Development limitation amount remaining: N/A.

Project detail:

[In thousands of dollars]

	Fiscal year 1984 (estimate)	Future (estimate)
Planning/design for lodge and support buildings	100	5,500
Total	[1] 100	

[1] Estimate based on Denver Service Center and private consultant reports.

Fiscal year 1984 project schedule:

	Quarter				Fiscal year 1985
	1st	2d	3d	4th	
Design start	X				
Design completion				X	
Construction start				X	

Project justification

Project description: Planning and design for the replacement of Crater Lake Lodge.

Need: The present lodge, with serious fire safety deficiencies and structural problems, must be replaced. Its V shaped plan catches snow and allows drifts over the building's fourth story. Twisting and compression from snow loads cause separation of floors and walls. Consultants estimate that to rehabilitate the lodge into a modern usable hotel and restaurant facility would cost $8 to $10 million, but construction of a new facility could be done for $5.5 million. Planning and design work will be for 25 hotel rooms, dining, meeting, and parking facilities, a ski shop, and 50 guest cabins totalling about 53,000 square feet.

Park: Mammoth Cave National Park.

Region: Southeast.

Project title: Repair 24 public use cabins, Sunset Lodge, and 2 support buildings; replace 1 employee dormitory and 5 employee cabins with 1 dormitory.

Development limitation amount remaining: N/A.

Project detail:

[In thousands of dollars]

	Fiscal year 1984 (estimate)	Future (estimate)
Repair 24 public use cabins, lodge, and 2 support buildings	30	
Replace employee dormitory and 5 employee cabins	150	
Total	[1] 180	

[1] Estimate based on architectural and engineering reports and similar facilities.

Fiscal year 1984 project schedule:

	Quarter				Fiscal year 1985
	1st	2d	3d	4th	
Construction start	X				
Construction completion				X	

Project justification

Project description: (1) Install fire estinguishers and handrails in public use cabins and support buildings, and construct fire stops in Sunset Lodge. (2) Demolish brown dorm and 5 obsolete employee cabins and replace with one central dormitory.

Need: (1) Public use cabins and Sunset Lodge are overnight visitor accommodations and the lack of fire safety equipment presents a serious life safety hazard; support buildings are used to house flammable materials such as linen. (2) Employee dorm and cabins are 1930's construction and suffer from serious structural deterioration and fire safety deficiencies. Their removal and replacement is recommended by architectural and engineering consultants.

Park: Death Valley National Monument.

Region: Western.

Project title: Renovate Stove Pipe Wells concessions; demolish 13 employee cabins and replace with 1 dormitory.

Development limitation amount remaining: N/A.

Project detail:

[In thousands of dollars]

	Fiscal year 1984 (estimate)	Future (estimate)
Renovate 7 motel buildings, 14 support facilities and improve water system	1,069	
Demolish 13 employee cabins and construct 1 dormitory	1,000	
Total	[1] 2,069	

[1] Estimate based on consultant architectural and engineering reports, and park estimates.

Fiscal year 1984 project schedule:

	Quarter				Fiscal year 1985
	1st	2d	3d	4th	
Construction start	X				
Construction completion				X	

Project justification

Project description: Installation of fire safety equipment, heating ventilation and air condition repairs, conversion of saline water system to potable water, demolish obsolete cabins and construct new employee dormitory.

Need: Stove Pipe Wells is a major visitor facility complex for Death Valley. The lack of fire safety equipment presents a serious safety hazard to the visiting public. The use of saline water in mechanical and plumbing systems has accelerated corrosion and deterioration. The employee cabins were initially constructed of substandard materials, have structually deteriorated, and are considered hazardous and obsolete.

Park: Olympic National Park.

Region: Pacific Northwest.

Project title: Rehabilitate Sol Duc Lodge, Lake Cresent Lodge, and 10 public use cabins.

Development limitation amount remaining: N/A.

Project detail:

[In thousands of dollars]

	Fiscal year 1984 (estimate)	Future (estimate)
Renovate Sol Duc Lodge	800	
Renovate Lake Cresent Lodge and 10 public use cabins	700	
Total	[1]1,500	

[1] Estimate based on preliminary plans and specifications.

Fiscal year 1984 project schedule:

	Quarter				Fiscal year 1985
	1st	2d	3d	4th	
Construction start	X				
Construction completion				X	

Project justification

Project description: (1) Complete renovation of electrical, mechanical, plumbing, and fire safety systems at Sol Duc Lodge, including the store, registration, food service, and lounge facilities. (2) Repair deteriorated foundations at Lake Cresent Lodge and in 7 public use cabins, replace obsolete electrical wiring systems in all cabins, and repair/replace heating ventilation and air condition systems in all cabins.

Need: (1) The work at Sol Doc Lodge is the final phase in a major rehabilitation project at the resort and will bring visitor support facilities up to standards. (2) The Lake Crescent Lodge and cabins were built in the years between 1917 and 1947. Obsolete electrical and heating ventilation and air condition systems are a hazard to life safety. Deterioration of the foundations in many of the cabins is causing structural damage. These buildings form the centerpiece of a principal concession facility for the park and are the last remaining visitor facilities at Olympic scheduled for rehabilitation.

Park: Glacier Bay National Monument.

Region: Alaska.

Project title: Rehabilitate Glacier Bay Lodge and 55 cabins, Phase 1.

Development limitation amount remainding: N/A.

Project detail:

[In thousands of dollars]

	Fiscal year 1984 (estimate)	Future (estimate)
Rehabilitate Glacier Bay Lodge, reroof 55 guest cabins and 5 support buildings	750	250
Total	[1] 750	250

[1] Estimate based on similar facilities.

Fiscal year 1984 project schedule:

	Quarter				Fiscal year 1985
	1st	2d	3d	4th	
Construction start	X				
Construction completion				X	

Project justification

Project description: (1) Rebuild auditorium stairs and install second fire stair to 2nd floor, install sprinkler and fire detection systems, relocate boiler room to decrease the fire safety hazard in Lodge. (2) Convert electrical service to 3 phase. (3) Modify toilet facilities and ramps for handicapped access to lodge, and equip 6 cabins for handicapped usage. (4) Reroof 55 guest cabins and 5 support buildings. (5) Enlarge dry storage area in lodge basement.

Need: (1) Previous and proposed expansion to the 2nd floor of the lodge has resulted in increased life safety hazards. The improvements will bring the structure up to code. (2) President electrical system is at capacity, conversion to a three phase system will improve safety, capacity, and efficiency. (3) The lodge and guest cabins are the only public use facilities at the park and as such should provide access to the handicapped. (4) The original roof shingles installed in 1966 are in need of cyclic replacement. (5) Existing dry storage space is too small and results in storage of food stuffs in unexcavated crawl spaces creating a possible health hazard.

Mr. JOHNSTON. Mr. President, the amendment has been cleared and is agreeable.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 2176) was agreed to.

Mr. McCLURE. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. JOHNSTON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO 2177

Mr. McCLURE. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Idaho (Mr. McCLURE) proposes an amendment numbered 2177.

Mr. McCLURE. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 77, line 19 after the word "areas" insert the following: ", any lands designated by Congress as wilderness study areas or any Bureau of Land Management wilderness study areas".

Mr. McCLURE. Mr. President, this amendment deals with the question of how we treat oil and gas exploration, not only within wilderness but also within certain wilderness study areas. It would not deal with RARE II study areas but with congressionally designated study areas and BLM study areas.

The last proviso of section 308 permits the Secretary of the Interior to issue oil and gas leases "for the subsurface of national forests or public land wilderness areas that are immediately adjacent to producing oil and gas fields or areas that are prospectively valuable." Such leases are subject to a "no surface occupancy" stipulation which allows the lessee to enter the lease area only by directional drilling or other nonsurface disturbing methods. This no-surface-occupancy exception to the general leasing prohibition is carried over from the 1983 Interior Appropriations Act.

The language of this proviso appears to limit the exception to designated wilderness areas. There is no logical reason why it should not also apply to the wilderness candidate areas. The same considerations that exist to allow such leasing in wilderness areas apply in the candidate areas.

My amendment, therefore adds the Bureau of Land Management, wilderness-candidate areas to the no-surface-occupancy-leasing exception. Permitting such leasing in the wilderness-candidate areas will not have any effect on our ability to make a wilderness/nonwilderness decision for these areas at some later time. No surface-disturbing activities within the candidate areas are allowed under this exception.

Mr. JOHNSTON. Mr. President, this amendment is now a compromise. It has been cleared and is agreeable.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 2177) was agreed to.

Mr. McCLURE. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. JOHNSTON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. McCLURE. Mr. President, I think there are only three amendments of which I am aware of at this point: The Metzenbaum amendment with respect to Forest Service timber relief; the amendment of the Senator from New Mexico (Mr. DOMENICI), which was discussed and debated earli-

er and upon which the germaneness question was submitted to the Senate and voted upon; and an amendment to be offered by the Senator from Oklahoma (Mr. NICKLES) with respect to the National Park Service funding. I know of no other amendments.

I understand that we are trying to clear a unanimous-consent agreement to deal with those amendments. I believe it is possible to do that.

Mr. METZENBAUM. Mr. President, will the Senator from Idaho yield?

Mr. McCLURE. I am happy to yield.

Mr. METZENBAUM. The Senator from Ohio has indicated that he may have three amendments which could be called up, but I do not anticipate that it will be necessary to call up more than one. However, in any unanimous-consent request, I would want to be protected with respect to all three.

Mr. STEVENS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. McCLURE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. HAWKINS. Mr. President, I rise today to address what I think is the Department of the Interior's hasty and unconsidered oil and gas leasing proposal for huge areas off Florida's shores. I object to this, not because it can do grave harm to our environment—although it can—I object to it because, in Florida, water is big business. Millions of people from all over the world travel specifically to Florida for its pristine and lovely beaches, its spectacular ocean scenery, and its warm, clear, and clean water.

Florida is a peninsular State. Consequently, water is important to us in many ways, and we respect it. We have 730 miles of coast and 2,000 miles of shoreline including islands and bays. The salt waters of the Atlantic Ocean and the Gulf of Mexico surround us, and our so-called dry land is saturated with fresh water. Yes, our water surrounds us and pervades us, and it is the drawing card—like the Sun—for our biggest industry: Tourism. The problem here is that the Department of the Interior is treating Florida as just any old area suitable for oil and gas exploration.

Well, it is not. In Florida, the Atlantic Ocean, the Gulf of Mexico, and the beaches that face them are a unique source of business—and pleasure. Our water is not only a most valuable natural resource, it is one of our greatest assets.

There are over 643,000 people employed in the industries and occupations related to tourism, such as hotels and motels, airlines, tourist agencies, recreation service, and retail sales. Six-hundred forty-three thousand employees out of a total work force of 3,700,000 represents 17 percent of the work force in Florida. Since tourists flock to Florida from all over the world primarily to enjoy its sunny beaches and clear, pure water, it is my responsibility to insure that these waters do not lose their appeal.

Florida commercial and sports fishermen also have a vested interest in the quality of gulf waters. Along our west coast, where drilling is proposed to take place 10 miles from shore, fishermen harvest at least 20 varieties of fish, crabs, lobster, shrimp, and oysters. These valuable culinary assets are worth protecting. In addition, the sports fishing industry also employs over 19,000 people throughout the State of Florida, and earned revenues of $168 million in 1981. Let us keep these most valuable assets employed.

Now Mr. President, those of us in Florida concerned about the possible effects of OCS exploration on the tourist and fishing industries realize that massive oil spills are not the primary concern here, although the Department of Interior's own Environment Impact Statement on the eastern gulf sale indicated that we could expect an upper limit of six spills during the life of the sale—I wonder what the lower limit looks like. No, we have to be more concerned with the daily effects of conventional OCS operations, should they be initiated in areas that are not adequately studied or in areas that are close to coastal areas. Most of our coastal areas support the habitates of animals like Manatees, sea turtles, brown pelicans, bald eagles, and American crocodiles. Formation waters, drilling muds, drill cuttings, all byproducts of every oil production site, have been found to contaminate the surrounding marine environment. Studies on organisms from photoplankton to marine mammals prove many adverse reactions. Some discharges cause disease. Others cause changes in enzyme levels, respiration rates, and excretion rates. Organisms in the larval or spawning stage are the most easily destroyed.

Now, I have been told that the congressional appropriations process should not be used to debate the merits of the Federal OCS exploration program. I have been told that this program is designed to run smoothly and automatically under the 1978 Outer Continental Shelf Lands Act through a cooperative series of negotiations between the Department of Interior and State OCS agencies. If I believed that this were happening as planned, I would not be speaking here today.

The cooperative approach has worked in years past, but many of the ground rules for OCS Federal leasing have changed since then. In the past, the areas selected for leasing were smaller, and the amount of time that State governments spent analyzing proposed lease tracts was much greater. Today, the compressed timeframe for decisionmaking and the greater areas under consideration make close cooperation between the Department and the State governments imperative. It is my understanding that this cooperation has not come about. It is difficult for me to criticize the Department because I know they have the tough task of insuring that our Nation has the petroleum resources necessary to become energy independent. But, I cannot help but notice that negotiation efforts between the Department of Interior and the State of Florida do not really get moving until congressional pressure is brought to bear.

Yes; I have strong feelings on this matter. On the one hand, we have thousands of inadequately studied acres of ocean below the 26th parallel northwest of the Florida Keys. Northward, up the coast, we have environmentally sensitive ocean waters, the big bend seagress beds, and the middle ground coral reefs. Everyone should know that much of this area has been made available for industry nominations before. In fact, industry handed much of this acreage back to the Federal Government after meeting with no drilling success. Since 1974, 33 wells have been approved for drilling, 32 have been dry holes, and 1 is still in progress. To date, there has been no discovery of production hydrocarbons within Florida's OCS areas. Even if this sale were to go forward without restrictions, which I hope it does not, Florida OCS experts do not expect the sale of more than 40 of the 11,000 tracts available.

On the other hand, what are Florida's interests here? They include a $168 million fishing industry, $113 million of that off the west coast, a statewide sport fishery that spends $322 million a year, much of that in our offshore waters, and finally, a $17 billion-a-year tourist industry.

Mr. President, we all come here to Washington faced with sometimes conflicting charges: First, to represent the interests of our Nation as whole, and second, to represent and protect our State's resources and interests the best we can. In this case, I do not find the balancing act difficult. The supposed damage that a moratorium would cause to the Department of Interior's 5-year OCS plan is not so serious to justify putting at risk two of that Florida's primary industries and one of our most valuable assets: our pure, clear waters.

The Department of the Interior must be persuaded to recognize the uniqueness of our State of Florida and work more closely with Florida State OCS experts to insure the protection of our water—priceless, because no one

can put a value on it, and because, once gone, it can never be replaced.

I strongly urge my colleagues who will be serving as conferees on this legislation to consider my remarks here today when considering language in the House version of this bill which calls for a moratorium on the eastern gulf OCS sale.

Mr. President, will Chairman McCLURE agree with me that some States have an inherently higher stake in maintaining the quality of their offshore water and marine resources?

Mr. McCLURE. I would certainly agree that coastal States have unique offshore resources which must be developed and maintained in an environmentally and economically acceptable fashion.

Mrs. HAWKINS. Would the chairman agree with me that cooperation between the Interior Department and State OCS authorities in accordance with the law is indispensable to an effective OCS program?

Mr. McCLURE. There is no question that cooperation is imperative to responsible decision making.

Mrs. HAWKINS. Would the chairman agree that the U.S. Senate, and particularly the Senate Energy Committee, has a responsibility to see that the letter and the spirit of the 1978 OCS Lands Act is carried out so as to facilitate efficient OCS activities?

Mr. McCLURE. We indeed have oversight responsibility for the OCS program.

Mrs. HAWKINS. Then, Mr. President, the chairman will understand why the Senator from Florida will probably vote for this appropriation bill, because it is generally a good bill, but only after acknowledging that she would have preferred to omit from the bill funds necessary to hold OCS lease sales off the west coast of Florida. I urge the chairman and all conferees on this bill to consider my concerns on this matter during their further consideration of this legislation.

Mr. SPECTER. Mr. President, I rise at this time to discuss with the distinguished chairman of the Appropriations Subcommittee on Interior and Related Agencies a matter we briefly discussed at the full committee markup, Centralia.

In the fiscal year 1982 Interior appropriations bill, I offered an amendment, and it was accepted, to appropriate $850,000 to be available to the Bureau of Mines "to define the extent of the subsurface mine fire in Centralia."

As a result, on July 12, 1983, the Department of Interior, Office of Surface Mining, released a detailed engineering analysis which for the first time documented the full scope and severity of the situation occasioned by the fire.

In addition, the analysis contained a review of all possible options for putting out the fire or otherwise controlling the blaze. While none of the options outlined are inexpensive, there are reasonable alternatives that can be implemented without bankrupting the Federal Government.

On August 11, 1983, the citizens of Centralia voted to determine which option was most desirable to them—345 residents voted to relocate to a safe location; 200 people voted to remain. I have been informed by representatives of the Governor's office that many of the people who voted in favor of remaining in Centralia are now reconsidering their position and more people can be expected to support relocation.

Under the leadership of Pennsylvania's Governor Thornburgh and Secretary Watt, a multiagency task force will soon be organized in order to develop a plan for relocating those residents of Centralia who wish to move. The Pennsylvania Department of Environmental Resources has initiated a study to compute relocation cost estimates. The task force will submit its recommendations for funding to the Congress. It is my hope that the task force will complete its work quickly and the Appropriations Committees of the Senate and the House can proceed as soon as possible.

I have spoken with Senator McCLURE about Centralia on a number of occasions and have found him extremely sympathetic to the problems caused by the Centralia mine fire. I very much appreciate Senator McCLURE's help and cooperation on this matter and I look forward to continuing our efforts to find a solution to this persistent problem.

Mr. McCLURE. I thank the Senator from Pennsylvania for his remarks. I look forward to working with him to help resolve this extremely difficult problem experienced by the residents of Centralia and Byrnesville for so many years.

I note that the House addressed this issue in its report accompanying the 1984 Interior appropriations bill, and I know that the House and Senate will also work together closely to find solutions to this 22-year-old tragedy.

I pledge to work with the two Senators from Pennsylvania to address the problems caused by the Centralia mine fire and to find potential solutions in as short a timeframe as possible.

Mr. HEINZ. Mr. President, I rise today to thank the distinguished chairman of the Appropriations Subcommittee on the Interior and Related Agencies for his attention to the concerns of the people of Centralia and to reinforce the statements of my colleague from Pennsylvania requesting prompt action on the mine fire problem in Centralia.

Since May of 1962, the community of Centralia has been disrupted and torn by a spreading underground mine fire. This fire costs many of the residents their livelihood in the mines and now endangers their homes and even their lives.

Last year, I worked to secure a special line item appropriation for the Department of the Interior to study the extent of the Centralia mine fire and outline options for its control. On July 12, 1983, the Office of Surface Mining released the report and the results were certainly significant.

This study found that the Centralia mine fire is more extensive and threatening than originally believed. If this fire is left uncontrolled, it could spread over an area of approximately 3,700 acres and the communities of Centralia, Byrnesville, Germantown are situated within this area and are threatened.

Several fire control options were outlined by the Office of Surface Mining study. Fire control costs range from $103.5 million to $66.3 million. Relocation of the community homes, businesses, and other institutions would cost approximately $50 million.

After the release of the Office of Surface Mining study a poll of Centralia homeowners followed on August 11. This poll indicated that a clear majority prefered to relocate, thereby setting the stage for appropriate Federal and State action.

Last week the Secretary of the Interior agreed to form a task force of eight Federal agencies to analyze and recommend which existing Federal programs should be used to help the residents of Centralia. This task force will report to Congress how much of the total relocation cost can be assumed under existing programs. Having targeted these programs, I believe the Congress can move swiftly to resolve the 21-year-old Centralia tragedy.

Mr. President, the distinguished Senator from Idaho can be assured of cooperation from both Senators from Pennsylvania, the State's delegation, and the Commonwealth of Pennsylvania. Working together I feel confident that the Federal Government can respond promptly and effectively to the wishes of the people of Centralia. Would the distinguished chairman of the Subcommittee on Interior Appropriations agree Congress should stand ready to assist the citizens of Centralia and the State of Pennsylvania in dealing with this problem?

Mr. McCLURE. I thank the distinguished senior Senator from Pennsylvania for his remarks, and I repeat my pledge to work with all concerned to find ways to solve this problem.

● Mr. JOHNSTON. Mr. President, it has recently come to my attention that the Office of the Solicitor at the Department of the Interior has accorded a troublesome interpretation to

bill language included in the fiscal year 1983 Interior appropriations bill, which is repeated again this year in section 312 of H.R. 3363. That language, which is found on page 78 of this bill, reads as follows:

SEC. 312. Funds provided for land acquisition in this Act may not be used to acquire lands for more than the approved appraised value (as addressed in section 301(3) of Public Law 91-646) except for condemnations and declarations of taking, without the written approval of the Committees on Appropriations.

According to the Solicitor's Office, one interpretation of this language in light of the June 23, 1983, Supreme Court decision in *Immigration and Naturalization Service* v. *Chadha*, 51USLW 4907, is that the final clause, "without the written approval of the Committees on Appropriations", would fall in a legal test of its constitutionality. This, the Solicitor's Office believes, would leave the Department without authority to purchase any land "for more than the approved appraised value" except for condemnations and declarations of taking.

Mr. President, I ask unanimous consent that a copy of a memo sent from the Assistant Solicitor, Administrative Law and Legal Services, Division of General Law in the Department of the Interior to the Director, Office of Budget in the Department of the Interior dated July 13, 1983, be printed in the RECORD at this point. This memo outlines the interpretation accorded section 312 by the Department which I have attempted to summarize above.

There being no objection, the memorandum was ordered to be printed in the RECORD, as follows:

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SOLICITOR,
Washington, D.C., July 13, 1983.

Memorandum to: Director, Office of Budget.

From: Assistant Solicitor, Administrative Law and General Legal Services, Division of General Law.

Subject: Section 312, fiscal year 1983 Appropriations Act.

In a separate memorandum requested by Mike O'Bannon we are opining that § 312 of the fiscal year 1983 Interior and related agencies Appropriations Act contains a legislative veto that will not withstand constitutional scrutiny under the principles announced in *Immigration and Naturalization Service* v. *Chadha*, 51 USLW 4907 (June 23, 1983).

Pursuant to an agreement between Mike and I, the opinion does not address the impact of this conclusion on the authority of the Department to purchase land for more than the approved appraised value. Because the two attached packages involve land purchases in excess of appraised value, and because additional such purchases during the remainder of fiscal year 1983 are possible, the question of our continuing authority does need to be addressed.

Section 312 reads as follows: "Funds provided for land acquisition in this Act may not be used to acquire lands for more than the approved appraised value . . . except for condemnations and declarations of taking, without the written approval of the Committees on Appropriations."

The problem is whether the application of *Chadha* strikes all of § 312 or only the final clause. If only the final clause is struck, the remaining languages leave the Department without authority to make purchases for in excess of approved appraised value.

The key question that a court would look at in resolving this problem is the question of what Congress would have done in § 312 had it known that the legislative veto was to be held unconstitutional. A good argument can be made that Congress would nonetheless have included the restriction on excess cost purchases. Contrary arguments can also be made, however.

Given the legal uncertainty concerning our continued authority, it may be appropriate for a policy decision to be made as to the course to follow through the remainder of the fiscal year. We can support the decision that is made with appropriate legal arguments.

JOHN D. TREZISE.●

Mr. JOHNSTON. Mr. President, I raise this issue because I believe it is important for the Senate to give the Department some needed guidance in interpreting the legislative intent of section 312.

Is it the distinguished floor manager's understanding that the language contained in section 312 is designed to prevent any purchases of land in excess of their appraised value?

Mr. McCLURE. No. The purpose of this language is to increase congressional oversight of land purchases, not to prevent acquisition.

As the Senator is aware, we both have had difficulty in obtaining the information we need from the administration to establish priorities in the land acquisition programs. We have been unable to obtain any meaningful acquisition priority lists from the administration. We have been unable to obtain appraisals of high-priority tracts, and nail down reasonable and justified allocations, prior to congressional budget action. We have thus been forced into the unpalatable position of appropriating funds for land acquisition in a vacuum, based on the best guesstimates of our staff and not on hard data.

Mr. JOHNSTON. Is the Senator saying, then, that there is no objection to purchases in excess of appraisals if these overages are justified to and approved by the Appropriation Committees in advance?

Mr. McCLURE. Yes. If we in the Congress are to exercise effective oversight of Government spending, which is our clear duty and responsibility, we must know why the cost of a particular parcel exceeds the appraisal and by how much. Since we have been unable to obtain this information in any other way, this bill language is included to provide use with the data we must have to exercise our responsibility in seeing that funds appropriated are spent wisely and prudently.

There should be no doubt about the intent of this language. It is not meant to stop any acquisition of any tract in excess of the appraised value. It is simply intended to assure that any such excesses are justified to Congress in advance of the purchase.

Mr. JOHNSTON. I thank the Senator for his thorough, clear explanation. I agree that, given the refusal of the administration to furnish the Congress with adequate information on which to base our acquisition allocations, we need to provide a mechanism for congressional oversight.

However, I am concerned that some in the administration will try to interpret this language to accomplish their own purposes, purposes not shared by the Congress, and will attempt to use this language to stop certain land purchases. I believe the Senator's explanation forcefully clarifies congressional intent and should prevent any attempt, whether deliberate or unintentional, to use this language to halt land acquisition, a proposal which both the House and the Senate have rejected on a bipartisan basis in each of the last 3 years.

Let me pose one final question. If the Department finds that this language, despite congressional intent to the contrary, does in fact prevent acquisitions in excess of the approved appraised value, will the Senator be willing to alter the requirement in a way which will both accommodate the Congress oversight needs and the administration's perceived constitutional conflict by, for example, amending the requirement that written approval be given to a "lay and wait" provision for a specified time of perhaps 60 days which clearly remains constitutional in face of the Chada decision? That is, would the Senator be willing to entertain alternative ways of accomplishing the objective of section 312?

Mr. McCLURE. Yes, and I will explore this issue with the Department as soon as possible in hopes that we can resolve it prior to conference or on the next available vehicle we have.

● Mr. JOHNSTON. I thank the Senator and look forward to working with him to clarify this matter.●

Mr. METZENBAUM. Mr. President, I ask the Senator from Idaho if he will explain his intent in writing the provision dealing with this Great Plains gasification project.

Mr. McCLURE. Our intent was to simply express the judgment of the committee that the conditions for direct negotiation between the SFC and Great Plains have been met.

Mr. METZENBAUM. Precisely what impact does this language have on SFC?

Mr. McCLURE. Its impact should be completely neutral. That is, the SFC is totally free to make its own determination as to whether the conditions

for direct negotiation have, in fact, been met. This language is in no way meant to direct, pressure or otherwise prejudice the SFC's own interpretation of applicable law.

Mr. METZENBAUM. So, if the SFC disagrees with the statement made in this report, it should feel free to follow whatever procedures it believes are appropriate in evaluating whether to enter direct negotiations with Great Plains?

Mr. McCLURE. That is correct. The Board is free to make its own judgment on whether the conditions required by law for direct negotiation with Great Plains have been met.

Mr. METZENBAUM. Public Law 97-100 gives the Department of Energy jurisdiction over the loan guarantee to the Great Plains project. How does the language in the 1983 appropriations bill affect, if at all, the relationship between DOE, SFC and the Great Plains project?

Mr. McCLURE. It has absolutely no relationship. Nothing in this language should in any way be construed as affecting the existing statutes governing DOE's jurisdiction over the loan guarantee to Great Plains project.

Mr. METZENBAUM. So there is no intent in this language to transfer the Great Plains loan guarantee from the DOE to the SFC?

Mr. McCLURE. That is correct.

Mr. METZENBAUM. I thank the Senator.

TISHOMINGO NATIONAL FISH HATCHERY

Mr. BOREN. Mr. President, will the distinguished chairman of the Interior Appropriations Subcommittee yield for a question?

Mr. McCLURE. I yield to the Senator from Oklahoma.

Mr. BOREN. Mr. President, I ask the Senator from Idaho (Mr. McCLURE) if he would consider recommending to the conferees the reinstatement of funding for the Tishomingo Fish Hatchery, by accepting the House position in the joint House-Senate conference committee on H.R. 3363.

As he may be aware, full funding of $190,000 was provided for this facility in the House version. The House committee was persuaded that this 55-year-old facility is an important part of our Nation's fish and wildlife program and is an integral part of the local economy of Johnston County and southern Oklahoma.

I understand that due to the length of service of this facility that substantial repairs will need to be made in the future to bring this facility back up to par with other facilities. But, I believe that the importance of this hatchery is certainly worth the financial commitment and that retention of this facility is fully justified.

Mr. NICKLES. Mr. President, will my good friend from Oklahoma yield?

Mr. BOREN. I am happy to yield to my colleague.

Mr. NICKLES. I should like to echo the Senator's request to Chairman McCLURE that funding for the Tishomingo National Fish Hatchery be accepted by the conferees on H.R. 3363.

I point out that this one hatchery alone supplied over 1.8 million fish in 1982 to Oklahoma, New Mexico, Colorado, and Texas. It also supplies eggs and fry for research purposes to Columbia, Mo., Brigham Young University in Utah, and Stuttgart, Ark. And it was this facility that pioneered the development of mechanical hatching of small mouth bass and channel catfish, methods now being used by other hatcheries all across the country.

It is also important to note that southern Oklahoma and Johnston County have an unemployment rate well in excess of the national average. This facility employs 10 full-time staff as well as high school students in the summer. And it is an important educational facility used by public school groups, Boy Scout troops, and the local college.

For these reasons, I urge our distinguished chairman to retain this facility when the conference committee meets to iron out differences on H.R. 3363.

Mr. McCLURE. I appreciate the comments of both Senators from Oklahoma in support of the Tishomingo National Fish Hatchery in Johnston County, Okla.

The committee considered a number of criteria in developing a list of hatcheries to recommend for closure. Primarily, it considered the reason for the initial establishment of the hatchery; the distribution of the fish produced by these hatcheries into Federal, State, or private waters; the purpose for the Federal use of fish produced; and the future rehabilitation costs of the hatchery.

As both Senators know, I am not prepared at this time to accept an amendment on the Senate floor which would retain money for the Tishomingo Hatchery. However, I am aware of the importance of this hatchery from your comments and I will urge the conferees to give this matter very serious consideration when it comes before the joint House-Senate conference.

Mr. BYRD. Mr. President, I join the distinguished Senator from Oklahoma (Mr. BOREN) in his remarks in support of the Tishomingo Fish Hatchery, located in southeastern Oklahoma. As he has pointed out, the facility has operated for 55 years in Johnston County, Okla.

I speak with firsthand knowledge of the importance of fish hatcheries to local economies, having been deeply involved with similar facilities in West Virginia. I hope that when H.R. 3363 reaches the conference committee, the conferees on the part of the Senate will recede to the House position on this matter, which provides for funding of $190,000 for fiscal 1984 for the Tishomingo Fish Hatchery.

Mr. BOREN. Mr. President, I thank the distinguished Democratic leader and ranking member of the subcommittee for his remarks and especially for his support of our efforts to keep open the Tishomingo Fish Hatchery. His support is welcome and will be of great help.

KETTLE FALLS HOTEL

Mr. BOSCHWITZ. Mr. President, I rise to discuss with my colleague from Minnesota, Senator DURENBERGER, and with the chairman of the Interior Appropriations Subcommittee, Senator McCLURE, a very serious problem that exists in northern Minnesota. The problem is the deterioration of the Kettle Falls Hotel in Voyageurs National Park.

The hotel is located on the Minnesota-Canada border in Voyageurs National Park. It was built in 1913 and was owned and operated by the Williams family from 1918 until it was purchased by the National Park Service in 1977. The Williams family still operates the hotel under a concessions agreement with the National Park Service.

The hotel is a major attraction in Voyageurs National Park, however, it is deteriorating rapidly and in desperate need of repair. There is a serious question as to whether the hotel can even operate next year under these conditions. When the Williams family sold the hotel to the Park Service, it was on the condition that the hotel would be preserved and maintained.

The current problems with this hotel are very serious. The boom logs that serve as the hotel's only foundation are nearly rotted away. This has caused the outside walls to sink, which in turn has caused the floor to buckle throughout the hotel. Literally, the hotel is falling apart. It is extremely important that the Park Service act quickly to make improvements. The Park Service currently has a planning study underway to determine the extent of rehabilitation necessary.

We had considered offering an amendment today to increase funding for the National Park Service to be used to rehabilitate the hotel. However, because the chairman has reservations about such an amendment, at least until the planning is complete, we have decided not to offer such an amendment.

Mr. President, I yield to my colleague from Minnesota.

Mr. DURENBERGER. I thank my colleague for yielding and for describing the problem we face with the Kettle Falls Hotel. This hotel is an important resource to Voyageurs National Park and to northern Minnesota.

The building is listed on the National Register of Historic Places. For many years it was a gathering place for loggers and more recently for anglers and tourists.

Unfortunately, since its acquisition by the Park Service, the Kettle Falls Hotel has not been properly maintained or preserved. The current operators of the hotel owned it prior to its sale. It is clear from statements they made at the time of the sale and now that it would not have been sold if they had known it would not be maintained.

Mr. McCLURE. President, will the Senator yield?

Mr. DURENBERGER. I am happy to yield.

Mr. McCLURE. I am pleased that our colleagues from Minnesota have brought this matter to the attention of the Senate. I appreciate the Senators not offering an amendment at this time. I recognize that a very serious problem exists at the Kettle Falls Hotel. Both of the Minnesota Senators have raised this issue with my staff and me prior to today. I agree with them that the Park Service should make available funds from whatever account is appropriate and available to begin work to stabilize the building and for critical health and safety problems at the Kettle Falls Hotel as soon as possible. For instance, the Park Service receives $3 million each year for emergency and unscheduled projects that could be used for this purpose. Upon completion of the planning study, I will be very interested in working with the Senators from Minnesota to pursue a final solution to this problem.

Mr. BOSCHWITZ. Senator DURENBERGER and I both appreciate the comments of the Senator from Idaho. As he mentioned, this issue has been raised with him prior to today, as it has also been raised with officials of the National Park Service. They made it clear to me that they recognize the serious condition of the Kettle Falls Hotel and that a colloquy such as this would be helpful to them in expressing our intent that funds should be made available for the hotel in fiscal year 1984. I would also like to again urge the Park Service, as I have privately, to complete the planning study quickly so that restoration work can begin as soon as possible.

Mr. LEVIN. I would like to discuss with the manager of the bill a problem that we face in Michigan, a problem that I understand occurs in other States as well. Michigan is the home of Pictured Rocks National Lakeshore, a national park that is long and narrow because it follows the shore of Lake Superior. The road that winds through the park wanders in and out of the park proper because of the meanderings of the boundaries of this unusually shaped park. This road is maintained by the county even though much of the traffic on the road is visitor traffic to the lakeshore rather than residents' traffic.

The general management plan for the development of the lakeshore, which has been approved by the Park Service, calls for the construction of new roads that would be built and maintained by the Park Service. Given the budgetary constraints on the Interior Department, however, we do not expect this construction to be done for many years. In the meantime, the full responsibility for road maintenance rests with the county. The county does not think this is fair and neither do I. The Park Service is not "pulling its weight" and the county resents that. I would suggest that the Park Service should become a good neighbor and pay for part of the cost of maintaining county roads that service Federal properties.

I understand that currently the Park Service is forbidden from entering into such agreements when the Federal Government does not hold title to the road in question. The Forest Service, however, operates differently. The Secretary of Agriculture is permitted to enter into cooperative maintenance agreements with political subdivisions. I think the Secretary of the Interior should be granted similar authority.

Mr. McCLURE. I understand that there is a problem with road maintenance in several units of the Park Service. The arrangements that the Forest Service is authorized to make with local governments is a useful device and I will have the Energy and Natural Resources Committee consider expanding the authority of the Park Service so that they, too, can enter into maintenance agreements with local governments.

Mr. LEVIN. I thank the Senator from Idaho. I would add that such an agreement governing the operation of Pictured Rocks National Lakeshore could end up saving money for the Federal Government because it would be much cheaper to have the Park Service help pay for maintenance for existing roads than to build new roads—which is what the Park Service now intends to do.

Mr. D'AMATO. Mr. Chairman, during the deliberations of the full Appropriations Committee, I intended to offer an amendment to add $1 million to acquire the threatened properties at Saratoga National Historic Park. Instead, at your suggestion, the committee adopted report language specifying that "The committee directs the Secretary of the Interior to complete work on the Saratoga National Historic Park protection plan (IPP) by November 1, 1983. Furthermore, the committee directs the Secretary to expend such funds as are necessary to acquire through a willing seller negotiation those parcels threatened by development without awaiting completion of the LPP, from the current unexpended L&WCF balances." I thank the distinguished chairman for those actions.

Mr. McCLURE. It was a pleasure to be of service to my colleague from New York.

Mr. D'AMATO. Mr. Chairman, I recognize that it is still possible that Congress will agree to add the $1 million provided in the House bill. However, in the event that this does not occur, is my understanding of the actions taken by the committee correct in that I believe it has compelled the Interior Department to submit to the appropriate congressional committees of both Houses a reprograming request from funds appropriated to the L&WCR, but as yet unspent?

Mr. McCLURE. The Senator's understanding is correct.

Mr. D'AMATO. Is my further understanding correct that the committee's direction in this matter is designed to insure that such a request will be received in a timely manner, prior to the completion of the LPP, if necessary, and, thereby, prevent further damage to these historically essential tracts of land?

Mr. McCLURE. That is also correct.

Mr. D'AMATO. I thank the distinguished chairman.

NEOSHO NATIONAL FISH HATCHERY

Mr. DANFORTH. Mr. President, the oldest operating national fish hatchery in the country today is the Neosho National Fish Hatchery in Neosho, Mo. It was established 95 years ago, in 1888. Over the years it has been modernized into a highly efficient and productive trout and smallmouth bass hatchery. Yet, for want of $123,000, it faces extinction on September 30.

The Neosho Hatchery is a source of substantial economic benefit to southwest Missouri, supplying rainbow trout for stocking into Lake Taneycomo in Taney County on the Arkansas border. This has contributed to Lake Taneycomo's reputation as an outstanding trout fishing location and helps draw thousands of anglers to the area each year. A 1980 analysis concluded that the benefit-cost ratio of the fishery to the area is more than 11 to 1. In addition, the fishery itself attracts more than 30,000 vistors a year.

Neosho began stocking Lake Taneycomo to mitigate the results of a Federal project. The Ozark Power & Water Co. built the Ozark Beach hydroelectric project in 1913 to form the lake. In 1958, however, the lake was transformed from a warm water lake to a cold water lake when the U.S. Army Corps of Engineers completed Table Rock Dam, and as a result the Norfork National Fish Hatchery began mitigation efforts. Neosho took over those duties in 1964 and since that

time has put more than 12 million fish into Lake Taneycomo.

This year the hatchery produced 234,500 rainbow trout, 90 percent of which went into Lake Taneycomo. Neosho also produced 100,000 smallmouth bass for use throughout the country, and it is preparing to increase bass production dramatically next year. The hatchery requires just 1.24 pounds of food to produce a pound of fish—one of the lowest food conversion rates in the country.

The Appropriations Committee reports that closing Neosho would save $123,000 in the 1984 fiscal year. Future year rehabilitation costs are put at $270,000, but I understand that figure is derived from a "wish list" development plan; $85,000 would be a more accurate figure.

Mr. President, $123,000 is not going to put a big dent into a deficit of $200,000,000,000. It would result in a reduction in the deficit of sixty-one one-millionths of 1 percent. The impact on southwest Missouri of closing this hatchery would be far greater.

The House of Representatives recognized this fact and provided the funds necessary for next year's operation. The Senate Appropriations Committee, however, deleted these funds from the bill before us today. This action came as a great disappointment to me.

I will not press this matter on the floor today, but I raise the issue to let the Senate know of my interest in the future of Neosho. I sincerely hope that the conference report will reflect the House position.

NEOSHO FISH HATCHERY

Mr. EAGLETON. Mr. President, I am extremely disappointed by the Senate Appropriations Committee's action not to fund the Neosho Fish Hatchery. In my opinion, it is a ludicrous budget saving effort on the part of the committee, and I would hope that the Senate will try and preserve the $123,000 for our Nation's oldest fish hatchery.

The Neosho Fish Hatchery has been serving our Nation since 1880, and still operates as a mitigation hatchery for Lake Taneycomo and other Federal reservoirs in Missouri and Kansas. The U.S. Fish and Wildlife Service has decided that based on its own criteria the fish hatchery does not qualify as a mitigation hatchery. But, the fact remains that for over 18 years the Neosho Fish Hatchery has been providing all the trout production for Lake Taneycomo.

A brief history of the Neosho Fish Hatchery reveals that the hatchery took over the mitigation efforts of the Army Corps of Engineers late in 1958, when the Norfolk National Fish Hatchery identified a serious disease problem at its hatchery and was unable to provide fish for the Lake Taneycomo project. Neosho has stocked more than 12 million catchable fish at the lake over the last 18 years.

The Neosho Hatchery is estimated to be 60 percent more cost efficient than other hatcheries because of its 1,500 gallon per minute water flow capacity. The hatchery also has been virtually disease free.

Like many other fish hatcheries, the Federal dollars spent at the Neosho Fish Hatchery has been a boon to the economy of the areas in whose streams the fish are stocked. The Neosho Hatchery has 33,000 visitors annually and contributes close to $8 million to the economy of Lake Taneycomo.

The State of Missouri and the U.S. Fish and Wildlife Service have been negotiating a cost-share formula. But, the negotiations have been hampered, because of the basic disagreement on Neosho's mitigation status.

I believe that the committee and the Fish and Wildlife Service are dead wrong in trying to close the Neosho Fish Hatchery. I cannot understand the Fish and Wildlife Service's obstinacy in refusing to change the mitigation status, which would then free the hatchery from the budget ax.

Mr. President, I know of the chairman's reluctance to add additional money to the Senate bill, so I will not seek an amendment to add the $123,000, although I feel it certainly would be money well spent. I would hope that the Senate conferees will go to conference knowing of Missouri's strong interest and support for the Neosho Fish Hatchery, and hope that the money can be retained in conference.

OPPOSITION TO THE OCS PROVISIONS OF H.R. 3363

Mr. KENNEDY. Mr. President, I rise to speak in opposition to the provisions in this bill pertaining to the Outer Continental Shelf (OCS) leasing program, and also to urge that when the conference committee convenes on this legislation, that the House provisions in this area be adopted.

Approximately 1 year ago, Secretary of the Interior, James Watt, announced a new, 5-year plan to govern oil and gas leasing on the OCS. That announcement marked the dawn of a radical new policy for the development of our Nation's offshore energy resources.

Under Secretary Watt's plan more than 1 billion acres are slated to be offered for lease—more than 20 times the acreage which has been leased since the Nation's offshore energy plan was instituted over 30 years ago. Huge tracts—some as large as 130 million acres—are being offered in every coastal region of this Nation irrespective of the differing environmental conditions and sensitivities that exist.

Laws enacted by Congress to insure the proper administration of offshore leasing are being effectively ignored. And under the guise of streamlining measures, Secretary Watt has done away with many of the administrative environmental protections which existed in the process. Cooperation among interested parties has been replaced by contentiousness, lawsuits are increasingly common, and a once-balanced offshore energy program has become extremist.

I do not oppose offshore energy development. Indeed as a Senator from Massachusetts I know firsthand the importance of securing new sources of energy. No State has been hit harder by the enormous price increases in oil and gas since 1973. But the effort to increase our energy supply cannot run roughshod over all other priorities. It cannot and must not be achieved at the expense of our local economy and our rich environmental heritage.

Perhaps many of the members of the Senate Appropriations Subcommittee on Interior have never visited the coastal areas of Massachusetts.

If they were to do so, they would see town after town—New Bedford, Chatham, Gloucester, and so many others—whose economies are based in large part on the rich fishing grounds of Georges Bank. They would see a coastline of priceless beauty, which each year attracts millions of visitors from across the Nation and all over the world.

Last year alone, the fishing industry represented more than $1.5 billion in commerce for our State, and coastal tourism accounted for another $1.25 billion. Too many jobs, too many families, and too many communities depend on our coastal resources to permit the kind of risk-taking inherent in Secretary Watt's drilling plan. It does not make environmental sense. It makes no economic sense either.

The provisions in the House-passed bill represent a minor but significant modification in Secretary Watt's plan. Not a single lease sale will be delayed. Not a single planning area will be removed from leasing.

Only a few areas, where the evidence of environmental sensitivity is significant, will be removed from the leasing process for just 1 year. This additional period will provide the opportunity for further study and analysis necessary to assess properly the risks of oil and gas activity.

Mr. President, those of us who have advocated this brief and limited delay have been labeled antienergy and opponents of the OCS program. The basis for this contention is that one has to be for leasing every single acre of the OCS now, whatever the costs or whatever the consequences. I reject that view and that rationale. We can move ahead aggressively to develop new energy sources, and we can respect other priorities and protect other resources at the same time. We

can proceed expeditiously and also cautiously, and with the House provisions we can instill a measure of commonsense and balance in our Nation's offshore drilling program that is now sorely lacking.

FOLLOWING THROUGH ON THE BUDGET RESOLUTION

Mr. MATHIAS. Mr. President, we see signs of economic recovery all around us. Unemployment is falling. Industrial production is up. And inflation is at a 15-year low. Maryland's unemployment rate has dropped several points on a statewide basis but we still have a long way to go. The jobless rates in six Maryland counties are still well above the national average. Nonetheless, the overall economic picture is improving.

With all of this good news around us, I don't want to sound like a crank by reminding you that the recovery is under a cloud.

When Robert Fulton was about to test his steamboat for the first time, a loud-mouth on the dock jeered "It'll never go; it'll never go." At that point, Fulton started up the engine, and the boat pulled slowly, smoothly, away from the dock and out into the river. Without losing a beat, the same loud-mouth cried out "It'll never stop; it'll never stop."

Let us give credit where it is due, but let us not lose sight of the underlying weaknesses that could jeopardize the recovery. We face many challenges in the coming years—educating our children, keeping the peace, and maintaining a strong economy. We cannot do the first two without the last. If our economy falters, no missile system—MX or otherwise—will be powerful enough to protect us from the consequences.

Right now the No. 1 item on our agenda must be to rein in our staggering budget deficit.

This year's deficit will wind up around $200 billion, almost 6.5 percent of the gross national product. Never since World War II has the deficit exceeded even 4 percent of the GNP. The national debt now tops $1.3 trillion—$1.3 trillion—absorbing two-thirds of available capital. This debt keeps staring us in the eye, and we already feel its chilling effect on the economic recovery.

The prime rate has begun to creep up again after a long steady decline from historic highs under President Carter.

And the stock market has been bouncing around erratically in the shadow of the deficit. Wall Street points to the signs of recovery all around us, but it cannot sustain its drumbeat of dogged optimism when investors know that those deficits are down the road, around the next corner, waiting in the bushes.

Just last week one of our most respected economic commentators, Hobart Rowen, addressed the deficit problem. I ask that the article be printed in the RECORD.

The article follows:

REGAN, REAGAN AND THE REALITY DEFICIT

(By Hobart Rowen)

NEW YORK.—In the financial markets here, Treasury Secretary Donald T. Regan is regarded somewhat quizzically. Although Regan made his reputation (and a considerable fortune) on Wall Street running Merrill Lynch, the typical money manager here (Republican or Democrat) shrugs Regan off as "just a salesman," and is skeptical of his innate financial wizardry.

This is somewhat unfair, because Regan was an innovator who shook up the Wall Street establishment, forcing lower commissions. "I have never believed in not rocking the boat," Regan proudly told a group of reporters a few weeks ago in discussing Wall Street.

What riles the financial men at the moment is a speech Regan made Sept. 8 to the Chemical Manufacturers Association in Washington. He not only jawboned bankers to lower their interest rate charges but, more important, denied that the huge budget deficits facing the nation over the next several years are a major cause of high interest rates.

In brief, Regan says that the Treasury has made an "exhaustive study of the subject, and there is simply no empirical evidence that correlates deficits and interest rates. . . . I am not saying deficits are not a serious matter. They cause a lot of problems. It just happens that high interest rates are not one of them."

This view separates Regan not only from most economists, in and out of Wall Street, but from economic council chairman Martin S. Feldstein, who has made at least a dozen speeches in the past few months blaming high interest rates on budget deficits.

In a telephone interview following Regan's speech, Feldstein said he would not comment directly on the secretary's position. But speaking as an economist on the theory Regan outlined, Feldstein put on the record exactly how he feels:

"I can understand why some people say there is no correlation between deficits and interest rates: They are focusing on nominal [market] interest rates, which have come down.

"It's nevertheless true that the interest rates that matter are real interest rates [subtracting inflation from market rates]. Real interest rates are the ones that cause the 'crowding out' of investment. So this discussion about correlations [between interest rates and deficits] is really beside the point."

But the most important thing, Feldstein said, is that the "correlation" theory doesn't take into account the huge anticipated "structural" deficits in the next several years—the kind that won't be reduced by economic recovery.

"Unfortunately," Feldstein said, "the deficits we see for the next half-dozen years are unprecedented. We're looking at numbers on the order of 5 percent to 6 percent of gross national product. There is no emprical evidence of how these huge deficits will affect real interest rates."

Henry Kaufman, interest-rate seer for Salomon Bros, also pooh-poohed Regan's theory. He told me: "There is just no doubt that if the deficits had been lower in the last year of recession, interest rates would have been substantially lower." Like Feldstein, Kaufman stressed that what worries economists and financial men is the pileup of deficits in the future, as far as the eye can see.

"The correlations that Regan talks about are spurious," was the blunt comment of analyst Sam Nakagama of Nakagama and Wallace.

The business-financial community takes Regan's blast as one more piece of worrisome evidence that the Reagan administration is unwilling to face reality: that some combination of tax increase and spending reductions will be necessary to bring down the deficit.

Regan first trotted out his benign theory at the Williamsburg economic summit. He was hooted down by German Economics Minister Otto Lambsdorff and others in one of their private meetings.

In partial proof, Regan cites the fact that Japan and West Germany typically have larger budget deficits than the United States, as a percentage of GNP, and yet have much lower interest rates. What Regan failed to say is that the level of private savings is much higher in Germany and Japan than in the United States. That means those governments can finance deficits without the fierce competition for funds that drives real interest rates higher here.

The common view in New York is that so long as the president and Congress demonstrate no interest in cutting back the deficit, long-term interest rates will remain high, regardless of Regan's Treasury study. They are quite sure that Ronald Reagan and the "pols" in the White House would rather believe Regan on this point than Feldstein.

Regan isn't troubled by his low marks in Wall Street. "[They] like stability and caution," the secretary said on another occasion, "and I have never been stable or cautious, in Wall Street's opinion." But the obvious split with Feldstein on this issue is more significant, and remains to be resolved.

Mr. MATHIAS. Simply stated, to get Americans back to work, and keep them there, we need an expanding economy. And the economy cannot expand if interest rates do not stay down. And interest rates will not stay down unless we cut the deficit.

We cannot ask Members of Congress to sacrifice the programs that have tremendous importance to the American people unless the sacrifice is part of a comprhensive package that includes new revenue as well. The Reconciliation bill as called for by the budget resolution would be just the package we need.

To get the Reconciliation bill we need some inspired political leadership. Right now, there is a lot of finger pointing and political posturing going on, but that is not going to get the deficit under control. Like it or not, even with further budget cuts, we simply have to raise more money; how to do that, without throwing cold water on the recovery will take great finesse. It is time to get on with the job.

Mr. CHAFEE. Mr. President, I am pleased to join my colleagues to dis-

cuss what I consider to be the most pressing economic issue before the Nation: Federal budget deficits.

On June 23, the Senate adopted the conference report on the first concurrent resolution on the budget. That resolution called for spending cuts and revenue increases that would reduce deficits from more than $200 billion in each of the next 3 fiscal years to $170 billion in 1984, $156 billion in 1985, and $127 billion in 1986.

Tomorrow the Finance Committee will begin its markup on a reconciliation bill to implement—at least partially—the budget resolution. I regret that no one expects that the committee will comply fully with the budget resolution and report 3-year revenue increases totaling $73 billion.

Without action of this kind, we can confidently expect that the national debt will double in the next 5 years.

Peter Grace, chairman of the Private Sector Survey on Cost Control, estimates that at current rates of spending, the deficit will reach $600 billion a year in 1990 and $2.5 trillion in the year 2000.

These are simply fantastic numbers, so vast that they tend to lose their relevance to our everyday lives.

What Congress inability to raise revenues and reduce deficits means is simply this: Continued high interest rates, a stifled recovery, an overvalued dollar, weak exports, continued high unemployment and, ultimately ruinous inflation.

The administration is unyieldingly opposed to revenue increases as a means to help reduce deficits.

Perhaps one reason for the willingness of the administration to endanger the recovery through high deficits is the notion that the recovery will prove to be so much stronger than expected, that it will generate revenues sufficient to reduce the deficit sharply.

This is a seriously mistaken idea, in my opinion. A recent Congressional Budget Office report concludes that while revenues have, in fact, increased since the passage of the resolution in June, estimated outlays have also increased.

In short, it would be unwise for any of us to sit back and pass a reconciliation bill that does not meet the revenue target of $73 billion set by the budget resolution, in the vain hope that the recovery will, in and of itself, produce such revenues that the deficit will be driven down.

Mr. President, I believe that the deficit must be reduced. I feel this is Congress top priority, and I believe we should get on with the job.

Mr. WEICKER. Mr. President, I rise today, along with Senators ANDREWS, MATHIAS, and CHAFEE, to urge my colleagues to carry to a conclusion the work begun here in June when we passed the first concurrent resolution on the budget for fiscal year 1984.

That budget resolution was a deficit-conclusion document. And, I would note here, that it was also a bipartisan document. It took into consideration what was cut in previous years, which for the most part was nondefense discretionary spending. It took into consideration what was growing at a wasteful rate, chiefly defense. And it addressed each of these issues head on. It called for $39.6 billion in spending cuts, with most of that coming from a slowdown in the defense buildup, cutting the annual growth rate of the Pentagon's budget from 10 percent to 5 percent. It called for applying the brakes to entitlement spending too, but without salvaging benefits in the least. And then, because when the numbers were added up the projected deficits were still too large, it called for $73 billion in new revenues to help erase them. In short, it was a blueprint for sustainable economic recovery, fair and fiscally sound. And, by a vote of 50 to 49, this blueprint was approved by Congress, with support from both sides of the aisle.

Unfortunately, since it also called for some hard choices in the reconciliation process, architects willing to build along the lines of the blueprint are now in short supply in this Congress. Why? Is it because we no longer need to worry about the deficit? No, according to the CBO, if Congress sees the budget process through, the deficit in fiscal year 1984 will be $183 billion. If not, it will be $196 billion. The dollar gap between action and inaction grows in the outyears, amounting to a difference of $29 billion in fiscal year 1985 and $71 billion in fiscal year 1986.

Is it because deficits have suddenly taken on a new, benign aspect and are not the bane of our economy as we were told during the balanced budget amendment debates? Have we licked the problem of high interest rates and, therefore, no longer need to concern ourselves with the deficits that help spawn them? Or is it that there really is no causal link between deficits and interest rates? Treasury Secretary Regan seems to think so. A few weeks ago, he told reporters:

> I'm not saying deficits are not a serious matter. They cause a lot of problems. It just happens that high interest rates is not one of them.

The cynical view has it that Congress is reluctant to carry out its reconciliation responsibilities because Members of Congress are more fearful for their political futures than for the economic future of our Nation. And, indeed, the fact that our economy is expected to continue on the upswing between now and election day 1984 might be giving some of my colleagues a false sense of security, and might be causing them to conclude that no government is good government. After all, the statistics are impressive. The economy grew at an annual rate of 9.2 percent during the second quarter of this year, surpassing even the most optimistic predictions. After-tax corporate profits climbed 15 percent, the highest gain ever in dollar terms. Inflation is lower than almost anyone anticipated and unemployment is down too, though not nearly enough. The prime rate stands at 11 percent, 2½ percentage points lower than this time last year. And today's New York Times reports that the Fed appears to be on the verge of promoting even lower rates.

So, why bother to make the tough decisions reconciliation will require? To be fair, on the savings side, the committees have not done half bad. Those charged with addressing cost-of-living-adjustments in benefit programs have more or less complied with the budget resolution. We on the Small Business Committee met today to do our part on reconciliation. However, the two tax-writing committees, Finance and Ways and Means, have so far shown little inclination to raise the $73 billion in new taxes for fiscal years 1984 through 1986. Chairmen ROSTENKOWSKI and DOLE said early on that there was no point in doing so without White House cooperation. And I understand their predicament. The fact that Finance has finally scheduled a markup for tomorrow may indicate a new willingness to cooperate on the part of the White House. I certainly hope so for the sake of the economy and for the sake of this institution and its credibility in the eyes of its constituents. Otherwise, writes Hobart Rowen in the Washington Post:

> Financial markets here and abroad must operate on the assumption that at the earliest, it will be some time in 1985 (if at all) before politicians will deal with these critical issues. Until such time as that happens, record-high interest rates that stifle businessmen's incentive to invest will haunt the U.S. and world economies.

Fletcher Byrom, chairman of the Committee for Economic Development, an organization of chief executive officers and university professors, warns that—

> Out-of-control deficits exposed the U.S. to serious risks of rekindled inflation, higher interest rates, a lopsided recovery and a severely crippled competitiveness in world markets.

So, that is what we have to lose, if we fail to act now. And what do we have to gain? Lawrence B. Krause of the Brookings Institution says that—

> If control of the budget deficit is put on track by early 1985, the U.S. could have 3 years of sustainable economic growth.

That is a big if. Here is another, from Robert McNamara:

> If Congress would act before the end of 1983 to raise revenues and/or reduce spending enough to produce a zero structural deficit in 1988, there would be a dramatic drop in interest rates.

Inaction will take us down a dangerous road. Action by this Congress to cut the deficit will put us on the road to a sustainable recovery. Large Federal deficits are costly, and not just in terms of the 1.3 cents of every tax dollar eaten up in interest payments on the national debt. The price they will exact is the very existence of thousands and thousands of small businesses that will be put out of commission when and if interest rates go back through the roof. Have we so quickly forgotten that not so many months ago business failures hit a post-Depression high? Have we forgotten that there are still more than 10 million people unemployed in this country?

There are those who would prefer that we resort to yet another presidential commission to fashion a bipartisan approach to dealing with the deficit. I say to you today: we already have just such a bipartisan approach. It is called the fiscal year 1984 budget resolution, which was the result of weeks of back and forth between Members of Congress of both parties. Its broad outlines are identical to the budget proposed by Senators CHAFEE, HATFIELD, MATHIAS, STAFFORD, and myself. And, along with Senator ANDREWS and other of our colleagues, we are committed to seeing this thing through.

The Finance Committee needs a lot of moral support for the tough task of raising taxes. Members of Congress do not enjoy raising taxes anymore than constituents enjoy paying them. But the alternatives are so frightening that action by Finance and by Congress as a whole is a must. We say to Finance: Give us something to work with. And to our colleagues: let us roll up our sleeves, get to work and fulfill our reconciliation responsibilities. We are in danger, in this country, of allowing the notion of representative government to languish in favor of government by commission. If that is the case, then the relevant point is not that the budget resolution is a dead cat, as one of my colleagues put it, but that the Congress of the United States is a dead institution.

Mr. ANDREWS. Mr. President, the viability of our great Nation in every sector of national and international policy is inescapably linked to the health of our economy. Today I urge my colleagues in the Congress not to destroy the progress we have made in contributing to the Nation's economic well-being through the Congressional budget process. If this body fails to adhere to the budget resolution we approved in June of this year, we will have to share the blame for renewed inflation, higher interest rates and an economic downturn.

In a bipartisan spirit, we agreed in the budget resolution that massive projected deficits must be brought under control in order to sustain the economic recovery. A combination of spending cuts and revenue increases were called for in what I view as a significant move toward congressional fiscal responsibility.

Today, the consensus of the country is even stronger in voicing dismay over Federal deficits. But yet, the Finance and Ways and Means Committees show little progress in raising the $12 billion of revenue called for by the resolution in fiscal year 1984, a relatively small sum by comparison to a $800 billion budget and a $200 billion deficit.

The world is watching and noting our inability to deal with this critical problem, and by denying credibility to our budgetary process, I believe we are endangering our future ability to govern the economy.

REVENUE-SHARING FORMULA CHANGE SHOULD BE DELETED

Mr. LONG. Mr. President, the Senate will soon turn to the consideration of the general revenue-sharing extension reported by the Committee on Finance. The Finance Committee bill includes a formula change that modifies how funds are distributed among the various local governments in each State. The change applies to any increased funds which may be provided for the program now or in the future. When the bill is considered, I intend to offer an amendment to strike this formula change.

The formula change was adopted by the Finance Committee at a time when detailed information about its effects was not available. The Treasury Department has now done a number of computer runs showing how that change would affect the communities in each State under various assumptions as to the amount of funding increase that may be enacted. I am inserting in the RECORD two tables based on these Treasury runs which demonstrate the impact of the formula change proposed by the committee. As these tables show, most of the jurisdictions in the country will get little or no benefit from any increase in revenue-sharing funds if the Finance Committee formula remains in the bill. Moreover, in many instances the Finance Committee formula has the perverse impact of giving large increases to affluent communities at the expense of poorer areas which get nothing.

Shortly after the Finance Committee bill was reported, it was discovered that the committee formula greatly disadvantaged some of the very poorest jurisdictions in the country. It is anticipated that a modification will be offered to alleviate that result. The tables which I am inserting are based on the Finance Committee formula after taking into account that anticipated modification. Even with that modification, many low-income areas are hurt by the Finance Committee formula.

I am placing these tables in the RECORD so that Senators may have some information available as to the impact of these formula changes in their States when my amendment is considered.

I ask unanimous consent that the tables be printed in the RECORD.

There being no objection, the tables were ordered to be printed in the RECORD, as follows:

PERCENTAGE OF ALL JURISDICTIONS GETTING NO REVENUE SHARING INCREASE IF FINANCE COMMITTEE FORMULA CHANGE IS RETAINED

[In percent]

	If funding level is increased by $450 million	If funding level is increased by $225 million
National	43	55
Alabama	47	58
Alaska	66	67
Arizona	32	38
Arkansas	34	54
California	21	38
Colorado	18	23
Connecticut	52	83
Delaware	59	61
Dist. of Col.		
Florida	25	26
Georgia	57	65
Hawaii		
Idaho	32	45
Illinois	35	54
Indiana	73	74
Iowa	28	44
Kansas	46	51
Kentucky	52	76
Louisiana	24	65
Maine	36	67
Maryland	22	45
Massachusetts	81	82
Michigan	61	69
Minnesota	32	44
Mississippi	53	57
Missouri	60	70
Montana	32	48
Nebraska	36	46
Nevada	26	38
New Hampshire	17	48
New Jersey	60	63
New Mexico	20	29
New York	79	86
North Carolina	45	54
North Dakota	17	20
Ohio	60	73
Oklahoma	31	42
Oregon	43	60
Pennsylvania	40	64
Rhode Island	33	69
South Carolina	40	59
South Dakota	33	37
Tennessee	43	52
Texas	27	51
Utah	25	40
Vermont	20	32
Virginia	41	78
Washington	10	10
West Virginia	49	71
Wisconsin	40	48
Wyoming	27	50

Source: Treasury Department (based on Finance Committee bill with an anticipated modification. The original Committee formula would show slightly higher percentages of jurisdictions getting no increase.)

SELECTED EXAMPLES OF IMPACT OF FINANCE COMMITTEE FORMULA CHANGE FOR DISTRIBUTING GENERAL REVENUE SHARING FUNDS

[Based on $450,000,000 increase as in House-passed bill]

Area	Population	Per capita income		Percent increase in GRS funds	Gain (+) or loss (—) compared with present-law formula
		Amount	Percent above (+) below (—) State average		
Alabama:					
Barbour County Area	24,756	4,544	−23	2.8	−39,928
Gadsen City	47,565	6,305	+7	18.8	+124,636
Vestavia Hills	15,722	12,941	+120	38.3	+18,132
236 jurisdictions get no increase, including: Donthian City (population 48,750); Scottsboro City (population 14,758); Florence City (population 37,029); Decatur City (population 42,002).					
Alaska:					
Fairbanks North Star	48,663	10,329	+1	0	−324,472
Kodiak City	4,756	12,030	+18	16.6	+42,499
144 jurisdictions get no increase, including: Fairbanks North Star (population 48,663); Bethel City (population 3,576); Wasilla City (population 1,559).					
Arizona:					
Yuma City	42,480	5,681	−19	0	−86,351
35 jurisdictions get no increase, including: Paradise Valley (population 11,085); Lake Havasu City (population 15,909); Prescott City (population 20,055).					
Arkansas:					
Rogers City	17,429	6,378	+14	21.8	+26,807
Forrest City	13,803	4,887	−13	.8	−21,732
188 jurisdictions get no increase, including: Jacksonville City (population 27,589); Little Rock City (population 158,924); El Dorado City (population 25,270).					
California:					
Walnut Creek City	54,062	12,671	+53	37.4	+64,168
Delano City	16,491	4,888	−41	0	−50,574
McFarland City	5,151	3,769	−55	0	−8,301
Beverly Hills	32,367	24,387	+194	16.0	+14,017
117 jurisdictions get no increase, including: Bakersfield City (population 105,611); Riverside City (population 1,170,591); Visalia City (population 49,729).					
Colorado:					
Greenwood City	5,729	17,842	+123	27.9	+7,037
Pueblo City	101,686	−6,696	−16	5.5	−79,790
59 jurisdictions get no increase, including: Colorado Springs (population 214,821); Cortez City (population 7,095).					
Connecticut:					
Stamford City	102,466	10,711	+26	43.1	+465,742
Winchester Township	10,841	6,634	−22	1.3	−20,415
97 jurisdictions get no increase, including: East Hartford Town (population 52,563); Groton Town (population 41,062).					
Delaware:					
Kent County	98,219	6,126	−18	0	−107,406
35 jurisdictions get no increase, including: Kent County (population 98,219); Sussex County (population 90,004).					
Florida:					
Coral Gables	43,841	12,900	+77	31.2	+76,371
Chattahoochee	5,332	3,871	−47	0	−1,760
35 jurisdictions get no increase, including Pensacola (population 57,619); Ocala (population 37,170).					
Georgia:					
Bulloch County	35,785	4,982	−22	0	−35,239
Avondale Estate	1,313	11,281	+76	75.9	+3,521
Columbus	169,441	6,048	−6	0	−446,109
391 jurisdictions get no increase, including: Columbus (population 169,441); Whitfield (population 65,775); Bartow County (population 40,760).					
Hawaii: Honolulu	762,565	7,912	+2	7.8	−339,895
Idaho:					
Rigby	2,624	5,090	−19	.4	−4,178
Fernan Lake	178	11,489	+84	12.3	+18
80 jurisdictions get no increase, including: Boise (population 102,249); Idaho Falls (population 39,734).					
Illinois:					
Flora City	5,379	5,658	−30	.3	−12,767
Arlington Heights	66,116	11,136	+38	17.9	+35,065
Northbrook Village	30,778	15,719	+95	17.9	+9,742
Hardin County Area	5,383	4,976	−38	2.3	−4,945
984 jurisdictions get no increase, including: Champaign (population 58,267); Centralia (population 15,126); Marion (population 14,031).					
Indiana:					
Washington	11,325	5,802	−19	2.6	−7,777
La Porte	21,796	7,561	−6	17.3	+15,060
1208 jurisdictions get no increase, including: Lafayette City (population 43,011) and 216 other cities and towns are 991 townships.					
Iowa:					
West Des Moines	21,894	10,537	+48	15.4	+6,446
Decorah	7,991	6,150	−14	0	−10,824
297 jurisdictions get no increase, including: Harlan (population 5357); Washington (population 6,584); Decorah (population 7,991).					
Kansas:					
Atchison City	11,407	5,983	−19	4.8	−10,146
Overland Park	81,784	10,623	+45	20.3	+38,244
1964 jurisdictions get no increase, including: Hays (population 16,301); Manhatten (population 32,644).					
Kentucky:					
Audubon Park	1,571	10,252	+72	15.9	+393
Clay County area	22,752	3,481	−42	.6	−30,775
Owsley County	5,709	2,946	−51	0	−12,307
281 jurisdictions get no increase, including: Ashland (population 27,064); Hopkinsville (population 27,318).					
Louisiana:					
Marksville	5,113	4,598	−28	4.1	−9,551
South Mansfield	1,463	2,880	−55	0	−2,000
Harahan	11,384	8,527	+33	28.5	+9,406
102 jurisdictions get no increase, including: Houma (population 32,602); Mansfield (population 6,485); Natchitoches (population 16,664).					
Maine:					
Van Buren Town	3,557	4,212	−27	4.3	−6,952
Cumberland County	215,789	6,694	+16	165.8	+469,680
187 jurisdictions get no increase, including: Lewiston (population 40,481); Augusta (population 21,819); Bangor (population 31,643).					
Maryland:					
Rockville	43,811	10,368	+25	53.7	+125,028
Salisbury	16,429	6,883	−17	1.1	−43,344
39 jurisdictions get no increase, including: Bowie (population 33,695); La Plata (population 2,484).					
Massachusetts:					
North Adams	18,063	5,602	−25	0	−37,262
Norfolk County	606,587	8,828	+18	128.1	+410,116
295 jurisdictions get no increase, including: Pittsfield City (population 51,974); Methven Town (population 36,701); Weymouth Town (population 55,601).					
Michigan:					
Sault Sainte Marie	14,448	5,658	−26	2.0	−31,326
Houghton County	37,872	4,970	−35	0	−39,892
Southfield	75,568	12,668	+65	28.6	128,150
Grosse Points W	18,886	13,808	−80	41.1	+28,796
1146 jurisdictions get no increase, including: Marquette (population 23,288); Muskegon County (population 157,589).					

SELECTED EXAMPLES OF IMPACT OF FINANCE COMMITTEE FORMULA CHANGE FOR DISTRIBUTING GENERAL REVENUE SHARING FUNDS—Continued

[Based on $450,000,000 increase as in House-passed bill]

Area	Population	Per capita income		Percent increase in GRS funds	Gain (+) or loss (—) compared with present-law formula
		Amount	Percent above (+) below (—) State average		
Minnesota:					
Brainerd	11,489	5,877	−21	.8	−8,428
Bloomington	81,831	10,220	+37	22.6	+53,421
St. Louis Park	42,931	10,490	+41	22.6	+30,580
Morrison County	29,311	4,797	−36	4.8	−28,035
908 jurisdictions get no increase, including: Austin (population 23,020); St. Cloud (population 42,566).					
Mississippi:					
Ellisville	4,652	3,928	−24	0	−11,850
Vicksburg	25,434	5,893	+14	22.2	54,884
199 jurisdictions get no increase, including: Corinth (population 13,839); Laurel (population 21,897); Greenwood (20,115).					
Missouri:					
Oregon County	10,238	4,120	−40	0	−6,219
Ripley County	12,458	3,917	−43	0	−1,233
Creve Coeur	11,745	17,166	+148	17.8	+3,295
821 jurisdictions get no increase, including: Audrain County (population 26,458); Cape Girardeau (population 34,361); Jefferson (population 33,619).					
Montana:					
Cut Bank City	3,688	7,646	+16	62.4	+12,271
Ravalli County	22,493	5,678	−14	1.9	−19,219
60 jurisdictions get no increase, including: Great Falls (population 56,725); Billings (population 72,302).					
Nebraska:					
Ralston City	5,143	8,369	+21	14.3	+1,320
Cambridge City	1,206	5,570	−20	0	−1,177
392 jurisdictions get no increase, including: Columbus (population 17,328); Bellevue (population 21,813).					
Nevada:					
Boulder City	9,590	8,706	+3	26.3	+8,194
Lincoln County	3,732	5,582	−34	3.9	−4,507
13 jurisdictions get no increase, including: Elko (population 8,758); Winnemucca (population 4,140).					
New Hampshire:					
Franklin City	7,901	5,968	−14	5.1	−5,782
Rockingham County	190,345	7,445	+7	61.3	+150,790
42 jurisdictions get no increase, including: Salem Town (population 24,124): Dover (population 22,377).					
New Jersey:					
Margate City	9,179	12,149	+49	42.2	+17,581
Bridgeton City	18,795	5,362	−34	0	−28,450
352 jurisdictions get no increase, including: Vineland (population 53,753); Gloucester County (population 199,917); Passaic County (population 447,925).					
New Mexico:					
Lincoln County	10,997	6,388	+4	52.1	+50,979
Otero County	44,665	5,379	−12	0	−35,674
30 jurisdiction get no increase, including: Las Cruces (population 45,086); Otero County (population 44,665).					
New York:					
Hamburg Village	10,582	8,320	+11	16.0	+3,510
Allegheny County	51,742	5,183	−31	0	−75,409
Oneonta City	14,933	4,924	−34	0	−19,938
1,269 jurisdictions get no increase, including: Niagara Falls (population 71,384); Oneida County (population 253,466); St. Lawrence County (population 114,347).					
North Carolina:					
Dare County	13,377	7,022	+14	61.4	+133,597
Graham County	7,217	4,615	−25	.6	−12,944
261 jurisdictions get no increase, including: Fayetteville (population 59,507); Rocky Mount (population 41,283).					
North Dakota:					
McHenry County	7,858	4,949	−23	5.5	−7,356
Hillsboro City	1,600	7,399	+15	14.7	+407
309 jurisdictions get no increase, including: Bismark (population 44,485); Grand Forks (population 43,765); Minot (population 32,843).					
Ohio:					
Adams County	24,328	4,598	−37	3.6	−16,910
Beachwood City	9,983	14,726	+102	31.5	+13,997
1,412 jurisdictions get no increase, including: Wilmington (population 10,431); Beaver Creek (population 31,589); Steubenville (population 26,400).					
Oklahoma:					
Heavener City	2,776	4,859	−29	0	−7,078
Pawhuska City	4,771	7,272	+6	24.8	+11,723
215 jurisdictions get no increase, including: Chickahsa (population 15,828); Poteau City (population 7,089).					
Oregon:					
Lincoln County	35,264	7,575	0	47.7	+152,794
Mount Angel City	2,876	4,958	−34	1.0	−4,325
120 jurisdictions get no increase, including: Coos County (population 64,047); Medford (population 39,603); Eugene (population 105,662).					
Pennsylvania:					
Churchill Borough	4,285	15,473	+119	30.9	+3,383
Cumberland County	179,625	7,757	+10	12.1	+10,651
Huntington County	42,253	5,233	−26	.8	−40,635
Shamokin City	10,357	4,983	−30	3.3	−11,201
1,062 jurisdictions get no increase, including: Meadville (population 15,544); Uniontown (population 14,510).					
Rhode Island:					
East Greenwich	10,211	10,241	+48	16.4	+4,574
Hopkinton Town	6,406	6,174	−10	4.4	−7,444
13 jurisdictions get no increase, including: North Providence (population 29,188); Bristol Town (population 20,128).					
South Carolina:					
Forest Acres City	6,063	11,283	+92	20.2	−3,885
Williamsburg County	38,226	4,094	−30	3.9	−48,506
126 jurisdictions get no increase, including: Conway (population 10,240); Orangeburg (population 14,933).					
South Dakota:					
Bon Homme County	8,059	4,609	−19	0	−16,837
450 jurisdictions get no increase, including: Brookings County (population 24,332); Aberdeen (population 25,851); Sioux Falls (population 81,343).					
Tennessee:					
Nashville	455,711	7,276	+17	14.6	+497,892
Lookout Mountain	1,886	16,346	+163	19.0	+905
Johnson County	13,745	4,084	−34	6.5	−5,952
Lauderdale County	24,555	4,554	−27	6.6	−11,952
183 jurisdictions get no increase, including: Columbia (population 26,570); Bristol (population 23,986).					
Texas:					
Alamo Heights City	6,252	13,653	+89	15.1	+1,590
Val Verde County	35,910	4,542	−37	5.0	−11,932
367 jurisdictions get no increase, including: Cooperas Cove (population 19,469); Odessa (population 90,027); Tyler (population 70,508).					
Utah:					
Summit County	10,198	8,454	+34	13.2	+4,171
Washington County	26,065	4,869	−23	1.8	−30,342
65 jurisdictions get no increase, including: Cedar City (population 10,972); Richfield City (population 5,482).					
Vermont:					
Bristol Town	3,293	5,059	−18	4.5	−2,460
Chittenden County	115,534	6,925	+12	190.9	+58,374

SELECTED EXAMPLES OF IMPACT OF FINANCE COMMITTEE FORMULA CHANGE FOR DISTRIBUTING GENERAL REVENUE SHARING FUNDS—Continued

[Based on $450,000,000 increase as in House-passed bill]

Area	Population	Per capita income		Percent increase in GRS funds	Gain (+) or loss (−) compared with present-law formula
		Amount	Percent above (+) below (−) State average		
Alburg Town	1,352	4,785	−23	.5	−2,045
63 jurisdictions get no increase, including: Essex Town (population 14,392); Barre (population 9,824).					
Virginia:					
Vienna	15,469	11,080	+48	28.2	+23,046
Lee County	25,956	4,540	−39	3.9	−24,546
134 jurisdictions get no increase, including: Marion Town (population 7,284); Chincoteague Town (population 1,607); Culpepper Town (population 6,621).					
Washington:					
Grant County	48,522	6,136	−24	5.9	−22,522
Winslow City	2,196	9,473	+17	23.5	+2,880
Fircrest Town	5,477	10,529	+30	15.2	+1,059
Spokane County	341,835	7,180	−11	5.9	−98,531
33 jurisdictions get no increase, including: Colville City (population 4,510); Kettle Falls Town (population 1,087).					
West Virginia:					
Clay County	11,265	3,895	−37	5.5	−14,266
Charleston City	63,968	8,946	+46	18.0	+158,354
Lincoln County	23,675	4,489	−27	3.6	−24,431
140 jurisdictions get no increase, including: St. Albans (population 12,402); New Martinsville (population 7,109).					
Wisconsin:					
Ashland City	16,783	5,173	−29	0	−21,954
Mequon City	3,341	12,706	+75	13.7	+2,903
778 jurisdictions get no increase, including: Rice Lake (population 7,691); Superior (population 29,571); Sturgeon Bay (population 8,847).					
Wyoming:					
Campbell County	24,367	9,245	+17	33.4	+159,929
Goshen County	9,115	5,710	−28	6.3	−7,983
32 jurisdictions get no increase, including: Cheyenne (population 47,283); Riverton (population 9,561).					

HANDLING OF COMMUNIST BLOC VIOLATIONS OF U.S. AIRSPACE

Mr. BYRD. Mr. President, the Soviet destruction of an unarmed Korean airliner on the basis that it violated Soviet airspace, resulting in the murder of 269 innocent people of many nations, violates the basic human rights of all people. It has been rightly condemned worldwide.

Furthermore, it stands in marked contrast to the manner in which the United States has handled unauthorized violations of American airspace and flight plans by Soviet and other Communist bloc nations. I have previously itemized and entered into the CONGRESSIONAL RECORD the long and outrageous history of Soviet military attacks on both civilian and military aircraft of many countries. Some of these resulted from unintended straying into Soviet airspace. Many of them were simply Soviet attacks on aircraft clearly transiting international airspace.

When Communist bloc commercial aircraft have strayed unintended into our airspace, or failed to file flight plans or followed unauthorized routing, the record is clear that we do not shoot them down. Even in cases which have occurred, according to the FAA in a recent compilation, where Soviet Aeroflot aircraft have flown unauthorized routing which has even taken them over U.S. military installations, we have not taken military action.

The compilation follows:

AEROFLOT AIRLINES FLIGHT INCIDENTS IN U.S. AIRSPACE

1979

May 16, Wed: SU 315, IL-62, scheduled to JFK attempted to enter U.S. at Sherbrooke (non-approved entry point) and was routed by Boston Center via Syracuse to JFK. Soviet pilot complained to Boston FAA Center.

Jul 21, Sat: SU 2315, IL-62, charter from JFK to Los Angeles departed from JFK without filing a flight plan. Pan Am took some blame in the foul-up.

November: Aeroflot published their monthly schedule stating four flights per week when the Bilateral Air Transport Agreement provided for only three flights during the winter months. This was reported to State Department.

1980

Jan 11, Fri: SU 315, IL-62, was not cleared to operate into JFK as it requested and was told to divert to Montreal per instructions from Pan Am and Mr. Samourukhov (Aeroflot New York Director).

Jan 16, Wed: SU 315, IL-62, landed at JFK even though Aeroflot was told that Teamsters would not handle flights on ground, and Air Traffic Controllers were protesting their flight operations.

Feb 03, Sun: SU 315, Il-62, made unauthorized landing at JFK after receiving instructions to proceed to Dulles.

Feb 10, Sun: SU 315, IL-62, landed at JFK after assuring State Department that it would operate into Dulles; after being denied support for nearly 1½ hours, it refiled and flew to Dulles as originally expected.

Feb 12, Tue: SY 317, IL-62, scheduled to Dulles flying a visual approach to Runway 30, switched to TWR frequency and landed on Runway 01R; Could have been a serious problem because an Air Virginia Navajo was taxiing to that runway.

Dec 08, Fri: System Error: Soviet Union IL-76 and Eastern B727 approximately 550 miles southeast of Newark, N.J., FL310, 121440L. IL 76 enroute from Gander to Havana, B727 enroute from Bermuda to Newark, N.J. Breakdown in coordination caused aircraft to pass with 16 miles separation in nonradar oceanic area where 90 miles is required.

1981

Mar 01, Sun: SU 339, IL-62, was forced to divert to Montreal because of bad weather at Gander. Then on Mar 02 was cleared across northern Maine (J-55) by Boston Center contrary to normal procedures.

Mar 06, Fri: SU 345, IL-62, ignored clearance from New York OCEANIC Center regarding appropriate altitudes passing off East Coast of U.S. (Third time this has happened.)

Mar 20, Fri: Complaint registered to Hq FAA by New York OCEANIC Control calling for need of a stronger communication link with Aeroflot because of their "antics" on flights passing off the East Coast of the U.S.

Jul 30, Fri: SU 302, IL-62, scheduled departing from Montreal filed across northern Maine on J-509 (not on authorized routing or authorized entry/exit in U.S. airspace) and turned off transponder just inside U.S. airspace. Flight was tracked by Boston Center and NORAD radars and did maintain flight plan routing. Transponder reactivated upon leaving U.S. airspace.

Nov 08, Sun: US 315, IL-62, scheduled to Dulles entered U.S. at unauthorized entry point and continued to fly an unauthorized routing (over Pease AFB and Groton) southbound to Dulles. Then SU 316 departed Dulles and flew similar unauthorized routing northbound. NOTE: A two-flight suspension was imposed.

Nov 10, Tue: US 317, IL-62, scheduled to Dulles filed overhead Boston inbound. (After entering U.S. at a nonsanctioned entry point, Boston Center placed them on correct routing. No problem with SU 318 outbound from Dulles.)

1982

Feb 13, Sat: Soviet IL-62 was forced to land at Bermuda for fuel due to strong headwinds enroute to Havana. Cuba denied overflight clearance to two Braniff flights in anticipation of the arrival of this Soviet flight.

POLISH LOT AIRLINES FLIGHT INCIDENTS IN U.S. AIRSPACE

1978 TO 1981

LOT scheduled and chartered IL-62 flights operating from Warsaw to New York have often stopped at Bangor or Boston for fuel allegedly because they were unable to safely reach JFK.

1980

Apr. 24, Thu: LO 006, IL-62, supposed scheduled flight from Warsaw via Gander to New York, attempted to file via Albany (unauthorized routing) to Montreal. Boston FAA Center indicated that this was a continuous practice on the part of LOT.

Apr 25, Fri: LO 5336, IL-62, charter flight returning from Lima to Montreal requested clearance to change from overwater routing to unauthorized direct routing up the east coast to Montreal. Reason for this request: airsickness on board and no one could speak English well enough to navigate on normal routing.

Apr 30, Wed: LO 006, IL-62, scheduled flight from Warsaw to JFK attempted to enter U.S. at Sherbrooke and fly down unauthorized route through Albany. (See Boston Center comment above.)

Jul 07, Mon: LO 007, IL-62, scheduled flight from New York to Warsaw requested unauthorized routing northbound via Albany to Montreal.

Jul 28, Mon: Problems continuously being encountered with LOT attempts to file unauthorized routes to and from Montreal and JFK.

Sep 04, Fri: Boston ARTCC sent letter to FAA Hq complaining of LOT IL-62 continuous transponder malfunction problems. Specific LOT IL-62s were failing to correct transponder malfunctions though FAA has repeatedly informed them of such. FAA turned the matter over to State Department.

BULGARIAN FLIGHT INCIDENT

On 4 March 1981, a Bulgarian Diplomatic flight transited U.S. airspace from Boston—New York—Washington—Indianapolis—Memphis to Houston on its way to Mexico City, transporting the head of State's daughter. Although a flight plan was filed, and followed with no deviations, (per the previous year's approved FAA flight plan) the Bulgarian Embassy failed to submit a request to State as is required. It was not until the aircraft was exiting the U.S., that the Houston FAA center realized that the flight had not been approved. The Bulgarians apologized to State and said this failure to obtain approval was an oversight.

COMMUNIST CIVIL AIR ACTIVITY IN U.S. AIRSPACE—TRENDS

In recent years, Cubana has been the most aggressive in pursuing overflights of U.S. territory. Not only has it deviated from normal procedures and routes as shown in enclosure 1, but it has also vigorously attempted to expand flight operations into the U.S. One possible explanation is that it is acting as a surrogate for the U.S.S.R., which would have greater difficulty obtaining access to U.S. airspace. Also, it is possible that the proximity of Cuba to the U.S. and its status as one of the more dependent members of the Soviet orbit of nations have been factors leading to it being chosen to cross service Soviet collection and other requirements. Some of Cuba's activities include:

In November 1979, Cuba sought a route over the U.S. to Los Angeles which was strongly opposed by DOD for security reasons. This followed earlier Soviet requests for West Coast destinations.

In spring 1981, Cubana sought landing refueling rights at Kindley Naval Air Station, Bermuda, citing a dubious rationale that it would be advantageous for a northern Europe route, when it appeared that Bermuda would be better suited to facilitate flights to Africa. An interagency group studied this request at some length with DOD strongly objecting, and when no answer was forthcoming, Cuba attempted to circumvent normal diplomatic processes, applying directly for permission to land at Kindley with the Naval Facilities Command, Alexandria, VA. Through inadvertency the request was approved on 12 June 81, and then was rescinded 26 June 81 when higher level officials became aware of the "end run."

In May 1981 after more than 2 years of interagency effort, in response to a DOD request, CAB changed its procedures governing communist charters to the U.S. Under the new rule, at least 14 days advance notice (vice three days) is required to obtain approval for all charter flights, thus allowing a more orderly implementation of DOD defensive security measures with less chance that affected installations will not be notified. Cuba immediately appealed this order (Docket 39613) and also filed a freedom of information act request for staffing documents supporting the new CAB order. The FOIA request was made after CAB told Cuba some documents were classified.

In both January and December 1981, Cubana sought routing over the eastern portion of the United States after an extended FAA/DoD effort had earlier succeeded in forcing them to fly over the Atlantic Ocean for the major poriton of their Havana-Montreal flights.

During 1981, Cuba sought permission from CAB to fly charters to and from Puerto Rico which DoD strongly opposed. Currently DoD is preparing a similar response (to State) in regard to another Cubana request for charters, to Puerto Rico in April 1982.

During 1980, Cubana vigorously attempted to obtain flights to Dulles during a 13 week period.

In 1981, Cubana surreptitiously added the TU 154B to its Operational Specifications without following standard procedures to first obtain approval for flying new types of aircraft in US airspace. This attempt was unsuccessful and inspections will be made later in the year.

The level of Cubana charter flight activity to the U.S. has been high: 1979, 244; 1980, 93; 1981, 52.

During 1979 and 1980 these figures were the highest for all Communist nations. In 1981 only Poland had more charter flights (66). There is also considerable scheduled flight activity.

Finally, DoD records contain references to Cubana attempts, informal or otherwise, to obtain access to New York, Chicago, Key West, Ft Lauderdale, Tampa and St Croix.

While Cuba appears most aggressive, a second generalization evident from DoD records is that all Communist nations with access to US airspace have attempted or are attempting to obtain increased frequencies of flights or new routes.

In March 1981, East Germany made a formal overture to State to obtain overflight rights of the US East Coast on a Montreal-Havana flight, with no valid economic, safety or flight related rational apparent. DoD strongly opposed this. It was interesting that the E. German request came after FAA had advised Cuba its request for the same overland route was disapproved. (East Germany had requested this route previously in July 1978.)

In 1981, Bulgaria sought a Toronto or Montreal—NYC—Mexico City—Havana route, making a "preliminary expression of interest" to State that DoD opposed. The request was refused.

In June 1981, Czechoslovakia requested State to consider allowing "unlimited" charters to the U.S. and 10 extra sections on its flight to NYC. This was not approved. However, the Civil Aviation Agreement with Czechoslovakia was extended as a result of 1981 discussions, but with no changes.

In 1980 (Docket 35385) and in 1981, Poland sought a route to Chicago that would replace its charter operations. These negotiations were overrun by subsequent events. Poland also requested landing rights on Guam, once, in connection with a Warsaw-New Zealand flight.

In Feb. 1981, the Soviet Union sought to extend a "diplomatic" flight to NYC to include a later stop in Washington, D.C. as a charter. This was contrary to a 1974 Presidential Order (74-3-137). While the U.S.S.R. has not been actively seeking expanded access in the last 1-2 years, earlier it had sought extra flights, additional destinations and a transpacific route.

In 1981, the U.S. and Romania renewed the bilateral Civil Aviation Agreement with no changes. During prenegotiation discussions Romania had informally advanced Chicago as a possible new destination, as well as stating a desire for more flights on existing routes.

As noted above at several points, there appears to be a strong desire to overfly the U.S. eastern seaboard on a N-S route. Poland, Cuba, Czechoslovakia and East Germany have each tried to obtain permission to do so which would afford them collection opportunities in regard to the Norfolk complex, Ft. Bragg, and other installations.

In some cases, the increased access to U.S. airspace is as much a result of the U.S. seeking more overseas routes as it is foreign initiatives to obtain more U.S. access. U.S. economic/political interests and the need for a quid pro quo, appear to have been fundamental to the PRC gaining routes to NY and San Francisco. There remains a strong economic pressure to obtain more flights to the PRC which may lead to another U.S. city being serviced by CAAC, as well as another frequency.

Similarly, two U.S. airlines have been attempting to develop a charter program to the U.S.S.R. and a third desires overflights of the Soviet Union. While the current state of international relations may preclude these efforts, future changes and economic interests of U.S. airlines may lead again to Soviet overflights of the U.S. Negotiations, in fact, with Poland were progressing to the point where a quid pro quo might have given LOT flights to NY and/or Washington in return for changes that would have ensured greater profitability for U.S. flights into Poland.

CSA (CZECHOSLOVAK) AIRLINES FLIGHT INCIDENTS IN U.S. AIRSPACE

1979

Mar 01, Thu: OK 598, IL-62, proceeded via Albany instead of approved routing (via Syracuse). No advance notice was received that this flight planned to fly this unauthorized routing, and sector controller did not react in time.

1981

Apr 09, 10, Thu, Fri: Czechs requested a clearance for a special charter flight, OK 1628 (their only one of the year) through Pan Am which, in turn, called Hq FAA. It passed the request to State Department which approved the flight to operate from Montreal to Havana the day before the scheduled launching of the space shuttle

Columbia. On the day of the launch, the flight, utilizing different call signs, OK 1628, OK 1629, OK 2051, and OK 2052, attempted to fly through Miami Center and the launch area. Miami Center offered them routing around the launch area which they refused and returned to Havana to relaunch later after the Columbia also rescheduled.

Apr 10, Fri: OK 1521, IL-62, was a second Czech charter flight departing from Havana and wishing to fly through the launch area. Miami Center offered to route it around but it chose to return to Havana.

Apr 13, Mon: OK 629, IL-62, scheduled overflight from Havana to Montreal attempted to fly over Wilmington (ILM) and Philipsburg (PBS) to Syracuse (SYR) but was denied clearance by Miami Center.

May 12, Tue: OK 628, IL-62, supposed scheduled overflight, Montreal to Havana, actually departed from Gander and diverted into Miami because of weather. It was not known why this flight did not operate through Montreal.

Aug 12, Wed: OK 619, IL-62, supposed Monday or Tuesday scheduled overflight, Havana to Montreal, requested permission (through Canadair) to land at Boston and to operate on unauthorized airways. Permission was denied and flight operated on normal routing to Montreal.

Dec 27, Tue: OK 578, IL-62, enroute from Gander to Havana requested to land at Miami because of bad weather at Havana. Before Miami Center obtained permission, they went on to Nassau, their flight planned weather alternate. Late attempts to fly into Havana prompted OK 578 to request Miami as an alternate again but they did not receive permission.

1982

Feb 14, Sun: OK 598, IL-62, supposed scheduled flight, Prague-Montreal-New York, was operating from Havana to Montreal and requested unauthorized routing entering at Carolina Beach (CLB) and up U.S. airways. Flight was cleared to enter at JFK and up normal routing via Syracuse.

Mar 02, Tue: Through inadvertence, CSA flight OK 578 was approved to fly along the eastern seaboard states on a Montreal to Havana route. After reaching Florida, the local FAA Center rerouted it over water. The Czechs followed the flight plan they filed, but were aware from previous communications that it was FAA policy not to approve such flights.

CUBANA AIRLINES FLIGHT INCIDENTS IN U.S. AIRSPACE

1978

Jan 12, Thu: CU 482, IL-62, deviated off course over Patuxent River going northbound.

Feb 07, Tue: Cu 1209, IL-62, deviated off course going northbound.

Mar. 31, Fri: Cy 481, IL-62, did not contact Washington Center and deviated east of course over Patuxent River restricted areas going southbound.

1979

May 25, Fri: Cuban Cessna 411, CUT 102, arrived at Fort Lauderdale (FLL) with FAA approval though no prior notice or clearance had been given by State Department.

Jul 20, Fri: Unidentified Cuban IL-62 penetrated U.S. ADIZ abeam Langley AFB/Norfolk area, 80 miles west of course from Halifax to Havana. NORAD interceptors were scrambled from Langley AFB.

Sep 11, Tue: Cubana Air Force flew President of Mali from Havana to JFK aboard an IL-62 CU 8228 Special Charter. Yugoslavs were supposed to transport him. This CU 8228 crew argued with Miami Center about dictated overwater routing to JFK. No 72 hour prior notice. No prior approval from CAB.

1980

Mar 23, Sun: CU 480, northbound over Patuxent River violated restricted areas.

Apr 25, Fri: Scheduled overflight CU 481 returning to Havana from Montreal (CYMX) tried to change his call sign to CU 9071 (Charter from Miami to Havana) and attempted to change his routing from overwater to overland.

Sep 06, Sat: CU 1476 requested over U.S. airways routing (ILM-J79-J62-TUK) because of weather off east coast.

Sep 07, Sun: CU 481 filed out of Montreal (CYMX) on J29, J59, PSB. Caught by Washington Center which coordinated with FAA Hq and then routed them down to Wilmington (ILM) and overwater to Havana (MUHA).

Dec 19, Fri: CU 480 slipped through Miami Center and entered U.S. airways at Wilmington (ILM). Washington Center coordinated with Hq FAA to route this flight up old "ALPHA Route" (J40, J14, J37, J36, MSS, CYMX). Later in the day CU 481 (return flight) argued with New York Center for same return routing. New York denied such and they were routed overwater.

1981

Apr 26, Sun: CU 480 was touted as an IL-62, but, in fact, was a TU-154B. The TU-154B is not included on Cubana's FAA Operating Specifications.

Apr 21, Fri: CU 2473, IL-62, deviated from overwater to U.S. airways (STOOL, J150; HTO, J55/121, SIE, J79/121, ORF, J75, ILM) due to weather.—NOTE: Cuban government had repeatedly denied U.S. National Oceanic Atmospheric Agency aircraft from entering Cuban Flight Information Region for weather reconnaissance days before this flight.

1982

Jan 16, Sat: A Cubana flight from Montreal requested but was denied authority to fly over northern Maine on a route to the Atlantic using J-509. It identified itself by an incorrect call sign (CU484) which applies to a Cubana flight inbound to Montreal and incorrectly notified FAA that the aircraft in question was a TU-64, when in fact it was a TU-154.

THE RELATIONSHIP BETWEEN HIGH INTEREST RATES AND DEFICITS

Mr. DECONCINI. Mr. President, the willingness of the Reagan administration to accept high deficits has long amazed me. What is even more incredible is their new contention that there is no relationship between high deficits and high interest rates. In a recent speech to the National Automobile Dealers Association, Secretary Regan cited a Treasury study showing that "there exists no necessary cause-effect link between deficits and interest rates." One hopes that statements such as these are pure posturing on the part of Secretary Regan in preparation for the upcoming Presidential election and not his true sentiment. Secretary Regan ignores basic commonsense and the fundamental principle of supply and demand.

On the same day that Secretary Regan was speaking to the Automobile Dealers, Martin Feldstein, Chairman of the Council of Economic Advisers was flatly contradicting Secretary Regan. In a speech before the U.S. Chamber of Commerce, Feldstein stated:

> The reason for the very high level of long-term real interest rates is undoubtedly the unprecedented level of the budget deficits that are now predicted for the years ahead if no legislative action is taken.

While Feldstein has clearly not endeared himself to the White House, he has simply repeated the obvious facts that most major economists have been citing for years. That is, that high budget deficits substantially contribute to high interest rates.

Very simply put the more competition there is for a limited pool of funds; that is, money available for lending, the more it will cost to borrow that money.

Even President Reagan affirmed this principle in a January 1981 news conference when he said:

> The answer to the interest rates is going to be our program of reducing government spending, tied to the reduction of tax rates
> * * *

Mr. President I urge the President and Secretary Regan to reevaluate their position on the relationship between interest rates and deficits. Surely the future economic health of our Nation deserves better from this administration than self-serving statements designed to persuade the American people that the Reagan administration's outrageous deficits are acceptable from the interest rate perspective.

NATIONAL HISPANIC HERITAGE WEEK

Mr. DECONCINI. Mr. President, I am honored to participate in the celebration of National Hispanic Heritage Week. This week is designed to illuminate the rich contributions of Hispanics to our culture and enlighten us as to the relative deprivation of Hispanic American citizens within the United States.

The United States is the fourth largest Spanish-speaking community in the world. Yet, we continue to treat Hispanics as a group of second-class citizens. We have given Hispanics the name "minority," a term which is reserved for those Americans who do not fully share in the promise of America. Minorities are Americans who do not have equal opportunities or equal justice. They are Americans who are forced to bear a disproportionate share of the unemployment burden. They are Americans who have been

denied the fulfillment of the American dream.

In upholding the ideal of human rights, Americans must insure that all of its citizens enjoy the freedom and the benefits promised by the Constitution and the Declaration of Independence. Our Government has an obligation to provide Hispanic citizens an equal opportunity to succeed in building a truly good life in this country. Today, Hispanic Americans struggle, without adequate education or vocational training, to compete for jobs. Their struggle is made more difficult by an environment of hostility and prejudice.

In meeting the challenge of remedying these problems, our most urgent need is to integrate Hispanics into our political structure. Only through genuine participation in government can Hispanic Americans defend their rights and advance their interests in the policymaking process.

National Hispanic Heritage Week has laudable objectives. Unfortunately, its proclamation is the result of inequality and injustice. It is distressing that as a nation we must remind ourselves that we are not meeting our most fundamental obligations. I look forward to a time when a week such as this is dedicated purely to honoring the accomplishments and contributions of Hispanic Americans and appreciating the varied forms of Hispanic culture.

Meanwhile, there must be a commitment by this administration and the Congress to bring Hispanic leaders into our governmental and political structures. With this commitment, I believe that the poverty, the illiteracy, the poor health and nutrition, the inadequate housing, and the substandard schooling that today plague the Hispanic community will become a relic of the past. We must strive to make every member of our society, regardless of background a recipient of the promise of this great Nation. As we move toward this goal, I believe that we will set an example for the rest of the world that democracy and freedom for all can be a reality for our generation, not a failed experiment of the past.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Saunders, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Acting President pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 11:56 a.m., a message from the House of Representatives, delivered by Mr. Berry, one of its reading clerks, announced that the House has passed the following bill, with amendments, in which it requests the concurrence of the Senate:

S. 461. An act to extend the authorization of appropriations for the Office of Government Ethics for 5 years.

The message also announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 559. An act to amend the Securities Exchange Act of 1934 to increase the sanctions against trading in securities while in possession of material nonpublic information;

H.R. 2077. An act to amend title 5, United States Code, to extend the Federal Physicians Comparability Allowance Act of 1978, and for other purposes; and

H.R. 3222. An act making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1984, and for other purposes.

HOUSE MEASURES REFERRED

The following bills were read the first and second times by unanimous consent, and referred as indicated:

H.R. 559. An act to amend the Securities Exchange Act of 1934 to increase the sanctions against trading in securities while in possession of material nonpublic information; to the Committee on Banking, Housing, and Urban Affairs.

H.R. 2077. An act to amend title 5, United States Code, to extend the Federal Physicians Comparability Allowance Act of 1978, and for other purposes; to the Committee on Governmental Affairs.

HOUSE MEASURE PLACED ON CALENDAR

The following bill was read the first and second times by unanimous consent, and placed on the calendar:

H.R. 3222. An act making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1984, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-1753. A communication from the Assistant Secretary of the Interior, transmitting a draft of proposed legislation to withdraw and reserve for the Department of the Air Force certain public lands within the Nellis Air Force Range, within Clark, Nye, and Lincoln counties, Nevada, for use as a training and weapons testing area, and for other purposes; to the Committee on Energy and Natural Resources.

EC-1754. A communication from the Deputy Secretary of the Treasury, transmitting a draft of proposed legislation to amend certain provisions applicable to compensation for the overtime inspectional service of employees of the United States Customs Service and the Immigration and Naturalization Service, and for other purposes; to the Committee on Finance.

EC-1755. A communication from the Director of the Office of Personnel Management, transmitting a draft of proposed legislation to repeal statutory minimum grade levels for certain Federal positions; to the Committee on Governmental Affairs.

EC-1756. A communication from the Acting Comptroller General of the United States, transmitting a draft of proposed legislation to amend 5 U.S.C., 3345, 3346, and 3348 to include the independent establishments in the executive branch within the purview of the Vacancies Act; to the Committee on Governmental Affairs.

EC-1757. A communication from the Assistant Secretary of the Interior (Indian Affairs), transmitting a draft of proposed legislation to provide for the statutory designation of the position of Assistant Secretary of the Interior for Indian Affairs, eliminate the position of Commissioner of Indian Affairs, make conforming amendments, repeal unnecessary provisions of law referring to the Commissioner of Indian Affairs, and for other purposes; to the Select Committee on Indian Affairs.

EC-1758. A communication from the Director of the Office of Management and Budget, transmitting, pursuant to law, the cumulative report on budget rescissions and deferrals dated September 1, 1983; pursuant to the order of January 30, 1975, referred jointly to the Committee on the Budget, the Committee on Appropriations, the Committee on Agriculture, Nutrition, and Forestry, the Committee on Commerce, Science, and Transportation, the Committee on Labor and Human Resources, the Committee on Banking, Housing, and Urban Affairs, the Committee on Energy and Natural Resources, the Committee on Foreign Relations, the Committee on Armed Services, the Committee on the Judiciary, the Committee on Finance, and the Committee on Veterans' Affairs.

EC-1759. A communication from the Director of the Office of Legislative Affairs, Agency for International Development, transmitting, pursuant to law, a correction to a previously submitted report on funds appropriated by the Supplemental Appropriations Act, 1983; to the Committee on Appropriations.

EC-1760. A communication from the Acting Director of the Defense Security Assistance Agency, transmitting, pursuant to law, a report on the Department of the Navy's proposed letter of offer to Spain for defense articles estimated to cost in excess of $50 million; to the Committee on Armed Services.

EC-1761. A communication from the Acting Assistant Secretary of the Army (Installations, Logistics and Financial Management), transmitting, pursuant to law, a report on the conversion of the automatic data processing activity at the U.S. Army Ordnance Center and School, Aberdeen, Maryland to performance by contract; to the Committee on Armed Services.

EC-1762. A communication from the Acting Assistant Secretary of the Army (Installations, Logistics, and Financial Management), transmitting, pursuant to law, a report on the conversion of the audiovisual services activity at U.S. Army Support Command, Hawaii to performance by contract; to the Committee on Armed Services.

EC-1763. A communication from the Deputy Assistant Secretary of Defense, transmitting, pursuant to law, a report on a new Privacy Act system of records; to the Committee on Governmental Affairs.

EC-1764. A communication from the Chairman of the Federal Election Commission, transmitting, pursuant to law, the fiscal year 1985 budget request of the Commission, to the Committee on Rules and Administration.

EC-1765. A communication from the Executive Secretary, Office of the Secretary of Defense, transmitting, pursuant to law, a report on Department of Defense procurement from small and other business firms for October 1982 through April 1983; to the Committee on Small Business.

EC-1766. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "States Are Making Good Progress in Implementing the Small Cities Community Development Block Grant Program"; to the Committee on Banking, Housing, and Urban Affairs.

EC-1767. A communication from the Chairman of the Consumer Product Safety Commission, transmitting, pursuant to law, the budget request of the Commission for fiscal year 1985; to the Committee on Commerce, Science, and Transportation.

EC-1768. A communication from the Director of the Congressional Budget Office, transmitting, pursuant to law, a report entitled "Efficient Investments in Water Resources: Issues and Options"; to the Committee on Environment and Public Works.

EC-1769. A communication from the Director of Civil Works, Office of the Chief of Engineers, Department of the Army, transmitting, pursuant to law, the annual report of the Chief of Engineers for fiscal year 1982 on civil works activities; to the Committee on Environment and Public Works.

EC-1770. A communication from the Inspector General, Veterans Administration, transmitting, pursuant to law, a report on a Veterans Administration matching program; to the Committee on Governmental Affairs.

EC-1771. A communication from the Director of the Selective Service System, transmitting, pursuant to law, a report on a matching program to locate absent parents with child support obligations; to the Committee on Government Affairs.

EC-1772. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report on the examination of the U.S. Capital Historical Society's financial statements for the years ended January 31, 1982 and 1981; to the Committee on Rules and Administration.

EC-1773. A communication from the Secretary of Energy, transmitting, pursuant to law, a report concerning the need for continuation or modification of the Price-Anderson Act; to the Committee on Energy and Natural Resources.

EC-1774. A communication from the Chairman of the National Advisory Committee on Oceans and Atmosphere, transmitting, pursuant to law, a report of the Commission entitled "Marine Minerals an Alternative Mineral Supply"; to the Committee on Energy and Natural Resources.

EC-1775. A communication from the Deputy Secretary of the Treasury, transmitting a draft of proposed legislation to establish a 1-year limitation on the filing of claims for unpaid accounts formerly maintained in the Postal Savings System; to the Committee on Finance.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. PERCY, from the Committee on Foreign Relations, with amendments:

S. 1762. A bill entitled the "Comprehensive Crime Control Act of 1983."

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. PACKWOOD, from the Committee on Commerce, Science, and Transportation:

Matthew V. Scocozza, of Tennessee, to be an Assistant Secretary of Transportation;

Barbara E. McConnell, of the District of Columbia, to be a member of the Civil Aeronautics Board for the remainder of the term expiring December 31, 1983; and

Barbara E. McConnell, of the District of Columbia, to be a member of the Civil Aeronautics Board for the term of 6 years expiring December 31, 1983.

(The above nominations were reported from the Committee on Commerce, Science, and Transportation with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

Mr. PACKWOOD. Mr. President, I also report favorably a nomination list in the Coast Guard which previously appeared in the CONGRESSIONAL RECORD of September 12, 1983, and, to save the expense of reprinting the list on the Executive Calendar, ask unanimous consent that these nominations lie on the Secretary's desk for the information of Senators.

By Mr. TOWER, from the Committee on Armed Service:

Mr. TOWER. Mr. President, from the Committee on Armed Services, I report favorably the following nominations: in the Army there are 5 permanent appointments to the grade of brigadier general—list begins with Thomas M. Geer—Rear Adm. John B. Mooney, Jr., U.S. Navy, to be Chief of Naval Research, in the Army there are 37 appointments to the grade of major general—list begins with John L. Ballantyne, III—Lt. Gen. John S. Pustay, U.S. Air Force—age 52—to be placed on the retired list, Maj. Gen. Richard D. Lawrence, U.S. Army, to be lieutenant general and Lt. Gen. LaVern E. Weber, U.S. Army, to be lieutenant general, and in the Army there are 60 appointments to the grade of brigadier general—list begins with James R. Ralph, Jr.—I ask that these names be placed on the Executive Calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TOWER. Mr. President, in addition, in the Air Force there are 409 permanent promotions to the grade of major—list begins with James E. Abbott—in the Air Force there are 410 appointments to the grade of major and below—list begins with Leonard B. Addison—in the Army there are 8 permanent promotions to the grade of major—list begins with Van T. Barfoot, Jr.—in the Army Reserve there are 121 promotions to the grade of colonel and below—list begins with Ralph L. Bishop—in the Navy there are 740 permanent promotions to the grade of lieutenant commander—list begins with Robert J. Adams—in the Naval Reserve there are 1,232 permanent promotions to the grade of commander—list begins with David D. Abelson—in the Naval Reserve there are 1,072 permanent promotions to the grade of captain—list begins with Donn V. Aaby—in the Naval Reserve there are 3,785 permanent promotions to the grade of commander—list begins with Garry W. Aaron—in the Marine Corps Reserve there are 234 permanent appointments to the grade of lieutenant colonel—list begins with John J. Abbattista—in the Navy there are 574 permanent promotions to the grade of captain—list begins with Reinaldo G. Alvarez—in the Navy there are 1,583 permanent promotions to the grade of commander—list begins with Raymond L. Adman—in the Air Force there are 36 permanent promotions to the grade of colonel and below—list begins with Felix M. Fabian, Jr.—in the Air Force Reserve there are 14 promotions from the Air National Guard to the grade of lieutenant colonel—list begins with Frederick H. Forster—in the Air Force Reserve there are 20 promotions from the Air National Guard to the grade of lieutenant colonel—list begins with Stanley I. Anderson—Robbins W. Campbell, U.S. Air Force, to be appointed to the grade of major or below, in the Army there are 2,992 permanent promotions to the grade of major—list begins with Crispin A. Abad—in the Navy and Naval Reserve there are 195 permanent appointments to the grade of commander and below—list begins with Carl D. Fago—in the Navy there are 240 permanent promotions to the grade of chief warrant officer—list begins with Charles D. Arnold—and in the Marine Corps there are 344 transfers from the Marine Corps Reserve to the grade of lieutenant colonel and below—list begins with Lillian Hagener—in the Air Force Reserve there are 758 promotions to the grade of lieutenant colonel—list begins with James L. Adams, Jr.—in the Air Force and Air Force Reserve there are 44 appointments/promotions to the grade of

colonel and below—list begins with Paul V. Humbert. Since these names have already appeared in the CONGRESSIONAL RECORD and to save the expense of printing again, I ask unanimous consent that they be ordered to lie on the Secretary's desk for the information of any Senator.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The nominations ordered to lie on the Secretary's desk appeared in the RECORD of September 12, 1983, at the end of the Senate proceedings.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. SASSER (for himself and Mr. BAKER):

S. 1854. A bill for the relief of the survivors of John Smitherman; to the Committee on the Judiciary.

By Mr. HOLLINGS (for himself, Mr. FORD, and Mr. RIEGLE):

S. 1855. A bill to authorize the operation of U.S. land remote sensing satellite systems, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. BURDICK:

S. 1856. A bill entitled the "Criminal Reward Reimbursement Act"; to the Committee on the Judiciary.

By Mr. DURENBERGER (for himself, Mr. MOYNIHAN, Mr. BRADLEY, and Mr. MATSUNAGA):

S. 1857. A bill to amend the Internal Revenue Code of 1954 to remove certain impediments to the effective philanthropy of private foundations; to the Committee on Finance.

By Mr. MATHIAS (for himself and Mr. EAGLETON):

S. 1858. A bill to amend the District of Columbia Self-Government and Governmental Reorganization Act, and for other purposes; to the Commtittee on Governmental Affairs.

By Mr. DOMENICI:

S. 1859. A bill for the transfer of certain interests in lands in Dona Ana County, N. Mex., to New Mexico State University, Las Cruces, N. Mex.; to the Committee on Energy and Natural Resources.

By Mr. LAXALT (for himself, Mr. HECHT, Mr. CRANSTON, and Mr. WILSON):

S. 1860. A bill to clear title to certain lands along the California-Nevada boundary; to the Committee on Energy and Natural Resources.

By Mr. PRESSLER:

S. 1861. A bill to authorize the development of a new generation land remote sensing satellite, and to insure the role of the United States as the world leader in development and utilizing land remote sensing technology through the Landsat program; to the Committee on Commerce, Science, and Transportation.

By Mr. DECONCINI:

S. 1862. A bill to establish a Select Commission on Drug Interdiction and Enforcement; to the Committee on the Judiciary.

By Mr. GARN:

S. 1863. A bill for the relief of Aundun Endestad; to the Committee on the Judiciary.

By Mr. DOMENICI:

S. 1864. A bill to amend the Internal Revenue Code of 1954 to provide a declaratory judgment with regard to the extension of time for payment of estate tax; to the Committee on Finance.

By Mr. STEVENS (for Mr. JEPSEN) (for himself and Mr. HUDDLESTON):

S. 1865. A bill to require the Secretary of Agriculture to make an earlier announcement of the 1984 crop feed grain program and of the 1985 crop wheat and feed grain programs; read twice and placed on the calendar.

By Mr. BAKER (for himself and Mr. PERCY):

S.J. Res. 166. Joint resolution providing statutory authorization under the war powers resolution for continued U.S. participation in the multinational peacekeeping force in Lebanon in order to obtain withdrawal of all foreign forces from Lebanon; to the Committee on Foreign Relations.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolution and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. HOLLINGS:

S. Res. 224. Resolution to commend Virginia P. Bobo for her exemplary service to the U.S. Senate and the Nation; considered and agreed to.

By Mr. STEVENS (for Mr. BAKER):

S. Con. Res. 68. Concurrent resolution to correct the enrollment of S. 602; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. SASSER (for himself and Mr. BAKER).

S. 1854. A bill for the relief of the survivors of John Smitherman; to the Committee on the Judiciary.

RELIEF OF THE SURVIVORS OF JOHN SMITHERMAN

● Mr. SASSER. Mr. President, along with the distinguished majority leader, Mr. BAKER, I am today introducing legislation for the relief of the survivors of John Smitherman of Mulberry, Tenn.

John Smitherman passed away this past Sunday without the service-connected compensation from the Veterans' Administration that was his just reward for the service he gave his country. Now, his widow, Rose Smitherman, is without support, and this bill seeks to correct this injustice.

The case of John Smitherman is a tragic saga that goes back to his service in the Navy in the South Pacific just after World War II. At that time he witnessed an atmospheric atomic test. Then, only hours later, his ship sailed into the very spot of the test site. After several hours of work around the site, John Smitherman took the most unfortunate swim of his life in water that had just been contaminated by atomic radiation. During the entire exercise, John Smitherman and his colleagues received no warnings from Navy officials about the hazards of radiation.

Today, if one is near low level radiation, one must wear extensive protective clothing: John Smitherman wore only shorts the day he witnessed an atomic bomb blast.

Despite the fact that John Smitherman lost two legs to this cancer, the Veterans' Administration continued to insist that his disease was not service-connected.

Despite all the evidence that the cancer which slowly consumed him and eventually caused his death is linked to the radiation exposure, the Veterans' Administration remained adamant in its refusal to grant service-connected compensation.

John Smitherman made seven appeals to the Veterans' Administration, each one unsuccessful, each one bogged down by a technicality. This case is a bureaucratic nightmare. This case is a classic example of Government insensitivity to its citizens.

John Smitherman served his country proudly and even while lying on his deathbed because of a disease acquired while in his country's service, insisted, without hesitation, that he would serve his country again.

I hope that my colleagues will act favorably and expeditiously on this legislation.

I ask unanimous consent that recent editorials from the Nashville Banner and Tennessean regarding John Smitherman be printed in the RECORD at this point.

There being no objection, the materials were ordered to be printed in the RECORD, as follows:

[From the Nashville Banner, Sept. 15, 1983]

JOHN SMITHERMAN'S FIGHT GOES ON

John Smitherman, a 55-year-old Lincoln County man, was serving his country in the Navy during the days after World War II when testing of this nation's new-found atomic power was being tested in remote Bikini Atoll in the Pacific. Mr. Smitherman was there when an atomic bomb was tested in 1946, and for the past seven years he vainly sought benefits from the government in the form of disability pay.

Mr. Smitherman suffered from lymphatic cancer that cost him his legs and caused one hand to swell abnormally. The cancer, he said, was a result of the atomic testing to which he was exposed. Mr. Smitherman continued his fight until the day of his death last Sunday, not only for himself, but in behalf of the thousands of members of the National Association of Atomic Veterans, an organization of which he was chairman. There have been nearly 3,000 claims by veterans and their families of atomic testing induced illness. Sixteen have been granted. Mr. Smitherman's was not one of them.

In his stead, members of Tennessee's congressional delegation are carrying on the fight. "He knew he could count on his friends to continue fighting for him, and we will," said Rep. Jim Cooper. "John Smitherman knew that his time was short but his thoughts were not of himself," Sen. Jim

Sasser told the Board of Veterans' Appeals in Washington. "Do the right thing . . . give the justice to John Smitherman after his death that was denied him in life" Rep. Albert Gore Jr. urged the panel. Rep. Don Sundquist said Mr. Smitherman was a "quiet hero of a cause the country has not yet faced."

But instead of reaching a decision, the board sent his case back to Nashville for Mrs. Smitherman to add claims for survivor's benefits to the case. It then presumably will hear it again.

Rep. Sundquist told the board members, "Let's hope he didn't die in vain," adding that Mr. Smitherman had repeatedly said he would again serve his country. By his determination, his courage and his sacrifice, he is doing just that. The outcome of the John Smitherman case will have much impact on the cases of all the others who seek benefits from the Veterans Administration. Mr. Smitherman sought only justice, and he serves at least that, even in death.

[From the Nashville Tennessean, Sept. 14, 1983]

MR. SMITHERMAN'S LEGACY

For the last six years of his life, Mr. John Smitherman waged a courageous battle against lymphatic cancer.

The disease had spread from his colon to his spleen and liver. Both of his legs were amputated. One hand was five times the size of the other.

His death on Sunday ended Mr. Smitherman's battle with cancer. But the struggle for which he will be remembered was not against a disease, but against the Veterans Administration.

Mr. Smitherman was a World War II veteran. As a boiler operator in the U.S. Navy, he witnessed the 1946 atomic bomb testing on the Bikini Atoll. He often recalled that he was clad only in shorts, and that the atomic debris showered his bare chest. He received no safety instructions.

Despite the testimony of numerous physicians, the VA was never convinced that Mr. Smitherman's medical condition was the result of his exposure. They rejected his claim for disability pay. His wife cannot claim his disability pension.

According to the National Association of Atomic Veterans, which Mr. Smitherman chaired, there have been 2,883 radiation-related claims by veterans and their families. Only 16 had been granted by November, 1982.

Mr. Smitherman knew for months that his physical condition was terminal, but he continued to fight his battle. He testified to congressional committees on the injustice to atomic veterans. He was scheduled to appeal his case in Washington this week for the seventh time.

Mr. Smitherman's legacy will continue with other atomic veterans, and with all people concerned about humane treatment for those who have served this nation.●

By Mr. HOLLINGS (for himself, Mr. FORD, and Mr. RIEGLE):

S. 1855. A bill to authorize the operation of U.S. land remote sensing satellite systems, and for other purposes; to the Committee on Commerce, Science, and Transportation.

LAND REMOTE SENSING SATELLITE AUTHORIZATION ACT OF 1983

● Mr. HOLLINGS. Mr. President, on March 8 of this year President Reagan made a decision to seek to commercialize existing U.S. weather and land remote sensing satellite systems. As the Members of this body surely recall, the response by the Congress over the proposed sale of the weather satellites was a resounding and unanimous no. Since that time Secretary Baldrige has made an effort to involve the Congress in the administration's decisionmaking. He is to be commended for his forthrightness.

However, there is a basic flaw in the administration's plan, the sale of weather satellites does not make sense. A number of studies have been released and hearings held which explored the question of transfer of weather and land remote sensing satellites. I am unaware of any new information that would suggest that there is an advantage to the citizens of this country to transfer the weather satellites to the private sector. Let this be a clear signal again that this Senator finds little reason for placing weather satellites in private hands. If there are efficiencies to be made in the present operation of weather satellites, let the Department of Commerce find them. But let us not confuse anyone that the Congress has changed its mind on this question.

On the other hand, commercialization of satellite land remote sensing is a different matter. There are reasons for increased private sector participation in this area just as the private sector did in satellite communications years ago. This is an area of space commercialization that will produce increasing economic and public benefits. Clearly, the French and others see these benefits.

The Landsat program was developed by NASA more that 10 years ago. Recently, it has been managed by NOAA. The program has produced a valuable technology. The benefits of that technology to the Federal Government, to the State and local governments, to the private sector and the international community already have been well established.

Currently we have in operation a Landsat D satellite. Difficulties have arisen with regard to the operation of that satellite, and it now appears we will have to launch as early as possible a follow-on Landsat D' satellite. At this time there are no plans by the Federal Government to purchase additional satellites to follow after D'. The concept which the administration is pursuing is to seek ways to have the private sector invest in and develop follow-on land remote sensing satellite systems.

The administration approach unfortunately rests on the belief that both weather and land remote sensing satellites should be transferred to the private sector. They are soliciting bids from private companies through a request for proposal—RFP—process to own and operate these satellites. As I indicated at the outset, I believe the inclusion of weather satellites is not in the national interest. Their inclusion in the RFP process only confuses prospective bidders. This confusion, the delays associated with the RFP process, and the need to seek legislation to authorize the sale of those satellites would only put the United States at a major disadvantage with regard to future international competition in land remote sensing.

As an alternative to this process, I propose that the U.S. Congress deal with the issue of land remote sensing satellites now and not wait until late next year.

The bill I am introducing today sets forth several simple ground rules by which we can resolve this remote sensing issue and move to protect U.S. public and private interests. First, this bill states that it is the policy of the United States to assure data continuity beyond the functioning of the Landsat D' system. Second, that it is the policy of the United States to maintain the ownership and operation of the current Landsat D and D' system within the Government, providing an option for private sector leasing or contracting. Third, this bill would guarantee that whatever U.S. systems are developed, they shall comply with international and national security considerations. Fourth, that to assure data continuity the Secretary of Commerce shall immediately proceed to seek ways for private sector development and investment in land remote sensing satellite systems. This process would include a determination of basic Federal requirements for land remote sensing data, followed by a review of alternative, cost effective satellite systems that could meet these basic requirements. Among possible incentives, the Secretary of Commerce would have the authority to provide loan guarantees for private sector risk taking in this area.

Finally, this bill provides an option that if the private sector will not be able to furnish basic Government requirements for data, the Government may decide to purchase their own systems.

There is one company already interested in providing relatively inexpensive yet sophisticated satellite land remote sensing systems. With the encouragement provided in this bill, others may follow. We need to provide a climate for innovation that encourages imagination and the entrepreneurial spirit so characteristic of this Nation. To attempt to do so through a scheme previsouly proposed that insures a guaranteed market and a monoploy is not in the best American tradition. We can do much better. That is the aim of this bill.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1855

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Land Remote Sensing Satellite Authorization Act of 1983".

FINDINGS, PURPOSES, AND POLICY

SEC. 2. (a) FINDINGS.—The Congress finds and declares that—

(1) remote sensing from satellites can assist the rational management of the Earth's natural resources and environment by providing data on the geological, biological, hydrological, agricultural and other natural features of the Earth's surface;

(2) the United States is the world leader in developing land remote sensing technology through the experimental Landsat program;

(3) remote sensing data from satellites has been valuable and useful and is expected to be in greater demand in the future if it is available on a continuous, timely, and reliable basis, since data continuity is essential to market development;

(4) the Federal Government should, for the near future, continue to be responsible for the existing United States land remote sensing satellite system (including Landsats D and D'), so that the market for data and data products from such a system will expand and become more mature;

(5) the private sector has the technical ability and financial resources to develop, own and operate future United States land remote sensing satellite systems and, therefore, authority for private sector involvement in land remote sensing should be provided;

(6) the rapid development of follow-on land remote sensing satellite systems by the private sector should be encouraged to preserve and enlarge the benefits already realized from the existing United States land remote sensing satellite system; and

(7) the ownership and maintenance of the United States meteorological satellites are the responsibilities of the Federal Government and no action should be taken to transfer, lease or sell them to the private sector.

(b) PURPOSES. It is declared to be the purposes of the Congress in this Act that—

(1) the Secretary of Commerce shall be responsible for the operation of the existing United States land remote sensing satellite system (including Landsats D and D), with authority to lease or contract such operation to the private sector;

(2) the Secretary of Commerce shall establish a process for assuring data continuity after the existing United States land remote sensing satellite system is no longer in operation; and

(3) any United States land remote sensing satellite system shall be operated in a manner consistent with the national security and international obligations of the United States.

(c) POLICY.—It is declared to be the policy of the Congress in this Act that—

(1) the United States should take steps to ensure, on a non-discriminatory basis, dissemination of data from any United States land remote sensing satellite system;

(2) all nations have the right to acquire data from space systems in outer space;

(3) space technology developed by programs of the United States Government should be transferred to the private sector whenever feasible and cost-effective; and

(4) any regulations required under this Act shall be designed to encourage private sector operation of, and competition among, land remote sensing satellite systems.

DEFINITIONS

SEC. 3. As used in this Act, unless the context otherwise requires, the term—

(1) "data" means a set of signals collected by sensors on a satellite that are useful in describing or viewing the Earth's resources, features or environment, but does not include conclusions, manipulations or calculations derived from such measurements and observations;

(2) "data-handling segment" means that portion of the United States land remote sensing satellite system that receives, processes, stores and manages data transmitted from a satellite, including the aggregation or processing of such data into usable information, except that such term does not include the space segment, as defined in paragraph (3) of this section;

(3) "space segment" means that portion of the United States land remote sensing satellite system associated with satellite operation and control, and includes the satellite, its sensors, and associated equipment and facilities for tracking, guidance, and command purposes, except that such term does not include the data-handling segment, as defined in paragraph (2) of this section;

(4) "land remote sensing satellite system" means a system of one or more satellites operating in outer space, the purpose of which is to obtain data on the geological, biological, hydrological, agricultural, and other natural features of the Earth's surface, and includes the space segment and data-handling segment, except that the term does not include any satellite which is intended for (A) national security uses; (B) commercial telecommunications; (C) weather observation and forecasting; or (D) research and development;

(5) "Landsat" means the existing United States land remote sensing satellite system operated by the Department of Commerce including the D and D satellites and related ground systems; and

(6) "Secretary" means the Secretary of Commerce.

AUTHORITY OF THE SECRETARY

SEC. 4. (a) IN GENERAL.—The Secretary shall be responsible, in accordance with the provisions of this Act, for—

(1) the management and general oversight of the existing United States land remote sensing satellite system (including Landsat D and D);

(2) the operation of existing space and data-handling segments, including the leasing or contracting of such operation to the private sector, if the Secretary determines such operation to be feasible and cost-effective;

(3) the supervision and oversight of any non-governmental entity or entities operating any land remote sensing satellite system;

(4) determining the basic requirements of the Federal Government for land remote sensing satellite data; and

(5) assuring data continuity beyond the existing United States land remote sensing satellite system.

(b) OVERSEEING THE EXISTING SYSTEM.—The Secretary shall acquire from the National Aeronautics and Space Administration all portions of the existing United States land remote sensing satellite system, except for those portions which are devoted solely to research and development. Data from any research and development portion of such system should be made available as soon as possible for the purposes of this Act.

(c) DATA CONTINUITY.—(1) The Secretary shall prepare a comprehensive overall plan, with periodic amendments as necessary, for the management of the existing United States land remote sensing satellite system, including—

(A) procuring or acquiring launch services;

(B) launching Landsat D as soon as possible after Landsat D is no longer in operation;

(C) operating and maintaining the existing space and data-handling segments, including methods for reducing costs; and

(D) leasing or contracting the existing space or data-handling segments, or both, to the private sector.

(2) The Secretary shall establish a competitive process that seeks to provide data continuity after Landsat D is no longer in operation. Such process shall be based primarily upon—

(A) the Secretary's determination of the potential availability of cost-effective commercial United States land remote sensing satellite systems; and

(B) those conditions which will stimulate and foster efforts by the private sector to provide data continuity.

In determining whether a United States land remote sensing satellite system is cost-effective under this paragraph, the Secretary shall consider various basic requirements of the Federal Government for land remote sensing satellite data as compared to the cost of providing such data.

(3) The Secretary shall encourage the private sector to develop United States land remote sensing satellite systems which will meet the basic requirements of the Federal Government for such systems after Landsat D is no longer in operation. To increase the viability of private ownership and operation of United States land remote sensing satellite systems, the Secretary shall promote the use, sale and distribution of Landsat data and data products. The Secretary may guarantee any lendor or lessor against loss of principal and interest or other contractual commitments on leases or loans issued to finance development of such systems. If the private sector can not be encouraged to develop such systems, the Secretary may undertake to purchase for the Federal Government a land remote sensing satellite system that will meet such basic requirements.

(4) When Landsat D and D are no longer in operation, the Secretary shall facilitate the transfer or lease to the private sector of assets and facilities of the space and data-handling segments. Any such transfer or lease shall be conducted on a competitive basis.

(d) COOPERATION WITH OTHER AGENCIES.—The Secretary shall coordinate the operation of the existing United States land remote sensing satellite system and the regulation of any commercial United States land remote sensing satellite system with each department or agency of the Federal Government interested in such system or its data.

(e) INTERNATIONAL NEGOTIATONS.—The Secretary, with the guidance of the Secretary of State, may hold discussions with international bodies or foreign governments in

order to carry out the policies, purposes, and provisions of this Act.

PROHIBITION OF REPRODUCTION FOR SALE OR DISTRIBUTION OF DATA AND BASIC INFORMATION PRODUCTS

SEC. 5. (a) PROHIBITED ACTS.—(1) It shall be unlawful for any person to reproduce for sale or distribution, or to sell or distribute, any data or basic information product produced by the existing United States land remote sensing satellite system, except in accordance with conditions specified by the Secretary. In setting forth such conditions, the Secretary shall consider the fair use of data by agencies of the Federal Government, and for teaching and research purposes.

(2) Notwithstanding any other provision of law, no data obtained from any commercial United States land remote sensing satellite system may be duplicated or released by any agent or department of the Federal Government or any other user, except upon prior receipt by the owner of such system of the price of such data, as if such data had been purchased directly from the owner.

(b) PENALTY.—(1) Any person who violates any provision of subsection (a) of this section, or any regulation issued under such subsection, shall be subject to a civil penalty of not to exceed $25,000 for each such violation.

(2) Any such penalty may be compromised by the Secretary. In determining the amount of the penalty, or the amount agreed in the compromise, the appropriateness of such penalty to the size of the business of the person charged and the gravity of the violation shall be considered. The amount of such penalty, when finally determined, or the amount agreed upon in the compromise, may be deducted from any sums owed by the United States to the person charged.

(c) JURISDICTION.—(1) The United States district court shall have jurisdiction, for cause shown, to restrain or enjoin violations of subsection (a) of this section upon petition by the appropriate United States attorney, or the Attorney General on behalf of the United States.

(2) Actions under paragraph (1) of this subsection may be brought in the district where any act or transaction constituting the violation occurred or in the district court where the defendant is found, is an inhabitant, or transacts business. Process in such cases may be served in any other district or where the defendant is an inhabitant or wherever the defendant may be found.

(3) In any action brought under this subsection, subpenas for witnesses who are required to attend a United States district court may run into any other district.

REGULATIONS

SEC. 6. The Secretary is authorized to establish such regulations as may be necessary to carry out the provisions of this Act.

ALLOCATION OF COMMUNICATIONS FREQUENCIES

SEC. 7. Within 120 days after the date of enactment of this Act, the Federal Communications Commission shall determine the frequencies for use by United States Landsat and commercial land remote sensing satellite systems. In making such determination, the Federal Communications Commission shall seek the comments of the Secretary. The Federal Communications Commission shall without prejudice permit the development and construction of any United States land remote sensing system (or component thereof) while any frequency determination is being made.

APPLICABILITY OF THE NATIONAL AERONAUTICS AND SPACE ACT OF 1958

SEC. 8. Nothing in this Act shall be construed to reduce or otherwise affect the authority of the National Aeronautics and Space Administration under the National Aeronautics and Space Act of 1958 (42 U.S.C. 2451 et seq.) to continue the research, development, design, testing, and evaluation of remote sensing components, subsystems, and systems for experimental purposes.●

By Mr. BURDICK:

S. 1856. A bill entitled the "Criminal Reward Reimbursement Act"; to the Committee on the Judiciary.

CRIMINAL REWARD REIMBURSEMENT ACT

Mr. BURDICK. Mr. President, today I am introducing a bill to provide that convicted criminals reimburse any payor of a reward which was offered for information that led to the criminal's apprehension, arrest or conviction. This bill amends the Victim and Witness Protection Act of 1982 (Public Law 97-291).

A reward is as much of a loss as an injury to the property of the victim. Since this loss is caused by the criminal in order to complete the case against him he should be held liable for it when he is found guilty. The resultant benefits are several.

First, while it is given that many criminals are indigent and cannot pay back the reward, many others are affluent, and the possibility of paying back rewards amounts to an increased penalty. This additional burden will operate as a significant deterrent to crime and would be especially useful in fighting crime in areas like white collar crime and high level drug operations.

Second, the possibility of being reimbursed for a reward will encourage more rewards—both from private and public sources—to be offered. The additional rewards will encourage more whistle blowers to report criminal activities. The effect will be the discovery and adjudication of more crimes. The result will be a lower crime rate and a lower rate of unsolved crimes.

Third, this bill will not cost the Government any money; but rather, it will produce revenue for crime prevention. Though this legislation applies to both private and public rewards, any public money used for rewards that is reimbursed can then be used for another reward. In other words, once money is paid for a reward, it is not necessarily lost from the informant fund forever. It would, in effect, be recycled to the extent that the criminal can repay and to the extent that the court orders reimbursement.

Mr. President, at this point I would like to discuss what may be raised as an objection to this bill. Opponents may argue that if this proposal were law, nothing would prevent anyone from offering outrageous rewards because they can be reimbursed. There are several safeguards to prevent such an application.

First of all, the risk that the reward money will be lost forever is not eliminated. The offender must be convicted before he can be forced to pay back the reward.

Second, whether to impose reward reimbursement is a discretionary power of the judge. The law to which this provision is being added reads:

The court, when sentencing a defendant convicted of an offense under this title * * * may order, in addition to or in lieu of any other penalty authorized by law, that the defendant make restitution to any victim of the offense. 18 U.S.C. 3579(a)(1).

The third safeguard against the use of rewards getting out-of-hand is that the prospect for the payor to be reimbursed for the reward is always limited by the assets of the criminal. Finally, this bill specifies that the reimbursement shall not exceed $25,000.

In conclusion, Mr. President, I offer this legislation because it will be a significant factor in fighting crime in this country. Furthermore, it will force convicted criminals to pay some of the costs for society to maintain the law and order that they themselves have violated. No motive could be more just.

I ask unanimous consent that the content of of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1856

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That clause (D) of paragraph (2) of rule 32(c) of the Federal Rules of Criminal Procedure is amended by inserting before the period at the end thereof the following: "and any reward that was paid for information leading to the apprehension, arrest, or conviction of the defendant".

SEC. 2. Subsection (b) of section 3579 of title 18, United States Code, is amended—

(1) in clause (3) by striking out "and" after the semicolon;

(2) in clause (4) by striking out the period at the end thereof and inserting in lieu thereof "; and"; and

(3) by inserting at the end thereof the following:

"(5) in any case in which a reward was paid for information furnished to the prosecution leading to the apprehension, arrest, or conviction of the defendant, reimburse the payor of the reward in an amount up to $25,000.".

SEC. 3. As a supplement to the report required by section 7 of Victim and Witness Protection Act of 1982 (Public Law 97-291), within one year after the date of enactment of this Act the Attorney General shall report to Congress regarding any laws that are necessary to insure that no Federal felon derives any profit from the sale of the recollections, thoughts, and feelings of such felon with regards to the offense committed by the felon until the payor of a reward receives restitution.

By Mr. DURENBERGER (for himself, Mr. MOYNIHAN, Mr. BRADLEY, and Mr. MATSUNAGA):

S. 1857. A bill to amend the Internal Revenue Code of 1954 to remove certain impediments to the effective philanthropy of private foundations; to the Committee on Finance.

TAX TREATMENT OF CONTRIBUTIONS TO PRIVATE FOUNDATIONS

● Mr. DURENBERGER. Mr. President, America's 22,000 private foundations have provided an invaluable service to our Nation by supporting important charitable work in communities nationwide. So great has been their support that over $3 billion has been spent annually by private foundations for philanthropic causes. Foundation grants support new approaches to community health, emergency food and shelter for the homeless, housing for the poor, scholarships, medical research, and numerous other charitable activities. America's foundations have met significant human needs that the Government might be called upon to perform without the initiatives of the private sector.

Since 1969, foundations have been subject to a multitude of rigorous Federal regulations. Tight restrictions have been imposed upon foundations by the Internal Revenue Code with respect to dealings with closely related parties, annual charitable distributions, business holdings, foundation investments and grants, and public reporting. Since enactment of these regulations, foundations have been carefully audited by the IRS and have proven in compliance with our tax laws.

Although the private foundation rules have provided an effective overall regulatory framework for foundations' charitable activities, more than a decade of experience has demonstrated that certain aspects of the rules create significant impediments to effective foundation philanthropy.

In order to encourage foundation development, in 1981 we removed a significant unforeseen impediment to foundation progress—the "5 percent" rules. The time has now arisen for us to take an important step and remove additional impediments to foundation philanthropy.

Today, Senator MOYNIHAN and I are introducing legislation that would eliminate the discriminatory tax treatment of lifetime gifts to foundations. Since 1969, such gifts have received significantly less favorable tax treatment than giving to other charities. The result has been a drastic decline in the level of lifetime gifts to foundations. Our legislation would help reverse this trend by making these gifts to foundations deductible on the same basis as gifts to other charities.

Our legislation would also simplify parts of the 1969 legislation by making several technical changes. It would limit the definition of "family member" to the children and grandchildren of substantial contributors and other so-called "disqualified persons," rather than to all lineal descendants of such disqualified persons.

This legislation would allow foundations to rely on official Internal Revenue Service rulings recognizing the tax-qualified status of potential grantees, and it would apply strict and detailed recordkeeping and reporting requirements only where total grants by a private foundation to a particular grantee during a taxable year exceed $25,000. Finally, our bill would provide the Secretary of the Treasury with authority to abate first-level penalty rules in cases in which a violation of the private foundation rules is due to reasonable cause and is corrected within the statutory correction period.

Identical legislation was introduced in the House in May and 18 of the 25 members of the House Ways and Means Committee have already joined as cosponsors. This important legislation has also received broad support from the charitable community.

I believe this is an important step in supporting the vital role foundations serve in our country and it sets an important example to the rest of the private sector.

I am hopeful that this legislation will be favorably considered by the Senate in the very near future, and I ask unanimous consent that the entire text of the legislation be included in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1857

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DEDUCTION FOR CHARITABLE CONTRIBUTIONS TO PRIVATE FOUNDATIONS.

(a) PERCENTAGE LIMITATIONS.

(1) IN GENERAL.—Paragraph (1) of section 170(b) of the Internal Revenue Code of 1954 (relating to percentage limitations on deductions for charitable contributions) is amended—

(A) by striking the phrase "described in subparagraph (d)" as it appears in subparagraph (A)(vii) and inserting in lieu thereof the phrase "as defined in section 509(a)",

(B) by striking out subparagraph (B),

(C) by redesignating subparagraph (C) as subparagraph (B),

(D) by striking out subparagraph (D), and

(E) by redesignating subparagraph (E) as subparagraph (C).

(b) CONTRIBUTIONS OF CAPITAL GAIN PROPERTY.—The first sentence of section 170(e)(1) of such Code (relating to certain contributions of ordinary income and capital gain property) is amended by striking subparagraph (B) and inserting in lieu thereof the following:

"(B) in the case of a charitable contribution of tangible personal property, if the use by the donee is unrelated to the purpose or function constituting the basis for its exemption under section 501 (or, in the case of a governmental unit, to any purpose or function described in subsection (c)), 40 percent (28/46 in the case of a corporation) of the amount of gain which would have been long-term capital gain if the property contributed had been sold by the taxpayer at its fair market value (determined at the time of such contribution)."

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1982.

SECTION 2. TECHNICAL AND ADMINISTRATIVE AMENDMENTS.

(a) DEFINITION OF FAMILY MEMBER.—Subsection (d) of section 4946 of the Internal Revenue Code of 1954 (defining members of family) is amended to read as follows:

"(d) MEMBERS OF FAMILY.—For purposes of subsection (a)(1), the family of an individual shall include only his spouse, ancestors, children, grandchildren, and the spouses of children and grandchildren."

(b) RELIANCE UPON DETERMINATIONS BY THE SECRETARY.—Section 4946 of the Internal Revenue Code of 1954 (relating to special rules for application of the private foundation rules) is amended by adding at the end thereof the following subsection:

"(e) RELIANCE UPON DETERMINATIONS BY THE SECRETARY.—A grant by a private foundation to an organization which has been determined by the Secretary to be an organization described in paragraphs (1), (2), or (3) of section 509(a) or in paragraph (3) of section 4942(j) shall be treated as a grant to such an organization provided that the grant or other expenditure is made prior to the earlier of the date of publication of notice by the Secretary that the organization is no longer described in paragraphs (1), (2), or (3) of section 509(a) or in paragraph (3) of section 4942(j) or the date on which the foundation acquires actual knowledge that the organization has been notified by the Secretary of such a change in the organization's status, and provided that the foundation was not responsible for (other than by making a grant or grants), or aware of such a change in the organization's status."

(c) EXEMPTION OF CERTAIN GRANTS FROM EXPENDITURE RESPONSIBILITY REQUIREMENT.—Paragraph (4) of section 4945(d) of the Internal Revenue Code of 1954 (defining taxable expenditure) is amended to read as follows:

"(4) as a grant to an organization unless—

"(A) the private foundation exercises expenditure responsibility with respect to such grant in accordance with subsection (h),

"(B) such grant is to an organization described in paragraph (1), (2), or (3) of section 509(a), or

"(C) the aggregate amount of grants made during the private foundation's taxable year by the foundation (and all other private foundations effectively controlled, directly or indirectly, by the same person or persons who control the foundation in question) to such organization does not exceed $25,000."

(d) ABATEMENT OF FIRST TIER TAXES IN CERTAIN CASES.—

"(1) IN GENERAL.—Subchapter C of chapter 42 of the Internal Revenue Code of 1954 (relating to abatement of second tier taxes) is amended by redesignating sections 4961 and 4962 as sections 4962 and 4963 respectively and by inserting as the first section in such subchapter the following new section:

"SEC. 4961. ABATEMENT OF FIRST TIER TAXES IN CERTAIN CASES.

"(A) GENERAL RULE.—If the Secretary determines that—

"(1) a taxable event was due to reasonable cause and not to intentional disregard to rules and regulations, and

"(2) such event was corrected within the correction period for such event,

then any first tier tax imposed with respect to such event (including interest) shall not be assessed, and if assessed, the assessment shall be abated, and if collected shall be credited or refunded as an overpayment."

(2) CONFORMING AMENDMENTS.—

(a) The title of subchapter C of chapter 42 is amended to read as follows:

"Subchapter C—Abatement of First and Second Tier Taxes in Certain Cases"

(B) The table of sections for subchapter C of chapter 42 is amended to read as follows:

"Sec. 4961. Abatement of first tier taxes in certain cases.

"Sec. 4962. Abatement of second tier taxes where there is correction.

"Sec. 4963. Definitions.

(e) EFFECTIVE DATES.—

(1) The amendment made by subsection (a) shall take effect on January 1, 1983.

(2) The amendments made by subsections (b) and (c) shall apply to grants made after December 31, 1982.

(3) The amendments made by subsection (d) shall be effective for taxable years beginning after December 31, 1982.●

● Mr. MOYNIHAN. Mr President, I rise today with my distinguished colleague from Minnesota, Mr. DURENBERGER, to introduce legislation that will remove certain impediments to private foundation philanthropy and will reduce certain administrative burdens now imposed on private foundations. This legislation is needed so that private foundations can continue to grow and to support charitable activities more effectively.

In 1969, Congress enacted comprehensive restrictions on private foundations to correct certain abusive practices and insure that they operate strictly in the public interest. For the most part, these 1969 rules have provided an effective overall regulatory framework. More than a decade of experience, however, has demonstrated that certain aspects of these restrictions have created significant impediments to effective foundation philanthropy.

Current law strongly discourages lifetime gifts to private foundations by according such gifts much less favorable tax treatment than gifts to other charities. Current law also imposes significant administrative burdens on foundations. These tax rules have contributed to a two-thirds drop in the birthrate of new foundations since 1969. This legislation would eliminate the discriminatory treatment of gifts to private foundations.

The bill would also reform certain aspects of the 1969 restrictions, thereby reducing the administrative burdens on private foundations and freeing them to support charitable activities more effectively. Under current regulations, the definition of "family member" includes all lineal descendants. The present bill would limit the definition of "family member" to the children and grandchildren of substantial contributors and other so-called disqualified persons, rather than to all lineal descendants of such disqualified persons. The bill would also allow private foundations to rely upon official Internal Revenue Service rulings recognizing the tax-qualified status of potential grantees. The bill would also limit the current detailed recordkeeping and reporting requirements to those instances in which the total grants of a foundation to a particular grantee during a given year exceeded $25,000. Finally, the bill would give the Secretary of the Treasury authority to abate first-level penalty taxes in cases in which a violation of the private foundation rules is due to reasonable cause and is corrected within the statutory correction period.

This important legislation has received broad support from the public charities as well as private foundations, and will contribute greatly to the health of philanthropy in our Nation. In recent years, America's 22,000 private foundations have paid out more than $3 billion annually to support important charitable work in communities nationwide. Foundation grants support new approaches to community health, emergency food and shelter for the homeless, housing for the poor, scholarships, medical research, and a range of other charitable activities. Were it not for these initiatives of the private sector, Government might well be called upon to meet many of these needs.

Mr. President, let me mention that experts in these matters predicted that Congress would have to revise some of what it did in 1969.

As Boris Bittker, in his book "Federal Income Taxation of Corporations and Shareholders," observes:

(T)he Tax Reform Act of 1969 affected a massive overhaul of the tax treatment of foundations and exempt organizations. These provisions constitute the most complex and restrictive feature of the 1969 legislation, and even a brief summary of their scope and effect is well beyond this work. Suffice it to say that the 1969 changes can be characterized as "modern mortmain" legislation—so much so that amelioration of its harsher aspects may be the order of the day when the passions of 1969 fade away.

In 1981 we took an important first step to insure the future vitality of foundation philanthropy, by removing a significant unforeseen impediment arising from the 1969 legislation, the so-called 5-percent rule. We must now remove additional impediments to the health of foundation philanthropy. This bill would do so.●

By Mr. MATHIAS (for himself and Mr. EAGLETON):

S. 1858. A bill to amend the District of Columbia Self-Government and Governmental Reorganization Act, and for other purposes; to the Committee on Governmental Affairs.

AMENDMENT TO DISTRICT OF COLUMBIA SELF-GOVERNMENT AND GOVERNMENTAL REORGANIZATION ACT REGARDING LEGISLATIVE VETO

● Mr. MATHIAS. Mr. President, on June 23, 1983, the Supreme Court handed down its sweeping decision in *Immigration and Naturalization Service* v. *Chadha,* 103 S. Ct. 2764 (1983), which calls into question the legitimacy of all legislative veto provisions enacted and used by the Congress over a number of decades.

One of the more than 200 statutes apparently affected by the Chadha decision is the District of Columbia Self-Government and Governmental Reorganization Act of 1973, also known as the Home Rule Act. When considered and enacted by the Congress in the early 1970's, a scheme was devised by which the citizens of the District of Columbia could govern themselves, while the Congress retained the right to exercise its constitutional authority to act "as legislature for the District." To this end, a process by which all District City Council enactments are sent to the Congress for review, was enacted. Under this process, during the congressional review period, the Home Rule Act allows for the passage of a concurrent—and in certain situations a simple—resolution to block a City Council enactment from becoming law. Needless to say, concurrent and simple resolutions involve no presentment to the President. And, assuming such action to block an enactment of the City Council is legislation, this process would appear to run afoul of the mandates set out in Chadha.

Mr. President, the District of Columbia is a functioning municipality. Like any other municipal government, the government of the District faces myriad problems and issues in its day-to-day operations. One of its most pressing problems, not surprisingly in this day and age, is keeping itself within its budgets and funding itself during low cash flow periods. To accomplish this, the city is working diligently to get itself into the municipal bond market with a reasonable bond rating. However, since the Chadha ruling, the city has been unable to obtain an unqualified go-ahead from its bond counsel.

Mr. President, this creates an urgent situation for the city that must be addressed expeditiously. As a result, I am joined by Senator EAGLETON today in introducing a technical correction to the House Rule Act which will bring that law into compliance with the mandates of Chadha. Our bill will continue to allow Congress to override City Council enactments, but will require the utilization of the mandated

bicameral consideration and presentment to the President.

The District of Columbia has functioned well under the Home Rule Act to date. Over 700 enactments of the City Council have come to the Congress for review, and only two of those have been overturned by the Congress. The Members of the Senate serving on the District of Columbia Subcommittee have worked diligently to review Council enactments sent to us for review and have worked equally hard to use our veto responsibility and authority sparingly. The system does work, and will continue to work. Building the Chadha mandates into the Home Rule Act will not change that.

Mr. President, a great deal of time and effort has gone into the bill we introduce today. We have worked closely with both the Mayor and the City Council and with the House District Committee. We, therefore, come to the Senate with a consensus approach to meet the urgent situation which faces the District of Columbia. I urge my colleagues to give this important measure favorable and expeditious consideration.●

● Mr. EAGLETON. Mr. President, the bill Senator MATHIAS and I introduce today is of utmost importance to the District of Columbia.

The District, which, since 1975, has operated as a self-governing municipality under the District of Columbia Self-Government and Governmental Reorganization Act—home rule—found this June that it was caught in the net thrown around the legislative process by the Supreme Court's decision in *Immigration and Nationalization Service* v. *Chadha*, 103 S. Ct. 2764 (1983).

While the publicity and legal discussions emanating from the Chadha decision have focused on the impact of the decision vis-a-vis such major pieces of legislation as the Budget Act, the War Powers Act, and the Arms Export Control Act, those of us who have long been associated with the District of Columbia knew that in light of Chadha, Congress would have to move quickly to amend the Home Rule Act and change the act's so-called legislative veto provisions.

Without such amendment the District, which as a functioning local government makes legal commitments and decisions on a daily basis, leaves itself open to challenge on the validity of its law. In addition, the city informed us last week that its bond counsel has advised the city that because of the Chadha cloud, the District will be unable to participate in the municipal bond market. Since the District will depend on the bond market for its operating revenues beginning October 1, it is now crucial that the legislative veto provisions of the Home Rule Act be brought into conformance with Chadha.

As you know, Mr. President, I was floor manager during Senate consideration of the Home Rule Act and was active in the joint Senate-House conference on the act. We wrote the legislative veto provisions—known in the act as a resolution of disapproval—into the act so that Congress could allow the District to manage its own government but still have Congress retain review over District laws, thus meeting the constitutional mandate of article 1, section 8, clause 17, which states:

The Congress shall have power * * * to exercise exclusive legislation in all cases whatsoever, over such District * * *."

As a practical matter, the resolution of disapproval procedure allows Congress 30 legislative days in which to review all acts passed by the Council and signed by the Mayor of the District of Columbia. If, within those 30 days, Congress does not pass a resolution of disapproval, the act automatically becomes city law.

To date, I feel this review process has worked rather well. Since 1975 and the inception of the city's home rule government, Congress has disapproved only two city acts. A total of 744 acts sent to Congress have become law.

With this track record, I would argue that Congress could cure the city's Chadha problem by simply eliminating the review process altogether. Given the constitutional requirement, however, and given the uncertainty about how Chadha will affect the legislative process overall, I am more comfortable at this point with simply cleaning up the Home Rule Act so that it meets Chadha's technical requirements: that is, turning the resolution of disapproval into a joint resolution, which requires passage by both Houses of Congress and transmittal to the President.

That small technical correction, which is made by the bill we introduce today, puts the city back to its pre-Chadha legal status, retains the pre-Chadha review procedure for Congress, and lets the city get on with its daily operations, including bond offerings.

This bill in no way sets a precedent for, or offers a solution for, other Chadha problems. It is a simple technical change to allow the District of Columbia to proceed with its business, and, since time is of the essence here, I urge my colleagues to adopt this bill with the utmost speed.●

By Mr. DOMENICI:

S. 1859. A bill for the transfer of certain interests in lands in Dona Ana County, N. Mex., to New Mexico State University, Las Cruces, N. Mex.; to the Committee on Energy and Natural Resources.

TRANSFER OF CERTAIN LAND TO NEW MEXICO STATE UNIVERSITY

● Mr. DOMENICI. Mr. President, today I introduce a bill that will transfer control of 5,711.39 acres from the Bureau of Land Management to New Mexico State University. This land is the remaining part of some 50,000-plus acres that was set aside from the university.

These 5,700-plus acres are interspersed or, as we say in New Mexico, intermingled within the 52,000 acres. This transfer will once and for all clearly spell out the boundaries of the NMSU college ranch, where important research continues each year.

This proposed legislation complies with the provisions set forth in the Federal Land Policy and Management Act of 1975 in that the lands are extremely difficult for the BLM to manage because they are found within lands managed by the university. Surely university research would fall under the category of the public good being served by a transfer.

I would hope that as this legislation progresses through the process and that the Interior Department will come out in strong support of it.

I would point out that the Federal Government will maintain ownership of mineral rights under the land and that the legislation contains the typical reverter clause which States that the land must be used for college research.

In closing, I would point out that New Mexico State University is a leader in both livestock and range research and that this college ranch plays an important part in programs in that area. The president of the university, Dr. Gerald Thomas, is a leading expert in these fields and is known worldwide for his work in these areas.

I would hope that the Congress acts quickly on this legislation so that the college ranch can move on to new horizons in the areas of livestock and range research.●

By Mr. PRESSLER:

S. 1861. A bill to authorize the development of a new generation land remote sensing satellite, and to insure the role of the United States as the world leader in developing and utilizing land remote sensing technology through the Landsat program; to the Committee on Commerce, Science, and Transportation.

LAND REMOTE SENSING SATELLITE AUTHORIZATION ACT

● Mr. PRESSLER. Mr. President, I am introducing legislation today which would authorize the development of another land remote sensing satellite (Landsat) as a follow-on to the current series in the Landsat program. Timely consideration of this bill has become especially important in light of recent developments in the land remote sensing field.

Our present Landsat satellite has developed serious problems which jeopardize the flow of valuable scientific,

economic, and military information to U.S. users. A follow-on satellite, already built, will be launched within a few months. Its life expectancy is approximately 3 years. If we are to insure continuity of these data, we need to begin building the next satellite very soon. We are already in danger of a data gap for valuable military, economic, and scientific information. The longer we delay consideration of this matter, the more serious the problem becomes.

This problem is further exacerbated by new competition from foreign countries which jeopardizes the U.S. market for these data. Since this technology was first developed over a decade ago, the United States has been the undisputed leader in the field. Recently, however, as pointed out in the attached article from the Wall Street Journal, other foreign countries have made great strides in this area and may soon be in a position to capture much of our market. By failing to address the Landsat issue in a timely matter, we are helping foreign countries beat us at our own game. If we continue our present course, they may well succeed.

Mr. President, we have made great strides in Landsat technologies in the past 10 years, but it is still in its infant stages. The remote sensing program holds even greater promise for generations to come. In addition to current applications, Landsat has the potential to provide us with the tools necessary for an efficient, economic global information and management network. They orbit hundreds of miles above the Earth, scanning continents at a time to tell us what resources we have, how they are changing, and what we can be doing to more efficiently and effectively manage them to the benefit of all mankind.

I am confident that this program will one day mature to a point where we can turn its operation over to private enterprise. Until we reach that point, however, we must insure program continuity and world leadership through researching and developing better technology and application.

Space holds great opportunities for us in better understanding and managing the complex and constantly evolving world in which we live. Today's decisions will affect our world for many generations to come. I urge my colleagues to join me in supporting this vitally important measure, and insure that those decisions will be in the best interest of all mankind.

I ask unanimous consent that the Wall Street Journal article, entitled "French Company To Offer Images of Earth as U.S. Monopoly in Field Unravels," be printed immediately following this statement.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

FRENCH COMPANY TO OFFER SATELLITE IMAGES OF EARTH AS U.S. MONOPOLY IN FIELD UNRAVELS

(By Arlen J. Large)

The picture shows the city of Ann Arbor, complete with the University of Michigan football stadium, taken from an airplane 21,000 feet high. It's intended to simulate the way the same scene would look from a satellite orbiting 500 miles overhead.

"Familiarisez-vous avec les donness SPOT!" commands a bilingual brochure, or "Get acquainted with SPOT data!" The sales pitch and get-acquainted pictures are part of a bold foreign invasion of a very specialized U.S. market: companies that need satellite images of the Earth's cities, crop lands, mountains and oceans.

The invader is SPOT Image Corp., an American subsidiary of a multinational company based in Toulouse, France. The company plans to launch its first picture-taking satellite in January 1985, on the European Ariane rocket. Not waiting for that, SPOT is already selling pictures and computer tapes made from airplane flights over Ann Arbor and 60 other U.S. test sites in June and July. Potential customers can use the aerial data to teach their computers how to process SPOT pictures, so they're ready once the real satellite starts working.

With these aggressive marketing tactics, SPOT is encroaching on the very homeland of a global monopoly enjoyed by the U.S. government's pace-setting Landsat satellites. For more than a decade, Landsats have been sending down Earth images useful to oil explorers, mining prospectors, crop forecasters, timber managers and land-use planners all around the world. The pictures aren't as sharply revealing as those taken by U.S. and Soviet military spy satellites, but for civilians they've been the only goods on the shelf.

A SICK SATELLITE

Now the Landsat monopoly is unraveling. The current Landsat in orbit carries an experimental new camera that's the best yet, but its radio transmitter and power supply are prematurely sick. The satellite is expected to die this fall, and the government doesn't know what to do next.

Congress has yet to approve the $25 million cost of putting up a replacement next spring. The Reagan administration has said there will be no more government Landsats after that, but it's under strong pressure from data users to keep launching them. Either way, today's policy uncertainty promises big gaps in the future Landsat picture flow.

The likelihood of untapped markets is attracting new players. A new Earth-sensing satellite specializing in ocean scenes is being designed in Japan. Space Services Inc. of Houston, along with two other private firms announced Wednesday a plan for putting up three Earth-sensing satellites in 1986, no matter what the government does with the Landsat system.

And then there's SPOT. "The market still has to be developed," says Gilbert Weill (pronounced Vail), who as president of the U.S. subsidiary, hunts customers from his newly opened offices in downtown Washington. Central to his marketing campaign is a promise that despite Landsat's brilliant scientific performance in representing the Earth's features, SPOT will be a faster and more reliable purveyor of pictures to its customers.

"People must believe that the data can flow," says Mr. Weill. "That's a very big challenge, and our first priority."

SPOT's promise to keep its data flowing, once it starts, is backed by government money. Basically a creature of the French space agency, the parent SPOT Image Societe Anonyme in Toulouse is 34 percent owned by the government of France, 4 percent by the government of Belgium and 6 percent by the government of Sweden, along with private investors.

"There's no way in the world that SPOT Image will fold," says Frederick Henderson, president of the Geosat Committee, a collection of U.S. oil, mineral and engineering companies that use satellite pictures. "Those governments will keep it going."

Though details aren't set, SPOT would like to build a station in Canada to receive its raw satellite signals for picture distribution to North American customers. The main product will be computer tapes that a customer can use for further refinement of a landscape's image to meet the specialized requirements of, say, crop forecasting. A whole new cottage industry of image-processing companies has sprung up to do this work for hire.

SPOT plans to sell pictures that can show surface objects as small as 10 meters, compared with the 80-meter resolution offered by the main Landsat camera. SPOT also says its customers can place special orders for scenes in out-of-the-way places, and in three-dimensional images as well. Landsat can't do that, but it does offer images in a broader array of wave lengths than the SPOT product, including those responsive to limestones and clays especially prized by geologists. That's why the Geosat Committee's Mr. Henderson and other data users, while welcoming the arrival of SPOT, hope the U.S. government will keep putting up Landsats as fast as they wear out.

ONE VS. TWO SYSTEMS

SPOT's Mr. Weill says the widely heard charge that he is trying to take advantage of Landsat's technical and political troubles is unfair. "I don't think we've had an opportunistic attitude," he says. "We don't want to see the Landsat program in jeopardy. Data from two systems is going to flow better than from a single system."

The Reagan administration wants the U.S. government to get out of the commerical Earth-sensing satellite business once the current Landsat's replacement wears out in 1987 or so. The best U.S. defense against foreign competitors like SPOT, Commerce Secretary Malcolm Baldrige has told Congress, "is to get these satellites into the hands of a competent firm that can build on the technology and knows how to provide what the customers need."

But the administration's hope of transferring the Landsat system to one or more private operators is bumping into a common belief that nobody can make an unsubsidized profit on the young, weak market for Earth pictures. The hard-nosed attitude of national-security bureaucrats hasn't fostered much willingness of private companies to make big investments in picture-processing equipment; at a recent meeting of would-be investors, a State Department official said the government wants a veto over any private company's installment of receiving stations in countries deemed politically undesirable, and a Pentagon official said the government won't allow the pictures of private operators to approach the image reso-

lution of spy satellites. People at the meeting were "shocked," says a participant.

Reluctance of private companies to own picture satellites alone is why the administration is willing to transfer its weather satellites along with the Landsats, so a new owner could be assured of a fat market in selling weather data back to government forecasters. That's the deal Communications Satellite Corp. wants to bid on, but the idea has few backers in Congress.

By Mr. DOMENICI:

S. 1864. A bill to amend the Internal Revenue Code of 1954 to provide a declaratory judgment with regard to the extension of time for the payment of estate tax; to the Committee on Finance.

RIGHT OF APPEAL WITH RESPECT TO EXTENSION OF TIME TO PAY ESTATE TAXES

● Mr. DOMENICI. Mr. President, today I am introducing a bill which provides a remedy to the estates of decedents who held interests in closely held businesses and whose estates are being deprived of the benefits of section 6166 of the Internal Revenue Code by the Commissioner of the Internal Revenue without a right of appeal, before the estate taxes are assessed and paid. The bill I am introducing today provides a right of appeal to the executors of a decedent who held interests in closely held businesses which might qualify for the benefits of section 6166 under the Internal Revenue Code of 1954, but who otherwise are being deprived of such benefits by the Commissioner without the right of appeal.

Presently, executors can only appeal such decisions by the Commissioner after the business has been sold, or broken into parts and sold, to pay the estate taxes. At this point, appeals are useless, and the purpose of section 6166 is thwarted. Because no executor has the right of appeal from an IRS determination with respect to a closely held business under section 6166, Congress' intent in passing into law section 6166 is being thwarted in many situations. Because the statute itself is silent with respect to the definition of a "closely held business," in terms of the parameters of the individual's trade or business or degree of activity required of the business, the IRS has had the authority and power to determine what a closely held business is without any fear of judicial review of such decision.

The purpose of section 6166 was to protect businesses and heirs of decedents from having to liquidate businesses in order to pay estate taxes. By liquidating a business in order to pay estate taxes, the business was either destroyed or substantially impaired. The purpose of section 6166 was to prevent such general hardship either to the business or the heirs of the decedent. The Commissioner's attempt to limit businesses which qualify for the election under section 6166 to manufacturing, mercantile, and service enterprises is contrary to the intent of the statute itself. By providing for a declaratory judgment of the Commission's ruling on what qualifies as a closely held business, Congress will be providing estates of decedents a remedy to an adverse decision by the Commissioner.

Many people who operate businesses as sole proprietorships are going to be deprived of the benefits of section 6166. The Commissioner has determined that such businesses do not qualify as closely held businesses and, therefore, they receive less favorable treatment than a business operated as a partnership or a corporation. The statute itself expressly includes all three types of ownerships as an interest in a closely held business, and it makes no distinction with respect to the nature of the assets held in connection with the operation of the business. If the purpose of section 6166 is seen to protect the active conduct of a trade or business from premature disposition, there is no reason for treating different types of ownership differently. By providing executors of estates the right to appeal the Commissioner's decision with respect to controversies involving section 6166, Congress will be preventing the Commissioner from thwarting any purpose of its passage of section 6166. My bill, which I am introducing today on behalf of a constituent, will provide a remedy to the estates of decedents which could potentially qualify as closely held businesses, but which are being denied such a right. This bill will prevent the estates of decedents, with interests sufficient to qualify as a closely held business, from suffering irreparable injury, and it provides an adequate remedy at law to the estate of such a decedent.

This declaratory judgment procedure only applies where there is an actual controversy. No declaratory judgment will be available prior to a decedent's death or prior to a transaction involving disposition or withdrawal of an interest in a closely held business. Jurisdiction to issue a declaratory judgment is given to the U.S. Tax Court, the U.S. Court of Claims, and the district court for the United States. Any declaration by any of these three courts is to be considered a final judgment and reviewable as such. The remedy which this bill provides is available only if the petitioner, that is, the executor of a decedent's estate, has exhausted all available administrative remedies within the Internal Revenue Service. An executor must demonstrate that the Internal Revenue Service has acted adversely to the decedent's estate, and that he has appealed any adverse determination by a district office to the appellate division of the Internal Revenue Service, or has requested or obtained through the district director technical advice of the national office. To exhaust his administrative remedies, an executor must satisfy all procedural requirements of the Service. Mr. President, it is my hope that the bill I am introducing today will help alleviate any unjust and undue hardship to any estate, business, or heirs of a decedent resulting from an adverse determination by the Commissioner with respect to section 6166.

I am aware that Senator SYMMS has introduced a bill that deals with this particular issue as well as other items in the estate tax area. The particular problem addressed in my bill has come to my attention because New Mexicans and their tax counsel have found this provision to be burdensome and unfair.

The American Bar Association has worked on this topic and their suggestions are incorporated in this bill. I hope the Finance Committee will act soon on this piece of legislation.●

By Mr. STEVENS (for Mr. JEPSEN and Mr. HUDDLESTON):

S. 1865. A bill to require the Secretary of Agriculture to make an earlier announcement of the 1984 crop feed grain program and to the 1985 crop wheat and feed grain programs; read twice and placed on the calendar.

EARLIER ANNOUNCEMENT OF AGRICULTURE PROGRAMS

Mr. JEPSEN. Mr. President, today I am introducing legislation which would require the Secretary of Agriculture to announce farm programs earler than is now specified by law.

This bill is similar to the measure I introduced on July 27. At that time, the companion measure, H.R. 3564, passed the House and unanimously passed the Senate on August 2.

Despite strong bipartisan support for the bill, the President vetoed the measure on August 12. The bill I am introducing today is essentially the same bill I introduced previously, but it contains flexibility for the Secretary of Agriculture to make changes when unforeseen circumstances arise. I anticipate administration support for this measure.

I must emphasize that the main thrust of this legislation I am introducing today is the same as the language in my original bill which will be of great help for farmers and agribusiness to plan for the 1984 feed grain crop.

The bill requires announcement of the 1984 farm program for feed grains by September 30, 1983, the 1985 feed grain program by September 30, 1984, and the 1985 program for wheat by July 1, 1984. The understanding exists that the Secretary may make adjustments in the program announcement within 30 days if there is a significant

change in the total supply of feed grains.

Mr. President, the historical complaint about farm programs is the late date of their announcement. The poor timing in the announcement of this year's payment-in-kind program, for example, added to this perception and created many problems for farmers and the agri-business community.

Current announcement deadlines are August 15 for wheat programs and November 15 for feed grain programs. Both dates are too late for adequate planning by either farmers or agribusiness suppliers.

Under normal conditions, farmers make planting decisions in the fall. When a program is not announced until mid-January, the farmers often suffer financial disaster. The same is true with agribusiness. The bad timing of the PIK program left agri-business burdened with costly inventories and huge financial losses.

The bill that I am introducing today is a signal to our Nation's farmers that they can make financial decisions based on the knowledge that USDA will make the 1984 program decisions by September 30 for feed grains. It will also signal to our agri-business community our interest to require USDA to make an early announcement that will help our farm suppliers make sound management decisions for 1984.

Mr. HUDDLESTON. Mr. President, this legislation will insure that the provisions of future wheat and feed grain programs are announced at the earliest possible date, while giving the Secretary of Agriculture the flexibility to respond to unforeseen circumstances.

H.R. 3564, a bill that passed Congress but was vetoed by the President on August 12, required earlier announcement dates for the 1984 and 1985 crop feed grain programs, and the 1985 crop wheat program.

The bill Senator JEPSEN and I are introducing today will retain the announcement dates proposed in the earlier vetoed bill, but give additional discretionary authority to the Secretary to make changes in the program announcements if a significant change in the total supply of affected crops occurs.

Under the bill, the Secretary will be required to announce key details of the 1984 feed grain program by September 30, 1983, instead of the November 15, 1983, deadline provided by existing law; and the 1985 feed grain program announcement will be required by September 30, 1984. The 1985 wheat announcement deadline will be set at July 1, 1984, instead of the August 15 deadline in existing law.

In addition, the Secretary of Agriculture would be given discretionary power to make changes in the program announcement within 30 days after each such announcement deadline if there is a significant change during that period in the total supply of the affected commodity.

The program announcement dates specified in the bill will give farmers and farm supply industries additional time to plan for the next year's production.

Mr. President, the provisions of the bill will benefit farmers, industries that produce farm supplies, and ultimately, the consumers of farm products.

ADDITIONAL COSPONSORS

S. 175

At the request of Mr. DECONCINI, the name of the Senator from Missouri (Mr. DANFORTH) was added as a cosponsor of S. 175, a bill to amend title 17 of the United States Code to exempt the private noncommercial recording of copyrighted works on video recorders from copyright infringement.

S. 338

At the request of Mr. COHEN, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 338, a bill to revise the procedures for soliciting and evaluating bids and proposals for Government contracts and awarding such contracts, and for other purposes.

S. 815

At the request of Mr. HATFIELD, the name of the Senator from Indiana (Mr. QUAYLE) was added as a cosponsor of S. 815, a bill to provide that it shall be unlawful to discriminate against any meetings of students in public secondary schools and to provide the district courts with jurisdiction.

S. 875

At the request of Mr. MATHIAS, the name of the Senator from California (Mr. WILSON) was added as a cosponsor of S. 875, a bill to amend title 18 of the United States Code to strengthen the laws against counterfeiting of trademarks, and for other purposes.

S. 891

At the request of Mr. BUMPERS, the name of the Senator from Colorado (Mr. HART) was added as a cosponsor of S. 891, a bill to develop additional procedures for Federal land sales.

S. 905

At the request of Mr. EAGLETON, the names of the Senator from New Jersey (Mr. BRADLEY), the Senator from Nebraska (Mr. ZORINSKY), the Senator from Minnesota (Mr. BOSCHWITZ), the Senator from Delaware (Mr. BIDEN), the Senator from Hawaii (Mr. INOUYE), and the Senator from Kentucky (Mr. FORD) were added as cosponsors of S. 905, a bill entitled the "National Archives and Records Administration Act of 1983."

S. 917

At the request of Mr. STAFFORD, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 917, a bill to amend the Comprehensive Environmental Response, Compensation and Liability Act of 1980, commonly referred to as the Superfund law, so as to provide compensation for the victims of environmental pollutants and poisons.

S. 1025

At the request of Mr. HATFIELD, the name of the Senator from Kentucky (Mr. HUDDLESTON) was added as a cosponsor of S. 1025, a bill to establish in the Federal Government a global foresight capability with respect to natural resources, the environment, and population; to establish a national population policy; to establish an interagency Council on Global Resources, Environment, and Population, and for other purposes.

S. 1035

At the request of Mr. BENTSEN, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 1035, a bill to provide for the enforcement of a trade agreement between the United States and the Commission of the European Communities concerning imports of steel pipe and tube products.

S. 1159

At the request of Mr. HATFIELD, the name of the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of S. 1159, a bill to amend the Export Administration Act of 1979 to extend the provisions relating to the export of domestically produced crude oil.

S. 1301

At the request of Mr. HEINZ, the name of the Senator from New York (Mr. D'AMATO) was added as a cosponsor of S. 1301, a bill to amend the Internal Revenue Code of 1954 to allow a credit against tax for expenses incurred in the care of elderly family members.

S. 1448

At the request of Mr. BYRD, the name of the Senator from New Hampshire (Mr. HUMPHREY) was added as a cosponsor of S. 1448, a bill to designate the square dance as the national folk dance of the United States.

S. 1513

At the request of Mr. HATFIELD, the name of the Senator from Alabama (Mr. DENTON) was added as a cosponsor of S. 1513, a bill to extend for five years the authorization of appropriations for the National Historical Publications and Records Commission.

S. 1563

At the request of Mr. STEVENS, the name of the Senator from Arizona (Mr. DECONCINI) was added as a cosponsor of S. 1563, a bill to amend section 204 of the Federal Property and Administrative Services Act of 1949 to

authorize the deposit of cash proceeds from the disposal of excess or surplus property into the general fund of the Treasury for use to retire the national debt.

S. 1569

At the request of Mr. PRESSLER, the name of the Senator from South Dakota (Mr. ABDNOR) was added as a cosponsor of S. 1569, a bill to authorize the Secretary of the Interior and other major Federal land managers to provide for the conservation and scientific study of vertabrate paleontological resources on public and Indian lands.

S. 1614

At the request of Mr. HEINZ, the name of the Senator from Montana (Mr. MELCHER) was added as a cosponsor of S. 1614, a bill to amend title XIX of the Social Security Act to allow States to implement coordinated programs of acute and long-term care for those individuals who are eligible for both medicare and medicaid.

S. 1615

At the request of Mr. MATSUNAGA, the name of the Senator from Colorado (Mr. HART) was added as a cosponsor of S. 1615, a bill to amend title XVIII of the Social Security Act to authorize payment for occupational therapy services under part B of the medicare program.

S. 1621

At the request of Mr. HUMPHREY, the name of the Senator from North Carolina (Mr. EAST) was added as a cosponsor of S. 1621, a bill to amend the Federal Aviation Act of 1958 to require commercial passenger carrying aircraft to be equipped with smoke detectors and automatic fire extinguisher in all aircraft lavatories and galley areas.

S. 1680

At the request of Mr. GOLDWATER, the name of the Senator from Nebraska (Mr. ZORINSKY) and the Senator from Colorado (Mr. ARMSTRONG) were added as cosponsors of S. 1680, a bill to clarify the circumstances under which territorial provisions in licenses to distribute and sell trademarked malt beverage products are lawful under the antitrust laws.

S. 1708

At the request of Mr. GRASSLEY, the name of the Senator from Oklahoma (Mr. BOREN) was added as a cosponsor of S. 1708, a bill to amend part D of title IV of the Social Security Act to assure that all children in the United States who are in need of assistance in securing financial support from their parents will receive such assistance regardless of the economic status of their parents and that parents prevent their children from becoming a burden on taxpayers by fulfilling, to the best of their ability, their financial obligations on behalf of their children.

S. 1732

At the request of Mr. SPECTER, the name of the Senator from Virginia (Mr. TRIBLE) was added as a cosponsor of S. 1732, a bill to amend the Internal Revenue Code of 1954 to increase the energy investment tax credit for conversions to coal-fueled facilities, and for other purposes.

S. 1737

At the request of Mr. DOLE, the names of the Senator from New York (Mr. MOYNIHAN), the Senator from Arkansas (Mr. PRYOR), the Senator from Louisiana (Mr. JOHNSTON), and the Senator from Washington (Mr. GORTON) were added as cosponsors of S. 1737, a bill to make permanent section 1619 of the Social Security Act, which provides SSI benefits for individuals who perform substantial gainful activity despite a severe medical impairment.

S. 1748

At the request of Mr. EAST, the name of the Senator from Iowa (Mr. JEPSEN) was added as a cosponsor of S. 1748, a bill to amend the National Labor Relations Act to apply explicitly the right-to-work laws of a State to Federal enclaves within the boundaries of that State.

S. 1760

At the request of Mr. BENTSEN, the name of the Senator from Washington (Mr. GORTON) was added as a cosponsor of S. 1760, a bill entitled the "Pension Correction Act of 1983".

S. 1766

At the request of Mr. BUMPERS, the names of the Senator from Nevada (Mr. LAXALT), and the Senator from South Carolina (Mr. THURMOND) were added as cosponsors of S. 1766, a bill to amend section 706 to title 5, United States Code, to strengthen the judicial review provisions of the Administrative Procedure Act by giving courts more authority to overturn unfair agency action.

S. 1772

At the request of Mr. MATSUNAGA, the names of the Senator from Montana (Mr. MELCHER), and the Senator from Michigan (Mr. LEVIN) were added as cosponsors of S. 1772, a bill to amend title XVIII of the Social Security Act to provide for direct medicare reimbursement for services performed by registered nurse anesthetists.

S. 1784

At the request of Mr. BYRD, the names of the Senator from Illinois (Mr. DIXON), and the Senator from Michigan (Mr. RIEGLE) were added as cosponsors of S. 1784, a bill to provide a consolidated program of extended unemployment compensation which shall replace the current extended compensation and Federal supplemental compensation programs.

S. 1843

At the request of Mr. SASSER, the name of the Senator from Missouri (Mr. EAGLETON) was added as a cosponsor of S. 1843, a bill to extend by 3 months the cutoff date for social security disability determinations which will be subject to the provisions allowing continued payment of disability benefits during appeal.

SENATE JOINT RESOLUTION 132

At the request of Mr. RIEGLE, the names of the Senator from New Jersey (Mr. BRADLEY), the Senator from Indiana (Mr. LUGAR), and the Senator from Texas (Mr. BENTSEN) were added as cosponsors of Senate Joint Resolution 132, a joint resolution to designate the week beginning August 7, 1983, as "National Correctional Officers Week."

SENATE JOINT RESOLUTION 160

At the request of Mr. BYRD, the names of the Senator from California (Mr. CRANSTON), and the Senator from Arkansas (Mr. PRYOR) were added as cosponsors of Senate Joint Resolution 160, a joint resolution to designate the week of October 17, 1983, through October 24, 1983, as "National Adult Continuing Education Week."

SENATE CONCURRENT RESOLUTION 62

At the request of Mr. MATTINGLY, the names of the Senator from Maine (Mr. MITCHELL), the Senator from New York (Mr. D'AMATO), the Senator from North Carolina (Mr. EAST), and the Senator from Montana (Mr. MELCHER) were added as cosponsors of Senate Concurrent Resolution 62, a concurrent resolution to direct the Commissioner of Social Security and the Secretary of Health and Human Services to develop a plan outlining the steps which might be taken to correct the social security benefit disparity known as the notch problem.

SENATE RESOLUTION 118

At the request of Mr. HOLLINGS, the name of the Senator from Maine (Mr. COHEN) was added as a cosponsor of Senate Resolution 118 a resolution to express the sense of the Senate in support of continued integrity of the National Oceanic and Atmospheric Administration.

SENATE RESOLUTION 139

At the request of Mr. ZORINSKY, the name of the Senator from North Carolina (Mr. EAST) was added as a cosponsor of Senate Resolution 139, a resolution disapproving the recommendation of the Study Group on Senate Practices and Procedures to abolish the Senate Committee on Veterans' Affairs.

SENATE RESOLUTION 180

At the request of Mr. METZENBAUM, the names of the Senator from Hawaii (Mr. MATSUNAGA), and the Senator from Montana (Mr. MELCHER) were added as cosponsors of Senate Resolution 180, a resolution expressing the sense of the Senate in support of affordable and decent health care for older Americans.

SENATE RESOLUTION 201

At the request of Mr. PRESSLER, the names of the Senator from Wyoming (Mr. SIMPSON), the Senator from Montana (Mr. BAUCUS), and the Senator from Massachusetts (Mr. TSONGAS) were added as cosponsors of Senate Resolution 201, a resolution expressing the sense of the Senate concerning the use and/or provision of chemical warfare agents by the Soviet Union.

SENATE RESOLUTION 204

At the request of Mr. LEVIN, the name of the Senator from Illinois (Mr. PERCY) was added as a cosponsor of Senate Resolution 204, a resolution to express the sense of the Senate concerning Raoul Wallenberg.

AMENDMENTS SUBMITTED

STATE DEPARTMENT AUTHORIZATION, 1984 AND 1985

PROXMIRE AMENDMENT NOS. 2162 THROUGH 2164

(Ordered to lie on the table.)

Mr. PROXMIRE submitted three amendments intended to be proposed by him to the bill (S. 1342) to authorize appropriations for the fiscal years 1984 and 1985 for the Department of State, the United States Information Agency, and the Board for International Broadcasting, and for other purposes; as follows:

On page 38, between lines 9 and 10, insert the following:

(e) No individual may be eligible for appointment as an officer of the Endowment, and no individual may be eligible for employment by the Endowment, if such individual has engaged in any intelligence activity.

AMENDMENT No. 2163

On page 24, line 19, insert "Libya, Syria," after "Cuba,".

AMENDMENT No. 2164

At the bottom of page 48, add the following:

TITLE VII—GENERAL PROVISIONS

DEOBLIGATION OF FUNDS FOR SYRIA

SEC. 701. (a)(1) All funds appropriated in the fiscal year 1983 or in any prior fiscal year to carry out the provisions of the Foreign Assistance Act of 1961 which have been obligated for Syria shall be deobligated.

(2) All funds deobligated pursuant to paragraph (1) shall be deposited in the Treasury of the United States as miscellaneous receipts.

(b) None of the funds appropriated or otherwise made available by any provision of law for the fiscal year 1983 or any prior fiscal year may be available for Syria.

DEPARTMENT OF THE INTERIOR APPROPRIATIONS ACT, 1984

BUMPERS (AND DIXON) AMENDMENT NO. 2165

Mr. BUMPERS (for himself and Mr. DIXON) proposed an amendment to the bill (H.R. 3363) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1984, and for other purposes; as follows:

In lieu of the language proposed to be stricken, on page 42, lines 13 through 25 insert the following:

"SEC. 112. None of the funds in this Act shall be expended for the sale or lease of coal on public lands, except for emergency leasing as defined in 43 CFR 3425.1-4, lease modifications as defined in 43 CFR 3432, and lease exchanges as defined in 43 CFR 3435, until the Secretary has appointed a Commission to review the Department's coal leasing and valuation procedures to ensure receipt of fair market value and the development of coal leases in an environmentally compatible manner; the Commission has submitted its report to the Congress within six months after appointment; and ninety days have elapsed after the report is submitted to Congress."

BRADLEY (AND MELCHER) AMENDMENT NO. 2166

Mr. BRADLEY (for himself, Mr. MELCHER, and Mr. BOSCHWITZ) proposed an amendment to the bill H.R. 3363, supra; as follows:

Strike lines 16 through line 23 on page 54 and lines 1 through 9 on page 55 and substitute in lieu thereof:

"STRATEGIC PETROLEUM RESERVE AND EMERGENCY PREPAREDNESS

"For expenses necessary to carry out the provisions of sections 151 through 166 of the Energy Policy and Conservation Act of 1975 (Public Law 94-163), $528,770,000, to remain available until expended, and for necessary expenses in carrying out emergency preparedness activities, $5,230,000.

"SPR PETROLEUM ACCOUNT

"The aggregate amount that may be obligated under section 167 of the Energy Policy and Conservation Act of 1975 (Public Law 94-163), as amended by the Omnibus Budget Reconciliation Act of 1981 (Public Law 97-35), for the acquisition and transportation of petroleum, and for other necessary expenses, is $1,316,000,000, in addition to authority provided in fiscal years 1982 and 1983, to remain available until expended."

DOMENICI (AND BINGAMAN) AMENDMENT NO. 2168

Mr. DOMENICI (for himself and Mr. BINGAMAN) proposed an amendment to the bill H.R. 3363, supra; as follows:

Strike line 23 on page 23 through line 8 on page 25 and insert in lieu thereof the following: "in field offices, $819,710,000 of which not to exceed $53,735,000 for higher education scholarships and assistance to public schools under the Act of April 16, 1934 (48 Stat. 596), as amended (25 U.S.C. 452 et seq.), shall remain available for obligation until September 30, 1985, and the funds made available to tribes and tribal organizations through contracts authorized by the Indian Self-Determination and Education Assistance Act of 1975 (88 Stat. 2203; 25 U.S.C. 450 et seq.) shall remain available until September 30, 1985; *Provided*, That this carryover authority does not extend to programs directly operated by the Bureau of Indian Affairs; and includes expenses necessary to carry out the provisions of section 19(a) of Public Law 93-531 (25 U.S.C. 640(d)-18(a)), $3,951,000, to remain available until expended: *Provided further*, That none of these funds shall be expended as matching funds for programs funded under section 103(a)(1)(B)(iii) of the Vocational Education Act of 1963, as amended (20 U.S.C. 2303(a)(1)(B)(iii): *Provided further*, That in addition, moneys received by grant to the Bureau of Indian Affairs from other Federal agencies to carry out various programs for elementary and secondary education, handicapped programs, bilingual education, and other specific programs shall be deposited into this account and remain available as otherwise provided by law: *Provided further*, That $450,000 shall be made available until expended for transfer by the Secretary of the Interior to the Attorney General to reimburse private litigants for legal fees incurred in the *State of New Mexico ex rel. Reynolds* v. *Aamodt* water adjudication suit: *Provided further*, That any cost of".

TSONGAS (AND OTHERS) AMENDMENT NO. 2167

Mr. TSONGAS (for himself, Mr. HEINZ, Mr. SARBANES, Mr. PELL, Mr. RIEGLE, Mr. GLENN, Mr. EAGLETON, Mr. DODD, Mr. PERCY, Mr. CRANSTON, Mr. MELCHER, Mr. DIXON, and Mr. MATSUNAGA) proposed an amendment to the bill H.R. 3363, supra; as follows:

On page 53, line 11, strike the number "$333,481,000" and insert "$360,681,000".

STATE DEPARTMENT AUTHORIZATION, 1984 AND 1985

DECONCINI AMENDMENT NO. 2169

(Ordered to lie on the table.)

Mr. DECONCINI submitted an amendment intended to be proposed by him to the bill S. 1342, supra; as follows:

On page 24, between lines 19 and 20, insert the following new section:

"DOMESTIC POLITICAL ACTIVITIES OF AMBASSADORS

"SEC. 122. (a) Section 7323 of title 5, United States Code, is amended by inserting '(other than an ambassador or minister)' after 'Senate'.

"(b) Paragraph (3) of section 7324 (d) of such title is amended by inserting '(other than an ambassador or minister)' after 'in its relations with foreign powers or'."

● Mr. DECONCINI. Mr. President, the amendment I submit today is a modification of an amendment I submitted on September 19, 1983—amendment No. 2160. My earlier amendment inadvertently covered a broader category

of personnel than it was intended to cover.●

DEPARTMENT OF THE INTERIOR APPROPRIATIONS ACT, 1984

NUNN (AND OTHERES) AMENDMENT NO. 2170

Mr. NUNN (for himself, Mr. HOLLINGS, Mr. JOHNSTON, and Mr. MATTINGLY) proposed an amendment to the bill H.R. 3363, supra; as follows:

On page 12, line 25, strike out all beginnings with "608,202,000" Viz: through "(16 U.S.C. 451)" on page 13 and insert in lieu thereof "608,302,000 without regard to the Act of August 24, 1912, as amended (16 U.S.C. 451) of which $100,000 shall be made available upon entering into a cooperative agreement with the Martin Luther King, Jr. Center for Nonviolent Social Change, Inc."

PERCY (AND DIXON) AMENDMENT NO. 2171

Mr. McCLURE (for Mr. PERCY and Mr. DIXON) proposed an amendment to the bill H.R. 3363, supra; as follows:

On page 13, line 18, before the period insert the following: *"Provided further,* That up to $100,000 shall be available for a study to examine the suitability of a site in East St. Louis, in the State of Illinois, for a museum of American culture and antrhopology, and to determine the variety and breadth of the collections that might be exhibited in such museum".

STEVENS AMENDMENT NO. 2172

Mr. STEVENS proposed an amendment to the bill H.R. 3363, supra; as follows:

On page 51, line 25, delete "$248,714,000" and insert in lieu thereof "$255,714,000"; and

On page 53, line 3, after the word "process" insert the following: ": *Provided further,* That $7,000,000 of the amount provided above shall be used to support research and development of purged carbons technology".

GARN (AND McCLURE) AMENDMENT NO. 2173

Mr. GARN (and Mr. McCLURE) proposed an amendment to the bill H.R. 3363, supra; as follows:

On page 74, line 25, before the comma insert the following: ", and except to carry out the obligations and responsibilities of the Secretary of Interior under section 17(k)(1)(A) & (B) of the Mineral Leasing Act of 1920 (30 U.S.C. 226)"

TOWER (AND BENTSEN) AMENDMENT NO. 2174

Mr. McCLURE (for Mr. TOWER and Mr. BENTSEN) proposed an amendment to the bill H.R. 3363, supra; as follows:

On page 11, line 8, strike out "$28,600,000" and insert in ieu thereof "$30,100,000".

On page 11, line 9, strike out the period and insert in lieu thereof ": *Provided,* That $1,500,000 shall be available for land acquisition in the Rio Grande Valley National Wildlife Refuge, Texas.".

WARNER AMENDMENT NO. 2175

Mr. McCLURE (for Mr. WARNER) proposed an amendment to the bill H.R. 3363, supra; as follows:

Amendment Number 2142 is amended by adding the following new section (b): "(b) No more than 25 additional permits shall be issued pursuant to this amendment."

McCLURE AMENDMENT NO. 2176

Mr. McCLURE proposed an amendment to the bill H.R. 3363, supra; follows:

On page 14, between lines 14 and 15, insert the following new appropriation account:

"VISITOR FACILITIES FUND

"For grants to the National Park Foundation for reconstruction, rehabilitation, replacement, improvement, relocation, or removal of visitor facilities within the National Park System, and related expenses, as authorized by Public Law 97-433, $5,800,000 to remain available for obligation until September 30, 1989, to be derived from the National Park System Visitor Facilities Fund."

McCLURE AMENDMENT NO. 2177

Mr. McCLURE proposed an amendment to the bill H.R. 3363, supra; as follows:

On page 77, line 19 after the word "areas" insert the following: ", any lands designated by Congress as wilderness study areas or any Bureau of Land Management wilderness study areas"

NOTICES OF HEARINGS

SUBCOMMITTEE ON CONSUMER AFFAIRS

Mrs. HAWKINS. Mr. President, the Subcommittee on Consumer Affairs of the Senate Banking, Housing, and Urban Affairs Committee will hold a hearing on September 28, 1983, at 9:30 a.m., in room SD-538 of the Dirksen Senate Office Building on S. 573, the Fair Deposit Availability Act.

The purpose of this hearing is to explore the extent, and seriousness, of problems depositors encounter when depository institutions delay the availability of deposited funds and delay accruing interest for deposits to interest-bearing accounts. The subcommittee is also interested in comments concerning check cashing fraud, including the collection of bad checks that have been honored before their return; the improvement of the check collection system; state actions taken to address the problems of check fraud and delayed availability of funds; and the the propriety of Federal legislation or regulation in these areas.

Any questions concerning the hearing should be directed to Linda Zemke at 224-1564 or Pat Abshire at 224-1547.

AUTHORITY FOR COMMITTEES TO MEET

PERMANENT SUBCOMMITTEE ON INVESTIGATIONS

Mr. BAKER. Mr. President, I ask unanimous consent that the Permanent Subcommittee on Investigations of the Committee on Governmental Affairs be authorized to meet during the session of the Senate on Tuesday, September 20, to hold a hearing on Hotel Employees and Restaurant Employees International Union.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. BAKER. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, September 20, at 2 p.m., to hold a markup of the committee arms control resolution.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ARMED SERVICES

Mr. STEVENS. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Wednesday, September 21, at 2:15 p.m., to meet in executive session with Field Marshal Abu Ghazala, Deputy Prime Minister and Minister of Defense and War Production of the Arab Republic of Egypt to discuss security issues of mutual interest.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. STEVENS. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs be authorized to meet during the session of the Senate on Wednesday, September 21, at 10 a.m., to consider S. 121, the Trade Reorganization Act of 1983.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON PREPAREDNESS

Mr. STEVENS. Mr. President, I ask unanimous consent that the Subcommittee on Preparedness of the Committee on Armed Services be authorized to meet during the session of the Senate on Thursday, September 22, to hold a hearing on emerging trends in the Army's ammunition program.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

BIRTHDAY OF DILLON RIPLEY

● Mr. GOLDWATER. Mr. President, today marks the 70th birthday of Dillon Ripley, the Secretary of the Smithsonian Institution. I am happy to extend to him my best wishes and congratulations on this significant milestone, together with my appreciation for the leadership he has provided for nearly 20 years to the venerable Institution that is one of America's most popular public attractions, a place where people come to be informed, inspired, educated, amused, and entertained. It is also one of the

world's great centers of education and research, with activities not only in Washington, but in other parts of this country and abroad as well. It is an Institution of scholars, artists, communicators, and educators where evidence of the growth, development, and evolution of widely diverse societies is studied, conserved, preserved, and exhibited. Where, indeed, human knowledge is increased and shared.

This magnificent combination of people, buildings, knowledge, art, and artifacts from around the world is America's national museum, belonging to every citizen. It is a constant source of national pride for all Americans, and I am personally privileged to serve as a member of its Board of Regents.

The Smithsonian's original mandate—for the increase and diffusion of knowledge among all mankind—continues to be its guiding principle, the philosophical cornerstone of all of the Institution's programs and activities—both those easily seen and admired by the public, and those concerned with scholarly research, preservation, and conservation that are less widely known.

The eighth Secretary in the 137 years of the Smithsonian's existence, Dr. Ripley, more than any of his predecessors, has enlarged the reach and the scope of the Institution through the establishment of new research programs, new means of communication such as the associates programs and Smithsonian magazine, and new museums such as the National Air and Space Museum.

The world's most visited anything, the National Air and Space Museum is, in the words of a young man who returned to the United States recently after a number of years serving our Nation abroad, the most "American" of our museums. When queried about why this was so, he pointed out that the technology it displays reflects the culture of adventurous and curious people who have sought and exceeded the apparent limits of geography as well as of intellect.

Mr. President, I want to express again to Dr. Ripley my best wishes for a happy birthday.●

TECHNOLOGY TRANSFER TO CHINA AND THE KAL AFFAIR

● Mr. GARN. Mr. President, I am concerned that the administration may be moving too rapidly in the direction of decontrolling trade in sensitive goods and high technology with the People's Republic of China. Many questions remain to be answered before any trade relaxation should take place, not the least of which is the quid pro quo. Will relaxation of trade result in a more friendly relationship with the PRC? Will they renounce the use of force in any efforts toward reunification with Taiwan? Will there be any progress toward human rights? Will the PRC Government agree to the provisions of the Nuclear Nonproliferation Treaty, or will our high tech exports enhance the ability of the Chinese to employ nuclear weapons, or otherwise threaten the security of our friends in the region? What reliable guarantees do we have that the Chinese will not retransfer American high technology to the Soviets in exchange for concessions or to play the United States and the Soviet Union off against one another?

Mr. President, it may interest my colleagues to know that the Soviet heat seeking missile that downed the Korean Air Lines plane was probably a copy of our own sidewinder missile based in large part on U.S. technology. How do we know that with regard to the Chinese we will not repeat our experience with the Soviet Union and come to experience the use of our own technology against us? The PRC does not seem to have air defense procedures that are much of an improvement on the Soviet system, and they glaringly abstained in the United Nations on the resolution condemning the Soviet action.

Mr. President, these questions are today unanswered, and as they remain so I think that it is premature to take any drastic steps to facilitate the export of sensitive goods and technology to the People's Republic of China, lest we come to rue this action 10 years later as we have with regard to the Soviet Union.●

HUSTLER—BACK TO THE GUTTER

● Mr. MURKOWSKI. Mr. President, I have asked for a few minutes to clear the air due to a certain publication sent to me as well as many of you.

Larry Flynt, publisher of Hustler magazine, a well-known, hard core pornographic magazine, has sent me a complimentary subscription.

While I do not mean to give him any more publicity than he already receives, I do not want him or any of my family, friends or constituents to think that I accept his publication. I believe that any type of literature one enjoys should impart some form of literate information. Unfortunately, the information one would receive from this publication is that which belongs where it was conceived—the gutter.

Mr. President, thank you for allowing me the time and I now turn the floor back to more pressing Senate Business.●

HISTORIC, LONG DISTANCE FLIGHT BY B-29 TRI

● Mr. SASSER. Mr. President, 38 years ago this week, just after Japan surrendered in World War II, three B-29 crews made the first nonstop flight from Japan to Chicago, where they refueled, and then to Washington, D.C. The crews were selected by Gen. Curtis LeMay, and the general's plane was piloted by my good friend from Shelbyville, Tenn., J. Ivan Potts. It was truly an historic trip—a nonstop 6,509 miles.

Ivan Pots was a World War II pilot with the 40th Bomb Group, one of the most decorated units in the war in the Far East. The 40th Group in 1944 made the first strikes on the Japanese homeland except for the Doolittle Raids of 1942. The 40th Group flew 70 missions against Japan out of India, China and Tinian for which they received three Presidential citations and eight campaign battle stars. Ivan himself flew eight transport missions from India to China across the Hump in the Himalayas, and compiled 525 combat hours, including 35 combat missions against Japan. He has been awarded two Distinguished Flying Crosses, four Air Medals, two Presidential Unit citations, the Army Commendation Medal and many others. He is today a colonel in the Tennessee Air National Guard.

The September issue of Air Force magazine includes an article Ivan has written to recount the exploits of the nonstop flight 38 years ago, and I am sure there will be many fond recollections among those who gather this week in Dayton, Ohio, the veterans of the 40th Bomb Group. Our Nation sends its congratulations and its gratitude to Ivan and to others of the 40th Group for their splendid record in a time of great peril for the United States.

Mr. President, in tribute to these brave men, and without objection, I should like to insert in the RECORD at this time Ivan Potts' account of the historic nonstop flight from Japan of the three B-29's of the 40th Bomb Group. I wish them many more happy reunions.

The article follows:

AFAer Tells Story of Historic, Long-Distance Flight by B-29 Trio

This September marks the thirty-eighth anniversary of a significant long-distance flight by three B-29 crews of Twentieth Air Force. That was the nonstop flight from Hokkaido in northern Japan to Chicago, where the aircraft landed on September 19, 1945.

Highlights of the mission are told by J. Ivan Potts, Jr., an AFA member from Shelbyville, Tenn., then a lieutenant and pilot of the number two airplane. The mission was led by Lt. Gen. Barney Giles, Deputy Commander of the US Army Strategic Air Forces in the Pacific. He flew aboard the number one aircraft. Number three aircraft carried Brig. Gen. Emmett O'Donnell, then Commander of the 73d Bomb Wing, and its crew. Ivan Potts and the crew of number two were led by Maj. Gen. Curtis E. LeMay, then Chief of Staff of the US Army Strategic Air Forces in the Pacific.

Potts says, "After an evaluation of every airplane in the group, our B-29-75—number 44-70015 of the 44th Bomb Squadron—was

finally selected because of its record for low fuel consumption and overall reliability.

"On Guam, all three planes were modified for the nonstop attempt. Five 600-gallon tanks were installed in the bomb bays. Everything was stripped that was not absolutely necessary for the flight, including guns and turrets. The blisters atop and on the sides were replaced by square flush windows. The 40th Group markings were removed, leaving a solid silver bird waxed and polished to an almost new finish. The only marking remaining was our Air Force star. Then a new tail insignia was installed, the emblem of the Twentieth Air Force."

After being prepared for the flight, which was intended to go nonstop from Hokkaido to Washington, the three aircraft were ferried from Guam to Hokkaido and readied for takeoff on September 18.

Potts continues. "We were awakened long before dawn to make final preparations for takeoff. Far in the north, Super Dumbos and Dumbos, B-29s and B-17s equipped for air/sea rescue, were standing alert. They would take off instantly on word that any of our three US-bound planes were in trouble.

"General LeMay decided Lt. Col. William C. Kingsbury would get the plane airborne. We had 10,000 gallons of gasoline on board. Gross weight was 144,000 pounds, the heaviest overload ever attempted in a B-29 until then.

"Colonel Kingsbury ran the throttles forward. There was no room for error or malfunction. We were so heavily loaded that if one of our four engines failed or partially lost power we would have crashed. We used up all 8,200 feet of the runway before finally lifting off. Our climb was gentle and slow, partly to conserve fuel, and also because of the excessive weight."

After several hours en route, crews of the three aircraft realized that they were bucking headwinds instead of getting a free push from the high-velocity winds of the newly discovered jet stream. Even after crossing the Bering Sea and escaping the effects of a Pacific typhoon, they continued to encounter headwinds.

Potts continues, "Over Northway, Alaska, reported navigator Bill Townes, 'It occurred to me that we were not on schedule and had been bucking much stronger headwinds since we left Fairbanks. When I reported that fact to General LeMay, he looked at me as if he thought it was my fault, so I retreated behind the bulkhead to check my figures.'

"By 9:00 a.m. Eastern War Time on September 19, we were 370 miles southeast of White Horse in the Yukon and sunlight was visible in the east. Sleep had been virtually impossible. We were now seventeen hours into the flight.

"We had been buffeted by unpredicted headwinds ever since we passed over Nome. As we crossed the Canadian border, General LeMay reported later that we began to hit the 'stinkingest stuff' of the whole trip.

"After conferring over the radio, General Giles decided to have all three aircraft land in Chicago."

The number two B-29, commanded by General LeMay, was using less fuel than the others.

Potts says, "Capt. Theodore Finder, the flight engineer, and Bill Townes, the navigator, estimated we had enough gasoline to make Washington, but with only fifteen minutes reserve. If Washington had bad weather or for any reason we had to make two passes at the field, we would have to bail out. General LeMay then decided to return to Chicago and stay with the other planes. Our plane was the last to give up the nonstop attempt to Washington."

After refueling in Chicago, the aircraft pressed on to Washington, reaching National Airport in late evening, September 19.

Potts concludes, "This was the way one national correspondent reported our arrival: 'The silvery sky giants, manned by their blue-ribbon crews, which had streaked across Alaska and Canada on the homeward leg of their ambitious mission, roared over National Airport in formation at 9:30 p.m. Eastern War Time.'

"General Giles landed at 9:52 p.m., General LeMay at 9:54 p.m., and, finally, General O'Donnell at 9:56.

"The reception in Washington was fantastic. When we landed thousands of people stood behind the fences at the ATC terminal. General LeMay wouldn't deplane until he had implanted a fresh cigar in his mouth. As we alighted, the eighty-piece Air Force Band struck up our beloved 'Air Force March.'

"A press conference was held the following morning. Virtually all the questions by the reporters at the press conference were put to General LeMay. He used the time to emphasize the significance of the flight in reverse. 'Now that we have proved we can do it, we must remember that any future enemy will also be able to do it.'

"He reported that we had averaged 236 mph and commented on the strong headwinds, the fact that they were encountered 3,000 miles from Chicago, and that the trip had covered 6,509 miles.

"General LeMay stated, 'When we took off from Hokkaido we had a little headwind and expected it. However, all our information indicated that once we passed Fairbands it would drop. We didn't need a tailwind. All we needed was nice normal wind to arrive on schedule. The buffeting headwind averaged seventy mph.'

"He went on to add, 'This trip proved a lot. The B-29 Superfort went right from the drawing board into battle without any real test as to what it could or could not do. We found out that the B-29 can and will perform beautifully on long-range trips, belligerent or otherwise.'" ●

TRAVEL AGENTS SHOULD GET PAID FOR WHAT THEY DO

● Mr. WARNER. Mr. President, this morning's Wall Street Journal carries an op/ed by Mark S. Nadel, a regulatory reform attorney doing research at Columbia University. Mr. Nadel's article is entitled "Travel Agents Should Get Paid for What They Do."

I bring this article to the attention of my colleagues to point up the incredible amount of misinformation which is floating about concerning the operation of the travel marketplace, and what is and is not available to consumers.

Mr. President, I ask that Mr. Nadel's op/ed appear at this point in the RECORD.

The article follows:

[From the Wall Street Journal, Sept. 20, 1983]

TRAVEL AGENTS SHOULD GET PAID FOR WHAT THEY DO

(By Mark S. Nadel)

American Airlines' recent effort to reduce the commissions paid to travel agents has been grounded. The rest of the industry seems determined to stay in a holding pattern, continuing to pay about 10% of ticket prices to travel agencies. Yet American's canceled departure from the traditional standard doesn't repair an apparent structural defect in the current system revealed in the initial action.

The fees earned by the 22,000 U.S. travel agencies are imposed without regard to the amount of service provided to travelers by the agent. For example, an agent may receive only a nominal commission for spending several hours on the phone, booking and repeatedly rescheduling a vacation for a family determined to stay at a resort that doesn't offer any agent fee, yet receive $672 for 10 minutes of work for a client who desires two round-trip tickets on a self-selected flight on the Concorde. This system of cross subsidies is both unfair and inefficient and is being eroded by widespread secret rebating. If Randy Malin of US Air is correct in observing that such rebating is inevitable, then why not simply allow agents to openly set their own commissions? Clearly they are the best judges of their own costs.

The crux of the problem is that travel-agency fees now are hidden in ticket prices and hotel charges. The Civil Aeronautics Board has chosen to allow airlines to treat travel agents as airline employees, and the airlines include a standard fee in the ticket price for the varying levels of service that agents provide. Travelers aren't told what commissions they are paying, and travel agents are understandably reluctant to be the first in their area to make them explicit.

Consumers willingly pay lawyers and accountants for expert advice, and travelers presumably would pay an agent for being ticketed on the best available flight, even when there was no need to rely on an agent's experienced judgment concerning where and when to go, what to see and where to stay, Agents might charge clients for their time by the hour, as do most lawyers, or, more likely, follow the example of stockbrokers, setting different percentage-rate fees for varying levels of service. There is no reason to believe that travelers who normally tip waiters and taxi drivers at a 15%-20% rate would object to a reasonable agency commission.

Customers who desired normal or special treatment could be charged the full value of such service, while others who preferred only minimal services could be charged a lower rate. Just as discount stockbrokers (and some of the airlines) find it profitable to offer lower rates for "no frills" service, so could discount travel agents. Discount agents (which would presumably include airline-employee agents) might charge only a 5% commission or a flat fee for administrative handling costs and might also offer credit services on their own or in conjunction with a creditcard company.

In the future, these discount services often might be handled by automated agents, accessible in airline lobbies and other public areas, by telephone or by home computer. In fact, long-distance telephone companies like AT&T or MCI could act as national discount agents if they were able to provide services over a tollfree 800 number

at a lower cost than even the airlines. Travelers might even choose to use these discount agents after paying separately for research services.

It should be noted that this changeover would lead to a secondary market in tickets: That is, agencies could, individually or through affiliations among themselves, acquire blocks of tickets, which they then would be responsible for reselling to the public. These agents could set their own policies on discounts, refunds and no-show penalties, taking advantage of their more personalized contact with passengers and thus freeing airlines of some administrative hassles on the ground. This secondary market might resemble the one operated by Ticketron for entertainment events.

Airlines certainly are free to set their net transportation fares at whatever levels they choose. They may allocate their fixed costs among different classes of passengers by whatever methods they desire. But agents themselves should be permitted to act as independent entrepreneurs, employed by travelers.

The agents should be permitted to purchase "net priced" tickets and charge their own chosen commissions, free of any artificial psychological barrier. Travelers shouldn't be forced to pay for services that they don't need, and agents should no longer be hesitant to charge for the full value of the services that they do provide.

International agreements currently preclude the usefulness of this practice for international fares, but an unbundling requirement can be introduced for the domestic industry. The emergence of discount brokers has appeared to work well in the securities industry, and it is likely that they would also improve the travel industry. As long as travel agencies provide customers with reasonably priced services, the only effect would be to replace some inefficient agencies with more efficient ones and provide better and more accurately priced service to the public.

If the Civil Aeronautics Board is unwilling to reexamine this issue, then the Federal Trade Commission or Justice Department should intervene. They should recognize that the bundling of transportation costs and agent services facilitates industrywide price fixing of commission rates. The time has arrived for independent and competitive travel agencies.

Mr. WARNER. Mr. President, in today's travel marketplace there exist no barriers to carry out any of the proposed alternatives suggested by Mr. Nadel. In fact, many of those alternatives already exist, but admittedly are available in limited areas of the country. That, however, is more a function of emerging technology and limited market demand that it is of any regulatory obstacles which may exist.

The main contention in Mr. Nadel's article—that the standard commission received by travel agents for the sale of airline tickets should be done away with, and in its place should come a fee based on the amount of services performed—fails to recognize that this practice does indeed occur. Again it is not widespread, but, I am told by travel industry representatives, one of the biggest reasons for this situation is that over the years the traveling public has come to expect travel agent services free of charge, recognizing that they are compensated by commissions paid them by the airlines on the tickets they sell.

Indeed, as a case in point, a member of my own staff recently went to a travel agent to arrange hotel accommodations for his vacation. When the travel agent asked if he was booking his airline accommodations as well, and was told no, the travel agent advised him that he would be charged for making the hotel reservations. My staff member said thank you very much, and booked his own hotel reservation.

Mr. President, I raise these points because there will be some who will read Mr. Nadel's article and say to themselves, if the recent decision of the Civil Aeronautics Board (CAB) in the competitive marketing investigation (CMI) were allowed to stand, all of these ideas which Mark Nadel proposes could evolve in the marketplace.

Let me say for the record, that is not the case. The fact of the matter is that if the CAB's 3-to-2 split decision in the CMI to strip the Air Traffic Conference (ATC) of its antitrust immunity is all to be implemented, not only will the traveling public not have the option of using a travel agent who charges for his services or is paid by the accommodations he represents on commission, the traveling public also will not have the availability of full service travel agents. Rather, they will be forced to choose from a confusing variety of limited service travel sales representatives. Further, many of the conveniences and privileges which travelers enjoy as a result of ATC programs will end.

That is why, Mr. President, 37 Senators and over 145 Representatives have joined Congressman GLENN ANDERSON and me in support of the Air Travelers Security Act (S. 764 and H.R. 2053) in an effort to reverse that unfortunate CAB decision.

Our bill is a very simple, straightforward piece of legislation which recognizes the universality of the present airline/travel agent marketing system and all the benefits it offers to consumers. The bill seeks to maintain the antitrust immunity afforded the ATC under the Airline Deregulation Act of 1978, while at the same time eliminating any regulatory barriers which have prevented any marketing alternatives which may evolve outside the ATC.

Hearings have begun in the House of Representatives on the Air Travelers Security Act, and Senator KASSEBAUM will hold hearings in the Aviation Subcommittee of the Senate Commerce Committee on October 4.

This is a very important consumer rights, proderegulation, procompetition bill. It is widely endorsed throughout the travel and tourism industry, and it has received the endorsement of the National Conference of Black Mayors at their national meeting last week in Atlanta.

Mr. President, this bill deserves the support of the entire Senate, and it is my hope that we can bring the Air Travelers Security Act to the floor of the Senate and pass it before adjournment this year.●

THE RESIGNATION OF HERBERT M. KLINE, SENIOR BUDGET OFFICER

● Mr. GOLDWATER. Mr. President, I rise today to recognize the contribution of Mr. Herbert M. Kline, professional staff member and senior budget officer of the Senate Select Committee on Intelligence, who will be leaving our staff after 3 years of outstanding and dedicated service to the Senate. Herb Kline has served our committee untiringly and with the highest professionalism since the fall of 1980, when he was hired as a professional staff member and budget officer. I promoted him to the position of senior budget officer in the summer of 1982, and he has served in that position ever since.

Before coming to our committee, Herb had a distinguished career in the U.S. military. Following his graduation from Wilkes College in 1961, where he earned degrees in mathematics and engineering, Herb was commissioned in the Navy. He served on the U.S.S. *Independence*, and at the Defense Nuclear Agency at Sandia, N. Mex. Thereafter, he joined the U.S. Air Force and served with the Air Proving Ground at Eglin Air Force Base in Florida.

After earning a masters degree at Texas A&M, he served in Vietnam as an operations analyst with the 7th Air Force, and spent 3 years with the Defense Intelligence Agency in the same capacity. Herb went on to become a cost analyst in the Office of the Director of Budget, at Air Force Headquarters in the Pentagon. He also served for several years on the intelligence community staff here in Washington, D.C. Before joining our committee, Herb was awarded the National Intelligence Certificate of Distinction in recognition of his contributions to U.S. intelligence.

Mr. President, it should be clear from this résumé that the Senate Select Committee on Intelligence was very lucky to get a man of Herb's qualifications to serve as our senior budget officer. It is rare to find somebody with as much hands-on experience with the intelligence budgeting process, and it is equally rare to find somebody who has served on active duty in both the Navy and the Air Force. Herb did a very good job for us in this important nonpolitical position, and I am sad to see him go.

Herb Kline has performed his role as senior budget officer to the Senate Select Committee on Intelligence with great distinction, with great professional capability and with extraordinary knowledge of the important programs which we oversee and authorize. On behalf of all the members of the committee, past and present, I would like to thank Herb for his dedication, loyalty and service to the Select Committee on Intelligence, to the Senate and to the Congress of the United States. We are grateful to him for his contributions and we wish him the very best for the future.●

TESTIMONY OF RITA SALBERG, CHAIRMAN OF PUBLIC AFFAIRS FOR B'NAI B'RITH WOMEN

● Mr. MOYNIHAN. Mr. President, at a hearing on prayer in school conducted by the Senate Committee on the Judiciary in June, Ms. Rita Salberg, of B'nai B'rith Women, made a most eloquent statement. School prayer is a highly complex issue on which the opinions of many intelligent men and women may differ. Ms. Salberg's testimony was a clear and thoughtful enunciation of her organization's position on this matter. It expressed, quite well, the feelings of B'nai B'rith Women's 120,000 members, as well as the feelings of the many others who share their perspective.

I would like to share with my colleagues Ms. Salberg's words and ask that her statement be included in the RECORD.

The material follows:

STATEMENT OF RITA SALBERG AT A HEARING ON PRAYER IN THE SCHOOLS

Good afternoon, Senator. My name is Rita Salberg. I am the chairman of public affairs for B'nai B'rith Women and a member of the executive board of the Anti-Defamation League of B'nai B'rith.

I am here this morning on behalf of the 120,000 members of B'nai B'rith Women to tell you of our profound distress over the proposed bill to amend the Constitution to allow prayer in the schools. We believe it to be bad government policy, bad religious practice, and bad educational programming.

It is our firm belief that the protections of democracy can only be maintained by a clear and strict separation of church and state, a separation we believe is violated by the proposed prayer bill. As a Jewish organization, we are particularly mindful of the strong historical tendency of government and religions to intermix—and with disastrous consequences for minorities.

The genius of the bill of rights is that it serves to limit the rights of the majority in particular instances, thereby granting protections to minorities. As our country becomes ever more ethnically and religiously diverse, such protections assume an even greater importance.

It seems to me that the proposed legislation is particularly vulnerable to criticism from a religious standpoint. If a prayer could be devised that is acceptable to all—and I'm thinking now of the recent influx into our country of people from Southeast Asia, many of whom have a heritage apart from the Judeo-Christian one—that prayer would necessarily be so homogeneous as to be meaningless. We who share religious belief however different the form, know that true prayer cannot be stopped by any court, just as true praying cannot be mandated by Federal or State law.

In fact, there is a strong argument to be made that mechanical recitation or prayer in a public school—especially a prayer composed by Government officials with a need to make that prayer have a wide acceptability—such a prayer degrades the religious experience that is true prayer. If the aim of a prayer in the schools is to inculcate in children ethical and moral standards, that can be done, and should be done, outside the context of prayer. To my mind, there is surely a place for prayer in children's lives, and that place is in the home, in the church, synagogue, mosque, in many places, but not our public schools.

I was a teacher in the New York City schools for 15 years. The purpose of the public school system was, it always seemed to me, best stated by the late Justice Douglas. He described a public school as a place "to train American citizens in an atmosphere free of parochial, divisive, or separatist influences of any sort—an atmosphere in which children may assimilate a heritage common to all American groups and religions."

I would be the last to say our schools are free of divisiveness or that they are havens from strife and conflict. They surely are not. Children from an early age are aware of racial and religious differences and conflicts—at least that has been my experience—but the role of the public school system is not to exacerbate those differences. Rather, schools are the places to emphasize our commonality, our oneness. In our richly pluralistic country, that oneness is not to be found in a religious belief or in a prayer.

Good educational policy also calls for us to look at our differences but to look at them in a constructive way. From the experience of Jewish people I have spoken with over the years, our differences are not addressed positively through praying in school. In fact, quite the contrary. I know people who suffered in varying degrees, from what was once the common practice of praying in schools. Most stinging was the experience of one friend, the only Jewish child in her class, who had the misfortune to have as a teacher a woman who called on her regularly to read from the New Testament the passage on the "Perfidious Jew." (The adjective was removed from the New Testament during Vatican II.) For her, and for others I know, prayer in the schools was far from a positive experience. It was not even a benign experience. It was hurtful and destructive, although the intent of the practice was quite the opposite. To those who argue, what harm can prayer in the schools do to children? I say it can do harm.

As members of one of the largest religious minority groups in the country, B'nai B'rith Women urges you not to proceed with legislation that will put prayer back into our schools.●

TAX CREDIT FOR CARE OF ELDERLY FAMILY MEMBERS

● Mr. D'AMATO. Mr. President, I support S. 1301, a bill to amend the Internal Revenue Code of 1954 to allow a tax credit for expenses incurred in the care of elderly family members.

Put simply, this legislation is necessary for both humanitarian and fiscal reasons. Institutionalized care for the elderly is a burden on family members and a drain on Government sponsored assistance programs. It is estimated, however, that up to 40 percent of our 1.3 million nursing home residents could live at home. In all too many instances, families are forced to institutionalize their elderly relatives because of financial reasons. This bill would provide tax credits for a portion of expenses incurred in support of services that the chronically ill elderly and their families require. Such services will include home health aide services, adult day care, respite care, nursing care, and medical or health-related supplies and equipment.

This assistance will not only provide much needed emotional and financial relief for the family, it will also save money for the Government. One of the highest expenses in medicare is institutionalized care. Nationwide, such care costs close to $20,000 annually per patient. I believe the savings medicare costs will far exceed the revenue loss from these tax credits.

S. 1301 is designed to target the greatest relief to those families most in need. The credit available will be determined on a sliding scale based on annual income. Families who have incomes under $10,000 can claim a tax credit for 30 percent of allowable expenses up to a maximum credit of $1,050. Families with adjusted gross incomes in excess of $50,000 will be ineligible for the credit, as will the elderly whose income exceeds $15,000. Only billable services can qualify for the credit.

This responsible legislation will especially assist those families whose elderly relation has a disease that is not covered by medicare or medicaid. S. 1301, for example, would help the family of an Alzheimer's disease sufferer, who may be physically healthy, but mentally debilitated to the point of requiring constant care. It is this disease and many like it that makes S. 1301 so important to the fastest growing group in our country, the elderly.●

WORLD POPULATION GROWTH

● Mr. HATFIELD. Mr. President, on July 15, 1983, an article appeared in the USA Today written by Carole L. Baker, executive director of zero population growth, addressing the perils of ignoring world population growth. I was impressed by this article and ask that it be included in the RECORD.

The article follows:

WE MUST ACT NOW, BEFORE IT'S TOO LATE

(By Carole L. Baker)

WASHINGTON.—World population growth—like an illness with no warning system—is

the most dangerous of conditions because its consequences aren't noticed until it's too late.

It is the obese man ignoring his physician and health, getting bigger and bigger. So-called "friends" say he looks fine . . . until the massive coronary.

Population growth is not a single dramatic event, but a constant process—one whose current scale promotes soil erosion and deforestation, overgrazing, poverty, malnutrition, illiteracy, political instability and military conflict.

Examples are everywhere.

There are still those who claim, citing a gradual lowering of world birth rates, that the patient looks fine, despite staggering growth. This is a dangerous mistake to make; slightly lower birth rates can't compare to the ever-expanding world population base we now have.

The compounding aspect of exponential growth is enormous. It took all of history up to 1830 to reach the first billion people. The second billion took only 100 years. Now the world adds another billion every 12 years.

All estimates project 6 billion people by the year 2000 . . . in just 17 years.

This is one-third more people added to our planet, mostly in the developing nations. Tragically, these nations, least able to meet their basic needs, also have the highest population growth rates. No government can expect to improve living standards when a nation's population growth outpaces its economic output.

Increasingly, this is the dilemma of the developing world.

Industrial nations are also straining their ability to support their people, because of high per capita use of energy and raw materials.

The United States continues to grow by more than 2 million per year. With only five percent of the world's population, this country consumes 11 times the world's average of energy, six times the steel, and four times the grain.

The United States must face these issues here at home. We are the fastest-growing industrial nation in the world, but the United States still has no population policy, no demographic goals or capacity to identify or plan for future trends.

Legislation now before Congress—The Global Resource, Environment and Population Act of 1983—would begin to answer these needs. By not taking action on population, governments ignore their responsibility. We must stabilize population growth.

In the words of Worldwatch president Les Brown, "We are not inheriting the earth from our fathers—we are borrowing it from our children."●

DEATH OF HUMBERTO CARDINAL MEDEIROS

● Mr. TSONGAS. Mr. President, my home State of Massachusetts and the capital city of Boston suffered a grievous loss this past week due to the death of Humberto Cardinal Medeiros, the Roman Catholic Archbishop of Boston.

Humberto Medeiros came from humble beginnings in the Azores, where he was born. An immigrant, he came with his family to settle in Fall River, Mass. Father Medeiros served for many years as a priest in Fall River, becoming chancellor of the diocese and pastor of St. Michael's Parish.

Larger responsibilities in the church were in store for him, however, and he was named Bishop of Brownsville, Tex., in 1966. In 1970, he became Archbishop of Boston and was named a cardinal by Pope Paul VI in 1973.

His years in Boston were marked by many achievements. His was a voice for reason and justice. His administration of one of the largest archdioceses in the United States brought it long-term financial stability in an era of great financial difficulty for many institutions.

Most of all, his leadership embodied gentleness and compassion. His leadership reflected an abiding faith in God, to whom he committed his life.

His interests and the breadth of his intellect ranged far beyond religious matters. I visited him at his home some months ago, and he talked knowledgeably about art and a number of other nontheological matters.

Humberto Cardinal Medeiros' passing is a great loss not only to the Catholic Church but to the entire community.

His loss will be felt especially deeply in Boston and in his home town of Fall River, where he will be buried Friday. The Portuguese-American community of Massachusetts and the rest of the country will feel the loss intensely.

His time as Cardinal-Archbishop of Boston was all too short. The message of his life: gentle, unwavering faith in God will endure through the ages.

Mr. President, I ask to have yesterday's most moving editorial from the Boston Globe about Cardinal Medeiros printed in the RECORD.

The editorial follows:

HUMBERTO CARDINAL MEDEIROS

When the third red hat elevated to the rafters of Holy Cross Cathedral is as nobly dust-covered as its companions, understanding and appreciating the age of Humberto Cardinal Medeiros will become easier for his bereaved archdiocese.

He will be missed as a good and gentle man, a figure of unquestioned holiness in an age suspicious of piety. His energy and compassion reached out to all, but especially to the least of his flock.

The cardinal, whose heart gave out Saturday at 67, succeeded two widely-known prelates, William Cardinal O'Connell and Richard Cardinal Cushing. Both are the stuff of storytelling legend in the history of the Archdiocese of Boston. Both were commanding, articulate figures who presided over a vast expansion of Catholic schools, parishes, hospitals and other institutions that have meant so much to Boston.

Cardinal Medeiros brought different skills to his task. His job as shepherd came at a stormy time for this flock. When he became Archbishop of Boston in 1970, the Vietnam war was raging, sending social currents that threatened long-cherished beliefs and behavior swirling through America.

In Boston, the cardinal faced hostility to the church's teaching on social justice and racial peace. He persevered. Boston's Covenant attracted many who wished to make witness to justice. Through simple moral example, the cardinal led the way.

He was a man of singular serenity and a pilgrim of peace, which accounts for the widespread grief over his passing.

"Many accompanied him to the river side," wrote John Bunyan of a similar figure in "Pilgrim's Progress." "As he went, he said, 'Death, where is thy sting?' And as he went down deeper, he said 'Grave, where is thy victory?' So he passed over, and all the trumpets sounded for him on the other side."●

THE PROPOSED MARTIN LUTHER KING HOLIDAY

● Mr. EAST. Mr. President, before my colleagues rush to consideration of legislation to designate the birthday of Dr. Martin Luther King, Jr., a national holiday, I hope they will consider the strong arguments against such a holiday. I ask that a column by Patrick Buchanan which appeared in the Washington Times on September 16, 1983, and a column by James J. Kilpatrick from Human Events of September 17 be printed in the RECORD.

The articles follow:

[From the Washington Times, Sept. 16, 1983]

WHY REAGAN SHOULD VETO A MARTIN LUTHER KING HOLIDAY

(By Patrick Buchanan)

Headed for the president's desk this fall is a bill, the disposition of which will likely presage the character of the campaign Ronald Reagan will conduct for re-election. Whether it will be middle-of-the-road Republican, or conservative Crusader.

The issue: A national holiday for Martin Luther King.

In the House, conservative opposition to the King holiday has folded up like a house of cards, with right-wingers rushing forward in a near hilarious display of kowtowing and trucking, paying extravagant homage to a man none of them, to my knowledge, has ever invoked in private. Looking down the list of members, Senate Judiciary, is a lost cause. The King holiday is not going to be stopped on the Hill; it is coming to the president's desk.

Ronald Reagan should veto it. Not because of the quarter billion a 10th national holiday would cost the Treasury, or the lost productivity we cannot afford. That would be a copout.

The president should veto it—for the right reason. That Dr. Martin Luther King Jr. does not deserve a national holiday. Not remotely. And because this campaign to place Martin Luther King on a pedestal in the national pantheon occupied only by one other American, George Washington, is an ill-motivated, ideological scheme to force a recalcitrant minority—perhaps a majority—of Americans to pay public tribute to a secular leader whose political legacy is anything but unambiguous.

That King is a historic figure, the equivalent to the civil rights movement of what Sam Gompers was to the labor movement, is not in question. Nor is the man's eloquence or bravery.

But by the day he died on that Memphis hotel balcony, King had become as polariz-

ing, as divisive, as negative a force as there was in national politics.

His constant preaching of civil disobedience bred a general disrespect for law among millions that persists to this day. He had progressed from being the nation's foremost advocate of civil rights into an apologist, an acolyte, of the welfare state as the hope of black America. He was at the time of his death an implacable critic of the national defense, a man who derided America's effort to halt communism in Southeast Asia as somehow racist, a sometime admirer of Ho Chi Minh, a self-proclaimed "citizen of the world" who denounced his own country—this country that is supposed to honor him alongside George Washington—as the "greatest purveyor of violence in the world today."

If civil rights activists and their liberal camp followers wish to honor King, as they have—with state holidays, local holidays, by appending his name to libraries, museums, bridges, highways, parks—they have every right to do so. And they have done so. But why should we conservatives be compelled to honor—above Abraham Lincoln, who has no national holiday—a political antagonist who trashed the agenda of modern conservatism as racist and reactionary?

If the party of Kennedy and Johnson that wiretapped King to document his communist connections and collect filth on his personal life wishes to make amends for its sins, let the Democrats find some other way than to force the rest of us—who had nothing to do with their nasty work—to pay homage to a politician they have hypocritically beatified—only after he was gone.

There is no national groundswell of support for this holiday. Some dozen states have so honored King; three dozen have declined, including many that tabled, and then rejected, the idea. In a federal union such as ours, the states' decision to honor or not to honor secular heroes should be decisive. In this pluralistic society, we ought not force minorities to worship at the altar of an alien congregation.

We do not demand that black Americans in the South pay tribute to the memory of Jefferson Davis or Robert E. Lee. Indeed, the proponents of the King holiday are among those who tell us what a moral outrage it would be to have mandatory prayer in the public schools—when even one child might be embarrassed by having to acknowledge a God in whom he or she disbelieves. This King enterprise is the very antithesis of tolerance.

To elevate an American to a position of honor and esteem alongside the Founding Father, Gen. Washington, is one upon which all Americans should be agreed. We are not agreed on this proposition. It is being rammed through Congress by politicians who are intimidating their opponents with the threat of being branded as racist if they refuse, with the warning that they and their party will face permanent loss of the political support of that tenth of the nation to whom the King holiday is said to be a nonnegotiable demand.

There is an answer presidents should always give to such non-negotiable demands. The answer is no.

[From Human Events, Sept. 17, 1983]

WHY A NATIONAL HOLIDAY FOR MARTIN LUTHER KING?

(By James J. Kilpatrick)

Now that emotions have subsided in the wake of the recent "March on Washington," it may be possible to address a few observations to this business of a federal holiday honoring Martin Luther King, Jr., without getting everybody stirred up.

The idea is wholly unwise. As a matter of principle, as a matter of perspective, and for several practical reasons, the idea ought to be abandoned in favor of some other means of honoring the civil rights leader.

I knew King very slightly; we once debated on national network television, and though we were poles apart on legislative issues, I admired his skill as an orator and his courage as a man.

When he went out to disturb the peace, he put on his go-to-jail clothes; unlike today's gutless wonders on college campuses, who want to violate the draft registration law and still collect subsidized student loans, Martin Luther King never sought impunity. He accepted whatever punishment came his way, and there is no denying his profound influence on the adoption of the Civil Rights Act of 1964 and the Voting Rights Act of 1965. He became the foremost symbol of the revolutionary racial changes that began in 1954 with the Supreme Court's decision in the school segregation cases.

But the question at hand is a legislative question: Should the Congress enact a law making King's birthday, January 15, a legal holiday for the District of Columbia and for federal workers everywhere? Let me argue the negative side of that proposition.

First, the practical matters: Legal holidays are supposed to serve a dual purpose. They honor particular individuals or events, and they provide working people with a day of rest from their everyday burdens. We have nine federal holidays; New Year's, Washington's Birthday, Memorial Day, Independence Day, Labor Day, Columbus Day, Veterans Day, Thanksgiving and Christmas.

Holidays cost money. There is no way accurately to fix the cost to the government and to industry for the lost production that unavoidably results from a paid legal holiday, but the cost runs into the hundreds of millions of dollars. Must we add one more such consequence to the nine federal holidays already observed?

If King's birthday in January were to be made a national holiday, we would wind up with six holidays in a period of two and a half months—Election Day, Veterans Day, Thanksgiving, Christmas, New Year's and then King's Day. The argument in favor of easing the burden on the labor force ceases to hold water.

These practical objections provide the least of the objections. Note that of the nine federal holidays, only two honor specific individuals: George Washington and Christopher Columbus. We have no federal holiday for such towering figures as Jefferson, Madison and Lincoln. A decent sense of historical perspective should tell us that Martin Luther King, influential as he was in the field of civil rights, was no John Adams, no John Marshall, no Benjamin Franklin.

It is a sound principle in these matters to take the long view. Congress ought never to name a federal building for a living politician. The FBI building on Pennsylvania Avenue never should have been named for J. Edgar Hoover. A long period of years should elapse before individuals are formally ranked in the pantheon of national greatness. It takes time to assess character and to appraise achievements, and this truism applies in the matter of Martin Luther King.

The FBI's files on King were deposited in 1977 with the National Archives, under seal for 50 years. The year 2027 is no farther in the future than the year 1939 is in our past, and that seems not so very long ago. The files will document King's intimate association with Communist figures. The files will remind us of King's vitriolic attacks on his own country in the 1960's, when he publicly found the United States worse than Nazi Germany.

To say that the pending holiday bill is a legislative question is to stop short of the whole truth. The bill is a hot political question.

It is preposterous to contend that if one opposes the bill, one is therefore anti-black, but political life is filled with preposterous propositions. It will take courage of a high order to vote against the measure. Soon enough we will discover who has it, and who doesn't.●

SENATE CONCURRENT RESOLUTION 62

● Mr. D'AMATO. Mr. Speaker, I am pleased today to add my name as a cosponsor of Senate Concurrent Resolution 62, which addresses the social security benefit disparity known as the notch problem. This resolution calls on the Commissioner of Social Security and the Secretary of Health and Human Services to immediately develop a plan and report to Congress on the steps Congress might take to deal with the notch problem.

In 1977, Congress passed a series of cost-cutting reforms to save the then nearly bankrupt social security system. Because the old system of determining social security benefits was flawed and overcompensated for inflation, Congress established a new formula which affects all those born after 1916. This formula provides for lower benefits. To ease the transition from the old to the new, special provisions were enacted for people about to retire, that is, those born in 1917–21. These benefits would be determined by a special formula if, and only if, the formula would provide higher benefits than under the new system.

However, the high inflation rates of the late seventies made the difference in benefit levels for individuals whose benefits were computed under the old rules somewhat higher than anticipated when the benefit formula changes were enacted. As a result, people whose benefits are computed under the old rules have a greater than intended advantage over those who have to use the transitional or new computation rules.

The Social Security Amendments of 1983 showed this Nation's solemn commitment to maintaining a financially stable and secure social security system. Despite the fact that this legislation did not attempt to deal with the unintended consequences of the change in benefit formulas, I believe that Congress still has a responsibility to remedy some of the unintended consequences of its actions. I look forward to the cooperation of the Secretary of Health and Human Services

and the Commissioner of Social Security in finding an equitable solution to this problem. I urge my colleagues to support this resolution.●

THE MX—A GIANT STEP TOWARD NUCLEAR WAR

● Mr. HART. Mr. President, the administration and others are playing upon Americans' justified anger by using the Soviet Union's barbaric attack upon the unarmed Korean airliner to justify building the MX missile.

In the wake of this senseless tragedy, we seek a response that will adequately express both our outrage at the atrocity and our determination that it never happen again. In our anger, however, we must still think clearly, and not respond in ways that will weaken, rather than strengthen, our national security while failing to impress the Soviets. Yet this is precisely what the administration would have us do by linking the shooting down of flight 007 with support for its proposal to build 100 MX missiles and base them in old Minuteman silos.

Mr. President, I abhor this brutal attack not only for the wanton destruction of innocent lives but also for the Soviet's utter disregard for human life to "preserve the Russian motherland." It painfully reminds us of another godless state that slaughtered 6 million Jews in pursuit of its deranged political beliefs. In the Soviet Union, as in Hitler's Germany, the state counts for everything while the individual counts for nothing.

The Soviet attack comes as no surprise. It merely continues the trend of atrocities—the Stalin purges of the 1930's and 1950's, the crushing of Hungary in 1956, Czechoslovakia in 1965, then Poland, and Afghanistan. The list goes on and on.

Yet, this latest atrocity bears no relation to the debate over whether to deploy the MX missile. Those who oppose the administration's proposal do not harbor any illusions about the Soviet Union's good faith in its international dealings or its respect for human life. We oppose it for reasons based solely upon our own national interests. And the arguments against building the MX and basing it in existing Minuteman silos remain as persuasive today as they were before the Soviets shot down flight 007.

The administration's proposal will not make our land-based missile force more survivable. It will divert tens of billions of dollars from genuine human needs, as well as from efforts to strengthen our conventional forces. It will not give us a "bargaining chip" for concluding a nuclear arms control agreement. But, in conjunction with Soviet deployments, it will move both nations dangerously close to nuclear war.

By any measure, the MX missile will seriously weaken our national security.

First, after rejecting over 30 other options, the administration plans to base it in the worst possible location—existing, vulnerable Minuteman silos. President Reagan took office resolving to close the so-called window of vulnerability caused by the growing ability of Soviet missile to destroy our land-based nuclear forces in a first-strike. Now, he plans to put our most expensive and lethal strategic weapon in the most attractive target we could offer the Soviets. And the Soviets do not even have to retarget their missile or spend a single ruble to knock it out.

Defense experts agree the Soviets currently can "kill" between 75 and 95 percent of our Minuteman silos. Therefore, as the chairman of the Senate Armed Services Committee has said, MX missiles in Minuteman silos would be "sitting ducks," only fatter and larger than the Minuteman missile. They would offer the United States about as much military security as a disconnected burglar alarm in a house with the front door open.

It makes no sense for President Reagan now to claim building the MX will demonstrate to the Soviets our toughness in response to the shooting down of the Korean airliner. If MX-in-Minuteman was vulnerable before, it is still vulnerable now. Why should the United States make itself look foolish by spending $30 billion on a weapon system the Soviets know they can defeat, and then say, "That'll show' em." That is not national will, that is national ignorance. And it is not likely to impress the Soviets.

Second, the MX represents an enormous diversion of defense resources from building a smaller new mobile missile, improving our conventional forces, and addressing human needs. Defense spending has contributed to the President's unprecedented budget deficits that threaten to choke off economic recovery and to bring closer the day of reckoning for every segment of our society, including national defense.

Each MX will mean fewer resources for truly survivable alternatives to today's vulnerable land-based missiles. Each MX will mean fewer ships, tanks, fighters, and other conventional forces to buffer against nuclear war.

And the costs will not be limited to the $30 billion or more just to build and deploy the MX missile. They will ultimately include additional billions to try to protect it from Soviet attack—either with an antiballistic-missile system or some "Star Wars"-type satellite defense—when the administration finally discovers its vulnerability has rendered the MX useless.

Third, although its proponents maintain the MX gives the President a "bargaining chip" in arms control negotiations, he has repeatedly said he will not bargain it away for arms control.

Moreover, this administration's record gives no confidence it will keep the arms control part of the MX "bargain." It has refused to seek ratification of the SALT II Treaty. It has delayed for many months any negotiations at all on nuclear arms, going to the table only when prodded by public pressure. It flirted with insanity by talking of nuclear warning shots and winnable nuclear war. It has abandoned the goal of a comprehensive nuclear test ban. And it has launched an arms race in space, diminishing our national prestige by enabling the Soviets to exhibit reasonableness in calling for its halt.

In fact, so many Members of Congress doubt the administration's commitment to arms control that the President seems to negotiate as much with them over his arms control policies as with the Soviets. Some Members have threatened to withdraw their support for the MX if arms control negotiations do not soon show some real progress. Others have made their support contingent on the President's endorsing a so-called build-down proposal—eliminating two existing warheads for every new one.

Thus, while the President sees the MX as a bargaining chip with the Soviets, Congress uses it as a bargaining chip with the President—to get his active commitment to control and reduce the number of nuclear weapons. It is a Faustain bargain of the worst kind. And it stands logic on its head: It makes no sense to support a buildup of our nuclear arsenal—by 100 MX missiles armed with 1,000 warheads—just to encourage the President to secure an arms control agreement that would likely force us to remove them.

Finally, and most seriously, the MX is a giant step toward nuclear war. Because its unprecedented power and vulnerability invite the Soviets to strike first, the MX, from a military standpoint, is useful only if we launch it in a first-strike against them or the moment we think their missiles are on the way. Given the frightening number of "War Games"-style false alarms that have lit up our defense computers in the past, shifting to a launch on warning doctrine dangerously increases the chance of accidental nuclear war.

This future will not bring peace. It will bring a test of nerves between both superpowers, their fingers poised on hair triggers ready to use their weapons rather than lose them.

The President reportedly chose the name of his MX missile—Peacemaker. Apparently, George Orwell's "1984" arrived in Washington a year early.

We do not need a missile called a Peacemaker. We need a President who is one. And we need an administration that will listen to the American people when they call for clear strategic thinking and reject a missile that makes no sense.●

MENDING OUR FENCES

● Mr. ABDNOR. Mr. President, the Reverend Harold DeGroot, pastor of the Christian Reformed Church in Sioux Falls, S. Dak., recently wrote a column for the Sioux Falls Argus Leader in which he discussed the real nature of the Soviet threat.

In his article Pastor DeGroot looks at Soviet communism from a historical perspective. He reminds us that the Leninist goal of world domination has not changed and that we must keep our fences mended, militarily.

The brutal shooting down of an unarmed Korean airliner with 269 men, women, and children aboard—including about 60 Americans—should be reminder enough of the mentality of our Soviet adversaries.

Yet, as Pastor DeGroot points out, we tend to forget with the passage of time. Some even propose to freeze us into permanent strategic inferiority.

I ask that the article be printed in the RECORD.

The material follows:

[From the Sioux Falls (S. Dak.) Argus Leader, Sept. 10, 1983]

WE NEED STRONG FENCE WITH SOVIETS

(By Harold DeGroot)

Having been raised on a farm I learned a very important lesson for all of life: "Good fences make good neighbors." We had a neighbor who neglected his fences. His livestock spent about as much time on our farmyard as on his own. Needless to say, this brought tension.

This is also true in the international arena: "Good fences make good neighbors." The only wise course for the United States to follow is to build good fences. We must meet the Soviet Union on every level—technologically, militarily. If we neglect our fences it will, no doubt, bring about unilateral American disarmament. The only responsible position is to negotiate from a position of strength.

We forget that we are still at war with communism. The Communists are still out to take our freedoms and to enslave us and our children. Communism is waging its war to enslave us according to plans carefully spelled out over 60 years ago by Lenin. Lenin's plan states: "First, we will take Eastern Europe, then the masses of Asia, then we will encircle the United States, which will be the last bastian of capitalism. We will not have to attack. It will fall into our hands like an overripe fruit."

Following Lenin's plan the Communists are directing a two-pronged attack against the United States. Their program is designed, first, to destroy our ability to resist (disarmament) and, second, to destroy our will to resist. If the Communists could trick us into destroying our arms, our ability to resist would be destroyed. Now they are also working to destroy our will to resist. Since Vietnam and further expansionism by the Soviets, we are a nation with a diminished will.

In the light of all this history some of us are still asking for a nuclear freeze—weaken our fences!—Even though we all know we cannot trust the Communists. And churches are getting involved, often taking the leadership in this suicide! At best, church involvement in military and political issues only muddies the waters.

Communism is an idea born in hell. It must be replaced by an idea born in heaven. That is where the churches come in! Tell the whole truth about communism. Preach the word, which has much to say about the communist enslavement and wanton killing of millions in Cambodia, Laos, Vietnam, Afghanistan, Poland and a host of other iron-and bamboo-curtain countries. They have crushed the spirit and robbed the freedoms of those enslaved! A monstrous crime. We must tell them that being free in Christ we are free indeed. Only then.●

GENERAL ASSISTANCE TO LOCAL EDUCATION AGENCIES

● Mr. BENTSEN. Mr. President, I am pleased to join as a cosponsor of S. 1630, a bill to provide general assistance to local education agencies for making educational services available to alien children. S. 1630 authorizes $68 million over the next 3 years to assist districts that provide educational services in areas with disproportionately large numbers of refugees and illegal alien students.

Classrooms across the Nation, confronted by the biggest influx of immigrant students since the turn of the century, are struggling to absorb hundreds of thousands of youngsters each year. This assistance is essential to local districts that cannot fully underwrite the cost of providing such services. The presence of large numbers of limited English speaking students has generated new demands for equipment, materials and supplies, classroom space, and bilingual staff.

These increasing demands constitute a growing burden of State and local tax resources. The Texas Education Agency estimates that an average of $2,600 was spent on each Texas schoolchild during the 1982-83 school year. While alien students costs are higher because of the special needs cited earlier, using the baseline figure of $2,600 for the estimated 29,170 undocumented aliens in Texas schools indicates that communities are being asked to assume more than $75 million per year in additional obligations.

These costs place an enormous strain on existing educational resources. For example, the Ysleta school district superintendent recently testified to the State Education Subcommittee that his district has been unable to employ sufficient bilingual and English as a second language teachers. According to the superintendent of Dade County, Fla., nearly $12 million has been expended over the last 3 years to purchase portable classrooms for refugee students. While some might argue that Federal funding available through the chapter 1 program for educationally disadvantaged children should be sufficient to defray such costs, assistance under this program is allocated on the basis of the 1980 population census which undercounts the number of undocumented aliens, thereby underfunding States responsible for educating large numbers of alien children.

Devaluation of the Mexican peso in 1982, which reduced the peso to one-sixth of its previous buying power, has severely curtailed the flow of commerce from Mexico into the United States communities along the border are affected disproportionately by plummeting retail sales, a rising number of bankruptcies, declining tax bases, and high unemployment. In Joint Economic Committee hearings over which I presided on August 1, witnesses reported unemployment rates of 12 percent in El Paso, 16 percent in Brownsville, 27 percent in Laredo, and an unprecedented 47 percent in Starr County. Sales tax receipts in Laredo and similarly hard-hit cities fell 44 percent last year. Improvement in the economy of the region is projected to be several years away, meanwhile school board members and superintendents dependent on local tax revenues are experiencing difficulties in collecting sufficient funds to meet either operating costs or long-term bond obligations.

A host of related problems has emerged, caused in part by the ravaged local economy and Congress inability to enact a coherent immigration policy which would regulate the influx of aliens from outside our Nation's borders. The problems center around provision of basic services, such as health care and emergency food and shelter. As unemployment increases, the number of persons not covered by unemployment insurance and health care similarly increases. The cost of caring for indigents, many of whom are illegal aliens, is expensive—$2 million per year in Cameron County alone, according to testimony provided by local officials at the JEC hearing. The circumstances exacerbate the difficulty which local jurisdictions experience in attempting to respond to demands for education services.

I have long supported Federal legislation to respond to the special needs of areas disproportionately impacted by large numbers of aliens. On two separate occasions, I introduced and guided through the Senate bills to provide assistance for construction of classrooms in schools affected by economic dislocations and overcrowding due to legal alien immigration along the United States-Mexican border. I have supported the Simpson-Mazzoli immigration legislation as a means to

control the flood of aliens into this country. But neither initiative has been enacted, and the citizens of communities all along the border need assistance now in response to present, severe conditions. This bill is the first necessary step toward redressing those needs in the area of education. I urge my colleagues to join me in support of S. 1630.●

MEETING THE SOVIET CHALLENGE

● Mr. HART. Mr. President, on September 1 after hearing that the Soviets had shot down an unarmed Korean Air Lines passenger plane, I termed the act cowardly, unprovoked and barbaric behavior. The passage of time has not, nor should it, diminish the despicable character of this Soviet action.

To date, the Soviets have continued to deny their victims and the world at large their minimum due: an apology; a commitment never to repeat such an act; and appropriate compensation for the families of the victims.

Indeed, Soviet actions have been the epitome of arrogance and brutality:

In Madrid, Soviet Foreign Minister Gromyko at a forum committed to the extention and preservation of human rights effectively said that any violation of Soviet territory justifies murder.

In a subsequent press conference, Soviet Defense Minister Ogarkov crudely lied about the lights on the KAL aircraft and its resemblance to other aircraft.

The Soviets clearly gave the world the impression that not only do they have no regrets but that they would do it again and equally without qualm.

Yet this should not surprise us. Soviet policies whether they be the invasion and continued supression of Afghanistan or the harassment and incarceration of domestic dissidents have demonstrated the harsh reality of the Soviet System. The destruction of the KAL jetliner is but another sorry page in this record.

Our response to Soviet terror has been properly measured and coordinated internationally. We have sought devices to bring pressure on the Soviets without circumscribing our own interests as suspension of arms control negotiations or economic boycotts would have done. In this vein, the Soviets have been brought to the docket at the U.N. Security Council and harshly criticized. We are still orchestrating an appropriate NATO response. Along the same line, we should support and commend the proposal of the International Federation of Airline Pilots to suspend air service to the Soviet Union for 60 days. Likewise, we should continue to press the Soviets for access to the crash site, compensation for our citizens and a commitment to honor the sanctity of civilian aircraft.

Obviously, there are lessons to be drawn from this disaster and special interests will rush to wrap their programs in the mantle of tragedy. I suggest, however, that the lessons are not simply that we need more defense or that we must negotiate to prevent war. Indeed the clearest lesson is a reaffirmation of the truism that we live in a dangerous world and that the powers of any nation or group to redress a wrong are limited. As always we will need our best minds, our calmest reactions and our strongest resolves to deal with the challenges posed by the Soviet system in every forum—military, diplomatic, economic—where our interests conflict or coincide.●

ALTERNATIVE FINANCING FOR CLINCH RIVER—CBO SPEAKS OUT

● Mr. HUMPHREY. Mr. President, as I pointed out in an earlier CONGRESSIONAL RECORD entry, the proposed alternative financing plan for the Clinch River breeder reactor project is in no way a cost-sharing arrangement. In fact, my staff has estimated that it would add from between $150 million to $300 million to the cost of the project through increased financing costs and the granting of tax benefits.

Yesterday, my own estimates were verified by the Congressional Budget Office (CBO). In testimony before the Subcommittee on Energy, Conservation, and Power of the House Committee on Energy and Commerce, the newly appointed Director, Rudolph Penner, outlined two major findings of a CBO study on the budgetary effects of the proposed plan.

The first finding was that the plan would add $2.6 billion to the Federal deficit from 1990 to 2020 and that even when discounted, the cost of the plan to the U.S. Treasury would be almost $250 million more than if the Congress chose to fully fund the project.

The second finding was that the after-tax rate of return earned by the equity investors under the plan would be nearly 37 percent.

Mr. Penner in his testimony indicated that this financing plan was even worse than the approach Congress has already found unacceptable. These findings are significant and make it clear that the proposed financing plan is seriously flawed and in need of careful review and extensive modification.

Certainly, any attempt to attach legislation for this plan on the continuing appropriations resolution, should be resisted. A plan this controversial that requires authorization of $1.5 billion in obligations on a single vote, and that ironically increases the project's cost ought not to be considered at the last minute on an appropiations bill. Indeed, submitting such legislation separately would make far greater sense particularly now that DOE has made draft legislation available (see the CONGRESSIONAL RECORD at S12453, September 1983).

Mr. President, I believe it is important that the Senate understand just how flawed the proposed alternative financing plan is and how much it is in need of markup and modification as separate legislation. I ask that the entire text of the CBO study, "Comparative Analysis of Alternative Financing Plans for the Clinch River Breeder Reactor Project" and Mr. Penner's written testimony be printed in the RECORD.

The material follows:

STATEMENT OF RUDOLPH G. PENNER, DIRECTOR, CONGRESSIONAL BUDGET OFFICE

Mr. Chairman, I am pleased to appear before you today to discuss the proposed financing plan for the Clinch River Breeder Reactor. The staff of the Congressional Budget Office (CBO) has analyzed the financial implications of this plan for the federal government. Our analysis deals only with alternative financing options, and does not address the value of the project itself or the decision about whether it should be completed.

Our analysis focuses on two basic options: on the one hand, the private financing plan developed by the Breeder Reactor Corporation (BRC) Task Force and endorsed by the Administration; and, on the other hand, an alternative that I will call the "government-financed" plan. The latter assumes:

No additional private sector contributions, other than the $175 million already committed by public utilities;

Federal funding of an additional $2.3 billion in construction costs;

Continued government operation of the reactor through the year 2020, and sales of power at market rate throughout the period; and

Completion of the project at the same cost and at the same time as assumed for the BRC private financing plan.

Under these assumptions, the BRC plan would reduce federal budget deficits between 1984 and 1990 by close to $700 million, but would add $2.6 billion to the deficit over the following 30 years, as compared with the government-financed alternative. Thus, the budgetary effect of the BRC plan is to reduce deficits in the early years at a cost of larger deficits in later years.

Because the value to the government of receiving a dollar in the future is less than the value of receiving the same dollar now, an evaluation of this trade-off requires a discounting of future outlays and revenues to put all cash flows on an equivalent basis, regardless of the year in which they occur. When discounted, at the after-tax cost of federal borrowing, the cost of the private plan is almost $250 million more than if the Congress chose to fully fund the project. This indicates that the short-term savings from the BRC plan do not offset the higher costs to the government over the life of the reactor.

The higher cost of the private plan reflects the fact that the government would be borrowing funds from the private sector and paying a guaranteed rate of return higher than normal government borrowing costs. Under the BRC plan, our base-case as-

sumptions imply that the after-tax rate of return earned by the equity investors would be about 37 percent, while the after-tax rate of return for bondholders would be 7.5 percent. The difference between these rates and the government's assumed after-tax discount rate of about 6.75 percent accounts for the higher long-term cost to the government of the BRC plan.

Our analysis reflects an assumption that, under the government-financed plan, power produced by the reactor could be sold at market rates throughout the period. This would demand a change in the current contractual agreements, which require the Tennessee Valley Authority (TVA) to buy the power produced by the reactor for the first five years at "avoided energy costs." This restriction could, at the discretion of the Congress, be maintained or removed regardless of which financing plan is selected. Therefore, in comparing the two basic alternatives, the same power sales were assumed for both.

Our analysis also assumes that the Tennessee Valley Authority would not exercise its option to purchase the reactor after five years of operation. In view of its projections of excess capacity, the TVA has indicated that it would probably not acquire the plant.

Our analysis is based on an assessment of the tax benefits that private investors would receive under the BRC plan from the investment tax credit and from depreciation and interest deductions. We have also estimated taxes the investors would pay on their income from the project. The results have been tested under varying assumptions about the tax treatment of the private investors, the amount of income from the sale of electricity, and the discount rate used in the analysis. The cost of the BRC plan is lower than that of the government-financed plan under only one of the scenarios analyzed. That scenario assumes that, with government financing, power would be sold at a below-market price to the Tennessee Valley Authority for the first five years of the reactor's operation, as specified in current agreements. On the other hand, it assumes that power sales under the private plan would be at a market price. It is not apparent, however, why the restriction on power sales should necessarily be maintained in one case, but not in the other. Therefore, the choice of financing mechanism should not be affected by this assumption.

In sum, the CBO analysis indicates that, if the government is to proceed with the Clinch River Breeder Reactor Project, direct appropriation of the necessary additional construction funds would be more economical to the government in the long term than the BRC's private financing plan.

Mr. Chairman, this concludes my statement this morning. More detail on this analysis appears in the Staff Working Paper that we have provided to this Subcommittee. I will be happy to answer any questions you or members of the Subcommittee may have.

Comparative Analysis of Alternative Financing Plans for the Clinch River Breeder Reactor Project

As mandated by the Congress, the Department of Energy has transmitted a new plan for financing the Clinch River Breeder Reactor Project (CRBRP) involving greater participation from the private sector. At the request of the Subcommittee on Energy Conservation and Power of the House Committee on Energy and Commerce, the Congressional Budget Office (CBO) has prepared an analysis of the proposed financing plan, assessing its long-term impact on the federal budget compared to the alternative of full federal funding of the remaining costs. This paper describes the background of the new financing plan and the CBO analysis of its budget impact.

BACKGROUND

The CRBRP was authorized in 1970 and initial appropriations were provided in 1972. The cost of the project was estimated in 1972 to be $699 million, based on manufacturers' conceptual designs. In 1973, utilities committed themselves to pay $257 million plus interest to the CRBRP. The Department of Energy now estimates that interest will raise the utility commitment to more than $340 million. After detailed cost estimates and reference designs were completed in 1974, the estimated costs of the project rose to over $1.7 billion, assuming operation in 1982. Funding restrictions, delays, licensing requirements, and cost reestimates have since raised the estimated costs to over $4 billion, of which nearly $1.7 billion has been spent. In the Further Continuing Appropriations Act for Fiscal Year 1983, the Congress directed the Department of Energy to report on options to secure additional private sector participation in the CRBRP that would reduce the federal budget requirements. An initial report was submitted in March, and a second more detailed plan was submitted in early August. No funds were included in the Energy and Water Appropriations Act of 1984 for the CRBRP pending action on private financing. Work continues, however, on site preparation activity.

Responsibility for the CRBRP is governed by contractual agreements involving the Department of Energy, the Commonwealth Edison Company, the Tennessee Valley Authority (TVA), and the Project Management Corporation (PMC). The latter represents the interests of contributing utilities in the management of the project. The Breeder Reactor Corporation (BRC) was established to represent the electric power industry in providing assistance and support to the project.

Under present working agreements, if the project is to be completed by 1990 as currently planned, the government will be responsible for providing an estimated additional $2.3 billion to complete construction. As part of their original commitment, utilities (through the BRC) are obligated to provide an additional $175 million.[1] The TVA is required to purchase power generated by the CRBRP for the first five years of the project's operation, and has the option to purchase the plant at the end of that period. No specific agreements have been reached regarding the operation of the project after the five-year period.

THE BRC PLAN

In response to the Congressional directive, the Department of Energy explored options to secure additional private sector financing for the CRBRP. The Breeder Reactor Corporation prepared a proposal that would increase private participation in the funding of the CRBRP. It includes $1.5 billion in additional government financing and $825 million in additional private funds, the latter consisting of $675 million in short-term lending and $150 million in equity participation (see Table 1 below). This plan was endorsed by the Administration and transmitted to the Congress by the Department of Energy on August 1, 1983.

TABLE 1.—PROPOSED SOURCES OF CRBRP FUNDS, 1984–1990

[In millions of dollars]

	Current arrangements	Proposed BRC plan	Difference
Government appropriations	2,325	1,500	−825
Utility contributions	175	175	
Equity participation		150	150
Private lending		675	675
Total	2,500	2,500	

Under the proposed plan, the federal government would be required to cover the full costs of the equity investment, as well as principal and interest payments on the debt, through various tax benefits, project revenues, and, if necessary, federal payments. Thus, the proposal embodies virtually no risks to the new private sector participants. The short-term private investment of $675 million would be retired in 1990 by the issuance (by the equity investors) of an estimated $1.04 billion in 30-year bonds, which would cover the $675 million in short-term construction loans plus interest accrued at 10 percent. The plan would require a government commitment to cover the principal and interest payments on the bonds, either from the reactor's power sales or, if those are not adequate, from other government funds. The sale of $150 million in equity shares in the project would be attracted through a guarantee of tax benefits and a share of revenue not needed to pay interest on the debt. Because of the uncertainties associated with the newness of the technology, licensing requirements, and the volume and price of future electricity sales, the BRC proposes that the government guarantee that both the equity and the debt holders will be repaid their investments, as well as a minimum rate of return. The actual rates of return would be open to negotiation and would reflect market conditions at the time. All cost overruns would be paid for in full by the federal government.

THE ALTERNATIVE: GOVERNMENT FINANCING

For the purpose of this analysis, the BRC plan is compared to an alternative that assumes:

Federal funding of an additional $2.3 billion in construction costs;

Utility contributions, already committed, of $175 million;

Continued government operation of the reactor through the year 2020, with sales of power at market rates throughout the period;

Completion of the project at the same cost and at the same time as under the BRC plan.

As with the proposed BRC plan, this alternative (which we will generally refer to as the "government-financed" plan) would require a change in the current contractual agreements, because of the present requirement that the TVA must buy the power produced by the CRBRP for the first five years at avoided energy cost.[2] This restriction

[1] This is in addition to the utility contributions to date, which, with accrued interest, total $166 million.

[2] Avoided energy cost is the incremental cost to an electrical utility of electric energy or capacity or both.

could, at the discretion of the Congress, be maintained or removed regardless of which financing plan is selected. Therefore, in analyzing the two basic alternatives, power sales at market rates were assumed for both.

The analysis also assumes that TVA would not exercise its option to purchase the reactor after five years of operation. In view of TVA's recent reductions in its own plans for construction of power-generation facilities, all indications are that TVA would probably not acquire the plant.

ESTIMATED BUDGET IMPACT OF THE BRC PLAN

CBO has analyzed the budgetary impact of the proposed BRC plan on both outlays and tax revenues, assuming that the project is completed within current cost estimates and on schedule, and that the financing terms would be those assumed by the developers of the plan.

Compared to the government-financed plan described above, the BRC plan would:

Reduce federal outlays for project construction;

Reduce federal tax revenues in the early years (through 1995), and increase them in subsequent years; and

Reduce or eliminate federal receipts from the sale of power.

Each of these effects is discussed separately below.

Construction Outlays

Under the BRC plan, the government would spend $1.5 billion and private parties $1.0 billion to complete the CRBRP. This would reduce federal outlays by $825 million between 1984 and 1990—with $150 million provided by equity investors and $675 million covered by short-term construction loans.

Tax Revenues

The equity participants, in return for their investment, would be entitled to potentially large tax credits and deductions. The proposal does not assume any new tax benefits; it only requests that the federal government guarantee to make appropriate repayments to the equity investors if the current tax incentives are not made available as planned. On this basis, the equity investors would be entitled to the 10 percent investment tax credit on the $825 million of private investment, depreciation on 95 percent of the investment using the accelerated cost recovery system (ACRS), and deductions of construction interest costs.[3] Offsetting these tax losses would be the revenue generated by taxes on the bond interest and on power revenues received by the equity investors.

The Investment Tax Credit.—The equity holders would be entitled to take the 10 percent investment tax credit (ITC) on the full amount of the private investment ($825 million), as progress payments were made on the CRBRP. Over the 1984–1990 period, the cost of these credits to the U.S. Treasury would be $82.5 million.

Accelerated Depreciation.—The equity participants would be allowed to take depreciation under the accelerated cost recovery system. Because the proposal requests that the project be exempted from the rules regarding public utilities, it is assumed that that property would be depreciated over five years. (If the property was classified as public utility property, it would be depreciated over ten years.) The investors would be allowed depreciation deductions based on only 95 percent of the cost of the project. They could not depreciate 100 percent of their investment because of the 50 percent basis adjustment for the ITC required by the Tax Equity and Fiscal Responsibility Act of 1982 (TEFRA).

For the purposes of this analysis, it is assumed that the equity investors would be corporations subject to a marginal tax rate of 46 percent. The private investors would not be allowed to start taking depreciation until 1991, when the plant was placed into service. The revenue loss to the government from these deductions would be an estimated $361 million, occurring over the 1991–1995 period. (If the property was classified as public utility property, the revenue loss would be the same but would be spread out from 1991 through 2000.)

Construction Interest.—It is assumed that the investors would be allowed to deduct interest expended during the construction period (1984–1990), estimated to total $365 million. Although the interest would be deductible by the equity holders, it would constitute taxable income to the lenders. The net cost of this provision to the government would be the differential in tax rates between the equity investors and the lenders. In this analysis, it is assumed that the equity investors would be in the 46 percent tax bracket and the lenders in the 25 percent tax bracket.[4] This difference in tax rates would result in a net cost to the government of $77 million over the 1984–1990 period. If the borrowers and lenders were assumed to be in the same tax bracket, this provision would not result in a net cost to the Treasury.

Although it is assumed that the equity holders would be allowed to expense interest during the construction phase of the project, they might be required by the Internal Revenue Service (IRS) to "capitalize" the interest payments.[5] TEFRA requires firms to capitalize interest payments related to nonresidential real property. Although ten-year public utility of five-year recovery property is not considered in the class of nonresidential real property for depreciation, part of the CRBRP could be considered real property for purposes of the interest capitalization provision. The effect of capitalizing the interest payments is discussed later in this analysis.

Bond Interest and Power Sales.—Offsetting the cost of the tax benefits allowed the private parties are the additional tax revenues associated with the project. The proposal estimates that the CRBRP would generate sufficient power sales to pay both the interest (at 10 percent) and the principal on the $1.04 billion of long-term debt. On an annual basis, the revenue required to pay off the bonds would be $110 million. For purposes of this analysis, it is assumed that the investors receive $110 million per year composed of net income, after operating expenses, from power sales or government appropriations.[6] (If net sales income is less than $110 million, the government is assumed to cover the shortfall.) In the event that net income exceeds $110 million, it is assumed that the difference is turned over to the Treasury. (Although the plan is unclear as to how the revenues over $110 million would be shared, the assumption used here is conservative in that any residual revenue allocated to the private parties increases the net cost to the government of the BRC option.) Under these assumptions, the $110 million in annual net income is therefore not affected by the actual prices and costs of power over the life of the CRBRP.

It is assumed that the full $110 million per year received by the equity investors is used to pay off the long-term bonds. Because only the interest portion of the bond repayments constitutes a deduction for tax purposes, the equity investors would owe tax on the difference between the $110 million in revenue and the bond interest expense. Because the interest payments are also taxable income to the recipients, the full $110 million would be subject to taxation—partly to the equity investors and partly to the bondholders. The total additional tax revenue is estimated to be $29 million in 1991, increasing gradually to $49 million in 2020.[7]

Federal Receipts From the Sale of Power

While under the BRC plan revenues from power sales would accrue to the equity holders, such revenues would be paid to the Treasury under the government-financed plan. These receipts, net of operating costs, would be $110 million per year over the project's 30-year life, under the assumptions of this analysis.[8]

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[3] In general, the deductions and credits from CRBRP would exceed the anticipated income from the project during the construction phase and its first few years of operation. Because of this, the BRC plan has been designed as a partnership so that the investment tax credit (ITC) and the deductions for depreciation and construction interest could be used to reduce the investors' outside taxable incomes. The partnership arrangement outlined by the BRC would allow the full tax deductions to be passed through to the equity investors. Because of the "at-risk" rules in the tax code, it is expected that virtually all of the equity participants would be corporations. The at-risk rules limit an individual's tax loss in any given investment to the amount the investor stands to lose in the venture. These rules do not apply to corporate investors.

[4] The tax rate on the equity holders is higher than the assumed rate on the bondholders because the equity participants will primarily be corporations (which have a marginal rate of 46 percent). The bond interest recipients are assumed to be individual taxpayers. The average marginal tax rate for individuals receiving interest income is approximately 25 percent (see U.S. Department of the Treasury, Internal Revenue Service, Statistics of Income—1979, Individual Income Tax Returns, 1982).

[5] Capitalized interest payments would not be deductible when expended but would be added to the basis of the property and recovered through depreciation. That is, the value of the property would increase by the amount of construction interest and would therefore increase the annual depreciation deduction proportionately. In addition, the capitalized interest payments would be eligible for the 10 percent ITC during the year in which they were incurred.

[6] This is the assumption in the BRC proposal of 350 megawatts of capacity, utilized at 65 percent, and sold for 11 cents per kilowatt hour. Operating expenses are assumed to be 5.5 cents per kilowatt hour, yielding net sales income of 5.5 cents per kilowatt hour.

[7] The tax revenue grows from $29 million to $49 million because the bondholders are in a lower tax bracket (25 percent) than are the equity holders (46 percent). Because the bonds are assumed to be fully amortized over 30 years (structured like a mortgage), the percentage of the $110 million paid in interest declines over the life of the loan. Therefore, the share of the $110 million subject to the lower 25 percent tax rates falls, and the share subject to the 46 percent rate rises, over the 1991–2020 period.

[8] More generally, power sales are assumed to be equal in both the BRC and the government-financed cases. Under the BRC plan, if net income from sales is less than $110 million, the government must appropriate the difference to pay off the bondholders; in the government-financed case, it forgoes the same amount of power revenue. In other words, the incremental cost to the govern-

The cash flows to the federal government for the two basic alternatives are summarized in Table 2.

In the short run (1984-1990), the private financing plan would save the federal government $825 million in construction outlays. These savings would be partially offset by tax losses of $159 million ($82 million in ITC and $77 million net interest during construction). As a result, the net saving to the government in the short run would be an estimated $666 million.

Between 1990 and 2021, however, the government would relinquish $3.3 billion in potential power sales. In addition, the private parties would be entitled to ACRS deductions worth $361 million. Offsetting these costs would be tax revenues (from the bond and equity holders) in the amount of $1.05 billion. Thus, the private plan would add $2.6 billion more to the federal deficit than the government-financed case over the 1990-2021 period.[9]

TABLE 2.—COMPARISON OF THE BRC PLAN AND THE GOVERNMENT-FINANCED PLAN

[In billions of dollars]

	BRC plan		Government-financed plan	
	1984-90	1991-2020	1984-90	1991-2020
Construction outlays	1.5		2.3	
Tax losses:				
ITC	0.1			
ACRS		0.4		
Interest deductions (net)	0.1			
Less: Tax revenue		−1.1		
Less: Power sales income				−3.3
Total increase or decrease (−) in the deficit	1.7	−0.7	2.3	−3.3

Note.—The amounts in this table represent current cash flows, not discounted present values.

PRESENT VALUE ANALYSIS

Because the value to the government of receiving a dollar ten years from now is different (and less) than the value of receiving the same dollar today, it is useful to discount future outlays and revenues so that the alternatives can be more accurately compared. Discounting all future dollar amounts puts all cash flows on a commensurate basis, regardless of the year in which they occur. The total of all discounted future cash flows is the discounted present value of a project, and it reflects the current value of all dollar amounts. The discount factor used in this analysis is 6.75 percent, which represents the estimated after-tax cost of federal borrowing consistent with the bond rate assumed by the BRC plan.[10]

Under the assumptions used in this analysis, the BRC plan would cost the government almost $250 million more than if the Congress chose to fully fund the project. (More precisely, the discounted value of the private plan is $248 million less than that of the government-financed version.) This indicates that the short-term savings from the BRC plan would not offset the higher costs to the government over the life of the plant.

The higher cost of the private plan reflects the fact that, under the BRC plan, the government is essentially borrowing funds from the private sector and paying a guaranteed rate of return higher than normal government borrowing costs.[11] Under the private plan, the after-tax rate of return earned by the equity investors is about 37 percent; the rate of return for the bondholders is 7.5 percent. The difference between these rates and the government's after-tax discount rate (6.75 percent) accounts for the higher long-term cost to the government of the BRC plan.

SENSITIVITY ANALYSIS

The results of the above analysis do not change greatly even when the major assumptions are modified. Under varying assumptions, the private plan generally costs the government more than government financing, although the differences may be less than the $248 million (in present value terms) of the basic case described above.

Six alternative cases were analyzed to study the effect that modified assumptions would have on the present value of the BRC plan, as compared to the government-financed plan. They are as follows:

(1) Ten-Year Public Utility Property.—Instead of depreciating the CRBRP over five years, it is assumed that the property is defined as ten-year public utility property. If all other assumptions are held constant, this change reduces the present value of the depreciation deductions and thereby reduces the cost to the government of the BRC plan by an estimated $24 million. The cost of the private plan, on a present value basis, would still exceed that of the government-financed version by $224 million.

(2) Construction Interest Capitalized.—In the base case, it was assumed that construction interest was expensed. Alternatively, it can be assumed that the construction interest must be capitalized and recovered through depreciation.[12] (It is likely that the actual tax treatment of the construction interest would fall somewhere between full capitalization and expensing.) Since the capitalization of interest payments would delay the realization of some of the tax benefits to the investors, this assumption would reduce the cost to the government of the BRC plan by an estimated $12 million on a present value basis. The cost of the private plan would still exceed that of the government-financed alternative by about $236 million.

(3) Equal Public and Private Borrowing Rates.—The basic analysis assumed that the government's discount rate was 6.75 percent—based on a 9 percent borrowing rate and a 25 percent marginal tax rate. It can be argued, however, that the 1 percent interest difference (between 10 percent and 9 percent) should not be counted as an advantage of the government-financed case because it does not reflect the "true" cost of capital. Because the government is removing funds from the private sector that have an assumed marginal cost of 10 percent, the government's discount rate should reflect the alternative private cost of capital. If the discount rate is raised from 6.75 percent to 7.5 percent, the relative cost of the private plan is reduced, but remains $168 million above the government-financed alternative.[13] (This difference reflects the return above 7.5 percent provided to the equity investors.)

(4) Combined Assumptions.—If the assumptions in the three foregoing cases are combined—that is, the property is depreciated over ten years, all interest is capitalized, and the discount rate is 7.5 percent instead of 6.75 percent—the cost to the government of proceeding with the private financing plan would be reduced, but would still be about $117 million above the cost of government financing.

(5) Power Sales to TVA.—Under current contractual agreements, CRBRP power must be sold to the TVA for the first five years. If this requirement is maintained, power revenues would be substantially lower than if power was sold to private utilities. This case compares the government-financed option, assuming power sales to TVA, with the BRC plan, assuming sales to other utilities. It is assumed that the power is sold to TVA at cost—that is, the net cash inflow over the first five years is zero. After five years, net income from power sales is assumed to revert to the $110 million per year level. For this analysis the reduction in power sales is applied only to the government-financed case; in the private plan, net income is assumed to remain $110 million for all years. By sharply reducing federal receipts under the government-financed plan, this assumption would significantly increase the attractiveness of the private plan, to the extent that its long-term cost to the government would be $59 million less than the cost of the government-financed plan. However, just as the Congress, under the BRC plan, could terminate the obligation to sell CRBRP power to TVA, it could presumably take the same action under government financing.

(6) Reduced Power Sales.—This case combines the five-year TVA assumption from case (5) above with an assumption of reduced power sales under the private plan in the first five years. In this case, it is assumed that private power sales are only 75 percent of $110 million (or $82.5 million) in the first five years. This could occur if the plant operated at a low capacity or prices were lower than anticipated. In this case, the government would have to appropriate $27.5 million per year in order to cover the repayments of the private bonds. Compared to case (5), the assumption of reduced private power sales increases the cost of the BRC plan because of this appropriation. If all other base case assumptions are held constant, the difference in discounted present value between the two financing alternatives is only $17 million.

The results from these sensitivity cases are summarized in Table 3. Both the government's discounted present value and the equity holders' rate of return are presented for each case. The differential cost to the government of the two financing alternatives is also shown. In all but one case, the cost of the BRC plan exceeds that of the

ment of net sales income less than $110 million is identical in both cases. Because the government is assumed to retain 100 percent of the revenues in exesss of $110 million, the marginal revenue from an increase in sales is the same for both cases. Because of this symmetry, the difference in net costs of the two plans does not vary if net power income differs from the assumed $110 million.

[9] These estimates do not include changes in interest on the public debt that would result from the two alternatives. Such interest costs are reflected in the present value analysis discussed in the following section.

[10] The pretax interest rate is assumed to be 9 percent. Bondholders are in a marginal tax bracket of 25 percent, which results in an assumed after-tax interest rate of 6.75 percent.

[11] This is essentially the same conclusion reached by the General Accounting Office in its "Analysis of Studies on Alternative Financing for the Clinch River Breeder Reactor" (GAO/RCED-83-151), May 12, 1983.

[12] Capitalized interest payments are also allowed the investment tax credit when they are incurred.

[13] If the general level of interest rates varies from those assumed in the BRC plan, both the returns required by the investors and the appropriate discount rate would change. Such variations would not significantly affect the results of the analysis.

government-financed option. Only case (5) has the opposite result, and that requires an assumption that power would be sold to TVA for the first five years, at below-market rates, only under the government-financed plan. Thus, if the Congress chooses to sell electrical power at below the private market price, the public plan may be the more costly alternative. On the other hand, if the Congress decides to sell the CRBRP power at private market prices, the public plan will be the less costly alternative. In sum, as long as the CRBRP power is sold at the same price under either the private or the public plan, the private plan will be the more costly alternative. The relative discounted cost of the private plan as against the public plan ranges from $117 million to $248 million under the alternative cases shown here.

It should be noted that the assumption that all residual revenues from the project accrue to the federal government minimizes the cost of the private plan. If a share of the annual net income (over the $110 million needed to pay off the bonds) was dedicated to the equity holders, the comparative cost of the private plan would be greater than shown in each of the cases. Therefore, depending on the revenue sharing agreement, the net cost to the government of the private plan could be higher than indicated here.

Finally, if annual net income from power sales fell below $110 million, the costs of both the plans would rise by the same amount, because the government would bear the cost in either event. Thus, the relative costs of the two alternatives do not change if power income is less than $110 million a year.[14]

TABLE 3.—SENSITIVITY ANALYSIS OF THE COST OF THE CRBRP

[In millions of dollars]

Case [1]	Discounted present value			Equity holders' after-tax rate of return
	Government financed plan	BRC plan	Difference [2]	
(1) 10-yr depreciation	−1,105	−1,329	224	33.5
(2) Capitalized Construction interest	−1,105	−1,341	236	27.2
(3) 7.5-percent government discount rate	−1,184	−1,352	168	36.8
(4) Joint assumptions 1, 2, and 3	−1,184	−1,302	117	22.5
(5) 5-yr sales to TVA	−1,413	−1,353	−59	36.8
(6) Reduced power sales and 5-yr sales to TVA	−1,413	−1,430	17	36.8
Initial base case	−1,105	−1,353	248	36.8

[1] For further explanation of the cases see text.
[2] The difference represents the comparative discounted cost of the private plan versus government financing. A positive difference indicated the private plan costs more than the public plan, and vice versa.●

ORDERS FOR WEDNESDAY

Mr. STEVENS. Mr. President, let me try to see if we have a unanimous-consent agreement.

ORDER FOR RECESS UNTIL TOMORROW

Mr. STEVENS. Mr. President, I ask unanimous consent, that when the Senate completes its business today, it stand in recess until tomorrow at noon.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF CERTAIN SENATORS TOMORROW

Mr. STEVENS. Mr. President, I ask unanimous consent that following the recognition of the two leaders, under the standing order, the following Senators be recognized for not to exceed 15 minutes each with special orders, Senators BAUCUS and EAGLETON.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR ROUTINE BUSINESS TOMORROW

Mr. STEVENS. Mr. President, I further ask unanimous consent that following the special orders that there be a period for the transaction of routine morning business not to extend beyond the hour of 1 p.m. during which Senators may speak therein for not to exceed 2 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RESUMPTION OF H.R. 3363 AND TIME LIMITATION AGREEMENT

Mr. STEVENS. Mr. President, I then ask unanimous consent that at 1 p.m. the Senate resume consideration of a pending business with the Domenici amendment being the pending business under a time limitation of 1½ hours to be equally divided between the Senator from New Mexico (Mr. DOMENICI) and the Senator from Montana (Mr. MELCHER) or their designees.

Further, I ask unanimous consent that following the debate on the Domenici amendment there be a colloquy between the Senator from Oregon (Mr. HATFIELD) and the Senator from Ohio (Mr. METZENBAUM).

Mr. President, I ask unanimous consent that no further amendments be in order with the exception of an amendment to be offered by the Senator from Oklahoma (Mr. NICKLES) on the subject of National Park Service funding and three amendments to be offered by the Senator from Ohio (Mr. METZENBAUM) with respect to timber sales, and that including the pending amendment of the Senator from New Mexico (Mr. DOMENICI) that there be no further amendments in order to this bill other than those I just recited.

Mr. BYRD. Mr. President, reserving the right to object, did the Senator include a provision that has to do with the Metzenbaum colloquy?

Mr. STEVENS. Is it the Senator's understanding that he wishes to have a colloquy with Senator HATFIELD first and following that colloquy determine which, if any, or all three amendments he mentioned will be offered?

Mr. METZENBAUM. Mr. President, I appreciate the consideration of both the acting majority leader and minority leader protecting my interests, but what I actually am intending is to call up one of my amendments, debate that amendment, and then it is my understanding that the Senator from Oregon will respond in such a manner that it may be possible for me to take down that amendment.

Absent that, I would go forward with that amendment and possibly with two others as well.

I am inclined to believe that that procedure would be permissible under the terms that were stated by the acting majority leader, but I wish to make it clear that the colloquy is really more a part of the debate in connection with the amendment that I will call up.

Mr. STEVENS. Mr. President, it would be my suggestion that I delete the reference to the colloquy between the Senator from Oregon and the Senator from Ohio and merely leave in the agreement that the Senator from Ohio has the right to offer up to three amendments dealing with the subject mentioned of timber sales and that there is no time limitation on the Senator from Ohio. There is no time limitation on the Senator from Oklahoma, nor is there a time limitation on the bill itself under this request. But no further amendments would be in order other than those that have been specifically mentioned to be offered by the Senator mentioned.

Mr. BYRD. Mr. President, reserving the right to object, I have no objection.

Mr. STEVENS. I thank my friend.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, I am pleased with that result. That is I think the best we could achieve this evening.

It would be the intention of the leadership to state with the consent of the managers of the bill that there be no further consideration of this bill this evening and that there will be no further rollcall votes tonight.

Mr. President, I do state again it is the intention of the leadership to call up the revenue-sharing bill tomorrow following the disposition of the pending bill, the Interior appropriations bill.

As this Senator interprets that time agreement, it looks long, but as a matter of actual development and prediction it would be my feeling that there will be a vote at approximately 2:30 p.m. on the Domenici amendment and following that, there will be this consideration of the Metzenbaum amendment and then the Nickles amendment following that. I do not think it will take too much time.

We would intend to be on the revenue-sharing bill early tomorrow afternoon.

Mr. President, may I ask if there is any further business to come before the Senate?

[14] Again, this assumes that the actual power sales would be the same in both alternatives, even though the amount would be less than $110 million a year.

RECESS UNTIL TOMORROW

Mr. STEVENS. Mr. President, if there be no further business to come before the Senate, I move that the Senate stand in recess until the hour of 12 noon tomorrow.

The motion was agreed to, and the Senate at 7:48 p.m., recessed until Wednesday, September 21, 1983, at 12 noon.

NOMINATIONS

Executive nominations received by the Senate September 20, 1983:

DEPARTMENT OF STATE

Terence A. Todman, of the Virgin Islands, a career member of the Senior Foreign Service, class of Career Minister, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Denmark.

THE JUDICIARY

Thomas J. Curran, of Wisconsin, to be U.S. district judge for the eastern district of Wisconsin vice Myron L. Gorden, retired.

DEPARTMENT OF TRANSPORTATION

Diane K. Steed, of the District of Columbia, to be Administrator of the National Highway Traffic Safety Administration, vice Raymond A. Peck, Jr., resigned.

ENVIRONMENTAL PROTECTION AGENCY

A. James Barnes, of the District of Columbia, to be an Assistant Administrator of the Environmental Protection Agency (new position—Public Law 98–80 of August 23, 1983).

Josephine S. Cooper, of Virginia, to be an Assistant Administrator of the Environmental Protection Agency (new position—Public Law 98–80 of August 23, 1983).

John C. Martin, of Virginia, to be Inspector General, Environmental Protection Agency, vice Matthew Norman Novick, resigned.

DEPARTMENT ON EDUCATION

Louis Roman DiSabato, of Texas, to be a member of the National Museum Services Board for a term expiring December 6, 1987, vice Lloyd Hezekiah, term expired.

IN THE AIR FORCE

The following officers for appointment in the Regular Air Force under the provisions of section 531, title 10, United States Code, with grade and date of rank to be determined by the Secretary of the Air Force provided that in no case shall the officers be appointed in the grade higher than that indicated.

LINE OF THE AIR FORCE

To be captain

Philip N. Brown, xxx-xx-xxxx
Roger A. Hildebrandt, xxx-xx-xxxx
Sal A. Leone, xxx-xx-xxxx

IN THE AIR FORCE

The following officers for appointment in the Regular Air Force under the provisions of section 531, title 10, United States Code, with grade and date of rank to be determined by the Secretary of the Air Force provided that in no case shall the officer be appointed in a grade higher than that indicated.

LINE OF THE AIR FORCE

To be captain

Abbate, Gary J., xxx-xx-xxxx
Adams, Berkley D., II, xxx-xx-xxxx
Adams, Frederick D., xxx-xx-xxxx
Adams, Ricky G., xxx-xx-xxxx
Addison, Ernie L., xxx-xx-xxxx
Agee, Randall C., xxx-xx-xxxx
Aguirre, Dario, xxx-xx-xxxx
Albert, Norman R., xxx-xx-xxxx
Albonetti, James M., xxx-xx-xxxx
Algate, Rex D., xxx-xx-xxxx
Allbritton, John M., xxx-xx-xxxx
Allen, Deborah Y., xxx-xx-xxxx
Allen, John M., xxx-xx-xxxx
Allen, Ola A., xxx-xx-xxxx
Alley, Willis D., xxx-xx-xxxx
Allison, Randal, xxx-xx-xxxx
Allton, Janice W., xxx-xx-xxxx
Alonzo, David, xxx-xx-xxxx
Alvarez, Jose C., xxx-xx-xxxx
Ambrose, Robert P., xxx-xx-xxxx
Amburgey, Robert M., xxx-xx-xxxx
Amell, Mark F., xxx-xx-xxxx
Ames, Michael T., xxx-xx-xxxx
Amrein, Laura J., xxx-xx-xxxx
Andersen, Daniel W., xxx-xx-xxxx
Anderson, Annette R., xxx-xx-xxxx
Anderson, David K., xxx-xx-xxxx
Anderson, Eric C., xxx-xx-xxxx
Anderson, Gail A., xxx-xx-xxxx
Anderson, Keith W., xxx-xx-xxxx
Anderson, Mark S., xxx-xx-xxxx
Anderson, Nolia P. M., xxx-xx-xxxx
Andreaggi, Anthony S., xxx-xx-xxxx
Andrews, Richard A., xxx-xx-xxxx
Anselmo, Paula, xxx-xx-xxxx
Aponte, Evette E., xxx-xx-xxxx
Applegate, Richard H., xxx-xx-xxxx
Aragon, Jose R., xxx-xx-xxxx
Archambault, Jean W., xxx-xx-xxxx
Armour, Charles R., xxx-xx-xxxx
Arnold, Bradley D., xxx-xx-xxxx
Arnold, Jeffrey M., xxx-xx-xxxx
Arnsperger, Thomas J., xxx-xx-xxxx
Ash, Robert S., xxx-xx-xxxx
August, Robert H., xxx-xx-xxxx
Ayers, Brian S., xxx-xx-xxxx
Babb, Willian K., xxx-xx-xxxx
Babcock, Bruce K., xxx-xx-xxxx
Baer, James J., xxx-xx-xxxx
Bahn, Willian L., xxx-xx-xxxx
Bailey, John C., xxx-xx-xxxx
Bailey Louis R., xxx-xx-xxxx
Baker, Christine M., xxx-xx-xxxx
Baker, Michael K., xxx-xx-xxxx
Baker, Raymond E., xxx-xx-xxxx
Ballard, Perry G., xxx-xx-xxxx
Balskus, Joseph G., xxx-xx-xxxx
Baradon, Karen E., xxx-xx-xxxx
Barbee, Philip Joseph, xxx-xx-xxxx
Barker, Robert W., Jr., xxx-xx-xxxx
Barnes, Kendall, xxx-xx-xxxx
Barr, Sue E., xxx-xx-xxxx
Barrett, Mark A., xxx-xx-xxxx
Barry, Patricia, xxx-xx-xxxx
Bartusch, Rene L., xxx-xx-xxxx
Bashant, Keith D., xxx-xx-xxxx
Bass, William K., Jr., xxx-xx-xxxx
Bateman, Lloyd G., Jr., xxx-xx-xxxx
Bauer, W. Stephen, xxx-xx-xxxx
Baxter, Terrance J., xxx-xx-xxxx
Bayne, John E., III, xxx-xx-xxxx
Bazzoli, Thomas L., xxx-xx-xxxx
Beals, Johm K., xxx-xx-xxxx
Beaman, Rebecca L., xxx-xx-xxxx
Beaman, William, xxx-xx-xxxx
Beasley, Hollis R., xxx-xx-xxxx
Beasley, Jack L., Jr., xxx-xx-xxxx
Beatty, Harold J., xxx-xx-xxxx
Beaulieu, Kim D., xxx-xx-xxxx
Beauman, Roger D., xxx-xx-xxxx
Beck, Jon W., xxx-xx-xxxx
Beenck, Steven W., xxx-xx-xxxx
Behle, John W., xxx-xx-xxxx
Bell, Donald A., xxx-xx-xxxx
Bender, Albert P., xxx-xx-xxxx
Bender, David L., xxx-xx-xxxx
Bendoyro, Carlos A., xxx-xx-xxxx
Bennett, James Evans, xxx-xx-xxxx
Bennett, Thomas W., xxx-xx-xxxx
Benson, Blake L., xxx-xx-xxxx
Bergh, Keith D., xxx-xx-xxxx
Bergman, Michael D., xxx-xx-xxxx
Berkowitz, Mark R., xxx-xx-xxxx
Berning, Michael A., xxx-xx-xxxx
Beswick, Yvonne F., xxx-xx-xxxx
Bethel, Ralph, xxx-xx-xxxx
Bick, Roger A., xxx-xx-xxxx
Bickers, William H., xxx-xx-xxxx
Bickett, Dennis A., Jr., xxx-xx-xxxx
Bielefeldt, Michael L., xxx-xx-xxxx
Bill, Lawrence D., xxx-xx-xxxx
Binder, Joseph J., xxx-xx-xxxx
Bingham, Donald D., xxx-xx-xxxx
Birmingham, Brian S., xxx-xx-xxxx
Birschbach, Daniel J., xxx-xx-xxxx
Bisanti, Daniel J., xxx-xx-xxxx
Bisnett, Clayton B., xxx-xx-xxxx
Bjerke, Jane L., xxx-xx-xxxx
Bjerkebek, Kim R., xxx-xx-xxxx
Black, Nathan W., xxx-xx-xxxx
Blackmon, James E., xxx-xx-xxxx
Blackwelder, Gray C., xxx-xx-xxxx
Blair, Thomas C., xxx-xx-xxxx
Blakney, Patricia A., xxx-xx-xxxx
Blanck, Jonathon H., xxx-xx-xxxx
Blank, Samuel, xxx-xx-xxxx
Bledsoe, Davie R., xxx-xx-xxxx
Bliss, Rodney B., xxx-xx-xxxx
Bloxam, Brieuc W., xxx-xx-xxxx
Bluhm, Rudolph L., xxx-xx-xxxx
Blystone, Paul E., xxx-xx-xxxx
Blythe, Dennis A., xxx-xx-xxxx
Bohler, Peggy A., xxx-xx-xxxx
Boland, Paul R., xxx-xx-xxxx
Bolton, Harry P., xxx-xx-xxxx
Boore, Paul R., xxx-xx-xxxx
Booth, Jackie H., xxx-xx-xxxx
Boretsky, Craig R., xxx-xx-xxxx
Borja, Mario R., xxx-xx-xxxx
Bos, Kevin P., xxx-xx-xxxx
Bourne, Robert S., III, xxx-xx-xxxx
Bova, Salvatore, Jr., xxx-xx-xxxx
Bowen, David P., xxx-xx-xxxx
Bowen, Donald R., xxx-xx-xxxx
Bowens, Carl, xxx-xx-xxxx
Bower, Thomas F., xxx-xx-xxxx
Bowholtz, Daniel W., xxx-xx-xxxx
Bowles, James W., xxx-xx-xxxx
Bowling, Kim A., xxx-xx-xxxx
Bowse, Bernard P., xxx-xx-xxxx
Bowser, Reid C., xxx-xx-xxxx
Bowser, Wayne E., xxx-xx-xxxx
Bowyer, Jeffrey W., xxx-xx-xxxx
Boyd, Richard L., xxx-xx-xxxx
Bradford, Jannett D., xxx-xx-xxxx
Bramlett, Charles W., Jr., xxx-xx-xxxx
Brandon, Darrell W., xxx-xx-xxxx
Branigan, Matthew P., xxx-xx-xxxx
Branly, John A., xxx-xx-xxxx
Brennan, Brenda M., xxx-xx-xxxx
Breuer, Glynn E., xxx-xx-xxxx
Brewer, Harlan M., xxx-xx-xxxx
Bridy, William J., xxx-xx-xxxx
Brietling, Gary S., xxx-xx-xxxx
Briggs, Paul R., xxx-xx-xxxx
Briggs, Richard V., Jr., xxx-xx-xxxx
Brignac, Mary A., xxx-xx-xxxx
Brinn, Claudius R., xxx-xx-xxxx
Britt, William J., xxx-xx-xxxx
Brock, Eva M., xxx-xx-xxxx
Brockshus, Larry G., xxx-xx-xxxx
Brodeur, Edmund R., Jr., xxx-xx-xxxx
Bordy, Laurie G., xxx-xx-xxxx
Brooks, Michael D., xxx-xx-xxxx
Brooks, William L., Jr., xxx-xx-xxxx
Brotchie, Rosemarie, xxx-xx-xxxx
Brown, Frederick H., xxx-xx-xxxx
Brown, James E., xxx-xx-xxxx
Brown, Kevin G., xxx-xx-xxxx
Brown, Newton W., xxx-xx-xxxx

Brown, Susan J., xxx-xx-xxxx
Brown, Venetia E., xxx-xx-xxxx
Brown, Vincent M., xxx-xx-xxxx
Brox, Thomas J., xxx-xx-xxxx
Brunder, Neta D., xxx-xx-xxxx
Bryant, Paul E., xxx-xx-xxxx
Buchanan, James R., xxx-xx-xxxx
Buckalew, John N., xxx-xx-xxxx
Buechler, Jane F., xxx-xx-xxxx
Buffetta, William C., xxx-xx-xxxx
Burges, Andre B., xxx-xx-xxxx
Burgess, Joseph V., Jr., xxx-xx-xxxx
Burgess, Stephen A., xxx-xx-xxxx
Burke, Buddy E., xxx-xx-xxxx
Burke, Rocky A., xxx-xx-xxxx
Burlingame, Don A., xxx-xx-xxxx
Burlingame, Richard L., xxx-xx-xxxx
Busemeier, Norman T. III, xxx-xx-xxxx
Bustos, Robert G., Jr., xxx-xx-xxxx
Butler, Patrick M., xxx-xx-xxxx
Byers, Scott W., xxx-xx-xxxx
Byrne, Kelly F., xxx-xx-xxxx
Cade, Geraldine, xxx-xx-xxxx
Caffrey, Mary J., xxx-xx-xxxx
Cahill, William J., xxx-xx-xxxx
Cain, Stephen E., xxx-xx-xxxx
Caldwell, Joy B., xxx-xx-xxxx
Cales, Phillip L., xxx-xx-xxxx
Callaghan, Edward J., Jr., xxx-xx-xxxx
Callamaras, Peter V., xxx-xx-xxxx
Campo, John W., xxx-xx-xxxx
Canada, Jessie W., xxx-xx-xxxx
Canales, Randal, xxx-xx-xxxx
Cane, John F., xxx-xx-xxxx
Cannon, David K., xxx-xx-xxxx
Cannon, Lynne M., xxx-xx-xxxx
Canova, Donald B., xxx-xx-xxxx
Carey, Thomas L., xxx-xx-xxxx
Carl, Douglass S., xxx-xx-xxxx
Carlson, Donald L., xxx-xx-xxxx
Carlson, Edward C., xxx-xx-xxxx
Carlson, Lawrence E., xxx-xx-xxxx
Carter, Steven A., xxx-xx-xxxx
Carty, Sheila P., xxx-xx-xxxx
Casey, Michael T., xxx-xx-xxxx
Cash, Steven E., xxx-xx-xxxx
Castle, Timothy N., xxx-xx-xxxx
Catlin, Robert M., xxx-xx-xxxx
Cavallaro, Joseph J., xxx-xx-xxxx
Cawelti, Cynthia J., xxx-xx-xxxx
Cawley, Ronald S., xxx-xx-xxxx
Cerauskis, Peter W., xxx-xx-xxxx
Chalender, David C., xxx-xx-xxxx
Chamberlain, Mark S., xxx-xx-xxxx
Chandler, Allen, xxx-xx-xxxx
Chaplin, Kent L., xxx-xx-xxxx
Charron, Michael W., xxx-xx-xxxx
Chenier, Mark S., xxx-xx-xxxx
Chenoweth, Roger C., xxx-xx-xxxx
Chepren, Wayne P., xxx-xx-xxxx
Chevallier, Travis W., xxx-xx-xxxx
Childers, John W., Jr., xxx-xx-xxxx
Ching, Richard K. K., xxx-xx-xxxx
Cho, George, xxx-xx-xxxx
Choos, Andrew J., xxx-xx-xxxx
Christensen, Robert W., xxx-xx-xxxx
Church, Clayton, A., xxx-xx-xxxx
Cifaldi, Richard N., xxx-xx-xxxx
Claiborne, Steven A., xxx-xx-xxxx
Clark, Donald E., xxx-xx-xxxx
Clark, John W., xxx-xx-xxxx
Clark, Lester G., Jr., xxx-xx-xxxx
Clark, Rollin D., xxx-xx-xxxx
Clark, Todd A., xxx-xx-xxxx
Clarkson, Mary E., xxx-xx-xxxx
Clemens, Glenn P., xxx-xx-xxxx
Clever, Wayne D., xxx-xx-xxxx
Cline, Teresa H., xxx-xx-xxxx
Cloutier, Michael A., xxx-xx-xxxx
Clutter, Lois A., xxx-xx-xxxx
Cochran, James J., xxx-xx-xxxx
Cochran, Russell S., xxx-xx-xxxx
Colaianni, Dale M., xxx-xx-xxxx
Coleman, Cheryl C., xxx-xx-xxxx
Colletti, Bruce W., xxx-xx-xxxx
Collins, Lathan H., III, xxx-xx-xxxx
Collins, Patricia V., xxx-xx-xxxx
Collins, Raymond H., Jr., xxx-xx-xxxx
Collins, Robin L., xxx-xx-xxxx
Comai, Dennis P., xxx-xx-xxxx
Compton, James A., xxx-xx-xxxx
Condrey, Eddie S., xxx-xx-xxxx
Cone, Doyle F., xxx-xx-xxxx
Connally, Ted D., xxx-xx-xxxx
Conner, Freddie M., Jr., xxx-xx-xxxx
Conner, Rex A., xxx-xx-xxxx
Coode, William L., xxx-xx-xxxx
Cook, Catherine M., xxx-xx-xxxx
Cookson, Arnold E., xxx-xx-xxxx
Cooper, Clyde A., xxx-xx-xxxx
Coopersmith, Ronald, xxx-xx-xxxx
Cordaro, Serafino V., xxx-xx-xxxx
Cordeiro, Norbert R., xxx-xx-xxxx
Corvick, Carl A., xxx-xx-xxxx
Costanzo, Charles E., xxx-xx-xxxx
Cote, Brent J., xxx-xx-xxxx
Cottrell, William L., xxx-xx-xxxx
Cottrill, Keith E., xxx-xx-xxxx
Couture, Douglas E., xxx-xx-xxxx
Coward, James M., xxx-xx-xxxx
Cowser, Billy B., Jr., xxx-xx-xxxx
Cox, Gary C., xxx-xx-xxxx
Cox, John A., xxx-xx-xxxx
Cozine, Laura L., xxx-xx-xxxx
Crandall, Steven M., xxx-xx-xxxx
Crawford, Donald H., xxx-xx-xxxx
Crawford, William M., xxx-xx-xxxx
Crescimanno, Anthony P., xxx-xx-xxxx
Cribbs, Jerome H., II, xxx-xx-xxxx
Crocker, Marion E., Jr., xxx-xx-xxxx
Crockett, David A., xxx-xx-xxxx
Crompton, John R., Jr., xxx-xx-xxxx
Crosby, Ronald R., xxx-xx-xxxx
Cross, Maureen A., xxx-xx-xxxx
Crowe, Kathleen A., xxx-xx-xxxx
Cruzcosa, Chris S., Jr., xxx-xx-xxxx
Cummings, Theresa A., xxx-xx-xxxx
Curlett, Paul A., xxx-xx-xxxx
Curran, Margaret M., xxx-xx-xxxx
Currie, Jeffrey M., xxx-xx-xxxx
Custodio, Olga E., xxx-xx-xxxx
Dacus, Eugene, xxx-xx-xxxx
Dameron, Gary G., xxx-xx-xxxx
Danbury, Charles W., xxx-xx-xxxx
Dangman, Raymond W., xxx-xx-xxxx
Daniell, Teresa H., xxx-xx-xxxx
Danis, Michael R., xxx-xx-xxxx
Danowski, Edward A., xxx-xx-xxxx
Darlington, Joann M., xxx-xx-xxxx
Darr, Lloyd D., xxx-xx-xxxx
Dasta, Michael A., xxx-xx-xxxx
Davis, Daniel P., xxx-xx-xxxx
Davis, Douglas L., xxx-xx-xxxx
Davis, Kerry W., xxx-xx-xxxx
Davis, Richard W., xxx-xx-xxxx
Davis, Roger L., xxx-xx-xxxx
Davis, Wayne H., xxx-xx-xxxx
Davitz, Donald J., xxx-xx-xxxx
Dawson, Michael C., xxx-xx-xxxx
Day, Mabel M., xxx-xx-xxxx
Dean, Willie P., xxx-xx-xxxx
Deaver, James T., Jr., xxx-xx-xxxx
Decarlo, Jeffrey, xxx-xx-xxxx
Defeo, Leslie M., xxx-xx-xxxx
Deforest, Daniel L., xxx-xx-xxxx
Dehart, William M., xxx-xx-xxxx
Delapaz Ernesto G., xxx-xx-xxxx
Demetreon, Susan C., xxx-xx-xxxx
Deneault, George V., xxx-xx-xxxx
Dengler, David L., xxx-xx-xxxx
Denny, David B., xxx-xx-xxxx
Denzer, Kathleen M., xxx-xx-xxxx
Desjean, James R., xxx-xx-xxxx
Dettl, Mark J., xxx-xx-xxxx
Devitt, Thomas E., xxx-xx-xxxx
Deward, Robert C., xxx-xx-xxxx
Dewitt, Douglas A., xxx-xx-xxxx
Diaz, Enrique, xxx-xx-xxxx
Dickens, Ronald, xxx-xx-xxxx
Dillon, Jerry Lee, xxx-xx-xxxx
Domino, Samuel J., Jr., xxx-xx-xxxx
Dopfel, Bruce E., xxx-xx-xxxx
Dornbusch, Mark A., xxx-xx-xxxx
Dorsey, Thomas D., xxx-xx-xxxx
Douglas, Robert M., xxx-xx-xxxx
Douthit, Howard L., III, xxx-xx-xxxx
Dowless, John A., Jr., xxx-xx-xxxx
Downey, Richard S., Jr., xxx-xx-xxxx
Drader, Dennis H., xxx-xx-xxxx
Drake, Marc L., xxx-xx-xxxx
Draper, Douglas G., xxx-xx-xxxx
Drescher, Lois E., xxx-xx-xxxx
Driggs, Ronald G., xxx-xx-xxxx
Driscoll, Edward P., xxx-xx-xxxx
Dronen, Joni J., xxx-xx-xxxx
Dryer, Steven M., xxx-xx-xxxx
Duarte, Alan R., xxx-xx-xxxx
Duffy, Michael F., xxx-xx-xxxx
Duncan, Cheryl L., xxx-xx-xxxx
Dunn, Christopher A., xxx-xx-xxxx
Dunn, William J., Jr., xxx-xx-xxxx
Dwyer, Michael, xxx-xx-xxxx
East, Robert L., xxx-xx-xxxx
East, Robert E., xxx-xx-xxxx
Eastwood, Brian, xxx-xx-xxxx
Eaton, Theodore W., xxx-xx-xxxx
Ebner, Michael E., xxx-xx-xxxx
Eby, Dennis J., xxx-xx-xxxx
Eckhart, Kevin L., xxx-xx-xxxx
Eddy, Daniel E., xxx-xx-xxxx
Edgar, Scott A., xxx-xx-xxxx
Edmonds, Katree V., xxx-xx-xxxx
Edwards, Donald R., xxx-xx-xxxx
Edwards, Leonard R., Jr., xxx-xx-xxxx
Edwards, Richard J., xxx-xx-xxxx
Egan, George R., xxx-xx-xxxx
Eggert, Francis M., xxx-xx-xxxx
Eggleston, Steven L., xxx-xx-xxxx
Eggley, Don E., xxx-xx-xxxx
Ehrhart, Sue A., xxx-xx-xxxx
Eichelberger, James J., xxx-xx-xxxx
Eichler, Arthur G., xxx-xx-xxxx
Eiserman, Janene B., xxx-xx-xxxx
Elbin, Terry L., xxx-xx-xxxx
Ellingson, Paul I., xxx-xx-xxxx
Elliott, William R., xxx-xx-xxxx
Ellis, Dennie D., xxx-xx-xxxx
Ellis, Stephen J., xxx-xx-xxxx
Ellwood, Russell E., xxx-xx-xxxx
Elmore, Harry T., xxx-xx-xxxx
Elseman, Sarah R., xxx-xx-xxxx
Elsesser, Thomas F., xxx-xx-xxxx
Emrick, Martha B., xxx-xx-xxxx
Endahl, Clark G., xxx-xx-xxxx
Engelsamreny, Cleopatra F., xxx-xx-xxxx
Engle, Gary E., xxx-xx-xxxx
Engle, Michael V., xxx-xx-xxxx
Englund, Bruce A., xxx-xx-xxxx
Engman, Leon D., xxx-xx-xxxx
Engman, Rodney D., xxx-xx-xxxx
Ensrud, Kevin M., xxx-xx-xxxx
Entrekin, John E., xxx-xx-xxxx
Ernest, Earl L., xxx-xx-xxxx
Erwin, Jeffrey D., xxx-xx-xxxx
Espinal, Susan L., xxx-xx-xxxx
Espinosa, Mauricio, xxx-xx-xxxx
Etheridge, James A., Jr., xxx-xx-xxxx
Etheridge, William R., xxx-xx-xxxx
Eunson, Mark A., xxx-xx-xxxx
Evanko, Andrew P., xxx-xx-xxxx
Evans, Charles M., III., xxx-xx-xxxx
Eveland, David R., xxx-xx-xxxx
Eversole, Kenneth G., Jr., xxx-xx-xxxx
Ewing, John E., xxx-xx-xxxx
Ewing, Louis W., xxx-xx-xxxx
Ezelle, Robert L., xxx-xx-xxxx
Facile, Timothy N., xxx-xx-xxxx
Falde, Greg S., xxx-xx-xxxx
Fandre, Donald C., xxx-xx-xxxx
Farley, John R., xxx-xx-xxxx
Faron, Robert M., xxx-xx-xxxx
Farrell, Teresa A., xxx-xx-xxxx

Fass, Martin S., xxx-xx-xxxx
Faulkner, Eileen J., xxx-xx-xxxx
Faulkner, Mark L., xxx-xx-xxxx
Faust, Dale S., xxx-xx-xxxx
Fautheree, David W., xxx-xx-xxxx
Fearn, Gail O., xxx-xx-xxxx
Feeley, Timothy J., xxx-xx-xxxx
Feldbusch, Donna B., xxx-xx-xxxx
Fender, Stephen L., xxx-xx-xxxx
Fenner, Lorry M., xxx-xx-xxxx
Fenstermaker, Donald F., Jr., xxx-xx-xxxx
Ferris, Randall P., xxx-xx-xxxx
Ferro, Teresa M., xxx-xx-xxxx
Ferry, Stephen L., xxx-xx-xxxx
Fetter, Timothy E., xxx-xx-xxxx
Ficerai, Joseph R., xxx-xx-xxxx
Fick, Leonard C., xxx-xx-xxxx
Ficken, Earl I., Jr., xxx-xx-xxxx
Finter, Chris A., xxx-xx-xxxx
Firmin, Lisa C., xxx-xx-xxxx
Fischer, Jeffrey S., xxx-xx-xxxx
Fischer, Kevin, xxx-xx-xxxx
Fleck, Donald R., xxx-xx-xxxx
Fleck, Michael A., xxx-xx-xxxx
Fleming, Craig Gary, xxx-xx-xxxx
Fletcher, Timothy P., xxx-xx-xxxx
Flouer, Michael G., xxx-xx-xxxx
Fluty, Michael E., xxx-xx-xxxx
Flynn, Patricia A., xxx-xx-xxxx
Focht, Michael A., xxx-xx-xxxx
Fong, Mary B., xxx-xx-xxxx
Fontanezpadilla, Miguel A., xxx-xx-xxxx
Fontenot, Ronald E., xxx-xx-xxxx
Fontenot, Warren, xxx-xx-xxxx
Foote, Robert B., xxx-xx-xxxx
Foreman, William A., xxx-xx-xxxx
Forrest, James A., xxx-xx-xxxx
Forster, Arnold R., xxx-xx-xxxx
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Fortune, Henry A., xxx-xx-xxxx
Fosdick, Paul E., xxx-xx-xxxx
Fossum, Michael E., xxx-xx-xxxx
Foster, Mary A., xxx-xx-xxxx
Fowler, Kathy S., xxx-xx-xxxx
Fox, Carl E., xxx-xx-xxxx
Fox, Gail Onilee, xxx-xx-xxxx
Fox, Michael R., xxx-xx-xxxx
Frame, Deborah L., xxx-xx-xxxx
Frandsen, Sherrell D., xxx-xx-xxxx
Frazier, Scott C., xxx-xx-xxxx
Freburg, Joann D., xxx-xx-xxxx
Frederick, Mark A., xxx-xx-xxxx
Freesen, Matthew S., xxx-xx-xxxx
Freilinger, David K., xxx-xx-xxxx
French, Wayne S., xxx-xx-xxxx
Frey, Gerald T., xxx-xx-xxxx
Frost, Robert S., xxx-xx-xxxx
Fulton, Steven G., xxx-xx-xxxx
Furlong, David R., xxx-xx-xxxx
Fusco, Edward F., xxx-xx-xxxx
Gable, Jerry G., xxx-xx-xxxx
Gable, Mark A., xxx-xx-xxxx
Gaffney, Timothy P., xxx-xx-xxxx
Gamble, Michael K., xxx-xx-xxxx
Gans, Howard D., xxx-xx-xxxx
Gant, Roger A., xxx-xx-xxxx
Gapstur, Bruce M., xxx-xx-xxxx
Garberson, John M., xxx-xx-xxxx
Garcia, Kevin Dee, xxx-xx-xxxx
Gardner, David P., xxx-xx-xxxx
Gardner, Stephen W., xxx-xx-xxxx
Garner, Rosemary, xxx-xx-xxxx
Garrell, Michael M., xxx-xx-xxxx
Garvin, Richard, xxx-xx-xxxx
Garvin, Timothy W., xxx-xx-xxxx
Garza, Gillermo F., xxx-xx-xxxx
Gates, Thomas G., xxx-xx-xxxx
Gay, Kenneth A., xxx-xx-xxxx
Gegogeine, Boyd J., Jr., xxx-xx-xxxx
Geider, John E., xxx-xx-xxxx
Germann, Marianne J., xxx-xx-xxxx
Gerth, Mark H., xxx-xx-xxxx
Giardino, Robert F., xxx-xx-xxxx
Gibbs, Roderick, Jr., xxx-xx-xxxx
Gilbert, Denise P., xxx-xx-xxxx
Gilfoil, Martin P., xxx-xx-xxxx
Gill, Daniel R., xxx-xx-xxxx
Gill, Gerald B., Jr., xxx-xx-xxxx
Gill, Pamela C., xxx-xx-xxxx
Gill, Robert R., xxx-xx-xxxx
Gillen, John P., Jr., xxx-xx-xxxx
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CONFIRMATIONS

Executive nominations confirmed by the Senate September 20, 1983:

Department of Justice

James B. Roche III, of Massachusetts, to be U.S. Marshal for the district of Massachusetts for the term of 4 years.

Thomas C. Rapone, of Pennsylvania, to be U.S. Marshal for the eastern district of Pennsylvania for the term of 4 years.

The Judiciary

Kenneth W. Starr, of Virginia, to be U.S. circuit judge for the District of Columbia circuit.

John F. Keenan, of New York, to be U.S. district judge for the southern district of New York.

John P. Vukasin, Jr., of California, to be U.S. district judge for the northern district of California.

Foreign Service

Foreign Service nominations beginning James E. Sarn, and ending John F. Cannon, which nominations were received by the Senate and appeared in the Congressional Record on July 25, 1983.

EXTENSIONS OF REMARKS

ARMS RACE RESOLUTION

HON. BOB EDGAR

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 20, 1983

● Mr. EDGAR. Mr. Speaker, this past week I received—as did all my congressional colleages—a most powerful and compelling resolution on the many dimensions of the arms race. It comes from the general assembly of the Presbyterian Church U.S.A. The assembly is the highest governing body of the church which has a membership of over 3 million. It is a representative judicatory composed of an equal number of ministers and lay officers—known as elders—elected by the 195 presbyteries of the denomination.

What I found compelling in the resolution was not only the support for a nuclear freeze but the thoughful and responsible manner by which the assembly dealt with the many aspects and dimensions of the worldwide arms race. It calls for renewed efforts toward a Comprehensive Test Ban Treaty. It urges the Government not to deploy new missile systems in Europe. It addresses other dimensions of the arms race: The growing international arms trade and the increased levels of violence that are the result of that trade; the distorted national priorities that are reflected in the energies of our scientists devoted to military research and development; and the growing emphasis on military use of space. It not only spotlights these areas of concerns but suggests several innovative solutions to reverse these dangerous trends.

I urge all Members to give careful consideration to the following resolution.

THE ARMS RACE: CONTINUING DYNAMICS

Approved by the 195th General Assembly (1983), Presbyterian Church (U.S.A.), June 1983

STATEMENT OF CONCERN

We are Christ's people. We live by faith in the God who is the source of life, the Lord of all nations and peoples, the judge of history and the giver of grace experienced by us as Shalom—peace. In responding to God's grace, the church seeks to bear witness to Christ, the Prince of Peace, by nourishing the moral life of the nation for the sake of peace. The times call for a faithful and obedient people. We are called to be faithful stewards of God in the created order. We are called to be reconcilers in a world divided by historic, political, ideological, racial, and cultural barriers. We are called to work for justice in a world where the patterns of violence and human depravity are often more visible than signs of hope. We are called to see beyond our own limited horizons, to view the world through the eyes of Christ.

When, as Christ's people, we see the burden of the arms race on the creation, on nations, and on all peoples, we are compelled to renew our commitment to achieving disarmament in ways that will guarantee the peace, security, and integrity of all peoples.

Numerous aspects of the arms race, with far-reaching implications for our own society and the whole world, challenge us in this witness. There are factors that disturb the stability of societies, that alter the physical environments in which we live, that deplete limited economic and natural resources, that heighten the risks and broaden the parameters of potential conflict.

The church in its witness must help to nurture change in public attitudes, raise public consciousness about the issues, and examine the values that shape the decision-making forces in our society. To this end the United Presbyterian Church addresses several of these matters as it renews its commitment to witness for peace.

THE DYNAMICS

A. Nuclear Armaments

The primary global threat comes from the escalating and accelerating nuclear arms race and has been addressed by the church on numerous occasions. Despite the attention given the nuclear arms race at the United Nations Special Session on Disarmament (1982), the professed commitment of the United States administration to reach meaningful arms agreements involving substantial reductions in nuclear strategic and theatre weapons, and the ongoing multilateral and bilateral negotiations in Geneva, the evidence is clear that the nuclear arms race will be with us for at least another decade. Clear actions that would give some sign of hope are avoided. The administration opposes an immediate bilateral nuclear freeze and refuses to press for the ratification of Salt II. It has discontinued negotiations on a comprehensive test ban treaty and is pursuing plans that will mean abandoning the Antiballistic Missile Treaty. At the same time that Congress has moved toward the endorsement of a nuclear freeze, it has also approved the financing and development of major weapons systems: the MX Missile, the B-1 Bomber, the Cruise missile, and the Trident submarine. At the same time the Soviet Union has announced plans of their own for matching United States advances.

B. The Arms Trade

While the whole world teeters on the brink of nuclear disaster, various parts of the world have been undergoing their own catastrophes. Local, regional, and civil wars have claimed 25,000,000 lives since World War II. These wars are often fought with weapons supplied by the industrial powers—from both the East and the West. In countless situations the militarization of developing countries is accompanied by extreme repression of the peoples in those countries by their own governments.

Recent studies reveal that during the period from 1978 to 1982 conventional arms transfer agreements between developing countries and the arms suppliers have totaled $120 billion. The non-Communist world has accounted for $76 billion of this total, the Communist world $44 billion. The Soviet Union has sold $33 billion and the United States, $30 billion. While sales and agreements vary from year to year, the trend has been ever upward. Each superpower has its preferred clients, depending on its ideological and strategic interest.

For the merchants the arms trade has the deceptively easy appearance of being "good business" because the focus is on the immediate realization of high profits, not on the long-range impact of the arms race on society. Costs (research, development, tooling, etc.) are distributed over a greater quantity when weapons are produced for export and not just for domestic use, thereby reducing the costs per item. This consitutes an advantage particularly beneficial to the initiator of new weapons.

For the selling country, arms sales can be a source of hard currency or a way of redressing balance of payment deficits. Sales also tend to fix seller-buyer relations because they inevitably involve further training, service, and parts agreements.

Buyers often presume they are enhancing the security of their countries because they are conditioned to think of security in military terms. They also tend to assume that modern armaments facilitate the economic modernization of their societies. More freqently, insecurity and economic dislocation occur because expenditures on arms imports can only weaken the domestic economy.

C. Military Research and Development

The relationship between the arms race and technological imperatives has long been debated. Technocrats often argue simply from the logic of development: If new technology makes a new weapon possible, that weapon is then seen as necessary and should be produced. Others argue that weapons technology development always proceeds from the political decision-makers. These arguments do not obscure the obvious.

1. Military research and development are estimated to consume one fourth of the entire world expenditure for research and development for all purposes—in excess of $35 billion in 1980. They further occupy the talents and energies of over 3 million of the world's scientists and engineers. In the United States this represents 40 percent of our scientific resources.

2. Military research and development increase the sophistication of weapons systems. In addition to the refinement of nuclear systems with enhanced accuracy and faster delivery times, the superpowers are working on weapons utilizing high energy sources, e.g., lasers and particle beams. Chemical and biological weapons, mostly developed in secret, represent unknown destructive potentials. Antipersonnel weapons, e.g., cluster and combustion bombs, seem only to become more diabolical as our inventiveness progresses.

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

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3. Military research and development moneys reflect diversion of resources from purposes that could be more constructive and beneficial for the whole human family. The consequences are numerous and profound: In the Third World such a diversion can severely inhibit economic development. For the United States, caught in economic stagnation with slow economic growth, the economic diversion restricts development in the consumer and production sectors of our society.

Militarily, the technological race stimulates the general arms race because it fosters a continuing cycle of competitive development, duplication, and counterdevelopment among the different national contestants. As a consequence, the pattern further depersonalizes the decision-making process, as technology forces us into an ever-increasing reliance on the computer and on other automated responses. We are moving toward a "launch on warning" stage in the nuclear arms race. This dehumanizes people by treating them as expendable or as if they were machines. Both weapons of mass destruction and antipersonnel weapons (e.g., plastic fragmentation bombs resulting in splinters that cannot be detected in the human body), reflect a disregard for human life and an alienation from responsibility for the victims.

D. The Space Race

After several decades of primarily peaceful exploration of space where the military uses of space developments have been essentially passive in nature, i.e, related to intelligence gathering, monitoring, and communications, the United States Government has announced a new space policy emphasizing military operations. Its plans call for increased spending on military operations in space. For example, the military space budget in 1982 ($6.2 billion) surpassed that of NASA for the first time. The Air Force has also created a new space command, and space shuttle operations may increasingly become military in purpose. Finally, the temptation to place military attack and defense systems in orbit will be great whether these involve antisatellite weapons, nuclear orbital-bombing systems, or laser and particle-beam weapons.

We are on the verge of a new, dangerous, and destabilizing space war race and are therefore faced with a new challenge: Can we stop the race before it begins? We know that ending it, after it has begun, will be next to impossible. The 1967 Outer Space Treaty, ratified by both the United States and the Soviet Union, is known to be inadequate to stop a "space wars" scenario because it does not cover new and emerging technologies. Talks with the Soviet Union on this issue have been suspended since 1979 and as yet no current forum exists for controlling or preventing this next expansion of the arms race.

CONCLUSION

All of these developments in the arms race foster the militarization of American society, weakening the very democratic fabric of our society. Evidences of this should be clear: The requirements of military secrecy in all areas limit the right of the people to know and, thus, to form educated opinions. This denies them the ability to participate adequately in the democratic process either directly or through their representatives. This is also reaffirmed by the courts, which essentially say that the people have no standing to gain access to military information, to challenge the political decisions of the administration, or even to enjoin the government to adhere to the law on the grounds that the court cannot make political determinations or rule on the foreign policy powers of the President.

Further, the decision-making exigencies of strategic nuclear war often foreclose even congressional participation as constitutionally required in matters related to war.

The military-industrial orientation of our economy, with its heavy social costs, weakens the social structures designed to provide for the general welfare. The military "necessities" take priority over civilian need—particularly when congresspersons are so susceptible to pressures from the military-industrial complex.

Militarism is difficult to sustain in a normally open and democratic society. Therefore, it appears that a climate of fear and distrust is systematically cultivated in order to justify the economic burden. A democratic society cannot long survive without full participation by its constituents, reasonable patterns of accountability, and essential levels of trust.

RESOLUTION

Whereas the Confession of 1967 reminds us that "God's redeeming work in Jesus Christ embraces the whole of man's life: social and cultural, economic and political, scientific and technological, individual and corporate"; and makes clear that "God's reconciliation in Jesus Christ is the ground of the peace, justice, and freedom among nations which all powers of government are called to serve and defend"; and that "reconciliation among nations becomes peculiarly urgent as countries develop nuclear, chemical, and biological weapons, diverting their manpower and resources from constructive uses and risking the annihilation of mankind" (The Constitution of The United Presbyterian Church in the United States of America, Part I, Confession of 1967, Part II, Section A, 4, b; Part III (9.45 and 9.53); and

Whereas Peacemaking: The Believers' Calling reminds us that the church bears witness to Christ when it nourishes the moral life of the nation for the sake of peace in the world; and

Whereas the arms race continues unabated, with its many facets shaping our futures: a continuous buildup in nuclear weaponry and delivery systems at the expense of domestic programs; a burgeoning international arms trade involving the most sophisticated of weapons, with increasing and crippling costs to developing countries; an evermore consuming preoccupation of the scientific and engineering community with specifically military research and development at the expense of humanitarian goals; a conscious shifting of the arms race into space, which was previously reserved for peaceful development; and

Whereas the consequences of these developments appear to be an ever-increasing threat to the democratic values and structures of our society, as well as an ever-growing threat to the peace of the world;

Therefore, the 195th General Assembly (1983) of the United Presbyterian Church in the United States of America, believing that a just peace requires the rejection of militarism as the basis for security and as the organizing force for social order and the rejection of war as an instrument for obtaining national goals, renews its call for an end to the arms race in all of its dimensions.

In so doing, the 195th General Assembly (1983):

1. Renews its efforts to seek an end to the nuclear arms race by:

a. Reaffirming its endorsement of a bilateral verifiable freeze on the testing, production, and deployment of nuclear weapons, missiles, and new aircraft designed primarily to deliver such weapons;

b. Commending those synods, presbyteries, and congregations that have endorsed the Bilateral Nuclear Weapons Freeze and encouraging other governing bodies and congregations to consider prayerfully endorsing and taking additional supporting actions;

c. Calling upon the administration to resume negotiations on a Comprehensive Test Ban Treaty, to take the place of the existing Limited Test Ban Treaty;

d. Calling upon our government in the absence of a Bilateral freeze to initiate a suspension of nuclear testing for a specific time period, thereby offering a challenge to the Soviets to a reciprocal suspension, while negotiations on a Comprehensive Test Ban Treaty are under way;

e. Calling upon the government of the United States not to deploy the first strike Pershing and Cruise missiles in Europe. Any such deployment would escalate the arms race, would be destabilizing, would continue to heighten international tensions, and would be inconsistent with our endorsement of an immediate halt to the arms race;

f. Calling on Congress to place a moratorium on new nuclear weapons development pending the outcome of the START talks in Geneva.

2. Urges the government to work toward the reduction of the international trade and transfer of arms by

a. Placing a strict limit to the global exportation of arms from both public and private sources, pledging not to introduce new arms technologies into regions previously without them.

b. Resuming negotiations on conventional arms transfer agreements with the Soviet Union and initiating them with other supplier countries.

c. Prohibiting "coproduction" and "licensing" agreements with Third World countries for the manufacture of arms.

d. Coupling restrictions on arms transfers to Third World countries with economic development incentives to those countries restricting the arms flow.

3. Urges the government to work toward the reallocation of resources and personnel engaged in military research and development, both public and private:

a. By reordering its own budgetary priorities, shifting from military research and development to research and development related to energy, environmental, health, and agricultural concerns.

b. By planning for conversion on a national level from military production to consumer and capital growth needs, and assisting local communities and industry in similar planning.

4. Recommends that each presbytery peacemaking network undertake out of a concern for persons and their jobs an examination of the conversion issue as it relates to the specific community, involving civic, corporate, labor, and religious leaders.

5. Calls upon the administration to sign and the Congress to ratify the United Nations Convention on Inhumane Weapons and Its Protocols.

6. Calls upon the government to reverse the trend toward the militarization of space by

a. Resuming the negotiations on the antisatellite treaty and expanding negotiations with the Soviet Union and other countries to prohibit any introduction into space of military hardware other than passive technology.

b. Prohibiting the use of the space shuttle for military operations other than passive in nature.

7. Calls upon Presbyterians to study the multiple issues related to the arms race and to remain active in their public witness for the sake of peace in our world.

8. Directs the Co-Stated Clerks to convey these concerns to the President of the United States, the Secretary of State, and the members of Congress.

9. Further, the 195th General Assembly (1983) requests the theological institutions of the Presbyterian Church (U.S.A.) and the Presbyterian College Union (or its successor) to report to the 196th General Assembly (1984) of the Presbyterian Church (U.S.A.) their consideration of the United Presbyterian Church's military-related investments guidelines.●

ORDINATION OF BISHOP PATAKI IN SCRANTON, PA.

HON. FRANK HARRISON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 20, 1983

● Mr. HARRISON. Mr. Speaker, on Tuesday, August 23, the people of the diocese of Passaic, N.J., and, indeed, all of the people of God rejoiced in the Episcopal ordination of the Most Reverend Andrew Pataki. Bishop Pataki was born in Palmerton, Pa., on August 10, 1927, the son of the late Ignatius Pataki, Sr., and Sophie Dejak. Following graduation from Central Catholic High School in Allentown, Pa., he enrolled in St. Vincent's College at Latrobe. In 1944, he began studies for the priesthood and entered St. Procopius College-Seminary, Lisle, Ill., from which institution he was graduated in 1948. He completed theological studies at the Byzantine Catholic Seminary of SS. Cyril and Methodius, Pittsburgh, and was ordained to the priesthood in the Seminary Chapel by the Most Reverend Daniel Evancho, Exarch of Pittsburgh, on February 24, 1952.

Following extensive pastoral work, the then Father Pataki was assigned to pursue graduate studies in canon law at the Pontifical Institute for Oriental Studies in Rome. He subsequently received both a bachelor and a licentiate degree in canon law from the Gregorian University in Rome.

He was appointed by His Holiness Pope Paul VI as a consultor on the Pontificial Commission for the Revision of the Eastern Code of Canon Law, a project which consumed 5 years, from 1973 to 1978. During that time, on December 21, 1974, he was elevated to the rank of prelate of honor by His Holiness Pope Paul VI.

It is thus after a distinguished career, as a pastor and canon lawyer, that then Monsignor Pataki was designated by His Holiness Pope John Paul II, as a bishop of the titular see of Telmisso and named auxiliary to the Most Reverend Michael J. Dudick of the Byzantine Catholic Diocese of Passaic on June 14, 1983.

On August 23, the papal mandate was fulfilled with the Episcopal ordination of Bishop Andrew Pataki, J.C.L., in St. Peter's Cathedral, Scranton, Pa.

It is a privilege and an honor for me, Mr. Speaker, to take these few minutes to bring this happy and momentous occasion to the attention of my friends and colleagues in the House and to wish Bishop Andrew Pataki many, many years of joyous and dedicated service to God and man.●

FOUR AREA LEADERS HONORED BY CHRISTIANS AND JEWS

HON. RONNIE G. FLIPPO

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 20, 1983

● Mr. FLIPPO. Mr. Speaker, I want to make special note today of four outstanding leaders from my district who were recently honored by the National Conference of Christians and Jews for their outstanding contributions to brotherhood.

Receiving the organization's national "Brotherhood Award" were Maynard Layman, assistant to the publisher of the Decatur Daily; William H. Mitchell, president of the First National Bank of Florence; Leroy A. Simms, editor and publisher of the Huntsville Times; and Frank S. Wyle of Los Angeles, chairman of the board of Wyle Laboratories.

One could fill 100 CONGRESSIONAL RECORDS with the accomplishments and honors received by this distinguished group. If a hall of fame for civic service is ever established for my direct, these four distinguished Americans will certainly be charter members.

However, knowing these men as I do, there is no doubt in my mind that for every public honor and recognition they receive, there are countless thousands of good deeds they do daily for their fellow men which go unreported. That is the way they would want it, because that is the kind of men they are. They seem to have the attitude that if anyone finds out about their good deeds, they do not count.

As long as I can remember, these men have been at the forefront of my district, promoting brotherhood, understanding, justice, and equality. Unfortunately, I was not blessed with knowing Mr. Wyle as well as the others.

A wise man once said, "The more one gives to others, the more he has for his own." All of these gentlemen are associated with thriving businesses.

I shall not attempt to repeat all of the accomplishments of these men. No mere mortal could do that. Rather, I insert an article from the Huntsville Times by Karen Middleton that sums up some of the highlights of their illustrious lives:

The article follows:

[From the Huntsville Times, Sept. 14, 1983]

FOUR AREA LEADERS HONORED BY NATIONAL ORGANIZATION

(By Karen Middleton)

Four area and national leaders were honored here Tuesday evening by the National Conference of Christians and Jews for their "outstanding contributions to brotherhood."

Receiving the organization's "Brotherhood Award" at its annual North Alabama awards dinner were Maynard Layman, assistant to the publisher of the Decatur Daily; William H. Mitchell, president of the First National Bank of Florence; Leroy A. Simms, editor and publisher of the Huntsville Times, and Frank S. Wyle of Los Angeles, chairman of the board of Wyle Laboratories.

Layman served as a cotton adviser to the secretaries of agriculture in both the Kennedy and Johnson administrations and he was instrumental in cash markets for farm produce, thereby helping to relieve poverty in Alabama. In accepting his award Layman said, "Few have known the strong help of hands that I have known. . . . My heart is filled and happy and grateful."

Mitchell is past president of the Alabama Bankers Association, was chairman of the industrial expansion committee in Florence and has been active in the United Way. Well known for his family's advocacy of interfaith unity in the Florence community, Mitchell said, "I accept this award with humility and gratitude to both our family and friends from whom we happily inherited the tradition of brotherhood so beautifully espoused by this organization."

Simms, whose career in journalism began in the 1920s, joined *The Huntsville Times* as editor in 1961. In the award presentation, he was cited by *Decatur Daily* Publisher Barrett Shelton for having guided the paper to journalistic excellence; for serving as a member of a three-man committee that worked quietly in the 1960s in Huntsville to preserve racial harmony and assure opportunities for employment, education and housing for all citizens; for his work with United Way, and for serving as a prime supporter and fund-raiser for the University of Alabama in Huntsville. Simms said in accepting his award, "This is the greatest night of my life."

Wyle, who was introduced by Patrick W. Richardson, founded Wyle Laboratories in 1949. Richardson said the contributions of the Huntsville operations of Wyle's company to the community and UAH were a significant factor in the city's development as a technical and scientific center. Wyle, who said he was "deeply honored to accept this award," was also cited for his lifelong record of ethical and equitable business practices and for helping to establish a major museum of folk arts and crafts in Los Angeles.

W. F. Sanders Jr. presided at the awards dinner.●

CAMP SPRINGS COMMUNITY GARDEN PROJECT

HON. MARJORIE S. HOLT

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 20, 1983

● Mrs. HOLT. Mr. Speaker, as we approach the harvest season, I would like to give credit to the Camp Springs United Presbyterian Church, its members and volunteers, who for the past 5 years have sponsored a program, under the chairmanship of Mr. Calvin Ditrick, which is worth of emulation—the Camp Springs Community Garden Project.

Under the project, people with home gardens donate excess produce to the church. Some of these vegetables and fruits are sold at a produce stand by volunteers. A part of the proceeds of the sales is given to needy families to assist them in starting and maintaining their own gardens. The remainder of the money is distributed to three charitable agencies at the local level. The produce which is reserved from sale is distributed to families identified by clergymen in the community. I want to recognize Mr. Ditrick and his volunteers for this practical approach to helping their fellow man with what could have become wasted surplus food.●

LOCAL 428 CELEBRATES 50TH ANNIVERSARY

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 20, 1983

● Mr. EDWARDS of California. Mr. Speaker, together with Congressman NORM MINETA, I am pleased to bring to the attention of my colleagues the 50th anniversary of local 428 of the United Food & Commercial Workers Union. This fine labor organization's history is entwined with the history and development of Santa Clara County.

Local 428 was originally established as the Retail Clerks Union in 1910, but was wiped out in the 1920's. In the 1930's a group of sales workers again began to organize and the Retail Store Employees Union, Local 428 was rechartered on October 27, 1933. The union's early activities centered around the struggle to secure the 8-hour day for retail salespersons. Once this goal was achieved, local 428's leadership turned to the problems of working conditions and wages. In the 1950's the union helped to pioneer the first employer paid health and pension plans in the industry. As a result of the merger of the Butcher & Retail Clerks International Unions, local 428 was renamed the United Food & Commerical Workers and has grown to be the largest union in Santa Clara County, representing nearly 8,500 workers.

Local 428's history is one of service to our community. They identify a need, organize, and mobilize their membership to deal with the community problem. For instance, housing for our senior citizens has for many years been a very real problem in Santa Clara Valley. Local 428 sponsored and developed Casa del Pueblo, a 165-unit housing complex for low-income senior citizens. The United Food & Commercial Workers Union was one of the first labor organizations in the United States to be involved in this type of worthy project.

Congressman MINETA and I salute local 428 for its devotion to community service and involvement. A list of the truly outstanding leaders of the local over the years is a sample of the illustrious history of the labor movement in Santa Clara County—Jim McLaughlin, Dave Reiser, and George Soares. Local 428 is to be congratulated on their 50 years of growth and their contributions to all of our citizens.●

U-PICK-IT VEGETABLE FARM

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 20, 1983

● Mr. RICHARDSON. Mr. Speaker, it is during these times of high unemployment that all of us must use some ingenuity in creating new job opportunities. I believe the Sandia Pueblo Indians in my congressional district have done just that with the formation of their U-pick-it vegetable farm.

This new employment opportunity is starting out small but has the potential to strengthen the local economy by creating new jobs in the area; while offering neighbors the chance to buy fresh, low-cost vegetables.

Mr. Speaker, I hope my colleagues will take the time to read the following editorial and article about this project that recently appeared in the Albuquerque Journal, a daily newspaper in my district:

SANDIA PUEBLO PLANS TO ENTER PRODUCE BUSINESS

(By Talli Nauman)

Sandia Pueblo officials will open construction bids this afternoon for a new retail vegetable market that will compete with other Albuquerque farm-produce outlets.

The store, Sandia U-Pick-It, is scheduled to open next month, according to Fred Baca, grants coordinator for the project. The market will offer chili, corn, squash, watermelon, tomatoes and a variety of other vegetables—all grown on 20 acres the pueblo began cultivating this year.

Customers will have the option of picking their own vegetables, if they want, to get them at reduced prices.

The store will be about a mile south of Bernalillo on the west side of U.S. 85 in the midst of the pueblo cropland.

Eventually Sandia hopes to enter the wholesale vegetable market and supply Albuquerque stores with fresh produce. Next year, the pueblo plans to expand its farming operation to 50 acres. "There's a lot of potential to go bigger," Baca said.

Eris Wenk, operator of Wenk Farm, an 80-acre South Valley vegetable market, is not disturbed at the prospect of new competition.

"There's a lot of room for competition in the vegetable business. There's not that many people who are willing to put in the seven days a week it takes to do it," he said. "I'm happy to see they want to do that kind of stuff."

To date, the Wenk Farm and a Corrales vegetable farm run by Gus Wagner have been the only major retail outlets for fresh garden produce, and neither one offers a you-pick option.

"There's a big demand for fresh vegetables," Wenk said, "but there's a limit to what one farmer can do. I think it'd be real good for the whole community to have more people do that."

Baca declined to release the dollar value of the investment which the pueblo and the federal Housing and Urban Development Administration have made in the pueblo project, conceived a year ago. It now employs eight people.

The farm is a row-crop operation, drawing irrigation waters from a well and the Middle Rio Grande Conservancy District irrigation system. Farm workers are using tractors, a cultivator and a transplanter to till their fields, Baca said.

The pueblo had hoped to open its store this month, but a late frost in May delayed the expected harvest.

The Housing and Urban Development Administration must approve the lowest bid on the construction before the pueblo can sign a contract with the bidder, but Baca said he is hopeful that the contract will be signed by the end of the week.

INDIAN FARM ENTERPRISE

The men of Francisco Vasquez de Coronado's expendition into New Mexico in 1540 spent a winter at a pueblo not far from the present lands of Sandia Pueblo, and undoubtedly borrowed, begged, bought or stole more than a few ears of corn and squash gourds from the friendly local inhabitants.

Pueblo Indians were farmers when the first Europeans arrived, and farming has continued at Sandia Pueblo to the present.

Now, in 1983, the farmers of Sandia Pueblo are making a move to get into the business of providing foodstuffs to non-Indians in a big way, with the building of a farmers' market outlet on pueblo lands just south of Bernalillo.

It appears to be a logical business endeavor for a small pueblo which for years has sought out economic activities that could bring employment to its people within the bounds of the tribal lands.

If the tribe's ambitious marketing plans are successful, Sandia Pueblo farming could become a major employer on the reservation.

And garden-fresh produce from just north of Albuquerque would indeed be fresher than that trucked from Arizona, California, or Mexico.

Other fresh vegetable farmers in the Middle Rio Grande Valley say they welcome

the pueblo's entry into the field, saying there's demand enough for all.

We hope and expect they're right. And the benefits extend beyond the dinner table.

Any economic activity that turns dollars around in the immediate area instead of sending them out of state helps build the strength of the local economy.

Sandia Pueblo's vegetable market could help do just that.●

MAKE LEBANON STAY INDEFINITE

HON. TOM LEWIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 20, 1983

● Mr. LEWIS of Florida. Mr. Speaker, it is important that we make it crystal clear to all nations of the United States' resolve in Lebanon since it appears inevitable that the decision will be made for us to maintain a presence there.

I would prefer the establishment of a multinational peacekeeping force under the auspices of the United States. That, of course, is not practical considering there is little doubt the Soviet Union would veto such a proposal on behalf of its client nations such as Syria.

History tells us that tranquility in Lebanon is nonexistent. The strife and turmoil are fueled daily by countless Moslem and Christian splinter sects and the presence of three armies, two police forces, and a multitude of militias and political parties.

Since that commitment cannot be successful if tied to a capricious timetable, I oppose any established time limit.

No nation in the world should be aware of when we intend to withdraw. That only dilutes the effectiveness of our presence. Furthermore, we should not bind ourselves to time constraints if the purpose of our mission in Lebanon is to keep the peace or to be a forthright symbol of legitimacy for the Lebanese Government.

And while our marines remain in Lebanon, they should have the absolute freedom to defend themselves. Their presence there is not to fight, but if their positions are fired upon, then our marines should use any means to protect and defend their positions and their lives.●

HACIA AL FUTURO (TOWARDS THE FUTURE)

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 20, 1983

● Mr. LANTOS. Mr. Speaker, the celebration of National Hispanic Heritage Week gives us an opportunity to reflect on the contribution of Hispanics to the United States. We in California are particularly proud of the historic Hispanic presence and conscious of the current role of Hispanics in the present and future development of our State.

As a nation whose strength lies in its ethnic diversity, Hispanic culture has been a vital influence on all aspects of American life. Hispanos, however, are just beginning to assume their rightful role in our political life.

I am proud to represent a sizable yet diverse Hispanic community. The latest report of the Census Bureau indicates that almost 14 percent of the population of my congressional district are of Hispanic origin. This is a group whose leadership is rising to meet the tremendous challenges posed to the growing Hispanic community striving for advances in every phase of its life.

The vast potential of Hispanics is fast becoming reality as Hispanics assume critical roles in many business, educational, and professional fields, as well as in the political arena.

I welcome this development, as well as the growing influence of Hispanics in the political process.

My district has seen the recent addition of another able Hispanic in local politics—Mr. Ruben Abrica was recently elected a member of the city council of the newly-incorporated city of East Palo Alto. Mr. Abrica typifies the long-awaited trend toward the involvement of committed Hispanics who are taking their places as leaders in the American political system.

The impact of increased involvement of Hispanics in our political process cannot be overstated. With a nationwide population estimated at 16 million, of whom 64 percent are under the age of 29, the Hispanics clearly will come to play an increasingly important role in our country's future. I am pleased that we can take this occasion to recognize and honor this vital group.●

GOLAN HEIGHTS AND WEST BANK CRITICAL TO SECURITY

HON. ELDON RUDD

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 20, 1983

● Mr. RUDD. Mr. Speaker, from a defensive standpoint, the Golan Heights and the West Bank are essential to the security of Israel. Both make up the high grounds that surround the nation and which are so critical to the military strategy of any country. Without them, Israel becomes an easy target for any of its enemies.

Last week, one of my constituents called my attention to an article on the importance of the Golan Heights and the West Bank to Israel that appeared in the Arizona Republic. The article, which was written by the newspaper's publisher, Darrow Tully, was right on target and the author is to be commended.

I urge my colleagues to read the article.

WEST BANK, GOLAN HEIGHTS INDISPENSABLE TO ISRAELI SECURITY

(By Darrow Tully, Publisher, The Arizona Republic)

JERUSALEM.—The most widely accepted military axiom continues to be, "Take the high ground and hold it."

That is precisely what Israel did by occupying the Golan Heights and part of the West Bank.

The Golan Heights and the West Bank share an important common denominator—they're both indispensable to Israel's security.

The Golan was part of the proposed Jewish state under the original 1948 United Nations partition plan. The area constitutes a plateau about 45 miles long rising from 600 feet high in the south to 9,000 feet in the north where it borders Syria, Lebanon and Jordan.

When Israel was established in 1948, the Syrians invaded and occupied the Golan. After the treaty of 1949, Syria agreed to a demilitarized Golan but then refused to enter into peace negotiations with Israel and repeatedly shelled and terrorized Jewish villages beneath the heights.

The area contiguous to the border was one of unceasing military activity culminating in an attempt to divert the waters of the Banias and Hazbani Rivers, principal tributaries of the Jordan River, which flows into the Sea of Galilee and is Israel's main water supply.

On June 5, 1967, Israel launched a preemptive military action against Syria, Jordan and Egypt.

It's difficult for people not familiar with the geography to understand the necessity of a pre-emptive strike. Distances are not comparable to anything in the United States.

Consider for example, Phoenix threatening Tempe as Egypt did Israel on May 17, 1967.

Syria already had proclaimed that "the time has come to enter into the battle of liberation."

Distances are measured in thousands of yards or in terms of eight to 10 miles. Reaction time to a surprise attack is nil.

In an incredible military action, Israeli forces scaled highly fortified positions in inaccessible terrain to secure the Golan.

I stayed in a kibbutz just under the former Syrian gun emplacements, and it is inconceivable that Israel could have taken any other action than it did when it annexed the Golan area in 1981.

No conscientious government could put citizens under those emplacements again. No nation could ask sons and daughters to shed blood twice for that hard-won ground.

The West Bank is a different matter. Whatever absurd political expediencies that led to the original division of Palestine were and still are unworkable.

Only the Israelis actively supported the creation of a Palestinian state by virtue of support of the United Nations partition resolution.

Here again, we have the specter of hostile forces occupying high ground all around Jerusalem.

Israel captured the West Bank from Jordan during the Six-Day War.

The West Bank was seized by Trans-Jordan during the 1948 war of independence. The Israelis claim with some legal justification that Israel liberated the West Bank and has every right to encourage settlers to emigrate there.

Secretary of State George Shultz has acknowledged that "Israeli settlers had a legal right to live in the occupied West Bank of the Jordan River."

Regardless of whether Shultz is right about the legal status of the settlements, they're there to stay.

Don't think of a settlement as a group of cabins or some backward outpost. Many are small cities complete with all the amenities that make life not only bearable, but pleasant.

You can see most of Jerusalem from a couple of these settlements, and only a fool would turn that ground over to a hostile neighbor.

The real problem facing Israel is under what jurisdiction can Palestinians and Israelis live in peace.

I will explore several alternative in subsequent columns and also share interviews with differing Israeli and Palestinian points of view.●

REPRESENTATIVE BYRON BUILDS ON INTERESTS AND EXPERIENCE

HON. G. V. (SONNY) MONTGOMERY

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 20, 1983

● Mr. MONTGOMERY. Mr. Speaker, during the recent work period, three members of the House Armed Services Special Subcommittee on Arms Control, headed by Maryland's Representative BEVERLY B. BYRON, conducted a 10-day swing through Europe and the Mediterranean area to study various aspects of East-West arms negotiations. In observing her responsibility as chairperson of that special subcommittee, Representative BYRON stated:

Arms control cannot be isolated from an effective U.S. deterrent. Deterrence is not just bluff; it is a perceived capability, coupled with an understood commitment to use our retaliatory forces against key elements of Soviet power.

In this regard, her attention to detail has not only gained the respect of her constituents, but also the military.

Mr. Speaker, the Armed Forces Journal includes a regular column titled "Darts & Laurels." In the September 1983 issue of the above publication, in that column, Representative BYRON is given laurels which are well deserved. At this point, I include the column and call this to the attention of my colleagues.

[From the Armed Forces Journal International, September 1983]

DARTS & LAURELS

To Rep. Beverly B. Byron (D-MD), three-term Member of the House Armed Services Committee—for going out of her way to get "hands-on" experience with the military equipment which her Committee authorizes each year.

Byron, for example, has flown over 12 major military aircraft since 1979—including the F-15, F-16, B-52, B-1, A-10, F-111A, AH-64, and the UH-60A.

Byron is also the first woman nonpilot to have flown both the F-18 and the Navy's new Hawk trainer. In recent months, she has taken time (her weekends) to fly the A-6 and the F-14. To do that, Byron had to be checked out in water survival training because both flights were catapult shots off the aircraft carrier USS *Kennedy.*

To Reps. Beverly B. Byron (D-MD) and Nicholas Mavroules (D-MA)—for spending their July 4th holiday visiting with the US 24th Marine Amphibious Unit stationed in Lebanon. And, Marines who were there tell us, both asked intelligent, relevant, and important questions throughout their visit.●

BILINGUAL EDUCATION NEED NOT BE THREATENED BY NEW APPROACHES

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 20, 1983

● Mr. BIAGGI. Mr. Speaker, I wish to bring to the attention of my colleagues a recent editorial from the New York Times which eloquently states the current debate surrounding our bilingual education programs.

As a member of the House Education and Labor Committee and a supporter of bilingual education, I believe that today's bilingual education programs are often hampered by restrictive methods of teaching children English. As the Times points out, proficiency is not always the goal of these programs. In fact, in 1977, I authored an amendment to the reauthorization of the program which required that teachers be proficient in English. Amazingly, it was revealed at that time that not all teachers could read and write proficiently in the very same language that they were supposed to be teaching their students.

I fear that we have not come very far since that time. We continue to hear the same complaints about bilingual education. We continue to face the same opposition from groups which feel that by allowing greater flexibility in the program—we are somehow turning our backs on children that need English-language instruction.

Nothing could be further from the truth. I remain a supporter of the program and hope that the administration's bill as well as all others in this area will receive close consideration by Congress during the reauthorization of the Bilingual Education Act in 1984.

The article follows:

[From the New York Times, Sept. 13, 1983]

SI QUIERE PROMOVER ENGLISH

The trouble with much "bilingual" education is that it isn't bilingual. Too often it's a program to teach children math, social studies and science in their native language without any genuine effort to help them function in English as soon as possible.

That moving children into English instruction is desirable should be beyond debate. Whatever the transitional value of teaching them in a native language, English is the essential skill for anyone expecting opportunity in the United States. "Bilingual" programs are worthy of Federal subsidy only so long as achievement in English is their true aim.

That is the principle that would be reaffirmed by a bill the Reagan Administration has submitted to Congress. It would let local school systems decide how best to achieve the goal. But it would stop requiring that youngsters be taught in their native tongue.

Such native-language training may or may not be helpful to pupils also busily learning English. The available research is inconclusive. But the proposed law would stop denying Federal aid to districts that choose to immerse them in mostly English studies.

Flexibility in approach was the clear intent of Congress 15 years ago when it passed the Bilingual Education Act to support any "new and imaginative" program for non-English speaking students. Only gradually was the statute bent to require teaching in native languages. The Health, Education and Welfare Department's Office of Civil Rights insisted in 1970 on "special assistance" for non-English speakers. The Supreme Court upheld its guidelines and directed schools to create special programs in foreign languages. In 1975, the civil rights office directed that districts had to develop "bilingual" programs; an all-English program no longer qualified for support.

The bilingual programs have probably been useful in many situations. They are thought to have helped many immigrant children adapt to a new culture at their own pace. They ended the often cruel practice, particularly in the Southwest, of letting Mexican-American students move uncomprehendingly through school, falling far behind because they were learning neither English nor the subject matter in Spanish.

But all too often, bilingual programs pay only lip service to the goal of making students proficient in English. Some teachers in the programs are themselves inadequate in English. Students are often kept in non-English classes longer than necessary. The foreign-language teachers and bilingual managers have developed a vested interest in preserving their enrollments. They often exaggerate the difficulty or damage of rushing youngsters along in English.

A study for the Twentieth Century Fund this year went so far as to urge the Federal Government to stop supporting bilingual education. It argued for "immersion" in English language study and special help in other subjects when needed. Most educators seem to consider that the soundest approach to educating children for life in America.

The virtue of the Administration's bill is that it does not even try to resolve this educational argument. Far from eliminating bilingual programs, as its critics charge, the bill would make proficiency in English a primary requirement for bilingual teachers, refine the requirements for evaluating bilingual programs, and let school districts

decide whether their non-English speakers are best served by "immersion" courses or transitional training in native languages.

For those who honestly hope to promote learning in English, that seems the wisest course.●

LIMITED HEALTH CARE RESOURCES: ETHICAL IMPLICATIONS OF OUR CHOICES

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 20, 1983

● Mr. MARKEY. Mr. Speaker, one of the most troubling issues our society faces today, and one we will continue to face, is how to allocate our scarce medical resources. Today, we spend over 10 percent of our gross national product on medical and health expenses. It would not be hard, doctors and hospital administrators tell us, to spend 20 percent, 40 percent, or some other astronomical level. The question has to be answered, however, on how much can we afford.

Whether we realize it or not, that question—how much resources do we dedicate to health and medical care—is being answered every day. The answer may come on an ad hoc basis, may be implicit, but it is nonetheless forceful. If we want to be fair to all citizens, if we want to have some control over our expenditures, for health and medical resources, then we must begin to answer the question in a positive manner.

Recently, Daniel Callahan addressed the conference, "Limited Health Care Resources: Ethical Implications of Our Choices," sponsored by the Health Planning Council for Greater Boston on May 17, 1983. Dr. Callahan is director and cofounder of the Hastings Center Institute of Society, Ethics, and the Life Sciences, Hastings-on-the-Hudson, NY. As Dr. Callahan states: "There does not now exist, nor is there ever likely to exist, a simple moral formula that will tell us how to ration resources * * * however * * * we can morally frame the allocation problems in a way that will maximize the possibility of doing the morally best thing."

I submit the first half of the address for your consideration:

LIMITED HEALTH CARE RESOURCES: ETHICAL IMPLICATIONS OF OUR CHOICES

(By Daniel Callahan, Ph. D.)

The topic of my talk is one of the most difficult of all, I think, in contemporary medicine, and perhaps in contemporary domestic policy. In talking about the allocation of health resources, we are dealing with a historically unique human situation. One can hardly expect to find ready solutions to a problem of that magnitude, or one so new. In fact, it is going to take some decades to work things through. I would like to be able to provide you with some simple solutions, but I cannot do that. What I would like to do, however, is to give you my own sense of how the subject matter might be understood. First, I want to give you some sense of my interpretation of the historical background of the present set of problems. Second, I want to suggest some general moral guidelines that I think might be helpful in trying to understand the problems. Then, finally, I would like to say something about how one might apply those guidelines to a sample of pressing contemporary policy decisions.

Beginning approximately with the Second World War, mankind made an enormous discovery. If enough research money were spent, and if enough resources were devoted to medical care delivery, the health of human beings could be radically improved. Indeed, human illness, which previous generations had accepted as a matter of fate, was now seen to be under potential human control. I choose the Second World War as dividing line because it marked that point in history when the governments of developed countries, particularly the United States, realized that large economic investment in biomedical research could reap major benefits. Thus in the years shortly after the war the National Institutes of Health in this country was developed as a major research agency, with hundreds of millions of dollars invested each year in support of basic research and of its clinical applications. Once it was realized that such an investment could provide enormous social benefits—that money could make the difference between life and death—it was only a short step to the development of the Medicare and Medicaid programs during the sixties, and to the emergence of a debate over a right to health care and the desirability of national health insurance.

The early decades of that development were marked by hope and optimism. Given enough investment of time, money, and energy, no utopian fantasy seemed too outlandish. The average human lifespan could be significantly extended, the number and quality of children could be controlled, the ill could be made well, pain and suffering could be radically reduced, and what had hitherto seemed out of human control—the body and its limitations—brought within the framework of human choice and manipulation. No sooner had biomedical research conquered one frontier, than another beckoned for attention. The future seemed unlimited in its possibilities.

In the moral realm, those were decades of considerable optimism as well. While our society had always been one dedicated to human rights (even if it did not always live up to that commitment), the decades between the forties and the eighties opened up new vistas for the concept of rights. If a necessary condition for the exercise of all rights is that of life itself (closely followed by that of minimally decent health), then it was only a short step to proposing a whole new range of what came to be called welfare rights, and to include among them a right to health care. Moreover, given the scientific and medical progress, it seemed perfectly feasible to propose such a right. In earlier times, when medicine lacked any decisive power to save lives, when nature seemed beyond human control, it would have made little sense to talk of a right to health care; similarly, before it was clearly understood that many environmental risks are manmade, it would have made equally poor sense to talk of a right to a healthy environment. In sum, not only could health be improved and risks reduced, but human beings could now claim a right to those goods. A technological and a moral revolution were thus joined.

Unhappily, as we know, the past few years have seen a sharp change in mood. While there still remains considerable zeal and justification for the improvement of health and reduction of risk, a number of important realities have emerged to force a much more complex, and troubled, understanding of our present situation and our future possibilities. Three general factors have emerged to change the perspective and to move the discussion to a different plane. The first factor is economic, the second technological, and the third moral.

The economic factor encompasses a number of elements. Even prior to our present economic troubles there were some nagging worries about the possible financial cost that an all-out effort to guarantee a right to health care might entail. In medicine, it has been reluctantly recognized that the list of human evils that might be brought under medical superintendence is almost unlimited, ranging from the ills of the body through the threats to psychological health posed by life in a complex society. The desire for medical benefits seemed unlimited, not only in terms of dealing with present, obvious ills, but potentially by extending the net of medicine to capture the full range of social ills, as well. It was not impossible to imagine spending the entire gross national product on the improvement of health and unhappiness.

In the sixties and the early part of the seventies, that was an underground worry only, with only a few stray voices being raised to wonder where we were heading. The major political efforts went toward extending the scope of biomedical research and the delivery of medical care. Even so, as the seventies moved along, it became painfully obvious that the national health bill was increasing at a rapid rate, far outstripping that of inflation in general. Moreover, an insight of horrendous proportions was becoming inescapable—that the day of cheap technological fixes for human illness was, with the conquest of infectious diseases, over. Instead, it was becoming obvious that the future promised to deliver rapidly escalating costs with increasingly marginal returns from expenditures. The reason for that is fairly simple. With the conquest of the great killers of the young and otherwise able—influenza, diphtheria, dysentery, yellow fever, smallpox, for example—the remaining diseases, primarily affecting the elderly, came to the fore. Cancer, heart disease, and stroke—chronic disease in general—have proved to be tough foes, and not one of them is likely to be amenable to inexpensive solutions. One may grant that the $1.8 billion expended each year on 20,000 dialysis patients extends their lives, and grant also that open heart surgery and heart transplants, vastly improved neonatal intensive care units, artificial limbs and joints, all bring notable health benefits. But the bill for those benefits is beginning to look astronomical.

I believe that those problems would have become manifest even if the prosperity of the fifties and sixties had continued unabated. At some point or other, but perhaps later than has turned out to be the case, it would have dawned on everyone that the maximization of health is a highly expensive goal. That the economic times have turned sour, and that those realities have been forced upon us in a dramatic way, only underscores what was an implicity inherent problem in the first place. The problem is

simply that, given the enormous cost of achieving everything that it might be possible to achieve, some scaling down of aspirations, some wiser ways of trying to determine the limits of reasonable expectations, are required. To say this is not to claim that we are already spending too much on health care, or to deny that many basic needs are still being unmet. It is only to say that some limits must be established.

Still another disturbing insight began to emerge as well. The technological developments necessary to improve health and reduce risk carry with them unintended consequences. Medical progress has produced two supreme, and vastly disturbing, ironies. The first is that the rapid reduction of mortality as a consequence of better biological understanding and health care delivery has created a population problem; the moral and effective means of controlling birth have not kept up with means of controlling death. Thus the population of the world, if not necessarily that of developed countries, has developed at a geometrical rate, rapidly increasing the number of those who can be subject to ill health as well as polluting the environment on the way. The second great irony is that, as we have extended the average human lifespan, we have also created an entirely new problem—that of the care of the elderly, who can and will live on for many years beyond the traditional retirement age of 65. The elderly now constitute about 11 percent of the population, some 26 million, and within twenty years it is estimated that there will be 52 million elderly. And for the most part of course the elderly are no longer economically productive. Through their well-deserved relief from work and toil, they are in many cases taking more from the economy at this age than they can put back in.

But that is not the end of it. In response to population pressures and the rising economic costs of raising a family, families have become smaller. Thus an increasingly smaller proportion of young people will be forced to pay for an increasingly larger proportion of elderly people. The social security system is already under considerable pressure, and that at a time when a ratio of workers to beneficiaries is 5.4 to 1. According to the most recent Census Bureau projections, that ratio will be 4.7 to 1 in the year 2000, 3 to 1 in 2025, and 2.6 to 1 in 2050. Needless to say, the burden upon the young to support the elderly will be heavy.

No one would propose that we simply let the elderly die, or that we go back to high infant mortality rates. But it must be recognized that we are beginning to experience a supreme unintended consequence of medical progress, one exceedingly troublesome to anyone who desires to improve the human condition.●

PAYSON LAND CONVEYANCE

HON. ELDON RUDD

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 20, 1983

● Mr. RUDD. Mr. Speaker, Mr. Speaker, I rise today to introduce a bill which would authorize the conveyance of 1.1 acres of national forest land to the town of Payson, AZ, a community within my district.

The town of Payson is tightly surrounded by the Tonto National Forest, and its history is, therefore, closely tied to the activities of the Forest Service. This bill would authorize the transfer of Payson's first ranger station and residence, built in 1908, and a small amount of land surrounding the facilities, to the town of Payson. The purpose of this conveyance is to allow the town to lease the site to the Northern Gila County Historical Society so that its members can proceed with plans to restore the old buildings and use the property as a museum for the preservation and display of historical materials, including Indian artifacts, old ranger equipment, and pioneer farming equipment used in the area.

A new ranger station and residence have been built to the east of town, and the old facility has not been used by the Forest Service for some time.

Once completed, this museum would be a tremendous asset to the public, serving the citizens of Payson as well as the many tourists who visit this area each year.

This is an important opportunity for the community to work with the Forest Service to achieve a common goal of promoting the rich history of this region, and I urge appropriate consideration of this bill so that efforts to reach this goal may move forward.

H.R. 3940

A bill to authorize a land conveyance from the Department of Agriculture to Payson, Arizona

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding any other provision of law, the Secretary of Agriculture is authorized to transfer, without consideration, to the town of Payson, Arizona, the following described parcel:

A parcel of land entirely within the south half of the southeast quarter of the southeast quarter of the southeast quarter, of section 5, township 10 north, range 10 east, Gila and Salt River base and meridian, Payson, Gila County, Ariz., more particularly described as follows: commencing at the common corner of sections 4, 5, 8, and 9, township 10 north, range 10 east, Gila and Salt River base and meridian; thence north 89 degrees 56 minutes west, along the south line of section 5, a distance of 164.47 feet to the true point of beginning; thence continuing north 89 degrees 56 minutes west, along the south line of section 5, a distance of 337.13 feet; thence north 13 degrees 33 minutes 08 seconds east, a distance of 223.16 feet, to a point on the south right-of-way line of West Main Street; thence south 74 degrees 10 minutes 23 seconds east, along the south right-of-way line of West Main Street, a distance of 145.02 feet; thence south 43 degrees 09 minutes east, along the south right-of-way line of West Main Street, a distance of 243.72 feet; thence north 89 degrees 56 minutes west, along the south right-of-way line of West Main Street, a distance of 21.36 feet, to the true point of beginning.

The above described parcel of land contains 1.10 acres, more or less.

SEC. 2. (a) The property described in the first section shall be used for the preservation and display of articles of historical significance. If the property is not used for historical purposes, title to such property shall revert to the United States.

(b) Subject to the use restrictions provided in subsection (a), the town of Payson, Arizona, may provide for the administration of the property by the Northern Gila County Historical Society.●

WINTER NAVIGATION: THE MICHIGAN STUDY

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 20, 1983

● Mr. BONIOR of Michigan. Mr. Speaker, On August 3, the Committee on Public Works and Transportation ordered reported H.R. 3678, to provide for the conservation and development of water and related resources. In section 1123, the committee authorized the Corps of Engineers to implement a full year extension of the navigation season on the upper Great Lakes and a 10-month extension on the St. Lawrence Seaway.

Traditionally, the navigation season on the upper Great Lakes has ended on December 15 plus or minus 2 weeks. The corps' proposal extends the navigation season through the construction of bubblers, icebooms, underwater dams, harbor and channel dredging and widening, and the use of a fleet of new icebreakers. The corps presently estimates the project's initial investment cost to the United States at over $600 million.

The corps' 1979 draft "Survey Study for Great Lakes and St. Lawrence Seaway Navigation Season Extension" prompted extensive criticism. A series of major studies raised substantial questions about the corps analysis of the project's economic benefits, its real costs, and its potential environmental impact.

The New York State Department of Transportation commissioned a study from the Pennsylvania Transportation Institute at Pennsylvania State University. The Great Lakes Basin Commission published a study entitled, "Economic Review of Navigation Season Extension." LBA Counsulting Partners, Ltd., did a study for the St. Lawrence Seaway Authority.

In 1981, the corps own Board of Engineers and its Chief of Engineers declined to recommend the project to Congress for authorization. The project has not received special study since the corps 1981 decision.

The economy of the Great Lakes region, including its key steel and auto industries, has changed substantially since the late 1970's. The House should not have to decide on a major public works project—one which was not even recommended for authorization by the corps itself—on the basis

of studies that may be seriously dated. Yet there may be no alternative.

The Great Lakes Basin Commission study was done at the request of the Governor of Michigan. It reviewed the corps cost-benefit analysis. Just as the New York State study would later conclude—see, CONGRESSIONAL RECORD, September 15, 1983, E4308-09—the Great Lakes Basin Commission found that benefits were significantly overstated and costs may also be seriously understated.

Winter navigation's justification rests, in large part, on projected capacity limitations in the Great Lakes navigation season. Those limitations stem from projected backlogs at the system's key bottlenecks, principally the locks.

By spreading the demand over a longer period of time, winter navigation allows increased shipping despite the capacity limitations. Yet winter navigation is only one solution to the projected constraints. In an important analysis, the Commission also addressed alternatives that address the bottlenecks directly.

The Commission notes proposals that were both less expensive and had substantially better cost-benefit ratios. One was the construction of a new lock at Sault Ste. Marie. Over the short term, the Commission also noted the Canadian proposal to increase the capacity of the Welland Canal through operational changes and the possibility of 24-hour operations on key locks.

Because a new lock independently generates many of the benefits of winter navigation extension, the Commission carefully notes that a new lock substantially reduces the cost-benefit ratio for winter navigation—duplicating perhaps 90 to 95 percent of the benefits. The alternatives are mutually exclusive.

The Commission's conclusion is important because the committee has also moved in section 1149 of H.R. 3678 to accelerate study of a new lock to parallel the existing Poe lock at Sault Ste. Marie. I have included a substantial extract from the Commission's review of alternatives to winter navigation. I urge my colleagues to give it, and the full study, their closest attention.

ECONOMIC REVIEW OF NAVIGATION SEASON EXTENSION

(A review of the U.S. Army Corps of Engineers' "Survey Study for Great Lakes-St. Lawrence Seaway Navigation Season Extension" conducted by the staff of the Great Lakes Basin Commission, Lee Botts, Chairman, at the request of Governor William G. Milliken, State of Michigan, prepared by R. Bruce Den Uyl, Charles A. Job, Dean R. Whitehill, Martha W. Deline, under the direction of Dr. Paul E. Nickel.)

ALTERNATIVES TO WINTER NAVIGATION

Introduction

One of the first principles of benefit-cost analysis is that all of the relevant alternatives to the proposed project be considered. The reason is simply that if the same objective can be accomplished in an alternative way which results in greater net benefits than the proposed plan, the nation will be better off. Therefore, even though one alternative may have a benefit-cost ratio greater than one, there may be another alternative with greater discounted net benefits.

The Survey Study considered only alternative lengths of season extension on both the upper four Great Lakes and the St. Lawrence Seaway, not other alternatives to the program. Thus, the Survey Study, in analyzing only internal alternatives, assumes a commitment to season extension and considers only how to achieve maximum benefits by this approach. A more comprehensive approach is to consider alternatives to season extension itself.

It is apparent that most of the benefits of season extension come from the attenuation of capacity constraints at the locks throughout the Great Lakes-St. Lawrence Seaway system. Assuming an increase in Great Lakes shipping, without the increase in capacity that season extension is expected to achieve, some commodities will have to be diverted to alternative modes of transport, principally rail. Rail transport is generally more expensive than water transport, especially for bulk commodities such as iron ore. Therefore, the expansion of capacity associated with season extension will preclude diversion of commodities to these more expensive modes, with substantial savings to the nation.

There are other alternatives to season extension that could expand capacity of the locks. The most obvious alternative is to build larger locks. The Corps of Engineers has conducted preliminary studies of lock expansion, but such expansion was not considered as an alternative to season extension.

Although some potential alternatives to winter navigation are described here, it was not possible in the time available to identify the most feasible alternatives, if any. Rather, these possible alternatives are discussed here to suggest that they ought to be considered.

It should be reiterated that these alternatives relate only to the lock capacity problem. Season extension achieves other benefits not related to the capacity constraints, such as stockpiling benefits and winter rate savings. If these benefits are great enough, winter navigation might be justified on this basis alone.

Sabin-Davis lock alternative

Nature of the alternative: The Corps of Engineers has prepared a draft feasibility study of replacement of the Sabin or Davis locks at the Soo Locks. The purpose of this replacement is to provide an additional lock which can accommodate vessels at least 1,000 feet long and with a draft of 25.5 feet. Such a lock would essentially duplicate the Poe lock which can now accommodate vessels of this size. Since this expansion would significantly expand capacity at the Soo Locks, it can be considered an alternative to capacity expansion through season extension.

Analysis: The replacement of the Sabin and/or Davis lock is not a complete alternative to season extension, because it would not provide stockpiling and winter rate savings. However, it would relieve projected capacity constraints at the locks, and it may accomplish this more efficiently than season extension. Season extension only delays capacity constraints at the Soo for approximately 15 years, whereas lock replacement would provide sufficient capacity for a much longer period.

Furthermore, lock replacement is a relatively inexpensive alternative to winter navigation. In the somewhat dated study of lock replacement, the average annual cost of replacing the Sabin lock with another lock that would accommodate ships 1,100 feet in length is estimated to be $7.1 million. The average annual cost of year-round navigation on only the upper four Great Lakes is $76 million. Even if the cost of lock replacement has doubled, there is still a wide disparity. The benefit-cost ratio for the lock replacement at the Sabin location is projected to be 12.9.

Effect on winter navigation benefits: Since replacement of the Sabin-Davis locks is an alternative to capacity expansion through season extension, it is of interest to consider how the benefits of winter navigation would change if the local replacement alternative was undertaken. This rough analysis should only be taken as illustrative because adequate data was not available, for a full analysis.

Since lock replacement would prevent capacity constraints at the Soo locks, thus precluding diversion of traffic to alternative modes, winter navigation benefits attributed in the Survey Study to decreased diversion of tonnage would be excluded. Since lock replacement at the Soo would only affect capacity on the upper four Great Lakes, tonnage projections for Proposal 3 (year-round shipping on the upper four Great Lakes) were compared with normal season projections to determine the amount of diverted tonnage that season extension prevents. Some of the diverted tonnage that the Survey Study counts as a benefit might be attributed to winter navigation even with lock replacement, so to be conservative only diverted tons related to coal and iron ore were counted. Since the Study does not indicate the savings per ton for diverted traffic for each commodity, dollar savings could not be calculated. Instead, percentages were calculated that indicate what proportion of the total diverted tons listed in the Survey Study would not be diverted with lock replacement at the Soo. The results are given in the accompanying table. The projections of commodity shipments were taken directly from Table 2 (p. E-20-21) in Appendix E of the Survey Study.

TABLE 4.—PERCENTAGE OF TONS DIVERTED DUE TO CAPACITY CONSTRAINTS THAT WOULD NOT BE DIVERTED WITH LOCK REPLACEMENT AT THE SOO

[In tons]

	1900	2000	2010	2020	2030	2040
(1) Normal season:						
Projected shipments:						
Coal	34,163	34,628	33,953	32,844	32,213	31,634
Iron ore	94,838	97,972	96,304	95,891	95,358	94,704
(2) Proposal 3:						
Projected shipments:						
Coal	34,487	39,349	43,513	42,453	41,947	41,493
Iron ore	96,376	111,081	123,396	122,942	122,382	121,694
Tons not diverted:						
Coal	324	4,721	9,560	9,609	9,734	9,859
Iron ore	1,538	13,109	27,092	27,051	27,024	26,990
(3) Total tons not diverted under Proposal 3	1,862	17,830	36,652	36,660	36,758	36,849
(4) Total tons not diverted under Proposal 7	5,487	22,324	41,434	41,744	42,140	42,562
(3)/(4) (percent)	33.9	79.9	88.5	87.8	87.2	86.6

Source: The projections of commodity shipments were taken directly from Table 2 (p. E-20-21) in Appendix E of the Survey Study.

The table indicates that most of the diverted tonnage is related to capacity constraints at the Soo Locks. Season extension does not significantly affect capacity at the Welland as most of the commodities moving through the Welland are shipped during the normal season.[1]

With lock replacement, overall benefits attributed to season extension would decline. A very conservative estimate is that average annual transportation rate savings would be reduced by 75 percent. For the proposed plan (year-round navigation on the upper four Great Lakes, and an 11-month season on the St. Lawrence Seaway), assuming that all other benefits remain unchanged, the new benefit-cost calculation would be as follows:

Average annual benefits

	Thousands
Transportation rate savings	$65,201
Winter rate savings	17,694
Stockpiling savings	59,417
Total	142,312
Average annual costs	101,816
Benefit-cost ratio	1.40

This calculation is for the incremental average annual benefits, which excludes benefits counted in the Corps' March 1976 Interim Report (for an extension to January 31). If total average annual benefits are used, the benefit-cost ratio increases to 1.54.

The issue paper on stockpiling benefits states that it may not be valid to count all of the stockpiling savings because of capacity constraints would move by rail which is able to ship during the winter. If the lock replacement alternative were undertaken, stockpiling benefits would be retained, since there would be no diverted traffic which could be moved during the winter months.

Conclusion

In concluding this discussion, it should be pointed out that even with the lock replacement alternative, winter navigation could still be an economically feasible program. In fact, if winter navigation is considered desirable after all relevant alternatives are studied, it might be cost efficient to implement the winter navigation program before lock replacement in order to delay the need for lock replacement. However, if lock replacement would be needed shortly anyway, most of the transportation rate savings could not be attributed to winter navigation, thus reducing benefits of the season extension program. What this analysis has shown is that there may be alternatives for resolving the capacity constraint that are more economically desirable than winter navigation, and that the major economic benefit of winter navigation stems from stockpiling and winter rate savings.

Postscript

It should be noted that after the draft report of this economic review was prepared, it was determined that none of the stockpiling benefits could be attributed to season extension. However, a portion of these stockpiling benefits would be transferred to transportation rate savings.[2] This change will be incorporated in the Survey Study final report. The change means that between 90% and 95% of the benefits of winter navigation are related to capacity constraints at the Soo Locks.

However, nothing in this discussion of alternatives is altered by these changes. It would still be valid to count stockpiling benefits when discussing alternatives. The reason that they are excluded from consideration when discussing NED benefits and costs is because stockpiling is unnecessary when capacity constraints force the diversion of tonnage to alternative modes. However, if a new lock were constructed at the Soo, this diversion would no longer be necessary, and therefore, the only means to eliminate stockpiling during the winter months would be to ship these commodities during the winter. Hence, stockpiling benefits would be a valid consideration in any study of alternatives.●

[1] Arctec, Inc. "Great Lakes/St. Lawrence Seaway Lock Capacity Analysis," Columbia, MD, Vol. 1 p. 5-34, 1979.

[2] For a complete discussion of this point see the issue paper on "Stockpiling Benefits."

TRIBUTE TO WILLIAM GALLO AND MICHAEL CIPRIANI

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 20, 1983

● Mr. BIAGGI. Mr. Speaker, I have been invited to attend ceremonies for the induction of two prominent individuals into the Yonkers Sports Hall of Fame. The city of Yonkers is especially proud of their contributions in enriching and enhancing the world of sports. I refer to William (Bill) Gallo, the eminent sports columnist-cartoonist for the New York Daily News, and Michael Cipriani, the Nation's outstanding photographer for harness racing. At this time I would like to pay tribute to these two men and share the highlights of their careers with my colleagues:

WILLIAM V. GALLO

William (Bill) Gallo was born in Manhattan on December 28, 1922, the son of Frank and Henrietta Gallo. His father was a newspaperman who died at the young age of 36 when William was 11 years old.

As a youngster Gallo dreamt of following in his father's footsteps. "As long as I can remember, printer's ink was a part of me," he says. He studied art in high school and after graduating he landed a job on the New York Daily News in 1941. He remained there for 7 months until he answered Uncle Sam's call, joined the U.S. Marine Corps, and went off to war.

He served with distinction as a member of the 4th Marine Division for 4 years, seeing action in Roi-Namur (Kwajelin Islands), Saipan, Tinian, and Iwo Jima. Upon war's end he returned to the New York Daily News as a picture clerk in the caption/art department.

It was in 1960, when he was transferred to the sports department, that he began his illustrious career as a sports cartoonist and as a sports columnist. It was here, also, that he was to develop such well-known characters as "Basement Bertha," "Yuchie," and "Penthouse Polly"—familiar personalities to hundreds of thousands of readers.

Bill Gallo's talents and creativity as a cartoonist have earned him many honors, awards, and citations. He is the five-time recipient of the coveted "Reuben," awarded by the National Cartoonist Society for excellence in the sports category. He has won the Page 1 Journalism Award from the New York Newspaper Guild 16 times. Among his other prestigious honors are the Power of Printing Award, the Segar Award, and the Achievement Award for Alumni from the School of Visual Arts. He has also won fame as

an authority in boxing and his colleagues have honored him with the James J. Walker Award. He is also the recipient of the Champion Award from the Downtown Athletic Club.

Bill Gallo and his wife Dolores have two sons, Gregory, who is the sports editor of the New York Post, and Bill, Jr., who is the steeplechase racing secretary at the Belmont Racetrack.

Gallo, who is currently marking his 23d year as a cartoonist-columnist for the New York Daily News, moved his family to the city of Yonkers some 25 years ago. His more than 5,000 cartoons and his innumerable sports columns have brought much honor and prestige not only to him and his family, but also to his profession and to the city of Yonkers as well.

MICHAEL CIPRIANI

Michael Cipriani was born in Boomer, W. Va., on September 1, 1914, and raised transient style in Cincinnati, Chicago, Columbus, Ohio, and Harlan County, Ky. In the 1930's the Cipriani family moved to the city of Yonkers and it was there that Michael's love affair with photography began.

Cipriana began his career servicing New York City daily papers with news and feature photos, winning an award in 1955 for his coverage of an auto mishap. In that same year he signed on with the Yonkers Raceway. Since that time he has photographed thousands of races, including every Cane Pace and Yonker's Trot since these two prestigious events were inaugurated the year he joined the track.

"Harness racing has been so good to me," says Cipriani, who related the simple ethic by which he lives—"My father once told me, whatever you do, you've got to be the best. I've always lived to apply that to my photography."

Along with traveling throughout the world to photograph horse races, Cipriani has also covered a variety of other subjects. These include a dozen Miss America pageants, Presidents, movie stars, boxers, musicians, and other famous athletes and celebrities. And, of course, he has always been on hand for any sports event of importance taking place in the city of Yonkers.

Cipriani has earned many awards and honors throughout his distinguished career. Some of these include: The New York Daily News Photo Award, Yonker's Raceway Patrol Force Award, member of the Yonker's Columbus Day Committee, March of Dimes, Yonkers Captains, Heart Fund, Enrico Fermi Educational Foundation, Yonkers Safari, and the Yonkers City Council.

Mike Cohen, publicist, sports information chief for the NBC television network, and well-known public relations counsel, refers to Cipriani as "a great artist. You can tell his work without a signature. Nobody can equal the quality of Mike's pictures in racing. He's inventive, ahead of his time. He's lengths ahead of anyone else."

Michael and his wife Mary are the proud parents of one son, Ralph, a former member of the FBI, currently an attorney with a statewide reputation.●

TESTIMONY OF MARGARET E. MAHONEY, THE COMMONWEALTH FUND

HON. BILL GREEN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 20, 1983

● Mr. GREEN. Mr. Speaker, the Subcommittee on Oversight of the Committee on Ways and Means was fortunate in late June of this year to hear testimony by Miss Margaret E. Mahoney, president of the Commonwealth Fund located in New York City. Miss Mahoney's testimony, concerning the rules governing private foundations, should provide the public with a fine analysis of the issue which is presently before the subcommittee.

At this time, Mr. Speaker, I would like to insert the text of Miss Mahoney's testimony into the CONGRESSIONAL RECORD and I commend it to the attention of my colleagues:

TESTIMONY OF MARGARET E. MAHONEY, THE COMMONWEALTH FUND

My name is Margaret E. Mahoney. I am President of The Commonwealth Fund, a private foundation which was chartered in the State of New York in 1918. The Fund is located at One East 75th Street, New York City. At present it has assets of approximately $185 million and an annual budget of just under $12 million.

In this testimony, I will focus on the work of The Commonwealth Fund because I know it best, but I believe that its work is broadly representative of the work being carried out by many other foundations around the country. I shall conclude with a statement of support for the proposed legislation, H.R. 3043, designed to improve the regulation of private foundations.

I—THE COMMONWEALTH FUND

The Commonwealth Fund was originally established "to enhance the common good," and in all its activities the Fund retains a deep concern for people and the institutions that serve them.

The Fund's Board of Directors has defined the foundation's core mission to be encouraging more effective health care for all Americans. The Fund supports activities to achieve this goal across the country, but also places particular emphasis on programs and institutions in its own community, New York City.

The Fund's secondary mission is to promote good relations between the United States and the United Kingdom, Australia, and New Zealand through the Harkness Fellowship Program, which allows talented young people from these countries to pursue postgraduate studies in, and become acquainted with, the United States.

A History of Defining and Attacking Problems

Again and again in the last 65 years, the Fund has used the flexibility available to foundations to identify health care problems not receiving adequate attention and to support institutions and individuals with the interest and ability to devise solutions. For example, in the 1920's the Fund grappled with the then poorly recognized problem of juvenile delinquency, and this led to early and very influential support of services and training in child guidance. Model Fund programs in the 20's, 30's and 40's to provide health care to rural areas and to regionalize care were also far ahead of their times. The Fund has also supported the work of many distinguished medical researchers, including three Nobel Prize winners. As other sources of funding have developed for an important undertaking, the Fund has moved on to new activities where foundation support could make a difference.

Today's Challenges and Opportunities

At present, worries about our country's economy and the generally accepted belief that governmental expenditures cannot grow as in the past have created understandable pessimism about the outlook for further improvements in health care. This is a time when many may be too discouraged to search for creative responses to problems. But it is also a time when foundations can be particularly useful if they can show how, working with available resources, individuals and institutions can still pursue, evaluate, and adapt ways of making health care more effective.

The Fund's Present Program

Our present program takes this path. It is designed in part to help health care institutions adapt their missions, programs, and operations so they can continue to fulfill public responsibilities without risking financial disaster.

First, we pay special attention to the quality of health care and of life in general in New York City.

Secondly, and in the tradition of the Fund, we are applying our limited resources to certain carefully selected problems with social and medical implications that need attention: for example, problems of elderly people; of low-income families, especially those headed by women; of members of minorities who wish to work in the health professions; and of lifestyles that affect an individual's health, specifically alcoholism.

Thirdly, we are especially concerned with the nation's more than 100 academic health centers—those multi-institutional federations comprising a medical school, one or more teaching hospitals, and other related institutions. These essential centers educate physicians and other health professionals, advance medical knowledge through their research programs, provide highly specialized care unavailable elsewhere, and frequently fill the general medical care needs of people in their communities, which are often inner cities.

To be more specific about what we are doing in each of these three areas, I offer you the following thumbnail sketches of representative projects the Funding is now supporting.

New York City

Training volunteers to help elderly people continue to live at home: Volunteers are coordinating existing services for about 1,500 frail elderly people so they can avoid going into nursing homes; if this model proves ef-

fective it could be used in many other communities. $173,206, Laurence G. McFarland, Academy for Gerontological Education and Development, Bronx.

Improving the health and development of children through early preventive care: Harlem Hospital is providing community care for some 400 young pregnant women that includes both medical and educational services, and continuing care for their babies through the first year of life. $269,921, Margaret Heagarty, M.D., Harlem Hospital.

Long range planning for North General Hospital: The only voluntary hospital in the Harlem area, and the area's largest private employer, is developing a financial aid program plan crucial to its survival. $100,000, Eugene L. McCabe, North General Hospital, Harlem.

A prepaid medical system for the Bronx: Montefiore Medical Center is developing a medical care system for three financially stressed community health centers that, through prepayment for services, will allow the centers to make better use of resources and to continue serving some 12,000 Medicaid recipients and other poor people not covered by Medicaid. $232,634, Mo Katz, Montefiore Medical Center, Bronx.

Career explorations: For a second summer, a program for 200 minority high school students is providing paid summer employment, job training, and counseling under the mentorship of Black professional and business men and women; those completing the program are automatically accepted to Hunter College upon graduation. $150,000 annual budget, Donna E. Shalala, Hunter College and the Coalition of 100 Black Women, Bronx, Brooklyn, Manhattan, and Queens.

Counseling for alcoholics and their families: A city service is guiding alcoholics and their families on the best treatment. $10,000, Edmona L. Mansell, Freedom Institute, Inc., Manhattan.

Developing a children's zoo for Brooklyn: A new educational zoo for children is being designed to replace the present facilities in Prospect Park; when completed, the new zoo will serve an estimated 2 million visitors a year. $250,000, William Conway, New York Zoological Society, Brooklyn.

Health-Related Problems the Elderly

Research into the major cause of senile dementia: Researchers at Albert Einstein College of Medicine, New York City, The Johns Hopkins University, Baltimore, and Yale University, New Haven, are searching for the causes of Alzheimer's disease, a form of senile dementia that affects an estimated 1.25 million Americans and fills nursing homes with its victims. $250,000 to each of the institutions.

Directory of continuing care retirement communities: contracts to assure life-long residence for elderly people in a caring community began to appear in this country some fifteen years ago, largely encouraged by church groups; now close to 300 such communities exist, and interest in developing more is growing. This directory, to be updated annually, will inform those interested in living in such a community. $24,830, Erik Gjullin, American Association of Homes for the Aging, Washington, D.C.

Meeting the needs of the functionally dependent elderly: What are the options? This study is developing national strategies to deal with the problems of elderly Americans who are both physically frail and needy. $300,017, Karen Davis, Ph.D., The Johns Hopkins University, School of Hygiene and Public Health, Baltimore, Maryland.

Developing a social health maintenance organization for older Americans: This experimental program will meet the medical and other daily needs of about 4,000 elderly people, providing nursing home care if necessary, in exchange for an annual fee paid jointly by Medicare and the individual member. $175,000, William C. McMoran, Senior Care Action Network, Long Beach, California.

Toward the better diagnosis and treatment of urinary incontinence: A debilitating medical and social problem for millions of older Americans, incontinence is thought to be a major reason many older people enter nursing homes. This work will develop better diagnostic and treatment methods. $450,000, John W. Rowe, M.D., Harvard University, Cambridge, Massachusetts.

Medical Care for Low-Income Families

Examining the effects of medicaid and medicare financing and delivery innovations: This study is evaluating innovations in the states of Arizona, California, and New York to determine the effects of Medicaid and Medicare financing on aged, disabled, and poor people, and on the institutions that serve these groups. $325,000, Stuart H. Altman, Ph.D., Brandeis University Health Policy Consortium, Waltham, Massachusetts, three states listed above, and nationwide.

A prepaid medical care system for community health centers in Tennessee: An association of primary care centers is developing an experimental prepaid system of comprehensive health services for about 5,000 children and parents eligible for Medicaid served by 22 centers. $234,000, Jay Harrington, Tennessee Association of Primary Health Care Centers, Nashville, Tennessee and statewide.

Helping selected States make decisions about changing their medicaid programs: A team at Harvard University is working with public officials and hospital directors in California, Georgia, Massachusetts, Michigan, New York, and Texas to help them in controlling Medicaid expenditures and monitoring the consequences of these actions. $309,272. Penny H. Feldman, Ph.D., and Marc J. Roberts, Ph.D., Harvard University, Cambridge, Massachusetts and six states listed above.

Helping States restrain medical expenditures for nursing home care without harming quality or access: This study is examining how different Medicaid reimbursement methods affect nursing home care in California, Connecticut, Georgia, Illinois, Maryland, Massachusetts, New York, and West Virginia; results will be reported to policy planners. $345,637, John F. Holahan, Ph.D., The Urban Institute, Washington, D.C. and eight states listed above.

Children and Teenagers

Determining factors affecting economic independence and family stability for teenage mothers: Researchers at The University of Pennsylvania are interviewing 300 low-income women who were teenage mothers about fifteen years ago to determine which women have achieved economic independence for themselves and their children, what factors explain their success, and how this information might be used to help other teenage mothers. $375,000, Frank F. Furstenberg, Jr., Ph.D., University of Pennsylvania, Philadelphia, Pennsylvania.

Development of a community-based center for troubled adolescents: This center is providing education, job training, medical care and counseling for youngsters between the ages of 13 and 20 who might otherwise be placed in psychiatric hospitals far from home. $150,000, Marion Wright Edelman, Children's Defense Fund, Washington, D.C.

Project self-renewal: A group of Black professional women, with other professional and community groups, is designing a program in several cities to help Black teenage mothers and fathers obtain economic independence; the program will provide each young person with a role model/mentor and services such as school guidance, family planning and other health care, pediatric and day care, and job counseling, training, and placement. $550,000, Jewell J. McCabe, Coalition of 100 Black Women, New York City and several sites to be determined.

Minorities in the Health Professions

The general medical care needs of low-income blacks—are younger black physicians a major source of care?: This study is examining whether young Black physicians are continuing to provide, as their elders have, the majority of health care to low-income Black communities and, if not, what steps are necessary to ensure a steady supply of new physicians for these communities. $195,525, August G. Swanson, M.D. and Stephen N. Keith, M.D., Association of American Medical Colleges, Washington, D.C. and nationwide.

Developing careers in academic medicine and research: National Medical Fellowships, Inc. is administering a program aimed at guiding 100 academically gifted minority medical students toward careers in academic medicine and biomedical research, thus partly correcting the shortage of minority doctors in these professions. $260,000, Leon Johnson, Jr., National Medical Fellowships, Inc., New York and nationwide.

Alcoholism

Hospital outpatient treatment of alcoholism: The Bronx Municipal Hospital is testing a self-help approach to treating alcoholism in a large outpatient department of a major hospital; if successful, this less expensive and less disruptive approach could be used in similar facilities elsewhere, which nationwide now treat over 600,000 alcoholics a year. $202,904, Marc Galanter, M.D., Albert Einstein College of Medicine, Bronx, New York.

Comparison of treatment approaches used in industrial alcoholism programs: Researchers are determining which of three common approaches used by industry to treat alcoholism in workers—simple confrontation, outpatient treatment, or hospitalization—is more effective, with the cost factor included; the study is being carried out in cooperation with selected General Electric Company plants in Massachusetts. $405,000, Diana Chapman Walsh, Boston University Center for Industry and Health Care, Boston, Massachusetts and statewide.

Strengthening the skills of general physicians in the treatment of alcoholic patients: Harvard doctors are developing and testing programs to prepare general practitioners to better diagnose alcoholism in patients, particularly at the early stage, and to coordinate its treatment. $446,354, Thomas L. Delbanco, M.D., Harvard Medical Center, Boston, Massachusetts.

Can a law reduce traffic accidents in Maine caused by drunk driving? This study is determining what effect a new and very strict drunk driving law in Maine will have in reducing traffic deaths and injuries. $268,439, Ralph W. Hingson, Sc.D., Boston

University School of Public Health, Boston, Massachusetts and Maine.

Use of Medical Technology

Studies at Dartmouth Medical School, the Rand Corporation and the University of Rochester are seeking ways to guide doctors in the use of expensive procedures, encouraging proper use without compromising the quality of care. The Rochester study is paying special attention to severe problems of older people, specifically to the treatment of pneumonia and vascular disease. $330,000, John E. Wennberg, M.D., and Daniel F. Hanley, M.D., Dartmouth Medical School, Hanover, New Hampshire; $625,000, Robert H. Brook, M.D., The Rand Corporation, Santa Monica, California; $250,000, Paul F. Griner, M.D., University of Rochester Medical Center, Rochester, New York.

Academic Health Centers

Alternative strategies for urban health care and medical education at Downstate Medical Center: Downstate Medical Center, the only academic health center in Brooklyn and a major provider of health care services in that borough, is working out alternative strategies for redeveloping the center so it can better serve the community. $150,000, Donald J. Scherl, M.D., The State University of New York, Brooklyn, New York.

Better information for academic health center planning in New York City: Work to guide academic health centers in New York City in developing plans to make New York City an important world medical center. $379,398, Eli Ginzberg, Ph. D., Columbia University, Conservation of Human Resources, New York City.

Strengthening the management capabilities of Meharry Medical College/faculty development at Meharry Medical College: Meharry's concerted effort to improve its management strengths and its academic program is supported by one Fund grant to fill important management positions and develop better financial and management information systems, and a second to provide a fully endowed faculty chair. $300,000, Richard G. Lester, M.D.; $1,000,000 over five years, David Satcher, M.D., Ph.D., Meharry Medical College, Nashville, Tennessee.

Developing a comprehensive system of publicly supported health care services for mothers and children in Iowa: The University of Iowa is developing a statewide plan to assure health care for pregnant women, new mothers, and children with rare diseases. The university is the major provider of care to women and children in the state, managing most government funds for these services, and is thus in a central position to carry out such a plan. $70,000, Samuel Levy, Ph. D. and John W. Colloton, the University of Iowa Hospitals and Clinics, Iowa City, Iowa.

Collaborative effort to develop a better medical care system for patients covered by medicaid: Eight teaching hospitals in Boston are forming, with neighborhood health centers, a private, nonprofit corporation to contract with the Commonwealth of Massachusetts to provide all Medicaid-financed services to 75,000 women and children for a predetermined, annual, all-inclusive fee, thus containing costs without denying or reducing coverage. $300,000, Jerome H. Grossman, M.D., New England Medical Center, Boston, Massachusetts.

I hope this brief account of current work supported by the Commonwealth Fund gives adequate evidence of the breadth and variety of people, institutions, and activities that foundations like the Fund support. These grants illustrate the deep commitment of the Commonwealth Fund, and other foundations, to invest our funds so as to bring about marked improvements in the way institutions and organizations function and in the lives of the people affected by them.

The Commonwealth Fund and other foundations have accomplished what they have over time largely because of the flexibility they have been accorded in meeting the changing needs of a dynamic society. The importance of this flexibility is reflected in my following remarks on the proposed legislation H.R. 3043, a bill revising the regulation of private foundations.

II—PROPOSED LEGISLATION TO CHANGE REGULATION OF PRIVATE FOUNDATIONS

I believe that H.R. 3043, which has been introduced by Congressman Barber Conable, addresses a number of problems that have hampered private foundations since the 1969 tax reform legislation and therefore deserves support. In brief, the proposed legislation would:

Encourage the establishment of new foundations and the giving during the donor's lifetime of gifts to existing foundations by making lifetime gifts to foundations deductible on the same basis as gifts to other charities. Income tax deduction rules for gifts to private foundations are now less favorable than rules governing gifts to other charities. The reasons for making these rules more restrictive have been removed by subsequent legislation, while the rules continue to contribute to a decline in the formation of new foundations and in lifetime giving to existing private foundations.

Clarify and simplify certain regulations that, as now formulated, place an onerous administrative burden on foundations and limit their flexibility to respond to need. Under the new legislation foundations would be more able to make effective small grants on short notice—for example, to newly organized community progarms.

Mr. Chairman, as I indicated earlier in this testimony, foundations are working today in a complex environment. It is not a climate of expansion, but one of general refinement; and it is not a time in which funding will grow rapidly, but a time to seek more effective ways to use existing resources. However, it is a time when foundations can play a particularly important role in stimulating the exchange of ideas and in searching our fresh approaches that may encourage others in this uncertain climate. The Commonwealth Fund's efforts today reflect the desire to help in the discovery of what works best while further testing yet better ways to do things.

The Fund has issued an annual report each year since its first year of operation, which was 1918-19. We also issue brochures about our various activities, and make available to anyone interested all reports to the Board of Directors on program proposals. It is also a policy of the Fund to seek co-funding for projects where possible.

I submit the evidence above with the strong belief that foundations are a principal part of the private sector of this country. This country is unique in its commitment to private philanthropy for the public good. It is a heritage that should be treasured by us all. But honoring such a heritage does not preclude keeping a watchful eye over the performance of foundations, and the hearings seem an appropriate step to me to review present activities of, as well as unneeded restrictions on, foundations.●

CHILD SUPPORT: A FORMULA WITH NO FUNDS

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 20, 1983

● Mr. FLORIO. Mr. Speaker, the administration's economic policies continue to impose hardships on millions of Americans, especially women.

Today, American women are confronted with a barrage of economic adversity, including unemployment, pay discrimination, and occupational segregation from high wage jobs. Not only on the job, but in pension rights, property settlements, and other areas are women being deprived of any economic security. Current projections suggest by the year 2000, almost all the U.S. poor will be female—primarily single mothers and elderly widows.

Considering these projections, I urge my colleagues to examine the administration's proposal to cut child support programs by 20 percent. While the President has proposed to expand efforts of collection on delinquent payments from fathers who have left their families, no additional funding has been proposed to implement the processes.

A recent census report found that 8.4 million women nationwide had custody of their children, yet less than half receive child support. In addition, to those entitled to payments, only 47 percent receive the full amount of $40 while 28 percent of the mothers receive no child support at all.

When fathers do not pay, their families usually end up on welfare, supported by the taxpayer.

The sources for collecting child support payments from fathers are there. They can come from his wages or income tax returns. Expanding the child support collection enforcement program is fine, but without money the program just will not work.

Mr. Speaker, I submit the following article for my colleagues' review.

[From the (Cherry Hill, NJ.) Courier Post]

PRESIDENT'S CHILD-SUPPORT GESTURE TO WOMEN MAY BE AN EMPTY ONE

(By Jane Bryant Quinn)

In what was trumpeted as a major victory for women, the Reagan administraton agreed to reconsider its budget cuts in a small but vital program: collecting unpaid child support from fathers who have ducked out on their families.

Some victory.

Formerly, the federal government paid 75 percent of the cost of collaring deadbeats dads, while the states paid 25 percent. This year the federal share dropped to 70 percent, and would have dropped to an average of 55 percent next year. Instead—in a friendly salute to women—the administration kindly offered to hold the drop to 60 percent, down 10 percent from the present guarantee.

The President also proposed expanding the collection efforts—which is what makes headlines. But he doesn't propose to spend more money to make stepped-up collections possible.

A recent census report found that 8.4 million women nationwide had custody of their children in 1981, yet fewer than half of them had been awarded child support. Of those entitled to payments, only 47 percent received the full amount—an average of $40 a week. Another 25 percent got partial payments; 28 percent got nothing at all. The disinclination of many men to help support their children is one of the reasons that more women are falling into poverty.

For bleeding hearts, the growing feminization of poverty is of deep social and humanitarian concern. But it's also important to people who only bleed in the pocketbook. When dads don't pay, their families often end up on public welfare, supported by the taxpayers at large.

The states all have programs to try to collect child-support payments from delinquent fathers if the mother is on welfare. Some also help women who are not on welfare.

Automatic child-support collection is increasingly used if the father is within reach. Child support may be withheld from his wages, his income-tax returns and in some cases from his unemployment benefits.

When a family is on welfare, any child-support money collected from the father is used to reimburse the state and federal treasuries. The money collected for a non-welfare mother goes directly to her, for the benefit of the children. In recent years, Washington has been discouraging child-support collections for non-welfare mothers, because government didn't get anything back for its efforts. The idea has been to use the program for the benefit of the federal treasury, not for the benefit of women and children.

Among several bills now before the House Ways and Means Committee, the major one is the administration's new proposal brought forth in good part through the efforts of Republican women politicians.

The administration now proposes to pay bonuses to the states for improving collections for both welfare and non-welfare mothers—the bonuses making up for the cut in guaranteed funding. It may also seize the federal tax refunds of delinquent fathers of non-welfare families—a change in attitude welcomed by state directors of child-support enforcement.

But Dan Copeland, head of the State Directors Association, worries about the cut in guaranteed funding. State legislators may be willing to replace lost federal money, but many child-support programs depend on county budgets for support. "When the county commissioners see a cut in the federal guarantee, they respond by reducing their own efforts," he says.

Extending the child-support enforcement program to cover more non-welfare mothers is fine, but it's a hollow gesture if Reagan doesn't provide any money to do the job.●

THE "NEW FEDERALISM"

HON. RICHARD L. OTTINGER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 20, 1983

● Mr. OTTINGER. Mr. Speaker, in recent months we have seen a number of articles and studies on the impact of Reaganomics and the so-called New Federalism. I think it is vitally important that we in Congress be fully aware of the results of these Reagan policies on the people of this country. I would like to recommend to my colleagues, a paper written by my son, Larry, a recent graduate of the University of California at Berkeley.

After carefully evaluating the Reagan proposals, this paper concludes that under New Federalism, many State and local governments would reduce or end support for domestic programs, especially those for low income and disadvanataged persons. Viewed in terms of the administration's broader economic program and ideology, the New Federalism seems to be part of a move to shift national priorities and resources from social programs to military programs, for the poor to the rich, and from the public sector generally to the private sector.

The introduction and a description of the New Federalism ideology follows:

THE "NEW FEDERALISM"

(By Lawrence S. Ottinger)

In his State of the Union Address of January 26, 1982, President Ronald Reagan introduced a proposal for a "New Federalism" that would eliminate the federal government's involvement in a panoply of domestic programs. Specifically, the administration's proposal aims at abolishing the federal grant-in-aid system in which the national government presently provides funding with varying degrees of guidelines for state and locally implemented programs in health, education, welfare, transportation, and other areas. This system for providing federal aid to states and localities grew tremendously during the 1960's as part of the Johnson administration's Great Society initiatives.

The Reagan administration's proposal continues a recent conservative trend to undo the federal grant-in-aid system. This trend began with the Nixon administration's original "New Federalism" which passed into law block grant and revenue sharing programs designed to significantly lessen federal guidelines attached to federal funds. The Reagan administration's "New Federalism" would go much further by eliminating federal funding and federal guidelines for many domestic programs.

The Reagan administration claims that these domestic programs and the needs they address would not be harmed by doing away with federal involvement. Rather, they claim, complete state responsibility for these programs would make them more efficient and effective, while also enhancing decentralized decision-making and local autonomy. At the same time, being freed from involvement in these domestic affairs, the federal government would be able to concentrate its energy and resources on its primary responsibility to national defense and foreign policy.

This paper will evaluate the Reagan administration's proposal in terms of its likely impact on the programs it would completely return to the states. It will also examine the basis for and implications of the proposal's ideological foundations.

It is the contention of this paper that under the "New Federalism" proposal, many state and local governments would reduce or end support for domestic programs, especially those for low income and disadvantaged persons. Without federal funds and political directives, many states and localities would be unable or unwilling to maintain these programs and the needs they address. The "New Federalism" would exacerbate current regional, interstate, and intrastate disparities in provision of these basic public services.

Under the guise of decentralization and local autonomy, the Reagan administration's proposal would reverse the historical development of a national commitment to human welfare and public infrastructure needs. Viewed in terms of the administration's broader economic program and ideology, the "New Federalism" seems to be part of a move to shift national priorities and resources from social programs to military programs, from the poor to the rich, and from the public sector generally to the private sector.

"NEW FEDERALISM" PROPOSAL

The major aspects of the "New Federalism" proposal are outlined in a White House fact sheet released the night of the President's speech.[1]

The proposal is separated into two main components. The first involves an "equal swap" [2] between the states and the federal government of the major public assistance programs for the poor and disadvantaged. The federal government would assume total financial responsibility for Medicaid, while the states would assume complete responsibility for Aid for Families with Dependent Children and Food Stamps, which together are often referred to simply as "welfare."

Currently, the federal government has a large role in providing public assistance to the poor. It totally finances Food Stamps and through the grant-in-aid system it matches state contributions to AFDC and Medicaid.

The second component in broad outline involves the following: Over an eight year transition period, the federal government would eliminate its involvement in forty state and local domestic programs totaling $30.2 billion. During this same period, the federal government would phase out its collection of certain excise taxes worth $28 billion allowing the states to then raise revenues through this base.

The states would not have to maintain support for any of the programs after the eight years. They could use revenues from the excise taxes they collect for any purpose. The administration's figures indicate that taken together the states would have enough revenues to support these programs if they chose to do so.

The programs being "turned back" under this second component fall generally under two categories: public assistance programs for poor and disadvantaged persons and public infrastructure programs. The former include Social, Health, and Nutrition Services and Low Income Home Energy Assistance. Along with AFDC and Food Stamps, then, the states would have most of the responsibility for programs aimed at providing a minimum standard of the basic human needs. The latter includes Community Development and Facilities, Local Transportation, and Education and Training programs. These public infrastructure programs provide for the basic facilities and services upon which communities, states and the country

depend. The states would also take responsibility for Occupational Safety Assistance from the federal government.

The excise tax base that would be given to the states to compensate for these increased programmatic responsibilities include taxes on the following: gasoline, tobacco, alcohol, telephone service, and oil. Of the $28 billion the federal government collected from these excise taxes, the oil windfall profit tax provided the largest revenue by far at $16.7 billion.

Taken as a whole package, the administration's figures indicate that the states would take on $50 billion in new programmatic responsibilities that they could make up, if they desire, through excise taxes, Medicaid savings, and increased efficiency.

THE IDEOLOGY

Conservative ideology since the Nixon administration has been very consistent in its attacks on the federal grant-in-aid system, blaming the federal government for taking on too much power and responsibility for program areas that would be handled more effectively and efficiently if left completely to state and local governments. This ideology claims that decentralization of federal responsibilities along the lines of the "New Federalism" proposal would enhance citizen participation in politics, state and local autonomy, and government accountability.

Federal v. State Responsibilities: The Clean Separation

The Reagan administration justifies the "New Federalism's" complete elimination of federal involvement in education, welfare, and the other domestic areas through ideological appeals to classical federalism and eighteenth century America.

The classical definition of federalism states that "the general and regional governments are each, within a sphere, coordinate and independent." [3] By "largely abolishing" the federal grant-in-aid system with its sharing of responsibility between the levels of government, the "New Federalism" would effect a clean separation of programmatic duties. As a result, each level of government would have "independent program responsibilities, independent finances, and full and mutual sovereignty." [4]

In broad terms, the administration seeks a clean separation of program responsibilities along the following lines: The federal government takes care of national defense and foreign policy, while state and local governments take care of most domestic affairs. In his speech, President Reagan hearkened back to the "constitutional balance envisioned by the Founding Fathers" [5] between the federal government and the states. At the time, national defense was indeed the major concern of the newly formed federal government, and each state acted as an autonomous whole in domestic political, economic, and social concerns.

Human welfare and public infrastructure programs would fall under domestic affairs that should be handled completely by the states. In attacking the federal "intrusion" into these domestic concerns, the President quoted a Democratic Governor as saying, "The national Government should be worrying about arms control not potholes." [6]

Needs Addressed More Efficiently and Effectively by States.

Without federal interference, the states would provide for human welfare and public infrastructure needs more efficiently and effectively. Because state and local governments are closer to the problem, they also are closer to the solution. In reference to returning AFDC and Food Stamps completely to the states, the President said:

This will make welfare less costly and more responsive to genuine need because it will be designed and administered closer to the grass roots and the people it serves.[7]

Federal guidelines attached to federal funding only serve to "bind the hands of state and local officials." [8] The federal government fails in providing initiatives because it is too far removed from the particular circumstances. Former President Nixon explains why state and local officials would address these needs better without federal involvement.

Decisions about the development of a local community should reflect local preferences and meet local needs. No group of remote Federal officials—however talented and sincere—can effectively tailor each local program to the wide variety of local conditions which exists in this highly diversified land.[9]

Promotes Democratic Decentralization

After a third of a century of power flowing from the people and the States to Washington it is time for a New Federalism in which power, funds, and responsibility will flow from Washington to the States and to the people.[10]

Former President Nixon thus introduced the original "New Federalism" in front of a national TV audience in 1969. Conservative ideology since then has consistently claimed that the federal role in domestic programs has harmed possibilities for decentralized decision-making and state and local autonomy. Though the federal grant-in-aid system and the Great Society programs of the 1960's are their immediate targets, the roots of their attacks go back to the New Deal programs of the 1930's and the development of the welfare state.

By decentralizing program responsibilities and access to the excise taxes, the "New Federalism" would give the states complete autonomy in handling the turned back domestic concerns. By accomplishing a complete separation of programmatic duties, state and local officials would be completely accountable for any failure to meet these needs. Citizens could not be given the runaround that results from sharing responsibilities between the different levels of government. Thus, President Reagan introduced his "New Federalism" as a proposal that would make government "again the servant of the people." [11]

NOTES

[1] The proposal has been modified since then. It most likely will not reach Congress for a vote by 1984. The original proposal has been chosen as it most clearly indicates the administration's programmatic vision.

[2] "Transcript of the State of the Union Address," New York Times, 27 Jan. 1982, sec. A, p. 16.

[3] Michael D. Reagan and John G. Sanzone, "The New Federalism" (Oxford: Oxford University Press, 1981), p. 7.

[4] "The President's Federalism Initiative: Basic Framework," (Washington, D.C.: White House, 26 Jan. 1982), p. 17.

[5] "Transcript of the State of the Union Address," New York Times, 27 Jan. 1982, sec. A, p. 16.

[6] Ibid., sec. A, p. 16.

[7] Ibid., sec. A, p. 16.

[8] "Background and Status Report on Federalism Initiative," (Washington, D.C.: White House, 13 July 1982), p. 1.

[9] Paul R. Dommel and Associates, "Decentralizing Urban Policy: Case Studies in Community Development," (Washington, D.C.: The Brookings Institution, 1982), p. 25.

[10] Ibid., p. 17.

[11] "Transcript of the State of the Union Address," New York Times, 27 Jan. 1982, sec. A, p. 16.●

SINGLE EMPLOYER PENSION PLAN AMENDMENTS ACT OF 1983

HON. JOHN N. ERLENBORN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 20, 1983

● Mr. ERLENBORN. Mr. Speaker, today I am joining with our colleague, Mr. CLAY, chairman of the Subcommittee on Labor-Management Relations, in introducing legislation which is needed to help assure the solvency and long-term self-financing nature of the single employer pension plan termination insurance program under title IV of ERISA.

The provisions of the proposed legislation, as described in detail in my colleague's statement, can be seen to represent a modification of the bill which Senator DON NICKLES and I introduced in the 97th Congress. While the new bill contains a number of changes in order to accommodate suggestions made by the various interested parties in hearings over the past several years, the bill by no means can be said to be perfect, nor can it be. As I stated during the debate leading to the enactment of ERISA, the termination insurance program under title IV could only lead to ever escalating costs and, in an effort to contain perceived abuses, ever more restrictive and burdensome regulation of the businesses and plans providing the pension benefits. In line with the inevitable and my earlier warnings, the proposed legislation contains a number of provisions to control costs and continue the self-financing nature of the single employer termination insurance program. While I support the basic thrust of the legislation, the bill contains some provisions which are over-reaching, such as certain restrictions placed on an employer's ability to terminate a single employer plan in a collective-bargaining situation, and will have to be modified if the consensus which is necessary to enact this legislation into law is to be achieved.

Comments and suggestions for change are sought from all affected parties, and in the interest of moving toward an early markup of the legislation, hearings by the Subcommittee on Labor-Management Relations have been tentatively scheduled to be held on September 28, 1983.

While requiring additional refinement, the proposed legislation does contain the kernel of recommendations made by the Pension Benefit Guaranty Corporation which have been generally supported by an outside panel of experts and several generations of PBGC advisory committees.

First, in order to amortize the single employer program deficit currently estimated at $384 million, and to help

keep it from growing to unsupportable levels in the future, the single employer termination insurance premium is increased from $2.60 to $6 per capita.

Second, in order to discourage employers having low net-worth from terminating their underfunded plans and transferring their debts to the other employers supporting the system, the conditions under which a plan is allowed to terminate are tightened up to require that the employer and its control group demonstrate a significant "distress" situation such that without relief the continued viability of the employer and its control group would be threatened. Employers would still be allowed to freeze the accrued benefits under their plans under a standard termination, but the bill would require them to continue to fund their plans until all nonforfeitable benefits have been satisfied.

Third, the law is changed to make contributing sponsors and members of their controlled group liable for up to 5 years—or up to 10 years in select situations involving very large transactions—in the event that the plans for which they were formerly obligated terminate. These provisions are intended to address the situation under present law which allows a controlled group of corporations to spin off a subsidiary and its related pensions liabilities thus removing the controlled group from the reach of the PBGC, in the event the subsidiary terminates its plan. In other cases, the liability to the PBGC can be increased dramatically when a company sells its assets and transfers its pension liabilities to a buyer which is financially weaker than the seller. The proposed legislation contains a number of exceptions to the contingent liability provisions which provide safe harbors in connection with transactions which do not present undue risk to the single employer termination insurance program or its premium payers.

Fourth, in order to protect the PBGC against antiselection the bill contains a provision which gives a plan a lien in the amount of any funding waiver obtained by the plan sponsor prior to plan termination.

Additionally, in order to discourage the termination of underfunded pension plans by ongoing employers, the amount for which an ongoing employer is liable to the PBGC is increased above the present law 30 percent of net worth cap to include a 10-year 10 percent of pretax profits provision. An additional penalty equal to 5 percent of pretax profits for up to 10 years would be payable to a termination trust providing for payment of nonforfeitable benefits above the current level of PBGC guarantees. By discouraging the termination of underfunded pension plans the bill would reduce the administrative costs of the title IV program. Administrative costs would also be reduced under the proposed legislation by streamlining the procedure for closing out fully funded plans. Since the passage of ERISA, almost 98 percent of all terminated plans have been found to be sufficient. PBGC costs in connection with the termination of such plans would be reduced by allowing plan administrators and enrolled actuaries to certify to the PBGC as to their sufficiency.

These changes represent a major restructuring in the single employer termination insurance program under title IV. Their early enactment is necessary in order to protect the financial stability of the program and to avoid the curtailment of benefit guarantees in the future which will become necessary if the changes are not made. With this in mind I encourage all affected parties to limit their demands and provide our committee with suggestions for change which will make the program more workable and viable over the long term.●

TRIBUTE TO HON. JAMES H. QUILLEN

HON. JOHN J. DUNCAN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 20, 1983

● Mr. DUNCAN. Mr. Speaker, the friends and alumni of Washington College Academy will gather this Friday to pay tribute to our colleague, Congressman JAMES H. (JIMMY) QUILLEN. The occasion will mark the establishment of the Quillen Scholarship Fund at the Academy, the oldest institution of learning west of the Alleghenies. This tribute is an indication of the love felt for JIMMY QUILLEN by the people of the First District of Tennessee. Having worked with him throughout my congressional service, and appeared with him in east Tennessee, I have seen the affection and admiration given to Congressman QUILLEN.

As the following biography shows, it is his hard work and drive which have earned JIMMY this respect. I am certainly proud to be his neighbor and colleague. He has worked as hard in the Congress as he did as a boy in Kingsport, struggling to finish high school. These efforts have been paid off with the love of the First District. I believe the following biography will give an insight of the character and determination of this man.

CONGRESSMAN QUILLEN: HIS STORY

Congressman James H. Quillen is a man who had to struggle for his education. It was a struggle he hasn't forgotten, even though his life's successes long ago eclipsed darker days.

Finishing high school at all was no small challenge for Quillen during the depression-marked days of the mid-1930's. Quillen was born in Southwest Virginia, and the family moved to nearby Kingsport, Tennessee, when he was a child. The young Quillen picked up odd jobs in town, and he worked for free at the local newspaper. It was the latter that he hoped to make his career.

While working his way through Dobyns-Bennett High School, Quillen made $3 a week by cooking and serving breakfast in a restaurant before classes each day. The job meant he had to rise at 3:30 a.m. and walk three miles to work. On Saturdays, he worked in a grocery store till midnight.

In school, he wrote plays and poetry and earned straight A's.

In 1934, he received his diploma and took the first job he was offered—carrying a paste pail in the bindery of Kingsport Press for 25 cents an hour.

He had been offered an appointment to the United States Military Academy at West Point, but felt he couldn't afford to take the opportunity. So, he stayed with the paste pail, 10 hours a day, six days a week.

Then one day his boss asked him to go to a Rotary Club meeting with him and participate in a debate with the latest debate champion from Dobyns-Bennett High School. Quillen won that debate—and a boost in his self-confidence. Feeling that maybe he could do better than the paste pail, he went back to the newspaper and asked for a paying job—this time selling advertising.

He wrote some news stories on the side, and eventually rose to the lofty salary of $21 a week. Finally, at the age of 20, Jimmy Quillen's long-felt ambition took flight. With $42 in his pocket (two weeks' pay), he started his own newspaper.

He wrote his own copy, sold his own advertising, hand-delivered all the bills, collected the payments, kept the books—and made a profit. In the next three years, he sold the Kingsport newspaper, and started another in neighboring Johnson City. He volunteered for the Navy after Pearl Harbor, and finally made it to college—Dartmouth, for a brief indoctrination. He continued publication of his newspaper until he received orders to go overseas, served as an officer on a carrier in the Pacific, and started to learn first-hand about the difficulties of operating a business from halfway around the world.

After his discharge in 1946, he came home. Instinct for identifying the public's desires told him there would be a great demand for new houses. In the post-war era, GI's had come back to the states with the GI Bill in hand, and it looked like supply wouldn't be able to keep up with demand. He bought a couple of lots down the street from the family home, dug the footings himself, and soon sold his first two houses.

Two led to four, four to eight, and eventually the idea of insuring the homes as well as building them. From 1948 to 1954, the businesses seemed to take on a life of their own—so much so that by election time in 1954, Jimmy Quillen was in need of a new challenge.

Friends had been urging him for weeks to run for a seat in the Tennessee legislature. He finally consented to run, but lost the election—at least he thought he did. He had gone to bed election night after hearing a radio report saying he had missed the seat by 67 votes. It wasn't until the next morning that he saw the truth on a newspaper headline: "Quillen Wins By 67 Votes."

Jimmy Quillen has been winning ever since—four terms in the State Legislature, and eleven in the U.S. Congress.

The early struggle to finish high school was worth it—just as Jimmy Quillen always knew it would be.●

RESOLUTION—CALLING FOR RESTORATION OF DEMOCRACY IN CHILE

HON. TED WEISS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 20, 1983

● Mr. WEISS. Mr. Speaker, last Thursday, September 15, I introduced legislation with seven Members of the House as original cosponsors calling upon the U.S. Government to continue to deny military assistance and to deny all future nonhumanitarian economic assistance to Chile until that country returns to democracy.

Joining us in introducing the same resolution in the U.S. Senate were Senators EDWARD KENNEDY, ALAN CRANSTON, and CHRISTOPHER DODD.

The recent upsurge of political protests and the swift and brutal response of the Pinochet regime should prove to the world and to the Reagan administration that little has changed in the past 10 years in Chile. Human rights are still being violated, political imprisonments continue, and torture is still a common practice as a means of intimidating the Chilean people into silence.

But the massive public demonstrations of the past 2 months show that the spirit of freedom and democracy still cries out among the Chilean people.

It is the spirit of the 25,000 Chileans killed, and 100,000 imprisoned, detained, and tortured by Chilean security forces in the first few weeks following the September 1973 coup.

It is the spirit of Victor Jara, the gifted Chilean folksinger and songwriter. Imprisoned in Santiago's National Stadium along with thousands of other Chileans just after the 1973 coup, Jara was brutally beaten by Chilean security forces who used rifle butts to crush his fingers and break his hands. Jara, although his hands had been destroyed, led the crowds of prisoners in singing the national anthem, whereupon he and countless others in the stadium were gunned down.

It is this sprit that defies the administration's conciliatory approach toward Chile.

It is this spirit which shows the world that it is Pinochet's Chile which should serve as the textbook case of a repressive society.

I urge my colleagues to join me and the original cosponsors of this resolution, Mr. BONIOR, Mr. EDWARDS of California, Mr. HARKIN, Mr. MARKEY, Mr. MILLER of California, Mr. MOAKLEY, Mr. BARNES, and Mrs. SCHNEIDER, to affirm this spirit of freedom of the Chilean people by calling upon Chile to return to democracy.

A copy of the resolution follows:

RESOLUTION CALLING FOR THE RESTORATION OF DEMOCRACY IN CHILE

Whereas September 11, 1983, marked the tenth anniversary of the establishment of military rule in Chile;

Whereas on September 11, 1973, a military coup led by General Augusto Pinochet overthrew the constitutionally elected government of Salvador Allende and brought about the collapse of democratic institutions in Chile;

Whereas in the months following the September 1973 coup, up to 25,000 Chileans were killed by the regime of the President Pinochet;

Whereas in the four days of demonstrations from September 8 to 11, 1983, fifteen Chileans have been reported as killed and over 550 arrested, and between June and September 1983 at least 40 persons were killed by the Chilean Air Forces Forces during public demonstrations of opposition to the regime of Augusto Pinochet;

Whereas during the same four month period, thousands more have been arrested in massive round-ups in working class neighborhoods in Chile;

Whereas the Pinochet regime, in response to the nationwide protests of June 14, 1983, targeted Chile's labor movement in particular, as shown by the dismissal of 31 union leaders and 799 copper workers from CODELCO, the imprisonment of 15 labor leaders by late June, and the arrest of 5 directors of the Coordinadora Nacional Sindical in the first week of July;

Whereas the Government of Augusto Pinochet has been linked by United States investigators to acts of terrorism and assassination in Argentina, Italy, and the United States, and was found "legally culpable" by a United States Federal District Court judge for the September 21, 1976, murders of former Chilean Ambassador Orlando Letelier and Ronni Karpen Moffitt;

Whereas only a fraction of the over 11,000 Chileans exiled by the Pinochet regime since the 1973 coup have been allowed to return to their country;

Whereas the present Chilean constitution grants executive authority to General Augusto Pinochet until 1989 and allows for delays in popular elections until 1998;

Whereas Amnesty International has noted that in recent years there has been a marked deterioration in the human rights situation in Chile, demonstrated by a consistent pattern of arbitrary detention, political imprisonment and killings, and systematic torture; and

Whereas Amnesty International, the International Commission of Jurists, the United Nations Human Rights Commission Ad Hoc Working Group of Chile, the United Nations General Assembly, and the Organization of American States Commission on Human Rights have stated that the regime of Augusto Pinochet has violated basic human rights and political freedoms in Chile since the military coup of 1973 in that country; Now, therefore, be it

Resolved, That until Chile returns to its long tradition of democratic procedures and institutions—

(1) the United States should continue to deny any and all military assistance directly or indirectly to the government of Augusto Pinochet;

(2) the United States should also deny all economic assistance to the government of Chile, including Export-Import Bank and Commodity Credit Corporation guarantees and loans; and

(3) as mandated under section 701(f) of the International Financial Institutions Act of 1977, the United States should oppose all loans and grants to the government of Chile by international financial institutions such as the Inter-American Development Bank, the International Bank for Reconstruction and Development, and the International Development Association, unless such assistance is directed specifically to programs which serve the basic human needs of the people.●

INTRODUCTION OF MULTINATIONAL FORCE IN LEBANON RESOLUTION

HON. CLEMENT J. ZABLOCKI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 20, 1982

● Mr. ZABLOCKI. Mr. Speaker, the recent increasingly dangerous situation in Lebanon has raised serious questions in this Nation and among many Members of Congress as to the precise role of the U.S. Marines in the multinational force, and how that role fits into overall U.S. policy in Lebanon and the Middle East. The death of four U.S. Marines and the wounding of 27 others and the resulting clear applicability of section 4(a)(1) of the war powers resolution to the Lebanese situation demand action by the Congress.

From the outset of the U.S. force deployment in August 1982 it has been my consistent position that those troops have been introduced into hostilities or into a situation where imminent involvement in hostilities is clearly indicated by the circumstances, thus triggering section 4(a)(1) of the war powers resolution. As Members know, once the President files a report to Congress under section 4(a)(1)—and only section 4(a)(1)—U.S. troops must be removed within 60–90 days unless Congress authorizes their continued presence.

It has been my hope, expressed in both letters to the President and public statements, that, in the collective, cooperative spirit envisioned by the war powers resolution, the President would have filed a section 4(a)(1) report to afford Congress an opportunity to exercise its judgment on this crucial matter.

Fortunately, the war powers resolution was crafted to enable Congress, as well as the President, to determine when a section 4(a)(1) report should be submitted. Acting on that basis, I am today introducing a joint resolution stating that the section 4(a)(1) reporting requirement became operative on August 29, 1983, and authorizing

the continued presence of U.S. Marines in Lebanon, as required by section 5(b) of the war powers resolution.

My decision to introduce this joint resolution is not based in any way on partisan considerations. Rather, I have done so with the conviction that the future course of action in Lebanon must be one decided by the President and the Congress. The war powers resolution was designed to be and is the best legislative vehicle for making that collective decision in a responsible manner.

I have decided to provide for continued authorization of U.S. Marines in Lebanon because I believe that it is necessary and desirable. With appropriate safeguards for their protection, and a firm understanding of their role in a clearly defined U.S. policy toward Lebanon, this authorization will greatly advance U.S. foreign policy objectives in the Middle East. For that very reason I am confident that a majority of the Members of Congress will support this joint resolution.

The resolution I am introducing is not an authorization for open-ended U.S. military involvement in Lebanon. Nor does it hamstring the President's ability to carry out an effective foreign policy. It has a balance of flexibility and control which includes the following:

A congressional finding that U.S. Armed Forces have been introduced into hostilities requiring congressional authorization and a congressional determination that section 4(a)(1) of the war powers resolution became operative on August 29, 1983;

A limitation on the functions of U.S. Armed Forces in accordance with the September 25, 1982 international agreement between the United States and Lebanon, except that this shall not preclude such protective measures as may be necessary to insure the safety of the multinational force in Lebanon. That agreement limits the Marine contingent to the Beirut area, places a ceiling of 1,200 on that force and allows for self-defense;

A semiannual reporting requirement on the status, scope, and duration of hostilities involving U.S. forces, the activities and present composition of the multinational force, the results of efforts to reduce and eventually eliminate the force, how continued U.S. participation in the force is advancing U.S. foreign policy interests in the Middle East, and what progress has occurred toward national political reconciliation among all Lebanese groups;

A declaration by the Congress that other countries should continue to participate in the multinational force, that the United States should promote continuing discussions to bring about the withdrawal of all foreign troops from Lebanon, and that the United States should discuss with the Security Council of the United Nations, on an annual basis, the replacement of the multinational force by a UN peacekeeping force;

A stipulation that U.S. participation in the multinational force will cease at the end of an 18-month period (unless the Congress extends such authorization) and that such authorization shall terminate sooner if all foreign forces are withdrawn from Lebanon (unless the President determines and certifies to the Congress that continued U.S. Armed Forces participation is required after such foreign forces withdraw up to the end of the 18-month period in order to establish Lebanese Government control of the Beirut area), or when the United Nations or the Government of Lebanon is able to assume the responsibilities of the force or upon the implementation of other effective security arrangements in the area;

Provides that nothing in the resolution precludes either the President or the Congress from directing the withdrawal of U.S. forces in Lebanon and that the resolution does not modify, limit, or supercede any provision of the war powers resolution or the requirement in the Lebanon Emergency Assistance Act of 1983 for congressional authorization of any substantial expansion in the number or role of U.S. Armed Forces in Lebanon.

Mr. Speaker, I am well aware there is great concern over the extension of the U.S. military presence for a period of up to 18 months. That concern must be weighed against the likely alternative of not providing such an extension.

The alternative is withdrawal. And the likely consequences of withdrawal are so detrimental as to make that alternative totally unacceptable.

First, U.S. withdrawal from the multinational force will most certainly lead to French and Italian withdrawal and the collapse of the force. Second, the collapse of the force will lead to complete anarchy, the likely disintegration of the Lebanese central government and, for all practical purposes, the end of Lebanon as a country for the foreseeable future. Third, with the political disappearance of Lebanon, the prospects for the achievement of a comprehensive peace in the Middle East, the primary U.S. foreign policy objective in the region, will have been effectively foreclosed.

In addition to these vital considerations, there are three other sound and valid reasons why the 18-month period was chosen. These reasons are:

1. Eighteen months is likely to be long enough to prevent Syria from questioning United States resolve to maintain troops in Lebanon and wait out the Marine presence and instead force it to negotiate in earnest for a comprehensive settlement in Lebanon.

2. This length of time will carry the authorization for troop involvement past the 1984 elections, thus insulating the U.S. participation from partisan wrangling and election-year politics.

3. The next administration will have an opportunity to review the situation without time pressure. Continuity will also be demonstrated since the U.S. Marine presence will remain over the course of two different administrations.

I am pleased to say that this joint resolution was crafted with the active and direct participation of the House leadership. I urge my colleagues to support this joint resolution as one that is in keeping with U.S. foreign policy interests and constitutionally mandated congressional prerogatives.●

STRENGTHENED EXPORT CONTROLS IN THE WAKE OF KAL 007

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 20, 1983

● Mr. PHILIP M. CRANE. Mr. Speaker, on September 16, 1983, the Republican study committee, of which I am chairman, held hearings on the Soviet destruction of Korean Air Lines flight No. 007. My colleagues and I were fortunate to have as witnesses at the hearing, the following persons:

Hon. Fred Ikle, Undersecretary of Defense for Public Policy;

Hon. Lawrence Brady, Assistant Secretary of Commerce for Trade Administration;

Dr. Ray Cline, of the Georgetown Center for Strategic and International Studies;

Mr. John Fisher, president, American Security Council;

Dr. Miles Costick president, Institute on Strategic Trade;

Mr. Burton Pines, vice president, the Heritage Foundation;

Mr. Paul D. Kamenar, the Washington Legal Foundation;

Capt. Thomas Ashwood, vice president, Air Line Pilots Association; and

Dr. Kyo Ryoon Jhin, representing the League of Korean Americans, who was accompanied by Mr. Hong An, executive director of the League of Korean Americans.

The witnesses proved to be an excellent selection. They were extremely knowledgeable and articulate. They provided an enlightening and sometimes moving explanation of what happened over Sakhalin Island 2 weeks before, why it happened, what the Soviet crime means to the United States and what the United States should do about it.

My colleagues and I, who were present at the hearings, want to share with Members some of the information we were fortunate to receive. I am entering into the RECORD the written

statement of Assistant Secretary Lawrence J. Brady:

I am pleased and honored to have the opportunity to appear at today's special hearing on what an appropriate U.S. response should be to the shooting down of KAL flight 007.

I am honored because I owe a personal debt of gratitude to Congressman Larry McDonald. Back in 1979, when I was forced to resign my post at the Commerce Department, Congressman McDonald was the first member of the House Armed Services Committee to step forward to ask for a full accounting of my charges that NATO security was being needlessly jeopardized by improvident technology transfers to the communist world.

Thanks to his crucial support, the Subcommittee on Investigations began a series of hearings which revealed for the first time in many years the true military costs of trading with potential adversaries. The hearings established a record which convinced Congress that same year to pass legislation strengthening considerably the export control system.

Congressman McDonald proved to be an effective and forceful advocate of strengthened controls, and he impressed me as a true patriot, a man who always put loyalty to country ahead of personal ambition or gain. Thanks in great part to his efforts, the new Administration was able to make major gains in placing our trade relations with the Warsaw Pact nations on a more sensible footing.

Congressman McDonald was a stern critic of the notion we should seek to enmesh ourselves in a "web of economic interdependence" with sworn adversaries. He believed our generosity in transferring tens of billions of dollars of credits and advanced technology would be repaid mainly with the coin of aggression—not with hard currency.

He believed the Soviets would take our most advanced equipment and manufacturing techniques, purchased ostensibly for civilian purposes, and apply them whenever feasible to modernizing Warsaw Pact weapons systems so as to tilt the balance of power against the West.

He believed the Soviets would utilize their relationships with the international business community primarily to lull the Free World into a false sense of security so that we would continue to expand our trade even while Soviet and Soviet-proxy troops threaten our vital interests in Central America, the Middle East, Southeast and Southwest Asia, and across the breadth of Africa.

He knew it was wrong to assume that an economically more powerful U.S.S.R. would come automatically to accept our values, our belief in the free enterprise system, and our commitment to individual liberties.

The shooting down of an unarmed civilian airliner shows just how little the Soviets have absorbed our standards, while they profit from our trade. The recent tragedy forces us to search for an appropriate response.

President Reagan was quick to speak out forcefully in strong condemnation of this terrible deed. He appealed immediately to the allies to join us in a measured range of sanctions in the area of civil aviation which have commanded broad international support.

He also pledged the U.S. would redouble its efforts to control the flow of strategic and military sensitive technologies to the U.S.S.R.

I can think of no finer tribute to Congressman McDonald than to intensify efforts to stem the hemorrhaging of our strategic technology which boosts the Warsaw Pact's warmaking capabilities. To this end the President is determined to achieve concrete results in our ongoing discussions with the allies concerning the security dimensions of East-West trade policy.

A top priority is assigned to our COCOM list review. Not only will many advanced technologies be added to the control list, we are also requesting a substantial upgrading of the COCOM secretariat. We are prepared to do whatever it takes to insure that COCOM has the resources to get the job done.

We seek our allies' support for new controls on oil and gas technology equipment vitally needed by the Soviets for their crash energy development program, as well as for some military purposes. We presented the U.S. control proposal to the allies in June and will be holding a bilateral round of discussions with them in October, preparatory to a special meeting of COCOM this January in Paris.

We have achieved substantial results in eliminating preferential credit terms of the U.S.S.R. The allies agreed to move the U.S.S.R. into a "developed country" category, insuring that official credits can be offered only at rates offered to other industrialized nations. The United States, of course, has furnished no official credits to the U.S.S.R. since the Jackson-Vanik amendment was adopted in 1974. This move means the Soviets, formerly charged rates at 7-8 percent, have since July of last year been forced to pay 12.5 percent.

In addition, through discussions in the International Energy Agency, the allies have agreed to avoid energy dependence on potentially unstable sources of supply and to accelerate the development of Western energy alternatives to Soviet natural gas. Our intent is to preclude expansion of the Siberia-West Europe natural gas pipeline network to more than a single export strand. If we are able to develop cost-competitive alternative sources of supply, the Soviets will be deprived of their only major opportunity to improve a bleak hard currency earnings picture. Soviet hard currency earnings could be diminished by as much as twenty-five percent beginning in the early 1990's as a result of our policy.

In short, the Soviets are paying a price for internal repression and external aggression, a price that will go far higher if they cannot learn to live at peace in the civilized community of nations. Through their outrageous acts—the invasion of Afghanistan, the destruction of human rights at home, the imposition of martial law in Poland, and the commission of this latest outrage against humanity—the U.S.S.R. has forced the West to react with a series of defense and economic measures which demonstrate our unwillingness to accept this conduct.

To complement our East-West trade work program with the allies, the Administration has submitted to Congress legislation extending the Export Administration Act which provides the President adequate authority to impose effective national security and foreign policy controls.

The President must retain this authority if our contributions to the Warsaw Pact's military buildup are to be limited, or if he is to have the ability to apply new economic sanctions against the Soviets or their surrogates.

There are voices in Congress who would strip away the President's power here, just as they would tie his hands in responding militarily to any foreign challenge. These voices of isolationism would have the President and the country stand virtually powerless before the forces of aggression, incapable of using military or non-military instruments of diplomacy. They actually seem to believe that the world will be a safer place only when the democratic nations forswear any forceful or meaningful measures of reaction. We clearly cannot allow such voices to prevail.

For this reason, the Administration needs your support in the weeks ahead as Congress begins work on the Export Administration Act, in order to convince the American people and our allies that we are determined to shoulder the responsibilities before us.

From 1969 to 1979 our policies in administering the EAA were liberalized dramatically to facilitate the expansion of East-West trade. As a result, during the so-called era of detente, the Warsaw Pact's military infrastructure received a direct injection of our advanced computers, machine tools, and manufacturing systems.

In 1979, following the revelations about military production at the giant Kama River truck plant, Congress took some initial steps to place a national security emphasis back in the program.

Unfortunately, this year the progress so painfully achieved could be undone. There are proposals before Congress which, if enacted into law, could have serious adverse national security and foreign policy consequences.

These new proposals could weaken the controls system to the point where the worst licensing abuses of the past would be replicated on a far larger scale. Unlike the 1970's, however, when the alliance had a more favorable conventional and nuclear military posture with respect to the Warsaw Pact and thus could better tolerate the West-East leakage of strategic technology, today there are real questions whether Free World defense budgets can absorb the costs of compensating for capabilities we have bestowed on our adversaries. In other words, technology flows to the Warsaw Pact may shift the military balance against us at the margins in ways which cannot be offset by increased defense expenditures on our part. This certainly is certainly not a happy scenario for defense planners.

Let me now take just a moment to discuss the most troublesome provisions in the bill reported from the House Foreign Affairs Committee.

ELIMINATION OF COCOM LICENSING

The House Committee bill significantly weakens our enforcement program and our discussions with the allies on coordination of policy by eliminating certain licensing requirements for exports to COCOM countries, which consist of the NATO countries minus Iceland plus Japan. It states that a validated license can only be required for exports to certain end-users rather than the country as a whole. This eliminates the "paper trail" needed for effective enforcement and is administratively infeasible. Commerce would be required to identify and publish a list of foreign proscribed end-users. Having to establish the legitimacy of all potential end-users in advance and against the whole spectrum of controlled items would divert resources, be of limited effectiveness and generate controversy over the "blacklisting" of companies. Furthermore, virtually all other COCOM countries

have licensing requirements for transfers among themselves. At the very time the United States is seeking to harmonize the licensing procedures within COCOM, we should not be asked to take a unilateral step away from harmonization because of this provision.

MANDATORY ELIMINATION OF UNILATERAL CONTROLS

The bill also requires that militarily sensitive technology and equipment which has been approved for export to a country group for a one-year period must be decontrolled completely, unless Commerce is able to prove that a particular end-user should not receive such exports.

This provision raises many of the same problems with respect to national security and administrative effectiveness as the elimination of COCOM licensing. It would require compiling a list of proscribed end-users within that country group. More importantly, there would be no way administratively to assure that a product decontrolled for one country group would not be diverted to another country group for which controls on that product continue to apply. We would also lose the ability in particular transactions to monitor end-users and end-uses in decontrolled country groups, increasing the chances that Soviet "front" companies would be able to illegally obtain military technology. The effectiveness of the licensing system would therefore be severely undercut.

FOREIGN AVAILABILITY PROVISIONS WEAKEN MULTILATERAL CONTROLS

The use of the foreign availability rationale in the Committee bill to decontrol strategic technologies and equipment would also have a very adverse impact on our licensing program. The bill states that negotiations must be conducted to eliminate the availability from foreign sources of items controlled for national security purposes; if the availability is not eliminated within six months the item must be decontrolled.

We agree that fair enforcement of controls requires multilateral cooperation, and we are committed to making every effort to eliminate foreign availability. Requiring negotiations to do this is entirely appropriate. But mandating that national security controls on such items be lifted if foreign availability is not eliminated within six months could have serious ramifications. We might, as a consequence, be required to unilaterally decontrol items on the COCOM control list which are available from other foreign sources even if our negotiations to control the items have not been completed. This would damage our position in COCOM. In addition, although we appreciate the concern that U.S. businesses should not be precluded from selling their products overseas if foreign competitors are not similarly restricted, our discretion to maintain U.S. controls on sensitive items under certain circumstances should not be eliminated.

EXTRATERRITORIAL AUTHORITY MUST BE RETAINED

Finally, the bill removes the President's authority to impose foreign policy export controls extraterritorially without prior approval of Congress. This provision undermines the President's ability to conduct U.S. foreign policy. For example, it severely limits the effectiveness of antiterrorist foreign policy controls which require extraterritorial application of U.S. laws to be effective. Additionally, the provision could be read to eliminate re-export controls as well. Controls on re-exports are necessary to ensure that our export controls are not circumvented by shipments through third countries. Re-export controls must be maintained if our controls are to achieve their intended purpose.

In conclusion, I again want to emphasize the important contributions Congress can make in working with the Administration to advance our broad strategic trade goals. I also would like to commend the Republican Steering Committee for holding this hearing, and I wish you every success in your endeavors.●

HE KEPT US OUT OF PEACE

HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 20, 1983

● Mr. JACOBS. Mr. Speaker, here is a letter I received from Mr. Judson F. Haggerty of Indianapolis, Ind. It seems fortunate that he and Mark Twain were able to get together at this critical time when the administration seems so prone to compel history to repeat itself. Our country should go to war when we have to, not just when we have a chance to.

HAGGERTY & HAGGERTY,
ATTORNEYS AT LAW,
Indianapolis, Ind., August 1, 1983.

Congressman ANDREW JACOBS, Jr.,
House Office Building,
Washington, D.C.

DEAR ANDY: I have come up with Reagan's campaign slogan for '84—"He Kept Us Out of Peace." This latest foolishness in Central America reminds us of Mark Twain's warning:

"The loud little handful—as usual—will shout for the war. The pulpit will—warily and cautiously—object—at first; the great, big, dull bulk of the nation will rub its sleepy eyes and try to make out why there should be a war, and will say, earnestly and indignantly, "It is unjust and dishonorable, and there is no necessity for it." Then the handful will shout louder. A few fair men on the other side will argue and reason against the war with speech and pen, and at first will have a hearing and be applauded; but it will not last long; those others will out shout them, and presently the anti-war audiences will thin out and lose popularity. Before long you will see this curious thing: the speakers stoned from the platform, and free speech strangled by hordes of furious men who in their secret hearts are still at one with those stoned speakers—as earlier—but do not dare to say so. And now the whole nation—pulpit and all—will take up the war-cry, and shout itself hoarse, and mob any honest man who ventures to open his mouth; and presently such mouths will cease to open. Next the statesmen will invent cheap lies, putting the blame upon the nation that is attacked, and every man will be glad of those conscience-soothing falsities, and will diligently study them, and refuse to examine any refutations of them; and thus he will by and by convince himself that the war is just, and will thank God for the better sleep he enjoys after this process of grotesque self-deception."

Yours very truly,

JUDSON F. HAGGERTY.●

BOAT REFUGEES' HORRORS

HON. STEPHEN J. SOLARZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 20, 1983

● Mr. SOLARZ. Mr. Speaker, I would like to bring to the attention of my colleagues the following article by Roger Winter which recently appeared in the New York Times regarding piracy in the Gulf of Thailand.

Brutal atrocities, including murder, rape, kidnaping, and robbery, continue to be inflicted upon innocent refugees fleeing from Indochina in search of freedom by boat. In the first 3 months of 1983, 53 percent of the boats arriving in Thailand were attacked—on an average of 2½ times each.

Some progress has been achieved in curbing these criminal attacks, but the level of brutality remains intolerable. I agree with Mr. Winter's conclusion that "the world community can do much better." I commend Mr. Winter and the United States Committee for Refugees, which he directs, for the leadership and humanitarian concern which led them to recently send a delegation to Southeast Asia to study what could be done to protect these innocent refugees.

BOAT REFUGEES' HORRORS

(By Roger P. Winter)

WASHINGTON.—The flow of Vietnamese boat refugees has fallen sharply since 1979, yet there remains a steady leakage across the Gulf of Thailand and the South China Sea of those who have experienced or fear repression by Vietnamese authorities. Today's refugees face the same dangers as their predecessors; rough seas and unseaworthy boats; Vietnamese Navy patrols; and, in some cases, an inhospitable welcome on the receiving shores. But these dangers pale next to the horror of pirate attacks. The pirates are not of the swashbuckling variety, but rather common thugs and murderers on the high seas.

More than two-thirds of all Vietnamese refugee boats that land in Thailand and Malaysia are attacked by pirates, most more than once. "Attack" in a term that covers a multitude of atrocities. Theft of whatever valuables the refugees have brought with them is universal. Frequently the attackers also steal the boat's motor or otherwise disable the craft, causing enormous suffering and loss of life. However, violence is the most vicious of all.

On May 6, for example, a boat carrying 31 Vietnamese refugees was attacked twice by Thai pirates. Twelve of the refugees were knifed or clubbed to death and thrown overboard. Three young women were abducted; the possibility that they survived is minimal. Twelve more people drowned when the refugee boat sank while being towed by the pirates. Only four men survived. In this incident it is not known whether rapes occurred. The normal pattern, however, is for young women to be repeatedly raped, sometimes dozens of times. If abducted, they and any young children with them are usually thrown overboard; a few are sold into prostitution.

Of the scores of boat refugees I interviewed recently as part of a United States Committee for Refugees team in Thailand and Malaysia, only one traveled on a boat that was not attacked during the journey. In every case, the pirates were Thai. In most cases the pirates were armed, but in almost no cases were the refugees armed. Sometimes, the pirates appeared to be common fishermen opportunistically attacking a vulnerable target.

Many boat people do not live to tell their stories. Those who do are carefully debriefed by United Nations authorities. What emerges is a picture of mayhem on the high seas involving unarmed refugees that is, I believe, unequaled anywhere in the world.

No one disputes the evidence—not the Thai Government, the United Nations or the United States Government. But no one stops the attacks.

The Thai Government operates a small, marginally effective antipiracy program in the Gulf of Thailand. The $3.6 million used in this effort last year was provided by a dozen nations, the United States being the largest donor.

The Thai Navy uses decoy boats, spotter planes and fast patrol boats to cover an area of 18,000 square miles. With only one unit of each type on daily patrol and many attacks occurring outside the project area, the deterrent effect, while perceptible, is minimal. A team of experts in marine patrol and interdiction recently analyzed the Thai effort and made recommendations to the United Nations High Commissioner for Refugees. At the prompting of Representative Stephen Solarz, Democrat of New York, Congress has appropriated $5 million to contribute to this and related efforts, rightly recognizing that these refugees are "our" people—individuals who have suffered for their identification with the United States and South Vietnam during the Vietnam War.

Of the hundreds of refugees we interviewed, almost all indicated that they knew from Voice of America broadcasts or other sources that pirate attacks should be expected. They also knew it was possible, if they landed in Thailand, that they would be interned for a period of years without hope of resettlement by Thai authorities seeking to eliminate the flow of boat refugees. We asked everyone, if, having emerged from the trauma of attack and impending internment, they would again attempt to flee Vietnam. In every case but one they answered with a clear yes. The one exception was a woman who had watched her 15-year-old daughter raped and abducted, probably never to be seen again. To her, the cost of freedom had been too high.

For refugees, the cost of freedom is always high. But all of us must agree that pirate attacks exact an inhuman price. Regardless of politics, the entire world has a vested interest in stamping out ruthless violence. It is intolerable for the civilized world to allow or to ignore such violence against refugees or any other peaceable people.

The world community can do much better.●

ALIEN: YURIY ANDROPOV

HON. JACK FIELDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 20, 1983

● Mr. FIELDS. Mr. Speaker, when Yuriy Andropov ascended to the general secretaryship of the Communist Party of the Soviet Union last year, and subsequently became President of the U.S.S.R., the Western media was quickly engulfing the free world with false portraits of Mr. Andropov. If one were gullible enough to believe the reports and feature articles, one would have accepted Yuriy Andropov as a kind, tolerant, gentle, likeable connoisseur of Western literature and jazz music.

Fortunately a number of articles and books have recently been coming into print which present a more realistic look at Mr. Andropov and teach something about Soviet society and the power processes at work inside the party leadership. Two such books are "Andropov: New Challenge to the West" (by Beichman and Bernstam) and "The Russian Version of the Second World War" (edited by Graham Lyons), both of which are reviewed in fall, 1983 issue of the Heritage Foundation's Policy Review.

Mr. Speaker, the reviews follow:

ALIEN

(By Stephen Haseler)

Andropov: New Challenge to the West, by Arnold Beichman and Mikhail S. Bernstam (New York: Stein and Day Publishers).

The Russian Version of the Second World War, edited by Graham Lyons (New York: Facts on File Publications).

It was inevitable that much of the Western media, together with the remnants of the Western foreign policy establishments, would attempt to portray a new boss in the Eastern bloc both as a force for stability and as a Communist with a human face. Yuri Vladimirovich Andropov, who ascended to the general secretaryship of the Communist Party of the Soviet Union (CPSU) on November 15, 1982, and subsequently became president of the U.S.S.R., was simply the beneficiary of a Western need. Whoever had won the tussle to succeed Brezhnev would have been accorded the same lenient treatment.

Pleasant characteristics—a certain liberality, a measure of tolerance, a lack of fanaticism, and the like—would have been attributed to party leaders like Viktor Grishin, Vladimir Dolgikh, Mikhail Gorbachev, or Mr. Andropov's most serious rival for the post, Konstantin Chernenko. Even Mr. Andropov's predecessors at the head of the Soviet security apparatus—the odious Genrikh Yagoda and the repugnant Lavrenti Beria—had they been born later and succeeded to the top (rather than being executed), would have lived to see the gentler side of their natures paraded before Western eyes.

A world both hungering for stability and fearing war quite naturally wants to believe the best of the man placed in authority over the globe's most powerful military machine. And the trivial and often gullible media give people what they want. Also, there is present in the aftermath of any Kremlin succession, when public attention is focused directly though fleetingly upon the rulers of the Soviet regime, a generalized tendency to contain the popular anti-Communist sentiment in the West that might take hold if the record of the new leader were properly scrutinized.

BEHIND THE MASK

Consequently, the KGB disinformation network hardly had to work overtime on Yuri Andropov's image. An impression of a man of Western tastes who like American jazz—and for a separate generation the tango as well—emerged quite smoothly. The man of intellect and wide sympathies was easy to sell and package.

There was, quite naturally, something of a minor reaction to all of this among highbrow conservative circles within the West, but the initial image flickers on, and some seven months after the event a correspondent for the New York Times can refer to Mr. Andropov, without a shred of evidence or the use of named sources, as "said by his associates to be more cosmopolitan than his predecessors."

In this environment it is refreshing to be able to turn to the first serious account of Mr. Andropov's background to appear in book form. Andropov: New Challenge to the West is a political biography of the new Soviet chief. Mr. Beichman and Mr. Bernstam have produced a scholarly yet timely account of the rise and rise of the office clerk from Stavropol; and in so doing they provide the reader with intriguing glances not only into Mr. Andropov's background and character but also into the nature of the Soviet elite, its system of recruitment, its patterns of rewards and punishments, and the sheer ruthlessness, brutality, and luck needed to survive and prosper within it.

Mr. Andropov worked his way through the Komsomol (the Russian Communist youth organization) and at the age of 23 was working directly under the section of the NKVD (a predecessor of the KGB) that oversaw the Volga construction project and directed the slave labor that built it. During this period the future Soviet chief with liberal tastes evidently worked closely with two of the worst Stalinoid apparatchiks, Yacob Rappoport and Sergei Zhuk, both referred to in some detail in the second volume of Solzhenitsyn's Gulag Archipelago. Mr. Beichman and Mr. Bernstam argue that having worked closely with these two was "like having worked for Heinrich Himmler and Adolph Eichmann, in the later Nazi period." And Mr. Andropov was promoted. Later, at age 26, we see him leading, according to the biography, "a team sent to terrorize the population of the newly established Karelo-Finnish Republic."

Mr. Beichman and Mr. Bernstam develop a portrait of the young Mr. Andropov that is, to say the least, unsavory. Their Mr. Andropov is at home in the Stalinesque world of slave labor and terror, a guileful operator in the lower reaches of the Communist system, a Komsomol opportunist carefully developing contacts with patrons in the party in Moscow and in the NKVD. The biographers tell us little about the personal life of the aspiring Mr. Andropov—indeed there is hardly anything known about it—but an investigation into this area would be fruitful, for the new Soviet chief, the man of Western tastes and liberal outlook, hardly derived such human sensibility from his official life.

ONE OF THE GANG

One particularly intriguing aspect of Mr. Andropov's rise from local and regional "politics" to the center of events is revealed in this readable biography. Mr. Andropov was evidently a junior member of what Mr. Beichman and Mr. Bernstam discern and describe as a brotherhood within the Communist party, a "loosely organized hierarchical group within the party, one with its own rules, its own traditions and aspirations, a Marxist-Leninist brotherhood of power and strategy." This group included such figures as Mikhail Suslov, Brezhnev, Nikolai Patolichev (Mr. Andropov's patron), Frol Kozlov, and Boris Ponomarev. After the Second World War this brotherhood began to take up key positions in the party apparatus, and in 1952 they began preparing, with Stalin, a new wave of terror and another party purge. But the brotherhood evidently received a serious setback after Stalin's death. The coalition of Georgi Malenkov, Beria, and Khrushchev, and then the emergence of Khrushchev, virtually exiled Mr. Andropov from the outer ring of power, and he was on his way to the Budapest embassy.

The biographers suggest, however, that the brotherhood succeeded in making a comeback as Khrushchev's power waned, and that the key figure was the austere Suslov, who was able to place his client Mr. Andropov into a seat in the party secretariat following the Cuban missile crisis. By 1967, with Brezhnev and Suslov and Mr. Ponomarev increasing their reach and power, the brotherhood was able to secure for Mr. Andropov both a candidate membership in the Politburo and the control of the KGB.

The authors argue that the gang around Suslov, a coterie in which Mr. Andropov was playing an ever-increasing role, was never at home with the destalinization process attempted in the fifties, and that the Khrushchev period was, in the words of a key sentence in the book, "in the nature of a long transition between Stalin and the Brezhnev-Suslov coalition." The brotherhood also disliked the party line, still in force years after Khrushchev's ouster, that no reference should be made in public to the NKVD, Stalin's instrument for mass terror. Yuri Andropov, obviously hiding his liberal tastes, became so frustrated with this state of affairs that he made an extraordinary speech as early as 1967 that, in effect, resurrected the reputation of the NKVD.

MILLENARIAN PSYCHOPATHS

Here was the newly installed KGB chief showing his real colors and speaking for a gang that saw clearly that Communist party power rested securely upon "state security organs"—the NKVD, the NKGB, the MGB, and their present version, the KGB—from day one of the takeover in 1917.

Mr. Beichman and Mr. Bernstam have not only set out to put before their readers a detailed biographical sketch of Yuri Andropov; obviously, they are also attempting a much larger task: to weaken or destroy the Western intelligentsia's fatal attraction to the notion that Soviet leaders are the same kind of species of political being as our own politicians and that they are understandable in Western terms. Robert Conquest, in an introduction to the political biography, argues, "There are those in the West who would simply have us ignore the historical and psychological background of men like Andropov. They would pay no attention to the fact that he and those like him are the products of a history quite alien to our own and are the exemplars of a political psychology of a type hardly seen in the West outside small sects of millenarian psychopaths."

For those who remain, after reading this powerful book, unconvinced about Mr. Conquest's thesis that "them" and "us" are utterly different and distinct, I can recommend an intriguing little book entitled "The Russian Version of the Second World War," edited by Graham Lyons. In his book, published in 1976, Mr. Lyons has compiled an account of the Second World War as seen through the eyes of Soviet authors of Russian schoolbooks. Naturally, things being what they are, these schoolbooks amount to the official history of the war according to the Soviet party. They are deeply instructive.

Any Soviet, or indeed Russian, interpretation of the events of the Second World War is bound to be distinct from those prevalent in the West. Among normal states this is certainly the case: The American view presented in the schools no doubt differs significantly from that of the British, and the British from that of the French. As a young Englishman, I was brought up to believe that we British virtually won the war singlehandedly, that the Americans came in late, at the last moment as usual, that the French let us down in 1940, and so forth.

These impressions were culled from schoolbooks, from home life, and from movies. However, these simplistic and distorted notions did not last long as I, together no doubt with my generation in other democratic countries, gained access to other points of view, read more scholarly interpretations, and traveled. There was certainly no official view of the Second World War imposed upon me, and there was also a good deal of plain old anti-British sentiment in many of the schoolbooks. Just as American schoolchildren today are instructed in the wickedness of the American war in Vietnam, so were British schoolchildren told about the evils of the British Empire.

These points need to be borne in mind when one reads *The Russian Version.* It is not actually the Russian version; it is rather the Soviet Communist party version, a point strangely omitted by the editor. Furthermore, it is the only version available to any Soviet citizen.

THE FRATERNAL SOVIET FAMILY

But the main interest in this small book lies in some of the breathtaking assertions made by Yuri Andropov's KGB as it helped prepare and approve this history. Let us take the official account of the Nazi-Soviet pact, which is called, interestingly, the Soviet-German Non-Aggression Pact. It is argued that the Soviets were right to sign because the pact "enabled the Soviet Union to avoid war on two fronts and to gain time to strengthen the country's defenses." Evidently, "the Soviet government realized that Hitler had not given up his plans for war against the Soviet Union, and his proposal was a routine manoeuvre of the Facist leadership."

Following the pact, "The Nazis could not be allowed to reach the Soviet border . . . This is why in pursuance of its liberation mission the Soviet Army marched into the Western Ukraine and West Byelorussia, where it was enthusiastically welcomed by the population." Then, "Throughout October 1939, democratic elections were held in the newly liberated areas to people's assemblies. Acting on the will of the people, these assemblies proclaimed Soviet power and requested the Supreme Soviet to admit Western Ukraine and Western Byelorussia in the fraternal family of Soviet nations. The Supreme Soviet complied."

The Soviet invasion of Finland, described as "armed conflict with Finland," is treated in the following way: "The Soviet state was faced with the acute problem of further strengthening its security, in particular on the frontier with Finland . . . At the end of November 1939, artillery fire directed in provocation against our territory from the Finnish side forced the Soviet government to take retaliatory measures. Thus Finnish reactionary forces, incited by Fascist Germany and the other imperialist powers, unleashed war against the Soviet Union."

The incorporation of the Baltic states into the Soviet system is dealt with in the following way: "The German invasion of Poland also added to the danger of a Nazi attack upon the Soviet Unon from the Baltic shore . . . There was the danger that they [the Baltic states] would become German vassal states . . . In view of this the Soviet government approached the Baltic governments with the offer of mutual assistance treaties. The Soviet proposals were met favorably by the peoples of these countries, and their Governments gave their consent . . . The treaties fortified the defenses of the Soviet Union and the Baltic republics."

One is tempted, even in the medium of a review, simply to reproduce quote after quote from "The Russian Version," and without comment. Soviet "historians" can rightly argue that it was the Soviet Union that bore the brunt of the fighting and the horrow, and there is now a preponderance of Western opinion that would agree with them. But the sheer Orwellian doublespeak and the "big lie" technique that infuse this Russian version on so many other fronts take the whole issue beyond rational argument.

The madness of it all is that the Soviet historians who wrote this version may even believe in it. Can Robert Conquest be gainsayed when he argues that men like Yuri Andropov are "products of a history quite alien to our own"?

(Stephen Haseler is a visiting professor at Georgetown University and a visiting fellow at the Ethics and Public Policy Center. His most recent book is The Tragedy of Labor, published by Blackwell's of Oxford.)●

SINGLE-EMPLOYER PENSION PLAN AMENDMENTS ACT OF 1983

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 20, 1983

● Mr. CLAY. Mr. Speaker, today my distinguished colleague from Illinois, Mr. ERLENBORN, and I are introducing the Single-Employer Pension Plan Amendments Act of 1983, which amends the Employee Retirement Income Security Act of 1974 (ERISA) and makes conforming changes in the Internal Revenue Code of 1954. The bill is urgently needed to put the Pension Benefit Guarantee Corporation (PBGC), the agency which insures that workers get their private pensions when their companies are in financial difficulty, back on a sound financial footing.

The bill would strengthen the PBGC program in two significant ways: by raising the insurance premium for single-employer plans from the current $2.60 per year per plan participant to $6 and by restructuring the single-employer insurance program to limit access to PBGC assistance only to those cases in which workers' pensions are jeopardized because their employers are in genuine financial difficulty. No changes to the multiemployer insurance system are made by this bill.

Over a year ago, the administration asked Congress to approve the single-employer premium increase but the business community strongly objected to the increase unless the system was reformed. At the request of Congressman ERLENBORN, the former chairman of the Subcommittee on Labor-Management Relations, Phillip Burton, agreed to defer action on the premium increase request until the necessary reforms were developed and could be enacted at the same time.

Few dispute the need for reform. The problem is deciding what type of reform is necessary and how to balance the conflicting interests of providing strong Federal controls to assure the least possible risk to the PBGC insurance system while at the same time permitting private sector business decisionmaking processes to proceed undisturbed. For at least 3 years, representatives of big and small business, organized labor, and the administration have been struggling to reconcile these competing interests and produce a reform package that all could support. Although they are very close to achieving consensus, a handful of outstanding issues remain.

Because Congressman ERLENBORN and I are committed to assuring both the premium increase and reform measures are enacted this year, we recently instructed the subcommittee staff to prepare a bill addressing to the greatest extent possible the concerns of all parties and identifying for us the issues which remain unresolved.

We are most concerned that 3 years have passed and no one has been willing or able to make the hard choices which are necessary to forge consensus. As elected policymakers, the Members of Congress have a responsibility to undertake that task when the private parties are unable to agree. And that is what we have done in this bill.

While I believe this is a good bill, I have no illusions that it meets all the objectives of all the parties who have been working hard on this issue for so many years. If each of us could write with a clean slate, none of us would pen this precise bill. But the longer we delay making these essential changes, the greater the financial pressures on the insurance system.

We invite the administration and the single-employer pension community as a whole to work with us to refine this bill. We have identified particular areas of concern in the summary which follows. We intend to work quickly. Enough time has gone by and the problems are well-known. The Subcommittee on Labor-Management Relations will hold a hearing on this bill on September 28, 1983, in room 2261 of the Rayburn House Office Building at 10 a.m. Shortly thereafter the subcommittee will mark up the bill. We urge all affected parties to share their comments and suggestions with us as soon as possible so that, working together, we may enact this urgently needed legislation this year.

SUMMARY OF THE SINGLE-EMPLOYER PENSION PLAN AMENDMENTS ACT OF 1983

GENERAL POLICY OBJECTIVES

The overall policy objectives of the bill are to encourage the maintenance and growth of single-employer defined benefit plans while at the same time increasing the likelihood that workers receive their promised pension benefits, to assure that unfunded pension liabilities are transferred onto the termination insurance system only in cases of severe business hardship, and to put the termination insurance system back on a fiscally sound basis by raising the single-employer plan premium and tightening the rules governing both access to the insurance system and liability upon plan termination.

DEFINITIONS

For purposes of clarity and consistency, key terms used throughout the bill and ERISA itself are defined in section 102 of the bill. Among those terms are contributing sponsor, employer, and controlled group.

PREMIUMS

Effective for plan years beginning after December 31, 1982, the single-employer pension plan termination insurance premium will be $6.00 per participant per year. A special payment rule is provided for plans which may have made their payments to PBGC for this year at the time the bill is enacted. In addition, the process by which Congress may adopt any future premium increases is changed from a concurrent to a joint resolution procedure. Finally, the Congressional Research Service (CRS) is directed to study the premiums established for single-employer plans under Title IV of ERISA and report to Congress any legislative or operational recommendations for change not later than two years after date of enactment of the bill. CRS will be assisted in its study by an Advisory Council consisting of individuals expert in these matters representing single-employer plan sponsors, employee organizations and the general public (Section 103).

TERMINATIONS BY PLAN ADMINISTRATORS

Sections 104 through 106 of the bill provide the framework for single-employer plan terminations initiated by the plan administrator. Plans may terminate only under a "standard termination" (new section 4041(b) set out in section 105) or under a "distress termination" (new section 4041(c) set out in section 106).

The general rules which apply to both a standard and distress termination are in new section 4041(a)(Section 104) and require prior notice and other preconditions to termination in the case of certain collectively bargained plans in which coverage of participants is specifically bargained and embodied in collective bargaining agreements or plan documents.

A. Standard termination

This type of termination is available to all contributing sponsors regardless of financial condition and does not require PBGC approval. Certain procedural requirements must be met, however, and certain obligations to employees may not be abrogated. Under a standard termination, future benefit accruals cease but additional service beyond the termination date must be counted for vesting and eligibility purposes. This is generally a codification of the current practice permitted by the Internal Revenue Service (the so-called "shallow freeze"). Cessation of benefit accruals outside of a standard termination will no longer be permitted.

Subsequent to a standard termination, contributing sponsors and members or their controlled groups will be required to fund the plan under the normal funding rules until the plan is fully funded. Full accrued benefits would continue to be paid after a standard termination. Faster funding would be required if the plan did not have enough money to pay benefits when due.

A plan could only close out its affairs when it had sufficient assets to discharge all vested liabilities. This is consistent with the overall policy goal of the bill to increase the likelihood that participants receive their full promised and earned benefits.

Procedurally, plan administrators must notify PBGC, participants, and employee representatives that the termination will take place on a proposed date. The notice of PBGC must contain certain actuarial information. The plan must be amended to reflect the cessation of accruals and any other additional obligations which arise as a result of standard termination. Until the plan administrator makes a final distribution of all assets, the plan administrator must provide the PBGC with a copy of certain actuarial information included on the Schedule B of the Form 5500 annually.

B. Distress termination

Consistent with the overall policy goal of the bill to limit access to the termination insurance system to plans of companies in genuine financial difficulty, PBGC would only be required to pay guaranteed benefits for plans who met one of four threshold tests:

(1) All plans maintained by the contributing sponsor and each substantial member of its controlled group must have received funding waivers from the Internal Revenue Service for three of five plan years preceding the year of plan termination, including the most recently completed plan year.

(2) The contributing sponsor and each substantial member of its controlled group has filed a petition (which has not been dismissed or converted) seeking liquidation under federal or state bankruptcy law.

(3) The contributing sponsor provides substantial evidence to the PBGC that unless a distress termination is granted, the sponsor and each substantial member of its controlled group will be unable to pay their debts when due and unable to continue in business.

(4) With respect to all plans of the contributing sponsor and each substantial member of its controlled group, the ratios of (A) required pension contributions to total annualized wages of covered participants, and (B) required pension contributions to

gross income, have doubled over a stated period of time.

For purposes of these tests, a substantial member of a controlled group is a person whose assets comprise 5% or more of the total assets of the controlled group.

Once one of these tests is met, the procedure followed by the PBGC to effectuate the termination is intended to be generally the same as current law. Determinations of sufficiency and net worth must be made before any distress termination is complete. We do not intend to put PBGC in any worse position than it is under current law nor do we intend to set up a structure for distress termination which invites additional litigation. We, therefore, solicit the comments of the PBGC and others as to the appropriateness of these distress tests to identify financially stressed companies for whom pension relief is essential. In addition, we invite comments on the necessity for providing greater protection for PBGC (and the premium-payers) against unnecessarily lengthy disputes over net worth.

TERMINATIONS BY THE CORPORATION

The PBGC's authority to terminate a plan involuntarily under section 4042 of ERISA is generally unchanged.

LIABILITY FOLLOWING PLAN TERMINATION

Once a plan has been terminated in a distress termination or by the PBGC under its own authority, persons may be liable to the PBGC and, in certain instances, to participants and beneficiaries. That liability is described in section 4062 (section 110 of the bill). Those who are liable (each contributing sponsor and all members of their controlled groups) are identified in subsection (a). The amount of liability to PBGC and participants is set forth in subsections (b) and (c) respectively. Subsection (d) contains a special rule limiting liability for certain persons who are liable under section 4062 not as contributing sponsors but rather only as members of controlled groups of those sponsors.

A. Liability to PBGC

The contributing sponsors and all members of their controlled groups are liable for the full underfunding of the plan with respect to guaranteed benefits. In addition, unpaid contributions (including any contributions for which funding waivers have been granted and any contributions which would have been due but for the filing of a bankruptcy petition) must be added to the amount of unfunded guaranteed benefits.

If the sum of all the amounts described above exceeds the sum of 30 percent of the net worth of each liable person, then the amount of liability is limited to the following:

(1) The 30 percent amount described above, and

(2) An amount equal to 10 percent of the pretax-profits of each contributing sponsor and all members of their controlled groups for a period of 10 fiscal years following the fiscal year in which the plan terminates. If there are not profits in any fiscal year, no profit payment to the PBGC is required.

B. Liability to participants and beneficiaries

Contributing sponsors and all members of their controlled groups who are liable under section 4062 are required to contribute to a special termination trust described in new section 4042A (Section 108 of the bill). The contribution is limited to 5 percent of pretax profits calculated and payable in the same fashion as the 10 percent of profits which is due to the PBGC. Payments to participants, and beneficiaries from the termination trust are designed to pay whenever possible the difference between vested and guaranteed benefits.

Although payments into the termination trust are limited in duration to a period of time ending on the earlier of the 10th fiscal year after the year in which the plan terminated or the year in which the trust has assets sufficient to pay all benefits not otherwise payable by the PBGC or the plan, payments from the trust to participants and beneficiaries will continue as long as there is money in the trust. If in any given year, however, there is not enough money to make the annual lump sum payments to all participants and beneficiaries, they may get no payment at all or only a pro rata payment. If money is subsequently contributed to the trust, generally no makeup payments are required.

CONTINGENT LIABILITY

A new part (Part 2) is added to Title IV to close the loophole under present law (1) which allows a controlled group of corporations to spin-off a subsidiary and its related pension liabilities thus removing the controlled group from the reach of the PBGC in the event the subsidiary terminates its pension plans and (2) in which the liability to the PBGC can be increased dramatically when a company sells its assets and transfers its pension liabilities to a buyer which is financially weaker than the seller. Section 112 of the bill contains all the new sections added to ERISA related to contingent liability.

Section 4071 defines the event, called a benefit obligation change, which triggers a 5 (or in certain cases a 10 year period) in which a formerly obligated contributing sponsor or controlled group member is contingently liable. In the event of a benefit obligation change, a formerly obligated person is jointly and severally liable on a contingent basis for 5 years from the occurrence of the event. The 5 year period is extended to 10 years if within the first 5 years one of the following events occur in connection with the new contributing sponsor (e.g., the buyer): a bankruptcy proceeding is initiated against such person, such person makes an assignment for the benefit of his creditors, a custodian, receiver, or trustee is appointed with respect to such person, or such person begins to undergo liquidation. An additional condition necessary to trigger the extension of the 5 year period to 10 years is that the total unfunded nonforfeitable benefits in connection with the change must exceed $5 million and the ratio or employer pension plan contributions to total net operating income must equal or exceed ⅓.

Under regulations of the PBGC, the contingent liability provisions may be applied to composite single-employer plans under which two or more employers who are not in the same controlled group) contributes to the covered plan.

Section 4072 describes the conditions under which a person undergoes a "benefit obligation change" with respect to benefits under a single employer plan, thus triggering contingent employer liability.

Under the first set of conditions, contingent liablity is triggered in any case in which the liability for some or all of the benefits under a single employer plan is transferred to one or more other single employer plans. Any person who, at the time of the transfer, is a contributing sponsor of the transferor plan, or a member of such sponsor's control group undergoes a benefit obligation change with respect to the benefits for which the liability is transferred. An exception to the general rule occurs in the case in which a person who is a contributing sponsor of the transferor plan is also a contributing sponsor of the transferee plan. In this case, such contributing sponsor and each member of such sponsor's control group does not undergo a benefit obligation change (and thus contingent liability is not triggered).

Under the second set of conditions, in any case in which a person ceases to be a contributing sponsor with respect to a single employer plan, each member of such sponsor's control group undergoes a benefit obligation change. An exception to the general rule provides that such a person does not undergo a benefit obligation change if immediately after the change such person is a contributing sponsor of the plan or a member of the controlled group of a contributing sponsor of the plan.

Under the third set of conditions, in any case in which a person ceases to be a member of a controlled group (1) such person undergoes a benefit obligation change with respect to benefits under any single employer plan of which any member of such person's controlled group is a contributing sponsor and (2) each such controlled group member undergoes a benefit obligation change with respect to benefits under any single employer plan of which such person is a contributing sponsor as of both immediately before and immediately after the change. An exception to the general rule provides that any such person does not undergo a benefit obligation change if the amount of the assets of such person at the time of the change is less than 5% of the total amount of assets of the controlled group and there is not more than one such change within 5 years of the plan termination.

Section 4073 sets forth the amount and payment of contingent liability. Subject to reductions under Section 4075, the liability of any contingently liable person under part 2 in connection with a single employer plan termination is equal to the amount of unfunded guaranteed benefits, less the amount of any liability collected by the PBGC from primarily liable persons. Under regulations a person may amortize the amount of contingent liablity over a period up to 15 years.

To the extent that the amount of contingent liability exceeds 30% of the person's net worth, the excess amount is payable in the same manner and to the same extent as is the case for persons who are primarily liable (e.g., subject to the 10% of pre-tax profit and 10 year limitation).

In addition to the 10% of pre-tax profit payments, a person is also liable to the extent of 5% of pre-tax profits to the termination trust established jointly by primarily liable and secondarily liable persons.

Under Section 4074, if the PBGC receives liability payments in full satisfaction of amounts of unfunded guaranteed benefits and unpaid contributions, then contingently liable persons who have made liability payments succeed to the claims which the corporation would otherwise have against primarily and other secondarily liable persons to the extent of any amounts not collected by the PBGC. The recourse of contingently liable persons against primary and other secondarily liable persons is subject to any relevant agreement which may have been made among such persons.

Under Section 4075 the amount of contingent liability for which a person may be

liable may be reduced if the person demonstrates to the PBGC that the amount of unfunded guaranteed benefits immediately before the benefit obligation change is less than the amount previously described under Section 4073. In addition if a subsidiary is liable by reason of membership in a controlled group based on a percentage of common interest of less than 80 percent but more than 50 percent, the amount of such person's liability is limited to the previously determined amount multiplied by the percentage of common interest. Finally the amount for which any contingently liable person may be liable is reduced by the amount of such person's liability which may arise under Section 4063 or Section 4064 in connection with a composite single employer plan.

Section 4076 sets forth exemptions and safe harbors in connection with contingent employer liability. A person is not liable under the contingent liability provisions if the person is also primarily liable under Section 4062.

A person is not contingently liable if, after the plan termination, he demonstrates that one of the following requirements have been met. Under the first safe harbor the otherwise contingently liable person must demonstrate that the total amount of unfunded nonforfeitable benefits under all single employer plans for which such person is a contributing sponsor is less than $500,000. Under the second safe harbor the otherwise contingently liable person must demonstrate that a particular ratio equals or exceeds one-third. The ratio is the total net operating income of all persons who are (as of immediately after the benefit obligation change) contributing sponsors of the plan and all members of such sponsor's control group, divided by the total amount of unfunded nonforfeitable benefits under all single employer plans of which such persons' are contributing sponsors. Under the third safe harbor, the otherwise contingently liable person must demonstrate to the satisfaction of the PBGC that the financial position of the new control group in connection with the benefit obligation change is at least as favorable as the financial position of the old control group prior to the change.

The fourth safe harbor is available if (1) the benefit obligation change occurs as part of an arm's-length sale of all assets of the employer (2) the sale occurs because of the death or retirement of any beneficial owner of any contributing sponsor or controlled group member, (3) the total number of employees of all such contributing sponsors and controlled group members does not exceed 250 at the end of the 2 plans years preceeding the dealth or retirement, and (4) the unfunded nonforfeitable benefits under all plans covering the employees of such contributing sponsors and controlled group members does not exceed $750,000.

Under the fifth safe harbor, the contingent liability provisions do not apply in any case in which the terminated plan has no unfunded nonforfeitable benefits for any 2 consecutive plan years beginning on or after the date of the benefit obligation change and ending on or before the termination date. In addition, in the event of the transfer of liability for benefits between plans, if the amount of assets transferred exceeds such liability, then the contingent liability provisions are made inapplicable.

Under Section 4077, the PBGC may waive some or all of the contingent employer liability if it determines upon application that the interest of the PBGC are adequately protected without such liability.

Under Section 4078, the PBGC and any person liable under Title IV shall in a timely fashion and after a written request (and to the extent not otherwise prohibited by law) provide any other contingently liable person such information they may have in their possession which is required under the Section 4076 safe harbors to show that the conditions under that section are met.

Under Section 4079, to the maximum extent possible, the PBGC shall take such actions as may be necessary and appropriate to assure that all civil actions against persons who are primarily and secondarily liable are brought under the jurisdiction of a single Federal Court.

LIENS IN FAVOR OF THE PLAN

As we understand current practice, when a waiver of the minimum funding requirements is granted, the Internal Revenue Service often requires that if a plan terminates before the waived amounts are fully repaid, those amounts become a debt due and owing to the plan at the time of termination. Both the bill introduced in the Senate (S. 1227) and section 112 of this bill provide for a lien for the waived amounts arising in favor of the plan at the time of the waiver. Both bills (to varying degree) rely on the plan administrator to decide whether, when, and on what collateral to perfect. This raises both theoretical and practical fiduciary responsibility questions which we are currently trying to resolve. Rather than hold up introduction of the bill any longer, we are soliciting suggestions from the PBGC, the Department of Labor and others as to the best way to provide protection for the plan and PBGC while not needlessly encumbering all property of the contributing sponsor.

ENFORCEMENT

Section 113 of the bill contains the enforcement provisions. In addition to expanding PBGC's authority to enforce the conditions of a standard termination, the bill adds a new section 4096 to ERISA in which is consolidated all rights of contributing sponsors of participants and others to enforce certain Title IV provisions against terminated single-employer plans or the PBGC.

EFFECTIVE DATE

The provisions of the bill are generally effective on the date of enactment.

CONFORMING INTERNAL REVENUE CODE AMENDMENTS

These are contained in Title II of the bill and include provisions providing for deductibility of contingent liability payments for controlled group members and for payments required under a standard termination.●

THERE IS MORE THAN ONE WAY TO SAVE THE WHALES

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 20, 1983

● Mr. YOUNG of Alaska. Mr. Speaker, on numerous occasions I have taken the floor of this House to express my concern about environmental extremism. I want to bring to my colleagues' attention the latest in a long series of attempts by preservation groups to save something and thereby prevent sound conservation and management practices.

Sea World, Inc., a well-known institution dedicated to research and education through public display, has applied for a permit to remove from the wild up to 10 killer whales over the course of 5 years. The killer whales will be transported live to Sea World facilities and will become part of Sea World's captive marine mammal breeding program, a program that has successfully preserved a number of species. Due to the wording of the Marine Mammal Protection Act, the permit includes a request to take up to 100 whales; however, "take" in this context means simply to disturb, not to harm or kill. During the course of the operation, Sea World will allow scientists to conduct a number of needed research activities on the whales so that our knowledge of this animal can be increased.

One would think that a program designed to increase knowledge about a relatively unknown species and to breed that species so that it will survive in perpetuity, all at no cost to the taxpayer, would be supported by conservationists everywhere. Unfortunately, such is not the case. Greenpeace, an organization dedicated to saving whales, has filed objections, as have other groups and individuals. For those of you who have forgotten, Greenpeace is the organization that sent members into the Soviet Union and then used that episode to raise funds with large advertisements in the Washington Post. Greenpeace objects to the proposal because the killer whales removed from the wild will be put on public display. They ignore all of the scientific knowledge that will be obtained from this proposal, as well as the information that every visitor who goes to Sea World will receive. I wonder if those who oppose Sea World's proposal believe that knowledge should only be available to the select few that belong to environmental organizations.

George Will, the distinguished writer, recently authored a column on the Sea World proposal. I think it should be read by every Member of this House and I ask that it be printed in the RECORD.

[From Newsweek, Aug. 29, 1983]

THE ORCAS OF SEA WORLD

(By George F. Will)

Whales deserve no enemies and better friends. Some misanthropes love whales only because they (the misanthropes, not the whales) are repelled by humans. Furthermore, because protecting whales is a cause adopted by some persons who despise everything in Western civilization except bran muffins, right-wingers sport bumper stickers that say "Nuke the whales." (Hardliners prefer "Nuke the gay Iranian whales.")

Today a dispute about a few orcas (killer whales) is jeopardizing a worthy institution.

Sea World in San Diego blends entertainment, education and research. It is comparable in quality to San Diego's famous zoo. It cooperates with many universities and research institutions, such as the Scripps Institution of Oceanography. The most famous feature of Sea World is a show by orcas performing with trainers. Last year 6.6 million persons visited Sea World and two sister facilities near Cleveland and Orlando.

Anyone who sees the orcas perform is unlikely thereafter to be indifferent about harm done to whales. More than 75 million have seen them perform at the facilities. So Sea World is not only expanding knowledge about whales in the wild, it is mass-producing opposition to commercial whaling. Yet Sea World now is the object of immoderate opposition because of its request for permission to acquire a few more orcas.

Captivity: Orcas live in groups, called pods, of six or more. For the orcas' contentment in captivity, and for attempts at breeding, the three Sea Worlds, which have a total of eight, need 18. Some critics say breeding in captivity is impossible. Dr. Lanny Cornell, Sea World's zoological director, notes that the same was said about elephants and lowland gorillas, which are now frequently bred. (Twenty-seven bottlenose dolphins have been bred in San Diego. Sea World has the only U.S. display of Antarctic penguins, and three of the species are breeding.)

In 1972, in response to the clubbing of baby seals and the catching of dolphins in tuna nets, Congress passed a law that prevents the taking of marine mammals other than for research or display. No one knows how many orcas there are. There certainly are so many that they are not an endangered species. Sea World wants to collect 10 in five years.

Headlines shout that Sea World wants to "capture" 100. But 90 would be released within four hours, after scientific studies. They would be photographed (for identification by color patterns). A few would receive radio packs for tracking by satellite. One tooth would be taken (using a local anesthetic) from perhaps 20 whales to determine aging. Stomach and blood samples would be taken, and liver biopsies may be performed on animals with certain symptoms, to learn about their feeding habits and what parasites and pollutants threaten them. Some electroencephalograms would be made to measure hearing, as is done with human infants.

At hearings in Seattle last week some scientists endorsed and others criticized Sea World's research proposals. But the dispute is less about science than about cultural values. Representatives of Greenpeace, an anti-whaling organization, say Sea World is only interested in profits, a word they speak as though it soils their lips. The charge is an unfounded smear. It is especially obnoxious because Sea World's profits are funding numerous research projects, and an entire research institute, at a moment when public research funds are shrinking.

Environmentalists and others have had the salutary effect of encouraging zoo improvements, such as getting lions out of cages and elephants unchained. But the complaints of some environmentalists about the wickedness of separating creatures from their natural "ecosystems" suggest that the attack on Sea World is the thin end of a large wedge—an attack on the display of animals in man-made environments.

Bashing Sea World has become a cottage industry in Washington state. In 1976 Ralph Munro, who is now Washington's secretary of state and whose family has lived on Puget Sound for four generations, was sailing when he observed a Sea World attempt to collect orcas, using boats, planes and small noisemakers that critics enjoy calling "bombs." (Sea World no longer uses them.) He found it "gruesome" and now says things like: "The people" are tired of "these southern California amusement parks taking our wildlife down there to die." (He says life expectancy in captivity is two to four years. Sea World says it is 10 years and rising.) Munro dismisses Sea World's research as "baloney" and asks: "Why should our children who have the opportunity for generations after generations to see these animals in the wild have to go to southern California and pay $10" to see them?

Easy, Ralph. Sea World's research satisfies many scholarly journals. Sea World does not want "your" whales; it wants whales from Alaskan waters. And taking 10 will not blight the lives of Munros unto the seventh generation.

Progress: Whales, with their enchanting grace and playfulness, their individual personalities, intricate social behavior and complex brains, are so magnificent that commercial whaling, which is unavoidably cruel and utterly unnecessary, lacerates the feelings of sensitive persons. Only a person whose spirit is dead to the poetry of the planet can fail to see that life is richer because these graceful creatures are swimming—and singing—on the sea's surface, and in the sunless depths. Mankind's slow, meandering progress toward a nobler sensibility can be gauged, in part, by finer standards of stewardship over earth; such standards dictate respectful dominion over animals.

We are the responsible portion of creation and we are improved by observng creatures like whales, which make vivid the mysteriousness of the natural. It is best to see animals in their natural habitats. But zoos, aquariums and other responsible facilities, such as Sea World, are the only place where most people can acquire the sense of wonder that comes from exposure to magnificent creatures.

If Sea World is denied a permit for 10 orcas, I hope 230 million Americans go to Puget Sound, unfold lawn chairs on Munro's lawn, ask for iced tea and watercress sandwiches and watch the whales. It will be good for their souls, and will serve him right.●

REPUBLICAN STUDY COMMITTEE HEARINGS ON KAL 007

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 20, 1983

● Mr. PHILIP M. CRANE. Mr. Speaker, on September 16, the Republican Study Committee, of which I am chairman, held a hearing on the destruction by the Soviet Union of Korean Air Lines flight No. 007 near Sakhalin Island.

One of the people who was invited to testify but was unable to do so was Dr. Zdzislaw M. Rurarz, former Ambassador of Poland to Japan who defected to freedom after the imposition of martial law in his country. Dr. Rurarz, submitted a written statement for the RSC hearing. I am asking that the statement be printed in the CONGRESSIONAL RECORD for the benefit of the Members.

The statement was hastily drafted at our request and has not been edited.

STATEMENT BY DR. ZDZISLAW M. RURARZ, FORMER AMBASSADOR OF POLAND TO JAPAN ON THE DOWNING OF THE KAL'S JETLINER BY THE SOVIETS; DELIVERED BEFORE THE CONGRESSIONAL COMMISSION ON SEPTEMBER 16, 1983

Mr. President, it is with the deepest sorrow that I have learned about the downing of the KAL's jetliner on September 1, 1983, by the Soviet SU-15, only seconds from international waters.

But as much as I was shocked by this new Soviet barbarism and as much as I joined in the grief by all those who lost their loved ones among the 269 innocent victims, I was not at all astonished by the act itself. Neither I was astonished by the silence, lies and all other abominable efforts by the Soviets to whiten themselves and blame everybody else instead.

We Poles have an exceptionally long list of grievances against the Soviets. Not once we were told that somehow it was perhaps our own behavior that invited the Soviet anger against us. Not once we were told that it was our representatives who were not capable to speak to the Soviets. And as the consequence of this the Teheran and Yalta agreements were served to us, leaving us and other nations of Central and Eastern Europe at the mercy of the Soviets.

It is only now that the Free World is learning in a shocking way what we have learned more than four decades ago.

Mr. President, I am very honored that you decided to invite me to speak before the forum chaired by you on the murder by the USSR of another tens of innocent people. Your initiative on learning what may be the motive behind that murder and all the ensuing Soviet behavior afterwards is something you should be congratulated for. It is still not too late to draw the conclusions from the Soviet behavior. It was this behavior which was behind my decision to seek the political asylum in the United States after the martial law was declared in Poland. It was not that I did not know earlier whom the Soviets are, but up to the last moment I wanted to believe that perhaps they may come to reasons and change. After invading Afghanistan and after pushing Jaruzelski to declare the war on the Polish nation, I could only lose the rest of my hope that the Soviets are corrigible. The downing of the Korean jetliner is only another proof of the same Soviet behavior. And promising to behave in the same way in the future too, means beyond any doubt that the Soviets have in deep contempt the human life, truth and dignity.

Mr. President, as I have already mentioned, we Poles have a particular reason to be concerned about the Soviet behavior.

I believe it can be of interest to you, Mr. President, and other Honorable Congressmen, to learn something about the Poles' experience in their relations with the Soviets. Our experience can be very instructive to the others, because the Soviets do not change by one iota.

Let me quote some historical facts.

On August 23, 1939, when the new world war was hanging over the mankind, and over Poland in particular, Hitler, still hesi-

tating as to launching it, received the encouragement from Stalin in the form of Ribbentrop-Molotov pact. At that time the world was unaware of the secret protocol on Poland's partitioning attached to it.

Next day, namely on August 24, 1939, the Soviet Ambassador to Poland, Nikolay I. Sharonov, told the Polish Minister for Foreign Affairs, Joseph Beck, that the Soviet-German non-aggression agreement in no way changed the nature of the Soviet-Polish non-aggression agreement.

Three days later, the head of the Red Army, Marshal Kliment Voroshilov, gave an interview to the Soviet journal Izvestia saying the following:

"The question of assistance in the form of raw materials and military supplies is a commercial one and there is no need to conclude a mutual assistance pact, still less a military convention, in order to supply Poland with these things.

This statement was to encourage the Poles to resist the German pressure and to go to war. Naturally, that statement was also to suggest nothing like stabbing the Poles on the back by the Soviets.

Moreover, on September 1, 1939, when Poland was already under the attack by Hitler's Germany, that same Soviet Ambassador N. I. Sharonov called again on Minister J. Beck and asked why Poland was not negotiating with Moscow for supplies as mentioned in the Voroshilov's interview?

And the Polish Government sent a special courier to Moscow to approach Molotov, the same who signed the sinister pact with Ribbentrop against Poland and in fact against world peace, to find out about the issue.

Molotov not only explained, on September 6, that no such supplies could be counted on as mentioned by Voroshilov, but even the supplies from the West could not pass to Poland over the Soviet territory.

But this is not the end of Soviet duplicity. In order to confuse the Poles even more, Molotov stated by the end of the conversation, that the above Soviet position can change.

Still on September 11, the Soviet Ambassador Sharonov was assuring the Polish Government that the Soviet Government had the said matter of supplies under consideration.

Six days later, without any declaration of war on Poland, the Soviet troops invaded Poland. The Soviet tanks waved the white flags and the troops were saying to the shocked Poles that the Red Army was coming to help them. And Poland, crumbling under the overwhelming superiority of German forces, decided not to declare the war on still another mighty neighbor. Believing that this would spare the lives of many of her citizens.

How wrong the Poles were! Soon the Soviets would execute many Poles on the spot and many arrests, among them some 15,000 officers, of whom only some 4,500 were found dead in Katyń and with the rest murdered in unknown places.

That is how the Second World War started and what the experience we Poles have.

In the course of that war we lost some 6 million people, about 1 million in the Soviet hands although Poland was never, even a single day, at war against the USSR.

The fate of some 2 million ethnic Poles deported to the USSR, with almost half never returning, was one of the most gruesome martyrdoms in the history of the humankind.

Mr. President, I am not going to mention more examples on the many atrocities committed by the Soviets on the Polish nation. The litany is too long and known too many in this country.

But what I wanted to emphasize in this connection it is the fact that the Soviets would never admit any, I repeat any, of the above facts. Not only they do not feel guilty for anything, although in fact they helped to unleash together with Hitler the last war in which also many of the Americans fell, but they demand instead that the Poles be grateful for being occupied by the Soviets.

Therefore, Mr. President, I am not astonished what the Soviets did and what they say. This is something we have learned by experience.

Yet there is something more than that.

Poland, Lithuania, Latvia, Estonia, Rumania and Finland were relatively small countries on which they could have taken without a risk of even being condemned. Thus that after all those aggressions the USSR was expelled from the League of Nations, but very soon the "Uncle Joe" became the most precious ally of the Democracies and in Teheran and Yalta they went as far as to abandon not only the above countries, with the possible exception of Finland, although after agreeing to some limitations of her freedom, but to add few more.

By conquering Central and Eastern Europe, with the Red Army on the Elbe river, the USSR started a new round of conquests, dragging even the United States in two major and costly wars, one not won and not lost and one lost terribly.

It was overlooked that by abandoning Central and Eastern Europe to the USSR it was in fact the making of it a superpower.

With Western Europe practically indefensible, with Japan extremely vulnerable, with the Middle East, Central American, Africa, Southeast Asia and the Pacific in turmoil, and with the Soviets having an edge in first strike nuclear weapons, the world has entered the era which is as dangerous as never before.

And, Mr. President, you may see by the Soviet behavior how much you may count on the Soviet willingness to diminish the dangers this era is carrying along with it.

The old Soviet crimes, never punished and even truly condemned, are now supplemented with the new ones. And more is to come, you may be sure, Mr. President. I as a Pole who lived for more than 42 years under the two totalitarian systems, can assure you that there is no such crimes the Soviet totalitarianism would not commit.

Moreover, you better forget that a crime would be ever admitted and much less regretted. It will be you who will be guilty for everything and it will be you who will finally get used to crime as a matter of life reality if you do not draw the proper conclusions from the lesson over the Sakhalin island.

Mr. President, I know only too well Marxism-Leninism and its main fortress the USSR. There is nothing strange about the Soviet behavior. The Soviets claim that Lenin said the future belongs to Communism. That is supposedly in total accordance with the so-called scientific socialism. And Lenin was a main "scientist" here. And what was he saying? Let me give you an example, quoted from the Lenin's "works" as edited in Moscow—telegram to L. D. Trotsky of September 10, 1918:

"In my opinion, one must not spare the city and put things off any longer, for ruthless annihilation is essential once Kazan is said to be in an iron ring" (Lenin, p. 147, Vol. 44, Moscow, 1977.)

Mr. President, Kazan was the Russian city, inhabited by Russian children, women and the elderly. And it was to be "ruthlessly annihilated" because such was the interest of the Bolshevik Revolution opening the door to the world dominated by Communism.

And you think, Mr. President, that anybody in the Kremlin would hesitate to send the Korean, American, Japanese, Canadian, Chinese, Australian and other civilian passengers to certain death carried by the heat-seeking missile against a defenseless passenger jet if the act is to serve Communism?

Do you believe, Mr. President, that Gromyko's statement about the "sacred borders" of the USSR is a slip of tongue or that Marshal Ogarkov's warning that in the future the same murderous acts will be repeated, are only limited to the inviolability of Soviet air space?

No, not at all. The Soviets want to scare the whole humankind and to bring it to submission. By killing, not repenting and threatening even more killing, the Soviets effectively defy the human civilization.

Mr. President, the Great American nation was defied by the Soviets as never before. The Soviets deliberately test the firmness of your nation. They know only too well how short are memories of those who actually never saw the totalitarian systems function. They count very much on the fact that the good-natured Americans will soon forget the shock and will return to seeing the world through the prism of a wishful thinking. I know how the Soviets know you and how in fact they neglect you. Believe me, Mr. President, I do not want to tease you on this sad occasion. But I am only warning you—beware of the Soviets.

Mr. President, I do not suggest you any particular action. I am not the citizen of this country and I am not entitled to recommend you anything.

I have the full confidence in American free and democratic institutions and I know that there are the limits to American patience and tolerance.

But if the Polish or my own experience may help you in making up your mind, then I can tell you with all the responsibility that contrary to the past you must not allow the latest Soviet murder sink into oblivion.

You bear a great responsibility before the humankind and not only before the Great American Nation.

Once were compromised the ideals for which we the Poles went to war, because we could not surrender before the humiliating ultimatums.

Nobody more than I wanted to live somehow with the Soviets hoping that one day they would mature. And when I lost that hope a death sentence was the only response to me.

Mrs. Kathryn McDonald was right when she said that you are at war with the USSR. Not at a shooting war yet, but at the war over the ideals. If you surrender your ideals no shooting war will be necessary.

But if you don't, then be prepared for more trials like you had in the last days. I hope the Americans will stay by their ideals.

Thank you, Mr. President.●

CENTRAL INDIANA COUNCIL ON AGING CELEBRATES 10 YEARS OF SERVICE TO OLDER AMERICANS

HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 20, 1983

● Mr. JACOBS. Mr. Speaker, Central Indiana Council on Aging is completing 10 stunningly beneficial years of service to the citizens of our community. Its services benefit not only senior citizens but in a very real sense all citizens. All good citizens feel gratitude to the council:

SENIOR LUNCHEON PROGRAM TO MARK 10TH YEAR

The Central Indiana Council on Aging's Nutrition Program will mark its 10-year anniversary Friday, October 7 at nutrition sites throughout central Indiana.

The purpose of this program, which is funded through the Older Americans Act of 1965 title IIIC money, is to provide older persons, 60 years and over, with a low-cost, nutritionally balanced meal five times a week. These meals, which are served at lunchtime throughout Marion and the seven surrounding counties, are provided to the elderly with the intent to promote better health through improved nutrition.

The Central Indiana Council on Aging is 1 of 16 area agencies on aging in Indiana. Each AAA operates their own nutrition program in their particular area. Central Indiana is known as area 8 and is operated by CICOA.

Area 8's nutrition program began in 1973 and evolved from a pilot project which was conducted by the Major's Task Force on Aging through the Greater Indianapolis Progress Committee. At that time, the program was operating about 12 sites in Indianapolis and serving around 500 meals daily. Ten years later, 45 nutrition sites have been established in Marion and the seven surrounding counties, serving daily more than 1,600 older persons at the congregate sites and providing meals for nearly 500 homebound seniors. In total, approximately 350,000 meals are served yearly.

Besides meals, nutrition sites also serve a vital purpose in providing active socialization among the elderly. Activities such as trips, card games, dances, lectures, arts and crafts aid seniors in expanding their capabilities and allows them an opportunity to dine with and socialize with persons who have similar interests and remembrances.

For the future, CICOA's nutrition program hopes to further expand the program into areas that aren't served, if federal funding continues at a good level. The program director hopes that as the elderly population increases in the coming years, funding for the nutrition program will continue to grow at the same rate.●

THE EXPORT ADMINISTRATION ACT AMENDMENTS OF 1983, H.R. 3231

HON. ED ZSCHAU

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 20, 1983

● Mr. ZSCHAU. Mr. Speaker, the House will soon consider H.R. 3231, the Export Administration Act Amendments of 1983. As a member of the Committee on Foreign Affairs and a cosponsor of the bill, I have sometimes found the terminology associated with discussions about export control to be difficult to understand. With this in mind, I am submitting for the RECORD a glossary of terms that I hope will be of use to my colleagues during the debate on H.R. 3231.

The glossary follows:

EXPORT ADMINSTRATION ACT, GLOSSARY

Some of the terminology used in discussions of U.S. export policy and the Export Administration Act may be confusing to those without a long history of involvement with the issue. This glossary is intended as a quick, though necessarily incomplete, guide for use in understanding some of the terms related to export policy.

ACEP

Advisory Committee on Export Policy. An Administration interagency group at the assistant secretary level. Chaired by the Commerce Department and including the Defense, State, Treasury, Transportation, and Energy Departments, the Central Intelligence Agency, the National Security Council, and the Arms Control and Disarmament Agency. The Committee began meeting in 1982 to develop recommendations on the Administration policy on renewal of the Export Administration Act.

ARRAYS OF KNOW HOW (DESIGN OR MANUFACTURING)

Systematic arrangements, groups, or categories of know how. (See Militarily Critical Technologies.)

CCL

See Commodity Control List

CHINA DIFFERENTIAL

In 1981 the Reagan Administration announced a policy (the "China Differential") calling for licensing of exports to the People's Republic of China up to roughly twice the capacity and sophistication of goods that could be licensed for export to the Soviet Union. There are some exceptions such as nuclear technology.

COCOM

The Coordinating Committee for Multilateral Security Export Controls. Member countries voluntarily restrict exports to potential adversaries in order to preserve mutual security. There is no treaty or formal international obligation undergirding COCOM. Members are Belgium, Canada, Denmark, France, Greece, Italy, Japan, Luxembourg, the Netherlands, Norway, Portugal, Turkey, the United Kingdom, the United States, and West Germany (Japan and all NATO countries except Iceland and Spain).

COCOM LIST

A list of items whose export is controlled by governments participating in COCOM. The COCOM list contains 100-150 categories of items. Some of the individual items on the list require unanimous approval by all COCOM members before they can be exported to Communist countries; others simply require notification of member countries after the export has taken place.

COMECON

Council for Mutual Economic Assistance. Members are Albania, Bulgaria, Cuba, Czechoslovakia, German Democratic Republic, Hungary, Mongolia, Poland, Romania, Union of Soviet Socialist Republics, and Vietnam. Albania has not participated since 1961, but has not withdrawn. See Communist Countries entry also.

COMMODITY CONTROL LIST

For each of the commodities subject to licensing jurisdiction of the Commerce Department, the Commodity Control List shows the licensing requirements for each destination (Country Group). Commodities are listed numerically on the CCL by Export Control Commodity Number (ECCN).

COMMUNIST COUNTRIES

The Export Administration Act states that U.S. export policy toward an individual country is not to be determined solely on the basis of that country's Communist or non-Communist status. However, the term "Communist Countries" is often used to describe the group of countries to which U.S. exports are restricted. (Country Groups P, Q, S, W, Y, and Z.)

COUNTRY GROUPS

For export control purposes, every country except Canada is administratively classified in one of the following country groups:

P—People's Republic of China.

Q—Romania.

S—Libya.

T—All Western Hemisphere countries except Cuba and Canada.

V—All other countries except Canada.

W—Hungary and Poland.

Y—U.S.S.R., Albania, Bulgaria, Czechoslovakia, East Germany, Estonia, Laos, Latvia, Lithuania, and the Mongolian People's Republic.

Z—Cuba, Kampuchea, North Korea, and Vietnam.

Canada is not included in any country group since exports to that country are normally not controlled.

EAA

Export Administration Act of 1979. Establishes authority for the U.S. Government to control exports. Administered by the Department of Commerce. A few types of exports are controlled through the use of other statutes, such as the Arms Export Control Act which governs munitions exports.

EARS

Export Administration Regulations. Based on Export Administration Act and administered by Office of Export Administration in the Department of Commerce.

EAST-WEST TRADE

Trade between the U.S. (or one of its allies) and a Communist country.

EASTERN BLOC

An informal term usually used to refer to the U.S.S.R., its Warsaw Pact allies, and other communist countries in Eastern Europe. U.S. exports are restricted to these countries.

ECCN

Export Control Commodity Number. The ECCN consists of a four-digit number and is followed by a code letter. Commodities are listed numerically on the Commodity Control List by their ECCN. The code letter is not part of the ECCN but indicates the country groups for which a Validated License is required for that particular commodity.

EMBEDDED MICROPROCESSOR

A microprocessor (chip, integrated circuit) which is built into a product to perform one or more specific operations. A microprocessor can be either reprogrammable or non-reprogrammable. The ECCN for instruments containing embedded microprocessors is 4529B.

END USE STATEMENTS

Statements by the ultimate consignee and purchaser named in an application for a Validated License certifying to certain facts relating to the proposed transaction.

EXPORT DENIAL LIST

A list of names of persons or firms which are subject to denial or probation orders of the Office of Export Administration. Any person who contravenes or violates any law, order, regulation, license or other authorization relating to export control is subject to revocation of Validated Licenses and/or general denial of export privileges.

EXTRATERRITORIALITY

For foreign policy purposes, the President may prohibit or curtail the export of any goods or technologies subject to U.S. jurisdiction or exported by any person subject to U.S. jurisdiction. Thus, in some cases, the authority can extend to products produced in a foreign country by a foreign firm which is exporting to another foreign country.

FOREIGN AVAILABILITY

Foreign availability exists when a good or technology is available to a particular destination from sources outside the U.S. in sufficient quantity and of sufficient quality so that U.S. export controls would be ineffective. (This is the definition of the term in the current Export Administration Act; other definitions have been suggested.) Foreign availability is one factor that must be considered in license decisions under the Export Administration Act.

FOREIGN POLICY CONTROLS

The Export Administration Act authorizes three types of export controls. Foreign policy controls are imposed to further significantly the foreign policy of the United States or to fulfill its declared international obligations. Foreign policy controls were used in the pipeline sanctions against the U.S.S.R. and Poland. (See also: National Security Controls and Short Supply Controls.)

FREE WORLD

An informal term used to describe the non-Communist countries of the world. (Country Groups T and V and Canada.) There are few restrictions on most exports to these countries.

ITAR

International Trade in Arms Regulations. Based on Arms Export Control Act and administered by State Department. It is the munitions counterpart to the commercial sector EARs.

KEYSTONE EQUIPMENT

Equipment required for effective application of technical information or know-how. Generally includes manufacturing, inspection, or test equipment. (See Militarily Critical Technologies.)

KNOW-HOW

Services, processes, procedures, specifications, design data and criteria, and testing techniques needed to achieve a significant development, production or utilization purpose. (See Militarily Critical Technologies.)

LICENSEE

The U.S. individual or firm receiving a license to export a good and/or technology.

LICENSES

The Export Administration Act permits the Secretary of Commerce to require the following types of licenses in order to control exports:

VALIDATED

Authorizes the export of commodities and/or technical data within the special limitation set forth in the license document. It is issued only upon the basis of a formal application.

QUALIFIED GENERAL

Authorizes multiple exports of commodities and/or technical data. It is issued upon the basis of a formal application and is used for exports to Eastern Bloc nations. This type of license was first authorized by the 1979 amendments to the Export Act. It has seen very little use.

GENERAL

No specific application needs to be made and no document is issued for shipments made under an established General License authorization. There are different types of General Licenses including:

G-DEST

Applicable to the export of any commodity listed on the Commodity Control List to any destination for which the list indicates a Validated License is not required.

GLV

Applicable to selected commodities but then only to shipments of limited value and to free-world destinations.

GTDA

Authorizes free dissemination of: (i) data generally available to the public; (ii) scientific and education data not significantly related to design, production or utilization of industrial processes; and (iii) patent application soon to be published in the U.S.

GTDR

Authorizes the export of certain types of technical data which may not be exported under GTDA. Both the types of data which may be exported and its destinations are limited. Written assurances against reexport are generally required.

SPECIAL LICENSES

The Secretary of Commerce may establish other types of licenses as appropriate. Some of these licenses are:

DISTRIBUTION

Authorizes exports during one year (renewable for two) of specified commodities to specified consignees in specified countries. The consignees must have been approved in advance as foreign distributors or users.

SERVICE SUPPLY

Authorizes the export of spare replacement parts. Enables firms to provide prompt service for equipment exported from the U.S.

PROJECT

Authorizes exports during one year of all commodities requiring Validated Licenses that are needed for certain large-scale operations such as construction projects. Various conditions are attached to project licenses.

COMPREHENSIVE OPERATIONS LICENSE

This type of license does not exist at the present time but is proposed in current legislation to amend the Export Administration Act. It would govern the export of goods and technology (particularly items on the MCTL) between a domestic concern and that concern's approved foreign subsidiaries, affiliates, and consignees.

MCTL

See Militarily Critical Technologies List.

MILITARILY CRITICAL TECHNOLOGIES

Technologies which are not possessed by potential adversary countries and which, if exported, would permit a significant advance in a military system of any such country. Primary emphasis is on: (i) arrays of design and manufacturing know-how; (ii) keystone manufacturing, inspection, and test equipment; and (iii) goods accompanied by sophisticated operation, application, or maintenance know-how.

MILITARILY CRITICAL TECHNOLOGIES LIST

Defense Department list of militarily critical technologies. Is classified but guides decisions on export licensing. Consists of 620 to 700 technologies depending on how they are counted. Technologies on list might in future be placed under ITAR or Validated License controls.

MULTILATERAL CONTROLS

The U.S. and the other member countries of COCOM cooperatively control the export of 100–150 categories of items. The U.S. also controls some items unilaterally.

MUNITIONS

Arms, ammunition, implements of war, and the equipment and technical data related to their use, design and production.

MUNITIONS LIST

A list showing licensing requirements for the export of munitions. Maintained by the State Department under authority of the Arms Export Control Act of 1976. Similar to the Commodity Control List except that the CCL applies to commercial products.

NATIONAL SECURITY CONTROLS

The Export Administration Act authorizes three types of export controls. National security controls are imposed to restrict the export of goods and technologies which would make a significant contribution to the military potential of any other country or combination of countries which would prove detrimental to the national security of the United States. (See also: Foreign Policy Controls and Short Supply Controls.)

NATO

North Atlantic Treaty Organization. Members are Belgium, Canada, Denmark, France, Greece, Iceland, Italy, Luxembourg, the Netherlands, Norway, Portugal, Spain, Turkey, the United Kingdom, the United States, and West Germany.

OEA

Office of Export Administration. Located within the Department of Commerce. Has general responsibility for administering the Export Administration Act.

OPERATION EXODUS

EXODUS is a large-scale U.S. Customs enforcement program designed to stop the illegal export of strategic technology. The program began in late 1981.

PRC

People's Republic of China.

REEXPORT

The transfer of a good and/or technology of United States origin from one foreign country to another.

RELIABILITY

Reliability, along with price and quality, is one of the factors considered by some customers in choosing a supplier. Industry groups claim that changes in U.S. export policy cause U.S. firms to be perceived as unreliable suppliers by foreign customers.

REVERSE ENGINEERING

A process starting from the finished product and going backward to its design and construction methods. Products differ greatly in their susceptibility to reverse engineering.

SANCTITY OF CONTRACTS

A sanctity of contracts provision in the Export Administration Act would prohibit Foreign Policy Controls from affecting any contract entered into before the date on which such controls are imposed. There is no such provision in the Act at the present time. (Sanctity proposals authored by different Members of Congress differ in some respects.)

SHORT SUPPLY CONTROLS

The Export Administration Act authorizes three types of export controls. Short supply controls are imposed to protect the domestic economy from the excessive drain of scarce materials and to reduce the serious inflationary impact of foreign demand. (See also: National Security Controls and Foreign Policy Controls.)

TECHNICAL ADVISORY COMMITTEES

The Export Administration Act provides for the formation of Technical Advisory Committees (TACs) wherever goods and/or technologies are difficult to evaluate with respect to technical matters, foreign availability, licensing procedures, or the actual utilization of production and technology. The Committees are composed of government and industry members.

TECHNICAL DATA

Technology. Information of any kind that can be used, or adapted for use, in the design, production, manufacture, utilization, or reconstruction of articles or materials. The data may take tangible form, such as a model, prototype, blueprint, or an operating manual; or they may take intangible form such as technical services.

TECHNOLOGY

The know-how, process steps, and ability to convert scientific theory into products and practice. Includes technical data.

TECHNOLOGY TRANSFER

The transfer of technology from one country to another. May be accomplished directly or via a third country through licenses, sales or theft of technology, turnkey plants, hardware sales or theft, joint ventures, contract bids, patents, publications, textbooks, sales brochures, visits, conferences and sumposia, training and education, public policy debates, immigration, espionage, and capture of weapons. Successful transfer requires a capacity on the receiving end to work with the technology and adapt it to local conditions.

UNILATERAL CONTROLS

Export controls imposed by the U.S. but not by other countries capable of supplying the relevant good or technology. In addition to the categories of items controlled in cooperation with COCOM, the United States also controls the export of an additional 30 categories of commercial items.

WARSAW PACT

Also known as the Warsaw Treaty Organization (WTO). Includes the U.S.S.R., Bulgaria, Czechoslovakia, East Germany, Hungary, Poland, and Romania. Communist countries in East Europe which do not belong to the Warsaw Pact are Albania and Yugoslavia.

WEST-WEST TRADE

Trade between Free World countries.●

HISPANIC HERITAGE WEEK

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 20, 1983

● Mr. BIAGGI. Mr. Speaker, our Nation just observed the annual celebration known as Hispanic Heritage Week. On this occasion we look back and look ahead at what invaluable contributions Hispanics have made to our Nation and the prospects of a far greater contribution in the future.

The demographic data compiled by the 1980 census tells us a great deal about our Nation today. Perhaps one of the most dramatic of all data has to do with the growth of the Hispanic community. In 1970, the total population of the Hispanic community was 9.1 million. By the year 1980, it rose to 14.6 million and today the level is at 15.9 million.

A further breakdown of the various Hispanic ethnic groups shows the Mexican-American population has increased by 93 percent—the Puerto Rican population by 41 percent and for those of Cuban background the increase is 47 percent. The increase for all others who fall into the Hispanic category rose by 19 percent.

My home State of New York has one of the higher concentrations of Hispanics constituting 11 percent of our population, up from 7 percent in 1970.

These numbers translate into a dramatic growth pattern for Hispanics in our Nation and in so doing the Hispanic community gains in importance in many areas of our society.

Yet there are two sides to every statistic. While it is evident that the numbers of Hispanics is increasing, it is also apparent that the quality of life is actually eroding for the Hispanic community in our Nation. Consider the fact that the poverty rate among Hispanics is a unacceptable 30 percent. The unemployment rate has almost doubled from 6 to 11 percent since 1979. The numbers are even more graphic when one considers unemployment among minority youth including Hispanic is two and even three times higher.

It seems evident to me that after 2 years of the present administration and its economic program—the casualties it has claimed have come disproportionately from the Hispanic community. It is therefore incumbent upon any economic recovery plan that it benefit all those groups most affected by the recession. If we are to develop such a program its centerpiece must be employment. We must be aggressive in putting people back to work in this Nation especially in those communities where unemployment has been more rampant and chronic. We cannot abdicate our responsibility at the Federal level by substituting training for jobs. There are too many people in this Nation who are being trained with Federal funds for jobs which may not even exist. I propose that we adopt legislation such as H.R. 1036 which I have cosponsored and combine employment and training under one roof.

We must adopt improved policies to aid women especially those vested with the responsibilities of heads of household. In the Hispanic community this problem is far more significant. Households headed by women are at a rate of 23 percent in Hispanic families as compared to just 15 percent among the rest of our Nation's racial and ethnic groups. We must make sure that there is truly economic equity in our programs and policies for women.

We must improve our educational system and make it more responsive to the changing demographics of this Nation. While the number of Hispanics attending college has increased in the past decade we still must improve the quality of education at the elementary and secondary school level to combat underachievements in math and science.

On this occasion we salute those from the Hispanic community who have enhanced our Nation through their work. Whether the profession be medicine or music—sports or government—we find constant leadership among men and women of Hispanic heritage. This will only increase in the future and as a nation we should be proud of the growth in size and stature of the Hispanic community. These are Americans who have a proud heritage but who have goals to make our Nation better.●

RABBI ARTHUR CHIEL

HON. BRUCE A. MORRISON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 20, 1983

● Mr. MORRISON of Connecticut. Mr. Speaker, the greater New Haven area mourns the death of Rabbi Arthur Chiel, a spiritual leader of the largest conservative synagogue in southern Connecticut and a distinguished community leader. Over 2,000

men, women, and children of all backgrounds participated in the farewell tribute to Rabbi Chiel at his synagogue, an event which I found very moving.

Our hearts go out to the Congregation B'nai Jacob in Woodbridge, who had to celebrate the Jewish high holy days this year—Rosh Hashonah and Yom Kippur—without its rabbi of 20 years. Rabbi Chiel always encouraged lay leadership of this congregation, and supported and approved a woman as its president. He leaves as his legacy a congregation that is involved, committed, and flourishing.

Dr. Chiel was a man of enormous spiritual, social, and intellectual commitment. He served as a founding member of the New Haven Commission on Equal Opportunities during the turbulent 1960's and developed strong and productive associations with minority residents. In 1978, Dr. Chiel was honored by the Anti-Defamation League of B'nai B'rith and received the Torch of Liberty Award for his distinguished contributions in furthering intergroup relations in the community.

He was a scholar of both American colonial and New Haven Jewish history. He served as a fellow of Ezra Stiles, one of Yale University's undergraduate colleges, and was a guest lecturer at the Yale Divinity School and at Fairfield University. Just this May, Dr. Chiel was honored as the keynote speaker at the rededication of the Touro Synagogue in Newport, R.I. His community lectures on local Jewish history have always been very well attended, and his weekly column in the Jewish Ledger was so widely read that it was eventually released for wider circulation.

But more than this, Rabbi Arthur Chiel loved and was loved by many. Those with whom I spoke at the funeral felt that they had lost not just a spiritual and community leader but also a personal friend. He was an extraordinary person, and I feel privileged to have known and to have been with him on several occasions this past year. The Third Congressional District has lost a powerful and dynamic man. I offer my sincerest condolences to his widow, Kenneret, and to their four children.●

INTRODUCTION OF THE HOMEOWNER ASSISTANCE ACT OF 1983

HON. RICHARD H. LEHMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 20, 1983

● Mr. LEHMAN of California. Mr. Speaker, the unusually heavy winter rains this year created many pressing problems for residents of my congressional district, as well as throughout the State of California. Floodwaters destroyed crops, made thousands of acres of cropland unworkable, and made life difficult for thousands of the San Joaquin Valley's residents.

One unfortunate side effect of the heavy rains was the delay it caused in the construction of hundreds of homes that would otherwise have been completed. These delays hurt the builders, the construction workers, and the prospective buyers of these homes. Especially hard hit by the winter rains will be those people participating in the Department of Housing and Urban Development's section 235 housing assistance program.

The section 235 program provides a helping hand to those families who could not afford to own their own homes without Federal assistance. Unfortunately, the Reagan administration has targeted the section 235 program for expiration at the end of 1983 fiscal year, September 30. This action by the administration would deny almost 200 families in the San Joaquin Valley the Federal assistance that had been promised them, and that they are depending on to help them buy their first home. HUD estimates that somewhere between 12,000 and 14,000 families nationwide face similar circumstances.

Because of rain-induced delays, the homes which these families would have moved into by now are as yet unfinished. However, because the 1983 funding which would assist them with purchasing these homes expires on September 30, the Government will renege on its promise to assist them in buying a home. The Reagan administration has refused to recognize the commitment it has made to these families, and administration officials continue to insist that any savings from the program at year's end be returned to the Federal budget.

Today, I am introducing legislation to correct this injustice. H.R. 3934, the Homeowner Assistance Act of 1983, will extend the authorization of the HUD section 235 program for 1 year. This extension will allow those families across the country who have been victimized by unforeseen construction delays to receive the mortgage assistance that the Federal Government has promised them.

I would like to urge my colleagues to support the extension of this worthwhile program so that we can honor the commitment we have made to assist these families in purchasing their homes.●

HEARINGS ON KAL 007

HON. DENNY SMITH

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 20, 1983

● Mr. DENNY SMITH. Mr. Speaker, I had the opportunity on September 16 to take part in the hearings conducted by the Republican Study Committee on the downing of Korean Air Lines flight No. 007. One of the witnesses at these most effective hearings was the distinguished scholar and former intelligence official, Dr. Ray S. Cline, of the Center for Strategic and International Studies at Georgetown University. Dr. Cline, a recognized authority on strategic matters, especially in view of his experience as an official of the Central Intelligence Agency and the Department of State, made a distinct contribution to the content of the hearing.

I am having Dr. Cline's statement reprinted for the edification of my colleagues:

MASSACRE OF 269 PASSENGERS ON KOREAN AIRLINER 007

I appreciate the opportunity to testify on the tragic destruction of Korean Airliner 007 by Soviet missile fire over the Sea of Japan. It is very real to me because I was in Seoul that night waiting for Congressman Larry McDonald and several other members of the United States Congress to arrive for a Conference on Security in Northeast Asia, where he was to speak on the morning of 1 September, about eight hours after his untimely death on 007.

Needless to say, the sad incident made our words meaningful at the subsequent sessions of the conference, which had been convened under the sponsorship of the Asiatic Research Center, Korea University, to commemorate the Thirtieth anniversary of the signing of the United States-Korean Defense Treaty, one of the main strategic strong points in support of American interests in the Northwest Pacific and Northeast Asia.

A South Korean airliner, a KAL Boeing 747, with 269 civilian passengers en route from New York to Seoul was shot down near the Soviet island of Sakhalin by a heat-seeking missile fired by a Soviet jet fighter, (Sukhoi) Su-15, in the early morning of September 1, 1983. Among the passengers were 61 Americans, including Congressman Lawrence P. McDonald (Democrat of Georgia).

The regularly scheduled passenger aircraft had strayed off course and passed through Soviet airspace over Kamchatka Peninsula and then over Sakhalin Island. The Korean pilot, apparently unaware of any navigational error, reported to Tokyo at 0323 Korean time that he was proceeding on the planned flight pattern northeast of Hokkaido, Japan.

After more than two hours of radar tracking of this aircraft and a near approach to it by a Soviet jet fighter from Sakhalin, Soviet authorities gave instructions to fire a missile at the Korean plane as it was approaching the Sea of Japan. The Soviet pilot reported at 0326 Korean time, according to intercepted voice transmissions, "The target

is destroyed. I am breaking off attack." Obviously, everyone aboard was killed in the plane's plunge to the sea.

At the European Security Conference in Madrid on September 7, Soviet Foreign Minister Andrei Gromyko, insinuating that the South Korean airliner was on a preplanned intelligence mission, warned that any future violations of Soviet "sacred borders" would receive the full brunt of Soviet retaliation.

On September 9 Marshal Nikolai V. Ogarkov, Chief of the Soviet General staff, in an unprecedented Moscow press conference, charged the entire flight pattern was the result of a U.S. intelligence "special mission" and that the destruction of the aircraft was fully justified. He said, "Termination of the flight . . . was not an error," and confirmed that, "In the general staff we were all informed."

The most devastating comment at the press conference came from Deputy Foreign Minister Georgi Kornienko, indicating no admission of error and suggesting a similar incident in the future would be dealt with in the same way. He said, "Protection of the sacred inviolable borders of our country and our political system [is] worth to us, as you know very well, many, many million lives."

This statement implies that military response at the expense of civilian lives in the case of a single civilian aircraft is as justifiable as repelling Hitler's invasion of Russian territory in World War II. It reveals a narrow rigidity of thinking and a truculence in foreign relations that bodes ill for the several complex arms limitation negotiations as well as other international agreements under discussion between Washington and Moscow.

About the only solace to be drawn from the Korean airliner tragedy is that Japan, the Republic of Korea, and the United States, as well as some of the other American allies, drew noticeably closer together in handling the diplomatic crisis. There appears for now at least a new readiness in Japan under the leadership of Prime Minister Nakasone to face up to the harsh facts of the menacing Soviet military buildup of armed forces in the Pacific Northwest region, where they threaten normal lanes of air and sea communication along the Kuriles linking Japan and the United States. The vital strategic value of the Pacific offshore and littoral triangle of Japan, Taiwan, and the Korean Peninsula facing the narrow sea-passage choke-points of the East China, Japan, and Okhotsk seas was illuminated by the stubborn Soviet military hard line in justifying its shooting down of the Korean airliner. The Soviet leaders, in both words and actions, are resolutely defying world opinion to claim their right to act in the same way in the future, come what may.

President Reagan condemned the "Korean airline massacre" as the kind of violence citizens in the West find hard to believe. "I speak for all Americans and for people everywhere who cherish civilized values," he said. "Words can scarcely express our revulsion at this horrifying act of violence." Foreign Minister Gromyko and General Staff Chief Ogarkov have put the Soviet Union on record as rejecting these American values and defending such acts of violence.

I would like to make two quick final comments:

The Soviet lie about American responsibility for the tragedy, arguing that KAL 007 was on an "intelligence mission", is ridiculous. There is nothing a civilian airliner could observe in that part of the world that could not much more effectively be learned from U.S. satellite sensors or from U.S. peripheral military reconnaissance flights over international waters.

The KAL airliner was on an innocent civilian, regularly scheduled commercial flight, and it is criminal for the Soviet Union to have massacred its 269 passengers on any pretext whatsoever. There is no excuse for such barbarity. We should never forget this callousness. The voting in the United Nations Security Council on a very mild resolution deploring the loss of KAL 007 shows an extraordinary clash of moral values. One group of nations reflected real concern for the lives of individual human beings. The contrast was stark in comparison with totalitarian values of nations insisting on the absolute priority of defense of the political and military power of the state. The United States vigorously sought support for the resolution stating the Security Council "deeply deplores the destruction of the Korean airliner" and that "such use of armed force against international civil aviation is incompatible with the norms governing international behavior and elementary considerations of humanity." Eight nations joined in voting for the resolution, Great Britain, France, the Netherlands, Pakistan, Jordan, Zaire, Togo, and Malta. Poland voted against the resolution, and the Soviet Union predictably vetoed it. Shockingly, the People's Republic of China, Guyana, Nicaragua, and Zimbabwe abstained. The conflict of cultures thus relected is seldom seen so clearly as in this vote of the nine versus the two nays and the four abstentions.●

TRIBUTE TO JOHN ANSON FORD

HON. EDWARD R. ROYBAL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 20, 1983

● Mr. ROYBAL. Mr. Speaker, on September 29 of this year Los Angeles' most distinguished citizen, John Anson Ford, will celebrate his 100th birthday. I would like to take this opportunity to recognize a lifetime of achievements by this extraordinary individual.

John Anson Ford served on the Los Angeles County Board of Supervisors for 24 years. During his service, he established a reputation for honesty, integrity, and genuine concern that was reflected in all operations and activities of the board. The projects he supported, his proudest accomplishments, all bear witness to his keen sensitivity for the needs and feelings of his fellow human beings.

In addition to his overriding concern for the rights of others, particularly the poor, the sick, and the elderly, John Anson Ford worked in a number of ways for the betterment of the human condition. He was particularly interested in the enhancement of the arts, in the preservation of the cultures unique to Los Angeles, and in the development of industry. Among his many achievements he can number the revitalization of the Hollywood Bowl, and the restoration of the Los Angeles Plaza where the history of our great city began. Thanks in large part to his efforts, Olvera Street has been changed from a dusty old alley into a cultural and historical treasure.

These achievements were of great benefit to the community as a whole, but John Anson Ford never lost sight of his concern for the individuals who make up that community. He established the department of senior citizens' affairs almost 40 years before the Congress of the United States established a committee to address the problems of the elderly population of this Nation. He also worked for those at the other end of the age spectrum, establishing the first toy loan program in the county and working to improve postnatal care.

As he carried out all his responsibilities, as he spent his considerable energies on many important projects, John Anson Ford saw to it that Los Angeles County's great institutions operated with due regard for human rights and the dignity of others. During his years of service, there was definite improvement in the operation and treatment of persons at the general hospital, juvenile hall and health departments throughout the county.

It is difficult to sum up an entire century of achievement and dedication. However, the common thread of concern for others that runs through the career of John Anson Ford makes it clear that he has been a true and successful champion of human rights and dignity. We in the House of Representatives wish him a very happy birthday and express to him our gratitude for his unflagging efforts to improve the human conditions.●

INABEL B. LINDSAY: 1900-83

HON. CLAUDE PEPPER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 20, 1983

● Mr. PEPPER. Mr. Speaker, the field of aging has suffered a serious loss because of the death of Inabel B. Lindsay, who was nationally and internationally know in gerontology and social work.

Dr. Lindsay was respected by her colleagues and friends as a top flight professional and gracious individual.

She held numerous positions in the field of aging, serving as a board member for the National Caucus and Center on Black Aged and the National Council on the Aging, a consultant for the Senate Committee on Aging, a member of the National Advisory Committee for the 1971 White House Conference on Aging, and a member of the President's Task Force on Aging.

Dr. Lindsay served with distinction and conviction in all these capacities. In addition, she wrote extensively on aging-related subjects. Her working

paper for the Senate Committee on Aging on the "Multiple Hazards of Age and Race" was considered one of the foremost authoritative studies on the economic situation of aged blacks.

In 1945, Dr. Lindsay became the first dean of the School of Social Work at Howard University. Because of her leadership and dedication, it became one of the most respected schools of social work in the Nation.

Dr. Lindsay received numerous awards and honorary degrees throughout her illustrious career, including:

Howard University's Distinguished Post-Graduate Award in 1961;

A Distinguished Alumna Award from the University of Pittsburgh School of Social Work in 1970;

The Alumni Medal by the School of Social Service Administration from the University of Chicago in 1974;

Social Worker of the Year Award from the Metropolitan Washington, D.C., Chapter of the National Association of Social Workers in 1974; and

An Honorary Degree of Doctor of Humane Letters from Howard University in 1982.

I extend my heartfelt sympathy to her family and relatives.

Mr. Speaker, I insert in the RECORD a brief description of her life and accomplishments:

INABEL BURNS LINDSAY: 1900-83, DEAN EMERITA, SCHOOL OF SOCIAL WORK, HOWARD UNIVERSITY

Inabel Burns Lindsay was born in St. Joseph, Missouri, and became nationally and internationally known through her contributions in social welfare services and social work education.

She received a Bachelor of Arts degree *(cum laude)* from Howard University in 1920 and then entered the New York School of Social Work with an Urban League Fellowship earned on a nationwide competitive basis. She received a Master of Arts in Social Work from the University of Chicago, and the Doctor of Social Work from the University of Pittsburgh.

Before joining the faculty of Social Work at Howard University in 1937, Dr. Lindsay served as a public schoolteacher in Kansas City, Missouri; for a number of years she worked as a social worker in St. Louis, where she attained the position of public welfare administrator. She held the rank of assistant professor and then acting director of the Division of Social Work in Howard's Graduate School. In 1945, she became the first dean of Howard's newly established School of Social Work. Under her leadership it became one of the outstanding social work schools in the nation and was early utilized by the Department of Health, Education, and Welfare in the training of United Nations fellows and in the training of foreign scholars.

When Dr. Lindsay retired in 1967 she remained actively involved in current issues in social work, making numerous contributions through writings, speeches, and participation in professional proceedings. In addition, she served as Social Services Advisor to the Assistant Secretary for Community and Field Services, Department of Health, Education, and Welfare from October 1967 to April 1970; Lecturer, School of Social Work, University of Maryland; Lecturer, School of Social Service, the National Catholic University of America; and as consultant for the National Urban League in 1969.

In addition to the policy and educational implications of her doctoral dissertation, "The Participation of Negroes in the Establishment of Welfare Services, 1865-1900, with Special Reference to the District of Columbia, Maryland and Virginia," Dr. Lindsay wrote and consulted extensively on international social walfare issues. Among her publications is the 1959 article "Adapting American Social Work Education to the Needs of African Students." She had similar concerns for social work education in the Caribbean, the Middle East and other parts of the world.

Dr. Lindsay's professional participation, with emphasis on aging, included the National Council on Aging, National Advisory Committee for the White House Conference on Aging, the President's Task Force on Aging, and Special Consultant for the Special Committee on Aging of the U.S. Senate, where she prepared a Working Paper on "Multiple Hazards of Age and Race." Her memberships included: Chairman, Committee on Social Walfare, National Urban League; Board of Directors, Edwin Gould Foundation and Edwin Gould Services to Children; Lois and Samuel Silberman Fund, Grant Committee, among others.

In 1961, Dr. Lindsay received Howard University's Distinguished Post-Graduate Award; in 1970 she was honored by the University of Pittsburgh School of Social Work with a Distinguished Alumna Award, and in 1974 she was awarded the Alumni Medal by the School of Social Service Administration, University of Chicago. Also in 1974, she was named "Social Worker of the Year" by Metropolitan Washington, D.C., Chapter of the National Association of Social Workers. In 1982, Howard University bestowed upon Dr. Lindsay the Honorary degree of Doctor of Humane Letters, which she regarded as a fitting climax to an educational and service career that began with her entering Howard University in 1916 at the age of sixteen.

Dr. Lindsay will always to remembered as a distinguished professor, administrator, and pioneer in the development of social welfare in the Americas and around the world.●

NOW, TELL THE TRUTH: WHAT DOES OCS MEAN?

HON. JACK FIELDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 20, 1983

● Mr. FIELDS. Mr. Speaker, I am submitting for the RECORD today an excellent article written by Mr. David C. Russell who is the Acting Director of the Minerals Management Service of the Department of Interior.

In this article, Mr. Russell accurately portrays the overwhelming need for an orderly and systematic development of our vast energy resources on the Outer Continental Shelf.

While Americans may no longer find themselves waiting in gas lines, our energy problems are far from being over and I believe we must move forward in an environmentally safe manner to lease, explore, develop, and produce these vital OCS resources.

I would highly recommend that every Member of this legislative body review this insightful article closely and join with me in opposing any attempt to restrict or prohibit activity on the Outer Continental Shelf.

The text of the article follows:

NOW, TELL THE TRUTH: WHAT'S OCS MEAN?

(By David Russell)

Most Americans know as much about the Department of the Interior's offshore oil and gas leasing program as they know about Chad. Yet, when it comes to energy, the program is probably America's most important.

Now, tell the truth; did you know that our Outer Continental Shelf (OCS) may contain over one-half of this nation's future petroleum production—worth over $2 trillion at today's prices? Or that the oil could replace 25 years' worth of imports at 1982 rates, and the offshore natural gas could heat 23 million homes for 50 years?

After the recess, Congress will again be asked to amend the Interior Department's appropriations bill to include language to prohibit leasing off certain coastal areas. If successful, this action would undermine the offshore leasing program and balkanize the U.S. into separate and competing energy-producing and consuming states. This language, already passed by the House, represents parochial excisions, a misuse of the appropriations process, and an attempt to relitigate arguments rejected by the Courts June 9 in *California vs. Watt.* It would allow regions which can find vocal sponsors in Congress to avoid their responsibility to make a contribution to America's energy needs.

This is a disturbing trend. Obviously, if every member of Congress from a coastal district were to say, "Sorry, not off my beaches," that would be the end of offshore leasing and production. If inland states were to take the same attitude toward coal, oil shale, oil and gas, we could write off our nation's future.

Offshore oil resources provide significant energy without the need for government subsidies. In fact, offshore oil and gas development could generate billions of dollars, provide jobs and ensure increased supplies of domestic energy.

Recent lease offerings underscore this potential: $2.1 billion for drilling rights in Alaska's Diapir Field, in September 1982; a record $3.4 billion at the May 1983 Central Gulf of Mexico offering; and $1.4 billion for Western Gulf of Mexico tracts offered just a few weeks ago. Since Secretary Watt took office, the offshore leasing program has generated nearly $8.5 billion in lease bonuses alone. Leases have been issued for a little over 2,000 tracts covering about 11 million acres.

Recent discoveries indicate that many of these tracts will be very productive. In fact, a record bid for a single lease in the Santa Maria Basin off California was followed less than 18 months later by the discovery of what could be a billion-barrel oil field—the biggest discovery in North America since Prudhoe Bay. Discoveries like these make all the lawsuits, criticisms and delays well worth the hassle.

Previous administrations pursued policies which leased only 22 million acres—2.5 percent of the OCS—in 26 years, compared to 123 million acres leased by Canada. Those

policies were largely responsible for the disastrous 34 percent decline in offshore oil production between 1970 and 1980.

The new program is intended to reverse this decline and respond to the Outer Continental Shelf Lands Act, which requires "expeditious and orderly" exploration and development, to reduce dependency on foreign sources and ensure stable and adequate supplies of reasonably priced energy when the leases come into production in the next decade.

This act also requires "an equitable sharing of developmental benefits and environmental risks among the various regions" of the United States. Prior to Secretary Watt's program, however, nearly 85 percent of the federal leasing and drilling had been in the Gulf of Mexico.

America cannot keep its energy resources in limbo until use; long exploration and production lead times dictate that, if we want energy tomorrow, we must issue our leases today. Nor can we base energy policies on parochial special interests masquerading as moral principles.

Clearly the most vocal opposition comes from the groups that have a long tradition of opposing even the timid leasing programs of previous administrations. Ironically, vocal criticism is also coming from regions which have the most consumers, use the most energy, and have complained the loudest about high energy prices, past shortages and high unemployment. They seem to be under the false impression that it is a choice between offshore development and other uses of the ocean.

From the day a lease is issued to the day the first oil or gas is pipelined to consumers can take up to 10 years. It is essential, then, that the federal government begin to promote an orderly inventory of these resources. Of course the law and sound public policy dictate that any program balance these needs for energy with the need to protect the human, marine and coastal environments. *California vs. Watt* held that the Secretary's five-year offshore leasing program achieves this proper balance and assures the receipt of fair market value. It will not lease the entire Outer Continental Shelf. It will merely consider broad regions of the OCS for possible leasing.

Environmental and other values are protected throughout the exploration, development and production process. The risks are kept at a minimum through the use of modern technology, tough regulations, and constant vigilence. To date, over $320 million has been spent on environmental and socioeconomic studies which cover every stage of the offshore leasing, drilling and production process. In addition, each OCS facility is inspected by the Minerals Management Service on both a scheduled and an unscheduled basis.

The Santa Barbara spill of 1969 is the only blowout in the course of drilling 30,000 U.S. offshore wells which resulted in a significant amount of oil reaching shore. According to marine biologists it caused no lasting ecological damage. Following the spill, the Interior Department implemented new regulations, and since then we have produced more than four billion barrels of oil from the Outer Continental Shelf, while losing a total of only 791 barrels due to blowouts.

Of all the oil pollution resulting from tankers, natural seeps and offshore operations in the past 12 years, only 3 percent came from oil and gas operations; of these, 85 percent came from tankers, and 12 percent from natural oil seeps. America's rivers dump more oil into our oceans every year—from roads, driveways and other sources—than do tankers, natural seeps and OCS operations combined.

Of approximately 4,000 wells that have been drilled off the California coast since 1894, nearly 3,300 have been in state waters—under leases and permits issued by the state. From 1975 to 1982, while some vigorously protested drilling in federal waters off the California coast, the State of California issued 575 drilling permits in state waters much closer to shore.

Because fair market value has become almost an incantation against the supposed evils of leasing, misinformation and emotional statements concerning it have been widely disseminated. It is time to set the record straight.

Fair market value means getting a fair or reasonable price, as determined in a marketplace, assuring the receipt of fair market value does not mean assuring the highest possible bonus bid. A leasing policy based on maximising bonuses would cast the U.S. in the role of a classic energy monopolist, manipulating supplies and prices at the expense of the consumer. It would stand in diametric opposition to the goals of the OCS Lands Act.

The bonus paid to get a lease reflects the experts' estimate of the value of the rights and opportunities conveyed by the lease, to explore, develop, produce and sell whatever resources might be present in a particular tract. It does not represent fair market value of the resources.

Annual rents of $3 per acre must also be paid, until there is production on the lease. The government keeps these bonus and rental payments, even if no oil or gas is found. If resources are found and produced (something that happens on less than 2 percent of all leases) federal law requires that the lessee pay royalties—customarily set at 16.7 percent—and taxes on the profits. The fair market values of the resources must therefore, be viewed as the sum of the bonus, rent, royalty and tax payments received by the government over the life of the lease.

The lease bonus is expected to account for only 30 percent of all future offshore leasing revenues. The other 70 percent is expected to come from rents, royalties and taxes collected after a lease is issued. Obviously, if we limit the amount available for lease, in an effort to increase bonuses a little, we give up or delay these other revenues.

Neither a centralized government planning office nor a single energy firm should make all the decisions about which tracts have the highest potential and should be offered for lease. What makes the offshore leasing programs—and the American economy—work is the opportunity it gives individual companies to take risks, test their theories and prove that they were right (and their competitors wrong) about where to look. Each of them will have a different opinion about how much will be found in a particular tract, what it will cost to develop and transport the energy, and what oil prices will be when the resources are actually produced.

No one has a corner on this knowledge. One tract in the May 1983 Gulf of Mexico lease offering went for $92 million. The next highest bid was less than $1 million. Other companies did not bid at all, because they viewed the tract as unpromising. This is not uncommon. Obviously there are very divergent views about what a tract's value is, and only drilling will ultimately determine who is right about its potental. But even the most optimistic companies get what they pay for—a chance to test their exploration theories—and for that they pay fair market value in the form of a lease bonus.

The coming together of these different viewpoints determines the fair market value of a tract. If the government determines that the high bid assures the receipt of fair market value, it accepts the bid and issues the lease. If not, the bid is rejected.

The oil companies invest billions of dollars just to get these leases. They cannot afford to sit on them, so will spend billions more to evaluate and get them into production. These expenditures have already begun to generate jobs for Americans, increase U.S. oil and gas supplies and help keep prices stable.

Lower energy prices and adequate supplies—far from being undesirable, on the grounds that they depress bonus bids—should be a primary goal of any leasing program. Indeed, it is hard to understand why critics of the program talk as if there were something wrong with leasing to keep prices and supplies at a reasonable level.

Among America's greatest attributes are its sense of equity and fair play, combined with a collective wisdom that, sooner or later, cuts through the fears, misconceptions and rhetoric. Given the facts, Americans generally make the right choices. Let us hope that the offshore leasing program will not prove an exception.

The leasing program deserves the support of all Americans—in the Congress, media, courts and general public. It must not fall victim to parochial interests, unsupported emotional charges, and the rhetoric of politicians.●

DOWN FROM THE MOUNT

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 20, 1983

● Mr. LAGOMARSINO. Mr. Speaker, I wish to bring the following op-ed piece from the August 12, 1983, Wall Street Journal, to the attention of my colleagues.

The recently completed Sixth Assembly of the World Council of Churches provides cause for alarm.

DOWN FROM THE MOUNT

The World Council of Churches has just descended from a mountain in Vancouver with a stone tablet saying that the focus of evil in the world today is the United States.

The U.S. is trying to "contain the aspirations of Central American people," the council said at its just completed Sixth Assembly. It accused the Reagan administration of trying to "destabilize the Nicaraguan government, renew international support for Guatemala's violent military regimes, resist the forces of historic change in El Salvador and militarize Honduras."

The assembly opposed "any type of military intervention by the United States, covert or overt, or by any other government." It didn't see fit, however, to name any other names.

Indeed, the assembly rejected a proposal calling for an immediate Soviet withdrawal from Afghanistan, in favor of a resolution allowing Russian troops to remain in Afghanistan until an "overall political settlement" is reached, i.e., when the freedom fighters are crushed. Just to make sure, American delegates at the assembly voted with their Soviet and East bloc counterparts for a call for a cutoff of arms supplies to Afghan freedom fighters.

Moreover, the council refused to hear two appeals from Christians in Russia begging for a "helping hand to the persecuted faithful." One letter was circulated from the Christian Committee for the Defense of Believers' Rights in the U.S.S.R. accusing Soviet authorities of "implementing a policy of genocide against believers." It said that 33 Christian believers are currently in prison, labor camps or special psychiatric institutions and that 20,000 others are seeking to emigrate so they can practice their faith. The letter also charged authorities with harsh discrimination in jobs, education and housing.

Deacon Vladimir Rusak of Moscow also wrote to the council asking for help against religious persecution. He said he has been prevented from writing a history of the Russian Orthodox Church after the 1917 revolution by the church's own hierarchy and the KGB, which confiscated his archives in January. "I believe in the Lord, I love my church, feel concern for her future and wish to serve her—but not by a compromise of conscience, that price which is exacted from our church leadership and which I am being urged to pay," he said.

The council didn't take up the appeals because that would have intervened in the "internal situation" of a member of the WCC, of which the Russian church is a part, said WCC executive Ninan Koshy. The appeals recall a similar letter sent to the previous WCC assembly, in 1975 in Nairobi, by Father Gleb Yakunin of the Russian Orthodox Church, who accused Moscow of persecuting Christians. After sending the letter, Father Yakunin was convicted of "anti-state activities" and is now serving a five-year sentence in a Soviet labor camp.

All of this may come as a surprise to many of the approximately 500 million members of the more than 300 Protestant, Orthodox, Anglican and independent churches represented at the World Council. But it shouldn't. The council has long supported many of the same leftist revolutionary causes aided and abetted by the Kremlin and its proxies. There have even been charges that offerings from collection plates have been handed over by the council to guerrillas, possibly for arms purchases. An exposé on the WCC and the U.S. National Council of Churches earlier this year by CBS's "60 Minutes" concluded that "whether it is by design or mischance or deliberate manipulation from outside the churches, church money and the churches themselves are found to be supporting highly political movements."

The World Council is supported by the mainline U.S. Protestant denominations. After its Vancouver revelations, it would seem to us, its supporters have some explaining to do. A good time to start would be with Sunday's sermons.●

REAGAN: MOVING BACKWARDS ON BILINGUAL EDUCATION

HON. ROBERT GARCIA

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 20, 1983

● Mr. GARCIA. Mr. Speaker, for years I have been pointing out that limited English proficient students have been humiliated and penalized for using their native language in school; they have been left to sink or swim in classrooms with teachers who cannot communicate and texts which are unintelligible.

The Supreme Court, in Lau against Nichols was very clear in observing:

We know that those who do not understand English are certain to find their classroom experience wholly incomprehensible and in no way meaningful.

The Court also noted that to impose English as a requirement before a child has acquired basic skills in the language, is to make a mockery of public education.

The following letter to the editor of the New York Times points out these truths and emphasizes that if the Reagan initiative becomes law, it is predictable that too many who could have succeeded if taught bilingually will fall by the wayside.

The material follows:

[From the New York Times, Sept. 20, 1983]

ON BILINGUAL EDUCATION, REAGAN IS MOVING BACKWARD

To the Editor:

Your enthusiastic editorial support [Sept. 13] of the Administration's legislative proposals on bilingual education puzzles us. On other civil rights issues, you have been swift to label the Reagan freedom-of-choice approach as a meretricious gambit that in fact heralds a retreat from this nation's historic commitments.

Bilingual education has been declared a matter of equal opportunity by Congress. To allow localities to choose whether to afford an equal opportunity to language minorities is effectively to wipe that congressional policy declaration off the books.

As private legal practitioners who collectively have spent more than a dozen years litigating bilingual education cases throughout the country, we admit to a point of view but believe we have gained some fundamental insights.

Local option is fine where demographics and political realities permit educational decisions to be made on educational grounds. But that is not the case everywhere, e.g., where Spanish-speaking people are considered a growing, particularly threatening part of a community in which teaching jobs are scarce. Wisely, Federal law does not mandate that children in such areas languish educationally because of considerations having nothing to do with their abilities.

Likewise, a sink-or-swim philosophy (represented by so-called "immersion" programs) is always praised by those who managed to stay afloat. But many do not, and Federal law wisely mandates that those who would otherwise sink must be given alternatives for learning. And the virtue of bilingual education, as numerous studies have shown, is that it works educationally for some children for whom other, more traditional approaches do not work.

What is the defect in today's statutes that the proposed law would remedy? "[I]t would stop requiring that youngsters be taught in their native tongue," according to the editorial. But there is no such requirement that all language minority children who lack proficiency in English be taught bilingually. School districts are free to use other pedagogic methods if they can demonstrate that these are equally effective. Furthermore, parents can opt not to put their children into bilingual programs if they so desire. That, in our view, allows meaningful local freedom of choice.

Unfortunately, what the Reagan Administration has in mind is turning the clock back a decade to a time, before Congress and the Supreme Court spoke, when many school districts, exercising their prized and unfettered discretion, chose to do nothing for children who lacked English-language proficiency. Many school districts in those days decided, under the freedom-of-choice rubric, simply to maintain the status quo in terms of school personnel and budgets.

Sad to say, we fear that once again there will be districts where bilingual education will not be offered to any students. How does that increase students' or parents' freedom to choose an appropriate education?

If the Reagan initiative becomes law, it is predictable that some, perhaps many students who could have blossomed if taught bilingually will fall by the wayside. Your callousness about that inevitable outcome troubles us.●

A TRIBUTE TO DR. ROBERT E. "BOB" WEINTRAUB

HON. PARREN J. MITCHELL

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 20, 1983

● Mr. MITCHELL. Mr. Speaker, it is with profound sorrow that I report the death last Monday, September 19, 1983, of Robert E. Weintraub, senior economist with the Joint Economic Committee, and for many years, the leading expert on monetary policy on Capitol Hill.

Bob was a distinguished professional in his own right. He was, as all know, the firmest advocate of monetarist economic principles, and a man who pursued his convictions with clarity, determination, and force. He was a major figure in alerting Congress to the importance of monetary policy oversight into the careful, regular reviews that are conducted today. Moreover, he was a force on other issues in his long career, from the financial rehabilitation of New York City, to the reform of banking regulation, to foreign exchange rate policy, to the international debt crisis.

Bob worked with both parties and in both Houses. Among members and past members of our Joint Economic Committee, Senator PROXMIRE, former chairman Reuss, John Rousselot, and

current chairman JEPSEN all had the pleasure at one time or another of employing Bob and benefiting from his wisdom, judgment, and indefatigable energy. He has many other friends in this body as well, where he served for years on the staff of the Committee on Banking.

All who knew Bob recognized in him a man who took public life and public service seriously. He loved the Congress, and maintained his faith in our willingness to learn, our ability to do good, and in our mandate, as the people's representatives, to exercise the powers with which we have been vested. There are not many men of Bob's age and talents—he was 58—who would devote their professional lives, as he did, to helping us with our tasks. For Bob, this was an evident joy.

I know I join with many others, including Bob's friends in Congress and on the staff, in recording my deep sorrow at his death, and my sympathy for his wife, Sue, and their children, and for the rest of his family.●

DR. KARL-HEINZ MADER

HON. JOSEPH M. McDADE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 20, 1983

● Mr. McDADE. Mr. Speaker, on Friday, September 23, 1983, the management and employees of Schott Glass Technologies, Inc., will be honoring a very special man, Dr. Karl-Heinz Mader who is currently their vice president in charge of research and development.

Unable to attend this gathering due to a long-term commitment, I would like to take this opportunity to ask Congress to join me along with Dr. Mader's many friends and colleagues in expressing our deep appreciation and gratitude for his many contributions both to the scientific industry and his community.

Dr. Mader is solely responsible for Schott Optical Glass, Inc.'s development of laser glass for the U.S. Department of Energy's laser fusion experiments. During his stay at the Duryea based firm, Dr. Mader has been responsible for the supervision of research and development activities related to the U.S. market, expanded customer technical service capabilities and improvement of Schott Optical's scientific market capabilities. He has headed up the DOE laser program, including the production of BK-7, an extremely high quality glass which is also used in the Energy Department's fusion system. The DOE experiments are currently being carried out at Lawrence Livermore Laboratories outside of San Francisco, Calif.

A native of Pyritz, Pomerania, in which is now East Germany, Dr. Mader first joined Schott Optical's German parent company, the Schott Group in 1969. He served as a senior scientist with the group's Deutsche Spezialglas AG subsidiary.

Recognized worldwide for his scientific contributions, Dr. Mader holds a master of science degree from Humboldt University in Berlin and a doctorate in natural science/physical chemistry from the University of Hamburg. Dr. Mader has published numerous articles in scientific journals.

Dr. Mader will be returning to Germany this fall to continue his research. Although we deeply regret losing such a valuable individual, we take this opportunity to wish him and his family good health and good fortune.●

UNITED STATES STRIVES FOR MORE EQUITABLE DEFENSE SHARING ARRANGEMENT WITH JAPAN

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 20, 1983

● Ms. KAPTUR. Mr. Speaker, today, I am introducing a House concurrent resolution on the defense burden sharing efforts of the United States and Japan. This resolution states that it is the sense of the Congress that Japan should increase its defense expenditures to insure a more equitable defense burden sharing arrangement with the United States than presently exists. The defense of Japan and the western Pacific region has been a vital part of the U.S. defense posture since World War II. The United States has contributed a significant portion of its defense expenditures for the protection of this area.

Times have changed since the adoption of our immediate post-war policy seeking a "completely disarmed and demilitarized" Japan. Unfortunately, Japan's military expenditures have not risen accordingly. American attitudes toward Japan's defense spending began changing in the Nixon years. The implication of the Nixon Doctrine, for example, was that Japan would have to assume more of the burden of securing Western interests in Asia. However, neither the Nixon administration nor the Ford administration made Japanese defense efforts a central focus of U.S. policy. The Carter administration, in its initial plans, included a continuation of the reduction of the United States presence in Asia and a reduction of the cost of supporting U.S. forces in Japan. After the events in Afghanistan and Iran, the Carter administration began putting even more pressure on the Japanese to increase defense spending. The Carter administration had hoped that the pressure would result in at least a 9.7 percent increase in the fiscal year 1981 defense budget, but it resulted in only a 7.6-percent increase. (Japan's defense expenditures have increased on the average of 7 percent per year in real terms over the last decade.)

We all know that defense spending is a very sensitive political topic in Japan, and that Japanese leaders create a good deal of grief for themselves by mentioning the possibility of increasing defense expenditures. While I believe that the United States should not meddle in the political affairs of other countries, I do believe that it is quite reasonable for the United States to encourage Japan, at the minimum, to implement the modest defense spending goals it has set for itself. Japan has not realized the goals in its second 5-year plan (fiscal year 1983—fiscal year 1987). In the first year of the plan (fiscal year 1983), Japan ended up with a 5-percent increase in real terms, which is inadequate if Japan's defense goals are to be met. For fiscal year 1984, Prime Minister Nakasone announced a defense spending ceiling of 6.9 percent, although officials of the Japanese Defense Agency sought an 8.9-percent increase, and stated that Japan must increase defense spending by 7-9 percent over the coming years in order to meet the goals of the 5-year defense plan.

With Japan's trade surplus with the United States increasing each year, it is time for the Congress to send Japan a signal that we must develop a more equitable defense burden sharing arrangement. In 1982, Japan's trade surplus with the United States hit $16.8 billion, in 1983 it is expected to reach $22 billion, and analysts are predicting that in 1984 the trade surplus will hit $27 billion. Meanwhile, we are not seeing much change in Japan's defense spending levels. Even with an historical perspective on the causes for Japan's low defense spending and the internal Japanese political problems associated with increasing defense expenditures, it seems wise, in these times, to express the sense of the Congress that Japan should increase its defense expenditures to insure a more equitable defense burden sharing arrangement with the United States than presently exists. This is precisely what my resolution does.

The resolution follows:

Whereas, the defense of Japan and the Western Pacific has been a vital part of the defense posture of the United States since World War II;

Whereas, the United States, since World War II, has had a significant portion of its defense expenditures consumed in the defense of Japan and the Western Pacific region;

Whereas, Japan is the number one economic partner and ally of the United States in the Western Pacific region;

Whereas, Japan is a major economic power in the non-Communist world;

Whereas, Japan's trade surplus with the United States is expected to hit a record high in 1983;

Whereas, military spending accounts for 6.6 percent of the gross national product of the United States, and below 1 percent of the gross national product of Japan;

Whereas, Japan has pledged to strengthen its military capabilities in order to develop a self-defense capability to enable Japan to defend the home islands in conjunction with the United States;

Whereas, Japan adopted its second five-year defense plan for the years 1983-1987 with specific goals for increasing Japanese defense capabilities;

Whereas, the Japanese defense budget for the first year of the five-year plan was inadequate to meet the initial procurement goals set in the plan;

Whereas, officials of the Japanese Defense Agency sought an 8.9 percent increase in real terms for the second year of the five-year plan, but received only a 6.9 percent ceiling;

Whereas, officials of the Japanese Defense Agency have stated that Japan must increase defense spending by 7 to 9 percent in real terms, over the coming years, in order to meet the goals of the five-year defense plan on schedule; and

Whereas, it is the policy of the United States to encourage Japan to make steady and significant progress in its self-defense capabilities: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress that Japan should increase its defense expenditures to ensure a more equitable defense burden sharing arrangement with the United States than presently exists.

SEC. 2. The Clerk of the House of Representatives shall transmit a copy of this resolution to the President with the request that the President transmit such copy to the Prime Minister of Japan and to the Japanese Diet.●

LETTER TO THE PRESIDENT

HON. CARROLL A. CAMPBELL, JR.

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 20, 1983

● Mr. CAMPBELL. Mr. Speaker, last week, Senator STROM THURMOND received an honorary degree from Voorhees College in South Carolina. In his remarks, he addressed the subject of Martin Luther King, Jr. Day and discussed the need for legislation to deal with the rising costs of the Federal holiday system. As President pro tempore of the Senate and as chairman of the Senate Judiciary Committee, Senator THURMOND's concern should be translated into congressional action. Based on sincere efforts to deal with the cost factor, I wrote to President Reagan urging him to sign the legislation creating Martin Luther King, Jr. Day. The text of the letter, which I would like to share with my colleagues, follows:

HOUSE OF REPRESENTATIVES,
Washington, D.C., September 20, 1983.

The PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: I am writing concerning congressional efforts to establish Dr. Martin Luther King, Jr. Day, a new national holiday to honor the Civil Rights movement. As you know, the House passed this legislation last month and the Senate is expected to follow suit in the near future.

The vote on Martin Luther King, Jr. Day was a difficult one for me. On the one hand, I share with most Americans respect and admiration for those who have worked so hard to advance the cause of Civil Rights. Indeed, I believe it is entirely appropriate to recognize the gains of Black Americans and other minorities through a day of commemoration and I have strongly and consistently supported the concept of creating a Sunday holiday.

On the other hand, however, I am deeply concerned about the cost of a new Federal holiday and the signal we would be sending if we shut down the productive machinery of this country for another day at a time when our economy is beginning to come around and productivity is on the rise.

On balance, I had to reject the spending priority embodied in H.R. 3706 and I voted against the bill. It was a tough call.

Now, however, it is my understanding that some congressional leaders are exploring options that would allow us to reduce the cost of the Federal holiday system. One possibility would be to require each Federal employee to work on one holiday of his or her choice, thereby allowing the government to remain in operation on most holidays. Surely there are reasonable approaches that would allow us to streamline and reduce the cost of the Federal holiday system. I should point out that no options of this kind were considered in the House. Indeed, they could not have been because of the strict rule under which this legislation was brought up.

Mr. President, given the fact that cost-cutting options are being seriously considered, I would urge you to sign the legislation creating Martin Luther King, Jr. Day. Based on sincere efforts to deal with the cost, should I have the opportunity through a conference report, I will now support this legislation. The Civil Rights movement has contributed much to the goal of human understanding and respect for all, which is basic to the American dream. This holiday will, in fact, appropriately honor the accomplishments and goals of the Civil Rights movement itself.

Respectfully,

CARROLL A. CAMPBELL, Jr.,
Member of Congress.●

RESPONSE TO "DEAR ABBY" COLUMN ABOUT SOCIAL SECURITY

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 20, 1983

● Mr. LANTOS. Mr. Speaker, I have as have most of my colleagues, received hundreds of letters during the last few weeks from constituents who are concerned about a "Dear Abby" column printed on September 5, 1983, which refers to an alleged inequity in the social security retirement affecting those beneficiaries born between 1917 and 1921.

The facts in the column are not entirely accurate, and I have received several official but lengthy explanations about the situation. The best discussion I have seen to date, however, is in an article by Janet Reinka, a reporter for the Peninsula Times Tribune, a newspaper in my district. The article appeared in the September 16, 1983, edition of the paper, and I would like to share it with you.

"DEAR ABBY" HAS TO BACKTRACK ON COLUMN ABOUT SOCIAL SECURITY

(By Janet Reinka)

Say it ain't so: Abigail Van Buren, who writes the widely read "Dear Abby" advice column, was wrong.

In a column to appear in subscriber newspapers on Sept. 26, Abby will have to backtrack a bit on a letter she published recently alerting some Social Security recipients that they were being shortchanged on their benefits.

"Notch-Year Baby," as the letter was signed, invited Abby's fans who were born between the years 1917 and 1921 to write their congressmen to get "corrective" legislation passed so their benefits would be "restored."

The trouble was that Notch-Year Baby had it, if anything, backwards because recipients born during those years actually are getting a break over those born after 1921.

But, incredible as Abby faithful will find it, Notch-Year Baby's letter was followed up by a postscript from Abby herself, telling readers she had checked his information and he was right.

Readers apparently did just what Notch-Year Baby suggested and have swamped congressional and Social Security Administration offices with calls and letters.

To some congressional aides, Notch-Year Baby's name is mud.

"I didn't keep a count of how many people wrote and called," said Bob Woldow, a staff assistant in the Sunnyvale office of U.S. Rep. Ed Zschau, R-Los Altos. "Many people clipped the article and sent it in. I'd say at least three-fourths of the letters for the next few days after the letter appeared were about it."

Woldow said the trouble is that most people who read "Dear Abby" believe her.

"Even if she does write a retraction, by then nationwide millions of people have written to their congressmen."

Abby's editor at Universal Press Syndicate obviously was sick of hearing about Notch-Year Baby, too.

"We've heard from lots of Social Security offices and 20 congressmen," editor Alan McDermott said. "* * * Abby's trying to provide some amplification. I know she won't want to talk to you. Abby will respond in the column."

The column is to include at least part of a "Dear Abby" letter from the Social Security Administration, which was written in rebuttal to the first one, plus whatever Abby herself has to say about the whole affair. Whether it will be an outright retraction or just an explanation remains a mystery.

In his letter, Notch-Year Baby drew readers' attention to the "fact" that people drawing Social Security who were born

during the five-year "notch" were being "unjustly penalized by receiving lower benefits than those born prior to and after the above-mentioned years."

"For example," he said, "if you worked until you were 65 before starting to draw Social Security, you are receiving about $100 less in your monthly check than those born before 1917 and after 1921."

Notch-Year Baby said a bill to correct the "unfair situation" had died in committee but he urged readers to write their congressmen to get them to introduce a new bill.

In fact, the discrepancy Notch-Year Baby was describing arose because of a batch of changes that were made in 1977 as part of former President Carter's attempt to control the ballooning costs of the retirement system.

What got the publicity at the time were the tax increases Congress passed to "save" the system. Overlooking in the fine print were provisions to gradually scale back future benefits.

Because of a 1972 change in the benefit formula, recipients were, in effect, receiving benefits that were double-indexed for wages and inflation. In some cases, according to the Social Security Administration, retirees actually were receiving more in benefits than they did when they were working because of the inflation bonus that was being figured into the formula.

To keep from bankrupting the system, Congress "corrected" the formula to eliminate the inflation bonus, according to Hal Foss, San Mateo District manager for the Social Security Administration. (The formula is further complicated because benefits depend on how long a recipient worked and when he retired.)

Many people born during the five-year notch were nearing retirement and had been counting on the higher benefits. So, for them, Congress approved a two-tiered formula. Those recipients get less money than retirees born before 1917 but more than those born after the notch.

The reduction in future benefits amounts to up to 25 percent for those born after 1916, Foss said, but, because of the two-tiered formula, the full impact falls on those born after 1921. Notch-year babies who have held off retiring retain the right to the old formula computation. When they retire, they will automatically get the highest amount they are entitled to under either the new or the old formula, Foss said.

"There was an incredibly multiplying effect," Foss said of the old formula. "It's more of a windfall for the (notch-year and older) folks who the government refused to roll back."

One unintended result of Notch-Year Baby's letter was that it has belatedly called attention to Congress' sleight of hand in reducing benefits in 1977. The change was made deftly, compared to the senior citizen revolt President Reagan stirred up when he openly taked about cutting benefits.

Social Security recipients who have found out about the benefit reduction usually stumbled upon it by accident. Foss said, for example, that two neighbors in his San Mateo District were comparing checks and found that one was receiving $120 more a month than the other. They came down to the office and learned that the notch-year legislation was responsible.

"There was no real resolution of the problem because one was getting less than the other," Foss said. "But at least they knew why."

Foss said people should not feel cheated because of the scaling-back of benefits between 1977 and 1983.

"It's not that they are being treated unfairly," he said. "It's just that the other people (born before 1917) are being treated more than fairly."

Editor McDermott said he had issued an advisory to subscriber newspapers that Abby's response was scheduled for Sept. 26, but they can run it earlier.

Zschau's aide, Woldow, said most constituents who called to ask about the letter were satisfied with his explanation.

"When you explain it, they have said, 'I thought there must have been something wrong with it (the letter) if no one had noticed it in six years,'" Woldow said.

He would like an answer to something Abby herself may not know:

"I shouldn't speculate," Woldow said, "but I wonder who Notch-Year Baby was?"●

SIXTH DISTRICT OF ALABAMA RESPONDS ON THE ISSUES

HON. BEN ERDREICH

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 20, 1983

● Mr. ERDREICH. Mr. Speaker, this summer I sent to my constituents in the Sixth District of Alabama a questionnaire on some of the major problems and issues facing our Nation.

I am very appreciative of the many citizens in my district who returned their questionnaires. Their views are of great value and guidance to me, and I wanted to share with my colleagues the sentiments of the 7,776 Alabamians who answered my questionnaire.

The questions included in the questionnaire and response percentages follow:

CONGRESSMAN BEN ERDREICH'S CONGRESSIONAL QUESTIONNAIRE

	Percentage		Total number of respondents
	Yes	No	
BUDGET AND ECONOMY			
With the fiscal year 1982 budget deficit of $110.5 billion, the fiscal 1983 deficit of $207.7 billion, and the administration proposing a deficit of $188 billion for fiscal year 1984, to cut these staggering Federal deficits, would you favor:			
1. Across-the-board cuts in Federal Government spending	71	29	[1] 7,518
2. Cuts in defense spending	40	60	7,572
3. Cuts in domestic programs	74	26	7,533
4. A combination of restraint on Federal spending and revenue increases	78	22	7,456
5. Cuts in medicare by improved controls on health care providers	79	21	7,622
6. Cuts in medicare by reducing services provided to beneficiaries	27	73	7,521
7. President Reagan's proposal to impose a standby income tax surcharge and tax on oil in fiscal year 1986 should the deficit exceed 2½ percent of the gross national product	48	52	7,189
8. A constitutional amendment mandating a balanced Federal budget	72	28	7,488
To achieve economic recovery do you favor:			
9. Tight money policies by the Federal Reserve Board to reduce inflation	74	26	7,313
10. Measures to stop the dumping of subsidized imports on the U.S. market	80	20	7,524
11. The creation of a U.S. Department of Trade	33	67	7,215
12. Reducing paperwork and government regulations on U.S. business and industry	83	12	7,571

CONGRESSMAN BEN ERDREICH'S CONGRESSIONAL QUESTIONNAIRE—Continued

	Percentage		Total number of respondents
	Yes	No	
DEFENSE			
Do you favor defense policies which would:			
13. Appropriate funds for the MX missile	70	30	7,332
14. Fund the purchase of the B–1 bomber	67	33	7,240
15. Provide military assistance in El Salvador	54	46	7,307
16. Support covert activities to overthrow the Sandinistan government of Nicaragua	50	50	7,149
17. Send peacekeeping troops to Lebanon	44	56	7,313
18. Freeze at current levels the number of nuclear weapons each nation can build or store	53	47	7,324
19. Reduce the number of nuclear weapons each nation can build or store	70	30	7,338
20. Pursue arms control negotiations with the Soviet Union to bring about mutual and verifiable reductions	87	13	7,572
NATIONAL ISSUES			
Do you favor:			
21. Laws to limit abortions to cases where rape or incest are involved or where a physician has determined that the life or health of the mother is in danger	48	52	7,538
22. Prohibiting Federal funding of abortions under the Medicaid program and Federal employee insurance programs	61	39	7,610
23. A Constitutional amendment banning abortions and prohibiting them in all circumstances	15	85	7,553
24. Congress allowing the states to vote on ratification of the Equal Rights Amendment	52	48	7,478
25. Flat rate income tax proposals that would eliminate mortgage interest, medical and charitable deductions	44	56	7,421
26. Emergency basic medical care or medical insurace for unemployed workers and their families	65	35	7,473
27. Stricter immigration laws including penalties for employers of illegal aliens	90	10	7,618
28. A Constitutional amendment to allow a moment of silent prayer in our public schools	71	29	7,595
29. Tuition tax credits to aid parents whose children attend private schools	56	44	7,633
30. Federal programs to provide increased funding of basic education programs in the public schools	50	50	7,582
31. Abolishing the Department of Education	54	46	7,354
32. Merit pay for exceptional public school teachers	70	30	7,535

[1] The total number of respondents on each question varies, and is less than the 7,776 total received, because a small number of those answering did not respond to all of the questions.●

JIM HARPER

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 20, 1983

● Mr. CLAY. Mr. Speaker, I wish to have entered into the CONGRESSIONAL RECORD this tribute to a great public servant, recently deceased, who served as administrative assistant to my good friend and colleague, Congressman LOUIS STOKES. His name was Jim Harper.

Jim Harper should be remembered for his courageous spirit, competence, and dedication as a public servant. Throughout the suffering of his last years, he overcame the discomforts of his chronic illness and projected his friendly, soft-spoken countenance to all who came his way. As dean of the congressional black caucus administrative assistants, his counsel was always readily available, freely offered, and very helpful. An inveterate practical joker and purveyor of humor, he was a

joy to all who knew him. This uncomplaining, dedicated civil servant should have his obituary entered for its inspirational value of a life lived well, with much meaning.

OBITUARY

James Curtis Harper was born and reared in Cleveland. Even though he spent the last 12 years of his life in the Nation's Capital, his heart, his thoughts and his energies never left the city of his birth. He worked tirelessly as the Administrative Aide to Congressman Louis Stokes, D-21 of Warrensville Hts., to better the lives of the people of Cleveland.

Mr. Harper died Friday, August 26, 1983 at his home in Silver Spring, Maryland surrounded by his wife of 31 years and his children. Even though Mr. Harper's health had been precarious for some time, due to a hypertensive condition, he continued to function in his professional capacity until the day before his death. Mr. Harper would have been 58 on August 28th.

James C. Harper was an erudite, softspoken man who will be remembered, in part, for his integrity, his dedication to his ideals, and his devotion to his wife and his children.

He was graduated from Western Reserve University with a double major in psychology and sociology. During his years at WRU James became a member of the Kappa Alpha Psi fraternity. Mr. Harper continued his education through graduate programs at WRU as well as Rutgers University.

From 1953 to 1954, Mr. Harper was a social worker at the Warrensville Workhouse. Ten years later, after a stint as county probation officer, Mr. Harper went back to the workhouse as assistant superintendent.

When the superintendent of the city prison resigned unexpectedly in 1966, Mr. Harper was appointed to the position. During his three years on the job, he developed a program permitting prisoners to leave the grounds for regular jobs during the day. Mr. Harper once said he regarded the program as just one in a campaign to change the workhouse from a place of detention to a place of rehabilitation.

In 1969 James Harper became the Commissioner of Manpower Development in Cleveland. While in this position Mr. Harper developed and implemented myriad programs to facilitate and encourage jobtraining programs. A year later he became the first Executive director of the Criminal Justice Coordinating Council. In that capacity he coordinated the distribution of federal and state funds to various criminal justice programs in Cuyahoga County.

In 1971 Mr. Harper left the CJCC to become the Administrative Aide to Congressman Louis Stokes in Washington, D.C. He remained in this position and lived in Silver Spring, Md., until his death.

James Curtis Harper is survived by his wife, Barbara, sons, James C. Harper II of New Orleans and Malcolm J. L. of Cleveland; daughters, Saundra L. and Kimberly A., both of Silver Spring, Md.; his mother Evelyn and sisters, Mrs. Dorris M. Hill of Shaker Heights, and Mrs. Mildred M. Pollard of Cleveland.

TRUE HAPPINESS

Happy are those who reject the advice of evil men,
who do not follow the example of sinners
or join those who have no use for God.
Instead, they find joy in obeying the Law of the Lord, and they study it day and night.
They are like trees that grow beside a stream, that bear fruit at the right time, and whose leaves do not dry up.
They succeed in everything they do.—Book 1 (Psalms 1-3)●

SPIRALING POPULATION CRIPPLES AFRICA

HON. LES AuCOIN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 20, 1983

● Mr. AuCOIN. Mr. Speaker, this is the second in a series of six recently published articles on sub-Saharan Africa written by Nicholas D. Kristof, a Rhodes scholar from Yamhill, Oreg.

[From the Oregonian, May 24, 1982]

SPIRALING POPULATION CRIPPLES AFRICA

(By Nicholas D. Kristof)

COTONOU, Benin.—Little Boka is a bright-eyed 9-year-old girl who plays and begs in the dust near the Hotel Babo. One of eight children, she is a victim of the size of her family: The numbers mean less money to go around, less food, less clothing and less space in the hut.

But Boka, herself perhaps only a few years from motherhood, shyly explained that she wanted eight more children for herself. And so one more baby factory will soon begin production, consigning more offspring to a thinner sliver of the economic pie.

Dizzying population growth is a primary reason for and result of poverty in Africa. Modest increases in the national income and food production are overtaken by surges in population, so that the amount of income and food per person is stagnant or falls.

Population in Africa is growing faster than anywhere else in the world—and the growth rate is accelerating. Annual population growth in the 1960s was 2.5 percent; in the 1970s, 2.7 percent; and the World Bank predicts that for the next 20 years, the population will grow by 3 percent per year. At that rate, the population will double every 24 years.

The snowball effect is dramatic. In Boka's homeland, poverty-stricken Benin, 4 million people eke out an existence in a country less than half the size of Oregon. The World Bank projects that when the population stops growing in the year 2110, Benin's population will be 16 million. Even that figure could be low.

Thomas Malthus' grim predictions of population growth outstripping food production are coming true in Africa. In the 1960s, the volume of agricultural production rose by an average of 2.3 percent per year, and in the 1970s, by 1.3 percent per year. But both figures were behind the rates of population growth, so Africa now produces less food per person than it did 20 years ago.

Furthermore, natural resources such as timber and oil are being increasingly swallowed up for domestic consumption, eroding the countries' limited export base. Nigeria has abandoned its agriculture and has come to depend on oil exports for survival. But the Nigerian population, now about 90 million, is shooting upward so quickly that by the year 2000 all its oil may be needed for domestic consumption—a formula for unimaginable disaster.

The cities are bearing the brunt of the new oceans of people. As everywhere in the developing world, people are fleeing the villages for the dazzling lights of the cities—only to sleep in the streets and slums. Urban populations are soaring by 6 percent per year in Africa, or 8.5 percent in 35 large capitals. At that rate, the population doubles every nine years.

The cities cannot absorb the influx, so the people live in the vast shantytowns of Lagos, Dakar, Cotonou and other cities. Pressed together amid the stench and filth, the streets their only toilets, they do anything to survive. Many become entrepreneurs, selling fruit, cigarettes, their own sisters.

The reason for the population boom is simple: Improved health care slashed death rates while birth rates remained constant or fell only slightly. For example, in Liberia, one of the fastest growing countries in the world, the birth rate dropped 4 percent from 1960 to 1979, but in the same period the mortality rate fell 33 percent. Now in Liberia, 48 babies are born each year per 1,000 people, while only 14 die.

The impulse in the West is to call for birth control strategies, but the obstacle is that parents frequently want very large families. When African women are surveyed and asked how many children they want, the national averages range from 5 to 10. And that is how many they get; the current average in Africa is 6.6 live births per woman.

Why do they want so many children? The answers often are quite rational. In societies without social security or pension plans, children are the parents' only guarantee that they will be cared for in old age. Sometimes, the parents believe the children will be able to bring in extra money, by hawking fruits or cigarettes.

Where disease or injury can strike anyone anytime, a child is the only insurance available. In Mali, river blindness is widespread, afflicting 10 percent of the population in some areas. The victims who have no children sit all day, all night, on the street, hands outstretched. The victims with children at least have a child to lead them to places where they can beg, buy food, escape from storms or simply relieve themselves.

So parents want a few children as insurance. But to get a few children, they must have many children because of high infant mortality and child mortality rates. In some rural areas, half the children die before the age of 5. Moreover, sons are much better insurance than daughters, so the parents really want a few sons. But this is an expensive insurance policy, exhausting for the mother and debilitating for the country.

Eventually, this mad roller-coaster ride will grind to a halt, for with urbanization and development comes a tempering of the desire for large families. Education is one brake: Schooling delays the point when a child becomes a benefit rather than a burden to the family, and studies also show that educated women have markedly fewer children than uneducated women. Some countries in Africa already are enjoying declines in population growth, and birth control programs can help significantly at this stage.

The World Bank predicts that between 2075 and 2140, all African countries for which data is available will reach zero population growth. But the stationary populations reached by then are daunting: 450 mil-

lion for Nigeria (compared to 90 million now); 109 million for Kenya (16 million now); 42 million for Zimbabwe (7 million now). Tiny Gambia will swarm with 3 million inhabitants (600,000 now), Zaire will rise from 28 million to 139 million.

This is the population bomb. It detonates not with a bang but with the whimpers of millions of newborn, hungry children. Defusing it is perhaps Africa's greatest challenge.●

LEBANON—LET'S LOOK BEFORE WE LEAP

HON. JOHN F. SEIBERLING

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 20, 1983

● Mr. SEIBERLING. Mr. Speaker, the Reagan administration, having dropped U.S. marines into the Lebanon quagmire, now wants Congress to ratify the action and sign a blank check for future commitments. Yet, couriously, the administration does not want to concede that Congress has any right to participate in the decisionmaking as to the terms and conditions of present or future troop commitments there.

This might not be so bad if the administration had pesented a definitive statement as to the policy it is pursuing in Lebanon, how the marines' presence there fits into the picture, how many personnel will ultimately be needed, what it will cost and how long it will take. But neither the Congress nor the American people have been given any such statement. One may be forgiven for wondering whether the administration itself has any clear policy or has any answers to these questions.

In any event, before Congress takes any action that would give its blessing to the continuation of U.S. Armed Forces in Lebanon, Congress should insist upon at least the following:

First, an acknowledgment by the administration that the War Powers Act was triggered when the marines became the objects of hostile fire in later August or early September.

Second, an explanation by the administration in precise and full detail as to the policy reasons for a continuing U.S. military presence in Lebanon.

Third, not only a policy but one that appears to have some chance of achieving a political solution that will restore peace and stability to Lebanon within a reasonable time.

Of course, the proposed policy itself should be thoroughly aired and tested in an informed debate in both Houses of Congress before any final military commitment is made. Some of the factors to be taken into account have already been brought out in the lively debate that has developed in the news media. For example, the Washington Post of September 4 contained an excellent article by L. Dean Brown, who was President Ford's special envoy to Lebanon. Mr. Brown points out that the American and other units of the multinational force are close to being regarded as allies of the central government under domination of the Maronite Christian Phalangist Party and its private militia. The trouble with that is that the Maronites are a minority in Lebanon and the Moslems fear a state dominated by them. As Mr. Brown points out:

Constant American repetition of a policy toward Lebanon of territorial integrity, independence and creation of a strong central government—without ever a word about political reforms or the need to recreate a national consensus based on power sharing—amplified the fears.

Brown goes on to outline the kind of change that is needed in American policy if it is to have any chance of success in Lebanon:

American policy toward Lebanon needs a dramatic change. It cannot rely on the premise that the Soviet Union and Syria are somehow behind all the troubles, that Syrian and Israeli withdrawal will somehow bring peace or that a Phalange-dominated government can prevent a renewed outbreak of guerrilla and urban war.

Instead of relying solely on President Gemayel, the United States should turn its energies toward the creation of a new national consensus. Once again—how often does it have to be said?—the United States needs to support widely shared aspirations rather than personalities.

In another excellent article, printed in the Akron Beacon Journal of September 16, the New York Times writer Anthony Lewis states the question in even stronger terms:

In this political tangle then, what is the mission of the Marines? Are they to be one more American military force dispatched without political understanding and diplomatic will, so that they become sitting ducks?

Or are the Marines really there to support the Gemayel government right or wrong, as the Reagan administration has seemed to be signaling lately? If so, that is folly built on ignorance. It will not impress the Syrians, or our partners in the multinational force. A policy without the political determination to move toward a more inclusive Lebanese system is a recipe for disaster: for Lebanon and the United States.

These comments give added force to the editorial in the Akron Beacon Journal of September 17, which points out that:

Unless Americans aims in the mess are clearer than they seem so far to much of the public and many in the Congress, we might be only stepping deeper into a quagmire without any clear notion of how we plan to pull ourselves out of it.

Today's Washington Post carries a story that a compromise has been worked out between the Senate leadership and the White House and that it is hoped that Speaker O'NEILL will agree. That is all very well, but the White House and the leadership ought to understand that an issue of this importance is not going to be resolved by a backroom deal. The Congress and the American people are entitled to a clear, detailed justification for continued American military presence in Lebanon. Failing that, the Marines should be withdrawn.

The complete text of the articles and editorial referred to follow these remarks:

[From the Washington Post, Sept. 4, 1983]

SAVING LEBANON

(By L. Dean Brown)

Since Lebanon's independence in 1943, its dream has been a carefully balanced coalition held together by a presumption of equal treatment for all religious communities. The fragile network of understanding has been shattered in the past, then patched up, and then shattered again.

Unfortunately, it is again on the path to disintegration. In 1958, American Marines and an astute political operator, the late ambassador Robert Murphy, were able to facilitate the patching process. Today, American Marines may be watching, or even participating in, a collapse.

What has happened? Malik Salam, a respected Moslem leader, says the Lebanese parliment elected Amin Gemayel as president of Lebanon, but it did not elect the Maronite Phalangist party and its private militia to take over power in the country.

Walid Jumblatt, leader of the Druze, believes there was a political deal with the Phalange before the Lebanese army went into Christian East Beirut, the Phalange's home territory, earlier this year. He insists he will not let that army into the mountainous Chouf area—where Druze have lived for centuries—until there is a far-reaching political understanding with the central government.

The type of understanding he and many Sunni and Shia Moslem leaders—seek is not clear; little is clear in Lebanon. It increasingly appears to be a demand for change in the political structure of the country that would permit a greater sharing of power. "Greater sharing" could lead to a denunciation of the decades-old unwritten National Covenant, which gives the powerful presidency, army command and parliamentary control to Maronites, or it could be the creation of a government of reconciliation to include leaders like Saeb Salaam, a respected Sunni, Nabih Berri of Amal, which is the Shia fighting force, and Druze leader Jumblatt.

In a powerful end-of-Ramadan address this summer, the leading Sunni religious figure, addressing tens of thousands of Moslems in the Sports Arena, said there can be no usurpation of power by one armed group, that political power must be shared through a revision of the National Covenant and that all private militias—not just some—have to be disbanded.

It is this last point that has precipitated the present crisis. On Aug. 16 Israeli Defense Minister Moshe Arens flew to Beirut where he met, first, with Sheik Pierre Gemayel, head of the Phalange political party and, second, with Fadi Frem, the commander of the Phalange militia. The minister said later he had urged "political accommodation between the Christian and Druze communities."

In Beirut, however, the meeting was viewed differently. Non-Maronite Christians and Moslems alike saw it as a blessing of the Phalange forces. It exacerbated their fear

that Amin Gemayel was not a president committed to protect all religious communities but the captive of the Phalange militia that had already flexed its muscles in Beirut, the Chouf and the south.

From fighting over turf in the Chouf between Maronite and Druze forces the conflict has spread to Beirut, involving not just Druze and their new enemy, the Lebanese army, but others. The Shia militia, Amal, is heavily armed and is driven by the demand for "social justice" that we saw in the struggle against the shah in Iran. It has entered the fray. So have the long-dormant Murabitoun, a leftist and originally pro-Nasser force.

Fighting now is as complicated and as difficult to understand as it was in 1976. The chief difference is that the PLO is not involved and that the multinational force can become the accidental—or perhaps, if fighting rages uncontrolled—the planned target. We are not yet at the latter stage. Much of the fighting is a form of political bargaining. The Druze and Moslem groups are saying: "We too have arms and power. If you refused to hear our pleas in former times of peace, we'll make them louder today with guns." This sort of political bargaining can quickly degenerate into chaos.

This is where the United States comes in Washington talks of sending in more troops or pulling them out. But it's not that simple. It is obvious that the nature of the game has changed. From unloaded rifles when they arrived a year ago, the Marines have moved to exchanging fire—often with unknown opponents. The hope that the presence of a multinational force would calm the situation and then lead to popular support of a strong central government whose army would control and disarm the multiple militias is gone. Instead, American, French, Italian and British troops are close to being regarded as allies of a central government under Phalange domination. This is a dangerous situation.

It was indeed former Israeli defense minister Ariel Sharon's desire to see a Maronite-dominated government in power, a government that could sign a peace treaty with Israel even if it meant cutting off Lebanon from the Arab world. Many Lebanese Moslems, who saw themselves no longer as unequal partners in a national consensus but as doomed to subservience in a one-party state, viewed American policy as supporting the Sharon line. Constant American repetition of a policy toward Lebanon of territorial integrity, independence and creation of a strong central government without ever a word about political reforms or the need to recreate a national consensus based on power sharing amplified the fears.

American policy toward Lebanon needs a dramatic change. It cannot rely on the premise that the Soviet Union and Syria are somehow behind all the troubles, that Syrian and Israeli withdrawal will somehow bring peace or that a Phalange-dominated government can prevent a renewed outbreak of guerrilla and urban warfare.

Instead of relying solely on President Gemayel, the United States should turn its energies toward the creation of a new national consensus. Once again—how often does it have to be said?—the United States needs to support widely shared aspirations rather than personalities.

In June 1982 Henry Kissinger wrote in The Post that the Israeli invasion of Lebanon "opens up extraordinary opportunities for dynamic American diplomacy in the Middle East." How pretentious that all seems today. How necessary it is to deal with the perverse realities.

[From the Akron Beacon Journal, Sept. 16, 1983]

A PROPER LEBANESE SYSTEM CANNOT EXCLUDE FACTIONS

(By Anthony Lewis)

BOSTON.—A Lebanese Moslem who prospered in the construction business, Rafiq Hariri, launched a charitable project near his home town of Sidon: a $300 million hospital and college. Last spring Phalangist Christian militiamen visited the site. At gunpoint they took bulldozers, tractors, trucks and other equipment. Phalangist leaders made clear that Hariri was suspect because of his religion and his business activities in Saudi Arabia.

Hariri stopped construction. He appealed to President Amin Gemayel, whose family runs the Phalange. But last month the Washington Post reported that most of the stolen equipment was still missing and the project stopped.

That small incident—small by the bloody standards of contemporary Lebanon—makes a point that Americans ought to understand as our military commitment in Lebanon deepens. It is that many elements in the Lebanese mosaic have legitimate fears about the way things are going under the Gemayel government: not just the Druse who are fighting now, but Sunni and Shia Moslems and some Christians.

In recent days, the White House has been sparring with congressional leaders about constitutional issues in the deployment of Marines in Lebanon. They are in substantial agreement now on a resolution authorizing the President to keep forces there for an extended period. The remaining question is whether President Reagan will accept language that recognizes Congress' authority in this area.

All that is very interesting to constitutional scholars, and important in the endless contest of power between our executive and legislature. But it has little to do with the problem in Lebanon. That is a political problem: the failure of the Gemayel government to build the national Lebanese consensus needed to govern a country divided by tribe and sect.

The real question about the Marines, in short, is what diplomatic and political strategy they are supposed to be supporting. The answer to that question is not clear. If the Reagan administration has an idea on how to piece together even a limpingly viable Lebanese policy, it is keeping the concept a secret. It has worked for a ceasefire, but does it have any longer-run political vision?

Gemayel took office with a lot of good will going for him. He won the support of some of the grand old feudal leaders of Labanon. Americans who care about the once beautiful country were rooting for him.

But today no realist can fail to see that much of the early hope for Gemayel has dissipated. Authoritative reports from Lebanon agree that a fundamental reason is the feeling of other communities that he has run, or at least tolerated, an excessively sectarian government.

Consider the situation in the Shouf Mountains, the region near Beirut that has been the scene of the recent heavy fighting. That is the heartland of the Lebanese Druse. Scattered among them are villages of Christian Maronites, mostly followers of Camille Chamoun, a Maronite warlord and former president of the country.

After the Israeli invasion last year the Phalangist militia, the private army of the Gemayel branch of the Maronites, moved 2,000 soldiers into the Chouf. The Druse are insistent that they must leave; Chamoun's Maronite followers also reportedly want them to go, feeling life would be more peaceful if it returned to the old way of local arrangements. But the Gemayel government, unwilling or unable to move the Phalangists out, proposed to send in on top of them a national army that the Druse distrust. Tension was inevitable.

Beyond the obscure hatreds of the Chouf, there are widespread feelings among the Moslem majority in Lebanon that its people are not getting a fair shake from the Gemayel government. Some bureaucratic jobs and ambassadorial posts that in the part had gone to them have now been given to Christians.

Gemayel may well have the best of intentions and simply lacked the power to carry them out. His degree of influence over the Phalange is uncertain. But in any event an internal solution, as a Western diplomat in Lebanon said the other day, will have to involve "the Phalange reducing its demands and tolerating more equal treatment for the Moslem segments of the community."

In this political tangle then, what is the mission of the Marines? Are they to be one more American military force dispatched without political understanding and diplomatic will, so that they become sitting ducks?

Or are the Marines really there to support the Gemayel government right or wrong, as the Reagan administration has seemed to be signaling lately? If so, that is folly built on ignorance. It will not impress the Syrians, or our partners in the multinational force. A policy without the political determination to move toward a more inclusive Lebanese system is a recipe for disaster: for Lebanon and the United States.

[From the Akron Beacon Journal, Sept. 17, 1983]

U.S. AIMS IN LEBANON NEED TO BE MADE CLEARER

The reason for this week's change in the orders to U.S. forces in and off Lebanon, it is reported, was that Secretary of State George Shultz—and then President Reagan—agreed with Mideast envoy Robert McFarlane's view that it will improve chances for a cease-fire and the start of a political rather than military resolution of Lebanon's problems.

Secretary of Defense Caspar Weinberger and the chiefs of staff, it is further reported, disagreed—but they lost the debate.

If it works, that's great. If it doesn't, unless American aims in the mess are clearer than they seem so far to much of the public and many in the Congress, we might be only stepping deeper into a quagmire without any clear notion of how we plan to pull ourselves out of it.

The change is a considerable lengthening of the leash on those on the scene in freedom action

It not only allows the Marine contingent onshore to call for U.S. air and naval artillery support when it is deemed needed for self-protection, but allows extension of that "umbrella" to other contingents of the multinational peacekeeping forces there and even to the Lebanese army under specified circumstances.

The order authorizes not only shooting back when shot at, but possible pre-emptive

strikes where they are judged necessary to protect the sheltered forces.

And where earlier any decision to use this kind of force had to be cleared through Washington, the naval task-force commander there will be free to make up his mind on the spot—shortening reaction time.

This, the Shultz-McFarlane school reasons, may cause Syrian-backed Druse forces to rethink the wisdom of continuing their foray toward Beirut, substantially changing their "cost-benefit" calculations.

That, in turn, could encourage a cease-fire and the start of an exchange of ideas rather than shells.

The change is a clear, if limited, strengthening of U.S. support for the struggling government of President Amin Gemayel; but that, after all, was a main point of the putting U.S. and other peacekeeping forces there.

Few in the Congress seem eager to demur—even among those arguing most strongly that under the War Powers Act congressional approval and advice should now be brought into play.

There appears to be a near-unanimity that it would be unwise to withdraw the U.S. forces involved, and this seems a logical extension: If they have to be there, they should somehow be made more effective.

But even Howard Baker, Mr. Reagan's team leader in the Senate, is underscoring a need for clarification of American aims so that the Congress and the public can better understand what is being done and why.

What is likely to be haunting at least some of them is the other possible reaction to broadening of American activity there.

The forces opposing the Gemayel government there, and their Syrian and ultimately Soviet backers, might decide to up the combat ante instead of talking. And the Gemayel government might prove unequal to dealing with it even with this stepped-up help.

Then we might face a long, costly and confused involvement. To cope with it we would need at the very least to be clear about what we are trying to do and how.●

PARRIS INTRODUCES FEDERAL EMPLOYEE PAY RAISE LEGISLATION

HON. STAN PARRIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 20, 1983

● Mr. PARRIS. Mr. Speaker, I am introducing legislation today which calls for a 6.9-percent pay increase for Federal officers and employees, effective as of January 1, 1984.

For several years now, Government workers have received limited pay increases, have had substantial reductions in health benefits, and have been required to contribute to the medicare trust fund. To add insult to injury, these same employees will soon experience further reductions in their compensation and benefits.

Depending on how quickly the Congress acts, the new compensation formula will result in a pay reduction beginning next month or whenever Government workers get a pay increase. Unfortunately, any pay increase is going to be offset by new reductions in the Federal employees health benefits program.

While we do have legislation which would increase the Government's contribution to the health benefits program, its uncertain how quicky we will be able to win congressional approval for that proposal. It has been reported that increases in health insurance premiums could average between 18 to 25 percent in January, a 3.5- or 4-percent pay increase would be offset completly if this happens.

The President's own pay advisers have reported that Federal pay lags behind the private sector by about 20 percent. Labor Department surveys show that the average pay increases for U.S. workers in 1983 were between 4.2 and 9.7 percent, with most raises ranging in the 6.5- to 8.5-percent range.

After reductions are made in health benefits and the new pay formula is implemented, it will take at least a 6.9-percent pay increase to enable Government workers to just to break even. I urge my colleagues to support this bill and any other effort to preserve Federal employee pay and benefits from any further reductions.●

THE MEDICAID PRESCRIPTION DRUG COPAYMENT AMENDMENTS OF 1983

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 20, 1983

● Mr. WAXMAN. Mr. Speaker, I am today introducing H.R. 3941, the Medicaid Prescription Drug Copayment Amendments of 1983. This bill would prohibit States from imposing copayments or any similar charges on medicaid beneficiaries with respect to prescription drugs.

Under current law, States are permitted to impose nominal copayments on medicaid recipients for a range of covered services. There are certain exceptions. States may not impose any copayments on pregnant women (for pregnancy-related services), on children, or on nursing home residents. In addition, States may not impose copayments on emergency services, family planning services and supplies, and services provided by an HMO.

Where a State chooses to impose copayments, the provider is generally responsible for collecting the required amount. States will commonly reduce reimbursement to participating providers by the amount of the required copayment. If the beneficiary cannot pay the required copayment, the provider must nonetheless deliver the service. Of course, the beneficiary remains liable to the provider for the copayment amount, and may be subject to Collection Action, Inc.

About 22 States and the District of Columbia now impose copayments on prescription drugs. These copayments range from 50 cents to $3 per prescription. They represent a reduction in the dispensing fee paid to pharmacists and drugstores by the States for processing the prescriptions of medicaid patients. This reduction varies from 8 percent to 73 percent of the fee.

The copayment requirements pose a special problem for pharmacists and drugstores. Many medicaid patients simply cannot afford to pay the copayments, particularly if they require multiple prescriptions. Moreover, it is virtually impossible, as a practical matter, for a pharmacist to determine whether a beneficiary is unable to pay. Efforts to collect these small amounts are extremely costly. Yet, in the aggregate, the loss in reimbursement for the pharmacists and drugstores can be large, particularly in those stores located in poor neighborhoods serving large numbers of medicaid patients. According to the National Association of Chain Drug Stores, the potential loss to pharmacies resulting from medicaid copayments in the States that now impose them could be as high as $43 million.

Whatever justification there might be for imposing copayments on the poor with regard to hospital care or physician services—and I do not believe there is any—there is none in the case of prescription drugs. The classic rationale for copayments is the reduction of unnecessary utilization of medical services. If patients are required to pay part of the cost of their care, they will use less.

This argument assumes, however, that the patient makes the decision about whether to use the service or not. Certainly, the patient generally decides whether to see a physician. However, it is the physician—not the patient—who decides whether a prescription is necessary. The patient can only decide not to fill the prescription that the physician has written, presumably because the drug is necessary for the patient's treatment. The pharmacist simply fills the prescription.

The current medicaid copayment policy penalizes both the patient and the pharmicist, neither of whom make the critical decision. If excess utilization of prescription drugs is a problem in State medicaid programs, then it should be dealt with directly by addressing physician prescribing practices, not by reducing the income of the poor or the reimbursement to pharmacies.

This legislation would eliminate an unnecessary and costly burden on pharmacists and patients alike. I would urge my colleagues to support it.●

PERSONAL EXPLANATION

HON. TOM CORCORAN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 20, 1983

● Mr. CORCORAN. Mr. Speaker, due to previous commitments in Illinois yesterday, I was not present and voting during the consideration of H.R. 3222, State-Justice appropriations bill for fiscal year 1984. Had I been present, I would have voted against the motion that the Committee of the Whole rise and report the bill back to the House since there were several amendments relating to school busing and school prayer which were precluded from being offered by this motion. I was "paired against" final passage of this bill because it was grossly over budget.●

IN HONOR OF MILITARY RETIRED IN FEDERAL SERVICE

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 20, 1983

● Mr. MATSUI. Mr. Speaker, I would like to bring to the attention of my colleagues a group of constituents in my district of Sacramento, Calif., who have recently formed an organization to address the needs of retired military personnel working for the Federal Government. This organization, Military Retired in Federal Service, now has more than 500 active members in the Sacramento area, with plans to expand membership throughout California and the Nation. The aim is to work with the Congress and Federal agencies to insure fair and equitable treatment for former military personnel employed by the Federal Government. Membership by active-duty military personnel is also encouraged.

The impetus for developing Military Retired in Federal Service was the Omnibus Reconciliation Act of 1982, which, as you know, provided that civilian Federal salaries of military retirees would be reduced dollar for dollar by the amount of pay increase in retired military pay. Believing that this reduction constituted an unfair burden on military retirees, efforts were begun to organize a group that could speak for the interests of this special group of Federal workers.

The development of Military Retired in Federal Service is thus a fine example of the American political process in action. I commend the organization to my colleagues and look forward to working with its membership on issues of concern over the course of the congressional session.●

THE 101ST LABOR DAY

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 20, 1983

● Mr. CLAY. Mr. Speaker, currently, the House is considering a major jobs creation bill, the Community Renewal and Employment Act. For this reason, I would like to bring to the attention of my colleagues Congressman WILLIAM FORD'S very eloquent description of the unemployment crisis which cripples our Nation. Below is the text of Congressman FORD'S Labor Day address:

LABOR DAY ADDRESS BY CONGRESSMAN WILLIAM FORD, SEPTEMBER 3, 1983

This is Congressman Bill Ford of Michigan.

This weekend we observe our 101st Labor Day to honor America's working men and women.

This year we should pause to reflect on the plight of those millions of men and women who are unemployed. Approximately ten and a half million American wage earners can't find jobs. And more than a million and a half others have become so discouraged that they have quit looking.

Today President Reagan is taking credit for reducing the nation's unemployment rate. What could be more ironic? In effect he is saying he is reducing the suffering he caused in the first place.

In July of 1981, when President Reagan's economic program was put into place, the unemployment rate was 7.2 percent and the President said he would reduce it steadily.

Since then we have experienced the worst economic pain for workers since the Great Depression.

The record is clear. President Reagan's economic policy guaranteed both the recession and the high unemployment rate that followed. He pushed through the biggest tax cut in history for the rich and the largest peace time defense budget, while slamming on the monetary brakes.

Reaganomics, it turns out, was a dreadful miscalculation. And American workers and their families are paying for it. So are the families of the disadvantaged.

President Reagan promised that drastic cuts in social programs would pay for the tax cut and the defense buildup. He said the tax money saved by the wealthy would be turned into new plant and equipment and this would generate more than enough offsetting revenues.

Obviously it hasn't worked out this way. Instead many of the budget cuts have damaged our social fabric and pose a threat to our future.

Let's look at some of the results:

Spending on employment and training during 1982-85 has been reduced 60 percent at at time when Americans desperately need new skills for a new economic age. Job training programs have been cut 35 percent.

Despite convincing studies that the U.S. is falling behind in education, spending on almost every education program has been cut almost $4 billion in the last 3 years.

Child nutrition programs have been slashed 28 percent. A million lower income children have been cut from school feeding programs. Now the same President who dictated these cuts says that he is "perplexed and confused" by the growing problem of hunger in America.

I am especially disturbed by this President's lack of vision in terms of education. The enviable standard of living we enjoy in this country is a direct result of our commitment to educational opportunities.

Mr. Reagan is fond of reminding people that he was a union president thirty years ago. He has forgotten a lot in 30 years. Why else did he appoint an anti-union activist to head the agency that protects the right to join a union? Why did he cut the budget of the Occupational Safety and Health Administration? Why did a union have to sue Mr. Reagan's Secretary of Labor to get Trade Adjustment benefits for workers whose jobs were eliminated by imports?

I ask you to judge this President not by what he says, but by what he does and what he is not doing.

America urgently needs a coherent industrial policy, a program of aid to education, encouragement of basic science and applied research, financial aid to essential industries, trade restrictions and tax policies that stimulate innovation and production instead of mergers and plant closings.

We need credit policies that favor productive investment in basic industries and growth in the supply of basic needs such as housing.

Mr. Reagan has undermined each element that should be part of this policy. He opposed the Chrysler loan guarantee. He opposes reasonable trade legislation such as the domestic content bill. He supports tight money policies, and has artificially overvalued the dollar, making it difficult for American companies to sell products abroad.

Worst of all, Mr. Reagan has ignored the needs of workers hurt by his policies.

Between May of 1982 and May 1983, 6.8 million Americans exhausted their unemployment benefits. Mr. Reagan's response was to cut food stamps, to oppose legislation to provide health care and jobs for the unemployed.

President Reagan's record is one of broken promises for America's working men and women. And his policies pose a threat to their future.●

DEDICATED PUBLIC SERVICE

HON. WILLIAM R. RATCHFORD

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 20, 1983

● Mr. RATCHFORD. Mr. Speaker, I rise today in recognition of Gertrude Quist Walker, the Republican town clerk of the town of Weston for 38 years. Ms. Walker's life in public service has certainly been a distinguished one. She was first elected town clerk in 1945, the post she still occupies today. In addition to her fine service as town clerk, Ms. Walker also served as secretary to the planning and zoning commission and other zoning board of appeals. All of us in public service will miss her daily presence in town hall and thank her for her fine record of outstanding service. Thank you, Mr. Speaker.●

ONE SOLUTION TO THE DRUNK DRIVING EPIDEMIC: STATES RAISING THE DRINKING AGE TO 21

HON. WILLIAM F. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 20, 1983

● Mr. GOODLING. Mr. Speaker, in the last year, I have become very active in Congress, in some of the States, and with private organizations in promoting legislation addressing a very serious problem in this country: teenage drunk driving.

Do you know what I have learned? Although drunk driving is a problem that pervades all age groups of our licensed population, it is especially severe for teenagers. The combination of learning to drive, youthful risk taking, and drinking makes auto accidents the No. 1 killer of teenagers in this country.

I have made a real effort to draw attention to this problem, and to persuade the Congress to make a strong statement in support of a uniform national policy, enacted individually by the States, because 23 years in the education field has taught me a valuable lesson—that the youth of this country are valuable to this country beyond description.

Most of the ones so tragically affected by teenage drunk driving are just beginning to understand who they are and what they want out of life. They have parents. They have interesting, and chances are, innocent faces. They listen to stereos. They play video games. They compete on athletic fields and in the classroom. They talk for hours on the telephone. And all too many of them can only be remembered now—remembered by the high school graduation picture hanging on the living room wall of a family that will never be the same. Remembered for who they were, and sadly, for whom they might have been.

Consider these tragic facts: Our teens make up only 8 percent of the population, drive only 6 percent of the highway miles, yet they are involved in 15 percent of fatal alcohol related accidents.

Of the 25,000 persons who die each year in drunk driving accidents 5,000 are teenagers and almost 35 percent are between the ages of 16 and 24.

In fact, 14 teenagers die each day in drunk driving accidents.

On the other hand, many innocent persons driving within the limits of the law are also affected by teenage drunk drivers. All too often, we forget about the teenager who caused someone in the other car to lose his or her life, and then was forced to live with that stigma and terrible nightmare long afterward.

In response to this, I have introduced House Concurrent Resolution 23, a resolution expressing the sense of the Congress that the minimum age for drinking and purchasing alcoholic beverages should be raised to 21.

This resolution reflects one of the key recommendations of the Presidential Commission On Drunk Driving. Senator ARLEN SPECTER has introduced the companion resolution, and so far 15 U.S. Senators and 78 Members of Congress have cosponsored the measure. It has received endorsements from Cabinet Members Elizabeth Dole, the Secretary of Transportation, and Margaret Heckler, the Secretary of Health and Human Services. In addition, numerous organizations and affiliations have endorsed 21 nationwide, led by the National Transportation Safety Board, the National Safety Council, and Mothers Against Drunk Drivers (MADD).

I hope we see passage of House Concurrent Resolution 23 in this session of Congress, for I really do believe this is an issue which all the State legislatures should take up in their respective chambers—particularly at a time when many of the States are reviewing their educational systems. If we really are in pursuit of excellence in education, then we cannot overlook teaching our teens as well as our youngsters about the problems of alcohol abuse, and the dangers posed by drinking and driving.

Recently, I received the following letters of support for this idea, which I commend to my colleagues' attention, from: The American College of Preventive Medicine, Public Citizen, the Motor Vehicle Manufacturers Association, the Nurses Association of the American College of Obstetricians and Gynecologists (NAACOG), and the National Extension Homemakers Council, Inc.

The letters follow:

AMERICAN COLLEGE OF PREVENTIVE MEDICINE
Washington, D.C., July 28, 1983.

Hon. WILLIAM GOODLING,
Cannon House Office Building,
Washington, D.C.

DEAR CONGRESSMAN GOODLING: On behalf of the American College of Preventive Medicine, I am writing to indicate endorsement of H. Con. Res. 23, now pending in the House Committee on Judiciary and on Public Works and Transportation.

As I am sure you are aware, the College has been quite active in the area of automotive safety and is particularly supportive of measures that would lessen the severe toll of automobile accidents on our nation's youth. We therefore congratulate you on your introduction of H. Con. Res. 23 and are pleased to lend our support to it.

Sincerely,

JEFFERSON C. DAVIS, M.D.,
President.

PUBLIC CITIZEN,
Washington, D.C., August 2, 1983.

Representative BILL GOODLING,
2263 RHOB,
Washington, D.C.

DEAR REPRESENTATIVE GOODLING: Thank you for your letter of June 28. I agree with you that teenage drunk driving is a severe problem which should be more actively addressed than it is now. I will be happy to support your efforts to ameliorate the problem. Please accept my endorsement of House Concurrent Resolution 23.

Sincerely,

JOAN CLAYBROOK,
President.

MOTOR VEHICLE MANUFACTURERS ASSOCIATION,
Washington, D.C., August 9, 1983.

Hon. BILL GOODLING,
House of Representatives,
Washington, D.C.

DEAR MR. GOODLING: I am pleased to assure you that, as a member of the Presidential Commission on Drunk Driving, I endorse and support your efforts to raise to 21 the minimum age for purchasing and drinking alcoholic beverages in those states which now permit drinking below the age of 21.

At the regional hearings of the Commission, officials and citizens discussed the drinking and driving problem in their states and communities. These hearings convinced me that the overinvolvement of young drivers in fatal crashes justifies intensive nationwide action to reduce the extraordinary social and economic losses from alcohol-related accidents. Your resolution is a vital part of that action.

Very truly yours,

V. J. ADDUCI.

AUGUST 11, 1983.

Hon. BILL GOODLING,
House of Representatives,
Washington, D.C.

DEAR MR. GOODLING: The Nurses Association of the American College of Obstetricians and Gynecologists supports the intent of House Concurrent Resolution 23 to raise the drinking age to 21. We agree with the concept that we should have a national standard with the legal minimum age of 21 to purchase alcoholic beverages.

Sincerely yours,

EILEEN C. LEAPHART, RNC, MN,
President.

NATIONAL EXTENSION HOMEMAKERS COUNCIL, INC.,
Vale, Oreg., September 9, 1983.

Representative BILL GOODLING,
Cannon Office Building
Washington, D.C.

DEAR REPRESENTATIVE GOODLING: At our recent Conference, the representatives of our 500,000+ membership voted to support your efforts to raise the legal age for drinking to 21. Extension Homemakers have long been active supporters of traffic safety with extensive programs in ridding the highways of drunk drivers and supporters of use of seat belts and infant restraints.

Our organization has an excellent communications network already in place, with contracts from our national chairmen to state chairmen to county chairmen and the local club member. We are ready to put your message into the hands of these club members if this is what you wish.

Our National Safety chairman is Mrs. Mabel Givens, 713 Market Street, George-

town, Del. 19947, phone (302) 856-3498. You may contact her if you wish us to share your concerns of the "21" law with our members. We have state councils in 44 states, Puerto Rico and the U.S. Virgin Islands.

We will be looking forward to hearing from you as to what programs we can offer to assist in making this into a law.

Sincerely,

MARJORIE GRIFFIN,
President.●

LEO POLK—SELFLESS CITIZEN

HON. LAWRENCE J. SMITH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 20, 1983

● Mr. SMITH of Florida. Mr. Speaker, on September 25, 1983, Mr. Leo Polk of Dania, Fla., will donate blood for the 320th time. At age 75, Mr. Polk is our country's most generous blood donor. His donation this coming Sunday will bring his donations to the 40-gallon mark. This is particularly noteworthy in this day and age when many are still relunctant to donate blood.

Mr. Polk's life has been one of giving. He fled Czarist Russia with his parents and began giving blood as a way to serve his adopted Nation when a medical condition kept him out of the military. Not only did Leo Polk give blood, but he assisted in the organization of hundreds of blood drives.

Mr. Polk will be honored on the 25th of this month at the dedication of the new Broward Community Blood Center. His consistent and continued donation of blood is an act which should not go unnoticed. Attaining the status of the Nation's top volunteer blood donor is a symbol of his unselfishness and is a very personal expression of public service to his community and Nation.

The importance of donating blood cannot be overemphasized. Mr. Polk has continued to donate at a time when many would have considered that they had contributed enough to their community.

There is no way to know how many lives Mr. Polk has saved and will continue to save through this invaluable service.

I want to thank Leo Polk for his service and hope that others will follow his example. His valuable service cannot be replaced.●

THANK YOU MR. WILLIAM BURKHART

HON. LYLE WILLIAMS

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 20, 1983

● Mr. WILLIAMS of Ohio. Mr. Speaker, I would like to take this opportunity to honor a man who began his savings and loan career as a messenger boy 47 years ago. This man, Mr. William Burkhart, is now being recognized by his employees, friends, and family as he retires from the position that for many years he dreamed of holding—president of a savings and loan association, specifically the First Federal Savings & Loan Association in Warren, Ohio.

Mr. Burkhart joined the First Federal Savings & Loan Association of Warren in 1946 as an accountant. He became managing officer in 1962, president in 1965, and chairman of the board in 1975. The career advance that can be so neatly summarized in writing are the direct result of Mr. Burkhart's hard work, loyalty, and perseverence.

While achieving a succession of advances within his career, Mr. Burkhart also found time to share his talents and and skills with his community and his church. The community formally thanked Mr. Burkhart by naming him "Man of the Year" in 1969, in recognition of his professional and civic achievements.

Mr. Burkhart has continued his community service over the years acting as the chairman of the local United Way Campaign in 1975, and through serving on the board of directors of the Trumbull County Chapter of the American Red Cross.

Currently Mr. Burkhart is a member of the board of trustees of Trumbull Memorial Hospital, and president of the Congregation of Emmanuel Lutheran Church. He will also continue to serve as the chairman of the board at the First Federal Savings & Loan Association of Warren.

Mr. Burkhart, through his quiet and low-key manner, has gained an honorable reputation throughout the business community as a man who gets the job done. His employees, friends, and family are proud to honor him on his retirement. On behalf of the many grateful residents of the 17th Congressional District of Ohio, I simply say to Mr. Burkhart—thank you for a job well done.●

A TRIBUTE TO MR. NICK NICHOLS

HON. BARBARA BOXER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 20, 1983

● Mrs. BOXER. Mr. Speaker, I rise to mark the occasion of the 65th birthday of an individual who has been dedicated for over four decades to both the public service and to the rights of his fellow workers. That man, who deserves our praise and thanks, is Mr. Nich Nichols of San Francisco, Calif.

From 1940 until his retirement in 1973, Mr. Nichols built a superlative record as an employee of the Internal Revenue Service. Through hard work and commitment, he rose from the position of a GS-4 Deputy Collector to an IRS Assistant Branch Chief. In his capacity as a Government worker, Mr. Nichols saved the taxpayers thousands of dollars by uncovering fraud and abuse.

Clearly, whenever Nick Nichols has seen injustice, he has committed himself to right the wrong. That quality led him to become active in the union that represents IRS workers, the National Treasury Employees Union.

As a union activist, Mr. Nichols has unselfishly worked to improve the quality of work life of IRS employees in San Francisco. Even though he retired in 1974, Mr. Nichols has been consistently elected by his fellow workers to serve as the union chapter president.

Mr. Speaker, I submit that our great Nation has prospered because of the tireless efforts of people who simply "give a dam" about their fellow citizens. Nick Nichols is such a person and we wish him a happy birthday.●

SENATE—*Wednesday, September 21, 1983*

(Legislative day of Monday, September 19, 1983)

The Senate met at 12 noon, on the expiration of the recess, and was called to order by the President pro tempore (Mr. THURMOND).

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray.

God of all comfort, we remember those of our Senate family who are in need. We pray for those who are ill in hospital or home. May this time be for them the school of the spirit when they learn what can be learned in no other way. We pray for their speedy recovery and return to us.

We pray for families where there is alienation between spouses or parents and children. Dissolve pride, teach humility and the ability to say "I am sorry" and to forgive. Bring peace to the home of every person who is a partner in the work of the Senate.

For those with financial difficulty, remind them that Thou art the "giver of every good and perfect gift," and that Thou art concerned for their need and want to help them in these most practical matters.

For those who grieve, or are discouraged or frustrated or ready to quit—for those who are lonely or feel rejected—we pray Thy spirit to comfort, encourage, and embrace in the fatherly love of God. In the name of Him who is incarnate love. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

Mr. BAKER. I thank the Chair.

SENATE SCHEDULE

Mr. BAKER. Mr. President, we have an extensive unanimous-consent agreement for the further consideration of the Interior appropriations bill. However, it is still my hope and my intention, to the extent that the Senate will permit it, that we finish this bill today. So Senators should be on notice of the possibility that we will be in session a little longer than ordinary today. I hope not, but in looking over this agreement, it looks likely we will be pretty lucky if we finish all of this by the usual adjournment hour of 6 p.m. So Senators should know that we, if the managers wish, may stay a little longer in order to finish the bill.

I think we need to do that because we need to try to reach the revenue-sharing authorization bill after this. We have got other matters, including the Martin Luther King matter on Friday of this week. That has already been announced and it is my intention to try to stick with that.

So I must reluctantly, but nonetheless accurately, I am afraid, predict that we will be in past the hour of 6 p.m. this evening, if necessary, to complete this measure.

Mr. BYRD. Will the majority leader yield to me?

Mr. BAKER. Yes, I yield to the minority leader.

Mr. BYRD. On the matter respecting legislation concerning Martin Luther King's birthday, I have a Senator who is a Presidential candidate——

Mr. BAKER. The Senator has many Senators who are Presidential candidates.

Mr. BYRD. I accept that correction.

I have a Senator who is a Presidential candidate who has asked that the vote on the Martin Luther King resolution—and he supports it—occur not next week and not this week, unless it is today, but rather the week after next.

Would the majority leader be amenable to our seeking out in both of our Cloak Rooms the sentiments as to whether or not we could reach an agreement that a vote on final passage will occur one day, Tuesday or Wednesday whatever it is, the week after next at a certain hour?

Mr. BAKER. I have no objection to that, Mr. President. I must say, however, that I guess today is the fourth or fifth time I have announced to the Senate that it would be this week. I do not want to be in the position of any Member, or indeed any of those many people outside the Senate who are vitally interested in this matter, thinking that I am in any way receding from my commitments to try to get this matter up and get it up promptly.

But the answer to the Senator's question is if there is a general consensus of views that another time would be more convenient and if those who are interested in this matter who are not Members of the Senate concur in that, I would feel then released from the voluntary commitment I made to take this matter up shortly after we returned from the August recess, which is the reason I am trying to get it up this week.

So I will be glad to talk to the minority leader further about this, and if we can satisfy those conditions, we will try to find a time that is more convenient.

But I made the commitment before we left for the August recess that it would come up shortly after we returned. This is the second week after the August recess and I feel my time under that statement is running out. So unless I can be relieved of that commitment I voluntarily took, I would be loath to postpone it. But if I can, and if there is a clear showing that that is agreeable to the parties involved, I will be glad to consider it.

Mr. BYRD. I thank the majority leader. I respect his position that he has to keep a commitment. The only thing that I am proposing here is that we check with the parties on both sides, and those outside the Senate, if the majority leader feels a need to do that, as to whether or not we could agree that there will be a final vote—I think that is the important thing—there will be a final vote on a given day of the week after next or on tomorrow. I think earlier I said today, but tomorrow.

Certainly, this is no feeling of mine. We can have the vote today or tomorrow, as far as the majority leader and I are personally concerned. But if we could just explore that; we may end up at the dead end.

Mr. BAKER. Maybe, but I will be glad to explore it.

Mr. BYRD. Mr. President, I ask unanimous consent that I may yield my time to the majority leader, with the understanding that if I have a statement later today it appear in the RECORD immediately following the majority leader's remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. I yield now to the distinguished Senator from Maine.

Mr. COHEN. I thank the majority leader for yielding.

U.S. POLICY TOWARD CENTRAL AMERICA

Mr. COHEN. Mr. President, because of my personal interest in U.S. policy toward Central America, I joined recently with my Senate Armed Services Committee colleague, Senator GARY HART in urging the committee's chairman, Senator JOHN TOWER to devote greater oversight to this important question.

As a member of the Senate Select Committee on Intelligence, I have had

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

the opportunity to participate in this critical oversight responsibility. It was my view, however, that the Armed Services Committee also needed to become involved in this effort, particularly in light of the U.S. military exercises now taking place in the region.

Just recently, Senator HART and I had the opportunity to visit three Central American countries, Nicaragua, Honduras, and El Salvador, on behalf of the Armed Services Committee. Our trip gave us firsthand glimpses of the situation, politically, economically and militarily, in the region.

NICARAGUA

I found the visit to Nicaragua particularly instructive. We landed in Managua on the day that members of the rebel group headed by Eden Pastora—the famed "Commander Zero" who was a hero of the Sandinista revolution against Anastosio Samoza, but who broke with the Sandinistas and is now fighting for their overthrow—bombed the airport. In fact, we received word about 1 hour out of Managua that we would have to divert our plane to Tegucigalpa, Honduras, because of the attack. We were told about 1 hour after our arrival in Honduras that the Sandinistas wanted us to come despite the incident, and we arrived in Managua later that morning.

The Sandinistas clearly wanted us to see the damage which had been done. We were shown the charred and shattered plane, the damaged control tower, and the virtually destroyed protocol lounge—which, by the way, they had intended as a site for a press conference for us on arrival, had the attack not taken place.

The message of the Sandinistas was clear. We were to see the damage done by Contras and, by extension, they suggested, the United States. That Eden Pastora has repeatedly publicy refused U.S. assistance and that it was doubtful U.S. officials would approve a mission of this sort—if for no other reason, because of its infeasibility—it just does not make sense to fly a Cessna with a couple of bombs strapped onto it into a heavily fortified airfield—was of little consequence.

Both Senator HART and I stated that we did not support actions of that sort which are, in my view, only counterproductive and will only serve to drive the Sandinistas further into the Soviet camp.

Having said this, I should add that I concluded from my talks with the Sandinistas that they are, indeed, committed Marxist/Leninists. While they treated us cordially, they also lectured us repeatedly about interventions of the United States in Nicaragua earlier in this century.

There were other signs of their ideological firmness. Representatives of the private sector, many of them early supporters of the Sandinistas who welcomed their overthrow of Samoza, told us of censorship, political repression and intolerance of dissent, anti-Semitism, indoctrination in schools, and intimidation by the Government. Press coverage of the Soviet shoot down of the Korean airliner followed the Tass line. La Prensa, the newspaper which first gained fame for its criticism of the Samoza regime and the death of whose editor fueled his overthrow, had, we were told, been closed down a number of times by the Sandinistas because it was also critical of their government and was targeted for permanent closing.

The Sandinistas defended these actions, saying they need more time and blaming the United States for forcing their repression through its aid to forces opposing the Government. Yet, they had no explanation for the fact that their aid to the rebels in El Salvador came long before the Contras or the U.S. fleet arrived. And they refused to commit to a date certain for the holding of elections.

It was clear from our meetings with Government officials, the private sector representatives, and members of opposition parties that there are no simple solutions. I also came away with the clear conclusion that we should not seek a military solution.

The problem is how to reach a peaceful resolution when we have some within the present administration who see only military answers and when the top leadership in Nicaragua is dominated by those who want a Marxist government, denying the basic rights of the citizenry and seeking to export revolution to neighboring countries.

The challenge is to fashion a policy which will buy time for those in our country who believe in diplomatic and economic approaches and for those in the Nicaraguan Government, the second echelon leaders, who are young and not yet irretrievable ideologues and who see the wisdom of moving toward democratic nationalism.

We must seek increased dialog with the Sandinistas, maintaining diplomatic relations and full, open communications. At the same time, I believe we should continue our assistance to the Contras on a covert basis as a means of pressuring the Sandinistas to negotiate in good faith and to cease their support of guerrillas in other Central American countries. I will not, however, support covert aid aimed at overthrowing the Sandinistas.

We must reject ill-considered actions such as the airport bombing. And we must push for democratic reforms and a lifting of repression within Nicaragua. Our policies must be geared to the individuals within the Sandinistas who are less strident.

For Nicaragua—for all of Central America—we must make economic levers the key to our efforts. As long as poverty exists, the cause of revolution will be with us.

EL SALVADOR

Economic assistance is particularly important for El Salvador. The activities of the guerrillas over the past several years have severely hampered what had once been, by Central American standards, a relatively promising economy. A nation whose agricultural production had once been one of its bright spots, El Salvador now finds itself forced to import foodstuffs to meet the needs of its people.

So much attention is given to the level of military aid provided by the United States to Central America that the economic aid we do provide is sometimes ignored. In fact, 77 cents of every dollar sent to the region is for economic assistance.

Yet, more needs to be done. This was clear in the visit Senator HART and I took to the village of San Lorenzo, not far from San Vicente. We saw the devastation caused by the anti-Government forces.

On entering the village, we saw the shell of a building, now covered with revolutionary slogans, which we were told had been the mayor's office until destroyed by the rebels a couple of months earlier. Our delegation visited a bakery, operated in the dark by means of a gasoline-powered generator because the guerrillas had cut all the power lines, leaving the community without electricity.

Both Senator HART and I bought blankets, for the amazing price of $3.50, made on a hand loom which had been reconstructed after its destruction by rebel hands. Why had the looms been destroyed? They had provided a major source of income for the people of the village.

Though we were in San Lorenzo only a short time, the images we saw there will remain etched in my mind for a long, long time: The children, spilling out of houses, growing from a handful when we arrived to hundreds by the time we left; A church full of bullet holes, reduced to rubble by a rebel attack; dirt floors, no electricity, animals living in houses; Young men—15 years old—dressed in combat fatigues, M-16 rifles on their shoulders, eyes alert, remembering the last attack that destroyed the looms; Again, the children, their smiles bright—amazingly happy and full of life considering the deprivation and war with which they have lived for most of their short lives. These images one cannot forget.

They are also ones from which we can and must learn. The answer to the desperate problems faced by the people of San Lorenzo is not to increase the armaments sent into Central America, nor is it to abandon these people to domination and intimi-

dation by Communist-backed insurgents. Neither approach will provide a safe, secure, and promising life for the many children who clung to us in our short visit.

We also cannot satisfy ourselves simply by sending down money and supplies. What we must provide are the resources they require to develop the ability to meet their own needs.

The willingness to do this was evident in the spirit and performance of the people of San Lorenzo and the Government forces assisting them. They had rebuilt the looms and were again producing blankets. The bakery was operating under the most extreme of circumstances. A medical facility, whose personnel had inoculated the many children we saw that day, had been put in place. Schools were being reopened. And a new community center was being built. All this was taking place under the watchful eye of the young soldiers sent in by the Government to encourage families to return to the village—and to discourage the guerrillas from once again disrupting their lives.

The lesson I drew from this is that we must devote ourselves to helping them in this critical effort. One obvious source of help would be Peace Corps volunteers. Unfortunately, after having been withdrawn from El Salvador because of the danger they faced as a result of the country's internal turmoil, they have not yet returned. The situation must be stabilized so that they can once again provide the assistance which has made the Peace Corps program one of the best and most effective efforts ever undertaken as a part of U.S. foreign policy.

The Agency for International Development should also play an increasing role in U.S. policy toward El Salvador. AID can provide a wide range of services which, in conjunction with the Government and private sector, can be of immeasurable benefit to the people of El Salvador.

The U.S. Department of Agriculture should be called on to give the agricultural sector of El Salvador the assistance it needs to once again meet the country's food needs. This must be done within the framework of the land reform program and can only be successful if the security situation within the country remains stable. My belief, though, is that it should serve as a cornerstone of our commitment to El Salvador's economy.

The security situation, of course, is intricately intertwined with the effort to achieve economic improvements in El Salvador. Despite the recent guerrilla attack on San Michel, the nation's third largest city, I came away with the conclusion that the military is now in excellent hands under the guidance of Defense Minister Vides Casanova and that the defense forces are keeping the rebels off balance. Their improved performance appears to be, in large part, attributable to the training they have received from the American advisers.

While still perilously short of basic supplies like batteries, radios, and ponchos, the El Salvadoran Army is, by all accounts keeping the guerrillas on the run. The shortage of medevac helicopters and medical supplies has caused a higher than expected death rate and an inordinate amount of amputations a problem which must be addressed. Morale, however, appears to be high.

There remain other problems. The death squads persist, though unexplained deaths are down. Senator HART and I expressed in the strongest terms the abhorrence of the people of the United States to the activities of the death squads. We made it clear that continued support by our country will almost certainly be contingent on continued efforts to bring to justice those involved in the death squads.

In our meetings with President Magana and with the heads of the nation's defense forces, we emphasized that there must be continued progress in the area of human rights. We pressed President Magana on the trial of the national guardsmen charged with the deaths of four American women and of the individuals charged with killing the two American labor advisers in the San Salvador Sheraton. President Magana told us the national guardsmen should be coming to trial before the end of the year.

The meeting with President Magana, an impressive man who is providing effective leadership to his troubled country, also provided an opportunity to touch on some points not often given attention in the United States. He pointed out that there are positive elements all too often overlooked when the United States looks at El Salvador.

El Salvador has held open elections and plans further national elections within the year. It has established an amnesty program, is developing a constitution, and has started a serious land reform effort. The nation has a free press and is rebuilding its infrastructure. It is building an educated officer corps in the military.

In Managua, every trend is just the opposite. Yet, in the eyes of many, El Salvador carries the mark of Cain, Nicaragua the stamp of romantic idealists. While the United States must always strive to promote institutions which reflect our democratic ideals and values, we must remain mindful that we not impose a double standard. We rightfully condemn death squads, political persecutions, and the absence of a judicial system to punish law breakers. Yet in our own midst, organized crime continues to flourish, motorcycle gangs roam our highways and our judicial system creaks and groans under the weight of criminal justice procedures that are in need of reform.

I do not share the notion that the government of El Salvador should be asked to share power, and bring into the armed forces the guerrillas, with those who are destroying their economy, supported by the Soviets, Cuba, and Nicaragua, while those in Nicaragua flatly refuse to entertain any consideration of sharing power with anyone who is not a part of the Marxist revolution. That is not the answer for El Salvador or the region.

Continued military aid to El Salvador is required as long as it is the target of outside intervention by those intent on the overthrow of its Government. But military aid alone will not insure a safe, democratic El Salvador. That can only be achieved through economic and humanitarian aid.

Our goals will best be served if we give the nations of Central America the tools they need to achieve selfsufficiency. With poverty breeding revolution and revolution breeding even greater poverty, the situation for the people of Central America grows only more desperate.

What they need is to live in peace, with the freedom to choose their own leaders and form of government. Our efforts must be focused toward this essential goal.

Mr. BAKER. Mr. President, the minority leader kindly yielded to me his time remaining under the standing order. I have no need for that time and I am searching the Chamber to see if any other Senator is seeking additional time.

I know the Senator from Missouri (Mr. EAGLETON) has a special order.

Could I ask the Senator from Missouri if the 15 minutes he has will be adequate?

Mr. EAGLETON. That will be fine.

LEAVE OF ABSENCE

Mr. BAKER. Mr. President, I have one further request and then I will yield back my remaining time under the standing order.

On behalf of the distinguished Senator from Arizona (Mr. GOLDWATER) I make the following request:

On behalf of Senator GOLDWATER, I ask unanimous consent that he may absent himself from the Senate for the remainder of this week to attend his 49th wedding anniversary with his wife in Arizona.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BAKER. Now, Mr. President, I yield back my remaining time.

ORDER OF PROCEDURE

Mr. DOMENICI. Mr. President, might I ask the distinguished majority leader, do we have a time certain when

the Interior appropriations bill will be resumed?

Mr. BAKER. The Senate will resume consideration of H.R. 3363 under the order entered last evening at 1 p.m.

Mr. DOMENICI. Am I correct that the amendment of the Senator from New Mexico will be the pending business?

Mr. BAKER. The Domenici-Bingaman amendment numbered 2168 will be the pending business.

Mr. DOMENICI. And there is 1½ hours equally divided?

Mr. BAKER. The Senator is correct.

Mr. President, I now yield back my remaining time under the standing order.

RECOGNITION OF SENATOR EAGLETON

The PRESIDENT pro tempore. Under the previous order, the Senator from Missouri (Mr. EAGLETON) is recognized for not to exceed 15 minutes.

The Senator from Missouri.

THEY ALSO SERVE WHO SIT AND TAKE IT

Mr. EAGLETON. Mr. President, the President, the Speaker of the House, and the Senate Majority Leader have agreed to a resolution to authorize the continued presence of American troops in Lebanon for an additional 18 months.

Just as the President misjudged the role of the Marines when he first dispatched them to Lebanon, so too may he now be misjudging the role of and the danger to the Marines as they sit in Lebanon for the next 18 months.

On August 24, 1982, President Reagan told Congress:

> I want to emphasize that there is no intention or expectation that U.S. Armed Forces will become involved in hostilities.

Then again on September 29, 1982, President Reagan told Congress:

> In carrying out this mission, the American force will not engage in combat . . . our agreement with the Government of Lebanon makes clear that they will be needed only for a limited period to meet the urgent requirements posed by the current situation . . . there is no intention or expectation that U.S. Armed Forces will become involved in hostilities.

We now know that the President's hopes for a benign American military presence in Lebanon have been dashed. There is a bloody civil war raging in Lebanon and we are a part of it. Four dead and 28 wounded marines attest to this bloody fact. We are partners with the Gemayel government. The smoking guns of our warships off Beirut attest to that. "Biggest Blitz Since Vietnam" headlined the New York Post of September 20, 1983. We have linked our destiny in Lebanon, and, in a sense, in the Middle East, to the Gemayel government.

The Gemayel government represents but one segment of the Lebanese community, the Falange. When Lebanon was created in 1943, it may have been good enough for the Christian community with its then narrow population majority to dominate the political, social, and economic life of Lebanon with the crumbs going to the Moslem minority. But the old civil war in 1958 and the raging new civil war since 1975 force us to recognize that the old style Falange dominance simply will not work anymore. If there is to be peace in Lebanon—and one has to wonder whether true peace can ever come—it must be a peace in which all elements of Lebanon—Christian, Sunni, Shiite, and Druze—share equitably in the fruits of the country. A Gemayel-Falange imposed peace at the butt of American rifles cannot endure. It cannot be in America's broader Middle East interests to join in bloody conflict against the Moslem majority.

So now we are about to consider authorizing the continued presence of American Marines in Lebanon for 18 months, a period of time equal to American involvement in World War I. Our troops will sit at the Beirut airport, perhaps as inspiration for a new American battle slogan: They Also Serve Who Sit and Take It. Our warships will bombard Moslem strongholds in support of the beleaguered Lebanese Government. Some day our air power may be unleashed. All of this in the name of bringing peace to Lebanon.

In the scheme of the Lebanese conflict, 18 months can be an eternity. This date was selected to put it past the 1984 Presidential election. It was selected for political convenience. This is a cynical, political act.

I would not precipitiously withdraw the Marines. To do so would heap new chaos upon existing chaos. Picking any length of time is admittedly arbitrary. But I could settle for 6 months provided that during that time, the U.S. would bludgeon the Gemayel government into broadening its political and negotiating base to include all indigenous Moslem elements in Lebanon. If as we approach the sixth month, it appears that under the then existing facts and circumstances that some additional time is necessary, then we could consider same and act in a timely and informed way.

If Congress authorizes 18 months at this time, it is giving, in essence, a blank check to the President. Congress would be washing its hands of Lebanon. Admittedly, that may be the shrewd and politically safe thing for Congress to do, but it will not win Congress a profile in courage.

Congress, through the War Powers Act, declared that it wanted no more creeping disasters like Vietnam. It insisted on its proper and legitimate role in deciding how, when, why, and where our country goes to war. With this 18 month resolution, we would abdicate that responsibility. With this resolution, we would engage in an act in which we can take no pride.

Mr. President, I yield back the remainder of my time.

ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of routine morning business not to extend beyond the hour of 1 p.m., with statements therein limited to 2 minutes each.

WHY THE NUCLEAR FREEZE OFFERS THE BEST CHANGE OF SURVIVAL

Mr. PROXMIRE. Mr. President, the supreme military irony of our time is that this country pours out tens of billions of dollars a year to prevent a nuclear war by building a deterrent that will only deter the least likely cause of a nuclear catastrophe. There are a whole series of scenarios that could provide a nuclear holocaust. What is the least likely scenario? One of the least likely is that the Soviet Union would execute a planned, premeditated strike against the United States. Indeed, the prime reason such a scenario is unlikely is precisely that we have produced and deployed a nuclear arsenal, much of it invulnerable, that would render a first strike by the Soviet Union an act of suicide for the Soviet Union and, therefore, make such a strike very unlikely. So our nuclear deterrent does constitute a prerequisite to the prevention of nuclear war, but it does nothing to prevent a series of possible developments that are now more likely causes of nuclear war.

The focus of our attention on preventing a deliberate Soviet nuclear strike has absorbed virtually all of our strategic military budget. In doing so, it has distracted us from the far more threatening causes of a nuclear holocaust. It has prevented us from even devoting any significant consideration or congressional debate to policies we should adopt to stop such more likely causes of nuclear war as:

First. The proliferation of nuclear weapons to more and more countries;

Second. The steady improvement in nuclear weapons to make them smaller and lighter, more accurate, more reliable, cheaper, and therefore more readily available;

Third. The ever more confrontational behavior of countries in South America, the Middle East, Southeast Asia, and elsewhere and the persistent attempts by these countries to develop at least rudimentary nuclear arsenals;

Fourth. The breakdown of the United Nations as a vehicle for the settlement of disputes between nations;

Fifth. The increasing hostility between the world's two great nuclear superpowers and their alliances—NATO and the Warsaw Pact; and

Sixth. The increasing dependence on hair-trigger alerts and computer-based warning systems that can make a fatal error that could lead to blundering into a nuclear war.

What an irony. Every one of these most likely causes of nuclear war is aggravated by the arms race, and especially by the continued testing of nuclear devices to make them more readily available to nations that may be light in resources but heavy in hostility for prospective enemies.

Let us consider the efficacy of three different policies in meeting these likely causes of nuclear war:

First. Prime reliance on full speed ahead with nuclear research, testing, production, and deployment;

Second. Limited arms control, relying on specific areas of arms reduction such as reducing the number of warheads or the location of intermediate range missiles in Europe; and

Third. A comprehensive, mutual, and verifiable nuclear freeze.

Obviously, a prime reliance on winning the nuclear arms race might provide a deterrent to what is already the least likely instigation of a nuclear war, that is, a premeditated nuclear strike on the United States by the Soviet Union. But it would provide no safeguard against any of the more likely causes of nuclear war. In fact, it would actually aggravate them. It would encourage nuclear proliferation. It would "improve" nuclear weapons and make them cheaper, smaller, and therefore more accessible for other countries. It would aggravate confrontational behavior. It would make the United Nations even less useful. It would increase the hostility between the two superpowers. And it would increase the hair trigger, mistake prone makeup of nuclear arsenals.

Limited arms control—the second alternative—would also continue to make nuclear weapons increasingly more dangerous and subject to proliferation. And it would do little to reduce danger of a nuclear war coming from any of the other likely causes.

On the other hand, a comprehensive mutual, verifiable nuclear freeze would diminish the likelihood of nuclear war from any cause. Because it would stop testing and greatly reduce the efficacy of research, it would end the abandonment of our survival to reliance on wherever the arms race would take us, which is very likely to a nuclear holocaust. To be effective, the freeze would require the toughest kind of verification procedures, and far more vigorous antiproliferation enforcement than we and other nuclear powers practice now. The nuclear freeze offers far and away our best chance of survival.

A HAVEN REEXAMINED

Mr. PROXMIRE. Mr. President, Ruth Gruber recently published a book that details a little-known piece of American history. Ms. Gruber's book, entitled "Haven," provides a firsthand account of 982 World War II refugees who were granted temporary sanctuary in the United States after they promised in writing to return to Europe when the war ended. These refugees were fleeing Nazi oppression—seeking to escape history's most terrible act of genocide.

In a review of Ms. Gruber's book, the New York Times describes this gesture as:

> . . . a token of humanity, no more than a token by the United States, which, while warring against oppressors in World War II, had refused to admit refugees by other than normal, and restrictive, immigration laws.

At a time when Adolf Hitler was systematically trying to eliminate an entire race, our Nation saw fit to provide safe haven for a handful.

Mr. President, there are several aspects of this situation that are as pertinent today as they were in 1944. First, it is reassuring to note that then, as now, the people of America recognized the genocidal slaughter of any group as a barbaric and unspeakable act. Then, as now, our people recognized the existence of certain minimum standards of humanity that every nation should be obligated to meet. Ms. Gruber describes the kind and genorous reception these 982 refugees received from the people of our country. They saw the blatant violation of a people's basic human rights, and were willing to respond. We must remember, however, that America provided refuge for only a few of the victims.

This highlights a second compelling point—we could have done more. Now, I am not saying that we could have prevented the Holocaust, or even that we can protect mankind from future persecution. Then, however, we could have provided a haven for more refugees; today, we can declare to the world our belief that genocide is a crime against all humanity. It should not and cannot be tolerated. We can bring the pressure of world opinion to bear on any government that attempts to violate the most basic of human rights.

For too long our failure to ratify the Genocide Convention has provided an avenue of escape for those who would seek to avoid censure. How, they ask, can the United States condemn others while, at the same time, refusing to ratify the treaty they helped create?

Over the past 35 years, we seem to have forgotten that the Genocide Treaty was drafted to create safeguards against the Holocaust ever recurring. It is essential, Mr. President, that we demonstrate our resolve by ratifying the Genocide Convention. Otherwise, one day in the future, we may have to face the sickening realization that we could have done more to prevent another Holocaust.

THE DEATH OF SENATOR HENRY M. JACKSON

Mr. RUDMAN. Mr. President, today I would like to join the millions world wide who have noted with sorrow the passing of Henry M. "Scoop" Jackson. It is fitting that we pay tribute to one who has meant so many things to so many people. Perhaps only upon his passing can one appreciate the full measure of the man's worth. In tributes already made, we find that Scoop Jackson was a loving husband and father, an environmentalist of some considerable vision, a staunch defender of the civil rights of all mankind, a skillful politician, a consummate statesman, and a patriot second to none. Perhaps more importantly, Scoop Jackson was a symbol to a world existing under the cloud of atomic uncertainty of the greater grace and spirit which is mankind's hope for peace on Earth.

Of course, I "knew" Scoop Jackson long before I first met him in 1981. I knew him as millions did, as a larger-than-life congressional leader, a deus ex machina if you will, capable of influencing with the constancy of his conviction and purpose the ebb and flow of American political thought. How surprised I was, as I am sure many were before me, when I first had the opportunity to speak and work with him, to find a warm and compassionate man whose capacity to offer friendship and counsel seemed limitless. Scoop Jackson was the embodiment of Thoreau's definition of a friend: "One who incessantly pays us the compliment of expecting from us all the virtues, and who can appreciate them in us." Fortunate to have been touched by one with such qualities, we will all be poorer for his passing.

DRUGS IN THE WORKPLACE

Mrs. HAWKINS. Mr. President, what I have learned from my research on the problem of drug abuse in the workplace gives a whole new meaning to the afternoon coffee break. It also gives a very good reason for the steady decline in American productivity and presents a unique and challenging problem for employers. One expert on the subject goes so far as to suggest that a major reason that the U.S. industrial leadership has declined is that the American work force is stoned most of the time.

The use of illegal drugs on the job is quickly replacing alcoholism as a major problem in the workplace. The cost of employee drug abuse to employers is estimated at billions of dollars a year in decreased productivity, accidents, insurance claims, and absenteeism. A survey by the American Management Association of New York found that 1 in 10 workers use illegal drugs while on the job, and younger, well paid employees are the most frequent users. Marihuana breaks are as common as coffee breaks. And even worse, the drug users are most likely buying the stuff from dealers within the company.

Abuse of marihuana, cocaine, PCP, percodan, diluadid, quaaludes, or amphetamines on the job makes for a sloppy American product and even poorer service—whether it is a pair of slacks, an automobile, a train ride, a court case, or a $20 million stock deal. It frightens me to think that drug abusers are filling positions as air-traffic controllers, train engineers, nuclear plant workers, and especially our Armed Forces.

What is the problem? Drug abuse invades all professions and vocations—nurses, teachers, salespeople, stockbrokers, lawyers, secretaries, dentists, data processors, construction workers, and so forth, get high on the job. Surely these jobs are not so boring or unsatisfying or stressful as to turn 1 out of 10 people to drugs. Research on the subject of employee drug abuse is sketchy and incomplete, but it seems to suggest that drug abuse is related to high-pressure, machine-oriented work environments. According to Dr. Carl Chambers and Richard Heckman in their book "Employee Drug Abuse—"

Drug use is a by-product of today's highly impersonal work environments which promote boredom and stress on all levels of work, and virtually eliminate feelings of personal achievement and importance—truly satisfying rewards for the individual.

Mr. President, if we are to compete with other countries—especially Japan—for the world marketplace, we must keep our employees active, productive, and clear thinking. We cannot let our world leadership go up in smoke.

I would like to insert in the RECORD at this point a recent article from the August 22, 1983, issue of Newsweek, entitled "Drugs on the Job."

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From Newsweek, Aug. 22, 1983]

DRUGS ON THE JOB

A forklift operator at a small Long Island business smokes a joint in the parking lot at lunchtime, assures the boss he's fine—and then runs his cargo into a door. A Houston pharmaceutical company throws out a huge batch of contaminated products because the quality-control inspector was stoned. A high-tech Silicon Valley company intentionally overproduces because it knows much of its output will be spoiled by spaced-out employees who snort their lines of coke from microscope slides. And a Wall Street securities trader continues to do cocaine at work—even though he's still shaking his head over the $18 million trade he doesn't remember.

Joint by joint, line by line, pill by pill, the use of illegal drugs on the job has become a crisis for American business. Football players do it, Hollywood stars do it, doctors do it—but you knew that. The more frightening development is that drugs have moved into airline hangars and chemical plants, textile mills and construction sites, boardrooms, courtrooms, newsrooms and nuclear plants: last week the Nuclear Regulatory Commission announced that 21 guards at the San Onofre nuclear facility in California had been suspended for suspected drug use. Companies of all sizes all around the country—General Motors in Detroit, Compugraphic in Wilmington, Mass., Humphrey & Associates electrical contractors in Dallas—are being jolted by a dramatic amount of drug use among perfectly respectable, well-dressed people.

Morning Toot: Most of them are not addicts but executives who take a toot of cocaine in the morning, secretaries who share a joint at lunchtime and night-shift workers who swallow amphetamines to keep going. "Drug use has spread to every occupation," says Thomas Keough, superintendent of Metropolitan Police in Boston. "In the old days you had to use a hippie-type cop for undercover work with drugs. Now I can send a guy out in a three-piece suit that looks like he just stepped out of the Brooks Brothers window."

The cost to the American economy is enormous: nearly $26 billion—including $16.6 billion in lost productivity alone—according to one authoritative study. But others put the figure much higher. Employees who use drugs on the job are one-third less productive than straight workers, three times as likely to be injured and absent far more often. The indirect cost to the economy is impossible to measure. Stoned, strung-out and coked-up employees affect the morale in the office, scare away customers and hurt the quality of the shirts you wear, the car you drive and the building you work in. Some experts even suggest that one reason the United States is losing its industrial leadership to Japan is that America's work force is so stoned. "I can't even estimate what drug use has cost this company," said Lew Sacks, National Car Rental's personnel director, in the July issue of the company's in-house magazine. "I think it's the biggest problem in industry today. Nothing else is even in second place compared to it."

There is no mystery why: the drug-epidemic generation of 1965–78 is growing older and taking its life-style with it into the workplace. Employees are using a pharmacopeia of illegal drugs like marijuana, cocaine and PCP; abused prescription drugs like Percodan, Dilaudid and Quaaludes, and look-alike drugs like over-the-counter diet pills passed off as "Black Mollies"—amphetamines. Alcohol is still the most abused drug, and its impact on industry cannot be minimized, but American business long ago recognized that problem and began taking steps to deal with it. The new explosion of illegal drugs caught industry unprepared. Many supervisors who downed a couple of martinis at lunch were hesitant to discipline an employee for smoking a joint instead. Bosses who knew how a drunk worker acted had no idea how to identify a pill-popper.

And the illegality of the drugs only made things worse: the drug-using employees were more secretive, making the problem harder to identify, and even employers who sensed that something was wrong were reluctant to admit that crime was taking place on their property. As a result, says Joseph H. Lodge, a former Drug Enforcement Administration official who now runs a consulting firm in Miami, "today drug use at the workplace is as common as the coffee break."

Expert Help: Business is finally waking up to the problem. The Department of Transportation is writing a job description for an expert in drug and alcohol abuse to help control what it calls "one of the most significant problems" facing the country's railroads. The American Society for Industrial Security will hold a conference in Washington next December called Substance Abuse in the Workplace. The lead story in the National Law Journal on Aug. 8 was bannered: DRUGS: CRISIS FOR THE BAR? USERS AND DEALERS ABOUND IN THE LEGAL PROFESSION. And even the Harvard Business Review has run an article titled simply: "Drugs in the Workplace." "The problem of drugs in industry is just beginning to surface," the author of the article, former DEA administrator Peter Bensinger, said last week. "They're just beginning to take it seriously."

And they're beginning a counteroffensive. Some, like the Boston branch of Blue Cross-Blue Shield, have requested undercover police investigations. Others, like Mobay Chemical Corp. of Baytown, Texas, use drug-sniffing dogs to search work areas or even cars in the parking lots. Sunkist Products Group of Ontario, Calif., requires all new nonsalaried employees and any strange-acting workers to take urine tests. Humphrey & Associates, the Dallas electrical firm, gives blood tests to anyone who has an accident on the job. Thousands of companies and public agencies, from ITT to the Chicago fire department, have established employee-assistance programs—they're so common now they have their own acronym, EAP—or expanded them to include drug abuse. The reason is strickly bottom line. "It costs us less to rehabilitate an employee than to hire and train a new one," says Tamara Cagney, who runs the EAP for Crowley Maritime in San Francisco.

Such efforts to fight drug abuse at the workplace have their fair share of critics. They point out that most EAP's are still geared more toward alcohol abuse than drug problems, and drug detection on the job raises some serious legal questions (page 60). But the antidrug campaign already has spawned a mini-industry of its own: a growing number of drug "consultants" are running educational seminars for employees and employers, conducting searches and undercover operations and setting up treatment programs. There are free-lancers like Charles Pendleton of Midland, Texas, who found the drug-seminar business so good that he quit his law practice to travel around the country, as well as high-powered firms like Bensinger DuPont and Associates of Chicago, formed by former DEA chief Bensinger and Dr. Robert DuPont, former director of the National Institute of Drug Abuse. Mead CompuChem of Research Triangle Park, N.C., used to perform environmental tests; earlier this year it started using the same technology to test urine samples for drugs. When Syntex Corp. of Palo Alto, Calif., last year unveiled a new machine to analyze urine specimens for drugs, it was so flooded with inquiries that

it formed its own drug-consulting firm, Performance Diagnostics.

Some of these consultants' warnings about American industry nodding off on drugs should obviously be taken with a grain of salt: they make their living from scared companies. But there is no question about the validity of their basic point—drugs are costing American business in many ways. The most dramatic problems are accidents, big and small. A petrochemical plant in Louisiana exploded some years ago, killing four men and causing millions of dollars in damage. According to a toxicologist and drug consultant who worked with the company, the men had been zooming on amphetamines, and when the emergency alarm went off they did nothing but laugh.

Mark West, 29, used to shoot cocaine in his taxi until he wrecked it while wired up one night. A man named Carlos, 35, of Los Angeles, surreptitiously shot heroin twice a day in the bathroom of the chemical plant where he worked; one day he caused a big sulfur explosion that burned him horribly. Carlos sued his employer—and won $5,000. Most of the money went to his doctors, he says, but "I spent all that was left on heroin." It could have been worse: before getting the job at the chemical plant, Carlos had worked at a bomb factory.

Large construction projects seem to have more than their share of drug-related accidents. A construction worker in Houston fell eight stories off a building; the autopsy showed he had been smoking pot. A master welder who had worked for another Houston contruction company for 10 years popped some pills for lunch, then drilled a hole through his hand. Austin Commercial Inc., one of Dallas's largest contractors, figured it had a drug problem when it began suffering a high number of accidents on its jobs. The company tightened security, hired a private investigator and, according to the Associated General Contractors, secretly photographed drug transactions at the work site. The suspects were fired—and the number of accidents dropped. "I've been on jobs where the foreman actually passes out stuff to make sure the work gets done," says John E. Neece, a building union leader in California. "Sometimes 90 percent of the crew's been doing uppers. I just leave the jobs when the guys are dopers. Would you want to work on a 14-story building knowing the guy with the blowtorch next to you is doing drugs?"

Ground Crews: Other accidents are just waiting to happen. An airline ground-crew employee and a drug consultant both said last week that some ground workers regularly use drugs on the job. Machinists-union representative Duane Schrieber of Miami says he has "no way of knowing" if that's true, but added: "The only comment you can make about drug use is that whatever the percentage is in the country, it's probably the same in the airlines." The National Transportation Safety Board says it has never found drugs to be a factor in an air-carrier accident. In the nuclear power industry, a spokesman for the Nuclear Regulatory Commission in San Francisco said last week that the number of nuclear-plant workers arrested or fired because of drug abuse or trafficking had risen dramatically in the past five years. Last May a contract laborer slipped into the Rancho Seco nuclear plant in California with a quarter gram of cocaine. The spokesman said most of the cases involved employees selling marijuana in the parking lots, people carrying cocaine into a plant or security guards smoking marijuana on patrol. "You name it," he said, "we see it."

Loss of productivity and declining quality are harder to see and harder to measure, but they are every bit as real. One Denver attorney, who used to snort cocaine from his desk drawer through a hollowed-out ballpoint pen, says he was so wasted by the afternoon that he would stop his calls and either cancel his appointments or rush his clients out the door. The former vice president of a major Hollywood movie studio says he used to leave meetings two or three times for a toot of cocaine, then he might concede a major negotiating point just to get the meeting over. Steven Soriano, 25, of Alhambra, Calif., smoked PCP and sniffed cocaine while working as a sign painter. "After a while," he says, "I'd spend all day on one or two signs. I'd fall asleep every day on the job, standing up. The next morning my work from yesterday would look like I had done it with my left hand—or my feet."

Few areas of the work force—public and private—are untouched. Bensinger, the former DEA chief, claims that "in the '70s the cost of cars rose and the quality of the product was poor because of [drugs]." The problem, he adds, affects big companies and small equally. "It can be the small office with a bookkeeper who forgets to mail checks or enters the wrong figure on a ledger," he says. "Or the guy who works in a shirt factory who is high." It could be a postal worker: last week 10 Chicago mail handlers and clerks were arrested for selling our possessing drugs on the job; 19 others had been arrested earlier this month. Or it could be a police officer. Last week the District of Columbia police department announced that 35 recruits had been fired and 10 veterans, all of whom had served on the force for more than five years, had been suspended for using marijuana, cocaine or PCP in the past six months. "I can't think of any business where you can say with certainty that it doesn't have drug users," says Superintendent Keough of Boston. "And I include police departments in that."

By the Ton: The high-tech industry is especially hard hit because employees on drugs can so easily cause quality-control problems. Prof. Mike Lauderdale of the University of Texas at Austin, who recently surveyed 60 top Texas firms about drug problems, found most of them concerned, but none more than the electronics businesses. Two companies told him that they would leave the United States unless they could curb the problem. In Silicon Valley, "drugs are the No. 1 problem," according to Dick Hesenflow, a drug consultant who works with companies there. "A ton of cocaine a year is consumed in the Silicon Valley," he says. "Some of the small electronics companies are going under because of drugs. I know of one president whose company had such a serious drug problem that he closed up and moved back East." Hesneflow's associate, Reggie Kamakele, adds: "We have companies that don't allow their executives to make decisions after lunch." Jess Barba, the Sunnyvale public-safety director, agreed with the consultants about the situation, but said he has been unable to get companies in the valley to admit they have a problem. The companies refused to comment.

Barba believes that most theft in Silicon Valley is drug-related; cocaine is often the impetus and the preferred form of payment of stolen products. There is clearly a relationship between crime and serious drug use in the office. Virginia Kilker started taking a gram of cocaine a day while working at a lumber company outside Aspen, Colo., then embezzled more than $7,000 to pay for it. Lloyd Vaughn, a Beverly Hills lawyer, took $75,000 from one of his actor clients, the late Bob Crane, half of which paid for the cocaine that was destroying his practice. Liz, 19, stole $70 to $80 a day from the cash register to buy heroin and PCP when she worked as a cashier at a hardware store in Los Angeles; then she got a job in the office of a trucking company, where she stole payroll checks until she was caught.

Kickbacks: But much of the theft is more discrete. ITT discovered one executive's drug problem because of his unusually high expense account. And the operations manager of a Wall Street trading firm says many traders occasionally give an overly favorable rate to the buyer or seller of securities in return for a cocaine kickback. "If you're as especially hot trader," he says, "you can always justify a few bad trades by saying you're building business."

Drug abusers also cost businesses millions in medical expenses. Even a casual user of drugs on the job is likely to use his health insurance more, because he is more likely to be involved in an accident. Serious abusers of drugs and alcohol tend to be the biggest users of a company's health plan. In addition, their families are more likely to use the employee's health benefits. "The instability that surrounds a drug user is going to trigger the family unit to be unstable as well," says John DeLuca, medical director for Equitable Life. "They are having more medical problems, and they are sicker more frequently because they are under enormous family stress."

All of the drug-related costs are hitting American business just when it can least afford them. One reason Japanese industry caught up with the United States was that American productivity rose at an average rate of only six-tenths of 1 percent from 1973 through 1981. Now, finally, productivity is rising again, at an annual rate of 4.3 percent in the private nonfarm business sector. Industry needs to continue those gains to compete internationally and to increase profit margins and real earnings without causing inflationary pressures. But drugs on the job are a serious obstacle to increased productivity. "Today, if you're going to maintain your leadership, you need clear-thinking people," says Dr. Carlton Turner, Ronald Reagan's adviser on drug abuse. Noting that employees who use drugs perform at only 67 percent of their normal ability, he added: "In order for American industry to remain competitive, you've got more than that out of your workers."

Craig Zabala, an economist for the Census Bureau, credits industry's belated acknowledgement of its drug problem to "competing with the successes of Japan." Whatever the reason, companies finally are trying to find the drug users in their midst—and do something about them. Pendleton, the drug consultant from Texas, tells his audience to look for things like lip-balm containers that are really cocaine vials. He also tells them to look for 47 telltale signs of drug use: "often a chain smoker, but seldom uses filter tips . . . musty odor . . . constant licking of lips." But many experts say such lists are hogwash. "We tell our people to look for job-performance problems," says Eugene R. Gaeta, director of AT&T's employee-assistance program. "We are not talking about leaky nasal passages."

Lodge, the Miami-based drug consultant, says his first step is to look through a company's personnel records to try to identify

drug users. By analyzing the drug programs of a dozen major American corporations, Lodge says, he has come up with a computer profile of a "typical recreational drug user in today's work force." He or she was born between 1948 and 1965, is late three times more often than fellow employees, requests early dismissal or time off during work 2.2 times more often, has 2.5 times as many absences of eight days or more, uses three times the normal level of sick benefits, is five times more likely to file a workmen's compensation claim and is involved in accidents 3.6 times more often than other employees.

Anyone who fits that kind of profile—or is just acting strange—is increasingly likely to have to undergo a blood or urine test. When the Kaiser steel plant in Fontana, Calif., was operating at full capacity, the company used to take a few urine samples a day of employees who behaved oddly. Anyone who flunked got five days off without pay while discussing treatment with the company. Sunkist immediately fires anyone who fails its urine test, although an employee who admits a drug problem before the test is administered gets a leave to seek treatment. The Dallas chapter of the Associated General Contractors, which represents 500 construction firms, plans to start blood and urine tests within a year.

War: The Navy tests 1.8 million urine samples a year. Six of the 14 sailors and Marines killed in the crash aboard the aircraft carrier Nimitz in 1981 had marijuana in their systems, although the Pentagon claimed that drugs were unrelated to the accident. A congressional study that same year reported that two-thirds of the sailors aboard the aircraft carrier Forrestal regularly used marijuana and amphetamines. Now the Navy has a $24 million antidrug program. Its watchwords, which are posted on barracks and office walls and printed on sailors' T shirts: "Not on my watch, not on my ship, not in my Navy." "It is a war," says Capt. Leo Cangianelli, head of the Navy's substance-abuse program. "And the enemy is drugs."

The Navy also uses drug-sniffing dogs, and so do a growing number of businesses. Bruce Wilkinson of Louisiana General Services, a New Orleans-based drug-consulting firm, says his trained Labrador retrievers can sniff out 14 kinds of drugs, including alcohol. One out of every eight employees he searches has some kind of contraband, Wilkinson says. Dogs are used extensively on offshore oil rigs, and their use in offices is growing. At Rockwell International's plant in Palmdale, Calif., dogs were even used to sniff employees' cars in the company parking lot. "Our employees like the dogs," says Paul Franklin, personnel manager for Mobay Chemical Corp. of Baytown, Texas. "We got into this because our employees requested we use some very visible drug deterrent."

Other companies are just calling the cops. That was taboo in the business world for many years for fear of bad publicity. But now businesses feel they have no choice. "We want employees to believe Compugraphic is a good place to work," says Vincent Kaseta, vice president of the Massachusetts company. "That's not going to happen if you permit drugs on the work force." In 1980 Compugraphic, like a rapidly growing number of companies, paid for undercover agents' drug purchases, travel expenses and overtime pay during a lengthy investigation that resulted in the arrest of 13 employees. In many cases, investigations are spurred by employees who complain the fellow workers are using drugs on the job. "The best police force in the world are the other workers," says Charles Housman, treasurer of Armatron International Inc. of Melrose, Mass., where six employees were arrested. "They want to be safe and comfortable. They won't put up with it." Housman says productivity increased noticeably since the arrests, although he will not reveal figures.

Many companies are still trying to avoid the problem: when Kingsley Barham, a former San Francisco stockbroker and reformed cocaine abuser, organized a basketball marathon last May to raise funds for cocaine-recovery programs, very few businesses wanted to get involved. But some companies, like National Car Rental, have started big drug-awareness programs for their employees. And more than 4,500 companies including most of the 500 biggest, have established employee-assistance programs for drug and alcohol abusers. Some run in-house programs while others contract with companies like Brownlee Dolan Stein Association of New York, which runs EAP's for about 25 corporations around the country with a total of 250,000 employees. An employee, referred by his supervisor or enrolling on his own, talks to the EAP office and works out a treatment program. His participation is kept secret. GM's program is the best known: it was set up for alcohol abuse in 1972, expanded to include other drugs in 1975 and has spread to every GM installation in the United States and 12 in Canada. About 10,000 to 15,000 GM employees are under treatment at any time.

"An employer today in this country cannot afford not to have an employee-assistance program," says GM's Dr. Robert G. Wiencek. "Consider the impact on productivity and safety." For every $1 invested in treatment, GM can identify $3 in return for full-time employees who recover fully. Phillips Petroleum Co. says its EAP saves more than $8 million a year in fewer accidents, less sick leave and higher productivity. And some program directors say recovered employees are often among their most productive workers. "When you're able to help an employee save his life," says Frankie Rice, head of Owens-Illinois's program in Atlanta, "there's a dedication that dollars and cents can't buy."

Every effort to combat drugs on the job, including EAP's, has plenty of critics. Dog searches are more than a little intrusive, undercover investigations breed employee distrust and there is considerable controversy over the reliability of blood and urine tests. "What makes drug screens so scary is that they show traces of marijuana as much as a month after use," according to Dick Stanford, executive director of the Workers Assistance Program in Texas. "And they can pick up traces in people who might just have been in a room where marijuana was being smoked."

Bensinger, the former DEA chief, says that half of the employee-assistance programs still offer help only to alcoholics. Many of the rest, critics charge, are run by former alcoholics who are ill equipped and poorly trained to deal with drug abusers. EAP's "are a marvelous step forward, but are only one tiny step," says DuPont, the former head of NIDA. "They identify people very late and rely too much on voluntary compliance." Others are much more critical of EAP's, claiming that they too often allow an expensive revolving-door type of treatment in which individual employees constantly return for more help while being protected from dismissal because they're in the program.

In any case, almost everyone involved with the drug issue agrees that the most important long-term solution is for American industry and labor to address the work-related problems that often lie at the root of drug abuse: many jobs are simply too boring or stressful. "I don't know if you've had the opportunity to stand in a pit and turn a screwdriver over your head hour after hour, but I have," says Dr. Douglas Talbott, president of the American Academy of Addictionology. "It's almost like torture. These people bring mind-altering drugs to ease the boredom, the tension and the stress of doing their job."

Alienation: Talbott and others say American business should emulate the Japanese, who have addressed the stress problem with tension-relieving breaks. "They have exercise breaks, they have education breaks, they have breaks with training in non-chemical coping techniques for relief of boredom," Talbott says. The Census Bureau's Zabala, productivity expert who once spent four years on a GM assembly line, says there was a direct relationship between drug use and an employee's feelings of alienation. The more a worker felt he was an important part of the organization—because of a strong union, an important job or activity in a worker-management committee—the less likely he was to use drugs. Zabala's prescription for curbing drug abuse is simple: "worker input."

Even beyond that, the enormous cost of drugs on the job should give American business an ever-greater incentive to help the drug generation kick the habit altogether. In his survey of Texas businesses, Professor Lauderdale found that the top complaint among their employees was loneliness, which often led to drug abuse. "Employers are going to have to involve themselves in community and family functions to help their people cope with this loneliness without turning to drugs," he says. American industry will have to work throughout the '80s to try to cure a hangover from the '60s and '70s. The problem can be contained—although there will always be some drug abuse that is just impossible to stop. Two well-dressed young women, telephone operators for a major corporation, were spending their lunch hour one day last week smoking joints in the shadow of the Exxon building in midtown Manhattan. "We're celebrating," said one. "I have a job. This is my first day."

REPORT OF A DELEGATION OF EIGHT SENATORS TO THE SOVIET UNION

Mr. PELL. Mr. President, I send to the desk the report of the delegation which I led last month to the Soviet Union, and I ask that it be printed as a Senate document.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PROXMIRE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BAKER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. KASSEBAUM). Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

DEPARTMENT OF THE INTERIOR APPROPRIATIONS, 1984

The PRESIDING OFFICER. Under the previous order, the hour of 1 p.m. having arrived, the Senate will now resume consideration of the unfinished business, H.R. 3363, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 3363) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1984, and for other purposes.

The Senate resumed the consideration of the bill.

Mr. BAKER. Madam President, there are time limitations provided for in the order entered last evening. All of the principals are not here who wish to participate in this debate at this moment.

Rather than charging it against the time provided for debate on the Domenici amendment, I ask unanimous consent that I may now suggest the absence of a quorum without the time being charged to any party.

The PRESIDING OFFICER. Is there objection? Hearing no objection, it is so ordered.

Mr. BAKER. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DOMENICI. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2168

Mr. DOMENICI. Madam President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. DOMENICI. What is the pending business?

The PRESIDING OFFICER. The pending business is amendment No. 2168 by the Senator from New Mexico. The time on the amendment is 1½ hours equally divided between the Senator from New Mexico (Mr. DOMENICI) and the Senator from Montana (Mr. MELCHER). Who yields time?

Mr. DOMENICI. Madam President, I yield myself 1 minute.

I might say to the Senate that I do not intend to use my entire 45 minutes. Unless something untoward occurs, we certainly will vote sooner than an hour and a half from now, which would have been contemplated under the order.

Some of my good friends in the Senate have asked me if this up to $450,000, which will be in the control of the Attorney General to be used for the purposes stated in the amendment, could be used to defer the expenses of other entities or institutions other than individual property owners. I want to clarify that and say that, clearly, the amendment is intended to be a resource only for individual property owners affected in the Aamodt case as described in the legislation and in the debate yesterday.

It cannot be used and is not intended to be used by the State of New Mexico, for instance, as an entity, or for any public entity or quasi-public entity, such as a city, a utility, or the like.

That clearly is the case. I make that statement unequivocally, and I believe that is what the amendment says.

I state that because some Senators, through their staff, have asked that question.

I yield the floor at this point.

The PRESIDING OFFICER. Who yields time? If neither side yields time, time runs equally against both sides.

Mr. MELCHER addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana.

Mr. MELCHER. Will the Senator from New Mexico yield?

Mr. DOMENICI. I have yielded the floor. As I understand it, the Senator from Montana has 45 minutes and I have what is left of my 45 minutes.

Mr. MELCHER. Will the Senator from New Mexico yield for a question?

Mr. DOMENICI. I would be pleased to respond to a question on the Senator's time.

Mr. MELCHER. Yes, on my time.

Mr. DOMENICI. Yes.

Mr. MELCHER. Will my colleague and friend tell me if in the disposition of the $450,000, there are three principal attorneys involved and from three different law firms?

Mr. DOMENICI. If the Senator is asking me if at this point in the private litigant category are there three attorneys representing different groups, the answer is yes.

Mr. MELCHER. I thank the Senator.

If my friend will yield further, just to bring it in to sharp focus, this case was brought by the State of New Mexico. Is it true that the State offered settlement or suggested a settlement of a certain amount of water for each defendant in the suit and for those who accepted the offer, the State would represent the defendants rights as against Indian claims to the same water?

Mr. DOMENICI. I do not understand the question.

Mr. MELCHER. It is true that the State of New Mexico brought the suit against these four Pueblos?

Mr. DOMENICI. The original Aamodt case, which, as I indicated yesterday, has been going on for about 17 years, was brought by the State of New Mexico through its water engineer and attorney general. It has changed in complexion in that there are counterclaims, countersuits, and of late the individual property owners have all been served with process as a result of Indian claims so that there is an upfront confrontation between the Indians and the individuals as if they were plaintiffs and defendants.

Mr. MELCHER. Is the second part of my question accurate? For those defendants in the suit who accepted the suggested settlement by the State of New Mexico, the State will represent their rights as against those of the Federal Government? In other words, the State will represent them. Is that true?

Mr. DOMENICI. I do not know of any settlement.

Mr. MELCHER. Madam President, I am advised that that is exactly the case, that the State of New Mexico is bringing the suit. I thank my friend from New Mexico for yielding.

The State of New Mexico, in bringing the suit, should not forget that they are servants of the people of New Mexico. They brought the suit against these four Pueblos, these four groups of Indians. In doing so, for those plaintiffs who are not Indians and who agree with the State's proposal, the State will represent them. We are advised that that is the case. That is what the Bureau of Indian Affairs thinks is going on down there. That is what attorneys think is going on down there.

But that really does not get to the point. We have had similar circumstances in Montana, as I described yesterday and have described numerous times to my colleagues when we visit about Indian water rights and water rights of non-Indians. We have to work out a formula that will establish policy that will have to be of some assistance to both sides in order to expedite procedures. We have not done that yet.

When a suit is brought in Montana, the State of Montana does represent the non-Indian residents, non-Indian property owners, non-Indian landowners who have filed with the State of Montana their water rights, their claim for water. For those who have done that, the State of Montana is engaged in defending those rights. The real issue here, Madam President, is whether, on a floor amendment, in a very casual way, we want to upset the procedures that have been followed

and the laws that have evolved over more than 150 years of the trust responsibility of the United States for Indian tribes. That is the real issue.

I said yesterday, Madam President, that I did not know what the tribes or Indian leaders throughout the country thought about a matter such as this. That was yesterday. I know now. The tribes and Indian leaders are shocked and greatly puzzled by this amendment. They are puzzled because they have been told for 150 years that the trust responsibility of the United States is an obligation that will protect their property rights. They have been told that the treaties signed by the Indian tribes were those first documents to guarantee protection of that trust responsibility.

The property involved may be land which is held in trust by the United States on behalf of the individual tribes or individual Indian, but other property that is covered by the trust responsibility includes, but is not limited to, minerals, hunting and fishing rights, and, of course, water rights. That is just a partial list.

The trust is a fiduciary obligation of the U.S. Government and it covers all of that property that evolved from the treaties and from the laws enacted by Congress where the ownership resides in either a tribe or an individual Indian. Consequently, the funding of the opposing side of a lawsuit in a suit brought against an Indian tribe is a breach of that fiduciary obligation. In that case, the Federal Government is financing what, in effect, is lawsuit brought against the United States, brought against their obligation, their fiduciary obligation. It places the Government in the contradictory stance of being on both sides of the lawsuit, at least to the extent of funding.

The action we are taking here, on the floor of the Senate, in consideration of this amendment cannot avoid being political. I use the term political not to denigrate the motives of the Senators presenting the amendment, for I well understand and respect their concern for their non-Indian constituents. But the political implications, in fact, the results that are certain to follow if this amendment should be agreed to by the Senate, effectually and with certainty will create a further divisive attitude to increase between Indians and non-Indians.

Above all, those of us in Indian country where these tribes are located and where their interests are—I am speaking now of property interests—above all, we seek to be fair. We base that fairness on what has evolved and is before us today—a series of treaties, a series of acts of Congress involving Indian tribes, and over 150 years of court cases. That is what we are dealing with today. While many of us would like to see a different arrangement, a better understanding, a more expeditious handling of suits—while we would like to see improvement on that score, we attempt to be fair and we attempt during the interim to uphold those policies until we adopt better policies. This amendment upsets that.

The reason that this creates a further divisiveness between the tribes or Indian people and the Government and the non-Indian people is that there is not sufficient reason for the Federal Government to finance this private or State lawsuit because, as I first queried of the senior Senator from New Mexico a few moments ago, the State of New Mexico initiated a lawsuit in cooperation with the non-Indian plaintiffs. I am not at all critical of that procedure. The State of New Mexico is doing its job, doing what it should.

But we could ask, why does not the State of New Mexico, which does not have the same kind of fiduciary responsibility to Indian tribes as the U.S. Government, and that includes us—that fiduciary responsibility of the U.S. Government includes the Senate—why do they not finance the legal fees of the $450,000 that the amendment would extract from the Federal Treasury? We have been advised that the State has already agreed to represent those plaintiffs who have made at least a beginning agreement for the amount of water that the State has suggested; they will be represented by the State, we are advised.

There is no authorization, no Federal statute, no comparable step undertaken by Congress, and no precedent that would permit the U.S. Government to violate its fiduciary obligation to Indian tribes as it would by adopting this amendment.

This is a pretty big precedent. I want to go into it in a little bit of detail, Madam President.

Passage of the amendment could open floodgates, invite further litigation, prolong litigation, and entice other constituents of ours to expect the same kind of consideration and treatment for a variety of lawsuits including but not limited to fishing and hunting rights, mineral rights, easements, and numerous other property rights that have resulted from the treaties and statutes favoring Indian tribes or individual Indians with the express fiduciary obligation—trust responsibility—of the U.S. Government.

So we are a part of that Government and in a position of highest responsibility here in the Senate. There are numerous Indian treaties and numerous statutes affecting the Indians and Indian tribes. I shall cite three cases which appear to me to clearly trace the evolvement of that fiduciary obligation of the United States. As a matter of fact and as a matter of logic, the evolvement of the fiduciary obligation was based and still is based on the greater strength of the Government compared to the much weaker position of the Indian tribes.

Of these three cases, the first was in 1831 in Cherokee against Georgia where the lines of reasoning was first established by the Supreme Court that there was a fiduciary obligation—a trust responsibility—involving the Cherokee Tribe. That trust responsibility and fiduciary obligation rests with the United States, and stemmed from the treaty with the Cherokees. The Court found that Congress is limited in its power to abrogate the Cherokee Treaty without justification. The Court found that circumstances could arise that would justify the abrogation of portions of the treaty or the treaty itself if Congress was clearly acting for the good of the country, including the good of the Indians themselves.

So in 1831, the Supreme Court found in favor of the Cherokees and began, by that action, to interpret and establish the clear fiduciary obligation that evolved from Indian treaties.

This amendment before us today could not qualify because it abrogates a clear trust responsibility. How many of my colleagues would approve of a situation where a law firm representing an estate as executors or trustees or both would take funds from that estate to pay for legal representation for those seeking a portion of the estate.

I might further ask my colleagues if any court or bar association would allow or approve a lawyer, as trustee, to pay for the legal expenses of any party against the trust beneficiary

Many Senators have come to me, yesterday and since then, to say to me privately that they feel the precedent that would be established by adoption of this amendment is unwarranted and that it would be a very dangerous precedent.

It is not that I should be the one speaking of the evolvement of legal philosophy and legal doctrine over the course of 150 years. Ordinarily I would defer to my colleagues that are attorneys. But for lack of better explanation and for lack of better description of what this amendment does, I shall attempt to continue to describe how our policy of trust responsibility for the tribes evolved.

I believe the answer to both of the rhetorical questions I posed concerning the obligation of a trustee is that there should not be a breach of the fiduciary obligation. But in the case of Indian tribes, the U.S. Government has even more clearly a stronger fiduciary responsibility, and particularly Congress itself has more than the usual fiduciary responsibility than that which is involved in the general responsibility of a trustee.

That higher responsibility has evolved because of the acts of Congress itself. In interpreting these acts of Congress, the Supreme Court said in 1942 in Seminole against United States:

> Congress through its own action has charged itself with moral obligation of the highest responsibility and trust. Its conduct as disclosed through the acts of its representatives in its dealings with Indians should, therefore, be judged by the most exacting fiduciary standards.

It seems to me that it is very clear, taking both of the two cases I have cited, Cherokee against Georgia in 1831 and Seminole against United States in 1942, two cases 110 years apart, both the treaties and acts of Congress clearly establish the demanding fiduciary obligation that falls upon us. But you might say that what happened 150 years ago and even 41 years ago can be changed by acts of Congress. If that thought has occurred to anyone, let me also cite the last case of the three which I mentioned.

This case was a Federal court ruling in 1973 concerning the Manchester Band of Pomo Indians against United States which applied to agencies of the Federal Government. The court found that in fiduciary obligation involving this band of Indians:

> The normal standard of care is that of a man with ordinary prudence, but if a particular trustee has a greater degree of skill than a man with ordinary prudence, then he must use that skill. While the normal is a man of ordinary prudence, if a particular trustee has a greater degree of skill he will be held liable for the loss resulting from not using such skill as he has.

What it says to us is that we are to use all the skill and the knowledge that we have at hand in carrying out our trust responsibility and fiduciary obligation to the Indian tribes.

As I said earlier, the court first ruled in 1831 that abrogation of a portion of a treaty or a treaty itself with an Indian tribe could be undertaken by Congress if it was found by Congress that such abrogation was for the common good of all the people including the Indians. Such action by Congress has not occurred to diminish its fiduciary obligations. Lacking such action, Congress must continue to fully exercise its trust responsibility on behalf of the tribe.

Now, the merits of this amendment are based upon the need to pay the legal fees for three lawfirms in Albuquerque in a water rights lawsuit. Part of the complaint involves four Indian pueblos in New Mexico. That is the amendment before us, yet Congress has not acted deliberately to establish by statute the authorization that would cover the circumstances involved in this amendment. Before such a precedent of breach of fiduciary responsibility of the U.S. Government is undertaken, I think that we should consider the high standards of trust responsibility that fall upon us. And as the Court mentioned in 1972 in the Manchester Band of Pomo Indians, our standard of fiduciary responsibility is a high standard. It is higher than ordinary because we must exercise a prudence that matches our knowledge of the situation and our understanding of the trust responsibility gained over the last 150 years.

It would not be fair to be critical of the amendment just because it involves one suit, though I find it unusual to make an appropriation for a particular purpose or just for one specific matter.

The fact is that we have to view what this amendment does in its totality. What it does in its totality is set the precedent that we need not be zealous over the trust responsibility we have as part of the U.S. Government but that we are free to ignore it from time to time if we happen to like a certain proposal. The precedent that the adoption of this amendment would set is that an abrogation of rights for individual bands, the Pueblos or tribes of Indians, and could be accomplished by a floor amendment offered at any time.

One might say that that goes too far, that we are not going to abrogate the rights. As I stated earlier, we are not in the position of making the choice. We are trustees for the Indian side of it. We cannot be on both sides of the issue.

We might find a reason to establish as general policy that it would be for the common good of all the people, including the tribes, if we adopted a procedure or a type of mechanism whereby we could accomplish what this amendment seeks to accomplish. We might do that, but we have not done it. So we are still in the status of having to uphold the special and very important and very significant trust responsibility for the tribes. We cannot abrogate that. We cannot change it at this time.

Those Indian property rights that have evolved from treaty, statute, or case law, if we followed this precedent, could be arbitrarily set aside time and time again by similar amendments. If we agree to pay legal fees for these law firms, others could gain the sympathy of individual Senators or Members of the House. That is what this leads to.

While the facts in the lawsuit involved in this amendment are not identical with the cases I have cited, the principles established by treaty, statute, and case law are the same. That principle is not just for this amendment but for a host of others to which it could apply and which could well arise if we adopt this and breach that trust responsibility.

That would be chaos. The time to halt chaos is before it starts. This amendment is clearly an improper procedure, a back-door method, to have the United States pay for both sides of a lawsuit. If the amendment is adopted, it is an invitation for numerous others like it to be advocated by others.

This amendment by itself, without hearings and without support from this administration or previous administrations, could contradict the treaties and statutes affecting Indian tribes as interpreted by the courts. It falls flat and should be held in ill-repute in this body as being a private relief bill for three law firms representing the non-Indians in this lawsuit against the four Pueblos of Indian people in New Mexico.

Surely, it must be true that if there is sufficient merit to pay these three law firms in this particular suit, should not there be, under the equal protection clause, the same right and expectation of funding out of the Treasury for legal fees for other law firms throughout the United States, in Indian country, where there are suits pending? It would apply to the fees of non-Indian parties against Indian tribes in all those 52 water cases that are now pending in Federal courts and scores of similar lawsuits involved with easements or fishing or hunting rights or boundary disputes that are now pending or will arise in the future.

Permit me to conclude my opening statement today by stating that Congress may indeed find, after hearings and deliberation, that it would be meritorious in certain instances, under certain circumstances, to provide legal assistance of such quality as is represented by these three law firms for non-Indians involved in cases where property rights of Indian tribes or individual Indians are also at issue. It is true that we may find, after hearings and deliberation, that such a procedure should be adopted and should be the policy of Congress. That constitutes authorization. It constitutes a modification of the procedures of Congress as agreed to, and the limitations would be established in that regard on the fiduciary responsibility by Congress itself. It would be done on the basis of being for the general good of all people, including the Indian people.

I can understand that if that would expedite lawsuits and the settlement of these claims, it would be meritorious. But that has not been done. I hope it is done.

We are now preparing for the introduction of a bill that I propose will undergo hearings in the Senate Indian Affairs Committee which will create a type of commission to look at Indian water rights and to establish some guidelines and some method of expediting procedures through the courts.

We have done that before, in the judgment suits that have settled questions of the taking of lands of various tribes. We have set up that procedure for other claims of Indian tribes or individual Indians. So perhaps we will be successful in Congress in adopting some sort of procedure such as the bill we are now trying to get drafted for introduction.

Surely, Congress has the right to abrogate or change or modify a treaty, if it can be demonstrated that it is for the common good of all the people and for the Indian tribes themselves. If we meet that test and pass authorizing legislation, I am all for it. We will have to wait to see whether, after the hearing process, we will be able to accomplish that objective. Until we do that, I think we had better be very restrictive in how we take up an amendment such as this.

This amendment clearly is $450,000 out of the Treasury to pay certain law firms in Santa Fe. Those lawyers are not legal aid novices. Those lawyers are very astute, well-recognized authorities on water rights and property rights in general. That is to their credit, and that is to the credit of the parties who have engaged them for that purpose. It is to the credit of the State of New Mexico that they are trying to assist in their representation of those non-Indians who are parties to this suit. But as of this moment in time, Congress simply has not taken that step, that necessary step, to authorize payment of attorney fees under these circumstances, involving trust responsibility.

Madam President, while the Senate voted overwhelmingly last evening that this amendment is germane. It is a judgment of the Senate, whether you want to make germane an amendment that otherwise would be out of order. All of us have voted for amendments that would not be germane under our rules and voted them germane to keep them in the bill. I am not critical of that method at all.

But I do ask my colleagues in the Senate to exercise caution and prudence in the vote that is coming up. In the vote that is coming up, if this amendment is accepted by a majority vote, it will establish what appears to me to be an undue and unnecessary precedent, a very dangerous precedent.

I believe that the amendment should and must be defeated.

Madam President, I yield the floor.

Mr. DOMENICI. Madam President, I yield myself 5 minutes.

I wish to say to the Senate that I do not think this Senator would take a back seat to any Senator in this body with reference to an understanding of the fiduciary relationship that our National Government has to, with, and for our Indian people. I understand it. I am not timid about it. As a matter of fact, I have gone to this very area of the State and explained it in detail to those who are party litigant who cannot understand how the Federal Government is involved with Department of Justice lawyers and $2.9 million for private attorneys, for separate law firms representing the Indian litigants' water claims, and I have done that publicly and explained to them it is a trust responsibility.

Second, I do not think that I want to take a back seat to anyone in terms of being close to an understanding of the Indian problems in my State, and I think I might say without fear of being presumptuous that I am considered to be their friend. I came to this body 11 years ago and said that publicly and I have tried ever since, even though it is a minority and a very difficult one to represent because of the very different relationships that come about because of the U.S. Government's trust relationship in behalf of the Indian people.

Having said that, first, I am unaware of Indian opposition to this approach in my State, and I notice that my junior Senator is here. Shortly, I will ask him to comment.

I have told the Indian leaders involved maybe 2½ months ago, I said to my friends in the Senate, that I was going to have to do something like this because of the inequity and disparity that existed in this case in terms of an opportunity to get justice and fair play out of the courts or, at a minimum, the perception of fairness when there are four private sets of lawyers being paid for four Indian pueblos plus the Department of Justice, the finest experts in the world being hired plus a department of the U.S. Government lending its expertise to the Indian side of this case.

Third, I really cannot believe that anyone is going to challenge the propriety of the U.S. Government through an act of Congress helping in this particular case to dispense equity and justice by permitting the Attorney General of the United States to use up the $450,000 for the non-Indian private litigants. I mean, one can stand up and say that is a violation of a fiduciary relationship, but I really do not understand how it can be.

First of all, the Supreme Court has been pretty clear of late that we did not have to spend the $2.9 million which might have been thought at one point to be necessary for private lawyers because some thought the Department of Justice cannot wear two hats and cannot represent the Government and the Indians. The Supreme Court has recently said they can.

Nonetheless, this case is not typical. As a matter of fact, our researchers say, out of 52 water cases out there, only 5 with Indian litigants have private lawyers being paid for by the Government, and we are 1 of the 5.

So, I do not know where the breach of fiduciary duty comes because we chose to say, let us make sure that our courts are given the right facts and be fair and appear fair in cases of this magnitude and this import to literally hundreds and hundreds of people in my State with repercussions elsewhere in the Southwest and in those States that have water rights doctrines like ours.

With reference to Bureau of Indian Affairs in New Mexico telling my good friend from Montana such things as the State of New Mexico and the attorney general are representing the non-Indian litigants, or they offered to, and they said, "If you will take some certain compromise, we will represent you," and therefore this is some kind of a backdoor approach to pay, in spite of an offer for assistance and attorneys' representation through that office, let me just say while I have just told the Senate of my respect for the Indian people, the Bureau of Indian Affairs also knows that I do not have the same respect for them, and that is pretty obvious when it comes to my dealing with them. I do not think they represent the Indians very well, and I have not been a staunch advocate of giving them more authority. Rather, the contrary.

Having said that, let me say I will put in the RECORD a letter from the attorney general. I ask unanimous consent to have printed in the RECORD a letter from the attorney general of the State of New Mexico, dated July 22, 1983.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

ATTORNEY GENERAL,
DEPARTMENT OF JUSTICE,
Santa Fe, N. Mex., July 22, 1983.

Hon. PETE V. DOMENICI,
U.S. Senator, Dirksen Senate Office Building, Washington, D.C.

DEAR PETE: Thank you for your letter of June 27, 1983, expressing your concern about the disparity in resources available to the litigants in water rights cases.

I share your concern. The federal government has provided millions of dollars for litigation on behalf of Indian water rights. The State and private parties have only a small fraction of that amount available for litigating these very significant issues.

As you know, the State in water rights cases represents the interests of all of its citizens, both Indian and non-Indian; to that extent, all water users obtain some benefits from the State participation. The private parties, however, present their own case.

In the *Aamodt* case, you mention in your letter, private parties have asked me if the Attorney General could provide money from the Attorney General's budget for attorneys and experts to present their part of the case. I have told them that I could not and that our Constitution prohibits the donation of State money for private purposes. Art. IX, § 14; Art. IV, § 31. I am looking into alternative sources of funds but have no as-

sistance to offer at this time, and trial in the case is coming up in three months.

Perhaps the solution to this recurring problem is the allocation of federal funds to reduce the funding disparities. A just resolution of these water rights issues is of national importance.

I remain hopeful that you will be able to identify federal funds that could be made available timely to the litigants in *Aamodt*. I in turn will continue to explore the possibility of finding State funds for those private litigants.

Sincerely,

PAUL BARDACKE,
Attorney General.

Mr. DOMENICI. Madam President, he was asked by this Senator about putting this case into a commission framework maybe to be settled by arbitration. What can we do, said I.

He wrote back and, among other things, said, "One of the things you could consider is some money for the non-Indian litigants, because we do not know any way to get them representation other than that."

That is the attorney general of the State.

Madam President, I ask unanimous consent to have printed in the RECORD a letter dated August 17, 1983, from the Governor.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

STATE OF NEW MEXICO,
OFFICE OF THE GOVERNOR,
Santa Fe, N. Mex., August 12, 1983.

Hon. PETE DOMENICI,
U.S. Senator, Room SD 434
Washington, D.C.

DEAR SENATOR DOMENICI: Thank you for your letter of July 26, 1983. We share your concern about the divisive effects of the Aamodt litigation. Water rights litigation in the water-short Western states has caused and will undoubtedly continue to cause such divisive effects.

This State administration has been committed through both the Governor and the Attorney General to a redefinition of the relationship between the state and our Indian citizens. We have made great strides in a few short months; and, as never before we will attempt to solve disputes between our Indian and non-Indian citizens out of court in a nonadversary context. We will go out of our way to negotiate rather than litigate.

In the Aamodt case we stand ready to participate in negotiation, mediation, arbitration or any other effort to resolve our citizens' disputes by accommodation and agreement. We are advised, however, that arbitration may not be a viable option. First, we understand that the Indian parties, who are satisfied with the progress of the suit, have no interest in arbitration and would not agree to it. In addition, the Department of the Interior might not be viewed by any of the parties as an acceptable forum for arbitration. Furthermore, we fear pursuit of this option could have the effect of prolonging the time to the necessary, ultimate determinations.

Negotiation and mediation of the sort provided in the *Papago* case you mention might be more acceptable to the parties involved; but here, too, we are not hopeful because the prospects for settlement are not good where there is no unappropriated water and no money with which to negotiate.

As your letter points out, New Mexico's circumstances are not unique. Because the problem of the priority, nature and extent of Indian water rights, which has initiated a westwide avalanche of litigation, arises out of federal law, the United States may find it both prudent and equitable to commit federal funds to the implementation of negotiated settlements.

With warm personal regards.

Sincerely,

TONEY ANAYA,
Governor.
PAUL BARDACKE,
Attorney General.
S. E. REYNOLDS,
State Engineer.

Mr. DOMENICI. Madam President, the Governor of the State of New Mexico was asked the same question and remarked on a variety of subjects to the Senator from New Mexico but also indicated he did not think the State could pay attorney fees because of a constitutional prohibition against using State money for situations such as this.

I am not sure that is right, but the final bottom line is there is no source unless it comes from the U.S. Senate.

Now, in terms of this particular case being typical of other bodies-of-rights problems that exist between the Indian people and individuals, either in water rights areas or others, let me state I do not know if it is the same, but I can tell you that this one has some very different characteristics than normal Indian water suits.

In about 1860 the Supreme Court of the United States declared that our Indian Pueblos were not even Indians under our national law. As a result, there were no fiduciary responsibilities. Various rights began to vest and divest and people began to acquire water and property and the like.

Thirty-five years later the Court reversed itself, after many of these rights had already been set in motion, because they had ruled they were not a part of the fiduciary body in the United States; 35 years later they reversed themselves and, as I indicated, these kinds of rights became confused.

In 1924 and 1933 Congress purported to cure these problems with a Pueblos Land Act of 1924. The questions being adjudicated in this court suit again are directly related to these various acts.

So it seems to me that we have a much different situation than exists in the typical fiduciary situation vis-a-vis the Indian people.

Last but not least, let me say that I have the greatest respect for my friend from Montana, and I am sorry that he might have tried in the past to get some assistance like this in his State. I frankly do not think it was the same situation. I think the situation, the facts were different, litigants were different, but nonetheless, I can tell him that I am willing to participate in his Indian Committee in an effort to establish some basic American law in this area. We need some, not only with reference to attorney fees but a lot of other things as it pertains to water adjudication where the fiduciary rights of our Indian people are involved.

In the meantime, however, I think the best thing the United States can do is give this thousand or so people up there, with the kind of rights I have described that are non-Indians, a glimmer of hope that we are going to get justice out of this case and at the same time do no harm to the Indians.

The lawyers involved for the Indians commented publicly about this approach with no animosity. None of them said, "Do not do it."

In fact, one said, "We will wait around and see. We are not so sure it will cause any problem. Let us just see."

I hope the Senate adopts this amendment. I think it is a fairplay amendment, an equity amendment. Without it, the United States is going to be perceived quite to the contrary, and justifiably, in the State of New Mexico.

Mr. BINGAMAN. Madam President, I wish to very briefly rise again to support the amendment that has been offered by the senior Senator from New Mexico and by myself and make just a few points relevant to the discussion that has taken place today on this amendment.

First of all, I agree that, as far as I know—and we made extensive inquiry on this point—there is no Indian opposition to the effort which is being made here in this amendment from our State. We have contacted the Indian leaders in our State and indicated that this seemed to us to be a fair approach and, without exception, we have not received opposition from them.

I would also say that, based on my 10 years in private practice where I handled some cases involving Indian rights and based on the 4 years I spent in the attorney general's office, I know of no legal argument for the proposition that providing these funds for representation of non-Indians in this litigation would violate any trust responsibility which this country has and this Government has to the Indian people.

I think that trust responsibility is well recognized in law. Certainly nothing that we are proposing to do here undercuts that responsibility or our carrying out that responsibility.

Third, I would make the point, which has also been made, that I think it is clear that the State of New Mexico does not represent the private litigants, the private individual litigants we are here trying to provide some representation for. It does not because it does not see that it can and still effectively pursue the position of

the State of New Mexico. That has been the position consistently since this case was filed 17 years ago. During the time I was attorney general, that was certainly the position that we took and it was well known to all parties in the litigation that the State could not effectively represent the non-Indians in the litigation.

The final point, which is the basic point that I think is the moving reason for this amendment, and that is simply that we do have a responsibility, I believe, in this country to insure some type of fairness in our dealings with any group of people. We have a situation here where a large group of individual private landowners are not plaintiffs in this litigation. I think there has been some confusion about that. These are not people who have brought this suit to challenge the rights of Indians or the rights of anyone else. These are people who have been sued, who are defendants in the litigation and who are defendants through no cause of their own.

They are trying to see to it that their position is adequately put forth in the court. I think that is essential if the decision of the court is to be given respect by all persons involved in the case.

I feel it is essential if we are going to have fairness in this case and maintain the appearance, which I believe needs to be a reality in this country, that the Government deals fairly with people from whatever group.

So I support the amendment. I again commend the senior Senator from New Mexico for offering this amendment, and I welcome the chance to cosponsor it.

(Mrs. HAWKINS assumed the chair.)

Mr. MELCHER. Madam President, I think there are one or two gaps in the presentation that has been made so far and I will try to fill those in. I appreciate the comments of my two colleagues from New Mexico. As I have stated before, I understand their concern and I applaud their concern. But I hasten to advise my two friends from New Mexico, as well as the rest of the Senate, that this amendment would indeed establish a precedent, a precedent that infringes upon the fiduciary obligation of the United States.

One of the gaps that has not been filled in yet is why this case has taken so long. I might point out one of the reasons why it took so long was because a lower court said, when the tribes sought to have independent counsel other than the Justice Department, the court ruled that that was impossible; that they were represented by the Justice Department and, therefore, the tribes could not hire their own counsel.

The lawyers for the tribes presented themselves and they said, "Well, after all, there is a conflict of interest involved in this particular case because the United States is also involved in water rights on this." I believe it is the San Carlos National Forest in the State of New Mexico. "How can you have the Justice Department just advising these Pueblos, and not look at the other side of it, where there might be an inherent conflict in the Federal Government, as between its own water rights in the national forest lands versus its fiduciary responsibilities to the tribe?"

Well that Federal judge was found to be in error in saying that the tribes could not hire their own attorneys. The appellate court, the 10th Circuit Court, ruled that indeed, of course, the Pueblos could have private representation. It was patent. The State of New Mexico should not have argued that the Pueblos could not hire separate attorneys. So that is one of the reasons this case has taken so long.

But where this $2.9 million is coming from that has been thrown around here, bandied about regarding this amendment as Federal expenditures, as fees for attorneys for the Indians, I do not know. It is not that. The actual fee that may be paid to these attorneys is about $1.5 million. And that is plenty. But it is about half of $2.9 million.

Why was it paid? I repeat, the fiduciary responsibility of the Federal Government that evolved from the treaties with Indian tribes, from the statutes passed by Congress, and from the court interpretations, clearly beyond doubt, established that fiduciary relationship.

Now, I repeat, if a lawyer is protecting the trust for the rights of a beneficiary, also takes from that trust that he is protecting, and pays the fees of other lawyers that are trying to get at the trust on behalf of somebody else, nobody argues that lawyer would be violating his legal trust responsibilities and would be punished by any bar in the United States. He cannot ignore the proprietory and trust responsibilities that he incurs when he accepts that responsibility.

Yes, the tribes vehemently do oppose this matter. I can say to you very sincerely and very conscientiously, just as the Senators from New Mexico have said, that if I said to tribes in Montana: "Would it be OK if we could find some money to pay for part of the legal fees of people on the other side of the lawsuit?" they would say, "Yes, that's OK."

They are not assuming that we would be violating the trust responsibility, that we would be starting a chain reaction by passing a bill—an act of Congress—that starts to unravel that trust responsibility. No, they are not approving that. They are just approving the practicality. If we can find some money without doing that, they would agree, go ahead and find it.

An Indian tribe in my State, I am sure, would tell me the same thing. They do not want this trust responsibility unraveled in this way. They are sensible enough to recognize that if the trust responsibility is going to be changed, it will be changed by policy established through an act of Congress based on that test which I earlier described in Cherokee against State of Georgia established in 1831.

Madam President, how much time have I remaining?

The PRESIDING OFFICER. Three minutes remain to the Senator from Montana.

Mr. MELCHER. Madam President, I reserve the remainder of my time.

I ask my colleague from New Mexico if it is his understanding that some of our colleagues are expecting this vote to occur at 2:30.

Mr. DOMENICI. I do not think so. The Senator may know of some. Basically, when we started, I suggested that I was not going to use all of my time and, therefore, we might vote earlier than 1½ hours after we started. I still feel they are aware of that. We could ask the leadership representation about it. I think the answer is we are ready to vote any time the Senator is ready. I am ready to yield back but I will not yield back until we get an answer.

Madam President, I suggest the absence of a quorum.

Mr. MELCHER. Since I have only 3 minutes, may I ask my colleague that this quorum call be charged against his time?

Mr. DOMENICI. Yes.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. EXON. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered. Who yields time?

Mr. DOMENICI. I yield time to the distinguished Senator. I understand he has a question.

Mr. EXON. I would like to pose a question and possibly get an answer from both of the sponsoring Senators from New Mexico on the matter before us.

Let me see if I understand the issue. We are authorizing the expenditure of $450,000 basically for attorney fees, as I understand it. Is that correct?

Mr. DOMENICI. I believe it is attorney fees and/or expert fees.

Mr. EXON. As I understand it, this is a dispute between certain American Indians and their water rights and claims and they are being represented, the Indian interests are being represented, at Government expense at this time. Is that correct?

Mr. DOMENICI. There are four Indian Pueblos each of whom have private legal counsel. We are paying them and their experts pursuant to existing law, and the Department of Justice represents the Indian interests with Federal lawyers in addition thereto.

Mr. EXON. So the claim that the Indians are making is against land that is held by private non-Indian landowners, is that correct?

Mr. DOMENICI. No. It is water, not land.

Mr. EXON. If this legislation passes, are we not going to find ourselves in a situation where the taxpayers are financing both sides of a lawsuit?

Mr. DOMENICI. The Senator is correct. I would remind the Senator, however, of a major bill in the Senate called equal access to justice. I think 94 Senators voted for it. In that situation, we did the same thing, where we found if it was necessary in the interest of justice we paid the attorney fees of private litigants who had defeated the Federal Government in various types of litigation.

The Senator is correct, we will have paid part of the non-Indian private individual attorney fees and court costs and all of the Indians' private representation and public lawyers.

Mr. EXON. I thank my friend from New Mexico. I recognize the situation that he and his colleague from New Mexico find themselves in at this particular juncture.

I guess I am wondering whether or not we are setting a rather important precedent with this legislation, or have we done things of this nature previously?

Mr. DOMENICI. Let me answer that question as best I can. I answered it yesterday for the distinguished Senator from Louisiana. In the meantime I have dug up some additional information that perhaps can answer it slightly better at this point. Nonetheless, I want the Senator to know I have not researched the whole area of American Government involvement in lawsuits as to how precedent setting this is or is not.

I can tell the Senator this: There are 52 suits in the country involving Indian claims. However, of the 52, 5 involve situations where the Federal Government is paying private lawyers. We are one of the five, where we have paid $2.9 million to four sets of lawyers for their fees and experts.

I assume we might say that as to that kind of lawsuit, if it is in the interest of fairness and seeing that there is an opportunity to present the other side, we may be setting that kind of precedent, that maybe those additional ones might come before us. On the other hand, I am not sure the Federal Government is going to continue to pay private lawyers, the Department of Justice, Interior lawyers, and Federal experts. This is a very different and peculiar case, the one that we have before us, in that regard.

Mr. EXON. I thank my friend. Is there not some way, with all of the lawyers that we have in the various departments of the Government of the United States—the Justice Department, the Interior Department, and every other department you can think of—is there no way we can ethically have a lawyer we are already paying to do possibly an unnecessary job to go in and assist these people who may need some help, if I understand the case the Senator is trying to make?

Mr. McCLURE. Will the Senator yield?

Mr. DOMENICI. I am pleased to yield to the Senator.

Mr. McCLURE. One thing that has not yet been brought out in this discussion has been touched on by the Senator from Nebraska. I think it is a good and thoughtful question. The regulations require that the Federal Government not fund private attorneys or counsel in litigation on behalf of Indians unless there is a certification both by the Assistant Secretary and the Department of Justice that neither the Solicitor of the Department of the Interior nor the Department of Justice can adequately represent the Indians in their trust responsibilities.

The Pueblos had asked for private representation and it was turned down, as was mentioned by the Senator from Montana. They bitterly protested that they needed independent counsel to represent them independently of the matters that were being argued on their behalf by the Solicitor and by the Department of Justice. Rather than argue that point any further, the Federal Government agreed to make that certification that they could not adequately represent their trust responsibilities toward the Indians in this kind of litigation, thereby officially setting in motion the recognition that this litigation was somewhat different than normal litigation and that the normal relationships between the Department of the Interior and the Solicitor in the Department and the representation of the Department of Justice was not adequate to meet the needs of the Pueblos in this litigation.

Mr. EXON. So who is representing the Pueblos?

Mr. McCLURE. Both the Department of Justice and the Solicitor in the Department of the Interior, and the attorneys paid by the Federal Government.

Mr. EXON. Three different groups of attorneys?

Mr. McCLURE. Yes.

Mr. EXON. How many groups of attorneys will the $450,000 fund?

Mr. McCLURE. I shall have to allow the Senator from New Mexico to respond to that.

Mr. DOMENICI. Before I do that, since we have plenty of time and we are not going to vote for a while, could I ask Senator BINGAMAN, who was there and was attorney general for part of this, to answer the last question with reference to the Indian representation?

Mr. BINGAMAN. I thank the senior Senator from New Mexico.

To the Senator from Nebraska, in answer to his first question whether there is a group of Government lawyers today who could take on this representation that we are here trying to provide funds for, let me say I do not know of any such lawyers who have that as part of their statutory responsibility or who could be legitimately designated to do that job. That is one reason why I think the amendment is essential.

On the question of representation of the Indian tribes and Pueblos, I believe the position is accurately stated that the primary representation is now being provided by private attorneys paid for with Federal Government funds as a result of this determination or decision that some conflict existed and it was improper for the Department of Justice to go ahead with it.

Mr. EXON. Does the Senator from New Mexico worry at all about the precedent that it seems to me is being set here or does he not?

Mr. BINGAMAN. Well, Madam President, I think the senior Senator from New Mexico responded well to that. I think an argument could be made as to the four other cases that exist where private attorneys are being provided in addition to Government attorneys with the use of Federal funds, that there as well, some type of resources should be made available to the non-Indian litigants. I do not know the circumstances of those cases.

Here we have a great many small, private landowners who have water rights who are not filing these suits, who are, themselves, being sued and having their rights challenged. I do not know if the other four cases that were referred to involve a great many private small water rights holders or not. I think that is, to my mind, a major factor in justifying this action by the Senate.

We do have here a large group of people who really are not capable of anteing up anything like the resources that would be required to defend effectively their right to their water and to see to it that the Federal court has a balanced presentation of the facts and the law in this case.

Mr. EXON. I thank my friend. Let me ask one more question.

To what committee was this matter referred? What was the action in the committee and what was the vote?

Mr. BINGAMAN. I think I would refer that to the senior Senator from New Mexico.

Mr. DOMENICI. Madam President, it was not referred to any committee, to my knowledge, at least in the context of the language that is before the Senate. For a long time—years—the Special Committee on Indians and the Energy Committee and the Public Works Committee have all looked for some way to address the issue of water rights—reserved Indian water rights and other rights out there, principally in the Rocky Mountain west and the West. We have not been able to find a solution and the courts have been kind of handling it in their own way, one case at a time, ad hoc, waiting for the U.S. Supreme Court decision in other areas.

I say to the Senator from Nebraska, I have been working on this for about 3 years. I tried to get assistance through legal aid, for instance. I think at one point, we tried to put some extra money in legal aid for the kind of litigants my distinguished junior colleague was talking about. It does not work. This is just not the kind of litigation legal aid has in mind. It is a collective right. It is not one on one. Yet they have a little piece of property so they do not qualify, but they do not have the kind of resources to hire great water experts, which is the kind of thing they are talking about, anthropologists of world renown.

I have just gotten to the point where it is boiling, the decision is going to be made in the next few years, and I thought, let us be fair and fight it right here. That is why we are here.

Mr. EXON. I thank my friend, the senior Senator from New Mexico, and my friend, the junior Senator from New Mexico. They are friends of mine. I vote with them frequently. I cannot be with the senior Senator on this one. I do appreciate the fact that he has been forthright and up front about it. He has made a case but, unfortunately, not to this Senator because of the precedent I think is being set. I thank him for his frankness.

Mr. McCLURE. Will the Senator from New Mexico yield to me so I may answer some questions from the Senator from Montana?

Mr. DOMENICI. Yes, Madam President. I yield for that purpose.

Mr. McCLURE. I thank my good friend, the Senator from Nebraska, for having been candid about his concerns and the reason for his judgment. I do not quarrel with that at all. I understand fully. I had not expected to take part in this debate today. But I think the Senator from Montana raised questions that are also deserving of comment.

I have served on the Interior Committee in the other body as well as the Committee on Energy and Natural Resources in this body since 1967. I think it is fair to say that, before I arrived here, the question of Indian water rights was a question. It has been a question during all of those years. I know several of the participants in the discussion here today have been very much involved and will continue to be involved as to how to solve that particular problem.

When the Senate reorganized its committee structure in 1977, we changed the committee structure dealing with these issues. Before that time, there had been an Indian Affairs Subcommittee of the Committee on Interior and Insular Affairs. The recommendation was that the subcommittee be abolished.

The Senate Committee on the Interior and Insular Affairs was given revised jurisdiction and a different name—to be known as the Energy and Natural Resources Committee. Those who desired that the focal point of a subcommittee dealing with Indian affairs should not be lost asked that a select committee be established in lieu of the subcommittee. That was the action that the Senate took at that time and that is the way it evolved.

Since then, we have had a division of jurisdiction. That division of jurisdiction has exposed to a more open view what was the case before that and remains the case in the executive branch.

The Senator from Montana has said: How can you possibly have the Federal Government representing two different entities at the same time, two different participants in the litigation? Well, as a matter of fact, the Department of the Interior has two different statutory responsibilities.

Mr. MELCHER. Will the Senator yield?

Mr. McCLURE. Just a moment and I will try to, if I have time.

The Department is given the responsibility of administering the trust responsibility of the Federal Government with respect to the rights the Indian peoples have under treaties with the United States. The Department of the Interior also has a more general responsibility with respect to several issue areas, and other departments of Government also have general responsibility with different issue areas.

Therefore, the Federal Government must necessarily have some ambivalence with respect to contests between groups in our society, some of whom claim rights because of their status as members of Indian nations within this country that have treaty rights and other direct rights between themselves and the U.S. Government.

One of the dilemmas that the Department has faced over the years is how to discharge both responsibilities simultaneously, and sometimes they go one way, sometimes they go the other. They have been seeking a means by which they can balance those two different responsibilities. The debate has been nearly endless. Certainly it has not ended.

Both Secretary Andrus in particular and Secretary Watt have said: "Why doesn't Congress address this question and help us resolve this duality, this apparent conflict? Congress debates it but does not resolve it."

And so here we have a situation in which the Pueblos themselves asserted: "This is a special case. This is not the ordinary case. You cannot represent us properly." The Department of Justice initially said: "Oh, yes, we can." And the Department of the Interior originally said: "Oh, yes, we can." And over a period of time they finally said: "Maybe we can't. In fairness to them, we will recognize this as a special case and we will grant the payment of attorney fees."

The PRESIDING OFFICER. The time of the Senator from Idaho has expired.

Mr. McCLURE. Will the Senator yield 2 more minutes?

Mr. DOMENICI. I yield 2 minutes.

Mr. McCLURE. I thank the Senator for yielding.

The litigants on the other side are saying: "Hey, wait a minute. Now you are ganging up on us. It was bad enough with the Department of the Interior representing them. It was bad enough with the Department of Justice representing them. Now you are going to give them a lot of money to go out and hire private attorneys and they are going to gang up on us, too."

What they have in effect said here is, "Be fair about it, fellows. If you are going to give them a few rocks to throw at us, give us some rocks to throw back."

Maybe that is not a good analogy, but if you are going to arm one side, then arm the other side.

I think if we are looking at what litigation really is about, and I am an attorney—I believe in the system we have. It is a system by which we arm both sides to marshal their best arguments, to come before an impartial tribunal, and to allow that impartial tribunal to sort out the arguments on both sides and make a judgment. It is an adversarial system. But if that adversarial system is to function correctly, it must have some equality of opportunity on both sides. It should not be the Federal Government arming one side disproportionately against another.

The people in New Mexico, represented very ably by their Senators, have said, while the Congress is trying to debate that other question of how do you balance trust responsibilities

against general responsibilities, "Hey, don't let us get caught in the vacuum. We are caught in the cracks between this lack of resolution and we need some help."

So, yes, maybe this is precedential. I understand what the Senator from Nebraska is saying. But maybe the precedent was established when we decided to treat this as a unique case, justifying the investment of Federal funds for private counsel on the side of the Pueblos. Maybe that is where the precedent was established and maybe now we need to respond to that by making sure that we are not unjust to the people on the other side of that controversy.

Mr. EXON. I thank my friend from Idaho. One short statement of 10 seconds. I hope that this exemption or this unique case does not become the rule, as we have had similar situations face us in the past.

I thank the Senator for the explanation.

Mr. DOMENICI. Madam President, parliamentary inquiry. How much time do I have remaining?

The PRESIDING OFFICER. The Senator has 6 minutes and 20 seconds.

Mr. DOMENICI. And the distinguished Senator from Montana?

The PRESIDING OFFICER. Three minutes 30 seconds.

Mr. McCLURE. Mr. President, will the Senator yield 1 additional minute to the Senator from Idaho? The Senator from Montana asked if I might yield, and I told him I would if I had time.

Mr. DOMENICI. I yield 2 minutes to my friend from Idaho.

Mr. McCLURE. Did the Senator from Montana wish to address a question to the Senator from Idaho?

Mr. MELCHER. I thank my friend for yielding. Yes.

My only question was, did not the able Senator from Idaho, the chairman of the Energy Committee and the manager of this bill, understand my statements to mean that there had never been an instance where, exercising its trust responsibility and fiduciary obligation that is inherent on the U.S. Government has never financed the other side of a lawsuit that it is defending on the basis of that fiduciary obligation to the Indian tribes?

Mr. McCLURE. Let me suggest to the Senator from Montana that I know of no other instance in which they poured $2.9 million into one side by the private counsel in this kind of litigation. As a matter of fact, the Federal Register would indicate in the revision of the existing rule with respect to the granting of fees that they specifically said that this was a relatively small amount of money that would ever be involved, never would it exceed $750,000, and typically would not exceed $80,000. Yet, in spite of that history, we see that there is almost $3 million that has been poured in and the estimates are it will exceed $4 million on one side before this litigation is completed.

Now, that is an exceptional circumstance.

Mr. MELCHER addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. MELCHER. Yes, indeed, there are other instances where the Federal Government has paid for the private attorney fees for tribes in water cases where there is both the fiduciary responsibility of the United States and a direct conflict of interest between the Government and tribes as to water rights. These are ongoing cases right now just like this is an ongoing case in New Mexico.

But, Madam President, there never has been one instance where the United States has paid both sides in a case that involves the fiduciary responsibility, of the U.S. Government.

Now, we are part of that trust responsibility. We are part of the Government. This is the Senate.

The three cases that I earlier outlined clearly demonstrated, for over 150 years, through the treaties themselves, the acts of Congress, and the court cases, that that special obligation exists, and it is the law of the land. It cannot be violated legally in this instance. Perhaps $450,000 will never be challenged in court. If it were, I believe it would be struck down as unconstitutional. We are a government that acts under the law, and under the law the State of New Mexico could well take up the representation in court of these parties.

I do not know why they have not. Other parties have asked the State of New Mexico to represent them, just as my State of Montana has defended the interests of non-Indians in similar water suits.

But this amendment goes well beyond water. That is the point. We are just talking about water here, to pay these legal fees, but the precedent itself where the United States will pay both sides of a lawsuit, where the United States must defend the Indian tribes, in this case Pueblos, because it is our fiduciary responsibility, what does it go to? Well the precedent, goes to any trust responsibility that the United States holds for the Indian tribes.

Madam President, that is why I recommend so vigorously that we pass authorizing legislation in this Congress to establish the framework, to establish the guidelines, to establish the method if it is found to be desirable, that conforms with the requirement outlined by the Supreme Court as early as 1831. In that earlier case that I mentioned involving the Cherokees and the State of Georgia, the Court found that Congress could abrogate or modify treaties if it was found to be in the common interest, the public welfare of both the people of this country and the Indian people.

I am not against lawyers. One of my five children is a practicing attorney, and our eldest daughter—lo and behold—is a first-year student in law school, and I wish them well. I am not against their taking the cases they can get and getting paid for it. But I am against the precedent that establishes that on any trust responsibility—and this is precedent setting, water and everything else involved—we would find the United States paying both sides. It is precedent and a dangerous, far-reaching precedent.

I hope the amendment is rejected.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. DOMENICI. I yield myself 1 minute.

Madam President, I repeat the great respect I have for the distinguished Senator from Montana, but I think it is absolutely misleading to say that it would be unconstitutional for the U.S. Congress to do this.

I ask this, hypothetically: We have the Legal Services Act in our country. What if we were to find that the criteria for the use of Federal funds to pay for litigants fit 500 of the constituents of mine and my good friend Senator BINGAMAN in New Mexico, and they each received $1,000 in legal services, paid for by the Federal Government, to fight a case such as this?

Mr. MELCHER. Madam President, will the Senator yield?

Clearly, that has been authorized. Congress has acted upon legal services, legal aid. This amendment is not legal aid.

Mr. DOMENICI. The argument has nothing to do with what is authorized. The Senator is suggesting that if we pass something, it is unconstitutional because we are fighting the trust responsibility. I do not think that argument makes any sense.

Mr. MELCHER. Madam President, this is all about what has been authorized and what has not been authorized by Congress. This is clearly a violation of authorized law.

The PRESIDING OFFICER. All time has expired.

Mr. MELCHER. I ask for the yeas and nays, Madam President.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from New Mexico. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. STEVENS. I announce that the Senator from Arizona (Mr. GOLD-

WATER), the Senator from Oregon (Mr. HATFIELD), the Senator from Maryland (Mr. MATHIAS), and the Senator from Texas (Mr. TOWER), are necessarily absent.

Mr. CRANSTON. I announce that the Senator from South Carolina (Mr. HOLLINGS), and the Senator from Mississippi (Mr. STENNIS), are necessarily absent.

The PRESIDING OFFICER (Mr. DURENBERGER). Are there any other Senators in the Chamber wishing to vote?

The result was announced—yeas 69, nays 25, as follows:

[Rollcall Vote No. 257 Leg.]

YEAS—69

Abdnor	Grassley	Moynihan
Armstrong	Hart	Murkowski
Baker	Hatch	Packwood
Bentsen	Hawkins	Percy
Bingaman	Hecht	Pressler
Boren	Heflin	Pryor
Boschwitz	Heinz	Quayle
Chafee	Helms	Randolph
Chiles	Jepsen	Roth
Cochran	Johnston	Rudman
Cohen	Kassebaum	Sarbanes
D'Amato	Kasten	Sasser
Danforth	Kennedy	Simpson
DeConcini	Lautenberg	Specter
Denton	Laxalt	Stafford
Dole	Leahy	Stevens
Domenici	Levin	Symms
Durenberger	Long	Thurmond
Eagleton	Lugar	Trible
East	Matsunaga	Wallop
Evans	Mattingly	Warner
Garn	McClure	Weicker
Gorton	Mitchell	Wilson

NAYS—25

Andrews	Dodd	Nickles
Baucus	Exon	Nunn
Biden	Ford	Pell
Bradley	Glenn	Proxmire
Bumpers	Huddleston	Riegle
Burdick	Humphrey	Tsongas
Byrd	Inouye	Zorinsky
Cranston	Melcher	
Dixon	Metzenbaum	

NOT VOTING—6

Goldwater	Hollings	Stennis
Hatfield	Mathias	Tower

So Mr. DOMENICI's amendment (No. 2168) was agreed to.

Mr. DOMENICI. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. STEVENS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2178

(Purpose: To delete funding for the Washington Opera Society)

Mr. NICKLES. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Oklahoma (Mr. NICKLES), for himself, Mr. ZORINSKY, and Mr. RANDOLPH proposes an amendment numbered 2178.

Mr. NICKLES. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 12, line 25, strike "608,302,000" and insert in lieu thereof "607,652,000".

On page 13, strike the colon on line 15 through the word "Colombia" on line 18.

PURPOSE

This section of H.R. 3363 provides funding for "Operation of the National Park System." Specifically, the amendment would delete $650,000 in funding for the Washington Opera.

EXPLANATION

At a time when the Federal Government faces a $200,000,000,000 deficit and an accumulated debt of over $1,000,000,000,000, the Congress cannot afford to take such an active role in subsidizing cultural activities. The $650,000 earmarked for the Washington Opera is a new budget expenditure.

Although this amendment does not remotely pretend to balance the Federal budget, it will help us hold the line on discretionary spending for cultural activities.

Mr. NICKLES. Mr. President, this Senator will only take a moment on the next amendment.

Mr. President, quite simply this amendment strikes out $650,000 which is presently in the Interior appropriations bill for the Park Service, and more specifically for the Washington Opera.

According to the research I have done, the Washington Opera has never received any Federal money before, certainly not as a line item in this bill. This would be a first-time expenditure and I think would set a very bad precedent. Not only will it cost $650,000, but it is money, as everyone in this Chamber is well aware, that we do not have. It means the Federal Government would have to borrow that money. At present rates, we will be paying about $60,000 a year in interest alone, to give the Washington Opera this money. I think that is a mistake. I do not think our country can afford it with $200 billion deficits. I think we do need to make more cuts in spending. Really, I think there are a lot more that are called for. This is just a starting point.

The Washington Opera is one area which has not received Federal funding before. We have funded the National Symphony and a few other things, but not the Washington Opera. We are looking at $650,000 which I think is better not spent. We do not need to increase the deficit by that amount. I hope the Senate will join me and delete this new spending.

Mr. STEVENS. Let me respond, Mr. President, to my good friend from Oklahoma, because I feel very strongly about this amendment. Let me also remind my colleagues that, earlier this week, the Senate passed a resolution designating October 22 as National Metropolitan Opera Day—certainly a clear indication of this body's support for the art of opera.

The resident opera company of Washington, the Washington Opera Society, has shown substantial growth in the last 3 years. It has gone from 16 performances in the 1979–80 season to 63 performances in the 1982–83 season. It has, in fact, become a totally national opera. It represents a renaissance in the whole area of performing arts for the United States.

In this city—and it may be strange for me to be expressing these points of view since I have expressed my own point of view about the city in other matters—in this city, the Federal Government is the major business. If you examine other areas, local and Federal support for opera companies in other areas receive 9 percent of their budget from local and Federal sources, but the Washington Opera receives only 3 percent of their budget from these sources. In terms of corporate support in other portions of the Nation, other opera companies average 11 percent of their budget from corporate support, but the Washington Opera Society receives 6 percent.

We have provided assistance to other collateral organizations in the Nation's Capital through the Interior appropriations bill. The Nation's National Symphony has in the recent past been funded over $1 million. The Folger Shakespeare Theater and the Cochran Art Gallery have been funded at about $300,000 a year for the past few years. The Washington Opera now has proven itself to be an integral part of our national Capital's cultural scene. As the premier opera company in the Nations Capital, the Washington Opera has become a part of the international opera scene, ranked among the major cosmopolitan opera companies of the world. The high quality of the Washington Opera's performance is particularly noteworthy because of the international visitors who come here primarily because this is the Nation's Capital.

We feel that this city is America's showcase, and that there is, as I said before, a total renaissance in terms of the performing arts. The Washington Opera Society is representative of the entire Nation in their increased performances and overall growth in the past few years.

Again, Mr. President, there has been almost a fivefold increase in the number of performances in a period of 3 years. It shows the increasing demand for high culture, for opera, like that presented by the Washington Opera.

Incidentally, during the past few years, private donations to support the opera have increased 77 percent; ticket sales have increased by 161 percent, and yet the Washington Opera Society requires this assistance in order to

maintain the growth schedule it has started on. For instance, the costs of operating out of the Kennedy Center are extraordinarily high.

I believe it is important to assist and maintain the opera in this area and I hope the Senate will not accede to my good friend's request. It is a selective request. Again I want to point out to the Senate this does not happen every year. We do select the items in the cultural sphere of the Washington metropolitan area that need assistance on a year-by-year and a case-by-case basis. This is a one-shot support item for this year at the level that has been described as $650,000.

Incidentally, this funding will go into the operational budget of the Washington Opera. This means that we are also indirectly assisting the Kennedy Center as we assist the Washington Opera Society because of the opera's residency in the Kennedy Center.

Mr. JOHNSTON. Mr. President, this is a very modest amount indeed for a very worthy cause. As a percentage of the Federal deficit, it is less than one two-hundred-thousandths. I think maybe one four-hundred-thousandths is the proper proportion.

As the Senator from Alaska has said, it is a one-shot deal to help a very worthy cause and we support it.

Mr. NICKLES. Mr. President, if the Senator will yield, I am interested in this one-shot approach. Is the Senator saying that if the $650,000 goes through this year, it will not be in the bill next year or the following year?

Mr. STEVENS. All I can point out is that we funded the National Symphony as high as $1 million in 1 year and it is down to $350,000 this year. We have money in the bill to assist Wolf Trap and some of the other cultural institutions in the area. I cannot say that we will never be back for assistance to the Washington Opera Society, but it is not something that will be a recurring expense at this same level every year. It may be up or it may be down. It depends on the situation and how much is needed. Again, I point out to my friend that the demand for this activity has expanded at an extraordinary rate and it is a very successful operation. But the Washington Opera Society needs help to maintain its level of performance.

Mr. NICKLES. I appreciate the Senator's comments. I am interested because, Mr. President, I think that if this passes at $650,000 this year we might well be back here again for a similar amount next year. Again, I think that once you start funding some of these programs, it is very difficult to stop them. I took a look at a lot of other programs in this bill, and I chose not to attack all of them. But if you took many of them nationwide, they would certainly be questionable as to whether or not they should have Federal support. I see $450,000 for Wolf Trap stage hands, and so on.

I will not go through the whole bill, but I will echo the Senator's comments that, yes, there is a lot of support for the opera and, yes, they have been able to carry on quite well in the past with private funds. If they do have this much support, I think those persons who actually attend the opera should be the ones paying the bulk of the bill.

I would also hope that we would realize that our Nation's Capital also happens to be one of the richest areas in the world. It is one of the richest cities, and the surrounding counties are among the richest counties. There are more fundraisers held in Washington, D.C., every night than are probably held in any other major city of the world. We have a lot of lobbyists who make a lot of money here.

I think a lot of private groups can and would be willing to support the Washington Opera. I personally have nothing against the opera, but I do have something against the citizens of Oklahoma being required to subsidize an opera which, in all likelihood, they will never hear or see. Yet, we will be taking their dollars to pay for something they will probably never be able to enjoy.

Mr. President, I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Oklahoma. The yeas and nays have been ordered and the clerk will call the roll.

The legislative clerk called the roll.

Mr. STEVENS. I announce that the Senator from Alabama (Mr. DENTON), the Senator from Arizona (Mr. GOLDWATER), the Senator Oregon (Mr. HATFIELD), the Senator from Maryland (Mr. MATHIAS), and the Senator from Texas (Mr. TOWER) are necessarily absent.

I further announce that, if present and voting, the Senator from Oregon (Mr. HATFIELD), would vote "nay."

Mr. CRANSTON. I announce that the Senator from South Carolina (Mr. HOLLINGS) and the Senator from Mississippi (Mr. STENNIS), are necesarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber wishing to vote?

The result was announced—yeas 40, nays 53, as follows:

[Rollcall Vote No. 258 Leg.]

YEAS—40

Abdnor	Byrd	Exon
Andrews	D'Amato	Garn
Armstrong	Danforth	Grassley
Baucus	Dole	Hatch
Boren	Domenici	Hawkins
Burdick	East	Hecht
Heflin	Nickles	Rudman
Heinz	Nunn	Specter
Helms	Percy	Symms
Humphrey	Pressler	Thurmond
Jepsen	Proxmire	Wilson
Laxalt	Quayle	Zorinsky
Long	Randolph	
Mattingly	Roth	

NAYS—53

Baker	Ford	Mitchell
Bentsen	Glenn	Moynihan
Biden	Gorton	Murkowski
Bingaman	Hart	Packwood
Boschwitz	Huddleston	Pell
Bradley	Inouye	Pryor
Bumpers	Johnston	Riegle
Chafee	Kassebaum	Sarbanes
Chiles	Kasten	Sasser
Cochran	Kennedy	Simpson
Cohen	Lautenberg	Stafford
Cranston	Leahy	Stevens
DeConcini	Levin	Trible
Dixon	Lugar	Tsongas
Dodd	Matsunaga	Wallop
Durenberger	McClure	Warner
Eagleton	Melcher	Weicker
Evans	Metzenbaum	

NOT VOTING—7

Denton	Hollings	Tower
Goldwater	Mathias	
Hatfield	Stennis	

So the amendment (No. 2178) was rejected.

Mr. STEVENS. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. McCLURE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. METZENBAUM addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

Mr. METZENBAUM. Mr. President, is the manager of the bill ready with respect to my amendment or does he wish me to withhold?

Mr. McCLURE. Mr. President, the Senate is not in order, and I apologize; I could not hear the Senator from Ohio.

Mr. METZENBAUM. First, may we get the Senate in order?

The PRESIDING OFFICER. The point of the Senator is well taken. The Senate is not in order. The Senator from Ohio has an inquiry and he has the floor. The Senate will be in order.

Mr. METZENBAUM. Mr. President, I inquired of the Senator from Idaho, the manager of the bill, whether or not he wished me to proceed at this point with my amendment.

Mr. McCLURE. Yes.

AMENDMENT NO. 2179

(Purpose: To impose certain restrictions on timber contract extensions)

Mr. METZENBAUM. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The bill clerk read as follows:

The Senator from Ohio (Mr. METZENBAUM) proposes an amendment numbered 2179.

Mr. METZENBAUM. Mr. President, I ask unanimous consent that further

reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 51, between lines 2 and 3, insert the following:

No funds appropriated to the Forest Service, the Department of Agriculture, the Department of the Interior, or the Bureau of Land Management shall be obligated or expended to extend any contract to purchase National Forest timber on an interest-free basis as authorized by section 14(c) of the National Forest Management Act of 1976 (Public Law 94-588; 16 U.S.C. 472a.(c)) or terminate such contracts as authorized by this paragraph until the Secretary of Agriculture and the Secretary of the Interior, with the concurrence of the Comptroller General, develop and promulgate a financial need test which establishes a standard of eligibility for interest free contract extensions and terminations. The standard of eligibility established pursuant to the preceding sentence shall be based on a finding that—

(1) the firm seeking extension or termination has sustained operating losses for two of the last three years;

(2) the ratio of liabilities to assets of such firm has increased in the last fiscal year to .75 or more; and

(3) the United States would not recover the contract value from such firm if it defaulted on the contract.

No firm may receive extension or termination unless it meets the standards established pursuant to this paragraph. No contract entered into after January 1, 1981 may be extended or terminated. The authority granted by this paragraph to terminate contracts shall be available only for fiscal year 1984.

Mr. METZENBAUM. Mr. President, this amendment would limit the Reagan administration's bailout of Federal timber contract holders to those firms and only to those firms able to meet a modest financial needs test. Its intent is simple, to target meaningful relief to the needy while denying a bailout to the greedy. Before discussing the substance of the amendment, a little background is in order.

In the late seventies and eighties, timber companies anticipating a bullish economy engaged in a wildly speculative bidding binge that drove up the prices paid for Federal timber to 400 percent or more above its appraised value. Nobody forced them to bid such ridiculous prices, 400 percent above appraised value, but they made a conscious business decision that the timber was worth $300 to $400 per thousand board feet.

Soon thereafter, though, the economy went into a nosedive and the companies that had made the speculative bids found themselves with unmarketable timber. But instead of being honest enough to accept the consequences of their own management decisions, they took a different tack. They came to Uncle Sam for bailout.

Now, I have stood on this floor and I have been in committee meetings day in and day out and heard the business community tell the American people and tell the Congress to keep their nose out of their business. Let business do it on their own. Business does not need any Government intervention. Let the private sector do it.

But let the business corporations get in trouble, and to whom do they run? They run to Government. In this instance, they found the red carpet out and the Rose Garden open and all the offices of the White House ready, willing, and able to help them.

President Reagan—that great champion of the free market, that great opponent of Government intrusion into private business affairs—said: "Well, it's a little different with these fellows. These are my buddies."

It seems that President Reagan's principles are not so principled if the beneficiary is big business and if some of the people in that big business crowd are some of his buddies.

Mr. President, may we have order in the Senate?

The PRESIDING OFFICER. The Senator is correct. The Senate is not in order. Conversations on the floor of the Senate will cease while the Senator is speaking.

Mr. METZENBAUM. In late July, the President agreed to allow timber firms to extend their contracts with the United States for 5 years. OK, I can understand that. It does not make good sense. Nobody else in the private sector would do it. But I can understand at least the concept, at least the consideration. Maybe there is some logic—not much. But maybe there would be some argument. I do not know if there is any logic at all.

Then he went further, and this is the unbelievable part. He excused them from paying interest on the uncut volume.

Frankly, I do not know where the President of the United States gets the authority to excuse somebody who has a debt to the U.S. Government from paying that which it owes the Government. But the President of the United States, the champion of free enterprise, the champion of living up to your contracts, excused them from paying interest and extended their contracts for 5 years.

Can you believe that? Not only are the companies excused from their irresponsible behavior; they do not even have to pay the customary interest charges.

Who pays the bill? Who pays the interest on the money that is not being paid in? You know who pays it: The American taxpayer pays it. It is he or she who always foots the bill.

Is it any wonder that this administration has the indisputable title of being that administration which has been more unfair to the people of this country, to average people, than any other administration in the history of this Nation?

For 2 years, I have heard the President and his men excoriate the poor and the elderly who receive benefits from human service programs. It has forced these people to endure the humiliating indignity of exhaustive financial audits just to determine if they can receive $50 or $60 in food stamps or medical benefits. But when Reagan's big business friends come to town, when those guys with the political money and muscle show up at the White House door, the President offers them the key to the Treasury and says, "Take what you need. No financial needs test, whether you need it or not. You don't have to pay any interest. We will give you 5 years on these contracts, a blank check."

Frankly, I question the legal authority of the President of the United States to give away the taxpayers' dollar.

The Department of Agriculture said that the timber eligible for interest-free extension is valued at $4.5 billion. The Office of Management and Budget, in a letter to me dated September 15, said that the Government would receive $234 million less over the 5-year period than if no relief were granted.

I say to Mr. Stockman, who sent those figures down, "I don't believe your figures."

If you owe $4.5 billion, and the Government interest rate today approximates 10 percent, and you delay it for 5 years, you do not need one of those little computers to figure out that it is a lot more than $234 million.

The administration justified its bailout on the grounds that it is necessary to save hundreds of sawmills from default on their contracts and subsequent bankruptcy. Well, I looked into the claim that a bailout is needed to stave off imminent disaster in the industry, and let me tell you what I found, because the facts do not justify the actions, and the facts do not accord with those assertions.

First, I discovered that, to date, not one, single timber company has gone out of business in the period from 1980 to the present. Not one, single timber company has gone out of business in the period from 1980 to the present. This is the period when prices were most depressed. Today, prices are on the rise again, and in some instances are at or approaching levels that prevailed when the speculative bidding occurred.

In fact, the National Forest Products Association reported that the prices for Douglas fir products have returned to the levels they hit prior to the 1980-81 high bid era. Furthermore, the data show that timber companies seeking relief continued to make inflated bids even after the prices had

already started to fall. The story for southern pine is similar.

The administration also said that the bailout is required to help small timber firms caught in a vicious, uncontrollable cycle.

I looked into that, also. The administration refused to identify the major beneficiaries. Finally, at my insistence, they delivered the names of the big winners. It is no surprise that no small, struggling sawmills are on that list. In fact, the big winners will be the Nation's largest, most well-heeled timber firms.

Heading the list is the Roseberg Lumber Co., owned by one of the wealthiest men in America, according to a list published recently by Fortune magazine with $312 million worth of Federal timber contracts. Roseberg is followed by Sierra Pacific with $253 million; Louisiana Pacific, with $212.5 million; Boise Cascade, with $186.4 million; Southwest Forest Industries, with $184.8 million. Elsewhere in the top 20 are Champion International, Willamette Industries, Crown Zellerbach, the Potlatch Corp., Pope & Talbot, and Diamond International.

In fact, the top 20 firms hold nearly half of the timber contracts elegible for extension, when measured in terms of contract value.

Mr. President, we are not talking about tiny struggling firms. We are talking about the giants of the timber industry.

Boise Cascade reported first quarter income doubling to $11.1 million, with net income up 100 percent.

Crown Zellerbach reported an increase in profits from $5.6 million to $20.4 million, and a 264-percent jump in net income.

Champion International went from break even to an $8 million profit, with an 1,238-percent rise in net income.

Louisiana Pacific reported first-half sales up 27 percent, with $16 million in profits, compared to an annual loss of $16 million a year ago.

But the President of the United States has welfare relief for the giants of the timber industry.

In short, the relief proposed by this administration would flow mainly to profitable firms showing ever-improving balance sheets and ever-improving profit sheets. They do not need relief, based on their own statements to shareholders.

Here is Boise Cascade, with net income up 100 percent in the first quarter, with growing profitability, pleading to be excused from simply paying interest on the uncut volume.

Mr. President, that is greed, greed, greed at its most obnoxious. Not only does it want the Government to bail them out from their own ineptitude; it wants to be excused of its obligation to pay interest. Would it go to its bankers and say that? Would it go to its insurance company, from which it had borrowed money, and say that? Would it go to the private people who held debentures from the company and ask to be excused from the debentures? No.

But it comes to the United States, to Uncle Sam, and says, "Uncle Sam, give me this relief, will you, buddy?" And the President of the United States, without using one of his Saturday radio broadcasts, without an announcement, without a press conference in the Rose Garden, without any hoopla at all, gives away the taxpayers' dollars.

I do not mean to single out Boise. The rest of the bunch is just as bad—Louisiana Pacific, Sierra Pacific, Southwest Forest Products, Champion International, Willamette Industries.

What is particularly outrageous is the fact that many of these companies told their shareholders in their annual reports that, if necessary, they could operate these contracts without hurting overall profitability. I submit that either they are lying to their shareholders and should be charged with fraud under the securities law, or they are lying to the Congress and the American people. And to the President of the United States.

So let us be clear about one fact: the administration's bailout bill is designed for only one group—the wealthy timber firms; not the little sawmills up in the Northwest part of the country.

In fact, the administration's plan does almost nothing for the truly distressed small sawmills. We have been in touch with the representatives of those small sawmills. We have actually talked with some of the owners of those small sawmills. The Forest Industry Affairs newsletter quoted Don Lee Davidson, president of Davidson Industries as saying, "for those who really need relief, this is not going to be very helpful."

My amendment is a far more responsible approach to relief. It establishes a modest financial needs test which any firm truly facing distress can readily meet.

The amendment recognizes that there are some firms that need help. And, as I said in the Energy Committee last year, and as I have said publicly on a number of occasions, I am willing to help the small firms, or even the large ones that need help. But you have to balance that need with the legitimate interest of government to limit relief only to those firms that need it. The needs test is simple:

First, it requires a firm to show that it has had an operating loss for 2 of the last 3 years. Obviously, this is to prevent profitable companies from receiving relief. If the company is making a profit and meets its obligations, why should the interest be forgiven?

Second, it would require that a contract holder show that its ratio of liabilities to assets as a measure of its leverage has increased in the last 2 fiscal years to at least .75. Generally, if a firm's ratio of liabilities to assets is under .50, it will be able to borrow at the prime rate. This test, then, is meant to show that a company is indeed distressed.

Finally, the test requires a showing that the Government will not collect on the value of the contract if default occurs. This is the most basic of the three tests, because it means that relief would only make sense if the Government would actually lose money if it insists on fulfillment of the contract. Quite simply, if a firm could meet the terms of the contract, it simply should not get relief.

I have tried to fashion an amendment that targets meaningful relief to needy firms while protecting the Government against the unnecessary loss of revenues to which it is entitled under contracts that were freely entered into.

I claim no great pride of authorship about the manner in which we have attempted to determine which ones are needy and which ones are not. If someone has a better formulation, I am perfectly willing to consider that.

But the fact is we have to make a distinction between providing relief to those who are in need and just giving away the taxpayers' dollars to those who are not in need.

If we must engage in private sector bailouts, if we must bail out firms guilty of unsound business decisions, then let us do so only upon a showing of extraordinary need.

Mr. McCLURE. Mr. President, I understand the concern of the Senator from Ohio. I am not going to attempt to debate the entire issue here this afternoon. He and I, and he with others over the last several months, have engaged in that debate from time to time. I am not sure that it does any good to try to repeat all of that rhetoric here today.

Certainly, the Senator from Ohio is entitled to his viewpoint and he expresses his concern eloquently.

My understanding is that Senator HATFIELD is unable to be on the floor at this particular hour, but he has had the opportunity to review and to draft a statement for the RECORD with respect to the Metzenbaum timber amendment. It is my understanding that the Senator from Ohio would rather those remarks be delivered on the floor. Because it is, obviously, impossible for the Senator from Oregon to do that at this hour because of his necessary absence, it would be my ordinary practice simply to ask unanimous consent that his remarks be printed in the RECORD. However, they are not lengthy and I will, on his

behalf, read them and ask that the RECORD make suitable reference to the fact that these are his remarks and not mine. His remarks are as follows.

STATEMENT BY SENATOR HATFIELD

The Senator from Ohio raises a number of issues which I will address in a moment. I want to emphasize at the outset, however, the most significant point presented by my colleague, that being the imposition of a "need test" on timber contract extensions and termination. On that issue I am in philosophical agreement with him and believe that his position is a meritorious one and worthy of continued discussion. I believe that those who are granted timber contract relief through extensions or termination must truely be in need, regardless of the size of the company. Assistance should not be granted to companies who are able to weather the on-going storm in the timber and home building industries. At the same time, however, I believe that an effective and effective and equitable "need test" will require discussion between our staffs, industry and the affected government agencies. I have promised my cooperation on this negotiation with my colleague and pledge my support to reach an agreement on this important issue.

I must be candid, however, in expressing my determination to secure real relief for those companies and individuals who suffer from the enormous burden of high priced federal timber contracts. As many of you in this chamber know, I have been working for almost two years, in the Congress and with the Executive Branch, to bring relief to an industry vital to this nation's future but which is suffering from recession pressures and excessive interest rates.

My original proposal was to roll back the price of BLM contracts in western Oregon to current market prices. That proposal met with a great deal of opposition from other timber producing regions. It was at that time that members of the timber industry joined together to form the structure of S. 916, of which there are 20 co-sponsors. A similar bill was reported from the Senate Energy and Natural Resources Committee last year and I continue to believe that some form of timber contract termination is necessary to overcome the great problems faced by Oregon's timber industry.

In July the Administration came forward with a five year interest free extension program that, while not perfect, is a step in the right direction. More recently, the Senator from Ohio has proposed to modify the Administration's five year extension to limit benefits to those most needy companies. Again, while I do not disagree with the intent of my colleague, I believe that the criteria for determining who should and should not receive benefits is in need of further discussion. To that end, I repeat my commitment to work with the Senator from Ohio in developing a mutually acceptable determination of "need."

In conclusion, Mr. President, I wish the record to show that my colleague from Ohio and I are in philosophical agreement on a "needs test" and that we are undertaking active negotiations to seek an agreement as to a effective and equitable determination.

My colleague from Ohio has indicated his desire to push for action on this bill because the regulations providing interest-free timber relief have already become effective.

It is our hope to reach an agreement before consideration of the continuing resolution or, in the absence of an agreement, vote on the Senator's proposed amendment which he is withdrawing today.

Should Senator METZENBAUM wish to pursue his amendment during consideration of the continuing resolution, I have agreed to assist him in obtaining a vote on its merits and will oppose any effort to deny such a vote on procedural grounds.

It is my intent to pursue timber relief, with or without such a provision, on any legislative vehicle, including the Oregon Wilderness bill which may be forthcoming later this Congressional session.

Mr. President, that is the conclusion and the whole of the remarks prepared for and authorized by the Senator from Oregon (Mr. HATFIELD) who is also the chairman of the Appropriations Committee.

I want to, for myself, make a slightly different statement, because I recognize the concerns of the Senator from Ohio and I recognize the sincerity with which my colleague from Oregon is moving to attempt to meet those concerns.

As is often the case, different people look at situations differently, and, accordingly, view different problems associated with the situation. The Senator from Ohio looks at an industry which operates not only in the West but also in other areas in our public land States, but fails to distinguish between the difference of those operations in nonpublic land areas and those that occur in public land areas.

The operations in my State are different than they are in the State of Washington. The State of Washington is only owned by the Federal Government to the extent of 43 percent. The Federal Government owns 64 percent of my State. The State of Washington owns large tracts of timberlands within the State of Washington and their relationship with the State land department in the State of Washington is much different than it can be in the State of Idaho where we have much more restricted State ownership.

The Senator is correct that there was sometimes almost what appeared to be wild bidding, or what many have charged to be speculative bidding, with respect to the timber that was made available upon the public lands in those States.

What the Senator fails to recognize, however, is whether the company is large or small it has no alternative but to engage in the bidding. If there is indeed speculation in an area, it may be done by old line companies, it may be done by new entities, it may be by stable, integrated companies that have been in there for years, or it may be by a new entry into the marketplace. It may indeed be simply a speculator seeking to get some contracts on timber so that he can benefit from the resale of contracts to those who would have use for the timber.

There are a whole variety of different reasons why people may be bidding, but whatever the mix of bidders may be, a large company or a small company must continue to operate in that market regardless of those forces, or be excluded completely.

Something has been said about the volumes that are under contract. Yes, indeed, a company that hopes to be in business next year and the year after and the following year must have enough timber under contract so that he knows he will have operations within that area. If not, he will be even harder pressed by speculative forces at the time the next sale comes up. They must bid forward for 2 or 3 years or find themselves in the most untenable of all positions of having to bid whatever the price might be on a given sale. They simply have no choice. The only other option to buying that contract is to close down.

We are under pressure in the Northwest and along the western coast for those people who are exporting round logs from the United States. The real source of the speculative bidding in the Northwest, whether it be on the western coast of Washington and Oregon or farther inland in eastern Washington and eastern Oregon, or Idaho, the area with which I am most familiar, is that there is not enough timber to meet all of the demands. The reason we do not have enough timber to meet all the demands is founded in the failure of public land policy to recognize the need for available timber. We do not recognize the fact there is more sawmill capacity than there is available timber. That is exacerbated by what has been nearly a 20-year study on wilderness designation of roadless areas in the public lands, whether it be the Forest Service lands that are one-third of my State or lands under the administration of the Bureau of Land Management, which is another one-third of my State.

So, we have a shortage situation in which the Federal Government is the near monopolist creating the shortage and then complaining about competition for what is made available.

Yes; the companies are involved and, yes; the companies are caught in a bind. But it is not just the companies that are involved and it is not just the successful or the large or the small that are involved. It affects them all.

And when the bill that Senator HATFIELD, and I, and others cosponsored, which has been reported, was introduced, we introduced at that time a list of the people who were in support of that legislation. While you can say that the National Forest Products Association is an organization representing large companies, it also represents small companies. They support the legislation. The Northwest Pine Association is not totally dominated by large companies. It also has small ones, and they support it. The National Homebuilders has no direct interest

in these timber contracts. They have an indirect interest in the availability of the timber and they support the legislation.

The Western Resource Alliance, which is not solely those who use this resource directly but those who are affected by it, support the legislation.

The California and Oregon counties—in California, Plumas and Sacramento Counties, and in Oregon Roseburg and Linn Counties—support the legislation, not because they own the companies, not because they hold the contracts, but because they are affected and their people are affected by the activities.

I could go on and list some of the others that are individual interests, such as the Willamette Industries and the Summit Timber Co. The Western Bank in Coos Bay, Oreg., which does not own a timber company that operates, which does not hold any of the contracts, registered their support.

There is a number of others who have supported it as well, large and small. I think the Senator from Ohio knows that the United Brotherhood of Carpenters & Joiners, on behalf of their members, came in and said: "We support this legislation as something that is necessary to protect the men and women who work in this industry."

One of the difficulties that I have with respect to a needs test is that it measures corporate performance; it does not measure impact upon people.

I happen to have in my State a number of small timber-dependent communities. Those communities are not really concerned about whether it is a small, independent company that has contracts with the Federal Government, or whether it is a large, integrated corporation that has contracts with the Government; they are concerned about whether that sawmill in that community continues to operate. The large integrated corporation may well make some money from its paper operation, or fiberboard operation, or container operation but may be losing their shirt on the operation of an individual sawmill because of the effects of the contract. They may, in fact, close down that sawmill because of the effects of the contract. Regardless of what the arguments may be about the profit-and-loss statement for that company, the people who live in that community are concerned about what happens to the sawmill.

So there are people who are involved in this equation, too, and that makes it more difficult.

If, indeed, the needs test which might be developed would look at the needs of these men and women whose livelihood is entirely bound up in that community, then indeed the needs test might well be something we could look at. If, however, the needs test ignores the needs of the people whose whole lives are bound up in that community, then that needs test must be deficient. If it ignores the impact upon the employment opportunities in areas of very high unemployment in the Northwest, the public land States, then indeed a needs test would be deficient because it would miss one of the major concerns that we have.

While I understand what the Senator from Ohio is saying, I understand the needs of that industry quite well. While I understand the desire of the Senator from Oregon to accommodate the Senator from Ohio by developing a needs test, I will be very interested in seeing whether that needs test really accurately measures all the needs that must be evaluated before we make a determination of whether or not we will or will not grant relief in the economic impact on this area.

As I said at the outset, Mr. President, it is not my intention to debate all of the issues. I do not mean to indicate that what I have said here is these few brief minutes begins to elevate this debate to a full exposition of all of the issues and all of the arguments on the several sides of all of those issues. Nevertheless, as we are looking at this amendment and the statements of the Senators from Ohio and Oregon with respect to the pending amendment and how it might be resolved, the Senator from Idaho would be derelict in his duty to the people he has the honor to represent if I did not indicate my concern, my very deep concern, not for the shareholders of Boise Cascade that may live in Ohio, but for the workers for Boise Cascade who work in Idaho. I will continue to express that concern.

Mr. President, I hope this matter can be resolved, and I hope that when we get around to the consideration of it we will have the friendly dialog as well as the pointed dialog that sometimes accompanies these debates.

Mr. METZENBAUM addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. METZENBAUM. Mr. President, I was indeed impressed by my colleague's remarks. In fact, I was so impressed that I think I am going to search them out in the CONGRESSIONAL RECORD when it is printed and the next time we have a matter having to do with unemployed workers in Ohio or Michigan, I am going to ask him to support that legislation because of its impact on people. And when we have legislation having to do with cutting back on food stamp funds, I am going to read back to him his words pertaining to the impact on people.

Mr. McCLURE. Will the Senator yield at that point?

Mr. METZENBAUM. I had just got going. I yield.

Mr. McCLURE. I would say to my friend that when it comes to the impact upon people, I think the Senator will find me right there and I think the Senator will find that I voted for a number of the things to which he has made reference. At the same time, just as the Senator is concerned about whether or not there is a needs test in the contract termination question, I may read back to the Senator from Ohio some of his comments when we get around to looking at food stamps and unemployment benefits.

Mr. METZENBAUM. I think that here we are just talking about a question of equity. The Senator from Ohio is perfectly willing to be equitable, fair, considerate with respect to that part of the industry that finds itself in economic trouble. But where a multimillion dollar and in some instances multibillion-dollar company is in a position to meet its contractual obligations, then I do not think that Ronald Reagan or the Congress of the United States ought to give away taxpayers' dollars to them.

I think they ought to live up to their contracts.

Having said that, Mr. President, I very much note the remarks of the chairman of the Committee on Appropriations that the manager of the bill was kind enough to read into the RECORD as a response. Senator HATFIELD happens to be a prime mover in connection with the matter of timber and I think that the essence of that simply was that we will make every effort to come up with a solution to this problem in the immediate future and that, absent that, I shall bring the issue back to the floor at the time the continuing resolution is brought to the floor.

Having said that, Mr. President, I now withdraw the amendment.

The amendment (No. 2179) was withdrawn.

Mr. McCLURE. Mr. President, the Senator from Ohio was granted yesterday the right to offer three amendments today. My understanding would be that this colloquy and discussion held on the floor and the discussions that have been held off the floor satisfy the concerns of the Senator for at least this time in this bill.

Mr. METZENBAUM. Mr. President, the Senator from Idaho is correct. I have no amendments to offer, and if he is prepared to go forward with disposition of the bill, I shall certainly not stand in his way.

Mr. McCLURE. Mr. President, I know of no further amendments to the bill.

Mr. President, it has recently come to my attention that on July 7, 1983, the National Capital Planning Commission approved the revised design for construction of a restaurant on the Mall immediately adjacent to the National Sculpture Garden, and that on July 13, 1983, the Commission of Fine

Arts also approved the design. This restaurant was originally included in the 1966 master plan governing construction and development on the Mall, based on the need at that time for food services and comfort facilities for the thousands of visitors to the Mall area. That 1966 master plan has not been updated.

Without objection, I ask unanimous consent to have printed in the RECORD at this point a briefing statement prepared by the National Park Service that traces the history of this project.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

NATIONAL PARK SERVICE—BRIEFING STATEMENT

Subject: National Sculpture Gardens.

Issue: Completion of Original Design and Construction of the Restaurant.

With the Smithsonian Buildings, the National Memorials, and other Federal buildings surrounding the Mall, there has always been a great need for food services and comfort facilities for the thousands who visit this area each year. The Mall Master Plan, completed in 1966, designated the National Sculpture Garden and the adjacent portions of the Mall to include such visitor accommodations.

COOPERATIVE AGREEMENT

On May 2, 1966, the Secretary of the Interior and the National Gallery of Art entered into a Cooperative Agreement whereby the National Sculpture Garden would be developed in collaboration with the Gallery. The National Park Service would be responsible for construction of the facility.

Following this agreement a verbal understanding between the NPS and the Mellon Foundation contemplated matching funds from the Foundation for construction of walks, walls, seating areas, landscaping, etc., related to the Sculpture Gardens; exclusive of the pool and restaurant pavilion. Programming and design proceeded on that basis until July 1971, when Mr. J. Carter Brown informed Director Hartzog by telephone that the Mellon Foundation could not participate in the project.

COMMISSION APPROVALS

On May 14, 1967, the preliminary design of the Sculpture Garden, including the restaurant, was presented to the NPS and the Board of Trustees of the National Gallery of Art and was approved.

On July 21, 1967, the preliminary design plan was presented to the Commission of Fine Arts and approved on the condition that the terrace sight levels at the interior corners be studied.

On September 14, 1967, the preliminary design plan was approved by the National Capital Planning Commission. Two recommendations were included in their approval. One had to do with the "cross axis vista" and the other with the possible future construction of the pedestrian bridge.

On July 7, 1983, the National Capital Planning Commission approved the revised design concepts and requested that certain details be addressed in the next submission to the Commission. On July 12, the Commission of Fine Arts also approved the design of the building.

CONGRESSIONAL APPROVAL

The House Subcommittee on Department of Interior and Related Agencies Appropriations first approved the project in 1966. A total of $868,000 was appropriated for the project in fiscal year 1966–1968. However, in fiscal year 1969 these funds had not been obligated and were rescinded as part of a major cutback to reduce government-wide expenditures during the Vietnam War.

Subsequently, Congress appropriated $1.1 million in fiscal year 1970–1972 for the project which included funds for construction of the basement of the restaurant which would also house mechanical equipment for the skating rink, and in fiscal year 1974, $200,000 was appropriated for refrigerating equipment.

NEED FOR FOOD SERVICES

The majority of the visitors to the Mall area are museum patrons. The concept of visitor services in this area is to ensure that basic human needs are met within a reasonable proximity; thus, the visitors are not forced to take the time to leave their areas of interest to satisfy these needs for food and comfort facilities. Out of town and international visitors are constrained by a limited amount of time which has been allotted to their visit to the Nation's Capital. Although the major museums offer food and related services, the demand considerably exceeds the supply and patrons must wait to be served. This is evidenced by the long lines at the museum restaurants and the growing food sales from the existing temporary food units operated by GSI on the Mall.

By construction of the Sculpture Garden Restaurant and relocation of the permanent food facility at the Washington Monument Lodge, non-essential food service elements operated by GSI on the Mall can be eliminated.

CONSTRUCTION BY GSI

GSI has been operating the ice skating facility with minimum food service since the winter of 1974–75. The current contract with GSI grants a preferential right to provide food services at this location. It is contemplated that funding for the completion of the restaurant will be provided by GSI with construction in the near future.

Mr. McCLURE. Mr. President, the Park Service's current plan is for the Guest Services, Inc. (GSI) company to finance all aspects of the facility, including landscaping, and administer the restaurant as a concession's operation. However, we understand that all of the details of this arrangement have not yet been agreed to between the Service and GSI.

I have asked the Park Service for an estimated schedule of events regarding the construction of this facility and I have also asked several other questions. Those questions are:

First. What is the current level of demand and the current supply of food services and comfort facilities on the Mall, and including adjacent facilities such as the Pavilion in the Old Post Office Building, compared to the 1966 levels?

Second. What will be the nature of the concession's arrangement between GSI and the Park Service?

Third. What are the potential other uses for this space and how do those potential uses compare to the current need for food and comfort facilities on the Mall? and

Fourth. What is the overall need to update the 1966 master plan governing Mall development?

Until such time as the committee has had an opportunity to review this information in more detail, we are requesting the Park Service to permit no land disturbing activities to be initiated. I do this not because we are opposed to this project. In fact, the committee has generally been supportive of increasing the investment of private dollars to provide needed facilities and services on park system lands. In this instance, however, the committee needs to be sure that changing conditions have been considered and that this project is still well justified. After all, remaining undeveloped space on the Mall is at a premium and should be allocated to the highest demand utilization.

THE IMPORTANCE OF INTEGRATING COAL PYROLYSIS TECHNOLOGY WITH COAL-FIRED ELECTRIC POWER GENERATION

● Mr. BINGAMAN. Mr. President, it has come to my attention that one of my constituents has just completed a study on the integration of coal pyrolysis technology with coal-fired electric power generation that offers great promise for reducing the acid rain problem, improving the economics of coal-producing States and States with coal-fired powerplants, strengthening our national security through the production of refinery feedstocks from our large domestic coal reserves, and improving our balance of trade with Japan.

The pyrolysis progress removes most of the volatile material in the coal before it is burned in powerplants and converts it to a crude oil suitable as a refinery feedstock. The remaining "char" is a high-quality powerplant fuel in that the sulfur and ash content can be reduced in the process. The production of char beyond powerplants requirements could then be formed into a slurry, with the coal liquids that are produced, and moved via pipelines and tanker to Japanese markets. This possibility offers the potential for United States coal to compete in the Japanese market with suppliers from South Africa, Australia, and China.

The realization of these benefits depends on rapid development of the concept. This development requires testing of the technology with a variety of coals at a scale that is large enough to provide the information needed to design commercial units. Fortunately, the U.S. Department of Energy owns a facility that can be modified for this purpose at a relatively low cost. This is the Bi-gas facility at Homer City, Pa. This pilot plant, with a replacement cost of approximately $100 million, is now being mothballed by the Department of Energy.

My question for the senior Senator from New Mexico concerns the appropriations for the fossil energy research and development activities of the Department of Energy.

I note that these appropriations include funds for control technology to negate acid rain, advanced process development, indirect liquefaction, engineering evaluations, studies of combustion systems, coal gasification process development, systems engineering concepts, environmental and engineering analysis, and general plant projects for energy technology centers. During your deliberations on these matters in the committee, was there any discussion that would preclude the use of these funds for engineering studies of the conversion of this facility for testing pyrolysis technologies with a variety of United States coals?

Mr. DOMENICI. Let me say to Senator BINGAMAN, the potential benefits of the technology that you described are precisely those that we were trying to achieve in our recommendations for the fossil energy research and development program. I see no reason why these funds could not be used for this purpose. I am particularly impressed that this concept offers the opportunity to realize important benefits from past investments by the Department of Energy as well as addressing the critical problems of environmental quality, energy security, economic development, and balance of trade that are facing our Nation today.●

● Mr. JOHNSTON. Mr. President, I recently received a copy of a letter from the Assistant Controller of the Department of Energy describing a proposed reprograming within the Energy Information Administration that would remove funds from "data analysis and modeling activities" to pay such administrative support costs as space rental, guard services, and utilities. Apparently, there exists a $1.8 million deficiency in that account which needs to be paid by the end of the fiscal year. Is the chairman aware of this request?

Mr. HATFIELD. I am aware that DOE submitted the reprograming on August 29, 1983. The Appropriations Committee, however, has not yet acted on the request.

Mr. JOHNSTON. Without prejudicing the Appropriations Committee's decision, I am concerned that an effort may be underway within the Department of Energy to curb the role of the EIA in analyzing and maintaining a modeling capability with respect to energy issues. For example, I am reminded of the controversy within the Department over the EIA's analysis of various natural gas deregulation proposals. These anlayses did not always agree with the administration's own view of the situation.

Mr. HATFIELD. I share this concern with my colleague from Louisiana. I believe that EIA should maintain a strong analytic capability in order to provide DOE and the Congress important and timely information, regardless of the policy implications.

Mr. JOHNSTON. The point is that EIA is empowered to conduct such analyses, and they are to call things as they see them. Without an honest and objective analytical capability, the basic statistical function of the agency cannot remain relevant to the issues. I ask the chairman of the full committee and my colleague, Senator MCCLURE, chairman of both the energy authorizing and appropriating committees, to consider this important activity in EIA when you decide on the Department's request to reprogram $1.8 million away from EIA collection, production, and analysis. Moreover, I would encourage a close review of any changes DOE may want to make in its use of fiscal year 1984 appropriation for EIA analytical activities.

Mr. HATFIELD. Again, I concur with the Senator's views and want to assure him that regardless of the Appropriations Committee's decision on this request, it is not our intent to dissipate the analytical capability at EIA.

Mr. JOHNSTON. I thank the chairman. I ask that the letter to which I referred to be printed in the RECORD at this point.

The letter referred to follows:

DEPARTMENT OF ENERGY,
Washington, D.C., August 29, 1983.

Hon. JAMES A. MCCLURE,
Chairman, Committee on Energy and Natural Resources, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: This letter is to inform you of the proposed reprogramming of $1,796,000 within the Energy Information Administration (EIA) appropriation.

The proposed reprogramming is necessary because additional funds are required to cover administrative support costs for such items as space rental, guard services, communications, utlities, and management systems. Most of these support items are managed centrally by the Assistant Secretary for Management and Administration. This action is necessary to fund what are largely fixed administrative expenses incurred on behalf of the EIA on-going programs. Experience to date indicates that administrative support expenses will total $6,696,000 for the year rather than $4,900,000 that was estimated at the time of the FY 1983 appropriation.

EIA will fund these administrative support costs by using funds initially planned to be used for data analysis and modeling activities. For example, funds initially planned to be for international energy activities are available because of delays in developing the International Energy Data Base. Also, EIA will eliminate selected, less-critical analyses. Planned analyses involving changes to the use of fuel in the generation of electricity due to price changes will not be initiated. Analyses involving Common Market information and field-specific international oil reserves information will be terminated. EIA will continue to produce data on fuels used in the generation of electricity and on international energy characteristics.

Sincerely,

ELIZABETH E. SMEDLEY,
Assistant Controller.●

Mr. NICKLES. Mr. President, when this Interior appropriations bill came to us from the House it was almost $1.4 billion over the President's budget request for fiscal year 1984. The Senate Appropriations Committee did a little better—the committee bill was $930 million over the President's request.

Now, Mr. President, after we have amended this Interior appropriation, our version is $1.34 billion over what the President recommended on budget, and an additional $750 million off budget—a total of more than $2 billion over the President's budget.

Mr. President, this bill is simply too expensive. I urge my colleagues to vote against H.R. 3363. And if in the event it does pass today, I hope the President will veto it.

OUTER CONTINENTAL SHELF LEASING

● Mr. CHILES. Mr. President, the Senate Interior appropriations bill before us today does not include the prohibition on oil and gas leasing along the Outer Continental Shelf that is included in the House version of this legislation. I am particularly interested in the House language affecting the Department of the Interior's proposed leasing in the eastern Gulf of Mexico and would like to share some of my concerns with my colleagues in the Senate.

First, let me clarify and strongly emphasize that I support oil and gas exploration and development along our Outer Continental Shelf. When Congress established this program, however, we envisioned a working partnership between affected coastal States and the Department of the Interior. I am afraid we have seen too many cases where this partnership is not working. The House Interior appropriations bill addresses, in part, the Department's proposed lease sale No. 79, encompassing 59 million acres in the eastern gulf. In order to better understand my views with respect to this particular lease offering I think it is helpful if I review what my State experienced earlier this year when the Department of the Interior announced its scheduled lease offering in the South Atlantic, lease sale No. 78.

Once the proposed offering was announced, the State of Florida, along with the Defense Department and NASA, expressed concerns to the Department concerning some of the areas offered for leasing. The result of this negotiation? Nothing.

In so many words, the Department response was, "thanks for your comments, but we plan to offer all the suggested areas for leasing in July, 1983."

It was not until the House of Representatives included language in the fiscal year 1983 supplemental appropriations bill to prohibit leasing in the South Atlantic that the Department sat down again with NASA, DOD, and the State of Florida to work out areas of disagreement. Members of the Senate can see, therefore, why I do not have the strongest faith in the existing partnership between the State of Florida and the Department of the Interior. I must admit, however, that Secretary Watt has demonstrated in this particular lease sale, lease sale No. 79, a willingness to work out with the State of Florida their problems about certain areas offered in the eastern Gulf of Mexico. My concerns, and those of the State, are reflected in the House prohibition language. Areas set off limits to leasing include tracts containing environmentally sensitive seagrass beds and coral communities as well as areas which have not as yet been adequately studied to determine whether leasing should take place. In addition, a protective buffer zone along Florida's gulf coast has been designated to enhance protection of our State's beaches and commercial and sport fishing interests.

I, like many of my colleagues, would like to see the administrative process work and the lease offering made according to schedule. What I want to insure, however, is that the State of Florida has the opportunity to work with the Department of the Interior to address some of these problems.

As a member of the Senate Appropriations Committee I was able to bring to the committee's attention an alternative proposal to the House language dealing with leasing in the eastern Gulf of Mexico. When the committee was discussing the Interior appropriations bill I offered an amendment which covered the same areas as the House proposal on lease sale No. 79 but differed in two respects. First, my amendment did not make reference to a memorandum of agreement between the Department of Defense and the Department of the Interior. I am pleased the Departments have reached agreement with respect to military and defense-related needs in the gulf, so this language is no longer necessary. Second, my amendment included language not in the House bill which would allow leasing to take place if and when an agreement is entered into by the State of Florida and the Department of the Interior concerning this lease offering.

When it became obvious to me that my amendment would not be adopted by the Senate committee, I did not push for a vote on my proposal. I did, however, stress my hope that this alternative would be considered during conference discussions with the House of Representatives. That is still my hope. I believe this approach is reasonable. It addresses concerns of my State and infers support for the overall concept of offshore energy exploration and development. I hope the final agreement reached on oil and gas leasing during conference consideration of the Interior appropriations bill will reflect my views and the views of the State of Florida.●

Mr. McCLURE. Mr. President, I think we are ready for the vote on passage. Before that vote, there is one Senator whom I believe may wish to make some further comment. Pending his arrival, let me summarize what we have done on this bill.

The Senate has increased the Interior appropriations bill by $1,398,400,000 by actions taken on the floor to this time. This total includes $410,400,000 in new budget authority and $988,000,000 in off-budget strategic petroleum reserve spending authority. All but $40 million of that total is involved in the SPR issue.

The Senate bill now stands just $32 million below the House in new budget authority. Because of our new bill total of $8,049,000,000 and because we yesterday added almost $1 billion to fill the SPR, we have been informed we are now likely to face an OMB recommendation for a Presidential veto of this bill. Senators approaching the vote on this bill should be aware that they may well have the opportunity to vote on it a second time.

The Senate should be on notice that we shall have to trim at least $1 billion from the bill in conference if we expect it to be signed. Therefore, no program, no authorization, and no individual expenditure in this bill is immune from scrutiny as we take this bill from the floor of the Senate and go to conference with the House of Representatives. I expect it to be a very, very difficult conference.

The PRESIDING OFFICER. Are there further amendments?

Mr. McCLURE. Mr. President, I ask for the yeas and nays on the passage of the bill.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. Are there further amendments to be proposed? If there be no further amendments to be proposed, the question is on the engrossment of the amendments and the third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass? On this question, the yeas and nays have been ordered. The clerk will call the roll.

The bill clerk called the roll.

Mr. STEVENS. I announce that the Senator from Arizona (Mr. GOLDWATER), the Senator from Oregon (Mr. HATFIELD), the Senator from Maryland (Mr. MATHIAS), and the Senator from Texas (Mr. TOWER) are necessarily absent.

I further announce that, if present and voting, the Senator from Oregon (Mr. HATFIELD), would vote "Yea.".

Mr. CRANSTON. I announce that the Senator from South Carolina (Mr. HOLLINGS) and the Senator from Mississippi (Mr. STENNIS) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber wishing to vote?

The result was announced—yeas 76, nays 18—as follows:

[Rollcall Vote No. 259 Leg.]

YEAS—76

Abdnor	Ford	Moynihan
Andrews	Garn	Murkowski
Baker	Glenn	Nunn
Baucus	Gorton	Packwood
Bentsen	Hart	Pell
Biden	Hatch	Percy
Bingaman	Hawkins	Pressler
Boren	Hecht	Pryor
Boschwitz	Heinz	Randolph
Bradley	Huddleston	Riegle
Bumpers	Inouye	Rudman
Burdick	Johnston	Sarbanes
Byrd	Kassebaum	Sasser
Chafee	Kasten	Simpson
Chiles	Kennedy	Specter
Cochran	Lautenberg	Stafford
Cohen	Laxalt	Stevens
D'Amato	Leahy	Symms
Danforth	Levin	Tsongas
DeConcini	Long	Wallop
Dixon	Lugar	Warner
Dodd	Matsunaga	Weicker
Domenici	McClure	Wilson
Durenberger	Melcher	Zorinsky
Evans	Metzenbaum	
Exon	Mitchell	

NAYS—18

Armstrong	Grassley	Nickles
Cranston	Heflin	Proxmire
Denton	Helms	Quayle
Dole	Humphrey	Roth
Eagleton	Jepsen	Thurmond
East	Mattingly	Trible

NOT VOTING—6

Goldwater	Hollings	Stennis
Hatfield	Mathias	Tower

So the bill (H.R. 3363), as amended, was passed.

Mr. McCLURE. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. NICKLES. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. McCLURE. Mr. President, I ask unanimous consent that the Secretary of the Senate be authorized to make clerical and technical corrections in the engrossment of the Senate amendments.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCLURE. Mr. President, I move that the Senate insist upon its amendments and request a conference with the House of Representatives and

that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Chair appointed Messrs. McCLURE, STEVENS, LAXALT, GARN, COCHRAN, ANDREWS, RUDMAN, WEICKER, HATFIELD, BYRD, JOHNSTON, HUDDLESTON, LEAHY, DECONCINI, BURDICK, BUMPERS, and STENNIS conferees on the part of the Senate.

Mr. McCLURE. Mr. President, I know it is customary at these times to make what sometimes appears to be pro forma thanks to the ranking minority member for his great assistance and to the staffs on both sides of the aisle. I want to extend those thanks, and they are very real; they are not just pro forma.

Working with Senator JOHNSTON is always a pleasure, and working with the staff we have on both sides of the aisle on this subcommittee makes the job much more easy than it otherwise would be, and the work product shows it. I register that thanks to the staff members on both sides of the aisle and to the other members of the subcommittee.

Mr. BYRD. Mr. President, will the Senator yield?

Mr. McCLURE. I yield.

Mr. BYRD. Mr. President, I want to join the distinguished manager of the bill, Mr. McCLURE, in commending Mr. JOHNSTON, who is the acting ranking member, and in doing so, I also want to personally commend Mr. McCLURE, the chairman, on the dedication and skill and the fine workmanship they have demonstrated here in connection with this bill. They have worked hard. They have considered the amendments that were called up. They have done so, I think, in a way that has made the Senate proud.

Mr. JOHNSTON is off the floor at this moment, but I certainly share the manager's comments concerning Mr. JOHNSTON, and I want to add my own.

Mr. McCLURE. Mr. President, I thank the Senator from West Virginia for those comments.

I want to add what is known to all Members of the Senate, and that is that the Senator from West Virginia, as the former chairman of this subcommittee, set a very high standard for us to emulate. So we have been challenged. I appreciate his remarks.

Mr. BAKER. Mr. President, I would be derelict if I did not extend my congratulations to the distinguished chairman of the subcommittee and the distinguished designated minority manager, Mr. JOHNSTON, and to the Senators who participated in this bill, yet another of the regular appropriations bills.

We spent a little over 18 hours in consideration of this measure, and there were a number of amendments agreed to, a number rejected. It was a difficult bill to deal with, and it traditionally is.

I especially congratulate Mr. McCLURE for his effective handling of this measure.

Mr. BYRD. Mr. President, will the majority leader yield to me?

Mr. BAKER. I yield.

MARTIN LUTHER KING, JR., HOLIDAY

Mr. BYRD. Mr. President, in my experience around here, I have noted from time to time that there are a lot of unfounded rumors circulated, and one rumor that has been circulated today is to the effect that the Democrats are dragging their feet on the Martin Luther King, Jr., bill.

Now I think that rumor may have been stimulated by a question which I proposed to the distinguished majority leader earlier today or a statement that I made; namely, that we on our side would like to vote on the Martin Luther King measure either tomorrow or the week after next and that possibly we could work out an agreement which would set a date certain so that all Senators would be on notice. That date could be on any day of the week after next and at any particular time.

The reason I made the request is that one of the Presidential candidates on my side of the aisle—and it was not I—could not be here Friday this week, could not be here next week, and he was hopeful that he could be here when the matter was voted on. So he was suggesting that it be tomorrow or the week after next.

So I want to make the record clear that the Democrats are not attempting to drag their feet on this matter. We are ready to vote on tomorrow. As I have privately discussed with the distinguished majority leader, I think we are in a position to offer an agreement which would allow for 2 hours of debate on tomorrow and 1 hour on an amendment by Mr. RANDOLPH to be equally divided, and that the agreement be in the usual form.

(Mr. JEPSEN assumed the chair.)

Mr. BAKER. Mr. President, this morning when the Senate opened—I guess it was this morning, it seems like a long time ago—but this morning, the minority leader and I had a little colloquy about one of the Democratic Presidential candidates in the Senate—and I guess, with a lack of a seriousness, I said that there are several on the Democratic side, and it would be a little difficult to figure out which one—but that one of those Members would be absent on Friday, when I had announced that it was my intention to try to get the Martin Luther King vote.

I also explained to the minority leader, in our colloquy this morning during leader time, that I, long ago, before the August recess, said that I was going to try to take up that measure shortly after we returned from the August recess. And I am committed to that—indeed, I took the matter directly to the calendar in order to expedite that—and I want to perform on that commitment.

I have announced now for some several days we were going to do it on Friday and I expect that some of my Members on this side of the aisle have made their plans on that basis.

But, Mr. President, if the minority leaders wants to offer a time agreement and if he wants to do the measure on tomorrow, if he will give me a little time and I can run that through our traps and see, I will be glad to see if we can do it. But if we cannot do it, I must tell the minority leader in all candor that it is my intention to try to reach that bill on Friday of this week. I do not feel that I can postpone it for a week and a half.

Mr. BYRD. I certainly recognize the circumstances that would conspire to put the majority leader in the position that he is and I respect his position and certainly would not expect him to break any commitment and would respect him for keeping it. But if he is ready on tomorrow, we are ready on this side. I might have to add to the request that there be 1 hour on an amendment which might or might not be offered by Mr. NUNN.

Mr. BAKER. Very well, I will run that through our system and we will see.

Just to repeat it for the sake of clarity, I do feel a strong commitment to take the matter up this week. If we can do it tomorrow on a time agreement, that is fine with me. I will check our side to see if that works out. But if we cannot get that agreement, regardless of which side the objection might come from, I am committed to try to take up the measure on Friday.

Mr. BYRD. While the majority leader has the floor and is answering questions, would he also indicate whether or not there is going to be any more rollcall votes today?

Mr. BAKER. Yes. I thank the minority leader for asking.

It is 5 o'clock plus 4 minutes. I am told we can get to the revenue sharing reauthorization bill. That will not take more than an hour or so. I think we ought to do that. So I think we ought to go ahead with it and I would expect rollcall votes.

Mr. President, while we are trying to run our clearances on a time agreement on the Martin Luther King matter, I wonder if the minority leader is in a position to approve a unanimous-consent request that we now go to the revenue sharing reauthorization.

Mr. BYRD. Mr. President, the distinguished ranking member of the Finance Committee is here and he has

indicated that it is all right to go to it. But he does not think we ought to be in a long time today.

Mr. BAKER. I do not plan to be in a long time, I say to the minority leader and my friend from Louisiana. It is not my intention to ask the Senate to stay past 6:30 or 7 o'clock. I am hopeful we can finish by that time.

Later, the following occurred:

Mr. BAKER. Mr. President, the minority leader is on the floor and I should like to respond to his suggestion of taking up the Martin Luther King bill tomorrow. I ran my hotline on this side and I find that there is no objection to taking up the Martin Luther King bill tomorrow. However, there is an objection to a time limitation. As a practical matter, I say to the minority leader, under those circumstances, I feel very strongly that we ought to continue with the original plan; that is, to try to do State authorization tomorrow and the Export-Import Bank and go to Martin Luther King on Friday.

I have no illusions about finishing that bill on Friday, given the fact that I have been advised that there are objections to time limitations or to limitation to the number of amendments at this time. It seems certain that we cannot finish the bill in 1 day. I am committed to do the bill and to finish the bill, but I do not think we can finish it on Thursday or Friday.

Therefore, I say to the minority leader that I appreciate his offer, but I must respectfully say that I think the better part of discretion on this side would be to stick to the original plan.

Mr. BYRD. I thank the majority leader.

Mr. BAKER. I thank the minority leader.

LOCAL GOVERNMENT FISCAL ASSISTANCE AMENDMENTS OF 1983

Mr. BAKER. Mr. President, if the minority leader has no objection, I ask unanimous consent at this time that the Chair lay before the Senate the revenue-sharing authorization bill.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (S. 1426) to reauthorize the revenue-sharing program of general-purpose fiscal assistance to local governments for 3 fiscal years, and for other purposes.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Tennessee?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Finance with an amendment to strike out all after the enacting clause and insert:

That this Act may be cited as the "Local Government Fiscal Assistance Amendments of 1983".

DEFINITIONS AND APPLICATIONS

SEC. 2. (a) Section 6701 of title 31, United States Code, is amended—

(1) by striking out "October 1, 1981, and October 1, 1982" in subsection (a)(1) and inserting in lieu thereof "October 1 of 1982, 1983, 1984, and 1985",

(2) by striking out "allocate amounts" in the last sentence of subsection (c) and inserting in lieu thereof "make all data computations", and

(3) by striking out "having one unit of general local government" in subsection (e)(2) and inserting in lieu thereof "that is the sole unit of general local government in the area".

(b)(1) Subsection (a) of section 6701 of such title is amended by adding at the end thereof the following new paragraphs:

"(8) 'adjusted taxes of a unit of general local government' means the taxes imposed by the unit of general local government for public purposes (except employee and employer assessments and contributions to finance retirement and social insurance systems and other special assessments for capital outlay) determined by the Secretary of Commerce for general statistical purposes and adjusted (under regulations of the Secretary of the Treasury) to exclude amounts properly allocated to education expenses.

"(9) 'urbanized population' has the meaning given to such term by the Secretary of Commerce for general statistical purposes.".

(2) Clause (A) of section 6709(a)(2) of such title is amended to read as follows:

"(A) the adjusted taxes of the unit of general local government, divided by".

(3) Clause (5) of section 6707(c) of such title is amended by striking out the last sentence thereof.

ADDITIONAL COMPLIANCE ASSURANCES

SEC. 3. Subsection (a) of section 6704 of title 31, United States Code, is amended—

(1) by striking out "and" at the end of clause (7),

(2) by striking out the period at the end of clause (8) and inserting in lieu thereof "; and", and

(3) by adding at the end thereof the following new clause:

"(9) the government will comply with the requirements of sections 6714 and 6723.".

REDUCTIONS IN STATE GOVERNMENT ALLOCATIONS

SEC. 4. Section 6706 of title 31, United States Code, is hereby repealed.

STATE VARIATIONS OF LOCAL GOVERNMENT ALLOCATIONS

SEC. 5. Subsection (a) of section 6711 of title 31, United States Code, is amended—

(1) by adding "and" at the end of clause (1),

(2) by striking out "; and" at the end of clause (2) and inserting in lieu thereof a period, and

(3) by striking out clause (3).

INFORMATION USED IN ALLOCATION FORMULAS

SEC. 6. Subsection (a) of section 6713 of title 31, United States Code, is amended by inserting "before the beginning of the entitlement period" after "Secretary of Commerce".

PUBLIC HEARINGS

SEC. 7. Section 6714 of title 31, United States Code, is amended—

(1) by striking out paragraph (1) of subsection (a),

(2) by redesignating paragraphs (2) and (3) of subsection (a) as paragraphs (1) and (2), respectively,

(3) by striking out "subsection (a)(2)" in subsection (b)(1) and inserting in lieu thereof "subsection (a)(1)",

(4) by striking out clause (1) of subsection (c),

(5) by striking out "subsection (a)(2)" in subsection (c)(2) and inserting in lieu thereof "subsection (a)(1)", and

(6) by redesignating clauses (2) and (3) of subsection (c) as clauses (1) and (2), respectively.

DISCRIMINATION PROCEEDINGS

SEC. 8. Section 6717 of title 31, United States Code, is amended—

(1) by striking out "the Secretary submits a notice of noncompliance to the government" in subsection (b) and inserting in lieu thereof "the government receives a notice of noncompliance from the Secretary of the Treasury", and

(2) by striking out "shall suspend payments to the government under this chapter unless by the 10th day after the decision" in the second sentence of subsection (c) and inserting in lieu thereof "shall notify the government of the decision and shall suspend payments to the government under this chapter unless, within 10 days after the government receives notice of the decision,".

REPORTS

SEC. 9. (a) Section 6724 of title 31, United States Code, is amended—

(1) by striking out subsections (b) and (c), and

(2) by striking out "(a) Before" and inserting in lieu thereof "Before".

(b) Clause (8) of section 6704(a) of such title is amended by striking out ", in addition to the annual reports required under section 6724(b) of this title" and inserting in lieu thereof "to determine compliance with the provisions of this chapter".

ALTERNATIVE ALLOCATIONS OF REVENUE-SHARING FUNDS TO UNITS OF GENERAL LOCAL GOVERNMENT

SEC. 10. (a) Chapter 67 of title 31, United States Code, is amended—

(1) by redesignating sections 6713 through 6724 as sections 6716 through 6727, respectively,

(2) by redesignating section 6710 as section 6715,

(3) by redesignating sections 6708, 6709, 6711, and 6712 as sections 6711, 6712, 6714, and 6713, respectively, and

(4) by inserting after section 6707 the following new sections:

"§ 6708. Entitlements for units of general local government

"(a) Except as otherwise provided in this chapter, each unit of general local government shall be entitled to receive for each entitlement period an amount equal to the greater of—

"(1) the amount which would be allocated to such unit of general local government for such entitlement period under—

"(A) sections 6711, 6712, and 6713, or

"(B) section 6714,

if the amount authorized under section 6703(b)(2) for such entitlement period were $4,566,700,000, or

"(2) the amount allocated to such unit of general local government for such entitlement period under section 6709 or 6710, as adjusted by reason of subsection (b).

"(b)(1) If necessary, the Secretary shall proportionately reduce (but not below zero) the allocation differential of all units of general local government located in a State in a manner which insures that the sum of

the entitlements of all units of general local government located in such State for the entitlement period does not exceed the amount allocated to such State for such entitlement period under section 6707.

"(2) ALLOCATION DIFFERENTIAL.—For purposes of this subsection, the term 'allocation differential' means the portion, if any, of the allocation made to a unit of general local government under section 6709 or 6710 for the entitlement period that exceeds the amount determined under subsection (a)(1) with respect to such unit of general local government for such entitlement period.

"§ 6709. Allocations for Indian tribes and Alaskan Native villages

"(a) The amount allocated by the Secretary under this section to each Indian tribe or Alaskan Native village having a recognized governing body carrying out substantial governmental duties and powers is an amount bearing the same ratio to the amount allocated under section 6707 to the State in which such tribe or village is located as the population of such tribe or village bears to the population of the entire State.

"(b) If the amount allocated to any Indian tribe or Alaskan Native village under this section is waived by the governing body of such tribe or village, the amount waived shall be paid to the county government in the county area in which such tribe or village is located.

"§ 6710. Allocations for local governments

"(a) The amount allocated to each unit of general local government (other than an Indian tribe or Alaskan Native village) by the Secretary under this section is an amount bearing the same ratio to the general local government allocation as—

"(1) the product of—

"(A) the population of such unit of general local government, multiplied by

"(B) the general tax effort factor of such unit of general local government, multiplied by

"(C) the relative income factor of such unit of general local government, bears to

"(2) the sum of the products determined under clause (1) for all units of the general local government located in such State.

"(b)(1)(A) The per capita allocation of any unit of general local government in a State under this section for any entitlement period shall be at least 15 percent but not more than 160 percent of the amount determined by dividing—

"(i) the amount allocated to the State under section 6707, by

"(ii) the population of the State.

"(B) Subparagraph (A) shall be applied by substituting "145 percent" for "160 percent" in the case of a unit of general local government whose per capita adjusted taxes exceed 250 percent of the average per capita adjusted taxes of all units of general local government within the State in which such unit of general local government is located (other than Indian tribes or Alaskan Native villages) that are classified by the Secretary of Commerce for general statistical purposes as being the same form of governmental unit as such unit of general local government.

"(2) The amount allocated to any unit of general local government under this section for any entitlement period shall not exceed an amount equal to the product of—

"(A) the adjusted taxes of such unit of general local government, multiplied by

"(B) 250 percent of the quotient determined by dividing—

"(i) the general local government allocation, by

"(ii) the aggregate amount of adjusted taxes of all units of general local government within the State in which such unit of general local government is located (other than Indian tribes and Alaskan Native villages).

"(3) If the amount allocated to any unit of general local government (except an Indian tribe, or an Alaskan Native village) under this section for an entitlement period would be less than $200 but for this paragraph, no allocation shall be made to such unit of general local government under this section for such entitlement period.

"(4) The Secretary shall make proportional adjustments in the amounts allocated under subsection (a) to units of general local governments located within the same State that are necessary to bring such allocations into compliance with the provisions of this subsection in the following order:

"(A) under paragraph (1),

"(B) under paragraph (2), and

"(C) under paragraph (3).

"(5) If the amount allocated to any unit of general local government under this section is waived by the governing body of such unit of general local government, the amount waived shall be paid to the county government in the country area in which such unit of general local government is located.

"(c) For purposes of this section—

"(1) The term 'general local government allocation' means, with respect to units of general local government located in a State, the excess of—

"(A) the amount allocated to such State under section 6707, over

"(B) the aggregate amount allocated under section 6709 to Indian tribes and Alaskan Native villages located in such State.

"(2)(A) The term 'general tax effort factor' has the meaning given to such term by section 6712(a)(2).

"(3) The term 'relative income factor' means, with respect to any unit of general local government, an amount determined by dividing—

"(A) the per capita income of the State, by

"(B) the per capita income of such unit of general local government.

"(4) The term 'per capita allocation' means, with respect to any unit of general local government, the amount determined by dividing—

"(A) the amount allocated to such unit of general local government under this section for the entitlement period, by

"(B) the population of such unit of general local government.

"(5) The term 'per capita adjusted taxes' means, with respect to any unit of general local government, the amount determined by dividing—

"(A) the adjusted taxes of such unit of general local government, by

"(B) the population of such unit of general local government.

"(d) When the Secretary of the Treasury decides that information available for a unit of general local government for an entitlement period is inadequate in allocating an amount under this section for a unit of general local government (except a county government) with a population below a number (of not more than 500) prescribed by the Secretary, the Secretary may allocate to the unit of general local government an amount bearing the same ratio to the general local government allocation of the units of general local government in the State in which such unit is located for the entitlement period as the population of the unit of general local government bears to the population of all units of general local government in the State (other than Indian tribes or Alaskan Native villages). If the Secretary allocates an amount under this subsection, the Secretary shall reduce the general local government allocation of the units of general local government in the State in which such unit is located by the amount allocated under this subsection.".

(b)(1) Section 6701 of title 31, United States Code, is amended—

(A) by striking out "section 6721(b)" in subsection (a)(2) and inserting in lieu thereof "section 6724(b)",

(B) by striking out "section 6716 (a) or (b)" in subsection (a)(2) and inserting in lieu thereof "subsection (a) or (b) of section 6719",

(C) by striking out "section 6716(b)" in subsection (a)(3)(B) and inserting in lieu thereof "section 6719(b)",

(D) by striking out "sections 6708(b), 6709, 6711, and 6712(a) (2) and (3)" in subsection (a)(5)(B) and inserting in lieu thereof "sections 6711(b), 6712, 6714, and paragraphs (2) and (3) of section 6713(a)",

(E) by striking out "6705–6713(c)(1)" in subsection (a)(5)(C) and inserting in lieu thereof "6705 through 6716(c)(1)",

(F) by striking out "section 6710" in subsection (a)(5)(C) and inserting in lieu thereof "section 6715",

(G) by striking out "sections 6708–6712" in subsection (d) each place it appears and inserting in lieu thereof "sections 6708 through 6715", and

(H) by striking out "6705–6713(c)(1)" in subsection (d) and inserting in lieu thereof "6705 through 6716(c)(1)".

(2) Clause (2) of section 6703(b) of such title is amended by striking out all after "pay" and inserting in lieu thereof "entitlements to units of general local government under section 6708.".

(3) Subsection (a) of section 6704 of such title is amended—

(A) by striking out "section 6723(b)" in clause (7) and inserting in lieu thereof "section 6726(b)",

(B) by striking out "section 6724(b)" in clause (8) and inserting in lieu thereof "section 6727(b)", and

(C) by striking out "sections 6714 and 6723" in clause (9), as added by section 3 of this Act, and inserting in lieu thereof "sections 6717 and 6726".

(4) Subsection (a) of section 6707 of such title is amended by striking out the last sentence and inserting in lieu thereof the following: "The Secretary shall determine the amount allocated to the State under subsection (b) or (c) and allocate the greater amount to the State.".

(5) Section 6712 of such title, as redesignated by subsection (a) of this section, is amended—

(A) by striking out "section 6708" in subsection (a)(1) and inserting in lieu thereof "section 6711", and

(B) by striking out "section 6708(a)" in subsection (b) and inserting in lieu thereof "section 6711(a)".

(6) Section 6713 of such title, as redesignated by subsection (a) of this section, is amended—

(A) by inserting "under section 6711 or 6712" after "entitlement period" each place it appears in subsection (a),

(B) by inserting "under this section" after "adjustment" in subsection (b),

(C) by inserting "under section 6711 or 6712" after "general local government" in subsection (b), and

(D) by inserting "under section 6711 or 6712" after "general local government" in the first sentence of subsection (c).

(7) Subsection (a) of section 6714 of such title, as redesignated by subsection (a) of this section, is amended—

(A) by striking out "A State" in the first sentence and inserting in lieu thereof "In lieu of the allocation made under section 6711(a) or subsection (a) or (b) of section 6712, a State",

(B) by striking out "sections 6708(a) and 6709 (a) and (b)" and inserting in lieu thereof "section 6711(a) and subsections (a) and (b) of section 6712", and

(C) by striking out "6708(a) or 6709 (a) or (b)" each place it appears and inserting in lieu thereof "6711(a) or subsection (a) or (b) of section 6712".

(8) Section 6715 of such Code, as redesignated by subsection (a), is amended—

(A) by striking out "would receive" in subsection (a) each place it appears and inserting in lieu thereof "would be entitled to receive under section 6708",

(B) by striking out "allocated to a county area" in subsection (b)(1) and inserting in lieu thereof "of the entitlement under section 7608 of a country area",

(C) by striking out "allocated to the governments" in subsection (b)(2) and inserting in lieu thereof "of the entitlements under section 7608 of the governments",

(D) by striking out "amounts allocated to" in subsection (c) each place it appears and inserting in lieu thereof "entitlements under section 6708 of", and

(E) by striking out "amount allocated to" in subsection (c)(2) and inserting in lieu thereof "entitlement under section 6708 of".

(9) Subsection (b) of section 6720(b)(1) of such title, as redesignated by subsection (a) of this section, is amended—

(A) by striking out "6716(a)" in clause (1) and inserting in lieu thereof "6719(a)", and

(B) by striking out "6716(b)" in clause (2) and inserting in lieu thereof "6719(b)".

(10) Subsections (c) and (d) of section 6720 and sections 6721, 6722, 6723, 6724, and 6726(f)(1)(C) of such title, as redesignated by subsection (a) of this section, are each amended by striking out "section 6716(a) or (b)" each place it appears and inserting in lieu thereof "subsection (a) or (b) of section 6719".

(11) Sections 6720(c) and 6721(a)(1)(B) of such title, as redesignated by subsection (a) of this section, are each amended by striking out "6719" each place it appears and inserting in lieu thereof "6722".

(12) Section 6720(d)(2)(B) and 6725(a) of such title, as redesignated by subsection (a) of this section, are each amended by striking out "6718" and inserting in lieu thereof "6721".

(13) Sections 6721 and 6723(a) of such title, as redesignated by subsection (a) of this section, are each amended by striking out "6717" each place it appears and inserting in lieu thereof "6720".

(14) Sections 6722(c) and 6726(f)(1)(A) of such title, as redesignated by subsection (a) of this section, are each amended by striking out "6721(b)" each place it appears and inserting in lieu thereof "6724(b)".

(15) Subsection (b) of section 6724 of such title, as redesignated by subsection (a) of this section, is amended by striking out "6716(d)" and inserting in lieu thereof "6719(d)".

(16) Clause (2) of section 6727 of such title, as amended by section 9(a) of this Act and redesignated by subsection (a) of this section, is further amended—

(A) by striking out "sections 6716–6720" in subclause (A) and inserting in lieu thereof "sections 6719 through 6723",

(B) by striking out "6715, and 6723" in subclause (B) and inserting in lieu thereof "6718, and 6726", and

(C) by striking out "section 6723" in subclause (B) and inserting in lieu thereof "section 6726".

(17) The heading for section 6711 of such title, as redesignated, is amended to read as follows:

"§ 6711. Alternative allocations for county areas and county governments".

(18) The heading for section 6712 of such title, as redesignated, is amended to read as follows:

"§ 6712. Alternative allocations for other local governments".

(19) The heading for section 6713 of such title, as redesignated, is amended to read as follows:

"§ 6713. Adjustments to alternative allocations to local governments".

(20) The table of sections for chapter 67 of such title is amended by striking out the items relating to sections 6708 through 6724 and inserting in lieu thereof the following:

"6708. Entitlements for units of general local government.
"6709. Allocations for Indian tribes and Alaskan Native villages.
"6710. Allocations for local governments.
"6711. Alternative allocations for county areas and county governments.
"6712. Alternative allocations for other local governments.
"6713. Adjustments to alternative allocations to local governments.
"6714. State variation of local government allocations.
"6715. Separate law enforcement officer allocations for Louisiana.
"6716. Information used in allocation formulas.
"6717. Public hearings.
"6718. Prohibition on using payments to influence legislation.
"6719. Prohibited discrimination.
"6720. Discrimination proceedings.
"6721. Suspension and termination of payments in discrimination proceedings.
"6722. Compliance agreements.
"6723. Enforcement by the Attorney General of prohibitions on discrimination.
"6724. Civil action by a person adversely affected.
"6725. Judicial review.
"6726. Audits, investigations, and reviews.
"6727. Reports.".

(c) The amendments made by this section shall apply to—

(1) any entitlement period for which the amount authorized under section 6703(b)(2) of title 31, United States Code, exceeds $4,566,700,000, and

(2) any entitlement period which begins after such entitlement period.

ADJUSTED TAXES OF UNITS OF GENERAL LOCAL GOVERNMENT IN MASSACHUSETTS FOR 1983 ENTITLEMENT PERIOD

SEC. 11. (a) For purposes of allocating amounts among units of general local government located in the Commonwealth of Massachusetts under chapter 67 of title 31, United States Code, for the entitlement period beginning October 1, 1983, the adjusted taxes of those governments shall include property taxes levied for fiscal year 1982 of the Commonwealth of Massachusetts and recognized as fiscal year 1982 receipts pursuant to sections 21 and 23 of chapter 59 and sections 35 through 46 of chapter 44 of the Massachusetts General Laws.

(b) The provisions of subsection (a) shall apply only if the Governor of the Commonwealth of Massachusetts certifies to the Secretary of the Treasury by August 1, 1983, or twenty days after the effective date of this Act, whichever is later, that all units of general local government in Massachusetts (other than those qualifying for the exception in section 6726(a)(2) of such title, as redesignated by section 10(a)(1) of this Act) will be required, beginning with fiscal year 1985 of the Commonwealth of Massachusetts, to submit their audited financial statements in accordance with generally accepted accounting principles, as established by the National Council on Governmental Accounting and its successor bodies, with the exception of the treatment of the General Fixed Asset Account Group, and as adopted by the Commonwealth of Massachusetts.

(c) Any property tax credited by reason of paragraph (1) to a unit of general local government for fiscal year 1982 of the Commonwealth of Massachusetts for purposes of allocating funds to such unit of general local government under chapter 67 of title 31, United States Code, shall not be credited to such unit of general local government for any other fiscal year.

Mr. DOLE. Mr. President, it is my belief that if we really want to we can finish this bill rather quickly. I know the Senator from New York has an amendment, which will not be debated at length. The Senator from New Jersey has an amendment. I understand the Senator from Pennsylvania may have an amendment and there is a possibility the Senator from Louisiana will have an amendment. Well, he does have an amendment, unless we can work out some way to take care of it on a voluntary basis.

Mr. SASSER. Mr. President, if the Senator from Kansas will yield, the Senator from Tennessee may have an amendment, also.

Mr. DOLE. Mr. President, the point being there are not that many amendments and this is a matter that I think is very important.

We ought to try to finish it tonight if we can. I do not have any desire to stay here too late, but if it appears we are moving along at great speed and if Members will cooperate by not trying to tell us all they know about this matter tonight, it would be helpful.

Mr. President, today we are taking up S. 1426, the bill reported by the Finance Committee to extend the general revenue sharing program for 3 years and make a few changes in the program. I am pleased that we have reached agreement on expediting this legislation, and I know that local officials throughout the Nation will welcome swift Senate action assuring that revenue sharing payments continue without interruption.

Before the August recess our colleagues in the House completed action on their version of revenue sharing legislation, H.R. 2780. As modified on the House floor, that bill moves significantly closer to the approach taken by the Finance Committee in S. 1426. The House changed their bill to limit the funding increase for revenue sharing to $450 million, the amount allowed for under the budget resolution. I hope the Senate will agree with the Finance Committee and hold funding at present levels, but at least the House moved in the right direction. In addition, the House limited the extension of the program to 3 years, as our committee and the President have recommended. This gives certainty to localities while at the same time giving Congress an early opportunity to review the program. The House also removed all authority for appropriating revenue sharing money for the States, and restored the Louisiana sheriffs to the program.

I think the point I would like to make is that we are talking about a 3-year program. That is what the county and local officials have been asking for for some time, some stability, some certainty. But we are also talking about level funding at $4.6 billion a year for the next 3-year period.

I know there will be amendments offered to increase that funding, but I would say, as I said in the committee, we are faced with massive deficits. We do not have any revenue to share. We have a lot of deficits we ought to be sharing. We certainly do not have any revenue to share.

I suggest that even if you increase this program by $450 million and spread that out across the country, it will not make that much difference in each locality.

It just seems to me that this is one demonstration we could make that we are willing to hold down the Federal deficit, at least a little bit. Why add a half a billion dollars when there is no real demand for it, there is no clamor for it? It was in the budget resolution, but that does not mean anything. There are a lot of things in the budget resolution.

There are a lot of spending programs. There are not many cuts in spending programs in the budget resolution. We are still trying to act on the budget resolution, too. It is my hope that we can move on this legislation in an expedited manner with level funding, and that we can satisfy the concerns members have.

I ask unanimous consent to have printed in the RECORD following my statement a letter by the Director of the Office of Management and Budget, David Stockman, and the Secretary of the Treasury for this administration, Donald Regan. The entire letter says in effect that we are for level funding, $4.6 billion for a 3-year period. They do not oppose the extension of general revenue sharing, but they are concerned about the possibility of increasing the funding over $4.6 billion. The key paragraph is:

> We and the President's other senior advisers will strongly recommend to the President a veto of any legislation which funds general revenue sharing in excess of $4.6 billion annually.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

EXPEDITE ACTION

Mr. DOLE. Mr. President, the House action means the Senate can make a major contribution by completing action now on revenue sharing. Taking care of revenue sharing means enabling local governments to plan their budgets for the next few years with certainty. The 3-year extension is strongly supported by President Reagan, and we can do the President and ourselves a favor by clearing this program now, so as to make more room in the legislative agenda to consider real, substantial action to cut the deficit. That is where our priority ought to be.

In addition, the fact that the House bill has been modified to conform it more closely to the Senate bill means we may be able to agree fairly swiftly on a House-Senate package. There is every reason to do that while we have a bit of momentum.

SENATE BILL

S. 1426 is simple and straightforward. It provides for continuing revenue sharing payments to units of local government at present funding levels for 3 years. It makes a number of technical adjustments in the program, many of which came to attention when the law was recodified last year. The bill would retain the present law requirement that, if any money is to be appropriated for a States share of revenue sharing, the States must first agree to reduce other Federal grant funds by an equivalent amount, dollar for dollar. Finally, the bill includes a provision for triggering formula changes concerning the distribution of funds within States if the level of funding is increased over that in present law. This proposal, the result of a lot of hard work and careful consideration on the part of our colleague from Minnesota, Senator DURENBERGER, is designed to insure that no additional funds are put into the program unless certain marginal, but significant, improvements in the way funds are distributed can be agreed to.

While I am mentioning the contributions Members have made to this legislation, let me acknowledge the invaluable role played by the distinguished Senator from Pennsylvania, Senator HEINZ, who chairs our Subcommittee on Revenue Sharing. He has made a determined effort since the beginning of the year to focus our attention on the importance of revenue sharing and the role it plays in the Federal system, and he helped considerably in building the consensus we reached in the Finance Committee. His efforts, and those of Senator DURENBERGER as chairman of the Subcommittee on Intergovernmental Relations of the Government Affairs Committee, are much appreciated by our colleagues. And, although we have some differences over the question of funding for this program, I want also to thank Senator LONG for helping us reach agreement in committee, and Senators BRADLEY and MOYNIHAN for their continuing interest in the program, although I trust that their amendments to the bill will not be agreed to. They are offered in good faith, but they cost money: And that we ought to avoid.

LEVEL FUNDING

Mr. President, let me make clear that while I appreciate the changes made in the House bill that make it more fiscally responsible, I continue to strongly urge my colleagues to support the Finance Committee bill without further changes. Our policy of adhering to present funding levels is not only consistent with the President's wishes, it is the right thing for us to do. Of course localities could use more money. So can welfare mothers, Government contractors, farmers, homebuilders and home buyers, and just about everyone you can think of. But if we cannot even hold the line here—not reduce, just hold the line—in a program that benefits other units of Government, rather than individuals in need, then we really cannot claim to be serious about the deficit. The $450 million increase proposed in the House bill, and allowed for in the 1984 budget, adds up to $1.35 billion over 3 years. That is not a small sum, and it would be yet another addition to the mammoth triple-digit deficits we are so concerned about. Let us prove that concern by stricking with the funding level in the Finance Committee bill.

FORMULA

Finally, let me say that I understand why there is always a lot of concern when we suggest any changes in the revenue sharing formula. The formula has worked fairly well, and it continues to be a realistic compromise for governing the allocation of general purpose fiscal assistance.

I would point out, however, that the formula modifications proposed under our bill are strictly conditioned. None of them would take effect unless we increase funding for the revenue sharing program; no State would have its allocation changed; and no jurisdiction in any State could receive less in revenue sharing funds than it presently receives. The triggered formula changes proposed by Senator DURENBERGER, dealing with the maximum and minimum constraints, the budget con-

straint, and eliminating the separate county area allocation, are intended to even out the distribution of revenue sharing funds if money is made available to do that fairly. If extra funds are not made available—which is my preference, and I understand Senator DURENBERGER's as well—no change would be made. This is a simple matter of trying to guarantee that any additional funds are used as equitably as possible.

Mr. President, I know Members have amendments and I hope we can by agreement take them up and consider them in a prompt and orderly fashion. Then we can move toward final action of revenue sharing extension legislation.

EXHIBIT 1

OFFICE OF MANAGEMENT AND BUDGET,
Washington, D.C., September 19, 1983.

Hon. ROBERT DOLE,
Chairman, Committee on Finance,
Washington, D.C.

DEAR MR. CHAIRMAN: This is to convey the Administration's firm opposition to the funding for General Revenue Sharing at a level over $4.6 billion annually for a three year period. A funding level of $4.6 billion and reauthorization period of three years is in agreement with the levels reported out in S. 1426, which reauthorizes General Revenue Sharing.

The funding level contained in S. 1426 is a considerable improvement over the House passed bill, which authorizes $5.02 billion. The House legislation would provide $1.3 billion in additional spending authority and $1.2 billion in outlays for General Revenue Sharing in the 1984–1986 period. Increases of this magnitude are inappropriate in light of the serious financial problems facing the Federal Government.

The Administration does not oppose the extension of General Revenue Sharing. It is concerned about the possibility of a fiscally irresponsible funding increases over $4.6 billion.

We and the President's other senior advisors will strongly recommend to the President a veto of any legislation which funds General Revenue Sharing at a level in excess of $4.6 billion annually.

We have taken the liberty of sending an identical letter to Senator Baker.

Sincerely,

DAVID A. STOCKMAN,
Director,
DONALD T. REGAN,
Secretary of the Treasury.

Mr. DOLE. Before I yield to the Senator from Pennsylvania, I think we should hear from somebody on the minority side.

Mr. MOYNIHAN. Mr. President, the distinguished ranking member of the committee asked me to proceed at this point. I had in mind simply to offer directly an amendment. First, if the Senator from Pennsylvania has other business to speak about, he may proceed.

Mr. HEINZ. The Senator from Pennsylvania appreciates the courtesy of the Senator from New York. I would like to make a brief introductory statement on this bill, if the Senator from New York would not mind.

Mr. MOYNIHAN. I would be interested in hearing it.

Mr. HEINZ. Mr. President, I will be very brief. Mr. President, I am pleased to bring up for the Senate's consideration today the general revenue sharing reauthorization bill, S. 1426. This bill which I introduced on behalf of the President in early June 1983, was favorably reported by the Senate Finance Committee on June 29, 1983. Current cosponsors of S. 1426 include Senators DOLE, DURENBERGER, BRADLEY, CHAFEE, SYMMS, PACKWOOD, GRASSLEY, ROTH, DANFORTH, DODD, and DOMENICI.

As we all know the current authorization for the general revenue sharing program expires on September 30, 1983. That deadline has loomed large in the eyes of many Members of Congress and local officials who have come to rely upon this most efficient means of providing Federal support. By providing these unrestricted funds Congress has since 1972—when GRS was first enacted as the core of the ambitious New Federalism plan—given local leadership in 39,000 communities the capacity to apply Federal funds to their most pressing local needs. At a time when Federal and State programs continue to be cut back, it is even more imperative that we complete the reauthorization of a program that provides support for an enormous range of social services and municipal activities. If we delay local officials will be faced with losing on the average 7 percent of local revenues, a loss which would require, for example, local property tax increases of more than 20 percent to replace.

The Local Government Fiscal Assistance Amendments of 1983 would reauthorize the general revenue sharing program for 3 years at the current funding level of $4.6 billion. S. 1426 is similar to S. 41 introduced by Senator DURENBERGER earlier this year and cosponsored by 76 Senators.

FORMULA MODIFICATIONS

The only notable change is the contingency amendment to change the local allocation formula for fairness purposes. These changes would only be triggered if funds were added to S. 1426 to hold harmless all jurisdictions. The formula changes would have no effect on allocations among States and no recipient government would receive less from the program than it does currently. We agree that the intrastate GRS formula is essentially sound; it usually provides a good match between payments and local fiscal capacities and responsibilities. However, there are inequities in the allocation of funds to the Nation's most fiscally distressed communities—in some cases the most devastated urban areas are being grievously shortchanged.

The formula changes include:

First, detiering the formula so that all local governments within a State compete with one another on an equal basis;

Second, changing the maximum constraint on allocations to recipient governments from 145 percent of the statewide per capita average to 160 percent of that average;

Third, changing the minimum constraint from 20 percent of the statewide per capita average to 15 percent of the average; and

Fourth, replacing the current budget constraint limiting a jurisdiction's dependency on GRS to a new tax constraint.

This is a carefully balanced package and should be accepted without removing any of its parts. I reiterate that if adopted, the formula changes would have no effect on interstate allocations and that the 100-percent hold-harmless provision means that no jurisdiction will receive less than it receives currently.

FUNDING

Clearly there is wide support for this program in the U.S. Congress. Indeed, before the recess the House of Representatives passed H.R. 2780, a bill to reauthorize the program for 3 years with an annual funding increase of $450 million.

The administration is also strongly supportive of the program's reauthorization although at current funding levels.

In fact, the President's advisers have sent a strongly worded letter to leadership on both sides of the aisle plainly stating that they will recommend that he not sign a bill that increases GRS funding.

Now, Mr. President ever since March when as chairman of the Subcommittee on Economic Growth, Employment and Revenue Sharing, I held hearings on GRS reauthorization, I have felt that our most important task was to reauthorize the program expeditiously. At that hearing on March 21, 1983, we heard from representatives from all of the local government interests that receive GRS funds. The National League of Cities, the U.S. Conference of Mayors, the National Association of Counties, and the National Association of Towns and Townships all praised the program for its efficiency and effectiveness. They all also pressed for an increase in GRS funding because there has not been one since 1976 and the program's purchasing power has suffered accordingly. Yet, the strongest message received by the committee that day was that we should move with all due speed to reauthorize the program so that local officials could plan their budgets for the next fiscal year.

Mr. President, I certainly am hopeful that we can complete consideration

of this bill quickly and I commend the leadership on both sides of the aisle for producing the time agreement that should enable us to accomplish this objective.

AMENDMENTS

We have before us just a few amendments, some of which we may be able to accept without a rollcall vote. One of those amendments to be offered by Senator DURENBERGER ideas with further study of the GRS program—its interstate allocation formulas, and its potential role in new federalism and in providing countercyclical economic assistance. We all concur that GRS is an exemplary Federal program and one would assume that as a body we can agree that Congress should look at ways to perfect the program and to capitalize upon it more broadly. Leadership urges quick acceptance of this amendment.

I certainly support further study of means to utilize GRS as the vehicle for providing fiscal relief to distressed communities during economic downturns. My colleagues may recall that during consideration of the emergency jobs bill this spring I offered an amendment to accelerate $1.15 billion in general revenue sharing payments by one quarter, as a means of providing emergency fiscal relief to distressed local governments beset by increased social service demands created by the recession.

Because I believe that GRS is the best vehicle in the Federal repertoire for delivering quick assistance to distressed jurisdictions, I will offer an amendment to protect communities that experience extraordinary economic dislocation—which dramatically reduce their revenue bases—from equally dramatic reductions in their revenue sharing allocations. The amendment will have no effect on the interstate distribution of GRS funds and negligible impact on intrastate allocations. I anticipate its quick acceptance.

The remaining amendments may require greater debate. As managers of the bill, we will certainly be called upon to argue strongly against any increase in GRS payments. The President's position notwithstanding, I am sure that many of my colleagues, who like myself, are strong supporters of GRS, recognize that the current budget crisis facing this country is forcing us to make difficult choices. In the case of revenue sharing, we are being asked to increase funding for the least targeted entitlement program while at the same time we are cutting or defending level funding for means tested entitlement programs for the poorest of the poor.

Finally, there are several Senators on the other side of the aisle who question the wisdom of the contingency in the bill to make modest local formula changes if funding is increased. Mr. President, we should note at this time that these are changes that would make the GRS program more responsive to indices of fiscal need. These changes would by and large provide greater assistance to poor rural communities and our Nation's urban centers where the demand for social services and infrastructure repair is the greatest and the local revenue picture is the bleakest. Mr. President, I trust my colleagues will appreciate the irony here, and I am hopeful that as a body we can see the wisdom of these sound and responsible changes which have been supported by GAO and Treasury officials for the last 5 years. I am sure that my distinguished colleague, Senator DURENBERGER, who brought these changes to the attention of the Finance Committee will have more to say on this subject later in the debate.

In closing, Mr. President, let me say simply that we should not unnecessarily prolong the debate on this measure. We should let local government officials across the country breathe a sigh of relief knowing that they will not have to raise taxes more to makeup for delayed revenue sharing payments in fiscal year 1984.

Mr. MOYNIHAN. Mr. President, may I first congratulate the distinguished Senator from Pennsylvania, Mr. HEINZ, and the distinguished Senator from Minnesota, Mr. DURENBERGER, my colleague, on the Finance Committee, for their continued efforts on behalf of the revenue-sharing program.

I had the great honor of serving in the White House in 1969, helping to draft President Nixon's address of August 8, 1969, which called for the creation of revenue sharing. In his address, the President asked for the creation of a number of domestic programs by the Senate Finance Committee. In his message to the Nation, President Nixon said: "For a third of a century, power and responsibility have flowed toward Washington, and Washington has taken for its own the best sources of revenue.

We intend to reverse this tide."

The President said that revenue sharing would be a modest program, but eventually it would grow in size. President Nixon said: "This start on revenue sharing is a step toward what I call the New Federalism. It is a gesture of faith in America's State and local governments and in the principle of democratic self-government."

Mr. President, I would argue that we have kept that basic faith in the principle of democratic self-government. We have established a sizable program. But now we are in danger because of money allocated for this vital program has remained the same for almost a decade. There has already been a significant real decline in the revenue-sharing funding, a full 40 percent since 1976. We know this. It is not a matter of dispute.

The distinguished chairman of the committee, Mr. DOLE, has made a sound argument concerning our present budgetary situation. Yet an even stronger case would be made of many, if not most, of the 39,000 jurisdictions that receive funds. The reduction in revenues from the Federal Government in many programs are already creating significant difficulties for our fiscally strapped local governments.

This morning a telling article about the city of New York appeared in the New York Times. In the last 2 years, Federal aid to the Human Resources Administration in New York City has declined by 46 percent. The city has no way to make up for these lost funds.

I ask unanimous consent, Mr. President, that that article be printed in the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times, Sept. 21, 1983]

STUDY FAULTS CITY ON AID FOR CHILDREN

(By Sheila Rule)

A private study released yesterday shows that Federal budget cuts have seriously reduced services to children in New York City and that the city has failed to restore the money in areas where it could have.

Instead, the city chose to increase funds to such agencies as the Department of Cultural Affairs, according to the study, by the Foundation for Child Development.

"We realize the city has to make difficult choices, but we come down on the side of children," said Toni Porter, manager of the public expenditures for children project of the foundation.

"We say it is more important for the city to provide jobs for teen-agers than to provide money for major cultural institutions that could have turned to the private sector," she said.

The study, "Public Expenditures for Children, 1980-83," was based on an analysis of Federal, state and local revenue and spending data for the last four fiscal years. It said those agencies serving children most affected by reductions in Federal aid were the Human Resources Administration, the Board of Education and criminal-justice agencies.

In the first year of the Reagan Administration, the study said, the Human Resources Administration lost nearly half—$199 million—of its Federal aid and eliminated jobs for 13,000 teen-agers. The same year, the Department of Social Services lost $22 million in funds that had been used, in part, for day-care services.

In the second year of the Reagan program, the Board of Education lost $56 million in Federal funds, the report said. Last year, it said, 4,000 children left publicly financed day-care programs because of changes in Federal policies.

Criminal-justice agencies lost $4.9 million from fiscal year 1981 through 1983.

The study found the following things:

In the 1981-82 fiscal year of the city, while Federal aid to the Human Resources Administration fell 46 percent, money from

city taxes allocated to the agency were cut 35 percent.

In the same year, tax funds allocated to the Board of Education increased 10.7 percent, but the increase was less than the rate of growth of total city tax revenues. The next year, city tax revenues grew 4.9 percent, but the allocation to the board rose 3.7 percent.

In the four fiscal years, the growth in city spending for children's services fell behind the growth for all other services. By 1983, the growth rate was 25 percent less than the overall rate of 3.75 percent.

In the 1981-82 fiscal year, in which time the Human Resources Administration, Board of Education and other agencies serving children saw their allocations of tax money grow more slowly than the city average, the Department of Cultural Affairs received a 35 percent increase, amounting to an additional $10 million.

Mayor Koch was at West Point yesterday and had not seen the study, a spokesman, Larry Simonberg, said.

A spokesman for the Human Resources Administration said the agency had also not seen the study. But the spokesman, Jack Deacy, said that Federal cuts of $30 million in day-care services in the 1981-82 fiscal year were entirely made up with city money.

"But it's impossible for the city to make up all of the loss of Federal dollars," he said. "We just don't have the money."

AMENDMENT NO. 2180

(Purpose: To increase the authorization of entitlements for local governments to $5,017,000,000)

Mr. MOYNIHAN. Mr. President, I send to the desk an amendment and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New York (Mr. MOYNIHAN), for himself, Mr. INOUYE, Mr. TSONGAS, Mr. GLENN, and Mr. RANDOLPH, proposes an amendment numbered 2180.

Mr. MOYNIHAN. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The amendment is as follows:

Redesignate sections 3 through 11 of the matter proposed to be inserted as sections 4 through 12, respectively.

On page 10, between lines 2 and 3, insert the following:

AUTHORIZATION FOR ENTITLEMENTS OF LOCAL GOVERNMENTS

SEC. 3. Paragraph (2) of section 6703(b) of title 31, United States Code, is amended by striking out "$4,566,700,000" and inserting in lieu thereof "$5,017,000,000".

On page 26, beginning with line 14, strike out all through page 27, line 5, and insert in lieu thereof the following:

(c) The amendments made by this section shall apply to entitlement periods beginning after September 30, 1983.

Mr. MOYNIHAN. The purpose of this amendment simply is to give this body the opportunity to decide whether or not to authorize this program at the funding level in the budget resolution.

The budget resolution calls for a revenue-sharing program for the coming fiscal year of $5.017 billion. We are proposing $450 million less, a total of $5.567 billion. This amendment simply brings the funding for the program to the level approved in the budget resolution; which certainly has not been notorious for its generosity in these funding matters.

Mr. President, I serve on the Budget Committee, as the representative of the Democratic Party from the Finance Committee. This decision to increase revenue-sharing moneys was not made casually by the Budget Committee. It was made in due deliberative form, and we knew exactly what we were doing. We know that the real value of revenue-sharing funds has declined 40 percent since 1976. We know that, over the past 2 years, Federal aid to State and local governments has declined by 40 percent. We know that since the 1981 Reconciliation Act, U.S. county governments have sustained a 15-percent reduction in Federal spending.

While this Federal aid has been declining, we have gone through the most serious decline in economic activity since the Great Depression of the 1930's. The most recent Nobel laureate for economics in the United States, Professor Stiegler of the University of Chicago—a loyal supporter of the ladies and gentlemen on the opposite side of the aisle—in the newsroom of the White House, described the events of the economic decline of 1981-82 as a depression. When the White House press spokesman had recovered his composure, he asked him what on Earth did he mean? Professor Stiegler said: "It's very simple. I have lived through a depression and I know what one looks like when I see it."

That depression—left steel production at 29 percent of capacity for the week ending December 25, 1982, a fact no one need tell the Senator from Pennsylvania. The decline in industrial capacity utilization has contributed to a great loss in revenues for State and local governments. That is elementary and quite obvious. My proposal simply aids our institutions of government, which have been so harmed by the economic policies of the past 3 years.

If it is the determined intent of Members on the opposite side of the aisle to cut programs of the Federal Government, then it ought also to be their corresponding purpose to see that additional moneys flow to local governments through revenue sharing. Clearly, the persons who first proposed revenue sharing and the Members of this body who supported it, established the program as an institution of American federalism.

Mr. President, I do not intend to prolong the debate. I say, however, revenue sharing is a proposal concerning the fundamental nature of the American federalist system. During the 1960's we faced an elementary fact: The progressive income tax system caused the revenues of the Federal Government to grow faster than the revenues of local government. As money flowed to Washington, so did power. Thus, the minutia of Government came to the floors of the House and the Senate and we began the process of the nearly unmanageable legislative process that we now confront.

If we truly care about the principle of federalism, then we must be faithful to the principle of maintaining the real dollar value of revenue sharing.

Mr. President, I have presented the case for increasing the funding, and I now ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. MOYNIHAN. Mr. President, may I say the amendment I sent to the desk was cosponsored by Senators INOUYE, TSONGAS, GLENN, and RANDOLPH.

Mr. DOLE. Mr. President, I shall take just a minute. Maybe other Senators wish to speak on this, but I hope we can dispose of this amendment.

Again, I do not have any quarrel with the intent—obviously, I would have no quarrel, but even if we had the money to add $1.3 billion over the next 3 years to help out localities, counties, and cities, that would be all right with this Senator. But we do not have any such funds. We are being bombarded every day by responsible people in this country to face up to the deficits. They are asking us, "When is Congress going to face up to the deficit?"

Here we are about to add $1.3 billion to that deficit and we are already told the deficits are going to be between $550 billion and $600 billion over the next 3 years. This is new deficit added to the $1.4 trillion debt. This may not seem much compared to that gigantic figure, but it seems to this Senator that we have to indicate a willingness to at least make some fairly difficult choices. This is not a very difficult choice.

It is my understanding that those who rely on revenue sharing want this 3-year authorization, and that they are satisfied with the level of funding. Obviously, they would like more, but this does give some stability to the program.

The fact is that this amendment was offered in the committee—it failed in the committee by a 12-to-6 vote. I hope the amendment might be rejected. The fact that it was approved in the budget resolution does not convince this Senator of anything except the Budget Committee plays those little games. They like to put in little spending things for this and that; then

they ask us in the Finance Committee to raise taxes to pay for it.

I do not know how many people want to raise taxes $73 billion. That is what the budget resolution said. So I do not suggest we go out and adopt all the spending programs in the budget resolution then reject the taxes in the budget resolution.

It is my hope we might increase the spending restraint before this year is out and come up with some balanced revenue and spending restraint packages and bring down the deficits.

This would send exactly the wrong signal to those who are looking to Congress for fiscal responsibility. A vote for this amendment is a vote for fiscal irresponsibility.

Mr. HEINZ. Mr. President, I rise to oppose the amendment.

It is not only an amendment that the Treasury does not have the extra money to pay for, but it is ironic that we are talking about revenue sharing when all we have is deficits. Maybe we should share deficits.

But I would like to say to my good friend from New York that even if we had money to provide at this point, I would have severe reservations about providing all that money based on the existing formula.

One of the reasons that we made an effort in committee to keep the Durenberger amendment in the bill is to highlight the fact that there are many jurisdictions, and some of our biggest cities are among them—including New York, Pittsburgh, and Philadelphia—that because of the way the present formula operates do not get their fair share out of the revenue-sharing formula. The political realities are such that we are not going to be able to adjust the formulas in the bill without increasing the funding. The House is not going to accept it. The political realities are that any change that we made within the existing amount of money would be fought tooth and nail by some of the people who would not be winners.

Were the amendment of the Senator from New York agreed to without formula changes what we would be doing is spreading a thin layer of additional money evenly across 39,000 municipalities without making any improvement based on need.

As I calculate it, what it amounts to is—it will be more for some, less for others—$11,500 in round numbers for every municipality in the United States.

I know that there are some municipalities in which $11,500 will buy half a garbage collector, maybe in New York a third of a garbage collector.

I would also say that general revenue sharing, within the normally accepted term, is not a means-tested program. The Senator is a member of the Finance Committee, one of our most distinguished members. We are being asked day in and day out to cut the budget. An addition to a non-means-tested program I fear is going to put pressure on us to cut means-tested programs.

What are the means-tested programs? They are the ones that affect the truly needy. And the Senator in his opening remarks about how important revenue sharing is made mention of some very startling statistics in his State. It is exactly those poor children or poor women or jobless people that I worry about when we go about increasing funding for non-means-tested programs.

Now, Mr. President, I will make one last comment. This has to do with the budget. It is true, yes, that the budget resolution passed by the House and Senate technically leaves room for this amount of money, and one of the arguments is that because there is room for it we have to do it. It strikes me as a terrible mistake for this body to accept as a target for spending a line with a number in it in the spending part of the budget resolution. That number should be seen simply as a limitation on our spending not a target for our spending. I hope that our colleagues will understand that we are under pressure to reduce the deficit, and in the scheme of all the things that need to be done this just does not come up nearly as close to the areas of health care, the areas of working poor, the areas which are really dealing with specific human need.

I have a good record on this issue because I wanted to do something significant on the emergency jobs bill. I think most of the Senators present will remember the amendment that Senators MOYNIHAN and DURENBERGER joined me in offering to accelerate general revenue sharing payments.

Now, that would have made a difference, it would have meant $1.15 billion in extra funds when local governments needed it most. Those funds would have been spent out in 2 weeks rather than the 2 years it will take much of the funds to be spent. I would have offset that immediate funding by removing some of the late spending features of that so-called emergency bill. I would respectfully suggest that this amendment to increase funding by $450 million over a full year does not make a lot of difference. Additionally it violates a principle of the congressional budget process—difficulty with, namely, adding money into a non-means-tested program because of treating the budget number as a target rather than as a limit.

Mr. DURENBERGER addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Mr. DURENBERGER. Mr. President, I am going to take a few minutes to add a dimension to the comments that have been made by my two colleagues on this side of the aisle and obviously to compliment our colleague from New York for his long-time commitment to revenue sharing.

Several of us, at least the three of us on this side of the aisle who have been speaking on this issue, were, as the Senator from Pennsylvania pointed out, interested a few months ago in doing some of the spreading that the Senator is being accused of doing. But if you put it back in the context of the time, we stood on this floor signing letters to the President and then following the lead of our colleague from Pennsylvania with an amendment. It was to find a more practical way, which this program is, to handle the problems of the truly needy. In other words, who can make the best judgment? It is mayors and county commissioners and people down at the local level. Instead, we substituted and this gets to the budget issue—for that a jobs program in the form of a major highway tax and a construction based public works jobs program.

Then we came back a few months later and instead of spreading a little more to the hands of the folks that can give us 99 cents on the dollar, we did some more of this sort of thing.

None of us object to putting money into this program. None of us object to getting more money out to solve the problems, but the fact of the matter is that history will show us that over the last 6 to 8 months we have done a fair amount to try to put money where it is needed.

Today the Senate is going to reauthorize what has become one of the most important Federal assistance programs to local governments, and that is general revenue sharing. I do not have any question in my mind that we are going to reauthorize the program. As the Senator from Pennsylvania indicated, I introduced S. 41 back in January, and two-thirds of the Senate was on that bill as cosponsors. Today that number is three-fourths, 76 Members.

But having established that as a safety net for the program, I then turned my personal attention to trying to find ways to improve the program. I discovered that revenue sharing was in many ways the best hope for putting a real foundation under the reform for future federalism.

So in the year 1983 when all the steam had gone out of the President's version of New Federalism I started some searching for ways to put into practice the lessons that we had all learned.

Mr. MOYNIHAN. Would my friend allow me to make a correction? The new, New Federalism.

Mr. DURENBERGER. The new, new, new, New Federalism.

The result of all that—and this is again to put in perspective the Fi-

nance Committee bill—was a bill S. 700 in which I attempted to take the best of our revenue sharing and improve on it by extending the program, making needed changes in the allocation formulas. I also included in S. 700 some major tax reform measures which are unimportant to deal with presently.

Now, at the same time I introduced S. 700 with those allocation formula changes, I knew that this was not the year to make federalism reforms. But I recognized just as certainly that this was the year to begin formulating how we could make those reforms in the coming years.

So, I saw the year of reauthorizing revenue sharing as a period to explore how to use that concept of revenue sharing in the future. As a result, a lot of supporters of revenue sharing outside these Halls became very nervous, because it appeared that I was going to make some proposals that might threaten the program—in effect, by loving it to death.

I took that warning very seriously; and in my personal involvement in the issue this year, I have taken a two-track course. I tried to use the interest in the program prompted by the need to reauthorize it to keep attention on the flaws that exist in the program.

When it came to the time for the Finance Committee to mark up the bill, I thought I had a pretty good feeling for what reforms were possible in this reauthorization period. It was clear that certain incremental improvements in the program were possible without endangering the reauthorization. I was also well aware that even the most technically sound changes could produce intense opposition. As we all know, change of any sort, no matter how meritorious, creates unease among various interests.

So, as we on the Finance Committee went to markup, the President was indicating his support for the program, but at the same time insisting that the program be authorized at current funding levels. He repeatedly threatened to veto if funding were increased, and it seemed the wise course would have been to go back to S. 41, with a simple reauthorization of the program at current funding levels. But it also was apparent that there was widespread support in the House and among local officials for an increase in funding, and obviously there is that support here being articulated by the Senator from New York.

The original House bill provided $731 million in increase, an increase of about 15 percent. As the Senator pointed out, the first concurrent budget resolution provided for a 9.9 increase to approximately 5.05. So, at one end we had the House, and now our colleague from New York with an amendment to increase this funding by almost 10 percent; and, as the Senator from Pennsylvania has indicated, spreading that little increase all around proportionately over 39,000 local governments.

In a year, as has been indicated here, when we continue to pare back other Federal programs or consider raising taxes on the American people, the President threatens—and I guess I believe him on this one—a veto of revenue sharing, even though he loved the program, if a single dollar more is put into the program.

Given this situation, I asked myself where the Senate might best place itself to insure the best possible outcome both for the local governments and for the American taxpayer. It seemed to me that the best possible thing the Senate could do would be to pass 3-year extension of the program at the current funding level and fight to hold any increase in conference to some acceptable level—which, in my opinion, the Senator's amendment is not.

I then asked myself, if the Senate were to pass revenue sharing at current funding, would it not be desirable to have some kind of leverage in conference to hold the increase to some acceptable level and maybe persuade the President he should do a little better than $4.6 billion?

So, pursuing this a little further, I asked myself, if Congress were to provide for an increase in funding, should we not, at the very least, improve the targeting of the program—not the targeting as among States but the targeting within the States, so that we would try our best to eliminate those glaring and well-known inequities in the allocation formulas that I have been told about for the 5 years I have been in the Senate? I assume that those who have preceded me have been told about these things for a longer period of time.

So, I came to believe that somewhere between no increase in funding—in other words, 4.6—and a 10-percent increase in funding, which is 5.05, could be the magic figure that the President, as he did with withholding reform, would swallow very hard and sign. Where that magic number is, it separates a modest and an acceptable increase in the President's mind from one requiring a veto. Clearly, I do not know, but I suspect it might be there, without having talked to him.

So, through this process, we were led in the Finance Committee to take the approach we took in S. 1426, a simple 3-year extension at the current level of 4.6, but with the provision that if the funding level eventually emerging were to exceed 4.6, then so-called desirable modifications to the intrastate formula could be triggered.

Formula changes such as those contained now in S. 1426 have been recommended by back-to-back administrations—Democrats and Republicans. I did not author them. Others have authored them. I just sponsored them as an amendment.

So what we have before us, in effect, is a kind of two-edged sword, and this is the reason why I argue against the Senator's amendment. It is a chip we can give away if the House agrees to no increase in funding. Then it is 4.6. The Senator will be very unhappy. I do not know what my emotions will be, but I guess the President will be happy. But you give away the formula, and that will please a lot of people on this side of the aisle.

I have said from the outset that although I believe the program can be improved, I would support a simple extension, so that tells you how I would feel. So I would feel disappointed that we should be willing to trade away the formula, in my opinion, for funding at the current level.

On the other hand, if, as a matter of good conscience and as part of the conference committee, the Members on the House side believe that increasing the funding is more important than staying with this level of 4.6, which we have been at since 1972, when you all initiated this program, then the Senate position is clearly this: Let us try the best we can to move that extra money as close to need as we possibly can.

With those two sides of this problem, it seems to me that if we win, we win; and if we lose, we win—unless you do not like the formula, and there may be some who will debate whether or not we like the formula. It is not my formula. It is the formula that has been around for a long time.

What we have said on this side of the aisle about the reality of either increasing taxes to pay for this or borrowing money to pay for it is a reality. If I were to be bragging about an increase in revenue sharing, which I hope might be possible at some appropriate level, then I would like to say that we also did something to improve each of those dollars spent.

For that reason, I will oppose the amendment of the distinguished Senator from New York, while I compliment him for his commitment to general revenue sharing.

Mr. MOYNIHAN. Mr. President, I would like to express my appreciation for the good generosity of the Senator from Minnesota. His argument is clear, and his purpose is altogether admirable.

I think we simply have to make a decision by voting. All of us are torn between choices we do not entirely desire. My purpose here is that, given the sharp reductions in aid to just those communities the Senator from Minnesota speaks of, we do all we can to help them.

Mr. SASSER. Mr. President, I rise in support of the amendment presented by Senator MOYNIHAN to increase the

funding for the revenue sharing program by $450 million. This will bring the amount up to the $5.02 billion assumed in the Senate budget resolution.

Adjusting the general revenue sharing payments upward in this way will make partial amends to local governments for the effect of inflation on the program. Though the Consumer Price Index has increased by 60 percent since 1977, general revenue sharing payments have remained the same.

Yet, the fiscal condition of the local governments has been adversely affected by the recession and the decline in other forms of Federal aid. Since 1980, local governments have had cuts in categorical grant programs and entitlement programs. Estimates on the size of these reductions vary from $13 billion to $40 billion.

However, one thing is sure. Nearly three-quarters of these local governments have had to raise taxes to continue to provide the same level of services to their constituents. Half have had to reduce their work force.

A U.S. Conference of Mayors' survey shows that cities could only meet 43 percent of the demand for emergency services in 1982. City expenditures for health programs are down by 52 percent since 1981. Spending for employment programs has been reduced 68 percent. And there is a 12-percent decline in expenditures for senior citizen services.

Obviously, these local governments need a quick infusion of funds to provide them much needed relief from the current fiscal squeeze.

That is why I am voting in favor of Senator MOYNIHAN's amendment to beef up the funding for this important program.

Mr. MOYNIHAN. Mr. President, I have no desire to extend the debate. I would simply hope to vote on the amendment.

Mr. DOLE. Mr. President, I thank the Senator from New York.

There is no reason to extend the debate. I am prepared to vote.

The yeas and nays have been ordered.

I simply suggest what we are doing here is adding to the deficit, and when Senators put our next release about how bad it is, if you vote for it, be sure you put a P.S. on it to say "I voted to increase the deficit by a half billion dollars."

Mr. MOYNIHAN. Mr. President, I ask unanimous consent that the Senator from Delaware (Mr. BIDEN), the Senator from West Virginia (Mr. BYRD), and the Senator from Ohio (Mr. METZENBAUM) be included as cosponsors to my amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MOYNIHAN. Mr. President, if there is no further debate, I move the amendment.

The PRESIDING OFFICER. Is there further debate?

The Chair hears none.

The question is on agreeing to the amendment of the Senator from New York. On this question, the yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. STEVENS. I announce that the Senator from Arizona (Mr. GOLDWATER) and the Senator from Maryland (Mr. MATHIAS) are necessarily absent.

Mr. BYRD. I announce that the Senator from California (Mr. CRANSTON), the Senator from Connecticut (Mr. DODD), the Senator from South Carolina (Mr. HOLLINGS), and the Senator from Mississippi (Mr. STENNIS) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber wishing to vote?

The result was announced—yeas 30, nays 64, as follows:

[Rollcall Vote No. 260 Leg.]

YEAS—30

Biden	Huddleston	Metzenbaum
Bingaman	Inouye	Mitchell
Bradley	Johnston	Moynihan
Bumpers	Kennedy	Pell
Burdick	Lautenberg	Pryor
Byrd	Leahy	Randolph
D'Amato	Levin	Riegle
Glenn	Long	Sarbanes
Hart	Matsunaga	Sasser
Heflin	Melcher	Tsongas

NAYS—64

Abdnor	Exon	Packwood
Andrews	Ford	Percy
Armstrong	Garn	Pressler
Baker	Gorton	Proxmire
Baucus	Grassley	Quayle
Bentsen	Hatch	Roth
Boren	Hatfield	Rudman
Boschwitz	Hawkins	Simpson
Chafee	Hecht	Specter
Chiles	Heinz	Stafford
Cochran	Helms	Stevens
Cohen	Humphrey	Symms
Danforth	Jepsen	Thurmond
DeConcini	Kassebaum	Tower
Denton	Kasten	Trible
Dixon	Laxalt	Wallop
Dole	Lugar	Warner
Domenici	Mattingly	Weicker
Durenberger	McClure	Wilson
Eagleton	Murkowski	Zorinsky
East	Nickles	
Evans	Nunn	

NOT VOTING—6

Cranston	Goldwater	Mathias
Dodd	Hollings	Stennis

So Mr. MOYNIHAN's amendment (No. 2180) was rejected.

Mr. DOLE. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. MOYNIHAN. Mr. President, I ask unanimous consent that the Senator from Arkansas (Mr. PRYOR) be added as a cosponsor to the amendment just voted upon.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. DURENBERGER. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DOLE. Mr. President, I would say to my colleagues, and I know many have other plans, that the majority leader wants us to finish this bill on the early side, if we are to finish it tonight. The Senator from New Jersey has an amendment which will not take too long. The Senator from Louisiana has an amendment to strike a provision. I am notified now that the Senator from New Hampshire has an amendment and perhaps the Senator from Tennessee. I can assure my colleagues that debate will not be lengthy on this side. Most of the issues are fairly clear cut.

I am ready to proceed with the Bradley amendment.

Mr. HEFLIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. HEFLIN. Mr. President, I rise to voice my strong support for the general service sharing program.

The legislation we are considering today continues the general service sharing to our cities and towns for 3 more years. Revenue sharing has been one of the most successful Government programs ever to come out of Washington. This program has served as the Government's most effective vehicle for returning Federal tax dollars to our local communities to be used by these local units of Government to meet the needs of the people of the cities, towns, and counties.

To local citizens, the general service sharing funds mean hospital beds, ambulances, sewerplants, daycare centers, police protection, highways, housing, and bridges. Where will the local officials in our towns and cities turn to make up for this loss if we do not fully support the reauthorization of revenue sharing. Since local taxing authority is typically limited to property taxes and service fees, cities and counties need financial assistance to maintain essential services. Therefore, it goes without saying that the revenue sharing program is critical to the financial stability of our cities and counties. Revenue sharing has been particularly vital during the past 2 years when cities and counties have been facing and continue to face.

Substantial problems relating to high unemployment and general deteriorating economic conditions.

However, local units of government are still being confronted with serious fiscal problems as a result of the various cutbacks in Federal aid causing their purchasing power to diminish at an extraordinary rate.

I intend to fight side by side with our mayors, county commissioners and other local government officials to see

to it that our local citizens receive a fair return of their Federal tax dollar. I intend to see to it that these local officials have the opportunity to shore up fireservice, police protection, elderly programs, public works programs, transportation, economic development, employment, and manpower. These are the essential programs that can be maintained through the revenue sharing program. Today, with the increased responsibilities being placed on the shoulders of our local governments, reauthorization of the revenue sharing program is more important now than ever before. It will allow local officials wide discretion to respond to the various demands of their constituents.

Ever since its beginning back in the early 1970's, the revenue sharing program has served as an integral part of a long range plan to return government control to the people through their local, city, and county governments. Throughout its history, the general revenue sharing program has remained a remarkable success story. The record will show that it has the lowest administrative costs of any Federal assistance program and the funds are distributed to the local governments on a fair and equitable basis with no Federal strings attached. This is as it should be and I wholeheartedly support this principal.

While I have the floor, Mr. President, let me point out also the importance of maintaining the current intrastate revenue sharing formula. I do not think that we need to change the way the funds are distributed within each State at this time. While I am supportive of increases in the Federal revenue sharing funds, I am against the provision contained in the bill to change the distribution formula as increases occur. These proposed changes in the distribution formula would mean that most jurisdictions in most States would receive little or no increase in their revenue sharing payments, while a few large jurisdictions would receive substantial gains. Therefore, I am supportive of the proposed amendment to the revenue sharing bill authored by my dear friend and colleague the distinguished senior Senator from Louisiana, the Honorable RUSSELL LONG. Senator LONG's amendment will prohibit any changes in the way the money is distributed within the States. I urge my colleagues to join me in supporting Senator LONG's amendment when this matter is considered on the floor of the Senate.

I also urge my colleagues to join me in supporting full reauthorization of the general revenue sharing program without reductions in funding.

The PRESIDING OFFICER. The Senator from New Jersey.

AMENDMENT NO. 2181

(Purpose: To increase the authorization of entitlements for local governments to $4,791,700,000)

Mr. BRADLEY. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New Jersey (Mr. BRADLEY), for himself and Mr. MATHIAS, proposes an amendment numbered 2181.

Mr. BRADLEY. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Redesignate sections 3 through 11 of the matter proposed to be inserted as sections 4 through 12, respectively.

On page 10, between lines 2 and 3, insert the following:

AUTHORIZATION FOR ENTITLEMENTS OF LOCAL GOVERNMENTS

SEC. 3. Paragraph (2) of section 6703 (b) of title 31, United States Code, is amended by striking out "$4,566,700,000" and inserting in lieu thereof "$4,791,700,000".

On page 26, beginning with line 14, strike out all through page 27, line 5, and insert in lieu thereof the following:

(c) The amendments made by this section shall apply to entitlement periods beginning after September 30, 1983.

Mr. BRADLEY. Mr. President, I offer this amendment on behalf of Senator MATHIAS and myself.

The PRESIDING OFFICER. The Senate is not in order. The Senate will be in order.

The Senator may proceed.

Mr. BRADLEY. Mr. President, I ask unanimous consent that Senators LAUTENBERG, MOYNIHAN, GLENN, BIDEN, D'AMATO, and TSONGAS be added as cosponsors of this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BRADLEY. Mr. President, my amendment will increase funding for general revenue sharing by $225 million.

Mr. President, the bill reported by the Finance Committee freezes general revenue sharing for the next 3 years at its current funding level even though the 1984 budget resolution we recently adopted provides for a $450 million increase. We believe that a modest increase in funding for general revenue sharing is long overdue. The program has not been increased since 1977, even though the cost of living has increased by about 60 percent since then. The Finance Committee bill extends the freeze through 1986, further eroding the purchasing power of the program.

The first budget resolution for fiscal year 1984 assumes a 10-percent increase in funding for general revenue sharing. This proposal is a fiscally prudent one, since it represents less than a 5-percent increase in funding.

Mr. President, local governments are currently facing a serious fiscal crisis as a result of the recession and the cutbacks in Federal aid. Few State governments have been able to provide relief to local governments because State treasuries are in no better shape than local treasuries. An increase in general revenue sharing is the simplest and most direct way for the Federal Government to help local governments restore vital public services.

Mr. President, support for the program, indeed increased support, is more essential today than ever before. In the older cities of the Northeast and the poor areas of the South, the combined effects of deep recession, high unemployment, and cutbacks in Federal aid have intensified the service demands on fiscally strapped local governments. The fiscal plight of most local governments, and the State treasuries upon which they depend for assistance, has worsened significantly. In my home State of New Jersey, unemployment has increased by 20 percent since 1980 yet many services have been frozen at constant levels. Cities and townships cannot turn to the States for help, given the current economic climate. An upcoming report from the National Conference of State Legislators indicates that during this past legislative session:

At least 38 States were forced to cut their budgets; 11 States will be rolling deficits into their fiscal year 1984 budgets; 34 States were forced to raise taxes by an average of 18 percent; and 8 States are presently in special sessions to resolve revenue shortages.

Mr. President, revenue sharing remains one of the most popular programs because local officials increasingly rely upon Federal revenue-sharing payments to fill unanticipated budget gaps and finance the increased demand for basic services. It is one of the very few Federal programs that has not created a massive Washington bureaucracy; instead, it has targeted assistance through a decentralized network that acknowledges the priority concerns of local communities.

The partnership of Federal, State and local governments in our Federal system is vital. The general revenue sharing program enhances American federalism by recognizing the service responsibilities of local governments and the utility of decentralized administration. By providing localities with additional resources in reasonable proportion to this important task, we provide a direct benefit to all Americans.

Mr. President, if this amendment is adopted, New Jersey would receive an additional $7.1 million in revenue sharing next year. The increased aid would be targeted to cities hard hit by the recession and poor counties. East

Orange would receive an additional $600,000, a 65-percent increase. Newark would receive an additional $2 million, a 32-percent increase. Trenton would receive an additional $600,000, a 36-percent increase. Camden would receive an additional $500,000, a 34-percent increase. Jersey City would receive an additional $500,000, an 11-percent increase. And Cape May County would receive an additional $300,000, a 30-percent increase, and Atlantic County an additional $200,000, a 9-percent increase.

Mr. President, we all recognize the need to hold down the budget deficit, and for that reason we are recommending this modest increase in funding for the next 3 years; $225 million represents less than a 5-percent increase over the amount frozen since 1977—one-half the increase that is assumed in the 1984 Budget Resolution. I urge my colleagues to support the amendment.

● Mr. MATHIAS. Mr. President, I am pleased to join with my colleague from New Jersey, Senator BRADLEY, in sponsoring this amendment to provide for a modest increase in funding for general revenue sharing to local governments. It is a straightforward amendment—it raises the funding levels by $225 million annually.

The reasons for this amendment are equally straightforward, and very compelling. Funding for general revenue sharing to local governments has been frozen at $4.567 billion annually since 1977, while the cost of living has skyrocketed. The Finance Committee bill would extend this freeze through 1986. Furthermore, the Federal grant-in-aid programs have declined dramatically in this period, and, in 1980, the State share of general revenue sharing was eliminated.

Our amendment, which is supported by the U.S. Conference of Mayors, amounts to nearly a 5-percent increase in general revenue sharing; it recognizes the plight of our local governments and the need for fiscal prudence at the Federal level. Even with this increase, we are well within the budget resolution's provisions for general revenue sharing. It is not a budget buster. I would support even more money for revenue sharing, but we must at least do this much.

General revenue sharing goes a long way toward alleviating the fiscal straits many local goverments are experiencing. Public safety, education, public transportation, roads, corrections, sanitation, and public health—all essential services which benefit the entire community—have been funded with revenue sharing money. As a result, every citizen, young and old, rich and poor, has benefited. While the need for these services continues to increase, the funding for general revenue sharing has remained constant while inflation has caused its real value to be greatly reduced.

To deny that this amendment is needed is to deny the pleas of the Nation's local officials who struggle with the dollars-and-cents problem of not being able to provide services to their citizens. The accomplishments of general revenue sharing have been amply demonstrated. To make sure that this creative program can continue to work effectively and efficiently, I urge the adoption of the amendment.●

Mr. D'AMATO. Mr. President, I rise today in support of an amendment raised by my distinguished colleague from New Jersey, Senator BRADLEY. Senator BRADLEY's amendment would increase the general revenue-sharing program by $225 million annually, from $4.6 billion to $4.825 billion.

Revenue sharing is a program that has become a vital source of funding for local government. It is a masterful program that gives our towns, cities, and counties the opportunity to spend Federal dollars with no strings attached. Revenue sharing takes advantage of the strengths both of local governments and the Federal Government. The Federal Government is able to raise money well, but often spends taxpayer dollars in a profligate manner. On the other hand, local governments tend to be more thrifty, but have greater difficulty raising revenues.

Revenue sharing is a block-grant program to local governments with no strings attached. Local jurisdictions are given the opportunity to spend these funds as they see fit. In this way, cities and counties can spend funds on their unique needs.

However, general revenue sharing was last increased in 1976. Since that time, inflation has risen 50 percent. Consequently, the $4.6 billion annual appropriations established in 1976 is only $2.3 billion in real terms. Clearly, local government is in desperate need of an increase in the general revenue-sharing program.

This is particularly true given the impact of the past recession on local government. As unemployment and bankruptcies have increased, the tax base of local governments declined. The need for additional reveunes became acute. Mounting budget deficits presented the possibility of disaster for cities and towns. This made the need for an increase in revenue sharing doubly important. For this reason, I have cosponsored the Bradley amendment.

I urge my colleagues to support the Bradley amendment increasing the general revenue-sharing program by $225 million annually.

Mr. LAUTENBERG. Mr. President, I rise in support of S. 1426, the Local Government Fiscal Assistance Amendments of 1983 which would increase assistance to our Nation's cities.

The local share of revenue sharing has not been increased since 1976. In 1980, the State share was eliminated. Since States provide a critical source of revenue to local governments, this was a significant loss of funds on top of those lost to inflation for localities.

Mr. President, local governments, particularly our larger, older, urban areas have suffered greatly from the recession and have been forced to layoff employees. Critically needed programs in both human services and infrastructure improvements have had to be laid aside to cope with fiscal shortages.

The Senate has the opportunity in this legislation to address these problems. The first concurrent budget resolution assumes a 10-percent increase in revenue sharing. It is my hope that the Senate will approve an increase in this vital program as outlined in the amendment offered by Senator BRADLEY, of which I am an original cosponsor.

Revenue sharing has been a critically important program to local governments throughout New Jersey. It enjoys the support of all levels of government in my State. Revenue sharing has provided absolutely essential assistance in meeting basic service needs in cities, counties, towns, and townships across the country. I am pleased to support the extension and expansion of this program.

Mr. BRADLEY. Mr. President, in conclusion, this is simply a question of whether we intend to recognize the erosion of purchasing power at the local level and increase general revenue sharing by $225 million. I hope the Senate will see that this is a prudent and important step to take.

Mr. DOLE. Mr. President, I am just going to take a minute, because I think the arguments are pretty much the same as on the previous amendment. This means that we do not increase the deficit by quite as much; we just increase it by half as much, $675 million instead of $1.3 billion.

It seems to this Senator, and again, I say it in all seriousness, that we are faced with massive deficits. We are concerned about interest rates. We are concerned about unemployment. And here we are about to vote to add another $700 million to the deficit over the next 3 years.

We can issue all the statements we want about the deficit, but this is the time when we can demonstrate that we are willing to hold the line.

We are not cutting the program. We have a 3-year extension of this program at level funding of $4.6 billion a year. That is a billion dollars a year. I find that most counties and cities are satisfied with level funding. Obviously, they would take more, but in the interest of trying to do something about the deficit and the fiscal responsibility

that we talk about on the Senate floor and in our public speeches around the country, this amendment should be defeated. When we balance the budget or start balancing the budget and interest rates start coming down, then, perhaps, at that time, we can address whether or not revenue sharing should be increased.

As an original sponsor of revenue sharing 10 to 15 years ago and a solid supporter of the program, I believe I speak for most people, most mayors, and county officials, when I say what they want is to see the program extended. They want some stability in the program, a 3-year extension.

Oh, yes, they will take more money. Who would not? But we do not have any money.

Though I do not quarrel with the intent of the amendment, I just do not think we can afford it. I hope the amendment might be rejected.

Mr. BRADLEY. Mr. President, I ask unanimous consent that Senator BYRD be added as a cosponsor of this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BRADLEY. Mr. President, I am prepared to vote.

Mr. HEINZ. Mr. President, I think the arguments against this amendment are much the same as we offered against the Moynihan amendment. It is not that GRS is an evil or bad program. This is not a means-tested program, frankly. There are many programs that do affect the needy. It is my view that we ought to be concentrating our resources, if we are going to be adding any money to bills, to programs that help the truly needy.

We all have mayors, we all have township people who would like a little more money. It comes out roughly, in this case, to a little less than $5,800 per municipality.

I hope that we reject this amendment, not because it is not wellmeaning, but because, we must reduce the deficit rather than add to it.

Second, I hate to think that just because there is some room under the budget resolution, we are going to take that as a license simply to spend more than money. I said a moment ago and I meant it: I hope the budget resolution and the numbers it contains will be seen as limits as far as spending is concerned; they should not be targets for us to try to reach or exceed.

Mr. BRADLEY. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. Is there further discussion?

If there is no further discussion, the question is on agreeing to the amendment of the Senator from New Jersey. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. STEVENS, I announce that the Senator from Arizona (Mr. GOLDWATER) and the Senator from Maryland (Mr. MATHIAS) are necessarily absent.

Mr. BYRD. I announce that the Senator from California (Mr. CRANSTON), the Senator from Connecticut (Mr. DODD), the Senator from South Carolina (Mr. HOLLINGS) and the Senator from Mississippi (Mr. STENNIS) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber wishing to vote?

The result was announced—yeas 36, nays 58, as follows:

[Rollcall Vote No. 261 Leg.]

YEAS—36

Biden	Hart	Melcher
Bingaman	Hawkins	Metzenbaum
Bradley	Heflin	Mitchell
Bumpers	Huddleston	Moynihan
Burdick	Inouye	Pell
Byrd	Johnston	Pryor
Cohen	Kennedy	Randolph
D'Amato	Lautenberg	Riegle
Dixon	Leahy	Sarbanes
Eagleton	Levin	Sasser
Ford	Long	Tsongas
Glenn	Matsunaga	Weicker

NAYS—58

Abdnor	Garn	Percy
Andrews	Gorton	Pressler
Armstrong	Grassley	Proxmire
Baker	Hatch	Quayle
Baucus	Hatfield	Roth
Bentsen	Hecht	Rudman
Boren	Heinz	Simpson
Boschwitz	Helms	Specter
Chafee	Humphrey	Stafford
Chiles	Jepsen	Stevens
Cochran	Kassebaum	Symms
Danforth	Kasten	Thurmond
DeConcini	Laxalt	Tower
Denton	Lugar	Trible
Dole	Mattingly	Wallop
Domenici	McClure	Warner
Durenberger	Murkowski	Wilson
East	Nickles	Zorinsky
Evans	Nunn	
Exon	Packwood	

NOT VOTING—6

Cranston	Goldwater	Mathias
Dodd	Hollings	Stennis

So the amendment (No. 2181) was rejected.

Mr. DOLE. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. HEINZ. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DOLE. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order.

Mr. DOLE. The Senator from Louisiana wants to be heard.

The PRESIDING OFFICER. The Chair recognizes the Senator from Louisiana.

AMENDMENT NO. 2182

Purpose: To eliminate the alternative allocation of revenue sharing funds to local governments.

Mr. LONG. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Louisiana (Mr. LONG) proposes an amendment numbered 2182:

On page 13, beginning with line 1, strike out all through page 27, line 5.

On page 27, line 9, strike out "SEC. 11" and insert in lieu thereof "SEC. 10".

Mr. LONG. Mr. President, I ask unanimous consent that the names of the following Senators be added as cosponsors of the amendment: Mr. JOHNSTON, Mr. BURDICK, Mr. HATFIELD, Mr. BINGAMAN, Mr. RANDOLPH, and Mr. D'AMATO.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LONG. Mr. President, the revenue sharing extension bill reported by the Committee on Finance includes an amendment to change the way those funds are distributed among local governments. This formula change is unnecessary, undesirable, and unwanted by those affected. I am offering an amendment to delete that formula change.

Even though the Finance Committee did not approve an increase in funding for this program, it included in the bill a formula change which will apply to any additional funds which might be added later in the consideration of this bill or in some future year. The impact of this formula change is very substantial. It means that most cities and towns and counties in this country will get less than their full share of whatever increase may take place.

At the time the Finance Committee acted on this bill, detailed information about its impact was not available. Since then, the Treasury Department has provided statistics showing what the result would be under different possible funding increases.

One set of statistics assumes that Congress will provide a $450 million increase in the program. This is what the House bill provides and what is assumed in the budget resolution. With a $450 million increase, well over two-thirds of all local governments are losers under the Finance Committee formula. That is to say, they get a smaller share of the $450 million than they would without that change in formula. The amount each government loses under the Finance Committee formula varies from place to place. But in many instances the loss is substantial. For 43 percent of all jurisdictions, the loss is total. They get no share whatever out of a $450 million increase.

If Congress approves an increase which is less than $450 million, the adverse impact of the Finance Committee formula change becomes even worse. Under a $225 million increase, an absolute majority of all local governments in the country will get no share whatever in the $225 million. For many of the remaining jurisdictions, the increase will be so small as to be insignificant. Altoona, Pa., for example, now gets $1.3 million in revenue-sharing funds. The Finance Committee formula with a $225 million increase will give that city the magnificent increase of $914 or one-tenth of 1 percent. For smaller jurisdictions, some of the "increases" under the Finance Committee formula are even smaller. There are numerous increases of amounts like $1, $5, or $10 per year.

The Finance Committee's report on this bill gives the following brief explanation of the reasons for the proposed formula change:

> In reviewing the formulas for allocating funds under present law, the committee determined that by and large the formulas have worked well in distributing the funds currently authorized. However, the committee also believes that any additional funds that may be authorized for revenue sharing should be applied to making certain adjustments in the formula that can result in a more equitable distribution of the funds, while protecting all recipient governments from any reduction in their allocation as a result of the formula changes.

From this statement one might conclude that the committee had carefully examined this issue. In fact, that is not the case. The hearings held by the subcommittee of jurisdiction concentrated on the need for extending the program and increasing its funding. The witnesses primarily represented the local governments who are affected by the program. None of those witnesses requested or endorsed these formula changes.

At the hearings, the National Association of Towns and Townships stated:

> We do not see a need to make any changes in the current GRS (general revenue sharing) formula. Historically, the Congress has discussed changing the formula but has concluded that the difficulty of designing a formula for 40,000 local governments makes it impossible to predict what the impact of a formula change will be. While the current formula is not perfect, in our view it is satisfactory.

The representative of the National League of Cities made this statement:

> Overall, while any formula might be changed in some respect, the current GRS formula is widely considered to be fair and effective. We do not believe it ought to be changed without major and convincing reasons.

Since the National League of Cities now opposes the formula change in the Finance Committee bill, it is clear that the "major and convincing reasons" have not been found.

When the committee approved the formula change, it did not have any detailed listing showing how individual jurisdictions would be affected. After the committee acted, those computer runs were made available. What did they show? They showed that some of the poorest jurisdictions in the country were hurt by the formula change. It is my understanding that an amendment will be offered to restore funds to some of these jurisdictions, but even with that modification, the Finance Committee formula creates numerous results which seem inequitable on their face. In almost every State there are affluent jurisdictions which get increases well above the average while some of the poorer jurisdictions get little or no share in the new funds.

In the State of California, for example, Beverly Hills would do quite well under the new formula. It would get a 16-percent increase, if the Nation as a whole gets a 10-percent increase. That is pretty good for a city where the per capita income is $24,000, almost three times the average per capita income in California. Another city in that State is Delano. The per capita income there is under $5,000. It is 41 percent below the State average. Delano gets no increase under the Finance Committee formula. In effect the committee bill shifts funds from Delano to Beverly Hills and calls it "better targeting." I think this kind of result could be more aptly called "missing the mark."

The example I just cited is not an isolated one. In Alabama, Vestavia Hills with a $13,000 per capita income is a winner. Barbour County with a $4,500 per capita income is a loser. In Maryland, Rockville with a per capita income over $10,000 is a winner. Salisbury with a per capita income below $7,000—17 percent under the State average—is a loser. And so it goes, State after State.

The formula for distributing revenue sharing funds is a complex one. The committee bill would change virtually every element of that formula. It may be that some of the changes can be theoretically justified. But the proof of the pudding is in the eating. When the Finance Committee acted it knew only the ingredients. Now that we can taste the pudding, it is not very attractive. The committee report was correct in stating that the existing formula has for the most part worked quite well. We should not modify it without carefully examining the results of each proposed modification and assuring ourselves that the new formula is truly more desirable than the old. I do not think a formula can pass that test when it deprives a large majority of the jurisdictions in this country of a fair share of any new funds.

Even apart from the merits of the particular formula change proposed by the Finance Committee, this is not the time to be making any change in a formula which the committee and the affected jurisdictions both find to have worked reasonably well. It has been 7 years since revenue sharing funds were last increased. These have been 7 years of high inflation. In addition, Federal legislation in the past few years has reduced Federal spending in a number of areas, leaving State and local governments to pick up the slack.

If Congress were now considering a massive increase in revenue-sharing payments, it might be appropriate to consider formula changes. That is clearly not the case. At the most, we are dealing with a less than 10-percent increase as approved by the House. The administration and the Finance Committee have each recommended no increase. The ultimate legislation may or may not include an increase, but if there is one it will evidently be modest.

If we can only afford a small increase in this program, we should at least be reasonably evenhanded about how it is distributed. Otherwise we should not pretend that this is an increase in the revenue-sharing program. With the Finance Committee formula, what we really would be doing is creating a new additional program which distributes funds selectively to only a few jurisdictions, rather than increasing the existing generalized program. If that is what Congress wants to do, it should do it in other legislation so not to mislead the mayors and county councils of this country.

I urge the Senate to adopt my amendment striking the Finance Committee formula change from the bill.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD a letter from the National League of Cities and the National Association of Counties in support of my amendment.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

AUGUST 2, 1983.

Hon. RUSSELL B. LONG,
U.S. Senate, Russell Senate Office Building, Washington, D.C.

DEAR SENATOR LONG: As Senate floor action on S. 1426, the bill to reauthorize the general revenue sharing program, approaches, the National Association of Counties and the National League of Cities wish to make you aware of our position with regard to amendments pertaining to formula changes that may be offered on the floor. We support retention of the revenue sharing formula in current law, and oppose any alterations. We support your amendment to strike the formula changes proposed by S. 1426. We take this position for several reasons:

First, we believe that if there is an increase in the level of funding for the program, all local governments should share proportionately in that increase. Virtually all local governments are experiencing some

degree of fiscal stress as a result of the recession and cutbacks in federal aid. They rely heavily on general revenue sharing to assist them in dealing with revenue shortfalls. Funding for the program has not been increased since 1976. During that period, NACo and NLC estimate that fifty percent of the buying power of revenue sharing dollars has been eroded by inflation. All local governments need some increase in their revenue sharing allociations to at least partially offset the effects of inflation and aid them in resolving their fiscal problems.

Second, most formula change proposals, even those with "hold harmless" provisions, would effectively disadvantage certain types of jurisdictions relative to other types in terms of the overall percentage increase received. We believe that the immediate and long-term impacts of such non-proportional distribution of an increase in funding should be studied in depth before implementing the formula changes.

Third, no formula is perfect and any type of formula change is bound to result in some anomalous allocations. Under the formula changes contained in S. 1426, for example, some of the neediest jurisdictions in certain states would receive no additional revenue sharing funds, even if the funding level for the program were increased by $450 million. Such anomalous distributions also indicate the need for extensive study and deliberation prior to the implementation of formula changes.

Finally, any change in the existing distribution formula—no matter how carefully drafted—creates delay and uncertainty with regard to re-enactment of the program. Any formula change risks opening the entire issue in conference, including interstate changes. With a majority of local governments already into their new fiscal year, any such changes could create disruptions to previously approved local budgets by sharply reducing current allocations.

To summarize, the National Association of Counties and the National League of Cities oppose changes to the current general revenue sharing formula on grounds of the general need of local governments for an increase in general revenue sharing funding and the danger of implementing formula changes without careful study and analysis of impacts.

We appreciate and are grateful for your support.

Sincerely yours,

CHARLES ROYER,
President,
National League of Cities.
SANDRA R. SMOLEY,
President,
National Association of Counties.

Mr. DURENBERGER. Mr. President, I am not the author of these formula changes, only their sponsor. The authors are men and women in and out of Government who have worked with and studied the GRS formulas over the last 10 years. These are carefully balanced changes. They have been long recommended by a broad spectrum of those knowledgable in the details of the revenue sharing program. Prior to this year, GAO, Treasury, several past administrations, the Conference of Mayors and the National league of Cities all supported modifications of the type contained in S. 1426.

Today, GAO and the Conference of Mayors continue to support the changes actively. And, the administration is on record before the Finance Committee as endorsing the concept of the modifications and saying that although it strongly opposes any increase in funding—and hence cannot realistically actively work to promote formula changes—the formula modifications contained in S. 1426 are sound and would make a modest increase in funding more acceptable. NLC has now suddenly reversed its longstanding position in favor of formula modifications and now supports only a large increase in funding.

The League does not now contend that these changes are unsound; rather it takes the position that since revenue sharing has not been increased since the beginning, all local governments, no matter how well off, should benefit proportionately from any increase in funding.

We all know how the $4.66 billion is divided among States: Two formulas are used (a 3-factor and 5-factor formula) and States receive their allocation under the formula that gives them the larger amount. This bill does not propose to change that allocation. It is not a perfect system, as I have said in th past, but its probably the best we can hope for at this time. But once the GRS dollars get to the States, there are equity problems we have been asked for several years—problems that leave many local governments holding the short end of the stick.

Now, there are two ways to help those with the short end of the stick: First, lengthen the stick for everyone or second, improve the length at the short end only without taking it off the long end. NACO, NLC, the House, and Senator LONG prefer the former. But we do not have the money to lengthen the long end of the stick! The days of spreading the goodies everywhere without regard to need are over.

Mr President, the essential logic of the intrastate revenue sharing formula is sound; it provides generally for a good match between payments and local fiscal responsibilities. It is designed to direct higher-than-average per capita payments to jurisdictions that have extensive service responsibilities, and whose citizens have lower-than-average incomes and bear substantial tax burdens.

The formula does, however, suffer from a number of well-understood defects. The net results of these defects are to constrain payments to the Nation's most fiscally-stressed jurisdictions, to provide some jurisdictions payments well out of proportion to their fiscal responsibilities, and to allow gross inequities among the payments to jurisdictions in similar circumstances. Specifically:

The current 145 percent constraint on the maximum per capita grant limits funding to the Nation's most fiscally stressed jurisdictions—a small number of larger city governments and hundreds of very poor rural communities. The effects of the maximum constraint are well illustrated in the case of our most hard-pressed cities, such as New York, Philadelphia, Baltimore, and St. Louis. Each have their allocations depressed below the level allocated to them by the formula without the per capita maximum constraint. For example, in the most recent entitlement period, New York City received $272 million. If the maximum constraint were raised to 175 percent, New York City would have received $301 million, an increase of slightly more than 10 percent. Detroit is another case in point. The formula initially responds to the fiscal problems of Detroit by granting a total allocation of well over $50 million. However, this allocation is reduced 36 percent because of the maximum grant limitation. And large cities are not the only jurisdictions that suffer reduced allocations under this artificial cap. Consider what happens simply by raising the cap from 145 to 160 percent:

Otis, Maine (population 307) realizes a 20-percent increase (from $36.35 to $42.87 per capita);

The village of Cuba, N. Mex. (population 609) realizes a 17-percent increase (from $40.88 to $47.80 per capita);

The town of Oak Grove, La. (population 2,214), gets an increase of 21 percent (from $32.21 to $38.89 per capita).

The 20 percent constraint on the minimum per capita grant provides payments to several thousand limited-service jurisdictions that are well out of proportion to their fiscal responsibilities at the expense of other jurisdictions that are the primary providers of essential local services. In 1979, for example, GAO found that 8,635 governments had their payments artificially propped up by this minimum constraint. It found that most of these jurisdictions were very limited service governments and, on average, had their allocations inflated by 40 to 60 percent at the expense of full service local governments in the same State. An example of this type of grotesque distortion is well illustrated in the case of Grosse Pointe Township in Michigan. The annual income of a family of four in Grosse Pointe is over $100,000, about 4 times that of a similar Detroit family, and their tax burden is about ⅓ of that same Detroit family. Initially, the intrastate formula provides Grosse Pointe a fairly modest allocation. But because of the minimum payment provision, their allocation is increased a whopping 88 percent.

The geographic tiering of the formula—the allocation among county areas

and then among types of governments within each county according to tax collections—results in some instances of gross inequity. Jurisdictions with the same formula factors, often in the same county, are allocated significantly different payments. The jurisdictions disadvantaged by tiering tend to have lower-than-average incomes and higher-than-average tax efforts, although some well-to-do jurisdictions are also disadvantaged. This is due to the fact that tiering makes it possible for the same types of governments, identical in every respect except that they are in different counties, to receive widely different revenue sharing payments. The inequities caused by the formula's tiering occur in all States. GAO found that the differences in per capita payments of cities with identical formula factors ranged from a low of $2.52 in Rhode Island to $45.61 in Alaska.

While the mathematics of tiering are complicated, the problem is easy to understand:

The revenue sharing formula was designed to provide smaller per capita payments to jurisdictions with higher incomes and lower tax efforts.

In Mongomery County, Pa., for example, there are two jurisdictions, Hatborough and Lower Salford. Lower Salford's income is 7.7 percent higher than Hatborough's and its tax effort is 9.7 percent lower. One would expect Lower Salford's per capita payment to be somewhat lower than Hatborough's given the logic of the intrastate formula.

But the reverse is true—Lower Salford's per capita payment is $12.02, while Hatborough's is $6.51.

Why? Simply because the Census Bureau classifies Hatborough as a type 2 or municipal government and Lower Salford as a type 3 or township, despite the fact that their fiscal responsibilities are virtually the same. In Mongomery County, municipal governments (including Hatborough) have substantially lower per capita incomes than townships. Thus Hatborough and other municipalities are significantly disadvantaged by tiering, because the amount of funds allocated to them fails to take into account their lower income.

In New Jersey, many so-called type 2 municipal governments have come to recognize the arbitrariness of the tiering process and by simply changing their classification from municipality to township have increased their revenue sharing payments by 90 to 110 percent.

The budget constraint, a provision that limits payments to 50 percent of the total of a jurisdiction's adjusted taxes and transfers, was intended to limit dependency on revenue sharing. However, the rule affects jurisdictions only in a few States and allows revenue sharing to erode local fiscal responsibility and to maintain essentially moribund governmental units. The combined effects of a high minimum payment and a budget constraint that does not constrain are disturbing to say the least. Consider some examples:

The town of Randolph, Wis. is in the unique position of receiving $138 in revenue sharing for every dollar in taxes it raises on its own. And there are literally hundreds of similar examples of this throughout the Midwest.

The city of Downsville, La., with income 88 percent higher than the statewide average and tax effort 81 percent lower than the average for similar jurisdictions receives a revenue sharing payment that equals 67 percent of all the taxes it raises on its own.

The city of Post Oak Bend, Tex., with income 90 percent higher than the statewide average and tax effort that is 96 percent lower than the average for similar jurisdictions receives a revenue sharing payment equal to 40 percent of its local taxes.

When one realizes that nationwide, revenue sharing payments comprise only about 8 percent of nonschool taxes, we must conclude that the existing high minimum payment combined with a budget constraint that does not constrain leads to significant erosion of fiscal responsibility and lack of accountability on the part of substantial numbers of limited-service local governments.

The formula modifications contained in S. 1426 address these problems in a carefully designed package. The Finance Committee's changes will permit the formula freer reign in targeting GRS dollars in an equitable and effective manner. At the same time, the bill contains a 100 percent hold-harmless provision, guaranteeing that no local government will have its payment reduced due to the formula modifications. The formula modifications will have absolutely no effect on the interstate distribution of funds. If Congress were to authorize a percentage increase in funding above current levels, every State would enjoy that same percentage increase in its GRS payment.

Finally, I would stress that this is a carefully balanced set of formula modifications and adoption of only part of the set could yield less than desirable results. For example, GAO found that if detiering were to be eliminated from the package, formula inequities would actually increase compared to current formula inequities in 26 or 27 States. By comparison, GAO found that with a package similar to that contained in S. 1426, all formula inequities would be eliminated in 49 States. The single State where formula inequities would remain under a package similar to that in S. 1426 is Louisiana—which may account for why the good Senator from Louisiana is puzzled when he looks at the printouts. And the reason formula inequities remain in Louisiana is the result of the revenue sharing act's special treatment of Louisiana sheriffs. So, if the Senator from Louisiana is really concerned about equity for his Louisiana local governments, perhaps he should look to this pecularity in the formula. I hasten to add, I am not suggesting this.

I urge my colleagues to vote against this amendment. I could stand here all day and make technical arguments in favor of these modifications. But the real issue can be summed up fairly easily. It is politically easy to vote an increase in funding for a program that serves over 39,000 units of local government. The question is, do we have the courage to demand in exchange for such an increase during times of enormous Federal deficits and sacrifice by individual recipients of Federal assistance, that the targeting of these scarce Federal dollars be improved? If we cannot do the politically difficult thing with revenue sharing, how on Earth will we muster the will to bring other entitlements under control and improve them? In the larger scheme of things, these changes are, frankly, pretty minor—indeed, I have taken considerable heat from some of my colleagues for making such a big deal out of them, especially when powerful local interest groups are opposing them. But, as a symbol of where this Congress is going on getting a handle on entitlements, this is a critical test. If we fail to overcome the pressure of special interests in this case, I dread to think how we will measure up when it comes time to make the big decisions.

Regarding the public interest groups, I would just like to make a couple of points. As chairman of the Subcommittee on International Relations, I have developed the greatest respect for the public interest groups. The knowledge and expertise they bring to bear on matters of intergovernmental relations is indispensible. They serve as both watchdog of the system and advocates for good public policy. In many respects, the public interest groups are what make cooperative federalism work as effectively as it does in the American system. So, when they speak, I listen with respect.

But, we must never forget that, as valuable as these groups are, they remain interest groups, committed to furthering the interests of their particular members. So, sometimes I find myself in the position of opposing the narrow interests they represent in order to pursue the broader national interest. This is the case today. The National Association of Counties and the National League of Cities are both opposing the formula provisions of S. 1426 for very parochial reasons. For example, in a letter to Senators oppos-

ing the formula modifications, NACO states its objections as follows:

A $450 million or 9.9 percent increase in the program, as assumed in the First Concurrent Budget Resolution, would result in counties receiving an average increase of only 7.2 percent, while cities would receive an average increase of 12.9 percent.

Now, as representatives of the counties' parochial self-interest, it is understandable why NACO would complain that an increase of over 7 percent is not enough. But as Members of Congress, representing all of the American people, we must recognize that improving the formula along the lines suggested in S. 1426 results in counties gaining slightly less than cities, because taken as a group, counties currently receive a disproportionately large share of revenue sharing funds under the present formula.

I greatly respect to the NACO plays as the protector of the interest of their members. But I must state frankly that in this instance, these interests diverge from the greater national interest—to use scarce Federal assistance dollars equitably and efficiently. I know the temptation will be great for many of my colleagues simply to follow the cue of these two important public interest groups on this vote. I urge my fellow Senators to resist this temptation.

Mr. D'AMATO. Mr. President, I join in cosponsoring the amendment of the distinguished senior Senator from Louisiana, because formula changes adopted in committee would create a terrible inequity with respect to the distribution of any increase in the revenue-sharing program.

I point out what would take place in New York State under the formula change. There may be a $225 million annual increase, and we have reason to believe there will be some increase because the House of Representatives has provided a $450 million increase, so if some compromise is reached between the Senate and the House of Representatives, let us use $225 million.

The Treasury Department estimates that New York State would receive an additional $22 million of which $20 million, as a result of this new formula, would go to one city, New York City.

Certainly, no one can accuse me of not having fought for this city. But that leaves only $2 million for the other municipalities and counties in the State.

If I might just share with the Senate, there are 1,608 jurisdictions in the State of New York that are recipients of revenue-sharing moneys. Fourteen hundred of these would receive absolutely no increase.

Mr. President, on a national level, there are 22,000 jurisdictions that, by way of the formula change, would not result in an increase in revenue sharing under the formula change; 17,000 of the 39,000 would receive the whole increase. The distribution is so disproportionate. Pointing again to my State where New York City would get 90 percent of those funds and the remainder of the jurisdictions would receive not 1 penny's increase.

I think these figures highlight why successful passage of this amendment is absolutely critical to our cities, villages, and counties throughout the Nation. The formula change reported out of committee is unfair to those jurisdictions that would not receive an increase. We need to establish more equity in our policymaking. I urge my colleagues to support Senator LONG's amendment.

Mr. PRESSLER. Mr. President, I rise in support of the Long amendment and ask that my name be added as a cosponsor.

Quite frankly, I am greatly disturbed by this effort to change the distribution formula for the general revenue-sharing program. While its supporters argue that no community will lose funds under the formula change contained in S. 1426, the fact is that my home State of South Dakota and many other States will be denied a fair share of any funds over $4.6 billion that may be authorized.

There is a move among some Members of Congress to completely change the current formula. Many of these efforts center around the RTS (representative tax system).

The RTS measures a State's fiscal capacity by computing the amount of revenue the State would raise if it applied national average tax rates to each of its tax bases. This formula, when used in revenue sharing and other programs, would redirect Federal assistance from South Dakota and other agricultural States to industrialized States of the Northeast and Midwest.

The Advisory Commission on Intergovernmental Relations (ACIR) estimates that RTS could be used to change the formula in as many as 27 Federal grant programs. These include vocational education, aid to families with dependent children, school lunch, water resources planning, and urban development action grants.

Will this change be limited to the revenue-sharing program? I think not. I believe that it is just the opening wedge in a major effort to completely revamp the way the Federal Government distributes revenue.

South Dakota is not a rich State. In fact, if you were to look at a list of the Nation's lowest-income counties, you would find many South Dakota counties on that list. Yet despite the very hard economic conditions that exist in parts of my State, under the RTS system, South Dakota would lose funds.

South Dakota currently receives $15.8 million in revenue-sharing funds. With the use of the RTS system, South Dakota would receive only $12.9 million, a reduction of 18.1 percent. In another program of particular importance to my State, vocational education, the numbers are also discouraging. South Dakota currently receives $2.5 million under this program; with RTS, that figure would fall to $2.4 million, a loss of 6.6 percent.

I know that supporters of the language in S. 1426 will say that RTS is not being used to revamp the program at this time. But I would argue that the first effort to change this formula will not be the last.

The RTS is a reward of sorts—a reward to States that practice high taxation politics. Some States, like my own, prefer to keep the budget in control by limiting the spending side. It is a lesson the Federal Government could afford to learn. However, under RTS, South Dakota would be penalized by that fact and States that believe in high taxes and high spending will get more money from the Federal Government.

I urge my colleagues who believe in encouraging fiscal restraint at all levels of Government to support the Long amendment. This first step is of greatest importance.

At this point in the RECORD, I ask unanimous consent to insert a chart showing the effect on each State of using RTS in the revenue-sharing and vocational education programs.

There being no objection, the tables were ordered to be printed in the RECORD, as follows:

COMPARISON OF FISCAL YEAR 1983 GENERAL REVENUE SHARING ALLOCATIONS—CURRENT AND WITH OPTION OF RTS

[In millions of dollars]

State names	Current allocation	Option (RTS) allocation
Alaska	36.962	16.819
New Mexico	36.750	18.231
Wyoming	11.642	5.902
North Dakota	13.924	8.170
Montana	18.708	11.823
Louisiana	93.439	59.671
Oklahoma	50.333	45.409
West Virginia	41.106	33.129
South Dakota	15.788	12.938
Arkansas	46.025	38.317
Texas	248.584	206.984
Utah	34.578	29.265
Iowa	54.385	47.893
Nevada	13.852	12.337
Idaho	18.556	16.738
Mississippi	63.603	57.414
Kansas	39.283	36.190
Kentucky	76.395	70.525
Vermont	12.697	11.763
New Hampshire	14.086	13.194
Nebraska	28.493	26.797
Colorado	51.802	49.834
Delaware	13.413	12.927
Florida	164.116	158.430
California	510.877	498.133
Hawaii	22.479	22.103
Maine	28.204	27.809
Oregon	54.325	53.596
Minnesota	84.533	83.457
Missouri	78.730	77.930
Illinois	215.044	215.668
Virginia	98.513	98.854
Ohio	172.829	173.798

COMPARISON OF FISCAL YEAR 1983 GENERAL REVENUE SHARING ALLOCATIONS—CURRENT AND WITH OPTION OF RTS—Continued

[In millions of dollars]

State names	Current allocation	Option (RTS) allocation
New Jersey	144.289	145.495
Massachusetts	137.074	138.475
Connecticut	54.095	54.729
South Carolina	69.301	70.429
North Carolina	120.655	123.101
Maryland	87.724	89.914
District of Columbia	18.394	18.896
Georgia	110.993	115.689
Arizona	55.051	57.429
Tennessee	85.690	89.496
Indiana	85.383	90.958
Washington	66.896	71.678
Alabama	79.068	85.209
Michigan	175.316	189.647
Wisconsin	97.359	107.351
Pennsylvania	221.313	246.252
New York	464.469	593.581
Rhode Island	19.573	26.321
Total	4,566.700	4,566.700

COMPARISON OF FISCAL YEAR 1983 VOCATIONAL EDUCATION ALLOCATIONS—CURRENT AND WITH OPTION OF RTS

State names	Current allocation	Option (RTS)
New Mexico	$4,907,894	$3,758,918
Louisiana	15,081,088	11,948,135
Oklahoma	9,509,422	7,618,734
Texas	44,126,222	35,782,092
West Virginia	6,816,617	5,869,796
Montana	2,692,387	2,340,960
Iowa	8,959,360	8,262,078
South Dakota	2,521,112	2,355,743
Utah	5,435,162	5,088,517
Oregon	7,817,671	7,320,847
Colorado	8,583,483	8,038,196
Kansas	6,876,780	6,449,580
Kentucky	13,602,387	12,790,189
Nevada	2,121,770	1,998,654
Idaho	3,254,659	3,074,709
Florida	28,465,743	27,176,113
Wyoming	1,274,985	1,224,783
Delaware	1,816,509	1,751,918
Vermont	1,916,904	1,860,686
California	62,176,908	60,490,249
Arkansas	8,147,193	7,977,501
New Hampshire	2,977,595	2,918,056
Missouri	16,006,755	15,696,502
Mississippi	9,613,232	9,447,121
Nebraska	4,901,989	4,820,266
Alabama	14,454,792	14,276,402
North Dakota	2,240,716	2,216,295
Indiana	18,060,626	17,873,035
Tennessee	16,717,607	16,560,609
Minnesota	12,530,047	12,422,621
South Carolina	12,178,592	12,120,054
Maine	4,077,391	4,075,345
American Samoa	200,000	200,000
District of Columbia	1,726,882	1,726,882
Marianas	200,000	200,000
Alaska	1,060,111	1,060,112
Arizona	8,904,440	8,907,988
Hawaii	2,825,954	2,838,713
Guam	415,971	418,807
Puerto Rico	12,113,789	12,217,320
North Carolina	21,814,477	22,026,182
Virgin Islands	352,307	355,856
Trust territory	424,321	428,601
Ohio	33,133,714	33,480,412
Illinois	31,057,598	31,737,583
Wisconsin	15,204,625	15,618,460
Georgia	19,670,027	20,291,409
Michigan	27,779,998	29,046,528
Virginia	17,100,623	17,892,468
Pennsylvania	35,918,538	37,701,986
Washington	11,456,185	12,185,060
Massachusetts	16,991,420	18,897,714
Rhode Island	3,039,924	3,411,250
New Jersey	18,630,758	20,945,526
Maryland	12,021,563	13,527,261
Connecticut	7,521,468	8,596,487
New York	48,051,607	58,162,590
Total	707,479,898	707,479,898

Mr. BENTSEN. Mr. President, I join my colleagues from Louisiana in support of the pending motion to strike the set of intrastate funding allocation amendments adopted by the Finance Committee. I have three basic concerns over enactment of these provisions. First, I am vigorously opposed to jeopardizing reauthorization of the general revenue sharing program. Mayors and county administrators from all across my State of Texas have indicated their dismay that reauthorizing a program on which they depend for vital community services could be threatened by Senate passage of these highly controversial provisions. The National League of Cities, the National Association of Counties, and others have expressed their disagreement with the use of the pending bill as a vehicle for formula revisions, and in my judgment their concerns are well founded.

Second, I am not yet convinced that the current formulas—admittedly a compromise achieved after lengthy deliberation and requiring compromise by all parties—should be jettisoned. When approximately 70 percent of all jurisdictions participating in this program stand to receive less funding than under the current formula, it would seem prudent to insist on irrefutable evidence that such changes are justified.

The Finance Committee has not held hearings on these provisions, nor were the members of the committee privy to information about the effect of the amendments until after they voted to include the amendments in the committee bill. In my own State of Texas, a postmarkup computer run revealed severe penalties on communities along the State's southern border. Starr County, for instance, with a population of more than 27,000, a 50-percent rate of unemployment, and an average per capita income of $2,668 would receive no additional funds were the revenue-sharing program appropriation to be increased. Cameron and Hidalgo Counties, where the annual per capita income barely exceeds $4,000, would be barred from an increase in GRS funding, while Beverly Hills, Calif., with an average per capita income of $24,000, would reap a windfall of 16 percent; Stamford, Conn., where annual incomes average nearly $11,000, would gain 43 percent more GRS funding; West Grosse Point, Mich., with a per capita annual income average of nearly $14,000, would experience a net gain of more than 41 percent; and Avondale Estates, Ga., where incomes average more than $11,000, would gain a whopping 75.9 percent in new revenue sharing dollars.

Enactment of the allocation changes contained in S. 1426 will mean 367 jurisdictions in my State fail to receive what they would have under the current GRS formula. For those jurisdictions, and 70 percent of all recipient jurisdictions throughout the country, I think it would be hard to justify such a change, particularly when no organization or group of recipient jurisdictions has sought a change in the formula for allocating these funds. Financing dislocations of this magnitude should not be permitted without hearings and careful consideration in the committee with jurisdiction.

Third, I am exceedingly concerned over the direction in which the allocation revisions seem to be leading us. In particular, I question the wisdom of using a tax constraint in place of the budget constraint to set the level of funding for a given community. As the Senator from Minnesota has explained, under the allocation reforms concluded in the bill, recipient jurisdictions would be held to a statewide tax effort standard as opposed to a test of the percentage Federal revenue sharing represents of the recipient jurisdiction's budget. This change had the perverse effect of linking receipt of Federal funds to local tax effort, in effect utilizing Federal grants-in-aid as a lever to manipulate local tax policies. I believe a reasonable case can be made for restricting GRS funding as a percentage of budget, but I find it difficult indeed to accept the notion that the level of Federal assistance should drive local tax efforts.

In sum, Mr. President, I urge my colleagues to support the pending motion to strike this excess baggage from the general revenue sharing reauthorization.

Mr. DOLE. Mr. President, I shall just take 1 minute.

One reason the Durenberger amendment was offered and supported in the Finance Committee was to make certain when we went into conference we would maintain level funding at $4.6 billion. We have had some rather strong demonstrations, bipartisan demonstrations I might say, in soundly rejecting efforts, first, to add $1.3 billion and then about $700 million to the funding level over the 3-year period.

I can assure the distinguished Senator from Minnesota that we are going to stand firm in the conference and there is going to be a study amendment, as I understand, to see whether or not there should be any change in the formula.

But we believe that if we want this bill signed to accommodate the cities and the counties who want some stability, want a 3-year funding program, and are willing to accept $4.6 billion, we should go ahead and adopt this bill, go to conference, get it done before September 30.

Therefore, I believe we are prepared to act on the amendment of the distinguished Senator.

The PRESIDING OFFICER. Is there any further debate on the amendment?

Mr. DOLE. In fact I am willing to accept the amendment.

The PRESIDING OFFICER. Is there any further debate on the amendment?

The Chair hears none.

The question is on agreeing to the amendment of the Senator from Louisiana.

The amendment (No. 2182) was agreed to.

Mr. DOLE. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. THURMOND. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DOLE. Mr. President, I yield to the Senator from New Hampshire but first of all I promised to recognize the Senator from Pennsylvania on an amendment that we can accept.

The PRESIDING OFFICER. The Chair recognizes the Senator from Pennsylvania. Does the Senator from Pennsylvania seek recognition?

Mr. HEINZ addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Pennsylvania.

AMENDMENT NO. 2183

(Purpose: To disregard reductions in adjusted taxes due to economic dislocation)

Mr. HEINZ. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Pennsylvania (Mr. HEINZ), for himself, Mr. D'AMATO, Mr. METZENBAUM, Mr. RIEGLE, and Mr. LEVIN, proposes an amendment numbered 2183.

Mr. HEINZ. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 11, line 2, insert "(a)" before "Subsection".

On page 11, between lines 5 and 6, insert the following:

(b) Subsection (c) of section 6713 of such title is amended—

(1) by striking out "and" at the end of paragraph (1),

(2) by striking out the period at the end of paragraph (2) and inserting in lieu thereof "; and", and

(3) by adding at the end thereof the following new paragraph:

"(3) consider any reduction in the amount of adjusted taxes of any unit of general local government if such reduction—

"(A) results from a specific economic dislocation which causes—

"(i) the closing of places of employment,

"(ii) declines in assessed values of, or receipt of taxes from, real property, or

"(iii) declines in sales or income tax collections of such government, and

"(B) would reduce the allocation of the unit of local government for an entitlement period by an amount equal to or greater than 20 percent of such allocation for the preceding entitlement period.

Mr. HEINZ. Mr. President, I offer this amendment in behalf of myself, Mr. D'AMATO, Mr. METZENBAUM, Mr. RIEGLE, and Mr. LEVIN.

Mr. President, I rise now to offer an amendment to the general revenue-sharing reauthorization bill. If the amendment is accepted, communities that experience extraordinary economic dislocations that dramatically reduce their revenue bases would be protected from significant reductions in their revenue-sharing allocations. The amendment will have no effect on the interstate distribution of GRS funds and negligible impact on distributions within the State. I anticipate its quick acceptance.

Mr President, let me explain the derivation of this amendment. First, I firmly believe that GRS is one of the best Federal vehicles for providing emergency economic relief. Witness, my amendment to the emergency jobs bill to accelerate GRS payments, a measure that would have gone into effect in 2 weeks rather than the 2 years it will take many jobs bill provisions to spend out.

Current GRS law contains a provision which protects jurisdictions beset by extraordinary natural disasters. Under this provision (sec. 617(c)), a community devastated by a flood or a hurricane which decimates its tax revenues, particularly from property taxes, will not suffer a consequent loss in its GRS payments. In effect, its GRS allocation is essentially "held harmless" for a year—a year during which the community has a chance to recover and during which it has a chance to meet the increased demands for social services resulting from the flood or hurricane.

Mr. President, I want to provide the same measures of protection to communities beset by similarly disastrous economic dislocations. Under my amendment (sec. 617(c)), a small community devastated by the closing of its major factory which generates massive unemployment and rapid population loss will not suffer a consequent loss in its GRS payments. Without this amendment, in these relatively rare circumstances a jurisdiction can experience a rapid fall off in tax receipts which translates into a decline in GRS allocations about 2 years later because of a time lag for data collection.

The amendment would provide such a jurisdiction with a 1-year cushion during which it will either be able to recover in economic terms or be able to adjust to its changed economic circumstances. Further that cushion would enable the community to maintain social services in the fact of the increased demands created by the economic catastrophe.

For example, in Midland, Pa., the single largest employer, the Crucible Steel Co., closed the plant, putting 5,000 people out of work in a town that only had about 10,000 jobs to begin at best. In Aliquippa, Pa., Renova, Pa., and/or for towns in any other States this amendment would provide an additional year's grace to recover from such economic blows.

COUNTERCYCLICAL FISCAL ASSISTANCE

Mr. President, as I said earlier, I believe that the general revenue-sharing program is one of the best vehicles available to us for providing fiscal relief to distressed communities during economic downturns. During the past several recessions, Federal countercyclical fiscal assistance to State and local governments has been a recurrent issue. I believe that the wrong lesson has been drawn by many of my colleagues from our experience with such programs. They can be an efficient and equitable means of assisting hard-pressed States and localities. The issue is how that assistance can be provided to governments that truly need it on a timely basis. A quick look at some history will make my point clear.

In the aftermath of the 1974–75 recession, the Treasury Department administered the antirecession fiscal assistance (ARFA) program (supplementary revenue sharing) as part of the economic stimulus package (ESP) of the Carter administration. The other ESP elements were countercyclical CETA and local public works (LPW). As a result of delays in recognizing the need for and enacting the ESP, and further delays in establishing the administrative apparatus, most ESP funds were spent long after the need for them was most acute.

State-local spending soared at an average annual rate of 9.8 percent during 1977–79. By the end of that period, inflation was rocketing upward. A number of studies have suggested that the boom in State and local spending contributed to the inflation, and that Federal grants such as the ESP helped fuel that boom.

Some observers have concluded from this experience that countercyclical fiscal assistance to State and local governments is more likely to add fuel to a postrecession inflation than to assist governments truly in need during the depths of a recession. I believe that this lesson is overstated.

A key difficulty is insuring that Federal countercyclical funds are disbursed in a timely fashion. The Congress will not enact new programs for such assistance until a recession is so serious that State and local governments can document their need for the aid, and those needs appear only after a recession is well underway—historically, when it is at or approaching its trough. As is clear from the experience with the ESP, by the time the Congress is ready to act, it is already too late to provide timely countercyclical aid to State and local governments.

Another key issue is designing countercyclical aid to satisfy the principle of minimal Federal interference with the decisionmaking processes of State and local governments. The project-approval procedures of CETA and LPW slowed the spending responses of States and local governments and distorted their decisions. Supplementary revenue sharing paid through an ARFA-type program does not face these difficulties.

Between 1980 and 1982, however, two back-to-back recessions placed enormous fiscal stress on the State and local sector. For the first time since World War II, spending by the States and local governments contributed to the depth and duration of the national recession. State and local governments appear to have survived the recessions without countercyclical aid from the Federal Government, but at an enormous cost in unemployment and deterioration in the public infrastructure that is now being documented. Indeed the emergency jobs bill passed this spring is another example of countercyclical Federal aid that will not be spent until long after the recession.

As the economic recovery proceeds, private forecasters believe State and local spending will be a declining share of national output, and will not contribute to inflationary pressures. In my view, however, the price that was paid by the American public for that result has been too high. We can do better.

We should provide a standby program of countercyclical revenue sharing to be triggered by adverse economic events early in any future recession. Payments under the program should be allocated by a statutory formula that insures targeting of the funds to those jurisdictions that are most severely affected by the recession.

Had such a program of standby countercyclical revenue sharing been in existence during the past 8 years, payment patterns would have differed substantially among the recessions that occurred. Many jurisdictions adversely affected during 1974–75 (New York City, the District of Columbia, Boston) appear to have come through the 1980–82 recessions in reasonable fiscal condition. The appropriate countercyclical formula would have provided substantial assistance to those jurisdictions during 1973–75 and much less aid, if any, during 1980–82. I am confident that such a formula can be devised, but further research on this issue is needed.

The conclusion is clear. While the pain of past recessions is still vivid, we should act to insure that future recessions do not exact an intolerable toll on State and local governments, which provide most of the public services that all Americans depend upon. We should decide now to see that a program of countercyclical revenue sharing is in place for the next recession. To accomplish this, we should amend the revenue-sharing bill before us to guarantee that appropriate studies are carried out. After the completion of the required studies, I will consider offering legislation to enact a permanent program of standby countercyclical revenue sharing that is both well targeted to need and triggered automatically by adverse economic events.

In the meantime, I urge my colleagues on both sides of the aisle to support my economic disaster amendment thereby providing some measure of protection to communities devastated by major plant closings.

Mr. DOLE. Mr. President, will the Senator yield?

Mr. HEINZ. I yield.

Mr. DOLE. Mr. President, I understand this is an important, but a minor change. It is very important to the Senator from Pennsylvania and other Senators, probably Senators from Ohio and the industrial areas.

But it addresses only to a limited number of cases where there is severe and sudden economic change that reduces the resources available to the jurisdiction.

The only new benefit provided would be the timing. The resulting reduction in revenue-sharing payments for which the jurisdiction is eligible, would be further lagged to ease the transition to the new fiscal reality.

We estimate that this would only affect 10 to 25 jurisdictions per year and most of them would be small, under 30,000 in population.

I have no objection to the amendment and am prepared to accept the amendment.

The PRESIDING OFFICER. Is there any further debate on the amendment? The Chair hears none.

The question is on agreeing to the amendment of the Senator from Pennsylvania.

The amendment (No. 2183) was agreed to.

Mr. DOLE. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. HEINZ. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Chair now recognizes the Senator from New Hampshire.

AMENDMENT NO. 2184

(Purpose: To repeal the Davis-Bacon requirements for construction projects funded by revenue-sharing funds)

Mr. HUMPHREY. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from New Hampshire (Mr. HUMPHREY) proposes an amendment numbered 2184.

Mr. HUMPHREY. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the matter proposed to be inserted, add the following new section:

REPEAL OF DAVIS-BACON REQUIREMENT FOR CONSTRUCTION PROJECTS

SEC. . Subsection (a) of section 6704 of title 31, United States Code, is amended by striking out paragraph (5) and redesignating paragraphs (6), (7), and (8) as paragraphs (5), (6), and (7).

Mr. HUMPHREY. Mr. President, the purpose of the amendment is to exempt the revenue-sharing program from the provisions of the Davis-Bacon Act.

I know this matter has been discussed. Davis-Bacon has been discussed extensively in the Chamber. It is not necessary to go into great length, and I shall be brief, further because I know Members are anxious to go home, but just let me make these very brief points.

Mr. President, the General Accounting Office has conducted a number of studies over the years on Davis-Bacon, and each and every one of those studies concluded that Davis-Bacon should be repealed because it adds an enormous additional cost to construction projects.

In recent testimony before the House Subcommittee on Intergovernmental Relations and Human Resources, it was revealed that some local governments actually avoid committing revenue-sharing funds to construction projects because paying the artificial contrived prevailing wage makes the project too expensive.

It was also found that workers on Federal projects under the Davis-Bacon requirements were being paid at twice as much as their counterparts on a nearby private project.

According to the Associated Builders and Contractors, unemployment for individuals in the building trades is hovering around the 20-percent mark.

My point is, Mr. President, for those who are concerned, as all of us are, I think, about unemployment in the construction trades, we should free up revenue-sharing money, and exempt the program from Davis-Bacon provisions so that more of the funds under revenue sharing will be committed to construction projects versus administrative costs.

We have heard a lot of fine speeches today about concern for the pinch in which communities find themselves. Let us ease up on the communities and allow them to spend this money in a way they choose by exempting the

revenue-sharing program from the strictures of the Davis-Bacon Act.

Mr. President, if the managers are willing to agree to accept this fine amendment, I shall not ask for a roll-call vote.

Mr. HEINZ. Mr. President, as one of the managers of this bill, I do not know if I speak for Senator DOLE or not, but I would have to reluctantly oppose this amendment; maybe not so reluctantly, because, frankly, I do not think this is the right bill on which to have a Davis-Bacon amendment.

Most of the money in this bill simply does not go into capital budgets. It goes to operating budgets. So I would argue in the first instance that this just is not the right bill. You would have, I say to my friend from New Hampshire, a much stronger case on the housing bill.

The second thing I would say is that, as I understand the administration's position, they are not in favor of repealing Davis-Bacon. They are in favor of reforming it, but they are not in favor of repealing it. That being the case, as I understand the administration's position, I would oppose it.

I am not one of those who is temperamentally inclined to support the repeal of Davis-Bacon in any event. That is a personal matter of mine. But on the first two, I think those are issues of public policy that I hope my colleagues would agree with.

Mr. DOLE. Mr. President, as I understand it, the Senator from New Hampshire would like a record vote. Obviously, he has a right to a record vote. I would just say this amendment came as a surprise to the manager of the bill.

I support efforts to limit the applicability of Davis-Bacon. I cannot support this amendment. We have been trying to determine the administration's position. It seems to me there will be further opportunities to do that.

I have no quarrel with the Senator offering the amendment. It just seems to me that until I know more about the amendment and more about the impact it would have, I am inclined to vote against it.

I hope what we might do, so that we might help some Senators who have appointments starting about now, is get the yeas and nays on the amendment, and then let the Senator from Minnesota offer an amendment which is going to be accepted—it is simply a study amendment—then we can have a vote on the Senator's amendment and final passage, and some could leave right after they voted on final passage. Is there any objection to that?

Mr. HUMPHREY. Mr. President, I do not object to the agreement. But I would like to have opportunity to reply to some of the points raised in rebuttal to my argument at this juncture.

Mr. President, the Senator from Pennsylvania makes the point that only a small part of the funds under revenue sharing are committed to construction projects. I reiterate that recent testimony before the House Subcommittee on Intergovernmental Relations and Human Resources revealed that communities did not commit a very large share of revenue sharing funds to construction for the very reason that Davis-Bacon makes it so extraordinarily expensive, in some cases twice as expensive, to construct projects with revenue-sharing funds than the costs of local projects that have been privately funded.

That is why a great deal of revenue-sharing funds are not committed to construction, because of this Davis-Bacon stricture that I am trying to remove.

It seems to me this is the perfect opportunity, with respect to revenue sharing, to address Davis-Bacon. I am not trying to repeal or modify Davis-Bacon across the board. I am simply trying, for the sake of the communities, to give them the flexibility to spend this money in the way that best suits them without them being biased away from construction projects by the inflation that Davis-Bacon brings to the cost of such construction projects.

So, while I regret any inconvenience the vote might cause my colleagues, I think it is important. And I would, at this juncture, ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. DOLE. Mr. President, the yeas and nays have been ordered. I ask unanimous consent to temporarily set aside the amendment so that we might take up the amendment of the distinguished Senator from Minnesota, which is a study amendment worked out with the Senator from Texas (Mr. BENTSEN), to which there is no objection.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

AMENDMENT NO. 2186

(Purpose: To require a study of certain federalism issues)

Mr. DURENBERGER. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Minnesota (Mr. DURENBERGER) proposes an amendment numbered 2186.

Mr. DURENBERGER. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the committee amendment add the following:

STUDIES OF FEDERALISM ISSUES

SEC. . (a)(1) The Secretary of the Treasury, the Secretary of Commerce, the Comptroller General of the United States, and the Chairman of the Advisory Commission on Intergovernmental Relations shall undertake a series of studies on federalism and the future role of the Revenue Sharing Program in the Federal system.

(2) The studies which are required to be made under paragraph (1) shall include an evaluation of the Revenue Sharing Program provided under chapter 67 of title 31, United States Code, and shall, in addition, address the following issues:

(A) The concept of returning revenue sources, such as Federal excise taxes or a percentage of the Federal individual income tax, to State and local governments, along with responsibility for programs and activities for which financial assistance is now provided by the Federal government through grants-in-aid and other forms of Federal domestic assistance.

(B) The long-term outlook for the fiscal condition and fiscal capacity of Federal, State and local governments.

(C) The impacts of the cyclical nature of the economy and other exogenous factors, such as unemployment, on the expenditures, needs and revenue raising capability of Federal, State and local governments, and the responsiveness of the distribution of Federal financial assistance to such factors.

(D) The responsiveness of the distribution of Federal aid to the fiscal capacity of State and local governments.

(E) The responsiveness of the distribution of Federal assistance to the need for services of State and local governments and to cost-of-living/cost-of-government differentials.

(F) The mathematical forms, data, and administration of Federal grant formulas, including the alternative allocation formulas provided under this Act.

(G) Alternative measures of fiscal capacity, such as State gross domestic product estimates and the Representative Tax System, for the allocation of funds under chapter 67 of title 31, United States Code, and for other major Federal grant programs, including an analysis of the strengths and weaknesses of the fiscal capacity measures.

(H) The impact on State and local governments of modification of the provisions of the Internal Revenue Code relating to the deductibility of State and local government obligations.

(I) Possible trade-offs between modifications described in clause (H) and general purpose fiscal assistance.

(3)(A) The studies which are required to be made under paragraph (1) shall be designed and conducted in consultation with recognized organizations of elected officials of State governments and of those elected officials of local governments that currently receive payments under this chapter, and representatives designated by such organizations.

(B) The organizations with whom consultation is required under subparagraph (A) and the representatives of such organizations.

(i) shall be representative of all regions of the United States, and

(ii) shall not include the advisory Commission on Intergovernmental Relations.

(C) Not later than the date that is 30 days after the date of enactment of this Act, an advisory Group shall be established by the Secretary of the Treasury, whose designated representative shall serve as chair. The membership of the Advisory Group shall include representatives designated by the other agencies and organizations referenced in paragraphs (1) and (3) of this subsection. The Advisory Group shall serve as the primary vehicle for the consultation provided for by this section, and shall meet not less frequently than once each quarter to review the progress of the studies.

(b) After consulting with the organizations and representatives with whom consultation is required under subsection (a)(3), the Secretary of the Treasury, in concurrence with the Secretary of Commerce, the Comptroller General of the United States, and the Advisory Commission on Intergovernmental Relations, shall submit to the President and the Congress, before the date that is 60 days after the date of enactment of this Act, an initial report which shall provide—

(1) a detailed plan for—

(A) Assigning agency responsibility for conducting the studies which are required to be made under subsection (a)(1), and

(B) disseminating the final reports on such studies to all persons directly affected by the findings of such studies and to the general public;

(2) any separate and dissenting views of the organizations with whom consultation is required under paragraph (3)(A) and an explanation, where appropriate, of why such views were not incorporated into the detailed plan required by paragraph (1); and

(3) an estimate of the appropriations which will be required to carry out the provisions of this section.

Such initial report shall take into account the views of the organizations and representatives consulted and shall include a statement that describes those views.

(c)(1) The Secretary of the Treasury, the Secretary of Commerce, the Comptroller General of the United States, and the Chairman of the Advisory Commission on Intergovernmental Relations shall submit to the President and the Congress before June 30, 1985, final reports on the findings of the studies which are required to be made under subsection (a)(1). The final reports shall include recommendations and a separate statement of any minority views.

(2) Before the final reports are submitted to the President and the Congress as required under paragraph (1), the organizations and representatives with whom consultation is required under subsection (a)(3) shall have an opportunity to review the final reports. The final reports submitted to the President and the Congress under paragraph (1) shall include separate statements of the views of such organizations and representatives regarding the final reports.

(d) There are authorized to be appropriated for each of the fiscal years 1984, 1985 and 1986, the lesser of—

(1) such sum as may be necessary to carry out the provisions of this section during such fiscal year, or

(2) a sum equal to 5 percent of the cost of administering chapter 67 of title 31, United States Code, for such fiscal year.

Mr. DURENBERGER. Mr. President, this amendment provides for a series of studies to be conducted over the next 3 years on the present condition of the American intergovernmental system with the intended purpose of making recommendations and laying the foundation for future federalism reforms. It provides that in close consultation with elected State and local officials and their representatives, the Department of the Treasury, the Department of Commerce, the General Accounting Office, and the Advisory Commission on Intergovernmental Relations undertake a series of studies on the following matters:

The concept of returning revenue sources to State and local governments along with the responsibility for programs and activities currently supported by the Federal Government;

The long-term outlook for the fiscal condition and fiscal capacity of Federal, State, and local governments;

Federal allocation formulas currently in use to distribute approximately $90 billion in Federal financial assistance; and

Other indirect Federal subsidies to State and local governments such as the deductibility of State and local taxes on the Federal income tax and the extensive use of tax-exempt bonds for purposes other than general governmental functions.

I have been intimately involved in the recent attempts to put together a comprehensive "New Federalism" package. The President's initial efforts to forge a grant exchange of responsibilities failed, and many have now pronounced New Federalism dead. But, Mr. President, New Federalism is far from dead. It is progressing piecemeal through the budget process as we continue to reduce the real dollar value of Federal assistance to State and local governments. New Federalism is a reality and will continue to be so. Whether you care to call it New Federalism, the fact is, we will continue to return responsibilities to State and local governments. The problem is, we are not doing so in any systematic manner with close attention to the policy implications of our accumulated budgetary actions.

I do not believe the budget process is the way to bring about such fundamental change. What I hope to accomplish with these studies is a thorough analysis of some of the most important areas of intergovernmental fiscal relations so that by the next time general revenue sharing is up for reauthorization, we are in a better position to consider New Federalism in its policy context not just as a budget exercise.

Mr. President, I ask unanimous consent to have printed in the RECORD a letter dated August 3, 1983, from the National Association of Counties, National Conference of State Legislatures, United States Conference of Mayors, National Governors Association, and the National League of Cities, together with a letter dated September 21, 1983, from the National Governors Association.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

AUGUST 3, 1983.

Hon. DAVID DURENBERGER,
U.S. Senate, Russell Senate Office Building, Washington, D.C.

DEAR SENATOR DURENBERGER: During the Finance Committee markup of S. 1426, you recommended that Congress institute and fund an in-depth study of the effects and merits of various changes to the general revenue sharing formula. Federal agencies mentioned as participants in the study were the Treasury Department, the General Accounting Office, and the Advisory Commission on Intergovernmental Relations. It was also recommended that state and local government organizations participate in a meaningful way in the project.

We are contacting you to express our support for the study and to offer recommendations concerning its organization and implementation. First and foremost, we wish to express our conviction that state and local government organizations must be involved substantially in the study during all stages of its development. We define substantial involvement as an equal sharing in the direction of and responsibility for the project with the participating federal agencies. State and local governments will be the parties most affected by the study conclusions and it is vital that their experience with the general revenue sharing program be brought to bear in a significant way in the study process.

Second, we wish to emphasize the importance of maintaining objectivity with regard to the study process and recommendations. Both the GAO and ACIR have advocated certain changes to the revenue sharing formula in the past. We advise that these recommendations not be permitted to influence the structure or conclusions of the proposed study in any way beyond providing background for the current effort. Again, we feel that substantial participation in the study by the state and local organizations will help to insure that the views of no single agency or group unduly influence study deliberations.

We thank you for your support of this study and would welcome an opportunity to discuss further with you the appropriate role for our organizations.

Sincerely yours,

MATTHEW B. COFFEY,
Executive Director,
National Association of Counties.

EARL MACKEY,
Executive Director,
National Conference of State Legislatures.

JOHN GUNTHER,
Executive Director,
United States Conference of Mayors.

RAYMOND SCHEPPACH,
Executive Director,
National Governors Association.

ALAN BEALS,
Executive Director,
National League of Cities.

NATIONAL GOVERNORS' ASSOCIATION,
September 21, 1983.

Hon. DAVE DURENBERGER,
U.S. Senate, Russell Senate Office Building, Washington, D.C.

DEAR SENATOR DURENBERGER: As you know, NGA has for some time been discussing state fiscal capacity and the other federalism issues addressed by the study amendment you plan to propose in the floor debate on the General Revenue Sharing Program. We strongly support further research in this area, and we would be pleased to participate in studies undertaken as a result of it. Beyond this, we have specific comments on two points:

1. Participation of State Governments: Due to a grammatical construction (page 2, lines 26-27), state governmental representatives might be excluded from the study advisory group. I believe discussions between our staff and yours have already resolved this issue, but just to make the point doubly secure, I want to urge directly that state representatives be active participants in the study. Without such participation, the study would not have the widespread credibility crucial to its success.

2. Assignment of Study Topics: The intergovernmental community is quite sensitive about many elements of the agenda set forth in your amendment. Consequently, it is absolutely essential to avoid the charge, both during floor debate and once the studies are underway, that the work is being undertaken by analysts whose views may already be formed. Neutrality must be assured, particularly on such matters as state-local fiscal capacity and federal tax provisions affecting the deductibility and tax-exemption of state and local revenues. One approach would be to assign the fiscal capacity staff work under the study to Treasury and the tax work to ACIR, either in the legislation or through a floor colloquy.

On another issue relating to revenue sharing, I hope we will have your help in retaining the state authorization for payments, preferably without the Levitas Amendment. We were disappointed in the action taken by the House of Representatives during its floor debate and hope you will work to preserve the state authorization both in Senate deliberations and in conference committee.

I greatly appreciate your continued leadership in pursuing fiscal issues that must be resolved if the intergovernmental system is to function effectively in the future. We have been in touch with Governor Snelling, NGA's Lead Governor on Federalism, about your amendment, and you may hear directly from him. Please let us know how the National Governors' Association can be of help in assuring the success of your efforts.

Sincerely,

RAYMOND C. SCHEPPACH,
Executive Director.

Mr. BENTSEN. Mr. President, if the Senator will yield, is this the amendment as we agreed on certain changes?

Mr. DURENBERGER. This is the amendment on which we have labored the last 6 weeks and on which we have reached an agreement.

Mr. BENTSEN. Mr. President, I would like the Senators assurance that the Advisory Commission on Intergovernmental Relations (ACIR) will not be involved in any aspect of the study relating to the representative tax system. ACIR developed the RTS and has a vested interest in seeing the model adopted, I would hope the study commissioned as a consequence of this amendment would be a fair and unbiased review of formula factors.

Mr. DURENBERGER. I agree that the ACIR has a vested interest in promoting the representative tax system model, and understand that having ACIR involved in a study of RTS may produce a perception that the results are biased. It would be my expectation that ACIR itself would want outside objective confirmation of the RTS as I would. I would expect that Treasury would undertake that portion of the studies dealing with the RTS. At the same time, I would expect ACIR to do that part of the study dealing with tax-exempt bonds.

Mr. BENTSEN. Will the Senator clarify for the record the role he expects representatives of States, counties, and municipalities to play in the design and implementation of this study. Specifically, will the organizations representing the various jurisdictions be free to select the individuals who will represent them?

Mr. DURENBERGER. I assure the Senator that the representatives of States, counties, towns, townships, and municipalities will have an active and meaningful role in the design and execution of this study and in the preparation of recommendations contained in reports of the study findings. Yes, the representatives of the jurisdictions will be selected by their respective organizations, with the method of selection to be determined by each organization. The only constraint will be the mandate that those participating in the study will represent a broad geographical cross section of the country and include members from States where severance taxes represent a substantial portion of State revenues.

Mr. BENTSEN. I would appreciate the Senator's assistance in clarifying the distribution of authorized funds. The amendment permits funding at 5 percent of the cost of administering the general revenue-sharing program for each of 3 years. How will those funds be allocated? To which agencies will they be allocated, and what portion of the study will be undertaken by each of the participating agencies?

Mr. DURENBERGER. It is not possible to determine exactly how the funds will be distributed until the details of the study are worked out by those conducting the research. But in discussions with ACIR I have been given the $250,000 to $300,000 figure. This sounds reasonable.

Mr. BENTSEN. Will the State, county, and local participants in this study receive funding under this proposal? How much has been set aside for these groups, and what responsibilities will that set-aside cover?

Mr. DURENBERGER. This too must be determined when the detailed plan is drafted; however, I expect that something on the order of $300,000 would be available.

Mr. BENTSEN. Mr. President, the Senator from Minnesota has come a long way in addressing my concerns and those of Senator BAUCUS over provisions incorporated in the pending amendment. His original proposal to bar State and local officials from participating in the study has been modified. The proposal now before us assures consultation, although it falls short of accepting these officials as full partners in the design and implementation of the study. The initial draft was far less clear on the question of responsibility for coordinating the study. The proposal now before us assigns to the Department of the Treasury the task of transmitting any reports and designates the Secretary of the Treasury Chairman of the Advisory Panel established to permit consultation with State and local officials. Initially, all funding for the study was to be authorized for 1984 and, at $1 million, would have amounted to nearly 15 percent of the $7 million expended annually to administer the entire general revenue-sharing program. This provision, too, has been modified to restrict funding to the lesser of actual costs or 5 percent of the GRS administrative budget for 3 years.

While I continue to question the need for the proposed study and the likelihood that an objective analysis will be made by those who have a major interest in implementing the representative tax system, I am cognizant that the House-passed language is far more prejudicial to the Southern and Western States, and I will therefore not move to table the amendment so that this more moderate alternative proposal will be on the table during conference.

Mr. LEVIN. Mr. President, I rise in support of the Durenberger amendment.

I had considered offering an amendment to the current interstate formula, which would have substituted the Representative Tax System (known as RTS) as the indicator of fiscal capacity for relative per capita income and tax effort. RTS has been proven to be a more equitable and complete measure of a State's ability to raise revenues than the factors in the current formula. I strongly believe that the current formula is inequitable—frequently benefiting the States that are taxing their people and institutions less than States taxing their people and institutions more. I have agreed instead to support the amendment of Senator DURENBERGER calling for a major study of the revenue-sharing program and the current operating formulas, with consideration to be given to the advantages of using the Representative Tax System. I have

also asked Senator DURENBERGER, and he has agreed, to add to the study amendment language requiring consideration of unemployment and cost-of-living as possible factors in distribution of revenue-sharing funds. I have increasing concern that the current revenue-sharing formula does not adequately adjust for major economic hardships within a State such as sudden and significant unemployment. Nor does it allow for consideration of the differences in cost-of-living between the States. I am told that cost-of-living statistics are not kept on a State-by-State basis. I hope this study will be able to assess whether it would be valuable to obtain such information, and if so, how it could best be used.

I want to thank Senator DURENBERGER for his cooperation in adding these two factors to his study, and I urge, Mr. President, the immediate passage of Senator DURENBERGER'S study amendment and the reauthorization bill.

Mr. BAUCUS. Mr. President, general revenue sharing is a program that affects nearly every American. Our counties, our cities, our towns depend on revenue-sharing funds to provide necessary services of local government. I strongly support prompt reauthorization of this program.

But, I am opposed to using this important program as a vehicle to redistribute Federal funds among regions of this Nation.

Mr. President, I am continually impressed by the commitment and the expertise demonstrated by my colleague, the Senator from Minnesota, in the areas of intergovernmental relations and federalism. I agree that we should thoughtfully review and study these matters, and the Federal programs that affect governments at all levels.

But, I am disappointed that he insists on pursuing the Representative Tax System, known as RTS, as a way of changing those intergovernmental relations. The Senator from Minnesota has expressed his belief many times that RTS should replace per capita income in funding formulas for many Federal programs, including general revenue sharing. Mr. President, this is the opening shot in a battle which will rage royally in this Congress and in the future.

I will not object or argue against the language proposed by the Senator from Minnesota.

The reauthorization bill passed by the House of Representatives commissions a study of the revenue-sharing formula and RTS. The study would be done by the Advisory Commission on Intergovernmental Relations (ACIR), whose technicians originally created the RTS, the Treasury Department, and GAO.

I disagree with the assumptions in that study language. For one thing, I subscribe to the theory that "if it ain't broke, don't fix it." The formula for general revenue-sharing funds works well, and I have not heard any justifications for changing it. And, the proponents of the House study are assuming that RTS is the appropriate change to make. That is certainly jumping to conclusions.

I appreciate the willingness of the Senator from Minnesota to work with me and with Senator BENTSEN and with other concerned Senators on this matter. He has, in my estimation, improved this study very much. I am not fully pleased with the text of the amendment, but I will accept it. I think it is much better, and will yield a much unbiased result than the study called for in the House bill. I hope that the Senator from Minnesota will work in the conference to protect the Senate language in this matter.

To some, RTS may have intellectual appeal. But in theory and in practice, RTS is seriously flawed.

First of all, RTS rewards States that levy high taxes. If one State chooses to provide a lower level of government services than another State, or provides the same services more efficiently, that State will be penalized under RTS for imposing lower taxes in the aggregate. The State with lower measured "tax effort" in relation to estimated "tax capacity" will be penalized through Federal programs and receive a smaller allotment of Federal funds.

Mr. President, I do not think the Federal Government should be in the business of dictating an appropriate level of taxation and services to sovereign States.

In addition, the Federal Government should not dictate the kinds of taxes that States and local governments should levy. Montanans have overwhelmingly decided not to impose a State or local sales tax. Sales taxes are terribly regressive. Instead, we rely principally on property taxes, income taxes, and various license and user fees. Yet, the RTS measures Montana's tax base for a hypothetical sales tax, and requires the State to raise those or equivalent revenues.

REGIONAL BIAS

Besides these philosophical issues, Mr. President, I am deeply disturbed by the strong regional bias inherent in the RTS.

RTS discriminates against rural, sparsely populated States. Densely populated States are guaranteed to have a lower tax capacity score than their rural neighbors. This means that the inevitable result of adopting RTS in Federal aid formulas is to transfer funds from most Western and Southern States to more densely populated States.

For instance, the RTS estimates Montana's severance tax capacity to be $29 million and gives my State a score of 250, while Ohio with $49 million in capacity receives an RTS score of 32. With an estimated farm property tax capacity of $84 million, Montana receives an RTS score of 551 while Florida, with oranges and agricultural products galore, scores 54 with an estimated capacity of $93 million. California scores 50 in the RTS with an estimated capacity of $219 million.

The RTS converts fiscal capacity to a population factor which is already provided for in the general revenue-sharing formula. It is a law of mathematics that a tax base divided by a large population will always produce a lower tax capacity than the same base divided by a small population.

Let me give you some examples of how this works. Farm property taxes provide a good example. Illinois, with an estimated farm property tax capacity of $371 million, the largest in the Nation, receives an RTS score of 172. Kansas, with an estimated capacity of only $152 million scores 334. Poor South Dakota, with even less population, scores 637 with a tax capacity of $85 million. The average RTS score, I should point out, is 100.

This bias occurs in most tax capacity categories, especially where the tax base is not related to population. In corporate income tax capacity Delaware scores 140 on the RTS with an estimated tax capacity of $46 million. Massachusetts has a much higher capacity, $261 million, and scores only 79 under RTS—21 points below the average. This means Massachusetts would qualify for better matching rates or higher levels of funding under a Federal formula based on RTS.

In severance tax capacity, Illinois scores 34 with an estimated capacity of $56 million. Utah, with half that capcity—$29 million—receives an RTS score of 146.

AGRICULTURE

In addition to discriminating against sparsely populated States, RTS treats agricultural States unfairly. The RTS estimates developed by the Advisory Commission on Intergovernmental Relations maximize the estimated tax bases of rural States and discount those of the more industrial States.

The RTS uses the annual average sale price per acre of farmland, while 43 States assess their farmland based on its productive capacity. If farmland was taxed on its market value, little of it would remain in agriculture. To equal the RTS estimate of its tax base, Montana would have to assess its farms at quadruple the current rate. Kansas would have to triple its farm assessments.

According to the average sale prices, Ohio's farm land is three times as valuable as that of Kansas. Yet, Ohio's

RTS score is four times lower than the Kansas score.

To add insult to injury, the RTS turns around and then discounts the value of corporate and industrial property, which is more important to the tax capacity of urban States, by using the net value of that class of property.

PER CAPITA INCOME

Proponents of RTS would use that tax effort measurement to replace per capita income in Federal funding formulas.

Formulas for Federal programs are developed through the political process. They are not always "tidy" or intellectually appealing. We try to tailor those formulas to target funds and services to where they are needed.

Per capita income has historically been included in many formulas to approximate the level or intensity of need for services. It is hard to measure the relative wealth of a State or its people. But for many years we have used per capita income as a proxy, and I think that proxy has worked well.

Using per capita income removes the problems of comparing States with diverse economies, or different industrial bases. If used properly, per capita income does not bias a funding formula against rural and low-population States.

CONCLUSION

The recession has hurt us all. I fully understand and sympathize with my colleagues from industrial States, with slowed down and shut down factories and painfully high unemployment.

But times are tough all over.

Unemployment is high in Montana, too. In the western part of Montana, the timber industry has been depressed for years. We have had 30 percent and higher unemployment in some of those counties, with no relief in sight.

America's farmers and ranchers are in deep financial straits. Despite Federal farm programs, many farmers and ranchers are working from before dawn until after dark and still sliding inexorably into debt.

Ancillary industries, like farm implement dealers, are going broke because nobody can afford to buy their products.

Times are tough all over. But we are all in this together. We cannot solve our economic problems by picking away at each other.

Robbing Western and Southern States will not solve the problems of the Northeast and the Midwest. Instead of encouraging regional division and polarizing our Nation, I hope my colleagues will join in seeking more permanent, more far-reaching solutions.

The PRESIDING OFFICER. Is there further discussion or debate on the amendment?

The question is on agreeing to the amendment of the Senator from Minnesota (Mr. DURENBERGER).

The amendment (No. 2186) was agreed to.

Mr. DURENBERGER. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. HEINZ. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DOLE. Mr. President, as I understand it, the pending matter is the amendment by the distinguished Senator from New Hampshire, Senator HUMPHREY.

The PRESIDING OFFICER. The Senator is correct.

Mr. DOLE. Mr. President, I indicated to the Senator from New Hampshire that if we could limit the debate on the amendment I would be prepared to give him an up or down vote. There are a number of Senators who have indicated that if that is the case they want to talk at length on this amendment. There may be a motion to table the amendment, but I am not certain of that.

As far as the Senator from Kansas knows, there are no other amendments except the pending amendment and then third reading and final passage.

As I indicated in my statement, the Humphrey amendment came as a surprise to this Senator. I hope we might be able to defeat the amendment. We can consider it at some appropriate time. But this was sort of a last minute effort and I am not prepared to really debate the amendment. Maybe I should be. We are trying to find out what the administration's position might be on it and we have not determined that. But certainly the Senator from New Hampshire has a right to press the amendment.

I am prepared to vote against the amendment, which is not my position on Davis-Bacon matters, because I do not think it should be on this legislation.

Mr. LONG addressed the Chair.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. LONG. Mr. President, when the Davis-Bacon provision was first added to the revenue-sharing program, I fought against it as hard as I knew how to fight against it. It was a great disappointment to me that we were not able to defeat the amendment that added the Davis-Bacon Act to the revenue-sharing program. My thought still is that the program should be relieved of this provision.

Mr. President, if we proceed to vote on this on the merits, and there are a lot of Senators who agree with me on this issue, we are not going to vote for it because this is obviously the 11th hour. Many people who agree with the Senator from New Hampshire are not aware the amendment is being offered, and have not had the opportunity to make themselves heard or to rally behind the amendment and support it. It is simply not going to prevail. I suspect it will lose by a much bigger vote than it ought to lose by.

Because I just do not feel, Mr. President, that it would do justice to the proposal to offer it at this late hour—when a great number of people who would have supported it, if they had known it was going to be offered in advance, will not be in a position to support it—I think it would be best that we table the amendment. Therefore, Mr. President, I move that the amendment be laid on the table.

Mr. HUMPHREY. Mr. President, will the Senator withhold that motion? I believe I can save some time.

Mr. LONG. I will withhold.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. HUMPHREY. Mr. President, a vote on the tabling motion will certainly not serve my purpose. I ask unanimous consent to withdraw the amendment at this time.

The PRESIDING OFFICER. Without objection, the amendment is withdrawn.

Mr. HUMPHREY. I thank the Chair.

Mr. HELMS. Mr. President, few Members of this body will argue with the suggestion that State and local governments need more money to provide services their citizens need. Likewise, few would challenge the overall merit of the general revenue-sharing program generally.

However, it makes little sense to take money from the taxpayers with one hand and give it back with the other, as is the case with the revenue sharing. Somehow, after the bureaucrats are finished sifting through the money, taxpayers never get back all they put in.

I have long believed the term "revenue sharing" is a misnomer. Let us face it—our Treasury is penniless. We are deeply in debt. There is no revenue to share.

I was impressed with an article that appeared in the Wall Street Journal recently that referred to revenue sharing as "deficit sharing."

At last report, the experts were predicting a $200 billion Federal deficit for next year alone. Our total Federal debt now exceeds $1 trillion. The Federal Treasury has $1 trillion less than nothing.

Mr. President, there has been a fiction catching hold that is deeply disturbing. That is, that the Federal Government is the repository of money, and a benevolent Congress sits up here and decides how much we will let the taxpayer keep from his or her earnings. The cart is before the horse. Congress has taken the position that we

will decide how much we are going to spend before we decide how much we have to spend.

I cannot support reauthorization of the general revenue-sharing program, not because it is unworthy or fraught with waste. I simply cannot go along with the fiction that the Federal Government has any money to share. And I cannot go along with adding another $14 billion to an already enormous Federal debt. If we are ever to get our economic house in order, it will take the fortitude to vote against expenditures of this kind.

Mr. PRYOR. Mr. President, I rise today to urge my colleagues to support prompt, favorable consideration of legislation to reauthorize the general revenue-sharing program. Revenue sharing is an outstanding example of the Federal Government's ability to assist local governments to meet their fiscal needs.

The unique feature of this program, as we in Congress know, is that it allows Federal dollars to flow to local governments to address their specific needs. This is an efficient utilization of Federal funds, because, in contrast to categorical grant programs, under the revenue-sharing program, local officials have the freedom to apportion funds to the problems they deem most pressing.

General revenue sharing was created by the State and Local Fiscal Assistance Act of 1972 (Public Law 92-512) and was subsequently extended for 4 years in 1976 by the State and local fiscal assistance amendments (Public Law 94-488). Once again in 1980, with the enactment of the State and Local Fiscal Assistance Act Amendments of 1980 (Public Law 96-604), the general revenue-sharing program was reauthorized for 3 more years. However, authorization of this program will expire on September 30, 1983, unless it is reauthorized. I believe the general revenue-sharing program has been a tremendously important program providing State and local governments with valuable general purpose fiscal assistance. In fact, passage of revenue sharing marked a fundamental change in intergovernmental relations.

Continuation of the general revenue-sharing program is extremely important both in terms of fiscal impact and budgetary planning stability to State and local governments. According to a National League of Cities survey, over 40 percent of all small cities now receive no other Federal aid, and 80 percent of cities surveyed said they would be forced to cut services next year if the program were reduced or eliminated. In addition, 50 percent of such small cities said they felt they would be forced to raise taxes if revenue sharing is not continued.

The success of the revenue-sharing program in the State of Arkansas is widely acclaimed. The total amount of general revenue-sharing program funds received by all municipalities in the State of Arkansas was $43,441,575 in fiscal year 1982, and will be approximately $46,413,653 in fiscal year 1983, if the program is reauthorized.

Mr. President, I have been a consistent supporter of the revenue-sharing program and I strongly support continuation of the program.

It is important, Mr. President, that the Senate act expeditiously in this matter. Local officials are trying to plan their budgets for fiscal year 1984 and beyond. We, in Congress, can make their jobs more rational by quickly approving a bill, so that they will know what kind of Federal assistance their jurisdiction can expect.

This program deserves strong congressional support, both for now and in the future. The funds provided to local governments through the revenue-sharing program are used for a variety of important projects, from the creation of jobs to the rebuilding of local infrastructures. Mr. President, I am told by local officials that this is the one program that affords them the flexibility to actually target Federal funds to specific local needs. Such a program, in light of the financial strains of local governments, is sorely needed.

Mr. SASSER. Mr. President, I rise in strong support of rapid action on the renewal of the general revenue-sharing program at adequate funding levels. During the August recess, I had the opportunity to meet with numerous local officials in Tennessee. From Mountain City to Memphis, they all voiced their strong support for continuation of this important program of aid to local governments.

There is just no question that this program is viewed positively, both by our Nation's local officials and from the Washington perspective. Officials of local communities like the program because they can decide where and how the money is to be spent. We here in Washington are impressed with this program, too, because it is so efficient. Less than 1 percent of revenue-sharing funds go for overhead and administrative costs. That means that the greatest possible proportion of the money is targeted by local government officials toward areas of greatest need.

Since the general revenue sharing program began in 1972, Tennessee has received more than $1 billion from the program. Local officials in my State have used these funds wisely to provide a wide variety of essential services including police and fire protection, highway maintenance, and education.

A sampling of projects funded in middle Tennessee, for example, includes: the purchase of an ambulance, the placement of street and traffic lights, improvements to police and fire facilities, and expenditures for libraries.

Many of these local governments would be forced to either raise taxes or cut services if revenue sharing is not made available.

One Tennessee government, for example, the city of Chattanooga, allots $2.6 million of their annual $3.8 million annual revenue sharing funding for use in the operating budget. The rest goes to vital capital projects. If revenue-sharing funds were not available to Chattanooga, then it would take a 32-cent increase in the property tax to replace it. Or services to Chattanoogans would have to be cut in proportion to the funding reduction.

The town of Murfreesboro, Tenn., would face a 45-cent increase in property taxes without revenue sharing.

Shelbyville, Tenn., would have to raise the property tax rate 50 to 60 cents if revenue sharing is not made available.

Revenue sharing is especially important to these—and other—local communities in my State because of the tax base which is limited by the permanent restraints of the State constitution. The same situation exists in many other States. We have a responsibility to all of the 39,000 local governments across this country to continue to fund revenue sharing to help them provide public services to our mutual constituents.

We must act quickly on the renewal of this vital program. Already, the delay in reauthorization has caused undue complications in the preparation of municipal and county budgets. Most of these budgets had to be complete by July 1. Revenue-sharing allocations could not be assumed for this deadline because Congress has not yet acted to renew the program.

I support Senator MOYNIHAN's amendment to increase revenue-sharing funding by $450 million annually. Adjusting the program upward makes partial amends for the erosion of the program by the effects of inflation.

However, I do not favor modifications in the revenue-sharing formula that would be triggered by any increases in funding under the current provisions of S. 1426. These formula changes would mean that only about half of the local governments now receiving revenue sharing would be eligible to share in the $450 million increase.

That hardly seems fair. All local governments are now experiencing financial stress due to inflation and the recession. That is why I also support Senator LONG's amendment to delete these formal modifications.

With these changes in S. 1426, I wholeheartedly support this renewal. I encourage rapid action on this legislation.

Mr. SPECTER. Mr. President, one of the most pressing issues confronting the Congress today is the reauthoriza-

tion of the Federal general revenue-sharing program. Revenue sharing constitutes the most productive partnership between Federal and local governments. It comprises the single largest Federal program assisting local authorities, providing $4.6 billion annually. General revenue sharing is a comprehensive and flexible program, allowing funds to be used for a wide range of programs and activities, determined at the local level, and giving localities the opportunity to respond quickly to new problems.

For my State of Pennsylvania, the general revenue-sharing program has provided an annual allocation of $225 million. These funds have been used for various essential expenditures such as services for the poor, elderly, and youth, fire and police protection, transportation, and recreation activities.

The need to continue this program has been fully documented. A recent Pennsylvania survey found that revenue sharing accounted for almost 17 percent of the average local budget. It is the only direct Federal funding for more than 93 percent of all municipalities in Pennsylvania. If revenue sharing did not receive reauthorization, at least 87 percent of Pennsylvania localities would be compelled to compensate by raising taxes or cutting services. If a municipality's current general revenue-sharing entitlement had to be raised from property taxes alone, it would add an average of 4.4 mills, or a total increase of 61.2 percent, to the property tax rate.

Mr. President, I am convinced that the general revenue-sharing program is worthwhile and deserving of reauthorization. As an indication of my support, I have cosponsored S. 41, a measure introduced by Senator DURENBERGER that extends the program another 3 years.

Despite its loss in value due to inflation, revenue sharing in recent years has become more vital to municipalities. Present economic conditions have exacted a harsh toll upon the tax base of many local governments. In addition to the problems caused by a recessionary economy, local governments are facing substantial reductions in Federal aid. According to the Library of Congress, Federal assistance fell 9.32 percent from fiscal year 1981 to fiscal year 1982, and 11.8 percent from fiscal year 1982 to fiscal year 1983.

If it were not for the fact that we face a $200 billion deficit, I would like to see an increase in the funding for revenue sharing. If we could afford it, I would like to see an increase in funding to account for the rate of inflation since 1975, and index future payments to the rate of inflation.

Such action would place revenue sharing on the same footing as much of the rest of the Federal budget. Most of the so-called entitlement programs are already indexed to inflation, the rate of increase in the defense budget takes inflation into account, and the Congress in 1981 indexed personal income taxes to inflation. Unfortunately, the Federal deficit is too high at the present time to take these steps, but I am hopeful that we can make such additions in the future.

In terms of efficiency and effectiveness, the general revenue-sharing program is an ideal Federal response to the fiscal problems and revenue constraints of local governments. It is entirely consistent with the administration's New Federalism proposal. The program allows local governments wide latitude to determine their most pressing needs and allocate their revenue-sharing dollars accordingly. Administrative costs for this program are less than 2 percent, requiring fewer than 100 Federal employees to manage what is the largest Federal grant program—a total of $4.6 billion allocated to 39,000 units of government. Our budgetary problems would be reduced considerably if all Federal programs had a similar track record.

Clearly, general revenue sharing has been a success in Pennsylvania and throughout the Nation. It serves as a positive model for future partnerships between the Federal Government and local communities. To govern most efficiently our local officials must continue to have the authority to respond to their particular needs and problems. Reauthorization of revenue sharing is urgently needed to allow these officials to meet their financial obligations and commitments after September 30.

Mr. PERCY. Mr. President, I rise to urge the passage of this legislation. Seventy-six of our colleagues are cosponsors of the original reauthorization bill. It serves over 39,000 units of local government across the country. I was a Member of this body when the general revenue sharing was first introduced and enacted into law. I was proud to play a part in passing this nationally significant legislation then, and am proud to urge its continuation today. The program continues to provide for payments to local governments on an entitlement basis at an annual level of $4.6 billion.

I reported to the Senate last week on the annual meeting of the National Association of Towns and Townships here in Washington. It was my pleasure to address the group prior to an appearance by the President. Let me tell you that the one and only standing ovation the President received that morning was when he pledged to sign this legislation. There is little doubt that revenue sharing is the most popular Federal program in the country. The reason for this is obvious, it keeps the maximum amount of decisionmaking at the local level.

Last month, I had the opportunity and the pleasure of visiting with thousands of my constituents in Illinois. I visited scores of towns, townships, and counties. I have seen firsthand how these moneys are being spent in Illinois and I can report to the Senate today that we should have no fear about the program's cost-effectiveness. Throughout the life of revenue sharing, I have repeatedly received reports and updates from governmental units in Illinois about how the money was being spent. For many jurisdictions this money makes the difference in their ability to meet pressing needs. With the highest number of local governmental units receiving the Federal assistance, 2,815, we in Illinois can attest to the benefit it has provided.

Earlier this year, I met in Springfield, Ill., with a special task force of mayors established by the Illinois Municipal League to discuss revenue sharing reauthorization. I gave my pledge then that I would support renewing the program. Since then, of course, I have heard from many township officials represented by the Township Officials of Illinois and their able executive director, George Miller. Many county board chairmen and members have written, as well.

A great deal of attention has been focused in the past couple years on the subject of federalism and the so-called New Federalism. Let me point out to my colleagues that there is nothing more illustrative of our Federal system than this program. Revenue sharing strengthens our Federal system of government. By providing local governments local funds with few limitations helps them more effectively meet the diverse needs and priorities of the Nation.

Everyone here knows that in recent years recessions and slow economic growth have affected the public sector as well as the private sector. Unfortunately, local governments must rely on relatively inelastic revenue sources, such as local property taxes, which limit their flexibility in responding to fiscal problems. To assist local governments in meeting the needs of their communities we must extend this program.

Finally, Mr. President, as much as I would like to support an increase in the annual appropriation in order to take into account inflation, it would be fiscally irresponsible to do so at this time. With large budget deficits looming, we simply do not have the funds available to provide an increase. I regret this deeply, but we have no alternative. Reducing deficits and limiting spending has to be our first priority at this time.

Mr. NICKLES. Mr. President, we do not have Federal revenue to share. The projected deficits for 1984 through 1986 will be about $550 to

$600 billion. The program would be more appropriately called deficit sharing. Interest payments alone on the approximate $4.6 billion authorized for general revenue sharing would be more than $420 million per year.

The program was started in 1972 to provide "no strings" money to State and local governments. While this sounds like a meritorious idea, it has led to a gradual decay of accountability of local government units by infusing Federal dollars into their budgets without any responsibility on their part to raise such revenue. Since the program's inception more than $70 billion has been passed on to these entities. In a situation where State and local governments have fared far better than their Federal counterpart in terms of funding and deficit spending, this is not equitable or affordable.

We cannot allow the local governments to become dependent on the purse of the Federal Government.

Quite frankly the Federal Government is broke and cannot afford to borrow money to give away to other government entities.

OUR LOCAL AND COUNTY GOVERNMENTS ARE DEPENDING ON THIS BILL

Mr. BYRD. Mr. President, the legislation on which we are about to vote is really a means of keeping the faith with local and county governments in our States. Since the inception of the revenue-sharing program, they have come to depend on this source of funding. At no time is its receipt by these governments more vital than it is as the Nation is struggling to turn the corner from the tragic recession that began in 1981.

This recession, which has so battered workers and their families throughout the Nation, also has battered local governments. As more and more workers were laid off, the revenue bases of these governments declined precipitously—at the very time they were coming under heavy pressure to increase services to the unemployed and disadvantaged.

From my own State of West Virginia, I have received letter after letter, and call after call, urging the Congress to move swiftly to reauthorize this program. The West Virginia County Commissioner's Association wrote to tell me the bill "is vital to the counties of West Virginia, which you are well aware today are enduring hardships not known before." The mayor of the city of Sisterville wrote to say:

> I cannot begin to express how vital revenue sharing is to our town and our county. In working on the 1983-84 budget for the city . . . I came to realize what it will mean not to receive these funds in the future. It would be a loss that can never be recovered at the local level.

Mr. President, the local and county governments of this Nation are its backbone. They are the governments which deal with the basic, everyday needs of all of this Nation's citizens. At a time when they are harder pressed than at any other time in recent memory, we must not turn our backs on them. They need help, and the Congress must do all it can to meet that need.

The bill on which we are about to vote, the Local Government Fiscal Assistance Amendments of 1983, is, in the view of these governments and their officials, perhaps the single most important legislative step we can take to provide the help they need. Consequently, I support this bill, and I hope both this body and the other body will move as expeditiously as possible to complete action on it, speed it to the White House, and thereby enable local and county governments to plan dependably upon receipt of revenue-sharing funds as they commence new fiscal years on October 1, as many do, or as they prepare their budgets for new fiscal years that begin at a later time.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

Mr. STEVENS. Mr. President, it is my understanding that this will be the last vote on this bill. If that is the case, it will be the last vote this evening. Is that correct?

Mr. DOLE. The Senator is correct.

Mr. President, I ask unanimous consent that the Senate proceed to the consideration of H.R. 2780.

The PRESIDING OFFICER. The bill will be stated by title.

The legislative clerk read as follows:

A bill (H.R. 2780), to extend and amend the provisions of title XXXI, United States Code, relating to the general revenue sharing program.

The PRESIDING OFFICER. Without objection, the Senate will proceed immediately to the consideration of the bill.

Mr. DOLE. Mr. President, I move to strike all after the enacting clause of H.R. 2780 and to substitute therefor the text of S. 1426, as amended.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Kansas.

The motion was agreed to.

The PRESIDING OFFICER. The question is on the engrossment of the amendment and the third reading of the bill.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

Mr. DOLE. Mr. President, I ask for the yeas and nays on passage.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass? On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. STEVENS. I announce that the Senator from Arizona (Mr. GOLDWATER) and the Senator from Maryland (Mr. MATHIAS) are necessarily absent.

Mr. BYRD. I announce that the Senator from California (Mr. CRANSTON), the Senator from Connecticut (Mr. DODD), the Senator from Colorado (Mr. HART), the Senator from South Carolina (Mr. HOLLINGS), and the Senator from Mississippi (Mr. STENNIS) are necessarily absent.

The PRESIDING OFFICER. Is there any other Senator in the Chamber who desires to vote?

The result was announced—yeas 87, nays 6, as follows:

[Rollcall Vote No. 262 Leg.]

YEAS—87

Abdnor	Ford	Moynihan
Andrews	Garn	Murkowski
Baker	Glenn	Nunn
Baucus	Gorton	Packwood
Bentsen	Grassley	Pell
Biden	Hatch	Percy
Bingaman	Hawkins	Pressler
Boren	Hecht	Pryor
Boschwitz	Heflin	Quayle
Bradley	Heinz	Randolph
Bumpers	Huddleston	Riegle
Burdick	Inouye	Roth
Byrd	Jepsen	Rudman
Chafee	Johnston	Sarbanes
Chiles	Kassebaum	Sasser
Cochran	Kasten	Simpson
Cohen	Kennedy	Specter
D'Amato	Lautenberg	Stafford
Danforth	Laxalt	Stevens
DeConcini	Leahy	Symms
Denton	Levin	Thurmond
Dixon	Long	Tower
Dole	Lugar	Trible
Domenici	Matsunaga	Tsongas
Durenberger	Mattingly	Wallop
Eagleton	McClure	Warner
East	Melcher	Weicker
Evans	Metzenbaum	Wilson
Exon	Mitchell	Zorinsky

NAYS—6

Armstrong	Helms	Nickles
Hatfield	Humphrey	Proxmire

NOT VOTING—7

Cranston	Hart	Stennis
Dodd	Hollings	
Goldwater	Mathias	

So the bill (H.R. 2780), as amended, was passed.

Mr. DOLE. Mr. President, I move that the Senate insist upon its amendments and request a conference with the House of Representatives thereon, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to, and the Presiding Officer appointed Mr. DOLE, Mr. DANFORTH, Mr. HEINZ, Mr. DURENBEGER, Mr. LONG, Mr. BENTSEN, and Mr. MITCHELL conferees on the part of the Senate.

Mr. DOLE. Mr. President, I ask unanimous consent to indefinitely postpone S. 1426.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. Mr. President, I thank all Senators on the Senate Finance Committee and others who participated in the debate. We have been able to dispose of a very important piece of legislation that affects hundreds and thousands of counties and communities in this country. We have been able to do that in about a 2-hour time period, which indicates that we did thoroughly discuss this and consider it in the committee. The amendments offered were offered quickly and disposed of quickly. I thank all my colleagues for their cooperation, particularly the Senator from Louisiana (Mr. LONG), the Senator from Pennsylvania (Mr. HEINZ), and the distinguished Senator from Minnesota (Mr. DURENBERGER).

Mr. BAKER addressed the Chair.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. BAKER. Mr. President, I wish to congratulate the distinguished chairman of the Finance Committee for his handling of this measure, and, of course, the ranking minority member of the Finance Committee (Mr. LONG), who also served as chairman of that committee for so many years. It is a milestone, indeed, to pass this authorization bill in such a relatively brief period of time.

I recall so clearly the long and arduous struggles to get this bill passed in the first case. The first speech I ever made on the floor of the Senate was advocating revenue sharing, and I recall well the thrill and exhilaration that went with the passage of the first revenue sharing bill which was signed in Constitution Hall in Philadelphia by the President of the United States, President Nixon at that time, to signify his belief and mine that the passage of revenue sharing marked a new beginning for a reinvigorated federalism, a partnership between the States of the Union and the Central Government.

It was a special pleasure for me to serve as the principal cosponsor with our late colleague, Senator Hubert Humphrey, later Vice President Hubert Humphrey, in the sponsorship of this legislation. Since that time I have been an unfailing supporter of this measure, as has the Senator from Kansas and so many others in this Chamber.

I wish to express as well as the Senate's thanks for his and Senator LONG's handling of this bill my own personal expression of gratitude.

ROUTINE MORNING BUSINESS

Mr. BAKER. Mr. President, I ask unanimous consent that there now be a period for the transaction of routine morning business to extend no later than 7:45 p.m. in which Senators may speak.

The PRESIDING OFFICER. Without objection, it is so ordered.

DEATH OF DR. ROBERT WEINTRAUB

Mr. JEPSEN. Mr. President, the United States recently lost one of its finest economic thinkers with the death of Dr. Robert Weintraub. This loss has special significance to me because for the last 2½ years Bob has worked for me as a senior economist on the Joint Economic Committee.

Bob was a unique individual. It is very seldom that an economist of his stature will endure the harsh working conditions in Congress for very long. There are too many ways someone like Bob could have made more money or had more pleasant working conditions in academia or private business. Yet Bob worked for the Congress for many years. In addition to his service on the JEC staff he worked for many years on the House Banking Committee staff and the staff of the Senate Banking Committee, with some time out at the Treasury Department as well.

A measure of Bob's stature within the economics profession is the frequency with which he was asked to contribute to academic journals and the number of times he was called by reporters seeking understanding about the complexities of monetary policy, which was Bob's specialty. Just recently, for example, he published a two-part study of the international debt situation for George Mason University which made him much in demand as a commentator at the many meetings and conferences held on this subject in recent months. It was at just such a conference in Geneva, Switzerland, where Bob suffered a crippling stroke which ultimately killed him.

I was proud and flattered to have Bob as a member of my staff. I always found his analyses to be insightful and his advice well-reasoned. I will miss Bob.

I ask unanimous consent to have printed in the RECORD at this point Bob's vita and an article about his work from the New York Post.

The information follows:

There being no objection, the information was ordered to be printed in the RECORD, as follows:

RÉSUMÉ OF ROBERT E. WEINTRAUB

1. Date and place of birth: January 10, 1925—New York, N.Y.

2. Education: Ph. D., University of Chicago, 1954; M.A., University of Chicago, 1952; B.A., Williams College, 1948.

3. Current position: Senior Economist, Joint Economic Committee, U.S. Congress.

4. Previous Experience:

A. Staff Director, Subcommittee on Domestic Monetary Policy, Committee on Banking, U.S. House of Representatives, 1976–1980.

B. Director, Office of Capital Markets Policy, U.S. Treasury, 1976.

C. Senior Economist, Committee on Banking, U.S. Senate, 1975.

D. Senior Economist, Subcommittee on Domestic Finance, Committee on Banking and Currency, U.S. House of Representatives, 1963–1965, 1968, 1972, 1973–1974.

E. Professor, Department of Economics, University of California, Santa Barbara, 1965–1973; resigned after 3 years leave of absence in 1976.

F. Associate Professor, Department of Economics, City College of New York, 1956–1965.

G. Assistant Professor, Northwestern University, 1955–1956.

H. Brookings Institution, collaborated in a study of wage cost of living sliding scales and annual improvement factors, 1955–1956.

I. Research Economist, National Bureau of Economic Research, 1954–1955.

5. Military Experience: U.S. Marine Corps, July 1943–April 1946. Served with Third Division and participated in action on Iwo Jima.

6. Family: Married with five children.

LIST OF PUBLICATIONS

1955—"The Productive Capacity of Rural and Urban Labor: A Case Study," *Journal of Political Economy*, Oct. 1955, Vol. LXVIII, No. 5, pp. 412–426—Article.

1958—"Wage and Productivity Increments in Partial Mobilization," *Labor Law Journal*, April, 1958 pp. 284–288, 303—Article.

1959—"Employment Integration and Racial Wage Differences in a Southern Plant," *Industrial and Labor Relations Review*, Vol. 12, No. 2, Jan., 1959, pp. 214–226—Article.

1961—"Money Benefits of Education by Sex and Race in New York State, 1956" (Co-Author), *Journal of Educational Sociology*, Vol. 34, No. 7, March, 1961, pp. 312–319—Article.

1961—"Hard Core Unemployment: A Hard Look," *Business Scope*, Vol. 5, No. 15, Dec. 30, 1961, pp. 1–3—Article.

1962—"The Birth Rate and Economic Development: An Empirical Study," *Econometrica*, Oct. 1962, Vol. 40, No. 4, pp. 812–817—Article.

1963—"Speculative Prices and Random Walks: A Denial," *Journal of Finance*, March, 1963 Vol. XVIII, No. 1, pp. 59–66—Note.

1963—*The Mauch Chunk Watershed Recreation Park Study*, Industrial Relations Counselors, New York, N.Y., and Candeub, Fleissig Associates, Newark, N.J. Prepared for Area Redevelopment Administration, U.S. Department of Commerce, 1963, 113 pages—Monograph.

1963—*Product Feasibility Study for Belmont County, Ohio*, Industrial Relations Counselors, New York, New York, and Candeub, Fleissig Associates, Newark, N.J. Prepared for Area Redevelopment Administration, U.S. Department of Commerce, 1963, 52 pages—Monograph.

1964—"A study of Selected Banking Services by Bank Size, Structure and Location," Subcommittee on Domestic Finance, Committee on Banking and Currency House of Representatives (Senior author, 1964, 48 pages)—Monograph.

1964—"Impact of City Minimum Wage Law on the Citys' Economy and Upon the Employment Status and Opportunities of Low-Wage Earners" (Co-Author), *Commerce*

and Industry Association of New York, July, 1964, 15 pages—Article.

1964—The Federal Reserve System After 50 years, Staff Report on Hearings before the Subcommittee on Domestic Finance of the Committee on Banking and Currency, U.S. House of Representatives (senior author and Supervisor), 1964, 94 pages.—Monograph.

1965—"Employment Effects of a Local Minimum Wage" (co-author), *Industrial and Labor Relations Review*, Jan., 1965, Vol. 17, No. 2, pp. 176-288—Article.

1965—"The Birth Rate and Economic Development: An Empirical Study-Rejoinder," *Econometrica*, Jan. 1965, Vol. 43, No. 1 p.—Reply.

1965—"Employment Effects of Local Minimum Wage: Reply," *Industrial and Labor Relations Review*, Jan., 1965, Vol. 18, No. 2, pp. 249-50—Reply.

1966—"The Federal Reserve Portfolio," Statement in *The Federal Reserve Portfolio*. Joint Economic Committee Congress of the United States, 1966, pp. 156-160—Statement.

1966—"Usefulness of the Random Walk Hypothesis: Again Denied," *Skandinavisk Aktuarietidskrift*, 1966 pp. 61-64—Note.

1967—Options for Meeting the Revenue Needs of the City Governments, TEMPO, General Electric Company, 67-10, pp. 1-29, Jan., 1967 and Reprinted in U.S. Congress, Joint Economic Committee, *Revenue Sharing and Its Alternatives: What Future for Fiscal Federalism*, II, July, 1967, pp. 1028-1050—Monograph.

1967—"Long-Term Relations of Capital Movements to Differential Payoffs, An Empirical Study," *Revista Internazionale di Scienze Economiche e commerciali*, Vol XIV, No. 5 April, 1967, pp. 401-415—Article.

1967—"The Stock of Money, Interest Rates and Business Cycle, 1952-1964," *Western Economic Journal*, Vol. V, No. 3, June, 1967 pp. 257-270—Article.

1968—"Current Monetary Policy: A Critical Appraisal," Address before California Bankers Association: Published in U.S. Congress, Joint Economic Committee, *Standards for Guiding Monetary Action*, May 1968, pp. 223-227—Address and Article.

1968—"Meeting the Revenue Needs of Local Governments," Address before National Tax Association: Published in Proceedings of the NTA, *National Tax Journal*, September, 1968 meetings—Address and Article.

1968—"Summary and Analysis" in Compendium on Monetary Policy Guidelines and Federal Reserve Structure, U.S. Congress, Committee on Banking and Currency, December, 1968. Author and Supervisor of the Questionnaire and "Summary and Analysis." See pp. 7-27 for "Summary and Analysis."— Compendium and Article.

1969—"The Time Deposit-Money Supply Controversy," In Karl Brunner, Editor, *Targets and Indicators of Monetary Policy*. Chandler Publishing Co., for the Institute of Government and Public Affairs, UCLA, 1969, pp. 300-312—Article.

1969—"The Federal Reserve's Conceptions of Monetary Policy, 1952-1968, In Donald P. Jacobs and Richard T. Pratt, eleventh annual Savings and Residential Financing Conference Proceedings, pp. 69-87—Article.

1969—"A Critique of Current Monetary Policy," Reprint of "Current Monetary Policy: A Critical Appraisal" in Heinz Kobler, *Readings in Economics*, Second Edition, Holt, Rinehart and Winston, 1969, pp. 100-106—Reprint.

1970—*Monetary Economics*, Ronald Press, January, 1970, pp. v-x and 3-444—Book.

1970—"Further Reflections on and Investigations of Money Demand," Co-authored with William Hosek; Journal of Finance, Vol. XXV, No. 1. March, 1970, pp. 109-125—Article.

1970—"On *The 1970 Economic Report of the President*," In The 1970 Economic Report of the President, Joint Economic Committee, U.S. Congress of the U.S., Part 2, pp. 439-44 and 480-82—Statement.

1970—"On *One Bank Holding Companies," In One Bank Holding Company Legislation of 1970*, Hearings before the Committee on Banking and Currency, U.S. Senate, Part 3, 1400-02—Statement.

1970—"On Speculative Prices and Random Walks: A Denial," Reprinted from *Journal of Finance*, March, 1970, in John M. Lishan and David T. Crary, *The Investment Process*, International Textbook Co. pp. 318-324—Reprint.

1971—"On Emergency Loan Guarantee Legislation," U.S. Congress, Senate Banking Committee, *Emergency Loan Guarantee Legislation*, Part 2, 1971, pp. 715-39—Statement and Testimony.

1971—"Introduction," In U.S. Congress, House Committee on Banking and Currency, *Federal Reserve Structure and the Development of Monetary Policy*, pp. 1-9—Article.

1972—"Report of the Finance Subcommittee 1971 Citizens' Educational Priorities Subcommittee, Santa Barbara, California." I served as Chairman of the Subcommittee, Co-authored with R. Dressel, A. Graham, S. Pederson and E. Smith. Printed by the Santa Barbara Board of Education—Report.

1972—"Benefits and Ways of Sharing Federal Revenue," *Review of Social Economy* Vol, XXX, No. 3, Sept. 1972, pp. 373-384—Article.

1972—"A Spectral Analysis of Post-Accord Federal Open Market Operations: Comments," Co-authored with L. Phillips, *American Economic Review* Vol. LXII, No. 5, pp. 988-992—Note.

1973—"Cost-Benefit Analysis of PUD," Co-authored with R. L. Crouch, *Urban Land*, Vol. 32, No. 6, pp. 3-13—Article.

1973—"Policy Indicators and Lags," Co-authored with W. J. Fraser, Jr. In W. J. Fraser, Editor, *Crisis in Economic Theory*, University of Florida Press, 1973, pp. 201-229—Article.

1974—Review of Phillip Cagan "The Channels of Monetary Effects on Interest Rates," *Journal of Money, Credit and Banking*, Vol. VI, No. 4, Nov. 1974, pp. 71-74—Review.

1974—"Federal Reserve Policy and Inflation and High Interest Rates," Report to the Banking and Currency Committee, U.S. House of Representatives, July 16, 1974 in Hearings on "Federal Reserve Policy and Inflation and High Interest Rates," 1974, pp. 5-16 and 31-76—Report and Testimony.

1974—Reprints of Report on "Federal Reserve Policy and Inflation and High Interest Rates," (1) *American Banker*, XXXIX, No. 142, pp. 4-8, 12-13, 23 (2) Bureau of National Affairs, *Daily Report*, DER No. 138, pp. B1-B7—Reprints.

1974—"The Term Structure: Another Look," Co-authored with J. Hambor, *Journal of Money, Credit and Banking*, Vol. VI, No. 4, Nov. 1974, pp. 551-557—Comment.

1975—"Recession, Recovery and Near Term Monetary Growth Rates," *Bulletin of Business Research*, Ohio State University, July 1975, pp. 1-5—Article.

1976—"An Evaluation of the Economic Policy Proposals of the Joint Economic Committee of the 92nd and 93rd Congresses: A Comment," *Institutions, Policies and Economic Performance*, Carnegie-Rochester Conference series on Public Policy, Vol. 4, 1976, pp. 59-61—Comment.

1976—"The Impact of the Federal Reserve System's Monetary Policies on the Nation's Economy," Staff Report, Subcommittee on Domestic Monetary Policy, Committee on Banking, U.S. House of Representatives, 1976, (senior author and supervisor), 58 pages—Monograph.

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1979—"The Federal Reserve Money Supply Roller Coaster," In Michael P. Dooley, Herbert M. Kaufman and Raymond E. Lombra, Editors, *The Political Economy of Policy-Making*. Sage Publications Inc., Beverly Hills and London, 1979, pp. 35-57—Chapter.

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1981—"The Impact of the Federal Reserve System's Monetary Policies on the Nation's Economy: Second Report," Staff Report, Subcommittee on Domestic Monetary Policy, Committee on Banking, U.S. House of Representatives, 1980, 51 pages—Monograph.

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1982—"Private Housing Starts and the Growth of the Money Supply," In M. Bruce Johnson, Editor, *Resolving the Housing Crisis*, the Pacific Institute for Public Policy Research, San Francisco, 1982, pp. 81-109—Chapter.

1982—"Three Large Scale Model Simulations of Four Money Growth Scenarios," Staff Report, Subcommittee on Monetary and Fiscal Policy, Joint Economic Committee, U.S. Congress 1982, 89 pages—Monograph.

1983—"International Debt: Crisis and Challenge," Study (1st in series of three on U.S. bank lending to LDCs and Eastern Bloc nations) Dept. of Economics, George Mason University.

1983—"International Lending by U.S. Banks: Practices, Problems, and Policies," Study (2nd series).

[From the New York Post, Sept. 16, 1983]

A BRAVE ECONOMIST DEPARTS

(By Maxwell Newton)

This week the United States lost the services of a great American economist—a cou-

rageous economist and an outspoken critic of the operations of the Federal Reserve.

Dr. Robert Weintraub died suddenly from a stroke and America lost a Marine hero of Guadalcanal and Iowo Jima as well as a hero in the fight for free markets and for sound economic policies.

I was very fortunate to have known Bob Weintraub in the three years I have been working in America. He spent many hours with me, helping me to understand the Federal Reserve and the operation of monetary policy in this country. He gave me particular help in the unstinting manner for which he was famous, in the preparation of my book "The Fed," a highly critical study of the Federal Reserve.

At the time of his death Bob Weintraub was senior staff economist with the Joint Economic Committee in Washington and dwelt in a cubicle in the bowles of a gray Washington bureaucracy-box. His most recent commitment was in opposition to the International Monetary Fund $8.5 billion "bailout bill" which he saw as entirely unnecessary and likely to continue to encourage Less Developed Countries to develop bad habits as well as over-regulated socialist economies.

During the 1970s, Bob Weintraub was, in the context of official Washington, the "father of the money targets."

In 1974 he presented a House Banking Committee staff report, based on interviews with the presidents of the 12 Federal Reserve banks and five of the Federal Reserve governors, which recommended that Congress treat monetary policy in the same way that the 1974 Budget Control Act mandated that it treat fiscal policy.

ANNUAL PLAN

"Specifically," said Weintraub, "I recommended that the Federal Reserve annually present to Congress a plan for M1 growth expressed as target ranges for each of the next 12 months and delineated in terms of percentage changes from the same month of a year previously."

In March 1975, Congress passed the famous House concurrent Resolution 133, which obliged the Federal Reserve to issue targets for money growth and to report to Congress on the achievement of those targets.

Initially, Bob Weintraub was very optimistic about the prospects for the new system.

But by the time he wrote the 1980 report of the House Banking Committee's subcommittee on domestic monetary policy, he was deeply disillusioned by the devious manner in which the Federal Reserve officials cheated on the targets—as they do to this day.

He wrote these bitter words in that report:

"In concluding the 1976 report, we commended 'the steadiness of recent Fed money policy' and concluded optimistically that 'we can bring inflation under control and keep it in check by achieving moderate M1 growth, commensurate with our potential to increase production.'

"We recommended 4 to 6 percent M1 growth for 1977 and a gradual deceleration thereafter to 2 to 4 percent per year. We said that in time this would 'reduce inflation to the attainable 1 to 3 percent rate.'

FOILED HOPE

"Our optimism was based on the hope that the Federal Reserve was embarked on a course for money growth much like the one we were recommending.

"It was not.

"Although we had noted a spurt of money growth in the month of October 1976 we did not think that this portended a new inflationary surge of money growth; a surge that would persist well into 1979, propel inflation upwards once again and set the stage for the recession that now (summer 1980) afflicts our economy."

In that report, Bob Weintraub also pointed to the key failure in the Fed operating procedures that precipitated the tragic World Economic Crisis of 1978–1983.

"Beginning in April 1976, the Open Market Committee narrowed the band in which the manager was instructed to keep the Federal Funds rate and widened the inter-meeting target for money growth.

"Thereby, the committee deemphasized control of the money supply as an operating goal and increased the importance of resisting interest rates movements.

"Money growth subsequently emerged primarily as the incidental corollary of the Committee's Federal Funds interest rate goals."

INFLEXIBLE FED

It is a cruel fact that, despite its record of abysmal failure in money management, the Federal Reserve is today committed to an extremely inflexible Federal Funds rate target (9½ percent.)

Among Bob Weintraub's many great achievements, he provided a system of analysis that made it possible to see how wrong the Federal Reserve policies were—and are. He had the courage to express these unpopular views to Administrations of different political colors.

ADDRESS BY SENATOR HATCH COMMEMORATING 30TH ANNIVERSARY OF UNITED STATES-KOREA MUTUAL DEFENSE TREATY

Mr. SYMMS. Mr. President, I ask unanimous consent that Senator HATCH's fine speech entitled "What Should the Friends of South Korea Be Doing" given in Seoul, Korea on September 2, 1983, in commemoration of the 30th anniversary of the United States-Korea Mutual Defense Treaty be entered into the RECORD. My friend, Senator HATCH, who has distinguished himself in the field of national security affairs over the past several years, gave an excellent and broadly ranging speech in South Korea, and his speech is particularly relevant to our memorial efforts on behalf of the late Congressman Larry P. McDonald and the late Senator Henry M. Jackson. Both of these great and distinguished legislators are honored in Senator HATCH's outstanding speech. I therefore would like to make the speech available to my colleagues in respectful memory of Larry and Scoop. I had the privilege of being present and Senator HATCH was well received.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

WHAT SHOULD THE FRIENDS OF SOUTH KOREA BE DOING?

(By U.S. Senator Orrin Hatch)

Chairman Park, Chairman Helms, other Distinguished Guests and Participants, Ladies and Gentlemen:

This morning as we mourn the loss of my friend Congressman Larry McDonald and as the Republic of Korea is officially in mourning for the loss of the 269 people aboard Korea Air Lines Flight Seven, we must remember that this is not the first time Americans in Seoul have felt the loss of friends and fellow warriors here in Korea or in Asia as a whole. Three times in this century Americans have gone to war in Asia with losses in the tens of thousands each time. I fear that one lesson of the 269 deaths on Flight Seven is that the prospects of war in Asia have not yet disappeared. At present, stability in Asia is clear, but beneath the surface there are still sufficient dangers to the American people and to the Korean people that I feel this morning we should turn to the nuts and bolts and the specifics that should be done. My friend Larry McDonald and my friend and colleague the late Senator Henry Jackson would have wished no less. We should ask ourselves this morning what would Larry and Scoop have wanted to come out of the concluding session of this conference. I suggest two answers.

First, Larry and Scoop would want us to urge a strong response on President Reagan and his advisors. The President is flying today from his ranch to Washington. But even as we meet I know from conversations with the State Department that many of his advisors plan to urge business as usual with the Russians. Yes, they will agree to the President calling the Soviets liars, which he did this morning, and yes, they will agree to a U.N. Security Council session and for all the moral condemnation the free world can muster. But when it comes to specifics, to the kinds of actions that Larry and Scoop would have studied and advised, the State Department has already said no. It intends to continue the meeting planned next week in Madrid between Secretary Shultz and Foreign Minister Gromyko in Madrid to sign the follow-up Madrid Conference Agreement that implies the Soviets are abiding by their Helsinki 1975 Final Act Commitments—when they are not doing so and when they have arrested most of the Soviet citizens who have been monitoring the Helsinki Agreement.

Moreover, the State Department has advised that the negotiations to begin immediately to re-establish an Agreement on Cultural and Educational Exchanges with Moscow should also go ahead unaffected by the loss of Flight Seven. And the plan just announced to start talks on a new Soviet Consulate in New York in return for an American Consulate in Kiev—these talks too are to go ahead. Unless those of us here can appeal to President Reagan's own views and his own instincts about how to deal with what the Soviets have done to Flight Seven.

My hope is that President Reagan will remember the long slow slide into World War Two in which ever more outrageous acts by aggressive tyrants were met with moral condemnation and clucking of tongues while business and diplomacy as usual continued to mark the policies of the free world. Ladies and gentleman, each time we let the Soviets escape punishment for their barbaric acts, we ourselves condone and become accomplices in their behavior. We need from the Soviets not only an apology for Flight Seven and punishment by public trial for those responsible and full generous compensation for the families of the dead, but we also need to teach them a lesson that they will keep in mind next time. This is what I

hope the President and his advisors will focus on in their discussions today and tomorrow. Let me turn now to Korea.

In the spirit of what Larry and Scoop would want us to think about let me be as specific as possible about what the friends of the Republic of Korea should be doing now.

First, we should be talking in Congress and in public about the North Korean threat. Much too little is said about North Korea. Too few appreciate the tremendous drive of the North Koreans to militarize their society. It makes the Soviets look pacific by comparison. Some estimate that the North Koreans are spending 24 per cent of their GNP on their military effort which would be almost double the Soviet level of effort. The North Koreans are practicing offensive exercises with their Army, Navy and Air Force. They have formed over twenty commando units designed to raid and disrupt the unprotected rear areas of South Korea. Four years ago Kim II Sung called for the storage of six months of war supplies and the North Korean forces have made impressive progress towards this goal. Six months of war supplies, ladies and gentlemen. How many Americans know about that?

And I am not talking about slow steady growth of the North Korea threat but a doubling in the past ten years of the North Korean Army to 750,000 and a doubling of its weapons. Their reserve forces are being armed with the older weapons from the regular forces and may now reach as many as four million armed reservists. Four million!

Their Air Force, now well over seven hundred fighters and bombers is housed and protected either underground or in shelters in sharp contrast to our forces and those of South Korea. They are basing their new Navy craft with ship to ship missiles in forward areas like the Northwest Islands to pose immediate threats to shipping and our patrols.

Just reminding our Congress and the American public about what North Korea is doing is one of the vital things fine friends of Korea must do.

The second thing that friends of the Republic of Korea can do is support the specific initiatives now underway but not yet funded by Congress or fully implemented by the Reagan Administration. There are several of these. First, we must continue to improve the Combined Forces Command set up five years ago manned by equal numbers of American and Korean military officers. This Command will fight the war that will come if our deterrence strategy fails. The Combined Forces Command must be able to combine our forces, to train together in air to air and air to ground exercises, to develop tactics now under discussion in NATO so as to be able to strike deep against an enemy to disrupt and slow his forces before they reach the front lines, to seize the initiative at the right time by being able to see deeply into enemy territory with new intelligence systems and with combined all-source intelligence centers at the Field Army level to allow commanders to both see deep and attack deep so that North Korea will know that any war will be costly to them and will be lost by them.

In addition to the Combined Forces Command, we must continue to improve our logistics and supplies such as the important agreement last year to transfer up to two billion dollars worth of war reserve stocks to South Korea in the event of a military emergency. We must make the trans-Korean pipeline survivable so that fuel can move from South Korea ports to combat forces. We must harden and expand the vital lifeline of our fuel transportation and storage facilities, one of the weak points that could attract North Korean attention. Logistics are not the most glamorous aspect of deterrence, but they are crucial and I commend the new agreement by the Republic of Korea to make available its flag carrying air and sea assets to augment our strategic lift during crises.

The third area where friends of South Korea should be active is supporting the improvements in American forces for the Korea region. Our Eighth Army and Seventh Fleet and U.S. Air Forces are undergoing dramatic improvements under President Reagan's leadership. For those who were depressed and alarmed by Jimmy Carter's plans to withdraw the Second Division from Korea, I reply that five years later help is on the way! One hundred and eighty new systems will be introduced into the U.S. forces under the Eighth Army in Korea in the next five years from counter fire radar to the M60 A3 tank, improved tow anti-tank missiles, the Blackhawk helicopter, the multiple launch rocket system, the Viper, and the Divad Gun. We will even be modestly increasing our military and civilian manpower in the Eighth Army. Our Air Forces will be significantly augmented by the introduction of F-16 and A-10 aircraft already underway. The Seventh Fleet is improving its firepower. I welcome the arrival of the battleship New Jersey and the increased anti-submarine surveillance of the Eastern Sea (or the Sea of Japan as some call it) by P-3 aircraft. All these efforts are part of President Reagan's defense budget that Senator Symms and I supported on the Senate Budget Committee (cut in half by the Senate from ten percent real growth to about five).

In addition to supporting U.S. defense budget improvements for the Korean region, a fourth area for action by friends of South Korea is the foreign military sales credits for Korea. These have been too small and ought to have a greater portion at a reduced interest rate or a longer repayment period to keep South Korea from falling behind their force improvement plan schedule. More importantly, we have got to find a way within current laws to encourage South Korea to keep its defense production lines operating and to avoid bankruptcies by defense corporations that built up here in response to American recommendations that Korea should provide for its own defense production. Now Korea can provide most of its own military production needs and in an emergency a "warm" production line here can provide a surge capability to aid our own forces. To do all this means that Korean defense production will have to find some export markets in cooperation with the United States so that our own corporations are not damaged but so that Korean production capacity can at least not be lost.

It seems to me that a sixth area for friends of the Republic of Korea to work is simply expressing appreciation and gratitude for the fact that Korea provides us the best financial support for our forward deployed forces of any, and I mean any, of our allies. This may upset some West Germans and Japanese when they hear it but it is so true that we need to remind our Japanese and German allies just what Korea provides for American forces. This is not only a favor to South Korea, when we advertise what they do and express our appreciation, but it ought to have a healthy effect on our other allies when they hear what South Korea does for us. Let me point out several examples, Korea pays through the Combined Defense Improvement Program for U.S. Forces and activities including construction of over one thousand family units, command facilities, ammunition storage, fuel storage and distribution, more importantly, Korea combat service support probably takes the place of about forty thousand American support personnel who would otherwise be needed here. I believe we ought to be able to increase the number of American military systems that can be repaired and maintained here in Korea without having to overload the American depot system. We already have contracted to maintain and modernize about five hundred M113 armored personnel carriers which will save us about fifteen million dollars and help the Korean defense industry I mentioned earlier. We need more of this.

The seventh and last area is the most important and the most difficult for friends of Korea to be active in. It is the area of diplomacy and the area of where members of Congress, no matter how senior a Senator may be, must yield sometimes in frustration and anger, to the power of the State Department which in my experience seems to have a life of its own and a mind of its own beyond the reach of the President or the Congress, at least much of the time. Generally speaking, American world wide diplomacy is very effective and highly supportive of the peace and stability of the Korean peninsula. A famous Korean proverb describes the international political situation of South Korea as "a shrimp among whale." This is really too modest a description, of course, for the economic and military power of Korea, but it captures the reality of the importance of China and Russia and the U.S. and Japan in the strategic equation for Korea's future.

There is one single area for American diplomacy which affects Korea most of all and that friends of Korea must be vigilant about. That ladies and gentlemen is the principled refusal of our Government not to deal separately with North Korea. There are many reasons to force North Korea into dialog and some brilliant offers have been made by South Korea I will mention in a minute but it would be tragic to see reciprocity for South Korea left out of any of these initiatives toward the North which is precisely what the Carter Administration tried to do in the June 1979 proposals for a tri-partite conference among the United States and the two Koreas. The key point is that any such initiative with North Korea should not only involve the South but also must be reciprocated by Soviet and Chinese agreements to be present at such a conference.

The friends of Korea should be active to be sure that any American diplomatic initiatives that involve North Korea have the full support of South Korea and require reciprocity from Communist China and Russia. We in the Senate of course cannot have any hope that the State Department will inform us in advance of secret initiatives along these lines so we can only make clear again and again that our wishes are against such moves. President Reagan dissociated himself from the tri-partite conference idea of the Carter Administration soon after President Reagan took office. I believe this idea is dead and should remain dead. The only promising approach to take is the idea of cross recognition by all the whales of both

shrimps, to use that famous Korean proverb again. North Korea would be recognized by the U.S. and Japan while China and Russia simultaneously recognize South Korea. This could add to stability in this region and the world, but it is a long way off, in my view, and it is made more difficult every time someone makes a proposal like the tri-partite conference without China and Russian reciprocity.

There are two other ways American diplomacy strengthens the peace in Korea and aids our ally the Republic of Korea. First, we can provide general support to the initiatives of President Chun like his successful and highly publicized trips to Southeast Asia in 1981 and to Africa and Canada in 1982. Such travel helps to diversify South Korean trade and diplomatic relationships and should be encouraged. It was kind and gracious of President Chun last night at dinner in the Blue House to say prayers and thank God for the United States so that the Soviet Union would not be the sole superpower able to put the rest of the world at its mercy as it showed in the downing of Flight Seven what it would do. In fact, however, the friends of Korea know that Korea must have other friends and partners in the free world and not rely solely on the United States. Frankly, Korea should be in close touch with France about the long rumored French desire to recognize North Korea. We stopped in Paris on this long trip and I can assure you that President Mitterand's advisers have not yet completely given up the idea of independent French recognition of North Korea. France has always valued her independence and North Korea is the only country in the world that France has no diplomatic relations with so the friends of Korea may wish to watch vigilantly French contacts with North Korea. We were assured in Paris that France also highly values her friendship and trade with South Korea, so I hope that France will ultimately make the right decision in this matter as the French usually do—ultimately.

The final area for American diplomatic support for South Korea is also one of the most important aspects of our own global strategy. That is our policy towards the conflict between China and Soviet Union. We did not start this conflict and I doubt very much whether it will ever completely end. The Soviets and the Chinese have their own scores to settle with each other very separate from their relations with the free world. But we in the free world can still be very, very careful to take no action that would tend to drive together these two natural antagonists. We can treat Moscow and Beijing separately. We can recognize that Moscow and Beijing compete with respect to North Korea and that Kim Il Sung has been very adept at playing them off against each other. We in the free world should be aware of this. We should recognize that as long as Kim Il Sung cannot count completely on joint support from Russia and China, he is restrained from some actions he might otherwise wish to take toward South Korea.

Now in terms of the kinds of specific things to do that Larry and Scoop would have wanted us to focus on this morning, I want to conclude by praising the joint U.S.-Korean initiative that have been taken in the last two years and urge that more be done. I am referring to the kinds of diplomatic moves that force Kim Il Sung and his potential successor to react with peaceful initiatives of their own. The strategy I believe is useful to overload North Korea with peaceful initiatives, to put the ball in their court, to deny North Korea the pretext for the massive military buildup they have been pursuing with twenty four or twenty five percent of their GNP. We must avoid any and all appearance of belligerence and hostility on our part for this strategy to work. That is why it was smart to invite North Korean observers to the Joint Korean-American military exercise a year ago following the large North Korean military exercises. This is why it was wise to invite the North Korean and Chinese members of the Military Armistice Commission to observe our exercise "Team Spirit" and to propose that both sides ought to give advance notice of major military training exercises to reduce the risk of a tragic misunderstanding. We even outlined the agenda of our exercise "Team Spirit 1982" to the North Korean and Chinese members of the Military Armistice Commission. We have proposed that a third party be available to investigate any armistice agreement violations. To be sure, ladies and gentlemen, we have received no positive response from North Korea to any proposal to reduce tensions. But I believe these offers have a political effect in North Korea and they make it a little more difficult for the North Korean leadership to sustain the burden of its massive military buildup with its enormous costs to the economy and society of North Korea.

This is a happy note on which to conclude my remarks. I hope this is the kinds of nuts and bolts detail and recommendations that Larry and Scoop would have wanted our concluding session to focus on this morning.

THE KOREAN AIR LINES INCIDENT

Mr. PERCY. Mr. President, the criminal and brutal attack on the Korean airliner has sent shock waves around the world. I was in Chicago on Monday, September 19, when well over 1,000 people of the 23d Ward of Chicago observed the tragedy with a moment of silent respect at the Sportsmens Park Race Track.

The U.S. Congress and the President have acted with one voice on this matter. The governments and people of the nations of the free world have spoken in unison against the action of the Soviet Union. The people of Illinois share the sense of grief, and are extending their sympathy to the families of the victims.

The 23d Ward Regular Republican Organization in Chicago and its ward committeeman, Phillip Bianco, Jr., have adopted an important resolution this week which I commend to the attention of my colleagues. The resolution states clearly that "it is evident from all the facts that the Soviet Union had no reason to take such brutal military action against a civilian aircraft." I ask unanimous consent that the resolution be printed in the RECORD following my remarks.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

RESOLUTION

Whereas, Two hundred sixty nine civilians were brutally murdered and shotdown in a South Korean Air Line Flight 007 by the Soviet Union of Socialist Republics'; and

Whereas, This despicable act of murder is a cruel violation of the human rights of people throughout the world; and

Whereas, It is evident from all the facts that the Soviet Union had no reason to take such brutal military action against a civilian aircraft; and

Whereas, The entire world has been horified by this incident and demands certain concessions to the families of the deceased; and

Whereas, The officers and members of the 23rd Ward Regular Republican Organization and the people of the 23rd Ward feel a deep frustration and sympathy for the families of the two hundred sixty nine civilians; and

Whereas, In an act of respect, one minute of silence will be observed by the entire 23rd Ward Regular Republican Organization and their approximate one thousand friends and supporters who attend their annual Party-Nite at the Races, Sportsmen's Park Race Track on Monday night, September 19, 1983; therefore, be it

Resolved, by the 23rd Ward Regular Republican Organization, City of Chicago, County of Cook, State of Illinois

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Saunders, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Acting President pro tempore laid before the Senate messages from the President of the United States submitting treaties which were referred to the appropriate committee.

MESSAGES FROM THE HOUSE

At 12:10 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 3871. An act to amend the Omnibus Budget Reconciliation Act of 1982 to provide that the figure used in determining hourly rates of pay for Federal employees not be changed before the comparibility adjustment in the rates of pay for such employees has been made for fiscal year 1984; and

H.R. 3914. An act to require the Secretary of Agriculture to make an earlier announcement of the 1984 crop feed grain program and of the 1985 crop wheat and feed grain programs.

ENROLLED JOINT RESOLUTIONS SIGNED

The message also announced that the Speaker has signed the following enrolled joint resolutions:

S.J. Res. 81. Joint resolution to authorize and request the President to designate October 16, 1983, as "World Food Day";

S.J. Res. 82. Joint resolution designating November 1983 as "National Alzheimer's Disease Month"; and

S.J. Res. 119. Joint resolution to designate the week of December 11, 1983, through December 17, 1983, as "National Drunk and Drugged Driving Awareness Week".

The enrolled joint resolutions were subsequently signed by the President pro tempore (Mr. THURMOND).

At 5:11 p.m., a message from the House of Representatives, delivered by Mr. Berry, one of its reading clerks, announced that the Speaker appoint as additional conferees in the conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 1340) entitled "An Act to revise and extend the Rehabilitation Act of 1973 and to extend the Developmental Disability Assistance and Bill of Rights Act, and for other purposes.".

From the Committee on Education and Labor for consideration of title I of the Senate bill and modifications committed to conference: Mr. KILDEE and Mr. NIELSON of Utah; from the Committee on Energy and Commerce, to serve jointly with Education and Labor Committee members for consideration of section 402(c)(8) of title IV of the House amendment and modifications committed to conference: Mr. DINGELL, Mr. SCHEUER, Mr. OTTINGER, Mr. SHARP, Mr. MARKEY, Mr. LUKEN, Mr. BROYHILL, Mr. CORCORAN, and Mr. MOORHEAD; and as exclusive conferees for consideration of title II of the Senate bill and modifications committed to conference: Mr. DINGELL, Mr. WAXMAN, and Mr. BROYHILL.

The message also announced that the House disagrees to the amendments of the Senate to the bill (H.R. 3415) making appropriations for the Government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1984, and for other purposes; it agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and appoints Mr. DIXON, Mr. NATCHER, Mr. STOKES, Mr. WILSON, Mr. LEHMAN of Florida, Mr. SABO, Mr. WHITTEN, Mr. COUGHLIN, Mr. GREEN, Mr. ROGERS, and Mr. CONTE as managers of the conference on the part of the House.

ENROLLED JOINT RESOLUTIONS SIGNED

At 6:40 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks announced that the Speaker has signed the following enrolled joint resolutions:

H.J. Res. 132. Joint resolution designating the week beginning September 25, 1983, as "National Adult Day Care Center Week"; and

H.J. Res. 218. Joint resolution to designate the month of September of 1983 as "National Sewing Month".

The enrolled joint resolutions were subsequently signed by the President pro tempore (Mr. THURMOND).

HOUSE MEASURE HELD AT THE DESK

The following bill was ordered held at the desk until the close of business on September 22, 1983, by unanimous consent:

H.R. 3871. An act to amend the Omnibus Budget Reconciliation Act of 1982 to provide that the figure used in determining hourly rates of pay for Federal employees not be changed before the comparability adjustment in the rates of pay for such employees has been made for fiscal year 1984.

ENROLLED JOINT RESOLUTIONS PRESENTED

The Secretary reported that on today, September 21, 1983, he had presented to the President of the United States the following enrolled joint resolutions:

S.J. Res. 81. Joint resolution to authorize and request the President to designate October 16, 1983, as "World Food Day";

S.J. Res. 82. Joint resolution designating November 1983 as "National Alzheimer's Disease Month"; and

S.J. Res. 119. Joint resolution to designate the week of December 11, 1983, through December 17, 1983, as "National Drunk and Drugged Driving Awareness Week."

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-382. A joint resolution adopted by the Legislature of the State of California; to the Committee on Foreign Relations:

"ASSEMBLY JOINT RESOLUTION No. 84

"Whereas, The Legislature of the State of California vigorously condemns the Union of Soviet Socialist Republics for the unprovoked and cowardly attack upon Korean Air Lines Flight 007 which resulted in the deaths of 269 innocent civilian passengers and crew; and

"Whereas, The Legislature hereby offers its deepest sympathies to the families of the victims of this despicable attack; and

"Whereas, The Legislature urges the United States Government to publicly reiterate its commitment of solidarity with the government and people of the Republic of Korea whose aircraft was unjustifiably attacked by the military forces of the Soviet Union; and

"Whereas, The Legislature of the State of California condemns this despicable violation of human rights by the Soviet Union and publicly expresses its revulsion against the Soviet Union for this act of violence; now, therefore, be it

"Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to formally condemn the Soviet Union for its willful breach of international law and treaty obligations arising from the attack on the Korean Air Lines aircraft, to seek the imposition of appropriate sanctions against the Soviet Union by the world community, and to urge the Security Council and General Assembly of the United Nations to take whatever actions are necessary to express the world's sorrow and indignation; and be it further

"Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States."

POM-383. A joint resolution adopted by the Legislature of the State of California; to the Committee on Appropriations:

"SENATE JOINT RESOLUTION No. 6

"Whereas, As of October, 1980 the privately owned deep-draft fleet of the United States merchant marine, excluding the national defense reserve fleet and Great Lakes vessels, totalled only 577 ships with a capacity of 21,023,200 deadweight tons, and additionally as of November 1980 there were only 40 new merchant marine ships of 1.5 million deadweight tons under construction or on order; and

"Whereas, Experts in both military and civilian maritime circles have concluded that a United States flag fleet of this size is inadequate to meet the national security needs of the nation and its necessary peacetime capability; and

"Whereas, President Reagan has indicated that he is very concerned about the decline in America's seapower posture and that a major goal of the United States must be to have a strong competitive and efficient merchant marine to meet the needs of our international commerce and national defense; and

"Whereas, The building of a stronger merchant marine involves increased ship construction, a substantial increase in our nation's work force, and a greater ability to compete equally in international commercial shipping; now, therefore, be it

"Resolved by the Senate and Assembly of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to provide necessary appropriations to be used specifically for the construction of new vessels for the United States merchant marine; and be it further

"Resolved, That the Secretary of the Senate transmit a copy of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States."

POM-384. A joint resolution adopted by the Legislature of the State of California; to the Committee on Agriculture, Nutrition, and Forestry:

"ASSEMBLY JOINT RESOLUTION No. 41

"Whereas, California has adopted a cotton boll weevil eradication plan in the cotton growing areas of southern California along the Colorado River; and

"Whereas, To date, the state has expended about $125,000 and is prepared to expand additional funds if necessary; and

"Whereas, The cotton industry has contributed one-half million dollars of its funds to the eradication efforts; and

"Whereas, The United States Department of Agriculture (U.S.D.A.) has not actively participated in the program; and

"Whereas, The boll weevil will not be stopped unless there is full cooperation from U.S.D.A., Arizona, and Mexico; now, therefore, be it

"Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the United States Department of Agriculture to take the leadership role in the boll weevil eradication effort in the cotton growing areas of southern California along the Colorado River by committing its manpower and resources to help California's cotton industry; and be it further

"Resolved, That the Chief Clerk of the Assembly transmit a copy of this resolution to each Senator and Representative from California in the Congress of the United States and to the United States Secretary of Agriculture."

POM-385. A joint resolution adopted by the Legislature of the State of California; to the Committee on Agriculture, Nutrition, and Forestry:

"ASSEMBLY JOINT RESOLUTION NO. 23

"Whereas, Agriculture is the number one industry in California, representing $14 billion in gross production annually, accounting for over 10 percent of the nation's agricultural exports, and continuing to grow in importance to the state, the nation, and the world; and

"Whereas, The San Joaquin Valley is one of the richest agricultural geographical areas of the world, accounting for over 50 percent of the $14 billion that agriculture contributes to the economy of California and the United States; and

"Whereas, It is estimated that a significant portion of the valley's fertile agricultural land will go out of production by the year 2000, amounting to hundreds of millions of dollars in annual income lost, due to the buildup of salts naturally deposited in the soil and the salts occurring in irrigation water; and

"Whereas, Salinity in the soil and irrigation water is a major threat to the preservation and development of affected agricultural soils; and

"Whereas, Other damaging effects directly attributable to uncorrected salinity will further degrade local groundwater supplies and will cause additional deterioration of the water quality in the state's surface water supplies; and

"Whereas, Salinity is caused by physical properties of the soils and not the management techniques of the affected growers; and

"Whereas, The only feasible method of salt removal from the soil is that of leaching and drainage; and

"Whereas, Many growers have taken steps to alleviate their salinity problem, but lack technical and financial resources to do the job properly or quickly enough; and

"Whereas, Technology exists to alleviate salinity from the soil under the auspices of the United States Department of Agriculture, the University of California Agricultural Extension, and resource conservation districts; and

"Whereas, Growers are encouraged to use water in an efficient manner and adopt appropriate conservation practices designed to minimize the amount of water depositing salt to the agricultural fields that requires leaching and drainage; now, therefore, be it

"Resolved by the Assembly and Senate of the State of California, jointly, That it is the intention of the Legislature of the State of California to protect California's valuable agricultural land, water, and wildlife resources, regardless of whether those resources are located in federal, state, or private water service areas; and be it further

"Resolved, That the United States Department of Agriculture is requested to make the mitigation of salinity a national high priority under the auspices of the Resource Conservation Act of 1977 and, in targeting technical and financial resources, to recognize in the conduct of all resource conservation programs the importance to the nation of salinity's impact on California's agricultural productive capacity; and be it further

"Resolved, That the Resources Agency of the State of California is requested to provide the necessary assistance to support efforts to develop a plan to solve the soil and water related problems of salinity; and be it further

"Resolved, That the Resources Agency of the State of California is requested to make the correction of salinity a high priority by providing assistance and coordination in bringing together appropriate federal, state, and local agencies and affected private and public landowners in developing an effective, safe, and economical solution to the problem of salinity; and be it further

"Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Secretary of Agriculture, to the Speaker of the House of Representatives, to each Senator and Representative from California in the Congress of the United States, and to the Secretary of the Resources Agency of the State of California."

POM-386. A joint resolution adopted by the Legislature of the State of California; to the Committee on Banking, Housing, and Urban Affairs:

"SENATE JOINT RESOLUTION NO. 3

"Whereas, Section 8 of the Housing and Urban Development Act of 1937, as amended, is located in Section 1437f of Title 42 of the United States Code, and it is designed, among other things, to provide affordable housing for senior citizens; and

"Whereas, Increasing numbers of senior citizens are electing to reside in mobilehomes because it offers them the most economically feasible housing alternative in a desirable retirement area; and

"Whereas, Section 8 of the Housing and Urban Development Act of 1937 does not presently include mobilehome park development as a qualified loan project; and

"Whereas, It would be in keeping with the purposes of Section 8 of the Housing and Urban Development Act of 1937 to include mobilehome park development as a project which could be financed under the program; now, therefore, be it

"Resolved by the Senate and Assembly of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President and Congress of the United States to amend Section 8 of the Housing and Urban Development Act of 1937 to include mobilehome park development among the projects which may be financed under the program; and be it further

"Resolved, That the Secretary of the Senate transmit a copy of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States."

POM-387. A joint resolution adopted by the Legislature of the State of California; to the Commerce, Science, and Transportation:

RESOLUTION CHAPTER

"SENATE JOINT RESOLUTION NO. 22

"Whereas, Farming and timber harvesting are critical industries to the nation's social and economic livelihood; and

"Whereas, The storms and flooding of 1982 and 1983 have accounted for more than $300 million in crop losses to state farmers, with probable additional losses in the near future; and

"Whereas, Those who earn their living through agriculture and forestry depend on accurate weather forecasting to plan every aspect of the production of food, fiber, and livestock; and

"Whereas, The National Weather Service of the National Oceanic and Atmospheric Administration is necessary to protect life and property in California and the United States, and any reduction in current levels of service would endanger the public health and welfare; and

"Whereas, The President has announced his plan to sell parts of the National Weather Service to private industry, including the federal government's four weather satellites and its three earth tracking stations now operated by the National Oceanic and Atmospheric Administration; and

"Whereas, Proposed reductions in California include terminating the entire agriculture weather and fruit frost programs and substantially reducing the fire weather program; and

"Whereas, These proposed terminations and staff reductions would seriously impact such important activities as prescribed burning, agricultural irrigation planning, and flood forecasting; and

"Whereas, Consumers and growers alike depend upon fruit frost forecasts for timely meteorological data necessary for their prospective gardening and farming decisions; and

"Whereas, In addition, under the proposed 1983 fiscal year budget for the National Weather Service, traveling motorists would be without the free, up-to-the-minute weather information necessary for their safe journeys; and

"Whereas, This policy would create confusion for those persons who depend on accurate weather forecasting in their business and among states and nations; and

"Whereas, The General Accounting Office has rated the agricultural weather, fruit frost, and fire weather programs among the most cost-effective services provided by the National Weather Service; and

"Whereas, Turning national weather forecasting into a private business would endanger those important aspects of the National Weather Service which might not be immediately seen as profitable; now, therefore, be it

"Resolved by the Senate and Assembly of the State of California, jointly, That it is in the interest of each state and the United States to provide a centralized and dependable system to forecast weather through a federal program such as that of the National Weather Service of the National Oceanic

and Atmospheric Administration; and be it further

"*Resolved,* The President and Congress of the United States are respectfully memorialized to restore the agricultural weather, fruit frost, and fire weather programs to existing levels and, further, not to consider selling or otherwise disposing to private interests any part of the National Weather Service; and be it further

Resolved, That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to each Senator and Representative from California in the Congress of the United States, and to the Administrator of the National Oceanic and Atmospheric Administration."

POM-388. A joint resolution adopted by the Legislature of the State of California; to the Committee on Commerce, Science, and Transportation:

"ASSEMBLY JOINT RESOLUTION No. 52

"Whereas, It has come to the attention of the Members of the Legislature of the State of California that the President and his administration are considering selling portions of the National Weather Service, including weather satellites, to private industry; and

"Whereas, Certain functions, such as national defense, law enforcement, protection of our borders, and weather analysis and forecasting are the responsibility of the government; and

"Whereas, The National Weather Service and its Agricultural Weather Services, including Fire Weather and the Fruit Frost Forecast, rely upon a dependable uninterrupted flow of accurate data obtained from weather satellite pictures; and

"Whereas, The National Weather Service is one of the strongest in the world, providing accurate and reliable weather information for public safety and commerce which has resulted in a significant reduction in violent weather deaths and savings of an estimated 750 million dollars per year in production costs for farmers; and

"Whereas, Agriculture is the number one industry in California in terms of cash value and productivity, representing 15 billion dollars in gross production; and

"Whereas, Agriculture in California and throughout the United States relies upon weather forecasts derived from satellite data to schedule planting, irrigation, fertilizing, harvesting, and pest control measures and to minimize damage due to adverse climate conditions; and

"Whereas, The value of weather forecasting to California agriculture is in excess of 250 million dollars and benefits of the Fruit Frost Program in California are in excess of 70 million dollars; and

"Whereas, The benefits of reliable Agricultural Weather Service forecasting may be passed on to consumers in the form of lower food prices; and

"Whereas, Reliable weather forecasting allows farmers to take measures to conserve water and energy; and

"Whereas, Weather monitoring, data analysis, and forecasting require a well coordinated organization and the facilities to support that organization; and

"Whereas, The operation of our weather satellites by a private, for-profit corporation would not insure reliable and uninterrupted service, and an interruption in data transmissions from weather satellites could result in poor forecasting with disastrous results; now, therefore, be it

"*Resolved by the Assembly and Senate of the State of California, jointly,* That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to reconsider selling any part of the National Weather Service and, instead, to explore methods of making the service financially self-supporting; and be it further

"*Resolved,* That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States."

POM-389. A resolution adopted by the House of Representatives of the State of Illinois; to the Committee on Energy and Natural Resources:

"HOUSE RESOLUTION No. 373

"Whereas, Current federal and State regulatory schemes include secondary coal recovery operations in the definition of surface mining activities causing all the surface mine permitting provisions and performance standards of the State and federal programs to be applied to secondary coal recovery operations; and

"Whereas, The application of these program requirements has caused approximately 20 secondary coal recovery operations in Illinois to cease operations and potential operations to not begin due to a lack of of the fiscal resources and technical staff or expertise for compliance; and

"Whereas, Program requirements have had a much greater and more devastating impact on secondary coal recovery operations than regular, small surface mine operators since secondary coal recovery operators do business in a limited market place where their product sells for only $5 to $6 per ton; and

"Whereas, It is virtually impossible to generate the resources to gather all the data and prepare all the engineering studies required to obtain a permit under the existing program and to subsequently comply with the performance standards of the existing program as the result of receiving a permit; and

"Whereas, Secondary coal recovery operations recover coal from abandoned coal waste piles (coarse refuse or gob) and slurry ponds and will be given high priority for reclamation under the Abandoned Mine Reclamation program authorized by Title IV of P.L. 95-87; and

"Whereas, If an affordable permitting and environmental control provision can be developed and implemented for secondary coal recovery operators, many of the abandoned mine problem sites in the coal producing regions of the State can be reclaimed by private enterprise, resulting in Title IV funds not being spent to reclaim those sites but being used to reclaim other priority site; and

"Whereas, the Abandoned Mine Reclamation program under Title IV can be bolstered by secondary coal operators paying the 35¢ per ton of coal produced reclamation fee into the reclamation fund, a fiscal resource lost if the coal had been covered and revegetated under the Title IV program; and

"Whereas, In addition to reclaiming abandoned sites and paying into the reclamation fund, continuance of secondary coal recovery operations will directly provide several hundred jobs, thousands of dollars in federal, State and local taxes and several hundred jobs in associated industries; and

"Whereas, The utilization and conservation of the coal resource as mandated by Section 515(b)(1) of the Federal Act will be maximized by an increase in the number of secondary carbon recovery operations, without which much of this coal resource will be rendered unrecoverable under current economic conditions; and

"Whereas, There are no valid or logical reasons why these operations should be forced out of business and there are numerous reasons for taking action to allow these operators the opportunity to continue to operate; and

"Whereas, The Illinois General Assembly, representing all the citizens of the State of Illinois cannot unilaterally legislate a solution without federal executive branch approval; and

"Whereas, The Illinois Department of Mines and Minerals is seeking stopgap administrative assistance; therefore, be it

"*Resolved, by the House of Representatives of the Eighty-Third General Assembly of the State of Illinois,* That we hereby request the United States Congress and the United States Department of the Interior assist and support the efforts of the State of Illinois to arrive at a solution which will repair existing environmental damage, conserve Abandoned Mine Reclamation Funds and create additional jobs and revenue; and, be it further

"*Resolved,* That a copy of this resolution be transmitted by the Secretary of State of Illinois to the President of the United States, the Secretary of the Senate of the United States, the Clerk of the House of Representatives of the United States, the Secretary of the Department of the Interior and to each member of the Congress from this State."

POM-390. A resolution adopted by the Humboldt County Board of Supervisors of Eureka, California urging enactment of the wine equity bill of 1983; to the Committee on Finance.

POM-391. A joint resolution adopted by the Legislature of the State of California; to the Committee on Finance:

"ASSEMBLY JOINT RESOLUTION No. 33

"Whereas, The people of California are major exporters and importers of goods and services among the states; and

"Whereas, A significant proportion of the jobs in California depend indirectly and directly on international trade; and

"Whereas, The future growth of the California economy will increasingly depend upon expanded international trade; and

"Whereas, California is a leading state in the development of our Nation's high technology and agricultural industries; and

"Whereas, California's trading strength is directly affected by national policies and agreements of the United States and other countries such as the General Agreement on Tariffs and Trade and the recent memorandum of Principles on High Technology Trade signed by the United States and Japan on February 9, 1983, and the approval of the Japanese Diet of an omnibus bill to revise 16 of that nation's standards and certification laws on May 18, 1983; and

"Whereas, Despite the concerted efforts of the United States and its trading partners to reach agreement on trade policies, inconsistencies in the application and enforcement of multinational and bilateral trade agreements, particularly in the areas

of agriculture, computers, semiconductors, and telecommunications, have unfairly hindered California businesses in their ability to participate fully in other countries' markets; and

"Whereas, Due to gaps in international trade agreements with other countries, no adequate mechanism exists to ensure free and open trade in services and direct foreign investment; and

"Whereas, An effective national trade policy must enable the United States to identify and analyze barriers to United States trade and provide the President with additional authority to take action against unjustifiable, unreasonable, or discriminatory restrictions which burden or restrict United States trade; and

"Whereas, Legislation now pending in the House of Representatives would make these elements part of national trade policy; now, therefore, be it

"Resolved by the Assembly and Senate of the State of California jointly, That the Legislature of the State of California respectfully memorializes the Congress, and the California delegation in particular, to support enactment of legislation which reflects the objectives of the "International Trade and Investment Act"; and be it further

"Resolved, That the Legislature of the State of California respectfully memorializes the President of the United States to seek, through new and revised agreements with other countrfies, free and open trade and the goal of substantially equivalent commercial opportunities for United States exporters in the markets of other countries; and be it further

"Resolved, That the Legislature of the State of California respectfully memorializes Congress to enact legislation which will give the President authority to negotiate both bilateral multilateral agreements in an effort to remove restrictive and discriminatory practices on trade in services and on foreign direct investment; and be it further

"Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the Governor of the State of California, and to the President and Vice-President of the United States, to the Speaker of the House of Representatives, to the President Pro Tempore of the United States Senate, to each Senator and member of the House of Representatives in the California delegation, to the United States Secretary of State, to the United States Secretay of Commerce, and to the United States Trade Representative."

POM-392. A joint resolution adopted by the Legislature of the State of California; to the Committee on Finance:

RESOLUTION CHAPTER—ASSEMBLY JOINT RESOLUTION No. 27

"Whereas, The people of the United States have come to rely upon the Social Security system for at least a portion of their retirement income; and

"Whereas, The Social Security system was designed over 40 years ago, when typical marriages lasted a lifetime and consisted of a wage-earner husband and a homemaker wife; and

"Whereas, Changing demographic patterns, including the increase of women in the labor force, the breaks in service in women's employment, and the increase in divorce rates, have occurred over recent years; and

"Whereas, The economic needs of many of this nation's families require women to either return to the work force or to choose to remain homemakers and to bear full responsibility for maintaining the home and rearing their children, often a great financial sacrifice to the family; and

"Whereas, There is no consideration built into the social security system for women who contribute to the family by working as homemakers; and

"Whereas, There are also financial disincentives built into the social security system for two-earner families with respect to base Social Security benefits and survivor benefits; and

"Whereas, The failure of the Social Security system to adapt to changing demographic trends has resulted in effectual discrimination against women who are homemakers and women who have entered the work force; and

"Whereas, Sixty percent of this nation's nonworking women rely upon Social Security as their only income; and

"Whereas, Fifty percent of Social Security recipients in 1980 were women; and

"Whereas, This nation does not intend to foster discrimination of any kind on the basis of sexual gender; now, therefore, be it

"Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President and Congress of the United States to act decisively to eliminate the disparate impact between the sexes in the system; and be it further

"Resolved, That the Legislature respectfully memorializes the President and Congress of the United States to build recognition into the Social Security system for the nation's homemakers; and be it further

"Resolved, That the Legislature respectfully memorializes the President and Congress of the United States to eliminate the financial disincentives of the Social Security system towards two-earner families; and be it further

"Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the Governor of the State of California, and to the President and Vice President of the United States, to the Speaker of the House of Representatives, to each United States Senator and Member of the House of Representatives in the California delegation, and to the Commissioner of the Social Security Administration."

POM-393. A resolution adopted by the Board of Supervisors of the County of Los Angeles, Calif., protesting the Soviet Union's attack on the Korean Air Lines passenger airplane; to the Committee on Foreign Relations.

POM—394. Joint resolution adopted by the Legislature of the State of California; to the Committee on Governmental Affairs:

"SENATE JOINT RESOLUTION No. 9

"Whereas, On February 19, 1942, President Roosevelt issued Executive Order 9066 which resulted in the relocation and internment of persons of Japanese ancestry on the Pacific Coast; and

"Whereas, In the spring of 1942, over 120,000 persons of Japanese ancestry, the majority of whom were American citizens, were involuntarily relocated and detained in military areas established for this purpose; and

"Whereas, Those relocated suffered significant disruption of their lives, loss of individual freedom and personal dignity, as well as $400 million in property losses in 1942 as estimated by the Federal Reserve Bank; and

"Whereas, The relocation and internment of persons of Japanese ancestry raises serious questions regarding violations of rights guaranteed by the Constitution of the United States; and

"Whereas, On July 31, 1980, President Carter signed Public Law 96-317 establishing the Commission on the Wartime Relocation and Internment of Civilians to review the facts and circumstances surrounding the implementation of E.O. 9066; and

"Whereas, In the summer and fall of 1980, the Presidential Commission heard the testimonies of those whose lives were dramatically affected by E.O. 9066; and

"Whereas, The Commission on Wartime Relocation and Internment of Citizens will be completing its investigation and submitting its findings to Congress in 1983; now, therefore, be it

"Resolved by the Senate and the Assembly of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to approve adequate monetary compensation to those individuals who suffered hardship as a result of Executive Order 9066; and be it further

"Resolved, That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States."

POM-395. A resolution adopted by the Woman's National Auxiliary Convention of the National Association of Free Will Baptists supporting the President concerning his views on women's rights, his stand on abortion and the ERA; to the Committee on the Judiciary.

POM-396. A resolution adopted by the National Association of the Physically Handicapped, Inc., relating to allowing handicapped individuals who do not qualify for low-income housing to live in handicapped accessible housing when these units are available; to the Committee on Labor and Human Resources.

POM-397. Joint resolution adopted by the Legislature of the State of California; to the Committee on Veteran's Affairs:

"ASSEMBLY JOINT RESOLUTION No. 48

"Whereas, the United States Veterans' Administration has recently announced that it is opposed to any proposal to grant compensation to any of the approximately 3,000 Vietnam veterans suffering illnesses that may be related to their exposure to the herbicide Agent Orange during their Vietnam duty more than a decade ago; and

"Whereas, This defoliant chemical was sprayed extensively by United States forces in Vietnam between 1965 and 1971 to kill jungle growth concealing enemy movements, and its long-term effects were then unknown; and

"Whereas, Extensive studies have shown a causal relationship between dioxin, a major component of Agent Orange, and three illnesses—a liver disorder, a skin condition, and a soft-tissue cancer; and

"Whereas, This unreasonable attitude toward these 3,000 ill veterans is inconsistent with the government's recent decision to award compensation to the residents of Times Beach, Missouri, who have suffered dioxin contamination; and

"Whereas, Legislation is pending before Congress which would award compensation,

based on severity of illness, to these 3,000 suffering veterans; now, therefore, be it

"Resolved by the Assembly and Senate of the State of California jointly, That the Legislature of the State of California respectfully memorializes the President and Congress of the United States to support and enact legislation directing the United States Veterans' Administration to pay compensation to the estimated 3,000 Vietnam veterans who suffer from liver disorders, skin conditions, and soft-tissue cancer having a strong correlation to exposure to Agent Orange during their service in Vietnam; and be it further

"Resolved, That the United States Veterans' Administration fulfill the intent of the Starbuck Memorandum dated April 3, 1980, which states that "given the considerable uncertainties as to the disposition of defoliants in Southeast Asia and troop positions at pertinent times, the Veterans' Administration will accept, in the absence of positive evidence to the contrary, a Vietnam Veteran's Contention of Exposure," and with all due and deliberate speed will provide physical examinations to those veterans exposed to Agent Orange during the Vietnam War; and be it further

"Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to each Senator and Representative from California in the Congress of the United States, and to the United States Veterans' Administration."

POM-398. a Joint resolution adopted by the Legislature of the State of California; to the Committee on Veterans' Affairs:

"ASSEMBLY JOINT RESOLUTION No. 22

"Whereas, There are many disabled veterans in California living in areas not served by a United States Veterans' Administration hospital; and

"Whereas, Many private medical facilities and doctors in those areas refuse to honor Veterans' Administration fee service-connected basis cards in the treatment of disabled veterans because of the inordinate delays encountered in the payment process from the Veterans' Administration; and

"Whereas, These same facilities and physicians often refuse to honor CHAMPUS and CHAMPVA authorizations for the same reasons; and

"Whereas, This impasse has imposed a severe hardship on many disabled veterans in California, and has even resulted in many cases in the failure of veterans to receive proper health care services; now, therefore, be it

"Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President and Congress of the United States to direct the United States Veterans' Administration to improve the system of reimbursements to private physicians for authorized treatment of service-connected disabled veterans in order that these reimbursements are received within a reasonable time so that the confidence of private physicians in the Veterans' Administration will be regained; and be it further

"Resolved, That the Chief Clerk of the Assembly transmit a copy of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States."

POM-399. A resolution adopted by the Sierra-Central Valley Republican Caucus of San Andreas, Calif. supporting the reelection of President Ronald Reagan; ordered to lie on the table.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. PERCY, from the Committee on Foreign Relations, without amendment:

S. Res. 223. A resolution to express the appreciation of the American people for the efforts of the Japanese Government in connection with the Korean Air Lines tragedy.

By Mr. CHAFEE, from the Committee on Environment and Public Works, with an amendment in the nature of a substitute and an amendment to the title:

S. 431. A bill to amend the Clean Water Act, as amended, to authorize funds for fiscal years 1983, 1984, 1985, 1986, and 1987, and for other purposes (with additional and supplemental views) (Rept. No. 98-233).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. McCLURE, from the Committee on Energy and Natural Resources:

William Perry Pendley, of Wyoming, to be an Assistant Secretary of the Interior.

(The above nomination was reported from the Committee on Energy and Natural Resources with the recommendation that it be confirmed, subject to the nominee's commitment to respond to appear and testify before any duly constituted committee of the Senate.)

By Mr. PERCY, from the Committee on Foreign Relations:

Francis Stephen Ruddy, an Assistant Administrator of the Agency for International Development, to be a member of the Board of Directors of the African Development Foundation for the term of 2 years;

Charles G. Wells, of Illinois, to be a member of the Board of Directors of the African Development Foundation for a term of 4 years;

Patsy Baker Blackshear, of Maryland, to be a member of the Board of Directors of the African Development Foundation for a term of 4 years;

Chester A. Crocker, an Assistant Secretary of State, to be a member of the Board of Directors of the African Development Foundation for the term of 2 years;

William F. Pickard, of Michigan, to be a member of the Board of Directors of the African Development Foundation for a term of 6 years;

Henry F. Schickling, of Pennsylvania, to be a member of the Board of Directors of the Overseas Private Investment Corporation for a term expiring December 17, 1985;

Millicent Fenwick, of New Jersey, for the rank of Ambassador during the tenure of her service as U.S. Representative to the Food and Agriculture Organizations in Rome;

Contributions are to be reported for the period beginning on the first day of the fourth calendar year preceding the calendar year of the nomination and ending on the date of the nomination.

Nominee: Millicent Fenwick.

Post: Rank of Ambassador, U.S. Representative to the Food and Agriculture Organization.

Contributions; amount; date; donee:

1. Self: $250; 1980 or 1982; Rep. James Jeffords. (R-Vt.).

2. Self: $1,000; 1982; dinner for President Ronald Reagan.

3. Children and spouses names: Mary and Kenneth Reckford; $900, joint contribution; 1982; Fenwick for Senate.

4. Leigh and Hugh Fenwick; $400, joint contribution; 1982; Fenwick for Senate.

5. Leigh Fenwick: $200; 1982; Fenwick for Senate. Hugh Fenwick: $250; 1982; Fenwick for Senate.

6. Brothers and spouses names: None.

7. Sisters and spouses names: None.

Peter Jon de Vos, of Florida, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the People's Republic of Mozambique;

Contributions are to be reported for the period beginning on the first day of the fourth calendar year preceding the calendar year of the nomination and ending on the date of the nomination.

Nominee: Peter Jon de Vos.

Post: Mozambique.

Contributions:

1. Self: None.

2. Spouse: None.

3. Children and spouses names: None.

4. Parents names: None.

5. Grandparents names: None.

6. Brothers and spouses names: None.

7. Sisters and spouses names: None.

Clair W. Burgener, of California, to be a member of the Board for International Broadcasting for a term expiring April 28, 1985;

Malcolm Forbes, Jr., of New Jersey, to be a member of the Board for International Broadcasting for a term expiring April 28, 1986;

Joseph Lane Kirkland, of the District of Columbia, to be a member of the Board for International Broadcasting for a term expiring April 28, 1984;

Arch L. Madsen, of Utah, to be a member of the Board for International Broadcasting for a term expiring April 28, 1984; and

James Albert Michener, of Pennsylvania, to be a member of the Board for International Broadcasting for a term expiring April 28, 1984.

(The above nominations were reported from the Committee on Foreign Relations with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

By Mr. DOLE, from the Committee on Finance:

Katherine D. Ortega, of New Mexico, to be Treasurer of the United States.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. BENTSEN:

S. 1866. A bill to amend subchapter III of chapter 83 of title 5, United States Code, to

provide for the payment of survivor annuities in certain cases involving missing retired Federal employees or Members of Congress entitled to receive annuities under such subchapter, and for other purposes; to the Committee on Governmental Affairs.

By Mr. GRASSLEY:

S. 1867. A bill to provide additional authorizations of appropriations for fiscal years 1983 and 1984 for the surplus commodities program under the Older Americans Act of 1965, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. RIEGLE (for himself and Mr. LEVIN):

S. 1868. A bill to add $17,996,558 to the budget ceiling for new acquisitions at Sleeping Bear Dunes National Lakeshore; to the Committee on Energy and Natural Resources.

By Mr. DODD:

S. 1869. A bill to provide assistance to local educational agencies and institutions of higher education to promote computer literacy among elementary and secondary school students and their teachers, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. THURMOND (for himself, Mr. BIDEN, Mr. GARN, Mr. LAXALT, Mrs. HAWKINS, Mr. DOLE, Mr. ARMSTRONG, Mr. EAST, Mr. D'AMATO, Mr. GRASSLEY, Mr. HATCH, Mr. KENNEDY, Mr. SIMPSON, and Mr. SPECTOR):

S. 1870. A bill to amend title 18 of the United States Code to provide penalties for credit and debit card counterfeiting and related fraud; to the Committee on the Judiciary.

By Mr. MELCHER:

S. 1871. A bill to allow all restricted Indian lands to be leased for 99 years with the approval of the Secretary of the Interior; to the Select Committee on Indian Affairs.

By Mr. BAKER (for Mr. STAFFORD (for himself and Mr. BAKER)):

S. 1872. A bill to increase endowment funds for eligible individuals under part C of title III of the Higher Education Act of 1965; read twice and placed on the calendar.

By Mr. HUDDLESTON (for himself, Mr. BURDICK, Mr. SYMMS, Mr. RANDOLPH, and Mr. ZORINSKY):

S.J. Res. 167. Joint resolution proposing an amendment to the Constitution of the United States with respect to the English language; to the Committee on the Judiciary.

By Mr. CRANSTON (for himself, Mr. BOSCHWITZ, Mr. BRADLEY, Mr. CHAFEE, Mr. CHILES, Mr. D'AMATO, Mr. DECONCINI, Mr. DIXON, Mr. DODD, Mr. DOLE, Mr. DOMENICI, Mr. EAGLETON, Mr. FORD, Mr. GLENN, Mr. GORTON, Mrs. HAWKINS, Mr. HEINZ, Mr. HOLLINGS, Mrs. KASSEBAUM, Mr. KENNEDY, Mr. LAUTENBERG, Mr. LEAHY, Mr. MATSUNAGA, Mr. METZENBAUM, Mr. MITCHELL, Mr. MOYNIHAN, Mr. PERCY, Mr. PROXMIRE, Mr. RANDOLPH, Mr. RIEGLE, Mr. SASSER, Mr. SPECTER, Mr. STAFFORD, Mr. TRIBLE, Mr. TSONGAS, Mr. WARNER, Mr. WEICKER, Mr. WILSON, Mr. QUAYLE, and Mr. NUNN):

S.J. Res. 168. Joint resolution to provide for the designation of a month as "National Sickle-Cell Anemia Awareness Month"; to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BENTSEN:

S. 1866. A bill to amend subchapter III of chapter 83 of title 5, United States Code, to provide for the payment of survivor annuities in certain cases involving missing retired Federal employees or Members of Congress entitled to receive annuities under such subchapter, and for other purposes; to the Committee on Governmental Affairs.

PAYMENT OF SURVIVOR ANNUITIES

● Mr. BENTSEN. Mr. President, today I am introducing legislation providing for the payment of benefits to survivors of retired missing Federal employees or Members of Congress. Under current law, the Office of Personnel Management does not have the authority to pay a missing retiree's annuity to the surviving spouse. Further, the OPM cannot begin payment of survivor benefits in a case where a retiree is presumed missing but not officially declared dead. My bill is intended to rectify this situation.

This discrepancy in the law was brought to my attention by one of my constituents, the wife of the Federal retiree missing since October 1980. My constituent's husband, along with a U.S. Army officer, vanished on a flight from Spain to Germany. Upon learning of the retiree's disappearance, the OPM suspended his monthly annuity check. However, in the absence of any official determination of death, the OPM did not commence payment of survivor benefits to his widow. In short, he was dead enough for the OPM to terminate his pension, but not dead enough to allow payment of survivor benefits to my constituent.

Because a civil service annuity earned by an individual is for his own use and is not considered to be a family benefit, it cannot be claimed by living dependents. In addition, the OPM cannot make a determination of death, and requires a death certificate in order to commence payment of survivor benefits. In this particular case, the required certificate of death was to be provided by the Spanish Government, which concluded that there was insufficient evidence to presume death.

By contrast, existing law permits a Government agency to make an official finding of death in the case of a missing Federal civilian employee or active duty member of a uniformed service. The Army officer accompanying my constituent's husband was officially determined dead by the Department of the Army based upon the circumstances surrounding the officer's disappearance. Although these facts were identical to those of the missing Federal retiree, the information was insufficient for the OPM.

Upon learning of the incident, I requested the Government Accounting Office to investigate this discrepancy which allowed the Department of the Army greater discretion than the OPM. The GAO determined that currently there is neither statutory nor regulatory authority for a Government agency to make an official finding of death in the case of missing Federal retirees. The GAO recommended that statutory authority be given to the OPM to declare the missing person dead and extend protection to the annuitant's dependents.

The OPM concurred with the GAO that statutory authority is needed to resolve this problem and to give the OPM the necessary mandate. Therefore, I am introducing legislation which would allow a survivor benefit to be paid to any individual who would otherwise be entitled to an annuity in the event of the death of a retired employee. If a missing retiree does not reappear and claim his benefits within 6 months of the date the Office determined him to be missing, the OPM is authorized to commence payment of survivor benefits.

We need a consistent Government policy to protect the rights of dependents of our civil service retirees. For 3 years, my constituent has been unable to receive the survivor benefits to which she is entitled. I hope that the appropriate committees will act swiftly to rectify this situation.●

By Mr. DODD:

S. 1869. A bill to provide assistance to local educational agencies and institutions of higher education to promote computer literacy among elementary and secondary school students and their teachers; to the Committee on Labor and Human Resources.

COMPUTER EDUCATION OPPORTUNITIES

● Mr. DODD. Mr. President, today I am introducing legislation to help equalize computer education opportunities and to upgrade education curricula to include adequate computer use in schools throughout the Nation. This legislation is entitled "The Computer Literacy Act of 1983." Representative TIM WIRTH recently introduced identical legislation in the House of Representatives (H.R. 3750).

The 1980's has been aptly called "The Era of the High Tech Revolution." One critically important, and rapidly expanding, component of this revolution is information technology.

John Naisbitt may not have exaggerated the importance of information technology in his book "Megatrends" when he wrote: "Schools around the Nation are begining to realize that in the information society, the two required languages will be English and computer."

Although no one can safely predict the full impact of this technological revolution on the Nation's education systems, some problems are already clearly identifiable.

For example, many students in the more affluent schools effectively are being taught to utilize computers as a part of routine classwork. On the other hand, many students in less affluent or less progressive schools are being frustrated by the lack of computer access and computer-literate teachers. This division in educational opportunities may ultimately create a technological caste system within the Nation's schools which we can ill-afford.

In addition, many school officials lack expertise in choosing the hardware and software most suitable for their schools' needs.

To remedy these emerging problems, provisions of the Computer Literacy Act of 1983 allocate funds for the purchase of computer hardware, priority being given to schools with the greatest need; establish teacher training institutes; and authorize new appropriations for the National Science Foundation and the National Institute of Education to research, evaluate, and disseminate information regarding available computer hardware and software. In addition, this legislation includes provisions for the development of appropriate computer education programs for use in the classroom.

Computer education need not, and must not, be imposed upon existing curricula at the expense of such basics as English, writing, science, or mathematics. Careful course planning and proper computer software and program development, however, will enhance teaching and learning of many subjects. In addition, through proper computer use, students have an opportunity to develop many skills needed in today's technological era.

The value for students of computer skills recently has been shown in many reports and surveys. One survey regarding the use of computers in the classroom was conducted by the National Education Association (NEA). The NEA survey showed approximately 70 percent of responding teachers favorably reported that students with a good grasp of computer knowledge showed more motivation, improved interest in classwork, increased attention span, and enhanced cognitive learning skills.

The advantages from the development of computer skills are not limited to the classroom. One estimate is that by 1990 approximately 30 million jobs—including such areas as health care services, publishing, telecommunications, business, and manufacturing—will be computer related.

In my opinion, Mr. President, the Federal Government can make a valuable contribution to the Nation's future by improving access to quality computer education. The provisions of the Computer Literacy Act of 1983 provides an appropriate Federal initiative toward this goal.

I ask the full text of the bill be printed in the RECORD following my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1869

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Computer Literacy Act of 1983".

TITLE I—ACQUISITION OF COMPUTER HARDWARE

PURPOSES

SEC. 101. It is the purpose of this title to authorize assistance to local educational agencies for the acquisition of computer hardware for use in school classrooms in order to promote student competence in the operation and use of new technologies, and thereby to improve student's academic performance in both technical and other fields.

DEFINITIONS

SEC. 102. For purposes of this title—

(1) the term "Secretary" means the Secretary of Education;

(2) the term "local educational agency" has the meaning provided in section 198(a)(10) of the Elementary and Secondary Education Act of 1965;

(3) the term "State education agency" has the meaning provided in section 198(a)(17) of such Act;

(4) the term "average daily attendance" has the meaning provided in section 198(a)(1) of such Act;

(5) the term "computer hardware" means—

(A) a data processor which—

(i) can be programed in at least three standard computer languages;

(ii) has a random access memory capacity of at least sixteen thousand bytes; and

(iii) is or can be connected with a screen for visual display;

(B) in connection with such a data processor (i) a display screen, and (ii) one or more disk or tape drives; and

(C) any equipment necessary for the installation of equipment described in subparagraphs (A) and (B); and

(6) the term "State" means each of the fifty States, the District of Columbia, Puerto Rico, Guam, American Samoa, the Virgin Islands, the Trust Territory of the Pacific Islands, and the Northern Mariana Islands.

ALLOCATION OF FUNDS

SEC. 103. (a)(1) From 5 per centum of the amount appropriated pursuant to section 107 for any fiscal year the Secretary shall allocate to each State educational agency an amount for monitoring and enforcement which bears the same ratio to such 5 per centum as the amount allocated to the local educational agencies in that State under paragraph (2) for such fiscal year bears to the sum of the amount allocated to local educational agencies in all the States under such paragraph for such fiscal year.

(2) From the remainder of the amount appropriated pursuant to section 107 for any fiscal year the Secretary shall allocate to each eligible local educational agency an amount which bears the same ratio to such remainder as the number of children in average daily attendance in the schools of such local educational agency bears to the sum of such children in the schools of all local educational agencies.

(b) Notwithstanding subsection (a)(2), the allocation of any local educational agency shall be reduced to the extent that assistance under this title has been or would be in excess of the amount necessary for such agency to acquire one unit of computer hardware for each thirty children in average daily attendance in the schools of such agency.

LOCAL APPLICATION FOR FUNDS

SEC. 104. (a)(1) A local educational agency shall be eligible for an allocation under section 103 if it has on file with the State educational agency a current application, approved by the State educational agency, describing the computer hardware procurement program to be conducted with assistance provided under this title. Such application shall contain—

(A) assurances that the local educational agency will allocate funds among the school within its district so that—

(i) funds are provided first to those schools with the least computer hardware per student;

(ii) funds are not provided to any school after such school has the equivalent of one unit of computer hardware for each thirty children in average daily attendance at such school;

(B) an identification of the computer hardware which are already available in the schools of such agency, a specification of the computer hardware to be acquired with funds provided under this title during the next funding period, and assurances that the acquisition cost of such hardware will be reasonable and in accordance with such guidelines as may be prescribed by the Secretary by regulation; and

(C) describe the programs and procedures which the local educational agency has developed to ensure the participation of parents in the establishment of its computer hardware acquisition program and in the development and implementation of a curriculum for the use of such hardware.

(2) Such an application may be amended at any time to describe changes in or additions to the activities originally set forth in the application.

(b) An application or amendment thereto shall be approved by the State educational agency unless such agency determines that the application does not provide for the use of such funds in a manner which meets the requirements of this title or is inconsistent with such requirements as the Secretary may prescribe by regulation. No such determination shall be made except after notice and opportunity for a hearing is given to the applicant.

STATE RESPONSIBILITIES

SEC. 105. (a) Each State which desires to have its local educational agencies qualify for assistance under this title shall have on file with the Secretary an application submitted by its State educational agency. Each such application shall contain (1) satisfactory assurances that the State educational agency will comply with the requirements of this section; and (2) such information as the Secretary considers necessary to determine whether such assurances will be carried out.

(b) A State educational agency shall not finally disapprove, in whole or in part, the application of any local educational agency

under section 104 without first affording such agency reasonable notice and opportunity for a hearing.

(c) Each State educational agency shall—

(1) adopt standards, consistent with minimum standards prescribed by the Secretary, for monitoring, with the funds provided under section 103(a)(1), the effectiveness of computer hardware procurement programs assisted under this title;

(2) adopt written procedures for receiving complaints regarding such programs;

(3) establish procedures for notifying the Secretary of any failure by a local educational agency to comply with this title, regulations prescribed thereunder, or any provision in its application; and

(4) make provision for audits of expenditures of funds received under this title to determine, at a minimum, the fiscal integrity of grant and subgrant financial transactions and reports, and compliance with applicable statutes, regulations, and terms and conditions of the grant or subgrant.

(d) Each State educational agency shall submit, at such times and in such detail as the Secretary may require, such reports as may be necessary to enable the Secretary to carry out this title, and shall keep such records and afford such access thereto, as the Secretary may require.

PARTICIPATION OF CHILDREN FROM PRIVATE SCHOOLS

SEC. 106. (a) To the extent consistent with the number of children in the school district of the local educational agency who are enrolled in private elementary and secondary schools, such agency shall, after consultation with appropriate private school representatives, make provision for including special educational services and arrangements (such as dual enrollment, educational radio and television, and mobile educational services and equipment) in which such children can participate and which meet the requirements of this title. Expenditures for educational services and arrangements pursuant to this subsection for children in private schools shall be equal (taking into account the number of children to be served and the needs of such children) to expenditures for children enrolled in the public schools of such agency.

(b) If by reason of any provision of law a local educational agency is prohibited from providing for the participation of children from private schools as required by subsection (a), or if the Secretary determines that a local educational agency has substantially failed or is unwilling to provide for such participation on an equitable basis, the Secretary shall waive such requirements and shall arrange for the provision of services to such children, which shall be subject to the requirements of this section. Such waivers shall be subject to consultation, withholding notice, and judicial review in accordance with section 557(b) (3) and (4) of the Education Consolidation and Improvement Act of 1981.

AUTHORIZATION OF APPROPRIATIONS

SEC. 107. There are authorized to be appropriated to carry out this title $300,000,000 for each of the fiscal years 1984 through 1993.

TITLE II—TEACHER TRAINING INSTITUTES

NATIONAL SCIENCE FOUNDATION PROGRAM

SEC. 201. (a) From the amount appropriated pursuant to section 203 for any fiscal year, the National Science Foundation shall arrange, through grants and contracts with nonprofit professional scientific or engineering organizations, science museums, regional science education centers, State educational agencies, and institutions of higher education (including community colleges), for the development and operation by such entities of short-term or regular session institutes for advanced study to improve the qualifications of individuals who are engaged in or preparing to engage in the teaching, or supervising or training of teachers, of the operation and use of new technologies.

(b) In making grants and contracts under subsection (a), the National Science Foundation shall give special consideration to institutes training teachers, or supervisors or trainers of teachers, serving or preparing to serve in elementary and secondary schools enrolling substantial numbers of culturally, economically, socially, and educationally handicapped youth or in programs for children of limited English language proficiency.

STIPENDS

SEC. 202. Each individual who attends an institute operated under the provisions of this title shall be eligible (after application therefor) to receive a stipend at the rate of $275 per week for the period of attendance at such institute.

AUTHORIZATION OF APPROPRIATIONS

SEC. 203. There are authorized to be appropriated to carry out this title $20,000,000 for each of the fiscal years 1984 through 1993.

TITLE III—INFORMATION DISSEMINATION AND EVALUATION

NATIONAL INSTITUTE OF EDUCATION

SEC. 301. (a) For the purpose of providing advice and technical assistance to State and local educational agencies on the expenditure of funds under title I of this Act and on the acquisition of suitable computer software, the National Institute of Education and the National Science Foundation, in accordance with an interagency agreement between such Institute and such Foundation, shall—

(1) evaluate available computer hardware and software, in terms of its usefulness in the classroom;

(2) disseminate the results of such evaluation; and

(3) develop model computer educational software, and make such model software (and its design premises) available to computer software producers and distributors, teachers, and school administrators.

(b) The Institute and the Foundation shall carry out the functions described in paragraphs (1), (2), and (3) of subsection (a) under grants or contracts made with funds appropriated under subsection (c).

(c) There are authorized to be appropriated to carry out this section such sums as may be necessary for each of the fiscal years 1984 through 1993.

PRIVATE EVALUATION AND DISSEMINATION CENTERS

SEC. 302. (a) The National Science Foundation shall, through grants to or contracts with nonprofit professional scientific or engineering organizations, science museums, regional science education centers, public television, State educational agencies, and institutions of higher education (including community colleges), conduct, assist, and foster research and experimentation on, and dissemination of, models of instruction in the operation and use of computers. In selecting such entities for such grants or contracts, the Foundation shall give priority to those proposals—

(1) prepared with the active and broad community involvement of such groups as parents, teachers, school boards and administrators, and local business; or

(2) which propose the establishment of model training programs for adults.

(b) Funds available under a grant or contract pursuant to this section may be used for the acquisition of computer hardware and software.

(c) The Director of the National Science Foundation shall report to the Congress annually on the results of research and experimentation performed with funds made available under this section. The Director, in conjunction with the National Institute of Education, shall take such steps as may be necessary to disseminate information concerning such results to local educational agencies.

(d) There are authorized to be appropriated to carry out this section such sums as may be necessary for each of the fiscal years 1984 through 1993.●

By Mr. THURMOND (for himself, Mr. BIDEN, Mr. GARN, Mr. LAXALT, Mrs. HAWKINS, Mr. DOLE, Mr. ARMSTRONG, Mr. EAST, Mr. D'AMATO, Mr. GRASSLEY, Mr. HATCH, Mr. KENNEDY, Mr. SIMPSON, and Mr. SPECTER):

S. 1870. A bill to amend title 18 of the United States Code to provide penalties for credit and debit card counterfeiting and related fraud; to the Committee on the Judiciary.

CREDIT AND DEBIT CARD COUNTERFEITING AND FRAUD ACT OF 1983

Mr. THURMOND. Mr. President, on behalf of myself; the ranking minority member of the Judiciary Committee, Senator BIDEN; the chairman of the Subcommittee on Criminal Law, Senator LAXALT; the chairman of the Committee on Banking, Housing and Urban Affairs, Senator GARN; and other distinguished members of the Judiciary and Banking Committees, I am today introducing the Credit and Debit Card Counterfeiting and Fraud Act of 1983. This bill, which has been developed in consultation with the affected industries, the Department of Justice, and the Secret Service, would amend title 18 of the United States Code to provide new offenses relating to counterfeiting and trafficking in phony credit and debit cards. It is intended to complement recently introduced legislation amending title 15 offenses involving the misuse of credit cards and electronic transfer devices. Furthermore, it is a companion to the measure introduced in the other body by the ranking minority member of the Committee on the Judiciary, Congressman HAMILTON FISH, Jr.

Mr. President, according to estimates from the credit card industry, this country has recently experienced a phenomenal increase in the counterfeiting and sale of credit cards and other payment devices, including those used to take cash from "money

machines." For instance, according to VISA, losses stemming from counterfeit VISA cards increased from $10,000 in 1974–75 to over $11 million in 1982–83. Worldwide counterfeiting losses relating to all cards increased from $15 million to $50 million between 1981 and 1982 alone; 94 percent of this activity is estimated to have taken place in the United States.

Title 15 currently contains some offenses relating to the criminal misuse of credit and debit cards. However, it does not adequately address the relatively new phenomenon of counterfeiting and trafficking in phony cards. According to industry representatives, most counterfeiting and card alteration activities are the work of organized gangs who use the proceeds of this activity to finance other illegal activities, such as drug and firearms trafficking. The Wall Street Journal, on January 24, 1983, reported the murder of an associate of a counterfeit-card ring in New Jersey, which was discovered in possession of 200,000 counterfeit cards. Considering the organized crime and interstate aspects of this problem, a Federal response to major trafficking and counterfeiting activities is clearly warranted.

The Credit and Debit Card Counterfeiting and Fraud Act of 1983 amends title 18 of the United States Code by adding a new section 1029. It would make it a Federal offense, where jurisdictional requirements are met, to: (1) produce or transfer a fraudulent card with intent to defraud; (2) possess five or more fraudulent cards with intent to defraud or transfer unlawfully; or (3) produce, transfer, or possess card-making equipment with intent to make fraudulent cards. Conspiracies and attempts to commit offenses are also punishable. The penalties, which are based on the number of fraudulent cards involved and whether the offender has previously committed such an offense, range up to a maximum of $100,000 and 20 years of imprisonment.

The Credit and Debit Card Counterfeiting and Fraud Act of 1983 is patterned after the legislation which was enacted last year in response to the similarly growing problem of false identification. The Justice Department has indicated that this legislation promises to become a valuable tool in the fight against organized crime and career criminals. I believe that the bill, which I am introducing today, will also serve as a useful response to a problem which ultimately costs all innocent consumers.

Mr. President, as chairman of the Committee on the Judiciary, I intend to encourage prompt action on this important measure. I was pleased to learn that my colleagues on the Banking, Housing, and Urban Affairs Committee, many of whom have cosponsored this bill, have under serious consideration a complementary measure amending title 15. Hopefully, we will be able to pass comprehensive legislation before the end of this first session of the 98th Congress. I urge my colleagues to cosponsor the Credit and Debit Card Counterfeiting and Fraud Act of 1983.

Mr. President, I ask unanimous consent that the language of the bill be printed in the RECORD at this point.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1870

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Credit and Debit Card Counterfeiting and Fraud Act of 1983".

SEC. 2. (a) Chapter 47 of title 18, United States Code, is amended by adding the following new section 1029 at the end thereof:

"§ 1029. Fraud and related activity in connection with payment devices

"(a) Whoever, in circumstances described in subsection (c) of this section—

"(1) knowingly and with intent to defraud, produces, buys, sells, or transfers a fraudulent payment device;

"(2) knowingly possesses or has control or custody of, with intent to defraud or transfer unlawfully, five or more fraudulent payment devices;

"(3) knowingly produces, buys, sells, transfers, has control or custody of, or possesses device-making equipment, with the intent that such equipment be used in the production of a fraudulent payment device; or

"(4) attempts or conspires to do so,

shall be punished as provided in subsection (b) of this section.

"(b) The punishment for an offense under subsection (a) of this section is—

"(1) a fine of not more than $10,000 or imprisonment for not more than ten years, or both;

"(2) a fine of not more than $50,000 or imprisonment for not more than fifteen years, or both, if the offense involves any device-making equipment, or five or more fraudulent payment devices; or

"(3) a fine of not more than $100,000 or imprisonment for not more than twenty years, or both, in the case of second or subsequent offenses.

"(c) The circumstances referred to in subsection (a) of this section are that—

"(1) the offense affects a financial institution or interstate or foreign commerce;

"(2) the offender in the course of the offense uses an instrumentality of interstate or foreign commerce; or

"(3) the fraudulent payment device or device-making equipment, or any aspect or component thereof, has been in interstate or foreign commerce.

"(d) As used in this section—

"(1) the term 'payment device' means any card, plate, code, account number, or other means of account access existing for the purpose of obtaining, alone or in conjunction with another payment device, money, goods, services, or any other thing of value, or for the purpose of initiating a transfer of funds (other than a transfer originated solely by paper instrument);

"(2) the term 'fraudulent payment device' means—

"(A) any payment device or a representation, depiction, facsimile, aspect or component of a payment device that is counterfeit, fictitious, altered, forged, lost, stolen, incomplete, fraudulently obtained or obtained as part of a scheme to defraud; or

"(B) any invoice, voucher, sales draft, or other reflection or manifestation of such a device;

"(3) the term 'produce' means to make, design, alter, authenticate, duplicate, or assemble;

"(4) the term 'financial institution' means an institution that holds deposits or accounts insured by the Federal Deposit Insurance Corporation, the Federal Savings and Loan Insurance Corporation, or the National Credit Union Administration; and

"(5) the term 'device-making equipment' means any equipment, mechanism, or impression designed, used, or that can be used to produce a payment device, a fraudulent payment device, or any aspect or component thereof.

"(e) The United States Secret Service shall have jurisdiction to investigate offenses under this section, in addition to any other agency having such jurisdiction.".

(b) The table of sections at the beginning of chapter 47 of title 18 of the United States Code is amended by adding at the end the following new item:

"1029. Fraud and related activity in connection with payment devices.".

● Mr. D'AMATO. Mr. President, I am proud to join my distinguished colleague, Senator THURMOND, as an original cosponsor of the Credit and Debit Card Counterfeiting and Fraud Act of 1983. This much needed legislation would amend title 18 of the United States Code which presently contains no provisions directed at the burgeoning problem of counterfeiting and trafficking in fraudulent credit and debit cards. The act adds a new section to the code making it a Federal offense to produce, transfer, or possess fraudulent credit cards, credit card numbers, or equipment designed to manufacture such fraudulent devices. Conspiracies and attempts to commit such offenses are also punishable under the act.

The credit and debit card industries have greatly expanded as a result of technological advances in the communications field. Unfortunately, these technological advances have been turned against the industry by sophisticated criminals who have used innovative and technologically advanced methods to commit crimes which were beyond the imagination of the most clever draftsmen of currently applicable criminal statutes. The magnitude of the problem is evident from the fact that worldwide card losses absorbed by the two major credit card companies from counterfeiting alone amounted to $50 million in 1982, up from $15 million in 1981—a 233-percent increase in a single year.

Unfortunately, Mr. President, New York has the dubious distinction of being the credit card fraud capital of the world. VISA estimates that nearly

50 percent of its losses due to counterfeiting occur in New York State.

While much of the fraud problem is centered in New York, Miami, and Los Angeles, every bank that participates in the bank card marketplace and their customers are potential victims of this fraud. Unless this type of criminal behavior is not swiftly and adequately addressed, we can be assured of its further proliferation to other States throughout the Union. The Credit and Debit Card Counterfeiting and Fraud Act of 1983 is an important and necessary step in providing our law enforcement officials with the means to combat this illicit activity. Stiff penalties imposed on one found guilty of these crimes would deter potential offenders from participating in this type of activity.

More importantly, the Credit and Debit Card Counterfeiting and Fraud Act of 1983 will protect the interests of the consumer, who ultimately bears the increased costs for credit and debit card services resulting from industry fraud losses. As a member of the Consumer Affairs Subcommittee of the Senate Banking, Housing and Urban Affairs Committee, I am also pleased to be an original cosponsor of S. 1555, a bill to amend the Truth In Lending Act and the Electronic Fund Transfer Act, introduced by Senator HAWKINS, chairman of that subcommittee. S. 1555 is the first prong of this two-pronged attack against the escalation of credit card fraud. Senator HAWKINS' bill would correct blatent inadequacies of the Truth in Lending Act and the Electronic Funds Transfer Act. Under those acts, fraudulent use of credit or debit card numbers is not now a prohibited activity. S. 1555 closes this loophole by redefining "credit card" to include an actual or fictitious account number or other means of access to an account. Along with other tightening provision, S. 1555 would also increase penalties applicable to those convicted of such crimes.

I look forward to working with both Chairman THURMOND and Senator HAWKINS on this two-pronged legislative package designed to combat this innovation form of criminal activity. The unchecked escalation of this activity poses a significant threat to our Nation's payment system which relies increasingly on the security and effectiveness of credit and debit card use.●

● Mr. ARMSTRONG. Mr. President, today I join with my colleague, Senator THURMOND, to introduce legislation to curb fraudulent use of credit cards and the monetary losses attributed to illegal card use which have risen dramatically. Worldwide card industry losses from counterfeiting rose from $15 million in 1981 to $50 million in 1982. This loss is expected to double to $100 million in 1983, according to estimates by the credit card industry. Most of the growth is a result of organized crime activities committed by highly sophisticated larcenists. Approximately two-thirds of the fraud dollar losses occur from purchases made before the issuer realized that the card is being fraudulently used.

Who are the victims of these losses? Businesses and financial institutions bear the immediate brunt of the losses but it is eventually passed on to the cardholding consumer, absorbed into the cost of merchandise and credit. In addition, abuse spins off into other crimes. Schemes involving fraudulent purchases of merchandise are resold to the general public through a "fence" masquerading as legitimate discount stores. Use of violence is not uncommon in accounts of armed robberies of actual credit cards from the factory or in acquisition of cards or numbers from issuers or cardholders. Undoubtedly, proceeds are further applied to other types of crime such as drugs and firearms.

Although major card companies have developed aggressive programs to resist card fraud that will inhibit counterfeiting and alteration of cards, it is clear that these procecures will not be enough to overcome the staggering increases of these illegal activities. The long-term potential misues of credit cards has far-reaching ramifications on the country's consumer payment systems and the use of credit. Therefore, cooperation of both the Federal Government and the States is needed to close the gaps in the law to effectively deal with the problem. It is clear that Federal involvement is needed since major organized card operations cross State and national boundaries. Ninety-three percent of all counterfeit activity in the United States occurs in 12 States and the U.S. accounts for approximately 94 percent of all international activity.

Our bill, called the Credit and Debit Card Counterfeiting and Fraud Act of 1983, would do three things: First, make it a Federal crime to produce, buy, sell, or transfer counterfeit cards, altered cards, or stolen cards, all covered by the term "fraudulent payment device"; second, punish the possesor of five or more fraudulent credit cards; and third, provide penalties for the production, sale, transfer, or possession of equipment used in making fraudulent cards.

Fraudulent use of credit cards is no different from counterfeiting of U.S. currency or the forgery of checks, yet, the potential for credit card abuse is far greater. The larcenist needs only the card number acquired from a carbon receipt to manufacture another card on which transactions can be made in person or over the phone. By the time the misuse of the card number is discovered, another counterfeited card will be in use and the old one discarded. Congress must move quickly to enact this much-needed legislation to strengthen the criminal laws against this growing national problem. Millions of dollars will continue to be lost each year unless something is done to discourage this growth.●

By Mr. MELCHER:

S. 1871. A bill to allow all restricted Indian lands to be leased for 99 years with the approval of the Secretary of the Interior; to the Select Committee on Indian Affairs.

LEASING OF RESTRICTED INDIAN LANDS

● Mr. MELCHER. Mr. President, the bill I am offering today gives authority to the Secretary of the Interior to lease Indian trust lands for up to 99 years when the Secretary finds that such a lease is in the best interest of the Indian owner. In the act of August 9, 1955, the Congress permitted leases for up to 25 years, except grazing leases are limited to 10 years. Since enactment of that law, 25 U.S.C. 415 has been amended no less than 25 times to allow lands on specific reservations and allotments to be leased up to 99 years. This bill would eliminate the necessity for additional legislation. No tribe or allottee now under a 99-year lease would be affected by the proposed amendment to section 415. Because Indian tribes are beginning long-term business and economic development, authority for long-term leases is vital. Very little capital is available for investment on property where the maximum lease terms are 25 years. This bill will provide the mechanism for tribes to accomplish long-range development without the unnecessary delay of congressional approval.

I ask unanimous consent to print the bill in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1871

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) subsection (a) of the first section of the Act of August 9, 1955 (69 Stat. 539; 25 U.S.C. 415) is amended by striking out the second sentence and inserting in lieu thereof the following: "Any lease granted under this subsection (other than a lease of land for grazing purposes) shall be for a term that does not exceed 25 years, except that such lease may be for any term that does not exceed 99 years if the Secretary determines that such term is in the best interests of the Indian owner. Any lease of land granted under this subsection for grazing purposes shall be for a term that does not exceed 10 years.".

(b) The amendment made by subsection (a) shall apply to leases entered into after the date of enactment of this Act.●

By Mr. HUDDLESTON (for himself, Mr. BURDICK, Mr. SYMMS, Mr. RANDOLPH, and Mr. ZORINSKY):

S.J. Res. 167. Joint resolution proposing an amendment to the Constitution of the United States with respect to the English language; to the Committee on the Judiciary.

CONSITUTIONAL AMENDMENT TO MAKE ENGLISH THE OFFICIAL LANGUAGE OF THE UNITED STATES

Mr. HUDDLESTON. Mr. President, the remarks I am about to make will be readily understood by my distinguished colleagues in the Congress. They will be understood by my constituents in Kentucky. They will be understood by the journalists in the press gallery, and by most of their readers across the country.

No simultaneous interpreters will be needed for those in this Chamber, and no translators will be needed for most of those who will be reading these words in the CONGRESSIONAL RECORD.

In order to guarantee that this current state of affairs endures, as it has for over 200 years. I am introducing today a constitutional amendment to make English the official language of the United States.

The amendment addresses something so basic, so very fundamental to our sense of identity as Americans, that some, who are in full agreement with the objectives of this amendment, will nevertheless question the necessity for it. So widely held is the assumption that English already is our national language, that the notion of stating this in our national charter may seem like restating the obvious. However, I can assure my colleagues that this is not the case and that the need for a constitutional amendment grows stronger every day.

Almost alone among the world's very large and populous nations, the United States enjoys the blessings of one primary language, spoken and understood by most of its citizens. The previously unquestioned acceptance of this language by immigrants from every linguistic and cultural background has enabled us to come together as one people. It has allowed us to discuss our differences, to argue about our problems and to compromise on solutions. It has allowed us to develop a stable and cohesive society that is the envy of many fractured ones, without imposing any strict standards of homogeneity, or even bothering to designate the language, which is ours by custom, as the Nation's official one.

As a nation of immigrants, our great strength has been drawn from our ability to assimilate vast numbers of people from many different cultures and ethnic groups into a nation of people that can work together with cooperation and understanding. This process was often referred to as the melting pot and in the past it has been seen as an almost magical concept that helped to make the United States the greatest nation on Earth.

But for the last 15 years, we have experienced a growing resistance to the acceptance of our historic language, an antagonistic questioning of the melting pot philosophy that has traditionally helped speed newcomers into the American mainstream.

Initially, the demands to make things easier for the newcomers seemed modest enough; and a generous people, appreciative of cultural diversity, was willing to make some allowances. For example, the English language requirements for naturalization were removed for elderly immigrants living here for 20 years who were still unable to meet them; and the use of a child's home language in the school setting was encouraged, in a well-intentioned attempt to soften the pain of adjustment from the home to the English-speaking society that school represents.

However, the demands have sharply escalated, and so has the tone in which they are presented. Bilingual education has gradually lost its role as a transitional way of teaching English, and now mandates a bicultural component. This mandate has been primarily shaped and promoted by the Federal Government. The unfortunate result is that thousands of immigrant and nonimmigrant children are languishing in near-permanent bilingual/bicultural programs, kept in a state of prolonged confusion suspended between two worlds, and not understanding what is expected of them. They and their parents are given false hopes that their cultural traditions can be fully maintained in this country, and that the mastery of English is not so important, after all.

This change in attitude was aptly described by Theordore H. White in his book "America in Search of Itself" wherein he stated:

Some Hispanics have, however, made a demand never voiced by immigrants before: that the United States, in effect, officially recognize itself as a bicultural, bilingual nation . . . [They] demand that the United States become a bilingual country, with all children entitled to be taught in the language of their heritage, at public expense. No better hymn to the American tradition has ever been written than "The Education of Hyman Kaplan," by Leo Rosten, which describes with tears and laughter the efforts of the earlier immigrants . . . to learn the language of the country in which they wished to live. In New York today, forty years later, Hispanic entitlement has created a college, Hostos Community College—supported by public taxes—which is officially bilingual; half its students receive instruction primarily in Spanish, as they strive to escape from the subculture of the Spanish ghetto. Bilingualism is an awkward word—but it has torn apart communities from Canada to Brittany, from Belgium to India. It expresses not a sense of tolerance but a demand for divisions.

This misdirected public policy of bilingualism has been created primarily by the Federal Government, at the insistence of special interest groups, and it continues today because elected officials do no want to run the risk of taking a position that could, in some way, offend these groups. An example of how far this special interest influence reaches can be seen by President Reagan's reversal on the issue. At the beginning of his administration he attempted to kill the bilingual program, now he is embracing the concept.

Over the last few years the Federal Government has spent approximately $1 billion on the bilingual education program and this year alone it cost $139 million. What we have bought with this money is a program that strives to keep separate cultural identities rather than a program that strives to teach English. It is a program which ignores the basic fact that in order to learn another language the student must talk, read and use that language on a regular basis.

The failure of bilingual education programs to teach children how to speak English in the shortest time has been documented by a study done at the U.S. Department of Education and by the recent report of the Twentieth Century Fund Task Force on Federal Elementary and Secondary Education Policy. The latter report stated unequivocally that:

. . . The Task Force recommends that the federal government clearly state that the most important objective of elementary and secondary education in the United States is the development of literacy in the English language . . .

. . . The Task Force recommends that federal funds now going to the bilingual program be used to teach non-English-speaking children how to speak, read, and write English.

Even though the bilingual education program has received failing marks by many reputable educators, it still survives because it is a political issue rather than an educational issue. What this means is that we will continue to finance an expensive bilingual program that does more to preserve cultural identities than it does to teach children to speak English.

In the area of voting rights we have also formulated a national policy that encourages voting citizens not to learn to speak English. The Voting Rights Act, which was reauthorized in 1982, requires bilingual ballots if more than 5 percent of the citizens of voting age in a jurisdiction are members of specified language minority groups and the illiteracy rate is higher than the national rate. As a result bilingual ballots are required by Federal law to be provided in 30 States—even if there is no demand for them.

In essence, we have gone far beyond providing a necessary service on a temporary basis; and, we are now engaged in actively encouraging the use of bilingual ballots, even though in many cases they may not be needed. The wisdom of this policy is clearly lacking when you consider that the vast bulk

of political debate, whether it is in the printed press or the electronic media, is conducted in English. By failing to provide a positive incentive for voting citizens to learn English, we are actually denying them full participation in the political process. Instead, we are making them dependent upon a few interpreters or go-betweens for information as to how they should vote. Although this process helps to preserve minority voting blocks, it seriously undercuts the democratic concept that every voting individual should be as fully informed as possible about the issues and the candidates.

In many parts of the country foreign language ballots are under attack. In San Francisco, a local initiative petition has been filed urging that local governments be allowed to print ballots in English only. In that area ballots are now printed in English, Spanish, Chinese and because of the new census figures, Tagalog ballots will probably be printed in the future.

There are other less prominent provisions of Federal law which now require the use of foreign languages. For example, 28 U.S.C. 1827 requires the Director of the Administrative Office of the U.S. courts to establish a program for the use of foreign language interpreters in Federal civil and criminal proceedings for parties whose primary language is other than English; 42 U.S.C. 254 requires the use of foreign language personnel in connection with federally funded migrant and community health centers; and 42 U.S.C. 4577 requires the use of foreign language personnel in the alcohol abuse and treatment programs. Although I can understand that this kind of assistance is helpful, the fact that it must be legislated strongly indicates that we are failing miserably in our efforts to teach immigrants and many of our native born how to speak, read and write English.

The Federal laws requiring the use of interpreters and foreign languages are merely the tip of the iceberg. I recently sent a request to all of the State Governors and the major Federal agencies asking for information regarding non-English forms and publications that their offices produce, which are intended for use in this country. Although my staff is still in the process of reviewing the data, and I have not yet received responses to all of my letters, we know that hundreds of different non-English forms and publications are now being printed and distributed on a wide scale throughout the United States. These publications cover a broad spectrum and range from White House press releases in Spanish to National Labor Relations Board notices in 32 different languages. The non-English materials which I have received are in a stack that is about 3 feet high, and we are adding to it almost daily. However, even when all the responses are in we still will not have a complete picture of the use of official, non-English publications. Many of the States are only sending a few samples of what they produce, and I am told that if copies of all bilingual educational materials were sent we could fill a large room. While distribution of these materials may be seen as providing just another government service, it can also be seen as reducing the incentive to learn English and demonstrates a growing nationwide problem.

At the nongovernment level there is a great deal of emphasis being placed on the use of non-English languages. In some major metropolitan areas English is the second language; minorities, who speak only English, are being told that they must learn a foreign language in order to be eligible for a job in parts of this country; and, in many stores non-English languages are the only ones used to conduct business. It is not uncommon to find areas in this country where an individual can live all of his or her life having all of his social, commercial, and intellectual needs met without the use of English.

Statistics show a disconcerting trend away from the common use of English. In 1975 the Bureau of the Census reported that about 8 million people in this country used a language other than English in their households. When the census was conducted in 1980 the number of people who spoke a language other than English at home was found to be over 22 million. Although these numbers are subject to many interpretations, to me they indicate—very strongly—that the melting pot is not working as it once did.

My assumption is confirmed by a recent population bulletin, "U.S. Hispanics; Changing the Face of America," which concluded that because of their common language and large numbers, Hispanics will take longer than other immigrant groups to assimilate into the American society.

If this situation were static and merely a reflection of the large scale legal and illegal immigration the United States has been experiencing over the last few years—in 1980 more immigrants entered the United States than at any time other than the peak years at the turn of the century—there would not be cause for concern. However, what we are seeing is a decrease in the use of English and a widely accepted attitude that it is not necessary to learn English.

There is a new philosophy taking hold, and it is gaining more and more acceptance. In the June 13, 1983, Time magazine an article stated in regard to this new philosophy, that:

> Now, however, a new bilingualism and biculturalism is being promulgated that would deliberately fragment the Nation into separate, unassimilated groups . . . The new metaphor is not the melting pot but the salad bowl, with each element distinct. The biculturalists seek to use public services, particularly schools, not to Amercianize the young but to heighten their consciousness of belonging to another heritage.

The United States is presently at a crucial juncture. We can either continue down the same path we have walked for the last 200 years, using the melting pot philosophy to forge a strong and united nation or, we can take the new path that leads in the direction of another Tower of Babel.

There are many nations in the world today that would give a great deal to have the kind of internal social and political stability that a single primary language (English) has afforded us. For us to consciously make the decision to throw away this stabilizing force would be seen as foolish and stupid in countries that have paid a high price for not having a universally accepted language.

We have to look no further than the nation which is closest to us geographically and culturally—Canada. They have had a long-running experience with bilingualism and biculturalism, and it is an experience that still generates divisiveness and still threatens to shatter the Nation's unity. The key cause of Canada's internal conflict is language. According to the Annual Report, 1981, of the Commissioner of Official Languages, the total cost so far in implementing the Canadian Official Languages Act "is on the order of $4 billion spread over the 12 years. The question of cost-effectiveness is more problematical. Measured against the goals of relieving English-French tensions and fostering a common pride in the value of our national languages, the results may be more questionable."

Belgium is another nation that has suffered severe internal dissent, much of which has been caused by language differences. In the last 39 years the political coalitions that are necessary to govern that country have been broken apart over 30 times by the fights between the French speaking Walloons and the Dutch speaking Flemish. This political squabbling has had serious consequences for Belgium, and it is not the kind of situation to which any nation should voluntarily subject itself.

This type of political instability has been repeated throughout history, and is still occuring in many countries today. In countless places, differences in language have either caused or contributed significantly to political, social, and economic instability. While the absence of language differences does not guarantee that these problems will not occur, I believe that it does significantly reduce the chances that they will occur.

The constitutional amendment which I am proposing is not unusual,

and in fact, many nations have one official language. According to the Library of Congress these include, but are not limited to, Austria, Bulgaria, Denmark, France, the German Democratic Republic, the Federal Republic of Germany, Greece, Hungary, Italy, the Netherlands, Norway, Poland, Romania, and Sweden.

Within the United States there is ample tradition and legislation to justify this approach. According to the Library of Congress:

Several Federal statutes and numerous State laws do require the use of English in a variety of areas.

Thus, the Nationality Act of 1940 (8 U.S.C. 423) requires that—

"No person . . . shall be naturalized as a citizen of the United States upon his own petition who cannot demonstrate—

"(1) an understanding of the English language, including an ability to read, write an speak words in ordinary usage in the English language" (with provisos).

Secondly, 28 U.S.C. 865 requires that in determining whether a person is qualified for jury service, the chief judge of a district court "shall deem any person qualified to serve on grand and petit juries in the district court unless he (the prospective juror)—

"(2) is unable to read, write, and understand the English language with a degree of proficiency sufficient to fill out satisfactorily the juror qualification form;

"(3) is unable to speak the English language. . . ."

At the State level, most States have statutes requiring the use of English as the language of instruction in the public schools. Some States also statutorily require English as the language of legal proceedings and legal notices, of business regulation, etc.

More recently, the U.S. Senate has spoken out very strongly in favor of establishing English as the official language. On August 13, 1982, Senator Hayakawa introduced an amendment to the Immigration Reform and Control Act declaring that "the English language is the official language of the United States". On a rollcall vote 78 Senators voted for this amendment and it was included in the bill. When this same bill was again reported out of the Judiciary Committee on April 21, 1983 it again contained this language, and the report of the full committee stated:

If immigration is continued at a high level, yet a substantial portion of these new persons and their descendants do not assimilate into the society, they have the potential to create in America a measure of the same social, political, and economic problems which exist in the countries from which they have chosen to depart. Furthermore, if language and cultural separatism rise above a certain level, the unity and political stability of the nation will—in time—be seriously diminished. Pluralism, within a united American nation, has been the single greatest strength of this country. This unity comes from a common language and a core public culture of certain shared values, beliefs, and customs which make us distinctly "Americans".

The concerns that were expressed by the Senate Judiciary Committee are reflected in the concerns of thousands of citizens throughout this country. In fact, a new national organization has recently been created called U.S. English. The honorary chairman of this organization is former U.S. Senator S. I. Hayakawa, who speaks with a great deal of authority on this issue because he is an immigrant and distinguished scholar of semantics and languages.

U.S. English refers to itself as "a national, non-profit, non-partisan organization . . . founded to defend the public interest in the growing debate on bilingualism and biculturalism".

If we continue along the path we now follow, I believe that we will do irreparable damage to the fragile unity that our common language has helped us preserve for over 200 years. Cultural pluralism is an established value in our national life, and one which we greatly cherish. Paradoxically, cultural pluralism can only continue if we retain our common meeting ground; namely, the English language. If we allow this bond to erode, we will no longer enjoy the benefits of cultural diversity, but rather, we will suffer the bitterness of ethnic confrontations and cultural separatism.

The constitutional language I am proposing is simple and straightforward: It would serve to establish a principle that would strengthen us as a nation. However, I am aware that adding to the Constitution takes us into uncharted waters, and that there will be many misleading allegations about the extent of the problem and the proposed remedy. This is one of the reasons I have chosen to propose a constitutional amendment in order to address this issue. It will focus national attention on the problem, and subject it to the type of thorough national debate which is necessary.

During this constitutional process, all parties, sides and interests will have the opportunity to present their respective points of view. This will guarantee that the final version submitted to the States for ratification will accomplish only what is needed to be accomplished and that basic individual rights are not interfered with.

Even though I believe that the constitutional language I am proposing will work, I am open to all recommendations and I will carefully consider any proposed improvements or modifications. However, regardless of the final language, to a large extent it is the legislative history which determines how the language will be interpreted.

Accordingly, it is my intent that the amendment I am proposing would not do a number of things.

First. It would not prohibit or discourage the use of foreign languages and cultures in private contexts, such as in homes, churches, communities, private organizations, commerce, and private schools. The United States is rich in ethnic cultures and they would continue to survive as they have in the past.

Second. It would not prohibit the teaching of foreign languages in the Nation's public schools or colleges, nor will it prohibit foreign language requirements in academic institutions.

Third. It will not prevent the use of second languages for the purpose of public convenience and safety in limited circumstances.

On the other hand the amendment would accomplish a number of objectives.

First. It would bring national recognition to the proposition that a common language is necessary to preserve the basic internal unity that is required for a stable and growing nation.

Second. It would establish English as the official language of Federal, State, and local governments throughout the United States.

Third. Since voting by citizens is the method of choosing the representatives of these governments and is the first step in the official process of governing, it would prevent the printing of ballots in foreign languages.

Fourth. It would permit bilingual education where it could be clearly demonstrated that the primary objective and practical result is the teaching of English to students as rapidly as possible, and not cultural maintenance. It would not affect the use of total immersion in English which is a proven method of teaching English.

Fifth. It would discourage discrimination and exploitation by making it clear to immigrant parents and children that learning English is indispensible for full participation in the American society and economy and by speeding them into the mainstream of our society and economy as rapidly as possible.

Sixth. It would reaffirm that we are truly "one Nation . . . indivisible . . .".

Mr. President, national unity is not a subject to be taken lightly for without it we would lose much of the strength which sets us apart as a great Nation. I believe that history has taught us that one of the vital ingredients for obtaining national unity is a commonly accepted language. This has been conformed by our own past experience in this country, and it has been proven by other countries that have been divided and weakened by their internal arguments centering around language differences.

National unity does not require that each person think and act like everyone else. However, it does require that there be some common threads that run throughout our society and hold us together. One of these threads is our common belief and support of a democratic form of government, and the right of every person to fully par-

ticipate in it. Unfortunately, this right of full participation means very little if each individual does not possess the means of exercising it. This participation requires the ability to obtain information and to communicate our beliefs and concerns to others. Undoubtedly this process is greatly hindered without the existence of a commonly accepted and used language.

In essence, what a policy of bilingualism/biculturalism does is to segregate minorities from the mainstream of our politics, economy, and society because we are not making it possible for them to freely enter into that mainstream. We are pushing them aside into their own communities, and denying them the tools with which to break out. I have always been against segregation of any kind and by not assuring that every person in this country can speak and understand English we are still practicing segregation. It was wrong when we segregated blacks because of color and it is just as wrong when we create a system which segregates any group of people by language.

As Americans we are a unique people and one of the things that makes us uniquely American is our common language—English. My proposed constitutional amendment would assure that anyone in this country can fully take part in the American dream and that future generations also will have this privilege.

Mr. President, I ask unanimous consent that the joint resolution be printed in the RECORD.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 167

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution if ratified by the legislatures of three-fourths of the several States within seven years after its submission to the States for ratification:

"ARTICLE

"SEC. 1. The English language shall be the official language of the United States.

"SEC. 2. The Congress shall have the power to enforce this article by appropriate legislation.".

● Mr. SYMMS. Mr. President, today, Senator HUDDLESTON and myself are introducing a constitutional amendment declaring English to be the official language of the United States of America. This amendment will redefine that which is already a political and social reality and will clarify the mixed signals this country has provided to immigrants and minority groups.

From the beginning, English has been used as the official language of government, more or less as a matter or course. Requests for the official use of other languages have been consistently rejected. Congress, in the 1790's, 1840's and 1860's specifically declined to publish German versions of public documents.

Without our one language which has molded many different peoples from many different countries into one loyal people from one cohesive country, speaking one language, we would have been even more divided during the two World Wars. I believe Theodore Roosevelt summed up the situation when he drafted and circulated a statement which was signed by many prominent Americans of various ancestries:

"We must have but one flag. We must also have but one language. That must be the language of the Declaration of Independence, of Washington's Farewell Address, of Lincoln's Gettysburg speech and second inaugural."

The British North American Act of 1867 made French and English coequal in Canadian law, although French was predominant in Quebec and English in Ontario. Today, more than a hundred years later, the Canadian people suffer from a tragic split as a result of this legislated language difference.

Other examples come to mind. Belgium also has long been divided in two by the those who speak Flemish versus those who speak French. Sri Lanka is torn by the demands of those who speak the minority language of Tamil rather than the majority language of Sinhalese. Countless hundreds of thousands have lost their lives in the language riots of India. Real potential exists for a similar situation to be replayed in the United States.

Let me state at this point, that none of these statements is intended to discourage citizens from expanding their language base. However, this is a function of local school districts and not Federal agencies. As the United States becomes more dependent on trade with other nations, Americans should study more foreign language, not less. Nevertheless, we need to keep one language—English—as the common ground through which this huge melting pot society can grow and thrive.

Our amendment would not prohibit the use of other languages in private conversation. It would not, as some have said, interfere with or forbid the use of other languages in unofficial contexts. Religious ceremonies, funerals, games, entertainments, and banquets and other events among immigrant communities may be held in Latin, Yiddish, Sanskrit, Spanish, French, Chinese, Japanese, or any other tongue.

Those who master English have the largest advantage toward full participation in our democracy. As Nathan Glazer pointed out in his article entitled "Pluralism and the New Immigrants," "One will never do as well in the United States living in Spanish, or French, or Yiddish, or Chinese, as one will do living, learning and working in English."

Let me for a few minutes explain what our amendment will do, upon its passage by Congress and ratification by three-fourths of the States:

It will establish English as the official language of State, Federal, and local government business;

It will allow transitional instruction in English for non-English-speaking students, but do away with requirements for foreign-language instruction in other academic subjects;

It will end the false promise being made to new immigrants that English is unnecessary for them.

As Senator HAYAKAWA, my former colleague, good friend, and prime leader in this important endeavor has stated, "Perhaps the fundamental purpose of the English-language amendment is to preserve what our Pledge of Allegiance describes as "One nation, under God, indivisible * * *."

I appreciate the opportunity to be a joint sponsor of this constitutional amendment with my colleague, Senator HUDDLESTON and I commend him for his efforts and involvement. I look forward to a large bipartisan response and a growing national interest in this issue.●

By Mr. CRANSTON (for himself, Mr. BOSCHWITZ, Mr. BRADLEY, Mr. CHAFEE, Mr. CHILES, Mr. D'AMATO, Mr. DECONCINI, Mr. DIXON, Mr. DODD, Mr. DOLE, Mr. DOMENICI, Mr. EAGLETON, Mr. FORD, Mr. GLENN, Mr. GORTON, Mrs. HAWKINS, Mr. HEINZ, Mr. HOLLINGS, Mrs. KASSEBAUM, Mr. KENNEDY, Mr. LAUTENBERG, Mr. LEAHY, Mr. MATSUNAGA, Mr. METZENBAUM, Mr. MITCHELL, Mr. MOYNIHAN, Mr. PERCY, Mr. PROXMIRE, Mr. RANDOLPH, Mr. RIEGLE, Mr. SASSER, Mr. SPECTER, Mr. STAFFORD, Mr. TRIBLE, Mr. TSONGAS, Mr. WARNER, Mr. WEICKER, Mr. WILSON, Mr. QUAYLE, and Mr. NUNN):

S.J. Res. 168. A joint resolution to provide for the designation of a month as "National Sickle-Cell Anemia Awareness Month;" to the Committee on the Judiciary.

NATIONAL SICKLE-CELL ANEMIA AWARENESS MONTH

Mr. CRANSTON. Mr. President, today I am introducing Senate Joint Resolution 168, providing for the designation of September 1983 as "National Sickle-Cell Anemia Awareness Month." I am pleased to be joined in cosponsoring this measure by 37 of my colleagues, Senators BOSCHWITZ, BRADLEY, CHAFEE, CHILES, D'AMATO, DECONCINI, DIXON, DODD, DOLE, DOMENICI,

EAGLETON, FORD, GLENN, GORTON, HAWKINS, HEINZ, HOLLINGS, KASSEBAUM, KENNEDY, LAUTENBERG, LEAHY, MATSUNAGA, METZENBAUM, MITCHELL, MOYNIHAN, PERCY, PROXMIRE, RANDOLPH, RIEGLE, SASSER, SPECTER, STAFFORD, TRIBLE, TSONGAS, WARNER, WEICKER, WILSON, QUAYLE, and NUNN.

Mr. President, on July 27, a similar measure, House Resolution 155, introduced by my good friend and colleague from California, Representative JULIAN DIXON, who serves as the chairman of the Congressional Black Caucus, and cosponsored by 221 Members, was passed unanimously by the House. However, I am advised that legislation must be passed by both Houses of Congress before the President will issue a proclamation for the occasion. The National Association for Sickle Cell Disease and its affiliates, along with many other concerned organizations and individuals across the country are currently observing this month by conducting basic education, screening, and counseling programs, as well as raising funds to support much needed research on sickle cell anemia and to provide medical services to the victims of this disease.

This joint resolution would affirm the Senate's support of these important activities to increase public awareness about a disease which affects a major segment of our Nation's population, and the conquest of which merits priority consideration by our health care system.

Mr. President, sickle cell anemia has left its tragic mark on many American families. The victims of this disease are children both of whose parents carry the sickle cell trait. In the United States, the sickle cell abnormality is found almost exclusively in black Americans. The trait is estimated to be carried by 1 in every 10 black Americans. These individuals have a gene for both normal hemoglobin—the oxygen-bearing protein in red blood cells—and for sickled hemoglobin. The children of two individuals each of whom carry the sickle cell trait, have a 1 out of 4 chance of inheriting the disease. Of the approximately 2.5 million black Americans estimated to have the trait, 50,000 or more may suffer from the disease.

Sickle cell anemia is an inherited blood disease in which red blood cells form a crescent or sickle shape when deprived of oxygen. Infants born with the disease, unless diagnosed early and provided the special care they need, rarely survive to adulthood, and their brief lives are punctuated by painful onslaughts of sickle cell crises. These crises occur as often as 6 to 10 times a year in children under age 6. It is during these crises that severely debilitating effects are likely to occur.

The crises are brought on by the sickling of the red blood cells which impedes their normal flow through the blood stream and causes them to become snagged along the blood vessels' inner lining. When large numbers of the sickled cells collect in one place, the flow of blood is restricted, depriving the surrounding tissue of a normal oxygen supply and causing extreme pain in those areas as well as cutting off the blood supply needed for the functioning of vital organs. The resulting symptoms are stunted growth, pain, swelling of the joints, hemorrhage, and tissue death, with subsequent failure of such organs as the heart, the spleen, and the kidneys. Because the victims of this disease also tend to produce too few blood cells to replace the sickled cells, which are easily destroyed, they also suffer from chronic anemia and increased susceptibility to disease, particularly to pneumonia.

Mr. President, there is no cure for this painful and crippling disease. Yet, treatment can help to relieve the pain and to enable the patient to conduct as nearly normal a life as possible. Survival of infants with the disease can be dramatically improved if they are diagnosed early and adequate medical treatment is provided.

A stronger research effort into the basic hematologic, biochemical, and genetic nature of this disease is clearly needed to help find an effective control and cure. Until we find these answers, however, screening, counseling, and education programs to help reduce the incidence of the disease, as well as the availability of adequate medical services to treat sickle cell victims, must be insured.

Mr. President, many of the individuals affected by the sickle cell trait are outside the reach of the present health care system. Only by full community participation can programs providing screening and counseling services, and disseminating educational materials regarding the nature and inheritance of sickle cell anemia reach those who may be susceptible to the disease.

By designating the month of September as "National Sickle Cell Anemia Awareness Month," and educating ourselves and others about this disease, we can gain a better understanding of the need to find the cure for it and be more supportive of those who are afflicted by it.

Mr. President, I ask unanimous consent that the text of Senate Joint Resolution 168 be printed in the RECORD at this point.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 168

Whereas sickle-cell anemia is a life-threatening disease in which normal, round, red blood cells become distorted and take on the long and pointed shape of a sickle, due to the presence of an abnormal hemoglobin;

Whereas one in every ten black Americans carries the sickle-cell trait, and one in five hundred black Americans is stricken by the disease itself;

Whereas there exists no cure for this painful and crippling disease which denies a full life to many of its victims and creates intense pain and deep depression;

Whereas the disease and trait are both transmitted genetically from one or both parents who carries the trait, and it is vital that Americans, particularly black Americans, be tested for sickle-cell anemia to determine whether they carry or might transmit the trait; and

Whereas it is important to educate the public about sickle-cell anemia to promote awareness and support for research and treatment of this disease: Now, therefore, be it

Resolved by the Senate and the House of Representatives of the United States of America in Congress assembled, That the President is hereby authorized and requested to issue a proclamation which—

(1) designates the month of September 1983 as "National Sickle-Cell Anemia Awareness Month"; and

(2) calls upon the people of the United States to observe that month with appropriate ceremonies and activities.

ADDITIONAL COSPONSORS

S. 35

At the request of Mr. ROTH, the name of the Senator from Colorado (Mr. ARMSTRONG) was added as a cosponsor of S. 35, a bill to establish a Commission on More Effective Government, with the declared objective of improving the quality of Government in the United States and of restoring public confidence in government at all levels.

S. 93

At the request of Mr. HATCH, the name of the Senator from Alaska (Mr. STEVENS) was added as a cosponsor of S. 93, a bill to repeal the provisions of the Federal Food, Drug, and Cosmetic Act which prohibit the use in labeling or advertising of representations concerning the approval of drugs and devices under such act.

S. 128

At the request of Mr. ROTH, the name of the Senator from North Carolina (Mr. HELMS) was added as a cosponsor of S. 128, a bill entitled "The Equal Opportunity Retirement Act of 1983."

S. 336

At the request of Mr. NUNN, the name of the Senator from North Carolina (Mr. HELMS) was added as a cosponsor of S. 336, a bill to increase the penalties for violations of the Taft-Hartley Act, to prohibit persons, upon their convictions of certain crimes, from holding offices in or certain positions related to labor organizations and employee benefit plans, and to clarify certain responsibilities of the Department of Labor.

S. 625

At the request of Mr. PELL, the name of the Senator from Kentucky (Mr. FORD) was added as a cosponsor of S. 625, a bill to authorize the Secretary of Education to provide financial assistance to States for use in expanding educational programs in juvenile and adult correctional institutions to assist in the rehabilitation of criminal offenders, and for other purposes.

S. 654

At the request of Mr. WALLOP, the name of the Senator from North Carolina (Mr. HELMS) was added as a cosponsor of S. 654, a bill to amend the Internal Revenue Code of 1954 to treat deductions for research and experimental expenses attributable to activities conducted in the United States as allocable to income from sources within the United States.

S. 657

At the request of Mr. DOLE, the name of the Senator from Wisconsin (Mr. KASTEN) was added as a cosponsor of S. 657, a bill to amend the Animal Welfare Act to insure the proper treatment of laboratory animals.

S. 719

At the request of Mr. THURMOND, the name of the Senator from Oklahoma (Mr. NICKLES) was added as a cosponsor of S. 719, a bill to amend subchapter II of chapter 73 of title 10, United States Code, to eliminate the social security offset against annuities provided for under such subchapter to the extent that the social security benefits of the annuitant are based on the annuitant's own employment.

S. 842

At the request of Mr. WEICKER, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 842, a bill to amend the Internal Revenue Code of 1954 to provide tax incentives for the issuance of small business participating debentures.

S. 1434

At the request of Mr. D'AMATO, the names of the Senator from Oklahoma (Mr. NICKLES), and the Senator from Alaska (Mr. MURKOWSKI) were added as cosponsors of S. 1434, a bill to amend the Internal Revenue Code of 1954 to provide that a spouse having compensation shall not be disqualified from having a spousal individual retirement account.

S. 1475

At the request of Mr. WALLOP, the name of the Senator from Montana (Mr. BAUCUS) was added as a cosponsor of S. 1475, a bill to amend the Internal Revenue Code of 1954 to repeal the highway-use tax on heavy trucks and to increase the tax on diesel fuel used in the United States.

S. 1537

At the request of Mr. DANFORTH, the name of the Senator from Tennessee (Mr. SASSER) was added as a cosponsor of S. 1537, a bill to provide additional authorization of appropriations for certain programs for fiscal year 1984, and each of the 4 following fiscal years.

S. 1613

At the request of Mr. TRIBLE, the name of the Senator from Arizona (Mr. DECONCINI) was added as a cosponsor of S. 1613, a bill to amend title 10, United States Code, with respect to the provision of medical benefits and post and base exchange and commissary store privileges to certain former spouses of certain members or former members of the Armed Forces.

S. 1627

At the request of Mr. DANFORTH, the name of the Senator from Oklahoma (Mr. NICKLES) was added as a cosponsor of S. 1627, a bill to amend section (1)(f)(3) of the Internal Revenue Code and for other purposes.

S. 1644

At the request of Mr. NUNN, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 1644, a bill to improve Federal criminal sentencing by imprisoning dangerous and violent offenders and by diverting nonviolent offenders from imprisonment to restitution or community service programs.

S. 1734

At the request of Mr. ZORINSKY, the names of the Senator from Arkansas (Mr. BUMPERS), and the Senator from Iowa (Mr. GRASSLEY) were added as cosponsors of S. 1734, a bill to amend title 17 of the United States Code with respect to public performances of nondramatic musical works by means of coin-operated phonorecord players, and for other purposes.

S. 1857

At the request of Mr. MOYNIHAN, the name of the Senator from Indiana (Mr. LUGAR) was added as a cosponsor of S. 1857, a bill to amend the Internal Revenue Code of 1954 to remove certain impediments to the effective philanthropy of private foundations.

SENATE JOINT RESOLUTION 102

At the request of Mr. SPECTER, the name of the Senator from Arizona (Mr. GOLDWATER) was added as a cosponsor of Senate Joint Resolution 102, a joint resolution to designate the week of October 16, 1983, through October 22, 1983, as "Lupus Awareness Week."

SENATE JOINT RESOLUTION 105

At the request of Mr. RUDMAN, the name of the Senator from Maine (Mr. MITCHELL) was added as a cosponsor of Senate Joint Resolution 105, a joint resolution calling upon the Department of Justice and all other appropriate Federal agencies to enforce Federal antitrust laws including the prohibition against vertical price restraints.

SENATE JOINT RESOLUTION 122

At the request of Mr. HATCH, the names of the Senator from New Mexico (Mr. DOMENICI), the Senator from Idaho (Mr. SYMMS), the Senator from New Hampshire (Mr. HUMPHREY), the Senator from Arkansas (Mr. PRYOR), the Senator from California (Mr. WILSON), the Senator from Wisconsin (Mr. KASTEN), the Senator from Kentucky (Mr. FORD), the Senator from North Carolina (Mr. HELMS), the Senator from Maine (Mr. MITCHELL), the Senator from Louisiana (Mr. JOHNSTON), the Senator from Arkansas (Mr. BUMPERS), the Senator from Hawaii (Mr. MATSUNAGA), the Senator from Colorado (Mr. ARMSTRONG), the Senator from Hawaii (Mr. INOUYE), the Senator from Pennsylvania (Mr. SPECTER), the Senator from Tennessee (Mr. SASSER), the Senator from Kansas (Mr. DOLE), the Senator from Arizona (Mr. GOLDWATER), the Senator from Georgia (Mr. NUNN), the Senator from New Jersey (Mr. BRADLEY), the Senator from Connecticut (Mr. DODD), the Senator from Kentucky (Mr. HUDDLESTON), the Senator from Montana (Mr. MELCHER), and the Senator from Rhode Island (Mr. CHAFEE) were added as cosponsors of Senate Joint Resolution 122, a joint resolution to designate the week of November 27, 1983, through December 3, 1983, as "National Home Care Week."

SENATE JOINT RESOLUTION 145

At the request of Mr. LONG, the name of the Senator from California (Mr. CRANSTON) was added as a cosponsor of Senate Joint Resolution 145, a joint resolution to designate the week of October 2, 1983, through October 8, 1983, as "National Port Week."

SENATE JOINT RESOLUTION 147

At the request of Mr. WEICKER, the names of the Senator from South Carolina (Mr. THURMOND), the Senator from Texas (Mr. BENTSEN), and the Senator from Ohio (Mr. METZENBAUM) were added as cosponsors of Senate Joint Resolution 147, a joint resolution to designate the week of September 25, 1983, through October 1, 1983, as "National Rehabilitation Facilities Week."

SENATE JOINT RESOLUTION 153

At the request of Mr. MOYNIHAN, the name of the Senator from South Carolina (Mr. HOLLINGS) was added as a cosponsor of Senate Joint Resolution 153, a joint resolution to congratulate the people of the county of New York on the occasion of the tricentennial of the founding of the county of New York.

SENATE CONCURRENT RESOLUTION 62

At the request of Mr. MATTINGLY, the names of the Senator from Maine (Mr. COHEN), and the Senator from North Dakota (Mr. ANDREWS) were added as cosponsors of Senate Concurrent Resolution 62, a concurrent reso-

lution to direct the Commissioner of Social Security and the Secretary of Health and Human Services to develop a plan outlining the steps which might be taken to correct the social security benefit disparity known as the notch problem.

SENATE RESOLUTION 126

At the request of Mr. WALLOP, the name of the Senator from Nebraska (Mr. ZORINSKY) was added as a cosponsor of Senate Resolution 126, a resolution to express the sense of the Senate that the changes in the Federal estate tax laws made by the Economic Recovery Tax Act of 1981 should not be modified.

SENATE RESOLUTION 127

At the request of Mr. MELCHER, the names of the Senator from New York (Mr. MOYNIHAN), the Senator from New Jersey (Mr. BRADLEY), the Senator from Ohio (Mr. METZENBAUM), the Senator from Mississippi (Mr. STENNIS), and the Senator from Missouri (Mr. EAGLETON) were added as cosponsors of Senate Resolution 127, a resolution to make the Select Committee on Indian Affairs a permanent Committee of the Senate.

SENATE RESOLUTION 139

At the request of Mr. ZORINSKY, the names of the Senator from Texas (Mr. BENTSEN), and the Senator from New Jersey (Mr. BRADLEY), were added as cosponsors of Senate Resolution 139, a resolution disapproving the recommendation of the study group on Senate practices and procedures to abolish the Senate Committee on Veterans' Affairs.

SENATE RESOLUTION 167

At the request of Mr. PRESSLER, the name of the Senator from Louisiana (Mr. LONG) was added as a cosponsor of Senate Resolution 167, a resolution expressing the sense of the Senate that the Federal Government take all necessary steps to promote travel to the United States by foreign visitors during the 1984 Summer Olympics and the 1984 Louisiana World Exhibition, to inform such visitors of recreational and commercial opportunities throughout the United States, and to facilitate their entry into and travel within this county.

SENATE RESOLUTION 179

At the request of Mr. PERCY, the names of the Senator from Alaska (Mr. STEVENS), the Senator from Indiana (Mr. LUGAR), the Senator from Arizona (Mr. DECONCINI), the Senator from Texas (Mr. BENSTEN), the Senator from Maryland (Mr. MATHIAS), the Senator from Utah (Mr. GARN), the Senator from North Carolina (Mr. EAST), the Senator from Pennsylvania (Mr. HEINZ), the Senator from California (Mr. WILSON), the Senator from Georgia (Mr. MATTINGLY), the Senator from North Dakota (Mr. ANDREWS), and the Senator from Delaware (Mr. ROTH) were added as cosponsors of Senate Resolution 179, a resolution expressing the sense of the Senate that the President should establish a Productivity and Quality Award to be made to those business, workers, other individuals, and public-sector organizations which make contributions toward sustained improvement in productivity and quality performance.

SENATE RESOLUTION 223

At the request of Mr. MURKOWSKI, the names of the Senator from Illinois (Mr. PERCY), the Senator from South Dakota (Mr. ABDNOR), the Senator from South Dakota (Mr. PRESSLER), the Senator from Minnesota (Mr. BOSCHWITZ), the Senator from New Mexico (Mr. DOMENICI), the Senator from Washington (Mr. EVANS), and the Senator from Washington (Mr. GORTON) were added as cosponsors of Senate Resolution 223, a resolution to express the appreciation of the American people for the efforts of the Japanese Government in connection with the Korean Air Lines tragedy.

AMENDMENT NO. 2166

At the request of Mr. BOSCHWITZ, his name was added as a cosponsor of amendment No. 2166 proposed to H.R. 3363, a bill making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1984, and for other purposes.

AMENDMENT NO. 2167

At the request of Mr. BOSCHWITZ, his name was withdrawn as a cosponsor of amendment No. 2167 proposed to H.R. 3363, a bill making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1984, and for other purposes.

AMENDMENTS SUBMITTED

DEPARTMENT OF THE INTERIOR APPROPRIATIONS, 1984

NICKLES (AND OTHERS) AMENDMENT NO. 2178

Mr. NICKLES (for himself, Mr. ZORINSKY, and Mr. RANDOLPH) proposed an amendment to the bill (H.R. 3363) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1984, and for other purposes, as follows:

On page 12, line 25, strike "608,302,000" and insert in lieu thereof "607,652,000"

On page 13, strike the colon on line 15 through the word "Colombia" on line 18.

METZENBAUM AMENDMENT NO. 2179

Mr. METZENBAUM proposed an amendment to the bill, H.R. 3363, supra, as follows:

On page 51, between lines 2 and 3, insert the following:

No funds appropriated to the Forest Service, the Department of Agriculture, the Department of the Interior, or the Bureau of Land Management shall be obligated or expended to extend any contract to purchase National Forest timber on an interest-free basis as authorized by section 14(c) of the National Forest Management Act of 1976 (Public Law 94-588; 16 U.S.C. 472a.(c)) or terminate such contracts as authorized by this paragraph until the Secretary of Agriculture and the Secretary of the Interior, with the concurrence of the Comptroller General, develop and promulgate a financial need test which establishes a standard of eligibility for interest free contract extensions and terminations. The standard of eligibility established pursuant to the preceding sentence shall be based on a finding that—

(1) the firm seeking extension or termination has sustained operating losses for two of the last three years;

(2) the ratio of liabilities to assets of such firm has increased in the last fiscal year to .75 or more; and

(3) the United States would not recover the contract value from such firm if it defaulted on the contract.

No firm may receive extension or termination unless it meets the standards established pursuant to this paragraph. No contract entered into after January 1, 1981 may be extended or terminated. The authority granted by this paragraph to terminate contracts shall be available only for fiscal year 1984.

REVENUE SHARING

MOYNIHAN (AND OTHERS) AMENDMENT NO. 2180

Mr. MOYNIHAN (for himself, Mr. INOUYE, Mr. TSONGAS, Mr. GLENN, and Mr. RANDOLPH) proposed an amendment to the bill (S. 1426) to reauthorize the revenue-sharing program of general-purpose fiscal assistance to local governments for 3 fiscal years, and for other purposes; as follows:

Redesignate sections 3 through 11 of the matter proposed to be inserted as sections 4 through 12, respectively.

On page 10, between lines 2 and 3, insert the following:

AUTHORIZATION FOR ENTITLEMENTS OF LOCAL GOVERNMENTS

SEC. 3. Paragraph (2) of section 6703(b) of title 31, United States Code, is amended by striking out "$4,566,700,000" and inserting in lieu thereof "$5,017,000,000".

On page 26, beginning with line 14, strike out all through page 27, line 5, and insert in lieu thereof the following:

(c) The amendments made by this section shall apply to entitlement periods beginning after September 30, 1983.

BRADLEY (AND OTHERS) AMENDMENT NO. 2181

Mr. BRADLEY (for himself, Mr. LAUTENBERG, Mr. MOYNIHAN, Mr. GLENN, Mr. BIDEN, Mr. D'AMATO, and Mr. TSONGAS) proposed an amendment to the bill S. 1426, supra; as follows:

Redesignate sections 3 through 11 of the matter proposed to be inserted as sections 4 through 12, respectively.

On page 10, between lines 2 and 3, insert the following:

AUTHORIZATION FOR ENTITLEMENTS OF LOCAL GOVERNMENTS

SEC. 3. Paragraph (2) of section 6703(b) of title 31, United States Code, is amended by striking out "$4,566,700,000" and inserting in lieu thereof "$4,791,700,000".

On page 26, beginning with line 14, strike out all through page 27, line 5, and insert in lieu thereof the following:

(c) The amendments made by this section shall apply to entitlement periods beginning after September 30, 1983.

LONG (AND OTHERS) AMENDMENT NO. 2182

Mr. LONG (for himself, Mr. JOHNSTON, Mr. BURDICK, Mr. HATFIELD, Mr. WALLOP, Mr. BINGAMAN, Mr. D'AMATO, Mr. RANDOLPH, Mr. DECONCINI, and Mr. BENTSEN) proposed an amendment to the bill S. 1426, supra; as follows:

On page 13, beginning with line 1, strike out all through page 27, line 5.

On page 27, line 9, strike out "SEC. 11" and insert in lieu thereof "SEC. 10".

HEINZ (AND OTHERS) AMENDMENT NO. 2183

Mr. HEINZ (for himself, Mr. D'AMATO, Mr. METZENBAUM, Mr. RIEGLE, and Mr. LEVIN) proposed an amendment to the bill S. 1426, supra; as follows:

On page 11, line 2, insert "(a)" before "subsection".

On page 11, between lines 5 and 6, insert the following:

(b) Subsection (c) of section 6713 of such title is amended—

(1) by striking out "and" at the end of paragraph (1),

(2) by striking out the period at the end of paragraph (2) and inserting in lieu thereof "; and", and

(3) by adding at the end thereof the following new paragraph:

"(3) consider any reduction in the amount of adjusted taxes of any unit of general local government if such reduction—

"(A) results from a specific economic dislocation which causes—

"(i) the closing of places of employment,

"(ii) declines in assessed values of, or receipt of taxes from, real property, or

"(iii) declines in sales or income tax collections of such government, and

"(B) would reduce the allocation of the unit of local government for an entitlement period by an amount equal to or greater than 20 percent of such allocation for the preceding entitlement period.

HUMPHREY AMENDMENT NO. 2184

Mr. HUMPHREY proposed an amendment to the bill S. 1426, supra; as follows:

At the end of the matter proposed to be inserted, add the following new section:

REPEAL OF DAVIS-BACON REQUIREMENT FOR CONSTRUCTION PROJECTS

SEC. . Subsection (a) of section 6704 of title 31, United States Code, is amended by striking out paragraph (5) and redesignating paragraphs (6), (7), and (8) as paragraphs (5), (6), and (7).

EXTENSION AND REAUTHORIZATION OF EXPORT-IMPORT ADMINISTRATION ACT

HUMPHREY AMENDMENT NO. 2185

(Ordered to lie on the table.)

Mr. HUMPHREY submitted an amendment intended to be proposed by him to the bill (S. 979) to amend and reauthorize the Export Administration Act of 1979; as follows:

At an appropriate place in the bill, insert the following section:

SEC. . The United States Nuclear Regulatory Commission shall not license for export, or approve the retransfer of any nuclear materials or components that the Commission has found "especially relevant from the standpoint of export control because of their significance for nuclear explosive purposes" under Sec. 109 of the Atomic Energy Act of 1954 as amended by Sec. 309 of the Nuclear Non-Proliferation Act of 1978 to any nonweapons state, as defined by the Nuclear Non-Proliferation Treaty, unless and until that state has concluded a formal agreement with the International Atomic Energy Agency to place all of its nuclear facilities under International Atomic Energy Agency safeguards.

REVENUE SHARING

DURENBERGER AMENDMENT NO. 2186

Mr. DURENBERGER proposed an amendment to the bill S. 1426, supra; as follows:

At the end of the committee amendment, add the following:

STUDIES OF FEDERALISM ISSUES

Sec. . (a)(1) The Secretary of the Treasury, the Secretary of Commerce, the Comptroller General of the United States, and the Chairman of the Advisory Commission on Intergovernmental Relations shall undertake a series of studies on federalism and the future role of the Revenue Sharing Program in the Federal system.

(2) The studies which are required to be made under paragraph (1) shall include an evaluation of the Revenue Sharing Program provided under chapter 67 of title 31, United States Code, and shall, in addition, address the following issues:

(A) The concept of returning revenue sources, such as Federal excise taxes or a percentage of the Federal individual income tax, to State and local governments, along with responsibility for programs and activities for which financial assistance is now provided by the Federal government through grants-in-aid and other forms of Federal domestic assistance.

(B) The long-term outlook for the fiscal condition and fiscal capacity of Federal, State and local governments.

(C) The impacts of the cyclical nature of the economy and other exogenous factors, such as unemployment, on the expenditures, needs and revenue raising capability of Federal, State and local governments, and the responsiveness of the distribution of Federal financial assistance to such factors.

(D) The responsiveness of the distribution of Federal aid to the fiscal capacity of State and local governments.

(E) The responsiveness of the distribution of federal assistance to the need for services of State and local governments and to cost-of-living/cost-of-government differentials.

(F) The mathematical forms, data, and administration of Federal grant formulas, including the alternative allocation formulas provided under this Act.

(G) Alternative measures of fiscal capacity, such as State gross domestic product estimates and the Representative Tax System, for the allocation of funds under chapter 67 of title 31, United States Code, and for other major Federal grant programs, including an analysis of the strengths and weaknesses of the fiscal capacity measures.

(H) The impact on State and local governments of modification of the provisions of the Internal Revenue Code relating to the deductibility of State and local government obligations.

(I) Possible trade-offs between modifications described in clause (H) and general purpose fiscal assistance.

(3)(A) The studies which are required to be made under paragraph (1) shall be designed and conducted in consultation with recognized organizations of elected officials of State governments and of those elected officials of local governments that currently receive payments under this chapter, and representatives designated by such organizations.

(B) The organizations with whom consultation is required under subparagraph (A) and the representatives of such organizations.

(i) shall be representative of all regions of the United States, and

(ii) shall not include the advisory Commission on Intergovernmental Relations.

(C) Not later than the date that is 30 days after the date of enactment of this Act, an advisory Group shall be established by the Secretary of the Treasury, whose designated representative shall serve as chair. The membership of the Advisory Group shall include representatives designated by the other agencies and organizations referenced in paragraphs (1) and (3) of this subsection. The Advisory Group shall serve as the primary vehicle for the consultation provided for by this section, and shall meet not less frequently than once each quarter to review the progress of the studies.

(b) After consulting with the organizations and representatives with whom consultation is required under subsection (a)(3), the Secretary of the Treasury, in concurrence with the Secretary of Commerce, the Comptroller General of the United States, and the Advisory Commission on Intergovernmental Relations, shall submit to the President and the Congress, before the date that is 60 days after the date of enactment of this Act, an initial report which shall provide—

(1) a detailed plan for—

(A) assigning agency responsibility for conducting the studies which are required to be made under subsection (a)(1), and

(B) disseminating the final reports on such studies to all persons directly affected by the findings of such studies and to the general public;

(2) any separate and dissenting views of the organizations with whom consultation is required under paragraph (3)(A) and an ex-

planation, where appropriate, of why such views were not incorporated into the detailed plan required by paragraph (1); and

(3) an estimate of the appropriations which will be required to carry out the provisions of this section.

Such initial report shall take into account the views of the organizations and representatives consulted and shall include a statement that describes those views.

(c)(1) The Secretary of the Treasury, the Secretary of Commerce, the Comptroller General of the United States, and the Chairman of the Advisory Commission on Intergovernmental Relations shall submit to the President and the Congress before June 30, 1985, final reports on the findings of the studies which are required to be made under subsection (a)(1). The final reports shall include recommendations and a separate statement of any minority views.

(2) Before the final reports are submitted to the President and the Congress as required under paragraph (1), the organizations and representatives with whom consultation is required under subsection (a)(3) shall have an opportunity to review the final reports. The final reports submitted to the President and the Congress under paragraph (1) shall include separate statements of the views of such organizations and representatives regarding the final reports.

(d) There are authorized to be appropriated for each of the fiscal years 1984, 1985, and 1986, the lesser of—

(1) such sum as may be necessary to carry out the provisions of this section during such fiscal year, or

(2) a sum equal to 5 percent of the cost of administering chapter 67 of title 31, United States Code, for such fiscal year.

NOTICES OF HEARINGS

SUBCOMMITTEE ON SOIL AND WATER CONSERVATION, FORESTRY, AND ENVIRONMENT

Mr. JEPSEN. Mr. President, I wish to announce that the Senate Agriculture Subcommittee on Soil and Water Conservation, Forestry, and Environment will hold a hearing on three land conveyance bills on Thursday, September 22. The bills to be considered are S. 566, S. 1503, and S. 129, and the accompanying H.R. 24.

The hearing will begin at 9:30 a.m. in room SR 328-A.

Anyone wishing further information should contact the Agriculture Committee staff at 224-0014.

AUTHORITY FOR COMMITTEES TO MEET

SELECT COMMITTEE ON INTELLIGENCE

Mr. STEVENS. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Wednesday, September 21, at 2 p.m., to receive a briefing on intelligence matters.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. BAKER. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, September 22, at 10 a.m., to consider recent developments concerning the USIA.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ARMED SERVICES

Mr. BAKER. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet on Thursday, September 22, at 3 p.m., to receive a briefing on the political and military situation in Lebanon.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON SOIL AND WATER CONSERVATION, FORESTRY, AND ENVIRONMENT

Mr. BAKER. Mr. President, I ask unanimous consent that the Subcommittee on Soil and Water Conservation, Forestry and Environment of the Committee on Agriculture, Nutrition, and Forestry be authorized to meet during the session of the Senate on Thursday, September 22, to hold a hearing to consider S. 566, S. 1503, and S. 129, conveyance bills, and the accompanying H.R. 24.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. BAKER. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs be authorized to meet during the session of the Senate on Thursday, September 22, at 10 a.m., to hold a hearing to consider the Budget Reconciliation Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON ENVIRONMENTAL POLLUTION

Mr. BAKER. Mr. President, I ask unanimous consent that the Subcommittee on Environmental Pollution, of the Committee on Environment and Public Works, be authorized to meet during the session of the Senate on Thursday, September 22, to consider S. 1329, relating to the Wetlands Loan Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

STATUS REPORT ON THE BUDGET

● Mr. DOMENICI. Mr. President, I hereby submit to the Senate a status report on the budget for fiscal year 1983 pursuant to section 311 of the Congressional Budget Act.

Since my last report the Congress has completed action on the Department of Defense Authorization Act (S. 675) overturning a provision of Public Law 97-377 which causes budget authority to increase by $117 million.

The report follows:

REPORT (NO. 83-10) TO THE PRESIDENT OF THE U.S. SENATE FROM THE COMMITTEE ON THE BUDGET—STATUS OF THE FISCAL YEAR 1983 CONGRESSIONAL BUDGET ADOPTED IN HOUSE CONCURRENT RESOLUTION 91

REFLECTING COMPLETED ACTION AS OF SEPTEMBER 15, 1983

[In millions of dollars]

	Budget authority	Outlays	Revenues
Revised 2 budget resolution level	877,200	807,400	604,300
Current level	869,297	806,980	604,131
Amount remaining	7,903	420	0

BUDGET AUTHORITY

Any measure providing budget or entitlement authority which is not included in the current level estimate and which exceeds $7,903 million for fiscal year 1983, if adopted and enacted, would cause the appropriate level of budget authority for that year as set forth in H. Con. Res. 91 to the exceeded.

OUTLAYS

Any measure providing budget or entitlement authority which is not included in the current level estimate and which would result in outlays exceeding $420 million for fiscal year 1983, if adopted and enacted, would cause the appropriate level of outlays for that year as set forth in H. Con. Res. 91 to be exceeded.

REVENUES

Any measures that would result in revenue loss exceeding $0 million for fiscal year 1983, if adopted and enacted, would cause revenues to be less than the appropriate level for that year as set forth in H. Con. Res. 91.●

PROGRESS OF THE U.S. POSTAL SERVICE

● Mr. LUGAR. Mr. President, on August 5, Postmaster General Bolger spoke before the International Platform Association. It was an excellent speech which charts the progress of the U.S. Postal Service in recent years. In this statement, the Postmaster states that the U.S. Postal Service's surplus of last year will be replicated this year and in the years to come. This is welcome news indeed and a tribute to his leadership.

I commend this speech to my colleagues and ask unanimous consent that Postmaster General Bolger's remarks be printed in the RECORD.

The speech follows:

REMARKS BY WILLIAM F. BOLGER, POSTMASTER GENERAL

Good morning, ladies and gentleman. I have a story to report to you this morning. It is a story of major national importance and consequence. But I'll wager that you have not read about it in your morning newspaper or seen it on the evening news.

There is a reason for that. After all, my story does not involve political intrigue, or conflict, or scandal. Instead, it has to do with government—specifically, the United States Postal Service. It is about the nitty-gritty, complex, unglamorous work of turning a massive government bureaucracy around. It is a story about making one gov-

ernment agency work—and work phenomenally well—for the people of this country.

Some may not consider that exciting news. But it is a story of profound importance to the American people. And in my opinion, it is a story that has its own drama and interest. Consider the context of the Postal Service's success in recent years.

At a time when Federal agencies are fighting for a fatter slice of the Treasury's budget pie, the Postal Service has gone on a permanent fiscal diet. We are a $24-billion government agency that does not receive even one dime of taxpayer subsidy.

And at a time when the Federal government is fighting record deficits, the Postal Service is on the verge of achieving its second straight annual surplus.

Last year the Postal Service closed out with a net income of $802 million. And for the current fiscal year we are projecting a surplus of approximately $500 million.

This is welcome news—both for us and for you. After all, there is a direct cause-and-effect relationship between postal surpluses and the postponement of rate increases.

But my central message this afternoon is that we must not overlook the deeper significance of all this black ink. To my mind, the most notable fact about the recent postal surpluses is that they are not aberrations.

People are so used to associating the Postal Service with red ink and deficits, that there is a tendency to speak of last year's surplus as a one-shot success—a passing of good fortune.

You hear people speak of 1982 as though it just happened to be "a good year." And they say that we might be "lucky enough" to have a second "good year" in 1983.

Well, what people don't seem to appreciate is that "luck"—as Branch Rickey used to say—"is the residue of hard work." They seem to overlook the fact that the Postal Service's so-called "luck" is becoming an unmistakable trend.

If, in fact, we finish 1983 with another surplus, that would make the third year out of the last six that we have recorded a net income. And even more significant, across that six-year period (from 1978 through 1983), our surpluses and deficits will have balanced each other out. We will have succeeded in living within our income.

Now, I am not here to boast about this accomplishment. After all, breaking-even is what the law *tells* us we should be doing in the Postal Service.

But given the long and not-always-happy record of post office finances, I believe that our ability to live within our income over the last six years is a very notable achievement . . . an historic achievement. And quite frankly, it has nothing to do with luck or happenstance.

The simple fact we must recognize is this: In the 13 years since it was reorganized into an independent federal agency, the Postal Service has developed into a mature, efficient, and self-sustaining business enterprise. Indeed, we have established ourselves as precisely the kind of streamlined governmental corporation that was envisioned in the Postal Reorganization Act of 1970.

Consider the magnitude of what has been accomplished:

Only 13 years ago, the Post Office was mired in a debilitating system of political patronage. Our productivity was falling. We were hopelessly addicted to larger and larger transfusions of money from the Federal Treasury. (How soon people forget that the old Post Office was dependent on taxpayer dollars for a huge portion of its budget. In 1970, the last year of its existence, the Post Office Department managed to run up a $166 million deficit—despite the fact that nearly one quarter of its budget was paid by the American taxpayer.)

Let's look briefly at two critical measures of the Postal Service's performance since Reorganization: productivity and the cost of mailing. Take productivity first. After all, that is the ultimate measure of any organization's ability to manage itself effectively.

Now, I realize it is hard to measure the productivity of most government agencies. It's difficult to quantify an increase in output by employees in, for instance, the Department of State or the Department of Transportation.

But the Postal Service deals in a concrete, measurable service, so you can cite hard productivity figures. The simple fact is that in the years immediately preceding Reorganization, the post office's productivity was falling.

In contrast, over the decade-plus since Reorganization, we have achieved an extraordinary productivity increase of 44 percent. It has been a textbook case of doing more with less:

We have handled a huge 34 percent expansion in mail volume. But instead of increasing our workforce by a comparable amount, we have actually cut our workforce 10 percent.

How?: Through a relentless emphasis on efficiency, productivity and "working smarter."

Of course, with a productivity surge like that, it's no secret how we have been able to hold down postage rates in recent years. Since May 1978, the price of a First-Class stamp has risen a nickel—roughly 33 percent. In contrast, over the same period the Consumer Price Index has tracked an inflation rate of 52 percent—a full 19 points higher.

You know, I always find it ironic when people of my generation get nostalgic about the 3-cent stamp of their childhood. They like to point to today's 20-cent stamp as a measure of the post office's wrack and ruin.

Well, if you take the time to discount today's 20-cent stamp for 50 years of inflation, you find that a First-Class stamp costs not one bit more today than it did in 1932. The big difference is that back in 1932, that 3-cent stamp was massively subsidized by taxpayer dollars. Three cents did not reflect the actual cost of the service.

But today, the Postal Service operates on a strictly pay-as-you-go basis. We don't need and we are not asking for a subsidy from Uncle Sam.

Now, I hasten to add that the Postal Service has no intention of resting on its laurels. Our competitors in the communications marketplace would never allow us that luxury.

Indeed, earlier this year we embarked on one of our most ambitious initiatives yet: the implementation of automation and ZIP + 4.

The Postal Service's new automated equipment—which uses an electric eye to read ZIP Codes and sort the mail—is many times faster than our current machinery, and considerably more accurate. And the ZIP + 4 program will allow that new automated equipment to sort mail right down to a given street on a carrier's route.

Incidentally, I would emphasize that ZIP + 4 will be completely voluntary for all mailers. And it will be targeted primarily for large-volume business mailers, who will receive a price incentive if they choose to use it.

Together, automation and ZIP + 4 will allow us to make continued strides in productivity. And as a result, they will save us billions of dollars in labor costs over the coming years.

Of course all of the factors I have mentioned so far are tied together and mutually reinforcing: the surpluses, the productivity increases, the stable rates and expanding mail volume, the commitment to automation. They add up to a performance record that would be the envy of any private corporation, and one that is unprecedented for a major government agency.

So it is with some understatement that John Tierney, a professor of government at Georgetown University, wrote in his recent study of the Postal Service that (and I quote): "The United States Postal Service, created in 1971 out of the ribs of the old Post Office Department, is a monument to the capacity of the American government to change." (close quote)

Now, all this is not to say that the Postal Service's critics have been silenced. On the contrary. We remain a highly visible government agency—certainly the most visible government agency in the everyday lives of the American people. And as such, we will remain fair game for criticism both from ordinary citizens and from private research groups. Indeed, since 1971, public and private studies of the Postal Service have been issued at an average rate of one every 12 days.

I happen to consider that a healthy thing—it is one aspect of the Postal Service's accountability to the American public. But I must confess to a certain bewilderment over all the contradictory advice and criticism.

For instance, last January, two critiques of the Postal Service were issued back-to-back by reputable Washington think-tanks. One of those study groups, Ralph Nader's Center for Study of Responsive Law, is generally considered liberal in its politics. Its report said that the Postal Service faces too much competition. It attacked the Postal Service for (and I quote) our "single-minded drive for efficiency." (close quote) And it said that this obsession with efficiency has put too much pressure on postal employees.

The second study, issued by the conservative Heritage Foundation, said precisely the opposite. It asserted that the Postal Service faces too little competition. As a result, it said (and I quote) "management has no incentive to control costs." (close quote) In other words, the second study claims that our lack of concern for efficiency is destroying us.

Well, I'll leave it to you to figure out the whys and wherefores of these two reports. Though it seems to me that if we are being criticized from both ends of the political spectrum, then we must be doing something right.

But there is one statement in the Heritage study that I cannot let stand without rebuttal. The author states that when the Post Office was reorganized in 1971 (quote) "Congress created a monster. . . . It deceived the American people." (close quote)

Now, I don't know exactly what the author intends by that "monster" analogy. Evidently he sees the Postal Service as a dragon that inhales taxpayer dollars and exhales deficits. If that is what he has in mind, then I have to question both the extent and the quality of the author's research.

Were I to borrow from the world of make-believe for an analogy to the Postal Service, I wouldn't choose a dragon. I think a more appropriate parrallel would be the goose that laid the golden eggs.

You know, we live in a time when not just many, but most government agencies—both at the national and state level—are undergoing financial convulsions. They are suffering record deficits and cutting back on some of the most basic services.

But the Postal Service stands out as a prominent exception. Instead of cutting services, we have offered a variety of new services. We have a well-paid and secure workforce. Our financial health is robust. And for all that, we still manage to charge only 20 cents for a first-class letter—lower than the postage of any other nation in the industrialized free world, with the exception of Switzerland.

But incredibly, there are those—fortunately only a vocal minority—who would kill the golden goose. There are those who think the Private Express Statutes (the legislation that gives us the exclusive right to deliver First-Class Mail) should be repealed, and that the Postal Service should compete in an unregulated arena with private letter carriers.

I must admit that, on a theoretical level, I would relish the opportunity to compete in the free market—but only if the Postal Service did not have one hand tied behind its back by regulations . . . and only if we and our competitors were allowed to operate according to the same ground rules. I know that the Postal Service has what it takes to suceed in such a competition.

Indeed, in one limited area—the market for overnight mail delivery—the Postal Service has already been tested against private-sector competition. We have gone head to head with Federal Express and other top-flight corporations since the mid 1970s. And we have proved lean enough and reliable enough to double our Express Mail volume every two years since 1976.

So our support for the Private Express Statutes does not arise from any fear of competition. Those statutes exist not to protect the Postal Service, but to protect the American people. For it is only under the umbrella of that legislation that the citizens of this nation can be assured of a universal delivery system and a uniform structure of rates.

Now, I won't deny that private carriers would be able to carry some of the mail more cheaply and turn a profit. But they could do it only by skimming the cream off the mail business. As smart business people, they would serve only the high-volume, low-cost areas such as downtown business and residential districts.

But who would deliver the mail to high-cost areas such as rural America? Who would deliver to sparsely populated suburbs? And to inner-city neighborhoods?

And equally important, who would perform the functions of what I call the "hidden Postal Service"—those costly and not-so-visible functions that people have come to take for granted? For example: the forwarding of mail; protection of the public against mail fraud and false advertising; and handling of the huge volume of foreign mail.

Private carriers wouldn't touch those functions with a ten-foot pole because there's not a dime of profit in them. But the Postal Service does them for a simple reason: Because—despite the fact that we are no longer underwritten by taxpayer dollars—we remain totally committed to our role as a public, government service. And under the mandate of the Private Express Statutes, we will continue to provide fair and efficient service to all the people—not just the privileged few.

Now, my intent this afternoon is not to tell you that the Postal Service is without faults. The fact is, we need to do a better job of providing consistent delivery service. And I readily acknowledge that the level of courtesy in many of our post offices is not what it ought to be.

These and other shortcomings persist. But let me point out that the Postal Service has a solid record of facing up to problems and tackling them head-on. And in that regard, our ability in recent years to cut the Gordian knot of postal deficits is ample evidence of our seriousness.

A brief 13 years ago, the old Post Office Department was a massive, deficit-ridden bureaucracy that everyone thought to be immovable and beyond redemption. Today, the new Postal Service is an excellent example of how a government agency can be run like a business: efficiently . . . with a commitment to service . . . and within its income.

The American people should expect no less from me. And they should expect no less from the other 670,000 public servants of the Postal Service.

Now, with that said, I will be pleased to respond to any questions you might have.●

A REPORT BY MR. NORMAN TURE CONCERNING THE USE OF IDB'S IN NEW YORK STATE

● Mr. D'AMATO. Mr. President, I rise today to discuss an interesting and in-depth report on the use of industrial development bonds (IDB's) in New York State. This study was prepared by Mr. Norman B. Ture, former Under Secretary of the Treasury.

The report by Mr. Ture states that in the 13-year history of New York's IDB program, over 123,000 jobs were added or saved in companies operating facilities financed by industrial development bonds. Mr. Ture points out that only 14 percent of these companies were members of the Fortune 500. The point made here, of course, is that large, creditworthy companies are not the firms that predominantly utilize IDB's. In fact, and of equal importance, only 15 of the companies using IDB's employed over 500 people. The bottom line is that IDB's are used primarily by small firms that have difficulty raising capital.

Today, IDB's are under attack in the Congress. H.R. 1635 would destroy the economic usefulness of the program. The proponents of this legislation would be well served to read Mr. Ture's study. What is true about the use of IDB's in New York State, is true around the country.

Mr. President, I ask that Mr. Ture's report be printed in the RECORD.

The report follows:

INDUSTRIAL REVENUE BONDS: ESTIMATES OF EMPLOYMENT EFFECTS AND SIZE OF BENEFITTING COMPANIES

(By Norman B. Ture, Economic Consultant)

SUMMARY

The use of tax-exempt financing for private capital projects has been confined primarily to small companies and has added significantly to total employment. These conclusions are strongly indicated by data compiled for New York State. Over the thirteen years of the State's industrial revenue bond program, 123.541 jobs were added or saved in companies operating facilities financed by industrial revenue bonds (IRSs).

Support for this finding is provided by data from a survey by the New York Job Development Authority (JDA) of companies undertaking capital projects with tax-exempt second mortgage loans made by JDA. This survey shows that in the 855 responding companies, the actual number of employees at the end of 1982 totaled 75.845, a gain of 21,023 or 38 percent over the 54.822 employees in these companies at the time of their application for JDA loans.

Particularly impressive were the employment gains in companies with JDA loans during the years 1979 through 1982. These four years were marked by poor economic performance nationwide; real GNP seesawed within a very narrow range from the fourth quarter of 1978 through the last quarter of 1982. But the aggregate employment of companies obtaining JDA loans during these four years increased by 2.154 or 21 percent over the number on the job as the time the JDA loan applications were made.

All but a handful of companies receiving JDA funding for capital projects were quite small, as measured by number of employees. Only 15 of the 855 reporting firms had more than 500 employees. Four-fifths of the companies had 100 or fewer workers. Similar results are indicated with respect to IRB financing; less than 14 percent of the cases of IRB financing in New York involved Fortune 500 companies over the programs life.

INTRODUCTION: THE POLICY ISSUES

The increasing volume of IRBs issued during the late 1970s and so far in this decade has generated renewed concern about the tax treatment of these debt instruments. The criticism of IRBs focuses on a number of issues, some of which are of long standing, associated with the tax exemption of interest on general obligation state and local debt issues in general. Prominent among these issues are the alleged inefficiency of tax exemption, the upward pressure on state and local government general obligation debt interest rates, hence on the cost to states and localities for financing government in their respective jurisdictions, the consequent effects in raising interest rates for virtually all debt issues, the loss of tax revenues suffered by the Federal Government, and the violation of the standards of tax fairness, by virtue of the fact that tax-exempts are presumed to be held primarily by upper-bracket individuals and financial institutions. In the case of small-issue IRBs, this list of complaints is elaborated to include the allegation that those instruments fail to serve the objectives sought by the statutes which authorize their tax exemption. Specifically, it is alleged that the incentives for capital formation afforded by exempting the interest on these issues from tax are not confined to appropriate industrial enterprises, that the IRB issues are

not limited to financing investments by small businesses, and that the use of these instruments does not result in any increase in total capital formation and employment.

This discussion focuses only on the last two of the issues suggested by the preceding listing of criticisms, i.e., is small-issue IRB financing confined primarily to small companies, and does the use of IRBs contribute to increasing employment?

IRB'S AND EMPLOYMENT

The use of IRBs reduces the cost of capital to firms on whose behalf the IRBs are issued by reducing an important element in their financing costs. Because bondholders—the suppliers of the capital obtained through this financing—are exempt from Federal taxes on the interest on the bonds, they are willing to accept a lower yield on any given amount of saving committed to these bonds than if the bond interest were taxable. By the same token, unless one assumes that people are entirely unresponsive to the net-of-tax return they obtain for the use of their saving, the response is both an increase in the proportion of their saving channeled into these investments and an increase in total saving. Because the tax exemption serves to reduce the coupon rate on the obligations, the amount which the companies using the facilities financed by IRBs must pay to provide the revenues to the issuing authorities for the service of the bonds is, obviously, less than if the bonds were taxable. This reduction in financing cost increases the number of investment projects which can meet the companies' minimum rate of return requirements.

For some companies, the availability of IRB financing makes the difference between undertaking a project or foregoing it altogether. In other cases, IRB financing results in a somewhat larger capital project or a greater number of projects than would otherwise be undertaken. In any event, the lower cost of capital afforded by IRB financing results in an increase in the optimum amount of capital firms want to use, leading to an increase in the business demand for capital facilities.

In this context, the assertion often advanced by opponents of IRB tax exemption that the use of IRBs contributes little if anything to increasing aggregate capital formation is without foundation. To assert that business generally would undertake the same volume of capital additions in any given period of time with or without the benefits of such financing is equivalent to asserting that businesses' investment plans are completely insensitive to the cost of capital. Similarly, to assert that IRB's tax exemption has no effect on the total volume of private saving is equivalent to asserting that people will save the same amount irrespective of how much consumption they must give up for any given return or irrespective of how well rewarded they are for saving.

The increase in capital inputs (resulting from business response to IRB financing) raises the capital: labor ratio, which increases the productivity of labor compared to levels that would otherwise prevail. This increase in productivity increases the demand for labor services and raises real wage rates; higher real wage rates induce increases in the amount of labor services supplied. The increases in the supply of and demand for the services of labor result in gains in the employment level. This higher level of employment brings about an increase in total labor compensation. And the increases in labor and capital inputs in production results in expansion of total output compared to the levels that would otherwise be realized. The higher levels of real output, hence total real income, in turn generate higher levels of both consumption and saving and capital formation.

Critics of IRB tax exemption assert that the use of these instruments contributes little, if anything, to total employment, analogous to their claim that IRBs afford no effective incentive for additional saving and investment. The argument is that the use of IRBs may well result in a shift in jobs from one location or employer to another, but no increase in overall employment results. Hence, it is argued, the policy objective sought by tax exemption of IRBs—to provide net gains in employment—is not served.

No evidence is provided by IRB critics to support their claims that IRBs result in no net increases in capital formation and employment. In view of the fact that without question the use of IRBs reduce the cost of saving and the cost of capital, one would think the burden of proof would rest on IRB critics to show that saving and capital formation are unresponsive to these incentives. Similarly, one would think that the IRB critics would bear the onus for showing that no increases in employment are associated with the additional industrial, commercial, and service facilities which result because IRBs reduce the cost of saving and capital.

Any empirical demonstration of the effectiveness or ineffectiveness of any tax provision in contributing to additional saving, capital formation, and/or employment of course requires showing what these would amount to in the absence of the tax provision. Because there is seldom if ever the opportunity to undertake the kind of controlled social experiment which would be needed for this purpose, providing evidence as to these "what if" conditions is generally not possible. One must rely on other types of information on the basis of which one may draw reasonable inferences.

In this connection, some extremely useful and indicative data are available pertaining to experience in the State of New York with tax-exempt second mortgage loans made by the New York Job Development Authority to companies locating or expanding in New York. Applicants for this financing submit a variety of information to the JDA, including the number of additional jobs which they believe will result from the proposed capital projects to be undertaken with the tax-exempt financing. To be sure, one might well regard the applicant's estimates with some skepticism, in view of their obvious self-serving aspect. But the JDA also compiles information showing the number of employees the applicant firm had at the location for which the tax-exempt financing is sought at the time of the application and the number of employees actually on the job at that location at subsequent reporting dates. Comparison of these employment data provide substantial indication as to the effectiveness of the tax-exempt financing in adding to employment. Although these bond issues are not identical to IRBs, the results they produce must be quite similar to those afforded by IRB financing.

As of December 1982, these employment data were available from 855 companies for whom tax-exempt financing through JDA had been undertaken since the early 1960's. Based on reports received as of September 30, 1982, reporting companies were 80.9 percent of all companies actually obtaining such financing. On this basis, then, about 1,057 companies had actually undertaken projects with the tax-exempt financing.

The 855 responding companies had reported employment of 54,822 as of the time of their loan applications. They projected employment of 82,479 when the projects for which the loan application were filed were to be in operation. As of December 1982, the actual number of employees totaled 75,845. Although this number is 6,634 short of the projected employment level, it represents a gain of 21,023, or 38 percent, over the original 54,822 employees of the applying companies.

In a dynamic business environment, the results of capital formation projects often differ from those anticipated when the project plans are formulated and the financing is undertaken. Changes in the demand for the product(s) in the production of which the new capital is to contribute may result in better performance than expected, reflected in greater gains in employment than originally anticipated. Demand changes, on the other hand, may also lead to disappointing results. The very substantial gains in employment of the companies using the JDA loans, therefore, cannot be ascribed in full to the response to the tax-exempt financing itself. By the same token, neither can the modest shortfall of actual employment from that anticipated when the loans were applied for be construed as measures of the ineffectiveness of the tax-exempt financing. A conservative assessment would be that over the years company growth assisted by the tax-exempt financing had contributed importantly to expansion of employment.

Economic circumstances over the 20 years for which participating companies reported varied widely from recession to rapid growth, with a significant expansion of capacity and output overall. One might, accordingly, interpret the employment gains reported by the companies receiving JDA losses as reflecting the overall economic expansion rather than response to the incentives conveyed by tax-exempt financing.

To sharpen the focus on the likely effects of the tax-exempt financing, consider the results only for JDA loans extended in the years 1979 through 1982. These were years of poor economic performance nationwide. On a fourth quarter to fourth quarter basis, real GNP increased by only 1.4 percent in 1979, fell by 0.8 percent in 1980, rose by 2.0 percent in 1981, and fell by 1.7 percent in 1982. The fourth quarter 1982 real GNP was only 0.8 percent greater than that of the fourth quarter of 1978. In this period, the aggregate employment of companies obtaining JDA loans, as of the time of their application for the loans, was 10,249. Projected employment was 16,555. Actual employment by these firms as of the end of 1982 was 12,403. While the actual employment results fell short of expectations, they nevertheless represented a gain of 2,154 employees, or 21 percent.

The industrial development bond program has been in existence in New York for 13 years. Over this period local industrial development agencies have floated bonds totaling almost $2.7 billion. During the period, 97 agencies issued bonds for 1,271 projects. Industrial facility bonds, valued at $1.3 billion, account for 49 percent of the dollar total. Pollution-control and commercial facility bonds amount to $536 million and $835 million, respectively. Although employment data of the sort provided the JDA are not available from the district industrial de-

velopment agencies, estimates of new or saved jobs are provided by the companies operating facilities for which IRB financing was provided. The reported new or saved jobs attributable to IRB financing aggregate 123,541 over the 13-year period ending December 31, 1982.

The industrial development agency data combined with the JDA survey information strongly urge that the use of tax-exempt financing for industrial, commercial, and service businesses has contributed significantly to expansion of total employment. The view that the employment gains of companies whose capital projects are so financed are merely at the expense of other firms rests on an implicit assumption that there is, at any time, some fixed number of jobs which cannot be expanded irrespective of the incentives for doing so. It is, in fact, absurd to assume that each time a company with IRB or JDA financing increased its employment some other companies lost an equal number of workers. Any such assumption has no more credibility than the assumption that when companies obtaining IRB or JDA financing reduced the number of their employees, other companies necessarily increased their employment in equal numbers. To repeat, the reasonable assumption is that significant net employment gains are reflected in the data provided by the New York industrial development agencies and the JDA.

SIZE OF COMPANIES OBTAINING IRB FINANCING

The information reported by companies obtaining IRB or JDA second mortgage financing does not include detailed data about the companies' size. An examination of the list of companies for whose facilities IRB financing was provided shows that less than 14 percent of the cases involved Fortune 500 companies. To be sure, this does not necessarily demonstrate that all of the remaining cases involved very small companies, but it does strongly indicate that the benefits of IRB financing do not go primarily to large companies.

Substantial confirmation for this conclusion is provided by the survey of companies obtaining JDA financing. According to Mr. Michael F. Woods, Director, Industrial Economic Development. Department of Planning and Marketing of the New York Power Authority, the overwhelming proportion of the 1,035 companies obtaining JDA financing through September 1982 are small companies. This is confirmed by the employment data cited above. The 855 companies responding to the JDA questionnaire employed 75,845 persons as of December 1982, an average of 89 employees per firm. The following table presents a distribution of companies receiving JDA financing by numbers of persons employed at the end of 1982.

DISTRIBUTION OF COMPANIES RECEIVING JDA FUNDING BY NUMBER OF EMPLOYEES

	Companies	
	Number	Percent of total
10 or fewer	116	13.6
11 to 50	361	42.2
51 to 100	197	23.0
101 to 250	122	14.3
251 to 500	44	5.1
More than 500	15	1.8
Total	885	100.0

Source: New York Job Development Authority.

As the table shows, 42.2 percent of the 855 responding companies had from 11 to 50 employees in the reporting month, December 1982. Less than 7 percent of the companies had more than 250 employees at that time. And almost four-fifths of the reporting companies had 100 or fewer employees.

Unless other data sources can be provided to show a contrary result, it is fair to assume that the size distribution of companies obtaining IRB financing is much the same as that of companies with JDA funding. On this assumption, it seems clear that the benefits of tax-exempt financing of businesses are largely confined to small businesses.●

ANNOUNCEMENT OF WHEAT AND FEED GRAIN PROGRAMS

Mr. BAKER. Mr. President, I am prepared now to proceed to the consideration of H.R. 3914, if the minority leader is so inclined.

Mr. BYRD. Mr. President, there is no objection.

Mr. BAKER. I thank the minority leader.

Mr. President, I ask unanimous consent that the Chair lay before the Senate H.R. 3914.

The PRESIDING OFFICER. The bill will be stated by title.

The legislative clerk read as follows:

A bill (H.R. 3914) to require the Secretary of Agriculture to make an earlier announcement of the 1984 crop feed grain program and of the 1985 crop wheat and feed grain programs.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered, ordered to a third reading, read the third time, and passed.

Mr BAKER. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ORDER FOR H.R. 3871 TO BE HELD AT THE DESK

Mr. BAKER. Mr. President, I put this unanimous-consent request for the consideration of the minority leader and other Members.

I ask unanimous consent that once the Senate receives from the House H.R. 3871, a bill to amend the Omnibus Budget Reconciliation Act of 1982, to provide that the figure used in determining hourly rates of pay for Federal employees not be changed before the comparability adjustment in the rates of pay for such employees has been made for fiscal year 1984, be held at the desk until the close of business Thursday, September 22.

Mr. BYRD. Mr. President, there is no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. I will say parenthetically, Mr. President, that that is perhaps the longest sentence I have recited recently.

ORDER OF PROCEDURE

Mr. BAKER. Mr. President, I propose, if the minority leader concurs, to call up Senate Resolution 161, which is a budget waiver; and if that is agreed to, to call up S. 771, which is the underlying measure.

Mr. BYRD. Mr. President, I have no objection to this request.

Mr. BAKER. I thank the minority leader.

The PRESIDING OFFICER. Without objection, it is so ordered.

BUDGET WAIVER

The resolution (S. Res. 161) waiving section 402(a) of the Congressional Budget Act of 1974 with respect to the consideration of S. 771 was considered and agreed to, as follows:

S. RES. 161

Resolved, That, pursuant to section 402(c) of the Congressional Budget Act of 1974, the provisions of section 402(a) of such Act are waived with respect to the consideration of S. 771, a bill to revise and extend provisions of the Public Health Service Act relating to health promotion and disease prevention, to provide for the establishment of centers for research and demonstrations concerning health promotion and disease prevention, and for other purposes. Such waiver is necessary to specify in the Public Health Service Act the amounts appropriated for fiscal year 1983 for activities of the Department of Health and Human Services relating to health promotion and disease prevention, and to permit the authorization of appropriation of funds for such activities for fiscal year 1984.

HEALTH PROMOTION AND DISEASE PREVENTION AMENDMENTS OF 1983

The Senate proceeded to consider the bill (S. 771) to revise and extend provisions of the Public Health Service Act relating to health promotion and disease prevention, to provide for the establishment of centers for research and demonstrations concerning health promotion and disease prevention, and for other purposes; which had been reported from the Committee on Labor and Human Resources with amendments, as follows:

On page 2, line 15, after "an Office of" insert "Disease Prevention and"

On page 2, line 18, strike "health infomation and" and insert "disease prevention,"

On page 2, line 20, after "health services, and" insert "health information and"

On page 2, line 21, strike "in" and insert "with respest to"

On page 3, line 19, strike "and businesses" and insert "businesses, and State and local health agencies"

On page 8, line 2, after "such" insert "activities during such fiscal year and an estimate of the total amount expended during such fiscal year to carry out such"

On page 9, after line 4, insert the following:

SEC. 5. Subsection (a) of section 338G of the Public Health Service Act is amended by inserting "clinical psychologists," after "pharmacists,".

SEC. 6. Section 2(b) of the Alcohol and Drug Abuse Amendments of 1983 is amended—

(1) by striking out "210" in paragraph (2) and inserting in lieu thereof "201"; and

(2) by striking out "201, 301" in paragraph (13) and inserting in lieu thereof "301, 201".

So as to make the bill read:

S. 771

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Health Promotion and Disease Prevention Amendments of 1983".

SEC. 2. (a)(1) Section 1701(a) of the Public Health Service Act is amended—

(A) by striking out "and" after the semicolon in paragraph (8);

(B) by striking out the period at the end of paragraph (9) and inserting in lieu thereof a semicolon and "and";

(C) by inserting after paragraph (9) the following new paragraph:

"(10) established in the Office of the Assistant Secretary for Health an Office of Disease Prevention and Health Promotion which shall—

"(A) coordinate all activities within the Department which relate to disease prevention, health promotion, preventive health service, and health information and education with respect to the appropriate use of health care;

"(B) coordinate such activities with similar activities in private sector;

"(C) establish a national information clearinghouse to facilitate the exchange of information concerning matters relating to health information and health promotion, preventive health services, and education in the appropriate use of health care, to facilitate access to such information, and to assist in the analysis of issues and problems relating to such matters; and

"(D) support projects, conduct research, and disseminate information relating to preventive medicine, health promotion, and physical fitness and sports medicine."; and

(D) by striking out the last sentence and inserting in lieu thereof the following: "The Secretary shall appoint a Director for the Office of Disease Prevention and Health Promotion established pursuant to paragraph (10) of this subsection. The Secretary shall administer this title in cooperation with health care providers, educators, voluntary organizations, businesses, and State and local health agencies in order to encourage the dissemination of health information and health promotion activities.".

(2) Section 1701(b) of such Act is amended—

(A) by striking out "(other than grants and contracts under sections 1707, 1708, and 1709)" and inserting in lieu thereof "(other than centers under section 1706)";

(B) by striking out "and" after "1981,"; and

(C) by inserting before the period a comma and "$8,000,000 for the fiscal year ending September 30, 1983, $9,000,000 for the fiscal year ending September 30, 1984, $9,500,000 for the fiscal year ending September 30, 1985, and $10,000,000 for the fiscal year ending September 30, 1986".

(b) The last sentence of section 1703(b) of such Act is repealed.

(c) Paragraphs (5) and (6) of section 1704 of such Act are repealed.

(d) Sections 1706, 1707, 1708, 1709, and 1710 of such Act are repealed.

(e) Title XVII of such Act is amended by adding at the end thereof the following new sections:

"CENTERS FOR RESEARCH AND DEMONSTRATION OF HEALTH PROMOTION AND DISEASE PREVENTION

"SEC. 1706. (a) The Secretary shall make grants and enter into contracts with academic health centers for the establishment, maintenance, and operation of centers for research and demonstration with respect to health promotion and disease prevention. Centers established, maintained, or operated under this section shall undertake research and demonstration projects in health promotion, disease prevention, and improved methods of appraising health hazards and risk factors, and shall serve as demonstration sites for the use of new and innovative research in public health techniques to prevent chronic diseases.

"(b) Each center established, maintained, or operated under this section shall—

"(1) be located in an academic health center with—

"(A) a multidisciplinary public health faculty which has demonstrated working relationships with relevant groups in such fields as medicine, psychology, nursing, social work, education and business;

"(B) graduate training programs relevant to disease prevention;

"(C) a core faculty in epidemiology, biostatistics, social sciences, behavioral and environmental health sciences, and health administration;

"(D) a demonstrated curriculum in disease prevention;

"(E) a capability for residency training in public health and preventive medicine; and

"(F) such other qualifications as the Secretary may prescribe;

"(2) conduct—

"(A) health promotion and disease prevention research, including retrospective studies and longitudinal prospective studies in population groups and communities;

"(B) demonstration projects for the delivery of services relating to health promotion and disease prevention to defined population groups using, as appropriate, community outreach and organization techniques and other methods of educating and motivating communities; and

"(C) evaluation studies on the efficacy of demonstration projects conducted under subparagraph (B) of this paragraph.

"(c)(1) During fiscal year 1984, the Secretary shall make grants and enter into contracts for the establishment of three centers under this section. During fiscal year 1985, the Secretary shall make grants and enter into contracts for the establishment of five centers under this section and the maintenance and operation of the three centers established under this section in fiscal year 1984. During fiscal year 1986, the Secretary shall make grants and enter into contracts for the establishment of five centers under this section and the operation and maintenance of the eight centers established under this section in fiscal years 1984 and 1985.

"(2) In making grants and entering into contracts under this section, the Secretary shall provide for an equitable geographical distribution of centers established, maintained, and operated under this section and for the distribution of such centers among areas containing a wide range of population groups which exhibit incidences of diseases which are most amenable to preventive intervention.

"(d) For purposes of this section, the term 'academic health center' means a school of medicine, a school of osteopathy, or a school of public health, as such terms are defined in section 701(4).

"(e) To carry out this section, there are authorized to be appropriated $3,000,000 for the fiscal year ending September 30, 1984, $8,000,000 for the fiscal year ending September 30, 1985, and $13,000,000 for the fiscal year ending September 30, 1986.

"REPORT ON PREVENTIVE MEDICINE AND HEALTH PROMOTION

"SEC. 1707. By January 1, 1984, and annually thereafter, the Secretary shall prepare and transmit to the Committee on Labor and Human Resources of the Senate and the Committee on Energy and Commerce of the House of Representatives a report concerning all activities of the Department of Health and Human Services during the preceding fiscal year relating to preventive medicine and health promotion, including the number and type of personnel involved in such activities during such fiscal year and an estimate of the total amount expended during such fiscal year to carry out such activities.".

SEC. 3. (a) Section 471 of the Public Health Service Act is amended by inserting "(a)" before "The" and by adding at the end thereof the following new subsection:

"(b) There shall be in the National Institutes of Health an Assistant Director for Prevention. The Director of the National Institutes of Health shall delegate to the Assistant Director for Prevention the functions of the Director relating to the promotion of the disease prevention research programs of the national research institutes and the coordination of such programs among the national research institutes and between the national research institutes and other public and private entities.".

(b) The section heading for section 471 of such Act is amended by adding at the end thereof a semicolon and "ASSISTANT DIRECTOR FOR PREVENTION".

SEC. 4. Notwithstanding subsections (a)(1) and (e) of section 771 of the Public Health Service Act, to be eligible for a grant under section 770 of such Act for the fiscal year ending September 30, 1983, or for the fiscal year ending September 30, 1984, a school of public health shall maintain a total number of students for the school year beginning in the fiscal year for which such a grant is applied for, which at least equals the total number of full-time students enrolled in such school in the school year beginning in the fiscal year ending September 30, 1976.

SEC. 5. Subsection (a) of section 338G of the Public Health Service Act is amended by inserting "clinical psychologists," after "pharmacists,".

SEC. 6. Section 2(b) of the Alcohol and Drug Abuse Amendments of 1983 is amended—

(1) by striking out "210" in paragraph (2) and inserting in lieu thereof "201"; and

(2) by striking out "201, 301" in paragraph (13) and inserting in lieu thereof "301, 201".

Mr. HATCH. Mr. President, I am pleased that S. 771, the Preventive Medicine Research and Health Promotion Act of 1983 has been approved by my colleagues for passage from the Senate on the Consent Calendar. This

legislation represents a milestone in Federal health policy—for the first time there will be an opportunity to conduct broad scale research in disease prevention and health promotion by establishing centers for this research at selected schools of public health and academic health centers throughout the Nation. Although the funding for this effort is relatively modest, I believe it is essential we start by funding only research centers at institutions who have a demonstrated commitment to preventive medicine and the basic resources necessary to carry out a successful program. Much work needs to be done to encourage our citizens to assume more responsibility for their own health. A key factor in this task is educating our health professionals—public health officials, physicians, nurses, and the entire spectrum of allied health professionals, to enhance their interest in disease prevention and improve their skills in patient education focusing on health promotion.

This legislation holds the promise of addressing our number one public health problem, that is the rapidly escalating cost of health care. No Federal effort is likely to be more effective in diminishing the staggering economic burden of providing health care than reducing the need for expensive curative and reparative medical services. The first scientists and health policy experts in our Nation have made it abundantly clear to me that most of our big cost items, that is cancer, heart disease, chronic lung disease, and stress-related illnesses, are in large part preventable. Unfortunately, the great majority of our Federal investment in research has heretofore focused almost exclusively on disease oriented research. Without question, this has resulted in remarkable improvements in diagnostic and therapeutic tools for our health professionals, and enhanced the quality of life of many victims of disease. Nonetheless, it is time we began investing more in how we might better prevent illnesses which require costly and highly technical management.

Mr. President, I am convinced that this legislation heralds the beginning of an appropriate balance between preventive medicine and disease specific research in our Federal research effort. We can and must learn more about proper nutrition, motivating healthy lifestyles while respecting our cherished individual freedoms, occupational and environmental health hazards, stress related illness, and accident prevention. The proposed research centers can accomplish these goals by improving research in scientific disciplines such as epidemiology, biostatistics, nutrition, environmental health, and behavioral science. Public health can move from the classroom to the community by collaborative research with primary care physicians and their patients. I am also confident that this research can result in recommendations as to the most cost-effective means of motivating personal health, and will provide enormous benefits to industry and the Federal Government as we cope with the challenge of increasingly costly health benefits.

I am aware that there is high interest in this legislation among schools of public health and throughout the academic community. This is appropriate and indicates a new and much welcome interest in preventive medicine. However, I am convinced that the hoped for results can be achieved only if these centers are established at institutions which are committed to the basic intentions of the legislation. I would hope that institutions intending to focus only on one geographic region or cultural group would not be favored over those capable of conducting a wide spectrum of research which hopefully will translate into improved health care for citizens throughout the world.

Mr. KENNEDY. Mr. President, I rise in support of S. 771, the "Health Promotion and Disease Prevention Amendments of 1983." This measure represents an important step in the effort to enhance the focus on an often undervalued area of our Nation's health—disease prevention. As a member of the Committee on Labor and Human Resources for more than 18 years, I have heard hundreds of hours of testimony, and I have spoken personally with thousands of physicians, scientists, and citizens across the United States. I have seen and heard impressive evidence of the power of medicine to improve the quality of our lives.

However, the most impressive evidence I have heard is our ability to enhance the quality of our lives through preventive health interventions.

In general, this country has had a limited commitment to prevention. This limited commitment is truly shortsighted, since even a small investment in prevention can save substantial, later acute care costs, to say nothing of the human misery that can be avoided.

Federally supported immunization programs are dramatic evidence of the impact of prevention efforts.

The National Childhood Immunization Initiative was begun in 1977 when surveys revealed that over one-third of school-aged children were not protected against the major vaccine preventable diseases—a dangerous threat to the health of our children, to the unborn, and to our Nation as a whole. This alarming situation came about because we relaxed our strong Federal commitment to assuring adequate immunization levels.

The importance of adequate levels of immunization is indisputable. Encephalitis occurs in 1 out of 1,000 measles cases, often producing permanent brain damage; death occurs in 1 of every 10,000 cases. One case of deafness occurs in every 16,000 cases of mumps. Diptheria, whooping cough and tetanus can cause serious respiratory, cardiovascular, and nervous system complications. Whooping cough is fatal to 1 of every 100 children afflicted. No one would want to recall the scourge of paralytic polio.

Yet our children can be protected from every one of these childhood diseases. And the savings in human life, misery, and economic resources are huge. For every $1 we spend to immunize our children against measles, for example, we save $8 in treatment costs. The Massachusetts Commissioner of Public Health has estimated that the net savings of the Massachusetts immunization program over the past 15 years exceeds $16 million.

Lifestyle changes involve many other areas of concern. Poor eating habits cost this Nation over $30 billion a year in doctor and dentist bills. Combating obesity, which affects one-third of adults and over 40 percent of children, has become a multibillion-dollar-a-year industry, with many Americans falling victim to deceptive dieting schemes and unproven programs. Some studies estimate that diet is related to as much as 50 percent of all cancers in women and 35 percent of all cancers in men.

Exercise is another key component of lifestyle. Many studies show that exercise reduces the risk of fatal heart attack as well as promoting a general sense of well-being. In the years since President Kennedy launched the President's Council on Physical Fitness, there has been a growing awareness of the importance of exercise in America. The number of adults who exercise has more than doubled since 1960, and 50 percent of the American population claims to engage in some form of exercise. Our parks and recreation areas are dramatic testimony to this welcomed development—they are filled with more than 11 million joggers, more than 15 million swimmers, more than 15 million bicyclists, and almost 14 million regular tennis players. Despite these increases, however, there are not enough community programs designed to help individuals change their risky behavior and alter their lifestyles.

We have made progress over recent years in promoting prevention. The public awareness of the need for good prevention practices and health lifestyles is growing. Much more needs to be done.

Mr. President, S. 771, will place major importance on research in health promotion and disease preven-

tion. It provides for the establishment of centers for research and demonstration concerning health promotion and disease prevention. This research is critical and must be done. It should help our citizens improve their health status, diminish the prevalence of illness, reduce the incidence of costly diseases which prematurely kill or chronically disable Americans.

Mr. President, the need for S. 771 cannot be seriously questioned. Thus, I ask my colleagues to add their support to this measure.

Mr. INOUYE. It is my understanding that the Senator's committee is in agreement that at least one center proposed by the Health Promotion and Disease Prevention Amendments of 1983 (S. 771) should be an International Center for Health Promotion and Disease Prevention.

Mr. KENNEDY. I am most pleased to agree with my colleage from the State of Hawaii that this was indeed our understanding and, further, that the State of Hawaii would be an excellent place for such an entity to be located, given its unique geographical and cultural resources.

Mr. INOUYE. The University of Hawaii has informed me that if the Department of Health and Human Services were to establish such a center for the Pacific Basin, that it would be possible for them to continue to work closely with the World Health Organization, as well as the Centers for Disease Control in furtherance of other ongoing initiatives that are already in the Pacific Basin and Southeast Asia.

Mr. KENNEDY. I might add that such an initiative would very much be in the national interest and should serve as a catalyst for working with health education institutions throughout that entire section of the world in preventive medicine, epidemiological research, and a true range of health promotion initiatives. In fact, you might even find that a number of our leading clinicians and scientists from my own State might soon want to take a sabbatical with your deans in order to help develop such initiatives.

Mr. INOUYE. I very much appreciate the ranking minority member's enthusiasm for both the State of Hawaii and our interest in the entire Pacific Basin region.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

REMOVAL OF INJUNCTIONS OF SECRECY

Mr. BAKER. Mr. President, I make this unanimous-consent request for the consideration of the minority leader and other Senators.

As in executive session, I ask unanimous consent that the injunction of secrecy be removed from three treaties received by the Senate from the President of the United States today: a Tax Protocol with Canada (Treaty Document 98-7); a treaty with Thailand on the Execution of Penal Sentences (Treaty Document 98-8); and a United Nations Convention on Contracts for the International Sale of Goods (Treaty Document 98-9).

I also ask that the treaties be considered as having been read the first time; that they be referred, with accompanying papers, to the Committee on Foreign Relations and ordered to be printed; and that the President's messages be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The President's messages are as follows:

To The Senate of the United States:

I transmit herewith, for Senate advice and consent to ratification, a Protocol signed at Ottawa on June 14, 1983, amending the Convention between the United States and Canada with respect to taxes on income and on capital, signed at Washington on September 26, 1980. I also transmit a related exchange of notes and the report of the Department of State with respect to the Protocol.

Senate consideration of the Convention, which was transmitted for advice and consent to ratification by letter dated November 12, 1980, has been delayed pending the correction of certain technical problems in its text. The Protocol resolves these technical problems by clarifying the language of the Convention to assure that its original intent is fulfilled.

In addition, the Protocol makes a necessary change regarding pensions, annuities and alimony and amends the Convention to permit the United States to exercise its full taxing right, under the Foreign Investment in Real Property Act, section 897 of the Internal Revenue Code. The Protocol also includes a new rule which affects an athlete resident in one State who is a recipient of a bonus from an employer resident in another State. The new rule protects such a recipient by limiting the rate of tax in the State of the employer.

It is most desirable that this Protocol, together with the Convention, be considered by the Senate as soon as possible and that the Senate give advice and consent to ratification of both instruments.

RONALD REAGAN.

THE WHITE HOUSE, *September 21, 1983.*

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith the Treaty Between the United States of America and the Kingdom of Thailand on Cooperation in the Execution of Penal Sentences, which was signed at Bangkok on October 29, 1982.

I transmit also, for the information of the Senate, the report of the Department of State with respect to the Treaty.

The Treaty would permit citizens of either nation who had been convicted in the courts of the other country to serve their sentences in their home country; in each case the consent of the offender as well as the approval of the authorities of the two Governments would be required.

This Treaty is significant because it represents an attempt to resolve a situation which has inflicted substantial hardships on a number of citizens of each country and has caused concern to both Governments. The Treaty is similar to those currently in force with Bolivia, Canada, Mexico, Panama, Peru and Turkey. I recommend that the Senate give favorable consideration to this Treaty at an early date.

RONALD REAGAN.

THE WHITE HOUSE, *September 21, 1983.*

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith the United Nations Convention on Contracts for the International Sale of Goods. This Convention was adopted on April 11, 1980, by the United Nations Conference on Contracts for the International Sale of Goods and was signed on behalf of the United States at United Nations Headquarters on August 31, 1981.

The Convention would unify the law for international sales, as our Uniform Commercial Code in Article 2 unifies the law for domestic sales.

The Convention was prepared, with the active participation of representatives of the United States, by the United Nations Commission on International Trade Law (UNCITRAL) and received the unanimous approval of this worldwide body; the Convention was then adopted, without dissent, by the United Nations Conference of sixty-two States. This unanimity attests to the broadly perceived need for the Convention and the value of its provisions.

The House of Delegates of the American Bar Association recommended in 1981 that the United States ratify the Convention, subject to a declaration permitted under Article 95 as to the grounds for applicability. I concur fully in this recommendation for the reasons set forth in the enclosed report of the Department of State.

The report of the Department of State provides a summary of the Convention and describes its approach. Worthy of emphasis is the international deference that the Convention accords to the contract made by the parties to an international sale. The parties may agree that domestic law rather than the Convention will apply, and their contract may modify or supplant the Convention's rules. The uniform international rules play their significant role when, as often occurs, a problem arises that the parties did not anticipate and solve by contract.

International trade now is subject to serious legal uncertainties. Questions often arise as to whether our law or foreign law governs the transaction, and our traders and their counsel find it difficult to evaluate and answer claims based on one or another of the many unfamiliar foreign legal systems. The Convention's uniform rules offer effective answers to these problems.

Enhancing legal certainty for international sales contracts will serve the interests of all parties engaged in commerce by facilitating international trade. I recommend that the Senate of the United States promptly give its advice and consent to the ratification of this Convention.

RONALD REAGAN.
THE WHITE HOUSE,
September 21, 1983.

ORDER OF BUSINESS

Mr. BAKER. Mr. President, I say to the minority leader that I am cleared on this side to consider nominations on today's Executive Calendar under New Reports on page 1 and Civil Aeronautics Board on page 1, all the nominations on pages 2, 3, 4, 5, 6, 7, 8, and page 9 under Nominations Placed on the Secretary's Desk in the Air Force, Army, Coast Guard, Marine Corps, and Navy, and on page 10 a continuation under that heading.

Mr. BYRD. Mr. President, it is with pleasure that I state to the majority leader that the first nominee in this grouping, who is from Tennessee, has been cleared on this side of the aisle as have all the others enumerated by the majority leader.

Mr. BAKER. I am grateful to the minority leader, and I am impressed that he recognizes the distinguished citizen of my State was first on this list today.

Mr. BYRD. I was looking to see if there was anyone on there from West Virginia.

Mr. BAKER. I understand the instinct.

EXECUTIVE SESSION

Mr. BAKER. Mr. President, I ask unanimous consent that the Senate now go into executive session for the purpose of considering the nominations just identified.

There being no objection, the Senate proceeded to the consideration of executive business.

The PRESIDING OFFICER. The nominations will be stated.

Mr. BAKER. Mr. President, I ask unanimous consent that the nominations be considered and confirmed en bloc.

The PRESIDING OFFICER. Without objection, the nominations are considered and confirmed en bloc.

The nominations considered and confirmed en bloc are as follows:

DEPARTMENT OF TRANSPORTATION

Matthew V. Scocozza, of Tennessee, to be an Assistant Secretary of Transportation, vice Judith T. Connor, resigned.

CIVIL AERONAUTICS BOARD

Barbara E. McConnell, of the District of Columbia, to be a member of the Civil Aeronautics Board for the remainder of the term expiring December 31, 1983, vice Elizabeth E. Bailey, resigned.

Barbara E. McConnell, of the District of Columbia, to be a member of the Civil Aeronautics Board for the term of 6 years expiring December 31, 1989 (reappointment).

IN THE AIR FORCE

The following-named officer for appointment to the grade of lieutenant general on the retired list pursuant to the provisions of title 10, United States Code, section 1370:

Lt. Gen. John S. Pustay [redacted] FR, U.S. Air Force.

IN THE ARMY

The following-named Army Medical Department officers for appointment in the U.S. Army to the grades indicated under the provisions of title 10, United States Code, sections 611(a) and 613:

To be permanent brigadier general

Col. Thomas M. Geer [redacted], Medical Corps, U.S. Army.
Col. Philip K. Russell [redacted], Medical Corps, U.S. Army.
Col. Darryl H. Powell [redacted], Medical Corps, U.S. Army.
Col. Connie L. Slewitzke [redacted], Nurse Corps, U.S. Army.
Col. Girard Seotter III [redacted], Medical Corps, U.S. Army.

The following-named officers for appointment in the Regular Army of the United States to the grade indicated under the provisions of title 10, United States Code, sections 611(a) and 624:

To be permanent major general

Brig. Gen. John L. Ballantyne III [redacted] U.S. Army.
Brig. Gen. Leonard J. Riley [redacted], U.S. Army.
Brig. Gen. Leroy N. Suddath, Jr. [redacted] U.S. Army.
Brig. Gen. Andrew L. Cooley [redacted], U.S. Army.
Brig. Gen. Scott B. Smith [redacted], U.S. Army.
Brig. Gen. Eugene L. Stillions, Jr. [redacted] U.S. Army.
Brig. Gen. Michael J. Conrad [redacted] U.S. Army.
Brig. Gen. Joseph C. Lutz [redacted], U.S. Army.
Brig. Gen. Edward Honor [redacted], U.S. Army.
Brig. Gen. Richard D. Kenyon [redacted] U.S. Army.
Brig. Gen. William G. T. Tuttle, Jr. [redacted] U.S. Army.
Brig. Gen. John M. Brown [redacted], U.S. Army.
Brig. Gen. Frederick F. Woerner, Jr. [redacted] U.S. Army.
Brig. Gen. Charles F. Briggs [redacted], U.S. Army.
Brig. Gen. Richard S. Kem [redacted], U.S. Army.
Brig. Gen. James L. Dozier [redacted], U.S. Army.
Brig. Gen. Norman E. Archibald [redacted] U.S. Army.
Brig. Gen. Jack B. Farris, Jr. [redacted], U.S. Army.
Brig. Gen. Hardin L. Olson, Jr. [redacted] U.S. Army.
Brig. Gen. Howard C. Whittaker [redacted] U.S. Army.
Brig. Gen. John W. Foss [redacted], U.S. Army.
Brig. Gen. Allen K. Ono [redacted], U.S. Army.
Brig. Gen. John H. Moellering [redacted] U.S. Army.
Brig. Gen. Robert F. Molinelli [redacted] U.S. Army.
Brig. Gen. William E. Potts [redacted], U.S. Army.
Brig. Gen. Orren R. Whiddon [redacted] U.S. Army.
Brig. Gen. John J. Yeosock [redacted], U.S. Army.
Brig. Gen. Donald S. Pihl [redacted], U.S. Army.
Brig. Gen. William E. Sweet [redacted], U.S. Army.
Brig. Gen. Burton D. Patrick [redacted], U.S. Army.
Brig. Gen. Henry G. Skeen [redacted], U.S. Army.
Brig. Gen. Fred Hissong, Jr. [redacted], U.S. Army.
Brig. Gen. Thurman D. Rodgers [redacted] U.S. Army.
Brig. Gen. Sidney T. Weinstein [redacted] U.S. Army.
Brig. Gen. Rocco Negris [redacted], U.S. Army.
Brig. Gen. Stephen R. Woods, Jr. [redacted] U.S. Army.
Brig. Gen. Eugene R. Cromartie [redacted] U.S. Army.

The following-named officer under the provisions of title 10, United States Code, section 601, to be assigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

To be lieutenant general

Maj. Gen. Richard D. Lawrence [redacted] U.S. Army.

The following-named officer under provisions of title 10, United States Code, section 601, to be reassigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

To be lieutenant general

Lt. Gen. LaVern E. Weber [redacted], U.S. Army.

The following-named officers for appointment in the Regular Army of the United States to the grade indicated under the provisions of title 10, United States Code, sections 611(a) and 624:

To be brigadier general

Col. James R. Ralph, Jr. [redacted], U.S. Army.
Col. James R. Klugh [redacted], U.S. Army.

Col. John S. Tuck xxx-xx-xxxx, U.S. Army.
Col. Clifford A. Druit xxx-xx-xxxx, U.S. Army.
Col. Bobby F. Brashears xxx-xx-xxxx, U.S. Army.
Col. John O. B. Sewall xxx-xx-xxxx, U.S. Army.
Col. Edward N. Fletcher xxx-xx-xxxx, U.S. Army.
Col. Thomas G. Lightner xxx-xx-xxxx, U.S. Army.
Col. John R. Greenway xxx-xx-xxxx, U.S. Army.
Col. Charles B. Eichelberger xxx-xx-xxxx, U.S. Army.

To be brigadier general

Col. Claude E. Fernandez, Jr. xxx-xx-xxxx xxx-x..., U.S. Army.
Col. William B. McGrath xxx-xx-xxxx, U.S. Army.
Col. August M. Cianciolo xxx-xx-xxxx, U.S. Army.
Col. Nicholas S. H. Krawciw xxx-xx-xxxx, U.S. Army.
Col. Charles F. Scanlon xxx-xx-xxxx, U.S. Army.
Col. Donald W. Jones xxx-xx-xxxx, U.S. Army.
Col. William H. Roche xxx-xx-xxxx, U.S. Army.
Col. Paul A. Schwartz xxx-xx-xxxx, U.S. Army.
Col. Guy P. Bowen xxx-xx-xxxx, U.S. Army.
Col. Claude B. Donovan III xxx-xx-xxxx, U.S. Army.
Col. William A. Roosma xxx-xx-xxxx, U.S. Army.
Col. Raphael J. Hallada xxx-xx-xxxx, U.S. Army.
Col. Teddy G. Allen xxx-xx-xxxx, U.S. Army.
Col. Joseph D. Schott xxx-xx-xxxx, U.S. Army.
Col. Robert H. Ryan xxx-xx-xxxx, U.S. Army.
Col. Gerald P. Stadler xxx-xx-xxxx, U.S. Army.
Col. Frederick M. Franks, Jr. xxx-xx-xxxx, U.S. Army.
Col. Terrence L. Arndt xxx-xx-xxxx, U.S. Army.
Col. Michael F. Spigelmire xxx-xx-xxxx, U.S. Army.
Col. William H. Reno xxx-xx-xxxx, U.S. Army.
Col. Wilson A. Shoffner xxx-xx-xxxx, U.S. Army.
Col. Wayne C. Knudson xxx-xx-xxxx, U.S. Army.
Col. William S. Flynn xxx-xx-xxxx, U.S. Army.
Col. Herman C. Kammer xxx-xx-xxxx, U.S. Army.
Col. Paul F. Kavanaugh xxx-xx-xxxx, U.S. Army.
Col. William G. Ganey xxx-xx-xxxx, U.S. Army.
Col. Raymond E. Haddock xxx-xx-xxxx, U.S. Army.
Col. Willard M. Burleson, Jr. xxx-xx-xxxx, U.S. Army.
Col. David M. Maddox xxx-xx-xxxx, U.S. Army.
Col. Howard D. Graves xxx-xx-xxxx, U.S. Army.
Col. Peter J. Offringa xxx-xx-xxxx, U.S. Army.
Col. Larry D. Budge xxx-xx-xxxx, U.S. Army.
Col. John H. Stanford xxx-xx-xxxx, U.S. Army.
Col. Dennis J. Reimer xxx-xx-xxxx, U.S. Army.
Col. Ronald K. Andreson xxx-xx-xxxx, U.S. Army.
Col. Thomas B. Arwood xxx-xx-xxxx, U.S. Army.
Col. James W. Crysel xxx-xx-xxxx, U.S. Army.
Col. Gordon R. Sullivan xxx-xx-xxxx, U.S. Army.
Col. Leslie E. Beavers xxx-xx-xxxx, U.S. Army.
Col. Eugene B. Leedy xxx-xx-xxxx, U.S. Army.
Col. William H. Riley, Jr. xxx-xx-xxxx, U.S. Army.
Col. Samuel N. Wakefield xxx-xx-xxxx, U.S. Army.
Col. James S. Hayes xxx-xx-xxxx, U.S. Army.
Col. Peter J. Boylan, Jr. xxx-xx-xxxx, U.S. Army.
Col. Glynn C. Mallory, Jr. xxx-xx-xxxx, U.S. Army.
Col. Calvin A. H. Waller xxx-xx-xxxx, U.S. Army.
Col. Charles E. Williams xxx-xx-xxxx, U.S. Army.
Col. Philip H. Mallory xxx-xx-xxxx, U.S. Army.
Col. Billy M. Thomas xxx-xx-xxxx, U.S. Army.
Col. Myrna H. Williamson xxx-xx-xxxx, U.S. Army.

IN THE NAVY

The following-named officer, under the provisions of title 10, United States Code, section 5150, to be Chief of Naval Research for a term of three years.

Rear Adm. John B. Mooney, Jr. xxx-xx-xxxx xxx-xx-xxxx, U.S. Navy.

NOMINATIONS PLACED ON THE SECRETARY'S DESK IN THE AIR FORCE, ARMY, COAST GUARD, MARINE CORPS, NAVY

Air Force nominations beginning James E. Abbott, and ending William A. Zahler, which nominations were received by the Senate on August 15, 1983, and appeared in the CONGRESSIONAL RECORD of September 12, 1983.

Air Force nominations beginning Leonard B. Addison, and ending Raymond D. Wilkins, which nominations were received by the Senate on August 15, 1983, and appeared in the CONGRESSIONAL RECORD of September 12, 1983.

Air Force nominations beginning Felix M. Fabian, Jr., and ending James H. Dunlap, which nominations were received by the Senate on August 31, 1983, and appeared in the CONGRESSIONAL RECORD of September 12, 1983.

Air Force nominations beginning Frederick H. Forster, and ending Martha T. Dusa, which nominations were received by the Senate on August 31, 1983, and appeared in the CONGRESSIONAL RECORD of September 12, 1983.

Air Force nominations beginning Stanley I. Anderson, and ending Charles W. Rudd, which nominations were received by the Senate on August 31, 1983, and appeared in the CONGRESSIONAL RECORD of September 12, 1983.

Air Force nomination of Robbins W. Campbell, which was received by the Senate on August 31, 1983, and appeared in the CONGRESSIONAL RECORD of September 12, 1983.

Air Force nominations beginning James L. Adams, Jr., and ending Edward D. Willis, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of September 12, 1983.

Air Force nominations beginning Paul V. Humbert, and ending Steven D. Nemcic, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of September 12, 1983.

Army nominations beginning Van T. Barfoot, Jr., and ending David J. Westhuis, which nominations were received by the Senate on August 15, 1983, and appeared in the CONGRESSIONAL RECORD of September 12, 1983.

Army nominations beginning Ralph L. Bishop, and ending Robert E. Good, which nominations were received by the Senate on August 15, 1983, and appeared in the CONGRESSIONAL RECORD of September 12, 1983.

Army nominations beginning Crispin A. Abad, and ending Joseph F. Staeheli, which nominations were received by the Senate on August 31, 1983, and appeared in the CONGRESSIONAL RECORD of September 12, 1983.

Coast Guard nominations beginning John M. Sollosi, and ending Lewis J. Corcoran, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of September 12, 1983.

Marine Corps nominations beginning John J. Abbattista, and ending Arthur R. Wright, which nominations were received by the Senate on August 15, 1983, and appeared in the CONGRESSIONAL RECORD of September 12, 1983.

Marine Corps nominations beginning Lillian Hagener, and ending Elizabeth M. Montalvo, which nominations were received by the Senate on August 31, 1983, and appeared in the CONGRESSIONAL RECORD of September 12, 1983.

Navy nominations beginning Robert J. Adams, and ending Samuel S. Williams, which nominations were received by the Senate on August 15, 1983, and appeared in the CONGRESSIONAL RECORD of September 12, 1983.

Navy nominations beginning David Donald Abelson, and ending Howard Lawrence Peterson, which nominations were received by the Senate on August 15, 1983, and appeared in the CONGRESSIONAL RECORD of September 12, 1983.

Navy nominations beginning Donn V. Aaby, and ending John C. Zipperer, Jr, which nominations were received by the Senate on August 15, 1983, and appeared in the CONGRESSIONAL RECORD of September 12, 1983.

Navy nominations beginning Gary W. Aaron, and ending John J. Zych, which nominations were received by the Senate on August 15, 1983, and appeared in the CONGRESSIONAL RECORD of September 12, 1983.

Navy nominations beginning Reinaldo G. Alvarez, and ending Victoria E. Young, which nominations were received by the Senate on August 18, 1983, and appeared in the CONGRESSIONAL RECORD of September 12, 1983.

Navy nominations beginning Raymond Lan Adman, and ending Sylvia E. White, which nominations were received by the Senate on August 18, 1983, and appeared in the CONGRESSIONAL RECORD of September 12, 1983.

Navy nominations beginning Carl D. Fago, and ending Raymond L. Lilly, Jr., which nominations were received by the Senate on August 31, 1983, and appeared in the CONGRESSIONAL RECORD of September 12, 1983.

Navy nominations beginning Charles David Arnold, and ending John Zembuch, which nominations were received by the Senate on August 31, 1983, and appeared in the CONGRESSIONAL RECORD of September 12, 1983.

Mr. BAKER. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of these nominations.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the nominations were confirmed and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

LEGISLATIVE SESSION

Mr. BAKER. Mr. President, I ask unanimous consent that the Senate return to the consideration of legislative business.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR THURSDAY

ORDER FOR RECESS UNTIL 11 A.M. TOMORROW

Mr. BAKER. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 11 a.m. tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATORS BAUCUS AND PROXMIRE TOMORROW

Mr. BAKER. Mr. President, I ask unanimous consent that after the two leaders are recognized under the standing order, special orders be given to Senators BAUCUS and PROXMIRE of not to exceed 15 minutes each in that order.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR TRANSACTION OF ROUTINE MORNING BUSINESS TOMORROW

Mr. BAKER. Mr. President, I ask unanimous consent that the time remaining, measured after the execution of the special orders until 12 noon, be devoted to the transaction of routine morning business in which Senators may speak for not more than 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. BAKER. Mr. President, at 12 noon, at the expiration of the time for the transaction of routine morning business, it is the intention of the leadership on this side to ask the Senate to turn to the consideration of Calendar Order No. 220, S. 1342, which is the State Department authorization bill.

After the disposition of that bill, which I hope will not require a very long time, it is the hope of the leadership on this side that the Senate will turn to the consideration of Calendar Order No. 303, S. 869, the Export-Import Bank Act of 1945.

It is not anticipated, Mr. President, that other measures will be brought before the Senate on Thursday. However, it is the intention of the leadership on this side to ask the Senate to turn the consideration of the Martin Luther King holiday bill on Friday of this week.

RECESS UNTIL TOMORROW AT 11 A.M.

Mr. BAKER. Mr. President, I see no other Senator seeking recognition. The time for the transaction of routine morning business has expired. I, therefore, move in accordance with the order previously entered that the Senate now stand in recess until the hour of 11 a.m. tomorrow.

The motion was agreed to, and the Senate at 7:49 p.m., recessed until Thursday, September 22, 1983, at 11 a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate, September 21, 1983:

DEPARTMENT OF TRANSPORTATION

Matthew V. Scocozza, of Tennessee, to be an Assistant Secretary of Transportation.

CIVIL AERONAUTICS BOARD

Barbara E. McConnell, of the District of Columbia, to be a member of the Civil Aeronautics Board for the remainder of the term expiring December 31, 1983.

Barbara E. McConnell, of the District of Columbia, to be a member of the Civil Aeronautics Board for the term of 6 years expiring December 31, 1989.

The above nominations were approved subject to the nominees' commitments to respond to requests to appear and testify before any duly constituted committee of the Senate.

IN THE AIR FORCE

The following-named officer for appointment to the grade of lieutenant general on the retired list pursuant to the provisions of title 10. United States Code. section 1370:

Lt. Gen. John S. Pustay [redacted] FR, United States Air Force.

IN THE ARMY

The following-named Army Medical Department officers for appointment in the U.S. Army to the grades indicated under the provisions of title 10, United States Code, sections 611(a) and 624:

To be permanent brigadier general

Col. Thomas M. Geer [redacted], Medical Corps, U.S. Army.

Col. Philip K. Russell [redacted], Medical Corps, U.S. Army.

Col. Darryl H. Powell [redacted], Medical Corps, U.S. Army.

Col. Connie L. Slewitzke [redacted], Nurse Corps, U.S. Army.

Col. Girard Seotter, III [redacted], Medical Corps, U.S. Army.

The following-named officers for appointment in the Regular Army of the United States to the grade indicated under the provisions of title 10, United States Code, sections 611(a) and 624:

To be permanent major general

Brig. Gen. John L. Ballantyne III [redacted] U.S. Army.

Brig. Gen. Leonard J. Riley [redacted], U.S. Army.

Brig. Gen. Leroy N. Suddath, Jr. [redacted] U.S. Army.

Brig. Gen. Andrew L. Cooley [redacted], U.S. Army.

Brig. Gen. Scott B. Smith [redacted], U.S. Army.

Brig. Gen. Eugene L. Stillions, Jr. [redacted] U.S. Army.

Brig. Gen. Michael J. Conrad [redacted] U.S. Army.

Brig. Gen. Joseph C. Lutz [redacted], U.S. Army.

Brig. Gen. Edward Honor [redacted], U.S. Army.

Brig. Gen. Richard D. Kenyon [redacted] U.S. Army.

Brig. Gen. William G. T. Tuttle, Jr. [redacted] U.S. Army.

Brig. Gen. John M. Brown [redacted], U.S. Army.

Brig. Gen. Frederick F. Woerner, Jr. [redacted] U.S. Army.

Brig. Gen. Charles F. Briggs [redacted], U.S. Army.

Brig. Gen. Richard S. Kem [redacted], U.S. Army.

Brig. Gen. James L. Dozier [redacted], U.S. Army.

Brig. Gen. Norman E. Archibald [redacted] U.S. Army.

Brig. Gen. Jack B. Farris, Jr. [redacted], U.S. Army.

Brig. Gen. Hardin L. Olson, Jr. [redacted] U.S. Army.

Brig. Gen. Howard C. Whittaker [redacted] U.S. Army.

Brig. Gen. John W. Foss [redacted], U.S. Army.

Brig. Gen. Allen K. Ono [redacted] U.S. Army.

Brig. Gen. John H. Moellering [redacted] U.S. Army.

Brig. Gen. Robert F. Molinelli [redacted] U.S. Army.

Brig. Gen. William E. Potts [redacted], U.S. Army.

Brig. Gen. Orren R. Whiddon [redacted] U.S. Army.

Brig. Gen. John J. Yeosock [redacted], U.S. Army.

Brig. Gen. Donald S. Pihl [redacted], U.S. Army.

Brig. Gen. William E. Sweet [redacted], U.S. Army.

Brig. Gen. Burton D. Patrick [redacted], U.S. Army.

Brig. Gen. Henry G. Skeen [redacted], U.S. Army.

Brig. Gen. Fred Hissong, Jr. [redacted], U.S. Army.

Brig. Gen. Thurman D. Rodgers [redacted] U.S. Army.

Brig. Gen. Sidney T. Weinstein [redacted] U.S. Army.

Brig. Gen. Rocco Negris [redacted], U.S. Army.

Brig. Gen. Stephen R. Woods, Jr. [redacted] U.S. Army.

Brig. Gen. Eugene R. Cromartie [redacted] U.S. Army.

The following-named officer under the provisions of title 10, United States Code, section 601, to be assigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

To be lieutenant general

Maj. Gen. Richard D. Lawrence [redacted] U.S. Army.

The following-named officer under provisions of title 10, United States Code, section 601, to be reassigned to a position of importance and responsibility designated by the

President under title 10, United States Code, section 601:

To be lieutenant general

Lt. Gen. LaVern E. Weber xxx-xx-xxxx, U.S. Army.

The following-named officers for appointment in the Regular Army of the United States to the grade indicated under the provisions of title 10, United States Code, sections 611(a) and 624:

To be brigadier general

Col. James R. Ralph, Jr xxx-xx-xxxx, U.S. Army.
Col. James R. Klugh xxx-xx-xxxx, U.S. Army.
Col. John S. Tuck xxx-xx-xxxx U.S. Army.
Col. Clifford A. Druit xxx-xx-xxxx, U.S. Army.
Col. Bobby F. Brashears xxx-xx-xxxx, U.S. Army.
Col. John O. B. Sewall xxx-xx-xxxx, U.S. Army.
Col. Edward N. Fletcher xxx-xx-xxxx, U.S. Army.
Col. Thomas G. Lightner xxx-xx-xxxx, U.S. Army.
Col. John R. Greenway xxx-xx-xxxx, U.S. Army.
Col. Charles B. Eichelberger xxx-xx-xxxx, U.S. Army.
Col. Claude E. Fernandez, Jr. xxx-xx-xxxx xxx-... U.S. Army.
Col. William B. McGrath xxx-xx-xxxx, U.S. Army.
Col. August M. Cianciolo xxx-xx-xxxx, U.S. Army.
Col. Nicholas S. H. Krawciw xxx-xx-xxxx, U.S. Army.
Col. Charles F. Scanlon xxx-xx-xxxx, U.S. Army.
Col. Donald W. Jones xxx-xx-xxxx, U.S. Army.
Col. William H. Roche xxx-xx-xxxx, U.S. Army.
Col. Paul A. Schwartz xxx-xx-xxxx, U.S. Army.
Col. Guy P. Bowen xxx-xx-xxxx U.S. Army.
Col. Claude B. Donovan III xxx-xx-xxxx, U.S. Army.
Col. William A. Roosma xxx-xx-xxxx, U.S. Army.
Col. Raphael J. Hallada xxx-xx-xxxx, U.S. Army.
Col. Teddy G. Allen xxx-xx-xxxx, U.S. Army.
Col. Joseph D. Schott xxx-xx-xxxx, U.S. Army.
Col. Robert H. Ryan xxx-xx-xxxx, U.S. Army.
Col. Gerald P. Stadler xxx-xx-xxxx, U.S. Army.
Col. Frederick M. Franks, Jr. xxx-xx-xxxx, U.S. Army.
Col. Terrence L. Arndt xxx-xx-xxxx, U.S. Army.
Col. Michael F. Spigelmire xxx-xx-xxxx, U.S. Army.
Col. William H. Reno xxx-xx-xxxx, U.S. Army.
Col. Wilson A. Shoffner xxx-xx-xxxx, U.S. Army.
Col. Wayne C. Knudson xxx-xx-xxxx, U.S. Army.
Col. William S. Flynn xxx-xx-xxxx, U.S. Army.
Col. Herman C. Kammer xxx-xx-xxxx, U.S. Army.
Col. Paul F. Kavanaugh xxx-xx-xxxx, U.S. Army.
Col. William G. Ganey xxx-xx-xxxx, U.S. Army.
Col. Raymond E. Haddock xxx-xx-xxxx, U.S. Army.
Col. Willard M. Burleson, Jr. xxx-xx-xxxx, U.S. Army.
Col. David M. Maddox xxx-xx-xxxx, U.S. Army.
Col. Howard D. Graves xxx-xx-xxxx, U.S. Army.
Col. Peter J. Offringa xxx-xx-xxxx, U.S. Army.
Col. Larry D. Budge xxx-xx-xxxx, U.S. Army.
Col. John H. Stanford xxx-xx-xxxx, U.S. Army.
Col. Dennis J. Reimer xxx-xx-xxxx, U.S. Army.
Col. Ronald K. Andreson xxx-xx-xxxx, U.S. Army.
Col. Thomas B. Arwood xxx-xx-xxxx, U.S. Army.
Col. James W. Crysel xxx-xx-xxxx, U.S. Army.
Col. Gordon R. Sullivan xxx-xx-xxxx, U.S. Army.
Col. Leslie E. Beavers xxx-xx-xxxx, U.S. Army.
Col. Eugene B. Leedy xxx-xx-xxxx, U.S. Army.
Col. William H. Riley, Jr. xxx-xx-xxxx, U.S. Army.
Col. Samuel N. Wakefield xxx-xx-xxxx, U.S. Army.
Col. James S. Hayes xxx-xx-xxxx, U.S. Army.
Col. Peter J. Boylan, Jr. xxx-xx-xxxx, U.S. Army.
Col. Glynn C. Mallory, Jr. xxx-xx-xxxx, U.S. Army.
Col. Calvin A. H. Waller xxx-xx-xxxx, U.S. Army.
Col. Charles E. Williams xxx-xx-xxxx, U.S. Army.
Col. Philip H. Mallory xxx-xx-xxxx, U.S. Army.
Col. Billy M. Thomas xxx-xx-xxxx, U.S. Army.
Col. Myrna H. Williamson xxx-xx-xxxx, U.S. Army.

IN THE NAVY

The following-named officer, under the provisions of title 10, United States Code, section 5150, to be Chief of Naval Research for a term of 3 years.

To be chief of naval research

Rear Adm. John B. Mooney, Jr. xxx-xx-x... xxx-xx-xxxx U.S. Navy.

IN THE AIR FORCE

Air Force nominations beginning James E. Abbott, and ending William A. Zahler, which nominations were received by the Senate on August 15, 1983, and appeared in the CONGRESSIONAL RECORD on September 12, 1983.

Air Force nominations beginning Leonard B. Addison, and ending Raymond D. Wilkins, which nominations were received by the Senate on August 15, 1983, and appeared in the CONGRESSIONAL RECORD on September 12, 1983.

Air Force nominations beginning Felix M. Fabian, Jr., and ending James H. Dunlap, which nominations were received by the Senate on August 31, 1983, and appeared in the CONGRESSIONAL RECORD on September 12, 1983.

Air Force nominations beginning Frederick H. Forster, and ending Martha T. Dusa, which nominations were received by the Senate on August 31, 1983, and appeared in the CONGRESSIONAL RECORD on September 12, 1983.

Air Force nominations beginning Stanley I. Anderson, and ending Charles W. Rudd, which nominations were received by the Senate on August 31, 1983, and appeared in the CONGRESSIONAL RECORD on September 12, 1983.

Air Force nomination of Robbins W. Campbell, which was received by the Senate on August 31, 1983, and appeared in the CONGRESSIONAL RECORD on September 12, 1983.

Air Force nominations beginning James L. Adams, Jr., and ending Edward D. Willis, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on September 12, 1983.

Air Force nominations beginning Paul V. Humbert, and ending Steven D. Nemcic, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on September 12, 1983.

IN THE ARMY

Army nominations beginning Van T. Barfoot, Jr., and ending David J. Westhuis, which nominations were received by the Senate on August 15, 1983, and appeared in the CONGRESSIONAL RECORD of September 12, 1983.

Army nominations beginning Ralph L. Bishop, and ending Robert E. Good, which nominations were received by the Senate on August 15, 1983, and appeared in the CONGRESSIONAL RECORD of September 12, 1983.

Army nominations beginning Crispin A. Abad, and ending Joseph F. Staeheli, which nominations were received by the Senate on August 31, 1983, and appeared in the CONGRESSIONAL RECORD of September 12, 1983.

IN THE COAST GUARD

Coast Guard nominations beginning John M. Sollosi, and ending Lewis J. Corcoran, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of September 12, 1983.

IN THE MARINE CORPS

Marine Corps nominations beginning John J. Abbattista, and ending Arthur R. Wright, which nominations were received by the Senate on August 15, 1983, and appeared in the CONGRESSIONAL RECORD of September 12, 1983.

Marine Corps nominations beginning Lillian Hagener, and ending Elizabeth M. Montalvo, which nominations were received by the Senate on August 31, 1983, and appeared in the CONGRESSIONAL RECORD of September 12, 1983.

IN THE NAVY

Navy nominations beginning Robert J. Adams, and ending Samuel S. Williams, which nominations were received by the Senate on August 15, 1983, and appeared in the CONGRESSIONAL RECORD of September 12, 1983.

Navy nominations beginning David Donald Abelson, and ending Howard Lawrence Peterson, which nominations were received by the Senate on August 15, 1983, and appeared in the CONGRESSIONAL RECORD of September 12, 1983.

Navy nominations beginning Donn V. Aaby, and ending John C. Zipperer, Jr, which nominations were received by the Senate on August 15, 1983, and appeared in the CONGRESSIONAL RECORD of September 12, 1983.

Navy nominations beginning Gary W. Aaron, and ending John J. Zych, which nominations were received by the Senate on August 15, 1983, and appeared in the CONGRESSIONAL RECORD of September 12, 1983.

Navy nominations beginning Reinaldo G. Alvarez, and ending Victoria E. Young, which nominations were received by the

Senate on August 18, 1983, and appeared in the CONGRESSIONAL RECORD of September 12, 1983.

Navy nominations beginning Raymond Lan Adman, and ending Sylvia E. White, which nominations were received by the Senate on August 18, 1983, and appeared in the CONGRESSIONAL RECORD of September 12, 1983.

Navy nominations beginning Carl D. Fago, and ending Raymond L. Lilly, Jr., which nominations were received by the Senate on August 31, 1983, and appeared in the CONGRESSIONAL RECORD of September 12, 1983.

Navy nominations beginning Charles David Arnold, and ending John Andrew Zembuch, which nominations were received by the Senate on August 31, 1983, and appeared in the CONGRESSIONAL RECORD of September 12, 1983.

HOUSE OF REPRESENTATIVES—*Wednesday, September 21, 1983*

The House met at 10 a.m.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

We ask, O God, that Your power and presence be with all who labor in the assembly, and with all people who see in what they do the opportunity to be of service to others. May our various vocations allow us to use the talents You have given to ease the hurt of people, to feed the hungry, to ease the suffering, and to promote peace and justice about our world. Help us to realize that every small act of righteousness is blessed by Your spirit and every evidence of kindness is surrounded by Your love. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Sparrow, one of its clerks, announced that the Senate had passed without amendment joint resolutions of the House of the following titles:

H.J. Res. 132. Joint resolution to designate the week beginning September 25, 1983, as "National Adult Day Care Center Week";

H.J. Res. 218. Joint resolution to designate the month of September of 1983, as "National Sewing Month";

H.J. Res. 229. Joint resolution to authorize and request the President to issue a proclamation designating April 22 through April 28, 1984, as "National Organ Donation Awareness Week";

The message also announced that the Senate had passed bills, joint and concurrent resolutions of the following titles, in which the concurrence of the House is requested:

S. 1448. An act to designate the square dance as the national folk dance of the United States;

S. 1850. An act to amend title 38, United States Code, to extend for one year the authority of the Veterans' Administration to provide certain contract medical services in Puerto Rico and the Virgin Islands;

S.J. Res. 121. Joint resolution to designate November 1983 as National Diabetes Month;

S.J. Res. 128. Joint resolution to designate the day of October 22, 1983, as "Metropolitan Opera Day";

S.J. Res. 134. Joint resolution to provide for the designation of the week of November 27 through December 3, 1983, as "National Entomology Week";

S.J. Res. 140. Joint resolution to provide for the designation of the week of October 2 through October 8, 1983, as "Myasthenia Gravis Awareness Week";

S.J. Res. 142. Joint resolution designating the week of October 3 through October 9, 1983, as "National Productivity Improvement Week";

S.J. Res. 146. Joint resolution to designate March 23, 1984, as "National Energy Education Day";

S.J. Res. 150. Joint resolution to designate August 4, 1984, as "Coast Guard Day";

S.J. Res. 157. Joint resolution designating November 13, 1983, as "National Retired Teachers' Day"; and

S. Con. Res. 68. Concurrent resolution to correct the enrollment of S. 602.

APPROVAL FOR 18-MONTHS STAY IN LEBANON TERMED A MISTAKE

(Mr. OBEY asked and was given permission to address the House for 1 minute.)

Mr. OBEY. Mr. Speaker, the House appears ready to give its approval for American troops to remain in Lebanon for an additional 18 months, and I believe that is a mistake.

I have always believed that in the context of an overall settlement in the Middle East, we would have to be prepared to send American troops as part of an international peacekeeping force if we were requested to do so by all parties to the settlement. But it seems to me that in this situation it is simply wrong to provide authority for our troops to remain there for 18 months. I think 18 months is too long. We should not be in a position where we appear to be fighting on one side of an age-old conflict.

Mr. Speaker, I would support, for instance, giving the administration 60 days to report under the War Powers Act, but after that I believe that the war powers clock ought to tick and the Congress ought to make a judgment at that time about what further steps are necessary.

KEEPING A COMMITMENT TO STUDENTS

(Mr. RATCHFORD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RATCHFORD. Mr. Speaker, as we begin debate on education appropriations this week, I hope we all will keep in mind the importance of financial aid for low- and middle-income students and families.

Since the administration took office, about 1 million students have been cut off from Federal student aid. That number would be even higher had we not restored many of the deep cuts proposed by the administration.

For the coming fiscal year, the Appropriations Committee has developed a good bill with a responsible student aid package. Pell grants and student loans are kept intact. Work study is increased from the current year, and the other campus-based programs are saved from the administration's plan to terminate them.

This bill will be good for students and families in Connecticut, certainly better than the program we received in February. I urge my colleagues to support this vital appropriations bill.

COMMITTEE APPROVES BILL TO REFORM U.S. MILITARY

(Mr. SKELTON asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. SKELTON. Mr. Speaker, yesterday the House Armed Services Committee approved legislation based in part on a proposal that I introduced to reform the Joint Chiefs of Staff, the U.S. military's top command level. The committee bill, H.R. 3718, which was approved unanimously, is based in part on the bill, H.R. 2560, that I introduced.

While the committee bill is not as comprehensive as the one I introduced, it is certainly a major step forward. Certain provisions were adopted from my legislation. First, the chain of command from the President on down through the Chairman of the Joint Chiefs of Staff is established; strengthening the position of the Chairman of the Joint Chiefs of Staff; designating the Chairman as an adviser to the President and the Secretary of Defense in his own right; providing for military representation on the National Security Council, which has not happended before; and insuring that the Joint Chiefs of Staff attract the most qualified officers in all the branches of the service; and it provides for proper promotion within that spectrum.

I am pleased to say that these changes are a step forward. This should help do away with some of the

waste, help do away with some of the duplication, and help eliminate some of the interservice rivalry which we see and which causes extra defense dollars to be spent.

If this does not do the job, Mr. Speaker, after seeing it work for a period of time, I will further introduce legislation to help pursue the goal of doing away with waste in defense.

REPEAL OF THE WAR POWERS ACT

(Mr. BATES asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BATES. Mr. Speaker, we are now faced with a growing involvement in Lebanon that closely parallels our spiral into the morass of Vietnam.

We are embarked on a policy of a double standard. No American troops are permitted in Central America, yet the same principle allows American marines to fight and die in Lebanon.

Therefore, I call for the repeal of the War Powers Act, an act that has allowed the President to circumvent the Constitution and to avoid the essential debate on whether this Nation should be at war.

Americans are dying, but who are we at war with? The Druze? The Palestinians? The Lebanese? The Syrians?

Congress alone has the power to declare war under article I, section 8 of the Constitution, and the War Powers Act has permitted this essential constitutional guarantee to be ignored. The issue is not whether the act itself has been violated, but whether the act should be repealed since it has not worked.

I cannot in good conscience support this most recent compromise that allows American troops to wage war for another 18 months without the debate on national policy that has placed them there in the first place.

A CALL FOR THE RESIGNATION OF U.N. DELEGATE LICHENSTEIN

(Mr. EDGAR asked and was given permission to address the House for 1 minute, and to revise and extend his remarks, and include extraneous matter.)

Mr. EDGAR. Mr. Speaker, I join with 23 Members of the House today in sharing our strong reaction to Charles M. Lichenstein's comments on removal of the United Nations. He is a delegate to the United Nations, and he suggested that the United Nations could move out of the United States if it wished.

We are shocked with that statement, and we believe that this statement reflects Mr. Lichenstein's outright hostility to the goals and operations of the United Nations and proves that he is unfit to represent our country in that body. We, therefore, call for his immediate resignation.

We also ask that the Secretary of State officially retract the comments of Mr. Lichenstein and fully clarify U.S. policy toward the United Nations. It is important to clarify this, particularly as the opening session of this year's U.N. session begins. I believe, regardless of the international incidents that have occurred and that have shocked us all, that the United Nations still stands as an organization that we ought to fully support. Mr. Lichenstein's comments detract from that support, and we call for his resignation.

Mr. Speaker, the statement of the views of these 23 Members is as follows:

HOUSE OF REPRESENTATIVES,
Washington, D.C.

As supporters of a strong U.S. commitment to the United Nations, we were shocked by the recent statement of a U.S. delegate to the U.N., Charles M. Lichenstein, suggesting that member states move their representation and the organization itself elsewhere.

We believe that this statement reflects Mr. Lichenstein's outright hostility to the goals and operations of the United Nations, and proves that he is unfit to represent our country in that body. We therefore call for his immediate resignation.

We also ask that the Secretary of State officially retract the comments of Mr. Lichenstein, and fully clarify U.S. policy toward the United Nations. In light of the opening session of the General Assembly in New York today, as well as the increasing tensions in the world today, we should be reaffirming and not backing away from our commitment to the ideals of the United Nations, including its universality of membership and its unique role as the mediator in disputes among nations.

John Seiberling, Anthony C. Beilenson, Sala Burton, Doug Walgren, Bob Kastenmeier, James H. Scheuer, Peter H. Kostmayer, Julian C. Dixon, Howard Wolpe, Gerry E. Studds, Pete Stark, Bob Edgar, George Miller, Barbara Boxer, Don Edwards, Berkley Bedell, Ed Markey, David E. Bonior, Pat Schroeder, James L. Oberstar, Paul Simon, Donald J. Pease, Norman Y. Mineta.

SEND SOVIET STUDENTS HOME

(Mr. ANNUNZIO asked and was given permission to address the House for 1 minute.)

Mr. ANNUNZIO. Mr. Speaker, I am continuing in my effort to alert my colleagues to the vast amount of possible sanctions that we can impose on the Soviet Union in response to the Korean Air Line atrocity. It is becoming apparent as the days pass, that we are not doing what we could do. It is also frightening to think that we would not do what we should do.

The Soviets are thugs. Who can dispute that claim? Why should we slip back to a business as usual stance with this nation. We could start here at home, without the cooperation or commitment of other nations.

For example, I see no reason why Soviet students should be allowed to study in this country. No student who is allowed to leave Mother Russia to study in the United States is doing so solely for his or her academic betterment. These students are carefully screened and totally loyal to their homeland. I cannot help but believe that they are here to gather information as much as they are to study in our classes.

I suggest that Soviet student visas be terminated and that we allow a special one-way flight to Moscow. I am confident they would do the same for us.

□ 1010

IN SUPPORT OF THE COMMUNITY RENEWAL EMPLOYMENT ACT

(Mr. MOAKLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MOAKLEY. Mr. Speaker, I rise in support of H.R. 1036, the Community Renewal Employment Act. In spite of recent talk of improvement in our economy, unemployment still remains a high 9.5 percent, and millions of Americans are still in desperate need of jobs. Enactment of this legislation would provide employment opportunities to nearly half a million long-term unemployed persons.

The bill also provides specific portions of its funding to jobs for women, minorities, and youth, those segments of the population often underserved in the previous jobs legislation.

Eighty percent of the funds in this bill would be used for much-needed community improvement projects from infrastructure repair to services for the elderly. The other 20 percent of the employment funds would go for long overdue repair and renovation of educational facilities. These two targeted areas of improvement are critically needed and will probably not take place unless this legislation is passed.

I urge my colleagues to vote for this vital legislation which will not only provide jobs, but will serve our communities' needs as well.

JEWISH WAR VETERANS OF AMERICA, INC.

(Mr. ANDREWS of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ANDREWS of Texas. Mr. Speaker, last week I added my name as a cosponsor to H.R. 3775, a bill granting a Federal charter to the Jewish War Veterans of America. This action would give long overdue congressional

recognition to this Nation's fourth largest, and oldest active veterans organization.

To record of the Jewish community's military service to the Nation is outstanding. Thousands of Jewish citizens have died in combat for their country and thousands more have been awarded combat medals. Jewish military service to this Nation dates back to the pe-Revolutionary War era, and the JWV was founded back in 1896 by a group of Jewish Civil War veterans in response to slander and insinuations that Jews had not participated militarily in the War Between the States.

Today, the Jewish War Veterans of America are involved in many aspects of our Nation's life. Their veterans affairs program is second to none. The JWV testifies in support of veterans programs, maintains 11 veterans services offices nationwide to aid veterans from all walks of life, provides volunteer services to the VA hospitals, and is the first veterans organization to provide volunteers to help in the Vietnam veterans outreach program.

In addition to their outstanding work in the field of veterans affairs, the JWV is also an active member of the Leadership Conference on Civil Rights, works for the elimination of all types of anti-Semitism, bigotry, and discrimination in America, are one of the earliest and most active participants in the struggle for freedom for Soviet Jews, and are strong promoters of closer ties and greater understanding between the United States and Israel.

Mr. Speaker, this is just a small sampling of the work of the Jewish War Veterans of America. I urge my colleagues to support H.R. 3775, and give congressional recognition to this outstanding and patriotic veterans organization.

WHAT HAPPENED TO THE COAL SLURRY BILL?

(Mr. WILLIAMS of Montana asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILLIAMS of Montana. Mr. Speaker, what happened to the coal slurry bill? It has been suddenly pulled from the calendar. There were many of us in the House who believed from the onset that the bill was ill advised, that it was unnecessary.

Most States, particularly our Western States, believe that the bill further deepens the current jurisdictional crisis with regard to States rights over water. Nonetheless, the bill came through the Rules Committee and was on the floor of the House last week and this week. The latter part of last week I personally received assurances from the leadership that the bill would be given full consideration last week, this week, and would remain on the calendar through the amendment process until a final vote. Now suddenly the bill has been pulled from the calendar without notice.

Coal slurry, Mr. Speaker, has had, well, a curious legislative history and this sudden jerking of the bill without notice should make the Members take another look at this deeply flawed bill.

IN SUPPORT OF THE COMMUNITY RENEWAL EMPLOYMENT ACT

(Mr. TORRES asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TORRES. Mr. Speaker, this country needs a jobs bill for the eighties and the nineties. The community Renewal Employment Act is just such a bill. Its benefits are targeted to the people who need assistance the most—those who have exhausted their unemployment benefits.

Under the able chairmanship of the gentleman from New York (Mr. LAFALCE), the Banking Subcommittee on Economic Stabilization has heard many hours of testimony about the plight of the unemployed, the prospects for the displaced worker and the promise for the high-technology employee.

At least one uncontested fact has emerged from these hearings. Thousands of jobs lost during this recession will never be refilled. Workers have not been temporarily laid off: Although some have, many will never be rehired in their old jobs. The jobs they held just do not exist anymore. We may call this phenomena industrial displacement but what it really means is that unless the Congress takes some action, the number of those counted as long-term unemployed will grow rather than diminish.

We in the Congress have a duty and an opportunity to help these displaced workers. The passage of the Community Renewal Employment Act is our opportunity. Now we must perform our duty and pass the bill.

CONCERN ABOUT STATUS OF OUR FORCES IN LEBANON

(Mr. LEVITAS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEVITAS. Mr. Speaker, according to press reports today, a compromise has been reached between the President and the leadership in the Congress on a resolution concerning the deployment of our forces in Lebanon.

While I am happy to see the President embrace and subject himself to the War Powers Act by his agreeing to sign the resolution, I, for one, was not party to that so-called compromise and I have great reservations about the continued deployment of our forces in Lebanon under present circumstances without any explanation from the President as to what their mission is and what our role is in Lebanon.

The Marines are a fighting force. Today what is their role there, other than to receive punishment from the various warring factions? Are they to support and fight for the central Government of Lebanon? Are they to keep the fighting factions apart? Are they to keep the Syrians or Israelis or PLO out? If they move out of their enclave, in which direction do they move and against whom?

I want to hear specifically and in detail from the President himself, as to what is America's role and the mission of our forces in Lebanon. If there is a good explanation and a real role, of course, I will support the President; but if not, I think we ought to remove our forces from Lebanon.

This week or next week we may have an opportunity to have another vote on a type of Gulf of Tonkin resolution. I hope it is given more careful consideration this time.

DEFICIT SPENDING

(Mr. McCOLLUM asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McCOLLUM. Mr. Speaker, Members from both sides of the aisle all agree on the need to act on the massive Federal deficits, but the majority fails to understand the cause of these record deficits.

We are told that taxes are too low and need to be raised. I think our tax paying constituents would disagree. We are told that defense spending is too high. I think those who serve in our country's defense, using equipment older than they are, would disagree.

Deficits thrive because social spending is uncontrolled and taxes cannot keep pace. We can raise revenues all we want but we will not lower the deficit 1 cent unless we control social spending.

From 1976 to 1981, revenues increased by $300 billion or 100 percent, but the Federal debt actually grew $361 billion. It is easy to see how this can happen, when we recall the vote on the 1984 concurrent budget resolution. Democrats overwhelmingly supported this bill which raised taxes $10 billion, cut defense $12 billion, but increased the deficit by $13 billion. How could this happen? Simple, we added another $29 billion to social spending.

You cannot have a solution if you are blind to the problem and until my colleagues from the other side of the

aisle open their eyes, all Americans, especially the unemployed, will suffer the consequences.

DEMOCRATS AND DEFICITS: SHADOW-BOXING

(Mr. DENNY SMITH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DENNY SMITH. Mr. Speaker, I am glad to see that our Democrat colleagues have, at long last, recognized the dangers posed by huge budget deficits. Their fears that these deficits could damage the recovery are shared by Republicans, but I am afraid that their concern is not matched by any willingness to get at the root of the deficit—excessive spending.

The events of last 2 years offer convincing proof that the Democrats are only interested in shadow boxing with Federal red ink. Now, the Democrats are calling for a balanced approach to the deficit problem. They say they want to reduce the deficit by, cutting defense spending, and increasing taxes. Like any snake oil salesman's pitch, it sounds good, but we have heard it before.

When the Congress passed TEFRA in 1982, Democrats hailed it as a balanced approach. We were told that spending would be cut by $3 for every $1 in new taxes. It was too good to be true. Instead of getting a 3-for-1 ratio of spending cuts to tax increases, it now appears that we are going to wind up spending $1.14 more for every dollar of increased taxes. This is the sort of balanced approach that results in massive deficits.

We know that raising taxes will not reduce the deficit—at least not with the current leadership. If this Congress really wants to cut deficits, it must deal with the real source of the problem—uncontrolled social spending.

□ 1020

LEBANESE WAR POWERS RESOLUTION

(Mr. PAUL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PAUL. Mr. Speaker, it has been heralded as a compromise on the war powers issue. In my estimation it is nothing of the kind. It is complete capitulation to a continued active presence in the Mideast with a great possibility that the fighting will be escalated and more men and weapons will be required—just to maintain a status quo—of a continued no win purposeless fight.

It is said to be bipartisan, yet it is just a continuation of our monolithic policy of decades of continued foreign intervention. This intervention is not required for our security and therefore fraught with great danger—danger of never achieving victory and never being able to gracefully withdraw.

We as a Congress are reneging on our responsibility to be the sole decisionmaker in committing our people to war as directed by the Constitution.

How can we fix for 18 months the number of troops in an area of active hostility? It is totally untenable. More troops must be used to protect our men. If they are not, it would be rather simple to pick off and demoralize a fixed continuing of 1,200 marines—limited in their role to fight.

Security in this area is vital to Israel. Israel had nearly achieved this and had the PLO on the ropes and yet our policymakers decided to rescue the PLO who are now back in Lebanon—shooting at our marines. It is an unworkable policy, doomed to fail. It is with great risk that we remain in Lebanon with the chance that significant escalation of the conflict will come on the heels of some unforeseen incident—such as the sinking of a U.S. warship.

In the politics of war, compromise with precise goals ushers in tomorrow's unsolvable dilemmas. Let us have no part of this compromise of our responsibilities.

BUDGET FRAUD AGAINST THE AMERICAN PEOPLE

(Mr. LOTT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LOTT. Mr. Speaker, the Democratic majority in the House of Representatives is trying to perpetrate a fraud on the American people. They are not even living up to their own budget resolution, as we have seen in the case of the Trade Adjustment Assistance Act. The Democratic leadership in the House says it is going to deal with the deficit by, as usual, raising taxes and cutting defense. But in fact neither of these are being applied against the deficit. They are only being applied to more and more Federal spending.

Let us look at last week's and this week's schedule. Last week we had the Vocational Rehabilitation Act, which added an additional $1.6 billion. Also last week, the Trade Adjustment Assistance Act carried with it an open-ended authorization estimated to cost $150 million to $200 million more than requested in fiscal year 1984. This week the FCC authorization, which was scheduled to be taken up but was pulled: $300 million additional. State, Justice, and Commerce, as reported: $1.3 billion increase. Hawkins jobs bill, as reported: $5 billion added, and although we may adopt an amendment that would lower it to $3.5 billion, it is $3.5 billion we should not be spending at this time. Labor-HHS: an additional $3.5 billion.

It is all politics, Mr. Speaker. And the American people are paying the price.

LARRY FLYNT'S TASTELESS MAGAZINE

(Mr. LEWIS of Florida asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEWIS of Florida. Mr. Speaker, amidst a rather large stack of daily mail, mostly from constituents concerned about the threat of war, unemployment, and other pressing problems, my quiet and unassuming secretary was mortified to find an issue of Hustler magazine—complete with its lewd and utterly tasteless cover photograph.

Enclosed with the magazine was a letter from the publisher, Mr. Larry Flynt, informing me that I would receive a copy of his degrading and sleazy magazine every month, free of charge.

Disgusted and angry, I had my secretary call Mr. Flynt's office in Los Angeles to inform him that I am outraged by his audacity and his egocentric attempt to use the U.S. Congress to attract national attention to his seedy publication.

Not only was Mr. Flynt's assistant unmoved by my anger, but she informed my secretary that the magazine would be sent to me, to every Member of the House and Senate, to every Supreme Court Justice, and to the President of the United States—whether we want it or not.

Hustler magazine is pure, baseless trash. It debases our religious and spiritual values, degrades men and women, and belittles our fundamental institutions.

Mr. Flynt had the unmitigated gall to tell us that hard-core pornography and toilet graffiti and humor will keep us informed on all social issues and trends, and that Hustler is our constituents' favorite magazine.

The Bible says, "Where your treasure is, there is your heart."

God help him. Larry Flynt's treasure must be in the sewer.

BUDGET DEFICITS CONSUME GREATER SHARE OF GNP

(Mr. DAUB asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DAUB. Mr. Speaker, it takes a special kind of thinking that justifies looking the American people in the eye and tell them a lie but that is precisely what some Members of this body are doing when they suggest that the current deficits can be laid at the

feet of President Reagan and the economic policies of the last 3 years.

The charge is made that defense spending and huge tax cuts are responsible for the deficit. At the same time we are told that social spending has been reduced and that the administration is not exercising its responsibilities to the poor and disadvantaged.

Let us make clear a couple of things.

The 1981 Tax Act reduced taxes over a period of 8 years by $1.138 trillion, but since that time, we have increased social security taxes by $270 billion, passed a tax bill in 1982 that took back $281 billion of the 1981 act, increased the gasoline tax to bring in $21 billion, while the spender's friend, bracket creep, will bring in another $439 billion. That means that the total tax cut over the next 8 years will total $77 billion.

As for defense, let us keep in mind that President Reagan will get in 1984 somewhere within about $3 billion of what Jimmy Carter proposed as necessary in his final budget.

When you tell the American people they are getting away with something by not paying enough in taxes, you are ignoring the fact that taxes will in the period 1983-86 consume a greater share of GNP than at anytime since 1944.

FLOODGATES ARE WIDE OPEN FOR MORE DEFICIT SPENDING

(Mr. WALKER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WALKER. Mr. Speaker, the passage of H.R. 3520, the Rehabilitation Act Amendments, makes it clear that the floodgates are wide open for more deficit spending.

President Reagan supported reauthorization of the Rehabilitation Act of 1973 but strongly opposed H.R. 3520 because of the extremely excessive budget authorizations included in title IV of the program for 10 new programs of the Department of Education and other agencies that are wholly unrelated to the Rehabilitation Act. The authorization for these 10 programs is $1.6 billion.

Superseding the 1984 authorization levels set by Public Law 97-35, the new, big deficit approach establishes 1984 levels way beyond the Nation's best interests. For example, its $2.3 billion for low-income energy assistance. That is $375 million more than the President wanted. Its $237.9 million for the National Foundation on Arts and Humanities is up almost $41 million more than the President wanted. Its $10.8 million for museum services, over $1 million more than the President asked for.

The new authorizations total $3.4 billion, or 44 percent more than the President's 1983 budget request and $1.5 billion, or 16 percent more than the comparable 1983 amounts.

H.R. 3520, includes unrelated nongermane authorizations and it shows callous disregard for the real needs of disabled persons.

IRRESPONSIBLE REFUSAL OF DEMOCRATIC LEADERSHIP TO CONTROL FEDERAL SPENDING

(Mr. LUNGREN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LUNGREN. Mr. Speaker, unfortunately the House Democratic leadership has given the American people a number of examples of how its talk about deficits is hollow rhetoric to hide its irresponsible refusal to control Federal spending.

The most graphic example is the failure of the seven Democratic-controlled committees to comply with the deficit reduction reconciliation instructions of the budget resolution. Mr. Speaker, this is gross tomfoolery. Those responsible are making a mockery of the congressional budget process.

Another example occurred last June, when the Democrats' Rules Committee emasculated an amendment drafted by my Democratic colleague, Mr. McCURDY, which would have required spending reductions equal to the amount of the tax increase contained in the Speaker's bill to cap the tax cut. The Rules Committee tore out from the amendment the baseline figure of $849.5 billion. With this starting point removed, the spending cuts became meaningless numbers dreamed up by the Democratic leadership. The amendment was gutted—yet the Democrats had the audacity to push it through and tell the American people it demonstrated their commitment to spending reduction.

In truth, it did just the opposite, demonstrating their cynical manipulation of the deficit issue to cover their intentions to keep spending growing ever higher.

If anyone wonders whether we were in fact going to have spending going ever higher, they need wonder no further. They just need to look at this floor and look at the number of bills that we have coming before us that violate the budget figures.

□ 1040

CONGRESS MUST ACT ON BANKRUPTCY REFORM

(Mr. McKERNAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McKERNAN. Mr. Speaker, last week, in my home State of Maine, U.S. District Judge Gene Carter declared unconstitutional the interim rule under which bankruptcy courts are now operating. Judge Carter's ruling highlights the need for congressional action to correct the problems in the Bankruptcy Reform Act of 1978, which the Supreme Court declared unconstitutional back in June 1982.

The current interim rule, which was issued by the U.S. Judicial Conference when Congress failed to act on the Supreme Court ruling, has caused total disarray within the bankruptcy court system.

Congressman Peter Rodino has introduced the Bankruptcy Court Act of 1983 (H.R. 3), which would give bankruptcy judges the independence the Supreme Court found lacking. Unfortunately, this legislation is currently stalled in the Rules Committee due to opposition by some committee members. Back in July I again urged my colleagues on the Rules Committee to break their stalemate on this legislation so that Congress can deal with the bankruptcy court crisis.

RUNAWAY FEDERAL SPENDING

(Mr. MACK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MACK. Mr. Speaker, I rise to state a fact: runaway Federal spending, not tax reduction, is the cause of the deficit. And runaway Federal spending is synonymous with the House Democratic leadership.

Even with the modest cutbacks enacted mainly in 1981, Federal outlays have reached an alltime peacetime high, climbing from 21.4 percent of GNP in 1978 to 24 percent in 1982 and to an estimated 25 percent in 1983.

On the revenue side, the 1981 tax reduction legislation has served mainly to prevent a tax increase. Bracket creep, payroll tax increases, and indirect taxes have eaten away at much of the income tax reduction intended to benefit working Americans.

Clearly, those who complain about the so-called excessive tax cut really mean that they want unlimited tax increases to supply the Federal spending spigot. Next year, a public informed with the facts will look at the House Democrats in fixing blame for the budget deficit.

THE DEMOCRATS' LEGISLATIVE RECORD

(Mr. GINGRICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GINGRICH. Mr. Speaker, in the coming months, we are going to be subjected to a smokescreen of rhetoric from our Democratic colleagues as they scramble to dodge responsibility for the fiscal actions of their majority.

It is not enough that these Members are ignoring the Congressional Budget Act of 1974 which mandates by this week a reconciliation of the first budget resolution.

It is enough when they revert to a policy of open-ended spending outside of the budget process such as we witnessed in the passage last week of the trade adjustment assistance legislation.

This bill expands on questionable grounds even the already padded first budget resolution by increasing its programs' cost $124.5 million.

Because the bill is also insulated from the normal appropriations process, the Congress in future years will be unable to exercise control over the amount of funding committed to these programs.

Coupled with the passage in the same week of the ill-named Rehabilitation Act Amendments of 1983, it is clear that the Democrats have opened wide the floodgates for more deficit spending.

Long after the smokescreen clears, and the rhetoric has quieted, the Democrats' legislative record of fiscal irresponsibility unfortunately will still be with us.

BRING THE MARINES HOME FROM LEBANON NOW

(Mr. ROEMER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROEMER. Mr. Speaker, I stand for 1 minute today to talk about the situation in Lebanon with our marines. I feel deeply on the subject. I do not apologize for that. But I warn my colleagues that I do feel deeply about this.

The deal has been cut. The marines will stay for 18 months and that is a mistake.

Somebody said early today the marines were fighting in Lebanon. Our marines are not fighting; they are being fought. There is a difference. They are like fish in a barrel and now we are going to legitimize a mistake made over a year ago by putting our OK on a proposal to keep the fish in a barrel for 18 months. It is wrong and it is a mistake.

We ought to invoke the War Powers Act and get the clock running. We ought to bring the marines home for them and for us.

I might stand alone on that. I have not taken a vote count. But I just want the Members, my colleagues and friends, to understand that if I stand alone, so be it. But I stand by saying bring the marines home today.

HOSTILITIES IN LEBANON

(Mr. DOWNEY of New York asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DOWNEY of New York. I rise as well to discuss the situation in Lebanon. It is difficult to really know what the right path is.

It is quite clear that there is a civil war in Lebanon and it is also clear that the Syrians, the Soviets, and their proxies, the Druze, are making life impossible for the Gemayal government. They are a dangerous and provocative force that needs to be dealt with.

While it is difficult to know what is right for Lebanon, the course for this Congress on the War Powers Act should not be. We have a War Powers Act that came as a result of 8 years of bitter fighting in Vietnam.

The War Powers Act lays out a carefully defined procedure for the involvement of American forces. That procedure is that when there are hostilities the President is required to report why the troops need to be there or why they should be introduced.

That starts a 60-to-90-day clock period running in which the Congress debates whether or not we want to keep these forces there.

I have a resolution that lays out the requirements of the War Powers Act and asks the President to comply with it. I think that preserves our options of whether or not we want to leave the marines or take them out. But, most importantly, it fulfills the obligations of the laws, it remembers the lessons of Vietnam, and it requires joint action by the Congress and the President in the truest and most constitutional sense.

MEETINGS OF THE WORLD BANK AND INTERNATIONAL MONETARY FUND

(Mr. CONTE asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. CONTE. Mr. Speaker, next week, the World Bank and the International Monetary Fund host their annual meetings here in Washington.

It is obvious to all observers of these institutions that this will not be a happy occasion for the 144 member countries. While there are many reasons for this, I want to mention only two. First, the United States has yet to deliver on a proposed capital increase to the International Monetary Fund that it promised. The IMF member countries should be informed that this legislation is working its way through the political process and its delay is not longer due to the actions of the administration.

Mr. Speaker, the second reason is much harder to explain. For many months the World Bank has been negotiating with other donor countries for a seventh replenishment to the International Development Association. The world, except for the United States, is in favor of a replenishment that is somewhere between the present amount and an increase over the sixth replenishment of up to 25 percent. The United States has proposed a 30-percent cut in funds in a program where more than 85 percent of the money goes to countries that have a gross national product of less than $1 per day and where around 40 percent of all funds go to sub-Saharan Africa.

Despite his own personal suffering, His Eminence, Terence Cardinal Cooke, made his feelings on this issue known to the President of the United States. The administration should immediately respond to the cardinal's pleading. It should announce at the annual meetings its desire to see an IDA that is no smaller than its present funding. Because the U.S. share of this replenishment will be lower than in previous years, this revised proposal will still represent a considerable cut from President Carter's request.

Mr. Speaker, I urge the President to act now. It would be a fitting tribute to Cardinal Cooke's life of interest in and service to the poor and less fortunate among us.

NEW YORK, N.Y.,
September 15, 1983.

Hon. RONALD W. REAGAN,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: I am very grateful to you and your dear wife Nancy for your thoughtful telephone call following the announcement of my illness. Your prayers, your good wishes and your loving concern are a source of great comfort to me.

I want you to know that I am offering my prayers and my sufferings for the gift of God's peace among all the members of His human family. In doing so, I am united with millions of our fellow citizens in beseeching the Lord to assist you and your collaborators as you seek every possible road to true justice and lasting peace at home and in every part of the world.

As a Nation known for its compassion, the United States has accomplished so much through the years in advancing the cause of international justice and peace through its programs of economic assistance to the less fortunate peoples of the world. The full supplemental appropriation which you approved this past summer for the International Development Association has proved of immense help for those countries which, like so many in sub-Saharan Africa, have a gross national produce of less that $1 per day. I respectfully suggest that consideration be given this year to maintaining and even increasing our Nation's support of IDA's effective work.

Finally, I offer a personal word of heartfelt gratitude to your dear wife Nancy for her sincere interest in the welfare of our young people, especially those whose lives are so gravely threatened by the scourge of substance abuse which faces our Nation. Her efforts on their behalf, in bringing attention to the problem and in advocacy for drug prevention, education and rehabilita-

tion have been very effective, and I encourage you both to continue this effort, so necessary for the future of society.

With repeated assurances of prayers, and gratitude and lasting love and affection for you and Nancy, I remain.

Very sincerely yours,

TERENCE CARDINAL COOKE,
Archbishop of New York.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF S. 602, RADIO BROADCASTING TO CUBA ACT

Mr. MOAKLEY, from the Committee on Rules, submitted a privileged report (Rept. No. 98-368) on the resolution (H. Res. 312) providing for the consideration of the Senate bill (S. 602) to provide for the broadcasting of accurate information to the people of Cuba, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2144, CHALLENGE GRANT AMENDMENTS OF 1983

Mr. MOAKLEY, from the Committee on Rules, submitted a privileged report (Rept. No. 98-369) on the resolution (H. Res. 313) providing for the consideration of the bill (H.R. 2144) to amend part C of title III of the Higher Education Act of 1965 to establish an endowment program for developing institutions, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2782, DEFENSE INDUSTRIAL BASE REVITALIZATION ACT

Mr. MOAKLEY, from the Committee on Rules, submitted a privileged report (Rept. No. 98-370) on the resolution (H. Res. 314) providing for the consideration of the bill (H.R. 2782) to amend the Defense Production Act of 1950 to revitalize the defense industrial base of the United States, which was referred to the House Calendar and ordered to be printed.

□ 1040

APPOINTMENT OF ADDITIONAL CONFEREES ON S. 1340, REHABILITATION ACT AMENDMENTS OF 1983

Mr. PERKINS. Mr. Speaker, I ask unanimous consent that the Speaker be authorized to appoint 12 additional conferees on the Senate bill (S. 1340) to revise and extend the Rehabilitation Act of 1973 and to extend the Developmental Disability Assistance and Bill of Rights Act, and for other purposes, and that the conferees named from the Committee on Energy and Commerce on title II of the Senate bill be the exclusive House conferees thereon.

The SPEAKER pro tempore (Mr. BATES). Is there objection to the request of the gentleman from Kentucky?

Mr. JEFFORDS. Mr. Speaker, reserving the right to object, I would like to ask the distinguished chairman whether this has been cleared with the ranking minority members of the committees involved, including State and Foreign Commerce.

Mr. PERKINS. Mr. Speaker, if the gentleman will yield, I cleared all the conferees that the House appointed with the gentleman from Illinois (Mr. ERLENBORN). I understand the gentleman from Michigan (Mr. DINGELL) has likewise cleared the conferees on that side of the aisle.

Mr. JEFFORDS. Does the gentleman know as to whether or not this has been brought to the attention of the gentleman from North Carolina (Mr. BROYHILL) and whether or not he has agreed to it?

Mr. PERKINS. If the gentleman will yield further, I have no idea about that. I am informed by my chief clerk that the gentleman from Michigan (Mr. DINGELL) has discussed it with the gentleman from North Carolina (Mr. BROYHILL).

Mr. JEFFORDS. Further reserving the right to object, Mr. Speaker, to the best of the gentleman's knowledge the gentleman from North Carolina (Mr. BROYHILL) has no objection?

Mr. PERKINS. If the gentleman will yield further, my clerk tells me that is what he understands.

Mr. JEFFORDS. With that assurance, Mr. Speaker, I withdraw my objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

The Chair hears none and, without objection, appoints the following additional conferees: Education and Labor Committee members to be conferees on title I of the Senate bill and modifications committed to conference: Mr. KILDEE and Mr. NIELSON of Utah; Energy and Commerce Committee members to serve jointly with Education and Labor Committee members on section 402(c)(8) of title IV of the House amendment and modifications committed to conference: Messrs. DINGELL, SCHEUER, OTTINGER, SHARP, MARKEY, LUKEN, BROYHILL, CORCORAN, and MOORHEAD; and as exclusive conferees on title II of the Senate bill and modifications committed to conference: Messrs. DINGELL, WAXMAN, and BROYHILL.

There was no objection.

APPOINTMENT OF CONFEREES ON H.R. 3415, DISTRICT OF COLUMBIA APPROPRIATION, 1984

Mr. DIXON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 3415) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1984, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference asked by the Senate.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California? The Chair hears none and, without objection, appoints the following conferees: Messrs. DIXON, NATCHER, STOKES, WILSON, LEHMAN of Florida, SABO, WHITTEN, COUGHLIN, GREEN, ROGERS, and CONTE.

There was no objection.

PERMISSION TO FILE CONFERENCE REPORT ON H.R. 3415, DISTRICT OF COLUMBIA APPROPRIATION, 1984

Mr. DIXON. Mr. Speaker, I ask unanimous consent that the managers may have until midnight Wednesday, September 21, 1983, to file a conference report on the bill (H.R. 3415) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1984, and for other purposes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

PERMISSION TO FILE CONFERENCE REPORT ON H.R. 3263, MILITARY CONSTRUCTION APPROPRIATION, 1984

Mr. DIXON. Mr. Speaker, I ask unanimous consent that the managers may have until midnight tonight to file a conference report on the bill (H.R. 3263), an act making appropriations for military construction for the Department of Defense for the fiscal year ending September 30, 1984, and for other purposes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

COMMUNITY RENEWAL EMPLOYMENT ACT

The SPEAKER pro tempore. Pursuant to House Resolution 302 and rule XXIII, the Chair declares the House in the Committee of the Whole House

on the State of the Union for the further consideration of the bill, H.R. 1036.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 1036), to provide employment opportunities to long-term unemployed individuals in high unemployment areas in projects to repair and renovate vitally needed community facilities, and for other purposes, with Mr. AuCoin in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole House rose on Tuesday, September 20, all time for general debate on the bill had expired. Pending was an amendment offered by the gentleman from California (Mr. Hawkins).

The Chair recognizes the gentleman from California (Mr. Hawkins) for 5 minutes in support of the amendment.

Mr. HAWKINS. Mr. Chairman, my amendment which was pending at the time that the committee rose on yesterday would delete the $5 billion authorization in the bill for fiscal year 1983 and authorize $3.5 billion for fiscal year 1984.

Although the first budget resolution includes $4.5 billion for fiscal year 1983, I am deleting that authorization for fiscal year 1983 since the fiscal year is ending within a matter of days.

However, my amendment does conform the authorization for fiscal year 1984 to the ceiling in the first budget resolution.

I urge my colleagues to support this amendment.

Mr. JEFFORDS. Mr. Chairman, will the gentleman yield?

Mr. HAWKINS. I will be glad to yield to the minority.

Mr. JEFFORDS. I thank the gentleman.

Mr. Chairman, I am pleased to say that to my knowledge there is no objection on this side of the aisle to your amendment which conforms the fiscal year 1984 authorization to the budget resolution and also strikes the 1983 authorization.

Mr. HAWKINS. I thank the gentleman.

Mr. WALKER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in favor of the amendment because at least it does move us back to the budget levels and I think that that makes a great deal of sense in the bill that we are discussing.

However, it seems to me that we might want to raise the question in the course of adopting this amendment whether we ought to be spending $3.5 billion on the program.

Yesterday in the course of the debate, in general debate we had some talk about some of the programs that were antecedents to this particular program, the kinds of programs that this type of effort is based upon. And in the course of that discussion yesterday I had made mention of the fact that I would try to find the backup to some of the statistics that I mentioned in the course of the debate yesterday. So I did want to take this time in order to provide some of that statistical evidence, that the past programs have not worked, that indeed 98 percent of the money in past programs has gone to non-unemployed people; in other words, people who already had jobs got the money.

That seems to me to be a travesty of the kind of judgment that we are supposedly rendering in this particular legislation.

We were also told yesterday that the best example of the kind of thing that we are doing here is the CETA program of the past, that it was one of the most cost-effective programs that we created in terms of establishing jobs.

We were told that is an example, that is CETA is an example of why this bill that we have before us is desirable.

Well, let me say that the documentation for the figures that I used yesterday was done by the Office of Management and Budget. And right away someone will say, "Aha, it is the Office of Management and Budget, they are at it again, they are coming up with phony figures to justify their points of view on some of these bills."

Hardly. The Office of Management and Budget to which I refer was the Office of Management and Budget under President Carter, Mr. McIntyre's Office of Management and Budget, who established the figures indicating that in the total program only 2 percent of the total program cost went to the unemployed. That means 98 percent of the program costs went to someone other than the unemployed.

That is the basis for the charges I made yesterday. The charges stand. They are on record. They are on record from the Office of Management and Budget, President Carter's Office of Management and Budget.

Now, as for CETA being a cost effective program. In the spring of this year, 1983, the distinguished journal called Policy Review gave us a look at the CETA program, this so-called cost effective program. It told us some of the things that have gone on in that program in the past and why recreating it may not be in the best interests of the American taxpayer.

□ 1050

For example, Policy Review, in an article done by James Bovard, indicates that CETA spent, in the past now, $30,000 to build an artificial rock for rock climbers to practice on; $640,000 to provide education about gay life styles. CETA gave $500 a month to a Communist agitator in Atlanta, who gave as a reason for his desiring the money, that, "We need to organize for demonstration and confrontation."

CETA also was a place where political patronage abounded. In Philadelphia, 33 Democratic committeemen and their relatives were put on the payroll, most of them in Mayor Rizzo's principal wards. In other words, in wards that supported Mayor Rizzo, you had twice as good a chance of getting put on CETA as in non-Rizzo wards.

In Chicago, the Daley machinery required CETA job applicants to have referral letters from their ward committeemen and they left the applications without such referrals piled under tables in unopened mail sacks.

In other cases, the municipalities involved simply laid off and rehired their old employees, not creating any work for the unemployed.

San Diego and Miami had 47 percent of their work force on CETA payrolls. Sixteen percent of the average municipalities' work force were on CETA rolls in 1978.

In Arizona, CETA paid college students to train for a track meet. In Bath County, Va., CETA paid county employees to attend dance classes. In Chicago, a CETA worker was reported as being paid for playing checkers with other employees.

The CHAIRMAN. The time of the gentleman from Pennsylvania (Mr. Walker) has expired.

(By unanimous consent, Mr. Walker was allowed to proceed for 3 additional minutes.)

Mr. WALKER. In Brooklyn, CETA workers were put in a printing apprentice program in which they opened a $5 and $10 bill business, but, of course, the quality of their work was so poor that instead of ending up printing bills, they ended up printing license plates.

In Montgomery County, Md., the richest county in the country, CETA paid nine women $145 a week to attend ballet school.

In Poughkeepsie, N.Y., CETA workers busied themselves at attaching fake doors to old buildings to beautify the city.

And in Seattle, CETA paid 14 homosexuals and lesbians to produce a play entitled "Lavender Horizons."

Now, it seems to me that if this is an example of the cost-effective approach of creating jobs in this country, the American taxpayers would have reason to think that perhaps there were some problems with this kind of program. And that is specifically why some of us raised some questions about the level of spending and the add-on deficit that will be included in

the program that we have before us today.

Mr. FAUNTROY. Mr. Chairman, will the gentleman yield?

Mr. WALKER. I am pleased to yield to the gentleman from the District of Columbia.

Mr. FAUNTROY. I thank the gentleman for yielding.

The arguments of the gentleman from Pennsylvania would be persuasive were we considering the reauthorization of the CETA legislation. But, as the gentleman knows, and as I am sure his constituents know, and as the American people know, we are not voting here on the reauthorization of CETA. We are considering here, the Hawkins Community Renewal and Employment Act, which, in many instances, corrects the problems to which the gentleman has made reference in the now defunct CETA program. Indeed, H.R. 1036 assures that 100 percent of the people to be put to work under this program, are, in fact, unemployed.

I would hope that the gentleman would visit Johnstown, in his own State of Pennsylvania where we have the highest unemployment in the Nation and explain to the people there why one of their Representatives would not wish to have a modest $3.5 billion appropriation to put people to work who have been out of work at least 15 weeks, and many of whom have been out of work for more than a year.

Mr. WALKER. The gentleman makes a good point. And I am sure the gentleman is going to support my 100-percent employment for the unemployed amendment that has a 6-week criteria rather than a 15-week criteria. I know the gentleman will want to support that. I know the gentleman is concerned about the past performances of the CETA program because in Washington, D.C., we find out that half the City Council staff was on CETA funds under the old program according to the Policy Review article.

I think that it is important to recognize the reason why I am making this argument today is because in the course of my debate here yesterday, it was mentioned to me that the CETA program was a cost-effective program and this demonstrates why we need the kind of program that we now have before us.

I am simply pointing out that the cost-effective nature of CETA leaves a lot to be desired when you take a look at the performance of that program.

I agree with the gentleman. Some corrections have been made in the bill that is before us. I think that that is an admirable step in the right direction. I think we need to go further and I would ask that the gentleman support my amendment that seeks to get us further down the road, that seeks to assure that all of the jobs go to the unemployed and that we do not have the kind of rip-offs that were demonstrated by the CETA program in the past.

Mr. FAUNTROY. As the gentleman knows, I will not be able to support or oppose his measure when it comes up for a vote today. For as the gentleman knows and as the people of his State know, and as the people of the country know, while I represent more people who pay taxes in this country than any single Member of this House, I am denied the opportunity to vote on the floor in the interest of my taxpaying constituents. And I would hope that the gentleman would work in the State of Pennsylvania, and that others will work their State legislatures to give me that opportunity.

The CHAIRMAN pro tempore (Mr. RICHARDSON). The question is on the amendment offered by the gentleman from California (Mr. HAWKINS).

The question was taken; and the Chairman pro tempore announced that the ayes appeared to have it.

Mr. HAWKINS. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN pro tempore. Evidently a quorum is not present. Pursuant to the provisions of clause 2 of rule XXIII, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device, if ordered, will be taken on the pending question following the quorum call. Members will record their presence by electronic device.

The call was taken by electronic device.

The following Members responded to their names:

[Roll No. 345]

Ackerman	Bosco	Coughlin
Addabbo	Boucher	Courter
Akaka	Boxer	Coyne
Albosta	Breaux	Craig
Alexander	Britt	Crane, Daniel
Anderson	Brooks	Crane, Philip
Andrews (TX)	Broomfield	Crockett
Annunzio	Brown (CA)	D'Amours
Anthony	Brown (CO)	Daniel
Archer	Broyhill	Dannemeyer
Aspin	Bryant	Daschle
AuCoin	Burton (CA)	Daub
Badham	Burton (IN)	Davis
Barnes	Byron	de la Garza
Bartlett	Carney	Dellums
Bateman	Carper	DeWine
Bates	Carr	Dickinson
Bedell	Chandler	Dicks
Beilenson	Chappell	Dingell
Bennett	Chappie	Dixon
Bereuter	Cheney	Donnelly
Berman	Clarke	Dorgan
Bethune	Clay	Dowdy
Bevill	Clinger	Downey
Biaggi	Coats	Dreier
Bilirakis	Coelho	Duncan
Bliley	Coleman (MO)	Durbin
Boehlert	Coleman (TX)	Dymally
Boggs	Collins	Dyson
Boland	Conable	Early
Boner	Conte	Eckart
Bonior	Conyers	Edgar
Bonker	Cooper	Edwards (AL)
Borski	Corcoran	Edwards (CA)
Edwards (OK)	Leach	Porter
Emerson	Leath	Price
English	Lehman (CA)	Pursell
Erdreich	Lehman (FL)	Quillen
Erlenborn	Leland	Rahall
Evans (IA)	Lent	Rangel
Evans (IL)	Levin	Ratchford
Fascell	Levine	Ray
Fazio	Levitas	Regula
Feighan	Lewis (CA)	Reid
Fiedler	Lewis (FL)	Richardson
Fish	Lipinski	Ridge
Flippo	Livingston	Rinaldo
Florio	Lloyd	Ritter
Foglietta	Loeffler	Roberts
Foley	Long (LA)	Robinson
Ford (MI)	Long (MD)	Rodino
Ford (TN)	Lott	Roe
Forsythe	Lowery (CA)	Roemer
Fowler	Lowry (WA)	Rogers
Frank	Lujan	Rose
Franklin	Luken	Rostenkowski
Frenzel	Lundine	Roth
Frost	Lungren	Roukema
Fuqua	Mack	Rowland
Garcia	MacKay	Roybal
Gejdenson	Madigan	Rudd
Gekas	Markey	Russo
Gephardt	Marlenee	Sabo
Gibbons	Marriott	Savage
Gilman	Martin (IL)	Sawyer
Gingrich	Martin (NC)	Schaefer
Glickman	Martin (NY)	Schneider
Gonzalez	Martinez	Schroeder
Goodling	Matsui	Schulze
Gore	Mavroules	Seiberling
Gradison	Mazzoli	Sensenbrenner
Gramm	McCain	Shannon
Gray	McCandless	Sharp
Green	McCloskey	Shaw
Gregg	McCollum	Shelby
Guarini	McCurdy	Shumway
Gunderson	McDade	Shuster
Hall (OH)	McEwen	Sikorski
Hall, Ralph	McGrath	Siljander
Hall, Sam	McHugh	Simon
Hamilton	McKernan	Sisisky
Hammerschmidt	McKinney	Skeen
Hance	McNulty	Skelton
Hansen (ID)	Mica	Slattery
Hansen (UT)	Michel	Smith (FL)
Harkin	Mikulski	Smith (IA)
Harrison	Miller (CA)	Smith (NE)
Hartnett	Miller (OH)	Smith (NJ)
Hatcher	Mineta	Smith, Denny
Hawkins	Minish	Smith, Robert
Hayes	Mitchell	Snowe
Hefner	Moakley	Snyder
Hertel	Molinari	Solarz
Hightower	Mollohan	Solomon
Hiler	Montgomery	Spence
Hillis	Moody	Spratt
Holt	Moore	Staggers
Hopkins	Moorhead	Stangeland
Horton	Morrison (WA)	Stark
Howard	Mrazek	Stenholm
Hoyer	Murphy	Stratton
Hubbard	Murtha	Studds
Huckaby	Myers	Stump
Hughes	Natcher	Sundquist
Hunter	Neal	Swift
Hutto	Nelson	Synar
Hyde	Nichols	Tallon
Ireland	Nielson	Tauke
Jacobs	Nowak	Tauzin
Jeffords	O'Brien	Taylor
Jenkins	Oakar	Thomas (CA)
Johnson	Oberstar	Thomas (GA)
Jones (NC)	Obey	Torres
Jones (OK)	Olin	Torricelli
Jones (TN)	Ortiz	Traxler
Kaptur	Ottinger	Valentine
Kasich	Owens	Vander Jagt
Kastenmeier	Oxley	Vandergriff
Kazen	Packard	Vento
Kemp	Panetta	Volkmer
Kennelly	Parris	Vucanovich
Kildee	Pashayan	Walgren
Kindness	Patman	Walker
Kogovsek	Patterson	Watkins
Kolter	Paul	Waxman
Kostmayer	Pease	Weaver
Kramer	Penny	Weber
Lagomarsino	Perkins	Weiss
Lantos	Petri	Wheat
Latta	Pickle	Whitehurst

Whitley
Whittaker
Whitten
Williams (MT)
Williams (OH)
Wilson
Winn
Wirth
Wise
Wolf
Wolpe
Wortley
Wright
Wyden
Wylie
Yates
Yatron
Young (AK)
Young (FL)
Young (MO)
Zablocki
Zschau

□ 1120

The CHAIRMAN. Four hundred and twelve Members have answered to their names, a quorum is present, and the Committee will resume its business.

RECORDED VOTE

The CHAIRMAN. The pending business is the demand of the gentleman from California (Mr. HAWKINS) for a recorded vote.

A recorded vote was ordered.

The CHAIRMAN. The Chair will remind the Members that this will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 414, noes 0, not voting 19 as follows:

[Roll No. 346]

AYES—414

Ackerman
Addabbo
Akaka
Albosta
Alexander
Anderson
Andrews (NC)
Andrews (TX)
Annunzio
Anthony
Applegate
Archer
Aspin
AuCoin
Badham
Barnes
Bartlett
Bateman
Bates
Bedell
Beilenson
Bennett
Bereuter
Bethune
Bevill
Biaggi
Bilirakis
Bliley
Boehlert
Boggs
Boland
Boner
Bonior
Bonker
Borski
Bosco
Boucher
Boxer
Breaux
Britt
Brooks
Broomfield
Brown (CA)
Brown (CO)
Broyhill
Bryant
Burton (CA)
Burton (IN)
Byron
Campbell
Carney
Carper
Carr
Chandler
Chappell
Chappie
Cheney
Clarke
Clay
Clinger
Coats
Coelho
Coleman (MO)
Coleman (TX)
Collins
Conable
Conte
Conyers
Cooper
Corcoran
Coughlin
Courter
Coyne
Craig
Crane, Daniel
Crane, Philip
Crockett
D'Amours
Daniel
Dannemeyer
Daschle
Daub
Davis
de la Garza
Dellums
DeWine
Dickinson
Dicks
Dingell
Dixon
Donnelly
Dorgan
Dowdy
Downey
Dreier
Duncan
Durbin
Dwyer
Dymally
Dyson
Early
Eckart
Edgar
Edwards (AL)
Edwards (CA)
Edwards (OK)
Emerson
English
Erdreich
Erlenborn
Evans (IA)
Evans (IL)
Fascell
Fazio
Feighan
Fiedler
Fish
Flippo
Florio
Foglietta
Foley
Ford (MI)
Ford (TN)
Forsythe
Fowler
Frank
Franklin
Frenzel
Frost
Fuqua
Garcia
Gejdenson
Gekas
Gephardt
Gibbons
Gilman
Gingrich
Glickman
Gonzalez
Goodling
Gore
Gradison
Gramm
Gray
Green
Gregg
Guarini
Gunderson
Hall (OH)
Hall, Ralph
Hall, Sam
Hamilton
Hammerschmidt
Hance
Hansen (ID)
Hansen (UT)
Harkin
Harrison
Hartnett
Hatcher
Hawkins
Hayes
Hefner
Hertel
Hightower
Hiler
Hillis
Holt
Hopkins
Horton
Howard
Hoyer
Hubbard
Huckaby
Hughes
Hunter
Hutto
Hyde
Ireland
Jacobs
Jeffords
Jenkins
Johnson
Jones (NC)
Jones (OK)
Jones (TN)
Kaptur
Kasich
Kastenmeier
Kazen
Kemp
Kennelly
Kildee
Kindness
Kogovsek
Kolter
Kostmayer
Kramer
Lagomarsino
Lantos
Latta
Leach
Leath
Lehman (CA)
Lehman (FL)
Leland
Lent
Levin
Levine
Levitas
Lewis (CA)
Lewis (FL)
Lipinski
Livingston
Lloyd
Loeffler
Long (LA)
Long (MD)
Lott
Lowery (CA)
Lowry (WA)
Lujan
Luken
Lundine
Lungren
Mack
MacKay
Madigan
Markey
Marlenee
Marriott
Martin (IL)
Martin (NC)
Martinez
Matsui
Mavroules
Mazzoli
McCain
McCandless
McCloskey
McCollum
McCurdy
McDade
McEwen
McGrath
McHugh
McKernan
McKinney
McNulty
Mica
Michel
Mikulski
Miller (CA)
Miller (OH)
Mineta
Minish
Mitchell
Moakley
Molinari
Mollohan
Montgomery
Moody
Moore
Moorhead
Morrison (WA)
Murphy
Murtha
Myers
Natcher
Neal
Nelson
Nichols
Nielson
Nowak
O'Brien
Oakar
Oberstar
Obey
Olin
Ortiz
Ottinger
Owens
Oxley
Packard
Panetta
Parris
Pashayan
Patman
Patterson
Paul
Pease
Penny
Pepper
Perkins
Petri
Pickle
Porter
Price
Pursell
Quillen
Rahall
Rangel
Ratchford
Ray
Regula
Reid
Richardson
Ridge
Rinaldo
Ritter
Roberts
Robinson
Rodino
Roe
Roemer
Rogers
Rose
Roth
Roukema
Rowland
Roybal
Rudd
Russo
Sabo
Savage
Sawyer
Schaefer
Schneider
Schroeder
Schulze
Seiberling
Sensenbrenner
Shannon
Sharp
Shaw
Shelby
Shumway
Shuster
Sikorski
Siljander
Simon
Sisisky
Skeen
Skelton
Slattery
Smith (FL)
Smith (IA)
Smith (NE)
Smith (NJ)
Smith, Denny
Smith, Robert
Snowe
Snyder
Solarz
Solomon
Spence
Spratt
St Germain
Staggers
Stangeland
Stark
Stenholm
Stratton
Studds
Stump
Sundquist
Swift
Synar
Tallon
Tauke
Tauzin
Taylor
Thomas (CA)
Thomas (GA)
Torres
Torricelli
Traxler
Valentine
Vander Jagt
Vandergriff
Vento
Volkmer
Vucanovich
Walgren
Walker
Watkins
Waxman
Weaver
Weber
Weiss
Wheat
Whitehurst
Whitley
Whittaker
Whitten
Williams (MT)
Williams (OH)
Wilson
Winn
Wirth
Wise
Wolf
Wolpe
Wortley
Wright
Wyden
Wylie
Yates
Yatron
Young (AK)
Young (FL)
Young (MO)
Zablocki
Zschau

NOES—0

NOT VOTING—19

Barnard
Berman
Derrick
Ferraro
Fields
Gaydos
Hall (IN)
Heftel
LaFalce
Martin (NY)
Morrison (CT)
Mrazek
Pritchard
Rostenkowski
Scheuer
Schumer
Stokes
Towns
Udall

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. DURBIN

Mr. DURBIN. Mr. Chairman, I offer an amendment to title I.

The Clerk read as follows:

Amendment offered by Mr. DURBIN: Page 7, strike out line 15 and all that follows through line 9 on page 8 and insert in lieu thereof the following:

LIMITATION ON USE OF FUNDS

SEC. 104. (a) Not less than 75 percent of the funds made available to any recipient under titles II and III of this Act from funds appropriated for any fiscal year shall be used to provide for wages and related employment benefits to eligible participants for work which the recipient certifies has been performed in one or more of the activities authorized under this Act.

(b) Not more than 15 percent of the funds provided to any recipient under title II or III of this Act from funds appropriated for any fiscal year may be used for the cost of administration.

(c) The remainder of the funds provided to any recipient under title II or III of this Act from funds appropriated for any fiscal year (after compliance with subsection (a) and deduction of cost of administration permitted by subsection (b)) may be used for the acquisition of supplies, tools, equipment, and other materials.

(d)(1) Nothing in this Act shall be construed to preclude or limit the payment of the costs of administration or the costs of supplies, tools, equipment, or other materials either in whole or in part, from non-Federal sources or from Federal sources other than this Act, such as section 106 of the Housing and Community Development Act of 1974 (42 U.S.C. 5306) (popularly known as the community development block grant program) and chapter 67 of title 31, United States Code (popularly known as the general revenue sharing program).

Page 8, line 18, redesignate subsection (c) as subsection (e).

Mr. DURBIN (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

□ 1130

Mr. DURBIN. Mr. Chairman, at the outset, I would like to make it clear that the amendments which I offer today are friendly amendments. I live in an area which has been hit particularly hard by the recession. Our unemployment rates in Illinois in the 20th District are far in excess of the national average and I support H.R. 1036 and the excellent job which Chairman HAWKINS and Chairman PERKINS have done in putting together this legislation.

I voted in favor of the first jobs bill and it has been very good to my district.

What I would like to see us address in this jobs bill is an attempt to put together the tightest piece of legislation that we can bring back to our home

districts and relieve the problems of unemployment.

I do not believe that it comes as any surprise after listening to the debate on the floor that we hear constant references to the CETA programs and any analogies or parallels between the two.

One of the frequent criticisms of the CETA program was the fact that the administrative costs which were involved in the program were excessive. I believe that the facts which have been well documented have borne out that particular observation.

In a city in Illinois of East St. Louis, the administrative costs per job under the CETA program were found to be $17,872 for every single CETA job, far in excess of any level which we would find acceptable in the kind of administration we would seek for this particular piece of legislation.

Under the existing terms of H.R. 1036, there is an apportionment of the money which we have appropriated and a specific formula for its allocation and expenditure. Under the terms of the existing legislation, not less than 75 percent of the funds which we have appropriated must be paid directly to participants in the program. I think that is certainly a positive development; but the aspect of the bill which I have problems with and the reason I offer my amendment is the fact that the bill as presently written provides that the remaining 25 percent of the funds which we appropriate shall be spent in a category which shall include not only administrative costs, but supplies and equipment.

I think that this opens up the possibililty that administrative costs for this jobs bill could go far beyond what we consider reasonable.

The purpose of this amendment is to divide that 25 percent into specific categories and to say that, first, not less than 75 percent of the funds shall be given to participants; second, not more than 15 percent shall be paid for administrative costs, and finally, not more that 10 percent shall be paid for supplies and equipment. I think that will guarantee that the administration under this act will be lean and effective. It will also mean that in the days of the future when we are held accountable for the administration of this, we can say that we made certain from the outset that the funds were to be expended to put people to work and not to make sure that administrators were given a particularly large portion of the pie or large salaries.

At this point I am open to any questions.

Mr. HAWKINS. Mr. Chairman, will the gentleman yield?

Mr. DURBIN. I am happy to yield.

Mr. HAWKINS. The managers on this side are willing to accept the amendment. We think it is good. We agree with the intent of it.

We may before proceeding ask for some clarification.

Mr. DURBIN. Yes.

Mr. HAWKINS. Do I understand that this amendment does not include a second amendment that the gentleman has discussed with us that provides for a cap on the administrators?

Mr. DURBIN. Yes, Mr. Chairman. I did divide the two amendments. I realized the second might be somewhat controversial.

Mr. HAWKINS. This amendment does not include the second one?

Mr. DURBIN. This does not include the second one.

Mr. HAWKINS. Then I will continue with my statement that we do accept it. We think it is in the right direction. We think that it tightens up the program much better than what is in the proposal itself. It was the intent to make the program labor intensive and avoid abuse. We think it is very fair and reasonable and we are willing to accept it.

Mr. JEFFORDS. Mr. Chairman, will the gentleman yield?

Mr. DURBIN. I will yield.

Mr. JEFFORDS. Mr. Chairman, I would also add that from our perspective on this side of the aisle, that anything that tightens the bill up and reduces the amount of possible potential waste or abuse is certainly acceptable.

The CHAIRMAN. Are there other Members who wish to be recognized to speak on the amendment?

The question is on the amendment offered by the gentleman from Illinois (Mr. DURBIN).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. DURBIN

Mr. DURBIN. Mr. Chairman, I offer a second amendment.

The Clerk read as follows:

Amendment offered by Mr. DURBIN: Page 8, after line 17, insert the following new paragraph:

(3) Rates of pay for administrators funded in whole or in part by this Act shall be at a wage no greater than the compensation in effect for grade GS-10.

Mr. DURBIN. Mr. Chairman, I concede that the second amendment is more controversial than the first. I appreciate the opportunity to raise this morning before Congress what I think is an important element as we consider this particular piece of legislation. Yesterday during the general debate on this bill it was repeated often that in addition to millions of blue-collar workers who are presently unemployed in this country, there are millions of white-collar unemployed workers. I live in a State capital in Springfield, Ill. Many administrators and white-collar workers who had jobs for years have found themselves unemployed for the first time.

I happen to believe that one of the things we should set out to do specifically with this piece of legislation is to take unemployed people and put them back to work. To do that, I think we have to open the opportunity and create the environment that the administrative responsibilities under this act will be borne by white-collar employees presently unemployed.

Now, this is not a matter without controversy and I do accept that as a reality. What I am suggesting today in putting a cap or a ceiling on administrative salaries under this jobs bill of $29,000 is not without precedent before this Congress. Earlier this year the gentleman from Ohio (Mr. SEIBERLING) offered, and I supported, the American Conservation Corps of 1983 legislation. Within that legislation we established that the rates of pay for supervisors, that is, crew leaders under that particular concept, would be limited to grades GS-3 to GS-7, about $10,000 to $20,000.

What I have attempted to do with this legislation and the amendment I am offering is to provide more flexibility, to provide that any administrator paid in whole or in part under this bill would have a limitation on his or her salary of $29,000. I think that is needed. I think it is needed for several reasons.

One of the real problems that many mayors and local officials tell me about under CETA was the lack of adequate onsite supervision. The mayor of my hometown with whom I spoke yesterday, of a different political faith, but supportive of the legislation, suggested to me that if we pass it, he would put more people on the job site administering the employees.

I asked him, "What kind of salary range would you be paying these supervisors?"

He said, "About $18,000 to $20,000, and they would be new employees."

With my amendment, I have expanded that range of salary to $29,000 to provide for some localities that may have higher cost standards when it comes to administrative costs.

I think it is important. I think it is important because I think the figure of $29,000 not only gives leeway to the communities to hire unemployed people as administrators, but it also sets a realistic salary level. Keep in mind that the employees under this particular program, we provide under this act will be paid no more than $230 a week, or about $11,500 a year.

What I am suggesting is that it is fair to pay their administrators and supervisors a maximum of 2½ to 3 times that amount.

Mr. PERKINS. Mr. Chairman, will the gentleman yield?

Mr. DURBIN. I am happy to yield to the gentleman from Kentucky.

Mr. PERKINS. Mr. Chairman, let us assume that in the case of the city of Baltimore, Md., which has been involved in employment and training programs for many years, their top ad-

ministrator over there may be paid $35,000. I have no idea what the salaries would be in that city.

Will the gentleman's amendment interfere and bring down that salary to the limit the gentleman suggested?

Mr. DURBIN. Could I ask the gentleman for further clarification? Is the gentleman suggesting an existing employee would take over this responsibility?

Mr. PERKINS. Yes; I am.

Mr. DURBIN. Yes; it would. I would like to respond to the gentleman that that is the specific intent of my amendment. I do not believe that we should be appropriating $3½ billion and setting up an elaborate procedure to provide income supplements to administrators who presently have jobs. There are too many people who have no jobs and to suggest that a deputy mayor or an existing State, county, or municipal employee should be given some supplement, some subsidy, goes far beyond the intent of this legislation and I do not believe it is what we should be about this morning.

If I might conclude, I think the gentleman from Kentucky has made his point.

Mr. PERKINS. Mr. Chairman, if the gentleman will yield further, there are some excellent administrators in many employment and training programs. The only thing that worries me is that, with this amendment, we are not going to get the kind of administrator with the necessary qualifications, at that salary figure that the gentleman has suggested.

I think we may do more harm to the program than we would do good. I recognize the good intention of the gentleman. In many areas it would be helpful, but in some instances it would be detrimental.

□ 1140

The CHAIRMAN. The time of the gentleman has expired.

(By unanimous consent, Mr. DURBIN was allowed to proceed for 2 additional minutes.)

Mr. DURBIN. If I might respond to the gentleman from Kentucky, there is no question but that some of the administrators who might work under this program would be receiving $29,000, less than what they are really worth if they were in today's job market and paid regular salary. But equally so we can argue that the particpants in the program whose salary is held at $11,000 a year, they are being forced to live under an artificial ceiling as well. This is not going to provide the kind of employment which a healthy economy might provide. It is an emergency measure to provide people enough to survive. And I think $29,000 for an administrator——

Mr. PERKINS. I would be the first to concede that some money was wasted in public service employment programs in the past. But in certain areas, we would hurt the program if we make it impossible to get the best people to run the programs. I do not think any of us would want that to happen. I think there should be an exception to avoid that result.

Mr. DURBIN. I thank the gentleman.

Mr. MITCHELL. Mr. Chairman, will the gentleman yield?

Mr. DURBIN. I yield to the gentleman from Maryland.

Mr. MITCHELL. I thank the gentleman for yielding.

Mr. Chairman, I, too, agree with what the gentleman is trying to do. But it seems to me there are some enormous problems involved here.

In any number of cities, mayors have established one person to coordinate a whole series of jobs programs, to make sure there is no diffusion of authority and to make sure that there is good coordination.

The gentleman from Kentucky mentioned my city of Baltimore, where we have a mayor's Office of Manpower Resources, and I assume the person holding that position there would administer this program locally. But under your amendment, that person would be forced to take a salary reduction even though she, in this case, is coordinating a whole number of private jobs efforts and other jobs efforts. I think that is going to hurt those cities where there has been an attempt to coordinate.

The CHAIRMAN. The time of the gentleman has expired.

(By unanimous consent, Mr. DURBIN was allowed to proceed for 2 additional minutes.)

Mr. DURBIN. What we are providing in this amendment is if that employee, an existing employee, is paid in whole or in part by Federal funds that we have appropriated then the salary limitation would apply. But if the mayor of Baltimore should designate a deputy mayor to administer the program and not pay that person with any Federal funds, there is no limitation on this private salary. They could administer without any cap on the salary.

Mr. MITCHELL. That is precisely the problem I would have in my city of Baltimore. The present administrator for the Office of the Mayor's Manpower Resources is paid in part at least with Federal funds. And this would force——

Mr. DURBIN. If the gentleman would yield, clearly because this act has not been signed into law that person is not being paid by Federal funds from this act.

Mr. MITCHELL. But from other sources.

Mr. DURBIN. My amendment would not apply to that person. Only if they are to be paid from funds appropriated under this legislation.

Could I make two other points? I thought the gentleman from Maryland was very eloquent yesterday in the suggestion that too many people are looking for a job, they want to get out and work. The fact that we are suggesting today our real intention is to supplement existing salaries of people presently working really raises I think the crux of the amendment. Keep in mind for Baltimore and cities across the country as well we are talking about a windfall, for cities and school districts, a windfall of Federal funds to help them do their business and to ask them to bear some of the costs within their own city administration I think is fair.

Mr. MITCHELL. First of all, I thank you for your kind words about yesterday. But I really cannot agree with your amendment. I hope your amendment will be voted down because it just seems to me to be basically unfair to take the person who is at $32,000 a year, and that person is given the responsibility for coordinating this program, in addition to others, maybe a private initiative such as we have in our city, and then you tell that person "no," we are going to have to cut you back down to $29,000. It is just unfair.

The CHAIRMAN. The time of the gentleman has expired.

(By unanimous consent, Mr. DURBIN was allowed to proceed for 1 additional minute.)

Mr. DURBIN. In closing, in response, I think we do get down to a basic philosophical difference. The person making $32,000 today in Baltimore has a job. The millions of people, white-collar administrators, blue-collar workers, presently sitting home unemployed will forego and lose that opportunity to go to work under our bill because we are more intent on supplementing the salaries of existing employees. And that is where I have some difficulty.

Mr. MITCHELL. Mr. Chairman, will the gentleman yield?

Mr. DURBIN. I yield to the gentleman form Maryland.

Mr. MITCHELL. One last point. If you do it your way, you are going to create another unemployed person really. If you are going to say this person is already in the job and refuses to take a substantial salary cut, that person is out and you bring in one of your unemployed white collar workers. You have just substituted one unemployed person for another.

Mr. DURBIN. I do not think so. The person presently working has responsibilities and a pay check. I do not see how that would change under this bill.

I thank the gentleman for his colloquy.

Mr. FORD of Michigan. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I can sympathize with what the gentleman thinks he is doing here. But I want to put the House on notice that members of the Education and Labor Committee in particular and all Members who have been around here a few years should remember that this is clearly an unconstitutional amendment that the gentleman is offering here.

A few years ago, in the utmost good faith, the Congress passed the renewal of the Fair Labor Standards Act, which other people know as the minimum wage law, and we attempted at that time to extend its provisions to State and local employees. The National League of Cities went to court and the U.S. Supreme Court held in a clear and unequivocal opinion that we have respected ever since that the Federal Government does not have the right to interfere between a sovereign State or a subdivision of a State and its employees in its sustaining a floor or a ceiling on wages. They have in effect said it is none of your business at the Federal level what the relationship between a State or a subdivision of a State and its employees may be.

The gentleman's amendment is in that part of the bill which places limitations on the use of funds by local officials to administer this program. The gentleman has already offered an amendment which the committee has accepted to reduce the overall expenditure for administrative costs from 25 percent to 15 percent. That kind of a limitation on spending is perfectly proper and we do that frequently.

When the gentleman gets to the point of his amendment which says, "No administrator paid in whole or in part by these funds shall receive more than," at that point he has crossed the line and the amendment is clearly unconstitutional.

It would be at the best a vain and useless act for us to burden this legislation with a clearly unconstitutional provision. It would be at worst a further irritation to local government of what they would clearly perceive as a back-door way of Congress trying to get into their business of dealing with their employees. And while I cannot quarrel with the gentleman's desire to restrict excessive salaries being paid out of these funds, that is a matter of local determination. They have a limitation on how much they have available to them out of these funds for administrative purposes. If they are so unwise as to transfer a lot of that money into extraordinary salaries for individual city or county or local employees of other kinds, then they are going to have to pay the piper for it because they will have an audit problem.

□ 1150

Mr. DURBIN. Mr. Chairman, will the gentleman yield?

Mr. FORD of Michigan. I yield to the gentleman.

Mr. DURBIN. In all due respect, this point was raised yesterday in a discussion I had on my amendment. The Usery decision the gentleman made reference to did in fact, as I understand it, limit the power of the Federal Government to impose any kind of salary limitations on State employees, but clearly then, within the bill, as it presently exists, we have created a hybrid.

I call the gentleman's attention to the section of the bill, title V, which sets out the salary limitations for participants under this act, we will find in there that there is a salary limitation of $230 a week. But in the next paragraph we provide that the participants can have their salary of $230 a week supplemented from any other source in an amount equal to it.

So what I am suggesting is that if a State government, for example, would bring a participant under the act and pay him $230 from Federal funds we have appropriated that they can legally pay them up to $230 from State funds.

In putting that limitation in the next paragraph we are putting a limitation on how much the State government can pay participants under this act.

What I am doing with my amendment is entirely consistent within and does to the administrative side what we have already done to the participant side.

Mr. FORD of Michigan. The gentleman sounds fine except that his logic is faulty. It does not logically follow that if you say that I can supplement a Federal payment to a position created in employment with this act that that somehow provides a precedent for you to do this. Read your amendment.

Your amendment says no administrator paid in whole or in part. You catch the person who would be supplemented.

The CHAIRMAN. The time of the gentleman from Michigan (Mr. FORD) has expired.

(By unanimous consent Mr. FORD of Michigan was allowed to proceed for 2 additional minutes.)

Mr. FORD of Michigan. A full-time employee of the city who might spend 25 percent of their time on this program and have 25 percent of their salary allocated to it is caught by this. You do not say that that 25 percent of the salary has to be below the level of GS-10. You say that person shall not be compensated more than a GS-10.

The amendment does not say what you have just described as a logical conclusion to be reached by following the precedents elsewhere in the bill.

I will be pleased to try to work with the gentleman to try to clean it up for him. But in its present form it is clearly unconstitutional and it is now apparent that it goes much further than the gentleman intended it to.

AMENDMENT OFFERED BY MR. HAWKINS AS A SUBSTITUTE FOR THE AMENDMENT OFFERED BY MR. DURBIN

Mr. HAWKINS. Mr. Chairman, I offer an amendment as a substitute for the amendment.

The Clerk read as follows:

Amendment offered by Mr. HAWKINS as a substitute for the amendment offered by Mr. DURBIN: Page 9, after line 14, insert the following new subsection:

"(d) Funds available for the cost of administration pursuant to subsection (b) may not be used to pay salaries or wages to administrative or supervisory employees (1) at a rate which is greater than the rate of the salaries or wages paid employees performing comparable functions for the same employer, or (2) if there is no such comparable rate, at a rate which is in excess of the rate of pay prescribed for GS-10 of the General Schedule with respect to employees of the Government".

Mr. HAWKINS. Mr. Chairman, the gentleman's amendment which has been discussed would constrain wages paid administrators and supervisors within the administrative cost limitation now under the bill. These salaries are not subsidized wages paid to participants but normal salaries that are paid to those State and local officials responsible for administering these programs.

Putting too tight a limit on such administrators' salaries would in effect be charged against administrative expenses which have already been limited by the previous amendment which we accepted, but would have the effect of undermining the strict accountability provisions which are included in the bill.

Under the gentleman's amendment the person would not necessarily be unemployed or would not have to be unemployed. They could be unemployed.

We certainly want adequate monitoring, it would seem to me, of those moneys. Much has been said today about all of the abuses in the past under the CETA program and so forth. Under this program we have very strict accountability provisions and we want the individuals administering, not line supervisors and not crew leaders, to be of the very highest quality.

For that reason it seems to me we have to pay for it.

We want to assure that these labor-intensive activities have adequate supervision. That is the intent of the bill.

I think that it is the desire of the Congress that the program sponsors be held strictly accountable for the expenditures of these moneys.

My amendment would require that the administrators and supervisors be paid no more than the salary which is paid to officials with comparable responsibilities. In the gentleman's State of Illinois, for example, the current State administrator of the Federal job training program makes between $38,000 and $44,000 per year. The gentleman would want to reduce this and say that that comparable salary which is now being paid commensurate with the duties as recognized in his State should be reduced.

How are you going to reduce the salary and at the same time expect to get the same quality? It just does not make any sense.

My amendment would further prohibit paying administrators above the comparable salary for that position. But we also recognize that in other States, if there is no such comparable existing position, then the salaries could not be paid in excess of the rate in the gentleman's amendment, the rate of pay prescribed for GS-10 which would bring it into line, therefore, with his amendment. In those States where there are no comparable positions the wage rate of GS-10 would then prevail, which is somewhere in the neighborhood between $24,000 and $29,000 depending upon the steps.

We think this is flexible. We think that it provides for accountability. We think that it carries out the intent of the gentleman's amendment, but at the same time makes it more flexible as to areas of the country and brings the position into line with the duties that we think should be assumed by whoever administers this program.

Mr. PERKINS. Mr. Chairman, will the gentleman yield?

Mr. HAWKINS. I yield to the gentleman from Kentucky.

Mr. PERKINS. Mr. Chairman, I rise in support of the substitute.

The gentleman from Illinois (Mr. DURBIN) has good intentions. But if his amendment is adopted, we will throw a monkey wrench into the operation of this program.

The purpose of this bill is to put people to work, unemployed people to work immediately. Instead of doing that, this amendment would hamstring, delay, and disrupt the entire program throughout the country.

I am sure the gentleman from Illinois does not want that to happen.

I would suggest to all Members that we have had much experience in recent years with enacting requirements that proved not to be practical, although they were based on good intentions. We should support the substitute amendment offered by the gentleman from California (Mr. HAWKINS).

Mr. DURBIN. Mr. Chairman, I rise in opposition to the substitute.

With all due respect to the gentleman from California, and I know he has spent a substantial amount of time in working on this legislation, and, as I said at the outset, I support the legislation, I will be voting for it and I hope that what I am about today is viewed as constructive, but I must rise in opposition to the substitute amendment for the following reasons:

In the first instance, here we are talking about paying administrators comparable salaries for what they presently do if they are administrators under this act, and yet what we are creating under this act is a new approach, a new program.

So, trying to define what a comparable function and comparable salary is, I think is going to be somewhat difficult because we are dealing with a unique creation here in the legislation.

Second, I find some difficulty with the words "comparable functions." In all due respect, I have to say that with the words "comparable functions," "comparable levels of pay," we are completely surrendering to the State, local, municipal, and county governments the authority to set whatever pay they want to set for administrators.

That, in my mind, goes far beyond, of course, the intent of my original amendment and in fact it violates the very reason it was offered.

When we leave it up to the locals, I think we look beyond one very important fact. For the men and women presently unemployed we are going to bring under this program and ask to participate, we are going to provide them only $230 a week in most instances.

Ladies and gentlemen of the House, that amount of money is not some princely sum that a person would want to find as a full-time salary and look forward to retirement. It is an emergency measure. We are bringing people in to give them something to do worthwhile in the community and pay them a decent wage, not a generous wage, but a decent wage.

We are asking sacrifice from the participants, yet I cannot understand the reluctance today from those who are sponsoring and pushing forward this legislation to ask this same degree of sacrifice from administrators.

□ 1200

Twenty-nine thousand dollars does not, to me, appear to be the kind of sum that we have to apologize for. In fact, I think it is a fair amount of money to pay to a person who is supervising employees who make $11,000.

With this amendment, we remove the cap entirely. If the local unit of government should certify that they pay their administrators in like functions $60,000 per year, that is what they will be paid, I guess, because under the substitute amendment, that authority is given to them.

I do not understand the reluctance to ask for sacrifice when it comes to administrative salaries when we have so many administrative people, white-collar workers, who are out of work today.

Let me clarify one final point which has been brought out several times: What I am about with my original amendment would not reduce anyone's existing salary. If an employee for Government has a job today and is paid an amount of money to work that job and is asked by his administrator to keep an eye on this program, there is nothing, absolutely nothing, that would reduce their salary until such time as that administrator seeks Federal funds for reimbursement.

If the person, the administrator with the present job, the deputy mayor or whatever, takes on that responsibility and is not paid with Federal funds, that person can be paid whatever the unit of local government, city, or whatever, cares to.

Mr. PERKINS. Mr. Chairman, will the gentleman yield?

Mr. DURBIN. I would be happy to yield to the chairman.

Mr. PERKINS. I would state to the gentleman from Illinois that his argument at first flush sounds reasonable. What the gentleman is overlooking, from the viewpoint of the operation of the program, is that when you put new people in charge of a program, you are going to delay and disrupt the program. You are not going to accomplish the purpose you are seeking to accomplish.

That is what is wrong with the gentleman's amendment.

We want to get people to work immediately, not delay getting it started and disrupt the whole program. Local governments have organizations in place which are capable of putting people to work quickly in accordance with the law. If you disrupt their administrative systems, they may not get settled for 6 months. You would be doing great harm to the program.

That is the reason I think we ought to support the substitute and vote down the gentleman's (Mr. DURBIN) amendment.

Mr. DURBIN. Mr. Chairman, I appreciate the gentleman's comment, but I do not happen to believe that if we turn to a city or a school district and tell them that they are going to have 50 or 100 employees to do important functions, that they will sit back for 6 months and wait until they can recruit supervisors. I am certain mayors and superintendents of school districts will find within their existing operation the wherewithal to share the benefits we are sending back to the local level.

To think that they would sit back for 6 months and not use them, I do not believe so. I think there are too many important things to be done in these communities, school districts, and I think they will rise to the challenge.

Mr. PERKINS. If the gentleman will look to the laws that we have enacted here in the past, it may take more than 6 months. I can assure the gentleman that his amendment will disrupt the program and will certainly have effects that the gentleman does not anticipate and does not want. I think we have had that experience with restrictions we have imposed on programs in the past that then are shown to be unworkable.

The CHAIRMAN. The time of the gentleman has again expired.

(By unanimous consent, Mr. DURBIN was allowed to proceed for 1 additional minute.)

Mr. PERKINS. Mr. Chairman, will the gentleman yield further?

Mr. DURBIN. I yield to the chairman.

Mr. PERKINS. We should not do the same thing again.

Mr. DURBIN. Mr. Chairman, I would just say in conclusion that I hope what I am offering is constructive; I do not believe it would delay the program. In fact, what I am adding is a safeguard for this program. CETA roams the halls of Congress like Banquo's ghost and every time we talk about a jobs bill, we have to sit down and justify what happened to CETA.

Let us not create a situation where administrative costs could be so high, administrative salaries be so high, that some 6 months or a year from now, those of us who support the legislation will be embarrassed when we look at the excesses.

With my amendment, what I hope to do is positive in that direction.

I respectfully rise in opposition to the substitute offered by the gentleman from California.

Mr. HAWKINS. Mr. Chairman, will the gentleman yield?

Mr. DURBIN. I would be glad to yield.

Mr. HAWKINS. I thank the gentleman for yielding.

Mr. Chairman, we have already accepted the limitation on administrative costs. We thought that was a good amendment. Now, inasmuch as this comes out of the same pool, it is, I think, unreasonable to believe that any local district is going to pay excessive salaries because they are already limited by the 15-percent limitation.

The CHAIRMAN. The time of the gentleman (Mr. DURBIN) has again expired.

(By unanimous consent, Mr. DURBIN was allowed to proceed for 1 additional minute.)

Mr. DURBIN. Mr. Chairman, if I might respond, my first amendment has shrunk the size of the administrative pie. This amendment shrinks the size of the slices. But I do not believe it is an unreasonable request that the administrative salaries paid under our bill, which pays the participants $11,000, that the administrative salaries be held at $29,000.

I think we have an honest difference of opinion on that point.

Mr. ERLENBORN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I want to thank the gentleman from Illinois for offering this amendment. I believe I will vote for it.

I have listened to his arguments. I think they are cogent; I think they make good sense.

In particular, I want to note almost all of the debate, possibly every bit until now, has been on that side of the aisle. I have found the debate to be quite revealing. I think we should remember that over the course of the years, the social programs emanating from Washington that were called such things as the war on poverty wound up creating jobs not for the poor but for administrators.

During the Johnson years, when we had the war on poverty actively underway here in this country, less than 10 cents on the appropriated dollar went to the poor.

When we had CETA, that much discredited program, in full effect, most of the money was going to administrators.

Now I submit that should not be too surprising. I submit, however, that it was not right. I think we should see that the funds appropriated, that we proclaim so loudly are to help the poor, are to go to the poor.

But when you note that all of the debate has been on that side of the aisle, you begin to wonder what are the elements involved in whether the money goes to the poor or to the administrators, to the payrollers.

One thing I remember that may be quite revealing is that the one largest single group at the Democratic National Convention in 1980 were those who were on public payrolls.

Now that is the constituency, you see, that is being served by these programs that are vaunted loudly as being help for the poor, a war on poverty.

It is creating jobs for the constituency of the Democratic Party—payrollers.

I think the gentleman from Illinois has offered a very useful amendment. It will not be very popular on his side of the aisle because it strikes right at the constituency of the Democratic Party. I hope he will not withdraw it now.

I thank the Chairman. I yield back the balance of my time.

Mr. HARRISON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, first with respect to the, I suppose, negative comments we have just had on the War on Poverty, I think it would be useful to point out that the Bureau of the Census, just before this House went into recess, told us that the percentage of people in this country living under the poverty level is higher than it has been at any time since we declared the War on Poverty in 1963.

So I would say to the gentleman that the war on poverty must have done some good.

With respect to the specific amendment under consideration, I understand and sympathize with the motives behind the amendment as offered by my friend and colleague from Illinois; I nonetheless rise to oppose it and to support the substitute offered by our chairman, the gentleman from California, for a very practical reason.

In my experience as a member of nonprofit organizations which, in my part of Pennsylvania, end up administering these and other programs, what happens is this: This program and several other Government-funded programs are administered by a common source and the cost of administration is then spread across the board so that perhaps 1 percent or one-half of 1 percent of the salary of the executive director is paid out of funds received under this program and 1 percent of the salary of the director of finance is paid out of funds received under this program.

Well, what is going to happen, if we take the words of the gentleman from Illinois' amendment literally, "wholly or in part" means that as soon as any administrative person in an already existing agency has even a miniscule percentage of his salary charged off against the grant received under this program, then his whole salary, regardless of the number of people he supervises, regardless of the extent of his responsibilities, the number of years of his employment, his whole salary has to come down to $29,000.

I would respectfully suggest, Mr. Chairman, that for that very practical reason, the amendment of the gentleman from Illinois should not be accepted.

Mr. DURBIN. Mr. Chairman, will the gentleman yield?

Mr. HARRISON. I will be glad to yield to the gentleman.

Mr. DURBIN. Mr. Chairman, I would like to make this point quite clear, that that is what I am setting out to do with my original amendment. The person you are talking about is a person who presently today has a job. I want this bill to be directed to people who do not have jobs,

white collar workers as well as blue collar workers.

□ 1210

Mr. HARRISON. May I just say to the gentleman that really the dilemma that he then presents is that agencies already in place, with executives making more than $29,000 a year, would be prohibited, really, from allocating a portion of the funds received under this grant to the administration of the agency.

Now, I think that would cause the kind of havoc that the distinguished chairman of the full committee talked about.

Mr. HAWKINS. Mr. Chairman, will the gentleman yield?

Mr. HARRISON. I yield to the gentleman from California.

Mr. HAWKINS. I thank the gentleman for yielding.

The statement has just been made by the proponent of the original amendment and I respect his support of the bill and his intent and certainly make allowance for that in terms of dealing with his amendment. The statement that he has just made is that the administrator is going to be some unemployed person.

Well, his amendment just does not say that. It says:

> The rate of pay for administrators funded in whole or in part by this act shall be at a wage no greater than the compensation in effect for grade GS-10.

It does not make the stipulation that the individual has to be unemployed.

So I think that part of the gentleman's amendment needs to be clarified. The supervisory individual does not have to be unemployed.

Mr. DURBIN. Mr. Chairman, will the gentleman yield?

Mr. HARRISON. I yield to the gentleman from Illinois.

Mr. DURBIN. I thank the gentleman for yielding.

In response, the gentleman is right. My amendment does not specifically say that we have to deal with new employees, but yet I had hoped that the gentleman would concede that by putting this income limitation we are lessening the likelihood that we will be embellishing and subsidizing the wage of an existing employee.

Mr. HAWKINS. Well, I would respond by saying that not only are we making that possible, but we are making it possible to employ incompetent, inefficient persons to run programs that I think are just as importance in this instance as running the UDAG or any other federally assisted program.

Why does the gentleman not make it across the board? Why do we not say the administrators of all programs operated at Federal expense are now going to paid at this lesser wage.

You just cannot argue that this program has less quality to it, or that it should be demeaned by hiring an unemployed person, who would be delighted to operate this program at $29,000, but who may be incompetent to do so.

Mr. DURBIN. If the gentleman will yield further, I believe there are millions of competent, unemployed administrators who would grasp that opportunity to make $29,000 a year in a minute and I think we must look at this as an unusual program, not a regular program in Government, because we are saying to the participants, "You shall make no more than $250 a week."

The CHAIRMAN. The time of the gentleman from Pennsylvania (Mr. HARRISON) has expired.

(By unanimous consent, Mr. HARRISON was allowed to proceed for 2 additional minutes.)

Mr. FORD of Michigan. Mr. Chairman, will the gentleman yield?

Mr. HARRISON. I yield to the gentleman from Michigan.

Mr. FORD of Michigan. I thank the gentleman for yielding.

The gentleman pursues his original amendment which is on its face not at all ambiguous, but its explanation gets more and more ambiguous. The gentleman has now suggested a dimension of his amendment, not apparent by its reading, would be that he would encourage the Governors and the mayors and others responsible for administering this program to hire someone not now employed by them to administer the program.

I suggest that that is asking for absolute chaos. It not only shows a tremendous contempt for trusting the local governments of the States and the localities, but it also puts them in an impossible bind.

I look at my own State and say how would the Governor administer the State funds? On the one hand, he has to administer 5 percent of the total that goes into the State, and then, in addition to that, he administers all of the programs throughout the State that are not in large cities or counties. And we know from experience with CETA, we know from experience with other programs that that becomes a very difficult thing at the State capital level.

Now we have recently put in place, this is the first year of JTPA. In my State the State labor department, with a director of the labor department, who is provided for by constitution and is a regular official of the State, has a statutory or constitutional level of pay, has assigned to him as part of his duties administering the State's responsibility under JTPA. I would not be at all surprised if he also had thrust upon his department the administration of the State's function in administering this program.

Is it fair? He will have to add some additional employees, of course, to administer this, but the top man, the administrator, is not administering it because he was an unemployed guy who would like to be an employed administrator, it is because he is already the equivalent of the Secretary of Labor and he administers all the manpower and training programs in the State. The gentleman's amendment would prevent him from doing that.

The CHAIRMAN. The time of the gentleman from Pennsylvania (Mr. HARRISON) has expired.

(By unanimous consent, Mr. HARRISON was allowed to proceed for 2 additional minutes.)

Mr. HARRISON. Mr. Chairman, I would just like to conclude by saying that the remarks of the gentleman from Michigan have really, I think, amplified on the point that I was trying to make.

We are going to have school districts, I assume we may have hospitals, we are going to have nonprofit corporations and municipalities administering this program.

Now if they are denied the opportunity to spread their costs and to have a tiny percentage of the share of the salaries of their chief administrator paid from this program, that is going to cause administrative chaos.

If, on the other hand, you say that the superintendent of schools cannot be paid any more than $29,000 a year, because a tiny percentage of his salary comes out of funds authorized under this bill, then I think you have done something unjust with salary scheduling.

If the original amendment had said that people paid wholly from the funds authorized by this bill, shall be limited to the started salary, I would support it. But I think that the administrative problems which are caused by preventing, really, the spread of administrative costs into this program, are such that I would urge the support of the substitute as offered by the distinguished chairman of the subcommittee.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. HAWKINS) as a substitute for the amendment offered by the gentleman from Illinois (Mr. DURBIN).

The question was taken, and the Chairman announced that the ayes appeared to have it.

Mr. DURBIN. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. Evidently a quorum is not present.

The Chair announces that pursuant to clause 2, rule XXIII, he will vacate proceedings under the call when a quorum of the Committee appears.

Members will record their presence by electronic device.

The call was taken by electronic device.

□ 1230

QUORUM CALL VACATED

The CHAIRMAN. One hundred Members have appeared. A quorum of the Committee of the Whole is present. Pursuant to clause 2, rule XXIII, further proceedings under the call shall be considered as vacated.

The Committee will resume its business.

The pending business is the demand of the gentleman from Illinois (Mr. DURBIN) for a recorded vote.

A recorded vote was refused.

So the amendment offered as a substitute for the amendment was agreed to.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois (Mr. DURBIN), as amended.

The amendment, as amended, was agreed to.

The CHAIRMAN. Are there further amendments to title I?

AMENDMENT OFFERED BY MR. JEFFORDS

Mr. JEFFORDS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. JEFFORDS: Page 4, lines 12 and 16, redesignate subsections (b) and (c) as subsections (c) and (d), respectively, and insert before line 12 the following new subsection:

(b) If, in the first three months of the calendar year in which begins the fiscal year for which an appropriation is to be made under subsection (a)(2), the national average rate of unemployment in the civilian labor force of the United States is less than 10 percent, then subsection (a)(2) shall be applied by substituting for "20 percent" a percent which is equal to 20 percent minus 5 percentage points for each full percentage point by which such national average rate of unemployment is less than 10 percent.

Mr. JEFFORDS (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Vermont?

There was no objection.

Mr. JEFFORDS. Mr. Chairman, this is my so-called Faith in America amendment. What this amendment does is reduce the authorization in this bill so that when unemployment reaches the 6-percent level generally accepted as the noncyclical unemployment level, this program would not be authorized any longer. In other words, it makes it very clear that the purpose of this program is for those times when we have high unemployment.

Of course, as my colleagues know, we are dealing with an authorization bill and I personally feel that it is a good idea to have a bill of this nature on the shelf to be available to us to consider with other options when we determine how we ought to assist the unemployed during periods of high unemployment.

That is especially true when I compare it, as has already been done very well by other Members here, with the utility of this kind of legislation versus the public works type legislation. As we have seen already this year in an examination of the emergency jobs bill, few if any people have been put to work yet by that piece of legislation which we so overwhelmingly passed earlier this year.

Also, an analysis of past utilization of public works programs indicates that they have not generally been directed in recent years toward unemployed people. They have provided jobs, yes, but most of those jobs go to people who are already employed. In fact, history has demonstrated that in one public works bill it could be demonstrated that under certain provisions of the program, it cost us approximately $400,000 for each unemployed individual that was employed by that bill.

This bill obviously provides employment in public service type jobs, which have to result in benefit to the community. I point that out because what we are asking for here is something to be available when we have large numbers of unemployed people, but which should not be a permanent program. If not for any other reason, this amendment will make the bill more acceptable. It is a bill which I think ought to go forward, and this amendment would help make that possible.

Now, why do I pick 6 percent? Before I discuss that issue, let me explain what happens under the present bill. Under the present bill, the authorization of funds is determined by multiplying 20 percent of the number of long-term unemployed by $10,000. This product results in rather substantial amounts of money.

My amendment says that as unemployment comes down, the percentage of the long-term unemployed used as a facter in the formula would decrease from 20 to 15 to 10 to 5 percent. At the 6-percent unemployment level we would have no authorization to appropriate funding for the bill.

The present bill would keep this factor at 20 percent. Even at the 6-percent level of unemployment, the bill would fund the program at $3 billion. If we get down to 4 percent unemployment, we would have a $2 billion program; 3 percent, $1.6 billion, and so on down. Therefore, we have a permanent program and an expectation of a permanent program.

The 6-percent unemployment level is chosen because it is a generally accepted one. It is used by the CBO as the noncyclical unemployment level, and includes people who are in transition from one job to another, plus the structurally unemployed. This is an irreducible component of unemployment that will exist even with full economic recovery.

The next question: Will we get to 6 percent, and is this a reasonable expectation?

I think it is important to point out that the economic indicators right now show that we are in the process of a very significant and substantial increase in our employment level. We now have the highest level of employment ever in our history. The Government's index of leading indicators increased again last month, as it has for the past 11 months. Capacity utilization in the Nation's manufacturing, mining, and utility industries increased 1.2 percentage points in July to 75.8 percent, the highest rate since late 1981. Similarly, industrial production increased 1.8 percent in July with especially sharp rises in automobiles and steel. The Industry Production Index stood at 10.2 percent above its most recent November 1982 low.

As a result of this growth, more Americans were working in August than at any other month in our Nation's history. These are signals that the economy is improving well and if allowed to continue, we should get to the 6-percent level sometime, but not until after 1985 or into 1986.

I think we should take a look objectively as to whether or not we ought to have this bill, but we ought to make sure that we do not misrepresent to people that we intend this bill to be a permanent bill. I do not think we really want that.

The CHAIRMAN. The time of the gentleman from Vermont (Mr. JEFFORDS) has expired.

(By unanimous consent, Mr. JEFFORDS was allowed to proceed for 2 additional minutes.)

Mr. JEFFORDS. What about the structurally unemployed when we reach that 6-percent level?

Members will remember that last year we passed a bill, the Job Training Partnership Act, that changed CETA legislation on employment training programs, which should be adequately funded, and will meet the training needs of the structurally unemployed.

□ 1240

In my mind that approach is the one which is more appropriate at the noncyclical unemployment rate level. At 6 percent we should have jobs available for people wanting jobs if they are trained to fill the jobs. We have a program in effect that trains people to obtain and retain jobs.

In the final analysis, I do not think that in this bill we ought to hold expectations out or create a permanent program that is going to go on forever, even though there is not a need for this kind of program as we move toward full employment.

So, Mr. Chairman, I would urge the Members to demonstrate their faith in America that we will have the unemployment problem taken care of, perhaps not tomorrow but in the future. I ask them to vote for this amendment which I think would make this bill better and put it in a much more reasonable form.

Mr. MITCHELL. Mr. Chairman, will the gentleman yield?

Mr. JEFFORDS. I am happy to yield to the gentleman from Maryland.

Mr. MITCHELL. Mr. Chairman, I thank the gentleman for yielding.

Before I put my question, I want to compliment the gentleman on the role he has played in this legislation. It has been just magnificent.

I have the honor of serving on the Joint Economic Committee, and for some several years we have discussed what constitutes full employment. There was discussion of a figure around 6 percent, there was discussion at another level, and then there was discussion at another percentage level. But to the best of my knowledge, the Joint Economic Committee, which really sets some broad economic policies, has not determined that 6 percent unemployment represents full employment.

What the gentleman is proposing in his amendment establishes 6 percent unemployment as full employment, and I really have major concerns with that.

The CHAIRMAN. The time of the gentleman from Vermont (Mr. JEFFORDS) has expired.

(By unanimous consent, Mr. JEFFORDS was allowed to proceed for 2 additional minutes.)

Mr. MITCHELL. Mr. Chairman, will the gentleman yield?

Mr. JEFFORDS. I yield to the gentleman from Maryland.

Mr. MITCHELL. Mr. Chairman, I thank the gentleman for continuing to yield.

I really have major concerns with that because there is no consensus among the leading economists in this Nation as to what constitutes full employment, and if the gentleman's amendment should prevail, although I hope it will not, this Congress will have legislatively established 6 percent as full employment. I know the gentleman so well that I do not think he wants to do that.

Mr. JEFFORDS. Mr. Chairman, I differ with the gentleman in one sense. First of all, I think, from the leading experts, the lowest figure that I have seen as the point where we have noncyclical unemployment is 5 percent. The CBO has recognized that there is a division of opinion on this, but they say that it is somewhere between 5.5 and 7.5 percent. But CBO has accepted—and this is even a more liberal-conservative issue, as I look at it—6 percent as being the noncyclical lure of unemployment in that it takes into consideration the structually unemployed, those who need to be trained to be employed, and transitional employment. That is why I use the figure of 6 percent.

Second, I recognize that at 6 percent there are people who need to be trained to become employable, and my amendment would allow for that to occur because we do have the Job Partnership Training Act. But I think it is important to have this bill only for utilization at times when we need extra funds available for high unemployment situations.

Mr. MITCHELL. Mr. Chairman, will the gentleman yield?

Mr. JEFFORDS. I yield again to the gentleman from Maryland.

Mr. MITCHELL. Mr. Chairman, I appreciate the gentleman's thinking on this. But if the gentleman's amendment should prevail, for the first time in the history of this Congress legislatively we will have established what constitutes full employment in this Nation.

Mr. JEFFORDS. Mr. Chairman, I would just answer the gentleman and say that I do not agree with him. I understood that we would pick a figure wherein we would indicate it is essential and important to have programs available for the unemployed, in addition to present programs for the unemployed and in addition to the unemployment compensation programs.

The CHAIRMAN. The time of the gentleman from Vermont (Mr. JEFFORDS) has again expired.

(On request of Mr. MITCHELL, and by unanimous consent, Mr. JEFFORDS was allowed to proceed for 1 additional minute.)

Mr. MITCHELL. Mr. Chairman, will the gentleman continue to yield?

Mr. JEFFORDS. I yield to the gentleman from Maryland.

Mr. MITCHELL. Mr. Chairman, I honestly understand what the gentleman is trying to do, and I just want to lay it out again. My concern is that without any consensus being arrived at as to what constitutes full employment, despite a theoretical position by the Congressional Budget Office and despite a theoretical position by somebody else, I do not think we want to put into legislation a 6-percent figure. I would hope that the Members would be very, very aware of the danger of legislatively establishing what constitutes full employment in this Nation.

I love the gentleman, I respect the gentleman, but I hope his amendment is overwhelmingly defeated because of the enormous implications in it.

Mr. JEFFORDS. Mr. Chairman, I appreciate the gentleman's laudatory comments, but, unfortunately, I disagree with his conclusions.

Mr. HAWKINS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I, too, would like to commend the gentleman from Vermont (Mr. JEFFORDS) because I think that he has contributed as much as any Member in this body to the subject that we are now discussing. His integrity and his intent have always been unquestioned, and I do not question them in this instance. It is with a great deal of reluctance that I must oppose his amendment.

I agree that a 6-percent unemployment rate is highly fictional, to begin with. The unemployment rate was never intended to be the basis upon which policy would be established. It is merely for the purpose of establishing a trend. If the trend goes up, the unemployment goes up because of a trend. We know that, and we can adjust to that.

But to say that this gives an accurate picture of the unemployment problem is in itself purely fictional. The rate excludes perhaps as many persons as it includes, and by this amendment, those individuals who are not included in the rate would just simply be overlooked and harmed.

Now, as to a 6-percent rate, it is almost ridiculous, it seems to me now to be discussing 6 percent as being acceptable, as being bearable, or even being conscionable. In 1980, President Reagan campaigned against President Carter on the basis of 6 percent unemployment, and he was referring to those who support a 6-percent rate of unemployment, including President Carter and his administration, as being "the 6 percenters." I do not think we want to be "6 percenters" because this would mean that we would completely overlook those who are not included in the rate.

We would be in effect legislating away assistance to those who are discouraged workers who are not counted. We would also be excluding those who work only part time and who would not be counted in the 6-percent rate. We would also be overlooking the many individuals who are counted as housewives, women who are not in the labor market, and those who are 55 years of age and over who are assumed to be retired employees or retired individuals and, therefore, not in need of employment. These are the people we would be excluding.

Furthermore, I think that it overlooks the fact that there are some groups that suffer disporportionately. Women, for example, today constitute as much as 40 percent of the unemployed, and yet their rate is disproportionately higher than the 6 percent which would be the national rate under this amendment. So we are automatically not offering the program to them.

Youth constitutes almost 20 percent of the unemployed, and yet at a 6-percent rate they could still be perhaps

not below 10 percent, and so they would not be offered the benefits of the program.

I just think that while the intent is good, we need to at least diminish or eliminate the program at some rate. The bill already in effect does that because it has an automatic triggering device, but it is triggered according to the long-term unemployed. Now, if that triggering device operates as we anticipate it will, the program will automatically go down as recovery takes place.

Personally, I am not that optimistic that even the 6-percent rate which is now included in this amendment will be applicable because I do not think we are going to get back to any 6-percent figure soon. Our recessions are becoming worse. We are now in a so-called recovery period, and the unemployment rate is still 9.5 percent. This is higher than the unemployment rate in the last recession.

□ 1250

As a result of this, we have got to adjust programs to perhaps a much higher rate of unemployment during so-called recoveries; so I think for these many reasons, that while the intent is good, I think the bill already provides for an automatic triggering device that will not cut off at this somewhat fictional rate. That is why I oppose the amendment.

Mr. GEKAS. Mr. Chairman, I move to strike the requisite number of words.

I yield to the gentleman from Vermont.

Mr. JEFFORDS. Mr. Chairman, I appreciate the gentleman yielding.

I just want to make sure that we get back to what this amendment really does and not to get off on some philosophical issues which I do not think are relevant here.

First of all, 6 percent does not appear in the amendment; so if the gentleman is concerned about a full employment figure being established in law, it is not there.

What it does is reduce the authorization levels, depending upon the unemployment rate, by a 5-percent factor for each drop in unemployment below 10 percent. The 6-percent figure is not in the amendment.

Second, what the amendment establishes is quite different. What it establishes is that when unemployment drops to what is generally considered to be the level where most unemployment is structural then emphasis is shifted from the type of work that is in the present bill and directed entirely toward training the structurally unemployed. This would make sure they are available for the jobs that are available in the economy. That is the thrust of this amendment, to say, "Hey, at that point we should direct the scarce resources of this country, not divide them between the two programs, but direct them toward training," as this body overwhelmingly adopted in the Job Training Partnership Act last year.

I want to keep this discussion to the point of what the amendment is trying to accomplish and what the philosophical base of this amendment is. It is in no way anticipating, or trying to answer, the question of where that mythical full employment figure is, but rather it is a realistic appraisal of where the direction of our resources ought to be at certain levels of unemployment.

Mr. HAWKINS. Mr. Chairman, will the gentleman yield?

Mr. GEKAS. I yield to the gentleman from California.

Mr. HAWKINS. Well, in view of the statements, I quite agree. The difference that I see between the position the gentleman is suggesting and what I have agreed to accept would be the use of the program moneys for those groups that would still be disadvantaged at 6 percent.

Now, under the amendment that the gentleman from Vermont is sponsoring, the cutoff would mean that no program moneys would be available at 6 percent. This would deny the groups that I am speaking of the benefit of a program. I do not think we want to say that at 6 percent these other groups are going to be wiped out.

For that reason, I have an amendment to the amendment of the gentleman from Vermont that I will offer that I think will retain the gist of what the gentleman is trying to do, but at the same time still make moneys available for these groups as this bill would provide.

I do not think the intent of the gentleman is to completely cut off assistance to these other groups at the 6-percent rate.

I think my amendment would continue to do that, but at the same time, also in line with the attempt of the gentleman to phase the program down, continue the downward phase of the program, but continue that phase-down to 4 percent, which I think is far more practical than that of the gentleman from Vermont.

Mr. JEFFORDS. Mr. Chairman, will the gentleman yield?

Mr. GEKAS. I yield further to the gentleman.

Mr. JEFFORDS. Mr. Chairman, I think it is important to point out that we may soon experience a dramatic reduction in funds that are going to be available in fiscal year 1984 for training programs under the Job Training Partnership Act.

What I am afraid of, is that if we authorize another program with all its built-in constituencies, we are going to have competition between the funds for both programs. There will be attempts to keep this one going and attempts to keep that one going, both underfunded.

My point is that at some level of unemployment we ought to make sure that all our efforts are directed toward those people who do not have an opportunity to get a job because they do not have the training to get the job. That is what the thrust of our activities ought to be.

This amendment is a way of saying that we ought to have training as our primary thrust, during times of noncyclical unemployment, and not on creating jobs, as fortunate as it might be for those people getting them. Then it ought to be the thrust of our society to train people so that they are in a position to compete for the jobs available.

I thank the gentleman for yielding.

AMENDMENT OFFERED BY MR. HAWKINS TO THE AMENDMENT OFFERED BY MR. JEFFORDS

Mr. HAWKINS. Mr. Chairman, I offer an amendment to the amendment.

The Clerk read as follows:

Amendment offered by Mr. HAWKINS to the amendment offered by Mr. JEFFORDS: In the matter proposed to be inserted by the amendment of the gentleman from Vermont, insert "(1)" after "(b)" and strike out all after line 4 and insert in lieu thereof the following:

United States is less than 4 percent, then no amount is authorized to be appropriated for such fiscal year under this section.

(2) If, in the first three months of the calendar year in which begins the fiscal year for which an appropriation is to be made under subsection (a)(2), the national average rate of unemployment in the civilian labor force of the United States is less than 6.5 percent, then—

(A) the term "unemployed individuals" shall be deemed to mean only unemployed individuals residing in areas of substantial unemployment for purposes of—

(i) identifying eligible participants under section 103(a)(1) with respect to programs and activities under parts A and B of title II and under title III; and

(ii) allotting funds under sections 203(a) and 302(a); and

(B) determinations of the relative number of unemployed individuals under sections 203(a) and 302(a) shall be made on the basis of the number of such individuals, and the civilian labor force, residing in areas of substantial unemployment.

(3) For purposes of this subsection, the term "area of substantial unemployment" means any area of sufficient size and scope to sustain a program under this Act and which has an average rate of unemployment of at least 6.5 percent for the most recent 12 months preceding the determination for which satisfactory data are available.

Mr. HAWKINS. Mr. Chairman, my amendment to the Jeffords amendment would retain the committee's present provision which provides for a phase-down of the authority as long as the long-term unemployment declines; however, my amendment would terminate authority for the funds below 4 percent unemployment.

This provision, I think, would accomplish the intent of the Jeffords amendment; that is, of restricting the authorization, rather than leaving an open-ended authorization as provided in the committee bill; but does so at the full employment level of 4 percent, which is now in the statute, rather than the still significant level of 6 percent in the Jeffords amendment. Under the Jeffords amendment, there would be no means of targeting funds to pockets of high unemployment. Any area of high unemployment, even 10 percent, which existed when national unemployment declined below 6 percent, would be unable to receive funds for job creation. Moreover, the Jeffords amendment would spread substantially and reduce funds to all areas of the Nation, without cutting off those with very low unemployment.

My amendment would require that between 4 percent and 6.5 percent national unemployment funds under the act would only be allocated to areas of substantial unemployment, those areas with 6.5 percent unemployment or greater.

This concept of areas of substantial unemployment has been in effect in employment and training programs for the past 20 years and it is an accepted method of targeting resources to areas in greatest need, and as I have already indicated, not only are we talking about areas of greatest need, we are also talking about groups of greatest need.

Under this amendment, between the cutoff of the 6 percent and the 4 percent, these groups would still be able if they qualify under the act to receive the benefits of the act.

I think it is a fair and reasonable approach to the problem. I think that it retains the intent of the Jeffords amendment without tying the hands of this body to a concept that has not really been tried as yet in any employment and training program.

I therefore offer the amendment as a reasonable amendment to the Jeffords amendment.

□ 1300

The CHAIRMAN. The time of the gentleman has expired.

Mr. JEFFORDS. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from Vermont (Mr. JEFFORDS) is recognized for 5 minutes.

Mr. JEFFORDS. I would point out, without reiterating all of the previous arguments, realism dictates and every economist that I have read recently indicates, that we are not going to get back to 4 percent, except in an incredibly overheated economy with tremendous inflation rates.

I think that is an unrealistic figure. So essentially what this amendment still does is to leave in existence a program to compete for money against where we ought to be putting it, and that is in training.

In other words, at a 5-percent level of unemployment under this amendment, you would still have a $2 billion authoriztion. At a 4-percent unemployment level the funding would be terminated. But that indicates that you still have the authority to fund the program until you get down to the 4-percent unemployment level. So, you still have a substantial amount of money which would be competing for other available programs and would leave in place a permanent program of the public service type employment.

A second problem I have with the amendment is that there is a trigger in here which while well-intentioned, would lead us into a very substantial administrative problem.

At the 6.5-percent unemployment level, as I understand it, the whole program emphasis changes and the direction of the funds change from a program generally available authorized entities under the bill, to areas of substantial unemployment. Laudable as that approach is, it would create a trigger which would cause a dramatic administrative shift in utilization of funds and create very substantial problems in the ability of States and localities to administer such a shift and create serious problems.

So, basically, I would have to say in all candor that the gentleman's amendment is an improvement over the existing bill. But in my mind it still does not get to the real problem toward which I am trying to direct my amendment, and, therefore, I cannot accept it.

I would point out that the authorization levels we are talking about in this bill, even at the present peak level of unemployment, which under the Budget Act is $3.5 billion, even with my amendment, until we get to the 6 percent, we are going to be in excess of any likely appropriations in that area.

So, I think that overall, although this amendment substitute is intended as an improvement, it does not do what I think should be done, to phase this program out so we do not have competition for training funds at low levels of unemployment.

Mr. BOEHLERT. Mr. Chairman, will the gentleman yield?

Mr. JEFFORDS. I yield to the gentleman from New York.

Mr. BOEHLERT. Is it fair to say the basic argument boils down to this, a temporary versus a permanent program. There are a number of us on this side of the aisle supportive of this overall program because we recognize we have crisis proportions in terms of our unemployment rate. We want to address that temporary aberration in the overall economy, but we do not want to establish another permanent program. Is it fair to say that is really what it boils down to?

Mr. JEFFORDS. That is exactly what it boils down to. The question is whether or not you want to have a permanent program. Realistically, this would be a permanent program under the substitute. Under mine, when we get to the level that economists recognize essentially as full employment, the program would not be authorized, and therefore, we could direct our emphasis as this body voted for last year toward training people who need to be trained to be employable. I really appreciate the gentleman pointing that out. That is the bottom line difference here.

Mr. HAWKINS. Mr. Chairman, will the gentleman yield?

Mr. JEFFORDS. I yield to the gentleman from California.

Mr. HAWKINS. It seems to me we are dealing in semantics. Would it not be true that at the 6-percent level, even in the Jeffords amendment, that the authority of the program would still operate, that the program is not eliminated? The allocations would be reduced accordingly and terminated at that rate but you still have the program operating.

So, it is not a matter of a temporary program versus a long-term program. You still have the authority. And I am sure this was thought through by the gentleman from Vermont, assuming that the unemployment rate went back up, then the trigger would operate in the other direction, in other words, it would still be there and funds for the program would trigger on. So, that is one of the things that we are trying to do now, is to have a program available for whatever the economic conditions justified, and not having just something that is going to operate on a temporary basis.

I guess what I am asking you, is it not true that at 6 percent the authority will still be available in case it is needed in the future?

Mr. JEFFORDS. That is correct. And I think that is good to point out. I see this program as one which ought to be on the shelf and available for the Appropriations Committee to appropriate funds when we are in times of high unemployment.

The CHAIRMAN. The time of the gentleman has expired.

(By unanimous consent, Mr. JEFFORDS was allowed to proceed for 2 additional minutes.)

Mr. JEFFORDS. My amendment would make sure funding is only available during those times of high unemployment, and that in times of full employment or near thereto it would not be available. And I think that this is what the gentleman is pointing out. This ought to be a program which is an option during periods of high unemployment, but we ought not to hold

out a program as being a permanent program when really we ought to be putting our emphasis in other areas, primarily training when we are at the noncyclical level of unemployment.

Mr. BOEHLERT. Mr. Chairman, will the gentleman yield?

Mr. JEFFORDS. I yield to the gentleman from New York.

Mr. BOEHLERT. I think it is very important that we stress that we want to put our emphasis on training those who are unskilled and upgrading the skills of those who are underemployed. And that is where we should be placing our emphasis. We need this bill now because we have crisis proportions in our unemployment rate. But we have going into effect October 1 the Job Training Partnership Act which involves $4.6 billion earmarked for those things absolutely necessary, training programs.

Mr. JEFFORDS. I thank the gentleman. He is absolutely correct.

The CHAIRMAN. The time of the gentleman from Vermont (Mr. JEFFORDS) has expired.

Is there further discussion on the Hawkins amendment to the Jeffords amendment?

If not, the question is on the amendment offered by the gentleman from California (Mr. HAWKINS) to the amendment offered by the gentleman from Vermont (Mr. JEFFORDS).

The question was taken; and on a division (demanded by Mr. JEFFORDS) there were—ayes 7, noes 7.

RECORDED VOTE

Mr. VOLKMER. Mr. Chairman, on that I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. Evidently a quorum is not present.

The Chair announces that pursuant to clause 2, rule XXIII, he will vacate the proceedings under the call when a quorum of the Committee appears.

Members will record their presence by electronic device.

The call was taken by electronic device.

QUORUM CALL VACATED

The CHAIRMAN. One hundred Members have appeared. A quorum of the Committee of the Whole is present. Pursuant to rule XXIII, clause 2, further proceedings under the call shall be considered as vacated.

The Committee will resume its business.

RECORDED VOTE

The CHAIRMAN. The pending business is the demand of the gentleman from Missouri (Mr. VOLKMER) for a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 208, noes 210, not voting 15, as follows:

[Roll No. 347]

AYES—208

Ackerman	Gaydos	Oberstar
Addabbo	Gejdenson	Obey
Akaka	Gephardt	Ortiz
Albosta	Gibbons	Ottinger
Alexander	Gilman	Owens
Anderson	Glickman	Panetta
Annunzio	Gonzalez	Patman
Applegate	Gore	Patterson
Aspin	Gray	Pepper
Barnes	Guarini	Perkins
Bates	Hall (IN)	Pickle
Bedell	Hall (OH)	Price
Beilenson	Hamilton	Rahall
Berman	Hance	Rangel
Bevill	Harrison	Ratchford
Biaggi	Hatcher	Reid
Boggs	Hawkins	Richardson
Boland	Hayes	Rinaldo
Bonior	Hefner	Rodino
Bonker	Hertel	Roe
Borski	Hightower	Rose
Bosco	Howard	Roybal
Boucher	Hoyer	Russo
Boxer	Hughes	Sabo
Britt	Jacobs	Savage
Brooks	Jones (NC)	Scheuer
Brown (CA)	Jones (TN)	Schroeder
Bryant	Kaptur	Seiberling
Burton (CA)	Kastenmeier	Shannon
Carr	Kazen	Sikorski
Chappell	Kennelly	Simon
Clay	Kildee	Sisisky
Coelho	Kogovsek	Skelton
Coleman (TX)	Kolter	Smith (FL)
Collins	Kostmayer	Smith (IA)
Conyers	LaFalce	Solarz
Coyne	Lantos	St Germain
Crockett	Lehman (CA)	Staggers
Daschle	Lehman (FL)	Stokes
de la Garza	Leland	Stratton
Dellums	Levin	Studds
Dicks	Levine	Swift
Dingell	Levitas	Tallon
Dixon	Long (LA)	Torres
Donnelly	Long (MD)	Torricelli
Dorgan	Lowry (WA)	Towns
Dowdy	Luken	Traxler
Downey	Markey	Udall
Durbin	Martinez	Vento
Dwyer	Matsui	Volkmer
Dymally	Mavroules	Walgren
Dyson	McCloskey	Waxman
Early	McDade	Weaver
Eckart	McHugh	Weiss
Edgar	McNulty	Wheat
Edwards (CA)	Mikulski	Whitten
Evans (IL)	Miller (CA)	Williams (MT)
Fascell	Mineta	Williams (OH)
Fazio	Minish	Wilson
Feighan	Mitchell	Wirth
Flippo	Moakley	Wise
Florio	Mollohan	Wolpe
Foglietta	Moody	Wright
Foley	Mrazek	Wyden
Ford (MI)	Murphy	Yates
Ford (TN)	Murtha	Yatron
Fowler	Natcher	Young (MO)
Frank	Neal	Zablocki
Frost	Nowak	
Garcia	Oakar	

NOES—210

Andrews (NC)	Campbell	Daub
Andrews (TX)	Carper	Davis
Archer	Chandler	Derrick
AuCoin	Chappie	DeWine
Badham	Cheney	Dickinson
Bartlett	Clarke	Dreier
Bateman	Clinger	Duncan
Bennett	Coats	Edwards (AL)
Bereuter	Coleman (MO)	Edwards (OK)
Bethune	Conable	Emerson
Bilirakis	Conte	English
Bliley	Cooper	Erdreich
Boehlert	Corcoran	Evans (IA)
Boner	Coughlin	Fiedler
Breaux	Courter	Fields
Broomfield	Craig	Fish
Brown (CO)	Crane, Daniel	Forsythe
Broyhill	D'Amours	Franklin
Burton (IN)	Daniel	Frenzel
Byron	Dannemeyer	Fuqua
Gekas	Madigan	Rowland
Gingrich	Marlenee	Rudd
Goodling	Marriott	Sawyer
Gradison	Martin (IL)	Schaefer
Gramm	Martin (NC)	Schneider
Green	Martin (NY)	Schulze
Gregg	Mazzoli	Sensenbrenner
Gunderson	McCain	Sharp
Hall, Ralph	McCandless	Shaw
Hall, Sam	McCollum	Shumway
Hammerschmidt	McCurdy	Shuster
Hansen (ID)	McEwen	Siljander
Hansen (UT)	McGrath	Skeen
Hartnett	McKernan	Slattery
Hiler	McKinney	Smith (NE)
Hillis	Mica	Smith (NJ)
Holt	Michel	Smith, Denny
Hopkins	Miller (OH)	Smith, Robert
Hubbard	Molinari	Snowe
Huckaby	Montgomery	Snyder
Hunter	Moore	Solomon
Hutto	Moorhead	Spence
Hyde	Morrison (WA)	Spratt
Ireland	Myers	Stangeland
Jeffords	Nelson	Stenholm
Jenkins	Nichols	Stump
Johnson	Nielson	Sundquist
Jones (OK)	O'Brien	Synar
Kasich	Olin	Tauke
Kemp	Oxley	Tauzin
Kindness	Packard	Taylor
Kramer	Parris	Thomas (CA)
Lagomarsino	Pashayan	Thomas (GA)
Latta	Paul	Valentine
Leach	Pease	Vander Jagt
Leath	Penny	Vandergriff
Lent	Petri	Vucanovich
Lewis (CA)	Porter	Walker
Lewis (FL)	Pursell	Watkins
Lipinski	Quillen	Weber
Livingston	Ray	Whitehurst
Lloyd	Regula	Whitley
Loeffler	Ridge	Whittaker
Lott	Ritter	Winn
Lowery (CA)	Roberts	Wolf
Lujan	Robinson	Wortley
Lundine	Roemer	Wylie
Lungren	Rogers	Young (AK)
Mack	Roth	Young (FL)
MacKay	Roukema	Zschau

NOT VOTING—15

Anthony	Ferraro	Pritchard
Barnard	Harkin	Rostenkowski
Carney	Heftel	Schumer
Crane, Philip	Horton	Shelby
Erlenborn	Morrison (CT)	Stark

□ 1340

The Clerk announced the following pairs:

On this vote:

Mr. Morrison of Connecticut for, with Mr. Carney against.

Mr. Schumer for, with Mr. Erlenborn against.

Mr. Anthony for, with Mr. Philip M. Crane against.

Messrs. STENHOLM, HAMMERSCHMIDT, McCURDY, and LEATH of Texas, Mrs. BYRON, and Messrs. ANDREWS of North Carolina, LUJAN, and DAVIS changed their votes from "aye" to "no."

Messrs. LEVIN of Michigan, LUKEN, BRITT, and MOODY changed their votes from "no" to "aye."

Mrs. JOHNSON changed her vote from "present" to "no."

So the amendment to the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Vermont (Mr. JEFFORDS).

The amendment was agreed to.

The CHAIRMAN. Are there additional amendments to title I?

AMENDMENT OFFERED BY MR. GEKAS

Mr. GEKAS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. GEKAS: On page 4, after line 22, insert the following new subsection:

"(d) Notwithstanding any other provision of this section, no funds are authorized to be appropriated under this Act for any fiscal year unless the Secretary of the Treasury certifies to the Congress that expenditures incurred under such an appropriation will not result in an increase in the deficit in the Budget of the United States.".

PARLIAMENTARY INQUIRY

Mr. JEFFORDS (during the reading). Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. JEFFORDS. Mr. Chairman, is my understanding correct that the Jeffords amendment was passed by a voice vote, and we are now on any additional amendments to title I?

The CHAIRMAN. That is correct.

Mr. JEFFORDS. I thank the Chair.

The CHAIRMAN. The Clerk will conclude the reading of the amendment.

The Clerk concluded the reading of the amendment.

PARLIAMENTARY INQUIRY

Mr. WRIGHT. Mr. Chairman, I have a parliamentary inquiry.

Did the committee vote on the Jeffords amendment, as not amended by the Hawkins amendment?

The CHAIRMAN. The Chair will state to the gentleman that the Chair put the question on the Jeffords amendment and the amendment carried by a voice vote.

Mr. WRIGHT. Mr. Chairman, there was so much disorder in the House that this Member did not hear it. I dare say, a great many others did not hear it.

All right, Mr. Chairman, I would ask that the Clerk read one more time, in order that we might hear what amendment now is offered and pending.

The CHAIRMAN. The Chair will ask the Clerk to reread the pending amendment.

The Clerk reread the amendment.

Mr. GEKAS. Mr. Chairman, this amendment, in its simplest form, is a pay-as-you-go amendment. It would simply state that those who propose this and support the pending bill, with the proposed expenditure or cost to the Federal Treasury of $3.5 billion, would simply have to urge this Congress to provide the wherewithal to pay for that $3.5 billion in any one of a number of ways available to the Congress of the United States.

Every family in the United States tries to live within its budget and is in serious trouble when it spends more than it takes in. That simple proposition ought to be applied to every day's deliberation in the Congress of the United States.

□ 1350

We are saying that the deficit works against the best interests of the people of the United States of America. Why? Because it robs the private sector and the citizens of the United States from the credit availability with which to invest and for small business to take hold and to create jobs, the very purpose for which we are striving here in the Congress of the United States.

Adoption of my amendment would simply say that at some point we will make sure, as a Congress, that the $3½ billion to be expended for this program will not be made unless it be certified that those expenditures will not be adding to the deficit.

I am willing to work with everyone in this Chamber to provide the $3½ billion for this purpose. It is a pay-as-you-go plan, the best form of economics.

Mr. HARRISON. Mr. Chairman, will the gentleman yield?

Mr. GEKAS. I certainly will yield to the gentleman from Pennsylvania.

Mr. HARRISON. I thank the gentleman for yielding.

Mr. Chairman, I just want to inquire of the gentleman if it is his intention to offer a similar amendment when the defense authorization bill comes to the floor?

Mr. GEKAS. I will offer any kind of amendment on which we can gain a consensus to make sure that there are enough revenues or cuts in other spending to make up the $3½ billion. I will begin by sitting down with the gentleman to find out what he is willing to cut from other kinds of programs along the way.

Mr. HARRISON. I will join with the gentleman in doing that with the MX missile, if he is willing.

Mr. GEKAS. I will be working with the gentleman on some other social programs that he is interested in.

I ask for a unanimous vote in favor of my amendment.

Mr. WRIGHT. Mr. Chairman, I rise in opposition to the amendment.

This amendment would apply an entirely different standard to this one program than Congress has applied to any other program that we have authorized. It would single out the jobless as the least worthy of our attention.

We have passed legislation to help the farmer; we have passed legislation to build roads; we have passed legislation to help schools. We passed legislation to build the MX, to build the B-1, to build the Trident submarine. We passed legislation of all kinds. Never before has anybody singled out a particular authorizing bill and said, "This bill cannot go into effect in any year unless the Secretary of the Treasury asserts that its expenditures will not add to the deficit."

That of course is a sure way to kill any program. Obviously, any time we have a deficit, any expenditures for military weapons, for environmental programs, for school books, for anything that the Government does will add that much to the deficit.

Why single this out? Are the 11 million unemployed Americans that much less worthy of our consideration than any of the other problems we face? Are they less worthy of our consideration than the latest gadget of military weaponry that the Pentagon desires?

I do not think Congress would want to say that. I do not think we would want to establish that policy. If we pass this amendment, that is exactly what we will be saying.

Why do we have a deficit? Let us just face it squarely. We have the biggest deficit in the history of the United States. What irony. It must be a terrible disappointment to President Reagan, who promised when he came to his office that he would have a balanced budget by 1984, to see the deficit for 1984 looming larger than it ever has been in the history of the Nation. The current Reagan deficit is three times larger than the biggest deficit ever suffered under any previous administration.

But why is that deficit so high? It is not because we are trying to do something to give people jobs. It is because we do not have people at work. It is high because people are unemployed. It is higher because $135 billion is being bled from the Treasury as a result of the ill-conceived and highly excessive 1981 tax cut.

Mr. DAUB. Mr. Chairman, will the gentleman yield?

Mr. WRIGHT. No, not at this point. I may yield when I have finished. I will be glad to if I have time, but I want to stress some facts, I think some things need to be understood.

Why do we have a deficit? We have a deficit primarily because this House, in its lack of wisdom, cowered before the demands of the administration in 1981 and passed an excessive tax cut almost all of which inures to the coffers of the few wealthiest people in our country. Very little, if any of it, goes to the average and lower income Americans.

By the reckoning of the Secretary of the Treasury, Mr. Regan, who would be called upon by this amendment to certify that there would be no impact upon the deficit, by his own reckoning, in testimony before the House Committee on the Budget, that tax cut is adding $135 billion to the deficit this year.

Did I see the gentleman arise when that third layer of that tax cut was

going into effect and propose that it should not go into effect until the Secretary of the Treasury should certify that it would not add to the deficit? No. The gentleman was remarkably silent on that account.

Did I see the gentleman rise when we added something like $100 billion annually to military expenditures and say that these things can go into effect only when the Secretary of the Treasury certifies that they will not add to the deficit? No. The gentleman was totally silent on those occasions.

Only now, when we want to do something to give the unemployed an opportunity to do constructive work—not to give them a handout but only an opportunity to build things in those communities throughout our country that have suffered a deterioration in their public services—only now, when we want to employ people doing things that need doing in all the communities across the country—only now, when we want to take them off the unemployment roles and the welfare rolls and put them onto productive payrolls—only now do we have the demand that first, before this particular thing might be enacted, we must have a certification by the Secretary of the Treasury that not 1 penny of it would add to the deficit.

Well, of course, it is ridiculous on its face. If that rule were applied to all legislation, there might be some equity to it. Obviously this amendment is not offered to all legislation. Obviously it is not equitable. Obviously, it should not be adopted, and I ask for a "no" vote.

The CHAIRMAN. The time of the gentleman from Texas (Mr. WRIGHT) has expired.

(On request of Mr. DAUB and by unanimous consent, Mr. WRIGHT was allowed to proceed for 2 additional minutes.)

Mr. DAUB. Mr. Chairman, will the gentleman yield?

Mr. WRIGHT. I would be happy to yield to the gentleman from Nebraska.

Mr. DAUB. I thank the gentleman for yielding.

Mr. Chairman, indeed I do appreciate and have the same concern as the majority leader does for the condition of a person and the aggregate number of those unemployed in this country, and indeed, I understand the difficulty of dealing with a $170 to $200 billion deficit which contemplates the figure of a baseline of $1.4 trillion for the commencement of a very serious set of budget problems for our Congress.

Does the majority leader or the majority party contemplate keeping its word under the first budget resolution and bring a tax bill to the floor of this House to raise some of the revenue that might pay for this bill?

(By unanimous consent, Mr. WRIGHT was allowed to proceed for 1 additional minute.)

Mr. WRIGHT. Absolutely. If the gentleman will recall, not more than 2 months ago, we did bring to this floor a bill which would have recovered some $8½ billion for the Treasury and reduced the deficit by that figure in this coming fiscal year simply by putting a reasonable ceiling on the amount that any one individual might receive from the third layer of the tax cut for the wealthy. It would have allowed those who are the wealthiest to receive $800, but no more than $800, and not to receive the $5,000, $6,000, and $7,000 windfalls that some of them did receive.

□ 1400

That would have reduced the deficit. We did present the bill. If the gentleman will recall, it passed the House by a fairly substantial majority.

Mr. DAUB. Mr. Chairman, will the gentleman yield?

Mr. WRIGHT. Does the gentleman not call that a tax bill? It was not approved by the Senate. I cannot speak for the Senate. I cannot speak for all of my colleagues in the House, but I do think we have the responsibility to do those things that are necessary to balance the budget.

Let us be fair about it. Why is the budget out of balance? It cannot be blamed primarily upon domestic spending. We have reduced domestic spending since 1980 by approximately $47 billion annually. We are spending about $47 billion less this year on social and domestic programs than we would have spent on a regular current services basis from 1980, but we are spending about $100 billion more this year on military expenditures than we were in 1980.

So I think it ill behooves any of us to avoid the solemn fact that the reasons for the deficit were the excessive tax cut for the wealthy and the enormous increase in military expenditures, not to mention the effect that unemployment itself unavoidably exerts upon the deficit.

To repeat that which has been said before, the reasons for the Reagan deficit are threefold: First, too big a tax cut for the rich; second, the enormous increase in military spending; and third, too much unemployment among the poor. Each time unemployment is allowed to go up by 1 percentage point, we automatically add $27 billion or more to the deficit. Now we are trying in this bill to do something about that.

Mr. DAUB. Mr Chairman, will the gentleman yield?

Mr. WRIGHT. I yield to my friend, the gentleman from Nebraska.

Mr. DAUB. Then, Mr. Chairman, let me ask, How does the majority leader propose to pay for this piece of legislation?

The CHAIRMAN. The time of the gentleman from Texas (Mr. WRIGHT) has expired.

(By unanimous consent, Mr. WRIGHT was allowed to proceed for 1 additional minute.)

Mr. WRIGHT. Mr. Chairman, I shall not ask for anymore time after this.

I think the question easily answers itself. Most clearly, if we are to pull ourselves out of this downward spiral, we have to put people back to work. We have to get people off the unemployment rolls, get them off the welfare rolls, and put them on productive payrolls where they will also be on the taxpaying rolls.

Do we do that by make-work? No; this bill would not do it by make-work. This bill would put them to work on constructive projects that need to be done. The backlog in every community is large and growing. That is how we would put them to work.

Once we get this economy rolling, once we get Americans working again, then those Americans will be buying goods. When Americans are buying more goods, then business has an incentive to expand to increase its output of goods. And when business expands, it employs more people, and more people end up paying more taxes.

I do not think, short of that, we are ever going to balance the budget. We will balance the budget when we bring interest rates down so that business can invest in job-creating enterprises. We will bring that budget deficit down when we realize the solemn fact that we cannot just continue to give big tax cuts to the rich and make bigger and ever-bigger military expenditures and then try to blame the deficit upon the poor. That is not a fair blame. And everybody who is honest with himself knows that it is not.

The CHAIRMAN. The time of the gentleman from Texas (Mr. WRIGHT) has expired.

Mr. DAUB. Mr. Chairman, I move to strike the requisite number of words.

I appreciate, Mr. Chairman, the answers that I received in our colloquy, and I more than appreciate the majority leader's willingness to engage in that colloquy.

I guess my logic strikes me in a reverse way. I feel a little differently about the way in which the majority proposes to assist those who are clearly concerned in their communities about how to help the unemployed. I thought in fact if we would spend more in the Congress of what we did not have, that might increase the deficit, and that in turn would cause upward pressure on the money markets, the interest rates would go up, that would cause the inflation rate to rise, and in fact we would add more people to the rolls of the unemployed.

I guess it is clearly a difference of philosophy. Do we spend our way out of the problem that was created by 30 or 40 years of an attitude that the central system and the productivity of the worker was excuse enough or collateral enough in order to be able to fund any program for any reason without regard to the deficit?

Is the only wisdom left in this country that which resides here because of political differences over how to help the unemployed? I think this amendment illustrates the clear difference politically, and this is another piece of legislation in a series of six that proves the point that deficits indeed do matter and the consequence of them is exacerbated by this legislation.

Mr. Chairman, I ask the Members to vote for the gentleman's amendment. It proves the point.

Mr. GEKAS. Mr. Chairman, will the gentleman yield?

Mr. DAUB. I yield to the gentleman from Pennsylvania.

Mr. GEKAS. Mr. Chairman, the majority leader has made an extraordinary admission here that we ought to go ahead and increase deficit spending and not put curbs on it like the one I am trying to put in place with this amendment because we have never done it before.

I say to the majority leader, "Let's start now with my small step." This is a small step that is a giant step in the future.

Mr. WRIGHT. Mr. Chairman, will the gentleman yield?

Mr. GEKAS. We want to take that small step, and I ask the majority leader to put aside the history of deficit spending for once in his career and say to the American people, "I am willing to start with this little bill to show the American public that I want to pay as you go." The majority leader can say,

> I want to establish a precedent where every spending bill that we contemplate on this floor will be accompanied by a reasonable method of discharging the obligation of that bill.

That is what ought to be done. The fact that we have never done it before does not impress me. If the gentleman is willing to be married to the past, he may do so, but as far as I am concerned, it is now that we can start.

Mr. WRIGHT. Mr. Chairman, will the gentleman yield?

Mr. DAUB. Mr. Chairman, it is my time, and I reclaim my time.

Mr. WRIGHT. Mr. Chairman, since my name was mentioned, I would appreciate the opportunity of answering the gentleman.

Mr. DAUB. Mr. Chairman, let me reclaim my time. If I may reclaim my time, I will try to manage things a little better, and if I have any time left, I will yield to the distinguished majority leader.

I guess the point I want to make is that regardless of whose fault it may be—Reagan deficit, Carter deficit, I do not care whose deficit it is—if the majority leader is serious, then any legislation in this body that adds to the deficit ought to be rejected.

Mr. Chairman, I yield back the balance of my time.

Mr. WRIGHT. Wait, Mr. Chairman. Will the gentleman yield?

Mr. DELLUMS. Mr. Chairman, I ask unanimous consent that the gentleman from Nebraska (Mr. DAUB) be allowed to proceed for 2 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. DELLUMS. Mr. Chairman, will the gentleman yield?

Mr. HARTNETT. Mr. Chairman, will the gentleman yield to me?

Mr. DAUB. I yield to my friend, the gentleman from South Carolina, and then I will yield to my friend, the gentleman from California.

Mr. HARTNETT. Mr. Chairman, I thank the gentleman from Nebraska for yielding.

I have been amazed, utterly amazed, at the logic which has been demonstrated here on the floor of this hallowed Hall this afternoon by those far more eloquent and experienced than I.

We have been led to believe that the reason for the large deficits which this Government presently incurs is—and I think it was put this way—because of the tax cuts for the rich and the massive buildup in defense. I would assume—and I must be very careful lest some Member takes down my words—that the answer to that is more taxes on the rich and the working people and less defense.

□ 1410

Nothing was added to the deficit when for the Lone Star State of Texas last week we added several millions of dollars to supplement the education of illegal aliens in this country, that had nothing to do with the deficit, though several hundreds of millions of dollars were spent. Money we do not have. Nothing adds to the deficit when appropriation bill after appropriation bill is forced down our throats, hundreds of millions of dollars over the budget. Why, that has nothing to do with the massive deficit. It is the tax cuts for the rich and the massive defense buildup. I find that impossible to believe.

The question again, rhetorically placed, does that mean then that less defense for the American people and more trust in the sacred nation that shoots down passenger planes? Or more taxes on the working class and on the rich, from whom are the only people that we get our taxes.

Now, I would submit to you that we have massive deficits.

The CHAIRMAN. The time of the gentleman from Nebraska (Mr. DAUB) has expired.

(At the request of Mr. HARTNETT and by unanimous consent, Mr. DAUB was allowed to proceed for 3 additional minutes.)

Mr. HARTNETT. Mr. Chairman, will the gentleman yield to me further?

Mr. DAUB. I yield briefly, because I promised the gentleman from California I would also yield to him.

Mr. HARTNETT. Let me finish, Mr. Chairman, by saying this and I appreciate the gentleman yielding to me; that there just might be some other reason why unemployment is high in this country. Because this Government pays an awful lot of people more not to work than the overtaxed employer can pay him to work. If you want to start looking at unemployment and I would say to my very, very eloquent majority leader, let us look into how much the overtaxed rich fellow can afford to hire new people to work, when some of you in Congress pay them more not to work than he can afford to pay them to work.

I thank the gentleman from Nebraska for yielding.

Mr. DAUB. Mr. Chairman, I thank the gentleman for his eloquent contribution.

Now I am happy to yield to my good friend, the gentleman from California (Mr. DELLUMS).

Mr. DELLUMS. Mr. Chairman, I thank my colleague for yielding.

I would like to engage briefly in a little further discussion. I tried to listen very carefully to the remarks my colleague made.

My question is this. First of all, do we as members of the Federal Government have a responsibility to address the human misery that we call unemployment in the country? If the response to the first question is yes, then I would ask the follow-on question. On the totem pole of responsibility that we have as members of the Federal Government, where do we place addressing the problems of unemployment? Is it third to supporting military juntas? Is it fourth to creating an arms race? Is it fourth to this or is it fifth to that? Where on the totem pole of responsibility do we place unemployment, if the answer to my first question is do we have a responsibility to address the human misery known as unemployment in this country?

I would appreciate a serious response to that, quite apart from the polemics that have just taken place on the floor of this Congress.

Mr. DAUB. Mr. Chairman, I appreciate the questions of my colleague and I take them seriously.

The first answer to the question is yes, and that is followed by the answer that in the spectrum of priority I place unemployment at the top of the list.

The CHAIRMAN. The time of the gentleman from Nebraska has again expired.

(At the request of Mr. DELLUMS, and by unanimous consent, Mr. DAUB was allowed to proceed for 3 additional minutes.)

Mr. DAUB. Mr. Chairman, continuing, and I thank my colleague for that time, the way in which I see us discharging our responsibility, at least to what I consider that first priority, unemployment, is to ask how we pay for it? If the gentleman will recall, in a disclaimer I said that regardless of which administration one would want to blame, or all of them, for the accumulated deficit which puts pressure on interest rates and adds more people into those unemployment rolls, in my view, the question was on this bill, how do we pay for it? That was my only question that started all of this.

A man named Booth founded the Salvation Army a couple hundred years ago in England, and we can recall, as we have read history, that those were days of pestilence, and famine, and very difficult times. He had an interesting theory. He said: "Come on in and I will give you some soup, but you can't come back for the second bowl of soup if you are able-bodied and if you can do a little work, and help out others in the same condition."

His theory was in the great book that he wrote: "Let's give a hand up to those who need help, not a handout." That is what we have got to be careful of in this bill, that we are not creating a system where it will be much more inexpensive to stay on unemployment than in fact to seek employment. That is my concern. How do we pay for it, not only as a Congress, but how are those people who are employed going to be able ultimately to pay the price?

Mr. DELLUMS. Mr. Chairman, will the gentleman yield briefly to me?

Mr. DAUB. I indeed will yield once more.

Mr. DELLUMS. Mr. Chairman, I thank the gentleman.

The gentleman raised the question, how do we pay for it? I will attempt to give the gentleman an answer to that.

In the military authorization bill there was a provision that called for a $6.1 billion expenditure for the B-1 bomber. Now, this program certainly costs much less than $6.1 billion.

I will give the gentleman a concrete answer. Cut the expenditure for the B-1 bomber by the amount of money for this program and we meet our No. 1 responsibility to create employment, and we certainly have bombers coming out of our ears and this country is not going to collapse if we do not spend $6.1 billion for the B-1 bomber.

The CHAIRMAN. The time of the gentleman from Nebraska has again expired.

(At the request of Mr. DELLUMS, and by unanimous consent, Mr. DAUB was allowed to proceed for 2 additional minutes.)

Mr. DELLUMS. Mr. Chairman, will the gentleman yield further?

Mr. DAUB. I am happy to yield to the gentleman.

Mr. DELLUMS. Building a B-1 bomber, but I have a feeling that our country may collapse from within if we do not address the human misery that is taking place in this country. Millions of human beings are not only feeling the handicap, but people emotionally are being harmed by not being able to find a job.

I thank my colleague for yielding. I could stay here all day to talk about this issue, this great human misery in this country.

Mr. DAUB. Mr. Chairman, if I may reclaim my time, I would like to conclude by suggesting that I am not one of those who likes to say: "Oh, gosh, there are more people employed building the B-1 bomber, so if we cut out that, then we are going to have a whole bunch of unemployment over here." I do not like to engage in that kind of cut to save here, to reemploy there, and cut employment here; so I think the answer should be, on its merits, since we cannot pay for this particular piece of legislation defeat the bill.

Mr. CAMPBELL. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I had not intended to engage in this, but as I sat and listened to the debate, some things struck me as rather funny. We have gotten off into defense. I heard the majority leader on the floor saying that we had cut domestic spending $47 billion a year each year. I look forward to seeing the majority leader's remarks printed in the RECORD so that we can verify those figures.

I further heard the majority leader say that we have had the massive defense buildups and the tax cuts for the working people and the rich. He does not mention the working people often, but they received the tax cuts.

The thing that I should like to remind this House of, and I think it is very important to know, is that if someone does take the well and discusses the defense buildup or defense as one of the reasons for the deficits, then I find it rather ironic that that same person voted for the Department of Defense authorization conference report.

Now, I have to ask: Why do we not speak in a straightforward manner and with commonsense? After all, we have to have national defense.

Someone asked the question: "What is the top priority? Is it unemployment? Is it this?"

No. Unemployment is a great domestic priority that we must be concerned with. Before that, I would say we have to be concerned with the freedom and defense of the Nation so that we might in fact be worried about unemployment. I would put it in that perspective.

I think that as we argue this, we must recognize that, yes, we have a deficit problem and, yes, we can take it on here and we can engage in partisan rhetoric or whatever we want to call it; but the fact is that we do have a problem and finding blame is very easy, if someone wants to point the finger. I could point the finger and say that in 1980 we had a 21½-percent prime rate of interest and that caused a lot of our problems because those high rates cost us not only as individuals, but as a government trying to finance our programs and our deficits. We have been successful in bringing those rates down from 21½ percent to 11 percent. Does the Congress really believe we should not have addressed the problem of high interest?

I could point out the inflation rate of 13½ percent that we now have down to less than one-fourth of that, but I do not think that serves any purpose. Now, if it serves a purpose over there with those who would engage in it, fine, then engage in it.

The fact is that we have fundamental problems in this country. Those fundamental problems literally manifested themselves in the high interest rates and high inflation that almost wrecked this country. We have now begun to get these problems under some control. We have had the largest economic recovery in one quarter in the last quarter than we had in over 15 years. The country is beginning to move.

Now, do we undo what success we have had or do we not? I am not arguing specifically on this particular piece of legislation. I am just saying we had better focus on it. No, we do not create deficits by reducing taxes. We create deficits by spending, period.

□ 1420

Taxes can be a certain amount and you can spend a certain amount, or you can spend a lesser amount. If you lower taxes and do not lower spending, obviously you are going to have some problems because you reduce your income and do not reduce your outlay.

That is what we did. We did not reduce our outlays. It is just as simple as that. Stop and look at it.

We can go a little further. We can talk about unemployment in the context of the recession. We had a recession. It caused problems. We needed to deal with it. But I do believe this: I be-

lieve that the best way that we can help the most people in the country is to keep the inflation rate down, to work to reduce the deficits by controlling some of our automatic outlays that exist in our budget, and that is 76 percent of this total budget that we have no control over, that we do not allocate, that we do not vote on, because they are automatic expenditures. And did you know that over the last decade that many of these automatic expenditures exceeded inflation by some 24 percent in outlays? Until we are willing to address that problem, we should not even be sitting here engaging in this type of debate. We should, in fact, look at the structural problems in the budget in order to deal with these problems.

The truth is that we have put this country on automatic pilot and we have indexed programs that are increasing payments faster than the rate of growth of our income. We are spending faster on automatic outlays than the wages of the working people of this country are going up, and they well know it.

Finally, I will leave you with this: I hope that I did not hear and I do not think I did, but I want to make sure that I did not hear the majority leader, in discussing the tax side of it, say that he was leading a fight to do away with tax indexing. I would love to hear him address that since tax indexing does not help the people at the top, but rather those on the way up.

I yield back the balance of my time.

Mr. DELLUMS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I take the well because I think it is important to try to assume our own time to respond.

First of all, I do not understand one aspect of this debate. Clearly, the budget is a statement of our priorities. The budget is a statement of what we perceive to be important. If my colleagues on both sides of the aisle are stating clearly and unequivocally to ourselves and to the American people that addressing the human misery of unemployment is indeed a high priority, if not the No. 1 priority, then it is a rational and intelligent question to ask, how do we finance it? That question has to be asked right across the board, because what our business here is about is balancing priorities. You have to ask that question on any piece of legislation, how do we finance it? And you arrive at an ultimate budget based upon the balancing of priorities.

Now, several of my colleagues on this side of the aisle have raised a question, how do you finance it. That is an appropriate question. But I do not think that it is appropriate to dismiss an honest answer to that question.

This bill is $3.5 billion. Now, how do you finance that? We just passed the authorization bill for the military budget and in that authorization there was $6.1 billion for the B-1 bomber program. Now, some people may think that is extraordinarily important to the national security. There are some of us on both sides of the aisle who voted in opposition to that position. We have an opportunity in the appropriation process if we honestly believe that this piece of legislation that addresses the problem of unemployment ought to be dealt with, but the only problem is how we finance it.

But the way we finance it, there is a specific thing we can do. You can go back and you can take that $6.1 billion, that is just one example, and say we are not going to spend $3.5 billion of that, because we do have the FB-111 bombers, and we do have the B-52 bombers. And I would suggest to my colleagues we are engaging in hyperbole if we think the country is going to collapse because we do not spend that $6.1 billion. Take the $3.5 billion out of the appropriation process and pass this legislation and say to the people this is the way to finance it. That is what our job is about, balancing priorities. I am suggesting cutting the B-1 bombers as opposed to the program designed to address the human misery of incredible numbers of people who are unemployed in this country, who are not only feeling that economically, but people are feeling that emotionally. Do you know what happens to people when you strip them of their dignity and their capacity to engage in meaningful employment? We ought to be doing something about that. And you can take that $3.5 billion out of this massive and huge and unnecessary and bloated military budget.

Mr. GEKAS. Mr. Chairman, will the gentleman yield?

Mr. DELLUMS. I yield to the gentleman from Pennsylvania.

Mr. GEKAS. The gentleman is exactly on the point. The point of my amendment is that we must start to address, simplistic as that may sound to many on your side of the aisle and some on this side of the aisle, we must start at some point when we pass a spending program for whatever purpose that we ought to be attaching to it the responsibility of how we are going to pay for it.

Now, given what you have said, the proper thing to do is to pass my amendment and then as a Congress sit down to determine where we are going to get the $3.5 billion to pay for this bill, which you acknowledge should be done. It might be with the Committee of the Whole, or the consensus in the House, that we are going to take a little bit from the B-1 bomber, if a new priority is determined there, or something from a wasteful social program that is doing no good, and bring out a package of $3.5 billion to pay for this bill which has a higher priority in the minds of many than does other kinds of legislation.

But we will never get to the point of discussing that kind of thing if we rashly move ahead and spend money we do not have, add $3.5 billion to the deficit, and never get to the point where we can look over the rest of the budget to see what we can draw away from needless or wasteful programs to pay for what you feel is a priority. That is the whole point.

The CHAIRMAN. The time of the gentleman has expired.

(By unanimous consent, Mr. DELLUMS was allowed to proceed for 2 additional minutes.)

Mr. DELLUMS. Mr. Chairman, I think it is important to answer my colleague's question. That is why I did not interrupt the gentleman's statement.

Let us be very honest here. I do not question the gentleman's integrity. Let us be very honest with each other. The reason why people have problems with the gentleman's amendment is not based on the rationality of the amendment, but on the interesting motivation that gives rise to the amendment at this particular moment. A number of people are questioning the efficacy of testing this idea on this particular fragile piece of legislation which is a social program, and we all know that we are operating in a very conservative atmosphere in this Congress where social programs—if we are going to be honest, we all know that the programs we have been hitting in this Congress are the social programs. We have done nothing about the military budgets. We all know that. And against the backdrop of the Korean plane 007 incident there is even greater reluctance to move against the military budget. So, what do we hit? We hit the one or two programs designed to deal with the problems of the least among us. And it would seem to me that one of the tests of Government is what do we do for those who are powerless in our society, not for those who are the powerful.

We are talking about the unemployed human beings. The question that I have in why do we now bring this reasoned approach on this particular legislation when you and I both know that a number of Members may vote with you on the reason of it, but then when we come to addressing the military budget and other legislation where we can appropriately take this $3.5 billion, those votes are going to evaporate. And I am willing to bet whatever necessary that I am more correct than this gentleman on whether or not my colleagues with integrity and courage follow up on that. And you know that I am telling the truth.

Mr. GEKAS. Mr. Chairman, will the gentleman yield?

Mr. DELLUMS. I yield to the gentleman from Pennsylvania.

Mr. GEKAS. I am willing to take the blame if any there be for not attaching this type of amendment to others in the past. But that is no reason not to start somewhere. It did not occur to me that this kind of an amendment could be salutary and helpful to the process until very recently and this is the bill on which coincidentally it came. I believe very wholeheartedly that we ought to start now.

The CHAIRMAN. The time of the gentleman has expired.

(On request of Mr. GRAY and by unanimous consent, Mr. DELLUMS was allowed to proceed for 3 additional minutes.)

Mr. DELLUMS. Thank you.

I am simply saying to my colleague the problem is simply this. It is a question of timing. If we really believed in this, we have been debating the military budget and other more controversial matters for the last several months and suddenly the amendment occurs on a very fragile piece of legislation known as an employment bill. And you know we are going to have trouble trying to pass this legislation. The Jeffords amendment already passed which puts this bill in some jeopardy. And I think that that portends a very difficult vote on final passage with respect to this legislation. And that is the problem that I see.

If this gentleman could guarantee that we take $3.5 billion out of the B–1 bomber program, then maybe the gentleman's amendment would make some sense. But if you cannot guarantee that at this moment, where are we going to get the finances, all we end up doing is wrecking a piece of legislation designed to address the human misery. That is what I am opposed to; not the reason of the gentleman's amendment but the timing of the gentleman's amendment and whether or not we ought to have begun this at the early part of the year so this gentleman would not feel such great suspicion as to why this particular bill is the one that we start down this road on.

□ 1430

Mr. GRAY. Will the gentleman yield?

Mr. DELLUMS. I yield to my colleague from Pennsylvania.

Mr. GRAY. I want to thank the gentleman from California for his eloquent arguments, particularly with regard to my colleague from Pennsylvania's amendment, whom I have great respect for as a member of our delegation. But also to just make several points.

First, we have gone through a budget process in this House. We fought the issue of the budget and the Federal priorities; and many of us raised the question during that budget process. But where was the alternative budget of many of our colleagues who now are so concerned about deficits, who are now so concerned about this one program?

There was no alternative budget to demonstrate all of those priorities that we have heard for the last 2 days on this floor.

We also asked where is the budget that the President of the United States talked about in February, and not one Member of this House, including the President's own party, would bring that budget to the floor as a statement of those priorities.

Now, suddenly, as we talk about trying to lower the unemployment for those who are long-term unemployed, we are into a debate on the budget process, when those who had an opportunity to participate in a budget debate refused to do it, did not offer an alternative, did not even offer the alternative of their President.

Second, I would point out to those who argue that this raises the deficit, that I do not know what the Secretary of the Treasury would say since all of us know right now in the administration there is a lot of confusion. We have the Secretary of the Treasury saying deficits do not matter, whereas before the Budget Committee for the last 2 years he said deficits do matter. Now suddenly when this administration has a deficit, suddenly in 1983 when we are staring at a $200 billion-plus deficit, the same Secretary of the Treasury who sat before the Budget Committee in 1981 and 1982 and said deficits do not matter, now says they do.

The CHAIRMAN. The time of the gentleman from California (Mr. DELLUMS) has again expired.

(On request of Mr. GRAY and by unanimous consent Mr. DELLUMS was allowed to proceed for 2 additional minutes.)

Mr. DELLUMS. I yield to the gentleman for Pennsylvaina.

Mr. GRAY. The Chairman of the Economic Advisers of the President, the same administration, says deficits do matter.

So I am wondering that even if the gentleman's amendment was passed, and I agree with my colleague from California this is an inappropriate time to do it. But even if it was passed, I am wondering what the administration and the Secretary of the Treasury would say about it.

The other thing I would point out is the fundamental question of what are we doing to the deficit. I say, and I think many of us say in this House that it is better to have people on the payroll doing constructive public works in our communities rather than on the Federal rolls, on welfare, on food stamps, and unemployment compensation.

The Congressional Budget Office estimates that if this bill is passed we reduce by $400 million the outlays of taxpayers' money for food stamps. We reduce by nearly $900 million the taxpayers' money for welfare. And it is estimated that when you take the net cost it will not be $3.5 billion but by putting people to work in public works jobs to rebuild our communities in real jobs that we are going to save $1.8 billion in taxpayers' money for subsidies for the very same programs that many of my colleagues who are arguing against this bill always vote against and want to reduce.

So, therefore, the real issue before this body is a very simple one, and that is do you want to wait 3 years, that is the best estimate of the administration, 1986, before we get down to unemployment of 7.2 percent. Do you want to wait 3 years and say to those who are long-term employed: "Just wait, the economy is recovering. Our best estimate from the administration is that it is going to take 3 years. Certainly you can wait 3 years and have the deferral of your hopes, the deferral of your dreams."

The CHAIRMAN. The time of the gentleman from California (Mr. DELLUMS) has again expired.

(On request of Mr. GRAY and by unanimous consent Mr. DELLUMS was allowed to proceed for 1 additional minute.)

Mr. DELLUMS. I yield to my colleague.

Mr. GRAY. The very same people who say this is not an adequate way to treat the problem are the same people who say let us cut food stamps, let us cut welfare.

You cannot have it both ways. If you want to reduce welfare, if you want to reduce unemployment compensation, if you want to reduce food stamps, then put people to work.

If you do not want to reduce spending on food stamps and welfare, if you want to keep unemployment high, then vote against this bill and go back and tell Americans to wait 3 years for an economic recovery that many economists, including Presidential advisers, are not sure is going to take place.

Then, at the same time you tell them you voted against those support systems from the Federal Government to provide any help for the unemployed.

I say that is wrong.

I said we had a debate on this in the budget process and many of those who are now standing here for the last 2 days arguing against this bill by saying that it increases the deficit, where were your voices when you could have proposed an alternative?

We passed a budget and it was passed with bipartisan support.

The CHAIRMAN. The time of the gentleman from California (Mr. DELLUMS) has again expired.

(On request of Mr. GRAY and by unanimous consent Mr. DELLUMS was allowed to proceed for 1 additional minute.)

Mr. GRAY. We also reached agreement with the other body, controlled by the administration's party, a Republican Senate, and in that budget proposal was the money for this bill. So thus we are not going outside the budget if we pass it.

It is a simple question and each Member has to answer it in their own hearts and facing their own constituents. That is do you want people to wait 3 years or do you want to throw out some lifeline for the hard-core unemployed.

I do not know about anyone else, but this Member thinks that we ought to throw out a lifeline now and not ask people to wait 3 years.

(By unanimous consent Mr. DELLUMS was allowed to proceed for 30 additional seconds.)

Mr. DELLUMS. Very briefly, Mr. Chairman, I would like to thank my colleague for a magnificent contribution to this debate. I think clearly he has raised a very significant set of issues.

Finally, $3.5 billion is a minuscule amount of money to address the parameters of unemployment in this country. This is a minimal effort. We can find the $3.5 billion to finance this. It is clearly a red herring to suggest that we cannot.

This gentleman would like to see us on the floor debating a $20 billion or $30 billion jobs bill to really make some significant effort at addressing the total parameters of unemployment. The $3.5 billion is a minimal effort here that we ought to be involved in, and to some way suggest that this is going to harm the budget, this is going to catapult the budget deficit to such magnificent levels that it brings the economy crumbling is to engage in gross hyperbole.

We have a responsibility to the unemployed.

Mr. HAWKINS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I am really surprised. I thought we were handling an employment and training bill. I never dreamed that there would be those in this House, in view of the human suffering that prevails in our country today, who would use this rather modest bill as a means of venting their ideology.

I think that it is somewhat disgraceful that there are those who would lead their own party, and they are on the other side of the aisle, down that road that I thought we had put behind us a long time ago.

This is not a partisan issue. I think the amendment directly puts it into politics by designating to a political appointee that prerogative of trying to tell us whether or not we should pass an appropriation bill.

I am surprised that heretofore no voice has been raised against any public outlay bill that we considered. This is the first time, and I doubt seriously if such an amendment will be raised after this bill is passed.

Then what are we venting that displeasure on? It is on a jobs bill. Is it jobs that they are objecting to?

The implication is that jobs add to the deficit. There has been no proof of that.

To the contrary, all of the evidence suggests that employment, putting Americans to work, will lower the deficit.

□ 1440

Why is the outcry against this? Is it that they desire, those who raise their voices, desire to keep a pool of unemployed people to depress wages, in order to break the unions and other organizations of wage earners? Is it because they want to split people politically so as to exploit them in order that individuals will be competing with fewer and fewer jobs in the economy?

Their opposition seems to suggest such a strategy.

I think that all of the hearings which the Education and Labor Committee conducted on this issue have documented that employment pays for itself. If it were otherwise, then why is it since 1981, with unemployment mounting, with more than 3 million persons put out of jobs, why did not that lower deficits? It is a question that the deficits are partly due, obviously, to unemployment, and that employment would certainly reduce the deficit.

I think that is obvious. And I have seen nothing that would suggest that those who are supporting this amendment would be able to offer any evidence otherwise.

It is just, it seems to me, that there has been during this debate only a discussion of dollars and cents. There has been no suggestion of human values that are lost in the question of high unemployment. It has been documented that unemployment adds to suicides, it adds to crime, it adds to mental stress, it adds to other health deficiencies, it adds to all of the problems that make us not a great society that we would like to be in the eyes of the world. We stand 13th in health, we are losing certainly in the field of housing, we are losing in technology, and we are losing in the employment and training programs that we once were building. We are now falling behind.

Can such a nation possibly produce the money to pay for the defense? I am one who voted for most of the defense outlays. I did not ask and no one else asked who was going to pay for those? I believe the way to pay for those needed defense outlays is to have people producing. Recently the Catholic bishops issued a statement in which they decried unemployment among us. They pointed to the problems of deliberately causing unemployment in our country and they divided us into three groups, those who are its victims, those who permit unemployment to prevail because we do not raise our voices against such amendments as this, and those who inflict, deliberately inflict, unemployment. And we have those today who are raising their strong voices, not against unemployment, but to inflict unemployment which the Catholic bishops in their statement, typical of other religious faiths as well, called the moral tragedy of our day.

Are we then to continue this tragic moral degradation simply because we want to blame it on deficits, which is absolutely not the cause?

The CHAIRMAN. The time of the gentleman has expired.

(By unanimous consent, Mr. HAWKINS was allowed to proceed for 2 additional minutes.)

Mr. HAWKINS. Last year we paid out in excessive interest rates $60 billion, wasted; it went to lenders, those who were affluent, who had the money to lend. And all of us paid for that, not only in terms of the deficit, in taxes, but as consumers. Did we see these same voices raised against that? That is three times more than we paid out on education, and housing, and economic development.

It is 15 times more than we paid out on these simple little job programs.

And now we are going to do the same thing again; we are going to wash this excessive interest rate aside and dismiss that as a cause of deficits, we are going to dismiss monopolistic practices as a cause of deficits and all of the other things. And I would not use national defense, because to a large extent I agree that we should have adequate defense. We may not need all of the weapons that we have voted the money for, but certainly we are not going to pay for it by keeping almost 20 million persons in this country unproductive.

This is a step in the right direction.

It is not the total solution. We need to change a lot of things around here. But I submit that employment pays for itself; it does not add to the deficit and those who would support this amendment are merely opposing a jobs program; they are opposing a jobs program in the light of the human suffering that unemployment causes, and they are the ones who might be

referred to as the ones who would inflict unemployment on the people of this Nation. It would destroy our society, it would bring us to the brink of disaster, and I would hope that they would consider really the results of their action.

Mr. MILLER of California. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, as I am sure many of you are familiar with, I introduced the original pay-as-you-go budget proposal to the House of Representatives 2 years ago.

And I think it is proper to question why this amendment comes at this time because 2 years ago when we had an opportunity to place the entire Government on a pay-as-you-go basis, only two members of the Republican Party supported that vote and that vote later lost by a handful of votes, at which point the entire Government, conservative programs, liberal programs, social programs, defense programs, would have been on a pay-as-you-go basis. And according to the Congressional Budget Office we would have had a dramatically reduced deficit this second year of that proposal.

But that did not pass. And what we see now is a suggestion that this program must play by an entirely different set of rules.

I do not think that that is proper. But I do think that the concept of pay as you go is quite proper. And I want to say to my colleagues on the Republican side of the aisle, that there is a resolution that I have put out that many, many people have cosponsored, to do exactly this: To insist that the budget process follow the pay-as-you-go system. I have yet to receive a Republican coauthor. But you can call my office, the number is 52095.

I think it is very important that we move in the direction of pay as you go and it is my intention to see that we do not enter another budget cycle without giving the Members of this House an opportunity to vote on that basis, because I think, then, the debate that my colleague, Mr. DELLUMS, thirsts for and that I thirst for will only then take place. Then within the confines of a closed system will we be able to match the priorities of this administration, and the priorities of this Congress, and the priorities of the people of this country.

And we will find out whether or not we are prepared to sacrifice the unemployed to the defense budget, or the Clinch River, or to the deficit.

We will find out whether or not we are serious about educating our children or whether we are serious about a quality Defense Establishment, whether we are prepared to pay excessive prices for spare parts or weapon systems that do not work; because that is what we are going to engage in in the next budget process because we are about to declare in the next few days that this budget process did not work, because we have not reconciled the figures that are necessary

And I say to the gentleman who suggests that it is not defense, the defense budget was increased some $30 billion. But there is no revenue to pay for that $30 billion increase.

It is all coming out of the deficit, all of it. There is no money to pay for this bill. This is a charade. You see, I think in many ways we ought to accept this amendment and let us find out if this administration believes that unemployment is a priority.

Unfortunately, unfortunately, they only have to make that determination on this program, because they have already signed a $187 billion defense bill so they need not certify whether that one comes out of the deficit. We know that it does link everything else we spend.

And what we have found out, certainly I have found out in my 9 years in Congress, is the deficit is a political shock absorber, you use it for those purposes which you want to look like you are doing something but you do not have the courage to tell the American people that that is really what you want to do. We do not set priorities in the Congress of the United States. We vote for guns, and butter, we vote for margarine, we vote for everything, and we simply charge it off to the future generations.

□ 1450

We keep it up and we are going to look a lot like the Third-World countries that are having trouble with the IMF. We simply will not be able to service the debt.

So I would suggest to those Members who want to raise this issue on this bill, that they ought to do more than that, they ought to join the effort for a pay-as-you-go budget process, where if we do not pay for it, we do not spend it. It is that simple.

And I think it is very important that we understand by the same token that we should not single out this program of opportunity, this program that comes along and nobody, myself included, has not raised this issue with respect to other priorities. And then we will find out, if we adopt the pay-as-you-go system, we will find out, as I think the sponsors of this resolution in the Democratic Caucus, from the far right to the far left, we will find out what in fact are the priorities of this country.

The CHAIRMAN. The time of the gentleman from California (Mr. MILLER) has expired.

(By unanimous consent, Mr. MILLER of California was allowed to proceed for 2 additional minutes.)

Mr. MILLER of California. So I would hope that this debate will put the Members on notice that in fact this is the direction that we are going to move in, that this is the direction by which Members will be given an opportunity to determine what are the priorities of this country.

And I think what we will find out, we will find out that in fact the priorities of this country are to carry out the compassionate programs, to help the unemployed, the hungry, the elderly, but not to do it at deficit financing. Not to do it at the expense of future generations.

And I think what the Members will find out as they examine the pay-as-you-go proposition, it is neither liberal nor conservative, it is neither Republican nor Democrat, it is simply a matter of setting priorities that every politician has said to their constituencies the reason they came here, either to set new priorities or different priorities, but that debate can never take place as long as the deficit continues to exist because it is the political escape hatch by which we are able to promise more than we are able to deliver. The political escape hatch by which we tell the people of this country we are compassionate, we are concerned, but then we fail to act on those compassions and those concerns.

Mr. WALKER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, having raised this issue of deficit spending and balanced budgets on several programs prior to this, I am always amazed by the arguments that I hear. We usually get down to an argument that essentially says, more spending is a cure for too much spending. And that is often the argument that we hear coming from the liberal side of this Congress.

And then it gets wrapped up into the kind of logic that the majority leader used out here this afternoon to the cheers of the members of his party. Essentially that logic comes down to the fact that it is defense spending and tax breaks for the rich that are the problem here.

Well, I think maybe it is time to start talking a little bit of sense on that issue. We have in this country a deficit that is about 90 days of Federal spending. In other words, it takes 90 days of Federal spending to spend out what we have as a deficit, about $200 billion.

If you taxed away every penny of income of every individual beyond $75,000, in other words, the people who are in the upper income ranges in this country, took every dime away from them, had confiscatory taxation, took every penny that they made away from them, you could run the Government for 14 days.

So that means then that the taxing of the rich gives you 14 days. If you have absolutely confiscatory taxation, that gives you 14 days of that 90 days.

And then the majority leader suggests that the other 76 days can come out of the defense budget.

Well, that other 76 days amounts to $167 billion in cuts in the defense budget. A 72-percent cut in the defense budget.

Now, I would suggest that even the people who are antidefense here in the Congress do not suggest that we could get along on a $63 billion defense budget. I would suggest that no one here can really say that we can provide an adequate defense for the country.

So what I am saying is you have got to go beyond the simplicity of the argument that taxing the rich and taking it out of defense is going to eliminate the deficit. And that gets to the amendment of the gentleman from Pennsylvania.

It seems to me that one of the things that we have got to begin doing is start saying that when you are adding new programs to the budget that they have got to be looked at in light of the deficit. And if we can justify this program—and Members on that side of the aisle have provided a number of excellent justifications of why work is better than welfare and why this program might be justified, at least from their perspective—then we have got to figure out some place where we are really going to cut that goes beyond the simple solutions of tax it from the rich and take it out of defense. We have got to find some other areas of domestic spending to begin to bring down, because you cannot do it out of those two areas. Those two areas alone are a simple appeal to emotionalism in the country that have no basis in reality.

I think it is important to recognize that when the majority leader gets up here and gets cheered by his party for making those kinds of statements that they are simplistic nonsense in many ways, because no one is going to cut defense budget by 72 percent and no one is going to confiscate every penny of income in this country beyond $75,000.

Mr. SAVAGE. Mr. Chairman, will the gentleman yield?

Mr. WALKER. I yield to the gentleman from Illinois.

Mr. SAVAGE. I thank the gentleman for yielding.

Well how does the gentleman answer the question that was raised on the floor by our colleague from California that if what the gentleman says is so—you cannot eliminate the deficit if you take all of this from defense—why then does the gentleman object to the $3.5 billion in this bill if you were trying to keep anything from being added to the budget? The gentleman did not object when they increased the defense budget this year.

Mr. WALKER. I would say to the gentleman that I happen to believe that we need a strong defense. I did vote against some aspects of the defense budget. I did think that there was some overspending in there and I voted against some of those programs. So it is not an inviolate kind of thing.

Mr. SAVAGE. The question is not whether the gentleman believes in a strong defense, as do most of us, I am sure. The question is does the gentleman believe in $3.5 billion more in a $200 billion defense bill than the gentleman does for $3.5 billion for jobs. Not whether the gentleman wants jobs instead of defense. The question is whether would the gentleman believe in $3.5 billion more in defense as opposed to $3.5 billion for jobs. That was the question of priorities that he raised.

Mr. WALKER. Well, to some extent I suppose that that would depend upon what we are spending the $3.5 billion for. There are some programs in defense that I would not spend that for.

I would ask the gentleman, does he think $63 billion would be enough to run an adequate defense for this country?

The CHAIRMAN. The time of the gentleman from Pennsylvania (Mr. WALKER) has again expired.

(At the request of Mr. SAVAGE and by unanimous consent, Mr. WALKER was allowed to proceed for 2 additional minutes.)

Mr. SAVAGE. The question is not whether the $63 billion is sufficient. We are talking about the $3.5 billion, not the $167 billion difference. What priority does the gentleman give to jobs?

Mr. WALKER. The question I posed to the gentleman is: If the logic of the majority leader holds up, that we can eliminate deficits simply by taxing the rich and taking it out of defense, the two places that he said that we could do it, then that involves confiscatory taxation of every dime of income beyond $75,000, plus a $167 billion cut in defense. That leaves us with a defense budget of $63 billion. Can the gentleman tell me that $63 billion is enough money to run the defense establishment of this country?

Mr. SAVAGE. The question that I am trying to put to my colleague in the well is simple. That is, with regard to the $3.5 billion which is involved in the discussion here, if the gentleman is so concerned about the effect on the deficit of that $3.5 billion, what was raised here is: Why did the gentleman vote more than that in addition to the defense budget this year?

□ 1500

Mr. WALKER. The gentleman may remember that I have come to the floor on numerous occasions—and I do not believe the gentleman has ever supported me—to insist upon us obeying the balanced budget law that we passed some years ago in this Congress, and I do not believe I ever remember the gentleman agreeing with me on the fact that we ought to obey the law of the land which requires balanced budgets.

Mr. SAVAGE. Is not the gentleman missing the question?

The CHAIRMAN. The time of the gentleman from Pennsylvania (Mr. WALKER) has again expired.

(On request of Mr. MAVROULES and by unanimous consent, Mr. WALKER was allowed to proceed for 2 additional minutes.)

Mr. MAVROULES. Mr. Chairman, will the gentleman yield?

Mr. WALKER. I yield to the gentleman from Massachusetts.

Mr. MAVROULES. I thank the gentleman for yielding.

Mr. Chairman, let us see if we can bring this back to perspective here.

In Jimmy Carter's last year in office, I believe, when he left and they calculated all of the spending and the revenues, I think the deficit at that time was about $57 billion dollars. In the course of 3 years we are up to somewhere around $200 billion, give or take a few billion dollars.

I am on the Armed Services Committee, and I have voted for an awful lot of these authorizations. But I think when we talk about priorities it is very important that we take into consideration some of the arguments for defense, some of the arguments against overruns and some of the arguments for the defense bill. I think deep down, and hopefully, we want a jobs program which is effective. Yet when we came forth with a defense authorization bill on the floor of the House, I did not hear any Member get up on that side, or on this side, for that matter—let us be entirely fair—who talked about the cost overruns when we talked about a little screw or a piece of metal that cost about 40 cents and where they begin charging about $110 for. There and there alone we could probably pick up $2 billion or $3 billion or $4 billion.

So what we are saying is, there is some waste in some of those defense programs.

Mr. WALKER. Let me regain my time. I do not doubt that for 1 minute, and I think it is extremely important that we deal with the waste. I think one reason why some Members on our side of the aisle would not mention that is because it was the audits done by the Reagan administration that turned up a lot of that waste that we have heard about recently, and that is one of the reasons why we now are proceeding to do something about those wasteful expenditures. And we should do it. But I do not think the gentleman is suggesting that there is $167 billion worth of waste in the defense budget.

Mr. MAVROULES. No. I am not suggesting that. As a matter of fact, I stated before that I voted for a lot of these programs, so, therefore, I am supportive. But the point is you are talking about $3.5 billion here, we can put some people to work. People are really down and out, as our colleague, the gentleman from Maryland, stated just the other day. Yet I do not see anyone getting up here asking that we cut from the defense budget at least $5 billion; $5 billion as a figure, without itemizing that figure, would take care of some of the waste. Not once has that been suggested.

Mr. WALKER. If the gentleman will allow me to reclaim my time, if I recall correctly, some of the committees of this Congress did make some rather dramatic cuts in some of the recommendations of the administration in terms of defense spending. In the committees we acted very responsibly in that regard. I think some of our votes were an endorsement of some of those cuts made by the committees of jurisdiction. I think that that is a responsible course of action in this particular body.

The CHAIRMAN. The time of the gentleman from Pennsylvania (Mr. WALKER) has again expired.

(On request of Ms. FIEDLER and by unanimous consent, Mr. WALKER was allowed to proceed for 2 additional minutes.)

Ms. FIEDLER. Mr. Chairman, will the gentleman yield?

Mr. WALKER. I yield to the gentlewoman from California.

Ms. FIEDLER. Mr. Chairman, I think that one of the points that has been missed here is that we are talking about taking money out of the defense budget in order to put it into an employment program.

The defense budget provides a tremendous amount of employment in this country. The question is not so much whether you can take it out of the defense budget in order to provide employment through this program as opposed to the defense budget. The question that we have to answer in this Congress is: Is this particular proposal one which we feel merits our support based upon the expenditure and based upon the available resources? I think that is something that each Member is going to answer in a very different way.

One of the things that consistently irritates the devil out of me is the fact that people keep talking about taking money out of the defense budget as though it is sitting in a pot someplace simply brewing diamonds or gold. Instead, in fact, it is providing a whole host of jobs for Americans all across the country, all the way from our armed services to people who are working in Lockheed or Rockwell or Rocketdyne or Litton Industries.

So let us not confuse the fact that when we invest in defense we are actually turning that money from our Federal Government back into the hands of American workers all across this country. We are not simply throwing it out the door into some stream of garbage. It is becoming a part of the basic economic resources of a number of districts, including the majority leader's district, when he consistently comes to this floor and asks for special defense spending for his own district, and then, on the other hand, says, "Well, we should not be spending so much on defense."

It is OK on one side, but it is not OK someplace else.

The real issue is: Is this bill worthy of support? Is it important enough for us the spend additional dollars, adding to the deficit, if in fact that is what we are going to do? And I think that is the question that has to be asked, not whether or not it ought to come out of somebody's pocket who happens to be working on the development of the B-1 bomber.

Mr. WALKER. I thank the gentlewoman for her comments. It seems to me that it is important to get back to the point that I made originally, and that is that if you are to implement the programs suggested by the majority leader to eliminate deficits in this country, you would have to tax away every dime of income beyond $75,000 and take $167 billion out of the defense budget, neither of which we are going to do.

The CHAIRMAN. The time of the gentleman from Pennsylvania (Mr. WALKER) has again expired.

(On request of Mr. GRAY and by unanimous consent, Mr. WALKER was allowed to proceed for 4 additional minutes.)

Mr. GRAY. Mr. Chairman, will the gentleman yield?

Mr. WALKER. I yield to my colleague, the gentleman from Pennsylvania, who has been so articulate on the subject on the floor.

Mr. GRAY. I want to thank my colleague from Pennsylvania for yielding.

Mr. Chairman, I continue to be disturbed by our debate. I do not think that the gentleman from California who spoke earlier was suggesting that we take money from defense to fund this bill. I do not think the majority leader was making that suggestion.

What I hear us doing again is discussing defense policy, budgetary policy. We have had an opportunity to do that. And to a bipartisan vote, after much debate, we passed a budget. And many of us voted for that budget and helped to form that budget. I was one of them. That budget called for a 5-percent real growth in defense.

Now, to many Members on my side of the aisle, that seemed a little too much. On the other hand, there were Members in this body who said it was too little. But after debate here and in the conference, we came up with that.

But the point I think that we ought to be discussing is not whether or not we should take money from defense. That is not the issue. Because if you want to talk about the budget, this bill that we are discussing was a part of that budget. It was there in an area called the reserve fund, the exact amount of money. And the author of the bill has already offered an amendment, which we have approved 417 to zero, reducing the original amount down to the budget level.

The real issue that we have got to discuss is not defense policy, not budgetary policy. The question is whether or not the Members of this House feel that this is an adequate vehicle to address a significant problem that even by the White House experts is predicted to last for at least until 1986 under the most optimistic economic recovery terms. And on top of that, the gentleman from California, the author of this bill, has put a trigger into the bill so that if, let us say, in the next 6 months the economy picks up, what would happen is that the money would not be spent.

So I would simply ask my colleague from Pennsylvania: First, does he believe that there is a need to address the long-term unemployment? Or are we to ask them to wait 3 years until the projected full recovery takes place? And, second, does the gentleman believe that we ought to reduce social spending in areas like food stamps, welfare—and this vehicle will reduce those expenditures by $1.8 billion—so the real cost to the American taxpayer for this bill is not $3.5 billion but it is $1.7 billion with the net savings.

And that is my question. Not the budgetary policy, not defense. I am for a strong defense.

Mr. WALKER. I thank the gentleman for his comments, and he presents some very sincere arguments on the floor. I would say to the gentleman that I also think we should address the problem of long-term joblessness. I think we ought to get about the job immediately. I might not agree that the way to do it is by increasing deficits. I think increasing deficits in order to bring about more jobs tends to raise interest rates and tends to eliminate productive jobs.

There was a study done of the CETA program of a couple of years ago, which indicated that while the CETA program in a particular month had resulted in 425,000 jobs, indeed the private sector of the economy during that same month had created 440,000 jobs and would been able to create even more had we not had the interest rate policy, and so on, which that kind of spending had generated.

So while I certainly agree that people working do move off some of those welfare-related rolls, the fact is that the net macroeconomic impact on the economy of that Government spending is the same.

The CHAIRMAN. The time of the gentleman from Pennsylvania (Mr. WALKER), has again expired.

(By unanimous consent, Mr. WALKER was allowed to proceed for 1 additional minute.)

Mr. WALKER. What we need to do is to begin to move toward policies to address joblessness that speak to some of the real problems that we have created as a government.

I have raised on a number of occasions on the House floor instances where I believe that Government is contributing to unemployment through the laws and regulations that we have developed here. I think the appropriate way to address this issue is to put the 2 million people to work that Government is preventing from working today as a result of the laws and regulations of this Government.

□ 1510

That would be a far better way. It would involve no expenditure of Government money. As a matter of fact, it would involve Government backing out of some of the things that we do to distort the labor markets at the present time. I think that would be a far better way to address the joblessness that affects particularly the people at the low end of the income categories in this country than the kinds of programs that are being addressed here.

But I do hope to try to improve this program. As I have mentioned before on the floor, I intend to offer some amendments that would provide that this program at least go 100 percent to people who are unemployed and move in that particular direction.

Mr. HARRISON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I think my distinguished colleague from Pennsylvania, the author of this amendment, and I started something here about an hour and a half ago. I asked the gentleman, after he presented an articulate and vehement defense of his amendment, if he proposed to attach it to the defense authorization bill as well. We still have not heard an answer to that question, and I do not think any of us should hold our breath until we do.

I want to assure the gentleman that if he does attempt to attach such an amendment to the defense authorization bill, I will not vote for it, because we need a national defense and we need a defense authorization bill, and the net results of putting this amendment on that bill would be the same result as putting this amendment on this bill. It would kill it.

I must say that I was a little surprised to hear the defense authorization bill described by some of my colleagues as a jobs program. I think if we are going to spend Federal money to employ people, I would rather see them repair bridges and dams than build missiles.

But in any event, the fact is that we need jobs, and we need defense, and we should not attach crippling amendments to either one. So let us talk for a minute about the merits of this bill.

If I understand what we have heard here today, it is that there are three arguments against this bill. The first is that the jobs that would be created by it are not meaningful, and the citation has been to the CETA program. Well, let me share with my colleagues some of the things that CETA workers have done in the 11th Congressional District of Pennsylvania.

They have found asbestos in the ceilings of schools so it can be removed and health hazards can be eliminated. They have weatherized the homes of the elderly so that heating bills can be reduced and older people can afford to stay longer in the homes in which they were raised. They have manned a police communications center so that the police in 75 divergent municipalities can communicate with each other better. They have cleaned cemeteries. They have rebuilt schools.

That is the kind of meaningful work that can be done. But then the second argument against this bill is, "Well, sometimes it has been inefficiently administered." We can all find horror stories of places where patronage has seeped in, where substitution has taken place, where only a small percentage of the money has actually gotten down to the jobless.

If that is an argument, that we should not have a jobs program because sometimes it has been inefficiently administered in the past, what, then, do we say about the 4-cent diode that cost $112 to the Pentagon? Do we say we should not have a defense program because the Pentagon has sometimes been inefficiently administered in the past? Of course, we do not.

I do not understand why some past inefficiency in a program should be a cause for not having the program when it means jobs, but should be overlooked when it means guns.

We have talked a little bit about the MX, and I might point out that the U.S. Air Force says the survivability rate of the MX after a first strike would be 1 percent. That strikes me as pretty inefficient.

Then there is a third argument against the bill. We are told we cannot have this program because it costs too much. I cannot do any more than reiterate the comments of my distinguished colleague, the gentleman from Pennsylvania (Mr. GRAY). The fact is, the amount authorized is within the budget resolution.

So that brings me to the conclusion of these remarks, Mr. Chairman. I think it all comes down to this:

There is meaningful work that needs to be done in this country. It has been documented repeatedly. There are unemployed people in this country who want to work. They are sitting home now drawing welfare. They are sitting home now drawing unemployment compensation. They are sitting home now drawing food stamps. They are sitting home drawing Government benefits for doing nothing.

All we are saying is: For the love of God, if they are going to draw Government benefits, and they are going to have to, we are not going to let them starve, is it not better to put them to work doing something than to leave them at home doing nothing?

If that is what this debate is all about, and I think it is, that doing something is better than doing nothing, let us get on with it. Defeat this amendment and pass the bill.

Mr. RITTER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would like to address, although it seems like ancient history at this time, the comments of the distinguished majority leader when he talked about deficits being caused by three factors: unemployment, defense, and tax cuts for the rich.

No real attention was paid by the majority leader to overall Federal spending as a cause of deficits. No, it is unemployment, it is defense, and tax cuts for the rich. It is interesting that during the surge in Federal spending of the 1970's, we saw the sawtooth of the business cycle characterized by an upward spike in the sawtooth of inflation, and then a downward spike in unemployment, and each time we went through the cycle we had a higher rate of inflation and a deeper rate of unemployment, and all the while we were increasing by hundreds of percent those programs like this one today, advocated largely by Members on the Democratic side of the aisle.

Let us face some simple facts. During that same time, the defense budget grew by 70 percent while the Consumer Price Index grew by 100. In other words, while we saw Federal spending on programs like this surge, defense was, in real dollar terms, on the decline, and inflation and unemployment got higher and deeper.

That is where deficits are coming from. Talk about inflicting unemployment, somebody used the term "inflicting" unemployment on the people. I think it was the distinguished chairman of the subcommittee and the author of the bill. Given the history of the 1970's, one could make an excel-

lent argument that the poor economic performance of this Nation, the resulting high inflation, high unemployment and large deficits were inflicted by the Federal Government, but that was not at all alluded to when discussing inflicting unemployment.

I would just like to go back to the majority leader's statement that "tax cuts for the rich" are responsible for the deficit. It sounds like November 1984 is it us today in this Chamber. I am wondering if my colleagues know that the top 3 percent of the income taxpayers in the United States of American pay 31 percent of the taxes; that the bottom 50 percent of the taxpayers, those earning $12,000 or less, are paying 6 percent of the income taxes, and that as the results filter in from this tax-gathering year, we are watching evidence to show that that top 3 percent, those earning $50,000 and above, may well pay more than 31 percent. That means that under the tax cuts the rich may actually be paying more, not less, and thus maybe contributing to the narrowing not the widening of the deficit.

□ 1520

So it may just be that a few of these individuals have taken their funds out of tax shelters and put them into some kind of more productive investment. I think everybody here is familiar with the growth industry of tax shelters as we adopt a soak-the-rich philosophy.

Mr. SAVAGE. Mr. Chairman, will the gentleman yield?

Mr. RITTER. I will yield to the gentleman in a moment.

So what caused the deficit? According to the majority leader, unemployment, the defense budget, and tax cuts for the rich.

Well, we are seeing the results of the Economic Recovery Tax Act which may actually increase the proportion of taxes paid by upper income Americans. Second, we have seen that the defense budget lagged well behind domestic spending during the decade prior to the last several years, and, therefore, the defense budget is certainly not the cause. Defense expenditure as a percentage of the Federal budget were far higher in 1970 than they are today about 40-plus percent as compared with about 25 percent.

That leaves unemployment. Certainly for every percent of unemployment, between $25 billion and $30 billion is spent due to triggered programs paying out benefits, and programs which we extend here in the Congress.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

(By unanimous consent, Mr. RITTER was allowed to proceed for 1 additional minute.)

Mr. RITTER. Mr. Chairman, I would ask my colleagues whether they understand, too, that since the first of the year, the private sector has created 2.5 million new jobs, that economic recovery is a far better vehicle to create jobs that have some kind of future, and that the more this body, not just with this program, engages in welfare state policies, the more unemployed we have, the more poor we have, and the more on welfare we have. That is the legacy of the 1970's.

Mr. SAVAGE. Mr. Chairman, will the gentleman yield?

Mr. RITTER. I yield to the gentleman from Illinois.

Mr. SAVAGE. Mr. Chairman, I could not quite follow the gentleman. He was talking about what causes the deficits, and, of course, here we are supposed to be discussing a jobs bill. Unless the gentleman is suggesting——

Mr. RITTER. Mr. Chairman, if I may reclaim my time for just a moment, I was responding to the three causes of the deficit outlined by the majority leader.

The CHAIRMAN. The time of the gentleman from Pennsylvania (Mr. RITTER) has again expired.

(On request of Mr. SAVAGE, and by unanimous consent, Mr. RITTER was allowed to proceed for 2 additional minutes.)

Mr. SAVAGE. Mr. Chairman, will the gentleman yield?

Mr. RITTER. I yield to the gentleman from Illinois.

Mr. SAVAGE. Mr. Chairman, what I was trying to put across is that the gentleman is not arguing—and I did not assume that he is—that the jobs bill causes the deficit, I am sure, and, if not, I do not understand the germaneness of the point he is making with regard to what causes the deficit.

Would the gentleman not have to agree—getting away from the word, "cause," and substituting the word, "contribute"—that if we have a deficit, any dollar spent would contribute to that deficit because those dollars are all the same?

But the problem that is being raised here with the argument is not that we are concerned about the defense issue today, but that when we voted in this House to increase the defense budget this year by a greater amount than this $3.5 billion, many of those who are arguing against this $3.5 billion for jobs did not argue against that increase in the defense budget which was over twice as much.

We point out also that they did not argue when taxes were cut, which has the same effect as an expenditure.

Mr. RITTER. Mr. Chairman, if I might reclaim my time, what I have tried to point out is that the specious argument that "tax cuts for the rich" have created the deficit is proving, as returns come in, to be wrong. What I also tried to point out is that we cannot look at the U.S. defense budget without looking at the history of the last 12 or 13 years, we cannot look at the overall Federal domestic budget without looking at the history of the last 12 or 13 years, and the momentum pushing Federal expenditures higher over that time, including these automatic triggering programs and entitlements. The bulk of momentum in Federal spending has not come from defense.

Mr. SAVAGE. Mr. Chairman, let me propound the question I am trying to ask, if the gentleman will yield.

Mr. RITTER. I yield to the gentleman from Illinois.

Mr. SAVAGE. Mr. Chairman, does the gentleman argue that the $3.5 billion to give the unemployed some jobs increases the deficit more than the almost three times that amount that we voted to increase the defense budget this year?

Mr. RITTER. In strict dollar values, obviously not.

Mr. SAVAGE. Then in that case, why did the gentleman vote for that increase, and why does he now oppose this one?

Mr. RITTER. If I might reclaim my time——

Mr. SAVAGE. Why did the gentleman vote for that when he opposes a mere $3.5 billion for jobs?

The CHAIRMAN. The Chair recognizes the gentleman from Pennsylvania (Mr. RITTER) who controls the time.

Mr. RITTER. Mr. Chairman, what we do here today is incremental to what we have been doing in this House going back 15 years or so.

The CHAIRMAN. The time of the gentleman from Pennsylvania (Mr. RITTER) has once again expired.

(By unanimous consent, Mr. RITTER was allowed to proceed for an additional 30 seconds.)

Mr. RITTER. Mr. Chairman, what we do here today has something to do with the past, and the fact is that over that period of time, defense was not growing at nearly the rate as a whole host of new domestic programs such as this one. There is where the deficit is coming from.

The CHAIRMAN. The time of the gentleman from Pennsylvania (Mr. RITTER) has expired.

For what purpose does the gentleman from California (Mr. HAWKINS) rise?

Mr. HAWKINS. I rise, Mr. Chairman, to seek some limitation of time if we may have some indication of how many Members seek to be recognized.

Mr. Chairman, I ask unanimous consent that all debate on the pending amendment and all amendments thereto cease at 3:35.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

Mr. LUNGREN. Mr. Chairman, reserving the right to object, some of us have been waiting 2 days to comment

on this bill. It is not our fault that those who have commented on it during general debate and on every amendment offered have taken a great deal of time on this amendment. So I will object if we are going to have a limitation of debate when some of us have just come over to engage in the proceedings at this time.

Mr. HAWKINS. Mr. Chairman, I see only about five Members standing, and I assumed that that would be sufficient. I will extend the time, then.

Mr. Chairman, I ask unanimous consent that all debate on the pending amendment and all amendments thereto cease at 3:45.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

Mr. PARRIS. Mr. Chairman, reserving the right to object, do I understand that there are apparently four Members or perhaps five Members who desire to utilize the time, whatever the agreement may in fact be?

The CHAIRMAN. The Chair observes five Members or possibly six Members seeking recognition at this time.

Mr. PARRIS. Further reserving the right to object, Mr. Chairman, would the gentleman consider the possibility of extending the time to 4 o'clock or perhaps 5 minutes of 4?

Mr. HAWKINS. Mr. Chairman, that would include those who are not even present. We have debated this for at least 2 hours. At this rate, we will not end it today. I am sure there will be other opportunities.

Would 3:50 be acceptable?

Mr. Chairman, I make that as a unanimous-consent request.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

Mr. PARRIS. I do not object, Mr. Chairman.

The CHAIRMAN. Hearing no objection, it is so ordered.

Members standing at the time the unanimous-consent request was agreed to will be recognized for 3½ minutes each.

(By unanimous consent, Mr. CHENEY yielded his time to Mr. LUNGREN.)

The CHAIRMAN. The Chair recognizes the gentleman from California (Mr. LUNGREN).

Mr. LUNGREN. Mr. Chairman, let me just make a brief comment on the question of defense that has been raised by the majority leader and others.

I would not argue for a moment that we ought to vote for defense programs merely because they create jobs. There are those analyses that show that we can do it in a more direct fashion, if we buy the argument that through public service jobs we can create real jobs, than we can through defense expenditures. Nonetheless, we ought not forget that there is a jobs component involved in defense spending.

That, I think, was the point made by my colleague, the gentlewoman from California (Ms. FIEDLER), a few moments ago. Too often we say, when we are dealing with one subject or another, that all we have to do is take money from the defense pocket, put it in another pocket, and thereby create jobs.

□ 1530

In my district and around my district, I have at least two rather large shipbuilding concerns, one public, one private. I do not believe there is any employer in my area that has a better record for minority employment than those two institutions. In fact, they have lost work over the last couple years and those people have lost jobs, primarily minority individuals being laid off because of lack of work in shipbuilding and ship repair. This has occurred because this Congress has, in its wisdom, cut back on the ambitious shipbuilding and ship repair program upon which the administration embarked. We, as an institution, made that decision. Nonetheless, that has caused a diminution of jobs in my district, most directly affecting those who are minorities.

So we can look at it from all different perspectives with respect to job creation in the defense side. We ought to make decisions on defense based on what is the adequate measure of defense necessary to achieve the aims and goals of this country. Our question should be: How do we assure our national security?

I, for one, will stand on this floor and say that I am willing to vote for deficit spending if that is necessary for an adequate defense of this country. I think most Members would as well.

Then we get back to the major question I thought we were dealing with here, which is the question of jobs and the question of this particular amendment and how increasing the deficit will affect jobs.

I am not going to stand here and say that the picture economically in this country is exactly rosy. But I will bring forth some facts that suggest things have improved and improved rather dramatically over the last 6 to 8 months.

In fact, we now have approximately 6 million, actually 5.9 million, Americans working today who were not working in January of this year. That is the fastest increase in jobs that we have seen over such a period of time at any time juncture since World War II.

We have had the fastest drop in unemployment of any recovery in the postwar period. Does that mean that we still do not have unemployment? No; but it suggests that we are moving in the right direction in many areas.

My question would be this. If we are moving in the right direction, if we have had this tremendous increase in jobs, ought we not to look at the circumstances which created that increase in jobs and try not to interfere with that same trend?

In other words, what are the things that have been done in the Congress? What are the things that have been done by Government which affect the job scene, which affect the economic conditions in this country? How have they affected these conditions over the last 6 months or over the last year and ought we to change such actions at this time?

I would suggest those jobs have been created in the private sector because there has been renewed economic activity in the private sector, largely brought about by taxing policies. Finally many people in the business community have been given some security about what the taxing policies are going to be over some period of time so that they can make some long-term decisions and those decisions then have an impact directly on jobs that are created and the maintenance of people on certain jobs that otherwise would be lost.

Second, we have had some regulatory reform. We have also had in this administration a turning back of the exorbitant type of spending increases we had in the past. Yes, we have higher deficits, but it is not because this administration has attempted not to cut spending growth. It is because this administration has been limited by this Congress in the manner in which it can cut and the extent to which it can cut.

If there is any cloud on the horizon of recovery that most economists are talking about today, it is the continuation of deficits. Those deficits, real or imagined, are creating some fear among many people in our economy such that it is impacting on interest rates. These interest rate increases can cause a stoppage or a slowing of our economic recovery and therefore stop the creation of jobs that are necessary.

So it seems to me that it is vitally important that we do something about the deficits.

If the deficit is as large as it already is, does it make sense to continue to have new program after new program or add additional amounts of money to already existing programs that add to the deficit?

I would suggest that by passage of this bill you probably cut out more jobs. You probably dampen the hopes of more American citizens to get a job and be able to get a long lasting job by creating programs such as this. Obviously we are proceeding with this bill with all good intentions. I do not mean to disparage anybody's intentions here, but the record has been that

public service job creation does not benefit in the long run the overall unemployment problem. It generally has people transferred from where they would be in the private sector to public sector employment, or it takes public sector employment that already would exist and has it paid out of the Federal pocket instead of the local and the State pockets.

It may make us feel good. We may be able to go home to our constituents and say, "Give us credit for creating jobs," but in point of fact this program, nor any program conceived in this Congress is incapable of giving us 6 million new jobs in an 8-month period. It may be unfortunate that we cannot go home and take direct credit for the creation of those jobs over the last 8 months; but the fact of the matter is those are 5.9 million people working.

I wonder how much it would cost for us to create 6 million public service jobs in 8 months? Nobody, not even the advocates of this bill, would support a public service program of that size because of its cost. Yet it seems to me we are going in the opposite direction with this bill. Therefore, we ought to support the gentleman's amendment.

The CHAIRMAN. The Chair recognizes the gentleman from Virginia (Mr. PARRIS).

Mr. PARRIS. Mr. Chairman, I regret, frankly, that we do not have additional or adequate time to debate what I think is a very important issue here and, frankly, intellectual fairness is not being served by allowing partisan passion to inflate and to obfuscate this or any other issue before the Congress.

We have in this Chamber an obligation to deal with the facts. We heard the majority leader earlier in this debate fire the first shot in what can only realistically be called a political exercise when he characterized the 1981 Tax Reduction Act as an exercise resulting in a tax cut for the rich.

That statement was a purely political exercise but the real issue that ought to be addressed is do the critics of the administration and this side of the aisle recommend that uncontrolled expenditures without cuts and with raging inflation which is surely caused by the lack of those cuts, is that the answer to our deficit dilemma?

There is an old Tammany Hall saying, Mr. Chairman, that goes, "The fellow who said 'patriotism is the last refuge of scoundrels' overlooked the possibilities of compassion." There is not a person in this room who is not compassionate for the unemployed. One involuntarily unemployed American is one too many. We are all attempting to reduce unemployment.

Where we disagree is just how to do it and in what way. This side of the aisle has been accused of cutting benefits to the poor.

What does "cutting" mean? For the Democrats the classic way of cutting benefits has been to give with the one hand with appropriations, while taking away with the other hand through inflation. For us "cutting" means a reduction in the growth of some Federal expenditures and programs is some reasonable way and in some reasonable amounts.

Now, let us talk very briefly in the time that remains about some facts rather then pure political rhetoric. In 1980, unemployment benefit outlays were $18 billion. Estimated 1983 outlays for unemployment benefits is $36.8 billion, an increase of almost exactly double the amount in 1980.

Food stamps programs, we heard that discussed here this afternoon. In 1980, the outlay was $9,117 million. This year it will be $12,045 million, an increase of almost $3 billion.

In constant, uninflated dollars, and adjusted for population increases Government expenditures have increased seven times for direct cash-income assistance transfers from 1950 to 1970. From 1970 to 1980, we spent twice as much money for those kinds of social programs at the end of that period as we did at the beginning of it.

□ 1540

The record of tax payments to the IRS is not well-known. Here are the tables for 1980:

PERSONAL INCOME TAXES PAID, 1980

[Money amounts in billions]

IRS income groups	Number of returns	Gross adjusted income	Total taxes	Percent of all taxes paid
$0 to $5,000	20,055,529	$49.7	$0.7	0.3
$5,000 to $10,000	18,370,997	136.6	7.8	3.1
$10,000 to $15,000	14,303,041	177.1	17.1	6.8
$15,000 to $50,000	38,043,711	992.7	146.2	58.4
$50,000 to $100,000	2,568,427	165.9	39.8	15.9
$100,000 to $200,000	443,514	58.6	19.4	7.6
$200,000 and over	117,250	45.8	19.5	7.8
Total	93,902,469	1,613.7	250.3	100

As the figures suggest, those Americans who earned more than $50,000 in 1980—the top 3 percent—remitted 31 percent of all income taxes paid, or $79 billion of the total $250 billion collected by the IRS from individual income taxes. In 1980, the bottom 50 percent, or those who made $12,000 or less, paid $14 billion in income tax, or only 6 percent of all taxes paid. Thus, the top 3 percent paid five times more in taxes than the bottom 50 percent combined.

For the top 3 percent to carry the bottom 50 percent seems highly admirable. What one cannot say is that those in the top layer "benefit" unduly from a cut in tax rates that is of the exact proportion granted to every other taxpayer. For by saying this one would simply be calling attention to the far greater proportion of taxes such persons are now paying. The Reagan tax cuts of 1981 were, by design, one and the same for all, at every income level. In fact, as the independent Congressional Budget Office has noted, under the Reagan program "the largest tax cut in dollar terms" has gone not to the very rich but to the "$10,000 to $40,000 middle-income group, which as a group also has the most households and the most income." The CBO adds: "The highest category—of income earners—receives a slightly lower cut relative to previous tax liability." This is because for such persons the topmost 50 percent marginal rate on earned income remains in effect.

So that high-income persons have not benefited disproportionately from the cut in tax rates, but the gross amounts they are paying are, if anything, greater than before the cuts went into effect. To suggest otherwise is simply incorrect.

The CHAIRMAN. The Chair recognizes the gentleman from New York (Mr. OWENS).

Mr. OWENS. Let me say from the outset that the bottom 50 percent of the taxpayers whom I represent would be happy to pay more taxes. They are begging for jobs which would enable them to pay more taxes. If only the top 5 percent of the taxpayers were not so greedy, perhaps we could provide jobs for those who are needy and would like to pay more taxes.

I also would like to say that when Marie Antoinette was approached about the plight of the poor she said, "They have no bread, let them eat cake." What I hear with this amendment today is that the poor have no jobs, let us play games with them.

There are honorable ways to kill a bill; honorable ways to vote down this bill. This bill could be defeated in the usual way. But here we are choosing instead to play games and to make a joke of it with an amendment which nobody here in this House is so naive as to believe that if this amendment is adopted in this case on this bill today it would ever be applied to any other bill. It would not set a precedent which would ever be applied to any other bill. It is an idea that has some merit. But it is being offered at a time when it is just making the bill that it is being applied to a joke. It should have been offered at the time we considered the budget. That is the only time such an amendment would have merit. Here it is designed to kill the bill and designed to ridicule it at the same time.

The unemployed I represent in my district would not like to be told that when we finally got a jobs bill on the floor of the Congress there were large numbers of men and women who thought it was funny. They would not

like to be told that it was ridiculed. I see people day in and day out who want jobs. I try to get them jobs in various ways. Out of every 10, if I get one job for a person I consider it a successful day. There are no jobs out there.

The same people who say they will not provide $3.5 billion for a mere 500,000 jobs are also the people who complain about the fact they do not want to provide any more social programs, any more welfare. They do not want to take care of people in any way. What would they propose? What do you propose people do who do not have jobs and you will not take care of them in any other way. Is somebody proposing any secret, unspoken final solution?

I think it is very important for us to realize that $3.5 million would provide 500,000 jobs, if applied in this way. If you applied it to the defense budget, I think the cost of an aircraft carrier would cost about exactly the same amount of money, $3.5 billion. Under construction right now, at the Newport News Shipyard—I was taken there on a tour by some gentlemen from the Navy so I would know—they have three aircraft carriers contracted at the Newport News Shipyard. They took me there to show me a large number of jobs are provided in the building of ships. And certainly aircraft carriers are the very largest ships. Yes, they provide large numbers of jobs. But if you add up all of the jobs supplied in that shipyard plus all of the jobs supplied by all of the suppliers of that shipyard, you would not get 10,000 jobs. Yet with the same $3.5 billion that builds one aircraft carrier we are going to create 500,000 jobs.

I might also add that same shipyard has under contract two or three aircraft carriers. We had a novel procedure instituted. They at one time are being contracted to build more than one aircraft carrier. If we cut back on one of those, we could fund this bill.

We do not need aircraft carriers to defend America. It has nothing to do with defending ourselves against a nuclear holocaust.

This amendment should be defeated. This ridicule of the plight of the unemployed should cease.

The CHAIRMAN. The Chair recognizes the gentleman from Texas (Mr. STENHOLM).

Mr. STENHOLM. Mr. Chairman, the gentleman from Pennsylvania (Mr. GRAY) made an eloquent speech in defense of and made a tremendous amount of sense on behalf of this bill.

Under normal circumstances, I guess my heart right now is telling me to support this bill, but my head is telling me no. And here is why.

Mr. MILLER, talking about his pay-as-you-go amendment that he presented 2 years ago, I supported it. We lost. I support it today because I think sooner or later we are going to have to start paying our bills. And I cannot make an exception which Mr. MILLER can today on this bill.

We talked about the budget today. I did not support the budget because it spent too much. And I have to ask those who did support it in a bipartisan way why do we not have a reconciliation bill and a tax bill to pay for that spending which you are here arguing for today. Where are those votes to raise the taxes to pay for this bill of the majority that passed the budget?

The statement has been made that we had no choice on the budget this year. Some of us presented a choice to the Rules Committee. We said there were different ways to get to where we are today budgetwise. We did not get a rule. We were denied the right to debate it during the budget on this floor.

We talk about jobs. And again, in all sincerity, my heart is saying vote yes, but I am not, because I am concerned about spending.

Where are those votes on my side of the aisle that can provide up to 100,000 jobs by reforming Davis-Bacon? Where is the support for doing that which all of us privately say we can do by reforming a law that is 52 years old that everyone agrees needs to be reformed. Where are those votes on either side of the aisle?

I am told we are not even going to get a hearing. I do not believe that. I believe we are going to get a hearing. We can provide 100,000 more jobs at no cost to the Treasury by reforming Davis-Bacon. And that is why Mr. MILLER, GEORGE MILLER of California, in his pay-as-you-go concept, makes an eminent amount of good sense. And I hope we are going to see conservatives and liberals on my side joining together with more than two Republicans in putting our money where our mouth is and saying it is time to make hard choices on spending.

Now, those that argue now is not the time, it seems that we never get around to having the right time to make those necessary decisions on priorities. But we are going to sooner or later start making those hard decisions in the real world.

This debate has been excellent. I think it is time for all of us to put our money where our mouth is with regard to budget, deficits, and getting this country and employment moving again. We have an opportunity and working together I think we can do it.

The CHAIRMAN. The Chair recognizes the gentleman from California (Mr. HAWKINS).

Mr. HAWKINS. Mr. Chairman, I will not take but a minute or two. I think that the issue before us is not deficits. All of us desire to reduce the deficit. We differ somewhat on how it should be done. There has been no evidence produced that employment is a cause of the deficit and that unemployment will reduce it. And so, I think it is pretty obvious that those talking about reducing the deficit have not even attacked the real causes of the deficit before us. This issue should not be used as a means of defeating an employment and training bill.

The issue is not defense. Most of us in this House I am sure would vote for adequate defense, and have done so. No one has suggested that the money for this bill should be taken away from defense. I think that is a false issue. It should be seen in a clear light. And there are those who support more than the current defense, but even a stronger one, and would be willing to vote the taxes for it.

I think that issue is not involved in this bill. But I think what is involved in this amendment is whether or not we favor jobs or not. And we have got to provide jobs or welfare. We are not going to allow people to starve in America. We are not going to allow them to engage in the type of activities that unemployed people engage in. And so if we are not willing to vote for jobs, are we then willing to vote for welfare?

I think the issue before us in this amendment is whether or not we favor jobs or welfare, and if we do not favor one and reject the other, then what will happen to America? What are we going to do about those people waiting for recovery, who cannot wait, 1, 2, or 3 years until the economy recovers?

I think we need to think about what they are going to do—not only in terms of mental and physical problems, but what are they going to do in terms of their belief in us, their belief in democratic government, their belief in our private enterprise system? Are they going to become discouraged, alienated, and perhaps form an opinion that may be destructive of the very foundations of this Nation. I think this amendment really goes too far. I think that it should be rejected.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania (Mr. GEKAS).

The question was taken; and on a division (demanded by Mr. GEKAS) there were—ayes 17, noes 17.

RECORDED VOTE

Mr. GEKAS. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 166, noes 258, not voting 9, as follows:

[Roll No. 348]

AYES—166

Andrews (TX)	Bliley	Carney
Archer	Breaux	Carper
Badham	Britt	Chandler
Bartlett	Broomfield	Chappie
Bateman	Brown (CO)	Cheney
Bereuter	Broyhill	Clinger
Bethune	Burton (IN)	Coats
Bilirakis	Campbell	Coleman (MO)

Coleman (TX)	Kemp	Robinson
Conable	Kindness	Roemer
Corcoran	Kramer	Rogers
Coughlin	Lagomarsino	Roth
Craig	Latta	Rowland
Crane, Daniel	Lent	Rudd
Crane, Philip	Lewis (CA)	Sawyer
Daniel	Lewis (FL)	Schaefer
Dannemeyer	Livingston	Schulze
Daub	Loeffler	Sensenbrenner
DeWine	Lott	Sharp
Dickinson	Lowery (CA)	Shaw
Dreier	Lujan	Shelby
Duncan	Lungren	Shumway
Edwards (OK)	Mack	Shuster
Emerson	MacKay	Siljander
English	Madigan	Skeen
Erdreich	Marlenee	Smith (NE)
Erlenborn	Marriott	Smith, Denny
Fiedler	Martin (IL)	Smith, Robert
Fields	Martin (NC)	Snyder
Forsythe	McCain	Solomon
Franklin	McCandless	Spence
Gekas	McCollum	Stenholm
Gibbons	McEwen	Stump
Gingrich	McGrath	Sundquist
Glickman	Michel	Tauke
Goodling	Miller (CA)	Tauzin
Gradison	Miller (OH)	Taylor
Gramm	Molinari	Thomas (CA)
Gregg	Montgomery	Thomas (GA)
Hall, Ralph	Moore	Valentine
Hall, Sam	Moorhead	Vander Jagt
Hammerschmidt	Morrison (WA)	Vandergriff
Hansen (ID)	Myers	Vucanovich
Hansen (UT)	Nelson	Walker
Hartnett	Nielson	Weber
Hightower	Oxley	Whitehurst
Hiler	Packard	Whittaker
Hillis	Paul	Winn
Holt	Penny	Wolf
Hopkins	Porter	Wortley
Hubbard	Quillen	Wylie
Hunter	Ray	Young (AK)
Hyde	Regula	Young (FL)
Ireland	Reid	Zschau
Kasich	Ritter	
Kazen	Roberts	

NOES—258

Ackerman	Coyne	Gray
Addabbo	D'Amours	Green
Akaka	Davis	Guarini
Albosta	de la Garza	Gunderson
Alexander	Dellums	Hall (IN)
Anderson	Derrick	Hall (OH)
Andrews (NC)	Dicks	Hamilton
Annunzio	Dingell	Hance
Anthony	Dixon	Harkin
Applegate	Donnelly	Harrison
Aspin	Dorgan	Hatcher
AuCoin	Dowdy	Hawkins
Barnes	Downey	Hayes
Bates	Durbin	Hefner
Bedell	Dwyer	Hertel
Beilenson	Dymally	Horton
Bennett	Dyson	Howard
Berman	Early	Hoyer
Bevill	Eckart	Huckaby
Biaggi	Edgar	Hughes
Boehlert	Edwards (AL)	Hutto
Boggs	Edwards (CA)	Jacobs
Boland	Evans (IA)	Jeffords
Boner	Evans (IL)	Jenkins
Bonior	Fascell	Johnson
Bonker	Fazio	Jones (NC)
Borski	Feighan	Jones (OK)
Bosco	Fish	Jones (TN)
Boucher	Flippo	Kaptur
Boxer	Florio	Kastenmeier
Brooks	Foglietta	Kennelly
Brown (CA)	Foley	Kildee
Bryant	Ford (MI)	Kogovsek
Burton (CA)	Ford (TN)	Kolter
Byron	Fowler	Kostmayer
Carr	Frank	LaFalce
Chappell	Frost	Lantos
Clarke	Fuqua	Leach
Clay	Garcia	Leath
Coelho	Gaydos	Lehman (CA)
Collins	Gejdenson	Lehman (FL)
Conte	Gephardt	Leland
Conyers	Gilman	Levin
Cooper	Gonzalez	Levine
Courter	Gore	Levitas
Lipinski	Ottinger	Smith (NJ)
Lloyd	Owens	Snowe
Long (LA)	Panetta	Solarz
Long (MD)	Parris	Spratt
Lowry (WA)	Patman	St Germain
Luken	Patterson	Staggers
Lundine	Pease	Stangeland
Markey	Pepper	Stark
Martin (NY)	Perkins	Stokes
Martinez	Petri	Stratton
Matsui	Pickle	Studds
Mavroules	Price	Swift
Mazzoli	Pursell	Synar
McCloskey	Rahall	Tallon
McCurdy	Rangel	Torres
McDade	Ratchford	Torricelli
McHugh	Richardson	Towns
McKernan	Ridge	Traxler
McKinney	Rinaldo	Udall
McNulty	Rodino	Vento
Mica	Roe	Volkmer
Mikulski	Rose	Walgren
Mineta	Rostenkowski	Watkins
Minish	Roukema	Waxman
Mitchell	Roybal	Weaver
Moakley	Russo	Weiss
Mollohan	Sabo	Wheat
Moody	Savage	Whitley
Mrazek	Scheuer	Whitten
Murphy	Schneider	Williams (MT)
Murtha	Schroeder	Williams (OH)
Natcher	Schumer	Wilson
Neal	Seiberling	Wirth
Nichols	Shannon	Wise
Nowak	Sikorski	Wolpe
O'Brien	Simon	Wright
Oakar	Sisisky	Wyden
Oberstar	Skelton	Yates
Obey	Slattery	Yatron
Olin	Smith (FL)	Young (MO)
Ortiz	Smith (IA)	Zablocki

NOT VOTING—9

Barnard	Ferraro	Morrison (CT)
Crockett	Frenzel	Pashayan
Daschle	Heftel	Pritchard

□ 1600

The Clerk announced the following pairs:

On this vote:

Mr. Frenzel for, with Mr. Morrison of Connecticut against.

Messrs. YOUNG of Missouri, NICHOLS, LONG of Maryland, and MARTIN of New York changed their vote from "aye" to "no."

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN pro tempore (Mr. BEILENSON). Are there further amendments to title I? If not, the Clerk will designate title II.

The text of title II is as follows:

TITLE II—COMMUNITY RENEWAL EMPLOYMENT PROGRAMS

PART A—COMMUNITY IMPROVEMENT PROJECTS

EMPLOYMENT ACTIVITIES IN COMMUNITY IMPROVEMENT PROJECTS

SEC. 201. (a) Eligible participants shall be employed in community improvement projects under this title in one or more of the following activities:

(1) activities to repair, rehabilitate, or improve public facilities, including (A) road and street repair, (B) bridge painting and repair, (C) repair and rehabilitation of public buildings and other community facilities, including public libraries, (D) repair, modernization, and moderate rehabilitation of public housing units, (E) repair and rehabilitation of water systems and water development projects, (F) repair and rehabilitation of public mass transportation systems, (G) erecting or replacing traffic control signs and removing road sign obstructions, (H) replacing school crossing, intersection, and other road surface markings, (I) park and playground rehabilitation, (J) installation and repair of drainage pipes and catch basins in areas subject to flooding, (K) installation of graded ramps for the handicapped, and (L) weatherization and other energy conservation activities;

(2) activities to conserve, rehabilitate, or improve public lands, including (A) erosion, flood, drought, and storm damage assistance and control, (B) removal of refuse and hazardous materials from drainage ditches, illegal dumping sites, and other public areas, (C) stream, lake, and waterfront harbor and port improvement and pollution control, (D) forestry, nursery, and silvicultural operations, (E) fish culture and habitat maintenance and improvement, (F) rangeland conservation, rehabilitation, and improvement, and (G) reclamation of public lands damaged by strip mining or other mineral extraction activities;

(3) public safety, health, social service, and other activities necessary to the public welfare, including (A) repairing or replacing fire hydrants and assisting in fire hazard inspections, (B) emergency food and shelter activities, (C) child and dependent care activities specially designed to enable parents to work, (D) assisting nutrition programs and other services for elderly and handicapped individuals, including meals on wheels programs, (E) relief activities for victims in areas affected by disasters, (F) upgrading home security for elderly and low-income residents, (G) assisting public health programs, including paraprofessional staff support for community health centers, (H) emergency medical and rescue services, (I) drug and alcohol abuse programs, (J) domestic violence programs, (K) education and training assistance, such as literacy and basic skills education, remedial tutoring, and occupational skills training, (L) programs of English language instruction for unemployed individuals with limited English proficiency, (M) assisting public library programs, including library aides programs, (N) employment counseling and other services to veterans, (O) security guards for public schools and housing projects, (P) police dispatchers, clerical and traffic control personnel to free police officers for full-time street duty, (Q) staff support for adult and juvenile correctional facilities, (R) rodent and insect control activities, (S) hazardous materials surveys, and (T) employment counseling and placement services.

(b) Nothing in this Act shall be construed to preclude such activities from being conducted in conjunction with programs funded from sources other than under this Act.

(c) For the purposes of this section, the term "project" means a definable task or a group of related tasks which (1) will be carried out by a government department, public agency, private nonprofit organization, or private contractor, (2) will be completed within 18 months, (3) is an activity authorized under this section or section 241(b), (4) will result in a specific product or accomplishment, and (5) would not otherwise be conducted with existing funds.

(d) Projects to be carried out under subsection (a)(2) shall be limited to projects on public lands or Indian lands except where a project involving other lands will provide a documented public benefit and reimbursement will be provided to the recipient for that portion of the total costs of the project which does not provide a public benefit.

Notwithstanding any other provision of law, any reimbursement referred to in the preceding sentence shall be retained by the recipient and shall be used by the recipient for purposes of carrying out other projects under this title.

ELIGIBLE ENTITIES

SEC. 202. (a) Except as otherwise provided in this section, an eligible entity under this title shall be—

(1) any State to the extent provided under subsection (b)(1);

(2) any unit of general local government which has a population of 50,000 or more individuals;

(3) any existing concentrated employment program grantee serving a rural area pursuant to section 101(a)(4)(A)(iii) of the Job Training Partnership Act (Public Law 97-300);

(4) for fiscal years beginning after the enactment of this Act—

(A) any consortium of contiguous units of general local government which includes—

(i) two or more municipal governments each of which is an eligible entity under paragraph (2);

(ii) a combination of one or more such municipal governments and one or more county governments (or equivalents); or

(iii) two or more county governments (or equivalents) at least one of which is an eligible entity under paragraph (2); or

(B) any consortium of one or more county governments (or equivalents) and a contiguous eligible entity under paragraph (3); or

(5) any Native American Indian tribe, band, or group on a Federal or State reservation, the Oklahoma Indians, and any Alaska Native village or group as defined in the Alaska Native Claims Settlement Act, having a governing body.

(b)(1) Any State shall qualify as an eligible entity to serve any area of the State (A) which is not under the jurisdiction of any other eligible entity under subsection (a), or (B) with respect to which no eligible entity has, within 30 days of the allotment of funds to such area under section 203, filed a statement in accordance with section 204 with respect to the use of such allotment.

(2) A larger unit of general local government (determined on the basis of population) shall not qualify as an eligible entity to serve the population of any geographic area within the jurisdiction of any smaller unit of general local government (determined on the basis of population) if the latter such unit is or is part of an eligible entity that has filed a statement under section 204 with respect to the use of funds provided under this title for such area.

ALLOTMENT OF FUNDS

SEC. 203. (a)(1) From the amount available for purposes of this title for any fiscal year (exclusive of the amount available for part C), the Secretary shall reserve 2 percent for allotment among Native American eligible entities described in section 202(a)(5) in accordance with subsection (b). The remainder of such amount shall be allotted by the Secretary as follows:

(A) One-third of such amount shall be allotted on the basis of the relative number of unemployed individuals residing in each eligible entity.

(B) One-third of such amount shall be allotted on the basis of the relative number of unemployed individuals in excess of 6.5 percent of the civilian labor force residing in each eligible entity.

(C) One-third of such amount shall be allotted on the basis of the relative number of unemployed individuals residing in each eligible entity in excess of the national average rate of unemployment.

(2)(A) An allotment, on the basis of the relative numbers of certain individuals described in subparagraph (A), (B), or (C) of paragraph (1), shall be made by comparing the number of such individuals residing in an eligible entity qualifying for an allotment under that subparagraph with the total number of such individuals residing in all eligible entities qualifying for an allotment under that subparagraph.

(B) For purposes of paragraph (1)(C), the determination of the number of unemployed individuals in excess of the national average rate of unemployment shall be made by calculating the number of unemployed individuals in the civilian labor force residing in an eligible entity in excess of the product of (i) the national average rate of unemployment (rounded to the nearest tenth of a percent) in the civilian labor force of the United States, multiplied by (ii) the civilian labor force residing in such eligible entity.

(3)(A) For purposes of making any allotment under this section to eligible entities, a State shall not be treated as an eligible entity with respect to the area of any other eligible entity within such State which is also qualified for such allotment.

(B) The amount allotted to each State as an eligible entity in accordance with subparagraph (A) of this paragraph shall be made available by the Governor to areas of excessive unemployment within such State. For purposes of this paragraph, the term "areas of excessive unemployment" means municipalities with populations of 50,000 or more, or counties regardless of population, which, during the most recent three months for which satisfactory data are available, had a rate of unemployment at least equal to the lesser of (i) the average rate of unemployment for the area served by the State as an eligible entity, or (ii) the national average rate of unemployment.

(b) The amounts which are required by subsection (a)(1) to be allotted in accordance with this subsection among Native American eligible entities described in section 202(a)(5) shall be allotted among such entities on an equitable basis, taking into account the extent to which regular employment opportunities have been lacking for long-term periods among individuals within the jurisdiction of such entities.

(c) The Secretary shall, within 15 days after the date of enactment of an appropriation under section 102 for any fiscal year, notify each eligible entity for such fiscal year of the preliminary amount allotted to such eligible entity under this section.

REQUIREMENTS FOR RECEIPT OF ALLOTMENT

SEC. 204. (a)(1) Each eligible entity which desires to receive its allotment under section 203 shall, within 30 days after receiving notice of such allotment, submit to the Secretary a statement—

(A) designating a fiscal agent for the receipt of payments from such allotment;

(B) agreeing to use such funds only in accordance with the provisions of this Act; and

(C) agreeing to provide each of the quarterly reports required by subsection (c).

(2) Within 30 days after the final day for the submission of statements required by paragraph (1), the Secretary shall, on the basis of only those eligible entities submitting such statements, make a final allotment of funds in accordance with section 203, and shall notify each such eligible entity of the amount of its final allotment. In making such final allotment, the allotment of any of the fifty States in which the State is the single eligible entity submitting such a statement shall not be less than one-tenth of one percent of the funds allotted under section 203(a)(1) (A), (B), and (C) for the fiscal year (and the allotments of the remaining such eligible entities shall be ratably reduced).

(b)(1) For fiscal years beginning after the date of enactment of this Act, the Secretary shall pay to each eligible entity which has filed a statement in accordance with subsection (a) its allotment for that fiscal year. Such payments shall be made in equal installments not later than 5 days after the beginning of each quarter for which funds are available.

(2) For any fiscal year which began prior to the date of enactment of this Act, the Secretary shall, not later than 30 days after the final allotment of funds for such fiscal year under subsection (a)(2), pay to each eligible entity which has filed such a statement the total amount of such allotment.

(c) Not later than 30 days after the end of each calendar quarter, each eligible entity which has, during such quarter, expended funds made available under this title (in that or a preceding quarter) shall submit to the Secretary a report on the use of such funds. Such report shall—

(1) describe in detail the jobs created with such funds, including (A) the nature of the employment activity, (B) the wage rates paid, and (C) the duration of employment;

(2) contain adequate data to evaluate the characteristics of participants in programs under this title, including the race, sex, age, handicapped status, and veteran status of participants; and

(3) such other information as the Secretary may specifically request in order to ascertain whether such entity has used such funds in accordance with the requirements of this Act.

(d) The Secretary may not withhold, suspend, or terminate the payment of any installment of an allotment except in accordance with section 503.

PROJECT DESIGN

SEC. 205. (a) In designing projects under this title, the eligible entity shall give priority to projects on the basis of (1) the severity and duration of unemployment within localities in the area of the eligible entity, (2) the degree to which project activities will lead to the expansion of unsubsidized employment opportunities in the private sector, and (3) the level of need which exists for the activities and services to be provided.

(b) To the extent feasible, employment opportunities established with funds made available under this title shall be coordinated with other Federal, State, and local activities, including vocational and adult education, job training provided with funds available under the Job Training Partnership Act (Public Law 97-300), economic development activities, and activities receiving funds available under section 106 of the Housing and Community Development Act of 1974 (42 U.S.C. 5306) (popularly known as the community development block grant program) and chapter 67 of title 31, United States Code (popularly known as the general revenue sharing program).

PART B—COMMUNITY IMPROVEMENT ACTIVITIES FOR YOUTH TRAINEES

YOUTH TRAINEE ACTIVITIES

SEC. 221. (a) Not less than 20 percent of the funds available to each eligible entity from its allotment under section 203 for each fiscal year shall be used for eligible youth who are paid wages and benefits from such funds for part-time employment not in excess of 32 hours per week. Such employment may be in any activity described in section 201 or may be at a worksite operated by a public or private nonprofit agency or organization or by an employer organized for profit, but shall be provided in a manner which requires, and is consistent with, the youth's enrollment in high school, a program which leads to a certificate of high school equivalency, or a program of skill training or basic skill or employability development, including a program operated pursuant to section 105. Such enrollment shall be for at least 8 hours per week.

(b) In meeting the requirements of subsection (a), funds required to be used for such purpose may be used in activities which also receive funds under the Job Training Partnership Act (including the Job Corps), the Vocational Education Act of 1963, or other State or local, public or private education or training programs.

ELIGIBLE YOUTH

SEC. 222. (a) Notwithstanding section 103(a)(2) regarding the duration of unemployment, any youth aged 16 through 19 who is certified to be currently unemployed by the State employment service agency shall be eligible to be a participant in activities conducted under this part.

(b) In selecting such participants, an eligible entity shall, notwithstanding section 103(c), give priority to individuals who are economically disadvantaged. Among such individuals, eligible school dropouts shall be served on an equitable basis. For purposes of this subsection, a school dropout is an individual who is not attending any school and has not received a secondary school diploma or certificate of high school equivalency.

PART C—STATE JOB PROGRAMS

FINANCIAL ASSISTANCE FOR STATE JOB PROGRAMS

SEC. 241. (a)(1) Five percent of the sums available for this title for each fiscal year shall be available for purposes of this part.

(2) The sums available for purposes of this part for each fiscal year shall be allotted among the States, which have submitted statements in accordance with subsection (d), on the basis of the relative number of individuals residing in each such State who have been unemployed for 15 or more weeks as compared to the total number of such individuals in all such States.

(b) The amounts allotted to each State under subsection (a) shall be used for employment of eligible participants under this Act—

(1) through State-administered programs and activities authorized under section 201, such as those in (A) State parks, forests, and conservation programs (including rangeland rehabilitation and improvement), (B) State hospitals and other institutions and facilities providing health care, (C) State correctional institutions and programs, and (D) State-administered social service programs;

(2) through special assistance (in conjunction, as appropriate, with eligible entities under title II) for areas which have experienced sudden or severe economic dislocations, including large-scale losses of jobs caused by the closing of facilities or mass layoffs;

(3) through State-directed emergency aid programs to cope with natural disasters, including erosion, flood, drought, and storm damage assistance and control activities; and

(4) through special assistance to seasonal farmworkers and small farmers in rural, agricultural areas which have experienced substantial losses of jobs due to the rising numbers of farm mortgage foreclosures and other severe economic disruption (in conjunction, as appropriate, with eligible entities under title II or with related programs under the Job Training Partnership Act (Public Law 97-300), or both).

(c) In determining the programs and activities to receive funds allotted under subsection (a), the State shall give special consideration to the establishment of those programs and activities which will provide job sites (1) within areas in the State in which the rate of unemployment equals or exceeds the national average rate of unemployment, or (2) if there are no such areas within the State, within areas in the State in which the rate of unemployment equals or exceeds the average rate of unemployment in the State. In designing projects under this section, the State shall evaluate projects on the basis of the severity and duration of unemployment within localities in the State and the level of need which exists for the activities and services to be provided.

(d)(1) Each State which desires to receive its allotment under subsection (a)(2) shall, within 30 days after receiving notice of such allotment, submit to the Secretary a statement—

(A) agreeing to use such funds only in accordance with the provisions of this Act; and

(B) agreeing to provide each of the quarterly reports required by subsection (f).

(2) Within 30 days after the final day for the submission of statements required by paragraph (1), the Secretary shall on the basis of only those States submitting such statements make a final allotment of funds in accordance with subsection (a)(2), and shall notify each such State of the amount of its final allotment.

(e)(1) For fiscal years beginning after the date of enactment of this Act, the Secretary shall pay to each State which has filed a statement in accordance with subsection (d) its allotment for that fiscal year. Such payments shall be made in equal installments not later than 5 days after the beginning of each quarter for which funds are available.

(2) For any fiscal year which began prior to the date of enactment of this Act, the Secretary shall, not later than 30 days after the final allotment of funds for such fiscal year under subsection (a)(2), pay to each State which has filed such a statement the total amount of such allotment.

(f) Not later than 30 days after the end of each calendar quarter, each State which has, during such quarter, expended funds made available under this part (in that or a preceding quarter) shall submit to the Secretary a report on the use of such funds. Such report shall—

(1) describe in detail the jobs created with such funds including (A) the nature of the employment activity, (B) the wage rates paid, and (C) the duration of employment;

(2) contain adequate data to evaluate the characteristics of participants in programs under this part, including the race, sex, age, handicapped status, and veteran status of participants; and

(3) such other information as the Secretary may specifically request in order to ascertain whether such entity has used such funds in accordance with the requirements of this Act.

(g) The Secretary may not withhold, suspend, or terminate the payment of any installment of an allotment except in accordance with section 503.

AMENDMENT OFFERED BY MR. VOLKMER

Mr. VOLKMER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. VOLKMER: Page 16, strike out line 17 and all that follows line 19 on page 18 and insert in lieu thereof the following:

SEC. 203. (a)(1) From the amount available for purposes of this title for any fiscal year (exclusive of the amount available for part C), the Secretary shall reserve 2 percent for allotment among Native American eligible entities described in section 202(a)(5) in accordance with subsection (b). The remainder of such amount shall be allotted by the Secretary as follows:

(A) One-third of such amount shall be allotted on the basis of the relative number of unemployed individuals residing in each jurisdiction served by each eligible entity.

(B) One-third of such amount shall be allotted on the basis of the relative number of unemployed individuals in excess of 6.5 percent of the civilian labor force residing in each jurisdiction served by each eligible entity.

(C) One-third of such amount shall be allotted on the basis of the relative number of unemployed individuals residing in each jurisdiction served by each eligible entity in excess of the national average rate of unemployment.

(2)(A) An allotment, on the basis of the relative numbers of certain individuals described in subparagraph (A), (B), or (C) of paragraph (1), shall be made by comparing the number of such individuals residing in each jurisdiction served by each eligible entity qualifying for an allotment under that subparagraph with the total number of such individuals residing in all eligible entities qualifying for an allotment under that subparagraph.

(B) For purposes of paragraph (1)(C), the determination of the number of unemployed individuals in excess of the national average rate of unemployment shall be made by calculating the number of unemployed individuals in the civilian labor force residing in each jurisdiction served by each eligible entity in excess of the product of (i) the national average rate of unemployment (rounded to the nearest tenth of a percent) in the civilian labor force of the United States, multiplied by (ii) the civilian labor force residing in such eligible entity.

(3)(A) For purposes of making any allotment under this section to eligible entities, a State shall not be treated as an eligible entity with respect to the area of any other eligible entity within such State which is also qualified for such allotment.

(B) The amount allotted to each State as an eligible entity shall be made available by the Governor for use in each jurisdiction within the area for which the State is the eligible entity on the basis of the formula prescribed in subparagraphs (A), (B), and (C) of paragraph (1), except that no amount shall be made available for use in any jurisdiction if the amount would be less than $25,000. Any amounts which remain unallocated by reason of the preceding sentence

shall be reallocated among other jurisdictions which are not subject to such sentence by ratably increasing the amounts otherwise made available for use in such jurisdictions.

(4) For purposes of this subsection, the term "jurisdiction" means—

(A) the area of any municipality which has a population of 50,000 or more individuals, and

(B) the area of any county, regardless of population, exclusive of the area of such a municipality, if any.

Mr. VOLKMER (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Missouri?

There was no objection.

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Mr. VOLKMER. Mr. Chairman, due to the fact that during the general debate on the bill this amendment was thoroughly explained, I will not take the full 5 minutes on the amendment since I do not believe that it is controversial and fully understood by both the majority and minority members of the committee.

The amendment basically does not impact on the cities, counties, et cetera, above 50,000, but only impacts on the balance of State funds that go to the State, and under the amendment will still go to the State, but it makes a determination as to allocation of the funds, rather than going to the State and letting the State disperse them as it sees fit.

It provides that the funds should be distributed in the formula used in the bill for the eligible entities, the larger cities. In other words, it would mean that the funds going to the State will actually go to the higher unemployed rural counties, rather than be distributed willy-nilly by the Governor of the State.

And I believe that it means that the funds that are going to the balance of the State for the rural counties will go to those rural counties who have high unemployment just as if the other funds would go to the major cities and metropolitan areas with high unemployment.

Mr. EVANS of Illinois. Mr. Chairman, will the gentleman yield?

Mr. VOLKMER. I yield to the gentleman from Illinois.

Mr. EVANS of Illinois. I thank the gentleman for yielding.

Mr. Chairman, I rise in strong support of the gentleman's amendment and the act as a whole.

I would like to compliment the chairman of the committee for bringing this act to our attention because the community improvement projects authorized would be meaningful jobs, productive jobs, needed to repair public facilities and schools, to improve public services to children, women, and elderly who have been forgotten by this administration and because this bill represents our last opportunity to put people back to work.

But it is also imperative that all unemployed people, rural and urban, share in its benefits. And representing a district, which, like the district of the gentleman from Missouri, it is clear that rural folks in the past have not gotten fair shares from other kinds of jobs bills and other programs that we have passed in this institution.

I think the gentleman's amendment is worthy because it addresses those kinds of inequities.

I salute the gentleman for offering it.

Mr. VOLKMER. I thank the gentleman from Illinois for his remarks.

Mr. ALEXANDER. Mr. Chairman, will the gentleman yield?

Mr. VOLKMER. I yield to the gentleman from Arkansas.

Mr. ALEXANDER. I thank the gentleman for yielding.

Mr. Chairman, I compliment the gentleman from Missouri. I rise in support of the gentleman's amendment and of this bill.

And while it is the attempt of this body and of the Congress at large to bring fairness and equity to all persons who are eligible for benefits under any bill that is enacted here, unemployment in rural areas has been very difficult to address. Unemployment is just as tragic in the rural areas as it is in the center cities of our Nation.

The gentleman's amendment improves upon the equity and fairness of this bill. I compliment the gentleman from Missouri.

Mr. Chairman, I rise in support of H.R. 1036, the Community Renewal Employment Act. No amount of abstruse rhetroic or pollyannalike predictions about economic recovery can disguise the fact that too many of our people are unemployed or underemployed.

Almost 20 million Americans are in that fix. That is one out of every six American workers. What kind of recovery is possible when that many human resources are going wasted? Do not the proponents of the do-nothing economics that we have suffered for the last 3 years realize that there can be no economic recovery when the work force is crippled to that extent?

Unemployment in America remains at the highest levels since the Great Depression. Do not the advocates of do-nothing economics understand that recovery for the few cannot, in the long run, be purchased at the cost of misery for the many?

However, the Community Renewal Employment Act does more than just address the problem of lingering economic recession. In its provision for improvement of our Nation's educational facilities, it will take practical measures to address the crisis in education which the President, which the Congress, which the country at large have expressed so much concern about.

Mr. Chairman, do-nothing economics, in the final analysis, means indifferent Government, and it is futile for the administration to shed crocodile tears over the state of education in America while it deprives the educational system of the very means for progress and improvement.

And the Community Renewal Employment Act is farsighted in another respect. It does more than provide a means for our people to get productively back to work. It does more than commit itself to the beginning of a solution for our educational problems.

The Community Renewal Employment Act addresses itself to the problem of social transformation which is at the heart of our current economic dilemmas. No group of Americans has been so ravaged by the last 3 years of recession as have the men and women of our rural communities. While the rest of us in America have undergone recession and on-again, off-again partial recoveries threatened by long-term deficits, rural America has been in the throes of depression itself.

Under this act, roughly 40 percent of all job funding would be allotted to rural areas suffering high levels of unemployment. A significant portion of this amount would be designated for consortia or urban and rural communities, which would allow an increased number of rural communities to run their own job programs than has been the case under past Federal job creation efforts.

And the balance of funds for rural unemployment would go by formula to the States for use in those rural localities where unemployment exceeds the lower of the State or national average unemployment rate.

I endorse wholeheartedly the amendment by the gentleman from Missouri (Mr. VOLKMER) which would apply the bill's basic allotment formula to those rural communities which have no independent job-development entities. The States would still operate programs for these communities, but there would be guaranteed allocation of funds according to the following formula: One-third on the relative number of unemployed; one-third on the relative number of unemployment individuals in excess of 6.5 percent of the civilian labor force; and one-third of the number of unemployed in excess of the national average rate of unemployment.

Mr. Chairman, this allocation formula is not only good politics, it is good national policy. Let me share with this body some of the facts of life of unemployment in my own district,

the First Congressional District of Arkansas, a predominantly agricultural area.

From May to June of this year, while the proponents of do-nothing economics were trumpeting an economic recovery, the number of counties in the First District of Arkansas with double-digit unemployment actually rose from 15 to 17. Eleven of the State's 20 counties with the highest unemployment rate were in the First District, a district in every sense a typical agricultural area.

Unemployment in the First District of Arkansas continues to be higher than the seasonally adjusted monthly average for both the State and the Nation. And I would expect that facts and figures like these are characteristic of rural unemployment throughout this Nation.

Mr. Chairman, this Congress cannot by itself solve the problems of social transformation and economic crisis which plague this Nation. But it can do something about the misery of our people, and it can point the Nation's agenda toward practical acts which deal with a persistent and very real economic emergency.

The Community Renewal Employment Act is a positive step toward the solution of America's problems. And, perhaps most importantly, it allows the people at the grassroots level to devise their own short- and long-term solutions to the problem that will not go away—joblessness in America.

Mr. VOLKMER. I thank the gentleman for his remarks.

Mr. HUCKABY. Mr. Chairman, will the gentleman yield?

Mr. VOLKMER. I yield to the gentleman from Louisiana.

Mr. HUCKABY. I thank the gentleman for yielding.

Mr. Chairman, I , also, would like to commend the gentleman from Missouri for this excellent amendment. Representing an area of Louisiana that is predominantly rural, we are concerned about, as the gentleman from Arkansas just pointed out, we have very high unemployment in rural areas also. It will see that these funds are properly and equitably distributed throughout the Nation.

I commend the gentleman for his amendment.

Mr. VOLKMER. I thank the gentleman for his comments.

Mr. DE LA GARZA. Mr. Chairman, will the gentleman yield?

Mr. VOLKMER. I yield to the gentleman from Texas.

Mr. DE LA GARZA. I thank the gentleman for yielding.

Mr. Chairman, I want to join in the commendation of the gentleman. I was a little concerned on the overall legislation, not that I would vote against it, because I know the need that there is, but I was concerned that under the formula we may not have complete equity or fairness in the rural areas. Not even the gentleman's amendment would bring us to full equity, but it will be helpful. I will support it as I will also the legislation should the amendment be adopted.

Mr. VOLKMER. I thank the gentleman.

Mr. JEFFORDS. Mr. Chairman, will the gentleman yield?

Mr. VOLKMER. I yield to the gentleman from Vermont.

Mr. JEFFORDS. I thank the gentleman for yielding.

Mr. Chairman, I rise in support of the amendment. Coming from the most rural State in the Nation, I thank the gentleman.

Mr. VOLKMER. I appreciate the remarks of the gentleman.

Mr. HAWKINS. Mr. Chairman, will the gentleman yield?

Mr. VOLKMER. I yield to the gentleman from California.

Mr. HAWKINS. I thank the gentleman for yielding.

Mr. Chairman, the managers on this side accept the amendment and commend the gentleman in the well for having drafted this amendment. We think it improves the bill and certainly the gentleman ought to be commended for having worked on it.

Mr. VOLKMER. Mr. Chairman, I wish to thank the gentleman from California and the staff of the committee for working with us on this amendment and we were able to work it out satisfactorily to everyone.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Missouri (Mr. VOLKMER).

The amendment was agreed to.

Mr. HAWKINS. Mr. Chairman, I ask unanimous consent that the remainder of the bill be considered as read, printed on the RECORD, and open to amendment at any point.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The text of the remainder of the bill is as follows:

TITLE III—EDUCATIONAL FACILITY REPAIR AND RENOVATION EMPLOYMENT ACTIVITIES

PART A—ELEMENTARY AND SECONDARY SCHOOL FACILITY IMPROVEMENT JOBS

SCHOOL FACILITY REPAIR AND RENOVATION PROJECTS

SEC. 301. (a) The funds made available to any local educational agency under this part for any fiscal year shall be used to carry out projects and activities (in accordance with the limitation on use of funds set forth in section 104) providing employment to eligible participants (qualifying under section 103) in work on the repair, renovation, or rehabilitation of the public school facilities of such agency.

(b) To the maximum extent feasible, funds made available under this part shall be used for projects or activities on which on-site labor can begin within 90 days of receipt of funds under this part.

(c) Funds available under this part shall be used in accordance with State and local procedures—

(1) for assisting State and local educational agencies in bringing their public school facilities into conformity with the requirements of—

(A) the Act of August 12, 1968, commonly known as the Architectural Barriers Act of 1968,

(B) section 504 of the Rehabilitation Act of 1973,

(C) environmental protection or health and safety programs mandated by Federal, State, or local law, especially for those facilities which were constructed before such requirements were in effect;

(2) for the repair, renovation, or rehabilitation of public school facilities;

(3) for conversion of presently unused structures into adult training centers;

(4) for remodeling or renovating structures to make them more energy efficient; or

(5) for detecting, removing, or otherwise containing asbestos in academic or other facilities used by students.

(d)(1) Funds made available to the Secretary of the Interior shall be made available, upon application, to Indian tribal schools for purposes consistent with subsection (c), and consistent with Federal and tribal procedures. Such applications shall contain a description of the activities to be performed, with estimates of the costs associated with such activities, and shall give priority to the activities described in subsection (c)(1).

(2) The Secretary of the Interior shall, not later than 120 days after the date of enactment of this Act, promulgate regulations necessary for the establishment of the program authorized under this subsection. In addition, the Secretary of the Interior shall, during such 120-day period and annually thereafter, establish by regulation priorities for making grants under this subsection which are consistent with subsection (c).

(3) For the purposes of section 303, the Department of the Interior shall be considered a State educational agency.

(4) Nothing contained in this subsection shall be construed to relieve the Secretary of the Interior of the responsibility to provide adequate and equitable funding under the Snyder Act (25 U.S.C. 13) for the operations and maintenance of Indian tribal school facilities.

ALLOTMENT OF FUNDS

SEC. 302. (a)(1) From 75 percent the funds available for this title for each fiscal year, the Secretary shall (A) allot one-half of 1 percent thereof among Guam, American Samoa, the Northern Mariana Islands, the Virgin Islands, and the Trust Territory of the Pacific Islands in accordance with their respective needs, and (B) make one-half of 1 percent thereof available to the Secretary of the Interior for use in accordance with section 301(d).

(2) The remainder of 75 percent of such funds shall be allotted by the Secretary as follows:

(A) One-fourth of such amount shall be allotted among the States on the basis of the relative number of unemployed individuals.

(B) One-fourth of such amount shall be allotted among the States on the basis of the relative number of unemployed individuals in each county of each State in excess of 6.5 percent of the civilian labor force.

(C) One-fourth of such amount shall be allotted among the States on the basis of

the relative number of unemployed individuals residing in each county of each State in excess of the national average rate of unemployment.

(D) One-fourth of such amount shall be allotted among the States on the basis used in distributing funds under section 554(a)(1)(A) of chapter 1 of the Education Consolidation and Improvement Act of 1981 (Public Law 97-35).

(3)(A) An allotment, on the basis of the relative numbers of certain individuals described in subparagraph (A), (B), or (C) of paragraph (2), shall be made by comparing the number of such individuals in a State qualifying for an allotment under that subparagraph with the total number of such individuals in all the States qualifying for an allotment under that subparagraph.

(B) For purposes of paragraph (2)(C), the determination of the number of unemployed individuals in excess of the national average rate of unemployment shall be made by calculating the number of unemployed individuals in the civilian labor force residing in a county in excess of the product of (i) the national average rate of unemployment (rounded to the nearest tenth of a percent) in the civilian labor force of the United States, multiplied by (ii) the civilian labor force residing in such county.

(b)(1) From the amount allotted to any State under subsection (a), the State educational agency shall reserve not more than one percent thereof to pay necessary costs of State administration of this part, and not more than four percent thereof to meet special needs as determined by the State educational agency.

(2) The remainder of such amount shall be allocated by the State educational agency (A) among the counties in such State on the basis of the same factors (equally weighted) as used in allotting funds to such State under subsection (a), and (B) within each county on the basis used by that State in distributing funds under section 554(a)(1)(A) of chapter 1 of the Education Consolidation and Improvement Act of 1981 (Public Law 97-35).

(c) For purposes of this section, the term "State" does not include Guam, American Samoa, the Northern Mariana Islands, the Virgin Islands, or the Trust Territory of the Pacific Islands.

REQUIREMENTS FOR RECEIPT OF ALLOTMENT

SEC. 303. (a)(1) Each State educational agency which desires to receive its allotment under section 302 shall, within 30 days after receiving notice of such allotment, submit to the Secretary a statement—

(A) agreeing to use such funds only in accordance with the provisions of this Act; and

(B) agreeing to provide each of the quarterly reports required by subsection (c).

(2) Within 30 days after the final day for the submission of statements required by paragraph (1), the Secretary shall, on the basis of only those State educational agencies submitting such statements, make a final allotment of funds in accordance with section 302, and shall notify each such agency of the amount of its final allotment.

(b)(1) For fiscal years beginning after the date of enactment of this Act, the Secretary shall pay to each State educational agency which has filed a statement in accordance with subsection (a) its allotment for that fiscal year. Such payments shall be made in equal installments not later than 5 days after the beginning of each quarter for which funds are available.

(2) For any fiscal year which began prior to the date of enactment of this Act, the Secretary shall, not later than 30 days after the final allotment of funds for such fiscal year under subsection (a)(2), pay to each State educational agency which has filed such a statement the total amount of such allotment.

(c) Not later than 30 days after the end of each calendar quarter, each State educational agency which has, during such quarter, expended (or made available to a local educational agency for expenditure) funds made available under this part (in that or a preceding quarter) shall submit to the Secretary a report on the use of such funds. Such report shall—

(1) describe in detail the jobs created with such funds including (A) the nature of the employment activity, (B) the wage rates paid, and (C) the duration of employment;

(2) contain adequate data to evaluate the characteristics of participants in programs under this part, including the race, sex, age, handicapped status, and veteran status of participants; and

(3) such other information as the Secretary may specifically request in order to ascertain whether such agency has used such funds in accordance with the requirements of this Act.

(d) The Secretary may not withhold, suspend, or terminate the payment of any installment of an allotment except in accordance with section 503.

PART B—HIGHER EDUCATION FACILITY IMPROVEMENT JOBS

ACADEMIC FACILITY REPAIR AND RENOVATION PROJECTS

SEC. 321. (a) The funds made available to any institution of higher education under this part for any fiscal year shall be used to carry out projects and activities (in accordance with the limitation on use of funds set forth in section 104) providing employment to eligible participants (qualifying under section 103) in work on the repair, renovation, or rehabilitation of the academic facilities of such institution.

(b) To the maximum extent feasible, funds made available under this part shall be used for projects or activities on which on-site labor can begin within 120 days of receipt of funds under this part.

(c) Funds allotted to each State under section 322 shall be made available, in accordance with those parts of its State plan pertaining to sections 711(a) (2)(A) and (3) and 712(a) (1) and (2) of the Higher Education Act of 1965, through the higher education building agency to assist institutions of higher education in the repair, renovation, and rehabilitation of academic facilities and libraries if the primary purpose of such assistance is—

(1) to enable such institutions to economize on the use of energy resources, with a priority for the use of coal, solar, and renewable resources;

(2) to enable such institutions to bring their academic facilities and libraries into conformity with the requirements of—

(A) the Act of August 12, 1968, commonly known as the Architectural Barriers Act of 1968,

(B) section 504 of the Rehabilitation Act of 1973, or

(C) environmental protection or health and safety programs mandated by Federal, State, or local law, especially for those facilities which were constructed before such requirements were in effect;

(3) to enable such institutions to renovate research facilities and postsecondary technician training facilities; or

(4) to enable such institutions to detect, remove, or otherwise contain asbestos hazards in academic or other facilities used by students.

ALLOTMENT OF FUNDS

SEC. 322. (a)(1) From 25 percent of the funds available for this title for each fiscal year, the Secretary shall allot one-half of one percent thereof among Guam, American Samoa, the Northern Mariana Islands, the Virgin Islands, and the Trust Territory of the Pacific Islands in accordance with their respective needs.

(2) The remainder of 25 percent of such funds shall be allotted by the Secretary among the remaining States on the basis of the relative number of individuals residing in each State who have been unemployed for 15 or more weeks as compared to the total number of such individuals in all States.

(b) From the amount allotted to any State under subsection (a), the higher education building agency shall reserve not more than 1 percent thereof for its necessary administrative costs in carrying out the purposes of this part.

REQUIREMENTS FOR RECEIPT OF ALLOTMENT

SEC. 323. (a)(1) Each State which desires to receive its allotment under section 322 shall, within 30 days after receiving notice of such allotment, submit to the Secretary a statement—

(A) designating a fiscal agent for the receipt of payments from such allotment;

(B) agreeing to use such funds only in accordance with the provisions of this Act; and

(C) agreeing to provide each of the quarterly reports required by subsection (c).

(2) Within 30 days after the final day for the submission of statements required by paragraph (1), the Secretary shall, on the basis of only those States submitting such statements, make a final allotment of funds in accordance with section 322, and shall notify each State of the amount of its final allotment.

(b)(1) For fiscal years beginning after the date of enactment of this Act, the Secretary shall pay to each State which has filed a statement in accordance with subsection (a) its allotment for that fiscal year. Such payments shall be made in equal installments not later than 5 days after the beginning of each quarter for which funds are available.

(2) For any fiscal year which began prior to the date of enactment of this Act, the Secretary shall, not later than 30 days after the final allotment of funds for such fiscal year under subsection (a)(2), pay to each State which has filed such a statement the total amount of such allotment.

(c) Not later than 30 days after the end of each calendar quarter, each State which has, during such quarter, expended (or made available for expenditure) funds made available under this part (in that or a preceding quarter) shall submit to the Secretary a report on the use of such funds. Such report shall—

(1) describe in detail the jobs created with such funds including (A) the nature of the employment activity, (B) the wage rates paid, and (C) the duration of employment;

(2) contain adequate data to evaluate the characteristics of participants in programs under this part, including the race, sex, age, handicapped status, and veteran status of participants; and

(3) such other information as the Secretary may specifically request in order to ascertain whether such State has used such funds in accordance with the requirements of this Act.

(d) The Secretary may not withhold, suspend, or terminate the payment of any installment of an allotment except in accordance with section 503.

PART C—SPECIAL DEFINITIONS FOR TITLE III

DEFINITIONS

SEC. 341. Notwithstanding section 505, for purposes of this title—

(1) the term "State educational agency" has the meaning provided under section 1001(k) of the Elementary and Secondary Education Act of 1965;

(2) the term "local educational agency" has the meaning provided under section 1001(f) of the Elementary and Secondary Education Act of 1965;

(3) the term "higher education building agency" has the meaning provided under 742(5) of the Higher Education Act of 1965;

(4) the term "Indian tribal school" means any school operated by an Indian tribe under the Indian Self-Determination and Education Assistance Act (Public Law 93-638); and

(5) the term "institution of higher education" has the meaning provided under section 1201(a) of the Higher Education Act of 1965.

TITLE IV—STATE EMPLOYMENT SERVICE RESPONSIBILITIES

CERTIFICATION AND REFERRAL

SEC. 401. (a) There are authorized to be appropriated such sums as may be necessary for fiscal year 1983 and for each succeeding fiscal year to enable the United States Employment Service to provide funds to State employment service agencies to carry out the provisions of this section.

(b) In order to receive funds appropriated under subsection (a), the employment service agency of each State shall provide the following services, in accordance with agreements with recipients under titles II and III of this Act:

(1) certification of eligible participants in accordance with section 103, and their referral to available job openings; and

(2) labor market information and job search services, including counseling, to assist participants in finding regular unsubsidized employment as soon as possible, with special emphasis on services for those approaching the maximum duration for participants under this Act.

STATE JOB BANK SYSTEMS

SEC. 402. (a) For purposes of carrying out this section, there are authorized to be appropriated $50,000,000 for fiscal year 1984 and for each of the three succeeding fiscal years.

(b) The sums appropriated for each fiscal year to carry out this section shall be made available by the United States Employment Service for the development and implementation of job bank systems in each State, designed to use computerized electronic data processing and telecommunications systems for such purposes as—

(1) identifying job openings and referring jobseekers to job openings, with continual updating of such information;

(2) providing information on occupational supply and demand; and

(3) utilization of such systems by career information delivery systems (including career counseling programs in schools).

(c) Wherever possible, computerized data systems developed with assistance under this section shall be capable of utilizing software compatible with other systems (including management information systems and unemployment insurance and other income maintenance programs) used in the administration of employment and training programs. In developing such systems, special consideration shall be given to the advice and recommendations of the State occupational information coordinating committees (established under section 161(b) of the Vocational Education Act of 1963), and other users of such systems for the various purposes described in subsection (b).

TITLE V—GENERAL PROVISIONS

GENERAL REQUIREMENTS

SEC. 501. (a)(1) No person shall be excluded from participation in, denied the benefits of, subjected to discrimination under, or denied employment in the administration of or in connection with any program under this Act because of race, color, religion, sex, national origin, age, handicap, or political affiliation or belief.

(2) Participants under this Act shall not be employed on the construction, operation, or maintenance of so much of any facility as is used or to be used for sectarian instruction or as a place for religious worship.

(3) With respect to terms and conditions affecting, or rights provided to, individuals who are participants in activities supported by funds provided under this Act, such individuals shall not be discriminated against solely because of their status as participants under this Act.

(b) Funds provided under this Act shall only be used for activities which are in addition to those which would otherwise be available in the area in the absence of such funds.

(c) No funds made available under this Act for subsidized employment may be provided to a private organization, institution, or contractor to conduct any activities customarily performed by employees of a State, a political subdivision, or a local educational agency in the area served by the program.

(d) Only individuals residing in the area of a recipient under title II or III of this Act may participate in activities funded under this Act by that recipient.

(e) No individual shall be eligible to be employed in a position subsidized under this Act if the State employment service agency determines that such individual has, within the preceding six months, voluntarily terminated, without good cause, his or her last previous full-time employment at a wage rate equal to or exceeding the Federal minimum wage as prescribed under section 6(a)(1) of the Fair Labor Standards Act of 1938.

(f) Financial assistance under this Act shall not be provided for any program which involves political activities.

(g)(1) An individual in employment subsidized under this Act shall be paid wages which shall not be less than the highest of (A) the minimum wage under section 6(a)(1) of the Fair Labor Standards Act of 1938, (B) the minimum wage under the applicable State or local minimum wage law, or (C) the prevailing rates of pay for individuals employed in similar occupations by the same employer.

(2) The portion of the wages which may be paid to any participant from funds made available under this Act shall not exceed $230 for any week, but such maximum shall be adjusted annually by a percentage (rounded to the nearest tenth of a percent) equal to any increase in aggregate wages and salaries per capita in the United States, as determined by the Secretary.

(3) Participants employed under this Act may have their wages supplemented by the payment of additional wages for such employment from sources other than this Act, not to exceed an amount equal to 50 percent of the maximum wage applicable under paragraph (2).

(4) Participants employed under this Act shall be allowed sufficient time off from work activities to participate effectively in the job search activities authorized under section 401 of this Act.

(5) Funds under this Act may be used to employ individuals in part-time, flexible-time, and work-sharing employment customarily offered by the employer, if such individuals receive benefits customarily provided with respect to such employment by the same employer.

(6) Programs under this Act shall maintain an individual work record for each participant, to be provided to each participant at the end of his or her participation, which shall contain—

(A) a documentary history of the experience and skills acquired by each participant; and

(B) a list of the major work tasks completed by each participant.

(h) Any funds appropriated to carry out this Act which are allotted for any fiscal year shall be available for expenditure by the recipient during a period of one year from the date of payment to the recipient. No part of any allotment shall be revoked or canceled as long as the funds so allotted are expended by the recipient within such one-year period. If any such funds are not so expended, the Secretary shall reallot an amount equal to such unexpended funds among other eligible recipients in accordance with this Act.

LABOR STANDARDS

SEC. 502. (a)(1) Conditions of employment and training shall be appropriate and reasonable in light of such factors as the type of work, geographical region, and proficiency of the participant.

(2) The regulations (relating to health and safety and worker's compensation) implementing paragraphs (2) and (3) of section 143(a) of the Job Training Partnership Act (Public Law 97-300) issued on March 15, 1983, shall apply to participants under this Act.

(3) All individuals while employed in subsidized jobs under this Act shall be provided benefits and working conditions at the same level and to the same extent as other employees working a similar length of time and doing the same type of work.

(4) No funds available under this Act may be used for contributions on behalf of any participant to retirement systems or plans.

(b)(1) No currently employed worker shall be displaced by any participant (including partial displacement such as a reduction in the hours of nonovertime work, wages, or employment benefits).

(2) No program shall impair existing contracts for services or collective-bargaining agreements, except that no program under this Act which would be inconsistent with the terms of a collective-bargaining agreement shall be undertaken without the written concurrence of the labor organization and employer concerned.

(3)(A) No participant whose wages are subsidized under this Act shall be employed or job opening filled when any other indi-

vidual is on layoff from the same or any substantially equivalent job.

(B) No participant whose wages are subsidized under this Act shall be employed or job opening filled when, after the enactment of this Act, the employer terminates the employment of any regular unsubsidized employee in the same or any substantially equivalent job or otherwise reduces the number of regular unsubsidized employees in such jobs.

(C) No participant whose wages are subsidized under this Act shall be employed or job opening filled in any government department having 25 or more regular unsubsidized employees, unless the number of such employees who are currently employed in such department is at least equal to the lower of—

(i) the number of regular unsubsidized employees who were employed in the work force of such department in the calendar quarter preceding the enactment of this Act, or

(ii) the number which is equivalent to the same proportion of the number described in clause (i) as that proportion which the total number of regular unsubsidized employees currently employed in the work force of all departments of such government bears to the total number of regular unsubsidized employees who were employed in the work force of all departments of such government in the calendar quarter preceding the enactment of this Act.

(4) No jobs shall be created in a promotional line that will infringe in any way upon the promotional opportunities of currently employed individuals.

(c)(1) Each quarterly report submitted pursuant to section 204(c), 241(f), or 303(c) shall be transmitted by the recipient to any labor organization representing government employees who are engaged in similar work to that performed by employees whose wages are subsidized under this Act.

(2) Each quarterly report submitted pursuant to section 204(c), 241(f), or 303(c) which is subject to the requirements of paragraph (3) shall, with respect to each government department in which subsidized employment is provided under this Act, set forth—

(A) the number of all regular unsubsidized employees of such department (i) during the quarter to which such report applies, and (ii) during the quarter preceding the enactment of this Act; and

(B) the number of employees subsidized under this Act in such department during each such quarter.

(3) If, for two succeeding calendar quarters, there has been an average decline of 5 percent or more in the number of such unsubsidized employees in any such department as compared to such number for the quarter described in paragraph (2)(A)(ii), such report shall include a statement identifying the jobs which have been reduced and setting forth any reasons that such reduction does not result from a failure to comply with section 501(b) or subsection (b) of this section.

(4) Any such report which is required to contain such a statement shall be subject to review in accordance with subsection (d).

(d)(1) Whenever any employee, or labor organization representing employees, of a government employing subsidized employees under this Act submits to the Secretary a complaint alleging that section 501(b) or subsection (b) of this section has been violated, a copy of such complaint shall be transmitted at the same time to such government. An opportunity shall be afforded to such government to review such complaint and to submit a reply to the Secretary within 15 days after receiving a copy of such complaint.

(2) An official who shall be designated by the Secretary shall review any report required to include a statement specified in subsection (c)(3), or any complaint submitted in accordance with paragraph (1), to ascertain the accuracy of the information set forth or alleged and to determine whether there is substantial evidence that the affected activities fail to comply with section 501(b) or subsection (b) of this section.

(3) The official so designated shall, within 45 days of the submission of such report or complaint, submit recommendations to the Inspector General of such Department as to whether the report or complaint warrants investigation by the Office of the Inspector General. After reviewing such recommendations, the Inspector General shall undertake any investigations (including an audit, if appropriate) deemed to be warranted.

(4) A determination of whether a violation of section 501(b) has occurred shall be made after considering legitimate bases for layoffs or terminations of employees not subsidized under this Act within the same department or budget function, such as a shortfall of revenues compared with expenditures despite maintenance of local tax effort, or the requirements of governmental reorganizations or productivity improvements affecting work not performed by such subsidized employees.

(5) Not later than 90 days after the report or complaint described in paragraph (2) is submitted, the Inspector General's findings as to whether a failure to comply with section 501(b) and subsection (b) of this section has occurred shall be transmitted to the Secretary. The Secretary shall, within 30 days after receiving the Inspector General's findings, issue a determination as to whether a violation of section 501(b) or subsection (b) of this section has occurred, which shall constitute the final determination of the Secretary for purposes of chapters 5 and 7 of title 5, United States Code.

(6) The Secretary shall institute proceedings under section 503(b) for the repayment of funds determined to have been expended in violation of section 501(b) or subsection (b) of this section.

(e)(1) Each recipient of funds under this Act shall provide to the Secretary assurances that none of such funds will be used to assist, promote, or deter union organizing.

(2) Where a labor organization represents a substantial number of employees who are engaged in similar work or training in the same area as that proposed to be funded under this Act, an opportunity shall be provided for such organization to submit comments with respect to such proposal.

(f)(1) All laborers and mechanics employed by contractors or subcontractors in any construction, alteration, or repair, including painting and decorating, of projects, buildings, and works which are federally assisted under this Act, shall be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary in accordance with the Act of March 3, 1931 (commonly known as the Davis-Bacon Act), as amended (40 U.S.C. 276a-276a-5). The Secretary shall have, with respect to such labor standards, the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 FR 3176; 64 Stat. 1267) and section 2 of the Act of June 1, 1934, as amended (48 Stat. 948, as amended; 40 U.S.C. 276(c)).

(2) Such rates are not required to be paid to participants under this Act unless they are employed in connection with projects funded by this Act in whole or in part, exclusive of wages and benefits, or projects covered by any other statute requiring the payment of such Davis-Bacon Act wage rates.

(g) For purposes of this section—

(1) information concerning numbers of employees shall be reported in a manner consistent with the reporting of information (including the definitions of terms) requested from governments by the Bureau of the Census in the Survey of Government Employment for the 1982 Census of Governments, as authorized in accordance with section 161 of title 13, United States Code;

(2) the term "government" means a State, a local unit of general purpose government, a public agency, or a local educational agency; and

(3) the term "regular unsubsidized employee" means any employee whose wages are paid in whole or in part from non-Federal funds, but does not include any employee whose wages are paid in whole or in part with funds made available under this Act.

FISCAL CONTROLS; SANCTIONS

SEC. 503. (a)(1) The Comptroller General of the United States shall, on a selective basis, evaluate the expenditures by the recipients under this Act in order to assure that expenditures are consistent with the provisions of this Act and to determine the effectiveness of each recipient in accomplishing the purposes of this Act. The Comptroller General shall conduct the evaluations whenever necessary and shall periodically (at least annually) report to the Congress on the findings of such evaluations.

(2) Nothing in this Act shall be deemed to relieve the Inspector General of the Department of Labor or the Inspector General of the Department of Education of responsibilities under the Inspector General Act.

(3) For the purpose of evaluating and reviewing programs established or provided for by this Act, the Comptroller General shall have access to and the right to copy any books, accounts, records, correspondence, or other documents pertinent to such programs that are in the possession, custody, or control of any recipient of funds under this Act, or any contractor or subcontractor of such recipients.

(b) Every recipient shall repay to the United States amounts found not to have been expended in accordance with this Act. The Secretary may offset such amounts against any other amount to which the recipient is or may be entitled under this Act unless he determines that such recipient should be held liable pursuant to subsection (c). No such action shall be taken except after notice and opportunity for a hearing have been given to the recipient.

(c)(1) Each recipient shall be liable to repay such amounts, from funds other than funds received under this Act, upon a determination that the misexpenditure of funds was due to willful disregard of the requirements of this Act, gross negligence, or failure to observe accepted standards of administration. No such finding shall be made except after notice and opportunity for a fair hearing.

(2) In determining whether to impose any sanction authorized by this section against a recipient for violations by a subcontractor

of such recipient under this Act, the Secretary shall first determine whether such recipient has adequately demonstrated that it has—

(A) established and adhered to an appropriate system for the award and monitoring of contracts with subcontractors which contains acceptable standards for ensuring accountability;

(B) entered into a written contract with such subcontractor which established clear goals and obligations in unambiguous terms;

(C) acted with due diligence to monitor the implementation of the contract, including the carrying out of the appropriate monitoring activities (including audits) at reasonable intervals; and

(D) taken prompt and appropriate corrective action upon becoming aware of any evidence of a violation of this Act by such subcontractor.

(3) If the Secretary determines that the recipient has demonstrated substantial compliance with the requirements of paragraph (2), the Secretary may waive the imposition of sanctions authorized by this section upon such recipient. The Secretary is authorized to impose any sanction consistent with the provisions of this Act and of any applicable Federal or State law directly against any subcontractor for violation of this Act.

(d) In emergency situations, if the Secretary determines it is necessary to protect the integrity of the funds or ensure the proper operation of the program, the Secretary may immediately terminate or suspend financial assistance, in whole or in part, if the recipient is given prompt notice and the opportunity for a subsequent hearing within 30 days after such termination or suspension. The Secretary shall not delegate any of the functions or authority specified in this subsection, other than to an officer whose appointment was required to be made by and with the advice and consent of the Senate.

(e) If the Secretary determines that any recipient under this Act has discharged or in any other manner discriminated against a participant or against any individual in connection with the administration of the program involved, or against any individual because such individual has filed any complaint or instituted or caused to be instituted any proceeding under or related to this Act, or has testified or is about to testify in any such proceeding or investigation under or related to this Act, or otherwise unlawfully denied to any individual a benefit to which that individual is entitled under the provisions of this Act, the Secretary shall, within thirty days, take such action or order such corrective measures, as necessary, with respect to the recipient or the aggrieved individual, or both.

(f) The remedies under this section shall not be construed to be exclusive remedies.

(g) Recipients shall keep records that are sufficient to permit the preparation of reports required by this Act and to permit the tracing of funds to a level of expenditure adequate to insure that the funds have not been spent unlawfully.

(h)(1) In order to insure compliance with the provisions of this Act, the Comptroller General of the United States may conduct investigations of the use of funds received under this Act by any recipient.

(2) In conducting any investigation under this Act, the Secretary or the Comptroller General of the United States may not request the compilation of any new information not readily available to such recipient.

JUDICIAL REVIEW

SEC. 504. (a)(1) With respect to any corrective action or sanction imposed under section 503 by the Secretary, any party to a proceeding which resulted in such action or sanction may obtain review of such action or sanction in the United States Court of Appeals having jurisdiction over the applicant or recipient of funds, by filing a review petition within 30 days of such final order.

(2) The clerk of the court shall transmit a copy of the review petition to the Secretary who shall file the record upon which the action or sanction was entered as provided in section 2112 of title 28, United States Code. Review petitions, unless ordered by the court, shall not stay the Secretary's action or sanction. Petitions under this Act shall be heard expeditiously, if possible within ten days of the filing of a reply brief.

(b) The court shall have jurisdiction to make and enter a decree affirming, modifying, or setting aside the action or sanction of the Secretary in whole or in part. The court's judgment shall be final, subject to certiorari review by the Supreme Court of the United States as provided in section 1254(1) of title 28, United States Code.

DEFINITIONS

SEC. 505. (a) For the purposes of this Act—

(1) the term "economically disadvantaged" means an individual who (A) receives, or is a member of a family which receives, cash welfare payments under a Federal, State, or local welfare program; (B) has, or is a member of a family which has, received a total family income during the 6-month period prior to certification (exclusive of unemployment compensation, child support payments, and welfare payments) which, in relation to family size, was not in excess of the higher of (i) the poverty level determined in accordance with criteria established by the Director of the Office of Management and Budget, or (ii) 70 percent of the lower living standard income level; (C) receives, or is a member of a family which receives, food stamps pursuant to the Food Stamp Act of 1977; (D) is a foster child on behalf of whom State or local government payments are made; or (E) is a handicapped individual whose own income meets the requirements of clause (A) or (B), but who is a member of a family whose income does not meet such requirements;

(2) the term "institution of higher education" has the meaning provided under section 1201(a) of the Higher Education Act of 1965;

(3) the term "local educational agency" has the meaning provided in section 195(10) of the Vocational Education Act of 1963;

(4) the term "public library" has the meaning provided under section 3 of the Library Services and Construction Act;

(5) the term "recipient" means any eligible entity receiving funds under an allotment for parts A and B of title II, any State receiving funds under an allotment for part C of such title, any State or local educational agency receiving funds under an allotment for part A of title III, any State higher education building agency or institution of higher education receiving funds under an allotment for part B of such title, and any State employment service agency receiving funds under title IV;

(6) the term "Secretary" means the Secretary of Labor, except that—

(A) for purposes of title III, such term means the Secretary of Education; and

(B) with respect to sections 501(h), 503, and 504, such term means either the Secretary of Labor or the Secretary of Education, whichever is appropriate;

(7) the term "State" means any of the fifty States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, the Northern Mariana Islands, American Samoa, and the Trust Territory of the Pacific Islands;

(8) the term "unemployed individuals" means individuals aged sixteen or older who are without jobs and who want and are available for work, as determined in accordance with criteria used by the Bureau of Labor Statistics of the Department of Labor in defining individuals as unemployed, but such criteria shall not be applied differently on account of an individual's previous employment; and

(9) the term "unit of general local government" means any city, town, township, parish, or (except in Connecticut, Massachusetts, Rhode Island, and Vermont) county which is a general purpose political subdivision of a State that has the power to levy taxes and spend funds, as well as general corporate and police powers.

(b) In making determinations for purposes of this Act with respect to population, civilian labor force, and unemployment, the Secretary shall use the most satisfactory current data available on a seasonally adjusted basis.

(c) For the purposes of computations of the number of unemployed individuals in a State, county, or eligible entity, the Secretary shall determine the average number of individuals who were unemployed during the most recent 12 months preceding the determination for which satisfactory data is available.

AMENDMENT OFFERED BY MR. WALKER

Mr. WALKER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WALKER: On page 61, after line 12, add the following new section:

SEC. 506. In administering the programs for which funds are provided by this Act to promote productive employment, 100 percent of the employment created by this Act shall go to individuals who are classified as having been unemployed for at least six weeks immediately prior to the date of enactment of this Act.

Mr. WALKER. Mr. Chairman, this is the amendment that I talked about a good deal during the course of our deliberations here, both in general debate and in the course of the amendment process.

This is the 100-percent amendment. What this amendment, drafted with the help of Mr. KEMP, of New York, says very simply is that all of the money that we are going to put into employment, that the money has to go to people who are unemployed. And instead of the 15 weeks in the bill, it says that they have to have been unemployed for only 6 weeks immediately prior to the date of enactment of this bill.

What we are doing is targeting virtually all of the employment money to people who are unemployed.

Now, earlier today, my colleague from Illinois came to the floor, and I thought made very, very strong argu-

ments in favor of targeting more of the money toward the unemployed.

We went through a process where by voice vote we watered down the approach that he wanted to take.

Well, I think that this is a key amendment then. We should not accept a watered-down version of targeting money toward the unemployed. We ought to make certain that all of the money gets to the unemployed. That is what this amendment would do. It would say flatly that all of the money has to go to people who have been unemployed for 6 weeks or more.

Now, why is that important? It is important because our experience with these programs in the past has been that the money does not get to the unemployed. I have cited examples in the course of our deliberations earlier, one of which was developed by the Carter administration in their OMB report dealing with the public works bill that we passed here in 1976 and went into effect, which found that 98 percent of the money got spent on people who already had a job.

□ 1620

Only 2 percent of the money got to the unemployed. Eighty-eight percent of the jobs created went to people who already had a job. Only 12 percent of the jobs created went to the unemployed. That is an atrocious record on programs that are supposedly helping people who are unemployed.

We have had the same kind of experience with CETA. CETA very often resulted in communities taking some people off regular rolls and transferring them over to CETA rolls and not really creating any new employment.

What we want to do, it seems to me, in a bill of this type is to assure ourselves that when we spend $3.5 billion of deficit add on, at least the money gets to the people whom it was intended to go to. That is the point behind this amendment. It is a fairly simple amendment from that regard. It says that all of the money has got to go to the people who are unemployed at the time that this bill is enacted.

Mr. HAWKINS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I cannot believe that this amendment is being offered to this body in the form in which it is offered.

First of all, the amendment really reduces the restrictive requirement that is already in the act, which says that an individual must be unemployed at least 15 weeks. This amendment would reduce it to 6.

Now, in addition to that, the amendment says that the individual must have been unemployed at least 6 weeks immediately prior to the date of enactment of this act. That is the most static provision I have ever seen in any statutory proposal. It simply means that upon the enactment of this act, if this provision is in it, that no one could be employed who had not been unemployed during this period of time. It would just completely terminate from any consideration those who subsequently become unemployed and who therefore qualify by being unemployed for 15 weeks under the act.

This, I am sure, does not really conform to the intent of the sponsor, and I cannot for my life understand what it is that is being proposed. It does not certainly correspond to what he said in the well. It is a provision that I think reduces, actually, the restriction that he speaks of which is in the bill, that a person must have been unemployed 15 weeks.

Mr. WALKER. Mr. Chairman, will the gentleman yield?

Mr. HAWKINS. I yield to the gentleman from Pennsylvania.

Mr. WALKER. I think, first of all, it needs to be understood by our colleague that I am including more unemployment people, not less; that with the 6-week requirement, you are now going to have people who are unemployed for only a 6-week period eligible for the program rather than as the gentleman's amendment proposes, having to be out of work for 15 weeks.

I submit that a person who has been unemployed for 6 weeks is just as much unemployed as the person who has been unemployed for 15 weeks and that we ought not to treat them differently. The 6-week requirement is in there because that is the transitory time that takes place in a lot of job categories.

So it seems to me that the 6-week requirement includes a broader base of unemployed.

Second, with regard to the gentleman's concern about the date of enactment of the bill, I was under the impression, based upon much of the discussion that we have had on the floor, that what we were attempting to do is speak to the unemployment problem that now faces us—that we have got 9.5 percent unemployment, we have got 10.5 million Americans unemployed. What my amendment would do would assure us that those 10.5 million Americans are who we target this bill toward.

If we allow the program to go on and increase the number of people that it covers, you will, first of all, water down the effort and, second, what you will do is end up with a program that does encourage people to move off employment rolls on to the rolls of this particular bill.

So the idea is that my amendment targets it 100 percent toward people who are unemployed. That is who I thought we wanted to try to help.

Mr. HAWKINS. Well, I quite agree with most of the reasoning of the gentleman. That is the unfortunate part of it. I think an individual who sometimes is unemployed for a week is certainly entitled to consideration. But we have already decided that the moneys would be restricted. We have already voted for $3.5 billion. Now, how far are we going to go with $3.5 billion?

We know that there are 12 million unemployed people, and I would like to take care of all of them. But you probably would not take me seriously if I attempted to authorize the amount of money that would take care of 12 million unemployed. So because we understand the situation and because we are trying to meet the problem of being reasonable with respect to the deficit and the other considerations, we say we are now going to take care of the very neediest, we are going to take care of those who have been unemployed the longest.

Now, once we have done some of that, perhaps we could reduce it to 6 weeks. But I do not think the body is ready to take care of all of those individuals at this time, so we want to place some priority on those who have been unemployed the longest.

Now, with respect to the other part of what the gentleman has discussed, the gentleman would reduce the application of this program to those who were unemployed at least 6 weeks prior to the enactment of this act, with a cutoff date. It simply means that if you were not unemployed during that period of time, then you would not qualify for the program, even though you built up the 15 weeks after the enactment of the program. So you are cutting off those who in the future may qualify for the act. You are saying, "There is no chance for you." And that certainly is just as objectionable.

Mr. DURBIN. Mr. Chairman, I move to strike the requisite number of words.

Would the gentleman from Pennsylvania (Mr. WALKER) answer a question for me?

Mr. WALKER. I will be glad to.

Mr. DURBIN. I thank the gentleman for his nice comments about my efforts this morning, ill-fated though they were.

I would like to ask the gentleman from Pennsylvania this question: When I rose to speak this morning, and when I offered the amendment, it was with the clear understanding that I supported this legislation; and I felt that the amendment I offered would improve it. Unfortunately, it failed, but I think we did accomplish something with my other amendment.

If the gentleman's amendment is adopted, is the gentleman prepared to vote in support of this legislation?

Mr. WALKER. Well, I think that if this amendment were adopted and some of the other amendments that I

plan to offer, which I think improve the bill, were adopted, I would consider supporting the legislation. But I have got a couple of other amendments that I think are also very important on it, so I will have to examine it at that point.

I made it quite clear, I think, on the floor, that I think there are a number of parts of this program which cause me personal difficulty. One of those features is certainly the fact that similar programs in the past have not gone to people who are unemployed. I think that is what the gentleman articulated very well this morning and what I continue to compliment him for.

Mr. DURBIN. Well, I am sure the gentleman's support will be appreciated, and I thank the gentleman.

Mr. SAM B. HALL, JR. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would like to ask the gentleman from Pennsylvania a question or two. As I read the amendment, it states that 100 percent of the funds created by this act will go to people who are unemployed.

Mr. WALKER. Of the funds provided by this act to promote productive employment, that is right.

Mr. SAM B. HALL, JR. Now, does that mean that no money could be used to administer this act?

Mr. WALKER. No. Obviously, what we are saying here is that 100 percent of the employment created by this act, in other words, people who are newly employed as a part of this bill, would be covered 100 percent from the unemployment ranks at the present time. That is all it covers.

If the administration of a program by a local government was a part of it and is within the limits that the bill has previously set of 15 percent, we would have no problem with it here. All we are saying is that of all the new jobs created, all of them would have to go to people who are now unemployed.

Mr. SAM B. HALL, JR. If the gentleman will answer a further question, as I understand it, this money would go to those people who are classified as having been unemployed for at least 6 weeks immediately prior to the date of enactment of this act. Do I understand that if this amendment is passed, anyone who may become unemployed for a period of 6 weeks, beginning the week after this act is enacted, that person would not be subject to unemployment benefits?

Mr. WALKER. That would be correct under this amendment. And I would say to the gentleman that the reason for that is very clear. As the gentleman from California has so articulately put it, there are a limited number of resources in this bill. You have a finite amount of money available. The purpose behind this bill and the reason for bringing it to the floor is because we have 10.5 million Americans who are unemployed right now. What this amendment seeks to do is to make certain that that $3.5 billion is used to help those Americans who are now unemployed.

If we are going to help the people who become unemployed for whatever reason later on, then we would find additional funding to move in that direction, if that is what we so wished to do. But the purpose behind the bill, as I understand it and as I have heard it talked about on the floor, listening to the entire debate, was to help those people who are now unemployed. That is what my amendment would assure, that people who are now in the unemployment ranks, some of whom have been there for a long time, would get the money.

Mr. SAM B. HALL, JR. I thank the gentleman.

Mr. LEVIN of Michigan. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Just briefly, I am mystified how anyone can arise on this floor and say that an amendment is aimed at those who have been hardest hit and propose that the benefits of this bill should go to those who have been unemployed for 6 weeks rather than those who are unemployed for a minimum of 15 weeks.

□ 1630

I just do not understand the logic. It seems to me that we should combine here on both sides of the aisle and reject this amendment and pass this bill that has been so skillfully and carefully crafted to get at one of the most overwhelming and overriding issues in our society, and that is a job opportunity for those who are used to working who want to work and who are out of work through no fault of their own.

Mr. Chairman, I would hope we would reject this amendment and move quickly to the passage of this bill.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania (Mr. WALKER).

The question was taken; and on a division (demanded by Mr. WALKER) there were—ayes 7, noes 31.

Mr. WALKER. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count. Sixty-nine Members are present, not a quorum.

The Chair announces that pursuant to clause 2, rule XXIII, he will vacate proceedings under the call when a quorum of the Committee appears.

Members will record their presence by electronic device.

The call was taken by electronic device.

□ 1640

QUORUM CALL VACATED

The CHAIRMAN. One hundred Members have appeared. A quorum of the Committee of the Whole is present. Pursuant to clause 2, rule XXIII, further proceedings under the call shall be considered as vacated.

The Committee will resume its business.

RECORDED VOTE

The CHAIRMAN. The pending business is the demand of the gentleman from Pennsylvania (Mr. WALKER) for a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 142, noes 279, not voting 12, as follows:

[Roll No. 349]

AYES—142

Archer	Hammerschmidt	Packard
Badham	Hansen (ID)	Parris
Bartlett	Hansen (UT)	Paul
Bateman	Hartnett	Porter
Bethune	Hiler	Quillen
Bilirakis	Hillis	Ray
Bliley	Holt	Ritter
Breaux	Hopkins	Roberts
Broomfield	Huckaby	Robinson
Brown (CO)	Hunter	Roemer
Broyhill	Hutto	Rogers
Burton (IN)	Hyde	Rudd
Campbell	Ireland	Schaefer
Carney	Kasich	Schulze
Chandler	Kemp	Sensenbrenner
Chappie	Kramer	Shaw
Cheney	Lagomarsino	Shelby
Coats	Latta	Shumway
Coleman (MO)	Lent	Shuster
Conable	Lewis (CA)	Siljander
Corcoran	Lewis (FL)	Skeen
Coughlin	Livingston	Smith (NE)
Courter	Loeffler	Smith, Denny
Craig	Lott	Smith, Robert
Crane, Daniel	Lowery (CA)	Snowe
Crane, Philip	Lujan	Snyder
Daniel	Lungren	Solomon
Dannemeyer	Mack	Spence
Daub	Madigan	Stangeland
DeWine	Marlenee	Stenholm
Dreier	Marriott	Stump
Duncan	Martin (IL)	Sundquist
Edwards (OK)	Martin (NC)	Tauzin
Emerson	McCain	Thomas (CA)
Erlenborn	McCollum	Vander Jagt
Fiedler	McEwen	Vucanovich
Fields	McGrath	Walker
Forsythe	McKernan	Weber
Franklin	Michel	Whitehurst
Frenzel	Miller (OH)	Whittaker
Gekas	Molinari	Winn
Gibbons	Montgomery	Wolf
Gingrich	Moore	Wylie
Goodling	Moorhead	Young (AK)
Gradison	Morrison (WA)	Young (FL)
Gramm	Myers	Zschau
Gregg	Nielson	
Hall, Ralph	Oxley	

NOES—279

Ackerman	Bennett	Brown (CA)
Addabbo	Bereuter	Bryant
Akaka	Berman	Burton (CA)
Albosta	Bevill	Byron
Alexander	Boehlert	Carper
Anderson	Boggs	Carr
Andrews (NC)	Boland	Chappell
Andrews (TX)	Boner	Clarke
Annunzio	Bonior	Clay
Anthony	Bonker	Clinger
Applegate	Borski	Coelho
AuCoin	Bosco	Coleman (TX)
Barnes	Boucher	Collins
Bates	Boxer	Conte
Bedell	Britt	Conyers
Beilenson	Brooks	Cooper

Coyne	Jones (OK)	Rahall
Crockett	Jones (TN)	Rangel
D'Amours	Kaptur	Ratchford
Daschle	Kastenmeier	Regula
Davis	Kazen	Reid
de la Garza	Kennelly	Richardson
Dellums	Kildee	Ridge
Derrick	Kindness	Rinaldo
Dickinson	Kogovsek	Rodino
Dingell	Kolter	Roe
Dixon	Kostmayer	Rose
Donnelly	LaFalce	Rostenkowski
Dorgan	Lantos	Roth
Dowdy	Leach	Roukema
Downey	Leath	Rowland
Durbin	Lehman (CA)	Roybal
Dwyer	Lehman (FL)	Russo
Dymally	Levin	Sabo
Dyson	Levine	Savage
Early	Levitas	Sawyer
Eckart	Lipinski	Scheuer
Edgar	Lloyd	Schneider
Edwards (AL)	Long (LA)	Schroeder
Edwards (CA)	Long (MD)	Schumer
English	Lowry (WA)	Seiberling
Erdreich	Luken	Shannon
Evans (IA)	Lundine	Sharp
Evans (IL)	MacKay	Sikorski
Fascell	Markey	Simon
Fazio	Martin (NY)	Sisisky
Feighan	Martinez	Skelton
Ferraro	Matsui	Slattery
Fish	Mavroules	Smith (FL)
Flippo	Mazzoli	Smith (IA)
Florio	McCandless	Smith (NJ)
Foglietta	McCloskey	Solarz
Foley	McCurdy	Spratt
Ford (MI)	McDade	St Germain
Ford (TN)	McHugh	Staggers
Fowler	McKinney	Stark
Frank	McNulty	Stokes
Frost	Mica	Stratton
Fuqua	Mikulski	Studds
Garcia	Miller (CA)	Swift
Gaydos	Mineta	Synar
Gejdenson	Minish	Tallon
Gephardt	Mitchell	Tauke
Gilman	Mollohan	Thomas (GA)
Glickman	Moody	Torres
Gonzalez	Morrison (CT)	Torricelli
Gray	Mrazek	Towns
Green	Murphy	Traxler
Guarini	Murtha	Udall
Gunderson	Natcher	Valentine
Hall (IN)	Neal	Vandergriff
Hall (OH)	Nelson	Vento
Hall, Sam	Nichols	Volkmer
Hamilton	Nowak	Walgren
Hance	O'Brien	Watkins
Harkin	Oakar	Waxman
Harrison	Oberstar	Weaver
Hatcher	Obey	Weiss
Hawkins	Olin	Wheat
Hayes	Ortiz	Whitley
Hefner	Ottinger	Whitten
Hertel	Owens	Williams (MT)
Hightower	Panetta	Williams (OH)
Horton	Patman	Wilson
Howard	Patterson	Wirth
Hoyer	Pease	Wise
Hubbard	Penny	Wolpe
Hughes	Pepper	Wright
Jacobs	Perkins	Wyden
Jeffords	Petri	Yates
Jenkins	Pickle	Yatron
Johnson	Price	Young (MO)
Jones (NC)	Pursell	Zablocki

NOT VOTING—12

Aspin	Gore	Pashayan
Barnard	Heftel	Pritchard
Biaggi	Leland	Taylor
Dicks	Moakley	Wortley

□ 1650

Mr. DURBIN and Mrs. LLOYD changed their votes from "aye" to "no."

Mr. HUNTER changed his vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

□ 1700

AMENDMENT OFFERED BY MR. SOLOMON

Mr. SOLOMON. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SOLOMON: Page 45, after line 24, insert the following new subsection.

(i) The Secretary shall insure that each individual participating in any program established under this Act, or receiving any assistance or benefit under this Act, has not violated section 3 of the Military Selective Service Act (50 U.S.C. App. 453) by not presenting and submitting to registration as required pursuant to such section. The Director of the Selective Service System shall cooperate with the Secretary in carrying out this section.

Mr. SOLOMON. Mr. Chairman, I will not take up a great deal of time on this amendment. The House is very familiar with it. It is an identical amendment that has been accepted by this House overwhelmingly on several other occasions. It simply says to qualify for this job training program that you must be registered for the draft.

Ladies and gentlemen, in the past when we have offered this amendment the legislative intent has been threefold. One, to educate the public that the draft registration law exists. Two, to encourage these young men to obey the law and live up to the obligations of their country. And three, to let them know that the Federal Government will enforce this law.

I might just call to the attention of the Members that since the enactment of the two previous Solomon amendments, one of the college loans and grants and the other on the Job Training Partnership Act, that compliance has risen from 79 percent to over 97.6 percent today.

That means that more than 10 million young Americans have lived up to their obligations and have obeyed the law. There are still 2.4 percent who have not. And many of these young men are still ignorant that the law exists. I think it is only fair that when we do have Federal moneys available, that certainly those that do obey the law, that live up to their obligations, certainly have first preference. I would hope this amendment could be accepted without taking up a great deal of time. It has overwhelmingly passed this House on three previous occasions.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. SOLOMON).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. WALKER

Mr. WALKER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WALKER: On page 61, after line 12, add the following new section:

SEC. 506. The Secretary of Labor may, upon application by any unit of local government eligible for assistance as defined in section 505(a)(9) of this Act, waive any provision of this Act if such unit of local government demonstrates that such waiver will result in a substantial increase in the level of employment which is available within the jurisdiction of such government.

Mr. WALKER. Mr. Chairman, this amendment speaks to an issue that has arisen on the floor in the course of our debate which says to many of us on my side of the aisle what would you do to help people who are unemployed. This amendment says that one of the things that we can do that goes beyond the efforts in this bill is to assure that local governments, where they find Federal restrictions that result in labor distortions, they can apply for a waiver of such restrictions and such regulations and such laws.

But in order to do so, under this amendment, they would have to show that they could substantially increase the level of employment within that jurisdiction. In other words, they would apply to the Secretary of Labor and they would say that we think that by waiving this particular rule or this particular restriction under Federal law that we can create substantially higher levels of employment in our community and, therefore, we are asking you to waive that restriction in this community.

Now, what is particularly important about this amendment is that it applies to section 505(a)(9) of the act. So that means that it is targeted toward those areas that the bill considers to be high unemployment areas. And so, what we have got is an opportunity for local communities who have severe unemployment in addition to spending money that is allocated under this bill, can also look to those things where the Federal Government is now preventing them from creating employment and can say that they want to waive those restrictions as well so they can employ more people.

It speaks to an issue that I think the gentleman from Maryland (Mr. MITCHELL) raised quite eloquently yesterday, and that is that a lot of people in his district say, "I want a job, I want any kind of a job."

I think that that is something which we ought to respond to. This amendment would say that that community can respond to some of those people by saying where the Federal Government is preventing you from getting a job, we apply for a waiver so that you can in fact get a job.

The amendment from that standpoint is a very simple one. It is one which I would hope the House would adopt, so that we can make this the broadest possible application of employment opportunities for the individuals and the citizens of this country.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MITCHELL. Mr. Chairman, I rise in opposition to the amendment.

There are some employers who argue, very wrongly, that they take up so much time in complying with title VII of the Civil Rights Act that if that time were not used in compliance, they could be marketing and creating more jobs. If those employers convinced a local political subdivision that title VII was an impediment to full employment, you mean a city could come in and ask for a waiver on title VII?

□ 1710

When did we start doing government by waiver?

We have a Constitution that says this body does this, this body judges, and this body executes. Now do you want to start government by waiver?

Let us do another one. We have allowed for certain provisions for senior citizens. We say that our optimal effort should be made to employ senior citizens, not in the law, of course, but we say that.

Then some local government says I am spending all of my time, or a number of local employers would say we are spending all of our time trying to make sure that senior citizens get tired until we cannot market our product. Therefore, that is an impediment. If we cannot market the product we cannot create more jobs; therefore, that is an impediment.

I would say to the gentleman from Pennsylvania: Do you really want to do that?

You and I get along fine. But, honestly, you have not thought through the implications of this amendment.

Would you please vote against a new-found principle that is being promoted by the gentleman from Pennsylvania: Government by waiver.

Mr. MILLER of California. Mr. Chairman, will the gentleman yield?

Mr. MITCHELL. I will be delighted to yield.

Mr. MILLER of California. I think it is also apparent from the wording of the language that not only would you have the right to waive title VII, the antidiscrimination laws, but obviously the amendment is directed at waiving the minimum wage law, and also apparently an employer can come in, or a program can come in and ask that they waive the auditing provisions of that law, because it says any of the fiscal controls that we have heard so much about earlier this afternoon.

This is not a well drawn amendment. It was presented as a simple amendment. Simple minded is more what it is, because it allows an employer, if they can cut a deal with the Secretary of Labor, to simply waive those provisions of law that this Congress is on record time and again for the enforcement of.

Apparently if you think that blacks stand in your way of getting a job you will ask for a waiver. If you think women stand in your way of getting a job you will ask for a waiver. If you think white people stand in your way you ask for a waiver.

That is not how we do business in this country. If you happen to think that paying a decent wage is in the way of you providing employment, get a waiver.

I absolutely agree with the gentleman from Maryland that this is an outrageous assault on the fundamental laws protecting working people in this country. What you would have is the Federal Government sanctioning the doing away, or the ability to do away with those provisions of law.

That is not the policy of the Congress of the United States either on the Republican side of the aisle or the Democratic side of the aisle.

Mr. MITCHELL. I thank the gentleman for his comment.

As I understand it, my colleague from Pennsylvania has some additional amendments. I am going to strive mightily to see if I cannot support some of his additional amendments.

I do not know what they will do, but in my usual objective fashion I am going to examine them and say that if it is a good amendment I want to vote for it. I want to vote for one, but for God's sakes, this is not the one that destroys the whole system of government we have set up.

Mr. WALKER. Mr. Chairman, will the gentleman yield?

Mr. MITCHELL. I yield to the gentleman from Pennsylvania.

Mr. WALKER. I appreciate the gentleman yielding, and I hope, too, that knowing him to be a fair and objective man, that he will find that he is able to support an amendment.

Mr. MITCHELL. This is true.

Mr. WALKER. I have one on minority youth that I think the gentleman would want to take a look at.

Mr. MITCHELL. Let us do them one at a time. Let us defeat this one first and then do your youth amendment.

Mr. WALKER. I would have a different version of what I would like the outcome to be but I think it is important to note that local officials would have to make out that application for a waiver, that there could be no deals cut along the line here.

Mr. MITCHELL. May I reclaim my time? I must reclaim my time.

There is something going on right now in terms of a set-aside provision for minority business, and I am going to send the gentleman over a little memorandum on some of the strange things that are taking place under this administration with regard to waivers.

Mr. WALKER. Would the gentleman yield?

Mr. MITCHELL. I really would not. I want to speedily kill this one and then go on.

Mr. WALKER. Would the gentleman yield further?

Mr. MITCHELL. No more, no more. Let me get to the next one.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania (Mr. WALKER).

The amendment was rejected.

AMENDMENT OFFERED BY MR. WALKER

Mr. WALKER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WALKER: On page 61, after line 12, add the following new section:

SEC. 506. The Secretary of Labor may, upon application by any unit of local government eligible for assistance as defined in section 505(a)(9) of this Act, waive any provision of this Act if such unit of local government demonstrates that such waiver will result in a substantial increase in the level of employment for minority youths.

Mr. WALKER. Mr. Chairman, the language sounds somewhat familiar. I think that the House will understand that the language is basically the same.

But the House has just now rejected the idea that we ought to waive those provisions of Federal law that stand in the way of people getting jobs for the broad base of the population, that we ought not let local communities make decisions about how people get employed in those communities.

The House has just made that decision that the Federal Government ought to stand in the way of people getting jobs, regardless of what the local community might think about that process.

But I would submit to you that there are some people within our employment realm that have particular problems, problems that have not cured by more and more Government spending, have not even been cured as the economy has gone up.

There are minorities in this country that have seen their employment problem in reverse of what was happening in the economy, that every time the economy went up so did their employment.

That is particularly minority youth. Minority youth, even during the present economic recovery, have seen their unemployment rates go up while the economy has gotten a little better.

Is it not time that we begin to address some of the special needs of these people? The point is their needs, their needs are somewhat countercyclical to what the rest of the economy does.

For example, as the total civilian employment rate was dropping to 10.7 percent in December of 1982 to 9.5 percent in July 1983, the unemployment rate for minority youths re-

mained stuck at approximately 50 percent.

Although it edged downward marginally for a little while, it has gone back up.

From another angle, while 1.7 million jobs were being created in a 6-month timeframe, one out of every two minority youths remained unemployed.

Data from high GNP growth during the 1960's lends further credence to the contention that minority youth unemployment rates appear to be impervious to cycles of economic recovery. While the unemployment rate for all groups dropped 5.5 percent to 4.9 percent between 1960 and 1970 and 13 million new jobs were created in the process, the unemployment rate for black male youths increased from 24 percent to 25 percent and the rate for female black youths increased from 24.8 to 34.5 percent.

This is intolerable. Clearly such a dichotomy suggests that there must be a Government administered labor market restriction which is blocking significant improvements in the employment prospects for minority youth.

A recent poll conducted for the U.S. Chamber of Commerce indicated that 43 percent, a plurality of Americans, believe that Government policies and regulations are at least a somewhat serious cause of the unemployment problem.

That is what this seeks to address. It seeks to say that where you have a group which is particularly affected in unemployment, should we not at least there look at the fact that the Federal Government is preventing some of them from working by the kinds of restrictions that we have in the marketplace?

The gentleman from California a few minutes ago mentioned the minimum wage. Yes, minimum wage might be a factor here because it might well be that people under the minimum wage who would earn $150 a week, some of these young people, $3.35 an hour, might be able to find a job at $135 a week. Would they not be better off with that job working for $135 a week than no job, no opportunity, no nothing, at $150 a week that they cannot get?

Yes, that is what we are speaking to here. I happen to think that the work has a benefit in and of itself, and if we can waive some of the restrictions that keep minority young pepole from getting that first job then we ought to be doing something in this Congress to speak to that problem.

That is what this amendment does. This amendment is not the broad-based waiver that the first amendment was. It is targeted.

It says let us apply this idea to minority youth. Let us let communities out there who recognize that they have a minority youth unemployment problem apply for the waiver and allow the Federal Government to respond in some meaningful way to the problem that exists.

These kinds of programs that we are creating here on the floor today have not spoken to that problem well enough in the past to bring down the rate of unemployment. In fact, the rate of unemployment of those people has continued to go up.

□ 1720

I think it is time we speak to it. That is what this amendment does. This amendment speaks to it.

I yield back the balance of my time.

Mr. MILLER of California. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman and members of the committee, this amendment is aimed directly at the minimum wage. Once again we have a long-established policy in this country that you get equal wages for equal work. We do not make that determination based upon your age. And if an employer determines that if you are over 20, a job is worth $3.35 an hour or $5 an hour and he gives that job to you, and you are 18, that is what the job pays.

And what we have seen time and again is efforts to lead an assault on the minimum wage and each and every time they fail to come forward with the studies that indicate that this is a barrier to employment of minority youth.

What in fact we found out time and again is that in fact this is dis-employment for minority adults, for older adults, the people who now work in those industries that pay the minimum wage, many of them elderly would now be replaced by the minority youth or other youth, because this does not restrict it to minority youth, to other youth involved and we see in fact a substitution takes place.

That is how the employer lowers the cost of doing business, not reflecting the real cost of providing that job.

The Chamber of Commerce study just done, interestingly enough, they made a survey that said this is what people think, but when they have come to my subcommittee and testified on the minimum wage, the employers said that is not why they do not hire youth. They do not hire youth because of educational attainment or because they do not do a good job, in their mind, in the work they do, not because of the wage that is paid.

The most recent study apparently done in the last couple of days for the Chamber of Commerce, the economist who came out and said they should not remove the minimum wage, that it is not a barrier, also came out and said he recommended against a subminimum wage.

So, I think what we have is a rather old out-dated idea that this will unlock ten's of thousands if not millions of jobs. Well, it will not. There is substantial evidence that it will create more unemployment among people who are desperately in need of that minimum wage.

I think it also shows a lack of understanding about some of the situations in which minority youth live.

A significant number of minority youth who earn the minimum wage are making a substantial contribution to the household income. This is not pin money, this is not money for gasoline for their third automobile or to go to the show; this is to support the household. And I think that there is a great deal of arrogance to suggest that the answer to this problem is telling the poor unemployed that they get to become part of the working poor. I think it is very important that we reject this amendment. There is no evidence to substantiate it.

It is anecdotal evidence, it is cocktail party talk, but the fact of the matter is this will not unlock jobs for minority youth; this in fact will unemploy many of our elderly, in the restaurant business, in the entertainment business, in the service industry.

If you want to look at why perhaps minority youth did not participate in the massive job creation that took place during the 1970's it is because those jobs were not located where minority youth could get to them, they were not located on major transit lines, they were located in suburban areas where minority youth do not live because more jobs are created in McDonald's—in the fast food industry than any other single industry and most of those were not built where there are concentrations of minority youth because of the discriminatory policy in the placement of those business enterprises.

Mr. PEPPER. Mr. Chairman, will the gentleman yield?

Mr. MILLER of California. I yield to the gentleman.

Mr. PEPPER. I thank the gentleman.

Is it not also a possibility that there are some who support this kind of a measure whose objective is cheaper wages?

Mr. MILLER of California. There is no question that this is not a benevolent policy toward minority youth. This is a policy now put forth by a very select group of people in business in this country, because most of the big employers who employ youth have now determined that this is not the kind of policy they want to follow.

And so, it is a way to keep a downward pressure on workers' wages and conditions by creating this pool of young people that can be used to threaten the ability of older workers

to organize or have decent working conditions.

This is absolutely an antiworker measure.

Mr. FAUNTROY. Mr. Chairman, will the gentleman yield?

Mr. MILLER of California. I yield to the gentleman.

Mr. FAUNTROY. I thank the gentleman and commend the gentleman for pointing out to the House that the author of the amendment is being consistent.

In the previous offering he suggested we ought to discriminate against those among the 2.5 million people who have been out of work 27 weeks by saying "Your right to a fair wage and your rights to health and other protection is guaranteed to other citizens, should be waived."

I appreciate your pointing out that fact.

Mr. PARRIS. Mr. Chairman, I move to strike the requisite number of words.

Mr. WALKER. Mr. Chairman, will the gentleman yield?

Mr. PARRIS. I yield to the gentleman from Pennsylvania.

Mr. WALKER. I am sorry that the gentleman from California would not yield to me previously.

I just wanted to make the point that he was right in quoting from the study done by the chamber of commerce with regard to the subminimum wage.

However, he was not correct in his representation about the minimum wage in general. That study and I quote from Professor Fleisher who did the study:

> The minimum wage has no place in a constructive labor policy for the United States and is counterproductive as an element of a humane program of income transfers.

So, in fact they made the point that the minimum wage does have a good degree of inhumanity connected with it and it is one of the things we need to do as a part of this debate, to make certain that we reflect accurately the studies to which we are referring.

That is the accurate presentation.

I thank the gentleman.

Mr. PARRIS. I yield back the balance of my time.

Mr. HAWKINS. Mr. Chairman, I move to strike the requisite number of words.

I do not think it is necessary but let me just simply remind the Members that we have written into the act, I think, in response to much criticism of past jobs bills certain provisions which were intended to make this a tighter and certainly a better crafted bill. Those provisions which such amendments as this would permit a waiver to be granted against their operation, include antidiscrimination, antisubstitution, wage ceilings, prohibitions against political activity, union organization, health and safety.

Now, this is much broader than just the minimum wage. Any of these provisions can be waived.

For instance the antisubstitution provision could be waived because then the local jurisdiction could lay off adults in order to employ youth at a much lower wage.

Certainly by waiving health and safety provisions one could say this would make more money available for the employment of youth or other groups.

So, that I think the gentleman's intent may be good but certainly the result would be disastrous. I would only want to do this to remind the body that under the bill as it is now drafted 20 percent of the money will go to youth. Now, this is not just black youth, it is youth of all kinds.

I would suggest that we use that provision, if the gentleman is interested in youth, including black youth, let us use that well crafted provision which sets aside 20 percent of the money for youth rather than using the method that he is using to reach the same people.

Mr. CONYERS. Mr. Chairman, will the gentleman yield?

Mr. HAWKINS. I yield to the gentleman from Michigan.

Mr. CONYERS. Mr. Chairman, the Community Renewal Employment Act (H.R. 1036) refocuses our attention—and the Nation's—on the Achilles heel of economic policy, the persistence of staggering unemployment. After 9 months of so-called economic recovery, the national unemployment rate still is higher than at any point since the Depression of the 1930's.

Nearly 18 million workers—one-sixth of the labor force—are now either unemployed, underemployed, or dropouts from the labor force. The black jobless rate of 20 percent is more than double the rate among white workers, and the jobless rate for black teenagers has continued to climb and now stands at more than 50 percent.

Large areas of the Nation remain economically depressed, particularly the older, industrial centers. Michigan's jobless rate exceeds 14 percent; Detroit's unemployment rate stands at 20 percent. Fourteen States still experience double-digit jobless levels. Basic industrial sectors, including construction, mining, metals, machinery, autos, and steel, remain depressed.

The conventional wisdom holds that overall economic growth will spur job creation, promote a fair distribution of jobs among all groups and regions, and lead to jobs that provide an adequate income. Just the opposite has taken place under this so-called recovery. Job creation is more skewed than ever across regions and among groups, and the shift to lower paying "service" jobs at the expense of high-paying industrial jobs has only deepened the dual-labor market that has been developing. A novel feature of this so-called recovery is the extent to which the private sector is achieving better balance sheets precisely by eliminating workers through laborsaving devices, for example, labor-displacing technologies, more overtime for the existing work force, and so forth. As a matter of fact, the current economic situation is revealing a decoupling of job growth and economic growth, rather than a convergence.

The Community Renewal Employment Act is a constructive step in dealing with the unemployment crisis. It reasserts the Federal responsibility in job creation. It links job creation for the hard-core unemployed with meeting essential community needs in the areas of community improvement projects as well as public service delivery.

In point of fact, the unemployment situation today requires a thoroughgoing reexamination of economic policy. At the heart of the problem is the failure of Congress and the President to zero in on the compelling public interest in making the elimination of unemployment the top national priority.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania (Mr. WALKER).

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. WALKER. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 92, noes 327, not voting 14, as follows:

[Roll No. 350]

AYES—92

Archer	Holt	Rudd
Badham	Hopkins	Schaefer
Bartlett	Hunter	Schulze
Bateman	Hyde	Sensenbrenner
Bethune	Ireland	Shaw
Bilirakis	Kasich	Shumway
Broomfield	Kramer	Shuster
Broyhill	Lagomarsino	Siljander
Burton (IN)	Latta	Skeen
Campbell	Lewis (CA)	Smith (NE)
Chappie	Lewis (FL)	Smith, Denny
Cheney	Livingston	Smith, Robert
Coats	Loeffler	Solomon
Corcoran	Lowery (CA)	Spence
Crane, Daniel	Lujan	Stangeland
Crane, Philip	Lungren	Stenholm
Dannemeyer	Mack	Stump
DeWine	Martin (IL)	Sundquist
Dreier	Martin (NC)	Thomas (CA)
Edwards (OK)	McCain	Vander Jagt
Erlenborn	McCollum	Vucanovich
Fiedler	Moorhead	Walker
Fields	Morrison (WA)	Weber
Forsythe	Packard	Whitehurst
Gekas	Parris	Whittaker
Gingrich	Pashayan	Winn
Goodling	Paul	Wolf
Gregg	Ray	Young (AK)
Hartnett	Roberts	Young (FL)
Hiler	Robinson	Zschau
Hillis	Roth	

NOES—327

Ackerman	Akaka	Alexander
Addabbo	Albosta	Anderson

Andrews (NC)	Frank	McNulty
Andrews (TX)	Franklin	Mica
Annunzio	Frenzel	Michel
Anthony	Frost	Mikulski
Applegate	Fuqua	Miller (CA)
AuCoin	Garcia	Miller (OH)
Barnard	Gaydos	Mineta
Barnes	Gejdenson	Minish
Bates	Gephardt	Mitchell
Bedell	Gibbons	Molinari
Beilenson	Gilman	Mollohan
Bennett	Glickman	Montgomery
Bereuter	Gonzalez	Moody
Berman	Gore	Moore
Bevill	Gradison	Morrison (CT)
Biaggi	Gray	Mrazek
Bliley	Green	Murphy
Boehlert	Guarini	Murtha
Boggs	Gunderson	Myers
Boland	Hall (IN)	Natcher
Boner	Hall, Ralph	Neal
Bonior	Hall, Sam	Nelson
Borski	Hamilton	Nichols
Bosco	Hammerschmidt	Nielson
Boucher	Hance	Nowak
Boxer	Hansen (ID)	O'Brien
Breaux	Hansen (UT)	Oakar
Britt	Harkin	Oberstar
Brooks	Harrison	Obey
Brown (CA)	Hatcher	Olin
Brown (CO)	Hawkins	Ortiz
Bryant	Hayes	Ottinger
Burton (CA)	Hefner	Owens
Byron	Hertel	Oxley
Carney	Hightower	Panetta
Carper	Horton	Patman
Carr	Howard	Patterson
Chandler	Hoyer	Pease
Chappell	Hubbard	Penny
Clarke	Huckaby	Pepper
Clay	Hughes	Perkins
Clinger	Hutto	Petri
Coelho	Jacobs	Pickle
Coleman (MO)	Jeffords	Porter
Collins	Jenkins	Price
Conable	Johnson	Pursell
Conte	Jones (NC)	Quillen
Conyers	Jones (OK)	Rahall
Cooper	Jones (TN)	Rangel
Coughlin	Kaptur	Ratchford
Courter	Kastenmeier	Regula
Coyne	Kazen	Reid
Craig	Kennelly	Richardson
Crockett	Kildee	Rinaldo
D'Amours	Kindness	Ritter
Daniel	Kogovsek	Rodino
Daschle	Kolter	Roe
Daub	Kostmayer	Roemer
Davis	LaFalce	Rogers
de la Garza	Lantos	Rose
Dellums	Leach	Rostenkowski
Derrick	Leath	Roukema
Dickinson	Lehman (CA)	Rowland
Dingell	Lehman (FL)	Roybal
Dixon	Leland	Russo
Donnelly	Lent	Sabo
Dorgan	Levin	Savage
Dowdy	Levine	Sawyer
Downey	Levitas	Scheuer
Duncan	Lipinski	Schneider
Durbin	Lloyd	Schroeder
Dwyer	Long (LA)	Schumer
Dymally	Long (MD)	Seiberling
Dyson	Lott	Shannon
Early	Lowry (WA)	Sharp
Eckart	Luken	Shelby
Edgar	Lundine	Sikorski
Edwards (AL)	MacKay	Simon
Edwards (CA)	Madigan	Sisisky
Emerson	Markey	Skelton
English	Marlenee	Slattery
Erdreich	Marriott	Smith (FL)
Evans (IA)	Martin (NY)	Smith (IA)
Evans (IL)	Martinez	Smith (NJ)
Fascell	Matsui	Snowe
Fazio	Mavroules	Snyder
Feighan	Mazzoli	Solarz
Ferraro	McCandless	Spratt
Fish	McCloskey	St Germain
Flippo	McCurdy	Staggers
Florio	McDade	Stokes
Foglietta	McEwen	Stratton
Foley	McGrath	Studds
Ford (MI)	McHugh	Swift
Ford (TN)	McKernan	Synar
Fowler	McKinney	Tallon
Tauke	Vento	Wirth
Tauzin	Volkmer	Wise
Taylor	Walgren	Wolpe
Thomas (GA)	Watkins	Wortley
Torres	Waxman	Wright
Torricelli	Weaver	Wyden
Towns	Weiss	Wylie
Traxler	Wheat	Yates
Udall	Whitley	Yatron
Valentine	Whitten	Young (MO)
Vandergriff	Wilson	Zablocki

NOT VOTING—14

Aspin	Hall (OH)	Ridge
Bonker	Heftel	Stark
Coleman (TX)	Kemp	Williams (MT)
Dicks	Moakley	Williams (OH)
Gramm	Pritchard	

□ 1740

Messrs. CHANDLER, CRAIG, and HANSEN of Idaho changed their votes from "aye" to "no."

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. MURPHY

Mr. MURPHY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. MURPHY: Page 45, after line 24, insert the following new subsection:

(i) Regulations promulgated by the Secretary under section 123(g) of the Comprehensive Employment and Training Act as in effect on April 1, 1981, shall apply to funds provided under this Act for the purpose of assuring against program abuses, including, but not limited to, nepotism, conflicts-of-interest; the charging of fees in connection with participation in the program; excessive or unreasonable legal fees; the improper commingling of funds under this Act with funds received from other sources; the failure to keep and maintain sufficient, auditable, or otherwise adequate records; kickbacks; political patronage; violations of applicable child labor laws; the use of funds for lobbying local, State, or Federal legislators, and the use of funds for activities which are not directly related to the proper operation of the program.

Mr. MURPHY (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The CHAIRMAN. The gentleman from Pennsylvania (Mr. MURPHY) is recognized for 5 minutes in support of his amendment.

Mr. WEISS. Mr. Chairman, will the gentleman yield?

Mr. MURPHY. I yield to the gentleman from New York.

Mr. WEISS. I thank the gentleman for yielding.

Mr. Chairman, I rise in strong support of H.R. 1036, the Community Renewal Employment Act. I want to commend the distinguished chairman, the gentleman from California (Mr. HAWKINS) for a very well-crafted bill.

Mr. Chairman, the Community Renewal Employment Act that we are considering is urgently needed by millions of long-term jobless Americans as well as by thousands of communities across the country that have vital work waiting to be done.

The onset of an economic recovery has not alleviated the need for a community jobs program. Unemployment in New York City was 10.6 percent in August, unchanged from July and barely changed from the 10.7 percent rate of the previous year.

The problem is not confined to pockets of high unemployment. Across the country, there were still nearly 11 million unemployed in August, with an additional 1.7 million so discouraged they had abandoned the search for work. Nearly 6 million more have been forced to work part time though they need full-time jobs. A key measure of labor market hardship—total weeks of unemployment—is still rising rapidly. More than one-half of the long-term jobless are not receiving any unemployment insurance benefits.

Among blacks, unemployment is 20 percent; among Hispanics, almost 13 percent. For black teenagers, it is a staggering 53 percent, and for all youths, the jobless rate is 23 percent.

The Community Renewal Employment Act would help alleviate the hardship and suffering associated with the statistics. Second, it would help reduce the Federal deficit through the taxes paid by workers under the program and the savings in Federal outlays for services to the unemployed, such as welfare and food stamps. It is important to remember that each extra percentage point of unemployment adds from $25 to $30 billion to the Federal deficit.

Finally, this program would revitalize communities across America that have foregone needed repairs and renovations and have curtailed human services because of Federal program cutbacks and the recession. The program would allow communities to provide services to the elderly, the handicapped and veterans, to renovate community buildings, repair roads and bridges, carry out emergency food and shelter programs and provide library services. Under title III of the bill, funds would go to colleges and school districts to upgrade their facilities. Possible projects under this education program include making buildings energy-efficient or accessible to the handicapped and converting unused buildings into adult education centers.

Lessons from public jobs programs of the past have been important in developing this program. The bill has the strongest provisions against abuse that have ever been written into a Federal jobs program. It insures against the substitution of federally subsidized jobs for local jobs with an automatic review process and a complaint process for persons who are al-

legedly displaced by the program. The jobs have to be in short-term projects that will supplement and not supplant current services. As a further protection against abuse, participants will be certified as eligible by State employment agencies, rather than by local elected officials.

Eligibility is restricted to individuals who have been unemployed at least 15 of the 20 preceding weeks, with priority given to those who have been unemployed the longest or who belong to households where no one else is working full-time.

Another major departure from past public service jobs programs is that local governments may contract with private firms to carry out the projects and participants can be trained for private sector openings.

The fiscal year 1984 authorization, at $3.5 billion, is expected to create 500,000 jobs. Future authorizations will be set at 20 percent of the total number of long-term unemployed persons multiplied by $10,000, the estimated cost of a job under the program. Eighty percent of the funds will be used for community projects and 20 percent for educational facility projects. In addition, 20 percent of the funds under both categories must be spent on part-time jobs for youth, not to exceed 32 hours per week and supplemented by 8 hours of education or training.

The purpose of this program should not be confused with the purpose of the Jobs Training Partnership Act or of the Emergency Jobs Act that have been enacted recently. JTPA is a training program and the Emergency Jobs Act accelerated already planned spending for public works. The community renewal employment program supplements training programs and is not meant to prepare individuals to enter the labor force. Unlike the legislation enacted earlier, it is targeted to areas with higher than average unemployment and to people who have been unsuccessful in obtaining unsubsidized jobs.

Economic necessity, community needs and human compassion combine to give high priority to passing this bill. I urge my colleagues to oppose any weakening amendments and to vote for the Community Renewal Employment Act.

Mr. MURPHY. Mr. Chairman, in order to insure the integrity of the Community Renewal Act, special efforts are necessary to prevent fraud and other abuses. Strong enforcement provisions were taken under CETA in order to insure that employment and training opportunities are provided on an equitable basis. In its brief history, from 1973 to 1982, CETA was amended 8 times and proliferated 12 separate programmatic titles, parts, and subparts. The constant legislative changes helped strengthen the bill by providing equal employment and training opportunities to all Americans.

However, in any jobs program, there is the danger of political abuses. Under CETA in fiscal year 1980 an amendment was enacted into law to prevent nepotism, and other discriminatory hiring practices. This amendment had the effect of insuring nondiscrimination and helped foster equal opportunity. To help strengthen the Community Renewal Act, I am offering an enforcement provision to assure against program abuses, including, but not limited to nepotism and political patronage.

In my congressional district, there is an average unemployment rate of 16.4 percent which is well above the national average. Many of these individuals are long-term unemployed—many for 15 weeks or more.

This bill is specifically targeted for our long-term unemployed, and we want to make every assurance that these funds reach those Americans who are most devastated by the recession. Therefore, the tough, antinepotism provision is designed to insure that the funds under the Community Renewal Employment Act will be used for the primary purpose of providing temporary jobs to those in greatest need—the long-term unemployed.

□ 1750

Mr. HAWKINS. Mr. Chairman, will the gentleman yield?

Mr. MURPHY. I yield to the gentleman from California.

Mr. HAWKINS. I thank the gentleman for yielding.

Mr. Chairman, the managers on this side are willing to accept the amendment. We think it is a good amendment and we commend the gentleman.

Mr. MURPHY. I thank my chairman.

Mr. JEFFORDS. Mr. Chairman, will the gentleman yield?

Mr. MURPHY. I yield to the gentleman from Vermont.

Mr. JEFFORDS. I appreciate the gentleman's yielding to me.

Mr. Chairman, I rise in support of this amendment, and I am sure this side will support it.

Mr. MURPHY. Mr. Chairman, I thank the gentleman.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania (Mr. MURPHY).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. WALKER

Mr. WALKER. Mr. Chairman, I offer one additional amendment.

The Clerk read as follows:

Amendment offered by Mr. WALKER: On page 61, after line 12, add the following new section:

SEC. 506. In administering the programs for which funds are provided by this Act to promote productive employment, 100 per centum of the employment created by this Act shall go to individuals who are classified as having been unemployed for at least fifteen weeks immediately prior to the date of individual application for employment under this Act.

Mr. WALKER. Mr. Chairman, earlier I offered an amendment similar to this. It is the 100-percent amendment, trying to assure that all of the money in the bill will go to people who are unemployed. The objections raised to that amendment earlier were that I had put 6 weeks in instead of 15 weeks in order to broaden the base of the number of people unemployed who would be covered.

So this new amendment goes to 15 weeks and it has the same number of weeks in it as the bill. In other words, only people who had been unemployed for 15 weeks or more would be eligible for the coverage.

The other objection raised to the amendment at the time that I offered it was that I had made it applicable as of the date of the enactment of the act. Under the new amendment that I am offering, it would be 15 weeks prior to the individual application for employment or for employment under this act. In other words, once the individual walked in, all he would have to demonstrate is that he had been unemployed for 15 weeks prior to that application.

In other words, I am trying to meet the objections that were raised earlier, but still focus on the fact that I want the money that is going to be spent under this act to go to people who are unemployed and not get siphoned off as it has been siphoned off in nearly all the other programs that have been enacted of the same nature in the past.

What this amendment attempts to do is to assure that the money that is spent for employment goes to the unemployed. In this case it will have to be people who were unemployed for 15 weeks or more. I think it is a fairly simple amendment, given the discussion that we had previously. I do not think I have to go into all the justifications that I made previously. The Members want to go home. I would hope that we could get a vote on it. As a matter of fact, I hope that the Committee might accept this one since it meets the objections that they have raised.

Mr. HAWKINS. Mr. Chairman, I rise to oppose the amendment.

Mr. Chairman, fortunately the amendment moves in the right direction; unfortunately, it does not improve very much on the previous amendment which was offered.

The first defect in this amendment, as I can see it as it is now drafted, is that there are some people who cannot document their work record. This is primarily true in the case of women and youth who do not have a really documentable work record in

line with the Employment Service. So it allows no flexibility in those few instances in which the Employment Service would have to make a judgment.

But I think the more serious defect is in the change from the 15 weeks. That is 15 continuous weeks prior to the application as it is now drafted in the bill, which allows 15 out of 20 weeks. That is the usual language in such bills of this nature, to provide not 15 continuous weeks, but 15 out of 20. The reason for that is that there may be some interruption during that 20-week period.

An individual, for example, may be laid off for a day or may leave the job for a day or just a few days, but go back or may be employed, in this instance, for only a day or two, which would break his 20-week cycle but he is still unemployed. So out of that 20 weeks, we do allow some flexibility so that individuals who may in good conscience seek and obtain some employment to get off the unemployment rolls, work for a day or two, and only that, during that cycle.

This would completely eliminate that individual who is genuinely unemployed but who makes the attempt to get off the unemployment rolls. This amendment would obviously eliminate that individual. I think that alone would make this a very defective approach and I would suggest that we turn this amendment down also.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania (Mr. WALKER).

The question was taken; and on a division (demanded by Mr. WALKER) there were—ayes 23, noes 73.

Mr. WALKER. Mr. Chairman, I demand a recorded vote.

A recorded vote was refused.

So the amendment was rejected.

● Mr. FORD of Michigan. Mr. Chairman, I rise in strong support of H.R. 1036, the Community Renewal Employment Act. This legislation is of the highest priority. It will enable the long-term unemployed and discouraged job seekers to obtain gainful work on projects and activities that are necessary and worthwhile. States and localities will benefit from these undertakings through improved facilities and better public services. The financial condition of communities will be revitalized by the influx of earned incomes which will flow into the local economies.

My support and enthusiasm for this legislation reflects my confidence that it will provide the economic stimulus that is desperately needed by the Nation and by recession-ravaged areas such as the Great Lakes region. Even before Reaganomics plunged this Nation into a deep recession, the Great Lakes region was suffering from a prolonged depression due to the economic ills of the automobile, steel, and allied industries. Though the recent recession was an unsettling and painful experience for many parts of our Nation, it dealt a near-fatal blow to citizens in industrial States such as Michigan where double-digit unemployment had already had a devastating effect.

When President Reagan took office in January 1981, the Nation was experiencing an unemployment rate of 7 percent, but Michigan's rate was almost twice as high, and my district, the 15th, had a distressing rate of 11.7 percent. By the beginning of 1983, after 2 years of Reaganomics, the Nation's unemployment had climbed to 11.3 percent, but Michigan's had skyrocketed to 16.5 percent. Today, despite the administration's ballyhoo about an economic recovery, the national unemployment rate remains at an intolerable level of 9.5 percent, and Michigan's rate is an appalling 14.3 percent. Alarming as they are, these statistics do not begin to dramatize the human suffering and hopelessness that has dogged the heels of the unemployed. Continued high unemployment has placed an onerous burden on our Nation and has exacted an even heavier toll from its victims.

While administration officials boast about an economic recovery, more than 10 million jobless Americans are asking "where?" Over 7 million discouraged jobseekers have stopped asking "when?" Last week the Bureau of Labor Statistics (BLS) reported that jobless rates had dropped in two-thirds of the States. But those data represent mincing decreases in exorbitant unemployment rates. Despite this reduction in unemployment, only five States have unemployment rates below 6 percent. This is an intolerable situation that must not be allowed to fester while we wait for further improvements in the economy. We must act now to put people back to work. H.R. 1036 is the vehicle that will achieve that objective quickly and effectively.

This legislation will provide worthwhile employment to the long-term unemployed. Eligible participants will be employed in projects and activities which are sorely needed. Their earned incomes will stimulate local economies and help to ease the revenue shortfalls of local governments. It is important to emphasize that this legislation is not designed to create work merely to justify the expenditure of Federal funds. It will not generate unnecessary, unwanted projects and activities. Rather, the legislation will place people in significant work projects and public service activities that have been neglected because local communities have lacked financial resources. Because of declining revenues and Federal budget reductions, local governments have been forced to delay the maintenance and repair of public facilities and to cut back on public safety and fire protection and to reduce public health services. The employment authorized by this bill will be in projects and activities which have been documented as needing immediate attention. Because of the severe economic recession caused by this administration's policies, public facilities have deteriorated and public services have been curtailed drastically. It is in these vital areas that the bill authorizes funding to create jobs in activities that will enhance the quaility of living in communities throughout the Nation. The bill defines and delineates the types of projects and activities that will be funded. These include projects to repair, rehabilitate, or improve public facilities; to conserve, rehabilitate, and improve public lands, and activities relative to public safety, health, and social services.

H.R. 1036 is a significant improvement over previous public service employment programs. It is highly targeted to individuals who have experienced protracted periods of unemployment and to areas with higher than average unemployment rates. Job creation will be concentrated in areas where unsubsidized employment is severely limited due to overall economic conditions. The bill requires that the jobs that are created must be in activities which are coordinated with longer term economic development plans. Priority funding will be given to projects which are tied to expansion of private sector employment. To prevent fraud, abuse, and the substitution of Federal funds, the bill provides for the most stringent and most enforceable accountability of any Federal program. In addition, the bill provides that as the economy improves, the funding level for job creation decreases.

Mr. Chairman, the stranglehold of high unemployment must be broken. The most expeditious and effective means of reducing unemployment and revitalizing our economy is enactment of H.R. 1036. The bill is designed to provide beneficial employment opportunities as quickly as feasible and to assure adequate monitoring and evaluation of the results on a followup basis. The bill establishes deadlines for notification by the Secretary and responses by eligible units of Government so that acceptance of responsibility and funding of projects and activities can be accomplished in a relatively short period of time. The legislation places an emphasis on activities that are as labor intensive as possible so that the maximum number of meaningful jobs will be created expeditiously with the funds authorized. However, fiscal controls and administrative responsibility are not sacrificed to the requirements of prompt implementation.

This legislation is intended to provide a last resort opportunity for jobless individuals who have been unable to secure employment in the regular economy. However, the jobs funded under this legislation are to be considered transitional opportunities to provide useful work until individuals are able to secure unsubsidized employment. In recognition of the transitory nature of these jobs and the need for individuals to be able to seek jobs in the regular economy, the bill requires that individuals be given time off from their jobs to search for regular employment. I am confident that the manner in which this legislation has been developed will make this program the most effective public service program the Congress has ever enacted.

Our committee has designed a bill that responds quickly to the employment needs of the long-term unemployed and discouraged job seekers. It provides for speedy implementation within a framework of fiscal controls and administrative accountability. The legislation concentrates on persons with the longest history of unemployment in areas with the highest rates of unemployment. To assure that the targeted individuals are reached, the bill requires that 90 percent of the positions must be filled by persons who have been certified as having been unemployed 15 weeks or more or who have exhausted their unemployment benefits. The other 10 percent may be persons who have had sporadic work experiences, who do not have a documentable work history, but who have the requisite skills to fill a nonmanagerial position in a particular project. Careful consideration has been given to assuring meaningful employment opportunities through the designation of specific projects and activities that are permitted to be undertaken. In addition, the jobs must be in activities which are coordinated with longer term economic development plans.

Mr. Chairman, it is amazing to me that any of my colleagues can oppose this bill on the basis that the economy has supposedly recovered. I know that the newspapers and the TV news shows have announced a recovery, but I also know that the national unemployment rate is still higher than at any time in the 40 years which preceded Mr. Reagan's Presidency.

When Mr. Reagan ran for office, he claimed that 7 percent unemployment was a depression. How can 9.5 percent unemployment be a recovery? Only 8 of the 50 States have unemployment rates below 7 percent today. More than 10 million Americans cannot find a job. What kind of a recovery leaves 10 million Americans without work, 60 percent of them without unemployment benefits?

Even States with normally strong, diversified economies such as Texas and California are still deep in a recession. More than a million people are seeking work without success in California. More than 600,000 are looking for work in Texas, the heart of the Sun Belt's once-booming economy.

And within the recession those States are suffering, there are major pockets of real depression. Stockton, Calif., has an unemployment rate of 14.8 percent; Modesto, Calif.'s unemployment rate is 17.6 percent. Dozens of Texas counties have double-digit unemployment rates.

No recovery has reached my own State of Michigan, where the unemployment rate still exceeds 13 percent and where one-third of the work force in certain cities and counties has been jobless for months or years.

No sober person can claim that Michigan needs no help, that the 575,000 unemployed Michiganites do not need jobs, or that the hard-pressed local governments in Michigan cannot find work in the community that needs to be done.

For proof of the Nation's continuing economic difficulties, I urge my colleagues to review the following charts, which show the Bureau of Labor Statistics' most recent unemployment figures for Michigan and selected cities and counties from other States:

CURRENT UNEMPLOYMENT RATE FOR MICHIGAN CITIES WITH POPULATION EXCEEDING 50,000

City	Unemployment rate (percent) [1]	Population [2]
Ann Arbor	5.6	107,966
Dearborn	8.1	90,660
Dearborn Heights	8.8	67,706
Detroit	16.6	1,203,339
East Lansing	7.2	51,392
Farmington Hills	11.1	58,056
Flint	21.9	159,611
Grand Rapids	13.8	181,843
Kalamazoo	11.4	79,772
Lansing	10.9	130,414
Livonia	6.3	104,814
Pontiac	25.5	76,715
Roseville	20.0	54,311
Royal Oak	10.8	70,893
Saginaw	18.0	77,508
Southfield	10.4	75,568
St. Clair Shores	13.7	76,210
Sterling Heights	13.8	108,999
Taylor	12.5	77,568
Troy	8.5	67,102
Warren	16.6	161,134
Westland	10.2	84,603
Wyoming	10.2	59,616

[1] Unemployment as of July 1983.
[2] Population from 1980 Census.

State	Civilian labor force July 1983	Unemployment	
		Number (in thousands) July 1983	Percent of labor force July 1983
Alabama	1,755	228	13.0
Alaska	234	20	8.5
Arizona	1,327	135	10.2
Arkansas	1,015	93	9.2
California	12,438	1,182	9.5
Colorado	1,670	112	6.7
Connecticut	1,633	103	6.3
Delaware	302	23	7.6
District of Columbia	341	39	11.3
Florida	5,017	409	8.2
Georgia	2,698	196	7.3
Hawaii	470	33	7.1
Idaho	458	43	9.3
Illinois	5,657	663	11.7
Indiana	2,542	234	9.2
Iowa	1,415	105	7.4
Kansas	1,201	68	5.7
Kentucky	1,636	186	11.4
Louisiana	1,892	234	12.4
Maine	565	57	10.0
Maryland	2,216	140	6.3
Massachusetts	3,046	190	6.2
Michigan	4,404	575	13.1
Minnesota	2,202	165	7.5
Mississippi	1,077	144	13.4
Missouri	2,354	222	9.4
Montana	390	32	8.3
Nebraska	809	44	5.4
Nevada	499	45	9.0
New Hampshire	512	29	5.6
New Jersey	3,737	309	8.3
New Mexico	609	64	10.6
New York	8,408	732	8.7
North Carolina	2,951	255	8.6
North Dakota	336	14	4.3
Ohio	5,302	579	10.9
Oklahoma	1,529	132	8.6
Oregon	1,346	128	9.5
Pennsylvania	5,670	617	10.9
Rhode Island	481	45	9.3
South Carolina	1,456	143	9.8
South Dakota	342	16	4.8
Tennessee	2,157	233	40.8
Texas	7,721	637	8.3
Utah	669	58	8.7
Vermont	266	17	6.3
Virginia	2,768	158	5.7
Washington	2,029	213	10.5
West Virginia	768	133	17.4
Wisconsin	2,436	228	9.4
Wyoming	268	23	8.7

In six of seven Louisiana cities, unemployment is worse now than it was a year ago:

PERCENT UNEMPLOYMENT

	July	
	1982	1983
Louisiana	10.6	12.4
Alexandria	12.0	12.2
Baton Rouge	9.5	10.5
Lafayette	5.2	8.5
Lake Charles	14.5	15.2
Monroe	12.9	11.4
New Orleans	9.6	10.8
Shreveport	9.7	11.9

Each of Alabama's major cities is still suffering from double-digit unemployment rates:

Alabama	13.0
Birmingham	11.7
Huntsville	10.0
Mobile	14.1
Montgomery	10.6
Tuscaloosa	11.8

Six of Illinois' nine major metropolitan areas are still suffering from double-digit unemployment:

Illinois	11.7
Bloomington-Normal	8.1
Champaign-Urbana-Rantoul	6.9
Chicago	10.7
Davenport-Rock Island-Moline	14.3
Decatur	14.9
Kankakee	16.7
Peoria	16.7
Rockford	14.1
Springfield	8.3

Even in States where the statewide unemployment rate is relatively low, certain cities and counties remain plunged in a depression. In Minnesota, for example, where the 7.5-percent unemployment rate is below the national

average, the Duluth-Superior SMSA has 15.2 percent unemployment. The same is true in Florida, where the Lakeland-Winter Haven unemployment rate is 17 percent.

If, as Mr. Reagan claims, the economy has recovered, one thing is very clear. We need the jobs bills even during a recovery. We need H.R. 1036, and I urge all of my colleagues to vote in favor of it.●

● Mr. ZABLOCKI. Mr. Chairman, it is a pleasure to support H.R. 1036, the Community Renewal Employment Act, of which I am a cosponsor. It has been my position since the beginning of the President's so-called program for economic recovery that we must address unemployment first.

In the Fourth Congressional District of Wisconsin, which includes the Milwaukee-Waukesha area which I am privileged to represent, workers are facing unbelievable difficulties in making ends meet. We still have double-digit unemployment; we still have massive layoffs in our factories and businesses; small businesses are failing, and workers are running out of benefits. It is evident to me that in the Milwaukee area we have not recovered and Federal policies must be implemented so that we can.

Mr. Chairman, the Community Renewal Employment Act proposes to establish a job-creation program that could create 500,000 jobs in fiscal 1984. Importantly, these are not make-work jobs but community repair, recreation, and necessary service jobs that will seriously improve our communities.

The bill has provisions to support private sector employment and assure that the Federal Government gets a maximum return for its spending. Mr. Chairman, this bill is fair, equitable and in the best interests of our communities, our workers, and the Federal Government.

As one who has voted for every single major jobs bill that has been brought up in the House of Representatives in the last several years, every single unemployment compensation bill including the one that was cleared prior to the August recess extending FSC benefits in Wisconsin, and against every single Reagan budget cut that was harmful to workers and the poor and middle-income individuals, I believe the Community Renewal Act is the next logical step to putting our economy back on its feet. It is a pleasure to support it.●

● Mr. STOKES. Mr. Chairman, I rise in support of H.R. 1036, the Community Renewal Employment Act, sponsored by my good friend and distinguished colleague, Representative Augustus Hawkins.

The time has come for this body to act on the issue of unemployment in a constructive, creative, productive and positive fashion. According to the most recent statistics released by the Labor Department, the joblessness rate for the month of August held steady at 9.5 percent. This means that 10.7 million persons are still out of work. Unemployment for black Americans is a shocking 21 percent. Moreover, joblessness among black youths in the 16 to 19 age group soared from 48.1 percent in July to 53 percent in August.

The White House is said to be pleased with the economy's progress in recovering from the recession. But it has become increasingly clear and obvious that we cannot rely on the judgment of the White House on the matter of jobs. We in Congress must not only propose, but pass legislation which will contribute to employment for those who are without jobs.

H.R. 1036 is a modest jobs creation initiative which will provide employment for approximately 1 million persons. How can we sit idly by while over 10 million persons are out of work? We have sat for far too long. The State of Ohio has an unemployment rate of 10.9 percent, which means that Ohio ties with the State of Pennsylvania in terms of having the ninth highest unemployment rate in this Nation. What am I to tell my constituents when I have to face them weekend after weekend? I surely cannot tell them to wait a little longer. They have waited long enough.

H.R. 1036 would serve to provide immediate assistance to unemployed persons by funding essential jobs in such critical areas as emergency food and shelter programs, disaster relief, road, bridge, water and sewer repair, erosion and flood control, rehabilitation of aging school buildings, as well as other vitally needed community projects.

Approximately 93 percent of the community improvement funds would be distributed to local governments serving populations over 50,000 persons on the basis of the relative severity of unemployment. The other 7 percent would be divided with 5 percent set aside for employment in State-administered programs and facilities such as State parks and hospitals and 2 percent for native American tribal governments. H.R. 1036 establishes the following formula for the distribution of funds.

One-third of the funds allocated according to the number of unemployed persons in the eligible area.

One-third to be allocated according to the number of unemployed persons in excess of a 6.5-percent unemployment rate in the eligible area.

One-third to be allotted according to the number of unemployed persons in excess of the national employment rate in the eligible area.

This act would authorize $5 billion for fiscal year 1983. The period of authorization is open ended, and in the preceding fiscal years after 1983, the amount of authorization would vary according to the number of unemployed persons. The projected authorization figure for 1984 is $10 billion.

In this bill, any youngster over 16 years of age who has been certified by his/her respective State employment service agency as having been unemployed for at least 15 of the 20 weeks prior to application would be eligible for employment. A good number of unemployed citizens across this country have exhausted their unemployment insurance. Some are no longer eligible. Many belong to households where no other member is employed on a full-time basis. H.R. 1036 is designed in structure to insure that respective State employment agencies see to it that these needs and circumstances as well as any others by traditionally underrepresented groups, such as women and minorities, are enhanced to the fullest.

The Community Renewal Employment Act would give priority attention to economically disadvantaged unemployed youths. A special and noteworthy incentive of this act is one which would allow high school dropouts to become employed—provided that they agree to reenroll and pursue their education. Approximately 20 percent of the community improvement funds would be directed to employ youths in part-time jobs that would not exceed 38 hours per week. Each and every participating youth would have to be enrolled in high school, a high school equivalency program, or a skill training program for at least 8 hours per week.

No one who is presently employed would risk being replaced by a participant in any jobs program funded by this piece of legislation. The bill contains a direct prohibition against the displacement of any regular, unsubsidized worker and includes a number of provisions designed to insure that this does not occur. One such provision establishes a complaint process to address allegations of the substitution of subsidized workers for regular workers. Another such provision includes the prohibition against contracting out work that would normally be performed by public employees.

Mr. Chairman, H.R. 1036 represents an intelligent, well thought out approach to a complex, urgent problem which is before us. There exists in America real human beings whose not having jobs is causing much hardship and suffering. The national administration does not seem to understand this.

The Community Renewal Employment Act is just one small step toward solving this Nation's unemployment problems. But it is an opportunity that we should not overlook, if we are sincere and committed to this cause. This cause which I speak of is that which will enable each and every

American who is willing and able to work to find employment. We have a moral obligation and responsibility to support H.R. 1036, the Community Renewal Employment Act.●

● Mr. BOUCHER. Mr. Chairman, I rise in support of H.R. 1036, the Community Renewal Employment Act, which will provide more than $9 million to localities in the Ninth District of Virginia for employment of jobless people on needed public facility repair and improvement projects.

More than 29,000 individuals in my congressional district are unemployed and cannot find work. The long-promised economic recovery has yet to provide its benefits to those portions of the country which, like southwest Virginia, are dependent on basic industries which have been devastated by high interest rates, diminished domestic demand and aggressive, subsidized foreign competition. H.R. 1036 is urgently needed in these areas to put people back to work so that they may provide for themselves and for their families.

The House Education and Labor Committee, on which I am proud to serve, carefully crafted this program to assure that the long-term unemployed would receive the bulk of the employment opportunities. To assure that Federal funds are used for appropriate projects, the committee specified the activities that could be funded through the program. To encourage private sector employment, the committee allowed for localities to contract with private firms to carry out authorized projects. And to address the urgent need for educational facility repair and rehabilitation, the committee authorized $700 million for school-related construction projects. I am pleased that Virginia will receive $10.7 million for school construction and repair under title III of H.R. 1036.

I am particularly pleased that the committee constructed a targeting mechanism that will direct funds to those localities with the most severe unemployment problems. Too often the distribution of Federal funds is based on political clout and not on genuine need. Chairman HAWKINS of the Employment Opportunities Subcommittee is to be commended for working closely with Members representing rural areas with high unemployment to assure that our communities will receive a fair share of funds for community employment projects.

A few months ago, I stood in this Chamber during the debate on phase I of the jobs program, the emergency appropriations jobs bill. Despite unprecedented levels of unemployment, some Members opposed the bill and said we should do nothing. Those Members were wrong, and I am pleased that the Congress enacted phase I of the jobs program. The Virginia Highlands Airport Commission in Abingdon, Va., recently received a $537,000 jobs bill grant from the Federal Aviation Administration to fund repair and reconstruction of the airport runway. That project will not only provide jobs immediately to the unemployed in Washington County and Bristol, it will also enhance the area's economic development efforts over the long term. Federal jobs programs do work, and they do provide real benefits to needy people in our communities.

I strongly urge my colleagues to support H.R. 1036, the Community Renewal Employment Act. With more than 10 million Americans still out of work, 29,000 of whom live in my congressional district, we must enact phase II of the jobs program as soon as possible.●

● Mr. PATTERSON. Mr. Chairman, I rise in support of H.R. 1036, the Community Renewal Employment Act, and I commend my colleagues on the Education and Labor Committee for their fine work in drafting this essential legislation.

We are being asked today to make an investment in our Nation's most valuable resource—its people—and this investment will provide a substantial stimulus to the economy as unemployed citizens become productive workers and taxpayers, instead of tax users.

Despite some signs of economic recovery, the current 9.5 percent unemployment rate is still higher than the levels during any previous recession since the 1930's. In my own State of California, the unemployment rate is 9.8 percent, and 10.3 percent of the Nation's long-term unemployed are California residents. Behind these statistics lie millions of stories of individual and family hardships. Children frequently suffer the effects of unemployment as they become the victims of increased child abuse, infant mortality, childhood illnesses and anxiety.

In addition to the tremendous human costs, unemployment also imposes a huge burden on the Federal budget. Every 1 percent increase in the unemployment rate adds approximately $25 to $30 billion to the Federal deficit. The legislation before us today would create roughly 500,000 jobs in fiscal year 1984, taking people off the welfare and unemployment rolls and enabling them to become productive members of society. The Education and Labor Committee has made a convincing case that the cost of this legislation will be completely offset by the increased tax revenues and reduced benefit costs that will result from the jobs created under this bill.

H.R. 1036 has been carefully drafted to insure that it will employ people to meet essential local needs. It is a national disgrace that record numbers of workers remain unemployed while critical work goes undone in every community in this Nation. Serious deficiencies persist in our Nation's transportation and water systems, and many of our public schools are in a desperate state of disrepair. In addition, many communities face an urgent need for improvements in public safety and health programs, as well as for increases in services such as child care and emergency food and shelter. It is a terrible waste to permit the deterioration of public facilities and the curtailment of vital services at a time of massive unemployment.

The legislation before us today takes a modest step toward providing these vital community services, and it will enable hundreds of thousands of citizens to become productive workers again. The need for this measure is clear, and I urge my colleagues to give it their strongest possible support.●

● Mr. LEVINE of California. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from New York (Mr. SOLOMON), which I believe is being gratuitously attached to this vital piece of employment legislation. As we are all aware, over 10 million Americans are presently jobless, and even the most hopeful projections indicate that unemployment will remain above 7.5 percent throughout most of 1986. H.R. 1036 addresses itself to what is perhaps our most serious economic problem, by providing jobs for individuals experiencing long-term unemployment. However, in accepting this amendment, Congress shifts its focus from the immediate necessity of helping to put people back to work and repairing community facilities, to enacting a burdensome, redundant, and discriminatory regulation.

At issue here is not whether you support draft registration or compliance with the law, but rather effective enforcement of the law. As over 96 percent of all young men are in compliance with the law, the record clearly shows that enforcement has been very successful. It is important to note that the compliance rate is so high because the vast majority of young men are law abiding. We should not forget that a severe penalty for any young man already exists—5 years imprisonment and $10,000 in fines—to discourage nonregistrants. Given that a strict law is already on the books punishing nonregistrants, I am not sure that adding a redundant penalty to H.R. 1036 will induce any additional nonregistrants to comply with the law. Rather, such a program will only serve to discourage individuals who have not registered for the draft from incriminating themselves and from applying for assistance under this program.

In light of the probable ineffectiveness of this proposal, I believe that it will unnecessarily delay and increase

the cost of the implementation of this critical jobs creating legislation. I am aware that my colleague from New York has been successful in attaching a similar amendment to financial aid legislation and to a job training act. I would like to know to what extent these nonregistrant penalty provisions have successfully encouraged compliance with the draft legislation law. Universities and colleges which have begun to verify compliance with draft registration have justifiably complained that administrative costs of enforcement are enormously burdensome. The University of Michigan, for example, estimates that its enforcement costs may reach $15,000 this year. At what cost to Government should we adopt legislation which replicates existing statutes without improving compliance with the law? I would suggest that attachment of this provision to the Community Renewal Employment Act will not at all increase compliance and will burden us all, increasing the cost of this jobs program and stalling the selection process of hiring unemployed workers.

I would also like to address myself to the legal legitimacy of this provision. In ruling on the constitutionality of linking draft registration to student aid, a U.S. district court struck down the law earlier this year. This provision which we are now being asked to attach to H.R. 1036 is similarly constitutionally questionable. Under this proposal an individual is presumed to be guilty of not registering for the draft until he certifies that he has done so. To my knowledge, it has never been part of our legal tradition to punish individuals for a crime without due process of law and under the presumption of their guilt.

Equally disturbing is that fact that this provision is clearly discriminatory. It imposes an inequitable burden of proof on young men, not on older men or young women, and narrowly seeks to punish only those young men who are currently unemployed and might qualify for this jobs program.

The Supreme Court is eventually expected to rule on the legality of linking draft registration to student aid. While I am hopeful that the Court will find such a legislative move unconstitutional, I am more concerned with preventing implementation of this similar provision, which has neither legal foundation nor effective application to the bill we are debating today.●

● Mr. ACKERMAN. Mr. Chairman, I rise in strong support of H.R. 1036, the Community Renewal Employment Act. This is one of the most important pieces of legislation to come to the floor of the House this session. With 10.7 million individuals unemployed—9.5 percent of the work force—Congress is morally mandated to take the steps necessary to alleviate this crisis on our domestic front. It is unconscionable that the percentage of unemployment is higher than it was during the peak of the Depression. According to even the most optimistic in the administration, the unemployment rate in 1986 will still be 7.6 percent—significantly above a full-employment level. The President seems to be ignoring the high unemployment in this Nation because of his preoccupation with slashing much-needed funds vital to the survival of people who merely seek to go back to work.

H.R. 1036 is a critical step in the right direction. It would reduce the high unemployment rate by putting approximately 500,000 people back to work. In addition, the act creates the jobs in the sector of the labor force that can improve the infrastructure of our localities and our educational facilities. The bill also includes a number of provisions designed to insure the accountability of the program and prevent misuse of taxpayer dollars. The $3.5 billion authorization will allow us to put Americans back to work. The funds will be distributed on the basis of the severity of unemployment in the States and localities. This approach to our national war against unemployment is the most effective approach for dealing with the human tragedy of the recession.

This administration has chosen to turn a deaf ear at the escalating significance of unemployment. The White House is more concerned with slashing social programs than with committing itself to full employment. This House cannot sit idly by—we must pass H.R. 1036.●

● Mr. GILMAN. Mr. Chairman, I rise in support of H.R. 1036, the Community Renewal Employment Act. This measure is strong medicine for a serious problem that has permeated the entire country, and which refuses to remedy itself. The bill is a comprehensive piece of legislation that authorizes $3.5 billion in fiscal year 1984 for grants to States and local governments to cover labor costs associated with employing unemployed individuals in the repair, maintenance or rehabilitation of community facilities without displacing existing employees.

Were this legislation simply a "make work" bill, I would oppose it, but the areas which the Education and Labor Committee have addressed and which will be repaired and restructured are those truly in need of maintenance. H.R. 1036 seeks to accomplish several things, among them the employment of individuals who have been without work for a long period of time. By combining in this measure both the work that is needed to help restore our economy, and by targeting the object of this work, the committee has fashioned a bill that significantly contributes to the welfare of both the individual and the community.

Those participating in these community renewal employment programs must be at least 16 years of age; they must be unemployed and certified by the State employment service agency as unemployed; and participation is limited to 52 weeks in any 2-year period. Of the total job creation authorization, 80 percent in each fiscal year is to be used to cover labor costs and administrative and equipment costs associated with projects meant to repair, rehabilitate or improve public facilities, conserve, rehabilitate or improve public lands, and for conducting other activities necessary to the public welfare, including those jobs involving public safety, health, and social services.

The remaining 20 percent of the authorization is to be used to repair and renovate existing educational facilities. Of this sum, 75 percent is reserved for elementary and secondary school improvements, part A, and the remaining 25 percent for higher education improvements, part B.

Mr. Chairman, an especially important provision of H.R. 1036 reserves 20 percent of the community improvement employment funds for the part-time employment of youths aged 16 to 19. Recently, I participated in a hearing in New York City which focused on youth unemployment and the job opportunities available for teenagers in the years ahead. We heard many witnesses and heard many worthwhile suggestions. As a cosponsor of this legislation, I am pleased that this section has been highlighted, as well as the provision which allows for the repair of schools. Perhaps these two provisions together will help keep our young people in school and working as well.

Although our economy has experienced growth of recovery in recent months, and unemployment figures have dropped steadily, H.R. 1036 is designed to enhance both the employability of men and women who have been thus far unemployed as well as making the necessary repairs and renovations to publicly owned property. Its implementation will aid our communities and its citizens. Accordingly, I urge my colleagues to support this legislation.●

● Mr. SYNAR. Mr. Chairman, I am certainly aware of the profound problems this legislation is attempting to address. Like my colleagues, I traveled throughout my congressional district during the August recess and continually heard of the pain and suffering that faces the unemployed. News of the economic recovery sounds good to those of us who are working. But for those who remain among the 11 million jobless Americans, it is a cruel reminder that the economy still holds no promises for the future.

This Congress has not been insensitive to the needs of the unemployed. We have provided jobs through Public Law 98-8. This bill is expected to provide employment for up to 600,000 persons. We have provided health insurance for the unemployed whose health benefits have run out. And we have provided emergency mortgage assistance to unemployed homeowners facing foreclosure. I can proudly say that I supported each of these bills.

We have reached the time, however, when we have to stop treating symptoms and begin looking at the source of our Nation's unemployment problems. Like the little Dutch boy, we keep trying to plug the holes in the dam, one finger at a time. We have run out of fingers now—it is time for us to look at why the dam has been leaking.

Most of us are well aware of the sources of our current problems. The administration's unprecedented defense buildup, coupled with massive tax cuts for the wealthy, have brought us deficits unmatched by any previous administration. These deficits began rising at a time when the Federal Reserve was tightening the money supply. These two conflicting policies caused a dramatic reduction in the availability of capital for private investment, and our economy plunged into the worst recession in nearly 40 years.

My opposition to this bill is not only based on the fact that it is a narrow, short-term attempt to solve a massive national problem. It is also because this legislation contains a bad allocation formula that is intended to provide jobs primarily in large, urban areas. In addition, this formula is based on last year's statewide unemployment rates, which ignores the fact that many States, such as Oklahoma, only began to experience the recession in the last 12 months. According to these figures, Oklahoma's Second District contains only one county with an unemployment rate above the national average. In reality, 15 out of 17 counties in my district had jobless rates above the national average of 9.5 percent in July, 1983.

A brief look at the formula share by county reveals how pitifully these counties would fare under this legislation. My own calculations show that title II and title III, part A, which comprise 93 percent of the funding for this bill, would create an average of only 11.54 jobs per county. It is difficult to imagine calling this a jobs bill in my district.

Congress can, and should, be creating jobs. But we can best do that not by enacting more short term, low skill public service jobs programs, but by pursuing a rational fiscal policy that lowers deficits and encourages growth in the private-sector.●

● Mr. KEMP. Mr. Chairman, I applaud the intention of the authors of this bill to deal with the problem of long-term unemployment. But I cannot agree with the method they have chosen, because it cannot, by its very nature, have the intended result. This is basically a public works program of the kind which has failed in the past to result in any net new productive jobs. We must do better for the American people because jobs for all people is too important an issue to be discussed only in the sense of public service employment.

When dealing with the problem of long-term unemployment, we have to distinguish between those who are unemployed because of the depressed state of the economy, and those who would remain unemployed even if the economy were operating near its capacity.

In the first case, it is quite clear that economic recovery is the only answer. Even if we completely ignore the cost of this program, the $5 billion in this bill, at $10,000 per worker, would affect less than 5 percent of the 10.6 million Americans who are still unemployed. If we really want to help the unemployed, our first duty is to encourage the economic recovery which has begun under President Reagan's policies. Indeed, the unemployment rate has already come down from 10.8 to 9.5 percent. But that is not far enough.

Even for the less than 5 percent of the unemployed who could conceivably be affected by this bill, we must consider the offsetting cost. Money spent by the Federal Government does not come out of the sky. It must be raised either by taxation or by borrowing savings. In either case, the Government is merely taking resources which could otherwise be devoted to private investment and private jobs. Even if we assume that the Government is as efficient as the private sector, no new jobs can be created in this way. If the Government is less efficient as an employer, then, on balance, jobs will be lost, not gained.

Let us then consider the case of Americans who would remain unemployed even if the economy were to recover—those who are chronically unemployed. Why are they not being hired to fill productive jobs in private business? There can be only one reason: The cost of hiring them exceeds the market value of their services. An employer cannot hire a worker if he loses money by doing so.

There are basically three ways of solving this problem. First, we can increase the value of the unemployed person's services, through education and training. Second, we can lower or remove barriers, such as unnecessary regulations, which artificially raise the cost of hiring. And third, we can lower the cost of working or hiring by lowering tax rates on working or hiring.

All of these methods are part of President Reagan's economic program, and should be supported if we are seriously committed to reducing the number of long-term unemployed. Unfortunately, none of these measures is the primary object of H.R. 1036.

Even so, I believe we can go further than we have already done. I am about to introduce a bill to reduce the number of chronically unemployed workers by putting them into productive private-sector jobs. The bill would give the unemployed the option of collecting unemployment compensation, or of turning over a re-employment voucher to an employer willing to hire him or her. The unemployment voucher would be worth half the amount of unemployment benefits, for twice the person's remaining period of eligibility. This would reduce the cost of hiring and increase the wages an employer could pay for an unemployed person's services. It is an approach which truly can begin to reduce the number of unemployed persons who would otherwise fail to benefit from the general economic recovery.

We should also pass the enterprise zone bill to reach out to inner cities for employment and entrepreneurial opportunities. Again I applaud the authors of this bill. But I say to my good friends that to do any benefit to the unemployed, we need not only a good intention but also a good program. My friends have the first, but not the second. I would like to offer to work with them to devise an effective program which will really work for all people.

The best thing we could do is to fight for lower taxes, sound money and low interest rates plus stable exchange rates to help boost American exports.

We can put this country back to work but let us do it in the private sector where it expands the wealth of our Nation as opposed to the public sector approach which consumes the wealth of our Nation.●

● Mr. ORTIZ. Mr. Chairman, I ask unanimous consent to revise and extend my remarks.

Shortly, we will be voting on a bill that will be of tremendous benefit to the unemployed in our Nation. I believe the intent of this legislation is just, is humane, and demonstrates a real commitment to alleviating the suffering experienced by the jobless of this great country.

Let me relate to you the problems that exist in my district—one of many areas in our country suffering from the disasterous effect of depression-era conditions.

I represent the 27th District of Texas. This extends from Corpus Christi, south along the gulf coast to

Brownsville. It is an area whose economy is dependent upon fishing, petrochemicals, and in the Brownsville area, tourism and merchandising. Corpus Christi has been reeling from the effects of the depressed oil industry. While unemployment nationwide has declined slightly, Corpus Christi's rate continues to climb. Currently the figure stands at 11.7 percent, up from 10 percent earlier this year.

The southern part of my district borders the nation of Mexico. This part of the United States historically has the highest unemployment rate in all of the 50 States. Not only has this area been affected by our economic problems, but every facet of the business and merchandising community has been hit by the peso's devaluation—from real estate to supermarkets. Small, locally owned businesses have been hardest hit. There have been over 112 bankruptcy declarations in the past year. Unemployment in this part of the Texas Valley consistently hovers around 17 percent—and the figures are even more frightening in neighboring counties.

This bill will not solve all of the economic problems in my part of the State. However, one of the most important benefits of H.R. 1036 is that it will restore hope to those who have long since given up hoping. It will provide employment for over 900 of the long-term unemployed in my district, alone.

It is time to extend a helping hand to our impoverished citizens. We must insure that families have the necessary resources to feed and house their children and themselves. We must guarantee that all Americans have an equal opportunity to live a decent and productive life.

I urge my colleagues to join with me in demonstrating to the unemployed of this great Nation of ours that we are concerned about their plight and that we are doing everything within our power to alleviate their suffering. I urge you to support this most important bill.●

● Mrs. HALL of Indiana. Mr. Chairman, I rise in support of H.R. 1036, the Community Renewal Employment Act, also known as the Humphrey-Hawkins jobs bill.

This legislation will provide temporary jobs and other services which local communities are hard-pressed to provide due to budgetary cutbacks and the recent recession. The temporary jobs would be targeted to the long-term unemployed.

Although recent unemployment statistics indicate that the Nation's job-market conditions are improving significantly, the hardships associated with joblessness are not starting to fade. One measure of labor-market distress—total weeks of unemployment—is still rising rapidly. Another measurement of employment dislocation hit a post-war high this summer as the number of persons out of work for 27 weeks or more surged to nearly 3 million.

I urge my colleagues to support this legislation. There are still millions of unemployed individuals in this country that desperately need our help. When Congress enacted the emergency jobs bill earlier this year, the legislation did not go far enough toward providing jobs for the unemployed. Very little has also been done to help women, minorities, and youth.

H.R. 1036 authorizes a counter-cyclical jobs program that provides jobs for persons who are the long-term unemployed. The Education and Labor Committee estimates that the legislation will result in the creation of over 900,000 jobs. Even if the bill is reduced to the spending levels specified in the first budget resolution, or $3.5 billion, approximately 500,000 jobs would be created.

The legislation has built-in safeguards to insure accountability of the program and its funds. These safeguards include limits on wages and length of employment, quarterly reports filed by the local governments that describe the uses of the funds, an automatic review process, a complaint process, and a certification procedure to insure that participants are eligible for employment.

In addition, the bill is targeted to those areas of the country which have high unemployment.

I believe it is our job as legislators to provide jobs for the unemployed individuals of this country, people who in many cases are not unemployed by choice and who are desperately looking for employment. They would rather work and earn even a small amount of money than receive unemployment compensation and welfare payments, and they want a chance to regain their self-esteem.

There are some who will criticize this bill because they feel it could jeopardize the economic recovery which is underway. I ask you, has the economic recovery started in your area, in northwest Indiana, the majority of steel, industrial, and construction workers are still suffering just as much as before.

I believe that H.R. 1036 will help the long-term unemployed. It will help women, minorities, and youth who did not receive much help from the previous jobs bill enacted by this Congress. It will help those areas with high unemployment. And it has safeguards to insure program accountability and spending. More than 22 percent of my constituents do not work.

For these reasons, I urge each of you to support this legislation. Thank you.●

● Mr. RANGEL. Mr. Chairman, I rise in support of the amendment offered by my colleague Mr. HAWKINS.

My colleague proposes to set the fiscal year 1984 authorization level at $3.5 billion in conformity with the level allotted in the first budget resolution for fiscal year 1984. I want to point out, Mr. Chairman, that the Hawkins amendment is precisely what is needed at this time. When we look at the very severe, long-term nature of the current unemployment crisis, we see that the need for a concerted community renewal program is absolutely necessary. This is the purpose of the Community Renewal Employment Act. Its effects will be twofold: Jobs will be provided for citizens suffering from long-term unemployment, and our blighted communities will be renewed. Any person who has been unemployed or is unemployed will support this initiative if asked. In my opinion, Mr. Chairman, it is time for us to seek out the people standing in unemployment lines, and to offer their opinions to the debate on this bill.

It is in this spirit that I offer my remarks in support of my colleague's amendment.●

● Mr. KOLTER. Mr. Chairman, I rise in strong support of H.R. 1036, the Community Renewal Employment Act.

I commend the chairman, Mr. HAWKINS, for bringing this desperately needed legislation to the floor.

I must emphasize "desperately needed" because that is what the constituents in my district tell me—they desperately need jobs.

There is no economic recovery in western Pennsylvania. We have the unwanted and dubious distinction of having among the highest percentage of long-term unemployed in the country. We have many people who have been unemployed for 1 or 2 years and thousands of them no longer receive unemployment compensation.

These people do not want to go on welfare. These people do not want to collect food stamps. These people do not want to be forced to stand in food lines to get free cheese.

These proud hard-working people want a job. They cannot understand why this Government will give them all of the things they do not really want but must have to survive—but will not give them the one thing they desperately want and need—a regular job.

This bill is designed to help those who most need the help—the long-term unemployed. We cannot turn our backs on the 2.5 million Americans who have been out of work for 27 weeks or more. We cannot turn our backs on the 1.4 million Americans who have been out of work for over 1 year.

We cannot turn our backs on the 50 or 60 percent of the unemployed who do not receive any unemployment benefits.

Mr. Chairman, we must remember that these millions of people are unemployed through no fault of their own and they cannot wait 2 or 3 years until an economic recovery trickles down to lift them out of their misery.

We must give them an opportunity to provide for themselves and their families until the economy can generate enough jobs. But that will only happen if we reject Reagan economic policies of big deficits and big tax breaks for the wealthy.

I would like to comment on the opponents of this bill attempt to paint this as a make-work jobs bill.

Since when is rebuilding our crumbling infrastructure a make-work jobs program. This bill gives us a chance to begin this important work. We have so many roads and bridges to repair and so many unemployed people who are ready, willing and able to do the work; so what are they waiting for?

Since when is the renovation of public buildings a make-work job? Since when is home weatherization a make-work job? Since when are emergency food and shelter programs, nutrition programs, child care programs, public library programs, elderly and handicapped programs and public health programs, programs that create make-work jobs?

These are all projects and programs that are needed and projects and programs that will create real and meaningful jobs for those who need them.

The other argument against this bill is that it will contribute to the deficit. Once again, the opponents argument does not hold water.

The facts are that it is unemployment that contributes to the deficit. Each 1-percent increase in unemployment adds an estimate $25 to $30 billion to the deficit. These are not my figures, these are figures provided by the Congressional Budget Office. By putting thousands of people to work we can reduce the deficit by reducing the outlays for unemployment compensation and welfare and by increasing the tax revenue.

In closing, I want to again emphasize that there is an obvious and desperate need for this legislation. I urge my colleagues to join me in giving thousands of Americans some hope for their futures.●

● Mr. SISISKY. Mr. Chairman, back in March, the House passed an emergency jobs bill. The bill provided that additional money would be funneled into a variety of existing public works programs to stimulate jobs in our communities. At that time, I, like many of my colleagues, expressed some reservations not about the undeniable necessity of the bill, but about its inadequacy in improving conditions for the long-term unemployed.

Now we are voting on phase II of March's jobs bill. This second part is specifically designed to ease the plight of the long-term unemployed. This bill is a responsible solution to our continuing problem with high unemployment. With Representative HAWKINS' amendment, it is not a budget buster.

Unemployment is continuing to rob our Nation—each percentage point of unemployment costs the Government anywhere from $22 to $27 billion in lost taxes and unemployment benefits. Is not it better for the Congress to appropriate money for constructive job opportunities than to pay these workers additional welfare payments?

The human costs are not as easy to calculate, but are much more staggering. Almost 10.7 million Americans are looking for work, almost 1.7 million are so discouraged they have quit looking and another 5.8 million work part time because they cannot find full-time jobs.

There are 2.4 million people in this country who have been unemployed over 6 months. For black workers, the unemployment rate is double what it is for white workers. For black teenagers, the unemployment rate is 53 percent.

These people have no hope. The issue is the same as in March, only some administration officials seem to think the beginning of the recovery are so rosy our unemployment problem has been solved. Assuming for a moment that massive Federal deficits would not choke off the recovery, the jobless rate will remain at over 8 percent at the end of 1984. The recovery will not serve as a quick cure for unemployment, especially for those who have been unemployed for so long.

This bill will provide 500,000 people with a chance to work. Their work will be productive since the bill specifies activities such as the repair of public facilities, and the removal of asbestos from our Nation's schools. Jobs providing needed services will also be created. These vital community services will include disaster relief, emergency food and shelter, child care and services to veterans, the handicapped and the elderly. Most important, under this program, young people, as part of their wages, will receive training in trade skills.

This jobs bill remains a worthy goal. Human compassion dictates its passage, and I urge my colleagues to join me in doing just that.●

● Mr. HAYES. Mr. Chairman. I welcome this opportunity to rise and join my colleagues in support of H.R. 1036.

Although the administration tells us that economic recovery is on the way, all indications are that this projected recovery will exclude millions of people who are confronted with the prospect of becoming part of a permanent poverty-stricken underclass of unemployed and unskilled Americans.

In the First District of Illinois alone, there are over 160,000 people now living below the poverty level, 60,000 are out of work and nearly 60 percent of our youth are unemployed. As reported in a recent Chicago Sun-Times article, many of our Nation's college students now face the prospect of graduating into futures of unemployment and uncertainty.

It is our responsibility, as America's elected leaders, to begin to redirect our Government's attention towards correcting the critical imbalance in the distribution of our country's resources.

H.R. 1036 is a vital piece of legislation which proposes to create meaningful public and private sector jobs for those people hurt most by the recession, while repairing our cities and restoring much needed social service programs.

For less than 2 percent of the Defense appropriation passed by the House last week H.R. 1036 would go a long way toward reducing the Federal deficit by cutting unemployment related payments and increasing tax revenues:

Restoring the dignity and self esteem of millions of Americans; improving the delivery of services which affect the quality of life for all Americans.

I am proud to be a cosponsor of H.R. 1036, and I would like to congratulate my colleague, Mr. HAWKINS, for his efforts in bringing this issue to the forefront. I urge the Members of the House to assure its swift passage.●

● Mr. MATSUI. Mr. Chairman, I am honored to join my colleagues today in expressing support for H.R. 1036, the Community Renewal Employment Act. Not only will this legislation provide jobs for upwards of 500,000 unemployed Americans, it will enable our local communities to repair vital public facilities and expand badly-needed social services.

As we are all aware, despite the recent upturn in the economy, unemployment in America remains at 9.5 percent. Among minorities and young people the unemployment rate is even higher, more than double the national average. Although the Jobs Training Partnership Act will soon be providing job training for many individuals and easing the long-term burden of joblessness, hundreds of thousands of Americans need jobs right now.

H.R. 1036 will address this fundamental problem by quickly targeting job funds to high unemployment areas. Any individual who has been out of work for 15 weeks will be eligible for the program, but priority will be given to those who have either exhausted their unemployment benefits or have not been eligible for unemployment insurance.

In answer to criticisms raised about the now-defunct CETA jobs program, H.R. 1036 contains a number of safeguards to assure that it serves the

truly disadvantaged, that it helps workers make the transition from a temporary job to permanent employment, and that it does not displace other unsubsidized workers. Equally important, H.R. 1036 assures the participation of ethnic and racial minorities, youth and women.

Local communities will also benefit greatly from this legislation. Using these funds, cities like Sacramento will be able to improve neighborhood parks and playgrounds, renovate school buildings, repair bridges or fund any of a number of public improvement projects. Additionally, they will be able to expand such services as emergency food and shelter programs, child day care and programs for senior citizens and the handicapped.

Thus, by creating public assistance jobs and fostering renewal of our communities, the positive effects of H.R. 1036 will be felt by millions of men, women, and children around the Nation. I urge my colleagues to join me in voting in favor of this legislation.●

● Mr. RICHARDSON. Mr. Chairman, I rise in strong support of H.R. 1036, the Community Renewal Employment Act. I want to commend my distinguished colleague from California (Mr. HAWKINS) for his outstanding work in bringing this much needed legislation to the floor of the House.

While the President hails the economic recovery, unemployment stands at 9.5 percent—still the highest level since the Great Depression: 10.7 million Americans are out of work, another 1.7 million have become so discouraged they have quit looking for employment and 5.8 million workers have had to accept part-time jobs. Wall Street may be sparkling, but a cloud of hopelessness and despair still hangs over many towns and cities across this great Nation. The unemployment rate in my State of New Mexico is a staggering 10.6 percent. Some rural towns in my congressional district continue to suffer from unemployment rates as high as 40 percent.

Mr. Chairman, I think it is outrageous for anyone to celebrate an economic recovery when so many people are still without work. We must not sit idly by, as some would have us do, while the unemployed reach out for help. All they are asking for is a chance to work. While this administration has slashed programs designed to assist the poor and the unemployed, Congress must provide them with an opportunity to work. H.R. 1036 is a compassionate and responsible attempt to create this opportunity.

This bill grants funds to local governments for community improvement activities such as road and bridge repair, renovation of public facilities, improvement of parks, energy conservation activities and forestry reclamation. These are worthy and much needed projects and are not make-work jobs as some would contend.

Furthermore, this legislation targets funding to areas and individuals who are most in need—approximately 75 percent of the funds will go to areas with unemployment rates above the national average while eligible participants will generally be limited to those who have been unemployed for 15 weeks or more.

Mr. Chairman, recently Congress approved a $4.6 billion emergency jobs bill. H.R. 1036 is an important and necessary second step toward providing meaningful employment to those who have been thrown out of work during this cruel recession. I urge members to vote for this important legislation.●

● Mr. CRAIG. Mr. Chairman, last year in the Halls of Congress, we heard the cry for a jobs bill to help the unemployed and help economic recovery. The so-called jobs bill of last year has not helped to put people back to work, the dropping of interest rates and a reduction of inflation is the impetus for job creation.

The Democrats are decrying the necessity to pass H.R. 1036—Community Renewal Employment Act—as a part of the Democratic leadership's Phase II recession relief plan. My question is—who is the relief really for? In a State where I come from—Idaho, it benefits no one. Just recently, a city in my district applied for money through the so-called jobs bill of last year and was turned down. Unless you are from the States with a large population base there is no benefit of any so-called jobs bill.

Is there a need for this phase II jobs bill? The unemployment rate, which was 9.5 percent in July and August, has declined steadily since the dismal days of winter. And the recovery has been stronger than generally anticipated. The Government now predicts a real gross national product growth in 1983 of 5.5 percent, compared to the 3.1 percent it forcast in January in the President's budget. This information contradicts any logic for a budget-busting jobs bill.

This bill is nothing but pure politics. If the Democrats really want to put people back to work then they should stop passing bills that exceed the budget resolution and stop the Government's printing press.

Where do the Democrats think the money comes from to fund these so-called jobs bill. They come from the people who are working and paying taxes. The 5 billion called for in H.R. 1036 has to be obtained from somewhere and this probably means a tax increase.

To pay for these temporary jobs H.R. 1036 will provide, the Federal Government will have to borrow billions of dollars. That will put more pressure on the Federal Reserve Board to raise the discount rate and retard the economic recovery now underway and contribute to high unemployment. The jobs provided by H.R. 1036 will have no lasting value or impact on those people who are unskilled and unemployed. This bill provides for little or no training. Thus, when these subsidized jobs come to a halt, they will be no better prepared for the job market than they are now.

It seems, if the Democratic leadership really wanted to help facilitate a lasting economic recovery, they would stop offering crumbs and work to provide a climate for a stable and long economic recovery. Instead of continually playing politics with the people who are working and paying taxes, they would fulfill their obligation of reducing Federal spending. Remember last year, in the Tax Equity Fiscal Responsibility Act (TEFRA) when the Democratic leadership agreed to cut $3 of spending for every dollar in tax increases. The people have yet to see anything remotely close to this agreement occur, in fact, for every dollar raised by tax increases, only 30 cents of spending reduction has occurred.

Let us stop playing politics with the economic recovery and work to put more people back to work. H.R. 1036 only pulls billions of dollars out of a recovering economy, puts greater pressure on interest rates, and threatens to take away jobs for those who now have a job. This bill only exacerbates the unemployment situation by removing dollars from where they can be best productive, in the hands of private industry—where 80 percent of all new jobs emanate.●

● Mr. BROWN of California. Mr. Chairman, yesterday I spoke for a moment about the need for us to help alleviate the worst effects of our continuing high unemployment rate. While it is true that the national unemployment figures have begun to decline in the last few months, unemployment is still over 2 percent higher than when the recession began—and its expected to stay high. Even the most optimistic projections show unemployment above 9 percent through the remainder of this year. As I mentioned yesterday, unemployment remains high in my district with the July figures indicating that 11 percent of the work force was unemployed. This occurs in the face of a modest improvement nationally and in an area of southern California which is expected to be one of the fastest growing in the country during the 1980's. This indicates to me that our area is experiencing major structural unemployment problems which will last for some months to come. We need to focus on these problems and help those most severely affected by the longest, hardest recession since the

1930's—the long-term unemployed, minorities, and women.

Today, we have the opportunity to address this problem via the Community Renewal Employment Act which would appropriate $3.5 billion to high unemployment areas for community improvement projects and repair of educational facilities. The bill corrects many of the problems inherent in previous jobs-creating measures by providing job opportunities for women and minorities, stronger protection of unsubsidized jobs, and the strongest accountability and abuse prevention provisions ever incorporated into a Federal jobs program.

Some, of course, will argue that we cannot afford to spend money on the unemployed, that to do so will increase the deficit, resulting in increased interest rates and an aborted recovery. But the money we appropriate today—$3.5 billion—is but a fraction of the cost to the economy of supporting these unemployed people. For every 1 percent of unemployment, approximately $25 billion is added to the Federal deficit in lost tax revenues and increased costs. Surely this money is better spent on improving our deteriorating infrastructure and educational facilities.

The Congressional Budget Office has estimated that an additional $17 billion a year between now and 1990 is needed to repair the Nation's public infrastructure. A recent study by three education associations reported that in our Nation's schools there is over $25 billion in needed maintenance that remains unattended. Communities experiencing high unemployment often cannot, by themselves, afford to undertake these much needed improvements. By providing financial assistance to these communities, the Community Renewal Employment Act addresses both the unemployment problem and our deteriorating infrastructure.

This bill is well suited to the special needs of my district. The results of the $7.2 million estimated for allocation to the inland empire would be well utilized, and far exceed the short-term employment benefits which would result. This measure is not merely a jobs bill for today's problems, but an investment in our future. I encourage my colleagues to join me in support of this measure.●

● Mr. CARR. Mr. Chairman, I would like to join my colleagues and rise in support of H.R. 1036, the Community Renewal Employment Act, otherwise known as jobs bill II.

We hear plenty of talk these days about recovery, about light at the end of the tunnel of recession. Some people seem to forget there are still 10.7 million Americans out of work—one of the highest percentages since the Great Depression. Many of these jobless workers are not close to the end of the tunnel.

My congressional district in Michigan suffers from a very high unemployment rate; 30 percent of Pontiac, Mich., citizens are still without jobs. For many of these citizens, the rosy predictions of some economists are nothing more than abstract numbers. The only number that counts for these people is the number of months before they can work again. Many have given up all hope of finding work and are not even counted among the unemployed.

I am cosponsoring H.R. 1036 so that these workers can stand up and be counted again. This legislation will provide employment opportunities to long-term unemployed workers in communities experiencing high jobless rates. A majority of unemployed workers in rural and urban areas in Michigan will benefit greatly from this bill.

Make no mistake—this legislation is not a make work or giveaway program. As States face declining tax revenues and Federal budget cuts, localities are forced to cut back on essential services. H.R. 1036 would authorize funds to pay for the labor costs associated with the repair, maintenance, and rehabilitation of essential public facilities and services.

Local governments will receive funds for the renovation of public schools and community facilities, road and bridge repair, improvement of parks and playgrounds, and weatherization and other energy conservation activities. College and universities will be able to renovate their buildings. H.R. 1036 also provides jobs for youth and women—often left out of traditional public works bills—by allocating funds for domestic violence programs, emergency food and shelter sites, employment counseling, nutrition programs, child care, as well as for services for the elderly and handicapped.

H.R. 1036 will directly stimulate private-sector employment. Local governments may contract with private firms to carry out various projects authorized in this bill. Funds from this bill may also be used for training jobless workers for specific job openings in the private sector.

Most important, funds can also be used by States to respond to large-scale layoffs due to plant closings.

Mr. Chairman, this Nation's greatest resource is its people. If this bill is fully funded, over 900,000 jobs will be created. Why pour Federal dollars into welfare and unemployment benefits when we can make an investment in our future—for productive jobs that maintain our country's assets and essential services? I urge my colleagues to recognize the urgent need for this legislation and support the passage of H.R. 1036.●

● Mr. FRENZEL. Mr. Chairman, there are many problems with H.R. 1036, but the most ironic is that it will probably end up hurting most of those it intends to help because it will exacerbate the problems created by high unemployment.

No matter how much we would like to believe otherwise, government job creation does not work.

Of all ineffective Government jobs programs, the most ineffective is public service jobs.

Historically, such programs, passed in the depth of an economic recession, go into effect long after a recovery is underway. Spending for these programs eventually cause a stifling of the recovery because they increase the deficits and push up interest rates and inflation. The only difference this time is that we are not in the middle of a recession. The economy is growing, and so is employment. Unemployment, while still too high, has come down significantly over the summer.

To claim that H.R. 1036 will help the vast majority of unemployed is both cruel and misleading. It is cruel because of the negative effect the resulting deficits will have on future employment. It is misleading because every few without jobs will actually be employed by this bill. Those who are employed will mostly be in temporary, dead end jobs.

Nothing threatens this recovery more than high deficits. No Government program can come even remotely close to reducing unemployment more than a healthy economy. Therefore, those who truly care about unemployment will do everything in their power to reduce the deficit. The reason is obvious. Unless the deficit is controlled, interest rates will go up. High interest rates, and the resulting slowdown in capital investments, take their toll in jobs. The painful experiences of the past 3 years should have taught us that much.

A healthy economy is the best creator of new jobs. The lethargy of our economy is a condition created largely, and made worse, by unrestrained Federal spending. It is this spending that creates the huge deficits that crowd private borrowers out of capital markets and force factory layoffs. Any economic stimulation that may result from pouring billions into the economy in the name of job creation will be more than offset by the economic drag created by the increased spending.

I share my colleagues' strong desire to see unemployment brought down. However, I am convinced that this bill will only impede recovery, and reduce employment opportunities for all Americans, in every segment of our economy. Notwithstanding the high motivation of its sponsors, I see this bill as little more than another political gesture. Therefore I urge my colleagues to oppose it.●

The CHAIRMAN. Are there further amendments to the bill?

If not, the question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose, and the Speaker having resumed the chair, Mr. AUCOIN, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 1036) to provide employment opportunities to long-term unemployed individuals in high unemployment areas in projects to repair and renovate vitally needed community facilities, and for other purposes, pursuant to House Resolution 302, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

□ 1800

The SPEAKER. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the Committee amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTIONS TO RECOMMIT OFFERED BY MR. ERLENBORN

Mr. ERLENBORN. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. ERLENBORN. I am, Mr. Speaker.

The SPEAKER. The Clerk will read the motion to recommit.

The Clerk read as follows:

Mr. ERLENBORN moves to recommit the bill, H.R. 1036, to the Committee on Education and Labor with instructions that the Committee re-report the bill back to the House forthwith with the following amendment:

Strike all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE; AMENDMENTS OF 1954 CODE.

(a) SHORT TITLE.—This title may be cited as the "Enterprise Zone Act of 1983".

(b) AMENDMENT OF 1954 CODE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1954.

SEC. 2. PURPOSES.

It is the purpose of this Act to provide for the establishment of enterprise zones in order to stimulate the creation of new jobs, particularly for disadvantaged workers and long-term unemployed individuals, and to promote revitalization of economically distressed areas primarily by providing or encouraging—

(a) tax relief at the Federal, State, and local levels;

(b) regulatory relief at the Federal, State, and local levels; and

(c) improved local services and an increase in the economic stake of enterprise zone residents in their own community and its development, particularly through the increased involvement of private, local, and neighborhood organizations.

TITLE I—DESIGNATION OF ENTERPRISE ZONES

SEC. 101. DESIGNATION OF ZONES.

(a) GENERAL RULE.—Chapter 80 (relating to general rules) is amended by adding at the end thereof the following new subchapter:

"Subchapter C—Designation of Enterprise Zones

"Sec. 7871. Designation.

"SEC. 7871. DESIGNATION.

"(a) DESIGNATION OF ZONES.—

"(1) DEFINITIONS.—For purposes of this title, the term 'enterprise zone' means any area—

"(A) which is nominated by one or more local governments and the State or States in which it is located for designation as an enterprise zone (hereinafter in this section referred to as a 'nominated area'), and

"(B) which the Secretary of Housing and Urban Development, after consultation with—

"(i) the Secretaries of Agriculture, Commerce, Labor, and the Treasury; the Director of the Office of Management and Budget; and the Administrator of the Small Business Administration, and

"(ii) in the case of an area on an Indian reservation, the Secretary of the Interior,

designates as an enterprise zone.

"(2) LIMITATION ON DESIGNATIONS.—

"(A) PUBLICATION OF REGULATIONS.—Before designating any area as an enterprise zone, the Secretary of Housing and Urban Development shall prescribe by regulation no later than 4 months following the enactment of this Act, after consultation with the officials described in paragraph (1)(B)—

"(i) the procedures for nominating an area under paragraph (1)(A),

"(ii) the parameters relating to the size and population characteristics of an enterprise zone, and

"(iii) the manner in which nominated areas will be compared based on the criteria specified in subsection (d) and the other factors specified in subsection (e).

"(B) TIME LIMITATIONS.—The Secretary of Housing and Urban Development shall designate nominated areas as enterprise zones only during the 36-month period beginning on the later of—

"(i) the first day of the first month following the month in which the effective date of the regulations described in subparagraph (A) occurs, or

"(ii) July 1, 1983.

"(C) NUMBER OF DESIGNATIONS.—

"(i) IN GENERAL.—The Secretary of Housing and Urban Development may not designate more than 75 nominated areas as enterprise zones during the period beginning with the first day of the 36-month period described in subparagraph (B).

"(ii) MINIMUM DESIGNATION IN RURAL AREAS.—Of the areas designated under clause (i), at least one-third must be areas—

"(I) which are within a local government jurisdiction or jurisdictions with a population of less than 50,000 (as determined under the most recent census data available) and which are determined by the Secretary of Housing and Urban Development, after consultation with the Secretary of Commerce, to be rural areas; or

"(II) which are outside of a metropolitan statistical area (within the meaning of section 103A(1)(4)(B)).

"(D) PROCEDURAL RULES.—The Secretary of Housing and Urban Development shall not make any designation under paragraph (1) unless—

"(i) the local governments and the State in which the nominated area is located have the authority—

"(I) to nominate such area for designation as an enterprize zone,

"(II) to make the State and local commitments under subsection (d), and

"(III) to provide assurances satisfactory to the Secretary of Housing and Urban Development that such commitments will be fulfilled,

"(ii) a nomination therefor is submitted in such a manner and in such form, and contains such information, as the Secretary of Housing and Urban Development shall by regulation prescribe,

"(iii) the Secretary of Housing and Urban Development determines that any information furnished is reasonably accurate, and

"(iv) the State and local governments certify that no portion of the area nominated is already included in an enterprise zone or in an area otherwise nominated to be an enterprise zone.

"(3) NOMINATION PROCESS FOR INDIAN RESERVATIONS.—In the case of a nominated area on an Indian reservation, the reservation governing body (as determined by the Secretary of the Interior) shall be deemed to be both the State and local governments with respect to such area.

"(b) PERIOD FOR WHICH DESIGNATION IS IN EFFECT.—

"(1) IN GENERAL.—Any designation of an area as an enterprise zone shall remain in effect during the period beginning on the date of the designation and ending on the earliest of—

"(A) December 31 of the 24th calendar year following the calendar year in which such date occurs,

"(B) the termination date designated by the State and local governments as provided for in their nomination pursuant to subsection (a)(2)(D)(ii), or

"(C) the date the Secretary of Housing and Urban Development revokes such designation under paragraph (2).

"(2) REVOCATION OF DESIGNATION.—The Secretary of Housing and Urban Development, after consultation with the officials described in subsection (a)(1)(B), may revoke the designation of an area if the Secretary of Housing and Urban Development determines that the local government or the State in which it is located is not complying substantially with the State and local commitments pursuant to subsection (d).

"(c) AREA AND ELIGIBILITY REQUIREMENTS.—

"(1) IN GENERAL.—The Secretary of Housing and Urban Development may make a designation of any nominated area under subsection (a)(1) only if it meets the requirements of paragraphs (2) and (3).

"(2) AREA REQUIREMENTS.—A nominated area meets the requirements of this paragraph if—

"(A) the area is within the jurisdiction of the local government,

"(B) the boundary of the area is continuous, and

"(C) the area—

(i) has a population, as determined by the most recent census data available, of at least—

"(I) 4,000 if any portion of such area (other than a rural area described in subsection (b)(2)(C)(ii)(I)) is located within a metropolitan statistical area (within the meaning of section 103A(1)(4)(B)) with a population of 50,000 or greater, or

"(II) 1,000 in any other case, or

"(ii) is entirely within an Indian reservation (as determined by the Secretary of the Interior).

"(3) ELIGIBILITY REQUIREMENTS.—For purposes of paragraph (1), a nominated area meets the requirements of this paragraph if the State and local governments in which it is located certify and the Secretary of Housing and Urban Development, after such review of supporting data as he deems appropriate, accepts such certification, that—

"(A) the area is one of pervasive poverty, unemployment, and general distress,

"(B) the area is located wholly within the jurisdiction of a local government which is eligible for Federal assistance under section 119 of the Housing and Community Development Act of 1974, as in effect on the date of the enactment of this section, and

"(C) one of the following criteria is met:

"(i) the unemployment rate, as determined by the appropriate available data, was at least 1½ times the national unemployment rate for that period, or

"(ii) the poverty rate (as determined by the most recent census data available) for each populous census tract (or where not tracted, the equivalent county division as defined by the Bureau of the Census for the purpose of defining poverty areas) within the area was at least 20 percent for the period to which such data relate, or

"(iii) at least 70 percent of the households living in the area have incomes below 80 percent of the median income of households of the local government (determined in the same manner as under section 119(b)(2) of the Housing and Community Development Act of 1974), or

"(iv) the population of the area decreased by 20 percent or more between 1970 and 1980 (as determined from the most recent census available).

"(d) REQUIRED STATE AND LOCAL COMMITMENTS.—

"(1) IN GENERAL.—No nominated area shall be designated as an enterprise zone unless the local government and the State in which it is located agree in writing that, during any period during which the area is an enterprise zone, such governments will follow a specified course of action designated to reduce the various burdens borne by employers or employees in such area.

"(2) COURSE OF ACTION.—The course of action under paragraph (1) may be implemented by both such governments and private nongovernmental entities, may be funded from proceeds of any Federal program, and may include, but is not limited to—

"(A) a reduction of tax rates or fees applying within the enterprise zone,

"(B) an increase in the level of efficiency of local services within the enterprise zone; for example, crime prevention (particularly through experimentation with providing such services by nongovernmental entities),

"(C) actions to reduce, remove, simplify, or streamline governmental requirements applying within the enterprise zone, and

"(D) involvement in the program by private entities, organizations, neighborhood associations, and community groups, particularly those within the nominated area, including a commitment from such private entities to provide jobs and job training for, and technical, financial, or other assistance to, employers, employees, and residents of the nominated area.

"(e) PRIORITY OF DESIGNATION.—In choosing nominated areas for designation, the Secretary of Housing and Urban Development shall give special preference to the areas with respect to which the strongest and highest quality contributions described in subsection (d)(2) have been promised as part of the course of action, taking into consideration the fiscal ability of the nominating State and local governments to provide tax relief. The Secretary shall also give preference to—

"(1) the nominated areas with respect to which the strongest and highest quality contributions other than those described in subsection (d)(2) have been promised as part of the course of action,

"(2) the nominated areas with respect to which the nominating State and local governments have provided the most effective and enforceable guarantees that the proposed course of action under subsection (d) will actually be carried out during the period of the enterprise zone designation,

"(3) the nominated areas with high levels of poverty, unemployment, and general distress, particularly the areas—

"(A) which are near areas with concentrations of disadvantaged workers or long-term unemployed individuals, and

"(B) with respect to which there is a strong likelihood that residents of the area described in subparagraph (A) will receive jobs if the area is designated as an enterprise zone,

"(4) the nominated areas the size and location of which—

"(A) will primarily stimulate new economic activity, and

"(B) minimize unnecessary tax losses to the Federal Government,

"(5) the nominated areas with respect to which private entities have made the most substantial commitments in additional resources and contributions, including the creation of new or expanded business activities, and

"(6) the nominated areas which best exhibit such other factors determined by the Secretary of Housing and Urban Development as are—

"(A) consistent with the intent of the enterprise zone program, and

"(B) important to minimizing the unnecessary loss of tax revenues to the Federal Government.

"(f) DEFINITIONS.—For the purposes of this title—

"(1) GOVERNMENTS.—If more than one government seeks to nominate an area as an enterprise zone, any reference to, or requirement of, this section shall apply to all such governments.

"(2) STATE.—The term 'State' shall also include Puerto Rico, the Virgin Islands, Guam, American Samoa, the Northern Mariana Islands, and any other possession of the United States.

"(3) LOCAL GOVERNMENT.—The term 'local government' means—

"(A) any county, city, town, township, parish, village, or other general purpose political subdivision of a State,

"(B) any combination of political subdivisions described in subparagraph (A) recognized by the Secretary of Housing and Urban Development, and

"(C) the District of Columbia."

(b) CONFORMING AMENDMENT.—The table of subchapters for chapter 80 is amended by adding at the end thereof the following new item:

"SUBCHAPTER C. Designation of Enterprise Zones".

SEC. 103. EVALUATION AND REPORTING REQUIREMENTS.

Not later than the close of the fourth calendar year after the year in which the Secretary of Housing and Urban Development first designates areas as enterprise zones, and at the close of each fourth calendar year thereafter, the Secretary of Housing and Urban Development shall prepare and submit to the Congress a report on the effects of such enterprise zones' designation in accomplishing the purposes of this Act.

SEC. 104. INTERACTION WITH OTHER FEDERAL PROGRAMS.

(a) TAX REDUCTIONS.—Any reduction of taxes under any required program of State and local commitment under section 7871(d) of the Internal Revenue Code of 1954 shall be disregarded in determining the eligibility of a State or local government for, or the amount or extent of, any assistance or benefits under any law of the United States.

(b) COORDINATION WITH RELOCATION ASSISTANCE.—The designation of an enterprise zone under section 7871 of the Internal Revenue Code of 1954 shall not—

(1) constitute approval of a Federal or federally assisted program or project (within the meaning of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4601)), or

(2) entitle any person displaced from real property located in such zone to any rights or any benefits under such Act.

(c) COORDINATION WITH ENVIRONMENTAL POLICY.—Designation of an enterprise zone under section 7871 shall not constitute a Federal action for purposes of applying the requirements of the National Environmental Policy Act (42 U.S.C. 4341) or other provisions of Federal law relating to the protection of the environment.

TITLE II—FEDERAL INCOME TAX INCENTIVES

Subtitle A—Credits for Employers and Employees

SEC. 201. CREDIT FOR ENTERPRISE ZONE EMPLOYERS.

(a) CREDIT FOR INCREASED ENTERPRISE ZONE EMPLOYMENT AND EMPLOYMENT OF DISADVANTAGED WORKERS.—Subpart A of part IV of subchapter A of chapter 1 (relating to credits allowable) is amended by inserting immediately before section 45 the following new section:

"SEC. 44H. CREDIT FOR ENTERPRISE ZONE EMPLOYMENT.

"(a) IN GENERAL.—There shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to the sum of—

"(1) 10 percent of the qualified increased employment expenditures of the taxpayer for the taxable year, and

"(2) the economically disadvantaged credit amount of the taxpayer for such taxable year.

"(b) LIMITATIONS BASED ON AMOUNT OF TAX.—

"(1) IN GENERAL.—The credit allowed by subsection (a) for a taxable year shall not exceed the tax imposed by this chapter for

such taxable year, reduced by the sum of the credits allowable under any section of this subpart having a lower number or letter designation than this section, other than the credits allowable by sections 31, 39, and 43. For purposes of the preceding sentence, the term 'tax imposed by this chapter' shall not include any tax treated as not imposed by this chapter under the last sentence of section 53(a).

"(2) CARRYBACK AND CARRYOVER OF UNUSED CREDIT.—

"(A) ALLOWANCE OF CREDIT.—If the amount of the credit determined under this section for any taxable year exceeds the limitation provided by paragraph (1) for such taxable year (hereinafter in this paragraph referred to as the 'unused credit year'), such excess shall be—

"(i) an enterprise zone employment credit carryback to each of the 3 taxable years preceding the unused credit year, and

"(ii) an enterprise zone employment credit carryover to each of the 15 taxable years following the unused credit year,

and shall be added to the amount allowable as a credit by this section for such years. If any portion of such excess is a carryback to a taxable year beginning before January 1, 1984, this section shall be deemed to have been in effect for such taxable year for purposes of allowing such carryback as a credit under this section. The entire amount of the unused credit for an unused credit year shall be carried to the earliest of the 18 taxable years to which (by reason of clauses (i) and (ii)) such credit may be carried, and then to each of the other 17 taxable years to the extent that, because of the limitation contained in subparagraph (B), such unused credit may not be added for a prior taxable year to which such unused credit may be carried.

"(B) LIMITATION.—The amount of the unused credit which may be added under subparagraph (A) for any preceding or succeeding taxable year shall not exceed the amount by which the limitation provided by paragraph (1) for such taxable year exceeds the sum of—

"(i) the credit allowable under this section for such taxable year, and

"(ii) the amounts which, by reason of this paragraph, are added to the amount allowable for such taxable year and which are attributable to taxable years preceding the unused credit year.

"(C) SPECIAL RULE IF PERIOD OF ZONE EXTENDS MORE THAN 15 YEARS.—If the number of taxable years during the period—

"(i) beginning with the taxable year after the unused credit year, and

"(ii) ending with the taxable year in which the designation of the enterprise zone to which the credit under subsection (a) relates expires under section 7871,

exceeds 15, then subparagraph (A) shall be applied by substituting such number for '15', such number plus 3 for '18', and such number plus 2 for '17'.

"(c) QUALIFIED INCREASED EMPLOYMENT EXPENDITURES DEFINED.—For purposes of this section—

"(1) IN GENERAL.—The term 'qualified increased employment expenditures' means the excess of—

"(A) the qualified wages paid or incurred by the employer during the taxable year to qualified employees with respect to all enterprise zones, over

"(B) the base period wages of the employer with respect to all such zones.

"(2) LIMITATIONS AS TO QUALIFIED WAGES TAKEN INTO ACCOUNT.—

"(A) DOLLAR AMOUNT.—The amount of any qualified wages taken into account under paragraph (1) for any taxable year with respect to any qualified employee may not exceed 2.5 times the dollar limitation in effect under section 3306 (b)(1) for the calendar year with or within which such taxable year ends.

"(B) APPLICATION WITH ECONOMICALLY DISADVANTAGED CREDIT AMOUNT.—Qualified wages shall not be taken into account under paragraph (1) if such wages are taken into account in determining the economically disadvantaged credit amount under subsection (d).

"(3) BASE PERIOD WAGES.—

"(A) IN GENERAL.—The term 'base period wages' means, with respect to any enterprise zone, the amount of wages paid to employees during the 12-month period preceding the date on which the enterprise zone was designated as such under section 7871, or the date on which the enterprise zone is designated under State law, enacted after January 1, 1981, if earlier, which would have been qualified wages paid to qualified employees if such designation had been in effect for such period.

"(B) RULES OF SPECIAL APPLICATION.—For purposes of subparagraph (A)—

"(i) subsection (f)(1) shall be applied by substituting '12-month period' for 'taxable year' each place it appears, and

"(ii) the dollar limitation taken into account under paragraph (2) in computing qualified wages shall be the amount in effect for taxable year for which the amount of the credit under subsection (a) is being computed.

"(d) ECONOMICALLY DISADVANTAGED CREDIT AMOUNT.—For purposes of this section—

"(1) IN GENERAL.—The term 'economically disadvantaged credit amount' means the sum of the applicable percentage of qualified wages paid to each qualified economically disadvantaged individual.

"(2) APPLICABLE PERCENTAGE.—For purposes of paragraph (1), the term 'applicable percentage' means, with respect to any qualified economically disadvantaged individual, the percentage determined in accordance with the following table:

"If the qualified wages are paid for services performed:	The applicable percentage is:
Within 36 months of starting date	50
More than 36 months but less than 49 months after such date	40
More than 48 months but less than 61 months after such date	30
More than 60 months but less than 73 months after such date	20
More than 72 months but less than 85 months after such date	10
More than 84 months after such date	0

"(3) STARTING DATE; BREAKS IN SERVICE.—For purposes of this subsection—

"(A) STARTING DATE.—The term 'starting date' means the day which the qualified economically disadvantaged individual begins work for the employer within an enterprise zone.

"(B) BREAKS IN SERVICE.—The periods described in the table under paragraph (2) (other than the first such period) shall be extended by any period of time during which the individual is unemployed, and by any period of time during which the individual is employed by a taxpayer in an enterprise zone designated under State law enacted after January 1, 1981, if such designation occurs prior to the designation of the enterprise zone under section 7871.

"(e) QUALIFIED WAGES DEFINED.—For purposes of this section—

"(1) IN GENERAL.—Except as otherwise provided in this subsection, the term 'qualified wages' has the meaning given to the term 'wages' by subsection (b) of section 3306 (determined without regard to any dollar limitation contained in such section).

"(2) REDUCTION FOR CERTAIN FEDERALLY FUNDED PAYMENTS.—For purposes of this section the wages paid or incurred by an employer for any period shall not include the amount of any Federally funded payments the employer receives or is entitled to receive for on-the-job training of such individual for such period.

"(3) SPECIAL RULES FOR AGRICULTURAL AND RAILWAY LABOR.—Under regulations prescribed by the Secretary, rules similar to the rules of section 51(h) shall apply with respect to services described in subparagraphs (A) and (B) of section 51(h)(1).

"(f) QUALIFIED EMPLOYEE DEFINED.—

"(1) IN GENERAL.—For purposes of this section, the term 'qualified employee' means an individual—

"(A) at least 90 percent of whose services for the employer during the taxable year are directly related to the conduct of the employer's trade or business located in an enterprise zone, and

"(B) who performs at least 50 percent of his services for the employer during the taxable year in an enterprise zone.

"(2) EXCEPTION FOR INDIVIDUALS WITH RESPECT TO WHOM CREDIT IS ALLOWED UNDER SECTION 44B.—The term 'qualified employee' shall not include an individual with respect to whom any credit is allowed the employer for the taxable year under section 44B (relating to credit for employment of certain new employees).

"(g) QUALIFIED ECONOMICALLY DISADVANTAGED INDIVIDUAL.—

"(1) For purposes of this section, the term 'qualified economically disadvantaged individual' means an individual—

"(A) who is a qualified employee,

"(B) who is hired by the employer during the period a designation under section 7871 is in effect for the area in which the services which qualify such individual as a qualified employee are performed, and

"(C) who is certified as—

"(i) an economically disadvantaged individual,

"(ii) an eligible work incentive employee (within the meaning of section 51(d)(9)), or

"(iii) a general assistance recipient (within the meaning of section 51(d)(6)).

"(2) ECONOMICALLY DISADVANTAGED INDIVIDUAL.—For purposes of paragraph (1)—

"(A) IN GENERAL.—The term 'economically disadvantaged individual' means any individual who is certified by the designated local agency as being a member of a family that had a combined family income (including the cash value of food stamps) during the 6 months preceding the month in which such determination occurs that on an annual basis, was equal to or less than the sum of—

"(i) the highest amount which would ordinarily be paid to a family of the same size without any income or resources in the form of payments for aid to families with dependent children under the State plan approved under part A of title IV of the Social Security Act for the State in which such individual resides, plus,

"(ii) the highest cash value of the food stamps to which a family of the same size without any income or resources would be paid aid to families with dependent children

under such State plan in the amount determined under clause (i).

Any such determination shall be valid for the 45-day period beginning on the date such determination is made.

"(B) SPECIAL RULE FOR FAMILIES WITH ONLY 1 INDIVIDUAL.—For purposes of clause (i) of subparagraph (A), in the case of a family consisting of only one individual, the 'highest amount which would ordinarily be paid' to such family under the State's plan approved under part A of title IV of the Social Security Act shall be an amount determined by the designated local agency on the basis of a reasonable relationship to the amounts payable under such plan to families consisting of two or more persons.

"(3) CERTIFICATION.—Certification of an individual as an individual described in paragraph (1)(C) shall be made in the same manner as certification under section 51.

"(h) SPECIAL RULES.—For purposes of this section—

"(1) APPLICATION TO CERTAIN ENTITIES, ETC.—Under regulations prescribed by the Secretary, rules similar to the rules of section 52 (other than subsection (b) thereof) and section 44F(f)(3) shall apply.

"(2) PERIODS OF LESS THAN A YEAR.—If designation of an area as an enterprise zone under section 7871 occurs, expires, or is revoked on a date other than the first or last day of the taxable year of the taxpayer, or in the case of a short taxable year—

"(A) the limitation specified in subsection (c)(2)(A), and the base period wages determined under subsection (c)(3), shall be adjusted on a pro rata basis (based upon the number of days), and

"(B) the reduction specified in subsection (e)(2) and the 90 percent and 50 percent tests set forth in subsection (f)(1) shall be determined by reference to the portion of the taxable year during which the designation of the area as an enterprise zone is in effect.

"(i) PHASEOUT OF CREDIT.—In determining the amount of the credit for a taxable year under subsection (a) with respect to qualified wages paid or incurred for services performed in an enterprise zone—

"(1) the following percentages shall be substituted for '10 percent' in subsection (l)(1):

"(A) 7.5 percent in the earlier of—

"(i) the taxable year which includes the date which is 21 years after the date on which such enterprise zone was designated under section 7871, or

"(ii) the taxable year which includes the date which is 4 years before the date (if any) on which such enterprise zone ceases to be a zone under section 7871(b)(1)(B),

"(B) 5 percent in the next succeeding taxable year,

"(C) 2.5 percent in the second next succeeding taxable year, and

"(D) zero thereafter, and

"(2) the amount determined under subsection (a)(2) shall be reduced by—

"(A) 25 percent in the case of the taxable year described in paragraph (1)(A),

"(B) 50 percent in the next succeeding taxable year,

"(C) 75 percent in the second next succeeding taxable year, and

"(D) 100 percent thereafter.

"(j) EARLY TERMINATION OF EMPLOYMENT BY EMPLOYER IN CASE OF QUALIFIED ECONOMICALLY DISADVANTAGED INDIVIDUALS, ETC.—

"(1) GENERAL RULE.—Under the regulations prescribed by the Secretary, if the employment of any qualified economically disadvantaged individual with respect to whom qualified wages are taken into account under subsection (a) is terminated by the taxpayer at any time during 270-day period beginning on the date such individual begins work for the employer, the tax under this chapter for the taxable year in which such employment is terminated shall be increased by an amount (determined under such regulations) equal to the credit allowed under subsection (a) for such taxable year and all prior taxable years attributable to qualified wages paid or incurred with respect to such employee.

"(2) SUBSECTION NOT TO APPLY IN CERTAIN CASES.—

"(A) IN GENERAL.—Paragraph (1) shall not apply to—

"(i) a termination of employment of an employee who voluntarily leaves the employment of the employer.

"(ii) a termination of employment of an individual who, before the close of the period referred to in paragraph (1), becomes disabled to perform the services of such employment, unless such disability is removed before the close of such period and the employer fails to offer reemployment to such individual,

"(iii) a termination of employment of an individual, if it is determined under the applicable State unemployment compensation law that the termination was due to the misconduct of such individual, or

"(iv) a termination of employment of an individual due to a substantial reduction in the trade or business operations of the employer.

"(B) CHANGE IN FORM OF BUSINESS, ETC.—For purposes of paragraph (1), the employment relationship between the employer and an employee shall not be treated as terminated—

"(i) by a transaction to which section 381(a) applies, if the employee continues to be employed by the acquiring corporation, or

"(ii) by reason of a mere change in the form of conducting the trade or business of the taxpayer, if the employee continues to be employed in such trade or business and the employer retains a substantial interest in such trade or business.

"(3) SPECIAL RULE.—Any increase in tax under paragraph (1) shall not be treated as tax imposed by this chapter for purposes of determining the amount of any credit allowable under subpart A."

(b) NO DEDUCTION ALLOWED.—

(1) IN GENERAL.—Section 280C (relating to disallowance of deductions for that portion of wages for which credit is claimed under section 40 or 44B) is amended—

(A) by adding at the end thereof the following new subsection:

"(c) RULE FOR SECTION 44H CREDITS.—No deduction shall be allowed for that portion of the wages or salaries paid or incurred for the taxable year which is equal to the amount of the credit allowable under section 44H (relating to the employment credit for enterprise zone businesses). This subsection shall be applied under a rule similar to the rule under the last sentence of subsection (b)."; and

(B) by striking out "or 44b" in the heading and inserting in lieu thereof ", 44b, or 44h".

(2) CONFORMING AMENDMENT.—The table of sections for part IX of subchapter B of chapter 1 is amended by striking out "or 44B" in the item relating to section 280C and inserting in lieu thereof ", 44B, or 44H".

(c) TECHNICAL AMENDMENTS RELATED TO CARRYOVER AND CARRYBACK OF CREDITS.—

(1) CARRYOVER OF CREDIT.—

(A) Subparagraph (B) of section 55(c)(3) (relating to carryover and carryback of certain credits) is amended—

(i) by striking out "or 44F" in clause (i) and inserting in lieu thereof "44F, or 44H", and

(ii) by inserting "44H(b)(1)," after "44F(g)(1)," in clause (ii).

(B) Subsection (c) of section 381 (relating to items of the distributor or transferor corporation) is amended by adding at the end thereof the following new paragraph:

"(30) CREDIT UNDER SECTION 44H.—The acquiring corporation shall take into account (to the extent proper to carry out the purposes of this section and section 44H, and under such regulations as may be prescribed by the Secretary) the items required to be taken into account for purposes of section 44H in respect to the distributor or transferor corporation."

(C) Section 383 (relating to special limitations on unused credits and capital losses), as in effect for taxable years to which the amendments made by the Tax Reform Act of 1976 apply, is amended—

(i) by inserting "to any unused credit of the corporation under section 44H(b)(2)," after "44G(b)(2)," and

(ii) by inserting "enterprise zone employment credits," after "employee stock ownership credits," in the section heading.

(D) Section 383 (as in effect on the day before the amendments made by the Tax Reform Act of 1976) is amended—

(i) by inserting "to any unused credit of the corporation which could otherwise be carried forward under section 44H(b)(2)," after "44G(b)(2)," and

(ii) by inserting "ENTERPRISE ZONE EMPLOYMENT CREDITS," after "EMPLOYEE STOCK OWNERSHIP CREDITS," in the section heading.

(E) The table of sections for part V of subchapter C of chapter 1 is amended by inserting "enterprise zone employment credits," after "employee stock ownership credits," in the item relating to Section 383.

(2) CARRYBACK OF CREDIT.—

(A) Subparagraph (C) of section 6511(d)(4) (defining credit carryback) is amended by striking out "and employee stock ownership credit carryback" and inserting in lieu thereof "employee stock ownership credit carryback, and enterprise zone employment credit carryback."

(B) Section 6411 (relating to quick refunds in respect to tentative carryback adjustments) is amended—

(i) by striking out "or unused employee stock ownership credit" each place it appears and inserting in lieu therof "unused employee stock ownership credit, or unused enterprise zone employment credit carryback;"

(ii) by inserting ", by an enterprise zone employment credit carryback provided by section 44H(b)(2)," after "by an employee stock ownership credit carryback provided by section 44G(b)(2)" in the first sentence of subsection (a);

(iii) by striking out "or employee stock ownership credit carryback from" each place it appears and inserting in lieu thereof "employee stock ownership credit carryback, or enterprise zone employment credit carryback from;" and

(iv) by striking out "research and experimental credit carryback)" in the second sentence of subsection (a) and inserting in lieu thereof "research and experimental credit carryback, or in the case of an enterprise zone employment credit carryback, to an investment credit carryback, a new employee

credit carryback, or an employee stock ownership credit carryback)."

(d) OTHER TECHNICAL AND CLERICAL AMENDMENTS.—

(1) Subsection (b) of section 6096 (relating to designation of income tax payments to Presidential Election Campaign Fund) is amended by striking out "and 44G" and inserting in lieu thereof "44G and 44H".

(2) The table of sections for subpart A of part IV of subchapter A of chapter 1 is amended by inserting before the item relating to section 45 the following new item:

"Sec. 44H. Credit for enterprise zone employment."

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1983.

SEC. 202. CREDIT FOR ENTERPRISE ZONE EMPLOYEES.

(a) IN GENERAL.—Subpart A of part IV of subchapter A of chapter 1 (relating to credits allowable), as amended by section 201, is amended by inserting immediately before section 45 the following new section:

"SEC. 44J. CREDIT FOR ENTERPRISE ZONE EMPLOYEES.

"(a) IN GENERAL.—In the case of a qualified employee, there is allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to 5 percent of the qualified wages for the taxable year.

"(b) DEFINITIONS.—For purposes of this section—

"(1) QUALIFIED EMPLOYEE.—the term 'qualified employee' means an individual—

"(A) who is described in section 44H(f)(1), and

"(B) who is not the employee of the Federal Government or any State or subdivision of a State.

"(2) QUALIFIED WAGES.—

"(A) IN GENERAL.—The term 'qualified wages' has the meaning given to 'wages' under subsection (b) of section 3306, attributable to services performed for an employer with respect to whom the employee is a qualified employee, in an amount which does not exceed 1½ times the dollar limitation specified in such subsection.

"(B) EXCEPTION.—The term 'qualified wages' does not include any compensation received from the Federal Government or any State or subdivision of a State.

"(3) ENTERPRISE ZONE.—The term 'enterprise zone' means any area with respect to which a designation as an enterprise zone is in effect under section 7871.

"(c) PHASEOUT OF CREDIT.—In determining the amount of the credit for the taxable year under subsection (a) with respect to qualified wages paid to qualified employees for services performed in an enterprise zone, the following percentages shall be substituted for '5 percent' in subsection (a):

"(1) 3¾ percent in the taxable year in which the date which is—

"(A) 21 years after the date on which such enterprise zone was designated under section 7871 occurs, or

"(B) if earlier, the date 4 years before the date the zone designation is to expire;

"(2) 2½ percent in the next succeeding taxable year;

"(3) 1¼ percent in the second next succeeding taxable year; and

"(4) zero thereafter.

"(d) APPLICATION WITH OTHER CREDITS.—The credit allowed by subsection (a) for a taxable year shall not exceed the tax imposed by this chapter for such taxable year, reduced by the sum of the credits allowable under a section of this subpart having a lower number or letter designation than this section, other than the credits allowable by section 31, 39, and 43. For purposes of the preceding sentence, the term 'tax imposed by this chapter' shall not include any tax treated as not imposed by this chapter under the last sentence of section 53(a)."

(b) CONFORMING AMENDMENT.—The table of sections for subpart A of part IV of subchapter A of chapter 1 is amended by inserting immediately before the item relating to section 45 of the following new item:

"Sec. 44I. Credit for enterprise zone employees."

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years after December 31, 1983.

Subtitle B—Credits for Investment in Tangible Property in Enterprise Zones

SEC. 211. INVESTMENT TAX CREDIT FOR ENTERPRISE ZONE PROPERTY.

(a) SECTION 38 PROPERTY.—Paragraph (1) of section 48(a) (defining section 38 property) is amended by striking out "or" at the end of subparagraph (F), by striking out the period at the end of subparagraph (G) and inserting in lieu thereof "; or", and by adding after subparagraph (G) the following new subparagraph:

"(H) enterprise zone property (within the meaning of subsection (r)) which is not otherwise section 38 property."

(b) AMOUNT OF CREDIT.—

(1) IN GENERAL.—Subparagraph (A) of section 46(a)(2) (relating to amount of investment tax credit) is amended by striking out "and" at the end of clause (iii), by striking out the period at the end of clause (iv) and inserting in lieu thereof ", and", and by adding at the end thereof the following new clause:

"(v) in the case of qualified enterprise zone property, the enterprise zone percentage."

(2) ENTERPRISE ZONE PERCENTAGE DEFINED.—Paragraph (2) of section 46(a) is amended by adding at the end thereof the following new subparagraph:

"(G) ENTERPRISE ZONE PERCENTAGE.—

"(i) IN GENERAL.—

"For purposes of this paragraph—

"In the case of qualified enterprise zone expenditures with respect to:	The enterprise zone percentage is:
Zone personal property (within the meaning of section 48(r)(2))	5
New zone construction property (within the meaning of section 48(r)(3))	10

"(ii) PHASEOUT OF CREDIT AS ENTERPRISE ZONE ENDS.—Clause (i) shall be applied by substituting the following percentages for 5 percent and 10 percent, respectively:

"(I) For the taxable year described in section 44H(i)(1)(A), 3.75 and 7.5.

"(II) For the next succeeding taxable year, 2.5 and 5.

"(III) For the second next succeeding taxable year, 1.25 and 2.5.

"(IV) For any subsequent taxable year, zero."

(3) ORDERING RULES.—That portion of paragraph (7) of section 46(a) (relating to special rules in the case of energy property) which precedes subparagraph (B) is amended to read as follows:

"(7) SPECIAL RULES IN THE CASE OF ENERGY PROPERTY OR ENTERPRISE ZONE PROPERTY.—Under regulations prescribed by the Secretary—

"(A) IN GENERAL.—This subsection and subsection (b) shall be applied separately—

"(i) first with respect to so much of the credit allowed by section 38 as is not attributable to the energy percentage or the enterprise zone percentage,

"(ii) second with respect to so much of the credit allowed by section 38 as is attributable to the application of the energy percentage to energy property, and

"(iii) third with respect to so much of the credit allowed by section 38 as is attributable to the application of the enterprise zone percentage zone property."

(4) CONFORMING AMENDMENT.—Section 48(o) (defining certain credits) is amended by adding at the end thereof the following new paragraphs:

"(9) ENTERPRISE ZONE CREDIT.—The term 'enterprise zone credit' means that portion of the credit allowed by section 38 which is attributable to the enterprise zone percentage."

(c) DEFINITIONS AND TRANSITIONAL RULES.—Section 48 (relating to definitions and special rules) is amended by redesignating subsection (r) as subsection (s) and by inserting after subsection (q) the following new subsection:

"(r) ENTERPRISE ZONE PROPERTY.—

"(1) The term 'enterprise zone property' means property—

"(A) which is—

"(i) zone personal property, or

(ii) new zone construction property,

"(B) not acquired (directly or indirectly) by the taxpayer from a person who is related to the taxpayer (within the meaning of section 168(e)(4)(D)), and

"(C) acquired and first placed in service by the taxpayer in an enterprise zone during the period the designation as a zone is in effect under section 7871.

"(2) ZONE PERSONAL PROPERTY DEFINED.—The term 'zone personal property' means property which is—

"(A) 3-year property;

"(B) 5-year property;

"(C) 10-year property; and

"(D) 15-year public utility property,

which is used by the taxpayer predominantly in the active conduct of a trade or business within an enterprise zone. Property shall not be treated as 'zone personal property' if it is used or located outside the enterprise zone on any regular basis.

"(3) NEW ZONE CONSTRUCTION PROPERTY DEFINED.—The term 'new zone construction property' means 15-year real property which is—

"(A) located in an enterprise zone,

"(B) used by the taxpayer predominantly in the active conduct of a trade or business within an enterprise zone, and

"(C) either—

"(i) the construction, reconstruction, rehabilitation, renovation, expansion, or erection of which is completed by the taxpayer during the period the designation as a zone is in effect under section 7871, or

"(ii) acquired during such period if the original use of such property commences with the taxpayer and commences during such period.

In applying section 46(c)(1)(A) in the case of property described in clause (i), there shall be taken into account only that portion of the basis which is properly attributable to construction or erection during such period.

"(4) REAL ESTATE RENTAL.—For purposes of this section, ownership of residential, commercial, or industrial real property within an enterprise zone for rental shall be treat-

ed as the active conduct of a trade or business in an enterprise zone.

"(5) DEFINITIONS.—For purposes of this subsection, the terms '3-year property,' '5-year property,' '10-year property,' '15-year property,' and '15-year public utility property' have the meanings given such terms by section 168(c)(2)."

(d) LODGING TO QUALIFY.—Paragraph (3) of section 48(a) (relating to property used for lodging) is amended—

(1) by striking out "and" at the end of subparagraph (C),

(2) by striking out the period at the end of subparagraph (D) and inserting in lieu thereof ", and," and

(3) by adding at the end thereof the following new subparagraph:

"(E) new zone construction property."

(e) RECAPTURE.—Subsection (a) of section 47 (relating to certain dispositions, etc., of section 38 property) is amended by adding at the end thereof the following new paragraph:

"(9) SPECIAL RULES FOR ENTERPRISE ZONE PROPERTY.—

"(A) IN GENERAL.—If, during any taxable year, property with respect to which the taxpayer claimed an enterprise zone credit—

"(i) is disposed of, or

"(ii) in the case of zone personal property—

"(I) otherwise ceases to be section 38 property with respect to the taxpayer, or

"(II) is removed from the enterprise zone, converted, or otherwise ceases to be enterprise zone property (other than by the expiration or revocation of the designation as an enterprise zone),

the tax under this chapter for such taxable year shall be increased by the amount described in subparagraph (B).

"(B) AMOUNT OF INCREASE.—The increase in tax under subparagraph (A) shall equal the aggregate decrease in the credits allowed under section 38 by reason of section 46(a)(2)(A)(v) for all prior taxable years which would have resulted solely from reducing the expenditures taken into account with respect to the property by an amount which bears the same ratio to such expenditures as the number of taxable years that the property was held by the taxpayer bears to the applicable recovery period for earnings and profits under section 312(k)."

(f) BASIS ADJUSTMENT TO REFLECT INVESTMENT CREDIT.—

(1) IN GENERAL.—Paragraph (3) of section 48(q) (relating to basis adjustment to section 38 property) is amended to read as follows:

"(3) SPECIAL RULE FOR QUALIFIED REHABILITATION AND ENTERPRISE ZONE EXPENDITURES.—In the case of any credit determined under section 46(a)(2) for—

"(A) any qualified rehabilitation expenditure in connection with a qualified rehabilitated building other than a certified historic structure, or

"(B) any expenditure in connection with new zone construction property (within the meaning of section 48(r)(3)),

paragraphs (1) and (2) shall be applied without regard to the phrase '50 percent of'."

(2) CONFORMING AMENDMENT.—The heading for subsection (c) of section 196 (relating to deductions for certain unused investment credits) is amended by striking out "rehabilitated buildings" and inserting in lieu thereof "rehabilitation and enterprise zone expenditures."

(g) INVESTMENT CREDIT CARRYOVER PERIOD EXTENDED.—Paragraph (1) of section 46(b) (relating to carryover and carryback of unused credits) is amended by adding at the end thereof the following new sentence: "If the number of taxable years during the period beginning with the taxable years following the unused credit year and ending with the taxable year in which the designation of the enterprise zone to which the unused credit relates expires under section 7871 exceeds 15, then the preceding sentence shall be applied by substituting such number for '15,' such number plus 3 for '18,' and such number plus 2 for '17'."

(h) EFFECTIVE DATE.—The amendments made by this section shall apply to periods after December 31, 1983, under rules similar to the rules of section 48(m) of the Internal Revenue Code of 1954.

Subtitle C—Rules Reduction in Capital Gain Tax Rates

SEC. 221. CORPORATIONS.

(a) GENERAL RULE.—Subsection (a) of section 1201 (relating to alternative tax for corporations) is amended by striking out paragraph (2) and inserting in lieu thereof the following:

"(2) a tax of 28 percent of the excess (if any) of—

"(A) the net capital gain for the taxable year, over

"(B) the qualified enterprise zone capital gain."

(b) DEFINITION OF QUALIFIED ENTERPRISE ZONE CAPITAL GAIN.—Section 1201 is amended by redesignating subsections (b) and (c) as subsections (c) and (d) and by inserting after subsection (a) the following new subsection:

"(b) QUALIFIED ENTERPRISE ZONE CAPITAL GAIN.—For purposes of this section—

"(1) IN GENERAL.—The term 'qualified enterprise zone capital gain' means gain which is—

"(A) described in section 1222(3),

"(B) attributable to the sale or exchange of qualified property, and

"(C) property allocable only to periods during which the property is qualified property.

"(2) LIMITATIONS.—The term 'qualified enterprise zone capital gain' does not include any gain attributable to the sale or exchange of an interest in a qualified business to the extent attributable to—

"(A) any property contributed to the qualified business within the previous 12 months,

"(B) any interest in any business which is not a qualified business, or

"(C) any other intangible property to the extent not properly attributable to the active conduct of a trade or business within an enterprise zone.

"(3) DEFINITIONS.—

"(A) The term 'qualified property' means—

"(i) any tangible personal property used by the taxpayer predominantly in an enterprise zone in the active conduct of a trade or business within such enterprise zone,

"(ii) any real property located in an enterprise zone used by the taxpayer predominantly in the active conduct of a trade or business within such enterprise zone, and

"(iii) any interest in a corporation, partnership, or other entity if, for the three most recent taxable years of such entity ending before the date of disposition of such interest, such entity, was a qualified business.

"(B) QUALIFIED BUSINESS.—The term 'qualified business' means any person—

"(i) which is actively engaged in the conduct of a trade or business within an enterprise zone during the period described in subparagraph (A)(iii),

"(ii) with respect to which at least 80 percent of such person's gross receipts for the taxable year are attributable to the active conduct of a trade or business within an enterprise zone, and

"(iii) with substantially all of its tangible assets located within an enterprise zone.

"(C) REAL ESTATE RENTAL.—For purposes of this section, ownership of residential, commercial, or industrial real property within an enterprise zone for rental shall be treated as the active conduct of a trade or business in an enterprise zone.

"(D) PROPERTY REMAINS QUALIFIED AFTER ZONE DESIGNATION CEASES TO APPLY.—

"(i) IN GENERAL.—The treatment of property as qualified property under subparagraph (A) shall terminate when the designation of the enterprise zone in which the property is located or used expires or is revoked.

"(ii) EXCEPTIONS.—Clause (i) shall not apply after the first sale or exchange of property occurring after the designation expires or is revoked,"

SEC. 222. TAXPAYER OTHER THAN CORPORATIONS.

Subsection (a) of section 1202 (relating to deduction for capital gains) is amended to read as follows:

"(a) DEDUCTION ALLOWED.—

"(1) IN GENERAL.—If for any taxable year a taxpayer other than a corporation has a net capital gain, there shall be allowed as a deduction from gross income an amount equal to the sum of—

"(A) 100 percent of the lesser of—

"(i) the net capital gain, or

"(ii) the qualified enterprise zone capital gain (as defined in section 1201(b)), plus

"(B) 60 percent of the excess (if any) of—

"(i) the net capital gain, over

"(ii) the amount of the net capital gain taken into account under subparagraph (A)."

SEC. 223. MINIMUM TAX.

Paragraph (9) of section 57(a) (relating to tax preference for capital gains) is amended by adding at the end thereof the following new subparagraph:

"(E) For purposes of this paragraph, gain attributable to qualified enterprise zone capital gain (within the meaning of section 1201(b)) shall not be taken into account."

SEC. 224. EFFECTIVE DATE.

The amendments made by this subtitle shall apply to sales or exchanges after December 31, 1983.

Subtitle D—Rules Relating to Industrial Development Bonds

SEC. 231. INDUSTRIAL DEVELOPMENT BONDS.

(a) LIMITATION ON ACCELERATED COST RECOVERY DEDUCTION NOT TO APPLY TO ENTERPRISE ZONE PROPERTY.—Subparagraph (C) of section 168(f)(12) (relating to limitations on property financed with tax-exempt bonds) is amended—

(1) by striking out "or" at the end of clause (iii),

(2) by striking out the period at the end of clause (iv) and inserting in lieu thereof ", or", and

(3) by adding at the end thereof the following new clause:

"(v) as enterprise zone property (within the meaning of section 48(r))."

(b) TERMINATION OF SMALL ISSUE EXEMPTION NOT TO APPLY.—Subparagraph (N) of section 103(b)(6) (relating to termination of small issue exemption after December 31, 1986) is amended by adding at the end thereof the following new sentence: "This

subparagraph shall not apply to any obligation which is part of an issue substantially all of the proceeds of which are used to finance facilities within an enterprise zone if such facilities are placed in service while the designation as such a zone is in effect under section 7871."

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to obligations issued after December 31, 1983, in taxable years ending after such date.

Subtitle E—Sense of the Congress With Respect to Tax Simplification

SEC. 241. TAX SIMPLIFICATION

It is the sense of the Congress that the Secretary of the Treasury should in every way possible simplify the administration and enforcement of any provision of the Internal Revenue Code of 1954 added to, or amended by, this Act.

TITLE III—REGULATORY FLEXIBILITY

SEC. 301. DEFINITION OF SMALL ENTITIES IN ENTERPRISE ZONES FOR PURPOSES OF ANALYSIS OR REGULATORY FUNCTIONS

Section 601 of title 5, United States Code, is amended by—

(1) strike out "and" at the end of paragraph (5); and

(2) striking out paragraph (6) and inserting in lieu thereof the following:

"(6) the term 'small entity' means—

"(A) a small business, small organization, or small governmental jurisdiction within the meaning of paragraphs (3), (4), and (5) of this section, respectively; and

"(B) any qualified business; any governments which designated and approved an area which has been designated as an enterprise zone (within the meaning of section 7871 of the Internal Revenue Code of 1954) to the extent any rule pertains to the carrying out of projects, activities, or undertakings within such zone; and any not-for-profit enterprise carrying out a significant portion of its activities within such a zone; and

"(7) the term 'qualified business' means any person, corporation, or other entity—

"(A) which is engaged in the active conduct of a trade or business within an enterprise zone (within the meaning of section 7871 of the Internal Revenue Code of 1954); and

"(B) for whom at least 50 percent of its employees are qualified employees (within the meaning of section 44H(f) of such Code)."

SEC. 302. WAIVER OR MODIFICATION OF AGENCY RULES IN ENTERPRISE ZONES.

(a) Chapter 6 of title 5, United States Code, is amended by redesignating sections 611 and 612 as sections 612 and 613, respectively, and inserting the following new section immediately after section 610:

"§ 611. Waiver or modification of agency rules in enterprise zones

"(a) Upon the written request of the governments which designated and approved an area which has been designated as an enterprise zone under section 7871 of the Internal Revenue Code of 1954, an agency is authorized, in order to further the job creation, community development, or economic revitalization objectives of the zone, to waive or modify all or part of any rule which it has authority to promulgate, as such rule pertains to the carrying out of projects, activities, or undertakings within the zone.

"(b) Nothing in this section shall authorize an agency to waive or modify any rule adopted to carry out a statute or Executive order which prohibits, or the purpose of which is to protect persons against, discrimination on the basis of race, color, religion, sex, marital status, national origin, age, or handicap.

"(c) A request under subsection (a) shall specify the rule or rules to be waived or modified and the change proposed, and shall briefly describe why the change would promote the achievement of the job creation, community development, or economic revitalization objectives of the enterprise zone. If a request is made to an agency other than the Department of Housing and Urban Development, the requesting governments shall send a copy of the request to the Secretary of Housing and Urban Development at the time the request is made.

"(d) In considering a request, the agency shall weigh the extent to which the proposed change is likely to further job creation, community development, or economic revitalization within the enterprise zone against the effect the change is likely to have on the underlying purposes of applicable statutes in the geographic area which would be affected by the change. The agency shall approve the request whenever it finds, in its discretion, that the public interest which the proposed change would serve in furthering such job creation, community development or economic revitalization outweighs the public interest which continuation of the rule unchanged would serve in furthering such underlying purposes. The agency shall not approve any request to waive or modify a rule if that waiver or modification would—

"(1) directly violate a statutory requirement (including any requirement of the Fair Labor Standards Act of 1938 (52 Stat. 1060; 29 U.S.C. 201 et seq.)); or

"(2) be likely to present a significant risk to the public health, including environmental health or safety, such as a rule with respect to occupational safety or health, or environmental pollution.

"(e) If a request is disapproved, the agency shall inform the requesting governments in writing of the reasons therefor and shall, to the maximum extent possible, work with such governments to develop an alternative, consistent with the standards contained in subsection (d).

"(f) Agencies shall discharge their responsibilities under this section in an expeditious manner, and shall make a determination on requests not later than 90 days after their receipt.

"(g) A waiver or modification of a rule under subsection (a) shall not be considered to be a rule, rulemaking, or regulation under chapter 5 of this title. To facilitate reaching its decision on any requested waiver or modification, the agency may seek the views of interested parties and, if the views are to be sought, determine how they should be obtained and to what extent, if any, they should be taken into account in considering the request. The agency shall publish a notice in the Federal Register stating any waiver or modification of a rule under this section.

"(h) In the event that an agency proposes to amend a rule for which a waiver or modification under this section is in effect, the agency shall not change the waiver or modification to impose additional requirements unless it determines, consistent with standards contained in subsection (d), that such action is necessary.

"(i) No waiver or modification of a rule under this section shall remain in effect for a longer period than the period for which the enterprise zone designation remains in effect for the area in which the waiver or modification applies.

"(j) For purposes of this section, the term 'rule' means (1) any rule as defined in section 551(4) of this title or (2) any rulemaking conducted on the record after opportunity for an agency hearing pursuant to sections 556 and 557 of this title."

(b) The table of sections for such chapter is amended by redesignating "Sec. 611." and "Sec. 612." and "Sec. 613.", respectively, and inserting the following new item immediately after "Sec. 610.":

"Sec. 611. Waiver or modification of agency rules in enterprise zones."

(c) Section 601(2) of such title is amended by inserting "(except for purposes of section 611)" immediately before "means."

(d) Section 613 of such title, redesignated by subsection (a) of this section, is amended by—

(1) inserting "(except section 611)" immediately after "chapter" in subsection (a); and

(2) inserting "as defined in section 601(2)" immediately before the period at the end of the first sentence of subsection (b).

SEC. 303. COORDINATION OF HOUSING AND URBAN DEVELOPMENT PROGRAMS IN ENTERPRISE ZONES.

Section 3 of the Department of Housing and Urban Development Act is amended by adding at the end thereof the following new subsection:

"(d) The Secretary of Housing and Urban Development shall—

"(1) promote the coordination of all programs under his jurisdiction which are carried on within an enterprise zone designated pursuant to 7871 of the Internal Revenue Code of 1954;

"(2) expedite, to the greatest extent possible, the consideration of applications for programs referred to in paragraph (1) through the consolidation or forms or otherwise; and

"(3) provide, whenever possible, for the consolidation of periodic reports required under programs referred to in paragraph (1) into one summary report submitted at such intervals as may be designated by the Secretary."

TITLE IV—ESTABLISHMENT OF FOREIGN-TRADE ZONES IN ENTERPRISE ZONES

SEC. 401. FOREIGN-TRADE ZONE PREFERENCES.

(a) PREFERENCE IN ESTABLISHMENT OF FOREIGN-TRADE ZONES IN REVITALIZATION AREAS.—In processing applications for the establishment of foreign-trade zones pursuant to an Act entitled "To provide for the establishment, operation, and maintenance of foreign-trade zones in ports of entry of the United States, to expedite and encourage foreign commerce, and for other purposes," approved June 18, 1934 (48 Stat. 998), the Foreign-Trade Zone Board shall consider on a priority basis and expedite, to the maximum extent possible, the processing of any application involving the establishment of a foreign-trade zone within an enterprise zone designated pursuant to section 7871 of the Internal Revenue Code of 1954.

(b) APPLICATION PROCEDURE.—In processing applications for the establishment of ports of entry pursuant to an Act entitled "An Act making appropriations for sundry civil expenses of the Government for the fiscal year ending June thirtieth, nineteen hundred and fifteen, and for other purposes," approved August 1, 1914 (38 Stat.

609), the Secretary of the Treasury shall consider on a priority basis and expedite, to the maximum extent possible, the processing of any application involving the establishment of a port of entry which is necessary to permit the establishment of a foreign-trade zone within an enterprise zone.

(c) APPLICATION EVALUATION.—In evaluating applications for the establishment of foreign-trade zones and ports of entry in connection with enterprise zones, the Foreign-Trade Zone Board and the Secretary of Treasury shall approve the applications to the maximum extent practicable, consistent with their respective statutory responsibilities.

Mr. ERLENBORN (during the reading). Mr. Speaker, I ask unanimous consent that the motion to recommit be considered as read and printed in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

POINT OF ORDER

Mr. HAWKINS. Mr. Speaker, I raise a point of order on the motion to recommit.

The SPEAKER. The gentleman will state his point of order.

Mr. HAWKINS. Mr. Speaker, my point of order is on the grounds that the motion to recommit contains language of a tax bill which cannot be put on a nontax bill; and, second, the amendment is not germane to the bill under consideration.

The SPEAKER. The Chair recognizes the gentleman from Illinois (Mr. ERLENBORN).

Mr. ERLENBORN. Mr. Speaker, the gentleman from California (Mr. HAWKINS) is correct in that there is language relative to tax law in the motion to recommit. I submit that the purpose of the motion to recommit and the purpose of the amendment would be to enact the enterprise zone proposal that has been supported very broadly in both Houses of the Congress, and that it would reduce unemployment in the communities across the country where we have high levels of unemployment, though I admit it would do so in a somewhat different manner. It would do so through tax incentives and the creation of real meaningful jobs in the private sector rather than public service type jobs.

Mr. Speaker, I hope it would be considered germane since the purposes are the same. We just have a better way of doing it.

The SPEAKER. The Chair is ready to rule.

It is very obvious to the Chair that the motion to recommit offered by the gentleman from Illinois (Mr. ERLENBORN) is not germane. This is a tax amendment, and the Committee on Education and Labor has no jurisdiction over it.

So the point of order is well taken under clause 7 rule XVI and under clause 5(b) rule XXI, and the point of order is sustained.

Mr. ERLENBORN. Mr. Speaker, I do have another motion to recommit at the desk, and I offer that motion to recommit.

The SPEAKER. Is the gentleman still opposed to the bill?

Mr. ERLENBORN. I am, Mr. Speaker.

The SPEAKER. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. ERLENBORN moves to recommit the bill, H.R. 1036, to the Committee on Education and Labor.

The SPEAKER. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER. The question is on the motion to recommit.

The motion to recommit was rejected.

The SPEAKER. The question is on the passage of the bill.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. WALKER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 246, nays 178, not voting 9, as follows:

[Roll No. 351]

YEAS—246

Ackerman	Coleman (TX)	Frost
Addabbo	Collins	Fuqua
Akaka	Conte	Garcia
Albosta	Conyers	Gaydos
Alexander	Cooper	Gejdenson
Anderson	Coyne	Gephardt
Andrews (NC)	Crockett	Gibbons
Annunzio	Daschle	Gilman
Anthony	Davis	Glickman
Applegate	de la Garza	Gonzalez
Aspin	Dellums	Gore
Barnes	Derrick	Gray
Bates	Dicks	Guarini
Bedell	Dixon	Hall (IN)
Bellenson	Donnelly	Hall (OH)
Bennett	Dowdy	Hall, Ralph
Berman	Downey	Hamilton
Bevill	Durbin	Harkin
Biaggi	Dwyer	Harrison
Boehlert	Dymally	Hatcher
Boggs	Dyson	Hawkins
Boland	Early	Hayes
Boner	Eckart	Hefner
Bonior	Edgar	Hertel
Borski	Edwards (CA)	Horton
Bosco	Erdreich	Howard
Boucher	Evans (IL)	Hoyer
Boxer	Fascell	Hubbard
Breaux	Fazio	Huckaby
Brooks	Feighan	Hughes
Brown (CA)	Ferraro	Jacobs
Bryant	Fish	Jeffords
Burton (CA)	Flippo	Johnson
Byron	Florio	Jones (NC)
Carr	Foglietta	Jones (TN)
Chappell	Foley	Kaptur
Clarke	Ford (MI)	Kastenmeier
Clay	Fowler	Kazen
Coelho	Frank	Kennelly
Kildee	Nowak	Slattery
Kogovsek	O'Brien	Smith (FL)
Kolter	Oakar	Smith (IA)
Kostmayer	Oberstar	Smith (NJ)
LaFalce	Obey	Solarz
Lantos	Ortiz	Spratt
Leach	Ottinger	St Germain
Lehman (CA)	Owens	Staggers
Lehman (FL)	Panetta	Stark
Leland	Patman	Stokes
Levin	Patterson	Stratton
Levine	Pease	Studds
Lipinski	Pepper	Swift
Lloyd	Perkins	Tallon
Long (LA)	Price	Tauzin
Long (MD)	Rahall	Torres
Lowry (WA)	Rangel	Torricelli
Luken	Ratchford	Towns
Markey	Reid	Traxler
Martin (NY)	Richardson	Udall
Martinez	Ridge	Vento
Matsui	Rinaldo	Volkmer
Mavroules	Rodino	Walgren
Mazzoli	Roe	Watkins
McCloskey	Roemer	Waxman
McDade	Rose	Weaver
McHugh	Rostenkowski	Weiss
McKinney	Roybal	Wheat
McNulty	Russo	Whitley
Mikulski	Sabo	Whitten
Miller (CA)	Savage	Williams (MT)
Mineta	Scheuer	Williams (OH)
Minish	Schneider	Wilson
Mitchell	Schroeder	Wirth
Moakley	Schumer	Wise
Mollohan	Seiberling	Wolpe
Moody	Shannon	Wright
Morrison (CT)	Sharp	Wyden
Murphy	Shelby	Yates
Murtha	Sikorski	Yatron
Natcher	Simon	Young (AK)
Neal	Sisisky	Young (MO)
Nichols	Skelton	Zablocki

NAYS—178

Andrews (TX)	Franklin	McCandless
Archer	Frenzel	McCollum
AuCoin	Gekas	McCurdy
Badham	Gingrich	McEwen
Barnard	Goodling	McGrath
Bartlett	Gradison	McKernan
Bateman	Green	Mica
Bereuter	Gregg	Michel
Bethune	Gunderson	Miller (OH)
Bilirakis	Hall, Sam	Molinari
Bliley	Hammerschmidt	Montgomery
Britt	Hance	Moore
Broomfield	Hansen (ID)	Moorhead
Brown (CO)	Hansen (UT)	Morrison (WA)
Broyhill	Hartnett	Mrazek
Burton (IN)	Hightower	Myers
Campbell	Hiler	Nelson
Carney	Hillis	Nielson
Carper	Holt	Olin
Chandler	Hopkins	Oxley
Chappie	Hunter	Packard
Cheney	Hutto	Parris
Clinger	Hyde	Pashayan
Coats	Ireland	Paul
Coleman (MO)	Jenkins	Penny
Conable	Jones (OK)	Petri
Corcoran	Kasich	Pickle
Coughlin	Kemp	Porter
Courter	Kindness	Pursell
Craig	Kramer	Quillen
Crane, Daniel	Lagomarsino	Ray
Crane, Philip	Latta	Regula
D'Amours	Leath	Ritter
Daniel	Lent	Roberts
Dannemeyer	Levitas	Robinson
Daub	Lewis (CA)	Rogers
DeWine	Lewis (FL)	Roukema
Dickinson	Livingston	Rowland
Dorgan	Loeffler	Rudd
Dreier	Lott	Sawyer
Duncan	Lowery (CA)	Schaefer
Edwards (AL)	Lujan	Schulze
Edwards (OK)	Lungren	Sensenbrenner
Emerson	Mack	Shaw
English	MacKay	Shumway
Erlenborn	Madigan	Shuster
Evans (IA)	Marriott	Siljander
Fiedler	Martin (IL)	Skeen
Fields	Martin (NC)	Smith (NE)
Forsythe	McCain	Smith, Denny

Smith, Robert	Tauke	Whitehurst
Snowe	Taylor	Whittaker
Snyder	Thomas (CA)	Winn
Solomon	Thomas (GA)	Wolf
Spence	Valentine	Wortley
Stangeland	Vander Jagt	Wylie
Stenholm	Vandergriff	Young (FL)
Stump	Vucanovich	Zschau
Sundquist	Walker	
Synar	Weber	

NOT VOTING—9

Bonker	Gramm	Marlenee
Dingell	Heftel	Pritchard
Ford (TN)	Lundine	Roth

□ 1820

Mr. CRAIG changed his vote from "yea" to "nay."

Mr. STOKES changed his vote from "nay" to "yea."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. HAWKINS. Mr. Chairman, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed.

The SPEAKER. It there objection to the request of the gentleman from California?

There was no objection.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 1036, COMMUNITY RENEWAL EMPLOYMENT ACT

Mr. HAWKINS, Mr. Speaker, I ask unanimous consent that, in the engrossment of the bill, the clerk be authorized to correct section numbers, punctuation, and cross references and to make such other technical and conforming changes as may be necessary to reflect the actions of the House in amending the bill, H.R. 1036.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

PERMISSION FOR SUBCOMMITTEE ON ENVIRONMENT, ENERGY, AND NATURAL RESOURCES OF COMMITTEE ON GOVERNMENT OPERATIONS TO SIT TOMORROW, SEPTEMBER 22, 1983, DURING 5-MINUTE RULE

Mr. SYNAR. Mr. Speaker, I ask unanimous consent that the Subcommittee on Environment, Energy, and Natural Resources of the Committee on Government Operations be permitted to sit while the House is reading for amendment under the 5-minute rule on Thursday, September 22, 1983.

The minority has been advised of this request, and I understand they have no objection.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

GROSS INSENSITIVITY OF SECRETARY WATT

(Mr. COELHO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COELHO. Mr. Speaker, today I have sent the following letter to the President of the United States:

DEAR MR. PRESIDENT: I have been dismayed over the actions and statements of your Interior Secretary, James Watt, on many occasions. But I have never been so thoroughly disgusted and appalled as I am today.

During a speech today to trade representatives at the United States Chamber of Commerce, Mr. Watt reportedly said that he has a commission to advise him on coal leasing consisting of, and I quote, "a black, a woman, two Jews, and a cripple."

According to United Press International, his remark drew laughter from the audience. When one member of the group asked the Secretary whether he thought the comment was ill-advised, Mr. Watt told him that his question "shows that you do not have the ability to laugh at yourself".

As one of Mr. Watt's so-called "cripples", I do not think Mr. Watt's comment was funny. And I am not laughing.

Along with two million other Americans, I have epilepsy. I do not appreciate being called a "cripple", and I seriously doubt many of the 25,000 paralyzed American veterans who were handicapped while defending our country do either.

In fact, I do not think you will find any of the 35 million Americans who have some type of handicap very amused over Mr. Watt's gross insensitivity.

Mr. President, handicapped Americans have been struggling for years to overcome the mistaken impression that our respective conditions amount to being "crippled." It does not do our cause any good whatsoever when a high-ranking government official like Mr. Watt makes such a derogatory remark. Mr. Watt's sick humor only reinforces the widely held belief that your administration is insensitive towards minority groups, women, and others. His cavalier attitude is an embarrassment to you and to the entire country. I am writing to you today instead of Mr. Watt because he has proven himself incapable of comprehending such criticism. Moreover, as President of all Americans I believe you should rebuke him publicly for making such a callous statement.

Sincerely,

TONY COELHO.

HOUR OF MEETING ON TOMORROW

Mr. ALEXANDER. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet at 11 a.m. tomorrow.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

TRIBUTE TO GEORGIA MAE EVANS WHITNEY

(Mr. HUBBARD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HUBBARD. Mr. Speaker, I speak today in tribute to a longtime friend of mine, Mrs. Georgia Mae Evans Whitney, who died unexpectedly at her home in Hopkinsville, Ky., on August 12 at the age of 68.

Mrs. Whitney was born in Hopkinsville on October 22, 1914, the daughter of the late George and Lucy Brewer Evans.

Georgia Mae Whitney had been a teacher with the Christian County School System for 43 years, teaching all grades, and was a member of the Kentucky Retired Teachers' Association when she died. Education meant a great deal to Georgia Mae and her family. Her husband, Francis E. Whitney, graduated from Kentucky State College with a B.S. degree in 1937 and did postgraduate study in accounting at Indiana University. Their only child, Gladys Ann Whitney Sivils of Hopkinsville, is a teacher in the Lacy Elementary School, Christian County.

Mrs. Whitney, along with her family, was active in the Virginia Street Baptist Church of Hopkinsville, and she was a member of its 50-year club. She was also a member of Beta Rho Omega Chapter of Alpha Kappa Alpha sorority, the Virginians Choir and the Pioneers Club Auxiliary.

Georgia Mae and F. E. Whitney have been leaders among the black community for many years. Her husband, F. E., is a Christian County magistrate and former Hopkinsville City councilman. He is a realtor who built the Gladys-Gail Village, the first subdivision developed by blacks and which set a new trend in housing for blacks. Georgia Mae was constantly by his side, and she will long be remembered as a civic leader, beloved by all who knew her.

In addition to her husband, F. E., and her daughter, Gladys Ann, Mrs. Whitney is survived by three sisters, Annie Mae Harvey of Chicago, Ill., Augusta Brewer of Hopkinsville, and Toni Buckner of Louisville. One of her cousins, Ping Brooks, works in my Hopkinsville district office. I extended my sympathy to the survivors and friends of this lovely woman, who was admired and respected by the entire Hopkinsville community.

TRIBUTE TO CARLISLE RUNGE

(Mr. KASTENMEIER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KASTENMEIER. Mr. Speaker, it is my sad duty to announce the passing of a distinguished citizen from

Wisconsin, Carlisle Runge, who served with great distinction as Assistant Secretary of Defense for Manpower under President Kennedy.

Carlisle Runge began a 40-year career of service to the Nation and the State of Wisconsin when he joined the U.S. Army in 1942. He served with the 3d Army in Europe and was discharged as a major in 1946.

After he received his law degree from the University of Wisconsin, Carlisle Runge spent 3 years as assistant U.S. attorney for Wisconsin's Western District. In 1951, he began his association with the University of Wisconsin Law School as assistant dean and director of the National Securities Study Group.

When he left the Department of Defense, Carlisle Runge returned to the University of Wisconsin as a professor of law. He was active in regional planning and environmental studies, serving as the director of the Center for the Study of Public Policy and Administration, chairman of the urban and regional planning department and chairman of the Institute for Environmental Studies. He also was staff director for the State of Wisconsin Coordinating Committee for Higher Education and was a member of the Wisconsin Water Resources Council. In addition, he served as a member of the City of Madison Planning Commission.

Carlisle Runge was a supporter of a strong military and he was associated with the State of Wisconsin National Guard and the University of Wisconsin ROTC. He was a close friend to the late Senator Henry Jackson.

Carlisle Runge was an extremely competent administrator, a distinguished academician, well liked and respected, a friend and constituent. I extend my sympathy to his wife, Eleanor, and his family.

Mr. OBERSTAR. Mr. Speaker, will the gentleman yield?

Mr. KASTENMEIER. I yield to the gentleman from Minnesota.

Mr. OBERSTAR. Mr. Speaker, I am shocked by the news that the gentleman has just announced.

I have known Carlisle Runge for almost 20 years and join the gentleman in expressing my sorrow to his family over the loss of this very distinguished scholar, brilliant mind, very original mind, one from which I have benefited personally, and my predecessor, John Blatnik, a close friend of Carlisle's as well.

I thank the gentleman for taking the well at this time. I join in shock and sorrow on his statement.

THE CENTENARY OF CONGREGATION CHISUK EMUNA OF HARRISBURG, PA.

(Mr. GEKAS asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. GEKAS. Mr. Speaker, every community in our district takes great pride, I know, in the religious institutions that abound therein. Such an institution exists in my home community in Harrisburg, Pa., which community is celebrating its 100th anniversary this coming week. I would like to extend the personal commendation of the House of Representatives to that congregation, and to insert into the RECORD a history of the Chisuk Emuna Congregation of Harrisburg.

THE CENTENARY OF CONGREGATION CHISUK EMUNA OF HARRISBURG

1983 marks the 100th anniversary of the founding of Congregation Chisuk Emuna in Harrisburg, Pa. Founded by a small group of immigrants from Lithuania Chisuk Emuna, which means Shield of Faith, was the first Orthodox Jewish Congregation in Pennsylvania's capitol city. The founders of the synagogue were impoverished immigrants, knowing almost no English and having no real skills with which to make a living in America. They came to Harrisburg by accident, following friends and relatives who settled there by chance. They were fleeing the Russian Empire, which following a Czarist edict in 1881, had decided to reduce still further the areas of the Empire in which Jews were permitted to live. This act made physical survival for Jews virtually impossible. As an advisor to the Czar later said, the plan was to have one-third of all Jews convert, one-third emigrate, and one-third starve. Not at all successful in the first part of their plan, almost successful in the third, they achieved overwhelming success in forcing Jewish emigration. Congregation Chisuk Emuna stands as a monument to the strength of Russian antisemitism.

The founders made their living as peddlers and junk-dealers. Still barely able to support themselves and their families, they nonetheless felt a need for a place in which to pray as their ancestors had. First meeting in the homes of various members, the Congregation moved in due course into its own simple building, located on Filbert Street, in the center of what was becoming a Jewish neighborhood, poor but dynamic.

With hard work and American opportunities, the Congregants slowly prospered. The peddlers who arrived first opened small peddler supply shops, selling goods to other Jews who, arriving still more recently, travelled the countryside of Pennsylvania selling to farmers. These peddler-supply stores became the nucleus of other, grander businesses, and the simple peddlars became wholesalers, merchants, and importers, catering to the needs of their community. Similarly, the junkdealers, became scrap metal suppliers, and, with the fortunate location of Harrisburg at the juncture of several eastern rail-lines, made the city into the national center of scrap metal distribution during the first world war.

Prosperity created a need for a more impressive and capacious structure, and the Congregation moved from its simple quarters on Filbert Street to a large and imposing structure on 6th and Forster Street. It was in this building that the Congregation and Harrisburg's Jewish community matured, accustomed themselves to American life, and weathered the joys and hardships of American history. The Congregation grew and prospered during the 1920s. The 1930s brought hardship and threatened the survival of the Congregation, but through sacrifice and cooperation, it endured. During the 1940s, Chisuk Emma sent its sons and daughters off to war, where they represented the Congregation in every theater and in every service. Symbolic of the Congregation's commitment to America, was the death of its Rabbi's son, 1st Lt. Aaron Etter, who in 1944, was killed navigating a bomber in action.

The end of the war brought many changes to Harrisburg and Chisuk Emma. The old Jewish neighborhood was left behind as the children of impoverished immigrants prospered and moved to the suburbs. In 1956, the Congregation left its old building, and moved to its present building on Division and 5th Streets. Symbolic of changing times, the Congregation also left behind its Orthodox beginnings, and joined the conservative United Synagogues of America.

Chisuk Emma is today a large, growing and dynamic Congregation. Under the leadership of Rabbi Asher Ostrin, Cantor Phillip Wittlin, and President Ormond Urie, the Congregation completed in this, its centenary year, the construction of an addition to its building. This addition symbolizes the nature of Chisuk Emma: rooted in the ancient traditions of the Jewish people, but aware of the changing needs of Jews and of the community in which they live.

□ 1830

ACTION BY COMMITTEE ON APPROPRIATIONS CONCERNING TROOPS IN LEBANON

The SPEAKER pro tempore (Mr. KOGOVSEK). Under a previous order of the House, the gentleman from Arkansas (Mr. ALEXANDER) is recognized for 60 minutes.

Mr. ALEXANDER. Mr. Speaker, this afternoon, late, the House Appropriations Committee, on a show of hands, voted for an amendment offered by the gentleman from Maryland (Mr. LONG) to cut off the funds for U.S. forces in Lebanon unless the President of the United States reports to Congress under the War Powers Act within 60 days.

While this action is merely a vote of one committee, and is far from final, I take this opportunity to advise the body of this action because it is a clear message to the President of the United States of the deep concern of the Members of this Congress and of the American people, that we expect him to come to this Congress and report to it on his policies in Lebanon and the reasons that our marines continue to be stationed there. The mandate of public accountability by the President for his policies are all within the provisions of the War Powers Act, adopted in 1973.

Mr. LOTT. Mr. Speaker, will the gentleman yield?

Mr. ALEXANDER. I yield to the gentleman from Mississippi.

Mr. LOTT. I thank the gentleman for yielding. I would like to inquire: Is the gentleman speaking on behalf of

the Democratic leadership, since I know the gentleman is the chief deputy whip, and as the gentleman makes this announcement, is this a leadership announcement?

Mr. ALEXANDER. No; I am speaking tonight as a Member of Congress who, like the gentleman from Mississippi, is deeply concerned about the course of events in the Middle East. I am here to report on the actions of the Appropriations Committee.

Mr. LOTT. If the gentleman would yield further, this action was taken this afternoon by the Appropriations Committee while working on the continuing resolution; is that correct?

Mr. ALEXANDER. That is correct.

Mr. LOTT. And this action was taken while, as a matter of fact, the Foreign Affairs Committee is this very day having hearings on a bipartisan resolution that had been agreed to by the leadership, both Republican and Democrat, and the administration; is that a fact?

Mr. ALEXANDER. As the gentleman knows, most of the actions that this body takes are bipartisan.

Mr. LOTT. I just have to say that I question seriously the judgment of the Appropriations Committee acting in this way on a continuing resolution while there is a pending resolution before an appropriation committee, the Foreign Affairs Committee, which has not even had time to consider this resolution. Now we have on a continuing resolution an amendment offered and adopted by one vote that undermines the whole process that so many people have been trying to work hard to put together.

I may agree with some of the sentiments behind it, but I think that the Appropriations Committee really needs to take another look at what they have done in view of the process that is already underway.

Mr. ALEXANDER. Of course, the gentleman will have an opportunity, either under the resolution which is proposed as a bipartisan compromise or during debate on the continuing resolution, to express his concerns. I am merely taking this time to report this action to the House. I do think this action reflects concern which is broadly based in this body on the question of U.S. forces in Lebanon. Futhermore, I believe it is a clear message to the President that he is obligated by law to publicly clarify his intentions in Lebanon.

Mr. SEIBERLING. Mr. Speaker, will the gentleman yield?

Mr. ALEXANDER. I yield to the gentleman from Ohio.

Mr. SEIBERLING. I am glad that the gentleman took this opportunity to bring to the attention of the House and the country the actions of the Appropriations Committee regarding the U.S. military presence in Lebanon. The fact that it was done by the Appropriations Committee is also a commentary on the manner in which the matter now pending before the Foreign Affairs Committee, was arrived at.

The American people today still do not have any clear idea as to why the Marines are in Lebanon today or what the administration's policy is with respect to keeping them there or what policies they are to serve or how long or under what conditions they are going to remain there.

It seems to me that, with this escalation that is going on, we not only are entitled to have the War Powers Act complied with, which is all that the amendment to the appropriations bill does, but we are also entitled, and so are the American people entitled, to have the administration come before the country and Congress and explain to us why we should take this serious step of approving the continuation of U.S. Marines in that dangerous situation.

When the President wanted to send more advisers and have more aid for Central America, he came before a joint session of the Congress of the United States to give his reasons. Yet we see American marines being killed in Lebanon and the battle escalating every day, and all we have so far is a backroom deal, which, after it was all put together, the Speaker of the House was asked to bless, with the implied threat that, if he does not, we will be charged with undermining the objectives of the administration in Lebanon, whatever they may be.

We still do not know what they are.

So I would suggest that the action of the Appropriations Committee was appropriate. Maybe that is the best way to get the whole matter before us.

The purpose of the War Powers Act was to require the administration to come before the Congress just as this amendment would require.

It seems to me that before that is done—before we get that kind of explanation—we are under no obligation to take any action to support the continued presence of marines in Lebanon.

The Congress was not consulted when they were sent there and we have so far been given no official explanation as to why they should remain there.

Mr. WRIGHT. Mr. Speaker, will the gentleman yield?

Mr. ALEXANDER. I will recognize everyone standing but I first must yield to the majority leader, the gentleman from Texas (Mr. WRIGHT).

Mr. WRIGHT. I appreciate my friends yielding.

I ask my very good and valued friend (Mr. ALEXANDER) to yield for purposes of clarification.

Did I understand the gentlemen to say that the Appropriations Committee has just acted to take it upon itself to invoke the War Powers Act of its own volition, and to deny any funds for the support of the U.S. forces in Lebanon until such time as the President were to take certain actions?

Mr. ALEXANDER. If the gentleman will allow me to state what happened again: During the consideration by the House Appropriations Committee on the continuing resolution for fiscal year 1984, on an amendment offered by the gentleman from Maryland (Mr. LONG) the committee voted in support of that amendment which states that the funds for U.S. forces stationed in Lebanon shall be cut off unless the President states to the Congress within 60 days, under the War Powers Act, his policy and the reasons for them being there.

Mr. WRIGHT. I appreciate the gentleman's clarification. It is as I understood him to describe it.

I surely do not want to be in a position of preemptorily disagreeing with or criticizing an action taken by the Appropriations Committee, but I wonder if the gentleman and his committee colleagues have considered that somewhat preemptory unilateral action on the part of the Appropriations Committee in light of the clear and altogether unambiguous instructions of the war powers resolution which on its face places the specific responsibility and authority for the reporting of such a resolution in the hands of the House Committee on Foreign Affairs.

□ 1840

And I wonder if the gentleman is aware that the committee so designated in the act is in the process of performing the function that has been placed upon its shoulders and is currently preparing for presentation, according to the clear mandates of the act, a resolution to the Congress for its action? Further, I wonder if orderly procedure under the House rules would not properly contemplate a final disposition of that resolution prior to implementing action by the appropriations process? I wonder if the gentleman considered that and if the members of the Committee on Appropriations considered this ongoing process mandated under the war powers resolution when they were taking the action he has just described?

Mr. ALEXANDER. In responding to the gentleman's inquiry, I think the vote by the Committee on Appropriations says two things. I think it says that, one, this body and Members of this body will take any opportunity that is presented to it to express their deep concern about the President's policy in Lebanon and that they will use any opportunity that they can avail themselves of in order to make that expression of concern.

As we know there are many roads to this well, and many opportunities which can lead to this forum for debating important issues which are before the U.S. Congress and are of concern to the American people.

Second, I think it was intended to send a clear message to the President of that deep concern, although it may have been precipitous.

Mr. WRIGHT. If my friend will yield further, again in the spirit of gentle debate and restrained commentary, I wonder if he would permit me to recite from the war powers resolution certain salient provisions.

Mr. ALEXANDER. I yield to the gentleman such time as he may consume.

Mr. WRIGHT. I thank the gentleman for yielding.

Section 4 of the war powers resolution as adopted on November 7, 1973 provides that "in the absence of a declaration of war in any case in which U.S. Armed Forces are introduced into hostilities or into situations where imminent involvement in hostilities is clearly indicated by the circumstances * * * the President shall submit within 48 hours * * * a report in writing" in which he sets forth certain things.

It is further provided under section 5 that "within 60 calendar days after a report is submitted, or is required to be submitted pursuant to section 4(a)(1), whichever is earlier, the President shall terminate any use of U.S. Armed Forces * * * unless the Congress had declared war or has enacted a specific authorization for such use of U.S. Armed Forces."

I believe it is clear, by most common understanding of the language, that on August 29 when two American marines were killed and others wounded by hostile fire power, the conditions invoked under section 4(a)(1) came into being, in that our forces most clearly were subjected to hostilities and further were in situations where imminent involvement in hostilities clearly was indicated by circumstances.

Therefore it seems to me that section 5 was triggered. The law requires certain actions within 60 calendar days after the report is submitted "or required to be submitted." In this case the report was not submitted to that effect by the President, but I believe most of us would conclude that it was required to be submitted. Within that 60-day period under the law, the President is obliged to terminate any use of our Armed Forces unless Congress has declared war or enacted a specific authorization.

Now the law mentions an "authorization," and I suggest that the use of that term was deliberate, because in section 6 it goes forward to specify the precise type of action which the Congress shall take in such event.

Any joint resolution or bill introduced pursuant to section 5(b) at least 30 calendar days before the expiration of the 60-day period "shall be referred to the Committee on Foreign Affairs of the House of Representatives or the Committee on Foreign Relations of the Senate."

Now if we project 60 days beyond 48 hours after August 29 on which date, I believe, most of us by common interpretation of the English language would conclude that the War Powers Act was in effect, we would come, perhaps, to the 30th day of October.

It is further provided in the War Powers Act, that "such committee shall report one such joint resolution or bill," and that refers to the Committee on Foreign Affairs, "together with its recommendations not later than 24 calendar days before the expiration of the 60-day period."

If my mental arithmetic has correctly identified the date on which the 60 days would expire, then the law requires the Committee on Foreign Affairs to submit to the House not later than on or about October 6, one joint resolution, and it declares that the resolution shall become the pending business of the House and shall be voted on within 3 calendar days.

Therefore, given the very precise and unambiguous nature of the war powers resolution itself, I am simply wondering aloud if it might not be wise for the Committee on Appropriations to hold off, just for the time being, and give the committee of jurisdiction named in the war powers resolution an opportunity to perform the duties that have been imposed upon it by the law?

Mr. ALEXANDER. As I stated earlier, I want to thank the gentleman from Texas for his contribution, for his explanation of the War Powers Act.

As always, he enlightens those of us who have the opportunity and privilege to engage in discussion, dialog, colloquy, and debate with him.

And I believe the American people have likewise benefited from just these very few short exchanges that we have had this evening.

Several of the gentlemen who were in the Chamber were on their feet and I certainly would wish to recognize them.

First, I yield to the gentleman from Kansas (Mr. GLICKMAN).

Mr. GLICKMAN. I thank the gentleman for yielding.

Mr. Speaker, I thank the gentleman for bringing this issue here, but I would also want to indicate a little bit of concern from a Member who is terribly confused about not only the procedural issues under the War Powers Act but the substantive issues.

How do we pull our troops out of Lebanon? And how do we do it in a responsible way? I guess what concerns me is the mixed messages happening here. The chairman of the Subcommittee on Appropriations has one answer so to speak and is sending one message; the President of the United States with an agreement by the Speaker of the House, leader of my party, is sending another message. The messages are mixed, but the goals may be the same. I guess it concerns me that from the standpoint of trying to deal with this in a rational way we may have these messages crossing each other into the night.

I guess I would make the point that a lot of Members in this House are both unsure on the procedure and substance of the issue of Lebanon and hope that all of this does not confuse the matter further, especially to the American people.

□ 1850

Mr. ALEXANDER. I thank the gentleman from Kansas.

Mr. Speaker, I yield to the gentleman from New York (Mr. FISH).

Mr. FISH. Mr. Speaker, I tell my colleagues on this side of the aisle they have no monopoly on the confusion on this issue. And certainly the question of concern that the American people know with clarity the policies of this administration are shared by all Members of this House.

I would like to say that in conversations I have had with the White House in the last 2 hours on this very subject the response was that the President will be addressing the United Nations on Monday and that there will be several other opportunities between now and the time this body votes on any war powers resolution, which will be the latter part of next week, for this clarification to be broadly known to the American people as well as to ourselves.

I thank the gentleman.

Mr. RAHALL. Mr. Speaker, will the gentleman yield?

Mr. ALEXANDER. I yield to the gentleman from West Virginia.

Mr. RAHALL. I thank the gentleman for yielding.

Mr. Speaker, I want to comment on the remarks of the majority leader who read from the War Powers Act.

Regardless of one's position on whether he feels the War Powers Act should be invoked or not, or whether the President is abiding by the law, I think it is important that if we are calling and asking for the President to abide by the war powers law, that we in the Congress abide by that law also.

And what the majority leader has brought out is the fact that the Foreign Relations Committee is the appropriate committee, and in order to not further confuse the American people, in order to not confuse our marines, who are stationed in Lebanon, in order not to confuse our allies that

help make up the multinational peacekeeping force, I think it is important that we in the Congress keep it as simple and as clear cut as we possibly can.

Yes; I happen to feel that the War Powers Act should be invoked. And the law should be abided by. But I also think that the action that the majority whip has reported to the body this evening does send a confusing signal to our marines in Beirut and I would think that it just further adds to their frustration in not knowing fully themselves what perhaps their mission is, their frustration in seeing bombs that land all around them and not being able to respond in a manner that they think they should be able to respond. And this action being reported worldwide today, more than likely, is only going to further frustrate our men who are trying to serve our country under the most difficult and complex of circumstances in that part of the world.

Mr. ALEXANDER. I thank the gentleman from West Virginia (Mr. RAHALL), whom I know has visited the area numerous times and is well versed, not only on the questions of policy involved, but also on the facts and circumstances that exist within that area.

Mr. KEMP. Mr. Speaker, will the gentleman yield?

Mr. ALEXANDER. I yield to the gentleman from New York.

Mr. KEMP. I thank the gentleman for yielding.

Mr. Speaker, I was not here on the floor to hear his original statement, nor was I here to hear the remarks of the gentleman from Texas (Mr. WRIGHT). I understand that the majority leader, in a very prudent way, suggested that he hoped that the law would be complied with and I know it is the gentleman's hope that that is the case.

As one who argued in the Appropriations Committee in opposition to the Long amendment, I just want to say that I appreciated the previous speaker's comments, as well as those of the gentleman from Kansas even earlier, as to the confusion that must be reigning internationally at this point, not just regarding what that signal means to the safety of our own marines, I might say to my friend, but what it says to our allies, the British and the French and the Italians, who have a stake in this issue, and have committed even more troops than the United States.

I want to say to my friend that I recognize, as many do, that the Congress and the President must be in concert with regard to foreign policy. You cannot have a foreign policy without the Congress and vice versa.

So in that regard the gentleman's comments were right on target. However, as the gentleman from Texas pointed out, the law requires certain procedures, and I must say to my friend from Arkansas that I felt very bad down there in the Appropriations Committee when this passed over the objections of the minority and some members of the majority—I am sorry we did not get more than a voice vote. I think we should have had it on record, because I do not think it is the type of action that is consistent with a bipartisan foreign policy.

Let me make one other point, and the gentleman has been very generous and I appreciate that very much.

Not only are the signals confusing to our allies, but we are sending precisely the wrong signals to the other side. Everybody knows, liberal, conservative, Republican, Democrat, American and non-American, that Syria has a goal of forcing the United States to withdraw its support for a sovereign and independent Lebanese Government, a government headed by a legitimately elected President, Amin Gemayel, a government consisting of all the diverse elements of Lebanese society—Christian and Moslem. And the Soviet Union, of course, wants to force its way back into a position of influence in the Middle East. They are using the Syrians as surrogates, and the Syrians are using the Druze as surrogates.

The signals being sent are going to tend to encourage intransigence. We all want a negotiated solution to this crisis, but if we look like we are going to pull out, the Syrians are not going to come to the table to talk seriously. They are going to keep the pressure on militarily and seek a military solution. If we show unified resolve, then there is a chance for peace instead of tragedy in Lebanon.

For this reason, let me just say to my colleagues, the few who are here, and thanks for being here at this very important moment, I think the action was a mistake, I think it is a bad signal. It is a bad signal to the Syrians. I think it is an even worse signal to the Soviets. And I am deeply disturbed about its implications at this moment when this administration, and in this case it operates for all Americans, is trying to negotiate a cease-fire to bring about some modus vivendi in the Middle East that would allow the Druze and the Shiites and the Moslems and the Christians and the various elements that are part of this mix, to work out a reconciliation, to work out a political solution. And I might also commend this administration for doing its best to protect our marines. None of us wants to see the marines put in a position where they are simply targets for incoming artillery. They should be supported, and I am glad to see the President taking more steps in this direction.

The gentleman has been very generous, I appreciate that. It is typical of his approach to politics. But I wanted to register my concern. I had to say that I think it is a terrible mistake irrespective of the issues that the gentleman has raised.

Mr. ALEXANDER. That is why we are here.

Mr. SEIBERLING. Mr. Speaker, will the gentleman yield?

Mr. ALEXANDER. I yield to the gentleman from Ohio.

Mr. SEIBERLING. I thank the gentleman for yielding.

I thought that the majority leader made a very good point about following the War Powers Act procedure. However, I think it is important that the administration be reminded that, if the President chooses to ignore the War Powers Act, the Congress has other means at its disposal to see that the question of what our policy should be in a matter as serious as the Lebanon crisis is laid before the country and the Congress for a decision.

The failure to follow the War Powers Act started in the White House, when the President declined to acknowledge that the War Powers Act had been triggered when the U.S. marines had been attacked in Lebanon.

Perhaps the Appropriations Committee might do well to reflect on its action and reconsider it in the light of whatever plans are being made for bringing up the resolution and what conditions it is going to be brought up under—that is the resolution coming out of the Foreign Affairs Committee. However, even if it is reconsidered, it was a very constructive thing to remind the President that the War Powers Act is not something that is taken lightly by the Congress, furthermore the country has generally accepted the principle that is behind it. Surely, if we are going to follow the War Powers Act procedure, then that must apply to all branches of the Government and not merely to the House of Representatives.

Mr. KEMP. Mr. Speaker, will the gentleman yield?

Mr. ALEXANDER. I yield to the gentleman from New York.

Mr. KEMP. In response—not antagonistically—but just in response to the gentleman from Ohio, the problem with putting a 30-day timeframe or a 60-day timeframe or putting time certain or date certain on this issue is that it encourages the obstinacy of the other side. It is going to encourage the Syrians to hold out and to continue this terrible violence for their own purposes.

Not only would they be more intransigent at the diplomatic level, but they could very well pick and choose the times in which they want to launch attacks against our marines and ultimately force upon this country a devastating political situation—not only if we lost more marines, which would be

a tragedy—no one needs to stand up and say they want to defend those lives, all of us do but a situation where the United States could lose all credibility as an important player in the Middle East, and indeed, around the world. I am concerned that the Syrians will be encouraged to hold out for 60 more days, I would say to my friend from Ohio and Arkansas, and keep this terrible caldron of violence boiling.

□ 1900

Mr. ALEXANDER. Does the gentleman from Ohio, Mr. SEIBERLING, wish to respond?

Mr. SEIBERLING. I would like to respond just briefly.

I think the gentleman makes a very good point. I do not think we want to convey that kind of a message.

But I am disturbed about two things, besides not having a clear picture as to just what our policy is and why the troops are there. First, I am concerned about the fact that it has been said that the deal that was worked out which led to resolution before the Foreign Affairs Committee is that if it is passed by both Houses, the President will sign it; but then he will make a statement that nevertheless he does not agree that the War Powers Act applies.

I think that would be a shabby way to treat the Congress of the United States and an important law that is on the books—a law, incidentally, that no court has held to be invalid.

And, second, let us suppose the House should adopt an amendment to the resolution, let us say, changing the period from 18 months to 12 months. I am told that 12 months would probably be adequate but 18 months was agreed to so that if it had to be extended, it would not come up just before the next Presidential election. My reaction to that is that, in a democracy, what could be better than to have an important decision like that come before the Congress just before the next election?

If the Congress should decide to amend the resolution in some major respect, it may well be that the President will then say, "Well, since they changed what we agreed to over in the White House, we are now not going to support the resolution." For that reason, I think we have to make it absolutely clear to the people in the administration, particularly the State Department, that the Congress has other means of enforcing its will, and that is what the Appropriations Committee's action today has done.

Mr. KEMP. If I could just take one more second—the gentleman has been very generous with yielding the time—I do not think there is anybody in this body who does not recognize that the U.S. Congress has a very key role, that you cannot finance any activity without the U.S. Congress. One of the biggest myths of all time, I would say to my colleagues who are still here, is that the Vietnam war was conducted surreptitiously by the President. There were 175 separate votes on appropriations from day one until they decided to cut it off. Congress has the greatest constitutional power that any legislative body has ever had on the face of the Earth—the power of the purse.

I think the President, I would say to my colleague, the gentleman from Ohio, knows full well the implications of having to work with the Congress. I do not want to just stand up here and defend everything that has happened in the Middle East, because there are some things with which I disagree. I think we treated Israel shabbily when they were negotiating their original agreement, with Lebanon. First, we pressured Israel to withdraw its forces. At the time we promised them that Syria would withdraw, too, which was foolish. Then we came back and started asking them to stay. All those months we leaned on Israel to get out and now we are doing everything we can to get them back. But irrespective of that, the President has dealt with Congress. The gentleman knows, as do I, that he has been talking to the Speaker, he has been talking to the majority leader, he has been talking to the House and the Senate. There is communication. It may not be strictly according to the agenda of the gentleman from Ohio, but he is quite aware of the extensive communication. I do not think the President has treated the Congress in a shabby nature. He has been wrestling with the problem of how to deal with an act that has been called into question—not by this President nor by the Congress, but by the Supreme Court, in some instances. But there has been communication.

Again, you do not have to agree with the policy to recognize that the President and the administration are attempting to communicate with this Congress. The majority leader spoke about it and the Speaker has, as well, and I do not think it should be called shabby. I think it was candid and open, and, irrespective of our differences, let us not let this deteriorate. I think our country should speak with one voice. Unfortunately, the Appropriations Committee today sent a very bad signal, I think, to that part of the world, to our allies, the French, British, and Italians, to be Gemayel government, which we have pledged to support and which looks to us for support, to the Syrians, and to the Soviets, who would like nothing better than for us to withdraw.

Mr. ALEXANDER. I think the gentleman from New York sums it up very well when he says that it was the intent of the Appropriations Committee to send a message.

It is not a simple issue. It is a confusing issue. It is one that will not be easily resolved. There is no intent by anyone to circumvent the law or usurp the jurisdiction of any committee of this House. But more than anything else, as the gentleman states, it is a message to the President of the United States that he must be accountable for his policies under the War Powers Act.

I see my friend, the other gentleman from New York, Mr. GILMAN, has been on his feet patiently, and I yield to the gentleman.

Mr. GILMAN. Mr. Speaker, I do thank the gentleman for raising the issue on the floor at this time. There is no question that there is a great deal of confusion with regard to the Lebanese crisis. It is a very confusing internal problem in Lebanon. It is a confusing problem for the multinational forces. It is certainly confusing for Members of Congress and for our entire Nation.

I would call my colleagues' attention to a very thoughtful analysis presented by the Secretary of State today before the House Foreign Affairs Committee of our policy considerations in Lebanon and where we intend to go with regard to our objectives in that region.

I hope to put that entire speech in the RECORD tomorrow, and I would hope that my colleagues in the Congress would review the analysis of the Secretary of State of the problem.

I would also like to call to the attention of my colleagues the fact that the House Foreign Affairs Committee today started consideration of the War Powers Resolution, a resolution that has been worked on, as the distinguished majority leader has indicated and the preceding speaker has indicated, after a great deal of work with the House leadership on both sides of the aisle and with the administration, in trying to mold a resolution that would have strong bipartisan support. Hearings were started today with the Secretary of State and with General Kelly, the Commanding general of the Marine forces. We will continue work on that resolution tomorrow. Hopefully, there will be a markup tomorrow and, hopefully, that resolution will be before this entire body within the next few days.

So there is not any attempt to set aside from our responsibility in the war powers resolution, nor is there any attempt at this time by the administration to disregard its responsibility to consult with the Congress with regard to the war powers.

I would hope that there would be, when this measure comes to the floor, a strong bipartisan support for a very critical measure at a very critical time for the Middle East.

Mr. OTTINGER. Mr. Speaker, will the gentleman yield?

Mr. ALEXANDER. I yield to the gentleman from New York.

Mr. OTTINGER. I thank the gentleman for yielding, and I join in congratulating them for raising this very importantt issue before us at this time.

I would like to take strong issue with the statement of my colleague, the gentleman from New York (Mr. KEMP), that the action of the Appropriations Committee sends any kind of wrong message to the Syrians or the Russians or the others in the Middle East. The 60-day limitation in the War Powers Act does not cut off support for the troops unless the Congress fails to act in that period. The whole purpose of the War Powers Act is to assure that Congress had the opportunity to speak on this measure.

I think that there is no message here that we intend to withdraw the troops from Lebanon or that we do not intend to withdraw the troops from Lebanon. I think there is an expression that the President should report under the law as the law was written, and the President has declined to do that. So the Appropriations Committee is saying, "Well, we will not support additional funds, we will use the leverage that we have, the ultimate leverage, to require the President to report under the War Powers Act so Congress can make the consideration that was there contemplated."

□ 1910

There is no abdication of our support for the Marines. I think everybody supports the Marines. The question is how are we best going to pursue a policy in the Middle East that will protect those Marines and protect the interests of the United States.

Mr. ECKART. Mr. Speaker, will the gentleman yield?

Mr. ALEXANDER. I yield to the gentleman from Ohio.

Mr. ECKART. I thank the gentleman for yielding to me.

Mr. Speaker, several of the previous speakers have spoken of the messages that may be sent by the activities of the Committee on Appropriations today. I suggest that there probably are several different messages, several different types of messages.

One, of course, is as my colleague, the gentleman from New York (Mr. KEMP), referred to, a message to the Middle East. One is a message to the world at large, certainly a message to the participants, but perhaps we forget who sends us here. There is a message to the American people.

Foreign policy is doomed to failure if it does not enjoy the support of people at home. That is a message that has been lost on this administration; I submit to you a message that has been lost in the last five administrations here. We cannot have a successful foreign policy if it does not enjoy broad-based domestic support as well.

Thus, the actions of the Committee on Appropriations, putting aside the question of the debate of whether it was in the appropriate context of the law, comes down to people in the Congress saying much in the same way that Gen. George Patton said upon his first defeat of Field Marshal Erwin Rommel: "I read your book."

The Committee on Appropriations and some of us here on the floor of the House have quickly begun to realize that perhaps there is more than one way to skin a cat. Perhaps we have read your book. A tactic of adding extra language to appropriations bills, which has been used to successfully in the past by others to achieve their goals, either ought to be accepted or rejected as a tactic and not exclusively cited as good or bad depending on whether or not you happen to agree with the particular end being sought in the course of that legislative debate.

So to the extent that the Committee on Appropriations sent a message to the American people, they ought to be supported, they ought to be applauded. To the extent that I believe that this does not in any way divest from the Committee on Foreign Affairs, of which I once served as a member, of the primary jurisdiction, I think instead that it adds another stone to the mosaic of the debate that has to be heard.

I would think that the President would welcome this debate in every committee of relevance simply because his hand is strengthened, the position of the American people abroad, of the American country abroad, is enhanced and ultimately our foreign policy is more successful. It is more successful when the American people support, it is more successful when the Congress supports it, and whether or not we like it, each and every single one of us ought to avail ourselves of the opportunity such as was presented to the Committee on Appropriations today.

Mr. RAHALL. Mr. Speaker, will the gentleman yield?

Mr. ALEXANDER. I yield to the gentleman from West Virginia.

Mr. RAHALL. I thank the gentleman for yielding.

Mr. Speaker, I think one further point should be added in my concern with the action of the House Committee on Appropriations today.

Besides the confusing signals that I mentioned earlier, I think it also could be interpreted in many of the press around the world that the action of the Congress—and that is how it will be viewed, as an action of the entire Congress—has pulled the rug out from under our marines in Beirut, and that is a signal that I hope does not get conveyed and does not cause further frustration among our marines stationed in that country.

I might add one further point in response to the concerns on the other side of the aisle that have been expressed about the 18-month limit that is contained in the so-called compromise that the House Committee on Foreign Affairs has considered today.

The concern was expressed and the implication was relayed that this 18-month time period would only allow the Syrians to further gather Soviet firepower and perhaps introduce more Soviet weapons into the area and cause more turmoil in an effort to wreck the government of the current President of Lebanon. That is a concern, but I think it is also very important to realize that those who today call for an immediate pullout of our marines in Lebanon, and there are those who are making that call, are saying that our marines are becoming involved in a civil war in Beirut, that we have injected American firepower into internal matters of another country.

I had a meeting this afternoon for about 2½ hours with the Lebanese Ambassador to the United States, and this concern was raised. He made it quite clear to us that what is going on in Lebanon today is not a civil war. Yes; there have been civil wars in the past, and as the gentleman from Arkansas said in his opening comments, it has been going on for hundreds of years, this factional fighting. But factions change in that part of the world. They change quickly, and events change quickly, as we all know too well.

I would submit that those who call for an immediate pullout of our marines today are also acting or shooting from the hip, and their call is the wrong signal and not an action that I think the Congress should accede to. But I think it is important to realize that if there is not a time limit placed—and I am not advocating one way or another at this point the 18-month limit—but I do fear that if time is allowed to go on, if we were to give the President a blank check, then the point could very well come in the future when our marines, when our American men in Lebanon, will be drawn into supporting one side or another.

Those who ask for a pullout today are saying that the American marines are siding with the Christian Falanage, much as Israel has done in the years past in trying to beat back the leftist militias and the Moslems that they claim are trying to overthrow the Lebanese Government. I do not think that is a correct interpretation of what our marines are doing that right now. I do not see them injecting themselves into a civil war, nor do I see them

siding with any particular faction in the country at this time.

But I do fear that if there is not some type of short time limit put on action that this Congress may take, that the time could come when those of the leftist leaning in Lebanon will indeed make every effort to draw our marines into one side of the war on the problems of that area, and that is when we will become involved more deeply than I think we should.

Mr. ALEXANDER. I thank the gentleman.

Mr. Speaker, I will conclude by observing that there is one thing that is unmistakable on the issue that confronts the Congress, the American people, and indeed all freedom-loving peoples around the world. And that is that this: while Congress will debate this issue on numerous occasions in the days and weeks ahead, the debate that originates here tonight is a clear message to the President of the United States.

If he hears that message, if he acts upon it, if he clarifies his policy in the Middle East, and more specifically in Lebanon, by reporting to the Congress and the American people within the framework of the War Powers Act, we will see the emergence of the bipartisan support so essential to any successful foreign policy. I can assure the President that it is that kind of leadership which will find broad-based favor and be widely supported by the Congress and by the American people.

□ 1920

THE ALTERNATIVE BUDGET

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. DANNEMEYER) is recognized for 30 minutes.

Mr. DANNEMEYER. Mr. Speaker, over the course of the past several months this Member from California has taken the well of the House in a series of special orders to bring to the Members' attention the significance of the huge and horrendous deficit that faces the Federal Government and our country as a result essentially of the Congress, this House of Representatives, failing to exercise the responsibility to cut the spending to meet the income available, which we should be doing.

Over the course of these last few weeks and months during which I have taken these special orders, I have had occasion to read into the record an alternative budget which this Member from California prepared and would have offered to the House for its consideration and a vote up or down in March of this year, but the Rules Committee refused to give me the opportunity to do so.

I will this evening conclude the series by making reference to some of the final categories in the 21 categories that comprise our Federal budget process. I have taken this course for the purpose of demonstrating to the Members that the recommended spending cuts that are contained in this alternative are not unreasonable. They are not irrational, and they are not irresponsible, and to those in this Chamber who feel that we cannot cut spending or who do not like the cuts that this Member from California is proposing, my response to them is: "If you don't like these, what are yours?"

I think we all have a responsibility to try to work toward resolving this financial fiscal mess in which we have collectively placed our country.

In response to a statement that was made in the other body about the ability of our economy to assimilate these $200 billion dificits in the Federal budget, this comment was made: "This economy will find a way to assimilate these deficits with no sweat." This is how one member of the Senate Budget Committee responded to the spectre of $1 trillion worth of deficits over the next 5 years. One of his colleagues, Senator BILL ARMSTRONG of Colorado, wrote to former Secretary of the Treasury William E. Simon to elicit his opinion on the relationship of deficits to the economy. In response, Secretary Simon quoted Nobel laureate Friedrich Hayek:

> The only way you can finance a deficit is by inflation. You cannot raise this amount of money by genuine borrowing. You borrow from the banks, which creates credit for the purpose. A large government deficit is a certain way to inflation.

Mr. Speaker, I wish to reiterate another point which Secretary Simon made, paraphrasing a former Presidential adviser: There ought to be two requirements before anyone could become a Congressman: First, he ought to have taken a basic economics course; second, he ought to have passed it.

Few things become as counterproductive as remedial measures which exist long after the problems they were implemented to solve. It is no surprise, then, the Government programs and agencies born of the Depression 50 years ago, with hundreds more heaped on top of them, have created a vast Federal meatgrinder which consumes the savings and earnings of our citizens. And with Government borrowing devouring virtually every penny of savings, sustained, noninflationary prosperity in the years ahead will become a dream further and further removed.

It is tragic, then, and indeed frustrating, that the response is more of the same. After all, deficit financing enables politicians to be all things to all people, to promise an endless array of humanitarian programs in order to insure their own reelection.

The great and sinister irony, of course, is that this deficit-induced inflation is the most destructive tax of all; it constitutes a cruel and inhumane attack on the poor because it means their tax dollars buy less while they are themselves pushed into higher tax brackets.

□ 1930

If we were really concerned about all of our citizens, we would lighten the burden which deficit spending imposes. Long ago we found a flower withering in arid soil. We gave it water so that it might survive and the faucet has been at full force ever since, drowning that flower. We need to let it breathe a little. We need to surmount our me, the people, attitude and break our addiction to remedial measures with their short-term analgesia and long-term destructiveness.

We need the long-term cure of excising our inflation fueling deficits by reducing Federal funding.

The Members may recall that of the 21 categories, I had worked through category 800. This evening I would like to begin with a category that is famous in our Federal system, category 850, providing "General Purpose Fiscal Assistance," sometimes called revenue sharing. If you can believe this, in 1984 it is projected that in the day of a $200 billion deficit, it is planned to expend $7 billion whereby Federal borrowing would take place in the credit markets and will send that money under the guise of revenue sharing to local jurisdictions in this country. The truth is, we do not have any revenue to share. We only have got a deficit, but it is in there.

This program that this Member from California has crafted would reduce that expenditure from $7 billion to $3.2 billion, which would result in a savings in this category of some $3.8 billion.

In category 852, these changes would be proposed: District of Columbia, capital projects, reduce funding to level proposed by the President; repayable advances to the District of Columbia, terminated in accordance with the President's proposal.

The next category is net interest, interest on the national debt, projected for 1984 at $96 billion. Members may say, "Well, how would you suggest that we could cut down that interest expense?"

This is a constructive alternative as to how we could significantly reduce the interest expense. During previous periods when U.S. currency was based on the gold standard, interest rates averaged 3.6 percent, from 1879 to 1932, and 2.9 percent from 1933 to 1970. A return to the gold standard would sharply lower and stabilize inflation, cause interest rates to decline by 4 to 6 percent and stimulate economic growth, real growth averaged 8.4 percent following the restoration

of the gold standard in 1897, all of which would result in lower deficits and improved economic conditions.

If we in this country would reinstate a gold backed covertible dollar, such as by a fixed date, say October 1, 1984, it would project a decline in interest rates to 6.5 percent from the current average of 11 percent, applied to the marketable debt which constitutes about 75 percent of the total debt, and roll over this lower rate in the out years.

This change in our monetary policy would result in at least a reduction in projected interest costs of $26.3 billion in fiscal year 1984.

In category 920, allowances, here in category 921 the following changes would take place, resulting in a savings of some $5.4 billion.

Coast Guard pay raises, civilian agencies pay raises. Impose a pay freeze in 1984. Total compensation in 1983 was $63.946 billion, and allow for a CPI-based COLA thereafter in the outyears.

Category 922: Termination of Davis-Bacon Act requirements. This relic from the depression has been rendered obsolete by minimum wage and employee protection laws and is counterproductive in that it merely serves to drive up Government costs. Reports critical of the necessity and effectiveness of the law have been issued by the General Accounting Office, the U.S. Commission on Government Procurement, the U.S. Commission on Federal Paperwork, and academically, by the Wharton School and the Massachusetts Institute of Technology.

It is recommended that we repeal the prevailing wage requirements; savings are estimated at $2 billion annually by the U.S. Chamber of Commerce.

Category 923: Acceleration of contracting-out. The Congressional Budget Office reports that significant Government-wide savings can be obtained by increased contracting-out of activities. This policy should be expanded where feasible and to a point where it does not become counterproductive; for example, when layoffs in the Federal work force and resultant costs significantly offset savings from contracting out.

We would recommend that we accelerate shift of activities from Federal in-house labor to the private sector.

Category 924: Undistributed debt collection. As of September 30, 1982, the Office of Management and Budget estimated that of $161 billion owed the Federal Government, mostly loans, $41 billion was delinquent. Recovery of just a small portion of this delinquent debt would result in significant savings in the budget. We could recover an additional 3.5 percent of delinquent debts of a $40 billion base through more vigilant enforcement of collection procedures that would bring in substantial sums. In this category, we estimate the savings at $5.4 billion.

Category 950: Undistributed offsetting receipts.

Category 951: Employer share, employee retirement; increase level of payments in accordance with the President's proposal.

Category 952: Rents and royalties on the Outer Continental Shelf; accelerate receipts to level proposed by the President and as part of the plan to lease the Outer Continental Shelf for the development of the oil and natural gas resources of our country.

Category 954: Federal surplus property disposition. Increase level of receipts in accordance with the President's proposal.

We estimate that in this category we can increase receipts by some $5.4 billion.

The last category is 999: Miscellaneous offsets. The CBO estimated as part of its baseline economic assumptions that we would experience a 2-percent average growth in 1983; an assessment of various recent economic forecasts indicate that an annual rate, for calendar year 1983, of 3.7 percent is not unrealistic, which would result in a considerable increase in revenue in fiscal year 1984, with a rollover effect in outyears, as well as a modest decline in outlays Government-wide (CBO rule of thumb employed to project changes).

Lower oil prices. The price of oil, triggered by imports, affects budget outlays of several Federal programs, primarily indexed benefits, unemployment insurance, and interest costs; and to a somewhat lesser extent, revenues. Assumption of a $4 per barrel drop in oil prices, which to some degree has already materialized, will result in a reduction in the size of the deficit, a CBO projection.

These specific items total some $3 billion difference in the reduction of the deficit.

Then to sum up what this all adds to, the projected revenue for 1984 is some $692 billion. The CBO estimates a $653 billion base and with the additions that have been enumerated here, we would have $39 billion more, for a total of $692 billion of revenue in 1984.

We would reduce spending that has been enumerated over the course of the past several months by $94 billion, from $855 billion to $761 billion, which reduces the deficit from the projected $202 billion to $69 billion.

I would like to be able to stand here in the well of the House and tell my colleagues that as a result of this effort we can project a balanced budget in 1984. I no longer believe that we can balance the budget of this country by spending cuts alone. It is going to take more than that. It is going to take, not tax increases, but monetary reform so as to lay the foundation for economic recovery, meaning lower interest rates, real increase in our gross national product, without resulting in inflation.

□ 1940

That subject alone is time enough for a special order. And I think the debate on moving this country to the gold standard is going to have to be taken up time and time again.

Some Members may ask, well, what happended when you offered this proposal for reducing the deficit projected for 1984—what vote did you get on the floor of the House. And I can say to my colleagues in sadness we did not have a vote. Why did you not have a vote? Well, the Rules Committee in this House says that you may not offer this alternative proposal because we do not choose to make it in order. And when constituents say, when you go home, why in the world would somebody refuse to give you an opportunity for offering an alternative budget cutting spending by some $94 billion, why are you there, and the answer is, the only one I have been able to give, the leadership of this House in control of the Democratic Party does not want to have Members on record voting in favor or against cutting spending by $94 billion or anything close to it because they do not want to have to tell their constituents in November of 1984 when they campaign for reelection why they voted against cutting spending. That is the only answer I can give.

Now, I see several of my Democratic colleagues in the Chamber now. One of them took part in a special order last week, my colleague from California. Would he on behalf of his Democratic Party, since your party controls the Rules Committee by a 2-to-1 majority, would he care to give a response why this Member was denied the opportunity of offering this alternative budget on the floor of the House so we could vote as to why or if we are in favor of it.

I would be interested in the response.

I yield to my colleague (Mr. PANETTA).

Mr. PANETTA. If the gentleman would yield.

Obviously I am not going to speak on behalf of the Rules Committee. But I guess the question I would have to ask the gentleman is why he could not convince the leadership on his side of the aisle to in fact endorse your proposal because they did, in fact, have an opportunity to offer a substitute to the budget resolution.

Mr. DANNEMEYER. I can only say when I made this offer to the Rules Committee, one or more Members on the Republican side on the Rules Committee made the motion to make my alternative in order, and do you know that there was not one vote from

the Democrats on the Rules Committee, and your party controls it 2 to 1, to support my position. Can you explain to me why that would be?

Mr. PANETTA. I think you are going to have to ask those Members.

Mr. DANNEMEYER. Perhaps one of them here would have a chance to explain that. And it points up something we all admit, if we are honest with ourselves. We have two great political parties in this country. The people of our country are going to have to decide which party they want to control this Chamber. Now, my Democrat friends have controlled this place continuously since 1954.

In closing my remarks, I would just like to make reference to two votes that have taken place, not on the proposal that I talked about, but two significant votes, to give an illustration to the Members and the people of this country how the Representatives here in the House come down on the issue of spending and stewardship of the peoples' money here in the House.

On October 1, 1982, we had a vote here in the House, last year, on whether we would propose to the States a proposed constitutional amendment mandating a balanced budget. On that vote, 236 voted for it and 187 against it. Those who voted for it, 167, the Republicans, 87 percent of our membership, and those who voted against it, 167 Democrats, or 69.6 percent of the Democrats. To repeat—87 percent of the Republicans in this House voted for that proposal, to mandate the Federal Government balance the budget, and 69.6 percent of the Democrats voted against it.

The second vote of significance was taken last year on May 25, 1982, when a similar proposal was offered on the floor of the House for a vote. The Rules Committee last year made that in order. And on that occasion the proposal to cut spending in fiscal year 1983 by $70 million received 182 votes. Voting against it were 242. Now, of those voting for it, 137 Republicans, 71.7 percent of our membership, and those voting against it, 191 Democrats representing 79.3 percent of their membership in the House.

The point that I seek to make on these two votes is this: More important than what any Member of Congress says here in the House of Representatives or to his constituents in whatever State we come from is how we vote. If the people of this country truly want to change the spending habits of this Nation, they are going to have to change the party that controls the House of Representatives. And I hope in November 1984 all of the candidates for getting here starting January 1985 will have the privilege of answering to their constituents why they voted against spending cuts or why they are Members of a political party, the Democratic Party that controls this place, by 268 to 167, 82 percent of the slots in this House, why they will not even make a proposal to cut spending so that somebody on the floor of the House will have an opportunity to have a rollcall vote up or down on whether we truly want to cut spending in the House of Representatives.

I pray that that day will come, when the wisdom will come, to my esteemed Democratic friends, where they will make such a process in order

I yield back the balance of my time, Mr. Speaker.

DEFICITS DO COUNT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. REGULA) is recognized for 60 minutes.

GENERAL LEAVE

Mr. REGULA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the subject of the special order.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. REGULA. Mr. Speaker, I am not going to take a lot of time because we have other Members that want to discuss this issue. I am pleased with the response we have had. I think it is a matter of great concern to many Members, a recognition that deficits do count.

Last week I commented that we seem to have a new economic religion in this city and in this Nation, that says "deficits do not matter." I disagree with this motion. I think deficits do matter, and matter a great deal. This is the concern that I and the gentleman from California (Mr. PANETTA) have and the reason that we have taken the time last week and this week to discuss it.

I do not think addressing the deficit problem is something that can be put off until after the election. I do not think it is something that can wait for a solution until 1985. By then we will be confronted with high interest rates as a fall out from high deficits. By then we run the risk that if we put the pressure on in terms of money supply to overcome the shortage of capital that we could be facing a rekindling of inflation. We feel it is important that we recognize these problems, that we in the Congress address this issue, and that we have the support of the American people in saying that deficits do count and that therefore, we in the Congress are willing to make the tough decisions that will address the problem.

Mr. Speaker, for nearly three decades Congress has been rambling down the deficit trail. Last week the gentleman from California and myself and others spoke out againsts this persistent deficit spending. I am encouraged by the response. We have been pleased by the number of Members expressing their support for some form of bipartisan effort to curb runaway spending.

Apparently deficits do matter. Our duty is to take a responsible attitude in reducing the deficit. Regardless of politics, our fiscal deeds will determine our Nation's future. Only a concerted bipartisan effort will be able to stem the flow of red ink.

The Chairman of the Council of Economic Advisers, Martin Feldstein, stated recently that high real interest rates are stunting the recovery. They boost America's trade deficit with an overinflated dollar while discouraging long-term capital investment by domestic business.

Economist Alan Greenspan, the former Chairman of the Council of Economic Advisers, agrees, warning that the lack of such investment inhibits any further growth in productivity and the standard of living.

One of the great strengths of America in the postwar era has been this tremendous real growth in productivity. It has come about because we have had new technology, new equipment to put into our factories and farms. It has come about because we have been able to work more efficiently, and the result has been an expanded, dramatically expanded standard of living for all Americans. But to continue to achieve these successes will require investment.

□ 1950

Obviously many opinions exist concerning the severity and correction of the problem. Tonight we will explore some of the possible responses.

The current recovery apparently has enough impetus to keep it going through 1983. Growth for the first two quarters of this year has been fueled by consumption expenditures, particularly in the area of consumer durables.

During the second quarter, consumption outran increases in disposable income, causing the lowest personal savings rate since 1950. I think that is a very disturbing factor.

Coupled with immense Government purchases of goods and services, these two factors are pulling America from out of the recession. Shifting from this explosive initial stage, characteristic of the era following World War II, the recovery of the economy is now moving into a period of growth and expansion.

During this period the effect on budget deficits will become increasingly apparent. Any prolonged recovery requires that business make capital investments to expand its capacity and improve competitiveness. Consumption and Government spending must make room for growing capital invest-

ments by our industries and our agricultural economy and many small businesses that have to have capital to invest to get a productivity growth, to create the jobs we need.

Any prolonged recovery requires that business make capital investments to expand its capacity and improve its competitive situation in the marketplace.

The credit market pie will be sliced more equitably between the private and public sectors if we can deal with the problem of deficits. Otherwise business growth will be stunted by their lack of borrowing power.

Private demands upon the credit market were 53.8, 69.2, and 78.4 percent in the 1975 through 1977 recovery years.

If the Federal Reserve is successful in restraining the growth of credit expansion to 8.5 to 11.5 percent only about 40 percent or less of the total funds will be available to private borrowers. This is not enough.

By early 1984, if we are to have a sustained recovery, business capital requirements will exceed substantially the 40 percent level.

One factor is undisputed: the more demand placed upon a finite number of widgets, the greater their value, and so it is with money. Business and personal borrowing will find itself paying more and more for the credit commodity.

Young people that want to buy that first home, of those that need loans to go to an educational institution, or to buy an automobile will discover that they are competing with the Government and the competition will drive up the price and take them out of the marketplace.

Those able to afford credit will find little room at the monetary watering hole alongside a bloated Federal Government.

A definiteness of purpose is the beginning of addressing any issue. Only with a clear vision of the issue can we take appropriate action.

Our special order has been an attempt to draw the House's attention to the problem. I think we are accomplishing that goal.

I think any solution that we arrive at has to have four parts to it because the driving factors and the main expenditures are in the entitlement areas, the defense spending, the interest on the national debt and, of course, the question of what the revenues should be.

It seems to me that in talking in terms of solution that what we need to do is to have a package that would fine-tune the revenue side, recognize some of the inequities in the Tax Code, address those, and bring about an increase in revenues coupled with, at the same time, a restraint in the growth of entitlements in the future and a restraint in the growth of defense spending.

It seems to me if we in the Congress could work together in a bipartisan way to put together a package that would achieve those objectives that we could reduce the deficit, that we could eliminate the danger that was outlined by the Director of the Budget when he stated not too long ago that we are facing $200 billion deficits as far as the eye can see.

I think that would be a tragedy for this Nation if we were to accept that as an accomplished fact and that is the reason we are here tonight. There has been discussion about the possibility of having a bipartisan commission. If that is what it takes I would support this concept.

I think we need to do something and if we can look to the success we had in addressing the social security problem in a similar fashion, then perhaps we should try that.

However, in the final analysis the responsibility rests with this body.

Obviously to accomplish the objective will require bipartisan effort. I hope that out of these special orders and the concerns that have been expressed by many others that we can, working together, not wait until after the election in 1984 but rather now, in 1983, put together a package that creates some additional revenues as envisioned in the first budget resolution; that puts at the same time and in the same package spending restraints on the growth in entitlement programs and spending restraints on the defense budget so that those who are looking at the fiscal policies of this Nation will recognize that the policymaking body under the Constitution of this Nation was willing to measure up, was willing to recognize the severity of the problem and was willing to do something about it.

It is a challenge, but I think that we can do this if we are willing to put aside partisan differences and work together to achieve that objective.

Last week, I commented on the drag placed upon our economy by the rising level of imports. Curing the budget deficit disease also means treating the symptom of trade deficits. The renewed demand for goods in our country are attracting an increasing amount of imports while our foreign trading partners, lagging behind in recovery, have not strengthened their demand for U.S. goods. Couple this with the competitive edge obtained by foreign industry receiving government subsidies. The sum total is a highly inflated dollar and a dwindling international market for U.S. goods. The trade deficit is expected to be $70 billion in 1983 and could reach $100 billion in 1984.

In October, as you may remember, after many months of complex negotiations the United States and the European Economic Community reached agreement on steel trade arrangements designed to restrain European exports of steel to the United States. The arrangement provided for the establishment of export licensing in the European Economic Community through 1985 for 10 major categories of steel products—carbon and alloy—exported to the United States limiting them to a predetermined share of the U.S. market for each product category. Most other exports of basic steel mill products are subject to consultations and possible licensing, if it appears that trade diversion is taking place. The Commerce Department estimated that well over 12,000 steel industry jobs would have been saved if the basic licensing arrangement had been in effect in 1981.

I strongly believe that by consolidating our trade functions into a single department we can begin to develop a consistent, coordinated and effective trade policy. That is why I introduced H.R. 2288. In April, the administration officially endorsed the concept of my bill by calling for the creation of a Department of International Trade and Industry. The organization would be a trade ombudsman for American business competing in the world marketplace. The goal of my proposal is to establish one voice on trade, by combining the policymaking function of the trade representatives with the policy-implementation job of the Commerce Department.

Evenutally U.S. exports will pick up and the inflated dollar—up 50 percent since 1980—will drop. Morgan Guaranty Trust Co. states the overvalued dollar has put domestic manufacturers at a 15-percent price disadvantage to foreign traders. As the trade deficit continues to grow foreign investments will become inadequate to support the dollar's weight. It is estimated the dollar could fall by as much as 15 percent in 1984. But this is little consolation. The deterioration would slow only because it could become no worse. The turnaround would mask the inner rotting of our capital structure. Long-term U.S. competitiveness would be seriously eroded. The symptom would subside while the cancer grows on.

As I indicated earlier, the budget deficit crisis will not be settled by a single piece of legislation. The crisis has taken years to develop and its solution mandates a prolonged response. But the export licensing agreement and Department of Trade proposal are examples of what needs to be done. Tonight, those taking part in this special order, seek to inspire Congress to act. I am hopeful that Congress will respond.

Mr. PANETTA. Mr. Speaker, will the gentleman yield?

Mr. REGULA. At this time I yield to the gentleman from California (Mr. PANETTA).

Mr. PANETTA. I thank the gentleman from Ohio for yielding to me to participate in this joint effort at a special order to deal with the problem of the deficit and try to reflect on it, how real is the problem, what needs to be done to resolve it.

First of all I want to thank the gentleman from Ohio for his cooperation because I do believe that we have been able to get the Members interested again in this issue, to focus on it clearly.

As I said last week, we can all give a great Rotary Club speech on the problem of the deficit. But somehow when we comeback here, somehow nothing gets done in the effort to try to, in fact, reduce that deficit.

So that is the purpose of this special order, is to try to look at the issues around the deficit, at the long-term impact, the short-term impact, the possible solutions, and to try to not only educate the Members but hopefully the American public, because ultimately if there is going to be pressure on this institution to take the right steps on the deficit it ultimately must come from the American people.

Let me summarize very briefly, because we have put a great deal of material into the RECORD, let me summarize if I can the basic questions that I think need to be asked in terms of dealing with the deficit.

The first question is, What are, in fact, the projections for the deficit over the next few years. How bad is this problem that we are talking about?

The CBO tells us that between 1983 and 1988 if no future action is taken to cut spending or to raise revenues that in 1983 we are looking at a deficit of $207 billion; in 1984, $196 billion; in 1985, $205 billion; in 1986, $214 billion; in 1987, $233 billion; and in 1988, $252 billion; almost $1.3 trillion added between 1983 and 1988 to the deficit.

What about the size of the public debt as a consequence of that?

CBO tells us that the levels of public debt that we are looking at are as follows if nothing is done to cut spending or raise revenues: in 1983, $1.3 trillion; in 1984, $1.6 trillion; in 1985, $1.8 trillion; in 1986, $2.1 trillion; in 1987, $2.4 trillion; and in 1988, $2.780 trillion.

That means in interest payments we are looking at interest payments that will cost us in 1983, $89 billion; in 1984, $106 billion; in 1985, $119 billion; in 1986, $132 billion; in 1987, $148 billion; and in 1988, $165 billion.

□ 2000

By 1988 we will be spending about as much on interest payments on the debt as we will be spending on nondefense discretionary spending in the present budget.

Those are the figures that we get from the Congressional Budget Office. They tell us that the projections are for an explosion in the deficit over the next few years.

Why have these deficits occurred? That is the second question that needs to be asked. Frankly, my answer to that is there is enough blame on that issue to go around for everybody. If we spend our time trying to point fingers at one party or the other party, one House or the other House, one administration or another administration, we will be in such a quagmire we will never be able to get out of it and try to resolve the problem.

The reality is, there is plenty of blame to go around for everybody. Recessions have contributed to it, spending programs have contributed to it, loss of revenues have contributed to the size of the deficit, double standards that are implemented in one way or another by committees or by Members, and the tough choices that need to be faced in terms of trying to do something about it; all of these things have, to some extent, contributed to the problem we face now.

Will these deficits have a serious impact on the strength of our economy? That is the third important question. Obviously that is being debated now.

Secretary of the Treasury only last week again reiterated that he felt there was no relationship between the size of the deficits and high interest rates.

There are others who have argued there is frankly no relationship between the size of the deficits and the impact on the economy. But the vast majority of the economists, the vast majority of experts in the field, whether it is Martin Feldstein, whether it is the Congressional Budget Office, whether it is Henry Kaufman, whether it is Alan Greenspan, the majority, the vast majority of these experts agree that there is, in fact, a relationship between the size of the deficit and the impact it can have on the economy, in several key areas.

The crowding out that will take place on investment; we run high deficits, we are looking at borrowing 75 to 80 percent of net savings in this country.

On interest rates there is no question that as you reach out to borrow money you are impacting in terms of interest rates as far as the bonds that have to be sold.

You set a base with those 3-month interest Treasury bills because those are in fact the instruments that most people look at to determine a base on interest rates in other areas.

You are looking at an impact on trade. Martin Feldstein, better than anyone else, has pointed out how clearly this can impact on the trade area, to the tune this year of a trade deficit of somewhere around $75 billion.

Inflation is impacted because if the Federal Reserve tries to, in fact, deal with the economy by loosening up on the monetary supply, then there is a danger that inflationary pressures may indeed rise.

And the last point is just simple resources to do the job. If we look to Government, whether it is national defense, whether it is meeting the needs of people, whatever area of Government we look to, the reality is that the resources simply will no longer be there. Whoever is President, whoever is elected President in 1984, they are going to face a country that is literally hitting the walls.

Regardless of who becomes President, the major challenge will be to try to find the resources to do something and those resources simply will not be there.

Mr. REGULA. I think the gentleman is suggesting that this would have a severe impact on any new legislative initiatives, there simply would be nothing available to develop any kind of a new program, no matter how excellent it might be, in serving the people of the Nation.

Mr. PANETTA. The gentleman is absolutely correct.

I know there are those who are concerned about defense, obviously are concerned about the status of our defense posture. But the reality is right now we are borrowing to pay for defense. That is going to be the case down the road. Ultimately if the resources are not there it is going to impact on our national security. That is a reality. Something is going to have to give if in fact we are going to maintain our national security.

The other question is when will this impact occur, if, in fact, we agree those impacts are out there? When will they occur? In the short term the reality is we could probably live through the large deficits we are in, particularly if the Federal Reserve continues to be able to loosen up on the money supply.

We could continue a recovery in this country through the election of next year. So in the short term, most economists agree that perhaps you will not see the consequences of those large deficits; but the reality is that within 12 months, within 18 months, it will appear. It has to appear. There is simply no alternative.

At that time we indeed will have to face up to this issue.

The next question is what then can be done. Obviously, again, we run into a political problem in terms of deciding what the choices are in dealing with the deficit; do this, do not do that; cut defense, do not cut social programs; cut social programs, do not cut defense; raise taxes, do not raise taxes.

Everyone has their particular pet approach to dealing with balancing the budget.

The reality is that the nature of the budget no longer gives us those kinds of choices.

Last week I talked about percentages. Let me talk about numbers.

Out of a budget of $850 billion defense comes to $239 billion on outlays; entitlements comes to $389 billion; interest payments for 1984 come to $106 billion.

Add all of that up, that is $724 billion out of an $850 billion budget that goes for those areas about which I have just talked; almost 85 percent of the budget just for those areas.

So the reality is, as my friend from Ohio (Mr. REGULA) pointed out, there are only three areas you can turn to: one, to limit the growth in defense; two, to limit the growth in entitlements; and, three, to raise sufficient revenues to pay the bills.

There is no way around dealing with all three of those problems if you really want to have an impact on the deficit.

The last and perhaps most important question now is: How can all of this be done?

I am afraid no one party can accomplish it on its own; no one House, whether it is this body or the other body on the other side of the Hill, can in fact accomplish it alone. I do not even think one President can accomplish this acting alone. I am not sure that one commission can accomplish it, acting alone.

The reality is that all three, all three have to act in a partnership if in fact we are going to do something in the three areas I just discussed.

Whether the tool that is used to bring those three parties together is a summit or a conference or whatever it is, the reality is that the President, the other body, the House of Representatives have to join in the final solution and there is no way around that.

If we offer one solution on this side of the aisle, the other side offers their solution, we will be playing political games but we will ultimately not come to a solution.

We have got to all deal with the same basic problem and try to come up with, hopefully, the same basic approach as far as an answer is concerned.

Obviously one step is to do reconciliation on the budget resolution.

My hope is we can make an effort to try and get as close as we can to the targets established in the reconciliation and in the budget resolution. And that is a step in the right direction, it is an important signal to send to the American people.

In addition to that I think within the next 90 days it is absolutely essential for the three areas of Government, this side of the Congress, the Senate, and the Presidency, to join together in an effort to try to resolve it. It is not going to go away. We can pretend like ostriches that somehow this problem may disappear. We can hope that perhaps we can pass it on to the next year and maybe the year after that. But the reality is that if we continue to postpone it, ultimately a crisis will determine whether in fact we have to act.

If we have to respond to a crisis in our economy I am afraid that it may be too late at that point.

So ultimately the time is in fact now, act now, and the action must be bipartisan, it must be comprehensive, it must be now.

This is not a challenge that we cannot afford to meet.

Mr. LUNDINE. Mr. Speaker, will the gentleman yield to me?

Mr. REGULA. Mr. Speaker, I yield to the gentleman from New York (Mr. LUNDINE).

□ 2010

Mr. LUNDINE. Mr. Speaker, I welcome this opportunity to join in a discussion of the dangers to economic recovery posed by rising Federal budget deficits. I wish to commend my colleagues from California (Mr. PANETTA) and Ohio (Mr. REGULA) for their leadership on this issue.

In recent weeks a number of prominent economists have expressed concern that the economic gains of the past 6 months may be aborted by new increases in interest rates. Their comments reflect a growing fear in our financial markets that Congress will be induced by improved economic conditions to postpone actions to reduce the budget deficit.

The prospect of annual budget deficits in the range of $200 billion certainly justifies these fears and raises some serious questions about whether economic recovery can be sustained.

In response to these concerns, a number of proposals have surfaced recently calling for efforts, outside the normal processes of our Government, to address both current and long-term budget problems. These proposals range from the idea of a domestic "economic summit" to the creation of a long-term "blue ribbon" commission on the budget.

I welcome this growing recognition that some extraordinary effort may be necessary if Congress and the administration are to regain control of the Federal budget. Prior to any of these proposals, I advocated efforts by the Congress, the executive branch and the Federal Reserve Board to achieve a national accord on the budget and on interest rates.

In various letters, as well as in a House floor statement, I outlined the need for achieving a broad consensus on monetary and fiscal policy in order to reduce the budget deficit and lower market interest rates. Such an effort would necessitate not only agreement on a comprehensive program of spending reductions and tax increases, but also a specific commitment by the Federal Reserve to ease pressures on interest rates in response to improvements in the budget.

The potential of such an approach was illustrated in recent remarks by Federal Reserve Board Chairman Paul Volcker to the Senate Banking Committee. Chairman Volcker indicated that action by Congress to cut $50 billion from next year's budget deficit could prompt a drop in interest rates of as much as 2 percentage points. This would certainly be enough to reinvigorate our housing sector and provide added stimulus for new capital investment.

I do not claim to have the answers regarding how this accord would be achieved or what specific actions should be taken to reduce the deficit. I am convinced, however, that unless broad agreement is achieved along these lines, we will not be able to implement the directives of the fiscal year 1984 budget, nor establish meaningful objectives in the fiscal year 1985 budget.

And without significant progress in reducing the budget deficit, economic recovery will stall and the restructuring that is so critical to our economy will not occur.

Mr. REGULA. Mr. Speaker, I yield to the gentleman from Minnesota (Mr. FRENZEL).

Mr. FRENZEL. Mr. Speaker, deficits are threatening our society. Economically, financially, socially, and some would even say morally, our Nation is at risk. And as long as our Nation's economy is at risk, so too, are the economies of almost all other free nations.

Representatives REGULA and PANETTA deserve the highest praise for their leadership in bringing the issue of deficits into the political spotlight and educating the American public and the American Congress on the extreme dangers of prolonged high deficits. I hope that every Member of this body will find time to read the special order remarks of last Wednesday and of today, and I hope that the remarks will make a difference.

The deficit issue leaves no room for partisanship. According to a Chamber of Commerce/Gallup survey, 78 percent of Americans believe large deficits are a threat to the economic recovery. Congress cannot afford to waste time with partisan blamesmanship. What is needed now is the political courage and practical determination to battle the deficits and to win.

By 1988, if Congress and the administration fail to implement any significant deficit reduction plan, the U.S.

Treasury will accrue another $1 trillion in new public debt, bringing the total public debt outstanding to $2.6 trillion. Interest payments alone would be in the vicinity of $200 to $220 billion each year. That $200 billion in interest would be better not spent, or spent on worthwhile programs. For the purpose of discussion, the $200 billion in interest payments is telling proof of the eroding power which interest costs will have on other spending initiatives.

The problem of deficit spending is not a new one. The Federal Government has operated in the red every year since 1948 save 7. But only in recent years has the deficit become so ingrown, uncontrollable, and enormous that we are forced to live with deficits estimated for fiscal years 1983, 1984, and 1985 in the range of $200 billion.

ACTUAL BUDGET AGGREGATES

[In millions of dollars]

Fiscal year	Receipts	Outlays	Surplus or deficit	Debt subject to limit
1948	41,774	29,773	12,001	250,380
1949	39,437	38,834	603	250,964
1950	39,485	42,597	−3,112	255,382
1951	51,646	45,546	6,100	253,283
1952	66,204	67,721	−1,517	257,232
1953	69,574	76,107	−6,533	264,219
1954	69,719	70,890	−1,170	269,379
1955	65,469	68,509	−3,041	272,347
1956	74,547	70,460	4,087	270,619
1957	79,990	76,741	3,249	269,120
1958	79,636	82,575	−2,939	275,395
1959	79,249	92,104	−12,855	282,419
1960	92,492	92,223	269	283,826
1961	94,389	97,795	−3,406	286,308
1962	99,676	106,813	−7,137	296,374
1963	106,560	111,311	−4,751	302,922
1964	112,662	118,584	−5,922	308,582
1965	116,833	118,430	−1,596	314,125
1966	130,856	134,652	−3,796	316,292
1967	148,906	157,608	−8,702	323,143
1968	152,973	178,134	−25,161	348,534
1969	186,882	183,645	3,236	356,106
1970	192,807	195,652	−2,845	372,599
1971	187,139	210,172	−23,033	398,649
1972	207,309	230,681	−23,373	427,751
1973	230,799	245,647	−14,849	458,263
1974	263,224	267,912	−4,688	475,180
1975	279,090	324,245	−45,154	534,207
1976	298,060	364,473	−66,413	634,200
T.Q.	81,232	94,188	−12,956	635,822
1977	355,559	400,506	−44,948	699,963
1978	399,561	448,368	−48,807	772,691
1979	463,302	490,997	−27,694	827,615
1980	517,112	576,675	−59,563	908,723
1981	599,272	657,204	−57,932	998,808
1982	617,766	728,375	−110,609	1,142,918

UNIFIED BUDGET DEFICITS (BY FISCAL YEAR)

	Actual 1982	Estimate 1983	CBO projection 1984	1985	1986
In billions of dollars:					
February 1983 baseline	111	194	197	214	231
August 1983 baseline		207	196	205	214
Budget resolution policies including reserve		207	192	180	146
Budget resolution policies excluding reserve		207	183	176	143
As a percent of GNP:[1]					
February 1983 baseline	3.6	6.1	5.6	5.6	5.6
August 1983 baseline		6.4	5.5	5.3	5.1
Budget resolution policies including reserve		6.4	5.4	4.6	3.5
Budget resolution policies excluding reserve		6.4	5.1	4.5	3.4

[1] Reserve fund does not significantly affect budget figures when expressed as percent of GNP.

Note.—For a detailed description of the February 1983 baseline estimates see CBO, "Baseline Budget Projections for Fiscal Years 1984–88," February 1983. For further details on the August 1983 baseline budget estimates see appendix A of this report.

As can be seen from the above chart, when fiscal year 1983 ends next week, the Federal deficit is expected to register at 6 percent of GNP. At $207 billion, the fiscal year 1983 deficit will be 101 percent higher than was originally projected in the fiscal year 1983 budget resolution. The fiscal year 1984 budget resolution, passed in June, projected a deficit of $84 billion. Since then OMB has updated the 1984 shortage to $180 billion, using the very optimistic assumption that the budget resolution's policy mandates will be acted upon. The less optimistic Congressional Budget Office projects the fiscal year 1984 deficit to be $192 billion if the resolution's policies are met, and $196 billion if the policies are not met.

In either case, as a percent of GNP, deficits will continue to hover around the 6 percent mark for several years to come. Perhaps even more frightening is the question of how we are going to be able to sustain a recovery while financing deficits that rise each year to the $200 billion mark.

For now, the recovery is booming. Leading the way out of last year's recession was real consumption, which increased at a 7-percent annual rate. Purchases of durable goods, cars, furniture, and large appliances made up most of the initial consumption increase, but housing starts are reported to be rising, as well. Industrial production was up a strong 1.8 percent in July, and unemployment fell from its December high of 10.8 to 9.5 percent, also in July. To round out the optimistic scenario, real GNP is increasing at an 8.7 percent annual rate in the second quarter of 1983.

With inflation at its lowest annual rate in 15 years—CPI grew only 2.9 percent annually for the first half of 1983, the recovery should remain strong at least through next year. GNP is expected to slow, but remain healthy at a 4.4-percent growth rate for 1984, and unemployment will continue to fall, nearing 8 percent by the end of next year.

So that no one is deluded by the happy news of economic recovery, interest rates remain high and are rising, personal savings dropped from 5.4 to 3.9 percent in the second quarter, inventories have declined, and our net exports continue to fall causing a difficult trade deficit situation. The ongoing failure by Congress to address the deficit crisis will only exacerbate these negative economic trends, and substantiate fears that the U.S. Congress and administration are unable or unwilling to make the difficult decisions necessary to reducing the deficit.

The decision to take on the budgetary and financial problems which underlie the skyrocketing deficits requires courage and a willingness to set aside partisan interests and special political interests in favor of the interests of the Nation as a whole. Statesmanship, courage, determination, in addition to an understanding of the very damaging economic impact of consecutive yearly deficits of $200 billion and a possible $2 trillion public debt outstanding in 1988, are essential to successfully overcoming the deficit problem.

There is some hopeful talk around town that the recovery will bring in sufficiently increased revenues so that the deficits will come down automatically. Although there may be some truth that once a recovery starts, it takes on a robust life of its own, it would be misguided and dangerous for Congress to default on passing deficit reduction measures now because of the slim chance that, thanks to the recovery, the deficits will come down on their own. Our budget assumptions are already rosy.

For the fiscal year 1984 budget, including defense, 76.5 percent of the $860 billion total budget outlays will go toward uncontrollable or mandatory program funding. Approximately 44.1 percent of that amount, or 33.7 percent of all Federal spending, is earmarked for entitlement payments to individuals—food stamps not included. That leaves only 24.6 percent of total outlays in the discretionary category, and sadly, our budget problems are so severe that even if we entirely eliminated all discretionary nondefense programs we would still not eliminate the deficits.

Between 1967 and 1983, expenditures for open-ended entitlement programs, such as social security, railroad retirement, UE assistance, medical care, student loans, food and nutrition programs—other than food stamps—increased by over 742 percent, rising from $42.1 billion in 1967 to $354.9 billion in 1983. Since enactment of the medicare and medicaid programs in 1965, total health care expenditures in the United States have increased at least 400 percent. In fact, total health spending took 6.2 percent of GNP in 1965, but 9.4 percent of GNP in 1982 or 11 percent of total Federal budget outlays.

Rising health costs are an obvious problem needing serious examination this decade, but they are not the only cause of the entitlement boom. Demographic changes, especially the increased population of elderly, have had an effect. Food stamp outlays have increased from $1.9 billion to $9.6 billion, or 400 percent. But the most significant cause of growth in entitlements has been indexing. In 1956, Federal civil service retirement was the first program to be indexed. By 1982, 86 Federal programs were tied in some way to price or wage indexes. Once a program is indexed, it is very difficult to legislate changes.

Allen Schick of the Congressional Research Service testified before the Rules Committee Task Force on the Budget Process last year. Regarding entitlements Mr. Schick said:

> Indexed entitlements vest certain interests with rights to payments from the Treasury. It takes great political effort to wrest these rights away from the persons entitled to them. Not many political leaders are willing to undertake this battle. When indexed entitlements are permitted a preferred claim on the budget, the political burden on those who would redistribute resources simply is too great to bear.

And yet, Congress does have the power to reduce or terminate entitlement programs. Using reconciliation, we can change the laws that originally authorized the programs. Further, we can make changes under the shelter of reconciliation, which when packaged as an omnibus bill, allows Members to streamline and reduce funding for programs without having to make politically difficult or impossible separate votes for each program. Subdividing reconciliation bills, as was done last year removes the needed shelter and undermines the effectiveness of the reconciliation procedure. The omnibus approach to reconcile is needed and should be utilized.

Reconciliation worked in 1981 to reduce spending between fiscal year 1982 and fiscal year 1984 by $131 billion. Although it successfully slowed the rate of Federal spending, the landmark 1981 bill was bitterly opposed, and has still not been forgotten. Last year, partly as a result of the bitter memories of the 1981 legislation. Reconciliation was underutilized. Instead of reconciling savings of $27.2 billion as instructed in the budget resolution, only $13.3 billion, or 51 percent of the instructed amount of reconciled savings were achieved.

The ranking minority member of the Budget Committee, Representative LATTA, declaimed the 1982 reconciliation savings as "not even chicken feed." However, in light of the extreme improbability that there will be any reconciliation at all this year, last year's $13.3 billion does not look so bad anymore. The fiscal year 1984 budget resolution instructed that $12.3 billion be reconciled, along with $73 billion in new revenues over 3 years. Due date for reconciliation had been set for July; it was moved up to September 23. It is clearly unlikely that we will make the deadline.

Reconciliation is our best weapon for bringing existing law into conformity with the current budget decisions. It is the single most important mechanism for dealing with uncontrollable spending and for getting at the budget base. Without reconciliation, spending that was authorized in earlier years would be locked in. Congress would be left to search for possible spending reductions within the small discretionary portion of the budget, where there is not a lot of fat to be cut. Meanwhile, benefit and payment schedules for entitlements, COLA indexes, and eligibility requirements for mandatorily funded programs would be left untouched and unreconciled to conform with Federal spending priorities.

Reconciliation is not one of many budget enforcement tools. It is the only tool. What will happen if we do not reconcile savings and revenues? What will be the result if Congress and the administration succumb to their own narrow-minded election interests and fail to beat back raging deficits once and for all?

Failure to bring down deficits through reconciliation or through other means will place our credit markets under severe strain. Federal deficits and net private domestic investments draw upon the same pool of resources. Net private savings, State and local government savings—what little there are—and capital flowing in from abroad make up our resource pool.

Financing deficits equal to 6 percent of GNP, when savings are also at 6 percent of GNP, will require virtually all of our private savings. Over the next 5 years, the Federal Government is expected to absorb 53 percent of total net private savings, or 165 percent more than the 20 percent absorption ratio common in the 1970's. After the Government has taken its share, private borrowers will be left to compete for the scarce remaining capital. Interest rates will be pushed upward until private demands for funds are reduced to equal the supply remaining after the Government's borrowing needs are satisfied.

Because of the strength of the current recovery, it is possible that the public sector/private sector clash at the credit markets could come sooner than expected. As business investments increase, the credit-crowd-out situation will intensify. If that happens, interest sensitive segments of society, such as housing, autos, and consumer durables would suffer. The construction, steel, machinery, and equipment industries would all experience depressed levels of outputs.

Capital investment is the single most important factor in stabilizing our economy and averting financial disaster. According to this week's Time magazine, the ratio of capital spending to consumption has dropped about 10 percent since 1979, and the investment rate may not return to pre-recession levels. In that case, the United States would increasingly be living off it's capital stock rather than adding to it.

Capital needs for the coming recovery year will be large, and meeting those needs will require all the effort that can be mustered. Like foreign trade, capital investments make possible wage increases, new jobs, new technologies, and overall gains in real growth and real income. Yet the prospect of a public debt approaching $2 trillion may keep interest rates high enough so that business investors may have to forgo otherwise attractive investment opportunities.

Rather than allowing the crowding out of credit markets, and all the public outcry that will accompany high interest rates, the Federal Reserve might decide to monetize the debt. If that were to happen, the overheated economy, faced with an expansion in the money supply, would grow much too fast and inflation would spiral back up into the double digits. Even if the Fed did not monetize the debt, the fear that it might do so is enough to kindle inflation-hedging/inflation-causing behavior. That fear or expectation is already apparent in that investors are insisting on higher interest to protect their investments from future inflation.

Another victim of high U.S. deficit spending is U.S. trade. The trade deficit ran at a record annual rate of $46 billion in the first half of 1983, it will probably exceed an annual rate of $70 billion by the end of this year. The 50 percent appreciation in the dollar since July 1980 increases our trade deficits because it is harder to sell our overpriced exports abroad, and easier to buy cheap imports at home. Thus deficits increase the tide of protectionism and the likelihood of another trade war. If world trade declines as worldwide protectionist sentiments grow, consumers everywhere will lose as prices for goods once again go up.

As long as the dollar stays strong, foreign investments will flow into the United States. The flood of foreign currencies will increase our availability of funds for credit, yet it will weaken the competitive position of our exports. Domestic industries competing with lower priced foreign imports will be hurt. Overall, productivity and per capita income will experience a downturn.

BEHIND THE DEFICITS

Federal deficits are too high. Had the recession not widened the differential between reduced tax revenues and increased transfer payments during fiscal year 1983, the deficit would still be very high. The term "structural deficit" has been common in this year's budget go-rounds. The structural deficit is that which does not result from recession. Instead, the structural deficit grows larger on its own through current tax laws and spending policies. Cyclical changes have no effect on the structural deficit.

UNIFIED BUDGET DEFICITS

[By fiscal year]

	Actual, 1982	Estimate, 1983	CBO projection 1984	1985	1986
In billions of dollars:					
February 1983 baseline	111	194	197	214	231
August 1983 baseline		207	196	205	214
Budget resolution policies including reserve		207	192	180	146
Budget resolution policies excluding reserve		207	183	176	143
As a percent of GNP: [1]					
February 1983 baseline	3.6	6.1	5.6	5.6	5.6
August 1983 baseline		6.4	5.5	5.3	5.1
Budget resolution policies including reserve		6.4	5.4	4.6	3.5
Budget resolution policies excluding reserve		6.4	5.1	4.5	3.4

[1] Reserve fund does not significantly affect budget figures when expressed as percent of GNP.

Note: For a detailed description of the February 1983 baseline estimates see CBO, "Baseline Budget Projections for Fiscal Years 1984–1988," February 1983. For further details on the August 1983 baseline budget estimates see appendix A of this report.

STANDARDIZED-EMPLOYMENT DEFICITS [1]

	Actual 1982	Estimate 1983	Projection 1984	1985	1986
In Billions of dollars:					
February 1983 estimate [2]	29	69	91	128	159
August 1983 estimate [3]	29	97	99	110	87
As a percent of cyclically-adjusted GNP:					
February 1983 estimate	0.9	2.0	2.4	3.1	3.6
August 1983 estimate	.9	2.8	2.6	2.7	2.0

[1] Unified budget estimate standardized at 6 percent unemployment. The estimates exclude the reserve fund. The programs included in the reserve fund would cost $9 billion in fiscal year 1984, $5 billion in 1985, and $4 billion in 1986. The impacts at the 6 percent unemployment rate that underlies the standardized-employment deficit would be less.

[2] Congressional Budget Office, "The Outlook For Economic Recovery" (February 1983). The 1982 levels have been revised to reflect revisions in economic data for that year.

[3] Assumes policies of first budget resolution for fiscal year 1984 passed last June.

The above charts show that structural deficits in 1984, 1985, and 1986 are 54 percent, 62.5 percent, and 60 percent of the respective unified budgets. While we have almost always had deficits, these deficits, especially the structural ones, are the most mammoth in the post-war period. Clearly, there is reason to be concerned about the deficits. Savings policies should be implemented. However, with the administration wanting spending cuts and no tax increases, and Congress looking for revenue increases, but only negligible spending cuts, it is difficult to be optimistic about the possibility of any compromise action.

Ultimately, the economic problem created by large deficits, especially large structural deficits, is that Federal debt may grow faster than the economy's capacity to absorb it. A reasonable criterion for determining the amount of deficit reduction that is needed is to make sure that any deficit reduction program will overcome or reverse the recent tendency for the debt to grow faster than the trend rate of growth in GNP.

Why has the Federal budget gone so completely out of control? The indexing and spending growth of entitlement programs, many of which have increased upward of 400 percent in the last 20 years, are a major cause of our budgetary paralysis. It is essential that Congress recognize the necessity of using the budget reconciliation process to deal with entitlement programs and uncontrollable spending.

No one wants to cut back programs, but in order to transcend the budgetary and financial crisis which now faces us, some spending will have to be reduced. With proper deliberation the reductions can be made fairly and equitably. There should be no sacred dogs. And that includes defense.

Beyond the question of uncontrolled spending and the need for an in depth examination of the problems associated with entitlement reforms, other factors interfere with our ability to determine responsible budget aggregates and spending assumptions. These factors are procedural and disciplinary.

Complaints are often registered about the Budget Act timetable. Appropriations chairmen complain that the May 15 reporting date for budget resolutions does not leave their committees with sufficient time to properly review and report out spending bills.

It is not responsible to blame a shortage of time, however, when appropriations bills are reported out containing appropriations for programs which have not yet been authorized. Such reporting violates rule XXI of the House and is subject to a point of order. Nor can a shortage of time be responsible for the spending bills that provide insufficient funding for mandatory programs. Knowing that supplementals will have to be granted to complete the funding for the mandatory programs, the funds are transferred from the mandatory program to a discretionary program. This form of backdoor spending results in increased outlay expenditures.

Waivers of the Budget Act make the red ink worse, too. Section 311 of the Budget Act provides for a point of order against any bill providing additional new budget authority for a fiscal year after a reconciliation bill or resolution has been enacted. There were twelve 311 waivers granted to last July's urgent supplemental appropriation bill. Six others were requested but not granted. In addition, the bill contained four waivers of rule XXI.

Like supplementals, continuing resolutions inflate deficits. The July 1982 supplemental contained $3 billion for a new housing subsidy program. The President showed his (then) commitment to deficit containment by vetoing that particular version. Last year's continuing resolution increased the deficit by $9 billion. The bill contained $5.4 billion for job creation. To make matters worse, the budget buster came to the floor under a closed rule. Getting control of deficits is going to require gaining control of our own temptations to spend, spend, spend.

In 1982 and so far in 1983, Congress approved approximately $12 billion in jobs creation and public works initiatives. Putting that $12 billion toward deficit reduction, and matching it with other deficit reduction measures, would do far more for providing jobs than a single $12 billion shot of jobs subsidy could ever do. Capital investments would be made, productivity would increase, and new permanent jobs would become available. There is a multiplier effect to reducing debt which should not be taken lightly.

Credit budget and off-budget programs increase spending without adding to the outlay, revenue, or deficit totals of the unified budget. Off-budget accounts, such as the Eximbank, FFB, Postal Service, and Synfuels Corp., amassed an additional $16 billion in fiscal year 1983 and 1984 deficit spending, and an additional $14 billion in fiscal year 1985 and 1986.

Clearly, there is a political advantage to off-budget status, and the lobbies for these groups effectively work to prevent change of their status. Nevertheless, bringing these programs on-budget and subjecting them to binding targets may improve deficit accountability, and the increased deficit totals might bring about an increased concern regarding the deficits.

OVERVIEW OF OFF-BUDGET ENTITIES

[By fiscal years; in billions of dollars]

Entity	Outlays 1981	Outlays 1983 [1]	Origin of off-budget status
Federal Financing Bank	21.0	12.1	Public Law 93–224 (1973).
Rural electrification and telephone revolving fund.	([2])	([2])	Public Law 93–32 (1973).
Rural Telephone Bank	.1	.2	Public Law 93–32 (1973).
Strategic petroleum reserve account.	([2])	2.8	Public Law 93–35 (1981).
Postal Service fund	.1	.7	Postal Reorganization Act of 1970.
U.S. Railway Association	—.3	([2])	Public Law 93–236 (1973).
Synthetic Fuels Corporation	([2])	([2])	Public Law 93–294 (1980).
Board of Governors—Federal Reserve System.	([2])	([2])	Federal Reserve Act of 1913.

[1] Estimated.

[2] Outlays (or receipts in excess of outlays) of $50,000,000 or less. The board of Governors of the Federal Reserve System uses a calendar year budget.

OVERVIEW OF FEDERAL CREDIT ACTIVITIES FOR FISCAL YEAR 1983

[Amounts in billions of dollars]

	Net outlays and loans guaranteed	New obligations and commitments	Outstanding direct loans and loans guaranteed
Direct loan obligations	14.2	[1] 49.0	219.9
On-budget	1.9	31.6	97.6
Off-budget	12.3	25.6	122.4
Loan guarantee commitments	46.6	98.4	399.7
Government-sponsored enterprise loans	53.1	206.3	285.5

[1] Total direct loan obligations equal on- and off-budget obligations, minus $8.3 in sales of assets by the Federal Financing Bank.

Overcoming political difficulties inherent to making budget policy may prove impossible at times. But not always. The trend $200 billion deficits is so grave economically that the

future of our economy and the economies of many of our world neighbors, the quality of our lives, the future prosperity that our children may enjoy are all at stake. Deficits will have to be reduced. But that already difficult decision is made even more difficult because the severity of the problem is camouflaged by the recovery.

It may be that the current impasse between the White House and Capitol Hill is not surmountable. But there are two hopeful possibilities. One is that the message that deficits do matter will catch on, and concern for addressing the issue will be raised anew. The other is not without costs, in the event that the recovery takes a painful bend downward much sooner than expected, legislators may be forced by renewed inflation or climbing unemployment into crisis action to bring down the deficits.

BRINGING DOWN THE DEFICITS

The simplest method is probably the most difficult. That is to discipline ourselves, to enact the mandates of the budget resolution, and to stay within the 302a and 302b spending allocations when passing appropriations. Only a hopeless optimist, like me, would think the simple solution would work.

Another method is to require reconciliation within 60 days and provide sanctions against committees which fail to meet their reconciliation instructions. Further enforcement powers might include allowing the Budget Committee to amend unreconciled legislation up to the levels of the Budget mandate. Rconciliation is the most effective tool for congressional control of Federal budgets.

The President proposed a contingency tax in his January budget request. The contingency would not go into effect until 1985. It was designed as a standby measure to insure that budget deficits for 1986 and beyond would not exceed 2½ percent of GNP. The tax would raise receipts by $46 billion in 1986. At this point, there is not much chance of the contingency going into effect.

Almost without exception, every economist who testified before the House Budget Committee early this spring told us that taxes should not be raised during a recovery. The $73 billion in 3 year new revenues included in this year's budget resolution, could, in my judgment, reduce the investments and savings which are needed if we are to sustain and strengthen the recovery.

Since there is not much chance of enacting anything more than a few billion in new revenue legislation, we cannot rely on that method for deficit reduction this year.

Eventually, revenue increases are clearly going to have to be a part of any comprehensive deficit reduction package. The CPI minus 3 percent proposal introduced by DANFORTH/BOREN in the Senate is a bipartisan proposal worthy of serious consideration. Outlay savings would be $4.4 billion in fiscal year 1985, $11.4 billion in fiscal year 1986, $18.6 billion in fiscal year 1987, and $25.8 billion in fiscal year 1988. Total outlay savings would be $70.2 billion. Revenue increases would be $3.6 billion in fiscal year 1985, $10 billion in fiscal year 1986, $17.3 billion in fiscal year 1987, and $25.7 billion in fiscal year 1988. Total revenues would be $56.6 billion.

Over the 4-year period, total deficit reductions from CPI minus 3 percent would be $126.8 billion. That is a significant total; it could make the difference in the lifespan of our recovery.

Another proposal, offered in the House, would tie indexing to CPI minus 2. Total savings under this proposal would only be $77.5 billion. While that is nothing to sneeze at if there are no better offers, it would not be nearly as beneficial as would the CPI minus 3 savings.

The balanced budget proposal had its chance last year. While I ended up cosponsoring the bill, I did so as a last resort. We should look for more workable solutions which will enable us to deal in policy questions and lead to more responsible budgeting. The balanced budget amendment looks nice to constituents, but has doubtful legislative or disciplinary bite, and no real hope of becoming a part of the Constitution.

Some changes in the budget process might enable us to produce better budget bills. The first resolution should be made binding, and the second resolution should be eliminated. Deferred enrollment would be sacrificed by such an action, which is too bad, deferred enrollment is a good thing to have hanging over appropriators' heads. But the benefits of eliminating the second resolution out-weigh the cost of deferred enrollment. The second and third budget resolutions are too convenient a way to spend even more money.

Capital budgeting, so that infrastructure needs could be responsibly met, and accrual forms of budgeting should also be studied for their merits.

The annual problem with appropriations bills is that the majority of bills that the House passes exceed their 302(b) spending allocations. The 302(b) allocations are the subdivisions made by the Appropriations Committee to each of its subcommittees. They are the budget benchmarks by which appropriations bills are measured, but these allocations are exceeded time and again. Budgetary discipline could be strengthened if a two-thirds majority vote was required to pass any spending bills which exceed their 302(b) allocations. I have introduced a bill, H.R. 3451, which would require the supermajority discipline and might give Members a chance to think twice before voting for spendthrift spending bills.

Entitlement reform needs to be studied. The group that does the studying, though, will need some form of shelter. No one committee should have full responsibility, because as the nondebate on social security last year proved, no person or group is going to want to lay their heads on the entitlement chopping block, at least not without a lot of cross-jurisdictional company from their congressional comrades.

There are a variety of proposals for entitlement reform. Entitlements could be put into a rescission/impoundment mode. Sunsetting legislation ought to be reviewed; the CPI minus 3 and CPI minus 2 proposals should be considered. Perhaps we need to resort to a summit meeting on entitlements between the President and the Congress, or perhaps another Presidential Commission should be appointed.

Congressman OBEY has proposed an omnibus budget approach which the Beilenson task force on the budget process is currently considering. The Obey approach would be to lump together all the spending legislation with the budget aggregates and then bring it all to the floor, where after a 1 month "Donnybrook", there would be a vote. Representative OBEY raises some interesting issues, but it is my feeling that his bill would not only fail to bring deficits under control, but also would increase them further. As it is difficult to practice spending restraint with continuing resolutions, so I believe it would be with the Obey proposal.

After Watergate, we controlled impoundments. Now it is time to decontrol them.

Senator BOSCHWITZ has introduced a plan which would place a 5 percent, across the board, lid on budget increases. Every program would increase 5 percent per year for 5 years. Although exact numbers for savings from the Boschwitz plan are not yet available, the Senator expects that his proposal will bring the budget into balance. Anything that suggests reducing deficits is worthy of consideration.

Those who support the repeal of indexing our tax schedules have not been forgotten. Repeal between 1985 and 1988 would increase revenues by nearly $100 billion. However, 78 percent of the tax increase would fall on those earning less than $50,000 per year. In my judgment, repealing indexing is very bad tax policy. If there is a trade off of large spending cuts, indexing might be sacrificed reluctantly, but it should not be considered in isolation.

Suggestions from opinion leaders in the business community have been helpful in the battle to come up with solutions to the deficit problem. The bipartisan appeal group proposed spending cuts of $60 billion in 1985, defense spending cuts needed to save $25 billion, and revenue increases of $60 billion. Total deficit reduction for fiscal year 1985 would be $145 billion, or $175 billion when reduced interest payments are included. The members of the bipartisan commission are to be highly commended for their efforts to seek change. Like them, I believe that we cannot put off deficit reduction measures any longer.

A recent proposal by Representative KEMP to restore the line item veto is sound policy. It ought to be enacted immediately. Without the line item veto the President's power to veto separate appropriations bills is highly restricted. The line item veto could well help us to insure that responsible budgets are being passed.

Congressman PANETTA has offered a biennial budget bill. The first year would be spent on oversight and authorizations, the second year would see the passage of the authorizations bills and the budget resolution and appropriations. In my judgment, biennial budgeting will not help the deficit situation. Economic forecasting will be very difficult, and the process which we now have would most likely remain the same, only stretched over a 2-year period instead of 1.

CONCLUSION

Whatever method is chosen for breaking open the huge deficits is not nearly as important as is the congressional resolve to take action. Every dollar of deficit reduction means one less dollar of Federal borrowing to compete with private-sector financial needs and one less dollar of debt that will have to be serviced by future taxpayers. Americans everywhere are complaining about the economic mess caused by unrestrained spending. It is well past the time for us to step forward and fight the battle against deficits, and to pave the way for an economy that can sustain the current recovery while continuing along a path of steady growth.

Every possible device or procedure to reduce the deficit must begin with a willingness to make changes. As long as Congress shows no self-discipline, its deficits will grow. The current profligacy will continue until Congress decides to change it. So far the Congress has opted for high deficits. I am enough of an optimist to believe that change is possible, but there is as yet no evidence of change.

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Mr. REGULA. I thank the gentleman for his contribution. He made a point that is extremely important, and that is that there are no uncontrollables, that we can make conscious choices, and therefore this body, if it chooses to do so working together with the administration, as the gentleman from California pointed out earlier, can address the problem if we have the will to do so.

Mr. Speaker, I yield to the gentleman from Minnesota (Mr. PENNY).

Mr. PENNY. Mr. Speaker, I rise to join my colleagues from both parties in this discussion of the Federal deficit. I commend the gentleman from California (Mr. PANETTA), and the gentleman from Ohio (Mr. REGULA) for organizing this special order.

Two hundred billion-dollar deficits alarm us all. They are alarming because they threaten the fragile economic recovery.

These deficits threaten to choke off the recovery by absorbing most of the savings available for investment. The result? Higher interest rates, reduced exports, less economic activity. This means fewer jobs, fewer farms, and fewer small businesses.

In the First Congressional District of Minnesota, these are the concerns.

People are becoming more hopeful as interest rates drop a bit. People are pleased that unemployment is coming down slightly from the 10.5 percent of just months ago. But they are worried by the prospect of rising interest rates resulting from the deficits.

From the statements made last week, I know that the macroeconomic implications of this growing national debt were carefully discussed. I want to talk about microeconomics, about what the fallout from a large and growing Federal deficit would mean for individuals in southeastern Minnesota.

In southeastern Minnesota, farming and small businesses are the backbone of the economy.

High interest rates are one of the most devastating blows that a farm can receive. It pushes up the cost of seed, fertilizer, machinery, and other purchases for which a farmer must borrow to finance. Alarmingly, the highest portion of farm production costs in Minnesota last year was the cost of interest. High interest rates can take a viable, efficient, farm operation and destroy it. Family farms in Minnesota have suffered recently from low prices, the dairy assessment and the current interest rates. We must not penalize them still more in the future with even higher interest rates resulting from huge deficits that we refuse to control.

Reducing the deficit would also be a major contribution to the small businesses in the first district. Unlike major corporations, small businesses do not get preferential interest rates from banks. Yet small businesses have the same needs for capital. If we want to help small businesses, the businesses that create most of the new jobs in this country, we must get interest rates down to more reasonable levels and keep them there.

The same is true for home buyers. For people who want to buy homes, the interest rates we have now are still too high. The deficit has the potential of pushing these interest rates still higher.

If more people are unable to buy homes, obviously, the homebuilding industry will again be on the rocks, resulting in fewer jobs for construction workers and fewer jobs in related industries.

Farmers and working people will also be hurt by the effect high interest rates have on exports. When interest rates are high and the dollar becomes more valuable, our products cost more overseas and imports from other countries cost less. For farmers, that means fewer grain sales to other countries. For industrial workers, it means another economic slowdown here because we will export fewer of our products and import more. Reducing the Federal deficit to lower interest rates would be a major assist to the hard working people of southeastern Minnesota.

Because I believe that we must tackle the deficit issue, I supported the bipartisan compromise budget resolution. It represents a balanced approach to deficit reduction an approach that is essentially fair. However, more can and must be done. If we can move forward with balance and fairness in our efforts to reduce the deficit, we can achieve lower-term interest rates and revitalize the economy in Minnesota's First Congressional District and accross this great country.

Mr. REGULA. I thank the gentleman for his contribution. I think he makes a very important point, and that is that the high interest rates impact especially heavily on the small businessman, the small farmer, the entrepreneurial individuals who want to build a constructive enterprise.

Mr. Speaker, I yield briefly to the gentleman from Ohio (Mr. WYLIE).

Mr. WYLIE. I thank the gentleman for yielding.

Mr. Speaker, may I commend the gentleman from Ohio and the gentleman from California for taking this special order on this most important subject. They are performing a great service for our country by allowing us this opportunity for discussion of this vital subject.

Mr. Speaker, while there is a great deal of debate over the impact of budget deficits on interest rates and the economy, I am convinced that future large deficits could do great harm to the economy. The mammoth size of projected deficits raises expectations about inflation and heavy Government borrowing that keeps interest rates high. Another round of rising in-

terest rates could send the economy into a tail spin.

The question then is, what do we do about future deficits? There are only three ways to reduce future deficits: First, there is a possibility that they could be reduced through faster economic growth, which would increase Federal revenues and reduce Federal outlays, second, reduce Federal spending, and third, increase Federal taxes.

Those are the options. Singly or in combination, there is no other way to reduce Federal deficits. It is the prospect of more Federal spending which is likely to reduce the prospect of the first.

It is spending, not tax cuts that are out of control. We must tackle the deficit through spending restraint. Increased tax rates are not the way to go. They stifle economic growth and aggravate deficits. To illustrate the power of economic growth, the Congressional Budget Office has estimated that, starting this year, if real GNP could grow 1 percentage point faster than projected over the next 5 years (e.g. 5 percent instead of 4 percent) the 1987 deficit would be $83 billion less than forecast. (We are off to a good start in 1983.) A 2 percentage point increase in the rate of growth in real GNP—6 percent instead of 4 percent—would result in roughly a $166 billion reduction in the 1987 deficit.

I am aware of the difficulty of attaining that fast a rate of economic growth on a sustained basis. But apart from the economic growth issue, everyone should be convinced by now that tax increases do not reduce deficits. There seems to be a natural tendency that whenever tax revenues rise, Federal spending rises to absorb it, and more, and the deficits go on. For example, from 1976 to 1983, Federal receipts doubled, from $298 billion to $600 billion. Over the same period deficits more than tripled, from $66 billion to $207 billion. The best way to stop Federal spending is to turn off the tap. Government always seems to spend any revenues it can get its hands on.

We all know that spending cuts are tough to achieve. I am a political realist. We have done about all we can do in the so-called controllable part of the Federal budget, comprising about one-fourth of the budget total. To get the job done we will have to turn to the big ticket items—entitlements and defense.

On defense—27 percent of the budget—I think there are some things we can do that will have large dollar impacts, without compromising our security.

On entitlements which represents 48 percent of the budget something must be done to reduce increases in benefits. The Greenspan Social Security Commission was successful in developing a package which passed Congress virtually unscathed. It gives us great hope that this, heretofore, politically untouchable sector—entitlements—is indeed touchable.

There is a chance that economic growth will be high enough to generate sufficient revenue at current tax rates to bring the budget close to balance by the late 1980's. But it is remote. We need time to determine how helpful economic growth will be in cutting the deficit. In other words, we need to buy time to deal with our fiscal problem, but to do so in such manner as to assure financial markets that the deficits in the outyears will be dealt with in an effective and timely manner.

It is the outyear deficits that are of greatest concern to me. The 1983 deficit, which was mostly recession induced, will be history in 10 days. Perhaps, the 1984 deficit of $170 to $190 billion need not be all that worrisome because of the prospects of healthy profits and strong business cash flows. But when we get into fiscal years 1985, 1986, and 1987 it is another matter. The prospect of huge $200 billion plus deficits, over 5 percent of GNP, would absorb most of our net national saving, ignite inflation, and bring back sky-high interest rates, and then we can pity the U.S. economy and the world economies.

For Congress to let this legislative year pass without making a convincing start toward controlling deficits would be a disaster for the economy. But options for dealing with so complex a problem are limited and no one approach is fully satisfying.

This brings up my final point. I think the proposal that offers considerable promise is for Congress and the administration to join together to create a blue-ribbon, bipartisan "Commission on Spending and Taxes" [CST], whose members would be directed to report back in January 1985 with recommendations for dealing with the outyear deficits that threaten the economy. The Congress could lead the way with in-depth hearings by its tax-writing, budget, and economic committees to establish the parameters for the CST studies, highlight questions to be answered, and provide credibility for the overall effort. Congress might direct the CST to examine new built-in devices to counter congressional spending bias, take a hard look at just how much Government we really want or can afford, question whether—if spending restraint is assured—large amounts of revenue are needed in 1985, 1986, and beyond. If so, how do we raise it?

The deficit commission idea—patterned after the social security, the MX, and the Central America Commissions—to deal with extremely tough political problems (and there is none tougher than budget deficits) has a lot of merit. I understand that the notion for such a Commission was first floated by business consultant Horace Busby, former aide to Lyndon Johnson. Republican consultant, Charls Walker, is strongly pushing the idea. Alan Greenspan has called for a variation on the commission idea—an intergovernmental summit meeting of the President, the Speaker, the Senate Majority Leader, and the chairmen of the congressional tax-writing committees. The key is that the Commission or Summit must be fully bipartisan. Otherwise there is no hope for success.

I believe the Commission approach is worth a try. A polarized Congress in a preelection year finds it exceedingly difficult to deal with taxing and spending issues. The Commission can serve as a political heat shield, and can develop the budget recommendations in a detached, objective way. Witness the success of the Social Security Commission. Congress rushed to approve that commission's recommendations, embraced by both the President and the Speaker, with very few changes.

The Constitution and the budget process are not violated. Congress still retains final authority. It can accept or reject the Commission's recommendations.

Maybe economic growth will be so strong that our future deficits will melt away like dew before the rising sun. That would be nice. But I am a realist on this. Strong recommendations from the CST Commission on spending restraint may well be necessary. If proposed by a bipartisan commission, or an intergovernmental economic summit, these budget-reducing proposals, like the Social Security Commission recommendations, may be easier to swallow and easier to enact than if Congress tries to fight them out among themselves. I think we should try it.

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Mr. BROWN of Colorado. Mr. Speaker, will the gentleman yield?

Mr. REGULA. I yield to the gentleman from Colorado.

Mr. BROWN of Colorado. Mr. Speaker and my colleagues: The deficit in our budget in this body is a bit like the weather. We all like to talk about it, and yet when it comes time to do something about it we seem very short of strong action.

The truth is that we have not been willing to face the unpleasant truth that is before us. The truth is that we cannot continue on the road we have traveled, for if we do, we lie not ahead in terms of what we would like, we lie ahead with disaster, a disaster that we cannot avoid, that we must face up to now and resolve.

I often hear colleagues concerned about the deficit but willing to dismiss the consequences that they face, dis-

miss the deficit, and dismiss the overwhelming burden that has built up over these past years, that it has not been a great increase in terms of the percent of the GNP, and the reasoning goes that the GNP has grown greatly and that the deficit, while big, and the budget deficit accumulation over the years while large, has not appreciated that much in terms of the percent of the gross national product.

But the real way to look at that is not in terms of just the debt that we owe. The real way to look at it is the cost of carrying that debt, the cost of supporting that debt, the work that must be done by every working American to pay that bill for interest each year. It is almost overwhelming when you think that every single, working American in this country next year will be asked to come up with almost $200 to pay not the interest on the national debt but to pay the interest solely on the increase in the national debt just for this last year; $200 for the increase in the national debt for 1 year, and that is only the interest. That burden could well go on until we face up to the problem, year in and year out.

So I thought I would share a few thoughts with you this evening, first of all as to what the interest burden is, because that is the proper burden we have got to look at in examining the impact of these deficits, and second, what portion of the defict we pay out in terms of interest, because the portion of our budget that we pay toward interest has gone up dramatically.

First of all, with regard to the interest, let me draw my colleagues' attention to the chart over here on my left. It is a chart that simply records the portion of the budget that is expended with regard to interest payments on the national debt. It does not record payments with regard to the trust funds that have huge deficits. It is only the money that the American Government goes into the market and borrows each year.

It has gone from a little over $6 billion in 1955 to an almost fivefold increase by 1975, to a $33.5 billion level. So in those 20 years it increased more than fivefold. In the next 5 years it doubled from that previous level, up to $75 billion. In the next 4 years, the estimate is that in 1984 it will be at $148.6 billion, almost double again in 4 years.

The fact is, it is more than 23 times as large as it was in 1955. I often hear referrals to our budget problems and the interest cost and the impact it has in terms of "crowding out." All of us are familiar with that term. Anyone who travels the Metro in Washington, D.C., is familiar with that term.

But in budgets we refer to crowding out as what takes place in the marketplace when we go in to borrow money to sustain governmental activities, and we are familiar with the impact it has with regard to interest. Interest rates are dramatically higher now because of our failure to face up to that budget problem, but the crowding out does not stop there. As has been addressed tonight, it has also crowded out the savings in this country. A country that once had one of the strongest records of personal savings and capital formation of any country on the face of the Earth now has the lowest formation rate of savings of any major industrialized country on the face of the Earth.

Part of it is a result of our continued deficits and the crowding out with regard to the personal individual and their ability to save.

But the crowding out I want to draw your attention to is a different one. Much of our focus here is concern about people and the way they are affected by programs. The crowding out I want to draw your attention to is the crowding out that results in the Federal budget, the simple elimination of our ability to fund essential, good programs because we have to pay for the debts of the past.

Take a look for a minute, if you would, at the chart. All the chart is, is a representation of the percent of our budget that goes to pay for interest. It has followed a pattern that has ranged in the last few years from somewhere around the 8-, 9-, or 10-percent area to where it has exploded in recent years.

But what is the impact of that? The real impact of that is that portions of our budget which we value highly, which both sides of the aisle agree deserve top priority, have suffered, whether it is the President's office itself, which has dropped to one-fourth of the percent in the last decade, it takes up one-fourth of the share of the national budget it did 10 years ago, or whether it is education, training, employment, and social services, which is an important ingredient in our budget. That has gone up dramatically in spending, but interesting enough, the funds for education that we prize so highly, as a portion of the budget, have dropped dramatically.

National defense has been discussed greatly. In the last decade, the funding we have spent on national defense has gone up, but the truth is, the portion of our budget that goes to the protection of our budget has dropped as well.

What does it mean? It mean when we take the share of our budget from 8, 9, and 10 percent for paying interest to almost 18 percent, which it will be next year, what we have done is eliminated 8, or 9, or 10 percent of the budget that can be used for important programs that serve people, that serve America, that make our country stronger. It means that our ability to help people has been diminished. It means our refusal to face the problems with regard to the budget has reduced our ability to fund the programs so importat to our country.

We are crowding out. Our crowding out is not just in the marketplace for interest and not just with regard to the individual and the pinch on his or her pocketbook. The crowding out has come in our own budget as well.

What is the effect if our continued deficits? Can we ignore them, as some would say? The truth is, the cost of carrying those deficits, the cost of carrying the national debt, is becoming a crushing burden. There is no question that the continued deficits are going to cause higher interest rates. Each and every one of us is aware of that. There is no question that those high interest rates are going to cause higher unemployment, not lower unemployment.

The programs that we talk about with such enthusiasm to solve the problems of this Nation cannot solve the unemployment problem unless we cope with those interest rates.

What about crowding out? If we continue the deficit program that we have been on, it is clear that we will continue our crowding out of our ability to fund essential programs. So whether it is higher interest, or higher unemployment, or the crowding out of essential programs, the results of our continued ignoring of the deficit problem are bad.

I think many of us recall with some sense of humor the words of John Maynard Keynes, who was criticized at one point referring to the long-term effect of his programs and his suggestions. He replied quickly, pointing out that in the long term we would all be dead. The long term is now. The long term from the 1930's and 1940's and the irresponsibility in Congress of the 1960's and the 1970's has come to pass. In the 1980's we have to face that long-term impact.

It is a little like the auto mechanic who gets on television every now and then. He says: "Pay me now or pay me later." We are at that point. We can pay the piper now and face our problems with regard to the deficit and stop increasing spending for a year or two and bring this problem under control, or we can pay him later. And pay him later we will, because we have no choice.

The problem has grown to such an extent that we have to face it, because our very ability to fund this Government, our very ability to meet our obligations, our very ability to keep the economy moving, is endangered by our irresponsibility with regard to this debt burden. So indeed it is pay me now or pay me later. Let us hope the Representatives in this body who care so deeply about people will understand that those who vote to control spending indeed care about people. Perhaps

they care about people far more than those who would avoid the realities.

□ 2040

Mr. REGULA. Mr. Speaker, I thank the gentleman from Colorado (Mr. BROWN) for his valuable contribution. I think he highlights one of the serious problems of this deficit situation.

Mr. GEPHARDT. Mr. Speaker, will the gentleman yield?

Mr. REGULA. I yield to the gentleman from Missouri.

Mr. GEPHARDT. Mr. Speaker, I thank the gentleman from Ohio for yielding, and I thank the gentleman from California as well for taking this time and allowing us to have this discussion this evening on an issue that I think is the most critically important of any problem we could talk about in our national life at this time.

I am going to focus my remarks on how we deal with the problem. I think that previous speakers, both this week and last week, have done an excellent job of explaining why deficits are a problem, and I doubt that there are any Members in this body, or in the Senate, or any economists in the country who do not agree that the deficit path we face in the next 5 or 10 years creates terrible pressures in our economy and complicates any reasonable kind of economic performance.

I think what we need to do is focus on what we do about it, and I would like to focus tonight on two problems that I think the Congress faces in dealing with this issue that make it very, very difficult. One is a problem that Congresses in the past have always faced, and that is that we in our democracy over 200 years ago decided upon a system that diffuses power today as much as one could diffuse it.

Our forefathers decided that we would have a system where the President would be checked by a committee of 535, and so to come up with a consensus on a difficult economic policy like a budget, we have to have a committee of 536 forge a consensus, and that is a very difficult thing to do. In effect, we have 536 ideas of how the budget should be brought into control, and because of that we find it very hard to get a majority in either the Senate or the House to reach that control.

In addition, this is all complicated by the fact that for the first time in our congressional history perhaps, other than in the social security situation, we now are faced with politicians going to the voters every 2 years with the unenviable task of taking something away from them that was given to them by previous Congresses perhaps as long as 20 years ago.

I think it used to be common in this body to vote on bills that gave our constituents things, but in the last few years we have had to take things away, and that is not a happy political activity.

So all of that together, to me, means that it is almost an impossible political situation. We are in a political gridlock. We have the President's idea of how the budget should be controlled, we have 535 ideas here, and we have not enough agreement to make any of those ideas happen.

I really think that what we need to do in order to figure out how to tackle this problem is look at the model that was offered by the social security consensus that was forged earlier this year. I think it is important because that is the only time I can remember in our history when we have as a body of 536 decided upon a way to take some very important benefits away from people. There were some elements in that compromise that I think are important to look at and to use in the budget situation.

First, there was political necessity on the President's part, on the Congress' part, on Republicans' part, and on Democrats' part. Everybody felt an overwhelming necessity to get the problem solved. I am not sure we are there yet on the deficit. We may not be there yet until interest rates spike up or until the economic recovery starts to abort. I hope we do not have to wait that long, but I think we probably will, until everybody feels the need, the compelling need, the overwhelming need, to do something extraordinary to solve the problem.

Second, obviously the approach that was used involved everybody. The President was represented in the Commission, and the Congress was represented in the Commission. It was obviously bipartisan, between Republicans and Democrats and between the President and the Congress, and, importantly, there were outside constituencies represented on that Commission. We had both business and labor, as well as senior groups, that were represented at that table, and they felt a stake in the outcome that was arrived at.

I think that is an important thing to remember. I am not so sure that the President and the Congress alone can solve this problem and bring off a political solution.

Third, there was a political truce, and I do not think we can underestimate the importance of that. I heard Members come onto the floor of this House during the first 5 years I was here and give speeches that they would never, never cut social security. We passed resolutions by a vote of 400 to nothing that we would never cut social security. We passed resolutions that we would never, never include Federal employees in social security. We passed resolutions by votes of almost 435 to nothing saying that we would never tax social security benefits. And yet Members who made speeches on behalf of those resolutions stood in their offices here on Capitol Hill and gave speeches back to their interest groups saying they were going to vote for this compromise because a political truce had been reached.

The SPEAKER pro tempore (Mr. PENNY). The time of the gentleman from Ohio (Mr. REGULA) has expired.

THE FEDERAL DEFICIT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. PANETTA) is recognized for 60 minutes.

Mr. PANETTA. Mr. Speaker, I thank the Chair, and I yield to the gentleman from Missouri (Mr. GEPHARDT) so he may complete his remarks on this subject matter.

Mr. GEPHARDT. Mr. Speaker, I thank the gentleman for yielding, and I will be very brief.

My point is that a perception changed in Representatives' minds, and the perception that changed was that somehow they could vote for something to which they were diametrically opposed a couple of years before because there was a perception that they could vote for it and not be irreparably damaged politically since there has been a political armistice on this important issue. They felt that they could vote for it and have a hope of being reelected again. I think that we are kidding ourselves if we think anybody is going to vote for a budget compromise, with all the pain in it that we know has to exist, without that perception being changed.

Fourth, there has to be an even pain. A lot of Members here have talked about how defense has done this or that and how entitlements have done this or that. Let us not kid ourselves. In social security the pain was evenly divided over 75 years between tax increases that hurt the taxpayers and benefit cuts that hurt the recipients. It has got to be the same kind of arrangement here. The same philosophy has to be followed in working out a budget compromise.

And last, and perhaps as important as any of it, was the fact that once that compromise was arrived at by the Commission and all the parties had signed off, that package came to the Congress and was passed without any significant change. That is the way it has to be done here, because if we come back and start changing it—and believe me, we will still have 535 ideas about how it should be changed once we have got it—we have got to hold hands and hold those hands tight and not change one word of it, because once the elements of the society that have to be at the table have signed off on it, they have to stick. They have to stick through the whole process,

through all the heat, through all the pain, and through all the frustration that will go on during the debate on the package that is arrived at.

So I, with all humility, submit that we should look very closely at the social security experience. I think it provides for us a road map. I am not sure it needs to be exactly parallel, but it provides us with the road map that we need to use to solve this overwhelming deficit problem that we have.

Mr. Speaker, I thank the gentleman for yielding.

Mr. PANETTA. Mr. Speaker, I thank the gentleman for speaking to this issue, and I think the ideas he has addressed are valid.

Certainly the process that has to be involved in trying to find an answer requires the kind of consideration that went into the social security process, because there is no way to deal with this problem unless we can bring all those various parties together. The decisions are just too painful without that kind of unified approach to any answer.

□ 2050

Mr. Speaker, I yield to the gentleman from Florida (Mr. MACK).

Mr. MACK. Mr. Speaker, first of all, I guess I have a couple remarks about the Commission that has been discussed. It may be the way we are going to have to go to solve it. I guess I have some concerns that really we have the responsibility to try to work those problems out. I have heard people mention that we had a commission on the MX, we had a commission on Central America and a commission on Social Security. In essence, we are turning over our responsibilities to commissions.

It may be that in the very real sense, in the political sense, the only way we can accomplish the goal that we all want is to get some sanity back into the spending and taxing policies of this country and to turn it over to a commission.

I would hope, though, that we would have the political will to do it ourselves.

I speak, I guess, from a position of having only been here 8 months and having come from the banking business, and realizing that there is a very real impact that the deficits have on this country, specifically having to do with interest rates.

I think there are two impacts that deficits have as far as interest rates are concerned. The first one is the one that we are really experiencing today when we talk about the difference between real interest rates and the interest rates that we are experiencing, that is, what inflation, the anticipation of inflation is having on interest rates.

Again having the experience of being in the banking business, I remember back in 1973 and 1974 where those of us in Florida who were very active in real estate financing, even though we were in a commercial bank, we made the decision to help our communities grow by investing more dollars in long-term financing and things were going great until inflation seemed to be getting out of control.

We related that inflation to Government spending; so we found ourselves after a few years of heavy investments in long term real estate mortgages, finding ourselves having to pay high rates on savings and yet we had a fixed rate on our mortgages. The end result was that we were losing money.

Things changed. When 1979 rolled around, and in between that we decided, OK, we are going to go back in. We have got to help our communities again, so we invested more funds in long term mortgages and we got burned again in 1979.

I think basically what is happening in the financial markets today and in local community banks is that people are scared. They are looking to the future. They have heard the numbers that my colleague, the gentleman from California, mentioned a little bit earlier, the $1.23 trillion of deficits between now and 1988 and they translate that to what impact those dollars, those deficits, are going to have on inflation and they say, "Look, I am not going to make long term real estate mortgages at today's, what should be today's real interest rate. I've got to protect myself."

So I think one of the things that deficits clearly do is impact the attitude of the financial market about where the rates should be.

The second thing that happens, and I go back to the experiences I had the first several days that I was here in Congress at the hearings that we had on the Budget Committee. The very first statements were that we were looking at deficits, you know, in 1984 and 1985 in the $180 billion to $200 billion range.

The significant point that was made was that if we do that, we are going to consume 94 percent of the net private savings of this country. If that occurs, then we are going to see this thing that we have all talked about crowding out, or the clash between the private and the public sector.

I do not think there is any other way, other than for interest rates to go back up, unless we here take control and reduce the size of those deficits.

Let me move on to a couple causes, because I think that is one of the things we are trying to identify here. It is not only are deficits a bad situation. A couple of things hit me as I went through the process of learning the ropes here in Congress. The first one occurred when I made the first vote. It was a very small vote as far as the immediate dollar impact. I do not know whether you recall that particular vote we had, but that was whether we were going to establish a new committee here in Congress, a select committee in Congress. As I walked around and asked people what they thought about setting up a new committee, what it was going to cost, what it was going to be able to accomplish, how much staff we were going to have, everyone said to me, "We don't need another committee. It costs too much money. We will have to hire more staff."

So being a relatively bright individual, I came to the conclusion, well, I guess that everybody is going to vote against that new committee. Well, that was not the case. Thirty-four other individuals and myself, 35 of us voted against that particular committee. The committee was called the Select Committee on Families and Children. What people said to me afterward was:

> You know, you can't vote against something that is called families and children, because if you do, when you go home to run your campaigns two years from now, you are going to have a candidate who is going to say, "You know what, that fellow over there voted against families and children."

The point that I am trying to raise is that we are going to have to have some political courage and say that we are going to have to stop spending in many different areas if we are going to have an impact on the growth of spending.

The other thing occurred just recently and that was, I was attempting to get a particular project in my district to be included in some report or at least to be included to where it would have a chance to be funded. Without getting into the personalities involved, I basically was taught my first political lesson. If you want to get something for your district, you have to help somebody else get something for their district.

I happen to believe in this particular case that the position I have taken is the right position; reduce spending, cut out a certain project; but I found out if I took that position of cutting out that person's project, I had absolutely no chance of getting the funding for my particular district.

I guess at this point I am fortunate enough to come from a district that I think would rather me take the position of saying that I will give up what we need in order for me to keep up the fight of cutting out some things in other areas.

The point that I am making is that those are political things. Those are psychological reasons that impact why we do things in this House, which leads me to the conclusion that I have had for a long time. Some have men-

tioned it here and said that it is not what we should do, and that is to have a balanced budget amendment. I do not think a balanced budget amendment is the solution. It is something that is going to have to come after we have taken control of spending. If we could pass a balanced budget amendment, if we could tomorrow, we would not be able to balance spending and balance this budget immediately; so it has to be something that is done in the long run.

The last point that I would like to make is that during the last week I went down to my district, as I am sure many of you did, and had your town meetings. The question that I raised at those town meetings was, "If you had the opportunity to try to cut spending and control this budget, what would you do?"

We talked about how much money we spend on national defense, $213.5 billion was budgeted for 1983. We talked about income security, which is $277.5 billion, and we realized that we would have to treat the problem in both those areas; but I happen to come from a district that has the oldest people in the country. The average voting age in my district is almost 60 years of age. When I raised the question to them, what did they think we should be doing about automatic cost of living adjustments, what should we be doing about entitlement programs, their response, approximately 95 percent indicated we ought to either eliminate automatic cost-of-living adjustments or we ought to adopt some formula that reduces the increases in those benefits.

So what I am saying is that I happen to feel that the American people are willing to make the sacrifices in order to get spending under control. What they want to see is their political leaders have the courage to stand up and give them that leadership.

Mr. PANETTA. Mr. Speaker, I thank the gentleman from Florida.

I yield now to the gentleman from Colorado (Mr. KOGOVSEK).

Mr. KOGOVSEK. Mr. Speaker, I thank the gentleman from California.

Mr. Speaker, as other previous speakers, I wish to commend the gentleman from Ohio and the gentleman from California for putting together these special orders on a very important issue, not only this week but last week also, because I think it is this kind of discussion that is going to get us on the road to some kind of an economic recovery.

Mr. Speaker, I am not an economist and I am not a banker but over the last few months and years I have talked with a number of these people and we presently have a real contradiction about whether deficits have any impact on interest rates. Secretary of the Treasury Regan is not an economist or a banker either but it appears that he has not necessarily been talking with these people lately, he is just talking. The same may be said for Deputy Press Secretary Speakes. In last Sunday's Washington Post, the following exchange occurred between Speakes and some reporters:

Q. He (Reagan) said high deficits cause high interest rates.

A. Well, interest rates have been cut in half and the deficit has doubled.

Q. Well, was he wrong Larry?

A. No. He is never wrong.

Q. Does that mean we could bring the interest rate down even further by tripling the deficit?

And so the press conference went. But even this information, on further investigation, is not quite accurate. The deficit has not doubled, it has more than tripled since the President took office, and interest rates, real interest rates have almost doubled. Granted, nominal interest rates are down, but it is real interest rates that are what count.

Secretary Regan said that there is no reason for interest rates to be as high as they are, that the deficit is not the cause, and that the banks are to blame. While the issue of banks keeping interest rates high is of continuing concern and should be investigated, I must question the Secretary's theory that deficits do not impact interest rates. If our current deficit, and our outyear deficits, are projected higher, in real and nominal terms, than any other period in this country's history, how can he so emphatically say there is no correlation?

If there is no historical precedent to operate from, then it is all mere speculation. But then again, Mr. Regan is a stockbroker by trade and he has made his life in the speculating business. That aside, let us look at some other facts.

In his state of the Union address, the President stated that the deficits we are facing are not rooted in defense spending nor are they rooted in tax cuts. And the fact is that the deficits come from uncontrolled growth of the budget for domestic spending, according to the President. That, like all economic beliefs, is theory, but on that theory I must take a different view.

I do agree with the President that the deficits are not caused solely by the increase in defense spending, but this is primarily because we have paid for these increases with a shift in the budget allocations between domestic and military spending. This includes cutting the funds for nondefense discretionary programs in half. These are people programs. So the defense increase was paid for, then why do we have these persistantly enormous deficits? I believe we must look toward the tax cuts.

It truly bothers me at times that those of us who voted against the administration's tax cuts because we believed they would increase the deficit, are continually labeled as big spenders, when what we said would happen has actually happened. I am not in favor of tax and tax, spend and spend. What I am in favor of is realism in our economic policy. Cuts in spending, where we can afford it, cuts in taxes when we can afford it.

Now, is it really coincidental that the budget deficit from fiscal year 1982 to fiscal year 1988 has been projected to exceed $1.1 trillion and during the same period, the revenue loss because of ERTA is projected to be $1.5 trillion? I think not. As a noneconomist, it seems to me that if we had not cut as much, as deeply, as fast, we would not be in the deficit crisis we are in today. The cuts were popular, to some, but they were not responsible economics. However, that, too, was a difference in theory, and I cannot blame the President, the administration, or Congress for trying them. I only wish those of us who did not support it would stop being chastised, and that we will change the course, so we may correct the situation.

In the economic report of the President for this year, it was stated, and I quote "with a limited amount of savings available for borrowing, high budget deficits would cause interest rates to rise . . ." Now, who are we supposed to believe? We have a President who campaigned on the horrendous effects of a $59 billion deficit. Now it is projected to be $200 billion for years to come. One person in the administration says deficits cause higher interest rates and hurt the recovery. And another says it does not. Mr. President, what is the administration's position? Regan says one thing, Feldstein says another, and Larry Speakes does not know. If deficits increase interest rates, which hurts the economy, please let Mr. Regan and Congress know your feelings. If they do not, tell us so we can act accordingly.

Since we, the Congress, get conflicting answers to our questions, it is up to us to solve the problem. Blaming the problem on a particular economic theory is one thing, but it does not solve the problem; that is something we must do.

If our fiscal year 1984 outlays are budgeted to be about $850 billion, and our fiscal year 1984 deficit is projected to be about $175 billion, we must ask ourselves if it is possible to reduce these outlays by the required 20 percent to balance the budget without touching defense spending or interest payments out of the budget. That leaves us with about $510 billion to find the money to balance the budget.

That computes to cutting this spending by more than 34 percent. Personally, I do not think this can realistically be accomplished. So what alternatives

do we then have? The President says he will veto legislation to raise taxes and it does not appear feasible to cut spending enough. Even with an economic recovery, this will not balance the budget. And, I do not think any one here wants to continue with deficits as they are projected. Must Congress try to override vetoes? I certainly hope not. What I prefer is to see all positions modify to create a bipartisan concensus.

A few months back, a group of individuals put together what they called a bipartisan budget appeal. This appeal included an extremely distinguished list of public and private sector leaders. They concluded that we should slow the growth in domestic spending, slow the growth in defense spending, and increase taxes. This was a three-part program, implemented as a program, and it makes sense to me. In fact, it sounds a lot like the recent budget that passed both Houses. We have slowed the growth in domestic spending. We have slowed the growth in defense spending. But we still have not come up with the fortitude to implement the third phase. If we only accomplish two of the three objectives, we will only reduce the deficit by a lesser amount. We need bipartisan leadership, and hopefully the administration's support, for enacting this three-part appeal.

Personally, I believe we have cut domestic spending and increased defense spending disproportionately. I would have liked to see less cutting of assistance to the unemployed, the undereducated and the older citizens. I am still willing to go along with a program that will make additional cuts in domestic spending, if we are going to really implement all aspects of the appeal I spoke of earlier. And, I would hope that those who would like other options would also modify their position so we can implement a real deficit reduction and budget balancing program.

I do not have all the answers, but I do have some questions. Nevertheless, I have been willing to cosponsor bills to slow the growth of the automatic COLA increases, to sunset many Federal spending programs, to go to a 2-year budgeting cycle so we can better manage our fiscal affairs. None of these are a panacea, but we must do something. We must reform our entitlement programs. We must make changes in our budgeting process that are necessary. We must reform our tax code to close down the tax expenditure drain. Basically, we must change our ways, and the only time Congress has shown the guts to make major reforms is during a crisis. Well, here we are. Let us not let this opportunity slip by. I look forward to working with all of you to make fair, equitable, and necessary changes. The deficits will not go away by themselves, but if we the Congress do not correct this situation, we will go away and others who are willing to face the challenge will take our places.

I believe this body can change with the times, and that we can make the hard choices to accomplish these goals. This special order session is a step in the right direction because, while this does not accomplish any specific proposal, it establishes a needed forum to start the discussion to come up with the solutions we must have.

□ 2100

Mr. PANETTA. I thank the gentleman from Colorado. He has made a valuable contribution to this debate. I think he has presented some thoughts that all of us can benefit from in trying to find the answers to this problem.

I yield as much time as the gentleman from New Hampshire (Mr. GREGG) may use in making his statement.

□ 2110

Mr. GREGG. I thank the gentleman from California and, like the other speakers on this very critical issue, I wish to commend the gentleman from California (Mr. PANETTA) and the gentleman from Ohio (Mr. REGULA) who, as members of the Budget Committee, have been leaders in the attempt to bring some order to our budgeting process and specifically have raised this issue of our deficit problems.

The discussion which has gone before over the last two special orders here has been excellent. It has concentrated to a great extent on the effects of the deficit, the crowding out effect, the inflationary down-the-road effect, and on the functions of the deficit, the fact that we have our deficit which is being driven by two factors: First, our spending side, which is a situation where we have 77 percent of our spending into three basic areas: defense, entitlements, and interest payments, three areas which we as a Congress have been unwilling or unable to address for a variety of reasons.

Second, the tax side, the tax benefit, tax expenditure side, which has created a Tax Code which is so chaotic that I myself, who, after law school, went to 3 years of graduate school in order to get an LLM degree, and I practiced tax law for 3 years, I, myself, have someone fill out my own tax forms. It is a mess and we all recognize that, and is a totally incomprehensible piece of legislation which needs to be dramatically changed.

Those areas have been discussed, I think, with excellence and with substance.

The area which I would like to discuss is what is the cause, and I think we have had some discussion tonight about what is the disease that these symptoms represent.

I think we have to at this point look ourselves in the face as a Congress and recognize that over the years we have produced an institution which depends for its election on constituencies who benefit from either spending or tax expenditures which we create. We have gotten to the point where we have created constituencies that are demanding tremendous amounts of spending in excess of the amount of taxes which they are willing to pay.

It is our fault for reacting to that constituency and not having the courage to stand up to those constituencies which are myriad in their forms. But it is also, I think, inherent in the nature of our Government that such constituencies would inevitably develop influence within the legislative process because those constituencies which are most interested in an issue, whether it happens to be a spending issue or a tax benefit issue or a tax expenditures issue are going to be the ones to bring the most influence on the determination of that issue because they have something to lose or something to gain.

And in a capitalist society the person who is going to make the money is the person who is going to be most involved in the issue and that is certainly true also of the constituency which is going to benefit from the Federal expenditure, the constituency which is going to benefit from the Federal tax expenditure.

I think Theodore White really hit the nail on the head in his recent book "America in Search of Itself" where he said that 50 percent or over 50 percent of America today depends in some way or other on the Federal Government for its sustenance and support and, therefore, it is not unusual that that 50 percent of America, which is a very activist political percentage of America, should elect to Congress people who are going to be reflective of their views.

The classic line that yes, you can cut spending but do not cut my program, or you can raise taxes but do not affect my tax subsidy, are the lines which really dominate us as a political body. Therefore we must face ourselves as the expression of the problem which is driving the deficits in this country.

In order to do that I would represent that there are basically three things that we can do as an institution to reform our ways in order to try to seek some way out of this morass, this political morass.

One of the things that we can do has been raised as a proposal by the two Members who have organized these special orders, the gentleman from California (Mr. PANETTA) and the gen-

tleman from Ohio (Mr. REGULA) which is the commission concept.

We have unfortunately had to shift to government by commission as we have straitjacketed ourselves on other issues.

I do not resist, in fact I think I would support, in fact I do support the concept of a commission. But a commission is really just a one-time solution.

This problem, since it is the gravamen of the issue which the Congress deals with, the issue of spending money and taxes, the subject is not going to be with us one time but is going to be with us forever. Therefore, although a commission may remedy the problem and cure the disease, I believe that unless we do something more fundamental to the way this institution is managed, we are going to find that the disease reawakens and it is malignant and it arises again. It may not, depending on the strength of the commission report, it may not arise for 5 years, 10 years, but then again, the way things work around here, it may arise within 2 or 3 years.

So I think beyond the commission we must look at a restructuring of the manner in which the House proceeds.

In order to do that I make a representation that as a member of the minority I am hesitant to do but I think we have gotten to such a critical stage we must do it. That is that we have to centralize some authority within the House.

We have gotten to be such a disjointed institution as a result of the concerns raised out of the early 1970's that we are no longer able to energize any sort of discipline, especially in the financial area.

It seems to me, and I recognize that centralizing authority inevitably threatens the minority, but it seems to me if we are going to get aggressive action in the area of spending, we are going to have to do it through having an authority within the House which can exercise that authority and exercise it with strength.

The logical authority for that is the Budget Committee which presently has before it the ability and has as a capacity the ability to exercise reconciliation. We have not readily utilized that tool.

Once we have utilized it effectively, but we have not utilized it as aggressively as we could utilize it.

I think that there are political constraints which affect reconciliation and make it difficult to utilize.

So I think what we must go to is beyond the reconciliation issue and there are now pending a numbe of ways to strengthen the Budget Committee's ability to get discipline into the spending processes of the House.

I would hope that as we go down the road we will seriously look as a body at some of these and some of the ones I would throw out are the institutionalization of 302 with some force behind it so that you could not waive 302 without significant vote of the House.

An attempt to go to a single budget resolution or possibly even an approach suggested by the gentleman from Wisconsin (Mr. OBEY) which is to go to a single budget resolution which actually involves an appropriation process within the budget process over a month's period.

But, in any event, something must be done to significantly strengthen the centralized authority and centralize more aggressively.

I realize that centralize may be too expansive a term because we will never do that as a Congress. But at least to identify within an organization such as the Budget Committee more authority and the ability to manage spending of the House.

A third element which I think we have to look at—and again this may be heresy for someone to raise—is the question of electability of Members of Congress. The reason we spend this money, the reason that we give these tax benefits is because we recognize that that is essential for reelection, that that 50 percent of the constituency or more than 50 percent of the constituency which Theodore White so adequately acknowledged to be out there which is electing the majority of this Congress is not going to elect us unless we take that action and, therefore, either we hide behind the broad brush approach, or we too often fail and fall prey to the interest groups which have elected us.

In order to address that I think we have to limit the electability of the Members of Congress. I have supported and continue to support a constitutional amendment which would limit the number of terms which a Member could serve in the House to 12 years, 6 terms, and in the other body to 2 terms, 12 years.

The effect of that, of course, would be to cause a different mind set amongst Members when they arrive here at the body. They would know that their term was limited, that this was not going to be their life's work, and that this would be a phase within their life.

Therefore, I think that they would address the whole issue of spending and the pressure that comes from their constituencies in a different tone and from a different perspective than the Members who presently serve here, such as myself, who perceive that our terms are only limited by our ability to get reelected and, therefore, there is constant pressure on us to be responsive to those constituencies which demand spending or tax benefits in order for us to get reelected.

So those I see as three substantive changes which we could make in the process and which would address the disease specifically.

First, the excellent idea of a commission.

Second, the centralization or identifying of more power into a unit such as the Budget Committee.

Third, the limitation of terms of Members of Congress.

I would also like to again congratulate the Members who have orchestrated this very timely and very important discussion on the issue of the deficit.

□ 2120

Mr. PANETTA. I thank the gentleman from New Hampshire for the valuable contribution he has made. He has made a thoughtful statement regarding the institutional problems that contribute to the deficit issue that faces us all.

GENERAL LEAVE

Mr. PANETTA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the subject of this special order.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. PANETTA. I also again thank the gentleman from Ohio for his cooperation in providing the special order. I thank the Members who have made a contribution to the special order in discussing the causes, discussing the problems both institutional and economic and discussing the potential solutions trying to deal with this deficit issue.

This is a serious problem, it is a serious challenge.

We can think of a million and one reasons why the Congress, why Members can dodge the reality of having to deal with this challenge. But the fact is that if it is not a political problem now, we are looking at the most explosive political problem within the next few months, because the deficit is such a crucial issue to economic recovery, to economic strength, to the ability of this country to respond to its responsibilities here and abroad.

So, ultimately we must face it. I guess, hopefully, these special orders have contributed to some sense of commitment that we have to face it now.

Mr. REGULA. Mr. Speaker, will the gentleman yield?

Mr. PANETTA. I yield to the gentleman from Ohio

Mr. REGULA. It has been interesting that in the course of the special order there seems to be some consensus emerging on the idea of a special commission. I would be curious as to whether the gentleman thinks that appointment of such a commission would give enough confidence in the

marketplace that there would be a willingness to wait for results from that without having this explosion in interest rates and some of the things that will result if we fail to address the deficit problem.

Mr. PANETTA. I guess my sense on what kind of particular tool is used is not so much committed to what we define that tool as, whether it is a commission, or summit meeting or whether it is a conference.

I think what is needed is to bring together that coalition of the executive, the legislative branches, business, what other areas are important to developing that compromise.

It appears that, obviously, the commission is the most viable tool that we have used over the last few months to try to respond to that problem and, therefore, I can understand why Members feel that that is a reasonable approach to try to take.

My view is the tool does not matter as much as the goal of seeking all of the players in one room to come up with that answer, because that I think is the most important thrust right now.

Mr. REGULA. If the genleman will yield further, if there were to be a consensus emerging within the House and the Senate and, of course, in the executive branch, would the present tool of reconciliation provide an adequate mechanism to accomplish the objectives that have been outlined? Assuming of course the consensus?

Mr. PANETTA. I do not think there is any question but that, as the gentleman from Minnesota pointed out, reconciliation is really the only tool of enforcement we have now in the budget process as the situation exists, as the gentleman well knows. Therefore, if in fact a commission or a summit meeting resulted in a consensus as to what steps needed to be taken I think it would not take us very long in the Congress to then implement those kinds of proposals using the reconciliation tool as the key process, the key legislative process for getting it accomplished.

Mr. REGULA. I thank the gentleman from California (Mr. PANETTA).

Mr. PANETTA. I thank the gentleman from Ohio (Mr. REGULA).

● Mr. SLATTERY. Mr. Speaker, I wish to commend the gentlemen from California and Ohio for arranging a discussion of what many would rather ignore—the enormous Federal deficit.

Deficits can be ignored only at our own peril. In my opinion, $200 billion deficits are the most urgent and overriding economic issue we face as a nation.

One prevalent view holds that our current mild recovery, which is starting to show signs of cooling off, will pull us out of danger. I have no idea if such a mistaken opinion is based on a sense of resignation or cynicism, but I do believe it is a false hope eagerly accepted by far too many in Washington.

Conventional thought holds that nothing will be done about the deficits until after the 1984 elections. The idea that deficits are of little consequence in an election year is even more of a risk than the famed riverboat gamble that helped propel us down this dangerous course in the first place.

We must return to reality. Operating in an economic dreamworld, with frail hopes and intentional procrastination, will only hasten the day of reckoning.

We were promised a balanced budget by 1984. Instead, we have record $200 billion deficits stretching out for years to come. A great deal of our troubles can be traced to the discredited notion that the economy will boom with two contradictory schemes: Enact the largest tax cut in U.S. history and embark on the most massive peacetime defense buildup of all time. As troubling as that contradictory theory was, we should be even more worried about mammoth deficits that will remain even if the economy does improve.

Huge future deficits have been built into the budget because of failed tax and spend policies. We will pay a horrible price for our past follies unless these deficits can be dramatically reduced.

The Morgan Guaranty Survey of August 1983 put the danger in perspective:

> Unless checked, the Treasury's red ink will add over $1 trillion to the public debt during the fiscal 1984–1988 period—a near doubling in just five years. If such a rise occurs and market interest rates remain at approximately present levels, the Treasury by fiscal 1988 will find itself facing about $220 billion of interest payments annually to service over $2 trillion of outstanding debt. Such an interest burden would be roughly equivalent to current spending on national defense.

The hazards should be obvious. Federal spending policies and the Government's bloated demand for money to finance its debt will continue to crowd out private investment. Federal spending this year will be 25 percent of GNP, a peacetime record.

Our unwillingness to create a sane spending policy means that the structural portion of the deficit will climb to an unprecedented 4 percent of GNP in 1987, compared to an average of 1 percent in the 1960's and 1970's when the economy was admittedly stronger.

The victims of ongoing Federal deficits will be ourselves and future generations unless the administration, the House and Senate, and the public can work together to reduce Government spending in a fair and responsible way.

Left untouched, the Government's voracious appetite for money threatens to consume 75 to 80 percent of net private savings in the United States.

The scramble for savings left after the Government satisfies its needs will result in higher interest rates that will cripple productivity, create more unemployment, and worsen our trade deficit. It is storybook economics to say there is no connection between deficits and interest rates.

Because the deficits will crowd out private borrowing needs, corporations and businesses will be unable to expand. I further believe there is a direct link between deficits and unemployment. The heavy financing needs of the Federal Government will create a massive obstacle to productivity, and particularly to small businesses, which are responsible for a vast majority of new jobs and innovation.

High interest rates have reduced the competitiveness of U.S. goods on the world market. Continued deficits will only worsen an already precarious trade situation.

The No. 1 industry in Kansas is agriculture. Farmers know all too well what high interest rates have done to their lives and business. They have suffered what I refer to as a triple whammy—high interest rates have hit them hard with huge operating expenses, appreciating land prices, and a noncompetitive price for their products in the world market.

An expanding economy will mean lower interest rates and reduced unemployment. A deficit-ridden economy will lead to intolerable interest rates, more unemployment, low productivity, and stagnation.

To avoid further calamity, the all-too-easy spending practices of the past must halt. The answer is a dramatic reduction in the growth of Government spending, and it will require courage on the part of everyone connected with the Federal budget. The President, the House, and the Senate have all had a part in creating huge deficits; now they must begin the process of bringing the budget under control.

It will not be easy because the choices are so limited.

The growth of defense spending should be limited. Some increase in defense spending is necessary, but not to the degree sought by the administration.

Second, we need to limit the growth of entitlement programs, which now account for almost half of the Federal budget. Benefits from nonmeans tested entitlement programs are important to millions of Americans, and current benefits should not be reduced. The rate of future growth in these programs should be moderated slightly. I believe the cost of entitlements is not uncontrollable but has rather been allowed to grow uncontrolled because Congress has lacked the will to impose discipline on this area of the budget.

Sufficient revenues should be raised so the Government can pay its bills. It

is interesting to note that the large income tax cuts are being financed by Government borrowing.

The fiscal condition of the Federal budget is intolerable and inexcusable. The choices for reducing deficits are painful, but they can be accomplished with commonsense, responsibility, and fairness.

All we need is the political will.

It may be politically unpopular to begin a deficit reduction plan, but we will all be paying a heavy price in a matter of months when the economy begins to sour again and the public realizes we failed to act.●

● Mr. OTTINGER. Mr. Speaker, I would like to commend my colleagues from California (Mr. PANETTA) and Ohio (Mr. REGULA) for calling this special order on the deficit. It is absolutely imperative that Congress act to reduce the swollen deficit; failure to act will invite economic ruin.

It is usual and proper to suffer a deficit during an economic slump, although the size of Mr. Reagan's deficit is unprecedented in our history. As employment declines, the Government spends more to compensate the unemployed and collects fewer revenues. But as the economy begins to improve, the deficit, under normal circumstances, should decrease. Despite the current "recovery" which the Reagan administration is touting, there are no signs of a shrinking deficit. On the contrary, the administration projects triple-digit deficits for the foreseeable future and there are indications that the recovery could very well be strangled by this deficit before it takes hold.

This enormous deficit has been brought on by President Reagan's misdirected economic policies. He slashed taxes and endorsed soaring military spending. He abandoned job programs, work incentives, and Government training efforts. He encouraged a restrictive monetary policy that discouraged investment. The outcome was the worst recession since the Great Depression, double-digit unemployment, a decimated revenue base, and $200 billion deficits as far as the eye can see. Only recently has this country begun to recover from this onslaught, though the so-called economic recovery remains weak by historical standards.

In order to shrink the deficit which is plaguing our economy our economic priorities must be redirected. Reducing the deficit requires a full-scale recovery which will produce a stable and thriving economy. We must institute an economic program which promotes high investment, high production, and the creation of jobs in every community for those who need work.

I have been working with a group of Democrats in the House on an maximum production plan: the national economic recovery project. The principles of the project are outlined in a statement "A High Production Strategy To Rebuild America" which has been endorsed by 153 House Democrats. We are currently drafting legislation, based on these principles, which will be introduced by the end of session.

The central thrust of the project is: High production, high investment, and maximum employment as the means by which we can bring about economic recovery, restore the tax base and reduce the deficit. Nancy Barrett, chairman of the department of economics at American University and formerly with the Congressional Budget Office, developed a preliminary series of economic scenarios based on the project's proposals. Under a variety of high production policy options, the study indicated that by 1984 deficits could be reduced to as little as $84 billion and by 1987, to $67 billion. The CBO estimates, the deficit will remain at an intolerable $179 billion under current Reagan tax and spending policies.

Let me briefly outline for you the goals of the project which will bring about economic recovery and reduce the deficit:

The Federal Government will nurture investment, innovation, and growth in the private sector. Business, labor, and Government will work together to rebuild our aging industries and promote new technologies. Funds will be provided to rebuild the national infrastructure. Meanwhile the Fed will to respond to national economic policy be reducing interest rates and insuring there are sufficient capital for investment.

The tax base will be restructured to close loopholes, encourage investment, and thus generate new tax revenues.

An inflation control program will be enacted aimed at controlling prices and wage increases through a tax incentive plan to reward wages and price restraint, together with specific measures to relieve inflation in the necessities; namely health, food, housing, and energy, which have led inflation in recent years.

The billions of dollars which have been poured into the Pentagon by the Reagan administration will be redirected to creating jobs and rebuilding industry. The defense budget will be cut to no more than 3 percent real growth thereby forcing the Pentagon to eliminate its blatant waste.

These policies will foster strong economic growth in the next 5 years. As our industrial capacity is rebuilt, as workers are rehired, the direct result will be a dramatic decrease in the deficit which is essential to sustained recovery. The tax base will be rebuilt as the economy begins to grow and produce revenue.●

● Mr. YATRON. Mr. Speaker, I rise to join with my colleagues on this most important discussion on the deficit issue. I want to take this opportunity to commend the gentleman from California (Mr. PANETTA) and the gentleman from Ohio (Mr. REGULA) for taking the initiative to focus our attention on the potential long-term impact of deficits and possible solutions to this problem.

Our economy is rebounding from the most severe recession since World War II. If this momentum is to be sustained, deficits must be brought under control in an effective and prudent manner.

A considerable portion of the deficit is recession induced. High unemployment means a loss of revenues to the Treasury and more emergency appropriations to stave off the catastrophic consequences of economic downturns. To a degree, the current huge deficit reflects the severity of the recession. There is still over 9 percent unemployment and industrial capacity in many sectors is still underutilized.

Therefore, we must continue to address the unemployment situation in all its dimensions. We cannot expect significantly lower deficits while over 9 percent of our population is unemployed, and there is little likelihood of any appreciable decline in the jobless rate in the near future.

Even with lower unemployment, deficits are still expected to be high by historical standards and action is warranted to address this issue. We are fast approaching that critical period where deficits could prevent us from reaching new heights of economic progress and return us to higher levels of inflation and interest rates.

The reduction of the deficit is important because as the Government increases its borrowing to finance the difference between revenues and outlays, it will use a greater portion of the available pool of credit, crowding out the private sector and creating higher interest rates. If the Federal Reserve Board tries to meet borrowing needs by expanding the money supply, inflation will ensue.

Moreover interest on the national debt represents the third largest area of Federal spending, accounting for 13 percent of outlays.

The answer to the deficit problem is not a dramatic increase in tax rates, or is it radical budget surgery. The answer is a balanced, evenhanded approach placing tighter reins on Federal spending, while closing tax loopholes and other unjustified tax advantages.

We must continue to explore possible alternatives to reduce the deficit in a sound, prudent, and bipartisan manner. I am hopeful that this discussion here today will serve as a springboard to greater action and create a positive environment which will enable us to make the necessary deci-

sions to guarantee long-term economic growth.●

● Mr. SKELTON. Mr. Speaker, I appreciate this opportunity to address in a special order the long-term impact of deficits on interest rates. Ten days ago I met with business leaders from every part of my congressional district representing many different types of small businesses. During our meeting, they were asked to write down the major problems that face their businesses today; 85 percent of those responded listed high interest rates and uncertainty about future interest rates as a primary problem. They understand that when the Government, because of huge deficits, soaks up the majority of the available credit, interest rates remain high and this tends to crowd our businessmen and their customers out of the credit market.

The real damage is from the long term and self-perpetuating side effects of high interest rates, Mr. Speaker. It has a chilling effect on the business growth and activity we need to create a healthy economy. The businessman or woman that is uncertain about the future and cannot depend on the availability of reasonable credit will not expand his business or create new jobs. Neither can he commit new funds to innovation, research, and development. That is the underlying danger of high deficits. Until the business community is convinced that solid action is being taken to face the deficit problem in a responsible manner, then I believe that the healthy economic growth that we need cannot occur.●

● Mr. GLICKMAN. Mr. Speaker, this discussion is badly needed because it seems that many who have long argued that deficits are a problem have now decided that that is no longer the case. Certainly, differing economic conditions can effect the relative impact of deficits, but there is absolutely no doubt in my mind that deficits do have a negative impact on the economic well-being of this country. That is especially true when the deficits are at today's massive levels and when they are with us for long durations as appears likely unless we decide to deal with the budgetary problems confronting us.

As far as I am concerned, all of the rationalization about the benign nature of current deficits is just hogwash. The huge deficits we confront are largely responsible for interest rates which last year were 8 percent above the inflation rate. Traditionally, the cost of money as reflected in interest rates has been about 3 percent over and above the inflation rate. The fact that those rates have surpassed the inflation rate by 3 percent instead has definitely slowed economic recovery. Interest-sensitive industries remain extremely jittery. Housing starts dropped in June and July; they went up in August, but at the same time new construction permits dropped off. Realtors are predicting that the increase in housing sales this year will be followed by significant dropoffs next year and in 1985. Likewise, while auto sales have increased dramatically in recent months, concern continues to be expressed within the industry that it might not hold up. Net farm income was $7.6 billion last year; it had been $14.8 billion in 1979. And, from an overall perspective, new manufacturing orders were down $10 billion in 1982 from 1981; similarly, there was a drop in orders from June to July this year.

I am sure that many have decided to change their perspective on the deficit problem because they simply do not see a palatable way out of this dilemma. The general wisdom is that the deficits will not be dealt with until the 1984 elections are behind us. To that, all I can say is that kind of general wisdom, if it prevails, will only serve to fuel the cynicism which exists around the country about the kinds of decisions that come out of Washington.

I am afraid some others might have changed their views about the deficits because of whose deficits they are this time.

WHAT TO DO

Enough about the problem. Let me shift now to what can and should be done to get the budget on a track toward reducing deficits and, before it is too late, back into balance. First, let me stress that the budget is the responsibility of elected officials—the President and the Congress together. It is too fundamental to our Government to pass the buck, even temporarily, to a national commission to come up with a budget plan. Instead, we need to knock heads among ourselves, put aside our own budgetary preferences and develop a comprehensive plan that necessarily will affect every aspect of the budget.

We do need to be alert to whatever steps we can take to modify every program that comes before us to make them more cost-effective. For example, steps must be taken to end abuses in contracting that have resulted in the Government paying thousands of dollars for nuts and bolts that cost only a few cents to produce.

We also must assure that changes we make result in real overall savings to the Federal Government. We need to consider the ripple effects of changes; some ideas that look like they would mean savings actually end up costing us more in the end. Two examples immediately come to mind. First, the 1981 Budget Reconciliation Act made a number of changes in public assistance programs aimed at trimming the welfare rolls. As it turns out, some of those changes served as work disincentives encouraging people on the margin economically to decide they were better off giving up low-paying jobs and accepting welfare. Second, in an attempt to make savings in the food stamp program, new legislative requirements were imposed calling for monthly reports by every recipient whether or not their situation has changed in any way. The result, according to my State's department of social and rehabilitation services, has been far more costly in errors than any anticipated savings. In short then, we need to carefully scrutinize every Federal program to see where we can make changes that will eliminate inefficiency and inequity. There are plenty of savings that can be achieved if each of our committees would meet and report out bills to make those kinds of savings.

THE BROAD PICTURE

Beyond that, and more importantly, we need to look broadly at overall budgetary reforms that will have big impacts on our deficits. For example, I have recently asked to be added as a cosponsor of legislation introduced by Budget Committee Chairman JONES to scale back both the formula for cost-of-living adjustments in a number of entitlement programs and, likewise, to reduce the planned indexing of the Tax Code. By hitting both the expenditure and revenue sides of the problem, the impact will be balanced in terms of who bears the cost. That is fair, and only by adopting fair approaches to these difficult problems will we be able to sell the unpleasant solutions to this serious problem to the American people.

On a positive note, I would point out that we can deal with this budget problem without having to resort to massive cutbacks in Government benefits on which people have come to rely. Instead, in all likelihood, rational revisions in current programs and a concerted approach to dealing with the automatic changes built into a wide range of programs and the Tax Code, coupled with normal economic growth if that can be sustained, can put us on course to bringing expenditures into line, thus eliminating the deficits.

Taking this approach would not mean balancing the budget overnight. With deficits of $200 billion projected in the administration's budget for next year, the changes that would be necessary to achieve an instant balance would have unacceptable economic consequences. Still, having talked to many financial experts—on Wall Street, in government, and, most importantly, in Kansas—I am convinced that there is a general realization that the economy will respond positively to seeing a plan put in place that will mean consistent incremental deficit reduction. Our economy is resilient; it has shown that. It will help us pull out of this, if we help.

IN CONCLUSION

I am saying we have to be realistic in dealing with these deficits. All of us, liberal Democrats to conservative Republicans, the President and the congressional leadership, have to be willing to be flexible, to accept that we cannot have everything we might like in the budget, and to recognize that others are not going to give up everything they might like to have either. We also need to recognize that the $200 billion deficit, let alone the trillion dollars in national debt, did not appear overnight, and we cannot expect to slay the budget dragon with a single blow.

In wrapping this up, I also think we need to look closely at changes in the Budget Act to keep spending and revenues generally in line. Basically, we need to move in the direction I proposed legislatively several years ago and which has been popularized recently as "Pay As You Go." In effect, we need to get in the habit of routinely including provisions in the same legislation which authorizes increased expenditures a means to pay for it, either by reductions in other spending or by raising the needed revenues.●

● Mrs. BOXER. Mr. Speaker, as this body is well aware, a new economic terminology has been introduced with the election of this administration. The concept, widely quoted, of Reaganomics, first came on to the scene in 1981 when President Reagan amended the budget request for fiscal year 1982 and proposed to cut taxes and entitlements and increase spending in specific areas. The result of this legerdemain is that the United States will have a deficit estimated to be as high as $203 billion, the highest in its history.

It is clear that there are some serious implications that must be examined and addressed if we are to maintain the current economic recovery. If the problem of the deficit is not addressed, and solved, then it appears to be a recipe for a new upward surge in interest rates, higher inflation, and a crowding out of private capital investment caused by excessive borrowing on the part of the Federal Government.

The prospect of large deficits throughout the business cycle expansion, work now to maintain real long-term interest rates at extraordinarily high levels. Such high rates tend to sap the vigor of a strong economic recovery.

Ideally, as the economy recovers, we would see the release of investment capital to finance inventory accumulation, business-capital formation, housing and so on. The President's deficits are so large that when the Federal Government must borrow to meet them, investment capital for private concerns will dry up. The private sector will be crowded out of the market.

To prevent capital from drying up the Federal Reserve could print more money. Should they do so inflation will most certainly rise and the economic recovery would be derailed.

Thus we are on the horns of a critical dilemma. We can see private investment crowded out and interest rates increase or we can have a return to runaway inflation. Neither alternative is desirable.

The deficit must be reduced this year and particularly in the out years of fiscal year 1985 and fiscal year 1986. We cannot allow the current economic policies of the administration to continue as they will become a greater and greater hardship on the American people.

There are a number of alternatives to the current policy and I hope that Congress, in its wisdom, will choose to change the course and guarantee and economic recovery that will benefit all the American people.●

● Mr. HATCHER. Mr. Speaker, mounting Federal budget deficits have reached the point of impending crisis which, if action is not taken, will undermine our economic recovery and damage the security and stability of this Nation for decades to come.

As we discuss this situation today, the impact of Federal budget deficits threatens to wreck many of the dreams Americans have cherished since the founding of this Nation. Absurdly high interest rates, which have denied homes to many and bankrupted others, and inflation, which has eroded the savings and security of our elderly, together have threatened the hopes and aspirations of young people, wage earners, parents of children, and those who have long worked for a well deserved retirement.

It serves no responsible purpose today simply to point the finger of blame at any political party or individual. The question of responsible government fiscal and budgetary policy transcends party lines and partisan interests. We are talking about the survival of our free economy and the maintenance of our American way of life.

Within the lifetimes of those of us in this Congress, the American people have willingly shown the determination to make whatever contribution or sacrifice found necessary to preserve our security and our freedoms. If general sacrifice is called for to overcome these terrible deficit cycles, I have no doubt that our American people will once again prove their strength and commitment.

It seems to me, though, that two first steps are essential to lay a basis for credibility to our efforts to get the Government's house in order: We must review our Federal tax laws to make them simple and understandable and we must eliminate unfair treatment and loopholes to insure that everyone, individual and corporation, pays his fair share; and we must begin to insure our commitment to balancing Government revenues and expenditures.

Last year, I was happy to have the opportunity to cosponsor and vote for the proposed constitutional amendment to require balanced Federal budgets. My State, Georgia, has operated for decades under the requirement of a balanced budget and, in part due to the discipline of this requirement, is today a growing and healthy State. I continue to believe this principle of a balanced budget is a sound one upon which the finances of this U.S. Government should rest.

Before I close, let me also mention, Mr. Speaker, the need for continuing and redoubling our efforts to eliminate so far as is possible the waste and fraud which, unfortunately, have plagued Federal spending. It is wrong to ask the American taxpayer to work hard all his or her life to line the pockets of anyone stealing or improperly taking from the Government.

As we rededicate our efforts to bringing sanity to Federal fiscal policy and to eliminating the budget deficits, let us all approach our duties with a dual perspective: The genuine rights of the American citizens to enjoy a responsible government spending revenues responsibly; and the compassion of a nation for those truly in need and who cannot help themselves. We do not need meat axes or budget busting. We need what is proclaimed for all the world by the great seal of the State of Georgia: Wisdom, justice, and moderation.●

● Mr. ROTH. Mr. Speaker, I first want to commend my two colleagues from Ohio and California on the success of the special orders they initiated on the Federal budget. They provided a forum for some very interesting and enlightening discussion that was sorely needed. I regret that I was able to participate in only one of the sessions, but I greatly appreciate their efforts in highlighting the importance of reducings current Federal deficit levels. Unfortunately, what once seemed to be deep congressional concern regarding these deficits has recently developed into a mood of complacency and resignation.

This is an issue that must supersede political bantering and rhetorical wars. These large yearly budget deficits are threatening the health of our Nation's economy and thus jeopardizing the very foundations upon which this country was built.

Current projections for fiscal year 1984 indicate a national debt in excess of $1.6 trillion. Unless swift and decisive action is taken immediately, Federal deficits for the fiscal 1984–88

period will add an additional $1 trillion to this debt. By the end of fiscal year 1988, the Federal Government will then owe more than $10,000 for every man, woman, and child in this country.

These deficits cannot be sustained without adversely affecting the economy in several ways. First, the Federal Reserve System will eventually be forced to pursue one of two possible avenues in regard to monetary policy. Both of these options are entirely unacceptable to me. The first option is to partially or fully finance the debt, thereby increasing the money supply and adding to inflationary pressures. We have just recently emerged from a period of excessively high inflation, and cannot afford to return to another.

The other alternative would be to hold the line on the money supply, thereby pressuring the Government to finance the debt by borrowing and increasing the demand for credit. This would force the Federal Government into direct competition with the private sector for available credit thus driving up interest rates. It would also produce a crowding out of private interests for available credit. Both of these effects would preclude new capital investment needed to propel our economy on to a sustainable growth path.

As a member of the Foreign Affairs Subcommittee on International Economic Policy and Trade, I am keenly aware of the consequences of large deficits on our foreign trade. Should high interest rates accompany these deficits, the exchange value of the dollar would likely continue its current upward trend in international currency markets. A stronger dollar would appreciably reduce the competitiveness of U.S. exports and encourage foreign producers to sell their goods in this country at a time when we are already faced with a substantial trade deficit. This will reduce productivity, depress income and employment, and significantly injure exporting and import-competing companies here in the United States.

The consequences of continuing these budget deficits are grave indeed. The question should not be whether Congress has the courage to make the difficult decisions necessary to reduce these deficits, but whether we can afford not to. This must remain our No. 1 priority.●

● Mr. AuCOIN. Mr. Speaker, I want to express my support for the efforts of my colleague from California, Mr. PANETTA, and my colleague from Ohio, Mr. REGULA for organizing special orders to call attention to the No. 1 problem facing our Nation today: Deficits.

In fact, solving the problem of our burgeoning budget deficit is the critical domestic policy issue standing in the path of future economic recovery.

As I travel through the First Congressional District in Oregon, the question most often asked by mill workers in Toledo, by fishermen in Astoria, and by small businessmen in Beaverton is this: Is the recovery going to be a strong one, is it going to be sustainable, and is it one that can bring us out of one of the deepest economic holes we have been in for decades?

When we look at the statistics of what we have been through in terms of bank failures, financial institutions which have been merged, jobs which have been lost, some of which, frankly, will never come back, I think we have paid a very dear price to reach this point at which we might just be able to see economic recovery.

Those who have survived the recession have every right to expect a recovery that rewards them for one of the sharpest sacrifices the economy has been put through in decades. And I believe the recovery can be sustained. I believe the policymakers in Congress and in the executive branch owe those who have survived by being as skillful as they have during this recession a recovery which rewards their enterprise and nurtures those who are picking up the pieces now and are trying to put it all back together again.

But to be quite frank, Mr. Speaker, there is one thing standing in the way of a prolonged and sustained economic recovery—deficits. Structural deficits, deficits which are estimated, conservatively, at $200 billion. Not only this year, but next year, the year after that, and, in David Stockman's words, as far forward into the future as the eye can see. These Federal budget deficits have driven up interest rates, which have in turn devasted the automobile industry, the housing industry, the wood products industry, and other credit sensitive businesses.

As is illustrated by the close cooperation of my colleagues from Ohio and California who have organized this special order, this is a problem which knows no political bounds. It does not matter whether you are a Republican or a Democrat. It does not matter whether your world revolves around capital formation or whether it revolves around providing social services to help the needy. Neither of those things will happen if budget deficits of $200 billion are allowed to occur. If, in 5 years' time, we amass an additional $1 trillion to the national debt, on top of the current accumulated $1 trillion debt, neither of those things will occur. Neither of those things will occur if Government borrowing absorbs 78 percent of the total savings pool of this country, which is where we will be if our deficits grow unabated.

You cannot help your fellow man and you cannot form capital to get the business machinery of this country going if debt service alone becomes one of the major items in the Federal budget. And neither of those things will happen if interest rates destroy the principal source of wealth needed to make this country the kind of society I think we all want it to be.

This is why I feel it is so important for responsible members of both parties to join in an effort to bring our fiscal policy under control. If we fail in this effort, or even worse if we continue on our present course as if there were no problem, we will be courting a financial and economic crisis which will shred the social fabric of this country, making the riots of the 1960's and 1970's look like small potatoes.

And what stands in the way of decisive action which can reduce the size of the deficits which loom on the horizon? There has certainly been no lack of ideas as to how the deficit can best be reduced.

My conservative friends suggest that we only need to cut nondefense discretionary spending further in order to bring the budget into balance, although with the magnitude of the deficits which we face you could shut down every function of the Federal Government with the exception of the Department of Defense and the Social Security Administration and still face a $20- to $30-billion deficit. Some would even advocate amending the Constitution to require balanced budgets as if by magic that would provide the votes to pass the legislation which will cut these deficits.

My liberal friends, on the other hand, similarly refuse to consider changes in entitlement programs which will be necessary to provide the substantial savings needed to reduce the deficit. There are still too many sacred cows, despite substantial budget cuts, in the area of domestic spending.

What we have on our hands is a state of paralysis, legislative gridlock, in which the political muscle of various factions within both political parties has been applied skillfully enough to bring both sides to this state of paralysis.

It is imperative that something be done to break through. There are dogmas on both sides of the aisle which must be broken. Something has to give.

But if we can form a Presidential commission to deal with the impossible task of social security, and we did and, if we can form a Presidential commission to deal with the intractable and vexing problems of Central America, and we have, and if we can form a Presidential commission to deal with strategic forces—the Scowcroft Commission—which we have done, then it seems to me there is an argument for

using this "secret weapon" on the most critical problem facing not only the domestic structure of this Nation's economy and strength, but also, ultimately, its foreign strength as well.

We should be able to bring the leadership together from both parties, in the executive branch and on Capitol Hill, and have a national commission composed in a way that represents balance to come forward with a deficit reduction package which will be balanced and, most importantly, will command the support necessary to pass both the House and Senate.

I feel a solution to this is critical and I am alarmed by the prospect that the inertia which has set in will continue. This is why I will be introducing a joint resolution calling upon the President to set up such a commission. Patterned after the National Commission on Social Security Reform, the National Commission for a Responsible Budget calls upon the President, the Senate majority leader, and the Speaker of the House to nominate a 15-member commission charged with reviewing all elements of fiscal and monetary policy with particular emphasis on the causes of the cyclical and structural budget deficits and come forward with a set of options for the President and the Congress.

This is the most difficult task facing Congress, and the most important. I urge my colleagues who may be interested in breaking this gridlock and setting up such a commission to contact me and cosponsor this resolution. It is crucial that we act now.●

● Mr. HUGHES. Mr. Speaker, in recent months we have seen hopeful signs of economic recovery. Unemployment and interest rates have fallen, while housing starts and domestic auto sales are up from a year ago. However, there is still an ominous cloud on the economic horizon. Many economists believe that our country's economy is courting disaster due to severe and unrelenting borrowing by the Federal Government.

In the coming year, the Federal Government alone will borrow approximately 60 percent of all the private savings available for lending and investment. Washington is by far the largest borrower in the United States, if not the world. Federal borrowing demands are likely to reach the point where Government is taking nearly all the money available for lending. The resulting upward pressure on interest rates will be severe. The only alternative to raising interest rates would be to increase the money supply and monetize the debt, but this would translate directly into inflation.

Structural deficits will seriously damage if not destroy our fragile economic recovery. By 1986, the national debt will reach the $2 trillion level. Clearly, we cannot continue on the present course of borrowing. It is imperative for Government spending to be brought under strict control.

We in the Congress have some hard choices to make, but they are choices we must make. I believe we must carefully scrutinize every aspect of the Federal budget, and make prudent and fair adjustments in expenditures, entitlement programs, and taxes. Most importantly, we must put an end to deficit spending—that is the only way, in my judgment, to find a practical and workable solution to our current financial chaos, and to lead our country into a lasting recovery.●

Mr. PANETTA. Mr. Speaker, I yield back the balance of my time.

HONORING AMERICAN VICTIMS OF KAL FLIGHT 007

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. McCANDLESS) is recognized for 60 minutes.

Mr. McCANDLESS. Mr. Speaker, after my initial outrage at the shooting down of KAL flight 007, my reaction was that of sadness, for the senseless waste of 269 innocent lives.

Despite the condition of East-West relations, there was no reason for such an unprovoked act of aggression.

It remains inconceivable how anyone could give the command to end so many innocent lives since, and I quote one high ranking U.S. Government official—the airliner was only 1 minute away from leaving Soviet airspace.

Discussion has centered on retaliation and retribution. At times the fact that 62 of our fellow Americans perished on the flight is lost in speeches denouncing the Soviet Union. As Members of Congress, it is important for us to honor and recognize each and every one of the 62 Americans.

We owe them that much.

The surviving members of their families should know that we think of each person separately and as much more than the tragic results of Soviet thinking.

Death is often not understood. Despite the strength of our religious convictions, we often question the end of a life. When death occurs at the hands of an aggressor country, it becomes difficult to accept.

The individuals on KAL flight 007 did nothing to cause their death. They were each on that plane attempting to fulfill a personal dream.

Some were on business, others vacationing. Some had lived a full life, while others had just begun.

The Soviet Union had no right to take any of them from us.

I had wanted to mention something special about each individual, but because of the circumstances surrounding the deaths and because I respect the right of the surviving families to their privacy, I will not be able to do this.

I will, however, make mention of all the names as I have received them from the State Department.

After I read the names, and before my colleagues add their sentiments, I hope you will join me in a moment of silence to remember these Americans:

Diane Lebow Ariyadej, New York.
Sammy Ariyadej, New York.
James Beirn, New York.
Richard J. Bevins, New York.
Eleanor Bissel, Michigan.
Eusebio Bolante, New Jersey.
Kathy Brown-Spier, Washington.
James H. Burgess, South Carolina.
Susan L. Campbell, Massachusetts.
Maria Elizabeth I. Carrasco, New York.
Christian Carrasco, New York.
Joyce Chambers, Michigan.
Celita Chuapoco, New Jersey.
Joseph Chuapoco, New Jersey.
Mary Chuapoco, New Jersey.
Alfred Cruz, New York.
Marie Culp, Michigan.
Lucille Dawson, Massachusetts.
Stanley Dorman, New York.
Sarah Draughn.
Richard Ellgen.
Alice Ephraimson-Abt, New Jersey.
Lillian Fitzpatrick, Rhode Island.
Carol Grenfell, New York.
Noelle Grenfell, New York.
Stacey Grenfell, New York.
Tara Guevara.
Thomas Homlaor.
Hyong Yung Hong, South Carolina.
Hazel James, Michigan.
Jacob Katz, New York.
Allen Kohn, Kentucky.
Lillian Kohn, Kentucky.
Muriel Kole, New York.
Jong J. Lim, New Jersey.
Alden Lombard, Pennsylvania.
Donald Lombard, Pennsylvania.
Lawrence McDonald, Georgia.
Mark McGetrick, Connecticut.
Kevin McNiff, Massachusetts.
Christa Metcalf.
Rita Metcalf.
Edna Miller, Michigan.
Cecelia Ocampo, New York.
Corazon Ocampo, New York.
Susan Ocampo, New York.
John Oldham, Maryland.
William Oren, New York.
Graham Park, California.
Sara Park, California.
Raymond Petroski, New Jersey.
Rebecca Scruton.
Jessie Slaton, Michigan.
Anna Song, New York.
Irene Steckler, New York.
Stuart Steckler, New York.
Frances Mae Swift, New York.
Michael Truppin, Massachusetts.
Ming Tsan Weng, Ohio.
Sirena WuDunn, New York.
Chung Soo Yoo, Pennsylvania.
Margaret Zarif, Michigan.

Mr. GILMAN. Mr. Speaker, will the gentleman yield?

Mr. McCANDLESS. I yield to the gentleman from New York.

Mr. GILMAN. Mr. Speaker, I would like to thank the gentleman from California (Mr. McCANDLESS) for being so thoughtful in arranging a special order today in memory of the innocent men, women, and children who were the victims of Soviet brutality while traveling as passengers on KAL flight

007. This heinous crime cannot go unnoticed or unpunished. Earlier this week we paid tribute to our distinguished colleague from Georgia, Larry McDonald; today our thoughts are with the friends and families of the 268 other passengers whose lives were cut short in such a tragic and inhuman manner. One of my constituents, William Oren, of Middletown, N.Y., was among those victims. Mr. Oren was a young husband and the father of a 17-month-old infant. Along with many others who gathered at his memorial service last week in Middletown, N.Y., I was deeply moved by the outpouring of love and concern expressed by his many friends and neighbors.

Mr. Speaker, permit me to take this appropriate opportunity to insert at this point in the RECORD the remarks that I had the occasion to deliver at the Oren memorial service, which included a condolence message from our Vice President, GEORGE BUSH.

The remarks follow:

Rabbi Schwabb, Mrs. Oren, Friends, We are gathered here, on this National Day of Mourning, to honor the memory of a neighbor, a member of our community, William Oren, who, in the prime of his life, was taken from us by a hostile nation's act of aggression.

William Oren will be remembered by many as a friend, as a dedicated fellow worker and by his family as a loving husband and devoted father.

He will be remembered by our nation and by the world, along with his 268 fellow passengers of KAL flight 007, as a victim of a barbaric, criminal act by a hostile sovereign power—the Soviet Union.

Mrs. Oren, Vice President Bush has asked me to deliver to you his message:

THE VICE PRESIDENT,
Washington, September 9, 1983.

MRS. WILLIAM OREN,
Middletown, N.Y.

DEAR MRS. OREN: Our prayers are with you during this tragic time. The circumstances of the loss of your husband are an outrage, rallying mankind's sense of justice.

All sorrow is essentially personal, but in this critical case, your sorrow is deeply shared by all of us. Your grief is humanity's, touching the hearts of people around the world.

Barbara and I join in this collective expression of condolences. May God's peace be with you during this painful hour.

Sincerely,

GEORGE BUSH.

Today is not a time for us to speak of retribution. Over this past week we have heard many words condemning the shooting down of the Korean passenger plane.

And, sadly, we have heard too of the abominations brought upon the innocent who had done nothing to deserve the sufering and death they have had to undergo.

Bill Oren was a peace loving man, living in harmony with his family and neighbors. He committed no crime, yet a hostile, criminal act was inflicted upon him and his family.

This tragic event has imposed a severe burden on the Oren family.

We may never be able to provide any reasonable explanation for this abominable event. We may never learn all the facts.

But what we can do is to reach out to the Oren family and to the families of the other victims of this downed airliner—to help them in their hour of need, to comfort them, to pray for them, to listen and to help them seek reparations for their loss.

The Talmud, a great source of inspiration in moments like this, tells us a story:

"A wise man said: Do not rejoice over a ship that is setting out to sea, for you cannot know what storms it may encounter, what fearful dangers it may have to endure . . . but rejoice over a ship that has safely reached port, and brings home all its passengers in peace.

"And this is the way of the world: When a child is born, all rejoice. . . . When a man or woman dies, all weep. . . . We should do the opposite. . . . No one can tell what trials and travails await a child: But when a mortal dies in peace, we should rejoice, for he has completed his long journey, and is leaving this world with the imperishable crown of a good name."

KAL 007 encountered a storm of hostility—preventing it from reaching port.

But William Oren and his fellow passengers have now reached their ultimate destination. They are at rest. Let us gain some strength and meaning from their loss.

We may never be able to fully explain to Bill's young son, Joseph, what really happened to his father and why it happened.

And it may take a lifetime to sort out all the reasons and all the explanations.

We hope it is of some consolation to you, Maureen, and to your family that the world shares your loss and that the world is outraged over the criminality of this act.

The Talmud says:

"In death two worlds meet with a kiss: The world going out and the future coming in."

We know how much William was loved by his family, friends and fellow workers.

We know he left memories which cannot be taken from you.

May you be somewhat consoled by the fact that each day will help to ease your pain, making life a little easier. And may we, and the entire world, learn and benefit from this tragic event.

Mr. FISH. Mr. Speaker, will the gentleman yield?

Mr. McCANDLESS. I yield to the gentleman from New York.

Mr. FISH. Mr. Speaker, I thank my colleague very much for yielding.

Mr. Speaker, it is most unfortunate that we must take the time today to speak about the loss of life aboard Korean Air Lines flight 007.

One of my constituents, Mr. Richard Bevins, was aboard flight 007 on business to Seoul. Mr. Bevins lived in the town of New Windsor, Orange County, N.Y., and left behind a loving wife and two small children. Mrs. Bevins and her family attended the memorial service at the National Cathedral, and I was impressed by the strength of character demonstrated by the family.

There were a number of people who helped the Bevins through this difficult time besides her friends and family. New York State Assemblyman Bill Larkin was instrumental in alerting the Bevins to the memorial service and in contacting my office to help coordinate their trip to Washington. Free air travel was provided by Jim Aspin, president of Air Vector, from Stewart Airport in Orange County to Washington National Airport. The Chrysler Corp. loaned to my office a limousine to transport the Bevins family in Washington for the day. My good friend and colleague Ben Gilman offered his comfort and assistance as the former Representative of New Windsor. I know that this volunteer effort by concerned citizens and companies was extremely helpful to the Bevins family in coping with their loss.

Last week the House of Representatives unanimously passed House Joint Resolution 353 condemning the Soviet Union. During the debate, many of my colleagues expressed their revulsion and outrage at the complete disregard of life evidenced by the Soviet Union in shooting down the Korean plane. There can never be an adequate explanation for this incident. Compensation, apology, and serious efforts to prevent further acts of this nature are the very least we should demand from the Soviet Union, as stated in House Joint Resolution 353. At the same time, I share the concern of the Congress that we use good judgment and wisdom in dealing with this tragedy.

Many of my constituents, and I am sure many other Americans, have written letters strongly condemning the barbaric Soviet action. I certainly understand the view that we should cut off all relations with the Soviet Union, and expel all diplomats. However, we must do what is in our best interests.

The existence of the Soviet Union and the United States in the same world is a fact of life. Each must deal with the other. Both nations have the capacity to destroy the world many times over. It is essential that we maintain the basis for a relationship and communication from which we can have clear knowledge and understanding of the other's policies and pursuits. I share the President's view that nuclear disarmament talks are too important to postpone or eliminate. I also feel that in light of the latest actions by the Soviet leadership, we should make our points more forcefully and not give in to Soviet proposals that are unreasonable.

No one can question President Reagan's anti-Communist feelings. I am proud that the President has conducted himself with restraint and diplomacy, recognizing that we cannot permit this situation to escalate into an armed conflict. This is an international problem, and the President is making every effort to turn world opinion against the Soviet Union, their actions, and their philosophy.

It is also important to remind the world that this type of unreasoned and automatic response could occur only in a country such as the Soviet Union. Democracies throughout the world shudder at the thought of kill-

ing innocent civilians, even on the pretext that they were part of a spy mission. Evidence of such a mission will most certainly be fabricated by the Soviet Union and in fact the groundwork for this claim has already been laid. I do not think the Soviet Union was prepared for the world's outrage, and we should take every opportunity to emphasize that without continued pressure, changes in international aviation procedures, and stern warnings to Western pilots, it is entirely possible that this could happen again.

Mr. Speaker, I know my colleagues remain astonished at the events surrounding the shooting down of flight 007. Each day we hear of acts by the Soviet Union to harass U.S. ships in international waters as we search for key flight data from the black boxes that went down on the plane. The reaction to and the continuing denial of responsibility by the Soviet Union in this matter convinces me that they are unfit for the family of nations.

I again regret the tremendous waste of valuable human lives and resources, such as Mr. Richard Bevins. I sat through the moving service at the National Cathedral with his wife and family, and having felt their loss, remain angry and appalled by the entire incident and deeply moved by the tragedy that has struck innocent people such as the Bevins.

Mr. MOLINARI. Mr. Speaker, will the gentleman yield?

Mr. McCANDLESS. I yield to the gentleman from New York.

Mr. MOLINARI. Mr. Speaker, I thank the gentleman for yielding, and I appreciate the courtesies extended in permitting us to speak on this subject.

I feel compelled to participate in this special order, of course, because tragically in my district I lost five of my constituents on flight 007. So there is a great sadness in my community over that tragedy, and I am here with a very heavy heart. We are trying to console the families as best we can, but it is very difficult. I think this is one way that we can help a little bit, and I thank the gentleman in the well for putting this special order together.

Mr. Speaker, the tragedy of Korean Air Lines flight 007 has taken on many dimensions since that moonlit night almost 3 weeks ago. The first reactions were a mixture of shock, horror, anger, and frustration. The world was immediately confronted with an act so heinous that it was at first difficult to react in any way commensurate with the deed. After the initial disbelief started to fade, we began to analyze the situation with greater purpose and clarity. We have attempted to analyze Soviet behavior from both a political and a military standpoint. We have closely scrutinized our own intelligence network as well as that of the Japanese. We have pondered many questions, some unanswerable. No matter where our thoughts and queries lead us, we always arrive at the same irrefutable conclusion—269 men, women, and children, 61 of whom were American, lost their lives that night.

We have by no means ignored the human dimension. Quite the contrary, there has been a vast outpouring of sympathy from every segment of this great country and from around the globe. The outrage and deep sense of personal loss that flows from this incident remind us that these victims had their futures taken away, not only their personal futures, but those of the families left behind.

Mr. Speaker, I am here today to pay tribute to five of my constituents who were aboard flight 007. The story of these people is not unlike the 264 other stories of fractured families, lost opportunities, and absolute despair. However, the two affected families on Staten Island have experienced unique agonies and tribulations. For Edward Ocampo, who lost his wife, Suellen, two children, Corazon, 4, and Cecilia, 2, and his mother-in-law, Jovita Putong, the future is something frightening and uncertain. The four members of the Ocampo family were on their way to Manila to attend a funeral for Mrs. Putong's sister. Now Edward Ocampo must go on without his most cherished loved ones because of this senseless act.

Lee Sik Kim, 25, was also aboard flight 007. He was a Korean student studying at Wagner College on Staten Island. He had decided to return to his homeland to finish his undergraduate studies and planned to return to this country after completing his work in Korea. It is not difficult to imagine what it must have been like for Mr. Kim's brother, Dyong Hyan Kim, who saw his brother leave Staten Island to travel back to his homeland to continue work on his professional future, only to be intercepted by a force that possessed neither right nor reason to decide Mr. Kim's future for him.

The saddest thing about this whole tragedy is that no matter what reparations we exact or what sanctions we apply, we will never be able to place the four Ocampos and Lee Sik Kim back together with their families, enjoying all those things that a full life has to offer. So then, we must ask ourselves, what can we do to best pay tribute to those who perished in the Sea of Japan? Certainly, this gathering here tonight is a small part of the answer to that question. America's response, as well as the response of the world community, should all be viewed not only in terms of international law and principle but also in terms of a global respect for human life. We have a common responsibility to the innocent passengers on that plane to insure that such a travesty of human values is never repeated.

Mr. McCANDLESS. Mr. Speaker, I thank the gentleman from New York (Mr. MOLINARI).

● Mr. RINALDO. Mr. Speaker, President Franklin Roosevelt called December 7, 1941, "a day which will live in infamy."

For 38 years since World War II, no ememy of the United States dared to launch a cold-blooded attack on hundreds of American civilians. In more than 6 decades of Soviet-American relations, in cold war and alliance, in détente and deep freeze, the Soviet rulers had never slaughtered 61 unarmed Americans in one murderous blow. Not till 3 weeks ago. September 1, 1983, was also "a day which will live in infamy."

Many words have been uttered claiming the Soviets suffer from paranoia, because they fear American power. Does that make sense?

Thirty-five years ago, we were immensely stronger than the Soviet Union. The United States was sole possessor of atomic weapons; the Soviets had none. Why were not they paranoid then?

Thirty-five years ago, Soviet advisers or troops were not in Cuba, or Afghanistan, or Vietnam, or Angola, or Ethiopia, or Nicaragua. Thirty-five years ago, the Soviet Navy had not turned the Mediterranean into a Russian lake, outnumbering our forces there, 3 to 2. Today the Soviets have more vessels of war roaming every sea on the globe than any other nation.

Thirty-five years ago America had never lost a war: we were thought to be invincible. Today this is no longer so.

The Soviet problem, of course, is not paranoia—it is arrogance. The arrogance of those who think a vast empire and powerful arms give them a license to act like international gangsters.

Mr. Speaker, civilized nations live by certain simple, elementary standards in their behavior with other nations. Civilized nations, for instance, do not shoot unarmed passenger planes out of the sky and they do not boast they would do it again. Only two sorts of people do these things: Savages and the arrogant. The Soviet rulers are both.

I was proud of our President's deliberate actions in responding to this atrocity. He has shown that self-restraint is the essence of civility. The dramatic contrast between Mr. Reagan's coolness under provocation, and Mr. Gromyko's lunatic threats, shows clearly how different civilization is from barbarism. It reminds us that our Nation's eternal mission is inseparable from the cause of civilized humanity everywhere.

Moreover, the President's one act in closing down Aeroflot is a severe blow to Soviet espionage in the United

States. Yet we must be concerned that Premier Andropov does not mistake self-restraint for exhaustion. I cannot help believing some further actions is called for, on our part and in conjunction with the family of free nations.

Is there any reason we must have Soviet ballet dancers and cultural delegations in our country? Let them stay at home within Mr. Gromyko's sacred borders.

I suggest the Federal Government consider buying up our banks' compromised loans to Iron Curtain countries at a 50-percent discount, and declare them in default. Let the Kremlin worry about propping up the economies of their European colonial satellites. They will have to choose between saving their empire or spending more on their military—a tough choice.

I certainly believe the administration should put every ounce of effort into convincing the rest of the free world nations to shut down Aeroflot indefinitely. This way they can reduce Soviet free world penetration, complicate life for the KGB, and condemn Soviet barbarity.●

● Mr. RODINO. Mr. Speaker, it is with great sadness that I rise today to pay tribute to four of the victims of KAL flight 007 who resided in my congressional district. I commend my colleague, Mr. MCCANDLESS, for allowing us the opportunity to honor the victims of this tragedy.

The realization that four of my constituents—Edgardo and Frisca Cruz of Irvington, N.J. and Eusebio and Maria N. Bolante of East Orange—were passengers on the plane brought the entire incident to an even more personal note. In addition to my feelings of outrage about this terrible action, I could also feel the personal pain and anguish of the Cruz and Bolante families.

For the Cruz family, the tragedy was compounded by the fact that at the time of her death, Frisca Cruz was trying to reunite her family in America, and wanted to bring six of her children who lived in the Philippines to this country. Her oldest son, who is an American citizen, asked for my help in continuing his mother's dream of bringing her children here. With the assistance of Attorney General William French Smith, we are successfully arranging for the Cruz children to come to America. This was, of course, the least that we could do for the victims of this senseless tragedy.

Mr. Speaker, words are not sufficient to express our sorrow and sour sympathy to all of the victims' families. I hope that they know, however, that our thoughts are with them in this time of grief.●

● Mr. BARNES. Mr. Speaker, for 21 days the world has mourned the senseless deaths of 269 people who were ruthlessly killed when the Soviets shot down Korean Air Lines flight 007. The Soviet action demonstrates a blatant disregard for human life and there is absolutely no justification for shooting down an unarmed civilian plane. It is an outrage that these lives were so brutally taken.

Individuals of 14 nationalities lost their lives on that airliner. Sixty-one of these were U.S. citizens. One of them lived in my congressional district in Montgomery County, Md. His name was John Rochester Oldham.

John Oldham was 27 years old when that flight went down. He had graduated from Princeton and Columbia Law School. He had won a Fulbright scholarship and studied in Geneva. He had worked for two Washington, D.C., law firms, and a serious interest in international affairs prompted him to make plans to study Chinese language and law at Beijing University.

When I reflect upon the life of John Oldham, and upon the loss of these 269 lives, I feel personally the impact of this tragedy and realize how much we, as Americans, have lost and what the world has lost. John Oldham has been described by friends as "very warm" and "really committed to * * * helping people." It is clear that he had a very significant influence on people's lives. He was making his way and pursuing the goals that were important to him. He was an individual who made a difference.

This is what the United States is all about. Whether one calls it democracy, or human rights, or freedom, or justice, there is, associated with each, a fundamental respect for the individual and the highest regard for the worth of individual potential. Having opportunities, developing potential, pursuing interests, defending ideals, working toward a goal, committing oneself for a purpose; these are all the basis for positive change in our own society and are the avenues that each of us take to make a contribution to the world around us. John Oldham was doing this.

John Oldham was good to people; he helped them. He went out of his way, delaying his departure from the United States, to find housing for visiting Chinese scholars, after others had failed to find housing. He wanted to be involved with people and do what he could to make their way easier.

John Oldham promoted understanding. He was committed to working in international affairs and he understood the value and importance of learning about people, cultures, countries very different from our own. He realized how languages can open the door to an appreciation and understanding of the world.

John Oldham was moving forward. He knew what was important in life and went after it. He had a good education, but wanted to learn more.

One of John Oldham's law professors described him (as he is quoted in the Washington Post) like this:

> He was the very definition of outgoing—very warm, gregarious, sunny. He always had a smile for everyone.
>
> Just as soon as we received confirmation . . . we just all thought it could not end this way, for someone who was so vibrant and thought friendship was the best way.

It is a great tragedy that such a promising young man was killed. I wish I could have known him; we shared a strong interest in international affairs and had both studied in Geneva. Moreover, it appears that he was a wonderful human being.

John Oldham would have, most certainly, helped to make this world better. He had so much to offer. My own hope is that we will remember his commitment and let his life be an inspiration to all of us.●

● Mr. ANDREWS of Texas. Mr. Speaker, last week the House unanimously passed a resolution condemning the Soviet Union's cold, calculated, and criminal destruction of KAL 007. The resolution clearly expressed our Nation's outrage that 269 innocent civilians have been murdered in the name of protecting the sacred airspace of the Soviet Union. But to just say that there were 269 civilian deaths does not explain the extent of the loss. Each one of those 269 people killed had a personal history and story, and their deaths will haunt the lives of their friends, families, and coworkers.

Specifically, we have lost a gifted student who could have taken an earlier plane, but stayed behind in New York a couple of extra days in order to help a recently arrived exchange student find a place to live. We lost a young widowed mother who was on her way to visit her parents. We lost a distinguished judge and civil rights activist, as well as businessmen, whole families, engineers, doctors, and a Member of Congress. Our outrage will eventually subside as we resume our work and daily lives. But for many, the loss of KAL 007 is a very personal loss from which they will never completely recover.

Almost as outrageous as the downing of the plane itself are the words and deeds of the Soviets in the aftermath of this tragedy. The Soviets have responded to the world's outrage with falsehoods and absurd accusations. Initially, in the face of clear evidence to the contrary, the Soviets claimed that they had not shot down the plane. They then claimed it was a spy plane and that they had confused the 747 with an RC-135, a military reconnaissance aircraft. The 747 is one of the world's best known and most recognizable aircraft.

The distinctive shape of its fuselage, as well as its sheer size, clearly differentiate it from the RC-135 or any other aircraft currently flying. Fur-

thermore, the night was clear—again contrary to Soviet claims that visibility was poor and since it was near dawn, the Soviet pilot could have clearly made out the distinctive commercial blue and red markings of the Korean airliner. Additionally, the Soviets were aware that Korean Air Lines flights make the trip from Anchorage to Seoul five times a week, each flight occurring at the same time of day and following basically the same course that was intended for KAL 007.

The Soviets claim that, unlike most commercial airliners, the KAL flight did not have on its navigational lights. They claim this in spite of the fact that we have a transcript of their radio communications in which the Soviet pilot said that he could see the navigational lights of the 747 blinking. The Soviets claim that they tried to contact the Korean airliner through radio transmissions and warning shots but again our transcript of their conversations does not support their claims. Nowhere in the transcript is there any mention of the Soviet pilot firing warning shots, tipping their wings as a signal for the 747 to land, or reaching the plane on an international civilian radio frequency. In fact, this last option was not even available to the Soviet pilot: Their radios are not equipped with international civilian radio frequencies because the Soviets are afraid that their pilots will use these frequencies to defect to the West.

As the Korean jet was about to pass out of Soviet airspace, the pilot did the one thing which he had always been told to do with an unidentified intruder: Shoot first, identify later. As a recent article in Newsweek stated:

> At this point, KAL 007 was within minutes of passing out of Soviet airspace. If the Russians didn't act now, they would have to take all the blame for allowing a foreign intruder to escape. The commander instructed him to drop back and fire. "I received an order, a precise and definite order." At 3:26 a.m., almost as KAL 007 was about to pass back into international airspace, pilot 805 played by the Soviet book—and killed 269 people.

The Soviets clearly believe that their airspace is more sacred than human lives, and their previous behavior reflects this fact. Since 1950, the Soviets have attacked close to 30 civilian and military aircraft that have strayed into, or close to, Soviet airspace. These include an attack on a French airliner in 1952 in which two were killed, a 1963 attack on an Iranian airliner that had strayed into Soviet airspace but had returned to Iranian airspace, and an attack that killed two passengers on another Korean airliner that went off course in 1978.

The resolution of condemnation that we passed last week reflects our resolve that this kind of action cannot be, and will not be, tolerated by the civilized world. It calls on the Soviet Union to assist international efforts to recover the remains of the victims, to cooperate with an international investigation into the attack, to modify their brutal and uncivilized air defense strategy, and to adopt new procedures to assure the safe passage of civilian airliners in and near the Soviet Union and throughout the world. I support the specific sanctions listed in this resolution. I also support the closing of the Soviet airlines' U.S. offices. I am encouraged by the actions to date of our European allies, especially their participation in the growing international civil aviation boycott of the Soviet Union. The American people are also to be commended for their voluntary action in boycotting Soviet-made products.

While I feel that the resolution was a good and effective measure, there is more that we can, and should, do. Although we must return our primary focus to the legislative agenda before us, we cannot lose our resolve that this tragedy not reoccur. We must make it clear to the Soviet Union that in the wake of this most recent atrocity we will not return to business as usual. I feel that it is essential to our own national security that we continue to pursue high-level talks with the Soviets on major issues such as arms control. But why should we continue to maintain our low-level economic contacts as if nothing has happened? These nonessential contacts should be reduced to a minimum. Now is the time to reexamine comprehensively our trade relations with the Soviets, especially the sale of potentially sensitive high-technology equipment which the Soviets so desperately want and need. The withholding of this type of equipment could prove to be a very effective economic sanction.

Finally, we should examine the range of Soviet imports into this country, particularly how they are built and by whom. Many charge that the Soviets use slave labor in such areas as mining operations and the construction of the Trans-Siberian pipeline. We should look into this, and if these charges can be substantiated, then we should be boycotting those products. If we take these measures and stick to them, then we will have successfully put substance behind our statements. When the Russians find that their trade with the West has been suspended for a few months, and as a result, their reserves of hard currency depleted, then they will understand that our outrage is genuine. Only then will we have fully conveyed our resolve that KAL 007 must be the last commercial airliner ever to be shot down for innocently wandering off course.●

● Mr. MAVROULES. Mr. Speaker, in the early morning hours of September 1, all of America was rocked by the stunning news—an unarmed civilian Korean airliner had been shot down by a Soviet warplane, killing all 269 passengers and crew members aboard. No words can express the horror and revulsion I felt—that we all felt—over this barbaric act.

Perhaps we will never know the full story of what happened to Korean Air Lines flight 007 on that fatal night. Regardless, many innocent people were needlessly killed.

Onboard the doomed flight was our colleague, Congressman Larry McDonald of Georgia. I served with him on the House Armed Services Committee. Congressman McDonald was a loyal American who always put his political ideology above all other considerations. While many might disagree with his politics, all can respect his personal commitment to the causes in which he believed.

Also on that plane was a young teacher and constituent of mine, Kevin McNiff from Beverly, Mass.

Kevin was only 28 years of age, a young man in the very prime of his life. His loss is a grievous tragedy for his family and the community.

After graduating from high school in Beverly, he attended the University of Alabama and received a liberal arts degree in 1977. For the last 3 years, he had studied the Chinese language at the university.

Bound for Taiwan, Kevin had planned to teach freshman English at the Tai Chung University for the next 2 years as part of an exchange program conducted by the University of Alabama.

Kevin was known to his community as a friendly, outgoing and creative individual. With his joy for life, proven abilities and limitless potential, Kevin's senseless death is a tragic loss for all who had the opportunity to meet and know him.

For his mother, brothers and sisters, I pray that their faith will comfort them, that their courage will sustain them and that their grief may pass.

I ask all Americans to include in their hearts and prayers, the McNiff's and all other families who lost loved ones on flight 007.●

● Mr. McGRATH. Mr. Speaker, I want to commend my colleague for taking this special order to remember those Americans who lost their lives in the Korean Air Lines tragedy. When the furor dies down over what this Nation should or should not do in response to this abominable Soviet action, the fact will remain that 269 people—61 of them Americans—will be gone, and no action of any government can bring them back.

One of those who lost his life on flight 007 was a resident of my congressional district, Stanley Dorman of Malverne, N.Y. I regret that I never knew Stanley Dorman personally. I

know only that he was a family man, a businessman, and a good friend to many people. I know that he will be missed by the many people who knew him, and my heart goes out to his family and friends.

I was particularly moved by a letter to a local newspaper by a friend of Mr. Dorman, Leonard Nadel. I would like to close by quoting Mr. Nadel's letter:

Most of us rarely become involved in such earth-shaking events and are relieved of any direct entanglements. This time we were not so lucky, for one of the victims, Stanley Dorman of Malverne, was a respected associate and friend of long standing to many of us, as are the members of his family.

Our ties cannot be severed by his precipitous removal from the scene in the prime of his full and successful life. He was the natural and devoted patriarch of a large and closely knit family which included his wife, his elderly parents, his three children and their spouses, his brother and his family and many others. He was a source of strength to all who functioned within his sphere, whether family or profession. He was the fulcrum of a proud and loving group of relatives, and a hardworking, dedicated business enterprise. He was a one-man goodwill ambassador for our country among his many good friends and associates developed among Far Easterners over the years. He set many of the examples which others gladly followed. He set the tone for positive attitudes among his numerous confreres. His magnetism was contagious.●

● Mr. ROE. Mr. Speaker, it is with much sadness in my heart that I rise today to join my colleagues in honoring those 60 brave Americans who died by Soviet hands aboard Korean Air Lines flight 007 earlier this month.

Yesterday we paid tribute to our slain colleague Larry McDonald of Georgia, who unfortunately was also a passenger on that ill-fated flight. Larry McDonald was a well-respected Member of this Chamber, and his death made headlines around the world.

The other 60 American passengers on that plane, that was so wantonly blown out of the sky by a Soviet missile, were not as well known as Larry, but their sacrifice of course was just as great. I am sure that if he had survived this tragedy, Larry McDonald would have been the first to call for a special order to honor these American heroes.

Among them were teachers, doctors, scientists, students, nurses, mothers and fathers with children in arms, and others whose names, while not familiar to us, indeed, represented a true cross-section of America. And they are gone, taken away from us by a blatant act of aggression that will go down in history as one of the most heinous crimes ever committed against mankind.

Their deaths must not be in vain. They must serve as a reminder to us all of the continued ruthlessness of the Soviets in their dealings with other nations of the world. They must be remembered in the future whenever this country begins to be lulled into a false sense of security in our dealings with the Russians. This indeed was a crime against all humankind that must never be forgotten.

The unprovoked Soviet attack against Korean Air Lines flight 007 was a direct assault on the basis of international law by which the nations of the world deal with each other.

By this dastardly act, the Soviet Union has branded itself a lawless bandit, not worthy of full participation in the international community.

While our great Nation is limited in the recourses it can take in response to the Soviet action, we must never go back to "business as usual" with the Soviet Union until that nation accepts full responsibility for this tragedy and provides full compensation to the families of those slain by the Russians aboard the airliner.

Any other response would be an insult to the memory of these brave Americans who have been lost to us forever.●

● Mr. OTTINGER. Mr. Speaker, the callous destruction of the Korean jetliner with 269 innocent people aboard was a shock and an outrage to civilized people around the world. But the loss of those people was a personal tragedy for all those who had family or friends on flight 007, and today I would like to commemorate two members of my district whose lives were lost.

Alfredo Cruz had been a resident of New Rochelle for 12 years, where he lived with his wife Roberta and their five children. Mr. Cruz was born in the Philippines, and was returning there following the death of his mother. I know Mr. Cruz will be sorely missed in his community, and I would like to add my personal condolences to his family.

Hiroki Haba was only 19 years old, and had been spending the summer in Scarsdale with the family of Klaus Schwabe. This had been Hiroki's first visit to the United States, and friends say he had plans to try to return for school. Hiroki's death is a tragic loss both to his family in Japan and to his American family in New York. I share their sorrow over the senseless death of such a young and promising man.

Nothing we can say or do can replace or bring back the individuals who were lost. So what we must commit ourselves to is the pursuit of agreements and understandings with the rest of the world to insure that such a heinous act cannot and does not occur again.●

● Mr. CAMPBELL. Mr. Speaker, I would like to thank the gentleman from California for giving me the opportunity to pay tribute to those who died in the Korean air tragedy.

One of the passengers on KAL 007 was from my congressional district. Billy Hong of Mauldin, S.C., was Korean born and was traveling back on business and to see friends and family. He had come to the United States to escape communism and to be reunited with Jim Martin, who he had met and become friends with during the Korean war when Billy was a homeless war orphan, wandering the Korean countryside.

In the United States, Billy found happiness and success. Jim Martin adopted him, he married and had children and started a business. His karate schools grew and prospered with branches in several cities, and Billy's devotion to his students was well-known in the community. He instilled in them a discipline and respect for themselves and their country that will always stay with them. Most of his students thought of Billy as a second father, someone they could go to for advice or just to talk.

Billy Hong represented everything good about this country. The freedom and opportunity we so often take for granted were greatly cherished by him and he was proud to be an American citizen. He once told an American friend, "One thing I learned for sure, you can never trust a Communist." And it was the Communists who took Billy Hong's life, nearly a decade after he became an American citizen.

Mr. Speaker, to Billy Hong's wife, Joy, to his children, Eunice and Billy, Jr., to his adopted family, I extend my heartfelt sympathy. I extend it to the families and friends of all the passengers and crew, for I am sure that the stories of all the innocent victims of flight 007 are just as poignant and just as tragic.

I sincerely hope that none of us ever have to stand in the well of the House again as the result of such an international outrage.●

● Mr. GRADISON. Mr. Speaker, Ming T. Weng of the city of Montgomery, near Cincinnati, became an American citizen 3 years ago. He was only 41 years old. He worked as a mechanical engineer in General Electric's Aeromechanics and Blade Stress Division in their Evendale plant since 1975. He was fiercely proud of his American citizenship, but after 10 years in the United States, it was his dream to return to his native land of Taiwan to contribute something of what he had learned to his native China.

His wife Tai Li—known as Terri—and two sons, Mark, 8, and Eric, 7, were to join him as soon as their home was sold. Dr. Weng returned to Ohio to visit his family in June. During his brief stay in Taiwan, he had secured an even better position as head of the mechanical engineering department at a university. Dr. Weng had also obtained a job as a consultant to the Chinese National Research and Development Center.

However, his house on Capricorn Drive was still not sold when it was

time for his to go back to his new responsibilities. A Russian air-to-air missile ended Dr. Weng's dreams.

Dr. Weng was known as a gentle man, a devoted, loving husband and father of two young children. The senseless act of the Soviet Union shattered his dreams and aspirations. His wife and children will now remain in America and seek to build new dreams of their own.

Mr. Speaker, I wish to commend the gentleman from California for taking this special order to honor the Americans who died on the Korean Air Lines flight 007.●

● Mr. EARLY. Mr. Speaker, it is an unhappy but, I think, an essential duty to join with House Members in special remembrance of and tribute to all the innocent American citizens who lost their lives in the recent and barbarous air massacre, ordered by the Soviet Government officials, of the men, women, and children riding aboard a regularly scheduled Korean Air Lines commercial flight.

We all recognize and would like to share in the overwhelming grief that was so unexpectedly thrust upon their surviving family members, relatives, and friends by this senseless and shocking Soviet action. We must persistently seek in every way possible to obtain the fullest compensatory damages from the Soviet Union for the survivors of these murdered victims.

My separate and particular sympathy goes out to the mother and family members of a victim from my own congressional district, Susan L. Campbell, a native of Shrewsbury, Mass. Miss Campbell was a doctor of veterinary medicine. She was on the Korean airliner returning to her position as associate professor of animal pathology and director of the Sanbar Deer Research Center at Tung Hi University in Taiwan. She planned to return to the United States next year to practice veterinary medicine in her home area in Massachusetts. At 28 years old, she was a young and brilliant medical teacher, researcher, and scientist with a very satisfying and rewarding career ahead of her. Dr. Campbell's untimely death serves to highlight the Soviet leadership's total and contemptuous disregard of the sanctity of human life and the basic worth of lawful individual industry and ambition.

We in the House also suffered the loss in this tragic incident of a dedicated colleague, Larry McDonald, of Georgia. Ironically, he was the most vocal Member of the Congress in his repeated warnings and criticism of Soviet communism as an ungodly force that conducted itself at home and throughout the world without any regard for human rights or human life. We can truly say that Larry McDonald gave up his life for his personal convictions and to awaken the consciousness of the United States and the rest of the free world to the real nature of Russian terrorism. Our deepest sympathy is extended to his gracious wife and grieving family members.

Mr. Speaker, it is practically impossible for any of us to understand the uncivilized conduct of the Soviet Government in this tragic affair. Two hundred and sixty-nine harmless, unarmed, and innocent human beings—men, women, and children—in a commercial airliner, were cold bloodedly shot down to death because of excusable off-course intrusion into Soviet-claimed air space. We wonder why such barbarous action was taken for so minor an offense.

However, our more important objective is to try to figure out how to change the Soviet terroristic and destructive attitude toward innocent, fellow human beings. The record of Communist authorities pretty clearly shows they pay attention to and respect only material actions. Therefore, it seems obvious that we and the rest of the free world should together exercise every possible effort to withold any material help to the Russian economy and any high-technology advice or information that could possibly strengthen their military expertise and effectiveness. We should also impose limitations, equal to what they require of us, on the number of personnel permitted in their embassies and place severe restrictions on their travel privileges.

These and a host of other measures designed to persuasively impact the Soviet Government are already in operation or development by the President and the Congress. Hopefully they will tend to convince the Soviets of our combined serious intent and deter them from any additional inhuman destruction of innocent lives. A further, and probably the most effective, deterrent action that can be taken against Russian terrorism is public denunciation of their savagery of human life that echoes around the world from assemblies like this.

The Communists have demonstrated that they are expert propagandists. They have desperately tried to build themselves a world image as a peace-seeking, compassionate government; apparently they would hate to have that hypocritical image universally blotted, rejected, and ridiculed. They have proven themselves very sensitive to world opinion. Therefore, it would seem that if anything would incline the Soviet powers to change their ungodly actions and uncivilized behavior, it might well be a continuing blanket of cooperative condemnation by all the peoples of the free world. Let us unceasingly emphasize that it would be in their own best self-interest to make such a wholesome change.

We must never abandon our efforts to reach a verifiable arms limitation agreement with the Soviet Union. At the same time we must perseveringly cooperate among ourselves and all other free nations to encourage the Soviets to base their conduct as a country upon the same moral and ethical standards that are in common use and application throughout the civilized world. If they do so they can be assured they will be granted their high and rightful place among the family of civilized nations.

We may well be embarking on a long and agonizing effort. However, there could hardly be a more worthy remembrance of our fellow Americans and the other innocent dead to whom we are offering tribute today than to lastingly dedicate ourselves to the establishment of earthly peace, the prevention of worldwide nuclear destruction, and the conversion of the Soviet Government to conformity with the standards of human behavior that govern the conduct of all free and civilized peoples.●

● Mr. ACKERMAN. Mr. Speaker, I join this special order today on the tragic attack on Korean Air Lines flight 007 because I believe we must take the time to remember the people who died in this massacre, and try to see what lesson we can possibly glean from this inexplicable disaster. The debate on whether we should institute sanctions, suspend grain sales, and halt the landing of Aeroflot planes has sometimes obscured the meaning of this event in human terms for the families and friends of the victims.

When considering the loss of life on that fateful day, a stream of questions comes to mind. Why do a mother and her young child lose their lives before they have even begun to fulfill their human potential? Why does a research scientist who can contribute so much to his fellow human beings fall victim to this attack? Why are five children left as orphans due to the deaths of their parents? Why must 269 people die as a result of an animosity which leaves us constantly on the brink of nuclear annihilation? There are no rational answers; only more questions.

Particularly unnerving for all of us has been the Soviet strategy for dealing with the near universal condemnation they have received from the world community. It appears that the Soviets will continue to pursue the old tactic of hunker down and tough it out, refusing to acknowledge their culpability for this act. Mr. Speaker, the rest of the world has spoken out in the clearest of terms on this incident. There is a fundamental abhorrence to the innocent death of so many unarmed civilians by the people of all countries regardless of ideology, economic wealth, race, or ethnic background.

Mr. Speaker, these strong reactions must be transformed into productive

use, in order that the lives of these people are not lost completely in vain. As we take this time to remember the victims of KAL flight 007, let us also take this opportunity to reaffirm our commitment to the pursuit of world peace. Central to this pursuit is the continuing effort by our Government to work with the entire world in sending a message to the Soviet Union that our values and respect for human life demand that such senseless acts do not occur again. We owe it to the 269 passengers on flight 007 to remain vigilant in our pursuit of this goal.●

● Mr. SOLOMON. Mr. Speaker, some 2,400 years ago, the ancient Greeks gave funeral orations for those who had laid down their lives in defense of their fellow citizens. The dead were honored for their sacrifice, and the living were reassured that their tragic loss was not in vain.

Today, in this Chamber, orations are being given in commemoration of 269 men, women, and children killed in the dispicable downing of Korean Air Lines flight 007, a deliberate act of barbarism perpetrated on the world community by the Soviet Union. They did not die in combat, nor were they on some preposterous espionage mission, as the Soviets have charged. Yet the passengers of the flight 007 are, nonetheless, our war dead, innocent civilians killed in the war now being waged against humanity by the evil Soviet empire. Their families—and free people everywhere—have a right to ask that their deaths be not in vain.

They have a right to ask if any good can come from this evil. Can security be salvaged from an act of terrorism? Can the cruel excesses of a barbaric regime enhance our opportunities for peace and freedom?

The answer to this paradox, Mr. Speaker, is yes. Yes, good can come from evil, if this heinous crime stiffens our resolve to stay the course President Reagan has set out for America's defense, a course toward lasting peace through strength.

The Soviet Union has tripped the warning wire that Representative Larry McDonald, myself and countless other conservatives long ago set up to alert the free world about the threat of Marxist imperialism. Now, by the hellish light of flight 007's burning wing, the entire world can see the evils and the inherent dangers of Soviet-brand communism.

All of us are joined now with our spiritual brothers in Afghanistan, in Poland, in Cambodia, and in El Salvador who have witnessed first hand the cruelities—the atrocities—the human rights abuses that Soviet-brand communism is capable of. The whole world now knows that communism is an atheistic philosophy of raw, brute force that stands in total disregard of human rights, or indeed, of human life itself.

Now is the time to unite behind the President's firm, yet measured response to this latest Soviet atrocity. We must rally behind his attempt to win worldwide condemnation for this dispicable crime against humanity. And we must once again pledge to work for his program to modernize our military to assure a lasting peace through strength.

American strength is the only thing that the Soviets are capable of understanding or respecting. A nuclear freeze is not an alternative, it is a plan for the unilateral disarmament of America. It would leave us defenseless before a regime as bestial and bloodthirsty as the Nazi regime that millions died to rid the world of.

We cannot reclaim the lives lost of flight 007. And while we can demand it, we cannot expect the Soviets—who recognize no universal law, code, or right—to make reparations for to the victims to their crime. But we can renew our commitment to our President's program of peace through strength. To our President must go our prayers for peace and ultimate liberation from the worldwide scourge of communism.●

● Mr. STRATTON. Mr. Speaker, I was detained in an urgent Armed Services Committee meeting when the gentleman from California (Mr. McCANDLESS) took his special order to honor the American victims of the Korean Air Lines flight 007. But I wish to comment on the same project.

Nothing brings out more clearly the barbarity of that Soviet action more than the stories of the innocent victims of this incredible and dispicable tragedy.

One of these American victims was a constituent of mine, Mrs. Muriel Kole of Loudonville, N.Y. Mrs. Kole, a psychotherapist, was on her way to Tokyo to deliver a lecture to the Business and Professional Women's Club when her life was cut short by the Soviets' murderous and unconscionable act. The tragedy became what her husband, Dr. Michael Kole, termed "a bad dream;" for he, like many of us, could scarcely believe the news as it unfolded on the morning of September 1, 1983.

Mrs. Kole was born in Queens County, N.Y., and her mother remains in New York City. She and here husband had moved to the Albany area about 15 years ago, where they have been practicing family counseling. Mrs. Kole received bachelor's and master's degrees from Russell Sage College in Troy, and was working on her doctorate at the time of her death at age 36. Mrs. Kole had worked for the New York State Department of Mental Hygiene and then worked on civil rights issues in the State Education Department until recent years. Muriel Kole was also active in the Albany Business and Professional Women's Club, serving as chairman of the State Street Chapter of the International Committee of the Club.

Mr. Speaker, what a tremendous waste of talent and of promise for the future has resulted from this terrible deed. How could the Soviet Union fail to apologize for this action? How could the Soviet leadership fail to express regret and sorrow for the loss of 269 promising lives? How could they possibly fail to provide compensation to the families and the relatives as a result of their hair-trigger border paranoia?

Mr. Speaker, our heartfelt sympathy goes out to Dr. Michael Kole, Mrs. Kole's husband, who was in their home at Loudonville when he heard the reports of the stricken airliner and to Mrs. Kole's many friends, associates, and admirers in the Albany, N.Y. community. The scars of this tragedy will live for years to come in every one of the dozens of homes that have been marked by this aggressive act—something that still strikes all of us as utterly inconceivable in a supposedly civilized world.●

GENERAL LEAVE

Mr. McCANDLESS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and entend their remarks on the subject of my special order tonight.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

AIDS EPIDEMIC

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Mrs. BURTON) is recognized for 15 minutes.

● Mrs. BURTON of California Mr. Speaker, the Government Operations Subcommittee on Intergovernmental Relations and Human Resources, chaired by my friend and colleague TED WEISS, recently held critically important hearings on the AIDS epidemic. During those hearings Dr. Marcus Conant of the University of California at San Francisco presented cogent testimony outlining several proposals for Federal action to prevent this epidemic from reaching even more tragic proportions.

Dr. Conant's testimony follows:

My name is Marcus A. Conant. I am a physician at the University of California at San Francisco and the co-director of its Kaposi Sarcoma Clinic. I wish to thank Representative Weiss for calling this hearing.

Some time three or four years ago, in a manner that will probably forever remain unknown, a new and terrifying illness was introduced into the human population. At first, we did not even know that it had arrived. Instead, it was thought that for some bizarre reason there was an epidemic of a

rare skin cancer called Kaposi Sarcoma among homosexual men in a few large cities. At about the same time, it was also noted that others in the same population group were coming down with a lethal form of pneumonia in unusually large numbers. It was not until several months later that public health officials realized that the illnesses they were seeing were actually only the symptoms of a much more fearsome disease, the phenomenon we have come to call Acquired Immune Deficiency Syndrome. AIDS has since become America's most feared acronym. The statistics on its proliferation have become numbing, but they bear repeating here. Last year, there were a few hundred persons with AIDS. Now there are 1,800. The number of AIDS victims currently doubles every six months, and by the end of the year, more than 3,000 people will have it. As the number of persons with AIDS grows, the growth rate of the disease itself also increases, with the AIDS population expected to be doubling first every four months, and then every two. The number of people with AIDS could easily reach the tens of thousands in the very near future. Because the incubation period for AIDS is so long—we believe it to be 18 months—even if a vaccine were found today, the number of victims would continue to grow until at least 1985. The final statistic in this grim litany is that nearly 60 percent of the people who contract AIDS die from it. The disease, quite simply, is the most lethal infectious killer known to modern medicine, and it is on a rampage in this country.

In the face of this appalling specter, one would expect the government of the United States, the world's most affluent and technically advanced nation, to be sparing no resource in its fight to stop AIDS. But as a physician and researcher who has worked with this problem from the beginning, I have to characterize the Federal response to AIDS as bordering on the negligent. I see in my office every day young men who should be in the prime of life but who instead are wasting away towards an early, pointless but once-preventable death. They regularly ask me why their own government does not seem to care if they live or die. The question is not a rhetorical one. I have no answer for it.

I would like in my testimony to explain briefly how the Federal response has been inadequate, and then to propose what I think we as a nation should be doing.

Recently, the administration announced that conquering AIDS is, in the words of the Secretary of Health and Welfare, the nation's number one health priority. We welcome this verbal support, especially after such a long period of official silence. However, I wish it was being backed up with financial support as well. The record clearly shows that it is not.

We often hear that from the National Institute of Health that it has all of the money it needs to deal with AIDS. However, my every experience with AIDS contradicts that. I can, with no effort at all, think of two dozen research projects that could be crucial to the fight against AIDS that aren't being carried out for the simple lack of grant money. I know of any number of colleagues who, instead of staying in their laboratories doing vital resarch, have to spend their time chasing funds. Compared to the enormity of the problem, the federal funding response has been, relatively speaking, a pittance. The failure of the federal government and the NIH to respond promptly and forcefully to this crisis is a national disgrace. It has helped the spread of two epidemics, one of a deadly disease, the other of public hysteria. I cannot help but conclude that federal officials who say that enough money is being spent on AIDS are simply mouthing some required political line that has nothing to do with reality. I wish they could be with me in my office every day as I have to face yet another patient who will likely die because a major federal commitment to fighting AIDS was not made sooner.

I would also question whether the federal government has actually committed as much money to this fight as it says it has. I believe that the NIH has been less than candid in describing the amount it is spending on AIDS. For example, the NIH includes in its figures monies it was spending on projects that have nothing directly to do with AIDS; projects that were underway before the AIDS epidemic even began. I also know that the National Cancer Institute has not released some of the monies for research projects that it has already approved through its laborious peer review process. It is almost as though dubious accounting methods are being used to inflate the federal government's purported AIDS budget in order to create the appearance of a major effort being undertaken, when in fact that is not the case.

The United States can be proud that its research establishment is the ablest in the world. It stands ready to be unleashed against AIDS; all that is needed is the backing of the federal government. The tremendous intellectual resources of the public sector, including private industries and the universities of America, must be utilized in solving this problem. This can only be accomplished if Congress appropriates enough money to stimulate research outside of the NIH and the Center for Disease Control. I am sure we all have different opinions about how active the federal government should be in matters of social welfare. But no matter what your notion of the proper federal role is, it has to include taking the lead in a fight against a disease that has struck citizens in every state of the union; a fight that only the federal government has the resources to undertake.

There is one point I would like to address here briefly before moving on. Most of my patients with AIDS are gay, and almost to a man, they tell me that they believe the federal government would have acted against AIDS with a vengeance had it only struck a segment of the population that was in better standing at the moment in the nation's capitol. While gay men are by no means the only persons afflicted by AIDS, it is clear they have suffered from it more than any other group. I personally find it hard to believe that any member of Congress would deny funds for research into an disease because they did not approve of certain aspects of the lifestyle of most of the people contracting it. AIDS is a medical problem, and questions of the legitimacy or illegitimacy of the modern gay movement must be left to some other forum. But if anyone is reluctant to fund the fight against AIDS becasue most of its victims happen to be gay, let me lead them to the crib of a newborn child who has AIDS, so they can watch as the infant screams with pain. There alone they will find reason enough to want to halt this killer.

One misconception frequently heard from funding agencies is that AIDS is such a complex, enigmatic pathological phenomenon that providing funds for research would be like throwing money down a bottomless hole. The analogy is sometimes drawn to cancer, where a final cure is probably still many years away. This is a grievously mistaken assumption, which if not corrected, could spell the deaths of tens of thousands of Americans.

AIDS is a baffling medical mystery. But it is a solveable medical mystery. AIDS is a new infectiuous disease agent, and all available evidence indicates that it is some form of virus. Fortunately, at this point in the twentieth century, (thanks in no small part to the support for scientific research provided in the past by the Congress) we have the knowledge and tools at our disposal to isolate a virus. We can then procedd to sequence the genetic information in the virus; to produce a vaccine that will protect people from acquiring the virus without incurring the disease; to clone that genetic material; and to then produce large amounts of the vaccine for public distribution. We are hopeful that, given the proper support, we can accomplish all of this reasonably quickly, and thus break the chain of transmission of this disease.

But even with that achieved, there would remain another enormous medical and social problem connected with AIDS. By the time a vaccine is developed, there will likely be tens or hundreds of thousands of persons already afflicted with AIDS. In those cases, a vaccine would be useless, since the virus is already present in their bodies and wreaking havoc with their immune systems. We therefor need to continue, at fever pitch, research into the exact mechanism by which AIDS does its work. This is so we can save the lives of those already with the disease, and the many more we know will be contracting it before the vaccine is available.

These, then, are the two ultimate goals of AIDS research—creating a vaccine for the well and finding a course of treatment for the ill. How do we accomplish all of this?

I would like to put forward the proposal that AIDS is such an unparalled threat to the American people that an emergency task force be created at the very highest level of government. The task force would be headed by an emergency coordinator whose job it would be to act as steward while we, as a nation, join together to fight this threat. The group would report directly to the President or to the Secretary of Health and Welfare.

There are dedicated men and women throughout the country making heroic efforts every day to solve the AIDS mystery. I have nothing but respect for my research colleagues at the NIH and the CDC. Without them, we would be crippled in this effort. But the work of those scientists, along with those at research centers throughout the country, is not being coordinated; it is as though they are along the rim of a wheel that has no center. A task force would be that center of the wheel. This is not some symbolic action or hollow public relations gesture, but a desperate need. Today, with no one group overseeing the entire AIDS effort, it is easy for research to be duplicated; for vital scientific findings not to be passed along to those needing them; for researchers in one part of the country to pursue leads already discredited somewhere else. As you can well guess, any of those scenarios can be deadly in such a time of crisis. Equally deadly is the business-as-usual attitude of federal health officials in the timetables they use to approve funds for research studies. We desperately need to expedite the funding of worthy

projects. If the Jonas Salk of AIDS were to come to Washington today with a research proposal, he would probably be told to come back in two years after his papers had been reviewed.

The National Conference of Mayors, at its recent annual conference, passed a resolution asking the Congress to appropriate $50 million a year to combat the AIDS threat. I think that is an acceptable minimum amount. In considering the question of funding, the Congress must understand that AIDS is a new disease being visited on the population, and therefor new monies must be made available to deal with it. Some have suggested that AIDS research be funded by diverting money from other public health projects. But it makes no more sense to do that than it does to find the money for Social Security payments for a new retiree by cutting off payments to someone already in the system. The public health concerns towards which those earlier funds were appropriated are still with us even with AIDS, and they deserve continued federal support. As a researcher, I would also wish to point out that it would be extremely shortsighted to fund AIDS by cutting money that was earmarked for other, more basic, research. We would be helpless in the fight against AIDS—or in any other battle in medicine—had it not been for the basic research done in years past. Continuing that research is part of our commitment to the future.

I would like to make one additional observation about money. I think it demeans this body to suggest that it would only make a judgement on matters of life and death because of economics. The main reason we must vanquish AIDS is because it is the only moral choice presented to us. But should anyone need further persuading, consider the simple dollars and cents of the matter. It now costs about $70,000 to provide care for a patient with AIDS. Thousands have, or will get, the disease. Simple multiplication makes it clear that it is cheaper for us to cure AIDS than to treat it.

I have already spelled out the ultimate goals of AIDS research, and asked you to commit federal resources to help us achieve those goals. But there are a number of other steps we must take in the interim.

While everything possible must be done to disseminate information about AIDS to all interested researchers, this must be done in such a way that patient confidentiality is preserved at the same time. Growing millions of Americans are completely comfortable with their homosexuality and do not regard it as any source of embarrassment. But there are, of course, many others who are unwilling to be publicly identified as being gay. As a result, a firm federal policy on patient confidentiality would be a boon to research, since it would make closeted homosexuals much more willing to fully and candidly discuss their AIDS problems and related issues with their doctors. Such a policy would also respect the right to privacy that every American cherishes.

We need to greatly expand the extramural research being done into the epidemiology of AIDS. The disease baffles us on a number of fronts, not the least of which is the networks by which it is transmitted. Some examples of the questions we would like answered—San Francisco has a very large Asian population, yet there are only four Asian-Americans there with AIDS, while most other ethnic groups have the illness in proportion to their percentage of the population. Why is this so? In the first sets of studies on AIDS patients, they were revealed frequently to be highly promiscuous gay men. This is not at all the case today. Why the change? Among the Hatian males who have AIDS, nearly 100 have described themselves as hetrosexuals. How did the disease spread to them? The questions go on and on.

Fundings for research proposals are generally reviewed through the peer review process of the National Institute of Health. This is a time-honored procedure, and one that all scientists, including myself, regard as the very cornerstone of our work. Truth flourishes and science advances only in an atmosphere of skepticism, questioning and caution. I think we must also remember, though, that we are in the middle of a public health emergency unlike any other of our generation, and that, as I indicated earlier, the slow, deliberative evaluations that in less critical times are the lifeblood of research could, in this instance, quite literally spell the death of untold thousands of Americans. In the average case, the time that elapses between a proposal being put before the NIH and the funds for the project being released is 18 months to two years. As I think you can appreciate, that is close to an eternity when it comes to the current AIDS crisis. The NIH needs to very quickly establish an ad hoc review committee made up of able, dedicated experts who can review proposals for AIDS research on an emergency basis. These scientists would bring with them both their expertise as researchers as well as their recognition that a grave public health crisis exists that demands prompt action.

I also think it is important for the NIH to issue a general call for research proposals dealing with AIDS. This would send a signal from the federal government to the scientific community that it is genuinely serious about AIDS. I know of a number of able scientists who currently will not even bother spending the time putting together an AIDS-related proposal because they feel it will not be seriously considered by the authorities in Washington.

Every American has an interest in seeing to it that the nation's blood supply is protected. Efforts must be made to develop a reliable, scientific method of screening that supply for infectiuous agents such as AIDS. In recent months, as it has become suspected that AIDS may be transmitted through blood transfusions, the vast majority of gay men have taken themselves out of the pool of blood donors for the duration of this health emergency. Most blood banks have also cut back on blood drives in gay neighborhoods. But a policy of protecting the blood supply by screening donors, rather than blood, is ultimately shortsighted and ineffective. It is easy to imagine, for example, an office blood bank drive where a closeted gay man, and a potential AIDS carrier, wishes to "prove" his hetrosexuality to his co-workers by going along with the others and donating blood. No amount of pre-donation screening or question can prevent a person like that from donating blood. And a massive screening effort to determine who is, and who is not, a homosexual (or, for that matter, an intravenous drug user or a Haitian or a hemophiliac) is a social policy that is, at very best, of questionable wisdom, and at worst Orwellian. As far as the nation's blood supply is concerned, the emphasis must therefor shift from the donor to the blood.

There needs to be increased federal support for persons actually afflicted with AIDS. The cost of AIDS treatment is staggering, and is simply beyond the financial resources of most Americans. In the case of kidney dialysis, the federal government long ago realized that it was not befitting a civilized nation for its citizens to die because they could not afford the cost of medical care. The situation is much the same today with AIDS, and I believe the federal response should be the same.

Six months ago, those of us doing research into AIDS were frightened by two things—the disease itself, and the complete lack of awareness of it outside of the gay community. Now, we have the opposite problem. There are, in fact, now two AIDS epidemics; one involving immunology, the other involving fear. There are any number of horror stories in this regard; one of the most appalling has to do with a San Francisco bus driver who, out of a fear of contracting AIDS from a tattered slip of paper, refused to take a bus transfer from a man he presumed to be a homosexual. I also hear too-frequent reports of hospital workers refusing to care for AIDS patients. It is a sad time indeed when members of the healing professions no longer wish to care for the sick.

I don't wish to belittle the fear of AIDS; no one knows more than myself what a truly fearsome medical phenomenon it is. But I think there is a considerable public education project ahead of us to tell the public who is, and who is not, at risk. It cannot be repeated too often that there is no evidence that AIDS is transmitted through casual social contact. Common sense alone would lead one to that conclusion. If AIDS were easily transmitted, then by now millions of Americans would have it, not 1,800, most of whom are gay men.

In several ways, this fear of AIDS is a public health problem in its own right. The health and welfare department's new toll-free phone line is a small step in the right direction. (I would point out, though, that the phone lines are receiving up to 10,000 calls a day—testimony indeed to the concerns Americans have about AIDS.) There are also grave questions of social justice in this regard. I have heard too many stories of persons with AIDS being fired from their jobs or evicted from their homes once their condition became known. There are also economic aspects to the AIDS hysteria. My businessmen friends back in San Francisco have started to worry about the effect of the fear of AIDS on tourism in that city. They also say that friends in other big cities have started to echo the same concern. There is even the worry that foreign tourism to the U.S. could begin to suffer because of the world-wide attention given to AIDS. All of these AIDS-related fears are, of course, groundless. A high-level task force could do much towards reassuring the public of that fact.

The definition of AIDS must be broadened by the Social Security Administration for the purposes of providing benefits. Currently, the Social Security use the definition provided by the Center for Disease Control, which defines as AIDS patients as a person under 60 with either Kaposi Sarcoma of pneumocystis pneumonia, and a few other disease. However, we have recently see a number of new infectious agents take hold in AIDS patients. These people are just as disabled, just as in need of Social Security help, as a person with KS. Yet they are currently denied that help because of an outdated definition of the problem.

Due to the publicity AIDS has received in large cities with substantial gay popula-

tions, most physicians and other health care workers are now familiar with the clinical manifestations of AIDS, as well as the appropriate treatment protocols. But this awareness of AIDS must be spread to doctors all over the country, so that persons suffering from the disease are diagnosed correctly and from the very start receive appropriate medical care. This will help save the lives of these patients; it will also help curb the spread of the disease.

In closing, I would like to point out that last week alone, my home city of San Francisco buried four of its sons; young men who only months ago were in the prime of their lives. At a time such as this, one can't help but recall that it is the right to life that is the first of the three unalienable rights set forth in our Declaration of Independence; and that, as Jefferson wrote 207 years ago, that it is to secure those rights that governments are instituted among men. Any government has no higher purpose than to protect the lives of its citizens, and the citizens of the United States today face no greater public health threat than they do from AIDS. We have the profound moral obligation to take every step necessary to conquer it as rapidly as is humanly possible.

Thank you.●

PUBLIC ASSISTANCE FRAUD AND ABUSE PREVENTION ACT OF 1983

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. FRANK) is recognized for 5 minutes.

● Mr. FRANK. Mr. Speaker, today I have introduced a bill that would require States to match their public assistance rolls on a regular basis against all relevant Federal, State, and local wage and benefit records in order to verify the eligibility of applicants and recipients under the various federally assisted public assistance programs that are administered at the State level.

By filing this bill I do not mean to imply that the majority of public assistance recipients cheat. In fact only a small minority of recipients receive benefits by fraudulent means. Nor do I mean to imply that the levels of benefits received by recipients are too generous. It is because of my commitment to public assistance programs that I am working to make these programs more efficient. By eliminating the fraud that does exist we can be assured that the money designated for these programs goes to those who are in fact legitimately eligible to receive public assistance.

Whenever the Government uses computers to check individuals' financial records the question of privacy arises. I am sensitive to this problem. I believe that this bill includes the necessary safeguards so that while it meets the objective of eliminating fraud it does not violate the recipients' privacy.

When I served in the Massachusetts State Legislature I filed a similar bill that becomes law. The Massachusetts law that matches public assistance records and employment records has worked well because it does include the necessary safeguards that protect recipients privacy. It has enabled the State to run more efficient public assistance programs. I believe it is time to implement this type of legislation on a national level.●

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. STENHOLM, for 60 minutes, on September 27, 1983.

Mr. ROBERTS, for 60 minutes, immediately following Mr. STENHOLM.

(The following Members (at the request of Mr. BURTON of Indiana) to revise and extend their remarks and include extraneous material:)

Mr. MCCANDLESS, for 60 minutes, today.

Mr. BROWN of Colorado, for 10 minutes, today.

(The following Members (at the request of Mr. STENHOLM) to revise and extend their remarks and include extraneous material:)

Mr. ANNUNZIO, for 5 minutes, today.

Mr. GONZALEZ, for 30 minutes, today.

Mrs. BURTON of California, for 15 minutes, today.

Mr. HUBBARD, for 5 minutes, today.

Mr. PATMAN, for 5 minutes, today.

Mr. MAVROULES, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. BURTON of Indiana) and to include extraneous matter:)

Mrs. ROUKEMA in three instances.
Mr. HILER.
Mr. THOMAS of California.
Mr. BROOMFIELD in three instances.
Ms. FIEDLER.
Mr. CAMPBELL.
Mr. WOLF.
Mr. MCDADE.
Mr. CRAIG.
Mr. LUJAN.
Mr. RITTER.
Mr. MCGRATH.
Mrs. JOHNSON.
Mr. CONTE in two instances.
Mr. BOEHLERT.
Mr. GOODLING.
Mr. FIELDS.
Mr. GILMAN in two instances.
Mr. LEWIS of Florida in two instances.
Mr. ZSCHAU.
Mr. FRENZEL.
Mr. ROTH.

(The following Members (at the request of Mr. STENHOLM) and to include extraneous matter:)

Mr. YATRON.
Mr. ROE.
Mr. DELLUMS.
Mrs. SCHROEDER.
Mr. MONTGOMERY.
Mr. EVANS of Illinois.
Mr. BARNES.
Mr. ROYBAL.
Mr. MARKEY.
Mr. STOKES.
Mr. BONER of Tennessee.
Mr. FRANK in two instances.
Mr. WON PAT.
Mr. HAMILTON.
Mr. ST GERMAIN.
Mr. ROSTENKOWSKI.
Mr. GAYDOS.
Mr. STARK.
Mr. PEASE.
Mr. AUCOIN.
Mr. OTTINGER in two instances.
Mr. HARRISON.
Mr. SISISKY.
Mr. TOWNS.
Mr. SYNAR.
Ms. FERRARO.
Ms. KAPTUR.
Mr. PEPPER.
Mr. LANTOS.
Mr. PANETTA.
Mr. PATMAN.
Mr. HEFNER.
Mr. GORE.
Mr. EARLY.
Mr. CONYERS.
Mr. ERDREICH.
Mr. WILLIAMS of Montana.
Mr. SHELBY.
Mr. RAHALL.
Mr. ORTIZ.
Mr. BEILENSON.

SENATE BILL AND JOINT RESOLUTIONS REFERRED

A bill and Joint Resolutions of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 1448. An Act to designate the square dance as the national folk dance of the United States; to the Committee on Post Office and Civil Service.

S.J. Res. 121. Joint resolution to designate November 1983 as National Diabetes Month; to the Committee on Post Office and Civil Service.

S.J. Res. 128. Joint resolution to designate the day of October 22, 1983, as "Metropolitan Opera Day"; to the Committee on Post Office and Civil Service.

S.J. Res. 134. Joint resolution to provide for the designation of the week of November 27 through December 3, 1983, as "National Entomology Week"; to the Committee on Post Office and Civil Service.

S.J. Res. 140. Joint resolution to provide for the designation of the week of October 2 through October 8, 1983, as "Myasthenia Gravis Awareness Week"; to the Committee on Post Office and Civil Service.

S.J. Res. 142. Joint resolution designating the week of October 3 through October 9, 1983, as "National Productivity Improvement Week"; to the Committee on Post Office and Civil Service.

S.J. Res. 146. Joint resolution to designate March 23, 1984, as "National Energy Education Day"; to the Committee on Post Office and Civil Service.

S.J. Res. 150 Joint resolution to designate August 4, 1984, as "Coast Guard Day"; to the Committee on Post Office and Civil Service.

S.J. Res. 157. Joint resolution designating November 13, 1983, as "National Retired Teachers' Day"; to the Committee on Post Office and Civil Service.

ENROLLED JOINT RESOLUTIONS SIGNED

Mr. HAWKINS, from the Committee on House Administration, reported that that committee has examined and found truly enrolled joint resolutions of the House of the following titles, which were thereupon signed by the Speaker:

H.J. Res. 132. Joint resolution designating the week beginning September 25, 1983, as "National Adult Day Care Center Week"; and

H.J. Res. 218. Joint resolution to designate the month of September of 1983 as "National Sewing Month."

SENATE ENROLLED JOINT RESOLUTIONS SIGNED

The SPEAKER announce his signature to an enrolled joint resolutions of the Senate of the following titles:

S.J. Res. 81. Joint resolution to authorize and request the President to designate October 16, 1983, as "World Food Day";

S.J. Res. 82. Joint resolution designating November 1983 as "National Alzheimer's Disease Month"; and

S.J. Res. 119 Joint resolution to designate the week of December 11, 1983, through December 17, 1983, as "National Drunk and Drugged Driving Awareness Week."

ADJOURNMENT

Mr. KOGOVSEK. Mr. Speaker, I move the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 25 minutes p.m.) under its previous order, the House adjourned until Thursday, September 22, 1983, at 11 o'clock a.m.

EXECUTIVE COMMUNICATIONS, ETC.

1887. Under clause 2 of rule XXIV, a letter from the Secretary of Labor, transmitting a draft of proposed legislation to provide for the modification and extension of the Federal supplemental compensation program, and for other purposes, was taken from the Speaker's table and referred to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. PEPPER: Committee on Rules. House Resolution 312. Resolution providing for the consideration of S. 602. A bill to provide for the broadcasting of accurate information to the people of Cuba, and for other purposes (Rept. No. 98-368). Referred to the House Calendar.

Mr. MOAKLEY: Committee on Rules. House Resolution 313. Resolution providing for the consideration of H.R. 2144. A bill to amend part C of title III of the Higher Education Act of 1965 to establish an endowment program for developing institutions, and for other purposes. (Rept. No. 98-369). Referred to the House Calendar.

Mr. BEILENSON: Committee on Rules. House Resolution 314. Resolution providing for the consideration of H.R. 2782. A bill to amend the Defense Production Act of 1950 to revitalize the defense industrial base of the United States (Rept. No. 98-370). Referred to the House Calendar.

Mr. DINGELL: Committee on Energy and Commerce. H.R. 3648. A bill to improve the cost effectiveness of the National Railroad Passenger Corporation, to authorize appropriations for such Corporation for the fiscal year ending September 30, 1984, and for other purposes, with amendments (Rept. No. 98-371). Referred to the Committee of the Whole House on the State of the Union.

Mr. DELLUMS: Committee on the District of Columbia. S. 1625. A bill to amend the District of Columbia Retirement Reform Act (Rept. No. 98-372). Referred to the Committee of the Whole House on the State of the Union.

ADVERSE REPORTS

Under clause 2 of rule XIII.

Mr. ROSTENKOWSKI: Committee on Ways and Means. H.R. 1234. A bill to establish domestic content requirements for motor vehicles sold or distributed in interstate commerce in the United States (Rept. No. 98-287, Pt. II). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. AKAKA (for himself, Mr. FUQUA, Mr. VOLKMER, Mr. LUJAN, Mr. NELSON of Florida, Mr. LOWERY of California, Mr. BROWN of California, Mr. CHANDLER, Mr. ANDREWS of Texas, Mr. BATEMAN, Mr. RALPH M. HALL, Mr. WALKER, Mr. DYMALLY, Mr. MINETA, Mr. MACKAY, Mr. TORRICELLI, Mr. MCGRATH, Mr. SCHEUER, Mr. YOUNG of Missouri, and Mr. GORE):

H.R. 3942. A bill to provide for commercialization of expendable launch vehicles and associated services; to the Committee on Science and Technology.

By Mrs. BYRON:

H.R. 3943. A bill to amend the Railroad Retirement Act of 1974 to remove the "last employer" limitation on the receipt of certain annuities in cases where the employment concerned is part-time nonrailroad employment; to the Committee on Energy and Commerce.

By Mr. DELLUMS:

H.R. 3944. A bill to protect the public interest in maintaining the stability of professional sports, and for other purposes; to the Committee on the Judiciary.

By Mr. FRANK:

H.R. 3945. A bill to require States to match their public assistance rolls on a regular basis against all relevant Federal, State, and local wage and benefit records, in order to verify the eligibility of applicants and recipients under the various federally assisted public assistance programs to which such rolls relate; to the Committee on Government Operations.

By Mr. FUQUA:

H.R. 3946. A bill to amend the Internal Revenue Code of 1954 to allow a deduction of $1,000 for each dependent who has attained age 55 and who is a member of the taxpayer's household; to the Committee on Ways and Means.

H.R. 3947. A bill to amend title II of the Social Security Act to eliminate benefit disparities by increasing primary insurance amounts, in cases where the benefits involved are computed under the present formula (enacted in 1977), to the extent necessary to assure that such benefits are no less than they would have been if computed under the pre-1977 formula; to the Committee on Ways and Means.

By Mr. GOODLING:

H.R. 3948. A bill to provide for a study of work and earnings limitations on the receipt of certain railroad retirement benefits and the effects of a proposed modification of those limitations; to the Committee on Energy and Commerce.

By Mr. HARRISON:

H.R. 3949. A bill to recognize the organization known as Veterans of the Vietnam War, Inc.; to the Committee on the Judiciary.

By Mr. MATSUI (for himself and Mr. HANSEN of Utah):

H.R. 3950. A bill to amend title 10, United States Code, to require authorization by law of certain consolidations of functions within the Department of Defense; to the Committee on Armed Services.

By Mr. MONTGOMERY (by request):

H.R. 3951. A bill to amend title 38, United States Code, to provide for the exclusion of residents and interns from coverage under the Federal Labor-Management Relations Statute; jointly, to the Committees on Veterans' Affairs and Post Office and Civl Service.

By Mr. PEPPER (for himself and Mr. QUILLEN):

H.R. 3952. A bill to amend titles XVIII and XIX of the Social Security Act to provide medicare and medicaid coverage of personal emergency response services, and for other purposes; jointly, to the Committees on Ways and Means and Energy and Commerce.

By Mr. TAUZIN (for himself and Mr. HUBBARD):

H.R. 3953. A bill to amend the Panama Canal Act of 1979 in order that outside-the-locks claims for vessels damaged may be resolved in the same manner as those damaged inside the locks, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. WON PAT:

H.R. 3954. A bill to establish a commission to review the facts and circumstances surrounding Guamanian losses caused by the occupation of Guam by Japanese Imperial Forces during World War II; to the Committee on Foreign Affairs.

By Mr. GINGRICH:

H.J. Res. 365. Joint resolution to designate December 17, 1983, as "Erskine Caldwell

Day;" to the Committee on Post Office and Civil Service.

By Mr. GONZALEZ:

H.J. Res. 366. Joint resolution to provide for the temporary extension of certain insurance programs relating to housing and community development, and for other purposes; to the Committee on Banking, Finance and Urban Affairs.

By Mr. GAYDOS (for himself, Mr. MURTHA, and Mr. KOSTMAYER):

H. Con. Res. 170. Concurrent resolution expressing the sense of the Congress with respect to the ongoing discussions of a proposed joint venture; to the Committee on Ways and Means.

By Ms. KAPTUR:

H. Con. Res. 171. Concurrent resolution expressing the sense of the Congress with regard to defense burden-sharing efforts of the United States and Japan; to the Committee on Foreign Affairs.

By Mr. PEASE:

H. Con. Res. 172. Concurrent resolution requesting the President to call on pertinent member nations of the North Atlantic Treaty Organization and on Japan to meet their respective commitments to increase defense spending in 1983 and in 1984; to the Committee on Foreign Affairs.

By Mr. STARK:

H. Con. Res. 173. Concurrent resolution expressing the sense of Congress that the President should instruct the U.S. Ambassador to the United Nations to introduce a resolution, promptly, that calls upon the Government of Iran to cease its persecution of Baha'is in Iran and allow Baha'is who desire to emigrate from Iran to do so; to the Committee on Foreign Affairs.

By Mr. BROOMFIELD (for himself and Mr. ZABLOCKI):

H. Res. 315. Resolution expressing the appreciation of the House of Representatives of the United States to the Government and people of Japan; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. HOPKINS:

H.R. 3955. A bill for the relief of Elvis J. Stahr, Jr.; to the Committee on the Judiciary.

By Mr. PANETTA:

H.R. 3956. A bill for the relief of Velid Mehmed Dag; to the Committee on the Judiciary.

By Mr. PEPPER:

H.R. 3957. A bill for the relief of Jeffrey Young of Miami, Fla.; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 100: Mr. STUDDS.

H.R. 408: Mr. LEHMAN of Florida, Mr. LEVINE of California, Mr. GRAY, and Mr. MORRISON of Connecticut.

H.R. 433: Ms. SNOWE.

H.R. 516: Mr. HANSEN of Idaho.

H.R. 618: Mr. NIELSON of Utah.

H.R. 700: Mr. DICKS.

H.R. 765: Mrs. SMITH of Nebraska and Mr. KEMP.

H.R. 953: Mr. FORD of Tennessee, Mrs. BOGGS, and Mr. WYLIE.

H.R. 1092: Mr. LUKEN.

H.R. 1234: Mr. WRIGHT, Mr. MINETA, Mr. YATRON, Mr. ORTIZ, Mr. MCNULTY, Mr. SOLOMON, Mr. FORD of Tennessee, Mr. JONES of Tennessee, Mrs. BURTON of California, Mr. BONER of Tennessee, Mr. ROEMER, and Mr. SIMON.

H.R. 1255: Mr. HUNTER.

H.R. 1430: Mr. WISE.

H.R. 1594: Mr. WEISS, Mr. STOKES, Mr. CLAY, Mr. FORD of Tennessee, Mr. FAUNTROY, Mr. CROCKETT, Mr. WON PAT, Mr. GUARINI, Mr. MAVROULES, Mrs. HALL of Indiana, Mr. MITCHELL, Mr. LELAND, and Mr. LEVINE of California.

H.R. 1610: Mr. PAUL.

H.R. 1784: Mr. CROCKETT, Mr. OWENS, and Mr. LOWRY of Washington.

H.R. 1918: Mr. LEVINE of California, Mr. HARRISON, and Mr. ANNUNZIO.

H.R. 2053: Mr. ENGLISH.

H.R. 2073: Mr. CHAPPELL.

H.R. 2225: Mr. HANSEN of Utah.

H.R. 2374: Mr. BARNARD.

H.R. 2377: Mr. WHITLEY.

H.R. 2447: Mrs. JOHNSON.

H.R. 2563: Mr. PENNY.

H.R. 2883: Mr. HUTTO and Mr. FASCELL.

H.R. 2956: Mr. WISE, Mr. ROYBAL, and Mr. SCHEUER.

H.R. 2977: Mr. BEVILL, Mr. THOMAS of California, Mr. VANDERGRIFF, Mr. BADHAM, and Mr. PORTER.

H.R. 2981: Mr. LAGOMARSINO.

H.R. 3013: Mr. MINISH.

H.R. 3050: Mr. WALGREN.

H.R. 3072: Mr. MARLENEE, Ms. SNOWE, and Mr. QUILLEN.

H.R. 3331: Mr. MARTINEZ, Mr. DIXON, Mr. DREIER of California, Mr. DYMALLY, Mr. HAWKINS, Mr. LAGOMARSINO, Mr. LEWIS of California, Mr. ROYBAL, Mr. MOORHEAD, and Mr. TORRES.

H.R. 3342: Mr. VANDER JAGT, Mr. DORGAN, Mr. PRICE, and Mr. YOUNG of Alaska.

H.R. 3362: Mr. FISH.

H.R. 3373: Mrs. SMITH of Nebraska, Mr. LEWIS of Florida, Mr. SHELBY, and Mr. BADHAM.

H.R. 3532: Mr. DYSON.

H.R. 3545: Mr. PARRIS and Mr. KEMP.

H.R. 3658: Mr. ANDREWS of Texas, Mr. CAMPBELL, Mr. LOEFFLER, Mr. PANETTA, Mr. HARTNETT, Mr. SKEEN, and Mr. WILLIAMS of Montana.

H.R. 3684: Mr. LELAND, Mr. CLAY, Mr. YATES, Mr. ACKERMAN, Mr. KILDEE, Mr. HYDE, Mr. WON PAT, Mr. DYMALLY, Mr. SMITH of Florida, Mr. EDGAR, Mr. MITCHELL, Mr. BERMAN, Mr. WILLIAMS of Montana, Mr. VENTO, Mr. MCNULTY, Mr. TALLON, and Mr. KASTENMEIER.

H.R. 3734: Mr. RUDD.

H.R. 3755: Mr. HAMMERSCHMIDT, Mr. FRANK, and Mr. WISE.

H.R. 3790: Mr. KOGOVSEK, Mr. HAMILTON, Mr. DASCHLE, Mr. GLICKMAN, Mr. HARTNETT, Mr. STENHOLM, Mr. THOMAS of California, Mr. EDWARDS of Alabama, Mr. ROBERTS, and Mr. BATES.

H.R. 3832: Mr. FRANK, Mr. WOLPE, Mr. FISH, Mr. GARCIA, Mr. STOKES, Mr. FAZIO, Mr. JEFFORDS, Mr. FOLEY, Mr. EDGAR, Mr. LEHMAN of Florida, Mr. LONG of Louisiana, Mr. BEVILL, and Mr. ADDABBO.

H.R. 3846: Mr. BILIRAKIS, Mr. DANIEL B. CRANE, Mr. HANSEN of Utah, Mr. HOPKINS, Mr. MCCOLLUM, Mr. MCCANDLESS, Mr. MACK, Mr. MOORHEAD, Mr. PRITCHARD, and Mr. ROGERS.

H.R. 3870: Mr. RICHARDSON.

H.R. 3888: Mr. LEHMAN of Florida and Mr. NELSON of Florida.

H.J. Res. 93: Mr. YATES, Mr. AUCOIN, Mrs. COLLINS, Mr. WORTLEY, Mr. STENHOLM, Mr. FRANK, Mr. LAGOMARSINO, Mr. FAUNTROY, Mr. BRYANT, Mr. SYNAR, Mr. MICA, Mr. LEWIS of California, Mr. RUSSO, Mr. NELSON of Florida, Mr. OTTINGER, Mr. DELLUMS, Mr. PATMAN, Mr. JONES of North Carolina, Mr. ALBOSTA, Mr. BREAUX, Mr. JONES of Oklahoma, Mr. FORD of Michigan, Mr. SHANNON, Mr. FLIPPO, Mr. ERDREICH, Mr. DICKS, Mr. D'AMOURS, Mr. EDGAR, Mr. KASTENMEIER, Mr. WYDEN, Mr. ANDERSON, and Mrs. BOGGS.

H.J. Res. 103: Mr. MONTGOMERY and Mr. MARRIOTT.

H.J. Res. 247: Mr. GREEN, Mr. GEKAS, Mr. BATES, Mr. ANNUNZIO, Mr. MARKEY, Mr. LEVINE, Mr. KOSTMAYER, Ms. OAKAR, Mr. SUNIA, Mr. TORRES, Mr. FRANK, Mr. MARTINEZ, Mr. HOWARD, Mr. BEILENSON, Mr. ROWE, Mr. HANCE, Mr. LELAND, Mr. FAUNTROY, Mrs. BOXER, Ms. FERRARO, Mr. PURSELL, Mr. RATCHFORD, Mr. LEHMAN of Florida, Mr. MAVROULES, Mrs. JOHNSON, Mr. ACKERMAN, Mr. BOLAND, Mr. DYMALLY, Mr. FEIGHAN, Mr. LANTOS, Mr. RAHALL, Mr. GEJDENSON, Mr. ANDREWS of Texas, Mr. FORSYTHE, Mr. MORRISON of Connecticut, Mr. HAMMERSCHMIDT, Mr. BROOMFIELD, Mr. HUGHES, Mr. GONZALEZ, Mr. FISH, Mr. PORTER, Mr. MINETA, Mr. PATTERSON, Mr. EDGAR, Mr. BERMAN, Mr. OWENS, Mr. VENTO, Mr. JEFFORDS, Mr. FAZIO, Mr. HAMILTON, Mr. SIMON, Mr. CONYERS, Mr. BONIOR of Michigan, Mr. DYSON, Mr. SCHEUER, Mr. GREGG, and Mr. HEFTEL of Hawaii.

H.J. Res. 284: Mr. ALEXANDER, Mr. ANTHONY, Mr. APPLEGATE, Mr. BIAGGI, Mr. BLILEY, Mrs. BOGGS, Mr. BOSCO, Mr. BURTON of Indiana, Mrs. BYRON, Mr. CAMPBELL, Mr. CONTE, Mr. DANIEL B. CRANE, Mr. DAVIS, Mr. DICKINSON, Mr. DOWDY of Mississippi, Mr. FAUNTROY, Mr. FLORIO, Mr. FOLEY, Mr. FORD of Michigan, Mr. HEFNER, Mr. LATTA, Mr. LENT, Mr. LEVIN of Michigan, Mr. LOTT, Mr. LUNGREN, Mr. MARKEY, Mr. MILLER of California, Mr. MOLINARI, Mr. MONTGOMERY, Mr. MURPHY, Mr. MURTHA, Mr. NATCHER, Mr. OXLEY, Mr. PERKINS, Mr. PRICE, Mr. ROWLAND, Mr. ROYBAL, Mr. SAWYER, Mr. SHAW, MR. SMITH of New Jersey, Mr. SNYDER, Mr. STUMP, Mr. D'AMOURS, Mr. IRELAND, Mr. SPRATT, Mr. SWIFT, Mr. THOMAS of California, Mr. TOWNS, Mr. WEAVER, Mr. WEBER, Mr. WILLIAMS of Ohio, Mr. HAYES, Mr. TAYLOR, Mr. MCKERNAN, Mr. MCCLOSKEY, Mr. GILMAN, Mr. DIXON, Mr. CLARKE, and Mr. GRADISON.

H.J. Res. 348: Mr. RANGEL, Mr. SIMON, and Ms. KAPTUR.

H.J. Res. 350: Mr. LELAND, Mr. FRANK, Mr. KEMP, Mr. HARRISON, Mr. FORSYTHE, Mr. CORRADA, Mr. MINETA, Mr. HOYER, Mr. ROE, Mr. ANTHONY, Mr. BIAGGI, Mr. BERMAN, Mr. MATSUI, Mr. HAMMERSCHMIDT, Mr. HANSEN of Idaho, Mr. SIMON, Mr. SMITH of Iowa, Mr. MILLER of California, Mr. PETRI, Mr. HYDE, Mr. FORD of Tennessee, Mr. CAMPBELL, Mr. FLORIO, Mr. LAGOMARSINO, Mr. BOSCO, Mr. WINN, Mr. FRENZEL, Mr. MCKERNAN, Mr. HUGHES, Mr. WILLIAMS of Ohio, Mr. TALLON, Mr. CORCORAN, Mr. JACOBS, Mr. ORTIZ, Mr. RAHALL, Mr. PERKINS, Mr. OTTINGER, Mr. BENNETT, Mr. BONER of Tennessee, Mr. KOGOVSEK, Mr. YATRON, Mr. DONNELLY, Mr. MOAKLEY, Mr. RICHARDSON, Mr. ROBERTS, Mr. CARPER, Mr. FAZIO, Mr. YOUNG of Alaska, Mr. BRITT, Mr. BROWN of Colorado, Mr. FOLEY, Mr. ROEMER, Mr. YOUNG of Missouri, Mr. YATES, Mr. DREIER of California, Mr. DIXON, Mr. HAWKINS, Mr. GAYDOS, Mr. MCNULTY, Mr. BARTLETT, Mr. OWENS, Mr. DYSON, Mr. LUKEN, Mr. ROSE, Mr. OBERSTAR, Mr. DERRICK, Mr. SIKORSKI, Mr. KILDEE, Ms. KAPTUR, Mr. SHELBY, Mr. BATEMAN, Mr.

LANTOS, Mr. WISE, Mr. BARNES, Mr. LOWERY of California, Mr. ANDREWS of North Carolina, Mr. ANDREWS of Texas, Mr. BEVILL, Mr. SAWYER, and Mr. FLIPPO.

H. Con. Res. 9: Mr. BOEHLERT and Mr. SOLARZ.

H. Con. Res. 129: Mr. PEASE.

H. Con. Res. 151: Ms. KAPTUR.

H. Res. 311: Mr. SAM B. HALL, Jr., Mr. HILER, Mr. PAUL, Mr. HANSEN of Idaho, Mr. KINDNESS, and Mr. DENNY SMITH.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 1010.

By Mr. CRAIG:

(Amendment to the amendment in the nature of a substitute (text of H.R. 3857).)

—H.R. 1010 is amended by inserting the following new Section 9(a)(5):

"Section 9(a)(5). Notwithstanding any law, practice or procedure for acquisition by eminent domain in the state where the property is situated, the following requirements apply to the acquisition of rights of way through the power of eminent domain under this Act:

"(A) No less than ninety (90) days prior to the filing of an application with the Secretary, the applicant shall give notice of intent to acquire to the owner of the specific lands sought.

"(B) The applicant shall obtain an independent appraisal of the property to be acquired, and the landowner shall have the right to be present during said appraisal. The applicant shall provide a copy of said appraisal to the owner.

"(C) The applicant shall disclose to the landowner the prices offered for similar land sought to be acquired in the area for the same project.

"(D) Formal condemnation procedures shall not be initiated less than ninety (90) days following the initial notice to the landowner of the intent to acquire.

"(E) Landowners shall have a right to judicial review under this subsection, in the appropriate court of the State in which such lands are located.".

By Mr. SHUSTER:

(Amendments to the amendment in the nature of a substitute (text of H.R. 3857).)

—Page 14, line 17, strike out "private lands" and insert in lieu thereof "those lands owned by any common carrier engaged in the interstate transportation of coal which are".

—Page 15, lines 12 and 13, strike out ", except that" and all that follows through the period on line 16 and insert in lieu thereof a period.

—Page 21, line 5, after "point of destination" insert ", at the point of origin,".

—Page 21, after line 6, insert the following new sentence: "The Secretary shall consult with the United States Geological Survey in making findings under subparagraph (D).".

—Page 23, line 13, strike out "and".

Page 23, line 14, strike out "(iv)" and insert in lieu thereof "(v)".

Page 23, after line 13, insert the following:

"(iv) a list of the names of persons who have a financial interest in such pipeline or extension and a certification of whether or not any coal to be transported in such pipeline or extension is owned by any such person or any person affiliated with any person who has such a financial interest; and".

—Page 28, after line 17, insert the following:

(1) No certificates may be issued to or held by any person under this section who controls, is controlled by, or is under common control with, any person who—

(1) uses or will use coal transported by the coal pipeline constructed or proposed to be constructed pursuant to such certificate, or

(2) supplies or will supply coal to such pipeline.

In addition to the meaning given the term 'control' by section 10102(7) of this subtitle, any person who owns 5 percent of the voting stock of another person shall be deemed to control such other person for purposes of this subsection.

—Page 41, after line 16, insert the following:

"(i) Not later than 10 days after the date of filing of a contract under this section, the Commission shall notify the Attorney General of its consideration of such contract. The Commission shall provide such information as the Attorney General shall require to conduct an antitrust review to determine the likely effects upon competition associated with the approval of such contract. No contract shall be approved under this section unless the Attorney General shall have advised the Commission in writing that, on the basis of such review, approval of the contract will not be inconsistent with the antitrust laws and will not restrain competition.".

—Page 41, after line 16, insert the following:

"(i) If a coal pipeline carrier is providing transportation of coal under a contract approved under this section in competition with a common carrier providing transportation subject to the jurisdiction of the Commission under subchapter I of chapter 105 of this title, such common carrier, for purposes of chapter 107 of this title, shall be irrebuttably presumed not to have market dominance over any transportation of coal in competition with the transportation of coal provided by the coal pipeline carrier.".

—Page 44, lines 16 and 17, strike out "or under construction".

Page 44, line 16, strike out "with" and all that follows through the period on line 18 and insert in lieu thereof the following: "facilities of a coal pipeline or extension thereof construction of which are substantially completed on such date.".

—Page 48, after line 19, add the following new section:

LIMITATION ON OWNERSHIP OF COAL PIPELINES

SEC. 19. No coal pipeline for which a certificate has been issued under section 10 of this Act may transport coal owned by any person who has a financial interest in such coal pipeline or who controls, is controlled by, or is under common control with, any person who has such a financial interest. For purposes of this section, the term "control" has the meaning such term has under section 10102 of title 49, United States Code.

At the end of the table of contents on page 2 before line 1, insert the following:

SEC. 19. Limitation on ownership of coal pipelines.

—Page 48, after line 19, add the following new section:

NONSEVERABILITY

SEC. 19. If any provision of this Act or the applicability thereof to any person or circumstance is held invalid, the remainder of this Act and the application of such provision to other persons or circumstances shall be invalid.

At the end of the table of contents on page 2 before line 1, insert the following:

SEC. 19. Nonseverability.

—Page 48, after line 19, add the following new section:

NONAPPLICABILITY

SEC. 19. Notwithstanding any other provision of this Act (including any amendment made by this Act), nothing in this Act (including any such amendment) shall apply to any carrier of coal by pipeline with respect to which a certificate is not issued under section 10 of this Act.

At the end of the table of contents on page 2 before line 1, insert the following:

SEC. 19. Nonapplicability.

H.R. 3913

By Mr. BIAGGI:

—Page 32, line 2, strike out "$1,825,436,000" and insert in lieu thereof "$1,841,438,000".

EXTENSIONS OF REMARKS

SECRETARY OF STATE GEORGE SHULTZ TALKS ABOUT LEBANON

HON. WM. S. BROOMFIELD
OF MICHIGAN
IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 21, 1983

● Mr. BROOMFIELD. Mr. Speaker, let me call to your attention an excellent statement regarding American foreign policy in Lebanon.

Today, Secretary of State George P. Shultz met with the members of the House Foreign Affairs Committee to discuss Lebanon, and what our Nation's goals and objectives are in that critical area of the world.

I commend the Secretary for his frankness, clarity, and vision. The Middle East is a complex and turbulent area and it is vital to all of us that we understand why America is doing what it is doing in that strategic area.

I am delighted that our domestic controversy over the war powers issue is behind us for awhile. We must show the world that we can unite and stand behind a policy. I share the Secretary's sentiments about the need for cooperation between the executive and legislative branches of Government on this issue. It is truly a challenge that we must face together.

Our goals in Lebanon are sound and straightforward. We are working toward the withdrawal of all foreign forces from that country so that Lebanon can assert its own independence. We are also concerned about the security of Israel's northern settlements and the need to protect the people living there.

Although we have lost a number of fine young marines, the presence of the Multinational Force is designed to provide a sense of security for the Government of Lebanon as it proceeds ahead with national reconstruction. There are obviously elements in Lebanon who are opposed to internal stability. We must not allow these groups to lead us away from our objective of bringing peace to that embattled land.

With these thoughts in mind, I again thank Secretary Shultz for his wisdom and guidance and strongly recommend that his remarks be read by all Members of the Congress.

STATEMENT BY HON. GEORGE P. SHULTZ, SECRETARY OF STATE

Mr. Chairman, members of the Committee: I welcome this chance to talk with you about our objectives in Lebanon and about the importance President Reagan attaches to cooperating with the Congress in pursuit of these objectives.

The challenge in Lebanon is a challenge we face together, as a nation. The issues are not partisan issues. At stake are goals and principles of American foreign policy on which I dare say there is a broad measure of consensus. Whatever legitimate differences there may be over tactics or prerogatives, our leadership in the world is clearly impaired if the President and the Congress attempt to conduct two different foreign policies. We must work together to meet our common, national responsibility or else our common, national interests in the world will suffer. In the last 15 years, there have been instances of deadlock between our two branches of government which resulted in harm to our foreign policy, and human tragedy. The President is determined that this will not be such a case.

This is the spirit in which we approach this problem, and I am heartened by the similar spirit I have been in the Congress. As President Reagan said yesterday, we support the bipartisan leadership agreement that has been reached. This agreement, in my view, serves the national interest.

Let me explain the Administration's view of what is at stake in the Middle East, and in Lebanon; what our diplomacy is attempting to accomplish there; and why the presence of our Marines has been of enormous importance.

OUR POLICY IN THE MIDDLE EAST

It is almost 10 years since the October 1973 war, and for the past decade, the United States has been vigorously and almost continuously engaged in Middle East diplomacy.

Given our strong moral and political commitment to Israel and our many strong friendships in the Arab world, we have always perceived that a negotiated solution to the Arab-Israeli conflict was in the national interest of the United States. Israel and its Arab neighbors deserve to live in peace and security; the Palestinian people deserve a just solution to their legitimate rights and aspirations; all the nations of the region deserve a future free of external intervention or superpower confrontation.

The road to peace is long and hard, and we have no illusions about it. But we can be proud of the role our country has played in bringing about many significant steps toward peace in the past 10 years.

Just over a year ago, President Reagan addressed himself to the broader questions of Middle East peace in a major initiative, which offered—and still offers—the most practical and workable and hopeful basis for negotiation. Anyone in the Middle East who truly seeks a just, secure, and comprehensive solution to the conflict will have to turn in the direction of the President's initiative, firmly grounded as it is in the Camp David Accords and UN Security Council Resolutions 242 and 338.

The crisis in Lebanon cannot be isolated from the larger Middle East crisis. It involves many of the same parties concerned with the broader issues of Middle East peace. It involves similar questions of security, respect for sovereignty, and peaceful settlement of disputes. To advance toward a peaceful solution in Lebanon will contribute to the broader peace process; setbacks in Lebanon will make the broader effort that much harder.

OUR OBJECTIVES AND POLICY IN LEBANON

Our objectives in Lebanon have, from the beginning, been essentially threefold:

The withdrawal of all external forces from Lebanon;

A sovereign independent Lebanon dedicated to national unity and able to exercise control throughout its national territory; and

Security for Israel's northern border, so that the inhabitants of northern Israel can live in safety and without fear of artillery and rocket attacks.

These objectives are not changing. They are, and have been, a constant of our policy. The latest outbreak of fighting should not cause us to lose sight of them.

Lebanon is a proud and beautiful country, whose people have contributed much to the world. Yet it has also had a complex and turbulent history. The roots of enmity in that country go very deep indeed. Nevertheless, for many years Lebanon thrived because political rivalries were accommodated and a delicate balance maintained. Our country too suffered a tragic civil war, but we survived and overcame it. The people of Lebanon remember a happier time when their nation was a dynamic, progressive, and prosperous democracy. The yearning for peace, too, runs deep in Lebanon.

With the end of the terrible ordeal of Beirut last summer and the election of President Amin Gemayel shortly thereafter, it appeared that Lebanon would get a second chance after all. Almost all of Lebanon's many confessional groups pledged their loyalty to their new leader and seemed ready to bury their differences in the name of political and economic renewal. War damage was quickly being removed from Beirut and reconstruction seemed well underway.

To consolidate this hopeful beginning, it was clear that Lebanon had, as a matter of top priority, to see to the withdrawal of all non-Lebanese armed forces from its soil. Whatever indigenous barriers to national reconciliation the Lebanese may face and however prepared they may be to overcome them if given a chance, that process can never really get underway so long as Lebanon remains occupied by foreign armies, foreign paramilitary forces, and foreign terrorist groups. The United States responded favorably to the request of the Lebanese government—and of many of our Arab friends—to help Lebanon and Israel reach an agreement that would be a first step toward this objective. Israel was prepared to withdraw, and Lebanon was willing to negotiate an agreement that also met Israel's legitimate need for security on its northern border. After lengthy negotiations, and with a great deal of goodwill on both sides, Lebanon and Israel reached such an agreement on May 17.

In parallel with this effort, we put our weight behind President Gemayel's movement toward political accommodation. On August 31, President Gemayel, with his

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

Council of Ministers, issued a call for key Lebanese leaders to join in a dialogue on a new national approach to reconciliation and unity. He has made clear his willingness to broaden the base and composition of his government to reflect a true sharing of power. This is a policy we have strongly urged, supported, and assisted, and we have no doubt of President Gemayel's sincerity. Ambassadors Robert McFarlane and Richard Fairbanks have devoted considerable time and effort to this enterprise, as has Saudi Arabia.

The problem, of course, has been Syria. The two tracks of Lebanon's policy—foreign troop withdrawal, and national reconciliation—have both been blocked by Syria, which has been heavily rearmed by the Soviet Union since Syria's defeats in battle last summer. No one questions Syria's legitimate security concerns with respect to Lebanon. But Syria, unlike Israel, has been unwilling to negotiate with Lebanon over how to reconcile its security concerns with Lebanon's sovereign right to follow its own path. The question arises whether Syria's aim is to assure its security or assure its domination of Lebanon:

Syria now has the largest army in Lebanon, but it has refused to negotiate the withdrawal of its forces, reneging on repeated pledges that it would do so once the Israelis did.

Syria has persisted in this course even in defiance of the Lebanese government's formal requests at the beginning of September to Syria, the PLO, and the Arab League that all external forces withdraw. Israel has stated its unwillingness to withdraw totally as long as Syrian forces are there; thus Syria is in the ironic position of keeping Israeli forces in Lebanon. Syria is also permitting the reentry of armed Palestinian groups into the Aleyh/Shuf area in violation of the agreements reached through Ambassador Habib's mediation last year.

At the same time, Syria is using its leverage within Lebanon to obstruct the process of national reconciliation. Indeed, Syria has instigated political opposition within Lebanon and armed several factions engaged in military actions against the legitimate government.

Therefore, the immediate focus of our diplomacy, conducted by Ambassadors McFarlane and Fairbanks, is a ceasefire between the various groups in Lebanon. Saudi Arabia has been actively pursuing the same goal. Jordan, Egypt, and other friendly Arab countries have been very supportive of these diplomatic efforts.

The outcome of this negotiation, as of any negotiation, will depend on the balance of forces. Those who seek to improve their position by force will probably not agree to a ceasefire until they run up against a stalemate on the battlefield.

This brings me to the military situation, and to the role of the Multinational Force now in Lebanon, which includes, as you know, approximately 1200 U.S. Marines on the ground in the Beirut area.

THE MULTINATIONAL FORCE AND THE U.S. MARINES

A year ago, President Reagan dispatched these Marines to participate in the Multinational Force requested by the government of Lebanon. The presence of this force was designed to help ensure the Lebanese government's sovereignty and authority; it was also intended to further that government's efforts to assure the safety of people in the area and to end the violence that had tragically recurred in the massacres of Sabra and Shatila.

British, French, and Italian forces are serving alongside our Marines, and thus the MNF is a truly multilateral, cooperative effort. Its task is a peacekeeping mission, not a warfighting mission.

Its job is not to take sides in a war, but, on the contrary, to help provide a sense of security for the legitimate government of Lebanon as it pursues its national soverignty and national unity. Most of the key confessional groups and friendly Arab countries supported this role for the MNF when it was sent to Lebanon, and they continue to support this role.

Now the MNF is under challenge by those apparently determined to prevent an internal political accommodation. The President has augmented US Naval support forces offshore and has authorized US forces to exercise their right of self-defense should attacks on them continue. Our MNF partners have taken similar or other measures to assure security and self-defense.

We are concerned that key strategic positions in the vicinity of Beirut, which are vital to the safety of our Marines, of other American military and diplomatic personnel, and to the security of Beirut, have recently come under attack. We have responded to these attacks in order to protect our personnel, and will continue to do so. General Kelley will be able to discuss the military situation in greater detail.

A ceasefire, as I have suggested, will come about only when all parties conclude it is in their interest.

Our strategy in Lebanon is to help create conditions that will make it in everyone's interest—to help produce a kind of equilibrium which will encourage a ceasefire, a political accommodation, and ultimately the withdrawal of all foreign forces. We are seeking to build a structure of stability, on the following pillars.

The first element is political negotiations to bring about national reconciliation within Lebanon, to ease or resolve the internal rivalries and mutual suspicions that are at the heart of Lebanon's agony. The United States has strongly supported this endeavor. We are also concerned for the safety of the Palestinian civilians in Lebanon.

The second element is diplomacy to organize international support for the legitimate government of Lebanon, for its efforts at reconciliation, and for a ceasefire. The United States is actively engaged in this effort.

In the military dimension, the primary responsibility rests on the Lebanese Armed Forces, which have acquitted themselves well. We have helped train and equip these forces, and we are pleased that these forces have been reconstituted to take into account.

An army that would be more than adequate for its mission of keeping order once foreign forces were removed, however, is now understandably under severe pressures because it is under assault by forces protected, armed, and encouraged by Syria. It is the external, non-Lebanese involvement that is enormously exacerbating the problem.

Israel continues to have influence with many groups in Lebanon, and has an interest in encouraging national reconciliation and stability. Events north of the Awwali River must be of concern to it, since its long-term security cannot but be affected by Syrian and PLO dominance of the rest of Labanon.

The MNF, including our Marines, provide an added measure of stability in the overall question, as I have described.

Our Marines, or the MNF as a whole, cannot tip the balance of forces alone—and it is not their mission to do so. But their presence remains one crucial pillar of the structure of stability. As a former Marine, I will not allow anyone to cast doubt on how formidable even this small number of Marines can be.

They are an important deterrent, a symbol of the international backing behind the legitimate government of Lebanon, and an important weight in the scales. To remove the Marines would put both the government, and what we are trying to achieve, in jeopardy.

This is why our domestic controversy over war powers has been disturbing. The uncertainty about the American commitment only weakens our effectiveness; doubts about our staying power can only cause the aggressors to discount our presence—or to intensify their attacks, in hopes of hastening our departure. An accommodation between the President and Congress to resolve this dispute will help dispel those doubts about our staying power and strengthen our hand.

The Executive and Legislative Branches, as you know, have important differences of principle with respect to the War Powers Resolution. The Executive Branch has traditionally had questions about the requirement of Congressional authorization for Presidential disposition of our armed forces, both in light of the President's Commander-in-Chief power and on practical grounds. Congress, of course, has had a different view. We could not expect to resolve this basic difference definitively now, but the Administration has been prepared to consider practical proposals that enabled us to protect our common, national interest in Lebanon without prejudging our respective positions on the basic issue of principle.

In this regard, we are gratified that an agreement has been reached among the bipartisan leadership of the Congress to introduce and seek to enact a resolution authorizing the continued presence and mission of the US peacekeeping forces in Lebanon. As the President stated yesterday, although he has substantial reservations about parts of this resolution, he would be willing to sign the proposed resolution while expressing those reservations. We are especially pleased that the proposed resolution not only supports our policies in Lebanon, but now enables us to advance our national interests on the solid bipartisan basis that has been the traditional hallmark of American foreign policy.

WHAT IS AT STAKE IN LEBANON

At stake in Lebanon are some basic principles of international law and international morality that have wider relevance for American foreign policy:

At stake is a small country's right to decide for itself how to achieve its sovereign objectives, free from outside pressure, threat, or blackmail.

At stake is the principle that international disputes should be settled by peaceful means, not by the use or threat of force.

At stake also are some concerns that affect our national interest and the security of our friends and allies. If American efforts for peaceful solutions are overwhelmed by brute force, our role is that much weakened everywhere. Friends who rely on us will be disheartened, and will be that much less

secure. Moderates in the Arab world whom we are encouraging to take risks for peace will feel it far less safe to do so. The Soviet Union's efforts to disrupt our diplomacy will have scored a victory; radical and rejectionist elements will be strengthened. The cause of peace and justice will have suffered a setback. Israel's security on its northern border will be weakened.

What we are doing in Lebanon is right. There are risks involved, but any important undertaking involves risks. If we want the role and influence of a great power, we have to accept the responsibilities of a great power. Many millions of people around the world look to us as the strongest defender of freedom, justice, and peace; we cannot walk away from responsibilities without paying a moral and political price.

I prefer to look at it positively: After all the experience of the last 15 years, nothing would give more reassurance and hope to all our friends in the world than to see the President and Congress working in harmony, united behind a strong and purposeful national policy. This is our opportunity now. We cannot afford to let it slip away.●

TERENCE CARDINAL COOKE—AN APPRECIATION

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 21, 1983

● Mr. BIAGGI. Mr. Speaker, all of those of us who live in the archdiocese of New York are saddened by the news that our spiritual leader Terence Cardinal Cooke is terminally ill with leukemia. This sadness goes far beyond the parameters of the archdiocese and is shared by Pope John Paul and President Reagan—each of whom communicated their sentiments to Cardinal Cooke.

Since 1968, Cardinal Cooke has served as the leader of the archdiocese of New York which has some 1.8 million Roman Catholics. Further Cardinal Cooke also serves as our Nation's Roman Catholic military vicar.

Terence Cardinal Cooke has been a priest since his ordination on December 1, 1945. He taught at both Catholic and Fordham Universities and by the year 1957 he was named as personal secretary to his predecessor Cardinal Spellman. By 1965 he was ordained as an auxiliary bishop.

He was installed as archbishop of New York on April 4, 1968, with President Lyndon B. Johnson in attendance. Cardinal Cooke has counseled all of the President's who have served during his years as archbishop and has been especially close to both President and Mrs. Reagan.

Terence Cardinal Cooke is a native New Yorker having been born on the upper West Side of Manhattan. He knows New York as well as anyone having visited its neighborhoods and seen its people for many years. At one time in 1945 Cardinal Cooke was assigned as assistant pastor at St. Athanasius Church in the Bronx. Cardinal Cooke despite his national and international prominence and position has always felt most comfortable in New York.

Cardinal Cooke is viewed by those who have known him as a patient, compassionate, and highly intelligent man more content with being in the role of a pastor than a church administrator. I have the personal honor and privilege to have known Cardinal Cooke for many years found his counsel invaluable to me personally. One of the proudest pictures I have in my office is with Cardinal Cooke and former President Gerald R. Ford at the annual Al Smith dinner in New York City.

Cardinal Cooke once said his main goal was to be a "good priest." He gained a reputation over these past 15 years as a master conciliator. He has also maintained a remarkably close relationship to the individual people who make up his massive archdiocese. He has been one of the most accessible and visible of all cardinals in this Nation. This tradition of maintaining close touch with people also has carried into his work in the archdiocese. Few positions which Cardinal Cooke has taken over the years have come without the benefit of consultation with individual priests and pastors from within the archdiocese.

It is impossible to predict how much longer Cardinal Cooke will live. He has been administered with last rites by the church. His spokesman has said that the cardinal is taking the news "with faith and peace of soul." He is continuing to work and attend to his responsibilities.

The people of New York have been blessed by Cardinal Cooke through his work. There are few people who have given so much of themselves for their fellow man than Cardinal Cooke. Whether he provided counsel or solace to an individual parishioner or to a fighting man overseas or to a Chief Executive, Cardinal Cooke was a man of commitment and compassion. I have had the distinct honor of being in the company of Cardinal Cooke on numerous occasions. I have been enriched as a person because of having known this man. There are few people who will be missed more than Cardinal Cooke.

It has been said that death, like life, is a gift of God. Cardinal Cooke's life was a gift to the millions who know him and join with me in praying that the cardinal live his remaining days in peace and without suffering.●

THE 200TH BIRTHDAY CELEBRATION OF THE TOWN OF CHESTER, MASS.

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 21, 1983

● Mr. CONTE. Mr. Speaker, I would like to take this opportunity to congratulate the board of selectmen, the bicentennial committee, and the townspeople of the beautiful community of Chester, Mass., on the occasion of their 200th birthday.

Chester is a lovely rural community that is nestled among the rolling hills of Hamden County. Flowing through its green valley are the western and middle branches of the Agawam River. Throughout its history, Chester has typified the struggle and enlightenment of the early New England settlers. Hardy men and women coming to this raw country with nothing more than a few tools and animals, built farms and homes with their own hands.

As New England progressed toward the industrial age, Chester townspeople developed small industries. Typical of these were mining, papermills, wood products factories all built around the natural resources that abounded in the area. The residents utilized well the ingenuity ascribed to New Englanders.

Politically, the townspeople of Chester mirrored the opinions of their fellow colonists. Men of Chester joined the fight for freedom early in the Revoluntionary War.

Today, Chester remains intact, as a symbol of the bucolic lifestyle inherent to the countryside of Massachusetts. The current population of 1,100 reflects the changing times. Many of Chester's residents commute to jobs in nearby cities, but return home each evening to enjoy the rural lifestyle.

Chester is still home to farmers. It numbers among its residents artists and artisans. These groups continue the traditions of the past while accommodating the technology of today.

The schedule of the bicentennial festival exemplifies the varied interests and concerns of the citizens of Chester. The 2-day schedule included arts and crafts exhibits, performing arts presentations, agricultural displays, community group performances, special children's events, and popular entertainment.

To the people of Chester, I commend you for your respect of traditions and your accomplishments of today. I extend my sincerest congratulations to you on this most glorious occasion.●

GETTING THE DEFICIT DOWN

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 21, 1982

● Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington report for Wednesday, September 21, 1983, into the CONGRESSIONAL RECORD:

GETTING THE DEFICITS DOWN

The rosiest economic forecasts still show enormous budget deficits in the years ahead. When the government closes its books on the 1983 fiscal year at the end of September, it will have run its first annual deficit in excess of $200 billion, nearly double the record $111-billion deficit of 1982. The 1984 deficit promises to be as big.

These surging deficits have come about because tax cuts and defense spending increases, many of which are still ahead, far exceed domestic spending cuts, many of which have already occurred. It does not appear likely that Congress will pass the tax increases called for in its most recent budget resolution, and it seems equally unlikely that Congress will make massive spending cuts in any budget accounts, so deficits may very well remain high beyond the middle 1980's even if the economic recovery is stronger than expected. Eventually, the deficits could put us in a cruel dilemma. On the one hand, the Federal Reserve could loosen monetary policy in order to keep the credit-hungry government from crowding out private borrowers and driving interest rates up. The problem with this approach is that loose money would lead to a resurgence of inflation. On the other hand, the Federal Reserve could tighten monetary policy in order to keep inflation from resurfacing in the deficit-driven economy. The problem with this approach is that heavy government borrowing would drive interest rates up, particularly in the sectors of the economy that are sensitive to interest rates, and choke off the economic recovery. High interest rates cost jobs and discourage business investment, home building, consumer spending, and exports.

Suitable policies that substantially reduce the budget deficits will do much to sustain noninflationary growth. Everyone who has analyzed the budget carefully, however, knows that reducing the deficits will not be easy. Those who say that the deficits can be eliminated painlessly by stamping out waste, fraud, and abuse are doing the nation a disservice. They are implying that the task of reducing deficits is far easier than it really is. Reducing the deficits is important to liberals, but not as important as protecting domestic programs; reducing the deficits is important to conservatives, but not as important as increasing defense spending. Strong leadership will be necessary to portray the complexity of the task of reducing the deficits and to suggest the appropriate solution. We must defuse the economic "time bomb" set ticking by the deficits.

Although the Reagan Administration argues that there is no relationship between the big budget deficits and high interest rates and that strong economic growth will continue even with the deficits, it has not been notably successful in convincing others of that view. Most of us would agree that the government cannot continue to spend hundreds of billions more than it takes in each year. Acknowledgment of this fact, however, brings us face to face with some hard political realities. As much as most of us would prefer to close the gap between revenue and spending by cutting spending, the difficulty of cutting spending, the huge cuts that have already been made in domestic spending, and the broad support for spending on military and entitlement programs make it extremely unlikely that the budget would be balanced by spending cuts alone. Neither those who favor reducing the deficits by spending cuts nor those who favor doing so by tax increases have the political power to make their preferred approach law. A government fairly evenly divided between Republicans and Democrats requires that any important initiative be undertaken in a bipartisan fashion. In effect, this means that we must deal with both revenue and spending. More taxes are part of the package, and we should begin the difficult job of identifying the taxes that can be raised with the least danger to the economy. Cutting spending is part of the package as well, and we must start looking for the cuts that can be made with minimum damage to our national goals and priorities, recognizing that the elimination of misspending is only the first and easiest of many steps.

I think the Congressional Budget Office is right when it says there is a strong possibility that neither the President's ideas for managing the budget deficits (deep domestic spending reductions and a $45-billion "contingency tax" to take effect in 1986) nor Congress' (much slower growth in defense spending and new taxes amounting to $73 billion over the next three years) will be accepted. It disturbs me that neither the President nor Congress is really proposing and pushing an aggressive plan to get the deficits down. The reason, I suspect, is that the economic indicators have been improving. For the present, both the executive and legislative branches of government apparently have lost a sense of urgency. The current optimism about the economic recovery has obscured the tough choices and real sacrifices that lie ahead. Our government tends to swing into action only when faced with a crisis (the social security problem, for example), and there is no feeling of crisis in the air today. Members of Congress who returned to Washington at the end of the August recess noticed concern about the deficits in their states and districts, but they saw no panic.

My view is that the paramount objective of economic policy should be a sustained period of non-inflationary growth. The preferred course toward that objective requires an accommodative monetary policy from the Federal Reserve (one assuring that the economic recovery will not run aground for want of credit) and a responsible fiscal policy from the President and Congress (one assuring lower budget deficits in the future).

The political jockeying should cease, and a bipartisan summit on the budget deficits should be convened. The summit would bring together the President, the Speaker of the House, the Senate majority leader, and key budget and tax-writing committee chairmen and ranking members in a series of meetings for the purpose of finding a workable solution to the deficit problem. The President and the congressional leadership have a duty to meet the threat the deficits pose to the economy by doing what all of us know must be done: getting the deficits down.●

ROUKEMA SALUTES TRICENTENNIAL OF GERMAN SETTLEMENT IN AMERICA

HON. MARGE ROUKEMA

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 21, 1983

● Mrs. ROUKEMA. Mr. Speaker, the members of the German American Club of North Jersey and New York will be gathering next Wednesday, September 28, to celebrate a truly significant milestone—300 years of German settlement in the United States. They will be honored at this celebration by Mr. Herman Schnipkoweit, the social minister of the state of Lower Saxony, and by Mr. Heinrich Bierman, county executive of Hildesheim.

This group celebrates what at first glance seems to be a small event lost in the grand sweep of history. On October 6, 1683, a small sailing boat left the port of Krefeld in Westphalia. Aboard were 33 Mennonite Germans fleeing to the haven of North America. They were coming to America, like so many other settlers from all over the world, to live free. Germany was reeling from the aftermath of the terrible 30 years war, where the German people had been held hostage to politics and wars of the royal dynasties of Europe. The 33 Mennonites were destined for Pennsylvania where William Penn had encouraged German settlement in his 1-year-old colony. These 33 Germans were the vanguard for many, many millions of their countrymen in the next 300 years.

Today, nearly 60 million Americans, almost one-third of our people, can proudly claim Germany as their ancestoral home.

And the contribution of German Americans, both in the past and at present, is immeasurable.

At the time of the American Revolution, so many Germans lived in the newborn United States that the Declaration of Independence was reportedly first read in German to the eager crowds of Philadelphia. Indeed, tradition tells us that the Continental Congress considered and failed by only one vote to make German the official language of the new nation.

The United States may not have even gained its hard-fought independence if it were not for the able Gen. Friedrich von Steuben, only second to George Washington in his contribution to the cause of American independence.

German was the usual language heard in the steel mills, in the coal mines, and on the construction site. From New York to Chicago from St. Louis to San Francisco—German Americans helped to build America's great cities. From the valleys of Penn-

sylvania to the plains of Nebraska, they settled the farms. Many German surnames have become household words from German American success at business. Indeed, it would be impossible to find a field where German industriousness and ingenuity have not had a considerable impact.

I recently returned from a business trip to Germany. There, I experienced firsthand the kindness, the strength, and the good will of the German people and the beauty and richness of their land. The Bundesrepublik is our trustworthy ally both in the necessity of defense and the prosperity of trade. We share a common faith in the democratic ideals that constitute mankind's most noble experiment.

So it is with much pleasure that I congratulate the German American Club on this historic occasion. I am sure that all the Members of this body join me to wish for a fruitful future for German Americans and all Americans as we work together to build even a better world for our children.●

FIRE MARSHALS URGE FEDERAL, STATE, AND LOCAL COOPERATION

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 21, 1983

● Mr. FRANK. Mr. Speaker, I recently had the opportunity to address the banquet of the New England Association of Fire Marshals. One of the major concerns of this important and useful association is to improve the job our society does in the prevention of fires. Those in the fire service know that sensible regulation by government can do a great deal to save lives and protect property from preventable fires. The Fire Marshals also understand the importance of cooperation among the various levels of government as well as the private sector in achieving these sensible regulatory policies.

I am very pleased to enter here into this RECORD the resolution calling for Federal, State, and local cooperation in the implementation of new residential fire sprinkler technology adopted on September 15 in Plymouth, Mass., by the New England Association of Fire Marshals.

NEW ENGLAND ASSOCIATION OF FIRE MARSHALS

RESOLUTION

Whereas it is recognized that the fire problem is the responsibility of State and local jurisdictions and

Whereas the Federal Government through FEMA and the U.S.F.A. will provide assistance to encourage states and communities to expend effort to solve the fire problem and

Whereas there still exists an unacceptable level of fire deaths, fire injuries, and fire property losses and

Whereas the majority of deaths, injuries and property losses are a result of residential fires and

Whereas there now exists a new quick response residential fire sprinkler technology which provides an enhancement to life safety and significant reduction of fire property losses.

Now therefore be it resolved that the New England Association of Fire Marshals encourages a coalition of effort on the parts of the Federal Government, Industry, State, and Local government to implement this new residential fire sprinkler technology through the use of incentives, promotion, public education, and continued research and development.

Dated this 15th day of September at Plymouth, Massachusetts.●

CONGRATULATIONS TO EASTER SEAL SOCIETY

HON. JOSEPH M. McDADE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 21, 1983

● Mr. McDADE. Mr. Speaker, on October 11, 1983, the Easter Seal Society of North-Eastern Pennsylvania will be celebrating the 50th anniversary of their founding. I want to take this opportunity to congratulate the society and their president, Dr. Selma Doloff, for all of the outstanding community service they have provided Pennsylvania over the past 50 years.

When Congress talks about the contributions of the private sector, we mean organizations such as Easter Seal. Their work with handicapped Americans is invaluable in the rehabilitation of young minds and bodies. Selfless dedication and integrity are the cornerstone of the reputation of the staff and the many volunteers. When we make a contribution to Easter Seal, we know that our support is going to help those in need, in a caring and efficient manner.

I encourage this Congress to examine the work and the skills of Easter Seal, and especially the outstanding efforts of the North-Eastern Pennsylvania Easter Seal Society. I commend them for their work, their effort, and their patience. In a society where we sometimes forget to say thank you, the North-Eastern Pennsylvania Easter Seal Society on this, the occasion of their 50th founding anniversary, deserves our heartfelt thanks for a job well done. My best wishes for the society on their special night.●

IN MEMORY OF JAMES CURTISS HARPER

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 21, 1983

● Mr. STOKES. Mr. Speaker, it is with a deep sense of personal loss, that I inform my colleagues of the death of my good friend and administrative assistant, Mr. James C. Harper. Mr. Harper passed on during the recess period, August 26, 1983.

Harper, as we fondly called him, served as my administrative assistant for more than 12 years. We had been friends for over 35 years. He was an exceptionally capable and highly respected professional. Beyond that, he was an individual of impeccable integrity.

Many of my colleagues and many employees on Capitol Hill knew James Harper. Those who knew him admired and respected him immensely.

His death leaves a void in the lives of myself, my wife, Jay, my family and staff, as well as in the lives of the people he came in contact with each day on Capitol Hill.

At this time, I would like my colleagues to join me in expressing their condolences to the Harper family on the passing of my friend, Jim Harper. Mr. Speaker, I would like to insert in the RECORD the remarks which I delivered at the funeral services which were held in Cleveland.

The remarks follow:

IN MEMORY OF JAMES CURTISS HARPER

THE HOUSE BY THE SIDE OF THE ROAD

There are hermit souls that live withdrawn,
in their place of self-content
There are souls like stars, that dwell apart,
in a fellowless firmanent;
There are pioneer souls that blaze their
path where highways never ran
But let me live by the side of the road and
be a friend to man.

Let me live in a house by the side of the
road where the race of men go by—
The men who are good and the men who are
bad, as good and as bad as I.
I would not sit in the scorner's seat or hurl
the cynic's band--
Let me live in my house by the side of the
road and be a friend to man.

I see from my house by the side of the road
by the side of the highway of life,
The men who press with the ardor of hope,
the men who are faint with the strife.
But I turn not away from their smiles nor
their tears, both parts of an infinite
plan—
Let me live in a house by the side of the
road and be a friend to man.

I know there are gladden meadows ahead,
and mountains of wearisome height;
The road passes on to the long afternoon
and stretches away to the night.
And still I rejoice when the travelers rejoice
and weep with the strangers that
mourn,
Nor live in my house by the side of the road
like a man who dwells alone.

Let me live in my house by the side of the
road, it's here the race of men go by—
They are good, they are bad, they are weak,
they are strong, wise, foolish—so am I.
Then why should I sit in the scorner's seat,
or hurl the cynic's band?
Let me live in my house by the side of the
road and be a friend to man.

This poem by Sam Walter Foss seems more than any other to express Jim Harper's philosophy about life and friendship. In

this church today are many people who enjoyed a unique friendship with him. He was my best friend and I was privileged to enjoy that friendship with him for more than 35 years. For the last 12 years we worked together every day.

At a time like this one's memory bank flashes back. As the memories continue to flash by, I realize that we shared many hopes, dreams, fears, confidences and innumberable experiences over these years.

Interestingly enough, Harper's friendship with my brother Carl began before he and I met. In fact, it was at my mother's home where Jim and Barbara were visiting Carl that I first met Barbara when she and Jim had just begun dating. And Barbara when you remarked to me a few days ago that you and Harper had 31 beautiful years of marriage together, I had no idea that time had passed so swiftly. I think all of us know how much you loved Harper and how much he loved you. A few weeks ago he came into the office one morning during the time he was very sick. I opened the door to his office and went in to see him. Right after we exchanged greetings he looked up at me and said, "Barbara is beautiful. She really takes care of me. Barbara is beautiful."

All of us knew of the special love and devotion you gave him throughout your marriage and especially over his long period of illness. And he loved and was devoted to you. So you have much to be thankful for. You had a beautiful marriage to a wonderful man and my wife, Jay, and our children and I cherish the relationship our families have had. He was special to each of us.

To Jimmy and Malcolm and Sandy and Kim, your father loved the ground each of you walked on. You were privileged to have an extraordinary father who set a sterling example for each of you. Not only was he a good husband and father but he also set a high standard of achievement and performance for himself. Both in Washington and Cleveland he was highly respected in his field. Jim Harper was unquestionably the best Administrative Aide on Capitol Hill.

In this capacity his integrity was impeccable and his loyalty was unsurpassed. Throughout his lifetime and his various positions he helped a lot of people. While he was with me he helped a lot of little people who could not help themselves. He never talked much about what he accomplished for them. He would bring a situation to my attention and ask if he should do something about it. Once I ok'd it he would remedy the situation and then move on to something else. There is a lesson for you in his work. He had a dedication and commitment to helping the less fortunate. He loved people and he treated people like he wanted to be treated—with respect.

In order to put Harper's life in perspective we need to comprehend the whole man. Harper was fun loving. He loved a good time. He enjoyed his friends, both in his home and in their homes. Until he got sick, he really enjoyed life. Above all he loved to tease and the more he got the best of you—the more he teased. He loved cars. He loved to talk about them and he loved to drive them. He also loved to argue and he didn't care which side of any issue he took, for he often took the side opposite to his own views just so that he could get the argument.

Here today are both the Cleveland and Washington staffs. Most of these people on both staffs were hired by him. Almost all of them had some daily interaction with him. I know that I speak for them when I say that each of them had their own special relationship with him and he will always have a special place in each of their hearts.

Last night Mother Harper said to me, "He was my heart." We know he was your heart, Mom, and you were his heart too. We know that he called you every day. He loved you and Doris and Mildred and Chris and Al, and all of his relatives. He will live on in each of your hearts.

The day before Harper passed Jay White came to my Washington Office and visited with Harper. Buddy James spent an afternoon with him a week ago. Carl Stokes and Russell Adrine spent time with him in Washington two weeks ago. These last visits with him will be precious memories for each of us. Each cherished their friendship with him. Someone has said that, "friendship is a sweltering place, yet its pillars always hold—and never do come tumbling down to leave one in the cold."

Over the last 12 years there were many times when Harper would complete some special affair or project for me. Generally, in order to express my appreciation I would say to him, "Harper, you really did a beautiful job." In typical Harper fashion he would never say, thanks, Lou. He would always say with a sly grin, "As usual," and he would walk away.

The other thing he would do was to come into the office every morning at eight o'clock—he would work all day—most days he ate his lunch at his desk—and worked throughout the day. But every day at precisely 5:30 he went home.

Today as I look back over his life and try to put it into perspective for a final comment, I guess the best way to summarize his life is to say: Harper, you did a beautiful job, as usual—and now it's 5:30—time to go home.●

TRIBUTE TO EDWIN G. MICHAELIAN

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 21, 1983

● Mr. BIAGGI. Mr. Speaker, the people of Westchester County in New York have lost one of their finest and most dedicated public servants with the passing on September 9 of Edwin G. Michaelian.

Few men in this century have done more for Westchester County and its people that Edwin Michaelian. For 16 years Edwin Michaelian served as county executive and for those 16 years "set the standard for good government in Westchester," according to the Herald Statesman newspaper. He served in the position longer than anyone before or after him—four terms. He was an activist as county executive, dedicated to the development of Westchester County.

Among his notable achievements were the acquisition of 4,000 acres of parkland, the development of Westchester Community College, the transfer of New York Medical College to Westchester, and the opening of a branch of the State University of New York in Purchase. Edwin Michaelian further enhanced his record as county executive by first persuading the State government to take over the operation and rebuilding of the county's highway system and then working with the State on behalf of improving existing roads and opening new ones, such as the Cross-Westchester Expressway.

Edwin Michaelian was born in New York City in 1906 but was a resident of White Plains for 70 of his 77 years. He graduated from Yale University in 1929 and was a member of Phi Beta Kappa. He also attended the University of Virginia and Columbia University and held an honorary degree of doctor of law. He served in World War II as a management consultant in the office of Quartermaster General and as a naval officer.

He served as an elected councilman from White Plains from 1939 to 1943 before his war service. He returned to the council from 1947 to 1949. He served as mayor of White Plains from 1950 to 1957, when he was elected as county executive.

Edwin Michaelian was a bold and innovative county executive. He was a governmental cheerleader who coined the promotional phrase "the Wonderful World of Westchester" as an inducement for corporations and people to come to the county. He laid the foundations which helped bring some of the giants of industry to Westchester, such as General Foods, IBM, Pepsico, Nestles, and Texaco and others.

His decision not to seek a fifth term as county executive did not signal an end to Edwin's career in service to Westchester County. In fact, according to an article in the Herald Statesman reporting on Michaelian's death, it states: "Michaelian confided to friends several times in recent years that he had never worked harder for the county than he did after he retired as county executive on December 31, 1973, later serving on a number of boards and in many civic capacities."

Edwin Michaelian was also active in Republican Party politics in Westchester County, serving as Westchester Republican Committee chairman from 1958 to 1963.

It is noteworthy that Edwin Michaelian succumbed to his fatal heart attack in a sense while on duty. He had just finished speaking at a dinner party honoring Mount Pleasant Supervisor Micheal Rovello—one of the many dinners and other functions routinely part of his schedule.

Ed Michaelian was the consummate public servant, someone who wanted a better life for all of the people of Westchester. I know this from personal knowledge and friendship with Ed that actually dated back to the time when I was a police officer in New York City. I used to attend and speak at functions where Westchester law enforcement groups would be and Ed

always seemed to be there in his different elected capacities. He was a great supporter of police and their work.

I also know of Ed's commitment to Westchester from the many times I would see him in the Halls of Congress lobbying for adequate Federal funding for his county. He was an ambassador of good will and a shrewd bargainer. His accumulated knowledge of the county, from having lived in it for 70 years, made him an especially effective spokesman for it. His enthusiasm for his work proved critical in producing results for the betterment of life in Westchester. Edwin Michaelian was indefatigable in all aspects of his work. He maintained a pace at the age of 77 which would tire people half of his age.

As we mourn his sudden passing, let us do so with a positive appreciation for all of the good which this remarkable man did for people. Let his record serve as an example for those of us in public life and those who will follow. I express my condolences to his beloved wife, Joyce, and assure her that the legacy of her husband will endure for years to come.●

H.R. 3840, RISK ASSESSMENT RESEARCH AND DEMONSTRATION ACT OF 1983

HON. DON RITTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 21, 1983

● Mr. RITTER. Mr. Speaker, I introduced H.R. 3840, the Risk Assessment Research and Demonstration Act of 1983 on August 4, 1983. The text of the bill follows:

H.R. 3840

A bill to establish coordinated interagency research and demonstration projects for improving knowledge and use of risk assessment by those Federal agencies concerned with regulatory decisions related to the protection of human life, health, and the environment.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Risk Assessment Research and Demonstration Act of 1983".

FINDINGS AND DECLARATIONS

SEC. 2. (a) The Congress hereby finds and declares that—

(1) a number of Federal agencies have been mandated by law to protect, or provide information to protect, human life, health, and the environment;

(2) the Congress in writing the laws, and the courts in interpreting the laws, have often required Federal agencies to consider risk and ways of reducing risk in those agencies' efforts to protect life, health, and the environment;

(3) decisions by Federal agencies, legally mandated to protect human life, health, and the environment, often involve rules to reduce risk to human life, health, and the environment;

(4) such regulatory decisions involve scientific, economic, social, and philosophical considerations;

(5) these decisions must often be made even in the face of uncertainty and incomplete scientific and technical information;

(6) these decisions may involve an assessment of risks of human life, health, and the environment and a balancing of those risks against the economic and social consequences of controlling them;

(7) improving the quality of the scientific component of such decisions is an important aspect of securing the public's ability to properly weigh the social and philosophical values intrinsic in them; and

(8) analysis of the comparative risks to health and welfare can assist in setting public policy objectives and gaining public understanding of regulatory management decisions.

(b) Accordingly, it is necessary for Federal agencies—

(1) to use the best possible methods for securing information on, and an understanding of, the scientific bases for their regulatory decisions;

(2) to utilize such information and understanding, whenever appropriate, in the assessment of matters pertaining to decisions related to the protection of human life, health, and the environment; and

(3) to delineate, as specifically as possible, the scientific basis for agency decisions from their more subjective, judgmental aspects.

(c) Since the methods of risk assessment are increasingly relevant to regulatory decisionmaking, research and demonstration of such methods should be encouraged.

(d) A study of risk assessment needs to be made to learn what is known and what is not known about assessing risks in the face of incomplete scientific and other information;

(e) Risk assessment is basically a multistep process consisting first of a scientifically based risk analysis, which concentrates on the identification, probability, and consequences of risk, followed by a risk evaluation which is more judgmental in nature and concentrates on decisions defining acceptable levels of risk. Risk assessment will not provide a formula for setting public policies and making regulatory decisions; however, it may be a procedure by which the delineation in subsection (b)(3) is facilitated.

(f) Regulatory decisions concerning risk must usually consider alternative courses of action and may therefore involve comparative risk assessment. Better comparative risk assessment will improve the balancing of alternatives. Comparison of risks represents a means by which levels of risk can be presented to the public in terms which facilitate their understanding and appreciation of various regulatory alternatives.

(g) A variety of Federal agencies use the results from risk analyses to varying degrees in regulatory decisions. A systematic effort to improve the quality of risk analysis should be established to enable agencies to more effectively use risk analysis as an instrument in making regulatory decisions.

(h) Recent judicial decisions have demonstrated the need to further develop risk analysis to meet standards required by Federal courts for Federal Government actions.

PURPOSE

SEC. 3. In view of the findings and declarations set forth in section 2, it is the purpose of this Act to provide for comprehensive and coordinated research and demonstration projects for the study of risk assessment and its relationship to the regulatory process.

DEFINITIONS

SEC. 4. For the purposes of this Act—

(a) the term "risk" means the potential of a given action to cause unwanted, negative consequences to human life, health, or the environment;

(b) the term "risk analysis" means the process of quantification, as much as possible, of the probabilities of an identified risk;

(c) the term "risk evaluation" means the process of judging the acceptability of various levels of risk to individuals, society, or the environment;

(d) the terms "risk assessment" and "assessment of the risks" mean the total process, including both risk analysis and risk evaluation; and

(e) the term "comparative risk assessment" means a procedure in which the assessment of the risks associated with one course of action and the assessment of the risks associated with an alternative course or courses of action are compared with each other and with the kinds of risks people normally face in their individual lives; and

(f) the term "Federal regulatory agencies" means agencies within the Federal Government which are involved with regulatory decisions concerning human life, health, and the environment.

OBJECTIVE AND ESTABLISHMENT OF PROJECTS

SEC. 5. (a) The objective of the projects established under subsection (b) is to develop the necessary knowledge to—

(1) improve the use of risk assessment within those Federal agencies (referred to in subsection (b)(2) and (b)(3)) which are concerned with regulatory decisions related to human life, health, and the environment, giving particular emphasis to the use of comparative risk assessment;

(2) develop a coordinated and systematic approach to the conduct and use of risk assessment by such Federal agencies;

(3) define criteria and standards to guide the development and use of risk assessment;

(4) identify research needed by Federal agencies to improve the methodologies and use of risk assessment in regulatory decisionmaking;

(5) coordinate among Federal agencies the use of common research results and information required for risk assessment;

(6) establish within such Federal agencies a means to promote an understanding by the public of those agencies' efforts to address risks to life, health, and the environment by expressing those risks in terms of easily understood, everyday experience; and

(7) facilitate public understanding of the nature of regulated risks and the means of their quantification.

(b) The President shall direct in accordance with the provisions of this Act the establishment of coordinated inter-agency projects which shall—

(1) be designed to achieve the objectives set forth in subsection (a);

(2) involve, where appropriate, Federal agencies responsible for regulatory decisions or providing information for regulatory decisions, including but not limited to, the Food and Drug Administration, the Environmental Protection Agency, the Occupational Safety and Health Administration, the Food Safety and Inspection Service of the Department of Agriculture, the Nuclear Regulatory Commission, the Department of Energy, the Consumer Product Safety Com-

mission, and the Department of Transportation; and

(3) involve, where appropriate, the agencies with basic and applied research programs applicable to the improvement of risk assessment.

(c) The President shall designate an agency to coordinate the projects.

(d) The coordinating agency designated under subsection (c) shall present to the Congress within twelve months after the enactment of this Act a report which shall include—

(1) a review of the risk assessments presently being carried out within the Federal regulatory agencies specifically designated in subsection (b)(2) and the use of such assessments in the regulatory decisionmaking process;

(2) a review of the risk analysis research being carried out by Federal agencies specifically designated in subsection (b)(2), and the procedures within those agencies for linking this research to the regulatory decisionmaking process;

(3) identification of specific areas of emphasis for research conducted within Federal agencies, and recommendations for funding priority of such research outside such agencies by the Federal regulatory agencies the National Science Foundation, and the National Institutes of Health;

(4) recommendations for a coordinating mechanism to transmit and share research results among Federal agencies, between Federal agencies and other public agencies, and between Federal agencies and private and nonprofit corporations and institutions;

(5) a proposal for the risk assessment demonstration projects to be carried out under section 7 within the Federal regulatory agencies specifically designated in subsection (b)(2);

(6) identification of the areas where the use of the results of a risk assessment is required, encouraged, limited, or prohibited by current law, regulation, or practice; and

(7) recommendations for increasing public awareness and understanding of risk.

(e) The agencies participating in this effort are encouraged to utilize independent scientific advice from recognized experts in risk analysis.

RESEARCH

SEC. 6. The Federal regulatory agencies specifically designated in section 5(b)(2) shall recommend to the coordinating agency designated under section 5(c) research required to meet the objectives stated in section 5(a).

DEMONSTRATION PROJECTS

SEC. 7. (a) Each of the Federal agencies specifically designated in section 5(b)(2) shall undertake a risk assessment typical of that agency, in accordance with section 5(d)(5). These assessments should utilize presently available information and techniques, or new developments where available, and wherever appropriate should include the following elements:

(1) Comparison of risk of alternative courses of action.

(2) Delineation between scientific and policy judgments.

(3) Description of the present roles, if any, of technical or scientific advisory boards with respect to risk assessment.

(4) Identification of specific assumptions, guidelines, models, and uncertainties.

(5) Identification of limitations placed on the assessment due to relevant scientific, organizational, and statutory constraints.

(6) Identification of specific tradeoffs posed in the particular risk assessment.

(7) Suggestions of how additional information, or changes in statutory language and organizational structure, could change the strategies chosen in risk assessment.

(8) Discussion of how comparative risk assessment could be utilized to make the public aware of the relevance of the decisions, including a consideration of factors such as voluntary versus involuntary nature of similar risks, manmade versus natural risks, and necessary versus unnecessary risks.

(9) Delineation of information concerning the different levels of risk to health and welfare among different groups within the population, including consideration of socioeconomic, geographic, and other pertinent factors, to assist in the equitable sharing of the risks and benefits (including those that can and cannot be quantified in monetary terms) to be realized from the regulatory process and the implementation of public policy.

(b) Such studies shall be completed within two years after the date of the enactment of this Act, and shall be available to experts in the field for critical peer review and to the public at large.

REPORT

SEC. 8. (a) The coordinating agency designated under section 5(c) shall issue a report to the Congress within thirty months after the date of the enactment of this Act, which shall include—

(1) a summary of the findings made in or pursuant to the report presented under section 5(d);

(2) a summary of the risk assessment activities conducted pursuant to section 7.

(3) recommendations for future research necessary to achieve the purposes and objectives of this Act;

(4) recommendations for legislation needed to implement and facilitate the use of risk assessment within Federal agencies;

(5) recommendations for nonlegislative changes, including organizational changes, to implement a policy of risk assessment within Federal agencies;

(6) recommendations that will result in the improved transfer of risk-related research and information between Federal agencies and private and nonprofit corporations and institutions; and

(7) recommendations for improving and increasing public understanding and appreciation of risk and regulatory decisions.

(b) In the preparation of the report the coordinating agency shall seek advice and comment from organizations and representatives of both public and private interests, and any comments made shall be included in the final draft of such report submitted to Congress.

SEC. 9. Nothing in this Act shall constitute an authorization for the appropriation of funds from the Treasury of the United States.●

KERO-TV CELEBRATES ITS 30TH ANNIVERSARY

HON. WILLIAM M. THOMAS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 21, 1983

● Mr. THOMAS of California. Mr. Speaker, I would like to commemorate an important milestone which will soon be reached in my district—the 30th anniversary of television station KERO in Kern County, Calif.

In television terms, 30 years represents nearly the entire life of the medium; it has been scarcely longer than 30 years that television was widely available to Americans. When television came to Kern County, it was KERO-TV which brought it, signing onto the air on September 26, 1953, as Kern's pioneer television station.

Since its first broadcast, KERO-TV has daily brought the world into the homes of the people of Kern County, not just the network programs and world and national news, but the events happening close to home as well. The station's dedication to locally oriented public affairs programs is well known and has several awards for KERO-TV.

In local competition, for example, KERO took 15 of 19 awards in broadcast journalism this year, including 8 of 10 first-place awards. The station garnered more awards than any station of its market size in California, Nevada, Oregon, and Hawaii in the yearly Associated Press competition, and tied with a Los Angeles-area station for overall honors in journalism.

KERO produces 52 prime-time half-hour public affairs programs each year devoted to local concerns and achievements, and it has originated several prime-time documentaries on local problems.

Among the broadcast firsts which KERO-TV has brought its viewers are the first on-location television pictures of any local newscast, the first live remote news broadcast, the first locally originated color newscast and the first all-electronic journalism, which gave the station more flexibility in news coverage and access to events and places which had been off-limits to bulkier equipment. Another first which occurred on KERO-TV was news footage of one of the earliest locally performed open-heart surgeries in Kern County, which was included in a KERO prime-time documentary on heart disease highlighting the efforts of the Kern County Heart Association.

KERO has taken the lead in highlighting community service efforts in Kern County, devoting a recent series of 30-second segments to job announcements from the State Employment Development Department that has resulted in more than 200 responses from viewers seeking jobs. The station helps each year with the muscular dystrophy telethon by publicizing local MDA efforts in addition to the nationwide telethon. Many other local charities such as Buck Owens Days receive KERO's support.

Mr. Speaker, the world is a far more closely knit community today than in 1953 and television is greatly responsible for this change. Conveying this powerful medium to the public is a

great responsibility, and I think no station has better discharged that responsibility than KERO-TV. I would like to extend my congratulations to the management of KERO and to everyone down through the years who has had a hand in making the station a true pioneer in Kern County broadcasting. I extend my best wishes on its 30th anniversary.●

BERKS COUNTY COLUMBUS DAY BANQUET

HON. GUS YATRON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 21, 1983

● Mr. YATRON. Mr. Speaker, Christopher Columbus, the famed Italian navigator, discovered America 491 years ago on October 12, 1492. Every year the Italian community of Berks County, Pa., celebrates this monumental event on the first Sunday in October. This year the Columbus Day banquet, which is sponsored by the Columbus Day Committee of Berks County, chaired by Mr. Sam Chirieleison, will be held on October 9, 1983.

Christopher Columbus continues to be an inspiration for all of us. He was indeed our first immigrant and on Columbus Day we all pay tribute to his spirit of adventure which has led to the ethnic diversity of our country. The voyage of Columbus symbolizes the many outstanding contributions of Italian Americans to our country, including their history, traditions, and culture which are so vital to our civilization. The Italian community is joined by all Americans on this important day to commemorate the achievements of Christopher Columbus and to pay tribute to one of America's greatest strengths—our diverse ethnic heritages. Columbus Day affords us the opportunity each year to reafirm the vital importance of each heritage in American culture.

In June, the House of Representatives passed legislation, H.R. 1492, to establish the Christopher Columbus Quincentennary Jubilee Commission. This legislation seeks to establish a 31-member Commission for the purpose of planning and coordinating domestic and international events marking the 500th anniversary in 1992 of the historic voyages of Christopher Columbus. The passage of the bill illustrates the importance this body assigns to the lasting accomplishments of Christopher Columbus and the debt we owe to him for the discovery of America.

I know that my colleagues will join me in wishing Mr. Chirieleison, all the members of the Columbus Day Committee of Berks County, and all the participants in the Berks County Columbus Day banquet, a most successful and enjoyable celebration. I deeply appreciate that their tribute to Christopher Columbus has given me to opportunity to underline, Mr. Speaker, the reaffirmation of our everlasting debt to this truly great navigator.●

MEDICARE HOSPICE REGULATIONS

HON. OLYMPIA J. SNOWE

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 21, 1983

● Ms. SNOWE. Mr. Speaker, a few days ago the president of the Maine Community Health Association, Beverly Terrill, testified before the Senate Subcommittee on Health regarding the proposed medicare regulations governing hospice care.

There are approximately 1,200 hospices in the United States caring for 40,000 terminally ill patients. These hospices provide physical and emotional support for dying patients and their families.

Maine is a small, rural State with hospice care now being given through home health agencies, volunteer hospices, and a Blue Cross/Blue Shield pilot program. These programs have worked. The proposed medicare hospice regulations, however, provide no incentives for home-care agencies in Maine to participate unless the regulations are revised to reflect very real people problems.

Although the regulations reflect Congress concern with an appropriate cost reimbursement ceiling by setting the ceiling at $6,500 per patient, the proposed regulations offer other significant problems for hospice providers. Ms. Terrill's statement very adequately outlines these problems, and I request that her statement be printed in the RECORD.

Ms. Terrill's statement follows:

TESTIMONY BY BEVERLY TIRRELL, R.N., C.N.A., PRESIDENT, MAINE COMMUNITY HEALTH ASSOCIATION, INC., BEFORE THE SENATE COMMITTEE ON FINANCE SUBCOMMITTEE ON HEALTH, SEPTEMBER 15, 1983

Senator Durenberger and members of the Committee, my name is Beverly Tirrell and I am President of the Maine Community Health Association, which is made up of 15 non-profit and proprietary home care agencies serving every county in Maine. Our agencies provide visits each year to more than 50,000 Maine citizens, the majority of whom are frail elderly people.

We greatly appreciate the opportunity to provide testimony to the Senate Subcommittee on Health regarding the Medicare Hospice Benefit because of our long standing history of providing care for the terminally ill and our great concern over what the Medicare benefit, as now constituted, means for our ability to provide that care.

Home care agencies in Maine provide a very wide range of services to people in their homes and in the community. We provide the traditional home care services, such as skilled nursing, physical therapy, occupational therapy, social work, speech therapy, homemaker and home health aides. We also do much more, such as long term care, communicable disease control, maternal and infant care, blood pressure screening, referral and follow-up and, most importantly for today's hearing, care of the terminally ill.

We believe it is important for you to fully understand the way in which the terminally ill are cared for in our small, rural state. There are four important elements in how this care is now being provided and how future planning for this care is being developed.

The first element is our home health agencies. These agencies have been caring for the terminally ill as an integral part of their continuum of services for many years. We have not only been providing direct nursing and related skilled care, we have been arranging for other components of care equally important; respite, transportation, pastoral, counseling and so on.

As the hospice movement has spread in recent years, volunteer community resources came together with home health agencies to organize volunteer hospice services. As a result we now have 20 volunteer hospices in Maine. That is the second element of our system.

Earlier this year Blue Cross/Blue Shield of Maine, recognizing the developments I have described, and realizing the importance and value of hospice care, initiated a joint pilot program with our home health agencies to determine how insurance coverage for care of the terminally ill can best be provided. The focus of this pilot is to provide benefits for terminally ill patients through Blue Cross' existing Coordinated Home Health Program. Blue Cross decided that they should integrate this insurance coverage into their existing system rather than create an entirely new benefit program. This integration, accomplished primarily by waiving several requirements of their basic home health coverage plan, has resulted in strong support by home health and hospice organizations for the Blue Cross approach, and virtually every home health agency in the state has signed onto it. It allows the patient to receive hospice benefits without waiving other potentially necessary benefits and without being forced into an awareness of the terminal nature of the condition, for which they may not be ready. We will not be able to say the same for the Medicare hospice benefit.

The fourth element in our system is the establishment of a future planning group. In the summer of this year, representatives of home health agencies, volunteer hospices, insurance companies, hospitals, state government, elderly advocacy groups and other health care professionals came together, at their own initiative, to discuss and look at the development of hospice care in Maine. This group is reviewing hospice standards, reimbursement issues, and is especially determined to impact public policy in and for the state of Maine.

Thus, we in Maine must look at the proposed Medicare Hospice benefit in the light of the developments described above. Our Association has done that. All of our agencies, with the assistance of legal and financial professionals, are reviewing the Medicare hospice regulations to determine their feasibility. While many decisions are yet to be made, I can report to you today that we have reached a clear consensus that as now constituted there are not incentives for our

home care agencies to participate in the Medicare program for hospice. Likewise, there is a clear concern as to what the effects of a decision not to participate will mean for the citizens of Maine who are and will be eligible for this benefit.

The failure of many of the regulations to address the true needs of a viable, cost-effective hospice program, along with substantial legal and financial risks, are the basis of our concern. Following are some specific examples:

1. The intentions of Congress in enacting this benefit were laudable, and we note with great pleasure that several of the statements included in the preamble to the regulations indicate an understanding and philosophy consistent with our view, and the view of others in the hospice movement, of care for the terminally ill.

Unfortunately, we must note with great concern that the reality of the regulations will not allow that philosophy and understanding to happen, at least through the Medicare program.

2. The statutory requirement for nursing services to be offered directly by the Medicare certified hospice virtually precludes rural home health agencies from becoming Medicare certified hospices. Let me explain this dilemma through use of a specific example.

One rural home health agency has committed its resources to seeing that comprehensive hospice care is a reality for the people they serve. The major hospital in the community has recognized their key role in hospice care as well. Therefore, they have joined together, through an interdisciplinary team, to develop shared beliefs and goals about hospice care. With these as their foundation, they logically wished to pursue the coalition model of providing hospice care which would contract with community organizations, including themselves for the needed services.

The law as it presently stands would not allow this. In pursuing models of hospice programming which exclude contractual arrangements for nursing services, this community is faced with duplication of nursing services coupled with an already evident shortage of R.N.'s and L.P.N.'s.

Duplication should be of great concern to the payors of services as well as providers. One of the rural counties served, with 888 square miles and 27,013 people, has a population density of 30 people per square mile. On an average, a full-time nurse travels 14,000 miles per year to provide nursing services to residents of that county. Currently, there are four full-time equivalent nurses assigned geographically and providing care to patients with all types of diseases, including the terminally ill. If a duplicate nursing service was set up to care exclusively for hospice patients, the cost to Medicare would be unnecessarily high in view of the extensive travel and duplicative general and administrative expenses spread over a small base of operations.

In addition, recent attempts to recruit licensed nurses (both R.N.'s and L.P.N.'s) for this rural area have been frustrating since there have been few or no applicants. What applicants there are very often have no experience in home health care in general, not to mention care of the terminally ill or elderly.

3. The requirement of a separate Medicare provider number for hospice agencies presents unique circumstances for the existing certified home health agencies.

Agencies who wish to provide hospice services to Medicare beneficiaries and receive reimbursement for services would seek certification through the State Agency. Upon completion of the certification eligibility requirements the State Agency submits the applicant provider's certification package to the Regional Office for review, final determination and approval. Regional Office approval thus enrolls the hospice agency into the Medicare program and assigns the agency a provider number. For the vast majority of potential hospice providers in Maine, this will require that a second provider number be sought by agencies that have existing provider numbers for Medicare home health participation.

This means two things. (1) additional costs will be incurred by agencies starting hospice programs in Maine, and (2) additional costs will be incurred by the Maine Department of Human Services to conduct yet another certification survey on already certified agencies. This duplication of effort is costly, ill advised and contrary to the efforts of government and the health care industry to contain health costs.

With good reasons many home health agency providers are unclear as to whether they should seek Medicare reimbursement as a hospice or continue to provide home care services to the terminally ill under traditional agency programs and services.

In addition, the regulatory requirement to have a separate hospice provider number may negatively impact a home health agency's cost report. If, for example, a home health agency elects to become a hospice provider and provides care services itself under its own organizational structure, those costs of services will be recorded in the agency's general ledger.

The potential problem lies in the methodology of cost reporting required of home health agencies. The Medicare cost report provides for the step-down of overhead costs based upon the cost of the various reimbursable and non-reimbursable cost centers within the individual agencies. Under the hospice reimbursement system, with two provider numbers, a significant amount of overhead costs may be allocable to the hospice based upon the process used in the cost report. If the hospice reimbursements a home health agency receive do not compensate for the overhead allocation, the home health agency will incur a deficit caused by the requirements of current cost reporting. The net effect of an agency deficit could potentially destroy the home health agency's fiscal integrity and jeopardize the provision of services to all Medicare beneficiaries. Clearly, home health agencies will be caught in the regulatory web of cost reporting requirements.

In Maine, this very dilemma has been demonstrated in agencies beginning to provide long term care (extended hours of services) programs. If long term care services reimbursements don't adequately compensate for the overhead allocable to the long term care program, the results are devastating, particularly to the medium and smaller sized agencies. The identical situation exists for all non-reimbursable programs in Medicare certified home health agencies.

There should be no separate hospice provider number required for existing Medicare certified agencies wishing to provide hospice care.

4. The continuous care requirement of preponderance of nursing care may result in an unnecessary level of care which costs more than home health aide or homemaker care.

Most hospice patients do not need 8-24 hours of licensed nursing care, even though they may desire that kind of support. The experience in Maine in caring for terminally ill patients has proven that the type of care needed over a period of a day is the home health aide level of care which is much less costly then licensed nursing care. We suggest that a revision be made in the regulations to allow home health aide and homemaker care to be covered under the continuous home care rate regardless of whether skilled nursing care is the preponderance of care.

5. The requirement that only the patient can elect the hospice benefit poses a serious obstacle to reaching the many people who might need the care. For example, it may be evident to the interdisciplinary team and family a patient has only a few weeks to live, yet the patient may continue to refuse to accept the terminal illness. The family wishes to elect the hospice benefit because of the support and help it gives them and the patient in dealing with the remaining days of life. However, the proposed election system does not allow a family in this situation to elect Medicare coverage. In fact, it almost appears through the proposed regulations that the Medicare hospice beneficiaries will be a select group of people who have had the educational, emotional, and financial breaks in life to enable them to deal head-on with their death. Our experience as providers of care to the terminally ill is that the ability to accept dying is a major struggle and one that for many just does not happen. The preamble to the regulations recognize the goal of hospice care is to help terminally ill continue life with minimal disruption in normal activities while remaining in the home environment.

We must recognize that it may be essential that the best way for one individual to continue his or her life with minimal disruption while remaining at home is to deny the fact that he or she is terminally ill.

6. In the proposed regulations (Sec. 418.22), the hospice must obtain the certification that an individual is terminally ill and that the individual's medical prognosis is that his or her life expectancy is six months or less. It has been our experience in Maine that many physicians—specialists and generalists alike—have not been able to admit to the patient that he or she will die within six months and would benefit from the specialized services of a hospice. One physician expressed the opinion that to certify imminent death and the need for hospice is equal to abandoning all hope for his patient and admitting that nothing more can be done to preserve life. This particular physician is unwilling to accept the role of a "certifier" of near-future death. We believe that regulations that require certification of death within six months or less violate many physicians basic philosophy of practicing curative medicine.

Physicians are in a "gatekeeping" role in referring patients to appropriate sources of care. This role is vital to the viability and cost-effectiveness of the health care continuum and must not be be upset by regulations that offend many physicians.

Furthermore, this regulation creates still one more obstacle and roadblock to individuals and families in need of hospice care and the Medicare benefit.

The "six months certificate of death" should be removed from the regulations.

7. Critical legal requirements for the patient's informed consent form are lacking. Since the patient electing hospice care is giving up certain other benefits, the consent form requirements absolutely must include

a clear delineation of what the patient is giving up, what the alternative is that they are electing, what the risks are involved with those alternatives, what right there is to revoke the election, what right there is to select another hospice, and what right there is to see members of the clergy. Given the legal ramifications of an informed consent, for quality assurance purposes, and protection of providers, patients and and families, we believe it imperative that H.C.F.A. require the above items on the informed consent form.

8. The requirements for volunteer participation do not address the legal implications of use of volunteers. The governing body of the hospice will be responsible for the action of the volunteers and, therefore, the regulations should require certain quality assurance standards for the volunteers such as liability insurance coverage.

9. The regulations are seriously lacking when it comes to appeal rights, both for patients and providers.

Patients have few rights in the procedures established by these regulations, lacking even the basic right to appeal denial of admission into the hospice. A patients' bill of rights is needed.

Providers have no appeal rights for critical certification and coverage disputes. Providers of hospice under Medicare should be entitled to the same rights and procedures of appeal as any other Medicare provider.

I have provided you today with a summary description of our home health system in Maine, our concerns about the problems these regulations present to Maine people and our suggestions for resolution of some of these problems.

I would like to conclude by presenting our suggestions and recommendations for steps the Congress should, in our judgment, consider not only to ameliorate these vast and serious problems, but to develop a policy and program of care for the terminally ill that will truly result in community based hospice coalitions and free-standing hospices capable of providing all the patient and family contered services needed with adequate and efficient reimbursement through Medicare. We in Maine want to work a Medicare benefit into our current programs, as we have done under the Blue Cross/Blue Shield pilot program. Instead, we are being forced to take a great many complicated, risky and costly steps to qualify our patients for the Medicare hospice benefit under these proposed regulations.

What should Congress do?

Congress must assure itself and the American people that hospice regulations more clearly reflect the needs of patients, families and providers in the provision of hospice care.

Congress should enact amendments to the law that may be necessary and appropriate to eliminate problems created by the regulations.

Congress should look not only at the H.C.F.A. hospice demonstration projects for information and evaluation, but should utilize the unique strength of the hospice and home care movements in America, recognizing their history, use of volunteers and community resources. You should also look at private third party hospice and home health payor programs as I have described here. Only by viewing all the hospice and home care activity now taking place will you get the full understanding you need to make policy.

Congress must take a long-term view of hospice and determine a national policy for care of the terminally ill that recognizes the uniqueness of this type of home centered health service, and the strengths of delivery systems which have been in place for the past decade.

Finally, Congress should translate that national policy into appropriate action through statute and regulations, and assure that the regulations faithfully implement your policy.

Thank you again for the opportunity to present our views to you. We look forward to the steps you will be taking.●

FREE TUITION FOR THE UNEMPLOYED

HON. MARGE ROUKEMA

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 21, 1983

● Mrs. ROUKEMA. Mr. Speaker, as school resumes this fall at Passaic County Community College in New Jersey, among those attending classes is a group of students who are particularly appreciative of the opportunity to be there. These are unemployed individuals for whom the college is waiving tuition charges.

At a time when we, at the Federal level, are trying to solve the twin problems of high unemployment and unfulfilled training needs, I am encouraged to see Passaic County Community College contributing to the solution by taking this action entirely of its own volition with no Federal funds or incentives involved.

The college began the program this summer and is able to provide it at little expense because the students are assigned to classes on a space-available basis—that is, they are sitting in seats that would otherwise be empty. The student must have been continuously employed for at least 2 years before becoming unemployed and must meet the stated prerequisites of the college and the course. Up to six credits per semester may be taken.

It seems that every day we hear more about workers who are either unemployed or fear unemployment because their skills are no longer relevant. This Congress and the administration have made a commitment to channel precious Federal dollars into programs that will retrain these workers so that both the workers and the economy can benefit from new, marketable skills. But, obviously, we are limited as to how much we can accomplish in this effort.

Passaic County Community College is to be commended for its innovative leadership. This program could stand as a model and serve to encourage other institutions across the country to benefit from this example and proliferate programs of their own to serve their local communities.●

TRIBUTE TO JIMMY WECHSLER

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 21, 1983

● Mr. BIAGGI. Mr. Speaker, the world of journalism has lost a giant with the passing of famed New York Post columnist and former editor, James A. Wechsler. I take this opportunity to pay tribute to the man and to the institution he became in the newspaper business.

Jimmy Wechsler was a native New Yorker and proud of it. He displayed his keen journalistic talents at an early juncture in his career when he served as editor of the Spectator, the newspaper of Columbia College where he was admitted at the age of 16. Following graduation, Jimmy continued his interest in journalism serving as the editor of the Student Advocate, the publication of the American Students Union.

Just 2 years after his graduation, he joined the Nation magazine as an assistant editor. Three years later, he became the assistant labor editor of the old daily newspaper PM.

The year was 1947 when Jimmy began his distinguished career with the New York Post when he was hired by its owner Dorothy Schiff to be the paper's editor. For more than 23 years Jimmy ran the editorial page of the Post guiding it through some tremendously important moments in world and national history. Jimmy Wechsler was referred to by the New York Times as "a prominent voice of American liberalism for 40 years." Jimmy's liberal sentiments were reflected in his writings—but more importantly in his assessment of the role of a newspaper. He once said "the function of a newspaper is to comfort the afflicted and afflict the comfortable."

Since 1980, Jimmy contributed a weekly column to the Post and provided its readers with the benefit and expertise of his views on a variety of contemporary subjects. Some of his final comments demonstrated his extensive knowledge of the world of sports and his views were most entertaining.

I had the pleasure of knowing Jimmy and respected him enormously. I especially recall seeing him at a number of football games involving the Columbia Lions which my son Mario played on while he was in attendance. Jimmy the ever faithful and active alumni was practically a fixture at Baker Field. We shared many good times those fall afternoons and Jimmy really loved Columbia football.

It was not important whether you agreed philosophically or ideologically with Jimmy. What was important was to recognize the enormous talent and command he had of the English lan-

guage. What was important was to recognize the inherent level of compassion that was so much associated with Jimmy Wechsler which was converted into his writings many times bringing an important human dimension to newspapers.

Jimmy Wechsler is gone but his words and wisdom will live on. He made life better for his family and his friends. He made the New York Post a vitally important voice in New York City. We will all miss him.

I wish to express my condolences to his wife Nancy, and his daughter Holly. At this point in the RECORD I wish to insert an article discussing the memorial service for Jimmy held last week in New York. The article comes from his own New York Post.

[From the New York Post, Sept. 15, 1983]

SAD FAREWELL TO JIMMY WECHSLER, MODEL JOURNALIST

(By Sam Rosensohn)

They came from all walks of life to praise Jimmy Wechsler, columnist and former editor of The Post, at his memorial service yesterday.

There was not enough standing room in the Frank Campbell Funeral Chapel on Madison Avenue to accommodate the men and women who wanted to say their final farewell to an independent spirit, a model of a crusading journalist.

Politicians, former White House advisers, newspapermen, and some 600 people who read his prominent voice of American liberalism for more than 40 years gathered to remember Wechsler, who died Sunday.

"Above all, Jimmy believed that justice and truth will ultimately prevail in our democratic society," Joseph Rauh, Jr., civil rights activist, told mourners.

Some who came to pay their last respects were forced to strain their ears from Madison Avenue to hear Rauh's voice. They came in such strength that they spilled out on to the street.

Pulitzer Prize-winning author Joseph Lash spoke of Wechsler's candor, his refusal to hide behind his passion, his ability to fight to the end, and of his editorials, which were "pillars of fire."

Wechsler's lifelong friend, Arthur Schlesinger Jr., was not able to speak, because he attended his brother's funeral, but his son, Stephen, read his words.

Schlesinger spoke of Wechsler's "passion for justice that never failed," and his contributions to the liberal movement and the city of New York.

Wechsler's daughter, Holly Schwartztol, quoted President Kennedy: "John F. Kennedy said that life is not fair. Never before have I so acutely agreed with that statement . . . [Wechsler] was in many ways my best friend."

Abe Raskin, who got to know Wechsler while he worked as a cub reporter for The Times in the depths of the Great Depression, spoke lovingly of Wechsler.

"Any curb on frank, free expression was intolerable to Jimmy. So was pomposity, that most universal of occupational diseases afflicting journalists, and particularly those accustomed to pontificating as columnists and editorial writers.

"He never learned to strut. Indeed, he never tried, though his talents as a newspaperman were prodigious.

"He was with painful acuity the catastrophic evils that menace us all, and the monstrous injustices we inflict on one another, but none of that ever induced him to yield to combat fatigue, much less despair, in the ceaseless battle against oppression."

Some of those who attended the service besides Wechsler's wife, Nancy, and daughter, Holly, were former Gov. Carey, former Mayor Lindsay, former Atty. Gen. Louis Lefkowitz, Deputy Mayor Robert Wagner Jr., Manhattan DA Robert Morgenthau, Parks Commissioner Henry Stern, City Controller Harrison Goldin, Mrs. Rupert Murdoch, Jean Kennedy and Steve Smith, City Councilwoman Ruth Messinger, columnists Murray Kempton, Pete Hamill, Max Lerner, Archer Winsten, former Post publisher Dorothy Schiff, former Post executive editor Paul Sann, Stuart Scheftel, and former city youth board chairman and Post executive editor Roger Wood, along with a great assembly of Jimmy's colleagues.●

HOME TAPING: LIKE "BUYING STOLEN GOODS"

HON. WILLIAM HILL BONER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 21, 1983

● Mr. BONER of Tennessee. Mr. Speaker, as the House continues consideration of legislation addressing the issues raised by home audio recording, the viewpoint of the songwriter must be considered. We must remember that home audio recording injures those whose creative works we enjoy.

This viewpoint has been succinctly expressed in a recent letter to the editor of the New York Times. I urge my colleagues to read and heed its words. If we fail to recognize and take into account the songwriter, we will all, in the long run, be poorer.

[From the New York Times, Sept. 10, 1983]

HOME TAPING: LIKE "BUYING STOLEN GOODS"

To the Editor:

I write as president of the principal United States organization of professional songwriters, AGAC/The Songwriters Guild, to add a creator's viewpoint to the discussion of home taping.

Most statements on home taping, whether of records or of movies, ignore the effect of such taping on the creators. A recent letter from an official of the Electronic Industries Association, like most arguments in favor of "free" home taping, assumes that it hurts no one. But as usual, the free lunch isn't really free. Home taping simply takes income from writers and other creators.

Most songwriters earn only modest amounts from their music (the songwriter's life as portrayed in movies like "10" is as much a fantasy for most writers as it is for everyone else). It can be wonderfully satisfying to compose, but like everybody else, writers need to eat regularly, to keep a roof over their heads and to pay for the education of their children.

If their income is cut substantially, many will be forced to give up songwriting, so in the longrun, home taping reduces both the amount and the quality of music being created. Eventually, everyone loses.

All the arguments in favor of home taping can be applied with equal validity to buying stolen goods. In each case, the buyer gets something cheap because the maker is not paid. To writers, the comparison is not farfetched: home taping takes the writer's creation without permission and without payment.

It is estimated that home taping already cuts record sales and writers' royalties by one-fifth. If record rental for taping grows here as it has in Japan, sales and royalties will be cut by another quarter, to about half of what they would otherwise be. There is no way for most songwriters to absorb such losses and keep on writing good music. And I'm certain that the public doesn't want to harm those very people who create entertainment and pleasure for them.

The electronic manufacturers may argue over the extent of the damage home taping inflicts, but there is no dispute that it does indeed harm the creators of music and of other works, and that it eventually will harm the listening public as well.

The home-taping and record-rental bills now before Congress are not perfect, but they are the best solutions anyone has been able to devise, and it is in everyone's longrun interest that they be adopted.

GEORGE DAVID WEISS,
New York, Aug. 31, 1983.●

A TEACHER'S LOVE AFFAIR WITH THE CLASSROOM

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 21, 1983

● Mr. WOLF. Mr. Speaker, public education in America today has been the focus of attention recently and included in the discussion has been the problem of attracting and retaining quality teachers in our public school systems.

I would like to share with my colleagues the following article from the September 19, 1983, edition of U.S. News & World Report written by Maureen O'Donnell, a teacher at W. T. Woodson High School in Fairfax County, Va., which expresses a refreshing viewpoint on teaching and education today from a teacher who loves her job.

SLICE OF LIFE—A TEACHER'S LOVE AFFAIR WITH THE CLASSROOM

It's no secret that teachers have been leaving their chosen field in droves. Poor pay, children who don't want to learn, parents who don't care—the reasons why they quit are almost endless.

But not every teacher is "burned out." Maureen O'Donnell, a 52-year-old Latin teacher at W. T. Woodson High School in suburban Washington, D.C., can't imagine life outside the classroom. Honored in 1983 as Virginia teacher of the year, she tells why she loves her profession.

FAIRFAX, VA.—I can easily empathize with colleagues who have left our field for professions that pay higher salaries or that seem to offer more prestige—or because administrators or parents wouldn't lend enough support.

I know what it's like to be introduced in an almost condescending tone as a "teacher." I also know the feeling of being looked on as a curiosity. You're a Latin teacher?

Why that's as practical, some would say, as being an instructor in the minuet or voodoo.

Why, then, do I stay in teaching?

Well, I can't imagine not doing it, and the attraction goes back as far as childhood. I vividly remember sitting on the lap of my father, who never graduated from high school but loved just the same to recite for me from Shakespeare.

There were frequent trips to Boston with my mother to see the sites—the museums, the automat, the fairyland store windows. Children learning, sharing, and giving—those were my parents' top priorities, and I guess it was contagious.

I love teaching, and I love and respect the young. The prestige some feel is denied the classroom teacher seems of little importance when weighed against my strong conviction that my job is one of the most important and rewarding in the world.

What other profession offers the privilege of instilling in the young a desire and love of learning? A student rushes in during break to tell how he understood every classical allusion in English class because of his Latin training.

Another telephones after taking college-entrance tests to tell how knowledge of Latin root words helped her on English-vocabulary questions. A university student visits on Christmas break and relates how grammar learned in Latin class gave him a boost in college Russian.

A friendly ear. It isn't just the joy of seeing kids learn. I spend perhaps half my time in what some would call a counseling role—just listening and talking to students in the "Latin Hut," my temporary classroom at the rear of the high school.

When school is out, a summer evening often finds college students—kids I taught—draped over chairs in my basement, sharing ideas and plans. My students feel comfortable about just dropping in, like the time I made the offhand remark in class about being behind in my housework and returned home later to find students cleaning my house.

Every teacher knows that if we are ever to realize such joys, we must first motivate. For me, the way to do that is to praise.

It is always easy to praise the A student, but I don't have all A students. In my classes are a variety of youngsters, including many members of the football, soccer and swimming teams. Whether good students or just average, there is some quality, some talent that warrants praise.

A student may grapple and sweat over translating Caesar's Commentaries on the Gallic War but may have artistic talent that I can encourage by having him draw a Roman legionary in full military uniform. Or the manually adept student might build a scale model of a piece of Roman artillery. My classroom overflows with such work, and each accomplishment has given me the opportunity to praise.

There's a tremendous thrill in seeing a student realize—perhaps for the first time—a sense of self-worth, of self-confidence. Sadly, hundreds of students go through high school without a taste of personal success.

But as much as I get back from my students, I have to acknowledge the role my own children have played in my life as an educator. I've taught for 14 years, but another 15 years were spent away from the classroom caring for my six children—four of whom were to die of cystic fibrosis.

What I learned during those years made my return to education a "must." I saw the imagination of a child so caught up in a great story that physical pain was momentarily assuaged. I saw the beauty of art and music ease the bitter disappointment of a child's confinement. I learned to respect the resiliency of the human mind—alive, well and in control of a less-than-perfect body.

One of my most treasured memories is of my 16-year-old daughter, now dead, after we had taken her on a tour of Greece. Her eyes sparkled as she told me, "I've learned so much!"

Trying times, too. I wouldn't be truthful if I didn't say that teaching is hard work. There are the endless stacks of papers to grade, the clerical duties, the administrative hassles. More than once, I've driven home in tears at the end of a day.

Like anyone, I need concrete rewards to sustain my energy and enthusiasm—things like seeing our Latin enrollment soar from 87 to more than 300 students in just five years or watching parents donate hundreds of hours to support our programs and raise money for Latin activities.

When I do feel discouraged, I am able to put things in perspective by recalling the Latin phrase "Quid ad aeternam?" What is it in the light of eternity? Beyond the facts and figures that we teach, each of us in the classroom has the commitment to pass on the values of honor, tolerance, justice and loyalty.

If our students come away with an appreciation of those qualities—and I have seen many who do—it is worth far more to me than a 10 percent raise, social prestige or public acclaim. It is something that can get a teacher fired up about her job—instead of burned out.●

WESTERN RESOURCES WRAP-UP

HON. MANUEL LUJAN, JR.

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 21, 1983

● Mr. LUJAN. Mr. Speaker, next year is the 40th birthday of one of New Mexico's most beloved and renowned celebrities, Smokey the Bear. To commemorate the occasion—and at the same time to promote its highly successful forest fire prevention program of which Smokey is the unforgettable symbol—the U.S. Forest Service is distributing a Junior Forest Ranger Kit to any youngster who writes in and asks for it.

Heading up the Smokey Bear program is a new manager, Mrs. Gladys Daines of Salt Lake City, who has planned an extensive national public relations program around Smokey's 40th birthday observance.

A detailed description of the program of Smokey's own personal history is contained in the August 4, 1983, edition of the authoritative newsletter, Western Resources Wrap-Up, published in Washington by the well-known and respected writer, Helene C. Monberg. Helene was kind enough to provide me with an advance copy of her newsletter and I am certain my colleagues will find it of great interest, both personally and as information to be relayed to constituents.

I wish to compliment Western Resources Wrap-Up and its indefatigable publisher Ms. Monberg for another excellent job of timely and in-depth reporting on a matter of interest not only to westerners but to all Americans who see a big brown bear in a ranger's hat everytime they hear the slogan: "Remember—only YOU can prevent forest fires."

"Smokey Bear is an idea" to promote fire prevention. "That idea's time had come back in 1945, and it has lived because its time is still now. As long as we have forests that need protecting we will have a need for his familiar reminder: 'Remember—only YOU can prevent forest fires!' "—Guardian of the Forest by Ellen Earnhardt Morrison, 1976

WASHINGTON.—Hey, kids, Smokey Bear's going to be 40 years old next year, and his new manager invites you to get in on the celebration.

You can start right now by writing to Smokey Bear Headquarters, Washington, D.C., 20252 (Smokey has his own zip code), and ask him for your Junior Forest Ranger Kit. If you want to include a small donation, Smokey will use it to help prevent forest fires in the forests in your neck of the woods.

Smokey's helpers will send you your personally addressed Junior Forest Range Kit.

The Smokey Bear fire prevention program for many years has been jointly sponsored by the U.S. Forest Service of the U.S. Department of Agriculture, the Association of State Foresters and the Advertising Council. It hasn't been as up-front in recent years as it used to be, so the Forest Service put out the word that Smokey needed a new manager to press ahead with the campaign after the previous manager resigned last August. At least 15 applied for the job before the new Smokey manager was selected in March. And guess what! Smokey's new manager is a woman—Gladys Durtochi Daines, a Salt Lake City native, a widow with five children and three grandchildren whose four-year-old grandson thinks her new job is just great. She got it as a result of a bilingual education program, on which she worked as editor for six years, conducted by the Northwest Regional Education Laboratory jointly funded by the U.S. Government and local education organizations. It worked in particular with the Indian tribes of the Pacific Northwest and Alaska, Alaska Natives and natives of the Mid-Pacific Islands under U.S. protection. In recent years she has also worked for the U.S. Forest Service; she had completed a six-year stint with the Service when she was notified in March that she was Smokey Bear's new manager. She reported for her new job on April 1.

LOVES NEW JOB

Mrs. Daines loves her new job. "It's a thrill to be the manager of a bear that I have known and loved since I was a child in school in Salt Lake City," Smokey's first woman manager told Western Resources Wrap-up recently. She has known of Smokey all of her life. But she never thought she would be involved with his fire prevention program. "If anyone had told me a year ago that I would be here" at Forest Service headquarters as Smokey's manager "I wouldn't have believed it," she said.

One of the first items on her agenda is to rev up the Smokey Bear Junior Forest Ranger program. Only 25,000 kits were mailed out to kids in this country last year,

she said. "Next year we plan to mail out at least 200,000," she told WRW.

Here is Mrs. Daines' "general plan" for the 40th birthday activities of Smokey Bear, which is, of course, subject to change:

Postage Stamp: First Day of Issue scheduled for Aug. 9, 1984, with ceremonies scheduled by the U.S. Postal Service.

Presidential Proclamation: The Advertising Council is working to get a Presidential Proclamation issued, In May of 1984, to usher in Smokey Bear Week the week of May 13, 1984.

Appearances: For the first time in several years, there will be a Smokey Bear float in the 1984 Tournament of Roses Parade featuring Smokey and his 40th Birthday under the sponsorship of the Square Dancers of America, headquartered in California. There will be salutes to Smokey's 40th birthday in other parades, and Smokey will be invited to attend a number of national sports events, including the 1984 summer Olympics.

Public Service Advertising: All saluting Smokey on his 40th Birthday in 1984.

Touring Exhibits: With the aid of some hoped-for but not yet realized corporate funding from large corporations, the Smokey Bear program hopes to provide traveling exhibits made up of brand new posters and materials in 1984 to be shown at museums and other educational and regional and local centers.

Field Guide & Other: A field guide is expected to be ready by fall to help your local forest ranger promote Smokey Bear during his 40th birthday activities next year. Stories are planned by the Forest Service press office in many publications in 1984.

LICENSING

Because Smokey Bear is one of the most recognized VIP's in the World today, a lot of businesses want to sell Smokey Bear items. They have to conform to a law passed by Congress on May 23, 1952, which is designed to protect Smokey Bear from exploitation. The law gives the Secretary of Agriculture, in consultation with the Association of State Foresters and the Advertising Council the authority to grant permission for the manufacture, reproduction and other use of the Smokey Bear character. Each person or company that wants to obtain a license to use Smokey must sign a contract which usually extends from 1-5 years paying the government a small percentage of annual estimated sales of the product. The licensees must abide by regulations issued by the Secretary of Agriculture to assure that the use of the Smokey symbol is in good taste and is in line with the Smokey fire prevention program.

Remember the Smokey Bear cartoons sketched several years ago by Forest Service artist Rudy Wendelin and other artists? Well, the Forest Service is now in the final stages of negotiating a new cartoon series featuring Smokey with a Los Angeles company, according to Smokey Manager Daines. "It is expected to be a weekly cartoon series," she said.

Other newly licensed or recently licensed items include a Smokey belt buckle—"it comes in pewter, grass and sterling silver," she said, children's slippers, a stuffed animal including Smokey's trademarks—his ranger hat and dungarees, watches for children and adults, and a new assortment of jewelry, including pins and rings.

If you want to obtain a license to use the Smokey symbol, write to Smokey Bear Manager Gladys D. Daines, Smokey Bear Headquarters, Washington, D.C., 20252.

BURNING QUESTION

Smokey and his message have been eminently successful, by any yardstick. The forest area burned annually in this country has dropped from about 31 million acres in 1942, just before the Smokey campaign began, to less than 3 million acres annually at the present time, according to the Forest Service.

But Smokey's message: "Only YOU can prevent forest fires" by keeping such fires from starting in the first place does not have universal appeal. Environmentalists have observed, particularly in recent years, that some forest fires which occur naturally are needed to keep nature in balance. There are also occasions when prescribed burning by man is called for, even the Forest Service concedes.

But on this point former Forest Service Chief John R. McGuire stated in April 1973: "Prescribed fire is for professionals only! We know of no place in the nation where we can turn our backs on fire and let it run ... 'Careless fires' don't fit" in any situation. " 'Careless fires' are the ones we can get at with a mass media approach like Smokey Bear's," said McGuire a decade ago. Present Forest Service Chief R. Max Peterson underwrites that message again today.

So as not to mislead a whole generation of youngsters, the Forest Service makes it very plain that the 40th birthday that it will be observing next year is of an idea hatched mainly by professionals within the Service, NOT the bear itself. The original Smokey Bear was found as a cub, abandoned and partially burned as a result of a forest fire, in the Lincoln National Forest in New Mexico in 1950. Personnel from the New Mexico Gas and Fish Department found him clinging to a charred tree and brought him to Santa Fe for treatment during the spring of 1950. After the little cub was nursed back to health, he became the first living symbol of the national forest fire prevention campaign which had started in the mid 1940's. He was flown to Washington, D.C., on June 27, 1950, and became the official Smokey Bear. This Smokey Bear died on Nov. 9, 1976 at Washington's zoo, where he had lived since 1950, and he was buried at the Smokey Bear Historical State Park at Capitan, N.M., several days later.

A new Smokey Bear, also found abandoned and half starved as a cub in Lincoln National Forest in 1971, came to the Washington zoo that year to understudy the original Smokey. Little Smokey took over as the official Smokey Bear four years later on the retirement of the original due to old age in May 1975. Since 1950 millions of children have come to the Washington zoo to see Smokey #1 and Smokey #2. Smokey has taught two generations of children not to be careless with fire. And like the great Mississippi River, "he just keeps rolling along," his admirers note, with his ever-timely message.●

ROUKEMA LAUDS HOMETOWN FOR LOW CRIME RATE

HON. MARGE ROUKEMA

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 21, 1983

● Mrs. ROUKEMA. Mr. Speaker, last week, a study on crime rates throughout the United States was released. I am extremely pleased to call to your attention the fact that my hometown of Ridgewood, N.J., was among the top 15 safest cities in the country. I believe that not only are congratulations in order for the residents and law enforcement officials whose combined efforts made this possible, but we all may be able to learn a lesson from the community's spirit, as noted in the following New York Times article from September 14:

The article follows:

[From the New York Times, Sept. 14, 1983]

JERSEY TOWN: A FEELING OF COMMUNITY

(By Lisa Belkin)

RIDGEWOOD, N.J.—The border here is marked by a road sign with a single staring blue eye. The caption, painted in peacock-blue letters on an unscarred white background, reads: "Welcome to Ridgewood. Crime Watch."

"The people in this community are like family," said Police Chief Frank Milliken about this upper-income Bergen County township of 26,000, where he has lived all his life.

Chief Milliken is proud that his town, the town where his great-grandfather opened the first telegraph office a century ago, has been singled out as one of the safest in the country. But, he said, he is not surprised.

"We have good police and we have good people," he said. "That's all you ever need."

Only a half-hour drive from Manhattan and populated mostly by New York City professionals who commute by train and bus daily, Ridgewood seems an era away in its old-fashioned atmosphere and its yesteryear rate of crime.

In sight of castle-like Tudor homes or more modest two-story ranch houses, children play and laugh on the sprawling porches and Kelly-green lawns.

The railroad station, a flashback to the 1800's with its filigreed railings and tiled roofs, is considered safe at all hours of the night.

And in the business district, where even the fast-food restaurants are built of Colonial brick, no bars or grates cover the windows and few burglar alarms are turned on at night.

There was one murder in Ridgewood last year, when a woman shot her husband to keep him from seeking a divorce. It was the first killing in the town in more than three years. In 1982 there were 73 burglaries, down 52 percent from 1981. Mr. Milliken says his police force of 46 men and 1 woman is only partly responsible for the low rate of crime.

'WATCH OUT FOR EACH OTHER'

"My men are good," he said. "We come when we're called, we notice things. But these people who live here, they watch out for each other. That's why they feel safe."

That safety is expensive. According to the 1980 census, Ridgewood is populated mostly by two-salary professional families, and the average family income is $34,500. The national average is $11,000. The average cost of a home is $170,000, with taxes of $3.54 per $100 assessed value.

Different forces draw these residents to Ridgewood, but two pulls appear to be strongest. Some people are here because their families have lived in the village for generations.

Others moved here for the quiet, the safety and the chance to send their children to Ridgewood High School, an ivy-fringed

structure on the outskirts of town that is considered one of the best schools in the country.

"Ridgewood's a town where we can start in a small house," said Kathleen Pesanell, who was knitting in her car at the train station waiting for her fiancée, John Dolan, to come in from New York. "As the family gets larger, you move to a larger house. Then when the children leave you retire and move to a smaller house again."

Miss Pesanell is a schoolteacher in neighboring Glen Rock. Mr. Dolan is an operations manager at Merrill Lynch & Company. They bought a $117,000 two-bedroom house on Albert Place in June, and she will join him there when they get married later this year.

"Safety was a consideration," Mr. Dolan said after getting off the 6 p.m. train. "So were the schools. I know all my neighbors, it's that kind of a place. I plan to stay here a good long time."

Michael Esposito, the local butcher, has already stayed in Ridgewood a long time. He moved to the town in 1942, after his father, Ralph, took a bus trip from the Esposito home in Hackensack, N.J., saw Ridgewood High School through a window, and decided that that was where his children should go to school.

The younger Mr. Esposito graduated from the school of his father's choice in 1944, served in World War II, then returned home to open the butcher shop on Ridgewood Avenue he has run for more than 30 years.

He has been visited by burglars twice in three decades, the last time more than 10 years ago. Less than $50 was taken he said, and he suspects the culprits were "kids, not real robbers."

"THERE'S SOMEONE TO DO IT"

It is the "love affair" between Ridgewood and its residents, Chief Milliken says, that keeps the area so safe. "We have volunteers coming out of our ears," he said. "Anything we need, there's someone to do it."

For example, he said, there was the Police Department drive for 47 bulletproof vests at a cost of $200 each. An article appeared in the Ridgewood News, the town's newspaper, and in a week another article was needed to tell people to stop sending money.

That sense of community involvement has led to the success of several citizen crime-prevention programs.

One, called Crime Watch, trains citizens to be aware of suspicious people in their neighborhoods. It has been directly responsible for a half-dozen arrests in the last year, the Chief said.

All is not perfect in Ridgewood, however. There were no rapes last year but there were 4 robberies and 55 assaults, and those numbers are high enough to make many people wary.

"I'm not compulsive about it, but I'm careful," said one woman, who asked not to be identified for fear that burglars would choose to visit her five-bedroom spired mansion on Highland Ave., a wealthy area of town known locally as the Heights.

"Just because there's less crime here doesn't mean you're safe," she said. "Nowadays, nothing's really safe."●

STRUCTURAL CHANGES IN ECONOMY AFFECT AMERICAN WORKER

HON. FERNAND J. ST GERMAIN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 21, 1983

● Mr. ST GERMAIN. Mr. Speaker, the significant effects that structural changes in the American economy are having on the American worker is becoming apparent in very bold relief. While many are making the transitions, an increasingly large number are having difficulty, and their growing numbers underscore the fact of the existence of millions of undertrained employed workers scattered through our economy.

Through her statement made on September 16, 1983, before the Industrial Union Department, AFL-CIO Conference on Technology, our distinguished colleague from Ohio, MARY ROSE OAKAR, has provided us with a penetrating analysis of this problem. In her prepared remarks, she has not only suggested a number of the major legislative tasks to which we are urged to turn our energies, but has also suggested some very meaningful priorities for our consideration.

Mr. Speaker, so that my colleagues may share in the insights and commonsense presented through her statement, I ask consent that it be made part of the RECORD at this point:

SPEECH BY HON. MARY ROSE OAKAR BEFORE THE INDUSTRIAL UNION DEPARTMENT, AFL-CIO, CONFERENCE ON TECHNOLOGY, WASHINGTON, D.C., SEPTEMBER 16, 1983

It is a pleasure to join all of you here today at the Industrial Union Department's Conference on Technology. Conferences such as this are essential if we are to understand the momentous changes occurring in the workplace and develop programs that will provide the American worker with the expanded economic opportunities and improved standard of living that have been the hallmark of our economy for the past third of a century. I want to commend the IUD and its member unions for being in the forefront of this effort.

The challenge we face today is unlike any other we have faced since the Great Depression. We are recovering—ever so slowly—from the worst recession in over 40 years. Unemployment is slowly declining. Consumer spending is picking up. Auto sales and housing starts are up over last year's dismal figures.

Yet recovery does not mean that fundamental problems are being solved. Our heavy industries are still weak. This is particularly the case in steel and metals, railroad equipment, machine tools, and heavy equipment. The steel industry continues to show losses, and the National Tool Builders' Association reports that tool shipments declined 56 percent in the first half of the year, with orders for some key specialized machine tools off 20 percent. Real interest rates remain at historically high levels and edged up once again last month. The overvalued U.S. dollar threatens exports of U.S. goods. The federal deficit continues to balloon.

And while unemployment has been dropping nationally, it remains a grim, ever-present reality in many cities and towns of the Frostbelt and for many workers in our backbone basic industries. This unemployment is a result not only of a weak recovery but also of major technological and structural changes in our economy that have eliminated millions of jobs. We are witnessing a recovery that will not make a serious dent in unemployment in these areas.

I cite these problems to remind all of us of the tasks that lie ahead if we are to create a society in which economic opportunity will be a reality and in which people can look forward to an expanding future for themselves and their children.

It is to these tasks that Congress must now apply its creative energies. They include:

The development of strategies for long-term economic growth that are essential if we are to make America's businesses and America's workers competitive in the domestic and world marketplace and provide our citizens with productive jobs and an improved standard of living; and

The development of strategies to make sure that all regions of our country, all industries in our economy, and all of our workers will share in this long-term growth.

Many Congressional panels and task forces have been examining our economy's problems. The House Banking Committee's Economic Stabilization Subcommittee and the Northeast-Midwest Congressional Coalition, of which I am a member, are attempting to be thorough in their review. The Subcommittee has held extensive hearings this year on the problems facing the U.S. economy and its industrial sectors. So has the Coalition. The Coalition went to Cleveland in June for a fascinating and very productive hearing which I chaired on the future of heavy industry. The AFL-CIO and its member unions contributed greatly to the hearing's success.

The Coalition followed up on its hearings by recently appointing a new Task Force on Employment and Training. The Coalition has asked me to co-chair the task force. This is a very important assignment. I intend over the next few months to undertake a comprehensive study that will define job creation and employment training issues facing the Northeast-Midwest region. The next step will be to initiate a vigorous implementation of new programs.

These are issues of great concern to unions and the business community, to Congress and state and local governments. I would welcome the opportunity to hear your recommendations on efforts to develop new strategies. Obviously, we will work closely.

The legislative plate is filled with proposals. One calls for the creation of an Economic Cooperation Council to provide broad analysis and guidance. A second combines a stronger Economic Cooperation Council with a financing mechanism to assist mature industries and emerging industries that need patient capital. Other proposals focus on greater public investment in rebuilding the nation's infrastructure, and channeling a greater share of the Gross National Product into research and development.

These are excellent ideas. However, they address only bits and pieces of the problem we face. They lack the broad vision that is essential to capture the public's attention

and imagination. The strategy that we are developing is not only economic but also political.

Developing a successful approach requires that we make choices and that we know what we want to achieve. It requires us to look to the future for our goals and for our mechanisms and policies. It requires us to develop a balanced, practical strategy that not only addresses the serious economic, technological and structural problems but, as important, one that is perceived as dealing with these problems.

What do we want to accomplish?

First and foremost, we want to get our economy growing fast enough to fully utilize our productive capacity. Second, we want to stimulate a productive investment pattern that broadens and modernizes our economy and makes it competitive. Third, we want to help firms and workers adjust to the structural and technological changes in our economy. And lastly, we must create millions of new and productive jobs so that the young person entering the work force can find a job with a future while the over-forty worker remains a useful, productive worker.

How do we achieve this?

We must go beyond the mix of fiscal and monetary policies needed to stimulate the economy and bring about low and stable interest rates.

We must act on several important initiatives that fall under the jurisdiction of the House Banking Committee and its Economic Stabilization Subcommittee. These initiatives are integral parts of a strategy for long-term economic growth. They include:

Export promotion. U.S. export programs should be revitalized and Federal efforts must be coordinated. In particular, the Export-Import Bank must not serve solely as the banker for a handful of corporate giants. It must help large, medium and small concerns to be internationally competitive. Innovative state programs should be encouraged. Several state export programs—in Florida, Tennessee and Massachusetts in particular—appear to be effective and well managed and could provide models for other states. They could work closely with the Eximbank in spurring exports by medium and small firms.

Development financing. A national development bank must be established to provide loans to mature and emerging industries. Two approaches are possible. The first could be a sizable bank. Alternatively, we could have a small, experimental bank. In addition, there could be matching funds for state or regional development banks. The matching formula could be drawn to benefit areas of chronic unemployment. The matching ratio could also be designed so that the Federal share would increase as a state committed more money to its development bank. The bottom line for a development bank should be that its loans contribute to the revival of important but declining mature industries, help promising new industries develop to the point where they can attract private capital, and promote the creation of new and productive jobs.

Adjustment assistance. Workers and communities affected by plant closings or major layoffs resulting from technological changes must be helped. This is especially critical in the Midwest industrial belt where factory employment is contracting and where new industrial robots threaten to displace more workers. Assistance could take several forms. These include comprehensive job retraining; work-sharing programs; and industrial development bank loans to companies and communities for economic development and plant and infrastructure revitalization.

As we draft implementing legislation,we must be sensitive to our national needs. To stress one industry and neglect others in an economic growth strategy would be a fundamental error. If our country is to maintain its world leadership, its national security and its economic health, we cannot allow our economy to become one-dimensional. We need to develop our high technology industry but we also need to stengthen our tool and steel industries, our auto and base metals industries and our rubber and metal fastener industries.

I have been greatly involved in assisting the metal fastener industry because of its importance to the economy of my state and its basic role in maintaining our national security. Very simply, metal fasteners are the nuts and bolts that hold together every tank, airplane and aircraft carrier we have. It should be a matter of great concern that 8 of every 10 fasteners in this country are imported. That is why I have been battling the current Administration to save the U.S. metal fastener industry.

Amazingly enough, a Commerce Department report earlier this year concluded that our dependence on imported fasteners is no cause for alarm. During a national emergency, the Administration contends we could ship steel to Asia if necessary and ship finished fasteners back across the Pacific to supply our defense efforts.

Commerce is now studying the defense strategic implications of our declining machine tool industry. A similar investigation is also being conducted into the ferroalloy industry. The Soviet Union is currently trying to undercut the U.S. ferroalloy industry by dumping ferroalloys such as ferrosilicon on the U.S. market at predatory prices. It was bad policy to allow this before the recent shooting down of the Korean civilian airliner. It is unconscionable to allow this today. I called on the President earlier this week to bar further imports of strategic Soviet materials to protect our country's strategic industrial base and deny the U.S.S.R. critically needed hard currency.

My own contention is that the ferroalloy and metal fastener industries are bedrock industries that we must have if we are to preserve our defense industrial base and have the balanced economy essential for strong economic growth in the near and distant future.

We also need to turn our attention to where help is needed most to bring visible results soon. I would like to focus today on those workers who lack a solid education and marketable skills. According to a study of the Urban Institute released earlier this year, these are the workers who face the greatest difficulty adjusting to the structural and technological changes in our economy. They are the ones who need our immediate help. Their unique problems are subsumed by the problems of the displaced workers in declining industries. The Urban Institute found that displaced workers who are better educated and who have marketable skills have an easier time finding new employment than the undertrained worker. I would hazard to say that we have millions of these undertrained employed workers throughout the economy who do not have the wherewithal to adjust. Their inability to make the transition is a tremendous drag on our economy and a waste of their potential.

These undertrained employed workers receive little if any help from industry or government today. There are few retraining programs to integrate them into the skilled work force. This problem can be remedied.

I would like to put forward a proposal to help these workers by leveraging government's resources. I propose that we use our $245 billion defense budget as a vehicle for job retraining. National security includes not only weapons but a strong economy.

The proposal would work as follows. Each defense prime contractor or major subcontractor would have to agree to a training obligation as a condition of receiving a defense contract. The obligation would consist of a certain percentage of wages paid under the contract that would be used for a fund for employee training. The firms would be required to identify skills in short supply and the most efficient training methods.

Let me add parenthetically that the Department of Labor predicts major shortages of skilled workers in several key areas throughout this decade. These include an annual shortage of 57,000 positions in industrial machinery repair; 21,300 machinists; and 5,000 tool and die makers. By 1990, the Labor Department projects a cumulative skilled labor shortage of 2.5 million workers in just 13 occupations.

The idea would be for the company to be required as a condition of receiving the contract to leave a skilled pool of manpower in place at the completion of the work.

This proposal could be implemented through the procurement process. It would entail no new bureaucracy and would require minimal public expenditures. The level of training, however, would be increased. And companies would be motivated to train their undertrained workers for skilled jobs.

These are the outlines of a proposal that could be embodied in concrete legislation. One readily available vehicle is the Defense Production Act which is under the jurisdiction of the House Banking Committee and its Economic Stabilization Subcommittee. This proposal could be included in the Subcommittee's overall strategy for economic growth which is being drawn up.

One would expect strong support from the Department of Defense for this proposal. The Pentagon has expressed concern about whether the labor market will be able to supply the skilled workers needed for our ongoing defense efforts. This is a practical way not only to provide skilled workers but also to retrain workers for available jobs.

This proposal could also be broadened to cover companies from which the Federal government makes non-defense purchases. The government would thus be using vast procurement budget to establish a nationwide job training program.

I welcome your comments on this suggestion. This proposal would help workers in industries with many industrial union members. It is a proposal that has been quietly discussed by thoughtful members of Congress.

In developing the new policies and programs to bring long-term economic growth, we must be sensitive to the role of government. Bureaucracy should be minimized and programs should be kept practical and flexible. Government's role should be to support the operation of the private market, not replace it. Government should not be picking winners and losers. It should be a facilitator, a coordinator and a cooperator. It should bring together labor and business, state and local government and private efforts. It should help us solve problems together that we cannot solve alone.

As Congress works out the specifics of these policies and programs, we must have three simple requirements: the policies and programs must make American business competitive, they must create new and productive jobs, and they must be workable. Meeting these requirements is essential if we are to develop coherent policies and programs for long-term economic growth.●

CHILDREN'S FEAR OF WAR

HON. RONALD V. DELLUMS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 21, 1983

● Mr. DELLUMS. Mr. Speaker, in our daily hustle to formulate and implement military policy, Members of this Congress often overlook the psychological impact of our policies. The Select Committee on Children, Youth, and Families held a hearing September 20 on children's fears of war in which several young Americans, aged 11 to 16, expressed intense worry about the possibility of a nuclear holocaust.

Increasing numbers of children seem to be feeling similar fear and distress as the arms race continues to spiral out of control and our country is brought closer to a nuclear disaster. It is utterly shameful that the young should have to carry such a burden of fear because the superpowers refuse to explore serious efforts to bring a halt to the arms race. Here in the United States, our Government often talks a commitment to arms reduction; yet so many signs, such as the building of the MX missile, suggest otherwise.

Our children are growing up in an unhealthy atmosphere of militarism, where optimism about the future is gradually being replaced by outright fear of the horrors of nuclear confrontation. The hopes and aspirations of America's youth is the future of this country. To take away that hope and replace it with fear robs America of its great potential, and our Nation is in danger of becoming a wasteland of pessimism.

Representative GEORGE MILLER, who chaired yesterday's session, is to be commended for allowing the young to speak their concerns. We all can learn something from these children. I would like to call the attention of my colleagues to the compelling testimony of Ursell Austin, a 16-year-old high school student from Oakland, Calif.

Congressman Miller and members of the House Select Committee on Children, Youth and Families. My name is Ursell Austin, and I am sixteen years old. I live in Oakland, California where I am a high school student and a member of the St. John Missionary Baptist Church. I am honored to be here today to talk to you about my experiences growing up with the threat of nuclear war, and I am very glad this hearing is happening. It helps to restore my faith in government that politicians care enough to hear from young people.

I remember the first time I heard about nuclear bombs was on television. I was home one Saturday and there was nothing much on, so I turned to this program on Hiroshima. This was about two or three years ago. It showed what happened to the people and the land when the bomb was dropped. I was completely shocked when I saw it. It looked so weird, like the whole city was black and scorched. People were walking around burnt to a crisp and looked like they were in pain, but they didn't say anything. I guess they were in shock. I just couldn't believe that such a horrible bomb was dropped on innocent people—most women and children.

The schools I went to never talked about nuclear weapons or Hiroshima or the arms race. I think maybe teachers were afraid to talk about it. It made me think it just wasn't a big deal to them, or it wasn't important, or they were afraid. But that seemed strange to me. I think other kids should know both sides of the nuclear issue, and know them clearly. I believe that if they had a way to understand and discuss both sides, they could make up their own minds. It's not like we don't hear about nuclear weapons. It's on the news, it's in the papers, it's on television. But people act like we aren't supposed to talk about it.

I think about the bomb just about every day now. It makes me sad and depressed when I think about a bomb ever being dropped. I hope I'm with my family. I don't want to die alone. I think about it most on sunny days when I'm having a good time. I think—it could happen right now.

I thought about it when I was going to camp, because I kept thinking what if a nuclear war happens when I'm away from home and away from my family. I was afraid of coming back from camp and there would be nothing left.

I also used to think about it when I was at a school that was built on two levels—an upper level and an underground level. When I was in the classrooms underground I'd think about the building crashing down on me and suffocating me if a bomb dropped. I would think that all the air would be sucked out of me, and I'd burn up under the rubble.

One of the things I think about is what it would be like when a warning comes. I would try to get my family together, go to my grandma's house where we could hold each other tight and pray. I don't want to be warned. I don't want to know it is about to happen. If it is going to happen, I want to be killed right away. Being alive during or after the bomb would be the most frightening of all. I think surviving would be worse than dying.

It scares me about my future. I get angry when I think about maybe not being able to have a career; that my plans just wouldn't get a chance to ever happen. I want to be a midwife and help bring life into this world. But I might not get the chance. I really want to have children and a family someday, but then I'd feel fear for them, too. It makes me wonder whether I should have kids at all. I'd be so scared for my baby.

I want to live longer, but at least I've had this long. I feel the worst for the little children. It's not their fault that governments can't find a way to solve their problems. They are so young and innocent and haven't had much of a life yet. I have a seven year old sister that I love a lot. One day I was trying to imagine a safe future with no nuclear weapons in it. I could see myself telling my little sister that she would grow up safe. It seemed so peaceful. I cried. It still makes me almost cry to think about it.

It seems to me that we shouldn't be spending so much money on more nuclear weapons when we already have enough to destroy every person on earth. The money we are putting for nuclear weapons should go for other things. When we go to county hospitals, we have to wait for hours and hours to see a doctor because there isn't enough money for good health care. Old people have trouble living on social security. The county mental hospitals have to turn people away and onto the streets. I know, because I meet them on the streets. Our schools don't have enough money for books. It's hard to do your homework when there aren't enough books so you have to share and can't take the books home with you to study. So when I hear how much it costs to build nuclear bombs, it just doesn't seem right to me.

A lot of times people think of teenagers as bubbleheads. That we are just interested in playing video games, getting dates or going ice skating. That's not fair. We are concerned about what is happening in our world. We care about more than just whether we get a job. We care about the fate of the world. Soon we will be adults who can vote. Our schools should be places where we can learn about important issues, and discuss them. Where we can learn about the things that prepare us to be involved citizens.

When I first thought about coming to testify before this committee, I was really nervous. Then I thought to myself that in a nuclear war all of you and your children will probably die, too. I decided that maybe I had something important to tell you about what it is like for kids growing up with the threat of nuclear war. It's hard to live with the possibility that we might not ever get a chance to grow up. I think the arms race has gone too far. I hope you will open your eyes and your minds, and stop the arms race before it is too late for us.●

GRATITUDE DAY

HON. CLAUDINE SCHNEIDER

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 21, 1983

● Mrs. SCHNEIDER. Mr. Speaker, I would like to bring to my colleagues attention the fact that today, September 21, 1983, represents a day of international significance. In addition to representing the time of the equinox, September 21 has been proclaimed as "World Gratitude Day." According to its founder and organization president, Edna Fuerth Lemle, the day is intended to promote good will and understanding among the nations of the world.

It was Ms. Lemle's dream to conceptualize a day that would transgress all national and religious boundaries for the sake of recognizing gratitude among the peoples of the world. Since its inception in 1965, two nations, Japan and Sweden, have proclaimed September 21 as a day of national thanksgiving. In the United States, 38 States have proclaimed September 21 as World Gratitude Day.

Mr. Speaker, I would like to submit to the RECORD Ms. Lemle's proclamation for World Gratitude Day with the hope that all of us here today will take a few moments to read the proclamation and take to heart the beauty and simplicity of its message.

The proclamation follows:

PROCLAMATION—GRATITUDE DAY THE 21ST OF SEPTEMBER

Whereas humanity has come to recognize devotion and allegiance to immediate family, to clan, to city, to state, and to nation; and now must experience the concept of globalism; and

Whereas words of praise and positive thoughts generate dynamic harmony; and

Whereas decisions made from a grateful heart are endowed with intrinsic wisdom and engender prosperity; and

Whereas gratitude, the opposite of "taking for granted," is a positive emotion which generates good will, is a basic emotion which is indigenous to all people, is a peace engendering feeling.

And Whereas September 21st is a special day. It is an equinox; one of the two times of the year when the sun passes over the equator and night and day are everywhere of equal length and everyone is equal under the sun.

Therefore let us proclaim World Gratitude Day, a holiday for all peoples, a day of meditation for all religions, a day of celebration for all humanity, united by knowledge of a simultaneously shared emotion, a day when triumph of the spirit can make a world community.

(Gather with a few friends be Aware of sharing the emotion of Gratitude . . . Know that it is being shared globally. The Only Donation We Ever Ask Is Your Participation.)●

WHERE IS THE LEADERSHIP TO SAVE US FROM DISASTER IN THE THIRD WORLD?

HON. MICHAEL D. BARNES

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 21, 1983

● Mr. BARNES. Mr. Speaker, The Outlook section of the September 18 Washington Post carried a very important article by Charles William Maynes, editor of Foreign Policy magazine, about the impact that the world economic situation is having on stability—and therefore on our interests—in the Third World.

Entitled, "If the Poor Countries Go Under, We'll Sink With Them: While the West Worries About Its Banks, Economic Chaos Could Turn Third World Mobs Against Their Rulers—And Us," the article begins with the arresting statement that "the world is on the verge of a human catastrophe and a political disaster that this country seems determined to ignore, notwithstanding the great damage it will do to America's security and welfare."

Mr. Maynes details the severe economic contractions that Third World countries are being forced to undergo by world economic conditions and developed country economic policies, and points out the consequences for political stability and the survivability of fragile democratic institutions. The picture he paints is depressingly familiar to me as chairman of the Subcommittee on Western Hemisphere Affairs; Latin America's democratic societies, and those seeking to return to democracy, are being severely buffeted by economic conditions beyond their control.

Why do we not care? Why are we not doing anything about this? Mr. Maynes places the blame squarely where it belongs: on our political leadership. The administration seems to think that its only responsibility is to spread Reaganomics to the Third World—and that any resulting unrest can be put down with military aid. Too many of us in Congress are willing to go along with that prescription.

Mr. Speaker, Mr. Maynes is right: It is time for our leaders to start acting like leaders. They should be taking the lead in explaining to our people why we have to act vigorously on the economic front to protect our interests. They should be out in front proposing that we take the hard political and economic decisions necessary to help build a world in which we can be secure.

I hope everyone in a position of leadership in our country will ponder this article carefully. The article follows:

[From the Washington Post, Sept. 18, 1983]

IF THE POOR COUNTRIES GO UNDER, WE'LL SINK WITH THEM: WHILE THE WEST WORRIES ABOUT ITS BANKS, ECONOMIC CHAOS COULD TURN THIRD WORLD MOBS AGAINST THEIR RULERS—AND US

(By Charles William Maynes)

The World is on the verge of a human catastrophe and a political disaster that this country seems determined to ignore, notwithstanding the great damage it will do to America's security and welfare.

While Washington's attention is riveted on whether the debt crisis in the Third World will weaken or seriously harm the banking structure in the West, developing countries are being put through an economic wringer that is undoing the achievements of several decades. Countries that achieved independence in the early 1960s and began the process of modernization in the early 1970s are now being demodernized. Investment projects are lying idle, children are not being taught, disease is spreading, beggars are filling streets from which they have been absent for decades, people are looting food shops, and the middle class is being destroyed by bankruptcy and high interest rates.

Increasingly, the economic strains that Third World governments are experiencing are proving too great for existing political structures to sustain. We seem to be entering a period like the 1930s, when economic distress triggered violent revolutions from Vietnam to Nicaragua. If this economic crisis is not solved, we face political upheavals that can pose grave dangers to the United States.

Perhaps we no longer fear the nexus between economic crisis and political change because in recent years the industrialized North has shown remarkable political stability in the face of economic adversity. Governments have fallen in every major industrialized democracy in the last few years, but unlike the 1930s, there has been no major challenge to the system itself.

This stability, however, may be a tribute to the safety net of the welfare state that even developed countries are finding very expensive to maintain. Most developing countries do not have such a net. They are faced with the anger of disadvantaged populations. And there is good reason why these populations should be angry.

In the last 30 years, local governments, aid donors, and international organizations have uprooted traditional ways of life of Third World people and urged them to pursue the path of "economic progress." Pushed by economic conditions from the farms and villages and lured into the cities as developement economists emphasized industrialization over agriculture, these people turned cities like Jakarta, Mexico City and Lagos into wretched megalopolises. In only 30 years, for example, the population of the Lagos area has risen from 100,000 to 1.5 million, and by some estimates, to 3 million. It is as if all the pain and misery that people in the West experienced over more than 100 years of movement from country to city has been compressed into a period of three decades.

After many years of effort, citizens of Third World nations were beginning to make the adjustment from one way of life to the other, only to be told now that mistakes were made, that the future is no longer bright, and that they should return to a way of life they have abandoned. But the agricultural skills have been lost; the land has been taken, and the family unit is no longer organized to sustain the previous existence.

Even without taking China into account, the last count of the International Labor Organization put the number of unemployed or underemployed in the developing countries at half a billion. Unemployment rates have been increasing faster than in the developed countries and may now be around 40 percent.

Although the modest recovery in the developed North will have some positive impact on the developing countries' export markets, overall the situation looks bleak. Receipts from commodity exports have dropped perhaps 25 percent in the last two years; and even with an upturn in North America, Europe and Japan, the outlook for many commodities is not bright. Aid is not growing to compensate for that.

Whole continents have seen their hopes for the future disappear. According to the World Bank's 1981 report on Africa, the net flow of outside aid into Africa will have to double by 1990 if average per capita incomes are to stop eroding and begin to increase again significantly. On the other hand, if the established patterns continue, the overall per capita growth rate will be zero or negative, and there are alarming possibilities for even steeper downward spirals in some, as populations continue to grow.

Developing countries, to maintain their growth, need a regular flow of commercial loans and government grants from abroad. Yet, according to Morgan Guaranty, if the 20 percent increase in net new bank lending to Third World countries that occurred in 1981 did not take place in subsequent years, the developing countries would lose about $50 billion in investment funds from abroad.

The consequence would be a drop of three percentage points in their real growth rate. Growth in Latin American countries perhaps would decline by more than 5 percent. That is only a prediction, but, regrettably, reality seems to be supporting it. In the first quarter of 1983, private bank lending to the developing countries dropped to almost nothing.

The effects on the Third World of these reversals are extraordinary. Real income for the average person in these countries has declined for three years in a row. Sacrifices that the industrialized world has not experienced since World War II are being imposed on helpless populations. In Chile, the International Monetary Fund is demanding a 50 percent cut in govenment spending, even though Chile's unemployment rate has risen from 4 percent to 26 percent in the last two years. In Argentina, following IMF guidelines, the Government is attmepting to cut its budget deficit by an astonishing two-thirds, even though the unemployment rate has tripled in the last two years.

It is no coincidence that there have been massive street demonstrations in those two countries in the past few weeks. The military governments in Santiago and Buenos Aires are in difficulty, with pressure for political change coming even from their own supporters.

"Cuts in public spending," of course, is a euphemism for saying that health, education and welfare budgets are being slashed. (Countries everywhere are reluctant to cut defense budgets.) The IMF-imposed austerity measures that lead to improved balance-of-payments results today will lead to higher rates of infant mortality, illiteracy and malnutrition tomorrow.

Developing countries are already rebelling against IMF discipline. The main debtor countries of Latin America met in Caracas last month to discuss common action. Although the consensus at the meeting has reduced pressures for a time, many politicians in South America continue to talk about declaring a moratorium on debt payments.

In Africa, populations are actually returning to the bush. Thousands of Ghanaians expelled from Nigeria during the last year had no work to go back to in Ghana. They had to retire to their villages where the world will never learn their fate. Africa today has millions of people moving across borders and within countries in a search for survival.

Even the favored are suffering. No country in the Third World has been as blessed by the arrival of Ronald Reagan to power as Jamaica. The president has repeatedly cited the victory of Edward Seaga over Michael Manley as a victory for democracy. Jamaica, which the administration would like to turn into a showcase, now is the fifth largest per capita recipient of U.S. assistance. Nevertheless, unemployment is nearing 30 percent and a major foundation of the Jamaican economy has become the illegal drug shipments to the United States.

There is a Potemkin Village quality to the Jamaica seen by foreigners. Government officials urge potential foreign investors to visit the two "model farms" run by Israeli investors. But these employ only a few hundred people. Meanwhile, Seaga's free market policies, which are operating in a harsh international environment, have proven to be a catastrophe for the thousands of small farmers whose products cannot compete with cheap foreign food, and who cannot find jobs in the city.

Jamaica is a good example of the problems Third World governments are facing today.

Seaga has not misgoverned Jamaica. In his first year in office he curbed the rate of inflation, increased tourism and attracted the interest of foreign investors.

But any effort to float one boat in the fleet higher in the water than the others will fail. Jamaica has found that its economy floats at the same level as its neighbors, notwithstanding a favored place in U.S. aid disbursements. Investors cannot be attracted to Jamaica when the world economy is in such difficulty.

Will the Third World accept its economic fate without major political protest? Here the lessons of the 1930s are instructive, and chilling. In Latin America, the collapse of commodity prices in the Great Depression helped stimulate 50 revolutions by 1933. In El Salvador, a rebellion and the brutal repression that followed claimed tens of thousands of lives. The anger and the mythology that help fuel Salvador's civil war today date from that conflict. Violence, rioting and repression were commonplace all over the hemisphere, notably in the same countries that are causing us such concern today—Nicaragua, Honduras, Guatemala and Cuba.

In Asia, too, the collapse of sugar, rubber and other commodity prices encouraged vast political changes. The sugar issue set off the first American attempts (sponsored by sugar-state senators) to grant independence to the Philippines. Gandhi began his civil disobedience campaign by seizing on an economic issue when he led a march to the sea to make salt illegally. The collapse of Vietnam's colonial economy led to the first serious challenge to French authority there since the turn of the century. Although put down, it fueled hatreds against the West that blazed again in the '50s, '60s and '70s.

In the 1980s the predictable consequences of economic depression will be reinforced by a powerful new factor: the large number of young people in the Third World. Social scientists have long identified a correlation between youth and violence. In many of the developing countries, at least half the population is under 20. In recent decades it has been the young people who have flocked to the cities looking for opportunity.

This explosive mixture of economic stress and impatient young populations may finally be proving too much for many governments to handle. Violence has flared and governments have tumbled all along the coast of West Africa. Tremors have moved the once-stable political landscape in Kenya.

The authoritarian governments in the southern cone of Latin America seem certain to fall. Ethnic troubles have recently rocked Sri Lanka. The Philippines appears on the verge of major political change.

A particularly troubling aspect of political turmoil in the Third World is the opportunity it offers to outside powers to intervene. As the international economic climate curbs economic prospects within their own countries and compounds their own economic mismanagement, the ability of Third World elites to buy off the angry masses decreases. They become increasingly vulnerable and outside powers move in.

Those with money can, in effect, buy out countries for a few million dollars. Libya, for example, gave $100 million to Nicaragua after the United States closed down its $75 million economic aid program. It tried to buy out Liberia after the coup there, before a panicked U.S. administration restored its support. And it provided assistance to Ugandan dictator Idi Amin in his final days in power.

Those imparting military skills can offer the local elite help in organizing a Praetorian Guard to shoot the mobs when they revolt. Cuba, East Germany and the Soviet Union are performing this security function in Angola and Ethiopia; Israel is training President Mobutu Sese Seko's bodyguard in Zaire; France provides security functions in French African states, and the United States and Cuba do the same in Central America.

The effort won't work. For this time, unlike the 1930s, the mobs will have guns. The geopolitical competition will ensure this, as will the easy availability of arms for anyone with money. Governments fear an armed population and are preparing. The extraordinary recent increases in arms sales to Africa and Latin America—in Africa the increase has been 13-fold in the last decade—reflect elite fears of internal insecurity more than of external aggression. Altogether, Third World countries' expenditures on arms have grown from $27 billion in 1970 to $117 billion in 1980.

It may be that the international economic trends are so unfavorable that no countercyclical action by the United States, even with others, can be effective. A new feudal order may then rise up in the Third World as governing elites, all desperate to survive and many without great scruples, volunteer to become clients of an outside power willing to provide protection.

In this regard, the turn of several small African states toward Libya may reflect their struggle for survival as much as any imperialist design on the part of Libya. In other words, much as the United States prefers the status quo it may have to live with change, even undesirable change. But prudent policy would call for the United States to work with others to limit the scope of change that its enemies can exploit more easily than its friends.

Realistically, however, a common effort is unlikely to occur; for the trends within the U.S. government are all in the opposite direction. As the 1983 Agenda of the Overseas Development Council points out, the United States, a superpower, is now competing with Italy for the dubious honor of being the least generous of all Western countries in the provision of aid to the developing countries. In the worst crisis since the Great Depression, the United States is insisting that the World Bank drastically cut back on its low-interest loans to the poorest countries.

Pledges from richer countries for these loans will fall from a three-year total of $12 billion to $9.5 billion; the shares of the two largest recipients, China and India, are being squeezed to less than India alone used to receive; and the future for additional resources in the next pledging cycle looks bleak.

These low-interest funds have been vital to countries unable to compete for commercial funds with the wealthier developing countries. World Bank loans, like IMF loans, also constitute a seal of approval that private banks often require before they provide commercial funds.

Today only 19 percent of U.S. bilateral development aid is going to the low-income countries. (The figure is over 30 percent for our allies.) In the last 10 years the U.S. has nearly doubled to 41 percent the share of its aid program that is politically motivated, as opposed to development oriented. The Near

East, primarily because of aid to Egypt and Israel, now accounts for nearly 50 percent of all U.S. foreign aid worldwide.

But for the policy community in Washington—the administration, Congress and the "think tanks"—requests that the United States show more concern over the plight of the Third World have become simply annoying. Just as a physical structure may suffer from metal fatigue, official Washington now suffers from policy fatigue with regard to the Third World.

There are a number of explanations for this mood. One is the elite's loss of confidence between 1965 and 1975 that it understood the development process. The earlier hubris of Walt Rostow's "Stages of Economic Growth," in which development was detailed in an almost mechanical fashion, has disappeared. In the days of President Kennedy's Camelot, my Foreign Service Institute professor ordered me, a junior Foreign Service officer, to read that book. it was to be the blueprint we were going to follow to bring the world up to the economic level of Peoria.

Suddenly in the mid-1970's, Americans who previously claimed to know everything about development declared that they knew nothing. The announcement was, of course, premature. As nearly all development economists have pointed out, whatever the mistakes of the 1950s and 1960s, the developing countries as a group have achieved rates of growth unequalled in history. To be sure, credit for this success goes primarily to the people in those countries and not to the foreign donors. But when poor countries are desperate for cash, donations from richer countries certainly cannot hurt.

Attitudes have also affected the American government's policy. White Americans have never been entirely comfortable with the leaders of the Third World, in part because of the less-than-honorable history of this country toward the Third World people on this continent—the Blacks, the Indians, and the Mexicans. After all, until very recently, the majority has benefited by enslaving, defeating, or stealing land from Third World citizens of this hemisphere. It is now all history, the victims probably would not have been more humane as victors, and the sins of fathers should not be visited upon sons or daughters.

Nevertheless, history does leave scars and memories. Reflecting on this legacy, white Americans seem to have divided into two camps—conservatives who are callous in their sense of resentment and superiority toward the Third World, and liberals who are cloying in their mood of meekness and guilt toward developing countries.

Neither attitude is terribly relevant to the reality the country faces—a Third World that ranges from major international powers like India or Brazil to specks on the globe like Grenada or Fiji, a Third World that soaks up 40 percent of U.S. exports, that in certain vital countries represents the future and in many others encapsulates the past, that may affect the global balance of power.

Given the American attitude toward both development and the Third World, however, any appeal to the humanitarian instinct of the American people and particularly the American policy community is likely to fail. The instinct is no longer politically relevant except in the type of emergency that puts faces of hungry children on the front pages of American newspapers. The indifferent U.S. reaction to the Brandt Commission report, which laid out the elements of a global bargain between North and South, is proof of this. The report was a soaring best-seller in Europe, a public relations failure that sank like a stone in the United States. It is not that every one of the report's 59 major proposals in the fields of finance, trade, agriculture, and energy was sound. Such an achievement was never expected. What was disturbing in the United States was the lack of interest.

Yet the problem of what we do about political turmoil in the Third World remains. One of the obligations of an elite is occasionally to act like one. On the issue of development, the American people will not be ahead of their leaders. Instead of exploiting congressional votes in the IMF for partisan advantage, these leaders should be looking for ways to explain to the public the long-run political effects of the world's current economic neglect of many vulnerable regions of the world.

Development experts, including officials in the Reagan administration, have their own agendas for surmounting the current crisis. Proposals range from clever arrangements for redistributing the debt burden to renewed efforts to restore the tools of past policy—more aid, better trade, and wiser experts. The World Bank's recent report on Africa shows what reasonable increases in aid, combined with reforms, can do for that contingent. But even a modest agenda cannot succeed in the current climate.

Economic distress brought political disaster to many regions of the world in the 1930s. Yet then, at least, we had the excuse that we did not always understand the effects on others of such actions as the infamous Smoot-Hawley tariff increases, or inflexibility in reducing the international debt burden resulting from World War I.

In the 1980s, a decade in which we could see a new age of disorder, we have no such excuse.

(Charles Maynes, an assistant secretary of state in the Carter administration, is the editor of Foreign Policy magazine.)●

ESTABLISH A COMMISSION TO REVIEW WAR CRIMES

HON. ANTONIO BORJA WON PAT

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 21, 1983

● Mr. WON PAT. Mr. Speaker, between December 8, 1941, and August 10, 1944, the island of Guam was occupied by the Imperial Japanese military forces. During that time, the people of Guam were subjected to various forms of atrocities, including forced labor, physical and psychological torture, death by execution and massacre, rape and forced prostitution, forced marches, and internment in concentration camps. The people of Guam suffered because of their intense loyalty to this Nation. They were a difficult psychological force to subjugate.

Although the Guam Reparations Commission, which was established by the Guam Legislature, estimated that more than 10,000 native Guamanians were subjected to such treatment, no sufficient plan of reparation for these people has ever been formulated.

Mr. Speaker, my purpose today is to propose the establishment of a commission to first investigate the war crimes and the claims of Guamanians for losses resulting from the Japanese occupation of Guam. Second, this Commission would recommend the appropriate remedies for these claims.

The bill I am introducing today would require the President of the United States to make appointments to this Commission, from among individuals recommended by the Speaker of the House of Representatives and by the President pro tempore of the Senate. Two members of the Commission would be appointed by the Governor of Guam with the advice and consent of the Guam Legislature. One such appointee shall be a member of the bar of the highest court of the Territory of Guam and recommended by the Guam Judicial Council. The bill establishes all rules and guidelines for this Commission which I encourage you to examine.

I would like to emphasize that my island was caught for the second time in its history between two great powers' struggle. Because of their patriotic alinement with this country, they were victimized savagely over several years' time.

The peace treaty signed in 1951 with the Japanese precludes our seeking just reparation from that country. The people of Guam should not have been denied these reparations. They seek the help of this Congress in establishing a commission to study these wartime crimes against my people and what measure the United States can implement to restore justice to the people of Guam.

I urge your serious consideration in this matter. Thank you.●

THANK YOU, IRMA

HON. CHARLES PASHAYAN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 21, 1983

● Mr. PASHAYAN. Mr. Speaker, yesterday, at the 49th annual Honor Awards Convocation of the U.S. Department of the Interior, 34 employees were presented Distinguished Service Awards. I salute all of them, as well as the 21 who were presented with valor awards, and should like to take this opportunity to tell my colleagues about one of the Distinguished Service Award recipients, Mrs. Irma Buchholz, secretary to the superintendent, Sequoia-Kings Canyon National Park.

Secretary of the Interior James Watt could not have said it better when he called all the recipients "employees who have gone that extra mile not just to get the job done, but to do it exceptionally well." Mrs. Buchholz, as Secretary to 13 superintendents at

one of this Nation's most popular national parks, has been doing that job "exceptionally well" for more than four decades. The recognition given her yesterday by her peers has been due for many years. She truly epitomizes the dedication given by most Federal employees in pursuit of their careers.

The new media, when visiting either Sequoia or Kings Canyon National Park—they were combined in 1943 under unified management—works with Mrs. Buchholz and of late have found that the Park's public information officer, another title she carries, is a story in and of herself.

Mr. Speaker, at this point I should like to insert a news article written by Gene Rose of the Fresno Bee as well as a news article written by Charles Hillinger of the Los Angeles Times. They have captured the spirit of Irma Buchholz, not only a treasure for the National Park Service, but for us all.

The articles follow:

VETERAN PARK SERVICE SECRETARY—TO HER THE JOB IS A WAY OF LIFE

(By Gene Rose)

SEQUOIA NATIONAL PARK.—Park superintendents come and go. But in Sequoia-Kings Canyon National Park, Irma Buchholz has become a permanent fixture—as venerable and enduring as the park's famed landscape.

In the past 37 years, she has served eight different superintendents, offering both her wit and wisdom to the managers of the famed big trees parks.

Well past the age of retirement, Buchholz still serves the NPS, acknowledging that her job as secretary to the superintendent is more than a job, it's a way of life.

"I have worked for all but two of the superintendents from Col. White to Boyd Evison," she related recently. "When I came here in 1943, I didn't know the Park Service from the Forest Service."

Since those early days, Buchholz has acquired a reputation as large as the Sequoias, having served and served and served.

"When I first started, I had no idea that I would be here this long." she said. "But it's a job that has grown on me."

Over the years, she has seen a passing parade of upward-bound rangers and retiring superintendents.

The succession of short-term superintendents has given rise to the remark that Irma was, indeed running the park.

Henry L. Jones, who worked with Buchholz as a management assistant in the late 1970's and is now superintendent of Waputki-Sunset National Monuments in Arizona, said the veteran secretary is not only a highly polished NPS professional but a warm and friendly person.

"She is just a superlative person . . . and she expects perfection," Jones said. "Yet she always has time to listen to everyone and is the 'mother confessor' to most of the staff."

Jones described Buchholz as a diplomat and very loyal to those she works for.

"Most people in the NPS move about and get to know people. Irma stays in one place and watches people pass through Sequoia-Kings Canyon national parks on their way from ranger, maintenance and administrative position to the high staff positions in Washington and elsewhere.

"She has friends throughout the service, including those that are highly respected in the NPS."

Irma's husband, the Rev. John Buchholz, died in 1972. Her family now consists of a daughter, Fanchon Owen of Fresno; a younger sister, Jeanette Barton of Three Rivers; four grandchildren; and two great-grandchildren.

"I'm at the stage now where my work is my life," she acknowledged. "I don't know what else I would do if I didn't do this . . . maybe some volunteering."

Buchholz currently serves a flexible tour of duty and lives in park housing across the road from park headquarters—where she can respond to about any question or inquiry.

Her daughter says it's almost worse than that.

"That job is her life. I have never seen anyone enjoy their job as much as she. She doesn't even like to take a vacation."

What spare time she takes, she uses to pursue her love of books and reading.

"Several years ago, I made the foolish statement that I would quit when the superintendents got younger than me," Buchholz said. "But now I don't subscribe to that idea anymore.

"I enjoy working for the younger fellows."

SECRETARY REGARDED AS PARK INSTITUTION

(By Charles Hillinger, Times staff writer)

SEQUOIA NATIONAL PARK.—"She's faster than the files," Boyd Evison, superintendent of Sequoia and Kings Canyon National Parks, says of the woman who has served him—and 12 of his predecessors—as secretary for 40 years.

Irma Buchholz, 71, is a National Park Service institution. She lives in government housing across from park headquarters, and park employees swear that she knows every rock, tree, bird and animal in Sequoia and Kings Canyon.

When reporters need to know anything about the parks, Buchholz is the person they call. A frequent question is, "Irma, do you know or remember such and such?"

SPEAKS "FROM MATURITY"

"I speak from maturity," Buchholz said. "They keep passing me along, superintendent to superintendent. I come with the job."

When Evison became superintendent 2½ years ago, Buchholz asked him: "Doesn't it frighten you to have a little old lady as your secretary? It would me. . . .

"He's so young. Boyd is only 50, you know," Buchholz said. "I knew his father well, worked with him for years." Evison's 92-year-old father is a former chief of information for the park service.

Buchholz, who vacations by train throughout the United States and Canada, says she never wants to retire.

Photographs of all 13 park superintendents she has served hang on her office wall.

"Notice I have them hanging behind me." she said, "not out in front where they would be looking at me."●

INTERNATIONAL FAST FOR LIFE

HON. RONALD V. DELLUMS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 21, 1983

● Mr. DELLUMS. Mr. Speaker, on September 15, 1983, the International Fast for Life came to an end after more than 40 days of fasting by 11 courageous people protesting the insanity of the arms race and the tragedy of world hunger. The 11 people started their hunger strike on August 6, the 38th anniversary of the atomic bombing of Hiroshima, and have since touched the hearts and minds of people around the world.

Two of the fasters—Dorothy Granada, 52, and Charles Gray, 58—are residents of the Eighth Congressional District in California. The other fasters are from Canada, Japan, West Germany, and France. These 11 were supported by more than 5,000 people in 25 countries who conducted shorter, open-ended fasts during these 41 days to register their wholehearted commitment to the burgeoning peace race. In the United States alone, support fasts were undertaken in some 200 cities.

The Fast for Life has raised issues no person can thinkingly ignore. While the superpowers cast billions of dollars into a dangerous and senseless arms race, several million people around the world go without adequate supplies of food, plagued by crippling starvation and disease. Basic necessities of life are scarce for these underprivileged, yet the United States and Soviet Governments squander more than half of their budget moneys for instruments of war; instruments, such as nuclear weapons, that do little to aid life and threaten our very existence.

The fasters urged that we "call in sick" on nuclear weapons and double our efforts to negotiate a halt to the madness of the arms race. Why are we not listening? Where is our defense sense which tells us that more money spent on nuclear weapons will only heighten the atmosphere for confrontation and the possibility of nuclear war; that more money for nuclear weapons is money directed against the human race, while there is much work to be done at home and abroad.

As responsible leaders, how can we not heed the advice of the fasters who hungered so hard for peace? The link between world militarism and world hunger is as strong as ever. We continue to conduct business as usual feeding the mouths of armament manufacturers by building new weapons, neglecting the mouths of the needy. Production of the MX missile is just one example of how our priorities are terribly distorted. Deploying new nuclear missiles in Western Europe, just some 6 to 8 minutes from Moscow, is a strategically unstable measure that will leave little room for human or computer error.

Throughout their hunger strike, the fasters urged us to reflect on our Government's priorities, and demand an end to the arms race. When will we heed their call? The policies of the

United States and the Soviet Union are wasting limited resources, leading us toward a nuclear catastrophe hundreds of times more devastating than the tragic atomic destruction of Hiroshima some 38 years ago.●

TRIBUTE TO NORTHRIDGE NATIONAL JUNIOR LEAGUE ALL-STAR BASEBALL TEAM

HON. BOBBI FIEDLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 21, 1983

● Ms. FIEDLER. Mr. Speaker, I would like to share with the Members the fact that the Northridge National Junior League All-Star baseball team has had an excellent season and one of which I am very proud. These young constituents of mine were the Western Regional Little League Champions, they came in third in the Little League World Series and they were the United States' runner-up team.

The opportunity that sports has given these young people for personal growth and development is to be commended. Also the support shown by the adults who worked with these young people throughout the season shows one of the strengths of America and the American family.

For the record, Mr. Speaker, I would like to submit the names and the record of the Northridge National Junior League All-Star baseball team:

RECORD: WON 17, LOST 4

PLAYER AND POSITION

Jacob Austin—Outfield.
Greg Biley—Shortstop.
Kirk Edwards—Pitcher, outfield.
Jeremy Leach—Outfield.
Rex McMackin—Third base, catcher.
Scott Scibilia—Catcher, pitcher.
Mark Scott—2nd base.
Steve Slattery—Outfield.
David Waco—2nd base.
Steve Walsh—Outfield.
Donald Williams—Outfield.
Joel Wolfe—First Base.
Joe Zimmerman—Outfield, third base, pitcher.
Manager: Ron McMackin.
Coaches: Jeff Pentland, Joe Koh, Ben Samuel, Craig Flastrom, and Wayne Zimmerman.

SCORES

District in canyon country

NNLL 23—Susanna Knolls 3.
NNLL 11—Mission Hills 0.
NNLL 8—Canyon Country 7.
NNLL 13—Mission Hills 3.

Sectional in Santa Paula

NNLL 23—Tehachapi 1.
NNLL 9—Santa Paula 4.
Oxnard—Sunset 6 NNLL 1.
NNLL 10—Oxnard-Sunset 9.

Division in Huntington Beach

NNLL 14—Alhambra 7.
NNLL 9—La Sierra 1.
NNLL 8—La Dera 3.
NNLL 16—Yorba Linda 4.

Western regional in Huntington Beach

NNLL 25—Tucson, Arizona 7.
NNLL 9—Oakgrove, San Jose 3.
Oakgrove—9 NNLL 8.
NNLL 9—Oakgrove 5.

WORLD SERIES IN TAYLOR MICHIGAN

Puerto Rico—16 NNLL 13.
NNLL 19—Madison, Wisconsin 3.
NNLL 19—Seaford, Delaware 1.
Altamonte, Florida 6—NNLL 3.
NNLL 9—Seaford, Delaware 6.

WORLD SERIES RECORDS

1. Most Home runs by Team for Entire Series—13.
2. Most home runs in one game: Scott Scibilia—3.
3. Most runs batted in for entire series: Rex McMackin—15.

Team Batting Average for season: .415.

Total Runs scored for season: 250 (12 per game average).●

CONTRIBUTIONS OF ITALIAN AMERICANS REMEMBERED

HON. JOHN HILER

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 21, 1983

● Mr. HILER. Mr. Speaker, on October 10, our Nation will commemorate the 491st anniversary of the discovery of America by Christopher Columbus. While his discovery will highlight celebrations everywhere on that national holiday, it also provides us with an opportunity to honor Italian Americans for other contributions they have made to this great country.

Our history books are filled with mention of Christopher Columbus and his remarkable voyage, which he made after years of struggle with Queen Isabella of Spain and in the face of mutiny threats and an uncharted ocean. Little did he know that hundreds of thousands of fellow Italians would make similar voyages centuries later to make the America he discovered their new home. Many of these new citizens have helped defend this Nation in time of war and helped our Nation prosper in times of peace.

I am proud to represent many Hoosiers of Italian heritage who reside in Indiana's Third Congressional District. Their contributions to northern Indiana came to my mind last week, Mr. Speaker, when U.S. District Court Judge Alan Sharp swore in 93-year-old Pasqualina Acito as a naturalized citizen.

Mrs. Acito, a great great grandmother, originally came to this Nation in 1915 the same way Christopher Columbus did, by boat, with her brother. She married in Chicago a few months later, but because of questions about her citizenship she recently was threatened with deportation hearings. Fortunately, my office was able to intervene successfully and Mrs. Acito last week was able to become a citizen of the United States. She brought tears to the room, crowded with media and onlookers, when upon being presented with a flag by my office, said, "God bless America."

To leave one's homeland in search of new discoveries and new lives is something few of us can understand. Mrs. Acito does, and so do millions of immigrants to this Nation. I am proud of the contributions and successes of Italian Americans, and I hope my colleagues will join me in honoring them on Columbus Day.●

NEED FOR QUICK ACTION ON DISABILITY

HON. EDWARD R. ROYBAL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 21, 1983

● Mr. ROYBAL. Mr. Speaker, the continuing review of the eligibility of social security disability beneficiaries, which has caused so much controversy over the past few years caused more controversy during our recent district work period.

On August 10, Attorney General Robert Abrams of New York State announced the filing of a lawsuit against the Department of Health and Human Services on behalf of individuals with heart diseases whose benefits were previously denied or terminated. This action was preceded by social services commissioner, Cesar A. Perals, who ordered the State's disability service to terminate no more benefits until the Federal Government establishes appropriate medical standards * * * for the review process.

On August 12, Gov. Jay Rockefeller of West Virginia issued an executive order to the State disability service which includes the reopening of decisions of previously-terminated beneficiaries and directing the State to follow orders of the Federal courts.

On August 15, the Social Security Administration began sending notices to approximately 75,000 previously terminated beneficiaries informing them of a ninth circuit court order which required SSA to reinstate benefits pending a reevaluation based on new policies.

On September 7, Gov. James Hunt of North Carolina issued an executive order to place a moratorium on processing any initial recommendations for terminating benefits unless fraud has been demonstrated.

On September 12, the New York Times, in a front page article by Robert Pear, documented these and other recent actions taken by the States. I ask that the article be reprinted following my remarks because I believe that the article demonstrates the need for national legislative reform to be enacted quickly. Absent such national reform we will continue to see individual States and individual

courts acting to correct the abuses which have been so well documented in the media and at least five committees of the Congress.

The legislation introduced by Chairman J. J. Pickle (H.R. 3755) adequately addresses most of the major issues and should be brought to the floor as soon as possible. Although I might have preferred the bill as originally conceived and would have even added additional reforms, it is a good bill and it is imperative that we enact legislation as quickly as possible.

The material follows:

[From the New York Times, Sept. 12, 1983]

NEW YORK AND OTHER STATES FLOUT U.S. RULES FOR DISABILITY BENEFITS

(By Robert Pear)

WASHINGTON, Sept. 11.—New York and other states, eager to help people retain Social Security disability benefits, have begun to flout Federal rules for the program, and so far the Reagan Administration has taken no action to penalize them.

States administer the program on a local level, but they are supposed to follow policies and eligibility criteria set by the Federal Government.

In a variety of legal and political actions over three months, the Governors of New York, North Carolina, Massachusetts, Arkansas, Kansas, West Virginia and other states have challenged the Reagan Administration's restrictive interpretation of the law. In some places state officials have cooperated with beneficiaries suing the Federal Government.

Last week Gov. James B. Hunt Jr. of North Carolina ordered a moratorium on the removal of people from the rolls, except in cases of fraud.

374,000 DROPPED FROM ROLLS

Nationwide, 374,000 people have been removed from the rolls since March 1981, Federal officials said. The program costs $18 billion a year and provides monthly cash benefits to 3.9 million people. A 1980 law requires the Social Security Administration to re-examine beneficiaries once every three years unless they are permanently disabled.

Social Security officials insist that a "crackdown" was needed to remove ineligible people from the rolls. But the officials now acknowledge that the process should have been more "humane" and that errors were made.

Two major reasons that Federal officials have not penalized the states are that doing so would be politically awkward for the Administration in light of its pledge to be more humane and that it would be difficult to suddenly disrupt the "partnership" that has existed between Federal and state agencies over the years in administering the program.

The action taken by Governor Hunt resembles a moratorium announced in July by Cesar A. Perales, the New York State Commissioner of Social Services, who asserted that the Federal Government was not meeting its "legal and moral obligations" to the disabled. Peter P. DiSturco, the Regional Commissioner of Social Security, then sent a letter to Mr. Perales saying New York was "not in compliance" with the Federal law. But he did not indicate what action, if any, the Federal Government might take.

New York State has also joined New York City in a lawsuit challenging Federal standards used to determine whether people with mental disabilities are eligible for benefits. The state and the city filed a second lawsuit last month charging the Federal Government had improperly denied disability benefits to thousands of people with severe heart disease.

Gov. Michael S. Dukakis of Massachusetts said his state was joining in another lawsuit against the Reagan Administration, was reopening cases in which disability benefits had been cut off and was insisting on proof of medical improvement before removing anyone else from the rolls. The Reagan Administration contends that, under the law, it can cut off benefits without having to show that a person's medical condition has improved.

The National Governors Association last month called for major changes in this and other Federal policies governing the disability program. Social Security officials said they were studying the state actions but had not imposed any penalties.

In June, Margaret M. Heckler, the Secretary of Health and Human Services, announced changes designed to end what she said were the "hardships and heartbreaks" that had occurred in the program. But state officials, considering those steps inadequate, have gone further.

Representative Edward R. Roybal, Democrat of California, chairman of the House Select Committee on Aging, who has held several hearings on the program, said the state actions sent a clear message to the Federal Government that "the current policy is wrong and will no longer be supported by the nation's governors."

ORDER IN WEST VIRGINIA

States have a financial incentive to keep people on the rolls because the Federal Government pays all the costs of Social Security disability benefits. People who lose those benefits often turn up on state or local welfare rolls.

State officials also have political reasons for asserting more control over the program. Gov. Bill Clinton of Arkansas has said that state officials receive many complaints about the program but have "virtually no real power" to affect decisions on individual cases.

He said that when state employees tried to keep people on the rolls they were often overruled by Social Security officials. This, he said, was "counter to the Administration's own philosophy," which generally calls for Federal officials to respect the judgment of state officials running social welfare programs.

In West Virginia, Gov. John D. Rockefeller 4th ordered the state rehabilitation agency to follow "Federal court decisions most favorable to beneficiaries." He said this "would generally require a showing of medical improvement" before a person could be removed from the rolls.

Several Federal courts have ruled that the Federal Government must show such improvement, but Mrs. Heckler has announced she "does not acquiesce" in the decisions and has directed lower-level officials to disregard them. The legality of such a policy is now before the courts.

In July, Governor Clinton directed Arkansas officials to comply with Federal court decisions holding that severe pain by itself could be a disabling condition. Mr. Clinton said Federal officials had "ignored" the decisions. The United States Court of Appeals for the Eighth Circuit, which includes Arkansas, said that "for some unexplained reason" the Secretary of Health and Human Services "insists upon ignoring this court's statements with respect to the proper evaluation of pain."

Social Security officials said they would obey a court decision in the case of a specific individual but did not have to apply the court's interpretation of the law to other similar cases.

In Kansas, Gov. John Carlin said the disability program had "exceeded the bounds of acceptability" in denying benefits to the truly disabled. The state has decided to re-examine cases in which benefits were cut off in the last year and has said it will no longer follow unreasonably strict Federal guidelines.

The Governors of New Jersey and Connecticut have not announced any major challenge to the Federal rules. But a New Jersey state agency, the Department of the Public Advocate, is working with Legal Services of New Jersey, the federally financed program for the poor, in a lawsuit to assist people who face possible loss of benefits. They are trying to force the Federal Government to give greater weight to evidence of pain and to the medical opinion expressed by a claimant's regular physician.

In Washington, the House Ways and Means Committee is considering a bill that would alleviate many of the problems cited by the nation's governors. The bill would require the Government to comply with appellate court rulings and would make it more difficult to cut off benefits.

Social Security officials expressed concern about the bill, saying it could increase Federal spending by several billion dollars. The sponsor of the bill, Representative J. J. Pickle, Democrat of Texas, is also concerned about program costs, but he said the Administration had been too "hasty and harsh" in its efforts to prune the disability rolls.●

COMMENDING THE DEDICATION OF GEN. BENJAMIN REGISTER AT ROCK ISLAND ARSENAL

HON. LANE EVANS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 21, 1983

● Mr. EVANS of Illinois. Mr. Speaker, over the July recess I hosted a business opportunities conference for small businesses in the 17th District of Illinois, which I am privileged to represent. This conference was a huge success, bringing together procurement officials from some 30 Federal agencies nationwide and over 250 business people from central Illinois. The conference resulted in a better local understanding of the Federal procurement process, which may well lead to more business and jobs for my district.

The conference's success was due in large part to the efforts of its cohost, Gen. Benjamin Register, Jr., commander of A-M-C COM Headquarters at the Rock Island Arsenal. In his command, General Register oversees some 30 ammunition plants, 4 arsenals, 7 field installations, and 2 research centers. These facilities have more than $30 billion in assets, an annual budget of nearly $9 billion, and

a force of more than 40,000 employees at 47 installations in 26 States.

General Register and his command have sponsored numerous contracting conferences throughout the Nation, in which many Federal agencies participate. These conferences give thousands of small businesses the opportunity to bid on Federal contracts that they might otherwise overlook. Not only does this increase competition and hold down Federal contract prices, but it also results in more business for our Nation's small businesses which are responsible for creating most of our economy's new jobs.

This week I learned that General Register will soon be leaving his post at the Rock Island Arsenal to become the Deputy Director of Defense Logistics at Cameron Station in Alexandria, Va. I want to commend the general for his dedicated service at the arsenal, of which the July business opportunities conference was just one small example, and to wish him continued success in his new command.●

NORMAN B. (GABBY) HARTNETT

HON. G. V. (SONNY) MONTGOMERY

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 21, 1983

● Mr. MONTGOMERY. Mr. Speaker, on October 28, 1983, this country and its veteran population will lose to retirement the most respected and valuable friend and representative any organization could ever hope to have. Norman B. Hartnett, known as "Gabby" to those who have shared in his life, will step down as national director of services for the Disabled American Veterans.

Since 1942, when he enlisted in the U.S. Navy, Gabby Hartnett has served his country and his fellow man with an enthusiasm that is matched by few. He is a rare occurrence in a world where mediocrity is commonplace. Gabby has never settled for anything below excellence.

While serving aboard the U.S.S. *Frederick Funston,* he was injured during the invasion of Leyte in the Philippines in 1944 and was discharged in 1945 as a result of his disabilities.

Following World War II, Gabby enrolled at American University in a course of veterans' programs that would lay the foundation for 37 years of meritorious service to the well-being of all former members of the Armed Forces.

Before coming to Washington, Gabby worked as a Disabled American Veteran national service officer in Boston from 1946 to 1953 and from 1966 to 1970. Prior to assuming his present position, he supervised the DAV national service program from 1976 to 1978 and its national employment program from 1970 to 1975.

Since 1978, Gabby has supervised all operations of the DAV's Washington, D.C., office, including its 280-man national service program, its national legislative program and has spearheaded efforts to increase employment opportunities for disabled veterans. For his distinguished and unrelenting work in encouraging and promoting employment of the handicapped, he received a Presidential citation.

Besides leading the national staff of the three-quarter-million member DAV, this veteran's veteran is a member of the VFW and the American Legion, the executive committee of the President's Committee on Employment of the Handicapped, the advisory committee on the Veterans' Administration national Task Force on Education and the Vietnam-Era Veteran, and the advisory committee of the office of veterans' affairs of the American Association of Community and Junior Colleges.

Gabby Hartnett is and always has been concerned for those who served their Nation in time of war or national conflict. But he has not just held on to his concerns, he has released them in a torrent of action ranging from participation as a primary force behind well-aimed legislation to heart-of-the-matter articles on the issues to a simple, warm handshake.

Gabby Hartnett cares what happens to this Nation and its veterans. Because his caring is so visible, he has been an effective leader. A leader of leaders, as he has been called.

Veteran or not, we all owe Gabby Hartnett a great debt. He is a remarkable man responsible for remarkable deeds. I am sure he will never be far from the mainstream of veterans' affairs. Because of him and people like him, veterans' affairs will never be far from the mainstream of legislative action.

Mr. Speaker, we could not pay tribute to a more deserving American. Gabby Hartnett is an exceptional man. As he takes official leave from the Disabled American Veterans organization, we wish for him continued good health and happiness always.●

AMNESTY INTERNATIONAL REPORT ON CHILE

HON. PATRICIA SCHROEDER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 21, 1983

● Mrs. SCHROEDER. Mr. Speaker, I would like to share with my colleagues two cases involving the Chilean Government's use of torture on political detainees. These 2 cases and 16 others like them are contained in a report that Amnesty International published in May of this year which presented the findings of an investigative mission conducted in 1982.

CASE NO. 7—ANONYMOUS

Personal details

He is 28, a skilled lithographer, unmarried and lives with his father.

State of health before arrest

He has never had any serious illnesses and has never been in hospital. He has suffered from insomnia, having had difficulty falling asleep and managing to sleep for only four to six hours a night.

He described himself as having a somewhat depressed personality. He has had pains in the heart region and (at the same time) breathing difficulties approximately once a month for the past five years. These attacks are brief and do not seem to be related to over-exertion. He was examined by a doctor, who could find no physical reason for the attacks. In addition he has suffered from headaches.

Time and place of arrest and detention

He was arrested in the first quarter of 1982 and driven to the CNI centre in Santiago, where he was held for 20 days. He was then transferred to the Cárcel Pública, from where he was released 26 days later.

Duration of alleged torture

He was tortured on two days while at the CNI centre in Santiago.

Interrogation and torture

His account of events was as follows:

He was arrested at his home at 5.30 am in the first quarter of 1982. No arrest-warrant was shown. He was blindfolded then driven for about half an hour. When they reached their destination he was taken downstairs into a large room where he was made to strip and was given overalls and *zapatillas.* He was photographed, then taken to his cell. Later that day he was forced into another room, where he was interrogated and tortured.

He was slapped on the ears and the side of the head so hard that he fell down. He was punched in the abdomen and on the right shoulder. While he lay on the floor the lower parts of his legs were kicked.

He was ridiculed and threatened with execution. He also underwent a mock execution—was told he was going to be shot; he heard rifle fire, but the guns were not loaded with live ammunition.

He was not electrically tortured but at one point he had to hold a metal rod which he was told was going to be electrically charged. In the event it was not.

He was always clothed during interrogation and torture, and had to wear a mask.

For two days he underwent prolonged interrogation and torture. On both days the torture was stopped when he developed breathing difficulties (without actually fainting). (These attacks were different from those previously described.) A doctor was summoned, and after he had been examined by auscultation he was taken to another room where he was injected (probably with a tranquillizer, he thought) in the right buttock.

He was held incommunicado throughout his 20 days at the CNI centre and the first five days at the *Cárcel Pública.* He wore a mask, overalls and *zapatillas.* His cell was small—about 2m by 1.5m—and contained a concrete bunk, a mattress, blankets and a pillow. He was permitted to remove the mask when alone in his cell.

He was kept in his cell throughout—except on the two days when he was taken out for interrogation and torture—and was interrogated there almost every day (and

was once punched). He was ordered to do push-up exercises about six times a day.

Medical examination and/or attention during detention

As soon as he arrived at the CNI centre, a man asked him about his previous illnesses and health. His blood pressure was taken, his heart and lungs were auscultated and he was weighed and measured. He was examined in a special room by someone who claimed to be a doctor.

During his detention he became constipated and was given a laxative by someone he called a "practicante" (medical assistent), which he thought brought on diarrhea.

Medical personnel involved in torture

On the two occasions when he developed breathing difficulties during torture he was examined in the interrogation room by a person he took to be a doctor. He was auscultated and then taken to the surgery, where he was injected with what he thought was a tranquillizer.

Early symptoms described

His legs were stiff and swollen and he ached where he had been beaten and kicked.

During both torture sessions he developed sufficiently severe breathing difficulties for someone he took to be a doctor to be summoned. He did not lose consciousness. He was constipated while in detention and was given a laxative, which he thinks caused diarrhea, after which he became constipated again. He suffered from insomnia and had nightmares. He lost his sense of time and could not remember how many days he had been in detention. He became labile, prone to weeping, gloomy and withdrawn.

Present symptoms described

His memory is impaired—he finds it hard to remember things like keeping appointments. He has difficulty concentrating, especially when reading, and finds it hard to express himself both orally and in writing. He is more nervous and anxious than before and is emotionally labile and prone to weeping. He feels more insecure, withdrawn and tense, somewhat more depressed, and more passive and "low" than before.

His tolerance for alcohol has changed: now he becomes more easily nauseated by drink than previously. And he now smokes 25 cigarettes a day, compared with 10 before he was arrested.

He suffers from insomnia and gets nightmares so he now takes sleeping tablets.

He is seeing a psychiatrist.

Clinical examination (one month after the alleged torture)

There was muscle tenderness over the shoulders. He seemed rather tense, had somewhat impaired memory and was melancholy and passive, with little facial expressiveness. He cooperated fairly well during the interview but it was not very easy to make contact with him.

Conclusion

The medical delegates found consistency between the torture alleged and the symptoms described.

CASE NO. 8—PABLO ARTURO FUENZALIDA ZEGERS

Personal details

He is 33. He went through high school, then studied history at university until he was expelled in 1974. Since then he has worked for various humanitarian organizations, most recently for the *Comisión Chilena de Derechos Humanos*, Chilean Human Rights Commission. He is married and has two children, aged one and three.

State of health before arrest

In 1962 the back of his head was injured in an accident. He was apparently unconscious for about five minutes and was admitted to hospital for observation. Shortly after the accident he had an epileptic fit, and an electroencephelogram revealed a focus on the left side. He was treated for epilepsy, and since then has had seven epileptic fits in which he lost consciousness. He did not have any fits between 1968 and 1978, his last one occurring in 1980, after which he spent several days in hospital.

In 1978 he was in a car accident in which he suffered a head injury and loss of consciousness.

In 1973 he had an operation for hiatus hernia. His original symptoms have persisted.

Time and place of arrest and detention

He was arrested at the headquarters of the Chilean Human Rights Commission in Santiago at 8.00 pm on 10 December 1981 and driven to the CNI interrogation centre. On 14 December he was transferred to the *Cárcel Pública*, where he was held in the sick bay until 20 December, when he was moved to the *Penitenciaria*. He was released on bail on 23 April 1982.

Duration of alleged torture

He was tortured at the CNI centre in Santiago on four days. On the last day he underwent purely psychological torture.

Interrogation and torture

His account of events was as follows:

At the time of arrest no arrest-warrant was shown. On the way to the CNI interrogation centre he was punched on the back of the head 10 to 20 times.

On arrival his blindfold was exchanged for a mask. He was made to strip and put on overalls and *zapatillas*. Then he was interrogated (without physical torture) for three and a half hours. Next day he was taken to the interrogation room again and electrically tortured. He was made to lie naked on a bed to which he was tied by the wrists, ankles and hips. He was electrically tortured for about one and a half hours, one wire being attached to the upper left side of his chest, another to his left testicle and another to his left ankle. Each shock caused severe pain and convulsions all over, although he did not lose consciousness. Between shocks he was slapped on the face and abdomen.

Next day he was interrogated from 10.00 am till 10.30 pm He was not physically tortured, but the interrogator, who was called "Doc", tried, unsuccessfully, to hypnotize him.

The following day he was given back his own clothes and taken to a room together with three other detainees. They were interrogated as a group and the session was filmed. They were not blindfolded or tied to their chairs. This interrogation lasted two or three hours, the interrogators wearing half-masks. When they did not reply satisfactorily *picana* (electric prod) torture was inflicted. The instrument used was a black baton about 70cm long and 5cm in diameter, one end of which was red. It had two metal points. The detainees were wearing their own clothes, which the current penetrated. After this group interrogation he underwent a solo three-and-a-half-hour session during which the *picana* was applied to his temples.

In the course of interrogation he was threatened: told his family, who the interrogators said had been arrested, would come to harm.

He was held incommunicado the whole time he was at the CNI centre and kept in isolation for the first two days at the Cárcel Pública.

He wore a mask which he was allowed to remove when he was in his cell. The mask was taken off when he was being interrogated by "Doc" and during the filmed group interrogation. Except for during the filming, when he wore his own clothes, he was dressed in overalls and zapatillas.

His cell was about 2.2m by 2m. It was painted yellow and contained a concrete bunk plus blankets and a pillow. The light was always on and the cell was cold and damp. He was allowed to use the toilet.

Medical examination and/or attention during detention

On arrival at the CNI centre he was given a medical examination by a man he took to be a doctor. He was told to remove his overalls, then his heart and lungs were auscultated, his blood pressure taken and he was questioned about previous illnesses. He described his epilepsy and said he should be allowed to take his daily two anti-epilepsy tablets (Mysoline). He also mentioned the hernia operation. He was told his blood pressure was high (180/90) and that he should get some rest. Instead, he was interrogated. Next morning he was examined by another man he took to be a doctor, who asked him how he was and took his blood pressure (160/80). He was told to lie on a bed and was injected with what he thinks they said was Valium [a tranquillizer]. He heard the doctor say he needed the injection in order to be able to work with "the boys"—it would be "too difficult" otherwise with such a high blood pressure. After being given the injection he was taken back to his cell, where he stayed for about an hour and a half, until his next interrogation, before which his blood pressure was taken in his cell.

Next day—after he had undergone electric torture—a man he took to be a doctor came to his cell and examined him. He complained of a kind of numbness and weakness in his right side; he also told the "doctor" he had difficulty talking. The "doctor" explained that electric current applied to the left side produced changes in the right side of the body because of the arrangement of the nerve pathways from the brain. He would not give him a tranquillizer, explaining that this would not be wise as he was to be interrogated again. On his last day at the CNI centre, before being taken to the *Cárcel Pública*, he had a medical examination by yet another man he took to be a doctor. His mask was removed, so he could describe this person very clearly (see Appendix III).

A nurse dressed in white was in the room. The subject was examined by the doctor, who told him he had a hemiparesis but that it would resolve without treatment. His blood pressure was taken and he was told that it was 140/70, which was normal.

During his first few days at the *Cárcel Pública*, he was isolated in the sick bay.

Medical personnel involved in torture

He was injected with a tranquillizer for high blood pressure, the doctor explaining he needed this to be able to work better with "the boys".

Early symptoms described

After the electric torture he had severe pain in both temples and at the back of the head for two days. He also had impaired vision, especially in the right eye. His lips were dry and he was short of breath. He was

aware of numbness and considerable weakness down the whole of his right side, and he found it hard to control his tongue when talking. He also complained of pains in all his muscles, and of swollen legs.

He was able to move both arms and legs, but because his right side was so weak he found walking difficult. He described an incident that occurred after his transfer to the *Penitenciaria*, in which he fell about 2m down a flight of stairs because his right leg gave way under him. He tried to save himself with his right arm but that gave way too and he fell and hit the back of his head—without, however, losing consciousness.

He had pain in the right ear, but no suppuration.

While in detention his weight went down from 74kg to 70kg. He also suffered from acid eructations and heartburn.

From time to time, he said, he had a form of seizure involving trembling of the right hand, involuntary movements of the facial muscles and tongue chewing. (These attacks did not develop into anything worse; he has never experienced *grand mal* epilepsy or lost consciousness.)

He said his memory and powers of concentration were impaired.

Immediately after release he suffered from insomnia and had nightmares. He said he got tired very easily.

Present symptoms described

His right side still feels weak.

He still has impaired vision, that of his right eye particularly being blurred. He no longer gets headaches, but his memory and powers of concentration are still impaired. For instance, he said, he used to be able to remember telephone numbers but no longer can.

His right hand trembling attacks and tongue chewing have stopped.

He still suffers from insomnia and has begun taking sleeping tablets. He takes an antacid, which has relieved his peptic symptoms. He continues to take the anti-epileptic medicine previously prescribed (Mysoline), and also Tegretol.

Medical documentation

He had a neurological examination on 18 January 1982, one month and five days after allegedly being tortured. It states:

"To sum up, this is the case of a . . . patient with a history of epilepsy which, taking into consideration both the symptomatology (cephalic retropulsion, adversive crisis, language inhibition, right arm clonus) and the latest EEG report, can be classified as a partial focal epilepsy with left-sided frontocentral localization whose evolution has been benign and whose aetiology is unknown.

"The present deterioration in his condition cannot be attributed to the suppression of anti-epileptic medicines for two reasons: firstly because he did without them for five years and there were no problems; secondly because the dose administered was below the anti-convulsant threshold. The neurologic complication at present revealed points to a deterioration of his focal picture with the appearance of right-sided hemiparesis or hypotasis, which requires an investigation into the aetiology of this epilepsy as well as into the mechanisms that determined its deterioration.

"We suggest that an EEG control, a brain scan and an examination of the ocular fundi be carried out."

Appendix IV is a medical certificate, dated 11 December 1981, issued by the above-mentioned specialist, describing the subject's medical history and treatment.

Appendix V is a medical certificate from a local doctor who wished to remain anonymous; it compares the subject's mental condition after release with his mental state before arrest.

Clinical examination (four and a half months after the alleged torture)

There were opacities in the lenses of both eyes. The field of vision in the right eye was reduced: there was no lateral field of vision, and the subject's field of vision was greatly reduced above and moderately reduced below.

His blood pressure was normal at 130/70, and his pulse was 70. There was a 15cm by 2cm surgical scar from a mid-line upper abdominal incision.

The neurological examination revealed diminished reflexes on the right side. There was reduced sensation on the right side and reduced sense of pain in the right leg. There was a slight weakness in the right arm and leg. There was a minimal tremor of the right hand. The subject walked normally.

The Romberg sign proved negative. There was normal muscle tone, normal finger-nose test and normal knee-heel test. His speech was "heavy", circumlocutary and slow. He has little facial expressiveness.

Conclusion

The torture alleged appears to have exacerbated the subject's epilepsy. New focal symptoms have appeared, including hemiparesis and hypoaesthesia. These findings indicate a cerebral lesion in the left hemisphere.

Not all the findings were unambiguous; therefore a complete neurological examination is suggested, including an EEG, CAT scanning and eye examination, in order to clarify the subject's condition.

The medical delegates found consistency between the torture alleged and the early and present symptoms. There was consistency also between the symptoms described and medical certificates issued by local doctors after the alleged torture. The findings of the medical delegates' examination, four and a half months after the alleged torture, was consistent with the symptoms described.●

RULE ON H.R. 3929

HON. DAN ROSTENKOWSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 21, 1983

● Mr. ROSTENKOWSKI. Mr. Speaker, I take this opportunity to inform my colleagues that the Committee on Ways and Means yesterday favorably ordered reported H.R. 3929. This legislation would provide for the temporary extension of the Federal supplemental compensation (FSC) program as well as the payment of social security disability benefits during appeal and make other amendments to the unemployment compensation program.

I wish to serve notice pursuant to the rules of the Democratic caucus, that I have been instructed by the Committee on Ways and Means to seek a modified closed rule for the consideration of this bill by the House of Representatives.●

PRIVATE BILL FOR THE RELIEF OF MR. VELID DAG

HON. LEON E. PANETTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 21, 1983

● Mr. PANETTA. Mr. Speaker, I am today introducing private legislation for the relief of Mr. Velid Dag, a longtime resident of the United States who has languished for more than 30 years in diplomatic limbo. Born in Turkey in 1918, Mr. Dag first visited the United States in August 1939, as an economics student attending Indiana University. He later returned in 1950 to marry Hyla Mac Tillman, a U.S. citizen. He then embarked on a long and distinguished career in service to our country at the old Army Language School and the renamed Defense Language Institute in Monterey, Calif. He was for years the chairman of the Turkish language department, until his retirement in 1977. But because Mr. Dag, acting pursuant to advice from the Turkish Embassy, applied for, and in 1942 was granted, an exemption from U.S. military service as a neutral alien, according to existing law at that time he was forever barred from U.S. citizenship.

When in 1958 Mr. Dag was faced with deportation for failing to maintain nonimmigrant status, the late Congressman Teague introduced private legislation for his relief. That same year Congress passed legislation (H.R. 6968) which became private law 85-724 canceling the warrants for Mr. Dag's deportation, but denying him permanent resident status in the United States.

Mr. Speaker, I believe that the United States owes more to Mr. Dag in return for his long and loyal service to our country, which has denied him citizenship despite his diligent work in the sensitive field of training members of our Armed Forces in foreign languages. This injustice is all the more pronounced since the circumstance barring his citizenship—namely, the fact that he exercised in 1942 his right as a neutral alien not to serve in the U.S. military—would not be an issue today due to subsequent changes in law (Public Law 92-129). In 1971, lawfully admitted nonimmigrant aliens were exempted from the requirement to register for service in the U.S. military. When Mr. Dag opted to exempt himself from U.S. military service, he was a nonimmigrant alien, the very class of persons excluded from the registration requirement by the enactment of Public Law 92-129.

Moreover, there are compelling humanitarian reasons for this Congress

to approve my legislation on behalf of Mr. Dag. For over 23 years Mr. Dag has been prohibited from leaving the United States. When Mr. Dag learned 3 years ago of the illness and then death of his sister-in-law in Turkey, he was torn with grief and dispair at not being able to be with his family. Moreover, his brother is suffering from ill health, and Mr. Dag desperately wants to spend time with his brother before it is too late. Despite repeated efforts to seek redress through the Immigration and Naturalization Service, Mr. Dag has not been able to obtain relief through administrative channels. The last and only hope for him is enactment of private legislation for his relief. This must be done quickly. It should not be our policy to keep a loyal resident of our country separated from his loved ones in Turkey at a time when they are in need of his presence and assistance.

Mr. Speaker, Mr. Dag's patience has been truly remarkable, but the time for patience has run out. It is now long past time Congress take remedial action to remove an obsolete obstacle to his becoming a U.S. citizen, with all the rights and benefits such status accords him. Mr. Dag, who recently celebrated his 65th birthday, has paid his dues and now deserves to be freed from his long captivity in his adopted land.

The very least this Congress should do is to pass legislation enabling Mr. Dag to travel beyond the borders of the United States. And so I urge my colleagues to support this legislation and I specifically call on the House Judiciary Committee to give this measure prompt and favorable consideration. The text of the bill is reprinted below for the benefit of my colleagues:

H.R. —

For the relief of Velid Mehmed Dag

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Velid Mehmed Dag shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act, upon payment of the required visa fee. Section 212(a)(22) of such Act shall not apply to Velid Mehmed Dag.●

A CHILD'S VOICE FOR PEACE: GERALD ORJUELA

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 21, 1983

● Mr. TOWNS. Mr. Speaker, as everyone knows the threat of a nuclear holocaust is always in the back of our minds, especially when there is a conflict between the Soviet Union and the United States.

Many groups advocate a nuclear freeze or reduction and call for the promotion of peace throughout the world. However, no matter how many adult groups one hears from we continue on our way toward increased tensions and nuclear arms buildup.

The views of our Nation's children also deserve attention. Has anyone thought about the effect our actions will and do have upon our children? One of my constituents has some interesting thoughts on the subject of arms control. I want to share his testimony, which was given before the Select Committee on Children, Youth, and Families' hearing on the impact of war on children, with my colleagues:

TESTIMONY OF GERALD ORJUELA

Good morning, parents and distinguished representatives of the United States. Before I begin I would like to say how honored I am for you to let me present my material to you.

I assume you are all sensible people, since it requires great intelligence to be elected to a highly important part of our nation. Other nations have their intelligent people. I'm sure Yuri Andropov is intelligent. Ronald Reagan, our president, is intelligent.

But why instead of using our intelligence for good uses, like peace, we use our intelligence for war? Is it right to call having missiles in Europe peace? Is it right to call a nuclear missile "peace keeper"?

This is a waste of intelligence. We are criminalizing Newton, Dalton, Einstein, Lucretius, and Democritus, great pioneers in the energy of the Atom. What would Einstein have thought of this?

It is senseless to waste money on a missile. There are no winners in nuclear war. A one megaton weapon exploding at ground level during a nuclear war in Racine, Wisconsin, would have a radioactive cloud reach New York in a week. But by then, New York would have been vaporized long before Racine was.

Why can't we live a world with only one rule—peace? Sometime in October of last year, I saw a PBS (channel 13) presentation of a movie made by the Japanese after the bomb had hit. Parts of people literally melted under the blast. A bone was sticking out from the socket where there once was an arm. The shadows of people left imprinted on the floors and walls when the heat flash vaporized them. Pitiful piles of entrails that were once known as human beings. That was a 25 kiloton bomb.

Now nations have arsenals made of more than 15,000 warheads, mostly thermonuclear. Each one 50 times more powerful than the one over Hiroshima.

Simple in design. At high temperatures, the two forms of "heavy" hydrogen, deuterium, and tritium fuse to form the heavier element helium. Great energy is released. That can be heard in any serene junior high school. But no matter how simple it is, it's deadly. Any country with the capabilities can do it. And so a lot of countries have it. That is frightening.

That is when children, like me, come in. We are frightened, that a lot of countries have the bomb. We are frightened that we might be hit. You are parents. Let your children live, and let our children live. If you kill a child, you really kill two—us as children, and us as adults with children. We must understand that anything nuclear—a plant, a missile—a war—is something very dangerous, we cannot yet safely operate the first. We cannot control the second and no one wins the third.

A nuclear war is a time bomb. Time is running out. Let adults, children and the nations of the world fight and work together to defuse this time bomb. The wire that we need to cut is visible. But to cut the wire we need clippers. If we work together the clippers are in our hands. If not, time will terminate—and so will the world.

If you don't listen to the adults, please in behalf of the children of the world, I beg you, give yourselves and us a chance.●

MAJORITY LEADER DESCRIBES PROBLEMS AND OPPORTUNITIES FACING THE UNITED STATES IN FAR EAST

HON. SHERWOOD L. BOEHLERT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 21, 1983

● Mr. BOEHLERT. Mr. Speaker, last month it was my privilege to accompany a bipartisan delegation headed by Majority Leader JIM WRIGHT on visits to five Far East nations with which the United States has vital relationships.

For those of us with the responsibility of acting on legislative measures affecting these relationships, these visits were extremely productive. We gained valuable insights into both the problems and the opportunities that the United States faces in Japan, China, Singapore, Malaysia, and Taiwan.

It was particularly gratifying to be a member of a delegation led by the majority leader. At all times he spoke not as a partisan, but as an articulate spokesman for the United States. He earned the respect of all as he addressed with sharp clarity the essence and significance of complex international characteristics and relationships.

On the trip Mr. WRIGHT prepared a series of informative articles that subsequently have been published by Texas newspapers. In the thought that our colleagues will find these articles as incisive and interesting as I did, I am inserting into the RECORD at this point two of those stories that appeared in the Dallas Morning News:

[From the Dallas Morning News, Aug. 13, 1983]

SECRETS OF JAPANESE MIRACLE

(By Representative Jim Wright)

NAGASAKI JAPAN.—Here where one age ended in a bellowing mushroom cloud and the post-war era began, the mystery of the Japanese miracle comes to a poignant focus.

The secrets of the enigmatic island race and its resurgence in only one generation from total defeat to industrial eminence, remain shrouded like the mist-curtained mountains that brood over Japan's bustling valleys.

It was here 33 years ago this week that the atomic blast ended World War II. Waves

of searing heat killed an estimated 74,000, leaving the entire Nagasaki plain a radioactive ruin and bringing the Japanese empire to its knees.

Here at exactly 11:02 a.m. each Aug. 9 thousands of pilgrims and mourners from throughout Japan assemble in a place called Peace Park to observe a moment of silence before placing wreaths at the base of a 30-foot memorial statue.

Nagasaki Mayor Hitochi Motoshima tells us he thinks we are the first U.S. congressional delegation ever to lay a wreath on this commemorative day in Nagasaki.

He says he has paid homage to the American war dead at the monument for the Battleship Arizona sunk by the Japanese in Pearl Harbor that fateful Dec. 7.

Among the thousands who gathered here to mourn those slain by an American bomb we can detect no sign of hostility toward our six-member delegation.

These disciplined people, who blazed a blood-stained path of conquest across Asia 50 years ago, now seem to want nothing so much as peace. They make no secret they consider Americans their best friends and the United States their firmest global ally.

Their constitution, written under direction of Gen. Douglas MacArthur, renounces war forever. This is a part of their strange metamorphosis. It may also partly explain their phenomenal economic success.

Freed of the armament burden and investing less than 1 percent of its GNP in a modest defense establishment of only 250,000 men, Japan can devote almost its total national energy to developing the domestic economy.

Still, this is only a part of the answer. Alone it cannot account for the modern industrial miracle that is Japan.

How did this crowded country of 110 million and few resources dependent on the outside world for most of its food and energy achieve such commanding supremacy in world trade that it holds inflation to 2.4 percent and unemployment to less than 3 percent?

One clue may be in the Japanese education system. The literacy rate is 99 percent. Schooling, like everything else here, is purposeful, aimed at preparing each student for a specific job.

Another factor may be the government's attitude toward interest rates.

"We do not exactly set the interest rate," says Kunio Komatsu, 56-year-old vice minister for international trade and industry, "but we do so indirectly in setting the price of government securities.

"We know business cannot modernize or expand, new enterprise cannot begin, and the people cannot be good customers for our manufactured goods if interest rates do not stay low."

Today the short-term prime rate in Japan is 6 percent, the long-term rate is 8.4 percent. That's only slightly more than half the current U.S. rate.

Contrary to common misimpression, Japan uses most of its goods at home. It sells only 10 percent of its gross national product abroad.

The Japanese consumer is an increasingly good customer. Today 62 percent of all households own a car, as compared with only 22 percent in 1970. Seven times as many homes have air conditioners today as 10 years ago.

Where Americans use credit, the Japanese pay cash. Rather than borrow and pay interest, they save until they have enough to buy an automobile.

Even in home purchases, it isn't uncommon for the buyer to pay 50 percent down. This means the first-time purchaser usually is in his 40s, and expects to buy only one home during his working career.

How do they do it? The typical employed Japanese saves close to 20 percent of his income. This pool of liquid savings is free to fuel investments in industrial automation at low interest rates.

But how, with wage rates lower than the American standard, can Japanese workers lay so much aside for the future?

The answer to that may touch upon the one ingredient in the Japanese character which explains so much of the rest.

Call it commitment. Or dedication. Call it duty. Or sense of national purpose.

Stereotypes die hard, particularly for those of us who remember General Tojo and Tokyo Rose and the sight of Mitsubishi Zeros strafing lifeboats.

What I see here in the Japanese homeland four decades later is an image less stark, hues more subtle. It is not the unthinking role of the anthill where life counts for little as I once supposed.

What I detect is vaguely reminiscent of the Puritan work ethic, but with a distinctly Japanese dimension.

The worker identifies with his place of work. To give less than his best effort would be, in his mind, dishonorable. The employer, for his part, will do almost anything to avoid laying people off. To render unemployed those who've given the company faithful service would be to lose face, to invite disgrace.

When a manufacturer of electric toasters recently faced a financial crunch due to declining sales, he dressed the idled assembly linesmen in white smocks and stationed them on the sidewalks in front of the retail outlets.

They engaged pedestrians in conversation, extolled the virtues of their product and lured enough into the stores to revive sales and resume production. They never lost a day's pay.

The standard work week is 48 hours. Many Tokyo workers commute for three hours daily. There are company unions whose agents bargain with management. They agree without strikes on a social compact. Wages rise with productivity.

Many firms offer fringe benefits which include hospitalization, housing, even subsidized home loans.

Japanese bureaucrats are the hardest working in the world, according to Bob Iverson of the U.S. Embassy. Often before important meetings they spend the night in their offices to be fully prepared.

Leisure comes in small doses. Even then I'm not sure it's enjoyed. At a Tokyo swimming pool I saw hardly anyone floating, lolling in the water, swimming idly. Each swimmer made a strenuous dash from one end of the pool to the other as if trying for the Olympics.

Maybe that, too, is part of the secret. Folks here seem to get their kicks from doing more than is expected.

[From the Dallas Morning News, Aug. 19, 1983]

Our Allies in the Far East

(By Representative Jim Wright)

KUALA LUMPUR, MALAYSIA.—Here on both sides of the equator where the Pacific merges into the Indian Ocean and the China Sea, a group of emerging nations is forming its own economic and political front line in the battle against communism.

The nations have forged a common front in an organization called ASEAN, the Association of Southeast Asian Nations.

Most Americans probably don't even recognize ASEAN's name. Fewer still are aware of how much its five member nations have accomplished in their home-grown fight against communist encroachment in their region.

"The communists have been busy here since before World War II," said Suppish Dhanabalan, foreign minister of the small but dynamic city-state of Singapore.

"We have been working to remove the traditional communist breeding grounds—poverty and inequality," he explained. "We are building a large property-owning class. It is amazing how people's perception of communism changes when they become owners of property."

Dhanabalan is one of the rising young Southeast Asian leaders with whom our six-member congressional delegation has talked since arriving in this region a few days ago. All emphasized the importance of ASEAN.

"It's like Benjamin Franklin said—we've got to hang together or we'll all hang separately," one official observed.

ASEAN was organized in 1967 by Singapore, Indonesia, the Philippines, Malaysia and Thailand, the five countries that sit astride the vital sea lanes linking the Indian and Pacific Oceans. The strategic importance of the area is obvious from even a glance at the map.

From the very beginning, ASEAN has been an unlikely collection of partners. While the nations share the same part of the world, they are marked by important differences.

Tiny Singapore has 2.4 million people in only 224 square miles—roughly equivalent to combining the populations of Dallas and Tarrant Counties into a nation smaller in size then either of them. Yet Singapore's near-by ASEAN neighbor, Indonesia, has 150 million people and sprawls across a chain of islands which stretches almost from Australia to Indochina.

Of the five nations, only Thailand has never been a colony of some more powerful nation. Singapore, the most affluent though smallest of the five and its gargantuan neighbor, Indonesia, are the only two that do not maintain diplomatic relations with mainland China.

Thailand and the Philippines have security treaties with the United States, while Singapore, Malaysia and Indonesia are officially nonaligned.

Despite these differences, the ASEAN nations discovered long ago they had one thing in common.

"They see the Russian bear—and its scares them," said Harry Thoyer, the one-time newspaperman who has been U.S. ambassador to Singapore since 1980." "And they're only slightly less wary of the Red Chinese."

It was foreboding enough for the ASEAN nations to watch the Soviets establish refueling and reconnaissance bases in Vietnam in the 1960s.

Their apprehensions tightened when the Americans abandoned Vietnam and when the United States established formal diplomatic ties with the People's Republic of China.

"A lot of people here were afraid your country was going to turn this part of the world over to another local sheriff," our visiting congressional delegation was told.

But what really made ASEAN officials' hair stand on end was Vietnam's Soviet-backed invasion of Cambodia in 1978.

Today an estimated 160,000 Vietnamese troops occupy Cambodia. Hundreds of thousands of Cambodians, fleeing the repressive communist regime, have escaped into neighboring Thailand. The United States has been providing humanitarian help for these refugees, but they still pose an enormous problem for Thailand and its partners.

Fearing their nations, too, might become targets of Soviet-supported invasions, the ASEAN countries got busy. While originally formed as only an economic and social organization, ASEAN began working quietly on the diplomatic and trade fronts to put pressure on Vietnam to withdraw from Cambodia.

Through these efforts the ASEAN partners have succeeded in preventing U.N. recognition of the communist puppets in Cambodia. They also have given solid support to three guerrilla groups fighting the Red invaders.

In Kuala Lumpur, the capital of Malaysia, our congressional group quietly received the word that a formal congressional declaration of support for the ASEAN position on Cambodia would be welcomed. We promised to talk the matter over with our colleagues when we return to Washington.

What the ASEAN partners definitely do not want, however, is for the United States to try to elbow its way into a formal role in ASEAN.

"We are nonaligned," one official said, "but it is important for you to remember we are nonaligned on the side of the United States."

This is the same message we got in Singapore from Lee Kuan Yew, outspoken prime minister of Singapore and one of the most respected statesmen in the Far East.

"You don't need formal allies here—you need friends," he said.

In straight-from-the-shoulder-language, Lee criticized America for its clumsiness in exercising its muscle as a world power, and yet he admitted our reluctance is one reason he thinks so highly of our country.

"I like Americans," he said. "I like your idealism. You don't use and exploit your power. That's what makes you so different from the brutal Soviets. We only hope you can learn in the shorter time given to you what it took the British three centuries to learn."

But Lee, along with other ASEAN leaders, expressed fear the United States lacks the patience and resolve to win a prolonged ideological battle with the communists. If we do not, Lee said, Southeast Asia eventually will be swallowed.

Everywhere we go, that is the main apprehension among friends of our country. They believe in the purity of our motives. They know and appreciate our generosity, but they don't have much faith in our persistence.

They fear we lack the patience to stick out the long struggle. The communists, they say, count on losing patience, as we've done in other situations, and leaving Southeast Asia to them.

"For you, this would be only the shrinking of your influence," Lee said. "for us, it is life or death."●

POVERTY-STRICKEN MALI, UPPER VOLTA FACE BLEAK FUTURE OF DISEASE, HUNGER

HON. LES AuCOIN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 21, 1983

● Mr. AuCOIN. Mr. Speaker, this is the third in a series of six recently published articles on sub-Saharan Africa written by Nicholas D. Kristof, a Rhodes scholar from Yamhill, Oreg.:

[From the Oregonian, May 25, 1982]

FACE BLEAK FUTURE OF DISEASE, HUNGER

(By Nicholas D. Kristof)

BOBO DIOULASSO, UPPER VOLTA.—This evening, like every evening, the ragged children will gather on the outer fringe of the warmth and cheer of the restaurant attached to the Hotel de la Paix. When a guest has pushed away his plate, a child will rush in and scoop any leftovers into a tin can. It is his only dinner, and if he is lucky he will get it without a cuff from the manager.

In neighboring Mali, the poverty is even more wrenching. Lepers are everywhere, extending hands with only stubs for fingers, pleading for a coin. River blindness has struck 10 percent of the population in some areas—including the father of 10-year-old Sharza in Bamako. Each evening, Sharza leads her father past the open manholes and gaping sewers to the Bar Berry, where she imploringly goes from table to table asking for money.

These are two of the poorest countries of the world, landlocked under the Sahara Desert in West Africa, where a walk through any village is a numbing kaleidoscope of suffering and destitution—yet tinged, too, with the dignity of the healthy villagers and the excited laughter of children upon seeing a stranger.

The people of this Sahel region, tucked beneath the Sahara, always face the prospect of starvation if the rains do not come. And, in the terrible drought of the early 1970s, many did starve and cattle herds were wiped out. Now those haunting photos of emaciated children are off the front pages, and the cattle herds are back to their pre-drought numbers, but otherwise not much has changed.

In a land where everything depends upon the uncertain weather, the only certainty is that there will be another drought, with more starvation. The only question is when.

"Droughts are a part of this country," said one diplomat in Bamako, Mali. "The big drought a few years ago wasn't the first, and it sure as hell won't be the last. Every few decades, there has been a great drought, for as long as we can trace."

Not much has been done, or can be done, to prevent tragedy when the next drought comes. It is a process of nature, and the risks can be averted only slowly, by building the economy and improving the infrastructure, as well as changing people's lifestyles. The next drought, experts say, probably will be almost as devastating as before.

Even when the rains come, life is a struggle. The statistics give only a hint of the human suffering they represent: In Mali, per capita income is about $140 per year. Life expectancy is 43 years, adult literacy is 10 percent, and there are 25,000 Malians for every doctor. In some areas, half the children die before the age of five years; many other diseases and parasites sap the vitality of people without killing them.

Near Mahina, Mali, the villagers bathe and swim and play in a tributary of the Senegal River. Girls scrub their squealing younger brothers, and mothers wade knee-deep to do the laundry on a rock. They have no choice, for the river is the only place to bathe and scrub.

But the river is teeming with the blood flukes that cause bilharzia, an extremely painful condition caused by worms that invade the body and lay eggs repeatedly. It is a fact of life that many of the villagers will get bilharzia, hookworm or river blindness. They must wash some time, and if they didn't, that would only increase their chance of getting leprosy.

Economic performance in Mali and Upper Volta has been poor—per capita income grew an average of 1.1. percent in Mali in the '60s and '70s; in Upper Volta the fugure was only 0.3 percent. There has been talk that these are perpetual basket cases, beyond hope, and that Western help should instead be focused on countries in the intermediate poor range that perhaps can be pulled out of the mire of poverty.

But Upper Volta and Mali should not be basket cases, for they do have resources. Mali was a net cereals exporter until the drought, and in some areas the soil is fertile.

"The land resources are good enough that Mali should be feeding itself, and probably several of its neighbors, too," said one Western expert in Bamako.

Despite the region's reputation for aridity, the rain does fall here—in violent tropical storms that wash out the roads and carry off the scarce topsoil. Bamako gets 40 inches of rainfall a year and even Timbuktu, the gateway to the Sahara, gets about 10 inches. Much of the region gets about the same rainfall as the grain belt of the United States—about 30 inches—and it is sometimes said that Mali and Upper Volta could be the breadbasket of West Africa.

The catch is that although the average rainfall may be comparable, the rain in the Sahel is sporadic and undependable. It all falls in a brief rainy season, and the amount can vary enormously from year to year. In the dry season, village wells often dry up, so that women must walk 15 miles or farther each way to fetch water on their heads.

Much of the land could be irrigated from the Niger and Volta rivers—rice has grown well in irrigated areas here—but the capital is not available to build irrigation systems. And in some projects, management problems resulting from the lack of trained personnel have ruined useful programs.

For example, a U.S. aid program provided irrigation pumps to a wheatgrowing area near Dire, Mali, doubling the productivity of the land and quadrupling the amount of land one person could farm. But the project is being dismantled because of local management problems.

The government themselves have sometimes been impediments to economic growth, Western diplomats say. The Malian government for a long time paid producers low prices and pocketed the difference when the crops were sold. That dampened the incentive to produce; only this year were producer prices belatedly raised to reasonable levels.

Furthermore, government corruption is endemic in the area, so that a traveler from Bobo Dioulasso to Bamako must pay bribes at more than a dozen roadblocks along the way. At other times, soldiers have hijacked gasoline trucks to get fuel, with the result

that the oil companies no longer serve some areas.

Another constraint on productivity has been the poverty and poor health. The blind and the lepers cannot contribute to the economy, and the many others with enervating parasites or diseases can work only listlessly.

"The guy who can't stand up in his field because his legs are painful from Guinea worm isn't going to weed his field," one diplomat said. "And if he can't weed his field, the millet won't grow."

It is a vicious circle. Mali and Upper Volta have enormous agricultural potential for both irrigated and dryland farming. But they cannot tap it because they don't have the capital. And because they cannot tap their resources, they remain dreadfully poor, and the government remains corrupt and the people remain locked in a tenuous struggle for survival.●

MILTON FAUST

HON. W. G. (BILL) HEFNER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 21, 1983

● Mr. HEFNER. Mr. Speaker, earlier this summer the State of North Carolina lost one of its truly great men. The death of Milton Faust saddened all, as best exemplified by the article which appeared in his hometown newspaper, the Salisbury Post, and I wish it included following my remarks for all to read.

"Uncle Miltie" as he was known to so many died a young man at the age of 69. He was an ordained Presbyterian minister, and served in many churches before becoming the chaplain of the VA Medical Center in Salisbury, N.C. in 1945. He held this position until his retirement, but the truth is that Milton Faust never retired from that which he did best—bringing hope and happiness to all he met.

Upon his death it seems that everyone had a story to tell of the difference Milton had made to their lives. He was an historian, a teacher, a humorist, and a lover of people. His dedication to his work and to his God was an example of his community. No patient at the VA hospital could fail to feel better after a visit from this remarkable man. And his intellect and wit served as an inspiration to young and old alike.

The list of community, State and National organizations to which Milton Faust gave his time and energy seems endless. He will be sorely missed, but the legacy of love and dedication he left in each of us will make us better people for having known him. I only hope that his lovely wife, Anna, and their fine children can find comfort in the many friends who are remembering the Fausts in their prayers.

The article follows:

[From the Salisbury Post (N.C.) July 23, 1983]

WERE WE—OR MILTON—RICHER?

(By Jason Lesley)

The richest man in Salisbury died this week.

Oh, there are plenty of people richer in terms of money than Milton Faust. He wasn't selfish enough to accumulate more wealth than he needed for his family to live comfortably. But it will be a long time before we see another man richer in friends, happier in the joy of living or more dedicated to helping others than he was.

"Uncle Miltie," as he always wrote on his name tag at Civitan conventions, regularly brought a ray of sunshine into The Post newsroom when he came in with a news item from the VA Hospital, the American Legion, the Civitan Club or any of a half dozen churches where he was likely to be guest speaker.

God gave Milton Faust something that the rest of us didn't get. He had a disposition that would bring smiles to the faces of Mt. Rushmore.

He had wit and he liked a joke—even if it was on him.

He was ideal to be a chaplain, first in the U.S. Navy and later at the VA hospital. I can't imagine a lonely soldier or a sad patient not feeling a little better after a visit with him.

He breathed life and vitality into Franklin Presbyterian Church. Later, he founded a new church, John Calvin Presbyterian, directly in front of the VA Hospital. I've always thought he had the patients there in mind when he built that church. He left John Calvin to give his beloved servicemen all his time as VA chaplain.

Friends talked about him Thursday when the Salisbury Civitans gathered for lunch at the Holiday Inn.

Some were just getting the news. Milton had suffered a heart attack and had been taken to Charlotte for surgery. As he was rolled away to the operating room, Milton told a couple of his closest friends and family members to "be of good cheer." He must have said that favorite phrase a million times.

Doctors found a tear in his heart causing a leakage of blood. Four hours of surgery couldn't save him.

It was one on those sudden, shocking deaths that people refuse to believe until they can see it in the paper. It seems that Milton had just talked with or joked with or visited with half the people in Salisbury. Everyone was stunned.

Some couldn't talk about their loss.

Others knew that Milton died just the way he would have wanted—quickly. "He wouldn't have wanted anybody to have had to wait on him," one friend said.

J. C. Ritchie recalled that Milton had worried about the Civitan Club bulletin being printed, even after he had been taken to the hospital. He had his son, Eric, deliver the information to the printer and wanted to be sure J.C. would pick up the printed bulletins in time for the club meeting Thursday. "Here he was in the hospital," Ritchie said, "and he was worried about that bulletin. But he was that way about everything—totally dedicated."

Jim Foil said that Milton would visit his car dealership regularly years ago and he would sometimes show up at 6 a.m. to have breakfast with Foil and his employees at the East Innes Cafe. Foil got a laugh out of Milton for the better part of 50 years over his "career" as a boxer.

"Milton was a Golden Gloves boxer when he was at Catawba," Foil said. "He went down to Charlotte to fight and just got the living tar beaten out of him. It was so bad his roommate threw in the towel to stop it. Well, I've called him Milton 'Bum Bum' Faust ever since and he would always chuckle about it."

Marcelle Williams, the school board member, said he and Milton did quite a bit of traveling and one incident at the airport in Atlanta exemplified his kind-hearted ways.

"We were coming back from Portland, Ore.," Williams said, and our plane had to circle the field at Atlanta so long that we missed our connecting flight. My wife and I got bumped off the last plane to Charlotte but Milton got a seat. He saw this young woman who had also been bumped and learned that she was trying to get home to her father's funeral. Milton was already on the plane but he got off and told them to give his seat to the girl and he would stay behind.

"The airlines put us up in a motel that night and there came a knock at our door. It was Milton, carrying a Coca-Cola and a 7-Up and joking that he had come to mix us up a couple of 'drinks.' "

Roger Morrow, chaplain at the VA appreciated the Faust wit as much as anyone. He fell victim to it more than once.

"I needed some surgery right after I came to the VA here," Morrow said. "And Faust was visiting me the morning that I was to go to surgery. They were taking me down the hall to the operating room and Faust and the doctor were walking with me. Faust says to the surgeon, 'I believe you are a Roman Catholic, aren't you, Doc?' And the doctor said yes. 'Well, I want you to know this is a Protestant minister. Remember the Protestant Reformation as you cut on him."

Morrow remembered another incident when Milton and a group of Presbyterian ministers came to his house for a Christmas dinner. "There was a sprig of mistletoe over the kitchen door and Milton laid one of the grandest kisses on my wife, Nancy, that I've ever seen," Morrow said. "She turned red as could be, and I told Milton that I sure wished he hadn't done that. Up until then she had been a contented wife."

Nearly everyone, it seemed this week, had a kind word for Milton Faust and though a specific story might not come to mind as I talked with his friends they all had felt the radiance of his love and had been made better people by knowing him.

We'll try to "be of good cheer," Milton. But it won't be easy today.●

LITERARY VIEWS OF ANIMAL RESEARCH

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 21, 1983

● Mr. LANTOS. Mr. Speaker, much has been written and spoken on the subject of animals in research. Most of that material has been from the scientific and technical communities.

But there are a number of literary expressions of sentiment on the topic. I commend to my colleagues' attention two such works, a poem, "Rags," by

Edmund Vance Cooke, and an essay, "Eulogy on the Dog," by George G. Vest:

RAGS

(By Edmund Vance Cooke)

We called him "Rags." He was just a cur.
But twice, on the Western Line,
That little old bunch of faithful fur
Had offered his life for mine.
And all that he got was bones and bread,
Or the leavings of soldier-grub.
But he'd give his heart for a pat on the head.
Or a friendly tickle and rub.
And Rags got home with the regiment,
And then, in the breaking away—
Well, whether they stole him, or whether he went,
I am not prepared to say.
But we mustered out, some to beer and gruel,
And some to sherry and shad,
And I went back to the Sawbones School,
Where I still was an undergrad.
One day they took us budding M.D.'s
To one of those institutes
Where they demonstrate every new disease
By means of bisected brutes.
They had one animal tacked and tied
And slit like a full-dressed fish,
With his vitals pumping away inside
As pleasant as one might wish.
I stopped to look like the rest, of course,
And the beast's eyes levelled mine
His short tail thumped with a feeble force,
And he uttered a tender whine.
It was Rags, yes Rags! who was martyred there,
Who was quartered and crucified,
And he whined that whine which is doggish prayer
And he licked my hand—and died.
And I was no better in part nor whole
Then the gang I was found among,
And his innocent blood was on the soul
Which he blessed with his dying tongue.
Well! I've seen men go to courageous death
In the air, on sea, on land!
But only a dog would spend his breath
In a kiss for his murderer's hand.
And if there's no Heaven for love like that,
For such four-legged fealty—well!
If I have any choice, I tell you flat,
I'll take my chance in hell.

EULOGY ON THE DOG

(By Senator George C. Vest)

Gentlemen of the jury: The best friend a man has in the world may turn against him and become his enemy. His son and daughter that he has reared with loving care may become ungrateful. Those who are nearest and dearest to us, those whom we trust with our happiness and our good name, may become traitors to their faith. The money that a man has he may lose. It flies away from him when he may need it most. Man's reputation may be sacrificed in a moment of ill considered action. The people who are prone to fall on their knees and do us honor when success is with us may be the first to throw the stone of malice when failure settles its cloud upon our heads. The absolutely unselfish friend a man may have in this selfish world, the one that never deserts him, the one that never proves ungrateful or treacherous, is his dog.

A man's dog stands by him in prosperity and poverty, in health and in sickness. He will sleep on the cold ground, when the wintry winds blow and the snow drives fiercely, if only he may be near his master's side. He will kiss the hand that has no food to offer, he will lick the wounds and sores that come in encounter with the roughness of the world. He guards the sleep of his pauper master as if he were a prince.

When all other friends desert, he remains. When riches takes wings and reputation falls to pieces he is as constant in his love as the sun in its journey through the heavens. If fortune drives the master forth an outcast into the world, friendless and homeless, the faithful dog asks no higher privilege than that of accompanying him, to guard against danger, to fight against his enemies, and when the last scene of all comes, and death takes his master in its embrace and his body is laid away in the cold ground, no matter if all other friends pursue their way, there by his graveside will the noble dog be found, his head between his paws and his eyes sad, but open in alert watchfulness, faithful and true even to death.●

COMMON DEFENSE BURDEN

HON. DONALD J. PEASE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 21, 1983

● Mr. PEASE. Mr. Speaker, it has become quite apparent that through the years our allies have neglected to assume their fair share of the common defense burden. From Denmark to Japan, pleas for greater allied exertions in military preparedness are getting little response. A 1983 Defense Department report on allied commitments to defense spending shows that the total defense burden of NATO and Japan is not equitably distributed. In both situations, the United States has contributed more than its fair share while others have continued to decrease their contributions. The report stated that in 1982, nine members of NATO failed to achieve the 3-percent annual increase they had earlier committed themselves to. The defense spending report also indicated that Japan's burden-sharing performance remains extremely disappointing. The continuation of such unequitable burden-sharing arrangements holds severe implications for international security and serves to weaken the allies' collective resolve.

There are great complexities in measuring the contributions to the common defense. The very selection of measuring devices depends heavily on subjective considerations that can vary according to differing national historical experiences, threat perceptions, world roles, ideological assumptions, and concepts of security. However, when everything has cleared, what allies have committed to doing for the common defense,compared with what they have actually provided, determines their relative burden-sharing contributions.

The North Atlantic Treaty established a collective security partnership. The purpose of the partnership was to insure the members' security and facilitate European economic development by dispersing the total defense burden among many. In 1978, the NATO partnership committed itself to annually increase defense by 3 percent after inflation. Since 1978, only two countries, the United States and Luxembourg, have kept their promise. The Defense Department's report on allied defense contributions indicated that in 1982 nine countries—Belgium, Denmark, Germany, Greece, Italy, the Netherlands, Norway, Portugal, and Turkey—failed to achieve the 3-percent increase, depriving the common defense of $1.6 billion. Moreover, the weighted average increases for all NATO nations combined, excluding the United States, has steadily declined, according to the report. These distressing facts indicate the allies' lack of resolve to their commitments and the weakening of their collective unity.

Japan's burden-sharing performance has been extremely distressing. Despite sometimes impressive annual defense expenditures, Japan started from a low base and really never appeared ready to fully address her actual needs. In 1983, Japan increased defense spending by 5 percent in real terms, whereas the Japanese Defense Agency has repeatedly stated a need for a 7-9-percent real increase if goals of the second 5-year plan are to be realized. Japan's defense forces continue to lack modern equipment and there appears to be less than an adequate amount of equipment and men to sufficiently defend her borders.

In 1981, Japan agreed to defend the air/sea line of communications out to 1,000 miles from its home islands under the Treaty of Mutual Cooperation and Security between our two countries. Japan's failure to fully address her military requirements decreases the likelihood that this commitment will be maintained.

This is not to say that our allies have totally neglected their responsibilities and commitments. Many have contributed positively in several capacities. Germany provides significant host-nation support such as security of U.S. facilities, transport, and supply services. Belgium and the Netherlands provide general support for storage, procurement of supplies and equipment, and maintenance and utility functions. However, the fact remains that the United States bears a disproportionate share of the defense burden.

The NATO alliance and the mutual defense agreement with Japan both represent partnerships. They both represent an agreement whereby nations have joined together in pursuit of a common objective, mutual security, and world peace. In order to effectively operate as a partnership and promote the collective purpose, each member must contribute or assume its

proportionate obligations. Each member must be held accountable for its portion of the total burden. NATO can no longer expect the United States to continue to give more than her fair share. The need for an effective and unified western alliance requires that all our allies maintain their commitments and assume their fair share. It is of the utmost importance that the foundation of our arrangements be rooted in an equitable distribution of the common burden. I urge my fellow Members of Congress to join me in demanding that our allies contribute equitably to the common defense.●

SUPPORT FOR A MORATORIUM ON OFFSHORE OIL AND GAS LEASING

HON. LEON E. PANETTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 21, 1983

● Mr. PANETTA. Mr. Speaker, on March 10 of this year, a group of Massachusetts and California Senators and Congressmen introduced legislation—H.R. 2059/S. 760—which would legally establish the commitment of California and Massachusetts citizens to the rational development of our Nation's valuable offshore hydrocarbons. If enacted, H.R. 2059 would exempt from oil and gas leasing only 4.6 percent of the Nation's offshore acreage proposed for leasing during the coming 4 years.

H.R. 2059 would permit the development of resource-rich areas offshore California and Massachusetts, but would prohibit development in those areas where the benefits of developing the minimal reserves there are outweighed by the risks to sensitive coastal environment and economies. The bill would also exclude a 50-mile buffer zone around the Commonwealth of Massachusetts, tracts in and at the head of submarine canyons off of Georges Bank, and the Great South Channel. It is important to note that this legislation would not effect existing development in the productive Santa Barbara Channel nor would it restrict future leasing in the promising southern Santa Maria Basin area offshore California.

The bill has gathered overwhelming support from coastal legislators, county and city officials, industry organizations, coastal planning organizations, and affected citizens. The following letter from both California Senators and 33 Members of the California House delegation and to Chairmen WHITTEN and HATFIELD supporting a 1-year moratorium on offshore leasing on these California areas is indicative of the strong congressional attention focused on this issue. I request that it be submitted in full into the RECORD. Further, I request that the following list of California municipal governments and local organizations expressing support for this legislation be inserted.

I urge my colleagues to recognize the importance of a balanced offshore drilling development policy which weighs the potential benefits of offshore drilling in areas impartially against the economic and environmental risks of such development. These legislators, cities, businessmen, and citizens certainly do:

A. COUNTIES

1. County of Humboldt
2. County of Mendocino
3. County of Monterey
4. County of San Diego
5. County of San Luis Obispo (Wilson bill)
6. County of San Mateo
7. County of Santa Barbara, Chairman—Board of Supervisors
8. County of Santa Cruz, Board of Supervisors
9. County of Sonoma, Board of Supervisors

B. CITIES

1. City of Atascadero
2. City of Los Angeles, Mayor Tom Bradley
3. City of Oceanside
4. City of Pismo Beach
5. City of San Luis Obispo
6. City of Santa Barbara
7. City of Santa Cruz

C. MULTI-GOVERNMENT ORGANIZATIONS

1. Association of Monterey Area Bay Governments
2. San Diego Association of Governments
3. Southern California Association of Governments

D. OTHER ORGANIZATIONS

1. California Governor George Deukmejian (Wilson bill)
2. California State Park Rangers Association
3. Pacific Coast Federation of Fisherman's Associations
4. American Lung Association of Mty. SLO & Santa Cruz Counties
5. Action for Animal's Rights
6. Association for the Preservation of Cape Cod
7. Citizens Coordinate for Century 3
8. Friends of the Coast, Bodega Bay
9. Friends of the Earth
10. Get Oil Out, Santa Barbara
11. California Democratic Party, Executive Board
12. NRDC
13. Pacific Grove Chamber of Commerce
14. Pacific Marine Fisheries Commission (H.R. 6365)
15. Sierra Club, Loma Prieta Chapter
16. Sierra Club, Santa Lucia Chapter
17. Tulare County Democratic Central Committee.

HOUSE OF REPRESENTATIVES,
Washington, D.C., August 1, 1983.

Hon. JAMIE WHITTEN,
Chairman, Committee on Appropriations, Capitol, Washington, D.C.

DEAR CHAIRMAN WHITTEN: On June 29, the House passed by an overwhelming margin the fiscal year 1984 Interior Appropriation bill, which contained provisions temporarily exempting certain California areas from offshore oil and gas leasing. The Senate Appropriations Committee did not include these important provisions in its version of the fiscal year 1984 Interior bill. Despite—and in response to—the Senate action, we reiterate our support for the House efforts to ensure the protection of certain California offshore areas from the economic and environmental risks associated with oil and gas leasing, and urge maintaining the House position in conference.

The California Outer Continental Shelf (OCS) oil and gas leasing provisions in H.R. 3363 would exempt economically, environmentally and strategically sensitive coastal areas from offshore oil and gas leasing. All told, the California OCS provisions of H.R. 3363 would delete from oil and gas leasing less than 2.5% of the billion OCS acres under consideration for lease under the Five-Year OCS oil and gas leasing plan, leaving over 12 million acres offshore California open for lease.

As the statements received by the House Interior Appropriation Subcommittee in its recent OCS hearing attest, considerable bipartisan concern from local governments, the State's tourism and fisheries industries, the military branches and other coastal users has been expressed over oil and gas leasing. We are pleased that the Subcommittee took into consideration these concerns—as well as those of the Department of the Interior and the oil and gas industry—in reaching the compromise provisions approved by the House.

While we do not question the need to develop new domestic sources of oil and gas to reduce our dependence upon foreign energy sources, we feel that the economic necessity of developing our domestic energy resources must be balanced by our responsibility to protect the military operations, economies and environment along our coast. We feel that the California OCS provisions contained in the House-passed fiscal year 1984 Interior bill strike such a balance, and urge your support of these provisions during the House-Senate conference to resolve the differences between these bills.

Thank you for your consideration of this important matter.

Sincerely,

Bill Lowery, M.C.; Pete Wilson, U.S.S.; Ed Zschau, M.C.; Ron Packard, M.C.; Don Edwards, M.C.; Henry A. Waxman, M.C.; Vic Fazio, M.C.; Sala Burton, M.C.; Leon E. Panetta, M.C.; Alan Cranston, U.S.S.; Tony Coelho, M.C.; Jim Bates, M.C.; Barbara Boxer, M.C.; Tom Lantos, M.C.; George E. Brown, M.C.; Doug Bosco, M.C.; Julian C. Dixon, M.C.; Pete Stark, M.C.; Richard Lehman, M.C.; Mervyn M. Dymally, M.C.; Edward R. Roybal, M.C.; George Miller, M.C.; Robert Matsui, M.C.; Howard L. Berman, M.C.; Duncan Hunter, M.C.; Gene Chappie, M.C.; Mel Levine, M.C.; Tony Beilenson, M.C.; Matthew Martinez, M.C.; Ronald V. Dellums, M.C.; Jerry M. Patterson, M.C.; Augustus F. Hawkins, M.C.; Al McCandless, M.C.; Robert Badham, M.C.; Norman Mineta, M.C.●

H.R. 3790

HON. CARROLL A. CAMPBELL, JR.

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 21, 1983

● Mr. CAMPBELL. Mr. Speaker, Representative JIM JONES and I recently introduced H.R. 3790, which requires that annual adjustments in both nonmeans-tested automatic outlay programs and tax indexing be tied to a 2-percent trigger and only that amount over a 2-percent increase in the Consumer Price Index be awarded. We believe this 2-percent solution is a viable, equitable, and relatively painless way to reduce the projected deficits.

I would like to share with my colleagues a chart which reveals the projected savings from H.R. 3790:

Savings from modification of Federal nonmeans-tested entitlement programs

[In billions]

1985	3.25
1986	7.70
1987	12.30
1988	16.90
1989	21.60
1990	25.30
Total	87.05

Savings from modification of tax indexing

[In billions]

1985	2.4
1986	6.6
1987	11.4
1988	17.0
1989	23.9
1990	31.3
Total	92.6

The enactment of this legislation would reduce the deficits by $179.6 billion over the 6-year period. I believe a reduction of this magnitude would have a positive effect on interest rates and the long-term health of our economy.

Mr. Speaker, sooner or later we are going to have to bite the bullet and confront these projected deficits. I believe we must do it sooner than later, and I hope that my colleagues concur and join us by cosponsoring H.R. 3790.●

STATE AND LOCAL GOVERNMENTS CANNOT AFFORD NEW FEDERALISM

HON. RICHARD L. OTTINGER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 21, 1983

● Mr. OTTINGER. Mr. Speaker, a Princeton study of the 1982 budget cuts concluded that overall most States were unable or unwilling to maintain service levels in the face of the Federal cuts. To understand the impact of New Federalism, it is important to know the historical role of the Federal Government in providing these service programs. A thesis on New Federalism written recently by my son describes this in detail and I want to share this information with my colleagues:

"NEW FEDERALISM" PROPOSAL CONSIDERED

It is important to understand the major arguments for why the "New Federalism" proposal would lead to a significant reduction or elimination of state and local programs addressing public infrastructure and human welfare needs. Under the proposal, many state and local governments would lack the financial resources to maintain the turned back program responsibilities, while others would lack the political initiative.

Federal involvement in these program areas grew precisely because of the inability or unwillingness of lower level institutions to address needs deemed of national importance. The "New Federalism" does not address the criteria and concerns that spawned the increased federal role, and would probably exacerbate these concerns.

This section is divided into three parts corresponding to three main criteria for the historical development of an increased federal role for these programs: vertical fiscal imbalance between the federal and state/local levels, horizontal fiscal imbalance between and within states, and providing for spillover and redistributive services.[1] The first two criteria involve the fiscal problems of state and local governments in maintaining public services, while the third criteria explains why these two types of public services have required political initiative from the federal government.

Each part will briefly explain the criteria and why the federal government's involvement has been necessary historically. Then, the "New Federalism" proposal will be assessed in terms of these criteria with evidence from recent studies and surveys indicating its likely impact provided where available.

VERTICAL FISCAL IMBALANCE

The fiscal structure for providing public services can be divided into two main functions: expenditure responsibilities and revenue-raising capacity. A vertical fiscal imbalance results when one level of government has too many expenditure responsibilities and too little revenue-raising capacity as compared to the other levels of government.

Federal aid to state and local governments has grown historically because the national government has had the largest revenue-raising capacity while state and local governments have had the largest expenditure responsibilities for domestic public services. In explaining the necessity for sharing federal revenues with the states, former Council of Economics Advisor chairman Walter Heller said, ". . . prosperity gives the national government the affluence and the local governments the effluents.[2]

Even as federal grants-in-aid have increased tremendously, state and local expenditure responsibilities have grown faster than their ability to pay for them.

Although it is much easier for the national government to increase its revenues each year than for state-local governments to do so, the burden of increased demand (and expenses) for public services rests primarily at the doors of the lower jurisdictions. The result is that the ability of state and local governments to meet public demands goes down while their dependence on federal funds and indebtedness increase, despite substantial revenue increases through courageous tax enactments.[3]

The fiscal plight of state and local governments have worsened during the first years of the Reagan administration due to reduced federal aid and the economic recession. According to a New York Times survey taken a month before the President's State of the Union Address, many state and local governments were increasing taxes and cutting back on basic public services in order to balance their budgets.[4]

Unlike the federal government, "states cannot have operating deficits and a five percent balance is considered a prudent cushion."[5] Most states estimated balances of less than five percent for fiscal year 1982.

Like the Reagan administration's broader economic program, the "New Federalism" would exacerbate fiscal imbalances between the federal and state/local levels leading the latter to further reduce basic public services. The proposal claims to give the states equivalent revenue sources with which the states could finance their $50 billion in increased expenditure responsibilities.

The largest revenue source would be the federal excise taxes that would be phased out allowing states to raise revenue from them. Many studies indicate that the revenue potential of turning back such a tax base would be slight.

Several commissions over the course of the twentieth century have been set up to investigate the potential for the Federal Government to turn back exclusive use of selected tax bases to the States; all have reached a similar conclusion that the revenue potential from such sources as the amusement tax or other excise taxes is slight.[6]

There is a huge difference between giving states grants, which is money in the hand, and giving them exclusive room to levy and raise their own revenue. The tobacco, alcohol, telephone, and oil industries would almost certainly pressure state and local governments to not levy excise taxes on their products. Citizen tax revolts could also make revenue collection difficult. For these reasons, the excise tax base returned to the states may yield less revenue than projected under the proposal.

The administration's cost estimates that show that states would actually benefit from the exchange of program responsibilities for revenue sources has been widely disputed. Congressman Norman Mineta cites this discrepancy:

Over the first four years of the program, the Administration originally claimed it would save states $20 billion. Very credible studies say that the actual cost to the states would be more than $20 billion—a misestimate by the Administration of more than $40 billion.[7]

Embedded in the Reagan administration's figures for "New Federalism" are budget cuts in the programs.[8] In the first component, the "equal swap", figures for AFDC and Food Stamps assume budget cuts that had been proposed by the administration but not yet passed. Figures for Medicaid projected a 10 percent rate of growth when the historic rate of growth has been 16 percent. The federal government, under the proposal, would most likely not cover the "medically needy", those persons who are not on AFDC or SSI but fall below the poverty line because of medical needs. Currently, thirty states cover the "medically

Footnotes at end of article.

needy". In the second component, many of the programs that would be turned back are part of block grants which the administration pushed through Congress in 1981 with significant budget cuts. The administration had requested 25 percent reductions in all the categorical grant programs that were eventually grouped into the broader block grants.[9]

Thus, the evidence suggests that the "New Federalism" would exacerbate a vertical fiscal imbalance between the federal and state/local level by returning more expenditure responsibilities to the lower levels than revenue-raising capacity.

HORIZONTAL FISCAL IMBALANCE

Demand for public services (expenditure responsibilities) may vary greatly between states and within states. Similarly, the tax base (revenue-raising capacity) may also vary greatly between and within states. A horizontal fiscal imbalance results when a jurisdiction's demand for public services does not correlate evenly with its tax base, i.e., when a jurisdiction's expenditure responsibilities exceed its ability to raise revenues to finance them. In order to correct this imbalance, a higher level of authority must transfer resources from the "better off" to the "worse off" jurisdictions.

The federal government has made some attempts to match fiscal resources to public service demand between and within states. In particular, the federal grant-in-aid system has targeted resources to "worse off" state and local governments in efforts to establish uniform minimum standards of nutrition, health care, housing, and other basic services. It was the innovation of many of the great Society programs to channel federal aid directly to depressed urban areas which continue to have high demand for public services coupled with low fiscal capacity to raise revenues.

By doing away with federal grants-in-aid, the "New Federalism" would take away the federal government's ability to transfer resources so that "worse off" areas would be able to finance their increased expenditure responsibilities.

The "New Federalism" would give to the states in general increased expenditure responsibilities and access to certain revenue sources. This proposal would increase horizontal fiscal imbalances because states and localities with a high demand for the turned back programs but a low ability to raise revenues from the excise taxes would be made worse off. New York City's expenditure responsibilities would increase greatly through loss of federal funds for welfare. It would not be able to raise revenues to compensate from excise taxes on oil.

The "New Federalism" would give to the states the major responsibility for poverty programs. Appendix C compares the incidence of poverty in the fifty states with two indications on each state's ability to raise revenues. Of the twenty-six states with more than ten percent of their population in poverty, twenty-two have per capita incomes below the United States average. The unequal match between incidence of poverty and fiscal resources between the states is a horizontal imbalance that demands federal intervention.

The administration's particular choice of turning back the oil windfall profits tax to the states indicates a complete neglect of this issue. States that do not have companies exploring for oil would not be able to levy and collect this excise tax! The oil windfall profits tax constitutes over half the excise tax base that would be returned to the states.

The "New Federalism" would greatly exacerbate the already widening fiscal gap between the "sun belt" states and the "frost belt" states. The "sun belt" states already have a greater revenue-raising capacity due to severance taxes on their energy resources including oil. The oil windfall profits tax would further advantage these states. Meanwhile, the "frost belt" states would receive a greater share of the expenditure responsibilities under the "New Federalism"; i.e., their decaying urban areas remain in great need of both public assistance for the poor and for basic infrastructure.

The "New Federalism" would hurt cities in general by doing away with the Great Society programs that channeled funds directly from the federal government to local governments. Recent studies indicate that the states are not willing to pick up where the federal government leaves off. A good number of these programs were given over to the states at the beginning of 1982 as part of the administration's consolidation of categorical grant programs into block grants. An October, 1982 survey by the U.S. Conference of Mayors provides an early indication of how cities might fare under state as opposed to federal control:

Two-thirds of the cities reported that the conversion to state block grants in FY82 had adversely affected their local human services programs. Seventy percent of the cities did not feel they had been fairly represented in either the state planning or the state resource allocation processes under the block grants. And three out of four cities did not feel that human services funds had been passed through the state to their local programs in an adequate manner.[10]

The same report confirms that cities are still areas of desperate need for public services with low revenue-raising capacity. Lack of funds has led to continued deterioration of basic infrastructure—streets, buildings, sidewalks, and water and sewer systems. It has also led to reductions in police, fire, public transit, and santitation services, according to the survey. None of the human welfare programs for the poor and disadvantaged reached fifty percent of their eligible population during fiscal year 1981 and fiscal year 1982. Employment and training and social service programs reached six percent and seven and four-tenths percent of their eligible recipients, respectively.

The "New Federalism's" neglect of horizontal fiscal imbalances is consistent with the President's statements on the issue. At a press conference a few months before his State of the Union Address, the President advised persons facing sharply reduced public services in the area where they live to "vote with your feet."[11] Problems would ensue for those who could move as well as though stuck behind. The threat or actuality of poor people moving to states or cities with generous welfare benefits could lead these areas to lower their benefit levels * * *.

A recent study at Princeton University's Urban and Regional Research Center corroborate arguments that the "New Federalism" would lead to greater disparities in provision of public services. Released in May, 1983, the study examined the state and local response to the $6.6 billion federal budget cuts in domestic programs for 1982. The findings show that interstate and intrastate disparities in maintaining public services increased and that the "floor" or minimum level of assistance provided to all citizens before the budget cuts had been damaged.

Differences between states such as New York and Texas, between cities within regions and between cities and suburbs nationally were widened as a result of the Reagan initiatives, the study shows. Sections of the floor have been removed or altered.[12]

The "New Federalism" would thus aggravate the problems caused by an uneven distribution of expenditure responsibilities and revenue-raising capacity between and within states.

SPILLOVER AND REDISTRIBUTIVE SERVICES

Spillover and redistributive services are two types of public services that usually require political initiative from a higher governmental level.

Spillover or externality type services are those whose benefits spill beyond the boundries of the jurisdiction that pays for them. It is fair that all other jurisdictions benefitting from these services share in paying their cost. If they do not share in their cost, it is likely that the original jurisdiction's taxpayers will not want to finance these services to begin with. Taxpayers tend to want to finance that level of services from which they directly benefit.

Spillover services include many of the public infrastructure services that "New Federalism" would return completely to the states such as education and transportation. People in the city of Berkeley would not, by themselves alone, finance U. C. Berkeley. The benefits of the university, its graduates, venture far beyond the boundaries of Berkeley in applying their acquired tools. The nation as a whole benefits enormously from maintaining high quality education which yields an intelligent and productive citizenry.

Federal involvement in areas such as education have increased historically because the benefits of these services extend beyond the localities in which they are situated. In particular, the national economy relies heavily on basic public infrastructure services such as transportation, education, and employment training.

Redistributive services are those that transfer resources from the wealthy to the poor. Welfare, Medicaid, and Low Income Housing Assistance are some of the programs involved in the "New Federalism" that are redistributive in nature. Redistributive services usually require political initiative from a higher level of government because taxpayers within a jurisdiction often do not want to pay for services from which they do not directly benefit; i.e., many wealthy people do not want to pay for services that benefit only poor people. Given a choice between their money going for a new convention center to which they would enjoy access and a Food Stamps program, many wealthy taxpayers would lean towards the convention center. Though not all people are like this, this is the theoretical underpinning for why political initiative often must come from outside the jurisdiction in which redistributive effects are desired.

The federal government has taken the lead historically in providing public assistance to the poor and disadvantaged. Fairness to both beneficiaries and to taxpayers dictates that the federal government should finance programs providing a uniform minimum level of basic human needs including Welfare *and* Medicaid. Fairness to beneficiaries requires that all beneficiaries be entitled to the same level of basic human needs regardless of where they live and the gener-

osity or wealth of their neighbors. Fairness to taxpayers requires that the burden to pay for redistributive services be based on ability to pay rather than on where one lives. A middle-class person in a poor city would pay relatively more to maintain a uniform level of services than a middle-class person in a wealthy suburb.[13]

The "New Federalism" would decentralize mostly spillover and redistributive services, thus ignoring the necessity of federal political initiative for these types of services.

The Princeton study of the 1982 budget cuts concluded that overall "most states were unable or unwilling to maintain service levels in the face of the Federal cuts.[14] Many of the states did not restore the budget cuts because of their fiscal crises. Texas and Oklahoma, both prospering from oil, did not restore the cuts out of political opposition.

As a result of this pattern of cuts and state responses, at the end of fiscal year 1982 the cuts were affecting poor people receiving transfer payments and services from the programs . . . Those on the margin of eligibility for assistance (the working poor) were most affected.[15]

Under the "New Federalism" proposal, the states would be responsible for restoring funds for state and local programs that would be cut off by the federal government. Due to the lack of financial resources or political initiative, states would most likely not replace or replace at a greatly reduced level the federal funds for many of the turned back programs. As a result, public assistance programs for the poor and disadvantaged and public infrastructure programs would suffer with the former being hit the worst.

FOOTNOTES

[1] This framework is largely drawn from Nonna A. Noto, "Revenue Turnbacks: An Evaluation According to Traditional Criteria for Intergovernmental Funding," (Washington, D.C., Congressional Research Service, 1981).

[2] Reagan and Sanzone, *op. cit.*, p. 33.

[3] *Ibid.*, p. 35.

[4] John Herbers, "States Failed Before on Basic Needs; They Could Again," New York Times, 31 Jan. 1982, sec. D, p. 2.

[5] *Ibid.*, sec. D, p. 2.

[6] Noto, *op. cit.*, p. 26.

[7] Norman Y. Mineta, "Federalism: A Means To What End?" in Federalism: Making the System Work (Washington, D.C.: Center for National Policy, 1982), p. 29.

[8] *Ibid.*, p. 29. The figures immediately following are drawn from this source.

[9] Sandra S. Osbourn, "Block Grants: Transferring Power, Money, and Responsibility," Congressional Research Service Review (Washington, D.C.; CRS, 1981), p. 20.

[10] "Human Services in FY82: Shrinking Resources in Troubled Times," (Washington, D.C.: U.S. Conference of Mayors, 1982), p. 1.

[11] Albert Shanker, "FDR's New Deal to RR's Raw Deal," New York Times, 31 Jan. 1982, sec. E, p. 9.

[12] John Herbers, "Study Tells How 14 States Responded to Aid Cuts," New York Times, 8 May 1983, sec. A, p. 17.

[13] This discussion drawn almost directly from Helen F. Ladd, "Financing Public Services In the Federal System," in Federalism: Making the System Work (Washington, D.C.; Center for National Policy, 1982), p. 36.

[14] Herbers, *op. cit.*, "Study Tells How 14 States Responded to Aid Cuts, " sec. A, p. 17.

[15] *Ibid.*, sec. A, p. 17.●

JUDGE FRANCIS A. PIETRYKOWSKI

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 21, 1983

● Ms. KAPTUR. Mr. Speaker, a few days ago, Lucas County, Ohio, lost one of its finest public servants, Judge Francis A. Pietrykowski, of the Lucas County Common Pleas Court. Until his death at age 55, Judge Francis A. Pietrykowski had spent the greater part of his adult life as a vital part of the Lucas County criminal justice system.

Judge Pietrykowski had the admiration and respect of his colleagues and the entire community. During his distinguished career, he received many honors including the Outstanding Judicial Service Award of the Ohio Supreme Court, the Distinguished Service Award of the Ohio Youth Commission, and the Award of Merit from the Ohio Legal Center Institute. His advice and counsel were sought by all.

The death of Judge Francis A. Pietrykowski leaves a great vacuum in our community's judicial system. We in Lucas County have been blessed with many outstanding public servants. Judge Francis A. Pietrykowski was among the best. On behalf of all Lucas County citizens and the House of Representatives, I offer my heartfelt condolences to Judge Pietrykowski's family, and formally memorialize him for his meritorious service to our community.●

GARDEN CITY FIRE PREVENTION WEEK

HON. RAYMOND J. McGRATH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 21, 1983

● Mr. McGRATH. Mr. Speaker, on October 9, 1871, a tragic fire took the lives of 250 people and caused untold disruption and damage to the lives and property of thousands of others in the city of Chicago. As a result of that terrible event, a greater interest in fire prevention was spawned throughout our Nation. In 1920, President Woodrow Wilson proclaimed October 9 Fire Prevention Day. That same year, the residents of Garden City, a community in New York's Fifth Congressional District, joined together to form the Garden City Fire Department.

Today, we observe the week in which October 9 falls as Fire Prevention Week, and firefighters in Garden City are maintaining our Nation's tradition by sponsoring activities to increase the awareness of the general public of the dangers of fire and the relatively simple steps we can take to prevent the destruction of our homes, businesses, and other property.

The officers and men of the Garden City Fire Department have worked with selfless dedication over the years to protect lives and property in their community. They have six frontline pieces of fire apparatus, a heavy rescue truck, and other specialized equipment, and they have established an outstanding record of service in fire prevention and control. However, without the cooperation of the general public, fire prevention is extremely difficult. For example, over 7,000 people die each year in fires with over 40 percent of the deaths caused by careless smoking.

I wish to take this opportunity to congratulate the members of the Garden City Fire Department for their Fire Prevention Week efforts, which include special exhibits on home fire safety and activities to publicize the need for greater caution to avoid the serious consequences of uncontrolled fires. Chief Harold Herman, public information chairman Larry Nedelka, and the entire membership of the Garden City Fire Department have done a tremendous job on behalf of their fellow citizens.●

RUDOLPH ANTONCIC, MAN OF MANY HATS

HON. JOSEPH M. GAYDOS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 21, 1983

● Mr. GAYDOS. Mr. Speaker, some time in the near future, a community and a school district in the 20th Congressional District of Pennsylvania will honor a man who has worn many hats during a career in public service that spans nearly half a century.

The honoree is Rudolph Antoncic and he has earned a "tip of the hat" from members of the Port Vue Borough Council and the South Allegheny School District. The two bodies intend to adopt formal resolutions of commendation for Mr. Antoncic's contributions in many fields.

Among the offices this gentleman has held is that of a notary public for 44 years, a justice of the peace for 30 years, a member of the borough's board of health since 1932, a deputy constable, and former mayor. He has been active in law enforcement activities, graduating from a "criminal and civil law school" and serving for many years on the borough's civil service commission. His interest in police work earned him an award several years ago from the Allegheny County Police Academy.

Mr. Antoncic is in demand as a lecturer throughout the area, speaking before school assemblies and various organizations on civil and criminal

law. He also is the unofficial historian of Port Vue and delights in discussing the history of the Iroquois Indians in southwest Pennsylvania.

He played a major role in compiling a history of the region for the community's observance of the Nation's bicentennial anniversary in 1976. His work in that regard was recognized by local organizations and he was named "Man of the Year."

Mr. Antoncic's dedicated service has been acknowledged in several other fields. Port Vue Post 447, American Legion, cited him for service to veterans and he has been acclaimed for his work with the Red Cross, the Boy Scouts of America, and various fraternal and service groups.

His latest commendation—and one of which he is extremely proud because it places him in the company of many noted Americans—is his appointment as an "Honorary Kentucky Colonel." Presented him by Gov. John Y. Brown, Jr., Mr. Antoncic shares the rank with other notables, such as Sir Winston Churchill, former President Lyndon B. Johnson, and our esteemed colleague in the other body, Senator JOHN GLENN.

Mr. Speaker, it is always gratifying when an individual is singled out by his peers for special recognition because of his service to others. Therefore, I am pleased to join in the tribute to Mr. Rudolph Antoncic and to extend to him, on behalf of the Congress of the United States, our congratulations for a long and illustrious chapter in his public and private life.●

DEDICATION OF AIR TRANSPORT AUXILIARY MUSEUM

HON. FRANK HARRISON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 21, 1983

● Mr. HARRISON. Mr. Speaker, on October 1, in Millville, Pa., a museum will be dedicated to the memory of 174 men and women who gave their lives to the allied cause of World War II as members of the Air Transport Auxiliary. The ATA traces its origins to September 8, 1939, when a group of civilian pilots met in Bristol, England, to consider what contribution could be made to the war effort. As a result of that meeting, an international call was issued for volunteers to ferry aircraft to the RAF. The response gave birth to the ATA, which logged 309,011 aircraft movements, taking the lives of 27 Americans.

The museum's conception and realization owes to the dedication of Ben Warne, one of the 275 American pilots who flew for the ATA. The building will be the repository for memorabilia linking the 174 who perished with 3,500 survivors from 24 nations. The dedication will be witnessed by at least 100 veterans and pilots' families representing 16 nations.

Mr. Speaker, we should all applaud the heroic efforts of this group as they complete work on this lasting tribute which bears inscribed on its walls the ATA motto: "For our tomorrow, they gave their today."●

SUBCOMMITTEE ON CRIME TO HOLD HEARING ON THE CURRENT STATUS OF DRUG ABUSE PREVENTION AND TREATMENT PROGRAMS

HON. WILLIAM J. HUGHES

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 21, 1983

● Mr. HUGHES. Mr. Speaker, on Thursday, September 22, 1983, beginning at 10 a.m., in room 2237 Rayburn House Office Building, the Subcommittee on Crime of the House Committee on the Judiciary will hold a hearing to examine the Nation's drug abuse prevention and treatment programs and to learn what new initiatives and goals have been established in these areas.

The witnesses at the hearing will include Dr. Edward N. Brandt, Assistant Secretary for Health, U.S. Department of Health and Human Services, accompanied by Dr. William Pollin, Director, National Institute on Drug Abuse; a panel of drug addicts and former addicts; a panel consisting of Mr. Thomas Kirkpatrick, Jr., executive director, Illinois Dangerous Drugs Commission, and president, National Association of State Alcohol and Drug Abuse Directors; Mr. Richard Russo, assistant commissioner, New Jersey Department of Health; and Mr. John Gustafson, deputy director, division of substance abuse services, State of New York; and a third panel which will include Dr. Mel J. Riddile, director, Straight, Inc., Greater Washington, Springfield, Va.; Mrs. Sue Rusche, executive director, Families in Action, Decatur, Ga., and Secretary, National Federation of Parents for Drug Free Youth; and Dr. C. Anderson Johnson, director, Health Behavior Research Institute, University of Southern California, Los Angeles, Calif.

Those wishing further information or wishing to submit a statement for the record of the hearing can contact the staff of the Subcommittee on Crime at 207 Cannon House Office Building, Washington, D.C. 20515, telephone (202) 225-1695.●

PEACE THROUGH COMMUNICATION

HON. LEON E. PANETTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 21, 1983

● Mr. PANETTA. Mr. Speaker, I rise to share with my colleagues a recent press account of an unusual project conceived and carried out by a group of students from Del Mar Middle School, Santa Cruz, Calif.

As the inheritors of tomorrow's world, the students of room one have, with the guidance of teacher Lee Davis, sought to educate themselves concerning the perils and challenges of the nuclear arms race by soliciting the opinions of local, national, and world leaders in the matter. The "Peace Through Communication" project was launched with the help of a grant from the California Council for the Humanities. Over 100 inquiries were mailed to such notables as Pope John Paul II, Vice President George Bush, British Prime Minister Margaret Thatcher, French President Francois Mitterrand, and many other persons familiar with the issues of nuclear arms. Responses received have been reviewed by the students and provide a basis for further discussion.

Mr. Speaker, the students of Del Mar Middle School have joined the growing ranks of sincere Americans who are today thinking about a subject that for decades was dismissed as unthinkable: The catastrophic consequences of nuclear warfare. The students of room one have, moreover, turned their attention to possible solutions and prospects for dismantling the nuclear threat. As I am sure my colleagues would agree, such a sincere and forthright attempt by these students to come to grips with the legacy of nuclear arms may offer insights that have eluded their elders.

Accordingly, I am introducing into the RECORD for the benefit of my colleagues a recent article from the "Santa Cruz Sentinel" concerning the "Peace Through Communication" project and the students of room one.

The text of the article follows:

[From the Santa Cruz Sentinel, June 19, 1983]

DEL MAR STUDENTS TO SPEND SUMMER COMMUNICATING PEACE

(By Keith Muraoka)

LIVE OAK.—While most junior high school students will spend the summer lounging on the beach, a small group from Del Mar Middle School will spend some of their vacation spreading the opinions they garnered from local, national and even world leaders on nuclear weapons and disarmament.

It was a good thing the 30 sixth, seventh and eighth graders in Lee Davis' class aimed high when taking on their "Peace Through Communication" project earlier in the school year.

As a result, they have heard from such notables as Vice President George Bush, Canadian Prime Minister Pierre Trudeau and President Francois Mitterrand of France.

They have received literature on the nuclear weapons issue from Prime Minister Margaret Thatcher of England, a nuclear weapons treaty from Mexico President Miguel de la Madrid Hurtado and articles from Billy Graham on his trip to Moscow.

Nineteen completed tapes were returned to the students with answers on 19 questions about nuclear arms and the possibility of world peace. Those opinions came from everyone from Sentinel Editor Bruce McPherson and county supervisors Gary Patton and E. Wayne Moore to baby-book author and former presidential candidate Benjamin Spock, and included a senior weapons designer at Lawrence Livermore Lab.

The students have a chance to spread those opinions and their "Peace Through Communications" project this summer with the help of a just-received $1,000 grant from the California Council for the Humanities. They will also be on a KUSP radio talk show from 7:30 to 8:30 p.m. on June 28.

According to the students, the huge undertaking began by accident during a classroom discussion on nuclear war. Davis emphasized that the students should form an opinion on the topic. They felt it would be much easier if they first had the opinions of others.

"I sat watching a fellow classmate rock slowly side to side while listening to his stereo headset," says Eli Atkins. "This was highly illegal to do while Mr. Davis was talking, but it gave me the idea of sending a tape to President Reagan and ask him to respond to some questions."

The response was immediate and soon students were throwing names out faster than Davis could write them on the blackboard.

Money for tapes and postage were raised by the students and 105 were sent out to politicians, sports figures and movie stars. Eventually 50 responses came back, 19 in tape form and others with letters and speeches. In the case of Queen Elizabeth, Pope John Paul II and actor Tom Selleck, acknowledgments of the letter but no comment.

Here are some of the responses:

Benjamin Spock: "I believe the nuclear arms race brings not security, but increasing insecurity. It multiplies the risk of war."

Hal Rogers, works for private industry in nuclear waste disposal: "I believe it is absolutely necessary that we re-establish a balance between nuclear weapons deployed by the Soviet Union and the nuclear weapons we have deployed."

Francois Mitterrand, president of France: "France has always associated itself with efforts to produce a genuine general disarmament."

Maj. Gen. Llyle J. Barker Jr., U.S. Army: "Unfortunately the chief of staff of the Army is unable to participate in your opinion poll because to do so is contrary to Department of the Army policy."

On the local level, Sentinel Editor Bruce McPherson said, "In a word, the nuclear arms buildup is ridiculous."

Fourth (Watsonville) District Supervisor E. Wayne Moore Jr., however, said, "I am absolutely convinced that only with peace through strength can the U.S. and Soviet Union avoid war."

Third (Santa Cruz) District Supervisor Gary Patton advocated focusing attention on stimulating human life "not pouring money into objects that are going to be buried in the desert and that we hope will never be used."

Interestingly, Davis feels that his students today have more questions now than before.

"After all this, they see the real complexities of the issue," he says. "There is no consensus on whether to disarm or build more weapons. They have agreed they all want peace, and communication between countries will further efforts to achieve that peace."

Adds eighth grader Joe Hutchinson, "If anything, my opinion is more wishy-washy." Says Evangelica Anton, "Before this project, I didn't have much of an opinion on the nuclear arms race. Nobody wants a war, but we really have to talk about it."

Chris Sullivan agrees, saying the project is not so much a demonstration against war, as it is a plea for the communication needed for world peace.

"We're not demonstrating here," he says. "We're just saying we want people's opinions."

The class is now looking for additional ways to spread the word about their project. They are willing to speak before service organizations and community groups.

What is peace? According to student Ben McPherson: "Peace is the day the world puts away their weapons, the day the MX missile system delivers people to the moon instead of nuclear warheads to Russia and the day history teachers can teach about the day when nuclear weapons were terminated."●

PERSONAL EXPLANATION

HON. JAMES H. SCHEUER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 21, 1983

● Mr. SCHEUER. Mr. Speaker, due to the fact that the Rayburn Building experienced an electrical power failure earlier today that affected the electronic bell system, I was unaware that a rollcall vote on the Hawkins amendment to H.R. 1036 was being taken.

Had I been aware that a rollcall vote was being taken, I would have voted for passage of the amendment offered by the distinguished gentleman from California (Mr. HAWKINS).●

COAL BY PIPE OR POLITICS

HON. GERALDINE A. FERRARO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 21, 1983

● Ms. FERRARO. Mr. Speaker, after years of debate and discussion, the House will soon vote on coal slurry pipeline legislation. I believe that the basic issue at hand is whether Congress will give a new technology the opportunity to compete on an equal basis with other transportation providers. Enactment of the Coal Pipeline Act of 1983 does not insure that a coal slurry pipeline will ever be built. But it does allow the marketplace, and not a single transportation provider, to decide whether pipelines can compete economically for a portion of the Nation's coal-hauling business.

I commend to my colleagues the following editorial from the New York Times, September 19, on this important subject:

COAL BY PIPE OR POLITICS

The nation's railroads fought hard for the right to compete on equal terms with trucks and barges. Now, unfortunately, they're fighting just as hard to stop pipelines from competing with railroads in moving coal. The House has a chance this week to say no to the railroads—and yes to the consumer's right to transportation at the lowest possible cost.

Much of America's clean, low-sulphur coal is found in the West, far from coastal power plants and export facilities. Today, that coal must be moved by rail. Pipeline engineers (and their corporate backers) believe it would be cheaper to pulverize the coal, mix it with oil or water to form a slurry and then pump it to its destination. But to build a slurry pipeline, the companies need rights of way across other people's property, including the tracks of their railroad competitors.

That is why legislation is needed. A bill favored by coal producers, utilities and consumer groups would require the builders of a pipeline to show that it serves the public interest. Then, once so certified, the Federal Government would use its powers of eminent domain to assign them the rights of way they need.

The railroads contend that this procedure invades states' rights and also threatens to drain scarce water resources from farming and ranching. But it is hard to see why states' rights should take precedence in a matter of clearly interstate commerce. And while some slurry pipelines will use water, the proposed legislation gives states the last word on where it may be obtained.

Basically, the only issue is whether a new technology is allowed to compete with the old. The pipeline bill has cleared all committee hurdles. The House has to show that it believes in competition and the cheapest possible power.●

SOVIET WATCH

HON. JACK FIELDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 21, 1983

● Mr. FIELDS. Mr. Speaker, in 1935 the noted historian, Will Durant, wrote: "For barbarism is always around civilization, amid it and beneath it, ready to engulf it * * *. Barbarism is like the jungle; it never admits its defeat; it waits patiently for centuries to recover the territory it has lost."

In all the history chronicled in Durant's monumental, 11 volume work, "The Story of Civilization," in no place or time has this statement been more true than in the history of the Soviet Union and its client states.

As E. J. Dillion observed in 1930, "Sovietism is no mere philosophy content to assert itself or even endoctrin-

ate others by convincing, persuading, or cajoling them * * * (it is) first of all a relentless destroyer of the roots of past culture, religious, social, pedagogical, and also of those champions of that culture who remain true to it, refusing to be converted and live."

So it is that the leadership of the Soviet Union, from Lenin to Andropov, have been men of unrestrained brutality who have progressively, patiently, driven back the boundaries of civilization, both Western and Eastern, with a relentless sword of blood and horror, allowing the jungle of barbarism to reclaim the Earth, masked by mendacity, propaganda, and the false face of socialism.

The following material is presented as another evidence.

INSIDE AFGHANISTAN: WAR OF INNOCENTS

(By Ludmilla Thorne)

Three weeks ago, as I entered a secret mujahedeen training camp run by the national Islamic Front of Afghanistan, I was startled to see a Soviet helicopter and MiG precariously hovering in an azure sky, between two craggy mountains. But unlike real Soviet military craft, which usually strike fear into the hearts of the Afghan people, these two were harmless cardboard replicas being moved on pulleys.

Young mujahedeen in gray tunics and green cotton belts were firing away at the make-believe enemy aircraft with captured Soviet Dashaka machine guns and Kalashnikov rifles. It was a part of their daily routine, along with running through bonfires and sliding under barbed wire.

Their commander, Brigadier Rahmatullah Safi, an energetic, pipe-smoking man of 53, was obviously pleased with the performance of his youthful charges. "I'm trying to professionalize the jihad," he told me, using the traditional term to refer to the holy war that is now being waged against the Soviet Union. "But I don't even have good binoculars or any walkie-talkies," he remarked. I remembered that in the U.S., children use walkie-talkies as toys, but this man, who is waging a deadly battle against the U.S.S.R., has none.

ASHAMED TO BE AMERICAN

Later, when I spoke with other mujahedeen commanders and soldiers who had just come from battle, I learned that Afghan resistance fighters lack such other common items as boots, clothes, personal first-aid kits, tents, antibiotics and mine detectors, not to mention surface-to-air missiles. In order to clear a mine field, the mujahedeen send herds of sheep through the deadly area, an inhumane and expensive way of carrying out a simple military operation. And three mujahedeen fighters sometimes must share one pair of boots. "Why doesn't your government help us more?" I often was asked. "We don't need American men to fight our war. Just give us weapons and provisions." There was nothing I could say, but I was ashamed to be an American.

At the mujahedeen boot camp, I noticed one trainee going through his paces with particular zest and almost childlike joy. I came up to him and saw that he was indeed barely 15 years old, with peach fuzz on his gentle young face. His name was Mohammad. But whenever I saw him the next few days, I called him "mujahedeen baby," to which he responded with a boyish giggle. It was frightening to think that in a few weeks he, too, may be sent off with a Kalashnikov rifle to face the heavily equipped Soviet military machine.

It was still more frightening to see Afghan boys who were even younger than Mohammad but who already had fallen victim to the Kremlin's barbaric war. Eight-year-old Najib Khan picked up what he thought was a small green bird, but it was a Soviet-boobytrapped toy that within seconds tore off both of his arms just below the elbow. Minagol, age nine, stepped on a similar "butterfly" boobytrap and lost his right foot. Such toy explosives, dropped over populated areas by Soviet aircraft, aim to terrorize the Afghan people by attacking the most innocent, the children.

A few days after my last meeting with Mohammad, I met another young man, whose similarly youthful face was of a lighter color. He was Kolya, a blond, blue-eyed Russian boy of 19 who deserted from the Soviet army in Kabul a little more than two months ago and was now with the mujahedeen.

"I didn't want to be a part of this dirty war in Afghanistan," he told me. "None of the Soviet soldiers wants to be here . . . the Soviet Union should pull out its forces, because innocent people are dying on both sides." These were words I had heard again and again, as I spoke with more than a dozen Soviet POWs in various parts of Afghanistan during my visits there last February and again this month.

Prior to being sent to Afghanistan, Soviet soldiers are usually told they will be defending the Soviet Union's southern border against Pakistani, Chinese, Iranian or American mercenaries. "But one or two months after I arrived in Afghanistan I realized that I was deceived," explained Grisha Suleymanov, a 20-year-old sergeant from Dagestan. "We didn't see any Chinese or Americans."

"Soviet officers come here for the money," said Kolya, who was a private. "Instead of receiving their usual 250 rubles per month, in Afghanistan they earn 700 or 800 rubles. while we receive only nine. And each year that a Soviet officer serves in Afghanistan is counted as three years."

Practically all of the Soviet soldiers I spoke to described how they were often beaten and humiliated by their upperclassmen and sergeants "for nothing." "You're constantly on the run, polishing their boots, making their beds, getting their food, doing their laundry, and then they start punching you," said Kolya. Sanya, another 19-year-old deserter who was sitting a few feet away, pointed to his lip, which bore fresh stitch marks. "They hit me so hard that my lip had to be sewn up," he said.

Caught in the hopeless situation of being personally abused by their own officers, having to carry out a brutal war against a largely defenseless population, and facing the possibility of being killed if they are taken prisoner by the mujahedeen, "many Soviet soldiers hang themselves, not only in Kabul, but all across Afghanistan," Kolya told me.

The Afghan resistance has been making increasing efforts to take live prisioners whenever possible, and to accept deserters like Grisha, Kolya and Sanya. But holding them is a difficult task for the mujahedeen. Not only must they share their limited rations with their Soviet captives, but they also must constantly conceal them from the Soviet command by shuttling them back and forth. Whenever the Soviets find out where their POWs are held, they try to bomb the area (in itself a rather revealing indicator of the Soviet government's attitude toward its own people).

Because Pakistan feels threatened by its huge Soviet neighbor to the north, it is opposed to having Soviet soldiers on its territory. Thus, the problem of finding a safe haven for Soviet POWs has remained mainly unsolved. "You arrange for a place where we can keep Soviet soldiers," one Afghan leader told me, "and we will get you a whole brigade."

Eight of the soldiers with whom I have spoken want asylum in some Western country, most often the U.S. Two soldiers said that "under no circumstances do we want to be repatriated to the U.S.S.R. via the Red Cross because in the Soviet Union we will be shot." Two others wrote personal letters to President Reagan, asking him to take a "human" interest in their fate and to give them asylum in the U.S. "I want to live in America as a free person," wrote one of them at the end of his note. Two soldiers indicated a preference for West Germany, and I know of other defectors who have asked for asylum in France.

But not all Soviet POWs want asylum. Matvey Basayev, 19, a Russian by nationality, and Mikhail Aratunian, 24, an Armenian, have converted to Islam and want to remain with the Jamiat mujahedeen party. Three soldiers want to go home, even though they know that prison or very possibly death await them there. Sgt. Alexander Zhurakovsky, who defected more than a year ago, is homesick and despondent. "I was born in the Ukraine and I want to die there," he told me.

Soviet soldiers in Afghanistan have learned that they can boost their low morale by smoking hashish, which they get from the Afghan population by bartering their clothes, ammunition, all kinds of spare parts, batteries, metal pipes and much else. "Hash helps getting over the depression," I was told. "And it's not so frightening to die, when you're high." One soldier estimated that 90% of the Soviet forces in Afghanistan smoke hashish, and about 40% use opium. "Soldiers aren't even punished anymore for smoking hash . . . the Soviet command has realized that it's useless even to try." There are indications that the Afghan population is making a concerted effort to keep the Soviet army doped up.

Western experts have suggested that 8,000 to 15,000 Soviet soldiers have been killed in Afghanistan during the 3½-year conflict, but these figures probably are too low. The mujahedeen estimate that anywhere from 20,000 to 50,000 have been killed. Sasha, 21, who deserted in July of this year, told me that he couldn't speak about all of Afghanistan, but that just during the past year that he was stationed near Kandahar, 3,000 Soviet soldiers were killed and about three times as many were wounded. "Furthermore," he said, "about one-third of those who died were killed by the Soviet Union's own planes and helicopters. Very often when a Soviet unit finds a group of mujahedeen, it informs its command of their location and asks for artillery and air cover. And when it comes—pow!—they give it to their own men in the area."

Bodies of soldiers killed in Afghanistan are delivered to parents in the Soviet Union in sealed zinc coffins. If the face is not mutilated, a slit is left in the coffin so the family may see the face. Matvey Basayev, who was assigned to the Kabul airport, said the morgue in his battalion was "never empty. It was busy day and night."

MORAL COURAGE TO DEFECT

Many Soviet deserters expressed their revulsion with the behavior of some of their officers and fellow soldiers in Afghanistan. In the words of Sasha and a fellow soldier, "Soviet soldiers often go on 'combing out' operations not to fight, but to steal from the Afghan people. They go to get themselves some 'presents,' as they like to call it." The two soldiers described with particular abhorrence the conduct of their former company commander. "He used to bring 13- and 14-year-old Afghan boys to our post and ask one of the soldiers in the company to stab them with a knife. When the soldier refused, [he] would pierce the boys' throats in front of everybody." The commander is said to be back in civilian life in Moscow.

Soviets soldiers who have had the moral courage to defect from the Soviet army in Afghanistan want to tell their stories in the U.S. and in Western Europe. "Ludmilla, don't leave. Take me back with you to America," screamed Sergei Meshcheryakov, as I was about to leave a guerrilla stronghold near Allah Jirga. What could I say? But an important question remains: Will Western countries demonstrate as much moral courage by giving asylum to these men, or will they defer, so as to not dare antagonize the Soviet bear?

(Ludmilla Thorne is editor of Freedom Appeals, published by Freedom House, a New York-based human-rights group.)●

EAST GRANBY

HON. NANCY L. JOHNSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 21, 1983

● Mrs. JOHNSON. Mr. Speaker, on September 24, the town of East Granby will celebrate its 125th anniversary.

This is indeed a special occasion and cause for celebration. First settled in the 1660's, the area was part of an early Congregational Parish of Simsbury and then later of Granby, called the Turkey Hills Ecclesiastical Society. According to the law of the time, local residents were required to attend services for the entire day on Sundays. Traveling conditions being what they were at the time, it was often exceedingly difficult for Turkey Hills residents to reach the original meetinghouse which now stands on Hopmeadow Lane in Simsbury. After a long struggle the first meetinghouse was erected in Turkey Hill in 1738. This marked the beginning of a series of struggles, as the community grow and developed, to break away from the neighboring towns of Simsbury and Granby. From 1786 to 1858 townspeople tried seven times to secede, finally incorporating into the small tobacco and dairy farming district of East Granby in 1858.

Preserving this, along with many other chapters is the town's history book "East Granby, the evolution of a Connecticut town" dedicated early this year and marking the culmination of 12 years of time-consuming research by the town's historical committee. It represents the perseverance which is native to East Granby citizens and is testimony to their wonderful spirit and local pride.

Saturday's celebration is another chapter in the rich past and traditions of the town of East Granby. It recalls the 100th anniversary when the town motto, "Endear the Past, Enrich the Future" was adopted. Remembering and preserving our past can enrich our present and enhance our future. I am honored to be the elected representative for the town of East Granby, and look forward with them from their rich past to an even richer future.●

LEGISLATION FOR STUDY OF "LAST PERSON SERVICE" OF RAILROAD RETIREMENT SYSTEM

HON. WILLIAM F. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 21, 1983

● Mr. GOODLING. Mr. Speaker, today I am introducing legislation calling on the railroad retirement board to prepare a study which would examine the implications of the "last person service" provision of the railroad retirement system, and report back its findings to the Congress in 1 year.

For the benefit of my colleagues who might be unfamiliar with this provision, I should explain first that, under the railroad retirement system, "last person service" means that an individual must cease working for his current employer in order to receive a pension. This same person could work elsewhere, with certain earnings restrictions; he or she simply could not work for the "last person" for whom he or she was employed when applying for railroad retirement benefits.

I understand the rationale for this policy, but have discovered some instances in my congressional district where, it seems to me, this provision is unduly applied to some older individuals working low-paying, ofter part-time jobs. In fact, I became especially interested in "last person service" because of the experience of one of my constituents, who worked as an orderly in a local hospital. My constituent took his job, not because he quit the railroads (where he worked some 22 years), but, because he was laid off from Conrail and could not find railroad related work. (He was not eligible for retirement at the time.) When be became eligible for railroad retirement benefits, and was happily working as a hospital orderly, he found himself in a quandry.

By law, this man could earn up to $410 per month and still receive his railroad pension—provided he would work for any employer but York Hospital in York, Pa., where he was employed. He wanted to remain at York Hospital, and the assistant personnel director advised me that the hospital wanted to retain my constituent. Besides being an excellent employee, my constituent was very attached to this hospital, which had treated his invalid wife many times for her severe spinal problems. The assistant personnel director doubts that this man, who is in his sixties, will be able to find another job at his age; this poses a problem because of the man's medical insurance, which could now skyrocket.

I have discussed this situation at length with the railroad retirement board, and have learned that similar situations come to the attention of the board periodically.

This legislation provides for a study of work and earnings limitations on the receipt of certain railroad retirement benefits and the effects of any modification of those limitations. Accordingly, the board would conduct a corresponding financial analysis, and report to the Congress the results of this study not later than 1 year after the date of enactment of this act, together with any recommendation the board might have for changing this requirement.

Having served a district where many former and current railroad employees reside. I have become well acquainted with the railroad retirement system. My experience has forced me to conclude that "last person service" merits reexamination, and I therefore would hope that this measure which I am today introducing will receive prompt consideration by this body.●

MRS. VIRGINIA P. BOBO

HON. WM. S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 21, 1983

● Mr. BROOMFIELD. Mr. Speaker, at the end of September, the Congress of the United States and the American people will lose the services of one of its dedicated and valued employees, Mrs. Virginia P. Bobo, the head of the Capitol Guide Service's Congressional Ticket Office.

Virginia came to work for the Congress 22 years ago as a Capitol guide. Through her dedication and competence, she was promoted to the unenviable position of having to arrange congressional tours of Members and our constituents who visit Washington and express a desire to us to tour the Capitol.

At one time, perhaps, this may not have been difficult. However, during the past several years, we have been seeing record numbers of people who wish to have a congressional tour.

Though there is a limited number of people who can actually take these special tours each day, Virginia has always tackled our requests for tours with cheerfulness and great skill, bending over backward to accommodate us and our constituents.

Mr. Speaker, while I trust the Congressional Ticket Office will function along the high standards Virginia has set, I and I know all of us, will greatly miss Virginia and her dedicated work.

I wish Virginia a rich and rewarding retirement, and my deepest appreciation for a job well done.●

LOUIS L. GOLDSTEIN

HON. MICHAEL D. BARNES

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 21, 1983

● Mr. BARNES. Mr. Speaker, I am delighted to take this opportunity to join my colleagues from Maryland in honoring the comptroller general of our State, Mr. Louis L. Goldstein. Mr. Goldstein will be recognized at a testimonial dinner on September 28, sponsored by the Maryland Mental Health Association, to celebrate his 70th birthday.

Louis Goldstein is one of the most beloved leaders in Maryland public life. Relentlessly peripatetic, he swims and exercises each day, then crisscrosses the State with dizzying energy, attending an astonishing number of events and charming Marylanders with his wit and good humor at every stop. It would be hard to find a single person in the State who has not run into Louis Goldstein at least once. As one public official once said of him, "One of these days Louie's going to run into himself coming back from Ocean City."

As a result of this vigor, enthusiasm and sharp mind, Louis Goldstein probably knows more about Maryland than any other individual. He is literally a walking encyclopedia of the history and lore of the State. And he can get more meat out of a crab than anybody else I have ever seen.

Despite his feverish schedule, Louis Goldstein is a hard-working, dedicated public servant who has brought the office of the comptroller out of the stone age to become one of the most advanced in the entire country. In fact, representatives from other States come regularly to the Maryland comptroller's office to take a look at the comuter system and other aspects of the Louis Goldstein operation.

The list of his accomplishments is endless, but Louis served for 13 years in the Maryland State Senate, including 4 years as majority floor leader and 4 years as president of the Maryland Senate and chairman of the senate council; he has been a delegate or alternate to 9 Democratic National Conventions; he serves on innumerable boards and associations throughout the State; and he has received awards for his contributions to every conceivable area of community service.

The magnaminous Goldstein charm can best be summed up in his own famous closing line: "God bless you all real good."●

TRIBUTE TO MISS AMERICA 1983—VANESSA WILLIAMS

HON. RICHARD L. OTTINGER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 21, 1983

● Mr. OTTINGER. Mr. Speaker, on Saturday, September 17, 1983, Vanessa Williams, a 20-year-old junior at Syracuse University who hails from Millwood in Westchester County, N.Y., became the 57th Miss America and the first black woman to receive this honor.

In her new role these past few days, Ms. Williams has shown herself to be an individual who enjoys the challenge of her new endeavor. Many of her past endeavors also deserve recognition for they served as stepping stones. She has always been involved with the arts, often presenting her creative, exuberant personality in full form. During her years at Horace Greeley High School in Chappaqua, N.Y., she participated in as many theater and dance productions as possible, never failing to captivate her audiences. Her extensive musical training earned her membership in the All-State Womens Choir, All Eastern Chorus, and All County Orchestra.

Vanessa also became one of the first American high school students to participate in an exchange with a South American nation when she traveled to Caracas, Venezuela with her high school orchestra. There she served as a representative of our country.

Now, Vanessa again has the opportunity to represent the United States, this time as an example of a young, independent woman pursuing excellence. As the Congressman from the 20th District, I applaud her victory and I wish her the best of luck during her reign.●

THE RETIREMENT OF CARL "YAZ" YASTRZEMSKI

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 21, 1983

● Mr. CONTE. Mr. Speaker, on Saturday, October 1, baseball fans around the country will bid a fond farewell to one of the greats—Red Sox player Carl "Yaz" Yastrzemski.

To those of us who would rather bronze our Red Sox caps than our children's first shoes, it will be a sad day indeed. Yaz has been our inspiration through the fat and lean years with the Sox, and, although we hate to see him go, he is really going with class.

One of the many high tributes to Yaz, his career, and his character recently appeared in the Washington Post. I would like to insert it for the RECORD at this time.

[From the Washington Post, Sept. 16, 1983]

STORY ENDS, BUT LEGEND ENDURES

(By Thomas Boswell)

BOSTON—Monday night in Fenway Park, Carl Yastrzemski hit five home runs and made a marvelous catch in the ninth inning to save a no-hitter.

Yastrzemski's first home run of the night was a 420-foot line drive over the Baltimore Orioles bullpen off Jim Palmer, a gentleman who will someday join Yaz in the Hall of Fame.

As the 44-year-old jogged the bases, the fans cheered and the sky cried. The instant the ball left Yaz's bat, the rain began, as though even the New England weather wanted some tangible way to pay its respects to the leaving legend.

Yastrzemski's other home runs that night, and his great running catch in defense of Billy Rohr, were all bubbles rising from the past, figments flashed on the vast center field screen as the Red Sox appeared their crowd during a long rain delay with an old movie about the 1967 impossible Dream Season.

There was the 28-year-old Yaz in his Triple Crown glory slugging one pitch after another into that same distant bullpen in a long ago September, cramming the pennant down the throats of Jose Tartabull and Dalton Jones whether they wanted it or not.

As the 12-foot-tall mythic Yaz on the screen made his tumbling catches, played caroms off the Monster, threw out runners at all available bases and catapulted those home runs with his chiropractor's dream of a swing, the clouds were not the only source of tears in Fenway Park.

It's tough enough to lose a dignified man who's become a worthy institution when you make it easy on yourself and turn your eyes away, allowing him to slide into retirement only half-noticed. But it's genuinely hard to watch the gimpy, creaky old man fighting to go out with style while the image of his own youth flickers on the screen in double size, taunting him and us with our mortality, reminding us of what we are about to lose.

That night, the rains washed out what would have been Yastrzemski's 453rd home run (17th on the all-time list), his 3,413th hit (seventh) and his 1,834th RBI (ninth).

The next evening, in the makeup, Yastrzemski pinch-hit in the ninth inning with the winning run on second base. A mere single was needed. His grounder was stabbed at the last second before it could escape into center field and the old man was thrown out at first base by a step. As an obligatory but taken-for-granted postscript, the Red Sox lost in the 12th.

That's the hard world of fact in which even legends must live.

These days, Yaz is trying to bring it to the wire with panache. Perhaps as early as Sat-

urday, he will break Hank Aaron's all-time record for games played (3,298). It's fitting that Yastrzemski—the man of Polish farming stock—should hold the record for endurance. It suits him better than any other mark. Except for '67, he was never a great player, just a very good one who squeezed every drop of production from his talent.

His Red Sox are back where he found them 23 seasons ago—players fighting, after their fashion, to stay out of last place, while management fights, in its fashion, to keep them there.

When the season began, Yastrzemski's goal was "not to be a detriment" to a team he thought might win a pennant. Now, that team should worry about being a detriment to Yastrzemski. He is batting .281—just five points below his career average—and he's also got 10 homers, 24 doubles and 55 RBI's in just 338 at bats. In other words, when he plays, Yastrzemski's production at 44 is almost identical to his career figures.

"This is the way I wanted to go out. But there's still a ways to go," says Yastrzemski.

Yastrzemski must help now with all the last-minute preparations, like a man arranging his own funeral. A front-office man asks him how many seats the family will need for the season-closing Farewell Yaz game on Oct. 2. "Better make it 60, with all the in-laws," says Yastrzemski. "My dad says we'll have 21 Yastrzemskis in the same place at the same time."

Asked if he dreams about a final at-bat home run, like Ted Williams, he says, "I tried to get a home run for my 3,000th hit and it took me 12 at bats just to get a single. I've learned that lesson."

Yastrzemski knows that his baseball legacy is safe. He's one of those figures who transcended his stats. Yaz batted under .280 twice as often as he hit .300 (12 to 6) and he drove in less than 75 runs twice as often as he drove in a 100 (11 to 5). He only hit more than 23 homers four times in 23 years.

Yet, like Pete Rose, Yastrzemski has managed to leave a personal image of himself that surpasses his professional abilities. Yastrzemski can even put his place in the game into words.

"I'd like to be remembered as a winner," he said this week, sitting by his locker. "Someone who made things happen that helped the team win. But I hope I did it with class. Stan Musial was an idol of mine as a boy. I tried to model myself after him, to a degree.

"Given some ability, and I'm not what you'd call a big specimen, I've gotten the most I possibly could out of it.

"I always see ballplayers come back and say 'if.' Retirement won't be hard for me, because that will never be there for me. 'If' I'd worked harder, 'if' I hadn't retired too soon . . .

"When we have those reunions of the '67 team, most of those guys who've been retired for years *are younger than me.* Almost all of 'em. Their biggest thing is always 'if.' You can see that they haven't accepted (retirement). They always pull for me and tell me, 'Keep going.'

"That applies to everything. You want to live so you don't have to say 'If I'd just given myself a fair chance to succeed.' "

If anything galls Yastrzemski its the team's collapse this year.

"We've had 16 straight winning seasons here and I'm very proud of that," says Yastrzemski, whose clubs have been 257 games over .500 since '67.

"This year feels miserable. I can't imagine how bad it must have felt my first six seasons."

Only Yastrzemski knows how deeply he is gnawed by the Sox failure to win a World Series. He is a ballplayer and sees his world in terms of hanging curve balls, not literary metaphors. "I don't think about all that stuff . . . I'm a quiet farm boy. I guess it just wasn't meant to be. In '67 (in the Series) Bob Gibson in the seventh game was too much. The guy was just great. I accept that.

"But in '75, everything went against us." Yastrzemski gives a recitation of umpires' calls and unlucky hits. Then, he pauses and the *real* old wound rises to the surface. "I'll never forget that slop curve to (Tony) Perez." It's nice to know Yastrzemski will never forgive Bill Lee, either.

One last question always hangs around Yastrzemski. What if New England's eternal delusion were to come true and, a year from now, the Red Sox were in a pennant race and their obvious need was for another left-handed bat? Would Yastrezemski listen to the sirens?

A small smile plays around Yastrzemski's mouth. How can such a legend resist such a tease?

"Right at this day," said Yastrzemski, picking his words carefully, "I have no plans to come back."●

BECAUSE WE DO CARE ABOUT THE PHILIPPINES

HON. FORTNEY H. (PETE) STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 21, 1983

● Mr. STARK. Mr. Speaker, this morning's new reports that President Marcos of the Philippines says that if President Reagan does not visit the islands this fall, it will raise questions about the renewal of our military bases there, and would demonstrate that the United States does not consider the Philippines important.

Nuts, Mr. Speaker, nuts. I believe such a move would say exactly the opposite.

It is because we care about the Philippines and her people—with whom we have had a long and special relationship—that the President should cancel his visit until the assassination plot on former Senator Aquino is honestly solved and until the Marcos regime ends it dictatorial practices. It is time we show the people of the Philippines that we care about them, and we will not give unconditional support to the Marcos regime regardless of its actions.

If the President proceeds with his trip and we get a renewal of the bases agreement, I believe we will also have signed up on the wrong side in another civil war—and we will soon be called on to commit troops in the Philippines just as we are in the Central American and Lebanese civil wars.

If you really care about the Filipino people, Mr. President, do not go.●

THE LABOR, HHS BILL NEEDS IMPROVEMENT

HON. PAT WILLIAMS

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 21, 1983

● Mr. WILLIAMS of Montana. Mr. Speaker, I urge my colleagues to review the action of the House Appropriations Committee regarding the fiscal year 1984 Labor-HHS-Education Appropriations Act, H.R. 3913, particularly as it relates funding for the Job Training Partnership Act (JTPA). The committee's action will result in significant cuts in your district's job training program at a time when there are 10.7 million people unemployed.

The reported bill is $1.72 billion below the levels assumed in the first budget resolution for JTPA. This amount appears large because it includes moneys for fiscal year 1984 as well as forward funding. The total difference without forward funding is $970 million. The additional $750 million of the difference is for forward funding (see chart A).

A major problem in H.R. 3913 is the funding level for title II-A of JTPA, which allocates 78 percent of the funds by formula, as opposed to the 86.5 percent allocated by formula under JTPA's predecessor, CETA. Thus, a larger appropriation is needed for JTPA title II-A to achieve the same level of funding. The House Appropriations Committee did the exact opposite. In fiscal year 1983, $2.181 billion was appropriated under CETA titles II-B and C, IV-A, and VII; while H.R. 3913 provides $1,886 billion for JTPA title II-A. Thus, the House Appropriations Committee provided less than last year's level. The change in the law lowering the percent of funds distributed to local areas by formula would require a larger appropriation than the previous year, not a lower or even equal appropriations level.

As a result of the House Appropriations Committee action, the chairman of the Senate Labor-HHS-Education Appropriations Subcommittee, Senator WEICKER, lowered the numbers he had going into the Senate markup, which were initially higher than the House's to similar levels.

These cuts in funding for JTPA title II-A vary from 15 percent to 35 percent in most areas and average 24 percent nationally. Chart B was provided by the National Association of Counties and gives clear examples of the level of cuts if H.R. 3913 is not amended on the floor. (In evaluating the chart, the data obtained from some States compares funding for title II-A, while other States submitted data based on title II-A and B. Data for each State is internally consistent.)

The administration argues that fewer funds are needed to fund the same level of service to participants under title II-A of JTPA because of the policy changes in JTPA. This assumption is based upon information received from the Reagan administration indicating that the "unit cost per service year" will be significantly reduced under JTPA. This reduction, it is believed, will result from policy changes that eliminated stipends and placed a strict limitation on the amount of money that can be paid to participants in the form of needs-based payments and other supportive services. Under this assumption, the same number of participants could be served for less money. Hence, a recommendation of $1.886 billion for title II-A of JTPA.

Information I have received regarding the Massachusetts experience in implementing JTPA, however, provides evidence that this assumption is faulty and that the average cost per participant is, in fact, remaining fairly stable or even rising slightly. In fiscal year 1982, the average cost per participant for Massachusetts CETA programs was $2,007. While fiscal year 1983 is not yet complete, it is estimated that the average cost per participant will fall between $2,200 and $2,300. Furthermore, local service delivery area job training plans for fiscal year 1984, as approved by the Private Industry Councils and local elected officials, reflect a planned cost per participant of $2,294.

The State of Massachusetts also indicates that there are 919,048 economically disadvantaged individuals who would be eligible under the act. These Reagan budget cuts will only allow the State to serve 12,749 clients or only 1.4 percent of the universe of need.

The following tables have been submitted for the RECORD:

CHART A.—BUDGET AUTHORITY FOR SELECTED EMPLOYMENT AND TRAINING PROGRAMS

[In millions of dollars]

	Fiscal year 1984 budget proposals—									
		Administration request			First budget resolution					
						Senate				
	Fiscal year 1983 actual	Original	Revised	Appropriation bill reported by full committee	House	Without advance funding	With advance funding	Conference agreement	Conference agreement over appropriations	Fiscal year 1983 actual over appropriations
Total selected E and T programs	3,977	4,369	4,319	6,455	8,925	6,812		8,175	+1,720	N/Ap
Forward funding for JTPA	N/Ap	[1] 725	[1] 725	[2] 2,861	[2] 3,911	[2] 2,898		[2] 3,611	[2] 750	N/Ap
Total without forward funding	3,977	3,644	3,594	3,594	5,014	3,914		4,564	+970	+383
Basic job training	[3] 2,181	[4] 1,886	1,886	1,886	N/Av	[4] 2,181	[4] 3,815	N/Av	N/Av	+319
Summer youth	825	725	725	725	N/Av	724	1,268	N/Av	N/Av	+100
Dislocated workers	110	240	223	223	500	150	259	N/Av	N/Av	−113
Federally administered programs other than Job Corps and TJTC	223	187	187	187	N/Av	253	424	N/Av	N/Av	+36
Job Corps	618	586	553	553	N/Av	586	1,026	N/Av	N/Av	+65
TJTC	20	20	20	20	N/Av	20	20	N/Av	N/Av	0

[1] The administration request includes forward funding for only 3 mos., as opposed to 9 mos. in the first budget resolution.
[2] Forward funding for 9 mos. as authorized.
[3] CETA titles 2BC, 4A, 7.
[4] JPTA title 2A.
N/Ap—Not applicable.
N/Av—Not available.

CHART B.—COMPARISONS OF FISCAL YEAR 1983 ALLOCATIONS AND FISCAL YEAR 1984, SUBSTATE PLANNING ESTIMATES FOR SAMPLE STATES

	Fiscal year 1983	Fiscal year 1984	Percent change
Arizona (without summer youth funds) (title II-A):			
Phoenix	5,579,891	4,289,664	−23
Maricopa	3,526,760	3,092,620	−12
Pima/Tucson	3,274,128	2,880,353	−12
BOS	6,163,888	6,800,488	+10
Arizona total	18,544,667	17,063,125	8
Florida (partial) (Title II-A)			
Brevard	2,124,058	1,179,952	−44
Broward Csrt	6,048,771	3,761,138	−38
Escambia	1,555,326	1,127,114	−28
Heartland	5,159,237	3,793,826	−26
Hillsborough	1,930,256	1,749,269	−9
Lee	1,284,047	952,621	−26
Palm Beach	4,295,681	2,664,087	−38
Pasco	1,456,870	939,140	−36
St. Petersburgh/Pinellas Csrt	4,283,831	2,595,064	−39
Seminole	1,372,795	742,386	−46
South Florida Csrt	13,187,305	11,786,548	−11
Tampa	2,842,204	1,729,944	−39
Georgia (partial) (Title II-A):			
Atlanta	4,614,441	3,634,484	−21
Central Savannah Csrt	2,513,671	2,137,948	−15
DeKalb	1,619,270	941,736	−42
Middle Georgia Csrt	1,855,944	1,398,559	−25
Savannah/Chatham Csrt	1,286,404	1,050,056	−18
Illinois (Title II-A & B):			
Champaign Csrt	2,013,070	1,729,003	−14
Chicago	52,969,345	42,188,453	−20
Cook County	19,282,122	15,158,313	−21
DuPage County	3,845,408	2,971,397	−23
Kane County	2,818,995	2,631,723	−7
Lake County	3,445,615	2,599,832	−25
Lincoln Csrt	2,438,991	1,661,312	−32
LaSalle County	1,473,737	1,265,409	−14
Macon County	1,886,224	1,784,982	−5
Madison Csrt	3,611,113	2,968,456	−18
McHenry County	1,329,418	986,609	−26
McLean County	1,047,709	912,796	−13

CHART B.—COMPARISONS OF FISCAL YEAR 1983 ALLOCATIONS AND FISCAL YEAR 1984, SUBSTATE PLANNING ESTIMATES FOR SAMPLE STATES—Continued

	Fiscal year 1983	Fiscal year 1984	Percent change
Peoria Csrt	2,558,455	2,301,617	−10
Rock Island County	2,052,971	2,364,530	+15
Rockford Csrt	3,581,285	3,821,958	+7
Shawnee Csrt	1,252,341	1,012,740	−19
St. Clair Csrt	4,261,528	3,806,920	−11
Taxewell County	1,345,995	1,317,886	−2
Will/Grundy Csrt	3,638,342	3,438,094	−6
BOS	24,806,287	22,071,144	−11
Indiana (partial) (Title II-A):			
Indianapolis City and Marion County	7,397,645	5,384,166	−27
Gary and Hammond Cities and Lake County	6,209,916	4,910,536	−21
South Bend City and St. Joseph County	2,325,280	1,514,108	−35
Kentucky (Title II-A):			
Louisville/Jefferson Co	6,365,751	5,090,275	−20
Eastern Kentucky CEP	10,331,249	5,077,762	−51
Balance	20,434,504	16,694,838	−18
Kentucky total	38,760,821	26,862,875	−31
Maryland (Title II-A & B):			
Baltimore Csrt	19,548,245	15,306,607	−22
Baltimore County	7,052,109	5,513,990	−22
Frederick County	1,147,605	960,323	−16
Prince George's County	5,198,406	3,485,745	−33
Montgomery County	2,114,221	832,507	−61
Western MO Csrt	3,227,502	3,017,416	−7
BOS (now Lower Shore Southern Md, Susquehanna, and Upper Shore)	5,970,549	5,732,147	−4
Maryland total	44,258,637	34,848,734	−21
Michigan (Title II-A & B):			
Detroit	28,947,431	23,951,300	−17
Region II Csrt	4,304,519	3,803,200	−12
Lansing Tri-County Csrt	6,130,261	4,726,500	−23
Muskegon-Oceana Csrt	2,991,136	2,788,200	−7
New York (Title II-A and B):			
New York City	101,094,023	80,001,382	−20.9
Yonkers City	2,046,455	1,474,818	−27.9
Westchester Bal.	5,166,257	1,252,286	−75.8

CHART B.—COMPARISONS OF FISCAL YEAR 1983 ALLOCATIONS AND FISCAL YEAR 1984, SUBSTATE PLANNING ESTIMATES FOR SAMPLE STATES—Continued

	Fiscal year 1983	Fiscal year 1984	Percent change
Rockland County	1,902,520	640,662	−66.3
Orange County	2,443,337	2,033,565	−16.8
Dutchess, Putnam Counties	2,398,955	821,524	−65.8
Fulton, Montgomery, Schoharie Counties	1,853,815	1,628,267	−12.2
Warren, Washington, Saratoga Counties	2,751,519	2,159,604	−21.5
Chenango, Otsego, Delaware Counties	1,574,047	1,474,498	−6.3
Oneida, Madison, Herkimer Counties	4,276,580	3,490,832	−18.4
Franklin, Clinton, Hamilton, Essex Counties	2,340,269	2,110,797	−9.8
Jefferson, Lewis Counties	1,855,484	1,393,535	−24.9
St. Lawrence County	1,551,472	1,170,456	−24.6
Cayuga, Tompkins, Cortland Counties	1,965,365	2,066,736	−4.6
Tioga, Broome Counties	2,490,703	1,958,741	−21.4
Wayne, Ontario, Seneca, Yates Counties	2,430,102	2,223,664	−8.5
Steuben, Schuyler, Chemung Counties	2,269,803	2,393,491	−5.4
Rochester City	3,584,193	2,849,243	−20.5
Monroe County	1,703,100	519,204	−69.5
Orleans, Genesee, Wyoming, Livingston Counties	2,166,573	2,138,311	−1.3
Niagara County	3,263,842	3,299,413	+1.1
Erie County:			
Buffalo City	7,537,148	6,572,132	−12.8
Bal. of Erie	5,982,476	6,162,178	+3.0
Chautauqua, Cattaraugus, Allegany Counties	3,461,348	3,123,520	−9.8
Albany, Rensselaer, Schenectady Counties	5,343,195	3,869,347	−27.6
Greene, Columbia Counties	1,072,819	967,505	−9.8
Sullivan, Ulster Counties	2,333,185	1,734,054	−25.7
Suffolk County	12,280,359	8,372,005	−31.8
Nassau County	12,604,275	3,326,002	−73.6
Oswego, Onondaga Counties	6,122,326	4,613,228	−24.6
New York total	210,854,818	155,831,770	−26.1

CHART B.—COMPARISONS OF FISCAL YEAR 1983 ALLOCATIONS AND FISCAL YEAR 1984, SUBSTATE PLANNING ESTIMATES FOR SAMPLE STATES—Continued

	Fiscal year 1983	Fiscal year 1984	Percent change
Ohio (partial) (Title II–A):			
Akron City, Medina and Summit Counties	5,530,448	4,204,323	−24
Butler County	2,230,351	1,688,592	−24
Cincinnati	4,757,441	3,667,227	−23
Clermont and Warren Counties	2,313,868	1,627,754	−30
Cleveland	7,675,013	6,372,047	−17
Columbus City and Franklin County	6,761,528	5,302,621	−22
Hamilton County	2,499,284	1,947,704	−22
Lake County	1,829,921	1,562,739	−15
Lorain County	3,389,632	2,723,464	−20
Columbiana and Mahoning Counties	2,753,986	2,412,002	−12
Dayton City, Mongtomery and Preble Counties	5,405,786	4,331,017	−20
Portage County	1,351,638	1,053,712	−22
Toledo City, Lucas and Wood Counties	5,768,018	4,182,851	−27
Trumbull County	3,134,433	2,467,295	−21
Youngstown	1,823,278	1,612,274	−12
Pennsylvania (partial) (title II–A):			
Allegheny County	7,459,848	5,975,910	−20
Erie County and City	2,671,989	1,904,861	−29
Beaver County	1,601,184	2,100,942	+31
Berks County	2,831,086	1,817,111	−36
Bucks County	3,824,072	2,365,101	−38
Chester County	1,932,206	1,328,682	−31
Delaware County	4,043,719	2,417,159	−40
Fayette and Westmoreland	5,733,127	4,750,937	−17
Lackawanna County and Scranton	2,490,174	1,449,197	−42
Lancaster	2,351,842	1,542,042	−34
Lehigh and Northampton	4,465,747	3,187,547	−29
Butler, Armstrong and Indiana	3,327,094	2,585,364	−22
Philadelphia	17,582,760	11,932,417	−32
Pittsburgh	3,987,013	2,902,794	−27
Luzerne and Schuylkill Counties	5,642,242	3,583,358	−36
York	2,474,010	1,859,689	−25
Southern Alleghenies	6,045,057	4,553,283	−25
Lawrence and Mercer Consortium	4,501,135	3,897,534	−13
Montgomery	4,229,427	2,386,234	−44
Washington (partial) (Title II–A + B):			
Spokane Csrt	4,261,758	3,832,296	−10
Seattle/King Csrt	14,421,370	11,856,541	−18
Snohomish County	4,400,076	3,850,299	−12
Tacoma/Pierce Csrt	5,308,747	4,932,404	−7
Wisconsin (partial) (Title II–A + B):			
Madison-Dane Csrt	2,645,534	2,087,413	−21
Marathon County	1,404,377	1,098,179	−22
Milwaukee Csrt	10,118,132	9,408,508	−7
Northwest Wisconsin CEP	3,592,194	2,544,987	−29
Rock County	2,221,863	1,947,961	−12
Trico-CETAC Csrt	4,334,687	3,451,420	−20
WOW Csrt	3,615,743	2,771,595	−23
Oregon (revised (Title II–A):			
Clackamas	1,962,541	1,455,968	−26
Eugene	1,063,538	774,754	−27
Jackson-Josephine Csrt	2,392,966	1,797,041	−25
Lane	2,174,706	1,478,415	−32
Mid-Willamette Csrt	2,940,898	2,161,721	−26
Multnomah-Washington Csrt	3,135,129	2,275,552	−27
Portland	3,902,508	2,936,208	−25
Oregon Csrt. (BOS)	9,800,324	6,955,077	−29
Oregon total	27,371,010	19,834,636	−28
Tennessee Title II–A:			
Chattanooga/Hamilton County	2,648,873	1,713,915	−35
Nashville/Davidson County	3,159,089	2,139,431	−32
Knoxville/Knox County	2,263,604	1,734,438	−23
Memphis/Shelby County	6,171,611	5,123,467	−17
Sullivan County	1,088,845	831,009	−24
BOS	28,199,893	22,473,660	−20
Tennessee total	43,411,971	34,015,920	−22
Louisiana:			
Baton Rouge/East Baton Rouge Parish	2,545,948	1,944,839	−24
Calcasieu/Jefferson Davis Csrt	1,998,221	1,834,023	−8
Jefferson	2,553,563	2,277,772	−11
Lafayette	732,077	282,245	−61
New Orleans/Orleans Parish	4,800,859	4,151,080	−14
Ouachita	1,290,535	1,157,548	−10
Rapides	1,179,321	977,957	−17
Shreveport City	1,565,559	1,350,933	−14
BOS	18,224,114	15,834,665	−13
Louisiana total	34,940,197	29,811,062	−15
Alabama (substate allocations) (title II–A):			
City of Mobile/Mobile County Consortium	4,472,907	3,126,514	−30
City of Birmingham/Jefferson County Consortium	6,674,087	5,592,528	−167
Governor's Unified Training Area (65 counties)	29,048,434	26,129,548	−107
Alabama total	40,195,428	34,848,590	−137

●

PETER BEAULIEU

HON. WM. S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 21, 1983

● Mr. BROOMFIELD. Mr. Speaker, we often hear the bad news about our Nation's youth—the experimentation with drugs, teenage pregnancies, youth crimes, falling test scores, and so forth.

However much all this may be a part of the reality of the youth scene, there is another side, one we do not often hear about. This other side is about the good kids, the ones who live in every comunity across our Nation. The ones who are working hard, earning good grades, being of help to their families and communities, and who are becoming responsible, contributing adults.

The Boys Clubs of America, each year, honors one of these young people as "Youth of the Year," and it is with great pleasure that I call the attention of my colleagues in the House to a fine man from southeastern Michigan who was one of the five national finalists this year for this great honor. He is Peter Beaulieu of the Boys and Girls Club of Royal Oak, Mich.

Pete, who is 17, has been a member of the Royal Oak Club for 8 years. At the club, he was named 1982 Member of the Year. He is president of the Keystone Club, and has served as a member of the National Keystone Conference Steering Committee. He also was chairman of the Northeast Area and Ontario Keystone Conference. In 1982, Pete also received the Michigan Juvenile Justice Project Award for outstanding service.

Pete has also been a volunteer tutor helping younger members of the Royal Oak Club with their schoolwork, and he is coordinator of the club's tutorial program. He is a regular visitor to an area senior citizens home and every Christmas he helps provide food and gifts to the needy. Pete has found time also to be an aide to the mentally retarded, a Big Brother, and the coordinator of a national award-winning program for the hearing impaired.

Outside of his work with the Boys and Girls Club, Pete has participated in five Jaycee walkathons to raise money for the local burn center.

Pete's work in school reflects the same hard work and involvement that he displays with community organizations. He is a senior at Madison High School with a 3.8 grade point average. He is a member of the National Honor Society, president of his class, and editor of the class yearbook.

Mr. Speaker, I had the pleasure of meeting Pete and he is truly a fine young man.

I wholeheartedly congratulate him on his many accomplishments and honors he has received. We are all very proud of him, and grateful for reminding us that there are many facets to our Nation's youth.●

CASH MARKET FOR HUMAN ORGANS

HON. ALBERT GORE, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 21, 1983

● Mr. GORE. Mr. Speaker, the problems that families face as they attempt to work within the present system for human organ transplantation have recently received a great deal of national attention. All of us have been touched as we have watched individuals forced to struggle through an ad hoc process as they seek an organ transplant. There is no more compelling plight than a parent who must mount a nationwide public appeal to plead for an organ donation or for funds to save the life to their child.

As chairman of the Subcommittee on Investigations and Oversight, the Committee on Science and Technology, I have, over the last 9 months, conducted an extensive investigation into many of these issues. As a result, I am introducing legislation that I believe will make significant strides in establishing a system for solving this problem as well as it can be solved for all those who need transplants.

On Monday, the Washington Post reported on a plan by a physician in Reston, Va., to establish a brokerage house to buy organs from living human beings in Third World countries and sell them for a profit to Americans in need of a transplant. While such a proposal was probably inevitable, it should not go unnoticed.

It is true that we live in a free market system that allows the freedom to choose many things. However, a person seeking a kidney transplant does not do so because they chose to be sick. We must not allow technology to dehumanize people so that they are regarded as things to be sold and bought like parts of an automobile. If this were to occur, it would seriously undermine the values of our society.

In this mornings Los Angeles Times, Arthur Kaplan, of the Hastings Center, presents a lucid and comprehensive report of the sorry tale of allowing a cash market for human organs. I take exception only with Dr. Kaplan's call for a law allowing presumed consent. There are a number of strategies, such as those I propose in my legislation, that should first be tried before moving to such a system.

I commend Dr. Kaplan's article to you.

"CASH MARKET" IS NO PLACE FOR TRADE IN VITAL ORGANS

(By Arthur Kaplan)

It seems that hardly a week goes by without someone appealing on television or in the newspaper for an organ to save his or her life or the life of a loved one. Only last month, the media were reporting the efforts of a small Wyoming town to raise money through bake sales and car washes to pay for the costs of a liver transplant for one of the local children. In New Jersey a frantic mother had to resort to pleading in the newspapers in order to persuade state officials to pay the $100,000 fee demanded by a hospital for performing a heart transplant on her son. These and countless similar desperate efforts poignantly illustrate the inadequacy of current public policy in the field of organ transplantation.

Literally thousands of people are on waiting lists around the country, hoping day after day that suitable organs will be found for them. Nearly 4,000 await corneas to restore their sight. More than 6,000 await donor kidneys to free themselves from the tyranny of thrice weekly six-hour sessions on dialysis machines. The waiting lists are shorter for heart, liver and lung transplants, since most people needing these die long before suitable organs are located.

The plight of these people has not gone totally unnoticed. The free market abhors a vacuum; commerce eventually rushes in, especially when the potential customers are desperate. This week, the Washington Post reported on the plans of a physician in Reston, Va., to establish the International Kidney Exchange, Ltd., which would act as a brokerage house between kidney donors overseas and American recipients. Dr. H. Barry Jacobs was quoted as saying that the price set by potential donors might be as high as $10,000, and their motivation would be "whatever motivates someone to sell: greed, bills. . . ."

Such a development was inevitable. The existing system for procuring organs does not work. While most of us have heard about the need for organ donation, few of us carry donor cards. Most people can't be bothered to fill them out even when they are printed on the back of a driver's license.

Such callousness would be inexcusable if it were not for the fact that many emergency-room physicians and nurses ignore the cards, even when they chance to find them on accident victims, the preferred source of vital organs. Their fears of malpractice suits, combined with a reluctance to involve themselves in a time-consuming and financially unrewarding procedure, produce a system in which fewer than 30 percent of those hospitals equipped to recover organs from cadavers for transplantation do so.

Fifty years of relying upon a system of voluntary donation and public good will has produced a situation in which, according to the Center for Disease Control, only 20 percent of those who die each year from traumatic accidents, tumors or strokes are utilized as donors. Yet, every year national surveys show that the vast majority of Americans are willing to serve as organ donors upon their deaths. And every year thousands of people wait helplessly while the science of organ transplantation advances and the availability of organs dwindles.

A market in organs is not the answer to this tragedy. Medicine is one area where access to life-saving cure should not depend upon the ability to pay. Moreover, the prospects for abuse in such a system, particularly of the ignorant and often desperately poor residents of Third World countries, should make us move quickly to restrict any further expansion of this unattractive industry.

Rep. Albert Gore (Tenn.) has introduced a bill in Congress that would outlaw the sale of organs. But we could also take a positive step to bridge the gap between supply and demand in organs. We could pass a law allowing physicians to assume consent for the utilization of cadaver organs for transplant, unless a person carries a refusal card or an objection is raised by a family member.

If, as the dismal statistics would seem to prove, thinking about our own death is too difficult for any one of us individually, perhaps we can find the courage to face it collectively. The time has come to put our policies where the altruism found in the opinion polls says it is: The burden of proof in organ donation should be shifted onto those who do not want to participate, rather than being placed on the shoulders of those who are willing but reticent, or for whom it is too late to express their wishes. If we fail to act, each one of us, or someone we love, could well pay the price—if we are rich enough.●

CLAMOR IN UNITED STATES TO CUT COMPETITION FROM IMPORTS MAY BE EXAGGERATED

HON. BILL FRENZEL

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 21, 1983

● Mr. FRENZEL. Mr. Speaker, the September 19 Wall Street Journal contained an article by Art Pine headlined "Clamor in U.S. To Cut Competition From Imports May Be Exaggerated."

Because the excellent article is lengthy, I shall not include it here, but I commend it to all my colleagues.

It tells a story we do not often hear in this House. It reports that average Americans, even those whose jobs are said to be endangered by imports, are buying imported merchandise, and seem to understand the idea quoted in the article, "in order for us to sell, they're going to have to sell some of their stuff here."

The article also points out that at least one pollster is finding that "increased protectionism is absolute, pure, unadulterated tripe." Consumers are said to consider origin, only after price and quality, in making purchases.

The Pine piece closes with a warning to Presidential candidate Walter Mondale, quoting a congressional Democrat, "He sounds too protectionist for me."●

WESTERN TECHNOLOGY AND SOVIET SPIES

HON. TOBY ROTH

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 21, 1983

● Mr. ROTH. Mr. Speaker, last August a $600,000 American computer, originally cleared for export to Belgium, ended up in Budapest after a Belgian businessman allegedly forged export licenses. The Belgian businessman, according to the Justice Ministry, is under indictment for selling an advanced American computer to Hungary.

That same month Belgium expelled at least six East Europeans for economic espionage and uncovered an electronics company in the capital that was a front for Soviet technology spies, according to European press reports. What the Belgians discovered was an electronic company with a secret function. The company in Belgium was run by the Russians but set up under Belgian law. A foreign ministry spokesman said "that the company's true function was economic and technological espionage." The Soviet-front company attempted to secure contracts and joint ventures with Belgian and other Western companies in order to acquire technology of military importance.

Mr. Speaker, I mention this case because it relates to the Export Administration Act which expires on September 30. Last summer the Committee on Foreign Affairs approved amendments to the act which eliminates the requirement for U.S. exporters to obtain validated export licenses for shipments to most Western European countries and Japan. The NATO countries—minus Iceland and Spain—and Japan since 1949 have banded together in an informal Coordinating Committee—known as COCOM—to recommend what items should be subject to export controls for reasons of national security.

Eliminating license requirements to these countries would be a tragic mistake. In the words of one specialist on strategic trade it would "turn the hemorrhage of Western technology to the Soviets into a flood." The incident in Belgium illustrates the point. Here is how: Since the early days of détente few Western countries devoted the resources to effectively implement export control laws. Our own Office of Management and Budget, year after year, cut the budget for U.S. export enforcement. Licensing of exports, particularly among the countries of the Western alliance, became a paper shuffle—an exercise in processing forms as opposed to investigating possible violations of the Export Administration Act.

It is a crime to divert technology of military significance to the Soviets and other potential adversaries. We now know that the Soviets have embarked upon a massive campaign to acquire Western technology by hook or by crook. There is hardly a NATO country which has not expelled Soviet technology spies. Every report on this subject indicates that we have just uncovered the tip of the iceberg.

What can we do to stop this theft of a vital national resource? The answer must be to strengthen export controls. During the last 2 years the United States has begun the long road to properly enforcing export controls. Our partners in Japan and Europe have a much longer road to travel.

Licensing is the backbone of every export control system. The Export Administration Amendments Act of 1983 recommends the elimination of licensing to COCOM countries. But licensing is the enforcement tool that enables our enforcement authorities at the Commerce Department to investigate end users and conduct, if necessary, an investigation to ascertain that the end user is reliable and not likely to engage in diversion. The export control legislation pending before the House would remove this preventative ability to deny the Soviets advanced technology.

During discussion of this issue, much has been made of a recommendation by the General Accounting Office on the issue of so-called West-West licensing. The advocates of the provision in the bill before the House contend that the GAO recommended the elimination of licensing. Mr. Speaker, here is what the GAO recommended:

Reexamine the need for licensing of high technology products to COCOM countries and other allies by exploring various alternatives that would satisfy control objectives and reduce or eliminate the burden of licensing.

Mr. Speaker, the words "satisfy control objectives" are three critical words. The provision in H.R. 3231 before the House does not satisfy control objectives—it just eliminates U.S. export licensing and does not put anything in its place. The provision transfers the entire burden of export controls to the Europeans and the Japanese. I have placed many statements in the RECORD describing the extent and reliability of such controls. In fact, Japan's Foreign Minister only recently admitted that Japanese high technology has directly contributed to the Soviet Union's military buildup.

There is not a single study, a single report, a single witness who appeared before the Committee on Foreign Affairs who presented a comprehensive and thorough review of the export control laws of the Europeans and Japanese. There is not a single report on the issue of export controls which adequately demonstrates that either the national governments within COCOM, or COCOM itself, effectively enforces export controls. The point is, Mr. Speaker, that the system works—but not nearly to the degree that it should work. Eliminating export controls will prevent improving the system. For better or worse, the United States is the conscience of the COCOM system. If we eliminate export licensing our COCOM partners will surely follow. The Soviet Union will be highly gratified.●

DEFICIT CONCERNS ALL AMERICANS

HON. MAJOR R. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 21, 1983

● Mr. OWENS. Mr. Speaker, the deficit is a serious problem that concerns all Americans. The time has come to stop accusing one another and to start looking at the problem and seeking a resolution which will not continue to harm our people in the future.

The deficit is a product of spending more than the Government takes in. It is a simple matter of arithmetic. If we were to reduce expenses and increase revenues our problem would soon be solved. Now, we must look at both sides of the revenue/expense equation and see how we can reduce the deficit.

In 1981 massive tax cuts were enacted which were directed at those with high personal incomes and at corporations. The cuts were supposed to unleash capital to stimulate the economy. At that time unemployment was running at the outrageous rate of 7 percent. The experiment did not work. No rush of capital to provide the basis for production and employment occurred. Instead, the unemployment rate rose to over 10 percent, as over 3 million more people were thrown out of work. Not only did the Government lose the revenues from the tax cuts, but we lost the personal income taxes which would have been paid by the 3 million additionally unemployed people. Think about that—corporations and the well-to-do pay less taxes and 3 million more wage earners are thrown out of work with all of the suffering that entails for them and their families. A rather high price for human beings to pay for an experiment.

The time has come to end this barbarous experiment. We have no right to cause such massive suffering among our people. The time has come to recapture the revenues lost to further increase the wealth of the wealthy. In particular, the time has come to close the loopholes in our tax laws which allow corporations to pay little in the way of taxes—to even sell their excess deductions—while they continue to contribute to our unemployment problem by moving capital overseas to use the labor of people in the Third World and by moving profitable enterprises—within the United States to further increase profits. When we give tax benefits to corporations, those benefits must be tied to investments which create and maintain jobs in this country.

On the expenditure side, we must recognize that fiscal expansion is inappropriate at a time of decreased revenues. The massive expansion of the military budget must be reconsidered. We must look at absurd episodes of waste, such as the simple hammer that costs over $400, and beyond to the chronic cost overruns for military hardward and construction which is all too often defective, ineffective, or downright shoddy. It is time for Government agencies to view each purchase as they would their own property. No one that I know of would continue to buy from a supplier whose products just do not work.

Yes, the deficit is a serious problem. We need to work together to solve it by increasing revenues and becoming cautious buyers who insist on the best quality that our people can produce.●

H.R. 3231—FOREIGN AVAILABILITY

HON. ED ZSCHAU

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 21, 1983

● Mr. ZSCHAU. Mr. Speaker, H.R. 3231, the Export Administration Act Amendments of 1983 will soon come to the House floor for consideration. As a cosponsor of the bill and a member of the Committee on Foreign Affairs, I have found that the provisions in the bill regarding the foreign availability of products and technologies are important for determining when it is appropriate to control exports. Attached are answers to several common questions about foreign availability and related provisions in H.R. 3231 which I hope my colleagues will find useful in their deliberations on this bill.

H.R. 3231—FOREIGN AVAILABILITY—SECTION 108 QUESTIONS AND ANSWERS

Question. What is "foreign availability" anyway?

Answer. Foreign availability can best be described as the uncontrolled availability from a foreign source of a product or technology whose export is controlled by the United States.

Foreign availability comes in two primary forms. If a product is controlled by the United States and its allies; i.e., it is on the COCOM list and is only produced in the United States or at least one of the COCOM countries, then there is no foreign availability. The product would have to be produced by a country not part of the COCOM group

to be considered as being available from a foreign source. (COCOM nations are NATO allies, plus Japan minus Iceland and Spain.)

If the product's export is controlled *only* by the United States but is manufactured by a foreign company (including companies in COCOM nations), then there is foreign availability.

In either case there must be commercial availability of the product in sufficient quantity and quality to make controls ineffective. The mere capacity of a country to manufacture the product in the future would not be considered as foreign availability.

Question. What government agency has the responsibility for assessing foreign availability?

Answer. In 1979 the Congress assigned this responsibility to the Department of Commerce and directed that the Department act in consultation with appropriate Government agencies and technical advisory committees. H.R. 3231 directs the Commerce Department to establish an Office of Foreign Availability and authorizes $2.1 million for its operations. When fully staffed this office will have about 30 technical specialists assessing foreign availability.

Question. I've heard that there are no standards for judging foreign availability. Is this true?

Answer. H.R. 3231 directs the Secretary of Commerce to issue regulations governing foreign availability assessments within six months of the enactment of the Export Administration Act Amendments of 1983. The procedures to be followed for judging foreign availability are expected to be rigorous.

Question. How will a determination of foreign availability be made?

Answer. A determination of foreign availability will be based on solid evidence and not specious arguments. Export license applicants making representations of foreign availability or Technical Advisory Committee's certifying foreign availability, as allowed in H.R. 3231, will be required to present a minimum level of evidence in order to prohibit frivolous claims and a waste of analytical resources.

In making an assessment of foreign availability the Commerce Department's analysts will use information obtained from many sources including the Defense Department, intelligence agencies, scientific laboratories, U.S. Embassies, industry, and the academic community.

Question. Won't the United States be forced to decontrol a sensitive product if an exporter or technical advisory committee determines that there is foreign availability of a product?

Answer. Absolutely not. H.R. 3231 provides three separate actions that may result from Commerce's foreign availability assessment. They are:

1. The Secretary determines that foreign availability does not exist;

2. The Secretary determines that foreign availability exists and removes the requirement for a validated export license; or

3. The Secretary determines that foreign availability exists and recommends that the President negotiate with the supplying country's government to eliminate the foreign availability of the product. Controls would be maintained during the negotiations.

Question. What is meant by "eliminating foreign availability" and how can it come about?

Answer. Eliminating foreign availability means to eliminate the uncontrolled shipment of that product to potential adversaries. This is accomplished by convincing the supplier's government that continued shipment of this product is detrimental to their security as well as the security of the rest of the free world and negotiating bilateral or multilateral agreements that control the shipment of that product to potential adversaries.

Question. I'm concerned that the requirement in H.R. 3231 giving the President only six months to negotiate the elimination of foreign availability will tie our hands and injure our national security. Wouldn't unlimited negotiation time be better?

Answer. A time limit on negotiations is necessary for the following reasons:

1. Without a time limit there would be no incentive for the supplying country to reach an agreement on limiting its sales. The longer U.S. competition stays out of the market, the more likely it is that the supplier will increase his market share; and

2. The Executive Branch needs incentive to put forth its best negotiating effort. Having a short time limit will spur the Executive Branch to prepare its best arguments and use its best negotiators.

Question. If we remove our export controls on a product that is available freely from a foreign source, won't we be injuring our national security?

Answer. No. If a product that is critical to our national security is available from a foreign source and our government cannot eliminate the product's foreign availability, prohibiting or controlling the export of the U.S. product will be ineffective. Trying to control the U.S. product in such circumstances won't enhance national security and will only hurt the U.S. economy by unnecessarily limiting exports needed to provide jobs.●

COURAGEOUS INDIVIDUAL HONORED

HON. RICHARD C. SHELBY

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 21, 1983

● Mr. SHELBY. Mr. Speaker, I would like to recognize an outstanding individual and share her courageous story with my colleagues in the House of Representatives.

Donna Jean Thornton of Northport, Ala., was selected as the new Miss Wheelchair Alabama in June of this year. She represented the State at the Miss Wheelchair America contest held in August at Salt Lake City, Utah. During this competition Donna was honored by her peers and named Miss Congeniality.

In many ways, Donna is a typical, attractive, down-to-earth young woman—except that when she was injured in a vehicular accident in 1981, doctors told her mother that they did not expect her to live.

Since that time, Donna has been a quadriplegic, paralyzed from the neck down. She has limited use of her arms and hands and moves about with the help of a wheelchair. Donna attributes her survival to friends and family.

In discussing her title Donna said:

My philosophy is to take one day at a time. Do the best we can which in turn should make the world a better place.

My main objective as winner of the state pageant is to be a good representative of the handicapped. I also want to get Tuscaloosa more involved with the Miss Wheelchair Pageant, Inc. I feel so grateful for the support I received in getting to the state pageant.

Mrs. Rebecca Crawford, registered nurse for the Homebound Program of Alabama Vocational Rehabilitation Services since May 1980, helped in preparing Donna for the State competition. Mrs. Crawford was recently elected to the board of directors of the National Association of Rehabilitation Instructors for the southeastern area of the National Rehabilitation Association. I would like to take this opportunity to commend Mrs. Crawford on her efforts. She has devoted many long, hard hours in Donna's rise to the top. Her devotion to helping the handicap surpass all boundaries.

In discussing her accident, Donna has said that the days following were hard ones. Medical complications arose from her accident, including a collapsed lung and pneumonia. She stayed at Druid City Hospital for about a month and went to Spain Rehabilitation Center in Birmingham.

"I'm the most impatient person in the world—or I was," Donna said. Rehabilitation was tedious. "The simplest things seemed impossible. The people at Spain would push me so hard I would get dizzy from low blood pressure and pass out."

"Once I got over my 'I'm so pitiful I want to die' stage, I went back to Spain. Everybody was so nice, and I realized the problem wasn't them. It was me."

"Now I see that, even though it's gonna take me a lot longer to do something than it will somebody else, I know I'll be able to do most everything."

Of the months since her accident, Donna said:

So far, things have gotten better from the day it happened. I think it'll keep getting better. I know that one day I'll be able to be independent, and that makes all this aggravating stuff worthwhile.

Donna is a student at Shelton State Community College where she is studying recreational therapy. She wants to finish her undergraduate degree work in recreational therapy at the University of Alabama and pursue a master's degree in Mobile, the nearest area with a graduate program in recreational therapy.

Donna Jean Thornton has brought great pride to Northport and the State of Alabama. She is truly a remarkable young woman with a wonderful outlook on life in spite of her disability. I am proud of the honor she has brought to herself, and I certainly

wish her the very best in her future endeavors.●

UNITED STATES-JAPAN COAL TRADE

HON. NICK JOE RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 21, 1983

● Mr. RAHALL. Mr. Speaker, the report accompanying H.R. 3222, the Commerce, Justice, State, judiciary appropriation for fiscal year 1984—favorably considered by this body this week—contains language expressing concern over the U.S. declining share of the Japanese coal market.

The Appropriations Committee urges the State Department to work with the Commerce Department "to utilize any available opportunities to negotiate with the Japanese with respect to maintaining the U.S. share of the Japanese import coal market."

I commend the committee for including this language in the report. Coal exports to Japan—the largest market for U.S. coal—in the first quarter of this year were less than half of the tonnage exported to Japan during the first quarter of 1982. Some U.S. coal companies might actually experience export decreases to Japan of as much as one-third.

This trend is disturbing. The Japanese Export-Import Bank is lending the Peoples Republic of China $2 billion to develop new coal mines. Meanwhile, the Japanese are aggressively investing in coal operations in Australia. Obviously, these actions of the Japanese come as a loss to the United States.

The importance of maintaining the U.S. share of the Japanese coal market cannot be underestimated. In 1982, the United States supplied the Japanese with 26 million tons of coal which had a value of $1.6 billion. This tonnage, most of which was of metallurgical quality, represented 12,000 coal-mining jobs. A good deal of this coal comes from the metallurgical coalfields of southern West Virginia.

Faced with unprecedented levels of coal industry unemployment in those coalfields, in January I contacted President Reagan prior to his meeting with Japanese Prime Minister Nakasone, urging the President to discuss the coal-trade issue with the Prime Minister. The President and Prime Minister Nakasone agreed to establish a United States-Japan energy working group which would examine the potential for increases in the coal trade.

This working group met in Tokyo on July 4 and 5. Prior to this meeting, 18 members of the congressional coal group wrote to Secretary of State George Shultz expressing concern over the 1982 trade imbalance of $19 million between the two nations. The letter stated:

> A certain degree of reciprocity must be maintained between the two nations. The Japanese would benefit from purchasing one-third of their coal requirements from the United States because they would be insured of both security and diversity of supply. The United States would benefit because the existing trade imbalance would be reduced and coal miners would be put back to work.

Unfortunately, the Japanese did not find much merit in the U.S. position during the July working group meeting and it is my understanding that the second meeting, held earlier this month in Alaska, had the same result.

Mr. Speaker, I, for one, cannot tolerate the excessive trade imbalance between the United States and Japan. It is expected to increase to $22 million this year.

If the Japanese continue on this course, they must be served notice that they are inviting a protectionistic response from the United States. The free flow of Japanese merchandise into this country, manufactured from steel, must be controlled if the Japanese choose to ignore the use of U.S. metallurgical coal in the production of their steel.

The report language accompanying this appropriation bill is an endorsement of the Commerce Department's negotiating efforts with the Japanese. I would submit that the Japanese should not take these negotiations lightly.●

THE BAHA'I FAITH OUTLAWED IN IRAN

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 21, 1983

● Mr. FRANK. Mr. Speaker, the cruelty and intolerance of the Khomeini regime in Iran is well known. One of the most horrifying instances of this has been the brutal persecution of the Baha'i community, which has included numerous executions. Until now this appalling campaign has been carried out under the shaky pretext that the victims had been working to subvert the Government. This was rank hypocrisy: The Baha'is are in fact being persecuted simply because they are Baha'is. The Iranian Government proved this recently by issuing an edict banning all Baha'i activities. This edict, if interpreted broadly, makes 200,000 Iranians criminals by a stroke of the pen.

Mr. Speaker, this edict is the Khomeini regime's equivalent of the Nuremburg laws; it is the first step along the road to genocide. Dr. Firuz Kazemzadeh, leader of the Baha'i community in the United States, has written a thoughtful analysis of this latest edict, one which reveals the hypocrisy of the Khomeini regime, and which shows that Iranian policies flagrantly violate international conventions regarding genocide. I ask that his insightful comments be reprinted here.

The article follows:

THE BAHÁ'Í FAITH OUTLAWED IN IRAN

On August 29, 1983, the Tehran newspaper Kayhan under the headline "Banning of Bahá'í Activities" published an interview with Iran's Revolutionary Prosecutor Sayyed Hosein Musavi Tabrizi. Asked whether he wished to comment on the "stir about the execution of Bahá'ís in Iran," made by the world's news media, the Prosecutor replied that he had no intention of reacting and, instantly contradicting himself, proceeded to react, saying that Iran's Ministry of Foreign Affairs had already been instructed to "announce officially that today there are plenty of Bahá'ís in Iran. We never kill them or imprison them because they are Bahá'ís." However, the Prosecutor continued, "some of them are spies." He then accused "some of them" of sabotage, sending money out of Iran and, in several instances, of hoarding automobile spare parts.

Accusing Bahá'ís of espionage and other crimes was not new; the admission that there were "plenty of Bahá'ís in Iran" was. The Islamic regime, like its predecessors, has always claimed that there were virtually no Bahá'ís in Iran. Now that more than 150 Bahá'ís have been executed and hundreds of others thrown in jail, it has become necessary to tell the world that these were only a small fraction of the total and that there were "plenty of Bahá'ís who lived unmolested in the Islamic Republic.

In behalf of the government the mullah announced the banning of "all the collective and administrative activities of Bahaism in Iran "and noted that the Constitution of the country has also not recognized them."

The Chief Prosecutor further stated that individual Bahá'ís were free to perform their religious acts as long as they did so in private, were not active, did not invite others to take part, did not teach their faith, did not communicate information, did not form assemblies, and did not cooperate with Bahá'í administrative institutions. Obeying the commandments of their religion and unwilling to break laws, the Bahá'ís announced the dissolution of all their administrative institutions, including the National Spiritual Assembly, some 600 local assemblies, and all their ancillary institutions.

The new edict of the Islamic government is a most important step on the path leading to the eventual obliteration of Iran's Bahá'í community. The Bahá'í Faith has no clergy. The religious community is governed by local assemblies, democratically elected every year by all adult believers, and a national assembly, elected at an annual convention. These bodies appoint committees which are charged with the conduct of activities for the benefit of the community such as managing periodic gatherings, organizing classes for adults and children, publishing Bahá'í literature, directing Bahá'í schools and charitable institutions, providing advice and counsel to individuals on personal and family problems, promoting the knowledge of the fundamental principles of the faith (unity of mankind, universal peace, universal education, essential unity of all religions, abandonment of inherited

prejudices, harmony of religion and science).

The assemblies are the spiritual, administrative and organizational focus of Bahá'í life. The effect of their elimination on the Bahá'í community would be comparable to what the Catholics of a diocese would experience if they lost their bishop, all priests, churches, charitable and educational institutions and were permitted only to say prayers in the privacy of their homes.

It should be noted, moreover, that by officially proclaiming Bahá'í institutions criminal associations and participation in them a criminal act, the Islamic government has produced an excuse for the future arrest of more than 5000 men and women who served on local spiritual assemblies and of other thousands who served on various ancillary institutions.

The banning of Bahá'í administrative institutions in Iran is an act of genocide for it is intended to extirpate a religous community by creating conditions in which its survival will be impossible. The United Nations Convention on the Prevention and Punishment of the Crime of Genocide which went into effect in 1951 defines genocide as "any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such: (a) Killing members of the group; (b) Causing serious bodily or mental harm to members of the group; (c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part; (d) Imposing measures intended to prevent births within the group; (e) Forcibly transferring children of another group." Points a, b, and c fully apply to the actions that have been taken against the Bahá'í, and there have been instances of e as well.

The proscription of Bahá'í institutions though comprehensive in its evil effects on the Iranian Bahá'í, is only one of many measures that include executions, refusal of employment, withdrawal of pensions, expulsion from schools, systematic public harassment, confiscation of all community properties, confiscation of religous literature, destruction of holy places, and slander designed to provoke hatred. The list could be greatly extended but no further evidence is needed that the Bahá'í of Iran have become victims of genocide.●

CHARLES C. THOMPSON

HON. CHARLES W. STENHOLM

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 21, 1983

● Mr. STENHOLM. Mr. Speaker, on August 5, 1983, the State of Texas and Texas agriculture in particular, lost one of its finest citizens: Charles C. Thompson of Colorado City, Tex., who died as the age of 85.

No words could better honor this remarkable individual, a man whose positive influence affected not only me personally, but virtually every farmer in the State of Texas, than the editorial in the Abilene Reporter-News following his death.

I would like to share those words with this body in recognition of a truly great, though often unheralded American:

It is possible, perhaps that some isolated corner exists in the Big Country that did not feel the influence of Charles C. Thompson, who died Friday at the age of 85. If so, it would be hard to find.

It was said of Thompson—hailed more often as "Charlie" or "Mr. Charlie" by friends everywhere—that he threw a lengthy shadow over the Big Country. He served as a regional leader in an astounding number of capacities. He was honored by nearly every civic organization in the area. Wise men across the country sought his advice.

In short, the mark he left on this part of the country cannot be overestimated.

He liked to point out that he herded sheep until he was a youngster of 14, and he worked with cattle and farmed for the greater part of his life. Born in 1898 in Erath County, he spent his life in West Texas, residing much of the time on a 6,000-acre farm and ranch near Colorado City.

Except for that stint as a sheepherder, Thompson never was one to limit himself to a single career, managing to combine interests and skills in many fields. He started out as an attorney—his first law partner, former U.S. Rep. George Mahon. Next came the county judgeship of Mitchell County, a job he held for three terms. He then turned to banking, becoming president of the City National Bank of Colorado City in 1938, and board chairman in 1955.

In 1927 he was one of the first to join the Colorado City National Farm Loan Association. In 1932 he helped organize the Mitchell County Agricultural Credit Corp. to provide financing to farmers and ranchers during the Depression.

Thompson also worked closely with the Federal Land Bank of Houston, the Federal Intermediate Credit Bank of Houston and the Houston Bank for Cooperatives. His tenure on the Farm Credit Board of Houston stretched from 1943 to 1977, including service as board chairman beginning in 1952.

In all, Thompson was associated with farm credit institutions for about 50 years, longer than any other American.

He also spent 20 years on the board of Texas Tech University, serving as chairman for 15 of those years. Tech named a building after him.

He also served for 20 years on the board of the Texas Electric Service Co.

His civic contributions and the honors he received from a vast variety of organizations are too numerous to list.

Despite all these accomplishments, however, Thompson remained a man in love with farming, ranching and the quiet, simple life they afforded.

As he stated in an interview in 1975, "I have been a country boy, a farmer and stockman all my life. It's nothing new to me to be in this business. I'll continue to be in it until I'm through with this life.

Mr. Charlie, your friends across Texas and across this country will miss you.●

EXIMBANK GUARANTEES

HON. BILL PATMAN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 21, 1983

● Mr. PATMAN. Mr. Speaker, House Resolution 311 that I introduced expresses the sense of the House of Representatives that Export-Import Bank delay issuing guarantees and insurance to the Government of Mexico and the Government of Brazil in the amount of $2 billion until the Congress has an opportunity to review such transactions.

Today I received a report from the Congressional Research Service that emphatically points out the problems that the Eximbank is overlooking in order to grant these guarantees.

Since Brazil and Mexico are already delinquent on existing Eximbank credits the proposal "appears to be an exception from the stated policy, of the Eximbank, regarding treatment of delinquent borrowers." Further, "in case of default the use of loan guarantees, instead of direct loans entails a special risk for Eximbank. In the case of defaults involving loan guarantees, the payout on the guarantee is immediate."

The "Bank's profitability is of concern if Congress is not to be faced with large Eximbank losses at a time when there is a large overall budget deficit." Another concern is the serious precedent that this might set for other guarantees to other countries. It needs careful scrutiny by Congress.

Attached is the memorandum from Congressional Research.

CONGRESSIONAL RESEARCH SERVICE,
THE LIBRARY OF CONGRESS,
Washington, D.C., September 20, 1983.

To: Hon. BILL PATMAN (Attention: Barbara Rudd).

From: Patricia Wertman, Analyst in International Trade and Finance, Economics Division.

Subject: Export-Import Bank Guarantees of Export Credits to Brazil ($1.5 billion) and Mexico ($500 million): Some Economic Considerations.

The legality of the proposal to guarantee $2 billion in export credits to Brazil and Mexico will be considered in a separate memorandum to be prepared by the American Law Division of CRS.

The primary purpose of the Export-Import Bank (the Bank or Eximbank) is to finance the export of American goods and services. The Bank is also required by its basic statute (the Export-Import Bank Act of 1945) to be self-sustaining. The Bank's profitability is of concern if Congress is not to be faced with large Eximbank losses at a time when there is a large overall budget deficit. During FY 83 Eximbank faces a loss expected to exceed $250 million.

At the current time it appears likely that Brazil and Mexico will continue to have difficulty servicing their debts. Brazil, with nearly $90 billion in outstanding debt, has asked the Paris Club of creditor governments to delay $1.5 billion in payments due in 1983 and 1984. Brazilian commercial bank debt of $4 billion falling due in 1983 has been rescheduled over an eight-year period.

A similar rescheduling of $7.5 billion falling due in 1984 has been requested. Arrears on interest payments are estimated to be $2 billion.[1] Brazilian gold reserves has been ex-

[1] Hughes, Margaret. Brazil Faces Fresh Crisis As Interest Arrears Touch $2 Billion. Financial Times of London, August 22, 1983: 11.

hausted. Brazil has a tentative agreement with the International Monetary Fund (IMF) which will release new funds, but the agreement has not yet been approved by the IMF's board. Brazil now has two repayments of $400 million each outstanding to the Bank for International Settlements (BIS). By March 31, 1983, Brazilian arrears to Eximbank amounted to $1 million.

The prospects of Mexico, which owes about $86 billion, appear to be somewhat better than those of Brazil. A large trade surplus enabled Mexico to draw only half of $1.7 billion which had been made available by Mexico's private lenders. $20 billion owed by Mexican state agencies to commercial banks and falling due between August 1982 and December 21, 1984 has been successfully rescheduled.[2] Mexico is fulfilling its agreement with the IMF. The combined arrearage of principal and interest owed to Eximbank is $6.4 million.

Generally, it is the policy of the Government of the United States to disapprove loans to countries with arrearages of 90 days or more unless a specific exception is decided upon. According to the National Advisory Council's (NAC) most recent annual report:

"The National Advisory Council believes that the existence of significant debt arrearages to the U.S. Government or its agencies is an important consideration in passing judgment on specific loan proposals. As a general policy, the Council recommends that loans to countries whose governments are in arrears 90 days or more on debts which they or their agencies owe to the U.S. Government or its agencies should be deferred, and where appropriate, disapproved. Exceptions to this general rule must be explicitly approved." [3]

Thus, U.S. policy, unless specifically indicated to be otherwise, is to discontinue lending to borrowers already in arrears. Brazil and Mexico are already delinquent on existing Eximbank credits. The proposed loans to Brazil and Mexico appear to be an exception from the stated policy regarding the treatment of delinquent borrowers.

The proposal to extend assistance to Brazil and Mexico through the Eximbank envisions the use of loan guarantees. The use of loan guarantees, instead of direct loans entails a special risk for Eximbank. In the case of defaults involving loan guarantees, the payout on the guarantee is immediate. By comparison, direct loans can be rolled over or rescheduled.[4] Most of the losses which Eximbank is sustaining involve payouts on bank guarantees to Mexico. Increasing the availability of funds for direct loans might be an alternative, although direct loans are fully charged to Eximbank loan limitation ceiling. While ceilings for loan guarantees are established in the budget, they are charged to the ceiling at the rate of 25 percent. An advantage of direct loans, however, is that their costs are more apparent than those of guarantees.

There appear to be three important financial or economic goals involved in the decision to provide export credits to Brazil and Mexico: the desire to promote U.S. exports, the desire to provide immediate financial assistance to Brazil and Mexico and, implicitly, the desire to stabilize the international system. In addition, there are considerations other than financial and economic ones. The Eximbank has always been used to further the foreign policy goals of the United States.[5] Foreign policy considerations regarding the internal stability of Brazil and Mexico and of the region are extremely important, but outside the scope of this paper. They are also much more difficult to quantify. The most obvious cost is the potential for large loan losses damaging to Eximbank.

The choice of a financing vehicle is also very important, affecting the ultimate costs. Congress may wish to consider whether this assistance can be most effectively provided through the vehicle of loan guarantees, direct credits, or even a rarely used straight balance-of-payments loan.●

[2] Mexico Repays Loans From U.S. and BIS, Plans to Restructure $20 Billion in Credit. Wall Street Journal, August 24, 1983: 22.

[3] National Advisory Council. Annual Report Fiscal Year 1981. Washington, D.C., U.S. Govt. Print. Off., Aug. 12, 1983: 70.

[4] Banker of the Year. Wall Street Journal, Mar. 16, 1983: 30.

[5] See the attached article by George Holliday written in 1975 and titled "History of the Export-Import Bank of the United States."

QUESTIONNAIRE RESULTS 1983

HON. ANTHONY C. BEILENSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 21, 1983

● Mr. BEILENSON. Mr. Speaker, earlier this summer I mailed a questionnaire to my constituents in California's 23d Congressional District. The reaction to this survey was overwhelming—nearly 18,000 individual responses were returned to my offices in West Los Angeles and in the San Fernando Valley.

Once again, this year's congressional poll sought from my constituents views and comments on some of the major controversies which have and will continue to dominate the attention of this Congress. The poll included questions on Federal spending priorities, the deficit, energy, the environment, foreign affairs, U.S. trade, and immigration reform.

Of those who responded to the questionnaire, the overwhelming majority either favored freezing military spending at the 1983 level—57 percent—or raising defense spending by only 5 percent next year as called for in the congressional budget resolution—23 percent. Only 18 percent of those responding supported the overly ambitious and unsustainable defense spending increase originally requested by President Reagan.

On a question concerning our policy in El Salvador, 60 percent opposed providing increased military aid to the Salvadoran Government, while 35 percent supported the President. Concerning the MX, 55 percent opposed producing and deploying this missile, while only 37 percent favored it.

This year's poll yielded interesting results on other questions also. A significant majority—62 percent—expressed support for congressional efforts to acquire and preserve valuable scenic land in the Santa Monica Mountains National Recreation Area and in other Federal parks authorized by Congress.

Mr. Speaker, my constituent survey has once again been useful in obtaining the views of those I represent, supplementing personal meetings with as many constituents as possible each year and the many phone calls, letters and telegrams I receive. I believe other Members of Congress may find this survey to be informative also, so I would like to share the results with my colleagues at this time.

[In percent]

	Yes	No	No answer
1. MX Missile: The Reagan Administration has asked Congress for funds to deploy 100 MX missiles in silos in Wyoming and Nebraska, arguing that these new missiles are required to maintain a credible nuclear deterrent. The Administration says that without the MX the Soviets will achieve nuclear superiority and lose all incentive to negotiate a reduction in nuclear weapons. Opponents charge that the MX is a destabilizing, first-strike weapon which will increase the danger of nuclear war; that the missile will be vulnerable based in existing silos; and that it is unnecessary for deterrence since our submarines, bombers, and Minuteman ICMBs already provide a secure retaliatory force.			
Do you favor production and deployment of the MX missile?	37	55	8
2. El Salvador: Since 1980, the United States has spent over a billion dollars on military and economic aid to El Salvador. The Administration is proposing to send an additional $110 million this year to assist the Salvadoran government in its fight against rebel forces, and $86 million in military aid next year. President Reagan, in a recent speech to Congress justifying his aid requests, said El Salvador is vital to U.S. interests. "If we cannot defend ourselves there, we cannot expect to prevail elsewhere," he declared. "Our credibility would collapse, our alliances would crumble, and the safety of our homeland would be put in jeopardy." Critics charge that simply increasing military aid to El Salvador will not resolve the conflict there. They argue that the United States should be doing all it can to encourage a settlement of the civil war through negotiations, which are supported by our allies in the region, and they maintain that the Administration has not been firm enough in insisting on an end to human rights abuses by government security forces.			
Do you agree with President Reagan that maintaining the present government in El Salvador is essential to America's credibility and safety?	36	58	6
Do you think the United States should send American troops into El Salvador if needed to prevent the collapse of the Salvadoran government?	21	74	5
Do you support the Administration's policy of increasing military aid to El Salvador?	35	60	5
3. Immigration Reform: Congress is considering a bill which would control illegal immigration by penalizing employers who hare undocumented workers and by legalizing aliens who can prove they entered the United States before January 1982. This bill is referred to as Simpson-Mazzoli, in reference to its sponsors. Opponents say the Simpson-Mazzoli bill would reward lawbreakers by allowing illegal aliens to remain in this country and to fill jobs needed by American workers. Civil rights advocates contend that the new penalties prohibiting the hiring of illegal aliens would lead to discrimination against Hispanics and other minorities. Business groups oppose the penalties because they do not believe employers should be responsible for enforcing the law. On the other hand, supporters of the reform bill maintain that the legalization program is needed because it is impossible to locate and deport all illegal aliens. They argue that a new law against hiring such aliens would curb future immigration substantially by limiting access to jobs. Advocates also say the Simpson-Mazzoli bill strikes a good balance between civil rights concerns and the need to regain control of America's borders, and that it offers the only real hope for immigration reform this year.			

	Yes	No	No answer
Do you support the Simpson-Mazzoli immigration reform bill?	62	31	7
4. Medicare: The greatest increase in federal spending during the next 10 years will be in Medicare and other federally funded health care programs. The cost of Medicare has doubled in just 5 years from $28 billion to nearly $60 billion, and budget analysts predict it will double again by the end of the decade. Budget experts agree that spending for Medicare and other entitlement programs must be controlled before federal spending can be reduced. These experts predict that because of sharply rising costs, Medicare's hospital insurance fund will be depleted by 1988 unless major reforms are enacted.			
What steps would you favor to control Medicare spending and guarantee that the Medicare fund remains solvent? (Choose as many as you wish.)			
A. Increasing gradually the amount workers contribute to the Medicare fund (now set at 1.3 percent of an employee's gross wages)	49	33	18
B. Increasing the deductible that Medicare recipients pay when receiving health care services	38	40	22
C. Reducing Medicare expenditures by limiting the amount paid to doctors and hospitals for medical treatment	64	20	16
D. Reducing Medicare expenditures by restricting coverage or by increasing the age at which coverage begins	29	47	24
E. Using general tax revenues to finance any future shortfalls in the Medicare fund	47	35	18
5. Budget Deficit: President Reagan's budget will soon result in federal deficits of $200 billion or more annually, the highest in our nation's history. The President opposes all efforts to lower these deficits by increasing taxes or moderating his $1.8 trillion, five-year military spending plan. The President's budget would cut spending next year for education, job training, child nutrition, pollution control and other domestic programs by $2.8 billion, but these cuts would be more than offset by his proposed $35 billion increase in spending for defense. Opponents of the President's tax and budget policies contend that continued high deficits will choke off economic recovery by crowding out private sector borrowing, thus keeping interest rates up and unemployment high. They argue that we must reduce these deficits to keep our economic recovery going, and that we should do this by raising some taxes, holding defense outlays to a reasonable level, slowing the growth of entitlement programs, and carefully evaluating all other federal spending. Congress this year will discuss various plans to lower future deficits, and many members believe that both defense spending restraint and some new taxes are needed.			
Which of the following defense spending proposals do you favor for next year? (Choose one.)			
A. Increasing military spending by $35 billion—10 percent above the rate of inflation—as proposed by President Reagan (Total defense budget: $280 billion)	18	41	41
B. Increasing military spending by $23 billion—5 percent above the rate of inflation—as proposed in the congressional budget resolution (Total defense budget: $268 billion)	23	37	40
C. Freezing military spending at this year's level (Total defense budget: $245 billion)	57	19	24
Which of the following proposals do you favor to raise new revenue and reduce future deficits? (Choose as many as you wish.)			
D. Enacting standby taxes, beginning in 1986, as recommended by the President, including a $5-per-barrel excise tax on oil and a 5 percent surcharge on personal and corporate income taxes (Estimated revenue, 1985–1988: $146 billion)	31	35	34
E. Making the 10 percent personal income tax cut which goes into effect this month temporary, and repealing it in 1985 or 1986 if the economic recovery is strong but deficits remain high (Estimated revenue, 1987–1990: $160 billion)	44	29	27
F. Repealing the tax indexing law. This law is scheduled to go into effect in 1985 and would adjust tax rates to compensate for inflation's tendency to push wage earners into higher tax brackets (Estimated revenue, 1985–1988: $90 billion)	21	48	31
G. Repealing tax cuts scheduled for 1984, including expanded business and investment credits, a larger allowance for foreign earnings, and cuts in the windfall profits tax on new oil and in cigarette and telephone excise taxes (Estimated savings, 1985–1988: $39 billion)	43	29	28
H. Supporting President Reagan's position—making no change in present tax laws—on the assumption that, left alone, the President's "supply-side" tax policy will promote economic recovery and produce lower deficits	33	40	27
6. Natural Gas Prices: In response to natural gas shortages, Congress passed a law in 1978 to promote the search for new supplies by allowing significant price increases for newly discovered gas. The same law continued controls on "old" gas—gas discovered before 1978—so that the average price for the mix of new and old gas would not rise too fast. Because a lot of new gas was discovered, while demand declined, many gas companies are stuck now with contracts forcing them to purchase more new gas than they need. These contracts prevent them from buying the cheaper old gas which would help keep the average price of their gas down. Consumers, as a result, have been hit with soaring gas bills. Faced with an outcry over price increases, the Reagan Administration has proposed deregulating the price of all natural gas, hoping to lower average gas prices. Opponents believe decontrol will only increase prices. Instead, they favor lowering the average price of gas by modifying pipeline contracts so that more old gas may be sold along with higher-priced new gas.			
Which of the following proposals do you favor to control rising natural gas prices? (Choose one.)			
A. Deregulating the price of all natural gas, as advocated by the Reagan Administration	37	32	31
B. Modifying pipeline contracts, as recommended by opponents of natural gas decontrol	58	16	26
7. Family Planning: The Department of Health and Human Services has ordered family planning clinics receiving federal support to notify parents when their teenage children obtain birth control prescriptions. Advocates of family planning have obtained a court order to block the enforcement of this rule. The Department claims its action will encourage family participation in federally supported health programs. Critics say the rule will cause teenagers to avoid family planning programs and lead to a rise in teenage pregnancies and abortions.			
Do you think family planning clinics that receive federal funding should be required to notify the parents of teenagers who receive prescription contraceptives?	29	68	3
8. Hazardous Waste: Congress created a hazardous waste "superfund" in 1980 to pay for the cleanup of chemical dump sites that threaten public health and safety. This $1.6 billion fund, however, will pay for cleaning up only about one-quarter of the more than 400 sites targeted by the Environmental Protection Agency for immediate, emergency cleanup. Some 14,000 dump sites—all of them potentially hazardous—are known to exist. Obviously, much more money will have to be spent. One plan to raise the additional money needed would impose a tax on chemical wastes to pay for waste cleanup and to provide an economic incentive to detoxify or recycle wastes instead of dumping them in the first place. Critics say this new tax would increase the cost of some goods.			
Do you favor taxing the chemical industry to pay for the cleanup of hazardous chemical waste and to encourage waste recycling and detoxification?	93	6	1
9. Federal Parks: The Reagan Administration has halted the acquisition of land for federal parks, including the Santa Monica Mountains National Recreation Area which was established in 1978. Administration officials say that, with deficits high and money tight, government should only maintain those parks already completed. Critics of the Administration's policy say it is short-sighted to halt or delay work on important new parks such as the Santa Monicas since land costs are rising and key parcels are in danger of being lost to development.			
Do you support the acquisition of land to allow the completion of already-authorized federal parks?	73	24	3
10. U.S. Trade: Congress is considering several proposals that would restrict the importation of foreign goods in order to protect American industries and save jobs. One proposal is the automobile "domestic content" bill which would require a substantial portion of U.S. parts and labor to be included in every car sold here. Foreign manufacturers who fail to meet this standard would have to reduce the number of cars and trucks they sell in the U.S. Supporters say the domestic content bill would save 700,000 U.S. jobs. Opponents argue that this trade restriction would drive up prices and actually cause a net loss of U.S. jobs—in other American industries as other nations retaliate by restricting American exports, and among Americans who sell and service imported cars.			
Do you favor passage of the domestic content bill to limit the import of foreign cars?	36	59	5

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BEN COHEN REMEMBRANCE

HON. CLAUDE PEPPER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 21, 1983

● Mr. PEPPER. Mr. Speaker, on August 15 I lost a dear friend and the country a great American when Ben Cohen died. Ben was one of the most brilliant men of his generation, a member of President Roosevelt's brain trust who worked selflessly to lift this country out of the depths of the Depression.

I came to know Ben Cohen shortly after I came to the Senate in November 1936. From time to time I met and consulted with him about various aspects of the New Deal and about legislative matters of particular interest to Florida. My close association with Ben began in the summer of 1940. I had suggested rather casually at a press conference that the United States might lend Britain and France some airplanes out of our Air Force to be replaced by airplanes already on order once they became available.

Ben read my comments in the press and invited me to meet with him that evening to discuss our proposition. We spent the evening drafting a resolution which was the first lend-lease resolution introduced into the Congress. Before introducing the legislation I called President Roosevelt's personal secretary and read it to her requesting that she tell the President if I did not hear back from him by noon I would introduce it. When I finished reading it, Miss LeHand said, "My, it would be great if we could get that."

The Foreign Relations Committee of the Senate rejected my resolution. About a week or so later Ben Cohen, Walter Lippmann, Charles Marsh, and I met and drafted another resolution more like the one finally adopted in March 1941. Thereafter I saw much of Ben and worked often with him upon legislative and policy matters during the years that Ben remained active in government.

America should always be grateful that among its citizens at a critical period in the Nation's history was a devout son like Ben Cohen employing his genius in the Nation's service.

Gentle, kind, compassionate, tenacious of purpose, highly devoted to his ideals and extraordinarily brilliant, Ben Cohen was a rare and noble man. Truly, "we shall not see his like again."

Mr. Speaker, I insert the following articles about Ben and his career in the RECORD following my remarks:

BENJAMIN COHEN, KEY NEW DEAL THINKER

Washington.—Cohen and Corcoran—the shy, think-it-though Jew, the outgoing, get-it-done Irishman: It was a team that commanded Washington's attention in the early New Deal and reshaped America's way of doing business.

They were called "the Gold Dust Twins" from a soap adverstising slogan of the day ("Let the Gold Dust Twins do your work"). Or some called them Felix Frankfurter's two chief little hotdogs."

The shy, intellecutual Benjamin V. Cohen, 88, senior partner of this unlikely pairing, died Monday of pneumonia after two weeks in a hospital. He had lived alone, a bachelor with his dog who had been looked in on by friends from his old law firm.

Thomas (The Cork) Corcoran died in 1981. The two had drifted apart ideologically—Mr. Corcoran becoming increasingly conservative—but remained friends all their lives.

When Franklin D. Roosevelt took office in 1933, he said America had nothing to fear but fear itself, but he needed more than hopeful words to revive confidence. He needed ideas and laws.

He turned to Mr. Frankfurter, the Harvard Law School professor who had been supplying Washington with brilliant students since the administration of Woodrow Wilson.

Mr. Frankfurter sent Mr. Cohen and Mr. Corcoran, and together they came up with laws to correct stock market abuses that had wiped out so many novice investors and ways to prime the pump of a dried-up economy (an idea Mr. Cohen got from economist John Maynard Keynes in Europe in the 1920s).

Mr. Corcoran's talent lay in pushing through legislation. He whisked about the Capitol's corridors, arguing, cajoling, pleading or threatening to get lawmakers to line up behind FDR's then-radical ideas. Stocky and with the shoulders of a halfback, he was energetic, ingenious, optimistic, affable. He could play Gilbert and Sullivan on the piano without glancing at the notes; he loved the outdoors and built a weekend cabin in the woods with his own hands.

Mr. Cohen, tall but slouched, was a gentle, sad-faced pessimist content to remain in the background as the meticulous draftsman, the intellectual. He got along on a few hours' sleep and read detectives stories as a diversion from heavy thinking.

Both were gluttons for work. They shared a Georgetown apartment—known as "the little red house on R street"—and often worked all night, figuring out how to overcome objections their bills had provoked the previous day.

Mr. Corcoran liked to boast that he purposely made bills complicated so the average lawyer would miss some of their far-reaching implications, and he made them stronger than he really wanted them to be so his original ideas would survive the watering-down process in Congress.

Together, the two planned the Tennessee Valley Authority, Federal Housing Administration, the first Wage and Hour Law, the Electric Farm and Home Authority. Their masterpiece was a body of law curbing Wall Street's malpractices.

They drafted the Public Utility Holding Company Act of 1935, helped enact it, and as special assistants to the attorney general, defended it against 81 lawsuits brought by holding companies.

Washington lawyer Joseph L. Rauh, Jr., a New Deal disciple of the two, said yesterday that it was Mr. Cohen's idea to transfer 50 old destroyers to help hard-pressed Great Britain against Germany at a time when President Roosevelt was sympathetic but immobilized by national sentiment for strict neutrality.

"Ben was the intellectual leader of the effort to prepare this country to stop Hitler," Mr. Rauh said.

"He was the driving force behind the destroyer deal. He pushed Roosevelt toward greater action. I think the world might not have survived to benefit from what he did in the domestic field if it hadn't been for his activities in the foreign field."

In a speech at a 1977 reunion of New Dealers, Mr. Cohen characteristically turned attention away from himself.

"We were the lucky ones," he said, "caught up by the wise and compassionate leadership of President Roosevelt in the mobilization of the energy experience and knowledge of this great nation to meet its pressing and long-neglected needs.

"For us, it was a time when to be alive was joy and to be young was very heavy."

[From the New York Times, Sept. 5, 1983]

BEN COHEN, A GOOD MAN

(By Joseph P. Lash)

MENEMSHA, MASS.—Benjamin V. Cohen, who died Aug. 16, was a rare man. He and Thomas G. Corcoran were pre-eminent among that "contamination of mischievous cub lawyers," as an anti-New Deal columnist called the men at the heart of Franklin D. Roosevelt's Washington. Ben was as austere, shy and selfless as "Tommy the Cork," as Roosevelt dubbed him, was ebullient and gregarious. They made a team that single-handedly performed for the White House chores of bill-drafting, speech-writing and political strategy now done by hundreds. Tom, who turned to money-making law in 1941, died a few years ago, but Ben, who championed his friend to the very end, remained the selfless, public-spirited jurist—"the best legal brain in Washington."

"The length of a man's life does not count as much as its quality," he once wrote the sorrowing member of a bereaved family. He was himself one of the incorruptibles. At the time of his death, at 88, I had been interviewing him for a "group portrait" I was planning about the New Deal. For years he had been living alone at the Winthrop, an apartment house on Massachusetts Avenue, next to the Brookings Institution. Every day he walked his dog. A lady on his floor brought him his meals. Two fellow New Dealers, younger men, David Ginsburg and Joseph L. Rauh, looked after him, almost forcefully at the end, taking him to the hospital after doctors they consulted insisted that he go, and he refused.

When I started the New Deal book, I asked to see him. I should call when I got in, and if he was well enough he would see me, he replied. He added that he was "monitoring" television and the press, most of whose reporting was superficial. "I am in a fighting mood," he said.

On the appointed day, this tall, gaunt man in ill-matched, slightly baggy clothes, wearing a knitted green wool cap that reminded me of Ichabod Crane, answered the doorbell. Supporting himself on a cane, he led me into his living-room study where tables, chairs, shelves and carpets were stacked with magazines, documents and books. He apologized for the disarray, but as I soon discovered he knew where everything was, down to the paragraph. His books also turned out to be his filing system, with letters, many of historic value, interleaved among the pages. His voice was high-pitched and quavery. It had been the same in the 1950's when, in the United Nations chambers, he expounded the United States position on disarmament—a position, he explained to me, that he had to extract from the Government's military and security agencies. He always had a saving sense of "the need to guard against not only a President's thinking he knows what is good for the country, but against bureaucracies who feel they know what is good for the country."

The dissolution of utility holding companies, the most hotly fought piece of New Deal legislation, was largely his handiwork. He mapped out the strategy of its defense against the utilities' legal onslaught on the bill, led by the eminent John W. Davis, once a Democratic candidate for President. "Everyone in Washington thought that the act was doomed—everyone that is except Cohen," wrote Joe Rauh. But Ben argued its constitutionality before the Supreme Court, which upheld the statute.

He sensed the danger of Hitler early, and, ever the scholar, wanted to take a year off to study foreign affairs. He never was able to take the leave of absence. But when, in 1940 after the fall of France, he heard of Winston Churchill's message to Roosevelt pleading for some World War I destroyers, the memorandum he drafted on the President's right to accomplish the transfer by executive action, together with a tightly reasoned brief along the same lines he produced with Dean Acheson, not yet back in the Government, emboldened the President to act.

He was a staunch supporter of the United Nations. He, along with others, including Eleanor Roosevelt, went to the Kennedy White House in the early years of United States involvement in the Vietnam War to urge that the matter be taken to the world organization, only to be told the United States had decided it could handle the situation better alone. "Had they gone to the United Nations I am sure they would not have gotten what they wanted. But the American people would have had time and opportunity to learn into what a tragic pit they were being asked to leap."

He never abandoned his original vow to use the law for public purposes. He was never appointed to a high bench, as he should have been, and in the last decade of his life when he was asked to cooperate in a fest-schrift in his honor said simply, "It's too late." But up to the end his intimates said of him, as Holmes did of Brandeis, "There goes a good man."

[From the Washington Post, Aug. 18, 1983]

COUNSELOR FOR THE PUBLIC INTEREST

(By Joseph L. Rauh Jr.)

Even in a life as blessed as my own with teachers like Benjamin Cardozo, Felix Frankfurter, A. Philip Randolph, Eleanor Roosevelt and Reinhold Neibuhr, the unceasing wisdom and selfless public spirit of Ben Cohen stand out as an incomparable role model. I am sure I speak for hundreds of men and women, many now departed, whose lives were deeply affected by Ben's teaching in word and deed that working in the public interest is the highest and happiest of callings.

The first time I saw Ben Cohen was in September 1935. He had already made his mark as the author of Roosevelt's laws cleansing the financial markets. Newly enrolled in the New Deal directly from law school, I was assigned to help Ben with the defense of the Holding Company Act he had drafted.

From what I had read in the press, I expected to find a sharp-featured, fast-talking, brash New York lawyer giving orders to a big staff a mile a minute. Instead, there I was looking at a reserved, kindly, sensitive and quiet man who acted as if the acquisition of a "lawyer" just out of law school were the equivalent of Blucher's reinforcement of Wellington at Waterloo.

He told me (his high-pitched voice rising to demonstrate he wasn't always quiet) that "that yellow-belly" John W. Davis was trying an end run with a collusive suit against the Holding Company Act by a bankrupt holding company, and that's the case I was to start working on right away in the next room. What a beautiful learning experience watching Ben outwit Davis at every turn! Scholars of constitutional litigation will look in vain to find a more spectacular legal performance than Ben's victory over Wall Street's best and brightest.

I never worked for Ben in any formal sense after that 1935-36 year on the Holding Company litigation, but somehow I feel I was always working for him the entire 47 years since then. For whether you went to Ben's office to seek his advice or he telephoned to volunteer it concerning some problem or case on which he knew you were working, you always had the feeling he was the guiding spirit of affirmative government—in a true sense the counselor for the public interest.

I remember one day in early 1939 when Irving Levy and I, working as lawyers in the Wage and Hour Division of the Labor Department, faced what we then thought was a pretty monumental problem concerning the enforcement of the law Ben had largely drafted. We told him of our fright as Jews that all the first indictments about to come down under the Wage-Hour law for sweatshop violations of the then 25-cent minimum wage would be of Jewish-owned companies and this would add to the current wave of anti-Semitism.

Like a father comforting two perturbed children, Ben said quietly, "Well, that's fine; you two be the good guys and do the prosecuting and, Irv, you make sure the papers know Joe is Jewish, too."

War was never far off in the late '30s, and no one saw the coming storm more clearly than Ben. I remember his telling Justice Cardozo as early as 1937 that he wished he could take a year off and study world affairs because international disaster was at hand. When Hitler invaded Poland in September 1939, Ben went to war. He became the leader of the group of young government executives and lawyers determined to prepare the nation for the inevitable day of our entry into the war and to keep our potential allies afloat until then.

Possibly his greatest contribution was the destroyer deal. Britain desperately needed our old destroyers, but Congress was reluctant to act. Ben built the case for executive action with meticulous care (he could be a slave-driver to volunteers combing libraries for precedents and arguments) and then sold it throughout the Roosevelt administration. Possibly nothing shows the breadth of his interests and vision better than his ability to turn from the reform of our capitalist system at home to the task of stalemating Hitler's threat to our democracy from abroad.

Ben's foresight on world affairs was not limited to World War II. In the 1950s, when most people didn't know where Vietnam was, Ben used to say there was grave danger of our getting involved in that country. As our involvement escalated, so did his advice to stay out. He would get so worked up on the subject that Dave Ginsburg once suggested we limit Vietnam discussions to 30 minutes at the various dinners we all had together.

Ben's happiest days were in government service. No task was too time-consuming or too hopeless. He and Tom Corcoran had a night male secretary who would type into the wee hours of the morning. Once in a while Ben would sneak out to the late show at the closest movie house (my wife saw him heading for the famous Hedy Lamar "nude" movie), and usually he was asleep by the time the credits were finished. The office joke was that the best way to sleep with Ben was by going to the late show with him.

His wisdom was always available to those who sought or would heed his counsel even after he left the government in the 1950s. But he had no office and wrote little on the subjects about which he knew so much and cared so deeply. Many lawyers sought his association, but he always said no.

Ben was unwilling to apply his talents to representing the interests he had fought in his government days; his head and his heart never forsook the New Deal. He was, to the end, the perfect public interest lawyer.

[From the Washington Post, Aug. 17, 1983]

BENJAMIN V. COHEN

The 15 years from 1932 through 1947 transformed the American government and its place in the world. Through much danger and tribulation, those years turned out well for the country—and, you can add, for much of the world as well. That did not happen automatically through the operation of blind impersonal forces and trends, as elementary history textbooks sometimes suggest, but through the character and intellect of the people who sought to guide that extraordinary change. One of the wisest and most influential among them was Benjamin V. Cohen, who died here Monday at the age of 88.

Some of this country was not far from violent and radical upheaval in the early 1930s. The historic contribution of the New Deal lawyers was to demonstrate that the public already possessed the authority, within the long established traditions of American law and regulation, to recapture control of the public's interests. No one today but the specialists knows anything about the Public Utilities Holding Company Act. That is a sign of its success—it is taken for granted. But in the 1920s speculators had introduced great instability into the American financial economy by developing the practice of pyramiding holding companies and even in 1933, amid the wreckage of their pyramids, they vehemently fought any attempt to control them. The act was important because it showed Americans that their government had both the will and the power to end practices that had been among the most flagrant and visible contributors to the great crash.

With the outbreak of war in Europe and the fall of France, it was clear that Britain was in desperate need of help and that the United States had the strongest possible interest in providing it. Mr. Cohen was at the center of the small group of men who drafted the Lend-Lease Act. Once again political and legal skill found a way, through the law, to meet the unprecedented requirements of a bad moment. In 1947 he was counselor of the State Department in the period when the Marshall Plan was being organized—probably the most valuable idea in American foreign policy in the past 40 years.

At that point he left the government. But he continued to live here, in an apartment on Massachusetts Avenue, and devoted himself to consulting, advising, talking and listening. He lived long enough to see the great legislation of 1933 accepted as essential by the children and grandchildren of the men who at the time had damned its authors as radicals and subversives. He also lived long enough to see the utility industry, and the securities industry, in the hands of people who consider the Holding Company Act and the Securities and Exchange Act to be basic protections of the integrity of their businesses.

It is hard to think of any American of his generation who was more gifted than Mr. Cohen. It is harder to think of any who used his gifts better, in the public service, than he did.●

SUPPORT CONTADORA NATIONS

HON. ESTEBAN EDWARD TORRES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 20, 1983

Mr. TORRES. Mr. Speaker, today's Washington Post reports on the decline of interest by this Congress on the crisis in Central America given the new attention to developments in the Middle East and the downing of the South Korean jetliner.

Mr. Speaker, we must not allow ourselves to become diverted in what was a major issue of debate here only 1 month ago. On Monday, I introduced House Joint Resolution 363.

This resolution would provide a sense of the Congress, expressing the support of the U.S. Government for the objectives of the negotiations of the Contadora nations in their pursuit of a 10-point peace plan for the region.

Last month California's senior Senator, Mr. CRANSTON and I traveled to Latin America and met with the leaders of the Contadora nations.

We stand to gain by supporting the Contadora proposals because they are the best hope that would end violence.

We must assert that the administration support the Contadora leaders' goals for the region in promoting progress on human rights, economic development, and evolution toward democracy.

H.J. RES. 363

Expressing the support of the United States Government for the objectives of the negotiations of the Contadora nations, and for other purposes.

Whereas the United States has an important national interest in encouraging peace, stability, and democratic development in Central America;

Whereas the escalating military conflict in Central America threatens these important United States national interests;

Whereas four key Latin American democracies close to the turmoil in Latin America—Colombia, Mexico, Panama, and Venezuela—initiated a regional dialogue in a January 1983 meeting on Contadora Island, Panama;

Whereas leaders of these so-called "Contadora nations" have made significant and substantial progress in subsequent discussions towards agreements on goals for a comprehensive regional peace; and

Whereas the Contadora nations have proposed a ten-point peace plan for the region involving commitments to (1) end all existing warlike situations; (2) freeze existing offensive weapons; (3) agree to control and reduce the present inventory of armaments, with adequate supervisory mechanisms; (4) prohibit the existence of foreign military installations in their territories; (5) provide previous notice of troop movements near a border; (6) provide joint border patrols or international supervision of borders as needed; (7) establish joint security commissions to prevent, and if necessary, to settle border incidents; (8) establish internal control mechanisms to prevent the supply of arms from the territory of any country in the area to another country; (9) build a climate of detente and trust in the area; and (10) coordinate systems of direct communications among the governments in order to prevent armed conflicts and to generate an atmosphere of reciprocal political trust: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That—

(1) the United States Government expresses its full support for the objectives of the Contadora negotiations and for the ten points outlined by the presidents of the Contadora nations; and

(2) the President of the United States should encourage the nations of Central America to give their full support to the Contadora peace process.

SEC. 2. The Secretary of State shall transmit a copy of this joint resolution to the ambassadors to the United States from Mexico, Venezuela, Colombia, and Panama.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Any changes in committee scheduling will be indicated by placement of an asterisk to the left of the name of the unit conducting such meetings.

Meetings scheduled for Thursday, September 22, 1983, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

SEPTEMBER 23

9:00 a.m.
Energy and Natural Resources
Public Lands and Reserved Water Subcommittee
To hold hearings on S. 1090, to establish a National Outdoor Recreation Resources Review Commission to study and recommend appropriate policies and activities to assure the continued availability of quality outdoor recreation.
SD-366

Foreign Relations
Business meeting, to consider measures relating to the war powers resolution and authorizing the continued participation of U.S. Armed Forces in the multinational force in Lebanon, including Senate Joint Resolution 163 and Senate Joint Resolution 166.
SD-419

9:30 a.m.
Finance
Economic Growth, Employment and Revenue Sharing Subcommittee
To hold hearings on the future of U.S. basic industries.
SD-215

Labor and Human Resources
Aging Subcommittee
To hold hearings to review certain provisions of the Age Discrimination and Employment Act which affect Americans working abroad.
SD-430

10:00 a.m.
Joint Economic
To resume hearings on job training needs of American workers.
2203 Rayburn Building

SEPTEMBER 26

9:30 a.m.
Finance
Taxation and Debt Management Subcommittee
To hold hearings on numerous tax proposals, including S. 120, S. 1397, S. 1584, S. 1814, S. 1815, and S. 1826.
SD-215

10:00 a.m.
Judiciary
Immigration and Refugee Policy Subcommittee
To resume hearings to review the progress of this year's refugee resettlement program.
SD-226

Joint Economic
To resume hearings on job training needs of American workers.
2203 Rayburn Building

SEPTEMBER 27

9:00 a.m.
Office of Technology Assessment
The Board, to hold a general business meeting.
H-227, Capitol

9:30 a.m.
Commerce, Science, and Transportation
Business meeting, to consider pending calendar business.
SD-253

Judiciary
Constitution Subcommittee
To hold hearings on S. 141, to provide a special defense to the liability of political subdivisions of States under section 1979 of the Revised Statutes (42 U.S.C. 1983) relating to civil actions for the deprivation of rights.
SD-226

10:00 a.m.
Agriculture, Nutrition, and Forestry
Soil and Water Conservation, Forestry and Environment Subcommittee
To hold hearings on S. 843, to reimburse farmers for the costs of applying conservation practices to acreage diverted under an acreage limitation program for the 1982 through 1985 crops of wheat, feed grains, upland cotton, rice, and soybeans; S. 998, to establish a conservation program for erosion-prone cropland; and S. 1053, to use surplus agricultural commodities to make supplemental payments-in-kind (PIK) to producers who divert acreage from production of agricultural commodities and devote such acreage to long-term conservation uses.
SR-328A

Commerce, Science, and Transportation
Merchant Marine Subcommittee
To hold hearings on S. 1624, to reserve up to 20 percent of bulk commodity imports and exports for U.S.-flag ships, to allow a tax credit for increased shipping costs, and to establish a capital construction fund for building shipyards; S. 1616, to clarify laws regarding transportation of Government cargoes on U.S.-flag vessels; S. 206, to increase the Secretary of Transportation's role in administering cargo preference laws; and S. 188, to require all U.S. mail shipped overseas to be carried on American vessels.
SR-253

Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366

Environment and Public Works
Nuclear Regulation Subcommittee
Business meeting, to resume markup of S. 893 and S. 894, bills to provide an effective and efficient licensing and regulatory process for the siting, construction, and operation of nuclear powerplants, and on proposed legislation authorizing funds for fiscal years 1984 and 1985 for certain programs of the Nuclear Regulatory Commission.
SD-406

2:00 p.m.
Appropriations
Business meeting, to mark up proposed legislation appropriating funds for fiscal year 1984 for the Departments

of Labor, Health and Human Services, and Education, and proposed legislation appropriating funds for fiscal year 1984 for foreign assistance programs.
SD-192

SEPTEMBER 28

9:30 a.m.
Banking, Housing, and Urban Affairs
Consumer Affairs Subcommittee
To hold hearings on S. 573, proposed Fair Deposit Availability Act.
SD-538

*Judiciary
Juvenile Justice Subcommittee
To resume oversight hearings to review Federal assistance to State and local victims of crime assistance programs.
SD-226

Select on Intelligence
Legislation and the Rights of Americans Subcommittee
To hold closed hearings on intelligence matters.
S-407, Capitol

10:00 a.m.
Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366

Environment and Public Works
Business meeting, to resume markup of S. 1354 and H.R. 3103, bills to provide emergency relief for disaster-damaged roads administered under the Federal-aid highway emergency relief (ER) program; and S. 452, to establish public buildings policies for the Federal Government, to establish the Public Buildings Service in the General Services Administration, and to provide for the authorization of funds for the construction, renovation, and maintenance of public buildings and related activities of the Public Buildings Service.
SD-406

Governmental Affairs
Permanent Subcommittee on Investigations
To resume hearings to investigate alleged involvement of organized crime and mismanagement of funds in the Hotel and Restaurant Workers Union (HEREIU).
SD-342

Governmental Affairs
Civil Service, Post Office, and General Services Subcommittee
To hold hearings on proposed legislation designating funds received from the sale of excess Federal real property to reduce the national debt.
SD-138

11:00 a.m.
Governmental Affairs
Civil Service, Post Office, and General Services Subcommittee
To hold oversight hearings on certain activities of the General Services Administration regarding the disposal of surplus Federal real property.
SD-138

2:00 p.m.
Judiciary
To hold hearings on pending nominations.
SD-226

Select on Intelligence
To resume hearings in closed session on S. 1324, to regulate public disclosure of Central Intelligence Agency information.
S-407, Capitol

SEPTEMBER 29

9:30 a.m.
Banking, Housing, and Urban Affairs
Housing and Urban Affairs Subcommittee
To resume hearings on S. 1821, proposed Secondary Mortgage Market Enhancement Act.
SD-538

Rules and Administration
To hold hearings to discuss media and the regulation of campaign finance.
SR-301

10:00 a.m.
Commerce, Science, and Transportation
Merchant Marine Subcommittee
To resume hearings on S. 1624, to reserve up to 20 percent of bulk commodity imports and exports for U.S.-flag ships, to allow a tax credit for increased shipping costs, and to establish a capital construction fund for building shipyards; S. 1616, to clarify laws regarding transportation of Government cargoes on U.S.-flag vessels; S. 206, to increase the Secretary of Transportation's role in administering cargo preference laws; and S. 188, to require all U.S. mail shipped overseas to be carried on American vessels.
SR-253

Energy and Natural Resources
Water and Power Subcommittee
To hold hearings on S. 1811 and H.R. 71, bills to authorize and direct the Secretary of the Interior to engage in a special study of the potential for ground water recharge in the high plains States.
SD-366

Environment and Public Works
Regional and Community Development Subcommittee
To resume hearings on S. 1525, authorizing funds through fiscal year 1986 for administrative expenses of the Federal Emergency Management Agency and for emergency and disaster relief assistance, and to revise procedures concerning State requests for relief assistance.
SD-406

Governmental Affairs
Permanent Subcommittee on Investigations
To continue hearings to investigate alleged involvement of organized crime and mismanagement of funds in the Hotel and Restaurant Workers Union (HEREIU).
SD-342

Judiciary
Business meeting, to consider pending calendar business.
SD-226

Labor and Human Resources
Education, Arts, and Humanities Subcommittee
To resume hearings on a Presidential commission report on excellence in education, and to review Federal and State efforts to impose higher standards in education.
SD-430

Joint Economic
Economic Goals and Intergovernmental Policy Subcommittee
To hold hearings on certain economic issues relating to the Soviet Union.
2203 Rayburn Building

2:00 p.m.
Judiciary
To hold hearings on the nomination of Sherman E. Unger, of Ohio, to be U.S. Circuit Judge for the Federal Circuit.
SD-226

SEPTEMBER 30

9:00 a.m.
Energy and Natural Resources
Public Lands and Reserved Water Subcommittee
To hold hearings on S. 837, to designate certain lands in the State of Washington as wilderness.
SD-366

9:30 a.m.
Finance
Oversight of the Internal Revenue Service Subcommittee
To hold hearings on S. 1262, to clarify and expedite Internal Revenue Service audits of religious organizations.
SD-215

10:00 a.m.
Environment and Public Works
Water Resources Subcommittee
Business meeting, to consider S. 865, to provide for the operation, maintenance, and construction of water resource projects; and S. 970, to authorize funds through fiscal year 1988 for maintenance dredging and to require non-Federal interests to pay for 50 percent of the annual Federal costs to dredge deep-draft channels and harbors.
SD-406

OCTOBER 3

9:30 a.m.
Finance
Economic Growth, Employment and Revenue Sharing Subcommittee
To resume hearings on the future of U.S. basic industries.
SD-215

10:00 a.m.
Joint Economic
Agriculture and Transportation Subcommittee
To hold hearings on issues relating to certain changes in the telecommunications industry.
SD-138

OCTOBER 4

9:30 a.m.
Commerce, Science, and Transportation
Aviation Subcommittee
To hold hearings on S. 764, proposed Air Travelers Security Act.
SR-253

Labor and Human Resources
Labor Subcommittee
To hold hearings on S. 19 and S. 918, bills to revise current Federal pension law with respect to the rights and benefits of working and nonworking women, and the substance of S. 372, to promote interstate commerce by prohibiting discrimination in the writing and selling of insurance contracts.
SD-430

10:00 a.m.
Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366

Finance
Social Security and Income Maintenance Programs Subcommittee
To resume hearings on S. 1691, to restructure the administration of the child support enforcement program, and a related proposal, S. 1708.
SD-215

Labor and Human Resources
Family and Human Services Subcommittee
To resume oversight hearings on the breakdown of the traditional family unit, focusing on the role of Government.
SD-628

11:00 a.m.
Finance
Social Security and Income Maintenance Programs Subcommittee
To resume hearings on S. 1691, to restructure the administration of the child support enforcement program, and a related proposal, S. 1708.
SD-215

OCTOBER 5

9:30 a.m.
Labor and Human Resources
To hold hearings to review human resources implications in Job Corps reform.
SD-430

10:00 a.m.
Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366

Environment and Public Works
Nuclear Regulation Subcommittee
Business meeting, to resume consideration of S. 893 and S. 894, bills to provide an effective and efficient licensing and regulatory process for the siting, construction, and operation of nuclear powerplants, and on proposed legislation authorizing funds for fiscal years 1984 and 1985 for certain programs of the Nuclear Regulatory Commission.
SD-406

Judiciary
Courts Subcommittee
To hold hearings on S. 1706, to provide for the positive identification of persons holding identification documents.
SD-226

Judiciary
Administrative Practice and Procedure Subcommittee
To hold hearings on proposed legislation to authorize compensation for those citizens and resident aliens of the Aleutian Islands who were interned, detained, or forcibly relocated by the U.S. Government during World War II.
SD-628

Joint Economic
To hold hearings on the emerging economics of agriculture.
SD-138

OCTOBER 6

9:30 a.m.
Energy and Natural Resources
Energy Conservation and Supply Subcommittee
To hold hearings on S. 1366, to implement the recommendations of the Interim Report of the Northern Mariana Islands Commission on Federal Laws, and to revise certain provisions of the revised Organic Act of the Virgin Islands and the Organic Act of Guam; and S. 1367, to repeal certain provisions of law relating to the territories and insular possessions of the United States.
SD-366

Labor and Human Resources
Business meeting, to consider pending calendar business.
SD-430

10:00 a.m.
Environment and Public Works
Business meeting, to consider S. 23, S. 532, and S. 1330, bills to develop long-term job opportunities in public works.
SD-406

Joint Economic
To resume hearings on job training needs of American workers.
SD-138

OCTOBER 7

9:30 a.m.
Joint Economic
To hold hearings on the employment/unemployment statistics for September.
SD-106

OCTOBER 17

10:00 a.m.
Environment and Public Works
Toxic Substances and Environmental Oversight Subcommittee
To hold hearings to review environmental research and development programs.
SD-406

OCTOBER 18

10:00 a.m.
Energy and Natural Resources
Energy and Mineral Resources Subcommittee
To hold hearings on S. 1634, to repeal certain provisions of the Federal Coal Leasing Act Amendments of 1976.
SD-366

Judiciary
Security and Terrorism Subcommittee
To hold hearings to examine the influence of communism in liberation theology.
SD-226

Judiciary
Administrative Practice and Procedure Subcommittee
To resume oversight hearings to provide indemnification to Government contractors against the risks of catastrophic accidents and noncatastrophic accidents for which the Government is primarily responsible.
SD-562

Labor and Human Resources
Alcoholism and Drug Abuse Subcommittee
Business meeting, to mark up S. 503, to make it unlawful to manufacture, advertise, distribute, or possess a drug which is an imitation of a controlled substance.
SD-628

Labor and Human Resources
Education, Arts, and Humanities Subcommittee
To resume oversight hearings on vocational education programs administered by the Department of Education.
SD-430

OCTOBER 19

9:00 a.m.
Labor and Human Resources
Business meeting, to consider pending calendar business.
SD-430

9:30 a.m.
Labor and Human Resources
To hold hearings to review Federal and State efforts to impose higher standards in education.
SD-430

10:00 a.m.
Judiciary
Security and Terrorism Subcommittee
To continue hearings to examine the influence of communism in liberation theology.
SD-226

OCTOBER 20

9:30 a.m.
Labor and Human Resources
Labor Subcommittee
To hold hearings on proposed legislation to improve and clarify the employee retirement income security program.
SD-430

10:00 a.m.
Environment and Public Works
Business meeting, to consider pending calendar business.
SD-406

Labor and Human Resources
Aging Subcommittee
To hold hearings to review certain programs for older veterans.
SD-628

OCTOBER 21

10:00 a.m.
Environment and Public Works
Toxic Substances and Environmental Oversight Subcommittee
To hold hearings on ground water contamination.
SD-406

Judiciary
Courts Subcommittee
To hold hearings on S. 1581, to grant congressional approval to the Central Interstate Low-Level Radioactive Waste Compact.
SD-226

OCTOBER 25

9:30 a.m.
Governmental Affairs
Oversight of Government Management Subcommittee
To hold oversight hearings to review computer security in the Federal Government and the private sector.
Room to be announced

Labor and Human Resources
To resume oversight hearings on alleged illegal sales of union memberships or books to unqualified welders by officials of local chapters of the International Brotherhood of Boilermakers, Iron Shipbuilders, Blacksmiths, Forgers & Helpers.
SD-430

10:00 a.m.
Labor and Human Resources
Education, Arts, and Humanities Subcommittee
To resume oversight hearings on vocational educational programs administered by the Department of Education.
SD-628

OCTOBER 26

9:00 a.m.
Labor and Human Resources
Business meeting, to consider pending calendar business.
SD-430

9:30 a.m.
Governmental Affairs
Oversight of Government Management Subcommittee
To continue oversight hearings to review computer security in the Federal Government and the private sector.
SD-628
Labor and Human Resources
To hold hearings to review volunteer initiatives in health.
SD-430

OCTOBER 27

10:00 a.m.
Labor and Human Resources
Education, Arts, and Humanities Subcommittee
To hold oversight hearings on Federal arts policy.
SD-430

NOVEMBER 2

10:00 a.m.
Labor and Human Resources
To resume hearings to review Federal and State efforts to impose higher standards in education.
SD-430

NOVEMBER 3

9:30 a.m.
Labor and Human Resources
Labor Subcommittee
To hold hearings on proposed legislation to revise certain provisions of the Federal Employees Compensation Act.
SD-430

NOVEMBER 9

10:00 a.m.
Labor and Human Resources
To resume hearings to review Federal and State efforts to impose higher standards in education.
SD-430

NOVEMBER 15

10:00 a.m.
Labor and Human Resources
Aging Subcommittee
To hold hearings to redefine old-age provisions contained in the Older Americans Act.
SD-430

NOVEMBER 16

9:00 a.m.
Labor and Human Resources
Business meeting, to consider pending calendar business.
SD-430

9:30 a.m.
Labor and Human Resources
To hold hearings to review the human resources impact of the U.S. Supreme Court's legislative veto decision.
SD-430

NOVEMBER 29

10:00 a.m.
Labor and Human Resources
Aging Subcommittee
To hold hearings to review targeted scarce resource provisions of the Older Americans Act.
SD-430

NOVEMBER 30

9:30 a.m.
Labor and Human Resources
Business meeting, to consider pending calendar business.
SD-430

DECEMBER 6

10:00 a.m.
Labor and Human Resources
Aging Subcommittee
To hold hearings to review long-term care policy provisions of the Older Americans Act.
SD-430

CANCELLATIONS

SEPTEMBER 22

10:00 a.m.
Governmental Affairs
Business meeting, to consider recommendations to the Budget Committee with regard to budget reconciliation requirements imposed by House Concurrent Resolution 91, revising and replacing the congressional budget for the U.S. Government for fiscal year 1983 and setting forth the congressional budget for the U.S. Government for fiscal years 1984 and 1985.
SD-342

SEPTEMBER 23

9:30 a.m.
Judiciary
Constitution Subcommittee
To hold hearings on Senate Joint Resolution 26, proposing an amendment to the Constitution authorizing the President to disapprove or reduce an item of appropriations.
SD-226

SENATE—*Thursday, September 22, 1983*

(Legislative day of Monday, September 19, 1983)

The Senate met at 11 a.m., on the expiration of the recess, and was called to order by the President pro tempore (Mr. THURMOND).

The PRESIDENT pro tempore. Our prayer this morning will be delivered by the Reverend Dr. Paul Currie, minister of the First Presbyterian Church at Caruthersville, Mo. He is being sponsored here by Senator JOHN C. DANFORTH. He comes from the Eighth District of Missouri, of which Mr. EMERSON is the Congressman.

PRAYER

The Reverend Dr. Paul Currie, minister, First Presbyterian Church, Caruthersville, Mo., offered the following prayer:

Let us pray.

Almighty God, we gratefully acknowledge our debt to You and humbly acknowledge our dependence on You. We seek Your guidance of the Senate trusting in Jesus' promise that whoever seeks finds.

O God of peace, we pray for peace—for the coming of the day when nations shall beat their nuclear swords into plowshares and shall not learn war any more. In these tense and troubled times when the way to peace is confusing and complicated, show us the way and give us the will.

Just God, in the face of countless competing interests, help this Senate to be just toward all. And, O God, give all of us special compassion toward those who are weak.

Our Father, we pray for our Senators knowing that they have their needs as all of us do. Assure them of Your love and Your all-sufficient grace. In Jesus' name, we pray. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The acting majority leader is recognized.

THE REVEREND DR. CURRIE

Mr. STEVENS. Mr. President, on behalf of the Senate, I thank the Reverend Dr. Paul Currie for those words of encouragement to Members of the Senate.

SENATE SCHEDULE

Mr. STEVENS. Mr. President, today after the recognition of the two leaders under the standing order and two special orders, the Senate will have a period for the transaction of routine morning business not to extend beyond the hour of 12 noon. It is the intention of the leadership to proceed at that time to the consideration of S. 1342, the Department of State authorization bill, followed by consideration of S. 869 the Export-Import Bank bill.

The majority leader is hopeful the Senate will complete action on these measures in a timely manner today.

The majority leader has described, on numerous occasions during this past week, the work that is before us before the October break. Indeed, Mr. President, my staff calls it a heavy legislative menu that must be completed not only prior to our break, but a great portion of it prior to the end of the fiscal year, which ends Friday, September 30.

THE U.S. COAST GUARD

Mr. STEVENS. Mr. President, the U.S. Coast Guard has had responsibility for the security and safety of our navigable waters since 1790. Today the Coast Guard has a complex set of missions. These include search and rescue, boating safety, aids to navigation, merchant marine safety, environmental law enforcement, and port safety. The Coast Guard has done a remarkable job in discharging these complex and far flung duties with a relatively small number of personnel and a limited budget.

The role of the Coast Guard is particularly important in Alaska. In a State with a coastline longer than that of the contiguous 48 States, a small and scattered population, and extreme weather and water conditions, Alaskans depend on the Coast Guard to protect life and property on the water. For that reason, Alaskans are very concerned about the continued vitality and effectiveness of the Coast Guard.

I am concerned that increasing demand for existing or new services coupled with rapidly aging vessels and equipment may soon impede the ability of the Coast Guard to respond whenever and wherever needed. These services are too important to allow this to happen.

An excellent article on this problem entitled "Today's Coast Guard: A Study in Insufficiency," by Vincent C. Thomas, Jr. was recently published in the August 1983 issue of Sea Power. I recommend this article to all those who have an interest in maintaining the safety and security of our navigable waters.

With that in mind, Mr. President, I ask unanimous consent that the text of this article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

TODAY'S COAST GUARD: A STUDY IN INSUFFICIENCY

(By Vincent C. Thomas Jr.)

"USCG traditions stand alongside the finest and proudest of the nation. They are worthy of 'protection.' They are known and respected . . . and emulated . . . by maritime nations and mariners around the world. They reflect the very fiber of American character."

"The last thing the USCG needs is yet another study. Twenty-five were done in the last year or two. Responding to studies is absorbing a massive amount of time that could be spent on solving the problems whose symptoms lead to studies. Please—no more!"

These two quotations from the Coast Guard's response to yet another study of its roles and missions effectively describe the situation in which the Coast Guard finds itself today: a proud service which simply hopes to continue to serve the nation, as it has most ably for 193 years, yet is beset from all sides by well-meaning agencies which can't agree on what the Coast Guard is now and what it should be in the years to come.

A KEY QUESTION FROM NACOA

The prestigious National Advisory Committee on Oceans and Atmosphere (NACOA), which conducted the latest study, asks the key question that many in the Coast Guard and the general public also ask: "Why is it that such a relatively small agency, employing only 45,000 and operating on less than $2 billion a year, somehow finds itself the subject of so many studies?" The committee's answer: "One reason, of course, is that the Coast Guard sounded the alarm that—all other things being equal—increasing duties, rising operating costs, and decreasing resources presented an unbalanced equation. Another reason for the scrutiny, we believe, is that the Coast Guard is a governmental conglomerate charged with a mixed bag of missions: military and civilian, regulatory and service-oriented, lifesaving and law-enforcing. The Coast Guard's complexity contributes to its vulnerability."

The NACOA study and the Coast Guard's response, considered together, indicate that there is a sizable gap between the Coast Guard's view of the importance of its various missions and the views of those outside the service. The Coast Guard's response to NACOA's comments on search and rescue (SAR) missions illustrates that gap. Said the Coast Guard: "Categorizing a 'non-emergency' [SAR] assist as 'convenience' is misleading. . . . A person stranded in an inoperative boat which is anchored in sheltered water is not usually in any danger of losing his or her life . . . but he or she can be

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

subjected to considerable hardship if not assisted. Unlike being in an automobile that has broken down, there is no way to walk away from a boat, and there is often no shelter from the elements."

Given this disparity of views and its potential impact on Coast Guard funding, people, resources, missions, and responsibilities, perhaps the next question is: How is the Coast Guard faring?

The quick answer is that the multi-mission service appears to have survived the stresses and strains of the last five turbulent years without undue lasting hardship. Further, it is operating at the moment with somewhat newer resources, both at sea and in the air, than it has had available for many years. It has few "people" problems. Its leadership is quietly impressive and highly professional. Finally, and perhaps most important in the long run, there appears to be a far greater degree of public appreciation for what the Coast Guard does, and why.

DISQUIETUDES AND INSUFFICIENCIES

That is the positive side. Offsetting those plus factors—more than offsetting them in some areas, in fact—are certain nagging disquietudes and insufficiencies. What follows is a brief discussion of some of the more important factors, both negative and positive, affecting the Coast Guard today—contributing to but at the same time delimiting in certain respects its war and peace capabilities.

Personnel

At the moment the Coast Guard finds itself in an excellent position with regard to people. There are no major difficulties with enlistment and retention remains high. However, Coast Guard leaders have no illusions about the future. They know that, with a declining pool of potential recruits, competition for new enlistments will become keener and that the need for skilled personnel in the civilian labor market will provide lucrative opportunities for those who have learned their trades while in uniform. The Coast Guard has managed to meet its enlistment needs despite cutbacks of recruiting personnel during last year's tight-money crisis and despite higher enlistment standards—the depressed civilian job market helped to counter the negative results of those two factors. However, it is doubtful that the Coast Guard—or any of the armed services—will continue to be so fortunate in the immediate future.

In time, the problems of acquiring authorization for additional personnel and of recruiting those personnel must be faced. As Adm. James S. Gracey, the Coast Guard's Commandant, observes: "There is nothing more difficult today than adding people to the federal payroll." Certainly the Navy found that out earlier this year, when Congress balked at authorizing and funding the personnel needed to man the many new ships now joining or soon to join the fleet. The same kind of problem, albeit on a lesser scale, faces the Coast Guard. Additional ships and aircraft are on the way and they must be manned. But a higher USCG personnel ceiling has not yet been set.

And then there are the reserves—or, in the Coast Guard's case, a lack of reserves. Surprisingly, at a time when Congress has moved or is moving to beef up reserve strength across-the-board in the other services, the Coast Guard has just 12,000 reserves, only 55% of its mobilization requirements. Does it need more? Obviously. And Gracey, the only Commandant in recent memory to serve tours as both Atlantic-area commander and Pacific-area commander, has had far more opportunity than most to see firsthand how much reserve forces contribute to overall Coast Guard readiness and capability. Gracey describes reserves as "full members of the family"—a family that is involved 365 days of the year, whether the nation is at war or at peace, in carrying out its mission.

Gracey would like to have more regular personnel and more reserves, but the dollars to pay for both are hard to come by.

Meanwhile, to maximize the efficiency and productivity of its most valuable asset, the Coast Guard men and women now on active duty, the Coast Guard has begun a personnel evaluation program radically different from those traditionally used by the services. Rather than looking only at an individual's performance while aboard ship (or on duty at a shore station), the new program concentrates on the individual"s day-in, day-out, year-round worth to the service—the term "worth" specifically including his or her off-duty behavior. Is a petty officer an inspiring leader while on duty but a boozer once he doffs his uniform? The Coast Guard wants to know, so that it will have an understanding of how well he can be counted upon in event of emergency. In contrast, is a quiet, reliable, but perhaps uninspiring individual a solid contributor to his community and to the reputation of his service? The Coast Guard wants to know that, too. In short, the Coast Guard is striving to learn what the whole person is like, not just the on-duty person, and what his potential is for a long-term, constructive contribution to the Coast Guard as a vital, dynamic, and constantly evolving organization.

The Coast Guard is more justified, perhaps, in embarking upon this kind of personnel appraisal than the other services would be. Coast Guard personnel usually have more contact, both routinely and in emergencies, with the general public than do the members of any of the other services. A senior Coast Guard petty officer may be responsible, for example, for repairing an inoperative aid to navigation relied upon heavily by boaters; he may head a force cleaning up an oil spill threatening a local beach; he may be assigned to monitor the rise of a rain-swollen river and work side by side with his neighbors to fill sandbags to keep the floodwaters away; and he might be in charge of a crew fighting its way through pounding surf to save the occupants of an overturned sailboat. And those are just a few of the ways a Coast Guardsman can come into direct contact with the local citizenry.

The new evaluation program is a bold step forward, yet one that may be long overdue. It also might well be one that could precipitate a hue and cry from those who would contend that an individual's privacy is being intruded upon. But there is no arguing with the fact that if this system results in putting the right man or woman in the right place where he or she can respond at the right time, everybody wins.

Coast Guard officials say feedback from those with whom Coast Guard personnel come in contact in their many endeavors "would be most welcome." Not only would such feedback provide yet another means of ascertaining whether the right personnel have been correctly assigned, but when the feedback is positive in nature it also would be a tremendous morale booster.

Operating resources

Here the Coast Guard is undergoing a facelift. Four new 270-foot cutters built by Tacoma (Wash.) Boatbuilding Co., soon will be joining the fleet, and the first of a group of nine being constructed in Rhode Island by Robert E. Derecktor Corp., will be launched shortly. Thanks to the impetus given to the Coast Guard's drug-interdiction mission by President Reagan and Vice President Bush, acquisition of three surface effect ships was expedited dramatically. Two have been in full operation for several months already; they are the only surface effect ships now used by any of the U.S. maritime services.

The Coast Guard also will acquire six to eight new patrol boats of a type not yet determined. Funds for their acquisition were included among $300 million appropriated by Congress last year for the Defense Department but earmarked for the Coast Guard. One of the conditions attached to the patrol boat acquisition is that the craft must have a hull form already proven by use in a military or police role. Proposals from industry for construction of the craft arrived at Coast Guard headquarters last month and are currently being evaluated. (The process will be time-consuming; the average *weight* of the proposals is said to be 50 pounds.)

A SWATH (small-waterplane-area twin-hull) craft also is being designed by the Coast Guard. Gracey is particularly enthusiastic about the SWATH because of its stability at sea and the resulting decrease in crew fatigue.

In the air, because of the lack of modernization over the last couple of decades, what the Coast Guard is receiving now in the form of brand-new assets is particularly note-worthy. Last October the first of 41 HU-25 Guardian aircraft was flown operationally; it was the first new USCG aircraft since the 1960s. Later, in March, the last HU-16 Albatross, an ancient seaplane the first model of which was built in 1949, was flown for the last time. Eighty-eight of these reliable old birds served the Coast Guard with distinction during the past three decades plus.

The Guardian is an unusually sophisticated patrol aircraft, highly automated and capable of use in a variety of missions. Enthuses one of its supporters: "Comparing the Guardian with its predecessors is like drawing a comparison between a Z-car and a Model-T Ford!"

A newer version of another magnificent old workhorse, the C-130 Hercules, will join the Coast Guard ranks later this year. These new patrol aircraft will have an electronics capability vastly superior to that of their predecessors, as well as greater fuel capacity, speed, and range.

In October, still another new aircraft will arrive on the scene—the HH-65A Dolphin helicopter, the Coast Guard's new short-range recovery aircraft. The HH-65A replaces another veteran of more than two decades of service, the HH-52A Sea Guardian. The Dolphin, like the other two newcomers to Coast Guard air, has a state-of-the-art avionics system that will contribute tremendously to its much-improved capabilities. It, too, will be faster than its predecessor, with greater range and fuel capacity.

Maintenance

Even as the Coast Guard acquires new hardware assets, it still must struggle to find ways and means of keeping its older assets afloat and in the air. For that reason,

the USCG soon will embark on a FRAM (fleet rehabilitation and modernization) program to standardize equipment aboard its 378-foot cutters. The FRAM program is reminiscent of similar Navy programs during and after the Korean War to prolong the lives of WWII destroyers in the absence of funds to build new ones. New ships obviously would be better, but the FRAM program will add years—if not complete modernity—to the lives of the large cutters.

A lack of adequate spares still plagues the Coast Guard. Gracey aptly describes the USCG's collection of ships and aircraft as a "potpourri." Finding parts for some of the more ancient craft often can be likened to finding a needle in a haystack; some spares, in fact, must be custom-manufactured to fill particular needs, and that problem can only worsen as long as the older ships and aircraft stay in service.

There are additional maintenance frustrations in still another area—ship overhauls. The Coast Guard had hoped, to minimize the separation of crews from their families, to undertake the majority of its overhauls in the homeport areas of the ships being overhauled. That laudable goal already has proven to be for the most part unattainable, since it has not been possible to find enough shipyards in homeport areas either able or willing to do the work. Part of the problem lies in the low volume of work available, part in its irregularity, and still another part, believes Gracey, in the unwillingness of many yards—because of paperwork requirements, slow payment, and other frustrations—to undertake small government projects.

Research and development (R&D)

The Coast Guard is on the way up in this vital area after having sustained sharp budget cuts in the recent past that reduced the service's overall R&D effort and resulted in the loss of sizable numbers of talented civilian employees. Now not only does the budget contain more R&D dollars, but there is also a clear determination on the part of Coast Guard leadership to make R&D pay both long- and short-term dividends. Asserts Gracey: "We are bringing more civilians aboard, and also are making it clear that we are willing to take risks in R&D. And we're not going to sit back and wait for the ultimate solution."

What the "ultimate solution" is for the law enforcement mission has yet to be determined. There appears to be recognition, however, that, despite the upcoming influx of new equipment previously described, the Coast Guard still lacks enough resources, and enough of the right kind of resources, for certain key missions, notably drug interdiction. The NACOA study recommends that, "in the long term" and assuming "a continuing high priority for anti-drug efforts," the Coast Guard be given "sufficient resources to handle this effort without adverse effect on its other missions."

The Coast Guard was fortunate in being able to acquire the three surface effect ships—two of which were available almost immediately—in a matter of just months. But how often will that type of miracle occur? What prototypes are being developed and tested now that could be the first of a class tomorrow? With the possible exception of a single modified 200-ton surface effect ship (the only one in existence) being tested by both the Navy and Coast Guard, the answer is, "None." That is a worrisome situation.

Third World involvement

The Coast Guard has long been involved in international activity of various kinds, not only as a wartime partner of the U.S. Navy but also on missions in the Antarctic and associated with the international ice patrol, to cite but a few examples. Its unique abilities have in fact been recognized and emulated throughout the maritime world. Of late there has been a new development: requests from African nations for assistance in establishing and improving their own fledgling coast guards.

The door to such involvement, already opened by such duties as the operation of a LORAN (long-range [electronic] aid to navigation) station in Liberia, was opened even wider by a USCG training team that worked in Sierra Leone. The team, headed by Lt. Robert C. Eccles, impressed those with whom it worked directly, as well as the officer who commands all of Sierra Leone's forces and U.S. State Department officials assigned to Sierra Leone. From that beginning came invitations for Gracey to extend an already-scheduled trip to Liberia to include visits to Sierra Leone and other African countries. The upshot has been the establishment of closer relations with all of the nations involved, a development which in the long run could be of immeasurable benefit in improving and standardizing maritime practices, regulations, and cooperation worldwide.

OF RESOURCES AND RESPONSIBILITIES

During the terms of office of the last three Commandants, Adms. Owen Siler, John Hayes, and Gracey, the Coast Guard has gone from a service that loyally and almost automatically responded "Aye, aye, sir" when called upon to fulfill ever-increasing responsibilities with resources lessening in capability to one that, although just as loyal, has made it clear that—for the country's sake, if not its own—it will make itself heard if and when it finds its responsibilities are near to overtaxing its resources.

Hayes did much to awaken the executive branch, the Congress, and the public to Coast Guard problems when he warned that threatened budget cuts would result in sharp curtailment of search and rescue operations. And suddenly Congress—not wanting to contend with irate constituents who rely heavily upon the Coast Guard—managed to find funds to ensure that those SAR missions would continue. Gracey, although perhaps not as conspicuously combative as his immediate predecessors, also does not hesitate to make known what will happen if ill-considered budget cuts are made, if potentially damaging reductions by well-meaning study panels are implemented, and if the professionalism of his service is endangered by those who apparently don't understand what "multi-mission" means.

But no matter how able—and how forthright—the USCG's leadership might be, the Coast Guard is in a sense threatened by those seemingly endless studies that manage to pick it apart, but somehow just don't seem to know how to put in back together. In those studies two themes are dominant: (1) If certain Coast Guard responsibilities appear to be secondary, nonemergency-type missions, they should be turned over to civilian agencies on a contract basis. (2) The amount of time the Coast Guard devotes to various missions should be quantified, and if percentages of time spent on certain functions are below a desired norm, those functions should be eliminated or transferred to other agencies.

A case in point in NACOA's discussion of the use of buoy tenders in the national aids to navigation program. NACOA believes that "10 percent to 16 percent utilization of such major capital equipment is unusually low when compared to typical industry use of comparable equipment." Other comments of a similar nature were made by NACOA, with emphasis on similarly esoteric econometric data rather than on the relationship of sometimes ancillary duties to the overall Coast Guard mission.

"SHIPS MUST OPERATE"

The Coast Guard's responses to such contentions—and to the often accompanying recommendations for transfer of certain USCG functions to the private sector or to other government agencies—point to the serious problem it has in bringing about an understanding that the "whole" Coast Guard mission is somewhat more than the sum of its component parts and that there is, accordingly, a continuing need for involvement of Coast Guard people in tasks which in private industry might be "farmed out" to subcontractors.

Asserts the Coast Guard: "There is an important training factor in buoy tender operations. But it cannot be met by having just a few tenders in operation. Furthermore, gaining professional experience—and keeping it sharp—are different matters. Buoy tenders provide superb command-at-sea experience for mid-level officers. Because of the work they do, they also provide unparalleled professional experience for junior officers and crew alike. To get that experience, ships must operate; they cannot be in mothballs, or sit idly while others do routine work. . . . Tenders and their military crews also perform other USCG missions and meet regional emergency needs—like floods—as required. The effect of losing that resource and the flexibility of military personnel to respond quickly and effectively whenever and wherever needed should not be taken lightly. It is doubtful economic benefit can be shown for NACOA's proposal, all things being considered, but even if it were shown, the decision should not rest on economics alone. The national interest transcends economics."

A superb example of what the Coast Guard is seeking to impart—the importance of honing an individual's skills across a wide spectrum—is the previously mentioned Lt. Eccles, whose leadership, sound basic knowledge, and diplomatic presence led to such a warm response in Sierra Leone. Eccles, 1983 winner of the Navy League's Capt. David H. Jarvis Award for Inspirational Leadership and Professional Competence, also was cited for his operational competence in time of crisis when a civilan airliner slid off an icy runway at Boston's Logan Airport into the sea. The SAR procedures he initiated while serving as operations duty officer translated directly into the saving of lives.

At this juncture, if indeed the Coast Guard is alive and well, it would appear prudent for those outside the Coast Guard who are charged with the responsibility for its well-being to expend more effort in ascertaining what resources the Coast Guard needs to keep it that way, rather than in dissecting it once again without really determining why it continues to function as well as it does.

At the same time, it would behoove the Coast Guard itself to speak out more loudly and more persuasively, across-the-board and at levels other than the top, to what it believes it needs, so that the public it serves

every day of the year can better support those requirements.

Gracey himself is obviously doing his utmost to make public the Coast Guard's deficiencies, and certainly is pulling no punches, whether on Capitol Hill or in executive branch circles, in articulating the Coast Guard's needs. But no matter how persuasive he is in Washington, even more effective is the Coast Guardsman at water's edge, perhaps repeating Gracey's words verbatim as he uses Coast Guard assets which no longer can do the job.

It can be argued ad infinitum whether $100 billion, $250 billion, or $500 billion a year need be spent for national defense purposes, but there simply is no argument at all with regard to Coast Guard responsibilities. They may not change in definition, but it is inevitable that, with some very minor exceptions, they will continue to increase in volume. Therefore, if it is presumed that, as all evidence indicates, the Coast Guard is well led and well managed, then the leaders of the legislative and executive branches of the government have a responsibility to the citizenry at large to give the Coast Guard enough assets, and enough modern assets, to permit it to respond to the degree that it not only wants to but has to.

Mr. STEVENS. Mr. President, I reserve the remainder of leader time on this side.

Mr. President, I ask the distinguished Senator from Connecticut, does he wish part of the leadership time this morning?

Mr. WEICKER. Mr. President, the Senator from New Hampshire is not here now. He and I have requested that we be yielded a part of the leadership time.

Mr. STEVENS. Mr. President, let me yield to my good friend from West Virginia and reserve the time for the Senator from Connecticut.

Mr. BYRD. I thank the acting leader.

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER (Mr. WILSON). The minority leader is recognized.

Mr. BYRD. Mr. President, I yield my time to the distinguished acting leader, if he wishes to have it.

Mr. STEVENS. I thank the Senator.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. STEVENS. Mr. President, I yield to the Senators from New Hampshire and Connecticut the remainder of the time of both leaders to be used as they see fit.

Mr. RUDMAN. I thank the acting majority leader.

The PRESIDING OFFICER. The Senator from New Hampshire.

SECRETARY WATT'S "UNFORTUNATE CHOICE OF WORDS"

Mr. RUDMAN. Mr. President, I rise in this Chamber this morning more out of sadness than anger to address the unfortunate remarks made by the Secretary of the Interior, Mr. James Watt, yesterday here in the city of Washington. I say more in sadness than in anger because it seems to me that we in the Congress should allow the President and his administration to operate in a generally unfettered way and surely should not interpose our wishes as to who is fit to serve and who is not fit to serve in the Cabinet.

For those unfamiliar with the Secretary's remarks, he said yesterday in a speech here in Washington, describing a commission he had appointed, as follows:

> We have every kind of mix you can have. I have a black, I have a woman, two Jews, and a cripple. And we have talent.

That last part of it would almost indicate that somehow those characteristics of the people and talent were somehow mutually exclusive.

Very polite and nervous applause greeted that statement. He then went on to say that he was only saying that as some sort of a joke.

This morning, one of the members of that commission said:

> I am disturbed that he decided to describe our race, religion, and other characteristics. The point should be that we are intelligent, experienced, well-informed people, undertaking a serious, conscientious study.

Mr. President, I could not help but wonder last night as I watched the evening news and watched the Secretary make those remarks and then, suddenly after the very polite and nervous applause, have what I can only describe as an embarrassed sneer on his countenance. I could only think of the thousands of Americans in veterans hospitals, disabled in the service of this country, who must have had something to think about as they were characterized as cripples.

I could only think of two of the most distinguished Members of this body who hardly think of themselves as being handicapped, one on each side of the aisle, who received their disabilities, if they would call them those, while in extraordinary service to this country. I wondered how they felt as they heard that remark about cripples.

I wondered about all the young children, children of friends of mine, who, through no fault of their own, through birth defects, through accidents and injury, have disabilities as they found themselves being described by a representative of the President of the United States as cripples.

It seems to me that this is the last straw. I will not recount Secretary Watt's past indiscretions. They have been laughable, and they have been pathetic. But this remark shows an insensitivity that is an egregious insult not only to handicapped Americans but to all Americans.

Mr. President, Secretary Watt was not elected. He was appointed by the President of the United States, our President, who has not an ounce of prejudice or poor taste in his entire being. And yet when this man speaks, the American people look at him as a representative of our President.

I am going to suggest this morning that the Secretary think long and hard as to whether his usefulness to his country and to his President has now passed its time.

He is an embarrassment to the President who appointed him, he is an embarrassment to the party to which I am proud to belong, and, most of all, he is an embarrassment to the country.

I call this morning on Secretary Watt to do the sensible thing and sumbit his resignation to the President.

I thank the Chair.

Mr. GORTON. Will the Senator from New Hampshire yield?

Mr. RUDMAN. Yes.

Mr. GORTON. Would the Senator from New Hampshire be willing to add me to his thoughtful statement and to the views which he expressed?

Mr. RUDMAN. I would be delighted to have my longtime friend and colleague, the senior Senator from the State of Washington, be associated with these remarks.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. WEICKER. Mr. President, I first want to associate myself with all those thoughts so clearly articulated by the distinguished Senator from New Hampshire.

I do not doubt that if anyone in this Nation saw a cross being burned on their neighbor's lawn, or some such overt activity reflective of prejudice, they would assist their neighbor in the most immediate and effective way. But then the question is, how many would stand up in the barroom down by the corner on behalf of their neighbor if someone made an offensive remark relative to their neighbor's color, race, or physical condition?

Maybe we do not associate words with extreme action, but that is where the problem always starts. It is when we fail to speak out at the offensive comment that the violent deed will eventually take place.

I have seen various descriptions of yesterday's comments by the Secretary—unwise, unfortunate. However, I

suggest that they probably are an accurate reflection of how Secretary Watt views his fellow man. Therefore, it is the integrity of his views on humanity that I find incompatible with his position as one of the leaders of the Government of the United States of America.

His past indiscretions relative to persons of the Jewish faith, the Jewish state, his past indiscretions relative to minority Americans, Indians among them, his past indiscretions relative to those of a differing philosophical point of view are a part of a panorama not of error but of bigotry and hate.

There is nothing wrong with blunt talk. There is a great deal amiss with the convictions of a Cabinet Secretary whose talk flies in the face of our constitutional ideals and commitments.

One of the great privileges that I have is to serve as the chairman of the Subcommittee on the Handicapped. I am not doing any favors in the sense of the duties I perform. Rather, I have never seen a tougher, more idealistic, more committed group than those who in some way or another are deemed to need our special care. The crippled and handicapped are the patriots and the purpose of America. My concerns, then, go beyond just one Cabinet Secretary's speech.

It remains to be seen whether Watt is a loose cannon or whether he is a part of a battery.

Either way he well articulates the trash of American thought rather than its commitment to individual dignity. And what one does with trash is what I suggest the President of the United States do with James Watt.

Parenthetically, what one does to further human dignity is what I suggest the President do in concert with the Congress of the United States.

RECOGNITION OF SENATOR BAUCUS

The PRESIDING OFFICER. Under the previous order, the Senator from Montana is recognized for not to exceed 15 minutes.

Mr. BAUCUS. Mr. President, I ask unanimous consent that my speech this morning, along with the introduction of a bill, be done as if in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAUCUS. I thank the Chair.

TARIFF BARRIERS

Mr. BAUCUS. Mr. President, today I am submitting a sense of the Senate resolution insisting that Japan dismantle its nontariff barriers to beef imports.

GENERAL BACKGROUND

Last year, America's trade deficit with Japan was $16 billion. There were many reasons for this deficit; clearly, one of the main ones was protectionist Japanese barriers against imports of American products. As the U.S. Trade Representative's Office recently reported:

> A widespread perception persists among Japan's trading partners * * * and not incorrectly, that the Japanese market remains relatively less open to foreign suppliers when compared to access for Japanese goods and services in their markets.

BARRIERS AGAINST BEEF IMPORTS

Some of the most significant barriers restrict imports of American beef. There are two main barriers.

The first barrier is the beef quota system. As a recent Japanese Government report says: "All beef imports into Japan are subject to a quota system." This system, designed to protect Japanese cattlemen against competition, now permits imports of only 30,800 tons of high-quality beef a year. That comes to only 10 ounces—about one good steak—a year for every Japanese consumer.

The second barrier is a system of tariff and nontariff restrictions, including things like a complex licensing system and an artificial pricing system. These restrictions more than double the price at which American beef is sold in Tokyo.

As a result, American ranchers are locked out of a large part of the Japanese market.

THE BILATERAL AGREEMENT

During the Tokyo round of multilateral trade negotiations concluding in 1979, the United States and Japan entered into a 5-year bilateral agreement. The United States essentially agreed not to invoke remedies under United States and international trade laws. Japan agreed to gradually increase the quota for high-quality beef from about 16,000 tons to about 30,000 tons. And Japan pledged to negotiate "on ways to further expand the importation of high-quality beef in 1984 and thereafter to the mutual benefit of both countries."

On March 31, 1984, this agreement expires. Negotiations for a new agreement are underway. But so far they have been unsuccessful. In fact, the Japanese seem to have become more and more intransigent.

But there are some positive signs, too. Some influential Japanese are beginning to recognize how much Japanese agricultural protectionism threatens United States-Japan relations. For example, the Japanese Economic Institute recently reported that the Japanese business community has grown "increasingly critical of the protection of the agricultural sector, on the grounds that it would not lead to more efficient and productive farming in the long run, and that it jeopardizes Japan's access to foreign markets * * *."

THE NAKASONE LETTER

But even such positive signs are not enough.

Therefore, I and 51 colleagues recently sent a letter to Japanese Prime Minister Nakasone. This letter said that Japan's barriers to imports of U.S. beef remain one of our most important bilateral issues. It concluded by asking the Japanese to join us, in the spirit of free trade, "in reaching a new agreement liberalizing the treatment of American beef."

THE JAPANESE RESPONSE

At about the same time, Japan's Ambassador to the United States, Mr. Okawara, gave Japan's side of the story. In an address to the National Governors Conference, he defended Japan's agricultural trade policy, making four main arguments. I shall respond to each.

First, the Japanese Ambassador argues that, because "[t]he fear of a food shortage persists * * * [s]ome level of domestic agricultural production is a necessary assurance."

Self-sufficiency indeed is an important consideration. But it is overridden by two other considerations. First, if self-sufficiency justifies protection, that justification cannot necessarily be limited to agricultural products. It might just as easily extend to many other products—including products Japan exports. And that might undermine the entire GATT system.

In addition, self-sufficiency is not necessarily inconsistent with increased beef imports. As Mike Mansfield recently wrote me: "[w]e are not out to destroy Japan's agriculture * * *. We want and need a viable Japanese agriculture. Academic studies seem to indicate that Japan could open its market without great harm to cattle growers."

That is a letter from our Ambassador to Japan, Mike Mansfield.

Second, the Japanese Ambassador to the United States argues that "the effect of this import quotas on the enormous volume of Japan-United States trade is marginal."

This argument misses the point. We do not contend that barriers against beef imports are the sole cause of our trade deficit. What we do contend is that they undermine the principles of free trade, reduce the income of U.S. cattlemen, and obstruct the development of better United States-Japan trade relations. That is harm enough.

Third, the Japanese Ambassador to the United States argues that Japan has "made substantial accommodations that have benefited U.S. farm interests."

This argument, too, misses the point. True, as Japan's economy has grown, so have its agricultural imports. And, true, Japan now buys about 60 percent of U.S. beef exports. But Japan buys much less U.S. beef than it would in an open market. For

example, if the beef quotas were eliminated—just as, I might parenthetically add, we do not have any legal quotas against the importation of Japanese cars in the United States—U.S. sales of high-quality beef could increase as much as fivefold.

Fourth, the Ambassador argues that "[t]he United States* * * maintains import restrictions similar to those of Japan. * * *" As examples, he refers to import restrictions under section 22 of the Agricultural Adjustment Act and under the Meat Import Act of 1979.

Granted, the United States does not always observe pristine free trade principles. But even so, the Ambassador's two examples are much less disruptive than Japan's barriers against beef imports. The section 22 restrictions are expressly permitted under a 1955 GATT waiver; the United States participates in a continuing review of the waiver and has been willing to discuss any special problems it creates. And, the Meat Import Act quotas are triggered only at extremely high import levels. What is more, they would not be necessary if countries like Japan did not impose such barriers against U.S. beef exports.

RECENT NEGOTIATIONS

The debate goes on. And so do the negotiations to renew the bilateral agreement.

The most recent negotiations took place last week in Tokyo. U.S. negotiators raised the beef issue and asked the Japanese negotiators to make reasonable concessions. The Japanese refused. They offered simply to extend the current quota system. Eventually, the talks broke down and no progress was made.

CONCLUSION

Mr. President, a double standard exists. The Japanese sell Americans billions of dollars worth of cars, electronic devices, and other products. But they refuse to give us a fair chance to sell them American beef. They deny U.S. cattlemen the same treatment America routinely accords Japanese businessmen.

Given this situation, we in the Senate must convince the Japanese that we will not tolerate this double standard. Trade must be a two-way street.

That is why 51 colleagues and I in a letter that I circulated among my colleagues in the Senate expressed to the Japanese Prime Minister our very deep-rooted dissatisfaction. That is why I am today introducing a resolution expressing the sense of the Senate that "the United States negotiators should insist that Japan dismantle all nontariff barriers to imports of beef" and that "if negotiations do not result in satisfactory progress toward the dismantling of all nontariff barriers the United States trade representatives should seek appropriate relief under United States and international trade law."

Mr. President, this resolution is similar to last year's Bentsen-Danforth resolution, Senate Resolution 462, which passed the Senate on September 30, 1982. It reemphasizes the Senate's deep concern about the beef issue. That way, I hope it will encourage fruitful negotiations.

I urge my colleagues to cosponsor the resolution. And, I urge the Senate leadership to process the resolution quickly so we can get a recorded vote in the Finance Committee on the floor as soon as possible.

I ask unanimous consent that the resolution be held at the desk until the end of the day for the addition of original cosponsors.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAUCUS. Mr. President, I ask unanimous consent that the resolution be printed in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

S. RES. 225

Whereas, the United States and Japan are signatories to the General Agreement on Tariffs and Trade (hereinafter referred to as "GATT");

Whereas, in keeping with the provisions of GATT and the general principles of free trade, the United States has given Japan broad access to many United States markets;

Whereas, Japan has benefited from this broad access by becoming a major United States supplier and now has a $16 billion annual trade surplus with the United States;

Whereas, Japan uses a system of quotas and other nontariff barriers to limit imports of beef;

Whereas, the Japanese system forces Japanese consumers to pay unreasonably high prices for beef and denies American cattlemen an opportunity to compete fairly in the Japanese market;

Whereas, the Japanese system is in violation of GATT;

Whereas, in 1979 the United States and Japan negotiated a bilateral agreement by which Japan would gradually increase its beef quota;

Whereas, the bilateral agreement expires on March 31, 1984, at which time Japan will no longer be under any agreement to increase the quota and the United States will no longer be under any agreement to forego trade law remedies against Japan;

Whereas, negotiations are underway to establish a new bilateral agreement; and

Whereas, Japan's barriers to beef imports undermine the principles of free trade, reduce the income of United States cattlemen, and obstruct the development of better trade relations between the United States and Japan: Now, therefore, be it

Resolved, That it is the sense of the Senate that, in negotiations with Japan, United States negotiators should insist that Japan dismantle all nontariff barriers to imports of beef.

SEC. 2. It further is the sense of the Senate that if negotiations do not result in satisfactory progress toward the dismantling of Japanese barriers to imports of beef by the time the current bilateral agreement expires, the United States Trade Respresentative should seek appropriate relief under United States and international trade law.

RECOGNITION OF SENATOR PROXMIRE

The PRESIDING OFFICER. Under the previous order, the Senator from Wisconsin is recognized for not to exceed 15 minutes.

Mr. PROXMIRE. Mr. President, I understand the Senator from Minnesota (Mr. BOSCHWITZ) has a brief statement he would like to make, and I ask unanimous consent that he may proceed as if in morning business for 3 minutes at this time.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Minnesota is recognized.

A CALL FOR SECRETARY WATT'S RESIGNATION

Mr. BOSCHWITZ. Mr. President, I speak more in sadness than in anger this morning as I speak about James Watt, and I call for his resignation in these remarks. Really, I did not find the remarks he made yesterday any more or less offensive than others he has made, but I believe that his effectiveness has been undermined—perhaps even before this time—certainly at this time, and it is on that basis that I call for his resignation and ask the President to appoint somebody who can move forward in the field of environment.

There is hardly a subject that comes before us on which there is greater polarization then environmental issues. There is hardly a subject that comes before us that is more sensitive if we are really going to strike a balance between environmental concerns and the concerns of the economy.

I have sought in my voting record to strike that kind of a balance, and when I have been in doubt, I have sided with the environment, as it must be preserved and it cannot always be retrieved.

James Watt increases the polarization that surrounds the issue of the environment. Every action that we consider with respect to environmental affairs becomes one of pro or con, often not on the issue itself, but pro or con James Watt. Every issue becomes a cause. At times we are asked to relax certain environmental measures because of the economy. At other times we find it necessary to tighten up laws and regulations because of the environment. A balance simply must be struck.

I do not think that that balance can be struck as long as James Watt is the Seretary of the Interior. These last remarks have pushed me over the edge, though certainly many of his remarks

and actions have brought me close to the edge before. I think that the President can find somebody who will better serve the country, better serve the environment, and better serve the Government than the present incumbent, and therefore I call for his resignation.

I thank the Senator from Wisconsin for yielding.

Mr. PROXMIRE. Mr. President, I thank my good friend from Minnesota. I wholeheartedly concur in his statement, and I commend him for calling for the resignation. It is one thing for a Democrat to do that, it is far more difficult and more significant I think when a Republican Senator does.

PENTAGON MAY BE INFLATING ESTIMATES OF SOVIET DEFENSE COSTS

Mr. PROXMIRE. Mr. President, rightly or wrongly, no single estimate has had more of an influence on U.S. defense and budgetary policy than the annual measures of Soviet defense costs.

Because of reported differences between the CIA and DIA over their estimates of Soviet defense, I asked the Joint Economic Committee staff to prepare a report explaining the latest conclusions of the intelligence community about the trends and to put them in perspective.

DIFFERENCES BETWEEN CIA AND DIA ESTIMATES

The study shows where the two agencies agree and differ and examines the possible causes of the slower growth rates of Soviet defense estimated by the CIA.

The highlights of the study are as follows:

According to the CIA, Soviet defense costs grew at an annual rate of 2 percent during 1978–81, compared to a growth rate of 4 to 5 percent during the previous 10 years.

The CIA also found that the portion of GNP devoted to defense—the military burden—did not increase during the 1970's.

Most of the slowdown in the defense growth rate took place in procurement which has been level since 1976.

The slowdown in the growth rate was probably the result of problems in the economy, such as transportation bottlenecks, which affected the defense industries, but a policy decision by the Kremlin to slow the growth rate cannot be ruled out.

THE DEFENSE INTELLIGENCE AGENCY

While the DIA agrees with the CIA's dollar cost estimates, the Defense Intelligence Agency's own current ruble price methodology unlike the CIA indicates there was no slowdown in total Soviet defense spending.

According to the DIA, Soviet defense costs increased by 6 to 7 percent in nominal terms during the 1970's, and the military burden increased from 13 to 14 percent in 1970 to 14 to 16 percent in 1981.

So who is right, the DIA or the CIA?

The DIA's estimates are not adjusted for inflation, are based on a definition of Soviet defense that differs from the U.S. definition, and contain wide margins of error.

The DIA considers its methodology classified, making it difficult for outsiders to evaluate it.

For many years, attention has focused on the CIA's estimates of Soviet defense costs. Its estimates are made in ruble terms and dollar equivalents, both adjusted for inflation.

The CIA's estimates should be given serious consideration by all those who assess Soviet behavior and especially by those who believe our policies should in part respond to theirs.

QUESTIONS ABOUT DIA METHODS

The DIA is in effect challenging the validity of the CIA's estimates but it is doing so in a way that raises more questions than it answers.

The fact that the DIA's estimates are not adjusted for inflation reduces their usefulness for policymakers to practically zero. Such estimates are meaningless unless you know what the inflation rate is. That is why U.S. defense spending is usually given in constant dollars, that is, adjusted for inflation. This questionable practice could result in inflating the costs of Soviet defense.

At the very least, the DIA's methodology should be subjected to careful scrutiny by an outside group of experts so that Congress understands what weight to give it.

I might add that the CIA's methodology for estimating Soviet defense costs has been subjected to outside scrutiny. In addition, the CIA on several occasions has explained in some detail its own methodology.

DIA METHODS SHOULD BE REVIEWED BY OUTSIDE EXPERTS

I urge the Director of the Defense Intelligence Agency to take the necessary steps so that an outside group of reputable specialists in the field can examine the DIA's methodology for estimating Soviet defense spending in current rubles. Unless this is done, the analytical approach used by the Pentagon will be considered questionable and charges that it is inflating their estimates of Soviet defense spending will be hard to refute.

The study mentioned above, "Soviet Defense Costs," was prepared by Richard F. Kaufman, assistant director of the Joint Economic Committee. Copies of the study can be obtained from the Joint Economic Committee.

CHILDREN OF THE HOLOCAUST

Mr. PROXMIRE. Mr. President, the reality of Hitler's Holocaust against the Jewish people of Europe has, indeed, been documented and condemned. The horror of his means has long been made evident to all who care to know—the crematoria, the mass graves, the experimental torture. It is hard enough for Americans, so accustomed to democracy and an open society, to grasp the level of terror perpetuated against an innocent group of people. Yet even more horrible is the crime against a group so often overlooked when we think of the Holocaust: the mass destruction of children.

There is a certain innocence about children, an innocence that exists merely by a lack of knowledge about the bad things in the world. We Americans, like so much of the world, treasure our children. They are not only the future of our society, but they also inspire their parents to work toward a better society. Could we have tolerated the destruction of our own children? Obviously, the answer is no. To moral and civilized men, the destruction of others' fragile children is no less tragic.

Hitler's reign of terror against the Jewish people included their children. Not only did these children witness the tragic and inhumane destruction of their elders, but they, too, faced death by similar means. Their lives were destroyed, their youthful innocence shattered.

There is perhaps nothing as painful to see as the faces of the children of a genocidal war, children in the midst of death. Yet even in the wake of their horror, we find those who managed to maintain their youthful air, their sense of innocence. In a collection of poems by children who were caught up in the Holocaust, entitled "I Never Saw Another Butterfly," we are made aware of this fragile yet enduring characteristic of childhood. They expressed their fears, they showed their tears, but they never lost that final glimmer of hope.

Mr. President, if the adult victims of a genocide cannot stir us into action, perhaps the children can. Our ratification of the Genocide Convention, which has been pending in this body since 1949, 34 years—President after President has called on us to act, and we should act at long last—can only help us bring future perpetrators of genocidal destruction of people to clearcut and thoroughly legal justice.

THE NUCLEAR FREEZE—NOT "BUILD-DOWN"—IS THE ANSWER

Mr. PROXMIRE. Mr. President, the distinguished senior Senator from Oregon, MARK HATFIELD, has written an article that appeared in the New York Times this morning entitled "This Is Arms Control?" That article constitutes a masterful indictment of the so-called build-down which some Senators are now pushing as a substi-

tute for the comprehensive, mutual, verifiable nuclear freeze. As we all know, Senators HATFIELD and KENNEDY are the authors of the nuclear freeze resolution. That resolution was reported adversely—that is, with a recommendation that it not pass—from the Foreign Relations Committee this week.

In opposing the so-called build-down approach to arms control, Senator HATFIELD contends that, far from reducing our nuclear arsenal, build-down would, in the name of modernization, enhance our nuclear arsenal. The build-down would really become a nuclear buildup. Is HATFIELD right? Why would not an agreement with the Soviet Union that required the destruction of two old nuclear weapons for every new one added to the arsenal not result in a reduction in the nuclear arsenal? HATFIELD in his article says why. He argues that the sponsors of the build-down would measure build-down by the number of strategic warheads and the destructive capability of each warhead.

Destructive capability is measured by megatonnage and throw weight. And what is wrong with that? As HATFIELD points out—plenty. This formula overlooks the prime ingredient in the effectiveness of a nuclear weapon—its accuracy. In HATFIELD's words, when the accuracy of a missile is improved by a factor of 2, its capacity to destroy a particular target is increased by a factor of 8. So the build-down would become a buildup.

Why am I so certain that it would inevitably become a buildup? Simple. Let me ask: Why would the Soviet Union or this country bring a new nuclear weapon into its arsenal if it had to destroy two old ones? Think about the answer to that question.

Ponder it for a minute. Why would the Russians or our military bring a new weapon into their nuclear arsenal with the full knowledge that they would have to destroy two old ones? It is a critical question. The answer is that they would only bring a new weapon into the arsenal on one condition. They would have to be sure that the one new weapon would be more deadly, more potent, more effectively destructive than the two weapons they would take out of the arsenal. Can anyone seriously doubt that? Can there be any other reason for a Russian or a NATO general to recommend or accept a new nuclear weapon for his arsenal? Of course not.

In the course of Senator HATFIELD's argument, he hits the crux of our problem in seeking an effective way to end the arms race when he observes that the nuclear freeze "treats technological advancements in weaponry as the greatest danger of the arms race and the first priority of an arms control agreement leading to reductions." This is exactly why this country should make the nuclear freeze the heart of our negotiations with the Soviet Union to stop the arms race. Some Senators may regard this as a kind of "mission impossible."

How can we stop technological progress in nuclear weaponry or in any other area? Has not technological progress again and again established itself as an irresistible force? Well, there is an answer and a good one. The answer is that we can stop technological progress in a particular area and especially in the area of nuclear weaponry. How do we stop it? We stop it by stopping testing. No new nuclear weapon can develop to a level of reliability and accuracy without continuous testing. And testing we can—we are sure—detect. The freeze would stop testing, as it would stop the building or the deployment of nuclear weapons. The build-down, of course, would not stop testing.

Indeed, it would have a seriously perverse effect. It would actually stimulate the arms race. How? It would enhance the competition on both sides to test intensively to develop more advanced and effective weapons. And that technology advance by the superpowers would continue to stimulate the proliferation of nuclear weapons as cheaper, lighter, more readily available weapons became increasingly easier for more and more countries to acquire.

Mr. President, the build-down or intermediate regional nuclear arms limitation such as we are now conducting with the Soviets in Geneva, or quantitative limitations on the number of warheads or megatonnage or throw weight or on MIRV'ing may or may not serve a specific, limited purpose, but at best they constitute band-aids. None of these can serve the purpose of a comprehensive freeze on all nuclear weapons. Sure, I admit that such a strategy requires monumental efforts to secure reliable verification. But Senator HATFIELD is right: This course does indeed constitute the most promising path toward survival, exactly because it confronts and begins to master the heart of the problem, which is the technological arms race.

Mr. President, I ask unanimous consent that the article from today's New York Times by MARK HATFIELD, entitled "This Is Arms Control," be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THIS IS ARMS CONTROL?

(By Mark O. Hatfield)

WASHINGTON.—The attitudes that threaten to prevail in Congress today are similar to those that gripped European and American leaders at the turn of the 20th century. The peace movement was strong during that period, just as it is today. The political elite sang of disarmament. Yet these leaders had no intention of denying themselves the freedon to build all the arms they desired.

So it is with the vast majority of those in Congress who support the MX missile on the grounds that it will encourage progress at the arms control talks in Geneva. This defies logic. The type of "arms control" they want in exchange for voting for the MX is even more mind-boggling—a "guaranteed build-down" that would remove two or three old nuclear weapons from the arsenals of the superpowers for each new one built.

Arms escalation would thus become what some Congressmen have called "the engine to fuel arms control." George Orwell would have had fun with this one. Build-down is simply a new way to insure continuation of the old rules, allowing the Administration to determine what it "needs" (whatever the weapons laboratories offer) and attach a quantitative ceiling. This is then called arms control—and we move on to the next round in the arms race. Build-down is a general's dream. It is analogous to trading old Volkswagens for new Rolls-Royces and sleek, agile Ferraris.

In contrast, the term "nuclear freeze" accurately reflects the intent and substance of the proposal it represents. It treats technological advancements in weaponry as the greatest danger of the arms race and the first priority of an arms control agreement leading to reductions.

The Senate Foreign Relations Committee voted Tuesday to reject the freeze and build-down but sent them to the Senate floor for a vote. There is talk of reconciling the two measures. Only magic could make this possible. Weapons might be built on both sides while a freeze is being negotiated—and certainly it would seem more desirable to be removing some weapons than to fail to impose any constraints. But there is a catch: New weapons systems desired by build-down advocates will take many years to reach partial or full deployment, while a nuclear freeze could be negotiated within a year.

While some proponents of build-down are fervently committed to its implementation, others are probably quite prepared to settle for much less. They are merely seeking an imaginative justification for the MX. I suspect that all the President would need to do to placate them is announce that our negotiators at the arms talks in Geneva have been instructed to mention build-down to the Russians. Having done this, they could then return to their original agenda. Congressmen and Senators could hold press conferences touting their influence, and that would be that.

Last week, three members of Congress suggested modifications to make build-down more acceptable to freeze advocates. These include ceilings on strategic warheads and destructive capability. They are flawed in two crucial respects.

Surprisingly, the sponsors acknowledged that rough strategic parity now exists. If this is so, nothing useful can be accomplished through spending for new weapons that couldn't be accomplished without spending a dime through a freeze and subsequent reductions tailored to preserve the balance in a purely downward motion.

The second flaw lies with the build-down proposal's formula for measuring destructive capability. The formula takes into account throw weight, the number of warheads and bomber-carrying capacity. But one glaring omission—missile accuracy—renders it virtually useless. When the accuracy of a missile is improved by a factor of two, its capacity to destroy a specific target increases as though its explosive power were

increased by a factor of eight. Accuracy is not verifiable, but missile flight testing, which is necessary to improve accuracy and maintain confidence in existing weapons systems, is easily verified. Unlike the freeze, build-down conspicuously overlooks the single most important factor contributing to destructive capability.

The historian Barbara Tuchman described the mentality that spurred the second international conference on arms limitation at the Hague in 1907 by saying, "political leaders told the public only what sounded virtuous . . . disarmament must be discussed, if only to prove to the public its impracticability and their own honest intentions." In 25 minutes, they agreed to call for "further serious study" of disarmament. Agreement on the acceptable instruments of war consumed six weeks. They agreed to meet again in eight years. Seven years later, World War I had begun. Fortunately, they weren't able to conclude the war in less than an hour—as we are today.

ROUTINE MORNING BUSINESS

The PRESIDING OFFICER (Mrs. KASSEBAUM). Under the previous order, there will now be a period for the transaction of routine morning business, not to exceed 12 noon, with statements therein limited to 5 minutes each.

Mr. PROXMIRE. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. STEVENS. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

REVIVAL OF 1960's DRUGS

Mrs. HAWKINS. Madam President, 1983 marks the 18th anniversary of a very important event—the launching of the major drug-abuse movement in the United States. The time was 1965. The place: the University of California at Berkeley. January 1965 marked the first time the Berkeley campus—or any college campus—was used to protest and to advocate illegal activities, including the use of illicit drugs, particularly marihuana and LSD. Tables were set up to disseminate information and press for the legalization of marihuana. Marihuana itself was a symbol of protest, as opposed to alcohol, which was used by the establishment. Timothy Leary preached to that generation, "Tune in, turn on, drop out."

The time is now 1983. The place: the entire country—every State, every city, every community, and almost every home. The sons and daughters of the 1960's generation are starting a 1960's renaissance that includes the abuse of LSD, once out of fashion. Today almost 1.2 million Americans use hallucinogenic drugs, including mescaline, peyote, and LSD. LSD traffic runs about $20 million and is steadily growing.

The 1980's generation was born too late to witness the horrors of this particular mind-exploding drug, which can cause irreversible physical and mental damage. They are learning though. In 1982 hospitals in 26 metropolitan areas admitted 4,378 people who overdosed on acid. And that does not include mental hospitals. The Drug Enforcement Administration estimates that there are 10 times more LSD overdoses today than in the 1970's. Three deaths from LSD overdoses have been reported in the last 3 years. It seems that the 1980's generation is tuning in, turning on, and dropping dead from drug abuse.

Madam President, I ask unanimous consent to insert into the RECORD two articles on the revival of 1960's drugs in the 1980's.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Washington Times, July 6, 1983]

EXPERTS NOTE REVIVAL IN USE OF 1960's DRUGS

LOS ANGELES (UPI).—Hallucinogenic drugs, popular among a generation that "tuned in, turned on, and dropped out" in the 1960's, are regaining favor among users cynical of the horror stories surrounding psychedelics, drug experts said yesterday.

Greater sophistication among drug users, refinement of hallucinogenics and fewer "bad trips" are encouraging a West Coast trend toward LSD, PCP and other mind-altering substances that one expert predicts "will spread gradually throughout the United States by the end of the decade."

Already, UCLA psychopharmacologist Dr. Ron Siegal said in an interview, "We are getting reports of a renaissance of LSD use in major cities such as New York and Chicago."

Police said the greatest abuse seems to be among high-school students, attracted by the ease with which hallucinogenics can be obtained and their convenience. The most popular is apparently a single drop of LSD on a postage-stamp size piece of blotter paper that a user just pops into his mouth.

Among the horror stories that scared drug users away from psychedelics were tales of people who, under the influence of hallucinogenic drugs, exhibited bizarre public behavior, killed themselves or murdered others.

"Some of the (current) users are aware of the history of LSD, and they're aware of a lot of the horror stories where just that, horror stories with little scientific validity," Siegal said.

Drugs such as LSD are more refined today than in the 1960s, which users feel make them safer, Siegal said.

He said use of potent forms of marihuana, resulting in mild hallucinogenic experiences without ill effect, has "tempered the fear and anxiety many people have about experimenting with a hallucinogenic drug.

"Their own experience has convinced them these drugs could be used safely when handled properly," Siegal said.

Don Bays, an administrative assistant with the Los Angeles Police Department, said there has been an enormous increase recently in the confiscation of LSD. So far this year, police have seized 112,222 units of LSD—a 3,000 percent increase over the 3,462 units seized in the first six months of last year.

LSD USE RISING DRAMATICALLY IN INDIANA

(By Bill Lammers)

LSD's popularity in Indiana has risen dramatically in the last two years, says a top state police investigator. And Fort Wayne isn't immune from the trend.

Users apparently discount horror stories of suicides resulting from "bad trips" in the '60s, officials say, adding the '80s version of the hallucinogen is purer, lessening the danger.

In 1982, 74 persons in Indiana were arrested for selling LSD, while only three cases were reported in 1981, said Lt. Charles P. Williams, head of the special investigations section of the state police.

LSD ranked fourth in arrests in 1982 behind marihuana (388), methaqualone (128) and cocaine (88).

"This year, it's running neck and neck with methaqualone," Williams said. "I expect before the year is out it'll be one of the most popular drugs."

Most of the LSD coming into Indiana is in tablets, he said. But recently some forms of blotter LSD—a drop of the drug on a postage-stamp-size piece of paper—have been seized, especially a type known as "Black Star" in the Fort Wayne area.

State police have pinpointed two routes for the hallucinogen into the state from the Berkeley and Westminster areas of California: direct from California to Indianapolis and from California to Florida to Bloomington.

"The one thing we've seen is the large amount—5,000- and 8,000-dosage units," Williams said. The drug often sells for $1.50 to $2 a dose; the manufacturing cost is 10 to 15 cents a dose.

Fort Wayne health and rehabilitation officials said they also had seen interest in LSD perking up in recent years.

"From what we hear there does seem to be a little bit of a trend, an increase," said Ruth Anne Sprunger, executive director of the Mental Health Center. "It had sort of died down for a while, and then it was all pot, coke (cocaine) and booze."

LSD appeared in quantity in Fort Wayne during last year's Three Rivers Festival, said Joyce Bussard, evening supervisor at Washington House Inc., 2720 Culbertson St., which helps people break their dependence on drugs or alcohol.

"The reefer (marihuana) died out, but the acid stayed on all summer," said Bussard. "The one (LSD) is really kind of hit and miss," with fewer young people reporting its use lately.

The '80s version of LSD is purer, with dosages more uniform, officials say, "The quality is more consistent," Williams said.

"I don't want to say it's safe. The drug itself is very dangerous because it acts on your mind. But for the street people, it's cleaned up a lot since the '60s," he said.

GUERRILLA DRUG WAR

Mrs. HAWKINS. Madam President, I ask you and all the other Members here today to "ride shotgun" with me on the issue of youthful drug abuse in America. We are fighting a full-scale war here—against drugs, against drug growers, against drug smugglers

against drug dealers. But a conventional fight will not defeat this enemy.

Madam President, the drug war we are fighting has all the marks of true guerrilla warfare. We are not exactly sure who the enemy is. It could be a wealthy landowner in Colombia or the guy down the block who takes weekend trips in his small private plane. He could be the neighbor next door—as an entire Florida community discovered recently. Enemies are everywhere, yet no one can pinpoint them. What is worse, the enemy keeps moving around and changing his position. For instance, Florida's crackdown on drug smuggling has had the unfortunate effect of increasing drug trafficking in other border States, particularly California. The enemy simply shifted position and dug in once again.

The drug smugglers and dealers fight a dirty war. In true guerrilla style, they demoralize the population slowly, bit by bit. Because their forces are small and scattered, they prey on the innocent and the helpless—the youth of our country. Their tactic is to undermine the coherence of the community by targeting its weakest members, by destroying their minds and bodies with drugs and ruining any chance of a future.

Madam President, it seems to me that we have to fight the drug war on the enemy's terms. We must be harsh and ruthless with these criminals who are attacking our Nation's very foundation. We are too lenient, too "fair." We cannot allow the guerrillas to win a waiting game. The best way to win the drug war is to act now and knock out the central source of supply: illegal drug imports from abroad. The time has come for a diplomatic initiative against drugs. Eradication of illegal drug crops is the best possible means of attack. And we must link such eradication with one of the most powerful weapons that the United States can wield: foreign aid.

As long as foreign countries are willing to soak up American taxpayers' money, they must make a good-faith effort to destroy once and for all their illegal drug trade.

It cannot be done overnight; I realize that. But a systematic reduction of crops should clearly be linked to U.S. foreign aid and U.S. votes at multilateral banks. Sure and steady pressure over a long period of time will convince drug-producing countries that we mean business. The battle against drugs is not a weekend war.

VERMONT TOWN ENERGY PROJECT

Mr. LEAHY. Madam President, I ask unanimous consent to place in the CONGRESSIONAL RECORD a recent article published in the Energy Conservation Bulletin on the Vermont town energy project. This excellent article describes the outstanding work of this project. I believe this project is an excellent example of local initiative. I commend it to my colleagues.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

COMMUNITY ENERGY PLANNING UNDERWAY IN VERMONT

In line with their strong history of direct democracy and citizen involvement, 18 towns in Vermont have begun developing town energy plans, undertaking local energy projects, and participating in regional energy task forces. The impetus for this activity is a program called the Vermont Town Energy Project, funded by an ACTION Community Energy Grant and operating out of the Center for Rural Studies at the University of Vermont. The VTEP works with Town Energy Coordinators, volunteers appointed by the Selectmen in each town, to help them become more effective in promoting energy conservation and the use of local renewable sources, and to bring together all of the energy-related services available to the community from various agencies.

According to Paul Markowitz, Project Coordinator, "The aim of the Vermont Town Energy Project is to establish a working framework in each region and in each town to help move the State of Vermont toward a more affordable, sustainable, and secure energy future."

The Project, which was initiated in November 1982, has been operating in two regions of the state—the Central Vermont area and in Bennington County. In August, expansion of the Project to a third region in the Brattleboro area brought the number of target communities to 25.

The Project combines components of many existing efforts that have been conducted in Vermont and throughout the nation to assist local energy programs: distributing energy planning and action documents, creating regional energy task forces, sponsoring workshops, coordinating the technical and planning assistance offered by various agencies, and providing money to each town for project expenses.

The Project coordinates the energy-related services of the Community Action Agencies, Regional Planning Commissions, Cooperative Extension Service, and the State Energy Office, to provide direct planning and technical assistance to towns. It emphasizes improving the effectiveness of Town Energy Coordinators while bringing together other people in the community who are interested in working on local energy projects. For instance, in Central Vermont, the initial target region, each of the nine towns participating have formed town energy committees invovling a broad spectrum of community residents.

The regional energy task forces organized by the Project are comprised of Town Energy Coordinators, agency representatives, and representatives from energy-related businesses. The task forces were designed to help overcome the isolation of Town Energy Coordinators and to pool the knowledge and experience of coordinators within a region. They have also brought agencies with energy-related services into direct contact with individuals at the local level who can apply those services to their town and community's needs.

Another valuable contribution has been a series of special workshop sessions conducted in five locations throughout the state, held in conjunction with the Extension Service's annual training sessions for town officials. The workshops topics included: (1) developing a town energy plan, (2) financing energy conservation in town and school buildings, and (3) bulk purchasing of insulation. While the first session on energy planning was more analytical in scope—assessing energy needs, resources, and consumption patterns—the financing and insulation workshops session used local individuals with strong backgrounds in the field, and the insulation workshops called upon local energy outreach advisors from the Home Energy Audit Team, Vermont's energy audit program.

The principal reference for the Project is a guidebook entitled Town Energy Planning: A Framework for Action, prepared by Markowitz in cooperation with the Center for Rural Studies and the Agency of Development and Community Affairs, Montpelier, Vermont. The guidebook described the range of issues that can be pursued at the local level and discusses in detail specific projects that communities can undertake. These projects include fuel oil and fuelwood cooperatives, volunteer weatherization efforts, town forest management, and implementing energy-conscious land-use bylaws.

Markowitz is enthusiastic about the progress of community energy planning in Vermont. He told the Bulletin: "While the Vermont town Energy Project is a fledgling program, it has already demonstrated that individuals at the local level are eager to work together to address their energy needs and problems if they can be provided with a reasonable level of assistance and funding."

CLINCH RIVER BREEDER REACTOR

Mr. LEAHY. Madam President, I ask unanimous consent to place in the RECORD today the speech I made on the Clinch River Breeder Reactor in 1981.

As we face this issue again in the near future, this speech provides a historical perspective on this issue that I believe will be helpful to my colleagues.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

STATEMENT OF SENATOR PATRICK LEAHY ON THE CLINCH RIVER BREEDER REACTOR

For a number of years, I have been opposed to the building of the Clinch River Breeder Reactor because I believe this program presents an unreasonable risk to the public health and safety, and because this facility is a waste of the taxpayers' money.

The point I will make today is simple. The Clinch River Breeder Reactor is the latest in a long series of nuclear white elephants which have cost the taxpayers of this nation billions of dollars but have never provided any measurable benefits to our citizens.

During this year we have spent more effort on reducing waste in the federal budget than ever before. We have cut programs to fund basic human needs. We have cut scientific development. The President has asked us to slash the funding for alternative energy sources such as solar energy and energy conservation which are so important to the people of my state. Yet, while the President has been asking every-

one to tighten his belt, he has increased federal spending for nuclear power by 30%.

The nuclear power industry is obviously in trouble. But the nuclear industry's difficulties, no more than any other industry's, cannot and should not be solved by throwing the taxpayers' money at the problem.

Over the past three decades, the Federal Government has given the development of nuclear technology the most aggressive support of any new technology ever supported by the Federal Government. Unfortunately, in its enthusiasm to develop every aspect of nuclear technology, the Federal Government has not tempered its enthusiasm with equal fiscal vigilance. In fact, for many years, billions of dollars have been wasted by projects which appeared technologically attractive and intellectually exciting but which, again and again, have turned out to be expensive white elephants. The Clinch River Breeder Reactor is the latest in the long series of such projects.

To put its development in perspective, I would like to review a few of the projects which the Federal Government has funded in past years in this area.

The first of these was the nuclear-powered airplane. The concept behind this program was that the heat from a nuclear reactor could be used to provide jet propulsion. Year after year, the Congress was warned that the Russians were ahead in this vital area, and, year after year, the Congress authorized millions to support the project.

It was soon recognized that the nuclear jet plane suffered from an insurmountable problem. If enough lead shielding were placed on the plane to protect the passengers from the radiation produced by the engine, the plane would be too heavy to get off the ground.

At one point, the Atomic Energy Commission proposed using old pilots in the planes. Since they had a shorter time to live, a little extra radiation would do less harm.

In what would have been the most star-crossed technological combination imaginable, it was even proposed that nuclear jet engines be placed on the C-5A cargo plane.

The C-5A had the unfortunate habit of dropping engines in flight. The core of a nuclear jet engine—in a single year—would be more radioactive than a Hiroshima bomb. Imagine if the C-5A had dropped a nuclear jet engine!

This program has now been abandoned by us and the Russians, yet the American taxpayers spent over $1.5 billion supporting this project over 11 years.

Then there was the nuclear-powered buzz bomb. It was designed to use a nuclear-powered rocket to send atomic bombs on our enemies. Unfortunately, the nuclear rocket engine spewed millions of curies of radioactivity over friendly territory on its way to its target.

It, too, was abandoned—but not until after hundreds of millions were wasted.

If not a jet, if not a rocket—perhaps then a nuclear-powered space ship. It was an intriguing idea—the ship could fly forever. It was even proposed that it could "intercept potentially hostile space vehicles." The principal problem in space flight, unfortunately, is not flying forever but getting off the ground in the first place.

Never mind that NASA thought the program was a waste of money. Over $1.5 billion in taxpayers' money was wasted on this project as well.

By the way, that engine was tested at a site called Jackass Flats, Nevada.

If not in the air—perhaps on the sea. The idea—build a nuclear-powered merchant ship which could steam forever. Never mind that merchant ships want to call at port regularly to unload their cargo.

Over $100 million was spent on this program before it was abandoned.

And then there was the proposal to use radiation to preserve food. It was abandoned after scores of millions were spent.

And then there was Project Plowshare. Nuclear bombs would be used to excavate canals and release natural gas. Over $150 million was spent on this project before it also was abandoned.

But my favorite is plutonium-powered long-johns developed to keep deep-sea divers warm. Let me quote from the Atomic Energy Commission's press release:

"The device . . . warms a garment of the 'long john' type worn under the diver's suit . . . The water is warmed in a bottle-shaped heat exchanger . . . which contains four capsules of plutonium 238 fuel."

I do not know how much was wasted on plutonium-powered long-johns, but there is no record they were ever popular with divers.

When all the other arguments have fallen by the wayside, it is argued that we must continue spending these huge amounts of money on breeder reactors because the French are doing it. Why our program is more expensive than the combined French, British, German, and Japanese programs is never explained.

Nevertheless, it is argued, we cannot lose out to the French.

I did not understand the French attitude to the breeder program—which will obviously be an economic failure—until I studied the French decision to build the Panama Canal in the course of our debate on that matter.

Because Ferdinand de Lessups had built a sea-level canal at the Suez, he decided that the glory of France demanded a sea-level canal be built at Panama. Of course, there was a mountain in the way in Panama. You have all seen the pictures of the hulks of the rusting French heavy equipment which they left when they abandoned the project.

And we all know the story of how the United States—using a more practical plan—succeeded and, with this project, established its place in the world as a major economic power.

The breeder decision is really the same type of decision. We can spend our very tight research dollars to build better, more efficient uranium-powered reactors and coal plants or gamble billions on a whole new type of reactor which will be twice as expensive as our present power plants.

The French made that gamble with their sea-level canal and lost to the United States.

The French gambled on the SST and again lost to the United States jumbo jets.

Let them gamble again on a white-elephant breeder while we concentrate on building more efficient coal and uranium plants. They will surely lose again.

The only purpose of a breeder reactor is to create electricity. The United States has 400 years of coal and 100 years of uranium supplies—all of which can be used to generate electricity. It makes no energy or economic sense to spend billions more to develop a substitute for coal and uranium—our most abundant domestic fuels.

In summary, from Jackass Flats, to the nuclear-powered C-5A, to the plutonium-powered long-johns, the nuclear research program has been a parade of nuclear white elephants. I think it is time to stop making the taxpayers finance the parade. I support the cancellation of the Clinch River Breeder Reactor.

EQUALITY OF RIGHTS FOR WOMEN

Mr. CRANSTON. Madam President, I would like to take a few moments to speak upon a matter of continuing urgency for our Nation—the attainment of equal rights for all Americans regardless of sex.

INTRODUCTION

Our Nation was founded upon the concept of equality of rights and equality of opportunity. Yet, more than half of all Americans are still denied equal rights and opportunities because of their sex.

Despite advances over the past two decades, many American women each day face discrimination, limited opportunities, and economic hardships. It is essential that we begin to recognize the fact that attainment of equality by American women is of paramount importance to each one of us. The practices and policies that exclude women from full social, political, and economic participation in our society rob our Nation of the benefits of their contributions, their productivity, and their creativity. Our Nation simply cannot achieve full productivity and prosperity as long as we continue to deny more than half our population full opportunities to utilize their talents and energies.

The American dream of equal opportunity must become a reality for all women in this Nation.

LIMITED PROGRESS

In the sixties and seventies, significant progress was made toward breaking down many of the barriers, stereotypes, and prejudices that for nearly 200 years relegated women to second-class citizenship. The enactment of numerous civil rights laws—particularly in education and employment—led to the elimination of many archaic laws and policies that had effectively barred women from numerous occupations and professions or denied them the right to own or use property, to obtain credit, and otherwise enjoy economic rights. As a consequence of the struggles of the past two decades, increasing numbers of women have made inroads into facets of American life from which they were previously excluded.

But beneath the surface and despite this demonstrable progress, denial of opportunities and rights on the basis of gender persists. Women still bear the burden and stigma of a kind of second-class citizenship. Measured by any standard, sex discrimination is still with us. It continues to strangle the hopes and aspirations of young women, condemn older women to lives of poverty and fear, and hold millions

in stagnant, dead end jobs with bleak economic futures.

It has been some 20 years since the passage of the Equal Pay Act and title VII of the Civil Rights Act of 1964—the two laws intended to eliminate employment discrimination against women. Yet the earnings gap between men and women has not declined but, in fact, has widened. In the 1950's, full time female workers earned 64 percent of what similarly situated male employees earned; today they are down to 59 cents on the average.

Despite State and Federal equal pay laws prohibiting unequal treatment, wage discrimination against female workers exists today in every profession, occupation, or field of employment and at every level of experience. It persists in male-dominated fields. It persists in female-dominated fields. It persists in the new occupational fields that have not yet become sexually stereotyped. For example, female engineers earn only 86 percent of the salary of male engineers; female college professors and lawyers receive only 71 percent of what their male counterparts earn. Although 60 percent of the retail sales clerks are female, they earn only 67 percent of what male clerks earn. Average starting salaries for female Harvard MBA's are reported to be $2,000 less than those paid to male MBA's. Entry level male college lecturers average $13,577; females, $11,870. Sex-bias in wages has even appeared in the computer field. In 1981, the median weekly pay for female computer operators was $355; for males, $488.

Moreover, for every woman who has moved into a higher paying, male-dominated occupational field, thousands have remained behind, locked in female job ghettos where the services performed are undervalued, wages kept low, and the opportunities are limited. The salaries paid in occupations and professional fields dominated by female workers are universally lower than their education, skills, responsibilities—and working conditions—warrant. This lack of comparable pay for work of comparable worth is a major factor depressing the wages of women generally.

ECONOMIC CONSEQUENCES

The combined effects of unequal pay for equal work, unequal pay for work of comparable worth, and occupational segregation have been devastating for women.

Our Nation has been increasingly experiencing what is graphically described as the feminization of poverty. Two of every three poor adults today are women. The number of poor families headed by women increased by one-third between 1969 and 1978, rising from 1.8 to 2.7 million; the number of male-headed families in poverty dropped from 3.2 million to 2.6 million during that same time.

For many men, poverty comes as a consequence of joblessness and the way out of poverty is through employment. But many of the women living in poverty already have jobs and are working full time—their jobs just do not pay a living wage. Almost 40 percent of the fully employed women earn less than $10,000. The 1982 poverty level for a four-person family was $9,860. The poverty rate for families headed by a full-time working woman is more than double that for households headed by full time working men.

Poverty endures for many of these women long after their families have grown. A lifetime of lower earnings and limited career opportunities results in substantially lower benefits from social security and other pension programs. Presently, 72 percent of older persons living in poverty are women.

Minority women face the double burden of race as well as sex discrimination. While the average ratio of male-to-female wages is 59 percent, that ratio is 54 percent for black women and 49 percent for Hispanic women. More than half of the black and Hispanic families headed by a female live in poverty. Older minority women constitute the poorest of the poor; 82 percent of older black women live at or near poverty. And the unemployment rates among young black women are the highest of any category of workers.

Wage discrimination against women has serious consequences for the welfare of America's children. It is estimated that one-third to one-half of the children born during the 1970's will live for some significant period of time in a female-headed household—more than one-third of which now live in poverty. Unless we find ways to break down the barriers which continue to deny women workers access to jobs with adequate salaries and advancement potential, many children will also face a high risk of poverty and its consequences.

DISPELLING THE SECONDARY WAGE-EARNER MYTH

A major task in achieving the goal of providing women equity in the work force is that of overcoming once and for all the myth that continues to linger that women are merely secondary wage earners and, hence, their participation and attachment to the work force is of lesser importance. President Reagan himself contributed to the perpetuation of this false perception when he suggested that the increase in working women, rather than the recession, was itself the cause of high unemployment. He was implying that perhaps these new women entrants really did not have to work.

The fact is women work for precisely the same reasons that men work. They work to provide for themselves and their families. Economic necessity is the primary and overriding factor. Seventy-four percent of the women now working are either sole providers or are married to men with incomes of less than $15,000; their earnings are necessary to keep their families out of poverty.

Dispelling the myths that surround the role of women in the work force is particularly important with respect to young women. Today, 56 percent of adult women are working outside the home. During this decade, it is expected that two-thirds of all women between the ages of 20 and 64 will be in the labor force at any one time. But relatively few teenage girls seem aware of this. Our educational systems do too little to prepare young women for the world of work. Department of Education statistics show that over 40 percent of the girls enrolled in vocational education programs are learning only homemaking skills. The rest for the most part are training for a narrow range of female-stereotyped, low-paying occupations. Young women should be learning about the jobs that will be emerging out of the new technologies. They should be preparing themselves for work that will provide decent salaries and advancement opportunities. They should be encouraged to develop all of their talents and capabilities to the fullest. Their horizons should not be limited by sexist stereotypes or false perceptions about the work force.

PROMOTING THE NATIONAL INTEREST

For those directly affected, the cost of allowing discrimination against women to continue is serious; the cost to our Nation is also certain to be great; especially in the labor-scarce years ahead. A second major task in achieving the goal of providing equal opportunities to women is gaining recognition of the fact that it is our national interest—as well as a matter of moral principle—to overcome the obstacles that continue to deny women those opportunities.

Demographic trends indicate that we will soon have a shrinking pool of young entrants into the work force and most of the new workers our Nation will need will come from groups that have been denied full participation in our work force—women, minorities, older Americans, and disabled individuals. The new growth industries—computers, telecommunications, robotics, and biotechnology—are creating ever more sophisticated jobs to be filled. Already we face critical shortages of engineers and certain highly skilled workers. We will need to draw upon the best minds and energies of all our people—female as well as male—to be able to meet the new demands. Today it is clear we are not using in the work force the full capacities of American women. While the

number of women entering the labor force has grown enormously over the past few years, they continue to be segregated into a handful of occupations and fields.

If we are to meet the challenges that lie ahead for our Nation, we cannot afford to continue to squander our talented and creative human capital. We cannot allow women workers to continue to be devalued and excluded from full participation in the economic life and growth of our Nation.

NEED FOR ACTION

There are a number of specific steps that can and should be taken to promote both economic and social justice for women.

EMPLOYMENT OPPORTUNITIES

The most critical and urgent area that must be addressed is in the area of promoting true equality of opportunity in the work force. The continuing inequities suffered by women workers have dire economic consequences for these women, for their children and families, and for their security in old age.

First, we must have full and vigorous enforcement of existing equal employment opportunity laws. Under the Reagan administration, the Equal Employment Opportunity Commission's enforcement of title VII of the Civil Rights Act has been curtailed. According to a report prepared by the Coalition on Women and the Budget, staffing levels at EEOC are down 13.2 percent as a result of the fiscal year 1983 budget, the length of time for EEOC processing of individual charges is now an average of 5.5 to 9 months, nearly double the amount of time a case took in fiscal year 1980, and in fiscal year 1982 only 72 cases were filed in Federal court by EEOC, 73.9 percent fewer than in fiscal year 1981. Similarly, the Office of Federal Contract Compliance Programs—OFCCP—of the Department of Labor has suffered major staff losses. The Reagan administration has also proposed changes in affirmative action regulations that would substantially weaken the OFCCP's ability to enforce equal employment opportunity requirements with respect to Federal contractors.

Moreover, despite promising efforts at EEOC and OFCCP under the Carter administration to develop an approach to deal with the problem of unequal pay for work of comparable worth and the decision of the Supreme Court in 1981 in the Gunther case which opened the door to further efforts in this area, activity on comparable worth issues by both agencies appears to be at a virtual standstill. It is clear that some direction in this area, either from Congress or the administration, is necessary. I will soon introduce legislation to provide needed guidance and direction to EEOC and OFCCP for action in this area. The problems of pay equity and the discrimination against female workers cannot be resolved until these issues are adequately addressed by the Federal agencies charged with the responsibility for enforcement of equal employment opportunity laws.

Second, the Federal Government ought to be providing a model for equal opportunity through the management of the Federal work force in a fair and progressive fashion. That has not occurred. As the author of the 1972 amendment to title VII that extended its protections to Federal employees, I have been deeply disappointed with the lack of progress that has been made in extending equal employment opportunities and career advancement opportunities to women and minorities in the Federal work force. Women in particular continue to be concentrated in the lower Federal pay grades. Eighty-five percent of all Federal white collar female workers are employed in grades 1 to 9. Moreover, although women constitute roughly 30 percent of the Federal work force, they have been vastly over represented among the victims of the recent reduction in force—RIF—actions. During the first 6 months of fiscal year 1982—the period when major RIF's occurred—62.9 percent of the Federal workers laid off were women.

Moreover, although the 1978 Civil Service Reform Act clearly directed the Federal Government to eliminate pay inequities based upon comparable worth problems, virtually nothing has been done by OPM to address this problem within the Federal work force.

Finally, women continue to be under represented in the highest level policymaking positions and in the Federal judiciary. The present administration continues to fall far short in its appointment of women to top positions, notwithstanding the recent visible cabinet-level appointments. This tokenism approach to the appointment of women was underscored in President Reagan's candid explanation as to why no women had been appointed to this Central American Commission.

Third, federally supported employment and job training programs must be designed to afford opportunities for groups, such as women, who have been underserved by these programs. The Federal Government's efforts to make these opportunities available to women, as well as men, have been few and ineffective. We must do better. I am proud to be the sponsor of legislation, S. 266, the Hawkins-Cranston Community Renewal Employment Act, which is specifically designed to take into account those needs.

Fourth, we will never adequately address the employment-related needs of women until we deal effectively with the child care needs of our Nation. Lack of accessibility to adequate child care services is a major barrier to employment and the attainment of economic security for millions of women and their families. The U.S. Commission on Civil Rights has noted that studies have suggested that one of every five or six unemployed women is unemployed because she is unable to make satisfactory child care arrangements. Lack of adequate child care restricts employment opportunities for women in a number of other ways, including limiting advancement opportunities and adversely affecting job performance. Adequate child care services must be a cornerstone of any effort to provide women with equal opportunities in the work force. Without such assistance, economic equity will remain an elusive goal for millions of women.

The problem also cannot be adequately addressed simply by tinkering with tax credits and business deductions. Improving the existing child care tax credit is an important step which should be taken and has broad bipartisan support. But ultimately we must recognize that tax incentives, even with refundability provisions, are not going to provide meaningful assistance for the vast numbers of women working in jobs paying less than $10,000 a year. Families living from paycheck to paycheck, facing weekly child care bills, need direct assistance. When programs like title XX and the child care food program, which provide direct assistance in meeting child care costs, are drastically cut—as they have been under the Reagan administration—countless families are pushed out of child care programs. Many are forced to either quit their jobs and go on welfare or leave their children alone or in undesirable situations. Any serious effort to deal with the child care needs of these families must go beyond a Tax Code approach or we run the risk of developing a system of Federal support for child care costs that ignores those in the greatest need.

The time is long overdue for this Nation to recognize that adequate child care services are essential to the economic well-being of our Nation's children and families. Until we have adopted a comprehensive policy and format for addressing the child care needs of all those who need assistance along the lines set forth in my bill S. 4, the proposed Child Care Assistance Act, we will continue to deny many women the support they need to work and provide for themselves and their families. Such a comprehensive format must include—as does S. 4—such things as support for child care information and referral programs, which play a key role in helping parents find the kind of care they need, decent minimum standards to help assure the health and safety of the children in

child care programs, and a diversity of programs so that parents can choose the child care option that work best for their family.

EDUCATION

Another critical area where additional efforts must be made is in the continuing struggle to insure that equal educational opportunities are made available to women. Education has always been a key to advancement and economic security in our society. The lack of equal educational opportunities for young women in the past has been a tremendous obstacle to the attainment of equal opportunity.

The enactment over a decade ago of title IX of the Education Amendments of 1972 which prohibits sex discrimination in federally assisted educational institutions provided a tremendous tool for eliminating discriminatory practices in education. Prior to passage of title IX, overt, blatant sex discrimination was practiced in public and private schools throughout the Nation. Young girls were routinely and openly denied access to certain vocational programs, admission to certain schools or fields of study, or the right to participate in a wide variety of extracurricular school activities solely because of their sex. Guidance counselors uniformly steered young women away from male-dominated career patterns into traditional female roles. These policies and practices—some almost inconceivable today—were once deeply ingrained parts of our educational institutions. Title IX has led to revolutionary changes in ways that our schools and institutions of higher education look at and treat young women. These have been positive changes which have opened up the doors to education and training to enable these young women, as well as older women returning to the classroom, to develop and utilize the skills and capabilities they possess and to fulfill their individual potentials.

Yet, today title IX has fallen under a serious threat. The Reagan administration has not only curtailed its enforcement mechanisms for resolving title IX complaints, but it has formally taken a position in the pending title IX case before the Supreme Court—Grove City College against Bell—which would severely limit and effectively emasculate title IX. The Reagan administration would restrict title IX's scope to only those aspects of the school directly involved in receipt of Federal assistance. Thus, an educational institution would be free to reinstitute any of the old sex-biased policies so long as the specific program touched by Federal assistance was not involved. Federal funds could thus be freely expended to support totally biased and inequitable institutions so long as the funding was carefully funnelled into programs where such discrimination was not overtly practiced.

I feel so strongly that this position is wrong that I have taken the unusual step of joining two of my colleagues, the Senator from Oregon (Mr. PACKWOOD) and the Senator from Kansas (Mr. DOLE) as well as almost 50 Members of the House of Representatives in a bipartisan amicus curiae brief filed with the Supreme Court opposing the Reagan Justice Department's position in this case. I have also cosponsored the Senate Resolution 149, reaffirming congressional support for title IX.

Any retreat in our efforts to extend equal educational opportunities to women would be tragic—a result which would not only hinder the advancement of millions of women, but would deprive our Nation of their enormous potential contributions.

HUMAN SERVICES PROGRAMS

At the same time that efforts are being made to open up the avenues to self-sufficiency and economic security through employment and educational opportunities, support must be continued for those women and their children who need assistance for their very survival. Just as women and children have been the major victims of poverty, they have been the primary victims of the Reagan administration's drastic cutbacks in the basic programs of assistance for needy Americans. Cuts in health programs, housing assistance, child nutrition, food stamps, legal services, and the AFDC program have caused great suffering by millions of women and children dependent upon these programs for basic subsistence. Women and children constitute almost 70 percent of all food stamp recipients, 66 percent of the residents of subsidized housing, 61 percent of medicaid recipients, 67 percent of all legal services clients, and 93 percent of those dependent on the AFDC program. Some of the heaviest blows have fallen upon those women trying to work their way off welfare. Shortsighted cutbacks in areas like child care and work-related expense deductions have only served to drive these families deeper into economic despair and dependency.

Special attention must also be paid to issues affecting older women. First and foremost must be a reevaluation and revision of the social security system to assure that the needs of older women are adequately met. Earnings sharing, which recognizes the economic partnership of marriage, has been repeatedly identified as the most promising and fair approach to dealing with these problems. I have introduced an earnings sharing bill in the Senate, and I authored an amendment to the 1983 social security reform legislation which requires the Department of Health and Human Services to submit to Congress a report on how such a program might be implemented. That report should provide a basis for action in this area.

Similar efforts to promote greater equity for women in private pension programs and the civil service retirement system are also underway. A major proposal is contained in the Economic Equity Act, S. 888, which I have cosponsored. These actions with respect to social security, private pensions, and the civil service retirement system are essential if we are to deal effectively with the impoverished condition of millions of older women.

The stability and adequacy of the medicare program is also of utmost importance to older women, and we must assure that medicare is protected and strengthened so that the health care needs of our older citizens can be met.

Finally, the persistent attacks by this administration and its allies in Congress on programs like family planning must be stopped. On the one hand, the Reagan administration has sought enactment of measures in the area of abortion—measures I have strongly opposed—which would increase governmental interference and control in the most personal, private decisions of individuals. At the same time, it has sought to eliminate programs such as the title X family planning program which can contribute to a reduction in the number of abortions and unintended pregnancies. Greater efforts should be made in developing realistic alternatives to abortion, such as family planning services, safer and more effective methods of contraception, adequate medicaid assistance for all pregnant, low-income women, and support for adoption assistance programs. I have authored major legislation in all of these areas. Promotion of individual choice and alternatives ought to be our goal in this sensitive and difficult area, rather than Government intervention and the curtailment of individual decisionmaking.

MILITARY SPENDING AND THE ARMS RACE

Bringing a halt to the mindless and incredibly costly arms race we are engaged in is also of immeasurable importance to women—as it is to all Americans.

We need a strong national defense that is second to none.

But we also need a sound economy, a prosperous and secure America, and opportunity for all our people. We simply cannot achieve these goals if we continue to pour trillions of dollars into a bloated military budget. The arms race is forcing us to undermine our economy, to divert precious resources from pressing domestic problems, and to mortgage our Nation's future through enormous deficits. Further, it helps to foster an ever more macho society in which it is increasingly difficult for women to participate and compete. The struggle for equal justice is hindered when our na-

tional resources and priorities are focused upon the development of more and more awesome weapons of destruction rather than investing in and promoting our human capital.

We must negotiate an arms control agreement with the Soviet Union that is balanced and verifiable and fair so that we can put an end to this shamefully expensive and dangerous arms race. We must do this to bring our world out from under the dark shadow of nuclear destruction. Attainment of all our other goals and aspirations as a people is endangered if we fail in our efforts in this area.

RATIFICATION OF THE EQUAL RIGHTS AMENDMENTS

Finally, we must ratify the equal rights amendment. Full and equal status for women will not become a reality in this Nation until the Constitution is amended to include ERA. Only a constitutional amendment can provide a secure guarantee of equal status and dignity. That truth has unfortunately been amply demonstrated as the current administration has worked to undermine the statutory protections for women which now exist. Ratification of ERA is necessary to establish the legal foundation needed to assure equality of rights under the laws of our land as well as to signify our national consensus on the underlying issue of equality.

However, while we continue to struggle to achieve ratification of ERA, there are pending legislative issues that must be addressed. Passage of the fair insurance bill, S. 372, and the fair housing amendments, S. 1220, which will for the first time provide protections against housing discrimination for families with children, are key steps forward that must be taken. Other important measures include action on domestic violence prevention legislation, strengthening of child support enforcement laws and various other key elements of the Economic Equity Act, S. 888. As a cosponsor of all of these measures, I am committed to pressing forward in these and other areas as we continue to work for social and economic justice in every aspect of our society.

CONCLUSION

The task that lies before us is awesome, but not insurmountable. To achieve these goals, however, we need national leadership that will help dispel the stereotypes about women and the lingering ambivalence about their status. We need national leadership that will help to articulate the fact that it is in our national interest to promote full equality for women and to help communicate the message that women's issues are not special interests, but part of the national agenda that is of critical importance to all Americans. Equal justice and equal opportunity for women is not a luxury; it is an economic and moral necessity.

BARNEY WEEKS—A GREAT MAN

Mr. HEFLIN. Madam President, as I traveled across Alabama during the Senate's August recess I saw stories in several newspapers telling of the upcoming retirement of a fixture in the State's public life, Barney Weeks, President of the Alabama Labor Council.

Weeks has notified union officials across the State that he will not run for another 2-year term when his current one expires in October. He has held that post continuously since 1957. During those 26 years, he has worked tirelessly for union goals, always a dedicated supporter of the rights of working men and women in Alabama.

Barney Weeks first began his union career in 1936, with Montgomery's International Typographical Union. He had been a printer with a Montgomery newspaper for only 6 months when he was chosen president of the union local. He then held various labor posts for about 20 years, until he was first elected to the full-time position of president of the State labor council.

As president of the council, Weeks has done what is almost universally recognized as a fine job in advocating the cause of his group. Even as recently as this last session of the Alabama Legislature, Weeks helped his group achieve some successes, such as an increase of more than 30 percent in unemployment compensation.

Barney Weeks is a great American. He is well known in labor circles and among progressive groups throughout the Nation. His wise counsel has been sought by Americans from all walks of life. He is a superb Alabamian. His interest in the betterment and growth of Alabama is recognized by business leaders as well as political leaders. He has earned the respect of all Alabamians. He is a true and honorable professional. His integrity is unassailable. He is a wonderful human being and a warm friend.

His years of vigorous dedication to the labor movement in Alabama have certainly earned Barney Weeks the right to a peaceful retirement with his wife, Ruth. While his wisdom and integrity are definitely going to be missed, I wish him all the best in the future.

Madam President, I ask unanimous consent that an article from the Birmingham Post-Herald be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

LABOR COUNCIL PRESIDENT SEES STRUGGLE AHEAD—STATE'S TOP UNIONIST SEES CHANGES FORCED BY TECHNOLOGICAL ADVANCES

(By Bill Koenig)

This is Barney Weeks' last Labor Day as the state's top organized labor official.

Weeks can look back with a sense of accomplishment on 26 years as president of the Alabama Labor Council.

About 21 percent of Alabama's work force is organized. That's lower than the national average (22.9 percent), but higher than other Southern states such as Georgia (17 percent) or Florida (14.8 percent).

Under Weeks, The council has been active. In 1973, for example, Weeks' group—which is part of the AFL-CIO and acts as an umbrella organization for unions affiliated with the federation—won a case in the U.S. Supreme Court.

But Weeks also knows his successor, to be elected next month, will face a wealth of problems. Chief among them: a labor force shifting away from heavy industry—organized labor's traditional base—as well as technological change.

Weeks doesn't oppose technology by itself. "I think you've got to have automation. You can't pay high salaries unless productivity increases.

"But there has to be, I think, a more concentrated effort to prepare people for this." Without such preparation "we will be a country of shopowners and service industries, such as England is becoming. We've got more people employed in service now than we do in manufacturing. And I never thought I'd live to see the day that would happen.

The 70-year-old Weeks is, in one sense, a vanishing breed. Weeks started in organized labor in 1936 as an official of the International Typographical Union in Montgomery. He worked in a variety of jobs involving printing. He was a skilled, blue-collar craftsman—traditionally one of the pillars of organized labor's leadership.

"That's an endangered species," says Higdon Roberts, director of University of Alabama in Birmingham's labor studies center.

Those kinds of jobs are threatened on several fronts. Automation has eliminated many of those types of positions. Further, employers in the steel, auto, rubber industries among others seek to consolidate job classifications. Instead of having highly specialized craftsmen, such as Weeks, they want broader classifications.

Organized labor has made some adjustments to the shift to service emplyment. Since World War II, the largest union growth has been among government workers.

But it's generally agreed unions must make inroads, organizing privately employed white-collar employees if they are to remain influential institutions.

Weeks, for one, thinks unions can accomplish that.

Says the labor council president, "Labor has always had to adapt to existing conditions."

The career of Weeks is an example. The South in general has been less inviting to unions than other regions, yet, the Alabama group has recorded some successes.

For example, on June 11, 1973, the U.S. Supreme Court upheld an Alabama law originally sought by the labor council. That law required employers to pay their workers

regular wages while on juries, minus any jury pay they receive.

That law was challenged in the case of Dean vs. Gadsden Times Publishing Corp. Weeks' organization was involved through the appeal process up to the nation's highest court.

But some Weeks associates say a greater accomplishment may have been to hold the state's unions together in the early 1960s.

"I think without question the No. 1 problem Barney had to face was integration," said A.G. Trammell, the council's secretary-treasurer and the only announced candidate to succeed Weeks.

The National AFL-CIO supported equal pay regardless of race and other goals of the civil rights movement. "He was preaching that far before the politicians dared to say that in Alabama," Trammell said of Weeks. The two have known each other since 1957, when Weeks was first elected council president.

Weeks, for the record, doesn't like to comment on that era. "I don't want to inflame this issue all over again."

During the civil rights movement, Weeks sometimes had to check out early from hotels while on union business for fear of violence.

Today's union problems are more economic. Besides the changing nature of the work force, unions now confront huge, broad-based conglomerates.

"They can be real tough, because they can afford a work stoppage," Weeks says. "That makes it very, very hard. And it makes it very hard sometimes to find out who owns the company."

Moreover, Weeks says, organizing is more complex.

"When I first joined, you had to keep your membership totally secret or you were fired the minute they found out about it. They were a lot of strong-arm tactics."

Now, the labor council president says, organizing disputes take place in the courts. Those battles can take years to resolve. Weeks says that lowers the chance for successful labor organizing, even if courts decide in favor of unions.

Yet Weeks remains an optimist. He sees opportunities for union organizing in various fields traditionally considered professional. For example, he says the development of hospital chains could lead to unionized medical personnel. "The doctors and nurses find out they can't deal with them any more than we could deal with U.S. Steel without a union."

THE SQUARE DANCE

Mr. HEFLIN. Madam President, I rise today in support of legislation sponsored by the distinguished Senate minority leader, Senator BYRD of West Virginia. This legislation, Senate bill 1448, would make permanent the designation of the square dance as the national folk dance of the United States.

It was a little more than a year ago, in June of 1982, that President Reagan signed into law a resolution adopted by Congress recognizing the square dance as our national folk dance for a 2-year period. We are now asking that this designation be made permanent.

My home State of Alabama is one of five States that recognize the square dance as the official State dance. Just for the information of my colleagues, the other four States that do so are New Jersey, Oregon, Tennessee, and Washington.

Despite the fact that square dancing has been around for quite sometime, it is still enjoying quite an increase in popularity. Membership in the many square dance organizations which have formed across the country is growing, and new organizations are continually coming into being.

In fact, Madam President, twice recently, on my travels around Alabama I have run into representatives of square dance groups. From them, I have learned that June of 1985 will find Birmingham, Ala., hosting square dancers from all over the world for the 34th National Square Dance Convention. It is estimated that over 35,000 dancers will converge on Birmingham for that convention, sponsored by the more than 6,000 dancers across Alabama. It is believed that this will be the largest convention ever held in the State.

The fun, fellowship, and interaction between the square dancers themselves in only a part of the story of the convention. The gathering will also provide those Alabamians who are familiar with square dancing an opportunity to view the activity at its finest, and it will give those Alabamians unfamiliar with square dancing an opportunity to learn about a great American tradition.

Square dancing is an important part of our national heritage. Although not an American invention, but a combination of many dances drawn from a variety of national origins, the square dance has been an integral part of our culture since before the American Revolution.

Our recognition a year ago of the important role square dancing has played in development of true American culture has been a boon to square dancing. Since then, spectator attendance at square dance festivals and civic functions has increased. Square dance organizations have increased in number by 25 percent. Media coverage of events has also increased.

Madam President, I believe that the tremendous enthusiasm and excitement with which the country has accepted the square dance as the national folk dance justifies a permanent designation.

BUDGET ACT WAIVER

Mr. STEVENS. Madam President, I ask that the Chair lay before the Senate Calendar Order No. 241, Senate Resolution 152, the budget waiver for the consideration of S. 1342.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A resolution (S. Res. 152) waiving section 402(a) of the Congressional Budget Act of 1974 with respect to the consideration of S. 1342.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

Mr. BYRD. We have no objection, Madam President.

There being no objection, the Senate proceeded to consider the resolution.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 152) was agreed to, as follows:

S. RES. 152

Resolved, That pursuant to section 402(c) of the Congressional Budget Act of 1974, the provisions of section 402(a) of such Act are waived with respect to the consideration of S. 1342, a bill to authorize appropriations for the fiscal years 1984 and 1985 for the Department of State, the United States Information Agency, and the Board for International Broadcasting, and for other purposes. Such waiver is necessary to allow the authorization of $13,283,000 to enable Radio Free Europe/Radio Liberty, Incorporated (RFE/RL), to enhance programing, improve audio quality, and renovate broadcast facilities, in accordance with the President's announcement of July 19, 1982, "to move forward . . . with a program to modernize our primary means of international communication, our international radio system.".

Compliance with section 402(a) of the Congressional Budget Act of 1974 was not possible by the May 28, 1982, deadline because the administration failed to submit this request until November 23, 1982. This request was resubmitted to the Congress in March of 1983.

Mr. STEVENS. Madam President, I move to reconsider the vote by which the resolution was agreed to.

Mr. PELL. Madam President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

DEPARTMENT OF STATE AUTHORIZATIONS

Mr. STEVENS. Madam President, I ask that the Chair lay before the Senate S. 1342, the Department of State authorization bill.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 1342) to authorize appropriations for the fiscal years 1984 and 1985 for the Department of State, the United States Information Agency, and the Board for International Broadcasting, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

Mr. BYRD. Madam President, there is no objection. That has been cleared on this side.

There being no objection, the Senate proceeded to consider the bill.

Mr. PERCY. Madam President, today the Senate will consider S. 1342, a bill authorizing appropriations for the Department of State, the U.S. Information Agency and the Board for International Broadcasting for fiscal years 1984 and 1985.

The total amounts authorized by this legislation for fiscal years 1984 and 1985 are $3,203,518,000 and $3,234,249,000 respectively. This represents a cut of $65,427,000 from the administration's fiscal year 1984 request, and $330,442,000 from the administration's fiscal year 1985 request. Despite these substantial reductions, I believe that this bill will provide the U.S. foreign policy agencies with adequate resources to carry out their various mandates and to promote U.S. interests abroad.

I ask unanimous consent that the following table which compares the administration's requests with the committee's recommendations be printed in the RECORD at this point.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

FOREIGN RELATIONS AUTHORIZATION ACT, FISCAL YEARS 1984 AND 1985

[By fiscal year; in thousands of dollars]

	1982 appropriations actual	1983 authorization Public Law 97-241	1983 supplemental authorization requests	1983 appropriations Public Law 97-377	1983 supplemental appropriations request	1984 authorization request	1985 authorization request	1984 increase/decrease over 1983 appropriations request	1985 increase/decrease over 1984 request	Committee mark 1984	Committee mark 1985
STATE DEPARTMENT											
Administration of Foreign Affairs	1,259,151	1,248,059		1,310,232	26,411	1,473,713	1,574,520	137,070	100,807	1,473,713	1,473,713
International organizations and conferences	466,462	514,436		518,804		602,343	645,978	83,839	43,635	602,343	645,978
International commissions	20,292	22,432		20,198	174	23,207	27,503	2,835	4,296	23,207	23,207
Migration and refugee assistance	423,000	460,000		395,000		344,500	386,400	−50,500	−18,100	144,500	326,400
U.S. bilateral science and technology agreements	3,700	3,700		1,700		1,700	1,700			1,700	1,700
The Asia Foundation	4,100	4,500		4,100				−4,100		10,000	10,000
Consulate protection						6,000	6,300	6,000	300	6,000	6,000
Subtotal	2,176,705	2,253,127		2,250,034	26,585	2,451,463	2,582,401	174,844	130,938	2,451,463	2,486,988
U.S. INFORMATION AGENCY											
Salaries and expenses	450,401	[1] 489,443		492,122	20,377	569,365	594,457	56,866	25,092	580,547	580,547
Center for culture and technical interchange between East and West (Hawaii)	16,880	18,280		18,000		18,547	19,345	547	798	18,547	18,547
Acquisition and construction of radio facilities	19,000	40,000		25,000	11,833	47,959	179,426	11,126	131,467	26,250	26,250
Special foreign currency program	9,800	11,327		10,327		10,556	12,412	229	1,856	10,556	10,556
Project Democracy			20,000		20,000	65,000	65,399	45,000	399		
Subtotal	496,081	[2] 559,050	20,000	545,449	52,210	711,427	871,039	113,768	159,612	636,000	636,000
BOARD FOR INTERNATIONAL BROADCASTING											
Administrative expenses	832	838		857		1,075	1,128	+218	+53	1,075	1,128
Transmitter purchase						1,395		+1,395	−1,395	1,395	
Grants to RFE/RL, Inc	82,375	97,479	13,283	89,443	21,300	103,585	110,123	−7,158	+6,538	103,585	110,123
Subtotal	83,207	98,317	13,283	90,300	21,300	106,055	111,251	−5,545	5,196	106,055	111,251
Grand totals	2,755,993	2,910,444	33,283	2,885,783	100,095	3,268,945	3,564,691	283,067	295,746	3,203,518	3,234,249

[1] Includes $4 million for Tsukuba Expo. [2] Public Law 97-241 rounded this figure off to the nearest million ($559 million).

Mr. PERCY. As the above chart illustrates, the committee took the following actions on the various administration funding requests: First, the committee rejected the U.S. Information Agency's fiscal year 1983 $20 million supplemental request to initiate its Project Democracy; second, the committee granted the fiscal year 1983 supplemental request of the Board for International Broadcasting for $13.2 million to enhance and upgrade the broadcasting capabilities of Radio Free Europe and Radio Liberty; third, the committee approved $2.46 billion authorization of appropriations for the Department of State for fiscal year 1984 and a $2.48 authorization for fiscal year 1985; fourth, the committee approved an authorization of appropriations of $636 million for the operations of the U.S. Information Agency for fiscal year 1984 and fiscal year 1985; and fifth, the committee approved $106 million in fiscal year 1984 and $111 million in fiscal year 1985 for the Board for International Broadcasting.

In addition to these funding levels, the committee adopted approximately 28 different policy amendments which cover a wide range of foreign policy issues.

I ask unanimous consent that a list of these items be printed in the RECORD at this point.

There being no objection, the information was ordered to be printed in the RECORD, as follows:

POLICY AMENDMENTS

In addition to providing funds for the Department of State, the United States Information Agency and the Board for International Broadcasting, other sections of S. 1342: (1) remove the ceiling on the amount that the United States may contribute to the Paris Union for the Protection of Industrial Property of the World Intellectual Property Organization; (2) eliminate and modify ten reporting requirements of existing law; (3) authorize the appropriation of $6 million in fiscal year 1984 and fiscal year 1985 to improve and expand consular protective services within the United States; (4) express the sense of the Congress that U.S. representatives to various international organizations should oppose the adoption of international marketing and distribution regulations which unnecessarily impede the export of U.S. agricultural and other products; (5) earmark $2 million to strengthen the Secretariat of the Coordinating Committee on Export Controls; (6) earmark $8.4 million to enhance the overseas political and economic reporting capabilities of the Department of State; (7) strengthen Congressional oversight authority with respect to the State Department's emergency expenditures account and its repatriation loan program; (8) earmark $3 million in fiscal year 1984 and $7 million in fiscal year 1985 for the establishment of an alternative communications system for the Department of State to secure uninterrupted transmission of communications related to U.S. foreign policy and national security interests; (9) permit foreign service officers to select their state of residency for purposes of voting in Federal elections; (10) direct the Secretary of State to establish regional wildlife resources attachés; (11) require the Secretary of State, in consultation with the Secretary of Interior, to review the effectiveness of existing U.S. international activities relating to the conservation of international wildlife; (12) merge the Foreign Service Information Corps with the Foreign Service Corps; (13) earmark $225,000 for fiscal year 1984 and fiscal year 1985 for continued support of the Secretariat of the U.S. National Commission to the United Nations Education, Scientific and Cultural Organization; (14) earmark $248,000 for fiscal year 1984 and fiscal year 1985 as the U.S. contribution to the World Heritage Trust Fund; (15) state the sense of

the Congress that the United States should move as expeditiously as possible toward a bilateral agreement with Canada on the acid rain problem; (16) express the sense of the Congress that the Department of State should take steps to eliminate the excessive delays in the publication of its historical series, "The Foreign Relations of the United States"; (17) make it the sense of the Congress that the U.S. Government should move immediately to promote lower prices and fair market conditions for imported natural gas; (18) earmark $1 million for fiscal year 1984 and fiscal year 1985 for grants to nongovernmental organizations in South Africa promoting political, economic, social, juridical and humanitarian efforts to foster a just society and to help victims of apartheid; (19) require the proportionate reduction of the U.S. share of any programs of any international organizations for the Palestine Liberation Organization, the South West Africa Peoples Organization, Cuba or Iran; (20) authorize supplemental allowances for USIA personnel assigned to New York City; (21) increase the duration of transmitter leases for the Voice of America; (22) earmark increased funding for the traditional activities of the USIA in the field of educational and cultural exchanges; (23) require a 15-day notice for 1 year to the House and Senate committees involved with foreign relations concerning all USIA reprograming activities and program grants; (24) create within the USIA a new program of environmental exchanges; (25) authorize the Board for International Broadcasting to create a fund composed of foreign currency gains to enhance the pension of retirees that left the Radios prior to 1976; (26) create a non-profit corporation, the National Endowment for Democracy, to encourage free and democratic institutions throughout the world through private sector initiatives; (27) strengthen the enforcement authorities of the liability insurance requirements of the Diplomatic Relations Act; and (28) specifically authorize annual grants to the Asia Foundation.

Mr. PERCY. In conclusion, Madam President, I wish to commend the Foreign Relations Committee for taking the administration's funding requests, which had already been severely pared by the Office of Management and Budget, and finding other areas of savings to bring this bill to the floor below the President's budget. I hope my colleagues will keep this in mind in considering this legislation and support the bill as reported by the committee.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. PELL. Madam President, This legislation, S. 1342, authorizes funding for fiscal years 1984 and 1985 for the State Department, the U.S. Information Agency, and the Board for International Broadcasting. Title IV of the bill creates a National Endowment for Democracy, an innovative joint effort on the part of the AFL-CIO, the Chamber of Commerce, and the two political parties to promote American democracy and ideas abroad. In addition S. 1342 gives statutory recognition to the important work of the Asia Foundation as well as making some technical improvements in the Foreign Missions Act approved last year.

The Foreign Relations Committee approved administration requests for fiscal year 1984 funding for the State Department and the Board for International Broadcasting. The BIB funding will allow a long overdue upgrading of Radio Free Europe and Radio Liberty studios and transmission facilities—some of which were captured from the Nazis at the end of World War II. At a time of escalating East-West tension it is critical that these beacons of truth and hope be heard.

Regrettably the State Department funding level will not correct a long-term neglect in the vital diplomatic aim of our national security apparatus. This bill will still leave the State Department with roughly the same number of Foreign Service officers as in 1960—in spite of an enormous increase in workload including a 36-percent jump in overseas posts, a 400-percent increase in Washington demand for reporting cables, and a 900-percent increase in consular work. I would note that the increase in the State Department international organization account—for assessed contributions due under treaty obligations—reflects completion of the administration's deferral program and does not imply any program growth or increase in U.S. share.

The Foreign Relations Committee did make a very deep cut in USIA's budget. While I agree that the President's request—a 30-percent increase in 1984 and a 30-percent increase in 1985—was a bit too generous, Senator PERCY and I favored a less severe cut than that enacted by the committee. I am pleased that USIA Director Wick has taken forceful steps to correct the abuses motivating the committee cuts and I am also pleased that the most damaging cuts—to the VOA modernization effort—have been restored as part of the compromise on Radio Marti. Because of that compromise I believe the $636,000,000 in this bill for USIA is sufficient.

The committee also took several important actions to enhance our exchange-of-persons programs and to improve our international environmental efforts. First, the committee followed through on its action of last year and earmarked funds necessary to meet the terms of the Pell amendment to double exchange-of-persons programs by fiscal year 1986. Second, the committee added important protections to those programs by adopting a charter, of which I am the author, to insure the integrity and nonpolitical character of our Fulbright-Hays activities.

In the international environmental area the committee adopted my amendment to set up an environmental education and exchange program, a Cranston amendment on acid rain, and a Chafee amendment on wildlife. The environmental exchange program was part of S. 1067, the international environment protection cosponsored by myself, Chairman PERCY, Senator CHAFEE, and Senator GLENN. At the appropriate time I intend to offer the entire bill as a new title on S. 1342.

Madam President, the Foreign Relations Committee bill, S. 1342, provides funding for our essential foreign affairs agencies as well as authority for several important and innovate new international programs. The committee's bill is a good one and I urge its passage.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. HEINZ. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ABDNOR). Without objection, it is so ordered.

AMENDMENT NO. 2187

(Purpose: To authorize appropriations for United States-German teenage exchange)

Mr. HEINZ. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Pennsylvania (Mr. HEINZ) for himself and Mr. LUGAR, proposes an amendment numbered 2187.

Mr. HEINZ. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 32, between lines 7 and 8, insert the following new section:

"FUNDS FOR UNITED STATES-GERMAN TEENAGE EXCHANGE

"SEC. 210. There are authorized to be appropriated for the United States Information Agency $2,500,000 for the fiscal year 1984 and $2,500,000 for the fiscal year 1985 to carry out a United States-German teenage exchange sponsored by the Members of the United States Congress and the West German Bundestag.".

Mr. HEINZ. Mr. President, as all of us know, one of our very most important relationships that we in the United States have today is our partnership with the Federal Republic of Germany. With passage of time our nations face the most obvious of problems. The Germans and Americans who share the memories of the close cooperation during the post-world war period, the Berlin airlift, which I remember vividly, the Marshall plan, which I studied as a student in school, the founding of the Federal Republic, which I think we all know the beginnings of and, of course, even the initi-

ation of the Fulbright exchanges, are not aging and these events are fading somewhat in our memories.

There is a new generation—some have called it the successor generation—moving toward leadership in both our country and in the society of the Federal Republic.

That generation, I say to my colleagues, does not necessarily share the knowledge, or the understanding, or the sensitivity, or the background that we all grew up with. They do not necessarily have as careful a knowledge of what has gone before.

That is why it is especially fortuitous that 1983 is the tricentennial of German immigration to America. Of course, we noted when Vice President BUSH went to Eifel, Germany, to commemorate the first group of Germans who left Germany from that small town to come to the United States, it is an honor and a privilege that the community in which they settled is in my home State of Pennsylvania. Indeed, a German town, it is a part of the city of Philadelphia, the City of Brotherly Love, and though that German immigration to America was, albeit, a handful of families, it became a small trickle, then a larger rivulet, then a substantial migration.

While there are many celebrations of the tricentennial that have already occurred and will continue to occur this year, most notably the upcoming visit of the President of the Federal Republic, Karl Carstens, and 30 members of the Bundestag, it is very important that the tricentennial have a legacy that endures beyond this year.

With that in mind, the Senate last year passed Senate Joint Resolution 260, which expressed the Senate's strong support of the concept of a teenage exchange sponsored by Members of the U.S. Congress on the one hand and the West German Bundestag on the other and emphasizing home stays with families. Our action was significant because it holds out the hope that 535 young Americans, 100 from the Senate, 435 from the House, and 520 young Germans can experience each other's life and values—520 because that is the number in the Bundestag.

The German Bundestag, however, I say to my colleagues, is a step ahead of us. They have already read our resolution and appropriated their half of the money to pay for this exchange program to begin in 1984.

What this amendment does, Mr. President, consistent with the resolution that we passed unanimously in the Senate last year, an amendment sponsored by myself and the distinguished Senator from Indiana who, with me, is proud to claim roots of descent from Germany, would provide for the American side of that commitment, specifically $2.5 million in fiscal year 1985. It would be particularly appropriate that we do this now, do it as soon as possible, indeed, do it so that we may announce prior to the Arrival in just a few days of the President of the German Federal Republic of Germany and the Bundestag delegation that is accompanying him to Washington, that we have met our responsibilities to further this very valuable youth exchange program and, more importantly, attack I think as directly and concretely as possible the widening gulf of knowledge of history that is tending to separate some of our younger people from the realities and, most of all, the shared values that have been so important not only to the understanding of our heritage and the heritage of the Federal Republic but, indeed, to that of the Atlantic alliance that we have put so much faith in for so long.

Mr. President, I note the arrival of my distinguished cosponsor, Senator LUGAR, who I might add has just returned from a visit to the Federal Republic of Germany, as he represented, as I understand it, the Vice President, who could not attend the ceremonies in the home province of the Chancellor of the Federal Republic of Germany. I would be pleased to yield to Senator LUGAR, at this time if he desires me to do so.

Mr. LUGAR. I appreciate that.

Mr. LUGAR addressed the Chair.

The PRESIDING OFFICER. The Senator from Indiana is recognized.

Mr. LUGAR. I wish to join my distinguished colleague, the senior Senator from Pennsylvania, in seeking the authorization for fiscal years 1984 and 1985 to fully fund the United States-West German student exchange program.

This program originates in an initiative to deepen the people-to-people contacts that are fundamental to the continuing mutual understanding and alliance between our two nations. The German-American relationship is unique. It is founded on the rubble of the Second World War, on the experience of occupation and reconstruction, on the reintegration of West Germany into Western Europe, and, since 1945, of two generations of burden-sharing in the common effort to counter the Soviet military threat in Europe. These experiences have forged an understanding between our two nations rare in its depth and quality. As this relationship has matured, however, observers on both sides of the Atlantic have long pondered the question of how the postwar generations, with different histories and perceptions, would sustain an understanding which has long been a principal foundation of the North Atlantic Alliance and of a stable peace in Europe.

This program is one small, but significant, contribution to this effort. Involved will be only some 535 American and 520 German students annually, at small cost—but that is over 1,000 a year, over 10,000 in a decade, multiplied by the families of the students, multiplied again by the host families, and multiplied again by friends and high school classmates. The potential cumulative importance of a program of this nature was repeatedly emphasized to me by German officials during my visit there earlier this month, and we should note that the Bundestag has already provided funding for the German half of the exchange. It is appropriate that we today—in this, the year in which we commemorate the tricentennial of German immigration to the United States—meet the Bundestag halfway. The exchange program will be a living legacy of the tricentennial year.

I hasten to remind my colleagues that among exchange programs this one is unique—it is a congressional initiative, proposed by Congress, whose participants will be chosen by Congress, and whose German guests will reside in each of the States and congressional districts. We passed the resolution urging creation of this program, it is our obligation to fund it—particularly when our German counterparts have invested so much in it.

I urge the support of all Senators for this amendment.

Mr. President, I would simply reiterate the importance that my distinguished colleague has placed upon this program. I have in fact just returned from the Federal Republic of Germany. As a part of the tricentennial celebration, the Bundestag is most hopeful that 500 German youth will come to the United States and that Germany, indeed, may be host for 535 of our youth representing each Member of the Senate and each Member of the House of Representatives. This is an extraordinary opportunity in the life of our relationship with the Federal Republic of Germany. It is one not to be missed.

Essentially, the Congress in its wisdom has affirmed the desirability of the program. In various ways the funding had been left out. This remedies that part, and I am hopeful our colleagues will unanimously affirm the strength of our friendship with Germany at this crucial point.

I yield the floor.

Mr. PERCY. Mr. President. When Charles Wick, Director of the USIA, this morning put on a presentation before the Foreign Relations Committee, the centerpiece of it was videotapes showing the value of youth exchanges. I believe this amendment is very consistent with the objectives of the administration. The addition will not take the totals of the bill S. 1342 over the President's requested levels. Therefore, I accept the amendment on behalf of the majority. I turn to my

distinguished colleague to speak on behalf of the minority.

Mr. DIXON. Mr. President, I am not only delighted to join my senior colleague from Illinois in accepting this amendment on behalf of the minority, but also I want to advise my distinguished friends, the Senator from Pennsylvania (Mr. HEINZ) and the Senator from Indiana (Mr. LUGAR), what while the name Dixon may be somewhat misleading, they should know that my mother was a Tebbenhoff and her mother before her was a Washausen. I would be honored to cosponsor the amendment with my distinguished colleagues.

Mr. HEINZ. Mr. President, I ask unanimous consent that the Senator from Illinois (Mr. DIXON), particularly in light of his distinguished ancestry which makes him an even more distinguished Member of this body than I had previously realized, be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PERCY. Mr. President, I should like to point out that my grandmother was born in Stuttgart. Though my name is Percy, my mother married an Englishman. Does that qualify me for half distinction then or to be half cosponsor? I would be happy to cosponsor the amendment.

Mr. HEINZ. Mr. President, I make the same request on behalf of the even more distinguished chairman of the Foreign Relations Committee and majority manager of the bill (Mr. PERCY).

The PRESIDING OFFICER. Without objection, both distinguished Senators from Illinois will be added as cosponsors.

Is there further debate? If not, the question is on agreeing to the amendment.

The amendment (No. 2187) was agreed to.

Mr. PERCY. Mr. President, I believe that Senator LUGAR would like to be recognized.

The PRESIDING OFFICER. The Senator from Indiana is recognized.

Mr. McCLURE. Mr. President, will the Senator yield for a question?

The PRESIDING OFFICER. Does the Senator from Indiana, who has the floor, yield to the Senator from Idaho?

Mr. McCLURE. I have to chair a committee hearing starting at 2 o'clock. Is there any possibility I might offer an amendment that has been given to the Chair?

Mr. PERCY. Senator LUGAR as well would like to be next. If he would yield, I would be happy to have the Senator from Idaho bring up his amendment.

Mr. LUGAR. Mr. President, I need to bring the delegation of Europeans up to the floor as soon as I complete this action.

Mr. McCLURE. I understand. I am informed by committee staff that it is a noncontroversial amendment, and if it should prove to be otherwise I would be happy to take it down temporarily and yield back.

Mr. LUGAR. I would be happy to yield. I hope I might proceed immediately thereafter.

Mr. McCLURE. I thank the Senator from Indiana very sincerely and the Senator from Illinois.

AMENDMENT NO. 2188

Mr. McCLURE. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Idaho (Mr. McCLURE) proposes an amendment numbered 2188:

At the end of the bill add the following new section:

The President shall prepare and transmit to the Congress a report on the record of Soviet compliance or non-compliance with the letter and spirit of all existing arms control agreements to which the Soviet Union is a party.

Mr. McCLURE. Mr. President, there are at the rear of the Chamber some charts that indicate a kind of summary record of concerns that many of us have about Soviet violations of existing arms control treaties. This is a subject upon which I have spoken at length a number of times in the past. A similar amendment was proposed when we had the resolution in condemnation of the Soviet Union on the floor.

It was the desire of many Senators that that be reported clean, as was ultimately the case; it was reported without amendments. Even in the presence of that request, 45 Members of the Senate voted in favor of this subject at that time.

Mr. President, my amendment to require the President to report to Congress is the culmination of a long effort I have made to have the President inform the Senate about whether or not the Soviets are violating arms control agreements, including the SALT II Treaty, the SALT I ABM Treaty, the threshold Test Ban Treaty, and the Kennedy-Khrushchev agreement of 1962. I ask unanimous consent that the letter to the President of June 22, 1983, with 34 cosigners, be printed in the RECORD, together with the President's response of August 3, 1983. I also ask unanimous consent that my response to the President's letter of September 10 be printed in the RECORD, together with my letter of August 1, 1983, to the President and his response of August 10, 1983, as well as letters from Senator SYMMS to the President.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, D.C., June 22, 1983.

Hon. RONALD REAGAN,
The President,
The White House, Washington, D.C.

DEAR MR. PRESIDENT: We strongly support your efforts to thoroughly study the problem of Soviet compliance with arms control treaties in the National Security Council Verification Panel. Preserving the integrity of the arms control process is of great importance.

We sent you a letter on May 12, 1981 questioning Soviet compliance with the SALT I Anti-Ballistic Missile Treaty. Since then, there have been many reports of new Soviet violations or circumventions of SALT and other control treaties.

In testimony to the Senate Foreign Relations Committee on June 15, 1983, Secretary of State Shultz criticized "Moscow's continuing practice of stretching a series of treaties and agreements to the brink of violation and beyond." Schultz added that the United States is "becoming increasingly concerned about Soviet practices—including the recent testing of ICBMs—that raise questions about the validity of their claim of compliance with existing SALT agreements."

Mr. President, we respectfully request that you continue your NSC studies in order to answer our original letter and any other Congressional letters on Soviet arms control compliance. We are sure that you agree that the Congress and the American people have a right to know if the Soviets are violating or circumventing SALT treaties.

With warmest personal regards.

Sincerely,

James A. McClure, Jake Garn, Steve Symms, Gordon Humphrey, Chuck Grassley, Jesse Helms, Chic Hecht, Mark Andrews, Bill Cohen, Rudy Boschwitz, Jeremiah Denton, Don Nickles, Frank H. Murkowski, Ted Stevens, John P. East, Orrin G. Hatch, Paula Hawkins, Bob Dole, Mack Mattingly, Roger W. Jepsen, Dan Quayle, Pete V. Domenici, Bob Kasten, Bill Armstrong, Strom Thurmond, Malcolm Wallop, Jim Abdnor, Paul Laxalt, Paul Trible, Larry Pressler, Alfonse D'Amato, Warren B. Rudman, Dick Lugar, Pete Wilson, U.S. Senators.

THE WHITE HOUSE,
Washington, D.C., August 3, 1983.

Hon. JAMES A. McCLURE,
U.S. Senate,
Washington, D.C.

DEAR JIM: Thank you for your letter of June 22, 1983, and for your support of our efforts to deal with the problem of ensuring Soviet compliance with arms control treaties.

I firmly believe that our security requires that we do not agree to treaties that we cannot effectively verify. Hence, one of the key principles of arms control that I have set down is that we will seek only agreements that include effective means of verification. I will not submit unverifiable treaties to the Senate for ratification.

Similarly, it is critical that the Soviet Union comply in full measure with obligations undertaken in current treaties and agreements. Where questions of compliance exist, I will pursue each issue until it is resolved satisfactorily.

As you know, I have established the National Security Council Arms Control Verification Committee to address verification and compliance issues in a systematic way.

This group is currently conducting a comprehensive study of Soviet compliance with existing treaties and agreements. A priority task for the group is to study in depth those issues you and your colleagues have identified.

We will keep you apprised as the work progresses.

Again, thank you for your letter and for your continuing support on this crucial matter.

Sincerely,

RONALD REAGAN.

COMMITTEE ON APPROPRIATIONS,
Washington, D.C., September 10, 1983.

Hon. RONALD REAGAN,
The President,
The White House, Washington, D.C.

DEAR MR. PRESIDENT: Thank you for your letter of August 3, 1983 replying to the letter of June 22 signed by 34 Republican Senators on Soviet SALT violations. I especially appreciate the statement you make in your letter that you "firmly believe that our security requires that we do not agree to treaties that we cannot effectively verify." Further, I strongly support your statement that you "will not submit unverifiable treaties to the Senate for ratification."

On September 16, 1982, the Director of the Arms Control and Disarmament Agency conceded in a letter to U.S. Senators that since 1979, U.S. SALT verification capabilities had been degraded. The ACDA letter went on to say that:

"The most recent analyses of the verifiability of SALT II . . . is a 1979 [Carter Administration] verification study. There are *no* current plans to carry out a systematic review and updating of these analyses." (Emphasis added.)

Mr. President, the Carter Administration only believed in "adequate" SALT verification. In view of your own expressed concern about "effective verification" of arms control treaties, and the acknowledged verification degradations, why has your Administration not completely redone the Carter Administration's SALT verification study?

Another notable admission was made in the same ACDA letter to Senators. ACDA stated:

"The Administration is currently engaged in an intensive study of the verification provisions which *will* be required for START and INF proposals *on the table* in Geneva." (Emphasis added.)

This statement suggests that the U.S. has already proposed START and INF positions to the Soviets, without having first made the determination of whether or not our START and INF proposals are verifiable.

Mr. President, I would respectfully like to ask two questions. First, especially in light of your own press conference statement on January 29, 1981, that "there is no verification—of the unratified SALT II Treaty—as to the number of warheads on [Soviet] missiles, no method for us to do this," why have you not ordered a re-evaluation of the verifiability of the SALT II Treaty? Second, why has the U.S. made START and INF proposals without having first determined their verifiability?

Thank you for your prompt attention to these questions.

With warmest personal regards.

Sincerely,

JAMES A. MCCLURE,
U.S. Senator.

COMMITTEE ON APPROPRIATIONS,
Washington, D.C., August 1, 1983.

Hon. RONALD REAGAN,
The President,
The White House, Washington, D.C.

DEAR MR. PRESIDENT: I have just been informed that the US has requested a Special Session of the SALT Standing Consultative Commission (SCC) with the USSR. The purpose of this Special SCC Session, to begin in early August, 1983, is to discuss probable Soviet non-compliance with the SALT II Treaty, and also with the SALT I ABM Treaty. The two principal issues will reportedly be the new Soviet PL-5 ICBM, and the new Soviet ABM Battle-Management radar.

My position that the PL-5 is a Soviet SALT II violation is well known to you. I am enclosing my recent statement on the new Soviet ABM Battle-Management radar, together with a twenty-two year old article by Fred Ikle entitled "After Detection—What?" The new Soviet ABM radar is the most flagrant Soviet SALT violation yet. Indeed, it is not possible to envision any other Soviet action that would be as clear-cut a SALT violation as the new Soviet Radar, which violates 3 to 5 elements of the SALT I ABM Treaty.

Mr. President, in view of the seriousness of these Soviet actions, I urgently request that you arrange for the Vice President to conduct a special briefing of the entire Senate in closed session as soon as possible, so that the Senate can be aware of the evidence of Soviet SALT violations and your intended course of action in dealing with these grave threats to US national security. I am also making this request of Senator Howard Baker, Majority Leader.

With warmest personal regards.

Sincerely,

JAMES A. MCCLURE,
U.S. Senator.

THE WHITE HOUSE,
Washington, D.C., August 10, 1983.

Hon. JAMES A. MCCLURE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MCCLURE: This is to acknowledge your August 1 letter urging the President to arrange for the Vice President to conduct a special briefing of the entire Senate in closed session, as soon as possible, on the matter of Soviet SALT violations.

Your letter has been brought to the President's direct attention, and we are now sharing your comments with the appropriate advisers for a prompt and careful review. I assure you that your request will be given priority consideration.

With best wishes,

Sincerely,

KENNETH M. DUBERSTEIN,
Assistant to the President.

U.S. SENATE,
Washington, D.C., August 12, 1983.

Hon. RONALD REAGAN,
President of the United States,
The White House, Washington, D.C.

DEAR MR. PRESIDENT: Recent press reports describe a new Soviet Anti-Ballistic Missile radar allegedly being built in violation of the 1972 SALT I ABM Treaty. These reports suggest the existence of a clear-cut, overt violation of the ABM Treaty entailing as many as five key provisions.

Mr. President, I wrote to you on April 4, 1983 about a whole series of Soviet ABM Treaty violations. I have yet to receive any response. Meanwhile, my constituents have expressed concern about Soviet violations of the SALT I ABM Treaty. Several additional questions have arisen in my mind:

(1) When the second, five-year ABM Treaty review was conducted last fall with the Soviets in the SALT Standing Consultive Commission (SCC), did the Soviets admit to the U.S. that they had a sixth ABM battle-management radar then under construction? If not, does this silence constitute yet another serious case of Soviet deception?

(2) Are there any lessons for the present from Winston Churchill's alarums in the 1930s about Nazi rearmament in violation of several arms control agreements?

(3) Would you support Senate Armed Services Committee hearings on the military implications of current Soviet ABM activity?

(4) A letter to me by Ken Duberstein dated November 10, 1982, states that the U.S. can propose amendments to the Treaty at any time. Do you agree?

Mr. President, thank you for considering these urgent questions.

With warmest personal regards,

STEVE SYMMS,
U.S. Senator.

U.S. SENATE,
Washington, D.C., April 4, 1983.

Hon. RONALD REAGAN,
President of the United States,
The White House, Washington, D.C.

DEAR MR. PRESIDENT: I strongly congratulate you on your recent public statements that the Soviets are violating five arms control treaties. You have exercised statesmanlike leadership in the highest tradition of the American Presidency.

You have made the following positive statements on Soviet arms control treaty violations:

(1) Soviet violation of the unratified SALT II Treaty.

President Reagan, press breakfast, February 23, 1983, on Soviet flight testing of a second new type ICBM in violation of SALT II: ". . . This last one comes the closest to indicating that it is a violation . . ."

President Reagan, speech, March 31, 1983: "And I am sorry to say, there have been increasingly serious grounds for questioning their (i.e., Soviet) compliance with the arms control agreements that have already been signed and that we have both pledged to uphold. I may have more to say on this in the near future . . ."

The Washington Post of April 1, 1983, added: "Administration officials said the President was referring to reported Soviet deployment of the *SS-16* missile and the testing of *two types of missiles,* instead of one, in *violation* of the SALT II Treaty." (Emphasis added.)

The Washington Post of April 3, 1983, noted: "An interagency study group is likely to report to President Reagan that the Soviet Union has *violated* the terms of the unratified SALT II Treaty limiting nuclear arms. Administration sources said last night, . . . in the panel's thinking, that test (i.e., on February 8 of a a second Soviet new type ICBM) is a *violation* . . ." (Emphasis added.)

(2) Soviet violation of the Kennedy-Khrushchev Agreement of October 28, 1962.

This agreement would "halt further introduction of such weapons systems (i.e., Soviet offensive weapons which Khrushchev defined as including Soviet troops) into Cuba as "firm undertakings" on the part of "both" the U.S. and the Soviet governments. President Reagan press conference,

May, 1982: ". . . You know, there's been other things we think are violations also of the 1962 Agreement."

(3) Soviet violation of the Threshold Test Ban Treaty of 1974.

President Reagan stated on March 28, 1983: ". . . We have reason to believe that there have been numerous violations . . ."

(4 and 5) Soviet violations of the Biological and Chemical Warfare Conventions of 1975 and 1925.

President Reagan, January 26, 1983: ". . . There is overwhelming evidence of Soviet violations of international treaties concerning chemical and biological weapons."

President Reagan, June 17, 1982: "The Soviet Union and their allies are violating the Geneva Protocol of 1925 . . . and the 1972 Biological Warfare Convention. There is conclusive evidence . . ."

Finally, President Reagan made the following statement on general Soviet compliance with arms control treaties, May 9, 1982: "So far, the Soviet Union has used arms control negotiations primarily as an instrument to restrict U.S. defense programs and in conjunction with their own arms buildup, as a means to enhance Soviet power and prestige. Unfortunately, for some time suspicions have grown that the Soviet Union has not been living up to its obligations under existing arms control treaties."

In view of your above positive statements, I am puzzled, however, by an article in The Washington Post of April 2, 1983. It was reported by White House spokesmen that you met privately with Soviet Ambassador Anatoly Dobrynin sometime in February. The meeting was intended "to assure him (Dobrynin) of U.S. determination to improve East-West relations," according further to White House officials. Your above statements on Soviet arms control violations suggest that it is the Soviets who should be the diplomatic demandeurs for better relations, not the U.S. Indeed, it would be disappointing if you did not mention the pattern of Soviet arms control non-compliance at this meeting.

In March, 1983, Henry Kissinger, writing in Time, said in regard to the Soviet response to his own arms control proposals: ". . . One of three conclusions is inescapable: (a) Their (Soviet) arms program aims for strategic superiority if not by design, then by momentum; (b) they believe strategic edges can be translated into political advantages; (c) arms control to the Soviets is an aspect of political warfare whose aim is not reciprocal stability but unilateral advantage."

Kissinger's assessment of Soviet arms control behavior, especially as applied to the history of arms control, is sound.

Mr. President, on May 12, 1981, twenty-one Senators wrote to you inquiring about whether Soviet construction of five large Anti-Ballistic Missile Battle Management Radars violated the 1972 ABM Treaty. (letter attached.) In early January, 1981, the Joints Chiefs of Staff reported to Congress that:

"Soviet phased array radars, which may be designed to improve impact predictions and target handling *capabilities for ABM battle management,* are under construction at *various locations throughout the USSR. These radars could perform some battle management functions* as well as provide redundant ballistic missile early warning coverage. The first of these radars is expected to become operational in the early 1980s." (Emphasis added.)

Article I of the ABM Treaty states: ". . . Each Party undertakes not to deploy ABM systems for a *defense of the terrority of its country* and not to provide a *base for such a defense . . .*" (Emphasis added.)

The above JCS statement, made at the end of the Carter Administration, strongly implies that the Soviets are in violation of Article I of the ABM Treaty, by deploying ABM Battle Management Radars which are a base for a defense of its national territory.

For a year, no answer was received to the May 12, 1981 letter from 21 Senators. In early 1982, another letter was sent to you requesting that you answer the May 12, 1981 letter from the 21 Senators. Still, there is no answer to the May 12, 1981 letter—almost two years later.

On September 15, 1982 The Washington Times reported a John Lofton interview with the chief architect of the SALT I ABM Treaty, Dr. Henry Kissinger. Kissinger was asked if the Soviets had ever violated the ABM Treaty. Kissinger answered: "On actual violations, I'm familiar with one . . ." This Soviet ABM Treaty violation was, he explained, Soviet flight-testing of Surface to Air Missiles in the prohibited ABM mode. Thus, the Soviets have already violated the ABM Treaty, in the opinion of Kissinger, whose reference was to over 50 illegal SAM-5 ABM mode tests between 1973 and 1975.

On September 16, 1982, three Senators wrote to you requesting that you delay the second five-year review of the ABM Treaty scheduled for last November. (This letter is also enclosed.) We requested that the review be deferred until after the MX deployment decision was made, in order to keep open the option to deploy an ABM defense around MX. But the recommendation of our letter was ignored, and the ABM Treaty review proceeded as scheduled, reportedly between November 9 and December 15, 1982 in the SALT Standing Consultative Commission.

The March, 1983 issue of the Heritage Foundation's National Security Record reports on page 5 that the State Department stated: "The U.S. and the Soviet Union . . . announced the completion of their review of the 1972 Anti-Ballistic Missile Treaty."

But this review was conducted totally in secret with the Russians. Your long standing failure to answer the letter to the 21 Senators questioning Soviet compliance with the ABM Treaty may help to explain why the review was conducted in secret. Is it possible that the U.S. has again acquiesced in Soviet SALT violations? But the Senate's Constitutional role in treaty-making and appropriations for the "Common Defense" suggests that a report to the Senate on Soviet compliance with the ABM Treaty would be warranted. Indeed, there are serious questions raised by the delay in such a report and the secret nature of the ABM Treaty review.

Another factor also suggests the advisability of a report to the Senate on Soviet ABM Treaty compliance. Soviet leader Yuri Andropov recently unjustifiably stated that your recently announced U.S. space-based ABM concept is a U.S. violation of the ABM Treaty. It would be ironic if it turned out that the Soviet Union was violating the ABM Treaty today in the present, while falsely accusing the U.S. of ABM Treaty violations which were still in the conceptual phase and 15 to 20 years away from development or deployment. Thus, a Presidential report to the Senate on Soviet compliance could affect the debate over a U.S. space-based ABM defense, and other defense and arms control proposals.

There is a further matter of concern. The Wall Street Journal of Friday, March 25, 1983, reported: "There is even a possibility that the Soviets themselves are in violation of the ABM Treaty, or nearly so, with a missile, the SA-12, soon to be in production, that may have the capability of intercepting ICBMs."

Mr. President, the above concerns require me to reiterate the questions raised in the May 12, 1981 letter from 21 Senators, and to add some new questions. I request that you answer these questions as soon as possible, so that the Senate can more fully deliberate on the requirements for the "Common Defense:"

(1) Do the five Soviet ABM Battle Management Radar by now almost completed provide a base for a Soviet nationwide ABM defense? Do they violate Article I of the ABM Treaty?

(2) Did the numerous ABM-mode tests of the Soviet SAM-5 between 1973 and 1975 violate the ABM Treaty, as even Dr. Kissinger has conceded?

(3) Do the Soviets have in series production and deployment around Moscow a mobile or a rapidly deployable new ABM system, the ABM-3? Are mobile ABMs banned by the ABM Treaty? Does this production of a rapidly deployable or mobile ABM also provide them with the base for a nationwide ABM defense, also in violation of Article I?

(4) Did the Soviets test the SAM-10 in a prohibited ABM mode?

(5) Has the SAM-12 been tested in an ABM mode, and is it capable of intercepting ballistic missile re-entry vehicles? Does the Intelligence Community believe that the SAM-12 can intercept Pershing re-entry vehicles? Are Pershing re-entry vehicles similar to Poseidon and Trident I SLBM re-entry vehicles? Is the SAM-12 therefore an ABM system, which is mobile and about to be deployed nationwide?

(6) Do the five ABM Battle Management Radars have the capability to contribute to the use of SAM-5s, SAM-10s, SAM-12s, and ABM-3s as ABM interceptors in a nationwide ABM defense? If the five ABM Battle Management Radars and the SAM and ABM interceptor systems are being mass produced and widely deployed, do the Soviets now have a nationwide ABM defense in violation of the ABM Treaty? Have they already broken out of the ABM Treaty?

(7) Have the Soviets violated the ABM Treaty with SAM upgrade tests (as Henry Kissinger has conceded), ABM Battle Management Radars, ABM camouflage and concealment, creation of a new ABM test range without prior agreement, and falsification of ABM deactivation?

(8) If the Soviets have violated the ABM Treaty, why have you never answered the letter from the 21 Senators? Has there been a cover-up of Soviet SALT violations?

(9) Did the last ABM Treaty review conclude that the Soviets have violated the ABM Treaty? If not, why not? If so, why was this not reported to the Senate and the American people?

Thank you, Mr. President, for your prompt answers to these important questions.

Very respectfully,

STEVE SYMMS,
U.S. Senator.

U.S. SENATE,
Washington, D.C., September 16, 1982.
President RONALD REAGAN,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: We believe that it is strategically and politically unwise for the September 1982 ABM Treaty review with the Soviets to occur before the December 1, 1982 MX deployment decision. We request that you postpone the ABM Treaty review until after the MX deployment decision is made, so as to ensure that all options for defending America's number one defense program are protected.

It is now time to make a hard decison on compliance with the unratified SALT II Treaty versus MX deployment. In view of the Administration's decisions to redesign the B-1B bomber to comply with SALT II, to unilaterally deactivate 292 strategic delivery vehicles counted in SALT II, to limit the MX throw-weight and payload in accordance with SALT II, and to accept cancellation of deployment of 50 Minuteman III ICBMs in accordance with SALT II, we are concerned that SALT II may also constrain MX Densepack deployment. Are you willing to set aside SALT II and renegotiate the SALT I ABM Treaty, in order to deploy the MX in the densepack mode with an ABM defense?

With warmest personal regards,

STEVEN D. SYMMS.
JESSE HELMS.
JOHN P. EAST.

SOVIET SALT CHEATING: THE NEW EVIDENCE

At the very time proponents of arms control agreements with the Soviet Union are urging ratification of SALT II and progress at the START negotiations at the expense of rigorous verification standards, there is new evidence of Soviet violations of the 1972 SALT I Antiballistic Missile (ABM) Treaty. Instead of protesting this Soviet cheating, the Reagan Administration has been strangely silent and the Congress has ignored the unambiguous signs of Soviet nuclear warfighting preparations.

Recent photographs taken by a U.S. surveillance satellite on a routine sweep of the eastern Soviet Union reveal the construction of an immense radar system deep inside the Soviet Union north of the Mongolian border. This new radar system is targeted toward Alaska and uses advanced "phase-array" technology which will enhance Soviet abilities to predict impact areas of incoming warheads and improve target handling capabilities for ABM battle-management. Construction of the new radar complex with a transmitter building almost 500 feet long and 300 feet wide violates the ABM Treaty. Article I prohibits any ABM system for territorial defense; Article II defines radars with an ABM role to apply to this type of system; Article VI proscribes deployment "in the future of radars for *early warning* of strategic missile attack except at locations *along the periphery* of . . . the national territory and oriented outward." (Emphasis added.)

This new radar system has clear ABM battle-management capabilities; it is almost identical with large missile tracking radars now being tested at Pechora in the Soviet Northwest, at Lyaki close to the Caspian Sea and two other locations. It closes the gap of coverage against incoming U.S. land- and sea-based missiles targeted against eastern Soviet territory and, together with already existing radar sites, will soon enable the Soviets to mount a formidable antiballistic missile defense against a retaliatory strike by the United States. When combined with growing Soviet first-strike capabilities against U.S. land-based ICBMs and vigorous Soviet preparations for civil defense, it becomes apparent that the Soviets are on the verge of acquiring all major elements for the potential to wage nuclear war against the United States at tolerable costs. An effective Soviet ABM capability will expose the United States to Soviet nuclear blackmail and jeopardize U.S. ability to counter Soviet threats to strategically vital regions of the world.

This new evidence reinforces longstanding concerns about systematic Soviet violations of the ABM Treaty. Battlefield management radars are the long leadtime component of any ABM defense system and the Soviets seem to have gained a great deal of experience in this field since 1975 when they installed an ABM-X-3 radar in the Kamchatka impact area for their ICBM tests. Over the years, the Soviets have also been upgrading their surface-to-air (SAM) bomber defense systems—now presumed to perform an ABM role. Since the Carter Administration, the Soviets repeatedly have tested various types of SAM missiles in a discernable ABM mode at altitudes above 100,000 feet and have deployed thousands of less capable SA-5 missiles around Soviet cities. These illegal ABM activities and the development of an anti-tactical ballistic missile system clearly point to a Soviet decision to subvert the ABM Treaty shortly after signing it.

Refusals to acknowledge these Soviet treaty violations point to the perennial dilemma of what to do after detecting cheating. The Administration is doing itself and the country no favor by refusing to acknowledge the mounting evidence that the Soviets are developing a capability which seriously erodes strategic stability and will soon permit the Soviet Union to break out of the ABM Treaty. The Administration should document and publicize Soviet ABM activities and Treaty violations. It should accelerate the U.S. ballistic missile defense (BDM) program. Unless Moscow can refute the evidence that its radar and weapons programs are not designed for an ABM role, the U.S. should abrogate the ABM Treaty.

MANFRED HAMM,
Policy Analyst.

Mr. McCLURE. Mr. President, there are unclassified reports, some confirmed by the White House, that there are numerous Soviet SALT violations. I ask unanimous consent that the White House policy guidance on Soviet SALT violations dated August 3 be printed in the RECORD, together with several newspaper articles.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

ARMS CONTROL POLICY, COMPLIANCE WITH EXISTING AGREEMENTS: SALT AND NUCLEAR TESTING

[From the White House, Aug. 3, 1983]

Serious concern raised about Soviet compliance with existing agreements. Senior-level Verification Committee reviewing broad range of issues.

Soviets tested a missile on February 8, May 5, and May 31 which is different from the new type ICBM tested in October, 1982. This missile appears different from ICBMs currently deployed.

We are still evaluating data on the ICBM tests, interagency group considering data. We are concerned about consistency with SALT II and of these tests and certain ABM activity with SALT I.

We have raised concerns with Soviets. As the President indicated, the information they have provided to date does not satisfy our concerns.

We also have concerns about nuclear testing issues and are seeking to strengthen verification provisions.

CHEMICAL AND TOXIN WEAPONS ("YELLOW RAIN")

We are convinced by detailed, independent and scientific analysis of evidence that the Soviets are using chemical and toxin weapons in Afghanistan and are involved in their use by Vietnamese and Lao forces in Southeast Asia in violation of human rights, international law and existing arms control agreements.

Use of chemical and toxin weapons in Laos dates from the mid-1970s, in Kampuchea from 1978 and in Afghanistan from 1979.

The 1925 Geneva Protocol prohibits use of these weapons and the 1972 Biological and Toxin Weapons Convention (BWC) prohibits possession, as well as use, of toxin weapons.

The United States, after unsuccessful diplomatic efforts with the governments involved to halt the use of these weapons, began reporting the evidence to the Congress, the United Nations and publicly.

Our objectives in continuing to draw world attention to this issue are to try to obtain a halt in these illegal activities; to strengthen and promote compliance with existing international agreements on these weapons; and to extend legal constraints further by achieving an effective, comprehensive ban on chemical weapons.

[From the Wall Street Journal, Aug. 16, 1983]

SOVIET ABM BREAKOUT

In developing and supplying "yellow rain" for use against primitive Hmong tribesmen and Afghan freedom fighters, the Soviet Union treated chemical and biological weapons treaties with brazen contempt. Now evidence is growing that it has taken the same attitude toward the anti-ballistic missile limitations in the first Strategic Arms Limitation Treaty.

The ABM limitation in SALT-I is the granddaddy of nuclear-arms control. Signed in 1972 by President Richard Nixon and Leonid Brezhnev, it has been cited as the most successful arms-control agreement and perhaps the one most central to strategic weapons balance between the U.S. and U.S.S.R. It provides sharp limitations on the deployment of anti-ballistic missile systems to shoot down incoming missile warheads. Each side is allowed only one ABM system with not more than 100 launchers. Since this means a system can always be saturated with 101 warheads, the U.S. has entirely forsaken its one system, while the Soviets have built an ABM around Moscow and have been energetically upgrading it these last few years.

Within the past few months, however, U.S. intelligence has detected a new ABM radar at Abalakovo, far away from Moscow but near fields of SS-19, SS-11 and SS-18 intercontinental missiles. The installation, larger than a football field, has apparently been under construction for two years, though detected only recently.

The Abalakovo radar is the most clear-cut violation of the ABM treaty to date. The treaty provides that large phased-array radars of this type can be deployed only along the national periphery and "oriented outward," so they can be used for early warning systems but not ABM battle management. The Abalakovo radar is located in the central U.S.S.R. about 500 miles north of Mongolia and 3,000 miles from the Pacific coast.

Even more significantly, the Abalakovo radar is not the first but the sixth large phased-array radar completed or under construction in the Soviet Union. The others have been known to the U.S. but were either arguably on the periphery or otherwise allowed under the treaty. Large phased-array radars are already in operation at Pechora near the Caspian Sea. Lyaki in the northwest and Misheleka in the far east. In addition, ABM radars, presumably permitted by the treaty, are Saryshagan at the Soviet's test range in central U.S.S.R. and the Pushkino system now being constructed near Moscow. The Abalakovo radar, which cannot be rationalized under the treaty, is aimed over the northeastern U.S.S.R. toward Alaska, and would fill in the final gap in an ABM radar network covering almost the entire Soviet Union.

All six radars are practically identical, housed in structures about 500 feet wide and more than 100 feet high resembling decapitated pyramids. They have tremendous range and can provide not only early warning of an attack but also can help direct the firing of anti-ballistic missiles to bring down the incoming missiles. Indeed, the U.S. Joint Chiefs of Staff said in January 1981 that the radars then under construction "may be designed to improve impact predictions and target handling capabilities for ABM battle management." This warning came even before discovery of the Abalakovo radar.

Besides the radars, the Soviets also have tested a variety of surface-to-air missiles in an ABM mode, in violation of the treaty, including the SAM-10 and SAM-12. These missiles are mobile, which is another treaty violation, and are now in mass production. Around Moscow, the Soviets are deploying the ABM-3 system of SHO-4 and SHO-8 missiles along with mobile radars; more than 100 silos have been sighted, which may be another violation of the limits on the number of silos allowed by the ABM treaty. The Soviets have also tested rapidly reloading these silos in two hours, yet another violation.

Last Friday Sen. Steve Symms wrote to President Reagan that the latest reports "suggest the existence of a clear-cut overt violation of the ABM treaty entailing as many as five key provisions." And the Abalakovo violation adds urgency to the warning Sen. James McClure issued on the Senate floor last month that the Soviets "are in fact already deploying a nationwide ABM defense."

Now, the ABM limits have never been our favorite arms-control idea. But it certainly changes the strategic balance if the Soviets build an ABM while we abide by a treaty outlawing it. In light of a Soviet ABM, we need to think about missile defense of our own, and about how to secure our retaliatory power—probably with flocks of small and highly accurate cruise missiles to fly under these defenses. But, more broadly, we need to spend less of our time and energy on negotiating treaties with people who break them, and more on securing our own defense and retaliatory power.

[From the Washington Times, Aug. 8, 1983]

RIGHT BEFORE OUR EYES

There is no longer much doubt that the Soviets are developing an ABM defense system. The latest indication comes from a routine satellite scan of part of Siberia, dutifully reported by Rowland Evans and Robert Novak in a column quickly entered into the Congressional Record at the request of Sen. James McClure, R-Idaho.

There, about 500 miles north of the Mongolian border, rises a tremendous new radar U.S. experts believe has the capability to act as an ABM battle management system. Article I of the SALT I ABM treaty states that "Each party undertakes not to deploy ABM systems for a defense of the terrritory of its country and not to provide a base for such a defense." But so what? This is, in Lenin's words, just one more pie crust broken.

For as McClure instructed his colleagues, Soviet ABM battle management radars reportedly now number five or six. Coupled with missiles already illegally tested in the ABM mode and deployed around the country, the Soviets have a pretty good jump on a project both they and the U.S. considered well worth banning. In other words, a project well worth developing if your adversary alone holds to the agreement. It's the old story of agreements we honor and they don't.

So isn't it time for the U.S. to raise some of the same complaints that attended Reagan's "Star Wars" speech—arguments that insisted that for one nation to develop a protective shield not employed by the other was to court disaster? The ABM system the Soviets are busy developing clearly gives them an advantage over the U.S. Why no denunciation?

It seems that the only player allowed to break the rules in this treaty-happy world is the Soviet Union, with whom we now negotiate, supposedly in good faith. There seems to be a sense that there is some odd virtue in seeing wrongdoing and not making waves. Or is it that we have assumed the characteristic of the child who sees a phantom in the night, and is too scared to cry out, much less to act?

[From the Washington Post, Aug. 17, 1983]

A "SMOKING GUN" IN SIBERIA?

(By Rowland Evans and Robert Novak)

Disregarding risks to next year's election campaign, President Reagan has quietly signaled national security adviser William Clark to damn the torpedoes and go full speed ahead in challenging the Soviet Union to explain apparent violations of nuclear treaties with the United States.

Not surprisingly, Reagan's admonition was music to Clark, whose ears are finely tuned to the question of the Soviet Union's playing fast and loose with the SALT treaties. Intimates say Clark has reluctantly concluded that evidence of a massive new Soviet radar—this one in central Siberia—looks like "smoking gun" evidence of Soviet cheating on the Anti-Ballistic Missile treaty.

What surprised hard-line Reaganauts was not Clark but the fact that Secretary of State George Shultz and Foggy Bottom's Soviet experts are also convinced that the long-suspected smoking gun may now be in hand. That ends more than three months of high-level vacillation on whether Reagan should risk going to the mat with the Russians on SALT violations. With Clark and Shultz—backed by the Pentagon and the CIA—now agreeing, only the politicians warn the president to go slow.

But warnings that taking the Kremlin to the woodshed could damage Reagan's political prospects by putting confrontation back in vogue cut little ice with the president. What the politicians have had in mind is continuation of the gradual—if meaningless—warming trend between Ronnie and Yuri to be followed by a Reagan-Andropov summit extravaganza sometime before mid-year 1984.

That would finally remove the Ghengis Khan cloak draped over Reagan's shoulders in the 1980 campaign and replace it with the olive branch of peace, Reagan campaign strategists have been trying to advance that political scenario for months, led by White House deputy chief of staff Michael K. Deaver.

The latest fact to intrude on Deaver's dream of running Reagan for reelection as the peace candidate was the discovery by U.S. spy satellites of a major Soviet radar installation that is a clear violation of the ABM Treaty. The White House was alerted July 15 with a cautiously worded statement from the intelligence community that the new radar base "appears to be inconsistent" with the treaty.

Far tougher language is used at high levels of the State Department to describe the new radar base, which resembles five others, including the battle-management radar covering Moscow. The Moscow radar is linked to a missile-defense system—the sole anti-missile system permitted by the ABM Treaty.

At State, officials make no pretense of underplaying the new radar. One top diplomat told us that the only question is whether the violation it represents is "pernicious" or something less. Except for the missile-defense system covering Moscow, the treaty permits only early-warning or tracking radars and requires them to be sited along the "periphery" of the Soviet Union.

The new Siberian radar station is aimed at the Pacific Coast facing Alaska, nearly 2,000 miles away, not at China, to the South. By itself, that is an airtight case of violating the ABM Treaty.

But the new radar also happens to be near several sites of intercontinental missiles. That suggests an intent to harness it to a missile defense system to protect those offensive missiles, a violation that would be clearly "pernicious."

As the new chairman of the President's top-level Arms Control Policy Group, the only interagency group he chairs, Clark will accept neither a "nyet" nor an undue delay from Moscow to the American request for an emergency U.S.-Soviet meeting. The United States wants to take up the radar question and other long-pending U.S. suspicions that the Russians are building new offensive missiles ruled out by SALT II.

Clark's impatience reflects the President's. Despite undercover planning for a pre-election summit, Reagan insists that the unresolved question of Soviet violations must be answered, whatever the impact on U.S.-Soviet cordiality. So long as Clark remains by his side, no one is likely to change his mind that the best 1984 politics is to tell the truth about Soviet deceit and let American voters make up their own minds.

[From the New York Times, Aug. 12, 1983]

UNITED STATES SEEKING SOVIET PARLEY ON ARMS VIOLATION ISSUES

(By Hedrick Smith)

WASHINGTON, Aug. 11.—The United States has taken the unusual step of asking the

Soviet Union for an urgent meeting of the joint arms control monitoring group to discuss possible Soviet violations of strategic nuclear arms treaties, but Moscow has not yet agreed, officials said today.

The officials said that Secretary of State George P. Shultz read a statement in late July to the Soviet chargé d'affaires, Oleg M. Sokolov, requesting that the monitoring group, which is known as the Special Consultative Committee, meet Aug. 11 to discuss three Soviet arms developments.

The committee, set up under the 1972 treaties on trategic arms limitation, normally meets in Geneva in the spring and fall. In addition to observing the 1972 pact, the two sides have informally agreed to carry out the provisions of a second treaty, signed in 1979, even though it has not been ratified.

LAST SPECIAL SESSION IN 1975

The United States sought a special session to underscore concern over Soviet weapons developments. The last special session was requested in 1975.

American officials said these were the three issues they wanted to raise:

Three tests of a new three-stage, solid-fuel intercontinental missile, the PL-5, that many American officials believe may violate the 1979 arms treaty.

The discovery this summer of a battle-management radar system in the interior of Siberia in possible violation of the 1972 anti-ballistic missile treaty, which firbids building such systems except on a country's periphery.

The possible deployment of the SS-16 missile system around Plesetsk, a move banned by the 1979 treaty.

The White House, in a memorandum given to members of the Senate on Aug. 3, said that the United States had "raised concerns with the Soviets" on these issues but that "the information they have provided to date does not satisfy our concerns."

The issue of possible Soviet violations of strategic arms limitation treaties has led to the setting up of a verification panel under William P. Clark, the President's national security adviser, and has become a point of contention among Senate conservatives.

In a letter to President Reagan on Aug. 3, Senator James A. McClure, Republican of Idaho, said the conservatives intended to ask Vice President Bush in the fall to "conduct a special briefing of the entire Senate in closed session as soon as possible."

Senator McClure, who has spoken out several times on these issues, said "the new Soviet ABM radar is the most flagrant Soviet SALT violation yet."

Under Article VI of the 1972 antibalistic missile treaty, each side agreed not to deploy future early-warning radars "except at locations along the periphery of its national territory." Each side has several such systems.

SPOTTED IN CENTRAL SIBERIA

Last month, American reconnaissance satellites spotted a radar system in central Siberia, 500 miles north of Mongolia and 1,900 miles from the Pacific, officials said. Senators were told the transmitter building was 500 feet long and 300 feet wide, indicating a large system.

The significance, officials said, is that peripheral radar systems can give early warning, but an inland system could be used to operate the single field of antiballistic missile defenses permitted each side and placed by the Russians around Moscow. This would upgrade the system beyond levels permitted by the 1972 pact.

Senate conservative sources said the new radar was 125 miles from a field of offensive missiles, close enough to become part of a second ABM system, if Moscow chose. Government officials said the evidence was insufficient to draw such a conclusion.

Lack of what President Reagan last spring called "hard and fast evidence" has kept the United States from publicly charging Soviet violations, although the President was sufficiently concerned March 31 to say there were "increasingly serious grounds for questioning" Soviet compliance.

DISPUTE OVER A NEW MISSILE

The key concern then was a Soviet test on Feb. 8 of the PL-5 missile. Previously, the Russians had begun tests of a larger, multiwarhead missile known as the SSX-24, identifying that as the one new intercontinental missile permitted under the 1979 treaty.

In early March, an American interagency panel concluded that the PL-5 was a second new missile and thus a violation of the 1979 agreement. After more high-level study, President Reagan decided in late April to pursue the issue through diplomatic channels.

According to American officials, the Russians contend that the PL-5 is a modernized version of the existing SS-13 missile, permitted under the 1979 agreement. More tests were run on May 5 and May 31.

The United States says the PL-5 exceeds provisions of the 1979 accord because it is much larger than the permitted modifications of the SS-13.

Dissatisfied with Soviet explanations and concerned about the new radar system, the United States sought the special meeting of the monitoring committee today.

[From UPI, Aug. 1, 1983]

WASHINGTON.—The State Department said Friday the existence of a new Soviet radar system raises serious questions about Soviet compliance with the treaty limiting anti-ballistic missile systems.

Sen. James McClure, R-Idaho, wrote President Reagan that the discovery by U.S. intelligence of a new, large radar installation in central Siberia appears to be "the most flagrant Soviet violation yet."

Under the 1972 anti-ballistic missile treaty, each side is limited to a system of radar and anti-missle weapons that guards the national command center. The United States has chosen not to build such a system, but the Soviets have.

A State Department spokesman said: "The existence of the radar does raise serious questions with respect to its consistency with the ABM treaty and the United States is studying this question in detail. It is the subject of diplomatic exchanges which of necessity remain confidential."

The new system, according to reports, is in central Siberia, too far from Moscow to be effective in guarding the city, but near enough to principal Soviet missile fields to protect them. That would be a violation of the 1972 agreement, in which both sides agreed to save themselves billions of dollars by outlawing such systems.

The State Department spokesman refused to confirm the details of the discovery because of the policy of not discussing intelligence matters.

[From the Washington Times, Aug. 17, 1983]

UNITED STATES, U.S.S.R. SEEK WAY OUT OF OBSOLETE 1972 ABM TREATY

(By Thomas D. Brandt)

There are signs in Washington and Moscow that both superpowers are considering ways to slip out of the ABM (anti-ballistic missile) treaty of 1972 as time, technology and new strategic thinking push the 13-year-old agreement to the edge of obsolescence.

The most obvious Soviet signal is the construction of a mammoth "battle management radar" which, because of its location 500 miles north of the Mongolian border, is thought by some U.S. analysts to have military value only as an ABM coordinator, and thus to be a treaty violation.

The radar complex, with a transmitter building nearly 500 feet long by 300 feet wide, could serve as part of the existing early warning system, but its location in the center of the nation argues for its use as an ABM radar.

The ABM treaty requires early warning radars to be near a country's borders, with their beams directed outward.

On the U.S. side, President Reagan in his "Star Wars" speech of March 23 called for new research on a high-technology ABM system. Research does not violate the treaty, but deployment of a system would.

The 1972 ABM treaty permits the United States and the Soviet Union to deploy one ABM system each. The U.S. system at Grand Forks, N.D., was retired in 1975. The Soviets have a system near Moscow.

The administration is clearly looking beyond the era of limits on ABM. This fits into the thinking of many conservative theorists, who for some time have been making the case for abrogation on strategy grounds, bolstered by the argument that technology now makes a wide-ranging ABM system feasible and affordable.

Either side can "break out" of the treaty with six months' notice, though neither is likely to act that directly and risk the appearance of being against arms control. It is more likely that one country will find sufficient treaty "violations" by the other side to justify moving on its own toward an ABM system.

That process is already in full swing in the United States, where Sen. Jesse Helms, R-N.C., in 1982 and Sen. James McClure, R-Idaho, this year accused the Soviets of ABM violatins, specifically citing the new radar site that has been under construction for two years and under U.S. satellite surveillance.

The Heritage Foundation, a conservative think tank in Washington with ties to the administration, said this month that "the U.S. should abrogate the ABM treaty" unless the Soviets can "refute the evidence that its radar and weapons programs are not designed for an ABM role."

Besides the new radar, the Heritage Foundatin cited Soviet testing of surface-to-air missiles "in a discernible ABM mode at altitudes above 100,000 feet. . . ."

The point is that an incoming ICBM would be virtually the only target for a SAM capable of striking at that altitude.

Sen. Joseph Biden, D-Del., like Helms a member of the Senate Foreign Relations Committee, recently predicted that the Reagan administration would unilaterally withdraw from the ABM treaty within the next several years because of charges of Soviet violations.

"That will be the rationale," he said during an August hearing on the nuclear-weapons freeze. "Joe Biden thinks that's what this administration has in mind."

Sen. Paul Tsongas, D-Mass., a liberal critic of the administration, followed Biden by saying that Reagan's call for new "defensive technologies," as the president called them, was leading the nation down the road to ABM violations.

Reagan hinted in his March speech at other reasons besides violations for breaking out of the treaty. Among the most persuasive is that it would move the superpowers away from a strategy of deterrence based on massive nuclear retaliation, and more toward a defensive policy of destroying incoming warheads.

"I call upon the scientific community in our country, those who gave us nuclear weapons, to turn their great talents now to the cause of mankind and world peace, to give us the means of rendering these nuclear weapons impotent and obsolete," Reagan said in that televised address to the nation.

"This could pave the way for arms control measures to eliminate the weapons themselves," he added.

Despite the claims by the Heritage Foundation, McClure and others of Soviet ABM violations, the Reagan administration has not openly accused Moscow of breaking the treaty, though last Friday a State Department spokesman said the radar raises serious concerns.

"The existence of this radar does raise serious questions with respect to its consistency with the ABM treaty and the United States is discussing this question in detail," said department spokesman John Hughes.

[From the New York Times, Sept. 22, 1983]

SNARLING DÉTENTE

(By William Safire)

WASHINGTON, Sept. 21.—As Joan Rivers might say to Henry Kissinger: "Can we talk global strategy?"

Toward the end of the Brezhnev years, the Soviet Union was on a strategic roll. As U.S. armed forces atrophied, the Soviet arms buildup continued, and what had been rough parity was tipping toward Soviet superiority. In this period, Moscow made four far-reaching decisions:

(1) To take advantage of the post-Shah power vacuum in the Persian Gulf, the Kremlin launched its first overt invasion of a neighbor outside the Iron Curtain. The conquest of Afghanistan was answered by a U.S. grain embargo that was promptly undercut by France, Canada and Argentina; at seemingly low cost, the Russians threatened Pakistan and came within striking distance of the world's oil lifelines.

(2) To achieve military superiority over NATO, the Russians installed SS-20 missiles capable of leveling Europe's cities in a stroke. That effectively upset what had been the balance of power for a generation.

(3) To guarantee its superiority in intercontinental missiles, Moscow decided then to cheat on the 1972 antiballistic missile treaty, which limited missile defenses to a single national command center. Our intelligence recently spotted a major radar installation near ICBM sites in Siberia, aimed at Alaska and the U.S. coast; by tying this and other anti-missile radars into the battle-management ABM system in Moscow, the Russians make themselves less vulnerable to retaliation from a first strike at the U.S. They refuse to meet to discuss our objections to the new radars.

(4) To further the Communist penetration of Central America, Brezhnev ordered guerrilla cadres in El Salvador, supplied through Nicaragua and Cuba, to commence their offensive.

As Andropov took charge, Moscow's strategic roll ran out of luck. The record of power balances since 1982 looks like this:

(1) For the first time, the Kremlin is faced with five—count 'em, five anti-Communist insurgencies. Guerrilla forces supplied by the West or China are overthrowing or severely harassing Soviet puppet regimes in Angola, Cambodia, Mozambique, Nicaragua and Afghanistan. The Afghanistans alone have tied down 110,000 Soviet troops in a bloody occupation that drains Soviet resources.

(2) The thrust into El Salvador has been blunted by the U.S. readiness to arm and train local government forces and to put internal pressure on Nicaragua. As a result, "dialogue toward power-sharing" is now seen by more Americans as a grab for power without elections, and is resisted.

(3) In Europe, the imbalance of power caused by the SS-20's is being rectified; by year's end, our Pershing and cruise missiles will be in place.

In sum, Mr. Andropov in most of his first year could claim only the pacification of Poland without U.S. sanctions and the successful stonewalling of the stolen ABM advantage.

In recent months, the new Soviet leader has acted boldly to reestablish Soviet strategic momentum:

(1) He supplied Libya's invasion of neighboring Chad, thereby threatening the Sudan and all of Central Africa. Egypt shrugged; the U.S. did an Alphonse-Gaston routine with France, which finally did its duty in its "sphere." The outcome is uncertain, but Mr. Andropov has more patience than Mr. Mitterrand.

(2) He ordered his client, Syria, to activate P.L.O. and Druse fighters to overthrow the Government of Lebanon. (In the Mideast, even the surrogates have surrogates.) Twice removed, he can now order the launching of Soviet-supplied missiles against the U.S.S. New Jersey, and pose as a moralist condemning the U.S. for causing civilian casualties near guerrilla batteries.

(3) He and his military shot down the civilian airliner that came near the testing of his new PL-5 missile, the SALT violator. This loses popularity contests but strikes fear abroad and stirs xenophobic fervor at home.

President Reagan's reaction to the Andropov challenge has been to lay down the doctrine of snarling détente: "no vengence" means "no linkage." To the amazed delight of doves, and at the top of his moral lungs, Mr. Reagan has foolishly decoupled Soviet behavior from arms talks of economic retaliation.

Wearing a serious expression is not an expression of seriousness. Mr. Reagan's snarling détente will probably encourage Mr. Andropov to continue his pressure. Berlin is always a good place to test Western will; Jamaica is again vulnerable; an "analogous" response to the placement of our missiles in Europe would be the landing of Soviet Bear bombers in Cuba with nuclear missiles.

We can hope that Mr. Reagan would meet such tests with resolve. The tragedy of his strategy, however, is this: His stentorian restraint invites dangerous tests that could be averted now by the quiet, measured application of strength.

Mr. McCLURE. Mr. President, I ask unanimous consent to have printed in the RECORD material in connection with Soviet arms control violations.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SOVIET VIOLATIONS OF SALT II

SS-18 Rapid reload and refire; covert deployment of 100 to 200 SS-16s at Plesetsk test range; AS-3 kangaroo long range ASM on 100 TU-95 Bear bombers; new long range ASM on Bears; deployment of long range ASMs on Backfire bombers; almost total (95-100%) encryption of telemetry; ICBM—SS-18 Mod X; PL-4 (SS-X-24); PL-5 (SS-X-25); SLCM— SS-NX-19; SLBM—SS-NX-20; IRBM/ICBM—SS-20; 2 new ICBMs in development tests (SS-X-24, SS-X-25); increased and large scale strategic camouflage, concealment, deception.

SOVIET SALT I ANTI-BALLISTIC MISSILE (ABM) TREATY VIOLATIONS AND CIRCUMVENTIONS

Soviet SAM testing in ABM Mode—SAM-5, SAM-10, SAM-12; deployment of 6 ABM battle management radars; deployment of one ABM battle-management radar in interior USSR not facing outward. ABM camouflage and concealment; falsification of ABM deactivation; use of new test range without prior notification; development of a rapidly deployable, mobile ABM; testing of rapid refire ABM; deployment of a nationwide ABM defense; deployment of more than 100 ABM launchers around Moscow.

SOVIET SALT I VIOLATIONS AND CIRCUMVENTIONS

Interim agreement:

Deployment of the heavy SS-19 ICBM as the replacement of the light SS-11; failure to deactivate old ICBMs on time, and continuous falsification of official deactivation reports; bringing back ICBM equipment to deactivated ICBM complexes; keeping 18 SS-9 ICBMs at an ICBM test range illegally operational; Soviet deployment of "IIIX" silos with a configuration too similar to a missile-launch silo; increased use of deliberate camouflage, concealment, and deception; encryption of missile telemetry; camouflage of ICBM testing, production, deployment; concealment of SLBM submarine construction, berthing, dummy subs, construction of berthing tunnels; constructing over 68 strategic submarines, when only 62 were allowed; violation of Brezhnev's pledge not to build mobile ICBMs; deploying SS-11 ICBMs at SS-4 medium range ballistic missile (MRBM) sites; keeping about 1,300 to several thousand old ICBMs stockpiled for both covert soft launch and rapid reload of silos for refire.

SOVIET VIOLATIONS

THRESHOLD TEST BAN TREATY (1974)

Over 15 Soviet tests above 150 kilotons (2 with lowest possible yield above 150 and one with reported yield of 600 kilotons).

LIMITED TEST BAN TREATY (1963)

Over 30 unambiguous Soviet ventings of radioactive debris.

SOVIET VIOLATIONS OF KENNEDY-KHRUSHCHEV CUBA AGREEMENT

Soviet offensive capabilities deployed to Cuba—combat brigade; Golf and Echo class nuclear submarines; Cienfuegos strategic

submarine base with nuclear warhead storage facility; nuclear delivery capable aircraft, Mig-23/27, Bear—TU-95 D,F (TU-142, with operable bombays); military communications center.

Use of Cuba as revolutionary base—training terrorists and revolutionary forces; equipment supply to revolutionary forces; DGI 4th largest intelligence organization. Probable BW/CW facility.

SOVIET VIOLATIONS OF GENEVA PROTOCOL AND BIOLOGICAL AND TOXIN WEAPONS CONVENTION

BW manufacture and storage at Sverdlovsk and Zagorsk; 8 other suspect production and storage facilities; expansion of BW facilities after 1972 and 1975, continuing today; CW and toxin weapons employment and assistance to satellites, Kampuchea, Laos, Afghanistan. Toxin assassination weapons.

Mr. McCLURE. Mr. President, on September 14, 1983, President Reagan made a very important statement. President Reagan was asked publicly if the Soviet Union was violating the 1962 Kennedy-Khrushchev agreement which ended the Cuban missile crisis. President Reagan answered:

• • • That agreement has been abrogated many times by the Soviet Union and Cuba in the bringing of what can only be considered offensive weapons, not defensive, there • • •

Mr. President, this is the second time that President Reagan has accused the Soviets of violating the Kennedy-Khrushchev agreement. President Reagan previously accused the Soviets of violating the Kennedy-Khrushchev agreement on national television in June 1982. In addition, CIA Director Casey, Under Secretary of Defense Iklé, and the Chairman of the Joint Chiefs of Staff have all also accused the Soviets of violating the Kennedy-Khrushchev agreement ending the 1962 Cuban missile crisis.

The significance of these authoritative, official U.S. accusations is very great. They reinforce the importance of a report to the Congress on Soviet noncompliance with SALT and other arms control agreements.

Moreover, if the Soviets actually are violating the very agreement that brought the world peace after the most serious nuclear war crisis ever in world history, then this fact has enormous implications for our defense budget and arms control proposals. It also suggests the need for sanctions against the Soviets for their recent massacre of the Korean Air Lines 747 passenger airplane.

Mr. President, the Soviet actions which violate the Kennedy-Khrushchev agreement are illustrated on the explanation displayed.

Mr. President, I finally ask unanimous consent to have printed in the RECORD an analysis of evidence of Soviet violation of the Threshold Test Ban Treaty signed in 1974, and put into effect by the United States and the U.S.S.R. in 1976.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SOVIET VIOLATIONS OF THE THRESHOLD TEST BAN TREATY

Defense Department analysis clearly indicates that the Soviet Union is flagrantly violating the Threshold Test Ban Treaty (TTBT) limit of 150 kilotons put into effect in March of 1976. Both the chart and analysis are unclassified, according to the Defense Department and the Arms Control and Disarmament Agency.

There have been 14 Soviet underground nuclear weapons tests since 1978 which are estimated to be above the 150-kiloton limit. There is 95 percent confidence that several tests have been 250 kilotons or above.

In addition, Secretary of State Shultz has testified before the Senate Foreign Relations Committee that during the week of June 16, the Soviet Union tested another nuclear weapon about "double" the 150-kiloton limit—approximately 300 kilotons. This is a 15th Soviet test violation.

The Defense Department chart which I released in June 1983 indicates that since 1978, the Soviet Union has conducted at least five tests at the 300-kiloton level or higher—a factor of twice that allowed by TTBT.

The U.S. has given the Soviet Union the benefit of every doubt in TTBT compliance, even going so far to change our methodology more than two times in the Soviets' favor. Nevertheless, the Soviets continue to violate TTBT.

The vertical axis of the chart is labeled "The Sliding Rulers," showing how the U.S. has changed it methodology twice. The horizontal bars represent the 150-kiloton thresholds, expressed in terms of the Richter Scale.

The lowest bar represents the 150-kiloton threshold for U.S. underground nuclear tests at the Nevada test site. The upper two bars represent Soviet 150-kiloton threshholds, as revised upwards by the U.S. to the benefit of the Soviets.

Each dot on the chart represents a Soviet test of a nuclear weapon at the Shagan River Test Area. For instance, the chart indicates the results for four nuclear tests at the site in 1976.

Senator Helms showed this Defense Department chart and analysis to the Senate Foreign Relations Committee during its arms control resolution markup on September 20, 1983. This chart and analysis strongly support the statements made by President Reagan, Defense Secretary Weinberger, and other White House and Arms Control Agency spokesmen that the Soviets have violated the Threshold Test Ban Treaty.

Mr. McCLURE. Mr. President, I do not know of any objection to the amendment at this time. I am advised that the committee might accept the amendment at this time.

Mr. PERCY. Mr. President, there is no objection by the majority. We are checking now with the minority to see whether there is objection.

Mr. BYRD. Mr. President, it is my understanding that Senator PELL might have some reservations about it, and we are trying to get in touch with him. For the moment, it would be satisfactory with us to set this amendment aside temporarily, if that is agreeable.

Mr. McCLURE. I am happy to do that. I ask unanimous consent that my amendment be temporarily set aside.

Mr. SYMMS. Mr. President, reserving the right to object—and I shall not object—I ask unanimous consent to have printed in the RECORD an interview on this subject by Mr. John Rees, in The Review of the News, with my distinguished senior colleague from Idaho, Senator JIM MCCLURE, be published in the RECORD. This interview, revealing Soviet cheating in arms control pacts, was conducted by John Rees and was published in the Review of the News on August 17, 1983. I strongly agree with all of the points Senator MCCLURE makes regarding the dangers to our national security of Soviet violations of SALT and other arms control treaties. I, myself, have taken a lead in the Senate in pointing out some of the Soviets arms control treaty violations, and I strongly support an amendment to an appropriate bill requiring the President to report to the Congress on Soviet SALT violations.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Review of The News, Aug. 17, 1983]

CONSERVATIVE U.S. SENATOR JAMES A. MCCLURE: AN EXCLUSIVE INTERVIEW ON SOVIET CHEATING IN ARMS PACTS REVEALS WHY WE DARE NOT AGREE TO ANY FREEZE

(By John Rees)

The central problem in arms-control negotiations with the Soviets, says Republican Senator Jim McClure of Idaho, "is not the weapons . . . but Marxism-Leninism, their ideology," which commits the Soviet leaders to aggressive expansionism and a quest for power. A staunch Conservative serving on the Appropriations and Rules Committees, and Chairman of the Natural Resources Committee, Senator McClure recently initiated a letter from 34 Republican Senators to the President cautioning him not to be stampeded by domestic political considerations into a "quick" and potentially dangerous arms-control treaty with the Soviets.

Q. Senator, how do the Soviets view treaties they sign with us?

A. There is a famous quotation from Lenin: "Promises, like pie crusts, are leaven to be broken." Since 1917, the Soviets have violated nearly all the treaties they have signed, in addition to violating all the arms-control agreements to which they have agreed.

Many of the treaties the Soviets have violated since 1917 have been non-aggression pacts—pledges by the Soviet Government not to invade neighbors such as Finland, Hungary, Latvia, Lithuania, Estonia, and even Afghanistan. All those countries have had non-aggression pacts with the Soviet Union at one time or another, and all have been violated.

Q. These were weak, non-threatening, neighboring states. Wouldn't treaties with another great power over arms control and national security be more strictly followed as being in Soviet interest?

A. You would think so, but that has not been the case.

Q. What about the famous "joint statement" produced in the Carter Administration by the Departments of Defense and State, the C.I.A., and the Joint Chiefs of Staff, which termed the Soviet treaty record regarding arms control as "good"?

A. There was a "white paper" submitted to the Congress in February 1978 that characterized the Soviet record on arms-control compliance as generally good. The definitive answer to this was provided by now-Ambassador Paul Nitze, who testified before the Senate Foreign Relations Committee in July of 1979 on the SALT II treaty. He was asked this very same question and replied that "whenever we questioned them about any of their behavior, we always acquiesced to their position." That is, we allow the Soviets to violate the arms-control treaties, and then we call it "compliance."

Q. Will you review some of the key violations?

A. There are seven militarily significant classes of Soviet violations of arms-control agreements. These are:

The deployment of the SS-19 heavy I.C.B.M. which violated the SALT I Interim Agreement.

The Soviet stockpiling of I.C.B.M.s, which violates all of the SALT II treaty's ceilings, and the development of the rapid-refire capability of Soviet missile launchers which is part of that.

The underground nuclear weapons tests of high yield which violate the Threshold Test Ban Treaty.

The A.B.M. treaty violations which encompass A.B.M. mode tests and mobile A.B.M. components as well as illegal battle-management radars.

The biological-warfare violations and the chemical-warfare treaty violations.

The violations of the Kennedy-Khrushchev agreement of 1962.

The recent Soviet violations of the SALT II treaty, especially their testing of a second new type I.C.B.M. when only one new type is allowed.

Q. And of course SALT II couldn't even be ratified in a Democratic-controlled Senate under a Democratic President. Candidate Reagan denounced SALT II, but then as President said the U.S. would abide by it anyway. What rationale has been offered for this, and what effect is it having on modernization of U.S. defenses?

A. The Reagan Administration policy is characterized as a "no undercut interim adherence policy." This means that the U.S. will not undercut SALT II so long as the Soviets show equal restraint. But my colleague from Idaho, Senator Steven Symms, has been able to pinpoint nine ways in which the SALT II treaty has impinged upon U.S. strategic weapons deployments and plans.

In the opinion of some Senators, our acceptance of the terms of an unratified SALT II is inconsistent with both Section 33 of the Arms Control and Disarmament Act and with the Constitution of the United States, which provides that the Senate must advise and consent before the ratification of any treaty. Section 33 of the Arms Control and Disarmament Act says there are only two ways to oblige the United States to comply with an arms-control agreement: one, through the treaty-making power of the Constitution; and two, through further affirmative legislation.

In the case of the SALT II treaty's "interim adherence, no undercut" policy, we have become in effect "obliged" to adhere. In fact, we have precisely adhered to all of the provisions of SALT II without either the constitutional treaty-making powers of the Senate or further affirmative legislation. And so a strong case can be made that the Administration's policy, with respect to compliance with SALT II, is non-constitutional, unconstitutional, and illegal.

Q. What can you tell us about Soviet missile tests during 1982-1983 and their relation to existing formal or informal arms agreements?

A. According to unclassified sources, all of the Soviet missile tests since 1974 have had a high degree of encryption in their electronic telemetry signals. These are signals broadcast back to earth which provide information on the performance of the missile during a test.

But the SALT II treaty says there cannot be deliberate interference in the "national technical means of verification." The SALT II treaty says that the United States must be able to tell eight different characteristics of Soviet missiles, all of which require telemetry to determine. So, with high levels of encryption, such as we've seen in all Soviet missile testing since 1974, it's possible to say that the Soviets are violating the Article 15 provisions on encryption and non-interference with "N.T.M."—the National Technical Means.

Q. Roughly how much of the Soviet missile telemetry data is encrypted?

A. According to press reports, the percentages have been increasing from 80 percent to 90 percent to 98 percent . . . and now to 100 percent in some of the recent tests of new Soviet I.C.B.M.s.

Q. What about Soviet deceptions and circumventions?

A. The Soviets often engage in deception in their negotiations of arms-control treaties. They seek ambiguous provisions that don't constrain any of their strategic-weapons development programs. They then go to the limit of those provisions and test our reaction. If the United States does not react, they they go beyond those limits. They also exploit all the loopholes that are not covered by specific provisions.

In sum, the Soviets engage in negotiating deception; operational camouflage, concealment, and deception; and, outright violations if they can get away with it—and they have!

Q. Give us some specific examples.

A. In the case of the Backfire bomber, they engaged in both negotiating deception and operational concealment. In the case of the SS-20 mobile missile, there is a massive program of camouflage, concealment, and deception. The Soviets presented the SS-20 as an "intermediate-range" missile and negotiated deceptively to exclude it from SALT II.

Q. Senator, without getting into classified specifics, how good are America's technical-surveillance methods at discovering Soviet military developments?

A. The best answer to that question is the fact that during the 1960s the United States intelligence community grossly underestimated the number of Soviet I.C.B.M.s being deployed, the number of Soviet submarine-launched ballistic missiles (S.L.B.M.s) being deployed, and the number of Soviet strategic bombers. At the same time, we underestimated Soviet military spending by a factor of 100 percent.

These tendencies of U.S. intelligence to underestimate continued into the 1970s and the era of détente and SALT. They were accentuated as errors by another tendency that was also contradictory—the tendency to over-estimate the constraints that SALT I and SALT II would put upon Moscow.

So during the 1970s we had the juxtaposition of underestimates of Soviet military spending and of the nature and quanity of their strategic hardware, with overestimates of the constraining power of the SALT I and SALT II arms-control agreements and détente. I feel that this country has a very bad record in the business of detecting and estimating Soviet military programs.

Q. From what you've said, I get the feeling that no Administration, including this one, has been willing officially to tell the American people about the extent of Soviet armstreaty violations. Is there a valid reason for this, such as protection of strategic intelligence methods and information?

A. In my view, the reasons why the United States has been inhibited in challenging Soviet arms-control treaty violations are threefold:

First, the strategic balance has shifted against the United States since the early 1970s. This has been used to make it seem dangerous, even crisis provoking, actually to confront the Soviets with a major violation of the arms-control treaties.

Second, we have a dominant school of strategic doctrine in our country based upon the concept of "Mutural Assured Destruction," appropriately called M.A.D. This concept involves what is called minimum deterrence. Any advantages the Soviets may derive from violating an arms-control treaty are considered irrelevant. They have no strategic significance, according to the predominant view in the American national-security community.

Third, and perhaps the most significant reason why we've had inhibitions, is that current negotiations for future treaties are held hostage to enforcement of past and existing treaties.

Q. Will you expand on that last concept?

A. It means that if the United States were ever to accuse the Soviets of violating an existing or past treaty at the highest level in the nuclear area, this might jeopardize the continuation of negotiations for a future treaty.

Q. But hasn't the President said that the Soviets have violated some of those treaties; for example with regard to the "yellow rain" chemical and biological issue?

A. President Reagan and his Administration have directly accused the Soviets of violating the Biological Warfare Convention of 1972, the Chemical Warfare Protocol of 1925, and the Kennedy-Khrushchev Agreement of 1962. He has indirectly accused the Soviets of violating two additional treaties—the Threshold Test Ban Treaty of 1974 and the SALT II treaty.

Q. Fairly recently a campaign was launched against U.S. development of space-based defenses on the line that we would be violating some treaty on the peaceful uses of outer space. If, as has been reported, the Soviets already are the only country with an operational Anti-Satellite weapon, should we stick to a treaty which has already been broken by the other side?

A. The Outer Space Treaty, signed in 1967, prohibits nuclear weapons in space. The Soviets have not directly violated this ban. What they have done is to circumvent the treaty by developing a fractional orbital bombardment missile which gives them the ability to put a nuclear weapon into space and achieve a partial orbit at any time. Therefore, a non-nuclear anti-satellite weapon in space, such as the Soviets have

had operational since 1971, doesn't violate that treaty; it goes around the treaty.

Q. Didn't the previous Administration try for a treaty to ban any anti-satellite weapons?

A. Yes. The United States negotiated with the Soviets in 1977 and 1978 for an anti-satellite weapons treaty. These negotiations were suspended in 1979, however, because of Soviet contempt for American attempts to get them to dismantle their existing operational non-nuclear anti-satellite weapon in exchange for a promise by the United States not to develop and deploy one of its own.

It's clear from past negotiations that we have no leverage with the Soviets in that kind of weapons constraint unless we develop, test, and deploy our own anti-satellite weapon. We are doing so today despite the urgings of "Liberals" that we suspend unilaterally our weapons program and continue negotiations with the Soviets after they have already laughed us out of the negotiating room.

Q. How do the Soviet military chiefs view the arms-control and treaty process? Do they see it as a way of achieving equality and maintaining that as a status quo, or have they something else in mind,

A. We have direct evidence about the views of Soviet military leaders on the arms-control process. Some of that information unfortunately is still highly classified. But there is sufficient unclassified information, which I have reviewed, for me to conclude that they view the arms-control process as an instrument of political and military competition between Communism and Capitalism. They do not believe that they have equality with the United States; far from it. They believe that through arms-control negotiations they have achieved important strategic advantages and superiority.

Q. Will you give us some of the unclassified evidence?

A. First of all, the Soviet General Staff considers the arms-control process, and the whole range of diplomacy, part of the tactics of war. In the Soviet General Staff journal, Military Thought, they said in 1971, before the signing of the SALT I treaty, that "a nation's diplomatic activity becomes a part of those nonmilitary means of policy implementation which . . . are contained within the concept of the content of war."

Furthermore, we have evidence that in 1972 Brezhnev and his military leaders were consciously negotiating to protect the Soviet SS-19 heavy I.C.B.M. from constraint in the SALT I Interim Agreement, Article II, knowing full well that the United States was signing this article believing that heavy missiles such as the SS-19 were prohibited. But Brezhnev and his military staff knew that the SS-19 would go forward and that, because of their successful concealment, the United States did not even know the SS-19 missile program existed, let alone how far advanced or how heavy it was. Brezhnev, the Politburo, and the Soviet military knew the United States was signing Article II in ignorance of the fact that within a very short period Moscow would reveal it had this new missile which violated that provision of the treaty.

Q. The deception decision obviously came from the top levels of the Soviet leadership?

A. Yes. It shows the pattern of the Soviets' deliberate negotiating deception, and the deliberate intent of the U.S.S.R.'s top-level political and military leadership both to violate arms treaties and to use the arms-control process as a means of achieving strategic and military advantages.

Q. SALT II negotiator Paul Warnke and former C.I.A. Director William Colby maintain that it is irrelevant whether the Soviets have adhered to past treaties, on the grounds that all that matters is whether we can monitor their compliance with current treaties. Will you comment?

A. First, that's a good example of the "minimum deterrence" philosophy I mentioned earlier. When we have former high officials like Colby and Warnke telling the public that any advantages the Soviets achieve from violations are irrelevant and strategically insignificant, it inhibits any challenging of Soviet violations.

Second, it exploits the popular misconception of what is entailed in verification. The technical aspects, such as the collection of intelligence evidence, are what most people talk about when they discuss verification. But there is a much more difficult and neglected aspect to verification that very few pay much attention to. That is, what to do after a potential violation is detected?

Q. Isn't that the decision of our political leaders?

A. Exactly. It's a political decision whether to challenge and enforce an arms-control treaty. And that's a much more difficult and complex aspect of verification that is usually ignored.

Some 22 years ago Fred Iklé, who is now Under Secretary of Defense for Policy, published a major article in Foreign Affairs entitled "After Detection What?" I put that article into the Congressional Record recently as a policy document with immediate relevance because this question has not been grappled with in the intervening years.

Q. What are the keys to enforcement?

A. The two essential reasons for challenging breaches and enforcing arms-control treaties are the effect that has on commitment for an increased defense budget, and on the recognition that we may need to be prepared for an arms race at any time and on any level of armaments.

Q. What about the ongoing U.S. Soviet strategic and theater nuclear-weapons negotiations?

A. I've had information from the Reagan Administration that concedes that there are already Soviet compliance and U.S. verification problems of enormous significance with SALT II. I have been told that in Geneva today the results of the Strategic Arms Reduction Talks (S.T.A.R.T.) and the Intermediate-range Nuclear Forces talks (I.N.F.), both aimed toward treaties, will not have any significant advantages over SALT II in the area of verification. If that turns out to be the case, then these two potential agreements, S.T.A.R.T. and I.N.F., will be just as vulnerable as SALT II to questions of verifiability and compliance.

With the strategic balance continuing to shift against the United States and towards the Soviet Union, the enforceability of these agreements will be even worse than with S.A.L.T. II, which we are already finding impossible to enforce.

Q. Will political pressure be applied to push the President into making concessions for the sake of a pre-election arms treaty?

A. Yes, there is enormous political pressure on the President to come up with something to pull the rug out from under all of his Democratic opponents who are, to a man, posturing on a more accommodationist arms-constrol platform than the President. There will be an enormous political temptation to parry the Democratic "peace" candidates by consummating an arms-control agreement with the Soviets sometime before the 1984 election.

Q. What counter-pressure is there against such political action?

A. Thirty-four United States Senators, all of them Republicans and including five of the seven Republican leaders and the party leader, Paul Laxalt, have sent a letter to the President, which I originated. In this letter we cautioned the President that until current Soviet violations of SALT I, SALT II, and the other arms-control treaties are dealt with successfully, and either Soviet compliance is enforced or the U.S. abrogates, this group of 34 will continue to have significant reservations about whether a new S.T.A.R.T. or I.N.F. treaty can receive the advice and consent of the Senate needed for ratification.

Q. The "freeze" and disarmament groups in America and Western Europe want to stop deployment of the U.S. Pershing II and Tomahawk ground-launched cruise missiles. These were developed only after the Soviets started deploying the SS-20. Will you give us some specifics about the threat posed by those SS-20s?

A. According to press reports, last spring the United States discovered a whole new SS-20 missile complex that had been operational for years. The complex reportedly was massively camouflaged and had thus successfully evaded detection. This wasn't completely unexpected because we did know that the Soviets have been camouflaging and concealing their SS-20s since the start of their deployment program some six years ago.

Q. Can we draw any lessons regarding Soviet negotiating intentions from the long-term successful concealment of an SS-20 complex?

A. Many people may not know that in arms-control negotiations the Soviet side does not supply data on its missiles. They have instead decided to accept U.S. documentation since their concealment, deception, and camouflage programs have been successful in hiding some portion of their arms from us.

The concealment of SS-20s shows a lack of good faith on the part of the Soviet Union. Moreover, there have been recent press reports that there is solid information there are three SS-20 regiments—with eight launchers each—for which the United States cannot account on the ground. Where have they been concealed? These are mobile missiles transported with relative ease.

We also have reports that there is a very significant refire problem since there are up to five missiles associated with each SS-20 launcher. When you multiply that by the three warheads that are on each missile, the result is upwards of 5,000 warheads that the Soviets are deploying with their SS-20 program. The success with which the SS-20s are massively camouflaged and concealed, shown by the facts that we seem not to be able to find three SS-20 regiments, and that we just recently found one that had been operational for years, means that our intelligence leaves very much to be desired.

Q. What is its significance in an I.N.F. arms-control context?

A. It suggests that the order of battle arithmetic being used by America in both the I.N.F. and the S.T.A.R.T. negotiations—all of which is derived from the U.S. and none of which is furnished by the Soviets—is grossly in error.

Q. So what should we do about arms negotiations and treaties with the Soviet Union?

A. We should also be prepared to negotiate with the Soviets on every element of

military power. But if there is to be any hope of meaningful negotiations we must avoid the pitfalls of the past. These are deceptive negotiating by the Soviets, ambiguous language and loopholes in the provisions, and poor means of verification. We must be able to enhance the verification methods by such means as on-site inspection, confidence-building measures, cooperative means, and data exchange. Otherwise, to repeat, there is no hope of meaningful diplomatic exchanges.

Q. What about the question of covert political warfare, that is, "active measures"?

A. I'm concerned about dealing with a regime which violates its own Constitution, and which violates the very basis of U.S.-Soviet relations—the Litvinov Agreement of 1933. In that agreement the Soviets pledged not to interfere in the U.S. body politic with "active measures" aimed at the overthrow of the U.S. Government. We know, however, that the Soviets are engaged in "active measures" inside the United States and around the world.

Given the problems we have in dealing with this revolutionary state, it's fair to conclude that Marxism-Leninism is the main obstacle to equitable, verifiable, stabilizing arms-control agreements. I repeat: Their ideology is the essential obstacle. The problem is not the weapons themselves, not American ambitions, not American "intransigence," but Marxism-Leninism.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Idaho (Mr. McCLURE)? The Chair hears none, and it is so ordered.

Mr. McCLURE. Mr. President, I thank the Senator from Indiana and both Senators from Illinois.

The PRESIDING OFFICER. The Senator from Indiana is recognized.

AMENDMENT NO. 2189

(Purpose: To provide for the establishment of United States diplomatic relations with the Vatican)

Mr. LUGAR. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The bill clerk read as follows:

The Senator from Indiana (Mr. LUGAR) for himself and Mr. DENTON proposes an amendment numbered 2189.

Mr. LUGAR. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 24, line 20, immediately following sec. 121, insert the following new section:

"United States Diplomatic Relations With The Vatican

"SEC. 122. In order to provide for the establishment of United States diplomatic relations with the Vatican, the Act entitled "An Act making Appropriations for the Counsular and Diplomatic Expenses of the Government for the year ending thirtieth June, eighteen hundred and sixty-eight, and for other purposes," approved February 28, 1867, is amended by repealing the following sentence (14 Stat. 413): "And no money hereby or otherwise appropriated shall be paid for the support of an American legation at Rome, from and after the thirtieth day of June, eighteen hundred and sixty-seven."

Mr. LUGAR. Mr. President, this amendment would repeal the prohibition, enacted in 1867 by the 39th Congress, against the expenditure of funds to support a diplomatic mission to the Vatican. This would permit, but would not require, the reestablishment of full and formal diplomatic relations with the Holy See, and I anticipate that the President, in all likelihood, would take this action once this impediment is removed.

The United States maintained consular relations with the Vatican States from 1797 until 1848 and official diplomatic relations from 1848 until 1867. The decision in that year to withhold funds from the American mission in Rome was rooted in controversies arising from the struggle for Italian unification. Its continuation today is an anachronism.

Presidents Roosevelt, Truman, Nixon, Ford, Carter, and Reagan, recognizing the diplomatic importance of the Vatican, chose to appoint personal representatives to the Vatican, and this awkward charade continues today. President Truman in 1951 proposed to regularize relations by appointing Gen. Mark Clark as Ambassador to the Vatican, but this effort provoked public controversy and General Clark withdrew. In 1977, however, the Senate passed the Stone amendment which, like my amendment today, would have repealed the 1867 provision. This was deleted in conference.

In short, diplomatic relations with the Vatican are consistent with American tradition, have been carried on in substance if not in form by most administrations since the 1930's, and, in my judgment, should be regularized. Juridically, the Vatican is a sovereign state and is formally recognized as such by over 100 nations. That its status is historically unique, and that the status of the Papacy has, in past centuries, been the subject of varied controversies, should not bar us from recognition of the fact that the Vatican is a sensitive diplomatic forum and, with the courageous leadership of Pope John Paul II, is a significant political force for decency in the world. Over 100 other nations recognize these realities. The United States, in practice, does so as well. It is time to legitimate our current practice.

The language of this amendment is identical to paragraph (b) of S. 1757, a bill to permit the restoration of diplomatic relations with the Vatican which I introduced on August 3 of this year. I am proud to count as cosponsors of that measure Senators BIDEN, DODD, DOLE, DOMENICI, DURENBERGER, HATCH, HELMS, HUDDLESTON, JOHNSTON, KENNEDY, LAXALT, MOYNIHAN, MURKOWSKI, PELL, PRESSLER, QUAYLE, ZORINSKY, GLENN, DENTON, and NICKLES. A similar measure has been introduced in the House by the chairman of the Committee on Foreign Affairs, with the support of a wide majority of both majority and minority members of that committee. The time for this initiative is right; indeed, it is long overdue, and I urge all Senators to join in support of this amendment.

Mr. PERCY. Mr. President, this amendment was offered originally by Senator Stone in 1977. It was adopted by the Senate but was then dropped in conference.

I know of no objection to this amendment on this side of the aisle, and unless I hear such objection, we would accept the amendment from the standpoint of the majority and turn to the minority to determine if they have been able to clear it properly on their side.

Mr. PELL. Mr. President, I think it is an excellent amendment and hope it is approved.

Mr. QUAYLE. Mr. President, 116 years have passed since the United States last had formal diplomatic relations with the Vatican. The time has come to change this.

It is a pleasure to join my fellow colleague from Indiana who is seeking to make this change possible. The United States has been remiss in not taking action sooner and the Senate has the opportunity today to correct that wrong.

From 1848 to 1867 the United States maintained formal diplomatic relations with the Vatican. Then in 1867 the funding for the legation was stripped. Yet, since that time, various Presidents have appointed special representatives to the Vatican. We have continuously had a representative there since President Nixon was in office.

Last week Nepal was the 107th country to officially estabish diplomatic relations with the Holy See. In fact, the United States is one of the few countries not to recognize the Vatican as a sovereign state and the Pope as the chief of state.

On a practical level, such a recognition would be in the best interests of this country. It would improve the exchange of information and establish more formal and effective channels of communication.

But, there is a more important reason for our establishing formal diplomatic ties with the Vatican. Under the courageous leadership of Pope John Paul II, the Vatican State has assumed its rightful place in the world as an international voice. It is only right that this country show its respect for the Vatican by diplomatically recognizing it as world state.

Under the guidance of Pope John Paul II, the Vatican has come to have tremendous political and moral influence in this world of ours. This was most recently illustrated by the Pope's

successful intervention with Polish leaders on behalf of the people of his native land.

The United States should remove itself from the list of remaining nations yet to grant the Vatican full diplomatic recognition. There is no question but that this is the right thing to do.

And in conclusion, I want to commend my fellow Hoosier Senator for taking the lead on this important issue.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 2189) was agreed to.

AMENDMENT NO. 2188

Mr. PERCY. Mr. President, I should like to notify the Senate that the McClure amendment that has been offered and has been withdrawn has now been cleared by both sides.

Mr. SYMMS. Mr. President, I suggest that we move ahead with the amendment.

The PRESIDING OFFICER. The amendment has not been withdrawn. It has been temporarily set aside.

Mr. PERCY. So that Senator McCLURE would have to be here to bring the matter forward again?

The PRESIDING OFFICER. The amendment automatically comes before the Senate now.

Mr. PERCY. I suggest, then, that the Senate give consideration to the McClure amendment, inasmuch as it has been cleared on both sides.

Mr. BYRD. Mr. President, that amendment is pending before the Senate, is it not?

The PRESIDING OFFICER. It is; yes.

Mr. BYRD. I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. Is there any further debate? If not, the question is on agreeing to the amendment. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. HELMS. Mr. President, I suggest the absence of a quorum. I think Senator McCLURE should be here.

The PRESIDING OFFICER. The rollcall is in progress.

Mr. HELMS. There has been no response.

The PRESIDING OFFICER. The Chair, in his capacity as a Senator, responded.

The bill clerk resumed and concluded the call of the roll.

Mr. STEVENS. I announce that the Senator from Maine (Mr. COHEN), the Senator from Minnesota (Mr. DURENBERGER), the Senator from Arizona (Mr. GOLDWATER), the Senator from Oregon (Mr. HATFIELD), the Senator from Maryland (Mr. MATHIAS), and the Senator from Wyoming (Mr. SIMPSON), are necessarily absent.

Mr. CRANSTON. I announce that the Senator from Kentucky (Mr. HUDDLESTON), is necessarily absent.

The PRESIDING OFFICER (Mr. EVANS). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 93, nays 0, as follows:

[Rollcall Vote No. 263 Leg.]

YEAS—93

Abdnor	Garn	Moynihan
Andrews	Glenn	Murkowski
Armstrong	Gorton	Nickles
Baker	Grassley	Nunn
Baucus	Hart	Packwood
Bentsen	Hatch	Pell
Biden	Hawkins	Percy
Bingaman	Hecht	Pressler
Boren	Heflin	Proxmire
Boschwitz	Heinz	Pryor
Bradley	Helms	Quayle
Bumpers	Hollings	Randolph
Burdick	Humphrey	Riegle
Byrd	Inouye	Roth
Chafee	Jepsen	Rudman
Chiles	Johnston	Sarbanes
Cochran	Kassebaum	Sasser
Cranston	Kasten	Specter
D'Amato	Kennedy	Stafford
Danforth	Lautenberg	Stennis
DeConcini	Laxalt	Stevens
Denton	Leahy	Symms
Dixon	Levin	Thurmond
Dodd	Long	Tower
Dole	Lugar	Trible
Domenici	Matsunaga	Tsongas
Eagleton	Mattingly	Wallop
East	McClure	Warner
Evans	Melcher	Weicker
Exon	Metzenbaum	Wilson
Ford	Mitchell	Zorinsky

NOT VOTING—7

Cohen	Hatfield	Simpson
Durenberger	Huddleston	
Goldwater	Mathias	

So Mr. McCLURE's amendment (No. 2188) was agreed to.

Mr. McCLURE. Mr. President, I move to reconsider this vote by which the amendment was agreed to.

Mr. BAKER. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho.

May we have order in the Senate, please?

Mr. McCLURE. Mr. President, I ask unanimous consent that Senators SYMMS, D'AMATO, DENTON, DOMENICI, HELMS, ARMSTRONG, SIMPSON, and HUMPHREY be added as original cosponsors to the amendment just passed.

The PRESIDING OFFICER. Without objection, it is so ordered.

The distinguished majority leader.

VISIT TO THE SENATE BY MEMBERS OF EUROPEAN PARLIAMENTS

Mr. BAKER. Mr. President, we have in the Chamber a group of distinguished parliamentarians. I now yield to the distinguished Senator from Indiana, the chairman of the subcommittee having jurisdiction over this matter.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. LUGAR. Mr. President, I thank the majority leader.

We are indeed blessed today to have a most-distinguished delegation of members of the European parliaments. They come from each of their countries by direct popular election. They have constituents much as we do. We have already discussed today issues of war and peace, disarmament, and agriculture. It is a very great pleasure to introduce this delegation to you. Before asking you to greet them, I would like to yield to the ranking member of the European Affairs Subcommittee, Senator BIDEN, who has a resolution.

AMENDMENT NO. 2190 TO S. 1342

Mr. BIDEN. I thank my colleague.

Mr. President, on two previous occasions the Senate has passed an amendment we initiated that would formalize the informal interparliamentary relationship between the Congress and our friends from the European parliaments, a relationship which has existed since 1972. Although in both previous instances this provision was lost in conference, I now fortunately have reason to believe that the same fate would not befall this provision were it to pass again in the Senate. Therefore, I take great pleasure, particularly in light of the fact that our colleagues are here in the Chamber, of sending an amendment to the desk which would formalize that relationship. I also hope it will encourage future involvement in the United States-European Community parliamentarians of the U.S. members in parliamentary meetings which occur once or twice a year.

Rather than ask for its consideration and passage at this moment—both managers, I understand, will accept it—I will yield back the floor.

Mr. BAKER. Mr. President, do I understand it is the wish of the Senator from Delaware that we adopt this resolution at this time?

Mr. BIDEN. That would be my wish.

Mr. BAKER. Is this an amendment to this bill?

Mr. BIDEN. This is an amendment to the bill, yes.

Mr. BAKER. There is no amendment pending, is that correct?

The PRESIDING OFFICER. That is correct.

Mr. PELL. As a matter of information, the rules of the Senate are such under a rule that I proposed some years ago that members of the European parliaments have the same right of access to our Senate Chamber as do members of any other parliament.

They should be aware of that, that in their own right they have a right of access here, too.

Mr. BIDEN. Mr. President, I move passage of the amendment.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Delaware (Mr. BIDEN) proposes an amendment numbered 2190.

Mr. BIDEN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of title I, add the following new section:

UNITED STATES-EUROPEAN COMMUNITY INTERPARLIAMENTARY GROUP

SEC. 122. (a)(1) Congress hereby resolves that not to exceed twenty-four Members of Congress shall be appointed to meet jointly and at least annually with representatives of the European Parliament to constitute a United States-European Community Interparliamentary Group for a discussion of common problems in the interest of sound relations between the United States and the nations of the European Community. Of the Members of the Congress to be appointed for this purpose (hereafter designated as the United States Group), half shall be appointed by the President of the Senate from Members of the Senate (not fewer than four of whom shall be from the Foreign Relations Committee), and half shall be appointed by the Speaker of the House (not fewer than four of whom shall be from the International Relations Committee).

(2) Such appointments shall be made for the period of each meeting of the United States-European Community Interparliamentary Group.

(3) The Chairman or Vice Chairman of the Senate delegation shall be a member from the Foreign Relations Committee, and the Chairman or Vice Chairman of the House delegation shall be a member from the House International Relations Committee.

(b)(1) To provide for participation of the United States Group, not to exceed $50,000 shall be appropriated for each fiscal year (subject to the annual authorization and appropriation process), with $25,000 to be available for the Senate delegation and $25,000 for the House delegation, or so much thereof as may be necessary to assist in meeting the expenses of the United States Group. The Senate and House portions of such appropriation shall be disbursed on vouchers to be approved by the Chairman of the Senate delegation and Chairman of the House delegation, respectively.

(2) The United States Group of the United States-European Community Interparliamentary Group shall submit to the Congress a report for each fiscal year for which an appropriation is made including its expenditures under such appropriation.

(3) The certificate of the Chairman of the respective delegation shall be final and conclusive upon the accounting officers in the auditing of all accounts of the Senate and House delegations to the United States-European Community Interparliamentary Group.

Mr. PERCY. Mr. President, speaking for the majority, I know of no objection on this side. Rather than any objection, I would detect a great deal of enthusiasm.

I have had the pleasure of visiting the chambers of the European Parliament, and I have met a great many of the members. We have the great distinction and honor of exchanging views.

No group of countries has ever stood more steadfastly together during more troubled times, and certainly in the last instance of this outrage against humanity, the shooting down of Korean Air Lines flight 007, we spoke as with one voice.

Many times in this country we do not speak with one voice. But certainly in this case the House of Representatives, the Senate, and the President spoke with one voice and the resolution was adopted within about 24 hours and signed by the President. Certainly our European colleagues responded rapidly. Canada took action against Aeroflot even before the request was made anticipating it.

We stand together on so many issues.

We have fought together, and we have worked together. When we disagreed we disagree in an agreeable fashion.

I am pleased to say that on the majority side of the Senate we are favorably inclined and support this amendment and commend Senator BIDEN and Senator LUGAR for the work that they have done in continuing to see that this body has direct and personal contact with the distinguished members of the European Parliament.

Mr. BIDEN. Mr. President, I move the amendment.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the amendment of the Senator from Delaware.

The amendment (No. 2190) was agreed to.

RECESS

Mr. BAKER. Mr. President, I ask unanimous consent that the Senate now stand in recess for 1 minute so that we may greet our colleagues from the European Parliaments.

There being no objection, the Senate, at 2:26 p.m., recessed until 2:32 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. EVANS).

AMENDMENT NO. 2191

Mr. HELMS. Mr. President, I send an amendment to the desk and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from North Carolina (Mr. HELMS) proposes an amendment numbered 2191.

Mr. HELMS. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 26, strike lines 16 through 22, and insert in lieu thereof the following:

"FUNDS FOR ENHANCEMENT OF TRANSMITTER FACILITIES

"SEC. 205. (a) Of the amounts appropriated for the United States Information Agency for fiscal year 1984, not less than $52,900,000 shall be available only for the engineering, site preparation, and enhancement of radio transmitter facilities.

"(b) Of the amounts appropriated for the United States Information Agency for fiscal year 1985, not less than $95,286,000 shall be available only for the engineering, site preparation, and enhancement of radio transmitter facilities."

On page 27, line 1, strike "$100,500,000" and insert in lieu thereof "$78,900,000".

On page 27, line 10, strike "$123,100,000" and insert in lieu thereof "$80,800,000".

On pages 33–43, strike entire title IV.

Mr. HELMS. Mr. President, with all due respect to my distinguished colleagues on the Committee on Foreign Relations, I believe the committee was a bit remiss in its underfunding of its proposals to enhance the radio transmitters of the Voice of America.

It is perfectly clear that the free world and the Communist world are now engaged in a battle for the minds of men. We need desperately to reach the peoples who live under Communist rule. Yet the Voice of America is operating with equipment so inadequate that the word "inadequate" really does not begin to describe the situation.

Mr. President, I came to the Senate from the broadcasting business. For that reason, I am familiar with industry standards for equipment.

Not so long ago the distinguished Senator from Idaho (Mr. SYMMS) and I and others went over to the Voice of America to examine the capability from a technical sense of VOA, in terms of distributing information to the people of this world.

Mr. President, I was appalled at what I saw. The transmitters, I must say, are even in worse shape than the technical equipment in the studios, and the studio equipment was obsolete years ago.

We are actually using World War II vintage equipment in some cases, and now with the tradgedy of KAL 007 I think it is clear that the free world needs to reach the Soviet Union more than ever with the truth.

In recent months, VOA has made great strides in improving morale and broadcast content. A good example was the recent interview with the Soviet defector Victor Belenko. Mr. Belenko was a Soviet fighter pilot, as the distinguished occupant of the chair knows. Mr. Belenko knows intimately the command and control

system involved in the shooting down of KAL 007. It is significant that the VOA interview was not only an exclusive but a significant contribution to world information.

Mr. President, I ask unanimous consent that the Belenko interview be printed at this point in the RECORD.

There being no objection, the interview was ordered to be printed in the RECORD, as follows:

VICTOR BELENKO INTERVIEW ON KOREAN AIRLINER

Q. Victor, you have heard the tape of the exchange between the Soviet pilots and the command post. Judging from this exchange, would you say that warning shots were fired or not?

A. The answer is negative—no!

Q. What could have been done during the two and one half hour period to avoid destroying the Korean passenger plane?

A. Many things could have been done. The American embassy could have been contacted immediately. The Korean embassy could have been contacted, or the Japanese. They all could have been warned that an airplane which the Soviets cannot identify is in Soviet air space; and if nothing is done about it, the USSR will shoot it down. I believe that after such a warning something would have been done, and there would have been no victims.

Q. The Soviet fighter pilot of the SU 15 pulled abreast of the passenger plane. In your opinion did he recognize it as a Boeing 747 or was it an unknown entity to him?

A. For him it was a complete mystery. A Soviet pilot has never seen a Boeing 747. For him it was a big puzzle. He most likely thought it was an American reconnaisance plane, a bomber or a transport plane which had lost its direction.

Q. Having listened to the radio communications do you think that the Soviet pilot made an effort to warn the Korean pilot?

A. In accordance with his limited capabilities, I think he made an effort. But in those circumstances, at night, at that altitude it was a very difficult thing to do. But I think he tried.

Q. Marshall Ogarkov said that the decision to shoot down the plane was made at the regional command level. What's your opinion?

A. I think that is not true. In the USSR there can be no regional decisions because everything there is centralized—the Central Committee of the Communist Party, the Central Statistical Administration on the Central Command Post, etc. I think that the decision was made in Moscow because if it had been made regionally, the plane would have been shot down within minutes. Thereby the decision was made centrally—probably in the Central Air Decision Command. However, no decision is really necessary at all. In accordance with the standing order given by the Minister of Defense, if the target doesn't respond to your signals, and does not follow your orders, it must be shot down.

Q. Marshall Ogarkov said that the Korean plane ignored more than 120 warning shots. You were a SU15 pilot-instructor. Does the SU15 have the capability to fire warning shots?

A. No!

Q. What are the plane's capabilities? What does it carry besides air to air missiles?

A. According to the radio transcripts, that particular interceptor (805) had only two rockets and fuel tanks. Therefore, he had no cannons to fire tracer bullets. If he had fired warning shots with his rockets, he would not have had anything left to shoot down the airliner.

Q. What is Soviet policy towards those who violate Soviet air space?

A. The policy is very simple—follow the orders of the Defence Minister. [If] the target is in your air space, you must intercept it. If you can't force it to land, you must destroy it. And that is what Comrade Gromyko stated at the Madrid Conference. If the same (violation of Soviet airspace) occurs again, the result will be the same.

Q. Everywhere else in the world, there are attempts to assist planes which stray off-course, to help them land safety. Why isn't this done in the Soviet Union?

A. They have to follow the (standing) orders of the Ministry of Defense, which states that the target must be intercepted and, if the target doesn't obey your commands, then you have to shoot it down. Its very simple. Soviet pilots can't—they don't have the right to think. They have to carry out the orders of their commanders. The commanders do the thinking for them.

Q. Several days ago, a Novosti Press Agency representative stated that the Soviet pilots attempted to communicate with the pilot of the Korean airliner on a special frequency which is used internationally (121.5 MH).

A. (Soviet pilots) don't have this frequency. A Soviet pilot cannot communicate with any foreign pilot! All his frequencies are classified and are changed almost every month. Everything he said was untrue!

Q. Why don't Soviet pilots have the international frequency?

A. If they had it, they could initiate a two-way conversation. Such an exchange could influence the heart and mind of a Soviet pilot, who is supposedly dedicated to the Communist cause.

Q. In other words, would two-way communications make it easier for Soviet fliers to defect?

A. Yes!

Q. President Reagan said he is closing Aeroflot offices in the United States and taking other measures. International airline pilots groups have agreed not to fly into the USSR. Do you think these measures are sufficient?

A. These measures aren't sufficient. The West should refuse the Soviets all landing rights. This policy must be continued until the Soviet Union changes its standing orders (to shoot down any aircraft violating Soviet airspace). A sixty or ninety days boycott won't have any effect on them. To prevent their flights indefinitely—until they change their policy—will be effective. Aeroflot has a five-year plan which must be fulfilled, or they will be in trouble with the Politburo. Certain elements in the Politburo will then pressure the military, because plans have to be fulfilled. Eventually, they will change their policy—I think. We have to be firm with them.

Q. What other measures could we take in addition to denying them landing rights?

A. In critical flightpath areas, there should be representatives (of countries concerned). Then, in the event of such an event as this one, the Soviet and Western representatives could settle the matter on the spot. So that they wouldn't blow innocent people out of the air. We have to find some way of getting together and cooperating to enable people safely to fly around the globe.

Mr. HELMS. But here is the problem, Mr. President, and I hope Senators will focus their attention on it. It is doubtful how many people in the Soviet Union heard this interview.

Let me review the VOA transmitter situation.

First of all, VOA has 107 transmitters. Of these better than 90 percent are 15 years old or older. More than 35 percent are 30 years old or older. Our important sites in Tangier and Munich broadcasting to Eastern Europe and the Soviet Union have transmitters that are vintage World War II equipment. The U.S.S.R. spends more to jam VOA than VOA spends for all of its broadcasts.

So I say, Mr. President, no wonder the message of the free world is not being heard. VOA has been neglected and I say for far too long. We either ought to get in the business or confess that we are unwilling to stay in it.

Now, VOA has only six 500 kilowatt superpower transmitters and they are all patched together from 250 kilowatt transmitters. In contrast, the Soviet Union has 37 modern superpower transmitters, France has 11, West Germany has 9, and the United Kingdom has 8.

Because of lack of transmitter time and inadequate staffing, VOA's hours of broadcasting do not reflect America's place and influence in the world. Let me give some illustration:

The Voice of America broadcasts 956 hours per week. The Soviet Union broadcasts 2,158 hours per week. China broadcasts 1,430 hours; Taiwan, 1,006 hours; West Germany, 787 hours; the United Kingdom, 721 hours; and Egypt, 707 hours.

VOA broadcasts in 42 languages, the Soviet Union in 82, China in 43, West Germany in 37, United Kingdom in 36, and Egypt in 30.

The Voice of America is in fifth place in broadcasting hours to Africa. VOA is in sixth place in broadcasting hours to Latin America and the Caribbean. VOA is in sixth place in broadcasting hours to Eastern Europe, if RFE/RL is not considered.

It is in sixth place in broadcast hours to East Asia and in 10th place in broadcast hours to Europe.

Mr. President, I consider this deplorable. Radio Moscow broadcasts 5 hours in Pashto to Afghanistan for every 1 hour of VOA programs. Radio Moscow broadcasts in 10 languages to the Middle East and North Africa. VOA has only 8.

At the beginning of 1983, VOA had about 1,000 technicians worldwide but fewer than 20 engineers with engineering degrees to manage a plant with a replacement value of $2 billion. Let me repeat that. VOA had about 1,000 technicians worldwide but fewer than 20 engineers with engineering degrees

to manage a plant with a replacement value of $2 billion.

VOA's technicians have gone from crisis to crisis in trying to keep the Voice on the air. They have had to manufacture parts for VOA's ancient equipment because new spare parts simply do not exist. Mistakes have been made—poor design of antennas resulting in less than full signal, burned out generators, acceptance of equipment that would not do the job. Only by adding a staff of qualified engineers can VOA reverse its record of poor performance in facilities design.

Of 42 language services, 38 are understaffed by internationally accepted broadcast standards. We have a news staff of about 60 for 956 broadcast hours per week; BBC has almost twice that many for 721.

VOA's headquarters broadcasting and recording studios are incredibly outmoded.

I suggest that Senators do precisely what Senator SYMMS and I did recently: Go over to VOA and look for themselves. If they think I am exaggerating, they should take a look, and I think they will come back with the same reaction that the Senator from North Carolina has.

For the most part, the equipment in these studios is from the 1950's. Broadcasters from India and China who recently visited the VOA expressed amazement that "the world's most advanced Nation can be using some of the world's most backward broadcasting facilities."

Mr. President, the President summarized the situation in his radio broadcast last Saturday:

Within minutes of the report of the Soviet destruction of the Korean jet, the Voice of America aired the story in its news programs around the Globe. . . . Accurate news like this is about as welcome as the plague among the Soviet elite. Censorship is as natural and necessary to the survival of their dictatorship as free speech is to our democracy. That's why they devote such enormous recourses to block our broadcast inside Soviet-controlled countries. The Soviets spend more to block Western broadcasts coming into those countries than the entire worldwide budget of the Voice of America.

Furthermore, the President said:

Today I am appealing to Congress, help us get the truth through. Help us strengthen our international broadcasting effort by supporting increased funding for the Voice of America.

Mr. President, I ask unanimous consent that the President's entire statement be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

RADIO ADDRESS OF THE PRESIDENT TO THE NATION

THE PRESIDENT. My fellow Americans: During my first press conference, nine days after being sworn in as your President, I was asked a question having to do with Soviet intentions. In my answer, I cited their own words, that they have openly and publicly declared the only morality they recognize is what will further world communism, that they reserve unto themselves the right to commit any crime, to lie, to cheat, in order to attain that. And I pointed out that we should keep this in mind when we deal with them.

I was charged with being too harsh in my language. I tried to point out I was only quoting their own words. Well, I hope the Soviet's recent behavior will dispel any lingering doubt about what kind of regime we are dealing with and what our responsibilities are as trustees of freedom and peace. Isn't it time for all of us to see the Soviet rulers as they are rather than as we would like them to be.

Rather then tell the truth about the Korean Air Lines massacre, rather than immediately and publicly investigate the crash, explain to the world how it happened, punish those guilty of the crime, cooperate in efforts to find the wreckage, recover the bodies, apologize and offer compensation to the families, and work to prevent a repetition, they have done the opposite. They have stonewalled the world, mobilizing their entire government behind a massive cover-up, then brazenly threatening to kill more men women and children should another civilian airliner make the same mistake as KAL 007.

The Soviets are terrified of the truth. They understand well and they dread the meaning of St. John's words, "You will know the truth, and the truth will set you free." The truth is mankind's best hope for a better world. That's why in times like this, few assets are more important than the Voice of America and Radio Liberty, our primary means of getting the truth to the Russian people.

Within minutes of the report of the Soviet destruction of the Korean jet, the Voice of America aired the story in its news programs around the globe. We made sure people in Africa, Asia, the Middle East, Europe and, most important, the people in the Soviet Bloc itself knew the truth. That includes every Soviet misstatement, from their initial denials through all the tortured changes and contradictions in their story, including their UN representative still denying they shot down the plane even as his own government was finally admitting they did.

Accurate news like this is about as welcome as the plague among the Soviet elite. Censorship is as natural and necessary to the survival of their dictatorship as free speech is to our democracy. That's why they devote such enormous resources to block our broadcast inside Soviet-controlled countries. The Soviets spend more to block Western broadcasts coming into those countries than the entire worldwide budget of the Voice of America.

To get the news across to the Russian people about the Korean Air Lines massacre, the Voice of America added new frequencies and new broadcast times. But within minutes of those changes, new Soviet jamming began. Luckily, jamming is more like a sieve than a wall. International radio broadcasts can still get through to many people with the news. But we still face enormous difficulties.

One of the Voice of America's listeners in the Middle East wrote: "If you do not strengthen your broadcasting frequencies, no one can get anything from your program." Our radio equipment is just plain old, some of it World War II vintage. I don't mind people getting older; it's just not so good for machines.

More than 35 percent of the Voice of America's transmitters are over 30 years old. We have a similar problem at Radio Free Europe and Radio Liberty. We have 6 antiquated 500-kilowatt shortwave transmitters. The Soviets have 37, and theirs are neither old nor outdated. We regularly receive complaints that Soviet broadcasts are clearer than ours. One person wrote and asked why it's not possible for a Nation that can send ships into space to have its own voice heard here on earth.

The answer is simple. We are as far behind the Soviets and their allies in international broadcasting today as we were in space when they launched Sputnik in 1957.

We have repeatedly urged the Congress to support our long-term modernization program and our proposal for a new radio station, Radio Marti, for broadcasting to Cuba. The sums involved are modest, but for whatever reason this critical program has not been enacted.

Today I am appealing to the Congress, help us get the truth through. Help us strengthen our international broadcasting effort by supporting increased funding for the Voice of America, Radio Free Europe, Radio Liberty, and by authorizing the establishment of Radio Marti.

And I appeal to you, especially those of you who came from Eastern Europe, Russia, and Soviet-dominated countries, who understand how crucial this issue is, let your representatives hear from you. Tell them you want Soviet rulers held accountable for their actions even by their own people. The truth is still our strongest weapon. We just have to use it.

Finally, let us come together as a Nation tomorrow in a National Day of Mourning to share the sorrow of the families, and let us resolve that this crime against humanity will never be forgotten anywhere in the world.

Until next week, thank you for listening, and God bless you.

Mr. HELMS. Mr. President, that is why I feel that the priorities of this bill are wrong. The committee has earmarked funds for some purposes, which, while deemed important by some, ought to be placed upon a lower priority at this time.

A case in point is the excessive increase in funding for the Fulbright exchanges.

I wish money grew on trees in Washington, D.C., so that we would not have to worry about priorities. We could do everything everybody wants to do. But we cannot. We have to establish priorities, and this Senator is convinced that if we do not get back to the business of providing truth to the world through our facilities, we might as well get out of it entirely.

The committee effectively added $21.6 million over what the administration asked for this purpose in fiscal year 1984 and $42.3 million in fiscal year 1985. The Fulbright exchange is a worthy purpose. Nobody denies that. But we have a total of $116,429 million for fiscal year 1984 and $142.535 million for fiscal year 1985. We certainly are not skimping on the Fulbright ex-

changes. Nor is there a demonstrated need for increased Federal spending. In the academic year 1981–82, there were 326,300 foreign students enrolled in colleges in the United States. Only 2.3 percent of all these students were sponsored by the U.S. Government. By far the vast majority of foreign students are able to come to the United States without U.S. Government help.

That is why, through this amendment, I propose to shift back to the President's priorities, and try to recover some of the funding for the VOA transmitter enhancement.

I propose to cut back the earmarkings to the levels requested by the administration and shift those funds to VOA transmitter enhancement.

Similarly, we have $31.3 million in the bill for the National Endowment for Democracy. This is a proposal which has been considered by this Senate in a scant fashion, to say the least. It was put into the bill by the committee after we had already earmarked $32 million for Project Democracy, which was the administration's original request. We had a 45-minute hearing on NED—45 minutes, Mr. President—and the very next day it was rushed into the markup with less than 10 minutes of discussion. The record shows general confusion over what was being put into the bill.

Now I happen to think that NED needs far more consideration, careful consideration, than it has received. It is not an urgent item like enhancing the Voice of America's capabilities. I think that we could profitably shift the NED funds into transmitter enhancement, as well, and give more thought to the structure and purpose of NED.

Now, let me summarize, if I may, Mr. President. The pending Helms amendment does not add new funds to this bill—not one penny. It only changes the priorities of the earmarks. The amendment zeros the earmarkings for the National Endowment for Democracy for both fiscal year 1984 and fiscal year 1985, making $31.3 million available only for VOA transmitter enhancement in each of those 2 years.

The amendment reduces earmarkings for the Fulbright exchange by the amounts not sought by the administration. The point is the Foreign Relations Committee added $21,600,000 to the amount that the administration said it could spend wisely, earmarking a total of $116,429,000 for fiscal year 1984 and an unsought increase of $42,300,000 for fiscal year 1985 for a total earmarking of $142,535,000 for fiscal year 1985.

So, Mr. President, the Helms amendment transfers both unsought amounts—that is to say amounts over what the administration feels they could spend wisely—we would take that amount and apply it to enhancing the transmitting capability of the Voice of America.

In addition, the administration estimates that the committee bill provides an unearmarked $21,686,000 for transmitter enhancement for each year. The Helms amendment earmarks these amounts, also.

The Helms earmarkings are in addition to the amounts appropriated in the Radio Marti bill, S. 602, of $26,062,000 for each of the fiscal years.

Mr. President, I have an accompanying table which I ask unanimous consent to have printed in the RECORD at this point.

The PRESIDING OFFICER. Without objection, it is so ordered.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

Effect of Helms amendment on VOA transmitter enhancement

	Thousands
Fiscal year 1984:	
1984 request	$47,959
S. 1342	21,686
Unsought exchanges earmarking	21,600
NED earmarking	31,300
Total Helms earmarking	74,586
Additional from S. 602	26,062
Total VOA transmitter	100,648
Fiscal year 1985:	
1985 request	179,426
S. 1342	21,686
Unsought exchanges earmarking	42,300
NED earmarking	31,300
Total Helms earmarking	95,286
Additional from S. 602	26,062
Total VOA transmitter	121,348
Combined request 1984–85	227,385
Total Helms and S. 602	221,996
Shortfall without Helms earmarking:	
Combined request 1984–85	227,385
Total S. 1342 and S. 602	95,496
Shortfall	131,889

U.S. INFORMATION AGENCY—COMPARISON OF AGENCY'S 1984 AND 1985 BUDGET REQUEST WITH CONGRESSIONAL ALLOWANCES

[In thousands of dollars; excludes $10,000,000 for Asia Foundation shifted to State]

Account	Fiscal year 1984							Fiscal year 1985				
	1984 USIA request	Senate authorization action, 1984			House authorization 1984, H.R. 2915	House appropriations 1984, H.R. 3222	Senate appropriations 1984, S. 1721	1985 USIA request	Senate authorization action, 1985			House authorization 1985, H.R. 2915
		SFRC S. 1342	Senate S. 602	Total					SFRC S. 1342	Senate S. 602	Total	
Salaries and expenses:												
Voice of America	153,680	123,540	28,738	152,278	153,680	153,680	150,237	160,115	117,531	28,738	146,269	160,115
Exchanges (subject to Pell amendmemt)	94,858	116,429		116,429	94,858	94,858	93,909	100,283	142,535		142,535	100,283
Project Democracy (administration, nonexchange program)	44,491				13,191	13,191		44,877				13,577
National Endowment for Democracy		31,300		31,300	31,300	31,300			31,300		31,300	31,300
O'seas Post, TV, programs, support	331,336	314,223		314,223	331,336	327,165	317,616	344,581	294,126		294,126	344,581
Total, S&E	624,365	585,492	28,738	614,230	624,365	620,194	561,762	649,856	585,492	28,738	614,230	649,856
Salaries and expenses, Foreign currency	10,556	10,454		10,454	10,556	10,556	10,450	12,412	10,454		10,454	12,412
VOA Radio construction	47,959	21,686	26,062	47,748	47,959	34,013	41,438	179,426	21,686	26,062	47,748	179,426
East-West Center	18,547	18,368		18,368	18,547	18,547	18,362	19,345	18,368		18,368	19,345
Total	701,427	636,000	54,800	690,800	701,427	683,310	632,012	861,039	636,000	54,800	690,800	861,039
Radio Marti			14,130	14,130						16,130	16,130	

TRANSMITTER AND ANTENNA COSTS

The most efficient manufacturing company in the world would fold overnight if it couldn't get its products to market. The Voice of America is not about to fold—but our old and aging technical equipment make it increasingly difficult for listeners to hear our steadily improving product. Of our 107 transmitters, more than 90 percent are 15 years old or older, and more than 35 percent are 30 years old or older. At important sites in Tangier and Munich, where VOA broadcasts to Eastern Europe and the Soviet Union, the transmitters were built before World War II. Currently the VOA has six 500 KW superpower transmitters, patched together from 250 KWs. In contrast, the USSR has 37 modern superpower transmitters.

It is simply essential for VOA to put a high quality signal into all areas of the world important to the U.S. national interest. And the only way to do this is to make steady progress in all VOA construction and upgrading projects.

Major components of the Voice of America Radio Construction authorization for FY 85 include: upgrading facilities at eight existing sites; new site construction at some eight sites; and antenna upgrade and design at three existing sites.

TRANSMITTER COST

A typical VOA relay site includes six 500 KW transmitters. One 500 KW transmitter and associated antenna system cost is approximately $15 million.

The components of the $15 million (in 1982 constant dollars) include:

	Millions
Transmitter: Purchase, shipping, installation, associated buildings, and spare parts	$4.0
Antenna systems: Purchase, shipping, installation, and associated equipment	5.6
Prorated share of the cost to build a VOA power plant	2.9
Site preparation	1.0
Prorated complete engineering design costs	1.5
Total 500 KW tansmitter cost...	15.0

ANTENNA COSTS

VOA has identified existing relay stations which will require varying degrees of replacement/upgrade of antennas and associated components. Current antennas are inefficient, obsolete and in some cases misdirected. The new antenna system would provide for a 360 degree coverage area, providing better coverage with fewer antennas and long term savings due to more efficient land use and upkeep.

It is expected that a modern efficient antenna and associated components, fully installed, will cost about $2-3 million each depending on such details as size, complexity and location. VOA has targeted some 10 antennas at each of three locations for upgrading.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. PERCY. I thank my distinguished colleague very much, indeed.

The thrust of his amendment is such that I would regrettably have to oppose it. I will have the distinguished ranking minority member of the Foreign Relations Committee speak on that aspect of it which deals with cutting the exchange program.

There is no overall reduction, as I understand it, in the amendment of the Senator from North Carolina. What he does is cut down the educational exchange programs. He takes the money that would be saved there and transfers it to a program for engineering, site preparation, and enhancement of radio transmitter facilities for the U.S. Information Service and for VOA. So there is no money saving at all.

Furthermore, I believe that the VOA enhancement is unnecessary because in the Radio Marti bill we have fully funded additional amounts. And I read directly from the authorization of appropriations, section 8, subparagraph (b) as follows:

In addition to amounts otherwise authorized to be appropriated the Agency for the fiscal years '84, '85, there are authorized to be appropriated to the Agency $54,800,000 for the fiscal year '84 and $54,800,000 for the fiscal year '85, which amounts shall be available only for expenses incurred by essential modernization at facilities and operations of the Voice of America.

Certainly, Mr. President, we have demonstrated in recent weeks with the Korean flight 007 tragedy the necessity of our telling the truth to the world as to what is going on and what went on in that action against humanity by the Soviet Union. Certainly to modernize, to update, improve, and strengthen our facilities is a laudable and commendable objective with which I fully agree, but we have already provided $54,800,000 in fiscal 1984 and $54,800,000 in fiscal 1985 in the Radio Marti bill. Therefore, we have anticipated and taken into account the concern of the distinguished Senator from North Carolina about our not having modernized, efficient, effective, up-to-date facilities. We gave them every penny that they asked for.

With respect to the section in the amendment of the distinguished Senator that would deal with the National Endowment for Democracy, it essentially would remove those funds. The proposal to establish and fund a National Endowment for Democracy was the product of an extensive study by four highly responsible groups: the Republican National Committee, the Democratic National Committee, the AFL-CIO, and the American Chamber of Commerce.

In addition, a number of other prominent public figures, reflecting the broad spectrum of American political opinion—from Richard Allen to Tony Lake—participated actively. They were at the session. They participated actively, and they were deeply involved. I was honored to be a founding member of that organization.

The Foreign Relations Committee discussed the proposal and no member of the committee argued that the discussions were inadequate regarding the nature and purpose of the endowment.

Beyond that, I want to emphasize my strong feeling that the endowment is an idea whose time has come and that it is important to press ahead with this highly promising initiative.

It is worth noting that to let this legislation fall by the wayside—the inevitable result of the proposed amendment—would disappoint a large number of friendly foreign governments who have looked forward to cooperating with the endowment's activities.

These governments included Costa Rica, Jamaica, Venezuela, El Salvador, Liberia, Nigeria—to name just a few from the developing world.

But most importantly, this is a genuinely bipartisan proposal at a time when bipartisanship is desperately needed in this dangerous world. We cannot let this opportunity pass. With democracy at stake in so many parts of the world, for example Latin America, it would be tragic for this country to deprive itself of the energies and resourcefulness of its private citizens and nongovernmental organizations.

The Department of State strongly endorses the legislation, as amended, regarding a National Endowment for Democracy.

The legislation represents a major step in pursuit of the purposes set forth by the President in his speech to Westminster in June 1982. It constitutes a broadly bipartisan effort to enlist the energies and enterprise of our private citizens and nongovernmental organizations in strengthening democratic institutions worldwide. The Endowment thus promises to strengthen the ability of the United States to encourage and advance those ideals and practices which all Americans share.

Mr. HELMS. Mr. President, I yield the floor.

Mr. PELL. Mr. President, as much as I have a high regard for the Senator from North Carolina, I must join my colleague, the chairman of the committee, in opposing this amendment. What the amendment would do, when you analyze it, is to wipe out the National Endowment for Democracy which is strongly supported, as we all know, by the Chamber of Commerce, the AFL-CIO, and the Republican and Democratic National Committees. This would be wiped out.

In addition, it would vastly reduce or really wipe out the committee's action in increasing the Fulbright academic exchange funding. The amendment would also reduce the general exchange efforts that we had been making in the committee. And I think there is a direct link between exchanges and our influence abroad.

For example, in this vital area, we have fallen way behind the Soviet Union. They send 10 times the number of students from Latin America as an example to the Soviet Union as we take in on our side. And when you travel around the world, you find the one program that seems to mean the most to our various ambassadors and chiefs of missions abroad and our embassy personnel there are the exchange programs. That is the one program they really want enlarged, enlarged, enlarged.

I know I have seen the effect of the exchange programs firsthand. I remember living behind the Iron Curtain at one point in my life. And I used to see Communist citizens of that country come to the United States and come back less convinced, less good Communists, more citizens of the world. I do not ever recall seeing the opposite occur.

The more exchanges we have, I think the more the citizens in other parts of the world will learn that we are not as we are portrayed by the Soviet Union, but we are as we are—a freedom loving, individual human rights respecting nation. To my mind, there is no money that is spent more advisedly and better than is the exchange programs.

In doing this I am in no way derogating the importance of the Voice of America, but I am just saying it is a question of priorities. And in this work we do here, we have to give priorities

of A over B, or B over C. And in my view there is no better priority than the exchange program.

For this reason, I join with the chairman of the committee in opposing this amendment.

In closing, I would read in for the RECORD an official news release from USIA of May 1983 giving basically the administration's viewpoint. It says that we simply cannot do without the link, the exchange program, provided to significant levels of the thinking leadership in the world, and that the Fulbright program is incentive that must be attended to.

So I would hope that my colleagues would not accept this amendment, and leave the language that is carefully crafted in the committee with a certain priority in the exchange programs which is so vigorously supported by our chiefs of missions from all over the world.

I yield the floor.

Mr. HELMS. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. HELMS. Mr. President, there is no one in whom I have more affection or respect for than Senator PELL. But I would say to him and other Senators that this amendment does not—I repeat, does not—reduce the educational programs. It merely reduces the huge increase proposed by the committee for that purpose. It reduces the rate of increase.

Let me say again that the President's request was $54,786,000. The authorization for fiscal year 1983 was $51,569,000, and for fiscal year 1982 was $42,127,000. So the Helms amendment still calls for an actual increase.

Now I note that the distinguished chairman of the committee, Mr. PERCY, spoke of the funding added in the Radio Marti bill.

Mr. President, I do not want to appear didactic, but let me say again that I went over to the Voice of America a few weeks ago, as did the distinguished occupant of the chair. We saw what they have and we saw what they lack. And I came back to this Senate very depressed in terms of the capability of the Voice of America to make any dent against the barrage of Communist propaganda that is pouring forth throughout the world.

The funding for Voice of America, I contend, is inadequate with respect to construction.

Now let us draw a line, Mr. President, and see what we are talking about and what we are looking at. Over half of the new funding that the distinguished chairman of the Foreign Relations Committee, Mr. PERCY mentioned, is related to personnel costs for enhancement. Now, they have need for more engineers and that sort of thing to handle the modernization. I acknowledge that. But the big need is in technology.

My amendment would not even restore all of the construction money requested. There still is a considerable shortfall in construction money over the 2-year period, a shortfall, I am advised, of about $5,400,000, even with the Helms earmarkings.

Let me say, Mr. President, that I am not here to complain about the Fulbright funding. All I am talking about is priorities. If we really want to get the truth out to the world with respect to episodes like the shooting down of KAL 007, then we have got to have the equipment. We do not have it. I reiterate that the VOA is sitting over there and out there using equipment so outmoded, so obsolescent that no responsible commercial broadcaster would even think about using it. Radio stations all over this country realize that if you cannot get the signal out it does not matter about the quality of what you are broadcasting because nobody is hearing it anyhow. And that is where the priority rests as far as I am concerned.

Now, Senators may vote as they wish, but I want them to know that if they vote against this amendment, they are establishing a priority that telling the truth to the world is really not very important.

Unless and until this Congress provides for funding for the technology to get us back into the ball game, we simply are not going to be able to get the truth out. Any Senator who doubts what I am saying should do precisely what Senator SYMMS, who is now presiding over the Senate, Senator HELMS and others did in recent days when we went over and made an inspection of what VOA had and what VOA lacks.

Mr. President, I ask unanimous consent that the distinguished Senator from Alabama (Mr. DENTON) be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HELMS. Mr. President, I am ready to vote.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from North Carolina. The yeas and nays have been ordered and the clerk will call the roll.

The legislative clerk called the roll.

Mr. STEVENS. I announce that the Senator from Maine (Mr. COHEN), the Senator from Arizona (Mr. GOLDWATER), the Senator from Oregon (Mr. HATFIELD), the Senator from Florida (Mrs. HAWKINS), the Senator from Maryland (Mr. MATHIAS) and the Senator from Vermont (Mr. STAFFORD) are necessarily absent.

The PRESIDING OFFICER (Mr. COCHRAN). Is there any other Senator in the Chamber who desires to vote?

The result was announced—yeas 26, nays 68, as follows:

[Rollcall Vote No. 264 Leg.]

YEAS—26

Abdnor	Helms	Pressler
Andrews	Humphrey	Simpson
Armstrong	Kassebaum	Specter
Denton	Kasten	Symms
Dole	Long	Thurmond
East	Mattingly	Trible
Garn	McClure	Wallop
Grassley	Murkowski	Warner
Heflin	Nickles	

NAYS—68

Baker	Evans	Mitchell
Baucus	Exon	Moynihan
Bentsen	Ford	Nunn
Biden	Glenn	Packwood
Bingaman	Gorton	Pell
Boren	Hart	Percy
Boschwitz	Hatch	Proxmire
Bradley	Hecht	Pryor
Bumpers	Heinz	Quayle
Burdick	Hollings	Randolph
Byrd	Huddleston	Riegle
Chafee	Inouye	Roth
Chiles	Jepsen	Rudman
Cochran	Johnston	Sarbanes
Cranston	Kennedy	Sasser
D'Amato	Lautenberg	Stennis
Danforth	Laxalt	Stevens
DeConcini	Leahy	Tower
Dixon	Levin	Tsongas
Dodd	Lugar	Weicker
Domenici	Matsunaga	Wilson
Durenberger	Melcher	Zorinsky
Eagleton	Metzenbaum	

NOT VOTING—6

Cohen	Hatfield	Mathias
Goldwater	Hawkins	Stafford

So Mr. HELMS' amendment (No. 2191) was rejected.

Mrs. KASSEBAUM. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. HUDDLESTON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2192

Mr. MITCHELL. Mr. President, I have an amendment at the desk and I ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Maine (Mr. MITCHELL), for himself and Mr. STAFFORD, proposes an amendment numbered 2192.

Mr. MITCHELL. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On Page 24, after line 19, add the following new section to Title I of the Bill:

"SEC. . (a) Notwithstanding any other provision of law, none of the funds made available under this Act for "International Commissions" for fiscal year 1984 and fiscal year 1985, shall be available for the use, by such commissions or their agents, of herbicides containing dioxin compounds.

(b) Unless the Committee on Foreign Relations of the Senate, the Committee on Environment and Public Works of the Senate, and the Governors of the affected border

states are notified forty-five days in advance of the use of a herbicide by an international commission, funds appropriated for such use shall not be available for obligation or expenditure. Such notification shall include—

(1) the name of the herbicide;

(2) an estimate of the quantity of herbicide planned for use;

(3) an identification of the area on which the herbicide will be used;

(4) a description of the herbicide's chemical composition."

Mr. MITCHELL. Mr. President, this omnibus authorization measure provides authority for activities conducted by many organizations. Among these organizations is one of the smallest units in the Federal Government, the International Boundary Commission, which deals with matters between the United States and Canada.

During the August recess, NBC news revealed that this tiny commission, unbeknownst to the public and this Congress, used a herbicide known as agent orange to maintain a 36-mile-long, 20-foot-wide clear cut strip of land in Maine and New Hampshire along the Canadian border. This defoliant was used by the Commission as late as 1978, over 6 years after its use was discontinued in Vietnam for health safety reasons.

The jury is still out on the specific results to personal health from direct exposure to agent orange. However, sufficient evidence exists to conclude that the risks posed by this mixture of chemicals clearly outweighs its benefits as a defoliant.

Technically, agent orange is a mixture of two primary ingredients, 2,4,5,T and 2,4,D (2,4,5-trichlorophenoxyacetic acid and 2,4-dichlorophenoxyacetic acid) and a third component, TCDD (2,3,7,8-tetrachlorodibenzo-para-dioxin).

The TCDD, a contaminant which is produced during the manufacture of 2,4,5,T, is the part of the mixture which is so dangerous. Skin conditions, cancer, nervousness, birth defects, and numbness in the extremities all may result from direct exposure to this dangerous toxin.

As a member of the Committee on Veterans' Affairs which is studying the agent orange problem, I was extremely concerned when I learned of the NBC report. My concern was heightened when I subsequently learned that because of the passage of time little or nothing can be done by the Federal Government to even measure the degree to which dioxins originating in the herbicide may have penetrated the soil, water table, and watershed in the affected area. It was at that point that I decided to seek a congressional statement on the issue in the form of an amendment to the pending bill.

The amendment which I propose with Senator STAFFORD will place clearly on record, the views of Congress concerning boundary commission use of herbicides containing dioxins.

The first section of the amendment flatly prohibits the use of such herbicides by any international commissions authorized by the bill.

The second section will insure that Congress is vigilant in the future. It stipulates that boundary commissions may not use any herbicides unless they provide prior notice to the Governor of the affected State, the Committee on Foreign Relations of the Senate and the Committee on Environment and Public Works of the Senate.

In addition, the second section is clear as to what such a notification should contain. It shall include first, the name of the herbicide; second, an estimate of the quantity of herbicide planned for use; third, an identification of the area on which the herbicide will be used; and fourth, a description of the herbicide's chemical composition.

Mr. President, the administration should have no complaint with this amendment. This is because its primary component—the prohibition section—reflects what is currently the policy of the International Boundary Commission. In approving this amendment, the Senate will be saying that it concurs with that current policy and does not want that policy changed without the Congress being involved in the decision.

I understand, Mr. President, that this amendment has been cleared and that the floor managers will, I hope, see fit to accept this amendment, which is the first of three amendments, Mr. President, which I have to offer.

Mrs. KASSEBAUM. Mr. President, the committee does accept this amendment of the Senator from Maine and feels that it is well stated.

The PRESIDING OFFICER. The Senator from Kentucky is recognized.

Mr. HUDDLESTON. Mr. President, representing the floor leader on this side of the aisle, it is my understanding this amendment has been cleared and there is no opposition to it.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the amendment of the Senator from Maine.

The amendment (No. 2192) was agreed to.

AMENDMENT NO. 2193

Mr. MITCHELL. Now, Mr. President, I ask that my second amendment be immediately considered.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Maine (Mr. MITCHELL) proposes an amendment numbered 2193.

Mr. MITCHELL. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 5, line 7, after the term "agricultural commodities," insert "fisheries commodities," and

On page 6, line 9, after the word "agricultural", insert ", fisheries,".

Mr. MITCHELL. Mr. President, this amendment concerns section 106 of the bill, added by the Senator from South Dakota (Mr. PRESSLER) in the Committee on Foreign Relations.

Section 106 expresses the sense of the Senate on the need to facilitate U.S. exports by opposing international restrictions on the marketing and distribution of U.S goods. It is intended to direct U.S. Government representatives to various international organizations to oppose all proposed marketing and distribution regulations which might harm U.S. industries seeking to export their commodities, goods, and services.

My problem with section 106 does not concern what it contains, but what it omits. The fact is that its emphasis is on the need to create an international trade environment under which U.S. agricultural commodities may be easily exported. My concern is that our country's other important food producing sector, the fishing industry, is not even mentioned.

I support fully the view, often expressed by the distinguished assistant majority leader, the senior Senator from Alaska (Mr. STEVENS), that greater Government appreciation should go to this important industry.

Those Americans who harvest marine resources are far less organized than those who work the soil and raise livestock. Though the fishing industry has responded to the challenges of the last decade by increasing its focus on Government policies which affect it, the industry has a long way to go before it comes close to claiming its proper share of attention from Federal policymakers.

As the representative of an extremely important segment of the American fishing industry, I have pledged to fishing harvesters and processors in the State of Maine to do everything I can to permit their traditional way of life to survive and flourish. One way that those of us who represent fishermen and processors of fish products is to try and win for the industry a corresponding share of the attention which this Congress and the Federal bureaucracy directs toward American agriculture.

The amendment I am offering at this point should be considered a part of this effort. In the preambular clause of section 106, I add the term "fisheries commodities" to the congressional finding that "* * * in an increasingly interdependent world economy, Government measures that re-

strict the economic and efficient marketing and distribution of American exports of agricultural commodities, goods, and services hurt not only U.S. producers but also consumers in countries around the world."

Later, in section 106's resolved clause, I add "fisheries products" to the congressional directive that "* * * United States representatives to United Nations-related agencies and to other international organizations should oppose the adoption of international marketing and distribution regulations or restrictions which unnecessarily impede the export of United States agricultural and other products."

I should point out that very few of America's fishermen want all of the benefits which the Federal Government bestows on American agriculture. For instance, Maine fishermen oppose vehemently any suggestions that price supports be directed toward fish harvesters for landed product. They believe, and I agree with them, that the market mechanism is the best means to insure that expert harvesters are rewarded, inexpert harvesters are penalized, and that the industry prospers. Maine's fishermen do not want to become in any way dependent on Government, they only want the Government to promote freedom in the marketplace. That is one of their chief goals domestically and is becoming one of their chief goals with respect to overseas marketing as well.

In a report of the U.S. International Trade Commission, "Summary of Trade and Tariff Information," April 1982, I learned that until recent years U.S. exports of fish had been negligible. However, shortages of fish abroad and favorable exchange rates have resulted in increased exports of many species harvested by U.S. fishermen. For example, herring, dogfish shark, monkfish, and eel, according to the USITC, are now shipped to Europe or the Orient. In addition, underutilized species such as mullet, drum, jack, crevalle, and ladyfish are being shipped from gulf ports to nations such as Egypt, Nigeria, and Venezuela.

U.S. policy should encourage rather than hinder this exporting effort. I am hopeful that the congressional direction contained in section 106, as amended by my amendment, will prompt U.S. representatives to international trade conferences to concentrate on U.S. fisheries exports and to seek agreements and regulations which will permit our Nation to increase its fisheries exporting activities.

I understand that this amendment has been cleared on both sides as well and the managers will accept it.

The PRESIDING OFFICER. The Senator from Kansas is recognized.

Mrs. KASSEBAUM. The committee accepts this amendment as well. It is my understanding that it has been cleared on both sides.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the amendment of the Senator from Maine.

The amendment (No. 2193) was agreed to.

AMENDMENT NO. 2194

Mr. MITCHELL. Mr. President, I ask that my third amendment be immediately considered.

The PRESIDING OFFICER. The amendment will be stated.

The bill clerk read as follows:

The Senator from Maine (Mr. MITCHELL), on behalf of himself, Mr. KENNEDY, Mr. BOSCHWITZ, and Mr. LEVIN, proposes an amendment numbered 2194.

Mr. MITCHELL. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 2, line 17, strike "$344,500,000" and insert in lieu thereof "$369,500,000";

On page 24, after line 19, add the following new section to title I of the bill:

"SEC. —. Notwithstanding any other provision of law, of the funds authorized to be appropriated for fiscal year 1984 under section 102(4) of this Act, $25 million shall be available only for Lebanon for relief and rehabilitation assistance to benefit refugees and displaced persons."

Mr. MITCHELL. Mr. President, S. 1342 authorizes U.S. assistance to migrants and refugees through contributions to the International Committee for Migration, the U.N. High Commissioner for Refugees, the International Committee of the Red Cross and direct assistance to or on behalf of refugees from various countries through voluntary agencies. Although this program is funded through the Foreign Aid Appropriations Act, it is authorized through this bill.

This authorization was reported last May and has been awaiting floor action for almost 4 months. I am offering my amendment at this time because one of the assumptions which underlies the refugee and migration figure contained in this measure was valid in May, but is no longer valid today.

In May, the Committee noted that the recommended authorization total for fiscal year 1984 and $50 million less than actually authorized for fiscal year 1983. The reason provided in the report is as follows:

Half of this decrease has been made possible by the success of the Department's efforts to reduce refugee admissions to the United States, while continuing to respond to humanitarian needs and U.S. foreign policy interests and responsibilities . . . The other half is credited to the absence of such large-scale refugee crises as were experienced in past years . . .

Mr. President, as all of my colleagues are aware, since May, the strife in Lebanon has accelerated tremendously to a point where many Lebanese people are now being displaced from their homes and villages.

Mr. President, at this point, I ask unanimous consent that two items appear in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. MITCHELL. The first item is a letter from Lebanon's distinguished Ambassador to the United States, the Honorable Abdallah Bouhabib, concerning the current situation. The letter was written yesterday. It indicates that since May—when S. 1343 was reported by the Foreign Relations Committee—150,000 Lebanese citizens have been displaced from their homes The Ambassador notes that these displaced persons face "* * * daily enormous problems of housing and a lack of supplies of all sorts."

The Ambassador's conclusion is echoed in the Special Mideast Report (No. 31) of the International Committee of the Red Cross. This report is dated September 15, 1983, and states that:

. . . Concomitantly with the Emergency actions of several teams in the Chouf (evacuation of the wounded, transport of medical and food assistance, cease-fire negotiations, etc.) the ICRC was investigating the situation of persons displaced by the fighting. The number of persons displaced is now 150,000. Some have taken shelter in the homes of relatives and friends and need assistance action within the next six weeks. Others, numbering about 105,000 need immediate assistance . . . to these must be added some 18,000 people in different regions that the ICRC has not yet been able to reach because of hostilities.

Not all of these persons will be permanent refugees; however their immediate needs are acute, and the international organizations to which I referred at the beginning of my statement are doing their very best to meet these needs. These people and these relief agencies urgently require U.S. assistance and they will still need it after October 1. If the troubles in Lebanon continue—and we all hope and pray that they will not—the needs of displaced persons will, of course, become even greater.

In an effort to facilitate the meeting of these needs, I am proposing that the bill before us be amended by adding an additional $25 million to the refugee and migration assistance total recommended by the committee and that it be earmarked for Lebanon. Even with this add-on, the refugee and migration assistance authority contained in it, the measure will still be some $25 million less than will actually be spent in fiscal year 1983.

The suffering which the people of Lebanon are experiencing is tremendous, ongoing and is creating havoc in

that country. The amendment I propose will, in a modest way, help to mitigate this suffering and I believe reinforce a view held by most Lebanese citizens that American involvement in their tragic country, in a volatile region in the Mideast, is driven by humanitarian considerations for the people of that country and that region. This bill provides us with an opportunity to send such a signal to those of our friends in Lebanon who have a need to which the United States, as a responsible leader in world affairs, should respond. I hope other nations will follow our country's lead.

EXHIBIT 1

EMBASSY OF LEBANON,
Washington, September 21, 1983.

Senator GEORGE J. MITCHELL,
Senate Russell Office Building,
Washington, D.C.

DEAR SENATOR MITCHELL: Since May 1983, the ongoing war in Lebanon has led to the displacement of 150,000 Lebanese citizens who were driven from their homes by the intensity of the fighting and the threat of massacre.

These Lebanese are living presently in the bitter situation of refugees in their own country. They are facing daily, enormous problems of housing and lack of supplies of all sorts.

Senator, I wish to express our deep thanks for your concern in the plight of the Lebanese people, and your commitment to help achieve peace and freedom for Lebanon and its beleaguered people.

With best personal regards,

Sincerely,

ABDALLAH BOUHABIB,
Ambassador of Lebanon.

[Mideast Report No. 31, Sept. 15, 1983]

LEBANON: URGENT APPEAL

1. INTRODUCTION

1.1. Since the beginning of the Israeli intervention in Lebanon in June 1982, ICRC activities have substantially increased to meet an emergency which dragged on until October last year. It was necessary to increase the number of delegates, send out medical teams and large quantities of food and medical supplies and extend our local organization to cover West Beirut, Ashrafieh, Junieh, Tripoli, Baalbeck, Ksara, Sidon and Tyre, with logistic bases in Larnaca, Damascus and Tel Aviv.

1.2. Once the emergency had abated the ICRC again directed itself to its conventional activities, such as visiting daily and assisting some 5,000 prisoners of war at Insar, regularly visiting and assiting security detainees in Lebanese prisons, removing wounded and sick from combat zones, providing medical aid to dispensaries and hospitals, protecting endangered sections of the population, transmitting family messages and enquiries within Lebanon and abroad.

1.3. At the end of August 1983 there were still 53 ICRC delegates and 102 local employees engaged in these activities.

2. BACKGROUND

2.1. The tension prevailing in Lebanon during the last eight months of this year heightened on 28 August, the upheaval in Beirut towards the end of August rapidly spread to the Lebanese mountains, and fighting has been going on since 4 September in the Chouf, the Caza of Aley, the Meth and in the suburbs of the capital.

2.2. The ICRC immediately dispatched 4 additional delegates to the area (1 doctor, 1 nurse, 1 radio-operator, 1 delegate) and a senior member of the organization from the Geneva headquarters.

The ICRC has decided to reestablish the logistics base at Larnaca (Cyprus), and has sent out a delegate for this purpose.

2.3. In the field the ICRC has worked closely with the Lebanese Red Cross and has evacuated 70 casualties of the fighting in one week.

2.4. The stocks of medicaments and materials at the dispensaries and hospitals treating the wounded have been replenished from emergency medical supplies held in Beirut, Sidon and the Bekaa. The ICRC has so far dispatched 5 tons of medical supplies to Lebanon via Larnaca, and in addition the Swiss and Finnish Red Cross Societies have sent supplies of blood and human albumin.

2.5. Between 9 and 12 September more than 50 tons of food supplies reached the Chouf. On 12 September, 25 tons was distributed to the refugees in the village of Deir El Kamar, to which the ICRC finally gained access after three fruitless attempts. Apart from these foodstuffs intended for the estimated 25,000 displaced persons now in this village, medicaments and other medical supplies were conveyed to the hospital at Deir El Kamar, where more than 100 casualties are currently being treated.

3. OBJECTIVES

3.1. In view of the very serious deterioration in the situation in Lebanon, and since the fighting will probably continue for weeks to come, the ICRC is forced to considerably increase its assistance.

3.2. Concomitantly with the emergency actions of several teams in the Chouf (evacuation of the wounded, transport of medical and food assistance, cease-fire negotiations, etc.), the ICRC was investigating the situation of persons displaced by the fighting. The number of persons displaced is now about 150,000. Some have taken shelter in the homes of relatives and friends and need assistance action within the next six weeks. Others, numbering about 105,000 need immediate assistance. The later group may be geographically divided up as follows:

East Beirut	1,500
West Beirut	10,000
Caza Aley (high metn)	4,000
(Sofar and Hammana)	4,000
Caza Saida	4,900
Caza Jezzine	2,450
Caza Nabatiyeh	5,950
Caza Zahrani North	3,780
Caza Zahrani South	4,795
Caza Tyr	2,100
Deir El Kamar	25,000
Chhim	18,000
Baalbeck	50
Zahle	300
Total	86,825

To these must be added some 18,000 people in different regions that the ICRC has not yet been able to reach because of the hostilities.

3.3. In view of recent events, of possible developments by the end of the year and of assessments made to date, the ICRC is obliged to reinforce its operations in Lebanon in order to deal with the new situation and be able to bring food and medical assistance to the victims of the conflict and to displaced persons, to support the efforts of the Lebanese Red Cross and facilitate the running of hospitals and dispensaries in combat zones.

4. FINANCE

4.1. The extra cost for this larger assistance programme is estimated at 12 million swiss francs.

4.2. This amount comes in addition to the 18 million swiss francs appeal for 1983 (see our Lebanon emergency appeal No. 3 of January 1983).

4.3. Consequently the ICRC urgently appeals to governments, national societies and other organizations for cash to finance its continuing operations in Lebanon until the end of 1983.

High consideration.

J. P. HOCKE,
Member of the Directorate,
Director for Operational Activities.

Mr. MITCHELL. Mr. President, I understand that Senator KENNEDY wishes to offer an amendment in the second degree to my amendment.

The PRESIDING OFFICER. The Senator from Massachusetts.

AMENDMENT NO. 2195

Mr. KENNEDY. Mr. President, I send an amendment to the desk, on behalf of myself and the Senator from Wyoming (Mr. SIMPSON), as a second-degree amendment to the amendment offered by the Senator from Maine.

The PRESIDING OFFICER. The amendment will be stated.

The bill clerk read as follows:

The Senator from Massachusetts (Mr. KENNEDY), for himself and Mr. SIMPSON, proposes an amendment numbered 2195.

Mr. KENNEDY. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On line 2 of the Mitchell amendment, strike "$369,500,000" and insert in lieu thereof "354,500,000".

On line 10 of the Mitchell amendment, strike "." and insert in lieu thereof "and $10 million shall be available only for El Salvador for relief assistance to displaced persons."

Mr. KENNEDY. Mr. President, I am pleased to join today with Senator SIMPSON in offering an amendment to increase by $10 million the funding earmarked for the migration and refugee assistance account in order to respond to urgent relief needs among displaced persons in El Salvador.

As chairman of the Subcommittee on Immigration and Refugee Policy, Senator SIMPSON and I, as ranking member, asked the subcommittee's chief counsel and minority counsel to undertake a study mission to Central America to review the many refugee and related humanitarian problems in the region. They returned last week, and in a joint report they filed with the subcommittee they have described some alarming conditions and reported on urgent needs for additional humanitarian assistance, particularly among displaced persons in El Salvador.

Their report, which will be available at the subcommittee's hearing scheduled for Monday on worldwide refugee problems, clearly documents what many of us have feared—that we are facing a regional crisis of people in Central America, with nearly 1 million refugees and displaced persons fleeing the violence and conflict spreading through the region.

In El Salvador alone close to half a million people are displaced, many living in camps under deplorable conditions. Over 10 percent of El Salvador's population are refugees or displaced persons and there are growing relief needs.

Mr. President, let me read from a portion of the subcommittee's staff report:

For nearly a year, the escalating number of displaced persons in El Salvador was not addressed by the United States and the Government of El Salvador. The first effort to assess their numbers and needs was not launched until January 1982, when there were already between 165,000 to 200,000 displaced persons throughout the country. Most of them had moved in with friends or family members or were living in shantytowns around urban centers. About 5 percent of the displaced persons were considered at the time to be living in "extremely deplorable conditions." Over the following year, but particularly since the beginning of 1983, the number of displaced persons in such conditions has mounted rapidly as the problem in many locations escalated into large-scale refugee camp situations.

The response of the Government has lagged behind refugee needs even after a formal Government program of assistance was established. During the past year, the United States provided a small employment generating, food-for-work type of project, and an immunization program. However, by mid-1983 it became apparent that such efforts were inadequate to meet growing relief needs—inadequate to deal with camp-like conditions (which are still deplorable in some areas)—or to respond to shortages of food an medicines.

Mr. President, it makes no sense for us to pour millions of dollars of military assistance into a government that cannot provide basic assistance and protection to its citizens displaced by the violence and conflict for which military aid is sought.

The report recommends doubling the current U.S. aid to meet an increased need in the coming year and to upgrade camp conditions; the amendment we are offering to that of the Senator from Maine would dispense the $10 million in the following way: $7 million for food, medicines, and shelter to support the displaced persons program in El Salvador; and $3 million to support the work of the International Committee of the Red Cross. That has already been requested. These funds would be designated for those particular purposes. The needs are there.

Mr. President, I commend the Senator from Maine for the work he is doing on Lebanon, and I join in supporting his amendment. This is a related matter with regard to the suffering of many children and innocents caught up in the conflict in El Salvador. Their conditions are desperate.

This is an extremely modest amount of funds. It will be administered through the International Red Cross and through the voluntary and church agencies, including the Archdiocese of El Salvador. I hope the amendment will be accepted and that it will be considered favorably in conference.

Mr. HUDDLESTON. Mr. President, I think we all can sympathize with the efforts of the Senator from Maine and the Senator from Massachusetts, particularly in relation to the modest amounts of increase they are requesting.

However, I ask the Senator from Maine if he can indicate to us the manner in which these funds will be spent. Are they to administer to the needs that exist in the native countries of the refugees who are now there? Are they designed to promote a movement of those refugees into the United States?

Mr. MITCHELL. It is to provide assistance to those persons in their native countries through private agencies that are established for that purpose.

Mr. HUDDLESTON. The figure to which the Senator is adding this amount, if I am correct, in the current bill, is not exactly an inconsequential figure. It is $344.5 million. Is that correct?

Mr. MITCHELL. That is correct.

Mr. HUDDLESTON. So the Senator's part of the amendment adds $25 million. Is that correct?

Mr. MITCHELL. That was the original provision in my amendment. But as I understand the second-degree amendment offered by Senator KENNEDY, it would further amend mine to increase the total by a total of $10 million. The authorization would continue the earmarking proposed in my amendment.

Mr. HUDDLESTON. The Senator is aware that the subcommittee recommendation of appropriation for that figure has been set at $314.5 million. On the basis of the original authorizaton, $344.5 million, they have not been able to use that amount in this category.

Mr. MITCHELL. It is my understanding that while the total amount of the authorization would be increased by only about $10 million, the remainder for the earmarking would be obtained from other funds provided which were not utilized.

Mr. HUDDLESTON. I believe the Senator from Massachusetts indicated in his comments that these funds were to assist refugees who exist now in their home country.

Mr. KENNEDY. The Senator is correct.

Basically, the specific request is some $3 million for the Red Cross, and the other money would be used for those humanitarian purposes I mentioned earlier.

Mr. HUDDLESTON. In either case, it is not for a resettlement program?

Mr. KENNEDY. No; only for food and medicines and relief programs inside El Salvador.

Mr. HUDDLESTON. Mr. President, the amendment is cleared on this side of the aisle.

Mrs. KASSEBAUM. Mr. President, we are willing to accept the amendment offered by the Senator from Maine (Mr. MITCHELL), as amended by Mr. KENNEDY and Mr. SIMPSON. It is under the amount of the administration for this program. I think it does address the concerns that have been raised as to the large number of refugees now in Lebanon and in El Salvador. The committee accepts the amendment as amended.

HUMANITARIAN AID TO EL SALVADOR

Mr. SIMPSON. Mr. President, I am most pleased to join with the ranking member of the Subcommittee on Immigration and Refugee Policy, Senator KENNEDY, and other colleagues in offering an amendment to the Department of State authorization bill to increase the funding earmarked for the migration and refugee assistance account by the sum of $10 million in order to provide additional humanitarian aid for displaced persons in El Salvador.

Two fine and very capable members of the staff of the subcommittee which I chair on immigration and refugee policy, Dick Day, chief counsel and staff director, and Jerry Tinker, minority counsel, traveled to Central America this month to study the refugee and displaced persons problems in that very troubled part of our hemisphere. The staff report filed with the subcommittee describes thoughtfully and realistically the dimensions of the displaced persons problem in El Salvador and the critical need for additional humanitarian assistance—10 percent of the population has been displaced from their homes by the conflict, the violence, the anguish and the economic problems which beset that nation.

Among the various assistance programs which our Nation funds is a displaced persons work project sponsored by the Agency for International Development (AID) which is providing employment for tens of thousands of displaced persons. Over 300 projects are being carried out, including road repair, repair of schools, drainage systems installation and repair, reforestation, and improvement of health facilities have been approved in 7 departments (states) of El Salvador. The workers involved are paid half of the minimum wage, thereby providing the displaced persons with a minimal

income in order to supplement the food and medical assistance which they receive from the Salvadoran Government, but the wages are low enough to avoid increasing the number of Salvadorans who might register as displaced persons. This is the form and content of humanitarian assistance program we should support.

It is also our intention that $7 million of the additional $10 million shall be used for the AID work program. We intend that the remaining $3 million will be used to support the remarkable work of the International Committee of the Red Cross which is providing food and medical assistance to the displaced persons in the combat areas where other assistance groups simply cannot go.

Mr. President, I urge the adoption of this amendment.

The PRESIDING OFFICER (Mr. SYMMS). Is there further debate?

Mr. HELMS. No debate. I just have a question for the Senator from Massachusetts. Will the Senator say now, for the record, precisely how this money will be spent or distributed in El Salvador?

Mr. KENNEDY. The $3 million is intended for the International Committee of the Red Cross; and $7 million for food, medicines, and shelter for displaced persons.

Mr. HELMS. I am not quibbling about it.

Mr. KENNEDY. Basically, the moneys are distributed through church and voluntary agencies, and the administration of it is through the Agency for International Development. Generally, AID requests such agencies to undertake such programs.

Mr. HELMS. I thank the Senator.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Massachusetts.

The amendment (No. 2195) was agreed to.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Maine, as amended.

The amendment (No. 2194), as amended, was agreed to.

Mr. MITCHELL. Mr. President, I ask unanimous consent that it be in order to move to reconsider en bloc the votes by which the three amendments were agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MITCHELL. I so move.

Mr. KENNEDY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2164

(Purpose: To deobligate certain funds obligated for Syria, and for other purposes)

Mr. PROXMIRE. Mr. President, I call up my amendment No. 2164 and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The bill clerk read as follows:

The Senator from Wisconsin (Mr. PROXMIRE) proposes an amendment numbered 2164.

Mr. PROXMIRE. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the bottom of page 48, add the following:

TITLE VII—GENERAL PROVISIONS

DEOBLIGATION OF FUNDS FOR SYRIA

SEC. 701.(a)(1) All funds appropriated in the fiscal year 1983 or in any prior fiscal year to carry out the provisions of the Foreign Assistance Act of 1961 which have been obligated for Syria shall be deobligated.

(2) All funds deobligated pursuant to paragraph (1) shall be deposited in the Treasury of the United States as miscellaneous receipts.

(b) None of the funds appropriated or otherwise made available by any provision of law for the fiscal year 1983 or any prior fiscal year may be available for Syria.

Mr. PROXMIRE. Mr. President, this amendment cuts off all U.S. foreign aid support to the Government of Syria.

Now it may come as a shock to many Americans that our Government is giving foreign aid to a country which today is providing arms, ammunition, personnel, and tactical leadership behind the shelling of U.S. marines in Lebanon. But it is true. At the same time that the Syrians have participated in the shelling of our marines, and may have helped to kill American servicemen in Lebanon—incidentally, one of them was from Wisconsin—at the same time we are quietly handing over to this same Syrian Government millions of dollars of U.S. tax funds.

In effect, we are financing the shelling of our marines since developmental aid to Syria displaces their own funds for their military effort. It is not too far off the mark to say that U.S. taxpayers are indirectly buying the shells which rain down on our marines. How? Because we are providing the money for roads, water projects, and 19 other developmental programs which the Syrian Government would have to fund otherwise. By paying for these programs ourselves, we free up Syrian dollars for their war effort in Lebanon.

How much money is involved? While there is no new funding for Syria in this bill, nor has there been in any foreign aid request since the Proxmire amendment stopped such funding 4 years ago, still there is an enormous amount of money flowing from the State Department or AID to Syria out of prior year appropriations.

At the start of fiscal year 1983, there was $228.5 million in the AID pipeline for Syria. Of that amount, some $96.1 million was scheduled for deobligation. The balance of $132.3 million is now being paid out to the Government of Syria. This year, that is fiscal year 1983, a total of $85.9 million will be calmly handed over to the Syrians. The balance will be paid out in fiscal years 1984 and 1985.

I cannot imagine a more self-defeating policy that this Government has ever entered into. We are financing a government that at any minute may attack our troops in Lebanon or may already have done so by supporting the PLO, the Druze and other Moslem combatants.

And what does our State Department say about this situation? They have the same refrain year after year. When I first put up an amendment on Syrian aid in 1979, they said, "please, please don't do this. We need the cooperation of the Syrians to reach a peace agreement in the Middle East." That was under the Carter administration. They said just give us some more time to work with these reasonable people, the Syrians.

In 1980 the plea was the same. "Don't hamper our efforts for peace by cutting off aid to Syria. Just give us some more time." Then came the Reagan administration and I thought we might have a change in State Department attitudes. But nothing has changed. Earlier this year, they said, "The administration strongly urges that no steps be taken to deobligate funds for AID projects in Syria." They want more time. More time.

Well, time has run out for this Senator. The pleadings and excuses are no longer valid. We have given the negotiators 5 years to work with the Syrians. And they have not made 1 inch of progress—not 1 inch. In fact, during that time the Syrians have become more involved in Lebanon, more aggressive, and less willing to reach any position of compromise about the withdrawal of their troops.

Remember that Syria is the country that called for "destroying" the Middle East Peace Treaty and "foiling its results by every means possible." Our response—provide them with more U.S. dollars.

Syria has repeatedly said that, "there is no room for neutrality concerning the Zionist enemy and its allies" and therefore Middle East Arab States "must reject middle-of-the-road stands on the issue of alliance with Zionism." Our response—send them more money.

Syria has provided aid and assistance to several different terrorist organizations operating against the United

States and other Western governments. And what is our response—the State Department turns its head, looks the other way, and hands out some more dollars.

How can anyone justify keeping open the U.S. foreign aid spigot to this regime—one of the most brutal governments in the history of the Middle East—and that is saying a lot. A regime that thinks nothing of sending in security forces to kill thousands of protestors in one of their cities. A regime that sponsors attacks by the PLO across the border in Israel that has resulted in the deaths of defenseless children and women.

I cannot imagine how there would be one vote in this body for continuing aid to Syria—but there always seems to be support for these funds in the State Department and the State Department always seems to be able to keep the Congress from cutting off these funds.

I am going to bring this amendment up time and time again until we stop sending tax dollars to Syria. I hope we can put an end to it here today.

Mr. HELMS. Mr. President, will the able Senator yield?

Mr. PROXMIRE. I am happy to yield to my good friend from North Carolina.

Mr. HELMS. Mr. President, I will say to the Senator that he has reduced by one my list of amendments. I commend him for offering it. I would ask him respectfully if he would add me as a cosponsor.

Mr. PROXMIRE. Mr. President, I am delighted to do so. Mr. President, I ask unanimous consent that the Senator from North Carolina be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PROXMIRE. Mr. President, I also ask unanimous consent that the Senator from Nebraska, Senator ZORINSKY, also be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. KASSEBAUM. Mr. President, the committee can accept the amendment of the Senator from Wisconsin. But I would like to note that $138 million economic assistance funds for Syria are frozen and have been for several years. We also have no intention to provide additional aid to Syria under the current circumstances. I think it is important to note that, when we are analyzing the present situation. But the committee does accept the amendment.

Mr. PROXMIRE. Mr. President, will the distinguished manager of the bill yield?

Mrs. KASSEBAUM. Yes.

Mr. PROXMIRE. Mr. President, it is my understanding that a portion of the funds were indeed frozen but $85 million is being sent in 1983 from the U.S. taxpayers to Syria.

Mrs. KASSEBAUM. Mr. President, in addition to the funds that are frozen, there are $89 million in the pipeline to pay U.S. contractors for services performed. The committee does accept this amendment.

Mr. HUDDLESTON. Mr. President, again, speaking for the floor manager from this side of the aisle, this amendment is acceptable.

Speaking for myself, I wish to commend the distinguished Senator from Wisconsin for offering this amendment and correcting what either is, might be, has been, or could be a ridiculous situation.

I ask, also, that I may be added as a cosponsor.

Mr. PROXMIRE. Mr. President, I ask unanimous consent that the Senator from Kentucky be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PROXMIRE. Mr. President, I do hope my good friend will fight for this amendment in conference. It is the kind of amendment, frankly, which, if it does not prevail in conference, I can see some trouble on the floor when the conference report comes before the Senate for approval. I think there will be more than one protest against that conference report.

So I hope they will press hard to have it accepted.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Wisconsin (Mr. PROXMIRE).

The amendment (No. 2164) was agreed to.

Mr. HELMS. I move to reconsider the vote by which the amendment was agreed to.

Mr. PROXMIRE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2163

(Purpose: To prohibit the availability of funds for international organizations to the extent of the U.S. proportionate share for programs to Libya and Syria)

Mr. PROXMIRE. Mr. President, I offer an amendment numbered 2163 to section 121 of the bill S. 1342.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Wisconsin (Mr. PROXMIRE) proposes an amendment numbered 2163.

Mr. PROXMIRE. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 24, line 19, insert "Libya, Syria," after "Cuba,".

Mr. PROXMIRE. Mr. President, this amendment would add Libya and Syria to the list of parties—and there are other countries, also, which I will mention at the end of this short statement—that cannot be the beneficiaries of any program funded by the U.S. proportionate share of contributions to any international organization.

The reason these two countries should not benefit from U.S. contributions to international organizations is clear: No American tax dollars should be used in any way to support any country or organization which directly or indirectly endorses terrorism as a means to force political change.

It is no secret that Libya and Syria are two countries that openly participate in and support international terrorism. Both have consistently and wholeheartedly lent support over the years to a wide range of terrorist groups—they have freely provided arms, training, and logistical support—and even worse, they themselves engage in terrorist activities.

The Libyans and Syrians see terrorism as an effective and useful tool to selfishly further their own radical goals. Terrorism, these two countries feel, is a tool to intimidate and coerce, a tool to strengthen regional and global influence, a tool to undermine legitimate authority throughout the world.

Under Colonel Qadhafi, terrorism is an integral part of Libya's foreign policy. Libyan "hit men" comb the world, hunting down Libyan exiles and alleged enemies of Libya. State Department reports have linked Libyan assassination squads to more than 20 terrorist raids and assassinations in Western Europe, the United States, and the Middle East over the past few years.

After the 1981 Gulf of Sidra incident when the United States shot down two Libyan fighters which were attacking American vessels in international waters, both the State Department and the CIA confirmed that Qadhafi's assassination squads were plotting to assassinate President Reagan and other high-ranking U.S. officials.

Libya's current aggressive and destabilizing activities in neighboring Chad and Upper Volta show Libya's true color. Qadhafi's armed forces, equipped with billions of dollars of sophisticated Soviet weapons, have regularly ventured into neighboring African countries. Libya lends unparalleled military and economic support to subversive movements which operate all over the world, from North Africa to Latin America to South East Asia.

Qadhafi's Libya also actively supports radical terrorist groups, from the Palestine Liberation Organization to the Irish Republican Army to the Moslem rebels in Ethiopia.

Syria has also been a major supporter of terrorist organizations; namely, radical Palestinian and Armenian

groups. Syria generously supplies these groups with arms, training, and even use of Syrian diplomatic facilities. It was the Syrian Government that lent support to Armenian terrorists responsible for the recent wave of bombings at Orly Airport in Paris and in Lisbon.

Syria has consistently used all the means at its disposal to undercut relatively moderate forces and support radical groups which oppose a Middle East peace and Syrian withdrawal from Lebanon.

One such group is the Black June Organization, which strongly opposes a political settlement with Israel and all American peace initiatives. The BJO has used Syrian aid to carry out attacks on moderate Palestinian leaders, Israelis, and non-Israeli Jews. It was responsible for the June 1982 assassination attempt against an Israeli Ambassador in London, the September 1981 bombing of an Israeli shipping company in Cyprus, and the 1981 killings of moderate Palestinian leaders in Brussels and Rome.

I am deeply concerned about the dramatic increases in both the number and seriousness of terrorist attacks witnessed over the last decade. In 1970, terrorists launched 213 attacks on diplomats from 31 different countries. Just one decade later, in 1980, this figure had doubled: 409 attacks were carried out against diplomats from over 60 countries.

Yet, terrorist attacks have not been confined to diplomats alone. According to State Department figures, in 1981, citizens of over 71 countries were the innocent targets of terrorism. In that same year, a record 258 terrorist attacks were leveled against U.S. citizens or facilities.

We must do everything in our power to try to curb terrorism. I commend my distinguished colleague from South Dakota for originally introducing this section to the authorization bill. The PLO, SWAPO, Cuba, and Iran, the four countries and organizations now listed in this section, all deserve international condemnation. No American money should be used to help these terrorist-supporting countries and organizations. Yet, this list of four is incomplete. We must add Libya and Syria.

Because of these two countries, many lives have been lost, property damaged, the nature of foreign affairs altered. Diplomacy is now a high-risk profession; American diplomats and citizens living abroad, as well as those home in the United States, are vulnerable targets for terrorist attacks.

Mr. President, I earnestly hope that the managers of the bill can see their way clear to accepting the addition. As I pointed out, this simply adds Libya and Syria to the list that we have of the PLO, the SWAPO, Cuba, and Iran.

Mrs. KASSEBAUM. Mr. President, the committee does accept the amendment of the Senator from Wisconsin.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 2163) was agreed to.

Mr. PROXMIRE. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. ZORINSKY. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2196

(Purpose: Zero-Fund The National Endowment for Democracy)

Mr. ZORINSKY. Mr. President, I send an amendment to the desk on behalf of myself and Senator HELMS and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nebraska (Mr. ZORINSKY), for himself and Mr. HELMS, proposes an amendment numbered 2196.

Mr. ZORINSKY. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Beginning on page 33, line 21, strike all through page 43, line 3.

On page 26, line 16, strike all through the period on line 22, and renumber all subsequent sections accordingly.

At the end of Title II, insert the following: None of the funds appropriated for the use of the United States Information Agency shall be used for the National Endowment for Democracy.

On page 25, line 4 strike "$636,000,000" and insert in lieu thereof "604,700,000"

On page 25 line 5 strike "$636,000,000" and insert in lieu thereof "$604,700,000"

Mr. ZORINSKY. Mr. President, this is a simple amendment which I am sure needs not a great deal of explanation. It is probably one of the best greased and the best wired amendments to hit the U.S. Senate Chamber this year. If this amendment succeeds, I, as one U.S. Senator with 8½ years experience in this body, will feel that I know nothing about the voting habits of my colleagues because I assume this is wired so well the taxpayers of this Nation are so unaware of what this really implies, that it is destined for success, unfortunately.

But that being as it may, I would like to offer this amendment to give my colleagues an opportunity to choose whether they are really concerned about a $200 billion deficit budget or if, in effect, the Republican Party, the Democratic Party, the chamber of commerce and the AFL-CIO are more important than the deficits that we will say we are so concerned about.

What this does, in effect, is it deauthorizes the funding for the National Endownment for Democracy, it eliminates the charter for the National Endowment for Democracy, and it reduces by $31.3 million the expenditure of the USIA for that purpose.

Obviously, I have received several letters from Chuck Manatt, being a Democrat. I am sure the Republicans on the other side of the aisle have received numerous letters from the Republican hierarchy to support the Project Democracy. I have even heard it referred to jokingly by some of my colleagues and some of my Democratic friends in the State of Nebraska as a new opportunity to help bail the airlines out by purchasing more airline tickets for junkets abroad to promote democracy.

Well, this promotion of democracy is the reinvention of the wheel. We have several U.S. Ambassadors throughout this world whose job primarily it is to communicate the feelings of the United States of America to their host country. To me, that is selling democracy. We have the USIA, the Voice of America, Radio Free Europe—a host of people selling democracy. We have student exchange programs. Everybody, in effect, who travels abroad is selling democracy, including the U.S. citizens who are tourists who annually take vacations to other countries.

I can see that we have really covered all the bases. Generally, when there is a piece of legislation involved, the primary people you hear from on one side of the issue generally is labor and on the other side the chamber of commerce. Well, uniquely enough they have both been taken care of in this bill, and uniquely enough both parties are taken care of in this amendment. Indirectly, this probably will be very beneficial for the airlines. They will sell more tickets.

A few years ago we started something similar to this. We needed to increase the export of grain abroad, so we created new export specialists within the USDA to do that because we felt our other avenues of selling grain abroad were not working. Ever since we did that and spent more money from the taxpayer dollars, our exports have decreased annually. So maybe our Project Democracy would, in fact, decrease our ability to sell democracy.

I ask for the yeas and nays on this amendment.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. HELMS. If the Senator will yield, Mr. President, I want to commend the Senator from Nebraska. His amendment is really half of the

amendment which I proposed a little while ago which attracted 26 votes.

Let me call his attention to page 36 of the bill, line 22, section 405(a):

The Endowment shall be governed by a Board of Directors (hereafter in this title referred to as the 'Board') composed of 15 members. The initial members of the Board shall be the incorporators designated in section 404; and thereafter the Board shall be self-pertetuating, with members to be elected in accordance with bylaws of the Endowment.

I repeat, Mr. President, it says "self-perpetuating."

That means they are saying this bill is saying to the taxpayers, OK, you poor slobs, you send the money in and we will run it just like we want to.

Mr. President, I have a number of concerns about S. 1432, and I have prepared some legislative proposals to accommodate those concerns. However, my major concern is with section 205 and title IV, authorizing funds and establishing the National Endowment for Democracy.

My concerns about the National Endowment for Democracy go not only to the substance, but to the method by which the legislation emerged in committee and was reported to the floor.

I think that we have to look first at the concept of a fund, supported by the taxpayers of this country, being used for political purposes by the political parties of this country, by the labor unions, and by big business.

I think, as the Senator from Nebraska has so eloquently said, that it is a very dangerous precedent to give our political parties money from the taxpayers to use for political purposes, even though the specific political purposes of NED are directed outside of the United States.

I know that other countries have established foundations for such international political meddling. That does not make it appropriate for the United States to do the same thing. The concept of government support—taxpayers support—of ideology, is alien to the American way of life. It may be appropriate for countries with a different historical background, but it is not appropriate for the United States.

Now we can all agree on the concepts of liberty and freedom. But I doubt if we can agree on how those concepts should be implemented. Even the very word "democracy" is used in completely different senses by different people. The Communists, for example, claim to be democratic. The Socialists claim to be democratic. We claim to be democratic. We cannot all be right, if the word democracy is to mean anything.

If we are using democracy in the sense of constitutional government with limited powers and checks and balances, then democracy is something that I support and we all do. But if democracy is used in the Communist and Socialist sense of redistribution of property enforced by the State, then this Senator dissents strongly. There is no evidence that the Endowment for Democracy will not become, predominantly, a propaganda organ for international socialism.

The evidence, rather, goes in the opposition direction. The overwhelming majority of the funds authorized will go the international operations of organized labor. These operations are widely touted as "anti-Communist." Well, in my book, it is not enough to be anti-Communist. I think we should be anti-Socialist as well, even if the socialism is alleged to be democratic. There is plenty of evidence that the AFL-CIO has gone around the world already on taxpayers' money promoting Socialist reorganization of economic systems, and leaving disaster in their wake.

One example is El Salvador, where the AFL-CIO promoted and directed the ruinous concept of land-reform, which has destroyed agriculture in that country, imposed untold economic hardship on the very persons who allegedly were to benefit, and exacerbated the tensions in that society. The official United Nations statistics, as I have often pointed out on the floor, showed that in the midseventies El Salvador was a rapidly developing country, making a very strong rate of progress, and distributing those gains equitably among the people in a free-market system. I know that this is exactly the opposite of the picture presented by the propaganda in the news media, but the facts are there for those who want to examine them.

But the AFL-CIO was also in El Salvador, supported by taxpayers money, demanding land reform, nationalization of the banks, and nationalization of exports. Ultimately, the AFL-CIO got its way, and the result was a disaster, providing very fertile ground for agitation by the Communist guerrilla movements. A very good case could be made that the AFL-CIO has prepared the way for communism in the name of "anticommunism" more often than it has been successful in halting the spread of Marxism.

So I would object to giving more funding to the AFL-CIO to prepare the way for communism around the world, and to support international socialism. Now I realize that some citizens do support the AFL-CIO's activities, and do not mind their tax dollars going to support socialism. But I do mind, and I am a taxpayer too. What is one man's meat is one man's poison. The fact that the Republican National Committee has a chance to propagandize too is irrelevant. What should I, as a taxpayer, have to pay both for the poison and the antidote? I am sure that those who support socialism would feel the same way about having to pay for the Republican Party's propaganda.

I feel that if the Republican Party or the Democratic Party want to promote ideology they should raise the money privately. The resources of both committees are astounding. They ought to raise funds on a voluntary basis from citizens, and not force the taxpayers to support their particular views.

The same goes both for the AFL-CIO and the Chamber of Commerce of the United States. They both have astounding resources if they want to apply themselves. But I do not respect either of them when they line up at the public trough.

After all, both the AFL-CIO and the chamber of commerce represent minority points of view. I know that it is fashionable to look upon them as representing a "spectrum" of the American political society. It just happens that they are organized. Everyone knows that most workers in this country do not belong to a union—the ratio is about 5 to 1—and when given a chance to join a union or not join a union, refuse. Learned economists have produced extensive papers which demonstrate that organized labor preys not upon business, but upon organized labor. By using compulsory membership and threats of economic force, they shift the Nation's resources from those who do not use such tactics to those who do—in other words, the union workers gain at the expense of those workers who do not.

But the gains are short lived. In the long run, the unions have priced their workers out of the market, driving jobs away from established areas and even out of the country. So it seems that organized labor is a very strange source to look to for lessons in democracy.

By the same token, the U.S. Chamber of Commerce can hardly be described as a democratic organization either. It most assuredly represents its membership, as it is supposed to do. But as a voluntary organization, it cannot claim to represent business as a whole. Why is it that there are other business organizations, such as the National Federation of Independent Businesses? It is not because the chamber is falling down on the job, but because there are different constituencies out there.

And let us look closely at the national committees of the two parties. There are wonderful men and women on each of the committees. They are experts at politics. But can the national committees, representing as they do a political constituency rather than the ordinary American, be considered as a well-spring of democracy? Certainly they are elements of the democratic process, but are they democratic in and of themselves? Both committees have different views from the majority of Americans at large, because,

by and large, the committee members come from the leadership groups in the country.

A year or so ago, the CBS poll studied the attitudes of members of both committees. The CBS poll showed that only 4 percent of the Democratic National Committee members considered themselves to be conservatives. Yet the CBS poll showed that 79 percent of the rank-and-file Democrats favored a school prayer amendment. Yet only 19 percent of the Democratic National Committee members favored a school prayer amendment.

Of the rank and file Democrats, 48 percent favored an increase in military-defense spending. But only 2 percent of the Democratic National Committee favored an increase in defense.

And let us be evenhanded here and look at the Republicans. Eighty-one percent of the Republican rank-and-file favors a prayer amendment—along with the President of the United States. Yet only 46 percent of the Republican National Committee favors a prayer amendment.

So there is a question of just how democratic, small d, the national committees of both parties really are, and whether they ought to be entrusted with taxpayers funds to promote ideology.

Moreover, we need to look at the way this proposal was conceived and brought up. We all know that the President talked about promoting democracy in his speech to Parliament last year. But the broad concept was nothing like what has emerged. The administration's request was originally for an increase in USIA funding to do more of USIA-type things. But that suddenly went by the boards. This thing whipped through the committee in less than 3 days.

On April 26, at the USIA markup, we earmarked $32 million for Project Democracy—the original administration request.

On April 27, at a quickie hearing, the proponent of the National Endowment, presented a rosy view of general statements about the project, without any specifics, and without any opposition speakers.

On April 28, without preannouncement—the House language, which had never been considered in committee, was proposed by the distinguished chairman and voted upon in less than 10 minutes. The record shows general confusion of what was being voted on.

Now, I understand that the chairman has a new proposal of his own, which has not been considered either.

I submit that the NED should be cut out of the State bill, and be taken back to committee for careful consideration.

Furthermore, I say to the Senator from Nebraska that this matter was given precisely 45 minutes of consideration by the Foreign Relations Committee, 45 minutes, and he is a distinguished member of that committee and he knows that is correct. The following day, as I recall, there were 10 minutes of consideration and then blip, it was rushed on through.

Mr. President, I ask unanimous consent that the very brief committee hearing of April 27 on NED, be printed in the RECORD so it will be clear to all that no opposition was heard from; as well as excerpts from the markup record of April 28 where NED was voted on.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

HEARINGS BEFORE THE COMMITTEE ON FOREIGN RELATIONS—MARKUP OF AUTHORIZATION BILLS

U.S. SENATE,
COMMITTEE ON FOREIGN RELATIONS,
Washington, D.C.

The Committee met, pursuant to notice, at 9:38 a.m. in room SD-419, Dirksen Senate Office Building, Hon. Charles Percy (Chairman of the Committee) presiding.

Present: Senators Percy (presiding), Pell and Dodd.

The CHAIRMAN. Today, the Committee will hear testimony on the Democracy Program from Professor Allen Weinstein, Program Director of the Democracy Program and University Professor at Georgetown; and Congressman Dante Fascell, Chairman of the Subcommittee on International Operations, House Foreign Affairs Committee, a very active participant on the Democracy Program Board.

The Democracy Program is a bipartisan, nongovernmental six-month study project designed to seek methods to assist in the effort to build democratic values and institutions abroad. This question has long been of serious concern for political parties, labor, business and media, Congress and successive administrations of both parties.

Although there are already a number of private and nongovernmental programs to bolster democratic movements abroad, a comprehensive, nationally-based private sector program that would promote the growth of democratic processes internationally has never existed.

The Democracy Program is an attempt to obtain participation of both national political parties, organized labor and business, as well as other American institutions. It is the first conservative efforts by these four key sectors of American society to create a genuinely bipartisan program to aid democracy abroad.

Today, we hear the recommendations that have resulted from that effort.

Congressman Dante Fascell, we welcome you very much indeed, and we are very pleased that you could be here and I was pleased, indeed, to participate last week in the panel discussions we had from 4:00 to 7:00 and then at a dinner meeting addressed by Secretary Shultz on this important subject.

Congressman Fascell, we are delighted to hear from you.

[The statement of Hon. Dante Fascell follows:]

STATEMENT OF HON. DANTE FASCELL, CHAIRMAN, SUBCOMMITTEE ON INTERNATIONAL OPERATIONS OF THE HOUSE OF REPRESENTATIVES' COMMITTEE ON FOREIGN AFFAIRS

Representative FASCELL. Thank you, Mr. Chairman. I am delighted to be here, and thank you very much for extending the courtesy to us who are here today in support of this proposal to establish a nonprofit corporation to be known as the National Endowment for Democracy.

Mr. Chairman, this proposal is, I think, on all fours with the long struggle that you have personally undertaken since I have known you in the Congress of the United States to have an effective program by this nation in dealing with ideas and in the struggle for ideas in the world. As a strong supporter of our information agency, its independence and the budget struggle that we have had, particularly in these times of constraint, you have been a stalwart and I have been delighted to work with you and to cooperate in every way because we both have a strong belief in the need for our government, the principles we believe in, to be spread and understood by people all over, because what we have is not automatically understood by everyone and it has to be told in a very clear, honest and concise fashion as often as we can.

So the National Endowment for Democracy, Mr. Chairman, is a natural extension of this proposal, and it comes about as a result of the study which has—it came about because of a letter written by the Chairman of the Republican Party and the Chairman of the Democratic Party and the Chairman of the American Political Foundation to the President of the United States. And an interim report was made, which you have, of certain recommendations and the proposal which is before you flows from those recommendations of this study, and the study is still ongoing.

This is an historic event, I might say, Senator, because here we have the Republican Party, the Democratic Party, the President of the AFL-CIO, representatives of business, academic community and others who have come together in a truly bipartisan effort to strengthen the capability of the private sector in this country to encourage the growth of democratic institutions and principles abroad.

Up to now, for some reason, we have had our hands tied. The political parties have not had the capability to work in the international arena, and we have followed the general model—very successful, I might add—of the German political parties who have established their own international arms. So part of this recommendation would be that each of the parties—and they have each established an international institute which would give them the capability of dealing with and working with their counterparts abroad in relaying to them a full exchange of people and ideas on political principles of our system.

With labor, of course, they have had a very successful Labor Institute which has been in operation for years, and they are part of this process also. And then, of course, private enterprise comes into it in a very meaningful way because they have a great contribution to make and they are part of this process.

So we have the leaders of all of these institutions who support fully the concept of the Endowment for Democracy which would get a grant from USIA and then these institutes would, in turn, be grantees of the Na-

tional Endowment to carry out the purposes of the charter, which are laid out in the information which you have.

That is the broad, general concept.

Other organizations, other groups who are also interested and who have the capability to enter into this effort, would have an opportunity to submit their proposals to the National Endowment or USIA or other governmental agencies but, in this case, with particular reference to the National Endowment, they would have the opportunity to do that, and if they have a worthwhile project, then the Endowment would consider it.

The Endowment itself is a nonprofit, private organization chartered under the authority—in this law it would be a District of Columbia Corporation—and the Board would be representatives of the groups that are representative in reaching the consensus which is before you, that is to say, the same kind of group that was part of the Brock Study Group under the American Political Foundation's aegis.

So that means that business and labor, the two political parties and other interested groups—now, Mr. Lane Kirkland could not be here today, Mr. Chairman. Unfortunately, he is out of town. He very much supports this, however. He has a prepared statement which, on his behalf, I would like to make part of the record, with your permission.

The CHAIRMAN. It will be made a part of the record following your comments and those of Dr. Weinstein.

Representative FASCELL. Our other two participants are in other parts of the country and cannot be here, but they have people here. Mr. Brock, who is Chairman of it, could not be here, but his representative is here and he has a statement which, with your permission, I would like to make a part of the record.

In short, Mr. Chairman, this represents a real occasion because it is the first opportunity since I have been here, and I have been 28 years in Congress—when we had this matter considered on the House side, we were very fortunate, because all of the principals happened to be in town. We took advantage of that and had them come up and testify, and it was a very encouraging day, believe me.

We need a strong, bipartisan approach to this issue, and we may not get it confused, either by fear or doubt, because what we are talking about is ourselves, and we cannot just assume that the rest of the world automatically knows who we are and what we are and how we operate. Therefore, we need to tell them, and we need this additional instrumentality in the private sector to help those government institutions that we now have do the job that they are doing, if you will.

We are not concerned with the short-term partisan gain here. We are more concerned about the long-range interests of the United States in this struggle of ideas in the world. Basically, this is what we present to you, Mr. Chairman. We are very happy to do that.

I have a prepared statement which I would like to submit for the record, and my colleagues who are here are very capable and anxious to give you their ideas on this project. We commend it to you, and Senator Dodd is a member of our study group, as I have the privilege of being. There is a lot of hard work here in the evolving of the consensus and the concept which is before you.

So I hope that it will be unanimously supported in the Committee. It was overwhelmingly supported in our own subcommittee, and I am sure that it will be likewise supported in the full Committee on the House side.

Thank you very much.

The CHAIRMAN. Thank you, very kindly.

Senator Dodd, I know you have no conflict of interest. As I said before, you have interest but no conflict.

Would you like to make an opening statement as a member of the Executive Board?

Senator DODD. No opening comment, Mr. Chairman, other than to welcome our witnesses this morning and to express my deep support.

Congressman Fascell has really said it all. It would be somewhat redundant, I think he is absolutely correct, if those of us who disagree—I might point out that, in the past, with not just this Administration but with other administrations and actions in terms of our foreign policy, this approach ought to bring all of us together. This is clearly something that obviously all of us ought to support. It is designed specifically to improve the institutions around the globe, understanding of us, and us to play a meaningful role in helping to develop the kind of democratic institutions which we, at least, proudly proclaim that we support on the Fourth of July and Memorial Day. Well, here is a chance to do something about those speeches we make, in effect.

That is why I support it. It has been a pleasure to work, by the way, with Chuck Manatt and Chairman Fahrenkopf, Dante and Allen Weinstein. They have done a fine job with all of this. In fact, we had some interesting meetings where interesting coalitions developed in support of various things. We sometimes found ourselves where Democrats and Republicans were more together and labor and business were fighting us. It was an interesting experience, just putting this thing together, an educational process in itself.

So I am delighted to associate myself with the remarks of Congressman Fascell and the statements he made on the House side as well as here this morning. I would like to thank the Chairman. This has been a bit awkward for us, over the last week or so, these mark-ups and everything else going on, and as a result of Senator Percy's support, Senator Pell's support, we in a bipartisan way here have already addressed this issue, and we obviously wanted to have the benefit of testimony of the principles involved in developing this program.

But a great deal of credit should go to Chairman Percy and Senator Pell for helping us achieve the success it did only a few hours ago in this Committee room. So it is a bit awkward, the way we are proceeding, but I think all of us will be benefitted as a result of your testimony.

I thank all of you for being here. I welcome Sarah Weddington, obviously one of my friends as well, from sometime back.

The CHAIRMAN. It is the only time, I think, in my 17 years where in any hearing where, if a mistake was made, you could undo all the authorization provided yesterday in our bill. We wanted to have this on the record so that all of our Committee members could hear directly from you.

I mentioned before you came in, Senator Dodd, I greatly enjoyed the six hours I spent with this remarkable group last week. I decided to go and spend the whole time to just hear it first hand and get a feel for the meeting, and it was a marvelous concept, a marvelous idea that we were moving forward, and I saw a lot of enthusiasm for it.

And the combination of business and labor, Democrats and Republicans, and we have a pilot run that the Federal Republic of Germany has run for a number of years. We can learn from their experience, and learn a great deal.

So I think without any hesitation, I think there is going to be a highly cost-effective investment that we are going to make in Project Democracy.

With that introduction, Dr. Weinstein, we are delighted to have you hear and I appreciated very much, indeed, the opportunity to consult with you last week.

Mr. WEINSTEIN. Thank you, Mr. Chairman and Senator Dodd, Congressman Fascell, colleagues. I think I will submit most of my statement for the record.

The CHAIRMAN. The full statement will be incorporated in the record.

[The statement of Allen Weinstein follows:]

STATEMENT OF ALLEN WEINSTEIN, RESEARCH DIRECTOR, THE DEMOCRACY PROGRAM

Mr. WEINSTEIN. I would also like to provide a chance, as quickly as possible, for Sarah Weddington, representing the Chairman of the DNC and for Mike Farren, representing Chairman Fahrenkopf of the RNC, to make their statements.

But, Mr. Chairman, I would like to say on behalf of all of us involved in the Democracy Program that we are deeply grateful to you, Senator Pell, Senator Dodd and the other members of the Committee for holding this hearing, taking time out from your extraordinarily busy schedule and allowing us to testify.

I would simply second Congressman Fascell's observation, I suppose, that all of us who have been involved with the Democracy Program feel that the core recommendation of our Interim Report which is for the creation, by Congress, of a National Endowment for Democracy, along with the creation in the private sector of the two party international institutes, the Labor Institute and a Center for International Private Enterprise to be sponsored under the auspices of the National Chamber Foundation, all of these together should have a decided long-range, but virtually immediate impact in strengthening democractic values and institutions abroad.

Mr. Chairman, the only part of my statement that I would like to actually read, if I may, is that which concerns the essential question that as you noted yesterday in inserting into the record the editorial in the Washington Post supporting this program, a question which may be of some concern to members of the Committee.

Some Americans have argued that the United States should abandon all efforts, whether governmental or private sector, and no matter how sensible those efforts to foster and support democratic institution-building abroad. In this view, democracy—and I am quoting here from the Linowitz-Galo Plaza report—"democracy is not an export commodity; it must be nurtured and developed within each nation."

Mr. Chairman, the members of the Democracy Program subscribe to that sentiment, but not to its corollary namely, that existing democratic nations cannot contribute much in a very direct way to building democratic political institutions in other countries.

I make my living, Mr. Chairman, as a historian, and I would argue at least that history, at least since the Second World War, simply contradicts that pessimistic pre-

sumption. Both Japan and the Federal Republic of Germany emerged as strong democracies after their respective periods of occupation allowed the nurturing of democratic values and structures. Such countries as India and Nigeria, along with other Third World powers, have proved themselves viable democracies through adapting to national practices institutions which began during their colonial period.

Closer to home, Mr. Chairman, would the democratic renaissance in Spain and Portugal in our time have been so effective without timely assistance from friends in other European countries, both at the governmental and nongovernmental level. I might add, Mr. Chairman, that this is where the German foundation played a critical role in keeping Spanish and Portugese democracy alive.

Similarly, in Greece, the transition from military dictatorship to democracy was expedited because of pressures not only from Western European states but also from such intergovernmental bodies such as NATO and the Council of Europe. And finally, nor have the actions of Latin American democracies such as Costa Rica, Venezuela and Colombia, been without consequence in accelerating the process of redemocratization elsewhere in the hemisphere.

From Franklin Roosevelt to Ronald Reagan, Mr. Chairman, every American President has been personally committed to the goals of democratic institution-building abroad. From the 1940s to the present, Congress under both Republicans and Democratic leadership have supported and helped to shape the national consensus in favor of such initiatives.

Quoting Arthur Vandenberg here, "Whenever we find free peoples having difficulty in the maintenance of free institutions, we do not necessarily react in the same way each time, but we propose to react." That was Arthur Vandenberg on the Marshall Plan, and that sentiment remains a valid one.

On those occasions when such national response has led to the successful launching of new programs–from the earliest days of the Marshall Plan and the Fulbright-Hays Act to the present—several themes, I will argue, Mr. Chairman, have occurred, and I will conclude with this.

First, the proposed programs reflected concretely and practically the underlying national consensus on our broad American foreign policy goals.

Secondly, the new programs did not threaten to undermine the funding and operations of other existing programs which Congress and the public support.

Third, the new programs enjoy genuine and impeccable bipartisan support across a wide spectrum of American leadership and opinion.

In the view of this Executive Board, Mr. Chairman, the Democracy Program, and my personal opinion, our proposal for the National Endowment for Democracy now before this Committee meets all of this criteria. I thank you for this opportunity to testify and especially, Mr. Chairman, for your personal interest in the work of our program.

The CHAIRMAN. Thank you very much indeed.

Now, if we could have the statements of Charles Manatt and Chairman Fahrenkopf put in the record, and any summary statement that you would care to make on their behalf would be appreciated.

The statements of Lane Kirkland, Charles Manatt and Frank J. Fahrenkopf, Jr. follow:]

STATEMENT OF SARAH WEDDINGTON, ON BEHALF OF CHARLES MANATT, COCHAIRMAN, THE DEMOCRACY PROGRAM AND CHAIRMAN, DEMOCRATIC NATIONAL COMMITTEE

Ms. WEDDINGTON. Mr. Chairman and Senator Dodd, I would simply say on behalf of Chuck Manatt that he was disappointed in not being able to join you today, but I was pleased to be able to appear on his behalf. It has been a pleasure to serve with the Senator, with Congressman Fascell, with the very fine members of this team.

In view of Senator Dodd's service and your personal familiarity, I would simply end by saying on behalf of Chairman Manatt how much the Democratic Party looks forward to participating in this expanded effort to encourage democracy and to demonstrate the advantages of the democratic way of government.

The CHAIRMAN. I appreciate that very much indeed.

I sat for hours between the Chairman and Peter Kelly, and he did not get a campaign contribution out of me for the Democratic Party.

Senator DODD. I bet he tried, though.

The CHAIRMAN. He did not even try.

I said my son-in-law will give on my behalf.

Mr. FARREN. Mr. Chairman, Senator Dodd?

The CHAIRMAN. Now on behalf of the Republican Party.

STATEMENT OF J. MICHAEL FARREN, ON BEHALF OF FRANK J. FAHRENKOPF, JR., CHAIRMAN, REPUBLICAN NATIONAL COMMITTEE

Mr. FARREN. Mr. Chairman, my name is J. Michael Farren. I am speaking on behalf of Frank J. Fahrenkopf, Jr., Chairman of the Republican National Committee.

I want to express the strong and enduring support of the Republican Party not only for the proposals contained in the Interim Report of the Democracy Program but perhaps more importantly for the objectives and traditions which underline them.

It has been charged in many quarters that the United States has little to say to the world these days, that the fact of American leadership has faded in recent years, and that Americans remain so hopelessly divided on questions of our own destiny that we are unable to lead by action or by example.

The proposals in this report should go far in reversing these images both at home and abroad. The world appears to long for clear and unmistakeable signal of American resurgence, and of a return to leadership based on the broad values and traditions that have made America the most truly free and prosperous nation in the world.

These proposals, reflective of the broad bipartisan vision of democracy as mankind's ultimate destiny, can be taken as but a part of that signal and, if implemented, they can serve as more than a signal, they can become the process itself.

For its part, the Republican Party anticipates and supports fully the creation of the National Endowment for Democracy and its related institutions. We believe that we as Republicans have a message for the world, both the developed and nondeveloped regions. We stand by our basic principles and philosophy as our guide to the vision of a better America, and a freer and more prosperous world. Where appropriate, we hope to express that vision abroad, while at the same time recognizing that ours is not the only voice to be heard.

We also recognize that the inner strength of American democracy derives from its ability to foster and promote the creative expression of individual and collective viewpoints from within, and it is in that spirit that I appear today with representatives from labor and the Democrat Party.

Senator DODD. What party is that?

Mr. FARREN. The Democrat, sir.

Senator DODD. I will teach you Republicans how to speak.

Mr. FARREN. Together, we bear a joint responsibility for expanding the frontiers of democracy, pluralism, and individual liberty abroad.

Not so many years ago, such a statement would have been unfashionable, at best. Today, however, as Americans recapture their confidence in our basic systems of government and the value that support them, such a statement can not only be made with pride, it can be carried forth into action.

I ask then, on behalf of Chairman Fahrenkopf, your favorable and rapid consideration of the proposals before you. In these recommendations are embodied the lifeblood of American Democracy, and the offer of wise and prudent assistance to those abroad in search of an enduring political entity.

Thank you.

Senator Dodd, I was taking the name of the Party from a sign outside of the Democratic headquarters in Hartford, Connecticut.

Senator DODD. It just says the Democrats.

Representative FASCELL. Mr. Chairman, thank you very much for this opportunity.

The CHAIRMAN. I want to thank you very much. In as much as we did finish the mark up yesterday, we will submit some questions to you for the record.

Representative FASCELL. We will be happy to respond.

The CHAIRMAN. So that we can fill that record up.

A couple of questions occurred to us on some details in the funding and where the funding would be spent, I think. I think to fill this record up we will keep the record open long enough for you to get back to us.

I very much appreciate your being here.

Senator Pell?

Mr. WEINSTEIN. Mr. Chairman, may I simply say that Ambassador Samuels, representing the Chamber of Commerce, is not here, but in his absence, I will submit his statement for the record.

The CHAIRMAN. Very well. We will put that in the record.

Senator Pell?

Senator PELL. Thank you, Mr. Chairman. I have one question to ask my old colleague, Congressman Fascell, and that is, do you believe the Democracy Program pretty well compliments the action of our Committee in earmarking the $116 million of traditional exchanges in fiscal 1984.

Representative FASCELL. Absolutely, Senator.

We have been very, very forthright in saying that we support all the existing programs and that what is presented here is complementary to the maintenance and existence and the enhancement of those programs. We are talking now basically of the Fulbright-Hays, the other exchange programs, the private sector programs that are the core of the operations of USIA. Absolutely.

Senator PELL. They provide the base upon which it is based.

Representative FASCELL. This is not a substitute for those programs, in any sense.

Senator PELL. Thank you very much.

Thank you, Mr. Chairman.

The CHAIRMAN. Thank you very much.

Senator Dodd, do you have a quick question?

Senator DODD. No question at all, but one point. We have talked about the study group and the members of the Committee and so forth who have worked and are present in the room, and many of the staff people in any effort, while there are those who are both for the cameras and the lights, it is really in most cases the staff people do the laborious job of putting these efforts together, and we have had an incredible contribution from a wide variety of people who have worked long and hard to make this a reality in this coming fiscal year, and I think we would be remiss in not recognizing one, that they are present here today but, more importantly, the contribution they made to this effort.

I just did not want to let the opportunity go by without making note of that.

Representative FASCELL. Mr. Chairman, Ambassador Samuels is now here, and I am sure he would like the opportunity to speak.

The CHAIRMAN. If you could be very brief, sir, we would appreciate it. We are running overtime on our next hearing.

But we are very happy to have you here.

Mr. SAMUELS. Mr. Chairman, thank you very much. I have prepared a full statement which I hope will be included in the record.

The CHAIRMAN. It will be incorporated into the record.

[The statement of Michael A. Samuels follows:]

STATEMENT OF MICHAEL A. SAMUELS, VICE PRESIDENT, INTERNATIONAL CHAMBER OF COMMERCE OF THE UNITED STATES

Mr. SAMUELS. Let me say the gist of the statement is to express pleasure with the decision of the Executive Branch to encourage the private sector to become involved in programs that would help build the political institutional background that may evolve into democracies throughout the world, and to indicate the hope that the Congress chooses to support this emphasis on such private institution building, and to say that the business community looks forward to participating fully in this effort, and that on behalf of the business community, whom I represent on the Executive Board of the Democracy Program and the U.S. Chamber of Commerce, where I am Vice President, internationally we support strongly the creation of the Democracy Endowment and urge that this Committee and the Congress view a positive role for business at a level commensurate with its ability and with its role as an important institution for private enterprise throughout the world.

Thank you very much, Mr. Chairman.

The CHAIRMAN. Thank you very much, indeed. The President of the United States will be engaged in a battle of ideas tonight before world television and certainly before the American public. Secretary Shultz is in the Middle East in a battle for ideas there to end that terrible turmoil and bring peace to that area.

I do not know of any group that has come together that offers greater hope for the future than this group to engage in that battle for ideas, a battle that we have not always really put a high enough priority on. You cannot just put the priority on the military. There is not a military solution that exists to a lot of problems that exist in the world.

Our ideas, we feel, are fundamentally sound and we just simply have been somewhat reticent about espousing what we believe to be the most ingenious form of government that has been devised for building stability and peace in the world. And when we consider that 80 percent of all the raw materials used by our factories and an increasing proportion of our exports and jobs depend upon international trade, we can recognize that a stable world, a peaceful world, a prosperous world, is absolutely essential to every single American.

We very much appreciate everything that you have done to bring this idea before us and the rapidity with which we have done our authorizing and the funding of it, I think, is an indication of the confidence that we have in your group and the basic concept itself.

[Whereupon, at 10:09 a.m., the Committee proceeded to the discussion of other business.]

Mr. HELMS. I commend the Senator for his amendment and I, as the Senator, do not see how Senators can fail to support it.

Mr. ZORINSKY. I thank the Senator from North Carolina, and I certainly respect his views on this issue inasmuch as we both sit on the Foreign Relations Committee and understand what is happening, and what is really happening is the people of America once again are going to become the "stuckees" for a new program which they have no control over.

Mr. HATCH. Mr. President, I can appreciate very much what the distinguished Senator from Nebraska is doing here. I think he raised some legitimate points, and that is, are we rushing pell-mell into something without having the necessary hearings and the necessary preliminary work done in order to justify what we are doing?

Reluctantly, I cannot support this amendment. At least I cannot support killing all of the funds and all of the programs that this particular section 4 really wants to implement.

I do share the concern of my friend, the distinguished Senator from Nebraska. I do think it would be well for us to hold some hearings.

I cite right from the President's letter himself, and he is advocating it as strongly as he can that we should pass this particular part of the bill, in fact this whole bill. He said:

If enacted, the National Endowment for Democracy Act will allow our two major political parties, the business community, and organized labor to undertake serious and long-term programs in support of democracy and pluralism abroad.

He then goes on to say and I cite with particularity this next sentence:

At present our nongovernmental involvement in the international political world except for the AFL-CIO Training Institute has been haphazard at best.

Now, I think that is a very important admission in that letter. What he is saying is that the only entity that is to be funded by this particular piece of legislation that is capable or presently has the machinery in force to do the job happens to be the AFL-CIO through its training institutes. I happen to believe that is true.

Of the four groups mentioned in this particular bill, only one of the four literally has any experience in exporting democracy and the principles of democracy. And that is the Free Trade Union Institute of the AFL-CIO.

I am concerned, I think, that it is a good idea to have both political parties and the chamber of commerce or the business community in this country involved in exporting democracy, in exporting the principles of pluralism throughout the world. I think that is a good idea.

But I wonder if maybe it is premature since the other three do not have a pattern or a system of exporting democracy at this point and do need a little bit of time.

As I understand it, and correct me if I am wrong, I refer to the distinguished chairman of the Foreign Relations Committee, that they are in the process of setting up the mechanisms in which to accomplish these acts, that is, the Republican Party, the Democratic Party, and the business community. Am I correct on that?

Mr. PERCY. I have to say in this case I have a conflict of interest, but I will say very quickly, as Senator DOLE did when he presented his wife Elizabeth to the committee for confirmation, that he really has a deep interest but no conflict.

I have been disassociated from the business community officially for 17 years. I resigned from every bank board and every corporation board, including my own corporation, and I resigned all membership in business organizations, and I was a member of the U.S. Chamber for 28 years.

I have, however, kept up intimately with them as I have with the AFL-CIO, and I concurred with everything that the distinguished Senator said. He knows that the AFL-CIO have been preparing themselves and are the most credible possible source to talk with people abroad, to communicate with them abroad, because they have had an international organization for a long time.

But I do believe from what I know of Dr. Lesher, of what I know of that great board that they have, a number of members of which come from Illinois—I was thrilled that the U.S. Chamber would undertake the responsibility jointly with the AFL-CIO, with the Democratic National Committee and the Republican National Committee, and put their expertise to work in seeing what we could do with a very modest amount of money but with huge resources that all four of those organizations can put behind it to carry that message.

I have been over recently and looked at the highly sophisticated system of

technology they now have for communicating regularly, as has my distinguished colleague, the television, radio, and they know how to package things, put ideas down in 30 or 45 second or 60 second spots. They can do an immense amount of work that could supplement the work of the AFL-CIO and our two committees.

So I really feel they should be put on a par, that they will be ready, they can deliver. Selling a product and idea has been really the business of their membership ever since they were formed.

Mr. HATCH. If I could just maybe add to this, I agree with the distinguished Senator from Illinois. I think it would be a wonderful thing if we could have both political parties and the business community doing this as well.

My only point is that they are not presently doing it and they do not presently have the mechanism in place to do it, and I am suggesting that we should allow them to do it, but I wonder if it is not premature to do it at this particular point, in other words, to fund those three entities.

As I understand it, and if the distinguished Senator from Illinois would correct me or at least tell me if I am incorrect, the House of Representatives has already deleted both political parties from this section of the bill. Is that correct?

Mr. PERCY. That is correct.

Mr. HATCH. That is correct.

Well, let me make a suggestion. Assuming that the amendment of the distinguished Senator from Nebraska fails, and it may not, but if it does fail, there is a lot of concern in this body about these provisions in this particular State Department bill. And I have some concerns about how moneys are going to be delivered as well.

I do support, as does the distinguished Senator from Illinois, the basic thrust of this provision within the bill. But I would suggest maybe it might be that the following suggestion may be something to consider, and that is, let us fund the AFL-CIO since they are doing a good job, have the mechanisms in place and have a past pattern in history of doing the job at this time; let us justify, and I will work to do so, the two political parties and the business community and help them to get the mechanisms in place and the systems whereby they can also export democracy.

Let us justify their position by perhaps holding hearings and giving them some time to set the mechanism in place. Maybe what we should do is defer the funding to those three entities until 6 months or a year from now when they have their mechanisms in place, we have had hearings, and we can establish the efficacy and utility of what they would be doing with regard to the exportation of democracy. We would accomplish the same ends. It would be somewhat of a deferral. We would have hearings. I think hearings should be held in both the Foreign Relations Committee and Labor and Human Resources Committee. I think it would be helpful to both committees to hold the hearings.

One last thing I would like to say is that I believe the AFL-CIO not only does a good job, but I believe they would work very well if the funds were funded through the Department of Labor rather than through the USIA, as I understand it. I think it would be a better approach and a better way of utilizing those funds.

I might also say that I go to the ILO at least once a year over in Geneva as a nonvoting delegate, and I see the excellent job that Irving Brown, Lane Kirkland, and Albert Shanker and others do working with international labor union leaders, business people, and government officials of the International Labor Organization in Geneva, Switzerland.

I think perhaps these suggestions may get us off the problem of how to fund this, how to resolve it, how to get more support for it, and in the end get to the same result that many of us would like to perhaps achieve today.

In any event, I cannot support killing this proportion of the bill at all, even though I do share the concerns of my friend from Nebraska. I hope that the distinguished floor managers of this bill will consider some of the suggestions I have made and let us see if there is some way we can resolve this today, keep these provisions alive but justify them through hearings. Perhaps some consideration should be given to my suggestion that we already have been working well through the Secretary of Labor. That may very well be one of the most important suggestions that I have made today.

I am going to vote against this amendment, and I would hope that my colleagues will also vote against it, even though I have these concerns.

Mr. ZORINSKY addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska is recognized.

Mr. ZORINSKY. Mr. President, I would just like to point out that even though the House version deleted the money for both parties, it did not negate the opportunity for USIA to give them that money if they so desired, which I think is even a little more devious based on past performance of the way we do things around this place. The money was left in, but I admit it is not earmarked for the parties. However, that does not preclude them from giving the money to the parties, and that is how the game is played around here. I would have been very disappointed if they had taken the money out to the extent that they could not have then been able to give it to the parties at a later date so the public would not have been aware of what happened.

I say to my colleague, whom I deeply respect and admire, the Senator from Utah (Mr. HATCH), the letter from the President indicating at present our "nongovernmental involvement in the international political world except for the AFL-CIO training institutes is haphazard at best" I agree with wholeheartedly. I think it is a very valid statement. Why do we need additional help to sell democracy from the nonpolitical element of our country?

It is because the political element is not doing the job. And I look right down there at shady bottom, Foggy Bottom, or wherever it is, that the State Department resides. Supposedly we have people all over this country that the taxpayers are paying to help promote and sell democracy to the rest of the world. That is why I think the President is entitled to want to support something like this, because I feel the people we have had under both administrations have obviously been inadequate in selling democracy abroad to other nations.

I should like at this time to yield to my colleague from Wyoming (Mr. WALLOP) for a comment.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

Mr. WALLOP. Mr. President, I thank my friend from Nebraska. I ask unanimous consent that I be added as a cosponsor of this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WALLOP. Mr. President, I, like most Americans, was thrilled when President Reagan told the British Parliament that henceforth the United States would promote the spread of democracy in the world overtly. The President put totalitarian regimes on notice that henceforth we were going to put public money behind our beliefs, and with it would raise opposition to them among their subjects and in the world at large. The President spoke well, and I think he spoke for all Americans. But then, over the year that has followed, I watched with increased dismay as the President's intentions were translated, or should I say garbled, into an instrument that looks more likely to fill its officials with caviar and champagne than to do any spreading of democracy.

I was further upset by the lack of scrutiny that this project received in the Foreign Relations Committee. It was just simply railroaded through. A few words about its lofty purposes sufficed. But the point of the committee process is to give some assurances that a bill actually does something akin to what it says it is going to do.

Then I noticed that under the terms of the bill in front of us there is no provision for congressional oversight

of how the money is spent. There are no standards. There is no oversight. That is not my way of doing responsible business.

Finally, I understand that the printed version of title IV was considered so defective by its sponsors that, with the advice of the Department of Justice, it was rewritten completely. As a result, we will be asked to vote on something that none of us has seen.

I hope that the floor managers will agree to detach title IV from this bill. It deserves real scrutiny in committee. And if they do not agree, then we ought to have the scrutiny on the floor of the Senate.

I wonder if I might ask the distinguished chairman of the committee, the Senator from Illinois, a few questions that relate to this.

The only justification for this title I know of is the so-called Weinstein report delivered to the Committee on Foreign Relations. Now, that report defined itself, did it not, as an interim report?

Mr. PERCY. I am very happy to respond to my distinguished colleague. I attended a full day meeting at the State Department with the AFL-CIO, the U.S. Chamber, the Democratic national chairman, and the Republican chairman discussing every aspect of this. We had been preceded by similar smaller meetings, each of them on their own working together to bring the best that they could before that full-day meeting.

The Senate Foreign Relations Committee subsequently had a day of hearings on the matter. We had pro and con. Those hearings could be made available to the distinguished Senator.

Some critics in the House debate did charge that this was a hastily conceived measure and represented a single ideological viewpoint. The question obviously that we asked ourselves was, is that true? And I came up with the answer that it is not true in the least.

The bill emerged from a year-long effort. It was a year-long effort by the American Political Foundation's democracy program study and research group. That group included as cochairmen the two political party chairmen, Lane Kirkland of the AFL-CIO, Ambassador Michael Samuels of the U.S. Chamber of Commerce, representatives of both the House and Senate, and conservatives, moderates, and liberals among its board members as well. Even a hasty scrutiny of its report will indicate the research included extensive assessment of the ability of private sector U.S. organizations to assist democratic development throughout the world. The research staff either traveled to or met with political leaders of all democratic persuasions, conservative socialists from over 50 different countries. The interim program has been available ever since April. And when I make my own comments, I will go into some considerable detail about the studies that have been made because the Federal Republic of Germany has operated in over five dozen countries for the past few decades without a major incident and with complete success.

So it is almost a federal system. We have other examples to draw from, to note and to draw from their experience how successful this project can be made.

Mr. WALLOP. Mr. President, the Senator did not answer my question. He gave a long, involved answer, but my question was, the report was an interim report, was it not? Since it was, what has happened to the final version?

Mr. PERCY. The report was labeled as an interim report and there has not been submitted, to the best of my knowledge, a final report. I can find out within a matter of an hour when that final report will be available.

Mr. WALLOP. I assume, then, that the Senator is asking Congress to authorize $25.5 million on the basis of a report that has not yet been made finally to the committee.

Mr. PERCY. From what I understand, there is not going to be a basic difference between the final report and the interim report. The interim report was considered a fairly complete report. We shall find out within a matter of minutes what has happened to that final report and why we do not have it available today.

Mr. WALLOP. But the authors have gotten money since the interim report for a final report which is not going to be substantially different. What use did they make of the money if they were not going to make any further substantive work?

Mr. PERCY. I can assure my colleague that, within a matter of minutes, I can give him a full answer as to why we do not have available in front of us the final report or if the final report, when it is submitted, will differ in any major respect from the interim report.

Mr. WALLOP. In a sense, what the Senator is telling me is that the quarter of a million dollars that they spent between the interim and the final report was not necessary.

Mr. PERCY. I can give the Senator assurance whether or not that conclusion will be reached by the final report within a few minutes. I would be astounded, because the Members I have had contact with in making up this report are more enthusiastic than ever about the result of what I consider to be a modest sum, a pittance compared to what the Soviet Union is spending to sell their system. The Soviet Union has denounced it by every mechanism that they can marshal. I am always interested in a project that is denounced as strongly as this is by the Soviets.

Mr. WALLOP. If the Senator would permit me, I would be, too, but perhaps they are denouncing it for different reasons than would I. I suspect they object to the purpose. They should.

I have no quarrel with the purpose. I have a great deal of quarrel with the instrument that has been put before us.

Mr. PERCY. Mr. President, could I just point out the size of the interim report?

Mr. WALLOP. Size has little relevance to the question that I asked, in all due respect.

Let me further ask the Senator in what ways the USIA, with its budget of two-thirds of $1 billion, is inadequate for the pursuit of these same goals.

Mr. PERCY. The question being why is not the budget of USIA as it now stands adequate to absorb this project?

Mr. WALLOP. Are not the goals precisely those enumerated in section 403?

Mr. PERCY. All I can say is that the budget of USIA was inadequate to expand and extend its facilities and its transmissions to even approach the transmission capabilities of the Soviet Union.

Mr. WALLOP. $25 million is not going to change that. Broadcasting is not at issue here.

Mr. PERCY. We just added, in Radio Marti, $54.8 million in 1985 in order to modernize those facilities.

Mr. WALLOP. I understand, but that is not the thrust of my question. My question is, If we have an established function to do those things—I read from section 403(a):

SEC. 403. (a) the purpose of the Endowment are—

(1) to encourage free and democratic institutions throughout the world through private sector initiatives, including activities which promote the individual rights and freedoms which are essential to the functioning of democratic institutions;

Is that not the function of the USIA? Is that not part of their target?

Mr. PERCY. Let me just use an illustration. Why is it that we have continually depended more and more on the private volunteer organization in foreign aid—Catholic Relief, Save the Children—and are putting more and more of our Government funds into those organizations? For one reason: They can do a better job. They have a huge structure behind them. They get an expertise and a point of view that bureaucrats, sitting here in Washington, good as they may be, simply do not get.

What we are saying is that USIA, for something as important as this, should really go not to the bureaucrats who are sitting there, some of whom have

never been in the private sector, never belonged to a labor union, never been a part of private business—they should be working with the largest labor organization in the world, the largest business organization in the world. It has thousands of business members, millions of union members. They should be working with them to get new ideas, new approaches as to how our free enterprise system and our free system can be better packaged for trade and implemented and sold to the people of this world.

Mr. WALLOP. I have no quarrel with what the Senator is saying about the value of private initiative. But the first six paragraphs of this title are lifted from the mission of the USIA. Each of them. I shall not go into reading them all, but there they are. We are simply establishing yet another entity, with no scrutiny. There is no provision for monitoring the expenditure of these funds within the provisions here.

Mr. PERCY. We are establishing another entity, but I remind my colleague that we are establishing another entity that will put its own resources in, but now its effort will be coordinated with the Government and USIA.

Mr. WALLOP. Then let me ask some questions about that entity: The change from the printed version of title IV to the typed version removes the names of the officers of the endowment from the legislation—transparently, I believe. That is because clearly, this bill recognizes one and only one National Endowment for Democracy, with the same list of officers we see in the printed bill. Otherwise, anyone could incorporate under the same label and lay claim to the money.

So we are dealing with a list of names. I believe the Senator would agree with that. Let me ask a few questions about that list of names.

There are Messrs. Fahrenkopf and Manatt, who, the chairman knows, are national chairmen respectively of the Republican and Democratic parties. What happens to their status in the Endowment after they leave their present posts?

Mr. PERCY. They retain their present positions, they take that expertise and point of view, just as in the Federal Republic of Germany. For years, the heads of major political parties have given a spectrum and a point of view that have a broad-based appeal.

Mr. WALLOP. But they will not be replaced by their successors. We are, in fact, appointing Messrs. Manatt and Fahrenkopf to this Endowment for life.

Mr. PERCY. I have no doubt we are going to find in this first year of trial areas where we can improve, we can strengthen. This is a 1-year authorization. At the end of that year and during the course of that year, we shall have close oversight over this operation. The Committee on Foreign Relations shall be getting reports regularly. We shall be reporting directly and regularly to Members of the Senate, particularly those who have evidenced their interest by being on the floor in this very important forward step we are taking now.

I can assure my distinguished colleague we shall be very pleased indeed when we have such oversight hearings to have the distinguished Senator present at our Foreign Relations Committee meeting, to directly question the witnesses on what is being accomplished.

Mr. WALLOP. We are asking the American people to endow these two men—I have great respect for both of them—with a great deal of money. I see nothing particularly relevant in their writings or record that leads us to conclude that the American people ought to trust them, beyond their posts, with this kind of endowment.

There is Mr. Spencer Oliver. I wonder if the Senator can tell us what he has ever done or said or written which leads the Senator to believe that we should endow him with millions of the taxpayers' dollars.

Mr. PERCY. Spencer Oliver is the staff director of the Helsinki Commission and has certainly had an intense experience in human rights infractions all over the world. He has been in the forefront of pointing out to the world the infractions of the Soviet Union.

Mr. WALLOP. Is he not a staff member for Representative FASCELL, principally?

Mr. PERCY. That I do not know.

Mr. WALLOP. He also has taken at least 34 trips abroad at the expense of the USIA with what results? We are not talking about anybody with so distinguished a record as to endow him with $25 million.

This is the point: The printed version of the title says that in the case of the Endowment's dissolution, the officers shall dispose of its assets in a manner they see fit, not inconsistent with the purposes of the Endowment.

What would prevent the officers transferring a lot of funds to institutes controlled by their friends and retiring there?

Mr. PERCY. Will the Senator repeat that?

Mr. WALLOP. The printed version of the title says that upon dissolution, the officers so endowed—and there are no provisions for their replacement by succeeding chairmen of the Republican and Democratic Parties——

Mr. MOYNIHAN. Mr. President——

Mr. WALLOP. I will restate the question.

It says that they shall dispose of the Endowment's assets as they see fit, in a manner not inconsistent with the purposes of the Endowment. What would prevent the officers from giving funds to institutes controlled by their friends and then retiring there?

Mr. PERCY. It has to be consistent with the purposes of the institution.

Mr. WALLOP. And it is the purpose of the institution to insure their retirement?

Mr. PERCY. The purpose of the institution is made very clear.

Mr. MOYNIHAN. Mr. President, I wonder if I might venture——

Mr. HELMS. Mr. President, two Senators are speaking.

The PRESIDING OFFICER. The Senator from Nebraska has the floor.

Mr. WALLOP. The Senator from New York may answer the question, if he can.

Mr. MOYNIHAN. The Senator asks what would prevent the members of the board from acting in a way that would be disreputable or contrary to purposes for which the Corporation is established.

I offer an answer which I think the Senator from Wyoming would accept as a legitimate answer. I say it would be the character of DANTE FASCELL, Lane Kirkland, Albert Shanker, William Brock, and Charles T. Manatt.

I do not know of a Member of this body who is more sensitive to the role of character in public life than these men. There are some things you know some people will not do, and one of the things these people I have just named—who will be among the initial members of the board of directors—will not do is to misuse the trust placed in them by the U.S. Congress.

Mr. WALLOP. If men were always so trustworthy I would be willing to do it. But I question what Mr. Spencer Oliver's 34 trips abroad paid for by USIA have done for the United States.

Mr. MOYNIHAN. I claim that to be a different question.

Mr. WALLOP. All right.

Mr. ZORINSKY. Mr. President, I think we are losing the point in this discussion when we are asking which of our colleagues would dare violate the laws of the land.

Not too long ago, I was tired of going back home every time and being asked by my constitutents: How did Abscam miss you?

This is how it is perceived by people who are paying the bill, not how we perceive it in this Chamber. We all praise one another, and we are all great people, but the people back home are getting sick and tired of reading about Congressmen going to jail, and that is where we have to provide the protection and the indemnification.

Mr. WALLOP. That is really the point. The thrust of my question does not regard the character of Fahrenkopf or Manatt. My point, among others, is that there is no provision for

oversight of this legislative proposal. It is not there. Rather in all this there is very evident the thrust of haste to get done badly what started out as a legitimate, good purpose. I do not believe that good purpose will be served. We have come to a situation in which $25 million is thrust out to an unformed and undirected group of people endowed with a generalized statement of purpose which mirrors the statement of purpose that exists for the USIA.

I just say that the answers I have received to my questions from the Senator from Illinois and the Senator from New York simply reinforce my view that this title is a perversion of the President's expressed wish to fight totalitarianism and promote democracy. It is a lot of things, and one is the financing of political parties with the taxpayers' money, which is in here.

Mr. PERCY. Mr. President, will the Senator yield so that we can clear up another point?

We now have consulted, through the staff, with the program director of the democracy program. I am assured that the board will be taking up the final report next week at its meeting. We shall receive the final report no later than October 7.

However, we have this assurance: The final report will be essentially the interim report we have had to study for some time. It will contain only additional addenda to support the conclusions reached. There will be no new recommendations—no recommendation made of any major character will be modified.

So that, in essence, we have what we might call the executive summary of the final report now, but the full addenda will be available in our hands on October 7. But it will not materially in any way change any of the framework and the directions in which we have been moving.

Mr. WALLOP. The Senator answers my question and makes my case for removing this title from the bill now. One of the things we do not have is samples of the projects to be undertaken: Some kind of direction, some kind of capability for oversight, some kind of clearly stated purpose, other than a rehash of the USIA's mission. I understand that is what the AFL-CIO has. But the others do not.

I have made my case. I believe we should remove this title, that we should have a final report, and that the Senate and the committee are entitled to a final report.

I believe we need more in this legislation which provides us with the comfort and security of oversight, and we need to know samples of what kinds of projects they might undertake with the $25 million.

The $25 million in terms of what we spend on the floor here is not so much. Perhaps we talk about it because it is a more comprehensible figure than $1 billion. The fact is that this is a reflection, in my mind, of many of the things we do wrong when we have so many great opportunities to do right.

I am a cosponsor of the Senator's amendment, and I hope the title is deleted.

Mr. PERCY. Mr. President, will the Senator yield?

Mr. WALLOP. I yield.

Mr. PERCY. Mr. President, my colleagues have been good enough, in accordance with the customary courtesy, to discuss some of their concerns with me ahead of time. I am prepared to offer an amendment, a part of which would read as follows, anticipating the concerns of some Senators:

> Not later than December 31 of each year, the Endowment shall submit an annual report for the preceding fiscal year to the President for transmittal to the Congress. The report shall include a comprehensive and detailed report of the Endowment's operations, activities, financial condition, and accomplishments under this title and may include such recommendations as the Endowment deems appropriate. The board members and officers of the Endowment shall be available to testify before appropriate committees of the Congress with respect to such report, the report of any audit made by the Comptroller General pursuant to section 408, or any other matter which any such subcommittee may determine.

That kind of regular reporting will be valuable to us, and I assure my colleagues that we will scrutinize those reports carefully. They will be cordially invited to any hearings. Senator ZORINSKY is a valuable member of the Foreign Relations Committee and will be deeply involved in those hearings.

Anybody on the Endowment reading this RECORD—they will get a copy—will know that the operation will be subject to very close audit by Congress and by the Foreign Relations Committee.

But I deeply appreciate the interest. I think this colloquy has been extremely valuable for the reasons that I shall state when I get the floor in my own right and the ranking minority member handling the legislation today can speak on his own. We will speak to various aspects of it.

I will defer to my colleague to speak particularly about the long history of the labor unions in this area and the valuable contributions that they make.

Mr. MOYNIHAN. Mr. President, I rise to speak to a point just made by the distinguished chairman of the Foreign Relations Committee. He asked the question: Why has it been that in recent years so much of the overseas activities of the U.S. Government in the area of public welfare and economic development has been subcontracted, if it would be permitted to use that term, to private organizations?

Senator PERCY mentioned religious organizations—the Catholic Relief Service, Lutheran World Relief Service and such like organizations. And there is also the AFL-CIO. And he made the point, incomparably important, that these organizations go abroad with constituencies at home. These constituencies give them strength and actively guide their work abroad, because the organizations are participatory.

It is the 15 million members of the AFL-CIO who are represented in the back streets of Bombay and Calcutta and New Delhi by the representatives of the Asian-American Free Labor Institute. I have had the opportunity to meet them when I was American Ambassador to that country.

It is 50 million American Catholics who give aid to the refugees from South Vietnam through the Catholic Relief Service. It is Lutherans the world over who are represented in Africa by the men and women of the Lutheran World Relief Service, who are helping people in that Continent.

Of all these institutions, none is older, none more experienced—and none more supportive of the enterprise proposed in the legislation before us—than the American labor movement.

Mr. President, the American labor movement 2 years ago observed its 100th anniversary. There can be not a dozen institutions—political or otherwise—in the world that can point to such continuity and stability of purpose and performance. It is worth noting the spirit that has guided the movement for this century and 2 years.

The Federation of Organized Trade and Labor Unions, predecessor to the AFL-CIO, was organized in 1881. From the first moment of this first enduring federation of unions, devotion to the enhancement of human rights and democratic liberties in other countries was at the center of its concerns.

The first convention adopted in 1881 called particular attention to what it considered to be the unjust imprisonment of:

> Hundreds of Ireland's honest spirits . . . in consequence of their heroic attempts to ameliorate the condition of her oppressed people.

That resolution, Mr. President, resolved to:

> Extend to these champions battling in the cause of human liberty our hearty sympathy, and that we also extend to the oppressed of all nations struggling for liberty and right, the same encouragement and words of sympathy.

In 1910, Mr. President, the organization, now called the American Federation of Labor, found in the administration of President Francisco Madero of Mexico hope for a progressive society in our neighboring country. They

watched Gen. Victoriano Huerta engaged in trying to overthrow that government—which Huerta eventually did, murdering Mr. Madero in the process. The 1912 Convention of the AFL went on record sending greetings to the Mexican people who, with Madero were: "Fighting to eliminate ancient wrongs and land tenure."

Some years later, Samuel Gompers, in his very last act as a leader of the American labor movement, was in Mexico meeting with the Mexican Federation of Labor to see if he could not bring our two nations together in this regard. He had a heart attack there. He asked to be carried across the Rio Grande that he might die on American soil. But his last act typically, even while much remained to do in America, was abroad.

In 1918, Samuel Gompers, at the request of Woodrow Wilson, chaired the commission which founded the International Labor Organization. Of all the organizations created or envisioned in company with the League of Nations, the one that exists to this day is the ILO. Why does it exist to this day? Because it has a constituency in this country to this day.

Even when our Government has not been prepared to work with the ILO, America has supported its work. Recall that the Treaty of Versailles stipulated that the International Labor Conference meet here in Washington in January 1919. When that group of delegates from around the world—representing business, labor, and government—arrived in Washington, the President of the United States was in a coma and this body was immobilized in the protracted debate over the Treaty of Versailles.

And who found them quarters? Well, the official secretariat was found quarters by a young Assistant Secretary of the Navy named Franklin D. Roosevelt, later a friend of our distinguished colleague from West Virginia.

Mr. RANDOLPH. Will my able colleague yield for a brief comment?

Mr. MOYNIHAN. I am happy to yield.

(Mr. GORTON assumed the chair.)

Mr. RANDOLPH. The Senator has been speaking of Samuel Gompers and of that great labor leader's desire to have his last hours in this country, the United States of America, after being in Mexico.

I remember when his funeral train moved across West Virginia and stopped at 4 or 5 o'clock in the morning at Clarksburg. Hundreds and hundreds of workers viewed his body. Tears were in the eyes of coal miners who slowly filed pass his casket to express a final tribute to Samuel Gompers.

I was a young reporter for the Daily Telegram and was at the railroad station to write of the shared sadness and sorrow before dawn.

Mr. MOYNIHAN. I dare to think that Mexican and Canadian and French and English coal miners would have done the same. The British Trade Union Congress and the American Federation of Labor have had fraternal delegates going back and forth for almost a century.

Go to the lobby of the AFL-CIO building in this city and what do you find but a large cast tribute from the British Trade Union Congress to the U.S. labor movement for its help during World War I.

Of all of the organizations in the League system, the ILO was the one we were least likely to join. Yet the ILO was the one we did join, in 1934. We did not join the League itself. And though every President, every prominent lawyer in this country said we must join the World Court, we never joined the World Court. We joined the ILO. Why? Because it had a mass of American citizens behind it.

The American labor movement has always acted on the mandate it has had from its members to promote workers' rights, and democratic liberties abroad.

I would point out that when the AFL-CIO was formed by merger in 1955, one of the first things they did was declare their support for the peoples of Africa to achieve independence. The merger convention declared that the people under colonial rule should be assisted in their efforts to "choose the form of government they desire".

Labor's support for these principles through the decades of this century of its active life has not been without cost and sacrifice.

Within the last 3 years we have seen the cold-blooded murder in El Salvador of Michael Hammer, Mark Pearlman, and Rodolfo Viera, men working for, or alongside, the American Institute for Free Labor Development, since 1962 the AFL-CIO's affiliate in Latin America and the Caribbean.

I cannot speak for today, but when I last knew these numbers, half the budget of the AFL-CIO national headquarters was spent overseas. Doing what? Promoting free labor unions; fighting on the streets of Paris, practically, to keep the French Communists from seizing power in 1947; fighting up and down the nation of Italy in 1948 to hold that country out of reach of the Communists, to hold it for democracy; helping rebuild the German trade unions, which were the first institutions Adolph Hitler had set out to destroy.

This is not new to the American spirit; it derives from the American spirit. What the President is asking is that we extend it. My good friend from Wyoming has said, where have the political parties been all these years? Yes, where have they been? Where has American business been? Yes, where have they been? Well, they ought to have been where the labor movement has been for 102 years. To their credit, they have now begun to emulate labor. The President has asked Congress to establish an independent Endowment for Democracy in which these institutions may cooperate in sharing abroad their contributions to the American democracy. It is a simple beginning. We ought permit this to be done.

Mr. WALLOP. Will the Senator yield at that point?

Mr. MOYNIHAN. I will yield for a question.

Mr. WALLOP. My question is, Will he listen to a statement that would say that I would have no objection if all $25 million was going to the labor unions in this country and the right to work movement for these purposes because of that track record of which the Senator speaks? They are good at it. But our party chairmen have absolutely a zero record in this part of the world. They do not belong here.

I agree with everything the Senator has said about the track record of labor. They have been among the best anti-Communists we have had.

Mr. MOYNIHAN. I think the Senator from Wyoming and I have a very friendly difference. It comes down to a matter of judgment. I think the experience of the labor movement can be shared. I think our political institutions, and the two major parties are our largest political institutions, can learn and can in turn share that knowledge.

The European experience tells us this can be done successfully. The political parties in Germany have shown this best, with their foundations named for their great party leader,—the Konrad Adenauer, Freidrich Elbert, Friedrich Neumann and Hans Seidel foundations. The concept has its roots in an international socialist movement, which has proclaimed itself international and thought of itself as such.

The Senator and I know too much about our respective political parties to have an excessive confidence in either. But we ought have a certain confidence. Their very existence is a constant reminder of the first rule of successful democracy: while the majority governs, the minority rights must be protected. In almost every political forum in this great land, one or the other party is the minority, and seeks through peaceful democratic means to become the majority. The vitality of the opposition is the measure of the strength of a democracy. Parties organize the opposition more so then they affect the government. They have a special contribution to make abroad in this regard. They have a long experience of it in this county. I belong to the oldest organized political party in the world. We know some-

thing, we in the Demorcatic Party. I dare to think we are capable of learning more. I do not want to keep anybody from participating in this debate. I know that the distinguished Senator from Connecticut, who is actively involved in this matter, wishes to speak, and there may be those who wish to speak against it.

I should like it understood by those who might read this RECORD that we seek with the Endownment for Democracy to formalize, and in some sense to institutionalize, an old American experience.

I think we ought to try this. If it does not succeed, we can acknowledge that and more on to something else. But let us not expect anything to show for 20 years. We expect to be here in 20 years.

We are not talking about large sums. We are talking about large hopes, hopes tempered with prudent expectations.

I hope we might do this.

I would like to say to the chairman of the Foreign Relations Committee and the distinguished ranking member I thank them for bringing this matter to the floor. They have my vote.

A final note about the thoroughly bipartisan nature of this enterprise. Once again, here we are, Senator DODD and I, carrying forward the White House policies. It is a measure of the importance of the matter that we do.

I am happy to yield the floor because I would like to see the debate go forward.

Mr. PERCY. Mr. President, we will be ready to vote, for the benefit of our colleagues, certainly within a quarter of an hour.

As I understand, the proponents of the amendment have offered all of their arguments now and are willing to go immediately to a vote. The yeas and nays have been ordered.

I would like to sum up, however.

First of all, I commend my distinguished colleague from New York. Once again he has proven, as he has so many times, on bipartisan matters that involve the national interests he can always vote right. It does not matter who is President. If he thinks the President is right, he votes for him.

I have been criticized from time to time because I have seen fit to support Democratic Presidents on occasion. But, I have always said, "we have one President and once the election is over politics ought to be over." You do not support him just becasue he is a member of one party over another. Democrats certainly did not support Lyndon Johnson in the final days of the Vietnam war. If they had, we would still be in that war.

Nor did Republicans always support President Nixon in that regard. We vote as a separate branch of government. In this case, I commend my distinguished colleague for taking a piece of legislation that I think has a fine background and has a great future. I commend my colleagues who are offering this amendment for the colloquy we have had because I think it will immensely strengthen interest in the legislation. Also, I hope that they will accept my invitation to attend the oversight hearings the Foreign Relations Committee will be holding, and that they will scrutinize carefully the annual report, and will support the amendment I will be subsequently offering calling for an annual report.

Mr. MOYNIHAN. Will the chairman allow me to express my appreciation for his generosity?

Mr. PERCY. Of course.

Mr. MOYNIHAN. I must say that no one can speak on this floor about the subject without acknowledging the extraordinary contribution of Mr. George Agree, who may be said to have conceived this idea and, after many careful years of pilgrimage and pioneering, saw it realized in the first instance when the President of the United States proposed it in the great hall at Westminster in London in June of 1982. Today the Senate merely builds on a foundation laid by George Agree.

Mr. PERCY. I thank my colleague.

First, let me pose the question, Why do we need the endowment? Rarely has a single piece of legislation received so quickly such a broad measure of support both in this country and among our Democratic friends of all political persuasions worldwide.

I was, as I indicated before, privileged to sit in on a full-day meeting where there were representatives of our allies in Europe sitting there who had participated in this kind of an activity on behalf of their governments, whether it be from labor unions, whether it be from political parties. They were able to give us, as we questioned them, the benefit of their years of experience. We drew our legislation based on that worldwide experience.

The National Endowment for Democracy bill—bitterly opposed, as we have noted, by Pravda and other Soviet organs—has been endorsed editorially by a range of leading U.S. newspapers.

I ask unanimous consent to have printed in the RECORD, at the conclusion of my comments, samples of the Washington Post, Wall Street Journal, and the Christian Science Monitor endorsements.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibt 1.)

Mr. PERCY. Mr. President, its support cuts across traditional conservative-liberal lines, and the bipartisan leadership of the Congress remains as deeply committed to the passage of this legislation as the White House. President's letter to Senator BAKER enclosed. Whether among our European allies, our friends throughout Latin America, or those who wish this country well in Africa and Asia, there exists a common recognition: the National Endowment for Democracy legislation is arguably the most important single U.S. foreign policy initiative of this generation that we have taken structually and organizationally from the standpoint of putting together some legislation here in the Chamber of the Senate.

By engaging the energies of America's major political parties, labor, business, and other private sector institutions in the tasks of democratic political exhange and institutional development throughout the world, the endowment will provide a focal point for a positive, constructive, realistic set of long-range programs to assist democracy throughout the world in the coming decades.

I referred a while back in a colloquy with my distinguished colleague, Senator WALLOP, to the reaction of the Soviet world, and I am delighted that both Senator WALLOP, and Senator ORRIN HATCH are in the Chamber now because I wish to read to them what Radio Moscow, what Tass, and what Pravda has to say about this project. They are not likely to castigate any program unless they think that program is going to be contrary to their own national goals and interests.

On April 20, 1983, we tape-recorded this reaction to Radio Moscow:

> The Soviet reaction to the Democracy program and the National Endowment for Democracy has been shrill and abusive. In its many virulent attacks in major Soviet media, Moscow has apparently been concerned that these private sector American initiatives will counter effectively long-standing Soviet efforts to impede democratic development in Europe and the Third World.

Let me extract now at this point the following short representative excerpts indicating the Soviet reaction, and I quote:

> Leaders of the Republican and the Democratic Parties have called upon Congress to support the efforts directed at organizing a so-called National Endowment for Democracy * * * that fund is given the function of coordinating and financing the most important of the ideological diversions planned by the administration.

That was Radio Moscow, April 20, 1983.

Now Tass just before that, February 18, 1983, said this, and I quote:

> The United States attempts, under the pretext of protection of democracy, to usurp the right to interfere on a large scale in the affairs of other states * * * Large funds have been allocated * * * for infiltrating parties, trade unions, business circles.

And then Pravda just the day before that, February 17, 1983 said:

> This notorious democracy program * * * is in fact the most cynical interference by Washington in the internal affairs of sover-

eign states. The new program is one more link in the chain of ideologically subversive measures undertaken by the ruling circles of the United States against freedom-loving peoples * * *. The ruling class in the United States in mobilizing all of its strength: Big business, the leaders of the bourgeois parties, the reactionary heads of unions, militarists, and others, in order to rebuild and reorganize its propaganda machine.

I think anything denounced that severely by the Soviets must be pretty good from the standpoint of the United States and its allies.

Some critics have charged that public funding of the U.S. political parties, through their respective Institutes for International Affairs, to engage in work abroad might become an embarrassing boondoggle or, conversely, might interfere with the conduct of U.S. foreign policy in specific countries.

The risks of either happening are minimal. For one thing, the political party foundations in the Federal Republic of Germany—Adenauer, Ebert, Naumann, and Seidel—have operated in over five dozen countries for the past two decades without major incidents and have, in the process increased the overall influence of West German national efforts abroad under both SPD and CDM governments. Similarly, the Venezuelan parties have operated foundations effectively throughout Latin America since the early 1960's with similar results. Other countries—Spain, Portugal, and Finland among them—have undertaken similar efforts. The State Department, the National Security Council, and the USIA all strongly endorse the Endowment legislation and have worked closely with its sponsors. It is effective overdue way in which the political parties, labor, business, and other U.S. groups can contribute to the overall goals of American foreign policy under any administration.

It should be pointed out that the Soviets have denounced the Endowment bill and its key participant groups repeatedly and that the Soviets view the bipartisan, private sector work to be undertaken by the Endowment and the four institutes as a major threat to its own international activities.

As for the boondoggle allegation, the Endowment will come under continuous and extensive scrutiny by the appropriate committees of both Houses of Congress. The additional provisions for GAO oversight, as well as the terms of the USIA grant agreement under which it will function, assure a convergence of oversight procedures virtually unique among grantees of Federal funds.

Some critics in the House debate charged that this was a hastily-conceived measure that represented a single ideological viewpoint. Is this true?

Not in the least. The bill emerged from a year-long effort by the American Political Foundation's democracy program research study group. That group included—as cochairmen—the two political party chairmen, Lane Kirkland of the AFL-CIO, Ambassador Michael Samuels of the U.S. Chamber of Commerce, representatives of both House and Senate, and conservatives, moderates, liberals among its board members, as even a hasty scrutiny of its report will indicate. The research included entensive assessment of the ability of private sector U.S. organizations to assist democratic developments throughout the world, and the research staff either traveled to or met with political leaders of all democratic persuasions, conservative to Socialist, from over fifty countries. The program's interim report has been available since April.

Finally, Mr. President, I wish to read a letter dated July 19, 1983, to Senator HOWARD H. BAKER, Jr., the majority leader, U.S. Senate, from the President of the United States.

Mr. President, may we have order in the Chamber? I can hear the Senator louder in my earphone than I can hear myself talk.

Thank you very much, Mr. President.

This is a letter from the President of the United States addressing himself to the issue we are just about to vote on, and I think our colleagues on both sides of the aisle should hear what the President has had to say. Let us give him his day in court.

DEAR HOWARD: As you are aware, the FY 84-85 State Department Authorization Bill (S. 1342) contains a set of proposals to create a National Endowment for Democracy and several related institutions. These proposals, sponsored jointly by the Republican and Democratic National Committees, the U.S. Chamber of Commerce, and the AFL-CIO represent a historic achievement of bipartisanship and are of vital importance to an expanded American leadership role abroad.

If enacted, the National Endowment for Democracy Act would allow our two major political parties, the business community and organized labor to undertake serious and responsible long-term programs in support of democracy and pluralism abroad. At present, our non-governmental involvement in the intenational political world—except for the AFL-CIO training institutes—is haphazard at best. Although political parties from virtually every democracy in the world are already engaged in developimg party-to-party links and programs, for example, our parties remain passive observers for the most part. Yet such nongovernmental contacts can enhance government-to-government relationships.

The amounts requested for these programs pale in comparison to the efforts of the enemies of democracy, free enterprise, and free trade unions. Yet there is no reason why we cannot assemble the resources to do the job. The private sector brings with it the practical experience of many Americans in the practice of democracy. There are public entities such as the VOA which, if strengthened, can contribute ever more effectively to the goals all Americans share.

I strongly urge, therefore, that our fellow Republicans in the Senate support the National Endowment for Democracy Act when it reaches the Senate floor. As leader of the free world, the United States must bring to bear all of its resources in the ongoing global struggle for individual liberty and freedom. The National Endowment for Democracy will provide a vital new element in this leadership role, one that is not only overdue but worthy of our wholehearted support.

Sincerely,

RONALD REAGAN.

Mr. President, I ask the distinguished minority leader whether, because this letter seems to be addressed to the President's fellow Republicans and is addressed to the majority leader, did the minority leader receive a similar letter pleading on a bipartisan basis for the support of the members of the Democratic Party as well because the Democratic National chairman is a full-fledged partner in this whole enterprise?

I feel confident, having discussed this with the administration, that the administration is appealing for bipartisan support, and having sat all day long next to the Democratic Committee chairman we talked half the time about my daughter and my son-in-law and the other half we talked about this project.

We were in absolute bipartisan spirit there. I know the President means this appeal to be a bipartisan appeal, and I only urge that we do take into account that the only people who would be happy with a negative vote, with this amendment adopted, would be Pravda, Radio Moscow, and the Kremlin.

They are the ones who would benefit by it. They would be pleased, indeed, if we backed off and for this relatively small amount of money would not put together what is a powerful mechanism and organization, a powerful idea.

We have been strengthened and reinforced, and I will introduce amendments that will take into account the arguments that have been brought by the proponents of this amendment so that we get an annual report, we have oversight hearings, and each Senator who has expressed an interest in this legislation, whether a member of the Foreign Relations Committee or not, will be invited to participate in it. We will take very closely into account that a very large part of this responsibility will go to the AFL-CIO. The Labor Committee members particularly I think will be involved and interested in following the proceedings of this endowment. Our first annual report should be a most interesting report.

EXHIBIT 1

[From the Washington Post, June 28, 1983]

EXPORTING DEMOCRACY

Congress is hip deep in its consideration of the Reagan administration's "Democracy Program." Most legislators think it's fine to give government money to the AFL-CIO to build unions abroad; it has been doing this work effectively for 30 years. Analogous institution-building by other private groups—business, foundations—also seems assured of approval as part of President Reagan's plan to strengthen the "infrastructure" of frail foreign democracies. But should money be funneled to the Republican and Democratic parties for this purpose? The House denied the administration's request to earmark $5 million for each major party out of the $31.3 million it seeks for the new program. The Senate has questions too.

There is first of all a vision of a giant slush fund allowing party functionaries to junket from one end of the world to another. It is probably inevitable that a new program whose purposes are admittedly rather grand and vague must surmount suspicions of this sort. The answer to them lies in conscientious service and good open bookkeeping.

A deeper objection arises from the pervasive feeling that there is something questionable, unfeasible or even improper about the direct promotion of democracy. In this light, democracy is seen as something that can and should be spread only by example or precept, as a necessarily indigenous enterprise that is bound to be tainted when foreign and especially American hands are laid on. Or it is seen as a matter of culture and spirit and therefore one impervious to transfusions of process and mechanics in the way anticipated by the new program.

These are not frivolous considerations. Other democratic countries, however, have managed. International contacts have their own proven value. The American political process includes a body of knowledge and a range of techniques that can be transmitted at the technical level without unseemly interference. There are ways to do it badly, but there are always ways to do it well—starting small.

The discussion about the Democracy Program does not split people along familiar party or liberal-conservative lines. It seems to come down to a question of sensibility and political taste. We happen to like the idea. Democracy, after all, is the national ideology and the national pride. To preserve it here and build it elsewhere, Americans already spend billions on defense and aid. The CIA has been known to use its resources secretly to bolster democracy abroad. "Do not let the CIA disseminate what democracy is." Rep. Kika de la Garza of Texas said in the House debate. "Let the people who make it work do it."

[From the Wall Street Journal, June 14, 1983]

PROJECT DEMOCRACY

The House has just approved a plan to set up and fund a new National Endowment for Democracy, to promote democratic processes around the world. Present plans for the project are about like attractive blueprints for most activities in the field of politics and ideas: They could get all screwed up as they inch down the road to realization, but they show considerable promise. Maybe the most interesting thing about the endowment plan so far, though, is the set of enemies it has acquired.

The idea for an endowment was meant to confront the fact that totalitarian governments, especially totalitarians of the left, are rolling over us in the battle of political ideas. Among intellectuals and in international forums they deride democratic and free market ideas. Moreover, there is no reason for us to be so passive in return. The political parties of other democracies run substantial programs to promote their principles abroad; why can't we?

The endowment has been set up to do this job. It will get federal money but be a nongovernmental organization. Its planners originally allocated one part of the money to each of our major political parties, to set up institutes of their own. Another part will go to the American labor movement for projects like exchanges, development of free trade unions and training union leaders in politics.

And some money is marked for an institute for private enterprise, meant not only to educate people abroad on the virtues of markets but also to give business leaders some lessons on how private enterprise systems succeed best in a climate of certain democratic values and practices.

The bill to set up the endowment has been to the House now. It passed—but only narrowly, only in part, and not without a lot of opposing argument. It was called a boondoggle, with not enough congressional oversight to insure accountability. It would be too close to the U.S. government, an opposite sort of argument ran, and therefore would not be believed by foreigners. Rep. George Crockett Jr. (D., Mich.) doubted that the organization could sell democracy around the world when it had no Hispanics and only two blacks and three women on its 15-member board.

The critics finally succeeded in killing the part of the bill that would have given money to the Democrats and Republicans.

It is fine to worry about boondoggles, and reasonable to suggest that our present Republican and Democratic parties are not in great shape for conducting ideological warfare. But to assume a project dealing with ideas and basic institutions will be a waste, and to say that the U.S. can never speak up successfully around the world because it has been terminally discredited, ensure that we are never going to be able to defend ourselves in this crucial arena. The reception the endowment idea received on the House floor is prime evidence of why we need it.

[From the Christian Science Monitor, Aug. 17, 1983]

HELPING DEMOCRACY ABROAD

(By Frank J. Fahrenkopf Jr. and Charles T. Manatt)

During House debate this June over establishing the proposed National Endowment for Democracy, a liberal Maryland Democrat and a conservative California Republican both rose to describe their recent journey to Venezuela. Michael Barnes and Robert Lagomarsino, Democratic chairman and ranking Republican respectively, of the House Western Hemisphere Affairs subcommittee, had traveled to Caracas as representatives of their political parties to confer with leaders of Venezuela's two major polical parties. They described to the Venezuelans how US political parties, labor, and business intended to cooperate in helping democratic movements abroad through the coordinating mechanism of the bipartisan endowment. The enthusiastic response of our Latin American friends came as no surprise to us.

As co-chairmen of the research study that developed the endowment proposal, we know that from its earliest days, our "Democracy Program"—a unique collaboration of the Republican and Democratic parties with labor and business—has gained strong support from foreign observers in every corner of the world representing the spectrum of democratic political belief. The endowment would allow our nongovernmental institutions to help democratic friends and colleagues abroad, much as the political party foundations in the Federal Republic of Germany have developed widely acclaimed programs in five dozen countries since the early 1960s largely through government funding.

With support from both the Reagan administration and the bipartisan congressional leadership, our executive board and staff worked six months before agreeing on an interim report which proposed creating the endowment to fund (among other groups) four major grantees: separate Republican and Democratic Institutes for International Affairs (modeled after the German foundations), a Free Trade Union Institute, and a Center for International Private Enterprise.

No one-man band nor single ideology designed the endowment proposal.

By the time our proposals (in H.R. 2915) reached the House floor where the bill passed as amended, they had already been approved, after hearings by both the House Foreign Affairs Committee and the Senate Foreign Relations Committee. One aspect of the bill met significant opposition in the full House. A majority of members rejected earmarking funds for the two party institutes, "the most intriguing of these programs," according to the Washington Post, since the institutes "would help the American political parties reach out to their democratic allies abroad."

Opponents stressed two themes: budget deficits and the question of using public funds to support the international activities of American parties. Obviously, the $5 million alloted to each party institute remains more a symbol to some legislators than a genuine element in curing the deficits.

Interestingly enough, it was a cadre of Republican conservatives who pointed to the international record of the AFL-CIO's training institutes in using US government funds for decades in assisting local free labor movements battle communist unions on four continents. Now, with business joining the fray by developing comparable training programs, several GOP conservatives urged defeat of the amendment, (in Rep. Jack Kemp's words) in order "to send a signal to the people of the world who yearn for free enterprise and free labor that we mean what we say when we give speeches in support of democracy, human rights, and movements such as Solidarity in Poland and democracy in Central America or wherever." They were joined by several Democrats including Kika de la Garza, who appealed to the House to "plant a small seed of democratic institutions" and to "let the people who make it work" in this country help their counterparts elsewhere.

We believe that when Congress returns in September both the House and Senate will send that unmistakable signal to those who cherish democracy throughout the world by approving the entire National Endowment for Democracy proposal, including the party institutes. After that, the endowment and its grantees will have a chance to show Congress and the American people that timely, effective, and long-range programs of a non-

governmental nature can prove essential to our friends abroad. Allowing the political parties to help spread the message and methods of democracy in the world is long overdue. Even the skeptics will discover soon enough to coin a phrase, that they have nothing to fear but fear itself.

Mr. BAKER addressed the Chair.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. BAKER. Mr. President, I believe we are close to a vote on this matter, but I would like to make one announcement about another matter before the Senate proceeds to a rollcall on this amendment.

MARTIN LUTHER KING HOLIDAY LEGISLATION

Mr. BAKER. Mr. President, I wish to announce, after consulting with those principally involved in the matter, that the Martin Luther King holiday will not be made the pending business tomorrow but, indeed, it is the intention of the leadership on this side to ask the Senate to turn to the consideration of the Martin Luther King holiday bill on Monday, October 3, which will be Monday a week.

I think I should say why that is so. I have advised the minority leader previously that I would make this announcement.

Mr. President, before we went out for the August recess, as Members will recall, I obtained consent of the Senate to place the Martin Luther King bill as passed in the House directly on the calendar where it now resides.

I also announced at that time, Mr. President, that it was my full intention to ask the Senate to turn to the consideration of that bill shortly after we came back from the August recess, in the first or second week after our return. When we returned, I announced that I intended to take up the bill this Friday, tomorrow.

Yesterday, the minority leader indicated that Friday of this week, tomorrow, posed certain problems of attendance on his side of the aisle and asked if it were possible to take the bill up today and get a unanimous-consent agreement to finish it today.

I replied to the minority leader that there was no objection that I found on this side to taking it up today, but it was virtually certain we could not finish it today.

Now, the reason I am giving this background is to let Members know and refresh their recollection that what we are doing today is in no way intended to delay this bill. No one that I know of is trying to delay this bill but, rather, to set it at a time which is mutually desirable.

Mr. President, I made a representation and a commitment to certain people not at the Senate that I was going to support this measure—and, indeed, I do—and seek its passage as, indeed, I will. Among them were representatives of the Black Leadership Roundtable and the Black Leadership Forum.

Today, I received a call from Mrs. Coretta King, who is a member of that group and one of the people to whom I made that commitment. Mrs. King indicated to me that she and her group felt that the chances for passage of this measure would be enhanced and improved if the consideration of it were postponed because of the attendance situation.

I support this measure. I indicated to her that I would make the statement I have just made.

So I want it thoroughly understood that this change in scheduling is with the full concurrence of those who are actively engaged in the black leadership groups to obtain the passage of this measure. It is made with the full knowledge of the minority leader and those who are principally involved in this issue on both sides, if there are two sides within the Senate.

Mr. HUDDLESTON. Will the Senator yield?

Mr. BAKER. So the postponement of this is not for the purpose of delay. It is certainly not for the purpose of diminishing chances that this bill will pass but, rather, is made, I believe, in a spirit of consensus purely for the matter of scheduling.

Mr. BYRD. Mr. President, will the majority leader yield?

Mr. BAKER. Yes; I yield to the minority leader.

Mr. BYRD. Mr. President, the majority leader has answered this already to my satisfaction, but to put it in the plainest and simplest verbiage, the delay is not being done because of any feeling on this side or any effort on this side to delay the action on this matter; am I correct?

Mr. BAKER. Yes, Mr. President, the sole purpose of this delay is so that we get the maximum number of people here on both sides of the aisle to consider the matter.

Mr. BYRD. And this has been at the request of Mrs. King and others?

Mr. BAKER. And others in the Black Leadership Roundtable and the Black Leadership Forum.

Mr. BYRD. I just do not want any rumors to start that the Democrats were dragging their feet on this and brought on this delay. I am sure that the majority leader has made it clear beyond any doubt that that is the case.

Mr. BAKER. Nor is it the case, may I say, that any Republican is trying to delay it.

Mr. HUDDLESTON. Will the Senator yield for a question?

Mr. BAKER. Again, no one on this side of the aisle or the other side of the aisle has ever tried to delay. It is a question simply of expressing their position.

I yield now to the Senator from Kentucky.

Mr. HUDDLESTON. Is it the expectation of the majority leader that the bill will be finally enacted on Monday, or disposed of on Monday?

Mr. BAKER. Mr. President, it is my hope that it will be disposed of on Monday, but it is my full intention to stay on the bill on Monday, October 3, which is not next Monday but a week from Monday.

Mr. BYRD. Just one further question.

Mr. President, I hope that we could arrive at some time agreement which would definitely tell all Senators that there will be a vote on this matter on Monday, the 3d, at 2 o'clock or 3 o'clock or Tuesday, the 4th, at a certain hour so that all Senators may so program their schedules to be here to vote.

So I want to say to the majority leader that I am perfectly willing to work with my colleagues on this side. We offered a time agreement yesterday but, as the majority leader said, there were some problems in getting the time agreement acceded to on his side. I am perfectly willing and hopeful that in the final analysis we can at least set a date and hour so that all Senators on both sides will be able to make it.

Mr. BAKER. Mr. President, if the minority leader will shop such an agreement on his side, I will do it on this side and maybe we can find out something else.

Let me make one further statement, if I may, while I have the floor, Mr. President.

SENATE SCHEDULE

Mr. BAKER. Mr. President, since we are not going to take up the Martin Luther King matter tomorrow, it will be the intention of the leadership on this side to ask us to continue on the consideration of this measure if we have not completed it this evening, and then to turn to the consideration of the Export-Import Bank bill, if time remains during the day on Friday. I do not anticipate a Saturday session.

Mr. BYRD. Mr. President, will the majority leader indulge one further question?

Mr. BAKER. Yes.

Mr. BYRD. In his opinion, how late will the Senate go today?

Mr. BAKER. Mr. President, let me confer with the managers. It would be my hope that we can finish this bill and do so by 6:30 or 7. But if we cannot do it by 6:30 or 7, then I would intend to go out until tomorrow at perhaps 10 a.m.

Mr. BYRD. I thank the majority leader.

Mr. PERCY. If the distinguished leader will yield, the agenda we have

ahead of us is the vote on the Zorinsky-Helms amendment, which we are now ready to do. A rollcall has been ordered on that. There are three Kassebaum amendments. A rollcall will occur on one of those. There is a DeConcini amendment, there is a Percy amendment, a Hatch amendment, a Leahy amendment, a Boschwitz amendment, and Senator HUMPHREY has two amendments.

Mr. HUDDLESTON. I have one.

Mr. PERCY. Also, we have a Huddleston amendment. We will add that after Humphrey.

Mr. HUDDLESTON. It is going to be next.

Mr. PERCY. Excuse me. Senator HUDDLESTON is already listed as following immediately after the Zorinsky amendment.

So the two Humphrey amendments are the last that we have. I ask all Senators to advise the managers of the bill if they do intend to have amendments. We do have Senator DECONCINI down for one amendment and Senator HATCH down for two amendments.

It was the intention of the managers to try to finish at least through the first seven amendments tonight.

I think we can finish those, hopefully by 7 o'clock.

Mr. BYRD. Seven amendments by 7 o'clock?

Mr. PERCY. Would the majority leader yield for just a question, because I would like to have some guidance for Senator PELL and myself?

Mr. BAKER. Yes, Mr. President, I yield.

Mr. PERCY. We shall start an action which then would control the floor of the Senate, ordinarily controlled by the leadership, but the law provides that if we do send the war powers resolution to the floor as we intend to now, if we have passage of it in the Foreign Relations Committee tomorrow, shortly after 12 noon, we would then send it with a written report to the Senate floor by Monday. That would then be the pending business and it would have a maximum of 3 days to be considered, which would mean Martin Luther King could not come up until Thursday. I would like to certify that at every single meeting I have attended, the majority leader has stated his absolute firm intention on that. We might have to set aside the State Department authorization bill to fulfill that pledge which has been made by both majority and minority leaders. We would like some guidance now as to how he would like us to handle the measure involving the war powers resolution.

Mr. BAKER. Mr. President, in response to the question of the distinguished chairman, I would think that if the resolution on the War Powers Act is passed out of committee tomorrow—and I hope it is—we would be on that by 1 o'clock on Monday. It would be the following Monday, the 3d, a week later, before I would plan to ask the Senate to return to the Martin Luther King holiday bill. So that would not be a problem.

Let me say, on the question of how late we are going to stay tonight, the list the Senator has given me, I am afraid, is overwhelming. I do not see how we can finish that bill tonight and, since we have the Export-Import bill tomorrow, I hope we can go out at a decent hour tonight and come in at 10 tomorrow.

I know both the chairman and the ranking minority member have cleared their decks for tonight, and it is Thursday and this is the usual late evening, but we are going to be in and working tomorrow. May I inquire of the minority leader what his views are on that subject?

Mr. BYRD. Mr. President, just for the moment, I note that to the ranking minority member of the committee, most of the amendments are acceptable.

Mr. PELL. Some of them are acceptable.

Mr. BYRD. If that is the case, it may very well be that we can finish tonight; in which case, I hope that the Senate will not be in tomorrow. But the majority leader has his own responsibilities and I shall be guided by that.

Mr. BAKER. Mr. President, I have to say we must ask the Senate to be in tomorrow. We have so little time between now and October 7. We have the Eximbank and several other things we must do. If we are going to be in tomorrow on those, I would ask the Senate to stay tonight.

Mr. BYRD. If we are going to be in tomorrow, as far as I am concerned, we ought to vote on this one and go home, but I do not know what my colleagues want.

Mr. EXON. Will the majority leader yield?

Mr. BYRD. I have the floor. I yield.

Mr. EXON. Could I pose a question as to what the plans are for tomorrow?

Mr. BYRD. Mr. President, I am sorry, I do not have the floor. The majority leader has.

Mr. BAKER. I yield to the Senator from Nebraska.

Mr. EXON. May I ask what the plans are for tomorrow? As I understand, the Martin Luther King measure will not come up, but there are other measures. As I understand, we will work through this tonight. Has the majority leader agreed to any time tomorrow afternoon beyond which we will not have rollcall votes?

Mr. BAKER. No, I have not, but I know the Senator has a pressing engagement. He and I have discussed that. I have represented to him that I not only understand, but will cooperate with him. I hope he will not mind if I say what the reason is. He has a son getting married tomorrow night. There are not many things I would take as an absolute justification for trying to get a Democratic Member out of town, but that is one of them. I am going to try my best to help the Senator.

I would guess that we shall not have any rollcall votes after 3 or 4 o'clock tomorrow afternoon.

Mr. EXON. I thank the majority leader.

Mr. BAKER. I thank the Senator.

Mr. BRADLEY. Will the majority leader yield for a moment?

Mr. BAKER. Yes.

Mr. BRADLEY. Does the majority leader expect that on Monday, when the war powers resolution shall come to the floor, that time will be reserved exclusively for debate?

Mr. BAKER. Yes, Mr. President, let me say that in the Foreign Relations Committee, as a part of the arrangement to report this measure out on Friday and have it out the first of the week as the statute requires, the question was put to me, are we going to be faced with a vote on Monday as soon as it comes up? The answer is no. I think it is simple fairness to say we ought to have Monday to familiarize ourselves with the process and have opening statements and general debate. It will not be my intention to ask the Senate to vote on any aspect of that measure on Monday.

I cannot totally control that. There could be a vote that I have no control over or a procedural vote, but that is not my intention and my wish.

Mr. BRADLEY. I thank the majority leader.

Mr. PERCY. One further thing, if the majority leader will yield.

Mr. BAKER. Yes, Mr. President.

Mr. PERCY. As he knows, the Foreign Relations Committee will be meeting tomorrow at 9 o'clock to mark up a resolution on the war powers matter. We hope it will occur no later than 12 o'clock. I think we set a definite time of 12 o'clock. Therefore, both the chairman and the ranking minority member will not be able to be on the floor to carry on with the State Department authorization bill until sometime after 12 o'clock.

Mr. BAKER. Mr. President, the chairman has overwhelmed me twice: Once with his list of amendments, now with the logic of his argument. It is true he must be in committee tomorrow. Therefore, I am going to do what I desperately did not want to do. I am going to change my mind and ask the Senate to stay in awhile longer tonight to see if we can finish this bill. I now estimate we shall be in at least until 7 or perhaps later. I shall make an announcement later.

Mr. PERCY. I thank the leadership and I hope we can have cooperation by the Senators. There are many amend-

ments that can be accepted. I hope statements can be put in the RECORD and I hope we can have a vote right now. I believe we are ready for a vote.

DEPARTMENT OF STATE AUTHORIZATIONS

Mr. SYMMS addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois has the floor.

Mr. PERCY. I am happy to yield.

Mr. SYMMS. I thank the distinguished chairman of the committee for yielding.

Mr. President, I have sat through some of the most interesting debate I have heard in this body over the last 2½ years, listening to Senator WALLOP, Senator PERCY, Senator ZORINSKY, and others talk. Constantly, we talk about the fact that we are trying to appropriate money to spread the word of "democracy." "Democracy" and "republic" means so many things to so many people. I just thought, with this body being so filled with lawyers, so many of which I respect as very good constitutional lawyers, I thought it might be worthy, before we vote on this, to go back and check the semantics of this matter. What is the definition of the word "republic?"

I know the distinguished Senator from California, who is now retired, Senator Hayakawa, specialized in this area of semantics: I am sure if he were here, he could say this without a dictionary. I read to my colleagues the following definition of republic:

A government having a chief of state who is not a monarch and who in modern times is a president; (2) a nation or other political unit having such a form of government; b(1) A government in which supreme power resides in the body of citizens entitled to vote and is exercised by elected officers and representatives responsible to them and governing according to law.

This definition of republic is from Webster's New Collegiate Dictionary.

I do not know whether that is what people are talking about. That is the definition of "republic" in the dictionary. That is often what I think distinguished constitutional lawyers consider the form of government we have.

Under "democracy" it says:

Government by the people; rule of the majority; a government in which the supreme power is vested in the people and exercised by them directly or indirectly through a system of representation usually involving periodically held free elections.

I do not know whether that means that if you get 51 percent, you can do anything and anything goes.

The German Democratic Republic in East Germany is a Communist country, and it uses those words.

I think the case was very well made by the Senator from Nebraska and his allies here this afternoon, that we may not be ready to vote on an endowment for democracy and we may not know where we are firing our rifle shots. We may not have enough oversight on this proposal, and it may not have received thorough planning and scrutiny.

I wish that all the people who work in our State Department were as articulate in making the points for the American people as was Ambassador Charles Lichenstein, Deputy Chief U.S. Delegate to the United Nations, when he offered to fondly wave farewell to the Soviets and others at dockside if they wish to leave this country. I think if that were to happen, we would not even need to be talking about this. I believe that is what the Senator from Nebraska is talking about. We do not need to be endowing a foundation for democracy if we can decide just what we believe in, in this country, and clarify our objectives and our purposes and what we believe in, and emphasize that it is really freedom, liberty, free enterprise, and private property, and that there can be no peace in this world without freedom for the people in any country.

It sounds good, but as I hear the word "democracy" thrown all over the floor this afternoon, I wonder if we would not be wiser to save the taxpayers the money and take another look at this proposal for endowing democracy next year, after the proposal has been subjected to proper hearings, scrutiny, and planned forethought. Thus far, it is not a carefully thought out proposal.

Mr. DODD. Mr. President, I rise in strong support of title IV of this bill, establishing the National Endowment for Democracy. As my colleagues know, this would be a private, nonprofit corporation to promote democratic values and strengthen democratic institutions worldwide.

This proposal, if approved by Congress, will open a new chapter in our foreign policy and will represent a step that we will rightly be proud of in the future. Its novelty does not mean that it is without antecedents among the international activities of private U.S. organizations. The outstanding efforts of the AFL-CIO in promoting free trade unions abroad served as a model for this proposal as did the foundations maintained by the major West German parties. The Socialist Party of West Germany received considerable credit a few years ago for its role in strengthening the Socialist Party of Portugal and, thereby, indirectly preventing the takeover of that country's government by its Stalinist Communist Party.

World politics being the way it is, we often have to define the objectives of our foreign policy in negative terms to oppose Soviet expansion, to resist aggression or subversion, to stop the spread of totalitarianism. The National Endowment for Democracy will give a tangible form to a national effort to advance a very positive objective: To support the forces of democracy around the world.

Let me call attention of my distinguished colleages to three features of this proposal that I consider the most important. First, the proposed entity to administer the program is nongovernmental, second, the whole effort is bipartisan and provides an additional balance by involving labor as well as the American business world, and finally it is an undertaking that is totally above the board, it involves no secrecy and lacks any subversive intentions. Let us not be naive: The ideas of democracy are considered subversive in many parts of the world, but that is not something we ought to be embarrassed about.

The bipartisan nature of the effort is obvious and needs no further elaboration. The fact that the endowment is a nongovernmental entity assures not only its relative independence, but also gives credibility to the fact that his venture is not a tool of the day-by-day conduct of our foreign policy in the narrow sense. It is not an effort to disguise narrow U.S. interest as universal, it serves U.S. interest only insofar as the establishment of a future world community, consisting of democratic governments is in the interest of the United States. If there is a strong concurrence there, as I believe there is, we ought not be embarrased about that. We are promoting a universal idea that even the worst tyrants have to pay lip service to. If they are annoyed by this project, let them attack the idea of democracy.

Without going on too long, let me just give a brief summary of the proposal:

Title IV establishes the endowment as a private, nonprofit corporation to strengthen democratic values and institutions internationally. The endowment would receive an annual appropriation from Congress and would be subject to congressional overview and guidance.

The proposal names four organizations to receive funds: Separate Republican and Democratic Institutes for International Affairs, the Free Trade Union Institute affiliated with the AFL-CIO, and the National Chamber Foundation affiliated with the U.S. Chamber of Commerce. In addition, the legal profession, media, academic groups, and other private sector organizations could apply for funds. I would like to elaborate now on the idea of party institutes.

I see them as having two parallel sets of objectives and programs: Political exchange and international democratic development.

The development of party-to-party relationships across national borders has served to assist and sustain many

democracies in recent decades. Various transnational groups have provided timely and otherwise unavailable support for their colleagues elsewhere. By increasing direct party-to-party relations, where feasible, the NED's political party institutes will also assist in developing a more solid underpinning for bilateral and multilateral relations between and among governments.

In their opening phase of creating new international relationships through political exchange programs, the party institutes can lay the groundwork for later development assistance, while establishing their credibility and presence. Development assistance programs will reflect thoughtful and extensive consultations in host countries. We will go only where we are invited. In my view, careful planning and review, including discussion with American and other foreign democratic interests already working in the area, will be essential to any successful political party institute program.

Since Franklin Roosevelt, American Presidents have been personally committed to the goals of democratic institution-building abroad. From the 1940's successive Congresses have supported and helped to shape the national consensus in favor of such initiatives.

In closing, I am reminded of a recent observation of a former Foreign Minister of the Netherlands.

There is a bond between almost all the parties in a democratic state: the common will to maintain and strengthen the democratic process.

I believe that we share such a common will in the United States.

Mr. President, I am proud of my personal involvement with this important national undertaking.

I hope the amendment will be rejected and the Percy substitute will be accepted, and that we can get about the business of getting this underway.

Mr. KENNEDY. Mr. President, I oppose the amendment that is before us. I strongly support the authorization for the National Endowment for Democracy which would assist the development of institutional democratic values and structures in the Third World.

The democracy program, the major result of which is the proposal for the National Endowment, was initiated late last year by the bipartisan American Political Foundation. I support the initiative as a valuable contribution to our foreign policy. The Endowment would allow our nongovernmental institutions to help democratic friends abroad, promote the growth of democratic practices and institutions in the Third World, and provide a training ground for the future leaders of democracy.

The program, which began as a major research study to develop nongovernmental approaches to strengthen democratic values and institutions abroad, bring together a unique cross-section of leaders from both political parties, business, labor, and other institutions. The representatives of the two major parties, the international vice president of the U.S. Chamber of Commerce, the president of the AFL-CIO, congressional leaders, and other distinguished figures are included in this group.

The democracy program has focused its research on the role of the private sector in strengthening democratic institutions and values abroad. Other efforts to promote democracy abroad, such as the USIA's Project Democracy, have been directed to the public sector.

The interim report, which was released in mid-April of this year, contains specific recommendations for private sector activity abroad. It specifically recommends the legislative creation of a National Endowment for Democracy as a private, independent nonprofit corporation. It would provide funds and encouragement to private sector groups engaged in strengthening democratic institutions and values abroad. The National Endowment would not administer programs itself. Rather, all program activities would be conducted by those private sector group receiving funds from the Endowment.

The democracy porgram's interim report also calls for creation of political party institutes, a business center, and a labor institute to receive funds from the Endowment. In addition, the report recommends that other private sector groups be encouraged to apply to the Endowment for funding.

I hope that my colleagues will join in supporting the National Endowment for Democracy, and I ask unanimous consent that an editorial from the Washington Post and an article by Frank Fahrenkopf and Charles Manatt appear at this point in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, June 28, 1983]

EXPORTING DEMOCRACY

Congress is hip deep in its consideration of the Reagan administration's "Democracy Program." Most legislators think it's fine to give government money to the AFL-CIO to build unions abroad; it has been doing this work effectively for 30 years. Analogous institution-building by other private groups—business, foundations—also seems assured of approval as part of President Reagan's plan to strengthen the "infrastructure" of frail foreign democracies. But should money be funneled to the Republican and Democratic parties for this purpose? The House denied the administration's request to earmark $5 million for each major party out of the $31.3 million it seeks for the new program. The Senate has questions too.

There is first of all a vision of a giant slush fund allowing party functionaries to junket from one end of the world to another. It is probably inevitable that a new program whose purposes are admittedly rather grand and vague must surmount suspicions of this sort. The answer to them lies in conscientious service and good open bookkeeping.

A deeper objection arises from the pervasive feeling that there is something questionable, unfeasible or even improper about the direct promotion of democracy. In this light, democracy is seen as something that can and should be spread only by example or precept, as a necessarily indigenous enterprise that is bound to be tainted when foreign and especially American hands are laid on. Or it is seen as a matter of culture and spirit and therefore one impervious to transfusions of process and mechanics in the way anticipated by the new program.

These are not frivolous considerations. Other democratic countries, however, have managed. International contacts have their own proven value. The American political process includes a body of knowledge and a range of techniques that can be transmitted at the technical level without unseemly interference. There are ways to do it badly, but there are also ways to do it well—starting small.

The discussion about the Democracy Program does not split people along familiar party or liberal-conservative lines. It seems to come down to a question of sensibility and political taste. We happen to like the idea. Democracy, after all, is the national ideology and the national pride. To preserve it here and build it elsewhere, Americans already spend billions on defense and aid. The CIA has been known to use its resources secretly to bolster democracy abroad. "Do not let the CIA disseminate what democracy is," Rep. Kika de la Garza of Texas said in the House debate. "Let the people who make it work do it."

[From the Christian Science Monitor, Aug. 17, 1983]

HELPING DEMOCRACY ABROAD

(By Frank J. Fahrenkopf, Jr., and Charles T. Manatt)

During House debate this June over establishing the proposed National Endowment for Democracy, a liberal Maryland Democrat and a conservative California Republican both rose to describe their recent journey to Venezuela. Michael Barnes and Robert Lagomarsino, Democractic chairman and ranking Republican, respectively, of the House Western Hemisphere Affairs subcommittee, had traveled to Caracas as representatives of their political parties to confer with leaders of Venezuela's two major political parties. They described to the Venezuelans how US political parties, labor, and business intended to cooperate in helping democratic movements abroad through the coordinating mechanism of the bipartisan endowment. The enthusiastic response of our Latin American friends came as no surprise to us.

As co-chairmen of the research study that developed the endowment proposal, we know that from its earliest day, our "Democracy Program"—a unique collaboration of the Republican and Democratic parties with labor and business—has gained strong support from foreign observers in every corner of the world representing the spectrum of democratic political belief. The endowment would allow our nongovernmental institutions to help democratic friends and colleagues abroad, much as the political

party foundations in the Federal Republic of Germany have developed widely acclaimed programs in five dozen countries since the early 1960s largely through government funding.

With support from both the Reagan administration and the bipartisan congressional leadership, our executive board and staff worked six months before agreeing on an interim report which proposed creating the endowment to fund (among other groups) four major grantees: separate Republican and Democratic Institutes for International Affairs (modeled after the German foundations), a Free Trade Union Institute, and a Center for International Private Enterprise.

No one-man band nor single ideology designed the endowment proposal.

By the time our proposals (in H.R. 2915) reached the House floor where the bill passed as amended, they had already been approved, after hearings, by both the House Foreign Affairs Committee and the Senate Foreign Relations Committee. One aspect of the bill met significant opposition in the full House. A majority of members rejected earmarking funds for the two party institutes, "the most intriguing of these programs," according to the Washington Post, since the institutes "would help the American political parties reach out to their democratic allies abroad."

Opponents stressed two themes: budget deficits and the question of using public funds to support the international activities of American parties. Obviously, the $5 million allotted to each party institute remains more a symbol to some legislators than a genuine element in curing the deficits.

Interestingly enough, it was a cadre of Republican conservatives who pointed to the international record of the AFL-CIO's training institutes in using U.S. government funds for decades in assisting local free labor movements battle communist unions on four continents. Now, with business joining the fray by developing comparable training programs, several GOP conservatives urged defeat of the amendment (in Rep. Jack Kemp's words), in order "to send a signal to the people of the world who yearn for free enterprise and free labor that we mean what we say when we give speeches in support of democracy, human rights, and movements such as Solidarity in Poland and democracy in Central America or wherever." They were joined by several Democrats including Kika de la Garza, who appealed to the House to "plant a small seed of democratic institutions" and to "let the people who make it work" in this country help their counterparts elsewhere.

We believe that when Congress returns in September both the House and Senate will send that unmistakable signal to those who cherish democracy throughout the world by approving the entire National Endowment for Democracy proposal, including the party institutes. After that, the endowment and its grantees will have a chance to show Congress and the American people that timely, effective, and long-range programs of a nongovernmental nature can prove essential to our friends abroad. Allowing the political parties to help spread the message and methods of democracy in the world is long overdue. Even the skeptics will discover soon enough, to coin a phrase, that they have nothing to fear but fear itself.

Mr. MITCHELL. Mr. President, I rise to express my strong support for the National Endowment for Democracy, which the pending amendment targets.

I am particularly supportive of the party institutes which are modeled in part after the very effective political party foundations in the Federal Republic of Germany. These foundations have operated for almost 20 years and have bolstered international debate on a variety of vital issues. Venezuelan party foundations have achieved similar successes in Latin America.

The purpose of the party institutes for international affairs will be, as the Washington Post phrased it, "to reach out to their democratic allies abroad." The authority contained in this bill will be used by the institutes to provide encouragement and technical assistance in an open manner to like-minded entities in other nations. It is also the hope of the endowment's supporters that the activities permitted by this authorization will enable our own political process to be enriched by the linkage our political parties will establish with political parties abroad.

Recent events, I believe, call for more unity among the democracies of the world. It is my hope that working together these democracies can assist fledgling democratic movements to people in nations which now are not able to avail themselves of the fruits of a broad-based participatory system of government such as Americans are so privileged to enjoy.

I urge my colleagues to oppose all efforts to weaken or eliminate the endowment program recommended by the Committee on Foreign Relations.

Thank you, Mr. President.

Mr. BENTSEN. Mr. President, I appreciate this opportunity to join my many colleagues on both sides of the aisle in support of the National Endowment for Democracy title of the State Department authorization bill. This is sound legislation and it deserves the support of the Senate.

Mr. President, many Members of the Senate have found occasion to decry the fact that the various segments of our society often tend to work at cross purposes. Alone among the modern industrialized democracies, America retains an "adversary relationship" between our public and private sectors. We have frequently seen a broad gulf of mistrust separating our workers and their employers. Even in this body, acrimony and partisan politics are occasionally in evidence.

The National Endowment for Democracy provides a unique opportunity for all segments of American society—our major parties, our government and private sector, our unions and employers—to join forces in a worthwhile endeavor important to all of us: the promotion of democratic institutions throughout the world.

Franklin Delano Roosevelt was a Democrat, but his wisdom was uniquely American and has often been quoted by President Reagan. It was Franklin Delano Roosevelt who observed that—

> Democracy alone, of all forms of government, enlists the full force of men's enlightened will. * * * It is the most humane, the most advanced and in the end the most unconquerable of all forms of human society. The democratic aspiration is no mere recent phase of human history. It is human history.

At a time when democracy and freedom are under siege from the forces of repression in many parts of the world, the National Endowment for Democracy gives American society, in all its richness and diversity, a vehicle to use in promoting the cause of freedom. It provides a forum in which we can set aside our partisan differences and work together, as a Nation united, for what is finest and most noble in our American experience.

I thought it was interesting, Mr. President, that the Soviet Union has reacted so strongly and so negatively to the Endowment for Democracy. The Soviet reaction is interesting, but hardly surprising, because concepts like truth and freedom are the archenemies of regimes based on distortion and repression.

I think America should be doing some democratic institution building around the world—and especially right here in our own hemisphere. Many of the problems that exist in such abundance in a region like Central America stem from an inability to deal successfully with the process of change; to channel that change into avenues that lead to greater freedom, justice, and individual dignity.

This democratic system of ours is enormously complex; it is based on two centuries of practical experience and on historical roots that extend back to the Magna Carta.

As Americans, we are fortunate and privileged to be born to democracy. We cannot afford to take it for granted. We have an obligation to explain and promote our system of government in other parts of the world. We should never pretend that the U.S. Constitution, or even all of our freedoms, can be exported to each and every country around the globe. But we can help plant the seeds of democracy, we can combat Soviet propaganda, and we can do it successfully because the truth is on our side.

I believe it makes very good sense, Mr. President, for America to make its case by sending our Nation's finest—our doctors, lawyers, teachers, professors, and political leaders—on a mission to explain the mystery of American representative government and the inherent appeal of freedom.

It has often been said that we Americans will pay any price to protect our freedoms. In this instance the price is modest and the potential rewards are great. To the extent that this country can draw on its enormous resources

and stand united in the effort to instill democratic ideals throughout the world, we can help avoid strife, repression, and bloodshed in the years to come. We can protect our own vital national interests while helping millions of others build a structure for freedom and dignity.

Mr. President, I urge my colleagues to approve the National Endowment for Democracy.

● Mr. GRASSLEY. Mr. President, the stated goals of the National Endowment for Democracy create, in theory, a commendable program. Who among the Members of the Senate would disagree with its goals? They are indeed lofty objectives, worthy of support. In our tension-filled world we must continue to energetically encourage the development of free institutions. In our tension-filled times we must communicate the character and quality of democratic political systems. We cannot hesitate to reassert the moral superiority of representative, free societies. The question we should ask is, Do other agencies and groups now fulfill the goals? I believe mechanisms presently exist for presenting and defending democratic ideals.

The proponents of this legislation suggest that the work of the National Endowment for Democracy cannot be carried out by any other groups. The criticism has been raised that proposed functions of the Endowment for Democracy nearly parallel the purposes of the U.S. Information Agency as stated in the USIA Charter. The difference between the USIA and the Endowment is said to lie in the private character of all the intended recipients of Endowment funds. It is suggested that by funding private sector groups in the cause of communicating the advantages and worth of free institutions, there would be fewer restrictions on freedom of expression.

I believe a review of the purposes and goals of the USIA shows they are sufficiently broad to allow a wide range of activities that could, in nearly every respect, resemble any proposed activity of the Endowment. In this time of budgetary crisis we must fully utilize the presently existing institutions, not invent new ones that duplicate objectives.●

Mr. PELL. Mr. President, I want to add a word of support for the position of the chairman, and I ask my colleagues to reject this amendment.

(The name of Mr. DENTON was added as a cosponsor.)

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Nebraska and the Senator from North Carolina. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. STEVENS. I announce that the Senator from Maine (Mr. COHEN), the Senator from Arizona (Mr. GOLDWATER), the Senator from Oregon (Mr. HATFIELD), the Senator from Florida (Mrs. HAWKINS), the Senator from Maryland (Mr. MATHIAS), the Senator from Vermont (Mr. STAFFORD), and the Senator from Connecticut (Mr. WEICKER) are necessarily absent.

I further announce that, if present and voting, the Senator from Oregon (Mr. HATFIELD) would vote "nay."

Mr. BYRD. I announce that the Senator from California (Mr. CRANSTON) and the Senator from Colorado (Mr. HART) are necessarily absent.

The PRESIDING OFFICER (Mr. DENTON). Are there any other Senators in the Chamber wishing to vote?

The result was announced—yeas 42, nays 49, as follows:

[Rollcall Vote No. 265 Leg.]

YEAS—42

Abdnor	Grassley	Nickles
Andrews	Heflin	Nunn
Armstrong	Helms	Pressler
Baucus	Humphrey	Proxmire
Biden	Jepsen	Randolph
Boren	Kassebaum	Roth
Burdick	Kasten	Rudman
Chiles	Leahy	Simpson
D'Amato	Long	Symms
Denton	Mattingly	Thurmond
Dole	McClure	Trible
Domenici	Melcher	Wallop
East	Metzenbaum	Warner
Exon	Murkowski	Zorinsky

NAYS—49

Baker	Garn	Moynihan
Bentsen	Glenn	Packwood
Bingaman	Gorton	Pell
Boschwitz	Hatch	Percy
Bradley	Hecht	Pryor
Bumpers	Heinz	Quayle
Byrd	Hollings	Riegle
Chafee	Huddleston	Sarbanes
Cochran	Inouye	Sasser
Danforth	Johnston	Specter
DeConcini	Kennedy	Stennis
Dixon	Lautenberg	Stevens
Dodd	Laxalt	Tower
Durenberger	Levin	Tsongas
Eagleton	Lugar	Wilson
Evans	Matsunaga	
Ford	Mitchell	

NOT VOTING—9

Cohen	Hart	Mathias
Cranston	Hatfield	Stafford
Goldwater	Hawkins	Weicker

So the amendment (No. 2196) was rejected.

Mr. MOYNIHAN. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. HUDDLESTON. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

COMMITTEE ASSIGNMENTS FOR SENATOR EVANS

(The following proceedings occurred earlier and are printed at this point by unanimous consent.)

Mr. BAKER. Mr. President, I ask unanimous consent that I may now proceed to the consideration of a resolution which is at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered. The resolution will be stated by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 226) relative to committee assignments for Senator DAN EVANS.

Mr. BAKER addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. BAKER. Mr. President, I have consulted at length with the distinguished minority leader and others on his side of the aisle on this subject and on this side with my leadership in my caucus as well as the distinguished occupant of the chair, who by pure coincidence is the subject of this resolution.

I might explain that what is being done is the simplest and most straightforward method of handling the committee assignment situation as it relates to our newest Member by assigning to him the vacancies created by the death of our late colleague, Senator Henry M. Jackson. This inevitably changes the ratios between Republican and Democratic seats, but it is clearly understood that it is a temporary change since the authority of this resolution only extends until November 11. It is clear as well that it does not give the air of permanency either to the distribution of seats, the total ratios of assignments to these committees——

Mr. BYRD. Or to the number of committees a Senator may be assigned.

Mr. BAKER. Or the number of committees to which a Senator may be assigned.

It is for the purpose of assuring that the Senator from Washington has committees, as the rules of the Senate require that he must have, and that we accomplish that for the time being by doing the least possible rearrangement.

Mr. BYRD. Does the Senator yield the floor?

Mr. BAKER. Yes, I yield to the minority leader.

Mr. BYRD. Mr. President, the distinguished majority leader has very clearly laid out the parameters of this agreement for the RECORD. I think it was good that he did that. No State can be deprived of its equal representation in the Senate except by its own consent. Therefore, it was necessary that the distinguished Senator from Washington, who now sits in the chair, be given some assignments. I think this was the best way to approach the matter on a temporary basis, and so I have no objection to the resolution. I appreciate the cooperation the majority leader has shown in many ways in connection with this and other matters and I support the resolution.

Mr. BAKER addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. BAKER. I would be remiss in not saying that in the last several days we have cut, fitted, and tried about half a dozen different combinations and that the proposal just made is eminently satisfactory and is a most generous accommodation by the distinguished minority leader and the minority in the Senate. I think it is a good resolution at this time, and I express my gratitude for their cooperation.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 226) was agreed to, as follows:

S. RES. 226

Resolved, That Senator Daniel J. Evans be, and he is hereby, assigned to membership on the Committee on Armed Services, the Committee on Energy and Natural Resources, and the Committee on Governmental Affairs, effective immediately for a period not to extend beyond November 11, 1983.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BAKER. Now, Mr. President, once more I thank the Senator from North Carolina for permitting us to transact this piece of business.

Mr. BYRD. I thank the Chair.

The PRESIDING OFFICER. The Chair thanks the distinguished majority leader and the distinguished minority leader for resolution of this action.

Mr. HELMS. Mr. President, I thank the distinguished majority and minority leaders. I am glad our newest Member was able to be in the chair at the time this happened and to respond to it.

(End of earlier proceedings.)

DEPARTMENT OF STATE AUTHORIZATIONS

AMENDMENT NO. 2197

(Purpose: to authorize appropriations for the Department of State, the United States Information Agency, the Board for International Broadcasting, the National Broadcasting, the National Endowment for Democracy and the Asia Foundation for fiscal years 1984 and 1985)

Mr. HUDDLESTON. Mr. President, I send to the desk an amendment and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Kentucky (Mr. HUDDLESTON) for himself, Mr. GOLDWATER, Mr. LEAHY, Mr. BOREN, Mr. EXON, Mr. DECONCINI, Mr. HELMS, Mr. SYMMS, Mr. MCCLURE, Mr. JEPSEN, Mr. INOUYE, Mr. DOMENICI, Mr. ABDNOR, Mr. GARN, Mr. FORD, Mr. DENTON, Mr. NICKLES, Mr. CHILES, and Mr. BINGAMAN proposes an amendment numbered 2197.

Mr. HUDDLESTON. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the bill insert the following new section:

PRINCIPLES OF EQUIVALENCE

SEC. . (a) It is the sense of the Congress that the President should, consistent with the interests of the United States and as soon as practicable after the enactment of this act, take the necessary steps—

(1) To insure substantial equivalence between the number of officers or employees of the Government of the Soviet Union in the United States (other than members of the news media and those assigned at the United Nations) and the number of officers or employees of the United States Government in the Soviet Union, and

(2) To insure that the restrictions and conditions imposed on the travel, accommodations, and facilities of officers or employees of the Government of the Soviet Union in the United States are not less than those imposed by the Government of the Soviet Union on the travel, accommodations, and facilities of officers or employees of the United States Government in the Soviet Union.

(b) The Congress requests the President to report to the Congress on actions taken to carry out this section, together with recommendations for any additional legislation that may be necessary to carry out this section.

Mr. HUDDLESTON. Mr. President, this is the amendment that I offered the other day when we were considering the resolution relating to the Soviet action against the Korean airliner.

This amendment was part of the package that had been submitted by the Senator from North Carolina (Mr. HELMS) on that same date and was included in a similar fashion in a package offered too by the Senator from North Carolina. Because of the similarities of his, it is being presented now on my behalf and on behalf of the Senator from North Carolina, Senator HELMS, Senator GOLDWATER, Senator LEAHY, Senator BOREN, Senator EXON, Senator DECONCINI, Senator SYMMS, Senator MCCLURE, Senator JEPSEN, Senator INOUYE, Senator DOMENICI, Senator ABDNOR, Senator GARN, Senator FORD, Senator DENTON, Senator NICKLES, and Senator CHILES.

Mr. President, this amendment expresses the sense of the Congress that there should be substantial equivalence between the number of Soviet Government personnel in the United States and the number of U.S. Government personnel in the Soviet Union, and that restrictions and conditions be imposed on Soviet Government personnel in the United States that are comparable to those restrictions imposed on U.S. Government personnel in the Soviet Union.

Mr. President, we believe that this action is long overdue and fully justified without regard to recent events. Nevertheless, the horrendous act of the Soviet Union in shooting down an unarmed commercial airliner and killing 269 innocent people makes it especially appropriate and necessary for the Congress to place itself on record with regard to the disparity in numbers and treatment between Soviet official representation in the United States and U.S. official representation in the Soviet Union.

This amendment calls on the President to take the necessary steps, as soon as is practicable after the enactment of this legislation, to insure substantial equivalence between the number of Soviet Government employees representing the Soviet Union in the United States and the number of U.S. Government employees representing the United States in the Soviet Union. The amendment also calls on the President to insure that the same or comparable restrictions and conditions are imposed on the travel, accommodations, and facilities of Soviet Government employees in the United States as are imposed by the Government of the Soviet Union on the travel, accommodations, and facilities of U.S. Government employees in the Soviet Union.

In addition, the amendment expresses the desire of the Congress that the President report to the Congress on actions taken to carry out this amendment, together with recommendations for any additional legislation that may be necessary to carry out this amendment.

The ultimate result of this amendment, when implemented by the President, should have been achieved regardless of the Soviet action against the Korean airliner. Why should the official presence of the Soviets in the United States greatly exceed our Government's official presence in the Soviet Union? This parity involves not only the numbers of personnel in each country but, equally to our disadvantage, the disparity in freedom of movement, living accommodations, and working facilities. The conditions for our country's representatives in the U.S.S.R. are abysmal in comparison to the way the Soviet Government's representatives are treated in this country.

This amendment seeks to reduce the total number of positions available to the Soviet Government for placing trained intelligence officers in the United States. What we are seeking, frankly, is to make it more difficult for them to obtain intelligence information while, at the same time, achieving a general balance between our Nation's representation in the Soviet Union and their representation here. The Foreign Missions Act of 1982 pro-

vided a congressional mandate to the President to insist on parity, especially where national security considerations are at stake. That act, in combination with the President's other authorities, permits a wide range of actions to achieve the objectives sought by this amendment.

It is estimated that the total number of Soviet Government employees in the United States today is about 980, while the number of U.S. Government employees in the Soviet Union is about 320. More than half the Soviet numbers in this country are attached to the U.N. Secretariat and the Soviet, Byelorussian, and Ukranian missions to the United Nations, and we cannot change these under U.N. policies. It is not intended that these Soviet personnel at the United Nations, or the roughly 35 Soviet news media personnel in this country, be included in determining "substantial equivalence" in numbers.

However, the official presence of the Soviets in the United States includes not only their accredited diplomatic and consular personnel, but also other Soviet nationals employed by Soviet diplomatic, consular, and commercial establishments. This includes Aeroflot, Intourist, Amtorg, the Soviet Trade Corporation, and other Soviet operations. All such personnel should be counted in determining "substantial equivalence." On this basis there is a disparity of more than 100 between our numbers and theirs. After deleting their approximately 520 Soviet officials currently assigned to the United Nations and about 35 Soviet media personnel, that leaves some 425 Soviet employees compared to our approximately 320 in their country.

The Federal Bureau of Investigation estimates that some 40 percent of the Soviet Government employees here are trained professional intelligence officers of the Soviet KGB and Soviet military intelligence—the GRU. We believe the time has come to draw the line so that the Soviets can no longer take advantage of the imbalance in the numbers of government employees that has existed for so long. The FBI would welcome this, for a reduction of a hundred or so Soviets, many of whom are KGB agents, would help the FBI in its antiespionage efforts.

In summary, this amendment would reduce the number of Soviet Government employees permitted in the United States by about 100 in order to match the official U.S. presence in the Soviet Union. The amendment does not expel diplomats or consular personnel, thus limiting the risk of possible Soviet retaliation against our officials in the Soviet Union now. What the amendment calls for is adherence to the normal and widely accepted principle of reciprocity and equivalency. The amendment makes it possible to lower the ceiling for Soviet official presence by focusing on their commercial establishments, where we have no comparable official establishments in the Soviet Union, and on other nonaccredited Soviet Government employees. The end result of this amendment should also be to help improve conditions for our personnel in the Soviet Union. Insofar as the numbers of Soviet personnel in the United States are reduced, tighter restrictions are placed on their travel, and other conditions are imposed on their living accommodations and working facilities, the result will be to inhibit the ability of Soviet intelligence to operate in this country.

I would urge my colleagues to support this amendment that calls on the President to establish equivalence in the numbers of Government employees allowed in each other's country and comparability in the restrictions and conditions of travel, living accommodations, and working facilities.

Mr. President, I ask unanimous consent that the Senator from Florida (Mr. CHILES), and Senator NICKLES be added as cosponsors.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HUDDLESTON. Mr. President, I might add that we have cleared this amendment with the managers of the bill on both sides of the aisle who I believe now find it acceptable.

Mr. PERCY. Mr. President, we have examined the amendment. There seems to be no objection on this side.

Mr. President, I simply ask the question, is it not correct that this amendment is not binding?

Mr. HUDDLESTON. It is binding to the extent of being consistent with the interests of the United States which, of course, the President has the authority to do and it is a sense-of-the-Senate amendment and to that effect, of course, is not binding as if it were law.

Mr. PERCY. Is it not correct that it calls for substantial equivalence consistent with the interests of the United States?

Mr. HUDDLESTON. That is correct.

Mr. PERCY. I thank my distinguished colleague.

We have no objection on this side. We are ready for a vote.

Mr. PELL. Mr. President, there is no objection from this side of the aisle either.

Mr. HUDDLESTON. Mr. President, may I in the interest of time, although there are a good many Members of the Senate who wished to be recorded on this particular issue, I am going to ask for a rollcall.

I ask unanimous consent that Members be allowed to sign on as cosponsors during the remainder of the evening on this particular amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

NEED FOR U.S.-SOVIET DIPLOMATIC PARITY

Mr. SYMMS. Mr. President, as a cosponsor of the amendment of the distinguished Senator from Kentucky, I rise to support Senator HUDDLESTON'S proposal.

The American people strongly support real sanctions against the Soviet Union in the wake of the Korean airlines massacre, according to all of the polls. This amendment proposes precise equality in diplomatic representation and diplomatic privileges between the United States and the U.S.S.R. Who can be against diplomatic parity with the Soviet Union?

The Soviets have an allowed level of representation in the United States of 320. The United States is allowed only 210 diplomats in the U.S.S.R. What is the reason for this disparity? It is simply the Soviet demand that they be allowed to bring their own drivers, secretaries, and clerks, rather than hire Americans to do these subsidiary jobs. Who are the Soviet chauffeurs, typists, and secretaries? Most of them are KGB agents of espionage, subversion, active measures, and disinformation. The FBI has confirmed this.

So the only reason, Mr. President, that the Soviet Union is currently allowed more diplomats in the United States than the United States is allowed to have in the U.S.S.R. is in order to accommodate the Soviet KGB. It is the Soviet KGB that we are condoning when we allow the Soviets to have more diplomats, so-called, than the United States.

Who among us is willing to vote in favor of helping the KGB spy on and subvert America by voting against this amendment?

Mr. President, I urge my colleagues to realize that by voting against this amendment, they may allow themselves to be portrayed as weakening America. I hope that there will be a unanimous vote on this amendment.

Mr. President, I ask unanimous consent that the following article by Tom Braden entitled "Why Not Boot Some Russians," in the Washington Times September 22, 1983, be printed into the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Times, Sept. 22, 1983]

WHY NOT BOOT SOME RUSSIANS?

(By Tom Braden)

Should a nation ever take actions in foreign affairs which serve no useful end except to make its own citizens feel better?

The Mayaguez incident comes to mind, but of course, that was costly. A better example was the Kellogg-Briand Pact. It outlawed war "as an instrument of national policy" and was rightly scorned and rightly laughed at by the country's foreign policy scholars. But it did serve one useful purpose and at no cost whatever. It made Americans

feel better. Is there anything wrong with that?

I raised the question in order to explain the embarrassing circumstance of finding myself these days nodding in agreement with Sen. Jesse Helms and other troopers of the far right. They are much upset with President Reagan because they believe his response to the savage murder of innocent tourists is insufficient. They want him to do more.

Reagan has answered them: "What do they want me to do, declare war?" It is an anguished cry, the cry of a man with awful responsibilities who realizes the limitations on his power. And he is right. There is nothing he can do which will force the leaders of the Soviet Union to the admission that they have violated one of the least exacting standards of human conduct; nothing he can do which will exact retribution; nothing he can do to punish the wrong.

I'm sure the president went over his options carefully with Secretary Shultz. I imagine he was disappointed to learn how little he could do. Thus the statesmanlike cry of anguish. What happened to Ronald Reagan, the politician? A good politician ought to see that if he can't do anything to hurt the Russians he can nevertheless do something to help Americans.

Which is why it seems to me Jesse Helms and his crowd have a point. For example: Why not throw some Russian diplomats out of the country?

Would you not feel better if you saw pictures in your morning newspaper of long lines of Soviet citizens carrying their baggage aboard the aircraft—getting out of here because they were told they had to go? Would such a gesture not be a tempered statement of our anger and our shock? Would it not say, "You have told the world that you are different. So we are going to treat you differently"? I readily agree that the forced exodus of Soviet diplomats—say about half of them, or roughly 160 people, not counting wives and children—wouldn't serve any purpose other than the purpose of making a statement. But a statement is better than a cry, no matter how justifiably anguished.

And we would of course suffer retaliation. We have an embassy in Moscow and a consulate in Leningrad and together they are staffed by 190 people. The more candid among those people will tell you that they don't really have much to do.

Nor will I pretend that there are not some spies among the 190. But spying is a game at which two sides can play and there can be no doubt whatever that the playgrounds we afford the Russians in this country are vastly superior to what they offer us in theirs.

So the penalties for making a strong statement would be light. The satisfactions would be great. And who knows, there is a possibility that the loss of half its apparat in this country might be painful to the Soviet Union and perhaps even a small possibility that the loss might give heart to those in the Kremlin—if there are such—who are now saying, if only to themselves, "I think we blew it."

Mr. SYMMS. Mr. President, this article is a good example of the kind of broad-based, bipartisan support which the sanctions against Soviet diplomats proposed jointly by our distinguished colleagues, Senator HELMS and Senator HUDDLESTON, has engendered. I, too, was a cosponsor of the Helms-Huddleston sanction attempting to achieve parity and equality in United States and Soviet diplomatic representation in our respective nations. This sanction came within four votes last week of being endorsed by the Senate, and I am confident that a similar sanction will be offered again soon or an appropriate piece of legislation.

Mr. HELMS. Mr. President, this Senator is convinced that the time has come for the United States to have parity in its diplomatic representation with the Soviet Union. As of today, some 310 Soviet diplomats are accredited to the United States while only 210 U.S. diplomats are accredited to the Soviet Union. The President must act swiftly to bring the number of Soviet diplomats allowed in this country to parity with the number of our diplomats allowed in the Soviet Union.

I feel strongly that this is a grave matter and also a matter of the utmost prudence. It is certainly no secret that the Soviet diplomatic community in the United States contains a high percentage of KGB agents and other Soviet espionage personnel. The Soviets have been loudly proclaiming their concerns about the alleged espionage activity of a civilian airliner laden with men, women, and children which they so brutally shot out of the sky. Of course, there was no espionage activity on the part of this civilian aircraft.

There is real espionage activity, however, in the vast Soviet diplomatic apparatus in these United States. I therefore recommend that the President close immediately the Soviet consulate in San Francisco and expel the Soviet diplomatic personnel at that location. It is known to our counterintelligence services, who are indeed overworked on the subject of Soviet espionage, that the San Francisco consulate contains, a high percentage of Soviet spies engaged in the deepest covert activity to extract the highly classified secrets of our aerospace and computer industry based on the west coast. Closing the Soviet consulate in San Francisco is therefore an act of great prudence as a central measure to the restoration of our internal security from Soviet bloc espionage and subversion.

Mr. President, John Barron, senior editor of Reader's Digest has very ably described and documented Soviet espionage activities around the world and in these United States. His newest book, "KGB Today, The Hidden Hand," is a masterful exposure of Soviet espionage techniques in the United States to obtain our most sensitive high-technology secrets. It is not therefore a matter of conjecture that the Soviets are engaged in a massive covert high-technology acquisitions plan in these United States. Their activity on the west coast is intensive.

For this reason, it would be a matter of prudence for the President to close down the Soviet consulate in San Francisco. There are precedents for the expulsion of Soviet diplomats engaged in espionage activity. Mr. Barron has prepared a list of Soviet diplomats expelled from around the world from 1974 to 1983.

Mr. President, I ask unanimous consent that the list prepared by Mr. Barron and published in his most recent book be printed in the RECORD at the conclusion of my remarks.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

SOVIET DIPLOMATS EXPELLED

Unless otherwise stated, all those named in this list are officers of the KGB.

Abramov, Mikhail Nikolaevich: Canada, March 1982.

Aleksandrov, Leonid Nikolaevich: Switzerland, February 1981.

Aleksanyan, Eduard Ivanovich (GRU): Canada, January 1980.

Alekseyev, Vladimir Ilich: USA, February 1977

Andreyev, Anatoli Vitorovich: USA, January 1975.

Andrusov, Eduard Valentinovich: Sudan, May 1977.

Averin, Yuri Dmitrevich (GRU): Sweden, December 1982.

Babayants, Yuri Arkhamovich (GRU): Portugal, January 1982.

Barabanov, Leonid Andreevich (GRU): Switzerland, August 1982.

Baratov, Nikolai Andreevich: North Yemen, August 1977.

Bardeyev, Igor Aleksandrovich (GRU): Canada, January 1980.

Bashmashnikov, Yevgenni Ivanovich: West Germany, June 1979.

Baykov, Vladilen Vasilevich: Pakistan, July 1981.

Besedin, Timor Anatolevich: Norway, April 1981.

Bibikov, Valeri Ivanovich: Italy, December 1982.

Bogomolov, Yevgenni Vasilevich: Switzerland, September 1976.

Bondarev, Aleksandr Aleksandrovich: Singapore, February 1976.

Borishpolets, Vadim Anatolevich: Canada, February 1978.

Bryantsev, Igor Nikolaevich: West Germany, March 1977.

Burmistrov, Gennadi Makarovich: Netherlands, April 1976.

Bychkov, Anatoli Yefimovih: Ghana, August 1978.

Bychkov, Yuri Ivanovich: Spain, March 1981.

Charchyan, Eduard Babkenovich: USA, June 1975.

Chelyag, Ivan Mikhailovich (GRU): Italy, December 1982.

Chernov, Vladimir Aleksandrovich: UK, January 1983.

Chernyayev, Rudolf Petrovich: USA, May 1978.

Chernyayev, Sergei Viktorovich (GRU): Netherlands, March 1978.

Chernysh, Yuri Stepanovich: Costa Rica, August 1979.

Chistyakov, Aleksei Fedorovich: Egypt, September 1981.

Churanov, Oleg Viktorovich: Spain, February 1980.

Dementyev, Aleksandr Vladimirovich: Norway, January 1977.

Dmitriev, Igor Ivanovich: Malaysia, June 1976.
Dokudovsky, Oleg Dmitrevich (GRU): Norway, February 1982.
Druzhinin, Vadim: Bangladesh, June 1976.
Dubas, Oleg Konstantinovich (GRU): Portugal, March 1982.
Dzhashi, Enriko Avksentyevich: USA, July 1977.
Enger, Valdik Aleksandrovich; USA, May 1978.
Fedorin, Vasili Nikolaevich: Spain, April 1982.
Filippov, Boris Anatolevich (GRU): France, June 1978.
Finenko, Aleksandr Pavlovich (GRU): Indonesia, February 1982.
Fomenko, Valentin Petrovich (GRU): Ghana, January 1974.
Frolov, Vyacheslav Ivanovich: France, February 1980.
Gadzhiyev, Abdulkhalik Magomedovich: USA, June 1975.
Geyvandov, Konstantin Yervendovich: Canada, January 1974.
Golovanov, Vladimir Vladimirovich: Iran, July 1980.
Golovatenko, Yuri Vasilevich: Spain, March 1981.
Gordeyev, Vladimir A.: Portugal, March 1982.
Gromov, Sergi, Zakharovich: Norway, January 1977.
Isayev, Yuri Nikolaevich (GRU): Spain, April 1978.
Ivanov, Yevgenni Fedorovich: France, March 1976.
Ivashkevich, Gennadi Vladimirovich: Canada, February 1978.
Kabanov, Boris Nikolaevich: Iran, September 1977.
Kanavsky, Vadim Ivanovich (GRU): India, December 1974.
Kapitonov, Konstantin: Egypt, September 1981.
Karlein, Vadim Vasilevich (GRU): West Germany, May 1976.
Karpov, Yevgenni Petrovich: USA, February 1977.
Kedrov, Viktor Nikolaevich: Denmark, August 1975.
Khamidulin, Zavdat Lutfulovich: Malaysia, July 1981.
Khlystov, Vladimir Timofeevich: Netherlands, April 1976.
Khvostantsev, Lev Grigorevich: Canada, February 1977.
Kinyapin, Andrei Leonidovich: Italy, May 1980.
Kisayev, Yuri: Equatorial Guinea, February 1981.
Kiselev, Anatoli Aleksandrovich (GRU): Netherlands, August 1975.
Klimanov, Yevgenni Aleksandrovich: Norway, January 1977.
Koblov, Yevgenni Konstantinovich: Canada, February 1978.
Kolosov, A. A. (GRU): China, January 1974.
Konyayev, Vladimir Vasilevich (GRU): Portugal, August 1980.
Korniyenko, Anatoli Fedorovich (GRU): Bangladesh, May 1976.
Kovalev, Aleksei Gavrilovich (GRU): Canada, December 1974.
Kovalev, Nikolai Grigorevich: Nigeria, March 1981.
Krasilnikov, Anatoli Ivanovich: Spain, February 1980.
Krysin, Andrei Vladimirovich: Canada, February 1978.
Kukhar, Aleksandr Afanaseevich: USA, October 1979.
Kulagin, Aleksandr S. (GRU): Portugal, August 1980.
Kulemekov, Vladimir Yanovich (GRU): France, November 1981.
Kulik, Vladimir Yevgenevich (GRU): France, October 1979.
Kuznetsov, Anatoli Vasilevich: Italy, August 1981.
Larkin, Anatoli Alekseevich: Singapore, February 1982.
Lazarev, Vladimir Vladimirovich: Bangladesh, August 1981.
Lazin, Viktor Nikolaevich: UK, August 1981.
Leonov, Vadim Vasilevich: Netherlands, April 1981.
Leonov, Yuri Petrovich (GRU): USA, September 1981.
Lesiovsky, Viktor Mechislavovich: Spain, June 1977.
Lezin, Oleg Sergeevich: Switzerland, April 1975.
Lilenurm, Petr Rudolfovich: Canada, February 1978.
Lisin, Yuri Viktorovich: USA, November 1977.
Liyepa, Albert Andreevich: Sweden, April 1982.
Lobanov, Vladislav Sergeevich: Sudan, May 1977.
Lopukhov, Roman Mikhailovich (GRU): Netherlands, March 1978.
Lovehikov, Vasili Dmitrevich (GRU): Switzerland, April 1979.
Lugovoy, Vladimir Vasilyevich (GRU): Switzerland, February 1983.
Lyko, Anatoli Alekseevich (GRU): Malaysia, May 1975.
Machekhin, Aleksandr Yegorovich: Japan, May 1976.
Marakhovsky, Uri Nikolaevich: USA, October 1981.
Marchenko, Vladimir Ivanovich: China, January 1974.
Marchenko, Yuri Fedorovich: Egypt, January 1981.
Markelov, Aleksandr Pavlovich: India, August 1980.
Matveyev, Albert Alekseevich: Portugal, August 1980.
Merkulov, Vladimir Dmitrevich: Denmark, October 1981.
Mikhalin, Anatoli Aleksandrovich: Canada, February 1978.
Minkov, Yuri (GRU): Egypt, July 1976.
Mironenko, Sergei Vladimirovich: Singapore, February 1982.
Mironenko, Yevgenni Sergeevich: Norway, April 1981.
Mizin, Viktor, Vladimirovich: India, March 1976.
Mordovets, Aleksandr Loenidovich: Costa Rica, August 1979.
Morozov, Mikhail M.: Portugal, January 1982.
Motorov, Yevgenni Leonidovich: Denmark, February 1983.
Muerner, Igor Ivanovich: Switzerland, October 1974.
Mushchinin, Sergei Yefimovich: Brazil, January 1975.
Muzykin, Ivan Ivanovich: Liberia, March 1981.
Myagkov, Grigori Petrovich: Switzerland, June 1978.
Nesytykh, Vladislav Leonidovich: Liberia, June 1981.
Nikiforov, Oleg Nikolaevich: West Germany, June 1979.
Nilov, Viktor Prokopevich: Ghana, August 1978.
Obinin, Vyacheslav Aleksandrovich: Portugal, March 1982.
Oshkaderov, Vladimir Ivanovich: Canada, February 1978.
Osipov, Aleksei Nikolaevich: Denmark, August 1975.
Panchenko, Aleksei Yakovlevich: Iran, October 1981.
Pashukov, Aleksandr Alekseevich (GRU): Denmark, October 1977.
Penkov, Viktor Aleksandrovich (GRU): France, July 1978.
Pereversev, Yuri V. (GRU): Egypt, April 1979.
Petrakov, Igor V.: Egypt, September 1981.
Petrosyan, Petros Artachesovich: USA, June 1975.
Petrov, Georgi Georgevich: Norway, April 1981.
Petrov, Valentin Mikhailovich: Liberia, March 1981.
Pivovarov, Yuri Sergeevich: Spain, March 1977.
Pokrovsky, Sergei Georgevich: Switzerland, March 1982.
Poleshchuk, Anatoli Ivanovich (GRU): Netherlands, March 1978.
Polomarchuk, Valeri Vladimirovich: Sudan, May 1977.
Polyakov, Vladimir Profirevich: Egypt, September 1981.
*Poperechny, Vladimir Ivanovich: Liberia, April 1979.
Popov, Yuri Pavlovich (GRU): Spain, May 1978.
Printsipalov, Aleksandr Kirillovich: Norway, January 1977.
Reztsov, Oleg Dmitrevich: Canada, February 1978.
Romanov, Vladislav Petrovich: Malaysia, July 1981.
Rostovsky, Grigori Grigorevich (GRU): France, March 1976.
Rybachenko, Vladimir Ivanovich (GRU); France, February 1977.
Samoylenko, Nikolai Aleksandrovich (GRU): Denmark, June 1977.
Semenov, Yuri A.: China, January 1974.
Semenychev, Yuri Konstantinovich: Portugal, August 1980.
Sepelev, Yuri Fedeevich: Yogoslavia, March 1976.
Shamirov, Elman Ibragim-Ogli: Iran, April 1978.
Sharov, Anatoli Vasilevich: Denmark, August 1975.
Shebanov, Yuri Konstantinovich: Egypt, September 1981.
Shelenkov, Aleksandr Ivanovich: Egypt, October 1978.
Shelepin, Vladimir Leonidovich: Egypt, October 1980.
Shepelev, Viktor Pavlovich (GRU): West Germany, July 1981.
Shiroky, Petr Ivanovich (GRU): Sweden, December 1982.
Shitov, Vasili Ivanovich (GRU): USA, February 1982.
Smirnov, Igor Petrovich (GRU): Switzerland, February 1981.
Smirnov. Valeri Nikolaevich (GRU): Canada, July 1977.
Sofinsky, Vsevolod Nikolaevich: New Zealand, January 1980.
Sokolov, Valdimir Ivanovich (GRU): Canada, January 1980.
Solomonov, Yuri Aleksandrovich (GRU): France, June 1982.
Solovyev, Mikhail Matveevich: France, October 1976.
Stankevich, Nikolai Vasilevich (GRU): Denmark, October 1977.
Stepanov, Gennadi Ivanovich: Malaysia, July 1981.
Stepanov, Svyatoslav Alekseevich: USA, September 1976.
Stolbunov, Vyacheslav Ivanovich (GRU): Switzerland, March 1982.
Suchkov, Vitali Ivanovich: Spain, May 1981.

Suntsov, Vladimir Gennadevich: Egypt, January 1981.
Suvorov, Vladimir Leonidovich: Canada, February 1978.
Sveshnikov, Gennadi Vasilevich (GRU): Spain, June 1977.
Syzdykov, Ased: Egypt, September 1981.
Talanov, Nikolai Mikhailovich: Canada, February 1978.
Telezhnikov, Viktor Andreevich: Egypt, April 1976.
Tertishnikov. Vladimir Lukich: Spain, April 1982.
Timoshek, Vladimir Vladimirovich: Mexico, May 1976.
*Timoshkin, Mikhail Yevgennevich: Liberia, April 1979.
Titov, Gennadi Fedorovich: Norway, February 1977.
Titov, Sergei Nikolaevich: India, March 1976.
Travkov, Gennadi Yakovlevich (GRU): France, February 1980.
*Trekhlebov, Igor Gavrilovich: Liberia, April 1979.
Trofimov, Vitali Konstantinovich: Canada, February 1980.
Trushenko, Yuri: Egypt, January 1981.
Tyurenkov, Aleksandr Ivanovich: Switzerland, March 1981.
Vartanyan, Igor Paruirovich: Canada, February 1978.
Vasilyev, Vladimir Mikhailovich (GRU): Canada, December 1976.
Veber, Voldemar Pavlovich: Canada, February 1978.
Vlasov, Valeri Pavlovich: Egypt, September 1981.
Vopelovsky, Yevgenni Konstantinovich (GRU): Norway, February 1982.
Vyatkin, Sergei Lazarevich: West Germany, October 1975.
Yadroshnikov, Lev Konstantinovich (GRU): Egypt, August 1976.
Yefremenkov, Vladimir Ilich: Spain, March 1981.
Yefremov, Albert Dmitrevich (GRU): Ghana, September 1978.
Yegrov, Sergei Petrovich (GRU): Indonesia, February 1982.
Yemelianov, Igor Konstantinovich: Switzerland, January 1983.
Yermakov, Oleg Vyacheslavovich: Denmark, September 1975.
Zadneprovsky, Vadim Fedorovich (GRU): UK, February 1982.
Zarkich, Yuri Grigorevich: India, March 1976.
Zashchirinsky, Igor Ivanovich: Norway, January 1977.
Zazulin, Anatoli Gerasimovich: Italy, January 1981.
Zinyakin, Vladimir Petrovich: USA, May 1978.
Zolotukhin, Aleksei Nikiforovich: Bangladesh, August 1981.
Zotin, Yevgenni Georgevich (GRU): Norway, January 1977.
Zotov, Anatoli Pavlovich (GRU): UK, December 1982.
Zuyenko, Oleg Sergeevich: Iran, January 1983.

*Although not identified as KGB, Poperechny, Timoshkin and Trekhlebov were involved, probably on behalf of the International Department of the Central Committee of the CPSU, in organizing anti-government demonstrations.

Mr. JEPSEN. Mr. President, I rise in support of the amendment of the Senator from Kentucky. Currently the Soviet Union has three times as many nationals working in their Embassy and consulates in the United States as we have in our Embassy in the Soviet Union. Recent testimony by high-level members of the Soviet KGB indicates that a large percentage of the Soviets accredited to the Soviet Embassy are doing intelligence gathering work for the KGB. It is ridiculous for us to abet them in their efforts by allowing such a large staff of Soviet officials to operate in this country. This is especially true when one considers that the Soviets have sharply restricted our staff in the Soviet Union.

Mr. HUDDLESTON. Mr. President, I ask unanimous consent that Senators STENNIS, MOYNIHAN, RANDOLPH, and LAUTENBERG be added as cosponsors.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on agreeing to the amendment of the Senator from Kentucky.

The amendment (No. 2197) was agreed to.

Mr. PERCY. Mr. President, in the lineup that we have given the next scheduled amendment is the DeConcini amendment. I do not see Senator DECONCINI here in the Chamber. The next amendments after that were the Kassebaum amendments.

Mr. MOYNIHAN addressed the Chair.

Mr. PERCY. Does the distinguished Senator wish to interrupt the order of sequence of events that we have lined up?

Mr. MOYNIHAN. If possible I will only require about 3 minutes at the most.

Mr. PERCY. Just for a comment?

Mr. MOYNIHAN. I will submit an amendment with the thought to withdraw it, according to our understanding of this morning, if the Senator from Kansas will not mind.

Mr. PERCY. The distinguished Senator from Kansas graciously said 3 minutes would not disrupt her schedule sufficiently, so we are happy to yield 3 minutes to the Senator for the purpose of offering an amendment.

AMENDMENT NO. 2198

Mr. MOYNIHAN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from New York (Mr. MOYNIHAN) proposes amendment numbered 2198.

At the appropriate place, add the following new section:

"SEC. —. The United States shall maintain no embassy in Israel that is not located in the City of Jerusalem."

Mr. MOYNIHAN. Mr. President, I rise today to address, and to propose a remedy for, a longstanding diplomatic dispute between the United States and Israel. From the time of Israel's founding 35 years ago, eight successive American administrations have needlessly offended a series of Israeli Governments by refusing to acknowledge that the city of Jerusalem is the capital of the State of Israel.

In so doing we have given, and continue to give, unintended succor and encouragement to those enemies of Israel who hope one day to be able to divide the United States from Israel, the only Democractic State in the Middle East. For as long as Israel's most important friend in the world refuses to acknowledge that Israel's capital city is its own—to the extent of refusing even to permit our Ambassador to Israel to set foot in parts of that capital city—we lend credibility and dangerous strength to the lie that Israel is somehow a misbegotten or illegitimate State. The United States therefore fosters intransigence and obstructionism, of even its own diplomatic initiatives in the continuing search for a broad settlement and peace in the Middle East.

Accordingly, in hopes of strengthening the bonds of friendship between Israel and America, and also in pursuit of the broad peace in the region that is rendered more likely as both Israel and its adversaries are reminded of the strength of those bonds, I am today introducing for the consideration of the Senate an amendment that would effectively require the President to declare that the United States recognizes Jerusalem as the capital city of the State of Israel.

As movement of the American Embassy in Israel from Tel Aviv to Jerusalem would be the first and most significant manifestation of such a policy, that, in its particulars, is what the amendment stipulates.

Before discussing the disastrous consequences the current American policy has had on American initiatives in the Middle East a word about the history of Jerusalem would be in order.

For more than 3 millenia, ever since King David declared it the capital of his Jewish Kingdom and bought the land on which his son Solomon would build his temple, Jerusalem has been the spiritual and cultural focal point of Jewish history. Yet Jerusalem's significance to the Jew goes back even further, for Jewish tradition states that Solomon's Temple was built on the very spot where Abraham was prepared to sacrifice his son Isaac and where Jacob, the third of the Patriarchs, dreamt of a ladder connecting Heaven and Earth.

When the Babylonian armies destroyed Jerusalem in the year 586 BC the exiled Jews sat by the waters of Babylon and swore—

If I forget thee O Jerusalem may my right hand forget its cunning—may my tongue cleave to the roof of my mouth if I do not recall Jerusalem above my greatest joy.

For 2,600 years Jerusalem has not been forgotten. The devout Jew prays six times a day—thrice in his daily

prayers and thrice in the grace after meals—for the city of Jerusalem. No Jewish religious ceremony is complete without mention of the Holy City. And twice a year, at the conclusion of the Passover Seder and the Day of Atonement services, all assembled repeat one of mankind's shortest and oldest prayers "Next year in Jerusalem."

Not only is Jerusalem central to Jewish prayer and religous practice but Jews throughout the centuries have risked their very lives to be able to live in, or at least visit, their Holy City. Conquering armies came and went—Roman, Byzantine, Arab, Crusaders, Mongol and Turk—but the Jewish community, despite depravation and persecution, remained in Jerusalem. Indeed, the first authoritative Turkish census of the city, in 1844, discovered that 7,120 of the Jerusalem's 12,510 inhabitants were Jewish—and this before there was a "west" or "new" Jerusalem. Thus even the old city of Jerusalem had a Jewish majority well over a century ago!

With the establishment by the United Nations of the Jewish State that became Israel, in the western part of the old Palestinian Mandate in 1947, Israelis naturally came to regard the ancient city of Jerusalem as the proper location of their modern political capital.

Yet, in the interest of waging peace with its neighbors in the region, and in order that the violence that, at that time, was already endangering the physical integrity of the treasured city and its holy sites, Israel reluctantly agreed in 1947 to comply with the U.N. partition plan that would have kept Jerusalem apart from Israel, as an international city.

Under the terms of a resolution adopted by the United Nations General Assembly on November 29, 1947, Great Britain's Mandate, originally awarded by the League of Nations, would terminate in mid-1948. Palestine was to be divided into an Arab State and a Jewish State delineated by boundaries noted in the resolution. The two States would be joined in an economic union. And Jerusalem would be an international city under U.N. protection, despite its Jewish majority.

The Jewish agency, the Zionist agency which had organized much of the Jewish emigration into Palestine up to that point, and which was generally recognized internationally as the authority entitled to speak for the Jewish community in Palestine, accepted the plan so laboriously worked out at Lake Success, N.Y. in November 1974 by U.N. mediators.

The Palestinian Arabs, however, rejected it. Consequently, on May 14, 1948, when the Palestinian Mandate was terminated and Israel simultaneously declared its independence, five Arab countries invaded it with the express purpose of liquidating the newly-created Jewish State.

The intentions of the Arab invaders had been made clear by King Abdullah of the Hashemite Kingdom of Trans-Jordan, the existing country to the east of both Israel and the envisioned Arab State that was to be created in part of the Palestine Mandate. On April 22, 1948, noting Britain's intention to depart the following month, he called on—

> All Arab countries to join my armies in a movement to Palestine to return the Arab character of that country when the British end their Mandatory rule on 15 May.

In the course of the war that subsequently broke out, upon the termination of the British Mandate, Trans-Jordan seized the West Bank of the Jordan River and the eastern portion of Jerusalem. Egypt occupied the Gaza strip.

At the same time, Israeli forces also moved beyond the territories that had been earmarked in the U.N. partition plan. In order to protect the small Jewish community of Jerusalem in this war to exterminate the Jews, the Israeli Armed Forces moved into the western sectors of the city. On August 2, 1948, the Israeli Provisional Government declared western Jerusalem to be Israeli-occupied territory.

The lines so carefully drawn by the U.N. mediators were replaced by lines drawn in fierce and pitched battle. The Israel that emerged from the 9-month-long war was different—and larger—than the one its Arab neighbors had set out to destroy. Yet though Israel was not destroyed, Jerusalem was divided. Much like Berlin was soon to become, Jerusalem was a city split by barbed wire, mine fields, and cinderblock walls patrolled by hostile armies within yards of each other—while citizens on both sides tried to go about their daily business.

On April 3, 1949, Israel and Trans-Jordan signed an armistice agreement in which it was stated that the ceasefire thereby agreed would not prejudice any of either parties' claims or rights. It seem to hold open the possibility that the matter of Jerusalem's status would be settled by negotiations between Israel and its neighbors.

Article II(2) of that agreement said:

> No provision * * * shall in any way prejudice the rights, claims, and positions of either Party hereto in the ultimate peaceful settlement of the Palestine question, the provisions of this agreement being dictated exclusively by military considerations.

Three weeks later, however, on April 24, 1950, Jordan formally annexed east Jerusalem and the West Bank, the name of the Hashemite Kingdom having already been changed from Trans-Jordan to reflect the forced merger of the eastern portion of Palestine with the kingdom.

Five, ten, and then fifteen years went by during which Israel's neighbors, and Jordan most importantly, refused to negotiate a settlement in which the status of Jerusalem and access to the holy sites of the world's three great monotheistic religious could be agreed. Absent such an agreement, and because of the war launched by King Abdullah and his allies, Jerusalem's status as an independent, united, and internationalized city soon became a wish of the past.

Israel, meanwhile, had established its capital in Jerusalem. The Knesset, Israel's democratically elected Parliament, first convened in Jerusalem, in the western sector, on February 15, 1949. Government ministries were located there.

Jerusalem had already begun to assume many of the characteristics of the capital of Israel. This should not have come as a surprise. On December 13, 1949, David Ben Gurion, Israel's first Prime Minister had said:

> The State of Israel has had in the past, and will have in the future, only one capital, and as we believe, till the end of time.

On June 5, 1967, Israel faced renewed aggression from Egypt and Syria, both then close friends of, and dependent upon, the Soviet Union. As hostilities commenced, Israeli Prime Minister Levi Eshkol sent a message to King Hussein of Jordan promising that, if Jordan refrained from entering the war, Israel would not take action against it. Jordan, however, attacked Israel that same day. Within the week, Israeli forces had captured all of Jerusalem, as well as other territories west of the Jordan River.

The City of David was once again united, and has been since 1967. Another 5 and 10 and 15 years have passed in which the Hashemite Kingdom of Jordan, again, has evinced no desire—nor provided even evidence that it envisions a time when it might desire—to negotiate a broad settlement with Israel. Israelis have begun, reluctantly, to learn to live without the cooperation of Jordan. And they have learned to live with an undivided Jerusalem as their capital.

Under Israeli rule Jerusalem has flourished as it did not under Jordanian suzerainty. Today Jerusalem stands as a model of successful urban management. It provides a glimpse of the harmony and prosperity the whole of the Middle East might resemble, were its people able to live and work in peace. This is due in large part to the fact that Jerusalem has been blessed with an extraordinary mayor in Teddy Kolleck. Since becoming mayor in 1965, Teddy Kolleck has played a unique role in sustaining cooperation and pluralism in Jerusalem despite the seemingly insurmountable political obstacles posed by Jerusalem's mosaic of religions and peoples, in which 300,000 persons are Jews, 100,000 are Muslims and 15,000 are Christians.

Since 1967, Jerusalem—east and west now reunited—has gradually and inexorably taken on more and more the appearance and function of Israel's capital, even while protecting the religious and architectual integrity of the holy sites of the non-Jewish religions, and the civil liberties of non-Jews.

In formal acknowledgement and assertion of Jerusalem's status as Israel's capital, the Knesset on July 30, 1980, passed the "Basic Law: Jerusalem, Capital of Israel" which formalized in Israeli law what has always been true in Jerusalem is the capital of Israel.

I would emphasize that Israel's claim to Jerusalem as its capital has not been at the expense of the religious rights of access on the part of other religions. The people and Government of Israel are keenly aware of the religious meaning of Jerusalem to Christians and Muslims. And their religious prerogatives have been scrupulously observed under the terms of the June 27, 1967, "Protection of Holy Places Law". But it must be acknowledged that the claims to Jerusalem of Islam and Christianity are qualitatively different from those of Judaism. This difference was defined with insight and precision in an editorial in the London Daily Telegraph on June 25, 1967, shortly after the Six Day War that led to Israel sovereignty over the whole of the city:

> To Christians and Moslems, Jerusalem is a place where supremely important things happened long ago. To them, therefore, it is an object of pilgrimage. To Jews, on the other hand, it is the living centre of their faith, or, if they have no faith, of their identity as a people. To them, it is a place to be possessed, today and forever.
>
> There is no essential incompatibility between these differing needs. Jewish political possession of Jerusalem and absolute freedom of access to it by Christians and Moslems—these have always been twin declared principles of the State of Israel.

Jerusalem, in short, is the capital city of Israel. This is a fact. Though the U.S. Government does not acknowledge it, this is a fact acknowledged by standard American reference books.

If one turns to page 519 of the 1980 edition of the Encyclopedia Americana, and the entry there entitled "Israel," one reads the simple statement of fact: "Capital: Jerusalem."

In the 1981 edition of the World Book Encyclopedia, the section on Jerusalem begins with these two sentences:

> Jerusalem is a holy city of Jews, Christians and Muslims. It is the capital of Israel.

More completely accurate is the fifth edition, published in 1981, of the Congressional Quarterly handbook, "The Middle East." Its capsule summary of "Key Facts on Israel" includes the following:

> Capital: Jerusalem; Tel Aviv is the diplomatic capital recognized by the United States.

For it is currently the policy of the United States to treat Jerusalem as if it were a geographical and political entity altogether apart from Israel. We maintain our Embassy to Israel in Tel Aviv. In Jerusalem there is an American Consulate General which is not considered to be a part of our diplomatic mission to Israel; the Consul General, in an arrangement unique in the operation of the American Foreign Service, formally reports directly to the State Department in Washington.

Furthermore, in official U.S. Government documents of numerous kinds, Jerusalem is treated as an entity apart from Israel. A young person wanting to take the examination to enter the Foreign Service will discover in the application materials that he or she can do so at a test site in Tel Aviv for Americans who happen to be in Israel on the test date—or at another one, in another place not in Israel called Jerusalem.

In the State Department's desk-top telephone directory, under the section heading "Foreign Service Post Directory," one finds the "post" Tel Aviv listed next to "country" Jerusalem.

The publication "Key Officers of Foreign Service Posts; Guide for Business Representatives," dated January 1983, lists countries alphabetically, under each of which in subscript is enumerated the various diplomatic posts the U.S. Government maintains in that country. There is Iraq, with one post in Baghdad, followed by Ireland with the one post at Dublin.

Then comes Israel, with one diplomatic office listed; its address is in Tel Aviv.

This is followed by Italy, with several sublistings: the Embassy in Rome, Consulates General in Genoa, Milan, Naples, Palermo, Florence, and Trieste, as well as two other American offices in Rome and Milan. These are followed, in order, by Ivory Coast and Jamaica, each mission with one post, and by Japan, with its seven different offices.

Then, curiously, there is listed the American mission, a Consulate General, in a place called Jerusalem. Then come Jordan and Kenya.

More significantly, American officials on diplomatic missions to the Government of Israel are not permitted to meet with their Israeli interlocutors if the Israeli officials' offices happen to be located in the eastern portion of the city of Jerusalem. As the New York Times of June 3 noted, this practice has recently led to the disruption of important bilateral negotiations.

On June 2, Deputy Assistant Attorney General Mark Richards canceled a scheduled, long-planned meeting with Israel's Attorney General, Yitzhak Zamir, when he learned that the Justice Ministry is located in the eastern section of Jerusalem. The meeting, according to the Times account, had been arranged "to discuss the possibility of Israel's accepting for trial in Israel several former Nazis and Nazi sympathizers now living in the United States."

Yet, because of the American refusal to treat Jerusalem as Israeli, the United States has been unable to complete these important discussions.

What is the effect in the world at large of this American practice of refusing to acknowledge diplomatically that Israel's capital city is Israel's capital city?

The subtle yet pernicious effect of this policy is to undermine the prominent and vociferous protestations of friendship that American Presidents and Secretaries of State issue regularly with respect to Israel. How close a friend can Israel be, after all—other nations must wonder—when the U.S. Government publishes maps that do not indicate east Jerusalem to be a part of Israel? What kind of message do we sent to Israelis, and to Israel's hostile neighbors, when we refuse to send envoys to its capital?

Look at the manner in which the American position has permitted other governments to dictate the appointment of American officials to our missions in third countries. On August 17 of this year, the State Department found itself obliged to announce that Kuwait had refused to accept the American nominee to be Ambassador to that country, a career foreign service officer named Brandon H. Grove, Jr., because he had previously served in the American Consulate General in Jerusalem.

We have invited the contempt of Kuwait, and thus paved the way for Kuwait to treat American diplomats with disdain, by refusing to stand firmly on the side of Israel's right to choose Jerusalem as its national capital.

The sending and receiving of diplomatic envoys is a demonstration of a nation's willingness to acknowledge another's existence and to engage in political and commercial intercourse with it. Moreover, it is an American tradition that the quality of our relations with other nations are reflected in the quality of our diplomatic representation. This is widely understood in the world.

As do a number of other countries, the United States recalls its Ambassador to another country as an expression of dissatisfaction with that country's government. The dispatch, or recall, of an ambassador to another country's capital is known in the world of international politics to be a measure of our estimation of the legitimacy of that country's government.

Since the brutal murder in 1979 by Afghan Government forces of Ambassador Adolph Dubs, for instance, and

in part as a reflection of our opposition to the illegitimate Soviet-sponsored government in Kabul, we have maintained only a charge d'affaires in Afghanistan.

I would cite four other instances in which the United States has used ambassadorial appointments as expressions of diplomatic umbrage.

On July 18, 1962, the very day Peruvian military leaders staged a coup d'etat, President Kennedy suspended diplomatic relations and recalled Ambassador James I. Loeb from Lima. Only in November of that year, after the Peruvian junta had promised to hold free elections the following June—elections which were, in fact, held freely on June 9, 1963—did President Kennedy appoint J. Wesley Jones as the American envoy to Lima.

In 1969, as a sign of President Nixon's extreme displeasure with the decision by the Government of Sweden to establish diplomatic relations with North Vietnam, the President refrained from appointing an ambassador to Stockholm for 11 months.

Noteworthy in this context is that, among the reasons cited by State Department spokesman Robert J. McCloskey at the time for this minor rupture was the following:

> In addition to the opening of embassies in Hanoi and Stockholm, the National Liberation Front—the political arm of the Vietcong—has been allowed to open an information office in Stockholm. Sweden still has formal diplomatic relations with South Vietnam, but has not sought to accredit an ambassador to Saigon since 1967.

Sweden, too, had withheld its Ambassador to South Vietnam to show its displeasure with the Saigon government.

Since 1975, successive American administrations of both parties have expressed opposition to the establishment of a government in Luanda, Angola by a Cuban expeditionary force by refusing to establish diplomatic relations with that regime.

Finally, recall that among the first formal expressions of American dissatisfaction with the evil regime of Adolf Hitler in Germany was to recall Ambassador Hugh R. Wilson, in November 1938, following a savage Government-sanctioned attack on the German Jewish community.

The world community is not unaware of the fact, therefore, that a traditional measure of the quality of American relations with other countries is the nature and quality of our diplomatic representation.

Consequently, our refusal after 35 years of Israeli independence, to send an ambassador to Israel's capital city and seat of government, as we have done with virtually every other established government in the world, is necessarily understood in the world to be a sign of American distance from the Israeli Government and nation.

I do not believe we are displeased, as a matter of American national policy, with either the nature of the Israel system of government or with its leaders. Israel remains one of the small number of functioning, indeed thriving, democracies in the world today.

Yet by not recognizing Israel's inherent right as a sovereign nation to select the site of its own national capital and seat of government, the American policy raises questions about the traditional commitment of the United States to help uphold Israel's rights as a free and independent nation. It therefore encourages in Israel's enemies the false hope that the United States can be pressured and cajoled into abandoning Israel. This in turn leads them to be more intransigent than they might othewise be.

Supported by the Soviet Union and its satellites, the radical Arab States have time and again brought to the United Nations, the body which brought Israel into being, a variety of proposals designed to undermine in the eyes of the world the legitimacy of the State of Israel. An important dimension of this campaign is the effort to describe Jerusalem, in much the same terms favored by the American Government, as something other than the capital of Israel. As every nation has a captal, to label Israel as a country without a capital would render it less than a sovereign nation—an illegitimate state, an entity not deserving of the usual accoutrements of sovereignty. Indeed, the goal is to brand Jerusalem in its entirety as occupied territory not belonging to Israel at all.

Official American confusion on just what should be the treatment accorded Jerusalem has led American representatives at the United Nation to acquiesce in this habitual denigration of a friendly state. I wrote about this in an article published in Commentary magazine in February 1981:

> The U.S. abstained even when Israel's sovereignty itself was at issue. The last Security Council resolutions in this cycle of attacks on Israel were adopted in the summer of 1980 and dealt specifically with Jerusalem. Resolution 476 of June 30, 1980 warned Israel about its pending legislation on the annexation of East Jerusalem. One might well question the prudence of this Israeli law—any many have done so—but it was something else again to find that in Resolution 476 (as in its successor Resolution 477 of August 20) Israel had become the "occupying power" of its own capital. Both resolutions, in fact, seemed to include the entire city of Jerusalem within this charge. And Resolution 477 went still further: it declared the Basic Law on Jerusalem, by then passed, to be null and void. It declared in effect that Israel was not entitled to fix the location of its own capital city, and called—in a wholly unprecedented step—on member states to withdraw their embassies from this capital (which all did).

The pattern of events thus encouraged by the United States has continued through the current year in other international forums in which we are not represented. At the Seventh Conference of Heads of State or Government of Non-Aligned Countries, which convened in New Delhi March 7 through 11, 1983, the nonalined summit devoted several lengthy passages of its final declaration to excoriating Israel and its ally the United States. Special attention was devoted to the question of Jerusalem's status. And not just east Jerusalem, as had become the practice at such forums. In fact, during the course of the summit meeting, the draft declaration that had been prepared in advance was rewritten to state that even west Jerusalem is not Israeli.

The draft resolution passage on Jerusalem read:

> Jerusalem is part of the occupied Palestinian territory and Israel should withdraw completely and unconditionally from it and restore it to Arab sovereignty.

While surely this can be read as a wildly provocative statement, when pressed on the point nonalined nation's representatives have typically said that by Jerusalem they really only mean east Jerusalem, which is to say the old city, or indeed the Arab section of it. Hence the significance of the revised, final text:

> West Jerusalem is part of the occupied Palestinian territory and Israel should withdraw completely and unconditionally from it and restore it to Arab sovereignty.

Now there can be no evading the proposition. The nonalined declared that the whole of Jerusalem—the Israeli Parliament and Government buildings, the Holocaust memorial, the whole of the new city—do not belong to Israel. The nation is not a nation. It has no capital—or so say the nonalined.

Should the United States also continue to say to the world, in effect, that Israel has no capital? And thus that Israel is less than a sovereign nation?

I believe not. I believe the United States should declare that it will hereforward treat Israel's capital as Israel's capital. As I said at the outset of my remarks, the clearest and most emphatic demonstration of a policy of friendship with Israel would be for the United States to move its Embassy from Tel Aviv. In a formal sense, this could be done in a day, the Ambassador would have simply to drive to Jerusalem and announce that the Embassy was accompanying him.

I hope that colleagues who agree will join me as cosponsors of this amendment, which I would like to note I have also prepared in the form or a joint resolution which I intend to present at an appropriate time in the near future.

For now, I would like to accommodate some concerns that have been ex-

pressed by members of the Foreign Relations Committee.

The distinguished chairman and ranking member of the Committee on Foreign Relations have indicated to me that they would prefer not to debate and vote on this matter at this time, as they would like to hold hearings on this subject. In particular, they would like to hear the consideration of our own Government as to why we do not do what we continually profess we intend to do. Accordingly, I have been assured by them that, if I were to withdraw the amendment at this point, I would have the understanding of the distinguished chairman and the equally distinguished ranking member that hearings will be scheduled at which the administration will be asked why it holds to the policy it does. The issue of requiring it to change that policy will be before the Foreign Relations Committee in the form of a joint resolution similar to the amendment I have offered here today.

Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the 1980 Republican Party platform; an excerpt from the Democratic Party platform of 1980; a series of remarks on this subject made by President Reagan in the course of 1980; and an address by myself before the 1980 Democratic National Convention.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

EXCERPT FROM THE 1980 REPUBLICAN PARTY PLATFORM

(Adopted at Detroit, Mich., July 31, 1980)

Republicans believe that Jerusalem should remain an undivided city with continued free access to all holy places by people of all faiths.

EXCERPT FROM DEMOCRATIC PARTY PLATFORM 1980

(Adopted at New York, N.Y., Aug. 13, 1980)

As stated in the 1976 platform, the Democratic Party recognizes and supports "the established status of Jerusalem as the capital of Israel, with free access to all its holy places provided to all faiths. As a symbol of this stand, the U.S. Embassy should be moved from Tel Aviv to Jerusalem."

RONALD REAGAN ON JERUSALEM

ON THE RECORD

Unlike the days prior to 1967, Jerusalem is now and will continue to be one city, undivided, with continuing free access for all. That is why I disagree with the cynical actions of the Carter Administration in pledging to preserve the status of Jerusalem in its party platform and its undercutting Israel and Jerusalem by abstaining on a key U.N. vote. I believe the problem of Jerusalem can be solved by men of good will as part of a permanent settlement.—September 3, 1980. As reported in the B'nai B'rith Forum, Washington, D.C.

Jerusalem is central to religious faiths throughout the world thus, Jerusalem must remain one city, undivided and with continued free access for all faiths to its holy places. Thankfully, Jerusalem today—unlike the days prior to 1967—enjoys these freedoms.—October 28, 1980. As reported by the Jewish Telegraphic Agency.

OFF THE RECORD

I mean that the sovereignty is Israel's, Reagan said, and repeated in a way that could not be mistaken: An undivided city of Jerusalem means sovereignty for Israel over that city.—March 24, 1980. As reported in a column by William Safire in the New York Times of that date.

I believe Jerusalem should be an undivided city . . . I believe we could, recognizing the rights of people to go to their holy places of other religions there, have a sovereignty of an undivided Jerusalem be that of Israel, with a provision made for all those religious areas and the freedom of those people of those religions to go their . . . I believe in that sovereignty . . . but I mean I meant my remarks when I said a totally undivided Jerusalem.—September 15, 1980. In answer to a question following an address to a closed meeting of the Conference of Presidents of Major Jewish Organizations, in Washington, D.C.

ADDRESS BY SENATOR DANIEL PATRICK MOYNIHAN BEFORE THE 1980 DEMOCRATIC NATIONAL CONVENTION

The Constitution, in Article 1, Section 8 prescribes that "The Congress shall . . . provide for the common Defense and general Welfare of the United States . . ."

It does not say provide for one or the other. It does not say provide for men but not women.

Neither should any political party.

The Democratic Party will present to this convention a platform that provides for both. We will nominate a candidate who stands for both.

I am asked to speak to the issue of "the common Defense."

At no time in the long history of our party has this been so much a concern.

The source of our concern is clear enough and open. The Soviet empire has entered a new period of expansion. Through the mountain passes into Afghanistan, over the sea to the Horn of Africa, up and down that continent, where colonial troops, Cuban and East German, do the empire's bidding; in Asia where its Vietnamese ally has conquered Laos and Cambodia and threatens Thailand. Even the Caribbean and Central America feel these rising winds.

Simultaneously, the mad but relentless expansion of Soviet nuclear forces has continued, bringing to the point of instability the one area of our relations in which we have most sought restraint.

The United States gave the Soviet Union every opportunity to choose a different course.

Just four years ago our party, in its platform of that year, proposed reductions in military spending. Scarcely two months in office we proposed in Moscow to reduce nuclear weapons also, drawing down on forces we had not increased in more than a decade—a third that is, of the nuclear era.

The Soviet response is known.

So is ours.

We have increased our defense effort each of our four years in office, fixing a new direction only just begun in the final year of the previous administration. In the long history of our Republic there has never in peace time been such a reversal.

Nor would there have been without this Democratic Party. We responded as the oldest political party on earth, with a sense of the history of our time, and of what is demanded of those who would shape that history. In the iron-hard, so often hateful century it is the Democratic Party which has time and again been called upon to face the reality of totalitarianism. Let others who watched tell how they would have done better.

It was John F. Kennedy, a president of this Party who spoke in his inaugural address of the "long twilight struggle" ahead. It was he who said at the University of North Carolina "Peace and freedom do not come cheap, and we are destined all of us . . . to live out . . . our lives in uncertainty and challenge and peril." It was he who told the Congress "This nation can afford to be strong—cannot afford to be weak."

And so the Democratic platform declares: "American military strength is and must be unsurpassed." Not only have we increased defense spending in each and every one of the past four years, we have commenced a massive return to strategic weapons deployment. The Trident submarine will soon be at sea; the MX missile is in full scale engineering development; we will soon have some 3,000 cruise missiles aboard our intercontinental bombers; we have more than 9,000 nuclear warheads aimed at the Soviet Union (as they have aimed at us—almost four warheads per county); we have commenced a wrenching review of the whole doctrine of deterrence. But the very knowledge of why this must be makes us unwilling to settle for so narrow a vision of man's fate.

And how does the Republican platform describe these nuclear decisions? They are described as constituting "in effect . . . unilateral disarmament."

Must we not ask: If a party is this careless with words, can it be trusted with power?

And herein resides the most fateful issue of this election, the issue of arms control.

Those who now have seized the Republican Party, even as they invoke the memory of Franklin D. Roosevelt, repudiate the legacy of Dwight D. Eisenhower.

The Republican platform denounces the Strategic Arms Limitation Treaty now before the Senate; it derides the very quest for nuclear peace.

SALT is a limited process. The present SALT treaty is no more than a photograph of the facts; no arms treaty with the Soviets can be otherwise. But what is more necessary than the facts; what is more needed than the truth?

From his exile in Gorky, Andrei Sakharov appeals to us with blinding clarity and undiminished courage. Do not, he pleads, fail mankind in this matter.

We shall not, if what is asked of us is the will to try. The Democratic platform calls for the SALT process to continue as the largest, not the least of concerns; but to continue with this difference. The Soviets must now understand that it is not enough for the process merely to continue to record their mad momentum. There must be cuts. The platform declares: "A Democratic administration will treat the Soviet government's readiness to negotiate verifiable, substantial and significant reductions and qualitative limits as a test of its seriousness about arms control and the compatibility of its approach to arms control with that of the United States."

Is this a doomed hope? Surely not. Not, that is, unless control of our affairs falls to men who do not share it, will not pursue it.

It is our opposition that insists on this as an issue, for which may they be forgiven—

but not until their folly fails them. As they now would have us think of them, they are not suited for this work.

Shall we not instead speak of hope? The world is a dangerous place; to be sure, but nothing is safer than freedom. The dustbin of history, to use an image from another time, is cluttered with regimes that failed to understand this simple fact of the human spirit.

Throughout this age we have stood for the defense of freedom and the extension of freedom. We still do. Our good neighbors to the north and to the south know and can depend on this. Our allies in Europe can depend on it, even if they sometimes pretend not to know it. In Asia, a great Japanese democracy has emerged, and its new confidence has helped shape for the first time in this century a convergence of interests and conduct as between China, Japan and the United States.

These are the master relations of our foreign policy. There are others, not all of which we can speak with equal confidence. We do not pretend to have better relations with many of the new nations than they would appear to want to have with us. But we wish them well. More, we wish them independent. Our help is to be had, especially for those who preserved their freedom as well as their independence. Not without thought have we made human rights a center of our concern. Let those who think us insufficiently sophisticated in such matters ask what Thomas Jefferson would think; or Abraham Lincoln would do!

To those new nations fallen away from the liberty they may have briefly known, and now rancorous with those who keep that faith, a somewhat plainer mode of address is beginning to be in order. We do not ask them to share our principles, but we would ask that they understand them. It is no doubt something to be the newest tyranny on earth, it is something else to be the oldest constitutional democracy. We did not become such because we are a soft nation, and we will not be made a victim of our decencies. This is not said in self-congratulation, but in fair warning. Those who will not listen may perhaps be encouraged to read. For, to repeat, we have a history. Our Democratic Party is the party of liberty. Where liberty lives, we reside; where democracy struggles, we are engaged.

In the Middle East, for example, this struggle grows ominous once more. The United States has made peace between the two great peoples of Israel and Egypt. There are those who will not accept this peace.

May we suggest they read the platform of the Democratic Party, for here we speak in perfect confidence for the whole of the nation. "Jerusalem," the platform declares, "should remain forever undivided. . . " Jerusalem is the "capital of Israel." We will move our Embassy there. And let those who would come in arms against the wall of Jerusalem understand that we, too, are on those walls. We are not about to commit our strength to protecting the rich societies of that region whilst permitting the destruction of the free ones.

And so to the election, the great testing of democracy.

Throughout our history, whenever free societies have been under assault, the Democratic Party has rallied the world to liberty's defense.

Prudence, principle and courage give life to our campaign. The American people know this; may they honor us with victory.

Mr. PERCY. The distinguished Senator from New York is quite right. This is a matter of considerable importance. I have maintained that you are not going to have peace in the Middle East until you have a number of things resolved, and certainly the status of Jerusalem is one of those high priority items. It is an issue that should be fully discussed.

We would not be prepared to have that discussion on the floor of the Senate now. The time element simply precludes it. To have this amendment considered with the degree of thoughtfulness that should precede it, hearings would be the proper way to go at the proper time, though, as I have explained to the Senator from New York, the Foreign Relations Committee has a very crowded schedule, crowded particularly at this time because of the sweep of events that have occurred that we are all well aware of. But at the proper time we shall have such hearings. We would encourage our distinguished colleague to testify at that time. We will give him adequate notice on that.

I would very much appreciate his withdrawing this amendment at this time. We can assure him that at the proper time the issue will be fully aired.

Mr. EXON. Will the Senator from New York yield for a question?

Mr. MOYNIHAN. I would be happy to yield.

Mr. EXON. Will the Senator from New York kindly add me as a cosponsor before he withdraws the amendment?

Mr. MOYNIHAN. I am honored to do so.

Mr. EXON. It is an excellent suggestioon. I wish we could act on it now. But I support the Senator from New York.

Mr. PELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized.

Mr. PELL. I rise to support my chairman and look forward to those hearings.

Mr. MOYNIHAN. Mr. President, I ask unanimous consent to add the Senator from Hawaii (Mr. INOUYE), the Senator from New Jersey (Mr. LAUTENBERG), and the Senator from Nebraska (Mr. EXON) as cosponsors of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MOYNIHAN. Before yielding the floor, might I express my appreciation for the graciousness of the Senator from Kansas (Mrs. KASSEBAUM) in allowing me this interlude.

Mr. President, I request that the amendment be withdrawn from consideration.

The PRESIDING OFFICER. The amendment is withdrawn.

Mr. MOYNIHAN. I thank the Chair, and I thank my two friends, Senators PERCY and PELL.

AMENDMENT NO. 2199

(Purpose: To provide for grants to certain nongovernmental organizations in South Africa only on a matching basis)

Mrs. KASSEBAUM. Mr. President, I send to the desk three unprinted amendments and ask for their consideration.

The first one, Mr. President, is a technical amendment to the State authorization bill which clarifies the intent of the committee with respect to the amendment proposed by Senator PERCY and myself during the committee consideration of the bill. The amendment has been accepted unanimously, and I think there is no trouble that the amendment will be accepted on a similar basis by the Senate.

The PRESIDING OFFICER. Is the Senator from Kansas requesting that the amendments be considered en bloc?

Mrs. KASSEBAUM. No, I am not. The first one is just a technical amendment with which there is no problem, and I think the committee is prepared to accept it.

The PRESIDING OFFICER. There is some difficulty in determining which is the technical amendment of the three.

The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Kansas (Mrs. KASSEBAUM) proposes an amendment numbered 2199:

On page 24, line 11, insert before the period a comma and the following: "except that $100,000 of the amount allocated by this section shall be available only if such proposed recipient organization has available for its use an equal amount and that, in such case, grants may be made up to $30,000".

Mrs. KASSEBAUM. I believe the committee is prepared to accept this technical amendment, is it not?

Mr. PERCY. As far as the majority is concerned, the technical amendment is acceptable. I know of no objection to it.

I ask my colleague if there is any objection from the minority side?

Mr. PELL. I do not think so. What does the amendment do again?

Mrs. KASSEBAUM. We did approve in committee funding that would be granted South Africa for special humanitarian projects. This would change a cap that we had of $10,000 for each project to a more flexible level that can be determined by the project. So it does not change the overall amount. It allows a little flexibility in how much would be given to each project.

Mr. PELL. It sounds like a good amendment and I support it.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Kansas.

The amendment (No. 2199) was agreed to.

AMENDMENT NO. 2200

(Purpose: Calling for Presidential action and report relative to 1985 U.N. Conference on U.N. Decade for Women)

Mrs. KASSEBAUM. Mr. President, the second amendment I have at the desk is again just some clarification in language.

I ask for immediate consideration of the amendment. I believe it has received clearance from the committee.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Kansas (Mrs. KASSEBAUM) proposes an amendment numbered 2200:

At the appropriate place in the bill, insert the following new section:

SEC. . The President shall use every available means at his disposal to ensure that the 1985 Conference to commemorate the conclusion of the UN Decade for Women is not dominated by political issues extraneous to the goals of the 1985 Women's Conference that would jeopardize U.S. participation in and support for that Conference consistent with applicable legislation concerning U.S. contributions to the UN. Prior to the 1985 Conference, the President shall report to the Congress on the nature of the preparations, the adherence to the original goals of the Conference, and the extent of any continued U.S. participation and support for the Conference.

1. On page 2, line 11, strike out "$602,343,000" and insert in lieu thereof "$524,105,000."

2. On page 2, line 12, strike out "$645,978,000" and insert in lieu thereof "$539,240,000."

3. Add at the end of the bill:

(a) Notwithstanding any other provisions of law, the United States payment for assessed contributions for calendar year 1984 to the United Nations, the United Nations Educational, Scientific, and Cultural Organization, the World Health Organization, the Food and Agricultural Organization, and the International Labor Organization shall not exceed its assessed contribution for calendar year 1980 and for calendar years 1985, 1986, and 1987 shall be no more than 90 percentum, 80 per centum, and 70 per centum of the amount of the assessment for calendar year 1980.

(b) No payment shall be authorized for assessed contributions to the organizations listed in section (a) unless the amount authorized to be appropriated by this section are accepted by these organizations as payment in full of the U.S. assessed contribution towards the financial support of these organizations.

Mrs. KASSEBAUM. In July 1980, the United Nations conducted a U.N. Mid-Decade Conference for Women in Copenhagen, Denmark. Unfortunately, the Conference became heavily politicized and adopted resolutions equating Zionism with racism and calling for assistance to Palestinian and Arab women in their struggle against Zionism. This politicization diverted attention from the needs of women and represented a misuse of U.S. funds intended to assist in meeting the goals of the U.N. Decade for Women. The U.S. delegation to the Copenhagen Conference voted against and refused to sign the Programme of Action. Subsequently, congressional action was taken to terminate U.S. supplied funding for the entire Conference.

International and domestic preparations for the 1985 Conference in Nairobi, Kenya, to commemorate the conclusion of the U.N. Decade for Women have commenced. In recognition of the fact that in preparatory meetings held thus far—some progress has been made toward keeping the agenda free of extraneous political issues and the conference focused on its original aims and objectives—it would seem appropriate to relent somewhat from an absolute funds cutoff for fiscal year 1984. A relaxation of the earlier constraints has been requested by the administration. In addition, various Jewish and women's organizations have discussed an appropriate remedy and have come together onto a prescription for properly addressing the situation.

That consensus is represented by the amendment that I am introducing today. It calls on the President to "use every available means" to insure that the 1985 Nairobi Conference "is not dominated by political issues extraneous to the goals of the 1985 Women's Conference." The amendment also calls on the President to report to Congress on the progress toward the depoliticization of the Conference before it actually occurs in 1985.

Mr. President, I am confident that this amendment will provide the proper support and backing that the State Department requires to achieve the objective sought. I urge the amendment's adoption.

Mr. President, I say to the chairman of the committee, I believe he will be supporting this and it has been cleared by both sides.

Mr. PERCY. If I may prevail upon my distinguished colleague to wait for just a moment, the manager of the bill does not have in front of him a copy of the amendment. Without seeing the amendment, I cannot say.

I now have a copy of the amendment. I know of no objection to this amendment. As a matter of fact, we discussed this issue in some detail this morning at a meeting with Charles Wick and his colleagues from the USIA, the U.N. Decade for Women, and the celebration for that decade at the Conference in 1985. We have strong testimony that we shall not let the spirit of that decade die at that Conference. We want to be absolutely certain that the Conference is not dominated by political issues extraneous to the goals of the Conference as was the Mexican Conference.

I think the amendment is acceptable. I know it is acceptable.

From the standpoint of the minority, Senator PELL also supports the amendment.

Therefore, I think we are ready for a vote.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 2200) was agreed to.

Mrs. KASSEBAUM. I move to reconsider the vote.

Mr. McCLURE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2201

(Purpose: To restrict assessed payments of the United States Government to the United Nations and certain other international organizations)

Mrs. KASSEBAUM. Mr. President, I wish now to offer the third amendment. I ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Kansas (Mrs. KASSEBAUM) on behalf of herself, Mr. RANDOLPH, and Mr. PRESSLER propose an amendment numbered 2201.

Mrs. KASSEBAUM. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 24, between lines 19 and 20, insert the following:

RESTRICTIONS ON ASSESSED PAYMENTS TO THE UNITED NATIONS

Sec. . (a) Notwithstanding any other provision of law, the United States assessed payments for the calendar year 1984 to the United Nations, the United Nations Educational, Scientific, and Cultural Organization, the World Health Organization, the Food and Agricultural Organization, and the International Labor Organization shall not exceed its assessed payments to each such organization for the calendar year 1980. Such payments to each such organization for the calendar years 1985, 1986, and 1987 shall be no more than 90 per centum, 80 per centum, and 70 per centum, respectively, of the amount of the assessments paid to each such organization for the calendar year 1980.

(b) No payment may be made to an organization referred to in subsection (a) for the calendar years 1985, 1986, and 1987 unless payments made pursuant to this section are accepted by the respective organization as payment in full of the United States assessment towards the financial support of such organization.

Mrs. KASSEBAUM. Mr. President, the United States has sought unsuccessfully for some time to control the growth in spending of the various U.N. agencies. We have asked the Secretary General of the United Nations to iden-

tify marginal activities that could be eliminated to provide resources for the growing list of new programs being created. To date, only 40 employee-years of U.N. activities, out of the 16,000 employees in the U.N. Secretariat, have been so identified.

The Secretary General of the United Nations, in his annual report issued 10 days ago, noted that charges of an inflated, politicized, or extravagant staff are often, and I emphasize, often justified.

A recent article in the Economist magazine notes that the morale of employees in UNESCO has been trampled by a "mixture of nepotism, maladministration, reverse racism, and an apparently incorrigible tilt toward the hardliners of the Third World." Yet, the UNESCO draft budget now under consideration by members apparently provides for a 37-percent increase, after inflation, in the organization's budget.

I have been, and remain, a firm believer in the value of the United Nations as a forum for international communication. I believe, however, that this communication can take place at a significantly lower cost. My amendment thus rolls back our payment to the United Nations and its principal affiliates to the 1980 level and specifies that in each of the succeeding 3 years the U.S. assessed contribution will be further reduced by 10 percent. Over the 4 years, 1984 through 1987, total U.S. contributions to these organizations will be reduced by approximately one-half billion dollars.

It has been the Congress, and not the executive branch, that has always had to take the lead in reducing the American taxpayers' burden with respect to these agencies. It was the Congress that mandated 1952 that our contribution to the United Nations and its affiliates would be reduced from 46 to 33⅓ percent of costs, and it was Congress again in 1972, that mandated our share would be further reduced from 33⅓ to 25 percent.

I might say that is about $363,774,000 in this year, a 25-percent share.

I believe that it is time to act again.

Unlike previous congressional actions that have mandated a reduction in our percentage contribution, my amendment allows considerable flexibility to the executive branch and to the organizations concerned to meet the challenge of our lowered contributions. They can agree to lower the U.S. percentage share of total costs, as they have in the past, or they can lower their total budgets, or they can lower both our share and their overall budgets.

Mr. President, this amendment is not motivated by pique at the United Nations over any one vote or situation in recent years. It is not a question of our commitment to the U.N. process in our search for international peace. It is a question of the cost of that committee.

Mr. President, I ask for the yeas and nays on my amendment.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. PERCY. Mr. President, I hope that we can come to a vote on this within the next couple of minutes. I shall make my own comments very short indeed. I think the issue is a clearly drawn issue.

I strongly oppose this amendment and I believe a majority of the members on the committee will oppose it. A cumulative reduction of approximately $250 million over 4 years would cause the United States to be well on its way toward losing its vote in the United Nations because of arrearages. The rules of the United Nations are very clear indeed.

I think that for the United States to approach the point where it would not be eligible to vote in the United Nations on matters of vital interest to us, including the resolution on Korean flight 007, would put us in a humiliating position.

These formulas have been developed over a period of years. We have had our contributions reduced as other countries have been able to take up a larger share. To cut back now would sacrifice our ability to vote.

The political ramifications would be enormous if we arbitrarily reduced our financial commitment to the organization. It would alarm our allies and Third World countries regarding our continued commitment to world peace, and security, and to maintaining our leadership responsibilities on matters of global concern.

The success we have had in holding down budget growth would be reversed and U.S. credibility destroyed.

Last June, President Reagan reaffirmed U.S. financial support for the United Nations when he stated publicly to U.N. Secretary General de Cuellar that "American financial support has not and will not decline."

Reflecting the significance placed on U.S. participation in the United Nations by this administration, President Reagan will address the General Assembly on September 26, 1983.

I really could not imagine any worse step for the U.S. Senate to take, before the President goes before the United Nations, than to cast a vote that would undercut a pledge he made to the Secretary General of the United Nations. Such a step would bring us closer to the day when we would be denied a vote in the United Nations. This would be very unfortunate at the very time we, together with the rest of the world, are leading toward the point where we will have resolutions condemning the Soviet Union for infractions in connection with KAL flight 007. This amendment should not be adopted when we have successfully focused the attention of the world on the atrocities and brutality of the Soviet Union in Afghanistan and other parts of the world.

The United Nations is a controversial organization. Many of us have served as delegates there. It is not run with the efficiency we would like to see, but neither is the Senate and neither is the House.

If you did away with the United Nations tomorrow, you would have to invent something like it because of the kinds of problems we face, ranging from security and peace in the world and nuclear war, all the way through environment, and energy, and all the other issues that are discussed at the United Nations.

For us to arbitrarily reduce our contribution at this time and possibly place us in the position where we might be in arrearage, to the point where we would lose our vote on the eve of the President's address, I feel would be a great mistake.

I always regret when I have to disagree with my distinguished colleague from Kansas. She is a watchdog of the Treasury. She always is looking out for the best interests of the citizens of this country.

However, in this case, in retrospect, when we see the adverse reaction, citizens would wonder whether at this particular time we would want to look as though we are undercutting the very agency on which is helping us maintain a degree of peace and stability in the world.

Mrs. KASSEBAUM. I know that the chairman of the Foreign Relations Committee, the distinguished Senator from Illinois, has been a strong supporter of the United Nations, as I am, and that is why I clearly pointed that out, because it is a difficult time to raise this issue, when we have had difficulties brought before the United Nations. But there are two things I should like to say.

I do not think it puts in jeopardy our position in the United Nations, nor does it put the United Nations in jeopardy. This amendment would specifically state, so that we would not be in arrears, that no payment may be made unless the authorized payment is accepted by these organizations as payment in full of our assessed contribution for that year. So we cannot be in arrears.

What it means is simply that the United Nations will have to look to its budget, just as we are struggling to look at our budget. It is as simple as that.

Mr. INOUYE. Mr. President, will the distinguished author of the amendment yield for a question?

Mrs. KASSEBAUM. I am happy to yield.

Mr. INOUYE. Does this amendment affect voluntary contributions to U.N. projects such as UNICEF?

Mrs. KASSEBAUM. No, it does not affect voluntary contributions.

Mr. INOUYE. I thank the Senator.

Mr. NICKLES. Mr. President, will the Senator yield?

Mrs. KASSEBAUM. I yield.

Mr. NICKLES. Mr. President, I ask unanimous consent that my name be added as a cosponsor of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SYMMS. Mr. President, I ask unanimous consent that my name be added as a cosponsor of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SYMMS. Mr. President, I compliment the Senator from Kansas, with whom I have the privilege of serving on the Senate Budget Committee. She has picked out an amendment that is important and an amendment that is most appropriate.

Mr. President, on Monday, Ambassador Charles Lichenstein, deputy chief U.S. delegate to the United Nations, invited Soviet and other U.N. diplomats to consider packing their bags and moving the United Nations "Tower of Babel" on the East River to some other more hospitable location, if they are not satisfied with the kind of treatment they have been receiving in this country.

Ambassador Lichenstein was responding to complaints by Soviet delegate Igor Yaklovlev that the United States is not living up to its obligations as the host country for the world organization. Lichenstein, in effect, said that if they did not love New York they could leave it. Bluntly showing them the door, he told them the United States certainly would not try to stop them if they decided to move the U.N. to some other country. In fact, he said, "we will be at dockside bidding you a farewell as you set off into the sunset."

Although the State Department and the White House have not disavowed or disagreed with Ambassador Lichenstein's remarks, they have issued statements saying that the views he expressed reflect his personal opinion and do not necessarily represent official administration policy.

Twenty-four Democrats in the House of Representatives think that Ambassador Lichenstein was not very diplomatic, and they have called for his resignation.

But, Mr. President, I believe what he said was a breath of fresh air that was long overdue. The administration and this Congress should not only applaud his candid remarks and back him up 100 percent; we ought to give him a promotion, or at least a medal. For I am convinced that he speaks for a majority of Americans who are tired of playing to our enemies and critics abroad who abuse our hospitality by using the United Nations as a platform for insults, and propaganda, and a headquarters for espionage and subversion, while we protect and pamper their diplomats and pick up the lion's share of the financial tab.

I certainly would not shed any tears if the Soviets, their satellites, and Third World nations packed their U.N. bags or decided to move the entire organization, kit and caboodle, to some other location. I would join Ambassador Lichenstein at dockside waving a fond farewell.

I have always thought that Berlin would be a much better place than New York as headquarters for the United Nations, because it is the one place on Earth where communism and capitalism, tyranny and freedom, exist side by side. If representatives of the world's nations could personally witness and experience that contrast day in and day out, perhaps their attitudes and actions would change. They could see how wonderful it is behind the Iron Curtain. Probably an appropriate position would be to have it straddle the Berlin Wall.

But that is not the point. The point is that the Senator from Kansas is offering us a concrete way to send a message to the United Nations and to some of the countries who like to criticize us while we pay the tab. I think we have long paid more than our share of the tab, and I enthusiastically support the amendment. I should like to see a resounding vote for the amendment. I think it would send a message that could perhaps show that the United States is going to exert itself and that we no longer are going to be the doormat for every Third World country and every Communist country that wants to come in here and scuff our floor.

Mr. President, I ask unanimous consent to have printed in the RECORD a letter I have written to the President of the United States with respect to Ambassador Lichenstein's comments at the United Nations.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

COMMITTEE ON FINANCE,
Washington, D.C., September 22, 1983.

Hon. RONALD REAGAN,
President of the United States,
The White House, Washington, D.C.

DEAR MR. PRESIDENT: I heartily endorse the candid remarks made this week by Ambassador Charles Lichenstein, inviting Soviet and other UN delegates to pack their bags and consider moving the world organization to some other location if they are not satisfied with the treatment they are getting in this country.

Frankly I thought the Ambassador's remarks were a breath of fresh air, and I'm so pleased that you have also endorsed them in the face of demands by Democrats that he be fired. I'm convinced that most Americans are tired of playing host to our enemies and critics who abuse our hospitality, using the United Nations as a platform for insults and propaganda and a headquarters for espionage, while we protect their pampered diplomats and pick up the lion's share of the UN's cost.

I hope you will consider awarding Ambassador Lichenstein a Medal of Freedom. He deserves one for standing up to Soviet delegate Igor Yaklovlev and representing us so well by responding in the only language the Russians understand.

Yours for a Free Society,
STEVE SYMMS, *U.S. Senator.*

P.S.—I've always thought the UN should be moved to Berlin, the one city on earth where Capitalism and Communism, freedom and tyranny, exist side by side. In Berlin, representatives of the world's nations could personally witness and experience the dramatic contrast between our two systems, day in and day out. Maybe that would change their attitudes and actions.

Mrs. KASSEBAUM. Mr. President, I ask unanimous consent that the names of Senator EXON, Senator DOLE, and Senator MCCLURE be added as cosponsors of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PELL. Mr. President, the pending question, as I understand it, is the amendment of the Senator from Kansas to reduce the contribution to the United Nations by 10 percent. Is that correct?

The PRESIDING OFFICER. The Chair will not interpret the amendment.

Mrs. KASSEBAUM. Mr. President, that is correct. The first year, it would be a 21-percent reduction, and the 3 years following that it would be 10 percent.

Mr. PELL. Mr. President, I must oppose this amendment. I understand the aggravation and frustration we feel about the United Nations.

I am the only Member of this body who was at San Francisco and worked for it from its early days. I have always believed in the United Nations. I realize that it has not always lived up to our expectations. It has not prevented many wars, and it has not lived up to many of our other hopes for it. One reason is that the United States and the Soviet Union have never trusted it to handle the big questions. We have only given it the little questions, and it has done the best it could within these constraints.

The United Nations has taught literacy, it has contributed to major advances in global health, and it has prevented many, potentially explosive, smaller conflicts. If there were not a United Nations, we would have to invent one.

For these reasons, I am compelled to oppose the amendment of the Senator from Kansas.

SEVERAL SENATORS. Vote! Vote!

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Kansas. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

● Mr. LEVIN. Mr. President, the Senator from Kansas has offered an amendment that few of us in this Chamber have had a chance to study as it was only announced today. I understand that the Foreign Relations Committee has not had a chance to consider it and that it is opposed by the Reagan administration. It would make drastic, across-the-board cuts in our contributions to the United Nations and several of its specialized agencies. While there may be a case to be made that these organizations are inefficient, frustrating, and wasteful, an amendment proposing such drastic cuts must present that case convincingly, and that has not been done in this case. I might be willing to support cutbacks in our contributions to these organizations if it were clear that our funds are only supporting bureaucratic structures which do no good for the poor and the hungry around the world, but I am not yet convinced that that is true.

It is also important to remember that while the United Nations is often used as a forum to criticize the United States, it is also a forum where world opinion can be shaped to oppose and condemn such atrocities as the Soviet invasion of Afghanistan and the barbaric destruction of the Korean Air Lines 747. If we want to maintain or better still increase our influence in the community of nations, making sudden, deep cuts in our contributions to the organizations which bring all the nations of the world together to work on solutions to common problems is not the course we should follow at this time.●

● Mr. GRASSLEY. Mr. President, I strongly support Senator KASSEBAUM's amendment to reduce 1984 funding earmarked for certain U.N. funding to the 1980 level of funding, with further decreases in the next 3 years.

The Secretary-General of the United Nations in his latest report admits that there has often been very poor oversight of spending in the many programs of that organization. There has often been, the report suggests, an inadequate control of spending on many levels. It appears that there exist few safeguards against poor fiscal management in the United Nations.

It is often not publicized that salaries and benefits of U.N. employees dwarf United States and international earnings averages. Additionally, few questions are asked about the costs of U.N. programs and whether those costs produce the promised results. This amendment causes us to face squarely the fact that funds now paid to the United Nations could more effectively and humanely be utilized elsewhere. By reducing the 1984 funding to 1980 levels and further reducing that figure by 10 percent each year for 3 years, the United States would retain several hundred million dollars. That amount of savings is not insubstantial and could be valuably applied in any number of areas, including use in domestic programs and reduction of the Federal deficit.

This amendment does not put our position in the United Nations in jeopardy as has been charged. The reduced payments would be designated as payments in full, thus avoiding the possibility of fines by the United Nations for averages. In our Federal budget we face the necessity of spending controls. If the United States is to provide a large portion of U.N. funds, that organization must tighten its spending also.●

Mr. STEVENS. I announce that the Senator from Maine (Mr. COHEN), the Senator from Arizona (Mr. GOLDWATER), the Senator from Oregon (Mr. HATFIELD), the Senator from Florida (Mrs. HAWKINS), the Senator from Maryland (Mr. MATHIAS), and the Senator from Vermont (Mr. STAFFORD) are necessarily absent.

I further announce that, if present and voting, the Senator from Oregon (Mr. HATFIELD) would vote "nay."

Mr. BYRD. I announce that the Senator from California (Mr. CRANSTON), the Senator from Connecticut (Mr. DODD), the Senator from Ohio (Mr. GLENN), the Senator from Colorado (Mr. HART), and the Senator from Louisiana (Mr. LONG) are necessarily absent.

The PRESIDING OFFICER (Mr. WARNER). Are there any other Senators in the Chamber wishing to vote?

The result was announced—yeas 66, nays 23, as follows:

[Rollcall Vote No. 266 Leg.]

YEAS—66

Abdnor	Ford	Melcher
Andrews	Garn	Murkowski
Armstrong	Gorton	Nickles
Baucus	Grassley	Nunn
Bentsen	Hatch	Packwood
Biden	Hecht	Pressler
Bingaman	Heflin	Proxmire
Boren	Heinz	Pryor
Boschwitz	Helms	Quayle
Bradley	Huddleston	Randolph
Burdick	Humphrey	Roth
Byrd	Inouye	Rudman
Chiles	Jepsen	Sasser
Cochran	Johnston	Simpson
D'Amato	Kassebaum	Stennis
DeConcini	Kasten	Symms
Denton	Lautenberg	Thurmond
Dixon	Laxalt	Trible
Dole	Leahy	Wallop
Domenici	Lugar	Warner
East	Mattingly	Wilson
Exon	McClure	Zorinsky

NAYS—23

Baker	Danforth	Evans
Bumpers	Durenberger	Hollings
Chafee	Eagleton	Kennedy
Levin	Pell	Stevens
Matsunaga	Percy	Tower
Metzenbaum	Riegle	Tsongas
Mitchell	Sarbanes	Weicker
Moynihan	Specter	

NOT VOTING—11

Cohen	Goldwater	Long
Cranston	Hart	Mathias
Dodd	Hatfield	Stafford
Glenn	Hawkins	

So Mrs. KASSEBAUM's amendment (No. 2201) was agreed to.

Mrs. KASSEBAUM. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. QUAYLE. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2202

Mr. DECONCINI. Mr. President, I send to the desk an amendment and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Arizona (Mr. DECONCINI) proposes amendment numbered 2202.

At the bottom of page 48, add the following:

TITLE VII—GENERAL PROVISIONS

SEC. 701. (a) That it is the sense of the Senate that the Secretary of State should recommend to the Attorney General that extended voluntary departure status be granted to aliens who are nationals of El Salvador and that the Attorney General should exercise his discretion and grant such status to such aliens until the situation in El Salvador has changed sufficiently to permit their safely residing in that country.

Mr. DECONCINI. Mr. President, on May 26, 1983, Senator DURENBERGER and I introduced Senate Resolution 156, a sense of the Senate resolution that the State Department should recommend to the Attorney General that extended voluntary departure status be granted to aliens who are nationals of El Salvador and that the Attorney General should exercise his discretion and grant such status to such aliens until the situation has changed sufficiently to permit their safely residing in that country.

The House of Representatives has included this language in their authorization legislation for the State Department. I rise at this time to offer this sense of the Senate resolution to S. 1342.

It has frequently been my concern as a Senator from the State of Arizona, where we have many El Salvadorans that there is a tremendous problem for these people who come to this country and fear for their life if they are in fact deported.

It has frequently been my concern as a Senator and as a student of American history, that all too often the relationship between American foreign and domestic policy in these two spheres is kept apart artificially and to the detriment of overall U.S. interests.

However, the purpose of this resolution is to help deal with a problem originating not in the artificial separation of domestic and international policy, but in this instance, in the artificial linking of these policies. The problem that I refer to is the status of refugees coming from El Salvador to this country.

We are all aware of our Nation's relationship with the Government of El Salvador and our involvement in that country. The administration has made very clear its decision to help that Government fight off leftist forces backed by Soviet, Cuban and Nicaraguan aid and institute economic reforms to help rectify years of oligarchical rule. I have supported the President in this decision, which has not always been the most popular thing, but I believe he is right and that we have an obligation to help a country that has had elections and has asked our assistance.

But we are considerably less aware of the extent to which refugees from El Salvador are coming into this country, the hardships that they have experienced prior to and in order to get here, and—what is worst of all—we do not realize the hardships that they are forced to endure here in the United States.

The State Department had advised the Immigration and Naturalization Service that at this time, it does not recommend the blanket granting of voluntary departure for illegal Salvadorans presently in the United States. A recommendation to grant voluntary departure for Salvadorans would include providing them with a safe haven in the United States until the political situation in that nation stabilizes, as well as providing other special immigration measures such as permission to work in the United States. According to the State Department, the high levels of violence in El Salvador do not warrant the granting of voluntary departure to Salvadorans presently in the United States. The State Department justifies this determination by indicating that basic public services are still being maintained in El Salvador, particularly in the major cities. I believe that the State Department's case ignores the crucial testimony of Americans who have been to El Salvador and, more importantly, the Salvadorans who have entered this Nation. Some of these people happen to be in my State where I have had an opportunity to discuss the problems and fears on a personal basis.

Who in the Chamber has not heard accounts of atrocities, random violence, deliberate sabotage, and murders committed by both sides in the conflict in El Salvador and committed against innocent civilians? It happens almost on a daily basis. The U.S. High Commissioner for Refugees determined in its September 1981 study that the large number of Salvadorans who enter the United States illegally is causally related to the internal strife in El Salvador, and comparison of INS yearly totals of Salvadorans in this country helps to confirm this determination. Yet, the State Department ignores this evidence in favor of a carefully tailored, impersonal overview of the situation in El Salvador.

At the end of the fiscal year 1982, there were 22,314 Salvadorans waiting in the United States for the claims of asylum to be decided. Since 1980, of the only 1,300 asylum requests decided, INS had granted approximately 6 percent. Through deportation, voluntary departure, or voluntary withdrawal, INS has sent over 24,000 Salvadorans back to their war torn country. This means that every month we send more than 600 people back to a situation where their lives are in imminent danger, either from random or intentional violence.

I believe that the true source of the State Department's reluctance to recommend granting Salvadorans temporary voluntary departure status is the view that this would reflect adversely on our Nation's policy of assisting the Government in El Salvador.

To me, such a judgment does the opposite of what it intends to do. To refuse to recognize the sufferings of these people implies a guilty conscience. I believe it conveys to other nations of the world the view that the Salvadoran Government, by design or impotence, is totally responsible for this suffering and that the U.S. Government, realizing the responsibility of the Salvadoran Government, is burying its head under the sand.

The lives that would be saved and the suffering that would be alleviated are reasons enough in my mind to warrant the granting of voluntary departure for Salvadorans. The opportunity to show to the world that we are cognizant of the suffering caused by the civil war in El Salvador—which I believe has as its root cause the intervention of other outside countries and sources as I mentioned before—should be appealing enough for even the State Department.

Therefore, I urge that we pass this resolution. I firmly believe, because of the experience that I have had in Arizona, Senators from other States like mine, particularly border States, will find a number of Salvadoran refugees who are, indeed, fearful for their lives. Who knows how many would actually be killed. I think it is much better to err on the side of humanitarian assistance in this case rather than to send individuals back to an uncertainty and possible death.

Mr. SYMMS. Will the Senator yield?

Mr. DECONCINI. I yield to the Senator from Idaho.

Mr. SYMMS. I am fascinated by the amendment of the Senator. My question is, Would the Senator consider a modification to his amendment to include Nicaragua, or Nicaraguans?

Mr. DECONCINI. Yes, I would consider that, if the Senator would like to expound on his reasoning for it. My concern in El Salvador, is based on our direct involvement, as a Government policy, in the civil war there.

Mr. SYMMS. If the Senator would yield further, the reason I posed the question is because from my experience in visiting El Salvador, the government that we support is clearly in control of the country and I would doubt if people who returned who shared the ideals of the U.S. Government would be in any jeopardy or necessary danger down there other than the ordinary strife that is going on with the Communist guerrillas. But in Nicaragua the contrary is true where the Communists are in clear control. Those people who for whatever reason were supporters of the Western democratic principles are certainly in jeopardy if they return to Nicaragua to be shot by the Government that is there in power. That is why I asked the question.

Mr. DECONCINI. If the Senator from Idaho will yield, I do not have any objection to his amendment. The basis for my amendment is our official policy of involvement in the Salvadoran conflict. I do not know that we are involved in Nicaragua as an official policy; although I have no objection to the granting of extended voluntary departure status to those Nicaraguans that might be there.

Mr. SYMMS. I thank the Senator.

Mr. SIMPSON addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

Mr. SIMPSON. The Senator from Arizona is speaking, I know, from the best of motives, yet I would resist this sense of the Senate resolution. Here we are again in the area of immigration and refugee policy. When we are in that area, we are in the arena of emotion, guilt, fear, and racism. I said that before in this Chamber. I do not do that to be dramatic. But if there was ever an area where we are addressing an issue out of guilt or emotionalism, this is it.

Let me tell Senators that the chief counsel and staff director of the Immigration and Refugee Policy Subcommittee have just returned from El Salvador with very important information which is contained in a report which will be available to each and every one of us in a few days indicating that there is clear evidence that those who return to El Salvador are not subject to political persecution and are not harmed other than being subject to the same danger as any other citizen would be in a country that is in certain turmoil.

11-059 O-87-34 (Pt. 18)

Today it is estimated that there are over 500,000 Salvadorans in the United States in illegal immigration status—illegal, undocumented workers. There are groups in the United States, and the Senator from Arizona speaks of those, who speak for and ask for extended voluntary departure for those people until the conflict in El Salvador should subside. The United States has done that before. We did that with Ethiopia, Nicaragua, and Poland, for people who were present in the United States at the time of the conflict in their homeland.

The rationale as to why that status has never been extended to these people of El Salvador is that there is no evidence of political persecution. I want Senators to hear that carefully. It is certainly evidenced through the media that there is persecution. It is felt deeply in the heart of sincere people that there is persecution, but there is no evidence of persecution of those who are sent back. And there are other countries of first asylum in Central America who are ready to accept these people. That is a key thing of which I think we should be aware.

Most Salvadorans in the United States are economic migrants, and they come here without a valid claim to persecution in the event they should return voluntarily or be deported. There have been extensive efforts made by many private and religious groups, such as the ACLU and Amnesty International, to determine the fate of Salvadorans returning from the United States, and no evidence has been found to indicate that these returnees are harmed.

There are areas of the country, particularly in the city of San Salvador and the western provinces, where the violence is not intense. There are displaced persons camps throughout the country where food and medical assistance are available and international personnel are present. The Honduran Government—and I trust Senators will hear this—has indicated its willingness to accept all refugees who enter Honduras from El Salvador. In short then, there is a safe refuge in the region.

Here is the irony that we are addressing. A person, if truly fleeing strife or persecution in El Salvador, has an opportunity to obtain refuge in Honduras, or in other Latin American countries where there is refuge and a common language and a common heritage. They do not choose to seek safe haven in those countries, but they can come to the border of the United States of America and say, "I am a refugee." They have had opportunities to seek refuge before they got to this country. They come that extra 2,000 miles to the Unites States for one reason—to obtain an economic opportunity, to work, to obtain a job.

There are 300 to 350 Salvadorans who are currently being returned by the United States to El Salvador each month. From October 1982 to March 1983 there were 2,000 Salvadorans returned. Now, when they go back, indeed, they are subject to, as Senator SYMMS says, the same violence that every resident of that unfortunate country may face, but there is clear evidence that there is no governmentally sanctioned program to target or harass the returning Salvadorans simply because they have been in the United States of America. That is not happening.

There is no evidence of that anywhere. However, no official agency has conducted a followup study on individual Salvadorans returned by the United States. Private, nongovernmental groups cannot, without extreme difficulty, undertake such an assessment on their own without the cooperation, obviously, of the U.S. Immigration and Naturalization Service and the U.S. Embassy. This lack of documentation has resulted in broad support for a field study to determine to the extent possible, given the existing conditions in El Salvador, the fate of those Salvadorans who are being deported or who are returning voluntarily after being apprehended by the Immigration and Naturalization Service. I feel that study should be sponsored by the United States, and I shall recommend that. I think the Senator from Arizona would recommend that. That study could be done on a random basis over a period of several months and implemented by the U.S. Embassy some voluntary group with the cooperation of the Embassy.

The ICRC, the Salvadoran Government's Commission on Human Rights, and a human rights monitoring office associated with the Archdiocese of El Salvador appear happy to accept that role if they should be asked to do that. I feel this recommendation should be implemented without delay.

But until the results of that study are available as to what is happening to those people who are returned, the INS should develop guidelines such as those used in other areas of the world which would identify certain categories of Salvadorans who are more likely subject to ham. There is some evidence that teachers and medical people, for example, may face additional risk.

Here is the final fact I want to share with you. Before the insurgents ever began to create discord in El Salvador, there were 350,000 Salvadorans in the United States. Obviously, they were not refugees when there was no insurgency. There is one thing they were. They were economic migrants—illegal, undocumented workers, 350,000 of them here before any insurgency ever took place in El Salvador.

Then this fact: The second largest flow of illegal undocumented aliens in our country, apprehended by the United States over the years, are El Salvadorans. After Mexicans, they are the second largest illegal flow—and that long before insurgency in their country.

With the refugee camps in Honduras willing to take the Salvadoran seeking a refuge or safe haven, it would be an extraordinary statement for us to say here that we are the country of refuge for the Salvadorans. They have countries of refuge in Central America before they come here. But they do not seek refuge in those countries; they come on to the United States to seek this very special status, a status which is much better than that of an illegal, undocumented worker, we can all be assured.

That is the issue, Mr. President. I was interested in the hypocrisy of a recent lawsuit brought by, I think, a hotel and restaurant workers labor organization. They claim that they, too, were seeking extended voluntary departure for the wretched of El Salvador because if they return, they will be persecuted and killed. How extraordinary a statement, and to come from a labor organization representing undocumented workers, I would assume, because a great part of their interest in the case was that they not lose those workers and those members.

That case was brought on a humanitarian stance, which is somewhat dazzling for me to perceive.

Finally, and then I shall yield to my colleague from Kentucky, there is the issue of asylum applications. The reason we are in turmoil with that particular procedure in this country is that, 3 years ago, we had about 4,000 asylum applications pending, but that system has been so gimmicked that now we have over 170,000 asylum applications pending in the United States. If anyone believes that every one of those people is truly a refugee—and there is no difference between a refugee and asylee except one is here and one is there. In their country when they seek refugee status some nameless officer of the Government just stamps the form and says "Rejected," and that is the end of their due process. Yet, when they come here and seek asylee status, they have six ways to the courthouse and when it is all finished and deportation orders are there, they can start again at "Go," like a Monopoly game.

That is what has happened to asylum applications in the United States. I earnestly hope that in the midst of an issue which is filled with fear, guilt, emotionalism, racism, all the stuff I truck around in in this baby, my colleagues will pay attention to those statistics that I gave.

Mr. HUDDLESTON. Mr. President, will the Senator yield?

Mr. SIMPSON. I yield to the Senator from Kentucky.

Mr. HUDDLESTON. Mr. President, I rise to associate myself with the remarks of the Senator from Wyoming, who has done such an outstanding job as chairman of the Subcommittee on the Judiciary with responsibility for our immigration and refugee policy. I shall add further some thoughts of my own on this particular amendment offered by the distinguished Senator from Arizona. I know the intent and good will that he has put into this particular piece of legislation.

In my study of our immigration and refugee policy in the United States over a number of years, I have to come to the conclusion that this amendment would represent the very worst of our refugee policy. First, it would be an open recruitment for new refugees to come into this country.

Second, it is a policy, really, against the Government of El Salvador that we are extending considerable effort to try to preserve and protect. I cannot think of anything that would be more destabilizing to that government than for the United States to invite into this country as refugees all of the people who want to come from there. I think that would be extremely counterproductive to all of the efforts that we are making in that Central American country to try to preserve stability and create a peaceful situation.

Mr. President, we have already today, at the urging of the distinguished Senator from Massachusetts (Mr. KENNEDY), provided some additional funding to help deal with whatever situation may exist in El Salvador as a result of the hostilities going on there, and dealing with it in that country, where it should be dealt with, and not in this country. I think it is interesting to note that, just today, the Immigration and Naturalization Service revealed that they had apprehended a million—already, this year—1 million illegal aliens coming into the United States.

We know from history that the apprehensions are never more than 50 percent and probably not more than one-third. So I think we can assume from that that somewhere between one-half million and 2 million aliens have come into this country from the southern borders just this year, which is not yet over.

The distinguished Senator from Wyoming correctly describes what a refugee is, but there is one more thing the refugee is.

When an individual has been declared by the United States to be a refugee, he becomes a privileged person in the United States—a privileged person. He has, first of all, numerous agencies which are devoting their time, effort, and money to see that he and his family are taken care of and that he has an opportunity for a job. He has job preferences above veterans, for example. Some individuals who have come to the United States have fought against those veterans in various places in the world; yet, they have a job preference.

He is guaranteed a certain level of income for a period of at least 3 years, and generally forever.

The fact is that a person from El Salvador, if this were to become law and policy, could expect to bring his family to the United States and never work a day in his life and have a better standard of living, more income, than if he stayed in El Salvador and worked hard for the rest of his life.

Mr. KENNEDY. Mr. President, will the Senator yield?

Mr. HUDDLESTON. I yield.

Mr. KENNEDY. I just came to the floor and became aware of the discussion.

I have some familiarity with the Immigration Act as well as the Refugee Act. What provisions of the act is the Senator talking about? There are absolutely no provisions in the Refugee Act which provide that anyone who is permitted to remain in the United States under extended voluntary departure status because of the threat of violence in their home country, could bring their families to the United States. There is no provision that they could receive the social service programs which the Senator has referred to—only the refugees admitted under the Refugee Act are eligible.

Mr. HUDDLESTON. These are refugees.

Mr. KENNEDY. No; they are only given extended voluntary departure status—a kind of temporary safe haven. That is their legal classification, and it is the kind of classification that we have extended with regard to Lebanese during the 1974–75 civil war. We used it with regard to Uganda for about 100 individuals fearful of returning to Idi Amin. It has been used by Republican and Democratic Presidents. And it is being used today for Polish and Ethiopian nationals.

Those people have not been eligible for the social service or welfare programs, nor are they eligible to bring their families here, if they are not already here.

Mr. HUDDLESTON. Is the Senator telling me that there are those here who are not eligible for food stamps, any legal residents of the United States?

Mr. KENNEDY. They are here only temporarily. They are not permanent residents.

Mr. HUDDLESTON. Are they eligible for food stamps?

Mr. KENNEDY. No; if they are here temporarily under extended voluntary departure. They are legally here only until the condition of violence in their homelands change, then they are obligated to return.

Mr. HUDDLESTON. I think the Senator will find that they are. There is nothing here about being temporary, nothing at all.

The point I make is that what we are about to do is to open a flood gate of new entrants into the United States, in a program for which we are now spending nearly $3 billion a year, in a situation where job opportunities are limited at best, and a situation that would not be in the best interest of the Government of El Salvador, which we are spending a considerable amount of money to try to protect.

I think this would be folly on our part and certainly would not be in the best interests of the citizens of the United States. I urge the defeat of this amendment.

SEVERAL SENATORS. Vote! Vote!

Mr. DECONCINI. Mr. President, I am not going to belabor this.

I ask unanimous consent that the name of the Senator from Iowa (Mr. JEPSEN) be added as a cosponsor of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DECONCINI. Mr. President, I point out that I think the Senator from Kentucky is confused. My amendment would not classify these people as refugees. The distinguished chairman of the Subcommittee on Immigration has pointed out that they could easily go to Honduras, Guatemala, or Mexico. Many of them do. But this is a little different.

The U.S. Government is substantially committed, both economically and militarily, to the defense of the existing government there. To my knowledge, Mexico is giving no military assistance or economic assistance to that country, nor is Guatemala. We are there. Our policy is very definite as to what we want to see and what results we would like to see occur there.

Right now, approximately 350 Salvadorans are being deported a month. That was as high as 1,000. We are sending people back to El Salvador today and would be in the next couple of months. While the study goes on it is uncertain what is going to happen to them.

We read in the papers—and those who have visited the country know for themselves—that in El Salvador there are right-wing death squads, abuses by the Government, and by the guerrilla movement. There may also be other revolutionary movements.

When these people go back there it is emotional. Why should it not be emotional? It is emotional if you think you will get your head blown off when you go back home because you are in the province with the guerrillas, or if you happened to have angered some-

one and the right-wing death squad has you on their hit list.

Mr. President, I ask this as the sense of the Senate. It is not mandatory and I really believe that it should be mandatory. But in deference to the Senator from Wyoming, it seems to me that a sense of the Senate is appropriate while we wait for the results of a study. We are doing what is right in El Salvador now by assisting the existing government and we should do right by the people who are fearful of going back.

Mr. President, I ask unanimous consent that the word "Senate" in the first line of my amendment be changed to "Congress."

I ask unanimous consent that the names of the Senator from New Mexico (Mr. BINGAMAN) and the Senator from Minnesota (Mr. DURENBERGER) be added as cosponsors.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURENBERGER. Mr. President, I am delighted that once again the Senator from Arizona is giving us the opportunity to take a step which I believe is needed. As he has already pointed out, the House Committee on Foreign Affairs has already adopted language expressing the sense of the Congress that extended voluntary departure satus be granted to those Salvadorans now resident in this country. I hope that we will follow the lead of the Senator from Arizona and make our bill conform to that of the House.

The real issue here is not immigration policy; instead, it concerns the events now going on in El Salvador and throughout Central America. The unfortunate fact is that in a region torn by civil war, many people must fear for their lives if they should return home. Our own Government has recognized that various individuals might become targets of the insurgents. It is therefore simply not consistent to state that events in El Salvador do not merit EVD status.

Many of those who have entered the country have done so since the rebels' "final offensive" of January 1981, and therefore do not qualify for the amnesty provisions of the Simpson-Mazzoli bill. It is therefore important that we address their status in a special manner.

My deep concern about the plight of the Salvadorans whose lives have been profoundly affected by the violence in their war-torn country has prompted me to contact the State Department numerous times. I have spoken personally with many people during the past several years about the rampant cases of torture and murder carried out against the civilian population by the military, the death squads, and the guerrillas. I believe that the United States bears a certain responsibility for the noncombatant deaths because of our support for the Salvadoran Government and military. This prompted me to meet with then-Secretary of State Alexander Haig over a year ago. I presented him with a letter which outlined my concerns about the refugees who are in this country. I urged him to grant political asylum status to those who had lost family members in the violence and who had a justifiable fear of returning to El Salvador. I wanted to insure that those who truly deserved such status would be assured of receiving it.

When I could see no change in our policies regarding asylum requests, I wrote to Secretary of State George Shultz. Again, I outlined my grave concerns about the plight of the Salvadorans who were in this country and who feared for their safety should they be unwillingly returned to El Salvador. I urged that every opportunity be given to the Salvadorans during the deportation hearings to explain their reasons for fearing a return to their country. I urged that those with a well-grounded fear of persecution or those who presented evidence of torture or repression against their families and coworkers would be granted the opportunity to remain in the United States until it was safe for them to return.

Last month, I had the opportunity to meet with two leaders of a small peasant organization who told me gruesome and horrifying stories of the violence that has been committed against members of their cooperative. The violence they described is typical of the terror that the extremists in El Salvador have carried out for decades. In this instance, however, the army was involved, which makes the point even more telling.

A land dispute between the cooperative and the former landowner was being resolved in the courts. Not satisfied with the way the proceedings were going, the landowner contacted his son's godfather, who was a colonel in the army. The landowner donned a mask to conceal his identity and joined the army patrol in visiting the village and pulling out selected co-op members for revenge. At least 20 people were killed, some by machete slashes in the shape of a cross.

There can be no justification for this type of vicious murder, but unfortunately for the people of El Salvador, this type of wanton violence is far too common. These incidents point up the randomness of the violence and confirm in vivid terms how much the common man and woman have to fear.

While random violence in El Salvador is horrifying because of its arbitrariness and the perpetrators' fascination with perverse methods of torture, the acts of calculated and premeditated violence are even more despicable. Amnesty International has amassed countless testimonies of violence and terror in El Salvador and the rest of Central America. Their investigations have shown repeatedly that those individuals who are relatives of victims, or who have condemned the abuses, face a special threat to their well-being. Additionally, those who have entered the U.S. illegally, been apprehended by the INS, and deported may well risk their lives by returning to El Salvador. This was precisely the case for Santana Chirino Amaya who was found tortured, murdered, and decapitated after he had been deported and returned to El Salvador. A companion, Bernardo Antonio Rivas, 14 years of age, suffered the same fate. In an interview with a former career military officer of the Salvadoran Army, Amnesty International learned that deportees faced a special threat upon their return to El Salvador and were frequently tortured before they were murdered.

The civil war is now more protracted than ever, with no end to the violence in sight. The number of refugees residing in the United States is unknown, but estimated to be at least 60,000. In 1982, the INS granted only 65 Salvadorans political asylum and deported 2,118 to El Salvador. I find it difficult to believe that the INS can support so few asylum petitions, given the kind of evidence that has been presented to me. It is because I believe the evidence is so compelling that I support granting extended voluntary departure status to the Salvadorans who are in this country without proper documentation.

This is not the first time that extended voluntary departure has been granted to the citizens of an entire nation. More importantly, however, if implemented this policy would be a signal that the refugees would eventually return to their country and not become permanent residents of the United States or a burden on our public assistance system.

My support of the granting of extended voluntary departure stems from my firm conviction that refugees who return unwillingly to El Salvador face a special threat that the general population does not face, whether from the right or the left. The evidence that has been presented to me from a variety of sources indicates that this fear is well founded and that it justifies the same special status that was granted to oppressed people in the past, most notably the Ethiopians, Poles, and Afghans. It is a humanitarian approach for dealing with a serious problem that exceeds the bounds of human decency. It is a humane approach to an inhumane problem.

Mr. President, I ask unanimous consent to have printed in the RECORD my two letters to the Secretary of State and a response from the Department of State.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
COMMITTEE ON FINANCE,
Washington, D.C., March 26, 1982.

Hon. ALEXANDER M. HAIG, Jr.,
The Secretary of State,
Washington, D.C.

DEAR SECRETARY HAIG: I am writing to you regarding the granting of asylum to Salvadorans in this country.

The United States must continue to be a haven for those who are true political refugees. I recognize that the United States cannot be the only source of asylum for those who flee political persecution. International refugees are an international responsibility. However, I am greatly concerned about the Salvadorans who are in the United States and who seek refugee status.

The United States bears a special responsibility in this instance because of its support for the Duarte government. The Duarte government is being harassed by both the extreme right and the extreme left. As a result, public officials, businessmen, educators, agrarian workers, trade unionists, and peasants face a double threat from those who would bring about leftist repression and those who would return El Salvador to its brutal post.

In recent months that Salvadoran military has been implicated in a number of serious and disturbing incidents involving violence against the unarmed civilian population. The incidence of political persecution, whether from the right or the left, is rising as political factions become increasingly polarized and desperate.

At one time, prominent and wealthy Salvadorans feared kidnapping and random attacks of violence by armed extremists. The activities of the leftist guerrillas are now far more sophisticated and intimidating. The threats to mayors and citizens who participate in the upcoming elections are a case in point. Likewise, on the right, the torture and molestations are ever more gruesome. One no longer needs to be intimately involved in political activity to be a target for repression. Now one can be victimized for merely living in the same village, working on the same farm, or having the same last name as an activist.

Those Salvadorans who have been in this country since the early days of the violence may possibly not qualify for refugee status or asylum under our laws. However, Salvadorans in the United States who have lost family members to the current violence justifiably fear a return to El Salvador. It is my opinion that they properly qualify as political refugees, and should be treated as such.

I want to reiterate that I do not believe that all expatriate Salvadorans merit refugee status. I do, however, urge that you extend every consideration to the requests of Salvadorans for political asylum so that those who truly deserve such status will be assured of receiving it.

Sincerely,

DAVE DURENBERGER.
U.S. Senator.

DEPARTMENT OF STATE,
Washington, D.C., April 7, 1982.

Hon. DAVID DURENBERGER,
U.S. Senate.

DEAR SENATOR DURENBERGER: I refer to your letter of March 26, 1982 about the granting of asylum to Salvadorans in this country.

You correctly point out in that violence is an enormous problem in El Salvador and that hardly any segment of the population is immune from this threat. The upshot of this is the fear shared by many Salvadorans of a return to their country. Salvadorans and others in this country may, and frequently do, apply for political asylum status. The granting of asylum in this country is governed by the United Nations Convention and Protocol Relating to the Status of Refugees and U.S. law. Such treaty and law provide sanctuary for persons fleeing persecution.

Under the U.N. Convention and Protocol on Refugees, the United States is prohibited from undertaking the forced expulsion (refoulement) of a refugee to a country or frontier where persecution is likely to occur. In addition, the Refugee Act of 1980 provides for the granting of asylum status to those who establish a well-founded fear of persecution upon return to their country of nationality for reasons of race, religion, nationality membership of a particular social group, or political opinion. The responsibility for establishing a well-founded fear of persecution rests with each applicant.

As a signatory to the United Nations Protocol Relating to the Status of Refugees, the United States is well aware of its obligations and responsibilities, including the prohibition against the refoulement of refugees. We have a long-standing record of support for relief activities on behalf of refugees and a generous resettlement policy. No other country has provided as much assistance or resettlement opportunities to refugees as the United States.

Matters regarding exclusion or deportation proceedings or voluntary departure are, of course, under the jurisdiction of the Immigration and Naturalization Service (INS). The Immigration and Naturalization Service (INS) does not classify Salvadorans or members of any other nationality in the United States as refugees unless they individually establish that their fear of being persecuted is a well-founded one.

A request for asylum should be reasonably related in point of time and circumstances to the flight from the country of nationality. It is our view that the majority of Salvadorans in the United States did not depart their country solely to seek safe haven in this country. Most traveled through third countries before entering the United States, and many of them entered quite some time ago. Other countries closer to El Salvador—Honduras, for example—have been generous in offering safe haven to Salvadorans who have fled. Thus, the United States is not the only possible refuge, nor can it in most cases be considered the country of first refuge.

The INS has informed us that no Salvadoran asylum-seeker is sent back until a determination has been made that the claimant has not established a well-founded fear of persecution. It is not necessary "formally" to request asylum. If a positive indication of unwillingness to return to the homeland is made, and if the unwillingness is based on a fear of being persecuted, that is sufficient to have the case processed through asylum procedures. For those who establish a well-founded fear of persecution upon return to their country, the Department, in its advisory opinion, will so inform the appropriate INS District Office. Those who do not are not eligible for asylum.

In view of the available remedies to refugees from El Salvador under the asylum provisions of the Immigration and Nationality Act, as amended, and the U.N. Convention and Protocol on Refugees, we do not consider blanket voluntary departure status as an appropriate alternative in the circumstances. The Department of State and our Embassy in San Salvador will continue to monitor the situation carefully. It should go without saying that this is not an easy task. However the procedures for a considered and just determination are in place and are being used by our officers.

I trust that the foregoing views will be helpful in understanding our position on the granting of asylum and on voluntary departure status for Salvadorans in this country.

Sincerely;

ALVIN PAUL DRISCHLER,
Acting Assistant Secretary
for Congressional Relations.

U.S. SENATE,
COMMITTEE ON FINANCE,
Washington, D.C., April 27, 1983.

Hon. GEORGE SHULTZ,
Secretary of State.
Department of State, Washington, D.C.

DEAR MR. SECRETARY: I am contacting you regarding my ongoing concern about Salvadorans who have requested political asylum.

Last year, I met with Secretary of State Haig to discuss our policies in Central America, and I brought up the problem of the refugees. During our meeting, I said that I believed these Salvadorans had left their country for a variety of reasons during the last several years. While I realize that strict criteria exist for granting political asylum. I believe that many of these people justifiably fear returning to their homeland. Although some may have fled originally because of economic reasons, the level of violence and the uncontrolled acts of terrorism that have been committed in their villages since they left have put their very lives in jeopardy. I urged the Secretary to reconsider the criteria for accepting and denying applicants for political asylum so that those who expressed a reasonable fear of reprisal would be allowed to remain in the United States until it is safe to return.

I continue to be very disturbed by the incidents of violence that have been reported to me by many sources. Several weeks ago, I met with two Indians who told me about atrocities committed in their village by the army. I believe the wanton violence they described is not rare in El Salvador. In this instance the army entered a village in Sonsonate where the people had been apolitical and had shown no particular allegiance to either the government forces or the guerrillas. The atrocities committed there in late February were described as a case of harassment by the landowners of the peasant-run cooperative, and could not be attributed to any security threat. I was told that the commander was godfather to the son of one of the large landowners and was asked to interfere because of a business dispute.

As you know so well, Mr. Secretary, the violence in El Salvador knows no boundaries and is not carried out on the battlefield alone. Innocent noncombatants have suffered extraordinary losses because of it. These incidents, which are foreign to us, are unfortunately too routine in El Salvador. They underscore the fear that people have about returning to their villages.

The U.S. agencies responsible for implementing refugee policy have outlined for me the distinction between immigrants and refugees and have stated that many of these applicants do not meet the criteria for political asylum. Many of the Salvadorans, who

are not cognizant of the distinctions between these two categories and who fear for their lives, may not immediately say so when first questioned. I believe every effort should be made by INS officers and State Department officials to determine whether violence perpetrated by rightist death squads, the security forces, and leftist guerrillas has created a bona fide reason for these Salvadorans to fear a return to their country.

A number of American churches around the country have been so concerned about the plight of these Salvadorans that they have opened their churches to those who fear for their safety should they return to their homes. While I do not countenance these acts of civil disobedience, I recognize why these groups have chosen to lend their support to these people. They share with me a sense of frustration that the very real threat the Salvadoran refugees face is being underestimated or disregarded.

As I pointed out in my letter to Secretary Haig, the United States bears a special responsibility for events in El Salvador because of our support for the Duarte and Magana governments and the armed forces. Therefore, it is particularly important that we display as much understanding as possible when evaluating the asylum petitions.

I am particularly concerned about our policies because asylum seems to be more easily granted to highly-visible or well-known persons who present far less criteria for fear of persecution than have the thousands of Salvadoran applicants.

I appreciate your assistance in this matter and look forward to your reply.

Sincerely,

DAVE DURENBERGER,
U.S. Senator.

Mr. SIMPSON. Mr. President, let me add a concluding remark, and I share this with my colleague from Arizona.

The extended volunary departure status may well have the effect—I think we should all be aware of that—of drawing additional Salvadorans to this country to obtain the advantage of that status. We had that debate on the immigration bill.

The State Department has advised us that it believes this indeed occurred when the status was granted to Nicaraguans. Thousands came to the United States to obtain that status. It is not unreasonable to expect that this would happen with the Salvadorans. I share that with my fellow Senators.

Yesterday, the INS testified, as we prepared for the refugee consultation, that they had no way, with their present existing equipment and procedures, to document or know the whereabouts of persons who have been granted extended voluntary departure status in the United States. There is no way they have been able to identify where they are or who they are. They would not be able to see to it that the Salvadorans would leave the country, which is the purpose of extended voluntary departure, after the conditions in their country have changed.

If the conditions in El Salvador changed, there would be no way to determine who then would have been in the status of extended voluntary departure or whether or not they left the country.

I share that with Senators, I am fully aware of the difference between extended voluntary departees and refugees. But next step for extended voluntary departees, those who receive the status, is perhaps refugee status. They do not return, because the historic flow of El Salvadorans to this country consists of economic migrants, not refugees.

Mr. SYMMS. Mr. President, will the Senator yield for a clarification? I will be brief.

Mr. SIMPSON. I yield.

(Mr. HECHT assumed the chair.)

Mr. SYMMS. Mr. President, earlier in the debate I asked a question about Nicaragua. I want to be sure that it is clearly understood that any person who would be sent from this country back to Nicaragua that would be in danger by the Communist government in Nicaragua, under our present law, is protected.

Mr. SIMPSON. That would be a refugee or in extended voluntary departure status.

Mr. SYMMS. I thank the Senator.

SEVERAL SENATORS. Vote.

Mr. DECONCINI. Mr. President, I will be prepared to vote in 1 minute. I think it is important to note that the Nicaraguan people were granted temporary extended voluntary departure status in the United States right before Somoza fell. I think it is very important that we also grant it now. I think it is the right thing to do because we are committed in support of the government.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Arizona (Mr. DECONCINI).

All in favor, say "aye." Opposed, "no."

The noes appear to have it.

The amendment is not agreed to.

Mr. DECONCINI. Mr. President, I move to reconsider the vote and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

Mr. BAKER. Mr. President, if the Senator really wants a rollcall vote on a motion to reconsider—it is late and Senators need to get away—if he insists on that, it would be better if we went back and tried to have a rollcall on the amendment itself.

Mr. President, I ask unanimous consent that it be in order to vacate the result of the voice vote and to recognize the Senator from Arizona for the purpose of asking for the yeas and nays on the amendment.

Mr. PERCY. Mr. President, reserving the right to object, and I shall not object, I agree with the procedure. I have consulted with my colleague, Senator PELL, and we think it would be probably in the best interest for us to stay here tonight and clean up all the amendments that can be done by voice vote that are noncontroversial and assure Senators there will be no further rollcall votes. We would even try to take up a few of those that would require rollcall votes tomorrow. The rollcall votes would occur possibly early in the afternoon. We have a commitment that we will certainly be leaving early afternoon. We will try to accommodate Senators that way so they will not have to stay around all night.

Mr. BAKER. Mr. President, if this amendment is defeated, there will be no more record votes tonight. Tomorrow we will go on, or attempt to go on, the export-import bill at 10 a.m.

Mr. DECONCINI. Will the majority leader yield? Did the majority leader say "if this amendment is defeated"?

Mr. BAKER. Yes, Mr. President. If there is another motion—to reconsider, for instance, and there might be—I cannot assure there will not be a rollcall vote on that.

Let me withdraw the statement and say that I do not anticipate another rollcall vote after the disposition of this amendment unless it is a vote to reconsider.

Mr. DECONCINI. Mr. President, will the Senator from Tennessee yield?

Mr. BAKER. Yes.

Mr. DECONCINI. Regardless of how this vote comes out, I do not intend to ask for another rollcall vote tonight on this or any other amendment. I want to make that clear.

Mr. BAKER. Mr. President, after the disposition of this amendment—let me put it that—there will be no more record votes. Members should understand that there is still a technical possibility we could have another vote. But let us get on with the vote and see how that goes.

The PRESIDING OFFICER. Without objection, the request of the majority leader is agreed to.

Mr. DECONCINI. Mr. President, I ask for the yeas and nays on my amendment.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. SIMPSON. Mr. President, I move to table the sense of the Senate resolution of the Senator from Arizona. That would be the question.

The PRESIDING OFFICER. The question is on the motion to table.

Mr. BUMPERS. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Wyoming (Mr. SIMPSON) to table the amendment of

the Senator from Arizona (Mr. DECONCINI). The yeas and nays have been ordered and the clerk will call the roll.

The bill clerk called the roll.

Mr. STEVENS. I announce that the Senator from Maine (Mr. COHEN), the Senator from Arizona (Mr. GOLDWATER), the Senator from Oregon (Mr. HATFIELD), the Senator from Florida (Mrs. HAWKINS), the Senator from Maryland (Mr. MATHIAS), the Senator from Oregon (Mr. PACKWOOD), the Senator from Vermont (Mr. STAFFORD), and the Senator from Wyoming (Mr. WALLOP) are necessarily absent.

On this vote, the Senator from Wyoming (Mr. WALLOP) is paired with the Senator from Oregon (Mr. HATFIELD).

If present and voting, the Senator from Wyoming would vote "yea" and the Senator from Oregon would vote "nay."

Mr. BYRD. I announce that the Senator from Texas (Mr. BENTSEN), the Senator from California (Mr. CRANSTON), the Senator from Connecticut (Mr. DODD), the Senator from Missouri (Mr. EAGLETON), the Senator from Colorado (Mr. HART), the Senator from Louisiana (Mr. LONG), and the Senator from Massachusetts (Mr. STENNIS) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber wishing to vote?

The result was announced—yeas 59, nays 26, as follows:

[Rollcall Vote No. 267 Leg.]

YEAS—59

Abdnor	Garn	Percy
Andrews	Gorton	Pressler
Armstrong	Hatch	Proxmire
Baker	Hecht	Pryor
Biden	Heflin	Quayle
Boren	Heinz	Randolph
Bumpers	Helms	Roth
Burdick	Huddleston	Rudman
Byrd	Humphrey	Sasser
Chiles	Johnston	Simpson
Cochran	Kassebaum	Stevens
D'Amato	Kasten	Symms
Danforth	Laxalt	Thurmond
Dixon	Lugar	Tower
Dole	Matsunaga	Trible
Domenici	Mattingly	Warner
East	McClure	Weicker
Evans	Murkowski	Wilson
Exon	Nickles	Zorinsky
Ford	Nunn	

NAYS—26

Baucus	Grassley	Metzenbaum
Bingaman	Hollings	Mitchell
Boschwitz	Inouye	Moynihan
Bradley	Jepsen	Pell
Chafee	Kennedy	Riegle
DeConcini	Lautenberg	Sarbanes
Denton	Leahy	Specter
Durenberger	Levin	Tsongas
Glenn	Melcher	

NOT VOTING—15

Bentsen	Goldwater	Mathias
Cohen	Hart	Packwood
Cranston	Hatfield	Stafford
Dodd	Hawkins	Stennis
Eagleton	Long	Wallop

So the motion to lay on the table amendment No. 2202, as modified, was agreed to.

Mr. SIMPSON. Mr. President, I move to reconsider the vote by which the motion to lay on the table was agreed to.

Mr. BAKER. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2203

(Purpose: To limit the participation of sitting ambassadors in domestic political campaigns)

Mr. DECONCINI. Mr. President, I have an amendment I send to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Arizona (Mr. DECONCINI) proposes amendment numbered 2203.

Mr. DECONCINI. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 24, between lines 19 and 20, insert the following new section:

"DOMESTIC POLITICAL ACTIVITIES OF AMBASSADORS

"Sec. 122. Paragraph (3) of Section 7324 (d) of such title is amended by inserting '(other than an ambassador or minister, except when taking part in activity described in subsection (a) on behalf of a Presidential political campaign) of after in its relations with foreign power or'."

Mr. DECONCINI. Mr. President, the amendment I am proposing would amend the Hatch Act to prohibit amabassadors from making political contributions and taking part in political campaigns.

Currently, ambassadors and Cabinet members are exempt from the limitations on political activity which the Hatch Act applies to the vast majority of Government employees. I am not a supporter of the Hatch Act in terms of its broad implications—in my view, Federal workers—except in the case of sensitive Justice Department, intelligence agency, and Internal Revenue Service positions—should have the same political rights as other citizens. However, if the intent of the Hatch Act is to prevent partisan politics from interfering in the way Federal workers do their jobs, it seems particularly important that this proviso be applied to the position of ambassador. Our ambassadors' main function is to convey a certain image of the United States—an image that is as consistent and clear as possible. Professionalism is a highly prized attribute of an ambassador. Unfortunately, when an ambassador engages in partisan politics, campaign rhetoric combined with the expediency of the moment tends to lead to the distortion of American foreign policy.

The State Department's official policy frowns upon such partisan activity by ambassadors, but this does not seem to deter some ambassadors who are willing to sacrifice professionalism for the sake of grinding a particular political ax for the sake of pleasing political superiors. An ambassador to a foreign country serves as a vital link between our country and the government of a country to which he or she is accredited. Statements the ambassador may make are carefully scrutinized by the government of the host country as reflections of the policies of the government the ambassador represents. An ambassador becomes an almost totally public personna who cannot afford to make offhand comments or to engage in partisan politics.

During my recent reelection campaign, one particular individual accredited as an American ambassador to a Latin American country came to Arizona and interjected himself in the campaign. He made commercials endorsing my opponent on the basis of a series of statements about Central America that ran counter to official American policy. Frankly, I found the behavior startling and terribly damaging to our Central American policy.

I was equally amazed to discover that while a lowly clerk in the bureaucracy, whose participation in politics carries with it absolutely no implications about government policy, is forbidden to do so by the Hatch Act, an ambassador whose every work and action conveys to foreigners the views and attitudes of the American Government is under no such stricture. Surely, this must be an oversight resulting from the simple fact that the situation has never arisen. I believe that most of us, Mr. President, assume that ambassadors would have better sense than to embroil themselves in a political campaign. It certainly requires an incredible lack of judgment to do so.

The amendment I am introducing will eliminate the loophole which presently allows ambassadors to engage in overt political activity. I believe that the amendment not only is in keeping with the orginal intent of the Hatch Act, but it makes good foreign policy sense.

Mr. President, this amendment is quite simple. It is proposed to amend the Hatch Act to place some prohibition on ambassadors political activities but still permit them to be involved in the Presidential political campaign.

I believe the amendment has been cleared on both sides.

Mr. PERCY. Mr. President, I trust that Members of the majority side are familiar with the amendment.

It had not been well known that Senator DECONCINI would be offering this. I have not heard of any objections. I do not have any objections myself.

Without then hearing any other objections, I propose that we vote on the amendment.

Mr. PELL. Mr. President, I think this amendment as modified by the Senator from Arizona is a good amendment. While restricting an ambassador's political activity in non-Presidential campaigns, it recognizes the fact that an ambassador is the representative of the chief of state and if that ambassador wishes to campaign for or against the Presidential candidate in a Presidential election he should have the complete freedom to do it. He should not be subject to the restrictions of a civil servant.

I think that this gives an ambassador that political freedom which he should have.

I speak personally in this regard because I have in my possession a letter from President Franklin Roosevelt requesting my father who was then a chief of mission abroad to come over and campaign for him. This amendment would not prohibit an ambassador from assisting in such a campaign and I think this exception is very reasonable.

The PRESIDING OFFICER. Is there further debate? The question is on agreeing to the amendment of the Senator from Arizona.

The amendment (No. 2203) was agreed to.

Mr. DECONCINI. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. BAKER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BAKER. Now, Mr. President, may I ask the distinguished managers of this measure to let me put a unanimous-consent request that will create a brief period of the transaction of routine morning business so that calendar items and certain other things can be taken care of before we resume the consideration of those matters on the State authorization bill which will not require a rollcall vote tonight.

Mr. PERCY. I have no objection whatsoever. I would like to inquire of the majority leader about how long he feels that will take.

Mr. BAKER. I feel it will take 5 minutes.

ROUTINE MORNING BUSINESS

Mr. BAKER. Mr. President, I ask unanimous consent that there now be a period for the transaction of routine morning business to extend not past 8:40 p.m. in which Senators may speak.

The PRESIDING OFFICER. Without objection, it is so ordered.

SENATE SCHEDULE

Mr. BAKER. Mr. President, first let me say that there will be no more record votes tonight. When we come back tomorrow, it is the intention of the leadership to ask the Senate to turn first to the consideration of the Export-Import Bank Act of 1945 rather than resume consideration of the State authorization bill.

The reason for it, frankly, is because both the chairman and ranking minority member of the Foreign Relations Committee will be occupied in an executive session of the Foreign Relations Committee in the morning and not available on the floor.

After the Export-Import Bank matter is disposed of, we will go back to the State authorization bill.

ORDERS FOR FRIDAY

ORDER FOR RECESS UNTIL 9:30 A.M. TOMORROW

Mr. BAKER. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 9:30 a.m. tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR PERIOD FOR THE TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. BAKER. Mr. President, I ask unanimous consent that on tomorrow, after the recognition of the two leaders under the standing order, there be a period for the transaction of routine morning business to extend from that moment until 10 a.m. in which Senators may speak for not more than 1 minute each.

The PRESIDING OFFICER. Without objection, it is so ordered.

REPORT OF SENATE DELEGATION

Mr. BAKER. Mr. President, in late May of this year, at my request, Senator RICHARD LUGAR headed a bipartisan delegation of U.S. Senators to the United Kingdom, The Netherlands, Belgium, and the Federal Republic of Germany to discuss items of mutual concern and interest with our NATO allies.

I ask unanimous consent that the report of the delegation be printed as a Senate document.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXTENSION OF REPORTING DEADLINE

Mr. BAKER. Mr. President, it is clear I think that we are not going to be able to comply with the provisions of House Concurrent Resolution 91 on the date specified. I believe this request has been cleared on both sides.

I ask unanimous consent that Senate committees instructed pursuant to that resolution, that is to say, House Concurrent Resolution 91, be given until October 17, 1983, to report their recommendations to the Senate Committee on the Budget.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE CALENDAR

Mr. BAKER. Mr. President, I have three calendar items that appear to be cleared on this, I would say to the minority leader. First is Calendar Order No. 382, then 393, and last 395.

May I inquire of the minority leader if he is prepared to consider all or any part of those items at this time?

Mr. BYRD. Mr. President, those matters have been cleared on this side of the aisle.

Mr. BAKER. I thank the minority leader.

PROMOTING TRAVEL TO THE UNITED STATES DURING THE 1984 OLYMPIC GAMES

Mr. BAKER. Mr. President, first, then, I ask that the Chair lay before the Senate, Senate Resolution 167, Calendar Order No. 382.

The PRESIDING OFFICER. The resolution will be stated by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 167) expressing the sense of the Senate that the Federal Government take all necessary steps to promote travel to the United States by foreign visitors during the 1984 summer Olympics and the 1984 Louisiana World Exposition, to inform such visitors of recreational and commercial opportunities throughout the United States, and to facilitate their entry into and travel within this country.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. PRESSLER. Mr. President, I am glad the full Senate is considering this important resolution. The United States will have an opportunity in 1984 to make great strides in improving its image and marketability as an international travel destination. The 1984 summer Olympics, which will be in Los Angeles, and the Louisiana World Exposition in New Orleans are two events which will undoubtedly attract thousands of foreign visitors. The benefits to the United States from this increase in foreign visitorship are numerous. The financial gains are staggering by themselves, but they are not the only positive result. The benefits in terms of international understanding and goodwill will be huge. The people who return home across the globe will pass along stories of their adventures and their impressions of the United States. Obviously, it is to our benefit to make sure that all these

foreign visitors are accommodated and made to feel welcome.

Unfortunately, it is all too likely that many of these travelers will begin their visits with an unpleasant encounter at one of our international airports. I am referring to the fact that the Customs Service and the Immigration and Naturalization Service are not prepared to handle the large increase in foreign arrivals which will be experienced next year. If only certain ports were affected the problem would not be so severe. However, foreign visitors will be arriving at various spots all over the country, and we simply do not have adequate Customs and INS personnel at all locations to deal with this influx.

The problem this creates goes beyond simple delays at the passenger's point of arrival. Flight connections and other plans could be disrupted as well. And, perhaps most significantly, these visitors are sure to take back home with them horror stories about the long delays and possibly rude treatment by tired, overworked inspection personnel. This could obviously have a major negative impact on our image as an attractive international destination and could cost us future tourism business. And we know very well that every lost visitor reduces our tourism trade income and costs the American economy thousands of dollars.

Someone may well ask why a Senator from South Dakota cares about international tourism business which is going to primarily benefit the west coast and the gulf coast. I am concerned because of two reasons. First, tourism is my State's second largest industry, and while the international share of the total is relatively small, the fact remains that foreign visitors spend more than domestic tourists, and it is also true that they generate future business through word of mouth advertising. Anything which is good for travel and tourism in general is good for my State.

It is also true that many of the visitors to Los Angeles and New Orleans will visit other areas of the country. I am certain that some will come to South Dakota to hunt, fish, or tour the Black Hills and Mount Rushmore. In simple terms, I want to increase the number of foreign visitors to the United States because it is bound to help both the economy of South Dakota and the national economy; and that will create new jobs.

In any event, we cannot maximize these benefits unless we develop a system for processing arriving visitors which will assure them of prompt, friendly service. If we treat them as potential lawbreakers instead of guests we are doing ourselves a disservice by discouraging future travel.

As a way of dealing with this situation I introduced Senate Resolution 167. It encourages the Secretary of Commerce to do all he can to promote and expedite the entry of foreign visitors and goods and to promote a full range of commercial opportunities as well.

In addition, it requests the Secretary to work with the Attorney General and the Secretary of the Treasury to develop a plan for the consolidation of the inspection services under their jurisdiction. Studies have shown that a consolidation of the functions of Customs and INS would result in an agency which could handle a larger workload in less time, and probably with fewer people than are currently employed by the two agencies separately.

As a supporter of the travel and tourism industry and as one who is anxious to see its job creation potential be maximized, I ask that my colleagues join me in supporting Senate Resolution 167.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 167) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 157

Whereas in 1982 some twenty-two million foreign tourists visited the United States;

Whereas, in addition to promoting international trade and friendly relations among nations, these foreign visitors spent $12,000,000,000 on goods and services while in the United States;

Whereas a substantial increase in the number of foreign visitors to the United States is expected in 1984 in conjunction with the holding of the Olympic games in Los Angeles, California, and the Louisiana World Exposition in New Orleans, Louisiana; and

Whereas it is in the interest of the United States to encourage as many foreign visitors to the United States as possible, to inform such visitors of recreational and commercial opportunities throughout the United States, and to facilitate their entry into and travel within the United States: Now, therefore, be it

Resolved, That it is the sense of the Senate that:

(1) The Secretary of Commerce should undertake all necessary steps to encourage foreign nationals to attend the 1984 Olympic games and the Louisiana World Exposition.

(2) In conjunction with these efforts, the Secretary of Commerce should implement a systematic plan to interest such foreign nationals in other recreational and commercial activities throughout the United States.

(3) The Secretary of Commerce should consult with the Secretary of the Treasury and the Attorney General of the United States to develop and implement, before the 1984 Louisiana World Exposition, a national plan to consolidate the inspection functions pertaining to international travelers and cargo carried out by the Cabinet departments listed above. In order to reduce and eliminate any unwarranted delays and inconvenience to passengers and shippers at United States gateway and preclearance airports, such plan should include, but not be limited to, the increased use of automated and advanced screening techniques that enhance both law enforcement and the expeditious flow of passengers and cargo, expansion of simplified passenger and cargo inspection procedures, and more cost effective use of combined Federal manpower resources.

(4) The Secretary of Commerce should, pursuant to section 202 of the International Travel Act of 1961, assist State and local governments, and other private and public entities, to facilitate and encourage travel throughout the United States by residents of foreign countries visiting the United States for the 1984 Olympic games and the 1984 Louisiana World Exposition.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

APPRECIATION OF JAPANESE GOVERNMENT IN CONNECTION WITH THE KOREAN AIR LINES TRAGEDY

Mr. BAKER. Mr. President, next I ask that the Chair lay before the Senate, Senate Resolution 223.

The PRESIDING OFFICER. The resolution will be stated by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 223) to express the appreciation of the American people for the efforts of the Japanese Government in connection with the Korean Air Lines tragedy.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. MURKOWSKI. Mr. President, I thank the senior Senator from Alaska (Mr. STEVENS) and the Senator from Illinois (Mr. PERCY) the Senators from South Dakota (Mr. ABDNOR and Mr. PRESSLER) the Senator from Minnesota (Mr. BOSCHWITZ), the Senator from New Mexico (Mr. DOMENICI), and the Senators from Washington (Mr. EVANS and Mr. GORTON) for cosponsoring this resolution. I hope that all my colleagues will join us in supporting this expression of gratitude to the Japanese people for their contribution to helping the world understand the facts surrounding the Korean airliner tragedy.

The Japanese Government has made two unique contributions. First, the Government of Japan decided to release the intelligence tape which recorded the Soviet pilot's communication with the ground command post. Without that tape, Soviet evasion and disinformation might have been more convincing and the world would have had a much more difficult time judging the truth. The Japanese have also played an invaluable role in assisting international efforts to search the seas

in the area where the plane is believed to have gone down. We all hope that the so-called black box, the in-flight recorder, can soon be found so that we may have all the available facts at our disposal.

Japan has also demonstrated a reaction to the tragedy which is similar to our own:

On behalf of its people, the Japanese Government has strongly demanded from the Soviet Union a full explanation and formal apology.

Both Houses of the Japanese Parliament, the National Diet, have adopted resolutions unanimously denouncing the Soviet Union.

The Government of Japan has decided to suspend Aeroflot flights and Japan Airline flights between Japan and the Soviet Union.

Mr. President, as the chairman of the Senate Foreign Relations Subcommittee on East Asian and Pacific Affairs, I am aware that the United States-Japan relationship is not without friction. But the unity of outlook and purpose that we have demonstrated in the aftermath of this tragic event has once again proven the fundamental strength of our partnership. Our sense of outrage at Soviet brutality, our bereavement for the victims, and our determined search for the truth are shared by our Japanese friends.

Mr. President, I hope that this resolution will receive the unanimous support of my colleagues.

Mr. STEVENS. Mr. President, I commend Mr. MURKOWSKI for his leadership in putting forth this resolution. Also, I wish to emphasize the thanks that we are extending to the Japanese Government. Their efforts have not gone unnoticed and will be remembered by the United States and the rest of the international community. Their part in the investigation of the Korean Air Lines flight 007 tragedy was essential and further demonstrates the strong ties that bind our two countries together. The downing of the Korean Air Lines flight 007 will not be soon forgotten by this country. The Japanese Government should be remembered for their conscious attention to assist our country in finding the answers to this deplorable act.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 223) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 223

Whereas, the United States and Japan have both condemned the Soviet action against Korean Air Lines flight 7 resulting in the loss of two hundred and sixty-nine lives;

Whereas, the Japanese Government made the decision to release the transcript of the Soviet pilot's transmission to the ground control post;

Whereas, that transcript has provided a basis for international efforts to obtain the truth regarding this tragedy;

Whereas, the Japanese Government has joined with the United States in taking action against Aeroflot;

Whereas, the Japanese Government has facilitated international efforts to search the seas in the area near the crash site; and

Whereas, the Japanese Diet has considered and already passed resolutions condemning the Soviet action: Now, therefore, be it

Resolved, That it is the sense of the Senate that the United States owes the Japanese a debt of gratitude for their full and complete cooperation, which reflects the strong ties between our two peoples and Governments.

SEC. 2. The Secretary of the Senate shall transmit a copy of this resolution to the President with the request that he further transmit such copy to the Government of Japan.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. MURKOWSKI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

CHALLENGE GRANT AMENDMENTS OF 1983

Mr. BAKER. Last, Mr. President, in this sequence, I ask now that the Chair lay before the Senate S. 1872, Calendar Order No. 395.

The PRESIDING OFFICER. The bill will be stated by title.

The assistant legislative clerk read as follows:

A bill (S. 1872) to increase endowment funds for eligible individuals under part C of title III of the Higher Education Act of 1965.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

● Mr. STAFFORD. Mr. President, the legislation before us today would complete a task begun by the Education Subcommittee during the reauthorization of the Higher Education Act in 1980. At that time, our Members were concerned about the lack of direction and purpose for the developing institutions program, or title III of the Higher Education Act.

After many long months of debate, we voted to dramatically change the program so that its purpose would be to improve the educational opportunities and management at those schools which serve large numbers of low income students. As we all well know, it is these institutions which were hardest hit by the inflation of the last decade, because they were unable and unwilling to pass onto their students from disadvantaged families their dramatically increasing costs.

I am pleased by the reports I have received from my Vermont constituents, as well as those from all over the Nation that the new title III program is working. Institutions are required to raise matching money for some of the grants, and the emphasis on improving management practices at our colleges has begun to pay off. Title III has enabled institutions with few resources to improve the quality of their academic program, thereby directly touching the lives of many students.

I want to commend the leadership of Secretary Bell in this area and also note the hard work of my colleague PAUL SIMON, who is chairman of the House Postsecondary Education Subcommittee on this issue. Without their enthusiastic support of the title III program, many small institutions in this Nation, particularly those enrolling large numbers of minority students, might not be functioning today. Mr. President, I ask that this bill's letter of transmittal from Secretary Bell to Vice President Bush be included in the RECORD at the end of my statement.

Mr. President, I also want to commend President Reagan for his very active support for this bill and his efforts to assure prompt consideration of this matter. Over 20 percent of this Nation's black students are enrolled in minority institutions, the majority of which would be provided additional assistance under the provisions of this bill. This Senator greatly appreciates the administration's interest in promoting the independence and self-sufficiency of these schools as well as improving educational opportunities for disadvantaged and minority students through this legislation.

Mr. President, one issue left undone in 1980 would be addressed by the legislation before us today. This is a program of endowment grants to eligible title III institutions which would promote the independence and self-sufficiency of these schools. This legislation would expand the current challenge grants program of title III to establish a Federal-institutional partnership designed to enhance the long-term financial stability of participating institutions. Without increasing the amount spent on title III by the Federal Government, a total of nearly $7 million would be available for the program for fiscal year 1984.

Competition for these funds would occur in the usual manner, with higher educational institutions applying as part of an annual competition.

Mr. President, I urge my colleagues to support this important measure at this time so the Secretary can begin this program as soon as possible.

The letter follows:

U.S. DEPARTMENT OF EDUCATION,
Washington, D.C., September 19, 1983.
Hon. GEORGE P. BUSH,
President of the Senate,
Washington, D.C.

DEAR MR. BUSH: Enclosed for consideration of the Congress is a bill entitled the "Challenge Grant Amendments of 1983."

The purpose of this bill is to amend Parts C and D of Title III of the Higher Education Act of 1965 to authorize a program of matching endowment grants to eligible institutions. These grants would promote the independence and self-sufficiency of these institutions by aiding and encouraging them to develop endowment funds, and by providing them with incentives to promote fundraising activities.

Since its beginning, Title III has changed from a program with no defined institutional matching requirements to the current three-part configuration under which two of the three parts (Parts B and C) require significant institutional matching. This bill would continue this trend and would expand the scope of the Challenge Grant program to establish a Federal/institutional partnership designed to enhance the long-term financial stability of participating institutions.

As you know, this Administration is on record as supporting the general concept of Federal assistance in building endowments for institutions under the Title III program. Our proposal meets the following important criteria: (1) provides budget authority of a meaningful size without being an open door to Federal exposure to unlimited program costs; (2) clearly constructs endowment support as a separate program rather than just an "add-on" activity; (3) clarifies the funding eligibility period; (4) liberalizes the type of investment permitted; (5) improves financial incentives for endowment growth by establishing limitations on use of income generated; and (6) establishes penalties for using grant funds improperly.

I believe that enactment of this legislation would be most effective in assisting current and future participating institutions in achieving independence, self-sufficiency, economic viability and long-run financial stability. Without this legislation, the educational potential of all these institutions may remain in jeopardy and the promise of many may never be realized.

The Office of Management and Budget advises that the enactment of this proposed legislation would be in accord with the program of the President.

Sincerely,

T. H. BELL,
Secretary.●

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 1872

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Challenge Grant Amendments of 1983".

SEC. 2. Part C of title III of the Higher Education Act of 1965 (hereinafter in this Act referred to as "the Act") is amended by adding after section 332 the following new section:

"ENDOWMENT GRANTS

"SEC. 333. (a)(1) The purpose of this section is to establish a program to provide matching grants to eligible institutions of higher education in order to establish or increase endowment funds at such institutions, to provide additional incentives to promote fundraising activities by such institutions, and to foster increased independence and self-sufficiency at such institutions.

"(2) For purposes of this section:

"(A) The term 'endowment fund' means a fund established by State law, by an institution of higher education, or by a foundation which is exempt from taxation and is maintained for the purpose of generating income for the support of the institution, but which shall not include real estate.

"(B) The term 'endowment fund corpus' means an amount equal to the grant or grants awarded under this section plus an amount equal to such grant or grants provided by the institution.

"(C) The term 'endowment fund income' means an amount equal to the total value of the endowment fund established under this section minus the endowment fund corpus.

"(b)(1) From sums available for this section under section 347, the Secretary is authorized to award endowment grants to eligible institutions of higher education to establish or increase an endowment fund at such institution. Such grants shall be made only to eligible institutions described in paragraph (4) whose applications have been approved pursuant to subsection (g).

"(2) No institution shall receive a grant under this section, unless such institution has deposited in its endowment fund established under this section an amount equal to the amount of such grant. The source of funds for this institutional match shall not include Federal funds or funds from an existing endowment fund.

"(3)(A) The period of a grant under this section shall be not more than twenty years.

"(B) During the grant period, an institution may not withdraw or expend any of the endowment fund corpus.

"(C) After the termination of the grant period, an institution may use the endowment fund corpus plus any endowment fund income for any educational purpose.

"(4)(A) An institution of higher education is eligible to receive a grant under this section if it is an eligible institution as described in section 331(a)(1).

"(B) No institution shall be ineligible for an endowment grant for a fiscal year by reason of the previous receipt of such a grant, but no institution shall be eligible to receive such a grant for more than two fiscal years out of any period of five consecutive fiscal years.

"(5) An endowment grant under this section to an eligible institution year shall—

"(A) not be less than $50,000 for any fiscal year; and

"(B) not be more than (i) $250,000 for fiscal year 1984; or (ii) $500,000 for fiscal year 1985 or any succeeding fiscal year.

"(6)(A) An eligible institution may designate a foundation, which was established for the purpose of raising money for the institution, as the recipient of the grant awarded under this section.

"(B) The Secretary shall not award a grant to a foundation on behalf of an institution unless—

"(i) the institution assures the Secretary that the foundation is legally authorized to receive the endowment fund corpus and is legally authorized to administer the fund in accordance with this section and any implementing regulations;

"(ii) the foundation agrees to administer the fund in accordance with the requirements of this section and any implementing regulations; and

"(iii) the institution agrees to be liable for any violation by the foundation of the provisions of this section and any implementing regulations, including any monetary liability that may arise as a result of such violation.

"(c)(1) An institution awarded a grant under this section shall enter into an agreement with the Secretary containing satisfactory assurances that it will (A) immediately comply with the matching requirements of subsection (b)(2), (B) establish an endowment fund independent of any other such fund of the institution, (C) invest the endowment fund corpus, and (D) meet the other requirements of this section.

"(2)(A) An institution shall invest the endowment fund corpus and endowment fund income in low-risk securities in which a regulated insurance company may invest under the law of the State in which the institution is located such as a federally insured bank savings account or comparable interest bearing account, certificate of deposit, money market fund, mutual fund, or obligations of the United States.

"(B) The institution, in investing the endowment fund established under this section, shall exercise the judgment and care, under the circumstances then prevailing, which a person of prudence, discretion, and intelligence would exercise in the management of his own affairs.

"(3)(A) An institution may withdraw and expend the endowment fund income to defray any expenses necessary to the operation of such college, including expenses of operations and maintenance, administration, academic and support personnel, construction and renovation, community and student services programs, and technical assistance.

"(B)(i) Except as provided in clause (ii), an institution may not spend more than 50 per centum of the total aggregate endowment fund income earned prior to the time of expenditure.

"(ii) The Secretary may permit an institution to spend more than 50 per centum of the endowment fund income notwithstanding clause (i) if the institution demonstrates such an expenditure is necessary because of (I) a financial emergency, such as a pending insolvency or temporary liquidity problem; (II) a life-threatening situation occasioned by a natural disaster or arson; or (III) another unusual occurrence or exigent circumstance.

"(d)(1) If at any time an institution withdraws part of the endowment fund corpus, it shall repay to the Secretary an amount equal to 50 per centum of the withdrawn amount, which represents the Federal share, plus income earned thereon. The Secretary may use such repaid funds to make additional endowment grants, or to increase existing endowment grants, to other eligible institutions.

"(2) If an institution expends more of the endowment fund income than is permitted under subsection (c), the grantee shall repay the Secretary an amount equal to 50 per centum of the amount improperly expended (representing the Federal share thereof). The Secretary may use such repaid fund to make additional endowment grants, or to increase existing endowment grants, to other eligible institutions.

"(e) An institution receiving a grant under this section shall provide to the Secretary (or his designee) such information (or access thereto) as may be necessary to audit or ex-

amine expenditures made from the endowment fund corpus or income in order to determine compliance with this section.

"(f) In selecting eligible institutions for grants under this section for any fiscal year, the Secretary shall—

"(1) give priority to an applicant which is a recipient of a grant made under part A or B of this title during the academic year in which the applicant is applying for a grant under this section; and

"(2) give priority to an applicant with a greater need for such a grant, based on the current market value of the applicant's existing endowment in relation to the number of full-time equivalent students enrolled at such institution;

"(3) consider—

"(A) the effort made by the applicant to build or maintain its existing endowment fund; and

"(B) the degree to which an applicant proposes to match the grant with nongovernmental funds.

"(g) Any institution which is eligible for assistance under this section may submit to the Secretary a grant application at such time, in such form, and containing such information as the Secretary may prescribe. Subject to the availability of appropriations to carry out this section and consistent with the requirement of subsection (f), the Secretary may approve an application for a grant if an institution, in its application, provides adequate assurances that it will comply with the requirements of this section.

"(h)(1) After notice and an opportunity for a hearing, the Secretary may terminate and recover a grant awarded under this section if the grantee institution—

"(A) expends portions of the endowment fund corpus or expends more than the permissible amount of the endowment funds income as prescribed in subsection (c)(3);

"(B) fails to invest the endowment fund in accordance with the investment standards set forth in subsection (c)(2); or

"(C) fails to properly account to the Secretary concerning the investment and expenditures of the endowment funds.

"(2) If the Secretary terminates a grant under paragraph (1), the grantee shall return to the Secretary an amount equal to the sum of the original grant or grants under this section plus income earned thereon. The Secretary may use such repaid funds to make additional endowment grants, or to increase existing endowment grants, to other eligible institutions.".

SEC. 3. Section 347 of the Act is amended—

(1) by inserting after the period at the end of subsection (a)(2) the following: "Of the amount appropriated for such part for fiscal year 1984, 20 per centum shall be available for grants under section 333 of such part, and of the amount appropriated for such part for fiscal year 1985, 100 per centum shall be available for grants under such section"; and

(2) by adding at the end thereof the following new subsection:

"(f) For each fiscal year, the Secretary may reserve from the appropriation for part B not more than an amount equal to the aggregate amount grantees receiving grants under part B would contribute under section 324 to the cost of the grants in that fiscal year, assuming the grant amounts remain the same as those received in the prior fiscal year, and may use those funds to award grants to eligible institutions under section 333. In reserving and awarding such funds, the Secretary shall assure that funds that would have been reserved under part B for the institutions described in subsection (c) or (e) shall continue to be set aside under section 333 for those institutions.".

SEC. 4. (a) Section 516(c) of the Omnibus Education Reconciliation Act of 1981 is amended by striking out paragraph (1) and inserting in lieu thereof the following:

"(1) The total amount of appropriations to carry out title III of the Higher Education Act of 1965 shall not exceed $134,416,000 for fiscal year 1984.".

(b) Section 503 of such Act is amended by striking out "1982, 1983, and 1984" and inserting in lieu thereof "1982 and 1983 and $159,700,000 for fiscal year 1984".

(c) Notwithstanding section 516(g) of such Act, there are authorized to be appropriated such sums as may be necessary to carry out parts A and B of title VII of the Higher Education Act of 1965.

(d) Subsections (a)(2), (b), and (c) of section 721 of the Higher Education Act of 1965 shall not apply to funds appropriated by Public Law 98-63 for part B of title VII of the Higher Education Act of 1965. Such funds shall be used in accordance with section 713(g) of such Act and distributed in accordance with the statement of the managers pertaining to the appropriation of such funds, as contained in the conference report on Public Law 98-63 (H. Rep. 98-308, p. 53).

Mr. BAKER, Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

INTERVENTION OF SENATE LEGAL COUNSEL

Mr. BAKER. Mr. President, next I send to the desk a Senate resolution for myself and the distinguished minority leader, and I ask for its immediate consideration.

The PRESIDING OFFICER. The resolution will be stated by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 227) to direct the Senate Legal Counsel to intervene in the name of the Select Committee on Intelligence in Maryann Paisley v. Central Intelligence Agency, et al.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. BAKER. The oversight of intelligence agencies is a vital function of the Senate Select Committee on Intelligence. In furtherance of that responsibility, the committee from time to time will make certain congressional documents available to those agencies for limited purposes. To facilitate this interchange it is important to recognize the continuing congressional control of these documents, and their confidentiality until released by the committee which created them. A recent decision of the U.S. Court of Appeals for the District of Columbia, in the case of Maryann Paisley against Central Intelligence Agency, presents serious difficulties to this necessary exchange of information. At the request of the leadership of the Intelligence Committee, the following resolution will direct the Senate legal counsel to intervene in that case in the name of the committee to seek review of critical portions of the court's ruling.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 227) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 227

Whereas, in the case of Maryann Paisley v. Central Intelligence Agency, et al., No. 82-1799, the United States Court of Appeals for the District of Columbia Circuit held that documents created by the Select Committee on Intelligence are not exempt congressional records under the Freedom of Information Act;

Whereas, the Court's decision threatens the ability of the Select Committee on Intelligence to fulfill its oversight responsibilities through the exchange of documents with the executive branch;

Whereas, pursuant to sections 703(c), 706(a), and 713(a) of the Ethics in Government Act of 1978 (2 U.S.C. §§288b(c), 288e(a), 288l(a) (Supp. V 1981)), the Senate may direct its Counsel to intervene in the name of a committee of the Senate in any legal action in which the powers and responsibilities of Congress under the Constitution are placed in issue;

Whereas, the Chairman and Vice-Chairman of the Select Committee on Intelligence have requested that the Senate Legal Counsel be authorized to intervene in this case in the name of the Committee for the purposes of petitioning for rehearing and participating in any further proceedings; Now, therefore, be it

Resolved, That the Senate Legal Counsel is directed to intervene in the name of the Select Committee on Intelligence in the case of Maryann Paisley v. Central Intelligence Agency, et al.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

THE EXECUTIVE CALENDAR

Mr. BAKER. Mr. President, finally, I say to the minority leader that there are certain items on today's Executive Calendar that have been cleared on this side. I specifically invite his attention to those nominations under New Reports, beginning with Department of State on page 1; all of the nominations on page 1 following New Reports,

and all of the nominations on page 2 and page 3.

May I inquire of the minority leader if he is prepared to consider all or any part of these nominations?

Mr. BYRD. Mr. President, all of the nominees so named have been cleared on this side of the aisle, with the exception of Calendar No. 312 on page 3.

Mr. BAKER. I thank the minority leader.

EXECUTIVE SESSION

Mr. BAKER. Mr. President, I ask unanimous consent that the Senate now go into executive session for the purpose of considering the nominations just identified, excluding nomination No. 312 as identified by the minority leader.

There being no objection, the Senate proceeded to the consideration of executive business.

The PRESIDING OFFICER. The nominations will be stated.

DEPARTMENT OF STATE

The assistant legislative clerk read the nomination of Peter Jon de Vos, of Florida, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the People's Republic of Mozambique.

The PRESIDING OFFICER. Without objection, the nomination is considered and confirmed.

Mr. BAKER. I move to reconsider the vote by which the nomination was considered and confirmed.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMBASSADOR

The assistant legislative clerk read the nomination of Millicent Fenwick, of New Jersey, for the rank of Ambassador during the tenure of her service as U.S. Representative to the Food and Agriculture Organizations in Rome.

Mr. BRADLEY. Mr. President, I was pleased to serve with Millicent Fenwick for 4 years as a member of the New Jersey delegation to Congress. I can say without reservation that the President could not have selected someone who will bring greater dedication and more energy to the task of resolving the staggering problem of world hunger.

Millicent's life for the last two decades has been testament to her commitment to improving the lives of those around her—starting as a member of her local borough council, then as chairman of the Governor's Committee on Equal Employment Opportunity, as cochairman of New Jersey's bipartisan conference on civil rights, as director of the New Jersey Division of Consumer Affairs, and finally, in her 8-year career as a Member of Congress.

Millicent also has the remarkable ability to get people to like her and admire her. Combined with her determination and dedication, I am sure we will have a potent force for action when we confirm Millicent Fenwick and start her on yet another exemplary career in public service.

Mr. LAUTENBERG. Mr. President, I am pleased that the Senate is set to approve the nomination of Millicent Fenwick to be Ambassador and U.S. Representative to the Food and Agriculture Organizations of the United Nations in Rome. While in the Congress, Mrs. Fenwick was a strong force for the poor and disadvantaged in countries throughout the world. I know she will bring the same compassion and experience to bear in this often neglected, yet vital part of our international relations.

The United States traditionally has played a key role in world food and agricultural problem solving, including food and agricultural research and development, the furtherance of food security in the Third World, and in general economic development. Our contributions go far beyond emergency relief to assistance in providing a safe, nutritious, and reliable food supply for every person in every country.

Still, there may be as many as 600-million people each day in developing countries who do not have access to enough food to meet their nutritional needs. According to food and agriculture organizations and World Health Organization figures, that is about 46 percent of the total population in those developing countries.

Whether the problem is one simply of insufficient food supply or one of inadequate access or distribution of food, there is a need for the United States to provide bold leadership in the international effort to find solutions. We need an Ambassador-level appointee to focus our efforts in this regard. Our country will be well served by an experienced and committed individual like Mrs. Fenwick to press forward these programs, both in Rome and here in Washington, D.C.

The PRESIDING OFFICER. Without objection, the nomination is considered and confirmed.

Mr. BAKER. I move to reconsider the vote by which the nomination was considered and confirmed.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AFRICAN DEVELOPMENT FOUNDATION

The assistant legislative clerk read the nominations of:

Chester A. Crocker, an Assistant Secretary of State, to be a member of the Board of Directors of the African Development Foundation.

Francis Stephen Ruddy, an Assistant Administrator of the Agency for International Development, to be a member of the Board of Directors of the African Development Foundation.

Patsy Baker Blackshear, of Maryland, to be a member of the Board of Directors of the African Development Foundation.

Charles G. Wells, of Illinois, to be a member of the Board of Directors of the African Development Foundation.

William F. Pickard, of Michigan, to be a member of the Board of Directors of the African Development Foundation.

The PRESIDING OFFICER. Without objection, the nominations are considered en bloc and confirmed.

Mr. BAKER. I move to reconsider the vote by which the nominations were considered and confirmed.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

BOARD FOR INTERNATIONAL BROADCASTING

The assistant legislative clerk read the nominations of:

Joseph Lane Kirkland, of the District of Columbia, to be a member of the Board for International Broadcasting;

Arch L. Madsen, of Utah, to be a member of the Board for International Broadcasting;

James Albert Michener, of Pennsylvania, to be a member of the Board for International Broadcasting;

Clair W. Burgener, of California, to be a member of the Board for International Broadcasting; and

Malcolm Forbes, Jr., of New Jersey, to be a member of the Board for International Broadcasting;

The PRESIDING OFFICER. Without objection, the nominations were considered en bloc and confirmed.

Mr. BAKER. I move to reconsider the vote by which the nominations were considered and confirmed.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

U.S. INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

The assistant legislative clerk read the nomination of Henry F. Schickling, of Pennsylvania, to be a member of the Board of Directors of the Overseas Private Investment Corporation.

The PRESIDING OFFICER. Without objection, the nomination is considered and confirmed.

Mr. BAKER. I move to reconsider the vote by which the nomination was considered and confirmed.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

DEPARTMENT OF THE TREASURY

The assistant legislative clerk read the nomination of Katherine D. Ortega, of New Mexico, to be Treasurer of the United States.

Mr. DOLE. Mr. President, I am very pleased to report the unanimous recommendation of the Committee on Finance that the Senate give its advice and consent to the nomination of Ms. Katherine D. Ortega, whom President Reagan has nominated to be Treasurer of the United States. I believe that Senator DOMENICI, who is well acquainted with Ms. Ortega and who introduced her to our committee, along with Representative LUJAN, will concur in my judgment that Ms. Ortega brings outstanding credentials to this important position. Her nomination continues the pattern of outstanding nominees the committee has recently considered for various Government posts.

A recent commercial for the American Express Co. features a former Treasurer asking, "Do you know me?"—an ironic query, because the Treasurer's signature appears on millions of pieces of U.S. currency. In view of her qualifications, I suspect Ms. Ortega's face as well as her name will become well known to all of us in the years to come.

The low profile of Treasurers in the past perhaps resulted from the relatively narrow range of responsibilites entrusted to them. That has changed in the Reagan administration. Secretary Regan has assigned the Treasurer management responsibilities for the Bureau of the Mint, the Bureau of Printing and Engraving, and the U.S. savings bond program. Thus, if confirmed, Ms. Ortega will be responsible, among other things, for producing the Nation's coins, including special coins such as ones for the Olympics; protecting the integrity of its currency; processing and safeguarding its bullion; supporting the management of its debt; and convincing its citizens to invest in the Nation's bonds. Over 5,000 employees will assist her in these endeavors, and she will administer budgets totalling $280 million.

Fortunately, Ms. Ortega brings excellent qualifications to this position of increased responsibility. After completing an economics and business degree in 2½ years, Ms. Ortega commenced a distinguished career as an accountant and banker. Along the way she has been a tax supervisor with Peat, Marwick, Mitchell, & Co.; vice president and cashier of Pan American National Bank; president and director of Santa Ana State Bank in California; and commissioner of the Copyright Royalty Tribunal. She was the first woman to serve as president of a bank in the State of California, a distinction that particularly qualified her for her recent service on President Reagan's Advisory Committee on Small and Minority Business Ownership.

Ms. Ortega, a native of New Mexico, posseses the finest traits of integrity and industry characteristic of her native State—and, I should add, of its elected representatives. She will make a fine Treasurer, and I urge my colleagues to support her nomination.

Mr. DOMENICI. Mr. President, it is my distinct pleasure to be here on the floor of the U.S. Senate today for a very important occasion. Today marks another step in the confirmation process of Katherine D. Ortega to serve as the 38th Treasurer of the United States.

I am very pleased to recommend confirmation of Katherine Ortega to be U.S. Treasurer. Katherine was born and educated in New Mexico, and I am proud of the accomplishments of this fine and outstanding woman.

New Mexico is a State with a reasonably small population. Everybody knows everybody. We keep track of the children that grow up and leave and make significant contributions to society. We have all watched Katherine's development and have all kept track of her achievements over the years. New Mexico was proud of her when she graduated with honors. She completed her B.A. degree in business and economics at Eastern New Mexico University in just 2½ years. Her hometown of Alamogordo smiled approvingly when she passed her C.P.A. exam and joined the family-owned accounting firm. Folks were not too surprised, though, because her eight older brothers and sisters had already established the family as business leaders in the community. In fact, she was the third C.P.A. in the family.

Her friends in New Mexico encouraged her when, in the late 1960's, she became a tax supervisor with a "big eight" public accounting firm. Her aunts and sisters were particularly proud because, in 1969, Katherine was one of a rare number of female accountants employed at a top national accounting firm. It was not long until Katherine achieved the honor of being the first woman bank president in the history of the State of California. Justifiable pride was bolstered again 7 years later, in 1982, when Katherine was appointed by President Reagan and confirmed by the Senate to be a Commissioner for the Copyright Royalty Tribunal, in Washington, D.C.

People in New Mexico have watched Katherine Ortega move through progessively more responsible positions. Even though she moved away, strong family ties to New Mexico remain strong. She has served as consultant to Otero Savings & Loan Association in Alamogordo, N. Mex. This is a family-owned institution, and Katherine's sister is on its board of directors.

This brief outline of her career is evidence of her success and ability, but up until now, as far as I know, no one has asked for Katherine's autograph. However, with her appointment to serve as the U.S. Treasurer her signature will be well-known and appreciated since it will appear on all new U.S. currency. In addition to this special honor, her responsibilities will include managing the Bureau of the Mint, the Bureau of Engraving, and the U.S. Savings Bond program. She will have 5,000 employees and a budget of $280 million.

I heard Katherine speak at the White House ceremony for Hispanic Heritage Week earlier this week. I was inspired by her remarks. She talked about how her Hispanic tradition gave her a strong devotion to her family. She talked about a heritage of hard work, patience, determination, and perserverance. She acknowledged that our social, economic, and political systems make upward mobility and success possible. Katherine has worked hard, been patient but determined. By anybody's measure, she achieved success in her community, in the financial world and in the Reagan administration and I am confident she will serve well as the next Treasurer of the United States.

I am very pleased that once again, a New Mexican is being selected to serve as the U.S. Treasurer. Francine Erving Neff was the last New Mexican to mind the mint. That was in 1974.

I believe that the President has nominated a remarkably qualified and capable person. I was pleased that the Finance Committee acted with such expeditious speed on her nomination and I hope that the Senate will vote favorably on her nomination.

Thank you, Mr. President.

The PRESIDING OFFICER. Without objection, the nomination is considered and confirmed.

Mr. BAKER. I move to reconsider the vote by which the nomination was considered and confirmed.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BAKER. Mr. President, I ask unanimous consent that the President of the United States be immediately notified that the Senate has given its consent to these nominations.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. BAKER. Mr. President, I ask unanimous consent that the Senate now return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

BILL HELD AT THE DESK—H.R.3871

Mr. BAKER. Mr. President, I have a request that H.R. 3871, which has reached us from the other body, be held at the desk until the close of business tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. BAKER. Mr. President, there are two rule XIV matters, I believe, to be taken up. I notice the Senator from West Virginia, the minority leader, has one. I believe the Senator from North Carolina (Mr. HELMS) has another. I yield so the minority leader may seek recognition.

Mr. BYRD. I thank the majority leader.

EMPLOYMENT OPPORTUNITIES IN HIGH UNEMPLOYMENT AREAS

Mr. BYRD. Mr. President, I understand that a message from the House is at the desk with reference to H.R. 1036.

The PRESIDING OFFICER. The Senator is correct.

Mr. BYRD. I ask for its first reading.

The PRESIDING OFFICER. The clerk will state the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 1036) to provide employment opportunities to long-term unemployed individuals in high unemployment areas in projects to repair and renovate vitally needed community facilities, and for other purposes.

Mr. BYRD. Now, Mr. President, I ask for second reading.

Mr. BAKER. Mr. President, I object to further consideration of the bill at this time.

The PRESIDING OFFICER. The bill having been received and read the first time today, and objection having been made to the second reading, it will be held at the desk pending its second reading on the third legislative day.

ORDER OF BUSINESS

Mr. BAKER. Mr. President, I understand Senator HELMS will not pursue the rule 14 matter he was interested in. I shall withdraw that request.

I have a second remaining in morning business. I thank all Senators for giving us the opportunity to intervene at this time. I repeat there will be no more rollcall votes tonight. I invite the managers of the bill to proceed as they can on amendments without rollcall.

NATIONAL BUSINESSWOMEN'S DAY

Mr. DOMENICI. Mr. President, in noting this day as National Businesswomen's Day many persons will rightfully applaud the tremendous inroads American women have made in the business world during the last decade. Statistics will be cited, indicating that not only do women comprise more than half of the labor force as a whole, but they are increasingly visible as executives and managers. Such achievement will be underscored by the fact that women are also branching out into fields and careers heretofore dominated by men. Clearly this represents great progress from which we all derive not only many benefits, but great pride as well. And certainly this overall achievement for women as a group cannot be noted without extending the highest praise to the pioneers among them who reached the top of their professions—along a road, which, I might add, they often had to forego alone.

I rise today not only to join in the commemoration of these advances and recognize how pivotal the contributions of American businesswomen have been to our Nation's success, but to rally support for an even greater presence of women at all levels of business. For while 40 percent of the largest U.S. corporations have at least one woman on the board of directors, a fourfold increase over the last decade, and there are currently 527 directorships held by women, this represents only 3 percent of the total seats on these major boards. What these numbers can be translated to read is that the unique perception, experience, and expertise of women is, to a great extent, absent in many areas of American business. This can only be viewed as a detriment to national progress—particularly at a time when we are seeking ways to revitalize American industry. To achieve this we require determination, stamina, and the courage to present new options and initiatives. American businesswomen at all levels have demonstrated, often in the face of great obstacles, just these characteristics. And it is for this reason that in our collective effort to strengthen the American economy and provide greater opportunity for all of our citizens, we must make exhaustive efforts to insure that the insights of more than half our population become increasingly decisive.

As we all know, American business wields a tremendous amount of power in this country, which is why a statement made by Frederick Douglass on Government seems applicable to me about business:

A government by man alone is at best only a half supplied government. It is like a bird with one wing * * * unable to soar * * * to the highest and best.

In marking National Businesswomen's Day, let us not, in celebrating the achievement of the past, forget that in order to reach our full potential, we need even more women in places of power.

Honoring American businesswomen today reminds me that women in the work force have created some situations that require congressional attention. Breaks in service rules, pensions, child care are three areas that need legislative updating because so many women work. Equal pay for equal work is still an ideal, but one that this Congress is very much committed to. I am very pleased with some of the initiatives that are working their way through the legislative process of the Congress. At least three very important committees, the Finance Committee, the Judiciary Committee, and the Labor and Human Resources Committee are addressing issues that focus on the working woman. Last week the Judiciary Committee marked up S. 501 which is a bill which will eliminate more than 150 discriminatory references in the United States Code. Those statutes comprise the Federal laws of our land.

The Finance Committee has had a full agenda regarding economic equity. S. 19 deals with pension reform; S. 1691 addresses the problem of delinquent child support. There are bills to increase the child care tax credit and to make it refundable so as to be more beneficial to lower income earners. I anticipate that several of these bills will be passed by this Congress.

The increased employment participation of women is one of the most important employment trends in this century. The contributions that American businesswomen make to our economy and society deserve our attention, not only today but throughout the years.

HENRY M. JACKSON

Mr. LAUTENBERG. Mr. President, I ask unanimous consent to have this eulogy of Senator Henry M. Jackson printed in the CONGRESSIONAL RECORD. Mr. Wiesel was a friend and admirer of Senator Jackson as noted by his touching statement.

There being no objection, the eulogy was ordered to be printed in the RECORD, as follows:

HENRY M. JACKSON

It was a moment that stood on the other side of time, on the other side of existence. On the heels of the American liberators, a Congressional delegation arrived in Buchenwald on April 12, 1945. Our eyes met in a unique encounter, one that left an indelible imprint on the consciousness of both. In that moment of grace, I could not have pos-

sibly foreseen that this fateful meeting between the representative of the free world, Henry M. Jackson, and the emaciated young boy would be just the first of many. What Jackson saw then colored his philosophical and political life. In his persistence to remind the world that only by the collective effort of free humanity can the future of liberty be safeguarded, Jackson became a witness to the past he had seen in Buchenwald. For Jackson, true to his beliefs, a sentiment turned into thought, and thought yielded action.

AMERICAN BUSINESS WOMEN'S DAY

Mr. THURMOND. Mr. President, I rise to call attention to the fact that today, September 22, 1983, has been designated by Congress as "American Business Women's Day."

Each day, millions of women in our country enter the business world to face the demands and challenges of their occupations, taking on great responsibilities and making difficult decisions that affect virtually every American. Businesses, large and small, depend on their expertise and skillful execution of their respective tasks.

We have seen the growing working force of American women change the dynamics of our society. Their countless contributions are significant, and their influence continues to make a positive impact on our country.

Mr. President, it is altogether appropriate that this day is officially set apart as "American Business Women's Day." I am pleased that Congress has made this designation, and it is my hope that all Americans will appreciate and recognize, not only today, but every day, the valuable role of American business women.

SENATOR NUNN

Mr. KENNEDY. Mr. President, over the years, SAM NUNN has built up a reputation as an exceptionally talented, hard working, and articulate Senator—and a leader on matters relating to defense. On the Senate Armed Services Commitee, where SAM and I serve together, he commands the respect of Republicans as well as Democrats.

Bernard Weintraub, of the New York Times recently wrote a profile of our colleague and Georgia's senior Senator which appeared on September 20. Mr. Weintraub described SAM'S rapid rise within our ranks—and how, at the relatively young age of 45, he has become the ranking Democrat on the Armed Services Committee.

We all know that nobody can fill the shoes of Scoop Jackson. But nobody that I know can come closer to doing that than my friend, SAM NUNN.

I ask unanimous consent that Mr. Weintraub's profile of SAM be included in the CONGRESSIONAL RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times, Sept. 20, 1983]

IF THE QUESTION IS MILITARY, ASK NUNN

(By Bernard Weintraub)

WASHINGTON, Sept. 19—On the Senate floor the older men cluster around the slight, dapper figure with oversize spectacles, a pinstripe suit, glistening loafers and a soft Georgia drawl.

"When I came here in 1972 it wasn't very popular for new Senators to be involved in military issues; there was the residue of Vietnam," said Senator Nunn. "I wanted to get involved. For me, personally, I guess I was born and bred into it."

At the age of 45, Sam Nunn, who has emerged in recent years as one of the most formidable and influential military specialists in Congress, is set to replace his mentor, the late Henry M. Jackson, as ranking Democrat on the Armed Services Committee.

The new job, and the possibility that, at a relatively young age, Mr. Nunn may one day take over as chairman of the powerful committee, should the Democrats regain control of the Senate, places Sam Nunn deep inside the fabric of power in the Washington establishment and makes him a dominant figure in Congress.

He speaks with a trace of mixed feelings about his new role and his voice shakes a bit when he is talking about "Scoop" Jackson. "From the day I got into the Senate I looked to Scoop for friendship and leadership," said Senator Nunn, seated in his office, staring at the window. "What I'll miss is being able to talk to him on a day to day basis about everything. He was one of those people you sort of took for granted, he was always available. The impact of his loss is not easy to comprehend."

HARD TO PLACE IDEOLOGICALLY

Even before Mr. Jackson's death, however, Senator Nunn was wielding considerable power in the Senate on military issues, a man whose rapid climb was attributed to his grasp of military data no matter how complicated, a prodigious appetite for work and a streak of independence that made him difficult to place ideologically. He speaks carefully, for example, about the Soviet downing of a Korean airliner and voices concern about the way the Reagan Administration has handled the details of what took place over Soviet territory.

"We would have been much better had we ascertained the facts and put out the worst side of our case first, rather than having it creep out incrementally," said Mr. Nunn, alluding to the disclosure several days after the fact that there had been an American reconnaissance plane in the area. "There's a real obligation of leadership in a crisis, in spite of the huge pressures, to try and get as complete a picture as possible before going to the world with charges, particularly in a nuclear age."

Mr. Nunn said quietly: "For the first time you've got a country that can, even by accident, destroy a huge segment of this country. Mistakes in the past, false charges, have never been that serious. Now they are. The public, the Congress, the news media, the Administration has got to realize that in the future, as we have other crises, it's enormously important to hold your tongue unless you really know all the facts."

Samuel Augustus Nunn grew up on a large pecan farm in Perry, Ga. After graduating from Emory University Law School in 1962, he went to Washington and took a job with the House Armed Services Committee.

Six years later he was selected to the state Legislature, and in 1972, when one of the Senate's titans. Richard Russell of Georgia, died, Mr. Nunn successfully ran for the vacant Senate seat.

Mr. Russell, who had made his name on military issues was, in fact, one of Mr. Nunn's models. So was Mr. Nunn's great-uncle, Carl Vinson, who for 51 years was a member of the House and the first chairman of its Armed Services Committee.

Mr. Nunn immediately sought a seat on the Senate Armed Services panel, partly because Georgia has numerous Army and Air Force bases, as well as a large retired military population. Under the tutelege of two senior committee members, Senators Jackson and John C. Stennis, Democrat of Mississippi, Mr. Nunn quickly emerged as a forceful debater and analyst in the fields of nuclear weapons, the Atlantic alliance and manpower.

What made Mr. Nunn somewhat unusual, too, was that he shunned the kind of publicity that some of his colleagues craved. He once turned down a staff suggestion to subpoena Meyer Lansky to a narcotics hearing "because he wasn't relevant."

Mr. Nunn describes himself as a "common-sense conservative." A liberal group, Americans for Democratic Action, gave him a rating last year, based on stands on 20 key issues, of 45 percent.

HUGE BUILDUP IN HARDWARE

Mr. Nunn speaks with mild approval of President Reagan's military policies. "They've made defense their No. 1 priority, and I think that's appropriate and overdue," he said. "I would say manpower quality has improved significantly, both in terms of recruitment and retention, although this is due to high youth unemployment. That's the upside of the economic downside."

He expressed worry, however, that there is no "real soul searching" on the part of the Administration about priorities, that the "huge buildup" in military hardware will be accomplished at the expense of certain programs viewed as essential by Mr. Nunn. These include "readiness" measures such as purchases of spare parts and ammunition, better training, more flying time for pilots. These relatively mundane programs, while crucial, have rarely held top priority within the military and Congressional establishment.

Mr. Nunn said there was "an overload in the strategic budget," with two missile programs and two bomber projects that he said would "squeeze readiness."

"I don't think they've thought through their overall military strategy," said the Senator. "I don't think there's an adequate sense of what we really expect our military forces to do."

Mr. Nunn said he had not yet decided who to support in the Democratic Presidential race, but would probably make up his mind before the Georgia primary next March. "I'll make my decision on the basis of who is strong on defense and foreign policy and who I think can carry the South," he said.

Mr. Nunn said he was still somewhat concerned that elements of the Democratic Party who support a nuclear freeze would seek to take over. "I hope not," he said with a slow smile. "I'll do my best to prevent that."

MESSAGE FROM THE HOUSE

At 4:32 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks,

announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 1036. An act to provide employment opportunities to long-term unemployed individuals in high unemployment areas in projects to repair and renovate vitally needed community facilities, and for other purposes.

ENROLLED BILL AND JOINT RESOLUTION SIGNED

The message also announced that the Speaker has signed the following enrolled bill and joint resolution:

H.R. 3914. An act to require the Secretary of Agriculture to make an earlier announcement of the 1984 crop feed grain program and of the 1985 crop wheat and feed grain programs; and

H.J. Res. 229. Joint resolution to authorize and request the President to issue a proclamation designating April 22 through April 28, 1984, as "National Organ Donation Awareness Week."

The enrolled bill and joint resolution were subsequently signed by the President pro tempore (Mr. THURMOND).

At 6:22 p.m., a message from the House of Representatives, delivered by Ms. Goetz, announced that the House disagrees to the amendments of the Senate to the bill (H.R. 3363) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1984, and for other purposes; it agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and appoints Mr. YATES, Mr. MURTHA, Mr. DICKS, Mr. RATCHFORD, Mr. BOLAND, Mr. AUCOIN, Mr. WHITTEN, Mr. MCDADE, Mr. REGULA, Mr. LOEFFLER, and Mr. CONTE as managers of the conference on the part of the House.

The message also announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2972) to authorize certain construction at military installations for fiscal year 1984, and for other purposes.

The message further announced that the House has passed the following bill, without amendment:

S. 1850. An act to amend title 38, United States Code, to extend for 1 year the authority of the Veterans' Administration to provide certain contract medical services in Puerto Rico and the Virgin Islands.

The message also announced that the House has agreed to the following concurrent resolution, without amendment:

S. Con. Res. 68. Concurrent resolution to correct the enrollment of S. 602.

HOUSE MEASURE READ THE FIRST TIME

The following bill received from the House of Representatives was read the first time:

H.R. 1036. An act to provide employment opportunities to long-term unemployed individuals in high unemployment areas in projects to repair and renovate vitally needed community facilities, and for other purposes.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. DURENBERGER, from the Committee on Governmental Affairs:

A report to accompany the bill (S. 1510) to establish uniform single financial audit requirements for State and local governments and nonprofit organizations and other recipients of Federal assistance, and for other purposes.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. SIMPSON:

S. 1873. A bill to require the President to report to Congress by July 1, 1987, concerning the need for a new educational assistance program for service members to assist in the recruitment and retention of qualified personnel in the Armed Forces, and to provide for the expeditious consideration of proposed legislation establishing such a program; to the Committee on Armed Services.

By Mr. CRANSTON:

S. 1874. A bill to provide for the restoration of the fish and wildlife in the Trinity River basin, California, and for other purposes; to the Committee on Environment and Public Works.

By Mr. GARN (for himself and Mr. PROXMIRE) (by request):

S. 1875. A bill to permit the payment of interest on demand deposits held by depository institutions; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. LAXALT (for himself and Mr. HECHT):

S. 1876. A bill to allow advertising of any State sponsored lottery, gift enterprise, or similar scheme; to the Committee on the Judiciary.

By Mr. HEFLIN:

S. 1877. A bill to provide for braille imprinting of U.S. currency; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. DOLE:

S. 1878. A bill to provide for seabed boundary agreements between the United States and any coastal State and the immobilization of the seabed boundary of any State; to the Committee on the Judiciary.

By Mr. WARNER (for himself and Mr. TRIBLE):

S. 1879. A bill to amend title 5, United States Code, to revise the authority to reimburse Federal employees for certain moving expenses incurred by such employees in connection with a transfer or reassignment in the interest of the Government from one official station or agency to another for permanent duty; to the Committee on Governmental Affairs.

By Mr. BURDICK:

S. 1880. A bill to amend title 10, United States Code, to include chiropractic care in the health care that may be provided to members and certain former members of the uniformed services their dependents and to authorize chiropractors to be appointed as commissioned officers in the Armed Forces to provide such chiropractic care; to the Committee on Armed Services.

By Mr. CRANSTON (for himself and Mr. TSONGAS):

S.J. Res. 169. Joint resolution concerning the assassination of Benigno Aquino; to the Committee on Foreign Relations.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. BAUCUS (for himself, Mr. BENTSEN, Mr. BOREN, Mr. HEINZ, Mr. SYMMS, Mr. WALLOP, Mr. BOSCHWITZ and Mr. MELCHER):

S. Res. 225. Resolution relating to the dismantling of nontariff trade barriers of the Japanese to the import of beef; to the Committee on Finance.

By Mr. BAKER:

S. Res. 226. Resolution relative to committee assignments for Senator DANIEL J. EVANS; considered and agreed to.

By Mr. BAKER (for himself and Mr. BYRD):

S. Res. 227. Resolution to direct the Senate legal counsel to intervene in the name of the Select Committee on Intelligence in Maryann Paisley v. Central Intelligence Agency, et al.; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. SIMPSON:

S. 1873. A bill to require the President to report to Congress by July 1, 1987, concerning the need for a new educational assistance program for service members to assist in the recruitment and retention of qualified personnel in the Armed Forces, and to provide for the expeditious consideration of proposed legislation establishing such a program; to the Committee on Armed Services.

RECRUITMENT AND RETENTION READINESS ACT OF 1983

● Mr. SIMPSON. Mr. President, I am introducing legislation today which is designed to address a concern which I share with many of my colleagues, regarding problems that may arise in the future in the recruitment and retention of qualified personnel in the Armed Forces. This legislation, the proposed Recruitment and Retention Readiness Act of 1983, would require the President to report to the Congress on a date no later than July 1, 1987, or such earlier time as the need may arise, concerning the need for new incentives, including a new educational assistance program for service members, in order to assist in the recruitment and retention of qualified

personnel in the Armed Forces, and would provide for the expeditious consideration of such legislation as the President may propose in order to accomplish that goal.

Mr. President, in a letter of August 3 of this year, addressed to me as chairman of the Senate Committee on Veterans' Affairs, I was requested to schedule a markup of peacetime GI bill legislation some time during this month or the next. The letter was signed by six members of the committee, including all minority members and the Senator from Pennsylvania (Mr. SPECTER). The letter expressed support for the GI bill legislation which has been introduced by the Senator from Colorado (Mr. ARMSTRONG) as S. 1747, and expressed the feeling that such a measure should proceed through the committee process.

Mr. President, as my colleagues will recall, when S. 1747 came before the Senate 2 months ago, on July 13, 1983, in its earlier incarnation as an amendment to S. 675, the Defense Authorization Act, I raised my voice in what I hope was reasoned opposition to such an amendment—and a spirited and very thorough and enlightening debate ensued. Ultimately, the amendment failed by a vote of 52 to 46 on a point of order raised under sections 303 and 311 of the Budget Act.

Nevertheless, the continuing level of interest in this legislation, which is reflected in the letter which I have mentioned as being received from my colleagues on the committee, has persuaded me that it is appropriate to provide a current full and fair forum to facilitate and encourage discussion on the type of issues which are raised by S. 1747.

In order to insure that such a forum will be available, and in recognition of the fact that S. 1747 in its present form contains certain new features—most notably, the 1987 effective date which was the source of the Budget Act problems—I have directed that the Veterans' Affairs Committee will conduct hearings to explore the need for GI bill legislation now and in the foreseeable future, and to consider how best to deal with such needs as may arise.

I trust that the bill which I am introducing today will contribute constructively to that discussion.

Mr. President, my bill—the proposed Recruitment and Retention Readiness Act of 1983—would require the President to submit to Congress a thorough report on the status of recruitment and retention in the Armed Forces during the next 4 years, including an assessment of possible solutions, if problems have arisen, and such draft legislation as may be necessary. The report would be required to be submitted no later than July 1, 1987—or on such earlier date as the President might determine that recruitment and retention difficulties exist and that the establishment of a new program of educational assistance for service members is necessary in the national interest of the United States. Any draft legislation proposed by the President in connection with the report would then be required to be considered by Congress according to a strictly established and expedited 90-day schedule: as specified in the bill, the committee or committees to which the President's proposed legislation had been referred would be required to report it within 45 days, or be automatically discharged from further consideration of it; a vote on final passage of the legislation would be required in both Houses 15 days thereafter; and an additional 30 days would be provided for conference on the possible differences between the House and Senate versions, and then final passage of the conference report.

I do emphasize, Mr. President, that my bill would permit us to accomplish all the purposes of S. 1747 and would permit us to respond just as swiftly in the event that a need appears for GI bill-type legislation—but it has certain added advantages. Like S. 1747, it would require that the President inform the Congress of any serious recruitment and retention problems that may arise between now and 1987. And like S. 1747, there is a 90-day period for congressional action before any legislation would take effect. And where S. 1747 would require that the education programs set forth in it must automatically take effect no later than October 1, 1987, my bill would require the President to submit the recruitment-and-retention report described in the bill at a time 90 days earlier, in order that such legislation as may be necessary at that time could be enacted by October 1, 1987.

The significant advantages of my bill, as designed, are twofold: First, after there has been a Presidential determination that a need for legislation exists, both the President—in submitting the proposed legislation—and the Congress—in considering it—would have a full opportunity to tailor the legislation specifically to meet the needs that have been identified, unencumbered by the presumption of validity and the sense of legislative inertia which attaches to legislation which has already been enacted and which is simply waiting to take effect. The end result would be legislation which is fully responsive to the needs at that time. I would note that such uncertainty as may presently exist regarding our military situation in Central America and the Middle East, and about the manpower needs which might flow from that situation, would certainly lend an added importance to this consideration.

Second, my bill would not permit the curious result of enacting a major program which is designed to meet certain recruitment and retention needs, in the absence of any present determination that such a need exists. My bill reflects what I believe to be a very reasonable congressional policy that multibillion-dollar entitlement programs should not be enacted in the absence of some concurrent demonstration of a need for them. I should note that to the extent that it can be argued on the basis of information available today that a need will indeed exist in 1987, it is just as bizzare a congressional policy to enact legislation now based on that information which is to take effect at that time 4 years in the future, as it would be for us to enact legislation to take effect today based on some determination of need that was made 4 years ago—that is, through facts and figures and hearing records that were compiled in the summer of 1979. I believe that there is a much better way for Congress to do its business, and my bill suggests that way.

Mr. President, the Recruitment and Retention Readiness Act of 1983 would give Congress the opportunity, before enacting some very significant and costly entitlement legislation, to have an awareness of exactly where the problem lies and what it is, or whether it even exists at all, before crafting a legislative solution. Sounds like sense to me. I offer it as a constructive alternative to the various other pending legislative initiatives in the nature of a GI bill, and it is my hope that it will assist in sharpening the real issues, and ultimately will advance the goals which all of us share—which is to maintain a strong recruitment and retention effort, a strong Armed Forces, and a strong America.

Mr. President, I ask unanimous consent that the text of S. 1873 be printed in the RECORD at this point.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1873

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Recruitment and Retention Readiness Act of 1983".

SEC. 2. (a) The President, upon the recommendation of the Secretary of Defense, shall submit to the Congress, at a time determined in accordance with the requirements of subsection (c), a report containing—

(1) information concerning the Armed Forces' recruitment and retention experiences in the preceding fiscal year and projected recruitment and retention performances for each of the five subsequent fiscal years, set forth according to branch of service, occupational specialty, and category of educational qualifications applicable in such branch of service in the case of a high school diploma graduate;

(2) an assessment of the additional marginal effectiveness of a new program of educational assistance for service members

(taking into consideration the projected costs thereof) in recruiting and retaining qualified personnel, in comparison with the effectiveness of the recruitment and retention capabilities of the Armed Forces under laws and regulations in effect at the time that the report is submitted, together with an assessment of other alternatives and their projected costs to enhance such recruitment and retention capabilities; and

(3) such proposed legislation (hereinafter referred to as the "bill") or proposals for administrative action as the President considers necessary and appropriate to address the recruitment and retention needs specified in such report.

(b) Prior to making a recommendation under subsection (a), the Secretary of Defense shall consult with the Administrator of Veterans' Affairs and obtain and review the recommendations of the Secretaries of the military departments in terms of the considerations specified in such subsection.

(c) The report required under subsection (a) shall be submitted not later than the earlier of—

(1) July 1, 1987; or

(2) such time as the President determines, upon the recommendation of the Secretary of Defense, that the Armed Forces are experiencing difficulties in recruiting and retaining qualified personnel, and that the establishment of a new program of educational assistance for service members is necessary in the national interest of the United States.

SEC. 3. (a) On the day on which the bill is submitted to the House of Representatives and the Senate under the first section, such bill shall be introduced (by request) in the House by the majority leader of the House, for himself and the minority leader of the House, or by Members of the House designated by the majority leader and minority leader of the House, and shall be introduced (by request) in the Senate by the majority leader of the Senate, for himself and the minority leader of the Senate, or by Members of the Senate designated by the majority leader and minority leader of the Senate. If either House is not in session on the day on which such bill is submitted, introduction in that House shall take place, as provided in the preceding sentence, on the first day thereafter on which that House is in session.

(b) If the committee or committees of either House to which the bill has been referred have not reported it at the end of the 45-day period beginning on the date of its introduction, such committee or committees shall be automatically discharged from further consideration of the bill and it shall be placed on the appropriate calendar. A vote on final passage of the bill shall be taken in each House on or before the close of the day which is 15 days after the date on which the bill is reported by the committee or committees of that House to which it was referred or such committee or committees have been discharged from further consideration of the bill. If there are differences between the bill as passed by the two Houses, such differences shall be resolved in a committee of conference, and a vote on final passage of the conference report on the bill shall be taken in each House on or before the close of the day which is 30 days after the date of final passage of the bill in both Houses.●

By Mr. CRANSTON:

S. 1874. A bill to provide for the restoration of the fish and wildlife in the Trinity River Basin, Calif., and for other purposes; to the Committee on Environment and Public Works.

RESTORATION OF FISH AND WILDLIFE IN THE TRINITY RIVER BASIN

Mr. CRANSTON. Mr. President, I introduce for appropriate reference a bill to provide for the restoration of the fish and wildlife in the Trinity River Basin in California.

The Trinity River was once one of California's most bountiful salmon and steelhead streams. Thousands of people flocked to the Trinity annually, attracted by its fishery resource. However, since the completion of the Trinity River division of the Central Valley project in 1963, there has been a serious decline in the Trinity fishery.

The Trinity and Lewiston dams store and divert approximately 85 percent of the natural runoff of the upper Trinity River. Below Lewiston, the Trinity has been transformed from a highly fluctuating natural stream to one with consistently reduced flow. Natural spawning, holding, and food producing areas below Lewiston Dam have become strangled with willows, cattails, and alders. Anadromous fish are prevented from migrating to the once-productive upper watershed. Changed characteristics along with poor management practices in the watershed below Trinity Dam, overfishing of the river and fishery management problems have contributed to the dramatic decline in fish numbers. Annual runs of salmon and steelhead returning to the Trinity River fish hatchery have declined by as much as 90 percent.

Prompted by the urgent need for cooperative action on these problems, local, State, and Federal agencies formed the Trinity River Fish and Wildlife task force in 1974. Moneys to define and correct the fish and wildlife problems in the Trinity River Basin were provided to the task force through State and Federal appropriations from 1976–82. In March 1982, the task force unanimously approved and published the "Trinity River Basin Fish and Wildlife Management Program." This report is a program for corrective action in the Trinity River Basin.

The bill I am introducing today would authorize the Secretary of the Interior to implement the management program developed by the task force. The ratio of costs to the fish and wildlife benefits expected from this program is estimated at 1 to 5. The bill also would reestablish the Trinity River task force to assist and advise the Secretary in implementing the program. Finally, this legislation would authorize $33 million for construction called for by the management program and $2.2 million annually for 10 years for operation, maintenance and monitoring purposes.

Mr. President, I want to point out that this legislation is identical to a bill, H.R. 1438, being sponsored in the House by Congressmen EUGENE CHAPPIE, DOUG BOSCO, and NORMAN SHUMWAY of California. It is supported by all of the members of the Trinity River task force, by the California north coast counties of Trinity, Humboldt, Mendocino, and Del Norte, by fisheries organizations, the local timber industry, and the California Water Commission.

Mr. President, I ask unanimous consent that the text of the bill be printed at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1873

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

FINDINGS

SECTION 1. The Congress finds that—

(1) the construction of the Trinity River division of the Central Valley project in California, authorized by the Act of August 12, 1955 (69 Stat. 719), has substantially reduced the streamflow in the Trinity River Basin and badly damaged pools, spawning gravels, and rearing areas causing a drastic reduction in the anadromous fish populations and a decline in the scenic and recreational qualities of such river system;

(2) the loss of land areas inundated by two reservoirs constructed in connection with such project has caused substantial reductions in the populations of deer and other wildlife historically found in the Trinity River Basin;

(3) the Act referred to in paragraph (1) of this section directed the Secretary of the Interior (hereinafter in this Act referred to as the "Secretary") to take appropriate actions to insure the preservation and propagation of such fish and wildlife and additional authority was conferred on the Secretary under the Act approved September 4, 1980 (94 Stat. 1062), to take certain actions to mitigate the impact on fish and wildlife of the construction and operation of the Trinity River division;

(4) activities other than those related to the project have also had an effect on fish and wildlife populations in the Trinity River Basin and are of such a nature that the cause of any detrimental impact on such populations cannot be attributed solely to such activities or to the project;

(5) a fish and wildlife management program has been developed by an existing interagency advisory group called the Trinity River Basin Fish and Wildlife Task Force; and

(6) the Secretary requires additional authority to implement a basin-wide fish and wildlife management program in order to achieve the long-term goal of restoring fish and wildlife populations in the Trinity River Basin at the level existing immediately before the start of the construction of the Trinity River division.

TRINITY RIVER BASIN FISH AND WILDLIFE MANAGEMENT PROGRAM

SEC. 2. (a) Subject to subsection (b), the Secretary shall formulate and implement a fish and wildlife management program for the Trinity River Basin designed to restore the fish and wildlife populations in such basin to the levels existing immediately prior to the start of the construction re-

ferred to in section 1(1) and to maintain such levels. The program shall include the following activities:

(1) The design, construction, operation, and maintenance of facilities to—

(A) rehabilitate fish habitats in the Trinity River between Lewiston Dam and Weitchpec;

(B) rehabilitate fish habitats in tributaries of such river below Lewiston Dam and in the south fork of such river; and

(C) modernize and otherwise increase the effectiveness of the Trinity River Fish Hatchery.

(2) The establishment of a procedure to monitor (A) the fish and wildlife stock on a continuing basis, and (B) the effectiveness of the rehabilitation work.

(3) Such other activities as the Secretary determines to be necessary to achieve the long-term goal of the program.

(b)(1) The Secretary shall use the program described in section 1(5) of this Act as a basis for the management program to be formulated under subsection (a) of this section. In formulating and implementing such management program, the Secretary shall be assisted by an advisory group called the Trinity River Basin Fish and Wildlife Task Force established under section 3.

(2) The Secretary shall coordinate the activities undertaken under such management program with the activities of State and local agencies, and the activities of other Federal agencies, which have responsibilities for managing public lands and natural resources within the Trinity River Basin.

TRINITY RIVER BASIN FISH AND WILDLIFE TASK FORCE

SEC. 3. (a) There is established the Trinity River Basin Fish and Wildlife Task Force (hereinafter in this Act referred to as the "Task Force") which shall be composed of fourteen members as follows:

(1) One officer or employee of the California Department of Fish and Game to be appointed by the administrative head of such department.

(2) One officer or employee of the California Department of Water Resources to be appointed by the administrative head of such department.

(3) One member or employee of the California Water Resources Control Board to be appointed by such board.

(4) One officer or employee of the California Department of Forestry to be appointed by the administrative head of such department.

(5) One officer or employee of the United States Fish and Wildlife Service to be appointed by the Secretary.

(6) One officer or employee of the United States Bureau of Reclamation to be appointed by the Secretary.

(7) One officer or employee of the United States Bureau of Land Management to be appointed by the Secretary.

(8) One officer or employee of the United States Bureau of Indian Affairs to be appointed by the Secretary.

(9) One officer or employee of the United States Forest Service to be appointed by the Secretary of Agriculture.

(10) One officer or employee of the United States Soil Conservation Service to be appointed by the Secretary of Agriculture.

(11) One officer or employee of the United States National Marine Fisheries Service to be appointed by the Secretary of Commerce.

(12) One individual to be appointed by the board of supervisors of Humboldt County, California.

(13) One individual to be appointed by the board of supervisors of Trinity County, California.

(14) One individual to be appointed by the Hoopa Tribe of the Hoopa Valley Indian Reservation, California.

Any vacancy on the Task Force shall be filled in the manner in which the original appointment was made.

(b) If any member of the Task Force who was appointed to the Task Force as an officer or employee of a United States department or agency or as an officer or employee of a California State department or board leaves such office or employment, he may continue as a member of the Task Force for not longer than the end of the fourteen-day period beginning on the date he leaves such office or employment.

(c)(1) Members of the Task Force who are full-time officers or employees of the United States shall receive no additonal pay, allowances, or benefits by reason of their service on the Task Force.

(2) No moneys authorized to be appropriated under this Act may be used to pay any member of the Task Force for service on the Task Force or to reimburse any agency or governmental unit for the pay of any such member for such service.

AUTHORIZATION OF APPROPRIATIONS

SEC. 4. There is authorized to be appropriated—

(1) for the construction authorized in this Act, beginning on October 1, 1984, and to remain available thereafter until expended, the sum of $33,000,000, or, if there is an increase or decrease in the engineering cost indexes applicable to the types of construction involved between the month of May 1982, and the date of enactment of any appropriation for such construction, such sum adjusted by such increase or decrease; and

(2) for the cost of the operations, maintenance, and monitoring authorized by this Act, the sum of $2,200,000 annually for a ten-year period beginning on October 1, 1984.

All costs incurred pursuant to this Act shall be nonreimbursable and nonrefundable.

By Mr. GARN (for himself and Mr. PROXMIRE) (by request):

S. 1875. A bill to permit the payment of interest on demand deposits held by depository institutions; to the Committee on Banking, Housing, and Urban Affairs.

DEMAND DEPOSIT DEREGULATION ACT

● Mr. GARN. Mr. President, at the request of the Depository Institutions Deregulation Committee, the distinguished ranking member of the Banking Committee, Senator PROXMIRE, and I are introducing today the Demand Deposit Deregulation Act, a bill to remove the statutory prohibition against the payment of interest on demand deposits.

The gradual removal of deposit interest rate ceilings was mandated in 1980 in the Depository Institutions Deregulation and Monetary Control Act. While that act authorized nationwide NOW accounts for individuals and established the Depository Institutions Deregulation Committee to implement the phaseout of deposit rate ceilings, the act did not affect the prohibition against interest on checking accounts.

During the past 3 years, the DIDC has removed ceilings on all deposits with terms of 31 days or more. The DIDC's work was greatly aided last year by the enactment of the Garn-St Germain Depository Institutions Act which established a money market deposit account with no rate ceiling and limited checking privileges.

Although much has been done to accomplish the objective of deregulating deposit rate controls, the interest on checking prohibition has been retained. With NOW accounts providing individuals with interest on a transaction account, and the money market deposit account providing limited checking privileges to both individual and business depositors, the only effect of the prohibition against interest on checking accounts is that businesses cannot have a fully transactionable, interest bearing account.

Small businesses have been especially disadvantaged by the prohibition because, unlike large corporations, they do not have direct access to the money markets or to sophisticated cash management techniques which minimize the amount of noninvested funds in large corporation's demand deposits. To achieve economies, small businesses have utilized money market funds and the new money market deposit account, but they still must rely on indirect or implicit means to overcome the disadvantages attached to noninterest checking accounts.

This bill has the support of all of the members of DIDC and they testified to that effect before the Banking Committee during the committee's hearings on pending banking bills last week. The only qualifications was how the proposal would be implemented. Specifically, support was expressed for interest on checking to be coupled with additional powers for banks in order for the institutions to be better able to cover the added costs associated with interest-bearing checking accounts.

I agree with those who want to insure that the removal of the prohibition be accomplished in a manner not detrimental to the financial institutions involved. The problem is that larger banks could cope with interest-bearing accounts better than smaller banks because the latter depend upon small business checking accounts more than the former. DIDC staff believes that the removal of the prohibition would cause short-term problems, perhaps a 5- to 10-percent reduction in bank earnings. To increase bank costs means increasing interest rates and squeezing earnings. Thus, during consideration of this proposal, ample attention must be given to the close interdependency of small banks and

small business in order that neither be inadvertently disadvantaged.

As chairman of the Banking Committee, I can assure my colleagues that this issue will continue to be focused on during the continuation of committee legislative hearings next month.

Mr. President, I request unanimous consent that the bill, the section-by-section summary, and the transmittal letter from Secretary Regan be printed in full in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1875

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SEC. 101. This Act may be cited as the "Demand Deposit Deregulation Act".

PAYMENT OF INTEREST ON DEMAND DEPOSITS

SEC. 102(a). The first and second sentences of section 19(i) of the Federal Reserve Act (12 U.S.C. 371a) are hereby repealed.

(b). The third sentence of section 19(i) of the Federal Reserve Act is amended by striking out "Notwithstanding any other provision of this section, a" and inserting in lieu thereof "A".

SEC. 103. The first sentence of section 18(g)(1) of the Federal Deposit Insurance Act (12 U.S.C. 1828(g)(1)) is hereby repealed.

SEC. 104. The second sentence of section 5(b)(1)(B) of the Home Owners' Loan Act of 1933 (12 U.S.C. 1464(b)(1)(B)) is hereby repealed.

SEC. 105. Section 19(b) of the Federal Reserve Act (12 U.S.C. 461(b)) is amended by striking the last sentence in subparagraph (8)(A) and inserting in lieu thereof the following: "This subparagraph does not apply to (1) any category of deposits or accounts which are first authorized pursuant to Federal law in any State after April 1, 1980; nor (2) an amount equal to the amount by which current total demand deposits exceeds the amount of demand deposits held by the institution on a daily average basis during the 14-day period preceding the date of enactment of this Act, held by each depository institution located outside of Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, New York, Rhode Island, and Vermont, except as permitted by order or regulation of the Board.".

SEC. 106. Section 204 of Public Law 96-221 (12 U.S.C. 3503) is amended by adding at the end thereof a new subsection (c) to read as follows:

"(c) The Deregulation Committee shall not later than six months from the effective date of this Act establish rules permitting the payment of interest on demand deposits at the same rates that are permitted for accounts subject to withdrawal by negotiable or transferable instrument for the purpose of making transfers to third parties authorized under section 2(a) of Public Law 93-100 (12 U.S.C. 1832(a)). Interest may not be paid by a depository institution on any demand deposit until such rules are issued by the Deregulation Committee.".

SEC. 107(a). Section 207(b)(2) of Public Law 96-221 (12 U.S.C. 3506(b)(2)) is amended to read as follows: "The first sentence of section 18(g) of the Federal Deposit Insurance Act (12 U.S.C. 1828(g)) is amended by striking out "payment and" and by striking out ", including limitations on the rates of interest and dividends that may be paid";".

(b). Section 207(b)(3) of Public Law 96-221 (12 U.S.C. 3506(b)(3)) is amended to read as follows: "The second, fourth and seventh sentences of section 18(g) of the Federal Deposit Insurance Act (12 U.S.C. 1828(g)) are hereby repealed;".

SEC. 108. The second sentence of section 203(b) of the Depository Institutions Deregulation Act of 1980 (12 U.S.C. 3502(b)) is hereby repealed.

SEC. 109. This Act shall take effect 180 days from the date of enactment, except that section 108 shall take effect on the date of enactment of this Act.

SECTION-BY-SECTION ANALYSIS

SEC. 101. The title of the Act is the Demand Deposit Deregulation Act.

SEC. 102. This section repeals the prohibition in the Federal Reserve Act against payment of interest on demand deposits by member banks.

SEC. 103. This section repeals the provision in the Federal Deposit Insurance Act prohibiting the payment of interest on demand deposits held by insured nonmember banks and insured branches of foreign banks.

SEC. 104. This section repeals the provision in the Home Owners Loan Act prohibiting a federal savings and loan association or federal savings bank from paying interest on demand deposits.

SEC. 105. This section amends the transitional provisions for the phase-in of reserve requirements. When reserve requirements were instituted for all depository institutions, a transitional period of eight years was adopted to allow nonmember institutions to build up gradually to the required reserve level. (Member banks were given a shorter transitional period to adjust their reserves downward to the new level.) This transitional provision was adopted for two reasons: (1) to avoid an undue burden on nonmember institutions putting up reserves for the first time; and (2) to prevent disruption in the conduct of monetary policy through a sudden decrease in the amount of reserve balances held. NOW accounts were first authorized for all depository institutions (except those in New England, New York, and New Jersey where they had been authorized previously) effective after the implementation of the new reserve requirements. These accounts were exempted from the phase-in of reserve requirements because it would not be burdensome to depository institutions to hold full reserves against them since they were newly authorized accounts. However, when interest on demand deposits is permissible, nonmember depository institutions may attempt to avoid the full reserve requirement on NOW accounts by converting the accounts to demand deposits which are subject to the phase-in. Section 105 reduces the potential for avoidance of reserve requirements by requiring a nonmember depository institution to continue to hold full reserves against the amount by which an institution's total demand deposits exceeds the base of total demand deposits during a period immediately prior to the enactment of this bill. Nonmember depository institutions in New England, New York and New Jersey however would continue to receive the full phase-in of reserve requirements on NOW accounts and demand deposits. The Federal Reserve is given authority to make exceptions to this requirement.

SEC. 106. This section authorizes the DIDC to establish rules concerning the payment of interest on demand deposits. Such rules shall authorize interest to be paid on demand deposits under the same rate limitations as for NOW accounts. Therefore the Committee would be required to establish the same rate ceiling on demand depoits of under $2,500 as is established for NOW accounts of under $2,500. These regulations shall be implemented not later than six months from the effective date of the Act (one year from day of enactment).

SEC. 107. This section makes technical conforming changes to the Depository Institutions Deregulation Act of 1980.

SEC. 108. This provision removes the requirement that the DIDC meet in public at least quarterly.

SEC. 109. This section delays the effective date of the Act to allow depository institutions an opportunity to prepare for the operational changes made by the Act. The effective date for removing the requirement that the DIDC meet quarterly is effective immediately.

AUGUST 4, 1983.

Hon. JAKE GARN,
Chairman, Committee on Banking, Housing and Urban Affairs, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: The Depository Institutions Deregulation Committee recently considered the question of whether and to what extent interest-bearing transaction accounts should be made available by depository institutions to members of the public not eligible to hold NOW accounts. In connection with this discussion, the Committee considered whether (1) it should authorize a fully transactional money market deposit account ("MMDA"), and (2) there should continue to be a statutory prohibition against paying interest on demand deposits by Federally-insured depository institutions. While the Committee is of the view that it can authorize a fully transactional MMDA, others question the Committee's authority in light of the statutory prohibition against paying interest on demand deposits. In order to eliminate the potential for protracted litigation, the Committee determined to present the issue of paying interest on demand deposits to Congress.

The Committee concluded that this statutory prohibition is no longer justified and recommends that depository institutions be permitted to pay interest on demand deposits. An extensive analysis of the issue of payment of interest on demand deposits was undertaken by the Committee's staff. A copy of this study is enclosed for your information. The study concludes that the arguments for prohibiting the payment of interest on demand deposits in the 1930s appear to have little validity today. In this regard, certain developments have weakened significantly the economic effect of the prohibition, such as (1) implicit interest payments on demand deposits through the provision of customer services either free or at fees below cost, (2) market development of close demand deposit substitutes that earn interest (e.g., money market mutual funds and sweep accounts), and (3) legislative and regulatory changes to permit explicit interest-bearing transaction accounts that are legally distinct from demand deposits.

Since many transactions balances earn close to a market return either implicitly or explicitly, we believe that the cost implications for depository institutions of the removal of the prohibition against the pay-

ment of interest on demand deposits would be of manageable size and largely temporary. Although some depositors with active accounts might be disadvantaged, depositors on average would tend to benefit from permitting the payment of interest on demand deposits. On balance, it seems that interest bearing demand deposits would result in a more efficient allocation of the economy's resources.

The removal of the prohibition of payment of interest on demand deposits without authority to limit rates paid prior to March 31, 1986, would diminish the effectiveness of the present ceiling on NOW accounts of less than $2,500 as well as on passbook savings accounts since depositors could keep their savings balances in ceiling free demand deposits. Therefore, if the prohibition against payment of interest on demand deposits is removed, the Congress may wish to give the DIDC authority to apply ceilings to demand deposits of less than $2,500 until March 31, 1986, at the same ceiling rates permitted for NOW accounts and ATS accounts in order to assure competitive equity for these accounts.

The Committee is also of the view that the current statutory requirement that it hold quarterly meetings should be removed. The actions of the Committee to date, including the creation of the Money Market Deposit Account, have gone a long way toward achieving the Committee's objective of providing for "the orderly phaseout and ultimate elimination of" all interest rate ceilings. In fact, by October 1, 1983, there will be no ceilings on all new or renewed time deposits with maturities of more than 31 days.

The Committee believes that the remaining actions to complete the deregulation process may be accomplished without mandatory quarterly meetings; rather, the Committee can schedule meetings as required by events. This would provide the Committee additional flexibility in completing its work. Therefore, the Committee requests Congress to repeal the requirement that it hold public meetings at least quarterly.

A draft bill that would accomplish these objectives is enclosed.

Sincerely,

DONALD T. REGAN,
Chairman.●

By Mr. LAXALT (for himself and Mr. HECHT):

S. 1876. A bill to allow advertising of any State sponsored lottery, gift enterprise, or similar scheme; to the Committee on the Judiciary.

ADVERTISING OF STATE LOTTERIES

Mr. LAXALT. Mr. President, the legislation that I introduce today seeks to modernize extremely antiquated Federal law. Current Federal statutes restricting the advertising of lotteries and gaming activities had their origin in the 19th century, when lotteries were banned by every State in the Union. Today, despite the vast changes of the past 100 years, despite the advent of legal casino gambling and of lawful parimutuel wagering on horseracing, and despite even the phenomenon of State-run lotteries, Federal statute continues to make the mailing or broadcasting of information about perfectly legal gaming activity a criminal offense. Reasons of basic federalism and of Constitutional law compel us to rectify these outmoded strictures.

The only exception to the Federal prohibition against gaming advertising is made by a loophole created in 1974 to aid State-conducted lotteries; such events can be advertised in the State holding the game and in adjacent States that themselves run lotteries. I stress that even this limited exception does not apply to any sort of privately run, wholly lawful gaming enterprise. Thus, the Federal Government, imposing its overbearing nationwide policy, is severely hampering legitimate industries that provide jobs and revenue for the States in which they are located. This overregulation not only puts private wagering enterprises at a disadvantage relative to State-operated games, but works to favor certain convention areas and leisure-time resorts over others. The situation is such that State and private organizations cannot even use the U.S. mails to respond to inquiries as to what sorts of gaming facilities are available in a given locale.

Such restrictions no doubt made sense a century ago, but they are anachronisms in today's world. As the Congress' bipartisan Commission on the Review of the National Policy Toward Gambling reported in 1976:

Federal law should not prohibit the mailing, interstate carriage, or broadcasting of advertisements concerning gambling activity that takes place within the confines of a State where is it legal. The operators of gambling businesses should be able to publish information about participation in their games, provided that it is legal to participate in those games while the player is physically present in the State; the Federal Government has no proper role in preventing the dissemination of such information.

Not only is this almost total ban on gaming advertising unfair and ill-advised Federal policy, it also raises significant constitutional problems. Now that the Supreme Court has recognized that commercial speech is in fact protected under the first amendment, it is hard to understand how a content-based Federal ban on advertising by absolutely legal gambling enterprises can be justified.

The bill that I propose addresses the defects in current law by expanding the exception to the no-advertising rule that is now allowed State-conducted lotteries. Under my bill, wagering enterprises that are authorized, licensed, and regulated by a State could be advertised. The bill covers only lawful, State-supervised or State-conducted activities; the ban of advertising by illegal or unregulated lotteries would, of course, remain in effect. It should be noted, too, that the bill is concerned only with the free flow of speech and information; it does not amend present law with respect to actual gambling through the mails or with respect to the shipment of gaming equipment.

Mr. President, I urge my colleagues to join in support of this long overdue piece of Federal deregulation.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1876

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1307 of title 18, United States Code, is amended to read as follows:

"SEC. 1307. STATE-CONDUCTED AND STATE-AUTHORIZED LOTTERIES

"(a) The provisions of section 1301, 1302, 1303, and 1304 shall not apply to an advertisement, list of prizes, or information concerning a lottery conducted by a State acting under authority of State law, or concerning a lottery, gift enterprise, or similar scheme authorized, licensed, and regulated by a State acting under authority of State law.

"(b)(1) The provisions of section 1301, 1302, and 1303 shall not apply to the transportation or mailing—

"(A) to addresses within a State of equipment, tickets, or material concerning a lottery which is conducted by that State acting under the authority of State law; or

"(B) to an addressee within a foreign country of equipment, tickets, or material designed to be used within that foreign country in a lottery which is authorized by the law of that foreign country.

"(2) For the purposes of this subsection the term 'lottery' means the pooling of proceeds derived from the sale of tickets or chances and allotting those proceeds or parts thereof by chance to one or more chance takers or ticket purchasers. The term 'lottery' does not include the placing or accepting of bets or wagers on sporting events or contests.

"(c) For the purposes of this section (1) 'State' means a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, or any territory or possession of the United States; and (2) 'foreign country' means any empire, country, dominion, colony, or protectorate, or any subdivision thereof (other than the United States, its territories or possessions).".

SEC. 2. The item for section 1307 in the table of sections for chapter 61 of title 18, United States Code, is amended to read as follows:

"1307. State-conducted and State-authorized lotteries.".

SEC. 3. Section 3005(d) of title 39, United States Code, is amended to read as follows:

"(d) Nothing in this section shall prohibit the mailing of (1) an advertisement, list of prizes, or information concerning a lottery conducted by a State acting under authority of State law, or concerning a lottery, gift enterprise, or similar scheme authorized, licensed, and regulated by a State acting under authority of State law, or (2) tickets or other materials concerning a lottery conducted by a State acting under authority of State law to addresses within that State.".●

By Mr. HEFLIN:

S. 1877. A bill to provide for braille imprinting of U.S. currency; to the Committee on Banking, Housing, and Urban Affairs.

BRAILLE IMPRINTING OF CURRENCY

Mr. HEFLIN. Mr. President, today I am introducing a bill which provides that Federal Reserve notes must be printed in a manner which enables an individual who is blind to determine the denomination of each such note through a pressure imprint in braille.

As a Nation, we place the unsighted in the needless position of dependence in dealing with what most of us regard as an important area of our life—money management. Identifying money can be a frustrating experience for a visually handicapped person because all U.S. bills are the same size, thereby making it impossible to distinguish their denomination except by visual inspection. One solution to this problem would be to require all U.S. currency to be embossed with braille or braillelike symbols as identifiable markings for the blind. Braille imprinting would only require that the money be pressure marked as it rolls off the printing press. No additional ink or paper would be required.

Braille imprinting has been used successfully in many countries. The Dutch have been using a system of braille money marking for years as have Israel and Switzerland.

If U.S. currency were marked in such a way that it could be identified tactually, blind persons would be placed on a more equal footing with sighted people in money matters. Today, more and more blind people are going on to college or receiving advanced vocational or technical training, and they are working directly with the public more than ever before. However, many blind persons hesitate to accept employment involving money transactions because of the need, and sometimes the risk, in being dependent upon sighted customers or coworkers to identify currency. I believe tactually identifiable money will increase job opportunities for persons who are blind.

The conversion to braille imprinting of American paper currencies is not only a technological possibility, but also a sociological necessity. Mr. President, the time to act is now. I urge my colleagues to act favorably and expeditiously on this legislation.

Thank you, Mr. President.

By Mr. DOLE:

S. 1878. A bill to provide for Seabed Boundary Agreements between the United States and any other coastal State and the immobilization of the seabed boundary of any State; to the Committee on the Judiciary.

SEABED BOUNDARY ACT

● Mr. DOLE. Mr. President, I am introducing today the Seabed Boundary Act. This legislation would facilitate the process of delineating boundaries between Federal and State seabed areas for purposes of utilizing natural resources.

In 1953, Congress passed the Submerged Lands Act, which granted to the States jurisdiction over seabed areas and natural resources extending approximately 3 miles from the coastline. At the same time, Congress reaffirmed the Federal claim to the continental shelf seaward of the States' lands. Because of the evolutionary nature of the coastline, which is subject to erosion, corrosion, and other natural changes, the boundary separating the State and Federal seabed areas is ambulatory. The shifting shoreline has made it difficult to define precisely the lines of demarcation between State and Federal subaqueous lands and numerous disputes have arisen over these territorial ambiguities. In fact, since the passage of the Submerged Lands Act, the Justice Department has been involved in major litigation with most of the coastal States in an effort to delimit the seabed boundaries.

The Attorney General possesses the authority to resolve these disputes by demarcating the contested boundary lines. Apart from this litigious process, however, there exists no means by which a seabed boundary originally fixed under the terms of the 1953 act can be reestablished. Clearly, there ought to be some way of determining and setting boundary lines between Federal and State resources, when there is no substantial disagreement between the two parties. Title I would invest this authority in the Attorney General who, in consultation with the Secretaries of State, Commerce, the Interior, and other concerned departments and agencies, would be able to reach an agreement with the State on the location of the boundary.

Title II makes provisions for permanently fixing Federal and State seabed boundaries. This provision will help to alleviate the concerns of those individuals who possess titles to the natural resources located at or near the boundary. The ambulatory nature of these boundaries has generated a feeling of uncertainity among the leaseholders, resulting in a decline in the value of the leased property.

In addition, the ambulatory boundary has created a situation that encourages endless and expensive litigation since, due to rapid changes in the coastline, the determination of the boundary may be relitigated shortly after the resolution of a dispute. This provision would help to put an end to the submerged land litigation which has persisted over a 25-year span. Title II also provides a means for a State and the Federal Government to agree that a final decreee of the Supreme Court establishing a boundary is permanent.

Title III establishes a procedure by which States may waive any rights accruing from changes in the coastline. Under present law, Federal approval is required when a State seeks to proceed with the construction of an artifical structure that will extend from the natural coastline beyond the area of State jurisdiction. When this occurs, States usually waive their rights to this land in order to secure Federal approval for the construction. Title III merely preserves this process and establishes a procedure for handling such waivers. It is important to recognize that this provision will only be necessary until that time when the States and Federal Government agree to freeze the boundary in accordance with title II of this act.

Title IV makes clear that boundaries determined under this act shall not affect the location of the territorial sea of the United States of its baseline.

Mr. President, this legislation will facilitate the process of establishing seabed boundaries between Federal and State subaqueous lands. Even more importantly, this bill would implement a means of rendering these boundaries permanent, thus eliminating the confusion that derives from the ambulatory state of current boundaries. The newly fixed boundaries will aid in the development of the petroleum resources on the outer continental shelf: Petroleum lessee companies will be able to move more expeditiously to develop these energy sources than if they were required to wend their way through the litigious maze.

Not only members of the petroleum industry, but the Federal Government and States would also benefit from this legislation, which aims at removing the air of uncertainty surrounding our national seabed boundaries. I look forward to the expeditious consideration of this bill and urge my colleagues to join me by lending their support.

Mr. President, I would like to request unanimous consent that the text of this bill be printed in the RECORD at the conclusion of my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1878

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Seabed Boundary Act."

TITLE I

BOUNDARY AGREEMENTS

SEC. 101. The Attorney General, with the concurrence of the Secretary of State, the Secretary of the Interior, the Secretary of Commerce and the Secretary or other head of any Federal department or agency having administrative responsibility or jurisdiction over any areas of the seabed and subsoil involved, is authorized to agree with similarly authorized officials of any State, as to the specific description of all or part of the boundary between the areas of the seabed

and subsoil in which the United States and the State are respectively entitled, on the date of agreement, to control the exploration for and exploitation of the living and/or non-living natural resources. Whenever such an agreement has become binding on the State, either by virtue of the authority vested in the officials negotiating on behalf of the State or by virtue of subsequent ratification by the State in the manner provided by the law of the State, the Governor and Attorney General of the State shall so certify and shall cause the agreement to be deposited, with their certificate in the National Archives and to be published in the Federal Register.

SEC. 102. An agreement entered into under this Title shall determine the location of the boundary until modified by a subsequent agreement or the decree of a court of competent jurisdiction. It is recognized that changes in the coastline may justify changes in the boundary. In such case either party may seek such changes through a subsequent agreement or judicial decree. However, such subsequent agreement or decree shall have no retroactive effect.

TITLE II

IMMOBILIZATION OF BOUNDARIES

SEC. 201. Whenever the entire boundary between the areas of the seabed and subsoil in which the United States and a state are respectively entitled to control the exploration for and exploitation of the natural resources has been specifically described by one or more final decrees and agreements, and if no legal proceeding is pending to revise the description of any part of such boundary, the United States or the State may propose to immobilize the entire boundary as so described.

SEC. 202. The proposal may be initiated by the Attorney General or by an authorized official of the State. When such action is initiated by the State it may be taken in any way authorized by the constitution and laws of the State, provided that the Governor and Attorney General of the State shall furnish to the Attorney General of the United States a copy of the statute or other document embodying the state action, together with their certification that it is in compliance with and effective under the constitution and laws of the State.

SEC. 203. The Attorney General of the United States shall consult with the Secretary of State, Secretary of the Interior, Secretary of Commerce and the Secretary or other head of any Federal department or agency having administrative responsibility or jurisdiction over any areas of the seabed or subsoil involved as to whether the proposed immobilization is in the best interest of the United States. If any Secretary, the Attorney General or other head of any Federal department or agency beleives it is not, the Attorney General shall notify the Governor and Attorney General of the State that the proposal is rejected. If all concur that the proposed immobilization is in the best interests of the United States, the Attorney General shall notify the Governor and Attorney General of the State that the proposal is accepted, and shall deposit in the National Archives and cause to be published in the Federal Register the documents received from the State and his certificate of acceptance, together with a complete description of the boundary referred to if the other documents do not contain such a description. Upon such publication, the boundary so described shall become an immovable boundary for the purposes of delimiting the areas of the seabed or subsoil in which the United States and the State are respectively entitled to control exploration for and exploitation of the living and/or nonliving natural resources as provided in the agreement and regulation and taxation thereof; but such boundary shall have no other legal effect.

SEC. 204. Whenever the extent of the rights acquired by a state under the Submerged Lands Act has been determined by a final decree of the United States Supreme Court and fixed by coordinates, the line so fixed shall be immobilized as described in said decree and shall not be ambulatory in determing the seaward extent of the rights acquired by said State under the Submerged Lands Act, unless within two years of the date of the final decree either party formally objects to the immobilization of such line. Any such objection shall be deposited in the National Archives and published in the Federal Register.

TITLE III

SEC. 301. If any State waives its right to the living and/or nonliving natural resources of the seabed or subsoil which would accrue to it as a result of changes in any portion of its coastline by either serving on the Attorney General a waiver of those rights duly signed by authorized officials of that State, or by entering into an agreement signed by the Attorney General and the Secretary of the Interior with the concurrence of the Secretary or head of any Federal department or agency having administrative cognizance or jurisdiction over any areas of the seabed and subsoils involved and similarly authorized officials of that State, the Attorney General shall, when that agreement or waiver becomes binding, cause it to be deposited in the National Archives and a copy be published in the Federal Register.

TITLE IV

SEC. 401. No boundary established pursuant to this Act shall be deemed to affect, determine, or prejudice the location of the territorial sea of the United States or the baseline from which the breadth of the territorial sea of the United States is measured. Nor shall any such agreement be determinative of State boundaries or any purpose except exploration for and exploitation of the natural resources of the seabed and subsoil, including the regulation and taxation thereof.●

By Mr. WARNER (for himself and Mr. TRIBLE):

S. 1879. A bill to amend title 5, United States Code, to revise the authority to reimburse Federal employees for certain moving expenses incurred by such employees in connection with a transfer or reassignment in the interest of the Government from one official duty station or agency to another for permanent duty; to the Committee on Governmental Affairs.

PAYMENT OF CERTAIN MOVING EXPENSES

● Mr. WARNER. Mr. President, today, my colleague from Virginia (Mr. TRIBLE) and I are introducing legislation that will correct several inequities that presently exist when Federal employees are relocated from one geographic area to another to meet the needs of their Federal agency. These relocations are most often directed by the agency-employer.

According to statistics furnished by the Internal Revenue Service, Federal employees who must move as an obligation of their Federal careers incur, on the average, $8,000 worth of moving expenses that are over and above what their agency-employer is allowed by law to provide. The employees must pay this added cost out of their own pockets.

The Department of Defense Agencies, the FBI, the Drug Enforcement Administration, the Secret Service, the IRS, and the Bureau of Customs all must move many of their middle- and high-level employees back and forth from the field and headquarters to insure orderly rotation, better service, and the many other management services.

In addition, many activities—such as Department of Defense R&D laboratories—are hampered in recruiting qualified professionals because of existing restrictions on reimbursing the expenses an individual incurs when moving from one location to another to accept a Federal position. The private sector has no restriction, thereby putting the Federal Government at a disadvantage.

Everyone is losing in the current situation. Well qualified Federal employees are faced with the choices of leaving Government service or paying out of their pocket thousands of dollars in moving expenses. Government agencies are at a disadvantage recruiting and retaining high quality professionals, managers, and executives. The taxpayers are losing when these practices are adversely affecting the Government's ability to employ the best.

The bill I am introducing will go a long way toward relieving these problems, and a companion measure, H.R. 3852, has been introduced by my colleague in the House, Congressman FRANK WOLF. This legislation will apply only to moves that are certified by each agency to be in the best interest of the Government. I believe this bill will result in fewer, better and more equitable moves. It will provide for the fair treatment of our employees and will put the Government on an equal footing with the private sector.

For these reasons, I urge support for this legislation.

Also, I ask unanimous consent that the entire text of the bill be printed at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1879

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 5723(a)(1) of title 5, United States Code, is amended—

(1) by inserting "(A)" after "travel expenses";

(2) by striking out "manpower shortage or" and inserting in lieu thereof "manpower shortage, (B)"; and

(3) by inserting ", or (B) of any person appointed by the President, by and with the advice and consent of the Senate, to a position the rate of pay for which is equal to or higher than the minimum rate of pay prescribed for GS-16" after "Senior Executive Service".

(b) Sections 5724(a)(2) and 5726(b) of title 5, United States Code, are each amended by striking out "11,000" and inserting in lieu thereof "18,000".

(c) Section 5724(b)(1) of title 5, United States Code, is amended by striking out "not in excess of 20 cents a mile".

(d) Section 5724 of title 5, United States Code, is amended by adding at the end thereof the following new subsection:

"(j) The regulations prescribed under this section shall provide that the reassignment or transfer of any employee, for permanent duty, from one official station or agency to another which is outside the employee's commuting area shall take effect only after the employee has been given advance notice for a reasonable period. Emergency circumstances shall be taken into account in determining whether the period of advance notice is reasonable.".

(e) Section 5724a(a)(3) of title 5, United States Code, is amended—

(1) in the first sentence thereof, by striking out "30 days" and inserting in lieu thereof "60 days"; and

(2) by striking out the second and fourth sentences thereof and inserting after the first sentence the following: "The period of residence in temporary quarters may be extended for an additional 60 days if the head of the agency concerned or his designee determines that there are compelling reasons for the continued occupancy of temporary quarters.".

(f) Section 5724(a)(4) of title 5, United States Code, is amended—

(1) by inserting "(A)" after "(4)"; and

(2) by adding at the end thereof the following new subparagraph:

"(B)(i) In connection with the sale of the residence at the old official station, reimbursement under this paragraph shall not exceed 10 percent of the sale price or $15,000, whichever is the lesser amount.

"(ii) In connection with the purchase of a residence at the new official station, reimbursement under this paragraph shall not exceed 5 percent of the purchase price or $7,500, whichever is the lesser amount.

"(iii) Effective October 1 of each year, the respective maximum dollar amounts applicable under clauses (i) and (ii) shall be increased by the percent change, if any, in the Consumer Price Index published for December of the preceding year over that published for December of the second preceding year, adjusted to the nearest one-tenth of 1 percent. For the purpose of this clause, 'Consumer Price Index' means the Consumer Price Index for All Urban Consumers, United States City Average, Housing Component (1967=100), prepared by the Bureau of Labor Statistics, Department of Labor.".

(g)(1)(A) Subchapter II of chapter 57 of title 5, United States Code, is amended by adding after section 5724a the following new section:

"§ 5724b. Taxes on reimbursements for travel, transportation, and relocation expenses of employees transferred

"(a) Under such regulations as the President may prescribe and to the extent considered necessary and appropriate, as provided therein, appropriations or other funds available to an agency for administrative expenses are available for the reimbursement of all or part of the Federal, State, and city income taxes incurred by an employee, or by an employee and such employee's spouse (if filing jointly), for any moving or storage expenses furnished in kind, or for which reimbursement or an allowance is provided (but only to the extent of the expenses paid or incurred). Reimbursements under this subsection shall also include an amount equal to all income taxes for which the employee, or the employee and spouse, as the case may be, would be liable due to the reimbursement for the taxes referred to in the first sentence of this subsection.

"(b) For the purpose of this section, 'moving or storage expenses' means travel and transportation expenses (including storage of household goods and personal effects under section 5724 of this title) and other relocation expenses under sections 5724a and 5726(c) of this title.".

(B) The chapter analysis at the beginning of chapter 57 of title 5, United States Code, is amended by inserting after the item relating to section 5724a the following new item:

"5724b. Taxes on reimbursements for travel, transportation, and relocation expenses of employees transferred.".

(2) Section 5724(i) of title 5, United States Code, is amended by striking out "5724a" and inserting in lieu thereof "5724a, 5724b,".

SEC. 2. The amendments made by this Act shall be carried out by agencies by the use of funds appropriated or otherwise available for the administrative expenses of each of such respective agencies. The amendments made by this Act do not authorize the appropriation of funds in amounts exceeding the sums already authorized to be appropriated for such agencies.

SEC. 3. (a) The amendments made by this Act shall take effect on the date of the enactment of this Act.

(b) Not later than thirty days after the date of the enactment of this Act, the President shall prescribe the regulations required under the amendments made by this Act. Such regulations shall take effect as of such date of enactment.●

By Mr. CRANSTON (for himself and Mr. TSONGAS):

S.J. Res. 169. Joint resolution concerning the assassination of Benigno Aquino; to the Committee on Foreign Relations.

ASSASSINATION OF BENIGNO AQUINO

Mr. CRANSTON. Mr. President, I am pleased to join with Senator TSONGAS in introducing a joint resolution that expresses the grief and outrage of U.S. citizens over the murder of Senator Benigno Aquino of the Philippines.

Benigno Aquino was a man of great courage and conviction. He spent his career working for the betterment of his fellow citizens. He willingly faced death for his beliefs in freedom and democracy for the people of the Philippines. He suffered years of imprisonment and exile for his convictions. I am proud that I was one of many Americans who worked on his behalf to persuade the Marcos government to free Senator Aquino from jail and permit him to leave the Philippines to come to the United States. While in this country, he continued to work for greater political freedom and social justice in his own nation. He concluded that he could not participate fully in the Filipino efforts to achieve these goals while living in exile abroad. So despite the death threats against him, Benigno Aquino returned to Manila. He has paid for his convictions the ultimate price—his life.

The world must once again mourn the loss of a man of peace who has died because of a brutal, cowardly act of violence. It is especially incumbent upon the United States to voice its sorrow and distress at the loss of a man who has been such an articulate spokesman for peaceful change. The United States has had a long and close relationship with the Philippine people. The United States maintains strategically critical bases at Subic Bay and Clark Airfield. It is in our national interest to support the cause of greater human rights and democratization that Benigno Aquino strove for during his life. The United States must make clear to the Marcos government that the lack of progress toward real democracy in the Philippines is unacceptable. We must insure that the Marcos government understands our abhorrence of the murder of Senator Aquino while he was in the custody of Philippine security forces. We must make clear to the Marcos government that U.S. support is not unconditional.

Time and again we have seen that unlimited backing for right-wing dictatorships serves to radicalize many patriots who believe in democracy but oppose the repressive government in power. If we support any government, no matter how brutal, as long as it is not Marxist, when the inevitable social change occurs, those who bring it about and who come to power as a result are not favorably disposed to us. Past experiences in countries like Iran should teach us much about the situation in the Philippines today.

The Marcos government must provide adequate answers to the many questions regarding the circumstances surrounding the Aquino assassination. He was killed while in the custody of Philippine security guards. The Government's inability to protect Senator Aqunio raises serious question about the safety of President Reagan should he proceed with his plans to visit the Philippines in November. His proposed visit also raises a serious question of propriety; should the President of the United States provide official sanction of the Marcos regime while that government remains under cloud due to the circumstances surrounding Aquino's assassination? I firmly believe that it is not in the interest of the United States for the President to visit the Philippines until there has

been a full and accurate accounting of all the facts relating to the murder.

Mr. President, the resolution that I am offering with Senator TSONGAS clarifies the U.S. position regarding the events surrounding the death of Aquino and states once again U.S. commitment to the restoration of democracy and human rights in the Philippines through peaceful change. I hope that my colleagues will support this resolution.

ADDITIONAL COSPONSORS

S. 71

At the request of Mr. RANDOLPH, the name of the Senator from Arizona (Mr. GOLDWATER) was added as a cosponsor of S. 71, a bill to redesignate the days on which Washington's Birthday, Memorial Day, and Columbus Day are celebrated and to make each day a legal public holiday.

S. 128

At the request of Mr. ROTH, the names of the Senator from Utah (Mr. GARN), and the Senator from Arizona (Mr. DECONCINI) were added as cosponsors of S. 128, a bill entitled "The Equal Opportunity Retirement Act of 1983."

S. 497

At the request of Mr. HUMPHREY, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. 497, a bill to amend title 39 of the United States Code to provide that drug abuse oriented advertisements and shipments of drugs in response to drug abuse oriented advertisements shall be nonmailable matter.

S. 503

At the request of Mr. HUMPHREY, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. 503, a bill to make it unlawful to manufacture, distribute, or possess with intent to distribute, a drug which is an imitation of a controlled substance or a drug which purports to act like a controlled substance.

S. 699

At the request of Mr. KENNEDY, the name of the Senator from Rhode Island (Mr. PELL) was added as a cosponsor of S. 699, a bill to provide for Federal support and encouragement of State, local, and community activities to prevent domestic violence and assist victims of domestic violence, to provide for coordination of Federal programs and activities relating to domestic violence, and for other purposes.

S. 1144

At the request of Mr. HEINZ, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 1144, a bill to suspend periodic reviews of disability beneficiaries having mental impairments pending regulatory reform of the disability determination process.

S. 1432

At the request of Mr. DURENBERGER, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 1432, a bill to amend the provisions of title 31, United States Code, relating to the President's budget, to require information regarding major capital investment programs of the United States, and for other purposes.

S. 1621

At the request of Mr. HUMPHREY, the names of the Senator from North Dakota (Mr. BURDICK) and the Senator from Minnesota (Mr. BOSCHWITZ) were added as cosponsors of S. 1621, a bill to amend the Federal Aviation Act of 1958 to require commercial passenger carrying aircraft to be equipped with smoke detectors and automatic fire extinguishers in all aircraft lavatories and galley areas.

S. 1644

At the request of Mr. NUNN, the name of the Senator from Arizona (Mr. DECONCINI) was added as a cosponsor of S. 1644, a bill to improve Federal criminal sentencing by imprisoning dangerous and violent offenders and by diverting nonviolent offenders from imprisonment to restitution or community service programs.

S. 1844

At the request of Mrs. KASSEBAUM, the names of the Senator from South Dakota (Mr. ABDNOR), the Senator from South Dakota (Mr. PRESSLER), and the Senator from Arizona (Mr. GOLDWATER) were added as cosponsors of S. 1844, a bill entitled the "Aviation Tax-Reduction Act of 1983."

S. 1865

At the request of Mr. HUDDLESTON, the names of the Senator from Oklahoma (Mr. BOREN), the Senator from Illinois (Mr. DIXON), the Senator from Vermont (Mr. LEAHY), and the Senator from Alabama (Mr. HEFLIN) were added as cosponsors of S. 1865, a bill to require the Secretary of Agriculture to make an earlier announcement of the 1984 crop feed grain program and of the 1985 crop wheat and feed grain programs.

SENATE JOINT RESOLUTION 114

At the request of Mr. NUNN, the names of the Senator from Delaware (Mr. ROTH), the Senator from Missouri (Mr. EAGLETON), the Senator from Arkansas (Mr. BUMPERS), the Senator from Florida (Mr. CHILES), the Senator from Oklahoma (Mr. BOREN), the Senator from South Carolina (Mr. HOLLINGS), the Senator from California (Mr. CRANSTON), the Senator from Tennessee (Mr. SASSER), and the Senator from Louisiana (Mr. LONG) were added as cosponsors of Senate Joint Resolution 114, a joint resolution to request the President to proclaim September 1983, as "National Professional Security Month."

SENATE JOINT RESOLUTION 147

At the request of Mr. WEICKER, the names of the Senator from New York (Mr. MOYNIHAN) and the Senator from Hawaii (Mr. INOUYE) were added as cosponsors of Senate Joint Resolution 147, a joint resolution to designate the week of September 25, 1983, through October 1, 1983, as "National Rehabilitation Facilities Week."

SENATE JOINT RESOLUTION 157

At the request of Mr. MELCHER, the name of the Senator from Alabama Mr. HEFLIN) was added as a cosponsor of Senate Joint Resolution 157, a joint resolution designating November 13, 1983, as "National Retired Teachers' Day."

SENATE JOINT RESOLUTION 161

At the request of Mr. CHAFEE, the names of the Senator from Washington (Mr. GORTON), the Senator from Nebraska (Mr. EXON), and the Senator from New Jersey (Mr. BRADLEY) were added as cosponsors of Senate Joint Resolution 161, a joint resolution to designate the week of April 15, 1984, through April 21, 1984, as "National Child Abuse Prevention Week."

SENATE JOINT RESOLUTION 163

At the request of Mr. BYRD, the name of the Senator from Montana (Mr. MELCHER) was added as a cosponsor of Senate Joint Resolution 163, a joint resolution finding that section 4(a) (1) of the war powers resolution applies to the present circumstances in Lebanon.

SENATE CONCURRENT RESOLUTION 62

At the request of Mr. MATTINGLY, the names of the Senator from Arizona (Mr. DECONCINI), the Senator from Georgia (Mr. NUNN), and the Senator from North Dakota (Mr. BURDICK) were added as cosponsors of Senate Concurrent Resolution 62, a concurrent resolution to direct the Commissioner of Social Security and the Secretary of Health and Human Services to develop a plan outlining the steps which might be taken to correct the social security benefit disparity known as the notch problem.

SENATE RESOLUTION 180

At the request of Mr. KENNEDY, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of Senate Resolution 180, a resolution expressing the sense of the Senate in support of affordable and decent health care for older Americans.

AMENDMENTS SUBMITTED

FOREIGN RELATIONS AUTHORIZATION, 1984

HEINZ (AND OTHERS) AMENDMENT NO. 2187

Mr. HEINZ (for himself, Mr. LUGAR, Mr. DIXON, and Mr. PERCY) proposed an amendment to the bill (S. 1342) to authorize appropriations for the fiscal years 1984 and 1985 for the Department of State, the U.S. Information Agency, and the Board for International Broadcasting, and for other purposes, as follows:

On page 32, between lines 7 and 8, insert the following new section:

"FUNDS FOR UNITED STATES-GERMAN TEENAGE EXCHANGE

"SEC. 210. There are authorized to be appropriated for the United States Information Agency, $2,500,000 for the fiscal year 1984 and $2,500,000 for the fiscal year 1985 to carry out a United States-German teenage exchange sponsored by the Members of the United States Congress and the West German Bundestag.".

McCLURE (AND OTHERS) AMENDMENT NO. 2188

Mr. McCLURE (for himself, Mr. SYMMS, Mr. D'AMATO, Mr. DENTON, Mr. DOMENICI, Mr. HELMS, Mr. ARMSTRONG, Mr. SIMPSON, and Mr. HUMPHREY) proposed an amendment to the bill S. 1342, supra, as follows:

At the end of the bill add the following new section:

The President shall prepare and transmit to the Congress a report on the record of Soviet compliance or non-compliance with the letter and spirit of all existing arms control agreements to which the Soviet Union is a party.

LUGAR (AND DENTON) AMENDMENT NO. 2189

Mr. LUGAR (for himself and Mr. DENTON) proposed an amendment to the bill S. 1342, supra, as follows:

On page 24, line 20, immediately following section 121, insert the following new section:

"UNITED STATES DIPLOMATIC RELATIONS WITH THE VATICAN

"SEC. 122. In order to provide for the establishment of United States diplomatic relations with the Vatican, the Act entitled "An Act Making Appropriations for the Consular and Diplomatic Expenses of the Government for the year ending thirtieth June, eighteen hundred and sixty-eight, and for other purposes," approved February 28, 1867, is amended by repealing the following sentence (14 Stat. 413): "And no money hereby or otherwise appropriated shall be paid for the support of an American legation at Rome, from and after the thirtieth day of June, eighteen hundred and sixty-seven."

BIDEN AMENDMENT NO. 2190

Mr. BIDEN proposed an amendment to the bill S. 1342, supra, as follows:

At the end of title I, add the following new section:

UNITED STATES-EUROPEAN COMMUNITY INTERPARLIAMENTARY GROUP

SEC. 122. (a)(1) Congress hereby resolves that not to exceed twenty-four Members of Congress shall be appointed to meet jointly and at least annually with representatives of the European Parliament to constitute a United States-European Community Interparliamentary Group for a discussion of common problems in the interest of sound relations between the United States and the nations of the European Community. Of the Members of the Congress to be appointed for this purpose (hereafter designated as the United States Group), half shall be appointed by the President of the Senate from Members of the Senate (not fewer than four of whom shall be from the Foreign Relations Committee), and half shall be appointed by the Speaker of the House (not fewer than four of whom shall be from the International Relations Committee).

(2) Such appointments shall be made for the period of each meeting of the United States-European Community Interparliamentary Group.

(3) The Chairman or Vice Chairman of the Senate delegation shall be a member from the Foreign Relations Committee, and the Chairman or Vice Chairman of the House delegation shall be a Member from the House International Relations Committee.

(b)(1) To provide for participation of the United States Group, not to exceed $50,000 shall be appropriated for each fiscal year (subject to the annual authorization and appropriation process), with $25,000 to be available for the Senate delegation and $25,000 for the House delegation, or so much thereof as may be necessary to assist in meeting the expenses of the United States Group. The Senate and House portions of such appropriation shall be disbursed on vouchers to be approved by the Chairman of the Senate delegation and Chairman of the House delegation, respectively.

(2) The United States Group of the United States-European Community Interparliamentary Group shall submit to the Congress a report for each fiscal year for which an appropriation is made including its expenditures under such appropriation.

(3) The certificate of the Chairman of the respective delegation shall be final and conclusive upon the accounting officers in the auditing of all accounts of the Senate and House delegations to the United States-European Community Interparliamentary Group.

HELMS (AND DENTON) AMENDMENT NO. 2191

Mr. HELMS (for himself and Mr. DENTON) proposed an amendment to the bill S. 1342, supra, as follows:

On page 26, strike lines 16 through 22, and insert in lieu thereof the following:

"FUNDS FOR ENHANCEMENT OF TRANSMITTER FACILITIES

"Sec. 205. (a) Of the amounts appropriated for the United States Information Agendy for fiscal year 1984, not less than $52,900,000 shall be available only for the engineering, site preparation, and enhancement of radio transmitter facilities.

"(b) Of the amounts appropriated for the United States Information Agency for fiscal year 1985, not less than $95,286,000 shall be available only for the engineering, site preparation, and enhancement of radio transmitter facilities."

On page 27, line 1, strike "$100,500,000" and insert in lieu thereof "$78,900,000".

On page 27, line 10, strike "$123,100,000" and insert in lieu thereof $80,800,000".

One page 33-43, strike entire title IV.

MITCHELL (AND STAFFORD) AMENDMENT NO. 2192

Mr. MITCHELL (for himself and Mr. STAFFORD) proposed an amendment to the bill S. 1342, supra, as follows:

On page 24, after line 19, add the following new section to title I of the bill:

"SEC. . (a) Notwithstanding any other provision of law, none of the funds made available under this Act for "International Commissions" for fiscal year 1984 and fiscal year 1985, shall be available for the use, by such commissions or their agents, of herbicides containing dioxin compounds.

(b) Unless the Committee on Foreign Relations of the Senate, the Committee on Environment and Public Works of the Senate, and the Governors of the affected border states are notified forty-five days in advance of the use of a herbicide by an international commission, funds appropriated for such use shall not be available for obligation or expenditure. Such notification shall include—

(1) the name of the herbicide;

(2) an estimate of the quantity of herbicide planned for use;

(3) an identification of the area on which the herbicide will be used;

(4) a description of the herbicide's chemical composition."

MITCHELL AMENDMENT NO. 2193

Mr. MITCHELL proposed an amendment to the bill S. 1342, supra, as follows:

On Page 5, line 7, after the term "agricultural commodities," insert "fisheries commodities," and

On Page 6, line 9, after the word "agricultural", insert ", fisheries,".

MITCHELL (AND OTHERS) AMENDMENT NO. 2194

Mr. MITCHELL (for himself, Mr. LEVIN, Mr. BOSCHWITZ, and Mr. KENNEDY) proposed an amendment to the bill S. 1342, supra, as follows:

On page 2, line 17, strike "$344,500,000" and insert in lieu thereof, "$369,500,000";

On page 24, after line 19, add the following new section to title I of the bill:

"SEC. . Notwithstanding any other provision of law, of the funds authorized to be appropriated for fiscal year 1984 under Section 102(4) of this act, $25 million shall be available only for Lebanon for relief and rehabilitation assistance to benefit refugees and displaced persons."

KENNEDY (AND SIMPSON) AMENDMENT NO. 2195

Mr. KENNEDY (for himself and Mr. SIMPSON) proposed an amendment to amendment No. 2194 proposed by Mr. MITCHELL to the bill S. 1342, supra, as follows:

On line 2 of the Mitchell amendment, strike "$369,500,000" and insert in lieu thereof "354,500,000".

On line 10 of the Mitchell amendment, strike "." and insert in lieu thereof "and $10 million shall be available only for El Salvador for relief assistance to displaced persons.".

ZORINSKY (AND OTHERS) AMENDMENT NO. 2196

Mr. ZORINSKY (for himself, Mr. HELMS, Mr. WALLOP, and Mr. DENTON) proposed an amendment to the bill S. 1342, supra, as follows:

Beginning on page 33, line 21, strike all through page 43, line 3.

On page 26, line 16, strike all through the period on line 22, and renumber all subsequent sections accordingly.

At the end of title II, insert the following: None of the funds appropriated for the use of the United States Information Agency shall be used for the National Endowment for Democracy.

On page 25, line 4, strike "$636,000,000" and insert in lieu thereof "$604,700,000".

On page 25, line 5, strike "$636,000,000" and insert in lieu thereof "$604,700,000".

HUDDLESTON (AND OTHERS) AMENDMENT NO. 2197

Mr. HUDDLESTON (for himself, Mr. GOLDWATER, Mr. INOUYE, Mr. HELMS, Mr. LEAHY, Mr. BOREN, Mr. EXON, Mr. DECONCINI, Mr. SYMMS, Mr. MCCLURE, Mr. JEPSEN, Mr. DOMENICI, Mr. ABDNOR, Mr. GARN, Mr. FORD, Mr. BINGAMAN, Mr. BYRD, Mr. DENTON, Mr. CHILES, Mr. NICKLES, Mr. STENNIS, Mr. MOYNIHAN, Mr. RANDOLPH, Mr. LAUTENBERG, and Mr. MATTINGLY) proposed an amendment to the bill S. 1342, supra, as follows:

At the appropriate place in the bill insert the following new section:

PRINCIPLES OF EQUIVALENCE

SEC. . (a) It is the sense of the Congress that the President should, consistent with the interests of the United States and as soon as practicable after the enactment of this act, take the necessary steps—

(1) To insure substantial equivalence between the number of officers of employees or the Government of the Soviet Union in the United States (other than members of the news media and those assigned at the United Nations) and the number of officers or employees of the United States Government in the Soviet Union, and

(2) To insure that the restrictions and conditions imposed on the travel, accommodations, and facilities of officers or employees of the Government of the Soviet Union in the United States are not less than those imposed by the Government of the Soviet Union on the travel, accommodations, and facilities of officers or employees of the United States Government in the Soviet Union.

(b) The Congress requests the President to report to the Congress on actions taken to carry out this section, together with recommendations for any additional legislation that may be necessary to carry out this section.

MOYNIHAN AMENDMENT NO. 2198

Mr. MOYNIHAN (for himself, Mr. INOUYE, Mr. LAUTENBERG, and Mr. EXON) proposed an amendment to the bill S. 1342, supra, as follows:

At the appropriate place, add the following new Section:

"SEC. . The United States shall maintain no embassy in Israel that is not located in the City of Jerusalem."

KASSEBAUM AMENDMENTS NOS. 2199 AND 2200

Mrs. KASSEBAUM proposed two amendments to the bill S. 1342, supra, as follows:

On page 24, line 11, insert before the period a comma and the following: "except that $100,000 of the amount allocated by this section shall be available only if such proposed recipient organization has available for its use an equal amount and that, in such case, grants may be made up to $30,000".

At the appropriate place in the bill, insert the following new section:

SEC. . The President shall use every available means at his disposal to ensure that the 1985 Conference to commemorate the conclusion of the United Nations Decade for Women is not dominated by political issues extraneous to the goals of the 1985 Women's Conference that would jeopardize United States participation in and support for that Conference consistent with applicable legislation concerning U.S. contributions to the United Nations. Prior to the 1985 Conference, the President shall report to the Congress on the nature of the preparations, the adherence to the original goals of the Conference, and the extent of any continued United States participation and support for the Conference.

On page 2, line 11, strike out "$602,343,000" and insert in lieu thereof "$524,165,000".

On page 2, line 12, strike out "$645,978,000" and insert in lieu thereof "$539,240,000".

Add at the end of the bill:

(a) Notwithstanding any other provision of law, the United States payment for assessed contributions for calendar year 1984 to the United Nations, the United Nations Educational, Scientific, and Cultural Organization, the World Health Organization, the Food and Agricultural Organization, and the International Labor Organization shall not exceed its assessed contribution for calendar year 1980 and for calendar years 1985, 1986, and 1987 shall be no more than 90 per centum, 80 per centum, and 70 per centum of the amount of the assessment for calendar year 1980.

(b) No payment shall be authorized for assessed contributions to the organizations listed in section a unless the amount authorized to be appropriated by this section are accepted by these organizations as payment in full of the U.S. assessed contribution towards the financial support of these organizations.

KASSEBAUM (AND OTHERS) AMENDMENT NO. 2201

Mrs. KASSEBAUM (for herself, Mr. RANDOLPH, Mr. PRESSLER, Mr. EXON, Mr. DOLE, Mr. MCCLURE, Mr. MATTINGLY, and Mr. NICKLES) proposed an amendment to the bill S. 1342, supra, as follows:

On page 24, between lines 19 and 20, insert the following:

RESTRICTIONS ON ASSESSED PAYMENTS TO THE UNITED NATIONS

SEC. . (a) Notwithstanding any other provision of law, the United States assessed payments for the calendar year 1984 to the United Nations, the United Nations Educational, Scientific, and Cultural Organization, the World Health Organization, the Food and Agricultural Organization, and the International Labor Organization shall not exceed its assessed payments to each such organization for the calendar year 1980. Such payments to each such organization for the calendar years 1985, 1986, and 1987 shall be no more than 90 per centum, 80 per centum, and 70 per centum, respectively, of the amount of the assessments paid to each such organization for the calendar year 1980.

(b) No payment may be made to an organization referred to in subsection (a) for the calendar years 1985, 1986, and 1987 unless payments made pursuant to this section are accepted by the respective organization as payment in full of the United States assessment towards the financial support of such organization.

DECONCINI (AND JEPSEN) AMENDMENT NO. 2202

Mr. DECONCINI (for himself and Mr. JEPSEN) proposed an amendment (which was subsequently modified) to the bill, S. 1342, supra, as follows:

At the bottom of page 48, add the following:

TITLE VII—GENERAL PROVISIONS

SEC. 701. (a) That it is the sense of the Congress that the Secretary of State should recommend to the Attorney General that extended voluntary departure status be granted to aliens who are nationals of El Salvador and that the Attorney General should exercise his discretion and grant such status to such aliens until the situation in El Salvador has changed sufficiently to permit their safely residing in that country.

DECONCINI AMENDMENT NO. 2203

Mr. DECONCINI proposed an amendment to the bill S. 1342, supra, as follows:

On page 24, between lines 19 and 20, insert the following new section:

"DOMESTIC POLITICAL ACTIVITIES OF AMBASSADORS

"SEC. 122. Paragraph (3) of section 7324(d) of such title is amended by inserting '(other than an ambassador or minister, except when taking part in activity described in subsection (a) or behalf of a Presidential political campaign)' after in its relations with foreign powers or'."

HUMPHREY AMENDMENT NO. 2204

Mr. HUMPHREY proposed two amendments to the bill S. 1342, supra, as follows:

At the bottom of page 48, add the following:

TITLE VII—GENERAL PROVISIONS

POLICY ON THE JAMMING BY THE SOVIET UNION OF BROADCASTS OF VOICE OF AMERICA AND RFE/RL, INCORPORATED

SEC. 701. (a) The Congress finds that—

(1) the permanent unrestrained flow of accurate information would greatly facilitate mutual understanding and world peace;

(2) the Soviet Union and its allies are at present electronically jamming the broadcasts of Voice of America and RFE/RL, Incorporated (also known as Radio Free Europe and Radio Liberty); and

(3) electronic jamming of international broadcasts violates at least four international agreements: Article 35(1) of the International Telecommunications Union Convention, Article 19 of the Universal Declaration of Human Rights, Article 19 of the International Convenant on Civil and Political Rights, and the Final Act of the Conference on Security and Cooperation in Europe (also known as the Helsinki Accords).

(b) It is the sense of the Congress that the President should urge the Government of the Soviet Union to terminate its jamming of the broadcasts of Voice of America and RFE/RL, Incorporated (also known as Radio Free Europe and Radio Liberty).

HUMPHREY (AND OTHERS) AMENDMENT NO. 2205

Mr. HUMPHREY (for himself, Mr. D'AMATO, and Mr. PERCY) proposed an amendment to the bill S. 1342, supra; as as follows:

On page 33, between lines 20 and 21, insert the following:

POLICY ON BROADCASTS OF RFE/RL, INCORPORATED AND VOICE OF AMERICA CONCERNING SOVIET RELIGIOUS PERSECUTION

SEC. 303. It is the sense of the Congress that RFE/RL, Incorporated (commonly referred to as Radio Free Europe and Radio Liberty) and the Voice of America (VOA) are to be commended for their news and editorial coverage of the increasing religious persecution in the Soviet Union, including the declining levels of Jewish emigration, and are encouraged to intensify their efforts in this regard.

PERCY AMENDMENT NO. 2206

Mr. PERCY proposed an amendment to the bill, S. 1342, supra, as follows:

On page 24, after line 19, insert the following new section:

SEC. 122. The Foreign Service Buildings Act of 1926, as amended, is further amended by adding a new section 11 thereto as follows:

(A) Contracts, including lease-back or other agreements the purposes of which is to obtain the construction, alteration or repair of buildings and grounds abroad, when estimated to or as awarded exceed $2,000,000, (including contract alternatives and contingencies)

(1) Shall be limited to (a) American-owned bidders and (b) bidders from countries which permit or agree to permit equal access to American bidders for comparable projects;

(2) For purposes of determining competitive status, bids qualifying under subsection (1)(a) shall be reduced by ten per centum thereof.

(B) Bidder qualification under this Section shall be determined on the basis of nationality of ownership, the burden of which shall be on any prospective bidder; qualification under Subsection (1)(a) shall require ownership in excess of fifty percent by United States citizens or permanent residents or have been incorporated in the United States for more than three years and employ United States citizens in more than half its permanent full-time positions in the United States. Determinations under this Section shall be committed to the discretion of the Secretary.

(C) Contracts for construction, alteration or repair in the United States for or on behalf of any Foreign Mission as defined in the Foreign Missions Act of 1982 may, pursuant to the authority of that Act, only be awarded to or performed by a company qualifying under section A(1) above: *Provided*, That nothing therein shall preclude work to be performed by nationals of the Sending State otherwise granted the right of entry for that purpose by the Secretary.

PERCY AMENDMENT NO. 2207

Mr. PERCY proposed an amendment to the bill, S. 1342, supra, as follows:

On page 33, after line 20, add the following new section:

BALTIC DIVISION

SEC. 304. None of the funds appropriated pursuant to subsection 301 may be used unless—

(1) the Estonian, Latvian and Lithuanian radio services of Radio Free Europe/Radio Liberty are organized and a separate division within Radio Liberty; and

(2) that they begin broadcasts under a name which would accurately reflect United States policy of not recognizing the illegal incorporation of Estonia, Latvia, and Lithuania into the Soviet Union.

PERCY (AND OTHERS) AMENDMENT NO. 2208

Mr. PERCY (for himself, Mr. PELL and Mr. MOYNIHAN) proposed an amendment to the bill, S. 1342, supra, as follows:

Page 48, after line 17, insert the following new title:

TITLE VII—UNITED STATES-INDIA ENDOWMENT FOR CULTURAL, EDUCATIONAL AND SCIENTIFIC COOPERATION

SHORT TITLE

SEC. 701. This title may be cited as the "United States-India Endowment for Cultural, Educational, and Scientific Cooperation Act".

THE ENDOWMENT

SEC. 702. The President is authorized to enter into an agreement with the Government of India providing for the establishment of a United States-India Endowment for Cultural, Educational, and Scientific Cooperation (hereinafter in this title referred to as the "Endowment") which would provide grants and other assistance for exchanges of persons for cultural, educational, and scientific purposes and for programs for joint scientific cooperation.

NOTICES OF HEARINGS

SUBCOMMITTEE ON MERCHANT MARINE

Mr. STEVENS. Mr. President, I wish to announce that the Subcommittee on Merchant Marine of the Committee on Commerce, Science, and Transportation, will hold a hearing during the session of the Senate on Thursday, September 29, 1983, on S. 1197, a bill to admit certain vessels to the coastwise trade.

SUBCOMMITTEE ON SOIL AND WATER CONSERVATION, FORESTRY, AND ENVIRONMENT

Mr. JEPSEN. Mr. President, I wish to announce that the Subcommittee on Soil and Water Conservation, Forestry, and Environment of the Committee on Agriculture, Nutrition, and Forestry will hold a hearing on two conservation payment-in-kind bills on Tuesday, September 27. The bills to be considered are S. 998 and S. 1053.

The hearing will begin at 10 a.m. in room SR 328-A.

Anyone wishing further information should contact the Agriculture Committee staff at 224-0014 or 224-0017.

SUBCOMMITTEE ON WATER AND POWER

Mr. NICKLES. Mr. President, I would like to announce for the information of the Senate and the public that S. 1590, to clarify the contractual authority of the Secretary of the Interior to deliver water to the North Platte irrigation district project, has been added to the agenda of the hearing scheduled before the Subcommittee on Water and Power for Thursday, September 29, at 10 a.m. in room SD-366.

For further information regarding this hearing you may wish to contact Mr. Russ Brown of the subcommittee staff at 224-2366.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. STEVENS. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Thursday, September 22, at 2 p.m., to hold a hearing to consider alternative funding plans for the Clinch River breeder reactor.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON MERCHANT MARINE

Mr. STEVENS. Mr. President, I ask unanimous consent that the Subcommittee on Merchant Marine of the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on Thursday, September 29, 1983, to hold a hearing on S. 1197, a bill to admit certain vessels to the coastwise trade.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. STEVENS. I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Thursday, September 22, to consider and mark up the unemployment compensation bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON PUBLIC LANDS AND RESERVED WATER

Mr. BAKER. Mr. President, I ask unanimous consent that the Subcommittee on Public Lands and Reserved Water, of the Committee on Energy and Natural Resources, be authorized to meet during the session of the Senate on Friday, September 23, at 9 a.m. to hold a hearing to consider S. 1090, a bill to establish a National Outdoor Recreation Resources Review Commission to study and recommend appropriate policies and activities for government agencies at the Federal, State, and local levels and for the private sector, to assure the continued availability of quality outdoor recreation experiences in America to the year 2000, and for other purposes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

JOHN AYER: A MAN OF COURAGE

● Mr. CHILES. Mr. President, I would like to share with the Members of the Senate the story of a man of courage whose heroic action is earning him richly deserved attention and gratitude from the people of his city, Miami, and from others around the country who happen to hear of him.

Last Saturday night, a young Miamian, Angela Vivier, was headed home from her job in a shopping center when she ran into a car that pulled into the street in front of her. From a local nightspot nearby a crowd of men, many drunken, quickly surrounded her car. When she rolled down her window to ask someone to phone her father, a bracelet was yanked from her arm, her purse was stolen and a man tried to come through the window after her.

Fortunately, an unusual man came along. John Ayer, driving past, quickly sized up the menacing situation and realized the terror-stricken woman desperately needed help. Though alone and unarmed, he stopped his van, walked straight into the crowd, forced open the damaged car door and told her to come with him to his van. A short distance away, they were attacked and knocked to the ground. John came up fighting and single-handedly took on the mob. Soon a second motorist came along and drove at the crowd and while they were distracted, the two victims escaped to the van and raced off.

John Ayer—aged 34, 5 feet 8 inches tall, and 160 pounds—waded into a situation that most people would have run away from. As a result, he lost some teeth, had his jaw fractured in two places, suffered cuts and wound up in the hospital. By anyone's definition he is a hero, but he was quoted in the Miami Herald: "I didn't do much. I just stopped and drove her away. I fall pretty far short of a hero."

Angela Vivier credits him with saving her from certain rape and probably death. She said it was like having "a guardian angel." Her father summed it up this way: "He's got guts and a genuine, selfless courage."

In these times when we are more likely to hear of people turning their backs or docilely looking on as someone is abused or killed, I am pleased to hold up John Ayer as a lesson to us all regarding our responsibility toward those who are in danger or in need. I strongly commend him and hope that I will have the privilege of meeting him and shaking his hand sometime soon.

What makes a hero? That is a question that has always been difficult to answer, but Charles Whited, a longtime columnist for the Miami Herald, provided some definition at least in regard to what has made John Ayer the man that he is. That tremendous credit is due his parents is apparent in their comments following the traumatic incident. His father said, "He did what a gentleman should do. That's how a gentleman behaves." And his mother added, "We tried to teach him ethics and morality." They obviously did fine work as parents and they can be justifiably proud.

I ask that the Whited column be reprinted in its entirety in the RECORD at this point.

The column follows:

HEROIC ACTIONS STIR PRIDE AND GRATITUDE

(By Charles Whited)

A city sick of criminal violance continued Tuesday to heap him with praise. But John Holbrook Ayer, 34, could not respond out loud. His jaw, broken in two places and surgically repaired, was shut.

He sat up in bed in blue pajamas, a handsome, dark-haired man. Floral arrangements blazed in the small private room at Baptist Hospital. Cards expressed best wishes from family and friends.

What makes heroes tick? Why did he, John Ayer, wade into that drunken mob alone and unarmed to rescue a 19-year-old woman being abused and terrorized after her car had been wrecked?

"Look, John," I said, "nine out of 10 people would have driven past without stopping. Why did you do what you did?"

He borrowed my notebook and pen. In neat block letters, he began printing his reply: "It was mostly instinct. Plus it was the way I was brought up. . . ."

"What a fantastic thing for Miami a nurse said. "It's so great, knowing there are people like him around."

Everybody agreed. This city of wounds and angers was electrified. The fact that the mob beat Ayer, knocked him down and broke his jaw before be could get young Angela Vivier to his van and escape, make the drama what it was. A high personal risk of life and limb.

But what makes heroes? What makes John Ayer different?

I put the question Tuesday to the people who know his personal background best, Holbrook E. (Hobe) Ayer, the 61-year-old owner of a hardware store, and his wife, Margaret. They are John's parents.

The elder Ayer replied, in part: "He did what a gentleman should do. That's how a gentleman behaves."

From his parents came a description of their bachelor son as an only child, very independent, but the product of a close-knit family and conservative middle-class values. Ayer's father speaks of his son as methodical, self-reliant. (Example: John could have gone into the family hardware business, established in the 1940s by his grandfather. But he chose to strike out on his own instead as a kind of commercial handyman, maintaining business properties for clients.)

"We are very proud of him," Margaret Ayer said. "We tried to teach him ethics and morality."

John Ayer was born in Miami, a third-generation Dade Countian. As a boy, he was an acolyte in the Episcopal Church and a Boy Scout (rank: first class). He graduated from Palmetto Senior High, attended Miami-Dade Community College and the University of Florida.

The family traces its roots back to New England seafaring men of the early 1600s. His great-grandfather, Capt. Aaron Holbrook, was an owner and master of clipper ships in the 19th Century. John, an avid yachtsman, still has Capt. Holbrook's logbooks and navigational sextant. John's father and grandfather, the late Holbrook E. Ayer Sr., also have been yachtsmen. The senior Ayer came to Miami in the early 1920s as a millwork expert and builder. Hobe Ayer, John's father, is a master mariner who served as a merchant marine officer on the bloody North Atlantic convoys of World War II. John Ayer sailed his first pram alone on Biscayne Bay at age 10 and now owns a 28-foot vessel.

"He always went to the help of a boat in trouble," Hobe Ayer told me. "It is part of the sailor's tradition."

On the night of the assault, father and son waited together in the emergency room of Baptist Hospital. Hobe Ayer fretted about the time it was taking to get treatment for John. "He is stoic about pain, but I knew he was suffering. I said something about it. He said, 'Dad, think of the guys in Vietnam who had to sit in the mud and wait for a chopper.' "

What makes a man risk his life for another person? John Ayer's motivation was simple and basic. He printed it in my notebook Tuesday:

". . . She was in trouble. I was the only one who could help.

"I had to try my best."●

CONFERENCE OF THE NATIONAL FEDERATION OF PARENTS FOR DRUG-FREE YOUTH

● Mrs. HAWKINS. Mr. President, in a few short days, one of the most important conferences of 1983 will convene here in Washington. More than 500

parents, professionals, educators, and others from as far away as Alaska, who are concerned with adolescent drug and alcohol abuse, will attend the second annual conference of the National Federation of Parents for Drug-Free Youth, September 25-28, 1983.

Honorary chairman of the conference will be First Lady Nancy Reagan. Among others invited to participate in the program are actor/comedian Tim Conway; FBI Director William Webster; Dominic DiCarlo, Assistant Secretary of State for International Narcotics Matters; Dr. Carlton Turner, Director of the White House Office of Drug Abuse Policy; Dr. William Mayer, Director of the Alcohol, Drug Abuse and Mental Health Administration; Frank Jirka, president of the American Medical Association; Dr. Robert Dupont, president of the American Council on Drug Education; and Jack E. O'Brien, president of McNeil Pharmaceuticals, the sponsor of the highly successful Pharmacists Against Drug Abuse Campaign.

At the conference, parent leaders will describe their accomplishments, share successful strategies, and identify new challenges. Their achievements include sponsoring a drug-free concert for 10,000 youths, organizing congressional wives, working to ban look-alike pills, producing a weekly talk show on teenage drug use, and developing prevention/education programs for children and for physicians. They are proving, Mr. President, that concerned parents can make a difference in the fight against adolescent drug and alcohol abuse, a grave problem that affects millions of American teenagers and preteens.

In addition to the plenary sessions planned for the conference, the parents have scheduled a special visit to Capitol Hill to meet with their elected officials and staff to discuss matters before Congress which are critical to their efforts. Their visit here will culminate Monday evening with a gala reception for all members and spouses in the Cannon House caucus room in honor of the landmark PBS project, "The Chemical People," which the NFP is cosponsoring along with 30 additional national professional and civic associations.

Mr. President, the National Federation of Parents for Drug-Free Youth, organized in 1980, is the collective voice of thousands of parents all across America who have cried "enough" and determined to reverse the escalating use of drugs and alcohol by our young people. They provide accurate, up-to-date information to communities, educators, Members of both Houses of Congress and assist local parent/community groups to organize at the community level. The NFP also maintains the Nancy Reagan Speakers Bureau.

As the only national organization founded, directed, and administered by parents for the sole purpose of drug and alcohol abuse prevention among our young people, this very effective volunteer organization warrants and needs our fullest support and encouragement. I am particularly proud of the NFP because of the efforts of my good friends and fellow Floridians, Bill and Pat Barton, among the cofounders of the group.●

SENATOR HATFIELD ON NUCLEAR ARMS CONTROL

● Mr. KENNEDY. Mr. President, I wish to draw to the attention of my colleagues an excellent article by my good friend and colleague, Senator MARK HATFIELD, which appeared in today's New York Times.

Entitled "This is Arms Control?", Senator HATFIELD's article makes clear the imperative need for an immediate nuclear weapons freeze followed by major reductions. At the same time, he points out the proposal for a nuclear build-down is analogous to trading old Volkswagens for new Rolls-Royces and sleek, agile Ferraris.

Before the end of this session, all Senators can expect to vote on the nuclear freeze initiative, and I hope that they will carefully consider Senator HATFIELD's article as they make final decisions on the alternatives before them.

I ask that the article be printed in the RECORD.

The article follows:

[From the New York Times, Sept. 22, 1983]

THIS IS ARMS CONTROL?

(By Mark O. Hatfield)

WASHINGTON.—The attitudes that threaten to prevail in Congress today are similar to those that gripped European and American leaders at the turn of the 20th century. The peace movement was strong during that period, just as it is today. The political elite sang of disarmament. Yet these leaders had no intention of denying themselves the freedom to build all the arms they desired.

So it is with the vast majority of those in Congress who support the MX missile on the grounds that it will encourage progress at the arms control talks in Geneva. This defies logic. The type of "arms control" they want in exchange for voting for the MX is even more mind-boggling—a "guaranteed build-down" that would remove two or three old nuclear weapons from the arsenals of the superpowers for each new one built.

Arms escalation would thus become what some Congressmen have called "the engine to fuel arms control." George Orwell would have had fun with this one. Build-down is simply a new way to insure continuation of the old rules, allowing the Administration to determine what it "needs" (whatever the weapons laboratories offer) and attach a quantitative ceiling. This is then called arms control—and we move on to the next round in the arms race. Build-down is a general's dream. It is analagous to trading old Volkswagens for new Rolls-Royces and sleek, agile Ferraris.

In contrast, the term "nuclear freeze" accurately reflects the intent and substance of the proposal it represents. It treats technological advancements in weaponry as the greatest danger of the arms race and the first priority of an arms control agreement leading to reductions.

The Senate Foreign Relations Committee voted Tuesday to reject the freeze and build-down but sent them to the Senate floor for a vote. There is talk of reconciling the two measures. Only magic could make this possible. Weapons might be built on both sides while a freeze is being negotiated—and certainly it would seem more desirable to be removing some weapons than to fail to impose any constraints. But there is a catch: New weapons systems desired by build-down advocates will take many years to reach partial or full deployment, while a nuclear freeze could be negotiated within a year.

While some proponents of build-down are fervently committed to its implementation, others are probably quite prepared to settle for much less. They are merely seeking an imaginative justification for the MX. I suspect that all the President would need to do to placate them is announce that our negotiators at the arms talks in Geneva have been instructed to mention build-down to the Russians. Having done this, they could then return to their original agenda. Congressmen and Senators could hold press conferences touting their influence, and that would be that.

Last week, three members of Congress suggested modifications to make build-down more acceptable to freeze advocates. These include ceilings on strategic warheads and destructive capability. They are flawed in two crucial respects.

Surprisingly, the sponsors acknowledged that rough strategic parity now exists. If this is so, nothing useful can be accomplished through spending for new weapons that couldn't be accomplished without spending a dime through a freeze and subsequent reductions tailored to preserve the balance in a purely downward motion.

The second flaw lies with the build-down proposal's formula for measuring destructive capability. The formula takes into account throw-weight, the number of warheads and bomber-carrying capacity. But one glaring omission—missile accuracy—renders it virtually useless. when the accuracy of a missile is improved by a factor of two, its capacity to destroy a specific target increases as though its explosive power were increased by a factor of eight. Accuracy is not verifiable, but missile flight testing, which is necessary to improve accuracy and maintain confidence in existing weapons systems, is easily verified. Unlike the freeze, build-down conspicuously overlooks the single most important factor contributing to destructive capability.

The historian Barbara Tuchman described the mentality that spurred the second international conference on arms limitation at the Hague in 1907 by saying, "political leaders told the public only what sounded virtuous. . . disarmament must be discussed, if only to prove to the public its impracticability and their own honest intentions." In 25 minutes, they agreed to call for "further serious study" of disarmament. Agreement on the acceptable instrument of war consumed six weeks. They agreed to meet again in eight years. Seven years later, World War I had begun. Fortunately, they weren't able to conclude the war in less than an hour—as we are today.●

VIEWPOINT ON FOOD SUBJECT FOR THOUGHT

● Mr. MOYNIHAN. Mr. President, of all the obligations we might attribute to a society of compassion and decency, the care of children—especially its poorest children—must surely be among the most basic. Indeed, it is perhaps primal, almost biblical, that a good society cares for the least of its members, even as it fosters opportunities for the most.

Such being the case—and who among us would assert that it is not?—the present condition of poor children in our Nation is very nearly disastrous. In spring of 1981, I put together a paper for the Journal of the Institute for Socioeconomic Studies that examined the rise since 1940 in the proportion of children who require public assistance. The projections, though tentative, were nonetheless striking: One child in three born in 1980 will be on public assistance, principally aid to families with dependent children (AFDC), before the age 18. That is more than four times the ratio for 1940. Using the same techniques, we project the relevant ratio for New York City at 50 percent—one-half of the children born in 1980 will be on welfare at some time before they become adults.

These numbers suggest that the condition of poor children must be seen as a fundamental national concern. With concern for the descent into dependency must come concern for the health and well-being of these poor children, which is to say that matters concerning their nutrition and health care become ever more important.

Mr. President, it is, thus, with a touch of sadness and a sense of alarm that we read of hunger and malnutrition amongst the Nation's poor children. Specifically, a column recently in the Buffalo News by its altogether distinguished Washington bureau chief, Max McCarthy, seems worthy of close study by this Senate.

Max McCarthy knows of such things not only from his work as a dedicated journalist. He served his native Buffalo and, to be sure, the entire Nation as a Member of the House of Representatives during the years 1965 through 1970. We learn from his attentiveness to a situation that ought command the attention of all.

Mr. McCarthy offered his thoughts on the Reagan administration and child nutrition in an article September 11 in the Buffalo News. He recounts a recent conference on child nutrition and outlines the case, made persuasively by the senior Senator from Massachusetts (Mr. KENNEDY), for a national nutrition policy.

It is perhaps as great a surprise to read the statistics Mr. McCarthy presents as it is to realize that they have been barely noticed by those responsible for attending to our Nation's nutrition programs. He writes urgently, demandingly, for so much is, after all, at stake.

Mr. President, I commend this article to my colleagues' attention and I ask that it be printed in the RECORD.

The material follows:

[From the Buffalo News, Sept. 11, 1983]

REAGAN VULNERABLE ON FOOD POLICY

(By Max McCarthy)

WASHINGTON.—The Reagan administration record on food policy for those most in need is nothing less than a national tragedy as hunger and malnutrition afflict more and more Americans.

Attendees at a recent nutrition conference in the Hubert H. Humphrey Building of the Department of Health and Human Services were almost unanimous in this view. All agreed that this country needs a National Nutrition Policy that will have as its goal adequate nutrition for Americans of all ages.

As one specialist, S. R. Cameron of Virginia Polytechnic Institute, lamented: ". . . efforts to establish a (nutrition) policy have virtually come to a halt during the current administration."

A review of the dismal record shows that in many respects this administration is going backward when it comes to the urgent feeding needs of poor mothers and their children.

As the Congressional Budget Office reported Aug. 25, for the fiscal years 1982 through 1985:

Three million youngsters are being barred from eating under the school feeding program.

Some 1 million moderate-income Americans are losing the food stamps for which they previously were eligible.

More than 300,000 families—mostly headed by mothers without husbands—have lost their eligibility under the Aid to Families with Dependent Children program.

The life-giving women-infants-children (WIC) feeding program has been slashed by an incredible 27 percent!

House Speaker Thomas P. O'Neill, D-Mass., reacted angrily to the revealing CBO report. He declared: "Despite the president's recent statements that he is 'perplexed and concerned' at news of rising poverty and hunger in America, CBO documents that Reagan policies have contributed to it. He has denied millions of American families the basics of the American dream . . ."

Drawing from the detailed CBO data, O'Neill charged that Reagan administration budget cuts "have been targeted to families of moderate and low income."

Suddenly worried about the issue as the 1984 elections approach, Reagan recently created a Task Force on Food Assistance. But informed critics of administration food policies became even more alarmed. They expressed the fear that the panel could be used to make excuses for still deeper cuts in food assistance programs for the needy.

Robert Greenstein, who headed the Agriculture Department's Food and Nutrition Service during the Carter administration, detailed the record of Reagan's eight nominees for the task force.

None of the eight "has a track record in support of federal food assistance and four have records opposing such aid,'" he recalled. One of the nominees, Greenstein noted, is economist Kenneth Clarkson. As associate director of the Office of Management and Budget under President Reagan, Clarkson helped fashion the budget that called for slashing child nutrition programs by $300 million a year

According to Greenstein, Clarkson in a 1975 book, suggested several minimum cost eating plans including one scandalous 3,000-calorie-a-day diet of wheat and pancake flour, cabbage, spinach and pork liver.

"This is the same administration that said ketchup was a vegetable, so we shouldn't be surprised if it appoints someone who thinks hungry people should live on a diet of pigs liver, pancake flour and cabbage," caustically observed Nancy Amidei, director of the Food Research and Action Center.

Another Reagan nominee to the new panel, Dr. George Graham, reportedly wrote a paper for the Office of Management and Budget which was used to justify cuts in the women-infants-children feeding program.

With people like this on the panel, what can we expect?

What would help check moves like these would be establishment of a clearly articulated and implemented National Nutrition Policy. A drive for such a policy began during the Ford administration. Hearings, chaired by Sen. Edward M. Kennedy, D-Mass., and other in Congress a decade ago, now are printed in nine volumes in the cavernous Library of Congress.

On June 21, 1974, Sen. Kennedy proposed a five-point National Nutrition Policy:

Creation of a National Nutrition Center "to coordinate and maintain" a wide range of nutrition programs.

A National Nutrition Education Program. "Special stress," the senator urged, "should be placed on nutrition education in medical schools and special attention also should be directed toward those physicians who deal with high risk nutrition patients such as infants, mothers and the elderly."

The sometimes presidential candidate also recommended that "nutrition education should be incorporated in the curriculum of all those preparing to teach school age children . . ."

Nutrition Monitoring. Since, as the lawmaker pointed out, "nutritional adequacy can be determined only from a knowledge of the actual intake of foods, periodic reviews of eating habits of Americans can provide the basis for ensuring that the public is eating the proper foods."

Research. Sen. Kennedy pointed out that not only is it necessary to obtain information about nutritional problems but it is necessary to understand methods of prevention for such afflictions as obesity and malnutrition and to see that those who need therapy get it.

Manpower. The legislator concluded that programs to provide additional manpower as paraprofessionals and health nutritionists who can deliver these health services at the local level "must be initiated to guarantee the success of the other four basic aspects of a National Nutrition Policy."

It is tragic to observe that there still are starving and malnourished infants and adults in this land of plenty. It's gratifying to see some of the contenders for next year's presidential nominations have been moved by the lamentable situation to reintroduce this urgent topic.●

NATIONAL SICKLE CELL ANEMIA AWARENESS MONTH

● Mr. D'AMATO. Mr. President, I rise in support of Senate Joint Resolution 168, designating September 1983, as

"National Sickle Cell Anemia Awareness Month."

This resolution is important for both humanitarian and practical reasons. Sickle cell anemia is one of the most common chronic illnesses of black children, yet there is a lack of awareness of this disease—not only among the general public, but even among the public at risk. In a survey of the black population in Richmond, Va., only 30 percent had heard of the disease.

One in every 500 black Americans has sickle cell anemia. One in every 10 black Americans carries the sickle cell trait. Since sickle cell victims tend to have a shorter life span, this disease is found most commonly in our young.

Sufferers are particularly susceptible to infection, which is a frequent cause of their death. Other leading causes of death are heart and kidney failures and shock. Since these young sufferers cannot lead normal lives, they often suffer severe emotional problems as well.

Presently, sickle cell anemia is a disease for which there is no cure. Screening high risk groups for carriers and providing genetic counseling offer the only means of prevention. Several simple and inexpensive tests are now available for screening purposes. These are utterly useless, however, if our population is not educated on the realities of this infirmity. I believe Sickle Cell Anemia Awareness Month is an important step toward remedying this situation.

Although there is no cure for sickle cell anemia, much can be done to prevent the disease and improve care for its sufferers. Only through increased awareness, especially among the black population and health research facilities, can we combat this disease effectively. This joint resolution, which has already been passed in the House, seeks to create an environment of understanding from which we can lead our assault on this disease. I urge quick passage of this resolution.●

VIEWS ON RETIRED REAR ADMIRAL LAROCQUE

● Mr. DENTON. Mr. President, many Americans were disturbed when retired Rear Adm. Gene Larocque, Director of the Center for Defense Information, appeared on Soviet television to attack the policies of the United States. No Americans were more upset than were the overwhelming majority of the Navy's retired admirals. Those men, who devoted their careers to the service of their country and risked their lives to defend its freedom and its liberties, were deeply concerned that a retired admiral would exploit his retired rank to lend credibility to highly controversial views expressed on the controlled media of a state dedicated to the overthrow of the United States.

Neither I nor any other thinking American disputes Admiral Larocque's right to express his views, however controversial they may be. Yet there are legitimate concerns about the wisdom, judgment, and motives behind using the controlled broadcast media of a totalitarian state to level an attack upon the policies of the United States, the country whose devotion to freedom makes it possible for all of us to speak out when and how we choose.

Many retired Navy admirals were so disturbed by Admiral Larocque's action, by the way that it was twisted for propaganda purposes by the Soviet Union, and by the precedent it set, that they joined together, at their own expense, to tell the American people of their concerns. They placed a full page advertisement in our major national newspapers, and attached their names to their statement of views. Those signing include men of unquestioned loyalty and achievement who have held the most responsible positions in the naval service. They wanted the American people to know how they feel and to understand that Admiral Larocque is not representative of our country's retired naval officers.

Mr. President, I ask that the complete text of the advertisement and signatories, as it appeared in the Washington Times of August 19, 1983, be printed in the RECORD.

The advertisement follows:

[From the Washington Times, Aug. 19, 1983]

ADVERTISEMENT

We think that it is time to let the American people know where the vast majority of their retired U.S. Navy Admirals stand.

Retired Rear Admiral Larocque's appearance on Soviet television to condemn the policies of the United States is contrary to our precepts and, we think, injurious to the best interests of our country.

While we unequivocally defend his First Amendment right to express his views, we question Rear Admiral Larocque's judgment in using a totalitarian state controlled medium for the purpose. To an equal degree we question the wisdom of people, both in and out of the government, who rely on selected, biased institutions with quasi-military spokesmen, to oppose initiatives to rebuild the nation's defense.

As a recent daily publication pointed out in part, those "who consistently oppose almost every new U.S. weapon system, while just as consistently apologizing for every new Soviet weapons deployment, may be—(and should be)—losing their credibility because of that consistency."

As a case in point, we agree with the Chairman of the House Armed Services Committee, when he questions the bias of the "Center For Defense Information" (a private, non-government organization) in its implied assumption regarding an anti-satellite system, that there is "no threat to peace if the Soviets have a system deployed, as they do, but it somehow would risk a war in space if the United States even tests such a system." (Congressional Record, House—June 14, 1983, page 15665).

We deplore the attempt of certain officers, without access to the latest classified information, to advance—under the cover of their retired rank—their own biases for the reasoned conclusion of the professional active military officers, who are briefed daily on Soviet progress in weapons development and deployment.

We particularly consider reprehensible the use of Soviet television by a retired flag officer—in this case Rear Admiral Gene Larocque, Director, The Center For Defense Information—to condemn the policies of the United States, his own country. (See: Washington Post, June 13, 1983; Time Magazine, June 27, 1983)

We, the undersigned, believe we are only a sample of the overwhelming majority of lifetime professionals who, regardless of individual views on specific weapon systems, would never, under any circumstances, permit themselves to be used as "front men" for Soviet propaganda.

SIGNATURES RECEIVED AS OF JULY 18, 1983

Rear Admiral J. Lloyd Abbot, Jr., USN (Ret.), Former Inspector General, Atlantic Fleet.

Rear Admiral Frank Akers, USN (Ret.), Former Commander Fleet Air Alameda.

Rear Admiral John M. Alford, USN (Ret.), Former Deputy Commander Military Sealift Command.

Rear Admiral John H. Alvis, USN (Ret.), Former Deputy Commander, Naval Air Systems Command.

Admiral George W. Anderson, USN (Ret.), Former Chief of Naval Operations.

Rear Admiral Herbert H. Anderson, USN (Ret.), Former Director, Policy, Plans, & NSC Affairs, Sec. Def. (ISA).

Rear Admiral Roy G. Anderson, USN (Ret.), Former Navy Member, Weapon Systems Evaluation Groups JCS.

Rear Admiral Clyde C. Andrews, USN (Ret.) Former Assistant Commander, Naval Air Systems Command, for R&D.

Rear Admiral J. J. Appleby, (SC), USN (Ret.), Former Deputy Commandant, Armed Forces Industrial College.

Vice Admiral Parker Armstrong, USN (Ret.), Former Director, Research & Development, Naval Operations.

Admiral Jackson D. Arnold, USN (Ret.), Former Chief of Naval Material.

Rear Admiral Murr E. Arnold, USN (Ret), Former Commander, 11th Naval District.

Vice Admiral Frederick L. Ashworth, USN (Ret.), Former Commander, U.S. Sixth Fleet.

Vice Admiral Evan P. Aurand, USN (Ret.), Former Commander Anti-Submarine Warfare Forces, Pacific Fleet.

Rear Admiral Donald G. Baer, USN (Ret.), Former Deputy Chief Naval Material.

Rear Admiral Fred E. Bakutis, USN (Ret), Former Commander, Hawaiian Sea Frontier.

Vice Admiral Robert B. Baldwin, USN (Ret.), Former Commander Seventh Fleet.

Vice Admiral F. A. Bardshar, USN (Ret.), Former Commander Task Force 77.

Rear Admiral John M. Barrett, USN (Ret.), Former Commander, Naval Logistics Force, Pacific Fleet.

Rear Admiral Thomas E. Bass, II, USN (Ret.), Former Commander, Cruiser-Destroyer Flotillas (Nine & Three).

Rear Admiral Hadley Batcheller, USN (Ret.), Former Commander Charleston Naval Shipyard.

Vice Admiral Walter H. Baumberger USN (Ret.), Former Deputy Commander in Chief, Pacific Fleet.

Rear Admiral T. L. Becknell, Jr., (SC), USN (Ret), Former Commander Defense Fuel Supply Center.

Rear Admiral F. Julian Becton, USN (Ret), Former Deputy Naval Inspector General.

Rear Admiral John K. Bolling, USN (Ret.), Former Commander Iceland Defense Force.

Rear Admiral Roy S. Brennan, USN (Ret.), Former Commander Submarine Force Pacific Fleet.

Rear Admiral Karl J. Brernstein, USN (Ret.) Former Commander, Iceland Defense Force.

Vice Admiral Phillip A. Beshany, USN (Ret.), Former Deputy CNO (Submarine Warfare).

Rear Admiral Dean Black, USN (Ret.), Former Deputy Commander Defense Atomic Support Agency.

Rear Admiral Charles A. Blick, (SC), USN (Ret.), Former Commanding Officer, Naval Resale and Support.

Vice Admiral Francis J. Blouin, USN (Ret.), Former Deputy Chief of Naval Operators (Plans & Policies).

Admiral Walter F. Boone, USN (Ret.), Former U.S. Representative Standing Group NATO.

Vice Admiral C. T. Booth, USN (Ret.), Former Commander, Naval Air Force Atlantic Fleet.

Vice Admiral Harold G. Bowen, Jr., USN (Ret.), Former Deputy Assistant Secretary of Defense (Intelligance).

Rear Admiral Paul C. Boyd, USN (Ret.), Former Deputy Director Joint Chief of Staff.

Vice Admiral Jon L. Boyes, USN (Ret.), Former Deputy Director General, (NICSMA) NATO.

Rear Admiral Frank A. Brandley, USN (Ret.), Former Chief Naval Air Advanced Training.

Admiral William F. Bridge, USN (Ret.), Former Commander in Chief, U.S. Naval Forces, Europe.

Rear Admiral James A. Brown, USN (Ret.), Former Commander, Norfolk Naval Shipyard.

Rear Admiral S. R. Brown, Jr., USN (Ret.), Former Assistant Deputy CHO—(Fleet Ops & Readiness).

Vice Admiral C. R. Bryan, USN (Ret.), Former Commander, Naval Sea System Command.

Vice Admiral C. F. Bryant, USN (Ret.), Former Commander, Operational Training Command, Atlantic.

Rear Admiral Charles A. Buchman, USN (Ret.), Former Commandant, 14th Naval District.

Rear Admiral Raymond W. Burk, USN (Ret.), Former Deputy Commander, Naval Sea Systems Command.

Admiral Arleigh Burks, USN (Ret.), Former Chief of Naval Operations.

Rear Admiral John L. Butts, Jr., USN (Ret.), Former Commander, Carrier Division One.

Vice Admiral M. W. Cagle, USN (Ret.), Former Chief of Naval Education and Training.

Rear Admiral H. H. Caldwell, USN (Ret.), Former Commander, Caribbean Sea Frontier.

Vice Admiral Turner F. Caldwell, USN (Ret.), Former Director ASW Programs, Naval Operations.

Rear Admiral William M. Callaghan, Jr., USN (Ret.), Former Commander, Fleet Air Mediterranean.

Vice Admiral William M. Callaghan, USN (Ret.), Former Commander, U.S. Naval Forces, Far East.

Vice Admiral James F. Calvert, USN (Ret.), Former Commander, U.S. First Fleet.

Rear Admiral Lucien Capone, Jr., USN (Ret.), Former Director, Inter-American Defense College.

Rear Admiral Martin D. Carmody, USN (Ret.), Former Navy Inspector General.

Rear Admiral Ralph H. Camahan, USN (Ret.), Former Commandant Naval District Washington.

Admiral Robert B. Camey, USN (Ret.), Former Chief of Naval Operations.

Vice Admiral Alvin D. Chandler, USN (Ret.), Former Logistic Plans, Navy Department.

Rear Admiral John D. Chase, USN (Ret.), Former Assistant Deputy Chief of Naval Operations for Logistics.

Vice Admiral John L. Chew, USN (Ret.), Former Commander, Taiwan Defense Command.

Rear Admiral K. C. Childers, Jr., USN (Ret.), Former Naval Air Systems Command Representative, Atlantic.

Rear Admiral J. C. Christiansen, USN (Ret.), Former Assistant Deputy Chief of Naval Operations (Air Warfare).

Rear Admiral K. J. Christoph, Jr., USN (Ret.), Former Chief of Staff, U.S. Readiness Command.

Rear Admiral William F. Clifford, Jr., USN (Ret.), Former Commander, Cruiser Destroyer Group 12.

Rear Admiral L. D. Coates, USN (Ret.), Former Chief of Naval Research.

Rear Admiral Phillip P. Cole, USN (Ret.), Former Commander, Service Force, Pacific Fleet.

Rear Admiral Joseph L. Coleman, USN (Ret.), Former Commander, Naval Base Philadelphia.

Rear Admiral Robert M. Collins, USN (Ret.), Former Commander, Task Force Seventy Three.

Rear Admiral Walter V. Combs, USN (Ret.), Former Commander, Service Force, Pacific Fleet.

Rear Admiral Warren M. Cone, USN (Ret.), Former J-6, Staff, U.S. Commander in Chief, Europe.

Vice Admiral Thomas F. Connolly, USN (Ret.), Former Deputy Chief of Naval Operations for Air Warfare.

Rear Admiral Robert C. Connolly, II, USN (Ret.), Former Director, Inter-American Defense College.

Rear Admiral Ralph E. Cook, USN (Ret.), Former Commander, Naval Security Group.

Rear Admiral S.M. Cooley, USN (Ret.), Former Commander, Patrol Wings, Pacific.

Vice Admiral Damon W. Cooper, USN (Ret.), Former Commander, Striking Force, Seventh Fleet.

Rear Admiral Josua W. Cooper, USN (Ret.), Former Chief of the Military Assistance Group, Norway.

Rear Admiral Frank W. Corley, USN (Ret.), Former Commander, Iberian Atlantic Area.

Rear Admiral Peter Corradi, (CEC), USN (Ret.), Former Chief of Civil Engineers.

Rear Admiral John T. Coughlin, USN (Ret.), Former Assistant to Vice Chief of Naval Operations.

Rear Admiral J. S. Coye, Jr., USN (Ret.), Former Commander, Training Command, Atlantic Fleet.

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Rear Admiral Earl R. Crawford, USN (Ret.), Former Deputy Chief of Staff, European Command.

Rear Admiral John Crumpacker, (SC), USN (Ret.), Former Chief Bureau of Supplies & Accounts.

Rear Admiral Robert R. Crutchfield, USN (Ret.), Former Commander, Cruiser-Destroyer Flotilla Six.

Vice Admiral Walter L. Curtis, USN (Ret.), Former Special Representative of The Secretary of Defense.

Rear Admiral James A. Dare, USN (Ret.), Former Commander, South Atlantic Force, Atlantic Fleet.

Rear Admiral John F. Davidson, USN (Ret.), Former Superintendent, U.S. Naval Academy.

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Rear Admiral Marshall E. Dornin, USN (Ret.) Former Commander, Cruiser Destroyer Force, Pacific Fleet.

Vice Admiral J. H. Doyle, Jr., USN (Ret.), Former Deputy Chief of Naval Operations (Surface Warfare).

Rear Admiral Raymond F. DuBois, USN (Ret.), Former Commander, Cruiser Destroyer Group, Western Pacific.

Rear Admiral C. H. Duerfeldt, USN (Ret.), Former ComFair Hawaii-Commander, Barrier Force.

Rear Admiral Alene B. Duerk, (NC), USN (Ret.), Former Director, Navy Nurse Corps.

Vice Admiral Ralph Earle, Jr., USN (Ret.), Former Base Commander, Newport, R.I.

Rear Admiral Paul J. Early, USN (Ret.), Former Director of Ocean Surveillance.

Rear Admiral Earl R. Eastwold, USN (Ret.), Former Commander, Middle East Forces.

Vice Admiral C. E. Ekstrom, USN (Ret.), Former Commander, Sixth Fleet.

Rear Admiral Donald T. Eller, USN (Ret.), Former Assistant Chief of Staff-Administration, NATO.

Rear Admiral Ernest M. Eller, USN (Ret.), Former Director of Naval History.

Rear Admiral George F. Ellis, Jr., USN (Ret.), Former Commander, South Atlantic Force, Atlantic Fleet.

Rear Admiral William H. Ellis, USN (Ret.), Former Commander Naval Base, Norfolk.

Rear Admiral Paul H. Engel, USN (Ret.), Former Deputy Commander, Naval Sea Systems Command.

Rear Admiral Walter M. Enger, (CEC), USN (Ret.), Former Chief of Civil Engineers.

Rear Admiral Horace H. Epes, Jr., USN (Ret.), Former Office of the Assistant Secretay of Defense, (ISA).

Rear Admiral Robert B. Erly, USN (Ret.), Former Commander, Iberian Atlantic Area.

Rear Admiral Arthur G. Esch, USN (Ret.), Former Commander, Cruisers-Destroyers, Seventh Fleet.

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Rear Admiral Edward L. Feightner, USN (Ret.), Former Deputy Commander Naval Air Systems Command.

Admiral Harry D. Felt, USN (Ret.), Former Commander in Chief, Pacific.

Rear Admiral W. E. Ferrall, USN (Ret.), Former Commandant, 13th Naval District.

Vice Admiral John G. Finneran, USN (Ret.), Former Commander, Second Fleet.

Rear Admiral John R. Fisher, (CEC), USN (Ret.), Former Commander, Pacific Fleet Seabees.

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Rear Admiral Norbert Frankenberger, USN (Ret.), Former Commander, Mare Island Naval Shipyard.

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Rear Admiral R. Byron Fuller, USN (Ret.), Former Commander, Carrier Battle Group Four.

Vice Admiral Walter D. Gaddis, USN (Ret.), Former Deputy Chief of Naval Operations (Logistics).

Admiral I. J. Galantin, USN (Ret.), Former Chief of Naval Material.

Rear Admiral Richard T. Gaskill, USN (Ret.), Former Director, Politico-Military Policy & Plans, Naval Operations.

Rear Admiral Donald Gay, Jr., USN (Ret.), Former Commander, Fleet Air Wings Pacific.

Rear Admiral Harry E. Gerhard, USN (Ret.), Former DCOS, Plans, Operations & Intelligence, SACLANT.

Rear Admiral Fillmore B. Gilkeson, USN (Ret.), Former Commandant, Eleventh Naval District.

Rear Admiral Richard P. Glass, USN (Ret.), Former Special Assistant to Secretary of the Navy.

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Rear Admiral A. S. Goodfellow, USN (Ret.), Former Commander, Operational Test and Evaluation Force.

Vice Admiral Arthur R. Gralla, USN (Ret.), Former Commander, Naval Ordnance Systems Command.

Rear Admiral E. B. Grantham, Jr., USN (Ret.), Former Deputy Chief of Staff, Commander in Chief Pacific.

Rear Admiral Norm Green, USN (Ret.), Former Commander, Carrier Group Six.

Vice Admiral Howard E. Greer, USN (Ret.), Former Commander, Naval Air Forces, Atlantic Fleet.

Admiral Charles D. Griffin, USN (Ret.), Former Commander-in-Chief, Allied Forces, Southern Europe.

Vice Admiral Charles H. Griffiths, USN (Ret.), Former Deputy Chief of Naval Operations (Submarine Warfare).

Rear Admiral William H. Grovermen, USN (Ret.), Former Commander, Western Sea Frontier.

Rear Admiral William S. Guest, USN (Ret.), Former Commander, Military Sealift, Pacific.

Rear Admiral Frank S. Haak, USN (Ret.), Former Director, Information Systems Division, CNO.

Rear Admiral Mayo A. Hadden, Jr., USN (Ret.), Former Commander, Fleet Air Wings, Atlantic.

Rear Admiral Grover B. H. Hall, USN (Ret.), Former Commander, Fleet Air Hawaii.

Rear Admiral Robert J. Hanks, USN (Ret.), Former Director, Strategic Plans & Policy, Navy Department.

Vice Admiral Patrick J. Hannifin, USN (Ret.), Former Director, Joint Staff, JCS.

Vice Admiral Frederick J. Harifinger, USN (Ret.), Former Director Naval Intelligence.

Rear Admiral William H. Harris, USN (Ret.), Former COMMEDATTACK Electronic Warfare Wing, Pacific Fleet.

Rear Admiral William L. Harris, Jr., USN (Ret.), Former Commander Naval Weapons Center, China Lake.

Vice Admiral C. Monroe Hart, USN (Ret.), Former Assistant to the Secretary of Defense.

Rear Admiral Paul E. Hartman, USN (Ret.), Former Assistant Vice Chief of Naval Operations.

Vice Admiral H. L. Harty, USN (Ret.), Former Senior Naval Member, UN Military Staff Committee & Commander, Eastern Sea Frontier.

Vice Admiral John T. Hayward, USN (Ret.), Former President, U.S. Naval War College.

Admiral Thomas B. Hayward, USN (Ret.), Former Chief of Naval Operations.

Vice Admiral Truman J. Hedding, USN (Ret.), Former Assistant to Chairman, Joint Chiefs of Staff.

Rear Admiral Richard E. Henning, USN (Ret.), Former Inspector General, Naval Ships.

Rear Admiral Lawrence Heyworth, Jr., USN (Ret.), Former Deputy Chief of Staff, CINCPAC.

Rear Admiral James B. Hildreth, USN (Ret.), Former Commander, Cruiser-Destroyer Flotillas, Atlantic.

Rear Admiral Andrew J. Hill, USN (Ret.), Former Commandant, Naval District, Washington.

Rear Admiral Clarance H. Hill, Jr., USN (Ret.), Former Assistant Deputy Chief of Naval Operations (Manpower).

Rear Admiral Wellington T. Hines, USN (Ret.), Former Fleet Readiness Rep., Bureau, Naval Weapons.

Rear Admiral Roy F. Hoffmann, USN (Ret.), Former Commander, Mine Warfare Force.

Vice Admiral Reynold D. Hogle, USN (Ret.), Former Commander, Fifth Naval District.

Admiral James L. Holloway, III, USN (Ret.), Former Chief of Naval Operations.

Rear Admiral John B. Holmes, (DC), USN (Ret.) Former Commanding Officer, Regional Dental Center, Norfolk

Rear Admiral Carl O. Holmquist, USN (Ret.), Former Chief of Naval Research.

Rear Admiral Billy D. Holder, USN (Ret.), Former Director, Strategic Plans & Policy Control Division, CNO.

Admiral Ephraim P. Holmes, USN (Ret.), Former Commander in Chief, Atlantic Fleet & Supreme Allied Commander, Atlantic.

Rear Admiral L. V. Honsinger, USN (Ret.), Former Deputy Chief, Bureau of Ships.

Rear Admiral L. E. Hopkins, (SC), USN (Ret.), Former Deputy Commander, Naval Sea Systems Command.

Rear Admiral William H. House, USN (Ret.), Former Director, Air Warfare Division, CNO.

Rear Admiral Lester E. Hubbell, USN (Ret.), Former Commander, Destroyer Flotilla Six.

Rear Admiral Harry Hull, USN (Ret.), Former Commander, Cruiser-Destoryer Flotilla 10.

Rear Admiral William C. Hushing, USN (Ret.), Former Commander, Portsmouth Naval Shipyard.

Admiral John J. Hyland, USN (Ret.), Former Commander in Chief, Pacific Fleet.

Rear Admiral Eugene S. Ince, Jr., USN (Ret.), Former Commander, Naval Security Group Command.

Rear Admiral William D. Irvin, USN (Ret.), Former Commander, Service Force, Pacific Fleet.

Rear Admiral Joseph A. Jasp, USN (Ret.), Former CINCPAC Rep., Joint Strategic Target Planning Staff & SAC.

Vice Admiral Andrew McB Jackson, Jr., USN (Ret.), Former Deputy Chief of Naval Operations, (Plans & Policy).

Rear Admiral P. W. Jackson, USN (Ret.), Former Commander, Carrier Division 14.

Rear Admiral Ralph K. James, USN (Ret.), Former Chief, Bureau of Ships.

Rear Admiral Frederick E. Janney, USN (Ret.), Former Commander, Logistic Support Force, Seventh Fleet.

Rear Admiral Henry J. Johnson, USN (Ret.), Former Commander, Naval Facilities Engineering Command, Western Division.

Vice Admiral Nels C. Johnson, USN (Ret.), Former Director, Joint Staff of the JCS.

Rear Admiral Ralph C. Johnson, USN (Ret.), Former Commandant, 15th Naval District.

Admiral Roy L. Johnson, USN (Ret.), Former Commander in Chief, Pacific Fleet.

Admiral Means Johnston, Jr., USN (Ret.), Former Commander in Chief, Allied Forces, Southern Europe.

Rear Admiral Carlton B. Jones, USN (Ret.), Former Commander, Naval Forces, Marianas.

Rear Admiral Robert F. Jortberg (CEC), USN (Ret.), Former Director, Shore Facilities Programming Division.

Rear Admiral C. A. Karaberis, USN (Ret.), Former Manager, ASW Project Office.

Rear Admiral A. L. Kelin, USN (Ret.), Former Deputy Director, Defense Intelligence Agency.

Admiral Isaac Campbell Kidd, Jr., USN (Ret.), Former Commander in Chief, Atlantic Fleet & Supreme Allied Commander, Atlantic.

Vice Admiral Ingolf N. Kiland, USN (Ret.), Former Commander, Amphibious Force, Pacific Fleet.

Rear Admiral Ed R. King, USN (Ret.), Former Commander Mid-East Force.

Vice Admiral J. H. King, Jr., USN (Ret.), Former Director for Operations, JCS.

Admiral G. E. R. Kinnear II, USN (Ret.), Former U.S. Military Representative to the NATO Military Committee.

Rear Admiral Louis J. Kim, USN (Ret.), Former Defense Attache, U.S. Embassy, London, England.

Rear Admiral Wm. L. Knickerbocker (SC), USN (Ret.), Former Commander, Defense Medical Supply Center.

Rear Admiral Arthur K. Knoizen, USN (Ret.), Former Chief of Legislative Affairs, Navy Department.

Rear Admiral Ferdinand B. Koch, USN (Ret.), Former Director, Aircraft Carrier Programs Division, Naval Operations.

Rear Admiral Herman J. Kossler, USN (Ret.), Former Commandant, Sixth Naval District.

Rear Admiral Paul L. Lacy, Jr., USN (Ret.), Former Commander, Submarine Force, Pacific Fleet.

Vice Admiral Harold O. Larson, USN (Ret.), Former Commander, MSTS, Pacific.

Rear Admiral Edwin T. Layton, USN (Ret.), Former Director Naval Intelligence School.

Vice Admiral Julien J. LeBourgeois, USN (Ret.), Former President, Naval War College.

Vice Admiral Fitzhugh Lee, USN (Ret.), Former Commandant, National War College.

Vice Admiral Kent L. Lee, USN (Ret.), Former Commander, Naval Air Systems Command.

Rear Admiral G. W. Lenox, USN (Ret.), Former Commander, Light Attack Wing, Pacific Fleet.

Rear Admiral William N. Leonard, USN (Ret.), Former Commander, Navy Safety Center.

Vice Admiral Ruthven E. Libby, USN (Ret.), Former Commander, First Fleet.

Rear Admiral James B. Linder, USN (Ret.), Former Commander, U.S. Taiwan Defense Command.

Rear Admiral William H. Livingston, USN (Ret.), Former Director, Air, Surface, & Electronic Warfare, Naval Operations.

Rear Admiral Thomas A. Long, (SC), USN (Ret.), Former Commander, Naval Supply Center, Norfolk.

Vice Admiral V. L. Lowrance, USN (Ret.), Former Commander, Submarine Force, Atlantic Fleet.

Rear Admiral John J. Lynch, USN (Ret.), Former Deputy Commander Striking Forces South.

Rear Admiral Harvey E. Lyon, USN (Ret.), Former Project Manager, Trident Project.

Vice Admiral William P. Mack, USN (Ret.), Former Commander, Seventh Fleet.

Rear Admiral Robert A. Macpherson, USN (Ret.), Former Chief of Naval Air Advanced Training.

Rear Admiral Thomas L. Malone, Jr., USN (Ret.), Former Cheif of Naval Technical Training.

Rear Admiral Robert C. Mandeville, USN (Ret.), Former Deputy Cheif Naval Material Command (Logistics).

Rear Admiral G. Patrick March, USN (Ret.), Former Director, Electronic Warfare & Cryptology Div., OPNAV.

Rear Admiral John L. Marocchi, USN (Ret.), Former Deputy Director, National Security Agency.

Vice Admiral William I. Martin, USN (Ret.), Former Commander, U.S. Sixth Fleet.

Rear Admiral Forsyth Massey, USN (Ret.), Former Commander, Fleet Air Quonset.

Rear Admiral H. Spencer Matthews, USN (Ret.), Former Director, Air Warfare & Aviation Training, Naval Operations.

Rear Admiral Brian McCauley, USN (Ret.), Former Commander, Mine Forces—Haiphong Channel & Suez.

Rear Admiral Thomas R. McCellan, USN (Ret.), Former Commander, Naval Air System Command.

Rear Admiral William R. McClendon, USN (Ret.), Former Commander, Attack Carrier Striking Force, Seventh Fleet.

Rear Admiral R. B. McClinton, USN (Ret.), Former Commander, Naval Base Charleston, S.C.

Rear Admiral F. D. McCorkle, USN (Ret.), Former President, Board of Inspection & Survey.

Rear Admiral Leo. B. McCuddin, USN (Ret.), Former Commander, Carrier Division Three.

Admiral David L. McDonald, USN (Ret.), Former Chief of Naval Operations.

Rear Admiral Lucien B. McDonald, USN (Ret.), Former Commander, Military Sea Transport Service, Far East.

Rear Admiral Rhodam Y. McElroy, Jr., USN, (Ret.), Former Chief of Legislative Affairs, Navy Department.

Rear Admiral Robert P. McKenzie, USN (Ret.), Former Commander, U.S. Forces Caribbean.

Rear Admiral E. B. McKinney, USN (Ret.), Former Commander, Naval Forces Korea.

Vice Admiral Ephraim R. McLean, Jr., USN (Ret.), Former Commander, Cruiser Division Two.

Rear Admiral Robert W. McNitt, USN (Ret.), Former Assistant Deputy Chief of Naval Operations (Manpower).

Rear Admiral John H. McQuillkin, USN (Ret.), Former Commander, San Francisco Bay Naval Shipyard.

Rear Admiral W. K. Mendenhall, Jr., USN (Ret.), Former Deputy Chief of Staff, U.S. European Command.

Rear Admiral Jeffrey C. Metzel, Jr., USN (Ret.), Former Deputy Director, Antisubmarine Warfare Programs.

Rear Admiral Edward F. Metzger, (SC), USN (Ret.), Former Pacific Fleet Supply Officer.

Admiral F. H. Michaelis, USN (Ret.), Former Chief of Naval Material.

Rear Admiral Floyd H. Miller, USN (Ret.), Former Commander, Cruiser Destroyer Group One.

Vice Admiral G. E. Miller, USN (Ret.), Former Commander, Sixth Fleet.

Rear Admiral George H. Miller, USN (Ret.), Former Director, Navy Long Range Objectives Group.

Rear Admiral Ward S. Miller, USN (Ret.), Former Commander, Naval Base, Los Angeles-Long Beach.

Vice Admiral Charles S. Minter, Jr., USN (Ret.), Former Deputy Chairman NATO Military Committee.

Rear Admiral C. N. Mitchell, USN, (Ret.), Former Deputy Director, Navy Edcation and Training.

Rear Admiral A. J. Monger, USN (Ret.), Former Assistand Deputy Chief of Naval Operations (Air Warfare).

Rear Admiral Henry S. Monroe, USN (Ret.), Former Commander, Amphibious Training Command, Pacific.

Rear Admiral Jack P. Monroe, USN (Ret.), Former Commander, U.S. Naval Forces, Philippine.

Rear Admiral James W. Montgomery, USN (Ret.), Former Deputy Commander, Naval Sea Systems Command.

Rear Admiral Michael U. Moore, USN (Ret.), Former Commander, Amphibious Group Two.

Rear Admiral Robert B. Moore, USN (Ret.), Former Commander, Carrier Division Five.

Rear Admiral Robert L. Moore, Jr., USN (Ret.), Former Deputy Chief, Bureau of Ships.

Vice Admiral Joseph P. Moorer, USN (Ret.), Former Commander in Chief, U.S. Naval Forces, Europe.

Admiral Thomas H. Moorer, USN (Ret.), Former CNO and Chairman, Joint Chiefs of Staff.

Rear Admiral Max K. Morris, USN (Ret.), Former Commander of Midshipmen, U.S. Naval Academy.

Rear Admiral A. G. Mumma, USN (Ret.), Former Chief, Bureau of Ships.

Rear Admiral Ralph F. Murphy, Jr., (SC), USN (Ret.), Former Assistant Chief of Staff, Logistics & Readiness, Atlantic.

Rear Admiral George R. Muse, USN (Ret.), Former Commander, U.S. Naval Forces, Philippines.

Vice Admiral Lloyd M. Mustin, USN (Ret.), Former Director, Defense Nuclear Agency.

Rear Admiral Charles D. Nace, USN (Ret.), Former Commander, U.S. Naval Forces, Southern Command.

Rear Admiral James W. Nance, USN (Ret.), Former Assistant Vice Chief of Naval Operations.

Rear Admiral William T. Nelson, USN (Ret.), Former Chief, Military Assistance Advisory Group, Denmark.

Vice Admiral John H. Nicholson, USN (Ret.), Former Vice Director, Joint Strategic Targeting Staff.

Rear Admiral R. E. Nicholson,USN (Ret.), Former Battle Group Commander.

Rear Admiral Emmet O'Beime, USN (Ret.), Former Commander, Field Command, DASA.

Rear Admiral O. H. Oberg, USN (Ret.), Former Deputy Chief of Staff, Plans & Operations, CINCPACFLT.

Rear Admiral Leslie J. O'Brien, Jr., USN (Ret.), Former Commander, Service Force, Pacific Fleet.

Rear Admiral Edward J. O'Donnell, USN (Ret.), Former Commander, Naval Base Guantanamo.

Vice Admiral James W. O'Grady, USN (Ret.), Former Chief of Staff, SACLANT.

Vice Admiral Howard E. Orem, USN (Ret.), Former Navy Member Joint Strategic Survey Committee, JCS.

Rear Admiral Edward C. Outlaw, USN (Ret.), Former Commander, Task Force 77.

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Rear Admiral Ben B. Pickett, USN (Ret.), Former Deputy Chief of Staff, Atlantic Fleet.

Rear Admiral Frank L. Pinney, Jr., USN (Ret.), Former Commander, Operational Test & Evaluation Force.

Vice Admiral Robert B. Pirie, USN (Ret.), Former Deputy Chief of Naval Operations (Air).

Rear Admiral George F. Pittard, USN (Ret.), Former Chairman Ship Characteristics Board.

Vice Admiral Douglas C. Plate, USN (Ret.), Former Deputy Commander in Chief, Atlantic.

Rear Admiral Donald T. Poe, USN (Ret.), Former Director, Naval Communications.

Rear Admiral William S. Post, Jr., USN (Ret.), Former Task Force Commander, Seventh Fleet.

Rear Admiral Richard R. Pratt, USN (Ret.), Former Commander, Service Force, Atlantic Fleet.

Rear Admiral Arthur W. Price, Jr., USN (Ret.), Former Commander, Amphibious Force Seventh Fleet.

Vice Admiral Frank H. Price, Jr., USN (Ret.), Former Deputy Chief of Naval Operations, Surface Warfare.

Rear Admiral Walter H. Price, USN (Ret.), Former Commandant, 11th Naval District.

Admiral Alfred M. Pride, USN (Ret.), Former Commander, Seventh Fleet.

Rear Admiral Schuyler N. Pyne, USN (Ret.), Former Commander, New York Naval Shipyard.

Vice Admiral W. F. Rabom, USN (Ret.), "Father" of Polaris Submarine Weapon System.

Vice Admiral Thomas C. Ragan, USN (Ret.), Former Chief, U.S. Naval Mission, Brazil.

Rear Admiral James D. Ramage, USN (Ret.), Former Commander, Naval Forces, Caribbean.

Vice Admiral W. T. Rapp, USN (Ret.), Former Commander, Third Fleet.

Rear Admiral William L. Read, USN (Ret.), Former Commander, Surface Force, Atlantic Fleet.

Vice Admiral Earl F. Rectanus, USN (Ret.), Former Assistant Deputy Secretary of Defense (Resources & Management).

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Rear Admiral James R. Reedy, USN (Ret.), Former Commander, Task Force 77.

Vice Admiral William L. Rees, USN (Ret.), Former Commander, Naval Air Force, Atlantic Fleet.

Vice Admiral Eli T. Reich USN (Ret.), Former Deputy Assistant Secretary Defense.

Rear Admiral Joseph E. Rice, USN (Ret.), Former Commander, Naval Electronic Systems Command.

Vice Admiral Robert H. Rice, USN (Ret.), Former Commander, Cruiser Division One.

Rear Admiral H. G. Rich, USN (Ret.), Former Commander, Iceland Defense Force.

Vice Admiral David C. Richardson, USN (Ret.), Former Commander, Sixth Fleet.

Rear Admiral Robert E. Riera, USN (Ret.), Former Commander, Fleet Air Western Pacific.

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Admiral Horacio Rivero, USN (Ret.), Former Commander in Chief, Allied Forces, Southern Europe.

Rear Admiral William D. Robertson, Jr., USN (Ret.), Former Vice Director, Defense Intelligence Agency.

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Rear Admiral Richard E. Rumble, USN (Ret.), Former Chief of Staff, Supreme Allied Commander, Atlantic.

Admiral James S. Russell, USN (Ret.), Former Commander in Chief, Allied Forces, Southern Europe.

Rear Admiral Thomas B. Russell, Jr., USN (Ret.), Former Commander, U.S. Naval Forces, Japan.

Vice Admiral L. S. Sabin, USN (Ret.), Former Chief of Staff, Supreme Allied Commander, Atlantic.

Vice Admiral Robert S. Seizer, USN (Ret.), Former Commander, Naval Surface Forces, Pacific.

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Rear Admiral Carl J. Selberlich, USN (Ret.), Former Commander, Naval Military Personnel Command.

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Rear Admiral John Nevin Shaffer, USN (Ret.), Former Commander, Cruiser Destroyer Force, Atlantic.

Rear Admiral Sumner Shapiro, USN (Ret.), Former Director of Naval Intelligence.

Admiral U.S. Grant Sharp, USN (Ret.), Former Commander in Chief, Pacific.

Rear Admiral D. B. Shelton, USN (Ret.), Former Director, Policy & Plans, CINCPAC.

Rear Admiral Alan B. Shepard, USN (Ret.), Former Chief, U.S. Astronaut Corps.

Rear Admiral Tazewell T. Shepard, USN (Ret.), Former Director, Joint Integrated Planning Staff.

Vice Admiral Ralph L. Shifley, USN (Ret.), Former Deputy Chief of Naval Operations (Logistics)

Vice Admiral Allen M. Shinn, USN (Ret.), Former Commander, Naval Air Force, Pacific Fleet.

Rear Admiral Donald M. Showers, USN (Ret.), Former Chief of Staff, Defense Intelligence Agency.

Rear Admiral Burton H. Shupper, USN (Ret.), Former Assistant Deputy Chief of Naval Operations (Manpower).

Rear Admiral William B. Sieglaff, USN (Ret.), Former Commander, First Naval District.

Rear Admiral Walter L. Small, USN (Ret.), Former Commander, Submarine Force, Pacific.

Vice Admiral William R. Smedburg III, USN (Ret.), Former Chief of Naval Personnel.

Rear Admiral W. R. Smedburg IV, USN (Ret.), Former Director Naval Warfare.

Vice Admiral Allan E. Smith, USN (Ret.), Former Commander, Blockade Force, Korea.

Rear Admiral Allan Smith, Jr., USN (Ret.), Former Commander, Middle East Force.

Vice Admiral John V. Smith, USN (Ret.), Former Commander, Amphibious Forces, Pacific.

Rear Admiral Leonard A. Snead, USN (Ret.), Former F-14 Program Manager.

Vice Admiral Edwin K. Snyder, USN (Ret.), Former Commander, U.S. Taiwan Defense Command.

Rear Admiral Philip W. Snyder, USN (Ret.), Former Commander, Puget Sound Naval Shipyard.

Rear Admiral Robert H. Speck, USN (Ret.), Former Commander, Cruise-Destroyer Force Atlantic Fleet.

Rear Admiral Roger E. Spreen, USN (Ret.), Former Commander, Naval Ordnance Systems Command.

Vice Admiral George R. Steele, USN (Ret.), Former Commander, Seventh Fleet.

Rear Admiral Edward C. Stephan, USN (Ret.), Former Oceanographer of the Navy.

Vice Admiral James B. Stockdale, USN (Ret.), Former President, Naval War College.

Rear Admiral Frank B. Stone, USN (Ret.), Former Commander, Iceland Defense Force.

Vice Admiral B. M. Strean, USN (Ret.), Former Chief of Naval Air Training.

Vice Admiral Robert J. Stroh, USN (Ret.), Former Deputy Director, Joint Strategic Target Planning Staff.

Vice Admiral Paul D. Stroop, USN (Ret.), Former Commander, Naval Air Force, Pacific Fleet.

Rear Admiral William A. Stuart, USN (Ret.), Former Commander, Hunter Killer Forces, Atlantic.

Rear Admiral Henry Suerstedt, USN (Ret.), Former Commander, U.S. Naval Weapons Center, China Lake.

Rear Admiral L. V. Swanson, USN (Ret.), Former Deputy Commander, Naval Forces, Europe.

Rear Admiral Gerald E. Synhorst, USN (Ret.), Former Assistant Deputy Chief of Naval Operations (Submarine Warfare).

Vice Admiral George C. Talley, Jr., USN (Ret.), Former Deputy Chief of Naval Operations (Plans, Policy & Operations).

Rear Admiral Charles P. Tesh, USN (Ret), Former Deputy Commander in Chief, U.S. Naval Forces, Europe.

Rear Admiral John M. Thomas, USN (Ret), Former Commander, Pacific Missile Test Center.

Rear Admiral William Thompson, USN (Ret), Former Chief of Information (U.S. Navy,

Rear Admiral J.B. Tibbets, USN (Ret), Former Commander, Hunter Killer Forces, Atlantic Fleet

Rear Admiral John M. Tieney, USN (Ret), Former Commander, Tactical Electronic Wing, Pacific.

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Rear Admiral Theordore A. Torgerson, USN (Ret), Former Deputy Communications Electronics, Joint Staff, JCS.

Vice Admiral George C. Towner, USN (Ret), Former Commander, Amphibious Force, Atlantic Fleet.

Vice Admiral Robert L. Townsend, USN (Ret), Former Commander, Naval Air Force, Atlantic Fleet.

Vice Admiral Frederick C. Turner, USN (Ret), Former Deputy Chief of Naval Operations (Air Warfare)

Rear Admiral M.H. Tuttle, USN (Ret), Former Deputy Commander, Pacific Missile Range.

Vice Admiral John A. Tyree, USN (Ret), Former Chief of Staff, European Command

Rear Admiral Clyde J. Vanarsdall, Jr., USN (Ret), Former Commander, Western Sea Frontier.

Rear Admiral L.R. Vassey, USN (Ret), Former Chief of Strategic Plans & Policies, CINCPAC.

Rear Admiral K.L. Veth, USN (Ret), Former Commander, Naval Forces, Vietnam.

Rear Admiral John R. Wadleigh, USN (Ret), Former Commander Training Command, Atlantic Fleet.

Rear Admiral George H. Wales, USN (Ret), Former Director Pan American Affairs, Naval Operations.

Vice Admiral T.J. Walker, USN (Ret), Former Commander, Naval Air Force, Pacific Fleet.

Rear Admiral Norvell G. Ward, USN (Ret), Former Commander, Caribbean Sea Frontier.

Rear Admiral Frederick B. Warder, USN (Ret), Former Commander, Submarine Force Atlantic.

Rear Admiral William B. Warwick, USN (Ret), Former Commander, Carrier Group Four.

Rear Admiral O.D. Waters, Jr., USN (Ret), Former Oceanographer of the Navy.

Rear Admiral Robert W. Watkins, USN (Ret.), Former Commander, Service Group Two, Altantic.

Rear Admiral Thomas C. Watson, Jr., USN (Ret.), Former Deputy Director Logistics, JCS.

Rear Admiral David A. Webster, USN (Ret.), Former Principal Assistant (Material Acquisition), Assistant Secretary of Defense.

Rear Admiral Robert O. Welander, USN (Ret.), Former Assistant Deputy Chief of Naval Operations (Plans & Policy).

Rear Admiral Edward F. Welch, Jr., USN (Ret.), Former President, U.S. Naval War College.

Rear Admiral Joseph H. Wellings, USN (Ret.), Former Vice Director of the Joint Staff of the JCS.

Rear Admiral David J. Welsh, USN (Ret.), Former Commander, Fleet Air, Alameda.

Admiral Waldemar F.A. Wendt, USN (Ret.), Former Commander in Chief, U.S. Naval Forces, Europe.

Rear Admiral R.S. Wentworth, Jr., USN (Ret.), Former Commander, Naval Logistics Command, Pacific.

Rear Admiral Robert H. Wertheim, USN (Ret.), Former Director Strategic Systems Projects.

Vice Admiral K.R. Wheeler, (SC), USN (Ret.), Former Vice Chief of Naval Material.

Rear Admiral Donald M. White, USN (Ret.), Former Commander, Carrier Division Twenty.

Rear Admiral Marshall W. White, USN (Ret.), Former Commander, Pacific Missile Range, Mugu.

Admiral A.J. Whittle, USN (Ret.), Former Chief of Naval Material.

Rear Admiral Charles S. Williams, USN (Ret.), Former Director, Aviation Training, Naval Operations.

Rear Admiral J.W. Williams, Jr, USN (Ret.), Former Acting Commander, Seventh Fleet.

Rear Admiral Francis T. Williamson, USN (Ret.), Former Commander, Training, Pacific Fleet.

Vice Admiral James B. Wilson, USN (Ret.), Former Chief of Naval Education and Training.

Vice Admiral Ralph E. Wilson, USN (Ret.), Former Deputy Chief of Naval Operations (Logistics).

Rear Admiral Mark W. Woods, USN (Ret.), Former Commander, Cruiser-Destroyer Force, Pacific Fleet.

Admiral Jerauld Wright, USN (Ret.), Former Commander in Chief, Atantic Fleet, Supreme Allied Commander, Atlantic.

Rear Admiral Don W. Wuizen, USN (Ret.), Former Commander, Amphibious Force, Seventh Fleet.

Rear Admiral Earl P. Yates, USN (Ret.), Former Assistant Chief of Staff for Plans & Policy, CINCPAC.

Rear Admiral C.J. Youngblade, USN (Ret.), Former Commander, Naval Safety Center.

SIGNATURES RECEIVED AS OF AUGUST 15, 1983

Vice Admiral R. E. Adamson, Jr., USN (Ret.), Former Deputy Chief of Naval Operstions (Surface Warfare).

Rear Admiral B. H. Andrews, USN (Ret.), Former Vice Commander, Navy Electronic Systems Command.

Rear Admiral H. D. Arnold, USN (Ret.), Former Commander, Navy Electronic Systems Command.

Rear Admiral Dean L. Axene, USN (Ret.), Former Deputy Chief of Naval Education and Training

Rear Admiral James V. Bartlett (CEC), USN (Ret.), Former Deputy Chief of Civil Engineers of the Navy

Vice Admiral Marmaduke G. Bayne, USN (Ret.), Former President, National Defense University

Rear Admiral David B. Bell, USN (Ret.), Former Deputy Commandant, National War College

Vice Admiral Fred G. Bennett, USN (Ret.), Former Commander, ASW Forces, Atlantic

Rear Admiral Lawrence G. Bernard, USN (Ret.), Former Director Navy Shore Installations Division, Naval Operations

Rear Admiral George A. Besbekos, (DC), USN (Ret.), Former Commander, Naval Regional Dental Center, Norfolk

Rear Admiral B. H. Bieri, Jr., (SC), USN (Ret.), Former Chief Naval Supply Systems Command

Rear Admiral Horace V. Bird, USN (Ret.), Former Chief of Legislative Affairs, Navy Department

Vice Admiral Paul P. Blackburn, Jr., USN (Ret.), Former Commander, U.S. Seventh Fleet

Rear Admiral Elliott Bloxom, (SC), USN (Ret.), Former Fleet Supply Officer, U.S. Atlantic Fleet

Rear Admiral F. Taylor Brown, USN (Ret.), Former Deputy Director International Programs, OSD

Rear Admiral F. J. Brush, USN (Ret.), Former Commander, Key West Forces

Vice Admiral George G. Burkley, (MC), USN (Ret.), Former Physician to the President.

Rear Admiral Joseph M. Carson, USN (Ret.), Former Commander, U.S. Naval Forces, Philippines.

Rear Admiral George L. Cassell, USN (Ret.), Former Commander, Fleet Air Quonset Pt.

Rear Admiral Robert W. Cavenagh, USN (Ret.), Former Commander, Cruiser Force, U.S. Atlantic Fleet

Rear Admiral Lester S. Chambers, USN (Ret.), Former Bureau of Naval Weapons Representative, Atlantic

Rear Admiral Robert W. Chewning, USN (Ret.), Former Director for Plans and Policy, CINCPAC

Rear Admiral E. E. Christensen, USN (Ret.), Former Commander, Naval Air Technical Training Command

Rear Admiral Thomas A. Christopher, USN (Ret.), Former Commander, Manned Spacecraft Recovery Force, Atlantic

Rear Admiral Bernard A. Clarey, USN (Ret.), Former Commander in Chief, U.S. Pacific Fleet

Rear Admiral Neal W. Clements (CEC), USN (Ret.), Former Commander, Construction Batallions, Pacific Fleet

Vice Admiral John B. Colwell, USN (Ret.), Former Deputy Chief of Naval Operations (Fleet Operations & Readiness)

Rear Admiral Clifford S. Cooper, USN (Ret.), Former Commander, Carrier Division Six

Admiral Ralph W. Cousins, USN (Ret.), Former Commander in Chief, U.S. Atlantic Fleet & Supreme Allied Commander, Atlantic

Rear Admiral G. C. Crawford, USN (Ret.), Former Commander, Sixth Naval District

Rear Admiral John E. Dacey, USN (Ret.), Former Assistant Deputy Chief of Naval Operations (Operations and Readiness)

Rear Admiral Cabell S. Davis, Jr., USN (Ret.), Former Deputy Commander, Naval Sea Systems Command

Rear Admiral James R. Davis, (CEC), USN (Ret.), Former Commander, Pacific Seabees.

Rear Admiral John M. DeLargy, USN (Ret.), Former Deputy Chief of Management and Inspector General, CINCPACFLT.

Vice Admiral Harold T. Deutermann, USN (Ret.), Former Commander, Second Fleet.

Rear Admiral John W. Dolan, Jr., USN (Ret.), Former Fleet Maintenance Officer, Atlantic Fleet.

Rear Admiral Wallace R. Dowd, Jr. (SC), USN (Ret.), Former Commander, Naval Supply Systems Command.

Admiral Charles K. Duncan, USN (Ret.), Former Commander in Chief, Atlantic Fleet & Supreme Allied Commander, Atlantic.

Vice Admiral George C. Dyer, USN (Ret.), Former Commander, United Nations Blockade & Escort Force.

Rear Admiral Robert J. Eustace, USN (Ret.), Former Vice-Commander, Naval Electronic Systems Command.

Rear Admiral Edward J. Fahy, USN (Ret.), Former Commander, Naval Ship Systems Command.

Rear Admiral Eugene H. Farrell, USN (Ret.), Former Director, Joint Chiefs of Staff.

Rear Admiral James M. Farrin, USN (Ret.), Former Commander, Norfolk Naval Shipyard.

Rear Admiral Emerson E. Fawkes, USN (Ret.), Former Vice-Commander, Naval Air Systems Command.

Rear Admiral M. F. D. Flaherty, USN (Ret.), Former Commander, Training Command, U.S. Atlantic Fleet.

Rear Admiral Eugene B. Fluckey, USN (Ret.), Former NATO Commander, Iberian-Atlantic Area.

Rear Admiral Francis D. Foley, USN (Ret.), Former Assistant Deputy Chief of Naval Operations (Operations & Readiness).

Rear Admiral James E. Forrest, (SC), USN (Ret.), Former Auditor General of the Navy.

Rear Admiral Mason Freeman, USN (Ret.), Former Director, Joint Chiefs of Staff.

Rear Admiral Robert B. Fulton, USN (Ret.), Former Commander, Naval Ship Engineering Center.

Vice Admiral William E. Gentner, Jr., USN (Ret.), Former Commander, Sixth Fleet.

Rear Admiral Paul C. Gibbons, Jr., USN (Ret.), Former Deputy Commander in Chief, U.S. Naval Forces, Europe.

Rear Admiral Norman C. Gillette, USN (Ret.), Former Commander Anti-Submarine Warfare Group Three

Rear Admiral Hershel J. Golden, (SC), USN (Ret.), Former Commander, Naval Supply Systems Command

Vice Admiral R.C. Gooding, USN (Ret.), Former Commander, Naval Sea Systems Command

Rear Admiral Emery A. Grantham, USN (Ret.), Former Director, Ships Material Readiness Division, OPNAV

Vice Admiral Samuel L. Gravely, Jr., USN (Ret.), Former Director, Defense Communications Agency

Rear Admiral William M.A. Greene, Jr., USN (Ret.), Former Commander, Navy Recruiting Command

Rear Admiral Donald P. Harvey, USN (Ret.), Former Director of Naval Intelligence

Rear Admiral Vincent P. Healey, USN (Ret.), Former Director, Undersea and Strategic Warfare Development—OPNAV

Rear Admiral W.M. Heaman, (CEC), USN (Ret.), Former Commander, Pacific Division, Naval Facilities Engineering Command

Rear Admiral Charles C. Heid, (CEC), USN (Ret.), Former Commander, Atlantic Division, Naval Facilities Engineering Command

Vice Admiral Alexander S. Heyward, Jr., (Ret.), Former Chief of Naval Air Training

Vice Admiral W.O. Hiltabidle, (CEC), USN (Ret.), Former Public Works Officer, 11th Naval District

Rear Admiral Morris A. Hirsch, USN (Ret.), Former Deputy Comptroller, Navy

Vice Admiral Edwin B. Hooper, USN (Ret.), Former Director of Naval History.

Vice Admiral William D. Houser, USN (Ret.), Former Deputy Chief of Naval Operations (Air Warfare).

Rear Admiral Miles H. Hubbard, USN (Ret.), Former Chief of the Bureau of Ordinance.

Rear Admiral Samuel W. Hubbard, Jr., USN (Ret.), Former Director Aviation Manpower & Training.

Rear Admiral Roy M. Isaman, USN (Ret.), Former Commander, Naval Air Test Center.

Rear Admiral Frank C. Jones, USN (Ret.), Former Commander, Naval Ship Engineering Center.

Vice Admiral Robert Y. Kaufman, USN (Ret.), Former Director, Command & Control, Office of Chief of Naval Operations.

Rear Admiral John S. Kern, USN (Ret.), Former Commander Cruiser-Destroyer Groups one, three & five.

Vice Admiral Dixwell Ketcham, USN (Ret.), Former Commander, Carrier Division Five.

Rear Admiral Sheldon Kinney, USN (Ret.), Former Commander, Cruiser/Destroyer Force, U.S. Pacific Fleet.

Rear Admiral William J. Kotsch, USN (Ret.), Former Deputy Director for Operations (Environmental Sciences), JCS.

Rear Admiral W. E. Kuntz, USN (Ret.), Former Director Communications, U.S. European Command.

Rear Admiral V. G. Lambert, USN (Ret.), Former Commander, Carrier Division Six.

Vice Admiral Vincent A. Lascara, (SC), USN (Ret.), Former Vice Chief, Naval Material Command.

Rear Admiral M. J. Lawrence, USN (Ret.), Former Chief of Industrial Relations, Navy Department.

Rear Admiral William H. Leahy, USN (Ret.), Former Commander, Norfolk Naval Shipyard.

Rear Admiral Isham Linder, USN (Ret.), Former Superintendent, Naval Post Graduate School.

Rear Admiral Walter M. Locke, USN (Ret.), Former Director, Joint Cruise Missiles Project.

Vice Admiral Victor D. Long, USN (Ret.), Former Commander, Mine Force, U.S. Pacific Fleet.

Vice Admiral Joseph M. Lyle, (SC), USN, (Ret.), Former Director, Defense Supply Agency.

Rear Admiral Douglas H. Lyness (SC), USN (Ret.), Former Commander, Naval Supply Center, San Diego.

Vice Admiral Kleber S. Masterson, USN (Ret.), Former Director, Weapons Systems Evaluation Group.

Rear Admiral Alfred R. Matter, USN (Ret.), Former Commander, Caribbean Sea Frontier.

Rear Admiral John H. Maurer, USN (Ret.), Former Commander, Submarine Force, Pacific Fleet.

Rear Admiral Roger W. Mehle, USN (Ret.), Former Commander, Carrier Division Five.

Rear Admiral John O. Miner, USN (Ret.), Former Commander, Cruiser-Destroyer Flotilla Eight.

Rear Admiral L. W. Moffit, USN (Ret.), Former Director, Joint Reconnaissance Center, JCS.

Vice Admiral George E. Moore II, (SC), USN (Ret.), Former Vice Chief of Naval Material.

Rear Admiral Howard S. Moore, USN (Ret.), Former Commander, Pacific Missile Range.

Rear Admiral Sam H. Moore, USN (Ret.), Former Commander, Military Sealift Command.

Rear Admiral James B. Morin, USN (Ret.), Former Chief of Staff-Defense Intelligence Agency.

Rear Admiral Douglas F. Mow, USN (Ret.), Former Commander, Tactical Wings Atlantic.

Rear Admiral Melvin Museles, (MC), USN (Ret.), Former Chief, Professional Division, BuMed.

Rear Admiral L. Richard Myers, USN (Ret.), Former Commander, Washington, D.C., Naval District.

Rear Admiral William A. Myers III, USN (Ret.), Former Commander, Cruisers-Destroyers, Seventh Fleet.

Rear Admiral C. A. Nicholson, USN (Ret.), Former Material Officer, Commander, Fleet Air Atlantic.

Rear Admiral James B. Osborn, USN (Ret.), Former Director, Strategic Offensive and Defensive Systems, OPNAV.

Rear Admiral Charles N. Payne, USN (Ret.), Former Supervisor of Shipbuilding, Pescagoula, Miss.

Rear Admiral Paul A. Peck, USN (Ret.) Former Commander, Carrier Group Three.

Vice Admiral Oliver H. Perry, Jr., USN (Ret.), Former Chairman, Inter-American Defense Board.

Rear Admiral Henry S. Persons, USN (Ret.), Former Deputy Chief of Staff, CINCPAC.

Rear Admiral Wallis F. Petersen, USN (Ret.), Former Commander, U.S. Naval Base, Norfolk.

Rear Admiral Richard H. Phillips, USN (Ret.), Former Deputy Commander, National War College.

Vice Admiral Lawson P. Ramage, USN (Ret.), Former Commander, First Fleet.

Rear Admiral Charles F. Rauch, Jr., USN (Ret.), Former Assistant Chief of Naval Personnel for Human Resource Management.

Rear Admiral Harry L. Reitter, Jr., USN (Ret.), Former President, Navy Board of Inspection and Survey.

Rear Admiral Robert M. Reynolds, USN (Ret.), Former Force Material Officer, Pacific.

Rear Admiral Reuben G. Rogerson, USN (Ret.) Former Deputy Commander, Naval Surface Force, Pacific.

Vice Admiral Murrey L. Royar, (SC), USN (Ret.), Former Chief, Office of Naval Material.

Rear Admiral Thomas J. Rudden, USN (Ret.), Former Director, ElectoMagnetic Programs, OpNav.

Rear Admiral Joseph W. Russel, USN (Ret.), Former Chief, National Strategic Target List Division, Joint Strategic Target Planning Staff.

Rear Admiral J. Parke Sager, USN (Ret.), Former Vice Commander, Naval Air Systems Command.

Rear Admiral Paul S. Savidge, USN (Ret.), Former Commander Amphibious Training Command, U.S. Pacific Fleet.

Rear Admiral Walter F. Schlech, Jr., USN (Ret.), Former Commander, Military Sealift Command, Atlantic.

Vice Admiral Frederick H. Schneider, USN (Ret.), Former Deputy Assistant Secretary of Defense (Inspection Services).

Rear Admiral Lester R. Schultz, USN (Ret.), Former Assistant Director, National Security Agency.

Rear Admiral Paul E. Seuter, (CEC), USN (Ret.), Former Commander, Atlantic Division Naval Facilities Engineering Command.

Vice Admiral John J. Shanahan USN (Ret.), Former Commander, NATO Strike Fleet, Atlantic.

Rear Admiral William H. Shawcross, USN (Ret.), Former Assistant Deputy Chief of Naval Operations, Logistics.

Rear Admiral W. B. Short, (CEC) USN (Ret.), Former Director of Construction, Spanish Bases Program.

Rear Admiral Gordon H. Smith, USN (Ret.), Former Vice Commander, Naval Electronics Systems Command.

Rear Admiral James H. Smith, Jr., USN (Ret.), Former Commander, Naval Air Integrated Logistic Support Center.

Vice Admiral Levering Smith, USN (Ret.), Former Director Strategic Systems Projects Office.

Rear Admiral Robert S. Smith, USN (Ret.), Former Commander, Cruiser-Destroyer Group One.

Rear Admiral Nathan Sonenshein, USN (Ret.), Former Commander, Naval Ship Systems Command.

Vice Admiral William R. St. George, USN (Ret.), Former Commander, Naval Surface Forces, U.S. Pacific Fleet.

Rear Admiral James J. Stilwell, USN (Ret.), Former Deputy Chief BuShips for Field Activities.

Rear Admiral A. P. Storrs, USN (Ret.), Former Commander, Carrier Division Five.

Rear Admiral W. E. Sweeney, USN (Ret.), Former Navy Deputy, F-111 Systems Project Director.

Rear Admiral H. J. Trum, USN (Ret.), Former Commander, Fleet Air Whidbey.

Rear Admiral David M. Tyree, USN (Ret.), Former Commander, Naval Support Force, Antartica.

Vice Admiral Frank Vannoy, USN (Ret.), Former Deputy Chief of Naval Operations (Plans & Policies).

Rear Admiral M. D. Van Orden, USN, (Ret.), Former Chief of Naval Research.

Rear Admiral Frank Virden, USN (Ret.), Former Director of Naval Communications.

Rear Admiral Harry N. Wallin, (CEC), USN (Ret.), Former Commander, Atlantic Division, Naval Facilities Engineering Command.

Rear Admiral John A. Walsh, USN (Ret.), Former Chief of Staff, Defense Intelligence Agency.

Rear Admiral A. W. Walton, Jr., (CEC), USN (Ret.), Former Commander, Atlantic Division, Naval Facilities Engineering Command.

Admiral Maurice F. Weisner, USN (Ret.), Former Commander in Chief, Pacific.

Vice Admiral Charles Wellborn, Jr., USN (Ret.), Former Commander, U.S. Second Fleet & NATO Strike Fleet, Atlantic.

Vice Admiral T. R. Weschler, USN, (Ret.), Former Director Logistics, Joint Chiefs of Staff.

Vice Admiral Richard F. Whitehead, USN (Ret.), Former Chief, U.S. Naval Mission to Brazil.

Rear Admiral Kenneth E. Wilson, Jr., USN (Ret.), Former Vice Commander, Naval Sea Systems Command.

Rear Admiral Raymond N. Winkel, USN (Ret.), Former Program Manager, Light Airborne Multipurpose System Mark III.

Rear Admiral John G. Wissler, USN (Ret.), Former Commander, Naval Air Test Center, Patuxent River.

Rear Admiral N. O. Wittmann, USN, (Ret.), Former Vice Commander, Naval Air Systems Command.

Rear Admiral J. C. Wylie, USN (Ret.), Former Commandant, First Naval District.●

LOCAL GOVERNMENT ANTITRUST ACT OF 1983

● Mr. SASSER. Mr. President, I rise to state my support for S. 1578, the Local Government Antitrust Act of 1983. Two recent Supreme Court decisions have effectively stripped local governments of any protection from this country's antitrust laws. Before these rulings were handed down, local governments were assumed by the Court to have the same immunity from the provisions of the Sherman Act that State governments have.

A clear exemption from the antitrust laws is necessary if local governments are to effectively administer zoning laws, regulate taxicab and other services, and take other actions to protect the health, welfare, and safety of their citizens.

I congratulate Senator THURMOND for introducing S. 1578 to clarify the application of Federal antitrust laws to local governments, as the ranking member of the Intergovernmental Subcommittee, I am pleased to join him in this effort.

This legislation does not automatically extend protection from the antitrust laws to local governments. Protection from the antitrust laws is given only to the extent that State governments are protected for the same activity. Actions by a local government to sell goods or services in competition with private entities would not be exempt from the antitrust laws.

The Supreme Court decisions in *City of Lafayette, La.* v. *Loisiana Power & Light Co.* (435 U 389 (1978) and *Community Communications Co., Inc.* v. *City of Boulder, Colo.* (455 U.S. 40 (1982) make it harder for States to delegate their immunity from antitrust laws to local governments under their jurisdiction. The Court has ruled that merely authorizing home rule does not transfer this immunity.

It seems unlikely that the courts would accept broad immunizing legislation from the State governments to protect the locals from antitrust suits. State legislation would have to be very specific for the exemption to apply. Further, there might have to be active State supervision of local jurisdictions granted antitrust exemptions.

To allow this kind of specificity and supervision, local governments might have to relinquish hard-won rule provisions in their State constitutions.

The very structure of legal relations between the States and their political subdivisions would be shaken if this approach to resolving the antitrust immunity question is taken.

Local governments need the protection that S. 1578 can give them so that they can go about the necessary functions of government without the fear of antitrust lawsuits based on their actions.

I urge the Committee on the Judiciary to begin hearings on this measure just as soon as possible. It is my hope that S. 1578 can move quickly toward passage by the Senate.●

REVENUE SHARING

● Mr. DURENBERGER. Mr. President, last night the Senate approved the reauthorization of the general revenue-sharing program for 3 years at current funding levels of $4.6 billion annually. In so doing, we also took a major step in laying the foundation for future federalism reforms. The Senate agreed to my amendment to have the Department of the Treasury, the General Accounting Office, the Commerce Department and the Advisory Commission on Intergovernmental Relations undertake a series of studies on the present condition of the American intergovernmental system with the intended purpose of making recommendations for reforms.

This amendment was not drafted in haste or by me alone. During the 6 weeks prior to its adoption last night, I consulted with many other Senators, various Federal agencies and State and local interest groups. The result was language that is balanced and fair to all of the interests involved. The amendment was adopted with bipartisan support and support from all regions of the Nation.

While voting for the study amendment, a few Senators expressed reservations regarding its long run implications for certain States. Representative of these concerns was the Senator from Montana's (Mr. BAUCUS) belief that lurking beneath this was a desire by myself and other Senators to redistribute Federal funds among regions of the Nation. In speaking on the study, Senator BAUCUS said, "This is the opening shot in a battle which will rage royally in this Congress and in the future."

Mr. President, let me assure my colleagues, and the good Senator from Montana in particular, that my intention is not to declare war on the energy-rich States of this Nation. This perception is one that constantly recurs whenever I talk about reforming American federalism and the vast network of intergovernmental grants which defines modern day "cooperative Federalism."

I understand why this might be the perception. When people like myself and Gov. Richard Snelling of Vermont talk about the future of American federalism, a major point we stress is that fiscal disparities is a fundamental problem that must be addressed. This, I am sorry to say, has become a red flag to many. And, once that red flag is raised, all communication seems to break down. This is unfortunate, because if we could continue to discuss federalism, it would become clear that the second assumption I hold is that the Federal Government is doing too much in too many areas; and not only too much, but doing most of it very inefficiently.

When these two assumptions are combined, it becomes evident that a new federalism is possible without doing harm to any one State or region—a federalism in which all States, regardless of their capacity, can be assured that if they tax themselves at reasonable levels, they will be guaranteed resources to provide their citizens an adequate level of those public goods and services appropriately provided by States and their subdivisions. At the same time, by giving more precise definition to what constitutes a Federal purpose, such a federalism can alleviate much of the federally imposed burden and fiscal drain on States and their local governments.

In fact, the great inefficiency with which we spend money through the intergovernmental system offers us a golden opportunity. For no more Federal spending, it should be possible to mitigate the worst fiscal disparities, accomplish our national objectives, at the same time we leave more resources for State and local government to raise and spend as they see fit.

I know when I talk with Western Governors they find themselves in a dilemma. Most would prefer a reduced Federal role in exchange for the Federal Government's leaving more of the States' capacity at home. At the same time, they find themselves in a vicious competition with other States over an alluring $90 billion pot of Federal assistance dollars. In the past, they have not had much hope that significant portions of the $90 billion would simply be left within their State to be raised and spent as they saw fit. So, they have had no alternative but to resist any and all efforts which they perceived might redistribute those prize dollars away from their State and region.

The fallacy in the belief that a war among regions is imminent results from this fundamental misperception of what the future Federal system will be. To date, it has not been possible for many to move beyond the view that new federalism will be simply a redistribution of Federal grant dollars. Of course, if that were the proposal, there necessarily would be losers; and if such a redistribution were to occur with an eye toward benefiting the lowest capacity States, the higher capacity States would have cause for concern. But that is not what I have in mind, nor do I believe this is what Governor Snelling wants.

So I ask my colleagues to consider the following premise. The fundamental obstacle to a genuine reinvigoration of the States is the possibility that some States will be unable to provide an adequate level of service at reasonable levels of taxation under a simple "dump and run" approach by the Federal Government. Once this reality is accepted, the self-interest of the higher capacity States dictates a commitment to a reduction in fiscal disparities. The only way to help all of the States by achieving a better federal system is to provide some fiscal assurances to the poorest among them.

If we could just come to this basic agreement, it would be possible to move forward to a more detailed discussion of what constitutes national purposes and how the remaining responsibilities can best be returned to the States; and, equally important, how much of the present tax capacity of all States that is recirculated through Washington can be left intact in the States.

Mr. President, in a recent speech to the Western Governors' Policy Office, Governor Snelling had some very enlightening things to say on these very issues. For example, he laid to rest the misperception that alleviating the most glaring fiscal disparities requires or presupposes a desire to reward high State spending. He talks at some length about the distinction among, need, capacity and effort, a point I have been stressing for several years as well.

I urge my colleagues to read Governor Snelling's remarks with care.

The studies that would be undertaken in the Senate bill could be the beginning of meaningful discussion on federalism after the false start of a year ago in the President's new federalism initiative. As a conferee, I will work diligently to see that the Senate study language prevails.

Mr. President, I ask that the remarks of Governor Snelling before the Western Governors' Policy Office be printed in the RECORD at this point.

The remarks follow:

THE ONE AND THE MANY—SERVING NATIONAL PURPOSES THROUGH FIFTY DIVERSE STATES

(Remarks of Richard A. Snelling, Governor of Vermont)

As governors of lay citizens, almost all Americans have experienced severe frustrations with this country's federal system. At the same time we place ultimate faith in this system and rely on it for most governmental processes. These two outlooks, frustration and faith, reflect great issues very much needing discussion.

The greatest federalism challenge of all is to get governmental budgets under control and at the same time support essential public services at nationally expected levels with equitable distribution of cost among all states and citizens. The nation cannot afford fiscally to continue to run $200 billion annual deficits, economically to burden the people of some states with gross overtaxation, or humanely to balance budgets through drastic cutbacks in welfare, environmental, developmental, and other domestic services.

Through managed restraint in fiscal policies, fairer allocation of the burden of taxes among the states, and more extensive decentralization of the delivery of public services, not only to the states but through them to counties and local governments, America must both get its finances in order and promote a satisfying life for all Americans. Within this framework, such fundamental goals as these should be addressed: Local discretion to deal with local problems; certitude that state-administered national programs are equitably conducted; state-level capacity to integrate multitudinous activities into comprehensive programs; fair incidence of the cost of national services on the residents and resources of all states.

Concerns like these are central themes of the American experience, hard nuts which we as a unified yet diverse people have had to crack and recrack, in almost every generation. We are now approaching, indeed may already have entered, another period in which these great issues must be openly faced and reasonably re-resolved.

America is poised to move either toward renewed centralization of domestic power in the federal government or toward expanded reliance on the states and their subdivisions. The states, particularly their governors, should be at the heart of decision-making in this transition, ready to grapple with whatever need be faced, no matter how threatening or controversial.

If the states fail to position themselves in this way, the decisions will be made by others, most likely to state-level detriment. Most important, the states should be willing as states to adjust the domestic cost burden among themselves in such a way as to avoid either massively enlarged direct federal provision of domestic services, the starvation of those services through underfinancing, or greatly aggravated maldistribution of the state-local tax burden.

The issues are already on the table, placed there by dissatisfaction with governmental cumbersomeness and overkill, by President Reagan in his New Federalism proposals (no matter whether we agree or not with the specifics), by the Congress in its consideration of federalism matters in the debate on renewing Revenue Sharing. Governors should grab these issues, nettles and all, discuss them and research them, fight over them if need be, establish common positions, and then go out to do battle together for them. As a first step, now, it will be useful to review the following: the federalism fundamentals about which Americans agree; the present-day realities of the federal system; the problems this system poses vis a vis the fundamentals; and the lines along which these problems might eventually be solved.

As preliminary to this review, a word about "sorting out" is in order. This approach to federalism reform, proposed by the President in 1982 and diligently pursued by the governors, failed. Why? Because, as the history of the negotiations suggests, sorting-out was fatally flawed in its preoccupation with "no winners, no losers". The only way that functions and taxes could be realigned consistent with that preoccupation was through holding all states harmless. This required, not more equitable burdens on wealthier states, but larger federal assistance to states disadvantaged by the swap as to their capacities or new responsibilities—a roadway toward larger budgets, not toward restrained spending with fairer financing.

Since its beginnings, America has been a federated land, even before it was so recognized, with separate colonies sharing common roots, with thirteen and then eventually fifty states grouped under a common constitution, with great diversity of peoples and geography held together by superior common interests. Thus it is today, a tradition of separateness combined with nationhood reflected in an overarching consensus

among state leaders about governance in the United States. These "shared views" are key elements of that consensus:

(1) Nationwide Americans have an accepted set of goals and standards, hard to articulate but nontheless real, about floors of decency for everyday living; about environmental amenities as to land and air and water; about the physical facilities of the nation in roads, water systems, airports, and the like; about the education of our children and the health of our citizens; indeed about most aspects of the basic framework of American life.

(2) Governments—federal, state, county, local—are appropriate instruments, along with private enterprise and voluntary organizations, for advancing these goals and enforcing appropriate standards. The federal government provides a proper forum for the national articulation of goals and standards.

(3) Agreed purposes and service expectations should be broadly drawn so they can be implemented in different ways in different places, both recognizing and encouraging diversity rather than standardization in American ways of life.

(4) For most public services, as varied as housing, clean water, child nutrition, and law enforcement, the states and their local and regional subdivisions, close to end-of-the-line needs, are preferable over direct federal services as the instruments by which national goals are served.

(5) The financing of nationwide public services, even with these services being state and locally performed, should be substantially federal, drawing properly on the national economy to help meet national objectives.

(6) The needs and capacities of the states relative to financing their share of the costs are diverse, calling for some equalization of burden on in-state resources through differential allocations of federal grants.

(7) The overall cost of domestic public services for national as well as strictly state or local purposes must be realistically, and preferably rationally, related to what national and subnational economies will bear, requiring in short that the suit of services be cut to the cloth of resources, not just to needs.

This list, though perhaps not all encompassing or all accepted, embraces the basic national and subnational components of cooperative federalism. They make up what most Americans envision about how our federal-state-local system should ideally function.

How does real-life federalism, 1983, stack up against that vision? Not very well, many would agree. National goals, while internalized and expressed in programs, are not clearly or comprehensively articulated. Nor is there a clear, consistent, logic-based division of roles among governmental levels for the financing or performance of various services.

In short, American federalism, objectively not visionarily viewed, is today a hodgepodge of accommodations, imperfections, anachronisms, inefficiencies, inequities, and inconsistencies. Yet somehow, a tribute to the ultimate rightness of the federal design, the system does deliver great varieties and quantities of public service throughout our supra-continental nation. The tragedy, the challenge if you will, is that we could do so very much better—and it is this, the sense of falling short, that drives, or will drive, this time of transition in American governance.

Instead of a few broadly stated purposes, with simple standards, financed with sensibly homogeneous block grants, there are 441 distinct federal domestic assistance programs, even after the elimination and pulling together of some 100 separate grants in the last couple of years. Again, despite recent progress, there is still much detailed regulation from federal administrators on how programs are conducted, not just broad supervision toward the achievement of ends. Yes, there is major federal financial participation in many domestic programs, some $93 billion worth in fiscal 1983, but it is almost infinitely divided among programs, not substantially consolidated into blocks or into General Revenue Sharing.

Unfortunately, federal assistance does not in a consistent or comprehensive fashion take into account the differential needs or capacities of the states as to state-conducted national services. A variety of need indicators are used, often including population as a basic measure, but usually not finely tuned to the problems addressed. And, as to capacity, only 29 of the 441 federal grants, about a third of the grants as to total dollars, include an indicator, in every case per capita income, a simplistic and incomplete guide to capacity.

The gross inadequacy lies in the maldistribution of the state-local fiscal burden in relation to capacity. As an analogy, we have come within the individual states to accept that all citizens must have a basic educational minimum, locally provided, regardless of the fiscal resources of particular communities. Through various equalization arrangements, the states have pursued this principle. Also, with equalization, they have served another principle, namely that the cost burden must not be allocated in gross unevenness. Communities are free with their own resources go beyond the minimum, but no community is to be pauperized by it.

Similar principles might well be applied to the battery of domestic services which constitute a minimum national standard of decency. To support this minimum, no citizens in any particular state should have to pay grossly more in relation to their capacity than citizens of other states. This is not to argue now for the Representative Tax System (RTS) developed by the Advisory Commission on Intergovernmental Relations (ACIR) or for any other particular way in which these principles should be observed. But, as public finances grow tighter and tighter, equalization of some sort becomes necessary both for financing and for fairness. As citizens of a single great commonwealth, the United States, can we indefinitely accept in good conscience an uneven distribution of the burden for performing national services?

The question can be even more broadly stated: Ought we remain content with a system so far at variance from our ideal? One approach to that question is to consider more specifically some of the particular problems of the system and the possibilities of doing something constructive about them. The problems are surely not in any respect simple, quite the contrary. But on matters of such moment, those listed below, that ought not deter us.

(1) The inadequate, uneven articulation of national goals. Many individual programs are authorized with limited statements of purpose. Broader goals are implied, too, for congeries of programs in such areas as welfare, environment, transportation, and economic development. But can we, and if we can, ought we not, by national action get clearly before us what we as a nation seek in each great area of this sort? Such articulation is a pre-requisite for comprehensive block grants for each such area.

(2) The need for performance standards, objective yet broad, preferably as to end results, not simply as to program activities. If states are really to have wide discretion in operations toward objectives, the objectives must be clearly, even if possible quantifiably, stated. Then, federal program audits can focus on what has been accomplished, not on how. But can such standards really be drawn in any fields? In more physical fields, miles of roads maintained, for example, probably yes. But in personal welfare areas, child nutrition, for example, is it being, can it be, done? Such a task, the articulation of standards, is certainly worth much more trying than it so far has been given.

(3) Confusion, inequity, and inadequate measures as to service needs. Misunderstandings abound in this regard, for example, as between need and capacity, need and effort, need and activity. Need is differentiated from these other concerns in having to do with the direct-life circumstances which call for public action, e.g. with extent of illiteracy, numbers of malnourished children, units of substandard housing, population pressure on recreational space, volume and composition of solid waste, rates of various kinds of crime, and miles of potholed roads. Need is an end to be met, not the cost, methods, or activity to meet it.

All the federal grant formulas, including that for General Revenue Sharing, consider need in some degree, often as elementally as just gross population differentials. However, the relevance, sophistication, and fairness of indicators varies greatly from program to program, quite understandably in a nation so large and diverse as ours—partly urban, partly rural, partly industrial, partly agrarian. And the larger questions, relating need in gross measures to block grants, have scarcely been addressed.

If we are to have a truly needs-oriented grant-in-aid system, one in which there is large discretion in the way needs are met, this area requires much work. To some extent, indicators of low capacity, notably per capita income, may run in the same direction as indicators of need, but they are not satisfactorily congruent.

(4) Unsatisfactory recognition, even nonrecognition, of capacity-to-pay differences among the states. Resident per capita income, unrefined and unmodified, is flawed as a capacity indicator since it does not take into account non-resident, non-income resources which some states have in substantial measure while others have scarcely none. Thus, for example, recreational magnet states like Nevada or Vermont are able to tax non-residential resources more lucratively than are low-tourism states. Similarly, energy-rich states like Oklahoma have stronger non-income resources than do energy-poor states like Mississippi.

When comparative state-by-state capacities are measured with these non-resident, non-income considerations taken into account, the relative positions of the states vis-a-vis a national norm for the states are considerably different than from a similar calculation considering only per capita income. The capacity measure developed by ACIR as part of the Representative Tax System gets at the overall capacities of the states by calculating the revenues that each state would raise if each used, with a few exceptions, all the taxes at average national rates that any state uses.

There are imperfections in the RTS measure, of course, e.g. differential impacts of different taxes on future tax base, but it does appear to be the best presently available comprehensive state-by-state revenue capacity measure. Comparing ACIR rankings with per capita income rankings, differences do stand out, for example, as for the State of Washington, which ranks among the nation's top ten states in per capita income but comes in near the mid-point, 24th, with the ACIR measure.

All this is not to argue for the substitution, today, of the ACIR measure for per capita income, nor to suggest some other measure which might be better than either. Rather, we should note that there are real differences among the states in the resources, in relation to population, on which each can draw to meet the state-and-local costs of carrying out national programs. Whether measured by income-only or comprehensively, Tennessee and Vermont, for example, show up as low capacity states while California and Connecticut on both measures stand out as high capacity. It seems both unjust and ineffective to lay substantially heavier burdens on the residents of some states than on those of others to finance the state-local role in delivering national services.

Even though present grants-in-aid tend toward equalization in some states, we have a very long way to go for bearable equity. And, as government budgets across the board are increasingly squeezed, witness the huge federal deficit and the shortfalls this year in almost all states, the pressure for fairly distributing state-and-local burdens and for raising what must be raised wherever it can best be raised will surely increase. These are undeniable reasons why capacity considerations in grant formulas constitute one of the major problems of federalism.

(5) Poor understanding, perhaps overstress, on fiscal effort in relation to state fiscal positions. To begin, effort and capacity are quite separate though related matters. Effort has to do with how strongly a government is drawing on its tax base, not with the size (capacity) of the base per se.

General Revenue Sharing rewards high effort in the above sense as one of the components in its allocation formulas. Most categorical and block grants require matching—some unit of state-or-local outlay for specified counterpart amounts of federal participation—and in this way states that put up more money for particular programs, i.e. "make a greater effort", are also rewarded. Effort, in the pure sense of collections related to capacity, is taken into account in ACIR's work on its Representative Tax System but (and this is important) effort is not part of the capacity measurements and need not be part of any introduction of RTS into federal grant formulas.

Conceptually, the core question about effort in relation to a model intergovernmental system is whether it should be a determinant at all of the amount of federal monies going to different states. Spending more on particular programs in order to bring more federal dollars into a state is not in itself a direct indicator that a state is necessarily doing more about a particular problem, certainly not that it is necessarily being more effective in dealing with a problem. In some states, heavy matching may indicate ample resources, in others real sacrifice to attack real problems, while low matching (even low tax-to-capacity effort) may reflect effective administration, or simply capacity so low that normal leeway for effort is not available.

The point of all this is that the extent to which and the way in which effort, more realistically "matching," should be a component in grant formulas deserves to be questioned. Another concept would be that each state for each major functional area, perhaps for its services across-the-board, has a responsibility, not a carrot-induced "choice," to do what must be done at whatever cost and in whatever ways best suit its circumstances to carry out its part in executing national-goal programs within its boundaries. The amount it would get in federal assistance would be determined by need and capacity, and it would be free on its own with its own resources, unmatched, to go beyond its standard responsibility as part of the Union, offering such additional or more intensive services as it wished. A heroic idea, perhaps, but one that would lead to greater decentralization and fruitful diversity, with national programs still carried out through the states, than most of us could scarely now conceive to be possible.

(6) An overburden of detail, multiplicity, and inappropriateness in federal grant administration. This is an old story, familiar to all of us, and one in which the story is not quite as sad as a few years ago. With the 1981 block grants and the anti-regulatory efforts of the Reagan Administration, the pendulum swing toward tighter and tighter supervision of more and more separate grants programs has at last been checked, acutally reversed. But, even within the confines of the still largely categorical system, much headway remains to be made. As noted at recent NGA meetings, state government, no longer the last refuge of "good-time Charlies," is today professionally competent to handle whatever comes our way.

What can governors do about these problems? As regards some elements of the puzzle, particularly the matter of federal overcontrol, governors are already doing considerable through their national and regional organizations. But what about the more fundamental problems—things like standards, capacity, effort? Here are a few ideas on this, all geared basically not to making landmark changes now but to going down the road of commitment, discussion, negotiation toward such changes.

To begin, the general nature of the problems and of the solutions already seems sufficiently clear and understood to enable governors to take positions of principle on them now. It was for that reason, not to commit NGA to RTS, that proposals were recently considered within NGA to have governors accept the desirability of capacity equalization of some kind as part of NGA federalism policy.

Beyond this, the national and regional staffs of governors should be encouraged, indeed directed, to give major attention to the fundamentals raised here. The results of this work should be brought to the discussion tables, and governors should not shy away when their cherished preconceptions are challenged. For example, even the states' long fight against any limitation on the federal tax deductibility of state and local taxes might merit some "give" if important ground for the states could be gained thereby.

Governors should be prepared not only to state their positions but, where advantages might be gained, to work in a give-and-take way with their federal and local governmental brethren—with the Congress, the President, local governmental groups, federal progam executives. A most important venture of this sort now looms sizable on the Congressional horizon—the possibility that Congress this fall in dealing with Revenue Sharing will adopt an amendment calling for a major federal study of federalism issues, jointly by Treasury, Commerce, GAO, and ACIR, a study not just of RTS but of the whole range of great intergovernmental questions. This is something, especially if full state and local participation is guaranteed, which governors should vigorously support.

Finally, a word about regional groups like WESTPO, the Western Governors Conference, the New England Governors Conference, and others. Groups like this, bringing together governors in the way this meeting has, are crucial vehicles for consideration of intergovernmental matters. Even more, they provide influential forums of policy setting and program coordination intermediate between the individual states and the federal government.

In essence, the theme of federalism debate should be the motto on the Great Seal of the United States—"E Pluribus Unum", out of the Many, One. But the emphasis, today, the desirable emphasis for federalism reform, should be a bit more on the Many, how to sustain their strength diversely but equitably, than on the One.

This paper does not get deeply into the fiscal technicalities of federalism, of which there are a great many, but these must of course be addressed as the great issues are explored. The main thing now is for the governors to "reason together" on these issues, too long held back on the national agenda. History is on the move. Governors should be with it, not off to the side.●

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

ORDER OF BUSINESS

Mr. PERCY. Does the majority leader have any feeling as to what time we may be able to return to the State Department authorization bill tomorrow?

Mr. BAKER. Yes, Mr. President, what I am about to say is not meant to be flip but to be accurate. We shall go back to it as soon as the chairman of the Foreign Relations Committee reports that they are finished in that committee meeting.

Mr. PERCY. So we possibly could finish this bill, I hope, tomorrow. If we get over here at 12:30, we could finish it within an hour and a half, 2 o'clock or 1:30.

Mr. BAKER. I hope so.

Mr. PERCY. Mr. President, I thank the leader for his consideration.

DEPARTMENT OF STATE AUTHORIZATIONS

The Senate continued with consideration of the bill.

Mr. PERCY. Mr. President, it is my intention and that of the ranking minority member of the Foreign Relations Committee to take up now non-

controversial amendments and take them up as rapidly as we can.

Mr. HUMPHREY. Will the Senator yield?

Mr. PERCY. I yield for a question.

Mr. HUMPHREY. I do not see any sponsors of other amendments on the floor. I have two noncontroversial amendments which have been cleared. I wonder if I may proceed at this time, since I have waited for that purpose.

Mr. PERCY. Mr. President, we did intend to take up a number of others first, but in view of the fact that we are going to have to stay anyway, to accommodate our distinguished colleague, we shall be happy to take up these two amendments which I understand are noncontroversial.

Mr. HUMPHREY. That is correct and cleared on both sides.

Mr. PERCY. We shall make our comments very brief and maybe we can put the comments in the RECORD.

AMENDMENT NO. 2204

(Purpose: To express the sense of the Congress with respect to the actions of the Government of the Soviet Union in jamming the broadcasts of Voice of America and RFE/RL, Incorporated)

Mr. HUMPHREY. Mr. President, may I be recognized?

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. HUMPHREY. I send an amendment to the desk, Mr. President, and ask that it be stated.

The PRESIDING OFFICER. The clerk will state the amendment.

The assistant legislative clerk read as follows:

The Senator from New Hampshire (Mr. HUMPHREY) proposes an amendment numbered 2204.

Mr. HUMPHREY. I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the bottom of page 48, add the following:

TITLE VII—GENERAL PROVISIONS

POLICY ON THE JAMMING BY THE SOVIET UNION OF BROADCASTS OF VOICE OF AMERICA AND RFE/RL, INCORPORATED

SEC. 701. (a) The Congress finds that—

(1) the permanent unrestrained flow of accurate information would greatly facilitate mutual understanding and world peace;

(2) the Soviet Union and its allies are at present electronically jamming the broadcasts of Voice of America and RFE/RL, Incorporated (also known as Radio Free Europe and Radio Liberty); and

(3) electronic jamming of international broadcasts violates at least four international agreements: Article 35 (1) of the International Telecommunications Union Convention, Article 19 of the Universal Declaration of Human Rights, Article 19 of the International Covenant on Civil and Political Rights, and the Final Act of the Conference on Security and Cooperation in Europe (also known as the Helsinki Accords).

(b) It is the sense of the Congress that the President should urge the Government of the Soviet Union to terminate its jamming of the broadcasts of Voice of America and RFE/RL, Incorporated (also known as Radio Free Europe and Radio Liberty).

Mr. HUMPHREY. Mr. President, I ask unanimous consent that Senators EAST and PRESSLER be listed as original cosponsors.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HUMPHREY. Mr. President, I offer this afternoon an amendment to the Department of State authorization bill stating the sense of the Congress that the President urge the Soviet Government to cease its jamming of Radio Free Europe, Radio Liberty, and Voice of America broadcasts. On May 19 of this year, I introduced this in the form of a concurrent resolution that enjoyed the cosponsorship of 10 of my colleagues.

According to many, the United States is a warmonger, building up a vast military machine to bully the Soviet Union and trigger a nuclear holocaust. Yet, it takes a distorted view of history and a selective memory to justify this position. The true state of affairs is different indeed and is demonstrated by the Soviets and its satellites' jamming of Western broadcasts. This activity is a $300 million a year Soviet industry. In comparison, the annual budgets of RFE/RL and VOA are roughly $90 million and $140 million respectively. It is clear that the Soviet Union spends more on jamming then we spend on broadcasting.

The United States provides funding for Radio Free Europe and Radio Liberty, independent corporations overseen by the Board for International Broadcasting, an independent Federal agency. Together, RFE and RL broadcast to the citizens of the Soviet Union, Bulgaria, Czechoslovakia, Hungary, Poland, and Romania in 21 of the languages native to these countries. In the course of a typical week, some 40 to 50 million listen to RFE/RL broadcasts, despite heavy Soviet-bloc jamming. RFE/RL serve as an alternative domestic radio service, providing uncensored news and commentary to people living in Soviet-bloc countries.

The Voice of America is a global radio network broadcasting over 900 hours a week in more than 40 languages with an estimated weekly audience of 100 million people all over the world. VOA broadcasts are of tremendous importance, especially in countries behind the Iron Curtain where truth refers primarily to the title of a newspaper, Pravda, rather than its contents.

The Soviet response to U.S. international broadcasts has been heavy jamming designed to make Western broadcasts unintelligible.

This interference violates at least four international agreements, including article 19 of the Universal Declaration of Human Rights, which states that all have the right to seek, receive, and impart information and ideas through any media and regardless of frontiers. It is in contravention of the International Telecommunications Convention, which forbids harmful interference to radio services of communications of others members.

Jamming is a human rights issue. The control and obstruction of ideas and information is probably the most effective of the totalitarian methods of repression. Jamming is also an international security issue. By jamming competing sources of information, national leaders facilitate their ability to manipulate their citizens into supporting actions that they otherwise might not take if they were exposed to the truth.

In accordance with international law, the United States has never jammed Radio Moscow or like entities. However, as recently as November 1982, the Soviet bloc attempted to secure international approval of its jamming activities. At a meeting of the United Nations International Telecommunications Union held in Nairobi, Czechoslovakia asked delegates to sanction the electronic jamming of international radio broadcasts deemed dangerous to state security, but withdrew its proposal following threats by Western nations to disrupt the conference.

The ulterior motive behind the jamming is self-evident: The Soviet Government is extremely insecure about the possible impact of informed and sophisticated citizens. Only through severe strangulation of news and information can the Soviet Government exist.

Two recent events dramatically illustrate the Soviet bloc citizens' extreme need for accurate news, and the Soviet Government's fear of that news. The first was the Pope's June 1983 visit to Poland. The Soviet Union jammed VOA's broadcasts to Poland, which had been increased to give adequate converage on the historic event. I ask unanimous consent that VOA Director Ken Tomlinson's statement and two articles about the Soviet's actions be printed in the RECORD at this point.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY VOA DIRECTOR KENNETH TOMLINSON, June 22, 1983

Pope John Paul's visit to Poland is an event of historic importance and has attracted worldwide attention. Like virtually every other free journalistic organization, the Voice of America is providing thorough coverage of the visit to audiences all over the world. We know that our large Polish audience has been especially anxious to have access to objective, accurate information because they are only getting heavily censored news from the official and controlled Polish government media. For that

reason, we at the VOA felt a particular obligation to the Polish people, and have made a special effort to devote expanded coverage and reporting of the events.

But the Soviet Union has decided that the Polish people cannot be trusted to hear the facts about Pope John Paul's visit. Not only have the Soviets continued to jam our regular broadcasts to Poland, they are jamming our special coverage of the Pope's visit as well. They have apparently concluded that it is in the Soviets' interest that the Polish people shall not receive the message the Pope has brought to Poland. This proposition is odious, patronizing, and in flagrant disregard of international agreements: odious, because the Pope stands for human dignity, patronizing because it places in the hands of a foreign power what is rightfully a decision of the Polish people, and in flagrant disregard of international agreements because, by jamming, the Soviet Union is violating the Helsinki Accords which it signed in 1975. It also is a violation of the Universal Declaration on Human Rights.

We will continue to broadcast the news—and the truth—about the Pope's visit to Poland. We know that some of our broadcasts and the broadcasts of other Western stations are getting through to listeners in Poland. Soviet jamming only makes the Polish people more intent on hearing the truth. No amount of jamming can stifle this desire.

Mr. HUMPHREY. Mr. President, the second incident was the recent Soviet downing of Korean Air Lines flight 007 with 269 civilians on board. The Soviet Government actually withheld the news of this tragedy for several days, feeding Soviet citizens only bits and pieces about a flight lost at sea. It is inconceivable for U.S. citizens, who can turn daily to numerous periodicals, newspapers, radio and TV news reports, to imagine this restriction on the fundamental right of freedom of the press.

Fortunately, jamming is never completely effective despite the intensity of the effort. Powerful transmitters, favorable atmospheric conditions and even the use of female broadcasters whose voice more easily penetrate the jamming screen allow Western nations' message of freedom and hope to reach millions. Nevertheless, jamming is a very significant hindrance. I ask unanimous consent that excerpts from an article recently published in the June 1983 issue of Combroad, a British broadcasting publication, detailing the effects of jamming, be printed in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Times, June 23, 1983]

SOVIETS JAM VOA ON POPE

(By George Archibald)

Soviet jamming of Voice of America broadcasts of Pope John Paul II's visit to Poland is "odious, patronizing and in flagrant disregard of international agreements," VOA Director Kenneth Tomlinson charged yesterday.

The Soviets have beamed noise interference to block radio reception throughout Poland of three hours of additional daily VOA coverage of the pope's appearances since the pontiff arrived in his communist-dominated homeland last week, Tomlinson reported.

VOA is providing live coverage of the pope's activities in Poland and rebroadcasting the pontiff's speeches, Tomlinson said.

He called the Soviet action to prevent Polish listeners from receiving the broadcasts "odious because the pope stands for human dignity patronizing because it places in the hands of a foreign power what is rightfully the decision of the Polish people and in flagrant disregard of international agreements because the Soviet Union by jamming is violating the Helsinki Accords which it signed in 1975."

Tomlinson said intelligence reports indicate that the Soviets are using four transmitters in their own country to broadcast a heavy "buzz saw" noise on each of four frequencies being used by VOA transmitters located at Woofferton, England; Kavala, Greece: Tangier, Morocco; and Munich, West Germany.

"The Soviets spend more to jam VOA broadcasts (into Poland and Bulgaria) than the Voice's entire budget (of $140 million)," Tomlinson noted. Heavy jamming of VOA's seven hours of regular weekly Polish broadcasts started with martial law rule in Poland in December 1981, he stated.

Tomlinson and State Department Counselor Edward J. Derwinski yesterday awarded a special commendation to the 19 members of VOA's Polish Service staff for their week-long coverage of the pope's visit. The commendation "carries the weight of a battlefield presidential unit citation," Tomlinson told the staff at the presentation.

Derwinski, whose grandparents were from Poland, said, "This week, the whole world is watching Poland. It's a pity the government there is doing its best to limit access to the news."

Tomlinson cited three international agreements that he maintained were violated by the Soviet jamming of VOA broadcasts.

The Helinski Accords state, "The participating states . . . make it their aim to facilitate freer and wider dissemination of information of all kinds."

The 1973 International Communication Convention, also signed by the Soviets, states, "All (broadcast transmitting) stations, whatever their purpose, must be established and operated in such a manner as not to cause harmful interference to the radio services or communications of other members."

The VOA director also pointed to the U.N. Universal Declaration of Human Rights, which guarantees the right to "seek, receive and impart information and ideas through any media and regardless of frontiers."

[From Combroad, June 1983]

NEW WAR OF THE AIRWAVES

(By Douglas Muggeridge)

SERIOUS THREAT

The other major threat to international broadcasting—in fact the most serious threat of all—comes from what radio engineers call "harmful interference"—or in other words jamming. Since 1979, the incidence of jamming has increased significantly, not only affecting Europe but also in the Middle East and many other parts of the world. Now, jamming is something which we in the BBC have known for many years and it is by no means successful in stopping our voice being heard. The Soviet Union began jamming our Russian-language broadcasts as long ago as 1949 and it has continued ever since with significant breaks, when the Soviet Union was engaged in negotiation with the West, such as the signing of the Test Ban Treaty in 1963 and the opening of the Geneva talks in 1973 that led up to the Helsinki Conference.

In the early days, jamming was done by broadcasting a noise like a chain-saw on the same frequencies used by the BBC and other Western broadcasters. This type of jamming is now far less common than the superimposition of a distortion of a Soviet domestic radio programme upon the foreign broadcasts, a method which appers to have the advantage for the Russians of using less electricity. However, the Russians are still jamming on a vast scale, with local jamming stations apparently in all Soviet cities with a population of more than 200,000 people, as well as skywave jamming stations to cover rural areas and the jamming, from inside the Soviet borders, of BBC and other Western broadcasts directed to Poland and Afghanistan. Indeed, it is estimated that the amount of money the Soviet Union spends on jamming foreign broadcasts each year is equivalent to the entire annual budget of the BBC's External Services.

Now, some people in the West and certainly many in the Third World may argue that the Soviets are fully justified in jamming Western broadcasts in Russian, Polish and other East European languages, because such broadcasts are a relic of the Cold War. But, leaving aside the fact that Soviet broadcasts in English and other West European languages are not jammed in the West, the Cold War argument does not stand up even in Russian terms. The Soviets have always made it clear that they regard ideological competition, through media like radio broadcasts, as perfectly compatible with the policy of peaceful coexistence or detente. Their own use of world broadcasts has not in any way diminished since the end of the Cold War period. On the contrary, Soviet broadcasts have gone on increasing in the number of hours broadcast, the number of frequencies used and in their sophistication. In one of their backhanded compliments towards the BBC, the Russians now call their English language broadcasts the Moscow World Service and its format and style of presentation follows closely that of the BBC's World Service.

In 1981, the Russians justified the jamming of BBC Polish Service broadcasts by accusing us of trying to destabilise Poland at the behest of Western Intelligence agencies. Yet only two years before, in an interesting and unique Soviet monograph on the history and methods of the BBC, we were accused of what was termed "factological propaganda". This publication stated: "The abundance of genuine facts in BBC broadcasts will sometimes disconcert even those who are aware of their real aims. . . . This bias on the part of the BBC and other Western stations which adopt similar tactics can be uncovered only by means of specialized, lengthy and painstaking analysis." And there we really get to the heart of the Soviet paranoia, which leads to jamming. They jam the BBC in order to try to prevent us on their own admission from being widely heard and believed in Russia even by those who are aware of what the Soviets describe as our real aims. It is our credibility which is the ultimate affront to the men of the Kremlin.

Now this may smack of ideological competition and of course, it is. We in the BBC de-

plore jamming partly because its runs quite contrary to our belief in the principles of freedom of speech and the free dissemination of ideas. Indeed, these are principles which were embodied in the Helsinki Agreement, which states that: "the participating states note the expansion in the dissemination of information broadcast by radio, and express the hope for the continuation of this process, so as to meet the interests of mutual understanding among peoples." Since signing that agreement, the Soviet Union has entered a large number of qualifications which would appear to be designed to give some legitimacy to the practice of jamming. Where broadcasts do not positively meet the interests of mutual understanding, Moscow diplomats argue, then jamming may be justified. That is a curious but wholly typical way of the Russians putting the cart before the horse.

However, their latest move in this direction is even more curious. In September last year, the Supreme Soviet suddenly ratified a 46-year-old Convention of the former League of Nations "Concerning the Use of Broadcasting in the Cause of Peace". Britain in fact ratified the Convention in August 1937. But why should the Soviets have taken this old document out of the archives to ratify it in the Supreme Soviet now? The answer can only be that it has its place in the propaganda campaign that Moscow is mounting against foreign broadcasts, not only directed towards the Soviet Union, but also to the Soviet allies along its borders and much farther afield in the Third World. The aim is clearly to accuse Western international broadcasters of breaking the old League of Nations Convention and of using their broadcasts as war propaganda.

Arguments like these are doubly insidious. Taken together with Soviet radio attacks on the BBC for what they call attempts to destabilize left-wing governments in the Third World at the behest of the American Central Intelligence Agency and other Western intelligence agencies of which is in fact a very old charge that the Soviets apparently never get tired of repeating—they add a sort of grist to the campaign now being mounted against Western international broadcasters, because of our possession of frequencies and the sophistication of our news-gathering. At the same time, these Soviet arguments give a patina of idological respectability to the practice of jamming, which runs quite contrary to every international convention on broadcasting throughout the world. Monitoring carried out by our engineers in Britain, which is representative of conditions in Europe, shows that up to 80 per cent of the usable short-wave frequencies are affected by jamming during the evening, the peak listening time for Europeans. This is not necessarily because there are jamming signals on all these frequencies. The harmful effects of jamming can make listening on neighbouring frequencies very difficult or impossible, which is something our engineers describe as "adjacent channel interference". Indeed, in some of the frequency bands on Short Wave, jamming of a selected number of frequencies can render the whole wave band virtually unusable because of adjacent channel interference.

Another effect of jamming is often to cause considerable difficulty with the reception of other transmissions using the frequency being jammed, even when these other transmissions are great distances away. Together these by-products of jamming can have a harmful effect on the broadcasts of quite innocent or even friendly radio stations, and also of radio stations broadcasting on their domestic networks some distance away from the jammers.

IMMINENT BREAK-DOWN

So what we as international broadcasters face in the immediate term is the imminent break-down of law and order on the airwaves. The widespread use of jamming by the Soviet Union and other countries in many parts of the world is rapidly making a nonsense of all the international conventions for the orderly use of the airwaves. If one adds to that the aggressive policy of radio development which some countries adopted at the last World Administrative Radio Conference, and the strong possibility that this will be repealed at future conferences, then clearly one can see a time in the not-too-distant future when there will be chaos on the short-wave bands of world radio broadcasts, and when the law of the jungle, the domination of the most powerful transmitters, will prevail. Indeed, we have virtually reached that point already and what we face is even worse chaos.

Is this really what so many of the Third World nations desire, when they align themselves with a campaign designed to disrupt the system of international broadcasting that has grown up over the past half century? Do these nations really want to hasten the collapse of the whole system in their desire to share more fully themselves in the information revolution and in the benefits of the satellite age? The answer is, of course, no. They are being used; they are being swept up in a movement of generalised envy and resentment against the Western media. For them and for us, the position is becoming critical. Unless a new spirit of understanding and mutual benefit can be created in time to end jamming and to achieve serious and fruitful negotiation about the allocation of the broadcasting channels of the future, then chaos will reign. Such an outcome would indeed be a tragedy of historic dimensions, for radio is probably the most potent medium of communication in the modern world and its potential for international understanding, rather than for discord, has yet to be realised to the full. That is something the Soviet regime and many other governments around the world would do well to reflect on before it is too late.●

Mr. HUMPHREY. Mr. President, this is a noncontroversial amendment that states the sense of the Senate and the sense of the Congress that the President urge the Soviet Government to cease its jamming of Radio Free Europe, Radio Liberty, and Voice of American broadcasts.

The Reagan administration is appropriately concerned about the problem of jamming. On many occasions, and in various international forums, the United States has denounced jamming. I believe it is necessary that the Congress state its concern about this important foreign policy issue.

We must continue to use every available means, technical, legal, and diplomatic, to neutralize Soviet jammers. My amendment would take a significant step to statutorily recognize and resolve this problem.

Mr. BYRD. Mr. President, I am not sure I understood the nature of the amendment clearly. I have no objection to the Senator's offering it.

Mr. PERCY. The distinguished Senator's amendment states the sense of the Congress that the President shall urge the Government of the Soviet Union to terminate its jamming of broadcasts of Radio Free Europe, Radio Liberty, and Voice of America.

Mr. BYRD. I think some of us might want to vote on that. We might want to vote yea.

I suggest that we carry that amendment over unless the Senator wants to order the yeas and nays now with the understanding that they will be had tomorrow.

Mr. HUMPHREY. Mr. President, if the Senator will yield, it is my understanding that the amendment had been cleared on both sides. It is not my wish to have a rollcall vote.

Mr. BYRD. Well, Mr. President, I do not think there will be any objections on this side, but some of us may want a rollcall vote. I would. I would like to vote for the Senator's amendment.

Mr. BAKER. Mr. President, will the Senator yield?

Mr. HUMPHREY. I yield.

Mr. BAKER. Mr. President, this is probably a good time to clarify where we are procedurally.

I have announced that there would be no more rollcall votes tonight. In order to implement that, it seems that the only practical way to do it is to ascertain if there is a demand for the yeas and nays, and if there is, to put that amendment over until tomorrow. I would rather not get the yeas and nays now, because I would rather not carry over a stacked vote until the second day.

I recommend to the managers and to the Senator from New Hampshire, if he is willing, that since apparently there is a desire for a rollcall vote—and, incidentally, a vote for this measure—he withdraw the amendment and permit us to offer it tomorrow, when we resume consideration of this measure.

Mr. HUMPHREY. Mr. President, I withdraw the amendment. If Members want a rollcall vote, that is fine with me. I thought it was noncontroversial.

The PRESIDING OFFICER. The amendment is withdrawn.

Mr. PERCY. The Senator should be complimented.

Mr. SARBANES. Mr. President, I think it should be understood that the desire for a rollcall vote does not reflect the view that the amendment is controversial. I agree with the evaluation that it is a desirable amendment. I think it reflects a view that some Members want to be regarded as voting for.

Mr. HUMPHREY. I take it as a compliment.

Mr. BAKER. I think we are being killed by kindness. [Laughter.]

AMENDMENT NO. 2205

(Purpose: To express the sense of the Congress with respect to broadcasts of Voice of America, Radio Free Europe, and Radio Liberty concerning Soviet religious persecution.)

Mr. HUMPHREY. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from New Hampshire (Mr. Humphrey) proposes an amendment numbered 2205.

Mr. HUMPHREY. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 33, between lines 20 and 21, insert the following:

POLICY ON BROADCASTS OF RFE/RL, INCORPORATED AND VOICE OF AMERICA CONCERNING SOVIET RELIGIOUS PERSECUTION

SEC. 303. It is the sense of the Congress that RFE/RL, Incorporated (commonly referred to as Radio Free Europe and Radio Liberty) and the Voice of America (VOA) are to be commended for their news and editorial coverage of the increasing religious persecution in the Soviet Union, including the declining levels of Jewish emigration, and are encouraged to intensify their efforts in this regard.

Mr. HUMPHREY. Mr. President, I ask unanimous consent that the name of the Senator from New York (Mr. D'AMATO) be added as a cosponsor of this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HUMPHREY. Mr. President, the amendment I am offering expresses the sense of the Congress that Voice of America, Radio Liberty and Radio Free Europe are to be commended for their news and editorial coverage of the appalling increase of religious persecution in the Soviet Union, including the plummeting levels of Jewish emigration. The amendment then encourages these networks to intensify their efforts in this regard.

The anti-Semitic campaign in the Soviet Union is expanding rapidly, as demonstrated by the April 1983 formation of the state-sanctioned "Anti-Zionist Committee." This committee, which has been highly publicized by the state-run press, states its aim as "exposing reactionary and aggressive Zionist policies that are intended to sow national discord among Soviet citizens." However, the formation of this committee is simply another way for the Soviet Government to legitimize its the growing anti-Semitism campaign. In fact, this committee is now expanding its work and is forming chapters in Soviet cities.

In June 1983, the book "The Class Essence of Zionism" by Lev Korneev, was published and received warm reviews from the official press. This book states that Jews everywhere are automatically part of a fifth column, as they have a dual loyalty, to Israel and their country of residence. The book is an attack on what it calls "Jewish bourgeoisie." Korneev also claims, unbelievably, that Jewish and Zionist organizations took part in the mass execution of Jews during World War II and helped Hitler seize power. Other articles by Korneev claim that the sales of Levi jeans are channeled directly to "Zionist militarists."

On July 17, 1983, four Jews who had gathered in a Moscow apartment for a sabbath observance were arrested by plainclothes police who said inviting a group to a flat for a religious purpose was illegal. Soviet law prohibits the gatherings of a religious group unless it has written permission and registration with the state. Teaching religion to young people also is forbidden. There are no rabbinical seminaries in the Soviet Union and Jews are systematically denied access to universities. The list of state sanctioned discriminatory practices against Jews in the Soviet Union is long.

Jewish emigration from the Soviet Union has declined to its lowest level since 1970. In 1979, 51,320 Jews were granted permission to emigrate while, in 1982, only 2,670 left. Through September 15, 1983, a mere 988 have emigrated. The anti-Zionist committee and Soviet officials claim that this is because that most Jews who wanted to leave already have and that Jewish emigration has come to an end. In fact, the Helsinki Commission reported that in 1982, 200,000 to 400,000 Soviet citizens wanted to emigrate, which includes many of the 2 million Jews living in that country.

The Voice of America and Radio Free Europe/Radio Liberty have been steadily reporting on this appalling phenomena. For instance, VOA August and September coverage of this religious persecution include reports on the committee of concerned scientist appeals on behalf of a Soviet refuznik, the Soviet crackdown in Latvia on believers, Anatoli Shcharansky's plight, the appeal on behalf of a Jewish rights activist at the artifical intelligence conference, religious reawakening in the Soviet Union, and the World Council of Churches featuring religious persecution in Afghanistan. RFE/RL has done comparable work on his important issue. My amendment commends the extensive work done by both broadcast networks.

Over the past several months, Members of the House and Senate have written numerous letters to Andropov protesting the increasing religious persecution in general and the declining levels of Jewish emigration in particular. Senators have visited the U.S.S.R. in person to express these concerns. Not surprisingly, these protests have been totally ignored.

Meanwhile, VOA and RFE/RL's potential as foreign policy tools have long been overlooked. Their combined audiences total approximately 150 million weekly, and their strong following is attested to by the Soviet Union's extensive jamming activities, which cost more than the combined budgets of RFE/RL and VOA annually. This amendment recognizes the networks' effectiveness by encouraging them to intensify activities against religious persecution in the Soviet Union whenever possible.

I look forward to my colleagues' support on this amendment.

Mr. President, I ask unanimous consent to have printed in the RECORD several items in connection with this matter.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, June 30, 1983]

SOVIET BOOK ASSAILS JEWS

(By Dusko Doder)

Moscow, June 29.—The recent publication here of a blatantly anti-Semitic book—charging, for example, that Zionists collaborated with the Nazis in the mass executions of the Holocaust—coincides with a fierce anti-Zionist and anti-Israeli propaganda drive designed to discourage Jewish emigration from the Soviet Union.

The book, which has been warmly reviewed in the official Communist press, comes after a Kremlin decision last fall to practically close off the Jewish exodus to Israel. According to figures compiled by western organizations, Jewish emigration from the Soviet Union dropped from a high of more than 51,000 in 1979 to 2,688 last year. In the first four months of this year only 421 Jews are known to have been allowed to emigrate.

In his preface to "The Class Essence of Zionism," Lev Korneev, who has a doctorate in history and is regarded as an expert on Zionism, recalls themes reminiscent of some of the most bitter periods of anti-Semitic sentiment of the Stalinist era, asserting that Jews in ancient times were involved in commerce and that "profit was their ideology."

This phrase provides the key to the understanding of the book, in which Korneev uses Marxist terminology of class struggle for a savage attack on the "Jewish bourgeoisie" in the Soviet Union and elsewhere.

Korneev claims that Jewish bankers and industrialists financed the mad monk Rasputin in an effort to influence the last czar, Nicholas II. He gives examples of Jews in other countries achieving prominence and occupying influential positions.

Jews everywhere, Korneev writes, are citizens of a Jewish nation, and that "automatically puts Jews in the role of a fifth column in any country"—a "double loyalty" that is exploited by imperialists, Jewish elites and Israeli secret service agencies.

Korneev's book and the accompanying anti-Zionist drive have pressed home this common theme of singling out the Jewish community as a people with "dual loyalties." Such a climate is widely viewed as being designed to make it more difficult for

Jews to assert their Jewishness and demand the right to emigrate to Israel.

How many of the 2 million Soviet citizens of Jewish background would like to emigrate is not known. For the past eight months, Soviet officials have insisted that most Jews who wanted to leave already have and that Jewish emigration has come to an end.

That argument was advanced recently by officials of an anti-Zionist committee set up in April to wage a propaganda war against Zionists and discourage Jews from applying to emigrate. There is currently a drive, reflected in letters to newspapers, to establish a committee to combat Zionism in Moscow.

The reason for the curtailment of Jewish emigration is believed to be the Kremlin's assessment that it was losing too many trained specialists while gaining nothing in return.

One aspect of the campaign is reflected in numerous articles claiming that Jewish emigres lead a desolate life in Israel and in the West and in accounts about would-be emigrants who changed their minds and decided to stay in the Soviet Union.

Historically, Russian Jewry has been subjected to various forms of repression, including forcible conversion, occupational and geographic restrictions and persistent attempts to "denationalize" Jewish culture.

While some czars such as Alexander I were relatively tolerant, others were fanatically anti-Semitic, notably Alexander III, under whose regime major programs were carried out.

Lenin, the founder of the Soviet state, opposed any form of anti-Semitism. His successor, Josef Stalin, disliked the Jews, and he established an "autonomous region" for them in Birobidzhan in the Soviet Far East. Toward the end of his life, Stalin was on the verge of launching an anti-Semitic campaign with the so-called "doctors' plot," an allegation that Jewish physicians were planning to poison him.

In recent years, anti-Semitism has been more subdued, despite Moscow's major anti-Zionist drive after the 1967 Arab-Israeli war. The distinctions between anti-Zionism and anti-Semitism, although blurred, were nevertheless observed.

"The Class Essence of Zionism," published here this spring, attempts to eliminate distinctions between anti-Zionism and anti-Semitism.

Its publication raises the question of how such a work that violates the Kremlin's stated policy toward nationalities and ethnic groups could have been published. But the fact that the book has received favorable reviews in the official press, including the government newspapers Izvestia and Sovetskaya Kultura, is indicative of the current climate created at least in part by the authorities.

Izvestia said the book would be received with "great interest" by the general reading public. Sovetskaya Kultura, an organ of the Central Committee, said the author's research was "interesting and convincing," and it praised him for writing a "necessary and courageous" volume.

In newspaper articles in recent months including one in Pionerskaya Pravada, a national newspaper for school children, Korneev has charged that Zionists are trying to turn all Jewish citizens into "traitors."

His articles also assert that all profits from the sales of Levi jeans are channeled directly to "Zionist militarists." He has charged that because the state uses its money for military purposes.

His book is a more ambitious attempt to substantiate this line of thinking. He goes systematically through Jewish history and religion purportedly examining Zionism in its social, economic and political context.

The Jews themselves, Korneev writes, are to be blamed for anti-Semitism. The reason for this allegedly rests on the explitation of gentile population by wealthy Jews all over the world rather than on racial or religious grounds.

However, the latter play a secondary role in the emergence of anti-Semitism, Korneev writes. He advances the argument that Russian anti-Semitism dates back to the Mongol period, when Genghis Khan and his successors ruled what is now the Soviet Union and allegedly used Jews as tax collectors, a task that the Jews carried out "ruthlessly," he adds.

He charges that pogroms of Jews in czarist Russia and the Ukraine frequently were started by the Jews themselves because "the Zionists wanted to have people emigrate to Palestine."

Korneev argues that "from the very beginning" of the Soviet state, international Zionism sought to undermine socialism, collaborating with anti-Soviet counterrevolutionary leaders.

He then claims that Jewish and Zionist organizations took part in the mass execution of Jews during World War II. The Zionist leadership, he charges, participated in the extermination of hundreds of thousands of non-Zionists and helped Hitler seize power in Germany.

"If it had not been for the Zionist-Nazi alliance, the number of victims, including Jewish victims in World War II, would have been smaller," he writes.

The book, published in an edition of 10,000 copies by a Kiev publishing house, has created a controversy among Soviet intellectuals.

At a recent press conference with the newly formed Soviet Anti-Zionist Committee, the question of Korneev's book was raised by western journalists, who asked how the committee regarded the book. The committee's deputy chairman, Samuel Zivs, a law professor, refused to discuss the book and asserted that the Soviet government is against any form of nationalism and anti-Semitism.

Another committee member, Yuri Koleshnikov, said, however: "This committee in the future will fight against wild and wrong accusations in books which have been written by a few authors and unfortunately have been permitted to be published."

[From the New York Times , Aug. 22, 1983]

AIDING SOVIET JEWS

(By Orrin G. Hatch)

WASHINGTON.—For years, Soviet leaders have used Soviet Jews as pawns or "bargaining chips" in a geopolitical game. Currently, the Kremlin seems to be "punishing" the United States by reducing Jewish emigration to a trickle, and intensifying an anti-Semitic campaign. A key theme of the strategy is to try to convince the American Jewish community to lay the blame for this dismal state of affairs on the White House—presumably because President Reagan is not concerned about human rights. There is only one problem with this strategy: Jewish leaders are not falling for it.

In fact, the Administration and Republicans and Democrats in Congress are deeply concerned abut human rights issues, and we are united on such matters as Soviet Jews. In March, 74 Senators signed a letter to Yuri V. Andropov expressing concern abut the plight of Soviet Jews, and 100 Senators recently signed letters to Soviet and American officials calling for the release of Dr. Iosif Begun, a Moscow Hebrew teacher and "refusenik."

I believe that the Jewish community realizes that the Administration has placed this issue high on its priority list. For instance, Jerry Goodman, executive director of the National Conference on Soviet Jewry, was quoted as having said: " Our assessment of the Reagan Administration is that their pronouncements are very good. We have been assured that this issue is a priority in terms of bilateral relations between the two countries." Theodore Mann, immediate past chairman of the conference, has praised President Reagan for ignoring Soviet protests and meeting with Iosif Mendelevich, a former Jewish prisoner of conscience, and Mrs. Avital Shcharansky, wife of the imprisoned Anatoly Shcharansky. The President promised Mrs. Shcharansky that he would do everything possible to secure the release of her husband and for others who are imprisoned for their religious beliefs.

The Administration has taken other positive steps: The President, Vice President Bush and other officials have met with Jewish delegations to express their concern. Secretary of State George P. Shultz particularly emphasized human rights matters, including those of Soviet Jews, in his meeting with the Soviet Foreign Minister, Andrei Gromyko, last September.

Characteristically, Moscow is reacting by getting tough. Just after the third World Conference on Soviet Jewry held in Israel last March, it announced formation of an "Anti-Zionist Committee," which, alarmingly, is getting a foothold in cities and towns across the Soviet Union. This is not surprising. There are no rabbinical seminaries in the Soviet Union. It is illegal to teach Hebrew privately. Jews are denied access to universities and systematically discriminated against in the workplace. The media are filled with anti-Semitic propaganda blaming Jews for every evil under the sun—even accusing Jews of collusion with the Nazis in the Holocaust. Through all of these means, the Soviet leaders are attempting to commit religious and cultural genocide against the Jewish people.

Coinciding with this increased anti-Semitism, levels of Soviet Jewish emigration have plunged since the record high of 1979, when more than 51,000 Jews were allowed to emigrate. The "Anti-Zionist Committee" has a pat explanation: It claims that all Jews who want to leave have done so—despite overwhelming evidence to the contrary.

In view of the overall situation, I believe that the Administration and Congress need to get even tougher on the issue of Soviet Jews. We need to convince Moscow that we consider this issue a fundamental stumbling block on the path of improved relations. One way to send a signal is to hold firm on the Jackson-Vanik Amendment vis-a-vis the Soviet Union; that amendment, which links most-favored-nation status with emigration policies, should not be relaxed.

The United States must convey its deep concern over the persecution of Soviet Jews at every opportunity that we get—such as during negotiations over grain, fishing and maritime, rights, and especially at the proposed Reagan-Andropov summit meeting, that may take place in the coming year.

This is not just a "Jewish issue" or an "American issue" or even "Western issue."

It is a fundamental matter of human rights that are recognized in the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights and the Helsinki Final Act.

America simply cannot ignore the reprehensible treatment of thousands of Soviet Jews, as well as others who are being persecuted for their religious beliefs and are virtually being held hostage in their own country.

(Orrin G. Hatch of Utah is vice chairman for foreign policy of the Republicans' Senate steering committee.)

VOICE OF AMERICA COVERAGE OF JEWISH EMIGRATION AND SOVIET RELIGIOUS PERSECUTION

The Voice of America gives regular and full coverage to Jewish emigration and Soviet religious persecution including many central and service originated scripts.

Examples of coverage of Jewish emigration and Soviet religious persecution from the first of 1983 include:

JANUARY

Ordination by Pope John Paul II of two Czechoslovak bishops in exile who will minister to Czechoslovak refugees and exiles throughout the world.

Lithuanian priest charged by officials.

FEBRUARY

Soviet Dissident Crackdown.

MARCH

Soviet dissident Senderov sentencing.

Reports of new harassments and unjustified investigation of human rights activists in Czechoslovakia, including persecution of priests and other religious workers.

Arrival to New York of Romanian religious dissident, Ioan Teodosiu.

APRIL

Coverage of all major events associated with the American Jewish Holocaust Survivors gathering in Washington.

Coverage of press conference of Romanian dissident on religious freedom.

MAY

Reports on the protest notes sent to Czechoslovakian officials against persecution and harassment of religious leaders in that country.

Events and reaction to arrest of Lithuanian religious rights activists.

JUNE

Feature on religion and freedom.

Feature on Andrei Sakharov.

Correspondent report on Pentecostalists.

Correspondent report on Soviet Jews.

JULY

Close-up of ceremonies connected with dedication of the Czech National Chapel in the Shrine of the Immaculate Conception in Washington.

Correspondent report on Pentecostalists.

August and September coverage of Jewish emigration and religious persecution include:

Solzhenitsyn in defense of two priests in the USSR.

Appeal to the Christians of the world in defense of Fr. Gleb Yakunin from a prisoner in a Soviet Labor Camp.

The World Council of Churches and the question of Religious Rights.

"Church of the Russians" program on Orthodox Church in Russia.

World Council of Churches report from Vancouver.

US press on USSR: Russian Protests raised at Church Council.

Scientists in support of suppressed.

A hundred mathematicians appeal on behalf of Jewish activist.

Report on "The Plight of Soviet Jews."

Report on special conference of Concerned Scientist.

Committee in connection with the 70th anniversary of the Jewish activist and refusenik, Alexander Lerner.

Backgrounder on World of Council of Churches featuring religious persecution in Afghanistan.

Problems in discussing persecution of believers at World Council of Churches meeting.

Report on Ida Milgrom's plea on behalf of her son, Anatoli Shcharansky.

Complete "Religion in our Life" program dedicated to the WCC and the problem of religious persecution.

Review of an article from "Forward" on the persecution of Jews in the Soviet Union.

Report on Committee of Concerned Scientist appeals on behalf of a refusnik trying to emigrate from Soviet Union.

Report on persecution of the Church in Czechoslovakia.

Appeal on behalf of Jewish rights activist at the Artificial Intelligence Conference.

Soviet crackdown in Latvia on believers.

Soviet Psychiatric Abuse—dealing with psychiatric treatment of religious believers among others.

Report on the Committee for the Defense of Believers' Rights in the USSR.

Mr. BYRD. Mr. President, I say to the distinguished majority leader that I am content to proceed with a voice vote, but I do want to say for the record that I do vote for the amendment.

Mr. BAKER. Mr. President, I understand now that there is no request for a rollcall vote on the first amendment, so if the managers are willing, I guess we can go back to that one and dispose of it by voice vote.

Is the Senator from New Hampshire agreeable to that?

Mr. HUMPHREY. That is satisfactory to me, yes.

AMENDMENT NO. 2204

Mr. BAKER. Mr. President, I ask that the Senator resubmit his first amendment.

Mr. HUMPHREY. I resubmit the first amendment, Mr. President.

The PRESIDING OFFICER. Without objection, the second amendment is set aside.

The question is on agreeing to the first amendment of the Senator from New Hampshire.

The amendment (No. 2204) was agreed to.

Mr. HUMPHREY. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. PERCY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2205

The PRESIDING OFFICER. The question recurs on the second amendment of the Senator from New Hampshire.

Mr. BYRD. What does the second amendment do?

Mr. HUMPHREY. It expresses the sense of Congress that Voice of America, Radio Liberty, and Radio Free Europe are to be commended for their news and editorial coverage of the appalling increase of religious persecution in the Soviet Union.

Mr. PERCY. Mr. President, I ask unanimous consent that my name be added as a cosponsor of the second amendment (No. 2205).

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PERCY. Mr. President, I commend my distinguished colleague. I have been the staunchest defender of Radio Liberty and Radio Free Europe for 16½ years.

The Soviets probably spend more money jamming it, trying to jam it, than we do transmitting it. Certainly, there is a meaning to explain the increasing religious persecution of the Soviet Union, the declining level of Jewish emigration—and the reason, of course, is the punishment meted out to those who wish to apply for visas. Their sons are suddenly taken out of college; they are sent into the military force.

We have heard this firsthand from dissidents in the Soviet Union who had the courage to meet with us there—the threats of persecution they were subjected to, the humiliation in their neighborhoods, the way the pressure of the state was brought upon them just for the audacity they had to apply for a visa to leave.

Then, of course, the Government had the audacity to say to us: "We just don't have any more applications available." Of course, they do not. I said I would pay for an ad in Pravda: "Wanted: Applications to immigrate to Israel or to leave the Soviet Union," and they rejected that offer.

I commend the distinguished Senator for his amendment.

Mr. HUMPHREY. I thank the Senator for his cosponsorship.

Mr. PERCY. Mr. President, we are ready to accept the amendment.

Mr. PELL. Mr. President, we accept the amendment. It is a very good amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 2205) was agreed to.

Mr. HUMPHREY. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. BAKER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. PERCY. I thank my distinguished colleagues for two very worthy amendments.

AMENDMENT NO. 2206

(Purpose: To modify the bidding practice of the Foreign Buildings Office Act of 1926)

Mr. PERCY. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as folows:

The Senator from Illinois (Mr. PERCY) proposes an amendment numbered 2206.

Mr. PERCY. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 24, after line 19, insert the following new section:

SEC. 122. The Foreign Service Buildings Act of 1926, as amended, is further amended by adding a new section 11 thereto as follows:

(A) Contracts, including lease-back or other agreements the purpose of which is to obtain the construction, alteration or repair of buildings and grounds abroad, when estimated to or as awarded exceed $2,000,000, (including contract alternatives and contingencies):

(1) Shall be limited to (a) American-owned bidders and (b) bidders from countries which permit or agree to permit equal access to American bidders for comparable projects;

(2) For purposes of determining competitive status, bids qualifying under subsection (1)(a) shall be reduced by ten per centum thereof.

(B) Bidder qualification under this section shall be determined on the basis of nationality of ownership, the burden of which shall be on any prospective bidder; qualification under subsection (1)(a) shall require ownership in excess of fifty percent by U.S. citizens or permanent residents or have been incorporated in the United States for more than three years and employ United States citizens in more than half its permanent full-time positions in the United States. Determinations under this Section shall be committed to the discretion of the Secretary.

(C) Contracts for construction, alteration or repair in the United States for or on behalf of any Foreign Mission as defined in the Foreign Missions Act of 1982 may, pursuant to the authority of that Act, only be awarded to or performed by a company qualifying under Section A(1) above: *Provided*, That nothing therein shall preclude work to be performed by nationals of the Sending State otherwise granted the right of entry for that purpose by the Secretary.

Mr. PERCY. Mr. President, the U.S. Department of State operates embassies and consulates around the world valued at over $5 billion. The responsibility for maintaining current facilities and building new ones rests with the Foreign Buildings Office (FBO) of the State Department. The FBO derives its authority from the Foreign Service Buildings Act of 1926, as amended. This act grants the FBO great leeway in the manner in which it procures its construction services. Recently, the FBO used that latitude to select a non-U.S. contractor to construct a new Embassy complex in Cairo, Egypt, while ignoring the availability of a highly qualified U.S. contractor who was within 12 percent of the lowest bidder. It is my belief that the FBO should be required to take into consideration the comparative building processes used by other countries in connection with their building projects abroad in awarding U.S. building contracts. Therefore, I am offering an amendment which: First, requires that all building projects of the United States over $2 million under the Foreign Buildings Office be awarded to U.S. bidders or bidders from countries which permit equal access to American bidders for comparable projects; second, provides for a 10-percent preference for U.S. bidders; and third, provides that within the United States, exceptions can be granted under country-by-country agreements.

This amendment may help U.S. balance of payments, tax revenues, role of U.S. building materials and services, and may create jobs for U.S. companies.

Mr. PELL. Mr. President, I have studied this amendment. It does have a certain negative impact on the taxpayer, because it increases the percentage of an American builder from 10 percent to 12 percent, but on balance it is good and justified, and I support it.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 2206) was agreed to.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. PELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2207

(Purpose: To establish a Baltic Division in Radio Liberty)

Mr. PERCY. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Illinois (Mr. PERCY) proposes an amendment numbered 2207.

Mr. PERCY. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 33, after line 20, add the following new section:

BALTIC DIVISION

SEC. 304. None of the funds appropriated pursuant to subsection 301 may be used unless—

(1) the Estonian, Latvian and Lithuanian radio services of Radio Free Europe/Radio Liberty are organized as a separate division within Radio Liberty; and

(2) that they begin broadcasts under a name which would accurately reflect United States policy of not recognizing the illegal incorporation of Estonia, Latvia and Lithuania into the Soviet Union.

Mr. PERCY. Mr. President, in 1975, the Estonian, Latvian, and Lithuanian radio services began broadcasts to the Baltic States as a part of Radio Liberty. Their operations and broadcasts as a part of Radio Liberty can be improved with specific changes in organization and broadcast identification.

The Estonian American National Council, the American Latvian Association, the Lithuanian American Council, Estonian World Council, World Federation of Free Latvians, the Supreme Committee for the Liberation of Lithuania, and the Joint Baltic American National Committee have agreed that the Baltic broadcasts of Radio Liberty must be organized as a separate division within Radio Liberty answering only to the Director of RL, and second, that the Baltic radios broadcast under a title which accurately reflects U.S. policy not to recognize the incorporation of Estonia, Latvia, and Lithuania into the Soviet Union.

Uniting the three Baltic services as one division would be a matter of simple changes in administrative routing. These changes would permit the Baltic services to concentrate on their specific needs, such as recruitment of personnel and language training, without being administratively locked with the other nationality services of Radio Liberty.

Changing the broadcast identification to a title that focuses on the Baltic States would have a psychological and political impact on its listeners and serve to underscore U.S. Baltic policy. For example, using a title such as "Radio Baltic Republics" would reinforce the distinct identity of the Baltic States and separate them from the rest of the Soviet Union.

The necessary changes can be made within existing budgetary stipulations and would not require additional funding.

The Estonian, Latvian, and Lithuanian radio services of Radio Liberty represent an informational lifeline to each of the Baltic States. It is time to enhance the already existing elements and make the Baltic services the effective division which, with the appropriate changes, it can quickly become.

Mr. President, I urge my colleagues to support this amendment.

Mr. PELL. Mr. President, this is a good amendment. It combines three branches not under a single entity. They would be under a single entity, and this would give a certain amount of heart to the people of those countries. I urge adoption of the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 2207) was agreed to.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. PERCY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2208

(Purpose: To create a U.S.-India Endowment out of excess U.S.-owned Indian rupees)

Mr. PERCY. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Illinois (Mr. PERCY) proposes an amendment numbered 2208.

Mr. PERCY. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Page 48, after line 17, insert the following new title:

TITLE VII—UNITED STATES-INDIA ENDOWMENT FOR CULTURAL, EDUCATIONAL, AND SCIENTIFIC COOPERATION

SHORT TITLE

SEC. 701. This title may be cited as the "United States-India Endowment for Cultural, Educational, and Scientific Cooperation Act".

THE ENDOWMENT

SEC. 702. The President is authorized to enter into an agreement with the Government of India providing for the establishment of a United States-India Endowment for Cultural, Educational, and Scientific Cooperation (hereafter in this title referred to as the "Endowment") which would provide grants and other assistance for exchanges of persons for cultural, educational, and scientific purposes and for programs for joint scientific cooperation.

USE OF EXCESS UNITED STATES OWNED RUPEES TO CAPITALIZE THE ENDOWMENT

SEC. 703. Subject to applicable requirements concerning reimbursement to the Treasury for United States owned foreign currencies, the President may make available to the Endowment, for use in carrying out the agreement authorized by section 702, up to the equivalent of $250,000,000 in foreign currencies owned to the United States by the Government of India. Such use may include investment in order to generate interest which would be retained by the Endowment and used to support exchange and research programs pursuant to that agreement.

Mr. PERCY. Mr. President, in order to provide a more enduring basis for the relations between the United States and India, the world's two largest democracies, I am proposing to establish a permanent United States-India Endowment for Cultural, Educational, and Scientific Cooperation.

To serve as the initial capital of the endowment, up to $250 million equivalent may be drawn from the rupee funds currently available to the U.S. Government in India under the United States-India agreement of 1974 and in accordance with the provisions of that agreement prior to the expected depletion of funds several years hence.

Bearing in mind the extensive exchanges and research already supported by those rupee funds over the past several decades, the endowment would provide grants and other assistance to activities in the cultural, educational, and scientific realms. Particular emphasis would be placed on fields whose contributions can be made by talented individuals in both countries and where existing institutional links can be reinforced and new ones established.

Subject to the appropriate laws of India, the endowment would be incorporated there as well as in the United States and contributions would be sought from the private sectors in both countries to supplement Government contributions. The endowment's activities would be financed primarily by drawing on interest earned on its capital.

Responsibility for administering the endowment would rest with a board, the American members of which would be nominated by the Secretary of State and the Indian members by the Government of India. In choosing the American members due regard would be paid to the exchange and research programs currently existing.

Since the inception of U.S. assistance to India in 1950, more than 32 billion rupees have been generated from U.S. Public Law 480 agricultural sales and rupee-repayable dollar loans. These vast rupee deposits have provided a valuable source of funds for local operations and exchange programs in the areas of science, technology, culture, and education.

Toward the end of the 1960's, however, the rapid accumulation of U.S.-owned rupees became a matter of concern adversely affecting our relations with India. The sheer magnitude of the U.S. holdings created a situation in which U.S. Government decisions could have a destabilizing effect on India's monetary policy. In 1971, the United States ceased its practice of accepting local currency in payment for new Public Law 480 loans; but the rupee balances in India continued to grow as old loans fell due.

To deal with this problem, then U.S. Ambassador Pat Moynihan initiated negotiations with the Indian Government in February 1974 leading to an agreement, under which: (a) the Indian Government repaid all outstanding rupee obligations, including principal and interest, (b) rupees equivalent to $2.2 billion were then granted by the United States to India for various economic development projects; and (c) the United States retained its claim on rupees equivalent to $1.1 billion for various local currency expenses anticipated over a period of 14 to 24 years.

Of the $1.1 billion rupee equivalent retained by the United States, a portion was placed in three U.S. banks in the form of certificates of deposit yielding interest at 8½-10 percent. As of August 31, 1982, those deposits were valued at $112 million; with interest continuing to accumulate, it is estimated that they will amount to about $140.4 million by November 1984 when the last certificate reaches maturity.

The remainder of the $1.1 billion was left basically as a claim by the U.S. Government on the Reserve Bank of India. It earns no interest. In fact, it does not even exist, strictly speaking, but must be budgeted by the Indians each year in an amount determined by U.S. Government requirements on an annual basis. It is from the noninterest-bearing Indian-held account that U.S. local currency needs, running at about $60-$70 million per year, have been funded. The remaining balance stood at $388 million as of August 31, 1982, and currently amounts to roughly $320 million.

A portion of the annual U.S. local currency expenditures—about $9 million equivalent in fiscal year 1982—are drawn through so-called special foreign currency appropriations to fund a variety of educational, cultural, and scientific exchange programs of value to both countries. These programs are administered by some 15 U.S. Government agencies including the National Bureau of Standards, the Smithsonian Institution, Health and Human Services, the National Science Foundation, the Library of Congress, and others. USIA, for example, uses SFC funding for such activities as the Fulbright Commission, the American Studies Resources Center in Hyderabad, and the American Institute of Indian Studies.

Mr. President, in brief, Ambassador Harry Barnes, the U.S. Ambassador to India, has asked us to consider a proposal to create a United States-Indian endowment out of excess U.S.-owned Indian rupees. We have a very large supply of excess Indian rupees.

It would be, in my judgment, a very useful way to utilize these rupees.

Mr. PELL. Mr. President, I agree with the description of the amendment. It seems a good amendment and I urge its support.

The PRESIDING OFFICER. Is there further debate?

Mr. BYRD. Mr. President, what will the rupees be spent for?

Mr. PERCY. They are just sitting there now. They would be used to create an endowment and be used for the purpose of strengthening, improving objectives and purposes of America's presence in India and our relationship with India.

Instead of having local Indian currency unusable by us, this amendment puts it to use in a form that will advance the national foreign policy interests of the United States and our relationship with India.

Mr. BYRD. How does India feel about this?

Mr. PERCY. Mr. President, I assume that Ambassador Barnes has discussed this with India. I have not had a specific indication from him to that effect. But I will make sure on tomorrow, before the final passage of this bill, that it has been approved by India and that they look with favor on it.

Mr. BYRD. How has India responded with respect to the shooting down of the Korean plane?

Mr. PERCY. Well, I think that India has made appropriate statements. I am not really positive of that. Me feeling has been that virtually every country has, except two votes were cast by the satellite countries of the Soviet Union. Certainly, India is not in that category.

Mr. PELL. Mr. President, I think, in answer to the question of the minority leader, India condemned the shooting down of the plane but did not condemn the Soviet Union for doing it.

Mr. BYRD. That was my understanding.

Mr. BAKER. Mr. President, will the Senator yield to me?

Mr. PERCY. I am happy to yield to the majority leader.

Mr. BAKER. Mr. President, I was afraid we would do this. We have nine amendments and, frankly, except for the two managers, whom I trust absolutely, none of us really know what are in them. I really urge that the managers consider that we can probably do this a lot faster tomorrow, especially if our staffs try to find out any further points of clarification that need to be considered.

So I hope the managers would agree at this time that we might discontinue for the evening and begin tomorrow as soon as the markup of the Foreign Relations Committee is completed.

Mr. PELL. Mr. President, I wonder if the majority leader would bear with me. There are three little noncontroversial amendments of my own, of which I am very familiar.

Mr. BAKER. Is this an amendment of the Senator from Illinois?

Mr. PERCY. Mr. President, this is my own amendment, but Senators PELL and MOYNIHAN, our former Ambassador to India, have asked to be added as cosponsors. I ask unanimous consent that they be added as cosponsors.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PERCY. Mr. President, I hope, with the condition that we would find out and determine that overnight, we could adopt this amendment now.

Mr. BYRD. Not now. I do not know that there would be any opposition to it, but I think we ought to have a few more Senators on the floor when we are voting on some of these amendments, at least.

Mr. PERCY. Mr. President, I ask unanimous consent to temporarily withdraw the amendment. It will be offered again tomorrow.

The PRESIDING OFFICER. The Senator has a right to withdraw the amendment. The amendment is so withdrawn.

Mr. BAKER. Mr. President, I really renew my request. I understand the Senator from Rhode Island has amendments, but so does the Senator from Illinois. It has been a long day, and I think it is time to quit. I hope the Senators will agree to that.

Mr. PERCY. Senators always agree with the leadership on procedural questions, particularly when we go home.

Mr. BAKER. Would that it were so.

Mr. President, I thank all Senators for their cooperation. I yield to the minority leader.

Mr. BYRD. Mr. President, I will not interrupt the Senator. I just wanted to thank him for doing what I think is the best thing. I wish to thank Mr. PERCY and Mr. PELL, also.

Mr. PRYOR. Mr. President, I was disturbed to hear some of my colleagues suggest here today that we shift some of the funds out of the Fulbright exchange program.

I hope my colleagues will resist any effort to take as much as $1 away from this noble and effective program.

The record of the program speaks for itself and needs little defense from me. But let me just remind my colleagues of what the program stands for and what it has achieved.

After World War II, Senator J. William Fulbright introduced legislation authorizing our Government to use proceeds from the sale of surplus war property to finance the exchange of students and teachers. That program has expanded in funding and scope over the years, but its goal remains unchanged: To promote understanding between nations and to create or strengthen ties on an individual as well as governmental level.

I do not think we should underestimate the value of personal contact among the citizens of different nations. It destroys misconceptions, eliminates prejudices, and creates bonds of friendship and understanding.

The Soviets understand these benefits, and that is why they and their allies have stepped up their efforts in this area far beyond anything the United States has ever done.

Two years ago when the Senate was discussing the funding of international exchange programs, the Senator from Connecticut, Mr. WEICKER, made a magnificent speech, in which he described the exchange program sponsored by the Cubans. Senator WEICKER described a visit to Cuba, where he saw 600 Namibian high school students receiving an education—or should we say indoctrination—at the hands of that Soviet satellite. I believe that it it is safe to say that those students will return to their native country as strong friends of the Soviet-Cuban system. I don't how many Namibian students we have here in the United States, but I daresay that there are not many.

My colleagues should not speak of reducing Fulbright funding; instead, we should be offering amendments to increase that funding. Let me say how pleased I am that the Congress voted 2 years ago to double USIA's international exchange programs by 1986.

Make no mistake: International exchange programs are in our best interest, especially if we use them to expose young people from nondemocracies to our institutions. Democracy must be observed and experienced to be understood and appreciated. We take many of the blessings of democracy for granted, but the workings of our systems will make a lasting impression on a young student who has not been exposed to the freedoms that we enjoy.

The investment we make in these programs now will reap an outstanding return later. If you need proof, let me point out that a 1980 survey showed that 33 heads of state and 378 cabinet-level ministers had studied or visited in the United States under the aegis of our educational exchange programs. Among those participants we find such leaders as Prime Minister Margaret Thatcher of Great Britain, President Julius Nyerere of Tanzania, former Chancellor Bruno Kreisky of Austria, former Chancellor Helmut Schmidt of West Germany, and Prime Minister Indira Gandhi of India.

The Fulbright program has a special place in my heart because of my personal admiration for the former Senator from Arkansas and chairman of the Foreign Relations Committee, who had the foresight 35 years ago to establish the framework that would result in so many links between this country and leaders abroad.

Senators should look at the record and resist any efforts to cut back our international exchange programs.

SYRIA-LIBYA AMENDMENTS

● Mr. GRASSLEY. Mr. President, I would like to identify myself with the amendments offered by Senator PROXMIRE which deny foreign aid funds to Syria and add Libya and Syria to the list of nations and groups which are not to be allowed to benefit from U.S.-funded international organizations because of support for terrorism.

Syria continues to refuse to leave Lebanese territory and daily presses

deeper into that beleaguered nation. In addition, Syria proudly trumpets its faithful support for all factions of the P.L.O., a fact which alone displays Syria's unworthiness to receive even 1 cent of American funds. Syria also has proven itself to be a brutal and callous oppressor of its own people.

American marines have died in Lebanon, carrying out the role of peacemakers. Were Syria not ruthlessly pressing in upon the Lebanese, those marines would not have died; no peace force would even be necessary. Syria must never be rewarded indirectly for its direct assault on Lebanese sovereignty and world peace. Thus, Mr. PROXMIRE is to be commended for offering the amendment which stops any and all aid to Syria.

It is equally commendable to add Libya and Syria to the list of nations not to benefit from U.S.-funded international organizations. Libya and Syria have in recent years developed national policies in support of terrorism throughout the world. Libya, besides admitting openly its funding of various groups dedicated to international politics and violence, has been implicated in assassination plots against the President of the United States. What an outrage. Thankfully, our security network short-circuited that outrageous plan.

Unfortunately, many critics of Libya throughout the world did not have any warning before their lives were snuffed out by Libyan assassins. In addition, many innocent bystanders have been killed or maimed during Libyan-funded terrorist actions. Libya and Syria should never benefit from the smallest amounts of U.S. taxpayers' dollars.

Lastly, both Libya and Syria have made as a cornerstone of their foreign policy the stated goal of annihilating Israel. Such a blatantly subversive policy against a crucial U.S. ally should by itself solidify our support for any amendment which stifles Libya and Syria.●

PROGRAM

Mr. BAKER. Mr. President, tomorrow at the hour of 10 a.m., I intend to ask the Senate to turn to the consideration of the Export-Import Bank Act of 1945, S. 869.

Mr. President, as I said earlier, whether that matter is disposed of or not, at about 1 p.m. tomorrow, it will be the intention of the leadership on this side to ask the Senate to resume consideration of the pending measure, which is S. 1342, the State authorization bill.

RECESS UNTIL 9:30 A.M. TOMORROW

Mr. BAKER. Mr. President, I think that we have done all we can for this day.

I move, in accordance with the order previously entered, that the Senate now stand in recess until the hour of 9:30 a.m. tomorrow.

The motion was agreed to; and, at 9:05 p.m., the Senate recessed until Friday, September 23, 1983, at 9:30 a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate September 22, 1983:

DEPARTMENT OF STATE

Peter Jon de Vos, of Florida, a career member of the Senior Foreign Service, class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the People's Republic of Mozambique.

AMBASSADOR

Millicent Fenwick, of New Jersey, for the rank of Ambassador during the tenure of her service as U.S. Representative to the Food and Agriculture Organizations in Rome.

AFRICAN DEVELOPMENT FOUNDATION

Chester A. Crocker, an Assistant Secretary of State, to be a member of the Board of Directors of the African Development Foundation for a term of 2 years.

Francis Stephen Ruddy, an Assistant Administrator of the Agency for International Development, to be a member of the Board of Directors of the African Development Foundation for a term of 2 years.

Patsy Baker Blackshear, of Maryland, to be a member of the Board of Directors of the African Development Foundation for a term of 4 years.

Charles G. Wells, of Illinois, to be a member of the Board of Directors of the African Development Foundation for a term of 4 years.

William F. Pickard, of Michigan, to be a member of the Board of Directors of the African Development Foundation for a term of 6 years.

BOARD FOR INTERNATIONAL BROADCASTING

Joseph Lane Kirkland, of the District of Columbia, to be a member of the Board for International Broadcasting for a term expiring April 28, 1984 (new position).

Arch L. Madsen, of Utah, to be a member of the Board for International Broadcasting for a term expiring April 28, 1984 (new position).

James Albert Michener, of Pennsylvania, to be a member of the Board for International Broadcasting for a term expiring April 28, 1984 (new position).

Clair W. Burgener, of California, to be a member of the Board for International Broadcasting for a term expiring April 28, 1985 (new position).

Malcolm Forbes, Jr., of New Jersey, to be a member of the Board for International Broadcasting for a term expiring April 28, 1986.

U.S. INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

Henry F. Schickling, of Pennsylvania, to be a member of the Board of Directors of the Overseas Private Investment Corporation for a term expiring December 17, 1985.

The above nominations were approved subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

DEPARTMENT OF THE TREASURY

Katherine D. Ortega, of New Mexico, to be Treasurer of the United States.

HOUSE OF REPRESENTATIVES—*Thursday, September 22, 1983*

The House met at 11 a.m.

The Reverend Dr. Frederick G. Sampson, pastor, Tabernacle Missionary Baptist Church, Detroit, Mich., offered the following prayer:

O Thy eternal Father, Creator of all things in the trisphere, Sustainer of the Universe, we stand in awe before Thy holy presence. We give Thee thanks for Your long suffering spirit and inexhaustable patience.

Grant that our desires for our tomorrows will be unquestionably linked to Your eternal destiny. We are honored to have men and women of unselfish altruism and honorable character at the helm of this branch of our great Government.

We pray that You, O gracious Lord, would feed their minds with Your holy mind; free them from the parasitic greed which is capable of surreptitiously contaminating and corroding the inner self. Fortify them with calm courage, depth perception, and uninterrupted spirituality that no evil will perniciously consume and destroy their God-given qualities and potentials.

With believing hearts. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Sparrow, one of its clerks, announced that the Senate had passed without amendment a bill of the House of the following title:

H.R. 3914. An act to require the Secretary of Agriculture to make an earlier announcement of the 1984 crop feed grain program and of the 1985 crop wheat and feed grain programs.

The message also announced that the Senate had passed with amendments in which the concurrence of the House is requested, bills of the House of the following titles:

H.R. 2780. An act to extend and amend the provisions of title 31, United States Code, relating to the general revenue sharing program; and

H.R. 3363. An act making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1984, and for other purposes.

The message also announced that the Senate insists upon its amendment to the bill (H.R. 2780) entitled "An act to extend and amend the provisions of title 31, United States Code, relating to the general revenue sharing program," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. DOLE, Mr. DANFORTH, Mr. HEINZ, Mr. DURENBERGER, Mr. LONG, Mr. BENTSEN, and Mr. MITCHELL to be the conferees on the part of the Senate.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 3363) entitled "An act making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1984, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. MCCLURE, Mr. STEVENS, Mr. LAXALT, Mr. GARN, Mr. COCHRAN, Mr. ANDREWS, Mr. RUDMAN, Mr. WEICKER, Mr. HATFIELD, Mr. BYRD, Mr. JOHNSTON, Mr. HUDDLESTON, Mr. LEAHY, Mr. DECONCINI, Mr. BURDICK, Mr. BUMPERS, and Mr. STENNIS to be the conferees on the part of the Senate.

REV. FREDERICK G. SAMPSON, PASTOR, DETROIT'S TABERNACLE MISSIONARY BAPTIST CHURCH

(Mr. CONYERS asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. CONYERS. Mr. Speaker, Dr. Frederick G. Sampson is pastor of the Tabernacle Missionary Baptist Church in the city of Detroit, one of the city's leading congregations. He grew up in Louisville, Ky., where his father was a minister. He excelled in theological study, earning degrees at Howard University and his doctorate in divinity from the Virginia Theological Seminary. A national and international scholar and lecturer at numerous colleges and universities, Dr. Sampson recently published a book, entitled "The Romance of Theology in the Black Experience."

Reverend Sampson exemplifies many extraordinary traits of intellect and character. He is devoted to his congregation, the community in which he lives and works, and the city of Detroit where he serves on a number of boards and commissions. He is down to earth and always accessible. He also is an orator of the first rank. But even beyond these qualities, I consider his greatest strength is the sense of mission and commitment he has brought to his church in applying the Gospel to everyday life and to the solution of human and community problems. Under his guidance the Tabernacle Missionary Baptist Church has become involved in every pressing social issue. His church has reached out to young people and found them work; joined with community groups to improve the quality of housing and public services; and has come to the assistance of families in need.

For his extraordinary leadership and service in the community and the Nation, the Detroit branch of the National Association of Colored Women's Clubs honored Dr. Sampson on Saturday, April 30, 1983, with a luncheon in Detroit. On that occasion, a proclamation of commendation was given him, a copy of which I have included in this statement. I am also pleased that Reverend Sampson has been invited by the Speaker of the U.S. House of Representatives to serve as a guest chaplain, an occasion I looked forward to with great satisfaction. I can think of few other human beings and leaders who so deserve the honors accorded them.

PROCLAMATION OF COMMENDATION

Whereas Dr. Frederick G. Sampson, Pastor of the Tabernacle Missionary Baptist Church located in Detroit, Michigan, is one of our nation's foremost Baptist Ministers, and

Whereas Dr. Sampson is highly respected by his peers throughout the nation and the world for his devotion, leadership, and intellectual achievements: He received his Doctorate of Ministry and Divinity from the Virginia Theological Seminary and a Divinity Degree from Howard University; And, he recently published a book entitled, "The Romance of Theology in the Black Experience"; and, he lectures at several universities and colleges annually, and

Whereas Dr. Sampson has given of himself tirelessly and unstintingly to bring hope, justice, equality, and peace through his active leadership in the Detroit community, the national community, and the international community; He is a Past-President of the Detroit Branch of the NAACP; And, a member of the State of Michigan Civil Rights Commission; And, he serves on the Commission for the International Year of the Child; And, he serves as a member of the Board of Directors of numerous community organizations, and

Whereas The Current Topic Study Club, the Detroit Branch of the National Association of Colored Women's Clubs, has convened this luncheon on Saturday, April 30, 1983, to honor Dr. Sampson.

Therefore be it resolved that Dr. Frederick G. Sampson be awarded this Proclamation of Commendation in recognition of his extraordinary service to promote Humani-

tarianism, Peace and Goodwill to all the peoples of the world.

REPORT ON H.R. 3958, WATER RESOURCE DEVELOPMENT APPROPRIATIONS, 1984

Mr. BEVILL, from the Committee on Appropriations, submitted a privileged report (Rept. No. 98-373) on the bill (H.R. 3958), making appropriations for water resource development for the fiscal year ending September 30, 1984, and for other purposes, which was referred to the Union Calendar and ordered to be printed.

Mr. MYERS reserved all points of order on the bill.

PERMISSION TO FILE CONFERENCE REPORT ON H.R. 3415, DISTRICT OF COLUMBIA APPROPRIATIONS, 1984

Mr. BEVILL. Mr. Speaker, I ask unanimous consent that the managers may have until midnight tonight, September 22, 1983, to file a conference report on the bill (H.R. 3415) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1984, and for other purposes.

The SPEAKER. Is there objection to the request of the gentleman from Alabama?

There was no objection.

PERMISSION TO FILE CONFERENCE REPORT ON MILITARY CONSTRUCTION APPROPRIATIONS, 1984

Mr. BEVILL. Mr. Speaker, I ask unanimous consent that the managers may have until midnight tonight, September 22, 1983, to file a conference report on the bill (H.R. 3263), an act making appropriations for military construction for the Department of Defense for the fiscal year ending September 30, 1984, and for other purposes.

The SPEAKER. Is there objection to the request of the gentleman from Alabama?

There was no objection.

AN INVITATION TO THE PRESIDENT TO ADDRESS CONGRESS ON THE SITUATION IN LEBANON

(Ms. MIKULSKI asked and was given permission to address the House for 1 minute.)

Ms. MIKULSKI. Mr. Speaker, the American people are deeply and justifiably concerned about our marines in Lebanon. However, the public does not have a clear understanding of the reasons for our involvement. Our constituents are asking, why are our marines in Lebanon? They want to know what interest this country has there, and is it worth risking American lives?

The only way an informed public can reach a national consensus is to hear a report from the President on this issue. We need a national consensus for our policy to be effective in Lebanon. The American people need a clear and comprehensive explanation, and we can only get that from the President of the United States.

The War Powers Act calls for the President to make a report to the Congress. While we are debating the War Powers Act, I, along with other colleagues, have initiated a letter to the President of the United States asking him to appear before a joint session of the House and the Senate to explain why we are in Lebanon, what the national interest is to be served if we are to remain in Lebanon, what will be the scope and duration of that exercise, and then to clearly explain it to us.

Mr. Speaker, my position, is, if the President of the United States cannot defend his position before the House and the Senate, then he should not ask the marines to do it in Lebanon.

PRESIDENT'S VIOLATION OF WAR POWERS ACT CITED

(Ms. KAPTUR asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. KAPTUR. Mr. Speaker, U.S. military involvement in Lebanon deepens each day. Nearly 15,000 American military personnel have already been deployed to Lebanon. Marines have been killed, and naval vessels have been shelling in direct support of the Lebanese Army. And still the President insists that American forces are not engaged in hostilities.

Now it appears that our troops are in Lebanon to support the continued existence of the central government. This is not the purpose for which the President originally dispatched the marines.

By not reporting to Congress on the nature and possible duration of the U.S. involvement in Lebanon, President Reagan is in clear violation of the law. The War Powers Act clearly states that the Congress must be involved in the decision to send Americans off to fight wars on foreign soil. Congress passed this law so that the people of this country will be a part of the most crucial decision a government can make.

Congress must work in a positive partnership with the President on this issue. To do so, Congress must be able to engage in an informed debate. The only way this will occur is if President Reagan shares all the facts and states all of his plans. Until President Reagan complies with the law and reports to Congress on the nature of the conflict in Lebanon, the necessary and required partnership between the legislative and executive branches will never materialize.

If the President does not report to Congress on the current nature of U.S. involvement, how can we extend the commitment of U.S. marines in Lebanon for any future period? The Congress cannot make life-and-death decisions without a clear understanding of what our objectives are. We must work together in a positive partnership to bring about peace among all factions in Lebanon and to protect our marines.

□ 1110

THE EARL BUTZ RACIAL AND RELIGIOUS SENSITIVITY AWARD GIVEN TO SECRETARY OF THE INTERIOR JAMES WATT

(Mr. DOWNEY of New York asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DOWNEY of New York. Mr. Speaker, it is my personal privilege and high honor to bestow this morning the Earl Butz Racial and Religious Sensitivity Award to the Secretary of the Interior, Mr. Watt. Yesterday in describing the Coal Commission's composition, he said, "We have every kind of mix you can have. I have a black. I have a woman, two Jews and a cripple and we have talent."

Now, Mr. President, I know you watch these one minutes and we know that Mr. Watt speaks for you on matters pertaining to the environment; but Mr. President, does he also speak for you on questions of race and religion? I hope he does not, Mr. President.

THE CRISIS IN THE PHILIPPINES

(Mr. RICHARDSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RICHARDSON. Mr. Speaker, the situation in the Philippines is reaching crisis proportions. Riots, deaths are becoming commonplace, especially since the assassination of opposition leader Benigno Aquino 1 month ago. In the past 3 days, President Marcos has made two very disturbing threats. First, that President Reagan cannot postpone his trip to the Philippines if the United States is to keep our bases, and second, he is threatening to reimpose martial law in light of the opposition to his regime.

Mr. Speaker, I think President Marcos is blackmailing the United States. I am concerned not only about the President's visit to the Philippines at this time sending a wrong signal, but also because I worry about the President's security there.

There is no question that the Philippines relationship is important to the United States, but we should not be blackmailed by a man who has serious domestic problems.

For these reasons, Mr. President, I hope that you postpone your November visit.

SECRETARY WATT HAS NO SHAME

(Mr. GLICKMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GLICKMAN. Mr. Speaker, the remarks of the gentleman from New York (Mr. DOWNEY) I think are not to be taken lightly and I would like to reemphasize what the gentleman said.

The Secretary of the Interior has said, "We have every kind of mix." Then, as if citing not human beings, but a list of things, he said, "We have a black, a woman, two Jews, and a cripple." To justify his bigotry, he added, almost excluding the previous list, "and we have talent."

To give this man, whose prejudices are exemplified not just in this latest public utterance, but in many public utterances since he took office, a national forum is a disgrace.

Mr. Watt assaults human dignity.

Mr. Watt has no shame.

Mr. Watt should go.

BAT MITZVAH OF SUSAN DEMEL

(Mr. CORRADA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CORRADA. Mr. Speaker, I rise to add my voice and that of the people of Puerto Rico to those concerned with the continued suppression of human rights in the Soviet Union. I have often spoken on behalf of those who cannot speak for themselves; the Jews in the Soviet Union. These men and women are often persecuted and harassed for seeking to exercise a basic human right, their freedom of religion and their freedom to emigrate.

On August 26, 1983, a constituent of mine, Ms. Susan Demel, celebrated her bat mitzvah in Puerto Rico. The ceremony marked her entrance into the Jewish community, who joined her in the happiness of the occasion. In Puerto Rico, along with her family and friends, Susan has been able to live in peace and worship God without any fear. Susan learned to cherish the gift of freedom and enjoys her rights and protection as a U.S. citizen.

Susan did not celebrate her bat mitzvah alone. As she stood at the Jewish Community Center of Puerto Rico, she proclaimed that on that solemn occasion she was also representing another young girl, Janna Grauer, who lives in the Ukraine in the Soviet Union. Janna was not able to have her bat mitzvah ceremony. Janna is not free or safe to worship God. She is the daughter of a refusenik, who requested an exit visa from Soviet authorities to allow him to leave the Soviet Union with his family to resettle in Israel or another free country but his petition was denied. The Grauer family will continue to be unable to practice their religion in peace.

In Puerto Rico, Susan chanted the Biblical portion from the Book of Isarah: "Arise, shine, for your light has come and the glory of the Lord has risen upon you." This was Susan's prayer for Janna. Susan also wants us to remember Janna Grauer and pray that the light of freedom and the light of human rights will soon shine for her, her family, and all those who suffer from oppression in the Soviet Union.

SAYONARA TO SECRETARY OF INTERIOR JAMES WATT

(Mr. MOAKLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MOAKLEY. Mr. Speaker, we have the Tony Awards, we have the Emmy Awards, the Oscars, and also the Golden Fleece Awards. However, if there were ever a "Nasty" Award, my candidate would be Secretary of the Interior, James Watt.

Mr. Speaker, it is one thing to attack our public lands, which is despicable in itself. It is quite another thing to insult our people, particularly those who face special hardships in our country.

James Watt has done what Don Rickles in his best skit could never do, offend nearly our entire population in just one sentence.

Mr. Speaker, Jim Watt has done for the Interior Department what Bonnie and Clyde have done for the banking industry.

Mr. Watt, I think if you would like to make another public utterance real soon, how about "Sayonara"?

LOOSE CANNONS ON THE SHIP OF STATE

(Mr. McCURDY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McCURDY. Mr. Speaker, it has become clear in recent days that there are some loose cannons rolling around on the ship of state.

Yesterday—in yet another of the inflammatory remarks that have come to be known as Wattisms—the Secretary of the Interior characterized the members of the Commission reviewing his coal-leasing program in terms of their race, sex, religion, and physical disabilities, and then tried to pass off this latest example of his well-documented insensitivity as a joke. Along with millions of Americans, I do not think his comments are very funny.

On Monday, our Deputy Ambassador to the United Nations made a statement in the name of the United States that was later called by the White House a personal opinion.

And on an even more serious note, last week the third-ranking official in the Pentagon made a major public address in which he attacked the Congress and directly contradicted the stated policy of the President on Central America.

Mr. Speaker, I think it is about time for the captain to go after these loose cannons, and either lash them to the deck or think about throwing them overboard.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 953, LAW ENFORCEMENT PROTECTION ACT OF 1983

Mr. WATKINS. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of the bill (H.R. 953) to limit availability and use of handgun bullets that are capable of penetrating certain body armor.

The SPEAKER pro tempore (Mr. TORRES). Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

OUR RECORDBREAKING DEFICIT

(Mr. WATKINS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WATKINS. Mr. Speaker, I would like to make this particular point. We are faced with recordbreaking $200 billion-plus deficits in this country.

I would like to call again upon the President of the United States, the leadership of this House and the leadership of the Senate, along with the Federal Reserve Board, to have a summit conference at Camp David dedicated to resolving the economic problems that face this country.

I think that we must work together in a bipartisan manner in trying to reach out to the people in America to let them know that the leadership of the White House, the leadership of this Democratic House, and also the leadership of the Republican Senate, and the Federal Reserve Board under Paul Volcker, are willing to address the problem. We cannot ignore the problem of recordbreaking deficits which have tripled in the last 3 years.

The Honorable Gerald Ford, who is a former President and an honorable man, had $66 billion deficits.

The Presidency of Jimmy Carter brought $58 billion deficits.

Last year's deficits were $110 billion, and this year over $200 billion.

Mr. Speaker, we must address that problem in a bipartisan package backed by the President and the leadership of both political parties in both Houses of Congress.

MOVE THE PROBLEM OF LONG-TERM BUDGET DEFICITS TO THE FRONT BURNER

(Mr. SLATTERY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SLATTERY. Mr. Speaker, as we approach budget reconciliation, I believe it is absolutely essential to move the problem of long-term budget deficits to the front burner.

I strongly agree with those professional economists and business leaders who have been warning our Nation that huge deficits will force interest rates up and choke off our economic recovery.

Huge deficits are a threat to our economic stability and our national security. Solving the deficit problem should be our No. 1 priority.

We all know that there is only one of three ways to reduce the deficit. We must either reduce spending, raise revenues, or do both.

As we examine the spending side of the ledger, we must be willing to deal with entitlements and defense. Those two areas amount to nearly 75 percent of total spending.

We also need to examine the revenue side.

It is absolute nonsense to cut taxes in the face of $200 billion deficits.

It is my hope that the Budget Reconciliation Act will address the long-term deficit problem.

I cannot support a continuing resolution that ignores the long-term deficit problem.

OUR MARINE HOSTAGES

(Mr. ROEMER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROEMER. Mr. Speaker, what do you call American men trapped on foreign shores, surrounded by armed militants, used as pawns in a propaganda war and unable to fight back? I call them hostages. We now have 1,200 marine hostages in Lebanon, hostages to a civil war that has raged for decades, hostage to a foreign policy in the Middle East that is indecisive and incoherent; hostage to political deals in America.

In the last hostage crisis, Congress could do very little. In this one, we can do a great deal.

We should follow the law and invoke the War Powers Act. That would give the President 90 days to bring our boys home, or if he feels they should stay longer, to make his case to the American people, define their mission, and convince us of its importance.

We have already lost five marine dead. It is no longer a question of saving face. It is a question of saving American lives.

Invoke the War Powers Act. Our men would be home by Christmas, or the President can make his case to the American people.

Set our hostages free.

□ 1120

H.R. 1036 OFFERS HOPE TO THE UNEMPLOYED

(Mr. TOWNS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TOWNS. Mr. Speaker, unemployment in the American work force has been a problem for many years. Unemployment, also, leads to a vicious cycle of socioeconomic problems. In no other community is this vicious cycle felt more than in minority communities.

As a congressional representative, I see the effects of a 15-percent unemployment rate on my constituents. These people want and need to work. However, the past and current cycle of unemployment prevents them from having the experience needed to break into a limited job market.

The passage of the Community Renewal Employment Act yesterday, offers some hope to the Nation's unemployed through job creation and economic growth in our communities. I can only hope that our colleagues in the Senate will reconsider their opposition to this legislation. The American worker must not become a "sacrificial lamb" to budget politics.

SECRETARY WATT SHOULD RESIGN

(Mr. LEVIN of Michigan asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEVIN of Michigan. Mr. Speaker, after watching Secretary James Watt on television last night, I feel compelled to speak out. As is apparent from the public's experiences with him, the sad truth about Secretary Watt is that what he has spoken, down deep he believes.

He thinks in stereotypes. In describing why the Commission studying the coal leasing program of his Department is a strong one, he did not focus on the breadth of talents and experience of the members from various fields, talent and experience which are clearly relevant to their duties on the Commission. Instead he describes the members in terms of their race, religion, sex, or, as crassly as one can imagine, an aspect of their physical condition which has absolutely nothing to do with the ability to perform one's duties on that Commission.

Mr. Watt is a political liability. Much more significantly, he has become a national embarassment. For that reason, he should clear his thinking long enough to resign. If not, the President should remove him.

THE JOBS BILL

(Mr. SUNDQUIST asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SUNDQUIST. Mr. Speaker, yesterday afternoon, amid perhaps the greatest debate of partisan demagoguery this Chamber has witnessed in the 98th Congress, we passed yet another jobs bill. It was stated that those who voted against the bill were guilty of contributing to hunger, a breakup of unions, a lack of compassion for the poor, and a callous disregard for the plight of unemployed Americans.

The House approved this action without even allowing the Job Training Partnership Act a chance to succeed. The House approved this action despite signs of a strong economic recovery.

Lost in this partisan debate was the differentiation between jobs and employment. In Congress, we give temporary jobs through huge expenditures. In the private sector, employment is created. Congress adds to the deficit, raises interest rates, and puts people out of work.

The President is not responsible for the deficit. The big spenders in Congress are. The President is not responsible for high interest rates. The irresponsible spenders in Congress are.

Commonsense dictates that makework, dead-end public service jobs do not provide long-term, productive employment. There are no employees until there are employers. And there will be no more employers until interest rates come down.

Interest rates will not come down until we end deficit.

Mr. Speaker, if we continue to spend money like yesterday, I suggest that we will have many, many opportunities to give away more jobs—over and over again, for years to come, until somebody realizes that for every forward step of spending bills, we are taking two steps backward in the quest for full employment.

I submit that those who voted for the bill are the ones who are guilty of

contributing to hunger, a lack of true compassion for the poor, and a callous disregard for the plight of unemployed Americans.

"PEOPLE-TO-PEOPLE" PROGRAM IS VITAL TO THE FUTURE OF MEXICO

(Mr. KRAMER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KRAMER. Mr. Speaker, recent events in Latin and Central America have once again underscored the importance of this region to the United States. Periodically, we pay lipservice about the need to improve relations with our neighbors to the south, but the sad truth is that too often we wait for a crisis to erupt before taking action. We cannot afford to let this happen with Mexico.

Today I am introducing legislation aimed at furthering democracy in Mexico and curbing illegal Mexican immigration by strengthening United States-Mexican economic and social ties. Specifically, the bill directs the Kissinger Commission on Central America to consider the merits of establishing a joint United States-Mexico "people-to-people" program.

Such a program would utilize American volunteers and foster self-reliance among local Mexican businesses, civic organizations, and labor groups. The program would focus on such areas as agricultural productivity, industrial output, transportation, energy sources, construction, and further development of Mexico's infrastructure.

Mr. Speaker, I believe the proposed "people-to-people" program is vital to the future of Mexico and also would be in our self-interest. I would urge my colleagues to support this legislation.

MISREPRESENTATION BY THE PRESS

(Mr. MOLINARI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MOLINARI. Mr. Speaker, while we are handing out awards I think that a special award should be given to the Associated Press, the New York Times, and the Washington Post, for the picture that appeared today in reference to the testimony of General Kelley yesterday before the Foreign Affairs Committee. The pictures today would lead one to believe that spontaneously Secretary Shultz raised his hands in horror as the Commandant made an error, referring to Vietnam rather than Lebanon. The fact is it happened several seconds later and he was fatigued and covered his head.

Now, if that is an example of journalism from two of what are supposed to be the most prestigous newspapers in this country, we are in deep trouble.

TRIBUTE TO JUDGE ANGELO F. PISTILLI

(Mr. O'BRIEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. O'BRIEN. Mr. Speaker, Judge Angelo F. Pistilli, of Joliet, Ill., has long deserved recognition for a most distinguished career in public service. I am pleased to be able to tell my colleagues that DePaul University in Chicago, his alma mater, honored him recently with a very special award. The honor, the Distinguished Alumni Award, is given to graduates of the university who have demonstrated their devotion to the community through professional achievement and service to their fellow man.

Judge Pistilli was graduated from DePaul in 1947 and later returned for masters degrees in education and psychology. He has served as circuit court judge of Illinois since 1964, serving the 12th judicial circuit comprising Will, Kankakee, and Iroquois Counties.

Despite a busy, often hectic schedule, he has generously served the community—and in a variety of different ways. Prior to his election to the bench, while practicing law in Joliet, he served as public administrator for Will County and as special master in chancery. He also taught for the American Heritage Council at Stateville penitentiary 1 day a week in 1952–58 and 1962–64 and was a psychologist for the Illinois Youth Commission. Further, he has taught courses at DePaul, Lewis University, and Joliet Junior College.

Mr. Speaker, Judge Pistilli is a multitalented, compassionate, and selfless individual. As his Congressman I am very proud that he has been given this outstanding award.

BRUTAL ACTIONS BY SOVIET GOVERNMENT MUST NOT BE FORGOTTEN BY THE WORLD

(Mr. BILIRAKIS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BILIRAKIS. Mr. Speaker, Many nations in this world are making a great deal of refusals by the Governors of New York and New Jersey to allow an Aeroflot airliner carrying Soviet Union Foreign Minister Andrei Gromyko to land at civilian airports in those States.

Because of this Mr. Gromyko has canceled his appearance at the current session of the U.N. General Assembly.

We must remember that while landing permission was denied at two public airports, our Government offered landing space at a nearby military installation.

Second, we must not forget the Soviet Union's veto of a U.N. Security Council Resolution condemning the Soviets for the deliberate and wanton killing of 269 innocent civilians aboard Korean Air Lines flight 007.

Now, of course, we are being criticized for putting a few minor restrictions on travel by Soviet officials. How quickly the world forgets.

We cannot afford to let this matter rest. We must continue to remind the American people, indeed all people in this world, of the brutal actions by the Soviet Union leadership.

We must never forget what the Soviets have done, because to forget would imply forgiveness. That is something the Soviets do not deserve.

SECRETARY WATT'S REMARKS

(Mr. BETHUNE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BETHUNE. Mr. Speaker, for some time I, like many of my colleagues, have been concerned about the remarks of Secretary Watt. The concern has been that he somehow has developed through life in a narrow sphere of activity, without being sensitive to the diverse and pluralistic nature of the American society.

I try to be fair, others try to be fair. Accordingly, I have not engaged in the ad hominem assaults that have been made over the years on Secretary Watt. Yesterday's comment by the Secretary is different. I have a special feeling about the statement that was made yesterday, because the greatest man I ever knew in my life had polio at 9 months of age and never walked a step in his life without a cane, a crutch, or an artificial leg. That man was my father.

He has gone too far. I think the evidence is plain that this Secretary is insensitive to the diverse and pluralistic nature of the American society. I urge the President now to call for his resignation.

□ 1130

RESPONSIBILITY OF MAJORITY TO PROPOSE SPECIFIC REVENUE MEASURES TO PAY FOR SPENDING PROGRAMS

(Mrs. JOHNSON asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. JOHNSON. Mr. Speaker, the congressional budget resolution for fiscal year 1984 requires the appropriate committees to report by September 23, 1983—tomorrow—$73 billion in tax increases and $12 billion in spend-

ing reductions over the next 3 years. Clearly this will not be done.

I find it difficult to understand why some of my colleagues and I worked so hard with the Democratic majority to produce a compromise budget resolution if the spending/taxing pattern adopted therein is not adhered to in at least its broad outlines. Like many of us who voted for this budget plan, I have worked throughout the tough spending votes to uphold its integrity and adhere to its guidelines. But what has happened to the revenue side? We have had plenty of debate and plenty of votes on spending, but almost no solid discussion of the billions of dollars in new revenues that were promised in the budget resolution to prevent critical new spending needs from escalating our deficit. As a result, one is left with the impression today that those numbers in the budget agreement which purport to reduce the deficit through increased revenues are meaningless.

Mr. Speaker, I believe the Democratic majority has the responsibility of proposing specific revenue measures to pay for the programs in the budget they espoused, which in fact requires fewer new tax dollars than the budget they first advocated. To ignore this responsibility makes a sham of the budget process and a mockery of their rhetoric both for people and against deficits.

GENERAL LEAVE

Mr. NATCHER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill, H.R. 3913, Departments of Labor, Health and Human Services, and Education, and related agencies appropriations bill, 1984, and to include extraneous matter along with tables and charts.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS, 1984

Mr. NATCHER. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 3913) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 1984, and for other purposes; and pending that motion, Mr. Speaker, I ask unanimous consent that general debate be limited to not to exceed 2 hours, the time to be equally divided and controlled by the gentleman from Massachusetts (Mr. CONTE) and myself.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Kentucky (Mr. NATCHER).

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 3913, with Mr. FUQUA in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the unanimous-consent agreement, the gentleman from Kentucky (Mr. NATCHER) will be recognized for 1 hour, and the gentleman from Massachusetts (Mr. CONTE) will be recognized for 1 hour.

The Chair recognizes the gentleman from Kentucky (Mr. NATCHER).

Mr. NATCHER. Mr. Chairman, I yield myself such time as I may consume.

At this time, we submit for your approval, the appropriation bill making appropriations for the Departments of Labor, Health and Human Services, and Education.

In addition, this bill contains recommendations for funding for the Corporation for Public Broadcasting, the Federal Mediation and Conciliation Service, the Federal Mine Safety and Health Review Commission, the National Commission on Libraries and Information Science, the National Labor Relations Board, the National Mediation Board, including the National Railroad Adjustment Board, the Occupational Safety and Health Review Commission, the Prospective Payment Assessment Commission, the Railroad Retirement Board, and the Soldiers' and Airmen's Home for the fiscal year ending September 30, 1984.

It is a distinct honor and a privilege for me to serve on this subcommittee with the gentleman from Massachusetts (Mr. CONTE), the ranking minority member on this subcommittee and also the ranking minority member on the Committee on Appropriations. This also applies to every member of the subcommittee. We have an excellent staff and many weeks of hearings took place before we marked up this bill for submission to the full committee and to the House of Representatives.

The bill before us today provides for new budget authority for 1984 totaling $96,166,088,000. Of this amount, $28,196,556,000 is for discretionary funding and $67,969,532,000 is for mandatory funding.

A large portion of the appropriations in this bill is for entitlement programs where payments are fixed by authorizing legislation. This amounts to 71 percent of the total contained in the bill. For discretionary programs the bill is $3,505,710,000 over the budget request and $21,152,000 under the comparable amount appropriated for fiscal year 1983 for discretionary programs.

In addition to the amounts contained in this bill, the subcommittee deferred consideration of $2,299,-107,000 of budget estimates for 1984 because authorizations have not been enacted. New budget authority provided in 1983 for these deferred items totals $2,574,502,000.

The budget requests not considered by our committee due to the fact that there are no authorizations are set forth on page 5 of the report. They include refugee assistance, rehabilitation, impact aid, health planning, research training, and ACTION programs.

In addition to the amounts included in the bill, very large sums are automatically appropriated each year for Labor, Health and Human Services, and Education programs without consideration by the Congress during the annual appropriations process. The principal items in this category are the unemployment compensation, social security, and railroad retirement trust funds. If these amounts are accounted for programs under this bill will receive more than $340 billion in fiscal year 1984.

The highlights of the bill are set forth on pages 6 and 7 of the report.

For the Labor Department, we recommend $15,963,887,000. This is an increase of $2,944,341,000 over 1984 estimates. This total amount includes $2,902,610,000 for forward funding for job training.

For the Department of Health and Human Services, we recommend $62,718,775,000. This is $1,599,276,000 over the budget and an increase of $196,359,000 in discretionary funds over the 1983 level.

For the Department of Education, we recommend $12,240,520,000. This is $1,463,244,000 over the budget and $312,498,000 in discretionary increases over the 1983 level.

This bill includes $2,902,610,000 for programs under the new Job Training Partnership Act for the 9-month period from October 1, 1983 through June 30, 1984 and in addition, the sum of $3,597,830,000 for the 12-month period from July 1, 1984 through June 30, 1985. The budget made no provision for forward funding.

We recommend $414,900,000 for the first 9 months of fiscal year 1984 for Job Corps and $577,5000,000 for the period from July 1, 1984 to June 30,

1985. These amounts will maintain the Corps at the current level of 40,000.

We recommend $317,300,000 for older workers programs which is an increase of $40,200,000 over the budget. This is the full amount authorized by law and will maintain the current program level of 62,500 jobs.

For State employment offices, we have an increase of $186,841,000 over 1983 and $70,000,000 over budget estimates. We restored 87 positions and $3,760,000 proposed for deletion in the budget for Mine Safety and Health Administration.

For the Public Health Service, we include $7,003,043,000, and increase of $674,040,000 over the budget request and $269,728,000 over the 1983 level.

Mr. Chairman, we recommend for Health Resources and Services $1,252,783,000. This is $23,233,000 less than the 1983 appropriation, but is $215,967,000 more than the budget.

For disease control, we recommend $373,405,000. This is an increase of $32,653,000 over the budget and $19,929,000 over the 1983 appropriation. For AIDS, we recommend a total of at least $41,000,000.

This bill contains recommendations for $4,297,054,000 for the National Institutes of Health. This is an increase of $386,330,000 over the budget request and $447,499,000 over the 1983 appropriation. For the National Cancer Institute, we recommend $1,044,868,000.

The report contains all of the National Institutes of Health and the amounts that we recommend in this bill for each one of them.

This bill, Mr. Chairman, includes $799,202,000 for alcohol, drug abuse and mental health. This is an increase of $28,050,000 over the 1984 budget and $37,195,000 over comparable 1983 levels.

Mr. Chairman, for social security, we recommend $16,876,751,000 in Federal funds and $3,718,303,000 in trust funds.

For the runaway youth program, we recommend $21,500,000. This is an increase of $10,968,000 over the budget.

For nutrition for the elderly, we recommend $386,099,000. For work incentives, we recommend the 1983 level of $270,760,000. The budget contained no funding for this program.

For community services block grants, the budget requested $2,852,000 to phase out the program. Mr. Chairman, we cannot accept this and we recommend $351,000,000 to continue this program.

For the Health Care Financing Administration, we recommend $33,007,578,000 in Federal Funds and $1,012,246,000 in trust funds.

For chapter I of elementary and secondary education, we recommend $3,487,500,000. This is $473,531,000 over the budget and it is up to full authorization.

Mr. Chairman, for vocational and adult education, we recommend $835,000,000. This is an increase of $342,161,000 over the budget request and $18,500,000 over the amount appropriated for 1983. We do not approve of the request for a block grant and a consolidation of the two programs.

For education for the handicapped, this bill includes $1,159,792,000, an increase of $49,540,000 over the budget. For State grants, we have $1,017,900,000 which is the total authorization for 1984.

For higher and continuing education, we recommend $394,270,000. For libraries, we recommend $88,800,000.

This bill includes $3,697,360,000 for student financial assistance. This is an increase of $179,560,000 over the budget request and $129,560,000 over the comparable amount appropriated in 1983. For Pell grants, we recommend $2,519,000,000. This is an increase of $99,960,000 over 1983. For supplemental opportunity grants, we recommend $370,000,000, the full amount authorized. For the college work study program, we recommend $550,000,000, the full amount authorized. For the direct loan program we recommend $178,560,000.

We recommend $1,268,600,000 for guaranteed student loans. This amount, together with $900,000,000 in carryover funds from 1983, will bring total available funds for 1984 up to $2,169,600,000.

For railroad retirement, we recommend $420,000,000. This is the full amount required for payment of dual benefits to railroad retirees. This is $70,000,000 over the amount requested in the budget.

Mr. Chairman, this is a good bill and we recommend it to the House of Representatives.

At this point, I would like to state in more detail, the amounts detailed in this bill.

DEPARTMENT OF LABOR

The bill includes $15,963,887,000 for the Department of Labor in 1984. The President's budget request is $13,019,546,000 and the 1983 appropriation was $17,789,662,000. In addition, the bill includes authority to expend $2,772,750,000 from trust funds, approximately the same as the 1983 level and the budget request. The committee has added $2,944,341,000 over the President's request for general funds, almost entirely the result of providing forward-funding for the new Job Training Partnership Act as required by law. The President's budget proposed to disregard this forward-funding requirement. These additional funds provided by the committee will not actually be spent until fiscal year 1985. The committee bill for the Labor Department is below the 1983 appropriation level primarily because of a reduction in advances required for the unemployment trust fund.

For training and employment services, the bill includes $2,861,284,000 for programs under the new Job Training Partnership Act for the 9-month period from October 1, 1983 through June 30, 1984, and $3,597,830,000 for the 12-month period from July 1, 1984 through June 30, 1985. The President's budget made no provision for forward-funding. Included here are $414,900,000 for the Job Corps for the first 9 months of fiscal year 1984 and $577,500,000 for the period July 1, 1984 to June 30, 1985. These amounts will maintain Job Corps enrollment at least at its current level of approximatley 40,000. The committee directs the Department to maintain enrollment at this level or higher through the 21-month period covered by this appropriation. The bill also provides a large increase of $113,000,000 for the dislocated worker program under title III of the new act; the amount for the program year July 1, 1984 to June 30, 1985 will be $223,000,000.

The bill includes $317,300,000 for community service employment for older Americans, an increase of $40,200,000 over the budget request. This is the full amount authorized by law, and will maintain the current program level of 62,500 jobs. This program is authorized by title V of the Older Americans Act. It will continue to be administered by the Labor Department; the budget proposed to transfer it to the Department of Health and Human Services.

The committee recommends $1,889,400,000 for administration of unemployment compensation by the States. The committee has transferred $50 million from the contingency fund in order to support base staff years over the level proposed in the budget request, and $20 million has been transferred in order to begin to upgrade automation of unemployment insurance. The bill provides forward-funding for the employment service as required by law. The budget request made no provision for this. The amounts included by the committee will maintain current staffing levels in the States.

For the Occupational Safety and Health Administration, the committee has added $1,700,000 to the budget for State operational grants to enable OSHA to fund one additional State application. OSHA staffing is maintained at the 1983 level.

The bill retains all of the language restrictions carried in the 1983 bill.

For the Mine Safety and Health Administration, the committee has restored 87 positions and $3,760,000 proposed for deletion in the budget. The proposed reduction was based on a proposed legislative change which will not be enacted.

The bill includes $135,837,000 for the Bureau of Labor Statistics, including $4,837,000 to begin the revision of the Consumer Price Index.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

The bill includes $62,728,775,000 in fiscal year 1984 for the programs of the Department of Health and Human Services. This is $1,599,276,000 more than the amount recommended by the President and $166,193,000 above the comparable amount provided for these activities in 1983. Of this amount $11,747,993,000 is for discretionary activities whose funding levels are determined by annual appropriation acts. For these discretionary activities the bill is $1,929,542,000 above the President's budget and $208,799,000 above the comparable level provided in 1983. The remaining $50,980,782,000 is for entitlement accounts where spending is determined by various sections of the Social Security and Public Health Service Acts. These include principally the medicaid, aid to families with dependent children, supplemental security income, black lung, and social services programs. The bill also includes $7,422,204,000 of advance appropriations for fiscal year 1985 for these entitlements, the amount recommended by the President.

PUBLIC HEALTH SERVICE

H.R. 3913 includes $7,003,043,000 for the activities of the Public Health Service, excluding the Indian Health and Food and Drug Administration which are funded in other bills. This is an increase of $647,040,000 over the President's request and $269,518,000 above the comparable 1983 level. The principal increases recommended by the committee to the President's request are:

	Million
National Institute of Health	$386
Community and migrant health centers	76
Maternal and child health	38
Health professions including nurses	64
Disease control (CDC)	33
Alcohol, drug abuse and mental health	38
Family planning	16

In most cases these additions were necessary to restore activities which the President's budget proposed be eliminated or drastically reduced. The committee has in some cases, however, recommended programmatic increases where the need was particularly acute. This was especially true in the biomedical research programs at the National Institutes of Health and the Alcohol, Drug Abuse, and Mental Health Administration.

HEALTH RESOURCES AND SERVICES

The bill includes $1,252,783,000 for the Health Resources and Services Administration, an increase of $215,967,000 over the amount recommended by the President. This agency carries out a broad range of activities including the direct provision of health services to the poor, the training of health professionals including nurses and development of other health resources such as health maintenance organizations. Included in this account are appropriations for the maternal and child health, primary care and family planning programs which the President's budget proposed be transferred to the Office of the Assistant Secretary for Health. The committee continues to believe that these activities should be administered by this agency and has retained their funding and staffing in the HRSA account. In most cases the increases recommended by the committee over the President's budget are to restore activities to the 1983 level.

CENTERS FOR DISEASE CONTROL

The bill includes $373,405,000 for the activities of the Centers for Disease Control. This includes $86.3 million for the preventive health block grant, $54.6 million for venereal disease control, $5 million for tuberculosis programs, $64.9 million for occupational health and $46 million for epidemic services. The bill is $32,653,000 above the President's budget and $19,929,000 above the 1983 level; $11,360,000 of this amount is for research and surveillance activities related to the epidemic of acquired immune deficiency syndrome (AIDS). The bill includes a total of over $41 million throughout the Department of Health and Human Services to address the AIDS problem.

NATIONAL INSTITUTES OF HEALTH

The 16 appropriations included in the bill for the National Institutes of Health total $4,297,054,000. This is an increase of $386,330,000 over the budget estimates for NIH and $447,499,000 over the comparable fiscal year 1983 appropriation.

INVESTIGATOR-INITIATED RESEARCH

Grants for projects conceived and carried out by individual investigators have traditionally been the principal mechanism for distribution research-support funds made available by the Congress. The primary of support for investigator-initiated research—combined with the use of peer review to select the projects to be supported—has been largely responsible for the emergence, since World War II, of the United States as the acknowledged leader in medical research.

The committee has consistently sought to maintain the level of investigator-initiated research project support despite the demands of the other research support programs that have evolved as the tasks of health-related research grew broader and more complex. In order to provide stability and predictability for this most fundamental of the NIH programs, the committee determined, several years ago, that adequate funds should be available each year for NIH to fund at least 5,000 new research project grants (or competing renewals of grants that have completed their initial period of support). As the average duration of a grant award is 3 years, this means that approximately 15,000 projects will be receiving support at any one time—this target now seems to be understood and accepted by the Congress, the administration, and the research community.

The committee was, therefore, surprised that the NIH budget estimates submitted to the Congress in January provided for the support of only 3,676 new and competing research project grants. However, in late March, the administration submitted a revised budget for NIH which provided funds for 5,000 new and competing research project grants but within the same total estimates for NIH as set forth in the January budget. The funding of the additional 1,324 investigator-initiated projects was offset by cutting other important NIH programs. The committee welcomes the decision to fund 5,000 new and competing grants but does not agree with the proposal that the strength of one NIH support mechanism should be maintained by seriously weakening the others.

The committee has restored virtually all of the cuts made in the other programs and provided the funds originally requested for them in the January budget estimates. The March reductions—which included more than $53 million for the support of research centers, nearly $25 million for biomedical research support grants to educational institutions, $17,000,000 for noncompeting research projects, $15 million for R&D contracts, $7 million for 13 new clinical trials, and nearly $10 million in smaller cuts in other programs—would have serious adverse effects on the conduct of biomedical research in this country that would not be in the long-term interest of the health of the American people.

PROGRAM INCREASES

In addition to restoring the program levels in the January budget request, the committee has included selective increases over the budget totaling $66.5 million. These include $6 million for the research grants of the National Institute of Allergy and Infectious Diseases which is faced with the disturbing appearance of a number of new infectious diseases (such as legionnaire's disease, toxic shock syndrome, genital herpes) and the prospect that others will appear as micro-organisms adapt to and take advantage of environmental changes; $6 million for research on acquired immune deficiency syndrome (AIDS); $6 million for research on digestive diseases; $15 million for a major expansion of research on digestive diseases; $15 million for a major expansion of research on neurological diseases; and $20 million for grants for the sophisticated new instrumentation

that is essential for the conduct of medical research.

ALZHEIMER'S DISEASE

The committee has heard very compelling testimony concerning the effects of Alzheimer's disease. This neurological disorder, considered to be the most frequent cause of mental impairment among the elderly, presently affects an estimated 1.5 to 2 million persons in this country and is responsible for approximately 120,000 deaths a year. In light of the projected growth in the over-65 population, where the disorder is most prevalent, the committee believes that Alzheimer's disease poses a very serious threat to the future public health of the Nation. Once termed "the silent epidemic," Alzheimer's disease is already placing an enormous strain on economic resources. The disease results in expenditures of more than $26 billion annually, and accounts for nearly half of this country's nursing home admissions.

The committee believes that a strong base is a prerequisite in the battle against Alzheimer's disease and related disorders. It is essential that an increased investment be made in high quality research on prevention, treatment, and restoration of lost function associated with Alzheimer's disease. To this end, the committee has recommended major increases in fiscal year 1984 funding for the National Institute of Neurological and Communicative Disorders and Stroke, the National Institute of Allergy and Infectious Diseases, the National Institute on Aging, and the National Institute of Mental Health to allow for a substantial expansion of research into Alzheimer's disease over the budget estimate for fiscal year 1984.

In addition, in recognizing the complex nature of this disease, the committee has provided $3,500,000 to establish, through the National Institute on Aging, up to five specialized research centers of excellence on Alzheimer's disease and related disorders. The committee believes that these centers will provide a solid base for multidisciplinary research, clinical training, and community education.

FULL PAYMENT OF DIRECT RESEARCH PROJECT COSTS

In the years prior to fiscal year 1982, awards of new and competing renewals of project grants were funded at an average of 3 percent below the amount recommended by the study section which had reviewed the application; funding in subsequent years of these grants averaged 1 percent below the commitment in the initial award. These reductions reflected routine programmatic adjustments within the discretion of the awarding Institute. During the past 2 years somewhat deeper cuts have been made, not on the basis of the needs of the approved project but in order to enable the Institutes to fund other desirable projects. The fiscal year 1984 budget request envisions reductions averaging 6 percent for non-competing projects and 11.3 percent for competing projects, below the amounts recommended by the study sections. The committee believes that forced and arbitrary reductions of this magnitude are unwise. The committee has, therefore, provided an additional $135 million to enable NIH to pay on the average, approximately full direct costs of non-competing projects, and 96 percent of costs for competing projects, in accordance with previous practice. The committee does not agree with a policy which inflates the number of projects supported by underfunding each project.

FULL PAYMENT OF INDIRECT COSTS

The committee's report on last year's bill dealt at length with the payment of indirect costs and requested the Secretary of Health and Human Services, in cooperation with the Director of NIH, to review the matter, in consultation with the affected universities and other research organizations, and make recommendations to the committee. This review has been only partially completed and the interim recommendations made to the committee do not fully address the problem. The committee feels strongly that the full indirect costs of research should be reimbursed to the institutions at which it is conducted but it is concerned about the rate at which these costs are escalating and it is not convinced that the present system for calculating these costs is equitable or sufficiently uniform to be fair to all institutions. The problem is not unique to NIH (which is not involved in setting the rate) and should be addressed on a Government-wide basis. Accordingly, the committee recommends that the administration, in consultation with administrators and scientists at representative grantee institutions, take the necessary steps to formulate a Government-wide plan for calculating indirect costs on research supported by all agencies with R&D budgets. Meanwhile, the committee had added $77 million to the NIH appropriations to enable NIH to pay the full indirect costs of its research grants.

RESEARCH TRAINING

No funds are included in the bill for the NIH training programs as the authorizing legislation, which expires at the end of this fiscal year, has not yet been extended. These programs will be funded under the continuing resolution at the 1983 level until the authorization for fiscal year 1984 appropriations is enacted.

ALCOHOL, DRUG ABUSE, AND MENTAL HEALTH

H.R. 3913 includes $799,202,000 for programs administered by the Alcohol, Drug Abuse, and Mental Health Administration. This includes $264,133,000 for research—an increase of $30 million over the 1983 appropriation for these activities. The committee bill also includes $20 million to continue the mental health clinical training program and $9 million to fund mental health service demonstration [CSP]. The President's budget proposed the termination of both of these activities. The amount of $439 million provided is for the Alcohol, Drug Abuse, and Mental Health block grant which the committee has directed be administered by ADAMHA. The amount recommended by the committee for the block grant restores the program to the level originally provided in 1983 prior to the passage of the jobs bill. The committee will continue to monitor the needs in this area.

The bill also includes a Federal payment of $62,744,000 for St. Elizabeths Hospital. This is the same amount requested for this facility by the President.

HEALTH CARE FINANCING ADMINISTRATION

The bill which we present today includes $38,559,578,000 in Federal support of the programs of the Health Care Financing Administration. This includes $21,184 million for the Federal share of the State medicaid programs and a $17,291 million payment to the medicare trust fund principally to fund the general revenue subsidy of the part "B" program. The bill also includes $1,097 million to administer these activities including a total of $862 million to reimburse contractors who process medicare claims. The level recommended by the committee for the Health Care Financing Administration is $2,772 million more than the amount approved for these activities in 1983.

SOCIAL SECURITY ADMINISTRATION

Included in the bill is $16,876,751,000 for programs administered by the Social Security Administration which require annual appropriations. With the exception of the low income home energy assistance program, these activities are all entitlements whose spending is determined by various sections of the Social Security Act. These include the aid to families with dependent children, supplemental security income, child support enforcement and black lung programs. H.R. 3913 includes $1,875 million for energy assistance grants for the needy—especially for the elderly. This is $575 million more than requested by the President and the maximum currently authorized for this important program.

The bill also contains authority to spend $3,718,303,000 of trust funds to administer the basic social security retirement, survivors and disability insurance programs. This is an increase of $206.4 million over the amount approved in 1983.

HUMAN DEVELOPMENT SERVICES

For the social services block grant, the bill includes $2,500,000,000 the full amount authorized under current law. This amount is an increase of $60,000,000 over the budget request. This is an entitlement program and any changes must be through the normal legislative process. The committee is assuming no legislative changes for 1984.

The committee bill provides $974,300,000 for the head start program, an increase of $62,300,000 over the 1983 appropriation. Nearly 400,000 children participate in head start programs throughout the country.

For the runaway youth program, we provide $21,500,000 an increase of $10,986,000 over the budget request. There are about 1 million youths who either run away or are pushed out of their homes every year. The amount provided by the committee will support 200 temporary shelters for runaway and homeless youth.

The bill includes $676,726,000 for programs for the aging, an increase of $55,920,000 over the budget request, and an increase of $5,000,000 over the amount for fiscal year 1983. Within the amount is included $324,074,000 for congregate meals and $62,025,000 for home-delivered meals to elderly persons.

For the developmental disabilities programs, the bill includes $59,821,000, an increase of $18,523,000 over the budget request, to restore the programs to about the 1983 appropriation level.

The committee bill includes $617,231,000, an increase of $15,735,000 over the budget request for various child welfare and family service programs. This amount includes $440,170,000 for foster care activities. This is an entitlement program and appropriations are required to match State costs for the maintenance of AFDC-eligible children who are in foster care situations. The bill also provides $156,326,000 for child welfare services and $13,823,000 for research and training.

DEPARTMENT OF EDUCATION

The committee bill includes a total of $12,240,520,000 for the Department of Education. This amount is $684,744,000 over the President's budget for the programs considered by the committee and which are authorized by current law.

The committee had to defer action on budget requests totaling $1,513,259,000 for programs not authorized for 1984, primarily the rehabilitation programs and impact aid. When authorizations for these programs are enacted, the committee will take necessary action to provide appropriations for them; but, meanwhile such programs would be continued in the forthcoming continuing resolution for fiscal year 1984.

The total amount in the bill includes $10,952,074,000 for discretionary education programs. This amount is $1,463,244,000 over the President's budget, and $312,498,000 over the comparable appropriations for 1983. The committee believes that education is a high priority and in most cases has provided appropriations at the full amounts authorized under current law. If increased authorizations or new authorizations are enacted for 1984, the committee will consider additional funding in a supplemental appropriations bill. Since most education programs are advance funded, there would be ample time to consider additional funding for the academic year 1984–85 during fiscal year 1984.

For chapter 1 of the Education Consolidation and Improvement Act, the committee recommends a total of $3,480,000,000 the full amount authorized under current law. Of this amount, the committee further recommends that $3,007,360,000 be used for basic grants to local educational agencies. School districts would use these funds for supplementary educational instruction and other services for more than 5 million children. The recommendation for basic grants is $279,606,000 more than the 1983 level and $277,421,000 more than the budget request.

For special programs in elementary and secondary education the committee recommends $577,286,000, an increase of $48,407,000 over the budget request for six programs supported in 1983 for which no funds were requested in 1984, including follow through, women's educational equity, and civil rights training. In addition, the bill includes $50,000,000 for start up of the asbestos hazards control loan program. The committee recommendation is to provide some assistance to local schools which are unable to deal with the asbestos problem on their own. For State block grants, the bill provides $478,879,000 to continue the program at the 1983 appropriation level.

In the bill, we provide $138,057,000 for bilingual education. This amount is $43,523,000 over the budget request, but is the same as the amount appropriated for fiscal year 1983. About 250,000 children of limited English ability would be assisted through this program.

For programs directed toward education for the handicapped, the bill includes $1,159,792,000, an increase of $49,540,000 over the budget request. The increase brings the amount available for State grants to $1,017,900,000 which is the maximum authorization for 1984, and will help in educating about 4 million handicapped school children.

For vocational and adult education, the committee recommends $835,000,000, the full amounts authorized under current law for these programs. This amount is $342,161,000 over the President's budget request and $18,500,000 over the 1983 appropriation. Vocational education funds are used to support programs that provide education, training, and basic instruction needed by persons to successfully compete and advance in the labor market. Enrollments in vocational education have increased by more than 85 percent in the last 10 years, with current enrollment totaling 16.5 million secondary, postsecondary, and adult students. The total includes an increase of $5,000,000 over 1983 for adult education to help States provide literacy training for nearly 2,100,000 adults.

For student financial assistance, the bill includes $3,697,360,000, an increase of $179,560,000 over the budget request, and $129,560,000 over the comparable amount appropriated in 1983. The budget request is based on a legislative proposal to restructure existing student aid programs. Since Congress has taken no action on this proposal, the committee's recommendation is based on current law. The committee recommends $2,519,000,000 for the Pell grant program, an increase of $99,960,000 over the 1983 appropriation; $370,000,000 for supplemental opportunity grants, the full amount authorized; $550,000,000 for the college work study program, the full amount authorized; and $178,560,000 for the direct loan program to restore the 1983 level for this program.

For guaranteed student loans, the bill includes $1,268,600,000, which together with $900,000,000 in carry over funds from 1983 will bring total available funds for 1984 to $2,168,600,000, the full amount expected to be required for this entitlement program. There are excess funds expected to be available in 1983 appropriations because special allowances paid to lenders, which are tied to Treasury bill rates, are lower than estimated. Another reason for having excess funds in 1983 is a decline in loan volume due primarily to legislative changes enacted in the Reconciliation Act of 1981.

With regard to a variety of higher education programs, the President's budget requested $199,900,000 for higher and continuing education programs, compared with $394,860,000 appropriated for 1983. The committee has restored the 1983 level for most of these programs including the special programs for the disadvantaged and the cooperative education program, and has provided increases for certain others, such as international education and foreign language studies. For college housing loans the committee has provided a loan level of $40,000,000, whereas the President's budget provided no new loans.

Although the President's budget provides no funds for library programs in 1984, the committee bill restores the 1983 level and adds $8,480,000, for a total of $88,800,000. For public library programs, the committee recommendation is the full amount authorized.

RELATED AGENCIES

The bill includes $723,386,000 for the 10 related agencies funded in the bill, an increase of $126,267,000 over the President's budget request. Consideration of the ACTION agency budget request has been deferred pending enactment of authorizing legislation.

For the Corporation for Public Broadcasting, the bill includes the full amount authorized by law of $130,000,000. This is an advance appropriation for fiscal year 1986. The President's budget request was only $75,000,000.

We provided $420,000,000 for railroad retirement dual benefit payments, an increase of $70,000,000 over the budget request. The amount in the bill will fully fund these retirement payments.

□ 1140

Mr. CONTE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I am pleased to rise in support of H.R. 3913, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year 1984 and to join my good friend, the distinguished chairman of the subcommittee, the gentleman from Kentucky (Mr. NATCHER) in bringing this bill to the floor.

Mr. Chairman, it has been my privilege to serve on the Appropriations Committee for the past quarter of a century—25 years. And in the course of that time I have served with many Members, some of whom are still here and many of whom have gone.

I can say truthfully, as I stand here in the well of the House, that I have never met a finer man, a finer gentleman, a more dedicated public servant than the gentleman from Kentucky, my good friend, BILL NATCHER.

It is really a pleasure and an honor to be able to serve with him.

As he said, we have one of the finest subcommittees of all of the 13 Appropriations Subcommittees.

Mr. Chairman, this bill comes to the floor after a monumental investment of time and effort in deliberations over funding for the hundreds of programs funded in this bill.

Our hearings on the administration's budget request began on February 24, and carried through until May 24, 3 solid months. Our hearing record fills 12 volumes containing 12,000 pages. We heard over 550 witnesses, including 192 outside witnesses, and 42 Members of this House. And I can say that BILL and I listened to what every one of the witnesses had to say.

I can assure you that the funding levels in this bill were set with much care and scrutiny. But it was not easy.

This is the third year in a row where our inability to come to grips with the economic crisis facing our Federal Government, through continued record deficits, runs head on into the economic crisis facing many of our citizens.

This is the third year in a row where the need for fiscally responsible Government conflicts, if not clashes, with our commitment to be a humanly responsive Government.

And this is the third year in a row where we have fought in this bill to preserve those programs that successfully assist significant numbers of people, and to squeeze out some additional funds in those cases, and in those cases only, where the justifications are compelling, and where we are in danger of falling short of meeting the needs we have set out to address.

Mr. Chairman, H.R. 3913, as reported by the Committee on Appropriations, contains $96.2 billion, of which $88.6 billion is current year budget authority, and $7.6 billion is future-year budget authority.

In addition, it contains some $7.6 billion in trust fund appropriations, and defers consideration of programs which lacked authorization at the time of the subcommittee markup, for which $2.3 billion has been requested.

Compared with fiscal year 1983, the total appropriation in this bill is $6.2 billion below the comparable 1983 appropriation. This is due in large part to decreased costs of entitlement programs, particularly those affected by the lower rate of unemployment and by lower interest rates.

Compared with the administration's budget request, the bill is $2.5 billion above, primarily in discretionary programs for which proposed cuts have not been adopted.

And compared with the bill's 302(b) allocation, this bill is approximately $7.5 billion below, in comparable figures. I would point out that the 302(b) total includes assumptions about the funding for a number of legislative proposals that have not yet been enacted, such as health care for the unemployed, and extension of Federal supplemental compensation benefits, which may exaggerate the difference between the bill and the allocation ceiling.

Of the $88.6 billion in current-year authority, Mr. Chairman, $60.4 billion, or 68 percent, is considered mandatory or entitlement spending, and $28.2 billion, or 32 percent of the overall total, is considered discretionary.

This year, it is that discretionary figure—$28.2 billion—that the keepers of the budget are using as the target by which all appropriation bills, including this one, are judged.

On that scale, while we are $3.5 billion above the President's budget request for discretionary programs, we are $21 million below the 1983 enacted levels.

If you take the 1983 levels, and exclude amounts appropriated as part of the jobs bill, which was enacted as a one-time emergency measure, we are $721 million above the fiscal year 1983 level, and I would like to explain the two areas into which most of those increases go—education and health.

One of the most proven, successful education programs has been chapter 1, compensatory education for the disadvantaged, a program that takes under privileged children and tutors them in reading and math. Test after test has proven the effectiveness of this program, and yet it is reaching only about 40 percent of the eligible children. With the concern for excellence and for improving basic skills, the committee provided $3,480,000,000, the maximum authorized by law, $280 million more than fiscal year 1983, and half a billion dollars over the budget request.

For Pell grants, to assist lower income students attend college, the committee provided $2.591 billion, and a maximum grant of $1,900—$100 million over fiscal year 1983. That is the highest level of funding, and the highest maximum grant ever provided in the history of this program.

For vocational and adult education, the bill provides $835 million, $342 million above the budget request, $18.5 million over fiscal year 1983, and the maximum authorized by law.

The bill provides a number of increases, and funding at the full authorization, for programs like education for the handicapped, Public Law 94-142, basic State grants; supplemental educational opportunity grants; and international education.

It provides funding for some 22 individual categorical programs that the budget request sought to terminate. And it funds, for the first time, an asbestos-removal program in the schools for $50 million.

All together, the bill provides an increase of $600 million over the 1983 continuing resolution level for discretionary programs in the Department of Education, and provides nearly $1.5 billion more than was requested in the budget.

The Members should also be aware of two additional things, which is that a $100 million increase in impact aid is provided for in the continuing resolution reported from full committee yesterday, in conformance with the authorization just passed as part of the defense authorization bill.

Furthermore, I am committed to seek funding for the math and science

legislation, as soon as it is enacted, so that we can begin to address this crisis in teaching in our schools as soon as the law is in place.

In total, approximately $450 million of the $721 million increase over 1983 levels—excluding the jobs bill—is due to funding levels in education. Given the concern over the need to improve our Nation's educational system, I feel the reasons for that increase are compelling.

The other major increase is for the National Institutes of Health, which is funded at $4.2 billion, an increase of $441 million over fiscal year 1983. The administration had proposed a small increase of $71 million, but that would have resulted in closing down some 51 research centers, including cancer and arthritis centers, seriously underfunding research grants, abandoning clinical trials to test new medical advances, and shutting down basic-research-support grants.

At a time when medical miracles are almost daily news, the increase in this bill permits NIH, the foremost biomedical research organization in the world, to keep up with inflation. The money we appropriate here is an investment, an investment that pays off handsomely in saved lives and improved health for all Americans.

There are numerous other programs to highlight:

For AIDS, we provided $41.6 million, up from $24 million this year;

For Head Start, as requested by the administration, up $62.3 million over 1983;

Title V, senior community service employment, $317.3 million, the maximum authorized under law, and $35 million over the 1983 bill level;

Tuberculosis grants, $5 million;

Low-income energy assistance, $1.875 billion, compared with a request of $1.3 billion, but, it breaks my heart to say, $100 million below 1983;

Maternal and child health, $373 million, the maximum authorized, and $40 million over the request;

Community health centers, $310 million, $62 million over the request;

Social services block grant, $2.5 billion, the maximum authorized, and $60 million over request.

Mr. Chairman, for weeks now I have been thrashing it out with the young slasher on this bill. The administration has been reasonable. They realize that some of the increases are ones they requested, like Head Start, alcohol, drug abuse, and mental health research, and some of the NIH increase. My indications are that the levels now included in this bill, if there are no major inceases, have a good chance of being agreed to.

In addition, the Senate subcommittee mark is not too far from ours. It is about $300 million above this bill, which will give us some room to maneuver on programs of interest to Members here, and do some more hard bargaining along the way. I feel that if we can hold the mark here, we stand an excellent chance of getting a bill signed, which would be the first time since 1979.

However, if we end up with a bill that is unacceptable which any major additions could well cause it to be, I cannot predict where we will end up. It is clear that it will be a long, grueling, and painful process, whatever ultimately emerges. But worse than that, I feel we will have failed in our responsibility, a responsibility to insure that the people who are helped by the programs in this bill—and they number in the tens of millions—from the poor, to our kids in schools, to the unemployed, to men and women in the workplace—to make sure that they are provided for.

The biggest letdown of all would be to get into a partisan no-holds-barred free-for-all, where we all quickly become pawns in a political struggle.

I urge my colleagues in this House not to lost sight of the importance of enacting a bill, to make sure that our people that we want to provide for, do indeed get provided for.

I think we have a good bill here, a bill that recognizes the importance of education; a bill that continues the programs which extend health care and opportunities to millions of Americans, but a bill that also sees realistically the economic constraints that have become a fact of live.

I support the bill and urge its enactment.

□ 1200

This is a good bill. This is a consensus bill. JOE EARLY did not get everything he wanted; NEAL SMITH did not get everything he wanted; STENY HOYER did not get everything he wanted; I did not get everything I wanted; and CARL PURSELL did not get everything he wanted. But when we went into the markup that lasted hour after hour and finally came out with a bill that was $3.5 billion above the President's request, we all said: "We have a good bill here."

So I warn you, I beg you, I know you could get a lot of mileage back home, if you could get an amendment adopted here today, but refrain from that, and let us all pull together for the first time in 5 years, and let us get a bill to the President. If the other body wants to be irresponsible, let them be, but BILL NATCHER and I and committee will take care of them in conference.

Mr. NATCHER. Mr. Chairman, I yield 4 minutes to the gentleman from Connecticut (Mr. RATCHFORD).

Mr. RATCHFORD. Mr. Chairman, I rise in support of this vital legislation and commend Chairman NATCHER, the gentleman from Massachusetts (Mr. CONTE) and the other members and staff of the subcommittee for developing a bill that is responsive to the real needs of millions of Americans, young and old alike.

For the older American, I would draw my colleagues' attention to two items contained in the bill. First, there is $317 million for senior employment under title 5 of the Older Americans Act, enough to maintain the 62,500 job slots currently available. This program has clearly been one of the most successful in both creating jobs for older Americans and placing these men and women in permanent positions. This is an essential jobs program for an age group that suffered a tremendous increase in unemployment over the last few years.

For State inspection of nursing homes serving medicare recipients, there is $40,700,000. In its budget request, the administration assumed that it would cut back on the frequency of quality and safety inspections of nursing homes. As a former commissioner on aging from Connecticut I know what a dangerous risk we would be taking by cutting back on nursing home inspections for a savings of only about $4 million, and I applaud the committee for seeing fit to reject this shortsighted proposal.

For younger people and their families, the committee has done an excellent job in developing a responsible student assistance package that may gain approval from the administration. The committee has funded the five major student aid programs with a $130 million increase over the current appropriation, and has also included funds to keep the guaranteed student loan program going in its current form.

Mr. Chairman, the chairman, members, and staff of the subcommittee have made a silk purse out of the budget request. This bill deserves our approval and, eventually, the President's signature.

Mr. O'BRIEN. Mr. Chairman, I yield myself 4 minutes.

Mr. Chairman, just to complete the record, I did not get all I wanted, either. And like the rest of us, we simply shared in the excellent leadership of our distinguished chairman, BILL NATCHER, and our ranking minority member, SILVIO CONTE. Candidly, their leadership has been outstanding. This is one of the most difficult bills to consider because the decisions that are made are always tough, every program is deserving, and the issue is living within your means.

I would like to draw my colleagues' attention to a few programs which I believe are of special interest.

First of all, in the area of care research, we have provided $8 million for nursing research, which is an increase of $3 million over the fiscal year 1983 level, to support approximately 75 research projects. Through-

out our subcommittee hearings this year we heard testimony about the value and cost effectiveness about nursing research, which is care research, as compared to cure research done by the National Institutes of Health (NIH). Nurses are the largest group of health care professionals we have, and I believe they will have a great impact on our health care delivery system. Much attention has been given to the rising costs of health care, and I believe that it will be through the findings of nursing research that much of our health care costs will be cut and held down.

Second, with respect to the NIH—or cure research—we carefully and diligently considered and recommended funding levels that would support our most outstanding program in the Federal Government. Because of the NIH, we have been the leaders in biomedical research, and with this budget I know we will continue to lead. Our bill recommends a total of $4.297 billion, and this represents an increase of almost $400 million over the budget estimates for the NIH and nearly $500 million over the comparable fiscal year 1983 appropriations.

The subcommittee has done a good job, it has done an excellent job. While we are sympathetic to the needs expressed by everyone, we do, however, need to live within our means. I think we have made an honest attempt to do just that. As a result, for the first time in several years we have a good chance of seeing the President's signature transform a good bill into good law.

On a personal note, Mr. Chairman, some years ago, when our daughter Caryl Isabel was married, on the eve of the wedding she presented Mary Lou and me with a booklet captioned "The Giving Tree." It is an exceptional booklet. It will always be timely. It will always be worth reading. It is done by a man named Shel Silverstein, who is a brilliant poet and writer. The story deals with a youngster, from his childhood all the way up to his oldest year. He is in the protection and the shelter of this wonderful Giving Tree. But the problem is that he does not merely bleed the tree dry, he just exhausts every aspect of it. And the book ends on a sad note when the little child is now an old, old man, seated on a very small stump. He has used up the entire tree. He is aging, he is hungry, he is thirsty, and he is sitting there on the stump in the heat of the day, with the protection of the tree all used up.

□ 1210

It seems to me that this bill is our Giving Tree. But as BILL NATCHER and SIL CONTE have pointed out, let us not, in our zeal, try to do more good than it is in our capacity to do. Let us see that this Giving Tree continues to bear fruit. Let us see that it continues to provide shelter and shade to all those Americans who need it so desperately.

Mr. Chairman, before I yield the floor, I would like to engage the chairman and the ranking minority member in a brief colloquy, if I may.

The Refugee Act of 1980 called on the States to take a strong leadership role in refugee resettlement issues by mandating that each State adopt a plan and appoint a coordinator responsible for coordinating all publicly and privately funded resettlement efforts within the State.

The CHAIRMAN. The time of the gentleman from Illinois (Mr. O'BRIEN) has expired.

Mr. CONTE. Mr. Chairman, I yield 2 additional minutes to the gentleman from Illinois.

Mr. O'BRIEN. In addition, States are required to manage the provision of cash and medical assistance and social services to refugees.

May I inquire if it is the gentleman's understanding that the funds appropriated for providing these services to refugees could be used to provide training programs for those directly involved in the provision of these services and the administration of these funds?

Mr. NATCHER. Mr. Chairman, will the gentleman yield to me at this point?

Mr. O'BRIEN. I am happy to yield to my chairman, the gentleman from Kentucky.

Mr. NATCHER. I thank the gentleman for yielding.

Mr. Chairman, I would like to say to the distinguished gentleman from Illinois that he is correct. It is my opinion as one member of the subcommittee, that funds could be used for that purpose.

Before sitting down, I want the gentleman to know that it is a distinct honor and a privilege for me to serve with him on this subcommittee.

Mr. O'BRIEN. I thank the chairman.

Mr. CONTE. If the gentleman will yield, it is clear that for the proper implementation of this complex program, training programs should be provided for those directly responsible for the administration of refugee programs or directly involved in the resettlement of refugees.

Mr. Chairman, I also want to join with my chairman in commending the gentleman from Illinois.

Mr. O'BRIEN. I thank the gentleman.

Mr. NATCHER. Mr. Chairman, we have no additional requests for time on this side at this time.

Mr. CONTE. Mr. Chairman, I yield 4 minutes to my good friend, the gentleman from Michigan (Mr. PURSELL).

Mr. PURSELL. I thank the gentleman for yielding this time to me.

Mr. Chairman, today in passing the fiscal year 1984 Labor-HHS bill, the House may be on the verge of doing something that has not happened in several years, at least since I have been on the committee. In passing this appropriation bill, the House may signal an end of funding these three departments by continuing resolution, which I personally abhor. We cannot continue that continuing resolution process much longer, in my opinion.

We have a chance today, therefore, to insure that the months of hearings conducted uner the able leadership, the outstanding leadership, of both BILL NATCHER and SIL CONTE will result in funding levels that truly represent the wishes of Congress.

At this stage of the appropriations process, there is every indication that the essential discretionary programs in the Departments of Education, Labor, and Health and Human Services will be adequate this coming year. Examples to support this statement are found throughout the bill.

Funding for the National Institutes of Health, which has already been credited to our good friend, the gentleman from Massachusetts, JOE EARLY, for whom I think they are going to put a statue in front of NIH, the world's largest and foremost health research institute will rise some $450 million. For the first time in the history of the Institutes, funding for a single Institute, Cancer, will exceed $1 billion.

In other areas of health services and research, this bill provides more than $370 million for the Centers for Disease Control, an increase of $20 million above fiscal year 1983 levels.

I am happy to share with my colleagues that the bill provides another essential new development, and that is, over the years historically the nursing programs, I think, have been underfunded. We should credit the nurses for contributing productively to the health community of this Nation, I want to thank Mr. NATCHER and Mr. CONTE and other Members particularly GEORGE O'BRIEN from Illinois, and others who supported my amendment to increase their research level from $5 million to $8 million. I want also to congratulate the nurses who testified to help us make an adjustment in an underfunded essential category. I think this was a gigantic step forward in a most modest way.

I want to also address another matter today on education and that is the gifted and talented program. The authorized law has expired. Since I authored the initial law in 1977 with the help of the Committee on Education and Labor, I would like to let the committee know that I would plan to work with the Committee on Education and Labor next year, and the Committee on Appropriations, to try to reauthor-

ize our program especially in light of the national debate on education.

If we are going to increase the productivity of this Nation and help strengthen this country, I think we ought to reallocate some funds to the gifted and talented. Former Congresswoman Shirley Chisholm was cosponsor of my amendments in 1977.

So in closing, I want to congratulate the committee, and I plan to support the bill today.

Mr. O'BRIEN. Mr. Chairman, on behalf of Mr. CONTE, I yield 4 minutes to the gentleman from Pennsylvania (Mr. GOODLING).

Mr. GOODLING. I thank the gentleman for yielding this time to me.

Mr. Chairman, my experience in the 19th District of Pennsylvania, where many former and current railroad employees reside, has forced me to conclude that the "last person service" provision of the railroad retirement system warrants reexamination. During the Labor-HHS-Education Appropriations for fiscal year 1984, which is currently under consideration, I had intended to offer an amendment calling on the Railroad Retirement Board to prepare a study which would examine the implications of the "last person service" provision of the railroad retirement system, and report its findings to the Congress in 1 year.

I am satisfied that, in lieu of my offering an amendment, the following exchange of remarks between myself and the distinguished chairman and ranking minority member of the Appropriations Subcommittee on Labor-HHS-Education will sufficiently establish legislative history to indicate that from the appropriations provided to the Railroad Retirement Board by the bill under consideration here today, the Board is to conduct such a study.

For the benefit of my colleagues who might be unfamiliar with this provision, I should first explain that, under the railroad retirement system, "last person service" means that an individual must cease working for his current (or, last) employer in order to receive a pension. This same person could in fact, by law, work elsewhere, with certain earnings restrictions; he or she simply could not work for the "last person" for whom he or she was employed at the time the individual became eligible for railroad retirement pension benefits.

While I understand the rationale for this policy, I have discovered instances in my congressional district where, it seems to me, this provision is unduly applied to some older individuals working low-paying, often part-time jobs, such as hospital orderlies or church cleaning women. I have learned from the Board that similar situations come to the attention of the Board periodically.

Therefore, I have introduced legislation (H.R. 3948), the language of which I understand will now become part of the fiscal year 1984 Railroad Retirement Board appropriations. Specifically, this language provides for a study of work and earnings limitations on the receipt of certain railroad retirement benefits and the effects of a proposed modification of those limitations. This language directs the Railroad Retirement Board to study—

(1) The existing requirement that railroad retirement annuitants cease to render compensated service to any person, and relinquish the right to return to that service, in order to receive certain annuities; and

(2) Whether an exception to that requirement in the case of service—both in the case of nonrailroad service alone and in the case of railroad and nonrailroad service—compensated at a rate of not greater than $2,500 annually would be compatible with the financial stability of the railroad retirement system; and shall report to the Congress the results of that study not later than 1 year after the date of the enactment of this act, together with any recommendations such Board may have for changing that requirements.

Obviously, any legislative changes to the provision would fall under the jurisdiction of the Energy and Commerce Committee, which is the authorizing committee for railroad retirement legislation.

Mr. Chairman, I rise to enter into a colloquy with the distinguished chairman and ranking minority member of the Appropriations Subcommittee on Labor-HHS-Education, Mssrs. NATCHER and CONTE. Mr. Chairman, following the last instance of hardship by a constituent of mine owing to stringent applications of the "last person service" provision of the railroad retirement system, I wrote to the Chairman of the Railroad Retirement Board, Mr. Robert A. Gielow, to ascertain whether or not the Board could conduct a study of this provision. At this point in the RECORD, I would like to insert a copy of my letter to Chairman Gielow:

HOUSE OF REPRESENTATIVES,
Washington, D.C., August 29, 1983.

Mr. ROBERT A. GIELOW,
Chairman, Railroad Retirement Board,
Chicago, Ill.

DEAR MR. CHAIRMAN: Since I serve a District where many former and current railroad employees reside, I have become well acquainted with the Railroad Retirement system. In particular, I have developed an interest in the "last person service" provision of the system.

As you know, the "last person service" provision means that in order to receive a pension, one must cease working for his current employer. I understand the rationale for this policy, but have discovered instances in my District where, it seems to me, this provision is unduly applied to some older individuals working low-paying, often part-time jobs.

I became especially interested in "last person service" because of the experience of one of my constituents, who worked as an orderly in a local hospital. My constituent took his job, not because he quit the railroads (where he had worked some 22 years), but, because he was laid off from Conrail and could not find railroad related work.

By law, this man could earn up to $410 per month and still receive his railroad pension—provided he would work for any employer but York Hospital in York, Pennsylvania, where he was employed when this matter came to my attention. He wanted to remain at York Hospital, and the Assistant Personnel Director advised me that the hospital wanted to retain my constituent. Besides being an excellent employee, my constituent was very attached to this hospital, which had treated his invalid wife many times for her severe spinal problems. The Assistant Personnel Director doubts that this man, who is in his sixties, will be able to find another job at his age; this poses a problem because of the man's medical insurance, the costs of which could now skyrocket.

My staff assistant has discussed this situation with Mr. David D. Lucci, Legislative Counsel for the Board. Mr. Lucci confirmed that similar situations come to the attention of the Board periodically.

During consideration of the Railroad Retirement refinancing package, I explored the possibility of offering an amendment which would implement a "trigger mechanism," similar to the Social Security program, whereby a person in a situation like the one I have described could continue to work at his current job, earning up to, for example, $2,500 annually before his Railroad Retirement benefits would be offset.

Now, I am seriously considering requesting that the House Appropriations Committee include language in the Report accompanying the Labor—Health and Human Services—Education Appropriations bill calling for a study which would examine the implications of the "last person service" provision in its present form; this language would require that the Railroad Retirement Board conduct a study of the effects of the earnings test as modified in the manner which I have above described and report its findings and recommendations to the Congress in one year.

The purpose of this letter is to inquire from the Board: (1) if such a study is warranted; (2) if a study of this nature could be conducted by the Board; (3) if the Board's administrative budget is flexible enough to provide for this type of study, or if an additional appropriation would be required; and finally (4) an estimate of the costs involved in such an undertaking.

I appreciate your consideration of this matter, and respectfully request your response forthwith, since the Full Committee on Appropriations is expected to report the Labor-H.H.S.-Education Appropriations sometime in September.

Awaiting your prompt reply, I am, with kind regards.

Sincerely,

BILL GOODLING,
Member of Congress.

Mr. GOODLING. Mr. Chairman, the Railroad Retirement Board has informed me that it indeed can conduct this study, and report to the Congress within 1 year its financial analysis and any recommendation it might have for

modifying "last person service." Naturally, any legislative changes would be handled by the Energy and Commerce Committee.

Let me tell my colleagues why this study is necessary. As an illustration, a gentleman in my district was laid off after 20 years working on the railroad, not because he was not a good employee but because there was no work. I can understand the provision in relationship to "last person service" not to allow a retired railroad employee to take another job on the railroad; however, this gentleman took a job in a hospital. While working in the hospital he became 60 years of age and, therefore, was then eligible for his pension. He could not take the pension unless he gave up his job in the hospital because of the strict interpretation. At his age, it did not seem logical to give up that job.

So basically, what I am saying to the chairman and the ranking member is that since they indicated they can carry on this study without any additional money, I am asking whether the chairman would object to their doing this study.

Mr. NATCHER. Mr. Chairman, would the gentleman yield to me at that point?

Mr. GOODLING. I would be happy to yield to the chairman, the gentleman from Kentucky.

Mr. NATCHER. I thank the gentleman for yielding.

First, I would like to thank the distinguished gentleman from Pennsylvania for his cooperation all down through the years since he has been a Member of Congress on all matters pertaining to education and labor. The gentleman has assisted us on many occasions and, Mr. Chairman, we appreciate him.

I would like to say to the gentleman that as far as our side is concerned, we certainly would have no objection to such a study.

Mr. GOODLING. Would the chairman of the Labor-HHS-Education Subcommittee indicate that it is the intent of the Appropriations Committee that a study of "last person service" should indeed be undertaken by the Railroad Retirement Board under the appropriations authorized in this bill?

Mr. NATCHER. Yes, the gentleman is correct that the committee intends that this study shall be carried out under the Railroad Retirement Board's appropriations.

Mr. GOODLING. I thank the chairman for his clarification. If I may, I would like to ask the distinguished ranking minority member of the subcommittee, Mr. CONTE, if he would have any objections to a study of "last person service" by the Railroad Retirement Board, if such a study would require no additional appropriations or staff?

Mr. CONTE. I have no objection to such a study.

Mr. GOODLING. Then, as a result of this colloquy, am I correct in understanding that it is the intention of this appropriations bill that the Railroad Retirement Board conduct this study?

Mr. CONTE. The gentleman is correct.

Mr. GOODLING. Mr. Chairman, I thank the gentleman.

Mr. NATCHER. Mr. Chairman, we have no additional requests at this time.

Mr. CONTE. Mr. Chairman, I yield 1 minute to the gentleman from Michigan (Mr. PURSELL) who wants to enter into a colloquy.

Mr. PURSELL. Mr. Chairman, I am addressing this question to the chairman of the subcommittee, the gentleman from Kentucky (Mr. NATCHER), and the gentleman from Massachusetts (Mr. CONTE).

Due to the expiration of the Rehabilitation Act and the authority, the committee has deferred funding for programs in rehabilitation services. Under this section of the bill, the committee has previously expressed strong support for a continuation of the deaf interpreters program. Can the subcommittee chairman assure me that following the reauthorization of the Rehabilitation Act, the committee will continue to support this very worthwhile program?

Mr. NATCHER. Mr. Chairman, will the gentleman yield?

Mr. PURSELL. I am glad to yield to the subcommittee chairman.

Mr. NATCHER. Mr. Chairman, I want to assure the gentleman from Michigan, that he has my support for this program. The committee has supported this program in the past, and I have every reason to expect its continued support in the future.

Mr. PURSELL. Mr. Chairman, I thank the gentleman, and I yield back the balance of my time.

Mr. CONTE. Mr. Chairman, I yield 2 minutes to the gentleman from Minnesota (Mr. FRENZEL).

Mr. FRENZEL. Mr. Chairman, I would like to make an inquiry of the distinguished subcommittee chairman about the language on page 4, lines 4 through 15. This is an area where authorizations have not been completed.

I understand that this appropriates a total of only $7 million, plus some carryover amounts that apply to the last 2 years of the fiscal year. Can the gentleman confirm whether this appropriation is limited to $7 million?

Mr. NATCHER. Mr. Chairman, will the gentleman yield?

Mr. FRENZEL. I yield to the distinguished chairman of the subcommittee.

Mr. NATCHER. Mr. Chairman, I would like to say to the distinguished gentleman from Minnesota (Mr. FRENZEL) that it would be limited to $7 million.

Mr. FRENZEL. Mr. Chairman, I thank the distinguished subcommittee chairman.

Mr. Chairman, I would like to carry on a little more discussion about this bill later on. For now, may I say I share the assemblage's respect and affection for the distinguished subcommittee chairman and the ranking minority member. I do not, however, share its affection nor its respect for the work product that is before us.

It looks to me as though we have underfunded mandatories by about $10½ billion, the amount we are told this bill is under the budget. In addition, we have another amount of more than $2 billion which has been unauthorized and certainly will be appropriated in future supplementals.

I do not know about pay raises because I have not had a chance to ask about them. But my guess is that by the time we get done with supplementals this year we are going to be over that budget by more than just a couple of billion dollars.

So, in the middle of this love feast, and not wishing to rain on anyone's picnic, I must say that I hope all Members understand what is going to happen to us next year when we dance the second half of the normal appropriations two-step. At that time, we will encounter the supplemental that carries us well over the budget resolution.

Mr. CONTE. Mr. Chairman, I yield 4 minutes to the gentleman from Pennsylvania (Mr. WALKER).

Mr. WALKER. Mr. Chairman, I thank the gentleman for yielding this time to me. I do have some questions for the distinguished subcommittee chairman, the gentleman from Kentucky (Mr. NATCHER).

Am I correct that section 307 of the bill does maintain the language that has previously been in the bills with regard to school prayer?

Mr. NATCHER. Mr. Chairman, if the gentleman will yield to me at this point, I would like to assure the gentleman that he is correct.

Mr. WALKER. Mr. Chairman, I thank the gentleman very much.

Mr. Chairman, I would also like to ask, is the gentleman aware of any points of order that would rest against sections of this bill for being without authorization?

Mr. NATCHER. Mr. Chairman, will the gentleman yield?

Mr. WALKER. I yield to the gentleman from Kentucky.

Mr. NATCHER. Mr. Chairman, I would like to say to our friend, the gentleman from Pennsylvania (Mr. WALKER), that we have endeavored throughout this bill from the beginning to the end to keep out of the bill unauthorized programs and projects.

If they are in here, we do not intend for them to be in the bill.

Mr. WALKER. Mr. Chairman, I thank the gentleman.

Mr. NATCHER. Mr. Chairman, as the gentleman knows, we have had a bill before the House recently containing increased authorizations for a number of items that might go into this bill. I say to the gentleman from Pennsylvania (Mr. WALKER), that we have taken the position that programs and items in this bill should not exceed existing authorizations.

Mr. WALKER. Mr. Chairman, I thank the gentleman for that. I think bringing an appropriation bill to the floor under those circumstances is indeed admirable because we have had some problems in the past with appropriation bills that come out here without major portions of them being properly authorized.

I would like to ask another question, though, with regard to some material that appears on page 136 of the report. The report says, under "Changes in Existing Law," that "The bill provides that appropriations shall remain available for more than 1 year for some programs for which the basic authorizing legislation does not presently authorize such extended availability."

Could the gentleman specify for me what programs that particular paragraph might be referring to?

Mr. NATCHER. Yes. Mr. Chairman, if the gentleman will yield, this provision that the gentleman has just read from page 136 would apply to certain construction projects and also certain other programs such as medicaid.

Mr. WALKER. All right. And if I check with staff, I could find out what those construction projects are?

Mr. NATCHER. That is correct.

Mr. WALKER. Mr. Chairman, I thank the gentleman for that explanation.

There are a number of other things in here that indicate there are changes in existing law within the bill, and in going through it I notice that a number of those seem to indicate that the provisions are provisions that are being carried over from previous years. Why, then, is that listed under "Changes in Existing Law" in that section of the report?

My question is, Are we changing things which have been in the law in some material way?

Mr. NATCHER. No, Mr. Chairman, if the gentleman will yield, the answer to that question is, No, we are not making those types of changes. We are not endeavoring to do that.

Mr. WALKER. Mr. Chairman, in order to understand a little bit the gentleman's reference to $3.5 billion and the statement that this is over the budget, are we talking about the congressional budget or are we talking about the President's budget?

Mr. NATCHER. We are talking about the President's budget.

Let me say to the distinguished gentleman that, as the gentleman well knows, the House passed this appropriation bill each year. In each of the past 3 years the bill has not passed the other body. This year the bill is over the President's budget in that amount. We are substantially below the ceilings in the budget resolution. The $3.5 billion is over the President's budget.

The CHAIRMAN pro tempore (Mr. KAZEN). The time of the gentleman from Pennsylvania (Mr. WALKER) has expired.

Mr. CONTE. Mr. Chairman, I yield 1 additional minute to the gentleman from Pennsylvania (Mr. WALKER).

Mr. WALKER. Mr. Chairman, with reference to the material in the report, the charts in the back of the report where it refers to the bill in relation to the budget, is that referring to the President's budget, or is that the congressional budget?

Mr. NATCHER. The reference there, I would say to the gentleman, is to the congressional budget.

Mr. WALKER. And do I understand correctly that the new budget obligational authority under this bill, then, is $2.5 billion over the congressional budget?

Mr. NATCHER. No. If the gentleman will yield further at this point, Mr. Chairman, I would like to advise the gentleman that we would be $10,523 million below the budget resolution. That appears on page 139. The figure is $10,523,000.

Mr. WALKER. Mr. Chairman, I am looking at the charts in the back of the report which indicate that the bill, compared with budget estimates and new obligational authority for fiscal year 1984, is $2,451 million-plus.

Mr. NATCHER. Mr. Chairman, if the gentleman will yield, the table that the gentleman refers to at the end of the report refers to the President's budget.

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Mr. WALKER. To the President's budget?

Mr. NATCHER. That is correct.

Mr. WALKER. In other words, the charts in the back are the President's budget, the charts inside are the congressional budget.

Mr. NATCHER. The comparison with the congressional budget appears on page 139. Most of the other tables contain comparisons with the President's budget request.

Mr. WALKER. Mr. Chairman, I thank the gentleman.

Mr. CONTE. Mr. Chairman, I yield 2 minutes to the gentleman from Illinois (Mr. PORTER).

Mr. PORTER. Mr. Chairman, I first want to commend the chairman of our subcommittee. There is not a greater gentleman in this House, any more able subcommittee chairman or simply a nicer person than the gentleman from Kentucky (BILL NATCHER). It has been a source of great pleasure for me to be a member of his subcommittee and to have the opportunity to work with him on such important legislation.

I also want to say that it is always a source of pleasure to work with my ranking minority member, the gentleman from Massachusetts (Mr. CONTE) who does such a fine job and works so well together with the gentleman from Kentucky (Mr. NATCHER) and with all the members of the subcommittee.

I think this bill is one that is right on target, on target to address the very serious social issues that face our country and at the same time taking into account the need that we have as a Congress for fiscal responsibility and to live within our own means.

The bill does both and it is a tribute to the gentleman from Kentucky (Mr. NATCHER) and to the gentleman from Massachusetts (Mr. CONTE) and, I think, to the subcommittee that we have been able to do that.

I urge that the Members adopt the bill and adopt it without significant change.

One area that I would like to mention that I believe is terribly important is the subject of voluntary family planning funding. There is an increase in this area in the bill. I think it is a necessary increase and one that is very important to those, like myself, who oppose public funding of abortion. If we are not going to provide funds for abortion, we certainly should provide the means so that those who do not want pregnancies will have the opportunity voluntarily to seek those services that can prevent them. If you can prevent unwanted pregnancies voluntarily through family planning services, then the question of abortion never need be considered at all.

There is an increase of $15.9 million in this area. I think it is a wise increase. I commend it to the House.

Mr. Chairman, you will hear a lot today and will hear more about the commitment made by the Congress to fund many of the programs in H.R. 3913, and especially the education programs, at the levels approved in the first budget resolution. I am sorry to disagree with my colleague Mr. OBEY, but I do not think a commitment, in the sense that the word is being used was ever made.

We all know that when we act on the budget resolution we are only setting targets—targets that are nonbinding. I, too, have gotten the same mail as others here today accusing me of not caring about the education of our children. If the authors of these letters would bother to look up the vote on the budget resolution, they would see that I voted against the resolution.

Not because I am against spending for education or health programs, rather, because the budget resolution was a partisan vehicle put forward to force increased appropriations by the Congess which would, in turn, force a Presidential veto on education and the other very important social welfare programs contained in this bill. It is not a pleasant picture I assure you.

What we did do in the bill before you was approve a reasonable level of funding for the departments within the bill's jurisdiction. Some programs received increases greater than the rate of inflation. Others received the same funding as in 1983. In some cases we approved the budget request which, in effect, cut funding for various programs. I admit that what we have done will not please everyone.

But I do believe we were reasonable. Included in this bill is some very important funding for the National Institutes of Health, student assistance—including grants and loans, the Corporation for Public Broadcasting and the Job Training Partnership Act. All are extremely worthwhile and I supported the funding levels approved by the committee.

As I said in my earlier remarks, of particular concern to me are funds included in the bill, at my suggestion, under the Health Resources and Services Administration for the title X voluntary family planning program. In my view more money spent on family planning services will result in fewer abortions being performed. Many who oppose Federal funding for abortion—and I am one who does—also feel that the Government should not be funding family planning. This, to me, is extremely shortsighted. As I said earlier, if unwanted pregnancies can be prevented voluntarily through family planning services, the question of abortion need never be considered.

In 1983, 5 million individuals will receive family planning services at over 4,000 clinics as a result of title X funding. The $15.9 million increase included in this bill from the 1983 funding level of $124 million will go far in assisting many additional men and women, with special attention to the young and disadvantaged, make rational choices about their reproductive futures.

For the innovation and development program within the Department of Education's Division of Education for the Handicapped, the bill includes $12 million the same as the 1983 level. This program is designed to support research and demonstration projects focusing on the development of special education programs, delivery of services to the handicapped, support for the assessment and evaluation of handicapped children, as well as personnel development and other activities. Though the administration requested a decrease in funding for this program of $1.2 million, I proposed, and my colleagues in the committee agreed, to replace those funds and maintain the program at its current level.

Another item in the bill of particular interest to me is the funding authority included in the bill for the Medicare Prospective Payment Assessment Commission. I offered a successful amendment to the bill to include authority to transfer $1 million from medicare trust funds to initiate activities of this Commission which was authorized by the Congress as a result of the Social Security Act amendments approved earlier this year. The Commission, I believe, will play a very important role in keeping the costs of health care under control.

As a result of the changes imposed by the social security amendments, the current program of paying reasonable costs incurred by a hospital for medicare patients will now be altered dramatically to require the reimbursement of hospitals for diagnostic related groups under a fixed-cost system. These fixed costs will be set by the Secretary of the Health and Human Services Department after consultation with the Commission.

The Commission will also serve members of the public and those of us in the Congress by supplying careful analysis and study of the new medicare system's effectiveness. The $1 million was not included in the President's budget request, but the committee accepted my proposal to allocate that amount for the Commission's first year startup costs. I am extremely pleased to see these funds included.

I also offered the language contained in the bill earmarking $10.7 million within the Secretary of Education's discretionary fund for the National Diffusion Network. The NDN is designed to improve the quality of education in our Nation by disseminating information about exemplary education programs to school districts throughout the United States. A special concern of mine relative to this program is the directive the committee placed in the bill to the Secretary of Education to seek out and promulgate innovative programs in math and science education to our Nation's elementary and secondary teachers.

Also included, at my suggestion, in the section of the report on student financial assistance, is some very important language directing the Department of Education to continue its work in extending the availability of auxiliary, or "PLUS," loans to parents of college-age children. The Department of Education has been pressing financial institutions offering graduate student loans to also offer the PLUS. However, progress in this area has been slow. If the committee does not see a significant increase in the number of institutions offering these loans, it has directed the Department to consider substantive legislation in this area. I think increasing the availability of these loans will allow additional access to education for many hard-pressed students, as well as their parents.

Though I am generally in support of giving the States more flexibility in allocating their fiscal resources through block grants, I am concerned that children may be receiving inadequate protection from the hazards of lead poisoning under the maternal and child health block grant. Therefore, I offered language contained in the committee report which directs the Department of Health and Human Services to monitor the activities of the States closely and report back on the program during the regular hearings next year.

Two additional revisions of report language, which were included at my suggestion, appear in the section on the National Institute of Arthritis, Diabetes, and Digestive and Kidney Disorders (NIADDK). The first directs the NIADDK to monitor the work underway by researchers in the area of mycoplasma treatment for arthritis. The committee was introduced to this subject during the hearings by Dr. Thomas McPherson Brown of the Arthritis Institute of the National Hospital in Arlington, Va. Dr. Brown has done a lifetime of work in this area and has made some significant advances in the treatment of patients with arthritis. As a result of the committee's interest in Dr. Brown's work, the NIADDK is also directed in the report to give full consideration to therapeutic research projects directed toward mycoplasma study.

The second item, also a directive to the NIADDK, has to do with research in the field of urology. It came to the attention of the committee that research was underway to develop a greater understanding into the causes of benign prostatic hyperplasia (enlargement of the prostrate) and to study loss of kidney function. This is very important research, and I hope the NIADDK will take note and encourage the training of researchers in the field of urology to create a nucleus of future leaders in the field.

My final contribution to this bill directs the Social Security Administration to take expeditious action in processing appeals concerning disability review findings. This is especially important in my district where many reviews have extended from 9 months to 1 year. I will look forward to an update on the Social Security Administration's progress in January of 1984.

In summary, what is before us is a bill which will maintain current funding levels for a variety of important programs. I urge my colleagues to support the bill as reported by the com-

mittee and defeat any fiscally irresponsible amendments that may be offered today.

Mr. NATCHER. Mr. Chairman, I yield 5 minutes to the gentleman from Wisconsin (Mr. OBEY), one of the able members of this subcommittee.

Mr. OBEY. Mr. Chairman, I thank the gentleman for the time.

Let me start by saying that of all the duties I have had in this House over the past 14 years, none has been more intellectually satisfying or more personally satisfying than to serve on this subcommittee. I have served on a number of subcommittees, but this is where my heart is and I have more respect for the members of this subcommittee than almost any other unit I have ever worked with.

I know that the committee has produced a bill which is in many respects a good bill, especially in the health area, but I have to respectfully dissent in one respect from the committee's product, because I do think that the committee bill is inadequate in the area of education. That is not basically the committee's fault, because the committee has been operating under some severe constraints, not the least of which have been the Gramm-Latta limitations which were imposed on a number of authorizations 2 years ago and which have precluded this committee from doing what I think a good many members of this committee would like to do if we were not constrained by the parliamentary situation.

My problem is that this bill, in the area of education, in real dollar terms, will deliver less in effective resources for the support of education than we were delivering in 1980. I do not think that that is in the best interests of this country, even though the President clearly seems to think that the lower we can keep Federal support for education, the better.

I cannot help but note that we have had a rash of highly publicized commission recommendations in the field of education, recommendations which make it quite clear that while we have spent a good deal of time, necessary time, and spent a good deal of resources, necessary resources, to expand access for people into a quality education system, we really have done very little in the past years to address the question of the elevation of the quality of education being received by the kids who are in those schools.

As I say, this committee is substantially handicapped in dealing with that.

It would have been possible to go to the Rules Committee and change the parliamentary situation so that we could have made a greater effort to deal with quality initiatives and that would have been my preference, obviously; but the committee chose not to do that for a variety of reasons.

I regret that and have to dissent from that decision.

So I simply want to say to the House that I have no intention of offering an amendment to the bill today because under the existing parliamentary situation, you cannot put the dollars where I really think they ought to go; but there will be other vehicles, including the continuing resolution. I know that Members generally like to get off continuing resolutions, so do I; but in this instance I still think that does give us another opportunity to deal with the issue the way it ought to be dealt with and that is the avenue that I expect to be pursuing as it comes down the path.

I thank the chairman for the time.

Mr. NATCHER. Mr. Chairman, I yield such time as he may consume to the gentleman from California (Mr. MILLER).

Mr. MILLER of California. I thank the chairman of the committee for yielding and for all the work and effort that he has put into this appropriation bill. I would simply like to ask a couple questions of the chairman.

It is my understanding that this legislation contains funds for the removal of asbestos in schools under Public Law 96-270, the Asbestos School Hazard Detection and Control Act of 1980.

Mr. NATCHER. The gentleman is correct, Mr. Chairman. This bill contains $50 million in low-interest loans for the removal of asbestos-containing materials from elementary and secondary schools throughout the country.

Mr. MILLER of California. Mr. Chairman, it is also my understanding that in 1981 the Congress extended Public Law 96-270's authorization of appropriations until September 30, 1984.

Mr. NATCHER. The gentleman is correct in his understanding.

Mr. MILLER of California. Mr. Chairman, section 6(c)(1) of Public Law 96-270 states that:

> No loan may be made under this section unless an application has been submitted to and approved by the Secretary, after consultation with the Task Force, within the two-year period beginning on the effective date of this Act.

Mr. Chairman, it is my understanding that when in 1981 Congress extended Public Law 96-270's authorization it was the intent of Congress to extend all provisions of the law affected by that authorization. In this way, section 6(c)(1) will in no way prohibit the expeditious allocation of funds appropriated under this legislation.

Mr. NATCHER. Mr. Chairman, the gentleman's understanding of this matter is correct. It was clearly the intent of Congress in 1981 to extend all the provisions affecting the authorization of appropriations under Public Law 96-270. It is evident that Congress intended to enable future appropriations under the provisions in discussion, and that those funds once appropriated should be properly administered in accordance with the law.

Mr. MILLER of California. I thank the chairman very much for his consideration and I also want to thank the chairman and the ranking minority member, the gentleman from Massachusetts (Mr. CONTE) for the inclusion of these funds for the removal of asbestos from our schools, a hazard that the schoolchildren in our country face every day.

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Mr. NATCHER. Mr. Chairman, as chairman of the subcommittee, I want to say to the gentleman from California (Mr. MILLER) that we not only appreciate his help on this particular matter concerning asbestos, but for his assistance all down through the years since he has been a Member of Congress on all matters pertaining to education and labor.

Mr. MILLER of Californiа. Thank you.

Mr. NATCHER. Mr. Chairman, I yield 10 minutes to the distinguished gentleman from Kentucky (Mr. PERKINS), the chairman of the Committee on Education and Labor.

Mr. PERKINS. Mr. Chairman, first, I wish to compliment my colleague from Kentucky, the distinguished chairman of the subcommittee, Congressman NATCHER. Likewise, I wish to compliment the ranking minority member, Congressman CONTE.

This bill is one of the most important bills that we vote on during the year, if not the most important, to my way of thinking.

Undoubtedly the subcommittee has done a tremendous job in bringing an outstanding bill before the body. Naturally, the subcommittee is very much interested in getting a bill signed. This will be the first bill that has been signed by a President in 4 or 5 years. But be that as it may, we have some programs that should be increased. For instance, in title I of the Elementary and Secondary Education Act, chapter 1 presently—we raised the authorization last week $350 million above the Gramm-Latta ceiling by passing H.R. 3520, the reauthorization of the vocational rehabilitation program. In the last year, year and a half, some of our best chapter 1 teachers throughout the Nation have been laid off. Likewise, some of our best instructors in vocational education have been laid off. And in the vocational schools throughout the Nation you have long waiting lists.

Many local communities, of course, are spending many times the amount of money that they receive from the Federal Government, but we also have many local communities that are very

hard-pressed economically throughout America, and they quite simply cannot make up for the budget cutbacks they have received from the Federal Government in the last few years.

We hate to see chapter 1 slide backward with many of our good teachers being laid off, and as a result youngsters in the second, third, fourth, fifth grade not getting the proper attention they need in school.

We cannot deal with real increases for these programs—vocational education, chapter 1, and other programs—in this bill, because they would be subject to a point of order if we tried to get those amounts increased.

I understand an amendment will be accepted increasing other very important programs, educational programs and labor programs, that are not subject to a point of order.

But, I think when the continuing resolution comes before the Chamber that we all should support increases in these other programs, some of them that I have just mentioned, next week if we intend to do something about the deplorable conditions in some of our city school systems and in poor rural areas throughout the Appalachian area and other regions. For that reason, I understand next week an amendment will be offered to the continuing resolution and it would be my hope at that time that all the Members would support the increases in the continuing resolution.

In conclusion, Mr. Chairman, I want to congratulate my colleague from Kentucky again. He has done a tremendous job on this bill. And I do not think if any of us had been in his shoes that we could have done better and may not have done nearly as good as he did. But I look forward next week to an amendment to the continuing resolution. I do not think there is any need for us to talk about a supplemental appropriation. I have seen too many supplementals go down the drain. But reasonable increases that we have already authorized last week in educational programs should be adopted in the continuing resolution. It is my feeling that we all should support that amendment next week, when that resolution is brought before this body.

I yield back the balance of my time, Mr. Chairman.

Mr. NATCHER. Mr. Chairman, I yield such time as he may consume to the gentleman from Ohio (Mr. STOKES), one of the able members of this subcommittee.

Mr. STOKES. Mr. Chairman, I merely rise to say that I support this bill, this legislation now before the House, and I want to take a moment just to say that as a member of this subcommittee what a great pleasure it is to serve under the chairmanship of the gentleman from Kentucky (Mr. NATCHER). He not only skillfully presides over the subcommittee, but he does so in a very fair and impartial manner. It is a subcommittee on which you can really enjoy the hearings that we conduct for a long period of time before we can even mark up this bill.

Mr. Chairman, I rise today to support the funding recommendations of the House Committee on Appropriations for the Departments of Labor, Health and Human Services, and Education for fiscal year 1984. As Members of the House well know, this bill is one of the most complex and difficult bills that this House must consider every year.

As our distinguished subcommittee chairman, BILL NATCHER, likes to say, it is the people's bill. Nearly every person in this Nation has some interest in this bill. Thus, I want to commend Chairman NATCHER for his usual fairness and skill in presiding over the development of this measure. He has performed a monumental job in resolving many of the conflicting interests that are involved in devising the Labor-HHS-Education Appropriations Act, and, as usual, we owe him a debt of gratitude for taking on this task.

I am encouraged that this bill marks a dramatic and necessary departure from the insensitive and ill-conceived budget proposals for employment, health, and education program forwarded by the Reagan administration. While I personally would support much more generous levels of Federal support for many of the programs funded under this bill, especially in the areas of education and job training, I am heartened that this bill in almost every instance rejects administration budget proposals which would have further undermined the Federal financial aid for education, slighted the social and human needs of our Nation's children, disadvantaged, and elderly, and emasculated Federal support for health education and training programs.

Overall, H.R. 3913 provides a total of $92.6 billion in new budget authority for fiscal year 1984. While the bill is $3.5 billion more than President Reagan requested, it is still more than $4 billion below the amount available last year, additionally, H.R. 3913 is well within the targets established for it under the First Concurrent Budget Resolution for fiscal year 1984.

This bill, Mr. Chairman, is a bill of fiscal restraint. However, it also strikes a balance between fiscal restraint and meeting the needs of the millions of people who rely on the services funded through this measure.

For the Job Training Partnership Act, the bill provides $3.6 billion in funding for the first-year implementation of the employment and training block grant to the States. The committee added $2.9 billion to the bill in order to forward fund these activities—a requirement under the statute for which the administration made no provision. The committee's action will help to insure a smooth transition this year and next for employment and training projects.

Mr. Chairman, I personally was disappointed that only $553 million is included in the bill for the Job Corps program, a program which has enjoyed unduplicated success and bipartisan support for its work in training disadvantaged youth. Given the shocking unemployment rate in excess of 50 percent among minority youth today, I feel that an additional investment in the Job Corps centers would be one of the best actions that this body could take in addressing the tragedy of joblessness among our youth. However, I have been assured that the amount provided in the bill will be sufficient to maintain current Job Corps enrollments, at a minimum. Moreover, the committee has included in its report, at my insistence, a directive to the Department of Labor that Job Corps enrollments not be reduced.

A particularly important aspect of H.R. 3913 is its recommendations for funding health research, services, education, and training. A total of $7 billion is recommended for the programs of the U.S. Public Health Service: biomedical science research; services to mothers and children; alcohol, mental health, and drug abuse services; and health manpower training. These activities benefited from nearly $650 million which the committee restored to the President's budget to insure adequate funding for programs absolutely vital in protecting the Nation's health.

For the National Institutes of Health—an international leader in biomedical research—the committee restored funding for basic research grants, research centers, and research instrumentation within its total recommendation of $4.3 billion. We are on the brink of outstanding advances in research on a number of diseases, including diabetes, AIDS, arthritis, sickle cell anemia, and so forth. The resources provided in this measure will help to stimulate and accelerate progress in this regard.

Additional progress is needed as well in the availability and quality of health care for all Americans, irrespective of their ability to pay. Alarming infant mortality rates in our inner cities and the black community, rising alcohol and drug abuse among our young people and adults, and other serious health problems confronting our Nation demand that the Federal Government continue to play a strong role in financing health services, education, and training. Accordingly, the bill provides $373 million for the maternal and child health block grant, $310 for community health centers, $439 million for the alcohol, mental health, and drug abuse block grant,

and $86 million for the prevention block grant.

Significant restorations are also included in the bill for health manpower programs which the administration desires to terminate. These include $8 million for National Health Service Corps scholarships, which are an especially important source of financial aid for minority students in medical school. This program is an equally essential source of manpower for medically underserved communities where these students must practice for at least 2 years following their training. H.R. 3913 restores important funding for nursing traineeships, advanced training, and research grants, exceptional need scholarships, public health and health administration training grants as well.

Mr. Chairman, in the area of education, H.R. 3913 differs in many respects from the budget submitted to Congress by President Reagan. Indeed, the bill maintains a fundamental Federal responsibility to assist in the education of the disadvantaged, the Handicapped, and to insure equality of educational opportunity. A total of $12.1 million is recommended for the Department of Education, maintaining most of the education programs at their fiscal year 1983 levels. In a few areas, selected increases are provided for particularly worthy or needy programs. For example, H.R. 3913 provides $3.5 billion—the maximum amount currently authorized—for the chapter 1, compensatory education program. This increase of more than $466 million above the President's request will enable children in the inner cities of Cleveland, Detroit, Chicago, and throughout the Nation to receive the benefit of intensive reading and math instruction.

The great success of the chapter 1 program is matched by the Education for All Handicapped Act, which has enabled 4 million children to receive the benefit of a free and appropriate education. Unfortunately, the Federal Government has not lived up to its financial commitment to local school districts, as envisaged under this law. For this reason, H.R. 3913 includes a modest increase in funding for education for the handicapped programs.

I strongly support the increased funding for these education programs, which have demonstrated their worth many times over. I hope that as Congress continues its deliberations and review of the state of education in our Nation, that we will act expeditiously to provide additional support in other areas—science and mathematics instruction as one example—for which there is a clear and documented need for meaningful Federal action.

In closing, I would like to reiterate my endorsement of the fiscal year 1984 Labor-HHS-Education Appropriations Act. The programs funded in this bill provide some of the most important services upon which the people of this Nation rely. H.R. 3913 corrects many of the wrongs which were presented to us by the administration, and I hope that you will join me in voting for this important legislation.

Mr. CONTE. Mr. Chairman, I yield such time as she may consume to the gentlewoman from Maine (Ms. SNOWE).

ALZHEIMER'S DISEASE APPROPRIATIONS

Ms. SNOWE. Mr. Chairman, I want to say a few words regarding the increased funds earmarked for Alzheimer's disease research in H.R. 3913, the Labor, HHS, and Education appropriations bill of 1984.

The measure provides for an increase of $15 million for Alzheimer's disease basic research over this year's level and an additional $3.5 million for the creation of five regional research and treatment centers.

This is very good news for the research community at the National Institutes of Health (NIH), but more importantly, it is also very good news for the public as well.

Alzheimer's disease involves the gradual deterioration of brain cells, resulting in premature senility. By far the leading cause of mental deterioration among the elderly, the disease affects 5 to 10 percent of all people over 65 in the United States and 20 percent of those over 80. Its sufferers make up more than half of the 1.3 million people in the country's nursing homes at a prohibitive and unacceptable cost. The illness is difficult to diagnose, and, as yet, is untreatable.

The Select Committee on Aging and two of its subcommittees, including the Subcommittee on Human Services of which I am ranking minority member, have held hearings during the past few months on Alzheimer's disease. At a hearing I conducted in Bangor, Maine, we concentrated on different research projects now being conducted in this country and in Canada. It became clear to those of us who attended the hearing, that excellent scientists are deeply committed to solving the mysteries of this illness, but more research dollars need to be directed toward this end. We are close to finding the many causes and treatments of cancer only because the necessity of establishing a national research priority was finally recognized. We have found that we must now do the same for Alzheimer's disease as this devastating illness will become more common and take an even greater toll as the U.S. population continues to age.

We have shared these concerns with Chairman NATCHER and I congratulate him for acknowledging our request for increased funds for Alzheimer's disease research. I sincerely hope that the final figures approved by Congress will reflect the significant need for Alzheimer's funding.

Mr. CONTE. Mr. Chairman, will the gentlewoman yield?

Ms. SNOWE. I yield to the gentleman from Massachusetts.

Mr. CONTE. Mr. Chairman, I was hoping the gentlewoman would mention the report language on the women's education equity program.

Ms. SNOWE. I thank the gentleman for reminding me.

I want to further express my strong support for two very small, but vital, programs contained in title III of the Labor-Health and Human Services-Education appropriations bill. They are the Women's Educational Equity Act and the title IV of the Civil Rights Act—funded programs.

For my colleagues who are not familiar with these programs within the Office of Elementary and Secondary Education, title IV is the only Federal program providing technical assistance to the States to enable them to comply with Federal antidiscrimination statutes. WEEA, on the other hand, is the only Federal program specifically directed at sex discrimination, and provides funds for the development of school materials to promote sex equity in education.

The combined funding level of these two programs—which represent our total Federal effort to assist schools in eradicating the destructive sex discrimination that has tarnished our Nation's educational system—is less than $30 million.

My colleagues who are not familiar with these programs would certainly be justified in asking why such a small level of funding for such a worthy cause need be singled out for special mention during floor consideration of this mammoth bill.

The fact is, that for reasons I confess I do not understand, these two programs have been the target of repeated attempts by the present administration to eliminate them. Indeed for the third year in a row, the President has requested zero funding for this program in his budget. At this moment, other more creative attacks severely threaten the immediate future of these programs.

The Women's Educational Equity Act has had no greater friend in the House than my respected colleague from Massachusetts, SIL CONTE. Most recently, the Department of Education undertook a massive reorganization and reduction in force of several programs within the Office of Elementary and Secondary Education, including WEEA and title IV. Congressman CONTE, as he has done on many other occasions, came to the defense of these programs. He inserted language into the committee report expressing the

committee's view that the Department will continue to administer these programs with a full complement of staff with particular expertise in the program areas, and that no reorganization or reduction in force will be undertaken that will undermine the integrity of the WEEA and title IV programs.

So today, I rise in support of full funding for the Women's Educational Equity Act and the title IV funded programs. I have every confidence that the Congress will again reaffirm the strong bipartisan support these two programs have enjoyed since their inception, and I urge each of my colleagues' continued interest and guardianship over these programs. They will need it. And again, my special thanks to SIL CONTE for his special support for equal educational opportunities for women in education. Thank you.

Mr. GREEN. Mr. Chairman, it is my pleasure to rise in support of H.R. 3913, the appropriations bill for the Departments of Labor, Health and Human Services, and Education, which provides a sorely needed $41 million to combat the AIDS epidemic. As we are all well aware, this deadly disease, which is primarily focused among the gay male population, knocks out the body's natural ability to fight disease, and leaves the victim vulnerable to dangerous infections and cancers. AIDS has generated increasing alarm within the medical community, because its source is an unknown entity of a lethal nature. This serious threat to public health has claimed more lives than Legionnaires' disease, toxic shock syndrome, swine flu, and Tylenol contamination combined.

As you may all be aware, I have been active in encouraging my colleagues on the Appropriations Committee to increase funding for AIDS research during consideration of the 1983 supplemental appropriations bill and the Labor-HHS appropriations bills for both 1983 and 1984.

During consideration of the 1983 funding bill, I was pleased to speak in favor of and support an amendment seeking to allocate an additional $3.6 million to the Center for Disease Control (CDC) for study and prevention of this dangerous illness. Fortunately, the House approved this amendment. Although the Senate was not willing to fund this effort at the $3.6 million which the House provided, during the conference held to iron out the differences between the House and Senate positions on this and other matters it was agreed that the CDC would receive $2.1 million during fiscal year 1983 for this purpose.

The supplemental, as you are aware, set aside an additional $12 million to combat this devastating malady. The gentleman from Kentucky (Mr. NATCHER), chairman of the subcommittee that has jurisdiction over such funding, refused all amendments calling for additional spending on other programs but agreed to my request for $12 million for AIDS research.

It is my sincere hope that the $41 million appropriated in this bill along with the unspent portion of the 1983 supplemental funds will help us find a way to deal with this deadly epidemic. ●

Mr. FRENZEL. Mr. Chairman, according to the September 21, 1983, Budget Committee factsheet on H.R. 3913, the Labor, Health and Human Services, and Education and related agencies appropriations bill for fiscal year 1984, is well under budget.

Discretionary outlays in the bill are $1.3 billion below the subcommittee's 302(b) subdivisions. Mandatory outlays in the bill are $4.2 billion below the 302(b) allocations. Total outlays are $5.6 billion below the 302(b), and total budget authority is $10.5 billion below the 302(b) subdivision.

According to the figures, then, this bill looks like a responsible piece of legislation. It gives the appearance of spending restraint, of being below budget. But it is not what is in the bill that smells bad, it is what was left out.

Consideration of budget requests was deferred for $2.3 billion worth of programs. Health resources, NIH, Social Security Administration, rehabilitation services, impact aid, continuing education, and ACTION were not funded. Because authorizing legislation has not yet been enacted, the Appropriations Committee excused itself from the responsibility of funding these programs. It did the same thing last year.

Those functions will be authorized. They will be funded in supplemental appropriations to the tune of $3 or $4 billion.

The bill makes a sham of the budget. The continuing resolution will contain funding for the programs that are not funded in this bill. On November 15, when the continuing resolution expires, if the authorizations have been completed we will have to pass a supplemental. If the authorizations have not been passed, continuing resolution No. 2 for fiscal year 1984 will have to carry the programs.

In addition to all the funding deferred because of the lack of authorizations, there is a conspicuous lack of spending for mandatory programs. Many are funded far below the budget resolution assumptions. Discretionary elementary education programs are $1.2 billion below; guaranteed student loans are $1.1 billion below; employment and training is $1.7 billion below; rehabilitation services is $1.2 billion below; and health insurance for the unemployed is $1.9 billion below the budget resolution assumptions. Although, mandatory funding for programs which have been authorized is approximately $10.1 billion below the resolution.

Normally, I would hail such spending reductions. But I know the savings are not real. The $10.1 billion apparent savings on mandatory funding is not going to be translated into deficit reductions. It is going to be appropriated through supplemental appropriations or continuing resolutions later.

Supplementals and urgent supplementals are two big reasons why this country's current recovery is still on shaky ground. Faced with $200 billion deficits through 1986, our recovery is not going to last. The deficits have got to be brought down, but as long as we spend through supplementals the deficits will not come down.

Instead of focusing on the best and fairest ways to equitably allocate the limited funds in this bill between all the programs over which the subcommittee has jurisdiction, it appears that the subcommittee again focused its attention on ways to escape budget restrictions. One would have to say the subcommittee has been successful.

At first glance this bill is $10.5 billion below the 302(b) allocations. But by my calculations, when more than $12.4 billion in funding for the unauthorized programs and for the underfunded mandatories is added back in, budget authority will exceed the 302(b) allocations by about $1.9 billion. If some of the proposed authorizations are appropriated, the budget busting excesses could go to $5 or $10 billion.

This bill will keep our deficits high. It will not help in sustaining the recovery, in bringing interest rates down, or in preventing interest rates from going back up. It will impede the recovery and probably will reduce employment opportunities for all Americans.

It takes more than talking about deficits to bring them down. Tough decisions about how and where we are going to spend the taxpayers' dollars need to be made. It is not easy and it is not fun to decide how the money is going to be spent when the resources are limited, but we have to do it.

The committee that produced this bill, and the Members who will vote for it, and those who will vote to increase it, fail the test of fiscal responsibility during a time when fiscal responsibility is an economic necessity. ●

Mr. BIAGGI. Mr. Chairman, I rise to join in support of H.R. 3913, the fiscal year 1984 Labor, Health and Human Services appropriations bill.

I first want to commend the distinguished chairman of the subcommittee, Mr. NATCHER, for his usual diligence to bringing this bill before us today. On the whole, this bill represents continued support for those very programs which provide long- and short-term support for the most dependent citizens—poor, elderly, handicapped, and disadvantaged—among us. The fact that 71 percent of this bill is

composed of mandatory spending for entitlement programs gives testimony to the fact that continued support of these types of programs are critical if we are to provide an adequate level of income to all citizens.

There are a number of areas in this legislation which require a brief mention. These include:

EDUCATION PROGRAMS

For title I programs, the committee included $3.48 billion; for chapter II, the education block grant, $450.6 million, the same as last year's level, $1.159 billion for the education of handicapped children, $735 million for vocation education, $3.697 billion for student financial aid programs, and $88.8 million for libraries.

EMPLOYMENT AND TRAINING PROGRAMS

This committee bill also provides funds for employment and training activities, critical at a time when the national unemployment average continues above 9 percent. It provides $2.861 billion for the Job Training Partnership Act of the 1984 transition period and $3.597 million for the program for the year July 1, 1984 to June 30, 1985. This forward funding is critical if the program is to anticipate the needs of potential and current beneficiaries of the program now and in the near future. While I commend the committee for this funding, I must express my sincere disappointment over the fact that this funding level will result in a significant cut in job training funds to almost all States, including New York, from last year's levels. Under this bill, New York would receive $34.2 million or 20 percent fewer funds to administer the JTPA than last year. This would occur at the same time that there are 700,000 unemployed New Yorkers. Of these people, nearly 170,000 have been unemployed 26 weeks or longer.

In addition to losing funds under title IIA, we would also lose $11.4 million for summer youth programs, $1.7 million for Job Corps, and $5 million in unemployment services.

SOCIAL SERVICES BLOCK GRANT

The committee bill includes $2.5 billion for the block grant, which is a reduction of $175 million from current law. Under this funding level, New York State, which currently receives $205 million, would have its allocation cut to $238 million. This would directly affect services to adult day care, child dary care, and a host of social services which allow the poor and frail elderly to be maintained within their homes and communities as opposed to being placed in nursing homes. The bulk of SSBG funds are earmarked for day care so that many of the working-poor mothers will be able to retain their jobs. Without such day care programs, we would be forcing the very people that we want to keep working back onto AFDC.

OSHA

I am also pleased that the committee included $1.7 million for the approval and funding of the New York State health and safety plan. This is an area which has been one of controversy for some time. The New York State plan has been filed with OSHA since 1980 awaiting approval. This additional funding will address the previous expressed concerns of OSHA officials who denied funding to the plan based upon lack of added funding. With this $1.7 million, there are no longer an impediments to implementation of the New York State plan and New York's 1 million public employees will continue to receive the same protection in the workplace as those in the private sector.

I was joined by a substantial number of my colleagues on the delegation in expressing our concern to the committee on this issue and I am gratified that the committee acted in this judicious fashion.

● Mr. ROYBAL. Mr. Chairman, I rise in support of H.R. 3913, the Labor, Health and Human Services, Education appropriations bill for fiscal year 1984 which is before us for consideration today.

As chairman of the Select Committee on Aging, and as a member of the Committee on Appropriations, I must emphasize the importance that this bill represents to the senior citizens of this country.

This bill provides funding for many vital aging programs. First, $676.7 million which will fund all Older Americans Act (OAA) programs adminstered by the Department of Health Services, an increase of $5 million over fiscal year 1983 levels. Highlights of the OAA programs are as follows: $2.6 million for the operation of State agencies on aging; $240.8 million for senior centers and supportive services; $386.1 million for title III nutrition services, an increase of $5 million over fiscal year 1983; $22.2 million for title IV research, training and demonstrations; and title V, the senior community services employment program, administered by the Department of Labor is funded at $317.3 million. Funding for title V at this level is $40.2 million over the President's budget request and about $2 million less than the fiscal year 1983 appropriation. It is my hope that Congress will increase the authorization for this program so we may, at minimum, maintain the present level of funding.

Second, this bill provides $43 billion in funding for the National Institutes on Health which encompasses the National Institute on Aging (NIA). NIA funding is recommended at $112.516 million, an increase of $20.938 million in new budget authority from fiscal year 1983 levels. Of special interest to the elderly is the fact that Alzheimer's disease has been recognized by the committee and is addressed by this bill. Considered to be the most frequent cause of mental impairment among the elderly, Alzheimer's disease presently affects an estimated 1.5 to 2 million persons in this country and is responsible for approximately 120,000 deaths a year. Therefore, the bill recommends major increases in fiscal year 1984 funding for the National Institute of Allergy and Infectious Diseases, and the National Institute of Mental Health to allow for a substantial expansion of research into Alzheimer's disease over the budget estimate for fiscal year 1984. In recognizing the complex nature of this disease, this bill has also provided $3,500,000 million to establish, through the National Institute on Aging, up to five specialized research centers of excellence on Alzheimer's disease and related disorders. This is an excellent provision and one which will prove to help the elderly in the present and the future.

Third, medicare and medicaid, social security trust funds, and the supplemental security insurance program (SSI) are addressed in this bill. We find $20.7 billion for the mandatory Federal share of State medicaid costs, which is $1.4 billion above fiscal year 1983 levels. However, even at this level, grants to the States will fall short and will have to be covered by a supplemental appropriations. There is $17.3 billion for medicare's health care trust funds, which is an increase of $1.9 billion from fiscal year 1983 levels. Funding for the social security trust funds is $448.6 billion, $390 million below the budget request but taking into consideration the enactment of the Social Security Amendments of 1983. The SSI program would be funded at $7.9 billion, the same amount as requested in the budget.

Last, this bill includes $1.9 billion for low-income energy assistance which serves approximately 1.6 million households that have elderly members. Even though this level is $100 million less than was provided in fiscal year 1983, it is $575 million more than the President's budget request.

Again, as one can see, this bill is extremely important to all older Americans. If enacted, it will be the first time in 5 years that spending for these programs, and the departments and agencies that implement them, will not have to be covered by a continuing resolution

The bill before us is $3.5 billion over President Reagan's budget request, and for that we have fought hard. However, it is still $4.7 billion less than the congressional budget prescribes, clearly underscoring the fact that we still have much work ahead of us.

I urge all my colleagues to support passage of this extremely important appropriations bill.●

● Mr. DWYER of New Jersey. Mr. Chairman, I rise in strong support of the Labor, Health and Human Services and Education Appropriations bill. It is an honor for me to serve on this subcommittee under our distinguished chairman, Mr. NATCHER.

The bill before the House today is the product of many hearings and an extensive markup. Throughout this process, the many important programs under its jurisdiction have been fully examined and openly discussed. Chairman NATCHER is to be highly commended for his able leadership in presiding over these deliberations, as well as Mr. CONTE, ranking minority member of the subcommittee, whose responsible and fairminded approach has been crucial in helpful to bring this important bill to the floor of the House.

This particular appropriations bill is a uniquely people-oriented one. It encompasses many programs, each tied to the present security and the future prosperity and vitality of this Nation. The choices we make mark investments in the citizens of this country and our quality of life.

Most of the funding is appropriated for entitlement programs which are mandated by law. In the discretionary portion, the bill includes funding for vital medical research and health care services. Our strong commitment to meeting the needs of the elderly and the handicapped is protected, and, a host of education and training programs are funded to help young people and displaced workers find meaningful employment.

Mr. Chairman, I believe that we have reported a fair bill and a fiscally responsible one. I urge my colleagues to support it.●

● Mr. OTTINGER. Mr. Chairman, I want to express my deep concern that the Labor, HHS, and Education appropriation bill we are now considering does not contain sufficient funding for these programs, particularly the education programs. The $14.5 billion provided for these education programs is not only less than the current appropriation level, it is substantially less than the level presumed in the first budget resolution, and it is less, in fact, than the limits established by the Gramm-Latta resolution in 1981. I find this extremely hard to understand.

We know the need is there: Less than half of the children eligible for help under title I are being served; unemployment is high, yet thousands of students do not have the opportunity to learn a trade through the vocational education program; and the education for the handicapped program has been grossly underfunded for years and years.

Why does this appropriation bill not provide the money so desperately needed and already approved by the Congress in other measures?

The President seems to have embraced the education issue at least in words. Both the House and Senate have indicated the support for increased funding for education. We can not improve the quality of education by spending less money. Refusing to spend money on education will not be a savings in the long run. This legislation is our opportunity to respond to the genuine education needs of our country and I believe we should certainly appropriate at least the levels presumed in the first budget resolution, or preferably the higher levels included in the vocational rehabilitation amendments passed overwhelmingly just 9 days ago.●

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Mr. CONTE. Mr. Chairman, I have no further requests for time.

Mr. NATCHER. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore (Mr. KAZEN). The Clerk will read.

The Clerk read as follows:

H. R. 3913

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Departments of Labor, Health and Human Services, and Education, and related agencies, for the fiscal year ending September 30, 1984, and for other purposes, namely:

TITLE I—DEPARTMENT OF LABOR

EMPLOYMENT AND TRAINING ADMINISTRATION

PROGRAM ADMINISTRATION

For expenses of administering employment and training programs, $85,316,000, together with not to exceed $35,828,000 which may be expended from the Employment Security Administration account in the Unemployment Trust Fund.

TRAINING AND EMPLOYMENT SERVICES

For expenses necessary to carry into effect the Job Training Partnership Act, including the purchase and hire of passenger motor vehicles, the construction, alteration, and repair of buildings and other facilities, and the purchase of real property for training centers as authorized by the Job Training Partnership Act, $2,861,284,000 plus reimbursements, including $1,500,000 for the National Commission for Employment Policy, including $2,250,000 for all activities conducted by and through the National Occupational Information Coordinating Committee under the Job Training Partnership Act, and including $7,500,000 for service delivery areas under section 101(a)(4)(A)(iii) of the Job Training Partnership Act in addition to amounts otherwise provided under sections 202 and 251(b) of the Act, and $3,597,830,000 plus reimbursements, to be available for obligation for the period July 1, 1984 through June 30, 1985, including $2,000,000 for the National Commission for Employment Policy, including $3,000,000 for all activities conducted by and through the National Occupational Information Coordinating Committee under the Job Training Partnership Act, and including $10,000,000 for service delivery areas under section 101(a)(4)(A)(iii) of the Job Training Partnership Act in addition to amounts otherwise provided under sections 202 and 251(b) of the Act: *Provided,* That no funds from any other appropriation shall be used to provide meal services at or for Job Corps centers.

For expenses necessary to carry into effect section 51 of the Internal Revenue Code of 1954, as amended (26 U.S.C. 51), and sections 210, 211, and 212 of Public Law 95-250, $20,400,000, notwithstanding section 261(f)(2)(A) of the Economic Recovery Tax Act of 1981, as amended.

COMMUNITY SERVICE EMPLOYMENT FOR OLDER AMERICANS

To carry out the activities for national grants or contracts with public agencies and public or private nonprofit organizations under paragraph (1)(A) of section 506(a) of title V of the Older Americans Act of 1965, as amended, $247,494,000.

To carry out the activities for grants to States under paragraph (3) of section 506(a) of title V of the Older Americans Act of 1965, as amended, $69,806,000.

FEDERAL UNEMPLOYMENT BENEFITS AND ALLOWANCES

For payments during the current fiscal year of benefits and payments as authorized by title II of Public Law 95-250, as amended, of trade adjustment benefit payments and allowances, as provided by law (part I, subchapter B, chapter 2, title II of the Trade Act of 1974, as amended) $7,000,000, together with such amounts as may be necessary to be charged to the subsequent appropriation for payments for any period subsequent to September 15 of the current year: *Provided,* That amounts received or recovered pursuant to section 208(e) of Public Law 95-250 shall be available for payments.

STATE UNEMPLOYMENT INSURANCE AND EMPLOYMENT SERVICE OPERATIONS

For activities authorized by the Act of June 6, 1933, as amended (29 U.S.C. 49-49l-1; 39 U.S.C. 3202(a)(1)(E)); Veterans' Employment and Readjustment Act of 1972, as amended (38 U.S.C. 2003A-2004); title III of the Social Security Act, as amended (42 U.S.C. 502-504); and necessary administrative expenses for carrying out 5 U.S.C. 8501-8523, sections 231-235 and 243-244, title II of the Trade Act of 1974, as amended; and sections 101(a)(15)(H)(ii) and 212(a)(14) of the Immigration and Nationality Act, as amended (8 U.S.C. 1101 et seq.), $22,500,000, together with not to exceed $2,547,702,000 which may be expended from the Employment Security Administration account in the Unemployment Trust Fund, and of which $108,800,000 shall be available only for programs under 38 U.S.C. 2003A and 2004; and of which $19,400,000 shall be available for State operations necessary for national statistical programs; and of which $530,995,000 shall be available for obligation under section 6 during the period October 1, 1983, through June 30, 1984, to fund activities under the Act of June 6, 1933, as amended, and of which $587,310,000 shall be available only to the extent necessary to administer unemployment compensation laws to meet increased costs of administration resulting from changes in a State law or increases in the number of unemployment insurance claims filed and claims paid or increased salary costs resulting from changes in State salary compensation plans embracing employees of the State generally over those upon which the State's basic allocation was based, which cannot be provided for by normal budgetary adjustments, and, in addition $20,300,000, together with not to

exceed $720,098,000 which may be expended from the Employment Security Administration account in the Unemployment Trust Fund which shall be available for obligation under section 6 during the period July 1, 1984, through June 30, 1985, to fund activities under the Act of June 6, 1933, as amended.

ADVANCES TO THE UNEMPLOYMENT TRUST FUND AND OTHER FUNDS

For repayable advances to the Unemployment Trust Fund as authorized by sections 905(d) and 1203 of the Social Security Act, as amended, and to the Black Lung Disability Trust Fund as authorized by section 9501(c)(1) of the Internal Revenue Code of 1954, as amended, and for nonrepayable advances to the revolving fund established by section 901(e) of the Social Security Act, to the Unemployment Trust Fund as authorized by section 8509 of title 5, United States Code, and by title VI of the Tax Equity and Fiscal Responsibility Act of 1982, and to the "Federal unemployment benefits and allowances" account, to remain available until September 30, 1985, $7,109,000,000.

LABOR-MANAGEMENT SERVICES ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses for the Labor-Management Services Administration, $62,148,000.

PENSION BENEFIT GUARANTY CORPORATION

PENSION BENEFIT GUARANTY CORPORATION FUND

The Pension Benefit Guaranty Corporation is authorized to make such expenditures, including financial assistance authorized by section 104 of Public Law 96-364, within limits of funds and borrowing authority available to such Corporation, and in accord with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended (31 U.S.C. 9104), as may be necessary in carrying out the program through September 30, 1984, for such Corporation.

EMPLOYMENT STANDARDS ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses for the Employment Standards Administration, including reimbursement to State, Federal and local agencies and their employees for inspection services rendered, $185,677,000, together with $380,000 which may be expended from the Special Fund in accordance with sections 39(c) and 44(j) of the Longshoremen's and Harbor Workers' Compensation Act.

SPECIAL BENEFITS

For the payment of compensation, benefits, and expenses (except administrative expenses) accruing during the current or any prior fiscal year authorized by title V, chapter 81 of the United States Code; continuation of benefits as provided for under the head "Civilian War Benefits" in the Federal Security Agency Appropriation Act, 1947; the Employees' Compensation Commission Appropriation Act, 1944; and sections 4(c) and 5(f) of the War Claims Act of 1948 (50 U.S.C. App. 2012); and 50 per centum of the additional compensation and benefits required by section 10(h) of the Longshoremen's and Harbor Workers' Compensation Act, as amended, $215,100,000, together with such amount as may be necessary to be charged to the subsequent year appropriation for the payment of compensation and other benefits for any period subsequent to September 15 of the current year: *Provided*, That in addition there shall be transferred from the Postal Service fund to this appropriation such sums as the Secretary of Labor determines to be the cost of administration for Postal Service employees through September 30, 1984.

BLACK LUNG DISABILITY TRUST FUND

For payments from the Black Lung Disability Trust Fund, $826,244,000, of which $790,269,000 shall be available until September 30, 1985, for payment of all benefits and interest on advances under subsection (c)(2) of section 9501 of the Internal Revenue Code of 1954, as amended, as authorized by section 9501(d) (1), (2), (4), and (7) of that Act and of which $21,949,000 shall be available for transfer to Employment Standards Administration, Salaries and Expenses and $13,406,000 for transfer to Departmental Management, Salaries and Expenses, and $620,000 for transfer to Departmental Management, Office of Inspector General, for expenses of operation and administration of the Black Lung Benefits program as authorized by section 9501(d)(5)(A) of that Act: *Provided*, That in addition, such amounts as may be necessary may be charged to the subsequent year appropriation for the payment of compensation and other benefits for any period subsequent to June 15 of the current year: *Provided further*, That in addition, such amounts shall be paid from this fund into miscellaneous receipts as the Secretary of the Treasury determines to be the administrative expenses of the Department of the Treasury for administering the fund during the current fiscal year, as authorized by section 9501(d)(5)(B) of that Act.

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses for the Occupational Safety and Health Administration, $212,560,000, including not to exceed $51,700,000, which shall be the maximum amount available for grants to States under section 23(g) of the Occupational Safety and Health Act, which grants shall be no less than fifty percent of the costs of State occupational safety and health programs required to be incurred under plans approved by the Secretary under section 18 of the Occupational Safety and Health Act of 1970: *Provided*, That none of the funds appropriated under this paragraph shall be obligated or expended for the assessment of civil penalties issued for first instance violations of any standard, rule, or regulation promulgated under the Occupational Safety and Health Act of 1970 (other than serious, willful, or repeated violations under section 17 of the Act) resulting from the inspection of any establishment or workplace subject to the Act, unless such establishment or workplace is cited, on the basis of such inspection, for ten or more violations: *Provided further*, That none of the funds appropriated under this paragraph shall be obligated or expended to prescribe, issue, administer, or enforce any standard, rule, regulation, or order under the Occupational Safety and Health Act of 1970 which is applicable to any person who is engaged in a farming operation which does not maintain a temporary labor camp and employs ten or fewer employees: *Provided further*, That none of the funds appropriated under this paragraph shall be obligated or expended to prescribe, issue, administer, or enforce any standard, rule, regulation, order or administrative action under the Occupational Safety and Health Act of 1970 affecting any work activity by reason of recreational hunting, shooting, or fishing: *Provided further*, That no funds appropriated under this paragraph shall be obligated or expended to administer or enforce any standard, rule, regulation, or order under the Occupational Safety and Health Act of 1970 with respect to any employer of ten or fewer employees who is included within a category having an occupational injury lost work day case rate, at the most precise Standard Industrial Classification Code for which such data are published, less than the national average rate as such rates are most recently published by the Secretary, acting through the Bureau of Labor Statistics, in accordance with section 24 of that Act (29 U.S.C 673), except—

(1) to provide, as authorized by such Act, consultation, technical assistance, educational and training services, and to conduct surveys and studies;

(2) to conduct an inspection or investigation in response to an employee complaint, to issue a citation for violations found during such inspection, and to assess a penalty for violations which are not corrected within a reasonable abatement period and for any willful violations found;

(3) to take any action authorized by such Act with respect to imminent dangers;

(4) to take any action authorized by such Act with respect to health hazards;

(5) to take any action authorized by such Act with respect to a report of an employment accident which is fatal to one or more employees or which results in hospitalization of five or more employees, and take any action pursuant to such investigation authorized by such Act; and

(6) to take any action authorized by such Act with respect to complaints of discrimination against employees for exercising rights under such Act: *Provided further*, That the foregoing proviso shall not apply to any person who is engaged in a farming operation which does not maintain a temporary labor camp and employs ten or fewer employees: *Provided further*, That none of the funds appropriated under this paragraph shall be obligated or expended for the proposal or assessment of any civil penalties for the violation or alleged violation by an employer of ten or fewer employees of any standard, rule, regulation, or order promulgated under the Occupational Safety and Health Act of 1970 (other than serious, willful or repeated violations and violations which pose imminent danger under section 13 of the Act) if, prior to the inspection which gives rise to the alleged violation, the employer cited has (1) voluntarily requested consultation under a program operated pursuant to section 7(c)(1) or section 18 of the Occupational Safety and Health Act of 1970 or from a private consultative source approved by the Administration and (2) had the consultant examine the condition cited and (3) made or is in the process of making a reasonable good faith effort to eliminate the hazard created by the condition cited as such, which was identified by the aforementioned consultant, unless changing circumstances or workplace conditions render inapplicable the advice obtained from such consultants: *Provided further*, That none of the funds appropriated under this paragraph may be obligated or expended for any State plan monitoring visit by the Secretary of Labor under section 18 of the Occupational Safety and Health Act of 1970, of any factory, plant, establishment, construction site, or other area, workplace or environment where such a workplace or environment has

been inspected by an employee of a State acting pursuant to section 18 of such Act within the six months preceding such inspection: *Provided further,* That this limitation does not prohibit the Secretary of Labor from conducting such monitoring visit at the time and place of an inspection by an employee of a State acting pursuant to section 18 of such Act, or in order to investigate a complaint about State program administration including a failure to respond to a worker complaint regarding a violation of such Act, or in order to investigate a discrimination complaint under section 11(c) of such Act, or as part of a special study monitoring program, or to investigate a fatality or catastrophe: *Provided further,* That none of the funds appropriated under this paragraph may be obligated or expended for the inspection, investigation, or enforcement of any activity occurring on the Outer Continental Shelf which exceeds the authority granted to the Occupational Safety and Health Administration by any provision of the Outer Continental Shelf Lands Act, or the Outer Continental Shelf Lands Act Amendments of 1978.

MINE SAFETY AND HEALTH ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses for the Mine Safety and Health Administration, $151,397,000, including purchase and bestowal of certificates and trophies in connection with mine rescue and first-aid work, and the purchase of not to exceed eighty passenger motor vehicles for replacement only; the Secretary is authorized to accept lands, buildings, equipment, and other contributions from public and private sources and to prosecute projects in cooperation with other agencies, Federal, State, or private; the Mine Safety and Health Administration is authorized to promote health and safety education and training in the mining community through cooperative programs with States, industry, and safety associations; and any funds available to the Department may be used, with the approval of the Secretary, to provide for the costs of mine rescue and survival operations in the event of major disaster: *Provided,* That none of the funds appropriated under this paragraph shall be obligated or expended to carry out section 115 of the Federal Mine Safety and Health Act of 1977 or to carry out that portion of section 104(g)(1) of such Act relating to the enforcement of any training requirements, with respect to shell dredging, or with respect to any sand, gravel, surface stone, surface clay, colloidal phosphate, or surface limestone mine.

BUREAU OF LABOR STATISTICS

SALARIES AND EXPENSES

For necessary expenses for the Bureau of Labor Statistics, including advances or reimbursements to State, Federal, and local agencies and their employees for services rendered, $135,837,000, of which $4,837,000 shall be for expenses of revising the Consumer Price Index and shall remain available until September 30, 1988.

DEPARTMENTAL MANAGEMENT

SALARIES AND EXPENSES

For necessary expenses for Departmental Management, including $2,001,000 for the President's Committee on Employment of the Handicapped, $95,464,000, together with not to exceed $9,842,000 which may be expended from the Employment Security Administration account in the Unemployment Trust Fund and of which $9,613,000 shall be for carrying into effect the provisions of 38 U.S.C. 2001-03.

SPECIAL FOREIGN CURRENCY PROGRAM

For payments in foreign currencies which the Treasury Department determines to be excess to the normal requirements of the United States, for necessary expenses of the Department of Labor, as authorized by law, $67,000, to remain available until expended. This appropriation shall be available in addition to other appropriations to such agency for payments in foreign currencies.

OFFICE OF THE INSPECTOR GENERAL

For salaries and expenses of the Office of the Inspector General in carrying out the provisions of the Inspector General Act of 1978, $37,707,000, together with not to exceed $5,200,000 which may be expended from the Employment Security Administration account in the Unemployment Trust Fund.

GENERAL PROVISION

SEC. 101. Appropriations in this Act available for salaries and expenses shall be available for supplies, services, and rental of conference space within the District of Columbia, as the Secretary of Labor shall deem necessary for settlement of labor-management disputes.

This title may be cited as the "Department of Labor Appropriation Act, 1984".

TITLE II—DEPARTMENT OF HEALTH AND HUMAN SERVICES

HEALTH RESOURCES AND SERVICES ADMINISTRATION

HEALTH RESOURCES AND SERVICES

For carrying out titles III, IV, V, VII, VIII, X, parts A and C of title XVI, and XIX of the Public Health Service Act, 5 U.S.C. 7901, section 427(a) of the Federal Coal Mine Health and Safety Act, as amended, and title V of the Social Security Act, $1,252,783,000 of which $1,905,000 shall be available only for payments to the State of Hawaii for care and treatment of persons afflicted with Hansen's disease; and of which $883,000, to be available until expended, shall be used to renovate the National Hansen's Disease Center; and of which $800,000 shall remain available until expended for interest subsidies on loan gurantees made prior to fiscal year 1981 under part B of title VII: *Provided,* That this appropriation shall be available for payment of the costs of medical care, related expenses, and burial expenses hereafter incurred by or on behalf of any person who has participated in the study of untreated syphilis initiated in Tuskegee, Alabama, in 1932, in such amounts and subject to such terms and conditions as prescribed by the Secretary of Health and Human Services and for payment, in such amounts and subject to such terms and conditions, of such costs and expenses hereafter incurred by or on behalf of such person's wife or offspring determined by the Secretary to have suffered injury or disease from syphilis contracted from such person: *Provided further,* That when the Department of Health and Human Services operates an employee health program for any Federal department or agency, payment for the estimated cost shall be made by way of reimbursement or in advances to this appropriation: *Provided further,* That during the fiscal year, and within the resources and authority available under section 338 of the Public Health Service Act, gross obligations for the principal amount of direct loans under sections 335(c), 338C(e)(1), and 338E of that Act shall not exceed $1,000,000: *Provided further,* That none of the funds made available by this Act shall be used to provide special retention pay (bonuses) under paragraph (4) of 37 U.S.C. 302(a) to any regular or reserve officer of the Public Health Service for any period during which the officer is providing obligated service under section 338B (or under former sections 225(e) or 752) of the Public Health Service Act except that this proviso shall not apply to any period of service covered by an agreement entered into by an officer under 37 U.S.C. 302(c)(1) before the date of enactment of Public Law 97-377.

MEDICAL FACILITIES GUARANTEE AND LOAN FUND

FEDERAL INTEREST SUBSIDIES FOR MEDICAL FACILITIES

For carrying out section 1602 of the Public Health Service Act, $32,000,000 shall be available without fiscal year limitation for the payment of interest subsidies. The total principal amount of loans to be guaranteed or directly made, which may be allotted among the States, pursuant to titles VI and XVI of the Public Health Service Act shall not exceed a cumulative amount of $1,500,000,000. During the fiscal year no commitments for direct loans or loan guarantees shall be made.

HEALTH MAINTENANCE ORGANIZATION LOAN AND LOAN GUARANTEE FUND

Any amounts received by the Secretary in connection with loans and loan guarantees under title XIII of the Public Health Service Act, and not to exceed $12,360,000 may be disbursed with respect to any liability or contingent liability incurred prior to 1984.

CENTERS FOR DISEASE CONTROL

DISEASE CONTROL

To carry out titles III, XI, and XIX of the Public Health Service Act, the Federal Mine Safety and Health Act of 1977, and the Occupational Safety and Health Act of 1970; including insurance of official motor vehicles in foreign countries; and purchase, hire, maintenance, and operation of aircraft, $373,405,000, of which $1,770,000 shall remain available until expended for construction and renovation of facilities: *Provided,* That training of employees of private agencies shall be made subject to reimbursement or advances to this appropriation for the full cost of such training.

NATIONAL INSTITUTES OF HEALTH

NATIONAL CANCER INSTITUTE

For carrying out section 301 and title IV of the Public Health Service Act with respect to cancer, $1,044,868,000.

NATIONAL HEART, LUNG, AND BLOOD INSTITUTE

For carrying out section 301, title IV, and title XI of the Public Health Service Act with respect to cardiovascular, lung, and blood diseases, and blood and blood products, $665,859,000.

NATIONAL INSTITUTE OF DENTAL RESEARCH

For carrying out section 301 and title IV of the Public Health Service Act with respect to dental diseases, $84,226,000.

NATIONAL INSTITUTE OF ARTHRITIS, DIABETES, AND DIGESTIVE AND KIDNEY DISEASES

For carrying out section 301 and title IV of the Public Health Service Act with respect to arthritis, diabetes, and metabolic, digestive, and kidney diseases, $442,255,000.

NATIONAL INSTITUTE OF NEUROLOGICAL AND COMMUNICATIVE DISORDERS AND STROKE

For carrying out section 301 and title IV of the Public Health Service Act with respect to neurological and communicative disorders and stroke, $328,921,000.

NATIONAL INSTITUTE OF ALLERGY AND INFECTIOUS DISEASES

For carrying out section 301 and title IV of the Public Health Service Act with respect to allergy and infectious diseases, $307,128,000.

NATIONAL INSTITUTE OF GENERAL MEDICAL SCIENCES

For carrying out section 301 and title IV of the Public Health Service Act with respect to general medical sciences, $363,444,000.

NATIONAL INSTITUTE OF CHILD HEALTH AND HUMAN DEVELOPMENT

For carrying out section 301 and title IV of the Public Health Service Act with respect to child health and human development, $265,180,000.

NATIONAL EYE INSTITUTE

For carrying out section 301 and title IV of the Public Health Service Act with respect to eye diseases and visual disorders, $149,600,000.

NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH SCIENCES

For carrying out section 301, 311 and title IV of the Public Health Service Act with respect to environmental health sciences, $173,627,000.

NATIONAL INSTITUTE ON AGING

For carrying out section 301 and title IV of the Public Health Service Act with respect to aging, $112,516,000.

RESEARCH RESOURCES

For carrying out sections 301 and 472 of the Public Health Service Act with respect to research resources and general research support grants, $253,824,000: *Provided*, That none of these funds, with the exception of funds for the Minority Biomedical Research Support program, shall be used to pay recipients of the general research support grants program any amount for indirect expenses in connection with such grants.

JOHN E. FOGARTY INTERNATIONAL CENTER

For carrying out the activities at the John E. Fogarty International Center, $11,584,000, of which $1,899,000 shall be available for payment to the Gorgas Memorial Institute for maintenance and operation of the Gorgas Memorial Laboratory.

NATIONAL LIBRARY OF MEDICINE

For carrying out section 301 with respect to health information communications and parts I and J of title III of the Public Health Service Act, $42,263,000.

OFFICE OF THE DIRECTOR

For carrying out the responsibilities of the Office of the Director, National Institutes of Health, $26,779,000 including purchase of not to exceed thirteen passenger motor vehicles for replacement only.

BUILDINGS AND FACILITIES

For construction of and acquisition of sites and equipment for, facilities of or used by the National Institutes of Health, $24,980,000 to remain available until expended.

ALCOHOL, DRUG ABUSE, AND MENTAL HEALTH ADMINISTRATION

ALCOHOL, DRUG ABUSE, AND MENTAL HEALTH

For carrying out the Public Health Service Act with respect to mental health, drug abuse, alcohol abuse, and alcoholism, $799,202,000, of which $1,515,000 for design, modernization and improvement of government owned or leased intramural research facilities shall remain available until expended.

FEDERAL SUBSIDY FOR SAINT ELIZABETHS HOSPITAL

For expenses necessary for the maintenance and operation of Saint Elizabeths Hospital in the District of Columbia, $62,744,000: *Provided*, That the Secretary of Health and Human Services may set rates for inpatient and outpatient services provided through Saint Elizabeths Hospital that in the aggregate do not exceed the estimated total cost of providing such services, and may bill and collect from (prospectively or otherwise) individuals, the District of Columbia, Executive agencies and other entities for any services so provided. Amounts so collected shall be credited to the appropriation for Saint Elizabeths Hospital.

OFFICE OF ASSISTANT SECRETARY FOR HEALTH

PUBLIC HEALTH SERVICE MANAGEMENT

For the expenses necessary for the Office of Assistant Secretary for Health and for carrying out titles III and XX of the Public Health Service Act, $106,972,000, together with not to exceed $1,300,000 to be transferred and expended as authorized by section 201(g) of the Social Security Act, from the Federal Hospital Insurance and the Federal Supplementary Medical Insurance Trust Funds referred to therein: *Provided*, That section 2008(g) does not apply to these programs.

RETIREMENT PAY AND MEDICAL BENEFITS FOR COMMISSIONED OFFICERS

For retirement pay and medical benefits of Public Health Service Commissioned Officers as authorized by law, and for payments under the Retired Serviceman's Family Protection Plan and Survivor Benefit Plan and for medical care of dependents and retired personnel under the Dependents' Medical Care Act (10 U.S.C., ch. 55), such amounts as may be required during the current fiscal year.

HEALTH CARE FINANCING ADMINISTRATION

GRANTS TO STATES FOR MEDICAID

For carrying out, except as otherwise provided, title XIX of the Social Security Act, $15,631,978,000 (in addition to the $5,105,600,000 previously appropriated), to remain available until expended.

For making, after May 31, 1984, payments to States under title XIX of the Social Security Act, for the last quarter of fiscal year 1984 for unanticipated costs, incurred for the current fiscal year, such sums as may be necessary, the obligations and the expenditures to be charged to the subsequent appropriations for the current or succeeding fiscal year.

Payment under title XIX may be made for any quarter beginning after June 30, 1983, and before October 1, 1984, with respect to any State plan or plan amendment in effect during any such quarter, if submitted in, or prior to, such quarter and approved in that or any such subsequent quarter.

For making payments to States under title XIX of the Social Security Act for the first quarter of fiscal year 1985, $5,552,000,000 to remain available until expended.

PAYMENTS TO HEALTH CARE TRUST FUNDS

For payment to the Federal Hospital Insurance and the Federal Supplementary Medical Insurance Trust Funds, as provided under sections 217(g), 229(b) and 1844 of the Social Security Act, sections 103(c) and 111(d) of the Social Security Amendments of 1965, and section 278(d) of Public Law 97-248, $17,291,000,000.

PROGRAM MANAGEMENT

For carrying out, except as otherwise provided, titles XI, XVIII and XIX of the Social Security Act, $84,600,000 together with not to exceed $1,012,246,000 to be transferred to this appropriation as authorized by section 201(g) of the Social Security Act, from the Federal Hospital Insurance and the Federal Supplementary Medical Insurance Trust Funds referred to therein: *Provided*, That these amounts shall be in addition to $45,000,000 for this purpose available under section 118 of Public Law 97-248: *Provided further*, That $25,000,000 of the foregoing amount shall be expended only to the extent necessary to process workloads not anticipated in the budget estimates and to meet unanticipated costs of agencies or organizations with which agreements have been made to participate in the administration of title XVIII and after maximum absorption of such costs within the remainder of the existing limitation has been achieved: *Provided further*, That none of the funds appropriated under this title shall be used to carry out Part B of title XI of the Social Security Act or section 150 of the Tax Equity and Fiscal Responsibility Act of 1982 or to enter into any contracts or agreements under these provisions.

SOCIAL SECURITY ADMINISTRATION

PAYMENTS TO SOCIAL SECURITY TRUST FUNDS

For payment to the Federal Old-Age and Survivors Insurance and the Federal Disability Insurance Trust Funds, as provided under sections 217(g), 228(g), 229(b), and 1131(b)(2) of the Social Security Act and section 152 of Public Law 98-21, $448,583,000.

SPECIAL BENEFITS FOR DISABLED COAL MINERS

For carrying out title IV of the Federal Mine Safety and Health Act of 1977, including the payment of travel expenses on an actual cost or commuted basis, to an individual, for travel incident to medical examinations, and to parties, their representatives and all reasonably necessary witnesses for travel within the United States, Puerto Rico, and the Virgin Islands, to reconsideration interviews and to proceedings before administrative law judges, $1,027,047,000. For making, after July 31 of the current fiscal year, benefit payments to individuals under title IV of the Federal Mine Safety and Health Act of 1977, for costs incurred in the current fiscal year, such amounts as may be necessary, the obligations and expenditures to be charged to the subsequent appropriations for the current or succeeding fiscal year.

SUPPLEMENTAL SECURITY INCOME PROGRAM

For carrying out the Supplemental Security Income Program under title XVI of the Social Security Act, section 401 of Public Law 92-603, section 212 of Public Law 93-66, as amended, and section 405 of Public Law 95-216, including payment to the social security trust funds for administrative expenses incurred pursuant to section 201(g)(1) of the Social Security Act, $7,851,518,000 to remain available until expended: *Provided*, That any portion of the funds provided to a State in the current fiscal year and not obligated by the State during that year shall be returned to the Treasury. For making, after July 31 of the current fiscal year, benefit payments to individuals under title XVI of the Social Security Act, for unanticipated costs incurred for the current fiscal year, such sums as may be necessary, the obligations and expenditures therefor to be charged to the subsequent appropriations for the current or succeeding fiscal year.

ASSISTANCE PAYMENTS PROGRAM

For carrying out, except as otherwise provided, titles I, IV—A and —D, X, XI, XIV, and XVI, of the Social Security Act and the Act of July 5, 1960 (24 U.S.C., ch. 9), $5,411,518,000 (in addition to the $1,718,000,000 already appropriated), to remain available until expended.

For making, after May 31 of the current fiscal year, payments to States under titles I, IV—A and —D, X, XIV, and XVI of the Social Security Act for the last three months of the current fiscal year for unanticipated costs, incurred for the current fiscal year, such sums as may be necessary, the obligations and expenditures to be charged to the subsequent appropriations for the current or succeeding fiscal year.

For making payments to States under titles I, IV—A and —D, X, XIV, and XVI of the Social Security Act for the first quarter of fiscal year 1985, $1,758,454,000 to remain available until expended: *Provided,* That the Secretary of Health and Human Services shall transfer to the Secretary of Agriculture for payment to States for administrative costs in connection with certification of AFDC households under the Food Stamp Act of 1977, such amounts as may be agreed upon between them.

CHILD SUPPORT ENFORCEMENT

For carrying out, except as otherwise provided, titles IV-D and XI of the Social Security Act, $298,463,000 (in addition to the $118,000,000 already appropriated) to remain available until expended.

For making, after May 31 of the current fiscal year, payments to States under title IV-D of the Social Security Act for the last three months of the current fiscal year for unanticipated costs, incurred for the current fiscal year, such sums as may be necessary, the obligations and the expenditures to be charged to the subsequent appropriations for the current or succeeding fiscal year.

For making payments to States under title IV-D of the Social Security Act for the first quarter of fiscal year 1985, $102,750,000 to remain available until expended.

LOW INCOME HOME ENERGY ASSISTANCE

For carrying out title XXVI of the Omnibus Budget Reconciliation Act of 1981, $1,875,000,000.

LIMITATION ON ADMINISTRATIVE EXPENSES

For necessary expenses, not more than $3,718,303,000 may be expended, as authorized by section 201(g)(1) of the Social Security Act, from any one or all of the trust funds referred to therein: *Provided,* That travel expense payments under section 1631(h) of such Act may be made only when travel of more than seventy-five miles is required: *Provided further,* That $50,000,000 of the foregoing amount shall be apportioned for use pursuant to section 3679 of the Revised Statutes (31 U.S.C. 665), only to the extent necessary to process workloads not anticipated in the budget estimates, for automation projects, and to meet mandatory increases in costs of agencies or organizations with which agreements have been made to participate in the administration of titles XVI and XVIII and section 221 of the Social Security Act, and after maximum absorption of such costs within the remainder of the existing limitation has been achieved: *Provided further,* That $44,388,000 authorized herein shall be available only for acquisition of sites, construction, renovation, and equipment of facilities and for payments for principal, interest, taxes and any other obligations under contracts entered into pursuant to the Public Buildings Purchase Contract Act of 1954 and the Public Buildings Amendments of 1972, and shall remain available until expended: *Provided further,* That $200,054,000 for automatic data processing and telecommunications activities shall remain available until expended: *Provided further,* That none of the funds appropriated by this Act may be used for the manufacture, printing, or procuring of social security cards, as provided in section 205(c)(2)(D) of the Social Security Act, where paper and other materials used in the manufacture of such cards are produced, manufactured, or assembled outside of the United States.

OFFICE OF HUMAN DEVELOPMENT SERVICES

SOCIAL SERVICES BLOCK GRANT

For carrying out the Social Services Block Grant Act, $2,500,000,000.

HUMAN DEVELOPMENT SERVICES

For carrying out, except as otherwise provided, the Older Americans Act of 1965, the Runaway and Homeless Youth Act, title VIII of the Community Services Act, the Developmental Disabilities Assistance and Bill of Rights Act of 1981, and the Head Start Act of 1981, $1,825,436,000, of which $43,180,000 shall be for grants under part C of the Developmental Disabilities Assistance and Bill of Rights Act, and $7,320,000 shall be for section 113 of such Act.

FAMILY SOCIAL SERVICES

For carrying out, except as otherwise provided, parts A, B, and E of title IV and sections 1110 and 1115 of the Social Security Act and title II of Public Law 95-266 (adoption opportunities), $617,231,000.

WORK INCENTIVES

For carrying out a work incentive program, as authorized by part C of title IV of the Social Security Act, including registration of individuals for such programs, and for related child care and other supportive services, as authorized by section 402(a)(19)(G) of the Act, including transfer to the Secretary of Labor, as authorized by section 431 of the Act, $270,760,000 which shall be the maximum amount available for transfer to the Secretary of Labor and to which the States may become entitled pursuant to section 403(d) of such Act, for these purposes.

OFFICE OF COMMUNITY SERVICES

COMMUNITY SERVICES BLOCK GRANT

For carrying out the Community Services Block Grant Act, $351,000,000, of which $18,840,000 shall be for carrying out section 681(a)(2)(A), $3,840,000 shall be for carrying out section 681(a)(2)(D), $2,880,000 shall be for carrying out section 681(a)(2)(E), and $5,760,000 shall be for carrying out section 681(a)(2)(F): *Provided,* That not more than 10 per centum of the funds appropriated and allotted to each State under section 674 of such Act shall be used for purposes other than to make grants to eligible entities as defined in section 673(1) of such Act or to organizations serving seasonal and migrant farmworkers or to designated limited purpose agencies which meet the requirements of section 673(1) of such Act, except that the Secretary of Health and Human Services may waive this requirement for any State applying for such a waiver if—

(1) the State obtained a waiver of the requirements of section 138 of Public Law 97-276 with respect to appropriations for fiscal year 1983; and

(2) the State submits, prior to October 1, 1983, an application for fiscal year 1984 under the Community Services Block Grant Act, containing provisions for the use of assistance under that Act by political subdivisions.

DEPARTMENTAL MANAGEMENT

GENERAL DEPARTMENTAL MANAGEMENT

For necessary expenses, not otherwise provided, for general departmental management, including hire of six medium sedans, $160,794,000, together with not to exceed $8,000,000 to be transferred and expended as authorized by section 201(g)(1) of the Social Security Act from any one or all of the trust funds referred to therein.

OFFICE OF THE INSPECTOR GENERAL

For expenses necessary for the Office of the Inspector General, $62,366,000, together with not to exceed $6,000,000 to be transferred and expended as authorized by section 201(g)(1) of the Social Security Act from any one or all of the trust funds referred to therein.

For making payments to States for medicaid State fraud control units under section 1903(a)(6) of the Social Security Act for the current fiscal year, $24,871,000.

For making, after May 31 of the current fiscal year, payments to States under section 1903(a)(6) of the Social Security Act for the last three months of the current fiscal year for unanticipated costs, incurred for the current fiscal year, not to exceed $5,000,000, the obligations and expenditures to be charged to the subsequent appropriations for the current or succeeding fiscal year.

For making payments to States for medicaid State fraud control units under section 1903(a)(6) of the Social Security Act for the first quarter of fiscal year 1985, $9,000,000.

OFFICE FOR CIVIL RIGHTS

For expenses necessary for the Office for Civil Rights, $18,945,000, together with not to exceed $2,350,000, to be transferred and expended as authorized by section 201(g)(1) of the Social Security Act from any one or all of the trust funds referred to therein.

POLICY RESEARCH

For carrying out, to the extent not otherwise provided, research studies under section 1110 of the Social Security Act, $10,000,000.

GENERAL PROVISIONS

SEC. 201. None of the funds appropriated by this title for grants-in-aid of State agencies to cover, in whole or in part, the cost of operation of said agencies, including the salaries and expenses of officers and employees of said agencies, shall be withheld from the said agencies of any State which have established by legislative enactment and have in operation a merit system and classification and compensation plan covering the selection, tenure in office, and compensation of their employees, because of any disapproval of their personnel or the manner of their selection by the agencies of the said States, or the rates of pay of said officers or employees.

SEC. 202. None of the funds provided herein shall be used to pay any recipient of a grant for the conduct of research an amount equal to as much as the entire cost of such research.

SEC. 203. Appropriations in this Act for the Health Resources and Services Administration, the National Institutes of Health, the Centers for Disease Control, the Alcohol, Drug Abuse, and Mental Health Administration, the Office of the Assistant Secretary for Health, the Health Care Financing

Administration, and Departmental Management shall be available for expenses for active commissioned officers in the Public Health Service Reserve Corps and for not to exceed two thousand five hundred commissioned officers in the Regular Corps; expenses incident to the dissemination of health information in foreign countries through exhibits and other appropriate means; advances of funds for compensation, travel, and subsistence expenses (or per diem in lieu thereof) for persons coming from abroad to participate in health or scientific activities of the Department pursuant to law; expenses of primary and secondary schooling of dependents in foreign countries, of Public Health Service commissioned officers stationed in foreign countries, at costs for any given area not in excess of those of the Department of Defense for the same area, when it is determined by the Secretary that the schools available in the locality are unable to provide adequately for the education of such dependents, and for the transportation of such dependents, between such schools and their places of residence when the schools are not accessible to such dependents by regular means of transportation; expenses for medical care for civilian and commissioned employees of the Public Health Service and their dependents, assigned abroad on a permanent basis in accordance with such regulations as the Secretary may provide; rental or lease of living quarters (for periods not exceeding five years), and provision of heat, fuel, and light and maintenance, improvement, and repair of such quarters, and advance payments therefor, for civilian officers, and employees of the Public Health Service who are United States citizens and who have a permanent station in a foreign country; purchase, erection, and maintenance of temporary or portable structures; and for the payment of compensation to consultants or individual scientists appointed for limited periods of time pursuant to section 207(f) or section 207(g) of the Public Health Service Act, at rates established by the Assistant Secretary for Health, or the Secretary where such action is required by statute, not to exceed the per diem rate equivalent to the rate for GS-18; not to exceed $9,500 for official reception and representation expenses related to any health agency of the Department when specifically approved by the Assistant Secretary for Health.

SEC. 204. None of the funds provided by this Act shall be used to perform abortions except where the life of the mother would be endangered if the fetus were carried to term: *Provided, however,* That the several States are and shall remain free not to fund abortions to the extent that they in their sole discretion deem appropriate.

SEC. 205. Funds advanced to the National Institutes of Health Management Fund from appropriations in this Act shall be available for the expenses of sharing medical care facilities and resources pursuant to section 327(a) of the Public Health Service Act.

SEC. 206. Funds appropriated in this title for the Social Security Administration and the Office of Child Support Enforcement shall be available for not to exceed $5,000 for official reception and representation expenses related to income maintenance or child support enforcement activities of the Department when specifically approved by the Commissioner of Social Security.

SEC. 207. Funds appropriated in this title for the Health Care Financing Administration shall be available for not to exceed $2,000 for official reception and representation expenses when specifically approved by the Administrator of the Health Care Financing Administration.

SEC. 208. No funds appropriated for the fiscal year ending September 30, 1984, by this or any other Act, may be used to pay basic pay, special pays, basic allowance for subsistence and basic allowances for quarters of the commissioned corps of the Public Health Service described in section 204 of title 42, United States Code, at a level that exceeds 110 percent of the Executive Level I annual rate of basic pay.

SEC. 209. None of the funds appropriated in this title shall be used to transfer the general administration of programs authorized under the Native American Programs Act from the Department of Health and Human Services to the Department of the Interior.

This title may be cited as the "Department of Health and Human Services Appropriation Act, 1984".

TITLE III—DEPARTMENT OF EDUCATION

COMPENSATORY EDUCATION FOR THE DISADVANTAGED

For carrying out chapter 1 of the Education Consolidation and Improvement Act of 1981, $3,480,000,000 to become available on July 1, 1984, and remain available until September 30, 1985: *Provided,* That no funds shall be used for the purposes of section 554(a)(1)(B), $4,746,000 shall be available for purposes of section 555(d) to provide technical assistance and evaluate programs, $255,744,000 shall be available for the purposes of section 554(a)(2)(A), $146,520,000 shall be available for purposes of section 554(a)(2)(B), $32,616,000 shall be available for purposes of section 554(a)(2)(C) and $33,014,000 shall be available for purposes of section 554(b)(1)(D).

For carrying out section 418 of the Higher Education Act, $7,500,000.

SPECIAL PROGRAMS

For carrying out the consolidated programs and projects authorized under chapter 2 of the Education Consolidation and Improvement Act of 1981; title IX, part C of the Elementary and Secondary Education Act; title IV of the Civil Rights Act of 1964; the Follow Through Act; sections 1524 and 1525 of the Education Amendments of 1978; section 6 of the Asbestos School Hazard Detection and Control Act of 1980; and Public Law 92-506, $577,286,000: *Provided,* That $450,655,000 to carry out the State block grant program authorized under chapter 2 of the Education Consolidation and Improvement Act shall become available for obligation on July 1, 1984, and shall remain available until September 30, 1985: *Provided further,* That $28,224,000 for the purpose of subchapter D of the Education Consolidation and Improvement Act shall become available for obligation on October 1, 1983: *Provided further,* That $1,000,000 of the amount appropriated above for the purpose of Public Law 92-506 shall become available on July 1, 1984, and shall remain available until September 30, 1985.

BILINGUAL EDUCATION

For carrying out, to the extent not otherwise provided, title VII of the Elementary and Secondary Education Act and part B, subpart 3 of the Vocational Education Act, as amended, $138,057,000 of which $6,015,000 for part B, subpart 3 of the Vocational Education Act shall become available on July 1, 1984, and shall remain available until September 30, 1985.

EDUCATION FOR THE HANDICAPPED

For carrying out the Education of the Handicapped Act, $1,159,792,000 of which $1,017,900,000 for section 611 and $25,000,000 for section 619 shall become available for obligation on July 1, 1984, and shall remain available until September 30, 1985.

VOCATIONAL AND ADULT EDUCATION

For carrying out, to the extent not otherwise provided, the Vocational Education Act, and the Adult Education Act, $835,000,000 which shall become available for obligation on July 1, 1984, and shall remain available until September 30, 1985, except that $8,178,000 for part B, subpart 2 of the Vocational Education Act shall become available for obligation on July 1, 1984, and shall remain available until expended: *Provided,* That $7,000,000 for State advisory councils under section 105 of the Vocational Education Act shall first be used to provide to each State, the District of Columbia, Puerto Rico, the Virgin Islands, American Samoa, Guam, Trust Territory of the Pacific Islands, and Northern Mariana Islands an amount at least equal to the amount it received in the previous fiscal year, and the remainder shall be distributed equally among the aforesaid recipients of these funds: *Provided further,* That not to exceed $99,590,000 shall be for carrying out part A, subpart 3, of the Vocational Education Act: *Provided further,* That $2,243,100 shall be made available for the National Occupational Information Coordinating Committee.

STUDENT FINANCIAL ASSISTANCE

For carrying out subparts 1, 2, and 3 of part A, and parts C and E of title IV of the Higher Education Act, $3,697,360,000 which shall remain available until September 30, 1985: *Provided,* That amounts appropriated for Pell Grants shall be available first to meet any insufficiencies in entitlements resulting from the payment schedule for Pell Grants published by the Secretary of Education for the 1983-1984 academic year: *Provided further,* That pursuant to section 411(b)(4)(A) of the Higher Education Act, amounts appropriated herein for Pell Grants which exceed the amounts required to meet the payments schedule published for any fiscal year by 15 per centum or less shall be carried forward and merged with amounts appropriated for the next fiscal year: *Provided further,* That the maximum grant a student may receive in the 1984-1985 academic year shall be $1,900 notwithstanding section 411(a)(2)(A)(i)((III) of the Higher Education Act: *Provided further,* That such sums as may be necessary shall be made available to compensate private debt collection agencies under contract with the Secretary of Education, as provided for in Public Law 97-365, from amounts collected by these private agencies on loans defaulted under Part E of the Higher Education Act.

GUARANTEED STUDENT LOANS

For necessary expenses under title IV, part B of the Higher Education Act, $1,268,600,000 to remain available until expended.

HIGHER EDUCATION

For carrying out titles III; VI, parts A and B; VIII; IX, parts B, D, and E; title X; and sections 417, 420, and 734 of the Higher Education Act, and section 515(d) of the Omnibus Budget Reconciliation Act of 1981 (20 U.S.C. 1221e-1b(2)); and section

102(b)(6) of the Mutual Educational and Cultural Exchange Act of 1961, $394,270,000: *Provided*, That $24,500,000 made available for interest subsidy grants under section 734 of the Higher Education Act shall remain available until expended: *Provided further*, That sections 922(b)(2) and 922(e)(2) and the funding limitations set forth in section 922(e) of the Higher Education Act shall not apply to funds in this Act: *Provided further*, That such sums as may be necessary shall be made available to compensate private debt collection agencies under contract with the Secretary, as provided for in the Debt Collection Act of 1982 (Public Law 97-365), from amounts collected by these private agencies on loans defaulted under section 406 of the Omnibus Crime Control and Safe Streets Act of 1968 (Public Law 90-351) and under the Migration and Refugee Assistance Act of 1962 (Public Law 87-510): *Provided further*, That not less than $45,741,000 of funds appropriated for title III of the Higher Education Act shall be available only to historically black colleges and universities.

HIGHER EDUCATION FACILITIES LOANS AND INSURANCE

For the payment of principal and interest on participation certificates as authorized by the Department of Health, Education, and Welfare Appropriation Act, 1968, issued by the Government National Mortgage Association as trustee on the behalf of the Department of Education pursuant to the Federal National Mortgage Association Act (12 U.S.C. 1717(c)), and for the payment of interest expenses to the Department of the Treasury as required by title VII, section 733(b)(2) of the Higher Education Act, $19,846,000 to remain available until expended. The Secretary is hereby authorized to make such expenditures, within the limits of funds available under this heading and in accord with law, and to make such contracts and commitments without regard to fiscal year limitation as provided by section 104 of the Government Corporation Control Act (31 U.S.C. 9104) as may be necessary in carrying out the program set forth in the budget for the current fiscal year. During fiscal year 1984, no new commitments for loans may be made from this account.

COLLEGE HOUSING LOANS

The aggregate amount of commitments for loans made from the fund established pursuant to title IV of the Housing Act of 1950, as amended (12 U.S.C. 1749), for the fiscal year 1984 shall not exceed the total of loan repayments and other income available during such period, less operating costs. Payments of insufficiencies in fiscal year 1984 as may be required by the Government National Mortgage Association, as trustee, on account of outstanding beneficial interests or participations issued pursuant to section 302(c) of the Federal National Mortgage Association Charter Act, as amended (12 U.S.C. 1717) shall be made from the fund established pursuant to title IV of the Housing Act of 1950, as amended (12 U.S.C. 1749) using loan repayments and other income available during fiscal year 1984. During fiscal year 1984 and within the resources and authority available, gross commitments for the principal amount of direct loans shall be $40,000,000.

EDUCATIONAL RESEARCH AND STATISTICS

For necessary expenses to carry out sections 405 and 406 of the General Education Provisions Act, as amended, $56,978,000.

EDUCATION AND RESEARCH OVERSEAS (SPECIAL FOREIGN CURRENCY PROGRAM)

For payments in foreign currencies which the Treasury Department determines to be in excess of the normal requirements of the United States, for necessary expenses of the Department of Education, as authorized by law, $516,000, to remain available until expended.

LIBRARIES

For carrying out, to the extent not otherwise provided, titles I and III of the Library Services and Construction Act (20 U.S.C., ch. 16); title II, part A, part B except section 224, and part C of the Higher Education Act, notwithstanding the provisions of section 221, $88,800,000.

SPECIAL INSTITUTIONS

AMERICAN PRINTING HOUSE FOR THE BLIND

For carrying out the Act of March 3, 1879, as amended (20 U.S.C. 101-105), $5,000,000.

NATIONAL TECHNICAL INSTITUTE FOR THE DEAF

For carrying out the National Technical Institute for the Deaf Act (20 U.S.C. 681 et seq.), $26,300,000.

GALLAUDET COLLEGE

For carrying out the Model Secondary School for the Deaf Act (80 Stat. 1027) and for the partial support of Gallaudet College authorized by the Act of June 18, 1954 (68 Stat. 265), $52,000,000.

HOWARD UNIVERSITY

For partial support of Howard University, $145,200,000. If requested by the university, construction financed by prior year appropriations to this account shall be supervised by the General Services Administration.

DEPARTMENTAL MANAGEMENT

SALARIES AND EXPENSES

For carrying out, to the extent not otherwise provided, the Department of Education Organization Act, including rental of conference rooms in the District of Columbia and hire of three medium sedans, $232,968,000.

OFFICE FOR CIVIL RIGHTS

For expenses necessary for the Office for Civil Rights, as authorized by section 203 of the Department of Education Organization Act, $42,058,000.

OFFICE OF THE INSPECTOR GENERAL

For expenses necessary for the Office of the Inspector General, as authorized by section 212 of the Department of Education Organization Act, $12,989,000.

GENERAL PROVISIONS

SEC. 301. None of the funds appropriated by this title for grants-in-aid of State agencies to cover, in whole or in part, the cost of operation of said agencies, including the salaries and expenses of officers and employees of said agencies, shall be withheld from the said agencies of any State which have established by legislative enactment and have in operation a merit system and classification and compensation plan covering the selection, tenure in office, and compensation of their employees, because of any disapproval of their personnel or the manner of their selection by the agencies of the said States, or the rates of pay of said officers or employees.

SEC. 302. Funds appropriated in this Act to the American Printing House for the Blind, Howard University, the National Technical Institute for the Deaf, and Gallaudet College shall be subject to audit by the Secretary of Education.

SEC. 303. None of the funds provided herein shall be used to pay any recipient of a grant for the conduct of research an amount equal to as much as the entire cost of such research.

SEC. 304. No part of the funds contained in this title may be used to force any school or school district which is desegregated as that term is defined in title IV of the Civil Rights Act of 1964, Public Law 88-352, to take any action to force the busing of students; to force on account of race, creed or color the abolishment of any school so desegregated; or to force the transfer or assignment of any student attending any elementary or secondary school so desegregated to or from a particular school over the protest of his or her parents or parent.

SEC. 305. (a) No part of the funds contained in this title shall be used to force any school or school district which is desegregated as that term is defined in title IV of the Civil Rights Act of 1964, Public Law 88-352, to take any action to force the busing of students; to require the abolishment of any school so desegregated; or to force on account of race, creed or color the transfer of students to or from a particular school so desegregated as a condition precedent to obtaining Federal funds otherwise available to any State, school district or school.

(b) No funds appropriated in this Act may be used for the transportation of students or teachers (or for the purchase of equipment for such transportation) in order to overcome racial imbalance in any school or school system, or for the transportation of students or teachers (or for the purchase of equipment for such transportation) in order to carry out a plan of racial desegregation of any school or school system.

SEC. 306. None of the funds contained in this Act shall be used to require, directly or indirectly, the transportation of any student to a school other than the school which is nearest the student's home, except for a student requiring special education, to the school offering such special education, in order to comply with title VI of the Civil Rights Act of 1964. For the purpose of this section an indirect requirement of transportation of students includes the transportation of students to carry out a plan involving the reorganization of the grade structure of schools, the pairing of schools, or the clustering of schools, or any combination of grade restructuring, pairing or clustering. The prohibition described in this section does not include the establishment of magnet schools.

SEC. 307. No funds appropriated under this Act may be used to prevent the implementation of programs of voluntary prayer and meditation in the public schools.

This title may be cited as the "Department of Education Appropriation Act, 1984".

TITLE IV—RELATED AGENCIES

CORPORATION FOR PUBLIC BROADCASTING

PUBLIC BROADCASTING FUND

For payment to the Corporation for Public Broadcasting, as authorized by the Public Broadcasting Amendments Act of 1981, an amount which shall be available within limitations specified by said Act, for the fiscal year 1986, $130,000,000: *Provided*, That no funds made available to the Corporation for Public Broadcasting by this Act shall be used to pay for receptions, parties and similar forms of entertainment for government officials or employees: *Provided further*, That none of the funds contained in this paragraph shall be available or used to

aid or support any program or activity excluding from participation in, denying the benefits of, or discriminating against any person on the basis of race, color, national origin, religion or sex.

FEDERAL MEDIATION AND CONCILIATION SERVICE

SALARIES AND EXPENSES

For expenses necessary for the Federal Mediation and Conciliation Service to carry out the functions vested in it by the Labor Management Relations Act, 1947 (29 U.S.C. 171-180, 182), including expenses of the Labor Management Panel and boards of inquiry appointed by the President, hire of passenger motor vehicles, and rental of conference rooms in the District of Columbia; and for expenses necessary pursuant to Public Law 93-360 for mandatory mediation in health care industry negotiation disputes and for convening factfinding boards of inquiry appointed by the Director in the health care industry; and for expenses necessary for the Labor-Management Cooperation Act of 1978 (29 U.S.C. 125a); and for expenses necessary for the Service to carry out the functions vested in it by the Civil Service Reform Act, Public Law 95-454 (5 U.S.C. Chapter 71), $23,161,000.

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

SALARIES AND EXPENSES

For expenses necessary for the Federal Mine Safety and Health Review Commission (30 U.S.C. 801 et seq.), $3,858,000.

NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE

SALARIES AND EXPENSES

For necessary expenses of the National Commission on Libraries and Information Science, established by the Act of July 20, 1970 (Public Law 91-345), $553,000.

NATIONAL LABOR RELATIONS BOARD

SALARIES AND EXPENSES

For expenses necessary for the National Labor Relations Board to carry out the functions vested in it by the Labor-Management Relations Act, 1947, as amended (29 U.S.C. 141-167), and other laws, $133,594,000: *Provided*, That no part of this appropriation shall be available to organize or assist in organizing agricultural laborers or used in connection with investigations, hearings, directives, or orders concerning bargaining units composed of agricultural laborers as referred to in section 2(3) of the Act of July 5, 1935 (29 U.S.C. 152), and as amended by the Labor-Management Relations Act, 1947, as amended, and as defined in section 3(f) of the Act of June 25, 1938 (29 U.S.C. 203), and including in said definition employees engaged in the maintenance and operation of ditches, canals, reservoirs, and waterways when maintained or operated on a mutual, nonprofit basis and at least 95 per centum of the water stored or supplied thereby is used for farming purposes.

NATIONAL MEDIATION BOARD

SALARIES AND EXPENSES

For expenses necessary to carry out the provisions of the Railway Labor Act, as amended (45 U.S.C. 151-188), including emergency boards appointed by the President, $6,238,000.

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

SALARIES AND EXPENSES

For the expenses necessary for the Occupational Safety and Health Review Commission, $5,982,000.

PROSPECTIVE PAYMENT ASSESSMENT COMMISSION

For expenses necessary to carry out section 601 of Public Law 98-21, $1,000,000 to be transferred to this appropriation from the Federal Hospital Insurance and the Federal Supplementary Medical Insurance Trust Funds to remain available until expended.

RAILROAD RETIREMENT BOARD

DUAL BENEFITS PAYMENTS ACCOUNT

For payment to the Dual Benefits Payments Account, authorized under section 15(d) of the Railroad Retirement Act of 1974, $420,000,000, which shall be credited to the account in 12 approximately equal amounts on the first day of each month in the fiscal year.

LIMITATION ON ADMINISTRATION

For expenses necessary for the Railroad Retirement Board, $56,046,000 to be derived from the railroad retirement accounts: *Provided*, That such portion of the foregoing amount as may be necessary shall be available for the payment of personnel compensation and benefits for not less than 1,162 full-time-equivalent employees: *Provided further*, That $500,000 of the foregoing amount shall be available only to the extent necessary to process workloads not anticipated in the budget estimates and after maximum absorption of the costs of such workloads within the remainder of the existing limitation has been achieved: *Provided further*, That notwithstanding any other provisions in law, no portion of this limitation shall be available for payments of standard level user charges pursuant to section 210(j) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 490(j); 45 U.S.C. 228 a-r).

LIMITATION ON RAILROAD UNEMPLOYMENT INSURANCE ADMINISTRATION FUND

For further expenses necessary for the Railroad Retirement Board, for administration of the Railroad Unemployment Insurance Act, not less than $16,082,000 shall be apportioned for fiscal year 1984 pursuant to section 3679 of the Revised Statutes, as amended (31 U.S.C. 655) from moneys credited to the railroad unemployment insurance administration fund, and of this amount no more than $6,659,000 may be derived from contributions credited to the railroad unemployment insurance administration fund as authorized by section 11(a)(iv) of the Railroad Unemployment Insurance Act: *Provided*, That such portion of the foregoing amount as may be necessary shall be available for the payment of personnel compensation and benefits for not less than 416 full-time-equivalent employees.

SOLDIERS' AND AIRMEN'S HOME

OPERATION AND MAINTENANCE

For maintenance and operation of the United States Soldiers' and Airmen's Home, to be paid from the Soldiers' and Airmen's Home permanent fund, $30,924,000: *Provided*, That this appropriation shall not be available for the payment of hospitalization of members of the Home in United States Army hospitals at rates in excess of those prescribed by the Secretary of the Army upon recommendation of the Board of Commissioners and the Surgeon General of the Army.

CAPITAL OUTLAY

For construction and renovation of the physical plant, to be paid from the Soldiers' and Airmen's Home permanent fund, $4,550,000, to remain available until expended.

TITLE V—GENERAL PROVISIONS

SEC. 501. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 502. No part of any appropriation contained in this Act shall be expended by any executive agency, as referred to in the Office of Federal Procurement Policy Act (41 U.S.C. 401 et seq.), pursuant to any obligation for services by contract, unless such executive agency has awarded and entered into such contract in full compliance with such Act and regulations promulgated thereunder.

SEC. 503. Appropriations contained in this Act, available for salaries and expenses, shall be available for services as authorized by 5 U.S.C. 3109 but at rates for individuals not to exceed the per diem rate equivalent to the rate for GS-18.

SEC. 504. Appropriations contained in this Act, available for salaries and expenses, shall be available for uniforms or allowances therefor as authorized by law (5 U.S.C. 5901-5902).

SEC. 505. Appropriations contained in this Act, available for salaries and expenses, shall be available for expenses of attendance at meetings which are concerned with the functions or activities for which the appropriation is made or which will contribute to improved conduct, supervision, or management of those functions or activities.

SEC. 506. No part of the funds appropriated under this Act shall be used to provide a loan, guarantee of a loan, a grant, the salary of or any remuneration whatever to any individual applying for admission, attending, employed by, teaching at, or doing research at an institution of higher education who has engaged in conduct on or after August 1, 1969, which involves the use of (or the assistance to others in the use of) force or the threat of force or the seizure of property under the control of an institution of higher education, to require or prevent the availability of certain curricula, or to prevent the faculty, administrative officials, or students in such institution from engaging in their duties or pursuing their studies at such institution.

SEC. 507. The Secretaries of Labor, Education, and Health and Human Services are authorized to transfer unexpended balances of prior appropriations to accounts corresponding to current appropriations provided in this Act: *Provided*, That such transferred balances are used for the same purpose, and for the same periods of time, for which they were originally appropriated.

SEC. 508. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 509. No part of any appropriation contained in this Act shall be used, other than for normal and recognized executive-legislative relationships, for publicity or propaganda purposes, for the preparation, distribution, or use of any kit, pamphlet, booklet, publication, radio, television, or film presentation designed to support or defeat legislation pending before the Congress, except in presentation to the Congress itself.

No part of any appropriation contained in this Act shall be used to pay the salary or expenses of any grant or contract recipient, or agent acting for such recipient, related to any activity designed to influence legislation or appropriations pending before the Congress.

SEC. 510. The Secretaries of Labor, Education, and Health and Human Services are each authorized to make available not to exceed $7,500 from funds available for salaries and expenses under titles I, II, and III, respectively, for official reception and representation expenses; the Director of the Federal Mediation and Conciliation Service is authorized to make available for official reception and representation expenses not to exceed $2,500 from the funds available for "Salaries and expenses, Federal Mediation and Conciliation Service"; and the Chairman of the National Mediation Board is authorized to make available for official reception and representation expenses not to exceed $2,500 from funds available for "Salaries and expenses, National Mediation Board".

SEC. 511. None of the funds appropriated by this Act shall be used to pay for any research program or project or any program, project, or course which is of an experimental nature, or any other activity involving human participants, which is determined by the Secretary or a court of competent jurisdiction to present a danger to the physical, mental, or emotional well-being of a participant or subject of such program, project, or course, without the written, informed consent of each participant or subject, or a participant's parents or legal guardian, if such participant or subject is under eighteen years of age. The Secretary shall adopt appropriate regulations respecting this section.

This Act may be cited as the "Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriation Act, 1984".

Mr. NATCHER (during the reading). Mr. Chairman, I ask unanimous consent that the bill be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

The CHAIRMAN pro tempore. Are there any points of order against the bill?

POINT OF ORDER

Mr. AUCOIN. Mr. Chairman, I raise a point of order.

The CHAIRMAN pro tempore. The gentleman will state his point of order.

Mr. AUCOIN. Mr. Chairman, I raise a point of order on that section of the bill starting on page 37, line 24 through page 38, line 4, and note that it is in violation of rule XXI, clause 2, and constitutes legislation on an appropriation bill.

In addition, Mr. Chairman, it requires Federal officials to make determinations and judgments not required by law as to the danger of the mother in each individual case in violation of Deschler's "Procedures of the House," chapter 26, section 11.7.

The CHAIRMAN pro tempore. Does the gentleman from Kentucky (Mr. NATCHER) or the gentleman from Massachusetts (Mr. CONTE) wish to be heard on the point of order?

Mr. CONTE. Mr. Chairman, what section is the gentleman raising?

The CHAIRMAN pro tempore. The gentleman is reading section 204 on page 37.

Mr. AUCOIN. Mr. Chairman, which goes over to page 38 and ends on line 4.

The CHAIRMAN pro tempore. Yes, beginning on page 37, line 24.

Mr. CONTE. Mr. Chairman, I rise in opposition to the point of order.

The gentleman is correct that this language was ruled out of order in 1977.

However, the fact is that while Chairman Bolling could in 1977 say with justification that this language then imposed a determination on Federal officials, the same situation does not exist today as we consider this bill today.

Mr. Chairman, our requirement that Federal officials determine danger to the life of the mother has been in effect now for 8 consecutive years. What was in 1977 a new determination is not new today. We have had 8 years of experience.

The administrative requirements and the procedures for making this determination have been in operation, as I said, under the existing law for the past 8 years. Therefore, Mr. Chairman, this language does not now require a new determination and I ask that the Chair overrule the point of order.

The CHAIRMAN pro tempore. Does the gentleman from Kentucky have any arguments?

Mr. NATCHER. Mr. Chairman, at this time we have no additional statement to make in regard to the point of order.

The CHAIRMAN pro tempore. The Chair is prepared to rule.

The precedent cited by the gentleman from Oregon (Mr. AUCOIN) reads as follows:

A paragraph in a general appropriation bill prohibiting the use of funds in the bill to perform abortions except for the mother's life would be endangered if the fetus were carried to term was ruled out of order as legislation requiring Federal officials to make new determinations and judgments not required by law as to the danger to the mother in each individual case.

The argument of the gentleman from Massachusetts that for the past several years this provision has been in the law does not necessarily stand muster. The fact that a legislative provision has been carried in general appropriation bills in the past does not protect that provision from a timely point of order under rule XXI, clause 2.

Therefore the Chair must sustain the point of order. Apparently the point of order was not raised in the past several years so the 1977 rule would still apply.

Mr. CONTE. Could I ask the Chair a question, then?

The CHAIRMAN pro tempore. Certainly.

Mr. CONTE. Would it be in order at this time to offer a change in the language or will that have to wait until we get into the general provisions, which would be a limitation on expenditure?

The CHAIRMAN pro tempore. The Chair will first entertain nonlimitation amendments.

Mr. CONTE. I would ask the Chair to protect me when the time comes.

The CHAIRMAN pro tempore. The gentleman will be protected.

Are there any further points of order against the bill?

Mr. NATCHER. Mr. Chairman, I ask unanimous consent that all debate on the bill and all amendments thereto conclude not later than 3 o'clock.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Kentucky?

Mr. WRIGHT. Mr. Chairman, reserving the right to object, I really do not want to object because I am trying to work with the manager of the bill and the spokesman for the minority side in perfecting an amendment that would be generally acceptable. But I have been all week on that effort and to limit me to 2 hours to get an agreement from people who sometimes are slow and loath to agree is to put a constraint upon me that I am not sure I am prepared to live with.

I do not know how many other amendments there are to the bill.

Mr. NATCHER. Will the gentleman yield to me at this point under his reservation?

Mr. WRIGHT. I yield to the gentleman from Kentucky.

Mr. NATCHER. I would like the majority leader, Mr. WRIGHT, to know that there is no desire on the part of the committee on this side or on the other side to shut the gentleman or anyone else off.

Mr. WRIGHT. I would not under any circumstances presume that my friend, the gentleman from Kentucky (Mr. NATCHER) would have any such notion as that. It is just that the gentleman is aware of certain efforts and negotiations that have been going on for several days and he is aware of the stage to which we have progressed and of how short they are of agreement.

So I will not object if there is no other objection. I will agree so long as the gentleman is willing to give me assurances that I will have an opportunity on behalf of the majority to offer an amendment raising certain figures.

Mr. NATCHER. I would like to assure that the gentleman has that opportunity.

The CHAIRMAN pro tempore. Does the gentleman from Texas have any further reservation?

Mr. WRIGHT. Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Kentucky?

Mr. HYDE. Mr. Chairman, reserving the right to object, I agree completely with Chairman NATCHER's desire to not have this bill stretch on and on and on. But I can say that there will be an amendment offered by the gentleman from Massachusetts (Mr. CONTE) in an effort to restore that part of section 204 dealing with the abortion issue.

I am perfectly willing to limit debate on that so that we do not have a donneybrook that goes on and on and on on that issue. If I could be assured of 30 minutes, 15 minutes on a side on that issue, I would be very content to accede to the request of the chairman. But I just do not want to find ourselves at 3 o'clock and we are foreclosed from attempting to restore to the bill what has been in there since 1976.

So, with that reservation, I invite some suggestion from Chairman NATCHER as to how we can resolve that.

Mr. NATCHER. Will the gentleman yield?

Mr. HYDE. I yield to the gentleman from Kentucky.

Mr. NATCHER. Mr. Chairman, I would like to say to the distinguished gentleman from Illinois (Mr. HYDE) that I think his request is reasonable. On a matter that is as important as the one now before the committee he should be entitled that period of time and, Mr. Chairman, I think within the time limitation the gentleman should be assured of at least 30 minutes.

Mr. HYDE. With that comment, Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Kentucky?

Mr. FRENZEL. Mr. Chairman, reserving the right to object, may I inquire then, we have before us a bill that has 96 billion dollars' worth of appropriations and if you count the automatics, something around $300 billion. That means we are going to have 1 hour of the 5-minute rule on all of the rest of it?

May I inquire of the gentleman, is that not squeezing us a little bit?

We are going to have an hour on the abortion?

Mr. HYDE. A half an hour.

Mr. FRENZEL. OK. So we are going to have a half hour on the abortion which is extraneous to the bill or partially, and an hour and one-half on the other $300 billion?

□ 1300

Mr. NATCHER. Mr. Chairman, will the gentleman yield?

Mr. FRENZEL. I yield to the gentleman.

Mr. NATCHER. Let me inquire of the gentleman from Minnesota, what would the gentleman have in mind? Under my proposal, we would have 30 minutes on the matter of abortion and that would then be an hour and a half on the balance of the amendments that might be offered.

Mr. FRENZEL. Further reserving the right to object, it strikes me that we are giving short shrift to a bill that deserves some examination and debate and probably some amendment.

I will tell the gentleman that I am planning no amendments myself; but I have been one who has tried to stand up for relatively free and unrestricted debate in this House. And to see a bill of this size, which is the largest bill we will handle this year, go in an hour and a half, I think is more than I think the traditions of this House should stand.

Mr. NATCHER. If the gentleman will yield further, as far as the 3 o'clock limitation, if that was withdrawn and the request was made for 3:30? As far as any amendments are concerned on this side, I would say to the gentleman they would be amendments increasing the bill and that is a matter that I know the gentleman is concerned about.

Mr. FRENZEL. Further reserving the right to object, I will tell the gentleman that I am often hoisted on my own petard, but I still think that those who want to amend the bill also have a chance for some reasonable discussion.

I do not know whether 3 or 3:30 is right, but if the gentleman would do it at 3:30 subject to the agreements that he has made with the gentleman from Illinois (Mr. HYDE) and the gentleman from Texas (Mr. WRIGHT), I would withdraw my reservation, and I do so.

The CHAIRMAN pro tempore. Will the gentleman from Kentucky please restate his request?

Mr. NATCHER. Mr. Chairman, at this time I would ask unanimous consent that all debate on the bill and all amendments thereto conclude not later than 3:30.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Kentucky?

Mr. WALKER. Mr. Chairman, reserving the right to object, the motion does not, however, including the 30 minutes for the abortion debate that I thought the gentleman from Illinois was assured of?

Mr. NATCHER. If the gentleman will yield.

Mr. WALKER. I yield to the gentleman.

Mr. NATCHER. The gentleman is correct.

Mr. Chairman, I would ask that debate conclude not later than 3:30 with 30 minutes of the time to be allocated to the amendment pertaining to abortion.

Mr. WALKER. Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Kentucky?

Mr. AUCOIN. Reserving the right to object, Mr. Chairman, I want to be sure I understand what the gentleman just said. My understanding is that in that 30 minutes the time will be divided equally between those who agree with Mr. HYDE and those who agree with the gentleman from Oregon (Mr. AUCOIN)?

Mr. NATCHER. Mr. Chairman, will the gentleman yield?

Mr. AUCOIN. I yield to the chairman.

Mr. NATCHER. I thank the gentleman.

The gentleman (Mr. AUCOIN) is correct.

Mr. AUCOIN. Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

The CHAIRMAN pro tempore. Are there any amendments to the bill which are in order under clause 2(c), rule XXI?

Are there any amendments in order under clause 2(d), of rule XXI?

AMENDMENT OFFERED BY MR. CONTE

Mr. CONTE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. CONTE: On page 37, immediately after line 23, add the following new section:

"SEC. 204. None of the funds provided by this Act shall be used to perform abortions."

The CHAIRMAN pro tempore. Pursuant to the unanimous consent request, the gentleman from Massachusetts (Mr. CONTE) is recognized for 15 minutes and the gentleman from Oregon (Mr. AUCOIN) is recognized for 15 minutes.

The Chair recognizes the gentleman from Massachusetts (Mr. CONTE).

Mr. CONTE. Mr. Chairman, I yield such time as he may desire to the gentleman from Illinois (Mr. HYDE).

Mr. HYDE. Mr. Chairman, since 1976 we have had a policy of keeping the Government out of the business of funding abortions. That policy is being challenged today. That policy which has not forced millions of prolife taxpayers to subsidize the killing of unborn children is being challenged by the actions of the gentleman from Oregon today.

So let us debate it, let us have it out on the table and see where we are.

What is an abortion? An abortion always happens over somebody's dead

body. The euphemisms that color this issue are fascinating, if one were a semanticist—consider the phrase "terminate a pregnancy." Every pregnancy terminates at the end of 9 months. They do not want to terminate a pregnancy, the abortionists want to exterminate a pregnancy.

The phrase "prochoice," does that not sound beautiful? I can hear the "Battle Hymn of the Republic" in the background.

Prochoice? What choice? You mean "to have a baby or not"? Lady, if you are pregnant, you have a baby.

Now the only choice is, do you kill your preborn child or let nature take its course? Does mother become an adversary of her unborn child or not—that is the choice.

Every individual's life begins at conception. There is not a medical book in the library that does not say at conception an individual's human life begins.

That is the miracle of Louise Brown, conceived in a petri dish.

Now the question is what value do you assign to that human life? Is that value equal to a baby harp seal? A snail darter, a whale, or is it expendable, disposable, in this throwaway era of "get rid of it because it is inconvenient"?

I suggest to you that it is a human life, member of the human family; it is not an animal, it is not vegetable, it is not mineral, but it is small, it is voiceless, it is defenseless, but it is a little member of the human race.

Have you ever been in the building where the floors go 10, 11 12, 14, 15? You say in the elevator, "Where's the 13th floor? They say there is not one.

Oh, yes, there is; you just do not call it the 13th floor because it is not convenient.

That is the humanity of the unborn; it is inconvenient at times, and so it must be disposable, it is a cipher, it is nothing. Or is it a human being? Of course, it is a human being.

The real question is, what value do you assign to that tiny living member of humanity? Is it sacred? Is there such a think as the sanctity of life? Is human life the supreme value? This innocent, defenseless, voiceless little life that cannot rise up in the streets, that cannot vote, that cannot escape? Or is it disposable?

I direct the attention of my colleagues to the language of the Declaration of Independence: "We hold these truths to be self-evident that all men are created", not born, created "equal and are endowed" and I hope the American Civil Liberties Union will forgive me, endowed "by their Creator with certain inalienable," that means you cannot take them away, "inalienable rights among which are life, liberty and the pursuit of happiness."

Either you believe those words or you do not.

Are we depriving poor women of some right that they have to kill their children? No; we are protecting their poor, preborn children and we would protect all preborn children if we could.

Is this a record to be proud of in this country? Fifteen million abortions since January 22, 1973, when seven of the nine Justices in that building across the street said that the preborn is utterly without value, utterly disposable and expendable.

Every life is worthy to be lived, whether you are handicapped or poor, whether you have Down's syndrome, whether you are retarded. If you are a member of the human family you should not have to pass a physical examination to be admitted to that family.

A preborn is not a thing, a preborn is not an animal. Yet we protect animals and we protect things.

"Don't step on the grass," "don't trespass"; a blade of grass has more protection in this society.

I suggest to you that you measure a society's ascent from barbarism by how it takes care of the defenseless and the voiceless and the voteless.

The terminally ill, the incorrigibly poor, the aged, the senile. There is nothing more defenseless than a preborn child. It is not an abscessed tooth, it is not a tumor, it is not a diseased appendix; it is a human life.

That is a scientific fact. But if you want to devalue it, if you want to dispose of it, then that is your responsibility. But this Congress should not impose on millions of taxpayers the terrible violation of their consciences of forcing them to subsidize abortion.

And if you think abortion has become respectable, I have yet to see a doctor's shingle that says, "Eye, Ear, Nose and Throat, and Abortions."

Mr. Chairman, I yield back the balance of my time.

□ 1310

Mr. AuCOIN. Mr. Chairman, I yield 5 minutes to the gentlewoman from Colorado (Mrs. SCHROEDER).

Mrs. SCHROEDER. Mr. Chairman, I think this is one of the most difficult issues, that this body deals with. It would not be a difficult issue if we were just talking about one life. But what we so often forget, and debate often ignores, is we are talking about two lives. Two lives. Should Congress pick between two lives? My answer is absolutely not.

If this amendment passes, what we are saying is that there is no chance for the life of the mother to be spared if she does not have the money. Her life or health cannot be considered period.

I am shocked by this amendment for I think the life of the mother is very important also. If this amendment passes, we are disregarding the mother's life and health entirely. The life of the mother is put in jeopardy. And I just cannot believe that the Members of this body would do that.

We go on and on in these debates. One of the things we have to be aware of is the decision to have an abortion, probably one of the most difficult decisions that any human being would ever have to make.

But there are many, many reasons why people might have to make that decision and one might be the life of the mother. Does this Congress want to mandate motherhood, even if it means her life is in danger? That is what we will be doing if we adopt this, we are mandating motherhood, even if the medical profession says you might die.

Now, many of my colleagues may say, "Oh, that is impossible. Mothers don't die." Let me tell you pregnancy can be very dangerous for many people. For diabetic mothers, for mothers of certain ages, for terribly young, adolescent teenagers, for many who may have been raped, and some may not have understood what was happening. And we all know of personal, very difficult incidents.

Are we going to mandate that they have no option? Is this an area where we in the Congress would want our opinions to override a person's choice after consultation with their family, their religion, doctor? Do we in the Congress want to jump in the bedrooms and private lives of everybody and tell them what should happen?

If it were one life it would be so simple, but you are talking about two lives. We should not choose, we are not gods. We are talking about a spectrum of time. We are talking about a spectrum of different conditions for each of the parties.

There is such a large group of variables and we should not choose because we do not know them.

There is no easy, simple solution. By trying to mandate one, we really are making a life-taking measure against mothers.

Now, one of the things I implore the gentlemen in this body to listen to is this: There are a lot of things I do not do well and one of the things I do not do well is have children. I have had four, and two have lived. That is a very painful thing for me to deal with. But to think that this body would say that had I been poor I would have died had I become pregnant again makes me terribly angry, because as a taxpayer or as a citizen of this United States, I feel that I have an equal right to have my health considered against whatever transpires. I wish that I were the type of mother who had children terribly easily, but I am not and many others are in the same

situation. If a doctor says "if you ever become pregnant again your life would be in terrible danger," I cannot understand why you all think this amendment is so easy to pass and walk away from.

There are lots of things that we can joke about, but any life is not something we should ever treat casually. Parenthood is not something we should treat casually. We do not want parenthood by choice? I wish we would put money into better research for reproductive choices so that people never had to go to the extreme of an abortion again. I hope I never in my life have to deal with that kind of choice. it would be grizzly, it would be difficult, and I cannot imagine the agony I or anyone else would have to go through. Please do not act like some people and treat this issue casually, they do not.

But let me say to my colleagues, if I had to make such a choice, if this body said I had no choice other than to die unless I could find private funds, that would make me terribly angry. I think my life counts also. Every woman should have the same kind of choice and equal choices for treatment in medical care. Women's lives should be considered equally. Is that too much to ask?

Why do we allow Federal programs to help the life of everything except the pregnant mother? And that is exactly what we are doing if this amendment passes. That is terribly discriminatory. It is shocking and I think we will be making a shameful and tremendous mistake if this passes.

Mr. O'BRIEN. Mr. Chairman, I yield 2 minutes to the gentleman from Illinois (Mr. HYDE).

Mr. HYDE. Mr. Chairman, it is so unfair—and I do not accuse the gentlewomen from Colorado of being unfair—but it is unfair to criticize the Conte amendment because it does not protect the life of the mother. That is correct; it does not. But I guarantee my colleagues, as I stand here on this floor, that that protection will be put in in conference, as it always has been. But you know and I know that the rules of this House, just enforced by the gentleman from Oregon, do not permit legislation on an appropriation. And the very language that protects the life of the mother was the vulnerability exploited by the gentleman from Oregon that caused that amendment to be stricken.

You cannot have it both ways. Now I want the protection of the life of the mother in there. The gentleman from Oregon (Mr. AUCOIN) does not. And that is why it was stricken.

But I suggest to my colleagues that it will be restored in the conference. This cumbersome procedure is made necessary by the rules of the House.

Now, my next point is that no one says it is easy to have an abortion or to give birth. If, when someone gets pregnant they are going to have a difficult pregnancy, that is lamentable, and I am very sorry. But abortion is terminal to the unborn.

We do have family planning. We do have ways to avoid pregnancy and I would commend them to anyone who does not want a child.

Now, abortion does not occur in the bedroom. I do not want the Government in the bedroom. That is where contraception is the issue. Abortion usually occurs in a clinic or now in a hospital—in the antiseptic precincts of hospitals or clinics. And I suggest that abortion is to be looked at from the perspective of the second victim, the unborn child.

Mrs. SCHROEDER. Mr. Chairman, will the gentleman yield?

Mr. HYDE. I yield to the gentlewoman from Colorado.

Mrs. SCHROEDER. I thank the gentleman for yielding.

All I want to point out is I find it incredible that the gentleman thinks it is unfair for me to say it is discriminatory not to include the life of the mother. I think the life of the mother is a broad spectrum of issues, which I tried to point out.

Mr. AuCOIN. Mr. Chairman, I yield myself 3 minutes.

□ 1320

Mr. Chairman, we have forced this situation today on the floor because an increasing number of the Members of this House are fed up with Members offering abortion riders on appropriations bills and letting them get through and being passed into law, which may make for very pretty reading in someone's campaign brochure but causes real pain and real injury to many American women.

I do not think it is fair, speaking as a father of a daughter who, God forbid, could find herself in these circumstances, to have this largely all male body legislating its own particular view of morality on a question of this kind on which there is no national consensus on moral grounds. If ever there was a moral issue that ought to be up to the individual conscience of the women involved, of the person involved, it ought to be this one.

I want to tell my colleagues one of the other reasons that I have become aggravated and irritated and dismayed with the debate that has taken place in the Hyde kind of amendments offered on these appropriations bills. It is the view of womanhood that I see expressed in the thinking behind these amendments. Those who have offered these amendments have finally, begrudingly, made a concession in times past permitting an exemption in case of a risk of the life of the mother, but they have never reached out and expressed a concern or showed compassion for victims of rape, victims of incest. Their approach to those tragedies would be to force my daughter, your daughter, someone's daughter, to have the rapist's child, if raped. They would force the victim of incest to have the child that was born of that atrocity.

Surely we ought to be more compassionate than to let that be the law of the land. Surely we ought to say that on a question on which poll after poll in this country shows that the majority of the American people believe that this is a question of individual conscience, surely we ought not now in this body to be legislating national policy, particularly on an appropriations bill.

Surely, this Congress should repudiate the mind set that views women as mere "incubators" whose rights and human spirit must be subordinated to their reproductive function.

I urge the defeat of the amendment.

Mr. O'BRIEN. Mr. Chairman, I yield 3 minutes to the gentleman from California (Mr. DANNEMEYER).

Mr. DANNEMEYER. I rise in support of the amendment. Mr. Chairman, in listening to the debate on this issue, year after year, I am impressed again and again that the debate seems to be based on the premise that what we are about in this Chamber is passing a law banning abortions in America. We are not doing that, and I think almost all of the people of this Chamber understand that, and it is a mistake for us to try to frame the debate on that premise.

All we are saying with this amendment is that as a matter of public policy we choose not to use taxpayers' dollars for the purpose of facilitating abortion in America. That is the premise of this debate.

When I reflect on what we as a Congress are doing to our civilization, there is a great paradox on this issue. On the one hand, we are creating deficits this year to the tune of $200 billion, collectively we have a $1.3 trillion debt. We as an institution cannot even bring ourselves to vote on whether we will cut the deficit that is projected. The Rules Committee in March of this year precluded this Member from California from offering an alternative budget whereby Members could have gone on record by cutting spending by $100 billion in 1984. I was denied that opportunity.

And while we are adding this debt to our children and to our grandchildren, what are we doing with respect to the unborn today?

This issue should and must be resolved on the basis of the moral issue on which it is based, namely, protecting the unborn. But it does have fiscal consequences.

If we are going to pay off this debt, somebody has got to be born to pay the taxes to pay it off. Now, since

1973, the decline in the birth rate per fertile female has reached the point where, as a civilization, we run the serious risk of disappearing from the face of this planet.

Right now, today, in the last few years, the rate of reproduction per fertile female is 1.8. Now, demographers tell us we need 2.1 to sustain a civilization. If we keep on at this rate by the year 2050, the number of people in this country will begin to decline in absolute terms. The percentage of elderly will rise and the percentage of young will decline. Our social security system is in a growing peril. We all know that. The way we are going today, by the year 2020, it will require a tax rate to pay social security benefits, for those people working at that time, between 25 percent and 32 percent of payroll. A free people will not begin to pay taxes of that magnitude.

The economic consequences of a moral issue should not be permitted to resolve the matter, but at the same time, to ignore them completely is not a correct discharge of our responsibility.

Mr. AuCOIN. Mr. Chairman, I yield 2 minutes to the gentlewoman from Maryland (Ms. MIKULSKI).

Ms. MIKULSKI. I thank the gentleman for yielding.

Mr. Chairman, I am just appalled at what the last speaker said. I had an outline of remarks to be made, but now I am shocked to hear that American women are meant to be breeder reactors to sustain civilization and pay off the deficit. I am insulted—insulted—by the use of the language that was used here in this debate.

We are talking about matters of life, we are talking about the right to an abortion that has been allowed under the Constitution of the United States. And then to refer to American women as fertile females that need to sustain the civiliation is an affront to us. I think American women do more than breed; I think that American women do more than pay off the deficit. We have already paid our share and pay our dues. We are not even included in the Constitution of the United States. But, boy, we sure know how to stick it to the American women in the appropriations.

I want this amendment rejected for several reasons. It is bad law and does not conform with constitutional decisions that have been made. It is bad policy because we all know that there are abortions that are necessary from medical risk or because of the heinous circumstances surrounding certain circumstances.

Mr. Chairman, it is imperative that any legislation pertaining to the issue of abortion really be silent and that that decision be left to the woman affected, to the physician involved and any religious adviser she so chooses, and that she has that protection given to her by the Constitution. It should not be denied to her by the Congress of the United States, and we should stop being new public pharisees on the issue of morality or the sustaining of this now questionable civilization.

Mr. CONTE. Mr. Chairman, I yield 1 minute to the gentlewoman from Tennessee (Mrs. LLOYD).

Mrs. LLOYD. I thank the gentleman for yielding.

Mr. Chairman, I think, with all due respect, the women of this body are all very fine Members. We respect one another, but we do have diversity of opinion. And this is an issue in which there is a great deal of diversity. It is not that we think we are in any way superior to our colleagues, but I, for one, never supported abortion on the votes we have had since I have been a Member of this body.

I think this is an issue that the Federal Government has no business being involved. It is a moral issue, for me. I gave birth to four children, and I have three grandchildren. So I do not think we can say this is a female issue or a male issue. But I think we should also respect the rights of the women of this body who do not feel that it is the business of the Federal Government to be involved in this issue, which I do feel very strongly is a moral issue.

Mrs. VUCANOVICH. Mr. Chairman, will the gentlewoman yield?

Mrs. LLOYD. I yield to the gentlewoman from Nevada.

Mrs. VUCANOVICH. Mr. Chairman, I would simply like to say that I support the gentlewoman's position and I support the Hyde amendment.

□ 1330

Mr. CONTE. Mr. Chairman, I yield 2 minutes to the gentleman from New Jersey (Mr. SMITH).

Mr. SMITH of New Jersey. I thank the gentleman for yielding this time to me.

Mr. Chairman, I rise in strong support of the Hyde amendment to proscribe the use of medicaid funds for abortion offered today by my good friend from Massachusetts (Mr. CONTE), ranking member of the Appropriations Committee.

I was very pleased to see just a few moments ago that the gentlewoman from Colorado (Mrs. SCHROEDER), acknowledged the indisputable fact that in the abortion question, we are necessarily talking about two lives, not just one.

Thank you for that honest admission.

A few years ago, another outspoken abortion advocate, Dr. Bernard Nathanson made this identical observation, and then went on to become an earnest champion of the human rights of the unborn. Perhaps there is hope for my colleague from Colorado that she too will travel that same path and arrive at the same conclusion. None, I say to my friend, has the right to kill and I sincerely hope and pray that you too will come to that conclusion.

Mr. Chairman, Dr. Bernanrd Nathanson is no Johnny come-lately to the right to abortion cause. He was there at its beginning and was one of its top strategists, spokesman and organizers. Dr. Nathanson co-founded the National Abortion Rights Action League (NARAL), who with Planned Parenthood, (which operates at least 47 abortion clinics nationwide), are the leading abortion lobbies on Capitol Hill. Articulate and persuasive, Dr. Nathanson visited numerous States in an effort to convince legislators to repeal anti-abortion statutes. As an abortionist himself, he performed or assisted in the performance of thousands of abortions. Moreover, he worked as director of the Center for Reproductive and Sexual Health in New York—the largest abortion clinic in the Western World. He resigned that position, however, when he began to have troubling "second thoughts" on abortion and in the New England Journal of Medicine candidly admitted, "I am deeply troubled by my own increasing certainty that I presided over 60,000 deaths." He went on to say, quite matter of factly, that in abortion, "we are indeed taking a life."

Those who try to muddy the waters by glibly asserting that pro-lifers object to easy abortion solely on religious grounds and thus have no right to impose their morality on a pluralistic society find no solace in Dr. Nathanson's bold recantation. As an avowed atheist, Dr. Nathanson parted company with the pro-abortion crowd because he could no longer deny, wish away, or dance around the compelling evidence that clearly establishes beyond any reasonable doubt that abortion kills one of us. His sobering reevaluation of the issue could well serve as a model for many in this body who are begining to second guess their own position.

Mr. Chairman, I would like my colleague to note that, while serving at St. Lukes Hospital in New York, Dr. Nathanson became intimately involved with the new highly advanced techniques of diagnosis and treatment of diseases of the unborn. It wasn't long before this special life saving intrauterine medical care persuaded him to radically alter his perception of the child in the womb.

Dr. Nathanson has pointed out in his book, "Aborting America," and in other writings and lectures, that advances in the science of fetology and medical care for unborn patients must necessarily cause us to rethink our positions on abortion. We no longer live in the Dark Ages. Modern medicine tells us that at 12 weeks, all the body systems of the unborn child are

formed and working. The heart has been beating since the 17th day. Brain waves can be recorded as early as 6 weeks. The unborn child wakes, sleeps, and vigorously sucks his thumb. The child responds to pain, cold, sound, and light. Properly viewed, birth is an event that happens to us all and is not the beginning of life as some would suggest.

Mr. Chairman, a few moments ago I said that we were talking about two lives in the abortion issue. I believe the unsung victim of every abortion is the mother herself.

A few weeks ago, the Washington Times carried one of the most sobering, heartbreaking stories about a woman who had an abortion and now suffers mightly from that irreversible decision.

Nancy Jo Mann of Des Moines, Iowa had a saline abortion midway through her fifth month of pregnancy. She remembers October 30 as the day she "killed my baby girl."

Ms. Mann has recently founded Women Exploited by Abortion (WEBA) a group of some 10,000 women all of whom have had abortions and have now come to regret it. Ms. Mann's group is less than a year old.

In her own words, this is how Ms. Mann describes her abortion: "I went in and I asked, What are you going to do to me? All he (the doctor) did was look at my stomach and say, I'm going to take a little fluid out, put a little fluid in, you'll have severe cramps and expel the fetus."

I said, "Is that all?" He said, "That's all."

It did not sound too bad. But what that doctor described to me was not the truth.

Once they put in the saline there's no way to reverse it. And for the next hour and a half I felt my daughter thrash around violently while she was being choked, poisoned, burned and suffocated to death. I didn't know any of that was going to happen. And I remember talking to her and I remember telling her I didn't want to do this, I wished she could live. And yet she was dying and I remember her very last kick on her left side. She had no strength left.

I've tried to imagine us dying that kind of death, a pillow put over us, suffocating. In four minutes we'd pass out. We'd have that gift of passing out and then dying. But it took her an hour and a half just to die.

Then I was given an intravenuous injection to help stimulate labor and I went into hard labor for 12 hours. And at 5:30 a.m. on the 31st of October I delievered my daughter whose name is now Charmaine Marie. She was 14 inches long. She weighed over a pound and a half. She had a head of hair and her eyes were opening.

I got to hold her because the nurses didn't make it to the room in time. I delivered my girl myself. They grabbed her out of my hands and threw her, threw her, into a bedpan. After they finished and took her away in the bedpan, they brought a lady in to finish her last hour of labor lying next to me. She had a healthy baby boy.

That was tough.

I liked Nancyjo, I liked me, prior to the abortion. but shame and remorse and guilt set in—I mean, when you get a hold of your own daughter and you see what you did. She was not a "fetus." She was not a "tissue adhering to the uterine wall." She was my daughter and I got to hold her, at only 5½ months, 22 weeks. So those are cheap.

Further on in the interview, Ms. Mann states: "No one thought 10 years ago of the aftermath. We are the aftermath * * *" She went on to say:

"One psychological effect we see almost all the time is guilt. Others are suicidal impulses, a sense of loss, of unfulfillment. Mourning, regret and remorse. Withdrawal, loss of confidence in decision-making capabilities. They feel that maybe they've made a wrong decision, maybe they can't make another decision right in their life. Lowering of self esteem. Preoccupation with death.

I would suggest to my colleague that the mothers, like the unborn are victims of abortion.

Mr. Chairman, I think the issue before this body today is crystal clear: Should the taxpayer be forced to pay for medicaid abortions.

It should be obvious that I believe not. Hopefully a majority of this body will concur.

Abortion is cruel and unusual punishment for the unborn baby. Abortion exploits women.

To date, over 15 million helpless infants have been killed or mutilated by abortion. Let noone fool you—the methods of abortion are gruesome and cause great pain to the unborn child. These methods include bodily dismemberment, the crushing of the baby's skull and body parts and poisoning by salt water.

I truly believe that anyone who has observed the remains of an aborted baby can never again remain ignorant of the truth that abortion kills one of us. In my view, Mr. Chairman, abortion is the ultimate form of child abuse because it not only batters but kills its victim.

Mr. Chairman, the lives of the mothers and their offspring are precious. A vote for the Hyde amendment is for both.

I ask Mr. Chairman that the following interview be included at this point in the RECORD and hope my colleagues will take the time to learn of Ms. Mann's experience.

WOMEN FORM WEBA TO FIGHT ABORTIONS

Nancyjo Mann on the horror of having an abortion, and of the mission of Women Exploited By Abortion.

Every year for the past 10 years, 1.5 million women have had an abortion. For many, according to Nancyjo Mann, founder and president of Women Exploited By Abortion (WEBA), having an abortion only began their problem. Mann was interviewed by Washington Time staff writer and columnist Tom Diaz.

Q: Tell us about your experience with abortion and its consequences.

A: My experience goes back to 1974, the month of October, 30th day—the day that I killed my baby girl. It was a second trimester abortion. I was 5½ months pregnant.

I went to the doctor because family members had pressured me, had encouraged me. There was no "Nancy maybe you should reconsider," because it was not my idea in the first place, it was theirs.

My husband had walked out the door and deserted us. The responsibility of three children was just too much for him. I went to my mother and my brother and asked, "What am I going to do?" And my mother said "It's obvious, Nancy, no man's going to want you with three children, let alone the two you already have. You're probably not going to amount to a hill of beans and you are probably going to be on welfare the rest of your life."

And following those three positive, uplifting statements, she said "You're going to have to have an abortion." Then she called one of the leading ob/gyns in the Midwest, and he said, "Absolutely, no problem. Bring her on in."

Q: Did he know at the time how far you were along?

A: Absolutely. He does all kinds of second trimesters, no problem.

I went in and I asked, "What are you going to do to me?" All he did was look at my stomach and say, "I'm going to take a little fluid out, put a little fluid in, you'll have severe cramps and expel the fetus."

I said, "Is that all?" He said, "That's all."

It did not sound too bad. But what that doctor described to me was not the truth.

I went to the hospital and 60 ccs of amniotic fluid were drawn out, and a saline solution injected. Immediately the needle went through the abdomen I hated Nancyjo, I hated myself. With ever ounce of my being I wanted to scream out "Please, stop, don't do this to me." But I couldn't get it out.

Once they put in the saline there's no way to reverse it. And for the next hour and a half I felt my daughter thrash around violently while she was being choked, poisoned, burned and suffocated to death. I didn't know any of that was going to happen. And I remember talking to her and I remember telling her I didn't want to do this, I wished she could live. And yet she was dying and I remember her very last kick on her left side. She had no strength left.

I've tried to imagine us dying that kind of death, a pillow put over us, suffocating. In four minutes we'd pass out. We'd have that gift of passing out and then dying. But it took her an hour and a half just to die.

Then I was given an intravenuous injection to help stimulate labor and I went into hard labor for 12 hours. And at 5:30 a.m. on the 31st of October I delivered my daughter whose name is now Charmaine Marie. She was 14 inches long. She weighed over a pound and a half. She had a head of hair and her eyes were opening.

I got to hold her because the nurses didn't make it to the room in time. I delivered my girl myself. They grabbed her out of my hands and threw her, threw her, into a bedpan. After they finished and took her away in the bedpan, they brought a lady in to finish her last hour of labor lying next to me. She had a healthy baby boy.

That was tough.

I liked Nancyjo, I liked me, prior to the abortion. But shame and remorse and guilt set in—I mean, when you get a hold of your own daughter and you see what you did. She was not a "fetus." She was not a "product of conception." She was not a "tissue ad-

hering to the uterine wall." She was my daughter and I got to hold her, at only 5½ months, 22 weeks. So those are cheap, inhuman words to use around me.

I chose to be sterilized because I couldn't cope with the idea that I could possibly kill again. It was too devastating. It was not something you go around telling people, that you just killed your baby, no problem. I was ashamed, totally ashamed.

Q: But some people would say that although this experience obviously had a great impact on you, it is not characteristic of most other women who have abortions. Is your case unusual?

A: No, my case is not unusual at all. People want to say "Oh, but Nancy, you're the extreme." That's not true. In fact there are so many more of us than there are the other. The emotional hurt is so deep. You do not discuss your abortion, the suction machines and the needles and everything else, over a cup of tea and a cookie. Women just don't do this. The pain is just too deep and too great.

I'm sure there are women out there who are never fazed, never, by their abortion. But I would say that 98, 99 percent of them are fazed, whether it's for a small period of time or for the rest of their life, whether they suffer only a small degree or die from their abortions.

Q: How did WEBA—Women Exploited By Abortion—get started?

A. About one year ago I was talking to another recording artist who was pro-life. I asked what pro-life meant and he said he was antiabortion. I said "Hank, I had an abortion in 1974. I was 5½ months pregnant. It hurt so bad for so long."

He just about drove the car off the road. And he said, "Nancy, you've got to tell the story." So, a year ago I went public, founded WEBA.

Q: How many members do you have?

A. I'm a 10-month-old corporation and in 10 months I've gone from being two people, my vice president and myself, in two states, Virginia and Iowa, to now having 34 states with approximately 10,000 women in my group.

Q: What are some of the effects of abortion on women?

A. I have women who cannot vacuum their carpets. They have to have the neighbor or their husbands do it while they're at the grocery store, because of the suction sound. You see, the suction machine (used in many abortions) makes that sucking sound—It's 29 times more powerful than the vacuum we use in our home. The majority of the women aren't put to sleep. It's done without being put to sleep. It's heartbreaking to me that they can't run a vacuum cleaner—that's a deep wound.

One psychological effect we see almost all the time is guilt. Others are suidical impulses, a sense of loss, of unfulfillment. Mourning, regret and remorse. Withdrawal, loss of confidence in decision-making capabilities. They feel that maybe they've made a wrong decision, maybe they can't make another decision right in their life. Lowering of self-esteem. Preoccupation with death. Hostilities, self-destructive behavior, anger and rage. You can lose your temper quickly. A despair, helplessness, desire to remember the death date which is really weird but you do that. You remember these dates very strongly. A preoccupation with the would-be due date or due month. My daughter was due in early March, so in early March it's there.

An intent interest in babies but a thwarted maternal instinct. Women really are interested in babies, but I have many members who can't hold children. A hatred for anyone connected with abortion. Lack of desire to enter into a relationship with a partner, loss of interest in sex, an inability to forgive self, feeling of dehumanization, nightmares, seizures and tremors, frustrations, feelings of being exploited. And child abuse. We see a lot of child abuse.

I want you to understand that I do not come from any right to life organization. We are connected with no one. We remain neutral. But we are the ones they are all arguing about and discussing and debating. We are the voice of experience.

I told Congressman (Henry A.) Waxman, D-Cal., at a recent hearing, "Have you ever had your cervix dilated and the womb ripped open? Have you ever had tubes stuck inside of you and everything sucked out? Have you ever had needles stuck through your abdomen? Have you ever felt your baby thrash around and die? Have you ever had hard labor, delivered and held your baby? Because if you haven't, sir, you can't intelligently talk to me about this. We are the voice of experience. We've all had this done to us."

And that's a fact. So we hold our own ground, our own truf, our own territory.

Q: What is it that your organization does as a voice of experience?

A: We are a support group for those women who hurt—physically, emotionally, mentally and spiritually—from their abortions. We are there when the phone rings at 3 in the morning and someone is suicidal because maybe it was four years ago on that day and they still can't cope with it. We cry with them and talk with them. We are a support group. We also are a political group. I am classified as that, and I guess the strongest thing of what I intend to do—I intend to shut the abortion industry down. I intend to shut the abortion-on-demand industry down.

We also have rape victims and incest victims among our members—the other 3 percent (not abortion-on-demand). And every one of them is getting ready to go public, to speak very publicly—their full names, ages, everything. They're not ashamed. They know what happened to their lives. They became victims of an industry that is making lots of money, that was supposed to be a quick answer.

And now they're under psychiatric care, psychological care. Because of the abortion, not the rape and incest. They overcame the rape and the incest. Sure they needed help, but they overcame that. But they have had a very difficult time overcoming killing that innocent baby.

They heard of WEBA and they contacted us. And two of them were so brutally beaten they couldn't make it to the hospital in time. Pure rapes, I'm not talking about just a strong sexual aggressiveness. I'm talking about women who were brutally beaten, true rape victims.

Q: You talked about political activity. What's been your experience here in the Congress?

A: I testified two weeks ago before Rep. Waxman, Barbara Mikulski and a few other congressmen. It was a stacked hearing—14 to 1 doesn't sound very balanced to me. But I went in very open and honest with them, they sat very intently and very amazed at the story I had to tell about my organization, myself and my constituency, WEBA.

Barbara Mikulski said "I've never heard this side." I said, "No, Pandora's box got opened up 10 years ago and now you're just starting to see it." I predict that in five years we will see an epidemic of mental and nervous breakdowns among the women of this country. People are not going to know why and I'm going to be able to tell you why: because they've had an abortion, that's why.

It's quick solution. Abortion is not an ending of problems, it's the down payment for a whole new set of problems. That's what it is. It doesn't get rid of them.

Q: Have congressmen been exposed to your view, the voice of experience?

A: No. I hear time and time again, "I've never heard this side before." "Are there many more like you?" they ask. And my answer is this. Take the 15 million of us who have, by legal abortion-on-demand, killed our babies. I will give 2 million or 3 million to Planned Parenthood, NOW or whoever they want. I will give another 2 million or 3 million who have two or three abortions without open remorse.

And justification to oneself is important here, by the way. I don't know how many women I told to go have abortions. Justification. It's like, if you can have a few more, go do what you did and kind of justify it, it makes it better. It makes it not quite so bad.

That still leaves 9 million of us who've been hurt in one way, shape or form or the other—psychologically, physically, emotionally or spiritually.

Q: So you believe that there are—by conservative estimate—perhaps 10 million women who suffered as you did?

A: I believe by very conservative there's 8 million who have been hurt.

Q: Where can they write or call? Or what can they do if they need somebody, such as your organization?

A: They can call or they can write. The address is WEBA, 1553 24th St., Des Moines, Iowa 50311. Or they can reach me at 515-255-0552, my business phone. If they hurt, if they're at a certain state, I may have a state representative where a girl can be with them and talk with them. I get so many women who have written me to say, "Thank God, there is somebody that I can now finally pour the whole thing out to."

And I'm thankful that I am a Christian because I couldn't carry that load. If you could read my mail . . . It started off where I'd get two and three letters a day and now they're wrapping it in bundles to bring to me. And I get mail from all over the world.

Q: Within 10 months this has happened?

A: In 10 months. There is such a need. No one thought 10 years ago of the aftermath. We're the aftermath.

Mr. AuCOIN. Mr. Chairman, I yield 1 minute to the gentlewoman from New York (Ms. FERRARO).

Ms. FERRARO. I thank the gentleman for yielding this time to me.

Mr. Chairman, when I heard my colleague from California (Mr. DANNEMEYER) discussing the future taxpayers of America, in his debate on the amendment I thought he might have been kidding. I would urge my colleagues to reject the notion that the women of America should allow their bodies to be used as incubators so that we will have enough future taxpayers of this country in order to pay off the deficit that we are creating along with this administration at this time.

One point that he made, however is very valid. We are not eliminating

abortions in this country with this amendment. Those will continue to be available to anyone who can afford them. What we are saying is that where the life of a poor women is at stake that we, as a Federal Government, do not care about that life. That she will not be allowed to save her life with our assistance with Federal funding. I think that is an appalling insult to the poor women of this country.

I urge my colleagues to defeat this amendment.

Mr. AuCOIN. Mr. Chairman, I yield 1 minute to the gentlewoman from Illinois (Mrs. MARTIN).

Mrs. MARTIN of Illinois. I thank the gentleman for yielding this time to me.

Mr. Chairman, there are two arguments, regardless of one's position on abortion, that in my view should never be used.

For those who favor either the concept of abortions or Government funding for them, it is that because there will be fewer poor born or fewer of a minority born. That is an immoral argument that should not touch this House.

Equally wrong is the argument from those who oppose abortions that children are needed to somehow assume a debt or somehow are needed because they must function in an army or they are needed in a nation only for their use. A child deserves one thing at birth, and that is love. Neither of those arguments, for or against, add that to it.

The CHAIRMAN pro tempore. The Chair will advise the gentleman from Oregon (Mr. AuCoin) that he has 3 minutes remaining, and the gentleman from Massachusetts (Mr. CONTE) has 2 minutes remaining.

Mr. CONTE. Mr. Chairman, I yield 2 minutes to the gentleman from Michigan (Mr. SILJANDER).

Mr. SILJANDER. I thank the gentleman for yielding this time to me.

Mrs. LLOYD. Mr. Chairman, will the gentleman yield?

Mr. SILJANDER. I yield to the gentlewoman from Tennessee.

Mrs. LLOYD. I thank the gentleman for yielding.

Mr. Chairman, I would like to clear up any ambiguity. I would like to make it very clear that I am supporting the Hyde amendment.

Mr. SILJANDER. Mr. Chairman, I would like to clarify three points.

First, a suggestion on this floor by any Member that because some of us value life for purely political motivation, a political brochure is nonsense, and I would ask the Member that he should consider an apology to those of us who consider the life and death issue as extremely important.

Second, those that advocate the infringement on moral rights argument should consider tragic actions in many hospitals across this country. On one floor there are hundreds of thousands of dollars of new technological equipment used to save the life of a prematurely born baby because the mother values life and our laws allow her to do so. On a floor above or below, less sophisticated equipment is being used to wipe out and abort the same age fetus, because of her value of life and our laws allow her to do so. Both fetus of the same stage of development are alive, breathing, heart beating, and brain activity flourishing.

One mother feels the fetus is dead; and the other feels the baby is alive and worth saving. In our schizophrenic society we cannot seem to adequately define the value and morality of life and death. My dear colleagues, the morality issue is one that needs attention and clarity. Our society will not accept the double standard of life.

Third, regarding some suggesting this amendment is unconstitutional, I would like to remind my colleagues that the U.S. Supreme Court has given us the authority to limit Federal tax dollars funding abortion. So to suggest opposition on the basis of a constitutionality question is not founded. I urge adoption of the amendment.

Mr. McEWEN. Mr. Chairman, will the gentleman yield?

Mr. SILJANDER. I yield to the gentleman from Ohio.

Mr. McEWEN. I thank the gentleman for yielding.

Mr. Chairman, I would like to point out the fact that we have had people who will support legislation to tell you how fast to drive your car, what you are going to have on the exhaust pipe, seat belts, mileage and all the rest, and yet when it comes to what the Government should do they change their tune. The Declaration of Independence says that for this cause, governments are instituted among men; for the preservation of life, liberty, and the pursuit of happiness. It is interesting to note that the very purpose for which government is established, the preservation of life, these liberals now claim the Government should not be involved.

Mr. AuCOIN. Mr. Chairman, I yield 1 minute to the gentleman from California (Mr. FAZIO).

Mr. FAZIO. Mr. Chairman, I would appreciate it very much if the Members who have not voted on an issue as basic as a complete limitation on abortion—no abortion even to save the life of a mother would simply focus on one very important point when they cast their vote. That point is that we cannot have some people voting on this floor one way to satisfy a political need when they know in their hearts that they would do something different personally under circumstances that we all would abhor, for example, the rape and pregnancy of one of our children.

I know there are some Members who have voted to limit the public use of funds for abortion who know themselves that they would resort to abortion within their family if it were required.

It is fundamental, I believe, for us to vote what our true personal views are on this matter. We know that in our districts 75 percent of our constituents oppose a similar complete ban on abortion through the constitutional process, and yet we come here for political purposes and focus on only those narrow groups of people who are contained within our appropriations process, within the Federal budget bill.

If we, ourselves and our constituents, do not believe that we should completely limit abortion, how can we deprive poor people and Federal employees and others who simply come under our budget purview of their constitutional rights. We must have equal protection under the law. I urge a no vote on the amendment.

The CHAIRMAN pro tempore. The gentleman from Oregon (Mr. AuCoin) has 2 minutes remaining.

Mr. AuCOIN. Mr. Chairman, how much time does the other side have remaining?

The CHAIRMAN pro tempore. The Chair would advise the gentleman that all time has expired on the other side.

Mr. AuCOIN. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. WAXMAN).

Mr. WAXMAN. I thank the gentleman for yielding this time to me.

Mr. Chairman, we find ourselves in a very peculiar situation. The rules provide that the usual Hyde amendment is out of order as a legislation on this appropriation bill. There are indeed important legislative issues to decide. Should we restrict abortions when pregnancy results from incest or rape? Should we have abortions restricted at all?

I want to emphasize that what we have before us right now is a different amendment than we usually have each year. We are not going to permit an abortion even to save the life of a mother. If we vote for this amendment, we are saying the life of the fetus is worth more than the life of the mother.

That is a very different question than we have voted on in the past. That illustrates to me why this should not be in an appropriations bill at all. It ought to be on the agenda of the Policy Committee.

This Congress never even had hearings on the abortion question in any committee until this year, when our committee held a hearing on the whole question of unintended pregnancies and their consequences.

□ 1340

Let us defeat this amendment. Let the appropriate committee that deals with medicaid decide all of these questions. We should not decide in a haphazard way that we are not going to permit an abortion in the case of incest, nor will we permit an abortion in the case of rape, nor will we permit an abortion in a case where the life of the mother is at stake.

I urge we defeat this new, radical, and absurd Hyde amendment. It is morally indefensible, even by those who have taken the traditional pro-life position. It shows the absurdity of government to be involved in this personal decision by the pregnant woman, to vote for the amendment. We will have government determine that the life of her fetus is more valuable than her own.

Mr. BIAGGI. Mr. Chairman, I consider it important to indicate my decision to vote against the pending amendment offered by the gentleman from Illinois (Mr. HYDE). The language as it is stated says that no funds under this bill shall be used to fund abortion. My objection stems from the deletion through parliamentary maneuvers of the all important exception dealing with when the life of the mother is endangered.

Have we lost all sense of compassion? How can we through the imposition of a point of order eliminate this all important exception. That seems to be the issue before us today.

Throughout my years in Congress I have defended in word and deed the right to life. I have supported previous amendments of the gentleman from Illinois (Mr. HYDE). I have voted to restrict the use of Federal funds for abortion but have always insisted at the very least that the language dealing with the life of the mother be maintained.

I have a firm commitment to preserve the right to and of life. I believe that the use of Federal funds to finance abortion should be highly restrictive. My votes over the years have reflected this. However, I strongly object to and resent the tactics used here today. We are forced into a corner, yet I for one refuse to fall into this trap.

I will vote against this amendment because it is so callous and restrictive. I only hope that the House conferees will be able to reverse this action in conference with the Senate. Knowing how emotional this issue has and will always be I wanted to make sure that the RECORD was clear as to my position.

● Mr. MORRISON of Connecticut. Mr. Chairman, I rise in opposition to the Conte amendment.

The Supreme Court of the United States has determined that it violates our Constitution to prohibit abortion. That decision is the law of the land and I support it.

And because abortions are available to those who can pay, it is simply wrong to deny them to those who cannot pay.

I am especially opposed to this amendment because it fails to make exceptions even where the pregnancy results from rape or incest and even where the life of the mother is at stake.

Mr. Chairman, I urge rejection of the amendment.●

The CHAIRMAN pro tempore. The time of the gentleman from California (Mr. WAXMAN) has expired.

All time has expired.

The question is on the amendment offered by the gentleman from Massachusetts (Mr. CONTE).

The question was taken; and the Chairman pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. AUCOIN. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 231, noes 184, not voting 18, as follows:

[Roll No. 352]

AYES—231

Albosta	Duncan	Kramer
Annunzio	Durbin	LaFalce
Applegate	Dyson	Lagomarsino
Archer	Early	Latta
Badham	Edwards (AL)	Leach
Barnard	Edwards (OK)	Leath
Bartlett	Emerson	Lent
Bateman	English	Lewis (CA)
Bedell	Erdreich	Lewis (FL)
Bennett	Erlenborn	Lipinski
Bereuter	Evans (IA)	Livingston
Bethune	Fields	Lloyd
Bevill	Fish	Loeffler
Bilirakis	Franklin	Long (LA)
Bliley	Fuqua	Lowery (CA)
Boggs	Gaydos	Luken
Boland	Gephardt	Lungren
Boner	Gibbons	Mack
Bonior	Gingrich	Madigan
Borski	Goodling	Markey
Breaux	Gore	Marlenee
Broomfield	Gradison	Marriott
Burton (IN)	Gregg	Martin (NY)
Byron	Gunderson	Mavroules
Campbell	Hall (OH)	Mazzoli
Carney	Hall, Ralph	McCain
Carper	Hall, Sam	McCollum
Chappell	Hamilton	McDade
Chappie	Hammerschmidt	McEwen
Cheney	Hansen (ID)	McGrath
Clinger	Hansen (UT)	McHugh
Coats	Harrison	Michel
Conte	Hartnett	Miller (OH)
Cooper	Hertel	Minish
Corcoran	Hightower	Moakley
Courter	Hiler	Molinari
Coyne	Holt	Mollohan
Craig	Hopkins	Montgomery
Crane, Daniel	Hubbard	Moore
Crane, Philip	Hunter	Moorhead
D'Amours	Hutto	Murphy
Dannemeyer	Hyde	Murtha
Daschle	Ireland	Myers
Daub	Jones (NC)	Natcher
Davis	Jones (TN)	Nelson
de la Garza	Kaptur	Nichols
DeWine	Kasich	Nielson
Dickinson	Kazen	Nowak
Donnelly	Kemp	O'Brien
Dorgan	Kildee	Oakar
Dowdy	Kindness	Oberstar
Dreier	Kolter	Ortiz
Oxley	Sawyer	Stratton
Packard	Schaefer	Stump
Parris	Schulze	Sundquist
Pashayan	Sensenbrenner	Tauke
Patman	Sharp	Tauzin
Penny	Shaw	Taylor
Perkins	Shelby	Traxler
Petri	Shumway	Vander Jagt
Porter	Shuster	Vento
Price	Sikorski	Volkmer
Quillen	Siljander	Vucanovich
Ray	Skeen	Walker
Regula	Skelton	Weber
Reid	Slattery	Whitehurst
Rinaldo	Smith (NE)	Whitten
Ritter	Smith (NJ)	Williams (OH)
Roberts	Smith, Denny	Winn
Robinson	Smith, Robert	Wolf
Roe	Snyder	Wortley
Roemer	Solomon	Wylie
Rogers	Spence	Yatron
Rostenkowski	St Germain	Young (AK)
Roth	Staggers	Young (FL)
Rudd	Stangeland	Young (MO)
Russo	Stenholm	Zablocki

NOES—184

Ackerman	Frank	Owens
Addabbo	Frenzel	Panetta
Akaka	Frost	Patterson
Alexander	Garcia	Pease
Anderson	Gejdenson	Pepper
Andrews (NC)	Gekas	Pickle
Andrews (TX)	Gilman	Pursell
Anthony	Glickman	Rahall
Aspin	Gonzalez	Rangel
AuCoin	Green	Ratchford
Barnes	Guarini	Richardson
Bates	Hall (IN)	Ridge
Beilenson	Harkin	Rose
Berman	Hatcher	Roukema
Biaggi	Hawkins	Rowland
Boehlert	Hefner	Roybal
Bonker	Horton	Sabo
Bosco	Howard	Savage
Boucher	Hoyer	Scheuer
Boxer	Huckaby	Schneider
Britt	Hughes	Schroeder
Brooks	Jacobs	Schumer
Brown (CA)	Jeffords	Seiberling
Brown (CO)	Jenkins	Shannon
Broyhill	Johnson	Sisisky
Bryant	Jones (OK)	Smith (FL)
Burton (CA)	Kastenmeier	Smith (IA)
Carr	Kennelly	Snowe
Chandler	Kogovsek	Solarz
Clarke	Kostmayer	Spratt
Clay	Lantos	Stark
Coelho	Lehman (CA)	Stokes
Coleman (MO)	Lehman (FL)	Studds
Coleman (TX)	Leland	Swift
Collins	Levin	Synar
Conable	Levine	Tallon
Conyers	Levitas	Thomas (CA)
Coughlin	Long (MD)	Thomas (GA)
Crockett	Lundine	Torres
Dellums	MacKay	Torricelli
Derrick	Martin (IL)	Towns
Dicks	Martin (NC)	Udall
Dingell	Matsui	Valentine
Dixon	McCandless	Vandergriff
Downey	McCloskey	Walgren
Dwyer	McCurdy	Watkins
Edgar	McKernan	Waxman
Edwards (CA)	McKinney	Weaver
Evans (IL)	McNulty	Weiss
Fascell	Mica	Wheat
Fazio	Mikulski	Whitley
Feighan	Miller (CA)	Whittaker
Ferraro	Mineta	Williams (MT)
Fiedler	Mitchell	Wilson
Flippo	Moody	Wirth
Florio	Morrison (CT)	Wise
Foglietta	Morrison (WA)	Wolpe
Foley	Mrazek	Wyden
Ford (MI)	Neal	Yates
Ford (TN)	Obey	Zschau
Forsythe	Olin	
Fowler	Ottinger	

NOT VOTING—18

Daniel	Hayes	Martinez
Dymally	Heftel	Paul
Eckart	Hillis	Pritchard
Gramm	Lott	Rodino
Gray	Lowry (WA)	Simon
Hance	Lujan	Wright

□ 1350

The Clerk announced the following pairs:

On this vote:

Mr. Gramm for, with Mr. Simon against.
Mr. Paul for, with Mr. Gray against.
Mr. Lott for, with Mr. Hayes against.
Mr. Lujan for, with Mr. Dymally against.

Mr. COLEMAN of Missouri and Mr. HEFNER changed their votes from "aye" to "no."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

□ 1400

The CHAIRMAN. For what reason does the gentleman from Massachusetts, a member of the committee, rise?

Mr. CONTE. Mr. Chairman, I ask unanimous consent that the amendment just adopted be amended to add at the end of it, "except where the life of the mother would be endangered if the fetus were carried to term."

The CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts?

Mr. HARTNETT. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

AMENDMENT OFFERED BY MR. WRIGHT

Mr. WRIGHT. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WRIGHT: On page 2, line 17, strike out "$2,861,284,000" and insert "$2,961,284,000".

On page 32, line 2, strike out "$1,825,436,000" and insert "$1,850,436,000".

On page 41, line 2, strike out "$138,057,000" and insert "$142,057,000".

On page 41, line 8, strike out "$1,159,792,000" and insert "$1,204,792,000".

On page 42, line 11, strike out "$3,697,360,000" and insert "$3,913,360,000".

On page 43, line 16, strike out "$394,270,000" and insert "$404,270,000".

Mr. WRIGHT. Mr. Chairman, this would raise amounts in six educational programs to slightly less than the authorized level and would keep our expenditures within the budgeted levels under the House budget resolution.

But, it would add some $400 million to the total cost of this education bill. It would do it by making investments in those specific programs which have been cited as urgently needful of our attention by report after scholarly report which have revealed that education in the United States is in a state of crisis.

This amendment would add $45 million for programs to help educate the handicapped. It would add $200 million to Pell grants thereby making it possible for maybe a half-million more young Americans to attend college who otherwise might not be able to do so.

The amendment would add $25 million to assist in the Head Start program where perhaps the greatest payoff of all is possible by helping those youngsters who are culturally deprived or who come from families which have not been able to give them the same opportunities to get the same start in education.

It would increase the partnership job training program by $50 million and the job corps program by $50 million, thus providing training opportunities for as many as 20,000 or 30,000 more people.

It would add $4 million to bilingual education thus bringing it up to the budgeted level, $10 million for the trio program and $16 million for SSIG, assistance to students who want to attend college.

It strikes me that all we strive to do as a nation is bound up in education. We are not going to be first among the nations of the world in defense, however sophisticated our weapons may be, if we have not done those things to create an atmosphere conducive to educating young people to the capacity to design and develop and operate and maintain those sophisticated weapons.

We are not going to be first in competition among the nations nor reduce our balance of trade deficit, nor improve our individual worker productivity, unless we are able to have the trained and educated manpower and womanpower to do so.

These amendments that I offer are far from enough to bring our education response up to the level of the challenge that faces us. The reason we do not offer more is because an amendment offering help in such things as vocational education, adult education, and other things such as maternal and child health care and education for immigrant children, is that to do so would invoke a point of order.

Nothing in this present amendment would be subject to that point of order, because everything in this amendment is authorized fully by law. And I should like to ask the chairman of the subcommittee if he would engage in a colloquy with me. The manager of this bill, the distinguished gentleman from Kentucky (Mr. NATCHER), has assured me that when the continuing resolution comes along, he will cooperate fully with us in funding to the full level approved by this House last week those additional programs which are so urgently needed by our Nation. And I would like to yield to my distinguished friend, the gentleman from Kentucky, for that purpose.

Mr. NATCHER. Mr. Chairman, if the gentleman would yield, first, I would like to inquire of the majority leader as to the total increase in his amendment. Do I understand the amendment would increase the bill $300 million?

Mr. WRIGHT. I would respond to the gentleman that this amendment as it was presented increases the bill by a total of $400 million. The distinction is that whereas the gentleman was under the impression that I was adding $100 million to Pell grants, this amendment as presented adds $200 million to Pell grants. Aside from that, it is precisely as the gentleman from Kentucky understood it to be.

Mr. NATCHER. Would the gentleman from Texas ask unanimous consent that the amendment would carry a total of $300 million? There has been a little misunderstanding as to the amounts here.

(On request of Mr. NATCHER and by unanimous consent, Mr. WRIGHT was allowed to proceed for 5 additional minutes.)

Mr. NATCHER. In all fairness to the minority and to the distinguished gentleman from Massachusetts (Mr. CONTE), when I talked with Mr. CONTE about this matter, Mr. WRIGHT, as you know, and as I explained to the gentleman from Massachusetts that the amount of the amendment as I understood from the majority leader would be a $300 million increase. Would the gentleman reduce his amendment accordingly?

Mr. WRIGHT. I would respond to my friend from Kentucky, with whom I have repeatedly discussed this matter and whom I have always found to be very forthcoming and cooperative, I find it extremely painful to reduce this amendment by an additional $100 million. I do not want to put the gentleman from Kentucky in a position of having discussed the matter in good faith with his colleague, the gentleman from Massachusetts, and having labored under one impression then to discover that I have offered a bill with a different figure.

□ 1410

Events have moved so fast today, as the gentleman is aware, that I have tried to get agreement from Members on my side as to an adequate figure and they have not been willing to agree, particularly those who with such great satisfaction saw us vote at such an overwhelming majority to raise substantial figures last week.

While I did discuss with my friend from Kentucky a figure $100 million lower at one point and indicated to him that I would offer such a figure, others on our side of the aisle particularly have pointed out to me that we were shortchanging the Pell grants program which permits, under authorizations, $281 million more than is in the bill.

So, in deference to that conviction, I added as additional $100 million, bringing that item up by $200 million of the $281 million authorized.

Mr. NATCHER. Will the gentleman yield to me at that point?

Mr. WRIGHT. Of course I yield to the gentleman.

Mr. NATCHER. As I understand from the distinguished majority leader, the $100 million would be Pell grants.

The gentleman added that to the Pell grants; is that correct?

Mr. WRIGHT. The gentleman is exactly correct.

Mr. NATCHER. Mr Chairman, in this bill we take compensatory education under chapter 1 up to $3,487,500,000. That is up to the total authorization under the law at this time.

I know of the distinguished majority leader's interest not only in this part of the bill, but in all parts of it concerning education, and that applies to my friend, the distinguished gentleman from Massachusetts (Mr. CONTE).

We do not have a Member in this House, and I say this in all frankness to the gentleman from Texas (Mr. WRIGHT) we do not have a Member in this House who is stronger for education than my friend SILVIO CONTE of Massachusetts.

We took this in the markup and we carried it to the top. I am just pointing out one item. That is under chapter 1 of compensatory education.

If we could have carried it up higher than that, Mr. Chairman, it would have gone higher.

Now, as far as education for the handicapped is concerned, the bill provides the full amount currently authorized for State grants. If the authorization had been higher we would have provided more than the $1,159,000,000 contained in the bill.

Let me say to the majority leader this: The rehabilitation bill which passed the House last week provides increased authorizations for a number of programs funded in the bill. If I had my way at this time, now, if I had my way at the time of the markup as far as elementary and secondary education, it would have gone to the figure that was adopted in this House under the rehabilitation bill offered by my friend from Kentucky (Mr. PERKINS). It would have gone that high if I had had my way.

As far as the Job Training Partnership Act is concerned, let me say to the majority leader in making this bill up, the President's budget that came to us left out the forward funding required by law. There was only $3,500,000,000 in the budget request.

The ranking minority member, every member on this subcommittee, I say to the gentleman from Texas (Mr. WRIGHT) said no, we cannot accept the budget request. We put that figure up there to over $6 billion.

I can take him one by one. And let me say to the majority leader this: When you have a conference, when a conference is held between the House and the other body as far as the rehabilitation bill is concerned, when those figures are adjusted and the authorizations are increased, I intend, Mr. WRIGHT, to offer the necessary amendments at the proper time and in the proper bills to increase these amounts.

Like the gentleman in the well, I believe that our greatest asset is our children.

The CHAIRMAN. The time of the gentleman from Texas (Mr. WRIGHT) has again expired.

(On request of Mr. NATCHER and by unanimous consent Mr. WRIGHT was allowed to proceed for 2 additional minutes.)

Mr. NATCHER. I believe, I know that we must educate our children. I know of the majority leader's interest in this matter.

But I would urge and in fact I would beg the majority leader under the circumstances, by unanimous consent, to reduce this amount $100 million and put me in a position where I can agree with him, where I can say that the amendment ought to be adopted.

Mr. WRIGHT, I cannot do that; under the circumstances I cannot do it.

Mr. WRIGHT. May I ask the distinguished gentleman from Kentucky if I were to agree to reducing the figure on page 24, line 11, that being the Pell grants, to $3,813,360,000, which would be $100 million less than the amount proposed in the amendment, and if the other body were to pass a bill providing for a higher figure for Pell grants, would I have the assurance of the gentleman from Kentucky (Mr. NATCHER) and the distinguished gentleman from Massachusetts (Mr. CONTE) that they would agree and use their leadership to gain agreement on that higher figure if it were to come from the other body?

Mr. NATCHER. Just speaking for myself, I say to the gentleman from Texas (Mr. WRIGHT), and I do not speak for my friend, SILVIO CONTE, I want you to know on this side I am going to agree to it.

Mr. WRIGHT. I was wondering if the distinguished gentleman from Massachusetts would give me some assurances.

Mr. CONTE. Will the gentleman yield?

Mr. WRIGHT. I yield to the gentleman from Massachusetts.

Mr. CONTE. As the gentleman in the well knows, during the 2 days of discussions I have had with him on this package, I have always said I favor the Pell grants and would go for the higher figure for the Pell grants.

Mr. WRIGHT. I thank the gentleman.

Now may I ask this further question, that if I were to agree to reduce this figure by this amount, would I have the strong assurance, and would our membership have the strong assurance of the distinguished gentleman from Kentucky (Mr. NATCHER), who is such a friend of education, and the gentleman from Massachusetts (Mr. CONTE), who also is a friend of education, that in the continuing resolution we would move on the elementary and secondary education programs to the full amounts that have been made possible by the votes in the House in our authorizing legislation?

Mr. NATCHER. You have my assurance, Mr. WRIGHT.

The CHAIRMAN. The time of the gentleman from Texas (Mr. WRIGHT) has again expired.

(On request of Mr. NATCHER and by unanimous consent Mr. WRIGHT was allowed to proceed for 5 additional minutes.)

Mr. NATCHER. I would like to assure the majority leader that he would have my support.

One other matter I would like to point out, Mr. Chairman, to the majority leader. For fiscal year 1983 the President's budget for education had only $9.9 billion. Through the support of my friend from Massachusetts (Mr. CONTE), and all of the members of the subcommittee, we carried that amount up $4.3 billion.

As far as education is concerned, they have no better friends than the members on this subcommittee and on this side, Mr. Chairman, and I say to the gentleman from Texas he has my assurance if he reduces it I am going to support his amendment.

Mr. PERKINS. Mr. Chairman, will the distinguished majority leader yield to me?

Mr. WRIGHT. Of course I yield to the very able chairman of the Commttee on Education and Labor.

Mr. PERKINS. Let me state that I discussed with the chairman of the subcommittee, the gentleman from Kentucky (Mr. NATCHER) the increased authorizations provided in the bill that we enacted last week, H.R. 3520, the vocational rehabilitation bill. For example, the chapter 1 program was increased $350 million above the Gramm-Latta authorization ceiling. And we all know that an amendment to the appropriations bill today including these increases would be subject to a point of order since these provisions have not been authorized in the other body.

But I would like to ask the majority leader a question. We do not want to lose sight of the fact that we may not have a conference with the other body in the next few days or any time soon. Then the only way that we are going to get these increased amounts, presuming we do not try, a supplemental appropriation, would be in the continuing resolution that is brought to the floor next Monday or Tuesday.

I think that we ought to concentrate now on getting that increased amount

for chapter 1 in that continuing resolution; likewise, the increase of $90 million for vocational education. Otherwise, it is very possible that we will never have the chance to vote this year on the increases that we provided when those increases are so badly needed throughout the Nation on those programs.

Mr. WRIGHT. I most emphatically agree with the gentleman from Kentucky, the chairman of the Committee on Education and Labor. And as I understand the clear assurance that I have received, and I believe those of us in the House have received from our colleague from Kentucky (Mr. NATCHER) the chairman of the Subcommittee on Appropriations, will give his full support to the full funding as approved last week by the House when we vote on the continuing resolution in the ultimate analysis.

With that assurance and in the spirit and in the mood of achieving some semblance of harmony, together with the assurances given by the gentleman from Massachusetts (Mr. CONTE) and the gentleman from Kentucky (Mr. NATCHER) concerning their willingness to agree in a conference with the other body to as high a figure as we possibly can attain for Pell grants to assist young people of modest economic circumstances to attend college, given those assurances, in which I have total and absolute confidence, I am prepared to ask a unanimous consent request to accommodate the wishes of the gentleman from Kentucky (Mr. NATCHER).

□ 1420

Mr. PERKINS. Mr. Chairman, will the gentleman yield?

Mr. WRIGHT. I of course yield to the gentleman from Kentucky.

Mr. PERKINS. Mr. Chairman, I have no doubt about the support of the gentleman from Kentucky (Mr. NATCHER), and I likewise have no doubt about the gentleman from Mississippi's (Mr. WHITTEN) support.

But assuming that the continuing resolution does not contain these increases that we enacted last week, then we would not under the rules of the House be able to offer an amendment including them unless the House Committee on Rules makes these increases in order. And that is the thing I think we have got to concentrate on to make sure that we have a vote here next week.

Otherwise, in my judgment, we are not going to have a vote.

Mr. WRIGHT. If the distinguished gentleman (Mr. PERKINS) would permit me, I should simply stress once more that I agree emphatically with him. I think it is one of the most important things this Congress needs to do. The only reason I did not include those figures in this amendment is that to do so would have made the amendment subject to a valid point of order.

Mr. WILLIAMS of Montana. Mr. Chairman, will the majority leader yield to me?

Mr. WRIGHT. I yield to my friend from Montana.

Mr. WILLIAMS of Montana. I thank the majority leader for yielding.

Mr. Chairman, I want to commend him for his effort this afternoon which I know is a difficult, but very necessary effort. I am very pleased that he is my majority leader.

Mr. WRIGHT. I thank the gentleman.

Mr. WILLIAMS of Montana. I have two questions. First, if the gentleman agrees to limit his amendment to $300 million rather than $400 million that was offered, how would that compare?

The CHAIRMAN. The time of the gentleman (Mr. WRIGHT) has expired.

(On request of Mr. WILLIAMS of Montana and by unanimous consent, Mr. WRIGHT was allowed to proceed for 2 additional minutes.)

Mr. WILLIAMS of Montana. Mr. Chairman, will the gentleman yield?

Mr. WRIGHT. I yield to the gentleman from Montana.

Mr. WILLIAMS of Montana. Approximately how would that compare with the amount that the counterpart legislation in the Senate appropriates?

Mr. WRIGHT. It is my understanding that the Senate appropriations bill at the present time, in its present state of progression, is approximately $345 million higher than the bill as it came to us today from our House Appropriations Committee, $345 million higher.

Now, if I were not to change, as requested by the gentleman from Kentucky, and, if my amendment were agreed to, our House bill would be somewhat higher than the Senate measure.

If I should agree to the earnest request made of me by the gentleman from kentucky and joined in by the gentleman from Massachusetts to reduce by $100 million the increase I propose in Pell grants, then the total of the bill as it would stand upon the adoption of my amendment still would be some $45 million lower than the amount in the Senate bill in its present state of progression, if I understand the figures correctly.

Mr. WILLIAMS of Montana. If the majority leader would continue to yield, in any event, whether we stay at $400 million or go to $300 million, would the bill before us, in either event, be within the House budget?

Mr. WRIGHT. In either event it would be within the House budget and in either event the figures would be within the authorized amounts in each case.

Mr. WILLIAMS of Montana. I thank the majority leader.

Mr. WRIGHT. Mr. Chairman, given the understandings and assurances that we have received from the two leaders of this important Appropriations Subcommittee, I ask unanimous consent that on page 42, line 11, the figure proposed in my amendment be changed from $3,913,360,000 so as to read, instead, $3,813,360,000.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

Mr. FRENZEL. Reserving the right to object, Mr. Chairman, in the discussions we have heard concerning the Wright amendment and the unanimous consent proposal to amend it, it is quite obvious that it would be cheaper for the taxpayers to object to the Wright amendment.

We now have agreements from all our conferees that are all for raising spending on this bill in conference. We have unmasked this bill which has been parading before us as a sheep in underbudgeted clothing, but which has now been revealed in this discussion to be inevitably followed by supplementals and continuing resolutions.

And I hope that everybody understands that this $10 billion is a large joke.

Mr. WRIGHT. Mr. Chairman, if my very distinguished friend would yield on one point, would the gentleman yield?

Mr. FRENZEL. Further reserving the right to object, I yield to the distinguished majority leader.

Mr. WRIGHT. I thank the gentleman for yielding.

Only for the one correction. This bill is not over the budget; the amounts proposed in this amendment are well within the budgeted figures. The amounts that we have agreed to and have discussed are not in excess of the congressional budget resolution. That, of course, is the budget.

Now they may be in excess of certain amounts requested by the President in his budget request of last January. But that, of course, is not the budget. Congress makes the budget; the President does not. That is a very important distinction. These figures would not be above the budget, they would be below the budget ceilings.

Mr. FRENZEL. I thank the distinguished majority leader for making that important statement.

Further reserving the right to object, we have heard a lot about continuing resolutions and supplementals. The majority leader I think is not in a position to guarantee to any of us that the budget will not be exceeded by the time the fiscal year has run its course. And I would not expect him to do so because it is not going to happen.

I do not intend to object, Mr. Chairman, but I do take this time and make this reservation to indicate how silly a discussion of how we are under budget is. All we have done is to reveal that

we are going to raise everything that is before us.

I withdraw my reservation of objection.

Is there objection to the request of the gentleman from Texas (Mr. WRIGHT)?

Mr. WALKER. Reserving the right to object, Mr. Chairman, I, too, hate to inject myself into this orgy of Democratic spending add-ons. But it seems to me that to refer to the congressional budget resolution is to fail to observe that by tomorrow, I think it is, that budget resolution was to have reported several billion dollars worth of tax increases to help pay for the programs where we are now adding money to bring them up to budget level.

Mr. WRIGHT. Would my distinguished friend yield at that point?

Mr. WALKER. We do not have any such tax increases that have been proposed yet. There is great doubt as to whether or not they are going to come along. And this gentleman certainly would not support them just as he did not support the resolution because those tax increases were in there. But we cannot use the spending figures without recognizing that those spending figures were supposed to be matched up with tax increases.

Mr. WRIGHT. Mr. Chairman, will my distinguished friend yield?

Mr. WALKER. I yield to the majority leader.

Mr. WRIGHT. I thank the gentleman for yielding further.

If the gentleman would permit one minor clarification. It is not accurate to say we have not had the opportunity to consider tax measures. We did consider and the House did pass a bill which would have limited the amount any individual might have received under the third year's tax cut to $800, and by so doing would have reduced the budget deficit by some $8.5 billion in this new fiscal year for which we are appropriating.

It would have more than covered, many times over, the amounts I am asking for in this amendment.

Mr. WALKER. Further reserving the right to object, Mr. Chairman, I would say to the gentleman the fact is that tomorrow we get there and we have no such tax bills, we do not have money to pay for the add-ons that he is proposing. He was on the floor yesterday proposing that we spend money, as well, and saying that that was not at all an add-on to the deficit. It seems to me, I agree with the gentleman from Minnesota, it almost sounds, based upon the guarantees we have had of what is going to go on in the conference committee, that it would be cheaper to accept your $100 million here rather than to take the so-called savings and then have them all added back in in future bills. That is a great problem for this gentleman. I also have a great problem with the procedures that are being suggested here, that we are binding the conferees before the conference ever takes place.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas (Mr. WRIGHT)?

Mr. WILLIAMS of Montana. Reserving the right to object, I will not object, but I did want to make the point for my colleagues here in the House. The statement was made, with regard to the majority leader's add-ons, that they bring it up to the budget level. That is absolutely incorrect. This bill is significantly below the budget levels.

For elementary and secondary education it is more than a billion dollars below the budget levels. For employment and training it is $1.6 billion below the levels. For health insurance for the unemployed, it is almost $2 billion below the budget level.

It is instructive for the Members of the House to understand that this bill is nowhere near the budget authority levels which this House and Senate overwhelmingly accepted.

The following information has been prepared by our House Budget Committee:

The bill is below the budget authority and outlay subdivisions for the Labor, Health and Human Services, and Education Subcommittee which are contained in the Appropriations Committee 302(b) report.

	Labor-HHS-Education appropriation bill (H.R. 3913)		Appropriations Committee 302(b) subdivision		Bill over (+)/ under (−) 302(b) subdivision	
	BA	O	BA	O	BA	O
Discretionary	31,089	21,585	35,705	22,950	−4,616	−1,365
Mandatory	67,509	83,517	73,417	87,733	−5,908	−4,216
Total	98,598	105,102	109,122	110,683	−10,524	−5,581

Pursuant to Section 302(b) of the 1974 Budget Act, the Committees of the House are required to subdivide the outlays and new budget authority allocated to them in the First Budget Resolution for Fiscal Year 1984. The Appropriations Committee reported its 302(b) subdivisions on August 2. These subdivisions are the official scorekeeping targets for appropriations subcommittees. However, the assumptions behind a subcommittee's 302(b) subdivision are not required to be provided to the House. As a result, the House Budget Committee is able to compare only totals and is unable to make specific program comparisons between a bill and the Appropriations Committee's 302(b) subdivisions. However, program comparisons can be made between the bill and the assumptions in a budget resolution, which do not have official status.

H.R. 3913, as reported by the Appropriations Committee, is significantly below the budget authority and outlay targets contained in the subcommittee's subdivision for discretionary and mandatory items. The mandatory items comprise approximately 70 percent of the funds appropriated in this legislation. The Appropriations Committee report states that the administration's budget request is based on the enactment of proposed legislation, especially reductions in entitlement programs. The net effect of the administration's proposed legislation is −$1.3 billion. Therefore, if such entitlement savings are not achieved, supplemental appropriations will be required. In addition, the Appropriations Committee deferred consideration of budget requests for certain programs, including entitlement programs, because authorizations for fiscal year 1984 have not been enacted. Those items are reflected in the following table. Finally, budget resolution estimates for mandatory costs under existing law differ from administration estimates. For all these reasons, the amounts presently available for mandatory programs may require later supplementals.

[In millions of dollars]

Item	Comparable fiscal year 1983 appropriation	Administration's request fiscal year 1984
Department of Health and Human Services:		
Health Resources and Services	$65	
National Institutes of Health	176	$166
Alcohol, Drug Abuse and Mental Health Administration	17	18
Social Security Administration (refugees)	585	485
Assistant Secretary for Human Development	16	7
Department of Education:		
Impact aid	540	455
Rehabilitation services and handicapped research	1,046	1,032
Higher and continuing education (developing institutions)		5
Special institutions		20
Departmental management		1
Related Agencies: ACTION	129	110
Total, not considered	2,575	2,299

COMPARISON TO HOUSE RESOLUTION ASSUMPTIONS

H.R. 3913 is $10.85 billion in budget authority and $5.8 billion in outlays below the House Budget Committee assumptions in the 1984 First Budget Resolution for all programs covered by this Subcommittee. As indicated below, there are several mandatory programs that are funded well below the assumptions in the First Budget Resolution. The following table compares the reported bill with the assumptions in the 1984 Budget Resolution for major programs and agencies covered in the bill:

[Budget authority in millions]

Program	1984 House resolution assumption	Appropriation bill	Appropriations over (+)/ Under (−) resolution assumption
Discretionary elementary and secondary education programs	$7,442	$6,203	−$1,239
Student financial assistance and institutional support for higher education	4,725	4,334	−391
Guaranteed student loans [1]	2,389	1,269	−1,120
Employment and training	8,175	6,497	−1,678
Rehabilitation services [1]	1,152		−1,152
Social services [1]	2,800	2,500	−300
Discretionary health programs	7,604	7,351	−253
Medicaid [1]	21,430	20,738	−692
Health insurance for the unemployed [1]	1,869		−1,869
Unemployment compensation [1]	7,264	7,017	−247
Supplemental security income (SSI) [1]	7,959	7,852	−107
Aid to families with dependent children (AFDC) [1]	7,884	7,094	−790
Low-income energy assistance	2,125	1,875	−250
Refugee assistance	525		−525

[1] First budget resolution.

□ 1430

Mr. WRIGHT. The gentleman from Montana is absolutely correct and if we fail to correct those deficiencies in the continuing resolution, then I believe this House will have been derelict in its duty. As the gentleman knows, I would have offered those figures in this amendment had they not been subject to a point of order.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas (Mr. WRIGHT).

Mr. WALKER. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

Mr. SMITH of Iowa. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I did not want to interject myself into this argument, but I do not think it should be left as it is.

The gentleman from Montana made a statement which ignores totally that this subcommittee worked as hard as it could and it has always been the best friends of education that there could be.

What it ignores is that the authorizations have not been passed that permit those amounts to be considered.

Now, if the leadership wants to do something to get more funding for education in this bill, get the authorizations passed.

Mr. WRIGHT. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Iowa. I yield to the gentleman from Texas.

Mr. WRIGHT. I thank the gentleman for yielding.

I think my distinguished friend from Iowa will acknowledge that we did a very substantial thing in that direction only last week when we did pass here in the House, increases in authorizing levels, but we cannot control what the Senate does, of course.

Mr. SMITH of Iowa. That is the problem. It was only last week.

This funding bill that we have on the floor, started out in the executive department a year ago the first of next month. That authorization passed last week, should have been passed a year ago, not now. And that is the trouble with authorizations around here. The House is passing annual authorizations 8 or 9 or 10 months late. We are in the middle of the fiscal year before they even get the authorization out of committee or on the floor.

We should have some multiyear authorizations. Give us an opportunity on the Appropriations Committee to consider programs which have been authorized instead of, in effect, handling both funding and program direction. But the way it has been presented here, it sounds as if the Appropriations Committee has not been doing its work. Education has the best friends of education on the subcommittee we could possibly have. And it just is not right for the record to seem to indicate otherwise.

Mr. BIAGGI. Mr. Chairmam, will the gentleman yield?

Mr. SMITH of Iowa. I yield to the gentleman from New York.

Mr. BIAGGI. I thank the gentleman for yielding. As New York's senior member of the House Education and Labor Committee, I rise to lend my support to the amendment offered to this legislation by the majority leader.

This amendment addresses the following areas which I frankly believe are inappropriately served by the figures in the bill before us:

Chapter II of the education block grant will receive an additional $110 million from the $450 million provided in the bill—which is equal to the fiscal year 1983 level. Under the block grant, cities such as New York have lost over half of their funds since the consolidation of all these programs into a block grant in 1981. This added money will at least reverse some of the losses of the past 2 years.

Pell grants will receive an added $281 million in this amendment which is essential if we are to provide substantial support to low-income students in both public and private colleges and universities.

Head Start is provided an added $80 million in funding, $65 million for the Job Corps program, and a necessary $362 million for title II of the Job Training Partnership Act. These last two increases are especially important to my own State of New York which stands to lose $1.7 million under this bill for Job Corps services and an added $34.2 million for job training partnership activities. In my own city of New York, this cut in JTPA funds is especially harsh. Last year, we received $101 million and under this bill, with this increase, we would receive a 26.6-percent cut in funds to $74.2 million.

Mr. Chairman, I think the merits of the amendment are clear and that I urge my colleagues to join with me in voting for this increase.

But the point was clearly made by the gentleman from Iowa that we have had the authorization bill passed here and conferees were appointed by the Speaker last week. But the Senate, to this date, has not appointed conferees. And I understand there is a reluctance to do that, to prevent the conference, and to ultimately prevent the authorization bill from passing so that the Appropriations Subcommittee cannot effectively implement its legisaltion.

Mr. SMITH of Iowa. I agree. That is regrettable, but I just want to point out—and I could not let this opportunity pass—that that bill should have been passed a year ago and a good many of the bills that we will be funding about a year from now, should be passed right now, instead of using our time to catch up on authorizations that are too late to be considered anyway.

Mr. Chairman, I just thought that should be in the record before we close this debate, because this subcommittee has been a good friend of education. We, last year, increased $4 billion over the amount requested by the President, but this amendment involves only $400 million or 1 percent of that amount. We helped in full committee to increase our 302 allocation so that we shifted money out of other areas so education could have a better opportunity.

I think that the Members should consider all those things as we approach the final vote on this bill.

PARLIAMENTARY INQUIRY

Mr. CONTE. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. CONTE. Mr. Chairman, does the unanimous-consent request of the gentleman from Texas (Mr. WRIGHT), to reduce this by $100 million, prevail?

The CHAIRMAN. The gentleman from Pennsylvania (Mr. WALKER) objected to the unanimous-consent request of the modification. The higher figure remains.

Mr. CONTE. Mr. Chairman, I ask unanimous consent that the figure on Pell grants be reduced $100 million.

The CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts?

Mr. WALKER. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

Mr. CONTE. Mr. Chairman, let the record show that the gentleman from Pennsylvania is willing to spend an additional $100 million.

Mr. FORD of Michigan. Mr. Chairman, I would like to express my appreciation to the gentleman from Kentucky (Mr. NATCHER) for his diligence and legislative mastery in fashioning this bill. He has one of the most difficult jobs in this body as the chairman of the Labor-HHS-Education Appropriations Subcommittee, and he carries out his responsibilities with the highest integrity and skill.

This bill makes a number of significant improvements in the funding for programs within the jurisdiction of the subcommittee. It has also rejected in most instances the disastrous, unfair, and insensitive budget recommendations of the President for programs which serve the human needs of our citizens. The gentleman from Kentucky (Mr. NATCHER) and the gentleman from Massachusetts (Mr. CONTE) have outlined these important merits

of the bill, and I congratulate them for their leadership.

However, I must also point out that with respect to education programs this bill falls approximately $1.5 billion short of the level assumed for education programs in the first budget resolution. With respect to education, I believe that the first budget resolution is a bipartisan commitment on the part of this House and the other body to recognize educational needs that have been the subject of a large number of prestigious reports made this year.

The failure of this bill to include amounts for education programs matching those assumed in the first budget resolution is not wholly within the control of the Appropriations Committee. With respect to many of the most important programs, such as the chapter I program for compensatory education, handicapped education, vocational education, and adult education, the bill provides for appropriations at the full authorization levels. These authorizations are, however, below those assumed in the first budget resolution because they are constrained by the ill-advised reduced authorizations contained in Gramm-Latta. We are attempting to remedy that situation by the passage last week of the Vocational Rehabilitation Act reauthorization bill which contained in title IV increases in authorizations for 10 programs. We are trying to go to conference with the other body on this bill, and I hope that these higher authorizations will soon be law. When that occurs it will be possible to appropriate the higher amounts assumed in the first budget resolution for education programs.

I am very pleased by the commitment expressed by the gentleman from Kentucky (Mr. NATCHER) and the gentleman from Massachusetts (Mr. CONTE) that they will include these higher amounts in the continuing resolution that will be considered next week. I am also very pleased by their commitment to accept in conference a higher amount than that provided by the House bill now under consideration for the Pell grant program should the other body provide such a higher amount in its bill.

Turning to the amendment now before us. I would like to commend the distinguished majority leader for offering this amendment and for his leadership on behalf of adequate funding for education programs. This amendment provides for increases in appropriations for eight education and training programs totaling $400 million. These increases are all within the levels assumed by the first budget resolution. The $200 million increase for the Pell grant program of grants to low-income students in postsecondary education will provide a total of $2.719 billion for this program. This is a long step toward the $2.8 billion that will be needed in the 1984-85 academic year to provide a maximum award of $2,000 as well as to fund an increase in the maximum commuter allowance by $500 and to permit grants to increase to 55 percent of the cost of attendance. The increase of $10 million for the TRIO programs will enable these programs to grow by that amount above last year's level and to provide additional services to students who are low-income and first generation in college. These services are a vital complement to the student financial aid programs allowing student to overcome nonfinancial barriers to access, retention and completion of their postsecondary education. The amendment also provides for vitally needed increases in the appropriations for the handicapped education program, Head Start, the Job Corps, the bilingual education program and the State student incentive grant program.

I urge my colleagues to support the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. WRIGHT).

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. FRENZEL. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. Evidently a quorum is not present.

The Chair announces that pursuant to clause 2, rule XXIII, he will vacate proceedings under the call when a quorum of the Committee appears.

Members will record their presence by electronic device.

The call was taken by electronic device.

□ 1440

QUORUM CALL VACATED

The CHAIRMAN. One hundred Members have appeared. A quorum of the Committee of the Whole is present. Pursuant to clause 2, rule XXIII, further proceedings under the call shall be considered as vacated.

The Committee will resume its business.

The pending business is the demand of the gentleman from Minnesota (Mr. FRENZEL) for a recorded vote.

A recorded vote was refused.

So the amendment was agreed to.

Mr. BIAGGI. Mr. Chairman, I move to strike the last word, and I do so for the purpose of entering into a colloquy with the chairman, the gentleman from Kentucky (Mr. NATCHER).

Mr. Chairman, as you know, I had planned to offer an amendment to increase by $16 million the funds for title III(B), III(C)(2), and State administration. Realizing the unique opportunity we have for a separate Labor-HHS bill, and considering that this bill does restore some $55 million in cuts proposed by the Reagan administration and does keep funding levels at fiscal year 1983 and does provide an additional $5 million for nutrition, I am willing to forego the amendment.

However, I remain deeply concerned over the fact that III(B) has not had an increase since fiscal year 1980 and that home delivered meals recipients, who are older and poorer and in greater need than others served by the act, in addition that 10 States will lose vital funds from State administration, may I inquire of the chairman if he will work for adequate and increased funding for title III(B), (C)(2), and III(A) in fiscal year 1984 either with the Senate in conference or the continuing resolution or in a supplemental appropriation?

Mr. NATCHER. Mr. Chairman, if the gentleman will yield to me at this point, I would like to state to the gentleman from New York that certainly every consideration will be given to his request.

As the gentleman well knows and should know, many of the amounts that we have in our bill are the result of the work of the gentleman from New York down through the years.

We have $676 million for programs for the aging in this bill, consisting of programs pertaining to the nutrition programs, senior centers, and research. In addition to that, as the gentleman well knows, in the bill for title V of the Older Americans Act we have $317 million.

These amendments down through the years have been increased as a result of the work of the gentleman from New York (Mr. BIAGGI), and I want the gentleman to know that our subcommittee appreciates his help. It is the gentleman's support and his assistance that at all times has put us in a position where we could include these amounts in the bill. Certainly every consideration will be given to the gentleman's additional request today.

Mr. BIAGGI. I thank the Chairman.

Mr. Chairman, I reiterate again to my colleagues the absolute necessity of providing for balanced funding within the Older Americans Act. Title III B—Supportive Services and Senior Centers is the glue which keeps the rest of the Older Americans Act together. It forms the structure which is now the aging network. The supportive services it provides allows States and localities to fill local needs.

Clearly one of the most important of these services is transportation. Transportation costs have increased by over 15 percent in the time since III B last had an increase. What we want to avoid having happen is us provide too much for nutrition at the expense of III B and not have enough funds to get seniors to and from centers.

As far as the national home-delivered meals program is concerned—here again we cannot be content with the status quo in terms of funding. Certainly it is important that the subcommittee averted a cut in funds—but it is just as important that we work to increase funds for this program at least on a parity basis with the congregate program. A $5-million increase would allow 1 million more home-delivered meals to be provided. It should also be noted that the recipients are older, and poorer, and in greater need that those participating in the congregate program served by the act. A total of 65 percent of the recipients of home-delivered meals have incomes under $6,000. The average age of these recipients is 78 as compared to 73 for the congregate program—this is a program which makes age 60 eligible. All told—98 percent of the home-delivered meals population is defined as "priority for services" as compared to 78 percent of those receiving congregate meals.

The extra $5 million was to propose for this program would have been costsaving in the future. Those who are kept in this program—and those new additions are those who without this service might be forced into a nursing home. In a 1977 hearing I conducted, it was disclosed that 20 percent of those in nursing homes were there simply because of an inability to maintain a proper diet. The nursing home bill in this Nation annually just from medicaid alone is over $7 billion a year. For a lot less, we can keep people nourished and in their homes. Even with my $5 million, the funding level for this program would be $67 million. This amendment can be justified both on economic and humanitarian grounds.

Finally, my amendment would have added $1,002,000 for State administration. Let me again take this occasion to commend the subcommittee for restoring a $2 million cut in this program proposed by the administration—an action that would have caused great hardship in all of the State offices on aging in the States we all represent. My amendment is aimed at 10 States: Illinois, Indiana, Massachusetts, Michigan, Missouri, New York, Ohio, Pennsylvania, Tennessee, and Wisconsin—all of whom will lose actual dollars even if funds are maintained at fiscal year 1983 levels. This is due to population shifts. It is important for my colleagues to realize the absolutely critical work which is done on a daily basis by State agencies on aging. They administer the funds under the Older Americans Act, they serve as visible advocates for the elderly, and they conduct important information and referral and outreach services to help locate needy elderly in their State. All my amendment would do is maintain the status quo for State agencies in my home State of New York and others. I work regularly with State agency directors and their staffs. I know the fine work that they do which they do with limited resources. I realize the unpopularity of asking for funds for something called administrative and I would not unless I felt the work done by State agencies is absolutely vital to the providing of the services by the rest of the Older Americans Act. If we adopt this amendment, we will bring State administration funds back to where they were in fiscal year 1981.

Mrs. SCHROEDER. Mr. Chairman, I move to strike the last word.

□ 1450

Mr. Chairman, I would like to highlight language in the committee report that discusses the Women's Educational Equity Act and title IV programs. I completely agree with the language that was offered by Mr. CONTE, expressing the committee's concern over the impact and purpose of the recent reorganization of the Department of Education. If I may read from the report:

It is the understanding of the Committee, based on what has been brought to its attention thus far, that the reorganization of these programs is based on the assumption that these activities would be carried out as part of the Chapter 2 block grant. Since the Committee has restored funding to these categorical programs, it expects that the Department will continue to administer these programs with a full complement of staff with particular expertise in the program areas, and that no reorganization or Reduction in Force will be undertaken that will undermine the integrity of the WEEA and the title IV programs. The Committee further expects that the funds will be used in accordance with the purposes of the Act and consistent with existing priorities.

I think we should all be clear as to what these purposes and priorities are.

I would like to yield to the gentleman from Kentucky, the distinguished chairman of the subcommittee, Mr. NATCHER.

Mr. NATCHER. If the gentlewoman would yield to me at this point, I would like to say to the gentlewoman from Colorado that, as stated in title IX of the Elementary and Secondary Education Act, it is the purpose of WEEA, and I quote: "To provide educational equity for women in the United States and to provide financial assistance to enable educational agencies and institutions to meet the requirements of title IX of the Education Amendments of 1972."

Mrs. SCHROEDER. I want to thank the distinguished chairman. What does the law say is the reason for the establishment of WEEA?

Mr. NATCHER. If the gentlewoman will yield further, I would like to state to the gentlewoman from Colorado that WEEA was created because, and I quote that portion of the law:

Congress finds and declares that educational programs in the United States, as presently conducted, are frequently inequitable as such programs relate to women and frequently limit the full participation of all individuals in American society.

Mrs. SCHROEDER. I thank the distinguished chairman and the distinguished ranking minority member, because Congress has repeatedly rejected attempts to eliminate the categorical status of the WEEA program and include in in the chapter 2 block-grant programs. It is my understanding that this means this Congress wishes WEEA to continue to promote educational equity for women and girls in education. Would the chairman agree?

Mr. NATCHER. I certainly do, and I want the gentlewoman to know that I could not agree more.

Mrs. SCHROEDER. I want to thank everybody, and the committee is appropriating the same amount for WEEA for fiscal year 1984 as for fiscal year 1983. I understand this means the Department of Education should administer WEEA at the staff level and by personnel with the particular expertise with which it was administered during the bulk of 1983. Would the chairman agree with that, also?

Mr. NATCHER. I certainly do. I agree with the gentlewoman from Colorado.

Mrs. SCHROEDER. I cannot thank the distinguished chairman of the subcommittee enough, and I cannot thank the distinguished gentleman from Massachusetts enough for watching this and making sure that it goes forward.

AMENDMENT OFFERED BY MR. COLEMAN OF MISSOURI

Mr. COLEMAN of Missouri. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. COLEMAN of Missouri: Page 35, line 10, insert after the first comma the following: "including studies estimating the probable effect of the admission into the United States of refugees from Central America on the costs, during the next 5 years, of programs carried out or assisted under such Act and of related programs of assistance,".

Mr. COLEMAN of Missouri. Mr. Chairman, the bill has in it moneys for various studies, and I will read from the report, that these moneys are to be used to analyze broad issues which are not adequately covered in other departmental research programs. This simply would study the impact of the significant number of refugees that will probably be coming into our country and how we can deal with them on a social service basis.

Mr. NATCHER. Mr. Chairman, if the gentleman would yield to me at this time, I would like the gentleman to know that as far as this side is concerned, we have no objection to the gentleman's amendment.

Mr. COLEMAN of Missouri. I thank the gentleman.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Missouri (Mr. COLEMAN).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. CONTE

Mr. CONTE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. CONTE: On page 44, line 8, before ".", insert the following ": *Provided further*, That authority is hereby provided to enable the Secretary of Education to expend funds appropriated in Public Law 98-63 in accordance with the directives expressed on page 53 of House Report 98-398 accompanying H.R. 3069 making supplemental appropriations for the fiscal year ending September 30, 1983".

Mr. CONTE. Mr. Chairman, I will be very brief.

I understand the chairman will accept this amendment. This amendment is to cure a technical problem arising out of the supplemental appropriation for fiscal year 1983 that was enacted just prior to the August recess which was recently brought to my attention as a result of a letter from the Secretary of Education.

We had report language that we thought was sufficient to take care of the situation, but I am informed by the Secretary that the congressional intent has to be included in actual bill language, not in the report.

Mr. NATCHER. Mr. Chairman, if the gentleman will yield, I would like the gentleman from Massachusetts to know that as far as this side is concerned, we accept the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts (Mr. CONTE).

The amendment was agreed to.

Mr. CONTE. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I just want to bring to the attention of the Members of the House my feelings about the chairman. I go back to what I said earlier today, to say what a pleasure it has been to work with my chairman, BILL NATCHER. In the last 4 or 5 weeks, I have given everything I had to working with the administration to try to get a bill that the administration could sign into law for the first time in 5 years.

I talked at great length to the majority leader, the gentleman from Texas (Mr. WRIGHT) and I tried to reach some kind of compromise, because Government is the art of compromise. All along, I tried to impress upon the majority leader that if we went just a little too far in this bill, we could get a veto.

I just received a call from Mr. Stockman, who was very much upset about the adoption of the Wright amendment. It may be all right for you; you may have your political issue here, but I have been on this committee for 25 years. I remember, Mr. Chairman, the power of the chairmen of the Committee on Appropriations and the Appropriations Subcommittees. They used to call them the 13 cardinals. Every Speaker of the House in those 25 years had the greatest respect for the chairmen of these subcommittees. John McCormack, when he was majority leader, had the greatest respect for these chairmen. He knew what these chairmen went through. He knew the intense pressures that they had to endure in order to bring out a bill. He knew the deals and the compromises that were made in order to forge a bill that would be acceptable to everyone, and that is why they would always listen to the chairmen, and also sometimes to the ranking minority members.

Mr. Chairman, we fashioned a bill here that was a good bill. The gentleman from Montana keeps on saying: "This is below the budget resolution." I heard Mr. PANETTA on the floor the other night. He had me crying about the $202 billion deficit, and how nobody wants to do anything about it. Well, we gave you a bill here that was $3½ billion—$3½ billion—above the President's request. And what is the gentleman from Montana worried about? He's worried about the budget resolution.

Talk about the budget resolution. That budget resolution is a farce. Everybody knows it. It is a joke. The greatest service we could do to this country would be to repeal the Budget Act. Look at the money we could save the taxpayers by doing away with it and all of the support costs that result from the budget process, because, when you get right down to it, the budget is nothing but a piece of paper.

Supporters of the budget resolution said we are going to raise taxes this year. We are not going to raise any taxes. The Democrats are blaming the Republicans. The Republicans are blaming the Democrats. There is not going to be any tax bill. Nobody is going to lower that budget deficit. And yet, I do not see too many people arguing we have to raise taxes because it is in the budget resolution.

□ 1500

We came out with a responsible bill. We had an eye on getting a bill enacted. I prevailed upon the majority leader; I talked to him like a Dutch uncle. I said: "You don't know how much BILL NATCHER and I want a bill. This is a good bill let's get it enacted."

Now, you might win the skirmish here. You might win the skirmish here today, but you are going to get a veto. Then you can say the administration is antieducation, but in the end you lose the battle, because these very programs are going to go into a continuing resolution, and all these good programs, programs that JOE EARLY worked on for hours and weeks, programs that I worked on, programs that BILL NATCHER worked on, will be swept into the continuing resolution, because you have got a political issue.

Members can tell us we will solve all the problems created here today in conference. What is there to confer about when we raise the figures up the same level as the Senate? And we are almost the same. What are we going to confer about?

And as for thinking the Senate will bail you out, let me say this: You think we are irresponsible here, Mr. PANETTA? They do not do much better over there. They think we have got printing presses downstairs.

Mr. Chairman, I think we did a disservice here today to our committee and to a great chairman, BILL NATCHER.

Mr. FRENZEL. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I am going to take a slightly different point of view.

I think we probably owe the distinguished gentleman from Texas (Mr. WRIGHT) the majority leader, a vote of thanks here because he has shown us exactly what the game is. As he spoke and as the violins soared, we heard about watering up, about arrangements to be made in conference, about things to be put in continuing resolutions, and about items to be added to the further supplementals next year, and the urgent supplementals that will follow thereafter. The sum total of the information that we gained from that little exchange was that not only is this bill not under the budget—and the reason it is not is because of those unfunded mandatories which equally amount to what is said to be under the budget—but in addition, one must add in the $2.5 billion of unfunded, yet unauthorized items which will go into the supplemental and the pay raise which will also go into the supplemental.

We add all those things up, and we have $2.5 billion over the budget, and the budget was too darned high to begin with, as everybody knows.

So if we are lucky, we will go only $2.5 billion over the budget, but if we appropriate up to the limit of some of those authorizations, why, the unemployment compensation bill alone will take us $2 billion over the budget. Maybe it could be $5 or $10 billion.

But I think it is a good thing that we have this exercise so that no members of this committee need think they are voting for something that is responsible or under the budget.

I have the greatest admiration for this committee, its chairman, and its ranking member. I think they have done a wonderful job against the pressures that have been applied to them. This happens to be an area where people think very fondly of the func-

tions performed. It is for education and other good things that we all support. Yet as long as this body is unwilling to make the difficult choices of allocation of scarce resources available to us, or at least the resources that are scarce because we are unwilling to raise them, then we are always going to have large deficits, our budget is always going to be the laughing stock the ranking minority member has correctly described it as, and we will continue to have high deficits, high interest rates, retarded recoveries, later inflation, an overpriced dollar, and a terrible trade deficit.

Mr. Chairman, I do not think many Members are going to join me because Members usually do not join me on this floor when I vote against this bill. But if they think of what this bill actually means and what is to follow in the supplementals and in the continuing resolutions, if they have any respect for the people that sent them here and the funds that they are obliged to pony up each year, I think they will want to carefully consider this, and it is my considered opinion that the bill deserves a no vote.

Ms. OAKAR. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I am sorry that I was not able to be on the floor when my good friend, the gentlewoman from Colorado (Mrs. SCHROEDER), and the distinguished subcommittee chairman were discussing the Women's Education Equity Act in title V. We are very pleased with the language that is in the bill as offered, and we hope that this is a signal to the Department of Education that we do not want that portion of the Department of Education gutted. They have been attempting to do that by decreasing the staff, and so on, so that the law cannot be enforced.

We know there are inequities in education as it relates to women, and as a result we are pleased with the efforts that have been made.

Mr. Chairman, I am very pleased with the colloquy in which my distinguished friend, the gentlewoman from Colorado, engaged, and I certainly want to support the spirit of that discussion and express my strong support for the women's equity portion of this act.

Mr. CONTE. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I will explain this before I make my request.

As per our discussions with both the majority leader on the floor of the House and the chairman of the subcommittee, the gentleman from Kentucky (Mr. NATCHER), in the colloquies we had here, it was our understanding that the amendment offered by the gentleman from Texas (Mr. WRIGHT) was going to include a package of $300 million, and somehow it became $400 million. Then he asked unanimous consent to reduce that to $300 million, taking the $100 million out of Pell grants, which would have regulated in an additional $100 million for the program rather than $200 million.

Mr. NATCHER. Mr. Chairman, will the gentleman yield?

Mr. CONTE. I yield to the subcommittee chairman.

Mr. NATCHER. Mr. Chairman, the gentleman's statement is exactly correct. That was the procedure. The amendment was to put in the amount of $300 million. I would urge the membership on both sides to adopt the amendment to be offered by the gentleman from Massachusetts reducing this particular item $100 million.

Mr. CONTE. Mr. Chairman, on page 42, line 15, where the amendment of the gentleman from Texas (Mr. WRIGHT) has "strike out '$3,697,360,000' and insert," it then has after that "$3,913,360,000."

Mr. Chairman, I ask unanimous consent to make that read "$3,813,360,000."

The CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts?

Mr. WILLIAMS of Montana. Mr. Chairman, reserving the right to object, let me ask the gentleman from Massachusetts this: By bringing this down to $300 million, how would that compare with the Senate totals in their companion legislation?

Mr. CONTE. Mr. Chairman, if the gentleman will yield, we would be close to where the Senate is. But the gentleman from Montana has got to understand that in some areas they may be a little bit higher than we are and in other areas we may be higher than they are. In answer to the gentleman's question, if he wants the bottom line, I would say we are $200 million less than the Senate.

Mr. WILLIAMS of Montana. Mr. Chairman, it was my understanding in my work on the amendment which the majority leader offered that we were about $45 million below them if the gentleman's $300 million was accepted.

Mr. CONTE. OK. The figure that I gave you was relative to the Pell grants. Is that what the gentleman is asking about?

Mr. WILLIAMS of Montana. I am asking about the total appropriation; not just the Pell grants, the total bill.

□ 1510

Mr. CONTE. We are within $2 million of the Senate bill.

Mr. WILLIAMS of Montana. So we are virtually the same as the Senate now?

Mr. CONTE. Not in every figure.

Mr. WILLIAMS of Montana. Yes, but in the bottom total.

Mr. CONTE. The bottom line, yes.

Mr. WILLIAMS of Montana. Well, further reserving the right to object, I have deep respect for the graciousness and the generosity of the membership of both the gentleman from Massachusetts and our chairman, the gentleman from Kentucky (Mr. NATCHER). I am hard pressed after the work that has been done on this amendment to accept $100 million less when this bill is considerably under the budget; but out of my understanding of the agreement between the gentleman from Massachusetts and the chairman of the subcommittee, I shall not object.

Mr. CONTE. I thank the gentleman.

Mr. WILLIAMS of Montana. Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts?

Mr. WALKER. Reserving the right to object, Mr. Chairman, can the gentleman from Massachusetts assure me that there are no binding deals involved in the modification he has offered?

Mr. CONTE. No; I have made no deals.

Mr. WALKER. Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts that the amendment offered by the gentleman from Texas (Mr. WRIGHT) be modified?

There was no objection.

The amendment, as modified, is as follows:

On page 2, line 17, strike out "$2,861,284,000" and insert "$2,961,284,000".
On page 32, line 2, strike out "$1,825,436,000" and insert "$1,850,436,000".
On page 41, line 2, strike out "$138,057,000" and insert "$142,057,000".
On page 41, line 8, strike out "$1,159,792,000" and insert "$1,204,792,000".
On page 42, line 11, strike out "$3,697,360,000" and insert "$3,813,360,000".
On page 43, line 16, strike out "$394,270,000" and insert "$404,270,000".

Mr. NATCHER. Mr. Chairman, I move that the Committee do now rise and report the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill, as amended, do pass.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. FUQUA, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 3913) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies, for the fiscal year ending September 30, 1984, and for other purposes, had directed him to report the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill, as amended, do pass.

The SPEAKER. Without objection, the previous question is ordered.

There was no objection.

Is a separate vote demanded on any amendment?

Mr. HARTNETT. Mr. Speaker, I demand a separate vote on the so-called Wright amendment.

The SPEAKER. Is a separate vote demanded on any other amendment? If not, the Chair will put them on en gros.

The amendments were agreed to.

The SPEAKER. The Clerk will report the amendment, as modified, on which a separate vote has been demanded.

The Clerk read as follows:

Amendment: On page 2, line 17, strike out "$2,861,284,000" and insert "$2,961,284,000".

On page 32, line 2, strike out "$1,825,436,000" and insert "$1,850,436,000".

On page 41, line 2, strike out "$138,057,000" and insert "$142,057,000".

On page 41, line 8, strike out "$1,159,792,000" and insert "$1,204,792,000".

On page 42, line 11, strike out "$3,697,360,000" and insert "$3,813,360,000".

On page 43, line 16, strike out "$394,270,000" and insert "$404,270,000".

The SPEAKER. The question is on the amendment.

The question was taken; and on a division (demanded by Mr. HARTNETT) there were—ayes 36, noes 22.

Mr. HARTNETT. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 302, nays 111, not voting 20, as follows:

[Roll No. 353]

YEAS—302

Ackerman	Boxer	Dellums
Addabbo	Britt	Derrick
Akaka	Brooks	Dickinson
Albosta	Brown (CA)	Dicks
Alexander	Brown (CO)	Dingell
Anderson	Bryant	Dixon
Andrews (NC)	Burton (CA)	Donnelly
Andrews (TX)	Byron	Dorgan
Annunzio	Carney	Dowdy
Anthony	Carper	Downey
Applegate	Carr	Duncan
Aspin	Chandler	Durbin
AuCoin	Chappell	Dwyer
Barnard	Chappie	Dymally
Barnes	Clarke	Dyson
Bates	Clay	Early
Bedell	Clinger	Eckart
Beilenson	Coelho	Edgar
Bereuter	Coleman (MO)	Edwards (AL)
Berman	Coleman (TX)	Edwards (CA)
Bevill	Collins	English
Biaggi	Conte	Erdreich
Bilirakis	Conyers	Evans (IA)
Boehlert	Cooper	Evans (IL)
Boggs	Coughlin	Fascell
Boland	Courter	Fazio
Boner	Coyne	Feighan
Bonior	Crockett	Ferraro
Bonker	D'Amours	Fish
Borski	Daschle	Flippo
Bosco	Davis	Florio
Boucher	de la Garza	Foglietta
Foley	Long (MD)	Rostenkowski
Ford (MI)	Luken	Roth
Ford (TN)	Lundine	Rowland
Fowler	MacKay	Roybal
Frank	Markey	Russo
Frost	Martin (NY)	Sabo
Fuqua	Matsui	Savage
Garcia	Mavroules	Sawyer
Gaydos	Mazzoli	Scheuer
Gejdenson	McCloskey	Schneider
Gephardt	McCurdy	Schroeder
Gibbons	McDade	Schumer
Gilman	McGrath	Seiberling
Glickman	McHugh	Shannon
Gonzalez	McKernan	Shelby
Gore	McKinney	Sikorski
Gray	McNulty	Sisisky
Green	Mica	Skelton
Guarini	Mikulski	Smith (FL)
Gunderson	Miller (CA)	Smith (IA)
Hall (IN)	Mineta	Smith (NJ)
Hall (OH)	Minish	Snowe
Hall, Ralph	Mitchell	Solarz
Hall, Sam	Moakley	Spratt
Hamilton	Molinari	St Germain
Hammerschmidt	Mollohan	Staggers
Harkin	Moody	Stark
Harrison	Morrison (CT)	Stokes
Hatcher	Morrison (WA)	Stratton
Hawkins	Mrazek	Studds
Hayes	Murphy	Sundquist
Hefner	Murtha	Swift
Hertel	Myers	Synar
Hightower	Natcher	Tallon
Hopkins	Neal	Tauke
Horton	Nelson	Thomas (GA)
Hoyer	Nichols	Torres
Hubbard	Nowak	Torricelli
Hughes	Oakar	Towns
Hutto	Oberstar	Traxler
Jacobs	Obey	Udall
Jeffords	Olin	Valentine
Jenkins	Ortiz	Vander Jagt
Johnson	Ottinger	Vandergriff
Jones (NC)	Owens	Vento
Jones (OK)	Panetta	Volkmer
Jones (TN)	Parris	Walgren
Kaptur	Patman	Watkins
Kastenmeier	Patterson	Weaver
Kazen	Pease	Weber
Kennelly	Penny	Weiss
Kildee	Pepper	Wheat
Kogovsek	Perkins	Whitley
Kolter	Petri	Whitten
Kostmayer	Pickle	Williams (MT)
LaFalce	Price	Williams (OH)
Lantos	Pursell	Wilson
Leach	Rangel	Wirth
Lehman (CA)	Ratchford	Wise
Lehman (FL)	Ray	Wolpe
Leland	Regula	Wright
Lent	Reid	Wyden
Levin	Richardson	Yates
Levine	Ridge	Yatron
Levitas	Rinaldo	Young (AK)
Lewis (FL)	Rodino	Young (FL)
Lipinski	Roe	Young (MO)
Lloyd	Rogers	Zablocki
Long (LA)	Rose	

NAYS—111

Archer	Fields	Leath
Badham	Forsythe	Loeffler
Bartlett	Franklin	Lott
Bateman	Frenzel	Lowery (CA)
Bennett	Gekas	Lujan
Bliley	Gingrich	Lungren
Breaux	Goodling	Mack
Broomfield	Gradison	Madigan
Broyhill	Gregg	Marlenee
Burton (IN)	Hansen (ID)	Marriott
Campbell	Hansen (UT)	Martin (IL)
Cheney	Hartnett	Martin (NC)
Coats	Hiler	McCain
Conable	Holt	McCandless
Craig	Huckaby	McCollum
Crane, Daniel	Hunter	McEwen
Crane, Philip	Hyde	Michel
Dannemeyer	Ireland	Miller (OH)
Daub	Kasich	Montgomery
DeWine	Kemp	Moore
Dreier	Kindness	Moorhead
Emerson	Kramer	Nielson
Erlenborn	Lagomarsino	O'Brien
Fiedler	Latta	Oxley
Packard	Shumway	Stump
Pashayan	Shuster	Tauzin
Porter	Siljander	Taylor
Quillen	Skeen	Thomas (CA)
Ritter	Slattery	Vucanovich
Roberts	Smith (NE)	Walker
Robinson	Smith, Denny	Whitehurst
Roemer	Smith, Robert	Whittaker
Roukema	Snyder	Winn
Rudd	Solomon	Wolf
Schaefer	Spence	Wortley
Sensenbrenner	Stangeland	Wylie
Shaw	Stenholm	Zschau

NOT VOTING—20

Bethune	Hillis	Pritchard
Corcoran	Howard	Rahall
Daniel	Lewis (CA)	Schulze
Edwards (OK)	Livingston	Sharp
Gramm	Lowry (WA)	Simon
Hance	Martinez	Waxman
Heftel	Paul	

□ 1530

The Clerk announced the following pairs:

On this vote:

Mr. Hance for, with Mr. Lewis of California against.

Mr. Rahall for, with Mr. Paul against.

Mr. Howard for, with Mr. Corcoran against.

Messrs. REGULA, COLEMAN of Missouri, FASCELL, and BARNARD changed their votes from "nay" to "yea."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. MILLER OF OHIO

Mr. MILLER of Ohio. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. MILLER of Ohio. In its present form, I am, Mr. Speaker.

The SPEAKER. The Clerk will report the motion to recommit.

The clerk read as follows:

Mr. MILLER of Ohio moves to recommit the bill, H.R. 3913, to the Committee on Appropriations.

The SPEAKER. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER. The question is on the motion to recommit.

The motion to recommit was rejected.

The SPEAKER. The question is on the passage of the bill.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. CONTE. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 310, nays 101, not voting 22, as follows:

[Roll No. 354]

YEAS—310

Ackerman
Addabbo
Akaka
Albosta
Alexander
Anderson
Andrews (NC)
Andrews (TX)
Annunzio
Anthony
Applegate
Aspin
AuCoin
Barnard
Barnes
Bateman
Bates
Bedell
Beilenson
Bennett
Bereuter
Berman
Bevill
Biaggi
Billrakis
Boehlert
Boggs
Boland
Boner
Bonior
Bonker
Borski
Bosco
Boucher
Breaux
Britt
Brooks
Broomfield
Brown (CA)
Brown (CO)
Bryant
Byron
Carney
Carper
Carr
Chandler
Chappell
Clarke
Clay
Clinger
Coelho
Coleman (MO)
Coleman (TX)
Collins
Conte
Conyers
Cooper
Coughlin
Courter
Coyne
Crockett
D'Amours
Daub
de la Garza
Derrick
Dickinson
Dicks
Dingell
Dixon
Donnelly
Dowdy
Duncan
Durbin
Dwyer
Dyson
Early
Eckart
Edgar
Edwards (AL)
Edwards (CA)
Emerson
English
Erdreich
Evans (IA)
Fascell
Fazio
Feighan
Fish
Flippo
Florio
Foglietta
Foley
Ford (MI)
Ford (TN)
Fowler
Frank
Frost
Fuqua
Garcia
Gephardt
Gibbons
Gilman
Gonzalez
Goodling
Gore
Gradison
Gray
Green
Guarini
Gunderson
Hall (IN)
Hall (OH)
Hall, Ralph
Hall, Sam
Hamilton
Hammerschmidt
Harkin
Harrison
Hatcher
Hawkins
Hayes
Hefner
Hertel
Hightower
Hopkins
Horton
Hoyer
Hubbard
Huckaby
Hughes
Hutto
Hyde
Ireland
Jacobs
Jeffords
Jenkins
Johnson
Jones (NC)
Jones (TN)
Kaptur
Kastenmeier
Kazen
Kemp
Kennelly
Kildee
Kogovsek
Kolter
Kostmayer
Kramer
LaFalce
Lagomarsino
Lantos
Leath
Lehman (CA)
Lehman (FL)
Leland
Lent
Levin
Levine
Levitas
Lewis (FL)
Lipinski
Lloyd
Long (LA)
Long (MD)
Lujan
Luken
Lundine
MacKay
Markey
Marriott
Martin (NY)
Matsui
Mazzoli
McCloskey
McCollum
McCurdy
McDade
McEwen
McGrath
McHugh
McKernan
McKinney
McNulty
Mica
Mikulski
Mineta
Minish
Mitchell
Moakley
Molinari
Mollohan
Moody
Moore
Morrison (CT)
Morrison (WA)
Mrazek
Murphy
Murtha
Myers
Natcher
Neal
Nelson
Nichols
Nowak
O'Brien
Oakar
Oberstar
Obey
Olin
Ortiz
Ottinger
Owens
Parris
Pashayan
Patman
Patterson
Pease
Penny
Pepper
Perkins
Petri
Porter
Price
Pursell
Rangel
Ratchford
Ray
Regula
Reid
Richardson
Ridge
Rinaldo
Rodino
Roe
Rogers
Rose
Rostenkowski
Roth
Roukema
Rowland
Roybal
Russo
Sabo
Savage
Sawyer
Schaefer
Scheuer
Schneider
Schumer
Seiberling
Shannon
Sikorski
Sisisky
Skeen
Skelton
Smith (FL)
Smith (IA)
Smith (NE)
Smith (NJ)
Smith, Robert
Snowe
Snyder
Solarz
Spratt
St Germain
Staggers
Stark
Stokes
Stratton
Studds
Sundquist
Swift
Synar
Tallon
Tauzin
Taylor
Thomas (CA)
Thomas (GA)
Torres
Torricelli
Traxler
Udall
Valentine
Vander Jagt
Vento
Volkmer
Walgren
Watkins
Waxman
Whitehurst
Whitley
Whitten
Williams (MT)
Williams (OH)
Wilson
Wirth
Wise
Wolf
Wolpe
Wortley
Wright
Wyden
Yates
Yatron
Young (AK)
Young (FL)
Young (MO)
Zablocki
Zschau

NAYS—101

Archer
Badham
Bartlett
Bliley
Boxer
Broyhill
Burton (CA)
Burton (IN)
Campbell
Chappie
Cheney
Coats
Conable
Craig
Crane, Daniel
Crane, Philip
Dannemeyer
Daschle
Dellums
DeWine
Dorgan
Downey
Dreier
Dymally
Erlenborn
Evans (IL)
Ferraro
Fiedler
Fields
Forsythe
Franklin
Frenzel
Gejdenson
Gekas
Gingrich
Glickman
Gregg
Hansen (ID)
Hansen (UT)
Hartnett
Hiler
Holt
Hunter
Jones (OK)
Kasich
Kindness
Latta
Leach
Loeffler
Lott
Lowery (CA)
Lungren
Mack
Madigan
Marlenee
Martin (IL)
Martin (NC)
McCain
McCandless
Michel
Miller (CA)
Miller (OH)
Montgomery
Moorhead
Nielson
Oxley
Packard
Panetta
Pickle
Quillen
Ritter
Roberts
Robinson
Roemer
Rudd
Schroeder
Sensenbrenner
Shaw
Shelby
Shumway
Shuster
Siljander
Slattery
Smith, Denny
Solomon
Spence
Stangeland
Stenholm
Stump
Tauke
Towns
Vandergriff
Vucanovich
Walker
Weaver
Weber
Weiss
Wheat
Whittaker
Winn
Wylie

NOT VOTING—22

Bethune
Corcoran
Daniel
Davis
Edwards (OK)
Gaydos
Gramm
Hance
Heftel
Hillis
Howard
Lewis (CA)
Livingston
Lowry (WA)
Martinez
Mavroules
Paul
Pritchard
Rahall
Schulze
Sharp
Simon

□ 1550

The Clerk announced the following pairs:

On this vote:

Mr. Rahall for, with Mr. Lewis of California against.

Mr. Davis for, with Mr. Paul against.

Messrs. MARRIOTT, TORRES, and WAXMAN changed their vote from "nay" to "yea."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERMISSION TO INSERT DETAILED TABLE ON H.R. 3913, DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS, 1984

Mr. NATCHER. Mr. Speaker, I ask unanimous consent to insert in the RECORD at this point a detailed table showing the amounts in H.R. 3913, just passed, for each of the programs funded in the bill together with appropriate comparisons.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

[The table follows:]

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES

	FY 1983 Combined Appropriations	FY 1984 President's Budget	FY 1984 House Bill	--- House Bill compared with --- FY84 Budget	FY83 Combined
TITLE I: DEPARTMENT OF LABOR					
EMPLOYMENT AND TRAINING ADMINISTRATION					
PROGRAM ADMINISTRATION					
Comprehensive employment and training	10,889,000	9,502,000	9,502,000	---	-1,387,000
Trust funds	(54,000)	---	---	---	(-54,000)
Employment security	7,749,000	6,498,000	6,498,000	---	-1,251,000
Trust funds	(12,385,000)	(12,726,000)	(12,726,000)	---	(+341,000)
Financial control and management systems	10,902,000	10,057,000	10,057,000	---	-845,000
Trust funds	(2,471,000)	(4,069,000)	(4,069,000)	---	(+1,598,000)
Executive direction and administration	8,101,000	7,575,000	7,575,000	---	-526,000
Trust funds	(2,438,000)	(2,696,000)	(2,696,000)	---	(+258,000)
Regional operations	44,408,000	37,783,000	37,783,000	---	-6,625,000
Trust funds	(13,204,000)	(16,738,000)	(16,738,000)	---	(+3,534,000)
Apprenticeship services	15,369,000	14,856,000	14,856,000	---	-513,000
Space rental reduction:					
Federal funds	---	---	-955,000	-955,000	-955,000
Trust funds	---	---	(-401,000)	(-401,000)	(-401,000)
Total, Program Administration	127,970,000	122,500,000	121,144,000	-1,356,000	-6,826,000
Federal funds	97,418,000	86,271,000	85,316,000	-955,000	-12,102,000
Trust funds	(30,552,000)	(36,229,000)	(35,828,000)	(-401,000)	(+5,276,000)
TRAINING AND EMPLOYMENT SERVICES					
Grants to States:					
Block grant	2,180,672,000	1,886,151,000	3,350,764,000	+1,464,613,000	+1,170,092,000
(Oct. 1, 1983 - June 30, 1984)	---	---	(1,464,613,000)	(+1,464,613,000)	(+1,464,613,000)
(July 1, 1984 - June 30, 1985)	---	---	(1,886,151,000)	(+1,886,151,000)	(+1,886,151,000)
Summer youth employment and training program	824,549,000	724,549,000	1,449,098,000	+724,549,000	+624,549,000
(1984)	---	---	(724,549,000)	(+724,549,000)	(+724,549,000)
(1983)	---	---	(724,549,000)	(+724,549,000)	(+724,549,000)
Dislocated worker assistance	110,000,000	223,000,000	390,250,000	+167,250,000	+280,250,000
(Oct. 1, 1983 - June 30, 1984)	---	---	(167,250,000)	(+167,250,000)	(+167,250,000)
(July 1, 1984 - June 30, 1985)	---	---	(223,000,000)	(+223,000,000)	(+223,000,000)
Federally administered programs:					
Native Americans	68,915,000	62,243,000	108,925,000	+46,682,000	+40,010,000
(Oct. 1, 1983 - June 30, 1984)	---	---	(46,682,000)	(+46,682,000)	(+46,682,000)
(July 1, 1984 - June 30, 1985)	---	---	(62,243,000)	(+62,243,000)	(+62,243,000)
Migrants and seasonal farmworkers	70,358,000	60,357,000	105,625,000	+45,268,000	+35,267,000
(Oct. 1, 1983 - June 30, 1984)	---	---	(45,268,000)	(+45,268,000)	(+45,268,000)
(July 1, 1984 - June 30, 1985)	---	---	(60,357,000)	(+60,357,000)	(+60,357,000)
Job Corps	618,000,000	553,200,000	1,042,400,000	+489,200,000	+424,400,000
(Oct. 1, 1983 - June 30, 1984)	---	---	(464,900,000)	(+464,900,000)	(+464,900,000)
(July 1, 1984 - June 30, 1985)	---	---	(577,500,000)	(+577,500,000)	(+577,500,000)
Veterans' employment	---	9,352,000	16,366,000	+7,014,000	+16,366,000
(Oct. 1, 1983 - June 30, 1984)	---	---	(7,014,000)	(+7,014,000)	(+7,014,000)
(July 1, 1984 - June 30, 1985)	---	---	(9,352,000)	(+9,352,000)	(+9,352,000)
National activities	108,202,000	54,678,000	95,686,000	+41,008,000	-12,516,000
(Oct. 1, 1983 - June 30, 1984)	---	---	(41,008,000)	(+41,008,000)	(+41,008,000)
(July 1, 1984 - June 30, 1985)	---	---	(54,678,000)	(+54,678,000)	(+54,678,000)
Subtotal, Job Training Partnership Act	3,980,696,000	3,573,530,000	6,559,114,000	+2,985,584,000	+2,578,418,000
(Oct. 1, 1983 - June 30, 1984)	---	---	(2,961,284,000)	(+2,961,284,000)	(+2,961,284,000)
(July 1, 1984 - June 30, 1985)	---	---	(3,597,830,000)	(+3,597,830,000)	(+3,597,830,000)
Targeted jobs tax credit	20,000,000	20,000,000	20,000,000	---	---
Redwoods Park activities	536,000	400,000	400,000	---	-136,000
Total, Training and Employment Services	4,001,232,000	3,593,930,000	6,579,514,000	+2,985,584,000	+2,578,282,000
COMMUNITY SERVICE EMPLOYMENT FOR OLDER AMERICANS 8/	319,450,000	277,100,000	317,300,000	+40,200,000	-2,150,000
FEDERAL UNEMPLOYMENT BENEFITS AND ALLOWANCES					
Payments to ex-servicemen	161,000,000	---	---	---	-161,000,000
Trade adjustment assistance	54,000,000	2,000,000	2,000,000	---	-52,000,000
Unemployment assistance and payments under other Federal unemployment programs	15,000,000	5,000,000	5,000,000	---	-10,000,000
Total, FUBA	230,000,000	7,000,000	7,000,000	---	-223,000,000

8/ Proposed transfer to D.H.H.S. in President's budget.

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES

	FY 1983 Combined Appropriations	FY 1984 President's Budget	FY 1984 House Bill	--- House Bill compared with --- FY84 Budget	FY83 Combined
STATE UNEMPLOYMENT INSURANCE AND EMPLOYMENT SERVICE OPERATIONS					
Unemployment Compensation:					
State Administration:					
Trust funds	(1,098,443,000)	(1,215,284,000)	(1,285,284,000)	(+70,000,000)	(+186,841,000)
National Activities:					
Trust funds	(13,551,000)	(16,806,000)	(16,806,000)	---	(+3,255,000)
Contingency:					
Trust funds	(840,876,000)	(657,310,000)	(587,310,000)	(-70,000,000)	(-253,566,000)
Subtotal, Unemployment Compensation(trust funds)	(1,952,870,000)	(1,889,400,000)	(1,889,400,000)	---	(-63,470,000)
Employment Service:					
Allotments to States:					
Federal funds	10,200,000	12,800,000	29,900,000	+17,100,000	+19,700,000
(Oct. 1, 1983 - June 30, 1984)	---	---	(9,600,000)	(+9,600,000)	(+9,600,000)
(July 1, 1984 - June 30, 1985)	---	---	(20,300,000)	(+20,300,000)	(+20,300,000)
Trust funds	(644,214,000)	(695,193,000)	(1,241,493,000)	(+546,300,000)	(+597,279,000)
(Oct. 1, 1983 - June 30, 1984)	---	---	(521,395,000)	(+521,395,000)	(+521,395,000)
(July 1, 1984 - June 30, 1985)	---	---	(720,098,000)	(+720,098,000)	(+720,098,000)
National Activities:					
Federal funds	12,000,000	12,900,000	12,900,000	---	+900,000
Trust funds	(13,912,000)	(5,480,000)	(5,480,000)	---	(-8,432,000)
Labor Market Information:					
Trust funds	(19,409,000)	(22,627,000)	(22,627,000)	---	(+3,218,000)
Subtotal, Employment Service	699,735,000	749,000,000	1,312,400,000	+563,400,000	+612,665,000
Federal funds	22,200,000	25,700,000	42,800,000	+17,100,000	+20,600,000
Trust funds	(677,535,000)	(723,300,000)	(1,269,600,000)	(+546,300,000)	(+592,065,000)
Veterans Employment Services:					
Disabled Veterans Outreach Program:					
Trust funds	(57,200,000)	(62,600,000)	(62,600,000)	---	(+5,400,000)
Local Veterans employment representatives:					
Trust funds	(42,500,000)	(46,200,000)	(46,200,000)	---	(+3,700,000)
Subtotal,Veterans Employment Services	99,700,000	108,800,000	108,800,000	---	+9,100,000
Total, State Unempl. Ins. and Empl. Ser. Opers.	2,752,305,000	2,747,200,000	3,310,600,000	+563,400,000	+558,295,000
Federal Funds	22,200,000	25,700,000	42,800,000	+17,100,000	+20,600,000
Trust Funds	(2,730,105,000)	(2,721,500,000)	(3,267,800,000)	(+546,300,000)	(+537,695,000)
ADVANCES TO UNEMPLOYMENT TRUST FUND AND OTHER FUNDS	11,059,000,000	7,109,000,000	7,109,000,000	---	-3,950,000,000
Total, Employment & Training Administration	18,489,957,000	13,856,730,000	17,344,558,000	+3,487,828,000	-1,145,399,000
Federal funds	15,729,300,000	11,099,001,000	14,040,930,000	+2,941,929,000	-1,688,370,000
Trust funds	(2,760,657,000)	(2,757,729,000)	(3,303,628,000)	(+545,899,000)	(+542,971,000)
LABOR-MANAGEMENT SERVICES ADMINISTRATION					
SALARIES AND EXPENSES					
Labor-management relations service	3,057,000	4,028,000	3,690,000	-338,000	+633,000
Labor-management standards enforcement	20,389,000	23,220,000	22,520,000	-700,000	+2,131,000
Veterans reemployment rights	2,529,000	2,572,000	2,572,000	---	+43,000
Pension and welfare benefit programs	27,498,000	29,673,000	29,148,000	-525,000	+1,650,000
Executive direction, management and support	4,539,000	4,637,000	4,637,000	---	+98,000
Space rental reduction	---	---	-419,000	-419,000	-419,000
Total, LMSA	58,012,000	64,130,000	62,148,000	-1,982,000	+4,136,000
EMPLOYMENT STANDARDS ADMINISTRATION					
SALARIES AND EXPENSES					
Enforcement of wage and hour standards	69,827,000	72,669,000	72,669,000	---	+2,842,000
Federal contractor EEO standards enforcement	43,815,000	47,393,000	47,393,000	---	+3,578,000
Federal programs for workers' compensation	46,679,000	52,213,000	52,213,000	---	+5,534,000
Trust funds	(374,000)	(380,000)	(380,000)	---	(+6,000)
Executive direction and support services	12,995,000	13,560,000	13,560,000	---	+565,000
Space rental reduction	---	---	-158,000	-158,000	-158,000
Total, salaries and expenses	173,690,000	186,215,000	186,057,000	-158,000	+12,367,000
Federal funds	173,316,000	185,835,000	185,677,000	-158,000	+12,361,000
Trust funds	(374,000)	(380,000)	(380,000)	---	(+6,000)
SPECIAL BENEFITS					
Federal employees compensation act benefits	335,600,000	228,000,000	211,000,000	-17,000,000	-124,600,000
Longshore and harbor workers' benefits	4,000,000	4,100,000	4,100,000	---	+100,000
Legislative proposal	---	-17,000,000	---	+17,000,000	---
Total, Special Benefits	339,600,000	215,100,000	215,100,000	---	-124,500,000

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES

	FY 1983 Combined Appropriations	FY 1984 President's Budget	FY 1984 House Bill	House Bill compared with FY84 Budget	House Bill compared with FY83 Combined
BLACK LUNG DISABILILTY TRUST FUND					
Benefit payments and interest on advances	825,255,000	827,269,000	827,269,000	---	+2,014,000
Pay freeze savings	---	-37,000,000	-37,000,000	---	-37,000,000
Employment Standards Admin., salaries & expenses	21,192,000	21,949,000	21,949,000	---	+757,000
Departmental Management, salaries and expenses	13,097,000	13,406,000	13,406,000	---	+309,000
Departmental Management, inspector general	---	620,000	620,000	---	+620,000
Subtotal, Black Lung Disablty. Trust Fund, apprn	859,544,000	826,244,000	826,244,000	---	-33,300,000
Apprn. available in prior year	-4,692,000	---	---	---	+4,692,000
Total adjusted apprn. including drawdown: Federal Funds	854,852,000	826,244,000	826,244,000	---	-28,608,000
Treasury administrative costs (indefinite)	756,000	756,000	756,000	---	---
Total, Employment Standards Administration	1,368,898,000	1,228,315,000	1,228,157,000	-158,000	-140,741,000
Federal funds	1,368,524,000	1,227,935,000	1,227,777,000	-158,000	-140,747,000
Trust funds	(374,000)	(380,000)	(380,000)	---	(+6,000)
OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION					
SALARIES AND EXPENSES					
Safety and health standards	6,958,000	7,093,000	7,093,000	---	+135,000
Enforcement:					
Federal Enforcement	78,717,000	79,713,000	79,713,000	---	+996,000
State programs	51,481,000	54,107,000	55,807,000	+1,700,000	+4,326,000
Technical Support	14,036,000	14,052,000	14,052,000	---	+16,000
Compliance Assistance	37,677,000	37,882,000	37,882,000	---	+205,000
Safety and health statistics	11,592,000	11,787,000	11,787,000	---	+195,000
Executive direction and administration	6,088,000	6,226,000	6,226,000	---	+138,000
Total, OSHA	206,549,000	210,860,000	212,560,000	+1,700,000	+6,011,000
MINE SAFETY AND HEALTH ADMINISTRATION					
SALARIES AND EXPENSES					
Enforcement:					
Coal	74,674,000	75,854,000	75,854,000	---	+1,180,000
Metal/nonmetal	29,064,000	29,558,000	29,558,000	---	+494,000
Standards development	998,000	1,012,000	1,012,000	---	+14,000
Assessments	2,510,000	2,493,000	2,493,000	---	-17,000
Educational policy and development	12,474,000	12,169,000	12,169,000	---	-305,000
Technical support	18,710,000	17,824,000	17,824,000	---	-886,000
Program administration	13,905,000	12,882,000	12,882,000	---	-1,023,000
Position restoration (legislation)	---	-3,760,000	---	+3,760,000	---
Space rental reduction	---	---	-395,000	-395,000	-395,000
Total, Mine Safety and Health Administration	152,335,000	148,032,000	151,397,000	+3,365,000	-938,000
BUREAU OF LABOR STATISTICS					
SALARIES AND EXPENSES					
Employment and Unemployment Statistics	45,266,000	47,963,000	47,963,000	---	+2,697,000
Prices and cost of living	45,020,000	46,955,000	46,955,000	---	+1,935,000
Wages and industrial relations	15,056,000	15,271,000	15,271,000	---	+215,000
Productivity and technology	4,360,000	4,359,000	4,359,000	---	-1,000
Economic growth and employment projections	2,781,000	2,758,000	2,758,000	---	-23,000
Executive direction and staff services	14,570,000	14,147,000	14,147,000	---	-423,000
Consumer Price Index Revision	---	4,837,000	4,837,000	---	+4,837,000
Space rental reduction	---	---	-453,000	-453,000	-453,000
Total, Bureau of Labor Statistics	127,053,000	136,290,000	135,837,000	-453,000	+8,784,000

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES

	FY 1983 Combined Appropriations	FY 1984 President's Budget	FY 1984 House Bill	House Bill compared with FY84 Budget	House Bill compared with FY83 Combined
DEPARTMENTAL MANAGEMENT					
SALARIES AND EXPENSES					
Executive direction	10,653,000	11,475,000	11,475,000	---	+822,000
Legal services	35,012,000	35,863,000	35,863,000	---	+851,000
Trust funds	(217,000)	(229,000)	(229,000)	---	(+12,000)
International labor affairs	5,941,000	4,455,000	4,455,000	---	-1,486,000
Administration and management	24,489,000	24,629,000	24,629,000	---	+140,000
Adjudication	9,976,000	9,974,000	9,974,000	---	-2,000
Promoting employment of the handicapped	1,987,000	2,001,000	2,001,000	---	+14,000
Women's Bureau	3,763,000	3,789,000	3,862,000	+73,000	+99,000
Veterans Employment Service, Trust funds	(8,935,000)	(9,613,000)	(9,613,000)	---	(+678,000)
Civil Rights Activities	2,968,000	3,205,000	3,205,000	---	+237,000
Total, Salaries and expenses	103,941,000	105,233,000	105,306,000	+73,000	+1,365,000
Federal funds	94,789,000	95,391,000	95,464,000	+73,000	+675,000
Trust funds	(9,152,000)	(9,842,000)	(9,842,000)	---	(+690,000)
OFFICE OF THE INSPECTOR GENERAL					
Federal funds	38,133,000	37,707,000	37,707,000	---	-426,000
Trust funds	(6,835,000)	(6,200,000)	(5,200,000)	(-1,000,000)	(-1,635,000)
Total, Office of the Inspector General	44,968,000	43,907,000	42,907,000	-1,000,000	-2,061,000
SPECIAL FOREIGN CURRENCY PROGRAM	67,000	200,000	67,000	-133,000	---
Total, Departmental Management	148,976,000	149,340,000	148,280,000	-1,060,000	-696,000
Federal funds	132,989,000	133,298,000	133,238,000	-60,000	+249,000
Trust funds	(15,987,000)	(16,042,000)	(15,042,000)	(-1,000,000)	(-945,000)
Total, Labor department	20,551,780,000	15,793,697,000	19,382,937,000	+3,589,240,000	-1,168,843,000
Federal funds	17,774,762,000	13,019,546,000	16,063,887,000	+3,044,341,000	-1,710,875,000
Trust funds	(2,777,018,000)	(2,774,151,000)	(3,319,050,000)	(+544,899,000)	(+542,032,000)
TITLE II--DEPARTMENT OF HEALTH AND HUMAN SERVICES					
PUBLIC HEALTH SERVICE HEALTH RESOURCES AND SERVICES ADMINISTRATION					
HEALTH RESOURCES AND SERVICES					
Health Care Delivery and Assistance:					
Maternal and Child Health Block Grant $	478,000,000	335,000,000	373,000,000	+38,000,000	-105,000,000
Community health centers $	360,000,000	242,000,000	310,000,000	+68,000,000	-50,000,000
Black lung clinics $	3,120,000	3,120,000	3,120,000	---	---
Migrant health $	38,104,000	38,104,000	46,000,000	+7,896,000	+7,896,000
Family planning	124,088,000	124,088,000	140,000,000	+15,912,000	+15,912,000
Home health demonstrations and training	5,000,000	---	---	---	-5,000,000
National Health Service Corps	93,391,000	96,046,000	91,000,000	-5,046,000	-2,391,000
Hansen's disease services (Carville)	17,876,000	18,183,000	18,183,000	---	+307,000
Federal employee occupational health	1,116,000	1,194,000	1,194,000	---	+78,000
Payment to Hawaii for treatment of Hansen's Dis.	1,732,000	1,905,000	1,905,000	---	+173,000
Direct operations	45,521,000	22,151,000	---	-22,151,000	-45,521,000
Total, Health Care Delivery & Assistance	1,167,948,000	881,791,000	984,402,000	+102,611,000	-183,546,000
Health Professions:					
Health professions student assistance:					
Exceptional need scholarships	5,600,000	---	5,600,000	+5,600,000	---
National Health Service Scholarships	11,042,000	---	8,000,000	+8,000,000	-3,042,000
Loans	1,000,000	---	---	---	-1,000,000
Loan repayments & cancellations	25,000	---	---	---	-25,000
Health professions institutional assistance:					
Financial distress	7,286,000	5,600,000	5,600,000	---	-1,686,000
Start-up	800,000	---	---	---	-800,000

$ Proposed for transfer to Office of the Asst. Secretary for Health in President's budget.

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES

	FY 1983 Combined Appropriations	FY 1984 President's Budget	FY 1984 House Bill	House Bill compared with FY84 Budget	House Bill compared with FY83 Combined
Public health/health administration:					
Public Health capitation	4,176,000	---	4,176,000	+4,176,000	---
Health Administration grants	1,440,000	---	1,440,000	+1,440,000	---
Public Health traineeships	2,500,000	2,638,000	2,638,000	---	+138,000
Health Administration traineeships	480,000	---	480,000	+480,000	---
Special projects (unauthorized)	---	2,638,000	---	-2,638,000	---
Subtotal, PH/HA	8,596,000	5,276,000	8,734,000	+3,458,000	+138,000
Family Med/Gen Dentistry res. & trns	34,000,000	23,738,000	34,000,000	+10,262,000	---
General Internal Medicine and Pediatrics	11,412,000	12,040,000	17,000,000	+4,960,000	+5,588,000
Family medicine departments	8,840,000	7,436,000	7,436,000	--	-1,404,000
Preventive medicine residencies	1,000,000	1,055,000	2,000,000	+945,000	+1,000,000
Physician assistants	4,800,000	4,647,000	4,800,000	+153,000	---
Area health education centers	17,920,000	14,686,000	14,686,000	---	-3,234,000
Health professions data analysis	2,962,000	3,612,000	3,000,000	-612,000	+38,000
Disadvantaged Assistance	17,240,000	18,188,000	18,188,000	---	+948,000
Health professions spec ed initiatives	2,000,000	7,000,000	3,055,000	-3,945,000	+1,055,000
Nurse training:					
Advanced nurse training	13,260,000	1,208,000	13,260,000	+12,052,000	---
Nurse practitioner	11,760,000	6,041,000	11,760,000	+5,719,000	---
Special projects	6,333,000	5,979,000	5,979,000	---	-354,000
Traineeships	9,600,000	---	9,600,000	+9,600,000	---
Fellowships (unauthorized, not considered)	(960,000)	---	DEFER	DEFER	DEFER
Research grants	5,000,000	---	8,000,000	+8,000,000	+3,000,000
Nurse Anesthetists	---	---	---	---	---
Loans	860,000	---	---	---	-860,000
Loan repayments & cancellations	750,000	---	---	---	-750,000
Subtotal, Nurse training	47,563,000	13,228,000	48,599,000	+35,371,000	+1,036,000
Health professions program support	18,914,000	12,527,000	---	-12,527,000	-18,914,000
Total, Health professions	201,000,000	129,033,000	180,698,000	+51,665,000	-20,302,000
HMO and Resources Development:					
Health Planning (unauthorized, not considered)	(64,300,000)	---	DEFER	DEFER	DEFER
Health teaching facilities	21,000,000	3,700,000	800,000	-2,900,000	-20,200,000
Loan repayment	29,000,000	---	---	---	-29,000,000
HMO management training & tech assistance	480,000	---	---	---	-480,000
Direct operations	12,792,000	10,627,000	---	-10,627,000	-12,792,000
Total, HMO & Resources Development	63,272,000	14,327,000	800,000	-13,527,000	-62,472,000
Buildings and facilities	3,292,000	883,000	883,000	---	-2,409,000
Program management / Program support	11,669,000	10,782,000	86,000,000	+75,218,000	+74,331,000
Total, Health Resources & Services Admin	1,447,181,000	1,036,816,000	1,252,783,000	+215,967,000	-194,398,000
MEDICAL FACILITIES GUARANTEE AND LOAN FUND	32,000,000	32,000,000	32,000,000	---	---
HMO LOAN AND LOAN GUARANTEE FUND	2,650,000	---	---	--	-2,650,000
Total, Health Resources & Services Admin	1,481,831,000	1,068,816,000	1,284,783,000	+215,967,000	-197,048,000
Total, unauthorized, not considered	(65,260,000)	---	DEFER	DEFER	DEFER
Loan limitations:					
Limitation on Health Facilities Loan Guarantee	(1,500,000,000)	(1,500,000,000)	(1,500,000,000)	---	---
Hlth Professions Guarantee Student Loans(HEAL)	(225,000,000)	(175,000,000)	NO LIMITATION	NO LIMITATION	NO LIMITATION
(Limitation on Direct Loans - NHSC)	(1,000,000)	(1,000,000)	(1,000,000)	---	---
HMO Direct Loans ##	(24,500,000)	(12,360,000)	(12,360,000)	---	(-12,140,000)

No new loans proposed.

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES

	FY 1983 Combined Appropriations	FY 1984 President's Budget	FY 1984 House Bill	House Bill compared with FY84 Budget	House Bill compared with FY83 Combined
CENTERS FOR DISEASE CONTROL					
DISEASE CONTROL					
Preventive Health Services Block Grant #	86,329,000	86,329,000	86,329,000	---	---
Venereal diseases:					
Grants	40,000,000	40,510,000	45,510,000	+5,000,000	+5,510,000
Direct operations	7,692,000	7,968,000	8,968,000	+1,000,000	+1,276,000
Immunization:					
Grants	27,428,000	30,482,000	30,482,000	---	+3,054,000
Direct operations	7,231,000	7,407,000	7,407,000	---	+176,000
Vaccine stockpile	4,572,000	4,000,000	5,000,000	+1,000,000	+428,000
Infectious disease	32,107,000	34,417,000	43,777,000	+9,360,000	+11,670,000
Tuberculosis grants	5,000,000	---	5,000,000	+5,000,000	---
Chronic & environmental disease prevention	24,742,000	24,305,000	25,338,000	+1,033,000	+596,000
Occupational Safety and Health (NIOSH):					
Research	49,545,000	52,288,000	53,788,000	+1,500,000	+4,243,000
Training	5,760,000	---	8,760,000	+8,760,000	+3,000,000
Scientific and technical services	2,179,000	2,332,000	2,332,000	---	+153,000
Subtotal, NIOSH	57,484,000	54,620,000	64,880,000	+10,260,000	+7,396,000
Epidemic services	40,501,000	46,030,000	46,030,000	---	+5,529,000
Buildings and facilities	17,610,000	1,770,000	1,770,000	---	-15,840,000
Program management	2,780,000	2,914,000	2,914,000	---	+134,000
Total, Disease Control	353,476,000	340,752,000	373,405,000	+32,653,000	+19,929,000
# Proposed for transfer to Office of the Asst. Secretary for Health in President's Budget.					
NATIONAL INSTITUTES OF HEALTH					
National Cancer Institute	962,581,000	963,881,000	1,044,868,000	+80,987,000	+82,287,000
National Heart, Lung, and Blood Institute	595,736,000	609,248,000	665,859,000	+56,611,000	+70,123,000
National Institute of Dental Research	75,191,000	76,944,000	84,226,000	+7,282,000	+9,035,000
National Institute of Arthritis, Diabetes, and Digestive and Kidney Diseases	393,457,000	406,505,000	442,255,000	+35,750,000	+48,798,000
National Institute of Neurological and Communicative Disorders and Stroke	287,361,000	292,345,000	328,921,000	+36,576,000	+41,560,000
National Institute of Allergy and Infectious Diseases	270,311,000	280,809,000	307,128,000	+26,319,000	+36,817,000
National Institute of General Medical Sciences	321,013,000	338,255,000	363,444,000	+25,189,000	+42,431,000
National Institute of Child Health and Human Development	244,859,000	247,295,000	265,180,000	+17,885,000	+20,321,000
National Eye Institute	138,001,000	138,748,000	149,600,000	+10,852,000	+11,599,000
National Institute of Environmental Health Sciences	158,061,000	160,565,000	173,627,000	+13,062,000	+15,566,000
National Institute on Aging	91,578,000	97,240,000	112,516,000	+15,276,000	+20,938,000
Research Resources	213,209,000	201,117,000	253,824,000	+52,707,000	+40,615,000
John E. Fogarty International Center	10,147,000	9,189,000	11,584,000	+2,395,000	+1,437,000
Subtotal	3,761,505,000	3,822,141,000	4,203,032,000	+380,891,000	+441,527,000
National Library of Medicine	44,802,000	41,963,000	42,263,000	+300,000	-2,539,000
Buildings and facilities	17,500,000	19,900,000	24,980,000	+5,080,000	+7,480,000
Office of the Director	25,748,000	26,720,000	26,779,000	+59,000	+1,031,000
Total, National Institutes of Health	3,849,555,000	3,910,724,000	4,297,054,000	+386,330,000	+447,499,000
Unauthorized, not considered	(175,838,000)	(166,368,000)	DEFER	DEFER	DEFER

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES

	FY 1983 Combined Appropriations	FY 1984 President's Budget	FY 1984 House Bill	House Bill compared with FY84 Budget	House Bill compared with FY83 Combined
ALCOHOL, DRUG ABUSE, AND MENTAL HEALTH ADMINISTRATION					
ALCOHOL, DRUG ABUSE, AND MENTAL HEALTH					
Alcohol, Drug Abuse and Mental Health Block Grant 8...	469,000,000	430,000,000	439,000,000	+9,000,000	-30,000,000
Mental Health:					
Mental Health Services Demonstrations, CSP.....	6,000,000	---	9,000,000	+9,000,000	+3,000,000
Research	152,300,000	172,133,000	172,133,000	---	+19,833,000
Research training (unauthorized, not considered)..	(15,360,000)	(15,527,000)	DEFER	DEFER	DEFER
Clinical training.....	21,500,000	---	20,000,000	+20,000,000	-1,500,000
Program support.....	32,611,000	32,688,000	32,688,000	---	+77,000
Subtotal, mental health.....	212,411,000	204,821,000	233,821,000	+29,000,000	+21,410,000
Drug Abuse:					
Research	47,774,000	56,160,000	52,000,000	-4,160,000	+4,226,000
Research training (unauthorized, not considered)..	(891,000)	(973,000)	DEFER	DEFER	DEFER
Program support.....	13,275,000	14,556,000	14,556,000	---	+1,281,000
Subtotal, drug abuse.....	61,049,000	70,716,000	66,556,000	-4,160,000	+5,507,000
Alcoholism:					
Research	33,484,000	45,790,000	40,000,000	-5,790,000	+6,516,000
Research training (unauthorized, not considered)..	(1,086,000)	(1,202,000)	DEFER	DEFER	DEFER
Program support.....	9,040,000	10,981,000	10,981,000	---	+1,941,000
Subtotal, alcoholism.....	42,524,000	56,771,000	50,981,000	-5,790,000	+8,457,000
Buildings and facilities.....	100,000	1,515,000	1,515,000	---	+1,415,000
Program management, ADAMHA.....	6,923,000	7,329,000	7,329,000	---	+406,000
Total, Alcohol, Drug Abuse and Mental Health....	792,007,000	771,152,000	799,202,000	+28,050,000	+7,195,000
Total, unauthorized, not considered.....	(17,337,000)	(17,702,000)	DEFER	DEFER	DEFER
8 Proposed for transfer to Office of the Asst. Secretary for Health in President's Budget.					
ST. ELIZABETHS HOSPITAL.....	82,406,000	62,744,000	62,744,000	---	-19,662,000
OFFICE OF THE ASSISTANT SECRETARY FOR HEALTH					
PUBLIC HEALTH SERVICE MANAGEMENT					
Research, Statistics and Technology:					
Health Services Research:					
Research.....	14,903,000	15,730,000	15,730,000	---	+827,000
Trust funds.....	---	(300,000)	(1,300,000)	(+1,000,000)	(+1,300,000)
Program support.....	1,764,000	1,919,000	1,919,000	---	+155,000
Subtotal.....	16,667,000	17,649,000	17,649,000	---	+982,000
Health Statistics:					
Program operations.....	37,938,000	42,765,000	42,765,000	---	+4,827,000
Program support.....	3,142,000	3,356,000	3,356,000	---	+214,000
Subtotal.....	41,080,000	46,121,000	46,121,000	---	+5,041,000
Special health initiatives:					
Adolescent family life.....	13,368,000	16,318,000	16,318,000	---	+2,950,000
Smoking and health.....	2,141,000	3,521,000	3,521,000	---	+1,380,000
Health promotion.....	1,854,000	3,015,000	2,515,000	-500,000	+661,000
Physical fitness and sports.....	1,139,000	1,141,000	1,141,000	---	+2,000
Uniform Services Univ. of Health Sciences.....	600,000	700,000	700,000	---	+100,000
National youth sports.....	---	5,760,000	---	-5,760,000	---
Subtotal, Special health initiatives.....	19,102,000	30,455,000	24,195,000	-6,260,000	+5,093,000
Public Health Service termination expenses.....	---	9,700,000	---	-9,700,000	---
Public Health Service Management.....	18,540,000	19,007,000	19,007,000	---	+467,000
Total, Salaries and expenses.....	95,389,000	122,932,000	106,972,000	-15,960,000	+11,583,000
RETIREMENT PAY AND MED. BENEFITS FOR COMM. OFFICERS					
Retirement payments.....	59,943,000	60,055,000	60,055,000	---	+112,000
Survivors benefits.....	1,862,000	3,474,000	3,474,000	---	+1,612,000
Dependent's medical care.....	17,056,000	18,248,000	18,248,000	---	+1,192,000
Legislative proposal.....	---	-2,894,000	-2,894,000	---	-2,894,000
Total, Retirement pay and medical benefits.....	78,861,000	78,883,000	78,883,000	---	+22,000
Total, Public Health Service.....	6,733,525,000	6,356,003,000	7,003,043,000	+647,040,000	+269,518,000
Total, unauthorized, not considered.....	(258,435,000)	(184,070,000)	DEFER	DEFER	DEFER

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES

	FY 1983 Combined Appropriations	FY 1984 President's Budget	FY 1984 House Bill	--- House Bill compared with ---- FY84 Budget	FY83 Combined
HEALTH CARE FINANCING ADMINISTRATION					
GRANTS TO STATES FOR MEDICAID					
Grants to states, current year program level	19,361,845,000	21,037,878,000	21,037,878,000	---	+1,676,033,000
Legislative proposals	---	-300,300,000	-300,300,000	---	-300,300,000
Subtotal, current year appropriations	19,361,845,000	20,737,578,000	20,737,578,000	---	+1,375,733,000
Less funds advanced in prior year	-4,567,333,000	-5,105,600,000	-5,105,600,000	---	-538,267,000
Total appropriation, current year	14,794,512,000	15,631,978,000	15,631,978,000	---	+837,466,000
Subsequent year advance appropriation	5,105,600,000	5,552,000,000	5,552,000,000	---	+446,400,000
PAYMENTS TO HEALTH CARE TRUST FUNDS					
Military Service Credits	207,000,000	207,000,000	207,000,000	---	---
Supplemental medical insurance	14,238,000,000	16,292,000,000	16,292,000,000	---	+2,054,000,000
Hospital insurance for uninsured	877,000,000	750,000,000	750,000,000	---	-127,000,000
Federal uninsured payment	25,000,000	42,000,000	42,000,000	---	+17,000,000
Total, Payment to Trust Funds	15,347,000,000	17,291,000,000	17,291,000,000	---	+1,944,000,000
PROGRAM MANAGEMENT					
Professional Standards Review Organization: 1/					
Non-hospital activities:					
Trust funds	(15,000,000)	---	---	---	(-15,000,000)
Research, demonstration, and evaluation:					
Federal funds	20,000,000	20,000,000	20,000,000	---	---
Trust funds	(10,000,000)	(10,000,000)	(10,000,000)	---	---
Subtotal, Research and evaluation	30,000,000	30,000,000	30,000,000	---	---
Medicare Contractors (Trust Funds) 3/	(755,000,000)	(792,000,000)	(792,000,000)	---	(+37,000,000)
Contingency fund (Trust Fund)	(20,000,000)	---	(25,000,000)	(+25,000,000)	(+5,000,000)
State Certification:					
Medicare certification, trust funds 2/	(32,300,000)	(36,932,000)	(40,700,000)	(+3,768,000)	(+8,400,000)
General program support, federal funds	535,000	600,000	600,000	---	+65,000
End Stage Renal Disease (ESRD) Networks (trust funds)	(4,546,000)	(4,546,000)	(4,546,000)	---	---
Federal Administration:					
Federal funds	74,024,000	62,438,000	64,000,000	+1,562,000	-10,024,000
Trust funds	(126,025,000)	(138,613,000)	(140,000,000)	(+1,387,000)	(+13,975,000)
Subtotal, Federal Administration	200,049,000	201,051,000	204,000,000	+2,949,000	+3,951,000

1/ Hospital review costs of $35,000,000 in FY 1983 are not appropriated and do not appear on this table.
2/ Medicaid funds totaling $41.2 million in FY83 and $35.1 million in FY84 appropriated in 'Grants to States'.
3/ Does not include $45 million in FY83 and FY84 from PL 97-248.

Total, Program management:					
Federal funds	94,559,000	83,038,000	84,600,000	+1,562,000	-9,959,000
Trust funds	(962,871,000)	(982,091,000)	(1,012,246,000)	(+30,155,000)	(+49,375,000)
Subtotal, program management	1,057,430,000	1,065,129,000	1,096,846,000	+31,717,000	+39,416,000
Total, Health Care Financing Administration:					
Federal funds:					
Current year	30,236,071,000	33,006,016,000	33,007,578,000	+1,562,000	+2,771,507,000
Subsequent year advance	5,105,600,000	5,552,000,000	5,552,000,000	---	+446,400,000
Trust funds	(962,871,000)	(982,091,000)	(1,012,246,000)	(+30,155,000)	(+49,375,000)

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES

	FY 1983 Combined Appropriations	FY 1984 President's Budget	FY 1984 House Bill	House Bill compared with FY84 Budget	House Bill compared with FY83 Combined
SOCIAL SECURITY ADMINISTRATION					
PAYMENTS TO SOCIAL SECURITY TRUST FUNDS	2,155,213,000	838,583,000	448,583,000	-390,000,000	-1,706,630,000
SPECIAL BENEFITS FOR DISABLED COAL MINERS					
Benefit payments	1,082,000,000	1,018,000,000	1,018,000,000	---	-64,000,000
Administration	11,000,000	9,047,000	9,047,000	---	-1,953,000
Total, Black Lung	1,093,000,000	1,027,047,000	1,027,047,000	---	-65,953,000
SUPPLEMENTAL SECURITY INCOME					
Federal benefit payments	7,637,254,000	6,572,100,000	6,572,100,000	---	-1,065,154,000
Hold harmless payments	15,300,000	5,000,000	5,000,000	---	-10,300,000
Beneficiary services	4,616,000	4,601,000	4,601,000	---	-15,000
Federal fiscal liability	20,737,000	25,041,000	25,041,000	---	+4,304,000
Administration	865,709,000	899,976,000	899,976,000	---	+34,267,000
Demonstration projects	---	3,900,000	3,900,000	---	+3,900,000
Legislative proposals	---	340,900,000	340,900,000	---	+340,900,000
Total, Supplemental Security Income	8,543,616,000	7,851,518,000	7,851,518,000	---	-692,098,000
Apprn. available in prior year	-	---	---	---	---
Less funds advanced in previous years	-28,133,000	---	---	---	+28,133,000
ASSISTANCE PAYMENTS					
AFDC benefit payments	7,291,231,000	6,803,378,000	6,803,378,000	---	-487,853,000
Legislative savings	---	-903,000,000	-903,000,000	---	-903,000,000
Adult categories	13,350,000	13,875,000	13,875,000	---	+525,000
Emergency assistance	49,000,000	52,500,000	52,500,000	---	+3,500,000
State and local administrations	951,000,000	935,378,000	935,378,000	---	-15,622,000
Legislative proposal	---	181,000,000	181,000,000	---	+181,000,000
Admin. and training, Territories	6,716,000	7,722,000	7,722,000	---	+1,006,000
Repatriation	1,801,000	1,410,000	1,410,000	---	-391,000
Research & evaluation	2,950,000	2,575,000	2,575,000	---	-375,000
Federal administration	32,500,000	34,946,000	34,680,000	-266,000	+2,180,000
Subtotal, current year program level	8,348,548,000	7,129,784,000	7,129,518,000	-266,000	-1,219,030,000
Less funds advanced in previous years	-1,663,841,000	-1,718,000,000	-1,718,000,000	---	-54,159,000
Total, Assistance payments, current request	6,684,707,000	5,411,784,000	5,411,518,000	-266,000	-1,273,189,000
Appropriation available in prior year	-631,978,000	-35,378,000	-35,378,000	---	+596,600,000
Subsequent year advance appropriation	1,718,000,000	1,758,454,000	1,758,454,000	---	+40,454,000
-CHILD SUPPORT ENFORCEMENT					
Program level, current law	471,000,000	426,463,000	416,463,000	-10,000,000	-54,537,000
Legislative savings	---	-10,000,000	---	+10,000,000	---
Less funds advanced in previous years	-123,500,000	-118,000,000	-118,000,000	---	+5,500,000
Current request, Child Support Enforcement	347,500,000	298,463,000	298,463,000	---	-49,037,000
Appropriation available in prior year	---	---	---	---	---
Subsequent year advance appropriation	118,000,000	102,750,000	102,750,000	--	-15,250,000
LOW INCOME HOME ENERGY ASSISTANCE					
Energy Assistance Block Grant	1,972,800,000	1,297,704,000	1,872,704,000	+575,000,000	-100,096,000
Federal Administration	2,200,000	2,296,000	2,296,000	---	+96,000
Subtotal, Energy assistance	1,975,000,000	1,300,000,000	1,875,000,000	+575,000,000	-100,000,000
OFFICE OF REFUGEE RESETTLEMENT					
Refugee and Entrant Assistance (Unauthorized, not considered)					
Cash and medical assistance	(342,975,000)	(174,820,000)	DEFER	DEFER	DEFER
State administration	(30,122,000)	(15,422,000)	DEFER	DEFER	DEFER
Social services	(80,000,000)	---	DEFER	DEFER	DEFER
Voluntary agency program	(4,000,000)	(4,000,000)	DEFER	DEFER	DEFER
Education assistance for children	(16,600,000)	---	DEFER	DEFER	DEFER
Preventive health	(6,049,000)	(8,450,000)	DEFER	DEFER	DEFER
Cuban-Haitian entrants	(17,343,000)	(5,928,000)	DEFER	DEFER	DEFER
Targeted assistance	(81,500,000)	---	DEFER	DEFER	DEFER
Federal admnistration	(6,411,000)	(6,592,000)	DEFER	DEFER	DEFER
Per capita state grants	---	(270,116,000)	DEFER	DEFER	DEFER
Total, Refugee Resettlement (unauthorized)	(585,000,000)	(485,328,000)	DEFER	DEFER	DEFER

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES

	FY 1983 Combined Appropriations	FY 1984 President's Budget	FY 1984 House Bill	House Bill compared with FY84 Budget	House Bill compared with FY83 Combined
LIMITATION ON ADMINISTRATIVE EXPENSES (trust funds)...	(3,511,885,000)	(3,723,317,000)	(3,718,303,000)	(-5,014,000)	(+206,418,000)
Total, Social Security Administration:					
Federal funds:					
Current year	20,138,925,000	16,692,017,000	16,876,751,000	+184,734,000	-3,262,174,000
Subsequent year advance appropriations	1,836,000,000	1,861,204,000	1,861,204,000	---	+25,204,000
Trust funds	(3,511,885,000)	(3,723,317,000)	(3,718,303,000)	(-5,014,000)	(+206,418,000)
ASSISTANT SECRETARY FOR HUMAN DEVELOPMENT SERVICES					
SOCIAL SERVICES BLOCK GRANT (Title XX)	2,675,000,000	2,440,000,000	2,500,000,000	+60,000,000	-175,000,000
HUMAN DEVELOPMENT SERVICES 1/					
Programs for Children, Youth, and Families:					
Head start	912,000,000	974,300,000	999,300,000	+25,000,000	+87,300,000
Child abuse:					
State grants (unauth., not considered)	(6,720,000)	(6,720,000)	DEFER	DEFER	DEFER
Discretionary activities (unauth., not cons.)	(9,479,000)	---	DEFER	DEFER	DEFER
Runaway youth	21,500,000	10,514,000	21,500,000	+10,986,000	---
Subtotal, CY & Families	933,500,000	984,814,000	1,020,800,000	+35,986,000	+87,300,000
Programs for the Aging:					
State agency activities	21,673,000	19,928,000	21,673,000	+1,745,000	---
Supportive Services and Centers	240,869,000	240,869,000	240,869,000	---	---
Nutrition:					
Congregate meals	319,074,000	290,949,000	324,074,000	+33,125,000	+5,000,000
Home-delivered meals	62,025,000	58,150,000	62,025,000	+3,875,000	---
Subtotal, Elderly nutrition program	381,099,000	349,099,000	386,099,000	+37,000,000	+5,000,000
Grants to Indians	5,735,000	5,735,000	5,735,000	---	---
Research, training, and special projects	22,175,000	5,000,000	22,175,000	+17,175,000	---
Federal Council on Aging	175,000	175,000	175,000	---	---
Subtotal	671,726,000	620,806,000	676,726,000	+55,920,000	+5,000,000
1/ Does not include $100,000,000 for elderly feeding activities and $76,350,000 in child care feeding considered by Agric. Subcomm. also excludes $277,100,000 related to older worker employment considered under Title I, Dept. of Labor.					
Developmental disabilities program:					
State grants	43,180,000	24,674,000	43,180,000	+18,506,000	---
Protection and advocacy	7,320,000	7,303,000	7,320,000	+17,000	---
Special projects	2,500,000	2,294,000	2,294,000	---	-206,000
University affiliated facilities	7,500,000	7,027,000	7,027,000	---	-473,000
Subtotal, Developmental disabilities	60,500,000	41,298,000	59,821,000	+18,523,000	-679,000
Native American Programs	28,000,000	22,466,000	28,000,000	+5,534,000	---
Program direction	65,089,000	63,892,000	65,089,000	+1,197,000	---
Total, Human Development Services	1,758,815,000	1,733,276,000	1,850,436,000	+117,160,000	+91,621,000
Total, unauthorized, not considered	(16,199,000)	(6,720,000)	DEFER	DEFER	DEFER
HUMAN RESOURCES RESEARCH AND DEMONSTRATION					
Adoption opportunities (non-add)	(1,912,000)	---	---	---	(-1,912,000)
Child welfare research (non-add)	(10,608,000)	---	---	---	(-10,608,000)
Child abuse, discretionary activities (non-add)	(9,479,000)	---	---	---	(-9,479,000)
Consolidated program (unauthorized)	---	9,250,000	---	-9,250,000	---
Total, Human Resources Research & Demonstration	---	9,250,000	---	-9,250,000	---
(non-add)	(21,999,000)	---	---	---	(-21,999,000)

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES

	FY 1983 Combined Appropriations	FY 1984 President's Budget	FY 1984 House Bill	House Bill compared with FY84 Budget	House Bill compared with FY83 Combined
FAMILY SOCIAL SERVICES					
Entitlement activities:					
Foster care	395,000,000	440,170,000	440,170,000	---	+45,170,000
Adoption assistance	5,000,000	5,000,000	5,000,000	---	---
Subtotal	400,000,000	445,170,000	445,170,000	---	+45,170,000
Discretionary activities:					
Child welfare assistance	156,326,000	156,326,000	156,326,000	---	---
Child welfare training	3,823,000	---	3,823,000	+3,823,000	---
Adoption opportunities	1,912,000	---	1,912,000	+1,912,000	---
Child welfare research	10,608,000	---	10,000,000	+10,000,000	-608,000
Subtotal	172,669,000	156,326,000	172,061,000	+15,735,000	-608,000
Total, Family Social Services	572,669,000	601,496,000	617,231,000	+15,735,000	+44,562,000
WORK INCENTIVES					
Grants to States	256,760,000	---	256,760,000	+256,760,000	---
Program direction and evaluation	14,000,000	---	14,000,000	+14,000,000	---
Total, Work incentives	270,760,000	---	270,760,000	+270,760,000	---
Total, Asst. Sec. for Human Development	5,277,244,000	4,784,022,000	5,238,427,000	+454,405,000	-38,817,000
Total, unauthorized, not considered	(16,197,000)	(6,720,000)	DEFER	DEFER	DEFER
COMMUNITY SERVICES BLOCK GRANT					
Grants to States	341,680,000	---	316,680,000	+316,680,000	-25,000,000
Discretionary funds	31,320,000	---	31,320,000	+31,320,000	---
Program support	6,300,000	2,852,000	3,000,000	+148,000	-3,300,000
CSA close out	4,786,000	---	---	---	-4,786,000
Total, Community Services appropriation	384,086,000	2,852,000	351,000,000	+348,148,000	-33,086,000
DEPARTMENTAL MANAGEMENT					
GENERAL DEPARTMENTAL MANAGEMENT:					
Federal funds	158,143,000	169,963,000	160,794,000	-9,169,000	+2,651,000
Trust funds	(8,000,000)	(8,000,000)	(8,000,000)	---	---
Total, Departmental management	166,143,000	177,963,000	168,794,000	-9,169,000	+2,651,000
OFFICE OF THE INSPECTOR GENERAL:					
Federal activities:					
Federal funds	44,921,000	63,392,000	62,366,000	-1,026,000	+17,445,000
Trust funds	(6,000,000)	(6,000,000)	(6,000,000)	---	---
State Medicaid Fraud units	36,346,000	34,871,000	34,871,000	---	-1,475,000
Subtotal, current year program level	81,267,000	98,263,000	97,237,000	-1,026,000	+15,970,000
Less current year funds advanced in previous year	-10,000,000	-10,000,000	-10,000,000	---	---
Total, Inspector General (current year):					
Federal funds	71,267,000	88,263,000	87,237,000	-1,026,000	+15,970,000
Trust funds	(6,000,000)	(6,000,000)	(6,000,000)	---	---
Subsequent year advance appropriations	10,000,000	9,000,000	9,000,000	---	-1,000,000
OFFICE FOR CIVIL RIGHTS:					
Federal funds	19,163,000	19,363,000	18,945,000	-418,000	-218,000
Trust funds	(2,350,000)	(2,350,000)	(2,350,000)	---	---
Total, Civil Rights	21,513,000	21,713,000	21,295,000	-418,000	-218,000
POLICY RESEARCH	14,718,000	11,000,000	10,000,000	-1,000,000	-4,718,000
Total, Departmental management:					
Federal funds	263,291,000	288,589,000	276,976,000	-11,613,000	+13,685,000
Trust funds	(16,350,000)	(16,350,000)	(16,350,000)	---	---
Subsequent year advances	(10,000,000)	(9,000,000)	(9,000,000)	---	(-1,000,000)
Total, Department of Health and Human Services:					
Federal funds (all years)	69,984,742,000	68,551,703,000	70,175,979,000	+1,624,276,000	+191,237,000
Current year	(63,033,142,000)	(61,129,499,000)	(62,753,775,000)	(+1,624,276,000)	(-279,367,000)
Subsequent year advances	(6,951,600,000)	(7,422,204,000)	(7,422,204,000)	---	(+470,604,000)
Trust funds	(4,491,106,000)	(4,722,058,000)	(4,748,199,000)	(+26,141,000)	(+257,093,000)
Unauthorized, not considered	(859,634,000)	(676,118,000)	DEFER	DEFER	DEFER

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES

	FY 1983 Combined Appropriations	FY 1984 President's Budget	FY 1984 House Bill	House Bill compared with FY84 Budget	House Bill compared with FY83 Combined
TITLE III--DEPARTMENT OF EDUCATION					
COMPENSATORY EDUCATION FOR THE DISADVANTAGED					
Grants for the Disadvantaged (Chapter 1):					
Grants to local educational agencies	2,727,754,000	2,729,939,000	3,007,360,000	+277,421,000	+279,606,000
State agency programs:					
Migrants	255,744,000	129,434,000	255,744,000	+126,310,000	---
Handicapped	146,520,000	104,850,000	146,520,000	+41,670,000	---
Neglected and delinquent	32,616,000	21,886,000	32,616,000	+10,730,000	---
State administration	33,014,000	22,100,000	33,014,000	+10,914,000	---
Evaluation and studies	4,746,000	5,760,000	4,746,000	-1,014,000	---
Total, Chapter 1	3,200,394,000	3,013,969,000	3,480,000,000	+466,031,000	+279,606,000
Migrant education:					
High school equivalency program	6,300,000	---	6,300,000	+6,300,000	---
College assistance migrant program	1,200,000	---	1,200,000	+1,200,000	---
Total, Compensatory Education programs	3,207,894,000	3,013,969,000	3,487,500,000	+473,531,000	+279,606,000
SPECIAL PROGRAMS					
Improving School Programs (Chapter 2):					
State block grants	450,655,000	450,655,000	450,655,000	---	---
Secretary's discretionary fund:					
Inexpensive book distribution (including RIF)	5,850,000	---	6,500,000	+6,500,000	+650,000
Arts in education	2,025,000	---	2,125,000	+2,125,000	+100,000
Alcohol and drug abuse education	2,850,000	---	2,850,000	+2,850,000	---
Law related education	1,000,000	---	1,000,000	+1,000,000	---
Discretionary projects	17,040,000	---	5,049,000	+5,049,000	-11,991,000
National diffusion	---	---	10,700,000	-+10,700,000	+10,700,000
Undistributed	---	28,224,000	---	-28,224,000	---
Subtotal, Secretary's discretionary fund	28,765,000	28,224,000	28,224,000	---	-541,000
Total, Chapter 2	479,420,000	478,879,000	478,879,000	---	-541,000
Other Special Programs					
Training and advisory services (Civil Rights IVA)	24,000,000	---	24,000,000	+24,000,000	---
Follow through	19,440,000	---	14,767,000	+14,767,000	-4,673,000
Territorial teacher training assistance	960,000	---	960,000	+960,000	---
General assistance for the Virgin Islands	1,920,000	---	1,920,000	+1,920,000	---
Ellender fellowships	3,000,000	---	1,000,000	+1,000,000	-2,000,000
Women's educational equity	5,760,000	---	5,760,000	+5,760,000	---
Asbestos control	---	---	50,000,000	+50,000,000	+50,000,000
Subtotal, Other special programs	55,080,000	---	98,407,000	+98,407,000	+43,327,000
Total, Special programs	534,500,000	478,879,000	577,286,000	+98,407,000	+42,786,000
IMPACT AID (Unauthorized)					
Maintenance and operations:					
Payments for "a" children	(377,175,000)	(446,000,000)	DEFER	DEFER	DEFER
Payments for "b" children	(58,025,000)	---	DEFER	DEFER	DEFER
Special provisions (Section 2)	(15,000,000)	(9,000,000)	DEFER	DEFER	DEFER
Disaster assistance	(10,000,000)	---	DEFER	DEFER	DEFER
Subtotal	(460,200,000)	(455,000,000)	DEFER	DEFER	DEFER
Construction	(80,000,000)	---	DEFER	DEFER	DEFER
Total, unauthorized	(540,200,000)	(455,000,000)	DEFER	DEFER	DEFER
BILINGUAL EDUCATION					
Grants to school districts	84,126,000	59,724,000	95,007,000	+35,283,000	+10,881,000
Training grants	31,288,000	22,400,000	30,588,000	+8,188,000	-700,000
Support services	16,557,000	9,910,000	10,447,000	+537,000	-6,110,000
Desegregation grants	2,400,000	---	---	---	-2,400,000
Vocational training	3,686,000	2,500,000	6,015,000	+3,515,000	+2,329,000
Total	138,057,000	94,534,000	142,057,000	+47,523,000	+4,000,000

	FY 1983 Combined Appropriations	FY 1984 President's Budget	FY 1984 House Bill	House Bill compared with FY84 Budget	House Bill compared with FY83 Combined
EDUCATION FOR THE HANDICAPPED					
Education for the handicapped:					
State assistance:					
State grant program	1,017,900,000	998,180,000	1,017,900,000	+19,720,000	---
Preschool incentive grants	25,000,000	25,000,000	25,000,000	---	---
Deaf-blind centers	15,360,000	9,560,000	15,360,000	+5,800,000	---
Special purpose funds:					
Severely handicapped projects	2,880,000	2,880,000	2,880,000	---	---
Early childhood education	16,800,000	11,800,000	16,800,000	+5,000,000	---
Regional, vocational, adult and postsecondary programs	2,832,000	2,832,000	2,832,000	---	---
Innovation and development	12,000,000	10,800,000	12,000,000	+1,200,000	---
Media services and captioned films	12,000,000	11,520,000	11,520,000	---	-480,000
Regional resource centers	4,130,000	2,880,000	5,000,000	+2,120,000	+870,000
Recruitment and information	720,000	720,000	720,000	---	---
Special education personnel development	49,300,000	33,600,000	49,300,000	+15,700,000	---
Special studies	480,000	480,000	480,000	---	---
Secondary Education and transitional services for handicapped youth	---	---	---	---	---
Other discretionary programs	---	---	45,000,000	+45,000,000	+45,000,000
Architectural barrier removal	40,000,000	---	---	---	-40,000,000
Total, Education for the handicapped	1,199,402,000	1,110,252,000	1,204,792,000	+94,540,000	+5,390,000
REHABILITATION SERVICES AND HANDICAPPED RESEARCH (Unauthorized)					
Rehabilitation services:					
Basic State grants	(943,900,000)	(943,900,000)	DEFER	DEFER	DEFER
Service projects	(31,094,000)	(26,094,000)	DEFER	DEFER	DEFER
Independent living	(19,400,000)	(17,280,000)	DEFER	DEFER	DEFER
Training	(19,200,000)	(19,200,000)	DEFER	DEFER	DEFER
Subtotal	(1,013,594,000)	(1,006,474,000)	DEFER	DEFER	DEFER
National Institute for Handicapped Research	(31,560,000)	(30,060,000)	DEFER	DEFER	DEFER
National Council on the Handicapped	(193,000)	(193,000)	DEFER	DEFER	DEFER
Jobs bill offset	---	(-5,000,000)	DEFER	DEFER	DEFER
Total, unauthorized	(1,045,347,000)	(1,031,727,000)	DEFER	DEFER	DEFER
VOCATIONAL AND ADULT EDUCATION #					
Consolidated (Block) Grant	---	492,839,000	---	-492,839,000	---
Vocational education:					
Basic grants	558,155,000	---	570,655,000	+570,655,000	+12,500,000
Program improvement and supportive services	99,590,000	---	99,590,000	+99,590,000	---
Programs of national significance	7,678,000	---	8,178,000	+8,178,000	+500,000
Special programs for the disadvantaged	14,356,000	---	14,356,000	+14,356,000	---
Consumer and homemaking education	31,633,000	---	31,633,000	+31,633,000	---
State advisory councils	6,500,000	---	7,000,000	+7,000,000	+500,000
State planning	3,588,000	---	3,588,000	+3,588,000	---
Subtotal, Vocational education	721,500,000	492,839,000	735,000,000	+242,161,000	+13,500,000
Adult education	95,000,000	---	100,000,000	+100,000,000	+5,000,000
Total	816,500,000	492,839,000	835,000,000	+342,161,000	+18,500,000
STUDENT FINANCIAL ASSISTANCE					
Pell grants #	2,419,040,000	---	2,619,000,000	+2,619,000,000	+199,960,000
Self-help grants	---	2,713,800,000	---	-2,713,800,000	---
Campus based programs:					
Supplemental opportunity grants	355,400,000	---	370,000,000	+370,000,000	+14,600,000
Work study	590,000,000	800,000,000	550,000,000	-250,000,000	-40,000,000
Direct loans:					
Capital	178,560,000	4,000,000	178,560,000	+174,560,000	---
Cancellations	14,800,000	---	19,800,000	+19,800,000	+5,000,000
Subtotal, Campus based programs	1,138,760,000	804,000,000	1,118,360,000	+314,360,000	-20,400,000
State student incentive grants	60,000,000	---	76,000,000	+76,000,000	+16,000,000
Total, Student Financial Assistance	3,617,800,000	3,517,800,000	3,813,360,000	+295,560,000	+195,560,000

Proposed for later transmittal in the President's budget.

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES

	FY 1983 Combined Appropriations	FY 1984 President's Budget	FY 1984 House Bill	House Bill compared with FY84 Budget	House Bill compared with FY83 Combined
GUARANTEED STUDENT LOANS					
Guaranteed student loan program	3,100,500,000	2,168,600,000	1,268,600,000	-900,000,000	-1,831,900,000
Legislative proposals	---	-121,500,000	---	+121,500,000	---
Total, Guaranteed student loans	3,100,500,000	2,047,100,000	1,268,600,000	-778,500,000	-1,831,900,000
Proposed for later transmittal in the President's budget.					
HIGHER AND CONTINUING EDUCATION					
Student services:					
Special programs for the disadvantaged	154,740,000	35,000,000	164,740,000	+129,740,000	+10,000,000
Veterans cost of instruction	3,000,000	---	3,000,000	+3,000,000	---
Program development:					
Strengthening developing institutions	134,416,000	129,600,000	129,600,000	---	-4,816,000
(Unauthorized, not considered)	---	(4,816,000)	DEFER	DEFER	DEFER
Minority institutions science improvement	4,800,000	4,800,000	4,800,000	---	---
Cooperative education	14,400,000	---	14,400,000	+14,400,000	---
International education and foreign language studies:					
Domestic programs	21,000,000	---	30,600,000	+30,600,000	+9,600,000
Overseas programs	5,000,000	---	5,000,000	+5,000,000	---
Graduate support:					
Graduate/professional educational opportunities	10,000,000	---	12,000,000	+12,000,000	+2,000,000
Public service grants and fellowships	1,920,000	---	1,920,000	+1,920,000	---
Construction:					
Facility grants	22,500,000	---	---	---	-22,500,000
Interest subsidy grants	25,000,000	24,500,000	24,500,000	---	-500,000
Special endowments:					
General Chappie James Memorial, Tuskegee	9,000,000	---	---	---	-9,000,000
Carl Albert Center	2,000,000	---	---	---	-2,000,000
Taft Institute	750,000	---	---	---	-750,000
Law related education:					
Legal training for disadvantaged	1,000,000	---	1,000,000	+1,000,000	---
Law school clinical experience	605,000	---	1,000,000	+1,000,000	+395,000
Fund for the Improvement of Postsecondary Education	11,710,000	6,000,000	11,710,000	+5,710,000	---
Total	421,841,000	199,900,000	404,270,000	+204,370,000	-17,571,000
Total, unauthorized, not considered	---	(4,816,000)	DEFER	DEFER	DEFER
HIGHER EDUCATION FACILITIES LOANS AND INSURANCE	20,143,000	19,846,000	19,846,000	---	-297,000
COLLEGE HOUSING LOANS, LOAN LIMITATION	(40,000,000)	---	(40,000,000)	(+40,000,000)	---
EDUCATIONAL RESEARCH AND STATISTICS					
National Institute of Education	55,614,000	48,231,000	48,231,000	---	-7,383,000
National Center for Educational Statistics	8,589,000	8,747,000	8,747,000	---	+158,000
Total	64,203,000	56,978,000	56,978,000	---	-7,225,000
EDUCATION AND RESEARCH OVERSEAS	516,000	1,750,000	516,000	-1,234,000	---
LIBRARIES					
Public libraries:					
Services	60,000,000	---	65,000,000	+65,000,000	+5,000,000
Interlibrary cooperation	11,520,000	---	15,000,000	+15,000,000	+3,480,000
College library resources	1,920,000	---	1,920,000	+1,920,000	---
Training and demonstrations	880,000	---	880,000	+880,000	---
Research libraries	6,000,000	---	6,000,000	+6,000,000	---
Construction	50,000,000	---	---	---	-50,000,000
Total	130,320,000	---	88,800,000	+88,800,000	-41,520,000

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES

	FY 1983 Combined Appropriations	FY 1984 President's Budget	FY 1984 House Bill	House Bill compared with FY84 Budget	House Bill compared with FY83 Combined
SPECIAL INSTITUTIONS					
AMERICAN PRINTING HOUSE FOR THE BLIND	5,000,000	5,000,000	5,000,000	---	---
(Unauthorized)	---	(500,000)	DEFER	DEFER	DEFER
NATIONAL TECHNICAL INSTITUTE FOR THE DEAF	26,300,000	26,300,000	26,300,000	---	---
(Unauthorized)	---	(1,700,000)	DEFER	DEFER	DEFER
GALLAUDET COLLEGE	52,000,000	52,000,000	52,000,000	---	---
(Unauthorized)	---	(3,590,000)	DEFER	DEFER	DEFER
HOWARD UNIVERSITY	145,200,000	145,200,000	145,200,000	---	---
(Unauthorized)	---	(14,520,000)	DEFER	DEFER	DEFER
DEPARTMENTAL MANAGEMENT					
OFFICE OF THE INSPECTOR GENERAL, SALARIES AND EXPENSES	12,840,000	12,989,000	12,989,000	---	+149,000
(Unauthorized)	---	(1,406,000)	DEFER	DEFER	DEFER
OFFICE FOR CIVIL RIGHTS, SALARIES AND EXPENSES	44,868,000	42,058,000	42,058,000	---	-2,810,000
SALARIES AND EXPENSES:					
Program administration	217,900,000	238,382,000	---	-238,382,000	-217,900,000
Advisory committees	1,750,000	---	---	---	-1,750,000
Program and management evaluation	2,350,000	---	---	---	-2,350,000
Consolidated amount	---	---	232,968,000	+232,968,000	+232,968,000
Subtotal, Salaries and expenses	222,000,000	238,382,000	232,968,000	-5,414,000	+10,968,000
Total, Departmental management	279,708,000	293,429,000	288,015,000	-5,414,000	+8,307,000
TOTAL, Department of Education	13,759,884,000	11,555,776,000	12,415,520,000	+859,744,000	-1,344,364,000
Total, unauthorized, not considered	(1,585,547,000)	(1,513,259,000)	DEFER	DEFER	DEFER
TITLE IV - RELATED AGENCIES					
Action (Domestic Programs):					
Volunteers in Service to America:					
VISTA operations(unauthorized, not considered)	(11,831,000)	(196,000)	DEFER	DEFER	DEFER
Service learning(unauthorized, not considered)	(1,830,000)	(1,757,000)	DEFER	DEFER	DEFER
Subtotal, (unauthorized, not considered)	(13,661,000)	(1,953,000)	DEFER	DEFER	DEFER
Older Americans Volunteer Programs:					
Foster Grandparents Program (unauthorized, not considered)	(48,400,000)	(48,400,000)	DEFER	DEFER	DEFER
Senior Companion Program (unauthorized, not considered)	(12,016,000)	(12,016,000)	DEFER	DEFER	DEFER
Retired Senior Volunteer Program(unauthorized, not considered)	(27,445,000)	(27,445,000)	DEFER	DEFER	DEFER
Subtotal, Older Volunteers	(87,861,000)	(87,861,000)	DEFER	DEFER	DEFER
Citizen Participation and Volunteer Demonstration Programs (unauthorized, not considered)	(1,984,000)	(1,801,000)	DEFER	DEFER	DEFER
Program Support (unauthorized, not considered)	(25,815,000)	(18,115,000)	DEFER	DEFER	DEFER
Total, Action (unauthorized, not considered)	(129,321,000)	(109,730,000)	DEFER	DEFER	DEFER
Corporation for Public Broadcasting:					
FY 1986 advance (current request) 1/	130,000,000	75,000,000	130,000,000	+55,000,000	---

1/ FY 1983 appropriation adv. in FY81 is $137 million.
FY 1984 appropriation adv. in FY82 is $130 million.
FY 1985 appropriation adv. in FY83 is $130 million.

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES

	FY 1983 Combined Appropriations	FY 1984 President's Budget	FY 1984 House Bill	House Bill compared with FY84 Budget	House Bill compared with FY83 Combined
Federal Mediation and Conciliation Service	22,015,000	21,461,000	23,161,000	+1,700,000	+1,146,000
Federal Mine Safety and Health Review Commission	3,686,000	3,858,000	3,858,000	---	+172,000
National Commission on Libraries and Information Science	674,000	553,000	553,000	---	-121,000
National Commission on Student Financial Assistance	840,000	---	---	---	-840,000
National Labor Relations Board	126,045,000	134,158,000	133,594,000	-564,000	+7,549,000
National Mediation Board	5,468,000	5,758,000	6,238,000	+480,000	+770,000
Occupational Safety and Health Review Commission	6,316,000	6,331,000	5,982,000	-349,000	-334,000
Prospective Payment Assessment Commission(trust funds)	---	---	(1,000,000)	(+1,000,000)	(+1,000,000)
Railroad Retirement Board:					
Dual benefits payments account	430,000,000	350,000,000	420,000,000	+70,000,000	-10,000,000
Supplemental VI. Benefits	125,750,000	---	---	---	-125,750,000
(Limitation on administration)	(47,060,000)	(55,969,000)	(56,046,000)	(+77,000)	(+8,986,000)
Milwaukee Railroad restructuring, administration	250,000	---	---	---	-250,000
Soldiers' and Airmen's Home (trust fund limitation):					
Operation and maintenance	(27,059,000)	(29,524,000)	(30,924,000)	(+1,400,000)	(+3,865,000)
Capital outlay	---	(1,250,000)	(4,550,000)	(+3,300,000)	(+4,550,000)
Total, Related Asencies:					
Federal funds	851,044,000	597,119,000	723,386,000	+126,267,000	-127,658,000
Current year	721,044,000	522,119,000	593,386,000	+71,267,000	-127,658,000
FY 1986 advance	130,000,000	75,000,000	130,000,000	+55,000,000	---
Trust funds	(74,119,000)	(86,743,000)	(92,520,000)	(+5,777,000)	(+18,401,000)
Total, unauthorized, not considered	(129,321,000)	(109,730,000)	DEFER	DEFER	DEFER

SUMMARY

Title I - Department of Labor:					
Federal Funds	17,774,762,000	13,019,546,000	16,063,887,000	+3,044,341,000	-1,710,875,000
Trust Funds	(2,777,018,000)	(2,774,151,000)	(3,319,050,000)	(+544,899,000)	(+542,032,000)
Title II - Department of Health and Human Services:					
Federal Funds (all years)	69,984,742,000	68,551,703,000	70,175,979,000	+1,624,276,000	+191,237,000
Trust Funds	(4,491,106,000)	(4,722,058,000)	(4,748,199,000)	(+26,141,000)	(+257,093,000)
Unauthorized, not considered	(859,634,000)	(676,118,000)	DEFER	DEFER	DEFER
Title III - Department of Education	13,759,884,000	11,555,776,000	12,415,520,000	+859,744,000	-1,344,364,000
Unauthorized, not considered	(1,585,547,000)	(1,513,259,000)	DEFER	DEFER	DEFER
Title IV - Related Asencies:					
Federal Funds	851,044,000	597,119,000	723,386,000	+126,267,000	-127,658,000
Trust Funds	(74,119,000)	(86,743,000)	(92,520,000)	(+5,777,000)	(+18,401,000)
Unauthorized, not considered	(129,321,000)	(109,730,000)	DEFER	DEFER	DEFER
Total, all titles:					
Federal Funds	102,370,432,000	93,724,144,000	99,378,772,000	+5,654,628,000	-2,991,660,000
Current year 1/	(95,288,832,000)	(86,226,940,000)	(91,826,568,000)	(+5,599,628,000)	(-3,462,264,000)
1985 advance	(6,951,600,000)	(7,422,204,000)	(7,422,204,000)	---	(+470,604,000)
1986 advance	(130,000,000)	(75,000,000)	(130,000,000)	(+55,000,000)	---
Trust Funds	(7,342,243,000)	(7,582,952,000)	(8,159,769,000)	(+576,817,000)	(+817,526,000)
Unauthorized	(2,574,502,000)	(2,299,107,000)	DEFER	DEFER	DEFER
CURRENT YEAR BUDGET AUTHORITY (NEW) 1/:					
Mandatory	(67,098,799,000)	(61,536,094,000)	(60,427,328,000)	(-1,108,766,000)	(-6,671,471,000)
Discretionary 2/	(28,190,033,000)	(24,690,846,000)	(31,399,240,000)	(+6,708,394,000)	(+3,209,207,000)
Mandatory (unauthorized)	(1,045,347,000)	(1,031,727,000)	DEFER	DEFER	DEFER
Discretionary (unauth., not cons. by either house)	(988,955,000)	(790,664,000)	DEFER	DEFER	DEFER
Discretionary (unauth., not cons. by House)	(540,200,000)	(476,716,000)	---	(-476,716,000)	(-540,200,000)

1/ Does not include $7,081,600,000 in FY 1984 funds advanced in prior years.
2/ Recommendation includes $2,902,684,000 of one-time forward funding.

NOTCH PROBLEM IN SOCIAL SECURITY BENEFITS

(Mr. PATMAN asked and was given permission to revise and extend his remarks.)

Mr. PATMAN. Mr. Speaker, I would like to ask the gentleman from Kentucky (Mr. NATCHER) to engage in a colloquy with me in order that I may explore a question.

I notice that the report explained that the $448.6 million for the social security trust funds appropriated by the bill is $390 million below the budget request and $406.6 million less than the 1983 figure. The report explained that because the budget requests were made before enactment of the Social Security Amendments of 1983 (Public Law 98-21), they did not take into account the money transferred to the social security system by that law, and that this would reduce fiscal 1984 costs by about $390 million.

Since "Dear Abby" published a letter by a notch-year baby—those born in 1917, 1918, 1919, 1920, or 1921, the "notch years"—I have received many requests to do something about the problem. There is a notch between social security benefits for those born in or after 1917. I have promised my constituents to try to help.

I would like to recommend that the Commissioner of Social Security and the Secretary of Health and Human Services immediately conduct a study and report to Congress on steps which can be taken to correct the benefit disparity known as the notch problem in order to insure equitable and fair treatment for those who are adversely affected by it.

Mr. NATCHER. Mr. Speaker, I would like to say that I would have no objection to such a study and would join the gentleman in encouraging the Commissioner to carry out a study of this particular problem.

Mr. PATMAN. I thank the gentleman.

REPORT ON HOUSE JOINT RESOLUTION 367, CONTINUING APPROPRIATIONS, FISCAL YEAR 1984

Mr. WHITTEN, from the Committee on Appropriations, submitted a privileged report (Rept, No. 98-374) on the joint resolution (H.J. Res. 367) making continuing appropriations for the fiscal year 1984, and for other purposes, which was referred to the Committee on Foreign Affairs for consideration of such legislative provisions of section 124 of the joint resolution as fall within the jurisdiction of that committee pursuant to clause 1(i), rule X.

REPORT ON H.R. 3959, SUPPLEMENTAL APPROPRIATIONS, 1984

Mr. WHITTEN, from the Committee on Appropriations, submitted a privileged report (Rept. No. 98-375) on the bill (H.R. 3959) making supplemental appropriations for the fiscal year ending September 30, 1984, and for other purposes, which was referred to the Union Calendar and ordered to be printed.

Mr. MYERS reserved all points of order on the bill.

PRIVILEGES OF THE HOUSE—SUMMONS TO APPEAR FOR JURY DUTY

Mr. MITCHELL. Mr. Speaker, I rise to a question of the privileges of the House.

The SPEAKER. The gentleman will state it.

Mr. MITCHELL. Mr. Speaker, I have received a summons from the circuit court for Baltimore City, Md., to appear for jury duty before that court on Thursday, October 6, 1983 at 8:15 a.m. Under the precedents of the House, I am unable to comply with the summons at a time that the House will be in session without the permission of the House. I send the summons to the desk for such action that the House might take.

The SPEAKER. The Clerk will read the summons.

The Clerk read as follows:

CIRCUIT COURT FOR BALTIMORE CITY

Summons number: 100683-159

Parren J. Mitchell, 1805 Madison Ave., Baltimore, Md. 21217.

You are hereby summoned to appear in room 400, Courthouse West St. Paul and Lexington Sts. on Thurs., October 6, 1983, at 8:15 am, to serve as a petit juror.

In order to minimize your inconvenience, Baltimore City is now using a one trial or one day jury system. This means that the length of your jury service will be for the duration of one trial or for one day. Those who are chosen for a trial must report daily until the trial ends. Those who are not chosen for a trial will complete their service at the end of the day on which they report.

You must do the following: (1) Look at your summons number in the upper left corner, (2) telephone 659-1555 after 5:00 pm the day before you are scheduled to report, and (3) listen for your summons number. A recorded message will tell you if you must report for jury duty.

Your failure to appear when summoned ultimately could result in your being given a fine or a term of imprisonment, or both, pursuant to § 8-401 of the annotated code of Maryland, courts and judicial proceedings.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF HOUSE JOINT RESOLUTION 364

Mr. CROCKETT. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of House Joint Resolution 364.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

EXTENDING FOR 1 YEAR AUTHORITY OF VETERANS' ADMINISTRATION TO PROVIDE CERTAIN CONTRACT MEDICAL SERVICES IN PUERTO RICO AND THE VIRGIN ISLANDS

Mr. MONTGOMERY. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the Senate bill (S. 1850) to amend title 38, United States Code, to extend for 1 year the authority of the Veterans' Administration to provide certain contract medical services in Puerto Rico and the Virgin Islands, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

□ 1600

Mr. HAMMERSCHMIDT. Mr. Speaker, reserving the right to object, and I do not intend to object, I yield to the distinguished chairman of the Veterans' Affairs Committee for an explanation of his unanimous consent request.

Mr. MONTGOMERY. Mr. Speaker, I thank the gentleman for yielding, and I would ask the gentleman to yield to the gentleman from Pennsylvania (Mr. EDGAR), the chairman of the Subcommittee on Hospitals and Health Care, who reported this billout. It is a veterans' hospital bill.

Mr. HAMMERSCHMIDT. Mr. Speaker, I yield to our very able colleague, the gentleman from Pennsylvania (Mr. EDGAR), the chairman of the subcommittee.

Mr. EDGAR. Mr. Speaker, I rise in support of Chairman MONTGOMERY's motion and urge my colleagues to support the adoption of S. 1850 which would amend title 38, United States Code. To extend for 1 year the authority of the Veterans' Administration to provide certain contract medical services in Puerto Rico and the Virgin Islands.

On February 16 of this year, my Subcommittee on Hospitals and Health Care held an oversight hearing into the status of the quality of health care being provided to the veterans of Puerto Rico and the Virgin Islands. At the present time, the Administrator of Veterans' Affairs is authorized to provide care in these jurisdictions on a contract or fee basis in excess of that provided for veterans within the 48 contiguous States. This authorization is in section 601, title 38, United States Code, and it will expire on September 30, 1983. This program has caused us

much concern in the past for a variety of reasons, including the quality of care veterans receive in contract facilities, particularly in the Commonwealth of Puerto Rico.

In the joint explanatory statement on the passage of Public Law 97-251, the House and Senate Veterans' Affairs committees directed the VA to prepare a comprehensive plan for providing appropriate and cost-effective health care to these veterans and, to the extent that new construction was involved, to prepare the needed project or projects for inclusion in the President's budget.

Due to complexity and timing, the VA's report did not contain any recommendation for a request for funding in the fiscal year 1984 budget to improve the medical program in Puerto Rico and the Virgin Islands.

As a result of our hearing, it was the opinion of the subcommittee that the special authority to provide hospital care and medical services to eligible veterans of Puerto Rico and the Virgin Islands must be extended for 1 additional year. During additional year, it is expected that the VA will complete their plans and request funds from the Congress in order to implement their plan to meet the medical needs of these veterans.

Mr. Speaker, the veterans of Puerto Rico and the Virgin Islands will suffer an undue hardship if we do not exend this authority, and I urge all Members of the House to support this important Veterans' legislation.

Mr. HAMMERSCHMIDT. I thank the gentleman for his explanation.

Further reserving the right to object, Mr. Speaker, I yield to the gentleman from Mississippi (Mr. MONTGOMERY).

Mr. MONTGOMERY. Mr. Speaker, on May 23, the House passed and sent to the Senate H.R. 2920, a bill that would revise and extend certain health care programs of the Veterans' Administration.

On June 28, 1983, the Senate passed the measure with amendments. One provision contained in the bill as passed by both bodies would extend for 1 year, through September 30, 1984, the authority of the Administrator to provide hospital care and medical services for the treatment of certain conditions of veterans residing in the Commonwealth of Puerto Rico and the Virgin Islands.

Mr. Speaker, we have been unable to resolve our differences with the other body on some of the provisions contained in the Senate- and House-passed bills; however, there is no disagreement on the provision to extend the authority to provide medical care and services for veterans residing in Puerto Rico and the Virgin Islands. Therefore, since current authority is due to expire September 30, we have reached agreement with the other body that we should adopt this provision and send it on the President. In the meantime, I can assure my colleagues that we are working closely with the other body on the problems that exist between the Senate- and the House-passed bills in certain other areas. We expect to have a compromise agreement before the House and Senate within the next couple of weeks.

I urge the adoption of the bill.

Mr. HAMMERSCHMIDT. Further reserving the right to object. Mr. Speaker, I rise in support of S. 1850 which passed the Senate on September 20. I urge its immediate passage by the House.

This bill merely extends by 1 year the authority of the Veterans' Administration to provide certain contract services in Puerto Rico and the Virgin Islands. Current authority expires on September 30 of this year.

Without the continued authority, veterans in the islands could not be provided vitally needed medical services.

H.R. 2920 passed the House on May 23. It is an omnibus bill containing a number of provisions concerning veterans' medical care including the benefits sought by this bill.

The other body amended H.R. 2920 and we are now working with it to come to an agreement so that the bill can be sent to the President. But, the matter of contract medical authority is not in controversy and, therefore, the House should pass S. 1850 immediately so that contract authority will not expire.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 1850

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 601(4)(C)(v) of title 38, United States Code, is amended by striking out "September 30, 1983" and inserting in lieu thereof "September 30, 1984".

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. MONTGOMERY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and to include extraneous matter, on the legislation just considered and passed.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

CONFERENCE REPORT ON H.R. 2972, MILITARY CONSTRUCTION AUTHORIZATION ACT, 1984

Mr. DELLUMS. Mr. Speaker, pursuant to the order of the House of September 19, 1983, I call up the conference report on the bill (H.R. 2972) to authorize certain construction at military installations for fiscal year 1984, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER. Pursuant to the rule, the conference report is considered as having been read.

(For conference report and statement, see proceedings of the House of September 19, 1983.)

The SPEAKER. The gentleman from California (Mr. DELLUMS) will be recognized for 30 minutes, and the gentleman from Colorado (Mr. KRAMER) will be recognized for 30 minutes.

The Chair recognizes the gentleman from California (Mr. DELLUMS).

Mr. DELLUMS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the conference report on H.R. 2972, the Fiscal Year 1984 Military Construction Authorization Act, represents the diligent effort of a House-Senate conference committee that met on August 2, and resolved over 325 differences.

As a result of the conference between the House and Senate on the differences in H.R. 2972, the Congress agreed to a new adjusted authorization for military construction and family housing for fiscal year 1984 of $7,345,527,000.

This conference compromise is $624,558,000 below the House figure, $3,783,000 below the Senate figure, and $1,202,059,000 below the President's budget request of $8,547,586,000.

For the benefit of my colleagues, I want to briefly explain how we arrived at the final authorization level.

First, a spending target of $7.3 billion in budget authority has determined to be the amount the conferees could authorize with reasonable confidence that the first concurrent budget resolution ceiling would not be breached.

Second, within this target, priority was given to restoration of justified projects that had been included in the budget request but were cut by either the House or the Senate for budgetary reasons.

And third, prior year savings were used to the maximum extent possible.

Unbudgeted projects added by either the House or the Senate were included in the conference bill but were authorized for construction with savings only.

The conferees expect about $600 million to become available in savings as fiscal year 1984 and prior year programs are executed. The conferees believe it is simply good business to authorize as many high-priority projects as possible in order to take advantage of the extremely competitive bidding climate existing in the construction industry at present.

Mr. Speaker, because of time constraints, I will not go into detail on individual items contained in the conference bill. I believe the conference report, House Report No. 98-359, which appeared in the CONGRESSIONAL RECORD on Monday, September 19, adequately explains the actions of the conference.

However, there are several items I want to call to the attention of the Members.

I do not have to remind my colleagues of my total opposition to deployment of the ground-launched cruise missile. But since deployment of GLCM is the current policy of the U.S. Government, certain facilities must be provided for the support personnel being assigned to man these weapons.

The conferees agreed to authorize $79.2 million for the GLCM program in fiscal year 1984, which is $128.4-million below the budget request. This authorization level eliminates funding for accompanied tour facilities, facilities supported by nonappropriated fund activities, and NATO conjunctively funded facilities wherein the services seek U.S. funding for certain amenities that exceed the criteria established by NATO for NATO funded projects.

Although the conferees do not oppose accompanied tours, the support facilities to accommodate U.S. dependents were deferred for 1 year pending the outcome of the current intermediate range nuclear force (INF) negotiations at Geneva between the United States and the Soviet Union.

Another issue that has historically troubled both House and Senate committees is the matter of prefinancing NATO eligible military construction projects. Prefinancing results in essentially an interest-free loan to NATO and also reflects the establishment of different construction priorities from those requirements agreed to by NATO. This serves to undermine the collective decisionmaking approach of the NATO Alliance. In addition, recoupment of the funds has been virtually impossible once they have been committed.

Because of the Defense Departments' inability to recoup funds from NATO for prefinanced projects, the conferees approved a provision that prohibits the obligation of any funds for prefinancing of any NATO eligible project until the Secretary of Defense submits a detailed report to the appropriate committees explaining how recoupment is to be accomplished.

In addition to the legislative provision, the conference report includes strong language advising the Department of Defense that unless there is some resolution of this issue, the Armed Services Committees may seek to mandate in law that some fixed amount of the prefinanced backlog shall be recouped each year with interest being assessed against the outstanding balance.

In the area of military family housing, the conferees approved two provisions to establish, on a 2-year test basis, a domestic leased housing program and a guaranteed rental housing program. The intent of these provisions is to further encourage the involvement of the private sector in meeting the family housing needs of the military services.

The pilot program established in section 801 is authorized to determine whether long-term leasing of new housing units is a more cost-effective option when compared to the traditional method of building military family housing with appropriated funds.

Section 802 was approved to encourage the use of rental units where such options prove to be cost effective.

To make the legislative intent clear, a detailed discussion of these provisions is included in the conference report.

One other major action taken by the conferees that I would like to call to the attention of my colleagues is a provision permitting the sale and replacement of nonexcess real property.

Under the conference provision, the Secretary of Defense may sell certain Defense Department-owned real property, including land and structures on that land, and part of the sale proceeds may be used to build or acquire replacement facilities. I want to stress that the real property to be sold will not be excess property nor public domain lands. The disposition of excess property will continue to be handled under the provisions of the Federal Property and Administrative Services Act of 1949.

The property to be sold will be property not being put to its optimum use. One example might be a reserve facility located in a high-value urban area which could be sold at fair market value and part of the proceeds from the sale used to build a new facility on an existing military installation in the suburbs with the remainder of the proceeds reverting to the U.S. Treasury.

Stringent oversight provisions have been included in that every transaction under this provision must be authorized in law during the normal legislative process for military construction. In addition, the Secretary of the Interior will screen every transaction and no transaction may be proposed where the property to be sold might be suitable for a public park or recreation area. Neither will any funds be diverted from the water and conservation fund.

Again, a very detailed explanation of legislative intent on this provision is included in the conference report.

This briefly summarizes the major actions of the conference. Time does not permit going into greater detail here, but the conferees believe the bill agreed to in conference will meet the construction needs of the military departments during fiscal year 1984. Mr. Speaker, I urge adoption of the conference report on H.R. 2972.

□ 1610

Mr. Speaker, I reserve the balance of my time.

The SPEAKER pro tempore (Mr. ROEMER). The gentleman has consumed 8 minutes.

Mr. KRAMER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of the conference report on H.R. 2972, the fiscal year 1984 Military Construction Authorization Act. Even though this compromise measure is $1.2 billion less than the President's budget request, it still represents an increase over the military construction program for the current fiscal year.

In this bill, a greater effort is being made to upgrade the quality of life for our service personnel by either improving or replacing facilities where they live and work. New facilities also will be built to field many of the new weapon systems that are being procured to modernize our tactical and strategic forces. In short, we have before us a measure that will buy our Nation improved readiness at a spending rate that meets the goal of the first concurrent budget resolution. As my colleague from California noted, the House and Senate conferees settled on a compromise figure of $7,354,527,000 which is below the amounts originally authorized by both the House and Senate.

Mr. Speaker, as one who served on the conference, I believe we are bringing before both Houses a sound compromise that deserves the support of this body. I urge the adoption of the conference report on H.R. 2972.

Mr. Speaker, I reserve the balance of my time.

The SPEAKER pro tempore. The gentleman from Colorado has consumed 2 minutes.

Mr. DELLUMS. Mr. Speaker, I yield such time as he may consume to the distinguished ranking majority member of the subcommittee, the gentleman from Mississippi (Mr. MONTGOMERY.).

Mr. MONTGOMERY. I thank the gentleman for yielding to me.

Mr. Speaker, I rise in support of this conference report on military construction, and I want to commend my chairman, the gentleman from California (Mr. DELLUMS) and also the gentleman from Colorado (Mr. KRAMER) for the fairness in the way they have handled this authorization bill on military construction. There were more hearings held this year on military construction than at any time I can recall since I have served on the committee. Everyone had the opportunity to be heard.

I commend the committee. We think we have a workable military construction bill, and I am sure it will get the full support of the House.

Mr. DELLUMS. Mr. Speaker, I yield such time as he may consume to my distinguished colleague, the gentleman from Texas (Mr. KAZEN) a member of the committee.

Mr. KAZEN. I thank my chairman for yielding this time to me.

Mr. Speaker, I rise only to point out to my colleagues that what the committee has brought you today is below the House figure, below the Senate figure, below the President's budget, and I think the committee has done a fairly good job, the thing this Congress has been asking for.

We have done an adequate job. We have not left anything undone that needed to be done, and at the same time we have come in, as I said, below everybody's budget.

Before I conclude, Mr. Speaker, let me commend the chairman of the subcommittee, the distinguished gentleman from California, for the magnificent way in which he has conducted this subcommittee throughout this year, throughout all of the hearings, and certainly through the conference process.

This is the gentleman's first year as chairman of this subcommittee, and I, for one, am very privileged to serve under his chairmanship. He has shown compassion for the people out in the field, those that we charge with the security of this country. He has felt compassion for the living conditions of the men and women of our armed services. Nothing has been left undone, and for that I commend my colleague and want to tell him that he has done a tremendous job for his country.

Mr. Speaker, I urge the house to adopt this conference report.

Mr. DELLUMS. I thank my distinguished colleague for his generous remarks.

Mr. Speaker, I yield such time as he may consume to my distinguished colleague who is not a member of the committee, but who worked with the committee in drafting this legislation, the gentleman from Texas (Mr. STENHOLM).

Mr. STENHOLM. Mr. Speaker, I rise in support of the conference report on H.R. 2972, the Military Construction Act for fiscal year 1984. I also want to commend the hard work and diligence of our House colleagues who served on the conference committee.

I would also like to take this opportunity to highlight for a moment a ground-breaking concept that has found its way into the conference report, the military family housing leasing program in section 801. As one of the Members who has been deeply involved in pursuing this concept since its inception, I am glad to see such a provision included in the conference report.

The section 801 leasing program will give each of the services a 2-year "window" during which it can enter into two contracts for the long-term leasing of family housing. There are numerous areas around the country that have suffered severe shortages of family housing. Section 801 institutes a pilot program that is intended to provide us with the emperical data in the near future needed to determine if long-term leasing could be a major cost-effective alternative for providing military family housing on a more timely and more flexible basis.

Aside from the significant potential benefits offered by the program overall, I feel several features are noteworthy.

First, I want to commend the use of the "pilot program" approach. For once, we in Congress are not creating and institutionalizing a major new spending program when it has gone no further than the good idea stage. We are not making an open-ended budget commitment. We are, for once, trying to conduct a laboratory experiment, by limiting the scope of this program and including a "sunset" provision. If this alternative approach to providing family housing shows promise on a small scale, then we can remove the sunset clause and expand the coverage to more installations.

I just wish we would do this with more legislation. We need more sunset provisions. We need more pilot programs. We need to test the workability and practicality of our good ideas before they become expensive, hard-to-repeal laws. It used to be more common that revolutionary new ideas were tried out by the individual States. Then, some of the ones that worked were adopted by Congress on a larger scale. I hope we are reviving that trend here.

Second, I applaud the conference report's objective of "competitively bringing into play the full force of the open marketplace." We hear a lot of talk about what Congress can or cannot do to aid the economic recovery. We hear a lot of talk about industrial policy. But I question whether we have been giving enough attention to the type of partnership between the public and private sectors that, in many cases, yields the best results: That of seeing just what a competitive marketplace can achieve. Again, I hope we are seeing a trend.

Finally, although I believe that the section 801 leasing program, along with the somewhat different section 802 rental guarantee program, offers some potentially exciting new possibilities, I feel I must mention some reservations I have.

You will recall that H.R. 2972, as originally passed by this body, would have allowed enlisted personnel, in grades E-3 and below, to participate in the leasing program. These personnel are especially impacted by family housing shortages. I wish we could have kept such language in the conference report. As with H.R. 2972, as originally passed, I am also concerned by the appropriations language required by fairly arcane mechanisms in the Budget Act. We already have language in the statutes concerning overseas leasing that allows lease payments to be made out of annual appropriations. The final language used here, however, makes payments "subject to the availability of appropriations for that purpose." This may sound like there is no difference. Simply put, however, this final language in section 801 will likely be something of a disincentive to the private developers building the housing for leasing. This would be counter productive to the broader purposes of this section. This language would require the up-front appropriation of the entire multiyear amount of the lease or, conversely, diminish a lessor's guarantee as to the Government's obligation to make lease payments in later years of the contract.

All things considered, however, I believe the House is taking a salutary step forward by initiating this promising new pilot program and experimenting with this promising new approach in providing military family housing.

Mr. DELLUMS. Mr. Speaker, I yield such time as he may consume to my distinguished colleague, the gentleman from Kansas (Mr. GLICKMAN).

Mr. GLICKMAN. I thank the gentleman for yielding to me.

Mr. Speaker, I rise in support of the conference report, but I would ask a question of the distinguished gentleman from California.

The conference report, in section 302, indicates that 70-some projects that are authorized may begin only if the funds to be obligated for the contract or advance payment are derived from the total amount of funds, if any, available from—and basically it lists from savings, so to speak. We have talked about this before, and I want to

again thank the committee for all their help.

I would like to know if the chairman has any idea at all to what extent savings can realistically be expected to be available to fund these projects? Is there a pool of savings already available? I have one of these in my district, McConnell Air Force Base, and I was just curious.

Mr. DELLUMS. Mr. Speaker, will the gentleman yield?

Mr. GLICKMAN. I would be glad to yield to the gentleman from California.

Mr. DELLUMS. I thank the gentleman for yielding.

Mr. Speaker, we tried to answer that question in our opening remarks, but I would like to answer the gentleman a second time and call his attention to page 43 of the report accompanying the conference. On page 43 I would like to read very specifically.

Based upon the information provided by the military departments, the conferees expect about $600 million in prior year appropriations, referred to throughout this report as savings, to become available as fiscal year 1984 and prior year programs are executed. Experience to date in fiscal year 1983 has shown that savings from the amounts authorized for projects, based upon bids received from the construction industry, have ranged from 15 to 20 percent of the amount authorized.

So it is in that 15 to 20 percent that we have achieved this $600 million worth of savings that acts as a pool for funding these programs.

To read further:

The conferees, therefore, have elected to authorize certain projects to be accomplished with savings that the services are forecasting will accrue as a result of the extremely competitive bidding climate in the construction industry. The conferees believe this approach is sound because it provides an incentive for the services to seek savings, since additional projects can be built only if these savings can be realized.

I think that is a very specific statement that I have pulled from page 43 of the report that should answer my distinguished colleague.

Mr. GLICKMAN. I thank the gentleman. It looks as though the committee expects that realistically that there will be enough money to fund these projects, assuming that the conditions are met. I happen to be representing one of these districts, and am most appreciate that my project was included in the bill.

Mr. DELLUMS. If the gentleman would yield further, my answer is yes, and I believe without fear of contradiction that all of these projects that are included in the bill to be funded under savings I am sure will be funded in the coming fiscal year.

Mr. GLICKMAN. I appreciate my colleague's remarks and thank the gentleman.

Mr. DELLUMS. Mr. Speaker, I yield such time as he may consume to my distinguished colleague, a member of the full Committee on Armed Services, the gentleman from Missouri (Mr. SKELTON).

Mr. SKELTON. I thank the gentleman for yielding to me.

Mr. Speaker, I want to take this time to commend the gentleman from California for the very thorough, for the very fair, and the very excellent job that he has done in leading this committee. It has been a difficult task, but those of us who are interested in a strong national defense and those of us who have looked at the various installations and those of us from Missouri who have seen the needs and expressed them to the gentleman's committee feel that he has done a very commendable job.

Mr. DELLUMS. I thank my colleague very sincerely for his kind and generous remarks.

□ 1620

Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to make a very brief comment because I think we are trying to move this legislation very quickly.

A number of my colleagues have complimented our efforts here. We think we have brought before the Members a bill that the majority of this Congress can support. This is the first time that this particular gentleman has brought a conference report on the military construction budget before the Members. As my colleagues know, I have stood in the well in diametric opposition to the ever-increasing military budget and our escalating arms race.

This gentleman, even though I am the subcommittee chairman, in no way sees a need to back away from those commitments. I think one can make a clear distinction between one's responsibility to represent one's constituency and one's philosophical and ideological perspective as against one's institutional responsibilities granted by my colleagues, and that includes the responsibility of serving as a subcommittee chairperson.

In the latter respect, I think my responsibility was to attempt to move this legislation through, providing each of my colleagues an opportunity to have input in this legislation, and to open this legislation up to debate, and to criticism, and analysis from the full range of political perspectives, including my own.

As I said, there are a number of factors in this bill that this gentleman could readily support, but there are a number of factors in the conference report that this gentleman cannot support, and I have stated that on a number of occasions. There is a build down for the B-1 bomber and there is money, although a reduced amount, for support facilities around the ground-launched cruise missile.

I would hope that this Nation will back away from any automatic effort to deploy the Pershing and cruise missiles in Europe in December. I think this would take the world, in a quantum fashion, closer to the brink of nuclear war.

There are funds in the bill, Mr. Speaker, for the basing mode for the MX missile, and as the distinguished Speaker and the Members of the House know, this gentleman for 7 or 8 years has stood in opposition to the development and the deployment of the cruise missile.

While this piece of legislation contains these factors and a number of other issues that this gentleman opposes politically, as I carry out my responsibility to represent my constituency, these are factors I must continue to oppose on philosophical, intellectual, and political grounds because I think that is how one carries out one's intellectual and political integrity, at the same time carrying out any responsibility as the subcommittee chair.

I thank my colleagues for their kind and generous remarks. It is not easy to try to walk this very delicate line.

Mr. Speaker, this gentleman will not ask for a record vote. If the conference report goes to a record vote, my responsibility will be to push the red button and oppose the legislation.

Mr. KRAMER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I will be very brief. I thank the gentleman from Mississippi (Mr. MONTGOMERY) for his remarks, and I only want to conclude by saying that I think the gentleman from California (Mr. DELLUMS), in trying to walk both lines, has done an excellent job. I think the consensus of all members of the subcommittee and the full committee is that the gentleman is to be commended for a job well done and for what was really a demonstration of fairness and integrity in the process. For that we are most appreciative.

Mr. DELLUMS. Mr. Speaker, will the gentleman yield briefly to me?

Mr. KRAMER. I yield to the subcommittee chairman.

Mr. DELLUMS. Mr. Speaker, I thank my colleague, the gentleman from Colorado (Mr. KRAMER).

Mr. Speaker, it would be a gross oversight on this gentleman's part not to compliment my distinguished colleague, the ranking minority member of the subcommittee, who has made it very easy to move this legislation. It has been a pleasure to be in constant and open communication with my colleague and work cooperatively to bring this conference report to the floor.

Mr. KRAMER. Mr. Speaker, I thank the gentleman for his remarks, and I yield back the balance of my time.

Mr. DELLUMS. Mr. Speaker, I yield myself such time as I may consume to make just one final comment.

This is the first year that this gentleman has worked with the staff of the military construction subcommittee. They have done an extraordinary and diligent job, as all my colleagues know.

We are only as strong as our staff capabilities, and I feel in this instance that we have had enormously competent and capable staff people to help us bring this legislation to the floor.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the conference report.

There was no objection.

The conference report was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. DELLUMS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the conference report on the bill, H.R. 2972, the military construction authorization bill for 1984.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

PROVIDING FOR CONSIDERATION OF H.R. 3231, EXPORT ADMINISTRATION AMENDMENTS ACT OF 1983

Mr. MOAKLEY. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 297 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 297

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 3231) to amend the authorities contained in the Export Administration Act of 1979, and for other purposes, the first reading of the bill shall be dispensed with, and all points of order against the consideration of the bill for failure to comply with the provisions of section 402(a) of the Congressional Budget Act of 1974 (Public Law 93-344) are hereby waived. After general debate, which shall be confined to the bill and shall continue not to exceed two hours, one and one-half hours to be equally divided and controlled by the chairman and ranking minority member of the Committee on Foreign Affairs and one half hour to be equally divided and controlled by the chairman and ranking minority member of the Committee on Armed Services, the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider an amendment in the nature of a substitute consisting of the text of the bill H.R. 3646 as an original bill for the purpose of amendment under the five-minute rule, and said substitute shall be considered for amendment by titles instead of by sections and each title shall be considered as having been read. It shall be in order to consider an amendment to section 109 of said substitute consisting of the text of the amendment recommended by the Committee on Armed Services now printed in the bill H.R. 3231. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the amendment in the nature of a substitute made in order as original text by this resolution. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentleman from Massachusetts (Mr. MOAKLEY) is recognized for 1 hour.

Mr. MOAKLEY. Mr. Speaker, I yield the customary 30 minutes to the gentleman from Tennessee (Mr. QUILLEN), and pending that, I yield myself such time as I may use.

Mr. Speaker, House Resolution 297 is a completely open rule providing for the consideration of H.R. 3231, the Export Administration Amendments Act of 1983. Subsequent to the report of the Committee on Foreign Affairs, this bill was sequentially referred to the Committees on Armed Services, Banking, Finance and Urban Affairs, Judiciary and Rules.

To permit Members ample opportunity for a fair and open debate on this complex legislation, the rule provides 2 hours of general debate—1½ hours to the Committee on Foreign Affairs and one-half hour to the Committee on Armed Services. No specific allocation of general debate time was requested by the other committees. The concerns of these committees are expected to be addressed during the amendment process.

House Resolution 297 contains only one waiver of points of order. The rule waives section 402(a) of the Congressional Budget Act which provides that it shall not be in order to consider any bill which authorizes the enactment of new budget authority for a fiscal year unless that bill has been reported on or before May 15 preceding the beginning of such fiscal year.

A waiver of section 402(a) is necessary because the bill authorizes the enactment of new budget authority for fiscal year 1984 and fiscal year 1985 for export control and export promotion programs and the bill was not reported by May 15. Chairman ZABLOCKI has stated that the unusual demands upon the Committee on Foreign Affairs resulting from extended floor consideration of the nuclear freeze resolution delayed timely consideration of H.R. 3231. Therefore, the Committee on the Budget has no objections to this waiver.

Mr. Speaker, H.R. 3231 was reported from the Foreigns Affairs Committee 1 day before the Supreme Court declared legislative veto unconstitutional in Immigration and Naturalization Service against Chadha. Several provisions of the bill and the statute it amends, the Export Adminstration Act of 1979, constitute congressional review mechanisms which appear to fall within the scope of the court's ruling.

The appendix to the dissenting views of Justice White in Chadha identifies two provisions of the Export Administration Act of 1979 which are asserted to be overturned by the decision. In view of the Court's determination that legislative vetoes did not follow the constitutionally prescribed lawmaking process of bicameral consideration and presentation to the President for his signature or veto, modifications were necessary to the congressional review provisions of this bill.

Mr. BONKER, the chairman of the Subcommittee on International Economic Policy and Trade is to be commended for his diligence in developing this delicately balanced legislation and his efforts to accommodate the concerns of the Rules Committee with respect to unconstitutional legislative vetoes contained in H.R. 3231.

On July 28 the Committee on Foreign Affairs endorsed a substitute for H.R. 3231 which conforms the legislative veto provisions in the bill and in the Export Administration Act of 1979 to the Supreme Court decision by changing the concurrent resolution review mechanisms to joint resolutions. To facilitate the amendment process, House Resolution 297 provides for consideration of that amendment in the nature of a substitute consisting of the text of H.R. 3646 as an original bill for the purpose of amendment under the 5-minute rule. In order to expedite consideration and to allow the substitute to be open to amendment at any point, the rule provides for consideration of the substitute by titles with each title to be considered as read.

Mr. Speaker, House Resolution 297 provides for consideration of an amendment to section 109 of the substitute—relating to militarily critical technologies—consisting of the text of the amendment recommended by the Committee on Armed Services now printed in H.R. 3231. Since this is a completely open rule any other germane amendment would be in order. Upon conclusion of consideration of the bill, one motion to recommit with or without instructions would be in order.

Mr. Speaker, H.R. 3231 has far-reaching foreign policy and trade implications. The bill continues the

President's authority to prohibit or curtail certain exports for reasons of short supply and restricts the President's authority to impose controls for foreign policy purposes.

Title III of the bill establishes a set of legally enforceable fair employment standards for U.S. firms operating in South Africa with more than 20 employees. It also bans certain U.S. loans to the South African Government and prohibits imports into the United States of Krugerrands or any other gold coins minted or offered for sale by the South African Government.

Mr. Speaker, the authorities granted under the Export Administration Act of 1979 expire on September 30. The need to act expeditiously is obvious. I urge my colleagues to adopt House Resolution 297 so that we may proceed to the consideration of this legislation.

□ 1630

Mr. QUILLEN. Mr. Speaker, I yield myself such time I may use.

Mr. Speaker, this is an open rule. Some parts of the bill will be controversial when it is debated on the floor of the House. Much of the controversy relates to export licensing, but I think that can be resolved. This is a very important measure for the business community. I would urge adoption of this rule.

The administration supports the bill provided that several provisions of the bill are modified or deleted.

Mr. Speaker, I have two requests for time. At this time I yield 7 minutes to the gentleman from Wisconsin (Mr. ROTH).

Mr. ROTH. Mr. Speaker, I thank the gentleman for yielding.

This is undoubtedly the most important and complicated bill regarding trade to come before this House in this session of Congress. We have had dozens of committee hearings, meetings with individuals and witnesses to study and design this legislation.

Mr. Speaker, I wish to commend the gentleman from Washington (Mr. BONKER), chairman of the Subcommittee on International Economic Policy and Trade, for his management of this legislation.

In spite of disagreements over substance throughout our deliberations, he has acted with fairness and with respect for the concerns of the many Members who participated in the extensive debate.

This legislation is very complicated, as I said; but I know of no one that is more conversant with this legislation than our chairman, the gentleman from Washington (Mr. BONKER) and we want to thank him.

Also let me congratulate the majority and minority members of the staff, who also did a super job.

This is an open rule. It will afford everyone a chance to add his or her views and have them considered on the very far-reaching issues involved. Whether it pertains to national security controls, unilateral controls, military critical technologies lists, foreign availability, co-common enforcement, foreign policy, extraterritoriality, U.S. trade policy, or on title III on South Africa.

The Export Administration Act now contains I believe some glaring deficiencies. As in any project or endeavor for a successful resolution, we had goals in mind: First, to reduce the number of items subject to validated license control; second, to increase and improve the scrutiny of the remaining items; third, to improve the efficiency of the licensing process; and fourth, to establish a set of criteria and procedural requirements to govern the use of foreign policy controls. These goals and objectives are not new. They were developed by our former distinguished chairman of our subcommittee, the gentleman from New York (Mr. Bingham). They were the objectives of the Export Administration Act in 1979, which is now slated for reauthorization. These objectives are interrelated. They are a package and they are the criteria by which we should make changes to the Export Administration Act.

I believe they are the standards which take into account the interests of protecting our national security, of conducting our foreign policy and of assisting American business in their need to compete in the world markets.

How can we argue that eliminating all licensing requirements, forcing the decontrol of unilaterally controlled items without regard to their national security importance or setting unreasonable negotiating deadlines meets the criteria of improved enforcement? It certainly does not reflect the partnership that must exist between the President and Congress if we are going to make our trade laws work.

Does eliminating the extraterritoriality application of foreign policy controls meet the criteria of setting rules and procedures for invoking foreign policy controls?

There are many worthwhile provisions in this bill and we will, of course, touch on these as debate goes on.

The provisions on contract sanctity, establishing the Office of Foreign Availability, requiring development of a list of military critical technologies, strengthening the enforcement arm of the Commerce Department and increasing penalties for violation of the act are all in my opinion major improvements.

This is serious legislation. It is controversial legislation and we should proceed carefully and in all due deliberation.

There are many sections I believe that we can make better. This is legislation, as I said, that is the most far-reaching when it comes to trade of any legislation that is going to come to this floor. I hope that we all give it our utmost consideration, because this is not only going to serve us well today, but it is going to have tremendous implications for our country in the future.

Mr. QUILLEN. Mr. Speaker, I yield 7 minutes to the gentleman from New York (Mr. SOLOMON).

Mr. SOLOMON. I thank the Speaker and thank the gentleman from Tennessee.

Mr. Speaker, when the House takes up the Export Control Act next week, I will offer amendments aimed at strengthening the foreign policy and the national security control authority under this bill. Strengthening this authority is essential if the United States is to advance and to protect its political, its military and its economic security during the remainder of this century.

There is a strong relationship between the Export Administration Act and the Korean airline massacre, and whenever the House takes final action on the Export Administration Act, we must face up to the harsh realities concerning Soviet intentions, technology transfer, and our own national security. The United States must not sit back and tolerate business as usual with the Soviet bloc, as we have been doing for so many years.

We are making a serious mistake if we listen only to those who have their own short term economic interests in mind when they criticize the export control system, and I am talking about business and industry in this country.

H.R. 3132, the Export Administration Act, as it was reported from the House Foreign Affairs Committee, will in my opinion destroy the only nonmilitary strategy we have for responding to Soviet economic, military and political challenges, challenges like the Korean airline massacre, a massacre which this House and all America will not soon forget.

It was a Soviet air-to-air missile which took the life of our colleague, the gentleman from Georgia (Larry McDonald) and the lives of 269 innocent men, women and children, and it is no coincidence that that missile was developed high technology probably stolen or even bought from the United States.

Let us take a hard look at the transfer of military technology from the West to the Soviet Union. According to our Defense Department, the Soviet political and military intelligence organizations have been training scientists and engineers to target and acquire advance military useful technology from the United States, from Western Europe, Japan, and elsewhere.

In this way, the Soviets have acquired technology worth many billions of dollars—not millions, but billions,

much of it by purchase, scientific exchanges and exploitation of U.S. open literature.

The Soviets are thus able to design and produce new Soviet weapons, saving a great deal of time, effort and financial resources in the development stages that we have to pay for and we have to fight for in this House.

□ 1640

For example, the Soviets have achieved new capabilities through exploitation of Western guidance and radar systems and Western production methods. Our Department of Defense tells us that the flow of Western technology, which comes under the jurisdiction of the Export Administration Act, has made a considerable contribution to the Soviet military industrial capability. Industrial machinery and products imported for the civilian industry often directly support the defense industries. Soviet acquisition of Western precision machining, drilling, milling, grinding, gear cutting and reaming equipment has had significant impact on improvements in their manufacturing capabilities.

Acquisition of precision ball bearing grinding machines, printed circuit board equipment, precision measuring and nondestructive testing equipment has also improved Soviet military capabilities significantly.

And listen to this my colleague—according to the Department of Defense a number of Soviet weapons systems, including their Atoll air-to-air missile—that is the one carried by the Mig 23 that shot down the KAL airliner—reflects a mirror imaging of deployed Western systems and their technologies. Where did they get it? They did not develop it themselves. In other words, the missile used to murder the men, women, and children aboard the Korean airliner, in all likelihood, was based on Western design and technology and that is a disgrace. The primary proposition advanced by those who support the bill reported by the Foreign Affairs Committee is that U.S. business is watching helplessly as foreign nations snap up markets and sales opportunities. What they fail to mention is that several of these are Soviet bloc markets for national security sensitive high technology, such as radar equipment, components for missiles and spacecraft engines and essential parts for missile weaponry.

Ladies and gentleman, it may sound funny for someone like myself, who may be one of the strongest supporters of the free enterprise system that we have in this country, to stand up and tell U.S. business and industry that we are going to control what you do when it affects the future of our country. I for one hope that we will pay strict attention to the amendments that are going to be offered, because if this bill passes in its present form, we are selling this country down the drain.

Mr. QUILLEN. Mr. Speaker, I have no further requests for time. I want to commend the members of both committees, the Committees on Foreign Affairs and Armed Services, for the fine work they did in working out this measure. I urge the adoption of the rule.

Mr. MOAKLEY. Mr. Speaker, I yield 8 minutes to the gentleman from Washington (Mr. BONKER) who is the chairman of the Subcommittee on International Economic Policy and Trade.

Mr. BONKER. Mr. Speaker, I rise in support of the House Resolution 297, the rule providing for consideration of H.R. 3231, the Export Administration Amendments Act of 1983, and I want to thank and commend my colleagues on the Rules Committee for the careful and fair consideration they gave to this bill prior to proposing this rule. H.R. 3231 was reported by the Foreign Affairs Committee back in June, shortly before the Supreme Court ruling which declared the legislative veto unconstitutional. It was one of the first bills containing a legislative veto to be reviewed by the Rules Committee after that Supreme Court decision, and particularly the subcommittee chaired by our colleague from Massachusetts, Mr. MOAKLEY, was active and helpful in assuring that this bill conformed to the dictates of that decision. I especially want to thank my colleague from Massachusetts for his counsel and support on this important measure.

General debate on this bill is scheduled for next Monday, and I do not want to commence that debate now. Let me say, however, that this is crucial national security legislation. It provides the only authority the President has to review and, where necessary, to restrict the commercial sale of goods and technology which have both civilian and significant military uses to potential adversary nations, most particularly the Soviet Union. That authority expires on September 30 unless this legislation is enacted by that date. Continuation of that authority, as provided in this bill, is all the more critical in the light of the latest example of Soviet brutality. I refer, of course, to its destruction of Korean Air Lines flight 007, in which 269 innocent people perished. Timely passage of this bill, in itself, would constitute a strong response to that tragic incident.

The Committee on Foreign Affairs, and the subcommittee which I chair on Economic Policy and Trade, held more than 11 hearings and briefings on this legislation and the many issues it embraces. The subcommittee spent nearly full time on this very bill over the past 9 months. In addition, the Armed Services Committee, which shares some of the debate time under the proposed rule, devoted considerable time, effort, and attention to it. In that regard, I would take this opportunity to thank and commend my colleague from Florida, Mr. HUTTO, for his leadership of a special task force of the Armed Services Committee which very carefully examined this legislation. All this attention befits legislation of this importance, and I am proud of the work of the committees involved and feel confident that the bill presented the House is balanced and responsible legislation.

Mr. Speaker, I believe this legislation merits prompt and favorable action by the House without substantial amendment, both because of the expiration which is imminent, and because of the need to show unity with respect both to preserving our national security and facilitating needed export trade. The rule, however, is an open one which permits any issue or amendment any Member may feel compelled to raise. I fully support this open approach, and I have every confidence that my colleagues in the House will act responsibly and sincerely with respect to any amendments that may be offered.

While I feel the need for this legislation is all the more urgent in light of recent Soviet actions, I hope at the same time that the bill will not be used as a vehicle for inappropriate retaliation toward the Soviet Union. We should—and this bill does—continue our existing, very strict constraints on the sale of advanced technological goods to the Soviet Union. I would note that only about $30 million in such sales were licensed under this act to the Soviet Union during the past year, and this bill fully enables the President to continue and even to further tighten such national security controls. Broader trade sanctions, however, have proved ineffective and even counterproductive. They deprive U.S. firms and workers foreign markets which other nations are fully ready and able to penetrate.

I believe the President has so far shown real wisdom and statesmanship in refraining from broad export trade restrictions in his own response to the Soviets' irresponsible attack on flight 007. H.R. 3231 is fully consistent with that measured response, and I would urge my colleagues to look elsewhere for any further measures that might effectively be taken by Congress as further response to that attack. I have myself, for example, introduced separate legislation (H.R. 3918) to set in motion the process under international law of recovering compensatory damages for the survivors of the victims of flight 007 from the Soviet Union. That, along with an official apology, is the minimum we can and must demand of the Soviet Union in

these circumstances. There may be other specific steps we can take in direct response to this incident. We should not, however, resort to broad trade sanctions with which other exporting nations will not cooperate and which damage our own economy far more than they affect the behavior of the Soviet Union, and I will strongly oppose any amendment to this bill which might impose or encourage such sanctions.

Finally, I want to emphasize and assure the House that this bill in no way reduces the President's ability tightly to control any technology which has significant military application should it be obtained by the Soviet Union. The bill facilitates trade by constraining the use of export controls for foreign policy reasons, which have tended to be very broad and to have a chilling effect on all U.S. trade by casting U.S. firms as unreliable suppliers. It attempts, however, to strengthen and make more effective controls based on national security considerations. The changes made in the national security controls are very limited ones which attempt only to reduce the heavy paperwork burden associated with the national security licensing process—a burden which reduces the attention that can be given to controlling the most sensitive technologies. The major reduction in national security licensing requirements under this bill applies not to exports to the Soviet Union, which if anything should be increased, but for exports to our own allies who cooperate with us in imposing and enforcing national security export controls directed at the Soviet Union. So I must and will take issue with anyone who might allege that this bill in any way weakens controls on technology exports to the Soviet Union.

Again, Mr. Speaker, I urge the House to adopt this rule and to join with me and with the Committee on Foreign Affairs and the Committee on Armed Services in enacting this critical national security and trade legislation next week.

□ 1650

Mr. MOAKLEY. Mr. Speaker, the gentleman from Tennessee (Mr. QUILLEN) has indicated he has no further requests for time. I have no further requests for time, and at this time, Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

APPOINTMENT OF CONFEREES ON H.R. 3363, DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS, 1984

Mr. YATES. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 3363) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1984, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference asked by the Senate.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

Mr. COATS. Mr. Speaker, reserving the right to object, I wonder if this has been discussed and cleared with the minority.

Mr. YATES. Mr. Speaker, will the gentleman yield?

Mr. COATS. I yield to the gentleman from Illinois.

Mr. YATES. May I say that I am sure that the minority has no objection because all I am seeking to do is to have conferees appointed. The minority is represented on the conference.

Mr. COATS. We have just found out that it has been cleared, and I thank the gentleman.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois? The Chair hears none and, without objection, appoints the following conferees: Messrs. YATES, MURTHA, DICKS, RATCHFORD, BOLAND, AUCOIN, WHITTEN, MCDADE, REGULA, LOEFFLER, and CONTE.

There was no objection.

CORRECTION IN ENROLLMENT OF S. 602, RADIO BROADCASTING TO CUBA ACT OF 1983

Mr. FASCELL. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate concurrent resolution (S. Con. Res. 68) to correct the enrollment of S. 602, Radio Broadcasting to Cuba Act of 1983, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate concurrent resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

Mr. GILMAN. Mr. Speaker, reserving the right to object, as the ranking Republican on the Subcommittee on International Operations, I would like to ask the distinguished chairman of the subcommittee to explain the measure.

Mr. FASCELL. Mr. Speaker, will the gentleman yield?

Mr. GILMAN. I yield to the gentleman from Florida.

Mr. FASCELL. The compensation provisions in S. 602 contained the word "shall" which was interpreted by the House Budget Committee to be an entitlement. The Senate Budget Committee disagreed.

Now since the intent of the drafters in both Houses was not to create an entitlement, the Senate agreed to change the word "shall" to "may" and the concurrent resolution accomplishes this.

Mr. GILMAN. I thank the gentleman.

Mr. Speaker, I support the gentleman's request.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

The Clerk read the Senate concurrent resolution, as follows:

S. CON. RES. 68

Resolved by the Senate (the House of Representatives concurring), That in the enrollment of the bill (S. 602) to provide for the broadcasting of accurate information to the people of Cuba, and for other purposes, the Secretary of the Senate is hereby authorized and directed to make the following correction, namely, in section 7(b), in the first sentence, strike out "shall" where it first appears and insert "may".

The Senate concurrent resolution was concurred in.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF S. 602, RADIO BROADCASTING TO CUBA ACT OF 1983

Mr. PEPPER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 312 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 312

Resolved, That upon the adoption of this resolution it shall be in order to consider, without intervening motion, the bill (S. 602) to provide for the broadcasting of accurate information to the people of Cuba, and for other purposes, in the House, and all points of order against the consideration of the bill for failure to comply with the provisions of sections 303(a)(4) and 402(a) of the Congressional Budget Act of 1974 (Public Law 93-344) are hereby waived. Debate on the bill shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Foreign Affairs, it shall be in order to consider one amendment to strike out the word "shall" in the first sentence of section 7(b) of the bill and to insert in lieu thereof the word "may", and the previous question shall be considered as ordered on said amendment, if offered, and on the bill to final passage without intervening motion except one motion to recommit.

The SPEAKER pro tempore. The gentleman from Florida (Mr. PEPPER) is recognized for 1 hour.

Mr. PEPPER. Mr. Speaker, for purposes of debate only, I yield 30 minutes to the gentleman from Missouri (Mr. TAYLOR), pending which I yield myself such time as I shall consume.

Mr. Speaker, House Resolution 312 provides for the consideration of S. 602, the Radio Broadcasting to Cuba Act of 1983. The resolution provides that the bill be considered in the House and allows 1 hour of general debate to be equally divided and controlled by the chairman and the ranking minority member of the Foreign Affairs Committee.

Mr. Speaker, the rule waives sections 402(a) and section 303(a)(4) of the Congressional Budget Act against consideration of the legislation. Section 402(a) of the Budget Act prohibits consideration of legislation if it contains any authorization for new budget authority and has not been reported before May 15 of the preceding fiscal year in which it is effective. This waiver is necessary because section 6 of S. 602 also authorizes the enactment of new budget authority effective in fiscal year 1984 although the bill was not reported before May 16, 1983.

Section 303(a)(4) of the Budget Act prohibits new entitlement authority effective in a fiscal year before adoption of the budget resolution. The waiver of section 303(a)(4) is necessary because section 6 of the bill, effective in fiscal year 1985, provides that the Federal Government "shall' reimburse adversely affected U.S. broadcasters, and no budget resolution for fiscal year 1985 has been agreed to.

Only one amendment is in order, and the language of that amendment would conform the bill to the provisions of section 303(a)(4) of the Budget Act, if that becomes necessary. House Resolution 312 provides that the previous question is to be considered as ordered on the amendment and on the bill except for one motion to recommit.

Mr. Speaker, S. 602, the Radio Broadcasting to Cuba Act is an important piece of legislation. It is a compromise that was achieved in the other body and, as far as I know, is acceptable to all of the major parties involved in this issue. In fact, I believe that all of the concerns by broadcasters and their representatives have been met in full.

Mr. Speaker, S. 602 establishes a new Cuba Service section in the U.S. Information Agency under the Voice of America. This Service, while subject to the Voice of America broadcasting standards, would be administered separately from other Voice of America functions. Broadcasting authorized by S. 602 would use the current Voice of America frequency at Marathon, Fla. (1180 AM). Other frequencies not on the AM band could be used simultaneously. In addition, the Cuba Service could utilize nongovernmental shortwave radio stations.

In the event that broadcasts on the 1180 AM frequency are subject to 25 percent increased jamming or interference, the Voice of America is authorized to lease time on commercial or noncommercial educational AM band stations. The legislation authorizes $5 million for compensating U.S. radio broadcasters to upgrade equipment and facilities who are adversely affected by Cuban radio interference.

The legislation authorizes $14 million in fiscal year 1984 and $11 million fiscal year 1985 for the new Cuba Service. In addition, the legislation authorizes $54.8 million in both fiscal year 1984 and fiscal year 1985 for modernization of facilities and operations for the entire Voice of America. Still, S. 602 maintains the integrity of the concept of radio broadcasting to Cuba. First, the fundamental purpose of Radio Marti, broadcasting the truth of Cuban activities to Cuba, is maintained in the compromise. Second, Radio Marti will be administered separately from other Voice of America functions, and will be called either Voice of America: Cuba Service or Voice of America: Radio Marti Program. Third, the compromise maintains the important objective that Radio Marti broadcast on the AM band—utilizing the same frequency employed by Radio Marathon. S. 602 also gives Radio Marti the option of broadcasting on the noncommercial AM band. In addition, Radio Marti can lease time on nongovernmental shortwave radio stations.

Mr. Speaker, the primary purpose of Radio Marti is to broadcast information that carries with it the truth about what is going on in Cuba and what Cuba is doing worldwide. We will be able to broadcast into Cuba the news that the Cuban people are not receiving about Cuban activities worldwide. Whether this be Cuban activity in Angola, Cuban support for the insurgency in El Salvador or the dependence of the Cuban economy on the Soviet Union, Radio Marti is designed to tell the Cuban people what the Castro regine will not.

Under S. 602, Radio Marti would be a part of the Voice of America. However, Radio Marti will be administered separately from other Voice of America programs, with its Director reporting directly to the Director and Associate Director of the U.S. Information Agency. By placing Radio Marti in the Voice of America, we are guaranteeing that the news broadcast over Radio Marti will be fair, objective and a reflection of U.S. policy. Radio Marti will be given immediate credibility because of the worldwide high opinion of Voice of America. Radio Marti will supplement the Voice of America's Radio Marathon which currently broadcasts to Cuba. I think this an important item to stress. Currently, Cuba outbroadcasts the United States in Latin America by a ratio of 5 to 1. Cuba broadcasts over 214 hours per week compared to the Voice of America which broadcasts only 86 hours per week to this region.

Radio Marti, as part of the Voice of America, will serve as an important foreign policy tool, counteracting much of the disinformation that is broadcast to Latin America by Cuba and broadcasting into Cuba the truth of Cuban activities worldwide.

Mr. Speaker, because of the support that S. 602 enjoys from the parties involved, the Rules Committee, at the request of the Foreign Affairs Committee, and I might add with the concurrence of the Energy and Commerce Committee, have requested that we handle this bill in an expeditious manner. By granting a rule to S. 602 and providing for its consideration in the House, we are, I believe, proceeding in the most expeditious and responsible pace for this important legislation.

□ 1700

Mr. TAYLOR. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, House Resolution 312 provides for consideration in the House of S. 602, which authorizes radio broadcasts to Cuba as part of the administration's effort to counter communism in Central America.

The rule sets the parliamentary stage for House consideration of a compromise agreement written in the other body to establish Radio Marti as a major foreign policy initiative of the President under the Voice of America.

The compromise agreement, which passed the other body by a voice vote on September 13, has been agreed to by the bipartisan leadership of both of the legislative committees involved, and was presented to the Committee on Rules as the best way to accomplish our goal reaching the people of Cuba with the truth.

Mr. Speaker, the gentleman from Florida, our distinguished Rules Committee chairman (Mr. PEPPER), has explained that this is a less than open rule. The rule specifies 1 hour of general debate, to be equally divided and controlled by the leadership of the Committee on Foreign Affairs.

Ordinarily, when bills are considered in the House, floor amendments are not in order. Although the rule specifies one amendment, it will not be offered because the House has just taken up and passed Senate Concurrent Resolution 68, which corrects the problem the specified amendment was also designed to correct.

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The rule still waives one provision of the Budget Act to permit consideration of S. 602. As passed by the other body, the bill would be subject to a point of order in the House because it violates section 303(a)(4) of the Budget Act.

The bill authorizes enactment of new budget authority for fiscal 1984, but it was not reported prior to May 15 of this year as required by the Budget Act. This waiver is provided in the rule because it is necessary. The waiver is supported by the members of the Budget Committee, and it should be agreed to by the House.

As passed by the other body, the bill provided new entitlement authority, effective in fiscal 1985, for payments to broadcasters for claims arising from Cuban radio interference. The House has just taken up and agreed to Senate Concurrent Resolution 68, which corrects the enrolled copy of S. 602, so that it no longer provides this entitlement authority. With the passage of Senate Concurrent Resolution 68, the bill made in order by this rule is in compliance with the Budget Act.

This being the case, the amendment specified in the rule will not be offered by the Committee on Foreign Affairs.

Mr. Speaker, this is a less-than-open rule because of the parliamentary situation we find ourselves in with respect to Radio Marti. The House has not taken up the bill reported from the Committees on Foreign Affairs and Energy and Commerce, H.R. 2453. It is probably a blessing that we have not debated that bill, because of the strong disagreements that existed between the members of the two committees.

Shortly after our return from the August recess, the other body worked out an agreement to establish a new Cuba service section in the U.S. Information Agency, which places Radio Marti under the Voice of America.

To their credit, the gentleman from Florida (Mr. FASCELL) and the gentleman from New York (Mr. GILMAN) both feel that it makes more sense to act upon S. 602 rather than to take up the other bill. Since they are the bipartisan leadership of the Subcommittee on International Operations, the Committee on Rules has fashioned this rule to fit the situation. I urge adoption of the rule.

Mr. Speaker, I yield 1 minute to the gentleman from Iowa (Mr. TAUKE), a member of the Committee on Energy and Commerce.

Mr. TAUKE. I thank the gentleman for yielding.

Mr. Speaker, and Members of the House, I wish to congratulate the members of the Rules Committee and, more specifically, the members of the Committee on Foreign Affairs and the Committee on Energy and Commerce, who have worked so diligently to develop comprehensive legislation which meets the needs of radio broadcasting to Cuba yet, at the same time, protects broadcasters in our own country.

By accepting the legislation that has already been passed by the Senate, I believe we can dispose of what has been a very controversial issue while at the same time insuring that virtually all Members of the House will be able to support the bill.

I think all of us want to be united in the foreign policy initiatives which are involved. Yet, at the same time, we wish to insure protection for those in our own country who have legitimate broadcasting interests.

So, Mr. Speaker, I support the rule and I hope that my colleagues will support the legislation as it will be presented next week.

Mr. PEPPER. Mr. Speaker, I yield such time as he may consume, for debate purposes, to the distinguished gentleman from Colorado (Mr. WIRTH).

Mr. WIRTH. I thank the chairman.

Mr. Speaker, I rise also in support of this rule. I want to commend the gentleman from Florida (Mr. PEPPER) and the members of the Rules Committee for their persistence in this, in bringing together some very divergent points of view, which were reflected accurately by Mr. TAYLOR in his remarks earlier in which there have been very deep divisions between members of the Committee on Energy and Commerce and members of the Committee on Foreign Affairs.

Mr. FASCELL and I have talked about this for a long time and have come, I think, to agreement on this through the offices of the chairman of the Committee on Rules, Mr. PEPPER.

So in supporting this rule I want to again, Mr. Chairman, thank you very much for your efforts in putting this together. The gentlemen Mr. PEPPER and Mr. FASCELL are very strong and I must say combative advocates for an issue which initially Mr. TAUKE and I might have disagreed with you. But I think we have come to a very reasonable solution to the problem.

I thank the gentleman from Florida very much and for his, as usual, gentlemanly but highly effective approach to this issue.

Throughout the debate on the issue of broadcasting to Cuba, the concerns of the Energy and Commerce Committee have been:

The allocation of a frequency that will have the least negative impact on American broadcasters;

The impact on American radio broadcasters and the radio listening public that might stem from Cuban retaliatory countermeasures.

During our consideration of H.R. 2453, authored by Mr. FASCELL, the Energy and Commerce Committee adopted several amendments which were aimed at making sure that the frequency on which Radio Marti operated would result in the least amount of Cuban interference for American broadcasters and be least disruptive to the listening public.

The delicately balanced compromise reached in the Senate legislation will assure that radio broadcasting to Cuba operates as an entity within the Voice of America. One of the amendments adopted by the Energy and Commerce Committee, offered by Mr. TAUKE, also would have permitted Radio Marti to operate as a part of the VOA or on a shortwave frequency. The compromise is consistent with the Energy and Commerce Committee's overall approach to the frequency that should be authorized for Radio Marti. By insuring that the Broadcasting to Cuba service would be a VOA station, operating under the VOA charter, and on a VOA frequency, this approach should greatly minimize the potential for harmful Cuban retaliation that could be devastating to the American radio broadcasting industry.

It is my feeling, Mr. Speaker, that the frequency allocation and interference issues are satisfactorily handled by the compromise bill. The compromise does address the issues that fall under the purview of the Energy and Commerce Committee, I am pleased to lend my support to those particular sections of the legislation.

An issue that the Energy and Commerce Committee was also extremely concerned about is insuring that the Federal Communications Commission—the expert agency—be the entity to make determinations relative to frequency use and to broadcaster compensation for damage suffered due to Cuban retaliation. The compromise recognizes that the FCC, as an independent agency, divorced from the administration's foreign policy apparatus, is the most appropriate agency to deal with these issues.

Again, I would like to thank the gentlemen for their leadership on this issue and ask that my colleagues support the rule.

Mr. PEPPER. Mr. Speaker, I hope my friend will accept my very great gratitude for his kind words and especially for his very kind and generous cooperation. We appreciate it very much.

□ 1710

Mr. TAYLOR. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. PEPPER. Mr. Speaker, I have no further requests for time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

LEGISLATIVE PROGRAM

(Mr. LOTT asked and was given permission to address the House for 1 minute.)

Mr. LOTT. Mr. Speaker, I ask for this time for the purpose of receiving the schedule for the rest of the day and next week.

And I would be very pleased to yield to the majority leader, the gentleman from Texas (Mr. WRIGHT), for the announcement of the schedule for the balance of the week and next week.

Mr. WRIGHT. I want to thank the gentleman for yielding.

I am delighted to respond to the request of the acting minority leader.

We have concluded the legislative business for the day and for the week. There will be no session tomorrow.

On Monday, we will consider four bills under the suspension of the rules, one District bill.

We will take up for general debate the Export Administration Act.

There will be no recorded votes on Monday. Those votes will be postponed until the following day, Tuesday, September 27.

The House will meet at noon on Tuesday. We will take recorded votes as demanded on actions of the previous day.

Then we will go to the Coal Pipeline Act and we would hope to complete the consideration of that coal slurry pipeline bill on Tuesday.

On Wednesday and the balance of the week, which includes Thursday and Friday of next week, we will meet at 10 o'clock in the morning.

We hope to take up in this order, though the order of consideration may be slightly altered, a correction of a clerical error, which is the consideration of a veto message.

Then a resolution from the Committee on Foreign Affairs concerning the Multinational Force in Lebanon, subject, of course, to the granting of a rule. We would hope to get to that on Wednesday.

Having done that, we would want to begin consideration of the Federal Supplemental Compensation Act Extension.

And then return to the Export Administration Act to complete consideration of that bill, if possible.

There are two other bills that we have scheduled for the week, Radio Broadcasting to Cuba, Radio Marti, under a modified rule, with 1 hour of general debate. That rule has been adopted.

And we would then go to the Hazardous Waste Control and Enforcement Act and complete consideration of that bill.

Now the continuing appropriations bill for fiscal 1984 will come to the floor as soon as possible. Members need to be on notice that we expect to work late on Friday, if necessary, to complete the continuing appropriations bill.

Any further program will be announced later. Conference reports, of course, would be brought up at any time.

Mr. LOTT. I would like to emphasize a couple of points that the majority leader made for the Membership, to make sure we all have the correct understanding.

First of all, no votes on Monday. The votes will be taken up as the first order of business on Tuesday. Is that correct?

Mr. WRIGHT. That is absolutely correct. No legislative votes on Monday. The gentleman is aware, of course, there may be some procedural votes over which the leadership would have no control.

Mr. LOTT. And you do anticipate at this point or does the gentleman at least hope to complete consideration of the Coal Pipeline Act on Tuesday after those votes that might be deferred from Monday. Is that correct?

Mr. WRIGHT. That is our expectation.

Mr. LOTT. And the Membership should expect some votes on Friday.

Mr. WRIGHT. I think it is prudent to expect votes on Friday. And maybe even being in late on Friday. Because of the date, of course, we may be running right up against the deadline for the passage of a continuing appropriations bill, in which case we might find it necessary to stay in late on Friday.

Mr. LOTT. Well, that was my last question. And that was what does the gentleman think we might expect on the continuing appropriations bill? As soon as it is ready, I take it from this, it will be brought to the floor and that could come as late as Friday, at which point, of course, we would be up against a deadline and would have to try to find a way to work on it Friday; is that correct?

Mr. WRIGHT. The gentleman from Mississippi is just absolutely right. I would hope we could reach that point before Friday, but the gentleman is aware of certain entanglements involving that piece of legislation which have required its sequential referral upon the request of two House committees due to jurisdictional problems.

That makes it impossible for me to predict with absolute accuracy when we can get that bill before us.

Mr. LOTT. I thank the gentleman for his comments.

ADJOURNMENT TO MONDAY, SEPTEMBER 26, 1983

Mr. WRIGHT. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at noon on Monday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. WRIGHT. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

SUBSTANTIAL EQUIVALENCE BETWEEN NUMBER OF SOVIET GOVERNMENT PERSONNEL IN THE UNITED STATES AND NUMBER OF U.S. GOVERNMENT PERSONNEL IN SOVIET UNION

(Mr. HUTTO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HUTTO. Mr. Speaker, the joint resolution I am privileged to propose today on behalf of myself and Congressman FLOYD SPENCE expresses the sense of the Congress that there should be substantial equivalence between the number of Soviet Government personnel in the United States and the number of U.S. Government personnel in the Soviet Union, and that restrictions and conditions be imposed on Soviet Government personnel in the United States that are comparable to those restrictions placed on U.S. Government personnel in the Soviet Union.

Mr. Speaker, we believe that this action is long overdue and fully justified without regard to recent events. Nevertheless, the horrendous act of the Soviet Union in shooting down an unarmed commercial airliner and killing 269 innocent people makes it especially appropriate and necessary for the Congress to place itself on record with regard to the disparity in numbers and treatment between Soviet official representatives in the United States and U.S. official representatives in the Soviet Union.

This resolution calls on the President to take the necessary steps, as soon as is practicable after the enactment of this joint resolution, to insure substantial equivalence between the number of Soviet Government personnel representing the Soviet Union in the United States and the number of U.S. Government personnel representing the United States in the Soviet Union. The resolution also calls on the President to insure that the same or comparable restrictions and conditions are imposed on the travel, accommodations, and facilities of Soviet Government personnel in the United States

as are placed by the Government of the Soviet Union of the travel, accommodations, and facilities of U.S. Government personnel in the Soviet Union.

In addition, the resolution expresses the desire of the Congress that the President report to the Congress on actions taken to carry out this joint resolution, together with recommendations for any additional legislation that may be necessary to carry out this resolution.

The ultimate result of this resolution, when implemented by the President, should have been achieved regardless of the Soviet action against the Korean airliner. Why should the official presence of the Soviets in the United States greatly exceed our Government's official presence in the Soviet Union? This disparity involves not only the numbers of personnel in each country but, equally to our disadvantage, the disparity in freedom of movement, living accommodations, and working facilities. The conditions for our country's representatives in the U.S.S.R. are abysmal in comparison to the way the Soviet Government's representatives and treated in this country.

This resolution seeks to reduce the total number of positions available to the Soviet Government for placing trained intelligence officers in the United States. What we are seeking, frankly, is to make it more difficult for them to obtain intelligence information while, at the same time, achieving a general balance between our Nation's representation in the Soviet Union and their representation here. The Foreign Missions Act of 1982 provided a congressional mandate to the President to insist on parity, especially where national security considerations are at stake. That act, in combination with the President's other authorities, permits a wide range of actions to achieve the objectives sought by this resolution.

It is estimated that the total number of Soviet Government personnel in the United States today is about 980, while the number of U.S. Government personnel in the Soviet Union is about 320. More than half the Soviet numbers in this country are attached to the U.N. Secretariat and the Soviet, Byelo-Russian, and Ukranian Missions to the United Nations. We cannot change these under U.N. policies, it is not intended that these Soviet personnel at the United Nations, or the roughly 35 Soviet news media personnel in this country, be included in determining "substantial equivalence" in numbers.

However, the official presence of the Soviets in the United States includes not only their accredited diplomatic and consular personnel, but also other Soviet nationals employed by Aeroflot, Intourist, Amtorg, the Soviet Trade Corporation, and other Soviet operations. All such personnel should be counted in determining "substantial equivalence." On this basis, There is a disparity of more than 100 between our numbers and theirs. After deleting the approximately 520 Soviet officials currently assigned to the United Nations and about 35 Soviet media personnel, that leaves some 425 Soviet employees compared to our approximately 320 in their country.

It is estimated that some 40 percent of the Soviet Government personnel here are trained professional intelligence officers of the Soviet KGB and the Soviet military intelligence—the GRU. We believe the time has come to draw the line so that the Soviets can no longer take advantage of the imbalance in the numbers of government personnel that has existed for so long. Our counterespionage agencies would welcome this reduction of a hundred or so Soviets, many of whom are KGB agents.

In summary, this joint resolution would reduce the number of Soviet Government personnel permitted in the United States by about 100 in order to match the official U.S. presence in the Soviet Union. The resolution does not expel diplomats or consular personnel, thus limiting the risk of possible Soviet retaliation against our officials in the Soviet Union now. What the resolution calls for is adherence to the normal and widely accepted principle of reciprocity and equivalency. The resolution makes it possible to lower the ceiling for Soviet official presence in the United States by focusing on their commercial establishments, where we have no comparable commercial establishments in the Soviet Union, and on other nonaccredited Soviet Government personnel. The end result of this resolution should also be to help improve conditions for our personnel in the Soviet Union. Insofar as the numbers of Soviet personnel in the United States are reduced, tighter restrictions are placed on their travel, and other conditions are imposed on their living accommodations and working facilities, the result will be to inhibit the ability of Soviet intelligence to operate in this country.

I would urge my colleagues to support this joint resolution that calls on the President to establish equivalence in the number of government employees allowed in each other's country, and comparability in the restrictions and conditions of travel, living accommodations, and working facilities.

□ 1720

LET THE RUSSIANS STAY HOME

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. ANNUNZIO) is recognized for 5 minutes.

● Mr. ANNUNZIO. Mr. Speaker, I commend the action taken by New Jersey Gov. Thomas Kane and New York Gov. Mario Cuomo in their refusal to allow the lifting of the ban of Aeroflot flights into New York area airports for the convenience of Andrei Gromyko.

Mr. Gromyko in turn canceled his scheduled visit to New York for the opening of the U.N. General Assembly. The official word from Tass was that his safety as a diplomat was not guaranteed by the United States. The Soviet Union deliberately disregarded the safety of 269 innocent people aboard KAL flight 007. It is the height of arrogance to be offended that Mr. Gromyko's safety was not assured. Our State Department offered landing facilities at a military base, but this was not acceptable to the Soviets.

It is my sincere hope that the Soviet Union will continue to be denied easy access—to or from—civilized nations. If the borders of the Soviet Union are so sacred that a civilian airliner was sacrificed for straying into its boundaries, I suggest to Soviet officials that they remain within the barriers that they have chosen to erect.●

QUAGMIRE IN LEBANON

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. GONZALEZ) is recognized for 30 minutes.

● Mr. GONZALEZ. Mr. Speaker, in a few days the House will be asked to approve a resolution that endorses the continued presence of U.S. Armed Forces in Lebanon. We are being told that this must be done because there is no real alternative but to hang on. We are also being told that it is essential for the United States to demonstrate unity in this moment of crisis. Such claims have again and again been employed to brush aside questions about military commitments. But the questions emerge sooner or later, and history teaches that they should never be brushed aside.

Earlier this year, I introduced House Resolution 298, a war powers resolution, and suggested that Congress should review the situation in Lebanon, and consider withdrawing our troops. At that time there had been no bloodshed, and there was no generally recognized crisis. But it was evident then that the dangers were growing, and that if Congress ever wanted to have any real voice in the question of what to do in Lebanon, we would have to act before the crisis struck. But I was told that Congress should not seek to invoke the War Powers Act, though even then, in June, it clearly applied to conditions in Lebanon, until there was a crisis. I asked what kind of alternatives would exist in the midst of crisis, but got no answer. I believed

then, and events since have shown me correct, that once blood was shed, Congress would fear to ask any hard questions, because then we would be accused of failing to support our troops. We would be accused—and these are the words of the Secretary of State—of "turning tail" and of making a bad situation worse. That is exactly what has happened. Now that the crisis is here, we are told that we dare not apply the war powers resolution, that the President must be given support and a free hand, that we have no choice. But we had a duty to ask questions last June, when I was told that the time for invoking the war powers resolution was not propitious. And we have a duty to ask questions now, when the House is being told that the time for invoking the act is still not propitious. If the resolution cannot be employed in a time of relative calm, and if Congress cannot invoke its powers in a time of crisis, when can the resolution ever have any meaning or application? In June, the answer was, the resolution could be invoked "when there is a crisis." Now that there is a crisis, we are told, "it can be invoked in 18 months." If we pass this so-called compromise resolution, Congress will deny itself any meaningful control over the commitments that are being made in the Middle East. We will be accepting with blind eyes and deaf ears a policy whose objectives may not be attainable, and committing ourselves to police what even the President calls a civil war, without so much as asking for frequent information on the progress of that commitment.

And what are some of the questions?

First, if after a year, the Government of Lebanon has made no progress in developing national political reconciliation, how can we have confidence that the situation is going to be any different months or years down the road? For the fact is that the Government of Lebanon today is more exclusive than it was a year ago, less representative of the religious factions today than at anytime in 40 years. It is this very imbalance that feeds the civil war, and supposedly it is the mission of the United States to end that imbalance among the religious factions—to attain what Secretary Shultz calls confessional balance. Should we not expect that, if we are going to make a further commitment to the Government of Lebanon, it show some progress or at least some good faith effort to bring about balance among the religious factions? Where is the evidence of it?

Second, and to my mind of absolutely paramount importance, what happens if the Marines are attacked in force, and head-on? Certainly they would fight—but what would be the ramifications of such fighting? If our ships at sea become engaged in heavy bombardment, can we not some day expect those ships to be attacked by the antiship missiles that we already know to be in Lebanon, and which have far greater range than the guns of those ships? And we know from the British war against Argentina, just how effective antiship missiles are. Would an attack against our Marines inevitably throw the United States into warfare with Syria, and in turn bring about war with other Arab States? We are, after all, fully aware of the Syrian role in Lebanon.

Third, what happens if some other nation decides that it will no longer participate in the multinational force? Let us suppose that France pulls out. What would we then do? Would we expand our forces to make up the loss of the French? Would, in fact, a multinational force still exist within the meaning of the proposed resolution? And this is not an idle question; we must remember that the French Government is not particularly strong, that the French economy is not terribly healthy, and most important, that France is already involved in a sitzkrieg in Chad, which could become a sizable shooting war in very short order; and let us not forget that the opposition in Chad is Libya, a state that is as radical and dangerously unstable in its leadership as any in the world. In these circumstances, France could very easily pull out and, indeed, is already reported as evaluating its situation. The time to ask what would happen in case of such a pullout is now, before we pass any resolutions, not afterward.

Fourth, are our objectives in Lebanon really attainable? For example, the policy envisions a government of national reconciliation, able to control all the territory of Lebanon. But as long as our forces are present to shield the present government, what encourages it to attempt reconciliation? And we must remember that the present government d ɔs not effectively control even the city limits of Beirut, much less all of Lebanon's territory. Furthermore, the policy envisions a withdrawal of all foreign forces, yet also the protection of Palestinian groups. The Secretary of State at once calls for the protection of Palestinians in Lebanon, and at the same time blames the Palestine Liberation Organization for being one of the outside forces that are now causing havoc and bloodshed. Moreover, how does he reckon Israel will withdraw—for it is clear that one of Israel's objectives and, in fact, its chief objective in invading Lebanon in the first place, was to establish a new border that is more defensible—in other words, to gain a more or less permanent occupation of part of southern Lebanon. If Israel does not withdrawn, certainly Syria will not, and vice versa. How is this Gordian knot going to be untangled by the continued presence of a handful of Marines confined to a static defense of the Beirut airport?

If we are to endorse a policy, we have an obligation to know if it is attainable. We have the absolute obligation to understand what the ramifications of that policy are. Yet, every effort to raise questions about our side, has been shrugged off, and now we are being told that we must swallow our doubts, in the name of national unity.

The Lebanon resolution is presented as an affirmation that Congress controls the war power. But it is an empty affirmation, because it is simply a gambit to evade questions, and a ploy to escape responsibility. But Congress cannot ultimately escape responsibility. If the Lebanon resolution passes, Congress is endorsing an open-ended commitment for American participation in one of the bloodiest, most ancient, most faction-ridden conflicts of all time. With that endorsement comes responsibility. If we failed to raise the issue in June, when I first tried to bring it forward, surely the time to ask questions is now. It will be too late in 18 months, or even 18 days, to examine where we are going, what we can achieve in Lebanon, and to ask what the ramifications are, let alone what the price may be. We are facing an empty compromise, one that raises more questions than it answers, and one that I cannot accept as wise or worthy. I offer for the RECORD, a copy of a letter I wrote to Chairman ZABLOCKI on this matter, a short time ago, and his reply to me:

HOUSE OF REPRESENTATIVES,
Washington, D.C., September 6, 1983.

Hon. CLEMENT J. ZABLOCKI,
Chairman, Committee on Foreign Affairs, Rayburn House Office Building, Washington, D.C.

DEAR CLEM: This morning's news brings the tragic information that two (2) more United States Marines have been killed in Lebanon, and an unknown additional number wounded in the course of fighting that has continued for several days. Early reports indicate that Marines receiving fire last night responded by returning illumination rounds to the area from which hostile fire originated. Secretary Weinberger subsequently stated the U.S. forces "are fighting back."

I am enclosing herewith a copy of a letter I sent last Friday to President Reagan, in which I pointed out that the circumstances no longer permit the Administration to evade the reality that deployment of American forces in Lebanon is subject to the War Powers Resolution. In every detail, the facts of the current situation conform with the conditions set forth in the Resolution for determining that a state of hostility exists, and that the presence of United States Armed Forces is, therefore, subject to the constraints of the Resolution.

You know, of course, of my long concern about this matter and of my long-held belief that Congress could not avoid reviewing the situation in Lebanon and applying the War Powers Resolution. Just as the President

can no longer evade the facts, the Congress cannot avoid its own responsibility.

It is clear that our Armed Forces are subject to greater danger with each passing day and, further, that the premises upon which they were dispatched may no longer be valid. I urge you to convene promptly your Committee and take up this issue, either through consideration of House Joint Resolution 298, or some other appropriate vehicle. The War Powers Resolution clearly applies to the situation in Lebanon, and I urge that you not permit it to be abused, ignored, or trampled.

With best wishes.

Sincerely,

HENRY B. GONZALEZ,
Member of Congress.

COMMITTEE ON FOREIGN AFFAIRS,
Washington, D.C., September 16, 1983.

Hon. HENRY B. GONZALEZ,
Rayburn House Office Building,
Washington, D.C.

DEAR HENRY: Please forgive this unavoidable delayed response to your good letter of September 6 regarding the applicability of the War Powers Resolution to the situation in Lebanon. As always, I appreciate having your views.

Like you, I believe the Congress cannot avoid its own responsibilities in this situation. For that reason, I have been working intensely for the past several days on appropriate legislation which will accomplish all that you urge.

My hope is to introduce it within the next few days, conduct prompt hearings on it and bring it to the floor as soon as possible.

With best wishes, I am,

Sincerely yours,

CLEM,
Chairman.●

CARDINAL MEDEIROS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. FRANK) is recognized for 5 minutes.

● Mr. FRANK. Mr. Speaker, the sad and sudden death of Humberto Cardinal Medeiros has deprived the Archdiocese of Boston and the world of a spiritual leader whose genuine humility, compassion, and love for the people he served were extraordinary. From his birth in the Azores, through his childhood and youth in Fall River, to his 13 years as the leader of the Archdiocese of Boston, Humberto Medeiros remained a man of absolute integrity, deep piety, and a driving, overwhelming concern for the well-being of others.

Few people in my experience have ascended to so high a position in our society while remaining wholly free of that arrogance of power which unfortunately often accompanies its acquisition. Cardinal Medeiros dealt unflinchingly with the difficult and complex issues which came before him in his capacity as head of one of the largest archdioceses in our country.

He spoke out clearly and forcefully on the evil of racial hatred, even at times when preaching for genuine racial understanding and equality caused him difficulty from those who did not want to hear that message. He joined other religious leaders in speaking out for peace and its importance to the people of the world. Under his leadership, the archdiocesan office of urban affairs did outstanding work in dealing with the problems of inadequate shelter that plagued so many in our urban area.

And of course he dealt with the difficult financial, legal, and administrative matters that are an inevitable part of leadership.

Yet even when he was dealing with these important and complex matters, he remained a man who cared deeply about the welfare of individual human beings and, incredibly, he found the time in his extraordinarily busy schedule to express that love and concern for individuals in countless ways. Concern for his own health was secondary to him, even after he became ill, because he felt so strongly the need to deal with the responsibilities of his high position in the church, while remaining a loving and caring priest who wanted to minister directly to the needs of his people.

There is particular sadness, Mr. Speaker, in the city of Fall River. The citizens of that great city are particularly sorrowful at the loss of their friend and neighbor, a man who so strongly demonstrated the virtues of the Azorean heritage which he brought to this country, and whose values where so evident in the work he did. He returned often to his relatives and friends in the city of Fall River and they will miss him. So, Mr. Speaker, we will all miss him.

Mr. Speaker, I include the editorial printed in O Jornal de Fall River and the Fall River Herald News at this point. They demonstrate the love and respect that the people of his home town had for him.

[From the Fall River O Jornal, Sept. 19, 1983]

A GENTLE MAN OF GOD

He was not the powerful politician but a priest. And for that reason, perhaps, Cardinal Humberto Sousa Medeiros was not lovingly welcomed as leader of the predominantly Irish Catholic archdiocese of Boston thirteen years ago. He was a Portuguese immigrant who chose not to "hobnob" with the elite to make points. But over the years, his goodness and love converted many of his original skeptics and they, too, grew to admire and respect the gentle man of God. For that he always was a man of the poor and a man of God.

That is the way we know him and the way we believe he will be remembered. A kind and giving person always ready to help. The Cardinal was intellectually brilliant, as all those who knew him will attest. He spoke five languages fluently. He was first in his class at BMC Durfee High School and again at the Catholic University in Washington, D.C.

But he took no personal pride in his many accomplishments, "If there have been any, only God knows about them" he told us in an interview nearly four years ago.

To say he was taken too soon, to say his parting will leave a great vacuum in our community—Portuguese and non-Portuguese alike-to say that what we need in today's church are more priests like Humberto Medelros is to say much too little.

His request to retire from the Boston Archidocese, which he quietly submitted month's ago, has finally been acted on. He rests now in the hollow of God's hand at peace with One for Whom he lived; and we will keep him always in our hearts.

To his family we express our deepest sympathy.

[From the Fall River Herald News, Sept. 20, 1983]

CARDINAL MEDEIROS

The death of Cardinal Humberto Medeiros, the Archbishop of Boston, ends the earthly career of one of the most extraordinary men this city has ever known.

The remarkable simplicity and piety of the Cardinal were so apparent that no one who met him even casually could overlook them. He was truly a man of God, and this, the most salient fact about him, was unmistakable.

In spite of an ecclesiastical career that made him a Prince of the Church, the Cardinal never deflected from his principal concern, the attempt to do all that was humanly possible for all those, of whatever race or creed, who were suffering and in need.

He was a great churchman who truly identified with those who were in distress of any kind.

This identification with the poor, the ill or the weak was not merely an emotional sympathy. Cardinal Medeiros was a brilliant man, whose powerful intellect was brought to bear day after day, year after year, on the thousands of practical problems of the Boston Archdiocese as well as on the pressing needs of people of all kinds and all ages.

The Cardinal was personally a man of great charm and quiet humor, as his many friends here in Fall River will attest, but his emphasis throughout his life was on those who, for whatever reason, needed help.

He will be remembered by them as a man whose hand was always extended to them to assist them in any way he, or the Archdiocese he headed, could.

If, as Cardinal Archbishop, his principal identification was with those in need, as a man his identification was with this city, his home.

Nothing could more powerfully demonstrate that identification than his own wish to be buried here in St. Patrick's Cemetery with his father and mother rather than with the men who preceded him as Archbishops of Boston.

It was here to Fall River that Humberto Medeiros came from the Azores as a boy of 15. It was here at B.M.C.-Durfee High School that he was educated. It was the Diocese of Fall River that sent him to the seminary to become a priest, and it was here in Fall River that he served as a priest and pastor before being named the Bishop of Brownsville, Texas.

It was also here, when he first arrived, that he worked in a textile mill to help support himself and his family.

After his appointment as Archbishop of Boston, and subsequently, to the College of Cardinals, he missed no opportunity to come here on visits to the remaining members of his family and his multitude of friends.

Now he will be returning here for the last time by his own express wish, and this city is profoundly honored as well as touched by that decision.

In all the actions of his life, Humberto, Cardinal Medeiros demonstrated to us all what it means to be a good priest and a good American.

Without the least self-consciousness and indeed with a considerable aversion to personal publicity, he expressed what it means both to be a man of God and a good citizen of the United States.

Although he had not been in the best of health for some time, his death was relatively sudden and has been felt here as a personal shock by the entire community.

He will be buried here with his parents, in the city which he loved and which loved him in return.

His life, his career and his own extraordinary goodness will remain as a kind of living legend for generations to come.

Meanwhile, Fall River, as one, mourns the passing of this very good, this very gentle man, Humberto Medeiros, in whom we all have taken, and will continue to take, such pride.

May he rest in peace.

OSAGE ESTATE AND INHERITANCE TAXES TO THE STATE OF OKLAHOMA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oklahoma (Mr. JONES) is recognized for 5 minutes.

● Mr. JONES of Oklahoma. Mr. Speaker, today Messrs. ENGLISH, WATKINS, SYNAR, EDWARDS, and MCCURDY join me in introducing legislation concerning the Osage Indians of Oklahoma. This measure would exempt Osage Indians, not possessing a certificate of competency, from payment of estate or inheritance tax to the State of Oklahoma.

The Osage Tribe in Oklahoma is, at present, exempt from payment of Federal estate tax, as are all Indian tribes. Because of an apparently unintentional oversight in the Osage Allotment Act, the tribe is still subject to Oklahoma estate tax. This bill would provide the specific exemption for the Osage Tribe, no longer subjecting the tribe to the Oklahoma estate tax.

The Osage is the only tribe of Oklahoma's 67 Indian tribes who are subject to payment of Oklahoma estate tax of headright interests held in trust by the U.S. Government. The General Allotment Act of 1887, which divided lands for a majority of tribes, specifically exempts tribes from estate tax but the Osage Tribe is not covered by this act. The Osage lands were divided and laws of the tribe were established under separate legislation by way of the Osage Allotment Act of 1906. In the Osage Allotment Act, no specific exemption was stated concerning payment of estate tax on headrights.

However, the Osage are not taxed by the Internal Revenue Service, under IRS Revenue Ruling 69-164. In a memorandum dated August 15, 1969, from the National Office of the IRS to the District Director of Internal Revenue in Oklahoma City, the following was stated in supporting the IRS's revenue ruling to exempt the tribe from Federal estate tax:

In our analysis of the two allotment acts and their legislative history we found no indications that Congress intended to treat the Osage Indians any different than any of the tribes covered by the General Allotment Act of 1887. On the contrary, the general tone of both acts, the nature of responsibilities assumed by the United States, and the similarities in basic concepts (especially the basic concept of conserving the property for the incompetent) indicate a common congressional intent underlying both acts.

In 1975, the Oklahoma Supreme Court upheld a 1948 U.S. Supreme Court decision in West against the Oklahoma Tax Commission that Oklahoma Osage Indian headrights would continue to be included in a decedent's gross estate for estate tax purposes, until Congress exempts these headrights from State taxation or the West against the Oklahoma Tax Commission case is overruled. Thus, Federal legislation is required to rectify this situation.

It is estimated that exempting the tribe from payment of State estate tax would mean a loss of revenue to the State of approximately $200,000 a year. Although there is a slight revenue impact to the State, I feel we should consider the unequal treatment of the Osage Tribe concerning payment of this tax.

Because this legislation directly impacts the State of Oklahoma, the bill was submitted for review to affected State legislators. Those supporting the bill include Senator Rodger A. Randle, chairman of the Oklahoma Senate Appropriations Committee, Representative William P. Willis, chairman of the State House Revenue and Taxation Committee and Representative Cleta Deatherage, chairman of the State House Appropriations and Budget Committee. Legislators who represent the concerned constituents, Senator John L. Dahl, Senator Robert V. Cullison, Representative A. C. Holden and Representative Don Anderson, all have voiced their support of this legislation. I have also let the Governor of Oklahoma know of my intentions to introduce this legislation.

I hope my colleagues share my view that this inequity in the taxation of the Osage Tribe of Oklahoma should be cleared up as soon as possible, and that they will join me in supporting this legislation.●

BARTER EXCHANGES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Dakota (Mr. DORGAN) is recognized for 5 minutes.

● Mr. DORGAN. Mr. Speaker, on behalf of myself, and several of my colleagues (Mrs. KENNELLY, and Messrs. CAMPBELL, FLIPPO, FRENZEL, HANCE, GRADISON, MATSUI, and VANDER JAGT), I am introducing legislation today to require aggregate proceeds reporting by barter exchanges for tax purposes. This is a simple but nonetheless very important measure. It is designed to reduce a potentially massive paperwork burden for thousands of small businesses across the country, while also insuring tax compliance.

In last year's tax act, TEFRA, Congress included a provision that makes barter exchanges third-party recordkeepers for the purposes of reporting tax information. This provision, which the barter exchange industry supported, is a solid tax compliance measure.

However, in crafting the regulations for this provision, Treasury went a bit too far. Under present Internal Revenue Service regulations—Revenue Ruling 80-52—barter exchanges will be required, effective January 1, 1984, to report each and every sale transaction to the IRS. That amounts to an estimated 5 million transactions per year. If allowed to go into effect, this requirement—referred to as transactional reporting—will create an avalanche of paperwork for the barter exchanges, the thousands of small businesses they serve, and the IRS, without enhancing tax compliance. The IRS and the Treasury, themselves admit, that transactional reporting "entails significant burdens" for barter exchanges.

Mr. Speaker, my colleagues and I are convinced that we can achieve the objective of tax compliance without unduly burdening barter exchanges and the thousands of small business clients they serve across the country. Under the provisions of last year's act, the Secretary of the Treasury has broad latitude in crafting information reporting requirements. As our bill moves through the legislative process in the coming weeks, we trust and hope that Treasury will work with us to achieve the goals, which we believe we all share.●

SCHOOL FACILITIES CHILD CARE ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Mrs. BURTON) is recognized for 5 minutes.

● Mrs. BURTON of California. Mr. Speaker, I am pleased to join my colleagues Representatives PATRICIA SCHROEDER and GERALDINE FERRARO today in introducing the School Facilities Child Care Act. My concern for the welfare of our Nation's children was a centerpiece of my recent campaign and is one of the primary reasons I sought an assignment to the Education and Labor Committee.

The School Facilities Child Care Act will provide a greatly needed service. When parents must both work, or when a single parent works, they often have little alternative but to leave their schoolage children alone before and after school. For many of these children this means several hours a day of loneliness, boredom, and fear.

What happens to a child who is filled with a youngster's natural curiosity, but has no one there to answer his or her questions? At best, that child's development is stalled by many extra hours of TV viewing. At worst, as all parents know, the child's curiosity, and vigorous investigative of the household, can lead to disaster.

In San Francisco, the city I represent, the problem is acute. Child-care specialists have estimated that in San Francisco there are 40,000 children between the ages of 5 and 14 whose mothers work outside the home. There are 3,300 existing spaces for children in licensed after-school facilities, and 420 in licensed private facilities. This means that less than 10 percent of the children needing after school care can be provided for under existing programs. The average time spent on waiting lists for participation in these programs is 12 to 18 months. It is projected that there will be a 32-percent increase in the number of children between the ages of 5 and 9 in San Francisco over the next decade, and a continued increase in the work force participation rate of women with families. It would be unconscionable to ignore the problem as we watch it grow worse. We need to begin new programs now.

The School Facilities Child Care Act offers a simple, inventive, and cost-effective approach to establishing extended-day child-care programs. The Department of Health and Human Services will provide local public agencies or private, nonprofit groups with startup grants to establish after-school child-care programs in public school facilities. The structure and content of the program will remain a local initiative. The sponsoring group or agency will decide for themselves what kind of program they want in their schools. Extended-day-care providers will work together with the local schools and with parents to design programs that best meet their particular needs. Furnishing day care for children becomes a community initiative. Most importantly, eliminating the "latchkey syndrome" becomes a community priority.

While the child-care programs will be developed locally, I firmly believe it is appropriate and crucial that the Federal Government take a leading role on this issue. Leaving millions of schoolage children alone for several hours a day while classroom facilities sit unused is unacceptable. We cannot afford to gamble with the physical and psychological well-being of our Nation's children.●

EXPORT-IMPORT BANK FINANCING NOTIFICATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. NEAL) is recognized for 20 minutes.

● Mr. NEAL. Mr. Speaker, I am submitting to the House today the U.S. Export-Import Bank's proposal to provide credits and guarantees totaling nearly $680 million to enable Singapore Airlines, Ltd., to purchase six new 747-300 jet aircraft and four 757 jet aircraft from the Boeing Co. in the United States.

The Eximbank is prepared to extend a direct credit of $253.8 million and to guarantee private loans up to $425.8 million to help finance the Singapore Airlines purchase. The total sale for Boeing and its subcontractors will be about $941 million, including spare engines and parts, and related services.

The engines for the Boeing aircraft are Pratt & Whitneys, manufactured by United Technologies Corp.

Boeing won the Singapore Airlines contract after intense competition from Airbus Industrie, the European consortium, on the 757 aircraft portion of the sale.

This Eximbank financing notification was referred to me as chairman of the Banking Committee's Subcommittee on International Trade, Investment and Monetary Policy. Under section 2(b)(3)(i) of the Export-Import Bank Act of 1945, as amended, the Eximbank is required to notify Congress of proposed loans or financial guarantees, or combinations thereof, of $100 million or more. Unless Congress determines otherwise, the Eximbank may give final approval to the proposed transaction after 25 days of continuous session of Congress following the notification.

I am submitting for the RECORD the Eximbank notification, which includes details on the Singapore transaction. I would welcome any comments or questions my colleagues may have.

The Eximbank material follows:

EXPORT-IMPORT BANK
OF THE UNITED STATES,
Washington, D.C., August 19, 1983.

Hon. STEPHEN L. NEAL,
Chairman, Subcommittee on International Trade, Investment and Monetary Policy, Committee on Banking, Finance and Urban Affairs, U.S. House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: Eximbank has submitted a statement to the Speaker of the House of Representatives and the President of the Senate in accordance with the provisions of Section 2(b)(3)(i) of the Export-Import Bank Act of 1945. I am taking the liberty of providing you with a copy of this statement.

Sincerely,

NANCY S. PIGMAN,
Congressional Relations Officer.

EXPORT-IMPORT BANK
OF THE UNITED STATES,
Washington, D.C., August 19, 1983.

The SPEAKER OF THE HOUSE OF REPRESENTATIVES,
The Speaker's Room, U.S. Capitol, Washington, D.C.

DEAR MR. SPEAKER: Pursuant to Section 2(b)(3)(i) of the Export-Import Bank Act of 1945, as amended, Eximbank hereby submits a statement to the House of Representatives with respect to the following transaction involving U.S. exports to Singapore:

A. DESCRIPTION OF TRANSACTION

1. Purpose

Eximbank is prepared to authorize a direct credit of $253,800,000 and financial guarantees of private loans of $425,800,000 to Singapore Airlines Limited (SIA). The purpose of the Eximbank financing is to facilitate the purchase in the United States by SIA of six new 747-300 jet aircraft, four new Boeing 757 jet aircraft and related spare engines and parts. The engines for the Boeing aircraft are Pratt and Whitneys manufactured by United Technologies Corporation. The total U.S. export value for this transaction is estimated to be $941,400,000. This transaction was the subject of a previously issued Eximbank preliminary commitment and intense competition with respect to the 757's from Airbus Industrie, the European aircraft consortium. Intense competition also existed for the engines for all the aircraft from Rolls Royce of Great Britain.

2. Identity of the parties

(a) Singapore Airlines Limited: SIA is the commercial air carrier of Singapore and is 99% owned by the Government of Singapore; the remaining shares are held by SIA's employees. In 1971 Singapore and Malaysia agreed to separate Malaysia-Singapore Airlines Ltd. into two national carriers with SIA obtaining most of the precedessor's international routes. In 1972 SIA was incorporated under the laws of Singapore and became the national carrier of Singapore. Eximbank has previously made seven loans to SIA or its subsidiaries and repayments have been made on a timely basis. SIA currently flies to 36 cities in countries mainly in the western Pacific, but also in the Middle East and Europe. It inaugurated in April 1979 passenger service to the United States.

(b) Government of Singapore: The Government of Singapore will unconditionally guarantee payment of SIA's indebtedness to Eximbank under the direct credit and financial guarantees as it has done in the previous seven transactions.

3. Nature and use of goods and services

The principal goods to be exported from the United States are 10 new generation commercial jet aircraft, to be used by SIA on its western Pacific and intercontinental routes. The airframes for the 757's and 747's will be manufactured in the Seattle-Renton-Everett area by the Boeing Company of Seattle, Washington. The engines for the aircraft will be manufactured by the Pratt and Whitney Aircraft Group of United Technologies Corporation in Hartford, Connecticut. In addition, other U.S. firms will furnish spare parts.

B. EXPLANATION OF EXIMBANK FINANCING

1. Reasons: The Eximbank credit of $253,800,000 and financial guarantees of $425,800,000 will facilitate the export of $941,400,000 of United States goods. Sales, profits and employment for U.S. aircraft manufacturers and their subcontractors are heavily dependent upon exports. Through 1990, aircraft purchases by foreign airlines are expected to account for a very high percentage of total U.S. aircraft sales. Eximbank's financial support for exports of U.S. aircraft has assisted U.S. aircraft manufacturers in obtaining a large share of the market for commercial jet aircraft, but recently U.S. suppliers have faced increasingly competitive sales and financing arrangements of Airbus Industrie and its supportive official export credit agencies in France, Germany and the United Kingdom.

Boeing estimates that the export of its ten aircraft will provide 10.2 million direct and indirect man/hours of work for Boeing, United Technologies and their respective subcontractors. Additional benefits which will flow to the United States from the transaction include sizeable follow-on exports of spare parts, ground support and other related equipment.

It should be noted that due to the nature of SIA's routes, where even long distance flights are broken by many intermediate stops, SIA could have purchased the Airbus Industrie's A-300 to accomplish nearly the same purpose and this European made aircraft has been purchased by SIA for its fleet expansion in the past. SIA also intends to purchase the shorter-ranged A-310. Indeed Airbus Industrie vigorously tried to convince SIA to purchase additional A-300's or A-310's for use on its medium and short route sectors. It offered special financing terms of 85% coverage and financing in a mix of French Francs, West German Deutsche marks and U.S. Dollars with a blended interest rate of 9%. Airbus Industries was fully supported by the offical export credit agencies of France, Germany and the United Kingdom.

Therefore, Eximbank is offering a financing package of 85% direct credit and guaranteed supplier credit cover for the 757's and an interest rate of 10% per annum. In the case of the fuselages for 747-300's where the Airbus competition is tenuous Eximbank is offering only a 65% guarantee coverage. However, in the case of the engines for this latter type of aircraft where vigorous competition came from Rolls Royce, supported by the United Kingdom's Export Credit and Guarantees Department, Eximbank is offering 85% direct credit and guaranteed supplier credit cover.

2. The Financing Plan: The financing plan for the total U.S. procurement supported by Eximbank, divided according to type of item is as follows:

	Percentage of U.S. costs	Total
(I) For the Boeing 757 aircraft, installed engines and related spares:		
Cash payment	15	$27,600,000
Supplier credit (with an Eximbank guarantee)	10	18,400,000
Eximbank credit	75	138,000,000
Total	100.00	$184,000,000
(II) For the Boeing 747-300 fuselages and related spares:		
Cash payment	15	90,400,000
Private financing (without an Eximbank guarantee)	20	120,600,000
Private financing (with an Eximbank guarantee)	65	392,000,000
Total	100	603,000,000
(III) For the installed and spare engines for the Boeing 747-300 aircraft and related spares:		
Cash payment	15	23,200,000
Supplier credit (with an Eximbank guarantee)	10	15,400,000
Eximbank credit	75	115,800,000
Total	100	154,400,000

The Supplier Credits mentioned in (I) and (III) above will bear interest at rates not higher than charged respectively for the related portions of the Eximbank Credit.

(a) Eximbank Charges: The portion of the Eximbank Credit financing the 757's and related spares will bear interest at the rate of 10 percent per annum and the portion of the Eximbank Credit financing the 747 engines and spares will bear interest at the rate of 12 percent per annum; all payable semiannually. Eximbank will charge a 2 percent application fee on the amount of its Credit; a ½ of 1 percent per annum commitment fee on the undisbursed portion of the Eximbank Credit; a ⅛ of 1 percent per annum commitment fee on the undisbursed portion of the amounts guaranteed by Eximbank; and a ½ of 1 percent per annum guarantee fee on the disbursed portion of the private loans guaranteed by Eximbank.

(b) Repayment Terms: I. The financing for the Boeing 757 aircraft and spares will be repaid by SIA in three schedules of 20 semiannual installments each beginning June 30, 1985, for disbursements made through March 31, 1985; June 30, 1986 for the disbursements made during the period of April 1, 1985 through March 31, 1986; and June 30, 1987, for disbursements made after March 31, 1986, with the lenders of the Supplier Credit receiving the early installments of each schedule and Eximbank receiving the later installments of each schedule.

II. The financing for the Boeing 747-300 fuselages, installed engines, spare engines and related spares will be repaid by SIA in four schedules of 20 semiannual installments each, beginning September 30, 1985, for disbursements made through June 30, 1985; December 31, 1986, for disbursements made during the period July 1, 1985 through September 30, 1986; June 30, 1987, for disbursements made during the period October 1, 1986 through March 31, 1987; and June 30, 1988, for disbursements made after April 1, 1987. With respect to the financing for the fuselages and related spares, the unguaranteed lenders will receive the early installments of each schedule and the guaranteed lenders will receive later installments of each schedule. With respect to the financing for the engines and spares, the lenders of the Supplier Credit will receive the early installments of each schedule and Eximbank will receive the later installments of each schedule.

Attached is additional information on Eximbank activity in and economic data on Singapore.

Sincerely,

CHARLES E. LORD.

Eximbank exposure in Singapore as of July 31, 1983

	Thousands
Direct loans	$183,309
Bank guarantees	54
Short-term insurance	21,186
Total exposure	204,549

REPAYMENT EXPERIENCE

Payment of principal, interest and fees due on Eximbank loans to Singapore borrowers have always been prompt.

SINGAPORE KEY ECONOMIC INDICATORS

[Current US$ in millions, unless otherwise specified]

	1980	1981	1982	Percent change— 1980–81	1981–82	1980–81 (S$)	1981–82 (S$)
Income, production, employment:							
GNP	10,848	12,954	14,196	19.4	9.6	17.8	11.0
GNP/capita	4,494	5,302	5,743	18.0	8.3	16.4	9.7
GNP	10,453	12,398	13,508	18.6	9.0	17.0	10.3
GNP (at 1968 factor prices)	5,679	6,327	6,644	11.4	5.0	9.9	6.3
GDFCF (gross dom. fixed cap. form.)	4,468	5,673	6,950	27.0	22.5	25.3	24.1
As percent of GNP	41.2	43.8	49.0	6.3	11.8	(1)	(1)
Output by manufacturing sector (at 1968 factor prices)	1,359	1,511	1,408	11.2	−6.8	9.7	−5.6
Labor force (000s) (mid-year)	1,102	1,146	1,170	3.9	2.1	(1)	(1)
Unemployment (percent) (mid-year)	3.0	2.9	2.6	−3.3	−10.4	(1)	(1)
Index of industrial wages (August 1972 = 100)	218	255	283	16.9	10.8	(1)	(1)
Labor productivity (increase)	4.5	5.3	2.0	17.8	−62.3	(1)	(1)
Money and prices:							
Money supply (M_1, end of period) [3]	2,930	3,537	3,869	20.7	9.4	18.1	12.6
Money supply (M_2, end of period) [3]	7,674	9,606	10,815	25.2	12.6	22.4	15.9
Prime rate (end of period)	13.6	11.8	9.3	−13.0	−21.1	(1)	(1)
CPI 1977–78 = 100 (end of period)	117.4	129.6	130.7	10.4	.8	(1)	(1)
CPI (average of monthly levels)	115.0	124.4	129.3	8.2	3.9	(1)	(1)
WPI (1974 = 100) (end of period)	155.5	153.8	150.3	−1.1	−2.3	(1)	(1)
WPI (average of monthly levels)	152.7	158.6	151.9	3.9	−4.2	(1)	(1)
GNP deflator (1969 = 100)	181.1	193.0	200.6	6.6	3.9	(1)	(1)

SINGAPORE KEY ECONOMIC INDICATORS—Continued

[Current US$ in millions, unless otherwise specified]

	1980	1981	1982	Percent change— 1980–81	1981–82	1980–81 (S$)	1981–82 (S$)
Trade and payments:							
Exports of goods (f.o.b.) (excl. Indonesia)	19,359	20,961	20,782	8.3	−.9	6.8	.4
Domestic exports	12,052	13,938	13,625	15.6	−2.2	14.1	−1.0
U.S. Share (percent)	12.7	13.2	12.6	3.8	−4.7	(1)	(1)
(Absolute amount)	(2,462)	(2,768)	(2,614)	(2.4)	(−5.6)	(10.9)	(−4.4)
Import of Goods (c.i.f.) (excl. Indonesia)	23,979	27,566	28,152	15.0	2.1	13.4	3.4
U.S. Share (percent)	14.1	12.6	12.9	−10.4	2.2	(1)	(1)
(Absolute amount)	(3,380)	(3,482)	(3,633)	(3.0)	(4.4)	(1.6)	(5.7)
Merchandise trade balance	−4,620	−6,605	−7,370	−43.0	−11.6	−41.1	−13.0
Balance on current account (merchandise trade balance, services, and private and official transfers)	−1,564	−1,382	−1,279	11.6	7.5	12.8	6.3
Balance on capital account	1,687	2,283	2,230	35.3	−2.3	33.6	−1.1
Balance on trade and payments	670	917	1,176	37.0	28.2	35.2	29.9
Changes in official reserves (minus = increase)	−670	−917	−1,176	37.0	28.2	35.2	29.9
Official reserves (end of period)	6,425	7,331	8,373	14.1	14.2	12.6	15.7
External public debt (end of per.)	440	424	409	−3.6	−3.7	−4.8	−2.4
S$ to US$ (average for period)	2.1412	2.1130	2.1400				

[1] Not applicable.
[2] Using exchange rates as at end of period: 1980: US$1 = S$2.0935; 1981: US$1 = S$2.0478; 1982: US$1 = S$2.1085.
Source: Government of Singapore publications.●

CONFERENCE REPORT ON H.R. 3263

Mr. HEFNER submitted the following conference report and statement on the bill (H.R. 3263) making appropriations for military construction for the Department of Defense for the fiscal year ending September 30, 1984, and for other purposes:

CONFERENCE REPORT (H. REPT. No. 98-378)

The Committee of Conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 3263) "making appropriations for military construction for the Department of Defense for the fiscal year ending September 30, 1984, and for other purposes," having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 2, 5, 6, 8, 10, 12, 16, 18, 20, 22, 24, 28, 32, 36, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 54, and 58.

That the House recede from its disagreement to the amendments of the Senate numbered 14, 19, 23, and 52, and agree to the same.

Amendment numbered 1:

That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$1,184,140,000*: and the Senate agree to the same.

Amendment numbered 3:

That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$173,500,000*: and the Senate agree to the same.

Amendment numbered 4:

That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$1,206,517,000*: and the Senate agree to the same.

Amendment numbered 9:

That the House recede from its disagreement to the amendment of the Senate numbered 9, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$137,000,000*: and the Senate agree to the same.

Amendment numbered 11:

That the House recede from its disagreement to the amendment of the Senate numbered 11, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$281,802,000*; and the Senate agree to the same.

Amendment numbered 13:

That the House recede from its disagreement to the amendment of the Senate numbered 13, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$28,000,000*; and the Senate agree to the same.

Amendment numbered 17:

That the House recede from its disagreement to the amendment of the Senate numbered 17, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$108,888,000*; and the Senate agree to the same.

Amendment numbered 25:

That the House recede from its disagreement to the amendment of the Senate numbered 25, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$172,677,000*; and the Senate agree to the same.

Amendment numbered 26:

That the House recede from its disagreement to the amendment of the Senate numbered 26, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$1,059,188,000*; and the Senate agree to the same.

Amendment numbered 27:

That the House recede from its disagreement to the amendment of the Senate numbered 27, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$1,266,703,000*; and the Senate agree to the same.

Amendment numbered 29:

That the House recede from its disagreement to the amendment of the Senate numbered 29, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$67,953,000*; and the Senate agree to the same.

Amendment numbered 30:

That the House recede from its disagreement to the amendment of the Senate numbered 30, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$539,029,000*; and the Senate agree to the same.

Amendment numbered 31:

That the House recede from its disagreement to the amendment of the Senate numbered 31, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$638,626,000*; and the Senate agree to the same.

Amendment numbered 33:

That the House recede from its disagreement to the amendment of the Senate numbered 33, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$111,392,000*; and the Senate agree to the same.

Amendment numbered 34:

That the House recede from its disagreement to the amendment of the Senate numbered 34, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$689,021,000;* and the Senate agree to the same.

Amendment numbered 35:

That the House recede from its disagreement to the amendment of the Senate numbered 35, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$855,811,000;* and the Senate agree to the same.

Amendment numbered 37:

That the House recede from its disagreement to the amendment of the Senate numbered 37, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$1,025,000;* and the Senate agree to the same.

Amendment numbered 38:

That the House recede from its disagreement to the amendment of the Senate numbered 38, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$16,816,000;* and the Senate agree to the same.

Amendment numbered 39:

That the House recede from its disagreement to the amendment of the Senate numbered 39, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$17,841,000;* and the Senate agree to the same.

The committee of conference report in disagreement amendments numbered 7, 15, 21, 53, 55, 56, and 57.

W. G. HEFNER.
TOM BEVILL.
CLARENCE D. LONG.
BILL ALEXANDER.
JOSEPH ADDABBO.
BILL CHAPPELL.
NORMAN DICKS.
VIC FAZIO.
JAMIE WHITTEN.
RALPH REGULA.
MICKEY EDWARDS.
TOM LOEFFLER.
BOB LIVINGSTON.
SILVIO O. CONTE.

Managers on the part of the House.

MACK MATTINGLY.
PAUL LAXALT.
JAKE GARN.
JIM SASSER.
DANIEL INOUYE.
MARK HATFIELD.
JOHN C. STENNIS.

Managers on the part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 3263) making appropriations for military construction for the Department of Defense for the fiscal year ending September 30, 1984, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report.

ITEMS OF GENERAL INTEREST

MX missile program.—For a number of years the Committees on Appropriations have endorsed the need to strengthen our current land-based intercontinental ballistic missile system. At the same time, the Committees have exercised prudent judgment by deferring design and construction requests until firm decisions and adequate planning have taken place on the various basing plans.

This year both committees released design funding for the present basing program proposed by the President's Commission on Strategic Forces. This plan is based on deploying 100 MX missiles in silos located in Wyoming and Nebraska near F. E. Warren AFB, Wyoming. The House deferred construction funding for this basing program pending facility design, site planning, cost definition and an environment impact study. The Senate approved $72,000,000 for facililty support but required that none of the funds be obligated until funds for the procurement of the MX missile had been authorized.

In addition to action on MX funding, both committees recommended that studies, master plans, and detailed assessments be undertaken on the building program.

The conferees have agreed to the appropriation of $31,200,000 for fiscal year 1984 military construction support projects associated with the basing of the MX missile. Only projects that are at a reasonably high level of design have been funded. All of the projects that have been deferred can be funded in fiscal year 1985 and not delay the current construction program.

The Air Force has experienced large cost overruns for projects that were funded prior to the completion of design and planning; notable, the space shuttle facilities and the Arnold Engineering Development Center aeropropulsion systems test complex. By deferring low design projects, the Air Force and the Congress will carefully review design requirements and estimates prior to recommending specific funding levels.

The conferees have agreed that MX-related reports and studies recommended by both the House and the Senate should be completed and submitted on a timely basis.

Finally, the conferees have agreed that constructrion funds for MX construction are not to be obligated until Congress has approved both the authorization and appropriation for the procurement of MX missiles. Once the authorization and appropriation have been approved, the Department is to assure that the construction of the basing mode can proceed in a manner that will allow flexibililty in regard to the number of missiles deployed at the F. E. Warren AFB site.

Details of specific construction recommended by the conferees can be found under the Air Force section of this report.

Alternate construction methods.—The House and Senate both included report language supporting the need for the Department to explore alternate construction methods as a means of reducing high construction costs. The conferees agree that the Department is to begin implementing the program as outlined in the House report. The Department is to submit reports called for by the Senate during the fiscal year 1985 hearings, but the trial of alternate methods should not be delayed.

American preference program.—The House and Senate both agreed on the need to extend the American preference program into the Pacific construction area. The conferees have agreed that the program should be implemented as outlined in the House report. The Department is to review each project in the area to assure that it can be implemented under existing agreements and within the funds provided in the appropriations.

The conferees have agreed with the House language on American preference program subcontracting. The Department is to assure that once a prime U.S. contractor is chosen of a job, a major portion of the work that is subcontracted goes to a U.S. firm.

Planning and design for military museums.—The conferees agree that planning and design for military museums should be handled on a case-by-case basis as outlined in the Senate report. Existing policy regarding the notification of intent to advertise planning and design projects is to be followed.

Area cost factors.—The conferees agree that the concept of using area cost factors is sound but that the Department has failed to utilize it properly. The $30 million in general reductions in the House bill have been incorporated into the overall general reductions for each Service. The conferees expect that a full-scale review of this system will take place and that the adjustments made as a result will be incorporated into the fiscal year 1985 budget request.

Supervision, inspection, and overhead.—The conferees are concerned that rates used to budget for supervision, inspection, and overhead vary among the Services and by location. The Department is to develop a uniform rate to be applied worldwide to all projects. If higher rates are used for overseas projects, a full explanation of the additional costs is to be submitted.

Family housing construction improvements.—The conferees have agreed that the approval of one lump sum for construction improvement is based specifically on the projects listed in the justification material. While each individual project is not subject to separate reprogramming criteria, the direction on any project specifically referenced in either House or Senate reports should be followed. The conferees also direct that a semiannual notification report be submitted to the Committees on Appropriations detailing project status and highlighting any additions or deletions from the approved listing of projects.

Family housing accommodation charges.—The conferees have agreed to the deletion of all funds requested for accommodation charges. The payment of these charges is considered inappropriate. The Department is to enter into negotiations with the appropriate countries for the elimination of these charges.

Family housing reprogramming criteria.—The conferees have agreed to a new criterion for the family housing operations, leasing, and maintenance accounts as follows: The transfer of an amount in excess of 10% or $6,000,000, whichever is less, among or between these accounts shall be subject to the prior approval of the Committees on Appropriations of both Houses. The family housing new construction projects are subject to the same rule that applies to military construction projects. The transfer of any amount in excess of 25% or $6,000,000, whichever is less, among or between the subaccounts of the operations account are to be reported to the Committees on Appropriations on a timely basis.

Unbudgeted projects. The conference report on H.R. 2972, the Military Construction Authorization Act, 1984, provides authorization for various projects to be derived from savings. The conferees have agreed to provide appropriations for a number of these unbudgeted projects. The provision of these funds will enable the execution of these projects as authorized. General reductions to each Service have been made to account for savings from previously approved projects. All the Services have or will have sufficient savings on hand to absorb these general reductions without a detrimental impact to their funded programs.

Matters addressed by only one committee. The reports of both the House and Senate contain items addressed by only one committee. Unless otherwise indicated in this conference report, those items are approved by the Committee of Conference.

MILITARY CONSTRUCTION, ARMY

Amendment No. 1:—Appropriates $1,184,140,000 for military construction, Army, instead of $1,215,565,000 as proposed by the House and $1,142,040,000 as proposed by the Senate. The conferees have agreed to the following additions and deletions to the amounts and line items as proposed by the House.

Fort Huachuca, Arizona: Brigade headquarters	+$1,500,000
Fort Irwin, California: Modernize miscellaneous facilities	[1] −1,350,000
Physical fitness training center	+3,400,000
Fort Ord, California: Water wells	+3,200,000
Sierra Army Depot, California: Physical fitness training center	+600,000
Fort Carson, Colorado: Fencing	+800,000
Rock Island Arsenal, Illinois: Modernize manufacturing facility-Rearm.	+9,000,000
Fort Leavenworth, Kansas: Unaccompanied officer housing	−14,000,000
Fort Riley, Kansas: Barracks	[1] −6,300,000
Barracks with dining facility	[1] −8,400,000
Fort Jackson, South Carolina: Education center	+5,200,000
Chapel/child care center	+6,400,000
Fort Bliss, Texas: Infantry remote target systems ranges	+3,000,000
Fort Lewis, Washington: Hangar addition	+2,800,000
Germany: Ansbach: Ammunition storage	[1] −2,450,000
Aschaffenburg: Ammunition storage	[1] −790,000
Finthen: Barracks with dining facility	−980,000
Giebelstadt: Ammunition storage	[1] −440,000
Hanau: Parking area (roads)	+400,000
Kitzingen: Ammunition storage	[1] −560,000
Mainz: Ammunition storage	[1] −990,000
Muenster Depot: Ammunition storage	[1] −670,000
Schwaback: Ammunition storage	[1] −960,000
Schweinfurt: Ammunition storage	[1] −1,000,000
Korea, Various: Communications Center	+1,500,000
Kwajalein: Multipurpose recreation facility	+1,000,000
Minor construction (unspecified)	+2,615,000
Planning and design	+5,000,000
General reduction (inflation)	−38,950,000
Total	+31,425,000

[1] Failed authorization.

The conferees agreed to fund all other items in conference at the level proposed by the House, as shown below:

Pine Bluff Arsenal, Arkansas: Chemical agent disposal facility	$10,200,000
Fort Hunter Liggett, California: Physical fitness training center	1,000,000
Fort Irwin, California: Barracks modernization	7,700,000
Outdoor courts and fields	1,000,000
Fort Carson, Colorado: Operations building	0
Rock Island Arsenal, Illinois: Bridge repair	0
Fort Benjamin Harrison, Indiana: Barracks	0
Fort Riley, Kansas: Electrical substation	1,400,000
Sewage treatment and water upgrade	6,500,000
Aberdeen Proving Ground, Maryland: Medical research laboratory alterations	3,650,000
Unaccompanied enlisted personnel housing	9,800,000
Fort Devens, Massachusetts: Child care facility	3,000,000
Fort Monmouth, New Jersey: Pulse power center	12,400,000
Electrical distribution system	2,500,000
U.S. Military Academy, New York: Land acquisition. Ladycliff	3,450,000
Fort Sill, Oklahoma: Unaccompanied enlisted personnel housing	23,000,000
Carlisle Barracks, Pennsylvania: Physical fitness training center with pool	1,500,000
Tobyhanna Army Depot, Pennsylvania: Shelter handling facility	9,200,000
Fort Jackson, South Carolina: Trainee barracks	0
Fort Bliss, Texas: Physical fitness training center	0
Fort Hood, Texas: Bradley vehicle range	3,350,000
Bulk fuel storage	4,200,000
Fort Lewis, Washington: Instrument landing system	0
Germany: FischbachL: Skill development center	0
Kirchgoens: Skill development center	0
Greece: Multipurpose building	620,000
Multipurpose recreation facility	480,000
Operations building	370,000
Operations building	410,000
Physical fitness training center	1,000,000
Unaccompanied officer housing	600,000
Unaccompanied enlisted personnel housing	1,400,000
Camp Darby, Italy: Care and preservation building	0
Camp Red Cloud, Korea: Skill development center	0
Mobilization planning and design	3,500,000
General reduction (savings)	−47,850,000
Geographic reduction	−9,000,000

Fort Irwin, California—Physical fitness training center.—The conferees have agreed to fund the proposed physical fitness training center at Fort Irwin at a level of $3,400,000. The reduction below the $5,800,000 requested by the Department and recommended by the Senate represents a deletion for an indoor swimming pool.

Fort Irwin, California—Outdoor courts and fields.—The conferees recommend funding the outdoor courts and fields requested for Fort Irwin at the House Level of $1,000,000. The Committees on Appropriations are to be notified as to the revised scope of work for the project prior to the obligation of construction funds.

Fort Carson, Colorado—Fencing.—The conferees recommend funding in the amount of $800,000 for the Fort Carson fencing. The House had recommended no funding and the Senate had recommended $890,000. The Army is to complete its land survey of the Fort Carson acquisition and use existing fences to the maximum extent possible.

Rock Island Arsenal, Illinois—Modernize manufacturing facility.—The conferees recommend providing the requested $22,000,000 for the Rock Island Arsenal rearmament plant. The House had made a $9,000,000 reduction due to the use of a portion of the operation for foreign military sales. Prior to obligating funds for this project, the Committees on Appropriations are to be notified that the Department has developed a procedure to recoup capital costs as a portion of foreign military sales.

U.S. Military Academy, New York—Land acquisition—Ladycliff.—The conferees have agreed to provide the $3,450,000 requested for the acquisition of Ladycliff College; however, none of these funds are to be obligated until further review occurs and specific approval from both the House and Senate Committees on Appropriations has been received.

Fischbach, Germany—Skill development center.—The conferees agree that no funding should be provided for the skill development center at Fischbach, Germany. However, the Army is to use exigent minor construction funds for the post office that was proposed as a portion of this facility.

Hanau, Germany—Parking area (roads).—The conferees recommend funding in the amount of $2,400,000 for the parking area at Hanau, Germany, instead of the $2,000,000 recommended by the House. The Army is to determine the most cost effective construction method for this work and report its recommendation to the Committees on Appropriations.

Camp Darby, Italy—Care and preservation building.—The conferees have agreed to defer the Camp Darby, Italy, care and preservation building for one year in order to allow the Army to seek NATO infrastructure funding. Both the House and the Senate have called for our NATO allies to do more in compensation for U.S. construction in Southwest Asia. The Camp Darby facility is an example of a military construction project that could be identified as a NATO infrastructure offset.

Korea, Various—Communications Center.—The conferees have agreed to fund the proposed communications center in Korea at a cost of $1,500,000 instead of the $2,200,000 recommended by the Senate. The reduced cost reflects economies that can be achieved on this project. The Army is to continue to examine the proposal and assure the Committees that U.S. funds are not being used to duplicate ongoing work by the Korean Government.

General reduction.—The conferees recommend a general reduction of $95,800,000 instead of the $56,850,000 recommended by the House and the $38,950,000 recommended by the Senate. The general reduction is based on estimates provided by the Army of funds that are available because of the current good bidding climate and the value of the dollar overseas.

Unbudgeted projects.—The conferees have recommended funding for a number of unbudgeted Army military construction projects which have been authorized and are at a sufficient design level to merit fiscal year 1984 funding. Several other authorized

unbudgeted projects have not been included for appropriations because of insufficient design. The Army is encouraged to submit these projects for funding once the 35 percent design level has been reached.

Amendment No. 2.—Restores House language limiting the availability of funds provided in this Act for military construction, Army, to September 30, 1988, rather than until expended as proposed by the Senate.

Amendment No 3.—Earmarks $173,500,000 for study, planning, design, architect and engineer services instead of $168,500,000 as proposed by the House and $175,000,000 as proposed by the Senate. The conferees agree that of the total amount made available for planning and design, only $3,500,000 has been made available for mobilization planning and design.

MILITARY CONSTRUCTION, NAVY

Amendment No. 4.—Appropriates $1,206,517,000 for military construction, Navy, instead of $1,181,905,000 as proposed by the House and $1,232,506,000 as proposed by the Senate. The conferees have agreed to the following additions and deletions to the amounts and line items as proposed by the House.

FTC San Diego, California: Applied instruction building	+$6,100,000
NAB Coronado, California: Landing craft air cushion complex (Camp Pendleton)	+6,222,000
NSB San Diego, California: Unaccompanied officer housing	+350,000
NWC China Lake, California: Radiographic inspection facility	+2,240,000
TTGPAC, San Diego, California: Operational trainer facility	+3,260,000
NSB New London, Connecticut: Quaywalls	[1] −3,770,000
NSMC New London, Connecticut: Hospital expansion	[1] −6,510,000
NSS New London, Connecticut:	
Applied instruction building	[1] −7,340,000
Operational trainer facility	[1] −4,840,000
NAS Cecil Field, Florida: Maintenance hangar	+7,500,000
NS Mayport, Florida: Unaccompanied officer housing	+200,000
NSB Kings Bay, Georgia: Trident training facility	+17,000,000
NSY Pearl Harbor, Hawaii: Service shops	−16,000,000
David Taylor Naval Ship R&D Center, Bethesda, Maryland: Computation and analysis laboratory	+5,030,000
NNMC Bethesda, Maryland: Unaccompanied enlisted personnel housing	+1,000,000
Fort Dix Aegis Combat Systems Engineer Development Site, New Jersey: Unaccompanied enlisted personnel housing and dining facility	[1] −2,040,000
NSPCC Mechanicsburg, Pennsylvania: Data processing center	[1] −15,800,000
NETC Newport, Rhode Island: Pier utilities	[1] −3,160,000
NS Charleston, South Carolina: Fire protection pipeline	+3,900,000
NSY Charleston, South Carolina: Electrical distribution system improvements	+15,000,000
TTGATL, Virginia Beach, Virginia: Operational trainer facility	+3,750,000
NSY Puget Sound, Bremerton, Washington: Unaccompanied enlisted personnel housing	+7,300,000
NAS Sigonella, Italy:	
Gymnasium addition and theater	[1] −2,000,000
Utilities improvements	+3,130,000
NS Panama, Panama: Unaccompanied enlisted personnel housing	[1] −1,490,000
NS Subic Bay, Philippines: Unaccompanied enlisted personnel housing modernization	+6,140,000
WPNTRFAC Roosevelt Roads, Puerto Rico: Range operation center addition	+1,530,000
NSA Holy Loch, Scotland:	
Family services center	−540,000
Medical/dental clinic	−2,550,000
Minor construction (unspecified)	+1,000,000
Total	+24,612,000

[1] Failed authorization.

The conferees agreed to fund all other items in conference at the level proposed by the House, as shown below:

NSA Mare Island, California: Unaccompanied enlisted personnel housing modernization	$1,800,000
NSY Mare Island, California:	
Paint and blast facility	6,000,000
Facility energy improvements	1,600,000
NAS Key West, Florida: Air combat maneuvering range	[1] 0
NAS Whiting Field, Florida: Land acquisition	990,000
NCSC Panama City, Florida: Underwater weapons laboratory	5,400,000
NTTC Pensacola, Florida: Chapel	2,200,000
NAS Pensacola, Florida: Runway improvements	2,200,000
NSY Pearl Harbor, Hawaii: Training facility	4,600,000
Naval Academy, Annapolis, Maryland: Boat basin improvements	3,070,000
NSY Philadelphia, Pennsylvania: Berthing wharf improvements	2,600,000
NSSES Philadelphia, Pennsylvania: Evaluation test facility	14,500,000
FCTC Atlantic, Dam Neck, Virginia: Applied instruction building	12,200,000
NSY Norfolk, Portsmouth, Virginia:	
Steam plant (Phase II)	110,000,000
Electrical distribution system modernization	10,500,000
NUSWES Keyport, Washington: Station access facility	1,400,000
NSF Diego Garcia, Diego Garcia: Enlisted men's club	[1] 0
NAS Sigonella, Italy: AFRTS station	1,200,000
NS Subic Bay, Philippines:	
Family services center	[1] 0
Pay and personnel support office	[1] 0
WPNTRFAC, Roosevelt Roads, Puerto Rico: Land acquisition	0
NSA Holy Loch, Scotland:	
General warehouse	2,800,000
Supply pier	2,950,000
Host nation infrastructure support	0
General reduction (inflation)	0
General reduction (savings)	−97,719,000
Geographic reduction	−13,000,000

[1] Failed authorization.

NAB Coronado, California—Landing craft air cushion complex (Camp Pendleton).—The conferees agreed to fund the landing craft air cushion complex at Camp Pendleton at $21,222,000 as proposed by the Senate. The amount provided is to enable the completion of all needed construction to support initial deployment of this new craft.

NSB Kings Bay, Georgia—Trident training facility.—The conferees have agreed to provide new appropriations of $17,000,000 of the $81,700,000 required for the Trident training facility at NSB Kings Bay. The conferees direct that the funds required to complete the facility be requested in the fiscal year 1985 budget.

NSY Pearl Harbor, Hawaii—Service shops.—The conferees have provided $4,000,000 of the $20,000,000 required for the service shops at NYS Pearl Harbor. The conferees direct that the remaining $16,000,000 required to complete this project be requested in the fiscal year 1985 budget.

NSF Diego Garcia, Diego Garcia—Enlisted men's club.—The conferees were unable to provide the $2,700,000 requested for the enlisted men's club at NSF Diego Garcia because of the lack of authorization. The conferees strongly support the need for this facility and direct that it be accomplished from nonappropriated funds as authorized.

Host nation infrastructure support.—The conferees have not provided the $2,970,000 requested to fund portions of NATO projects in the United States and Iceland. The Navy is to fund these needs with existing funds and report it to the Committees to Appropriations.

General reduction.—The conferees have agreed to a general reduction of $110,719,000. The conferees agreed to eliminate the specification of geographic reduction, but concur that the current system of assigning area cost factors should be revised and incorporated into the fiscal year 1985 budget estimates.

Amendment No. 5.—Restores House language limiting the availability of funds provided in this Act for military construction, Navy, to September 30, 1988, rather than until expended as proposed by the Senate.

MILITARY CONSTRUCTION, AIR FORCE

Amendment No. 6.—Restores rescission heading proposed by the House.

Amendment No. 7.—Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and

concur in the amendment of the Senate, with an amendment as follows:

In lieu of the sum proposed by said amendment, insert the following:

Provided, That none of the funds made available for airfield improvements in Honduras may be obligated until the Committees on Appropriations have been notified as to the complete U.S. construction plan for the region, $1,501,993,000

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The appropriation of $1,501,993,000 is in lieu of $1,374,751,000 proposed by the House and $1,502,491,000 proposed by the Senate. The conferees have agreed to the following additions and deletions to the amounts and line items as proposed by the House.

Galena Airport, Alaska:	
Composite operations	+3,700,000
Composite support facility	+5,700,000
Shemya AFB, Alaska: Aircraft hangar	+24,200,000
Blytheville AFB, Arkansas: Environmental monitoring and control system (EMCS)	[1] −2,120,000
Little Rock AFB, Arkansas: Visiting officer quarters	[1] −2,850,000
Travis AFB, California: Medical facility	−47,000,000
Vandenberg AFB, California:	
STS-External tank area icing protection	+6,600,000
STA-Security modifications	+2,000,000
Buckley ANG Base, Colorado: Commercial power connection	+2,000,000
U.S. Air Force Academy, Colorado: Airmanship training support facility	+900,000
Bolling AFB, District of Columbia: Post office	[1] −620,000
Tyndall AFB, Florida:	
Unaccompanied enlisted personnel housing	+4,500,000
Civil Engineering science laboratory	+4,650,000
Robins AFB, Georgia: Alter unaccompanied enlisted personnel housing	+1,450,000
Bangor, Maine: Over the horizon-backscatter radar support facility	+10,100,000
Columbus AFB, Mississippi: Precision measurement equipment laboratory	+530,000
Keesler AFB, Mississippi: Unaccompanied enlisted personnel housing with dining hall	+6,400,000
Offutt AFB, Nebraska: Aircraft maintenance facilities (Phase I)	+26,900,000
Holloman AFB, New Mexico:	
Alter unaccompanied enlisted personnel housing	+3,100,000
Airmen dining hall	+3,000,000
Pope AFB, North Carolina: Base transportation complex	+3,700,000
Tinker AFB, Oklahoma:	
Combat communications headquarters	+720,000
Communications electronics installation facility	+720,000
Arnold Engineering Development Center, Tennessee: Fire protection bulk fuel	+382,000
Bergstrom AFB, Texas:	
Base support center	+6,500,000
Access road	+3,000,000
Carswell AFB, Texas: Upgrade power plants automatic digital weather switch	+710,000
Goodfellow AFB, Texas: Voice processing training facility	+7,800,000
Lackland AFB, Texas: Chapel	+2,900,000
Sheppard AFB, Texas: Gymnasium	+3,180,000
Hill AFB, Utah: Religious education center	+800,000
CONUS Unspecified:	
Peacekeeper access roads	+2,000,000
Peacekeeper operations/training/maintenance facilities	+29,200,000
Ramstein AB, Germany: Warehouse	+4,150,000
Various Locations, Germany: Minimum essential facilities	−11,600,000
La Ceiba, Honduras: Contingency airfield improvements	+8,000,000
Osan AB, Korea: Publications management center	+710,000
Camp New Amsterdam, Netherlands: Base administration facility	+1,750,000
Clark AB, Philippines:	
Add to satellite communications receiver facility	+4,250,000
Alter electrical/mechanical	+990,000
Alter unaccompanied officer housing	+1,450,000
Consolidated support facility	+2,250,000
Various Locations, Turkey: Air base upgrade	+29,300,000
Ground-launched cruise missile facilities (fourth country)	−3,760,000
Emergency minor construction	+2,000,000
Planning and design	+10,000,000
General reduction (inflation)	−37,000,000
Total	+127,242,000

[1] Failed authorization.

The conferees agreed to fund all other items in conference at the level proposed by the House, as shown below:

Gunter AFB, Alabama: 2 unaccompanied enlisted personnel housing	$5,000,000
Eielson AFB, Alaska: Medical/dental clinic	18,000,000
Elmendorf AFB, Alaska: Add to satellite communications ground terminal	[1]0
Williams AFB, Arizona:	
Recreation complex	900,000
Addition to energy monitoring control system	[1]0
Edwards AFB, California: Radar approach control/central coordination facility	0
Los Angeles AFS, California: Add to and alter gymnasium	0
McClellan AFB, California:	
Depot facility	3,500,000
Inspection facility	5,900,000
Norton AFB, California: Access road and bridge	6,400,000
U.S. Air Force Academy, Colorado: Land fee purchase	0
Tyndall AFB, Florida:	
Unaccompanied officer housing	0
Education center	0
Base support center	0
Chanute AFB, Illinois: Heating plant	11,700,000
Grissom AFB, Indiana:	
Personnel support center	0
Dining hall	0
McConnell AFB, Kansas:	
Unaccompanied enlisted personnel housing	5,500,000
Airfield lighting	1,230,000
K.I. Sawyer AFB, Michigan: Add to heating plant	35,000,000
Keesler AFB, Mississippi: Computer training facility	0
Whiteman AFB, Missouri:	
2 unaccompanied enlisted personnel housing	8,600,000
Dining hall	3,300,000
Heating plant	1,800,000
Missile maintenance facility	7,900,000
Vehicle maintenance facility	0
Offutt AFB, Nebraska:	
Unaccompanied officer housing	0
Pease AFB, New Hampshire: Base civil engineering maintenance complex	0
Cannon AFB, New Mexico: Consolidated support center	6,800,000
Holloman AFB, New Mexico:	
Add to aircraft maintenance unit	0
Add to engine installation and repair	0
Aircraft corrosion control	0
Aircraft maintenance hangar	0
Munitions storage	0
Griffiss AFB, New York:	
Add to and alter electronic research test facility	2,250,000
Unaccompanied enlisted personnel housing	6,700,000
Altus AFB, Oklahoma: Consolidated operations/maintenance facility	3,400,000
Tinker AFB, Oklahoma:	
Alter F-107 engineering facility	0
Charleston AFB, South Carolina: Composite wing facility	0
Bergstrom AFB, Texas:	
Composite wing facility	0
Education center	0

Goodfellow AFB, Texas: Alter electrical distribution system	1,500,000
Johnson Space Center, Texas: STS-Security modifications	0
Fairchild AFB, Washington:	
Alter unaccompanied enlisted personnel housing	5,000,000
Rehabilitate personnel office	0
Unaccompanied enlisted personnel housing	8,500,000
Dining facility	3,730,000
Hydrant fueling system	4,400,000
Over the horizon-backscatter west land acquisition	0
Ascension Island: Unaccompanied officer housing	[1] 0
Denmark: Minimum essential facilities	4,900,000
Bitburg AB, Germany: Modify TAB VEE shelters	[1] 0
Ramstein AB, Germany:	
Add to accounting and finance facility	0
Convert avionics shop to flight training detachment	[1] 0
Passenger terminal/headquarters facility	0
Rhein-Main AB, Germany: Chemical warfare shelter support	0
Zweibrucken AB, Germany:	
Avionics facility-chemical warfare protection	0
European distribution system—forward storage warehouse	[1] 0
European distribution system—unaccompanied enlisted personnel housing	[1] 0
European distribution system-operations/maintenance facility	[1] 0
Aviono AB, Italy: Air photo facility-chemical warfare protection	0
Misawa AB, Japan: Commando port support (Phase I)	17,000,000
Korea: Chemical warfare protection facilities	0
Norway: Minimum essential facilities	1,500,000
Incirlik AB, Turkey: Squadron operations addition—chemical warfare protection	0
RAF Mildenhall, United Kingdom:	
Alter visiting airman quarters	2,291,000
Electrical aircraft outlets	585,000
Install mechanical controls	215,000
Satellite communication ground terminal	624,000
Visiting officer quarters	1,500,000
RAF Alconbury, United Kingdom: Alter mechanical/structural	1,433,000
RAF Bentwaters, United Kingdom:	
Alter/new unaccompanied enlisted personnel housing	3,851,000
Gymnasium	3,218,000
Warehouse	322,000
Weatherize/alter electrical	356,000
RAF Chicksands, United Kingdom: Add to and alter operations facility	6,387,000
RAF Croughton, United Kingdom:	
Add to and alter satellite communication ground terminal	2,145,000
Communications site survivability	1,658,000
RAF Fairford, United Kingdom:	
Base operations facility	1,950,000
Upgrade base water system	1,755,000
RAF Greenham Common, United Kingdom:	
Ground-launched cruise missile facilities	10,400,000
RAF Upper Heyford, United Kingdom:	
Alter unaccompanied enlisted personnel housing	2,291,000
Alter visiting officer quarters	634,000
RAF Woodbridge, United Kingdom: Unaccompanied enlisted personnel housing	2,594,000
General reduction (savings)	−152,160,000
Geographic reduction	−8,000,000

[1] Failed authorization.

Edwards AFB, California—Radar approach control/central coordination facility.—The conferees agree that the radar approach control-central coordination facility at Edwards AFB should be funded by the Air Force under its exigent minor construction fund.

Travis AFB, California—Medical facility.—The conferees have agreed to provide $5,000,000 for the new Travis AFB hospital. The House had proposed $52,000,000 for the project, but the Air Force has indicated that only $5,000,000 will be required in fiscal year 1984 to initiate the new hospital complex. The conferees direct the Department to request the required funding in fiscal year 1985 in order to proceed with the hospital replacement.

Chanute AFB, Illinois—Heating plant.—The conferees have agreed to fund $11,700,000 for a heating plant at Chanute AFB out of appropriations as proposed by the House. The Air Force is to notify the Committees on Appropriations on ongoing negotiations for third party contracts prior to obligation of construction funds for this project.

Keesler AFB, Mississippi—Computer training facility.—The Senate bill included $11.9 million for construction of a computer training facility at Keesler AFB. The House bill did not include these funds. The conferees agreed that this facility is a high priority program which should go forward as rapidly as possible. However, since the design of the facility is not yet 35 percent complete, the House conferees were reluctant to fund the project at this time. The conferees agreed to consider appropriating funds for this important project in the first supplemental appropriations bill in 1984.

Tinker AFB, Oklahoma—Combat communications headquarters and communications electronics installation facility.—The conferees have agreed to fund the combat communications headquarters at Tinker AFB at the level of $720,000 as proposed by the Senate. The Air Force has informed the Committees that costs for the facility will be higher than $720,000. The Department is to seek a reprogramming for the additional funds if necessary.

The conferees have provided funding in the amount of $720,000 for the communications electronics installation facility at Tinker AFB. The recommended funding is less than the $960,000 proposed by the Senate because of a revised Air Force estimate.

Johnson Space Center, Texas—STS security modifications.—The conferees recommend that the Department reevaluate the STS security modification project at Johnson Space Center in light of the new $150 million consolidated space operations center (CSOC) in Colorado. Once the Committees have been assured that the Johnson Space Center project does not duplicate programs at the CSOC, the Department should proceed with the Johnson project, using exigent minor construction funds.

Denmark and Norway—Minimum essential facilities.—The conferees agree to provide $6,400,000 for collocated operating bases (COBs) funding in Denmark and Norway. The Air Force is to meet each of the requirements specified by the House and report this to the Committees on Appropriations prior to obligating funds. Additionally, the Department is to aggressively pursue the recoupment of the prefinanced funds for these projects.

Ramstein AB, Germany—Add to accounting and finance facility.—The conferees agree that the $1,450,000 proposed for an addition to the accounting and finance building at Ramstein AB is overpriced. However, if the Air Force can reduce the cost below $1,000,000, then there is no objection to using exigent minor construction funds for the project.

Europe and Korea—Chemical warfare protection facilities.—The conferees have agreed to defer funding for chemical warfare shelters proposed for Rhein-Main AB Germany; Zweibruken AB, Germany; Aviano AB, Italy; Korea; and Incirlik AB, Turkey. The Department is to prepare a comprehensive plan on this matter.

La Ceiba, Honduras—Contingency airfield improvements.—The conferees have agreed to fund the $8,000,000 requested for airfield improvements at La Ceiba, Honduras, provided that none of the funds are obligated until the Committees on Appropriations have been notified and have reviewed the total U.S. construction plan for the region. This notification is to provide information on all aspects of construction in the region, including planned future military construction as well as construction from other funding sources for training bases, exercises, radar deployment, etc. The plan is to identify the proposed purpose of each new base or facility.

The conferees have agreed to place in the bill language requiring the Department to notify the Committees concerning the above-mentioned plan.

Misawa AB, Japan—Commando port support (Phase I).—The conferees have agreed to fund construction related to the F-16 beddown at Misawa AB at the $17,000,000 level proposed by the House. The Department is to continue efforts to assure that

Government of Japan funding for construction at this base will be used to fund most of the construction requirements for the F-16 beddown. Additionally, the conferees want the Department to understand that Government of Japan funding for this installation is to be considered additive to the planned facilities improvements program now planned to be paid for by the Japanese. Projects at other U.S. installations are not to be deferred from the Japanese funding program to fund Misawa AB projects. Rather, the Misawa construction is to be considered a separate cooperative construction program. The conferees note that the U.S. is providing the aircraft, equipment, and more than 6,000 active duty personnel and dependents for Misawa. It is hoped that the Japanese construction funding will be used effectively to help offset the high U.S. costs for this program.

Camp New Amsterdam, Netherlands—Base administration facility.—The conferees agree that the proposed base administration facility at Camp New Amsterdam is overpriced at the requested $2,050,000. Therefore, fiscal year 1984 funding in the amount of $1,750,000 has been recommended.

Turkey—Air base upgrade.—The conferees have agreed to fund the collocated operating base (COB) program in Turkey at $29,300,000 instead of the $66,700,000 proposed by the Senate. Of this amount $8,300,000 is to fund all requested projects at the Turkish air base at Batman. At Mus $21,000,000 is provided for a runway. The conferees have also agreed that none of the funds made available can be obligated until the Committees have been notified that the Turkish portion of the base construction funds has been made available. The Department is also to seek NATO funding for the remaining construction requirements at Mus and strive for the earliest possible recoupment of the funds provided.

Ground-launched cruise missile facilities.—The conferees have agreed to fund the facilities in support of the GLCM program. In order to clarify the funding recommended for each installation, the following is provided:

Base project	*Cost*
RAF Greenham Common, United Kingdom:	
Utilities, pavement and roads	$4,620,000
Add to and alter vehicle maintenance	695,000
Add to and alter pavements and grounds	320,000
Add to physical training facility	1,720,000
Recreation fields	250,000
Recreation center	500,000
Small arms range	500,000
Base Civil Engineer open storage	170,000
Data processing facility	1,625,000
Total, RAF Greenham Common, United Kingdom	10,400,000
Comiso, Italy:	
Base utilities, pavements and roads, landscaping	1,590,000
Unaccompanied enlisted personnel housing	5,410,000
Base Civil Engineer pavements and grounds	110,000
Unaccompanied officer personnel housing	876,000
Visiting officer quarters	1,585,000
Consolidated swimming pool	661,000
Visiting airman quarters	1,440,000
Base Civil Engineer open storage	50,000
Base Civil Engineer vehicle parking yard	210,000
Small arms training facility	700,000
Range target storage and repair	170,000
Athletic fields/courts	738,000
Medical warehouse	290,000
Training range	900,000
Base supply administration (Phase II)	170,000
Total, Comiso, Italy	14,900,000
Classified Location, Third Country:	
Utilities, pavements and roads	2,950,000
Boundary fence	610,000
Unaccompanied enlisted personnel housing	1,590,000
Base supply administration	1,340,000
Composite medical facility	7,900,000
Base Civil Engineer administration	1,535,000
Physical training facility (gymnasium)	3,215,000
Range target storage and repair	375,000
Recreation facility	1,075,000
Unaccompanied officer personnel housing	1,130,000
Vehicle operations parking	200,000
Visiting airman quarters	1,060,000
Base Civil engineer vehicle parking yard	85,000
Base Civil Engineer covered storage	485,000
Visiting officer quarters	2,060,000
Small arms training	980,000
Small arms range	1,590,000
Add to and alter warehouse	800,000
Transportation Management Office open storage	170,000
Alter domestic storage facility	300,000
Fire station	1,300,000
Total, Classified Location, Third Country	30,750,000
Classified Location, Fourth Country:	
Utilities, pavements	3,030,000
Conjunctive funding (U.S. peculiar requirements):	
U.S. command and control	1,100,000
Fire protection	300,000
Operations and maintenance training facility	2,690,000
High frequency facility	380,000
Communications equipment facility	440,000
Base supply warehouse	1,980,000
Add to and alter site dining hall	430,000
Add to and alter base dining hall	200,000
Alter site administration facility	300,000
Unaccompanied enlisted personnel housing (144/64/0)	5,000,000
Alter site facilities for Base Civil Engineer	90,000
Add to and alter Base Engineer administration	480,000
Base personnel office	830,000
Add to and alter base clinic	300,000
Small arms training facility	100,000
Small arms range	810,000
Total, Classified Location, Fourth Country	18,460,000
Total, GLCM Program	74,510,000

MX facilities, various locations.—The conferees agree to fund $31,200,000 for various MX-related facilities. Specific restrictions on the obligation of these funds are explained in the MX section earlier in the report. The following is a summary of the action recommended by the conferees:

MX CONSTRUCTION

Installation/project	Requested	Recommended
Hill AFB, Utah:		
Alter flash X-ray facility	$2,050,000	$2,050,000
Alter stage I–III maintenance facilities	300,000	300,000
Alter stage IV maintenance facility	450,000	450,000
Equipment/spares storage (phase 2)	5,900,000	5,900,000
Open storage	600,000	600,000
Systems engineering test facility (phase 1)	3,100,000	3,100,000
Vandenberg AFB, Calif.:		
Launch facility site work	2,000,000	2,000,000
Proof load test facility	550,000	550,000
Roads and utilities	3,650,000	3,650,000
Lowry AFB, Colo.: Munitions training facility	2,600,000	2,600,000
Offutt AFB, Neb.: Secure facility	500,000	500,000
Warren AFB, Wyo.:		
Integrated support complex	12,800,000	0
Miscellaneous facility modifications (buildings 152 and 250)	1,200,000	1,200,000
Roads (industrial area—phase 1)	3,950,000	1,000,000
Shops	2,800,000	0
Utilities—other (industrial area—phase 1)	1,350,000	1,300,000
RS assembly, surveillance, and inspection facility	20,000,000	4,000,000
Defense access roads/design	2,000,000	2,000,000
Utilities-power (industrial area—phase 1)	2,500,000	0
Real estate	1,000,000	0
Total	69,300,000	31,200,000

The conferees agreed to defer the facility construction for the assembly, surveillance, and inspection facility at F. E. Warren AFB. This action was taken because of lack of design. The Department is to request either supplemental or fiscal year 1985 funding for the project once design has proceeded to the 35% level.

The conferees did, however, provide $4,000,000 for the foundation and utility work associated with the assembly, surveillance, and inspection facility. This was done to allow the Department the flexibility to initiate work, if possible, on the project during the summer months. The Department is to inform the Committees on its plans for proceeding with this work and the costs and construction contracting methods to be used.

Unbudgeted projects.—The conferees have recommended funding for a number of unbudgeted Air Force military construction projects which have been authorized and are at a sufficient design level to merit fiscal year 1984 funding. Several other authorized unbudgeted projects have not been included for appropriations because of insufficient design. The Air Force is encouraged to

submit these projects for funding once the 35% design level has been reached.

Amendment No. 8.—Restores House language limiting the availability of funds provided in this Act for military construction, Air Force, to September 30, 1988, rather than until expended as proposed by the Senate.

Amendment No. 9.—Earmarks $137,000,000 for study, planning, design, architect and engineer services instead of $127,000,000 as proposed by the House and $147,000,000 as proposed by the Senate.

Amendment No. 10.—Restores rescission of $91,000,000 in fiscal year 1983 funds proposed by the House. The conferees have agreed to rescind funds previously appropriated for an Air Force/Army restaging base at Ras Banas, Egypt. The conferees agree that because of uncertainties of the construction program, U.S. funding should be deferred at this time without prejudice.

The conferees agree that maximum efforts should be made to work out cooperative agreements for joint use of facilities in Egypt. The Department of Defense has not submitted sufficient detailed justification to explain the revised building program at Ras Banas, Egypt. If the Department can prepare a detailed comprehensive proposal for proceeding with Ras Banas, then the Administration should submit a proposal for a supplemental for this purpose immediately after the start of fiscal year 1984. The Committees will thoroughly review such a proposal in order to allow an additional opportunity to consider the program and determine if, in fact, fiscal year 1984 funding is required.

MILITARY CONSTRUCTION, DEFENSE AGENCIES

Amendment No. 11.—Appropriates $281,802,000 for military construction, Defense agencies, instead of $259,042,000 as proposed by the House and $311,750,000 as proposed by the Senate. The conferees have agreed to the following additions and deletions to the amounts and line items as proposed by the House.

Defense Property Disposal Office Anchorage, Alaska: Covered storage	+$1,000,000
Defense Fuel Support Point NS Long Beach, California: Fuel pier	+36,000,000
Fort George G. Meade, Maryland: Special processing laboratories	+1,960,000
Defense Fuel Support Point Cincinnati, Ohio: New fuel pier	[1] −3,200,000
Defense Depot Mechanicsburg, Pennsylvania: Integrated material handling complex	[1] −18,000,000
Defense Systems Management College, Fort Belvoir, Virginia: Academic facility	+4,000,000
Emergency construction	−5,000,000
Minor construction (unspecified)	+1,000,000
Planning and design	+5,000,000
Total	+22,760,000

[1] Failed authorization.

The conferees agreed to fund all other items in conference at the level proposed by the House, as shown below:

Germany:	
Ansbach: Elementary school	4,800,000
Baumholder: Elementary school addition	1,200,000
Darmstadt: Elementary school	6,000,000
Spangdalen AB: Elementary/high school	6,350,000
Wildflecken: Elementary school	5,200,000
Philippines:	
Binictican Subic Bay: Elementary school addition	[1] 0
Clark AB: Elementary school addition	[1] 0
Dewey Subic Bay: High school addition	[1] 0
Kalayaan Subic Bay: Elementary school addition	[1] 0
Incirlik AB, Turkey: Elementary/high school addition	5,800,000
United Kingdom:	
RAF Lakenheath: High school addition	1,120,000
RAF Wethersfield: Elementary/high school addition	2,832,000

[1] Failed authorization

Defense Property Disposal Office Anchorage, Alaska—Covered storage.—The conferees have agreed to provide $2,500,000 for the covered storage at DPDO Anchorage as proposed by the Senate; however, the Department is directed to explore and utilize alternate construction methods of this project, if deemed cost effective.

Defense Fuel Support Point NS Long Beach, California—Fuel pier.—The conferees have agreed to provide $36,000,000 for the fuel pier at DFSP NS Long Beach. The House had denied funds for this project, and the Senate had provided $42,100,000. The conferees further agree that the Defense Logistics Agency (DLA) is to notify the Committees on Appropriations 21 days prior to entering into a construction contract. This notification is to certify that the DLA in conjunction with the Navy has fully explored the feasibility of providing for this operation through commercial means and determined it infeasible and not cost effective. Since if is evident that all potential alternatives were not adequately explored, this certification is to be preceded by a formal request for proposal to meet this need through the private sector.

Defense Systems Management College, Fort Belvoir, Virginia.—Academic Facility.—The conferees have agreed to pvovide funding in the amount of $4,000,000 for the Defense Systems Management College academic facility at Fort Belvoir instead of the $4,700,000 proposed by the Senate. The project was not recommended by the House. The conferees agree that the scope of work for the $4,700,000 project is excessive and directs that the reduced funding level have corresponding reductions for expensive features included in the scope of work.

Amendment No. 12.—Restores House language limiting the availability of funds provided in this Act for military construction, Defense Agencies, to September 30, 1988, rather than until expended as proposed by the Senate.

Amendment No. 13.—Earmarks $28,000,000 for study, planning, design, architect and engineer services instead of $23,000,000 as proposed by the House and $33,000,000 as proposed by the Senate.

NORTH ATLANTIC TREATY ORGANIZATION INFRASTRUCTURE

Amendment No. 14.—Appropriates $50,000,000 for NATO infrastructure as proposed by the Senate instead of $100,000,000 as proposed by the House. The conferees agree that the Department is to follow the program recommandations included in the House report and the infrstructure guidelines included in the Senate report.

MILITARY CONSTRUCTION, ARMY NATIONAL GUARD

Amendment No. 15.—Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment appropriating $67,620,000 for military construction, Army National Guard, instead of $65,127,000 as proposed by the House and $59,300,000 as proposed by the Senate. The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate. The conferees have agreed to the following additions and deletions to the amounts and line items as proposed by the House.

Centerville, Alabama: Improvements	+$723,000
Gloster, Mississippi: 60 person armory	+575,000
Indianola, Mississippi: 60 person armory	+572,000
Lebanon, Tennessee: Armory	+900,000
Camp Dawson, West Virginia: Special Forces training site building	+695,000
General reduction	−972,000
Total	+2,493,000

The conferees agreed to fund all other items in conference at the level proposed by the House, as shown below:

St. Paul, Minnesota:	
Renovate armory	$647,000
Aviation flight facility	1,633,000
Camp Shelby, Mississippi: Land acquisition (Phase II)	2,914,000
Latham, New York:	
600 person armory	4,577,000
Maintenance shop	494,000
Buffalo, New York: Maintenance shop	424,000
Camp Perry, Ohio: Training facilities	[1] 0

[1] Failed authorization

Centerville, Alabama—Improvements.—The conferees have agreed to provide $723,000 for improvements to the armory in Centerville, Alabama. The funds originally included in the House and Senate bills for the Air National Guard for this purpose have been reallocated to the Army National Guard.

Amendment No. 16.—Restores House language limiting the availability of funds provided in this Act for military construction, Army National Guard, to September 30, 1988, rather than until expended as proposed by the Senate.

MILITARY CONSTRUCTION, AIR NATIONAL GUARD

Amendment No. 17.—Appropriates $108,888,000 for military construction, Air National Guard, instead of $110,352,000 as proposed by the House and $79,900,000 as proposed by the Senate. The conferees have agreed to the following deletions to the amounts and line items as proposed by the House:

Centerville, Alabama—Improvements	−$732,000
General reduction	−732,000
Total	−1,464,000

The conferees agreed to fund all other items in conference at the level proposed by the House, as shown below:

Dannelly Field, Alabama: Base engineer facility	$520,000
Stewart Airfield, New York: Aircraft beddown	29,200,000

Centerville, Alabama—Improvements.—The $732,000 originally included in the Air National Guard appropriation has been deleted from this account.

Amendment No. 18.—Restores House language limiting the availability of funds provided in this Act for military construction, Air National Guard, to September 30, 1988, rather than until expended as proposed by the Senate.

MILITARY CONSTRUCTION, ARMY RESERVE

Amendment No. 19.—Appropriates $54,700,000 for military construction, Army Reserve, as proposed by the Senate instead of $52,700,000 as proposed by the House. The conferees have agreed to the following addition and deletion to the amounts and line items as proposed by the House:

Laurel, Mississippi: Army reserve center	+$3,000,000
General reduction	−1,000,000
Total	+2,000,000

Amendment No. 20.—Restores House language limiting the availability of funds provided in this Act for military construction, Army Reserve, to September 30, 1988, rather than until expended as proposed by the Senate.

MILITARY CONSTRUCTION, NAVAL RESERVE

Amendment No. 21.—Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment appropriating $30,605,000 for military construction, Naval Reserve, instead of $28,795,000 as proposed by the House and $26,810,000 as proposed by the Senate. The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate. The conferees have agreed to the following additions and deletions to the amounts and lines items as proposed by the House:

NAS Willow Grove, Pennsylvania:	
Aircraft approach lights	[1] −$250,000
Hanger fire protection	[1] −300,000
Wheeling, West Virginia: Navy/Marine Corps reserve center	+2,900,000
General reduction	−540,000
Total	+1,810,000

[1] Failed authorization

The conferees agreed to fund all other items in conference at the level proposed by the House, as shown below:

NAS South Weymouth, Massachusetts:	
Training building	$350,000
Main gate relocation	1,400,000
NAS Dallas, Texas:	
Air installation compatible use zone (Phase III)	295,000
Air traffic control	250,000
Chapel	1,500,000

Amendment No. 22.—Restores House language limiting the availability of funds provided in this Act for military construction, Naval Reserve, to September 30, 1988, rather than until expended as proposed by the Senate.

MILITARY CONSTRUCTION, AIR FORCE RESERVE

Amendment No. 23.—Appropriates $41,200,000 for military construction, Air Force Reserve, as proposed by the Senate instead of $42,200,000 as proposed by the House. The conferees have agreed to a $1,000,000 general reduction to the amount proposed by the House.

Amendment No. 24.—Restores House language limiting the availability of funds provided in this Act for military construction, Air Force Reserve, to September 30, 1988, rather than until expended as proposed by the Senate.

FAMILY HOUSING, ARMY

Amendment No. 25.—Appropriates $172,677,000 for Army family housing construction instead of $171,909,000 as proposed by the House and $178,055,000 as proposed by the Senate. The conferees have agreed to the following additions and deletions to the amounts and line items as proposed by the House:

Aliamanu Military Reservation, Hawaii	−$1,800,000
Aberdeen Proving Ground, Maryland	+6,816,000
Various Locations, NATO	(+40,000,000)
Construction improvements	−4,998,000
Planning	+750,000
Total	+768,000

The conferees agreed to fund all other items in conference at the level proposed by the House, as shown below:

Bethel, Alaska	$324,000
Fort Greely, Alaska	4,633,000
Kotzebue, Alaska	324,000
Nome, Alaska	324,000
Fort Stewart, Georgia	12,637,000
Fort Polk, Louisiana	13,436,000
Bayreuth, Germany	908,000
Wildflecken, Germany	9,988,000
Wuerzburg/Kitzingen	8,943,000
Livorno, Italy—Camp Darby	292,000
General reduction	0

Aliamanu Military Reservation, Hawaii—Community center.—The conferees have agreed to provide $7,300,000 for the second phase of the community center at Aliamanu Military Reservation, Hawaii. The conferees have agreed to the removal of covered walkways and reductions in scope mentioned in the House report. If further funds are required, the Army is to submit a reprogramming request.

Aberdeen Proving Ground, Maryland—Family housing units.—The conferees have agreed to provide $6,816,000 for construction of new family housing units at Aberdeen Proving Ground as authorized. The $12.9 million originally approved for the rehabilitation of 647 units from the improvements and maintenance accounts in fiscal years 1983 and 1984 have been redesignated for 200 new units. The amounts provided in those accounts in this bill have been adjusted to reflect this action.

Various Locations, NATO—Family housing units.—The conferees have agreed to provide $40,000,000 for new manufactured, factory-built housing in NATO countries. These funds are to be derived from savings from current and prior-year programs in the military construction, Army, or family housing, Army, accounts. The Army is to submit a report on the costs and locations of this housing prior to entering into purchase, shipping or construction contracts.

Amendment No. 26.—Appropriates $1,059,188,000 for Army family housing operation and maintenance instead of $1,043,804,000 as proposed by the House and $1,069,950,000 as proposed by the Senate. The conferees agree to the following additions and deletions to the amounts and line items as proposed by the House.

Management account	+$1,445,000
Services account	+830,000
Furnishings account	+11,000,000
Maintenance of real property	+2,109,000
Total	+15,384,000

The conferees agreed to fund all other items in conference at the level proposed by the House, as shown below:

Utilities account	$298,289,000
Miscellaneous account	1,665,000
Leasing	84,000,000

Maintenance.—The conferees have agreed to provide $487,109,000 for maintenance as proposed by the Senate and adjusted to reflect the redesignation of funds requested for Aberdeen Proving Ground, Maryland. The conferees have sustained the reductions of $265,000 from high-cost maintenance projects and reiterate the need for a report on the costs of operating and maintaining the numerous old historic homes in the Army inventory and long-range policy options for housing high ranking personnel. The conferees direct that the improvement project at Fort Hamilton, New York, be carried out as authorized.

Amendment No. 27.—Appropriates a total of $1,266,703,000 for Army family housing instead of $1,250,551,000 as proposed by the House and $1,282,843,000 as proposed by the Senate.

Amendment No. 28.—Restores House language limiting the availability of construction funds provided in this Act for family housing, Army, to September 30, 1988, rather than until expended as proposed by the Senate.

FAMILY HOUSING, NAVY

Amendment No. 29.—Appropriates $67,953,000 for Navy family housing construction instead of $54,849,000 as proposed by the House and $80,114,000 as proposed by the Senate. The conferees have agreed to the following additions and deletions to the amounts and line items as proposed by the House.

NAS Sigonella, Italy	−$20,000,000
NPWC Subic Bay, Philippines	+27,296,000
Construction improvements	+5,808,000
Total	+13,104,000

The conferees agreed to fund all other items in conference at the level proposed by the House, as shown below:

MCAS El Toro, California	$10,154,000
MCB Camp Pendleton, California	20,263,000
General reduction	−10,000,000

Construction improvements.—The conferees have agreed to a level of $13,240,000 for construction improvements based on the

submission of a list of revised projects. The conferees agree that the projects on this list are to be accomplished in accordance with the procedures outlined earlier in this report.

Amendment No. 30.—Appropriates $539,029,000 for Navy family housing operation and maintenance instead of $529,881,000 as proposed by the House and $542,769,000 as proposed by the Senate. The conferees have agreed to the following additions and deletions to the amounts and line items as proposed by the House.

Management account	+$1,000,000
Services account	+1,800,000
Furnishings account	+1,000,000
Maintenance account	+5,348,000
Total	+9,148,000

The conferees agreed to fund all other items in conference at the level proposed by the House, as shown below:

Utilities account	$151,800,000
Miscellaneous account	0

Amendment No. 31.—Appropriates a total of $638,626,000 for Navy family housing instead of $616,374,000 as proposed by the House and $654,527,000 as proposed by the Senate.

Amendment No. 32.—Restores House language limiting the availability of construction funds provided in this Act for family housing, Navy, to September 30, 1988, rather than until expended as proposed by the Senate.

FAMILY HOUSING, AIR FORCE

Amendment No. 33.—Appropriates $111,392,000 for Air Force family housing construction instead of $110,892,000 as proposed by the House and $124,119,000 as proposed by the Senate. The conferees have agreed to add $500,000 to the amount proposed by the House for planning.

The conferees agreed to fund all other items in conference at the level proposed by the House, as shown below:

Forsyth AFS, Montana	$3,512,000
Havre AFS, Montana	0
Camp New Amsterdam, Netherlands	4,206,000
Lajes AB, Portugal	10,342,000
RAF Upper Heyford, United Kingdom	28,975,000
Construction improvements	59,857,000

Lajes AB, Portugal—Family housing units.—The conferees have agreed to provide $10,342,000 for 150 units of family housing at Lajes AB, Portugal. The $450,000 requested for the land expropriation fee has been deleted, and the Department is directed to seek host nation support for this purpose. If after negotiations have been undertaken and no resolution is forthcoming, the Department may forward a request to use project funds for this purpose.

Construction improvements.—The conferees have agreed to provide $59,857,000 for construction improvements as proposed by the House. This reflects the deletion of $4,057,000 requested for Kadena AB and Yokota AB, Japan; $1,119,000 requested for appliances for new housing, and $875,000 for Goodfellow AFB, Texas.

Amendment No. 34.—Appropriates $689,021,000 for Air Force family housing operation and maintenance instead of $683,315,000 as proposed by the House and $714,217,000 as proposed by the Senate. The conferees have agreed to the following additions to the amounts and line items as proposed by the House.

Management account	+$488,000
Services account	+1,047,000
Leasing	+4,146,000
Maintenance of real property	+25,000
Total	+5,706,000

The conferees agreed to fund all other items in conference at the level proposed by the House, as shown below:

Utilities account	$228,000,000
Furnishings account	39,455,000
Miscellaneous account	168,000

Maintenance.—The conferees have agreed to provide $316,510,000 for the maintenance account. The amount of $25,000 has been included for the U.S. Air Force Academy, Colorado. The conferees have agreed to all other reductions made by the House.

Amendment No. 35.—Appropriates a total of $855,811,000 for Air Force family housing instead of $849,605,000 as proposed by the Senate.

Amendment No. 36.—Restores House language limiting the availability of construction funds provided in this Act for family housing, Air Force, to September 30, 1988, rather than until expended by the Senate.

FAMILY HOUSING, DEFENSE AGENCIES

Amendment No. 37.—Appropriates $1,025,000 for Defense Agencies family housing construction instead of $1,210,000 as proposed by the Senate. The conferees agreed to fund the NSA classified project at $990,000, the level proposed by the House.

Amendment No. 38.—Appropriates $16,816,000 for Defense Agencies family housing operation and maintenance instead of $15,649,000 as proposed by the House and $18,499,000 as proposed by the Senate. The conferees have agreed to the following additions to the amounts and line items as proposed by the House.

Leasing	+$1,112,000
Maintenance of real property	55,000
Total	+1,167,000

The conferees agreed to fund the remaining item in conference, furnishings, at $1,178,000, the level proposed by the House.

Amendment No. 39.—Appropriates a total of $17,841,000 for Defense Agencies family housing, instead of $16,674,000 as proposed by the House and $19,774,000 as proposed by the Senate.

Amendment No. 40.—Restores House language limiting the availability of construction funds provided in this Act for family housing, Defense Agencies, to September 30, 1988, rather than until expended as proposed by the Senate.

GENERAL PROVISIONS

Amendment No. 41.—Restores House language which prohibits use of minor construction funds to transfer or relocate any activity from one base to another without prior notification to the Committees on Appropriations.

Amendment No. 42.—Restores House language which prohibits obligations or expenditure of funds for base realignment or closure without complying with NEPA terms, conditions, and requirements.

Amendment No. 43.—Restores section number 111.

Amendment No. 44.—Restores section number 112.

Amendment No. 45.—Restores section number 113.

Amendment No. 46.—Restores House language prohibiting use of funds in this bill to pay real property taxes in any foreign nation during the current fiscal year.

Amendment No. 47.—Restores section number 115.

Amendment No. 48.—Restores section number 116.

Amendment No. 49.—Restores section number 117.

Amendment No. 50.—Restores section number 118.

Amendment No. 51.—Restores section number 119.

Amendment No. 52.—Inserts language requiring that none of the funds in this Act may be used to initiate a new installation overseas without prior notification to the Committees on Appropriations.

Amendment No. 53.—Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate, with an amendment as follows:

Restores the matter striken by said amendment, amended to read as follows:

SEC. 120. None of the funds appropriated in this Act for F-16 beddown projects at Misawa, Japan, may be obligated or expended unless there has been notification to the Committees on Appropriations that the approved Government of Japan budget for fiscal year 1984 includes projects associated with the F-16 beddown as an additive over the level of funding provided in Japanese fiscal year 1983 for the facilities improvement program.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

Amendment No. 54.—Deletes language proposed by the Senate which made all appropriations heretofore made available for all accounts in this bill, with the exception of the NATO infrastructure accounts and the family housing operation and maintenance accounts, available until expended. The conferees have agreed to continue the present five-year availability of funds in these accounts.

Amendment No. 55.—Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate, with an amendment as follows:

In lieu of the matter proposed by said amendment, insert the following:

SEC. 121. It is the sense of the Congress that the Administration should call on the pertinent member nations of the North Atlantic Treaty Organization and on Japan to meet or exceed their pledges for at least a 3 per centum real increase in defense spending and furtherance of increased unity, equitable sharing of our common defense burden, and international stability.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

Amendment No. 56.—Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate, with an amendment as follows:

In lieu of the matter proposed by said amendment, insert the following:

SEC. 122. (a) None of the funds appropriated in this Act may be available for any country if the President determines that the government of such country is failing to take adequate measures to prevent narcotic drugs or other controlled substances cultivated or produced or processed illicitly, in whole or in part, in such country, or transported through such country, from being sold illegally within the jurisdiction of such

country to United States personnel or their dependents, or from being smuggled into the United States. Such prohibition shall continue in force until the President determines and reports to the Congress in writing that—

(1) the government of such country has prepared and committed itself to a plan presented to the Secretary of State that would eliminate the cause or basis for the application to such country of the prohibition contained in the first sentence; and

(2) the government of such country has taken appropriate law enforcement measures to implement the plan presented to the Secretary of State.

(b) The provisions of subsection (a) shall not apply in the case of any country with respect to which the President determines that the application of the provisions of such subsection would be inconsistent with the national security interests of the United States.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

Amendment No. 57.—Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate, with an amendment as follows:

In lieu of the matter proposed by said amendment, insert the following:

SEC. 123. Of the total amount of budget authority provided for fiscal year 1984 by this Act that would otherwise be available for consulting services, management and professional services, and special studies and analyses, 10 per centum of the amount intended for such purposes in the President's budget for 1984, as amended, for any agency, department or entity subject to apportionment by the Executive shall be placed in reserve and not made available for obligation or expenditure: Provided, That this section shall not apply to any agency, department or entity whose budget request for 1984 for the purposes stated above did not amount to $5,000,000.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

Amendment No. 58.—Deletes language proposd by the Senate relating to the preparation of a report analyzing the economic impact of the expenditures of the Department of Defense on the various states and regions of the United States. The conferees understand a substantially improved economic analysis now being done by the Department of Defense on the regional economic effects of defense spending will be released to Congress and the public on May 1, 1984. The report will be of value to Congress in its future deliberations on defense spending.

CONFERENCE TOTAL—WITH COMPARISONS

The total new budget (obligational) authority for the fiscal year 1984 recommended by the Committee of Conference, with comparisons to the fiscal year 1983 amount, the 1984 budget estimates, and the House and Senate bills for 1984 follow:

New budget (obligational) authority, fiscal year 1983	7,222,682,000
Budget estimates of new (obligational) authority, fiscal year 1984	8,655,127,000
House bill, fiscal year 1984	6,961,432,000
Senate bill, fiscal year 1984	7,240,336,000
Conference agreement, fiscal year 1984	7,104,237,000
Conference agreement compared with:	
New budget (obligational) authority, fiscal year 1983	−118,445,000
Budget estimates of new (obligational) authority, fiscal year 1984	−1,550,890,000
House bill, fiscal year 1984	+142,805,000
Senate bill, fiscal year 1984	−136,099,000

MILITARY CONSTRUCTION (IN THOUSANDS OF DOLLARS)

INSTALLATION & PROJECT	BUDGET REQUEST	HOUSE RECOMMENDED	SENATE RECOMMENDED	CONFERENCE AGREEMENT
ALABAMA				
ARMY				
FORT MCCLELLAN				
BOILER PLANT SHUTDOWN	280	280	280	280
INFANTRY REMOTE TARGET SYSTEM RANGES	3,500	3,500	3,500	3,500
MACHINE-GUN TRAINING RANGE	440	440	440	440
REDSTONE ARSENAL				
LABORATORY ADDITION	2,600	2,600	2,600	2,600
MISSILE SYSTEM SOFTWARE CENTER	16,000	16,000	16,000	16,000
WEAPONS MAINTENANCE TRAINING FACILITY	5,700	5,700	5,700	5,700
WEAPONS MAINTENANCE TRAINING FACILITY	1,100	1,100	1,100	1,100
FORT RUCKER				
CLASSROOMS WITH STAGING FIELD	6,600	6,600	6,600	6,600
FLIGHT SIMULATOR BUILDING	3,050	3,050	3,050	3,050
AIR FORCE				
GUNTER AFB				
ADD TO/ALTER SENIOR NCO ACADEMY	1,750	1,750	1,750	1,750
TWO UEPH	---	5,000	(5,000)	5,000
ARMY NATIONAL GUARD				
BIRMINGHAM				
ARMED FORCES RESERVE CENTER	979	979	979	979
CENTERVILLE				
IMPROVEMENTS	---	---	---	723
CULLMAN				
ARMED FORCES RESERVE CENTER	458	458	458	458
COMBINED SUPPORT MAINTENANCE SHOP	1,601	1,601	1,601	1,601
AIR NATIONAL GUARD				
CENTERVILLE				
IMPROVEMENTS	---	732	732	---
DANNELLY FIELD				
WEAPONS CALIBRATION SHELTER	470	470	470	470
BASE ENGINEER FAC	---	520	---	520
ARMY RESERVE				
BIRMINGHAM				
ARMED FORCES RESERVE CTR-MAINTENANCE SHOP	4,441	4,441	4,441	4,441
CULLMAN				
ARMED FORCES RESERVE CTR-MAINTENANCE SHOP	541	541	541	541
AIR FORCE RESERVE				
MAXWELL AFB				
ADD/ALT HANGAR	1,498	1,498	1,498	1,498
FUEL SYS MAINT DOCK	2,457	2,457	2,457	2,457
TOTAL, ALABAMA	53,465	59,717	54,197	59,708
ALASKA				
ARMY				
FORT RICHARDSON				
RANGE AND TRAINING FACILITY IMPROVEMENTS	940	940	940	940
NAVY				
NAVAL SECURITY GROUP ACTIVITY ADAK				
ELECTRONICS STORAGE	2,000	---	---	---
PUBLIC WORKS MAINTENANCE STORAGE	1,490	---	---	---
NAVAL STAION ADAK				
SECURITY IMPROVEMENTS	2,970	2,970	2,970	2,970
AIR FORCE				
EIELSON AFB				
EXTEND UTILITIES	14,000	20,000	20,000	20,000
MAINTENANCE HANGARS	16,170	16,170	16,170	16,170
MEDICAL/DENTAL CLINIC	22,220	18,000	22,220	18,000
ELMENDORF AFB				
ADD TO SATELLITE COMM GROUND TERMINAL	1,300	---	1,300	---
AIR FREIGHT TERMINAL	10,200	10,200	10,200	10,200
HOSPITAL HEAT RECOVERY	570	570	570	570
GALENA AIRPORT				
CONTROL TOWER	3,950	3,950	3,950	3,950
COMPOSITE OPERATIONS	---	---	(3,700)	3,700
COMPOSITE SPT FACILITY	---	---	(5,700)	5,700

MILITARY CONSTRUCTION (IN THOUSANDS OF DOLLARS)

INSTALLATION & PROJECT	BUDGET REQUEST	HOUSE RECOMMENDED	SENATE RECOMMENDED	CONFERENCE AGREEMENT
SHEMYA AFB				
AIRCRAFT HANGAR	24,200	---	24,200	24,200
TRANSIENT QTRS	11,000	11,000	11,000	11,000
UNACCOMPANIED ENLISTED PERSONNEL HOUSING	10,400	10,400	10,400	10,400
DEFENSE AGENCIES				
DEFENSE FUEL SUPPORT POINT ADAK				
FUEL TANKAGE	14,200	14,200	14,200	14,200
DEFENSE PROPERTY DISPOSAL OFFICE ANCHORAGE				
COVERED STORAGE	2,500	1,500	2,500	2,500
TOTAL, ALASKA	138,110	109,900	140,620	144,500
ARIZONA				
ARMY				
FORT HUACHUCA				
BRIGADE HEADQUARTERS	---	---	(1,500)	1,500
TRAINING FACILITY	650	650	650	650
WAREHOUSE	600	600	600	600
NAVY				
MARINE CORPS AIR STATION YUMA				
ORDNANCE HANDLING PAD	8,920	8,920	8,920	8,920
AIR FORCE				
DAVIS-MONTHAN AFB				
AIRCRAFT GENERATION SQDN PARTS STORAGE	570	570	570	570
ALTER UNACCOMPANIED ENLISTED PERSONNEL HSG	4,800	4,800	4,800	4,800
ENVIRONMENTAL MEDICAL FAC	480	480	480	480
LUKE AFB				
DATA PROCESSING FACILITY	1,400	1,400	1,400	1,400
FIRE STATION	2,250	2,250	2,250	2,250
FLIGHT SIMULATOR TRAINING FACILITY	2,100	2,100	2,100	2,100
RADIO CONTROL SYSTEM	240	213	213	213
SOUND SUPPRESSOR SUPPORT	700	700	700	700
VEHICLE MAINTENANCE	3,000	3,000	3,000	3,000
WILLIAMS AFB				
FIELD TRAINING FAC	950	950	950	950
FLIGHT FACILITIES MAINTENANCE SHOP	500	---	---	---
RECREATION COMPLEX	1,750	900	1,750	900
ADDITION TO EMCS	---	---	(2,000)	---
AIR FORCE RESERVE				
LUKE AFB				
AEROSPACE GROUND EQUIPMENT SHOP STORAGE	620	620	620	620
CONVENTIONAL MUNITIONS SHOP	950	950	950	950
HANGAR/SHOPS	3,200	3,200	3,200	3,200
MUNITIONS STORAGE	300	300	300	300
TOTAL, ARIZONA	33,980	32,603	33,453	34,103
ARKANSAS				
ARMY				
PINE BLUFF ARSENAL				
CHEMICAL AGENT DISPOSAL FACILITY	10,200	10,200	---	10,200
AIR FORCE				
BLYTHEVILLE AFB				
AIR LAUNCHED CRUISE MISSILE IGLOOS	1,800	1,800	1,800	1,800
ENVIR MONITORING & CONTROL SYS (EMCS)	2,120	2,120	---	---
TANKER ALERT AREA	3,550	3,550	3,550	3,550
TANKER ALERT CREW FAC	1,600	1,600	1,600	1,600
LITTLE ROCK AFB				
REFUELING VEHICLE PARKING	620	620	620	620
REGIONAL SEWAGE CONNECTION	2,500	2,500	2,500	2,500
VISITING OFFICER QTRS	2,850	2,850	---	---
TOTAL, ARKANSAS	25,240	25,240	10,070	20,270

MILITARY CONSTRUCTION (IN THOUSANDS OF DOLLARS)

INSTALLATION & PROJECT	BUDGET REQUEST	HOUSE RECOMMENDED	SENATE RECOMMENDED	CONFERENCE AGREEMENT
CALIFORNIA				
ARMY				
FORT HUNTER LIGGETT				
PHYSICAL FITNESS TRAINING CENTER	2,850	1,000	---	1,000
FT IRWIN				
AMMUNITION STORAGE	10,800	10,800	10,800	10,800
BARRACKS MODERNIZATION	7,700	7,700	---	7,700
COMMUNICATION AND COMPUTER CENTER	1,900	1,900	1,900	1,900
FIRE STATION	850	850	850	850
MODERNIZE MISCELLANEOUS FACILITIES	2,100	1,350	---	---
OUTDOOR COURTS AND FIELDS	2,400	1,000	2,400	1,000
PHYSICAL FITNESS TRAINING CENTER	5,800	---	5,800	3,400
UNACCOMPANIED OFFICER HOUSING	5,400	5,400	5,400	5,400
FORT ORD				
BATTALION HEADQUARTERS AND CLASSROOM	1,200	1,200	1,200	1,200
COMPANY ADMINISTRATION AND SUPPLY	1,750	1,750	1,750	1,750
WATER WELLS	3,200	---	3,200	3,200
PRESIDIO OF MONTEREY				
DINING FACILITY MODERNIZATION	1,300	1,300	1,300	1,300
SIERRA ARMY DEPOT				
COMMUNICATIONS CENTER ADDITION	1,750	1,750	1,750	1,750
PHYSICAL FITNESS TRAINING CENTER	2,200	1,000	2,200	1,600
NAVY				
FLEET ANTI-SUB WARF TRNG CTR PAC SAN DIEGO				
OPERATIONAL TRAINER FAC	14,200	14,200	14,200	14,200
FLEET NUMERICAL OCEANOGRAPHY CTR MONTEREY				
METEOROLOGICAL BUILDING	6,980	6,980	6,980	6,980
FLEET TRAINING CENTER, SAN DIEGO				
APPLIED INSTRUCTION BLDG	---	---	10,000	6,100
MARCORP AIR-GRNG COMB CTR TWENTYNINE PALMS				
COLD STORAGE WAREHOUSE	1,390	1,390	1,390	1,390
ENLISTED DINING FACILITY MODERNIZATION	2,070	2,070	2,070	2,070
MAINTENANCE FACILITIES	6,220	6,220	6,220	6,220
MAINTENANCE FACILITY	6,610	6,610	6,610	6,610
UNACCOMP ENLISTED PERS HOUSING	8,830	8,830	8,830	8,830
MARINE CORPS AIR STATION EL TORO				
MAINTENANCE FACILITY	5,230	5,230	5,230	5,230
MAINTENANCE HANGAR ADDITON	8,800	8,800	8,800	8,800
MARINE CORPS AIR STATION TUSTIN				
OIL SPILL PREVENTION	465	465	465	465
MARINE CORPS BASE CAMP PENDLETON				
AIRFIELD PAVEMENT IMP (MCAF)	6,230	6,230	6,230	6,230
AMPHIBIOUS VEHICLE TEST CENTER	3,160	3,160	3,160	3,160
DATA PEOCESSING CENTER	6,420	6,420	6,420	6,420
ENLISTED DINING FACILITY MODERNIZATION	2,020	2,020	2,020	2,020
ENLISTED DINING FACILITY MWTC BRIDGEPORT	5,580	5,580	5,580	5,580
MAINTENANCE FAC FIRE STATION BRIDGEPORT	2,090	2,090	2,090	2,090
UNACCOMP ENLISTED PERS HOUSING	13,570	13,570	13,570	13,570
MARINE CORPS RECRUIT DEPOT SAN DIEGO				
RECRUIT PROCESS BUILDING	10,690	10,690	10,690	10,690
NAVAL AIR REWORK FACILITY ALAMEDA				
CORROSION CONTROL FACILITY	18,600	18,600	18,600	18,600
ENGINE TEST CELL MODIFICATIONS	4,740	---	---	---
MATERIALS ENGINEERING LABORATORY	2,960	2,960	2,960	2,960
NAVAL AIR STATION LEMOORE				
AIRFIELD PAVE IMPOVS	4,500	4,500	4,500	4,500
APPLIED INSTRUCTION BUILDING	5,390	5,390	5,390	5,390
INERT STOREHOUSE	900	900	900	900
ORDNANCE OPERATIONS BLDG	1,400	1,400	1,400	1,400
SEWERAGE SYSTEM	1,950	1,950	1,950	1,950
TELEPHONE EXCHANGE BUILDING	740	740	740	740
UNACCOMP ENLISTED PERS HOUSING	6,040	6,040	6,040	6,040

MILITARY CONSTRUCTION (IN THOUSANDS OF DOLLARS)

INSTALLATION & PROJECT	BUDGET REQUEST	HOUSE RECOMMENDED	SENATE RECOMMENDED	CONFERENCE AGREEMENT
NSA MARE ISLAND				
UEPH MODERNIZATION	---	1,800	---	1,800
NSY MARE ISLAND				
PAINT & BLAST FAC	---	6,000	---	6,000
FAC ENERGY IMPR	---	1,600	---	1,600
NAVAL AIR STATION MIRAMAR				
ENGINE MAINTENANCE SHOP ADDITION	2,020	2,020	2,020	2,020
NAVAL AIR STATION NORTH ISLAND				
AIRCRAFT PARKING APRON	9,490	9,490	9,490	9,490
INSTRUMENT CALIBRATION SHOP	1,390	1,390	1,390	1,390
UNACCOMP OFFICER PERS HOUSING	9,770	9,770	9,770	9,770
NAVAL AIR STSTION MOFFETT FIELD				
AIRCRAFT DIRECT FUELING STATION	480	480	480	480
OPERATIONAL TRAINER FACILITY	1,390	1,390	1,390	1,390
NAVAL AMPHIBIOUS BASE CORONADO				
LANDING CRAFT AIR CUSHION COMPLEX(CP PEND)	21,222	15,000	21,222	21,222
NAVAL OCEAN SYSTEMS CENTER SAN DIEGO				
OCEAN SCIENCES LAB	8,000	8,000	8,000	8,000
NAVAL REGIONAL MEDICAL CENTER LONG BEACH				
MEDICAL CLINIC (NCBC PORT HUENEME)	8,370	8,370	8,370	8,370
NAVAL STATION MARE ISLAND VALLEJO				
FAMILY SERVICES CENTER	210	210	210	210
NAVAL STATION SAN DIEGO				
FIRE STATION	980	980	980	980
NAVAL SUBMARINE BASE SAN DIEGO				
ENLISTED DINING FAC ADDN	1,120	1,120	1,120	1,120
HIGH EXPLOSIVE MAGAZINES	1,390	1,390	1,390	1,390
UNACCOMP OFFICER PERS HOUSING	4,150	3,000	3,700	3,350
NAVAL SUPPLY CENTER SAN DIEGO				
LIQUID FUELING AND DISPENSING FACILITY	1,110	1,110	1,110	1,110
NAVAL WEAPONS CENTER CHINA LAKE				
RADIOGRAPHIC INSPECTION FACILITY	12,240	10,000	12,240	12,240
RANGE OPERATION & INSTRUMENTATION LAB	6,810	6,810	6,810	6,810
TRIDENT II MOTOR TEST FACILITY	12,050	12,050	12,050	12,050
NAVAL WEAPONS STATION CONCORD				
ENLISTED DINING FACILITY	1,310	1,310	1,310	1,310
LAND ACQUISITION	830	830	830	830
MISSILE COMPONENT REWORK BUILDING	580	580	580	580
PACIFIC MISSILE TEST CENTER POINT MUGU				
MISSILE TEST CELL	840	840	840	840
PUBLIC WORKS CENTER SAN FRANCISCO				
VENTILATION IMPROVES	220	220	220	220
TACTICAL TRAINING GROUP PACIFIC SAN DIEGO				
OPERATIONAL TRAINER FAC	3,260	---	3,260	3,260
AIR FORCE				
BEALE AFB				
ADD TO/ALTER CHILD CARE CENTER	760	760	760	760
PAVE PAWS POWER LINE UPGRADE	990	990	990	990
UNACCOMPANIED ENLISTED PERSONNEL HOUSING	3,800	3,800	3,800	3,800
CASTLE AFB				
UNACCOMPANIED ENLISTED PERSONNEL HOUSING	6,500	6,500	6,500	6,500
EDWARDS AFB				
ADD TO/ALTER GYMNASIUM	390	390	390	390
ALTER SATELLITE PROPULSION RESEARCH FAC	5,400	5,400	5,400	5,400
ALTER UNACCOMPANIED ENLISTED PERSONNEL HSG	2,000	2,000	2,000	2,000
CONTROL TOWER	2,500	2,500	2,500	2,500
HIGH EFFICIENCY LIGHTS	220	220	220	220
SOUND SUPPRESSOR SUPPORT	1,100	1,100	1,100	1,100
TEST ENGINE SUPPORT FACILITY	5,700	5,700	5,700	5,700
RAPCON/CCF FACILITY	---	---	(490)	---

MILITARY CONSTRUCTION (IN THOUSANDS OF DOLLARS)

INSTALLATION & PROJECT	BUDGET REQUEST	HOUSE RECOMMENDED	SENATE RECOMMENDED	CONFERENCE AGREEMENT
GEORGE AFB				
ALTER MECHANICAL/ELECTRICAL	220	220	220	220
LONG BEACH NAVAL BASE				
ADMINISTRATIVE FAC	500	---	---	---
LOS ANGELES AFS				
ADD TO/ALTER GYMNASIUM	1,700	---	1,700	---
CHILD CARE CENTER	970	970	970	970
MARCH AFB				
DENTAL CLINIC	3,550	3,550	3,550	3,550
MATHER AFB				
ADD TO/ALTER OFFENSIVE AVIONICS FACILITY	1,450	1,450	1,450	1,450
CONTROL TOWER	2,200	2,200	2,200	2,200
OSH-FIRE PROTECTION SYSTEMS	810	810	810	810
MCCLELLAN AFB				
SOUND SUPPRESSOR SUPPORT	800	800	800	800
DEPOT FACILITY	---	3,500	(3,500)	3,500
INSPECTION FACILITY	---	5,900	(5,900)	5,900
NORTON AFB				
ACCESS ROAD & BRIDGE	---	6,400	(6,400)	6,400
TRAVIS AFB				
ALTER REFUELING VEHICLE SHOP	600	600	600	600
BOILER/HIGH EFFICIENCY LIGHTING	600	600	600	600
MEDICAL FACILITY	---	52,000	---	5,000
VANDENBERG AFB				
ADD TO GYMNASIUM	380	---	---	---
ADDITION TO FIRE STATION	720	720	720	720
STS-EXTERNAL TANK AREA ICING PROTECTION	6,600	---	6,600	6,600
STS-HAZARDOUS MATERIAL MGMT FACS	21,900	21,900	21,900	21,900
STS-SECURITY MODIFICATIONS	14,000	10,000	14,000	12,000
UNINTERRUPTIPLE POWER SUPPLY-RANGE OPNS	2,782	2,782	2,782	2,782
DEFENSE AGENCIES				
DEF FUEL SUPPORT POINT OZOL				
FIRE PROTECTION	1,100	1,100	1,100	1,100
DEF FUEL SUPPORT POINT NAV STA LONG BEACH				
FUEL PIER	42,100	---	42,100	36,000
DEF PROPERTY DISPOSAL OFFICE VANDENBERG				
HAZARDOUS MATERIAL DISPOSAL FACILITY	880	880	880	880
DEFENSE DEPOT TRACY				
STOCK MECHANIZATION FACILITY	480	480	480	480
PRESIDIO OF MONTEREY				
BASE-WIDE UTILITIES UPGRADE	5,600	5,600	5,600	5,600
ENLISTED BARRACKS	14,300	14,300	14,300	14,300
GENERAL INSTRUCTION FACILITY	9,200	9,200	9,200	9,200
ARMY NATIONAL GUARD				
FRESNO				
200 PERSON ARMORY	1,066	1,066	1,066	1,066
AVIATION CLASSIFICATION REPAIR DEPOT	5,530	5,530	5,530	5,530
AIR NATIONAL GUARD				
MARCH AFB				
COMPOSITE BASE SUPPORT FAC	2,200	2,200	2,200	2,200
MOFFETT NAS				
UPGRADE FIRE PROTECTION WATER SUPPLY	300	300	300	300
NAVY RESERVE				
NAVAL AIR RESERVE UNIT ALAMEDA				
INSTALL 400HZ POWER IN MAINT HANGER	500	500	500	500
AIR FORCE RESERVE				
MARCH AFB				
ADD TO SQDN OPNS	682	682	682	682
NORTON AFB				
CIVIL ENGINEERING TRAINING FAC	650	650	650	650
RESERVE FORCES AEROMED EVAC TRAINING FAC	1,465	1,465	1,465	1,465
TRAVIS AFB				
ADD/ALT RES FORCES AEROMED EVAC TRNG FAC	1,045	1,045	1,045	1,045
TOTAL, CALIFORNIA	494,447	484,555	485,727	506,177

MILITARY CONSTRUCTION (IN THOUSANDS OF DOLLARS)

INSTALLATION & PROJECT	BUDGET REQUEST	HOUSE RECOMMENDED	SENATE RECOMMENDED	CONFERENCE AGREEMENT
COLORADO				
ARMY				
FORT CARSON				
CORRECT SAFETY DEFICIENCIES	270	270	270	270
FENCING	890	---	890	800
OPERATIONS BUILDING	---	---	(2,000)	---
RANGE ROADS	7,200	7,200	7,200	7,200
SEWAGE TREATMENT PLANT EXPANSION	490	490	490	490
TACTICAL EQUIPMENT SHOP	7,800	7,800	7,800	7,800
AIR FORCE				
BUCKLEY AIR NATIONAL GUARD BASE				
COMMERCIAL POWER CONNECTION	2,000	---	2,000	2,000
NORAD CHEYENNE MOUNTAIN COMPLEX				
CONVERT TO COMPUTER FAC	1,700	1,700	1,700	1,700
COOLING TOWERS	710	710	710	710
TECHNICAL SUPPORT FAC	3,250	3,250	3,250	3,250
PETERSON AFB				
CONSOL SPACE OPS CTR(CSOC)ACCESS ROADS	1,250	1,250	1,250	1,250
CONSOLIDATED SPACE OPNS CTR(CSOC)PHASE II	73,750	73,750	73,750	73,750
TEST/DEVELOPMENT AND TNG CTR	4,950	4,950	4,950	4,950
US AIR FORCE ACADEMY				
ADD TO COMMUNITY CENTER CHAPEL ANNEX	490	490	490	490
ADD TO/ALTER FIRE STATIONS	440	440	440	440
AIRMANSHIP TRNG SUPPORT FAC	900	---	900	900
ALTER CADET PERSONNEL HOUSING	2,000	2,000	2,000	2,000
INSULATE/ALTER MECHANICAL	4,975	4,975	4,975	4,975
LAND FEE PURCHASE	380	---	380	---
SEWAGE FLOW EQUAL BASIN	550	550	550	550
UPGRADE HEAT/HOT WATER MAINS	350	350	350	350
DEFENSE AGENCIES				
DEF PROPERTY DISPOSAL OFF COLORADO SPRINGS				
RELOCATE SCRAP YARD	810	810	810	810
TOTAL, COLORADO	115,155	110,985	115,155	114,685
CONNECTICUT				
NAVY				
NAVAL SUBMARINE BASE NEW LONDON				
GENERAL PURPOSE/BERTH PIER	8,200	8,200	8,200	8,200
QUAYWALLS	3,770	3,770	---	---
UNACCOMP ENLISTED PERS HOUSING IMPRS	870	---	---	---
NAVAL SUBMARINE MEDICAL CENTER NEW LONDON				
HOSPITAL EXPANSION	6,510	6,510	---	---
NAVAL SUBMARINE SCHOOL NEW LONDON				
APPLIED INSTRUCTION BLDG	7,340	7,340	---	---
OPERATIONAL TRAINER FAC	4,840	4,840	---	---
TOTAL, CONNECTICUT	31,530	30,660	8,200	8,200
DELAWARE				
AIR FORCE				
DOVER AFB				
BASE COLD STORAGE	600	600	600	600
UPGRADE COMPOSITE MEDICAL FAC	700	700	700	700
AIR NATIONAL GUARD				
GREATER WILMINGTON AIRPORT				
SECURITY POLICE OPNS FAC	350	350	350	350
TOTAL, DELAWARE	1,650	1,650	1,650	1,650

MILITARY CONSTRUCTION (IN THOUSANDS OF DOLLARS)

INSTALLATION & PROJECT	BUDGET REQUEST	HOUSE RECOMMENDED	SENATE RECOMMENDED	CONFERENCE AGREEMENT
DISTRICT OF COLUMBIA				
ARMY				
WALTER REED ARMY MED CTR				
INSULATE BUILDINGS	250	250	250	250
STEAM DISTRIBUTION SYSTEM	3,950	3,950	3,950	3,950
AIR FORCE				
BOLLING AFB				
GYMNASIUM	3,650	---	---	---
POST OFFICE	620	620	---	---
TOTAL, DISTRICT OF COLUMBIA	8,470	4,820	4,200	4,200
FLORIDA				
NAVY				
NARF JACKSONVILLE				
LANDING GEAR SHOP	275	275	275	275
MATERIALS ENGINEERING LAB	2,600	2,600	2,600	2,600
NAS CECIL FIELD				
ENG TEST CELL MODS	1,180	1,180	1,180	1,180
FAMILY SERVICES CENTER	510	510	510	510
GENERAL WHAREHOUSE ADDN	2,700	2,700	2,700	2,700
MAINTENANCE HANGAR	7,500	---	7,500	7,500
OPERATIONAL TRAINER FAC	4,000	4,000	4,000	4,000
SWGE & IND WST TRMT PLT IMPS	1,780	1,780	1,780	1,780
NAS KEY WEST				
AIR COMBAT MANUEVERING RANGE	---	---	11,800	---
BERTHING WHARF IMPROVES	5,530	5,530	5,530	5,530
FAMILY SERVICES CENTER	495	495	495	495
LAND ACQUISITION	6,810	6,810	6,810	6,810
UTILITIES IMPROVEMENTS	2,800	2,800	2,800	2,800
NAS WHITING FLD				
AIRCRAFT PARKING APRON	1,770	1,770	1,770	1,770
FAMILY SERVICES CENTER	480	480	480	480
LAND ACQUISITION	990	990	---	990
OPERATIONAL TRAINER FAC	2,790	2,790	2,790	2,790
NAVAL ORD TEST UNIT-CAPE CANAVERAL				
TRIDENT II DEV FLT TEST FACILITY	60,400	55,000	55,000	55,000
NCSC PANAMA CITY				
AIRCRAFT PARKING APRON	670	670	670	670
UNDERWATER WPNS LAB	---	5,400	---	5,400
NS MAYPORT				
GENERAL WAREHOUSE	4,250	4,250	4,250	4,250
UNACCOMP ENLISTED PERS HOUSING & DING FAC	14,400	14,400	14,400	14,400
UNACCOMP OFFICER PERS HOUSING	3,910	3,000	3,400	3,200
WATERFRONT UTIL UPGRADE	2,960	2,960	2,960	2,960
NTC ORLANDO				
APPLIED INSTRUCTION BLDG	7,540	7,540	7,540	7,540
SEWERAGE SYSTEM	2,760	2,760	2,760	2,760
UNACCOMP ENLISTED PERS HOUSING	9,390	9,390	9,390	9,390
NTTC PENSACOLA				
PUBLIC WORKS SHOP	210	210	210	210
CHAPEL	---	2,200	---	2,200
NAS PENSACOLA				
RUNWAY IMPR	---	2,200	---	2,200
AIR FORCE				
CAPE CANAVERAL AFS				
ADD TO/ALTER MISSILE ASSY BLDG-NAVSTAR GPS	4,500	4,500	4,500	4,500
HYPERGOLIC STOCKPILE STORAGE FAC	4,900	4,900	4,900	4,900
EASTERN LAUNCH SITE				
STS-SECURITY MODIFICATIONS	6,000	6,000	6,000	6,000
EGLIN AFB				
ADD TO/ALTER ARMAMENT RESEARCH TEST FAC	7,000	7,000	7,000	7,000
AIRCRAFT WASHRACK CANOPY	300	300	300	300
FLIGHTLINE SECURITY IMPROVEMENTS	490	490	490	490
VARIOUS AIR DEFENSE SIMULATION RADAR FACS	2,050	2,050	2,050	2,050

MILITARY CONSTRUCTION (IN THOUSANDS OF DOLLARS)

INSTALLATION & PROJECT	BUDGET REQUEST	HOUSE RECOMMENDED	SENATE RECOMMENDED	CONFERENCE AGREEMENT
HOMESTEAD AFB				
ADDN TO CHILD CARE CTR	680	680	680	680
ALTER AIRCRAFT WASHRACK	990	990	990	990
ALTER MECHANICAL/STRUCT	2,390	2,390	2,390	2,390
MACDILL AFB				
ADD TO CHAPEL CENTER	1,100	1,100	1,100	1,100
ADD TO/ALTER CHILD CARE CENTER	560	560	560	560
ADDITION TO WAREHOUSE	1,350	1,350	1,350	1,350
ALTER UNACCOMPANIED ENLISTED PERSONNEL HSG	3,150	3,150	3,150	3,150
RADIO CONTROL SYSTEM	220	200	200	200
PATRICK AFB				
ALTER AF TECH APPLICATION CTR HDQTRS FAC	2,392	2,392	2,392	2,392
TYNDALL AFB				
AIRCRAFT WASHRACK CANOPY	360	360	360	360
DRONE PARKING & FAC	620	620	620	620
VARIOUS MAINTENANCE/OPNS TRAINING FACS	5,810	5,810	5,810	5,810
UOPH	---	---	(4,600)	---
UEPH	---	---	(4,500)	4,500
CIVIL ENGR. SCIENCE LAB	---	---	(4,650)	4,650
EDUCATION CENTER	---	---	(2,000)	---
BASE SUPPORT CENTER	---	---	(6,500)	---
AIR NATIONAL GUARD				
JACKSONVILLE IAP				
ADD/ALT BLDG 5-SQ OPNS/TELECOMM/SEC POL/OP	1,760	1,760	1,760	1,760
AIR FORCE RESERVE				
HOMESTEAD AFB				
ADD TO SQUADRON OPNS	550	550	550	550
MACDILL AFB				
ADD/ALT RES FORCES AEROMED EVAC TRNG FAC	947	947	947	947
TOTAL, FLORIDA	196,819	192,789	201,699	209,639
GEORGIA				
ARMY				
FORT BENNING				
AMMUNITION STORAGE	2,650	2,650	2,650	2,650
ENERGY MONITORING AND CONTROL SYSTEM	8,400	8,400	8,400	8,400
INFANTRY REMOTE TARGET SYSTEM RANGES	5,200	5,200	5,200	5,200
TACTICAL EQUIPMENT SHOP	5,500	5,500	5,500	5,500
FT STEWART/HUNTER AAF				
BATTALION HEADQUARTERS AND CLASSROOM	2,600	2,600	2,600	2,600
BATTALION HEADQUARTERS AND CLASSROOM	1,400	1,400	1,400	1,400
COMPANY ADMINISTRATION AND SUPPLY	1,500	1,500	1,500	1,500
COMPANY ADMINISTRATION AND SUPPLY	430	430	430	430
ELECTRICAL DISTRIBUTION SYSTEM	3,000	3,000	3,000	3,000
HARDSTAND	370	370	370	370
RELOCATE VANGUARD FACILITY	2,670	2,670	2,670	2,670
STEAM DISTRIBUTION SYSTEM	6,500	6,500	6,500	6,500
TACTICAL EQUIPMENT SHOP	8,800	8,800	8,800	8,800
TACTICAL EQUIPMENT SHOP	2,450	2,450	2,450	2,450
NAVY				
SUBASE KINGS BAY				
COMMUNITY IMPACT ASSIST	400	400	400	400
FLOAT DRYDOCK MOOR FAC	8,600	---	---	---
PORT SERVICES SUPPORT FACS	11,840	11,840	11,840	11,840
UTILITIES & SITE IMPROV	18,570	18,570	18,570	18,570
COMMUNITY IMPACT ASSIST	---	5,619	5,619	5,619
TRIDENT TRAINING FACILITY	---	---	(81,700)	17,000

MILITARY CONSTRUCTION (IN THOUSANDS OF DOLLARS)

INSTALLATION & PROJECT	BUDGET REQUEST	HOUSE RECOMMENDED	SENATE RECOMMENDED	CONFERENCE AGREEMENT
AIR FORCE				
MOODY AFB				
SOUND SUPPRESSOR SUPPORT	950	950	950	950
VEHICLE OPERATIONS FACILITY	350	350	350	350
ROBINS AFB				
ADD TO/ALTER OFFENSIVE AVIONICS FACILITIES	1,350	---	---	---
ALTER ELECTRICAL DISTRIBUTION SYSTEM	3,000	3,000	3,000	3,000
AUTOMOTIVE MAINTENANCE FACILITY	4,600	4,600	4,600	4,600
COMBAT COMMUNICATION DEPLOYMENT FACILITY	4,200	4,200	4,200	4,200
OSH-UPGRADE FIRE PROT SYS	560	560	560	560
OSH-UPGRADE FIRE PROTECTION SYS	1,400	1,400	1,400	1,400
PAVE PAWS SUPPORT FAC	3,570	3,570	3,570	3,570
ALTER UEPH	---	---	(1,450)	1,450
ARMY NATIONAL GUARD				
WAYCROSS				
ARMED FORCES RESERVE CENTER	377	377	377	377
ARMY RESERVE				
WAYCROSS				
ADD/ALT AFRC/OMS	533	533	533	533
AIR FORCE RESERVE				
DOBBINS AFB				
ADD TO ACFT ENGINE INSP & REPAIR SHOP	470	470	470	470
ADD TO WAREHOUSE	1,950	1,950	1,950	1,950
ADD/ALT SURVIVAL EQUIP SHOP	353	353	353	353
TOTAL, GEORGIA	114,543	110,212	110,212	128,662
HAWAII				
ARMY				
SCHOFIELD BARRACKS				
BARRACKS WITH DINING FACILITY	16,400	16,400	16,400	16,400
TACTICAL EQUIPMENT SHOP	5,100	5,100	5,100	5,100
TACTICAL EQUIPMENT SHOP	6,200	6,200	6,200	6,200
TACTICAL EQUIPMENT SHOP	2,200	2,200	2,200	2,200
UPGRADE PETROLEUM STORAGE	2,000	2,000	2,000	2,000
WAREHOUSE	1,800	---	---	---
NAVY				
CAMP H M SMITH - OAHU				
UNACCOMP ENLISTED PERS HOUSING & DING FAC	2,700	2,700	2,700	2,700
FLEET INTELLIGENCE CTR PACIF PEARL HARBOR				
STAND-BY GENERATOR PLANT	1,823	990	990	990
MARINE CORPS AIR STATION KANEOHE BAY				
AIRFIELD PAVEMENT IMPROVEMENTS	5,110	5,110	5,110	5,110
ARMORIES	2,790	2,790	2,790	2,790
NAS BARBERS PT				
FAMILY SERVICES CENTER	890	890	890	890
NAVAL REGIONAL MEDICAL CLINIC PEARL HARBOR				
MEDICAL/DENTAL CLINIC (MCAS KANEOHE BAY)	8,490	8,490	8,490	8,490
NAVAL SHIPYARD PEARL HARBOR				
ASBESTOS DELAGGING FACILITY	1,440	1,440	1,440	1,440
TRAINING FAC	---	4,600	---	4,600
SERVICE SHOPS	---	20,000	---	4,000
NAVAL STATION PEARL HARBOR				
OPERATIONS CONTROL CENTER	3,350	3,350	3,350	3,350
NAVAL SUBMARINE BASE PEARL HARBOR				
CHILD CARE CENTER	990	990	990	990
PIER IMPROVEMENTS	1,390	1,390	1,390	1,390
WATER STORAGE TANKS	210	210	210	210
PWC PEARL HARBOR				
UTILITIES IMPROVEMENTS	13,100	13,100	13,100	13,100
AIR FORCE				
HICKAM AFB				
CHILD CARE CTR	1,950	1,950	1,950	1,950
ENVIRONMENTAL MEDICINE FAC	1,200	1,200	1,200	1,200

MILITARY CONSTRUCTION (IN THOUSANDS OF DOLLARS)

INSTALLATION & PROJECT	BUDGET REQUEST	HOUSE RECOMMENDED	SENATE RECOMMENDED	CONFERENCE AGREEMENT
ARMY NATIONAL GUARD				
WHEELER AFB				
ARMY AVIATION SUPPORT FACILITY EXPANSION	2,432	2,432	2,432	2,432
ARMORY ADDITION	57	57	57	57
AIR NATIONAL GUARD				
HICKAM AFB				
ADD TO ACFT PARKING APRON	990	990	990	990
ARMY RESERVE				
FORT DERUSSY				
ADDITION TO ARMY RESERVE CENTER	2,830	2,830	2,830	2,830
TOTAL, HAWAII	85,442	107,409	82,809	91,409
IDAHO				
AIR FORCE				
MOUNTAIN HOME AFB				
ADD TO FLIGHT SIMULATOR TRAINING FACILITY	1,550	1,550	1,550	1,550
ADD TO GYMNASIUM	2,800	2,800	2,800	2,800
ADDITION TO TELECOMMUNICATIONS CENTER	530	530	530	530
ADDN TO CHILD CARE CENTER	800	800	800	800
ELECTRONIC WARFARE RANGE SUPPORT FAC	910	910	910	910
AIR NATIONAL GUARD				
BOISE APRT				
BASE ENGINEER MAINT	1,300	1,300	1,300	1,300
FIRE STATION	740	740	740	740
OPERATIONAL TRAINING FACILITY	2,800	2,800	2,800	2,800
TOTAL, IDAHO	11,430	11,430	11,430	11,430
ILLINOIS				
ARMY				
ROCK ISLAND ARSENAL				
BRIDGE REPAIR	---	---	(4,500)	---
MODERNIZE MANUFACTURING FACILITY - REARM	22,000	13,000	22,000	22,000
AIR FORCE				
CHANUTE AFB				
ALTER STRUCTURAL	210	210	210	210
UPGRADE REGIONAL CONNECTION	10,000	10,000	10,000	10,000
HEAT PLANT	---	11,700	(11,700)	11,700
SCOTT AFB				
ADD TO RELIGIOUS EDUC CTR	790	790	790	790
ARMY NATIONAL GUARD				
MARSEILLES				
SMALL ARMS RANGE	663	663	663	663
AIR NATIONAL GUARD				
CAPITAL MAP				
FIRE STATION SEC POLICE OPNS FAC	1,500	1,500	1,500	1,500
TOTAL, ILLINOIS	35,163	37,863	35,163	46,863

MILITARY CONSTRUCTION (IN THOUSANDS OF DOLLARS)

INSTALLATION & PROJECT	BUDGET REQUEST	HOUSE RECOMMENDED	SENATE RECOMMENDED	CONFERENCE AGREEMENT
INDIANA				
ARMY				
FORT BENJ. HARRISON				
BARRACKS	---	---	(5,900)	---
AIR FORCE				
GRISSOM AFB				
ADMINISTRATIVE FAC	500	---	---	---
PERS SUPPORT CTR	---	---	(5,600)	---
DINING HALL	---	---	(3,200)	---
ARMY NATIONAL GUARD				
NOBLESVILLE				
60 PERSON ARMORY	704	704	704	704
SALEM				
100 PERSON ARMORY	813	813	813	813
AIR NATIONAL GUARD				
HULMAN FIELD				
WARM-UP/HOLDING PAD	1,250	1,250	1,250	1,250
ARMY RESERVE				
BLOOMINGTON				
ADDITION TO ARMED FORCES RESERVE CENTER	889	889	889	889
NAVY RESERVE				
NMCRC FORT WAYNE				
RESERVE CENTER ALTERATION	400	400	400	400
TOTAL, INDIANA	4,556	4,056	4,056	4,056
KANSAS				
ARMY				
KANSAS AAP				
SEWAGE TREATMENT PLANT	1,150	1,150	1,150	1,150
FORT LEAVENWORTH				
PHYSICAL FITNESS TRAINING CENTER	3,550	3,550	3,550	3,550
UNACCOMPANIED OFFICER HOUSING	24,000	24,000	10,000	10,000
FORT RILEY				
AIRCRAFT MAINTENANCE FACILITY	8,100	8,100	8,100	8,100
BARRACKS	6,300	6,300	---	---
BARRACKS	4,500	---	---	---
BARRACKS WITH DINING FACILITY	8,400	8,400	---	---
BATTALION HEADQUARTERS AND CLASSROOM	1,200	1,200	1,200	1,200
BATTALION HEADQUARTERS AND CLASSROOM	1,200	1,200	1,200	1,200
BRIGADE HEADQUARTERS	1,400	1,400	1,400	1,400
BULK FUEL STORAGE FACILITY	3,000	3,000	3,000	3,000
COMPANY ADMINISTRATION AND SUPPLY	1,700	1,700	1,700	1,700
COMPANY ADMINISTRATION AND SUPPLY	2,150	2,150	2,150	2,150
COMPANY ADMINISTRATION AND SUPPLY	1,500	1,500	1,500	1,500
CORRECT SAFETY DEFICIENCIES	1,300	1,300	1,300	1,300
DINING FACILITY MODERNIZATION	600	600	600	600
ELECTRICAL SUBSTATION	1,400	1,400	---	1,400
MULTI-PURPOSE TRAINING RANGE	31,000	31,000	31,000	31,000
SEWAGE TREATMENT AND WATER UPGRADE	6,500	6,500	---	6,500
TACTICAL EQUIPMENT SHOP	5,000	5,000	5,000	5,000
TACTICAL EQUIPMENT SHOP	1,200	1,200	1,200	1,200
TACTICAL EQUIPMENT SHOP	3,950	3,950	3,950	3,950
UTILITIES	5,400	5,400	5,400	5,400
AIR FORCE				
MCCONNELL AFB				
ENVIR MONITORING & CONTROL SYS (EMCS)	2,430	2,430	2,430	2,430
OSH-FUEL CELL REPAIR SHOP-DELUGE SYS	410	410	410	410
UEPH	---	5,500	---	5,500
AIR FIELD LIGHTING	---	1,230	---	1,230
AIR NATIONAL GUARD				
MCCONNELL AFB				
COMM/ELECTRONICS TRNG FAC	1,100	1,100	1,100	1,100
FUEL SYS MAINT/CORROSION CONTROL DOCK	1,810	1,810	1,810	1,810
TOTAL, KANSAS	130,250	132,480	89,150	103,780

MILITARY CONSTRUCTION (IN THOUSANDS OF DOLLARS)

INSTALLATION & PROJECT	BUDGET REQUEST	HOUSE RECOMMENDED	SENATE RECOMMENDED	CONFERENCE AGREEMENT
KENTUCKY				
ARMY				
FORT CAMPBELL				
BATTALION HEADQUARTERS AND CLASSROOM	1,300	1,300	1,300	1,300
DINING FACILITY MODERNIZATION	2,050	2,050	2,050	2,050
ENERGY MONITORING AND CONTROL SYSTEM	3,600	3,600	3,600	3,600
FLIGHT SIMULATOR BUILDING	5,500	5,500	5,500	5,500
SOLID WASTE INCINERATOR	4,950	---	---	---
UPGRADE WATER SUPPLY	2,850	2,850	2,850	2,850
FORT KNOX				
TANK INSTRUCTION FACILITY	4,200	4,200	4,200	4,200
AIR NATIONAL GUARD				
STANDIFORD FLD				
FIRE SUPPRESSION/DETECTION	750	750	750	750
TOTAL, KENTUCKY	25,200	20,250	20,250	20,250
LOUISIANA				
ARMY				
LOUISIANA AAP				
PINK WATER FILTRATION SYSTEM	4,250	4,250	4,250	4,250
FORT POLK				
CHILD CARE CENTER	3,000	3,000	3,000	3,000
DYNAMOMETER TEST FACILITY	380	380	380	380
TACTICAL EQUIPMENT SHOP	12,800	12,800	12,800	12,800
AIR FORCE				
BARKSDALE AFB				
ADD TO/ALTER CHILD CARE CENTER	670	670	670	670
ALTER UNACCOMPANIED ENLISTED PERSONNEL HSG	4,500	4,500	4,500	4,500
HYDRANT REFUELING/CENTRAL AIRCRAFT SPT SYS	15,000	15,000	15,000	15,000
ENGLAND AFB				
ADD TO/ALTER COMPOSITE MEDICAL FAC	500	500	500	500
ADMINISTRATIVE FAC	500	---	---	---
CONSOLIDATED SUPPORT CENTER	2,500	2,500	2,500	2,500
RADIO CONTROL-ALTER MECHANICAL/ELECTRICAL	390	357	357	357
NAVY RESERVE				
NAS NEW ORLEANS				
MODIFICATIONS TO BLDG AND AC SYSTEMS	150	150	150	150
SEWAGE TREATMENT FACILITY	2,400	2,400	2,400	2,400
NAVAL SUPPORT ACTIVITY NEW ORLEANS				
CHAPEL	1,500	1,500	1,500	1,500
MODIFICATIONS TO BLDG AND AC SYSTEMS	350	350	350	350
AIR FORCE RESERVE				
NEW ORLEANS NAS				
POWER CHECK PAD	523	523	523	523
TOTAL, LOUISIANA	49,413	48,880	48,880	48,880
MAINE				
NAVY				
NAVAL AIR STATION BRUNSWICK				
OPERATIONS CONTROL CENTER	7,800	7,800	7,800	7,800
NSY PORTSMOUTH				
VENTILATION IMPR	---	1,400	1,400	1,400
FIRE PROT SYS	---	5,700	5,700	5,700
AIR FORCE				
BANGOR				
OVER THE HORIZON-BACKSCATTER RADAR SPT FAC	10,100	---	10,100	10,100
LORING AFB				
ADD TO/ALTER CREW FACILITY	4,000	4,000	4,000	4,000
ADD TO/ALTER OFFENSIVE AVIONICS FACILITY	500	500	500	500
ALERT RUNWAY	16,000	16,000	16,000	16,000
COMPOSITE MAINTENANCE COMPLEX	4,100	4,100	4,100	4,100
UNACCOMPANIED ENLISTED PERSONNEL HOUSING	4,800	4,800	4,800	4,800
UPGRADE ALERT AREA	7,000	7,000	7,000	7,000

MILITARY CONSTRUCTION (IN THOUSANDS OF DOLLARS)

INSTALLATION & PROJECT	BUDGET REQUEST	HOUSE RECOMMENDED	SENATE RECOMMENDED	CONFERENCE AGREEMENT
AIR NATIONAL GUARD				
BANGOR IAP				
COMPOSITE OPERATIONAL TRAINING FACILITY	2,200	2,200	2,200	2,200
TOTAL, MAINE	56,500	53,500	63,600	56,500
MARYLAND				
ARMY				
ABERDEEN PROVING GROUND				
MEDICAL RESEARCH LABORATORY ALTERATIONS	3,650	3,650	---	3,650
REPLACE GAS FILTER SYSTEM	17,500	17,500	17,500	17,500
WEAPONS MAINTENANCE TRAINING FACILITY	8,900	8,900	8,900	8,900
UEPH	---	9,800	---	9,800
FORT DETRICK				
COMMUNICATIONS CENTER ADDITION	1,650	1,650	1,650	1,650
FORT GEORGE G MEADE				
SATELLITE TERMINAL FACILITY ADDITION	1,250	1,250	1,250	1,250
WATER WELLS	3,900	3,900	3,900	3,900
HARRY DIAMOND LAB				
TEST FACILITY ALTERATION	400	400	400	400
NAVY				
DAVID TAYLOR NAV SHIP RES DEV CTR BETHESDA				
COMPUTATION & ANALYSIS LAB	5,030	---	5,030	5,030
NATIONAL NAVAL MEDICAL CENTER BETHESDA				
NATIONAL NAVAL MEDICAL CENTER MODERN	28,800	28,800	28,800	28,800
UNACCOMP ENLISTED PERS HOUSING	8,370	7,000	8,370	8,000
NAVAL ACADEMY ANNAPOLIS				
BOAT BASIN IMPROVEMENTS	3,070	3,070	---	3,070
UTILITIES MODERNIZATION	6,650	6,650	6,650	6,650
NAVAL AIR TEST CENTER PATUXENT RIVER				
AIRCRAFT SYSTEMS INTEGRATION LABORATORY	4,930	4,930	4,930	4,930
CHILD CARE CENTER	1,320	1,100	1,100	1,100
ELECTRICAL DISTRIBUTION SYSTEM MODERN	3,900	3,900	3,900	3,900
NAVAL ORDNANCE STATION INDIAN HEAD				
UNACCOMP ENLISTED PERS HOUSING MODN	1,950	1,950	1,950	1,950
NAVAL STATION ANNAPOLIS				
FAMILY SERVICES CENTER	405	---	---	---
AIR FORCE				
ANDREWS AFB				
OSH-FIRE PROTECTION SPRINKLER SYS	2,200	1,786	1,786	1,786
DEFENSE AGENCIES				
ARMED FCS RADIOBIOLOGY RES INST BETHESDA				
UPGRADE MECH & ELECT SYSTEMS	10,900	10,900	10,900	10,900
DMA HYDROGRAPHIC/TOPOGRAPHIC CENTER				
ENERGY CONSERVATION PROJECTS	1,830	1,830	1,830	1,830
FORT HOLABIRD				
REPLACE LIGHTING & CEILING	210	210	210	210
FORT MEADE				
CHEMICAL STORAGE BUILDING	420	420	420	420
MECHANICAL EQUIPMENT BUILDING	565	565	565	565
METAL RECLAMATION BUILDING	675	675	675	675
SPECIAL PROCESSING LABS	27,840	24,840	27,840	26,800
TOXIC CHEMICAL TREATMENT	1,500	1,500	1,500	1,500
AIR NATIONAL GUARD				
GLENN L MARTIN APRT				
AERIAL PORT TRAINING FAC	990	990	990	990
TOTAL, MARYLAND	148,805	148,166	141,046	156,156

MILITARY CONSTRUCTION (IN THOUSANDS OF DOLLARS)

INSTALLATION & PROJECT	BUDGET REQUEST	HOUSE RECOMMENDED	SENATE RECOMMENDED	CONFERENCE AGREEMENT
MASSACHUSETTS				
ARMY				
FT DEVENS				
CHILD CARE FAC	---	3,000	(3,000)	3,000
AIR FORCE				
HANSCOM AFB				
ADD TO TELECOMMUNICATIONS FAC	480	480	480	480
ALTER MECHANICAL	940	940	940	940
PAYLOAD VERIFICATION/INTERPRETATION FAC	2,250	2,250	2,250	2,250
ARMY NATIONAL GUARD				
TAUNTON				
200 PERSON ARMORY	1,291	1,291	1,291	1,291
NAVY RESERVE				
NAS SOUTH WEYMOUTH				
TRAINING BLDG	350	350	---	350
MAIN GATE RELOC	---	1,400	---	1,400
AIR FORCE RESERVE				
WESTOVER AFB				
FIRE TRAINING FAC	325	325	325	325
TOTAL, MASSACHUSETTS	5,636	10,036	5,286	10,036
MICHIGAN				
ARMY				
DETROIT ARSENAL				
ENERGY EFFICIENT LIGHTING	270	270	270	270
NAVY				
NAVAL TRANSMITTER FACILITY REPUBLIC				
TRANSMITTER FAC & LAND ACQ	13,000	13,000	13,000	13,000
AIR FORCE				
K I SAWYER AFB				
ADD TO HEAT PLANT	35,000	35,000	(35,000)	35,000
ADD TO/ALTER OFFENSIVE AVIONICS FACILITY	950	950	950	950
VARIOUS OPS/MAINT/TRNG FAC	5,510	4,510	4,510	4,510
WURTSMITH AFB				
ALTER UNACCOMPANIED ENLISTED PERSONNEL HSG	5,000	5,000	5,000	5,000
DEFENSE AGENCIES				
DEFENSE FUEL SUPPORT POINT ESCANABA				
FIRE PROTECTION	1,000	1,000	1,000	1,000
ARMY RESERVE				
TRAVERSE CITY				
ADDITION TO ARMY RESERVE CENTER	1,303	1,303	1,303	1,303
TOTAL, MICHIGAN	62,033	61,033	26,033	61,033
MINNESOTA				
ARMY NATIONAL GUARD				
BLOOMINGTON				
200 PERSON ARMORY	1,435	1,435	1,435	1,435
ST. PAUL				
RENOVATE ARMORY	---	647	---	647
AVIATION FLT FAC	---	1,633	---	1,633
AIR NATIONAL GUARD				
DULUTH IAP				
FIRE STATION	960	960	960	960
MINN-ST PAUL				
BASE SUPPLY/EQUIP WHSE&COMPTROLLER FAC	2,600	2,600	2,600	2,600
AIR FORCE RESERVE				
MINN-ST PAUL IAP				
COMPOSITE TRAINING FAC	1,845	1,845	1,845	1,845
TOTAL, MINNESOTA	6,840	9,120	6,840	9,120

MILITARY CONSTRUCTION (IN THOUSANDS OF DOLLARS)

INSTALLATION & PROJECT	BUDGET REQUEST	HOUSE RECOMMENDED	SENATE RECOMMENDED	CONFERENCE AGREEMENT
MISSISSIPPI				
NAVY				
NAVAL AIR STATION MERIDIAN				
FAMILY SERVICES CENTER	610	610	610	610
NAVAL CONSTRUCTION BATTALION CTR GULFPORT				
UNACCOMP ENLISTED PERS HOUSING	2,960	2,960	2,960	2,960
NAVAL OCEANOGRAPHIC OFFICE BAY SAINT LOUIS				
COMPUTER PROGRAMMING OPERATIONS CENTER	6,320	6,320	6,320	6,320
NAVAL SPACE SURVEIL FIELD STA HOLLANDALE				
SPACE SURVEILLANCE ANTENNA	495	495	495	495
AIR FORCE				
COLUMBUS AFB				
ALTER UNACCOMPANIED ENLISTED PERSONNEL HSG	1,650	1,650	1,650	1,650
PHEL LABORATORY	---	---	(530)	530
KEESLER AFB				
AIRCRAFT CORROSION CONTROL FACILITY	420	420	420	420
UNACCOMPANIED ENLISTED PERSONNEL HOUSING	5,900	5,900	5,900	5,900
COMPUTER TRAINING FACILITY	---	---	(11,900)	---
UEPH W/DINING HALL	---	---	(6,400)	6,400
ARMY NATIONAL GUARD				
CAMP SHELBY				
RANGE IMPROVEMENTS, PHASE 20	1,613	1,613	1,613	1,613
LAND ACQUISITION II	---	2,914	---	2,914
CLINTON				
60 PERSON ARMORY	498	498	498	498
GLOSTER				
60 PERSON ARMORY	---	---	575	575
FLOWOOD				
ORGANIZATIONAL MAINTENANCE SHOP	383	383	383	383
INDIANOLA				
60 PERSON ARMORY	---	---	572	572
ROLLING FORK				
60 PERSON ARMORY	---	572	572	572
ARMY RESERVE				
GREENVILLE				
ARMY RESERVE CENTER-MAINTENANCE SHOP	1,880	1,880	1,880	1,880
JACKSON				
ADD.TO ARMY RES CEN-MAINT SHOP/SUPPORT ACT	2,371	2,371	2,371	2,371
LAUREL				
ARMY RESERVE CENTER	---	---	3,000	3,000
TOTAL, MISSISSIPPI	25,100	28,586	29,819	51,563
MISSOURI				
ARMY				
FORT LEONARD WOOD				
MAINTENANCE COMPLEX PHASE II	12,600	12,600	12,600	12,600
AIR FORCE				
WHITEMAN AFB				
TWO UEPH	---	8,600	(8,200)	8,600
DINING HALL	---	3,300	(3,300)	3,300
HEATING PLANT	---	1,800	(1,800)	1,800
MISSILE MAINT FAC	---	7,900	---	7,900
VEHICLE MAINT FAC	---	---	(2,000)	---
ARMY NATIONAL GUARD				
KENNETT				
60 PERSON ARMORY	728	728	728	728
LEBANON				
60 PERSON ARMORY	794	794	794	794
SAINT JOSEPH				
100 PERSON ARMORY	1,070	1,070	1,070	1,070
ORGANIZATIONAL MAINTENANCE SHOP	347	347	347	347
TOTAL, MISSOURI	15,539	37,139	15,539	37,139

MILITARY CONSTRUCTION (IN THOUSANDS OF DOLLARS)

INSTALLATION & PROJECT	BUDGET REQUEST	HOUSE RECOMMENDED	SENATE RECOMMENDED	CONFERENCE AGREEMENT
MONTANA				
AIR FORCE				
FORSYTH				
STRATEGIC TNG RANGE COMPLEX-SITE3/LAND ACQ.....	4,770	4,225	4,225	4,225
HAVRE				
STRATEGIC TNG RANGE COMPLEX-SITE2/LAND ACQ.....	4,970	4,936	4,936	4,936
MALMSTROM AFB				
ADD TO/ALTER CHILD CARE CENTER.....	630	630	630	630
ARMY RESERVE				
BUTTE				
EXP ARMORY TO RESERVE CEN-MAINT SHOP.....	985	985	985	985
TOTAL, MONTANA.....	11,355	10,776	10,776	10,776
NEBRASKA				
AIR FORCE				
OFFUTT AFB				
ADD TO AIR COND AF GLOBAL WEATHER CTRL.....	710	710	710	710
ADMINISTRATIVE FAC.....	500	---	---	---
AIRCRAFT MAINTENANCE FACILITIES-PHASE I.....	26,900	---	26,900	26,900
OSH-CORRECT ASBESTOS HAZARDS.....	1,300	1,300	1,300	1,300
UNACCOMPANIED ENLISTED PERSONNEL HOUSING.....	5,400	5,400	5,400	5,400
WEATHERIZATION.....	210	210	210	210
UOPH.....	---	---	(4,000)	---
ARMY NATIONAL GUARD				
HASTINGS				
QTRS/DINING FACILITY/UTILITIES.....	1,031	1,031	1,031	1,031
ARMY RESERVE				
OMAHA				
REHAB.RESERVE CEN-MAINT SHOP-SUPPORT ACTIV.....	4,202	4,202	4,202	4,202
TOTAL, NEBRASKA.....	40,253	12,853	39,753	39,753
NEVADA				
NAVY				
NAVAL AIR STATION FALLON				
AIRFIELD PAVEMENTS.....	11,900	11,900	11,900	11,900
AIR FORCE				
NELLIS AFB				
ADD TO/ALTER CHILD CARE CENTER.....	1,050	1,050	1,050	1,050
ALTER MECH/ELECT.....	440	440	440	440
ALTER UNACCOMPANIED ENLISTED PERSONNEL HSG.....	3,000	3,000	3,000	3,000
RELOC POWER LINE/LAND ACQ.....	175	---	---	---
TOTAL, NEVADA.....	16,565	16,390	16,390	16,390
NEW HAMPSHIRE				
AIR FORCE				
PEASE AFB				
BASE CIVIL ENG. MAINT. COMPLEX.....	---	---	(7,200)	---
TOTAL, NEW HAMPSHIRE.....	---	---	---	---

MILITARY CONSTRUCTION (IN THOUSANDS OF DOLLARS)

INSTALLATION & PROJECT	BUDGET REQUEST	HOUSE RECOMMENDED	SENATE RECOMMENDED	CONFERENCE AGREEMENT
NEW JERSEY				
ARMY				
FORT MONMOUTH				
PULSE POWER CENTER	12,400	12,400	---	12,400
ELEC DISTR SYS	---	2,500	---	2,500
PICATINNY ARSENAL				
COMPUTER CENTER MODERNIZATION	460	460	460	460
NAVY				
FT DIX AEGIS COMBAT SYS ENGINEER DEV SITE				
UNACCOMP ENLISTED PERS HOUSING & DING FAC	2,040	2,040	---	---
NAVAL AIR ENGINEERING CENTER LAKEHURST				
SAFETY ALARM SYSTEM	475	475	475	475
UNACCOMP ENLISTED PERS HOUSING	3,720	3,720	3,720	3,720
NAVAL WEAPONS STATION EARLE				
TORPEDO SHOP ADDITION	465	465	465	465
AIR FORCE				
MCGUIRE AFB				
TAXIWAY LIGHTING	620	620	620	620
ARMY NATIONAL GUARD				
WOODBURY				
ARMORY ADDITION	1,294	1,294	1,294	1,294
AIR NATIONAL GUARD				
ATLANTIC CITY				
OPNL TRNG/MED TRNG & ADMIN/DINING HALL FAC	2,780	2,780	2,780	2,780
AIR FORCE RESERVE				
MCGUIRE AFB				
ADD TO RES FORCES AEROMED TRAINING FAC	1,430	1,430	1,430	1,430
TOTAL, NEW JERSEY	25,684	28,184	11,244	26,144
NEW MEXICO				
ARMY				
WHITE SANDS MISSILE RANGE				
PHYSICAL FITNESS TRAINING CENTER ADDITION	310	310	310	310
AIR FORCE				
CANNON AFB				
CONSOLIDATED SUPPORT CENTER	6,800	6,800	(6,800)	6,800
HOLLOMAN AFB				
ADD TO ARCFT AMNT. UNIT	---	---	(600)	---
ADD TO ENGINE INST. & REPAIR	---	---	(1,000)	---
ARCFT CORROSION CONTROL	---	---	(1,400)	---
ALTER UEPH	---	---	(3,100)	3,100
AIRMEN DINING HALL	---	---	(3,000)	3,000
AIRCRAFT MAINTENANCE HANGER	---	---	(7,700)	---
MUNITIONS STORAGE	---	---	(3,700)	---
KIRTLAND AFB				
ADD TO /ALTER FIRE STATION	670	670	670	670
ADD TO/ALTER PRECISION MEASUREMENT EQ LAB	970	970	970	970
ALTER ELECTRICAL/MECHANICAL	600	600	600	600
TOTAL, NEW MEXICO	9,350	9,350	2,550	15,450
NEW YORK				
ARMY				
FORT DRUM				
RECREATION CENTER	1,500	1,500	1,500	1,500
U S MILITARY ACADEMY				
BARRACKS MODERNIZATION	8,100	8,100	8,100	8,100
ENERGY EFFICIENT LIGHTING	360	360	360	360
ENERGY MONITORING AND CONTROL SYSTEM	480	480	480	480
LAND ACQUISITION-LADYCLIFF	3,450	3,450	---	3,450
WEATHER STRIPPING	450	450	450	450

MILITARY CONSTRUCTION (IN THOUSANDS OF DOLLARS)

INSTALLATION & PROJECT	BUDGET REQUEST	HOUSE RECOMMENDED	SENATE RECOMMENDED	CONFERENCE AGREEMENT
AIR FORCE				
GRIFFISS AFB				
ADD TO/ALTER ELECTRONIC RESEARCH TEST FAC	2,250	2,250	---	2,250
AIR LAUNCHED CRUISE MISSILE IGLOO	1,300	1,300	1,300	1,300
OSH-DELUGE SYS IN ACFT HANGAR COMPLEX	2,150	2,150	2,150	2,150
UEPH	---	6,700	---	6,700
FT HAMILTON				
ADMINISTRATION FACILITY	500	---	---	---
PLATTSBURGH AFB				
CHILD CARE CTR	1,100	1,100	1,100	1,100
WEATHERIZATION/ALTER MECHANICAL	790	665	665	665
ARMY NATIONAL GUARD				
LATHAM				
600 PERSON ARMORY	2,727	4,577	2,727	4,577
US PROPERTY & FISCAL OFFICER	1,289	1,289	1,289	1,289
MAINT SHOP	---	494	---	494
BUFFALO				
MAINT SHOP	---	424	---	424
AIR NATIONAL GUARD				
HANCOCK FLD				
AIRCRAFT MAINTENANCE DOCK	1,340	1,340	1,340	1,340
DINING HALL	900	900	900	900
NIAGARA FALLS				
ADD/ALT BLDG 906 FOR SUPPORT EQUIP SHOP	530	530	530	530
SQUADRON OPERATIONS FACILITY	1,540	1,540	1,540	1,540
STEWART AIRFIELD				
ACFT BEDDOWN	---	29,200	---	29,200
SUFFOLK COUNTY AIRPORT				
COMPOSITE SQ OPNS/MAINT CONTROL FAC	2,230	2,230	2,230	2,230
ARMY RESERVE				
AMITYVILLE				
ARMED FORCES RESERVE CEN-MAINT ACTIVITY	2,084	2,084	2,084	2,084
FORT DRUM				
EQUIPMENT SITE-MAINTENANCE ACTIVITY	4,373	4,373	4,373	4,373
NAVY RESERVE				
ARMED FORCES RESERVE CENTER AMITYVILLE				
RESERVE TRAINING BUILDING	3,100	3,100	3,100	3,100
AIR FORCE RESERVE				
NIAGARA FALLS IAP				
VEHICLE OPERATIONS HEATED PARKING	510	510	510	510
TOTAL, NEW YORK	43,053	81,096	36,728	81,096
NORTH CAROLINA				
ARMY				
FORT BRAGG				
BARRACKS	12,000	12,000	12,000	12,000
CHILD CARE CENTERS	4,400	4,400	4,400	4,400
DINING FACILITY MODERNIZATION	1,800	1,800	1,800	1,800
FIELD OPERATIONS FACILITY	2,600	2,600	2,600	2,600
INTELLIGENCE TRAINING FACILITY	1,200	1,200	1,200	1,200
PHYSICAL FITNESS TRAINING CENTER	2,800	2,800	2,800	2,800
TACTICAL EQUIPMENT SHOP	6,300	6,300	6,300	6,300

MILITARY CONSTRUCTION (IN THOUSANDS OF DOLLARS)

INSTALLATION & PROJECT	BUDGET REQUEST	HOUSE RECOMMENDED	SENATE RECOMMENDED	CONFERENCE AGREEMENT
NAVY				
MARINE CORPS AIR STATION CHERRY POINT				
MAINTENANCE SHOPS	1,530	1,530	1,530	1,530
VENTILATION IMPROVEMENTS	275	275	275	275
MARINE CORPS AIR STATION NEW RIVER				
ENLISTED DINING FACILITY ADDITION	1,530	1,530	1,530	1,530
RADAR AIR TRAFFIC CONTROL CENTER	1,200	1,200	1,200	1,200
MARINE CORPS BASE CAMP LEJUENE				
AMPHIBIOUS VEHICLE MAINTENANCE SHOP	6,790	6,790	6,790	6,790
COMBAT VEHICLE MAINTENANCE SHOPS	6,420	6,420	6,420	6,420
ELECTRONICS/COMMUNICATION MAINT SHOP	335	335	335	335
SEWERAGE SYSTEM	455	455	455	455
UNACCOMP ENLISTED PERS HOUSING	14,800	14,800	14,800	14,800
UTILITY IMPROVEMENTS	2,960	2,960	2,960	2,960
NAVAL AIR REWORK FACILITY CHERRY POINT				
AIRCRAFT POWER CHECK FACILITY	4,740	4,740	4,740	4,740
AUTOMATIC PLATING FACILITY	15,300	15,300	15,300	15,300
AIR FORCE				
POPE AFB				
ADD TO/ALTER RECREATION CENTER	1,700	1,700	1,700	1,700
BASE TRANSPORTATION COMPLEX	---	---	(3,700)	3,700
COMPTOLLER SERVICES CTR	1,100	1,100	1,100	1,100
SEYMOUR JOHNSON AFB				
ADD TO/ALTER CHILD CARE CENTER	690	690	690	690
AIRCRAFT MAINTENANCE DOCK	4,550	4,550	4,550	4,550
ARMY NATIONAL GUARD				
FORT BRAGG				
MOBILIZATION & TRAINING EQUIPMENT SITE	1,000	1,000	1,000	1,000
PARKTON				
60 PERSON ARMORY	493	493	493	493
AIR NATIONAL GUARD				
BADIN ANGS				
COMMUNICATION/ELECTRONIC TRAINING FACILITY	1,500	1,500	1,500	1,500
DOUGLAS MAP				
FIRE STATION	1,050	1,050	1,050	1,050
TOTAL, NORTH CAROLINA	99,518	99,518	99,518	103,218
NORTH DAKOTA				
AIR FORCE				
GRAND FORKS AFB				
ADD TO EDUC CTR	1,100	1,100	1,100	1,100
ALTER UNACCOMPANIED ENLISTED PERSONNEL HSG	6,935	6,935	6,935	6,935
AMBULANCE GARAGE/MEDICAL LOGISTICS FAC	490	490	490	490
MINOT AFB				
ALTER UNACCOMPANIED ENLISTED PERSONNEL HSG	7,100	7,100	7,100	7,100
COMPOSITE MEDICAL FAC	38,000	---	---	---
VARIOUS MAINT/OPS/TNG FAC	7,700	6,700	6,700	6,700
TOTAL, NORTH DAKOTA	61,325	22,325	22,325	22,325

MILITARY CONSTRUCTION (IN THOUSANDS OF DOLLARS)

INSTALLATION & PROJECT	BUDGET REQUEST	HOUSE RECOMMENDED	SENATE RECOMMENDED	CONFERENCE AGREEMENT
OHIO				
AIR FORCE				
NEWARK AFS				
SYSTEMS METROLOGY ENGINEERING LABORATORY	800	800	800	800
WRIGHT-PATTERSON AFB				
ADD TO WATER SUPPLY AND STORAGE SYS	800	800	800	800
ADD TO/ALTER VIVARIUM	510	510	510	510
ALTER ELECTRONIC RESEARCH LABORATORY	600	600	600	600
ALTER STRUCTURAL/MECHANICAL	700	613	613	613
OSH-ADD TO/ALTER AIRCRAFT CORROSION CNTROL	3,400	3,400	3,400	3,400
DEFENSE AGENCIES				
DEFENSE FUEL SUPPORT POINT CINCINNATI				
NEW FUEL PIER	3,200	3,200	---	---
ARMY NATIONAL GUARD				
CAMP PERRY				
TRAINING FACILITIES	---	---	365	---
AIR NATIONAL GUARD				
RICKENBACKER AFB				
ALTER BLDG 863-MEDICAL TRNG/ADMIN FACILITY	350	350	350	350
CREW READINESS FACILITY	500	500	500	500
AIR FORCE RESERVE				
RICKENBACKER ANGB				
ALTER BLDG 863-MEDICAL TRAINING/ADMIN FAC	350	350	350	350
WRIGHT-PATTERSON AFB				
FUEL SYS MAINT DOCK	1,585	1,585	1,585	1,585
YOUNGSTOWN MAP				
FIRE STATION	1,700	1,700	1,700	1,700
VEHICLE MAINTENANCE SHOP	1,376	1,376	1,376	1,376
TOTAL, OHIO	15,871	15,784	12,949	12,584
OKLAHOMA				
ARMY				
FORT SILL				
WEAPONS TRAINING FACILITY	2,150	2,150	2,150	2,150
UEPH	---	23,000	(23,000)	23,000
AIR FORCE				
ALTUS AFB				
AIRLIFT TRAINING CENTER	16,500	16,500	16,500	16,500
CONSOL OPNS/MAINT FAC	---	3,400	---	3,400
UNACCOMPANIED ENLISTED PERSONNEL HOUSING	1,700	1,700	1,700	1,700
TINKER AFB				
ALTER MECHANICAL	720	720	720	720
CLOTHING SALES STORE	700	---	---	---
EMERGENCY BACK-UP POWER	2,850	2,850	2,850	2,850
FLYING TRAINING CLASSROOM	2,500	2,500	2,500	2,500
SQUADRON OPERATIONS FACILITY	760	760	760	760
UNACCOMPANIED ENLISTED PERSONNEL HOUSING	2,200	2,200	2,200	2,200
ALTER F-107 ENG. FAC	---	---	(420)	---
COMBAT COMM. HQTRS	---	---	(720)	720
COMM. ELECT INSTALLATION FAC	---	---	(960)	720
VANCE AFB				
ENERGY MONITORING CONTROL SYS EXPANSION	1,250	1,250	1,250	1,250
ARMY NATIONAL GUARD				
EL RENO				
60 PERSON ARMORY	630	630	630	630
IDABEL				
60 PERSON ARMORY	---	612	612	612
ARMY RESERVE				
OKLAHOMA CITY (KROWSE)				
ADDITION TO ARMY RESERVE CENTER	3,952	3,952	3,952	3,952
TOTAL, OKLAHOMA	35,912	62,224	35,824	63,664

MILITARY CONSTRUCTION (IN THOUSANDS OF DOLLARS)

INSTALLATION & PROJECT	BUDGET REQUEST	HOUSE RECOMMENDED	SENATE RECOMMENDED	CONFERENCE AGREEMENT
OREGON				
AIR FORCE RESERVE				
PORTLAND IAP				
ACFT MAINT HANGAR	1,905	1,905	1,905	1,905
AEROSPACE GND EQ ENGINE INSPEC/REPAIR SHOP	1,000	1,000	1,000	1,000
COMPOSITE MAINT FAC	1,830	1,830	1,830	1,830
TOTAL, OREGON	4,735	4,735	4,735	4,735
PENNSYLVANIA				
ARMY				
CARLISLE BARRACKS				
PHYSICAL FITNESS TRAINING CENTER WITH POOL	3,700	1,500	---	1,500
LETTERKENNY ARMY DEPOT				
HEAT RECOVERY INCINERATOR	1,600	---	---	---
TOBYHANNA ARMY DEPOT				
SHELTER HANDLING FACILITY	9,200	9,200	---	9,200
NAVY				
NAVY SHIPS PARTS CONTROL CTR MECHANICSBURG				
DATA PROCESSING CENTER	15,800	15,800	---	---
NSY PHILADELPHIA				
BERTHING WHARF IMPR	---	2,600	---	2,600
NSSES PHILADELPHIA				
EVAL TEST FAC	---	14,500	---	14,500
DEFENSE AGENCIES				
DEFENSE DEPOT MECHANICSBURG				
INTEGRATED MATERIAL HANDLING COMPLEX	18,000	18,000	---	---
AIR NATIONAL GUARD				
HARRISBURG IAP				
BASE SUPPLIES & EQUIP WHSE	2,400	2,400	2,400	2,400
WILLOW GROVE NAS				
AUTO MAINT/SUPPORT EQUIP SHOP	1,100	1,100	1,100	1,100
COMM/ELECTRONICS TRNG FAC-MOBILITY STORAGE	2,200	2,200	2,200	2,200
ARMY RESERVE				
LOCK HAVEN				
RESERVE CEN-MAINTEN SHOP-SUPPORT ACTIVITY	3,191	3,191	3,191	3,191
NAVY RESERVE				
NAS WILLOW GROVE				
ACFT APPROACH LIGHTS	---	250	---	---
HANGAR FIRE PROT	---	300	---	---
AIR FORCE RESERVE				
WILLOW GROVE ARF				
ALT RES FORCES OPNS & TRNG FAC	495	495	495	495
VEHICLE MAINTENANCE FACILITY	1,028	1,028	1,028	1,028
TOTAL, PENNSYLVANIA	58,714	72,564	10,414	38,214
RHODE ISLAND				
NAVY				
NAVAL EDUCATION & TRAINING CENTER NEWPORT				
ACADEMIC INSTRUCTION BUILDING ALTERATIONS	910	910	910	910
ELECTRICAL DISTRIBUTION LINES	200	200	200	200
PIER UTILITIES	3,160	3,160	---	---
ARMY NATIONAL GUARD				
MIDDLETOWN				
100 PERSON ARMORY	922	922	922	922
TOTAL, RHODE ISLAND	5,192	5,192	2,032	2,032

MILITARY CONSTRUCTION (IN THOUSANDS OF DOLLARS)

INSTALLATION & PROJECT	BUDGET REQUEST	HOUSE RECOMMENDED	SENATE RECOMMENDED	CONFERENCE AGREEMENT
SOUTH CAROLINA				
ARMY				
FORT JACKSON				
ENERGY DISTRIBUTION SYSTEM MODERNIZATION	790	790	790	790
EDUCATION CENTER	---	---	(5,200)	5,200
CHAPEL/CHILD CARE CENTER	---	---	(6,400)	6,400
TRAINEE BARRACKS	---	---	(26,800)	---
NAVY				
MARINE CORPS AIR STATION BEAUFORT				
AIRCRAFT SUPPORT FACILITIES	1,030	1,030	1,030	1,030
MAINTENANCE HANGAR MODERNIZATION	1,390	1,390	1,390	1,390
TACTICAL SUPPORT VAN PADS	1,110	1,110	1,110	1,110
NAVAL STATION CHARLESTON				
BERTHING PIER	39,250	36,000	36,000	36,000
FIRE PROTECTION PIPELINE	---	---	3,900	3,900
NSY CHARLESTON				
ELEC DISTR SYS IMPR	---	---	15,000	15,000
NAVAL WEAPONS STATION CHARLESTON				
CHILD CARE CENTER	1,570	1,570	1,570	1,570
AIR FORCE				
CHARLESTON AFB				
COMPOSITE WING FACILITY	---	---	(3,200)	---
MYRTLE BEACH AFB				
ALTER MECHANICAL/ELECTRICAL	270	250	250	250
MISSILE MAINTENANCE SHOP	1,300	1,300	1,300	1,300
SHAW AFB				
ALTER UNACCOMPANIED ENLISTED PERSONNEL HSG	2,450	2,450	2,450	2,450
BASE ENGINEER FAC	7,100	7,100	7,100	7,100
RADIO CONTROL-ALTER MECHANICAL/ELECTRICAL	490	440	440	440
ARMY NATIONAL GUARD				
DARLINGTON				
100 PERSON ARMORY	908	908	908	908
TIMMONSVILLE				
100 PERSON ARMORY	814	814	814	814
AIR NATIONAL GUARD				
MCENTIRE				
BASE SUPPLIES & EQUIP WHSE/MOBILITY STOR	2,240	2,240	2,240	2,240
FIRE STATION	1,050	1,050	1,050	1,050
TOTAL, SOUTH CAROLINA	61,762	58,442	77,342	88,942
SOUTH DAKOTA				
AIR FORCE				
ELLSWORTH AFB				
UNACCOMPANIED ENLISTED PERSONNEL HOUSING	6,700	6,700	6,700	6,700
TOTAL, SOUTH DAKOTA	6,700	6,700	6,700	6,700
TENNESSEE				
ARMY				
MILAN AAP				
RUNOFF COLLECTION/TREATMENT SYSTEM	550	550	550	550
NAVY				
NAVAL AIR STATION MEMPHIS-MILLINGTON				
APPLIED INSTRUCTION BUILDING	4,650	4,650	4,650	4,650
MUNICIPAL SEWER CONNECTION	7,150	7,150	7,150	7,150
AIR FORCE				
ARNOLD ENGINEERING DEV CENTER				
ALTER MECH/STRUC/ELEC	670	670	670	670
ANECHOIC CHAMBER	200	---	---	---
CAPTIVE TRAJECTORY SUP SYS-PROPWIND TUNNEL	7,400	7,400	7,400	7,400
CONVERT TO PRECISION MACHINE SHOP	1,600	1,600	1,600	1,600
SOLID PROPELLANT STORAGE FAC	2,500	2,500	2,500	2,500
FIRE PROTECTION BULK FUEL	---	---	(382)	382

MILITARY CONSTRUCTION (IN THOUSANDS OF DOLLARS)

INSTALLATION & PROJECT	BUDGET REQUEST	HOUSE RECOMMENDED	SENATE RECOMMENDED	CONFERENCE AGREEMENT
DEFENSE AGENCIES				
DEFENSE DEPOT MEMPHIS				
ENCLOSE BUILDING 942	750	750	750	750
ARMY NATIONAL GUARD				
DAYTON				
60 PERSON ARMORY	706	706	706	706
MURFREESBORO				
100 PERSON ARMORY	899	899	899	899
WAYNESBORO				
60 PERSON ARMORY	690	690	690	690
LEBANON				
ARMORY	---	---	900	900
AIR NATIONAL GUARD				
MCGHEE-TYSON APT				
COMPOSITE SQ OPNS/TELECOMM FAC	2,715	2,715	2,715	2,715
FIRE STATION	1,000	1,000	1,000	1,000
JET FUEL STORAGE	1,035	1,035	1,035	1,035
MEMPHIS IAP				
FUEL SYS MAINT/CORROSION CONTROL DOCK	2,600	2,600	2,600	2,600
NASHVILLE MAP				
FUEL SYS MAINT/CORROSION CONTROL DOCK	2,650	2,650	2,650	2,650
TOTAL, TENNESSEE	37,765	37,565	38,465	38,847
TEXAS				
ARMY				
FORT BLISS				
BATTALION CLASSROOM	530	530	530	530
COMPANY ADMINISTRATION AND SUPPLY	2,200	2,200	2,200	2,200
DINING FACILITY MODERNIZATION	4,350	4,350	4,350	4,350
MULTI-PURPOSE DIVAD RANGE	9,000	9,000	9,000	9,000
MULTI-PURPOSE TRAINING RANGE	17,500	17,500	17,500	17,500
REPLACE EXTERIOR LIGHTING	1,150	1,150	1,150	1,150
PHYSICAL FITNESS TRAINING CENTER	---	---	(2,850)	---
INFANTRY REMOTE TARGET SYSTEMS RANGES	---	---	(3,000)	3,000
FORT HOOD				
AIRCRAFT MAINTENANCE FACILITY	11,400	11,400	11,400	11,400
AIRCRAFT MAINTENANCE FACILITY	13,200	13,200	13,200	13,200
AUTOMATED TRACKED VEHICLE WASHING FACILITY	5,500	5,500	5,500	5,500
BRIGADE HEADQUARTERS	1,250	1,250	1,250	1,250
FIELD LIGHTING	700	700	700	700
MULTI-PURPOSE TRAINING RANGE	9,600	9,600	9,600	9,600
MULTI-PURPOSE TRAINING RANGE	2,800	2,800	2,800	2,800
MULTI-PURPOSE TRAINING RANGE	5,200	5,200	5,200	5,200
STORM WINDOWS AND WEATHERSTRIPPING	2,250	2,250	2,250	2,250
TACTICAL EQUIPMENT SHOP	8,400	8,400	8,400	8,400
TACTICAL EQUIPMENT SHOP	8,200	8,200	8,200	8,200
BRADLEY VEH RANGE	---	3,350	(3,350)	3,350
BULK FUEL STORAGE	---	4,200	(4,200)	4,200
RED RIVER ARMY DEPOT				
BRADLEY VEHICLE SUPPORT FACILITY	1,250	1,250	1,250	1,250
NAVY				
NAVAL AIR STATION CHASE FIELD				
CHILD CARE CENTER	550	550	550	550
CONTROL TOWER	580	580	580	580
ELEVATED PORTABLE WATER STORAGE TANK	1,030	1,030	1,030	1,030
FAMILY SERVICES CENTER	465	465	465	465
NAVAL AIR STATION CORPUS CHRISTI				
FAMILY SERVICES CENTER	495	495	495	495
NAVAL AIR STATION KINGSVILLE				
FAMILY SERVICES CENTER	560	560	560	560
RUNWAY IMPROVEMENTS	4,270	4,270	4,270	4,270

MILITARY CONSTRUCTION (IN THOUSANDS OF DOLLARS)

INSTALLATION & PROJECT	BUDGET REQUEST	HOUSE RECOMMENDED	SENATE RECOMMENDED	CONFERENCE AGREEMENT
AIR FORCE				
BERGSTROM AFB				
ADD TO ENGINE INSP & REPAIR SHOP	640	640	640	640
ALTER MECHANICAL/ELECTRIAL	460	440	440	440
REGINAL AIRCRAFT STRIPPING/PAINTING FAC	5,700	5,700	5,700	5,700
BASE SUPPORT CENTER	---	---	(6,500)	6,500
COMPOSITE WING FACILITY	---	---	(1,280)	---
EDUCATION CENTER	---	---	(2,750)	---
ACCESS ROAD	---	---	(3,000)	3,000
BROOKS AFB				
ADD TO/ALTER OCCUPATNL ENVIRON HEALTH LAB	5,260	5,260	5,260	5,260
ALTER BASE SUPPLY ADMINISTRATIVE FACILITY	1,550	1,550	1,550	1,550
ALTER MECHANICAL/ELECTRICAL/STRUCTURAL	410	410	410	410
CONSOLIDATED SUPPORT CENTER	2,660	2,660	2,660	2,660
OSH-FIRE PROTECTION SYS	230	230	230	230
CARSWELL AFB				
ALTER ELECT/MECH/STRUCT	400	400	400	400
JET FUEL STORAGE	3,000	3,000	3,000	3,000
UPGRADE POWER PLANTS ADWS	---	---	(710)	710
DYESS AFB				
AIRCRAFT FUEL SYSTEM MAINTENANCE DOCK	2,900	2,900	2,900	2,900
ALTER UNACCOMPANIED ENLISTED PERSONNEL HSG	5,500	5,500	5,500	5,500
COMBAT CREW TNG SQ(CCTS) SUPPORT FAC	1,900	1,900	1,900	1,900
MUNITIONS SUPPORT FAC	4,000	4,000	4,000	4,000
GOODFELLOW AFB				
OSH-FIRE PROTECTION SYS	320	320	320	320
PAVE PAWS-REAL ESTATE ACQUISITION	420	420	420	420
ALT ELEC DISTR SYS	---	1,500	(1,600)	1,500
VOICE PROCESSING TRNG. FAC	---	---	(7,800)	7,800
JOHNSON SPACE CENTER				
STS-SECURITY MODIFICATIONS	700	---	700	---
KELLY AFB				
ADD TO AIR FREIGHT TERMINAL	3,050	3,050	3,050	3,050
ADD TO ELECTRONIC SYS COMMAND HDQTRS FAC	7,000	7,000	7,000	7,000
ALTER DELUGE PUMP POWER SUPPLY	240	240	240	240
UPGRADE INDUSTRIAL WASTE TREATMENT	11,000	11,000	11,000	11,000
WEATHERIZE/ALTER MECHANICAL	1,300	1,300	1,300	1,300
LACKLAND AFB				
UNACCOMPANIED ENLISTED PERSONNEL HOUSING	7,800	7,800	7,800	7,800
CHAPEL	---	---	(2,900)	2,900
LAUGHLIN AFB				
LAND FEE PURCHASE	2,120	---	---	---
REESE AFB				
AIRCRAFT MAINT ENGINE INSPECTN/REPAIR SHOP	1,550	1,550	1,550	1,550
SAN ANTONIO AREA				
UPGRADE REGIONAL CONNECTION	12,000	12,000	12,000	12,000
SHEPPARD AFB				
INSULATION	500	500	500	500
UNACCOMPANIED ENLISTED PERSONNEL HOUSING	7,200	7,200	7,200	7,200
VISITING OFFICER QTRS	5,200	5,200	5,200	5,200
GYM	---	---	(3,180)	3,180
DEFENSE AGENCIES				
DEF PROPERTY DISPOSAL OFF SAN ANTONIO				
HAZARDOUS MATERIAL DISPOSAL FACILITY	500	500	500	500
ARMY NATIONAL GUARD				
EAGLE PASS				
100 PERSON ARMORY	---	681	681	681
SAN ANTONIO				
ARMORY ADDITION	1,115	1,115	1,115	1,115
AIR NATIONAL GUARD				
ELLINGTON				
FIRE SUPPRESSION/DETECTION	650	650	650	650

MILITARY CONSTRUCTION (IN THOUSANDS OF DOLLARS)

INSTALLATION & PROJECT	BUDGET REQUEST	HOUSE RECOMMENDED	SENATE RECOMMENDED	CONFERENCE AGREEMENT
FUEL SYS MAINT/CORROSION CONTROL DOCK	1,360	1,360	1,360	1,360
REFUELING VEHICLE PARKING	250	250	250	250
ARMY RESERVE				
CORPUS CHRISTI				
600-MEMBER AFRC/OMS/AMSA	2,490	2,490	2,490	2,490
NAVY RESERVE				
ARMED FORCES RESERVE CENTER CORPUS CHRISTI				
RESERVE TRAINING BUILDING	3,350	3,350	3,350	3,350
NAS DALLAS				
UNACCOMPANIED ENLISTED PERSONNEL HOUSING	4,400	4,400	4,400	4,400
AICUZ III	---	295	---	295
AIR TRAFFIC CONTROL	---	250	---	250
CHAPEL	---	1,500	---	1,500
TOTAL, TEXAS	221,555	230,491	220,096	257,581
UTAH				
ARMY				
FORT DOUGLAS				
MILITARY ENTRANCE PROCESSING STATION	910	910	910	910
AIR FORCE				
HILL AFB				
ADD TO DEPOT ACFT FUEL SYS MAINT DOCK	640	640	640	640
BASE SUPPLY AND EQUIPMENT WAREHOUSE	700	700	700	700
DEPOT AIRCRAFT WEAPONS MAINTENANCE SHOP	5,600	5,600	5,600	5,600
OCCUPATIONAL HEALTH CLINIC	2,950	2,950	2,950	2,950
REFUELING VEHICLE MAINTENANCE SHOP	700	700	700	700
RELIGIOUS EDUC CENTER	1,600	800	1,600	1,600
SOUND SUPPESSOR SUPPORT	965	965	965	965
SQUADRON OPERATIONS FACILITY	3,000	3,000	3,000	3,000
DEFENSE AGENCIES				
DEF PROPERTY DISPOSAL OFFICE TOOELE				
ADMINISTRATIVE BUILDING	420	420	420	420
AIR FORCE RESERVE				
HILL AFB				
ACFT GENERATION SHOP	470	470	470	470
ADD TO ROCKET CHECKOUT & ASSY FAC	260	260	260	260
ADD/ALT SQDN OPNS	400	400	400	400
TOTAL, UTAH	18,615	17,815	18,615	18,615
VERMONT				
ARMY NATIONAL GUARD				
ETHAN ALLEN				
UNIT ADMIN/SUPPLY BUILDING	260	260	260	260
ARMY RESERVE				
RUTLAND				
EXP TO ARMY RESERVE CEN-MAINT ACTIVITY	1,384	1,384	1,384	1,384
TOTAL, VERMONT	1,644	1,644	1,644	1,644
VIRGINIA				
ARMY				
FORT EUSTIS				
STEAM PLANT ADDITION	3,400	---	---	---
FORT LEE				
ELECTRIC POWER GENERATING PLANT	630	630	630	630
FOOD SERVICE TRAINING FACILITY	5,300	5,300	5,300	5,300
FORT MYER				
INSULATE BUILDINGS	900	900	900	900
STEAM DISTRIBUTION SYSTEM EXTENSION	1,850	1,850	1,850	1,850
FORT STORY				
MAINTENANCE FACILITY	7,200	7,200	7,200	7,200
PHYSICAL FITNESS TRAINING CENTER	1,800	1,800	1,800	1,800

MILITARY CONSTRUCTION (IN THOUSANDS OF DOLLARS)

INSTALLATION & PROJECT	BUDGET REQUEST	HOUSE RECOMMENDED	SENATE RECOMMENDED	CONFERENCE AGREEMENT
NAVY				
FLEET ANTI-SUB WARFARE TRAIN CTR NORFOLK				
APPLIED INSTRUCTION BUILDING	1,900	1,500	1,500	1,500
APPLIED INSTRUCTION BUILDING	2,230	2,230	2,230	2,230
FLEET COMBAT DIRECT SYS SUPT ACT DAM NECK				
COMBAT DATA SYSTEMS BUILDING ADDITION	4,000	4,000	4,000	4,000
FLEET COMBAT TRAIN CTR ATLANTIC DAM NECK				
GYMNASIUM ADDITION	1,390	1,390	1,390	1,390
UNACCOMP ENLISTED PERS HOUSING	10,800	10,800	10,800	10,800
APPLIED INSTR BLDG	---	12,200	---	12,200
FLEET TRAINING CENTER NORFOLK				
APPLIED INSTRUCTION BUILDING	1,120	1,120	1,120	1,120
MARINE CORPS CAMP DET NORFOLK CAMP ELMORE				
PHYSICAL FITNESS CENTER	1,160	1,160	1,160	1,160
MARINE CORPS DEV & EDUC COMMAND QUANTICO				
FIELD MAINTENENCE SHOP	2,570	2,570	2,570	2,570
NAVAL AIR REWORK FACILITY NORFOLK				
REPAIR SHOP IMP	3,020	3,020	3,020	3,020
NAVAL AIR STATION OCEANA				
AIRCRAFT PARKING APRON	3,480	3,480	3,480	3,480
FAMILY SERVICES CENTER	415	415	415	415
NAVAL AMPHIBIOUS BASE LITTLE CREEK				
ELECTRONICS/COMMUNICATIONS MAINT SHOP	1,070	1,070	1,070	1,070
ELECTRONICS/COMMUNICATIONS MAINT SHOP	3,160	3,160	3,160	3,160
PERSONNEL SUPPORT FACILITIES	1,830	1,830	1,830	1,830
VEHICLE MAINTENANCE FACILITY	3,110	3,110	3,110	3,110
NAVAL GUIDED MISSILES SCHOOL DAM NECK				
OPER TRAINER FAC (NS NORFOLK)	1,860	1,860	1,860	1,860
NAVAL SHIPYARD NORFOLK				
CHILD CARE CENTER	560	560	560	560
MUNICIPAL SEWER CONNECTION	8,290	8,290	8,290	8,290
STEAM PLANT (PHASE II)	118,000	110,000	118,000	110,000
ELEC DISTR SYS MOD	---	10,500	---	10,500
NAVAL STATION NORFOLK				
DREDGING	2,560	2,560	2,560	2,560
NAVAL SUPPLY CENTER NORFOLK				
DATA PROCESSING FACILITY	6,400	6,400	6,400	6,400
NAVAL SURFACE WEAPONS CENTER DAHLGREN				
APPLIED INSTRUCTION BUILDING	4,180	4,180	4,180	4,180
UNACCOMP ENLISTED PERS HOUSING ADDN	800	800	800	800
UNACCOMP OFFICER PERS HOUSING ADDN	375	375	375	375
NAVCAMS LANT NORFOLK				
FIRE PROTECTION (ANNAPOLIS)	600	600	600	600
SAT EARTH TERM (G BAY)	1,090	1,090	1,090	1,090
TACTICAL TRAIN GRP ATLANTIC VIRGINIA BEACH				
OPERATIONAL TRAINER FACILITY	3,750	---	3,750	3,750
AIR FORCE				
LANGLEY AFB				
BASE SUPPLY COMPLEX-PHASE I	5,000	5,000	5,000	5,000
OSH-FIRE SUPPRESSION SYS	3,300	3,300	3,300	3,300
DEFENSE AGENCIES				
CLASSIFIED ACTIVITY FORT BELVOIR				
COMMUNICATIONS SUPPORT FACILITY	3,000	3,000	3,000	3,000
DEF PROPERTY DISPOSAL OFFICE NORFOLK				
HAZARDOUS MATERIAL DISPOSAL FACILITY	940	940	940	940
DEF SYS MGMT COL -FT BELVOIR				
ACADEMIC FACILITY	4,700	---	4,700	4,000
PENTAGON				
PENTAGON COMPUTER FACILITY EXPANSION	1,000	1,000	1,000	1,000
ARMY NATIONAL GUARD				
GATE CITY				
ARMORY ADDITION	484	484	484	484
FORT PICKETT				
DIRECT SUPPORT LOGISTICAL FACILITY	390	390	390	390
MOBILIZATION & TRAINING EQUIPMENT SITE	4,844	4,844	4,844	4,844
TOTAL, VIRGINIA	234,458	236,908	230,658	244,658

MILITARY CONSTRUCTION (IN THOUSANDS OF DOLLARS)

INSTALLATION & PROJECT	BUDGET REQUEST	HOUSE RECOMMENDED	SENATE RECOMMENDED	CONFERENCE AGREEMENT
WASHINGTON				
ARMY				
FORT LEWIS				
BARRACKS	1,740	1,740	1,740	1,740
BATTALION HEADQUARTERS AND CLASSROOM	1,450	1,450	1,450	1,450
BATTALION HEADQUARTERS AND CLASSROOM	2,800	2,800	2,800	2,800
BRIGADE HEADQUARTERS	1,500	1,500	1,500	1,500
COMPANY ADMINISTRATION AND SUPPLY	4,250	4,250	4,250	4,250
CORRECT SAFETY DEFICIENCIES	2,650	2,650	2,650	2,650
FLIGHT SIMULATOR BUILDING	8,000	8,000	8,000	8,000
TACTICAL EQUIPMENT SHOP	7,800	7,800	7,800	7,800
TEMPERATURE CONTROLS AND LIGHTING	1,450	1,450	1,450	1,450
HANGAR ADDITION	---	---	(2,800)	2,800
INSTRUMENT LANDING SYSTEM	---	---	(870)	---
NAVY				
NAVAL AIR STATION WHIDBEY ISLAND				
HEATING PLANT ADDITION	3,160	3,160	3,160	3,160
NAVAL SUBMARINE BASE BANGOR				
DATA PROCESSING CENTER (TRIDENT REFIT FAC)	1,580	1,580	1,580	1,580
FAMILY SERVICES CENTER	1,180	1,180	1,180	1,180
UNACCOMP ENLISTED PERS HOUSING	5,280	5,280	5,280	5,280
NSC BREMERTN PUGET SND				
OIL SPILL PREVENTION	200	200	200	200
NSY PUGET SOUND				
UEPH	---	---	7,300	7,300
NUSWES KEYPORT				
STATION ACCESS FAC	---	1,400	---	1,400
AIR FORCE				
FAIRCHILD AFB				
AIR LAUNCHED CRUISE MISSILE IGLOOS	2,100	2,100	2,100	2,100
AIRCRAFT ALERT APRON	3,050	3,050	3,050	3,050
ALTER MECHANICAL/STRUCT	570	570	570	570
ALTER UEPH	---	5,000	(5,000)	5,000
REHAB PERSONNEL OFF	---	---	(1,100)	---
UEPH	---	8,500	(8,500)	8,500
DINING FAC	---	3,730	(3,730)	3,730
HYDRANT FUELING SYSTEM	---	4,400	---	4,400
MCCHORD AFB				
EXTERIOR AREA LIGHTING	990	990	990	990
SOUND SUPPRESSOR SUPPORT	420	420	420	420
UNACCOMPANIED ENLISTED PERSONNEL HOUSING	7,000	7,000	7,000	7,000
VAR MAINT/OPNS/TNG FACS	4,000	3,750	3,750	3,750
DEFENSE AGENCIES				
DEF PROPERTY DISPOSAL OFFICE FORT LEWIS				
HAZARDOUS MATERIAL DISPOSAL FACILITY	650	650	650	650
NAVY RESERVE				
NAVAL AIR RESERVE UNIT WHIDBEY ISLAND				
AIRCRAFT PARKING APRON	4,500	4,500	4,500	4,500
AIR FORCE RESERVE				
MCCHORD AFB				
RES FORCES AEROMED EVAC TRAINING FAC	1,630	1,630	1,630	1,630
TOTAL, WASHINGTON	67,950	90,730	75,000	100,830

MILITARY CONSTRUCTION (IN THOUSANDS OF DOLLARS)

INSTALLATION & PROJECT	BUDGET REQUEST	HOUSE RECOMMENDED	SENATE RECOMMENDED	CONFERENCE AGREEMENT
WEST VIRGINIA				
NAVY				
NSGD SUGAR GROVE				
COMMUNICATIONS CENTER	7,400	7,400	7,400	7,400
ARMY NATIONAL GUARD				
BECKLEY				
ORGANIZATIONAL MAINTENANCE SHOP	381	381	381	381
CAMP DAWSON				
SPECIAL FORCES TRAINING SITE BLDG	---	---	695	695
ARMY RESERVE				
GRAFTON				
ARMY RESERVE CEN-MAINTENANCE SHOP	1,636	1,636	1,636	1,636
NAVAL RESERVE				
WHEELING				
NMCR CENTER	---	---	2,900	2,900
TOTAL, WEST VIRGINIA	9,417	9,417	13,012	13,012
WISCONSIN				
ARMY RESERVE				
APPLETON				
ADD TO ARMY RESERVE CEN-MAINTENANCE SHOP	1,115	1,115	1,115	1,115
TOTAL, WISCONSIN	1,115	1,115	1,115	1,115
CONUS CLASSIFIED				
AIR FORCE				
AIR LAUNCH CRUISE MISSILE SUPPORT FACS	14,800	14,800	14,800	14,800
TOTAL, CONUS CLASSIFIED	14,800	14,800	14,800	14,800
CONUS UNSPECIFIED				
AIR FORCE				
PEACEKEEPER ACCESS ROADS	11,000	---	2,000	2,000
PEACEKEEPER OPNS/TRNG/MAINT FAC	379,000	---	70,000	29,200
SUPPORT FACILITIES	24,000	24,000	24,000	24,000
OTH-B WEST LAND ACQUISITION	1,500	---	500	---
AIR NATIONAL GUARD				
AIRCRAFT ARRESTING SYSTEM	2,000	2,000	2,000	2,000
POWER CHECK PAD WITH SUPPRESSOR	2,400	2,400	2,400	2,400
TOTAL, CONUS UNSPECIFIED	419,900	28,400	100,900	59,600
CONUS VARIOUS				
ARMY				
ACCESS ROADS	500	---	---	---
SPECIAL SUPPORT	1,300	1,300	1,300	1,300
TOTAL, CONUS VARIOUS	1,800	1,300	1,300	1,300
ASCENSION ISLAND				
AIR FORCE				
ASCENSION				
UNACCOMPANIED OFFICER PERSONNEL HOUSING	4,010	---	4,010	---
TOTAL, ASCENSION ISLAND	4,010	---	4,010	---
AUSTRALIA				
NAVY				
NAVAL COMMUNICATION STATION HAROLD E HOLT				
AUTOMOTIVE VEHICLE MAINTENANCE SHOP	1,630	1,630	1,630	1,630
ELECTRONICS MAINTENANCE SHOP	1,390	1,390	1,390	1,390
TOTAL, AUSTRALIA	3,020	3,020	3,020	3,020

MILITARY CONSTRUCTION (IN THOUSANDS OF DOLLARS)

INSTALLATION & PROJECT	BUDGET REQUEST	HOUSE RECOMMENDED	SENATE RECOMMENDED	CONFERENCE AGREEMENT
BERMUDA				
NAVY				
NAVAL AIR STATION BERMUDA				
FAMILY SERVICES CENTER	810	810	810	810
NAVAL FACILITY BERMUDA				
SECURITY IMPROVEMENTS	1,110	1,110	1,110	1,110
TOTAL, BERMUDA	1,920	1,920	1,920	1,920
DENMARK				
AIR FORCE				
VARIOUS LOCATIONS - DENMARK				
MINIMUM ESSENTIAL FACILITIES	4,900	4,900	---	4,900
TOTAL, DENMARK	4,900	4,900	---	4,900
DIEGO GARCIA				
NAVY				
NAVAL SUPPORT FACILITY DIEGO GARCIA				
PUBLIC WORKS/TRANS FAC	6,300	6,300	6,300	6,300
UEPH	6,800	6,800	6,800	6,800
ADMINISTRATION FAC	4,100	4,100	4,100	4,100
TRANSMITTER BUILDING ADDITION	8,220	8,220	8,220	8,220
VARIOUS COMMUNITY FACILITIES	3,180	480	1,180	480
WAREHOUSE	3,500	3,500	3,500	3,500
WATERFRONT OPS/POL OPS/WEAPONS COMPLEX	2,400	2,400	2,400	2,400
AIR FORCE				
DIEGO GARCIA				
SPACE TRACK OBSERVATION FAC (GEODSS)	14,100	14,100	14,100	14,100
TRACKING/MONITORING STATION-NAVSTAR GPS	2,800	2,800	2,800	2,800
UPGRADE RUNWAY	41,300	41,300	41,300	41,300
TOTAL, DIEGO GARCIA	92,700	90,000	90,700	90,000
EGYPT				
ARMY				
RAS BANAS				
RAPID DEPLOYMENT FORCE FACILITIES	41,000	---	---	---
AIR FORCE				
RAS BANAS				
RAPID DEPLOYMENT FORCE SUPPORT FACILITIES	55,390	---	---	---
TOTAL, EGYPT	96,390	---	---	---

MILITARY CONSTRUCTION (IN THOUSANDS OF DOLLARS)

INSTALLATION & PROJECT	BUDGET REQUEST	HOUSE RECOMMENDED	SENATE RECOMMENDED	CONFERENCE AGREEMENT
GERMANY				
ARMY				
ANSBACH				
AMMUNITION STORAGE	2,450	2,450	---	---
CONSOLIDATE BOILER PLANTS	1,100	1,100	1,100	1,100
ASCHAFFENBURG				
AMMUNITION STORAGE	790	790	---	---
AUGSBURG				
FIRE PROTECTION SYSTEMS	2,550	2,550	2,550	2,550
RENOVATE HOSPITAL	22,000	22,000	22,000	22,000
BABENHAUSEN				
BARRACKS	8,300	8,300	8,300	8,300
BATTALION HEADQUARTERS	1,800	1,800	1,800	1,800
DINING FACILITY	3,200	3,200	3,200	3,200
TACTICAL EQUIPMENT SHOP	12,900	12,900	12,900	12,900
UTILITIES	6,800	6,800	6,800	6,800
BAD HERSFELD				
AMMUNITION STORAGE	1,750	---	---	---
BAD TOELZ				
ATTIC INSULATION	920	920	920	920
BAMBERG				
FACILITIES MODERNIZATION	2,300	2,300	2,300	2,300
FINANCE/PERSONNEL CENTER	1,800	1,800	1,800	1,800
BAUMHOLDER				
FACILITIES MODERNIZATION	5,400	5,400	5,400	5,400
BINDLACH				
FACILITY ENGINEER SHOP	2,200	2,200	2,200	2,200
CAMP MAY				
TACTICAL EQUIPMENT SHOP	500	500	500	500
DARMSTADT				
FACILITIES MODERNIZATION	5,700	5,700	5,700	5,700
MULTI-PURPOSE RECREATION FACILITY	1,150	1,150	1,150	1,150
PHYSICAL FITNESS TRAINING CENTER	1,300	1,300	1,300	1,300
ETTLINGEN				
TACTICAL EQUIPMENT SHOP	2,550	2,550	2,550	2,550
EUROPE VARIOUS				
STORAGE BUNKER SECURITY	19,000	19,000	19,000	19,000
FEUCHT				
BARRACKS WITH DINING FACILITY	7,100	7,100	7,100	7,100
FINTHEN				
BARRACKS WITH DINING FACILITY	3,350	3,350	2,370	2,370
FISCHBACH				
SKILL DEVELOPMENT CENTER	1,250	---	1,250	---
FRIEDBERG				
BARRACKS	2,350	2,350	2,350	2,350
BARRACKS	3,250	3,250	3,250	3,250
TACTICAL EQUIPMENT SHOP	3,100	3,100	3,100	3,100
TACTICAL EQUIPMENT SHOP	1,700	1,700	1,700	1,700
FUERTH				
HARDSTAND	340	340	340	340
FULDA				
AIRCRAFT MAINTENANCE FACILITY ADDITION	1,200	1,200	1,200	1,200
AMMUNITION STORAGE	1,650	---	---	---
FACILITIES MODERNIZATION	8,700	8,700	8,700	8,700
PHYSICAL FITNESS TRAINING CENTER	2,250	2,250	2,250	2,250
GARMISCH				
ATTIC INSULATION	590	590	590	590
GELNHAUSEN				
CONSOLIDATE HEATING PLANTS	970	970	970	970
FACILITIES MODERNIZATION	10,900	10,900	10,900	10,900

MILITARY CONSTRUCTION (IN THOUSANDS OF DOLLARS)

INSTALLATION & PROJECT	BUDGET REQUEST	HOUSE RECOMMENDED	SENATE RECOMMENDED	CONFERENCE AGREEMENT
GIEBELSTADT				
AMMUNITION STORAGE	440	440	---	---
BARRACKS	9,300	9,300	9,300	9,300
DINING FACILITY	3,000	3,000	3,000	3,000
HEATING AND UTILITIES	2,450	2,450	2,450	2,450
PHYSICAL FITNESS TRAINING CENTER	1,550	1,550	1,550	1,550
TACTICAL EQUIPMENT SHOP	660	660	660	660
GOENPPINGEN				
BARRACKS	3,100	3,100	3,100	3,100
PHYSICAL FITNESS TRAINING CENTER	2,650	2,650	2,650	2,650
TACTICAL EQUIPMENT SHOP	1,600	1,600	1,600	1,600
GRAFENWOEHR				
FIGHTING VEHICLE RANGE MODERNIZATION	15,000	15,000	15,000	15,000
GROSSAUHEIM				
FACILITIES MODERNIZATION	9,100	9,100	9,100	9,100
HANAU				
PARKING AREA (ROADS)	4,800	2,000	2,400	2,400
HEIDELBERG				
PHYSICAL FITNESS TRAINING CENTER	2,550	2,550	2,550	2,550
HEILBRONN				
BARRACKS MODERNIZATION	930	---	---	---
BATTALION HEADQUARTERS	1,550	---	---	---
TACTICAL EQUIPMENT SHOP	1,700	---	---	---
KAISERSLAUTERN				
INTELLIGENCE OPERATIONS BUILDING	380	380	380	380
KARLSRUHE				
FACILITIES MODERNIZATION	4,500	4,500	4,500	4,500
KIRCHGOENS				
AUTO SELF HELP GARAGE	1,050	---	---	---
AUTOMATIC TEMPERATURE CONTROLS	760	760	760	760
SKILL DEVELOPMENT CENTER	910	---	910	---
KITZINGEN				
AMMUNITION STORAGE	2,550	2,550	2,550	2,550
AMMUNITION STORAGE	560	560	---	---
BARRACKS	6,800	6,800	6,800	6,800
PHYSICAL FITNESS TRAINING CENTER ADDITION	760	760	760	760
TACTICAL EQUIPMENT SHOP	2,150	2,150	2,150	2,150
KOEPPERN				
AMMUNITION MAINTENANCE FACILITY	9,700	9,700	9,700	9,700
KRIEGSFELD				
ADMINISTRATION BUILDING	750	750	750	750
AMMUNITION SURVEILLANCE FACILITY	3,350	3,350	3,350	3,350
PHYSICAL FITNESS TRAINING CENTER ADDITION	410	410	410	410
MAINZ				
AMMUNITION STORAGE	990	990	---	---
BARRACKS MODERNIZATION	6,600	6,600	6,600	6,600
TACTICAL EQUIPMENT SHOP	13,800	13,800	13,800	13,800
MANNHEIM				
FACILITIES MODERNIZATION	7,000	7,000	7,000	7,000
MUENSTER DEPOT				
AMMUNITION STORAGE	670	670	---	---
MUTLANGEN				
HARDSTAND	410	410	410	410
NUERNBERG				
AUTOMATIC TEMPERATURE CONTROLS	380	---	---	---
RHEINBERG				
PURCHASE OF SUPPORT FACILITIES	16,500	---	---	---
RIVERS BARRACKS				
FACILITIES MODERNIZATION	4,550	4,550	4,550	4,550

MILITARY CONSTRUCTION (IN THOUSANDS OF DOLLARS)

INSTALLATION & PROJECT	BUDGET REQUEST	HOUSE RECOMMENDED	SENATE RECOMMENDED	CONFERENCE AGREEMENT
SCHWABACH				
AMMUNITION STORAGE	960	960	---	---
DINING FACILITY	4,350	4,350	4,350	4,350
TACTICAL EQUIPMENT SHOP	11,800	11,800	11,800	11,800
SCHWEBISCH GMUEND				
FACILITIES MODERNIZATION	4,400	4,400	4,400	4,400
SCHWEINFURT				
AMMUNITION STORAGE	1,000	1,000	---	---
PHYSICAL FITNESS TRAINING CENTER	2,450	2,450	2,450	2,450
SEVENTH ARMY TRAINING COMMAND				
TACTICAL EQUIPMENT SHOP	500	500	500	500
STUTTGART				
CONSOLIDATE HEATING SYSTEMS	1,850	1,850	1,850	1,850
CONSOLIDATE HEATING SYSTEMS	1,750	1,750	1,750	1,750
HEAT RECOVERY SYSTEM	630	---	---	---
WERTHEIM				
BATTALION HEADQUARTERS AND CLASSROOM	1,750	1,750	1,750	1,750
WIELERBACH				
AMMUNITION MAINTENANCE FACILITY	6,800	6,800	6,800	6,800
WILDFLECKEN				
FIGHTING VEHICLE RANGE MODERNIZATION	2,450	2,450	2,450	2,450
WUERZBURG				
DENTAL CLINIC	2,000	---	---	---
ZWEIBRUCKEN				
ALTER ADMINISTRATIVE BULDINGS	490	490	490	490
AIR FORCE				
BITBURG AB				
ADD TO WATER PLANT	810	810	810	810
CENTRAL HEATING PLANT	4,950	4,950	4,950	4,950
MODIFY TAB VEE SHELTERS	800	---	800	---
SECOND ECHELON MEDICAL LOGISTICS STORAGE	1,400	1,400	1,400	1,400
SECURITY LIGHTING/FLIGHTLINE RDS	720	720	720	720
WAREHOUSE	660	660	660	660
WATER STORAGE TANK	650	650	650	650
GEILENKIRCHEN AB				
DENTAL CLINIC	1,450	1,450	1,450	1,450
HAHN AB				
BASE SUPPLY AND EQUIPMENT WAREHOUSE	2,800	2,800	2,800	2,800
SECOND ECHELON MEDICAL LOGISTICS STORAGE	1,250	1,250	1,250	1,250
RAMSTEIN AB				
ADD TO ACCOUNTING & FINANCE FAC	1,450	---	1,450	---
ADD TO CORROSION CONTROL FAC	1,600	1,600	1,600	1,600
ADD TO/ALTER PRECISION MEASUREMENT EQ LAB	370	370	370	370
ALTER UNACCOMPANIED ENLISTED PERSONNEL HSG	2,000	2,000	2,000	2,000
BASE ENGINEER STORAGE FAC	270	270	270	270
CONVERT AVIONICS SHOP TO FLIGHT TNG DETACH	410	---	410	---
MODIFY AIRCRAFT SHELTERS	660	660	660	660
PASSENGER TERMINAL/HQ FACILITY	6,300	---	6,300	---
SATELLITE COMMUNICATION GROUND TERMINAL	700	700	700	700
WAREHOUSE	4,150	---	4,150	4,150
RHEIN-MAIN AB				
CHEMICAL WARFARE SHELTER SUPPORT	300	---	300	---
SECOND ECHELON MEDICAL/LOG STORAGE FAC	700	700	700	700
SMALL ARMS TRAINING FACILITY	870	870	870	870
SEMBACH AB				
AIRCRAFT CORROSION CONTROL FACILITY	1,350	1,350	1,350	1,350
AREA SECURITY LIGHTING	360	360	360	360
SECOND ECHELON MEDICAL LOGISTICS STORAGE	800	800	800	800
WAREHOUSE	3,300	3,300	3,300	3,300
SPANGDAHLEM AB				
ACCESS ROADS & UTILITIES	2,950	---	---	---
VARIOUS LOCATIONS-GERMANY				
COMMUNICATION SITE SURVIVABILITY	4,000	4,000	4,000	4,000
MINIMUM ESSENTIAL FACILITIES	18,000	11,600	---	---
PAVE TIGER-II	3,000	3,000	3,000	3,000

MILITARY CONSTRUCTION (IN THOUSANDS OF DOLLARS)

INSTALLATION & PROJECT	BUDGET REQUEST	HOUSE RECOMMENDED	SENATE RECOMMENDED	CONFERENCE AGREEMENT
ZWEIBRUCKEN AB				
AVIONICS FAC-CHEMICAL WARFARE PROTECTION	1,464	---	1,464	---
EUROPEAN DIST SYS-FORWARD STORAGE WAREHSE	1,820	---	1,820	---
EUROPEAN DIST SYS-UNACCOMP ENL PERS HSG	2,700	---	2,700	---
EUROPEAN DISTRIBUTION SYS-OPNS/MAINT FAC	760	---	760	---
DEFENSE AGENCIES				
ANSBACH				
ELEMENTARY SCHOOL	6,330	4,800	6,330	4,800
BAUMHOLDER				
ELEMENTAY SCHOOL ADDITION	1,850	1,200	1,850	1,200
DARMSTADT				
ELEMENTARY SCHOOL	8,030	6,000	8,030	6,000
DEF PROPERTY DISPOSAL OFFICE HANAU				
COVERED AND OPEN STORAGE	1,300	1,300	1,300	1,300
GIESSEN				
HIGH SCHOOL	6,040	6,040	6,040	6,040
SPANGDALEN AIR BASE				
ELEMENTARY/HIGH SCHOOL	7,720	6,350	7,720	6,350
WILDFLECKEN				
ELEMENTARY SCHOOL	6,240	5,200	6,240	5,200
TOTAL, GERMANY	457,534	388,310	397,204	384,020
GREECE				
ARMY				
GREECE				
MULTI-PURPOSE BUILDING	620	620	---	620
MULTI-PURPOSE RECREATION FACILITY	480	480	---	480
OPERATIONS BUILDING	370	370	---	370
OPERATIONS BUILDING	410	410	---	410
PHYSICAL FITNESS TRAINING CENTER	1,000	1,000	---	1,000
UNACCOMPANIED OFFICER HOUSING	600	600	---	600
UNACCOMPANIED PERSONNEL HOUSING	1,400	1,400	---	1,400
NAVY				
NCS NEA NAKRI				
RECEIVER BUILDING	4,930	---	---	---
TOTAL, GREECE	9,810	4,880	---	4,880
GREENLAND				
AIR FORCE				
VARIOUS LOCATIONS - GREENLAND				
DEWLINE FAC	20,530	---	---	---
TOTAL, GREENLAND	20,530	---	---	---
GUAM				
NAVY				
NAVCAMS WESTPAC GUAM				
TELEMETRY BUILDING ADDITION	980	980	980	980
NH GUAM				
AMMUNITION WHARF	22,300	22,300	22,300	22,300
AIR FORCE				
ANDERSON AFB				
ALTER UNACCOMPANIED ENLISTED PERSONNEL HSG	8,100	8,100	8,100	8,100
ARTS & CRAFTS SHOP	1,500	---	---	---
UPGRADE POWER PLT	610	610	610	610
AIR NATIONAL GUARD				
ANDERSON AFB				
BASE ENGINEER MAINT FAC	1,960	1,960	1,960	1,960
TOTAL, GUAM	35,450	33,950	33,950	33,950

MILITARY CONSTRUCTION (IN THOUSANDS OF DOLLARS)

INSTALLATION & PROJECT	BUDGET REQUEST	HOUSE RECOMMENDED	SENATE RECOMMENDED	CONFERENCE AGREEMENT
GUANTANAMO BAY, CUBA				
NAVY				
NAVAL STATION GUANTANAMO				
FAMILY SERVICES CENTER	730	730	730	730
NSGD GUANTANAMO				
RECEIVER BLDG ADDITION	1,700	1,700	1,700	1,700
TOTAL, GUANTANAMO BAY, CUBA	2,430	2,430	2,430	2,430
HONDURAS				
AIR FORCE				
LA CEIBA				
CONTINGENCY AIRFIELD IMPROVEMENTS	8,000	---	8,000	8,000
TOTAL, HONDURAS	8,000	---	8,000	8,000
ICELAND				
NAVY				
NS KEFLAVIK				
AVIONICS SHOP	2,040	2,040	2,040	2,040
COMBINED OPERATIONS CENTER	4,650	---	---	---
FUELING PIER	44,400	---	---	---
GENERAL WAREHOUSE	4,180	---	---	---
GSE FACILITY	1,040	1,040	1,040	1,040
MAINT SHOP ADDN	1,720	1,720	1,720	1,720
UTILITY IMPROVEMENTS	2,050	2,050	2,050	2,050
TOTAL, ICELAND	60,080	6,850	6,850	6,850
ITALY				
ARMY				
CP DARBY				
CARE AND PRESERVATION BUILDING	2,350	---	2,350	---
WAREHOUSE DEHUMIDIFICATION	360	360	360	360
NAVY				
NAS SIGONELLA				
AFRTS STATION	1,350	1,200	---	1,200
AIR CARGO TERM EXPAND	1,440	1,440	1,440	1,440
AVIONICS SHOP	7,250	7,250	7,250	7,250
CHILD CARE CENTER	1,250	1,250	1,250	1,250
FLT MAIL CTR	1,530	1,530	1,530	1,530
GYMNASIUM ADDN AND THEATER	2,420	2,000	---	---
PASS OFFICE	1,070	900	900	900
PUBLIC WORKS FACILITIES	980	980	980	980
UTILITIES IMPROVEMENTS	6,090	2,960	6,090	6,090
NSA NAPLES				
CALIBRATION LAB	2,420	2,420	2,420	2,420
UNACCOMP ENLISTED PERS HOUSING & SUPT FACS	2,280	2,280	2,280	2,280
PERSUPPACT NAPLES				
PASS OFFICE	640	640	640	640
AIR FORCE				
AVIANO AB				
AIR PHOTO FAC-CHEMICAL WARFARE PROTECTION	900	---	900	---
BASE SUPPLY WAREHOUSE	3,000	3,000	3,000	3,000
CENTRAL HEAT/ALTER STRUCTURAL	880	880	880	880
CLINIC	6,310	6,310	6,310	6,310
CAMP DARBY				
MUNITIONS SUPERVISION FAC	400	400	400	400
COMISO				
GLCM FACS	26,900	14,900	14,900	14,900
SAN VITO AS				
AIR FREIGHT TERMINAL	530	530	530	530
WAREHOUSE	660	660	660	660
VARIOUS LOCATIONS-ITALY				
MINIMUM ESSENTIAL FACILITIES	8,300	---	---	---

MILITARY CONSTRUCTION (IN THOUSANDS OF DOLLARS)

INSTALLATION & PROJECT	BUDGET REQUEST	HOUSE RECOMMENDED	SENATE RECOMMENDED	CONFERENCE AGREEMENT
DEFENSE AGENCIES				
COMISO				
ELEMENTARY/HIGH SCHOOL	12,990	---	---	---
VICENZA				
ELEMENTARY/HIGH SCHOOL ADDITION	2,310	2,310	2,310	2,310
TOTAL, ITALY	94,610	54,200	57,380	55,330
JAPAN				
ARMY				
OKINAWA VARIOUS				
PETROLEUM TANK RELOCATION	1,400	1,400	1,400	1,400
NAVY				
FLEACTS OKINAWA				
FAMILY SERVICE CENTER	680	---	---	---
MCAS IWAKUNI				
AIRCRAFT RINSE FAC	750	750	750	750
AIR FORCE				
KADENA AB				
ALTER MECHANICAL	860	760	760	760
CENTRAL INTERMEDIATE REPAIR FAC-SUP WHSE	3,200	3,200	3,200	3,200
JET FUEL STORAGE (JP-7)	5,600	5,600	5,600	5,600
SQUADRON FLIGHT OPERATIONS FACILITY	1,700	1,700	1,700	1,700
MISAWA AB				
ALTER MECH/STRUCT	1,900	1,700	1,700	1,700
COMMANDO PORT SUPPORT-PHASE I	29,900	17,000	---	17,000
YOKOTA AB				
INSULATION AND UPGRADE LIGHTING	300	300	300	300
PETROLEUM OPERATIONS FACILITY	950	950	950	950
TOTAL, JAPAN	47,240	33,360	16,360	33,360
JOHNSTON ISLAND				
DEFENSE AGENCIES				
DNA HDQTRS FIELD COMMAND				
RENOVATE AND UPGRADE BLDGS	600	600	600	600
TOTAL, JOHNSTON ISLAND	600	600	600	600
KOREA				
ARMY				
CAMP CARROLL				
TACTICAL EQUIPMENT SHOP	1,300	1,300	1,300	1,300
CAMP COLBERN				
COMMUNICATIONS MAINTENANCE FACILITY	200	200	200	200
COMPANY ADMINISTRATION AND SUPPLY	470	470	470	470
UNACCOMPANIED PERSONNEL HOUSING	2,500	2,500	2,500	2,500
CAMP EDWARDS				
GENERAL PURPOSE AUDITORIUM	500	500	500	500
CAMP ESSAYONS				
COMPANY ADMINISTRATION AND SUPPLY	450	450	450	450
TACTICAL EQUIPMENT SHOP	1,000	1,000	1,000	1,000
CAMP HOWZE				
PHYSICAL FITNESS TRAINING CENTER	1,950	1,950	1,950	1,950
CAMP HUMPHREYS				
AIRCRAFT SHELTERS	5,000	5,000	5,000	5,000
CHAPEL WITH COMMUNITY ACTIVITY CENTER	1,200	1,200	1,200	1,200
TECHNICAL SUPPORT FACILITY	1,650	1,650	1,650	1,650

MILITARY CONSTRUCTION (IN THOUSANDS OF DOLLARS)

INSTALLATION & PROJECT	BUDGET REQUEST	HOUSE RECOMMENDED	SENATE RECOMMENDED	CONFERENCE AGREEMENT
CAMP KITTYHAWK				
TACTICAL EQUIPMENT SHOP	610	610	610	610
CAMP RED CLOUD				
BARRACKS	1,200	1,200	1,200	1,200
GENERAL PURPOSE AUDITORIUM	690	690	690	690
PHYSICAL FITNESS TRAINING CENTER ADDITION	360	360	360	360
SECURITY LIGHTING	400	400	400	400
SKILL DEVELOPMENT CENTER	430	---	430	---
WAREHOUSE	750	750	750	750
K-16 ARMY AIRFIELD				
BARRACKS WITH DINING FACILITY	3,650	3,650	3,650	3,650
PHYSICAL FITNESS TRAINING CENTER WITH POOL	1,550	1,550	1,550	1,550
KOREA VARIOUS				
AIR CONDITION LIBRARY	620	620	620	620
COMMUNICATIONS CENTER	2,200	---	2,200	1,500
OPERATIONS BUILDING	150	---	---	---
TACTICAL EQUIPMENT SHOP	4,750	4,750	4,750	4,750
UNACCOMPANIED PERSONNEL HOUSING	19,500	19,500	19,500	19,500
LOCATION 177				
PERIMETER FENCE	260	260	260	260
SEOUL				
STORAGE FACILITY	630	630	630	630
TACTICAL EQUIPMENT SHOP	890	890	890	890
VEHICLE PARTS SUPPLY FACILITY	1,100	1,100	1,100	1,100
TAEGU				
MATERIAL MANAGEMENT CENTER	3,600	3,600	3,600	3,600
YONGSAN				
BOILER MODIFICATIONS	430	430	430	430
NAVY				
COMNAVFORKOREA DET CHINHAE				
CHAPEL	460	460	460	460
AIR FORCE				
KUNSAN AB				
ALTER MECHANICAL/ELECTRICAL/STRUCTURAL	440	393	393	393
FIRE STATION/WEATHER OBSERVATION FAC	3,000	3,000	3,000	3,000
SECOND ECHELON MEDICAL LOGISTICS STORAGE	600	600	600	600
UNACCOMPANIED ENLISTED PERSONNEL HOUSING	18,200	18,200	18,200	18,200
UNACCOMPANIED OFFICER PERSONNEL HOUSING	8,100	8,100	8,100	8,100
WEAPONS MAINTENANCE FACILITY	720	720	720	720
KWANG-JU AB				
SECOND ECHELON MEDICAL LOGISTICS STORAGE	210	210	210	210
OSAN AB				
ADD TO/ALTER GYMNASIUM	1,550	1,550	1,550	1,550
AIRCRAFT SHELTERS	9,100	9,100	9,100	9,100
ALTER MECHANICAL/ELECTRICAL/STRUCTURAL	1,590	1,390	1,390	1,390
OSH-FIRE PROTECTION SYS	610	610	610	610
PUBLICATIONS MANAGEMENT CENTER	710	---	710	710
SECOND ECHELON MEDICAL LOGISTICS STORAGE	770	770	770	770
SOUND SUPPRESSOR SUPPORT	620	620	620	620
SUPPLY/EQUIPMENT WAREHOUSE	3,800	3,800	3,800	3,800
UNACCOMPANIED ENLISTED PERSONNEL HOUSING	11,200	11,200	11,200	11,200
UNACCOMPANIED OFFICER PERSONNEL HOUSING	5,300	5,300	5,300	5,300
UNDERGROUND FUEL STORAGE	7,100	7,100	7,100	7,100
SAECHON AB				
SECOND ECHELON MEDICAL LOGISTICS STORAGE	210	210	210	210
SUWON				
SECOND ECHELON MEDICAL LOGISTICS STORAGE	400	400	400	400
TAEGU AB				
SECOND ECHELON MEDICAL LOGISTICS STORAGE	210	210	210	210
SECURITY POLICE OPNS FAC	490	490	490	490
UNDERGROUND FUEL STORAGE	2,050	2,050	2,050	2,050
VARIOUS LOCATIONS - KOREA				
CHEMICAL WARFARE PROTECTION FAC	5,900	---	5,900	---
TOTAL, KOREA	143,330	133,693	142,933	135,903

MILITARY CONSTRUCTION (IN THOUSANDS OF DOLLARS)

INSTALLATION & PROJECT	BUDGET REQUEST	HOUSE RECOMMENDED	SENATE RECOMMENDED	CONFERENCE AGREEMENT
KWAJALEIN				
ARMY				
KWAJALEIN				
EXPLOSIVE STORAGE FACILITY	710	710	710	710
MISSILE ASSEMBLY FACILITY	830	830	830	830
MULTI-PURPOSE RECREATION FACILITY	3,550	1,500	3,550	2,500
WASTEWATER TREATMENT FACILITY	530	530	530	530
TOTAL, KWAJALEIN	5,620	3,570	5,620	4,570
MOROCCO				
AIR FORCE				
VARIOUS PETRO/OIL/LUB SUPPORT FACILITIES	28,000	25,000	25,000	25,000
OMAN				
AIR FORCE				
VARIOUS LOCATIONS - OMAN				
RAPID DEPLOYMENT FORCE FACILITIES	39,600	28,600	28,600	28,600
TOTAL, OMAN	39,600	28,600	28,600	28,600
NETHERLANDS				
AIR FORCE				
CP NEW AMSTERDAM				
BASE ADMINISTRATION FACILITY	2,050	---	2,050	1,750
TOTAL, NETHERLANDS	2,050	---	2,050	1,750
NORWAY				
AIR FORCE				
VARIOUS LOCATIONS - NORWAY				
MINIMUM ESSENTIAL FACILITIES	1,500	1,500	---	1,500
TOTAL, NORWAY	1,500	1,500	---	1,500
PANAMA				
ARMY				
COROZAL				
DINING FACILITY MODERNIZATION	700	700	700	700
ELECTRICAL DISTRIBUTION SYSTEM	760	760	760	760
NAVY				
NS PANAMA				
UNACCOMP ENLISTED PERS HOUSING	1,490	1,490	---	---
AIR FORCE				
HOWARD AFB				
RADIO CONTROL SYSTEM-ALTER MECHANICAL	690	613	613	613
TOTAL, PANAMA	3,640	3,563	2,073	2,073

MILITARY CONSTRUCTION (IN THOUSANDS OF DOLLARS)

INSTALLATION & PROJECT	BUDGET REQUEST	HOUSE RECOMMENDED	SENATE RECOMMENDED	CONFERENCE AGREEMENT
PHILIPPINES				
NAVY				
NS SUBIC BAY				
FAMILY SERVICES CENTER	880	---	880	---
PASS OFFICE	840	---	840	---
UNACCOMP ENLISTED PERS HOUSING MODN	6,140	---	6,140	6,140
AIR FORCE				
CLARK AB				
ADD TO SATELLITE COMMUNICATION RECVR FAC	4,250	---	4,250	4,250
ALTER ELECT/MECH	990	---	990	990
ALTER UNACCOMPANIED OFFICER PERSONNEL HSG	1,450	---	1,450	1,450
CONSOLIDATED SUPPORT FACILITY	2,250	---	2,250	2,250
DEFENSE AGENCIES				
BINICTICAN SUBIC BAY				
ELEMENTARY SCHOOL ADDITION	1,360	---	1,360	---
CLARK AFB				
ELEMENTARY SCHOOL ADDITION	8,020	---	8,020	---
DEWEY SUBIC BAY				
HIGH SCHOOL ADDITION	1,680	---	1,680	---
KALAYAAN SUBIC BAY				
ELEMENTARY SCHOOL ADDITION	1,650	---	1,650	---
TOTAL, PHILIPPINES	29,510	---	29,510	15,080
PORTUGAL				
AIR FORCE				
LAJES FIELD				
ALTER UNACCOMPANIED ENLISTED PERSONNEL HSG	1,400	1,400	1,400	1,400
DEFENSE AGENCIES				
LAJES AIR BASE				
ELEMENTARY/HIGH SCHOOL ADDITION	4,590	4,590	4,590	4,590
TOTAL, PORTUGAL	5,990	5,990	5,990	5,990
PUERTO RICO				
ARMY				
FORT BUCHANAN				
ELECTRICAL DISTRIBUTION SYSTEM	1,550	1,550	1,550	1,550
NAVY				
NS ROOSEVELT RDS				
FAMILY SERVICES CENTER	1,300	1,300	1,300	1,300
WPNTRFAC ROOSEVELT RDS				
LAND ACQUISITION	415	---	415	---
RANGE OPERATION CTR ADDN	1,530	---	1,530	1,530
ARMY NATIONAL GUARD				
FORT BUCHANAN				
US PROPERTY & FISCAL OFFICER	784	784	784	784
TOTAL, PUERTO RICO	5,579	3,634	5,579	5,164
SCOTLAND				
AIR FORCE				
PRESTWICK AIRFIELD				
EUROPEAN DIST SYS-FORWARD STORAGE WAREHSE	1,820	---	---	---
TOTAL, SCOTLAND	1,820	---	---	---

MILITARY CONSTRUCTION (IN THOUSANDS OF DOLLARS)

INSTALLATION & PROJECT	BUDGET REQUEST	HOUSE RECOMMENDED	SENATE RECOMMENDED	CONFERENCE AGREEMENT
SPAIN				
NAVY				
NAVOCEANCOMCTR ROTA				
METEROLOGICAL BLDG ADDN	980	980	980	980
NS ROTA				
PASS OFFICE	980	980	980	980
UNACCOMP ENLISTED PERS HOUSING	8,270	8,270	8,270	8,270
AIR FORCE				
TORREJON AB				
ALTER CENTRAL HEAT PLANT	1,872	1,872	1,872	1,872
ALTER UNACCOMPANIED ENLISTED PERSONNEL HSG	4,000	4,000	4,000	4,000
EUROPEAN DIST SYS-FORWARD STORAGE WAREHSE	1,400	---	---	---
HIGH EFFICIENCY LIGHTING	430	430	430	430
ZARAGOZA AB				
SOUND SUPPRESSOR SUPPORT	530	530	530	530
DEFENSE AGENCIES				
ZARAGOZA AFB				
HIGH SCHOOL ADDITION	680	680	680	680
TOTAL, SPAIN	19,142	17,742	17,742	17,742
TURKEY				
ARMY				
TURKEY				
BARRACKS MODERNIZATION	3,350	3,350	3,350	3,350
HEALTH CLINIC	1,300	1,300	1,300	1,300
MULTI-PURPOSE RECREATION BUILDING	300	300	300	300
MULTI-PURPOSE RECREATION BUILDING	300	300	300	300
AIR FORCE				
ANKARA				
ALTER MECHANICAL SYSTEM	210	210	210	210
HOUSING SUPPLY WAREHOUSE	1,100	1,100	1,100	1,100
INCIRLIK AB				
BASE CIVIL ENGINEER COMPLEX	1,300	1,300	1,300	1,300
SECURITY POLICE OPNS FAC	1,450	1,450	1,450	1,450
SQUADRON OPNS ADDITIONS-CHEM WARFARE PROT	1,100	---	1,100	---
TRAFFIC MANAGEMENT FACILITY	1,050	1,050	1,050	1,050
IZMIR				
WEATHERIZATION/ALT ELEC/SOLAR COLLECTORS	310	310	310	310
VARIOUS LOCATIONS-TURKEY				
AIR BASE UPGRADE	66,700	---	66,700	29,300
DEFENSE AGENCIES				
INCIRLIK AIR BASE				
ELEMENTARY/HIGH SCHOOL ADDITION	7,170	5,800	7,170	5,800
TOTAL, TURKEY	85,640	16,470	85,640	45,770
UNITED KINGDOM				
NAVY				
NAVAL SUPPORT ACTIVITY HOLY LOCH				
FAMILY SERVICES CENTER	600	540	---	---
GENERAL WAREHOUSE	3,120	2,800	---	2,800
MEDICAL/DENTAL CLINIC	2,830	2,550	---	---
SUPPLY PIER	3,260	2,950	---	2,950
AIR FORCE				
MILDENHALL AB				
ALTER VISITING AIRMAN QUARTERS	2,350	2,291	2,350	2,291
ELECTRICAL AIRCRAFT OUTLETS	600	585	600	585
INSTALL MECHANICAL CONTROLS	220	215	220	215
SATELLITE COMMUNICATION GROUND TERMINAL	640	624	640	624
VISITING OFFICER QTRS	3,100	1,500	3,100	1,500
RAF ALCONBURY				
ALTER MECH/STRUCT	1,470	1,433	1,470	1,433

MILITARY CONSTRUCTION (IN THOUSANDS OF DOLLARS)

INSTALLATION & PROJECT	BUDGET REQUEST	HOUSE RECOMMENDED	SENATE RECOMMENDED	CONFERENCE AGREEMENT
RAF BENTWATERS				
ALTER/NEW UNACCOMPANIED ENLISTED PERS HSG	3,950	3,851	3,950	3,851
GYMNASIUM	3,300	3,218	3,300	3,218
WAREHOUSE	330	322	330	322
WEATHERIZE/ALTER ELECTRICAL	365	356	365	356
RAF CHICKSANDS				
ADD TO/ALTER OPERATIONS FACILITY	6,550	6,387	6,550	6,387
RAF CROUGHTON				
ADD TO/ALTER SATELLITE COMM GROUND TERMINL	2,200	2,145	2,200	2,145
COMM SITE SURVIVABILITY	1,700	1,658	1,700	1,658
RAF FAIRFORD				
BASE OPERATIONS FACILITY	2,000	1,950	2,000	1,950
UPGRADE BASE WATER SYS	1,800	1,755	1,800	1,755
RAF GREENHAM COMMON				
GLCM FACS	21,900	10,400	10,400	10,400
RAF UPPER HEYFORD				
ALTER UNACCOMPANIED ENLISTED PERSONNEL HSG	2,350	2,291	2,350	2,291
ALTER VISITING OFFICER QUARTERS	650	634	650	634
RAF WOODBRIDGE				
UNACCOMPANIED ENLISTED PERSONNEL HOUSING	2,660	2,594	2,660	2,594
VARIOUS LOCATIONS-UNITED KINGDOM				
MINIMUM ESSENTIAL FACILITIES	11,400	---	---	---
DEFENSE AGENCIES				
RAF GREENHAM COMMON				
ELEMENTARY/HIGH SCHOOL	12,770	---	---	---
RAF LAKENHEATH				
HIGH SCHOOL ADDITION	1,240	1,120	1,240	1,120
RAF WETHERSFIELD				
ELEMENTARY/HIGH SCHOOL ADDITION	3,120	2,832	3,120	2,832
TOTAL, UNITED KINGDOM	96,475	57,001	50,995	53,911
VIRGIN ISLANDS				
AIR NATIONAL GUARD				
COMM/ELECTRONICS TRNG FAC	1,400	1,400	1,400	1,400
TOTAL, VIRGIN ISLANDS	1,400	1,400	1,400	1,400
OVERSEAS CLASSIFIED				
NAVY				
TELECOMMUNICATIONS CENTER	1,280	1,280	1,280	1,280
AIR FORCE				
OFFENSIVE AVIONICS SUPPORT FACILITY-SRAM	16,000	16,000	16,000	16,000
GLCM - FIFTH COUNTRY				
GLCM FACS	34,015	---	---	---
GLCM-FOURTH COUNTRY				
GLCM FACS	22,300	22,220	18,460	18,460
GLCM-THIRD COUNTRY				
GLCM FACS	42,750	30,750	30,750	30,750
DEFENSE AGENCIES				
CLASSIFIED PROJECT	21,550	21,550	21,550	21,550
CLASSIFIED PROJECT	25,200	25,200	25,200	25,200
COMPUTER FACILITY EXPANSION	10,000	10,000	10,000	10,000
KINDERGARTEN THROUGH TWELFTH SCHOOL	9,690	---	---	---
TOTAL, OVERSEAS CLASSIFIED	182,785	127,000	123,240	123,240
NATO				
NATO INFRASTRUCTURE	150,000	100,000	50,000	50,000
FINANCING	(150,000)	(150,000)	(150,000)	(150,000)
WORLDWIDE VARIOUS				
NAVY				
HOST NATION INFRASTRUCTURE SUPPORT	2,970	---	2,970	---

MILITARY CONSTRUCTION (IN THOUSANDS OF DOLLARS)

INSTALLATION & PROJECT	BUDGET REQUEST	HOUSE RECOMMENDED	SENATE RECOMMENDED	CONFERENCE AGREEMENT
WORLDWIDE UNSPECIFIED				
ARMY				
MINOR CONSTRUCTION - UNSPECIFIED	32,000	27,385	32,000	30,000
MOBILIZATION PLANNING & DESIGN	13,000	3,500	13,000	3,500
PLANNING AND DESIGN	175,000	165,000	175,000	170,000
GENERAL REDUCTION	---	-56,850	-38,950	-95,800
NAVY				
ACCESS ROADS	900	900	900	900
NCON DESIGN FUNDS	115,600	115,600	115,600	115,600
UNSPECIFIED MINOR CONSTRUCTION	22,000	20,000	22,000	21,000
GENERAL REDUCTION	---	-110,719	-19,145	-110,719
AIR FORCE				
EMERGENCY MINOR CONSTRUCTION	19,000	17,000	19,000	19,000
MINOR LAND	200	200	200	200
PLANNING & DESIGN	186,000	127,000	147,000	137,000
GENERAL REDUCTION	---	-160,160	-98,000	-197,160
DEFENSE AGENCIES				
EMERGENCY CONSTRUCTION	30,000	10,000	---	5,000
EXIGENT MINOR CONSTRUCTION	4,000	2,000	4,000	3,000
PLANNING AND DESIGN	33,000	23,000	33,000	28,000
ARMY NATIONAL GUARD				
EXIGENT MINOR CONSTRUCTION	7,600	7,600	7,600	7,600
PLANNING AND DESIGN	3,200	3,200	3,200	3,200
GENERAL REDUCTION	---	---	-972	-972
AIR NATIONAL GUARD				
MINOR CONSTRUCTION	5,500	5,500	5,500	5,500
PLANNING & DESIGN	8,600	8,600	8,600	8,600
GENERAL REDUCTION	---	---	-732	-732
ARMY RESERVE				
EXIGENT MINOR CONSTRUCTION	4,600	4,600	4,600	4,600
PLANNING AND DESIGN	7,900	7,900	7,900	7,900
GENERAL REDUCTION	---	---	-1,000	-1,000
NAVY RESERVE				
EXIGENT MINOR CONSTRUCTION	1,000	1,000	1,000	1,000
PLANNING AND DESIGN	2,800	2,800	2,800	2,800
GENERAL REDUCTION	---	---	-540	-540
AIR FORCE RESERVE				
MINOR CONSTRUCTION	3,013	3,013	3,013	3,013
PLANNING AND DESIGN	3,388	3,388	3,388	3,388
GENERAL REDUCTION	---	---	-1,000	-1,000
TOTAL, WORLDWIDE UNSPECIFIED	678,301	231,457	448,962	172,878
FAMILY HOUSING, ARMY				
ALASKA				
BETHEL	386	324	386	324
FORT GREELY	5,203	4,633	5,203	4,633
KOTZEBUE	386	324	386	324
NOME	386	324	386	324
GEORGIA				
FORT STEWART	14,626	12,637	14,626	12,637
HAWAII				
ALIAMANU MIL RES	9,900	9,100	7,300	7,300
LOUISIANA				
FORT POLK	15,342	13,436	15,342	13,436
MARYLAND				
ABERDEEN P.G	---	6,816	6,816	6,816
GERMANY				
BAYREUTH	1,132	908	1,132	908
WILDFLECKEN	12,157	9,988	12,157	9,988
WUERZBURG/KITZINGEN	11,140	8,943	11,140	8,943

MILITARY CONSTRUCTION (IN THOUSANDS OF DOLLARS)

INSTALLATION & PROJECT	BUDGET REQUEST	HOUSE RECOMMENDED	SENATE RECOMMENDED	CONFERENCE AGREEMENT
ITALY				
LIVORNO - CP DARBY	354	292	354	292
VARIOUS LOCATIONS, NATO				
FAMILY HOUSING, 500 UNITS	---	---	(40,000)	(40,000)
CONSTRUCTION IMPROVEMENTS	108,551	100,002	97,895	100,002
PLANNING	6,750	6,000	6,750	6,750
SUBTOTAL	186,313	173,727	179,873	172,677
OPERATING EXPENSES				
MANAGEMENT ACCOUNT	62,195	60,750	62,195	62,195
SERVICES ACCOUNT	39,930	39,100	39,930	39,930
UTILITIES ACCOXUNT	306,289	298,289	306,289	298,289
FURNISHINGS ACCOUNT	59,126	75,000	97,026	86,000
MISCELLANEOUS ACCOUNT	1,725	1,665	1,725	1,665
SUBTOTAL	469,265	474,804	507,165	488,079
LEASING	86,858	84,000	86,258	84,000
MAINTENANCE OF REAL PROPERTY	495,365	483,182	487,109	487,109
INTEREST PAYMENTS,CAPEHART AND WHERRY	2,776	2,776	2,776	2,776
MORTGAGE INSURANCE PREMIUMS	362	362	362	362
GENERAL REDUCTION	---	---	-12,400	---
NET BUDGET AUTHORITY	1,240,939	1,218,851	1,251,143	1,235,003
PLUS APPROPRIATION FOR DEBT REDUCTION	31,700	31,700	31,700	31,700
TOTAL, FAMILY HOUSING, ARMY	1,272,639	1,250,551	1,282,843	1,266,703
FAMILY HOUSING, NAVY				
CALIFORNIA				
MARINE CORPS AIR STATION EL TORO	11,666	10,154	11,076	10,154
MARINE CORPS BASE CAMP PENDLETON	23,160	20,263	21,502	20,263
ITALY				
NAVAL AIR STATION SIGONELLA	20,000	20,000	---	---
NAVY SUPPORT OFFICE LA MADDALENA	14,000	---	---	---
PHILIPPINES				
NAVY PUBLIC WORKS CENTER SUBIC BAY	29,300	---	27,296	27,296
CONSTRUCTION IMPROVEMENTS	13,240	7,432	13,240	13,240
PLANNING	7,395	7,000	7,000	7,000
GENERAL REDUCTION	---	-10,000	---	-10,000
SUBTOTAL	118,761	54,849	80,114	67,953

MILITARY CONSTRUCTION (IN THOUSANDS OF DOLLARS)

INSTALLATION & PROJECT	BUDGET REQUEST	HOUSE RECOMMENDED	SENATE RECOMMENDED	CONFERENCE AGREEMENT
OPERATING EXPENSES				
MANAGEMENT ACCOUNTS	38,327	37,327	38,327	38,327
SERVICES ACCOUNT	29,992	28,192	29,992	29,992
UTILITIES ACCOUNT	161,498	151,800	161,498	151,800
FURNISHINGS ACCOUNT	16,698	15,698	16,698	16,698
MISCELLANEOUS ACCOUNT	93	---	93	---
SUBTOTAL	246,608	233,017	246,608	236,817
LEASING ACCOUNT	18,212	18,212	18,212	18,212
MAINTENANCE ACCOUNT	288,652	278,652	288,652	284,000
INTEREST PAYMENTS FAM HSG DEBT	2,832	2,832	2,832	2,832
MORTGAGE INS PREMIUMS FAM HSG DEBT	679	679	679	679
GENERAL REDUCTION	---	---	-10,703	---
NET BUDGET AUTHORITY	675,744	588,241	626,394	610,493
PLUS APPROPRIATION FOR DEBT REDUCTION	28,133	28,133	28,133	28,133
TOTAL, FAMILY HOUSING, NAVY	703,877	616,374	654,527	638,626
FAMILY HOUSING, AIR FORCE				
MONTANA				
FORSYTH STRC	4,000	3,512	4,000	3,512
HAVRE AFS	496	---	496	---
WYOMING				
WARREN AFB	20,000	---	---	---
NETHERLANDS				
CAMP NEW AMSTERDAM	5,218	4,206	5,218	4,206
PORTUGAL				
LAJES AB	12,262	10,342	12,262	10,342
UNITED KINGDOM				
RAF GREENHAM COMMON	24,246	---	---	---
RAF UPPER HEYFORD	33,982	28,975	33,982	28,975
CONSTRUCTION IMPROVEMENTS	65,908	59,857	63,161	59,857
PLANNING	5,000	4,000	5,000	4,500
SUBTOTAL	171,112	110,892	124,119	111,392
OPERATING EXPENSES				
MANAGEMENT ACCOUNT	24,223	23,735	24,223	24,223
SERVICES ACCOUNT	24,957	23,910	24,957	24,957
UTILITIES ACCOUNT	233,306	228,000	233,306	228,000
FURNISHINGS ACCOUNT	42,907	39,455	42,907	39,455
MISCELLANEOUS ACCOUNT	177	168	177	168
SUBTOTAL	325,570	315,268	325,570	316,803
LEASING	59,358	51,562	55,808	55,708
MAINT OF REAL PROPERTY	335,738	316,485	332,839	316,510
INTEREST PAYMENTS,C&W HOUSING	3,373	3,373	3,373	3,373
MORTGAGE INSURANCE,C&W HOUSING	649	649	649	649
NET BUDGET AUTHORITY	895,800	798,229	842,358	804,435
PLUS APPROPRIATION FOR DEBT REDUCTION	51,376	51,376	51,376	51,376
TOTAL, FAMILY HOUSING, AIR FORCE	947,176	849,605	893,734	855,811

MILITARY CONSTRUCTION (IN THOUSANDS OF DOLLARS)

INSTALLATION & PROJECT	BUDGET REQUEST	HOUSE RECOMMENDED	SENATE RECOMMENDED	CONFERENCE AGREEMENT
FAMILY HOUSING, DEFENSE AGENCIES				
NSA CLASSIFIED PROJECT	1,210	990	1,210	990
CONSTRUCTION IMPROVEMENTS	35	35	35	35
OPERATING EXPENSES				
SERVICES ACCOUNT	11	11	11	11
UTILITIES ACCOUNT	156	156	156	156
FURNISHINGS	1,748	1,178	1,748	1,178
MISCELLANEOUS ACCOUNT	545	545	545	545
SUBTOTAL	2,460	1,890	2,460	1,890
LEASING	15,231	13,006	15,231	14,118
MAINTENANCE OF REAL PROPERTY	808	753	808	808
TOTAL, FAMILY HOUSING, DEFENSE AGENCIES	19,744	16,674	19,744	17,841
HOMEOWNER'S ASSISTANCE	(4,000)	(4,000)	(4,000)	(4,000)
RECAPITULATION				
ARMY	1,375,000	1,215,565	1,142,040	1,184,140
NAVY	1,343,700	1,181,905	1,232,506	1,206,517
AIR FORCE	2,300,900	1,374,751	1,502,491	1,501,993
RESCISSION	---	-91,000	---	-91,000
DEFENSE AGENCIES	398,400	259,042	311,750	281,802
NATO INFRASTRUCTURE	150,000	100,000	50,000	50,000
ARMY NATIONAL GUARD	55,300	65,127	59,300	67,620
AIR NATIONAL GUARD	79,900	110,352	79,900	108,888
ARMY RESERVE	52,700	52,700	54,700	54,700
NAVAL RESERVE	24,800	28,795	26,810	30,605
AIR FORCE RESERVE	42,200	42,200	41,200	41,200
TOTAL MILITARY CONSTRUCTION	5,822,900	4,339,437	4,500,697	4,436,465
FAMILY HOUSING, ARMY	1,272,639	1,250,551	1,282,843	1,266,703
PORTION APPLIED TO DEBT REDUCTION	-31,700	-31,700	-31,700	-31,700
FAMILY HOUSING, NAVY	703,877	616,374	654,527	638,626
PORTION APPLIED TO DEBT REDUCTION	-28,133	-28,133	-28,133	-28,133
FAMILY HOUSING, AIR FORCE	947,176	849,605	893,734	855,811
PORTION APPLIED TO DEBT REDUCTION	-51,376	-51,376	-51,376	-51,376
FAMILY HOUSING, DEFENSE AGENCIES	19,744	16,674	19,744	17,841
GRAND TOTAL	8,655,127	6,961,432	7,240,336	7,104,237

* INDICATES PREVIOUSLY OR PERMANENTLY AUTHORIZED.

W. G. HEFNER,
TOM BEVILL,
CLARENCE D. LONG,
BILL ALEXANDER,
JOSEPH ADDABBO,
BILL CHAPPELL,
NORMAN DICKS,
VIC FAZIO,
JAMIE WHITTEN,
RALPH REGULA,
MICKEY EDWARDS,
TOM LOEFFLER,
BOB LIVINGSTON,
SILVIO O. CONTE,
Managers on the Part of the House,

MACK MATTINGLY,
PAUL LAXALT,
JAKE GARN,
JIM SASSER,
DANIEL INOUYE,
MARK HATFIELD,
JOHN C. STENNIS,
Managers on the Part of the Senate,

CONFERENCE REPORT ON H.R. 3415

Mr. DIXON submitted the following conference report and statement on the bill (H.R. 3415) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1984, and for other purposes:

CONFERENCE REPORT (H. REPT. NO. 98-379)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 3415) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1984, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 8, 18, and 19.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 12, 15, and 17, and agree to the same.

Amendment numbered 4:

That the House recede from its disagreement to the amendment of he Senate numbered 4, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$44,251,400*; and the Senate agree to the same.

Amendment numbered 6:

That the House recede from its disagreement to the amendment of the Senate numbered 6, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$500,000*; and the Senate agree to the same.

The committee of conference report in disagreement amendments numbered 2, 3, 5, 7, 9, 10, 11, 13, 14, 16, and 20.

JULIAN C. DIXON,
WILLIAM H. NATCHER,
LOUIS STOKES,
CHARLES WILSON,
WILLIAM LEHMAN,
MARTIN OLAV SABO,
JAMIE WHITTEN,
LAWRENCE COUGHLIN,
BILL GREEN,
HAROLD ROGERS,
SILVIO O. CONTE,
Managers on the Part of the House.

ARLEN SPECTER,
MACK MATTINGLY,
PETE V. DOMENICI,
PAT J. LEAHY,
DALE BUMPERS,
JOHN STENNIS,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the Conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 3415) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1984, and for other purposes, submit the following joint statement to the House and Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report.

Amendment No. 1: Appropriates $386,000,000 as proposed by the Senate instead of $361,000,000 as proposed by the House. The additional amount of $25,000,000 above the House allowance reflects the increase in the Federal payment authorization in Public Law 98-65 which was not approved until August 2, 1983.

CRIMINAL JUSTICE EMERGENCY INITIATIVES

Amendment No. 2: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter proposed by said amendment, insert the following:

CRIMINAL JUSTICE EMERGENCY INITIATIVE

For a Federal contribution to the District of Columbia, $25,171,600 of which $11,735,400 shall remain available until expended: Provided, That $2,841,300 for the Superior Court of the District of Columbia shall be made available only upon enactment into law of authorizing legislation.

The Managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference action provides an additional Federal payment of $25,171,600 for various initiatives within the District's Department of Corrections and the Superior Court as proposed by the Senate. The conference action also provides that the $2,841,300 for the Superior Court shall not become available until authorizing legislation is enacted into law. The conferees urge prompt action by the appropriate authorizing committees.

EDUCATION INITIATIVE

Amendment No. 3: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of matter proposed by said amendment, insert the following:

EDUCATION INITIATIVE

For a Federal contribution to the District of Columbia, $350,000.

SAINT ELIZABETHS HOSPITAL

For a Federal contribution to the District of Columbia, $5,700,000.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference action provides additional Federal funds of $6,050,000 of which $350,000 is for a study by the District's Board of Education to explore various alternatives to recognize outstanding teachers through incentives of both a financial and career nature, instead of $1,500,000 as proposed by the Senate. The conference action also appropriates additional Federal funds of $5,700,00 for Saint Elizabeths Hospital.

Education Initiative.—The conference action appropriates $350,000 instead of $1,500,000 as proposed by the Senate for a study by the District's Board of Education to explore the various alternatives to recognize outstanding teachers through incentives of both a financial and career nature. The conferees are agreed that the Board could evaluate the differing approaches and points of view giving all concerned, including representatives of the teachers, a chance to be heard before any final judgments are made.

Saint Elizabeths Hospital.—The conference action provides an additional Federal payment of $5,700,000 which will allow the District government to pay Saint Elizabeths Hospital a total of $35,148,700, instead of $24,748,700 as proposed by the House and $29,448,700 as proposed by the Senate. This action by the conferees is the last link in bridging the $25 million deficit in the Hospital's budget. In early September the Federal Department of Health and Human Services reported that it would initiate management improvements which should result in savings of $14 million, and the District has sent a letter dated September 20, 1983 to the House and Senate Committees on Appropriations stating that it will reduce the number of patients at Saint Elizabeths Hospital to achieve further savings of $5,300,000. These two actions leave a balance of $5,700,000 which will be funded with the additional Federal payment provided under this heading.

This special Federal payment is over and above the regular Federal payment provided annually to the District government. The conferees do not expect to take similar action with respect to Saint Elizabeths Hospital in the foreseeable future. The conferees want to make it ummistakably clear that no additional Federal funds over and above the regular annual Federal payment will be provided to the District government at any time in the foreseeable future for Saint Elizabeths Hospital. The conferees direct officials of the Federal Department of Health and Human Services and the District government to work together closely in developing and resolving the problems which have been ongoing for some time.

The conferees expect the District government, in implementing the transfer of the drug and alcohol abuse program from the Federal Government to the District of Columbia as stated in the Mayor's letter of September 20, 1983, to take all necessary steps to insure that persons employed in connection with such program immediately prior to its transfer do not suffer as a result of the transfer. In order to accomplish this objective, the conferees direct that the District government report back to the House and Senate Committees on Appropriations, at least sixty days prior to the effective date of such transfer, as to the steps it will take to protect such employees, their employment opportunities, and their conditions of employment.

GOVERNMENTAL DIRECTION AND SUPPORT

Amendment No. 4: Appropriates $44,251,400 instead of $44,352,400 as proposed by the House and $44,176,400 as proposed by the Senate. The reduction of $101,000 below the House allowance will provide the District of Columbia Retirement Board with a total of $500,000 from the general fund instead of $601,000 as proposed by the House and $425,000 as proposed by the Senate. This amendment relates to Amendment No. 6.

Amendment No. 5: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the sum proposed by said amendment, insert the following: *$2,603,700.*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference action provides a total of $2,603,700 and seven positions for the District of Columbia Retirement Board instead of $2,403,700 and seven positions as proposed by the House and $2,328,700 and five positions as proposed by the Senate. The increase of $200,000 above the House allowance is for additional investment management fees resulting from the understatement of those fees in fiscal year 1983 due primarily to the unanticipated stock market recovery.

Amendment No. 6: Provides that $500,000 of the amount appropriated for the District of Columbia Retirement Board shall be derived from the general fund instead of $601,000 as proposed by the House and $425,000 as proposed by the Senate.

Amendment No. 7: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the sum proposed by said amendment, insert the following: *$2,103,700 (including $200,000 for obligations incurred in fiscal year 1983)*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference action provides $2,103,700, of which $200,000 is for obligations incurred in fiscal year 1983, for the District of Columbia Retirement Board from earnings of the applicable retirement funds instead of $1,802,700 as proposed by the House and $1,903,700 as proposed by the Senate. The increase of $301,000 above the House allowance reflects the shifting of $101,000 of the Board's costs from the general fund to retirement fund earnings and an additional $200,000 for investment management fees resulting from the understatement of those fees in fiscal year 1983 due primarily to the unanticipated stock market recovery.

ECONOMIC DEVELOPMENT AND REGULATION

Amendment No. 8: Appropriates $56,603,000 as proposed by the House instead of $56,571,200 as proposed by the Senate. The conference allowance provides $307,100 for the Commission on the Healing Arts Licensure as proposed by the House instead of $275,300 as proposed by the Senate. The increase of $31,800 above the Senate allowance will provide the Commission with full-year funding for the eight authorized positions.

PUBLIC SAFETY AND JUSTICE

Amendment No. 9: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the sum proposed by said amendment, insert the following: *$487,068,100 (including $2,841,300 for the Superior Court of the District of Columbia which shall be made available only upon enactment into law of authorizing legislation)*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference action appropriates $487,068,100 of which $2,841,300 for the District's Superior Court shall not become available until authorizing legislation is enacted into law instead of $457,840,300 as proposed by the House and $487,322,900 as proposed by the Senate.

Fire Department.—The conference action provides $52,548,200 as proposed by the House instead of $52,236,200 as proposed by the Senate. The increase of $312,000 above the Senate allowance will provide a total of $798,500 for five work stations to operate the department's fire boat as proposed by the House instead of $486,500 and three work stations as proposed by the Senate.

Metropolitan Police Department.—The conference action provides $141,220,900 instead of $139,820,900 as proposed by the House and $141,820,900 as proposed by the Senate. The increase of $1,400,000 above the House allowance will provide $1,400,000 to continue the operation of the Police and Fire Clinic as a separate organization during fiscal year 1984 instead of $2,000,000 as provided by the Senate.

Superior Court.—The conference action provides $36,221,100 as proposed by the Senate instead of $33,379,800 as proposed by the House. The conference action also provides that the increase of $2,841,300 above the House allowance for the seven additional judges and related positions and capital improvements shall not become available until authorizing legislation is enacted into law. The Superior Court currently has 44 judges. The conferees urge the appropriate authorizing committee to take prompt action on this matter.

Department of Corrections.—The conference action provides a total of $124,457,500 and 2,578 positions as proposed by the Senate instead of $102,127,200 and 2,156 positions as proposed by the House. The increase of $22,330,300 and 422 positions will enable the department to deal responsibly with the severe overcrowding in the prisons which requires immediate corrective action. Of this amount, $12,430,300 is for operating costs consisting of (a) $487,500 and 20 positions for classification and parole officers and records clerks; (b) $8,222,800 and 216 positions for educational and vocational programs; and (c) $3,720,000 is for 186 additional correctional officers to provide more secure facilities.

The conferees have also included funds to permit the District to utilize city owned or excess or surplus Federal property in the District to temporarily house minimum security persons on an emergency basis. The prison facilities at Lorton and under several court orders relating to population, services, and related issues. In addition the Federal District Court is currently considering action which may require District officials to reduce the number of persons housed at the Detention Center as well. These resources, totaling $9,900,000 will permit the Department to undertake steps to relieve the overcrowded and dangerous situation that currently exists at the jail.

The General Accounting Office, in a letter dated July 12, 1983, notes that the capacity of District facilities at Lorton has increased by 719 beds in the last 10 years and is planned to increase by another 880 by 1986. The conferees note and city officials are aware that these spaces are not adequate to house reasonably expected increases. According to GAO the population at Lorton facilities was 2,833 on May 31, 1983. Another 700 sentenced felons were housed at the Detention Center due to court ordered maximums at Lorton, contributing to severe overcrowding at the Detention Center. These additional resources will permit the Department to develop and carry out plans to deal with these problems and develop future plans to manage future increases.

The conferees request that the Department make quarterly reports based on monthly data on the use of these funds.

The conferees recommend that the Attorney General of the United States develop and submit to the Congress not later than January 30, 1984, a plan prepared by the Federal Bureau of Prisons, in consultation with the District of Columbia's Department of Corrections, to cap the growth of the prison population at the D.C. prison in Lorton, Virginia, and on the economic and logistic feasibility of constructing a facility within the District for the anticipated growth of the D.C. prison population, as projected by the General Accounting Office in July 1983, and on the eventual transfer of D.C. prisoners from the Lorton, Virginia, facility to the District of Columbia.

National Guard.—The conference action provides a total of $491,900 and 21 positions as proposed by the House instead of $458,700 and 20 positions as proposed by the Senate.

PUBLIC EDUCATION SYSTEM

Amendment No. 10: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the sum proposed by said amendment, insert the following: *$483,532,900*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference action appropriates $483,532,900 instead of $473,597,100 as proposed by the House and $484,682,900 as proposed by the Senate.

Board of Education.—The conference action provides $350,000 instead of $1,500,000 as proposed by the Senate for a study exploring the various alternative means of recognizing outstanding teachers in grades K-12 in regular, special, and vocational education. The conferees are agreed that the Board could evaluate the differing approaches and points of view giving all concerned, including representatives of the teachers, a chance to be heard before any final judgments are made.

Teachers' Retirement and Annuity Fund.—The conference action provides a total of $78,560,000 as proposed by the Senate instead of $68,975,000 as proposed by the House. The increase of $9,585,800 above the House allowance is funded with part of the additional authorized Federal payment of $25 million approved in Public Law 98-65.

Amendment No. 11: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the sum proposed by said amendment, insert the following: *$326,350,000*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference action allocates $326,350,000 for the public schools of the District of Columbia instead of $326,000,000 as proposed by the House and $327,500,000 as proposed by the Senate. The increase of $350,000 above the House allowance is for a Board of Education study described under "Board of Education" above.

Amendment No. 12: Allocates $78,560,800 for the District of Columbia Teachers' Retirement Fund as proposed by the Senate instead of $68,975,000 as proposed by the House. The increase of $9,585,800 above the House allowance is from the additional authorized Federal payment of $25 million approved in Public Law 98-65.

HUMAN SUPPORT SERVICES

Amendment No. 13: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the sum proposed by said amendment, insert the following: *$503,236,600*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference action appropriates $503,236,600 instead of $486,778,600 as proposed by the House and $497,536,600 as proposed by the Senate.

Unemployment Compensation Fund.—The conference action provides $7,232,000 as proposed by the Senate instead of $10,132,000 as proposed by the House.

Department of Human Services.—The conference action provides $2,800,000 for the District's vocational rehabilitation program as proposed by the Senate instead of the budget request of $1,900,000 as proposed by the House.

Saint Elizabeths Hospital.—The conference action provides a total of $35,148,700 instead of $29,448,700 as proposed by the Senate and $24,748,700 as proposed by the House. The increase of $10,458,000 above the House allowance consists of $4,758,000 from part of the additional authorized Federal payment of $25 million approved in Public Law 98-65 which was anticipated at the time the House considered H.R. 3415 and $5,700,000 from the additional Federal payment discussed under amendment No. 3.

This special Federal payment is over and above the regular Federal payment provided annually to the District government. The conferees do not expect to take similar action with respect to Saint Elizabeths Hospital in the foreseeable future. The conferees want to make it unmistakably clear that no additional Federal funds over and above the regular annual Federal payment will be provided to the District government at any time in the foreseeable future for Saint Elizabeths Hospital. The conferees direct officials of the Federal Department of Health and Human Services and the District government to work together closely in developing and resolving the problems which have been ongoing for some time.

The conferees expect the District government, in implementing the transfer of the drug and alcohol abuse program from the Federal Government to the District of Columbia as stated in the Mayor's letter of September 20, 1983, to take all necessary steps to insure that persons employed in connection with such program immediately prior to its transfer do not suffer as a result of the transfer. In order to accomplish this objective, the conferees direct that the District government report back to the House and Senate Committees on Appropriations, at last sixty days prior to the effective date of such transfer, as to the steps it will take to protect such employees, their employment opportunities, and their conditions of employment.

Amendment No. 14: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

Restore the matter stricken by said amendment amended to read as follows: *shall not exceed $5,700,000 and an additional*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference action restores language proposed by the House and stricken by the Senate and amends the language to limit the amount to be paid to Saint Elizabeths Hospital from the District's local revenues to not to exceed a total of $35,148,700 instead of $29,448,700 as proposed by the House and the Senate. The increase of $5,700,000 above the House and the Senate allowance reflects the additional Federal payment of $5,700,000 discussed under amendment no. 3. The conferees direct the attention of officials of the Federal Department of Health and Human Services and the District government to the conferees' concerns with respect to Saint Elizabeths Hospital as discussed under amendments nos. 3 and 13.

REPAYMENT OF GENERAL FUND DEFICIT

Amendment No. 15: Updates the amount of the District's general fund accumulated deficit from $309,000,000 as of September 30, 1981 to $296,449,000 as of September 30, 1982. This revision is based on the most recent audit report.

Amendment No. 16: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

Restore the matter stricken and inserted by said amendment amended to read as follows:

1982, $15,000,000, of which not less than $10,000,000 shall be funded and apportioned by the Mayor from amounts otherwise available to the District of Columbia government (including amounts appropriated by this Act or revenues otherwise available, or both)

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference action requires the District to reduce the cash portion of its general fund accumulated deficit, which was $296,449,000 as of September 30, 1982, by $15,000,000 of which not less than $10,000,000 is to be funded and apportioned by the Mayor through expenditure reductions or from additional revenues.

SHORT-TERM BORROWINGS

Amendment No. 17: Appropriates $3,750,000 as proposed by the Senate instead of $3,197,000 as proposed by the House.

GENERAL PROVISIONS

Amendment No. 18: Restores language proposed by the House and stricken by the Senate which prohibits the reprogramming of funds provided for the Metropolitan Police Department and for Reduction of the General Fund Deficit.

Amendment No. 19: Deletes language proposed by the Senate which would have amended title 11 of the District of Columbia Code to authorize seven additional judges for the Superior Court of the District of Columbia. This subject is discussed earlier under amendments Nos. 2 and 9.

Amendment No. 20: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter proposed by said amendment, insert the following:

SEC. 131. (a) That part of the Legislative Branch Appropriation Act, 1984 (Public Law 98-51), under the heading "SENATE" is amended, in the paragraph with the heading "SECRETARY OF THE SENATE", by striking out "$390,000" and inserting in lieu thereof "$537,000".

(b) That part of such Act, under the heading "HOUSE OF REPRESENTATIVES" is amended, in the paragraph with the heading "SALARIES, OFFICERS AND EMPLOYEES", by striking out "$44,639,000" and inserting in lieu thereof "$44,787,000"; and by striking out "$6,185,000" for the "OFFICE OF THE DOORKEEPER" and inserting in lieu thereof "$6,333,000".

(c) That part of such Act, under the heading "JOINT ITEMS" is amended, in the paragraph with the heading "EDUCATION OF PAGES", by striking out such heading and paragraph.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

CONFERENCE TOTAL—WITH COMPARISONS

The total new budget (obligational) authority for the fiscal year 1984 recommended by the Committee of Conference, with comparisons to the fiscal year 1983 amount, the 1984 budget estimates, and the House and Senate bills for 1984 follow:

Federal funds

New budget (obligational) authority, fiscal year 1983	$524,180,000
Budget estimates of new (obligational) authority fiscal year 1984	569,590,100
House bill, fiscal year 1984	544,590,000
Senate bill, fiscal year 1984	596,261,600
Conference agreement, fiscal year 1984	600,811,600
Conference agreement compared with:	
New budget (obligational) authority, fiscal year 1983	+76,631,500
Budget estimates of new (obligational) authority, fiscal year 1984	+31,221,600
House bill, fiscal year 1984	+56,221,600
Senate bill, fiscal year 1984	+4,550,000

District of Columbia funds

New budget (obligational) authority, fiscal year 1983	*$1,976,818,700*
Budget estimates of new (obligational) authority, fiscal year 1984	*2,147,013,000*
House bill, fiscal year 1984	*2,122,013,000*
Senate bill, fiscal year 1984	*2,173,684,600*

Conference agreement, fiscal year 1984	*2,178,086,600*
Conference agreement compared with:	
New budget (obligational) authority, fiscal year 1983	*+201,267,900*
Budget estimates of new (obligational) authority, fiscal year 1984	*+31,073,600*
House bill, fiscal year 1984	*+56,073,600*
Senate bill, fiscal year 1984	*+4,402,000*

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Managers on the Part of the House.

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PETE V. DOMENICI,
PAT J. LEAHY,
DALE BUMPERS,
JOHN STENNIS,
Managers on the Part of the Senate.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. LEWIS of Florida (at the request of Mr. MICHEL), after 4 p.m. today, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. COATS) to revise and extend their remarks and include extraneous material:)

Mr. RUDD, for 30 minutes, today.

Mr. DICKINSON, for 60 minutes, on September 27.

Mr. DICKINSON, for 60 minutes, on September 28.

Mr. WALKER, for 30 minutes, today.

Mr. LOTT, for 60 minutes, on September 26.

Mr. LOEFFLER, for 60 minutes, on September 26.

Mr. LOTT, for 60 minutes, on September 27.

Mr. LOEFFLER, for 60 minutes, on September 27.

Mr. LOTT, for 60 minutes, on September 28.

Mr. LOEFFLER, for 60 minutes, on September 28.

Mr. LOTT, for 60 minutes, on September 29.

Mr. LOEFFLER, for 60 minutes, on September 29.

Mr. LOTT, for 60 minutes, on September 30.

Mr. LOEFFLER, for 60 minutes, on September 30.

(The following Members (at the request of Mr. DE LUGO) to revise and extend their remarks and include extraneous material:)

Mr. ANNUNZIO, for 5 minutes, today.

Mr. GONZALEZ, for 30 minutes, today.

Mr. MOLLOHAN, for 10 minutes, today.

Mr. FRANK, for 5 minutes, today.

Mr. JONES of Oklahoma, for 5 minutes, today.

Mr. DORGAN, for 5 minutes, today.

Mrs. BURTON of California, for 5 minutes, today.

Mr. STRATTON, for 5 minutes, today.

Mr. PATMAN, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. BIAGGI, immediately prior to the vote on the Hyde amendment to H.R. 3913 in the Committee of the Whole today.

Mr. FORD of Michigan, to revise and extend his remarks immediately before the vote on the Wright amendment to H.R. 3913 in the Committee of the Whole today.

Mr. GREEN, during general debate on H.R. 3913 in the Committee of the Whole today.

(The following Members (at the request of Mr. COATS) and to include extraneous matter:)

Mr. PAUL.
Mr. BROOMFIELD.
Mr. FRANKLIN.
Mr. PURSELL.
Mr. PORTER.
Mr. EMERSON.
Mr. BEREUTER in two instances.
Mr. BOEHLERT.
Mr. WOLF.
Mr. LUJAN.
Mr. FIELDS.
Mr. LEACH of Iowa in two instances.
Mr. MARTIN of North Carolina.
Mr. KEMP.
Mr. ROTH.
Mr. ZSCHAU.
Mr. MADIGAN.
Mr. JEFFORDS.

(The following Members (at the request of Mr. DE LUGO) and to include extraneous matter:)

Mr. BORSKI.
Mr. MONTGOMERY.
Mr. ROE.
Mr. KOSTMAYER.
Mr. PATTERSON.
Mr. ROYBAL.
Mrs. SCHROEDER.
Mr. CONYERS in two instances.
Mr. RODINO.
Mr. OTTINGER in two instances.
Mr. SKELTON.
Mr. RANGEL in two instances.
Mr. FEIGHAN.
Mr. FOGLIETTA.
Mr. HOYER.
Mr. DE LUGO.
Mr. AUCOIN.
Mr. MAVROULES.
Mr. LUKEN.
Mr. MARKEY.
Mr. EARLY.

ENROLLED BILL AND JOINT RESOLUTION SIGNED

Mr. HAWKINS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill and a joint resolution of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 3914. An act to require the Secretary of Agriculture to make an earlier announcement of the 1984 crop feed grain program and of the 1985 crop wheat and feed grain programs; and

H.J. Res. 229. Joint resolution to authorize and request the President to issue a proclamation designating April 22 through April 28, 1984, as "National Organ Donation Awareness Week."

ADJOURNMENT

Mr. DE LUGO. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 20 minutes p.m.), under its previous order, the House adjourned until Monday, September 26, 1983, at 12 o'clock noon.

EXPENDITURE REPORTS CONCERNING OFFICIAL FOREIGN TRAVEL

Reports of various House committees concerning the foreign currencies and U.S. dollars utilized by them during the first and second quarters of calendar year 1983 in connection with foreign travel pursuant to Public Law 95-384 are as follows:

AMENDED REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON GOVERNMENT OPERATIONS, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 1983

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. William F. Clinger	1/7	1/8	Finland		[3] 190.00						190.00
	1/8	1/12	Soviet Union		[3] 534.00						534.00
	1/12	1/14	Hungary		218.00						218.00
	1/14	1/16	Yugoslavia		150.00						150.00
	1/16	1/20	Greece		432.00						432.00
Transportation provided by military aircraft							4,579.46				4,579.46
Hon. Ted Weiss	1/8	1/9	Italy	1,161,126	119.00						119.00
	1/10	1/14	Zimbabwe	491,00	540.00						540.00
	1/14	1/15	Mozambique		130.00						130.00
	1/15	1/17	Tanzania	2,450	245.00						245.00
	1/17	1/19	Egypt		267.00						267.00
	1/19	1/20	France	750.40	112.00						112.00
Transportation provided by military aircraft							8,787.33				8,787.33
Hon. Glenn English	2/23	2/24	The Bahamas		144.00						144.00
Hon. Buddy MacKay	2/23	2/24	The Bahamas		144.00						144.00
Hon. Edolphus Towns	2/23	2/24	The Bahamas		144.00						144.00
Hon. Thomas N. Kindness	2/23	2/24	The Bahamas		144.00						144.00
William G. Lawrence	2/23	2/24	The Bahamas		144.00						144.00
Theodore Mehl	2/23	2/24	The Bahamas		144.00						144.00
John Parisi	2/23	2/24	The Bahamas		144.00						144.00
Transportation for the entire delegation (military aircraft).							12,309.20				12,309.20
Committee total					3,945.00		25,675.99				29,620.99

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] These figures reflect per diem as well as additional subsistence provided to cover unanticipated additional expenses while in official travel status.

JACK BROOKS, Chairman, Sept. 2, 1983.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON APPROPRIATIONS, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 1983

Name of member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Bill Chappell	5/27	6/2	France		686.00		[3] 3,672.00				4,358.00
Hon. Norman Dicks	5/27	6/2	France		686.00		[3] 3,672.00				4,358.00
Hon. Jack Edwards	5/27	6/2	France		686.00		[3] 3,672.00				4,358.00
Hon. Jack Hightower	5/27	6/1	France		588.00		[3] 3,672.00				4,260.00
Hon. Joseph McDade	5/27	5/31	France		490.00		[3] 3,672.00				4,162.00
Hon. Carl Pursell	6/16	6/19	El Salvador		222.16		1,090.35				1,312.51
Hon. J. Kenneth Robinson	5/27	6/2	France		686.00		[3] 3,672.00				4,358.00
Hon. Eldon Rudd	5/27	6/1	France		588.00		[3] 3,672.00				4,260.00
Hon. Louis Stokes	3/25	3/27	England		196.00						196.00
	3/27	3/30	Egypt		282.00		162.32				444.32
	3/30	4/3	Israel		400.00		927.00		50.28		1,377.28
	4/3	4/5	France		192.00		4,456.00				4,648.00
Hon. Charles Wilson	5/27	6/2	France		686.00		[4] 1,836.00				2,522.00
George F. Allen	3/24	3/29	Germany		474.00						474.00
	3/29	3/30	Holland		80.00						80.00
	3/30	3/31	Belgium		83.00						83.00
	3/31	4/2	England		196.00		3,988.00				4,184.00
John G. Plashal	5/27	6/2	France		686.00		[3] 3,672.00				4,358.00
William E. Schuerch	3/25	3/27	Hong Kong		194.00						194.00
	3/27	3/31	Thailand		312.00		53.02				365.02
	3/31	4/3	Philippines		225.00						225.00
	4/3	4/5	United States		150.00		4,301.58				4,451.58
Robert A. Seraphin	5/27	6/2	France		686.00		[3] 3,672.00				4,358.00
Austin G. Smith	5/27	6/2	France		686.000		[3] 3,672.00				4,358.00
Committee total					10,846.16		57,206.27		50.28		68,102.71
APPROPRIATIONS, SURVEYS AND INVESTIGATIONS STAFF, MAR. 20 AND JUNE 30, 1983											
Albert J. Boudreau	4/9	4/16	Germany		505.50		2,459.00		42.58		3,007.08
	4/16	5/20	Spain		337.50						337.50
	4/20	4/26	England		565.00				10.90		575.90
	4/26	4/27	Scotland		96.25						96.25
	4/27	4/28	England		98.00						98.00
	4/28	4/29	Belgium		56.25				167.70		223.95
	4/29	4/30	Netherlands		106.75				129.27		236.02
	5/19	5/21	Japan		392.00		2,269.00		26.00		2,687.00
	5/21	5/27	Korea		600.00				24.51		624.51
William J. Cleary	4/9	4/16	Germany		505.50		1,999.00		10.00		2,514.50
	4/16	4/20	Spain		337.50				5.00		342.50
	4/20	4/26	England		565.00				18.30		583.30
	4/26	4/27	Scotland		96.25						96.25
	4/27	4/28	England		92.25				10.00		102.25
	5/19	5/27	Japan		864.00		2,432.78		8.20		3,304.98
Thomas E. Crosson	4/9	4/20	Germany		915.25		2,157.00		18.50		3,090.75
	4/20	4/28	England		774.00				103.94		877.94
	5/19	5/21	Japan		254.25		2,294.78		33.00		2,582.03
	5/21	5/27	Korea		662.50				29.14		691.64
Timothy B. Klund	3/20	4/6	Germany		1,508.00		1,781.00		18.64		3,307.64
Dennis K. Lutz	4/9	4/20	Germany		915.25		1,959.00				2,874.25
	4/20	4/28	England		792.75				94.30		887.05
Richard E. Sheffield	4/9	4/20	Germany		906.50		2,157.00		14.80		3,078.30
	4/20	4/28	England		755.25				87.67		842.92
	5/19	5/27	Japan		864.00		2,432.78		29.70		3,326.48
Jerald N. Slaughter	3/20	4/6	Germany		1,589.00		1,758.00		8.00		3,355.00
R. W. Vandergrift	4/19	4/26	England		712.00		2,058.30		164.82		2,935.12

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON APPROPRIATIONS, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 1983—Continued

Name of member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Ben A. Weaver	3/20	4/1	Germany		1,037.25		2,069.00		20.08		3,126.33
	4/1	4/6	England		425.25				80.24		505.49
Vernon Westbrook, Jr.	3/20	4/1	Germany		1,026.25		2,045.00		8.50		3,079.75
	4/1	4/6	England		547.75				72.15		619.90
Committee total					18,903.00		29,871.64		1,235.94		50,010.58

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Transportation furnished by military aircraft. Cost shown is comparable 1-class rate.
[4] Transportation furnished by military aircraft 1 way only. Cost shown is comparable 1-class rate.

JAMIE L. WHITTEN, Chairman, Aug. 24, 1983.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON ARMED SERVICES, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 1983

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
DELEGATION TO EUROPE, MAR. 24 TO APR. 4, 1983											
Badham, Cong. Robert E.	3/24	3/27	Portugal	21,816	225.00					21,816	225.00
	3/27	3/29	Italy	218,880	152.00					218,880	152.00
	3/29	3/31	Turkey	44,053.20	216.00					44,053.20	216.00
	3/31	4/4	Greece	35,683	432.00					35,683	432.00
Transportation, Department of the Air Force							5,185.71				5,185.71
Holt, Cong. Marjorie S.	3/24	3/27	Portugal	21,816	225.00					21,816	225.00
	3/27	3/29	Italy	218,880	152.00					218,880	152.00
	3/29	3/31	Turkey	44,053.20	216.00					44,053.20	216.00
	3/31	4/4	Greece	35,683	432.00					35,683	432.00
Transportation, Department of the Air Force							5,185.71				5,185.71
Kazen, Abraham, Jr.	3/24	3/27	Portugal	21,816	225.00					21,816	225.00
	3/27	3/29	Italy	218,880	152.00					218,880	152.00
	3/29	3/31	Turkey	44,053.20	216.00					44,053.20	216.00
	3/31	4/4	Greece	35,683	432.00					35,683	432.00
Transportation, Department of the Air Force							5,185.71				5,185.71
Lloyd, Cong. Marilyn L.	3/24	3/27	Portugal	21,816	225.00					21,816	225.00
	3/27	3/29	Italy	218,880	152.00					218,880	152.00
	3/29	3/31	Turkey	44,053.20	216.00					44,053	216.00
	3/31	4/4	Greece	35,683	432.00					35,683	432.00
Transportation, Department of the Air Force							5,185.71				5,185.71
McDonald, Cong. Larry	3/24	3/24	Portugal				1,258.67				1,258.67
Martin, Cong. David O'B.	3/24	3/27	Portugal	21,816	225.00					21,816	225.00
	3/27	3/29	Italy	218,880	152.00					218,880	152.00
	3/29	3/31	Turkey	44,053.20	216.00					44,053.20	216.00
	3/31	4/4	Greece	35,683	432.00					35,683	432.00
Transportation, Department of the Air Force							5,185.71				5,185.71
Schroeder, Cong. Patricia	3/24	3/27	Portugal	21,816	225.00					21,816	225.00
	3/27	3/29	Italy	218,880	152.00					218,880	152.00
	3/29	3/31	Turkey	44,053.20	216.00					44,053.20	216.00
	3/31	4/4	Greece	35,683	432.00					35,683	432.00
Spence, Cong. Floyd	3/24	3/27	Portugal	21,816	225.00					21,816	225.00
	3/27	3/29	Italy	218,880	152.00					218,880	152.00
	3/29	3/31	Turkey	44,053.20	216.00					44,053.20	216.00
	3/31	4/4	Greece	35,683	432.00					35,683	432.00
Transportation, Department of the Air Force							5,185.71				5,185.71
Ortiz, Cong. Solomon P.	3/24	3/27	Portugal	21,816	225.00					21,816	225.00
	3/27	3/29	Italy	218,880	152.00					218,880	152.00
	3/29	3/31	Turkey	44,053.20	216.00					44,053.20	216.00
	3/31	4/4	Greece	35,683	432.00					35,683	432.00
Transportation, Department of the Air Force							5,185.71				5,185.71
Won Pat, Cong. Antonio B.	3/24	3/27	Portugal	21,816	225.00					21,816	225.00
	3/27	3/29	Italy	218,880	152.00					218,880	152.00
	3/29	3/31	Turkey	44,053.20	216.00					44,053.20	216.00
	3/31	4/4	Greece	35,683	432.00					35,683	432.00
Transportation, Department of the Air Force							5,185.71				5,185.71
Barrett, Archie D.	3/24	3/27	Portugal	21,816	225.00					21,816	225.00
	3/27	3/29	Italy	218,880	152.00					218,880	152.00
	3/29	3/31	Turkey	44,053.20	216.00					44,053.20	216.00
	3/31	4/4	Greece	35,683	432.00					35,683	432.00
Transportation, Department of the Air Force							5,185.71				5,185.71
Bauser, Edward J.	3/24	3/27	Portugal	21,816	225.00					21,816	225.00
	3/27	3/29	Italy	218,880	152.00					218,880	152.00
	3/29	3/31	Turkey	44,053.20	216.00					44,053.20	216.00
	3/31	4/4	Greece	35,683.00	432.00					35,683	432.00
Transportation, Department of the Air Force							5,185.71				5,185.71
Campbell, Donald L.	3/24	3/27	Portugal	21,816	225.00					21,816	225.00
	3/27	3/29	Italy	218,880	152.00					218,880	152.00
	3/29	3/31	Turkey	44,053.20	216.00					44,053.20	216.00
	3/31	4/4	Greece	35,683	432.00					35,683	432.00
Transportation, Department of the Air Force							5,185.71				5,185.71
Emmerichs, Robert M.	3/24	3/27	Portugal	21,816	225.00					21,816	225.00
	3/27	3/29	Italy	218,880	152.00					218,880	152.00
	3/29	3/31	Turkey	44,053.20	216.00					44,053.20	216.00
	3/31	4/4	Greece	35,683	432.00					35,683	432.00
Transportation, Department of the Air Force							5,185.71				5,185.71
Heath, Karen S.	3/24	3/27	Portugal	21,816	225.00					21,816	225.00
	3/27	3/29	Italy	218,880	152.00					218,880	152.00
	3/29	3/31	Turkey	44,053.20	216.00					44,053.20	216.00
	3/31	4/4	Greece	35,683	432.00					35,683	432.00
Transportation, Department of the Air Force							5,185.71				5,185.71
Delegation expenses in Greece						208,865	2,525.58	40,533	490.64	249,398	3,043.22
Delegation expenses in Italy						1,735,102	1,665.83	884,870	614.49	2,619,972	2,280.32
Delegation expenses in Portugal						92,200	949.09	233,435	2,406.92	325,635	3,356.01

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON ARMED SERVICES, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 1983—Continued

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
MILITARY INSTALLATIONS AND FACILITIES SUBCOMMITTE DELEGATION TO EUROPE, APRIL 28 TO MAY 2, 1983											
Elrod, Marilyn A.	4/28	5/1	Germany	502.25	205.00					502.25	205.00
	5/1	5/2	Spain	10,177	75.00					10,177	75.00
Transportation, Department of State							1,845.00				1,845.00
Moore, Alma B.	4/28	5/1	Germany	502.25	205.00					502.25	205.00
	5/1	5/2	Spain	10,177	75.00					10,177	75.00
Transportation, Department of State							1,845.00				1,845.00
Tsompanas, Paul L.	4/28	5/1	Germany	502.25	205.00					502.25	205.00
	5/1	5/2	Spain	10,177	75.00					10,177	75.00
Transportation, Department of State							1,845.00				1,845.00
Local transportation expenses for group							30.00				30.00
DELEGATION TO CENTRAL AMERICA, MAY 30 TO JUNE 1, 1983											
Hopkins, Cong. Larry J.	5/30	5/31	Panama		80.00						80.00
	5/30	6/1	Costa Rica	3,307.50	75.00					3,307.50	75.00
	6/1	6/1	El Salvador								
Transportation, Department of the Air Force							4,638.86				4,638.86
Montgomery, Cong. G. V.	5/30	5/31	Panama		80.00						80.00
	5/31	6/1	Costa Rica	3,307.50	75.00					3,307.50	75.00
	6/1	6/1	El Salvador								
Transportation, Department of the Air Force							4,638.86				4,638.86
Stump, Cong. Bob	5/30	5/31	Panama		80.00						80.00
	5/31	6/1	Costa Rica	3,307.50	75.00					3,307.50	75.00
	6/1	6/1	El Salvador								
Transportation, Department of the Air Force							4,638.86				4,638.86
Tsompanas, Paul L.	5/30	5/31	Panama		80.00						80.00
	5/31	6/1	Costa Rica	3,307.50	75.00					3,307.50	75.00
	6/1	6/1	El Salvador								
Transportation, Department of the Air Force							4,638.86				4,638.86
Delegations expenses in Costa Rica								222	5.03	222	5.03
DELEGATION TO EUROPE, MAY 28 TO JUNE 6, 1983											
Badham, Cong. Robert E.	5/28	6/2	France	4,847	655.00					4,847	655.00
	6/2	6/4	Czechoslovakia	2,406	222.98					2,406	222.98
	6/4	6/6	Austria	3,764.05	212.00					3,764.05	212.00
	6/6	6/7	France	626.48	82.00					626.48	82.00
Transportation, Department of the Air Force							1,888.55				1,888.55
Transportation, incountry, Department of the Air Force.							2,003.40				2,003.40
Dickinson, Cong. Wm. L.	5/28	6/2	France	4,847	655.00					4,847	655.00
	6/2	6/4	Czechoslovakia	2,232.45	206.86					2,232.45	206.86
	6/4	6/6	Austria	3,764.05	212.00					3,764.05	212.00
Transportation, Department of the Air Force							4,317.25				4,317.25
Hartnett, Cong. Thomas F.	5/28	6/2	France	4,847	655.00					4,847	655.00
Transportation, Department of the Air Force							1,406.13				1,406.13
Transportation, Department of the Army							1,600.55				1,600.55
Holt, Cong. Marjorie S.	5/28	6/2	France	4,847	655.00					4,847	655.00
	6/2	6/4	Czechoslovakia	2,191	203.06					2,191	203.06
	6/4	6/6	Austria	3,764.05	212.00					3,764.05	212.00
Transportation, Department of the Air Force							4,317.25				4,317.25
Kazen, Cong. Abraham, Jr.	5/28	6/2	France	4,847	655.00					4,847	655.00
	6/2	6/4	Czechoslovakia	2,232.45	206.86					2,232.45	206.86
	6/4	6/6	Austria	3,764.05	212.00					2,764.05	212.00
Transportation, Department of the Air Force							4,317.25				4,317.25
Price, Cong. Melvin	5/28	6/2	France	4,847	655.00					4,847	655.00
	6/2	6/4	Czechoslovakia	2,232.45	206.86					2,232.45	206.86
	6/4	6/6	Austria	3,764.05	212.00					3,764.05	212.00
Transportation, Department of the Air Force							4,317.25				4,317.25
Sisisky, Cong. Norman	5/28	6/2	France	4,847	655.00					4,847	655.00
	6/2	6/4	Czechoslovakia	2,232.45	206.86					2,232.45	206.86
	6/4	6/6	Austria	3,764.05	212.00					3,764.05	212.00
Transportation, Department of the Air Force							4,317.25				4,317.25
Stratton, Cong. Samuel S.	5/28	6/2	France	4,847	655.00					4,847	655.00
	6/2	6/4	Czechoslovakia	2,336.40	216.33					2,336.40	216.33
	6/4	6/6	Austria	3,764.05	212.00					3,764.05	212.00
Transportation, Department of the Air Force							4,317.25				4,317.25
Won Pat, Cong. Antonio B.	5/28	6/2	France	4,847	655.00					4,847	655.00
	6/2	6/4	Czechoslovakia	2,232.45	206.86					2,232.45	206.86
	6/4	6/6	Austria	3,764.05	212.00					3,764.05	212.00
Transportation, Department of the Air Force							4,317.25				4,317.25
Bauser, Edward. J.	5/28	6/2	France	4,847	655.00					4,847	655.00
	6/2	6/4	Czechoslovakia	1,866.45	172.98					1,866.45	172.98
	6/4	6/6	Austria	3,764.05	212.00					3,764.05	212.00
Transportation, Department of the Air Force							4,317.25				4,317.25
Chase, Alan C.	5/26	6/2	France	6,785.80	917.00					6,785.80	917.00
	6/2	6/4	Czechoslovakia	2,232.45	206.86					2,232.45	206.86
	6/4	6/6	Austria	3,764.05	212.00					3,764.05	212.00
Transportation, Department of the Air Force							2,911.12				2,911.25
Transportation, Department of the Army							1,318.10				1,318.10
Ford, John J.	5/28	6/2	France	4,847	655.00					4,847	655.00
	6/2	6/4	Czechoslovakia	2,232.45	206.86					2,232.45	206.86
	6/4	6/6	Austria	3,764.05	212.00					3,764.05	212.00
Transportation, Department of the Air Force							4,317.25				4,317.25
White, Justus P., Jr.	5/28	6/2	France	4,847	655.00					4,847	655.00
	6/2	6/4	Germany	406.40	160.00					206.40	160.00
	6/4	6/6	Austria	3,764.05	212.00					3,764.05	212.00
Transportation, Department of the Air Force							3,834.83				3,834.83
Wincup, G. Kim	5/28	6/2	France	3,847	655.00					4,847	655.00
	6/4	6/6	Austria	3,764.05	212.00					3,764.05	212.00
Transportation, Department of the Air Force							3,834.83				3,834.83
DELEGATION TO EL SALVADOR, JUNE 16–19, 1983											
Hartnett, Cong. Thomas F.	6/16	6/19	El Salvador	877.50	222.15					877.50	222.15
Transportation, Department of the Army							1,090.35				1,090.35
Hillis, Cong. Elwood	6/16	6/19	El Salvador	877.50	222.15					877.50	222.15
Transportation, Department of the Army							1,090.35				1,090.35

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON ARMED SERVICES, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 1983—Continued

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hunter, Cong. Duncan L	6/16	6/19	El Salvador	877.50	222.15					877.50	222.15
Transportation, Department of the Army							1,090.35				1,090.35
Barrett, Archie D	6/16	6/19	El Salvador	877.50	222.15					877.50	222.15
Transportation, Department of the Army							1,090.35				1,090.35
Bauser, Edward J	6/16	6/19	El Salvador	877.50	222.15					877.50	222.15
Transportation, Department of the Army							1,090.35				1,090.35
Local transportation expenses for delegation						1,440.49	364.67			1,440.49	364.67
Local miscellaneous expenses for delegation								420.00	106.33	420.00	106.33
INDIVIDUAL COMMITTEE TRAVEL											
Aspin, Cong. Les	3/27	3/31	Egypt		376.00						376.00
	3/31	4/1	Lebanon								
	4/1	4/2	Syria		92.00						92.00
	4/2	4/4	Jordan		158.00						158.00
	4/4	4/10	Israel		400.00						400.00
Transportation, Department of State							2,695.76				2,695.76
Transportation, Department of State (Beirut to Damascus).							54.35				54.35
Local transportation, Department of State, Lebanon.							374.40				374.40
Hutto, Cong. Earl	6/2	6/4	El Salvador	585	150.00					585	150.00
	6/4	6/5	Nicaragua								
	6/5	6/5	Costa Rica	6,615	75.00					6,615	75.00
	6/5	6/5	Guatemala								
Transportation, Department of the Air Force							4,696.69				4,696.69
White, Justus P., Jr	6/10	6/13	Denmark	4,307	472.00					4,307	472.00
	6/13	6/14	England	84.83	134.00					84.83	134.00
Transportation, Department of the Army							2,677.32				2,677.32
Foglietta, Cong. Thomas M	6/3	6/5	Italy		166.00						166.00
(Transportation Tel Aviv, Israel to Rome, Italy, on June 3, 1983, paid for by the State Department. Awaiting cost information from American Embassy, Tel Aviv.)											
Local transportation in Lebanon, Department of State.						350.00	81.97			350.00	81.97
(Transportation, Rome, Italy, to Washington, D.C., June 5, 1983. Flew space available on military transport.)											
Committee total					33,637.12		171,983.51		3,623.41		209,244.04

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

MELVIN PRICE, Chairman, July 27, 1983.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON GOVERNMENT OPERATIONS, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 1983

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Al McCandless	6/16	6/19	El Salvador	887.50	222.15		[3] 1,090.35				1,312.50
Committee total					222.15		[3] 1,090.35				1,312.50

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military transportation provided by the Department of Army.

JACK BROOKS, Chairman, Aug. 1, 1983.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON THE JUDICIARY, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 1983

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Peter W. Rodino, Jr.	4/10	4/12	Switzerland		357.00		398.66				755.66
Commercial transportation							3,031.00				3,031.00
Hamilton Fish, Jr.	4/10	4/12	Switzerland		357.00		398.66				755.66
Commercial transportation							3,023.00				3,023.00
Peter J. Levinson	4/10	4/16	Switzerland		833.00		398.66				1,231.66
Commercial transportation							3,133.00				3,133.00
Garner J. Cline	4/10	4/18	Switzerland		1,071.00		672.36				1,743.36
Commercial transportation							3,251.00				3,251.00
Robert W. Kastenmeier	5/20	5/22	Netherlands		236.00		296.04		66.30		598.34
	5/22	5/26	France		524.00		615.55		339.45		1,479.00
	5/26	5/28	Germany		[3] 730.00		155.44		39.00		924.44
Commercial transportation							2,253.00				2,253.00
Military transportation							2,207.80				2,207.80
Geo. W. Crockett, Jr	5/20	5/22	Netherlands		236.00		296.04		66.30		598.34
	5/22	5/26	France		524.00		615.55		339.45		1,479.00
	5/28	5/29	Germany		190.12		77.72		19.50		287.34
Military transportation							3,980.04				3,980.04
Hamilton Fish, Jr.	5/20	5/22	Netherlands		236.00		296.04		66.30		598.34
	5/22	5/26	France		524.00		615.55		339.45		1,479.00
	5/26	5/29	Germany		452.00		233.16		58.50		743.66
Commercial Transportation							3,185.00				3,185.00
Military transportation							3,980.04				3,980.04

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON THE JUDICIARY, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 1983—Continued

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Carlos J. Moorhead	5/20	5/22	Netherlands		236.00		296.04		66.30		598.34
	5/22	5/26	France		524.00		615.55		339.45		1,479.00
	5/26	5/29	Germany		452.00		233.16		58.50		743.66
Commercial transportation							3,185.00				3,185.00
Military transportation							3,980.04				3,980.04
Harold S. Sawyer	5/20	5/22	Netherlands		236.00		296.04		66.30		598.34
	5/22	5/26	France		524.00		615.55		339.45		1,479.00
	5/26	5/29	Germany		452.00		233.16		58.50		743.66
Military transportation							3,980.04				3,980.04
Michael J. Remington	5/20	5/22	Netherlands		236.00		296.04		66.30		598.34
	5/22	5/26	France		524.00		615.55		339.45		1,479.00
	5/26	5/29	Germany		452.00		233.16		58.50		743.66
Military transportation							3,980.04				3,980.04
Thomas E. Mooney	5/20	5/22	Netherlands		236.00		296.04		66.30		598.34
	5/22	5/26	France		524.00		615.55		339.45		1,479.00
	5/26	5/29	Germany		452.00		233.16		58.50		743.66
Military transportation							3,980.04				3,980.04
Committee total					11,118.12		56,797.47		3,191.25		71,106.84

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Mr. Kastenmeier received per diem in Germany for his trip to Austria; May 28–June 1.

PETER W. RODINO, JR., Chairman

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1888. A letter from the Director, Office of Pesticide Programs, U.S. Environmental Protection Agency, transmitting the Agency's final rule establishing procedures for the conditional registration of pesticides, pursuant to section 25(a)(4) of the Federal Insecticide, Fungicide, and Rodenticide Act, as amended; to the Committee on Agriculture.

1889. A letter from the Secretary of the Navy, transmitting notice of the proposed transfer by the Navy of the obsolete submarine ex-*Albacore* (ex-AGSS-569) to the Portsmouth Submarine Memorial Association, Inc., Portsmouth, N.H., a nonprofit corporation, pursuant to 10 U.S.C. 7308(c); to the Committee on Armed Services.

1890. A letter from the Assistant Secretary of Defense (Manpower, Reserve Affairs and Logistics), transmitting a supplement to the defense manpower requirements report for fiscal year 1984, which was submitted on March 1, 1983 (Ex. Com. No. 470); to the Committee on Armed Services.

1891. A letter from the Acting Assistant Secretary of State, Intergovernmental and Legislative Affairs, transmitting a report of political contributions by Ambassadors-designate Reginald Bartholomew and Terence A. Todman, and members of their families, pursuant to section 304(b)(2) of Public Law 96-465; to the Committee on Foreign Affairs.

1892. A letter from the Comptroller General of the United States, transmitting his review of the audit of the U.S. Capitol Historical Society's financial statements for the years ended January 31, 1982 and 1981 (GAO/AFMD-83-91), pursuant to 40 U.S.C. 193m-1; to the Committee on Government Operations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BEVILL: Committee on Appropriations. H.R. 3958. A bill making appropriations for water resource development for the fiscal year ending September 30, 1984, and for other purposes (Rept. No. 98-373). Referred to the Committee of the Whole House on the State of the Union.

Mr. WHITTEN: Committee on Appropriations. H.R. 3959. A bill making supplemental appropriations for the fiscal year ending September 30, 1984, and for other purposes (Rept. No. 98-375). Referred to the Committee of the Whole House on the State of the Union.

Mr. ROSTENKOWSKI: Committee on Ways and Means. H.R. 3813. A bill to amend the International Coffee Agreement Act of 1980 (Rept. No. 98-376). Referred to the Committee of the Whole House on the State of the Union.

Mr. ROSTENKOWSKI: Committee on Ways and Means. H.R. 3929. A bill to extend the Federal Supplemental Compensation Act of 1982, and for other purposes (Rept. No. 98-377). Referred to the Committee of the Whole House on the State of the Union.

Mr. HEFNER: Committee of conference. Conference report on H.R. 3263 (Rept. No. 98-378). Ordered to be printed.

Mr. DIXON: Committee of conference. Conference report on H.R. 3415 (Rept. No. 98-379). Ordered to be printed.

ADVERSE REPORTS

Under clause 2 of rule XIII.

Mr. ROSTENKOWSKI: Committee on Ways and Means. H.R. 2848. A bill to establish a service industries development program, and for other purposes (Rept. No. 98-203, Pt. II). Ordered to be printed.

REPORTED BILLS SEQUENTIALLY REFERRED

Under clause 5 of rule X, bills and reports were delivered to the Clerk for printing, and bills referred as follows:

Mr. WHITTEN: Committee on Appropriations. House Joint Resolution 367. Joint resolution making continuing appropriations for the fiscal year 1984, and for other purposes; referred to the Committee on Foreign Affairs for consideration of such legislative provisions of section 124 of the joint resolution as fall within the jurisdiction of that committee pursuant to clause 1 (i), rule X (Rept. No. 98-374, Pt. I.). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BEVILL:

H.R. 3958. A bill making appropriations for water resource development for the fiscal year ending September 30, 1984, and for other purposes.

By Mr. WHITTEN:

H.R. 3959. A bill making supplemental appropriations for the fiscal year ending September 30, 1984, and for other purposes.

By Mr. CLARKE (for himself, Mr. WHITLEY, Mr. BROYHILL, Mr. JONES of North Carolina, Mr. ANDREWS of North Carolina, Mr. ROSE, Mr. HEFNER, Mr. NEAL, Mr. MARTIN of North Carolina, Mr. BRITT, and Mr. VALENTINE):

H.R. 3960. A bill to designate certain public lands in North Carolina as additions to the National Wilderness Preservation System; jointly, to the Committees on Agriculture and Interior and Insular Affairs.

By Mr. ALEXANDER (for himself, Mr. MARTIN of North Carolina, Mr. VANDER JAGT, Mr. MOORE, Mr. SCHULZE, Mr. FLIPPO, Mr. NELSON of Florida, Mr. HANCE, Mr. FOWLER, Mr. JENKINS, Mr. SHUSTER, Mr. HEFNER, Mr. ANTHONY, Mr. FORD of Tennes-

see, Mr. GRAY, Mr. SPENCE, and Mr. DUNCAN):

H.R. 3961. A bill to amend the Internal Revenue Code of 1954 to eliminate the double tax on dividends, to allocate corporate income tax revenues for payments to qualified registered voters, and for other purposes; to the Committee on Ways and Means.

By Mr. BONKER:

H.R. 3962. A bill to extend the authorities under the Export Administration Act of 1979 until October 31, 1983; to the Committee on Foreign Affairs.

By Mr. COURTER:

H.R. 3963. A bill to amend title 39, United States Code, to authorize the U.S. Postal Service to furnish certain lists of addresses to the Bureau of the Census; to the Committee on Post Office and Civil Service.

By Mr. DORGAN (for himself, Mr. FLIPPO, Mr. FRENZEL, Mrs. KENNELLY, Mr. GRADISON, Mr. MATSUI, Mr. VANDER JAGT, Mr. CAMPBELL, and Mr. HANCE):

H.R. 3964. A bill to amend the Internal Revenue Code of 1954 to prohibit the Internal Revenue Service from requiring barter exchanges to submit information on an individual transaction basis; to the Committee on Ways and Means.

By Mr. FEIGHAN:

H.R. 3965. A bill to provide that the Rocky River Wastewater Treatment Plant in Rocky River, Ohio, shall be eligible for reimbursement under section 206(a) of the Federal Water Pollution Control Act; to the Committee on Public Works and Transportation.

By Mr. RALPH M. HALL (for himself, Mr. MOORHEAD, Mr. TAUZIN, Mr. DANNEMEYER, and Mr. FIELDS):

H.R. 3966. A bill to amend the Energy Security Act and the National Energy Conservation Policy Act to repeal the statutory authorities administered by the Residential Energy Conservation Service and the Commercial and Apartment Conservation Service; to the Committee on Energy and Commerce.

By Mr. HARKIN:

H.R. 3967. A bill to amend title XVIII of the Social Security Act to apply the so-called swing-bed provision to hospitals with up to 125 beds; jointly, to the Committees on Ways and Means and Energy and Commerce.

By Mr. JONES of North Carolina (for himself, Mr. D'AMOURS, and Mr. FORSYTHE):

H.R. 3968. A bill to authorize the Secretary of Commerce to budget for medical and dental care for personnel of the National Oceanic and Atmospheric Administration entitled to that care; to the Committee on Merchant Marine and Fisheries.

By Mr. JONES of North Carolina (for himself, Mr. HUBBARD, Mr. FORSYTHE, and Mr. CARNEY):

H.R. 3969. A bill to amend the Panama Canal Act of 1979 to allow the use of proxies by the Board of the Panama Canal Commission; to the Committee on Merchant Marine and Fisheries.

By Mr. JONES of North Carolina (for himself, Mr. FORSYTHE, Mr. BREAUX, Mr. YOUNG of Alaska, and Mr. STUDDS):

H.R. 3970. A bill to establish a National Offshore Operators Safety Advisory Committee; jointly, to the Committees on Merchant Marine and Fisheries and Interior and Insular Affairs.

By Mr. JONES of Oklahoma (for himself, Mr. SYNAR, Mr. ENGLISH, Mr. EDWARDS of Oklahoma, Mr. MCCURDY, and Mr. WATKINS):

H.R. 3971. A bill to provide that any Osage headright or restricted real estate or funds which is part of the estate of a deceased Osage Indian who did not possess a certificate of competency at the time of death shall be exempt from any estate or inheritance tax imposed by the State of Oklahoma; to the Committee on Interior and Insular Affairs.

By Mr. KRAMER:

H.R. 3972. A bill to require that the National Bipartisan Commission on Central America (the Kissinger Commission) study the advisability and practicality of a collaborative people-to-people program between the United States and Mexico; to the Committee on Foreign Affairs.

By Mr. LEACH of Iowa:

H.R. 3973. A bill to require the Secretary of Agriculture to exercise his authority to carry out an emergency feed program to assist producers who operate family farms in areas designated as disaster areas resulting from the 1983 drought to maintain livestock and poultry, and to establish graduated interest rates payable for emergency loans made under the Consolidated Farm and Rural Development Act to farmers and ranchers for actual losses resulting from such drought; to the Committee on Agriculture.

By Mr. LUKEN (for himself, Mr. BLILEY, Mr. DANNEMEYER, Ms. MIKULSKI, Mr. SHELBY, and Mr. WALGREN):

H.R. 3974. A bill to amend the Controlled Substances Act to make it a crime to obtain controlled substances from a pharmacy by breaking and entering or other unlawful means involving force or violence or threats of force or violence; to the Committee on Energy and Commerce.

By Mr. LUNGREN (for himself, Mr. LAGOMARSINO, Mr. PEASE, Mr. KINDNESS, Mr. FRENZEL, Mr. NIELSON of Utah, Mr. OXLEY, Mr. THOMAS of California, Mr. WALKER, and Mr. HARTNETT):

H.R. 3975. A bill to limit the application of the antitrust laws with respect to certain joint research and development programs; to the Committee on the Judiciary.

By Mr. MARTIN of North Carolina (for himself, Mr. WALGREN, Mr. WINN, Mr. FUQUA, Mr. RITTER, Mr. GORE, and Mr. GREGG):

H.R. 3976. A bill to provide for the establishment of a Central Board of Scientific Risk assessment as a means of improving the scientific review and evaluation of risk assessments made by Federal agencies, with particular emphasis upon risk assessments involving issues of chronic health hazards; to the Committee on Science and Technology.

By Mr. RITTER:

H.R. 3977. A bill to provide for the establishment of a National Task Force on Organ Procurement and Transplant Reimbursement; to the Committee on Energy and Commerce.

By Mrs. SCHROEDER (for herself, Mrs. BURTON of California, and Ms. FERRARO):

H.R. 3978. A bill to encourage the use of public school facilities before and after school hours for the care of school-age children, and for other purposes; to the Committee on Education and Labor.

By Mr. WAXMAN (for himself, Mr. SCHEUER, Mr. WYDEN, Mr. OTTINGER, Mr. WHITTAKER, Mrs. COLLINS, Mr. RITTER, Mr. PEPPER, Mr. GIBBONS, Mr. HANSEN of Idaho, Mr. WEISS, Mr. FAUNTROY, Mr. D'AMOURS, Mr. YATES, Mr. LANTOS, Mr. LEHMAN of Florida, Mr. MILLER of California, Mr. ST GERMAIN, Mr. BEILENSON, Mr. STARK, Mr. SIMON, Mr. SUNIA, Mr. EDGAR, Mr. HEFTEL of Hawaii, Mr. PETRI, Mr. MINISH, Mr. CROCKETT, Mr. MCNULTY, Mr. CHANDLER, Mr. BROWN of California, Mr. VENTO, Mr. WILLIAMS of Montana, Mr. JACOBS, Mr. PATTERSON, Mr. GOODLING, Mr. FEIGHAN, Ms. OAKAR, Mr. ACKERMAN, Mr. CARPER, Mr. LEVINE of California, Mrs. SCHNEIDER, Mr. LEHMAN of California, Mr. SCHUMER, Mr. DELLUMS, Mr. SEIBERLING, Mr. WOLPE, Mr. EDWARDS of California, and Mr. HANSEN of Utah):

H.R. 3979. A bill to establish a national program to increase the availability of information on the health consequences of smoking, to amend the Federal Cigarette Labeling and Advertising Act to change the label requirements for cigarettes, and for other purposes; to the Committee on Energy and Commerce.

By Mr. WHITTEN:

H.J. Res. 367. Joint resolution making continuing appropriations for the fiscal year 1984, and for other purposes.

H.J. Res. 368. Joint resolution making continuing appropriations for the fiscal year 1984, and for other purposes; to the Committee on Appropriations.

By Mr. HUTTO (for himself and Mr. SPENCE):

H.J. Res. 369. Joint resolution expressing the sense of the Congress that Soviet Government personnel in the United States should be subject to the same requirements as are U.S. Government personnel in the Soviet Union; to the Committee on Foreign Affairs.

By Mr. STUMP:

H.J. Res. 370. Joint resolution proposing an amendment to the Constitution of the United States providing for 4-year terms for Representatives, for a limitation on the number of terms a person may serve in the House of Representatives, and for other purposes; to the Committee on the Judiciary.

By Mr. EMERSON (for himself, Mr. ALBOSTA, Mr. BEDELL, Mr. BEREUTER, Mr. BROWN of Colorado, Mr. DASCHLE, Mr. DURBIN, Mr. DORGAN, Mr. FRANKLIN, Mr. GLICKMAN, Mr. GUNDERSON, Mr. HUBBARD, Mr. HUCKABY, Mr. KINDNESS, Mrs. MARTIN of Illinois, Mr. MCNULTY, Mr. MORRISON of Washington, Mr. PATMAN, Mr. ROBERTS, Mr. SIMON, Mr. SKEEN, Mr. SKELTON, Mr. DENNY SMITH, Mr. ROBERT F. SMITH, Mrs. SMITH of Nebraska, Mr. STANGELAND, Mr. STENHOLM, Mr. SUNDQUIST, Mr. TALLON, Mr. TAYLOR, Mr. THOMAS of Georgia, Mr. VANDERGRIFF, Mr. WHITEHURST, Mr. EVANS of Illinois, Mr. HARKIN, Mr. KOGOVSEK, Mr. LONG of Louisiana, Mr. MADIGAN, and Mr. PENNY):

H. Con. Res. 174. Concurrent resolution expressing the disapproval of the Congress of any trade embargo imposed by the United States, for reasons other than national security, which applies only to the export of agricultural commodities to a country and which does not have adequate international support to assure significant results; to the Committee on Foreign Affairs.

By Mr. EVANS of Iowa (for himself and Mr. ROBERTS):

H. Con. Res. 175. Concurrent resolution expressing the sense of Congress with respect to utilizing the grain reserve authorized by section 813 of the Agricultural Act of 1970; to the Committee on Agriculture.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. D'AMOURS:

H.R. 3980. A bill to allow the obsolete submarine U.S. ship *Albacore* (AGSS-569) to be transferred to the Portsmouth Submarine Memorial Association before the expiration of the otherwise applicable 60-day congressional review period; to the Committee on Armed Services.

By Mr. GOODLING:

H.R. 3981. A bill for the relief of Katsuhito Nakaji; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 334: Mr. SIMON.

H.R. 433: Mr. LEWIS of California.

H.R. 765: Mr. CHENEY.

H.R. 1065: Ms. MIKULSKI, Mr. MARTINEZ, Ms. FERRARO, Mr. SOLARZ, Mrs. HALL of Indiana, Mr. CLINGER, Mr. FORD of Michigan, Mr. DONNELLY, Mr. OWENS, and Mr. PEPPER.

H.R. 1092: Mr. BADHAM and Mr. CHANDLER.

H.R. 1340: Mr. GEKAS.

H.R. 1415: Mr. COELHO and Mr. MCKINNEY.

H.R. 1615: Mr. OTTINGER.

H.R. 1617: Mr. SKELTON and Mr. CARPER.

H.R. 1773: Mr. RINALDO, Mr. DURBIN, Mr. NICHOLS, Mr. JEFFORDS, Mr. TALLON, Mr. FLIPPO, Mr. DASCHLE, Mr. MACKAY, Mr. STANGELAND, Mr. DYMALLY, Mr. EMERSON, Mr. WOLF, Mr. SPENCE, Mr. SILJANDER, Mr. HANSEN of Idaho, Mr. PATMAN, Mr. CHAPPELL, Mr. EDGAR, Mr. LONG of Maryland, Mr. MCCOLLUM, Mr. RICHARDSON, Mr. RATCHFORD, Mr. DE LA GARZA, Mr. MITCHELL, Mr. SMITH of Iowa, Mrs. HOLT, Mr. GREGG, Mr. HATCHER, Mr. CHAPPIE, Mr. WATKINS, Mr. JONES of North Carolina, Mr. LELAND, Mr. YOUNG of Florida, Mr. LEHMAN of Florida, and Mr. JACOBS.

H.R. 1918: Mr. FEIGHAN, Mr. PENNY, and Mr. BARNES.

H.R. 1955: Mr. AKAKA, Mr. CARNEY, and Mr. WISE.

H.R. 1991: Mr. BARNARD, Mr. HARTNETT, Mr. KEMP, Mrs. MARTIN of Illinois, and Mr. WOLF.

H.R. 2053: Mr. MOORHEAD.

H.R. 2382: Mr. CARPER, Mr. DURBIN, Mr. DORGAN, and Mr. BURTON of Indiana.

H.R. 2482: Mr. MORRISON of Connecticut, and Mr. CONYERS.

H.R. 2522: Mr. SUNIA, Mr. KINDNESS, Mr. LUJAN, Mr. GARCIA, Mr. DANIEL, Mr. WOLF, Mr. MINISH, Mr. CROCKETT, Jr., Mr. LELAND, and Mr. DREIER of California.

H.R. 2883: Mr. CHAPPELL, Mr. BILIRAKIS, Mr. IRELAND, and Mr. FUQUA.

H.R. 2888: Mr. SUNIA, Mr. GARCIA, Mr. WOLF, Mr. LUJAN, Mr. MINISH, Mr. CROCKETT, Mr. LELAND, Mr. EVANS of Iowa, Mr. DREIER of California, and Mr. HORTON.

H.R. 2984: Mr. PETRI.

H.R. 3043: Mr. BEREUTER.

H.R. 3058: Mr. TORRICELLI, Ms. MIKULSKI, Mr. MARTINEZ, Mr. WAXMAN, Mr. GARCIA, Mr. FEIGHAN, and Mr. ACKERMAN.

H.R. 3254: Mr. GEJDENSON and Mr. SIMON.

H.R. 3300: Mr. SCHEUER, Mr. SIMON, Mr. HERTEL of Michigan, Mr. GORE, Mr. TORRICELLI, Mr. FRANK, and Mr. LEVIN of Michigan.

H.R. 3326: Mr. HUTTO, Mr. GILMAN, Mr. TALLON, Mr. TORRICELLI, and Mr. BENNETT.

H.R. 3439: Mr. BADHAM.

H.R. 3546: Mr. BIAGGI, Mr. HARTNETT, and Mr. PARRIS.

H.R. 3562: Mr. SHUMWAY.

H.R. 3594: Mr. COURTER.

H.R. 3642: Mr. WHITLEY, Mr. BORSKI, Mr. BATES, Mr. BOUCHER, Mr. HATCHER, Mr. GAYDOS, Mr. MRAZEK, Ms. KAPTUR, Mr. HALL of Ohio, Mr. BOSCO, Mr. BROOKS, Mr. CLAY, Mr. GARCIA, Mr. ROYBAL, Mr. BEVILL, Mr. RANGEL, Mr. STRATTON, Mr. STOKES, Mr. FEIGHAN, Mr. DE LA GARZA, Ms. OAKAR, Mr. SLATTERY, Mr. ANDREWS of Texas, Mr. WILSON, Mrs. JOHNSON, Mr. ADDABBO, Mr. EVANS of Illinois, Mr. HOWARD, Mr. MAVROULES, Mr. TORRICELLI, Mr. ROWLAND, Mr. RALPH M. HALL, Mr. BONIOR of Michigan, Mr. TAUZIN, Mr. DONNELLY, Mr. DIXON, Mr. ANDREWS of North Carolina, Mr. FORD of Michigan, Mr. LEVITAS, Mr. WHEAT, Mr. SIKORSKI, Mr. LIPINSKI, Mr. EARLY, Mr. WILLIAMS of Montana, Mr. MURTHA, Mr. HAWKINS, Mr. MCCURDY, and Mr. APPLEGATE.

H.R. 3681: Mr. STOKES and Mr. BENNETT.

H.R. 3702: Mr. DELLUMS, Mr. RICHARDSON, Mr. STUDDS, Mr. MITCHELL, Mr. CORRADA, Mr. BERMAN, Mr. CONYERS, Mr. FRANK, Mr. LEHMAN of Florida, and Mr. RANGEL.

H.R. 3718: Mr. MONTGOMERY, Mr. DICKINSON, Mr. HUTTO, Mr. WHITEHURST, Mr. MCCURDY, Mr. BADHAM, Mr. FOGLIETTA, Mrs. LLOYD, Mr. COURTER, Mr. MCCLOSKEY, Mr. KRAMER, Mr. COLEMAN of Texas, Mr. SKELTON, Mr. DYSON, AND Mr. BENNETT.

H.R. 3789: Mr. WORTLEY, Mr. WILSON, and Mr. HANSEN of Idaho.

H.R. 3803: Mr. DICKINSON, Mr. TAYLOR, Mr. ROBERTS, Mr. GRAMM, Mr. WHITEHURST, Mr. WILLIAMS of Ohio, Mr. MARLENEE, Mr. YATRON, Mr. BATES, Mr. HOPKINS, Mr. HAMMERSCHMIDT, Mr. WHITLEY, Mr. LEWIS of California, Mr. KOGOVSEK, Mr. WYDEN, Mr. DANIEL, Mr. MCEWEN, Mr. CAMPBELL, Mr. KINDNESS, and Mr. TALLON.

H.R. 3910: Mr. DAUB, Mr. DYMALLY, Mr. FORSYTHE, Mr. KINDNESS, Mr. MCGRATH, and Mr. HORTON.

H.R. 3929: Mr. LONG of Maryland.

H.J. Res. 103: Mr. HANCE, Mr. ROBERT F. SMITH, and Mr. FRANK.

H.J. Res. 350: Mr. DANNEMEYER, Mr. LOWRY of Washington, Mr. CHANDLER, Mr. BONIOR of Michigan, Mr. BATES, Mr. PEPPER, Mr. LEVINE of California, Mr. EVANS of Iowa, Mr. NELSON of Florida, Mr. OLIN, Mr. BILIRAKIS, Mr. LENT, and Mr. DANIEL.

H. Con. Res. 38: Mr. PATTERSON.

H. Con. Res. 152: Mr. PATMAN.

H. Con. Res. 165: Mr. LEHMAN of Florida, Mr. CLAY, Mr. HOWARD, Mr. KASTENMEIER, Ms. OAKAR, Mr. LUNDINE, Mr. RICHARDSON, Mr. CROCKETT, Mr. RATCHFORD, Mr. FROST, Mr. SIMON, Mr. OTTINGER, and Mr. HERTEL of Michigan.

H. Res. 112: Mr. ANDREWS of North Carolina.

H. Res. 280: Mr. MINETA.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 953: Mr. WATKINS.

H.J. Res. 364: Mr. CROCKETT.

EXTENSIONS OF REMARKS

KOREAN DAY

HON. RUDY BOSCHWITZ

OF MINNESOTA

IN THE SENATE OF THE UNITED STATES

Thursday, September 22, 1983

● Mr. BOSCHWITZ. Mr. President, October 1 is Korean Day in Minnesota. In other times, this day has been an occasion to celebrate the happy blending of old ways and new; the successful and important settlement of Koreans in the United States. But this year, my good friends in the Minnesota Korean community will gather under a dark shadow of grief and outrage created by the savage Soviet attack on Korean Air Lines flight 007.

I join today with these good people—those who have graced America by their presence and those who remain in the Republic of South Korea—in demanding an open apology, a complete explanation, and full reparation for those so cruelly and suddenly bereaved by an act of international aggression. Against such evil we must stand together and we must steadfastly refuse to tolerate the inhumane actions of a totalitarian government. In a few short minutes the Soviets forcefully reminded us that if we would protect our freedom we must be ever vigilant.

As an immigrant, I know well the differences faced by those who have, for whatever reason, chosen to leave their homeland and resettle in a strange new world; I speak from experience when I tell you of my deep admiration for the valuable influence of our Korean Americans. In the finest American tradition, they have asked little and given much. I am grateful for their presence and proud to stand with them in expressing outrage at the total disregard for human life and international justice apparent in the destruction of KAL 007.●

DEMOCRACY AND THE FUTURE OF TAIWAN

HON. JIM LEACH

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 22, 1983

● Mr. LEACH of Iowa. Mr. Speaker, I commend to the House a speech our colleague from New York (Mr. SOLARZ) recently delivered in Taiwan. It is one of the most profound statements concerning the future of the island ever delivered by an American public official and deserves the attention of this body.

The text of the speech follows:

DEMOCRACY AND THE FUTURE OF TAIWAN

(By Congressman Stephen J. Solarz)

I stand before you today as a friend of the eighteen million people of Taiwan. As a friend, I believe I have a responsibility to express my personal views on the future of the island. I do not speak in order to interfere in your internal affairs, or to take sides in a family quarrel. That would be inappropriate and I do not intend to do so.

I speak because Taiwan's reputation in the world is one of its most important resources. I am convinced that if the United States and other countries in the world have a favorable impression of Taiwan, it will improve the prospects for a secure and prosperous life for the people of Taiwan. But if world opinion is negative, isolation and insecurity are more likely.

Because I care about the future of Taiwan, I think it would be a tragedy if your island's reputation were diminished. I am not in a position to dictate or determine that future. No foreigner has that right. But I do believe I have an obligation as a friend to stat what is needed to preserve foreign sympathy and support, particularly in the minds of the people of the United States.

There can be no doubt that Taiwan has enjoyed a favorable international reputation. People the world over often speak of Taiwan as an economic miracle, as a showplace for economic growth. In a few short decades your island has changed from a rather poor, primarily agricultural economy, to a prosperous society that has mastered a variety of different industries and has now embarked on the ambitious transition to a technologically-based economy. Per capita income is one of the highest in Asia, and the benefits of economic progress are shared more equally than in most other developing countries.

It is true that American aid and advice in the 1950s and 1960s were helpful in fostering this economic development, and I think my country can take pride in the role we played. But the primary reasons for Taiwan's success were indigenous to Taiwan itself. The government devised sensible policies: moderate land reform, a partnership between government and private business, a receptivety to foreign capital and technology, and a willingness to adapt to volatile overseas markets. And millions of talented and hardworking people devoted strenuous effort to building a more prosperous life for themselves and their families.

But continued economic progress is not a sufficient guarantee of continued international sympathy. More significant, especially in the eyes of Americans and West Europeans, will be Taiwan's response to the other great challenge of the twentieth century, the challenge of political development. Will the people of Taiwan continue to have only a limited voice in political affairs, or will there be an evolution to a full and genuine democracy? Can the economic miracle, which has given you the benefits of prosperity, be matched by a political miracle which will give you the fruits of freedom?

I am not suggesting that democracy is a panacea for all the problems of a society. I recognize that even long established democratic systems must struggle against abuses of power and efforts by power elites to perpetuate their position. The Watergate scandal, in which it was revealed that the President of the United States and his associates had obstructed justice and then tried to cover up their crime, demonstrated that even American democracy is not immune from political corruption. Yet for all its imperfections, the checks and balances of pluralistic political systems are more likely to prevent such abuses than the monopolization of power in authoritarian regimes.

In the case of Taiwan, I am convinced that allowing the eighteen million people of Taiwan to have a more significant role in the decisions that affect their lives will enhance the future stability and security of the island. Denying them that role will only make the road ahead more difficult to travel.

Some will say that Taiwan already has democracy. Without a doubt, there are opportunities for political participation and the expression of the popular will:

Provincial and local officials are popularly elected.

Some central-level offices are filled by elections.

More and more individuals born on the island are assuming positions of responsibility in the executive agencies.

Merit, not political affiliation, determines success in the educational spheres.

I know all this. But I also know that publications can be suspended or closed if the authorities decide that they "confuse public opinion and undermine the morale of the public and the armed forces," without defining what that phrase means. I know that electoral candidates of the ruling party benefit from its organizational backing, while opposition candidates must run as individuals. And I know that the judicial system does not have a reputation for protecting the rights of defendants and can be used for political purposes.

Some will say that since Taiwan is less repressive than many other systems, it is unfair to criticize it for falling short of a human rights standard that is met by only a small minority of the countries of the world. I fully agree that from a human rights point of view, Taiwan compares favorably with a number of other societies, such as the Soviet Union, South Africa, Poland, and the Chinese mainland. Those political systems justly deserve the criticism they have received on human rights grounds.

But is it enough for Taiwan to be merely better than the Soviet Union, which invented the Gulag Archipelago? Is it enough for Taiwan to be merely better than a workers' state like Poland which does not allow the workers to organize free trade unions?

Is it enough for Taiwan to be merely better than a country like South Africa, which has enshrined racism in the law of its land and which systematically discriminates against the great majority of the population

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

just because of the color of the skin? Is is enough for Taiwan to be merely better than the Chinese mainland, whose leaders now freely admit that the so-called "Great Proletarian Cultural Revolution" was "ten years of disaster"? Surely Taiwan can be much better!

Some will say that democracy is irrelevant until a society has reached a certain stage of social and economic development. According to this point of view, people who are engaged in a daily struggle simply to survive, and who must worry constantly about food, clothing, and shelter simply do not care about whether they have an opportunity to shape the larger forces that govern their lives.

Whatever the theoretical attraction of this argument, it is clearly irrelevant to Taiwan, which has achieved a degree of economic security far above the subsistence levels which supposedly make democracy irrelevant to the poorest of the poor. Yet even on its own terms, I find the argument unpersuasive.

In my opinion, wanting a full belly and wanting the right to vote are not mutually exclusive propositions. India is a case in point: half of the population is below the official poverty line, but the mass of the people still regard political participation as an efficacious means of fostering social and economical change. And when they were temporarily deprived of democracy during the so-called emergency several years ago, the people proceeded to throw out via the ballot box the government responsible for the loss of their democratic freedoms.

Some will say that whether or not people want democracy, they are incapable of it unless they have reached a certain stage of social evolution. Even to the extent that this is true, and the case of India would again seem to belie it, I believe that Taiwan has already reached that level.

The social structure is complex, including a vibrant business community and many professional occupations.

The society is predominantly middle class, thus negating the possiblity of deep cleavages between rich and poor.

The literacy rate is one of the highest in the world.

The educational system is training new generations of intelligent, thoughtful, and responsible adults.

A sophisticated, varied mass media reaches every home on the island.

In short, Taiwan's social pluralism and civic culture bode well for a healthy democratic system.

Part of my confidence in this regard stems from observing your brothers and sisters in the United States. Not only have they made an economic contribution and enriched American education. They have also shown themselves to be adept at democratic politics and have joined the ranks of the many interest groups that give American democracy its dynamic quality.

Some will say that establishing a more open political system will jeopardize the stability on which the prosperity of Taiwan depends. On the contrary, I believe that liberalization will probably strengthen stability. It is the absence of political progress that contributes to instability. Confrontation and violence are more likely in situations where peaceful change is impossible. It is precisely because I categorically condemn violence as an instrument of political change that I vigorously advocate peaceful democratic reform.

Some will say that democracy is appropriate only in certain cultures, that it will work only in those societies that share the Western liberal tradition. Although democratic systems are most common in the West, they thrive in all parts of the world: Costa Rica and Venezuela in Latin America; Nigeria and Botswana in Africa; Israel and, from time to time, Lebanon in the Middle East; India in South Asia; and Japan in East Asia. All share a common commitment to the principle and practice of democracy.

Neither, if experience is any indication, is democracy incompatible with any particular religion or philosophical tradition. I can think, for example, of Catholic Spain, Jewish Israel, Hindu India, Muslim Malaysia, Buddhist Sri Lanka, and Confucian Japan—all of which have flourishing democratic systems.

With specific regard to Confucian East Asia, some have said that respect for authority and desire for harmony are too deeply instilled to accommodate democratic politics. In my opinion, however, this contrast between East and West is one of degree rather than kind. Americans, despite their individualism, have substantial respect for authority once it has established its legitimacy. Americans must fashion consensus in their families, in their workplaces, and in politics.

What democratic politics offers is a creative balance between authority and individualism, between conflict and harmony. The balance point will be different for each society, and here culture may play a role. Japan is a very East Asian democracy, but a democracy all the same.

Allow me to quote, with minor paraphrase, the views of a prominent East Asian personality on this subject:

"Is there any just reason why we should oppose autocracy and insist on democracy? Yes, because with the rapid advance of civilization people are growing in intelligence and developing a new consciousness of self. * * * Which is more appropriate, autocracy or democracy? If we base our judgement on the people's intelligence and ability, we come to the conclusion that the sovereignty of the people is far more suitable to us."

These words were spoken almost sixty years ago by Dr. Sun Yat-sen. Can his insightful judgment be any less true today?

Finally, there will be those who assert that democracy is a luxury that those who believe they face a serious external threat cannot afford. To be sure, many governments around the world have used the reality or threat of military conflict to stifle dissent and justify repression.

Even the United States has been guilty on this score. President Lincoln suspended the writ of habeas corpus during the Civil War. President Franklin Roosevelt ordered the internment of thousands of Japanese-Americans during World War II. Yet I think it fair to say that, with the benefit of hindsight, a national consensus holds that these actions were both unwise and unjustified. It would be a double tragedy to use these acknowledged mistakes as a pretext for repression today.

For every country that has used an external threat to justify the absence of democracy, there are others that have sucessfully faced the challenge to their security and simultaneously maintained their commitment to an open political system.

In Western Europe, countries in the NATO alliance have faced for three decades now the overwhelming might of the Soviet Union and its Warsaw Pact allies, without ever compromising the democratic principles that bind them together.

In the Middle East, Israel, a country of three million people, faces the constant enmity of 130 million Arabs. It has fought five wars in thirty-five years but its democratic institutions continue to flourish.

In South Asia, India has fought three wars with Pakistan and two with Mainland China. With one two-year exception, it has maintained its commitment to democratic government.

What these examples demonstrate is that democracy, far from undermining the security of a society, can actually strengthen it—internally by giving its people a greater stake in the preservation of their way of life and externally by increasing the sympathy of other democratically inclined governments. One of the considerations that led the United States to support Britain in its war against Argentina over the Falkland Islands was the fact that Britain is a democracy and Argentina is a dictatorship. American support of Israel is clearly related to the fact that, of all the countries in the Middle East, it is the only one that completely shares our commitment to democracy.

For all these reasons, I believe that a political miracle is both possible and desirable in Taiwan. No one can say what the end result of such a process will be, for democracy can take many forms. History, social structure, and the level of economic development govern how it is institutionalized in a given society. Some systems are parliamentary, others presidential. Some are federal, others are unitary. Some have two parties, others have many parties. Some have unicameral legislatures, others have bicameral legislatures.

But all democratic governments, whatever institutional forms they take, work best when they possess a number of essential elements:

Democracy thrives where the people have the right to choose their leaders.

Democracy thrives where government decisions ultimately reflect the will of the majority but still take account of the rights of the minority.

Democracy thrives where political forces, whether they support or oppose the government, can organize to engage in political competition.

Democracy thrives where those who have power are prepared to peacefully relinquish it.

Democracy thrives where citizens have the right to express their views freely without fear of persecution.

Democracy thrives where the press has the freedom to criticize the government and its leaders.

Democracy thrives where an independent judiciary impartially enforces the dictates of the law rather then the will of those in power.

Obviously, there are no rights without responsibilities, and no freedoms without limits. Each society must achieve its own balance between freedom and control. Great Britain, for example, through its Official Secrets Act, limits freedom of the press when grave matters of national security are at stake. Laws against libel and slander constrain freedom of speech in the United States. In democratic societies, however, it is up to those who would limit freedom to prove that the limits are necessary.

Clearly, these elements of democracy are goals that are never perfectly realized. All democracies, even those with the longest history, are far from perfect and must strive constantly to improve. But they possess an

important advantage—checks and balances that make it possible to correct abuses, to expose corruption, and to stimulate reform. As Winston Churchill to eloquently put it, "Democracy is the worst system, except for all those other systems that have been tried."

I have used the word "miracle" to characterize Taiwan's economic accomplishments and my hopes for its political future. But the word miracle, which implies something magical, is actually inappropriate. As I have already noted, Taiwan's economic progress is the result of the intelligence, talent, and hard work of millions of people. Similarly, building a democratic system will require intense effort, patience, and flexibility on behalf of many groups and individuals. Let me conclude by offering some words of encouragement to my friends holding different views.

To my friends in the Kuomintang: I encourage you to fulfill Dr. Sun Yat-sen's vision of a political system that befits the people's intelligence. I encourage you to take pride in the process of social and economic change you set in motion many years ago, and in the experiments in popular rule you have already conducted. I encourage you to take risks for the sake of broader democracy because I am confident you will strengthen Taiwan's stability and sense of security as a result. I encourage you to treat those who might oppose you with justice and humanity, and to compete with them in a spirit of fairness and mutual restraint. I encourage you to eliminate coercion as an instrument for achieving your political aims.

To my friends outside the Kuomintang: I encourage you to continue your quest for a democratic system of government that will enhance the stability and security of Taiwan. I encourage you to work with all those who share your goals, regardless of their political affiliation, because cooperation will facilitate genuine progress. I encourage you to engage in political competition in a spirit of fairness and mutual restraint. I know you agree with me that violence and coercion are politically counterproductive.

I said at the outset that I decided to speak to you today because I regard myself as a friend of Taiwan. There should be no doubt that I am also a friend of democracy. These two are not contradictory. I am confident that Taiwan can accelerate the trend toward democracy, and that a democratic system suited to Taiwan's conditions will enhance your society's security and stability. I know that my fellow citizens in the United States and friends of democracy around the world are watching with genuine hope and great expectations for a political miracle on Taiwan that, in its own way, will be as significant as the economic miracle which has contributed so much to the peace and prosperity of Taiwan.●

THE PEOPLE'S PARADISE

HON. JACK FIELDS
OF TEXAS
IN THE HOUSE OF REPRESENTATIVES

Thursday, September 22, 1983

● Mr. FIELDS. Mr. Speaker, some form of socialism/communism is dominant in many nations and every continent. The idea of socialism is especially attractive to intellectuals who are able to maintain a comfortable distance from actual socialist practices.

Though socialism is a god that fails continuously, and causes more human suffering and tragedy than any idea or practice in history, there are those who stubbornly cling to its big-minded idealism. They religiously close up their eyes to the reality that the socialist promise of instant utopia brings only the tyrany of a real dystopia.

It is for them that the following glimpse of reality is provided:

ALONG THE EDGE OF THE FOREST: AN IRON CURTAIN JOURNEY

Innocent people are being casually shot and killed by East German border guards, whose government (like others behind the Iron Curtain) seldom admits to being wrong, says Anthony Bailey in "Along the Edge of the Forest."

Not only is the book's content a haunting reminder of communist behavior during and after the recent downing of Korean Air Lines Flight 007. The values of European Soviet bloc nations have regressed to a point where they've become similar to those held by the barbaric, bloodthirsty tribes that once roamed the region's dark forests.

Bailey, an Englishman who lives in Connecticut for a part of each year and who wrote "America, Lost and Found," reports for The New Yorker magazine. The newer book derives from a series that appeared in The New Yorker this summer. It is an account of a 1981 trip taken by Bailey, driving his Saab southward along the entire length of the Iron Curtain, from Luebeck. West Germany, on the Baltic Sea to Trieste, near the Adriatic Sea.

It was while he was investigating heavily fortified German sections of the border that Bailey was told of people being murdered without provocation and of others who were wounded during escape attempts, then left to die. Having spent $6 billion to strengthen the Iron Curtain, the East Germans aren't tolerant about intentional—or unintentional—trangressions.

To illustrate how deadly the barrier can be, Bailey describes a 1970s incident when an Italian truck driver, who ironically was a member of his country's communist party, and who parked his truck after passing through the East German customs station. The driver started walking back to retrieve some papers he'd inadvertently left behind, when he was shot and killed. The penalty for not understanding a shouted warning was death.

Many people will remember from news reports at the time how an East German was shot by border guards when he tried to flee across the Berlin wall. And how while West Berliners tried to throw him first aid kits to the injured man, those who'd opened fire calmly watched him bleed to death. Despite such risks, which are made more uncertain by the necessity to transverse fences rigged with SM-70 explosives and adjacent plowed strips that are mined, many still try to flee Europe's vast communist prison.

Some escape methods can be creative. There's a detailed account of account of a 1979 adventure of two families soaring acrosss the East German border in a homemade balloon. (This effort may have inspired a similar attempt a few weeks ago when two Czechoslovakians constucted a balloon from sewn-together raincoats, then successfully flew into neighboring Austria; other daring escapes from communist Europe into free counties have been headlined in recent weeks.)

Bailey visited three iron curtain capitals, East Berlin, Prague and Budapest; he particularly notes their prevailing shabbiness. In East Berlin, lack of private initiative has resulted in damage from World War II being left unrepaired. Though more physically attractive (partly because it escaped heavy wartime bombing raids), Prague remains under at least as tight a grip as East Berlin. The reason: Czechs are still being punished for the aborted 1968 efforts to liberalize the country.

Bailey reports that Prague residents now regard author Franz Kafka's once harsh controversial descriptions of totalitarianism as being naive. Reality is much worse than anything Kafka imagined decades ago, though Kafka's books are still banned in his native country. Budapest is regarded as the most progressive metropolis behind the iron curtain, but even there residents continually worry about a Russian clampdown. Especially during 1981, when Bailey visited the city and when Polish unrest was beginning to peak. The city is said to be in a never-ending manic-depressive cycle; divorce, suicide and alcoholism rates are among the world's highest.

As Bailey wends his way southward, the Iron Curtain becomes at least physically less imposing. By the time he reaches Trieste, the border between this free zone and communist Yugoslavia seems almost normal. But even in Yugoslavia, complacency is dangerous. The country is a favored route for those who want to flee other Soviet bloc nations, but suspected escapees are routinely turned over to the authorities in their home country.

Trieste's Adriatic location means it's not very far north of Ithaca, Greece, where Ulysses returned after years of wandering. As he completes his own fearsome journey Bailey thinks of Ulysses. Perhaps the author means to imply his Iron Curtain trek has spiritual or mythic significance. And, indeed, when he cites European myth, the trip becomes evocative. For instance, there's a comparison between the fabled witches' lair atop Brocken (in the Harz mountains, not far from the Iron Curtain) and the communications towers now congregated at the peak's summit.

When he's further south, near the point where East and West Germany and Czechoslovakia converge, Bailey omits mention of the annual Richard Wagner festival in Bayreuth. Not only does this event guarantee prosperity to a region those who live there describe as "the end of modern civilization." Wagner's adaptations of pagan German myth could have provided Bailey with provocative allusions.

Still, the book's primary aim—depicting the malignancy of communism in central Europe—is achieved. At one point, while commenting on the countryside, Bailey ponders the destructive impact of acid rainfall on connifers in the Bohemian Forest. Just as corrosive are the social and political systems within and on the other side of that dusky forest.●

THE CHANGING STRUCTURE OF FEDERALISM

HON. RICHARD L. OTTINGER
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES

Thursday, September 22, 1983

● Mr. OTTINGER. Mr. Speaker, the administration has promoted New Federalism as true decentralization of Government and increased power to the people. I believe it is important for us to examine the basis for and implications of the New Federalism ideological foundations.

In general, this ideology paints the issue of federalism in black and white terms that distort the way federalism operates today, remove the issue from a historical context, mask the likely consequences of the proposal, and obscure the real issues at stake. In general this ideology justifies what would be the New Federalism's abrogation of Federal responsibilities to human welfare and public infrastructure needs.

I would like to share the following examination of this ideology and our Federal grant-in-aid system with my colleagues:

FEDERAL VERSUS STATE RESPONSIBILITIES: THE CLEAN SEPARATION

Through appeals to classical federalism and the constitution, conservative ideology insists that the federal government should have absolutely no role in education, welfare, and other domestic areas. There should be a complete division of program responsibilities between the levels of government with the national level primarily in charge of national defense and foreign policy and the state/local level taking care of most domestic concerns.

These romantic appeals to textbook simplicity and eighteenth century America have no basis in the realities of modern industrial America and the historical development of the federal role. The constitution was written to be a flexible document adjusting to changing political, social and economic forces. In almost every area of political life, changing conditions have wrought de facto changes in constitutional provisions that keep their guiding intentions intact.

There is no blueprint of an ideal federalism to be found in the past. The American federal system has never been static, but has changed radically over the generations as deep tides of national development have altered the balance of power and the allocation of roles between the levels of government.[1]

The differences between eighteenth century America and modern day America are incredible. In eighteenth century America the thirteen states acted as autonomous wholes joined together by a fledgling central government. Today, the United States is one nation with a national economy operating within an increasingly interdependent world economy. The federal government has assumed enormous responsibilities.

The federal role in domestic affairs has increased historically in response to two main developments. The industrialization of America since the nineteenth century has engendered a much increased federal role in domestic affairs. The national government provided essential funding and coordination for the burgeoning national economy. Spillover effects and superior federal revenues logically dictated an increased federal role in this rapidly developing economy.

The second main historical development involves the emergence in the twentieth century of a national commitment to providing a minimum level of basic public services to all U.S. citizens regardless of their race, sex, income, or geographical location.

Americans are coming to define certain basic services as "rights" of national citizenship, and among these services are education, medical care, and public assistance for the poor.[2]

The national government's role has increased both in setting the goals and standards and providing the financial resources to establish a uniform minimum levels of these services.

In response to these developments, federalism today does not involve the mutual independence of the federal and state/local levels of government. Rather, federalism today involves an interdependence of all levels of government in provision of domestic public services. Classical federalism has been replaced by intergovernmental relations.

American federalism is not like a layer cake, with each level of government having its own autonomous sphere of decisionmaking; rather, it is like a marble cake, in that decisions regarding a particular function are made at all levels of government, and that all levels typically cooperate in implementing public policies.[3]

Thus, political, economic, and social developments since eighteenth century America have wrought fundamental changes in the national agenda and the structure of federalism. The federal government now has a crucial role in providing funding and political direction for many domestic public services. In his speech, the President noted that the national government should be concerned with "arms control not potholes." People are not potholes. Human welfare and public infrastructure programs provide for the basic needs of U.S. citizens and the nation as a whole.

NEEDS ADDRESSED MORE EFFICIENTLY AND EFFECTIVELY BY STATES

Conservative ideology claims that without federal involvement in domestic concerns, states and localities would be able to design and administer programs in accordance with local conditions and needs. The needs would be met more effectively and efficiently because states and localities are closer to the problems and therefore the solutions.

This ideology masks the likely damage to program needs in two principal ways: first, it removes the issue from its historical context and second, it misrepresents the way the federal grant-in-aid system actually operates.

The historical context indicates that federal involvement increased in many domestic areas, such as public assistance to the poor, precisely because state and local public and private institutions were not meeting these needs. The first part of this section outlined the main historical developments engendering an increased federal role in many domestic areas. Section IV presented the fiscal and political criteria behind the historical development of the federal role in domestic concerns.

Conservative ideology misrepresents the actual workings of the federal grant-in-aid system by perpetuating the false assumption that the federal government currently runs these programs. For the most part, public and private institutions at the state and local level implement and administer public service programs under the federal grant-in-aid system.

. . . even as the national government agenda has continued to undergo enormous expansion in the last twenty years, more and more of the direct delivery of services and direct enforcement of regulations have continued to be the province of state and local governments."[4]

Statistics show that between 1960 and 1980 federal employment grew at only one-fifth the rate of federal spending for state and local programs.[5] Since state and local institutions presently deliver these services, the ideological basis for claims of increased efficiency under the "New Federalism" proposal is very weak.

Conservative ideology purposely lumps together the distinct functions of financing and administering domestic public services, which justifies abandoning the primary federal role of lending superior national revenues to domestic problems under claims that it leads to administrative inefficiencies. The federal government can through unconditional grants or revenue sharing provide federal funds without any guidelines/strings attached. Arguments against the federal government's political directives do not automatically argue against federal funding.

Federal guidelines have been necessary to encourage state and local governments to support nationally determined priorities. Some of the earlier categorical grants do contain inefficiencies in that they specify detailed design requirements to target national goals. While some reform in loosening up guidelines to prevent overlapping jurisdictions is called for, these guidelines remain crucial to setting standards for the public services and supplying political initiative.

The federal role in the federal grant-in-aid system is consistent with the American preference for indirect intervention. Similar to its role in the economy, the federal government in this system provides incentives and disincentives to other public and private actors to indirectly guide their actions toward national goals.

Rather than getting government closer to where the problems exist, the "New Federalism" would actually take a step away from the problems in many ways. Because grants do allow the national government to target resources to specific areas and, through their guidelines, to target specific purposes, they offer a way to match resources with need for public services. By doing away with grants, the "New Federalism" would also eliminate the national government's ability to target the superior national resources to the places where the greatest need exists. Section IV presented the shortcomings of the proposal in dealing with horizontal fiscal imbalances.

So, although the "New Federalism" would surely lessen federal "intrusion" into domestic concerns, there is little basis for ideological claims that the program needs would be addressed more efficiently and effectively as a result. Rather, the ideology masks the likely consequence that states and localities would be unable or unwilling to maintain these needs without federal aid.

PROMOTES DEMOCRATIC DECENTRALIZATION

In introducing the "New Federalism" President Reagan claimed that it would

[1] Footnotes at end of article.

make government "again the servant of the people." By decentralizing total responsibility for domestic programs to the state and local level, conservative ideology claims that popular participation in government would be enhanced. This ideology obscures the types of programs and responsibilities being decentralized, the conditions under which they are being decentralized, and who would benefit from the likely consequences of this decentralization.

The "New Federalism" does not live up to conservation claims of democratic decentralization. Turning back program responsibilities with insufficient revenue sources to states, at a time when states are currently struggling to maintain basic public services, does not offer real hopes for increased democracy. Instead, the fiscal crunch at the state and local level would more likely pit group against group in battles over which public services should be cut back on more to balance the budget. Should funds be taken from police protection for Beverly Hills or from public assistance to the poor?

There is no evidence that the Reagan administration plan for decentralization would decrease political apathy or remedy the distrust by many Americans of political life. Instead, the sharp discrepancy between the claims for and the consequences of the proposal would decrease the credibility of politicians. The "New Federalism" might actually spark political action in a most unintended sense as many groups may feel their survival is being threatened. In fact, there has been an increase in organization by Reagan's opposition.

There are reasons to believe that the increased federal role as exemplified by the federal grant-in-aid system has increased rather than decreased chances for democratic decentralization.

The current marble cake federalist system allows different interest groups and constituencies to voice their concerns at any level of government as all levels share in setting public policy. Many groups have found that their interests are better served at the national level. For instance, blacks in the South may find that their interests concerning education and welfare will be better served at the national level. The "New Federalism's" aim of confining certain domestic concerns to the state/local level would deny many constituencies access to having their concerns heard. It would thus be less representative and less democratic.

The federal grant-in-aid system has increased citizen participation through the guidelines it attaches to state and local receipt of federal funds. These guidelines have required public hearings and citizen participation in allocation decisions for federal funds. This is best illustrated in the federal grant programs of the late 1960's under the Office of Economic Opportunity that experimented with new ways of treating the underlying causes of poverty. Federal guidelines for OEO grants established "the unheard-of process of encouraging the poor to participate in the design and implementation of their own programs." [6] Many local power brokers have felt threatened by federal "intrusion" that has encouraged more citizen participation than they cared for.[7]

Thus, centralization can mean more not less democracy. Decentralization along the lines of the "New Federalism" would decrease opportunities for democratic participation in government. One must clarify what one means by centralization and decentralization before leaping to conclusions that relate these terms to democracy.

When used to connote increased democracy, decentralization usually refers to decentralized economic power and to decentralization of political and civil rights. Money and the Bill of Rights are two of the main items ensuring access to the political arena. Decentralized economic wealth also refers to an increased degree of public control over private enterprise. Any real vision of state and local autonomy necessitates that they gain some stability over their economic situation.

The "New Federalism" would contribute to economic concentration of power by strengthening the hand of industry against the states. Since 1971, states have been in fierce competition for industry revenues with which to finance their soaring expenditure responsibilities.[8] 1971 coincides with the original "New Federalism's" move to increase state program responsibilities and thus their revenue needs. 1971 also saw the United States moving into economic recession. The result was that states became more desperate for revenues and more dependent on industries settling in their states. By turning back more expenditure responsibilities along with revenue sources that depend on excise taxes on industry, the "New Federalism" would considerably weaken state and local autonomy in dealing with industry.

The increased dependency of states on industry revenue has led to concessions in the areas of environmental quality, worker safety, union rights, and corporate taxes. The "New Federalism" would return responsibility for the Occupational Safety Assistance program to states who are in a bad bargaining position in terms of maintaining this assistance. The proposal would return $16.7 billion of the oil windfall profits tax that states will find harder to collect than the national government would. Taken together with the administration's overall program to loosen federal regulations on industry, states and localities would find it hard to ensure the health and welfare of its inhabitants both at work and at home.

The "New Federalism", as part of the administration's broader economic program to shift resources from the poor to the rich, would narrow rather than widen citizen access to political decision making. The "New Federalism" program would decentralize public assistance programs for the poor to struggling states and localities. Currently, the administration is eliminating federal funds for many of these programs for the poor, and redistributing the federal revenues through its tax cut to wealthy individuals and corporations.

The ideology surrounding the "New Federalism" perpetuates the notion that the division of responsibilities between the levels of government are the key to democratic decentralization. In so doing it obscures the vital role of political and civil rights.

"What is essential to free government is not formal federalism, but First Amendment freedoms—those of speech, press and assembly—the right to organize groups and petition the government, and the right to vote. These outlets for whatever pluralism of ideas and interests and values exists in the society constitute the essence of freedom.[9]

The administration's record to date in the areas of political and civil rights has been troubling. The President originally wanted to repeal a provision that refused public funding to schools with histories of discrimination. Public outrage forced him to change his position. The administration has worked on further restrictions of the Freedom of Information Act which allows citizens access to information concerning business and government. The administration has pushed to allow the CIA to perform domestic spying. These efforts to restrict the flow of information to the public and infringe First Amendment freedoms indicate the administration's attempts to restrict the access of citizens to politics. They stand in stark contrast to the ideology that the "New Federalism" would make government "the servant of the people."

Thus, ideological claims of populist democracy and state and local autonomy for the "New Federalism" obscure the real issues essential to achieving these goals and disguise the likely effect of the proposal and the administration's broader program to undermine these goals. In particular, the ideology misleads the public by drawing an unconditional connection between decentralization and increased power for the states and the people. Careful examination of what programs are being decentralized under what conditions and for whose benefit reveals that the "New Federalism" would undermine rather than promote a true decentralization of power to the people.

NOTES

[1] Samuel Beer, "Federalism: Lessons of the Past; Choices for the Future," in "Federalism: Making the System Work" (Washington, D.C.: Center for National Policy, 1982), p. 20.

[2] Reagan and Sanzone, op. cit., p. 167.

[3] Ibid., p. 6. Summarizes a statement by Morton Grodzins.

[4] Hale Champion, "Introduction" in "Federalism: Making the System Work" (Washington, D.C.: Center for National Policy, 1982), p. 13.

[5] Lester M. Salamon, "Federalism and Third-Party Government: The Challenge to Public Management," in "Federalism: Making the System Work" (Washington, D.C.: CNP, 1982), p. 46.

[6] Reagan and Sanzone, op. cit., p. 63.

[7] Dommel, op. cit., p. 15.

[8] This discussion is largely drawn from Robert Goodman, *"The Last Entrepreneurs: America's Regional Wars For Jobs And Dollars,"* (N.Y.: Simon and Schuster, 1979), Introduction. 1971 is an arbitrary date. Competition between states for industry revenues escalated during the early 1970's.

[9] Reagan and Sanzone, op. cit., p. 171.●

THE CASE FOR A REDUCED WORK WEEK

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 22, 1983

● Mr. CONYERS. Mr. Speaker, increasing attention is being paid to the long-range impact of electronic technologies on job creation and unemployment. The novel feature today is the pervasive force of electronics in displacing workers in both manufacturing and service industries. In the past, machines enhanced worker productivity. In the future, many believe, a given volume of output will be produced with less and less labor, particularly American labor, so that gains in productivity and output will occur without significant employment gains and may even occur alongside a significant shrinkage in the skilled labor force.

The changing nature of industry, technology, and labor markets warrants the most serious examination as well as new policies to maintain employment. George R. Hoekzema of Colon, Mich., has examined these changes and concludes that a shorter workweek and work sharing is an indispensable policy tool for saving jobs in the midst of a shrinking industrial labor market. As the sponsor of legislation (H.R. 1784) to reduce the standard workweek, I offer Mr. Hoekzema's very thoughtful analysis at this point in the RECORD.

AN APPROACH TO THE UNEMPLOYMENT PROBLEM

(By George R. Hoekzema)

The improvements that have taken place in the manufacturing processes during the past century have made it possible for people to produce much more goods and in a much shorter period of time. This has been a double boon to humanity. The standard of living for the general public has risen remarkably; and the amount of working time required has been reduced greatly with a consequent increase in the amount of free time for recreation.

My father told me that when he entered the work market (about 1900) the standard work week was sixty hours. They worked ten hours a day for six days. By taking only fifty minutes off for lunch instead of an hour, they were able to leave work an hour, earlier on Saturday. When I entered the work market (about 1925) the standard work week was fifty hours. We worked five nine hour days and five hours on Saturday. We had all of Saturday afternoon off.

In 1935, during the administration of President Franklin Roosevelt, the Federal government passed the National Federal Relations Act and set the standard work week at forty hours. This was enforced by requiring the employer to pay time-and-a-half or double-time for hours worked beyond the forty. Forty-eight years have passed since then, during which time the methods of production have speeded up tremendously, so that one man-hour of work produces many times what it did then. Doesn't it seem strange that there has been no further decrease in the length of the work week? True there has been a marked improvement in the standard of living. But instead of reducing the number of working hours, they have reduced the number of workers. This has meant a gradual increase in the number of unemployed.

This continual increase in the unemployed, caused by increasing the efficiency and productivity of the workers without decreasing their working hours, has brought on many problems and troubles of which we are becoming increasingly aware. The simplest and most apparent of these problems are the economic. People must be supported whether they work or not. The burden of support for the whole population rests upon those who are working. If the work is not shared, then the burden of expense is not shared, but the living costs are still there. The workers support the non-workers, temporarily by the payment of unemployment taxes, and on a long term basis by welfare. From the economic standpoint alone, the worker would be about equally well off whether he shares his work or shares—through taxes—his income with his fellow man.

The social effects of sharing or not sharing the work are much more unequal and much more serious. The disruptive effects of being unemployed, of being idle, of being useless tear down the individual, wear down the family, and have a destructive effect upon our whole society.

There are other more urgent and more noxious problems that we face than that of descreasing the work week. These are the problems caused by those employers who coerce their workers into working long overtime hours. There are some employers who keep their employees working fifty or sixty or more hours a week, working six and sometimes seven days a week. Every person I have talked to who has been worked seven days a week has been opposed to it, in spite of the large paychecks they bring home. Many of those working six days a week have expressed the opinion that they would rather work five days and get a normal pay check. Why then do the employers work them for these long hours? Surely not for the benefit of the workers. The principal aim of most corporations is to maximize their profits. The reason they make their employees work overtime instead of hiring more people must be because they find it more profitable. It is cheaper for them.

But how can it be cheaper when they have to pay their old employees over time, and by hiring additional help they would only have to pay regular wages? There are two savings the employer makes. One is in fringe benefits and the other is in unemployment taxation. The worker who works overtime gets an increase in his wages but he does not get a corresponding increase in his fringe benefits (insurance, sick leave, holidays, vacation time, retirement benefits). The cost of these fringe benefits must be added to each additional worker, but not to the overtime worker. Secondly, the more workers who are laid off by any employer, thus becoming recipients of unemployment benefits, the higher rate of unemployment taxation that employer must pay. He therefore tries to avoid having any part-time help. Because the cost of fringe benefits plus the increase in unemployment taxation add up to more than the cost of overtime pay, the employer finds it to his benefit to work his employees over time. It is to his benefit, but to the detriment of the worker and society when there are already thousands of unemployed seeking work.

There are two ways that this destructive action of overtime employment can be decreased. One is direct and simple. Pass a law that would prohibit employers from hiring any employee (I suppose there would have to be certain exceptions) for more than forty or forty-five or fifty or whatever hours, or more than six days a week. The second way is more devious but might be preferable, and that is to make it unprofitable to use overtime help. Time-and-a-half pay does not stop it. Maybe double time pay would. Or perhaps some change could be made in fringe benefits. The union workers have struggled long and hard to achieve fringe benefits and they certainly would not want to give them up, but perhaps some changes could be made. There might be some adjustment with a decrease in benefits and a corresponding increase in money (disposable) wages, or an increase in fringe benefits along with the extra overtime pay, or a limitation of fringe benefits on new employees. As for the unemployment tax, it should be possible for worker representatives and legislators to get together and adjust the payment system so that hiring additional workers would not be so costly to the employers.

A reasonable and effective recommendation might be a 35 hour work week. Overtime from 35 to 45 hours should draw double pay. Overtime above 45 hours should draw triple pay.

This could be a "Share-the-Work" plank in the Democratic platform for 1984. It would make a great appeal to many of the wage earners in the country and practically all of the would-be wage earners.

It might become a noteworthy step forward in the economy of our country. It certainly would present an opportunity and cause for hope amongst the unemployed.

POLICE BRUTALITY AND REALITY

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 22, 1983

● Mr. RANGEL. Mr. Speaker, I rise to present a recent editorial in the New York Daily News for insertion into the CONGRESSIONAL RECORD. It was written by Beth Fallon, and presents what I consider to be a very balanced perspective to the issue of alleged police brutality in New York City. The article is particularly germane in light of the recent congressional inquiry into this very important issue.

[From the New York Daily News, Sept. 21, 1983]

POLICE BRUTALITY AND REALITY

(By Beth Fallon)

In New York, things seldom turn out the way people expect. The police "brutality" hearing was not a circus, was not raucous, indeed was absolutely decorous. The politicians, both revered and distinctly unrevered, who were there to make hay out of it, will make what hay they can. They are irrelevant. This is a matter too important for their posings. This is between the people of the city of New York and their Police Department.

It is always inconvenient when two contradictory things happen to be true at one and the same time. But if you ditch the logicians and take a cold look at life, that's life. The first thing that became clear in nearly seven hours of testimony at the 369th Regiment Armory is that the New York Police Department does not practice systemic, condoned brutality against blacks, or against anybody. Black New York, two million strong, had a well-publicized chance to come to a congressional hearing and say so. In a place holding 2,500 people, about 600 showed up and 49 testified. Indeed, as News correspondent Joe Volz pointed out in Sunday's paper, New York cops shoot fatally at a rate one-third of that in Rep. John Conyers' Detroit, and rank 43d out of 54 cities in shootings per 100 police.

But also, contradictorily and inconveniently true, is this: While complaints involving serious injuries are down 30 percent, complaints of undue force and rudeness are dramatically up. Weed out those Monday witnesses there for political reasons. Weed out also those I personally would not have believed if they said the sky was blue. And

you are still left with too many people like Ernest Wright:

"On June 6th of this year, my wife either jumped or fell from the sixth floor of our apartment building," he testified. "I was getting ready for work; I was told she was still alive down in the back courtyard, where Emergency Medical Service tried to attend her. She died there. The first two cops who responded were female. They were very professional. Then a male sergeant arrived, and one cop was filling him in as I stood there.

"The first words out of his mouth were, he looked at me and said, 'He probably pushed her.' I called him an insensitive bastard, and went for him. He kicked me in the stomach. . . . His driver grabbed me in a choke-hold and pulled out his billyclub. The only reason my brains weren't scrambled is that a friend and neighbor, who is a police officer, was there and he told the sergeant, 'It's not going down this way this time.'

"That sergeant was nothing," Ernest Wright said, his voice shaking. "He's nothing, but he represents the police of this city. I want something done to this man."

Wright believes nothing will be done, although he has brought a complaint of assault against the sergeant with the precinct and the Civilian Review Board. Ernest Wright is a middle-aged, middle-class New Yorker. He is a transit motorman, whose daughter has just taken the physical for the transit police. His wife, he said, was depressed because she was losing her eyesight. She may have jumped, he said; she may also have mistaken the corridor window for the elevator door right next to it.

The facts of the case and the sergeant's side of the story ought to be pursued in a fair manner. But Wright firmly believes that he might have been seriously injured had not his policeman friend intervened. What is worse, every single black person in the armory believed the same thing, and the heart of their complaint against the police was not simply against the occasional cop who is unjustly violent. The heart was their inability to believe that when they pick up the phone and call for help that they will automatically be treated the same way a white person would.

New York's problem isn't that a publicity-seeking congressman decided to come to town. New York's problem is that many of its responsible black citizens—black policemen, black union leaders who helped keep the hearing a model of decorum—believe that blacks are often treated rudely or with unnecessary violence by white police.

That New York is doing a lot better than most places, including Detroit, is good but not good enough. It doesn't matter whom Ed Koch scores off, or vice versa. Mayors come and go. What matters is the people and the department, which is just plain point man for integrating America. Some ideas on how this might be made a little easier, on Friday.●

FIFTIETH ANNIVERSARY OF UKRAINIAN FAMINE

HON. ROBERT A. BORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 22, 1983

● Mr. BORSKI. Mr. Speaker, this year the Ukrainian American community, as well as those other Ukrainians living in the free world, are observing the 50th anniversary of the Ukrainian famine of 1933. This terrible massacre of the Ukrainian people was the subject of a recent article in the Philadelphia Tribune. I want to bring this important matter to the attention of the House and urge my colleagues to join me in commemorating this tragedy.

The article follows:

THE UKRAINIAN MASSACRE: THE HOLOCAUST THE WORLD IGNORED

(By Kendall Wilson)

Most sources put the figures at eight million. Others placed them at nine and 10. And it is estimated by some international scholars and historians that as many as 22 million men, women and children went to their deaths over a brief period of years in what has been described as "the largest and worst holocaust in human history."

It all began some 50 years ago, says the Ukrainian Congress Committee of America (UCCA), when that country's peasants, workers and intellectual classes began to pay the supreme price for their aversion and opposition to the enforced collectivization of agriculture and the Soviet Russian national oppression and Russian imperialism.

Millions of Ukrainian people, who refused to submit to the Soviet government, made that sacrifice by starvation in the man-made famine, or by being exiled to slave labor camps where they died a slow death from hunger, beatings, inadequate medical and sanitation facilities and from physical exhaustion.

The world was given the picture that the Ukrainians were the unfortunate victims of the great economic-social disaster of 1932-1933, not of the mastermind of the Russian communist regime in Ukraine (although a New York Times editorial pointed this out).

The truth, say scholars of all nationalities, was that production figures of grain in 1932-1933 showed it was possible to feed the population of 40 million people for over two years. Further, special detachments of the GPU (Gosudarstvenny Politicheskaya Upravleniya), equivalent to the Gestapo in Nazi Germany, along with Red Army soldiers sent by Moscow, not only carried off everything edible, but shot or exiled thousands of peasants and wealthy peasants (Kulaks). This destroyed whole villages and turned what was the most fertile black soil into vast areas of desolate land.

"People think of only one holocaust," said William Nezoway, chairman of the Ethnic Political Council of the Philadelphia Branch UCCA. "But that term was only invented after World War II and is only associated with Nazi Germany's extinction of the Jews. Actually, the chemical warfare in Afghanistan is a holocaust. And Blacks have been victims of one of the great holocausts in history. Thousands who were brought over here against their will were starved or beaten to death on the ships, forced to live in infectious conditions and chained like animals, by the way. The Black holocaust continued right here in America for more years than we care to remember.

"I have been to Ukraine. I've lived there. And we know there are perpetrators of the Ukrainian holocaust right here in America," Nezoway continued." Why aren't they rounded up like the Nazi collaborators? It seems so unfair that Communist Russia is allowed to do this without punishment from the United Nations. And America's passive acceptance of these horrendous crimes has helped to make communism what it is today. We don't have to worry about the atom bomb. The Soviet Union is building communism throughout the world."

Nezoway said there are about 100,000 persons of Ukrainian origin in the Philadelphia area and some two million in the U.S. The week of May 14 to 21 has been declared in many cities throughout the country as "the week of mourning for the 8 million victims of the man-made famine of 1932-42.

City Council President Joseph Coleman and Councilman Francis Rafferty will issue a proclamation to the Philadelphia branch of the Ukrainian Congress Committee and lead a memorial observance in prayer in the City Council Chambers on Saturday (May 14) at 12:30 P.M.

The program will include Ukrainian-Americans Dr. Rev. I. Bilanych, Wolodymyr Bilajiw, president of the Ukrainian National Council and a survivor of the famine-holocaust; Dr. Bohdan Siletsky, president of the Ukrainian Congress of Committee of America Inc., Philadelphia branch, and emcee Ihor Mirchuk. Ph. D.

The observance will begin with an 11 A.M. motorcade south on Broad Street from 66th Avenue on Chestnut east to Independence Hall (5th Street) and west on Market Street to City Hall.●

INTERCOLLEGIATE STUDIES INSTITUTE CELEBRATES 30TH ANNIVERSARY

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 22, 1983

● Mr. PAUL. Mr. Speaker, it is with great pleasure that I join my voice with thousands of others across America and in Europe in commending the Intercollegiate Studies Institute on the occasion of its 30th anniversary. I.S.I., originally known as the Intercollegiate Society of Individualists, has done a great job in encouraging college and university students in the study of freedom and the free society. Because it reaches out to minds rather than lobbying for favor, I.S.I.'s influence has been incalculable. Based on the value of the individual freedom, it educates, through its seminars, publications, and scholarships, generations of young intellects in the benefits of both economic and personal liberty.

I hope that I.S.I. will prosper for many years to come, and that the intellectual activity it has fostered will continue to benefit America.●

DETROIT NEWS APPLAUDS AMBASSADOR LICHENSTEIN'S PROPOSAL

HON. WM. S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 22, 1983

● Mr. BROOMFIELD. Mr. Speaker, along with millions of Americans, the Detroit News Wednesday joined in ap-

plauding U.S. delegate Charles Lichenstein's challenge to the Soviets to find the United Nation a new home.

There are a number of advantages to Mr. Lichenstein's suggestion, the News points out, not the least of which would be the departure of scores of Soviet KGB agents who make the United Nation their sanctuary.

In addition, we might feel less inclined to pay 25 percent of the U.N.'s cost if it were located somewhere else.

The only difficulty with Mr. Lichenstein's proposal, the News concludes, is finding a country which would have the United Nations.

Mr. Speaker, I commend the following editorial to my colleagues:

STRAIGHT TALK AT THE UNITED NATIONS

Charles Lichenstein may have not been speaking for the Reagan administration when he challenged the Soviets to pack up and take the United Nations with them. But the salty American U.N. delegate certainly spoke for millions of people who are sick and tired of the international forum's fecklessness.

His stinging response was prompted by Soviet charges that in denying Russian Foreign Minister Andrei Gromyko permission to land at either Kennedy or Newark Airports, the United States had failed to fulfill its obligation as host country to impose no impediments to members coming to or leaving U.N. meetings. Mr. Lichenstein countered that the landing arrangements at nearby McGuire AFB were to guarantee the Soviet delegation's safety in the wake of the Korean airline massacre. He might have also noted that there aren't any civil airports in the U.S.S.R.

"Our agreement," he said, "has nothing to do with letting anyone come by any means they choose at any place they choose at any time they choose." Mr. Lichenstein added that not only would the Soviet plane find it convenient to land at McGuire, he further assured: "We won't even shoot it down if it strays from its designated path." Finally, he encouraged the Soviets or any other delegates to propose that the U.N. move its operations somewhere else if they were dissatisfied with the United States as host country.

We think such a move would be a splendid idea. To begin with, it would cramp the KGB's clandestine activities in this country since scores of Soviet agents would have to find another cover. Moreover, the United States might feel less obliged to pay 25 percent of the U.N. tab if the proceedings were conducted elsewhere.

After all, the U.N. is an international disgrace and its continued presence at Turtle Bay is a travesty. The Security Council couldn't even summon the courage to condemn the murder of 269 passengers aboard KAL 007, much less call for an investigation. Instead, the delegates voted to "deplore" the incident with no reference to the U.S.S.R.

But then, the U.N.'s despicable track record is nothing new. It has served as a forum for anti-American and anti-Israeli tirades for more than a quarter century. It has funded international terrorists. It has winked at the Soviet invasion of Afghanistan and Communist genocide in Cambodia. It also appointed a Soviet official to chair the investigation to determine whether the U.S.S.R. was waging chemical warfare in Afghanistan and Southeast Asia.

Thus we second Mr. Lichenstein's suggestion that the U.N. delegates find another home. The question is, who would have them?●

RAIDING AMERICA'S RETIREMENT FUTURE PENSION ASSET RAIDS BY EMPLOYERS

HON. EDWARD R. ROYBAL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 22, 1983

● Mr. ROYBAL. Mr. Speaker, it is time for a clarion call to go forth warning America's workers that many of them face an unsuspected financial jeopardy which is spreading swiftly, but quietly, like some contagious disease. The disease is pension asset raids by employers. It involves the diversion or acquisition by employers of moneys intended to be the assets of pension plans for employees. These assets and moneys were reserved to pay pension benefits to millions of American workers upon their retirement. However, the actions of certain employers may well serve to jeopardize the financial security of these workers unless appropriate action is taken.

These pension raids are most often motivated by an employer's desire to save cash or to recover funds with which to fight off an unfriendly corporate takeover attempt and protect the interests of the employer's management. A frequent mechanism for accomplishing these goals is for an employer to terminate an overfunded defined benefit plan and capture the excess assets of the plan—that is, money greater than the present value of all vested and accrued benefits under the plan. Large sums are often involved. For example, as a result of the 1981 termination of the A&P store's pension plan, A&P managment stands to recapture some $200 million of the plan's excess assets. More recently, the proposed termination of four pension plans of Occidental Petroleum Corp. will net that corporation approximately $248 million of excess assets. The amounts will apparently be used to reduce the debt Occidental incurred when it took over Cities Services Corp. at a cost of some $4 billion last year. What is disturbing about this termination and revision is that the overfunded Cities Services plan apparently represented a significant inducement for Occidental to acquire the company.

The termination of an overfunded plan can dramatically reduce pension benefits. Although employees receive pension benefits vested and accrued to the date of termination of the plan, they lose potential benefits that they would have earned by remaining with that employer. For example, an employee working for XYZ Corp. for 15 years and who anticipates retiring in another 10 years may reasonably expect to receive a pension benefit of $550 a month upon his retirement. However, as a result of the termination of the overfunded pension plan of XYZ Corp., the participant might only receive a benefit of $250 a month, far short of the promised benefit.

A termination of an overfunded pension plan, therefore, can wreck financial havoc with the retirement security of a worker and his family. Even if some form of defined contribution plan replaces the terminated plan, it is unlikely that the worker will be able to achieve the level and security of benefits previously offered under the terminated plan.

The corporate use of plan assets extends not only to the termination of plans with excess assets but also to the types of assets which recently have been contributed to many plans. One recent trend by employers involves the contribution by an employer of employer stock, oil and gas royalty interests, leasehold interests and employer real property. Contributions of these types enable an employer to retain cash it would otherwise have to contribute to the plan or, in some instances, to provide a financing mechanism for that company's stock, real estate, leaseholds, or other investments which are held or owned by the employer. For example, Diamond Shamrock Corp. contributed an oil and gas royalty interest valued at $18 million to its $145 million pension fund. In net effect, Diamond Shamrock has saved itself approximately $18 million in cash it otherwise would have to contribute to the pension plan, and used the plan as a financing vehicle for its oil and gas venture.

Rather than contributing cash, which has a fixed value, an employer contributing stock, leasehold, real estate or other interests is contributing something which may have an indefinite market value; in such situations, plan participants and beneficiaries bear the risk of loss if the value of the stock does not meet the value of the required contribution. One only needs to imagine a worker's retirement security being tied to an expectation of certain oil and gas reserves still in the ground to understand the dangers inherent in these practices.

In addition, placing an issue of stock of the employer into the pension plan also keeps it under the control of the employer and off the open market, where it might be acquired by a competing firm interested in a merger or acquisition.

Moreover, there is a question of whether such contributions are prudent and for the exclusive benefit of participants and beneficiaries of the plan, as the law requires. The Employee Retirement Income Security Act of 1974 (ERISA) under its prudence re-

quirement makes clear that a plan fiduciary should act solely in the interest of participants and beneficiaries of a plan. A strong argument can be made that these contributions of employer stock, oil and gas royalties, leasehold interests and employer real estate have been made to enhance the cash liquidity of the employer, rather than benefit the participants in the plan.

Some employers have replaced their former defined benefit plans with employee stock ownership plans (ESOP). An ESOP is a plan in which benefits are provided through employee ownership of employer stock. Again, benefits are based upon the value of the employer stock held by the plan. The value of the stock can either increase or decrease over time, and so can the value of the benefit. Other employers have instituted some form of stock ownership or stock option plan as a replacement. Although it is a general statement, a number of these ESOP's have been started with employer securities of low market value and therefore present a questionable opportunity for employees to attain meaningful ownership rights and receive adequate retirement income from these devices.

Further, several employers installing ESOP's have included restrictive ownership clauses in their plans so the employer may exercise his voting power to stave off unfriendly corporate merger attempts. This same effect is achieved through contributions of employer stock to a defined benefit plan containing restrictive stock voting features controlled by the management of the employer. The use of ESOP's and employer stock contributions in this manner raises serious questions of propriety under title I of ERISA and under the exclusive benefit rule of the Internal Revenue Code.

The example of Harper & Row Publishers, Inc., reviewed in a hearing of my committee last June 7, presents an archetypical illustration of an employer raid on its pension fund. On November 6, 1981, Harper & Row terminated its pension plan and amended its profit-sharing plan, and used the resulting excess assets to finance the purchase of 1,017,630 shares, 33⅓ percent, of the outstanding common stock of Harper & Row from the Minneapolis Star and Tribune Co. Using the approximately $9.8 million in excess assets obtained from the pension plan this way, along with certain other assets, Harper & Row purchased the outstanding shares of common stock at $20 per share at a time when the trading value of those shares was approximately $10.50. In addition, the shares purchased were then placed into a new employee stock ownership plan to cover Harper & Row employees. The value of the benefits of this plan will be directly related to the Harper & Row stock, which has declined since the purchase. It is also notable that the voting rights of shares contributed to the plan may only be voted by Harper & Row management, except vested shares and, that share ownership is limited to a once only target allocation to employees.

Raymond C. Harwood, former chairman of the board and chief executive officer of Harper & Row, has testified in my committee that:

> The employees, without any voice in the matter, have lost the security of trusteed pension and profit-sharing plans and had to accept, in exchange, the imponderables of a stock-ownership plan in the company.

To date, two class-action lawsuits and one stockholder's suit have been filed regarding Harper & Row's actions. In essence, these suits contend that: First, Harper & Row deliberately defrauded the participants and beneficiaries of the terminated plan of their accrued benefits under the plan; second, the trustees of the plan violated their responsibility to act prudently and solely in the interest of the participants and beneficiaries of the plan with respect to the use of interest rate assumptions and other actuarial matters; third, in establishing the successor employee stock plan, Harper & Row did not act for the exclusive benefit or in the best interests of plan participants, but solely in their own interests to retain control of their management positions; and fourth, the management of Harper & Row wasted company assets in their attempt to secure their management positions through this stock acquisition, which favored a single inside stockholder.

The Department of Labor, after an almost 2-year investigation of the Harper & Row termination, has declined to pursue legal action against the company. This forces the private litigants to carry the entire financial burden of protecting workers' pension interests.

Promotion of employer avarice certainly was not the intent of ERISA. Indeed, the law prohibits the use of plan assets for the benefit of the employer while a pension plan is in existence. Such use represents a prohibited transaction under ERISA for which there are specific civil and tax penalties. A question which is only slightly less clear is whether an employer can accomplish that which is clearly prohibited under ERISA through the termination of a plan.

The Harper & Row case is not unique. Recently, the Pension Benefit Guaranty Corp. at the request of the committee prepared a list of those employers which received reversions of excess assets of at least $1 million since 1980. To date, approximately 114 corporations have received over $443 million in excess assets. If pending applications for such terminations are counted, along with those terminations involved in litigation, the potential amount of total reversion exceeds $1.3 billion. Materials prepared by the Internal Revenue Service for the committee indicate that based on 1980 annual report data, there are something on the order of over 2,700 defined benefit plans with actuarial surpluses of over $1 million and, this figure may have substantially increased since it is based on 1980 data. Obviously, the dimensions of this trend are not small, and its impact and the number of participants and beneficiaries affected by such terminations is growing steadily.

Contributions of employer stock and other noncash employer contributions are also increasing rapidly. Pension and Investment Age magazine in their June 13, 1983 issue prepared a list of corporations which indicate that almost $1.1 billion in stocks, bonds, real estate, oil and gas royalties, and leasehold interests have been contributed to pension plans in the last 18 months alone. Similar employer actions will surely follow.

In the realm of corporate finance, acquisitions and mergers, and the bottom line of management's balance sheet, the administration represented by the Department of Labor and Internal Revenue Service have simply sacrificed the retirement income security of the American worker to corporate pension raids designed to finance the private sector.

One of the principal motivations of Congress' passage of ERISA was to prohibit the abuse by employers of assets of a plan created to pay benefits to their employees. However, the positions of the Department of Labor and Internal Revenue Service seem to suggest that there is no problem at all. I beg to differ.

Presently, millions of American workers are faced with possible financial jeopardy. A jeopardy of the worst sort, a jeopardy to their financial security in old age. If the Federal agencies responsible for protecting workers' retirement security are unable or unwilling to meet this new and dire threat, then it is left to Congress to enact appropriate legislation to insure the retirement income security of the American worker. Employers cannot be permitted to continually raid America's retirement future. The Congress must recognize this disease, and move quickly to find an effective cure. The Congress must act to stop pension raiding.●

EDUCATION EXCELLENCE: A LARGER VIEWPOINT

HON. DOUGLAS K. BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 22, 1983

● Mr. BEREUTER. Mr. Speaker, most of us are concerned with the quality of American education, for it is inextricably bound to the health and vitality of other important institutions in our society.

During public discussions that followed the recent release of several education reports, the debate has focused on the status of math and science education. I have followed those discussions with keen interest, for early in the 98th Congress I, too, perceived serious shortcomings in those crucial technical fields, and, as a result, cosponsored H.R. 1310, the Emergency Mathematics and Science Education Act of 1983.

But Americans have a great propensity for "the quick fix." Often, in the relief of a newly discovered solution, we tend to adopt a somewhat less-than-balanced point of view.

As Nebraska's Education Commissioner Dr. Joe Lutjeharms recently pointed out:

Math and science are not the only two areas needing help. We should provide emphasis in other areas, such as foreign languages and language areas. And we have tremendous problems . . . in vocational technology.

Mindful of Dr. Lutjeharms' wise observations, I commend to my colleagues the following editorial from the Lincoln Star, September 15, 1983:

[From the Lincoln Star, Sept. 15, 1983]

EDUCATION PUSH URGED

It should come as no surprise that a government commission has urged a $1.5 billion crash program of federal aid to education to improve the math and science output in primary and secondary grades. After all, there have been at least two significant national reports critical of the current level of education.

But Congress would need to determine that there is, indeed, the critical lag in science and math instruction of which the commission speaks. An awfully lot of our scientific expertise is siphoned off by the military-industrial complex. Additionally, some determination ought to be made of business and industry's utilization of the nation's math and science graduates.

Not all of this country's economic problems can be traced back to education or to any lack of sufficient knowledge in math and science. Our business and industry, in many areas, have not had the leadership to maintain the position of preeminence the country once so widely enjoyed.

Additionally, how much of our current industrial difficulty is due to economic changes we still do not fully understand?

Certainly, we would not oppose federal financial leadership in a program of proven educational need but it is important that any such program be based on careful consideration of all the circumstances that might be involved. American Education week is Sept. 18 through 24th, "a time to remember that educational excellence is everyone's responsibility," according to a statement from the Lincoln Public Schools.

Before we revolutionize our system of education we better be darned sure of the real nature of the problem we hope to solve.●

BUSY BUREAUCRATS: SOME TOP U.S. AIDES CONTRADICT IMAGE: THEY WORK VERY HARD; DERISION, LOW PAY TAKE TOLL

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 22, 1983

● Mr. WOLF. Mr. Speaker, I would like to bring to my colleagues' attention an article that appears on the front page of today's Wall Street Journal. I think this article clearly illustrates what I and a number of my distinguished colleagues have been saying about the Federal work force. The majority of civil servants are hard working, conscientious individuals who deserve the respect and support of not only this body, but also recognition from the public they serve. For 3 years, I have been working diligently to promote the soundness of the civil service system and I feel this article points out the vital role civil servants play in shaping our Nation's policies. I ask that this article be printed in the RECORD at this point.

[From the Wall Street Journal, Sept. 22, 1983]

BUSY BUREAUCRATS: SOME U.S. AIDES CONTRADICT IMAGE AND WORK HARD, BUT DERISION, LOW PAY TAKE A TOLL

(By Jeffrey H. Birnbaum)

WASHINGTON.—Pete Modlin is a hard-driving executive in a city that most people believe doesn't have any.

On a typical Sunday, the wiry White House official drops off his wife at church and goes to work in his office for the rest of the day. "I'm a workaholic by nature," he jokes. "She handles the Lord."

Mr. Modlin is a rarity among bureaucrats, but he isn't alone. He is one of the 6,700 top U.S. administrators who advise political appointees and direct the bureaucracy to carry out their policies. These elite senior executives are as essential to the government as they are unknown to the public. Yet, as bureaucrats, they often are derided by the people they serve and often are underpaid compared with private-sector counterparts. The result is a "brain drain" that some observers fear imperils effective government.

Since 1980, 1,400 top-level federal workers, or 20% of the senior executive force, have left government. "The senior people say they are just sick and tired of hearing that the civil servant is a worthless person," says Blair Childs, vice president of the Senior Executive Association, which represents high-level federal workers. Adds Frank Carlucci, a former defense official who now heads a division of Sears, Roebuck & Co.: "We are starting to see a real crisis of talent in the federal government."

SOME TURKEYS

Indeed, some bureaucrats are the pampered goof-offs and bunglers of popular repute. Almost by definition, bureaucracy is slow-moving, resistant to innovation and susceptible to error. Even union officials acknowledge that at least some of the 2.8 million civilian employees don't work very hard or very well, and even the disgracefully inept are difficult to fire. An extreme example of foul-ups surfaced recently when the Defense Department disclosed purchasing blunders, including payment of $1,118.26 for a 25-cent plastic cap for a stool leg and of $110 for a four-cent diode that the Navy already had in stock.

The public expects such slip-ups. Polls consistently show that two-thirds of Americans consider civil servants lazy and inefficient. For decades, U.S. presidents have groused about bureaucratic shortcomings, and both Jimmy Carter and Ronald Reagan campaigned specifically against bureaucracy. Once in office, both quickly angered career employees. Mr. Carter tried to make federal workers pay for parking spaces. Reagan officials have proposed to scale back federal pensions and to base pay raises on merit rather than seniority—a move opposed by unions as a back-door way to politicize the civil service.

Such moves are "a clear signal that civil servants are not only no good, but are to blame for the government's problems," says Murray Comarow, an American University professor and former civil servant. Because morale has suffered, "federal workers are becoming the kind of employees (recent administrations) said they were," charges John Sturdivant, an officer of the American Federation of Government Employees, the largest federal worker' union.

CHANGE IN TUNE

Lately, the Reagan people have changed their tune, especially about senior bureaucrats. Administration aides now say top career officials are undercompensated at the maximum base salary of $67,200 a year, and they fret about losing the best among them to higher-paying corporations. At the top levels, acknowledges Donald Devine, the government's chief personnel officer, "there is a very severe problem."

Here are three little-known bureaucrats who labor for more than money and help to make government work:

THE BUDGETEER

Carey P. "Pete" Modlin is the unofficial "Mr. Budget" of the federal bureaucracy. As assistant director for budget review in the White House budget office, he manages a staff of 85 that keeps track of the $848 billion federal budget. He earns $65,500 a year.

"I don't know that people who stay in public service do it for money," he says peering through heavy, black-frame glasses. Compensation for a job such as his, he says, is largely "psychic income" because of its "ringside seat" to power.

But the general defamation of bureaucrats is a constant irritant. "It doesn't give us a great deal of joy to hear the criticisms, I assure you," Mr. Modlin says. "Bureaucrats are a conveninet whipping boy."

One Reagan appointee who doesn't criticize Mr. Modlin's efforts is his boss, Budget Director David Stockman. "Pete," Mr. Stockman says, "is an exemplar of the skill, diligence and institutional memory among those top civil servants who insure that government survive the appointed politicians and experimenters who come and go." In

fact, no one doubts the budgetary expertise of the 61-year-old Mr. Modlin, who has worked 30 years in the budget office and still finds his job "exciting."

As the top career man in the budget office, Mr. Modlin coordinates the writing of the president's huge annual budget proposal. His staff also follows the 13 appropriations bills through Congress and monitors for senior White House aides how each bill compares with the president's requests. To keep pace, Mr. Modlin has honed his ability to find budget numbers and explain budget concepts fast.

Mr. Modlin is at it for more than 12 hours almost every weekday, plus several more hours on weekends. One evening, he gets a call at 7:30 p.m. from Mr. Stockman, whose office is two doors down the hall in the Old Executive Office Building. A congressional panel has passed an appropriations bill threatening to raise personnel costs, and Mr. Stockman needs a letter complaining about the ways it "busts" the president's budget. Mr. Modlin glances out his window to an office building across the street, sees no lights burning and knows his staff has gone home. He writes until 10 p.m. and has the draft ready for a 7:30 a.m. staff meeting the next day.

"You can't worry about family or making dates for a concert," says Samuel Cohn, who held the job a decade ago and now is a Washington consultant. And Mr. Modlin says that generally he doesn't worry about mounting budget deficits or even his own paycheck."I worry about things," he says, "I can do something about."

THE UTILITY MAN

"My father was a rural mail carrier, and he advised me not to go into the federal government," J. Dawson Ahalt recalls. But after a brief stint selecting gas-station locations for a major oil company, he rejected his father's advice.

"There are some better opportunities outside of government," he says, "but the responsibility inside is hard to match." He joined the Agriculture Department as a junior analyst in 1962 and now, at 47, is its highest-ranking career executive.

Mr. Ahalt is a deputy assistant secretary, a position usually reserved for political appointees. That fact chafes some Reaganites, but he got the job on merit. A crack agricultural economist, he has long helped formulate and analyze the dizzying array of farm subsidies. But he also understands Washington's diverse agribusiness interests.

"Someone like Dawson is vitally important. He's highly respected on the Hill and among his peers in the department," says Agriculture Secretary John Block. Adds Don Paarlberg, a Purdue University professor and a former department economist: "Dawson proves that even in this somewhat homogenized society, the cream still rises to the top."

Mr. Ahalt's job defies the organization charts. His responsibilities range from monitoring global weather for crop forecasts to consoling disappointed favor-seekers. One day, he advises a visitor from another agency on how to maneuver in the department labyrinth. "A lot of people have been telling me to come over and visit with Dawson Ahalt," explains Kalo Heineman, a member of the Commodity Futures Trading Commission hunting for a department official who would join a CFTC advisory panel. "You think about" possible candidates, Mr. Heineman tells him, "and don't eliminate yourself." Soon afterward, Mr. Ahalt is appointed.

Mr. Ahalt's abilities have made him useful all over the government. In 1971, he helped direct President Nixon's wage-price freeze—a dubious task for a free-marketer. He was promoted despite his persistent warnings about tampering with farm prices. "Dawson always proceeds with an analysis that is sound, straightforward and honest," says Marvin Kosters, then a boss of Mr. Ahalt's and now working at a Washington think tank. "But when decisions are made, Dawson carries them out, and in that respect he is an ideal civil servant."

Lured back to the Agricultural Department in 1973, Mr. Ahalt soon helped guide policy through a drought while the Russians were quietly emptying already-depleted U.S. granaries. Later, he performed the delicate bureaucratic feat of coordinating the department's far-flung crop forecasters for the first time. His latest assignments have included gearing up the new payment-in-kind program and helping to track the latest drought, which is profoundly affecting farm policy and politics.

All this is done with characteristic modesty and humor. "He plays the professional rural boy," says Arnold Weber, a price-freeze official who now heads the University of Colorado, "but obviously he is much more than that." That something more includes a subtle savvy; Mr. Ahalt, for example, keeps running gear in his office in case Secretary Block, a marathon runner, needs a jogging partner at lunch-time.

Over the years, Mr. Ahalt has had opportunities to leave government; recently, he turned down a chance to double his salary as a lobbyist. Nonetheless, he concedes, "I do find the private sector interesting." He says he resents seeing his own commodity analysts jump to private industry for salaries matching his own $65,500 a year, "I feel that we are underpaid," he says, "but I'm not ignorant of the fact that the guy on the street doesn't agree with me."

THE TOUGH BOSS

George Jaszi isn't politically astute and doesn't want to be. He is the iron-willed administrator who keeps politically sensitive statistics such as the gross national product and the leading indicators free of partisan influence. Although his shop recently has been troubled by still-baffling leaks of important indexes, its independence isn't disputed. "Nobody has dared to touch us even in the worst of times," he says.

"Jaszi is one of those rare public servants whose integrity has never been questioned by presidents or their underlings," confirms Alan Greenspan, a former chairman of the Council of Economic Advisers. "No one has ever questioned the accuracy or objectivity of his analysis."

Mr. Jaszi 68, has directed the Commerce Department's Bureau of Economic Analysis for 20 years. The immigrant son of a Hungarian politician, he is a perfectionist who rules over his division's 250 professionals with occasional fury. "He's an enormously brilliant man with an enormous ego," a former colleague says, "When George gets angry, you feel like Zeus is hurling thunderbolts."

A zealot about precise writing, Mr. Jaszi is a demanding editor of articles appearing in his bureau's respected journal, the Survey of Current Business. "Getting something past George is just torture—pain, pain, pain," declares John Cremeans, who now works elsewhere in the department because he says he couldn't take Mr. Jaszi's editing.

Mr. Jaszi doesn't apologize for his toughness. "Occasionally, I've been dictatorial," he concedes. "I have somewhat of an obsession. I like to clarify things."

Outside government, he believes, he wouldn't have those luxuries. He says that business economists "don't have time" to "think things through" and that academic economists "become very unrealistic." Besides, he adds, "I enjoy my job because it helps decision-making." But he worries that the bureau's low pay is impairing its role as a training ground for economists. "I think it deters good people from coming into government," he says, "and encourages good people to leave."●

SMALL BUSINESS ADVISORY COUNCIL

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 22, 1983

● Mr. SKELTON. Mr. Speaker, I have always felt that one of the most important things we do, as Congressmen for our country, is to listen to our constituents. Most of the innovative ideas are not created in Washington, D.C., but are, instead, carried here by Members who act on the advice received from constituents, friends, local advisers, and neighbors back home. With this in mind, I have created a bipartisan small business advisory council composed of business men and women from every area and every type of business in west central Missouri. Meetings are held with the council members to exchange ideas and suggestions.

These meetings help me in two ways, Mr. Speaker; first, they target problems and propose solutions that I can bring to the Small Business Committee's attention as a subcommittee chairman. Second, they focus on the real issues in the business community. All too often the Government relies on the best guesses of so-called experts about the concerns of small businessmen. It has been my experience that these small business men and women who face open competition in the marketplace every day, meet payroll demands, produce products, and provide jobs, know precisely what their roadblocks are and how new legislation will help or hurt.

At our most recent meetings, my small business advisory council responded to the invitation to list in order of importance, their major problems. For the benefit of this body I would like to share this list with my colleagues. The council members listed the following:

Concerns	*Count*
(1) High or uncertain interest rates	22
(2) Government interference (over-regulation)	12
(3) Payroll taxes	7
(4) General tax increases	4
(5) Loss of population and businesses in rural areas	4

Concerns	Count
(6) Balancing budget and reducing deficit	2
(7) Medical insurance costs	2
(8) Uncollectible credit losses (bankruptcy reform)	2
(9) IRS penalties	1
(10) Tourism (tax)	1
(11) Social programs (too costly)	1
(12) Agriculture policy (uncertainty)	1
(13) Big business pricing practices	1
(14) Farm economy	2
(15) Drought	1
(16) Postal department meter rates	1
	●

THE SOVIETS' DANGEROUS INFERIORITY COMPLEX

HON. JOHN EDWARD PORTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 22, 1983

● Mr. PORTER. Mr. Speaker, I would like to share with the Members an article printed in Monday's Washington Post giving evidence of the Soviet Union's deep-rooted sense of insecurity and the danger to world peace it poses. The U.S.S.R.'s coverup of the recent KAL airline tragedy, which cost 269 innocent victims their lives, clearly illustrates the Soviet's propensity to crudely exert its superpower status by never showing weakness, nor admitting a mistake. Michael Dobb's insightful analysis of this recent tragedy clearly demonstrates the Soviets collective inferiority complex is deeply rooted in Soviet history.

I call the following to my colleagues attention:

[From the Washington Post, Sept. 19, 1983]

PLANE INCIDENT ILLUSTRATES HISTORIC SOVIET INSECURITY

(By Michael Dobbs)

Moscow, Sept. 18.—Many of the Soviet Union's actions in the crisis over the South Korean airliner can be explained by a very simple motivation: the Kremlin's need to show the world that it is not going to be bossed around by the United States.

The latest example of this almost instinctive reaction was the cancellation by Soviet Foreign Minister Andrei Gromyko of plans to attend the United Nations General Assembly in New York this week. Rather than face the possibility of a diplomatic snub and more protests over the destruction of the Boeing 747, the Soviet leadership decided to make a virtue of keeping Gromyko at home and standing on its dignity.

The message that Moscow would like to send to Washington over the incident boils down to this: "It is no use attempting to force us to change our behavior or our policies. We intend to go on looking after what we see as our national interests, whether you or anybody else likes it or not."

Much the same message can be discerned in other public statements by Soviet officials since the downing of the airliner on Sept. 1. Whether spoken or unspoken, it provides a common thread to the Kremlin's handling of the affair and similar trials of strength with the United States in the past.

A recurring theme in official commentaries here during the past two weeks has been that President Reagan's attempts to "dictate" to the Soviet Union how it should behave have failed in the past and will fail again in the future. It is scarcely a coincidence that last week, just as the western boycott of civil aviation links with Moscow was coming into effect, the Kremlin announced that a large section of the Trans-Siberian gas pipeline was being commissioned ahead of time, despite U.S. sanctions imposed after the crackdown in Poland.

For the Soviet Union, being a superpower means never showing weakness. Experts in browbeating others, the Soviets are determined not to be browbeaten themselves.

The need not to show weakness helps explain why the Soviets shot down the plane in the first place. It explains why they reacted to what they saw as a propaganda offensive of the Reagan administration with a counteroffensive of their own. And it explains why they felt obliged to call a special press conference last week to dispel suggestions that they might be prepared to make concessions in other areas such as arms control to improve their dented public image.

Asked why the Soviet Union did not save itself a lot of trouble by admitting that the downing had been a mistake, a senior Soviet official replied privately: "To have done so would, in effect, have legalized flights by American spy planes over our territory. Our borders would no longer be inviolate."

The psychological counterpart of the Soviet Union's desire to prove itself as a superpower is a collective inferiority complex that has deep roots in Russian history. For Peter the Great on, Russian rulers sought to demonstrate that their country could emulate western achievements.

One of the best expressions of this awareness of Russian backwardness and determination to get even can be found in Stalin's complaint in 1931 that "Old Russia" had been continually "beaten" for falling behind.

"She was beaten by the Mongol khans. She was beaten by the Turkish beys. She was beaten by the Polish and Lithuanian gentry. She was beaten by the British and French capitalists. She was beaten by the Japanese barons. . . She was beaten because to do so was practicable and could be done with impunity . . . That is why we must no longer lag behind," Stalin wrote.

The remark is mentioned by Columbia University Sovietologist Seweryn Bialer in his book "Stalin and His Generals" to explain the background to the forced industrialization of Russia in the 1930s.

There is thus some irony in the fact that, in a private conversation here recently, a Soviet journalist tried to justify the destruction of the plane by recalling Stalin's lack of preparedness for Hitler's military attack on Russia in June 1941.

"For a few hours, Stalin simply refused to believe that the Germans had invaded, and we had to pay for his mistake. That is one reason why the Soviet Army is now in a constant state of mobilization," he said.

Soviet military inferiority versus the United States became painfully evident during the Cuban missile crisis of 1962 when Nikita Khrushchev was forced to back down. Soviet officials now point to that humiliation as providing the political impetus for an arms buildup in the late 1960s and 1970s.

The Soviet Union's path to becoming a superpower has, needless to say, been very different from that of the United States. While America has gotten where it is today through releasing the energies of millions of individuals, the Soviet Union has sought strength through autocracy and coercion. Individualism is suppressed and collectivism extolled.

Unable to compete with the United States in technological expertise, the Soviet Union competes instead by sheer numbers; numbers of soldiers under arms, numbers of missiles, numbers of tanks. Unable to compete through the vitality of ideas, it competes instead by the calculated use of military and political power.

A measure of the difference between the two systems is reflected in the different value put on individual human lives. At a press conference a week after the downing of the airliner, Deputy Foreign Minister Georgy M. Kornienko seemed somewhat taken aback when asked whether the "sacred" borders of the Soviet Union were worth 269 lives. His sharp reply was that they had already been worth "many, many millions of lives, as you know well."

The invocation of the huge losses suffered by the Soviet Union in World War II has been a theme in numerous Soviet commentaries on the airliner incident, and it seems to have struck a chord with ordinary Russians. Interviews conducted in the streets of Moscow suggest that most people here are quite prepared to accept the argument that the Soviet Union's security interests override everything else.

They also accept the official propaganda line that the Soviet Union must not allow itself to be pushed around by "cowboys" in Washington.●

BUDGETING FOR A HUMANE SOCIETY

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 22, 1983

● Mr. CONYERS. Mr. Speaker, in the 95th Congress 53 House Members requested the Institute for Policy Studies, under the direction of Marcus Raskin, to prepare a comprehensive analysis of the assumptions and priorities of the Federal budget and recommend alternative policies and programs. "The Federal Budget and Social Reconstruction," published in 1978, presented the Institute's findings.

In February 1981, 60 Members of Congress requested a followup budget study and the Institute responded with 25 budget papers undertaken by scholars throughout the Nation, which were presented at a congressional budget conference in February 1983, under the Institute's sponsorship.

The Institute's ongoing budget study deserves wide dissemination. I shall present excerpts of the study over the next several weeks, beginning today with part 1 of the introductory paper, "Budgeting for a Humane Society," written by Marcus Raskin, cofounder of the Institute and currently its senior fellow. I recommend the study to my colleagues.

The study follows:

BUDGETING FOR A HUMANE SOCIETY

DEAR MEMBER OF CONGRESS: I have the honor of submitting papers on the Reagan administration budget and program to you. After a year and a half of study, rethinking and analysis, twenty-five scholars and former government officials who participated in the study have concluded with some sober, and rather bleak assessments. The Budget Study group has concluded that continuing attempts to carry out the Reagan programs in national security and taxation, economic and social welfare policy clothed in private sector spangles will cause increasing misery to most Americans. It is true, however, that the most wealthy elements of the nation will be insulated from this misery. Indeed, they will continue to gain substantially under this administration's program. These consequences are not surprising. As with other scholars and members of Congress an earlier Institute for Policy Studies Budget Study group predicted that the Reagan program would result in an upward redistribution of wealth and income. The dream fantasies around supply side economics with balanced budgets have not survived the harsh light of day. The ideas of tax cuts without progressivity, but coupled to huge military expenditures were never workable as an overall policy for the nation.

The IPS Budget Study group does not project that the Reagan policies will lead to any economic recovery over this next year. Quite the contrary, we have concluded that there will be increasing unemployment, a continued strike of investors who will not invest in any significant way either in basic industries or in hiring the unemployed. We do not see the private sector fulfilling any but the most modest of responsibilities to the unemployed, the old, sick, the young or workers who are unorganized. In other words, we find that the most significant actors in the private sector, great corporations, have no substantial interest beyond that of earning profit for their stockholders. They do not see themselves as a government operating for the common good. They are neither programmed for such a purpose nor are their managers able or constitutionally empowered to carry out the broad political and policy purposes of the nation. This is the task of the federal government in partnership with a strong public participation sector. While state and local governments have important responsibilities it is also clear that it is the federal government which is able to generate policy and laws to deal with problems that are global, national and local in nature. The fiscal crisis facing states and locales is not helped by the federal government relinquishing its responsiblity for the economy and the social health of the nation. Indeed, social and infrastructure cutbacks at the federal level have had a domino effect on states and cities. They have not "picked up" services. They have cut services even further. Our highways, railway roadbeds, streets, bridges, subways and harbors are in desperate need of repair.

We recognize that the slide towards "penny-wise pound-foolish" policies and programs has had a bipartisan history. Certain of the Reagan "redistribution upwards" programs were initiated during the Carter administration as, for exemple, the tight money policy of the Federal Reserve. Indeed, in his last economic report, President Carter urged more unemployment to fight inflation. The Carter advisors, and later the advisors of President Reagan have counseled large defense budgets without reflection on the internal costs to the nation. In recent years, both parties have tended to canonize market economics which, by its very nature is not concerned with questions of economic redistribution. Its concern politically is middle class stability.

The Reagan administration . . . has turned the benefits of the marketplace into holy Writ. It has become a dogma to be accepted on blind faith. And like any self enclosed system it serves only those who invent and live by that system. The brand of capitalism pressed by the Reagan administration embraces the pious rhetoric of market rationality as the means of caring for the social and natural environment. Thus, the Reagan administration has seen fit to sell off public resources, our land, minerals and national birthright. It is as if the federal government has decided that the Teapot Dome scandal was really an exemplary moment in American history which should, in the 1980s, be emulated through executive order and interior directives.

Contrary to being a necessary condition to freedom, a belief which may be held by well-meaning conservatives, the Reagan brand of capitalism leads to economic, and possibly political servitude. The policies of the Reagan administration are intended to lead to an oligogic political framework. By this infelicitous word I mean a system of governing which consciously and directly gives the economically rich and powerful the license to take what they can get, legitimating their own selfishness into high principles of law and order. Its initiators enforce this selfishness through the courts and other regulating agencies of government. Such selfish ideas are expounded upon in variegated ways through universities, the media, think tanks and legislatures. They are presented to the unwary young as empirical facts about human nature and the natural order. But the Reagan form of social Darwinism merely confuses the survival of the most selfish and arrogent with the survival of the nation.

The Reagan administration assumes that the government and the public sector are impossible burdens, government workers are oafish, and only private selfish activity is natural and efficient. The unemployed, workers, small business people and professionals are told that this is the way things have to be, that the laws of economics "dictate" such behavior, and that government has few, if any functions other than that of making war, preparing for war and keeping internal peace through a veiled glove, but mailed fist if necessary. With these views and this limited notion about governing and human nature, the Reagan administration is undermining the opportunity for experiencing/exercising citizenship. Or to put it another way, its policies are destroying the space for citizenship, namely, the public space.

The Reagan administration's denigration of the public sector is devastating for it is in the public space that we civilize ourselves and socialize our own wants and needs through a process in which all of us accept responsibility for one another. In the public space we work together to establish those bonds of attachment that nurture us as human beings, which recogniazes our egalitarian interdependence to one another and which defines our civic duties. We are willing to pay the costs of sending other people's children to school, helping other people to have decent housing, fixing roads used by everyone and providing others with health care. It is through the public space that we are able to transform our condition from that of a lonely crowd of alienated individuals competing and using each other, worrying about Number One and living in a Hobbesian nightmare. It is through the public sector that we can build a democracy committed to economic and social justice. It is in the public space, for example, that we learn not to poison our waterways and pollute our factory workers. We learn that human capital is more important than the profit of money capital and that human dignity is a matter of right, not one of privilege.

An assumption of our study was that a government committed to humane and just purpose must never make an idol of any particular class or group as if any individual or group could encompass all truth and morality. Consequently, from our point of view, it is surely mistaken in the extreme for any administration and its leadership to make idols of the rich, arranging laws to bribe them into investing while piously intoning that the poor, working and middle classes need a heavy dose of belt-tightening and insecurity to save them from being lazy and shiftless. All the melodies emanating from the Right around individualism (even as its business leaders press for economic collectivization through the corporate merger process) cannot change the stubborn fact of interdependence in human existence. The question is how people will be together, whether they will work cooperatively, respecting each other, sharing in power, or whether they will accept a situation in which the few dominate the many for the good of the few.

A government that prepares an economic and social program which encourages selfishness at the expense of the common good undermines a crucial requirement for humankind, namely, our will and need to be responsible with and for others, whether in direct face-to-face relations or through the social, political and economic structures we devise. Because a modern democracy and its leadership must speak to the modern requirements of social responsibility what a President communicates through his policies is more critical than how well he communicates personally. Presently, the Reagan policies communicate how the society is and should be split into irreconcilable racial, economic and social lines. The assumptions of the Reagan administration's advisors are that this reality is inevitable.

The Reagan administration's unwillingness to seek social and economic justice through the public sector has immediate and debilitating effects on the quality of life for our institutions and people. Whereas social security and welfare matured into a collective right among our citizenry, the Reagan administration's attempts to privatize social security is causing havoc among the elderly, decreasing the quality of their lives and, no doubt, shortening them.

While the Reagan administration holds high the values of the university, those values are to be kept out of reach from young people who are not in the middle and upper classes. It should be added that where a university is limited to the upper classes its professors begin to limit the nature of its social inquiry thereby detracting from the universal character of the university. Martial values become confused in the minds of the citizenry with public virtue. Consequently, while its adherents assert that the federal government can almost never do anything correct at home, they assert that the American government can never do any-

thing wrong abroad, thereby encouraging war, war preparation and xenophobia.

While the Reagan administration asserts its unswerving loyalty to nonintervention in the lives of individuals, the types of legislation and legislative maneuvering it propounds decreases the flexibility and rights of people as individuals. Thus, the move to impede and sabotage the passage of the equal rights amendment is an example of reducing the legal and economic dignity of women.

Each step of the way, in the culture, in the economy, and in the government, the Reagan administration supports greater control from the top (calling this good management technique), more domination and dominance from the keepers of power while it sings the tune of liberty and individual choice. These tunes have nothing to do with the consequences of the policies they adopt or the political behavior which they justify, whether it is the fundamentalist destruction of the land asserted in the name of economic development and exploitation by Secretary of Interior Watt or the relentless arms buildup spearheaded by Secretary of Defense Weinberger.

Contrary to the hopes of some conservatives, the Reagan administration's policies will not revert to the policies of Taft or Eisenhower in terms of the size of government. The federal government's size will be increased through the defense department and intelligence agencies. They will define the fundamental character of the federal establishment. The public space will be filled by a government caught in the trap of defense spending as a way of stabilizing the economy. The great corporations in the "private sector" seek their brand of industrial planning without concern for the problem of local communities or the United States. The type of national market Reaganomics engenders may become the policy seedbed for a new mercantilism which controls and rigs markets through privately administered cartels. Under the guise of deregulation, these "voluntary associations" can now act as if they have a franchise from the federal government to set up their private legislative system for the control and shaping of economic policies.

The fundamental questions of war, depression and human dignity go unresolved. And the difficulties of resolution are fueled by a 19th century set of precept which were limited then and are wholly inapplicable now for they do not adequately take into account the corrosive effects of military power. It is in moving from the National Security State to the Human Rights State that the civic virtue of economic and social justice can be made concrete through decisions taken on the basis of public participation. Public virtue comes from participation of citizens who have the ability to deliberate and implement major economic, social and security decisions for a common good.

Realists no doubt will demur. They will say that massive deficits defeat the possibility of providing for even necessary programs because we cannot pay for what we already are committed to. This view is mistaken on two grounds: It changes the legislative purpose of Congress, narrowing its role to that of bookkeeper over past programs and it misses the many remedies which are in fact available to Congress if it is prepared to erase the chalk mark between the public and private sector.

One strong conclusion of the Budget Study group is the reiteration of the obvious: That even an unbalanced budget should not defeat the programs and policies which Congress needs to pursue in the solution of public problems. A sound fiscal reason attaches to this argument. Budget deficits have grown by leaps and bounds as government has fixated on its concern with the budget. It is yet to be demonstrated that the Budget Committee of Congress and the Congressional Budget Office have had any effect in controlling expenditures. On the other hand, they have shifted power away from the legislative committees so that concern with "numerology" is preeminent. Legislative programs or party discipline around a clear alternative are defeated by distorted concern with the budget. It is curious, but perhaps explainable that the present budget process adds to our policy of incoherence. In some ways the budget process becomes the corporate business analogue to interest in "the bottom line", and the result is just as single dimensional.

I would urge that Congress restudy the entire budget and the reconciliation process in order to ascertain how the budget "season" cuts into Congress' primary responsibility; that of developing substantial programmatic legislation. It should be noted that one effect of emphasizing the budget in the way that it has been highlighted is that those who do not have already defined interests to protect, either in the form of tax expenditures, or needs already attended to, are "out of luck". Invariably, this means the poorest members of our citizenry have little or no chance of sharing in the commonwealth or common goods of the society—or in creating that wealth, I might add. Later in this letter I discuss a way that new voices could be heard on the fundamental questions of the budget. Suffice to say that there are ways to turn the budget process into an exercise in rational planning and public participation:

"Amendment of the Congressional Budgeting Act so that advisory choices can be made on individual tax forms. Thus each tax form would include basic areas such as health, defense, etc., in which the person filling out the form could suggest in an advisory way how his taxes would be spent. After several years this system might very well move from an advisory one to a special account system, one in which people would within limits have choices on the use of their tax dollars. Corporations would be expected to pay their taxes according to decisions made by the national community.

"Development of a system of national budgeting which seeks to incorporate state and local budgeting. This would allow us to make a more careful estimate of expenditures and planning programs. In addition, national and international corporations cooperating under the rules of the United States would be required to open their books for planning purposes."

This is one way we could begin to develop a budget around peoples' needs.

According to William Cannon of the University of Chicago, the Reagan approach effectively writes off people who make less than $21,000 a year for a family of four. This group, which we term the A group is designated as a "problem" by the B group, which through its organized interests, connections and lobbies determines what the A group will receive. It is not surprising that a majority of women, blacks, Chicanos and American Indians are in the A group. The A group is condemned to political and economic purgatory for its members have no real voice of their own which can be effectively heard. Phrases and metaphors are thrown at their problems, such as how the "free market independent of government" will solve their economic problems because government will be off their backs. The budgetary process is used to make their voices even more faint and their problems seem farther away.

The very poor are not the only victims. Every day thousands of people who thought they were securely ensconced in the middle class discover that they are without jobs. They have learned how tenuous their hold is economically. They are told that their industry is dying, that there is cheaper, more efficient labor abroad, that the Japanese are better workers, and that American industry has no responsibility for rebuilding local communities which succored many of the corporations that used the land, people and resources without adequate attention to social costs. We wave goodby to these corporations as they pack up and leave the United States. Unions seem to be at a loss to know what to do, and because Congress is caught in the vise of budgeteering and Executive dominance, it has not formulated a comprehensive proposal to rebuild our cities, towns, industry and national culture. We are cursed with extraordinary budget deficits because we have bought weapons, arms strategies and an alliance system which is unrelated to our actual defense needs. We have pursued an international course, costly, mock heroic and imprudent. And government has encouraged the largest corporations and banks to escape their national and community responsibilities. The result is that forty million Americans a year are unemployed for at least three to four months. This means that there is a growing number of people in the A group, unwanted, unorganized, frightened and with no place to turn when faced with the official torrent of private sector market ideology.

Does American society have to accept a two class system? The economically richer class has many stations within it, whereas the poorer class is one class, financially insecure and without hope. While it is possible to rationalize political relationships between members of the B class it is foolish in the extreme to continue to think that the Rockefellers, Scaifes, Mellons, unemployed auto workers and Mississippi tenant farmers are citizens in the same nation. They have neither equal power, access or legislative voice. If we believe in the United States as a democracy we cannot be satisfied with governmental policies which uphold radical class, race and sex differences.●

EXPLANATION OF VOTE

HON. DOUGLAS K. BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 22, 1983

● Mr. BEREUTER. Mr. Speaker, I cast my vote in favor of the Conte amendment to H.R. 3913, but wish to state one important reservation for the RECORD. My votes on this issue have always been cast to deny Federal funding of abortion except to save the life of the mother. Unfortunately, that important exception has been removed from the bill on a point-of-order challenge.

The sponsor of the pending amendment, therefore, has no choice but to offer the amendment in the current fashion which does not permit abortion even to save the life of the mother. I will vote for the amendment only because I accept the statements of the author and my distinguished colleague, Congressman HENRY HYDE, that language providing an important exception to save the life of the mother will be adopted during conference with the Senate.●

A TRIBUTE TO JOHN W. PEPLOE—PUBLIC SERVANT

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 22, 1983

● Mr. RANGEL. Mr. Speaker, it is with a heavy heart today that I call the attention of my colleagues to the death of John W. Peploe, highly respected law officer and chief investigator for the Select Committee on Narcotics Abuse and Control on Sunday, September 11, 1983. I would like to enter into the CONGRESSIONAL RECORD the following remarks I made in honor of Mr. Peploe:

Jack was born in the Long Island city section of New York where he spent his early years before moving with his parents to Glen Cove, Long Island.

At about the time he finished high school in 1940, where he had been a good student and an outstanding football player, he joined the National Guard. Shortly thereafter his unit was federalized as war clouds gathered and he served for over five years, first as a combat infantryman in New Guinea, and subsequently as a military policeman.

Following the war Jack Peploe took two important steps: he married his lovely bride, Eileen; and joined the Nassau County Police Department where he served for the next 15 years in the Patrol, Traffic, Youth and Detective Divisions. Subsequent to that he served as the Chief Investigator for the Nassau County District Attorney's Office.

Jack Peploe's work with the Nassau County Boys Club is legendary. As an outstanding athlete in his youth he was a natural leader, coach, counselor and idol to the young men of the Boys Club. It is not surprising that the all-time great NFL running back Jim Brown, who holds the record for rushing and is a Hall of Fame member, was a Boys Club protege of Jack Peploe.

Jack came to the Select Committee on Narcotics Abuse and Control in April 1977 as the pioneer investigator. In every single investigation and hearing conducted by the Committee since that time he has had a prominent role and made a major contribution to the Committee's success.

Despite a very active and demanding career in law enforcement, Jack Peploe maintained a warm and loving family life with his wife, Eileen, and their lovely daughters, Joan and Judy.

Jack was justifiably proud of the educational achievements of his two girls and the great work they are doing as school teachers. He also took great pride and joy in his two wonderful grandsons and avidly followed their activities, particularly in sports.

At work while we will miss his professional contribution enormously, we will miss far more his good company, his sense of humor, his kindness and thoughtfulness to all his coworkers, his generosity and willingness to help anyone in difficulty, his candor and intellectual honesty, and his fairness and the common decency he extended to all people.

In closing, the greatest tribute we can pay is found in Second Timothy, verses four through seven:

"I have fought a good fight,
"I have finished my course,
"I have kept the faith."

Rest in peace, Jack.●

MONTGOMERY LAUDS QUALITY OF VETERANS ADMINISTRATION MEDICAL RESEARCH

HON. G. V. (SONNY) MONTGOMERY

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 22, 1983

● Mr. MONTGOMERY. Mr. Speaker, "contains the pain reliever that doctors recommend most." That declaration has accompanied more broadcast and print advertisements for purported cure-alls than I can remember, and its only function is to slicken the image of and impress our subconscious attitudes toward a common drug that we have learned to take for granted—aspirin.

Now, thanks to a cooperative study conducted at 12 Veterans' Administration medical centers across the country, it has been determined that aspirin could reduce the risk of heart attack significantly for thousands of men with coronary artery disease. This study, which involved 1,266 men with unstable angina, a condition that seriously increases the risk of heart attack and death, showed that aspirin, with its low cost and low risk, can reduce by as much as 50 percent, the possibility of heart attack.

Dr. James Davis, a hematologist at the Kansas City VA Hospital, said aspirin is known to inhibit an enzyme in the body involved in the process by which blood platelets clump together. Such clumping is thought to be a possible factor in clots and coronary obstruction which can lead to heart attacks. According to Davis: "These facts prompted the original hypothesis that aspirin may be helpful in preventing heart attacks and that's what our study appears to show."

Mr. Speaker, this study is indicative of the quality medical research and development, the excellence of the medical staff, and the advances in health care being made in our Nation's largest hospital network—the VA health-care system.

Made up of 172 medical centers, 92 nursing-home-care units, 16 domiciliaries, and 49 freestanding outpatient clinics, the VA's Department of Medicine and Surgery continues to make breakthroughs in diagnosis, treatment, and understanding of diseases and ailments that affect all mankind.

The VA is making giant strides toward the development and progress of medical research. There are now 5,400 research projects underway in VA medical centers across the country in areas such as cancer, diabetes, chronic heart diseases, chronic pulmonary disease, aging, spinal cord injury, delayed stress, agent orange, and the health of former prisoners of war.

The VA research program has earned recognition for advances in the treatment of mental illness, hypertension, and tuberculosis. In 1977, two VA scientists, Rosalyn S. Yalow and Andrew V. Schally, were awarded the Nobel Prize in medicine for their studies of the endocrine system. In the past fiscal year, VA investigators were recognized with several prestigious awards:

The William S. Middleton Award, which is the highest award given by the VA for achievement in biomedical research, went to Sami I. Said, M.D., Chief, Pulmonary Medicine at the VA medical center Oklahoma City, Oklahoma. Dr. Said has championed the concept that the lung is more than a mechanical bellows by showing that it is a metabolic organ having wide effects on the entire body. Dr. Said also isolated and characterized vasoactive intestinal peptide (VIP). VIP has become the first of several peptides found outside of the nervous system that have direct neurological effects. The discovery and characterization of these peptides has introduced a new dimension in our understanding of the body's mechanisms of neuroregulation.

The Fourth International Geigy Research Prize was shared by David Howell, M.D., a medical investigator from the VA medical center Miami, Florida. This award is given once every four years for research in basic and clinical rheumatology.

The Volvo Award was given to Avinash Patwardhan, Ph. D., a biochemical engineer at the rehabilitation engineering research and development center at the VA medical center Hines, Illinois. This award was given by the Volvo Group of Goteborg, Sweden, for outstanding biomechanical studies on lower back pain.

Robert Morell, M.D., Ph. D., Chief of Neurology Service at the VA medical center Allen Park, Michigan, was named the North American Scholar for Alzheimer's Disease by the Kellogg International Scholarship Program on Health and Aging. The award includes $30,000 to study the care and services provided Alzheimer's patients and to establish an international disciplinary group on the topic.

Craig Kitchens, M.D., a clinical investigator at the VA medical center Gainesville, Florida, received a Fulbright Award from the International Communication Agency. The award will allow Dr. Kitchens to establish a hematology laboratory with special facilities for evaluating blood clotting mechanisms at the National University in Montevideo, Uruguay.

Milton Huppert, Ph. D., a research career scientist at the VA medical center San Antonio, Texas, received the 1982 Rhode Behnam Award. This award is given by the

Medical Mycology Society of the Americas in the highest recognition for sustained achievement and significant contributions to medical mycology.

Frederic Bartter, M.D., Associate Chief of Staff for Research and Development at the VA medical center San Antonio, Texas, received the John Phillips Memorial Award. The award was given by the American College of Physicians for Dr. Bartter's distinguished contributions in the field of hypertension.

The Marie T. Bonazinga Award from the Reticuloendothelial Society was given to John Hibbs, Jr., M.D., Chief of the Infectious Disease Section at the VA medical center Salt Lake City, Utah, for his outstanding and imaginative research.

Cynthia Fowler, Ph. D., and Janet Shanks, Ph. D., from the Audiology Service at the VA medical center Long Beach, California, received research awards from the American Speech-Language-Hearing Foundation. The awards were given for clinically useful contributions to the field of speech/language pathology and audiology.

Joseph Zubin, Ph. D., a research career scientist at the VA medical center Pittsburgh (Highland Drive), Pennsylvania, received the New York Academy of Science Award in the Behavorial Sciences. This award cited Dr. Zubin for his distinguished contributions to psychopathology, particularly to the study of schizophrenia.

The Outstanding Alumnus Award was given to Margaret J. Giannini, M.D., F.A.A.P., Director of Rehabilitation R&D Service at VA's Central Office, by Philadelphia Hahnemann Medical University and Hospital Alumni Association.

In the next year alone, the Veterans' Administration's Department of Medicine and Surgery will spend over $160 million on medical and prosthetic research. The VA has proven itself to be a pioneer in advancing medical knowledge, a knowledge that is shared with the worldwide medical community, thus benefiting not only veterans, but all humanity. It is this knowledge and this quality research that continues to attract high-caliber medical personnel to the VA health-care delivery system.

I would ask my colleagues to join with me in applauding these efforts and in continuing support of this fine medical team. This group of extremely dedicated investigators who, through their affiliation with various medical schools, and through their perseverance and search for answers, are teaching new generations the way to assure for all of us a better quality of life.●

BUSY BUREAUCRATS: SOME U.S. AIDES CONTRADICT IMAGE AND WORK HARD, BUT DERISION, LOW PAY TAKE A TOLL

HON. PATRICIA SCHROEDER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 22, 1983

● Mrs. SCHROEDER. Mr. Speaker, today's Wall Street Journal carried an excellent article about some of our outstanding senior executives in government. For the benefit of those who may have missed it, I will place it in the RECORD at this point.

BUSY BUREAUCRATS: SOME U.S. AIDES CONTRADICT IMAGE AND WORK HARD, BUT DERISION, LOW PAY TAKE A TOLL

(By Jeffrey H. Birnbaum)

WASHINGTON.—Pete Modlin is a hard-driving executive in a city that most people believe doesn't have any.

On a typical Sunday, the wiry White House official drops off his wife at church and goes to work in his office for the rest of the day. "I'm a workaholic by nature," he jokes. "She handles the Lord."

Mr. Modlin is a rarity among bureaucrats, but he isn't alone. He is one of the 6,700 top U.S. administrators who advise political appointees and direct the bureaucracy to carry out their policies. These elite senior executives are as essential to the government as they are unknown to the public. Yet, as bureaucrats, they often are derided by the people they serve and often are underpaid compared with private-sector counterparts. The result is a "brain drain" that some observers fear imperils effective government.

Since 1980, 1,400 top-level federal workers, or 20 percent of the senior executive force, have left government. "The senior people say they are just sick and tired of hearing that the civil servant is a worthless person," says Blair Childs, vice president of the Senior Executive Association, which represents high-level federal workers. Adds Frank Carlucci, a former defense official who now heads a division of Sears, Roebuck & Co.: "We are starting to see a real crisis of talent in the federal government."

SOME TURKEYS

Indeed, some bureaucrats are the pampered goof-offs and bunglers of popular repute. Almost by definition, bureaucracy is slow-moving, resistant to innovation and susceptible to error. Even union officials acknowledge that at least some of the 2.8 million civilian employees don't work very hard or very well, and even the disgracefully inept are difficult to fire. An extreme example of foul-ups surfaced recently when the Defense Department disclosed purchasing blunders, including payment of $1,118.26 for a 25-cent plastic cap for a stool leg and of $110 for a four-cent diode that the Navy already had in stock.

The public expects such slip-ups. Polls consistently show that two-thirds of Americans consider civil servants lazy and inefficient. For decades, U.S. presidents have groused about bureaucratic shortcomings, and both Jimmy Carter and Ronald Reagan campaigned specifically against bureaucracy. Once in office, both quickly angered career employees. Mr. Carter tried to make federal workers pay for parking spaces. Reagan officials have proposed to scale back federal pensions and to base pay raises on merit rather than seniority—a move opposed by unions as a back-door way to politicize the civil service.

Such moves are "a clear signal that civil servants are not only no good, but are to blame for the government's problems," says Murray Comarow, an American University professor and former civil servant. Because morale has suffered, "federal workers are becoming the kind of employees (recent administrations) said they were," charges John Sturdivant, an officer of the American Federation of Government Employees, the largest federal workers' union.

CHANGE IN TUNE

Lately, the Reagan people have changed their tune, especially about senior bureaucrats. Administration aides now say top career officials are undercompensated at the maximum base salary of $67,200 a year, and they fret about losing the best among them to higher-paying corporations. At the top levels, acknowledges Donald Devine, the government's chief personnel officer, "there is a very severe problem."

Here are three little-known bureaucrats who labor for more than money and help to make government work:

THE BUDGETEER

Carey P. "Pete" Modlin is the unofficial "Mr. Budget" of the federal bureaucracy. As assistant director for budget review in the White House budget office, he manages a staff of 85 that keeps track of the $848 billion federal budget. He earns $65,500 a year.

"I don't know that people who stay in public service do it for money," he says peering through heavy, black-frame glasses. Compensation for a job such as his, he says, is largely "psychic income" because of its "ringside seat" to power.

But the general defamation of bureaucrats is a constant irritant. "It doesn't give us a great deal of joy to hear the criticisms, I assure you," Mr. Modlin says. "Bureaucrats are a convenient whipping boy."

One Reagan appointee who doesn't criticize Mr. Modlin's efforts is his boss, Budget Director David Stockman. "Pete," Mr. Stockman says, "is an exemplar of the skill, diligence and institutional memory among those top civil servants who insure that government survives the appointed politicians and experimenters who come and go." In fact, no one doubts the budgetary expertise of the 61-year-old Mr. Modlin, who has worked 30 years in the budget office and still finds his job "exciting."

As the top career man in the budget office, Mr. Modlin coordinates the writing of the president's huge annual budget proposal. His staff also follows the 13 appropriations bills through Congress and monitors for senior White House aides how each bill compares with the President's requests. To keep pace, Mr. Modlin has honed his ability to find budget numbers and explain budget concepts fast.

Mr. Modlin is at it for more than 12 hours almost every weekday, plus several more hours on weekends. One evening, he gets a call at 7:30 p.m. from Mr. Stockman, whose office is two doors down the hall in the Old Executive Office Building. A congressional panel has passed an appropriations bill threatening to raise personnel costs, and Mr. Stockman needs a letter complaining about the ways it "busts" the President's budget. Mr. Modlin glances out his window to an office building across the street, sees no lights burning and knows his staff has gone home. He writes until 10 p.m. and has the draft ready for a 7:30 a.m. staff meeting the next day.

"You can't worry about family or making dates for a concert," says Samuel Cohn, who held the job a decade ago and now is a Washington consultant. And Mr. Modlin says that generally he doesn't worry about mounting budget deficits or even his own paycheck. "I worry about things," he says, "I can do something about."

THE UTILITY MAN

"My father was a rural mail carrier, and he advised me not to go into the federal government," J. Dawson Ahalt recalls. But

after a brief stint selecting gas-station locations for a major oil company, he rejected his father's advice.

"There are some better opportunities outside of government," he says, "but the responsibility inside is hard to match." He joined the Agriculture Department as a junior analyst in 1962 and now, at 47, is its highest-ranking career executive.

Mr. Ahalt is a deputy assistant secretary, a position usually reserved for political appointees. That fact chafes some Reaganites, but he got the job on merit. A crack agricultural economist, he has long helped formulate and analyze the dizzying array of farm subsidies. But he also understands Washington's diverse agribusiness interests.

"Someone like Dawson is vitally important. He's highly respected on the Hill and among his peers in the department," says Agriculture Secretary John Block. Adds Don Paarlberg, a Purdue University professor and a former department economist: "Dawson proves that even in this somewhat homogenized society, the cream still rises to the top."

Mr. Ahalt's job defies the organization charts. His responsibilities range from monitoring global weather for crop forecasts to consoling disappointed favor-seekers. One day, he advises a visitor from another agency on how to maneuver in the department labyrinth. "A lot of people have been telling me to come over and visit with Dawson Ahalt," explains Kalo Heineman, a member of the Commodity Futures Trading Commission hunting for a department official who would join a CFTC advisory panel. "You think about" possible candidates, Mr. Heineman tells him, "and don't eliminate yourself." Soon afterward, Mr. Ahalt is appointed.

Mr. Ahalt's abilities have made him useful all over the government. In 1971, he helped direct President Nixon's wage-price freeze—a dubious task for a free-marketer. He was promoted despite his persistent warnings about tampering with farm prices. "Dawson always proceeds with an analysis that is sound, straightforward and honest," says Marvin Kosters, then a boss of Mr. Ahalt's and now working at a Washington think tank. "But when decisions are made, Dawson carries them out, and in that respect he is an ideal civil servant."

Lured back to the Agriculture Department in 1973, Mr. Ahalt soon helped guide policy through a drought while the Russians were quietly emptying already-depleted U.S. granaries. Later, he performed the delicate bureaucratic feat of coordinating the department's far-flung crop forecasters for the first time. His latest assignments have included gearing up the new payment-in-kind program and helping to track the latest drought, which is profoundly affecting farm policy and politics.

All this is done with characteristic modesty and humor. "He plays the professional rural boy," says Arnold Weber, a price-freeze official who now heads the University of Colorado, "but obviously he is much more than that." That something more includes a subtle savvy; Mr. Ahalt, for example, keeps running gear in his office in case Secretary Block, a marathon runner, needs a jogging partner at lunch-time.

Over the years, Mr. Ahalt has had opportunities to leave government; recently, he turned down a chance to double his salary as a lobbyist. Nonetheless, he concedes, "I do find the private sector interesting." He says he resents seeing his own commodity analysts jump to private industry for salaries matching his own $65,500 a year. "I feel that we are underpaid," he says, "but I'm not ignorant of the fact that the guy on the street doesn't agree with me."

THE TOUGH BOSS

George Jaszi isn't politically astute and doesn't want to be. He is the iron-willed administrator who keeps politically sensitive statistics such as the gross national product and the leading indicators free of partisan influence. Although his shop recently has been troubled by still-baffling leaks of important indexes, its independence isn't disputed. "Nobody has dared to touch us even in the worst of time," he says.

"Jaszi is one of those rare public servants whose integrity has never been questioned by presidents or their underlings," confirms Alan Greenspan, a former chairman of the Council of Economic Advisers. "No one has ever questioned the accuracy or objectivity of his analysis."

Mr. Jaszi, 68, has directed the Commerce Department's Bureau of Economic Analysis for 20 years. The immigrant son of a Hungarian politician, he is a perfectionist who rules over his division's 250 professionals with occasional fury. "He's an enormously brilliant man with an enormous ego," a former colleague says. "When George gets angry, you feel like Zeus is hurling thunderbolts."

A zealot about precise writing. Mr. Jaszi is a demanding editor of articles appearing in his bureau's respected journal, the Survey of Current Business. "Getting something past George is just torture—pain, pain, pain," declares John Cremeans, who now works elsewhere in the department because he says he couldn't take Mr. Jaszi's editing.

Mr. Jaszi doesn't apologize for his toughness. "Occasionally, I've been dictatorial," he concedes. "I have somewhat of an obsession. I like to clarify things."

Outside government, he believes, he wouldn't have those luxuries. He says that business economists "don't have time" to "think things through" and that academic economists "become very unrealistic." Besides, he adds, "I enjoy my job because it helps decision-making." But he worries that the bureau's low pay is impairing its role as a training ground for economists. "I think it deters good people from coming into government," he says, "and encourages good people to leave."●

REGARDING THE ROCKY RIVER WASTEWATER TREATMENT PLANT

HON. EDWARD F. FEIGHAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 22, 1983

● Mr. FEIGHAN. Mr. Speaker, today I am introducing legislation to provide that the Rocky River Wastewater Treatment Plant in Rocky River, Ohio, shall be eligible for reimbursement under section 206(a) of the Federal Water Pollution Control Act.

For more than 10 years, the residents of Rocky River, Bay Village, Westlake, and Fairview Park, Ohio, have been attempting to recoup $2.6 million invested in building the Rocky River Wastewater Treatment Plant. The U.S. Environmental Protection Agency (USEPA) urged these communities to build the plant with an experimental technology that did not work. Ever since, the USEPA has been denying those communities the right to apply for additional funds to help them pay the costs of the original plant.

The legislation I have proposed will amend the Water Pollution Control Act to specify that the Rocky River plant is eligible for reimbursement of up to 50 percent of its cost. Additional legislation will seek an appropriation of $2.6 million to actually make the payment to the communities.

Mr. Speaker, this morning I testified before the Water Resources Subcommittee in support of this effort. Joining me was Hon. Earl Martin, mayor of Rocky River, Ohio, and chairman of the Rocky River Wastewater Treatment Plant mangement board, which includes the four communities affected by this project.

Shortly, I will be seeking support for my legislation from other Members of the Ohio delegation.

I want to extend my thanks and appreciation to Mayor Martin for his testimony before this same subcommittee. His comments only reinforced the frustrating experiences that the residents of these communities have encountered while seeking reimbursement from the USEPA; a USEPA that has been insensitive to the concerns and needs of the residents of these four communities as they have attempted to resolve this issue through discussions and negotiations.

My review of the issues involved in this project, leave no doubt in my mind that Congress did not intend to preclude the Rocky River project from being eligible for reimbursement.

Mr. Speaker, I want to thank Congressman ROE and the other members of the subcommittee for allowing Mayor Martin and I to present our testimony before their subcommittee. I am certain the residents of these communities will welcome a quick resolution of this issue.

Thank you.

H.R. 3965

A bill to provide that the Rocky River Wastewater Treatment Plant in Rocky River, Ohio, shall be eligible for reimbursement under section 206(a) of the Federal Water Pollution Control Act

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That notwithstanding any other provision of law, the Rocky River Wastewater Treatment Plant in Rocky River, Ohio, shall be eligible for reimbursement under section 206(a) of the Federal Water Pollution Control Act.●

ENCOUNTERS WITH THE JEWS OF SILENCE

HON. PETER H. KOSTMAYER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 22, 1983

● Mr. KOSTMAYER. Mr. Speaker, this past weekend, Rabbi Jeffrey Salkin of Temple Judea in Doylestown, Pa., discussed with his congregation at Yom Kippur services the plight of Soviet Jewry in very vivid terms. Rabbi Salkin's message serves as a reminder to us that we must continue to do all we can to help Soviet Jews pursue their dream of religious freedom.

The text follows:

ENCOUNTERS WITH THE JEWS OF SILENCE

(Sermon delivered by Rabbi Jeffrey K. Salkin)

Why did I choose to go to the Soviet Union this past June? What draws an American Jew and a rabbi to Russia?

I believe that I went to the Soviet Union as a partial atonement for the sin of having heard the cries of my brothers and sisters, but having done little to respond to their cries. I had been burnt-out on the topic of Soviet Jewry. Indeed, I had signed the petitions and attended the rallies and the parades that plead for the release of our fettered people who languish in the prison that is the Soviet Union. But that was all. For me, it remained a distant concern—one more episode of persecution to fit into the web of Jewish history.

Until this trip to the Soviet Union, I was a vicarious spectator to their turmoil. Truly, there is nothing like real experience to help us understand the situation as it exists, to help us visualize what Russian Jews go through every day of their lives.

That is why I went into the trenches of Jewish identity. For that is what the Soviet Union is. It is the home of what may be the bravest Jews in the world. It is where the spiritual blood of Jewry is both shed—and replenished all the time.

And it is only there that one can learn the true depth of the situation. Since my return I have been asked by many people: "Is it really as bad as they say it is for Soviet Jews?" The question is well-meaning. It is being asked by Jews who are probably as bored as I used to be of the whole issue.

I must tell you that the answer to that question is: Yes. Yes, the situation is as bad as they say. It is worse than they say. And there was not a single Jew with whom I spoke—and we met with perhaps thirty refuseniks in a variety of settings—who did not emphasize their dark fear that the situation is going to continue getting more desparate. For these Jews who so desperately want to leave the Soviet Union, the term "Iron Curtain" is too benign. The Curtain has bars. The gates are virtually shut tight.

In recent weeks, the world has been given a new and bloodly lesson on the Russian national character. The impunity, arrogance, and cynical disregard for humanity with which they shot down Flight 007 is reflected in every aspect of the Soviet system. And I say this not as a screaming right-winger, but as a man with almost impeccable liberal credentials and concern for human rights.

From the moment that one enters the Soviet Union, it is abundantly clear that this is a nation whose principle industry is the repression of the human spirit. In the words of our prayerbook, it is "the kingdom of arrogance." It is Egypt and Amalek wrapped into one.

It is written in the faces of the customs officials, most of them still in their teens, who eye each person as they enter the Soviet state. They stare at you, then at your passport picture, then at the picture on your visa, then back at you. In their eyes is written large the traditional Russian response to the world, a response as old as the first Czars: a pathological hatred and fear of foreigners.

It is written in the inability to speak openly about one's religion, or life-work, about the synagogue, about Israel, about any of the institutions that give us joy and strength. Every Jewish reference must be spoken about through the veil of euphemism. The hotel rooms are bugged. The telephones are bugged. One must be careful of who may be listening on the street. In every home, a child's Magic Slate plays a central role in basic communication. Any notes that are taken on what one sees must be coded and then flushed down the toilet, wrapped in absorbent American toilet paper that has been brought from the United States for just that purpose.

It is written in the eyes of the people on the street, the people who ride the excellent subways of Moscow and Leningrad—perhaps the most efficient and most aesthetic system in the world. The eyes betray no joy. They rather betray a blandness of existence—one might even say a boredom with the world. The only sparkling smiles are in the omnipresent posters that paper the buildings of the cities, those posters that trumpet the traditional values of Soviet society. But those values are only found in posters. The Russian people have grown cynical of the dream. They covet the accoutrements of the West. They want to buy my jeans right off my body. Lenin's image is everywhere, but one senses that for most Russians, it is an empty presence.

And the Jews? What can we say about this, the third largest Jewish community in the world?

To look in their eyes is to see fatigue, but despair has not snuffed out all the sparks of hope. It has not negated the phenomenal strength and determination of this people—and their accomplishments.

Those accomplishments exist, despite the fact that even the most basic piece of Judaica—the child's coloring book, anything with a Jewish symbol on it—can be an item frought with danger. For Judaica is basically illegal in the Soviet Union. The most innocuous printed matter is a "criminal text." We were told that the Leningrad library alone contains hundreds of thousands of Jewish texts. But Jews are denied access to them. They are considered Zionist propaganda. The only people who are allowed to read them are the agents of the State.

Let me speak of the faith of the Russian Jews—a faith that persists in the face of the most overwhelming odds in the world today.

Their faith begins with the state of Israel. For obvious reasons, it is an absolute obsession. To meet the Russian Jews is to truly understand Zionism for the first time. Theirs is a pure Zionism, one that Herzl would have understood.

We met with Nelly of Leningrad. She is a young grandmother who has never seen her grandson, because he lives in Israel. She has an aged father who lives in the Negev, and she despairs over whether she will ever see him again. We asked her what her original reason for going to Israel was. She told us: "We have a home now. Why should we live among strangers?"

The love of the land is part of the lives of the children, even when they are too young to understand it. We visited with the family of Boris E. and we took great delight in his three year old son Eliahu. Boris's living room is typically decorated with momentos and pictures and maps of Israel. He tells his son, "Go find Jerusalem," and the child makes a beeline for the map and points to the exact place of the Holy City. They flipped through the pages of a book, and the child was able to point out the pictures of Begin and Sharon.

We might call such things indoctrination, perhaps even brainwashing, but it demonstrates beyond a doubt that the truly successful Jewish education begins in, and is nourished, by the home.

You must experience their love of the language. It is uncanny. If ever a language could be idolized, that is what they have done with Hebrew.

Nellie told us the story of a woman named Leah. Thirty years ago, no one knew Hebrew in the Soviet Union. Leah was sick in bed, and with nothing else to do, listened to the Hebrew broadcasts on the short-wave radio. From this she learned Hebrew, and ultimately, taught every one else. She was imprisoned for her pedagogy, and when together we visited the old Jewish cemetery in Leningrad, Nellie took us to visit her grave, which is adorned with her striking photograph.

The care, love, and creativity that goes into both the teaching and learning of Hebrew is astronomical, and mastering the language is the goal of every refusenik that we met. And they do this without formally trained or professionally paid teachers. If ever a sense of hevra, sacred community existed anywhere, it exists among the Russian Jews, who learn from each other and with each other.

There was the night that we studied with the teachers circle in Leningrad—a group of highly intelligent people in their twenties and thirties, most of them ex-computer technicians and scientists who are now forced to work as janitors and street cleaners, I was seized by the fact that we were studying in secret. The Leningrad group had been accused by the authorities of being a front for the Shin Bet, the Israeli secret service. I thought to myself, "How many generations of Jews have had to study in secret? The Jews of the Roman oppression—the Marranos—the Jews of the Warsaw Ghetto—and now us. Our ancestors sat and studied with us, as willing participants.

That night, we embraced our new friends. With tears in our eyes, we vowed never to forget them, never to forget their struggle, never to forget these, some of the most heroic Jews in the world.●

INSIDE AFGHANISTAN: WAR OF INNOCENTS

HON. BOB McEWEN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 22, 1983

● Mr. McEWEN. Mr. Speaker, an article in the September 21, 1983, edition

of the Wall Street Journal contains an article which describes conditions in Soviet-occupied Afghanistan.

I commend the article to the attention of my colleagues.

INSIDE AFGHANISTAN: WAR OF INNOCENTS

(By Ludmillia Thorne)

Three weeks ago, as I entered a secret mujahedeen training camp run by the national Islamic Front of Afghanistan. I was startled to see a Soveit helicopter and MiG precariously hovering in an azure sky, between two craggy mountains. But unlike real Soviet military craft, which usually strike fear into the hearts of the Afghan people, these two were harmless cardboard replicas being moved on pulleys.

Young mujahedeen in gray tunics and green cotton belts were firing away at the make-believe enemy aircraft with captured Soviet Dashaka machine guns and Kalashnikov rifles. It was a part of their daily routine, along with running through bonfires and sliding under barbed wire.

Their commander, Brigadier Rahmatullah Safi, an energetic, pipe-smoking man of 53, was obviously pleased with the performance of his youthful charges. "I'm trying to professionalize the jihad," he told me, using the traditional term to refer to the holy war that is now being waged against the Soviet Union. "But I don't even have good binoculars or any walkie-talkies," he remarked. I remembered that in the U.S. children use walkie-talkies as toys, but this man, who is waging a deadly battle against the U.S.S.R., has none.

ASHAMED TO BE AMERICAN

Later, when I spoke with other mujahedeen commanders and soldiers who had just come from battle, I learned that Afghan resistance fighters lack such other common items as boots, clothes, personal first-aid kits, tents, antibiotics and mine detectors, not to mention surface-to-air missiles. In order to clear a mine field, the mujahedeen send herds of sheep through the deadly area, an inhumane and expensive way of carrying out a simple military operation. And three mujahedeen fighters sometimes must share one pair of boots. "Why doesn't your government help us more? I often was asked. "We don't need American men to fight our war. Just give us weapons and provisions." There was nothing I could say, but I was ashamed to be an American.

At the mujahedeen boot camp, I noticed one trainee going through his paces with particular zest and almost childlike joy. I came up to him and saw that he was indeed barely 15 years old, with peach fuzz on his gentle young face. He name was Mohammad. But whenever I saw him the next few days, I called him "mujahedeen baby," to which he responded with a boyish giggle. It was frightening to think that in a few weeks he, too, may be sent off with a Kalashnikov rifle to face the heavily equipped Soviet military machine.

It was still more frightening to see Afghan boys who were even younger than Mohammad but who already had fallen victim to the Kremlin's barbaric war. Eight-year-old Najib Khan picked up what he thought was a small green bird, but it was a Soviet-boobytrapped toy that within seconds tore off both of his arms just below the elbow. Minagol, age nine, stepped on a similar "butterfly" boobytrap and lost his right foot. Such toy explosives, dropped over populated areas by Soviet aircraft, aim to terrorize the Afghan people by attacking the most innocent, the children.

A few days after my last meeting with Mohammad, I met another young man, whose similarly youthful face was of a lighter color. He was Kolya, a blond, blue-eyed Russian boy of 19 who deserted from the Soviet army in Kabul a little more than two months ago and was now with the mujahedeen.

"I didn't want to be a part of this dirty war in Afghanistan," he told me. "None of the Soviet soldiers wants to be here ... the Soviet Union should pull out its forces, because innocent people are dying on both sides." These were words I had heard again and again, as I spoke with more than a dozen Soviet POWs in various parts of Afghanistan during my visits there last February and again this month.

Prior to being sent to Afghanistan, Soviet soldiers are usually told they will be defending the Soviet Union's southern border against Pakistani, Chinese, Iranian or American mercenaries. "But one or two months after I arrived in Afghanistan I realized that I was deceived," explained Grisha Suleymanov, a 20-year-old sergeant from Dagestan. "We didn't see any Chinese or Americans."

"Soviet officers come here for the money," said Kolya, who was a private. "Instead of receiving their usual 250 rubles per month, in Afghanistan they earn 700 or 800 rubles, while we receive only nine. And each year that a Soviet officer serves in Afghanistan is counted as three years."

Practically all of the Soviet soldiers I spoke to described how they were often beaten and humiliated by their upperclassmen and sergeants "for nothing." "You're constantly on the run, polishing their boots, making their beds, getting their food, doing their laundry, and then they start punching you," said Kolya. Sanya, another 19-year-old deserter who was sitting a few feet away, pointed to his lip, which bore fresh stitch marks. "They hit me so hard that my lip had to be sewn up," he said.

Caught in the hopeless situation of being personally abused by their own officers, having to carry out a brutal war against a largely defenseless population, and facing the possibility of being killed if they are taken prisoner by the mujahedeen, "many Soviet soldiers hang themselves, not only in Kabul, but all across Afghanistan," Kolya told me.

The Afghan resistance has been making increasing efforts to take live prisoners whenever possible, and to accept deserters like Grisha, Kolya and Sanya. But holding them is a difficult task for the mujahedeen. Not only must they share their limited rations with their Soviet captives, but they also must constantly conceal them from the Soviet command by shuttling them back and forth. Whenever the Soviets find where their POWs are held they try to bomb the area (in itself a rather revealing indicator of the Soviet government's attitude toward its own people).

Because Pakistan feels threatened by its huge Soviet neighbor to the north, it is opposed to having Soviet soldiers on its territory. Thus, the problem of finding a safe haven for Soviet POWs has remained mainly unsolved. "You arrange for a place where we can keep Soviet soldiers," one Afghan leader told me, "and we will get you a whole brigade."

Eight of the soldiers with whom I have spoken want asylum in some Western country, most often the U.S. Two soldiers said that "under no circumstances do we want to be repatriated to the U.S.S.R. via the Red Cross because in the Soviet Union we will be shot." Two others wrote personal letters to President Reagan, asking him to take a "human" interest in their fate and to give them asylum in the U.S. "I want to live in America as a free person," wrote one of them at the end of his note. Two soldiers indicated a preference for West Germany, and I know of other defectors who have asked for asylum in France.

But not all Soviet POWs want asylum. Matvey Basayev, 19, a Russian by nationality, and Mikhail Aratunian, 24, an Armenian, have converted to Islam and want to remain with the Jamiat mujahedeen party. Three soldiers want to go home, even though they know that prison or very possibly death await them there. Sgt. Alexander Zhurakovsky, who defected more than a year ago, is homesick and despondent. "I was born in the Ukraine and I want to die there," he told me.

Soviet soldiers in Afghanistan have learned that they can boost their low morale by smoking hashish, which they get from the Afghan population by bartering their clothes, ammunition, all kinds of spare parts, batteries, metal pipes and much else. "Hash helps getting over the depression," I was told. "And it's not so frightening to die, when you're high." One soldier estimated that 90 percent of the Soviet forces in Afghanistan smoke hashish, and about 40 percent use opium. "Soldiers aren't even punished anymore for smoking hash ... the Soviet command has realized that it's useless even to try." There are indications that the Afghan population is making a concerted effort to keep the Soviet army doped up.

Western experts have suggested that 8,000 to 15,000 Soviet soldiers have been killed in Afghanistan during the 3½-year conflict, but these figures probably are too low. The mujahedeen estimate that anywhere from 20,000 to 50,000 have been killed. Sasha, 21, who deserted in July of this year, told me that he couldn't speak about all of Afghanistan, but that just during the past year that he was stationed near Kandahar, 3,000 Soviet soldiers were killed and about three times as many were wounded. "Furthermore," he said, "about one-third of those who died were killed by the Soviet Union's own planes and helicopters. Very often when a Soviet unit finds a group of mujahedeen, it informs its command of their location and asks for artillery and air cover. And when it comes—pow!—they give it to their own men in the area."

Bodies of soldiers killed in Afghanistan are delivered to parents in the Soviet Union in sealed zinc coffins. If the face is not mutilated, a slit is left in the coffin so the family may see the face. Matvey Basayev, who was assigned to the Kabul airport, said the morgue in his battalion was "never empty. It was busy day and night."

MORAL COURAGE TO DEFECT

Many Soviet deserters expressed their revulsion with the behavior of some of their officers and fellow soldiers in Afghanistan. In the words of Sasha and a fellow soldier, "Soviet soldiers often go on 'combing out' operations not to fight, but to steal from the Afghan people. They go to get themselves some 'presents,' as they like to call it." The two soldiers described with particular abhorrence the conduct of their former company commander. "He used to bring 13- and 14-year-old Afghan boys to our post and ask one of the soldiers in the company to stab them with a knife. When the soldier refused, [he] would pierce the boys' throats in

front of everybody." The commander is said to be back in civilian life in Moscow.

Soviet soldiers who have had the moral courage to defect from the Soviet army in Afghanistan want to tell their stories in the U.S. and in Western Europe. "Ludmilla, don't leave. Take me back with you to America," screamed Sergei Meshcheryakov, as I was about to leave a guerrilla stronghold near Allah Jirga. What could I say? But an important question remains: Will Western countries demonstrate as much moral courage by giving asylum to these men, or will they defer, so as to not dare antagonize the Soviet bear?●

CONGRESSIONAL SALUTE TO THE VETERANS AND LADIES AUXILIARY OF BENDA-ROEHRICH POST NO. 2867, VFW, GARFIELD, N.J., IN COMMEMORATION OF THEIR 50TH ANNIVERSARY CELEBRATION

HON. ROBERT A. ROE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 22, 1983

● Mr. ROE. Mr. Speaker, on Saturday, October 1, the residents of the city of Garfield, my congressional district and State of New Jersey will assemble to commemorate the 50th anniversary of the founding of Benda-Roehrich Post No. 2867 of the Veterans of Foreign Wars of the United States, Garfield, N.J. I know that you and our colleagues here in the Congress will want to join with me in extending our warmest greetings and felicitations to the Honorable James C. Valenti, commander of the post; Hon. Irene Berczuk, president of the ladies auxiliary; Hon. Joseph Taormino, chairman of the 50th anniversary committee; and other officers and members of Benda-Roehrich Post No. 2867 upon this most historic anniversary observance.

Mr. Speaker, at the outset may I commend to you the esteemed officers and members of Benda-Roehrich Post No. 2867, VFW who throughout the past half century have served their membership and the people of our community with their leadership endeavors in veterans affairs—always giving willingly and unselfishly of their time in seeking justice and equity for all of our people.

For their foresight and herculean efforts in the founding of this distinguished organization of veterans we salute the charter members of Benda-Roehrich Post No. 2867, VFW and the ladies auxiliary, as follows:

POST CHAPTER MEMBERS

The Honorable: Wendell Adler, August Becker, Charles C. Becker, William Bell, Joseph Bruno, Felice Caliendo, Paul Cardiello, Santore Casiello, Sal Cangelosi, Charles Ciolino, Carmel Citrangolo, Angelo Cotroneo, John DiSiena, Peter Elasick, and Stephen Elasick.

Steve Ference, Nicholas Fusco, Frank Garippo, Andrew Gladic, Michael Horick, John Hutnyan, Michael Koshlap, Louis Kozlowsky, Joseph Leroy, Joseph Lesnick, Jr., Carmelo Locascio, Frank Lupino, Steve Macho, John M. Merbler, and John Maydek.

Thomas Myers, Pete Monico, Guiseppo Natuzzi, Walter C. Nebiker, Werner Nebiker, Albert Nicolo, Ernest Pucklitsch, Tony Restuccia, Dominic Ricotto, Salvatore Riggi, Nick Schillaci, Guiseppi Spalluto, John Tonan, Peter Tucker, John Trebek, Ciro Vitale, John Yuhas, Anthony Zole, and John Zvwatsky.

AUXILIARY CHARTER MEMBERS

The Honorable: Anna Adler, Frances Becker, Hattie Becker, Rose Cardiello, Anna Cotroneo, Rose Caliendo, Angelina DeSiene, Marie Hutnyan, Rose Ice Roy, and Ann Icesnik.

Ellen Macho, Edna Meyers, Olga Mitchell, Emma Mushinsky, Mary Pastor, Emily Sartor, Anna Shamberger, Bertha Shamberger, Anna Sullivan, and Irene Trebek.

For their exemplary service to our country and quality of leadership as commanders of the post and presidents of the ladies auxiliary, we salute:

PAST COMMANDERS

The Honorable:
*Joseph Lesnik, Jr., (1933).
*Peter Tucker, (1934).
*John Tonan, (1935).
*Wendell Adler, (1936).
**Charles Geisert, (1937).
*Michael Le Bach, (1938).
*Michael Koshlap, (1939).
*Paul Cardiello, (1940).
Frank Garippa, (1941).
*John Labash, (1942).
Frank Garippa, (1943).
*Charles N. Ciolino, (1944).
*Charles N. Ciolino, (1945).
*Philip D'Amico, (1946).
Anthony Calderone, (1947).
John T. Curtin, (1948).
Daniel Rangold, (1949).
*Charles Zafonte, (1950).
John L. Devine, (1951).
John Stack, Jr. (1952).
*John Sisko, (1953).
Joseph Stack, (1954).
August Fragasse, (1955).
Peter Russell, (1956).
Joseph Toth, (1957).
Rudolph Amtman, (1958).
Joseph Taormino, (1959).
Anthony Andreano, (1960).
Albert Andreano, (1961).
Joseph Erdos, (1962).
John J. Buglino, (1963).
Stephen J. Miranda, (1964).
Sam Tenner, (1965).
Joseph Toth, (1966).
Salvatore J. Ricciardi, (1967).
James W. Brown, (1968).
Leonard Fagone, (1969).
James C. Valenti, (1970).
*Michael Smalz, (1971).
Lionel Bonin, (1972).
Sam Tenner, (1973).
John Ciano, (1974).
Stephen Kovach, (1975).
**Michael Smalz, (1976).
Alex Juchniewicz, (1976).
Patrick Szczypien, (1977).
Michael Pollack, (1978).
John Polcari, (1979).
**Joseph Mahady, (1980).
Angelo Camardo, (1980).
Richard Farkas, (1981).
Wendell Vega, (1982).
James C. Valenti, (1983).

*Deceased.
**Deceased—Died while in office.

Note: Honorable Salvatore J. Ricciardi (1967) awarded "All American" Post Commanders honors from National Headquarters, Kansas, City, Missouri.

The Post had three past Post Commanders who also served as Bergen County Commanders and District 2 Commanders. They are Honorable Philip D'Amico (deceased), Honorable Joseph Taormino and Honorable John J. Buglino. Joseph Taormino and John Buglino both received "All American District Commanders" honors from National Headquarters, Kansas City, Missouri for outstanding accomplishments.

PAST PRESIDENTS LADIES AUXILIARY

The Honorable:
*Bertha Bullis (1934).
*Bertha Bullis (1935).
Anna Adler (1936).
*Bertha Bullis (1937).
*Marie Pucklitsch (1938).
Josephine Galus (1939).
*Anna Sullivan (1940).
*Anna Boetticher (1941).
*Matilda Garippa (1942).
*Anna Merrihew (1943).
*Frances Becker (1944).
*Frances Becker (1945).
Mildred Sullivan (1946).
Hattie Becker (1947).
Ann Fillipelli (1948).
*Emilie Sartor (1949).
Helen Pawlikowski (1950).
Louise Rangold (1951).
Natalie D'Amico (1952).
Muriel Stack (1953).
Louise Stack (1954).
Isabell Fragasse (1955).
Constance Hamm (1956).
Irene Reim (1957).
Rose Amtman (1958).
Rose Andreano (1959).
Alma Camolilla (1960).
Phyliss Silvestri (1961).
Ann Vaccaro (1962).
Pearl Buglino (1963).
Rose Miranda (1964).
Ann Slivka (1965).
Frances Toth (1966).
Ada Buglino (1967).
Trina Coburn (1968).
Terry Moran (1969).
Martha Brown (1970).
Theresa Christovich (1971).
Rosalie Rudawski (1972).
Ada Buglino (1973).
Olga Dzierzawic (1974).
Marion Yacyniak (1975).
Marion Yacyniak (1976).
Margaret Sowa (1977).
Olga Dzierzawic (1978).
Phyllis Camardo (1979).
Eleanor Farkas (1980).
Rose Tedesco (1981).
Olga Dzierzawic (1982).
Irene Berczuk (1983).

*Deceased.

Note: Two Past Presidents also served as Bergen County Council and District 2 Presidents. They are Honorable Rose Miranda and Honorable Pearl Buglino.

The current roster of these exemplary community leaders and highly reputable citizens which comprise the executive committee of Benda-Roehrich Post No. 2867, VFW, Garfield, N.J., is, as follows:

POST OFFICERS (1983–84)

The Honorable:
James C. Valenti, Commander.
Andrew Skurna, Senior. Vice Commander.
Joseph Tedesco, Junior. Vice Commander.
Louis Marzzitelli, Quartermaster.
Richard Farkas, P.C., Adjutant.

Stephen Miranda, P.C., Judge Advocate.
William Polcari, Chaplain.
Joseph Toth, P.C., Officer of the Day.
Sam Tenner, P.C., Service Officer.
Peter Dimum, Guard.

LADIES AUXILIARY OFFICERS (1983-84)

The Honorable:
Irene Berczuk, President.
Frances Valenti, Sr. Vice President.
Mary Szczypien, Jr. Vice President.
Ada Buglino P. P., Treasurer.
Doris Marzzitelli, Chaplain.
Marion Hugle, Secretary.
Virginia Tyburczy, Conductress.
Frances Krayniak, Guard.

Mr. Speaker, the Benda-Roehrich Post No. 2867, VFW, Garfield, N.J., is one of our Nation's most prestigious affiliates of the Veterans of Foreign Wars of the United States. We are all familiar with the outstanding service that the Veterans of Foreign Wars of the United States has provided the people of our Nation in pursuit of their noble goals and objectives. Their formal declaration of principles are summarized, as follows:

To insure the national security through maximum military strength;

To speed the rehabilitation of the Nation's disabled and needy veterans;

To assist the widows and orphans, and the dependents of disabled and needy veterans; and

To promote Americanism through education in patriotism and constructive service to the communities in which we live.

Mr. Speaker, with your permission I would like to insert at this point in our historic journal of Congress a brief profile of the 50 years of history of this highly dedicated organization of Veterans of Foreign Wars in Garfield, N.J., which will be cited during the commemorative program in celebration of this historical occasion. The statement of its history is, as follows:

1933—50 YEARS OF HISTORY—1984

Benda-Roehrich Post No. 2867, Veterans of Foreign Wars of the United States, Garfield, New Jersey received their Charter on October 7, 1933 and was named Benda-Roehrich Post V.F.W. to honor the names of Private Frank Benda and Private John Roehrich who were among the first veterans who died from the City of Garfield during World War I.

There are 49 members listed on the Charter and only a few are still living. The Ladies Auxiliary, formed four months after the Post, has 20 names on their Charter.

The men met originally at 139 Belmont Avenue, then owned by the Foresters of America, and for a time following this they met at the Russian Citizen Club on Cedar Street and Van Winkle Avenue. From there they rented a building on Midland Avenue (now known as Bonito Restaurant) for approximately one year. About two years after their institution they purchased the building on Belmont Avenue from the Foresters of America. The governing officials of the City of Garfield then granted a 99-year lease on the property.

After World War II ended, the Post increased in membership which necessitated expansion of the building and its facilities.

In the Fall of 1972, disaster struck. The Post was completely destroyed by fire. A building committee was immediately formed under the Chairmanship of Sam Tenner who by his efforts and the cooperation of the Mayor and Council, the Post acquired the land on Outwater Lane where the Post now stands. It was in January 1973 when ground was broken for the construction of the new $1.5 million Post Home. The dedication of the building was held 14 months later, on March 31, 1974.

The Post grew in membership to over 1,000 members and has been the third largest in the State of New Jersey for the past ten years. Among their many good works in Garfield, New Jersey during the past half century the Post and Auxiliary have been active in sponsoring the Garfield Cadets, Cub Pack, Boy Scouts, Boys Club, Girls Club, Babe Ruth League Team, Lite-A-Bike program, Voice of Democracy contest, scholarship awards to Garfield High School students and numerous other projects promoting Americanism.

Mr. Speaker, we are all proud of our veterans and today I seek national recognition of Benda-Roehrich Post No. 2867, VFW, Garfield, N.J., not only for their sincerity of purpose and dedication to the noble goals and objectives of their organization of veterans but for their service to our country and all mankind. As members of our armed services they have known the pain and suffering of battle in foreign lands. As members of the VFW they have sought legislative and administrative measures to provide our veterans and their families with the dignity, respect, protection, and security of our country which they so richly deserve.

For their contribution to the quality of life and way of life here in America, we do indeed salute the veterans and ladies auxiliary of Benda-Roehrich Post No. 2867, VFW, Garfield, N.J., upon the celebration of the 50th golden anniversary of their founding.●

EUROPEAN LEADERS SPEAK OUT ON INF

HON. EDWARD J. MARKEY
OF MASSACHUSETTS
IN THE HOUSE OF REPRESENTATIVES

Thursday, September 22, 1983

● Mr. MARKEY. Mr. Speaker, the deployment of 572 Pershing II and ground-launched cruise missiles is scheduled to begin this December. It is a deployment that is creating more problems than solutions.

Public opinion polls show that a majority of Europeans oppose the deployment or favor some type of delay in the deployment. Indeed, it appears that the deployment, which was supposed to demonstrate NATO unity, is in fact tearing NATO apart.

Last week, a number of my colleagues and I held a public forum with a distinguished group of European parliamentarians who are deeply concerned about the planned deployment. Among those testifying at the public forum was Mr. Denis Healey, who was Defense Minister of Great Britian from 1964 to 1970. From 1974 to 1979, Mr. Healey also served as Chancellor of the Exchequer. Presently, he is deputy party leader of the Labour Party and its shadow foreign secretary.

I commend Mr. Healey's enlightening testimony to my colleagues. He makes a number of important points on the political and military impact of the proposed deployment.

The testimony follows:

TESTIMONY BEFORE MEMBERS OF THE U.S. CONGRESS BY HON. DENIS HEALEY MP, DEPUTY LEADER OF THE LABOUR PARTY

The massacre off Sakhalin Island reminds us yet again that the Soviet Union displays a paranoic sensitivity about its security and a ruthless brutality in protecting it.

It has also taught us two other lessons of vital importance in an age of nuclear confrontation: that even the most advanced electronic equipment is not immune from human or mechanical failure, and that even in peacetime neither Russia nor the West can be satisfied with their systems for command, communication and control, still less with their ability to communicate with one another in a crisis.

So reasonable men all over the world have taken comfort in President Reagan's moderate and restrained response to the massacre, and in his determination not to allow it to distract him from the pursuit of agreement with the Soviet Union on the control of nuclear armaments. For, as the Scowcroft Report insists, "arms control can: reduce the risk of war; help limit the spread of nuclear weapons; remove or reduce the risk of misunderstanding of particular events or accidents . . . . and help channel modernization into stabilizing rather than destabilizing paths."

The Scowcroft Report continues: "stability should be the primary objective of both the modernization of our strategic forces and of our control proposals" which it says "should thus be integrated and mutually reinforcing". I believe this is the right approach. It has overwhelming support both in United States and among her European allies. It is the basis of my agrument for a nuclear freeze and the abandonment of plans to deploy Cruise and Pershing II in Europe.

There is rough overall global equivalence in nuclear weapons between the superpowers today. That was the unanimous conclusion of a recent conference organized in Hamburg by Time magazine, and was specifically endorsed there by the three major experts on nuclear defense in the current American administration, Mr. Ikle, Mr. Perle, and Mr. Burt. Nuclear equivalence is of course compatible with substantial differences in the composition of the forces on each side, which reflect differences in geography as well as in technology. For example, America has a big lead in submarine-based missiles and heavy bombers, Russia in land-based missiles. This difference has existed for twenty years, not only world wide but also in the European theatre. I believe that nuclear equivalence has survived in Europe even after the replacement of SS-4 and SS-5 missiles by the SS-20, since the U.S. missile submarines assigned to NATO twenty years ago to offset the Soviet land-based missiles then being introduced have been

greatly improved over the period and will improve still more in the coming years.

At present equivalence is maintained both globally and regionally at levels of destructive power far greater than is justified by any rational military purpose. Both sides have enough weapons to destroy the world ten times over. The usual excuse is that this horrendous superfluity is necessary to permit a flexible response to any level of nuclear attack; but most experts now agree that weakness in command and communication and in targeting policy would make it impossible to control escalation in nuclear war.

The case for reducing the arsenals on both sides to the minimum required for deterrence is overwhelming. This should be our ultimate objective. But by far the most urgent task at present is to freeze the balance at its present level. For unless a freeze can be agreed in the next few months, both sides will embark on new weapons programmes which will rapidly destabilize even the existing balance, and make future arms control more difficult.

The immediate danger lies in two areas. The first is in weapons with high accuracy against hard targets which may appear to be intended for a first strike against an adversary's command and control centres yet are vulnerable to a pre-emptive strike by him. This is the case with the Pershing II. The second is in weapons which cannot be detected with certainty without a degree of on-site inspection which neither side would tolerate. This is the case with the Cruise missile, particularly when deployed on surface ships or submarines. The land-based Cruise in Europe may also be seen as a first-strike weapon since it may often be too vulnerable on-site to survive a first-strike by the other side.

The West is committed to deploy both these weapons over the next twelve months. It is certain that Russia will deploy similar weapons in response, so as to maintain the present equivalence. So the West will gain nothing by its deployment any more than it did by installing MIRV's. However the new balance will be inherently unstable and much less susceptible to arms control. If we take the Scowcroft approach seriously we must stop this deployment now.

Meanwhile the proposal to deploy Cruise and Pershing has engulfed NATO in a growing crisis. It was originally seen by many Europeans, including Chancellor Schmidt, as strengthening the unity of the alliance by making strategic retaliation by the United States more credible. I myself have always taken the opposite view. I believe that their deployment would tend to make the American deterrent less credible; for it is difficult to justify the deployment of these missiles unless you believe that Washington might be more ready to authorize their use than the use of the Poseidon missiles already assigned to SACEUR because there would then be more chance of limiting the nuclear exchange to Europe and maintaining American territory as a nuclear sanctuary.

The idea of a nuclear war limited to European soil has never been appealing to Europeans. The citizens of Southern England and Southwest Germany are no more enthusiastic than the citizens of Utah to provide targets for Soviet attack. So the missile deployment is bound to be resisted and European governments will be compelled to demand a voice in their control and targeting, which Washington cannot concede. A substantial majority of the Germans and British oppose deployment and many conservative MP's may vote against it unless Britain shares physical contact of the missiles. This will impose great and continuing strains on the alliance. Meanwhile there is growing doubt among the experts whether there is any military case for the missiles at all. In Britain, for example, Field-Marshal Lord Carver and Professor Michael Howard believe not. Even Helmut Schmidt is now voicing grave doubts about the wisdom of the original decision. The fact is that the Cruise/Pershing deployment is militarily unnecessary, damaging to the unity of NATO and a major obstacle to arms control.

Indeed the main argument now used for going ahead with the Cruise/Pershing decision is quite different from that orginally used—it is that NATO would give Russia a psychological victory if it now admitted that it made a mistake in December 1979. But NATO has admitted mistakes on similar issues before, and always to its advantage. The most relevant example was the abandonment of the scheme for a Multilateral Nuclear Force in 1964. This was also a proposal for artificial dissemination invented to meet supposed German doubts about the credibility to American deterrence. But at least the MLF could have put those missiles "out to sea, where the real estate is free, and they're miles away from me". I have found no one who now believes NATO suffered by giving up the MLF.

The controversies surrounding the Cruise/Pershing deployment have in any case opened the lid of Pandora's Box. NATO is now being compelled to re-examine many of the issues which it was able to fudge successfully in the days when the wisdom and consistency of American leadership was taken for granted—the credibility of extended deterrence, the role of national nuclear forces in NATO, the control of American nuclear forces on European soil, the validity of forward defense, the need to threaten first use of nuclear weapons. This process of reappraisal will bring some bruising years. The strain it imposes on the alliance will be much more painful if the same years also see growing public protest as the Cruise/Pershing deployment slowly proceeds.

I can recall few times in the last thirty years when NATO has not been described as being in disarray. Yet as the alliance has survived because North America and Western Europe both know it is the indispensable foundation on which the security of North America and Western Europe depends. It will survive its present troubles too—on one condition. Those in charge of its affairs must be more sensitive to public opinion—in other allied countries as well as their own—and to the genuine concern of those with deep personal experiences of its affairs.

The peace movement is no longer simply an emotional revulsion against the obscenity of nuclear war. The protest against the arms race is now articulated by men on both sides of the Atlantic who have held high responsibility for Western defense as political and military leaders.

I do not have a ready answer to all the problems I have mentioned. Nuclear strategy is in a hole which is getting deeper every day. We do not know how to get out of it. Above all, we need time to find solutions. So we should adopt the first law of holes. When you are in one—stop digging. That is the fundamental case for a nuclear freeze. I hope other Parliaments will follow the example of your House of Representatives and endorse it. The first step must be to abandon the deployment of Cruise and Pershing.●

SENATE—*Friday, September 23, 1983*

(Legislative day of Monday, September 19, 1983)

The Senate met at 9:30 a.m., on the expiration of the recess, and was called to order by the President pro tempore (Mr. THURMOND).

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray.

Father God, thank Thee for life. Thank Thee for another day. We awoke this morning well and strong. Many did not awaken from sleep and many who did were unable to get out of bed. Some had to be hurried to a hospital.

Thank Thee, dear Lord, for this day with all its promise, challenge, and opportunity. May we not presume upon it as though we have some special right to life. May we remember that life and breath are gifts from Thee, that each of us has a purpose—a ministry for today, and that we are accountable to Thee in its fulfillment. In Jesus name. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

Mr. BAKER. I thank the Chair.

SENATE SCHEDULE

Mr. BAKER. Mr. President, at 10 a.m. today, it is the intention of the leadership to ask the Senate to turn to the consideration of the Export-Import Bank bill. I anticipate that we can pass that bill by noon or shortly thereafter.

After that, it is the intention of the leadership on this side to ask the Senate to resume consideration of the Department of State authorizations bill, which is the unfinished business.

The PRESIDENT pro tempore. It is the pending business.

Mr. BAKER. The pending business.

AUTHORITY FOR COMMITTEE ON FOREIGN RELATIONS TO MEET

Mr. BAKER. Mr. President, yesterday, when we went out, I had planned to ask the Senate to come in at 10 a.m. today—that had been worked over in my mind—to allow the Foreign Relations Committee to meet until noon today. They have decided within their own precincts that they wanted to meet from 9 until 12 noon today to consider the markup of the war powers resolution. That would mean, of course, under the rules of the Senate, that the 2 hours after the Senate convened would expire at 12 o'clock.

I have to confess, Mr. President, that when I was requested to start the Export-Import bill at 10 instead of coming in at 10, I neglected to provide that the Senate Foreign Relations Committee could meet for an extra 30 minutes. That would mean from 11:30 they could meet, by reason of the rules, until 12 o'clock, when they would have completed their action. They may very well have completed their action by that time.

I would hope, just to cover that contingency, since it is my fault since I neglected to make that adjustment last evening, that there might not be an objection to the request to extend the time for the committee to meet during the session of the Senate for that brief 30-minute period.

I have discussed this with the minority leader. I do not know whether he has been able to clear it yet or not.

I have also told him that I am obligated to make room for the committee to meet. If there is an objection on either side of the aisle, I feel a leadership obligation to ask the Senate to recess from 11:30 until 12 o'clock so the committee can continue to meet, which they could do under those circumstances.

I would prefer not to waste that 30 minutes because we may need it to complete deliberations on the Export-Import Bank bill. That would be the only way I could honor my responsibility to the Foreign Relations Committee if there was an objection.

Could I inquire of the minority leader at this time if he is in a position to clear that? If he is, I would be grateful and, if he is not, I fully understand.

Mr. BYRD. Mr. President, the majority leader has correctly stated the situation and the alternative which he could take, which would serve the purpose just as well. There is no point in objecting to a committee meeting when he could recess the Senate and accomplish the same purpose. I have no objection.

Mr. BAKER. I thank the Senator.

Mr. President, I make that request.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BAKER. I thank the Chair, the minority leader, and all Senators.

(Later the following occurred:)

Mr. HEINZ. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Friday, September 23, until 1 p.m. to consider Senate Joint Resolution 166 relating to the War Powers Act and the situation in Lebanon. I would say to my friend from West Virginia I understand this has been cleared with the minority, but I see the minority leader is more than prepared to speak for himself.

Mr. BYRD. Mr. President, reserving the right to object and I shall not object, I should say for the Record, however, that if there were objection, the majority leader would have the alternative of going into a recess, which would accomplish the purpose, even if we were disposed to object. We will not object.

Mr. HEINZ. I thank my friend.

The PRESIDING OFFICER. Without objection, it is so ordered.

(Conclusion of subsequent proceedings.)

ORDER OF PROCEDURE

Mr. BAKER. Mr. President, I hope we can complete work, as I said earlier, on the Export-Import Bank bill and on the Department of State authorizations bill, which is the pending business.

Mr. President, I have no further need for my time under the standing order. At this time, I am prepared to yield my remaining time to the minority leader, if he wishes it.

Mr. BYRD. Mr. President, I thank the majority leader.

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER (Mr. DURENBERGER). The minority leader is recognized.

REPORT OF OFFICIAL DELEGATION OF DEMOCRATIC SENATORS TO THE SOVIET UNION

Mr. BYRD. Mr. President, in August of this year I authorized an official delegation of Democratic Senators, under the chairmanship of Senator CLAIBORNE PELL, the ranking member of the Foreign Relations Committee, to visit the Soviet Union. I discussed this matter with the distinguished majority leader before I appointed this delegation just to be sure that he had no problem with it or that he had no objection. He had none. He was very gracious in suggesting that I proceed.

Other members of the delegation included Senators RUSSELL LONG, DALE

BUMPERS, PATRICK LEAHY, HOWARD METZENBAUM, DONALD RIEGLE, PAUL SARBANES, JAMES SASSER, and DENNIS DECONCINI.

During their visit, they met with President Yuri Andropov and numerous other high ranking officials in several cities throughout the Soviet Union. They took the opportunity to express their concerns regarding the lagging peace talks in Geneva, the repeated Soviet violations of human rights, and Soviet involvement in Afghanistan and elsewhere, in addition to a number of other serious issues.

The Soviet response to these concerns and the delegation's impressions and recommendations are thoughtfully and thoroughly compiled in a report the delegation has submitted to me, as Democratic leader.

I believe every Member of the Senate as well as appropriate policy officials in the administration, including the President, would benefit from reading this document. It is a report that reflects the hard work of the delegation not only in executing their charge while in the Soviet Union, but also the long hours of preparation before departing and the many hours of debriefing and reflection upon their return.

I have informed the distinguished majority leader that I intend to ask unanimous consent that the report be printed as a Senate document and he has given his approval thereof. So, Mr. President, I ask unanimous consent that the delegation report be printed as a Senate document.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I yield my remaining time to the majority leader or I yield it back.

Mr. BAKER. Mr. President, I yield back the remaining time under the standing order.

ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of routine morning business.

LAND REFORM IN EL SALVADOR

Mr. PACKWOOD. Mr. President, land reform in El Salvador will face a major test next week when the Constituent Assembly considers a series of articles of a draft constitution that deal with the land reform program. I rise today to express my concern about the possible outcome of this vote and the effect the draft constitution could have on the land reform program.

The articles being proposed by the ARENA party could negate or greatly curtail the progress made under agrarian reform in El Salvador. They are expected to be debated in the Constituent Assembly in San Salvador next week.

One of the proposed provisions would constitutionally limit the scope of the land reform program by forcing the termination of the application process under the 1980 land-to-the-tillers law at the end of this year. It is estimated that the land-to-the-tillers program will be only 40 to 50 percent complete by this time, with 50,000 to 60,000 families out of a minimum of 125,000 intended beneficiaries having been reached.

The ARENA proposal also calls into question the continuing validity of phase 1 of the land reform, under which more than 300 large estates have been acquired, to the benefit of some 32,000 families that had been agricultural laborers.

These ARENA proposals are strongly opposed by the Christian Democratic Party and by broadly based democratic unions and campesino organizations which constitute the best hope for creating a viable center in El Salvador. These groups will be offering alternative constitutional language next week which affirms the validity of the land reform.

I am convinced that the land reform program in El Salvador is critical to our interests in that country. Over the years, rigid social structures and the unwillingness of the ruling elite to share political power with the rest of the population have worked against democratic development in Salvador. I believe it is in our interests to change this situation—to try to overcome the economic inequities and social injustices that have led to instability not only in El Salvador, but in all of Central America.

I believe that agrarian reform can act as a catalyst in this process of democratic development. While the transfer of land does not automatically imply the transfer of power, there is little doubt that it is a step in the right direction and can help build a more viable body politic in El Salvador.

The vote in the Constituent Assembly on the constitutional articles dealing with land reform is currently scheduled for Tuesday, and all indications are that the vote will be close. It is my hope, Mr. President, that the centrist forces in the government can put together a coalition, as they have done before at critical times, to defeat the proposed articles. I think it is imperative that they do so, not only for the sake of stability in El Salvador, but also to insure that a consensus on U.S. aid to El Salvador can be maintained in Congress.

Mr. President, the urgent and imminent issue involving land reform is the vote in the Constituent Assembly in El Salvador on Tuesday. In a larger sense, I hope that this Congress would make land reform a major factor in its considerations when determining whether or not we should grant loans or give aid not only to Latin American countries but to any rural Third World country.

In poor rural countries the one critical reform that is likely to give the central government popularity and the support of the agricultural peasant is whether or not the peasants own the land they farm. There is nothing that will make a man or a woman more likely to support the government than if they own land.

All of us in this body are interested in other democratic reforms. All of us wish that every country in this world had our first amendment and Bill of Rights. All of us wish that all countries throughout the world held regular and periodic elections and allowed minority parties to exist and dissidents to flourish.

Mr. President, it is probably beyond the capacity of this country to impose these things on the rest of the world. Our traditions are heavily Anglo-Saxon and democratic. They are not necessarily traditions shared by the rest of the world. And while we can encourage and cajole and, on occasion, threaten other countries, if we are going to hold out a carrot and a stick and insist that they undertake reforms, I would hope that the first reform we insist upon is transferring the ownership of land into the hands of peasants.

There is hardly a more instructive situation in our recent history than the difference in land reform in Korea and in Vietnam. And this country owes a great debt of gratitude to Prof. Roy Prosterman of the University of Washington in Seattle who is without compare one of the world's leading authorities on land reform. He has traveled more, advised more and done more to advance this cause than any other single person in my knowledge. His comments on Korea and Vietnam and their histories are most instructive. If you look at North and South Korea circa 1950 and North and South Vietnam circa 1960 or 1965, it is interesting to note that of the four countries, if you count the two Koreas as two countries and the two Vietnams as two countries, the only one that had any indicia of what we might call democratic trappings was South Vietnam. At least they had some opposition press. They had religious leaders who would express opposition. They had minorities in their parliament that expressed opposition. This was not true in North Vietnam. It certainly was not true in North or South Korea. South Korea after World War II under Syngman Rhee was as much a dictatorship as most other dictatorships that exist in the world today. But Syngman Rhee undertook some extraordinary steps that stood him in

good stead when North Korea invaded South Korea in 1950.

You will recall that Korea had been occupied by Japan for the better part of the first half of this century. At the end of World War II the Japanese were expelled and Korea at last gained independence in its own right. it was divided at the 38th parallel, with the Communists holding control in the North and Syngman Rhee holding control in the South. President Rhee very quickly distributed to the peasants the lands that the Japanese had held. It can be said that that was an easy step because he did not have to take land from Korean owners. However, by 1950 President Rhee had gone even further and had undertaken a very broad land reform program including purchasing land from large and medium Korean landowners and thereupon transferring full ownership of that land to the vast number of families who had up to then been farming it as tenants. So by the time North Korea invaded in 1950 the land reform program in South Korea was in essence complete.

It is interesting to note that although the North initially had an overwhelming military advantage, because of their sudden thrust there was never, never any South Korean peasant support for the North Korean Army. There was no fifth column. There were no saboteurs. There was no "Viet Cong" in black pajamas sapping the strength of the Syngman Rhee government. The peasants, virtually universally, supported Syngman Rhee, not because he gave them democracy—he certainly did not do that—but because he had given them land. And because of their tenacious support for the South Korean Government and our military intervention on its behalf, the Government survived and today prospers as one of our strong allies.

Now move up 10 or 15 years to Vietnam. Again, I will emphasize that there were some trappings of democracy in South Vietnam—clearly not our Bill of Rights but more democracy than exists in any of the Communist countries and most of the fascist countries of this world today, but there was not land reform. When North Vietnam chose to invade—and I use that in the deliberate sense—just as North Vietnam chose to invade, what they found in South Vietnam was fertile ground for garnering grassroots peasant support for their violent revolutionary efforts.

When the United States intervened we promised the South Vietnamese peasant a constitution. The North Vietnamese promised them land. And it is easy to understand why they chose the latter rather than the former. Had the South Vietnamese Government simply had the presence of mind to do in time in South Vietnam what Syngman Rhee had done in South Korea, South Vietnam today would still be an existing nation, probably an ally of ours, probably an economic success. But they waited until it was too late—although even in 1971 to 1974 when land reform was finally carried out, Viet Cong, recruitment dropped from 5,000 to 7,000 men a month down to 1,000; and the Communists have not dared to collectivize those new peasant owners. But by the early 1970's there were masses of North Vietnamese troops present, and massive unhappiness with the war here. They waited too long, and they lost.

That brings us back full cycle to Latin America and El Salvador in particular.

Mr. President, I would opine that in any rural, poor country that does not undertake land reform, an indigenous government will not long be able to survive with or without our support. I think our position with El Salvador and with others ought to be as follows: We will give you support, we will supply you with economic and military aid, and we will protect you against foreign invasion, especially by more powerful and greedy neighbors, but we cannot give your peasants heart to support your country; only you can do that. And you can do it only if you undertake and complete timely and effective land reform. If you will not undertake and complete such land reform, we will withdraw our aid because in the last analysis it will neither do us any good nor will it save your government.

Somehow, some way, Mr. President, we must convince the oligarchies in Latin America that the day of their owning immense plantations farmed by tenant farmers must be over. They must learn that they are going to move to the cities and become bankers or Sony dealers or Coca-Cola franchisees or operators of insurance companies and they must leave to the former tenant farmer and plantation laborer the land, so that this tenant farmer or laborer might own it, farm it, and possess it with the support of the country.

So, Mr. President, I hope very sincerely that when the Constituent Assembly meets on Tuesday, they understand what the will and the wish of this Government is. We wish that country well, but they must undertake the steps for their own salvation. We can suggest; we can attempt to persuade. We cannot impose. Their future is in their hands. If they undertake the proper steps, they can and should expect our support; and if they do not, they should not get our support, because it will not do any good.

Mr. President, I yield the floor.

LAND REFORM MUST PREVAIL IN EL SALVADOR

Mr. PELL. Mr. President, I want to join Senator PACKWOOD and my other colleagues in expressing grave concern over the very real prospect that land reform in El Salvador could come to an abrupt halt next Tuesday if the vote in the Constituent Assembly goes the wrong way. On that day, the assembly will vote on provisions of the draft constitution, authored by the extremist ARENA party, which if passed will not only end, for all intents and purposes, the land reform program, but will place other reforms in jeopardy as the extreme right becomes emboldened by such victories. It will encourage the extreme right in El Salvador to continue its vendetta against union and peasant groups as well as the moderate political opposition to rightist rule. According to on-the-scene observers, the vote is likely to be 30–30, with the president of the Constituent Assembly and ARENA party leader Roberto D'Aubuisson casting the final and deciding vote.

If passed, the provisions will have a devastating effect. It will end the system whereby applications for titles are awarded under phase III, the land-to-the-tiller program. With fewer than 40 percent of the perspective beneficiaries applying thus far, this means that approximately 80,000 families will be excluded from that which was promised by the Salvadoran Government. The ambiguity of the wording of the provisions places into question the validity of phase I of the program, under which 300 large estates were divided to benefit 32,000 families. The provisions also would end the possibility that lands under phase II, which has been in suspension since the government of President Duarte, will be distributed to the thousands of families on these lands.

What is taking place in El Salvador today is more than a complex and difficult parliamentary situation. It is as important a battle as any that will be fought in that country. It is a battle between the extremist forces of the right, determined to strengthen their role in the country, and the forces of moderation, comprised of peasant and labor unions and the moderate political parties, including the Christian Democrats, who are fighting for social and economic justice as well as for their very existence.

The Popular Democratic Union (UPD), the coalition of unions and peasant organizations, and the Christian Democratic Party support an alternative which confirms the concept of land reform which was adopted and strongly supported by the U.S. Government in 1980. The land reform program would continue and beneficiaries would be granted titles to lands they work. A parliamentary victory for those supporting the alternative provisions would not only preserve the land reform program but will strengthen the forces of moderation.

Land reform is one of the principal pillars upon which United States sup-

port of the government of El Salvador is based. It is very important to those of us in the Congress who have very real problems with other aspects of the difficult issue of El Salvador such as the human rights performance of the military and security forces, the inability of the judicial system to punish those guilty of murders of the American citizens and their own people, and the U.S. military assistance question. I hope that the Government of El Salvador understands that if land reform is ended, there is the very real prospect that the now tenuous support for their government in the United States, will erode even more. Social and economic justice must prevail in El Salvador and land reform is an essential ingredient.

Mr. GORTON. Mr. President, I congratulate the Senator from Oregon on that most eloquent and most profound statement, with which I agree.

As the Senator from Oregon said, next Tuesday, the 27th of September, El Salvador's Constitutent Assembly will vote on a draft of a new Constitution. The Constitutent Assembly was elected in March 1982, with more than 80 percent of El Salvador's eligible population turning out to vote. The fact that this beleagured nation has a functioning legislative body capable of developing a new Constitution should be seen throughout the United States as a sign of great progress and promise.

There are, however, elements of the draft Constitution which are of concern to many people. Because of the important decisions which the Senate makes regarding U.S. aid to El Salvador, I believe these issues should be of interest and concern to all of us.

In particular, several elements of the draft Constitution place at risk the land reform program which is vital to the elimination of severe economic inequities and the establishment of greater social and political stability.

Under phase I of El Salvador's three-part land reform program, 300 large estates were transferred to 32,000 beneficiary families which now farm these lands. This process was begun shortly after the 1979 coup and was completed several years ago. The proposed Constitution leaves ambiguous the validity of phase I, possibly opening the door for elements of the extreme right wing to attempt to restore these estates to their previous owners.

Phase II of the land reform program was intended to transfer 1,800 medium-sized farms to an estimated 30,000 to 50,000 families. For a number of reasons, this program has been set aside. In the future, however, it may prove both desirable and feasible to proceed with phase II. The proposed constitutional language, however, would preclude such a future implementation.

The draft Constitution also would end the taking of beneficiaries' applications for title under phase III. Under this part of the program, known as the "land-to-the-tiller" reform, farms belonging to absentee landlords are being deeded to the peasants who farm them. Thus far, only about 50,000 families, less than 40 percent of the intended beneficiaries, have submitted applications.

These proposals have been drafted by the right-wing ARENA party, which is one of the strongest elements in the Constituent Assembly. Mr. President, I could not be stronger in my support for recognition of the authority of freely elected governmental institutions. I am compelled to say, however, that if a Salvadoran Constitution stops the vital process of land reform in its tracks, the result will be increased polarization, demoralization of those seeking moderation and reform, and greatly diminished prospects for true progress toward democracy.

An alternative proposal, supported by the Christian Democrats and the Popular Democratic Union (UPD) is circulating in the Constituent Assembly. This proposal would reaffirm the validity of the basic land reform legislation, preserving the benefits thus far received by 80,000 campesino families. It would protect the rights of the 80,000 additional intended beneficiaries under phase III, and it would permit the Government to consider in the future the possible implementation of phase II.

Mr. President, our debates over El Salvador have been many, they have been long, and they have been intense. In the course of those debates, it has become clear that there is an overwhelming consensus in support of reform in El Salvador, but there is no consensus—and relatively little support—for El Salvador without reform. We have taken the issue of reform seriously enough to require the President to certify every 6 months that the process of reform is continuing. And within the certification language itself, the one program identified by name is land reform. Prudent judgment strongly suggests that the consequences in Congress will be severe if El Salvador's new Constitution dismantles the land reform program.

I understand that the Constituent Assembly is very evenly divided, with a slight edge currently going to the ARENA party on the Constitution. I sincerely hope that body is aware of the potential for a strongly negative reaction in the United States if its decisions result in an end to land reform.

In this Chamber, we have heard the argument that El Salvador is only a minor figure in the larger struggle between East and West. We also have heard it argued that the insurgency is completely indigenous, an inevitable reaction to dictatorial rule. As is often the case with such intense disagreements, the truth seems to me to lie somewhere between the two. I do not think there is any question that the Salvadoran guerrillas are receiving much of their support from Nicaragua, which almost certainly is acting as a surrogate for Cuba and the Soviet Union. I am equally convinced, however, that the insurgency could not and would not exist were it not for decades of oppression and intense economic inequity. We are rightfully concerned about the attempts of outside interests to destabilize El Salvador, to sabotage the economy, and to frustrate the development of free political institutions. We must also recognize, however, that vast internal changes are needed if El Salvador is to find peace and political freedom. With its heavily agrarian economy, a reasonable distribution of the country's greatest resource—arable land—is vital to the establishment of economic and social stability, and to the development of effective democratic government.

Finally, Mr. President, let us recall the significant progress which El Salvador has made, and let us be aware of the great opportunity which exists as a result of the Salvadoran Government's efforts to open the political process to all parties. The ARENA party, which I mentioned a moment ago, represents El Salvador's right wing and frequently has expressed its opposition to basic reform. Yet it is one of the most popular parties in the country, partially because its leaders are extremely charismatic and partially because so many Salvadorans are receptive to ARENA's promise to end the insurgency, despite its willingness to use violence to achieve that goal.

ARENA, through popular election, holds a plurality in the Constituent Assembly and frequently has attempted to set aside the reform process. I cannot help but believe that if the parties representing the Salvadoran left had participated in the last election, especially if they have the popular support they claim, then there would be a force in the Assembly to balance the extreme right, and the hand of the moderates and the true reformers would be strengthened. Direct discussions with the insurgents have begun, offering them a path into the political process. A Presidential election is scheduled for next year. If the guerrillas and their political leaders are truly interested in promoting constructive change, rather than obstructing it, they have the opportunity to do so, and we have an opportunity to gain a valuable insight into their intentions.

(Mr. PACKWOOD assumed the chair.)

Mr. DURENBERGER. Mr. President, ever since coming to the Senate, I have stressed that the development

of democratic institutions in El Salvador is closely tied to the full implementation of wide-ranging economic reforms. When President Jose Napoleon Duarte came into office in 1980, he brought a thorough recognition that the Salvadoran economy needed to be opened up to all people. To accomplish this goal, he undertook sweeping reforms in the areas of agriculture, banking, and export marketing. He was inhibited in these by both leftist and rightist extremists at home, who wanted a solution based on violence, and by members of the U.S. Congress who sought to deny him the funds for land reform.

Three years have passed since those reforms were proposed, and each step of the process has been continually threatened by the far left and the far right. The latest threat to the land reform program now appears in a draft Constitution that will be voted on Tuesday by the Salvadoran Constituent Assembly. The basic intention of article 104 of that draft Constitution is to destroy the land reform program by undoing what has already been accomplished and by ending any prospect of future reform. Not surprisingly, this article was authored by the ARENA Party of Roberto D'Aubuisson, which seeks to turn the clock back to the days when El Salvador's economy was dominated by a tiny, entrenched elite.

More specifically, article 104 sets out to accomplish the following:

First, it puts phase I of the land reform into jeopardy. This phase affects some 32,000 beneficiary families who have received plots that were formerly part of 300 large estates of 1,200 acres or more.

Second, it removes the prospect for any future implementation of phase II, which contemplates transferring a portion of 1,800 medium-size farms to benefit some 30,000 to 50,000 families now working on these farms.

And third, it effectively halts phase III, the land-to-the-tiller portion of the land reform, on December 31, 1983. As a result, up to 80,000 additional families may not get the opportunity to own their own land.

Those in the Salvadoran Constituent Assembly who would vote in favor of article 104 should know that such action will not go unnoticed in the U.S. Senate. They should be forewarned that land reform is seen here as a cornerstone in El Salvador's democratization process. Finally, they should know that such an action would have serious repercussions in terms of our future commitment.

The land reform process must be allowed to continue. If the disenfranchised—as the Presiding Officer, the Senator from Oregon (Mr. PACKWOOD), has said so eloquently—are permitted an opportunity for economic advancement, their support for democratic political institutions will be all the stronger. Those groups aligned with democracy and pluralism in El Salvador will be strengthened, and the region's stability will be enhanced.

BREAKING THE IMPASSE OVER FARM LEGISLATION

Mr. DOLE. Mr. President, as I am sure everyone in this Chamber realizes, Congress and the administration have been locked in an impasse over farm legislation ever since the 98th Congress convened back in January. Despite the pressing concerns of various farm constituencies, not one agricultural bill of any significance has been passed this year.

In the meantime, the controversy over the rising cost of farm programs has grown, and has begun to threaten the passage of even minor, remedial legislation, much less reauthorization of the major commodity programs that comes up in 1985. If those of us in Congress who represent agriculture are not able to show some responsibility in correcting our programs and restraining their expense, others who are less understanding will begin to take a more active role.

DAIRY AND TARGET PRICE FREEZE

Since June, Mr. President, we have been engaged in a seemingly interminable debate over two issues—the dairy package worked out by a bipartisan group from both Houses last spring, and the target price freeze proposed by the administration. In order to gather support to pass the freeze bill, the administration has tied it to the dairy compromise, and both have become increasingly controversial as Congress has refused to act. Because of the long delay, Secretary of Agriculture Block was forced to announce a program for 1984 wheat that includes the higher, scheduled target price and correspondingly low incentives for production control next year. This plan is not popular with wheat producers, and with reason. In addition, in the absence of new dairy legislation, the administration is prepared to begin collection of the second 50-cent assessment in another week or so. While authorized in last year's budget reconciliation bill, this plan is strongly opposed by dairymen.

So, Mr. President, it is clear that our failure to take legislative action has forced the administration to define farm programs this year and next in terms of the outdated or unpopular laws already passed and on the books. And our continued refusal to find some common ground on these issues, while politically appealing, is not in the interests of our farm constituents.

PROPOSED 1984 WHEAT PROGRAM

Mr. President, some of us have been trying for 3 months to work out some compromise on target prices that will provide wheat farmers with enough incentives to reduce production next year but also bring down indefensible Federal outlays due to the high level of target prices scheduled in the farm bill. Prior to recess, we had worked out a plan with the National Association of Wheat Growers that would have achieved both objectives. Due to the unwillingness of a few Senators to acknowledge the need to make adjustments in farm programs, the plan was not even allowed to come up on the floor.

Since we returned from recess, some of us have continued to offer alternatives that will provide a better program for farmers next year. The same few Senators have shown no interest in even entering into a dialog. I suppose that, as long as it is politically popular to be seen defending farm entitlements—regardless of the consequences for farmers—there will be no progress.

Mr. President, I do not believe that we should continue to hold legislation on the dairy and tobacco programs hostage to the impasse over target prices. To do so would only compound the disservice being done to producers of other commodities, including wheat. As a result, I intend to ask the distinguished chairman of the Committee on Agriculture, Nutrition and Forestry whether he is prepared to bring the dairy and tobacco bill to the floor as soon as there is an appropriate opportunity.

I understand that the distinguished Senator, Senator HELMS, is on his way to the floor at this moment from the Foreign Relations Committee where they have been discussing Lebanon and the War Powers Act.

When he arrives, Mr. President, I intend to offer an amendment on wheat and target prices, and hopefully we can have a vote. It seems to me that we have tied up agricultural programs long enough. The dairy farmer has been wanting action. We have worked out a compromise. The dairy farmers do not like the present 50-cent assessment and they do not want another 50 cents collected.

I would hope that, in the next 10 days, those of us from the farm States, whether Democrats or Republicans, will try to resolve our differences and let the bill come up. Let us vote on the dairy section. There is some opposition, although not very much, to the dairy compromise. Let us vote on the tobacco section. Let us offer an amendment to the wheat section to reduce the increase in target prices and the cost of that program. Then the Secretary of Agriculture can make some changes in the wheat program and we can go to conference with the House.

We are still willing to try to work out a compromise. I am prepared to say for the Senator from North Caroli-

na, who will make a statement later, that he is willing to bring it up at any time. I would hope that my friend from Montana, the distinguished senior Senator, Senator MELCHER, will let us proceed with a vote.

I see the distinguished chairman of the Committee on Agriculture entering the Chamber now.

I will indicate to the Senator that I was just saying we would like to bring up the tobacco and dairy legislation. I indicated in the record that the chairman was tied up in the Foreign Relations Committee but that he was prepared to bring up the legislation. It is my hope that we can move along and get the legislation passed.

Mr. PROXMIRE. Will the Senator from Kansas yield briefly?

Mr. DOLE. I yield.

Mr. PROXMIRE. Mr. President, I would like to say in the 26 years I have been in the Senate I have never seen the dairy farmers of Wisconsin more concerned, more exercised, more unhappy and depressed than they are now. The 50-cent deduction that they are taking from each hundredweight of milk that they sell comes at a time when they have not had an increase since October 1, 1980. That is 3 long years.

Those farmers are really desperate. This is a very, very sad situation.

I am delighted to hear the comments of the Senator from Kansas. I am sure that the Senator from North Carolina shares the concern that we want to move as rapidly as we can to provide some dairy legislation. As I say, our farmers are really in very, very serious straits.

Mr. HELMS. Mr. President, will the Senator yield?

Mr. DOLE. I yield.

Mr. HELMS. Mr. President, the Senator from Kansas is absolutely correct. We have been trying for a week to bring this legislation up in the Senate. I have been disappointed that those efforts have not prevailed.

The Senator knows the circumstances; I think all Senators do.

I agree with the Senator from Wisconsin. The dairy farmers down my way are contemplating getting up a lynching party and coming up this way to see what is wrong in the U.S. Senate that we cannot bring up a piece of legislation that was reported out months ago from the Committee on Agriculture, Nutrition, and Forestry.

In any case, Mr. President, I commend the distinguished Senator from Kansas. He always plays such an active role in all aspects of agriculture, and particularly on behalf of the Nation's wheat farmers. I concur entirely with what he said.

It is vital that we move this legislation forward, and do so as soon as possible. On Tuesday of this week, I announced that a new effort to pursue these legislative changes was underway. I stated that, in an effort to accommodate those Senators who objected to bringing up the target price bill first, I would instead be willing to bring up S. 1529—the dairy and tobacco bill—with the understanding that a target price amendment would then be offered and voted on as part of that bill.

Unfortunately, there has not been favorable response to my offer from those Senators who had objected previously.

However, we are not about to give up. As the Senator suggested, I have consulted with the majority leader about bringing this legislation before the Senate. It is his desire and mine that we could work something out to improve these programs for farmers, and then to move ahead quickly.

Senator DOLE's proposal is much more generous to farmers than the target price measure previously adopted by the Agriculture Committee and the 1984 wheat program announced by the Secretary of Agriculture. Again, however, those Senators who were objecting before the recess apparently have been unwilling to agree to this proposal.

It should not be necessary to consume a great deal of the Senate's time on these measures because each element of S. 1529 is a bipartisan compromise. However, Senators may wish to offer amendments. I would like to hear from the minority leader as to how long his side of the aisle will require for amendments.

As I stated earlier, Mr. President, it is vital to move this legislation quickly. The second 50-cent dairy assessment is now being collected, and that assessment will cost our dairy farmers $60 million per month. We should replace that assessment with the dairy compromise.

In addition, the Nation's wheat farmers need to know the specifics of the 1984 wheat grain program. Winter wheat planting for the 1984 crop is now getting underway in Texas, Oklahoma, and Kansas. Those farmers cannot delay the planting decisions which they are now making, yet legislation which would change and improve the 1984 program is being delayed in Congress.

Earlier this week we passed legislation to require an earlier announcement of farm programs. Yet some of those who were proponents of early announcement in that case are in the peculiarly inconsistent position of blocking the quick consideration of this measure.

There is no reason to delay this legislation. In fact, such a delay will work a hardship on our Nation's grain and dairy farmers.

I urge my colleagues to allow the Senate to work its will on this measure in a timely way. In fact, I am ready and willing to take up this legislation as soon as Monday, and I encourage my colleagues to join us in adopting this important farm legislation.

Mr. DOLE. Mr. President, I thank both distinguished Senators who represent different constituencies. Wisconsin is a leading dairy State, we are a leading wheat State, and Senator HELMS represents a leading tobacco State.

As the chairman pointed out, these bills were reported out of the committee months ago. The chairman of the committee is prepared to act, has been prepared to act, and is willing to act this afternoon if we can get it done. There should not be any great dispute. I think most Senators should just let us vote. I would hope the Senator from Montana will let us bring up this bill, let us pass the dairy section, and let us act on the wheat section. Some Senators may also have drought amendments. But it would seem to me, Mr. President, that time is running out. It is my hope that we can move very quickly.

Mr. President, I ask unanimous consent to have printed in the RECORD a copy of the amendment I intend to offer, if we ever have an opportunity to offer amendments, with reference to target prices and other provisions which I think would be helpful to the wheat producers in the Midwest.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

On page 53, immediately following line 15, insert the following new title:

TITLE III—TARGET PRICES AND WHEAT PROGRAM

SHORT TITLE

SEC. 301. This title may be cited as the "Target Prices and Wheat Program Act of 1983".

TARGET PRICES

SEC. 302. Notwithstanding the provisions of sections 107B(b)(1)(C), 105B(b)(1)(C), 103(g)(3)(B), and 101(i)(2)(C) of the Agricultural Act of 1949, the Secretary of Agriculture may prescribe that the established prices for the 1984 and 1985 crops of wheat, corn, upland cotton, and rice shall be such prices as the Secretary determines to be appropriate, but in no case shall the price be less than $4.35 per bushel for wheat, $2.92 per bushel for corn, $0.78 per pound for upland cotton, and $11.57 per hundredweight for rice.

ACREAGE LIMITATION AND PAYMENT-IN-KIND PROGRAM FOR WHEAT

SEC. 303. Effective for the 1984 crop of wheat, section 107B(e)(1)(B) of the Agricultural Act of 1949 (7 U.S.C. 1445b-1(e)(1)(B)) is amended to read as follows:

"(B) Notwithstanding any previous announcement to the contrary, for the 1984 crop of wheat the Secretary shall provide for a combination of (i) an acreage limitation program as described under paragraph (2) and a cash acreage diversion program as described under paragraph (5) under which the acreage planted to wheat for harvest on the farm would be limited to the acreage based for the farm reduced by not more

than 30 per centum, consisting of a reduction of 20 per centum under the acreage limitation program and a reduction of 10 per centum under the cash acreage diversion program, and (ii) a voluntary payment-in-kind acreage diversion program, to be carried out under such existing authorities as were relied on by the Secretary to implement the payment-in-kind program for the 1983 crop of wheat, under which the acreage planted to wheat for harvest on the farm would be reduced by an amount, in addition to any reduction under the acreage limitation and cash acreage programs provided for under clause (i), of not more than 20 per centum or less than 10 per centum of the acreage base for the farm. Under the payment-in-kind program described in clause (ii), compensation in kind for diverted acres shall be made available to producers by the Secretary under such terms and conditions as the Secretary shall prescribe and in such amounts as the Secretary determines appropriate to encourage adequate participation in such program, except that the rate of such compensation shall not be less than 85 per centum of the farm program yield. Nothing contained in this subparagraph shall be deemed to prohibit the Secretary from soliciting and accepting bids under the payment-in-kind diversion program from any producer wishing to withdraw the entire base acreage of the farm from production.".

PAYMENT LIMITATIONS

SEC. 304. Notwithstanding the provisions of section 1101 of the Agriculture and Food Act of 1981 (7 U.S.C. 1308), the portion of any payments made to any producer under section 107B(b) of the Agricultural Act of 1949 for the 1984 crop of wheat that the Secretary of Agriculture determines results from the adjustment of the level of loans and purchases on the 1984 crop of wheat in accordance with the proviso in section 107B(a) of the Agriculture Act of 1949 shall not be included in the payments subject to limitations under the provisions of section 1101 of the Agriculture and Food Act of 1981.

Mr. EXON. Mr. President, will the Senator from Kansas yield?

Mr. DOLE. I yield.

Mr. EXON. I thank the Senator.

Mr. President I think all Senators from the farm States are interested in moving ahead with legislation to straighten out some of the very difficult problems we have in agriculture today.

I listened to the comments the Senator from Kansas just made with regard to amendments he intends to offer that would, I think, to use his words, "straighten out" the target price situation.

As the Senator from Kansas and the chairman of the Agriculture Committee know full well, the holdup on this whole matter has been the fact that we have been trying to reach some kind of accommodation, agreement, or compromise with the administration to prevent them from being successful in their attempt at reducing the target price on wheat that was set in the 1981 act. May I ask at this time if the Senator from Kansas, while we are waiting for others to come to the floor, could enlighten us on what the amendment he intends to offer has in the way of target prices?

Mr. DOLE. Mr. President, the Senator from Kansas intends to offer an amendment that would set the minimum wheat target price at $4.35 per bushel for the 1984 and 1985 crops, and mandate a wheat production control program for next year including a 20-percent acreage reduction, a 10-percent-paid acreage diversion, and a 10- to 20-percent PIK program with an 85 percent payment rate. My amendment would also set minimum target prices for corn at $2.92 per bushel, upland cotton at 78 cents per pound, and rice at $11.57 per hundredweight for the 1984 and 1985 crops. These levels are in proportion to the specified 5 cent increase for wheat over the current 1983 target price.

In including both a paid diversion and a PIK program for 1984 crop wheat, I would point out the serious, perennial surpluses which have dogged wheat prices since 1977. I would also emphasize the sharp stock reductions and price improvement experienced by feed grains, cotton, and rice as a result of the PIK program this year, whereas wheat supplies and prices are almost unchanged. With over 1.5 billion bushels of wheat expected to be on hand next June 1, there is an urgent need to cut back on anticipated production to prevent a further collapse in farm prices.

If my colleagues from farm States find this proposal too generous or too stingy or unfair, they can certainly vote against it or offer their own alternatives. Some of us have been trying to get a discussion on these issues started for months, and this may be the way to begin.

But if we just sit around and do not make an effort to provide wheat producers with an adequate program for next year's crop, I want them to be able to identify clearly who is responsible. And if we have even greater problems trying to pass a new farm bill 2 years from now because no correction was made when costs began to spiral out of control, farmers will need to understand why.

What the farmers in my State want to do is raise the market price. They do not relish the thought of receiving deficiency payments through the target price program. There may be a better idea floating around. I would plan to introduce this amendment as something to talk about to see if we can work it out.

Mr. EXON. Let me ask this question of the Senator from Kansas. The amendment he would intend to offer would do what to the target price of wheat in next year's wheat crop? Will it reduce it from what it mandated in the 1981 act?

Mr. DOLE. It does reduce it, yes.

Mr. EXON. I think the Senator from Kansas is going to run into some great difficulty in that regard from those of us who have been fighting very hard to keep the target price in the act under the 1981 stipulation.

How much is the Senator proposing to reduce the target price on wheat for the 1984 crop, if the amendment is adopted?

Mr. DOLE. Ten cents a bushel.

Mr. EXON. And he would leave it in the hands and in the authority of the Secretary of Agriculture to set the loan price at whatever he wishes, is that correct?

Mr. DOLE. Yes, Mr. President. I do not affect the loan rate in my amendment. I do liberalize the PIK program to partially offset the effect of the target price reduction.

What we want to do is to reduce wheat production and get the market price up so we do not have a target price problem. I know this Senator, and I think the Senator from Nebraska, would like to see the profit made in the marketplace. Very honestly, we had a fight over target prices in 1981 in which they survived by two votes on the Senate floor and one vote in the committee. One way to make certain that we are never going to have target prices again is by failing to act responsibly now to reduce the levels when we see them getting a little out of hand.

Mr. EXON. When the Senator from Kansas refers to letting the market establish the price, he made some reference also to diverting acres to set-aside. Is he proposing diverting acres to set-aside in his amendment or would he ignore that?

Mr. DOLE. We have a 20-percent acreage reduction, a 10-percent paid acreage diversion, and a 10–20-percent PIK program with an 85-percent payment rate. That is not a bad payment rate.

Mr. EXON. Mr. President, I would like to see the amendment. Although it has not been introduced, I would appreciate it very much if I could see a copy of the Senator's amendment.

Does the amendment that the Senator is offering in regard to wheat PIK differ substantially from that portion that was offered in our negotiations with the Secretary of Agriculture that the Senator from Kansas referred to?

Mr. DOLE. The primary difference is the 10-percent paid diversion and the 85-percent PIK payment rate. I think the Secretary indicated he would go along with an 80-percent payment rate with no paid acreage diversion. So it is a substantial difference.

Mr. EXON. The Senator goes from 80 to 85, is that right?

Mr. DOLE. In the wheat program announced last month, the Secretary set the payment rate at 75 percent with no paid diversion. I go to 85 percent with a 10-percent paid diversion. I would be happy to supply the Senator

from Nebraska with a copy of the amendment.

Mr. EXON. I thank the Senator from Kansas.

Mr. DOLE. Mr. President, I yield the floor.

Mr. MELCHER. Mr. President, I was in my office and was fortunate enough to hear the rather rapid and rash pronouncements on what was holding up the dairy bill by my friend from Kansas. If I had realized that I was going to be the subject of such a tirade, I would have been present from the outset to assist the colloquy in every way. I not only do not want to hold up the dairy bill; I have continuously advocated both to the Department of Agriculture and the Senate leadership on both sides of the aisle that they bring up the dairy bill.

It is not all that good a bill, Mr. President. There are a lot of dairymen, a lot of hard-pressed dairy people throughout this country who realize the inadequacies of that bill. Nevertheless, it is the only bill that this administration has indicated that it would recommend a Presidential signature for. They will not recommend it—forgive me; I go too far—it is more apt to state: that they would not advocate a Presidential veto. So, from that standpoint, unless there is assurance of a two-thirds majority in both the House and the Senate, it is the best dairy bill that can be passed by Congress and signed by the President.

The question is, Why not have it up? The House would like to see us pass a dairy bill. The dairy people throughout the United States realize that the circumstances advocate that we pass this bill. For my part, I continue to say, let us pass it.

The reason that is given that we cannot bring it up on the floor is that, somehow, it will have to be attached to another bill. The Senator from Kansas very honestly told us that if we have the dairy bill considered in the Senate, he would seek to attach an amendment to it to freeze the target prices which are now required to be increased 4 percent for the coming 2 crop years, 1984 and 1985. His amendment would freeze those target prices at the 1983 crop level rather than the 4-percent increases for the next 2 years and attach that amendment to the dairy bill.

The Senate Agriculture Committee very frankly treated the subject matters as two subject matters. It passed out the dairy bill as a separate bill, it passed out the bill to freeze the target price on wheat and feed grains as a separate bill.

The majority leader very conscientiously called up or attempted to call up the bill on the target price freeze for wheat and feed grains. At that time we got only as far as debating that motion to call up the bill. If that motion is renewed, I suspect there are some of us who want to discuss that motion rather thoroughly.

But, Mr. President, in doing so, we are not jeopardizing the dairy bill. I repeat, that dairy bill does not do too much for dairy farmers, but it is a minimum that it appears this Congress can accomplish. I would like to accomplish that much. I would like to accomplish more, but if that is a minimum we can accomplish, then I would like to at least pass that bill.

It is absolutely unjust and unreasonable to divide the scant agricultural contingency and supporters in the Senate or in the House by attempting to take from one group of agricultural producers in order to do a minimal amount for another group in agriculture. There are not enough of us in the Senate and the House that can correctly portray the difficulties that our agriculture producers have.

But when you decimate that by trying to play one group against the other, it is an outrageous procedure. The Senator from Kansas spoke about trying to freeze target prices for wheat and feedgrains on the basis that the costs of the program were very great. I think we ought to review that. This administration just this year says they are spending about $20 billion in a combination of cost for the PIK program, or the obligations for the PIK program, and the other parts of all the agricultural programs; $20 billion is a lot of money, and I am sure that in the case of PIK probably much of that has been unduly spent. Despite the pressure to stampede a PIK bill through the Senate last year, I resisted.

I am not one to oppose putting income into the pockets of farmers around this country, but I do not believe the PIK program was a good way to accomplish that. I believe it moved us in the wrong direction and is a very costly program that has brought very minimal results compared to the amount of money spent. In addition there has been no limitation of payments under PIK. Despite the $50,000 limitation on farm program payments to individual operators this administration has disregarded that for PIK with same payments exceeding $1,000,000 per farm. It is rumored that the target-price-freeze amendment to the dairy bill, if it is offered, gives these PIK payments above $50,000 per farm the cloak of congressional approval respectability, and legality. PIK is a bust and this tactic will not help it.

Nevertheless, the costs of the wheat and feedgrain target prices are the subject matter.

Now, if the target prices for the 1984 and 1985 crops as is in the current law as a result of the 1981 Farm Act, the costs that could be estimated for that program have not been, I repeat, have not been updated by the Department of Agriculture. If those projected costs are updated, at least for the 1984 crop, we seem to see an entirely different picture than the one presented to us by the last set of figures that the committee reviewed based on the prediction for the coming 1984 crop.

If those costs are projected at least for the 1984 crop for the target price as would be called for under the current law without freezing the target price, for the 1984 crop it does not look like there will be any cost for the corn program. That was the biggest projected cost item for any of the crops covered by target prices. I am told by people who follow the cotton market, and who know cotton producers and in whose State cotton is produced, that probably the same will be true for cotton if it holds at its current price level. So then we are talking principally about what would be the cost for the wheat program, and wheat, indeed, is in trouble. The market price is more than $1 below the cost of production.

That kind of says it all. If the program for wheat for this coming year as announced by the Secretary of Agriculture is going to be as he proposes and the market is going to be in the price range that he predicts for wheat which is all based on the Department's best judgment at this time, then, indeed, the wheat producers do need some sort of a safety net. And that is about all that we can describe as the merits of the deficiency payment or so-called target price. So prudence tells us to leave that safety net of target prices at the level set in present law.

Mr. President, it is absolutely essential that we have a clear understanding, not just for the 100 of us who occupy desks in this Chamber but for the public at large and for the people of this country to more fully understand the agriculture situation. The dairy bill should be brought up. I think it could be passed very easily. But in doing so there is no reason to try to mix it up with the wheat and feedgrain program target prices.

So I hope we can hold some degree of cooperation amongst agricultural producers and agribusiness in this country and also among those of us who represent agricultural interests in this Senate.

The PRESIDING OFFICER. Who seeks recognition?

Mr. GARN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. GARN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. DURENBERGER). Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. The time for morning business has expired.

Mr. GARN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. GARN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. KASTEN). Without objection, it is so ordered.

EXPORT-IMPORT BANK AMENDMENTS OF 1983

Mr. GARN. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. 869, the Eximbank bill.

The PRESIDING OFFICER. The bill will be stated by title.

The assistant legislative clerk read as follows:

A bill (S. 869) to amend the Export-Import Bank Act of 1945.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Banking, Housing and Urban Affairs with an amendment and from the Committee on Foreign Relations with amendments.

From the Committee on Banking, Housing and Urban Affairs, to strike out all after the enacting clause and insert:

That this Act may be cited as the "Export-Import Bank Amendments of 1983".

TITLE I—AMENDMENTS TO THE EXPORT-IMPORT BANK ACT OF 1945

COMPETITIVE MANDATE

SEC. 101. (a) The second sentence of section 2(b)(1)(A) of the Export-Import Bank Act of 1945 is amended—

(1) by inserting "in all its programs" after "objective"; and

(2) by inserting "fully" after "which are".

(b) Section 2(b)(1)(B) of such Act is amended by striking out all through "exports of other countries;" in the first sentence and inserting in lieu thereof the following: "It is further the policy of the United States that loans made by the Bank in all its programs shall bear interest at rates determined by the Board of Directors of the Bank, consistent with the Bank's mandate to support United States exports at rates and on terms and conditions which are fully competitive with exports of other countries. The Bank shall consider the average cost of money as one factor in its determination of interest rates, where such consideration does not impair the Bank's primary function of expanding United States exports through fully competitive financing. It is also the policy of the United States".

ADVISORY COMMITTEE

SEC. 102. Section 3(d) of the Export-Import Bank Act of 1945 is amended to read as follows:

"(d) There is established an Advisory Committee to consist of twelve members who shall be appointed by the Board of Directors on the recommendation of the President of the Bank, and who shall be broadly representative of production, commerce, finance, agriculture, labor, services, and State government. The Advisory Committee shall meet at least once each quarter. The Advisory Committee shall advise the Bank on its programs, and shall submit, with the report referred to in section 2(b)(1)(A) of this Act, its own comments to the Congress on the extent to which the Bank is meeting its mandate to provide competitive financing to expand United States exports, and any suggestions for improvements in this regard. Members of the Advisory Committee, on a rotating basis, shall be permitted to attend meetings of the Board of Directors.".

TERMS OF DIRECTORS

SEC. 103. (a) The third sentence of section 3(c) of the Export-Import Bank Act of 1945 is amended by striking out "Terms of the directors shall be at the pleasure of the President of the United States, and the" and inserting in lieu thereof "The".

(b) Section 3(c) of such Act is amended by adding at the end thereof the following: "The terms of the directors first appointed after the date of enactment of this sentence, including the President and the First Vice President of the Bank, shall be four years, except that—

"(1) of the directors first appointed pursuant to this sentence, three directors (other than the President and First Vice President of the Bank) shall be appointed for terms of two years, as designated by the President of the United States at the time of their appointment;

"(2) the terms of office of directors holding office on the date of enactment of this sentence shall expire on January 20, 1985; and

"(3) any person appointed to fill a vacancy shall serve only for the remainder of the four-year or two-year term to which he or she was appointed or until January 20, 1985, as the case may be.".

REPORT ON AUTHORITY; EXTENSION

SEC. 104. (a) Section 7(b)(2) of the Export-Import Bank Act of 1945 is amended to read as follows:

"(2) Not later than March 31 of each year the Bank shall determine whether the authority available to it for the current fiscal year will be sufficient to meet the Bank's needs, particularly those arising from any unforeseen increases in the level of exports, any increased foreign export credit subsidies, or the lack of progress in negotiations to reduce or eliminate export credit subsidies. Not later than April 15 of each year the Bank shall transmit to the Congress a report on such determination, together with a request for such an increase in its authority as it deems appropriate.".

(b) Section 8 of such Act is amended by striking out "September 30, 1983" and inserting in lieu thereof "September 30, 1989".

MATCHING CREDITS

SEC. 105. Section 1912 of the Export-Import Bank Act Amendments of 1978 is amended—

(1) by adding at the end of subsection (a)(1) the following: "The inquiry, and where appropriate, the determination and authorization to the Export-Import Bank referred to in this section shall be completed and made not later than thirty days after the receipt of such information.";

(2) by striking out "determining" in paragraph (b)(1) and inserting in lieu thereof "significant".

(3) by striking out "may" and inserting in lieu thereof "shall" in subsection (c).

REPORT TO CONGRESS

SEC. 106. The first sentence of section 2(b)(3) of the Export-Import Bank Act of 1945 is amended by striking out $100,000,000" and inserting in lieu thereof "$250,000,000".

EXPORTS OF SERVICES

SEC. 107. Section 2 of the Export-Import Bank Act of 1945 is amended—

(1) by inserting "and services" after "exchange of commodities" in the second sentence of subsection (a)(1);

(2) by inserting "of goods and services" after "exports" in the second sentence of subsection (b)(1)(A); and

(3) by inserting after subsection (b)(1)(C) the following:

"(D)(i) It is further the policy of the United States to foster the delivery of United States services in international commerce. In exercising its powers and functions, the Bank shall give full and equal consideration to making loans and providing guarantees for the export of services, independently or in conjunction with the export of manufactured goods, equipment, hardware or other capital goods, consistent with the Bank's policy to neutralize foreign subsidized credit competition and to supplement the private capital market.

"(ii) The Bank shall include in its annual report a summary of its programs regarding services.".

SMALL BUSINESS NEEDS

SEC. 108. (a) Section 2(b)(1) of the Export Import Bank Act of 1945 is amended—

(1) striking out "that the Bank shall give due recognition to the policy stated in section 2(a) of the Small Business Act that 'the Government should aid, counsel, assist, and protect, insofar as is possible, the interests of small business concerns in order to preserve free competitive enterprise' and that in furtherance of this policy the Board of Directors shall designate an officer of the Bank who shall be responsible to the President of the Bank for all matters concerning or affecting small business concerns and who, among other duties, shall be responsible for advising small businessmen of the opportunities for small business concerns in the functions of the Bank and for maintaining liaison with the Small Business Administration and other departments and agencies in matters affecting small business concerns;" in subparagraph (B); and

(2) by adding at the end thereof the following:

"(E)(i) It is further the policy of the United States to encourage the participation of small business in international commerce. In exercising its authority, the Bank shall develop a program which gives fair consideration to making loans and providing guarantees for the export of goods and services by small businesses.

"(ii) It is further the policy of the United States that the Bank shall give due recognition to the policy stated in section 2(a) of the Small Business Act that 'the Govern-

ment should aid, counsel, assist, and protect, insofar as is possible, the interests of small business concerns in order to preserve free competitive enterprise'. In furtherance of this policy, the Board of Directors shall designate an officer of the Bank who shall be responsible to the President of the Bank for all matters concerning or affecting small business concerns and who, among other duties, shall be responsible for advising small business concerns of the opportunities for small business concerns in the functions of the Bank and for maintaining liaison with the Small Business Administration and other departments and agencies in matters affecting small business concerns.

"(iii) The Chairman of the Board of Directors of the Bank shall designate a member of the Board of Directors to assure that the needs of small businesses are adequately met by the Bank. In this capacity, the Director shall ensure that the Bank carries out its responsibilities under subparagraph (ii) and that the Bank's financial and other resources are, to the maximum extent possible, appropriately used for small business needs.".

(b) The first sentence of section 9(b) of such Act is amended by inserting "and of the activities of the member of the Board designated to assure that such policy is carried out" before the period.

PROHIBITION OF IMPORTS SUPPORTED BY EXPORT CREDITS INCONSISTENT WITH THE OECD ARRANGEMENT ON EXPORT CREDITS

SEC. 109. (a) Unless an inquiry has been commenced under section 1912 of the Export-Import Bank Act Amendments of 1978, any interested person may request the Secretary of Commerce (hereinafter referred to as the "Secretary") to review the terms and conditions of foreign official export credits provided directly or indirectly by any foreign government or foreign official export credit agency to support exports of any product or service to the United States.

(b) Upon receipt of a written request referred to in subsection (a), the Secretary shall review the terms and conditions under which the product or service in question has received, or is likely to receive, foreign official export credits and, not later than thirty days after the date on which the request was filed, shall determine whether the export credits are inconsistent with the terms and conditions, including the interest rate provisions, of the Arrangement on Guidelines for Officially Supported Export Credits of the Organization for Economic Cooperation and Development (hereinafter referred to as the "OECD Arrangement").

(c) If the Secretary determines that the foreign official export credits with regard to which a request for review has been made—

(1) are at rates below those that the foreign government or agency concerned has to pay or would have to pay for the funds so employed, or involve the assumption by the government or agency concerned of all or part of the costs incurred by exporters or financial institutions in obtaining credits;

(2) are inconsistent with the terms and conditions of the OECD Arrangement; and

(3) are used to secure a material advantage in the sale of the products concerned;

he shall publish his findings in the Federal Register and shall immediately direct the Commissioner of Customs to prohibit the entry into the United States of the product or service benefiting from, or likely to benefit from, such export credits.

(d) If, after action has been taken pursuant to subsection (c) prohibiting the entry of any product or products into the United States, the Contracting Parties to the General Agreement on Tariffs and Trade disapprove such action, the Secretary may direct the Commissioner of Customs to revoke such action.

TITLE II—MIXED CREDIT EXPORT SUBSIDIES

SHORT TITLE

SEC. 201. This title may be referred to as the "Trade and Development Enhancement Act of 1983".

STATEMENT OF PURPOSE

SEC. 202. The purposes of this title are—

(1) to expand employment and economic growth in the United States by expanding United States exports to the markets of the developing world;

(2) to stimulate the economic development of countries in the developing world by improving their access to credit for the importation of United States products and services for developmental purposes;

(3) to neutralize the predatory financing engaged in by many nations whose exports compete with United States exports, and thereby restore export competition to a market basis; and

(4) to encourage foreign governments to enter into effective and comprehensive agreements with the United States to end the use of government-mixed credits for exports, and to limit and govern the use of export credit subsidies generally.

NEGOTIATING MANDATE

SEC. 203. The President shall pursue vigorously negotiations to limit and set rules for the use of mixed financing for exports. The negotiating objectives of the United States should include reaching agreements—

(1) to define the various forms of mixed financing, particularly mixed credits under the OECD Arrangement;

(2) to phase out the use of government-mixed credits by a date certain;

(3) to set rules governing the use of public-private cofinancing, or other forms of mixed financing, which may have the same result as government-mixed credits of drawing on concessional development assistance to produce subsidized export financing;

(4) to raise the threshold for notification of the use of mixed financing to a 50 per centum level of concessionality;

(5) to improve notification procedures so that advance notification must be given on all uses of mixed financing, including forms not restricted; and

(6) to prohibit the use of mixed financing for production facilities for goods which are in structural oversupply in the world.

ESTABLISHMENT OF A MIXED FINANCING PROGRAM IN THE UNITED STATES EXPORT-IMPORT BANK

SEC. 204. (a) The Chairman of the Export-Import Bank of the United States shall establish, within the Export-Import Bank, a program of mixed financing for United States exports. The program shall be carried out in cooperation with the Agency for International Development and with private financial institutions or entities, as appropriate. The program may include—

(1) the combined use of the credits, loans, or guarantees offered by the Export-Import Bank with concessional financing or grants offered by the Agency for International Development, by methods including, but not limited to, the blending of the financing of, or parallel financing by, the Export-Import Bank and the Agency for International Development; and

(2) the combined use of credits, loans, or guarantees offered by the Export-Import Bank, with financing offered by private financial institutions or entities, by methods including, but not limited to, the blending of the financing of, or parallel financing by, the Export-Import Bank and private institutions or entities.

(b) The purpose of the mixed financing program under this section shall be to offer or arrange for financing for the export of United States goods and services that is substantially as concessional as financing for which there is reasonable proof that a foreign government is offering to, or arranging for, a bona fide foreign competitor for a United States export sale.

(c) United States exports eligible for concessional mixed financing shall be exports offered at what can reasonably be judged to be the lowest evaluated bid, without respect to the terms of export financing.

(d) The Chairman of the Export-Import Bank is authorized to establish a fund, as necessary, for carrying out the mixed financing program described in this section.

ESTABLISHMENT OF A MIXED FINANCING PROGRAM IN THE AGENCY FOR INTERNATIONAL DEVELOPMENT

SEC. 205. (a) The Administrator of the Agency for International Development shall establish within the Agency a program of mixed financing for United States exports. The program shall be carried out in cooperation with the Export-Import Bank and with private financial institutions or entities, as appropriate. The program may include—

(1) the combined use of the credits, loans, or guarantees offered by the Export-Import Bank with concessional financing or grants offered by the Agency for International Development, by methods including, but not limited to, the blending of the financing of, or parallel financing by, the Export-Import Bank and the Agency for International Development; and

(2) the combination of concessional financing or grants offered by the Agency for International Development with financing offered by private financial institutions or entities, by methods including, but not limited to, the blending of the financing of, or parallel financing by, the Agency for International Development and private institutions or entities.

(b) These funds may be combined with Export-Import Bank financing or private commercial financing in order to offer, or arrange for, financing for the exportation of United States goods and services that is substantially as concessional as financing for which there is reasonable proof that a foreign government is offering to, or arranging for, a bona fide foreign competitor for a United States export sale.

(c) United States exports eligible for concessional mixed financing shall be exports offered at what can reasonably be judged to be the lowest evaluated bid, without respect to the terms of export financing.

(d) Funds of the Agency for International Development which are used to carry out a mixed financing program authorized by subsections (a), (b), and (c) shall be offered for financing only United States exports that can reasonably be expected to contribute to the advancement of the development objectives of the importing country or countries.

(e) The Administrator of the Agency for International Development is authorized to draw on Economic Support Funds, as necessary, and to establish a fund, as necessary,

for carrying out a mixed financing program as described in this section.

APPOINTMENT OF A MIXED FINANCING COORDINATOR

SEC. 206. The President shall appoint an individual to coordinate and ensure the implementation of the mixed financing programs authorized by sections 204 and 205. The individual appointed by the President for this purpose shall develop procedures and mechanisms as necessary to assure that any offer of mixed financing for eligible United States exports is timely and permits the United States exporter to respond to the timing demands of the competitive situation.

AUTHORIZATION OF APPROPRIATIONS

SEC. 207. There are authorized to be appropriated such sums as may be necessary to carry out this title for fiscal years 1984 and 1985.

DEFINITIONS

SEC. 208. As used in this title—

(1) the term "mixed financing" means the various combinations of official development assistance, official export credit, and private commercial capital to finance exports;

(2) the term "government-mixed credits" means the combined use of credits, insurance, and guarantees offered by the Export-Import Bank with concessional financing or grants offered by the Agency for International Development to finance exports;

(3) the term "public-private cofinancing" means the combined use of either official development assistance or official export credit with private commercial credit to finance exports;

(4) the term "blending of financings" means the use of various combinations of official development assistance, official export credit, and private commerical credit, integrated into a single package with a single set of financial terms, to finance exports; and

(5) the term "parallel financing" means the related use of various combinations of separate lines of official development assistance, official export credits, and private commercial credit, not combined into a single package with a single set of financial terms, to finance exports.

TITLE III—AMENDMENTS TO THE EXPORT TRADING COMPANY ACT OF 1982

SEC. 301. Section 206 of the Export Trading Company Act of 1982 (Public Law 97-290) is amended—

(1) by striking out "or" after "export accounts receivable" and inserting in lieu thereof a comma; and

(2) by inserting after "exportable goods," the following: "accounts receivable from leases, performance contracts, grant commitments, participation fees, member dues, revenue from publications, and such other collateral as the Board of Directors may deem appropriate,".

From the Committee on Foreign Relations to the substitute amendment as reported by the Committee on Banking, Housing, and Urban Affairs:

Insert at the end of subsection (d) of Section 205:, and shall be consistent with the economic, security and political criteria used to establish country allocations of Economic Support Funds.

Strike subsection (e) of Section 205 and insert:

(e) The Administrator of the Agency for International Development may draw on Economic Support Funds allocated for Commodity Import Programs to finance a mixed financing activity.

Mr. GARN. Mr. President, it is no secret that I am a strong advocate of the Export-Import Bank. My support for the Bank does not come from any belief in the virtue of subsidized export financing but rather because I strongly oppose subsidized export financing and I believe that without an effective Eximbank we will have little chance of eliminating Government-subsidized export credit from international trade.

For much of fiscal year 1982 we endeavored to set a good example for our trading partners and priced ourselves right out of the export credit market. The result was over $1 billion of lost U.S. export sales and nearly $1 billion of Eximbank direct loan funds left unused.

Fortunately, Mr. President, every now and then, at strong congressional prodding, we got a little hard nosed in our negotiating. We matched some of our competitors' predatory credit packages. We won sales and showed them that we could play the game too and win at it, and we began to get some results in the negotiations to control and eventually eliminate Government-subsidized export credits.

In reviewing the Eximbank charter this year the Banking Committee has given top priority to making the changes necessary to the Bank's charter to insure that the Bank become an effective vehicle for protecting our exporters from unfair foreign government-subsidized predatory export credits. At the same time, this would enhance the ability of the Bank to serve as a tool to achieve further progrress in eliminating this practice.

The first step is to make the purpose very clear of the Bank. Frankly, I see little use for the Bank if it is not going to provide competitive financing for our exporters. Unfortunately, there is too often confusion over the interpretation of the Bank's charter. The Banking Committee bill makes it absolutely clear that the Bank's primary objective is to offer our exporters financing that is fully competitive with the Government-sponsored financing of our trade competitors.

Second, we increase the strength of the Bank as an institution by giving its Directors fixed terms of office and provide that those terms overlap with one another, enhancing the continuity of the Bank's policies.

S. 869 also strengthens provisions of current law to prohibit more effectively the penetration of our domestic markets by Government-sponsored cutrate predatory financing.

Very significantly, the bill would establish a Government program to counter the pernicious use of foreign aid funds by our trade competitors to subsidize their export trade and penetrate new markets. This practice, known as mixed credits, has been very resistant to negotiations because we have shown little ability on our part to counter these financing programs. The bill would establish such a capacity.

Mr. President, there are a number of other important provisions of the bill that I will forgo mentioning in the interest of time. This is a significant bill and I am proud to be associated with it. The Banking Committee has worked very hard on this matter, particularly under the able leadership of the senior Senator from Pennsylvania (Mr. HEINZ), who has devoted long hours to this legislation in the Banking Committee Subcommittee on International Finance and Monetary Policy. It takes nearly 800 pages to cover the hearings that have been held in the subcommittee on the Eximbank in the course of less than a year. This bill carries the clear imprint of Senator HEINZ's workmanship. The other members of the committee are to be congratulated as well for their contributions to this legislation.

Mr. President, without a strong Eximbank, we will see our capital industries closed out of the export markets and lose sales and profits needed for future prosperity, or we will see them pack up and move their shops overseas to countries that are willing to offer their exporters effective, competitive export financing. In either event, we will lose American jobs and our share in world trade will continue to dwindle. Worst of all, we will lose all of this not because we have inferior products, higher costs, or less efficient production. We will lose what we would have won in fair trade because we were unwilling to support one of the key Government agencies with which to defend free and open trade.

This is a necessary piece of legislation, and I urge my colleagues to support it.

Mr. President, that concludes my opening statement on the bill.

Because of all of the work that Senator HEINZ has done on this particular piece of legislation—in the normal course of events as chairman of the committee I would be managing it—he has put so many untold hours into the bill and is so familiar with all of its provisions, I designate Senator HEINZ to manage the bill at this time on our side.

Mr. HEINZ. Mr. President, first let me express my gratitude to the chairman of our committee, Senator GARN, for his inestimable help during the course of our consideration of the Export-Import Bank legislation.

That help extends not only to the legislation before us but indeed stretches back many years throughout his tenure on the committee when he was ranking minority member and even before that. He has been a tre-

mendously strong supporter of the Bank. Whatever we have been able to achieve in improving the Bank and improving its mandate through this legislation, indeed I think would never have been possible without Senator GARN's strong support and strong leadership.

I am also, of course, personally grateful to him for his friendship and cooperative understanding in working out many of the difficult issues that have come before this committee, and I very much appreciate his yielding to me what would be otherwise his normal responsibility to manange this bill.

I also believe that the members of our committee have done an extraordinary job in bringing to the floor a bill where I think we will find wide agreement.

I commend Senator PROXMIRE, who really wears two hats. He has been the ranking minority member of my subcommittee as well as the ranking member of the full committee, at various times, I might add, during the course of the last several years. I have always found him to be a very thoughtful colleague. He has never hesitated to give criticism but always constructive criticism.

When the legislation finally cleared our committee, it is my view that it was a better piece of legislation because of his participation in it.

Mr. President, today the Senate is taking up S. 869, a bill to extend the Export-Import Bank Act of 1945. At the same time S. 869 makes certain changes in the Bank's charter to make it more responsive to the needs of American exporters in today's international market conditions.

These changes are essential. A noncompetitive-financing offer most often means loss of the sale and often permanent loss of market. If the Government cannot end other nations' subsidies and will not match them, we force major losses abroad upon our companies here at home. We also force the outright transfer of business and technology abroad as industries move overseas or license their products in order to obtain competitive financing. Those, in the administration and elsewhere, who complain about the movement of important American know-how and technology overseas should realize that our own policies accelerate this problem.

Mr. President, my responsibilities as, first, ranking minority member and then chairman of the Banking Committee's Subcommittee on International Finance and Monetary Policy have amply demonstrated to me the benefits of a strong Eximbank and the dangers of an insufficiently supported Bank. The Export-Import Bank is a powerful instrument of job creation which, by annually supporting over $18 billion in U.S. exports, is providing jobs we would otherwise lose to 550,000 Americans. Moreover, these are jobs that result from not a penny of Federal appropriations. Rather, these jobs reduce the Federal deficit by taking people off the unemployment roles while causing an increase in revenues. When the Bank is not able to provide this support, our industries are forced to relocate their operations overseas or forfeit their share of export markets to their foreign competitors, backed by their official government credit agencies. Included are some of our most vital high-tech industries. When their operations are shifted abroad, our control over that technology is greatly diminished.

A strengthened Export-Import Bank may not be a panacea for our trade problems, but it is a positive step that does not carry with it the unwelcome baggage of other trade measures under consideration. While defending U.S. exporters against unfair competition from abroad, it preserves and indeed creates new jobs—in some of our most vital high technology industries—while at the same time reducing our unprecedented trade deficit. This is done without any increase in Federal spending or any need for new taxes. In fact, a recent study by Wharton Econometrics shows that Eximbank loans generate revenues for State and local governments on a scale of more than 9 to 1. By combating unfair trade practices, Eximbank is a force against protectionism, defending free and open markets based upon price and quality. Finally, its impact upon the credit markets is negligible: from 1978 to 1981 Eximbank borrowings from the credit markets amounted to only one quarter of 1 percent of all credit raised.

S. 869, the bill before us today, would make absolutely clear the Bank's mandate to provide full competitive financing in all of its programs for American exporters faced with officially subsidized credit competition in foreign markets. The bill would also reestablish the Eximbank Advisory Committee, increasing its membership to 12 and including the participation of representatives of service industries and State governments.

There is also a provision similar to the section in my bill last year, S. 2600, that would increase the independence and continuity of the Bank's directors by giving them fixed, 4-year terms, which would overlap in order to prevent a total and simultaneous turnover in the Bank's directorship every 4 years.

In addition to extending the act for 6 years, the bill requires a report midway through each fiscal year on whether the funds allocated will be sufficient in view of any previously unforeseen developments.

The bill would also modify section 1912 of the Bank's charter to provide a better defense against the predatory efforts of foreign producers to penetrate our domestic markets through the use of officially subsidized export credits. Recent experience has shown that there are gaping holes in our current defense in that regard. As a further line of defense, the bill also contains an amendment offered in committee by Senator PROXMIRE that provides a means to simply exclude products from the United States that were benefiting from subsidized financing offers.

Finally, Mr. President, in addition to a provision to modify the requirement for the Bank to notify the Congress of large loan or guarantee programs—raising the current minimum for notification from $100 to $250 million, to discount for inflation—the bill would direct initiation of programs to meet the mixed credit competition our exporters are facing. The practice of mixing foreign aid moneys with official export credits is a growing practice and our exporters have been at a significant disadvantage due to the total lack of such programs available from our Government. While seeking to put an end to such practices, the Agency for International Development and the Eximbank would be directed to develop our own such programs in order to counter their use by others and prevent what would otherwise be American export losses.

Mr. President, these comments, and indeed this legislation, reiterates what I have been saying for 6 years, and what my predecessor as chairman, Senator Stevenson, said as well. We simply have to be more competitive, the world is changing, and the harsh reality is that our products no longer sell simply because they are American, and are no longer automatically considered high quality. We have to fight for markets now, and the Eximbank is a critical weapon in that battle. I have spent 2 years telling the administration that, and I hope that finally these efforts are bearing fruit. The President endorsed a strong Bank and my war chest concept in his state of the Union address. There is also other, less visible, evidence of a change in the administration's attitude about the Bank. I welcome it, as do the Nation's exporters. But I will also finally believe it when the hard evidence in increased lending and increased competitiveness is there.

I would like to elaborate on some of the more significant portions of the bill.

MANDATE

Mr. President, section 101 of the bill clarifies and strengthens the mandate to the Bank. We believe that it is absolutely essential that the Congress clarify its mandate to the Eximbank to

provide U.S. exporters with competitive financing. This is not because such a mandate does not exist but rather because that mandate is disputed by the Bank's own directors. In statement after statement the Bank's President, William Draper, has given his view that the mandate to provide competitive financing is coequal with the need for the Bank to avoid losses by setting loan rates above its cost of money.

In practice, this policy has resulted in the Bank often foresaking its responsibility to provide competitive financing in a mistaken desire to turn a profit in its operations in each and every year. In fiscal year 1982 this Bank policy left the Bank with $1 billion in unused direct loan authority, while the record shows that more than $1 billion of export sale were lost directly due to the lack of adequate Eximbank support.

Mr. President, I would like to cite a very revealing colloquy on this issue for the benefit of my colleagues. It occurred in the Senate Appropriations Subcommittee on Foreign Operations, between Subcommittee Chairman KASTEN and Eximbank Chairman Draper:

Mr. KASTEN. Isn't it true that (the) mandate for the bank to be competitive is in the charter, but the mandate that the Bank be self-sufficient is not in the charter? How do you interpret that mandate?

Mr. DRAPER. I don't know. I read the two and when I was confirmed by the Senate I said that I would manage to try to balance those two, that I would recognize equal weight in both cases. I did not weigh one more than the other.

Mr. President, the Export-Import Bank was created to preserve U.S. export sales that otherwise would be lost without Eximbank support. In recent years this danger of lost sales has come from efforts by America's trade competitors to capture export sales through the use of officially subsidized export credits. Our only defense against this practice has been the Export-Import Bank.

The Bank fails to fulfill its very reason for existence when it provides loans at uncompetitive rates because of fears of temporary losses in its own financial condition. It seeks to become self-sustaining, but self-sustaining for what? It does us no good to even have an Eximbank if, in seeking to be self-sustaining, that Bank fails to fulfill the mission for which it was created.

It is incredible that the Bank's own Directors would wonder what the primary mission of the Bank is, but that is apparently true. The Congress must make its view absolutely clear that the Bank was created to provide competitive financing for U.S. exporters and that this is its primary mandate.

TERMS OF DIRECTORS

Mr. President, the Export-Import Bank lacks sufficient independence to be able to carry out the mandates that it has received from the Congress. Although we set the program goals for the Bank, based upon the needs of America's exporters, all too often that congressional intent is thwarted by the directive of some faceless bureaucrat at the Office of Management and Budget, who little understands the Bank's purpose or its importance to our international commerce. Serving at the pleasure of the President, the Eximbank Board members are completely subject to such directives. The result has been the curious anomaly that we have seen too often; namely the Directors of the Eximbank, contrary to assurances that they gave while their nominations were being considered by the Senate, arguing in favor of the gradual demise of Eximbank programs, and acting contrary to the intent of the congressional mandates given to the Bank. Giving the Directors of the Bank fixed terms of office will enhance the independence necessary for the Bank to be responsive to the directives of the Congress.

Mr. President, if the Congress is going to have a role to play in determining this Nation's export financing activities, we need an independent Eximbank.

My bill would increase the independence of the members of the Board of Directors of the Eximbank by establishing their terms of office at 4 years rather than, as currently is the case, serving at the pleasure of the President. This does not make them completely independent; there still will be a good deal of give and take, as is appropriate. What it does mean is that the members of the Eximbank Board will not have to be constantly looking over their shoulders to see whether their actions meet with the full approval of OMB or some other appointed bureaucrat. It means that the Bank will have the room that it needs to be responsive to the Congress and thus more able to carry out its congressional mandate.

This proposal has other advantages. The terms of the members of the Board will be staggered, the term of office of the President and Vice President of the Bank coinciding with the 4-year term of the Nation's Chief Executive. The remaining three Board members would serve for terms of 4 years, beginning in midterm of any administration. Thus, coordination with the administration is preserved, allowing the President to name the chief officers of the Bank as he would begin his administration; at the same time, the institutional memory of the Bank is preserved through the overlapping terms of the remaining three members of the Board. Currently the Board tends to turn over completely with the inauguration of each new administration.

MIXED CREDITS

Mr. President, although some progress has been made in negotiations without trade competitors in the area of official export credits, one area has been particularly resistant to limitations. It is also the most egregious form of export credit subsidy. I refer to a practice very popular among French exporters but resorted to by many other countries as well. This is the practice of mixing foreign aid money with other official export credit assistance.

This has been a particularly difficult problem to resolve, first because our trade competitors long refused to acknowledge it as a commercial program hiding it under the ruse of foreign aid. A review of the recipients of this foreign aid clearly manifested its commercial character. The recipients, far from being the neediest Third World countries, tended to be almost exclusively the newly industrial countries such as Taiwan, South Korea, Brazil, and Mexico, and the assistance went for the purchase of sophisticated products, such as commercial aircraft, nuclear power plants and the like.

Second, we have largely failed in our efforts to end this practice, at least in part because we have had no program with which to threaten to offset the programs of our competitors. When their competitors have sought to employ this program, our exporters have had either to bow out of competition or make their bids through their off-shore subsidiaries that could use the mixed credit facilities of the host country, thus insuring that the job impact of the deal will be entirely overseas. The foreign aid portions of the credit offers made the interest rates too low for our Eximbank to match.

Mr. President, we have been unable to defend out exporters against such trade practices because, unlike many of our competitors, our foreign aid and our export credit agencies are separated, and I believe that that is for a good reason. Nevertheless, Mr. President, the need for a means to combat these practices is apparent.

One of the provisions of my bill, therefore, would be to direct the Eximbank and the Agency for International Development to work together to develop means to offset these predatory trade practices. Until we do so, we will be the losers. We will lose export sales, and we will be unsuccessful in our efforts to negotiate an end to these practices. We do not propose any additional resources, but the very establishment of a capacity to match the mixed credit financing of our trade competitors will send a clear signal that we are not going to remain passive in this area.

SECTION 1912

Mr. President, Eximbank's primary purpose is to provide competitive financing to encourage U.S. exports. But in 1978 that mandate was amended to include the objective of protecting domestic producers against unfair competition from foreign firms utilizing officially subsidized export credit to gain advantage in the U.S. market.

Under section 1912, the Secretary of the Treasury is called upon to determine whether foreign official export credits are offered which exceed limits agreed to by the United States and other major exporting countries. If the Secretary determines that noncompetitive financing is likely to be a determining factor in the sale, he must issue an authorization for Eximbank to match the financing, which Exim may do.

Unfortunately, in the only major test of section 1912 since its enactment, it was found to be at best, ineffective, and, at worst, counterproductive. The case involved the sale of subway cars to the New York City Transit Authority. The domestic competitor, the Budd Co., lost the competition to a Canadian company, Bombardier, which utilized officially subsidized export credit substantially below the minimum interest rate to which the Canadian Government had agreed within the OECD arrangement on export credit.

Against the more than $100 million price advantage afforded by the officially subsidized export credit, the American firm found itself at an impossbile disadvantage, and the contract was awarded to the Canadian firm. The International Trade Commission and the Commerce Department later made a countervailing duty judgment against Bombardier on the basis of the subsidy. Yet, incredibly the Treasury Department did not find grounds under section 1912 to provide matching financing to the American firm to offset the foreign advantage.

Mr. President, I believe that there were sufficient grounds to justify the use of section 1912 in the New York Transit Authority case. The report from the Treasury Department was severely flawed. It consistently gave the benefit of the doubt to the Canadian bidder with regard to technological superiority quality and reliability of workers, and quality and reliability of management, even though the American firm had built 11,000 railway cars of the stainless steel variety New York City wanted and the Canadian firm had yet to build a single one.

I am concerned that it will now be much more difficult for American negotiators to denounce the evils of predatory export credits when we ourselves are unwilling to defend one of our own industries against such a sale in our own home market, one that was clearly in violation of the export credit arrangement.

Mr. President, I would point out that the U.S. domestic market is the richest and most inviting market in the world. If it is to be left unprotected by our fair trade laws, how long would it take for our other major trade competitors to realize the advantage that they could gain through subsidy, particularly at a time of worldwide recession? How long will it take our trade competitors to jump at the chance to export their unemployment to our shores through the vehicle of susidized export credits and other devices?

Mr. President, in order to insure that another case of the New York City subway car variety does not recur, the bill proposes the following changes in section 1912: First, the Secretary of the Treasury would have to make his decision within 30 days, rather than the current indefinite time period; second, the standard for his decision would be that the foreign official subsidized export credit was a significant factor, rather than the current determining factor; and third, the Eximbank would no longer have the option of rejecting the Secretary of the Treasury's recommendation.

Mr. President, the principal purpose of the Eximbank must be to remain supportive of U.S. exporters. But, the sensible changes S. 869 proposes for section 1912, should go a long way toward protecting our domestic manufacturers against the evils of foreign competitors utilizing officially subsidized export credit. It is my hope that a credible section 1912 alone will act as a sufficient deterrent to make its actual use unnecessary.

If it does not, however, the bill also contains an amendment offered by Senator PROXMIRE which would provide an alternative route for aggrieved U.S. companies to seek redress. The amendment would permit the filing of a complaint with the Secretary of Commerce alleging subsidized financing. In the event the Secretary made such a determination, he would be required to direct the Customs Service to deny entry to the offending goods or services. The amendment also contains a provision specifying revocation of such action if it is subsequently determined to have contravened the GATT.

AUTHORIZATION

The Bank's charter is extended for 6 years, and the Bank is required to submit a report on the status of funds allocated to it midway through each fiscal year. The report would discuss unanticipated developments and would request an additional appropriation, if needed.

Such an increase would be justified if, for example, U.S. export demand had grown much more quickly than anticipated through a robust upturn in international trade. This is an event that we would all welcome. We should also be prepared to meet it, rather than have to take ourselves out of the running because of inadequate Eximbank resources.

Perhaps more importantly, however, Mr. President, we should have the capability to increase Eximbank resources in midyear should our trade competitors continue to balk at reaching an agreement to end the practice of offering officially subsidized export credits once and for all. This will be a familiar argument for those who remember my war chest proposals of 1981 and 1982, which would have created a special fund for matching subsidized competition.

SMALL BUSINESS AND SERVICES

In considering S. 869 in committee, a number of improvements in support of small business and exports of services were also made. With respect to small business, the committee agreed to require the designation of an office of the Bank as well as one of the Bank's Directors to be responsible for assuring that the needs of small businesses are adequately met. Further the Bank is required to develop a program which gives fair consideration to making loans and providing guarantees for the export of goods and services by small businesses.

Since I anticipate an amendment on the Senate floor regarding small business, I will not say any more on that issue at this time.

In markup the committee also adopted policy language to make clear the Bank's commitment to the export of services, both independently and in conjunction with the export of goods.

CONCLUSION

Talks in the Organization for Economic Cooperation and Development to end subsidized financing have over the years brought few results, and what progress that has been achieved has come when our trading competitors recognized that the United States was willing to back up its positions with an increase in its own financing programs. Should international trade remain sluggish, our trade competitors will be under increased pressure to report to predatory trade practices such as highly subsidized export credits. With these additional resources ready if needed our trade competitors will be more reluctant to resort to practices that we will be fully able to counter. Should they, however, resort to these practices, perhaps only to test our determination, we must not leave our exporters defenseless with an Eximbank that has used up all of its direct loan authority.

The bill, Mr. President, does not distort the marketplace. Rather, it takes an important step toward the elimination of distortions. If the marketplace were functioning correctly, goods and

services would be purchased on the basis of quality, price, and reliability of delivery. Unfortunately for American exports, the market is not working as it should, because the predatory financing practices of other countries have made financing the determining factor in many export sales, especially of big ticket items, where differing rates and terms can result in differences of millions of dollars.

Financing should be a neutral factor in the marketplace. If left to itself, financing would be neutral, for terms and interest rates would tend to equalize. But over the last decade, America's trade competitors have persistently and systematically eroded our trade position. They have done so not with superior products or lower prices, but rather with production subsidies and export credit terms substantially below market rates and significantly lower than rates available from the U.S. Export-Import Bank programs.

I emphasize, Mr. President, that what I am referring to is authority to lend, not direct appropriations. Eximbank would have to go to credit markets to borrow only a portion of the money that is made available, turning around payments that it receives into new loans. This is important to understand, for although there is a cost involved in any Government program, the cost of Eximbank programs are far lower than the nominal amount of lending authority approved by the Congress. Moreover, the benefits from increased export sales, jobs preserved, and tax revenues gained in place of unemployment compensation paid out, make Eximbank programs economically beneficial to the whole country.

Mr. President, I just want to say that I hope we can move with "constructive rapidity" on this bill. I do not think this is a program that should be delayed. It is a good bill.

If there are Senators who have amendments, I hope they will come to the floor and offer them. We want to dispose of them on their merits. The committee is not going to delay. We ask that Senators reciprocate, as well.

However, before we ask for amendments, I want to again recognize the fine leadership of my chairman, Senator GARN, and also, of course, Senator PROXMIRE. Since Senator PROXMIRE is managing the bill for the minority side, I yield the floor at this point for any comments he cares to make.

Mr. PROXMIRE. Mr. President, it is always a pleasure to work with Senators like Senator GARN and Senator HEINZ. They are very, very thoughtful and helpful.

Mr. President, I am very concerned about what the Export-Import Bank has done in the last few days. I am going to come to that shortly because we are going to, I suspect, have a considerable discussion of the bailout which the Export-Import Bank has been engaged in with respect to Brazil and Mexico. I think a lot of people did not even notice that because it happended at a time when there were many things going on in Lebanon, the shooting down of the airliner, and so forth. But it was an action that was most notable.

The Export-Import Bank received over a billion dollars more last year than they asked for. They had an embarrassment of riches. And when they ended this year in 1983, they had more than they could spend.

Well, as a result of that, and as a result of the difficulty with the IMF bill, some people in the administration apparently thought that they could take that 1983 money that we appropriated for 1983 and use it to bail out Mexico, and particularly to bail out Brazil, in 1984.

Now, the purpose of the Export-Import Bank is very explicit. The principal purpose that most of us see is to make sure that American exports are competitive from a credit standpoint; certainly not to bail out a country, whether it is Mexico or Brazil.

Now, Mr. President, I think we should be aware of the fact that, among other things, as I am going to discuss a little later, the bailouts that we have been able to provide in the past for New York City and for Chrysler were the result of very, very detailed hearings, a very strong record, considerable debate on the floor of the Senate, and very extensive discussion.

In this case, we are having a bailout that is much bigger than the Chrysler bailout and that is also bigger than the New York City bailout and it is sliding through with almost no notice and a lot of people do not even know it is going on. But it is providing, as I say, $2 billion.

Some people will say this is not a bailout. What this does is provide that the Export-Import Bank would, in effect, allow $1.5 billion for Brazil for a guarantee of exports from the United States to Brazil. Of course, this is perhaps to the interest of some of our industries that do export to Brazil. But, on the other hand, it is a situation in which it could interfere with the kind of austerity which the International Monetary Fund has insisted that Brazil should pursue.

Just this morning, on the front page of the business section of the Washington Post, the headline reads: "Brazil's Congress Rejects Pay Cap in Slap to IMF." And it points out that, by a vote of 252 to 1, Brazil rejects an austerity measure to hold down wage increases, and the current inflation rate is 150 percent in Brazil.

The IMF has been extraordinarily successful over the years in providing funds to these countries because they insist on conditions. But what we are doing here is providing for an opportunity for Brazil perhaps to evade these conditions. This vote indicates that Brazil may not have the political will to adopt the IMF austerity measures needed to bring the country's finances in order. If this is the case, then the proposed $1.5 billion Exim guarantee for Brazil is even more doubtful.

I think it is unfortunate, although I say that the Export-Import Bank is treated as a sacred cow in this body. Democrats rush to support it; the Republicans also support it. It is, of course, the kind of thing that we like to support because we do have, in almost every case, in our States exporters who benefit from it. But I think this administration has been right in saying that we have to be consistent and fair in holding down spending everywhere. And I feel that, in the case of the Export-Import Bank, it has been treated with kid gloves.

Let me speak now directly about the overall bill.

Mr. President, S. 869 renews and amends the mandate of the Export-Import Bank.

The private sector traditionally has provided most of the financing needed by our exporters. There are occasions, however, when private sector credit is not available or is unsuitable because of contract terms, political risks, or interest rate constraints. In many instances the Eximbank fills a void for our exporters. It can also play a vital supplementary financing role by providing guarantees or insurance that serve to stimulate private credit.

The bill that is before us extends the Bank's authority to assist U.S. exporters to September 30, 1989. This lengthy extension, the committee believes, will give a clear indication to our exporters, potential purchasers of U.S. products, and our trade competitors that the Export-Import Bank will be there when necessary to meet the need of promoting U.S. exports.

S. 869 also makes changes to the present charter of the Export-Import Bank that will make it more responsive in meeting the requirements of U.S. exporters. For example, the bill provides that an advisory committee consisting of 12 members be appointed by the Bank's Board of Directors on the recommendation of the President of the Bank. Such a committee is to be broadly representative of production, commerce, finance, agriculture, labor, services, and State government interests and is to meet quarterly in order to offer the Bank advice about its programs.

To make sure the Bank considers the needs of all of our exporters, the bill also amends the charter to make it clear that service exports are to receive the same and equal treatment as the Bank gives the export of goods. I think this particular amendment is most welcome because services represent the fastest growing sector of

American exports and the Bank has been somewhat in doubt about its authority to provide support for service exports.

During the consideration of this bill, I heard complaints that the Bank was not always responsive to the needs of small businesses. Therefore, we have added section 108, which requires the Bank's chairman to designate a member of the Board to insure that the Bank's resources are appropriately used to the maximum extent for small businesses. This provision states that it is U.S. policy to encourage the participation of small business in international commerce and directs the Bank to develop a program to make loans and provide guarantees for the export of goods and services by such businesses.

In recognition of the fact of the increasing importance of export trade to our businesses and workers, section 103 of the bill seeks to reduce the opportunity for politicizing the Export-Import Bank. It seeks to professionalize and increase the independence of the Bank's Board of Directors by giving them fixed 4-year terms, instead of having them serve only at the pleasure of the President. Moreover, this section provides that the terms of the Directors are to be staggered so as to provide greater continuity at the Bank. In the past the complete Board turnover that came with each new administration often resulted in the Bank's temporary paralysis. This change indicates that our country views the necessity of competing effectively in export markets as being above the need for political patronage jobs.

One provision of the bill marks the committee's resolve to stabilize the free trading system to which the members of the GATT and OCED have committed themselves. That provision is section 109. Section 109 provides in part that the Secretary of Commerce will, upon request, review the terms and conditions of foreign official export credits. It will allow him to prohibit the entry of products or services benefiting from subsidized financing in violation of the OECD's arrangement on guidelines for officially supported export credits. This section makes clear our resolve to eliminate subsidies provided to foreign exporters by their governments to increase their share of the U.S. market. It clarifies our desire to have market rate financing for exports be the norm.

The overall thrust of this bill is beneficial to our exporters. But I have reservations about two provisions. One of these is section 101 which provides the Bank with a mandate to support U.S. exports at subsidized interest rates if that is necessary to meet foreign competition, even if such a policy makes it impossible for the Bank to be self-sustaining. I just do not believe that the operation of the Eximbank should become a drain on the U.S. Treasury, particularly in a time of increasing budget deficits. The Bank has had a negative interest rate spread between lending and borrowing since 1966, but has been able to remain self-sustaining because of interest earned on loans financed by its $2.2 billion reserve and its $1 billion in capital. In some recent years Exim's average borrowing costs have exceeded its lending rates by several percentage points. Projected operating losses could impair the Bank's reserves in the coming years.

The new requirement in section 101 that the Bank consider being competitive a priority over self-sustaining is not necessary. Both the Chairman of Exim and the Treasury Department testified against this provision on the ground that Exim is now fully competitive. I fear this provision sends out the wrong signal, that subsidies are encouraged by U.S. policy. I am concerned as well about the possible future drain on the Treasury which it may bring about. Nevertheless, the provision is narrowly drafted and the committee makes it clear that it is there to provide additional leverage for our negotiators to eliminate export subsidies provided by foreign governments. I agree with the policy of eliminating subsidies in exports by all nations and urge that such negotiations be vigorously pursued.

Incidentally, the Export-Import Bank administration has done a good job in the last year or so to provide that interest rates will rise to the market level. They should do that.

I also have reservations with title II of the bill which provides that Exim, in conjuction with the Agency for International Development, should establish a program of mixed credit export subsidies. I am opposed to mixed credit subsidies and am persuaded by the testimony of the administration that these provisions are also unnecessary because our negotiators are already vigorously pursuing efforts to eliminate them internationally. The committee report does make clear that title II is in the bill to strengthen the hands of our negotiators in limiting and eventually eliminating such mixed credit programs.

I dissented to this legislation in committee because I agreed with the objections raised by the administration. I believe there will be an effort on the floor to scale back the subsidy element. If this amendment passes, I will support the legislation.

I think that S. 869 is a bill that will benefit our economy and enable all segments of our export community to compete internationally, particularly small business. The export sector of our economy is vital in terms of jobs and profits. This legislation seeks to reasonably support efforts to maintain a strong export sector.

Mr. President, I will yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. Mr. President, I want to express my strong support for the Export-Import Bank Amendments of 1983. The Eximbank has played a major role in promoting exports of U.S. goods since 1945. Many companies, in my State as well as in others, in small business as well as large, have been able to compete in foreign markets because of the Eximbank. The Bank allows these companies to compete on the basis of the quality of their goods and services, because it neutralizes the effects of subsidies provided by foreign governments.

The bill we are considering today reaffirms our Nation's commitment to remaining a leader in international trade. The most important feature of S. 869 is that it requires the Bank to provide financing at rates competitive with those offered by other nations. This provision gives the Bank a mandate to change its past policies, which have been designed more to keep the Bank in operation than to benefit exporters and the thousands of Americans whose jobs depend on international sales.

Last year the Bank failed to use $1 billion of its lending authority. At the same time, U.S. businesses lost an estimated $1 billion in international sales because the Bank failed to offer competitive financing. There is no adequate way to explain this conservative approach to those Americans who were needlessly unemployed.

We must compete agressively in the international marketplace. This bill, which renews and improves the Eximbank's charter, is one important step in that direction. I urge my colleagues to vote for this bill.

Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The committee amendments must be acted upon before other amendments may be considered, unless this is an amendment to the first committee amendment. Is this an amendment to the first committee amendment?

Mr. HEINZ. Will the Senator withhold?

Mr. GORTON. I will withhold.

Mr. HEINZ. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HEINZ. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HEINZ. Mr. President, I ask unanimous consent that the committee amendments be considered en bloc

and upon adoption be considered as original text for the purpose of further amendment.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered. Without objection, the committee amendments are agreed to en bloc.

Mr. HEINZ. Mr. President, it is my understanding that amendments to the bill will now be in order; is that correct?

The PRESIDING OFFICER. That is correct.

The Senator from Washington.

AMENDMENT NO. 2209

(Purpose: To promote equal and nondiscriminatory opportunities for United States insurance companies to bid for insurance in connection with transactions assisted by the Bank)

Mr. GORTON. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Washington (Mr. GORTON) proposes an amendment numbered 2209.

Mr. GORTON. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 17, immediately after line 16, add the following new section:

COMPETITIVE INSURANCE

SEC. 108. Section 2 of the Export-Import Bank Act of 1945 is amended by adding at the end thereof the following:

"(d)(1) In carrying out its responsibilities under this Act, the Bank shall work to ensure that United States companies are afforded an equal and nondiscriminatroy opportunity to bid for insurance in connection with transactions assisted by the Bank.

"(2) In furtherance of that effort, the Chairman of the Bank shall review Bank policies and programs in regard to this issue, and in coordination with the United States Trade Representative and the appropriate agencies of the Department of State, the Department of the Treasury, and the Department of Commerce, undertake actions designed to promote equal and nondiscriminatory opportunities to bid for insurance in connection with all aspects of international trade activities.

"(3) The Bank shall report to the Committee on Banking, Finance, and Urban Affairs of the Senate not later than May 15, 1984, regarding—

"(A) the existing obstacles to equal and nondiscriminatory bidding for insurance related to transactions assisted by the Bank;

"(B) the efforts that the Bank has taken in addressing such problems; and

"(C) any recommendations for additional action by the appropriate agencies of the executive branch or the Congress."

Mr. GORTON. Mr. President, in its report on S. 869, the Senate Banking Committee expressed concern that:

(E)xisting Eximbank guidelines for the procurement of insurance in connection with export transactions assisted by Bank loans or loan guarantees have no mechanism to deal with client countries invoking discriminatory laws or business practices to compel the placement of such insurance with local insurance companies.

Although many Eximbank-financed transactions receive substantial U.S. financial assistance, U.S. insurers are often denied an opportunity to compete for the related insurance business. Some foreign governments have laws requiring that all insurance be placed with locally owned companies; some countries have government-owned insurance monopolies. Lost business opportunities for U.S. insurers as a result of these discriminatory practices have been estimated to exceed $200 million annually.

The purpose of my amendment is to strengthen the Eximbank's hand. It is designed to encourage broader competitive opportunities for U.S. insurers in connection with Bank-assisted projects.

My amendment is identical to language which appears in the House bill. It directs the Bank to, first, work to insure that U.S. companies are afforded an equal and nondiscriminatory opportunity to bid for insurance in connection with transactions assisted by the Bank; second, review its current policies and work with other Federal agencies to promote opportunities to bid for insurance in international trade; and third, report to the House and Senate Banking Committees on obstacles to insurance companies, efforts made by the Bank to alleviate those obstacles, and recommendations for further action.

I would like to point out that my amendment does not require, as a condition of Exim financing, that U.S. insurers have an opportunity to compete for the insurance business. Such a requirement could actually deter sales of U.S. goods and services abroad. My amendment, like the House provision, is designed to provide the Bank with maximum administrative flexibility to improve the competitive opportunities for U.S. insurers.

Mr. HEINZ. Mr. President, I am prepared to support and I am prepared to accept, on behalf of the majority, Senator GORTON'S amendment. This amendment, as he describes it, does relate to procurement problems confronted by U.S. insurers related to Exim-financed projects. That has been a concern of mine for a number of years, since the problems was first brought to the attention of a number of us by U.S. insurance firms.

Mr. President, I ask unanimous consent to have printed in the RECORD at this point correspondence voicing my concern which I had with Exim last year, together with the Bank's response. I note that my original letter was cosigned by Senators GARN, CHAFEE, and INOUYE.

There being no objection, the correspondence was ordered to be printed in the RECORD, as follows:

COMMITTEE ON BANKING,
HOUSING, AND URBAN AFFAIRS,
Washington, D.C., April 6, 1982.

Hon. WILLIAM H. DRAPER III,
Chairman, the Export-Import Bank,
Washington, D.C.

DEAR MR. DRAPER: We would like to indicate our concern to officials at Eximbank over procurement problems confronted by U.S. insurers related to Exim-financed projects and product sales. It appears that guidelines presently at the Bank allow client countries to use restrictive business practices to force the placement of this significant amount of insurance business in their local markets with national insurance companies. In some cases, U.S. insurers never even have the opportunity to compete for this business.

It has been brought to our attention that representatives of a major U.S. insurance company provided in testimony before the House Banking Subcommittee on International Trade an analysis of the problem, examples of market practices and legislation used by client countries of Eximbank to discriminate against U.S. insurers, and suggestions for changing the regulations. Moreover, in an analysis recently provided to our offices from the American Institute of Marine Underwriters, the trade association for marine insurers, they estimate that in 1981, U.S. insurers last as much as $100,000,000 in marine insurance premiums alone on Eximbank-financed projects.

In addition to marine insurance, Eximbank financed during fiscal year 1981 some $4,370,588,938 worth of projects developed in some of the countries that practice the most severe restrictive business practices. Indeed, the $3,203,514,159 worth of loans, the $812,113,864 worth of guarantees, and the $354,960,965 worth of medium term insurance by Eximbank, is further evidence of the magnitude of this problem and of the need for prompt remedial action. Combine these figures with non-marine insurance business lost, and the figures increase to even alarmingly higher levels. Obviously, U.S. firms would not win all the contracts on which they bid, but at the very least Eximbank ought to use its leverage to assure that U.S. insurance companies are accorded equal treatment with their home country competitors.

We are raising this issue because we believe that the export of services offers a great opportunity to improve our trade deficit. Since there is no inherent reason why insurance or reinsurance must be placed overseas, there is no reason to encourage or permit this income to be lost. Therefore, we would urge the Bank to continue its dialogue with the industry, to review its policy, and to resolve this matter in a mutually satisfactory fashion.

We appreciate your attention and assistance on this matter and would be interested in suggestions you may have to improve the competitive situation for U.S. insurers.

With best regards,

JOHN HEINZ.
DANIEL INOUYE.
JAKE GARN.
JOHN CHAFEE.

EXPORT-IMPORT BANK
OF THE UNITED STATES,
Washington, D.C., April 23, 1982.

The Hon. JOHN HEINZ,
U.S. Senate,
Washington, D.C.

DEAR SENATOR HEINZ. Thank you for your letter of April 6, 1982 expressing your concern and that of Senators Garn, Chafee and Inouye over procurement problems confronted by U.S. insurers in international trade. I am sending my response separately to each of the other Senators.

We at Eximbank recognize that U.S. insurers are seeking the right to compete on equal terms with foreign insurers for insurance business arising in foreign trade, and we share your belief that countries should be discouraged from engaging in restrictive trade practices which exclude U.S. firms from participating in coverage.

Eximbank officials, including Director Margaret Kahliff, have met at various times with representatives of the insurance industry, members of the U.S. Trade Representative's office and the Department of Commerce, and with members of Senator Inouye's staff to assess how and to what degree Eximbank can respond to this issue. Eximbank has always provided a strong incentive to maximize U.S. procurement, including insurance, in export sales by financing only the U.S. portion of such sales and by permitting the inclusion of U.S. purchased insurance in the Eximbank financial package. As a result of our consultations on the insurance issue, we have instructed our direct credit loan officers to raise at the earliest opportunity with borrowers and exporters using Eximbank's services the matter of insurance and to urge them to permit U.S. insurers to compete for the insurance business involved. Beyond providing a strong financing incentive and urging equal access for U.S. insurers, Eximbank's ability to influence negotiations on the scope of U.S. supply is limited due to the highly competitive nature of export business and because Eximbank does not participate in the sales negotiations. Nevertheless, we hope our efforts to help improve the competitive opportunities for U.S. insurers.

Under the direction of Congress and through the leadership of the United States Trade Representative, the United States is raising the issue of free trade in services, including insurance, by initiating efforts to resolve the issue through the OECD, the GATT negotiations, in bilateral trade negotiations and through appropriate enforcement actions under the Trade Act of 1974. I think this is the right approach. Eximbank will continue to cooperate with and work with the USTR, the Commerce Department and others in this effort.

Sincerely yours,

WILLIAM H. DRAPER III.

Mr. PROXMIRE. Mr. President, I enthusiastically support the amendment by the senior Senator from Washington. I think it is an excellent amendment. We do need it. The fact is that our insurers have been excluded unfairly. This would take some effective steps at last to do something about that.

I congratulate the Senator from Washington on a fine amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 2209) was agreed to.

Mr. HEINZ. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. GORTON. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HEINZ. Mr. President, I am prepared to go to final passage.

Mr. PROXMIRE. No way. Not yet.

Mr. HEINZ. But perhaps if we sound like we are ready to go to final passage, Mr. President, Senators who have amendments will come to the Chamber and offer them.

AMENDMENT NO. 2210

Mr. HEINZ. Mr. President, while we are waiting for Senators to appear, I have a brief technical amendment that I shall offer. I send to the desk a technical amendment and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Pennsylvania (Mr. HEINZ) proposes an amendment numbered 2210.

Mr. HEINZ. I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 15, strike lines 20 and 21, and insert in lieu thereof the following: "by the President for such an increase in its authority as he deems appropriate.";

On page 29, line 2, strike "and" and insert in lieu thereof, "or";

On page 15, line 9, strike out "7(b)(2)" and insert in lieu thereof, "7(a)(2)";

On page 19, line 10, strike "adequatehy" and insert in lieu thereof, "adequately".

On page 21, between lines 15 and 16, insert the following new section:

"TECHNICAL AMENDMENTS

"Section 111. (a) Section 2(b)(1)(B) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(b)(1)(B)) is amended by striking out "businessmen" and inserting in lieu thereof "business concerns".

"(b) Section 2(b)(4) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(b)(4)) is amended by striking out "he" wherever it appears and inserting in lieu thereof "the Secretary".

"(c) Section 3(e) of the Export-Import Bank Act of 1945 (12 U.S.C. 635a(e)) is amended by inserting after "his", "or her" and by inserting after "he", "or she".

"(d) Section 4 of the Export-Import Bank Act of 1945 (12 U.S.C. 635b) is amended by striking out "he" and inserting in lieu thereof "the President".

"(e) Section 7(b) of the Export-Import Bank Act of 1945 (12 U.S.C. 635e(b)) is amended by striking out "he" wherever it appears and inserting in lieu thereof "the President".

"(f) Section 1912(a)(2) of the Export-Import Bank Act Amendments of 1978 (12 U.S.C. 635a-3(a)(2)) is amended by striking out "he" and inserting in lieu thereof "the Secretary".

"(g) Section 1912(b) of the Export-Import Bank Act Amendments of 1978 (12 U.S.C. 635a-3(b)) is amended by striking out "he" and inserting in lieu thereof "the Secretary".".

Mr. HEINZ. Mr. President, this amendment corrects typographical errors in two instances. One clarifies the expanded definition of acceptable collateral in title III of the bill relating to export trading companies; and one clarifies a technical problem with the midyear report required of the Bank. It has been pointed out that technically it is the President, not the Bank, that would request additional funds if it were deemed necessary, and the amendments modifies the provision accordingly. The last technical amendments make some gender changes in the wording of the charter.

Mr. President, I move that the technical amendment be adopted.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. PROXMIRE. Mr. President, we have no objection to the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 2210) was agreed to.

AMENDMENT NO. 2211

(Purpose: To strike the import control authority under section 109)

Mr. DANFORTH. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Missouri (Mr. DANFORTH), for himself, Mr. CHAFEE, and Mr. DOLE, proposes an amendment numbered 2211.

On page 19, beginning on line 20, strike out all of section 109 through line 15 on page 21, and redesignate succeeding paragraphs accordingly.

Mr. DANFORTH. Mr. President, this amendment is offered on behalf of myself, Senator CHAFEE, and Senator DOLE, all members of the Senate Finance Committee, Senator DOLE being the chairman of our committee, I being the chairman of the Subcommittee on International Trade. The amendment would strike out section 109 of the bill on the grounds that section 109 is a violation of the General Agreement on Tariffs and Trade, and particularly a violation of the Subsidies Code.

Under an arrangement entered into by the OECD, the members of the OECD have agreed to a floor on interest rates which can be used for subsidizing the financing of exports. There is, under present law, an established legal procedure for policing and enforcing this arrangement of OECD. Under present law, if interest rates are used to subsidize the financing of ex-

ports in violation of the agreement, the Secretary of the Treasury makes a determination that the subsidized loan is a determining factor in obtaining the sale.

Mr. HEINZ. Will the Senator yield for just a minute to provide the manager of the bill a copy of this amendment?

Mr. DANFORTH. Surely, Mr. President.

Under present law, the Secretary makes a finding that the subsidization of interest rates and the subsidization of the loan is a determining factor in obtaining the sale. He then can counter the subsidized feature of the loan, thereby creating a level playing field, creating the same sort of subsidy for the U.S. manufacturer that exists for the foreign manufacturer. That is the present situation.

Under the bill that is now before us, there is an alternative route which is provided for the Secretary of commerce. This bill authorizes the Secretary of Commerce to bar imports of the goods benefiting from the subsidized financing. In other words, instead of merely authorizing the Secretary of the Treasury to counter the subsidy, this bill would go further and would authorize the Secretary of Commerce to bar the imports of the goods altogether. The bill, therefore, provides not just a countersubsidy, but an import restriction and—and this is why there is a violation of the General Agreement on Tariffs and Trade—it provides an import restriction without a finding of injury as required under the Subsidies Code.

It authorizes the Secretary of Commerce to act within a period of 30 days and it authorizes him to do so without any consultation or input from the International Trade Commission.

The International Trade Commission, in enforcing the subsidy laws, is that part of the Government of the United States which is in business to determine whether the subsidy of a foreign import creates injury. There is no role for the International Trade Commission in this bill. Therefore, Mr. President, this amendment is an amendment to strike that provision in the bill which is violative of the General Agreement on Tariffs and Trade and it would, therefore, retain the present situation in the law for enforcing the OECD arrangement.

Mr. President, I have here a letter from the U.S. Trade Representative, the Honorable William E. Brock, stating the administration's position, which I shall now read into the RECORD. It is dated September 23, 1983. The Ambassador says as follows:

DEAR JOHN: I am writing to express my opposition and that of the Administration to Section 109 of S. 869, a bill to renew the Eximbank Charter.

We are opposed to the amendment for several reasons. First the embargo of foreign goods flatly violates GATT Article XI and Article 19.1 of the Subsidies Code. Article XI strictly prohibits quantitative restrictions (including embargoes) on imports; Article 19.1 further prohibits taking action against particular subsidies other than by GATT-consistent action. Shortcutting dispute settlement is not only illegal, but is inconsistent with the trade policy of this Administration. Unilateral action on our part will invite the same by our trading partners, undermining those efforts we are making to liberalize the world trading system.

Further, we have laws at our disposal to address the problem of foreign subsidized financing on sales into the U.S. market. A petitioner or the U.S. Government can initiate a countervailing duty investigation or an investigation under Section 301 of the Trade Act of 1974. The competing U.S. firm can use Section 1912 of the Export-Import Bank Act of 1945, as amended, to match the foreign financing offer if it is determined that the financing is a determining factor in the purchase decision. Finally, we can initiate Subsidies Code dispute settlement proceedings against the offending party as Arrangement-inconsistent financing is a clear violation of the Code. All these ways can be pursued at the same time by an injured U.S. industry or union.

I would note that U.S. law was adequate in responding to the Canadian offer of Arrangement-inconsistent financing on the sale of 625 subway cars to the New York MTA. From the date Budd filed the petition, the MTA sale was affected by the possibility of countervailing duties. The Commerce Department, in its countervailing duty investigation, made a final determination that the subsidies on the sale amounted to approximately $200 million. The importer of the subway cars would have been liable for the countervailing duties. While the Budd Company withdrew the case before the final assessment of duties, the Administration sent a clear signal to foreign exporters that it would countervail foreign subsidized financing and to U.S. importers that they would be liable for the countervailing duties should they accept subsidized financing.

I would appreciate your support in opposing this amendment.

Very truly yours,

WILLIAM E. BROCK.

Mr. President, I have a letter also to Senator DOLE from W. Dennis Thomas, Assistant Secretary of the Treasury, also supporting this amendment. I ask unanimous consent to have it printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF THE TREASURY,
Washington, D.C., September 23, 1983.

Hon. ROBERT J. DOLE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR DOLE: You have asked for Treasury's comments on Section 109 of S. 869, the "Export-Import Bank Act Amendments of 1983". Section 109 would ban imports of all goods benefiting from official export credit subsidies in derogation from international arrangements, understandings, and standstills on export credits, provided that no inquiry has been commenced under Section 1912 of the Export-Import Bank Act Amendments of 1978.

The Department of the Treasury strongly opposes such an embargo because it is contrary to our international obligations and inconsistent with Administration trade policy. Any counteraction against subsidized imports, under the U.S. countervailing duty law, can only offset the foreign bounty or grant, as determined by the Commerce Department. For duty-free imports or for countries which are (a) signatories to the Subsidies Code; or (b) have a bilateral agreement with the United States which grants them the injury test, an injury determination is also required.

Existing U.S. law is adequate to protect our trade interests should a country export goods to the United States with export credit subsidies in derogation of international arrangements, understandings, and standstills. Section 301 of the Trade Act of 1974 contains provisions which authorize the President to enforce U.S. rights under trade agreements and to counter measures or practices which the President finds to be "unjustifiable, unreasonable, or discriminatory" which burden U.S. commerce.

The Department believes that the current provisions of the countervailing duty law and of Section 301 are adequate to deal with the problem of official export credit subsidies which are inconsistent with international arrangements, understandings, and standstills.

Sincerely,

W. DENNIS THOMAS,
Assistant Secretary
(Legislative Affairs).

Mr. PROXMIRE. Mr. President, this amendment is one of those rare and happy amendments that is supported by both labor and industry.

I have a letter from the Labor-Industry Coalition for International Trade. It is a short letter and I will read it into the RECORD.

DEAR SENATOR PROXMIRE: I am writing on behalf of the members of the Labor-Industry Coalition for International Trade (LICIT) to reiterate our support of section 109, "Prohibition of Imports Supported by Export Credits Inconsistent with the OECD Arrangement on Export Credits," of S. 869, a bill to amend the Export-Import Bank Act.

Large sales of capital equipment subsidized by official export credits can cause great harm to American industries, and there is no effective remedy in law at this time. These sales are made with credits granted in clear violation of the international obligations of the governments of major industrial nations both in the OECD and in the GATT. If current international agreements are to have meaning, and more effective rules are to be negotiated in the future, blatant violations of these accords must be prevented. In our own market, we have the ability, which this legislation would implement, to prevent these transactions from occurring.

Now, let me indicate who the Labor-Industry Coalition on International Trade includes. It includes the AFL-CIO, Bethlehem Steel, Amalgamated Clothing and Textile Workers Union, the Communication Workers of America, Combustion Engineering Corp., the Corning Glass Co., the International Union of Radio Electric and Machinery Workers, the International Brotherhood of Electrical Workers, the American Flint Glass Workers Union, B. F. Goodrich Co., Ingersoll-

Rand Co., International Ladies Garment Workers Union, International Association of Machinists and Aerospace Workers, United Paperworkers International Union, United Rubberworkers of America, St. Joe Minerals Corp., United Steelworkers of America, W. R. Grace and Co., and Westinghouse Electric Co.

So the first point I want to make clear is that the Labor Industry Coalition for International Trade does favor this section.

In the second place, Mr. President, the provision is designed to prohibit imports where there is a subsidy which is a material element in the sale, and that, of course, would be determined by the Secretary of Commerce.

In the third place such subsidies violate the GATT code and the OECD arrangement on export credits.

In the fourth place, the provision, that would be stricken by the Danforth amendment, carries out the GATT agreement. Let us be crystal clear on that point. Let us not fog up the issue. GATT outlaws subsidies. Section 109 seeks to enforce GATT in a meaningful manner.

As my fifth point I think we should all agree that subsidies should be outlawed. Subsidies are a waste of money and they distort free markets in international trade.

Finally I believe that the simplest way to end subsides is to prohibit the import of subsidized goods when there are adverse consequences.

Now, some will say that instead of prohibiting imports GATT requires us to file a lawsuit with the GATT and litigate the issue. I must say, Mr. President, that is a very impractical course to follow. What in the world would that do? The sale would be made and we would be left with a lawsuit. That puts the cart before the horse. We need injunctive relief against subsidies. So let the subsidizers go to the GATT and say that we violated procedures by not allowing subsidized goods to be sold. GATT would throw the case out since the subsidizers would not have clean hands. Let us put the burden on the subsidized as section 109 does.

I question the argument that the injunction in section 109 violates the spirit of GATT.

In the first place, GATT outlaws subsidies. I repeat, GATT outlaws subsidies.

Second, GATT does not reach all imports. Most particularly it does not reach purchases by State and local governments, and that is where the problem has been. Remember, for example, the purchase of subway cars by New York City. Also, section 301 of the Trade Act, now law, gives discretionary authority to the President of the United States to prohibit imports where there has been a subsidy. Section 109 does much the same. Therefore, section 109 is not GATT inconsistent. I would argue that section 109 seeks to prohibit subsidies.

Mr. CHAFEE. I wonder if the Senator would yield for a question.

Mr. PROXMIRE. I would be delighted to yield to my good friend from Rhode Island.

Mr. CHAFEE. Does not the GATT provide as follows in article 19 of the Subsidies Code:

> No specific action against a subsidy of another signatory can be taken expect in accordance with the provision of GATT as interpreted by the Subsidies Code.

Now, is that not crystal clear that what the Senator is proposing is completely contrary to GATT? If you object to the subsidies, yes, but there is a procedure and GATT has a procedure and says any other action against another signatory cannot be taken except in accordance with the provisions of GATT.

Mr. PROXMIRE. Mr. President, in the first place, the subsidy itself violates GATT. Furthermore, it would not be inconsistent with our GATT obligations in the case of purchases by State or local governments. Such purchases are not covered by GATT. As the Senator knows, we have a crystal clear example in the sale of subway cars to New York City. That was a big ticket item and it was subsidized. This section is designed to get precisely at that.

Mr. CHAFEE. As the Senator knows—perhaps he did not have a chance to hear the letter from Ambassador Brock—that case was resolved under the existing procedures of the countervailing duties. As you know, the Bud Co. dropped its actions.

Mr. PROXMIRE. Well, it is the kind of resolution where you can understand why it makes management and workers unhappy in this country, because it involved a huge subsidy. It was a sale, competing with American-made cars, and the foreign firm won because it had a subsidy. That was a major determining factor.

Mr. HEINZ. Mr. President, will the Senator yield?

Mr. CHAFEE. I yield.

Mr. HEINZ. Mr. President, I think this is a case where both sides have a very good point. Senator PROXMIRE was a very active participant in our hearings on section 1912 of this legislation. That section did, indeed, grow out of some very unsatisfactory experiences we have had with foreign subsidized credit supporting imports into the United States where the established mechanisms simply were not adequate to deal with what everybody could agree on in substance was not only a subsidized export into the United States but also was clearly below the international arrangement that everybody had agreed upon.

Therefore, the amendment of Senator PROXMIRE in this bill, and it is his amendment, is aimed at a very valid objective.

I think at the same time Senator DANFORTH and Senator CHAFEE have an equally valid concern about the injury test. We do not have a regular injury test in this section—indeed, I raised that question with Mr. Samuels who advocated this proposal before the committee, and the hearing record on pages 8 and 9 goes into that in more length. It seems to me, therefore, that because an injury test is customary where subsidies by GATT members are concerned—non-GATT members do not have the benefit of an injury test. I would say to my good friend from Missouri unless they are both GATT members and signatories to the Subsidies Code—it would seem to me reasonable that we seek an amendment to section 109 that provides for some kind of expedited injury test using the ITC, which is our established mechanism for determining injury.

I suggest this to my colleagues because I do not want to see one or the other prevail, both sides to the exclusion of the other. I think both sides have a point, and this is a difference that should be reconcilable.

Mr. CHAFEE. Mr. President, I think this proposal deserves examination.

I take it that the Senator is making that on behalf of the committee.

Mr. HEINZ. The Senator has not yet proposed specific language. What I would propose to do is to suggest the absence of a quorum, so that we might discuss precise language.

Mr. CHAFEE. That is fine.

Mr. HEINZ. Mr. President, I ask unanimous consent that the Danforth amendment be temporarily set aside, for the sole purpose of taking up the amendment of the Senator from Georgia (Mr. MATTINGLY).

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The Senator from Georgia.

Mr. MATTINGLY. Mr. President, although I have pledged my full support for the renewal and reauthorization of Eximbank, I want to make it clear that I do not support in total an amendment to S. 869 which authorizes Eximbank to extend a loan guarantee and insurance package to Mexico for the purchase of U.S. goods and services.

On August 16, 1983, the Export-Import Bank (Eximbank) announced plans to guarantee as much as $2 billion in new export credit to Brazil and Mexico in the next fiscal year. While Brazil could receive as much as $1.5 billion, a program has been designed to guarantee $500 million in commercial bank loans and export insurance

contracts covering U.S. export of goods and services to Mexico.

Yet, on September 5, 1983, Mexico, one of the world's most indebted nations, announced that it will lend Cuba's Communist Government $55 million in credit at preferential terms to purchase Mexican goods.

While I realize that Eximbank assistance is tied to the Mexican purchase of U.S. exports, the question I pose to my colleagues is this: How can we be 100-percent certain that by making it easier for Mexico to borrow, we are in no way facilitating Mexico's ability to lend to Cuba—and that we are in no way aiding and abetting communism?

The answer is that we cannot and do not have that guarantee. Making it easier for Mexico to finance its imports may permit it to use the capital otherwise needed for that purpose for others—like aiding Cuba's ability to import, thereby easing its financial position. In essence, we are indirectly supporting the Communist regime in Cuba.

I find this activity unacceptable, the practice intolerable, and something that must cease. Last week, during Senate debate over the appropriate response to the Soviet downing of the Korean airliner, I made the statement that the House joint resolution, which subsequently was adopted by the Senate, should be viewed only as a first step in the procession of responses taken to display our outrage and condemnation of the incident. Furthermore, I stated that the Congress should plan to continue its efforts to sanction and condemn the Soviet Union and its client states in any appropriate commercial, economic, or political fashion.

My dialog in opposition to lending assistance to Mexico in this fashion and at this time is intended to be another signal sent to our adversaries to make it clear that we will not return to business as usual with the Soviets and their satellite countries. So all I am doing here today is encouraging my colleagues to support the idea of telling Mexico that they must stop this practice. Our united opposition in the Senate and in Congress would be an adequate and moderate gesture symbolizing our commitment to preserve freedom and to protect democracy.

Before I close, Mr. President, I should like to ask the distinguished managers of S. 869 to assure me that the appropriate committees of Members of the Senate receive certifications, as best that can be obtained, from the Eximbank every 90 days of the kinds of U.S. goods that Mexico purchases with the assistance of this program. With the escalation and intensification of our relations with the Soviet Union, it is essential that we closely monitor our steps to insure that we are not supporting in any way the subversive behavior of the Soviet Union or that of its satellite countries. I do not think anyone can argue with the need—and the benefits—of being made aware of this kind of information.

I say to the distinguished manager of the bill that I have an amendment to withdraw $55 million from the loan guarantees and insurance. But if the Senator will give me this assurance and include this in the bill, I will not offer the amendment.

Mr. HEINZ. Mr. President, will the Senator yield?

Mr. MATTINGLY. I yield.

Mr. HEINZ. I say to the Senator that I thoroughly support what he has asked for Eximbank.

I will do everything in my power—and anticipate being successful—in obtaining the periodic 90-day certification he requests. He has raised very valid questions regarding the report of a $55 million loan from Mexico to Cuba. I was troubled by that report as well.

I say to my good friend, the Senator from Georgia, that I do share his concerns. Not only do we want to assure that none of the $500 million in insurance and guarantees to support American exports is somehow used to support Cuba, but also, we want to do everything in our power to make sure there is not even an appearance or that we can be accused that anything we are doing in this bill is in any way supportive of either Cuba or Mexican support or loan, or whatever it is in which they have involved themselves, of financing Mexican-Cuban trade.

Consequently, as a first step—and I assure the Senator that this is only a first step—I have asked for and received assurances from the Chairman of the Eximbank that this insurance and guarantee facility we have been discussing will be used solely to finance goods and services of U.S. origin or manufacture and that the Bank will take special care to assure proper documentation from the U.S. exporter complying with this requirement.

Second, I can see ablsolutely no reason why the Bank will not agree to our request. We will develop the necessary dialog with the Bank to insure that there is the assurance that the Senator wants while this facility is in existence.

Mr. President, at this point I ask unanimous consent to have printed in the RECORD the letter from Chairman Draper.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

EXPORT-IMPORT BANK
OF THE UNITED STATES,
Washington, D.C., September 22, 1983.

Hon. JAKE GARN,
Chairman, Committee on Banking, Housing, and Urban Affairs, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: Regarding Eximbank's proposed insurance and guarantee facilities for Mexico and Brazil, I wish to assure you that the insurance and guarantees will be used solely to finance goods and services of U.S. origin or manufacture. These transactions will be administered as carefully as all of the Bank's programs to ensure that the proper documentation is submitted by the U.S. exporter to comply with this requirement.

Please let me know if any further questions arise on this matter.

Sincerely,

WILLIAM H. DRAPER III.

Mr. HEINZ. Mr. President, once again I commend the Senator from Georgia for being extremely vigilant in bringing this matter to my attention and the attention of the committee, which will insure that none of the money in the facility in this amendment serves purposes other than the ones clearly intended.

I thank the Senator for his contribution. It is a significant one.

Mr. MATTINGLY. Mr. President, I thank the distinguished Senator, the manager of the bill, and the ranking minority member of the bill for his accepting this amendment.

Mr. HEINZ. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HEINZ. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. MATTINGLY). Without objection, it is so ordered.

Mr. HEINZ. Mr. President, what is the pending business?

The PRESIDING OFFICER. The amendment of the Senator from Missouri is the pending business.

Mr. HEINZ. Mr. President, I ask unanimous consent that the Danforth amendment be temporarily laid aside for the sole purpose of considering an amendment to be offered by the Senator from Wisconsin (Mr. KASTEN).

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2212

Mr. KASTEN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Wisconsin (Mr. KASTEN) proposes an amendment numbered 2212.

Mr. KASTEN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 15, between lines 21 and 22 insert the following:

"(B) If the Bank finds that the amount of direct loan authority or guarantee authority available to it for any fiscal year exceeds the amount which will be necessary to carry out its functions during such year, it shall promptly transmit to the Congress a request for legislation to eliminate the amount of such excess direct loan or loan guarantee authority. Upon the expiration of a period of 45 days after the date on which the Bank makes such request, the Bank shall make the amount of such excess authority available for commitment unless the Congress has completed action on legislation eliminating or reducing the excess amount. For the purpose of computing the 45-day period under the preceding sentence, there shall be excluded any days on which either House of Congress is not in session because of an adjournment of more than 3 days.".

Mr. KASTEN. Mr. President, the amendment I am offering seeks to correct a situation not provided for in the Budget Act of 1973.

As my colleagues know, the Budget Act of 1973 provides mechanisms whereby the executive branch must submit to Congress either deferrals or rescissions when it finds that funds appropriated by Congress will not be utilized as Congress intended. The motive behind this particular aspect of the Budget Act were actions carried out by a number of administrations who simply impounded funds despite congressional action.

Unfortunately, in the case of direct loan authority and loan guarantee authority of the Export-Import Bank, such impoundment is still possible. Indeed, despite the fact that Congress provided $4.4 billion in direct loans for the current fiscal year, the administration in its budget submission last February said that it would only allocate $3,830,000,000, which had been their original budget request. Unbelievable as it may seem, the Export-Import Bank tried to tell us that they had made a new evaluation and it was just coincidental that their new assessment came to the same figure as their original budget request. In my mind that shows at least a disregard of congressional concerns, if not outright contempt for Congress and the legislative branch. The amendment I am offering today would require the Bank to secure specific legislation from Congress reducing congressionally provided authority if they find the amount we have provided is in excess of their needs.

Mr. President, I believe this amendment is good government, an extension of what Congress has been trying to do over the last several years through the overall budget process, and furthermore, especially with respect to the Export-Import Bank where Congress and the administration have had so many differences, I think we need this extra oversight mechanism.

I hope the distinguished managers of the bill will see fit to accept the amendment.

Mr. President, I ask unanimous consent to add Senator LEVIN as a cosponsor of my amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HEINZ. Mr. President, I ask unanimous consent to be added as a cosponsor as well.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KASTEN. Mr. President, I hope the committee will act favorably upon this amendment.

Mr. HEINZ. Mr. President, speaking on behalf of the majority, I am prepared to accept this amendment. Indeed, I strongly endorse it.

What we are really talking about is treating Eximbank with respect to any excess direct loan or loan guarantee authority just the way we treat any other branch or agency of the Federal Government.

At the present time it is treated differently. It is not subject to the rescission authority that all other agencies must operate under.

That has often operated, in my judgment, to the detriment of the United States and our export competitiveness.

I salute the Senator from Wisconsin for offering this amendment. It is a very useful amendment, and I urge my colleagues to support it.

Mr. PROXMIRE. This amendment is offered by my distinguished colleague from Wisconsin?

Mr. KASTEN. It is.

Mr. PROXMIRE. I hesitate to oppose anything my friend from Wisconsin offers. We work together in behalf of my State. We have always been in complete harmony.

But I understand this amendment is opposed by the administration, opposed by the Office of Management and Budget.

It would require the agency to go ahead and expend the money even though they do not have to and do not need it.

It seems to me to be a bad course to follow for any agency, and we all know that the Export-Import Bank is revered, worshiped, and adored regularly, not just on Sundays, but 7 days a week. But it seems to me this is really overdoing it.

So, I must say I have considerable problems with this amendment, especially since I say it is opposed by the Export-Import Bank and opposed by the Office of Management and Budget, which I suppose does speak for the administration. At a time when we have colossal deficits for us to insist that an agency go ahead and expend their guarantee or expend their funds seems to me is wrong.

Mr. KASTEN. Mr. President, will the Senator yield?

Mr. PROXMIRE. I yield.

Mr. KASTEN. Mr. President, I wish to make one point. We are not insisting that they spend the money or they do not spend the money. What we are doing is establishing for the Eximbank the exact same mechanism which is now in place for most other agencies. If they choose not to spend the money, they come back to us to get our approval. All we are trying to do is continue to have the congressional process work so that they cannot unilaterally, if you will, make a decision on spending. If they choose to not spend the money, they come back to us and there is the same kind of process that is in existence for most other agencies. I just want to put the Eximbank under that same process of continuing to work with the legislative branch, not being able to unilaterally make a rescission or an impoundment.

Mr. PROXMIRE. Is it not true that if Congress does not act within 45 days, they then have to go ahead and spend the funds?

Mr. KASTEN. That is the system we have in place for all Government agencies. It is the same system. It is the Budget Act of 1973. And the system is in place for everything. It is not in place for the Eximbank. I just want to bring the Eximbank into the same system.

Mr. PROXMIRE. What happens if there are not qualified applicants available?

Mr. KASTEN. That is fine. They would come to us and say, "We do not find qualified applicants, we want to spend less money."

Mr. PROXMIRE. Suppose Congress does not act in the 45 days.

Mr. KASTEN. There is an expedited procedure for Congress. It is the same as if the Department of the Interior or any other Government agency. They are all under this now and there are decisions that are made in which they do not spend the money and we, in fact, can work with that.

The Budget Act does not right now include the Eximbank. I am trying to bring them into a similar process so they are treated exactly like all other agencies.

Mr. PROXMIRE. This is to apply to loan guarantees, and the Budget Act does not apply to loan guarantees.

Mr. KASTEN. I do not know why the Budget Act did not include the Eximbank in the beginning. Maybe it was because of loan guarantees, maybe it was not. I am simply saying that the same process which is in place for all other agencies should include the Eximbank. There is no reason that they should make decisions on their own, whereas in all the other agencies, in all the other spending decisions, they cannot.

Mr. PROXMIRE. May I ask my friend and colleague why this should not be a decision for the Budget Committee rather than a matter to be taken up on the floor?

We have not had a chance to hold a hearing on this to consider it. As I say, it is opposed by the agency and opposed by OMB, and we are changing the impoundment procedures, weakening the President's opportunity to hold down spending, at a time when we certainly want to go the other way.

Mr. KASTEN. We are not in any way affecting the ability to hold down spending, and to my knowledge this amendment is not being opposed by the Budget Committee. As a matter of fact, I assume that most members of the Budget Committee would support it.

Mr. PROXMIRE. That would be fine. That is why I think it should go through the Budget Committee because it seems to me it is a kind of determination that they should have an opportunity to hold a hearing on and make their own decision on, if or if not hold a hearing, at least have an opportunity for the committee to meet, discuss, debate, and decide, rather than to have us decide it in a few minutes discussion by accepting it on the floor.

Mr. KASTEN. The reason it is here and not there is this is not an amendment to the 1973 Budget Act. We are not amending the Budget Act. Therefore, it would not be appropriate for the Budget Committee. We are amending the Eximbank bill because we want the Eximbank to fall under the same kinds of review procedures that all other agencies have fallen under. They somehow got out and we are going to try to put them back in.

Mr. PROXMIRE. As I say, I have great respect, admiration, and affection for my good friend. I oppose the amendment. There is nothing else I can do but oppose it.

I would suggest that the Senator might improve his amendment if he would insert on line 8, to make it read:

If the Bank finds that the amount of direct loan authority or guarantee authority available to it for any fiscal year exceeds the amount which will be necessary to carry out its functions.

And then insert the following:

Consistent with the availability of qualified applications and limitations imposed by law.

Mr. KASTEN. I would say to the Senator that that is what we mean and I would accept that modification to my amendment. That further clarifies what we mean.

Mr. PROXMIRE. I send the modification to the desk which the author has agreed to.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

In the amendment on line 8, after the word "functions" insert the following: "consistent with the availability of qualified applications and limitations imposed by law."

The PRESIDING OFFICER. The sponsor has a right to modify the amendment.

Mr. KASTEN. I agree with the modification.

The PRESIDING OFFICER. The amendment is so modified.

The amendment (No. 2212), as modified, is as follows:

On page 15, between lines 21 and 22 insert the following:

"(B) If the Bank finds that the amount of direct loan authority or guarantee authority available to it for any fiscal year exceeds the amount which will be necessary to carry out its functions consistent with the availability of qualified applications and limitations imposed by law during such year, it shall promptly transmit to the Congress a request for legislation to eliminate the amount of such excess direct loan or loan guarantee authority. Upon the expiration of a period of 45 days after the date on which the Bank makes such request, the Bank shall make the amount of such excess authority available for commitment unless the Congress has completed action on legislation eliminating or reducing the excess amount. For the purpose of computing the 45-day period under the preceding sentence, there shall be excluded any days on which either House of Congress is not in session because of an adjournment of more than 3 days.".

Mr. DANFORTH. Mr. President, I believe an amendment that I offered with Senator DOLE and Senator CHAFEE is pending. I am going to be unavoidably off the floor for the next few minutes. I think that we are very close to working out a compromise agreement on that amendment.

Therefore, I ask unanimous consent that it might be in order for Senator HEINZ, Senator PROXMIRE, or Senator CHAFEE to offer the modification of my amendment on my behalf.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. KASTEN. Mr. President, parliamentary inquiry. Is the question now on the Kasten amendment, as modified?

The PRESIDING OFFICER. The Senator is correct.

Is there further debate? If not, the question is on agreeing to the amendment, as modified, of the Senator from Wisconsin (Mr. KASTEN).

Without objection, the amendment (No. 2212), as modified, is agreed to.

Mr. PROXMIRE. Mr. President, I just want to have it on the record that I oppose the amendment, although I will not ask for a rollcall. The Chair announced, "Without objection, it is agreed to." It is not agreed to without objection. I oppose the amendment.

The PRESIDING OFFICER. The amendment is agreed to.

The amendment (No. 2212), as modified, was agreed to.

Mr. KASTEN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. HEINZ. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

● Mr. LEVIN. Mr. President, I rise in support of the amendment offered by the Senator from Wisconsin, and urge Senate approval. This amendment will prevent the administration from unilaterally reducing the level of direct loan, loan guarantee, and insurance program authority provided to the Eximbank below the levels established by Congress. And if the administration believes the levels established should be reduced, it will be with the full knowledge and approval of Congress.

This amendment is important because it addresses a fundmental institutional issue involving the Congress and the executive branch. That issue is executive branch execution of the laws enacted by Congress. For this administration or any other to not make available the full amount of direct loan, loan guarantee and insurance program authority provided to the Eximbank is to render meaningless the actions which the Banking and Appropriation Committees, and this Congress, have jointly taken to establish those levels. And this has occurred in the past.

I want to commend Senator KASTEN for offering this amendment. It responds to this institutional issue and is consistent with an amendment I offered that was ultimately included in the Third Continuing Resolution for fiscal year 1982. That amendment required the head of any department or agency to enter into commitments to guarantee loans to qualified applicants in the full amounts provided by law, subject only to the availability of qualified applicants and limitations contained in appropriation acts.

My amendment was offered in response to a Reagan administration announcement unilaterally reducing the level of congressionally enacted loan guarantee authority by $20.3 billion for fiscal year 1982. These reductions affected 14 programs administered by 9 departments and agencies, including a $1.2 billion reduction in guarantees for the Eximbank.

As a further response to the administration's reductions, I introduced a number of bills earlier this year similar to the provision contained in the Third Continuing Resolution. The bills would amend the basic statutes establishing the various loan guarantee programs to provide permanent protection from unilateral administrative reductions once Congress establishes the level of guarantee authority for these programs. One of the bills would have protected guarantee and insurance programs of the Eximbank.

These bills also formed the basis of amendments I proposed to offer to S. 1338, the Housing and Community Development Act of 1983, and H.R. 2733, the Critical Agricultural Materials Act of 1983, when these bills were scheduled for consideration this summer. I will be offering similar amendments to other authorization bills in the future.

Again, Mr. President, I urge Senate passage of this amendment.●

The PRESIDING OFFICER. The question recurs on the amendment of the Senator from Missouri (Mr. DANFORTH).

Mr. HEINZ. Mr. President, it is my understanding that the Senator from Minnesota, Senator BOSCHWITZ, has an amendment. Is that correct?

Mr. BOSCHWITZ. That is correct.

Mr. HEINZ. Mr. President, in order to allow the Senator from Minnesota to offer his amendment, and because there is still discussion taking place among Senators attempting to resolve the issue on the Danforth amendment, I ask unanimous consent that we temporarily lay aside the Danforth amendment for the sole purpose of taking up the Boschwitz amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2213

(Purpose: To assure that the Bank meets the needs of small business concerns)

Mr. BOSCHWITZ. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Minnesota (Mr. BOSCHWITZ) proposes an amendment numbered 2213.

Mr. BOSCHWITZ. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 13, between lines 14 and 15, insert the following:

(c) Section 2(b)(1)(B) of such Act is amended by inserting "export trading companies," after "indepndent export firms," in the third sentence, as amended by subsection (b).

On page 13, line 23, after the period, insert the following: "Not less than three members appointed to the Advisory Committee shall be representatives of the small business community.".

On page 15, between lines 7 and 8, insert the following:

(c)(1) Section 3(c) of such Act is amended by adding at the end thereof the following: "Of the five members of the Board appointed by the President, not less than one such member shall be selected from the small business community and shall represent the interests of small business.".

(2) In order to carry out the amendment made by paragraph (1), the first member appointed by the President of the United States to the Board of Directors of the Export-Import Bank of the United States after the date of the enactment of this section shall be selected from among the small business community and shall represent the interests of small business.

On page 19, strike out lines 8 through 11, and insert in lieu thereof the following:

"(iii) The Director appointed to represent the interests of small business under section 3(c) shall ensure that

On page 19, line 15, strike out the close quotation marks and the final period.

On page 19, between lines 15 and 16, insert the following:

"(iv) To assure that the purposes of subparagraphs (i) and (ii) are carried out, the Bank shall make available, from the aggregate loan, guarantee, and insurance authority available to it, an amount to finance exports by small business concerns (as defined under section 3 of the Small Business Act) which shall be not less than 6 per centum of such authority for fiscal year 1984, 7 per centum of such authority for fiscal year 1985, 8 per centum of such authority for fiscal year 1986, 9 per centum of such authority for fiscal year 1987, 10 per centum of such authority for fiscal year 1988 and thereafter. The Bank shall utilize the amount set aside pursuant to the preceding sentence to offer financing for small business exports on terms which are fully competitive with regard to interest rates and with regard to the portion of financing which may be provided, guaranteed, or insured. Financing under this subparagraph shall be available without regard to whether financing for the particular transaction was disapproved by any other Federal agency.

"(v) The Bank shall utilize a part of the amount set aside pursuant to subparagraph (iv) to provide lines of credit or guarantees to consortia of small or medium size banks, export trading companies, State export finance agencies, export financing cooperatives, small business investment companies as defined in section 103 of the Small Business Investment Act of 1958, or other financing institutions or entities in order to finance small business exports. Financing under this subparagraph shall be made available only where the consortia or the participating institutions agree to undertake processing, servicing, and credit evaluation functions in connection with such financing. To the maximum extent practicable the Bank shall delegate to the consortia the authority to approve financing under this subparagraph. In the administration of the program under this subparagraph, the Bank shall provide appropriate technical assistance to participating consortia and may require such consortia periodically to furnish information to the Bank regarding the number and amount of loans made and the credit worthiness of the borrowers.

"(vi) In order to assure that the policy stated in subparagraph (i) is carried out, the Bank shall promote small business exports and its small business export financing programs in cooperation with the Secretary of Commerce, the Office of International Trade of the Small Business Administration, and the private sector, particularly small business organizations, State agencies, chambers of commerce, banking organizations, export management companies, export trading companies, and private industry.".

On page 19, lines 18 and 19, strike out "designated to assure that such policy is carried out" and insert in lieu thereof "appointed to represent the interests of small business".

On page 19, between lines 19 and 20, insert the following:

(c) Section 9 of such Act is amended by adding at the end thereof the following:

"(c) The Bank shall include in its annual report to the Congress a report on the allocation of the sum set aside for small business exports pursuant to section 2(b)(1)(E). Such report shall specify the total number and dollar volume of loans made from the sums set aside, the number and dollar volume of loans made through the consortia program under subparagraph (v) of such section, the amount of guarantees and insurance provided for small business exports, the number of recipients of financing from the sums set aside who have not previously participated in the Bank's programs, the number of commitments entered into in amounts less than $500,000, and any recommendations for increasing the participation of banks and other institutions in the programs authorized under section 2(b)(1)(E). For the purpose of this subsection, the Bank's report shall also be referred to the Committees on Small Business.".

On page 17, line 16, strike out the quotation marks and the period.

On page 17, between lines 16 and 17, insert the following:

"(E) The Bank shall urge the Foreign Credit Insurance Association to provide coverage against 100 per centum of any loss with respect to exports having a value of $100,000 or less.".

(The names of Mr. DOMENICI, Mr. TOWER, Mr. PERCY, Mr. HEINZ, Mr. LEVIN, Mr. HUDDLESTON, Mr. BUMPERS, Mr. BENTSEN, and Mr. PROXMIRE were added as cosponsors of amendment No. 2213.)

Mr. BOSCHWITZ. Mr. President, I am offering an amendment this morning that would create a set-aside of Eximbank's export financing authority so that small business will receive a certain specified amount of the loans that are made.

In the past, Mr. President, as you well know, Eximbank has mainly dealt with large corporations. As we also know, small businesses provide a great deal of the driving power of our economy and could, indeed, export if they were given some assurances, not only with respect to financing, but also with respect to collection.

Without question, many small businesses in this country tend to decide that they probably cannot export or that they should not export because they do not have a clear sense of how they will ever collect for the goods they sell. And, they do not have a clear sense either of what programs Eximbank has available or how to use them.

So, this amendment specified that, in fiscal year 1984, 6 percent of Eximbank's available financing must be directed at small businesses. Eximbank can meet the set-aside requirement through its direct loan, guaranteed loan, or insurance programs, or any combination of these programs.

In 1985, the percentage rises to 7 percent; 1986 to 8 percent; the year after to 9 percent; and then, in 1988 and 1989, it would level off at 10 per-

cent, which would be the duration of this legislation.

It is an effort, Mr. President, to see that small business has an opportunity to expand its exports. We all are very aware of the deficit that we have in our trade accounts. This amendment will be a meaningful step to reduce those deficits.

Mr. BOSCHWITZ. Mr. President, I ask unanimous consent that the following list of Senators be added as cosponsors to the amendment and be printed in the RECORD at this point: Senators MATTINGLY, SASSER, D'AMATO, PRESSLER, GLENN, HATCH, GRASSLEY, TSONGAS, EAST, COHEN, HUDDLESTON, HELMS, HEFLIN, KASTEN, LUGAR, DURENBERGER, RANDOLPH, PELL, DECONCINI, DOMENICI, TOWER, PERCY, HEINZ, LEVIN, BUMPERS, BENTSEN, and PROXMIRE.

The PRESIDING OFFICER. Without objection, the Senators will be added.

Mr. BOSCHWITZ. Mr. President, the amendment I am offering today will give small businesses better access to the export financing programs of the Export-Import Bank. My amendment has broad support and is truly a bipartisan effort. I commend Senators MATTINGLY, SASSER, D'AMATO, and GLENN for their leadership on this issue. In addition, I would like to specifically commend Senators GARN and HEINZ for working with us to draft an amendment that was agreeable and that will provide a major boost to small business exporters, while addressing the legitimate concerns of the exporting community as a whole.

We are all aware of the contributions small business makes to the economy in terms of jobs and innovative technology. Small business can also be the leading contributor in U.S. exports if competitive export financing is available. Indeed, the Commerce Department estimates that at least 20,000 businesses in our country could export, but do not. In fact, only 1 percent of American manufacturers account for over 80 percent of our exports. As we face record trade deficits, it is imperative that small businesses become more active exporters.

Our balance of merchandise trade deficit was $42.7 billion in 1982—making a cumulative trade deficit of over $200 billion from 1978 through 1982. And, it is not getting any better. The Secretary of Commerce estimates that this year's merchandise trade deficit could be as high as $60 billion. When exports of services are included, the picture is somewhat better, but the imbalance in merchandise trade is still a cause for concern.

During the same time period, total U.S. exports increased substantially—from $220 billion in 1978 to $375 billion in 1981. This is a 70-percent increase over those 4 years. But, in 1982, total U.S. exports declined by 8 percent to $342 billion. The worldwide recession and strength of our dollar certainly contributed to this decline, but the lack of adequate financing was also a big factor.

Not surprisingly, jobs generated by exports decreased between 1981 and 1982. The decrease was a dramatic 20 percent—from 6.2 million export-related jobs in 1981 to 4.9 million in 1982. Without question, increasing our exports—especially by small businesses that create the most jobs—will improve both our balance of trade picture and our unemployment situation.

Last fall I held a hearing in Washington that focused on obstacles faced by small business exporters. One of the major obstacles we identified was the lack of adequate financing. As a follow-up, I chaired another hearing in April that examined the small business export financing programs of the Export-Import Bank. Exim has been termed a "big business" bank by many—and with good reason. To put it bluntly, Exim's track record is dismal—in 1982 only 2.8 percent of Exim's total available financing went to small businesses. And, during the past 5 years, small businesses received only 3.4 percent of Exim's total available financing. Furthermore, Exim does business with only about 300 banks, out of a total of some 15,000 banks in the country.

To remedy this situation, I introduced an amendment last May that will require Exim to do more business with small businesses. That amendment would have required a small business setaside of 10 percent increasing to 15 percent by the end of 6 years. Since May, however, negotiations have occurred with opponents of the amendment. Senators GARN and HEINZ have been most helpful in mediating these negotiations and achieving an agreement on a modified amendment.

The major issue in these negotiations involved in the possibility that small business would not be able to use all of the funds available from the setaside. Opponents of my amendment suggested a trigger mechanism that would make any unused small business funds available to Exim's big business customers. While a trigger mechanism sounds good in concept, we could not agree on one that would not give Exim a loophole that it could use to avoid financing small business exports. Instead, I agreed to reduce the percentages of the small business set-side in return for not including a trigger mechanism. As a result, it should be abundantly clear to Exim that the funds must be used only to finance small business exports.

Since the original amendment was introduced in May, I also chaired a hearing in Minnesota on Exim's lack of small business financing. At that hearing Minnesota witnesses made valuable suggestions on how to improve my amendment. These suggestions have been included in the modified amendment, which I will review at this time.

These are the main provisions of my modified amendment.

First, Exim must establish a small business set-aside for fiscal year 1984 equal to 6 percent of the total direct loan, guaranteed loan and insurance levels provided in appropriations acts. The set-aside will increase 1 percent for each fiscal year for the next 5 years until it equals 10 percent. This will increase small business export financing by nearly $4 billion over the next 6 years without increasing Exim's budget. Instead of giving Exim more money to spend, my amendment requires Exim to allocate to small businesses these percentages of the spending authorized by Congress each year.

Second, the amendment directs Exim to establish a program that provides lines of credit or guarantees to consortia of local banks, export trading companies, small business investment companies, State financing companies and/or export financing cooperatives. The consortia would use the lines of credit or guarantees to finance small business exports, which would count against the set-aside. As a result of the Minnesota hearing, I have included language directing Exim to delegate to the consortia the authority to make credit evaluations and approve financing commitments to the maximum extent possible.

Third, Exim would be required to promote small business exports and its export financing programs in cooperation with the Department of Commerce, the Small Business Administration, and especially the private sector. This is an integral part of the amendment because small business must be aware of the financing to take advantage of it.

Fourth, at least three members of the Advisory Committee established in the bill must be chosen from the small business community. Similarly, at least one of the five members of the Board of Directors must be appointed from the small business community to represent small business.

Fifth, Exim is directed to urge the Foreign Credit Insurance Association (FCIA) to provide insurance against 100 percent of the loss of export sales up to $100,000. Currently, FCIA will insure 100 percent of the political risk, but only 85 to 95 percent of the commercial risk. Commercial banks will normally make export loans for the amount of FCIA insurance, which requires small businesses to regularly finance, or provide reserves for, the uninsured 10 to 15 percent. For exporters with a number of small sales, these cumulative reserves can cause a substantial drain on cash flow and stifle further exports. Because FCIA is a con-

sortium of private insurers, it is not appropriate to require 100-percent coverage of commercial risks. But, this provision recognizes the importance of full insurance coverage and directs Exim to do something about it. The need for this type of program was stressed repeatedly at the Minnesota hearing.

Finally, Exim must report annually to Congress on the effectiveness of the set-aside, the small business financing programs and Exim's efforts in promoting small business exports. In response to suggestions at the Minnesota hearing, the amendment requires Exim to report specifically the number of small business commitments under $500,000 and the number of small businesses that use Exim's programs for the first time. This provision will give Congress the ability to monitor Exim's efforts, and the progress in improving its track record with small business.

Mr. President, my amendment will make more financing available to small business exporters. But, Exim must aggressively and effectively implement this legislative mandate to help small businesses achieve their full exporting potential. In addition to the formal requirements of my amendment, Exim should be aggressive and creative. It should reach out to the small business community to develop working groups for advice on ways to implement the consortia program. It should aggressively offer preliminary commitments so small businesses can quote financing terms early in their deals. It should also consider developing a short-term guaranteed loan program, separately or through the consortia program, to meet this crucial small business financing need. In short, Exim must develop an attitude of wanting to assist small businesses.

Mr. President, as the owner of a small business myself, I am well aware of the importance of competitive financing. For exporters, competitive financing is vital. As a member of the Small Business Committee, I recognize the need to be an advocate for small business in legislation considered by the Senate. My amendment is needed now because the underlying legislation extends Exim's charter for 6 years. So, if we do not act now, we may not have another opportunity before 1989.

My amendment has bipartisan support in the Senate—with over 20 cosponsors. It has also been endorsed by Commissioner Nichols, the Chamber of Commerce, the National Federation of Independent Business, Small Business United, the National Small Business Association, and the National Governors' Association. I urge my colleagues to adopt my amendment and make more export financing available to small businesses.

I thank the Chair.

Mr. PROXMIRE. Mr. President, will the Senator yield for a question?

Mr. BOSCHWITZ. Yes.

Mr. PROXMIRE. Will the Senator tell us how he would define small business in his amendment? I understand it is a set-aside of 10 percent, is that correct, for small business?

Mr. BOSCHWITZ. Mr. President, it would set aside up to 10 percent.

Small business is defined in the way it is defined in the Small Business Act, as it is defined for all the small business programs of the Small Business Administration.

Mr. PROXMIRE. Mr. President, let me tell the Senator that I think it is about time we did something like that. This has been known, in some cases, as the "Boeing Finance Co.," you know, the Export-Import Bank. Boeing gets about 30 percent, or has often gotten 30 percent, of all the credit. Seven corporations have gotten the overwhelming share of the credit offered by the Export-Import Bank. We have been very lax in getting small business into the export business. When they have gotten in, they have done very well, in some cases.

So I think the initiative by the distinguished Senator from Minnesota is most useful and I am delighted to hear it and I am happy to support the amendment.

Mr. BOSCHWITZ. The Senator from Wisconsin was very kind to me yesterday on the floor, and I thank him again today.

I would be happy to add him as a cosponsor of the amendment.

Mr. PROXMIRE. Fine.

Mr. BOSCHWITZ. Mr. President, I ask unanimous consent that Senator PROXMIRE be added as a cosponsor of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BOSCHWITZ. The amendment we are discussing will require Exim to finance more small business exports than it has in the past. Given Exim's minimal efforts in the past, I believe it is imperative that Exim fulfill its obligations under this amendment in at least two ways. First, Exim should concentrate on making loans in amounts that are small enough to provide the greatest benefit to small business, especially in the direct loan program. Would the Senator agree that smaller loan commitments are necessary and appropriate?

I yield to the Senator from Pennsylvania.

Mr. HEINZ. Mr. President, I thank the Senator from Minnesota for yielding.

Mr. President, I want the Senator to know I wholeheartedly agree with his amendment.

As the Senator from Minnesota knows, often direct loans are only made in relatively large amounts of $5 million or more. Many small businesses do not need or cannot use loans of that size. To make the Bank's direct loan program more accessible to small business, the Bank should make loan commitments of under $1 million available to small businesses to the maximum extent possible.

There really also needs to be a better effort at a marketing program. It is very much needed for the Bank's small business program. This amendment clearly states that the Bank must work in cooperation with the Department of Commerce, the Small Business Administration, small business organizations, State agencies, chambers of commerce, banking organizations, export management companies, export trading companies, and other segments of private industry.

For example, the Bank should be expected to work with organizations like the Minnesota Association of Commerce and Industry, the Independent Business Association of Minnesota, the Small Manufacturers Council of Pittsburgh, and other organizations.

Frankly, at a minimum, I anticipate that the Bank should and would develop a single understandable brochure describing its programs, who to contact at the Bank, and how to submit applications for the Bank's programs. This information would be distributed to the organizations described in the amendment. In addition, the Bank should brief the Department of Commerce and the Small Business Administration on its small business programs. The Bank personnel responsible for assisting small business must provide actual assistance, not just general information and encouragement. They must be willing and able to assist with credit information and actually filling out the application. To the maximum extent possible, the application process should be simplified for small business. I believe that the Bank can and should develop its plan for marketing the small business programs by January 1, 1984 at the latest and share that plan with myself and the Senator from Minnesota by that date.

Mr. BOSCHWITZ. I thank the Senator and would like to make just one more point. The Senate bill renews Exim's charter for 6 years, while the House bill renews it for only 2 years. Would the Senator indicate his intentions concerning the amendment's small business participation percentages if the conference committee renews the charter for 4 years? Would the Senator hold firm in achieving 10 percent small business participation by the expiration of the renewed charter?

Mr. HEINZ. The Senator can be assured that I will do my best to achieve a 10 percent participation by the expiration of the renewed charter. For example, if the Bank's charter is renewed for only 4 years, I would be agreeable to 6 percent in fiscal year

1984, 7 percent in fiscal year 1985, 8 percent in fiscal year 1986 and 10 percent in fiscal year 1987.

Mr. President, I compliment my friend from Minnesota on this carefully crafted amendment. I was pleased to have a chance to work with him and his staff, as well as with Senator GARN. This is the first time we have really had, I think, a meaningful small business amendment to the Export-Import Bank Act. It is long overdue.

I, too, have received comments that small business gets the back of the hand from the Eximbank. We all know that a lot of small businesses do benefit indirectly from the Bank by virtue of being subcontractors on major jobs. But this amendment will allow small businesses who have the right products to go directly to the Bank. It will encourage the Bank to help identify them, by affirmatively seeking them out through a marketing program. It is an excellent amendment and I urge my colleagues to accept it.

The PRESIDING OFFICER (Mr. BOSCHWITZ). The Senator from Georgia.

Mr. MATTINGLY. Mr. President, I would first like to commend the original cosponsor of Senate bill 869 for their efforts in drafting legislation which forces the U.S. Export-Import (Eximbank) to be responsive to the needs of American exporters, no matter how large or small. While extending the Bank's charter, S. 869 makes a significant contribution to U.S. exporters by making the terms and conditions of Eximbank's financing competitive with Government-supported financing offered to exporters from other countries.

The Eximbank is too frequently viewed as a Bank and not as an instrument of U.S. trade policy or job creation. It has been estimated that Eximbank supports over $18 billion in U.S. exports annually, with each billion dollars providing 24,000 to 30,000 jobs. If U.S. exporters are unable to obtain competitive financing, they frequently face the loss of the sale and perhaps a permanent loss of market.

The challenge to develop international and domestic solutions to global economic problems and trends will face not only this administration but many to come. To make the Bank's programs fully competitive, as S. 869 provides, will assist in its use of resources in ways to help meet that broader objective.

Mr. President, I would also like to commend the efforts of the other Senators who joined Senator BOSCHWITZ and myself in formulating an amendment which will permit small business exporters to benefit more from Eximbank resources.

I believe our efforts will result in the growth of the export base of our country through the increased participation of small business exporters. The additional employment impact resulting from an increase in small business exports will be substantial. Small businesses have the potential to create more jobs than the traditional large manufacturing concerns. You have already heard the figures: The Commerce Department estimates that at least 20,000 businesses in the United States could export but do not. The fact is clear: The rewards of increasing the participation of small business exporters are great.

Eximbank officials have conceded that there is a need to make the Bank work for small business. Although the Bank has developed a few ad hoc programs directed at smaller exports over the past 2 years, Bank officials admit that, and I quote, "Their use has not been as great as we had hoped."

Therefore, I am pleased to have this opportunity to offer legislation which will require Eximbank to be more attentive and responsive to the needs of small business. This legislation will require the Bank to consistently focus on the needs of small business. Previous efforts in this regard have been implemented by the Bank on a come-and-go basis.

American small business exporters want to export, they want to compete, and are able to compete on the basic of those things at which they excel—quality, service, and price. However, they cannot compete against the officially subsidized export financing offered to their foreign competitors. This amendment to S. 869 insures small business better access to Eximbank's resources at competitive terms by: First, establishing a small business set-aside in an amount of 6 percent for fiscal year 1984 and increasing to 10 percent by fiscal year 1989; second, requiring Eximbank to provide lines of credit or guarantees to consortia of local banks, export trading companies, State export finance agencies, export financing cooperative and small business investment companies; third, requiring Eximbank to promote this small business program in cooperation with the Commerce Department, Small Business Administration, and the private sector; fourth, designating leaders from the small business community to the advisory committee at the Eximbank and to its Board of Directors; fifth, directing Exim to urge the Foreign Credit Insurance Association (FCIA) to provide insurance against 100 percent of the loss of export sales up to $100,000; and finally, sixth, requiring Eximbank to report to Congress annually on the status and effectiveness of the small business set-aside.

I urge my colleagues to adopt an amendment that is designed with the best interest of the entire U.S. export community in mind.

Mr. President, in conclusion, I think this small business amendment jointly works with an amendment I offered in the Banking Committee which was previously adopted. It requires the Eximbank to designate one of their directors to strictly try to help implement loans for small businesses.

I think Senator BOSCHWITZ deserves a great deal of credit for helping the small businesses of our country.

● Mr. SASSER. Mr. President, I rise today in support of S. 869, a 6-year reauthorization of the Export-Import Bank, and in support of an important amendment being offered. The Export-Import Bank is a valuable tool for many firms in world trade and I am particularly pleased that we have taken steps in this measure to expand the useage of the Bank's resources.

I am referring to the amendment I am cosponsoring with several of my colleagues calling for greater participation in Exim's lending activities by small businesses. This amendment addressed a major concern to the small business community: The need to expand the market for American goods. And I believe we have set a course for small business participation in Exim's lending activities that is acceptable to all concerned with the Bank's operations.

Our amendment calls for a percentage of Exim's funds to be set aside for small business loans, loan guarantees, and insurance. In fiscal 1984, 6 percent will be set aside, increasing by 1 percent per year until a 10-percent set-aside is reached in fiscal 1988. In addition, the amendment stipulates that the Bank take specific steps to guarantee that the intent behind this amendment is carried out. Thus, we will be seeing greater interaction between representatives of the small business community and leaders in world trade. Finally, the reporting requirements contained in our small business amendment will provide Members of Congress with a record of the progress being made in the efforts to expand the role of small business in export activities.

Mr. President, this amendment complements the existing loan structure of Exim quite well. Indeed, many of the companies currently using Exim financing have taken steps to insure small business participation in the course of completing their contractual obligations. Members of the Banking Committee were provided with documentation pointing to the excellent record that several corporations have established in reaching out and involving small firms as subcontractors.

Additionally, the Eximbank Board announced earlier this year a series of improvements in the medium-term credit program and the small manufacturers' discount loan progam that will be of particular benefit to small business. These improvements include a policy whereby interest rates in com-

mercial bank export loans backed by these two programs will be reduced by 1 percent, and banks participating in the programs will charge the lowest rates permitted under the international guidelines adopted by the member nations of the Organization for Economic Cooperation and Development. Moreover, the cover provided under the medium-term credit program was increased to 85 percent of the export contract.

With these improvements, which will enhance small business access to and affordable use of Exim programs, the Bank should have no difficulty at all in using the entire set-aside. Indeed, in view of the untapped reservoirs of export potential in American small business, I would not be at all surprised to see small business participation increase substantially beyond the set-aside by means of the medium-term credit and small manufacturers' discount loan programs.

This laudatory action existed before this amendment and I am sure we will see more such actions in the future.

I would note at this point, Mr. President, that is my hope and belief that Exim will continue to improve its utilization of the funds made available to it for the development of export financing for large exporters.

The Export-Import Bank has a vital role to play in promoting fair and equitable competition in world markets. The intent of Congress has been clearly expressed in this regard: American exporters are not going to be abandoned by a Federal policy that fails to take into account the real world of foreign export credit subsidies. We have seen dramatic improvement in the OECD negotiations, resulting in significant reductions in foreign subsidies—largely as a result of our demonstrated determination to meet the competition. This commitment must be maintained and strengthened in the years ahead.

The increased competition resulting from the small business amendment will benefit all firms which are strong believers and active participants in our economic system. Such competition will also lead to increased employment in all sectors of our economy. And as we all know, small businesses play a leading role in technological innovations and I am hopeful that our amendment will spur activity in this regard as well.

In sum, the amendment we are offering today represents the type of cooperation between large and small firms we will need to further economic growth in our country. Many persons from small firms and large corporations have assisted us in working toward this common goal. All parties involved in ironing out this amendment can take pride in the fact that by passing this amendment we are paving the way for a greater representation of American firms in the world economy. That is an end which benefits us all, Mr. President.●

● Mr. GLENN. Mr. President, I rise in support of this amendment to the Export-Import (Exim) Bank Act of 1945. This amendment is designed to promote and develop exports by small and medium-size U.S. businesses.

American small- and medium-size businesses have the potential to lead an export drive which would create U.S. jobs and help restore the competitiveness of U.S. industry in world markets.

The untapped potential of small business becomes apparent when one considers that only 1 percent of American manufacturers sell over 80 percent of our exports, and that 92 percent of American manufacturers market their products only within the United States. America's smaller businesses are innovators that now account for over 38 percent of our GNP and all of the increases in U.S. jobs since 1969. It is estimated by the Small Business Administration that between 20,000 and 30,000 U.S. manufacturers have exportable products but are not exporting. Lack of marketing expertise and inadequate financing are the major reasons these companies are not exporting their products.

Mr. President, the Eximbank has lost many opportunities to promote U.S. exports as a result of the dogmatic, hands-off attitude of the Reagan administration. American businesses, particularly smaller businesses, face competitiveness disadvantages in international markets where foreign governments play much more aggressive roles in financing exports. Failure of the Eximbank to take a more active role, and to support smaller U.S. exporters, has cost the United States billions of dollars in lost export sales. This, in turn, has cost us thousands of U.S. jobs and has materially increased U.S. trade deficits. Our failure to match subsidized foreign export financing terms has undermined our efforts to negotiate an end to senseless export credit wars.

This amendment addresses these problems. It would redirect some of the resources and attention of the Eximbank through small- and medium-size businesses by:

Insuring that a portion of Eximbank resources were used for small business export financing.

Requiring small business representation on Eximbank's Board and Advisory Committee.

Requiring Eximbank to develop a comprehensive plan to actively assist in the development of small business exports and to make annual reports of plans and results to the Congress.

Mr. President, by helping American small- and medium-size businesses to compete in world markets this amendment can make the Eximbank bill one of the most effective jobs measures that the Congress could pass. It will not only serve to help reduce domestic unemployment but will also help reduce the counterproductive pressures for trade restrictions. It is for these reasons that I have introduced this amendment and urge my colleagues to support it.●

● Mr. HUDDLESTON. Mr. President, I am pleased to be a cosponsor of the pending amendment that would give small businesses greater access to exporting programs of the Eximbank. The need for this amendment was clearly established in a hearing held by the Senate Small Business Committee's Subcommittee on Export Promotion of which I am the ranking Democrat. This hearing clearly demonstrated that the Bank can, and should, do more to assist small business.

Exporting is extremely important to the recovery of our economy and to its continued vitality. Increased exporting means jobs for many of our 10 million unemployed and for the millions who will enter our labor market in the coming years.

Although exporting is not a panacea for our economic ills, it is a crucial element of our national economic policy. Because it is such a vital ingredient, we can no longer be content with a situation whereby only 12 percent of the Nation's approximately 250,000 manufacturers are exporters.

More must be done to encourage greater participation, and I am convinced that a significant contribution can be made by small businesses. A recent GAO study found that an estimated 11,000 nonexporting manufacturers "were both capable of exporting and could probably be induced to try exporting if they were properly approached and assisted." The value of these new exports would add up to well over $4 billion annually.

If this potential exists as the GAO and other studies indicate, then we would be derelict in our duties if we did not pursue every possible means of bringing these 11,000 businesses, many of which are small, into the exporting mainstream of our economy.

Since a key position in the U.S. official export structure is filled by the Export-Import Bank, it is only appropriate that the Bank take an active role in making small business exports more competitive.

The Eximbank is being imaginative in devising programs which are aimed at small businesses, and I commend it for its efforts. Last year Eximbank set aside $100 million for a small manufacturers discount loan program that will enable commercial banks to extend fixed-rate, medium-term export loans.

The small business export credit insurance program gives protection against losses associated with export-

ing. And, there is a program that will assist small business through export trading companies.

However, even though the Eximbank appears to be trying to be responsive to small business, it is not succeeding as much as we should expect. According to the Bank's own figures, only 13 percent of the total business on the Bank's books as of June 30, 1982, could be designated as small business support.

Although statistics such as this may be a little misleading, they nonetheless give some credibility to the accusation that the Bank is primarily interested in the big deals produced by big business.

This failure on the part of the Bank to promote small business exports is well documented by the experiences of small businesses in Kentucky.

According to the U.S. Department of Commerce, Kentucky is among the top 20 exporting States in the United States. The dollar value of our exports exceeds $2.5 billion annually and generates jobs for over 70,000 people. Kentucky has the highest percentage of small- and medium-sized firms engaged in exporting of any Southern State. Of the over 600 exporting businesses, approximately 45 percent employ less than 100 people. However, even with this impressive record on exporting, the Eximbank has supplied a relatively small amount of assistance to Kentucky exporters. For example, in fiscal year 1982 the Bank supplied assistance to 2,261 businesses, but only 9 of these were in Kentucky. These nine businesses were supplied services amounting to $4.4 million while the Bank had a total commitment of over $8 billion.

As far as I can determine, the Bank had two basic problems in Kentucky. First, many businesses that export, or want to export, know little or nothing at all about the services offered by the Eximbank. Second, many of those that know about the Eximbank have found it to be inflexible or excessively slow in responding to their needs.

If the Export-Import Bank is going to be truly responsive to the needs of small businesses, Bank officials must shed some of the big business mentality that has developed over the years.

They are going to have to realize that small businesses cannot afford to hire the high-priced trade experts who know how to bring the deals to the Bank's doorstep, and that the Bank must be more aggressive in taking its program to the small business person.

In other words, Bank officials are going to have to take off their pinstripe suits and put on their working clothes in order to reach the thousands of potential small business exporters in Kentucky and other parts of the country.

I believe that the Bank can make this transition, and that the pending amendment will help it do so.

I urge adoption of the amendment.●

● Mr. WEICKER. Mr. President, I support this amendment, which would direct more funding to small businesses interested in exporting. Before I speak specifically about this amendment though, I would like to take a few minutes to commend Senator BOSCHWITZ, my good friend and colleague on the Senate Small Business Committee, for the outstanding job he has done generally in assisting small business exporters. At his suggestion as chairman of the Small Business Export Promotion and Market Development Subcommittee, the Small Business Committee conducted a survey of 6,500 practicing and potential small exporters. The purpose of the survey was to ascertain the obstacles to exporting as perceived by small firms, with a view toward attempting to remedy the problems identified. One of the principle stumbling blocks cited by those surveyed was the dearth and inadequacy of export financing.

Following the compilation of the survey findings, Senator BOSCHWITZ held a hearing regarding the Export-Import Bank's assistance to small firms. At that hearing the Chairman of Eximbank, William H. Draper, acknowledged that only 3 percent of Exim's available financing went to small businesses. This is somewhat appalling to me, especially in light of the Department of Commerce's estimates that while small firms account for only 10 percent of total annual exports, at least 20,000 of them have the potential to export competitively.

Following this hearing, Senator BOSCHWITZ introduced an amendment to the Eximbank reauthorization bill which gives small businesses a fairer share of Exim's available financing. I strongly support this amendment. I believe it realistically and reasonably addresses the very serious problem which my colleague from Minnesota has identified.

Again, I commend Senator BOSCHWITZ for his persistence in pursuing the problems faced by small businesses and in arriving at a solution which would make a real and tangible difference to small exporters, as well as to the economy in general.●

● Mr. DURENBERGER. Mr. President, I am pleased to join Senator BOSCHWITZ and others in offering an amendment to S. 869, the Export-Import Bank Amendments of 1983, seeking to insure greater awareness and assistance by the Exim to small business concerns.

As we all know, this Nation's small business sector plays a vital role in the creation of jobs, the stimulation of technological advances, and the overall health of the economy.

Though our economy has become increasingly dependent upon participation in international markets, small businesses have been discouraged from tapping the proven profit potential existing in these markets. The myriad of Federal Government export assistance programs and the often inadequate support they provide exporters, have actually confused and hindered American businesses instead of helping them overcome international trade barriers.

As a result, only an estimated 1 percent of all American manfacturers produce over 80 percent of our Nation's exports. Clearly action is needed.

Congress recognized this when we authorized export trading companies last year. I believe that focusing Export-Import Bank assistance toward American small business exporters is the next step in what I hope will be our continuing effort to enable American businesses to participate competitively in the international marketplace.●

● Mr. BUMPERS. Mr. President, I support the amendment offered by Senators BOSCHWITZ, SASSER, MATTINGLY, GLENN, myself and others, to insure that the Export-Import Bank has the necessary congressional guidance, and statutory authority, to help meet the needs of the small business community. The amendment will significantly aid the small business community in financing exports, and will increase the attention and visibility of the bank in dealing with small business. The amendment is a good amendment, and deserves the full support of the Senate.

Every Member of this body is aware of, and concerned about, our Nation's growing and huge trade deficit. From roughly 1870 to 1970, the United States had little foreign competition, and had a huge domestic market and an abundance of natural resources. During that period, we exported much more than we imported. But now, our trade deficit is over $60 billion, or about 18 times the figure in 1973. By some estimates, our trade deficit is aleady costing 1.5 million jobs, and I have seen at least one projection that the trade deficit could hit $174 billion by 1990. Many of us wonder whether the trade deficit will be a major factor in causing the economic upturn to lose steam in the next few months.

One problem we face is that the Export-Import Bank, which I strongly support, is able to support only about 5 percent of U.S. exports of U.S. manufacturers, compared with around 40 percent for Japan and France. An interest rate advantage of half a percentage point is equivalent to a 5-percent advantage in price, and if Japanese and European Community companies are provided financing packages 2 percent below U.S. rivals, they

are gaining 20 percent advantage in price.

It has been estimated that over two-thirds of the world's purchasing power is outside the United States. We as a government have made it a matter of national priority to increase our exports. We in the Congress have taken some steps to minimize barriers that stand in the way of increasing small business participation in exporting. Among those approved recently are the Export Trading Company legislation and the Small Business Export Expansion Act. While these efforts are important in improving the environment for small business, and in assisting in the critical area of export financing, more needs to be done.

Mr. President, last year, under the leadership of the Senator from Minnesota (Mr. BOSCHWITZ) and the Senator from Kentucky (Mr. HUDDLESTON), the Senate Small Business Committee conducted an extensive survey of "obstacles to exporting" faced by small business. The committee also held several days of hearings on the exporting problems faced by small business, and reviewed some of the options available to Congress legislatively, and to the administration through regulation, that would enhance small business' ability to increase their exporting.

The committee found that, in the United States, roughly 80 percent of the total export market is controlled by only 200 firms. The Department of Commerce has estimated that no more than 10 percent of the total annual U.S. exports are made by small business, yet there are over 20,000 small business firms that have the capability to export successfully. Frequently, those small businesses that have exported, or have tried to export, cited the need for a more sympathetic response from U.S. Embassies abroad, from the Foreign Commercial Service—which incorporates the commercial attachés at our Embassies—and for access to the lending programs at the Export-Import Bank.

The amendment offered today, like the amendment which the House has already included in its version of this legislation, would require the Export-Import Bank actively and aggressively to seek out small business exporters, and provide them with their fair share of the funds available to the Bank for financing.

The amendment would require that, on a sliding scale, the Bank provide small business concerns with a fixed percentage of the total funds made available to the Bank. In addition, the amendment recognizes that a wide variety of financial sources assist the small business exporter, including trading companies, export management companies, and small business investment companies (SBICS). These financial institutions would also be eligible to participate in the program.

In my view, the statutory mandate to the Eximbank to target their resources to qualified small business firms in need of financing will dramatically increase the likelihood that these businesses will expand their exporting, will benefit the domestic economy as these firms increase production and continue as leaders in job creation, and will benefit the Nation by reducing our balance of payments.

An additional major provision in the amendment adds a member from the small business community to the Board of Directors, and requires that not less than three members of the advisory committee represent the small business community. These provisions will insure that small business has an advocate on the Board, and on the advisory committee.

Mr. President, this is a good amendment for the Export-Import Bank, and its future activities in stimulating exporting. The amendment is a good amendment for small business because it opens up a critical source of financing for them and provides an institutional advocate for them within the Bank's structure. This amendment is a good amendment for our Nation's economy and balance of payments.

I am pleased to be a cosponsor of this amendment, and urge its adoption.●

● Mr. LEVIN. Mr. President, I am pleased to cosponsor this amendment. I urge the Senate to accept it.

As a member of the Small Business Committee, I am aware of the significant contribution that small business could make toward expanding U.S. exports—the central purpose of the Export-Import Bank Act Amendments of 1983. By requiring the Exim Bank to direct more of its resources to small business, this amendment is an important step toward that end.

Simply put, exports mean jobs. It is estimated that every $1 billion in exports represents approximately 31,000 jobs. In 1980, 1 in every 7 industrial jobs was related to exporting.

These figures indicate the importance of exporting to the economic well-being of many of our people. However, we have not realized our full export potential. Presently, only 1 percent of U.S. manufacturers account for over 80 percent of our exports. Moreover, many small businesses are potential exporters of goods and services. The Department of Commerce estimates there are at least 20,000 small businesses in the United States that could competitively and profitably market their goods and services overseas that are not doing so.

The potential of small business to expand exports by exploiting international markets is real if competitive and adequate export financing is made available. And yet the Exim Bank has not done so. In fact, testimony before the Senate Small Business Committee revealed that only 3 percent of the commitments under Exim's programs go to small business.

The amendment offered here today will elevate the standing of small business within the Exim Bank and provide small business with increased access to Exim's export financing programs. Of particular importance, the amendment establishes a small business set-aside during fiscal year 1984 equal to 6 percent of the direct loan, loan guarantee, and insurance program levels provided by Congress. The set-aside will increase 1 percent each fiscal year for the next 4 years until it equals 10 percent in fiscal year 1988, where it will remain.

The amendment also requires the Exim Bank to establish a program to provide credit and guarantees to intermediaries, such as consortia of local banks, export trading companies, and others, that finance small business exports; directs Exim to promote its small business export financing program in cooperation with the Department of Commerce and the Small Business Administration, and; provides for small business representation on the Board of Directors of the Bank.

These are important features that should assist small business expand exports. I urge Senate passage.●

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the amendment.

The amendment (No. 2213) was agreed to.

Mr. HEINZ. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. PROXMIRE. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2214

Mr. HEINZ. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, the amendment of the Senator from Missouri will be temporarily laid aside.

The clerk will report.

The legislative clerk read as follows:

The Senator from Pennsylvania (Mr. HEINZ) proposes an amendment numbered 2214.

Mr. HEINZ. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER (Mr. MATTINGLY). Without objection, it is so ordered.

The amendment is as follows:

On page 21, between lines 15 and 16, insert the following new section:

"SPECIAL FACILITIES IN SUPPORT OF UNITED STATES EXPORTS TO BRAZIL AND MEXICO

"SEC. 110. (a) The Export-Import Bank of the United States is authorized to establish facilities not to exceed 18-months duration

consisting of guarantees and insurance in support of export transactions to Brazil and Mexico in the aggregate amount of $1.5 billion and $500 million respectively.

"(b) Section 2(b)(3) of the Export-Import Bank Act of 1945 is amended by inserting after "no loan or financial guarantee" in the first sentence "or general guarantee or insurance facility".

"(c) Section 2(b)(3)(A) of the Export-Import Bank Act of 1945 is amended to read as follows:

"(A) in the case of a loan or financial guarantee a brief description of the purposes of the transaction, the identity of the party or parties requesting the loan or financial guarantee, the nature of the goods or services to be exported, and the use for which the goods or services are to be exported, and in the case of a general guarantee or insurance facility, a description of the nature and purpose of the facility, the total amount of guarantees or insurance, the reasons for the facility, and its methods of operation; and".".

Mr. HEINZ. Mr. President, the amendment that I have sent to the desk would add a provision authorizing the guarantee and insurance facilities which the Eximbank is currently prepared to approve in favor of Brazil and Mexico. I happen to believe that the Eximbank already possesses the authority to approve these facilities without our action. Since the amendment is not necessary, therefore, as a matter of law, it need not create a precedent for future transactions. However, it is my view that considering the magnitude of these facilities, I believe it is appropriate for Congress to express its view on this subject.

We have had hearings before the Committee on Banking of the Senate and similarly in the House. I am certain that a majority of the Congress supports these facilities which will provide significant assistance for U.S. exporters.

The second purpose of the amendment is to require the Bank to give notice to Congress pursuant to section 2(b)(3) of the Eximbank Act of 1945, as amended, in the future of any general guarantee or insurance facilities like the ones proposed for Brazil and Mexico. These facilities include general lines of credit established by various lending institutions to the respective governments covering a wide range of products for various end users.

I urge my colleagues to support the amendment.

Mr. PROXMIRE. Mr. President, I support the amendment introduced by Senator HEINZ to require that Congress specifically authorize and strengthen its oversight of the type of loan grarantee facilities announced by the Export-Import Bank (Eximbank) on August 17, 1983. As my colleagues know, one of the functions of the Eximbank is to guarantee loans that help American companies finance their sales abroad. Traditionally the Bank has exercised its loan guarantee authority with respect to loans taken out by a foreign importer to finance specific—and I underline "specific"—exports by a U.S. company to a purchaser in a foreign country.

All that was changed on August 17, 1983, however, when the Bank infomed the Congress in writing that it was launching a new type of loan guarantee program. It was, it announced, going to extend $500 million in loan guarantees to the Government of Mexico, and $1.5 billion to the Government of Brazil as part of an effort by the international financial community to strengthen the economic recovery of those two countries. Although these huge loan guarantees would be used to back the purchase from U.S. firms of goods for shipment to the two countries, the newly styled "loan facility program" raised legal questions and appeared to mark a sharp departure by the Eximbank from its traditional role. The guarantees were aimed at fostering confidence in the ability of Mexico and Brazil to pay for their imports and to attract additional credit from other governments and the private banking community, both here and abroad, and were not tied to the financing of specific and indentifiable exports from our country.

In my view, it was a bailout, really, of Brazil and perhaps of Mexico, too.

I immediately wrote to the Chairman of Exim raising legal questions about this proposed shift in the Bank's international role and urged Bank officials to submit specific legislation to the Congress seeking authority for the "new loan facility programs" designed to aid specific countries rather than individual U.S. exporters. My concern was that if the international situation required that the Bank's traditional role be changed, that change should be made by Congress, and not by unelected officials in the executive branch. I also wrote to the Comptroller General asking for a legal opinion about the Bank's authority to approve loan guarantees to the Governments of Brazil and Mexico in the amounts contemplated by the Bank.

As I say, the Comptroller General will give us a legal opinion as to whether or not the Bank had a right to do this.

I then conferred with Senator HEINZ, the chairman of the International Finance Subcommittee of our Banking Committee, and suggested the need for a hearing to examine this newly announced Exim program before the renewal of the Bank's existing mandate, which expires on September 30. He agreed, and in our September 14 hearing we examined at length many of the concerns I raised about the new program in my August 23 letters to the Bank and the Comptroller General. During that hearing, I noted that Exim was going to authorize $2 billion of loan guarantee authority remaining in its fiscal year 1983 budget—of course, the fiscal year 1983 budget will expire in about a week—for the new loan facilities to Brazil and Mexico, and pointed out that the individual export transactions making use of that loan authority would not be approved until fiscal year 1984. Exim witnesses admitted that was the case, but said the Bank, as a consistent practice, charged a guarantee as of the date of authorization and not when the specific guarantee agreement was executed.

The Bank subsequently submitted material and a legal memorandum to us in support of its authority to make the loan guarantees in the manner I just described. The Comptroller General has not yet completed his own legal analysis of these Exim bookkeeping practices.

I must confess that I am not happy with the last-minute-rush manner in which this new loan facility program was announced and initiated. It was done just as we were to go to the Senate floor with S. 869, a bill to renew and amend the Bank's authority to operate over the next 6 years. Administration officials, frankly, were very forthcoming in our September 14 hearing, but I still have questions about how this new program changes the Bank's traditional role, and about how the program will be administered. On the one hand, the program will make possible exports from the United States to Brazil and Mexico that would not otherwise have taken place. This is a plus in many ways, including the creation of jobs for our workers. But my concerns remain about how much influence our Government will retain over the program. If, for example, the Exim makes its loan guarantees to foreign governments rather than individual firms, will not those foreign governments be able to decide which U.S. exporters will be able to benefit from a U.S. taxpayer-funded loan guarantee program? Will U.S. exporters now have to lobby foreign governments to benefit from U.S. Government programs?

I also have concerns whether this program, in conjunction with other related efforts to fund further import financing for Brazil and Mexico, will be consistent with the International Monetary Fund's conditionality program. Under that IMF program, Brazil and Mexico are being required to bring their foreign exchange accounts into balance. We understand that, as one part of the austerity measures being imposed on the economies of these two countries, only imports essential for economic recovery will be allowed.

During our hearings, Exim officials have admitted they will not be approving, but will only be monitoring the individual transactions under the overall loan guarantee program. Frankly, Mr. President, that appears to be an abdi-

cation of responsibility on their part. We will thus need to watch closely that these loan facility programs are administered in a manner consistent with austerity measures, and are not used to finance consumer good imports that are not essential for the economic and financial recovery of these two important countries.

Mr. President, I earlier referred to the story in today's Washington Post. There is the story and there is the headline. The headline reads: "Brazil's Congress Rejects Pay Cap in Slap to IMF."

In other words, the IMF told them that, as a condition for receiving IMF loans, they would have to limit their payments, including their salaries, government salaries, including salaries to their military. By a 252-to-1 vote, that austerity requirement was rejected. It seems to me there is a considerable question as to whether this program by the Export-Import Bank may be undermining what the International Monetary Fund is doing. Of course, we are the prinicipal or at least the one biggest contributor to the International Monetary Fund.

Mr. President, I support Senator HEINZ' amendment. I urge the Senate to support it. It limits the duration during which the newly announced program will be available and requires that the Congress be informed if the Bank undertakes any new large loan guarantee programs in the future.

Most importantly, the Heinz amendment, by providing an affirmative congressional authorization for the two facilities, resolves any legal doubts about the authority of the Eximbank to undertake such a venture on its own authority.

It says it can only undertake it on the authority of the Congress. That is what the Heinz amendment accomplishes.

Mr. President, in my opinion, the Bank does not presently have the authority to create a general guarantee facility in amounts above $100 million without specific congressional authorization. The Heinz amendment will place these two facilities on a sound legal footing and avoid setting any precedents that the Bank could later use for exceeding its authority in future cases. When Congress approves a general level of guarantee authority for the Bank, it does so with the understanding that the assistance will be provided directly to U.S. exporters. If the Bank wants to change the nature of the program by providing aid directly to countries, it should first get the specific and affirmative approval of the Congress.

I am not unsympathetic to the need to keep our exports flowing to Brazil and Mexico in terms of the benefit derived by these countries and by our own workers and industries involved in export trade. As explained earlier, however, I have reservations about how this program was announced and presented as a fait accompli to Congress. The amendment offered by Senator HEINZ should insure that this does not happen again and it will increase our ability to monitor implementation of this new Exim role. I urge my colleagues to support it.

Mr. HEINZ. Will the Senator yield?

Mr. PROXMIRE. I am happy to yield to my friend.

Mr. HEINZ. Mr. President, I really should say this amendment would not have been developed without the inspiration of the Senator from Wisconsin, who, I want the record to reflect, is always thoughtful, notwithstanding any previously taken-out-of-context remarks that I may have made earlier today.

Indeed, it is due to this desire to investigate, the impact of what the Bank was proposing with these facilities, the unusual nature of their first informing us, then saying they did not have to inform us, and his suggestion that we hold hearings, which were attended not only by the Bank but by the Department of the Treasury, the Department of Commerce, and the considerable discussions that he and I had over the most appropriate way to provide not only for the best way to handle this particular notification but future events of this kind, that I am indeed able to offer an amendment which I think meets his concerns. In my view he is really the coauthor of this amendment even if he does not want to admit its mixed parentage.

Mr. PROXMIRE. Mr. President, I want to thank my good friend.

Mr. HEINZ. Would the Senator like to be a cosponsor of the amendment?

Mr. PROXMIRE. I am afraid that I would have to disavow parentage.

Mr. HEINZ. I am not trying in any way to embarrass the Senator, but I do want to make clear that I do not want to be accused of stealing——

Mr. PROXMIRE. No, No.

Mr. HEINZ [continuing]. Anything in which he has been such a major participant. I am not trying to make him a cosponsor if he does not want to be.

Mr. PROXMIRE. The Senator is very generous. I appreciate that.

Mr. President, I support the amendment.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the amendment of the Senator from Pennsylvania.

The amendment (No. 2214) was agreed to.

Mr. HEINZ. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. PROXMIRE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2215

(Purpose: To define the "competitive mandate")

Mr. ARMSTRONG addressed the Chair.

The PRESIDING OFFICER. The Senator from Colorado is recognized.

Mr. ARMSTRONG. I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, the amendment of the Senator from Missouri will continue to be laid aside and the clerk will report.

The bill clerk read as follows:

The Senator from Colorado (Mr. ARMSTRONG) proposes an amendment numbered 2215.

Mr. ARMSTRONG. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 13, line 9, after the period, insert the following: "For the purpose of the preceding sentence, rates and terms and conditions need not be equivalent to those offered by foreign countries, but should be established so that the effect of such rates, terms, and conditions for all the Bank's programs, including those for small businesses and for medium term financing, will be to neutralize the effect of such foreign credit on international sales competition.".

Mr. ARMSTRONG. Mr. President, this amendment is very simple in its purpose and I think not controversial. It puts into the bill a section which emphasizes that the rates and terms and conditions of loans under this legislation need not be equivalent to those offered by foreign countries but should be established so that the effect of the interest rates is to neutralize the effect of lower cost foreign credit. As the bill presently stands, loans made by the Bank in all its programs shall bear interest at the rate determined by the Board of Directors of the Bank consistent with the Bank's mandate to support the U.S. exports at rates and on terms and conditions which are fully competitive with exports of other countries.

"Competitive" as used in this paragraph should not be construed as necessarily equal, and so that is the purpose of this amendment merely to make it plain that we are not necessarily saying that Exim financing be offered at terms and conditions which are identical to or equal to those offered by foreign countries but merely that they be a factor which equalizes the competitive environment.

With that word of explanation, Mr. President, I urge the adoption of the amendment which I believe has been cleared on both sides of the aisle.

Mr. HEINZ. Mr. President, if the Senator will yield, I think his amendment is a very useful addition to the bill, It was never the intent, and I

think we, to the best of our ability, made it clear in the report language that we would not necessarily want mirror image or exactly equal responses to efforts by the other side, especially when those efforts in our view undercut the free trading system that we would all like to see observed by our trading partners. So I am not only prepared to accept the amendment of the Senator from Colorado (Mr. ARMSTRONG), I congratulate him on an amendment that is thoroughly consistent with what is in our report.

Mr. PROXMIRE. Mr. President, will the distinguished Senator yield?

Mr. ARMSTRONG. Of course. I would be very pleased to yield.

Mr. PROXMIRE. I congratulate the Senator from Colorado. As he knows, I have great admiration and respect for him. He is a man of extraordinary intellect, and I think this amendment is an example of that. I think in many ways it is the best amendment we will have all day. It does exactly what we should do. Let me point out why.

It says:

For the purposes of the preceding sentence, rates and terms and conditions need not be equivalent to those offered by foreign countries, but should be established so that the effect of such rates . . . will be to neutralize the effect of foreign credits on international sales competition.

What this does say is use your commonsence. You do not have to go all the way to match every single term and condition of a foreign subsidy. If they did that it would be a real drain on the American taxpayer.

The Senator I think is taking action here that will make this Export-Import Bank much more efficient than it has been at some times in the past, and I think it is an excellent amendment.

Mr. ARMSTRONG. Mr. President, I am very grateful to the managers, my friend from Pennsylvania and my friend from Wisconsin, not only for accepting the amendment but the generosity of their observations. I thank them both. As far as I know, we are ready for a vote.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the amendment of the Senator from Colorado.

The amendment (No. 2215) was agreed to.

Mr. HEINZ. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. PROXMIRE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2216

Mr. HEINZ. I send three technical amendments to the desk on behalf of the Senator from Illinois (Mr. PERCY). I ask unanimous consent that they be considered en bloc.

The PRESIDING OFFICER. Without objection, the amendment of the Senator from Missouri will be continued to be laid aside and the amendments will be considered en bloc. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Pennsylvania (Mr. HEINZ) on behalf of Mr. PERCY, proposes an amendment numbered 2216.

Mr. HEINZ. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the bottom of page 24, add the following:

(e) Concessional financing or grants offered by the Agency for International Development for the purposes of the mixed financing program established under this section shall be made available in accordance with the provisions of subsections (c), (d), and (e) of section 205 of this Act.

On page 26, line 17, after "Funds.", insert the following new sentence:

"The Administrator of the Agency for International Development is authorized to establish a fund, as necessary, for carrying out a mixed credit financing program as described in this section.

On page 27, line 4, by striking out "shall" and inserting in its place "is authorized to."

Mr. HEINZ. Mr. President, the first of these amendments is a correction to the committee amendment that was adopted earlier. It inserts language that was accidently stricken in the drafting of the Foreign Relations Committee amendment.

The other two amendments I am offering on behalf of Senator PERCY affect title 2 of S. 869.

The first of these amendments modifies section 206 which authorizes the appointment of a mixed financing coordinator to work with AID and the Export-Import Bank in implementing these programs. The present section 206 language would require the President to appoint such a coordinator, since AID and Eximbank, the two agencies to be coordinated, have very different mandates involving two different sets of countries and objectives. This amendment would still authorize the position but leave the appointment of a coordinator optional and not subject to any time table. Thus, it permits the President the flexibility to determine whether the two agencies can work together effectively in implementing this section, but subsequently to appoint a coordinator if this proved necessary to get the job done.

The second revision I offer is a clarifying amendment to section 204 to make it clear that any use of funds under AID mixed financing programs must be consistent with AID's development responsibilities, as defined in section 205 of the act.

Mr. President, it is my underestanding that these amendments have been cleared.

Mr. PROXMIRE. They have indeed. I support the amendments.

The PRESIDING OFFICER. The question is on agreeing to the amendments.

The amendment (No. 2216) was agreed to.

AMENDMENT NO. 2217

Mr. HEINZ. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, the amendment of the Senator from Missouri is set aside.

The amendment of the Senator from Pennsylvania will be stated.

The assistant legislative clerk read as follows:

The Senator from Pennsylvania (Mr. HEINZ) proposes an amendment numbered 2217.

Mr. HEINZ. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 15, strike lines 1 through 3, and on line 4 strike "(3)" and insert in lieu thereof "(2)".

Mr. HEINZ. Mr. President, the Justice Department has pointed out a technical problem that needs to be adjusted in the provision of the bill establishing terms of directors. This amendment, which has been checked with the legal counsel of the Eximbank, is based on their conversations with the Justice Department.

I ask that this technical change be adopted.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 2217) was agreed to.

Mr. HEINZ. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. HEINZ. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ARMSTRONG). Without objection, it is so ordered.

Mrs. KASSEBAUM. Mr. President, I strongly support maintaining an effective Export-Import Bank. In an ideal world, governments should get out of the export finance business. But this is not yet an ideal world, and we must assure that when Americans make a product which is competitive in quality and price, they are not disadvantaged in the world market because of the export finance practices of other governments. I have been gratified at the progress the administration has

made in gaining some agreement among our industrial trading partners to limit the competition among official financing agencies. I hope we will see more progress in the future. In the meantime, however, it seems to me that we must match the practices of others if we are to protect American industry and jobs.

There is one area I would like to discuss briefly with my colleague from Pennsylvania with respect to this bill. Currently the Eximbank's charter prohibits the Bank from financing defense articles and services. The Bank has interpreted this prohibition as meaning that if an item is to be used primarily by a defense entity, it cannot finance the export. On the other hand, if the same item is to be used for civilian related purposes, even if the purchaser and operator are part of the defense establishment, it will finance the item. This is particularly important in Third World countries, where the military often is responsible for activities such as civilian air traffic control, rural construction and health programs, and protection of natural resources—activities which in industrial countries are more likely conducted by civilian agencies or the private sector. This general approach by the Bank seems to me quite sensible.

There are two areas of potential ambiguity, however, which I would like to briefly discuss with you. First, the United States is a major producer of a wide variety of equipment related to lifesaving, health, and medical purposes. These can range from hospital equipment to ambulance or rescue aircraft, from fire engines to medical laboratory equipment. In the case of such equipment, which is clearly designed to carry out humanitarian missions, it seems to me that the Eximbank should not have to go through an elaborate exercise in deciding whether civilians will be the chief beneficiary of any intended sale. My assumption is that the Congress had in mind keeping the Bank out of the weapons business, and that humanitarian equipment never was intended to be off limits, regardless of the user.

Second, we in the Congress have been increasingly concerned with problems which result from the inability or unwillingness of countries to adequately patrol their own borders to accomplish such objectives as reducing the smuggling of drugs and illegal aliens, preventing ocean or airborne pollution, safeguarding natural resources, and providing lifesaving services to international shipping. The United States has increasingly provided foreign assistance and other concessional funding to help countries undertake such objectivess. I would hope that, in the case of small scale aircraft and marine vessels, when our Embassy can give reasonable assurances that such equipment will be helpful in allowing a country to improve its performance with respect to activities encouraged by the United States, the Eximbank would determine that such equipment could be financed.

Mr. President, I had thought about offering specific amendments to deal with both of these issues. However, it is my impression that at the time Congress passed the restrictions on defense equipment, it purposely avoided any tight definitions so as to allow Eximbank flexibility in determining what would and would not fall under the definition. Assuming that there is agreement that the current definition would allow Eximbank to finance goods designed for humanitarian purposes and equipment useful in assisting a country conduct maritime surveillance and lifesaving activities supportive of U.S. objectives, I will not offer such amendments at this time.

Mr. HEINZ. Mr. President, the clarifications offered by the Senator from Kansas are correct. The language of the Export-Import Bank charter was adopted some time ago in response to concerns in Congress about the use of Eximbank lending to support the sale of military equipment to less developed countries. I believe that the congressional intent with respect to the term defense articles and services was to prohibit the use of Eximbank financing for items to be used primarily for military purposes and for combat equipment and services of a specifically military nature, such as the maintenance of combat equipment and training.

The United States has always treated humanitarian supplies in a special category. Even during military conflict, the United States has licensed the export of humanitarian equipment and supplies, which we did not consider defense articles and services. The challenge of stemming the flood of illegal drugs into our country has led us to encourage, more accurately to pressure, many countries to take strong steps to halt the production and export of drugs in their country. It would seem to me that the effectiveness of such pressure would be greatly enhanced if we were willing to help finance the equipment to carry out such activities. Our mariners depend upon the Coast Guard services of other nations for their safety of life at sea, and equipment for search and rescue services should not be considered defense articles and service, even though they would be sold to military entities and operated primarily for routine patrol activities.

Mr. TOWER. Mr. President, I strongly support the amendment of my distinguished colleague from Minnesota, Senator BOSCHWITZ, that will increase the participation of small businesses in the export financing and promotion programs of the Export-Import Bank. In addition, I believe that the Banking Committee bill, S. 869, shows awareness of the need for small business to take greater advantage of these programs. The committee has taken several steps in the bill to address this need. However, I would like to discuss with the distinguished floor manager of the bill a problem that is not addressed by either the bill or by the Boschwitz amendment.

I am aware of a situation involving banks in States from Rhode Island to Arizona, including the Senator's State and mine, where Eximbank has taken policy positions invalidating the underlying security for the export loans involved—Eximbank insurance. These actions have the effect of discouraging the small and medium exports from the United States that the Senator from Pennsylvania, I, and others advocate.

In denying certain small- and medium-sized export insurance claims, Eximbank takes the position that banks are required to verify the genuineness of any documents required for drawdown, prior to the financing of goods. In addition, banks must bear the burden of proof that goods have in fact been exported from the United States. I submit that this position discourages small and medium company exports, because the underlying security of Exim insurance is rendered null and void.

Most Senators know that lending institutions which finance exports deal in documents, not goods. The letter of credit transaction typifies this situation. In export related transactions, if a bank must check the genuineness of the bill of lading, invoice and other instruments to validate its security, it will move to more profitable and less time consuming business. In addition, if a lending institution must verify that an actual export occurs, it would actually have to have a representative on the border to protect the validity of its security—the Eximbank insurance. Banks simply will not undertake the effort and risk involved in situations where relatively small dollar amounts of financing are at issue. The final result is that only larger exporters will be able to obtain financing.

The current proposal before us does not address these problems, and if we are to encourage small- and medium-size exports, I would strongly urge that Eximbank be mandated to expand their insurance program to cover these risks for banks that finance small- and medium-size exports. The cost of this insurance would be borne by exporters who utilize the Exim insurance program.

Mr. HEINZ. Mr. President, I agree with my colleague from Texas that there certainly does seem to be a problem here, and I would be very interested in having it addressed by the Eximbank. I do not think that there is any

intention on the part of the bank through its insurance programs to provide difficulties for small business exporters, but the remarks of the Senator from Texas would indicate that that has been the result nonetheless. I would hope that the Eximbank would consider this problem and make those changes in its procedures that would be appropriate to redress this apparent inequity, and I am sure that the Banking Committee will continue to be interested in this problem as it continues its oversight responsibilities with regard to the Eximbank and its programs.

I thank Senator TOWER for bringing this issue to the attention of the Senate. Problems of this nature clearly deserve attention and the Senator has done a service by raising this question.

Mr. DOMENICI. Mr. President, as the Senator from Pennsylvania knows, this Senator has been extremely concerned about the effect that the Export-Import Bank's lending practices have had on certain industrial sectors of the United States. While the Export-Import Bank provides assistance to allow a U.S. producer to bid on a foreign project, the development of that project could adversely affect another U.S. sector. For example, in 1982 the Eximbank provided assistance to the Cananea copper project in Mexico in order to allow a U.S. firm to participate. The Bank provided a $76 million loan for purchase of U.S.-made equipment for the project which, when completed, will triple capacity at the copper facility. The tripling of capacity will come at the expense of our domestic copper industry, which has been suffering from one of it worst recessions ever.

Mr. HEINZ. The Senator from New Mexico has expressed concerns that are very much shared by this Senator. The same situation exists with steel. The Export-Import Bank has made loans in Argentina of $18,785,000 for equipment and services for a steel plant; a loan in Taiwan of $19,500,000 for a steel expansion project; and in Mexico a loan of $151,393,000 for the expansion of a steel plant. These are just a few isolated examples, there are many others.

Mr. DOMENICI. I travel a lot in my State, and constituents ask me why we have entities like the Eximbank and the World Bank that make loans to increase world capacity for commodities that are already in surplus. They see it simply as the Government using their tax dollars to put them out of work.

Early in this Congress, I introduced S. 852, a bill that would prohibit the Eximbank from financing building or expanding the capacity in a foreign country to produce surplus commodities. Also prohibited are loans for commodities likely to be in surplus if the resulting productive capacity will cause substantial injury to U.S. producers of the same, similar or competing commodities. Before I would advocate such a stance I would want full hearings which, to date, have not been held.

Notwithstanding that fact, I think that it is inexcusable that Congress allows the Eximbank to make loans without requiring an economic impact study. The essential usefulness of an economic impact study is not new. Back home in New Mexico when a banker considers a loan application he looks at the industry and asks if there is a need for the proposed project. If there is no need, the banker, as a citizen can better serve the community by making the loan to another applicant. Market demand is also a predictor of success and the related prospect of repayment. As a businessman, the banker better serves his stockholders by avoiding loans for surplus commodity production.

The Eximbank already has procedures to evaluate any adverse domestic impact of its activities. The bank's guidelines take into account the intent behind the stimulus of the project to determine whether it is consistent with U.S. macroeconomic and philosophic objectives. The guidelines also require that the bank look at the net economic impact and quantify both in dollars and jobs the impact of the transaction on the domestic economy and the degree to which U.S. industry will be affected.

This procedure sounds good on paper. However, the problem over at the Eximbank is that they do not always do the economic impact studies. They did not do such a study on the Cananea project.

I thought about offering an amendment that would require the bank to do a full economic impact study pursuant to its guidelines on every project. Officials from the Eximbank say that they do not have the time or resources to do a full study for each project that they finance.

Another alternative would be to require an economic impact study for projects that have, or are likely to have, surplus capacity at the time the project becomes operational.

The problem is a very real one that has spread from various commodities and manufactured products to the point where it probably affects every State's economy. I think that a workable method of dealing with this situation must be found. Because of the unanswered questions I am not going to offer any of the possible amendments I have discussed today. My purpose in laying them out is to suggest possible alternatives that could be looked at when the Banking Committee has hearings, which I hope the chairman will agree to hold.

Instead of offering an amendment, I would like Congress to reaffirm a reporting requirement that Congress created in 1978 when we amended the Export-Import Bank Act, we required the International Trade Commission to prepare a report assessing the impact of the Bank's activities on industries and employment in the United States. That report has never been issued. It appears to this Senator that congressional oversight of this problem is an essential starting point to determine to what extent economic impact studies should be required. I would suggest that the ITC complete the report mandated in the 1978 amendments. In addition, it is my hope that the Banking Committee would hold hearings this year on this very question.

Mr. HEINZ. I agree that oversight is necessary and commit to the Senator from New Mexico that such hearings will be held this fall. We might also explore the possibility of hearings before the International Trade Subcommittee of the Finance Committee, a subcommittee on which I serve, although, as the Senator knows, that would be up to Senator DANFORTH, the chairman of the subcommittee. In addition, I am prepared to work with the Senator from New Mexico to insure that the ITC completes the study you mentioned and that it include in that study an analysis of commodities in surplus on world markets or those that have excess manufacturing capacity, and the possible adverse affect on U.S. products of Eximbank financing of projects that contribute to such surplus or excess capacity.

I appreciate the Senator's interest in this problem and that he has raised it as an issue as we consider this legislation.

Mr. President, it is my understanding that discussions have been going on with respect to the Danforth amendment, and I am prepared to yield the floor.

It is my understanding that Senator CHAFEE is prepared to make a proposal.

AMENDMENT NO. 2211, AS MODIFIED

Mr. CHAFEE. Mr. President, I send an amendment to the desk as a substitute for the Danforth amendment.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk proceeded to read the amendment.

Mr. PROXMIRE. Mr. President, if the Senator will yield, I am very sympathetic. I do not think I oppose the amendment. I wish to hear it read. I have not had a chance to read it.

The PRESIDING OFFICER. If the Chair may have the attention of all Senators, the Chair must inform the Senator from Rhode Island that the amendment which he has sent is not in order in its present form as a substitute to the amendment provided by the Senator from Missouri. However,

the Senator has the right to modify his amendment if he wishes to do so.

Does the Senator desire to do so?

Mr. CHAFEE. Yes.

Mr. HEINZ. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CHAFEE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CHAFEE. Mr. President, am I in order if I request that the amendment that I sent to the desk or the document that I sent to the desk be a modification of the Danforth amendment?

The PRESIDING OFFICER. The Senator has that right.

Mr. CHAFEE. So I make that request, Mr. President.

The PRESIDING OFFICER. The Danforth amendment is so modified.

Mr. CHAFEE. Mr. President, as I understand it, the procedure would be to have a vote on the Danforth amendment as amended, that is the pending business, is that correct, following an explanation?

The PRESIDING OFFICER. The pending amendment before the Senate is the Danforth amendment as modified.

Does the Senator from Wisconsin wish to have the amendment read?

Mr. PROXMIRE. No.

Mr. CHAFEE. Mr. President, I ask unanimous consent that the reading of the modification be dispensed with.

The PRESIDING OFFICER. Without objection, the reading of the amendment will be dispensed with.

The amendment is as follows:

On page 20, line 7, after "shall" add the following: "simultaneously refer the request to the International Trade Commission for a determination of material injury and "shall."

On page 21, lilne 5, after "and" add the following: ", following an affirmative preliminary determination of material injury by the International Trade Commission by the forty-fifth day after referral of the request and in subsection (b) of this section,".

On page 21, line 9 add the following: "By the nineteenth day following the preliminary determination by the International Trade Commission, the ITC Commissioner, shall make a final determination of material injury. If the determination is affirmative, the Commissioner shall assess a duty on the goods equal to the amount of the subsidy determined by the Secretary under subsection (c)(1) of this section. If the determination is negative, the Secretary shall direct the Commissioner to remove the prohibition on the entry of goods or services into the United States.

On page 21, line 2, strike "and" and strike lines 3 and 4.

On page 20, line 25, add the word "and" after the simicolon.

On page 19, line 28, after the word "interested" strike the word "person" and substitute the words "party as defined in section 771 of the Tariff Act as amended."

On page 20, line 10, delete the words "thirty" and substitute therefore "forty".

Mr. CHAFEE. Mr. President, the parties here have been present while we have had the modifications, and I am not trying to rush anything through.

I think the distinguished Senator from Wisconsin is presently reading it, so let me just make a couple of comments on it.

Under this modification, when a protest is received, the Secretary of Commerce investigates to see whether, indeed, there has been a subsidy. At the same time, the ITC investigates to see if there has been injury, damage.

Now, they have up to 45 days to do this. At the conclusion of that, if they report that there has been a subsidy and there has been an injury, damage, then an embargo for 90 days goes on the import of the product.

Following that there is further consolidation and investigation by both the ITC and the Secretary of Commerce, and if results are as previous; namely, there has been injury and there has been a subsidy, then a countervailing duty goes into effect.

Mr. President, that is the gist of the modification here.

I must say, like everything, you try and reach an agreement. I personally have grave concerns about the 90-day embargo and perhaps the Special Trade Representative, Ambassador Brock, will find this agreement unsatisfactory.

If so, I would certainly hope that he would make his views known so those views could be represented in the conference.

The House measure does not have anything similar to this. So there is still a chance for the STR to have his views known. I have grave reservations because it does seem to me that this 90-day embargo is contrary to the GATT.

On the other hand, I would mention that at the end of the 90-day embargo period with a final determination the embargo is lifted, so the embargo lasts 90 days.

There are some who say perhaps it is contrary to GATT, but it is minutia, it is not a major consequence, since practically the goods are not waiting on the dock when the bids are open and when this procedure is gone through. By the very nature of the transactions that are conducted it takes more than 90 days for the goods to arrive or a good deal longer than the period that is provided here.

So I set forth my own personal reservations, but this has been accepted by all the parties, and if the ranking minority member of the Banking Committee finds it satisfactory, I think we can proceed and certainly we would like to hear from the manager of the bill.

Thank you, Mr. President.

Mr. PROXMIRE. Mr. President, of course, I prefer the original language that the committee adopted, just a flat embargo. It seems to me that the case was very strong and, as I say, there was overwhelming support among management, labor, and so forth, for that flat embargo.

But I understand the concerns of the distinguished Senator from Rhode Island, the Senator from Missouri, and other members of the Finance Committee. I think what we have here is something that, if it works out the way I think all of us intend, it will be satisfactory. But I will watch carefully how it is administered and make sure that we do not continue to have a situation in which foreign countries take advantage of us by providing subsidies that enable their companies to come in and unfairly undersell in our market and take jobs away from American workers.

Mr. HEINZ. Mr. President, I am prepared to accept the amendment.

Mr. CHAFEE. I thank the Senator.

Mr. PROXMIRE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. Mr. President, I am supporting this compromise amendment of section 109 of the Eximbank Act authorizing bill, and I hope that the remaining problems with this amendment can be resolved in conference. We have laws already which deal with the problems addressed in the amendment. We have negotiated a subsidies code with our trading partners which requires certain procedures before we assess countervailing duties. This amendment meets these requirements in part, but there remain serious problems with the findings and the procedures. I urge the administration to assist in an appropriate resolution of this in conference.

Mr. President, I commend Senators CHAFEE, PROXMIRE, DANFORTH, and HEINZ for working out what I consider to be a good compromise. Obviously it is going to be reviewed by different officials of Treasury, USTR, and others. But if there are still some problems that cannot be surmounted, I assume they can be softened some in conference.

But I can understand the frustration of the Senator from Wisconsin. With all of the GATT problems we have had and all of the subsidy problems, I think there is great frustration. I

think perhaps he is at least sending a message to the bureaucrats, who hopefully will respond to some of the concerns that many of us have in the Congress on both sides of the aisle.

Mr. HEINZ addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

Mr. HEINZ. Mr. President, it is my understanding the pending business is the Danforth amendment as modified by Senator CHAFEE; is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. HEINZ. Mr. President, I understand we will proceed to the adoption of that measure.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Missouri, as modified.

The amendment (No. 2211), as modified, was agreed to.

Mr. HEINZ. I move to reconsider the vote by which the amendment was agreed to.

Mr. PROXMIRE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HEINZ. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HEINZ. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2218

(Purpose: To restrict IMF lending to Communist countries)

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina is recognized.

Mr. HELMS. I have an amendment at the desk and I ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from North Carolina (Mr. HELMS) proposes an amendment No. 2218:

On page 29, after line 4, add the following:

TITLE IV—IMF LENDING POLICY

SEC. 401. The President shall instruct the United States Executive Director of the International Monetary Fund to oppose actively any credit drawings on the Fund or any of its facilities by any country which practices Communist dictatorship.

Mr. HELMS. Mr. President, the question may very well occur, why is the Senator from North Carolina offering this amendment?

There are several reasons. Legislatively speaking, I would mention that the House of Representatives has passed H.R. 2957 which combines IMF, Exim and the Multinational Development Bank. All three are incorporated in one bill. And I want this amendment in conference. As I say, the House of Representatives last month took this very prudent step with regard to increasing the U.S. contribution to the International Monetary Fund by a vote of 242 to 185 that adopted a proposal by Congressman PHIL GRAMM that will help put a lid on the amount of money the IMF provides to Communist dictatorships. So the pending amendment, Mr. President, is identical to the Gramm amendment. Simply stated, it directs the President of the United States to instruct the U.S. Executive Director of the International Monetary Fund to actively oppose any and all loans to countries under Communist rule.

Now, my opposition to sending more of the American taxpayers' dollars to the IMF is certainly no secret around this place. I will not rehash the arguments that I tried to raise earlier this year against increasing the U.S. contribution to the IMF by $8 billion.

I will simply say that the International Monetary Fund is a bad deal for the American taxpayers, in my judgment, and it is especially bad when tax dollars are used by the International Monetary Fund to prop up Communist dictatorships.

Mr. President, it is my understanding that the House passed authorizations for the IMF and the Eximbank and the multilateral development banks that were rolled into one bill. So by agreeing to the amendment I have offered, the Senate can go to conference with the House on these items without disagreement on whether the IMF should bankroll Communist regimes.

Needless to say, I hope that my colleagues will agree with me.

Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. HEINZ. Mr. President, I think the Senator from North Carolina has accurately described his amendment. I rise in opposition to it.

Obviously, we are operating here without a time agreement. That means that we cannot invoke the germaneness rule. But it would be my view that if we did have a time agreement in the usual form, this amendment would be clearly nongermane to the Export-Import Bank bill before the Senate. I believe that this is not the time or the place to consider this amendment, and I would oppose it on that ground, in any event.

However, I also am constrained to oppose the amendment on substantive grounds. I think the amendment has much appeal on the surface. Why should we want to allow the U.S. Executive Director of the IMF to vote funds for a credit drawing on the IMF to a Communist dictatorship?

I suppose, Mr. President, that one might say that if this amendment were not to be adopted, it might be in order for the IMF to lend money to the Soviet Union. But that would not be possible. It is not possible because the Soviet Union is not a member, has not applied for membership, does not intend to apply for membership in the International Monetary Fund.

One might say, would not this allow the Albanians to go to the IMF and get money, if this amendment is not agreed to? Might the U.S. Executive Director inadvertently or deliberately allow that to take place? Albania is not a member of the International Monetary Fund.

To this Senator's knowledge, there are three countries—at least three—that have nonmarket economies and are members of the Fund. They are Hungary, Romania, and Yugoslavia.

It is my understanding that if this amendment were to be adopted, the President would be obligated to tell the Executive Director of the United States to the IMF that he would have to oppose any credit drawings by Yugoslavia.

I ask the Senator from North Carolina if that is correct.

Mr. HELMS. That is correct.

Mr. HEINZ. Mr. President, we have been very successful over the years at shattering the once monolithic Iron Curtain group of countries that we used to call the Soviet bloc into a number of countries, each developing its own foreign policy, each, to a certain extent, trying—sometimes successfully, sometimes unsuccessfully—to be independent of the Soviet Union. We clearly want those countries to have every possible incentive to continue the fragmentation of what we have called for many years the Soviet bloc.

One country—at least, at this time—that has fragmented itself from the Soviet bloc is the People's Republic of China. It is my understanding that the People's Republic of China would be caught in this amendment. If the Senator from North Carolina knows otherwise, I hope he will so inform me.

It seems to me, Mr. President, that when we consider a country like Yugoslavia—or, for that matter, the People's Republic of China—which has taken what I would call anti-Soviet lines, especially in its foreign policy, which has demonstrated not only the ability but also the will to stand up and actively and successfully oppose the Soviet Union, at times allying themselves with us, this is an amendment, no matter how superficial its attractiveness may be, that is truly cutting off our nose to spite our face.

Let me also, on a more technical level, discuss what it is we do not like

about Communist countries. We do not like, among other things, their foreign policy. We do not like, among other things, some of the personalities involved.

We may not like the books written by Karl Marx or Engels. I do not. They are interesting reading. I think people who want to read them should be allowed to do so. But I do not like the theories in them.

However, what we fundamentally have a disagreement over with respect to Communist countries is their extension of the power of the state to every aspect of their society. We use the word "totalitarian" to describe that. It is particularly evident—and indeed, it is one of the reasons for the economic failure of Communist regimes—that they extend the power of the state into every economic decision. There is no—at least, in theory—private property under communism.

The heavy hand of a totalitarian government extends to every aspect of the marketplace. Wages are set by the dictatorship of the proletariat, we are told. For that, in small print, read a few people running the Communist Party in the Soviet Union—the Presidium or the Politburo, to be even more precise.

None of us likes that, and all of us have a vested interest in seeing a totalitarian social and economic system break apart of its own weight and failure.

What the International Monetary Fund does is this: When a country that is a member of the International Monetary Fund suffers a liquidity crisis, it will assist them, if certain conditions are met, for up to a 3-year period in the extension of credit, which must be repaid, for the purpose of working out and overcoming the balance-of-payments difficulties that have brought about the liquidity crisis. This, of course, is what the International Monetary Fund is doing with many Western Hemisphere countries—Mexico, Brazil, and others.

Let me mention also that in order to be a member of the International Monetary Fund, you must meet a variety of terms and conditions; and for any country to meet them almost requires that that country adopt what we would call—they, of course, try not to call—free market principles.

Once that membership has been granted—it has not been granted, for example, as yet to Poland because Poland has not qualified on those criteria—that country must undertake, consistent with the IMF articles, a series of adjustments that includes such things as balancing your budget, getting the government out of subsidizing enterprises, using market-related mechanisms, not quotas, not tariffs, to bring the balance of payments into balance.

Mr. President, frankly there are times when I wish the United States would go and be subject to some of the conditionality agreements that the IMF is subjecting other countries to because they might force us to balance our budget and do some things to get our international trade balances in order.

If the amendment of the Senator from North Carolina were adopted it would stop the kind of progress we are making in breaking down the economic system of what we used to call Soviet bloc countries so they are more like capitalist free enterprise economies, and if we believe that the political leadership of those countries is inflexible, well, so be it, but what we can do while the political leadership is inflexible is undermine the system that that leadership thinks is going to support it.

What we are doing in this amendment is to destroy an engine, in effect an economic seige engine, that if we allow it to operate I believe will continue the successful undermining of the totalitarian economic practices of those nonmarket economies that this is aimed at.

Mr. President, I hope that this amendment will be rejected. I hope that my colleagues, as they did on a previous occasion, will join in rejecting it again.

Mr. PROXMIRE. Mr. President, I join my friend and colleague, the manager of the bill, in opposition to this amendment.

Frankly, I want to be sure that I am understood in saying this because I have great respect and admiration for the Senator from North Carolina, but if Andropov were a Member of this Senate, he would vote for this amendment. The Russian Communists would love this amendment. Why not? They are not a member of the IMF. They are not affected by it but it would drive countries that are Communist dictatorships, so to speak, Yugoslavia, Romania, Hungary, into further dependence on Russia. The IMF has been one agency that has been successful in tending to woo these countries away from the absolute domination by the Soviet Union.

Of course, they have a long way to go. The fact is that Yugoslavia has the free movement of labor and they permit tourists to visit. Romania has been moving in that direction. Hungary is beginning to have a market economy.

This is exactly the kind of thing we should encourage, and the IMF does that. These nations contribute to the IMF and draw on the IMF and, of course, the kinds of terms of the IMF makes are that the country comply with market discipline, that they hold down their imports when they have an adverse balance of trade, and they increase their exports. Of course that is the kind of discipline that we are familiar with in the Western World.

So I think that the adoption of this amendment would be a serious mistake. On its surface, it looks like the great thing to do. But when you look into it, it is not something we should adopt.

Incidentally, this amendment was offered in very similar form by the distinguished Senator from New Hampshire, Senator HUMPHREY, when the IMF was before us. And it was defeated by better than two to one, with a majority of both Republicans and Democrats voting against it.

Now, I understand that the administration is very much opposed to this amendment, flatly, vehemently opposed to it. They do not want it enacted and for many of the reasons I have already indicated. They recognize that this would not hurt the Soviet Union, which is after all our principal adversary. It would help them.

Mr. President, I congratulate my friend, the Senator from Pennsylvania, in his opposition, and I am delighted to support him.

Mr. HEINZ. Mr. President, I shall be very brief, and then I will, without wanting to foreclose any debate, at the appropriate time make a tabling motion on this amendment.

Mr. President, I shall review for the benefit of Senators who may not have heard all of the debate. I know that we are a little sparsely attended at this moment. I hope that Senators who are not here are listening in their office. I will repeat the point so ably made by the Senator from Wisconsin that Andropov, to repeat what he said, if he were here in this Chamber would vote for this amendment because it would relieve him of a great worry, the continual peeling away of countries from the totalitarian economic Soviet-dominated bloc of countries that he so much wants to continue to be subject to Soviet imperialism.

Second, the administration does ardently and actively oppose this amendment, for those and other reasons.

Third, when this amendment in substantially similar form was proposed, as the Senator from Wisconsin mentioned, by the Senator from New Hampshire, the vote was 60 against it, 32 for it, on a tabling motion offered by the Senator from Pennsylvania.

It is my hope that my colleagues will maintain the consistency and the good wisdom they showed on the previous occasion. I urge my colleagues once again to join in defeating this amendment which beyond all the other things I have said about it is clearly not germane to the subject matter before us although it is not subject to a point of order because of the parliamentary situation.

Mr. HELMS. Mr. President, the Senator from North Carolina regrets that

he lacks the capability to read the mind of Andropov. I will say that I am delighted that he is not a member of the U.S. Senate.

Now, I am curious about all of these countries we are leading away from communism. I do not perceive that. I think the red hand of communism is moving stealthily and steadily around this world.

Vietnam, for example, participates in the International Monetary Fund. I do not know that we have seen any signs of freedom loving in Vietnam.

Nicaragua participates in the International Monetary Fund.

Laos, Granada, and you can go right down the list, participate in the IMF.

I would not be surprised if the Pepsi Cola diplomacy would not one of these days extend IMF into the Soviet Union. The mysterious hands of the world financiers, who sometimes give the perception that they are more interested in bucks in their own pocket than preserving freedom in the world, may very well come to this Senate and say,

We are leading the Soviet Union away from tyranny. So, therefore, we have to let them participate in the IMF.

But, in any case, I believe that if the American people understood the International Monetary Fund—which I oppose, just as a matter of principle—I believe the American people, given a referendum on the question, would speak clearly and loudly to this U.S. Senate and say, "No more. No more." Instead, the Senate is going the other way.

Earlier this year, the Senate voted to increase the contribution, taken out of the taxpayers' pockets, by $8.4 billion. I am just a country boy, but I think that money ought to be kept at home to build productivity here. And certainly I think we ought to join the House of Representatives in saying none of this money shall be used to prop up any Communist dictatorship. That is all the amendment says.

As far as not being germane, that is a matter of opinion. The House bill passed, H.R. 2957, includes the IMF and the Exim and the Multilateral Development Bank. And the House passed this amendment on that bill by a margin of 242 to 185.

So I say to Senators, if you want to vote against a proposition that the taxpayers' money, the American taxpayers' money, should not be used to prop up a Communisty dictatorship, be my guest. But I am simply saying that I am giving an opportunity to stop this foolishness. Because we can rationalize among ourselves, we can talk about Mr. Andropov being happy about this or that, but the fact remains that we are helping to prop up tyrants around the world by the utilization of the International Monetary Fund.

I have no more to say and the Senator can proceed to his motion to table, in which case I will ask for the yeas and nays.

Mr. HEINZ. Mr. President, I do not see any other Members of the Senate seeking recognition. I think we have debated this.

I would only bring to my colleagues' attention an interesting discrepancy. It appears that when Senator PROXMIRE and I announced slightly different totals on the Heinz motion to table the Humphrey amendment that we were both right.

One piece of paper provided to me by the Senator from Wisconsin, entitled "Senate Voting Record No. 121," on the tabling motion, records 63 yeas, 30 nays, and 7 not voting. The CONGRESSIONAL RECORD for June 8, on the same motion, records 60 yeas, 32 nays and 8 not voting.

We probably have another exercise in creative accounting here that could be explained by perfectly normal processes, but it mystifies me.

I did not want our colleagues, Mr President, to think that neither Senator PROXMIRE or I had the facts wrong. I am reminded that we are maybe entitled to our opinions but we are not entitled to a different set of facts. It appears in this case that we are.

Mr. President, I move to table——

Mr. HELMS. In any case, I am giving Senators a chance for redemption.

Mr. HEINZ. If this be redemption, my concerns would be deepened.

Mr. HELMS. As the teenagers say, "You got it."

Mr. PROXMIRE. Would the Senator from Pennsylvania yield before he moves to table.

Mr. HEINZ. I am pleased to yield.

Mr. PROXMIRE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HELMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HELMS. Mr. President, I wonder if my friends—and they are my friends—the Senator from Pennsylvania and the Senator from Wisconsin, since they are so confident about the vote, would they be willing to let there be an up-or-down vote? If their cause is so righteous, let Senators confront it head-on instead of behind a motion to table. Apparently, the Senators are confident that they are going to defeat the amendment, so why not let us have an up-or-down vote and go to it?

Mr. HEINZ. May I respond to the Senator from North Carolina?

Mr. HELMS. Certainly. I will be listening with bated breath.

Mr. HEINZ. I would say to my good friend from North Carolina that I have carefully considered his request, but, believing as the Senator from Pennsylvania does that, among other things, this amendment is really not truly germane to the subject matter of this bill, I would be constrained to ask, as I did on the Humphrey amendment, for the motion to table.

Mr. HELMS. I have no problem with that. I just wanted to point out that I would prefer Senators to confront the issue rather than the parliamentary tabling motion. But either way it comes out, it is the same thing. I think people will read it correctly one way or another.

Has the Senator moved to table?

Mr. HEINZ. Not as yet.

Mr. HELMS. Could he give me some indication?

Mr. HEINZ. We are waiting for the majority leader to respond to a request from Senator BYRD, the minority leader.

Mr. HELMS. Very well. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HELMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HELMS. Mr. President, I ask unanimous consent that the distinguished Senator from West Virginia (Mr. RANDOLPH) be added as a cosponsor to my amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HELMS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HELMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

USE OF COMPULSORY UNION DUES FOR POLITICAL PURPOSES

Mr. HELMS. Mr. President, as in morning business, I send a bill to the desk and ask for its immediate consideration—for its first reading.

The PRESIDING OFFICER. Is there objection?

Mr. BYRD. Reserving the right to object, I want to make sure, for the record, does the Senator want the immediate consideration or does he want first reading?

Mr. HELMS. I want first reading.

Mr. BAKER. Will the Senator yield to me?

Mr. HELMS. Yes.

Mr. BAKER. Mr. President, I understand the Senator wants to pursue the provisions of rule XIV which would ultimately take this bill to the calendar. I advised the minority leader of that. We are both concerned. I understood the Senator to make the request for its immediate consideration.

Mr. HELMS. I quickly corrected myself and said first reading.

Mr. BAKER. I thank the Senator.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. He has the right to have it read the first time.

The PRESIDING OFFICER. The clerk will state the bill by title.

The legislative clerk read as follows:

A bill (S. 1881) to amend the Federal Election Campaign Act of 1971 to prohibit the use of compulsory union dues for political purposes.

Mr. HELMS. Now, Mr. President, I ask for second reading.

The PRESIDING OFFICER. Is there objection?

Mr. BAKER. Mr. President, pursuant to a request from another Senator, I object to further consideration of the bill at this time.

The PRESIDING OFFICER. Objection is heard.

Mr. BYRD. Mr. President, I think I owe the Chair and Parliamentarian an explanation. An objection can be made to the introduction of any bill.

Mr. BAKER. The Senator is correct.

Mr. BYRD. If objection was made, he could not have introduced his bill until the next legislative day.

Mr. HELMS. Yes.

Mr. BAKER. Mr. President, I now suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. HEINZ. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXPORT-IMPORT BANK AMENDMENTS OF 1983

The Senate continued with the consideration of the bill.

AMENDMENT NO. 2218

Mr. HEINZ. Mr. President, I am about to yield to the majority leader. I understand that he will, at the appropriate moment, make a motion to table the amendment before us. It had been my intention to do so.

I yield to the majority leader.

Mr. BAKER. Mr. President, may I say to the distinguished managers of the bill on both sides that an inquiry was put to me as to the administration's position on the Helms amendment. I have discussed the matter with a representative of the White House just now by telephone and I have been authorized to say that the administration does oppose the amendment. Based on that, unless there is further debate, I will at this moment, if the managers are ready, propose to make a motion to table.

Mr. PROXMIRE. Will the Senator yield?

Mr. BAKER. Yes.

Mr. PROXMIRE. Would it be possible for the President to send us a letter on this?

Mr. BAKER. Yes. I have requested such a letter and I am sure it will be forthcoming.

Mr. PROXMIRE. I thank the majority leader.

Mr. BAKER. Mr. President, I now move to table the Helms amendment and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Tennessee. The yeas and nays have been ordered and the clerk will call the roll.

The legislative clerk called the roll.

Mr. STEVENS. I announce that the Senator from Mississippi (Mr. COCHRAN), the Senator from Maine (Mr. COHEN), the Senator from Missouri (Mr. DANFORTH), the Senator from Minnesota (Mr. DURENBERGER), the Senator from Arizona (Mr. GOLDWATER), the Senator from Oregon (Mr. HATFIELD), the Senator from Florida (Mrs. HAWKINS), the Senator from Alaska (Mr. MURKOWSKI), the Senator from Wyoming (Mr. SIMPSON), the Senator from Vermont (Mr. STAFFORD), and the Senator from Texas (Mr. TOWER), are necessarily absent.

I further announce that, if present and voting, the Senator from Florida (Mrs. HAWKINS), would vote "nay."

Mr. CRANSTON. I announce that the Senator from Montana (Mr. BAUCUS), the Senator from New Mexico (Mr. BINGAMAN), the Senator from Oklahoma (Mr. BOREN), the Senator from Arizona (Mr. DECONCINI), the Senator from Ohio (Mr. GLENN), the Senator from Colorado (Mr. HART), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Louisiana (Mr. LONG), the Senator from Hawaii (Mr. MATSUNAGA), the Senator from New York (Mr. MOYNIHAN), the Senator from Tennessee (Mr. SASSER), the Senator from Mississippi (Mr. STENNIS), and the Senator from Massachusetts (Mr. TSONGAS), are necessarily absent.

The PRESIDING OFFICER (Mr. JEPSEN). Is there any other Senator in the Chamber who desires to vote?

The result was announced—yeas 45, nays 30, as follows:

[Rollcall Vote No. 268 Leg.]

YEAS—45

Andrews	Evans	Mitchell
Baker	Exon	Nunn
Bentsen	Garn	Packwood
Biden	Gorton	Pell
Boschwitz	Heinz	Percy
Bradley	Huddleston	Pressler
Bumpers	Inouye	Proxmire
Burdick	Kassebaum	Quayle
Chafee	Lautenberg	Roth
Chiles	Leahy	Sarbanes
Cranston	Levin	Specter
Dixon	Lugar	Stevens
Dodd	Mathias	Wallop
Domenici	Melcher	Weicker
Eagleton	Metzenbaum	Zorinsky

NAYS—30

Abdnor	Hecht	Nickles
Armstrong	Heflin	Pryor
Byrd	Helms	Randolph
D'Amato	Humphrey	Riegle
Denton	Jepsen	Rudman
Dole	Johnston	Symms
East	Kasten	Thurmond
Ford	Laxalt	Trible
Grassley	Mattingly	Warner
Hatch	McClure	Wilson

NOT VOTING—25

Baucus	Goldwater	Murkowski
Bingaman	Hart	Sasser
Boren	Hatfield	Simpson
Cochran	Hawkins	Stafford
Cohen	Hollings	Stennis
Danforth	Kennedy	Tower
DeConcini	Long	Tsongas
Durenberger	Matsunaga	
Glenn	Moynihan	

So the motion to lay on the table amendment No. 2218 was agreed to.

Mr. HEINZ. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. BAKER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. PERCY. Mr. President, I am a cosponsor of S. 869 which amends the Export-Import Act of 1945 by strengthening our U.S. export financing capability. I commend my distinguished colleagues, Senators HEINZ and GARN, for bringing this legislation to the floor, now, ahead of the September 30 date when the Bank's charter expires. These legislative changes in the Bank's charter are necessary if we are to continue to support U.S. exporters in fierce international competition.

The Export-Import Bank is of great importance to my home State of Illinois. As the No. 1 U.S. exporter of agricultural goods and the third largest exporting State overall, Illinois makes considerable use of the Bank's facilities. Illinois ranks fourth in the total contract value of funds received by the Export-Import Bank, funds which support over 15,000 jobs in my State. Not only would a strengthened Export-Import Bank make those jobs secure, but would also help defend U.S. exporters from foreign subsidization, even create new job opportunities.

Let me make a few short remarks on several important parts of this legislation. Section 108 established a specific policy for Eximbank to encourage

small businesses to develop overseas commerce through Eximbank programs, and allows for greater assistance to the small business sector. In establishing more credit for small businesses, the Bank would now have the ability to support one of the most vital areas of our economy. I am pleased to be a consponsor of Senator BOSCHWITZ's amendment that would require the Bank to set aside 10 percent of funding specifically for small businesses and am pleased that the Senate has accepted our amendment.

Similarly, the establishment of mixed credit export subsidies would allow us to remain competitive with foreign exporters who already offer mixed credits, or export financing mixed with foreign aid funds. The Export-Import Bank conducted a study of sales lost in 1982 due to foreign official export credit competition which showed a U.S. loss of $900 million in sales. Nearly half of those losses were due to foreign competitors offering mixed credits. Therefore, our bill comes to grip with this problem.

The recent growth in the service industry and the fact that services now represent the fastest growing sector of our economy is also reflected in the provisions provided in S. 869 which would give equal treatment to service exports as the Bank gives to other export sectors. Chicago is one of the most important international centers of finance, insurance, and other service industries. I know this new dimension of Export-Import assistance will be important to continued growth in these industries.

Mr. President, if we are truly to remain competitive in exports without resorting to protectionism or outright subsidization, we must make the changes detailed in S. 869 in the charter of the Export-Import Bank to allow the Bank to become more independent and responsive to our exporters' needs. I urge my colleagues' support in passing this most important piece of legislation.

Mr. RIEGLE. Mr. President, I rise in strong support of the Export-Import Bank Amendments of 1983.

At a time when the U.S. deficit in foreign trade is increasing dramatically, I think that it is imperative that we do everything in our power to encourage, facilitate, and accelerate American exports.

In 1982 the U.S. foreign trade deficit was $43 billion and for 1984, Martin Feldstein, Chairman of the President's Council of Economic Advisers, predicts that this deficit could reach $100 billion.

Since approximately one out of every six American jobs is dependent on foreign exports, the more we export, the more Americans we will be putting back to work; and the less we export, the more we allow other nations to capture our domestic markets and the weaker we will become as a nation.

I believe that our current trade imbalance is an extremely serious problem which threatens the economic welfare of our country and which cannot be underestimated.

I worry that slowly but surely foreign countries are capturing our own markets. Serious on-going efforts must be made to address this problem.

Mr. President, passage of the Export-Import Bank Amendments of 1983 is an important first step.

This legislation declares as its purpose, among other things:

To expand U.S. employment and economic growth by increasing U.S. exports to markets in the developing world;

To stimulate the economic development of countries in the developing world by improving their access to credit for imports from the United States;

And, to neutralize foreign predatory financing of exports in competition with U.S. exports.

The Export-Import Bank Amendments of 1983 recognize the vital need for a strong and aggressive Export-Import Bank and the importance of neutralizing subsidized foreign export financing.

Some of the sections of this legislation provide as follows:

Section 101 of S. 869 reflects our desire to make it absolutely clear that the first priority of the Export-Import Bank, its chief mandate, is to be competitive with foreign officially subsidized export credits.

Section 102 reestablishes the Eximbank Advisory Panel to make the Bank more fully responsive to the needs of American exporters.

Section 103 reduces the opportunity for politicizing the Eximbank by giving members of the Board of Directors fixed 4 year terms.

Section 105 is designed to discourage the use of subsidized financing by foreign governments to support sales in the U.S. market.

And section 109, in effect, allows the Secretary of Commerce to forbid importation into the United States of a product whose sale was made possible through foreign officially subsidized export financing at a rate below that stipulated in the "Arrangement on Guidelines for Officially Supported Export Credits" of the Organization for Economic Cooperation and Development.

Other provisions of the Export-Import Bank Amendments of 1983 are designed to assist the export of services and housing and to assist small business.

Services represent the fastest growing sector of American exports. This legislation amends the Eximbank charter to make it clear that service exports are to receive the same and equal treatment as the Bank gives to other export sectors.

Similarly, this legislation clarifies our intention that where appropriate the Bank should provide competitive financing for the financing of housing built by U.S. companies for export.

And, with respect to small business, we insure that the Bank is responsive to small business needs by providing in section 108 language stressing the need for the Bank to provide assistance to small business exporters. To that end, we specifically direct the Chairman of the Eximbank Board to designate one of the Directors of the Bank to insure that the Bank carries out its responsibilities toward small business.

It is also my intention to support enthusiastically an amendment which directs the Bank to insure that U.S. companies are afforded an equal and nondiscriminatory opportunity to bid for insurance in connection with transactions assisted by the Bank.

Mr. President, in hearings last year the Banking Committee learned that well over $1 billion of U.S. export sales were lost in fiscal year 1982 due to inadequate Eximbank support. During the same period, the Bank failed to use approximately $1 billion of its direct loan authority.

This underutilization of funds to stimulate U.S. exports is totally unacceptable. In our committee report we recognize the need for greater adherence on the part of the Bank to meet its responsibilities to provide American exporters with competitive financing in the face of foreign government subsidized export credit competition.

For those who doubt the need for a stronger U.S. international trade and export policy, I commend an article which appeared in the Washington Post, August 2, 1983, on "World Trade: What U.S. Firms Are Up Against," by Lee Iacocca, to your attention.

I request that this article be printed in the RECORD.

The article follows:

WORLD TRADE: WHAT U.S. FIRMS ARE UP AGAINST

(By Lee Iacocca)

The playing field in world trade is not level; it is blatantly tilted against the United States.

And unless that field can be made level, we will rapidly slip from the major leagues to the minors—with small chance of a comeback. In 1982, the U.S. deficit in foreign trade was $43 billion; for 1984, Martin Feldstein, chairman of the President's Council of Economic Advisers, predicts that this deficit could reach $100 billion. This widening gap between imports and exports significantly contributes to lost jobs and the erosion of the capital base of many essential industries, including machine tools, steel, electronics and automobiles.

A strong economic recovery—contrary to popular economic folklore—could worsen this deteriorating situation. Since several major competitor nations are expected to

lag behind the United States in their rate of recovery, price competition from them could play havoc with our recovery and our trade deficit.

With good reason, government and business leaders are concerned. Unfortunately, this concern has become polarized into an either/or position: protectionism or free trade.

For example, in The Post, Wolfgang Hager's defense of protectionism [Outlook, May 15], was followed by Bill Brock's response in defense of free trade [op-ed, June 13]. These essays—a microcosm of what's being played out daily in Washington, in academia and on the 6 o'clock news—are attempts to come to terms with the issue of international competition. But, like most extremes solutions, both are wrong.

For one thing—and this is probably the most important thing—these either/or approaches fail to take into account some very basic realities of the business world in 1983.

It's true that protectionism would provide immediate, temporary help to certain industries—including the auto industry. About 28 percent of the cars sold in America are imported—21 percent are from one nation, Japan. And in June of this year, the Labor Department ruled that an estimated 5,200 workers laid off from Chrysler Corporation plants in Newark, Del., and Detroit can apply for special aid because imports cost them their jobs.

But rushing in with an across-the-board protectionist quick fix could backfire on American business. America simply can't afford to alienate and lose world markets through protectionism and its backlash. The fastest-growing markets in the world are overseas; Brazil and Mexico combined will probably represent a larger auto market than the United States at the turn of the century. And economies in the Far East are on impressive growth curves.

Like the ill-fated Smoot-Hawley Tariff Act of 1930, protectionist measures carry the potential for lost markets, trade wars and depression. The price of such "relief" is one that American business can't afford.

If protectionism isn't the answer to our trade problems, free trade extremism isn't either. Free trade ignores the historical fact that current trade agreements were formulated at a time when America was the top dog in production and sales in world markets—and especially in domestic markets. It ignores the new reality that, both in terms of production facilities and marketplaces, competition is now global.

There is nothing wrong with new game; it's really the major leagues. Global competition—the playout of economic Darwinism—has been a potent spur to American business to improve its productivity and quality. What is wrong is that while American companies are playing in a new international trade game, the U.S. government is still expecting them to play by the old rules.

We are up against aggressive, potent competitors, backed by their governments—while experts inside and outside government intone Adam Smith's theories and pretend it's still 1950 in terms of U.S. worldwide economic dominance. Most other governments have realized that the game and its rules have changed—and now assist the "Invisible Hand" through all-too-visible programs and policies that give their industries a better-than-even break in the world.

Because the U.S. government still tries to play by the old free trade rules, America lacks a trade policy that's responsive to the new realities of international competition. For American businessmen and workers—sent out into the global marketplace to complete without help from government—the playing field is not level; it's tilted against them.

To make that playing field level—to allow American business and American labor to be on the same footing with their global competitors—we have to address two major areas immediately.

The first area concerns purchasing power parity. Right now—because of currency exchange rates and the system of value-added taxes—some of our competitors have a substantial pricing advantage; over $1,500 per car for Japan. This advantage obviously tilts the playing field for the competition.

EXCHANGE RATES

With the current strength of the dollar and the intentionally low values of certain other currencies, such as the yen, some of our trading partners have a big edge over American businesses when they compete in the U.S. market. In the auto industry—a prime example—it is estimated that the Japanese have a cost advantage of $600 to $800 per car because of an estimated 20 percent undervaluation of the yen.

VALUE-ADDED TAXES

Most of American's major competitors use value-added taxes, which they rebate to their manufacturers when goods are exported. For Japan, this tax rebate equals another $600 to $800 per car. U.S. import duties come nowhere near equaling the rebated taxes, so the imported goods have a substantial price advantage over American-produced goods. And the American goods have to shoulder the full effect of U.S. federal, state, local, Social Security, and other taxes.

The second major area concerns the lack of a coherent, pragmatic industrial policy to help American businesses to become and/or remain competitive—especially for:

RIDING OUT DOWNTURNS

Many of America's competitors have developed programs to help their industries remain solvent during cyclical downturns. America has no such program, and with each economic downturn—even predictable ones in cyclical industries like chemicals and autos—American industries lose ground to foreign competition. Once they lose too much goods and get on to a precarious financial footing, they usually cannot be resurrected. Their jobs disappear overseas forever, by the hundreds of thousands.

CARVING OUT AND PRESERVING MARKET SHARE

Some of America's competitors, such as the Japanese, have learned that they can establish market share through a low price/low profit game plan applied over the long term. They can only do this with solid financial backing from their governments and their closely integrated national banking systems, something American industry doesn't have. As a result, American businesses frequently cannot afford to pay the long-term "entry fee" to gain and hold position in desirable markets.

That these two areas—purchasing power parity and industrial policy—demand action is obvious to many Americans, but not to enough of our elected representatives. According to recent polls conducted by Louis Harris Associates and the Los Angeles Times, the percentage of Americans who favor government policies to preserve or expand our industrial base is double the percentage of congressional leaders who are similarly inclined.

What must government and business do, starting today, to deal with the new trade realities and to level out the playing field?

1. Government must negotiate more acceptable exchange rates, rates that reflect the real purchasing power of different currencies and that are indexed over time to changes in relative inflation rates.

2. Government must find ways to compensate for the pricing edge created by VAT rebates. DISCs (Domestic International Sales Corporations) have never been an effective tool for this; and import duties, because they are too low, have been equally ineffective. Our taxation policy should get in step with the rest of the world.

3. Government and business together must find ways to help fundamentally viable American companies absorb the impact of recessions—and to allow American business to compete with foreign industries whose governments and infrastructures support low price/low profit marketing strategies.

This kind of aid could be in the form of loans or of loan guarantees similar to those provided to Chrysler. A new structure to accomplish this program could incorporate the concept of a "domestic IMF"; it could arrange emergency financing to support those businesses that have clear, workable plans to improve productivity and increase operating efficiency. There's no question that the capital for these loans is available; I've often wondered why the American public and business community have allowed American banks and public institutions to lend $500 billion to Third World countries and businesses while we have such pressing needs here at home.

In the international trade game, time is not on our side. The next several seasons will determine, irreversibly, whether America stays in the world trade major leagues. We need solid policies now, if we're going to have a chance to play on a level field.

As far as autos are concerned, until we get these policies in place, we must negotiate or legislate an extension on quotas on Japanese imports. Without these quotas as an interim measure, the American auto industry as we know it won't survive long enough to have a chance to play on that level field.

A level field means a fair game—a game in which all players go by equivalent rules. A level playing field in international trade is necessary to put the biggest game in the world back on the level.

● Mr. LAUTENBERG. Mr. President, I rise in support of the pending bill, S. 869, the Export-Import Bank Amendments of 1983. The legislation renews the Bank's charter for 6 years and strengthens its capacity to assist U.S. exporters in meeting foreign competition supported by official financing subsidies. It addresses one of the factors that has contributed to the disastrous deterioration of the U.S. trade position in recent years.

The last time this country had a favorable merchandise trade balance was 1975. Our surplus that year was just over $9 billion. Then came the oil shocks of the late seventies. The U.S. trade deficit shot up to an unprecedented $33.8 billion. As the impact began to be absorbed, the deficit declined to slightly more than $25 billion. Since then the situation has dra-

matically worsened. A colossal trade gap of more than $60 billion is projected for this year.

Now, Mr. President, no one supposes that this decline in our trade position is solely owing to the failure to meet export credit competition. But there is little doubt that it plays a role. When officially supported concessional financing is more readily available for foreign products, American businesses are at a disadvantage and the jobs of American workers are at additional and unfair risk.

The bill before us, Mr. President, contains a number of provisions designed to assure that the Export-Import Bank will or can be an effective instrument to counter financing competition. Two are especially important. The first makes it clear that the first priority of the Bank should be to provide competitive export financing. The administration has given procedence to the Bank's own financial interest. Indeed, the administration has generally opposed, on budgetary as well as policy grounds, the effective use of the Bank's resources for the purposes Congress has approved time and again. Perhaps this provision will get the message across. We want an aggressive trade policy which insists on fair and reciprocal treatment for U.S. companies that want to do business in the world market. And we are prepared to support the measures that will be necessary to achieve this objective.

The second provision would create a program of mixed credits-combinations of foreign assistance and export financing—in both the Agency for International Development and the Export-Import Bank. This will help to neutralize the advantage many of our competitors now enjoy in Third World markets. Tie-ins between aid and trade have been very effective instruments for export promotion and market penetration. It is high time we made them available.

Mr. President, the development of an explicit, coherent, and tough-minded trade policy is long overdue. Uncle Sam can no longer afford to play the role of Uncle Sap in world trade. This bill can be an important step in that direction and I urge its adoption.●

● Mr. EVANS. Mr. President, I rise today to address an issue of great importance to the country and particularly to the Northwest.

This Nation's economy and the jobs of thousands of Americans are deeply affected by the ability of our producers to be competitive in international markets. In my own State more than 450 businesses benefit from the Eximbank's operations. It must not only be continued, but encouraged to aggressively pursue support for our international marketing efforts.

Currently international practice finds many foreign nations subsidizing the products of their own exporters. The Bank's purpose is to neutralize the market effects of those subsidies.

U.S. producers receive none of the Bank's funds, nor should they. Eximbank money provides competitive financing arrangements to the potential buyers of U.S. products. U.S. firms can then compete more fairly with foreign producers. And that is all that is necessary—fair competition.●

Mr. BAKER. Mr. President, I inquire of the managers of this bill how many more amendments we have. Perhaps we can have third reading at this point.

Mr. HEINZ. Mr. President, to this Senator's knowledge, there are no more amendments, and this Senator is prepared to go to third reading.

Mr. PROXMIRE. We have no more amendments on our side.

Mr. BAKER. Mr. President, I know of no other amendments, and I ask for third reading of the bill.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

The bill (S. 869) was passed, as follows:

S. 869

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Export-Import Bank Amendments of 1983".

TITLE I—AMENDMENTS TO THE EXPORT-IMPORT BANK ACT OF 1945

COMPETITIVE MANDATE

SEC. 101. (a) The second sentence of section 2(b)(1)(A) of the Export-Import Bank Act of 1945 is amended—

(1) by inserting "in all its programs" after "objective"; and

(2) by inserting "fully" after "which are".

(b) Section 2(b)(1)(B) of such Act is amended by striking out all through "exports of other countries;" in the first sentence and inserting in lieu thereof the following: "It is further the policy of the United States that loans made by the Bank in all its programs shall bear interest at rates determined by the Board of Directors of the Bank, consistent with the Bank's mandate to support United States exports at rates and on terms and conditions which are fully competitive with exports of other countries. For the purpose of the preceding sentence, rates and terms and conditions need not be equivalent to those offered by foreign countries, but should be established so that the effect of such rates, terms, and conditions for all the Bank's programs, including those for small businesses and for medium term financing, will be to neutralize the effect of such foreign credit on international sales competition. The Bank shall consider the average cost of money as one factor in its determination of interest rates, where such consideration does not impair the Bank's primary function of expanding United States exports through fully competitive financing. It is also the policy of the United States".

(c) Section 2(b)(1)(B) of such Act is amended by inserting "export trading companies," after "independent export firms," in the third sentence, as amended by subsection (b).

ADVISORY COMMITTEE

SEC. 102. Section 3(d) of the Export-Import Bank Act of 1945 is amended to read as follows:

"(d) There is established an Advisory Committee to consist of twelve members who shall be appointed by the Board of Directors on the recommendation of the President of the Bank, and who shall be broadly representative of production, commerce, finance, agriculture, labor, services, and State government. Not less than three members appointed to the Advisory Committee shall be representative of the small business community. The Advisory Committee shall meet at least once each quarter. The Advisory Committee shall advise the Bank on its programs, and shall submit, with the report referred to in section 2(b)(1)(A) of this Act, its own comments to the Congress on the extent to which the Bank is meeting its mandate to provide competitive financing to expand United States exports, and any suggestions for improvements in this regard. Members of the Advisory Committee, on a rotating basis, shall be permitted to attend meetings of the Board of Directors.".

TERMS OF DIRECTORS

SEC. 103. (a) The third sentence of section 3(c) of the Export-Import Bank Act of 1945 is amended by striking out "Terms of the directors shall be at the pleasure of the President of the United States, and the" and inserting in lieu thereof "The".

(b) Section 3(c) of such Act is amended by adding at the end thereof the following: "The terms of the directors first appointed after the date of enactment of this sentence, including the President and the First Vice President of the Bank, shall be four years, except that—

"(1) of the directors first appointed pursuant to this sentence, three directors (other than the President and First Vice President of the Bank) shall be appointed for terms of two years, as designated by the President of the United States at the time of their appointment;

"(2) any person appointed to fill a vacancy shall serve only for the remainder of the four-year or two-year term to which he or she was appointed or until January 20, 1985, as the case may be.".

(c)(1) Section 3(c) of such Act is amended by adding at the end thereof the following: "Of the five members of the Board appointed by the President, not less than one such member shall be selected from the small business community and shall represent the interests of small business.".

(2) In order to carry out the amendment made by paragraph (1), the first member appointed by the President of the United States to the Board of Directors of the Export-Import Bank of the United States after the date of the enactment of this section shall be selected from among the small business community and shall represent the interests of small business.

REPORT ON AUTHORITY; EXTENSION

SEC. 104. (a) Section 7(a)(2) of the Export-Import Bank Act of 1945 is amended to read as follows:

"(2)(A) Not later than March 31 of each year the Bank shall determine whether the authority available to it for the current fiscal year will be sufficient to meet the Bank's needs, particularly those arising from any unforeseen increases in the level of exports, any increased foreign export credit subsidies, or the lack of progress in negotiations to reduce or eliminate export credit subsidies. Not later than April 15 of each year the Bank shall transmit to the Congress a report on such determination, together with a request by the President for such an increase in its authority as he deems appropriate.

"(B) If the Bank finds that the amount of direct loan authority or guarantee authority available to it for any fiscal year exceeds the amount which will be necessary to carry out its functions consistent with the availability of qualified applications and limitations imposed by law during such year, it shall promptly transmit to the Congress a request for legislation to eliminate the amount of such excess direct loan or loan guarantee authority. Upon the expiration of a period of forty-five days after the date on which the Bank makes such request, the Bank shall make the amount of such excess authority available for commitment unless the Congress has completed action on legislation eliminating or reducing the excess amount. For the purpose of computing the forty-five-day period under the preceding sentence, there shall be excluded any days on which either House of Congress is not in session because of an adjournment of more than three days.".

(b) Section 8 of such Act is amended by striking out "September 30, 1983" and inserting in lieu thereof "September 30, 1989".

MATCHING CREDITS

SEC. 105. Section 1912 of the Export-Import Bank Act Amendments of 1978 is amended—

(1) by adding at the end of subsection (a)(1) the following: "The inquiry, and where appropriate, the determination and authorization to the Export-Import Bank referred to in this section shall be completed and made not later than thirty days after the receipt of such information.";

(2) by striking out "determining" in paragraph (b)(1) and inserting in lieu thereof "significant".

(3) by striking out "may" and inserting in lieu thereof "shall" in subsection (c).

REPORT TO CONGRESS

SEC. 106. The first sentence of section 2(b)(3) of the Export-Import Bank Act of 1945 is amended by striking out "$100,000,000" and inserting in lieu thereof "$250,000,000".

EXPORTS OF SERVICES

SEC. 107. Section 2 of the Export-Import Bank Act of 1945 is amended—

(1) by inserting "and services" after "exchange of commodities" in the second sentence of subsection (a)(1);

(2) by inserting "of goods and services" after "exports" in the second sentence of subsection (b)(1)(A); and

(3) by inserting after subsection (b)(1)(C) the following:

"(D)(i) It is further the policy of the United States to foster the delivery of United States services in international commerce. In exercising its powers and functions, the Bank shall give full and equal consideration to making loans and providing guarantees for the export of services, independently or in conjunction with the export of manufactured goods, equipment, hardware or other capital goods, consistent with the Bank's policy to neutralize foreign subsidized credit competition and to supplement the private capital market.

"(ii) The Bank shall include in its annual report a summary of its programs regarding services.

"(E) The Bank shall urge the Foreign Credit Insurance Association to provide coverage against 100 per centum of any loss with respect to exports having a value of $100,000 or less.".

COMPETITIVE INSURANCE

SEC. 108. Section 2 of the Export-Import Bank Act of 1945 is amended by adding at the end thereof the following:

"(d)(1) In carrying out its responsibilities under this Act, the Bank shall work to ensure that United States companies are afforded an equal and nondiscriminatory opportunity to bid for insurance in connection with transactions assisted by the Bank.

"(2) In furtherance of that effort, the Chairman of the Bank shall review Bank policies and programs in regard to this issue, and in coordination with the United States Trade Representative and the appropriate agencies of the Department of State, the Department of the Treasury, and the Department of Commerce, undertake actions designed to promote equal and nondiscriminatory opportunities to bid for insurance in connect in with all aspects of international trade activities.

"(3) The Bank shall report to the Committee on Banking, Finance and Urban Affairs of the Senate not later than May 15, 1984, regarding—

"(A) the existing obstacles to equal and non-discriminatory bidding for insurance related to transactions assisted by the Bank;

"(B) the efforts that the Bank has taken in addressing such problems; and

"(C) any recommendations for additional action by the appropriate agencies of the executive branch or the Congress."

SMALL BUSINESS NEEDS

SEC. 109. (a) Section 2(b)(1) of the Export Import Bank Act of 1945 is amended—

(1) by striking out "that the Bank shall give due recognition to the policy stated in section 2(a) of the Small business Act that 'the Government should aid, counsel, assist, and protect, insofar as is possible, the interests of small business concerns in order to preserve free competitive enterprise' and that in furtherance of this policy the Board of Directors shall designate an officer of the Bank who shall be responsible to the President of the Bank for all matters concerning or affecting small business concerns and who, among other duties, shall be responsible for advising small businessment of the opportunities for small business concerns in the functions of the Bank and for maintaining liaison with the Small Business Administration and other departments and agencies in matters affecting small business concerns;" in subparagraph (B); and

(2) by adding at the end thereof the following:

"(E)(i) It is further the policy of the United States to encourage the participation of small business in international commerce. In exercising its authority, the Bank shall develop a program which gives fair consideration to making loans and providing guarantees for the export of goods and services by small businesses.

"(ii) It is further the policy of the United States that the Bank shall give due recognition to the policy stated in section 2(a) of the Small Business Act that 'the Government should aid, counsel, assist, and protect, insofar as is possible, the interests of small business concerns in order to preserve free competitive enterprise'. In furtherance of this policy, the Board of Directors shall designate an officer of the Bank who shall be responsible to the President of the Bank for all matters concerning or affecting small business concerns and who, among other duties, shall be responsible for advising small business concerns of the opportunities for small business concerns in the functions of the Bank and for maintaining liaison with the Small Business Administration and other departments and agencies in matters affecting small business concerns.

"(iii) The Director appointed to represent the interests of small business under section 3(c) shall ensure that the Bank carries out its responsibilities under subparagraph (ii) and that the Bank's financial and other resources are, to the maximum extent possible, appropriately used for small business needs.

"(iv) To assure that the purposes of subparagraphs (i) and (ii) are carried out, the Bank shall make available, from the aggregate loan, guarantee, and insurance authority available to it, an amount to finance exports by small business concerns (as defined under section 3 of the Small Business Act) which shall be not less than 6 per centum of such authority for fiscal year 1984, 7 per centum of such authority for fiscal year 1985, 8 per centum of such authority for fiscal year 1986, 9 per centum of such authority for fiscal year 1987, and 10 per centum of such authority for fiscal year 1988 and thereafter. The Bank shall utilize the amount set aside pursuant to the preceding sentence to offer financing for small business exports on terms which are fully competitive with regard to interest rates and with regard to the portion of financing which may be provided, guaranteed, or insured. Financing under this subparagraph shall be available without regard to whether financing for the particular transaction was disapproved by any other Federal agency.

"(v) The Bank shall utilize a part of the amount set aside pursuant to subparagraph (iv) to provide lines of credit or guarantees to consortia of small or medium size banks, export trading companies, State export finance agencies, export financing cooperatives, small business investment companies as defined in section 103 of the Small Busniess Investment act of 1958, or other financing institutions or entities in order to finance small business exports. Financing under this subparagraph shall be made available only where the consortia or the participating institutions agree to undertake processing, servicing, and credit evaluation functions in connection with such financing. To the maximum extent practicable the Bank shall delegate to the consortia the authority to approve financing under this subparagraph. In the administration of the program under this subparagraph, the Bank shall provide appropriate technical assistance to participating consortia and may require such consortia periodically to furnish information to the Bank regarding the number and amount of loans made and the credit worthiness of the borrowers.

"(vi) In order to assure that the policy stated in subparagraph (i) is carried out, the Bank shall promote small business exports and its small business export financing pro-

grams in cooperation with the Secretary of Commerce, the Office of International Trade of the Small Business Administratioin, and the private sector, particularly small business organizations, State agencies, chambers of commerce, banking organizations, export management companies, export trading companies, and private industry.".

(b) The first sentence of section 9(b) of such Act is amended by inserting "and of the activities of the member of the Board appointed to represent the interests of small business" before the period.

(c) Section 9 of such Act is amended by adding at the end thereof the following:

"(c) The Bank shall include in its annual report to the Congress a report on the allocation of the sums set aside for small business exports pursuant to section 2(b)(1)(E). Such report shall specify the total number and dollar volume of loans made from the sums set aside, the number and dollar volume of loans made through the consortia program under subparagraph (v) of such section, the amount of guarantees and insurance provided for small business exports, the number of recipients of financing from the sums set aside who have not previously participated in the Bank's programs, the number of commitments entered into in amounts less than $500,000, and any recommendations for increasing the participation of banks and other institutions in the programs authorized under section 2(b)(1)(E). For the purpose of this subsection, the Bank's report shall also be referred to the Committees on Small Business.".

PROHIBITION OF IMPORTS SUPPORTED BY EXPORT CREDITS INCONSISTENT WITH THE OECD ARRANGEMENT ON EXPORT CREDITS

SEC. 110. (a) Unless an inquiry has been commenced under section 1912 of the Export-Import Bank Act Amendments of 1978, any interested party as defined in section 771 of the Tariff Act, as amended, may request the Secretary of Commerce (hereinafter referred to as the "Secretary") to review the terms and conditions of foreign official export credits provided directly or indirectly by any foreign government or foreign official export credit agency to support exports of any product or service to the United States.

(b) Upon receipt of a written request referred to in subsection (a), the Secretary shall simultaneously refer the request to the International Trade Commission for a determination of material injury and shall review the terms and conditions under which the product or service in question has received, or is likely to receive, foreign official export credits and, not later than forty days after the date on which the request was filed, shall determine whether the export credits are inconsistent with the terms and conditions, including the interest rate provisions, of the Arrangement on Guidelines for Officially Supported Export Credits of the Organization for Economic Cooperation and Development (hereinafter referred to as the "OECD Arrangement").

(c) If the Secretary determines that the foreign official export credits with regard to which a request for review has been made—

(1) are at rates below those that the foreign government or agency concerned has to pay or would have to pay for the funds so employed, or involve the assumption by the government or agency concerned of all or part of the costs incurred by exporters or financial institutions in obtaining credits; and

(2) are inconsistent with the terms and conditions of the OECD Arrangement;

he shall publish his findings in the Federal Register and, following an affirmative preliminary determination of material injury by the International Trade Commission by the forty-fifth day after referral of the request under subsection (b) of this section, shall immediately direct the Commissioner of Customs to prohibit the entry into the United States of the product or service benefiting from, or likely to benefit from, such export credits. By the ninetieth day following the preliminary determination by the International Trade Commission, the Commission shall make a final determination of material injury. If the determination is affirmative, the Commissioner shall assess a duty on the goods equal to the amount of the subsidy determined by the Secretary under subsection (c)(1) of this section. If the determination is negative, the Secretary shall direct the Commissioner to remove the prohibition on the entry of goods or services into the United States.

(d) If, after action has been taken pursuant to subsection (c) prohibiting the entry of any product or products into the United States, the Contracting Parties to the General Agreement on Tariffs and Trade disapprove such action, the Secretary may direct the Commissioner of Customs to revoke such action.

SPECIAL FACILITIES IN SUPPORT OF UNITED STATES EXPORTS TO BRAZIL AND MEXICO

SEC. 111. (a) The Export-Import Bank of the United States is authorized to establish facilities not to exceed eighteen months duration consisting of guarantees and insurance in support of export transactions to Brazil and Mexico in the aggregate amount of $1,500,000,000 and $500,000,000 respectively.

(b) Section 2(b)(3) of the Export-Import Bank Act of 1945 is amended by inserting after "no loan or financial guarantee" in the first sentence "or general guarantee or insurance facility".

(c) Section 2(b)(3)(A) of the Export-Import Bank Act of 1945 is amended to read as follows:

"(A) in the case of a loan or financial guarantee a brief description of the purposes of the transaction, the identity of the party or parties requesting the loan or financial guarantee, the nature of the goods or services to oe exported, and the use for which the goods or services are to be exported, and in the case of a general guarantee or insurance facility, a description of the nature and purpose of the facility, the total amount of guarantees or insurance, the reasons for the facility, and its methods of operation; and".

TECHNICAL AMENDMENTS

SEC. 112. (a) Section 2(b)(1)(B) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(b)(1)(B)) is amended by striking out "businessmen" and inserting in lieu thereof "business concerns".

(b) Section 2(b)(4) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(b)(4)) is amended by striking out "he" wherever it appears and inserting in lieu thereof "the Secretary".

(c) Section 3(e) of the Export-Import Bank Act of 1945 (12 U.S.C. 635a(e)) is amended by inserting after "his", "or her" and by inserting after "he", "or she".

(d) Section 4 of the Export-Import Bank Act of 1945 (12 U.S.C. 635b) is amended by striking out "he" and inserting in lieu thereof "the President".

(e) Section 7(b) of the Export-Import Bank Act of 1945 (12 U.S.C. 635e(b)) is amended by striking out "he" wherever it appears and inserting in lieu thereof "the President".

(f) Section 1912(a)(2) of the Export-Import Bank Act Amendments of 1978 (12 U.S.C. 635a-3(a)(2)) is amended by striking out "he" and inserting in lieu thereof "the Secretary".

(g) Section 1912(b) of the Export-Import Bank Act Amendments of 1978 (12 U.S.C. 635a-3(b)) is amended by striking out "he" and inserting in lieu thereof "the Secretary".

TITLE II—MIXED CREDIT EXPORT SUBSIDIES

SHORT TITLE

SEC. 201. This title may be referred to as the "Trade and Development Enhancement Act of 1983".

STATEMENT OF PURPOSE

SEC. 202. The purposes of this title are—

(1) to expand employment and economic growth in the United States by expanding United States exports to the markets of the developing world;

(2) to stimulate the economic development of countries in the developing world by improving their access to credit for the importation of United States products and services for developmental purposes;

(3) to neutralize the predatory financing engaged in by many nations whose exports compete with United States exports, and thereby restore export competition to a market basis; and

(4) to encourage foreign governments to enter into effective and comprehensive agreements with the United States to end the use of government-mixed credits for exports, and to limit and govern the use of export credit subsidies generally.

NEGOTIATING MANDATE

SEC. 203. The President shall pursue vigorously negotiations to limit and set rules for the mixed financing for exports. The negotiating objectives ot the United States should include reaching agreements—

(1) to define the various forms of mixed financing, particularly mixed credits under the OECD Arrangement;

(2) to phase out the use of government-mixed credits by a date certain;

(3) to set rules governing the use of public-private cofinancing, or other forms of mixed financing, which may have the same result as government-mixed credits of drawing on concessional development assistance to produce subsidized export financing;

(4) to raise the threshold for notification of the use of mixed financing to a 50 per centum level of concessionality;

(5) to improve notification procedures so that advance notification must be given on all uses of mixed financing, including forms not restricted; and

(6) to prohibit the use of mixed financing for production facilities for goods which are in structural oversupply in the world.

ESTABLISHMENT OF A MIXED FINANCING PROGRAM IN THE UNITED STATES EXPORT-IMPORT BANK

SEC. 204. (a) The Chairman of the Export-Import Bank of the United States shall establish, within the Export-Import Bank, a program of mixed financing for United States exports. The program shall be carried out in cooperation with the Agency for International Development and with private financial institutions or entities, as appropriate. The program may include—

(1) the combined use of the credits, loans, or guarantees offered by the Export-import Bank with concessional financing or grants offered by the Agency for International Development, by methods including, but not limited to, the blending of the financing of, or parrallel financing by, the Export-Import Bank and the Agency for International Development; and

(2) the combined use of credits, loans, or guarantees offered by the Export-Import Bank, with financing offered by private financial institutions or entities, by methods including, but not limited to, the blending of the financing of, or parallel financing by, the Export-Import Bank and private institutions or entities.

(b) The purpose of the mixed financing program under this section shall be to offer or arrange for financing for the export of United States goods and services that is substantially as concessional as financing for which there is reasonable proof that a foreign government is offering to, or arranging for, a bona fide foreign competitor for a United States export sale.

(c) United States exports eligible for concessional mixed financing shall be exports offered at what can reasonably be judged to be the lowest evaluated bid, without respect to the terms of export financing.

(d) The Chairman of the Export-Import Bank is authorized to establish a fund, as necessary, for carrying out the mixed financing program described in this section.

(e) Concessional financing or grants offered by the Agency for International development for the purposes of the mixed financing program established under the section shall be made available in accordance with the provisions of subsections (c), (d), and (e) of section 205 of this Act.

ESTABLISHMENT OF A MIXED FINANCING PROGRAM IN THE AGENCY FOR INTERNATIONAL DEVELOPMENT

SEC. 205. (a) The Administrator of the Agency for International Development shall establish within the Agency a program of mixed financing for United States exports. The program shall be carried out in cooperation with the Export-Import Bank and with private financial institutions or entities, as appropriate. The program may include—

(1) the combined use of the credits, loans, or guarantees offered by the Export-Import Bank with concessional financing or grants offered by the Agency for International Development, by methods including, but not limited to, the blending of the financing of, or parallel financing by, the Export-Import Bank and the Agency for International Development; and

(2) the combination of concessional financing or grants offered by the Agency for International Development with financing offered by private financial institutions or entities, by methods including, but not limited to, the blending of the financing of, or parallel financing by, the Agency for International Development and private institutions or entities.

(b) These funds may be combined with Export-Import Bank financing or private commercial financing in order to offer, or arrange for, financing for the exportation of United States goods and services that is substantially as concessional as financing for which there is reasonable proof that a foreign government is offering to, or arranging for, a bona fide foreign competitor for a United States export sale.

(c) United States exports eligible for concessional mixed financing shall be exports offered at what can reasonably be judged to be the lowest evaluated bid, without respect to the terms of export financing.

(d) Funds of the Agency for International Development which are used to carry out a mixed financing program authorized by subsections (a), (b), and (c) shall be offered for financing only United States exports that can reasonably be expected to contributed to the advancement of the development objectives of the importing country or countries, and shall be consistent with the economic, security and political criteria used to establish country allocations of Economic Support Funds. The Administrator of the Agency for International Development is authorized to establish a fund, as necessary, for carrying out a mixed credit financing program as described in this section.

(e) The Administator of the Agency for International Development may draw on Economic Support Funds allocated for Commodity Import Programs to finance a mixed financing activity.

APPOINTMENT OF A MIXED FINANCING COORDINATOR

SEC. 206. The President is authorized to appoint an individual to coordinate and ensure the implementation of the mixed financing programs authorized by sections 204 and 205. The individual appointed by the President for this purpose shall develop procedures and mechanisms as necessary to assure that any offer of mixed financing for eligible United States exports is timely and permits the United States exporter to respond to the timing demands of the competitive situation.

AUTHORIZATION OF APPROPRIATIONS

SEC. 207. There are authorized to be appropriated such sums as may be necessary to carry out this title for fiscal years 1984 and 1985.

DEFINITIONS

SEC. 208. As used in this title—

(1) the term "mixed financing" means the various combinations of official development assistance, official export credit, an private commercial capital to finance erports;

(2) the term "government-mixed credits" means the combined use of credits, insurance, and guarantees offered by the Export-Import Bank with concessional financing or grants offered by the Agency for International Development to finance exports;

(3) the term "public-private cofinancing" means the combined use of either official development assistance or official export credit with private commercial credit to finance exports;

(4) the term "blending of financings" means the use of various combinations of official development assistance, official export credit, and private commercial credit, integrated into a single package with a single set of financial terms, to finance exports; and

(5) the term "parallel financing" means the related use of various combinations of separate lines of official development assistance, official export credits, and private commercial credit, not combined into a single package with a single set of financial terms, to finance exports.

TITLE III—AMENDMENTS TO THE EXPORT TRADING COMPANY ACT OF 1982

SEC. 301. Section 206 of the Export Trading Company Act of 1982 (Public Law 97-290) is amended—

(1) by striking out "or" after "export accounts receivable" and inserting in lieu thereof a comma; and

(2) by inserting after "exportable goods," the following: "accounts receivable from leases, performance contracts, grant commitments, participation fees, member dues, revenue from publications, or such other collateral as the Board of Directors may deem appropriate,".

Mr. BAKER. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. HEINZ. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BAKER. Mr. President, I thank Senators on both sides for an excellent job of managing a difficult bill.

DEPARTMENT OF STATE AUTHORIZATIONS

Mr. BAKER. Mr. President, what is the business now before the Senate?

The PRESIDING OFFICER. The question occurs on S. 1342, which will be stated by title.

The assistant legislative clerk read as follows:

A bill (S. 1342) to authorize appropriations for the fiscal years 1984 and 1985 for the Department of State, the United States Information Agency, and the Board for International Broadcasting, and for other purposes.

The Senate proceeded to continue with consideration of the bill.

Mr. BAKER. Mr. President, I hope we can finish this bill promptly. While I try to gather up the managers on this side, I am about to suggest the absence of a quorum, which will not last for more than a minute or so; and then I will try to have a further announcement about how long we will be in today and the schedule for Monday.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

WAR POWERS RESOLUTION

Mr. INOUYE. Mr. President, I speak this day because I am deeply distressed by the errant course being followed in the discussions and deliberations on the War Powers Act.

Last night, late in the evening, as I sat reading the newspapers of yesterday, I thought, "My God, what are we talking about? This is not an issue of sidestepping a constitutional confrontation. This is not a popular, political drama designed to entertain and enthrall the audiences of correspondents and commentators. This is war—not total, not absolute, not final, but it is war."

And how do we speak of it? We treat the profound as trivial. We debase our institutions and our political heritage

and say that this is no more than a test of constitutional resolve—merely another skirmish in the continuing struggle between the legislative and executive branches of Government. But, in truth, it is not a scholar's question to be answered by delving into texts of political science or constitutional law. It is a question to be resolved only when we—when all of us—muster the courage to acknowledge and act upon the fundamental postulate of our Government—that this is a nation under the rule of law. Ours is a nation which sends its young into battle, not on the capricious acts of individuals, but with collective judgment of the people—expressed through their Representatives—that the goals of engagement are worthy of the sacrifice we ask of our young.

It is no easy thing to send men into combat, and it should not be easily arrived at. That is the essence of the War Powers Act.

Mr. President, On September 25, 1982, when, by agreement with Lebanon, U.S. marines joined the multinational force, they were peacekeepers. Today, those who were peacekeepers are, by presidential directive, actively engaged in hostilities in support of the Gemayel government. Our ships and our artillery fire not only in self defense but also in support of combat maneuvers of the Lebanese Army. The peace has been broken—our young have again fallen in foreign fields.

Must we accept a level of sophistry which corrupts public discourse in this country to the extent that it becomes permissible to say—at the very moment our men are under hostile fire—that U.S. Armed Forces have not been introduced into hostilities? I refuse, I will not accept that profanity. Our men are engaged in hostilities, their lives are at stake; we should not dishonor our country and being shame on ourselves by denying their courage and their sacrifice.

And what do we make of this so-called compromise, Mr. President? Must we accept as a compromise a proposal which betrays a self-serving cynicism? Have the President's advisers looked to the election calendar and determined that 18 months from now is well past the elections of November 1984? Have they determined that the American people are not to speak on the issue of war?

I do not know the answers to these questions, but I do know that 18 months is a long time. Let those who think the 18-month time limit is inconsequential contemplate the fact that only 11 months passed from the Normandy invasions on June 6, 1944, to the unconditional surrender of the Third Reich on May 7, 1945, an 11-month period during which, in the European theater alone, 135,576 Americans were killed in action and 451,052 were wounded.

World War I should also be remembered. From the time Congress declared war on April 6, 1917, to the capitulation of the German high command on November 11, 1918, 19 months passed, and 116,516 Americans lost their lives in combat.

Unfair illustrations of my point? Perhaps. These were, after all, world wars. But what about the Spanish-American War? It cost 2,446 American lives. It was called by Secretary of State John Hay, "a splendid little war."

Eighteen months is too long.

In 18 months, with the freedom to take any measure he alone deems necessary, and with no prospect of congressional restraint, the President could involve America in a tragic conflict in the Middle East. And so, I believe the war powers resolution rightly has as its purpose "to fulfill the intent of the framers of the Constitution of the United States and insure that the collective judgment of both the Congress and the President will apply to the introduction of U.S. Armed Forces into hostilities, or into situations where imminent involvement in hostilities is clearly indicated by the circumstances, and to the continued use of such forces in hostilities or in such situations."

Those who would dismiss the War Powers Act as a mere constitutional confrontation—who declare that our forces are not involved in hostilities—mock those wise and honorable men who authored our Nation's Constitution. The war powers resolution confirms the intent of the authors of the Constitution. The Congress has a constitutional role both in the introduction of American Armed Forces into hostilities and in the determination to continue the use of such forces.

Mr. President, this so-called compromise is wrong. I will have no part of it. The law stands. The President has as his first responsibility to "take care that the laws be faithfully executed." It is time that he did so and time that he obeyed the law which is the War Powers Act.

Mr. BYRD. Mr. President, will the Senator yield?

Mr. INOUYE. I yield.

Mr. BYRD. Mr. President, I compliment the Senator. He is one of the Senators here who when he speaks other Senators listen.

Mr. INOUYE. I thank the minority leader very much and I appreciate the kind words of my colleague.

Mr. SYMMS. Mr. President, I ask unanimous consent to proceed as if in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

SECRETARY WATT: AMERICA CANNOT AFFORD TO FORGET HIS GOOD STEWARDSHIP NOR LOSE THOSE POLICIES

Mr. SYMMS. Mr. President, one of the generally accepted burdens of public office is being held accountable for each and every word spoken. The higher the office, the greater the public scrutiny. In the hundreds of public speeches and tens of thousands of words spoken, we sometimes make mistakes. When we "mispeak" here on the Senate floor, we are allowed to amend our remarks—to correct the record so that it reads the way that we meant to say it.

Earlier this week, Interior Secretary James Watt made a mistake in a speech here in Washington. He knew instantly that he had used a reference that has become unacceptable, and is unacceptable, that a brief utterance would cause pain to some people and would embarrass the administration. The Secretary immediately apologized to the people—those of the Coal Commission—who might have been offended. He issued a statement to the press apologizing and he sent a letter to the President apologizing.

Despite the public perception of Jim Watt as a man with a tough hide, I know him personally and know that this is an extremely sensitive gentleman who cares deeply about people—all people—and I know that he has suffered greatly these last few days not because of the criticism in the media but because of the knowledge in his own mind that his insensitive statement did in fact cause some unnecessary distress to some people and to those of us who have supported him because of his outstanding leadership in the stewardship of America's natural resources.

Let us not forget that Jim Watt is a man who understands the West and who has implemented policies and programs that are good for the West.

During these past 23 months the Secretary has restored confidence in the Department of the Interior in the management of the Federal lands in the West, and indeed, across the entire Nation. He has instituted programs to restore our parks and refuges; he has implemented programs to develop our energy resources to protect America now and in the future; he has followed a good neighbor policy of working with States and local groups so that resources are managed wisely rather than as someone along the banks of the Potomac believes they should be managed.

In short, his stewardship has been good for the environment, good for the creation of jobs and for the economy in general, good for our national security and good for future generations of Americans.

Because he does care so deeply about the West, about our natural resources, and about people, he has spoken out on behalf of these programs. He is not one of the political types who seeks to be all things to all people. Because he does speak out, he has become highly visible and a favorite target of those who would like to reinstitute some of those failed policies of the past.

Mr. President, at the time the Secretary made his unfortunate comment, he was deeply disturbed by actions taken in Congress which would undermine America's future. In trying to express his concern about the actions, he had a momentary lapse.

The Secretary is deeply and genuinely sorry about this incident. He should be. He has apologized to those who might be offended, to the President, and to all of us.

We cannot and should not ignore this. It is a reminder to all of us that we must be sensitive so that we do not inadvertently make remarks that can be harmful or easily misunderstood.

Much of the criticism leveled at Interior Secretary Watt's remarks is warranted. The remarks were ill-advised, indefensible, and though intended to be humorous, were of the kind of humor that is so often misinterpreted, and ruffles sensitivities of those who pay the price of discrimination, and want merely to be identified for their capabilities, not their physical or religious traits.

All of us in the public eye must learn one way or another, of those justified sensitivities. Most of us—no, all of us—in this body have learned the hard way that what we say publicly, and even privately, however intended, is collectively reviewed, and construed by the public through that collective eye. What was meant by the unassuming comment is often smothered by what was thought we meant.

However ill-advised, the remarks of Secretary Watt must be placed in their context. When the Soviet Union shot down an unarmed civilian jetliner filled with innocent and completely defenseless human beings, the world demanded a full apology and reparations which I am convinced it will never receive. One cannot compare this distardly transgression with the remarks of one cabinet official, although you would not know it from the clamor of the Washington media, but I want to share with this body Secretary Watt's reflections and deep apology that he offered to President Reagan.

Mr. President, I will just read the letter because I think it is important, as we reflect and try to put this in perspective.

THE SECRETARY OF THE INTERIOR,
Washington, September 22, 1983.

The PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: Upon reflection, I realize that I owe a personal apology to you for my unfortunate remarks yesterday about the coal leasing commission.

Those remarks were well intentioned and were not meant to insult or cast a slur upon any groups or individuals within our society. Indeed, they were part of a speech in which I was extolling the very high qualifications of those citizens who had agreed to serve on the commission.

But I realize now how easily my statement could be interpreted as morally offensive. I deeply regret that not only because it expresses a sentiment that is entirely wrong in this nation but is also extraordinarily unfair to you, Mr. President. I deeply believe that you are providing moral leadership to this nation and that your policies are designed to lift the scourge of discrimination from our midst. I share your aspirations and goals, and as you know, have tried very hard to put them into practice in the position in which I am privileged to serve.

I have made a mistake, Mr. President, and I ask the forgiveness of those on the commission as well as you.

With best regards,

JAMES G. WATT.

Mr. President, I think that now is the time for us to put this into perspective. I hope that at least if Secretary Watt, the personality, does not remain in his present post that at least we Americans do not forget his good stewardship or lose sight of those policies which I think are important not only for the stewardship of our lands but are important for the stewardship of our national security in terms of energy development and mineral development and the preservation of our beautiful parks, of which he has done such a good job to preserve and take care of.

Mr. BYRD. Will the Senator yield?

Mr. SYMMS. I yield.

Mr. BYRD. Mr. President, I would say that if Mr. Watt continues as Secretary and he keeps on making his speeches, we can be assured that the Senate will be under Democratic control after next year's election.

Mr. BAKER. Mr. President, I came back just in the nick of time. I was told that the minority leader, who wishes to change his status, had a screwdriver and was trying to remove my desk from the floor. [Laughter.]

I can assure him there will be no such thing beginning in 1985.

But, be that as it may, I observe now that the managers of this bill are here and, after I hear a rejoinder, perhaps even a retort, from the minority leader, I would urge them to get on with the business of trying to pass the State authorization bill.

Mr. BYRD. Mr. President, the words I have already spoken will be in the RECORD for a long time to come, and there is no need for me to embellish upon them.

DEPARTMENT OF STATE AUTHORIZATIONS

The Senate resumed consideration of the bill.

Mr. BAKER. Mr. President, I hope we re prepared to go forward with the State authorizations bill. I see that the managers are here.

Let me say, Mr. President, that there are a list of some eight or nine amendments to be offered to this bill. Senators should not be under the impression that we can wait until Monday, because there is not going to be a Monday. We are going to be on the war powers resolution on Monday, Tuesday, and maybe Wednesday.

I want to try to finish this bill today if possible. I am perfectly willing for the Senate to do so by voice vote on the several amendments, if that is possible, but I urge Senators who have amendments to come to the floor and offer them.

Mr. President, I have no request on this side for a rollcall vote on final passage, so if we can get that far maybe we can do that by voice vote, also.

The PRESIDING OFFICER. Who desires recognition?

Mr. MATHIAS. Does the manager have an opening statement?

Mrs. KASSEBAUM. I do not. Certainly, if the Senator from Maryland is ready to go with an amendment—the Senator from Rhode Island also has an amendment—he may do so.

AMENDMENT NO. 2219

(Purpose: To increase funding for U.S. participation in the North Atlantic Assembly)

Mr. MATHIAS. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Maryland (Mr. MATHIAS) proposes an amendment numbered 2219.

Mr. MATHIAS. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 24, after line 19, insert the following new section:

SEC. 122. Section 5 of the joint resolution entitled "Joint Resolution to authorize participation by the United States in parliamentary conferences of the North Atlantic Treaty Organization," approved July 11, 1956 (22 U.S.C. 1928e), is amended by inserting immediately after the first sentence the following: "In addition to the amounts authorized by section 2, there is authorized to be appropriated $450,000 for fiscal year 1984 to meet the expenses incurred by the United States group in hosting the thirty-first annual meeting of the North Atlantic Assembly."

Mr. MATHIAS. Mr. President, this amendment is a simple addition to the authorization. It contemplates the fact that the United States will be the site of the North Atlantic Assembly meeting in the autumn of 1985.

The North Atlantic Assembly, as all Senators know, is the body within the NATO treaty organization in which members of the national parliaments have a chance to come together and discuss problems of the treaty, problems of the NATO area, for their respective legislative branches of Government.

The United States delegations have been hosted, have been entertained, at spring and fall meetings in Canada and Europe every year since it was founded; 1985 will be the first time in a number of years that the United States will have an opportunity to receive our colleagues from the NATO nations' parliaments.

The contemplated expense would not exceed $450,000, which would be authorized by this amendment. I would hope that the managers of the bill would be agreeable to adopting the amendment.

Mrs. KASSEBAUM. Yes, Mr. President. This has been cleared on both sides. I move that it be adopted.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment.

The amendment (No. 2219) was agreed to.

Mr. MATHIAS. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mrs. KASSEBAUM. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Kansas.

Mrs. KASSEBAUM. Mr. President, at this point the Senator from Rhode Island (Mr. PELL) has amendments to offer.

The PRESIDING OFFICER. The Senator from Rhode Island.

AMENDMENT NO. 2220

(Purpose: To assist other countries in the protection of endangered species and to enhance international understanding and knowledge of environmental issues)

Mr. PELL. Mr. President, I have three noncontroversial amendments which have been agreed by both sides.

Mr. President, I send my first amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Rhode Island (Mr. PELL), for himself, Mr. PERCY, Mr. CHAFEE, and the Mr. GLENN, proposes an amendment numbered 2220.

Mr. PELL. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the bill add the following new title:

"TITLE VII—INTERNATIONAL ENVIRONMENTAL PROTECTION"

SEC. 701. This title may be cited as the "International Environment Protection Act of 1983".

ENDANGERED SPECIES

SEC. 702. The Foreign Assistance Act of 1961, as amended, is amended further by adding the following new section:

"SEC. 119. ENDANGERED SPECIES.—(a) The Congress finds the survival of many animal and plant species is endangered by overhunting, by the presence of toxi chemicals in water, air and soil, and by the destruction of habitats. The Congress further finds that the extinction of animal and plant species is an irreparable loss with potentially serious environmental and economic consequences for developing and developed countries alike. Accordingly, the preservation of animal and plant species through the regulation of the hunting and trade in endangered species, through limitations on the pollution of natural ecosystems, and through the protection of wildlife habitats should be an important objective of the United States development assistance.

"(b) In order to preserve biological diversity, the President is authorized to furnish assistance under this part to assist countries in protecting and maintaining wildlife habitats and in developing sound wildlife management and plant conservation programs. Special efforts should be made to establish and maintain wildlife sanctuaries, reserves, and parks; to enact and enforce anti poaching measures; and to identify, study, and catalog animal and plant species, especially in tropical environments.

"(c) The Administrator of the Agency for International Development, in conjunction with the Secretary of State, the Secretary of the Interior, the Administrator of the Environmental Protection Agency, the Chairman of the Council on Environmental Quality, and the heads of other appropriate Government agencies, shall develop a United States strategy, including specific policies and programs, to protect and conserve biological diversity in developing countries.

"(d) Each annual report required by section 634(a) of this Act shall include, in a separate volume, a report on the implementation of this subsection. Not later than one year after the date of enactment of this section, the President shall submit a comprehensive report to the Speaker of the House of Representatives and the Chairman of the Committee on Foreign Relations of the Senate on the United States strategy to protect and conserve biological diversity in developing countries.".

ENVIRONMENTAL EXCHANGES

SEC. 703. Section 102 of the Mutual Educational and Cultural Exchange Act of 1961, as amended, is further amended by striking the final ".", inserting in lieu thereof a ";" and adding the following:

"(11) interchanges and visits between the United States and other countries of scientists, scholars, leaders, and other experts in the fields of environmental science and environmental management."

SEC. 704. Of the amount by which expenditures for the Fullbright Academic Exchange Programs, for the Humphrey Fellowship Program, and the International Visitor Program for fiscal year 1984 and for fiscal year 1985 exceeds the expenditures for these programs in fiscal year 1982, five per centum shall be used to finance programs carried out pursuant to section 3 of this Act.

Mr. PELL. Mr. President, the amendment I am offering would add a new title, title VII: The International Environment Protection Act, to this bill. The provisions are virtually identical to those of S. 1067, cosponsored by Senator PERCY, Senator CHAFEE, Senator GLENN, and myself.

The bill has two provisions. The first provides an authority to the Agency for International Development to set up programs to assist countries in the protection of endangered species. The second provision creates an authority, within the Fulbright-Hays Act, for exchange programs in the international environmental area. The latter provision is already part of this bill.

Both provisions of this proposed new title have been adopted by the Senate Foreign Relations Committee. In addition the House Foreign Affairs Committee has approved language almost identical to section 702 on endangered species.

The provisions of this title are supported by the administration and a range of environmental and wildlife groups.

Approval of this amendment will expedite passage of the substance of S. 1067.

Mr. President, I believe this amendment is noncontroversial and will be agreed to by the manager.

Mrs. KASSEBAUM. Yes, it is agreeable.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 2220) was agreed to.

AMENDMENT NO. 2221

(Purpose: To amend section 103, Public Law 97-241, to allow the Department of State to open U.S. consulates)

Mr. PELL. Mr. President, I send another amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Rhode Island (Mr. PELL) proposes an amendment numbered 2221.

Mr. PELL. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 24, after line 19, insert the following new section:

U.S. CONSULATES

SEC. 122. Section 103 of the Department of State Authorization Act, Fiscal Years 1982 and 1983 (Public Law 97-241) is amended by

adding the following language at the end of subsection (b):

", to the extent authorized to do so by each foreign government involved. A report shall be made to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives concerning the extent to which such foreign government authorization has been received, and the progress achieved with respect to the reopening of consulates in those respective countries."

Mr. PELL. Mr. President, this amendment will correct a technical deficiency in the provisions of Public Law 97-241 relating to the reopening of certain consulates. The language of the act precluded the opening of any new consulates until the administration reopened seven consulates which had been closed by the Carter administration.

The administration has reopened or in the process of reopening six of the consulates. In the case of the seventh, Mandalay, the Burmese Government has denied permission for the reopening. My amendment would allow new consulates to be opened in spite of the failure to reopen Mandalay. Should the Burmese Government grant premission to reopen Mandalay, then the provisions of Public Law 97-241 would apply and Mandalay would have to be reopened.

This amendment is at the request of the administration. I understand it is acceptable to the majority.

Mrs. KASSEBAUM. Yes, it is.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment.

The amendment (No. 2221) was agreed to.

AMENDMENT NO. 2222

(Purpose: To clarify the Secretary of State's authority with respect to danger pay)

Mr. PELL. Mr. President, I send an unprinted amendment to the desk and ask for its immediate considereation.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Rhode Island (Mr. PELL) proposes an amendment numbered 2222.

Mr. PELL. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the bill, add the following new section:

"SEC. . Section 5928 of title 5, United States Code, is amended by adding at the end thereof the following: "The presence of nonessential personnel or dependents shall not preclude payment of an allowance under this section. In each instance where an allowance under this section is initiated or terminated, the Secretary of State shall inform the Speaker of the House of Representatives and the Committee on Foreign Relations of the Senate of the action taken and the circumstances justifying it.".

Mr. PELL. The Foreign Service Act of 1980 authorizes the Secretary of State to grant a danger pay allowance to employees in foreign areas "on the basis of civil insurrection, civil war, terrorism, or wartime conditions which threaten physical harm or imminent danger" to their health or well-being.

Since enactment of this law, a question has arisen as to whether danger pay can be granted absent the formal evacuation of dependents and/or nonessential personnel from a post.

Although the act is silent on this issue, recent events such as the tragic bombing of the American Embassy in Beirut last April suggest that there are circumstances which warrant the payment of danger pay even when dependents and nonessential personnel are at a post.

Beirut and San Salvador, for example, are posts which are functioning in the midst of civil war. Clearly, conditions at these posts justify the granting of danger pay.

Because the level of violence at these posts fluctuates and sometimes suddenly, families and nonessential personnel are likely to be at the post when the danger factor is or becomes high. Under these circumstances, when the threat to life and limb is obvious, it is unfair not to grant danger pay simply because families and/or nonessential personnel are present.

Undoubtedly some would argue that families ought to be evacuated from the post when the danger factor is high. In my view, we must recognize that evacuation may not be desirable at posts such as Beirut and San Salvador.

The presence of families and nonessential personnel boosts morale and increases the efficiency of the posts. Moreover, the Secretary of State may choose not to evacuate posts such as these for foreign policy reasons.

Individuals who enter the Foreign Service recognize that they are undertaking not only a job but also a way of life which will require them to serve at times in dangerous areas. Danger pay is a way of rewarding them for their willingness to undertake these kind of assignments. When the danger exists, the allowance should be granted regardless of the presence of families or nonessential personnel at the post.

The amendment that I am offering clarifies the authority of the Secretary of State to grant a danger pay allowance when dependents and/or nonessential personnel are at a post. In order to insure that the allowance is being paid in circumstances which are consistent with congressional intentions, the amendment also requires the Secretary to report to Congress on the use of the danger pay authority.

This amendment is supported by the Foreign Service and its representative, the American Foreign Service Association. I urge its adoption.

● Mr. ZORINSKY. Mr. President, for some time I have been concerned with the statutory allowance authorities provided to the Foreign Service and with the relationship of the various allowances to each other. I am concerned that there may be double payments involved for the same circumstances and that there may be some inconsistencies in the way the Department of State is applying those authorities.

The other body in its version of this legislation has adopted an amendment which would allow the new allowances for dangerous circumstances to be paid more broadly than is now the case. As I noted during hearings on this bill, I believe this idea may be an effort to have it both ways. That amendment would allow danger pay to be paid even when dependents and other nonessential personnel remain at post. I wonder whether it is not inconsistent for it to be asserted on one hand that it is so dangerous that danger pay is warranted and at the same time to say that it is not dangerous enough to require dependents to be evacuated.

My initial inclination was to offer statutory language at this time which would deal with this inconsistency and with the question of whether danger pay should be allowed only when the executive branch has certified under paragraph 21(c) of the Foreign Military Sales Act that a state of hostilities exists. However, I agree that this is a complicated issue and not one which could be dealt with easily at this time. Therefore, if I can receive the assurances of the chairman of the Foreign Relations Committee that a thorough review will be conducted of the Foreign Service allowances structure at an appropriate time, I would be willing to defer proposing an amendment on this point.

Mr. PERCY. Mr. President, I thank my able colleague from Nebraska for raising a useful point about the desirability of reviewing Foreign Service allowances, but I agree with him that it would be better to conduct such a review within the Foreign Relations Committee prior to recommending legislative action to the Senate.

I have been in contact with the Department of State and I am assured by them that they are fully prepared to cooperate with the committee in conducting this review. I have recently introduced by request of the administration S. 1136, which contains a number of amendments to the Foreign Service Act. It seems to me that consideration of this proposed legislation, most probably during the next session of Congress, would provide an appropriate vehicle. I thank the Senator for rais-

ing this point and I appreciate his willingness to defer dealing with this complicated issue until a more appropriate time.●

Mrs. KASSEBAUM. Mr. President, this amendment is acceptable. I would say that I have shared some of the same reservations that the Senator from Nebraska, Senator ZORINSKY, has expressed regarding this. I am pleased that it is agreeable and that there will be a thorough study made of the issue. That is my understanding.

Mr. PELL. Mr. President, my understanding is that the amendment calls for danger pay to be accorded but the colloquy between Senators PERCY and ZORINSKY indicates that a study will be made.

I hope the amendment would be accepted.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the amendment.

The amendment (No. 2222) was agreed to.

Mr. PELL. Mr. President, I ask that the vote by which the three preceding amendments were agreed to be reconsidered en bloc.

Mrs. KASSEBAUM. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2223

(Purpose: To augment funding for U.S. participation in Tsukuba, Japan Exposition 1985)

Mr. STEVENS. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Alaska (Mr. STEVENS) proposes an amendment numbered 2223.

On page 25, line 4, strike "$636,000,000 for fiscal year 1984" and insert in lieu thereof "$644,000,000 for fiscal year 1984".

On page 32, line 8, insert:

"SEC. 210. In addition to the amount already authorized for Tsukuba, Japan Exposition 1985, $8,000,000 shall be available for the United States Information Agency for the fiscal year 1984 for use in connection with Exposition. These funds shall remain available until appropriations are made, and when the funds are appropriated they are authorized to remain available until expended.".

Mr. STEVENS. Mr. President, if the United States is to participate in a meaningful way at the Tsukuba Exposition in Japan in 1985, it is essential that we provide adequate funding for our presense to be productive and effective. Presently, the funding authorized to the U.S. Information Agency is inadequate to realize this goal. In order to correct this unfortunate situation, I offer this amendment to increase the funding for the U.S. participation in the exposition by $8,000,000.

Mr. President, this exposition is quite important for those of us who live around the Pacific rim and our participation is desirable. I do hope the amendment will be accepted.

The PRESIDING OFFICER. The Senator from Kansas.

Mrs. KASSEBAUM. Mr. President, the amendment of the Senator from Alaska is acceptable to the committee.

Mr. PELL. Mr. President, I should like to delay for 1 minute, because we want to check this point out. It is acceptable to me personally, but I have to look after the rights of another Senator.

Mr. STEVENS. Mr. President, I am agreeable with that. I understand another Senator did have an amendment to reduce the overall funding to the agency. I have not been advised of any specific opposition to this amendment. I ask unanimous consent that my amendment be temporarily set aside in order that the Senator from Idaho may proceed and that we bring it back after that.

The PRESIDING OFFICER. Without objection, the amendment of the Senator is set aside.

(Later the following occurred:)

Mr. STEVENS. Mr President, I am informed that there is no objection now to my amendment. I would pursue my amendment and seek comment from my good friend from Rhode Island in view of the message we have just received.

Mr. PELL. There is no objection on this side.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Alaska.

The amendment (No. 2223) was agreed to.

Mr. STEVENS. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. STEVENS. Mr. President, I thank the Senator from Rhode Island. I think he acted very properly in making certain that there was no objection. I admire his tenacity in dealing with this matter. I am glad it has now been resolved.

AMENDMENT NO. 2224

The PRESIDING OFFICER. The Senator from Idaho.

Mr. McCLURE. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Idaho (Mr. MCCLURE) proposes an amendment numbered 2224.

At the end of the bill add the following new sections:

1. (a) The Congress finds that since the SALT II Treaty was signed in 1979 the U.S. is deactivating 292 ICBM's, SLBM's and B-52 bombers all of which are counted in the SALT II Data Exchange; the U.S. has cancelled deployment of stockpiled Minuteman III MIRV'd ICBM's; the U.S. has modified B-52 bombers equipped to carry ALCM's with "strakelets", as "observable differences"; and the U.S. has reduced the potential number of warheads and throw-weight of the MX ICBM.

(b) The Congress finds that the Defense Department guidance issued in March 1980 not to take programmatic actions which would violate the unratified SALT II Treaty is still in effect.

(c) The Congress finds that the Senate Armed Services Committee has determined that the SALT II Treaty is "unequal", unbalanced, destabilizing, and "not in the national security interest of the United States."

(d) The Congress finds that there has been constructive notice of the intention of the United States government not to ratify the SALT II Treaty by the initiation of strategic arms reduction talks, and the prolonged inaction on the Treaty by the U.S. Senate.

2. It is therefore the sense of the Congress that no national defense program involving the national security of the U.S. shall be terminated, impeded, delayed, or affected in any way in order to comply with the terms of the SALT II Treaty, unless and until the Senate has given its advice and consent for the President to ratify the Treaty under the Treatymaking provision of the Constitution.

Mr. McCLURE. Mr. President, I have been in the forefront of the opposition to the 1979 SALT II Treaty, which is unequal and therefore inconsistent with U.S. law. In accordance with another law, I also led a successful Senate effort in September 1977 to prevent President Carter's extended or prolonged compliance with the expired SALT I interim offensive agreement from hindering U.S. strategic modernization programs. There remain significant constitutional, legal, national security, and political problems with prolonged U.S. unilateral compliance with the SALT II Treaty, which has not received the advice and consent of the Senate for Presidential ratification. I do not believe that the United States should go on blindly adhering to all the provisions of SALT II.

Since June 18, 1979, when SALT II was signed, both the United States and the U.S.S.R. have been obligated under traditional international law to do nothing which would "defeat the object and purpose" of the SALT II Treaty still unratified on both sides. U.S. policy under both President Carter and President Reagan has been that the the United States would do nothing to "undercut" SALT II, as long as the Soviets show "equal restraint." The United States is complying precisely with all the provisions of the unratified SALT II Treaty, according to the Secretary of State's testimony and to recently declassified Defense Department directives. Therefore, the whole world should recognize that the United States is complying with SALT II. I would question, how-

ever, how long the United States should go on blindly complying with an unratified treaty.

The Senate also has a right and an obligation to determine whether the Soviets are meeting the stated U.S. criteria for that policy, that is, that the Soviets show "equal restraint" and do nothing to "defeat the object and purposes" or to "undercut" SALT II. Under any interpretation of Soviet obligations under SALT II, a Soviet violation of a fundamental provision of SALT II constraining new type ICBM's would both "undercut" and "defeat the object and purpose" of SALT II, and cannot be regarded as restraint.

Mr. President, the SALT II Treaty is unequal, unbalanced, and destabilizing. It is, to use a phrase commonly used today, "fatally flawed." the Senate Armed Services Committee has determined that the SALT II Treaty is "not in the national security interest of the United States." There are at least eight fatal flaws of the SALT II Treaty, which include these four as the most important fatal flaws of SALT II:

First, (1) the Soviet monopoly on very heavy ICBM's, giving them 326 SS-18 very heavy ICBM's to zero allowed for the United States, making SALT II fundamentally unequal in the most significant strategic capability—very heavy ICBM's, deployment of which are legally denied to the United States.

Second, (2) allowing the Soviet Backfire bomber, which has intercontinental range and refueling capability, to be uncounted in SALT II, when Soviet Bison bombers with shorter range than the Backfire and scrapped U.S. B-52 bombers are counted in SALT II. This is another fundamental inequality of SALT II contrary to the Jackson amendment legal requirement that there be equality in SALT II.

Third, the fact that the Soviet ICBM counterforce capability would legally be allowed to grow massively under SALT II, through Soviet deployment of new ICBM's carrying increased numbers of warheads.

Fourth, the fact that from 1,000 to 2,000 stockpiled ICBM's capable of rapid reload and refire, covert soft launch, and mobile launch are completely unconstrained by the SALT II Treaty, thereby circumventing or violating all of the SALT II delivery vehicle ceilings: 2,400, 2,250, 1,320, 1,200, and 820. Here again the U.S. legal objective of equality in SALT II is denied.

Mr. President, for all of these reasons I oppose continued U.S. compliance with the unratified SALT II Treaty. There is a strong argument that the prolonged Senate inaction on the SALT II Treaty, together with the Initiation in 1982 of strategic arms reduction talks with the Soviets, provide constructive, de facto evidence of a U.S. intention not to ratify the SALT II Treaty.

Mr. President, I would like to provide the constitutional arguments for my amendment. I believe that the United States should no longer comply with the SALT II Treaty unless the Senate Gives its advice and consent for the President to ratify the SALT II Treaty in accordance with the treatymaking provision of the Constitution. It is simply not proper for the United States to comply with a treaty which is unratified. Moreover, it is improper for the United States to constrain its strategic forces in order to comply with an unratified treaty. There are dangers to our national security in such extraconstitutional compliance.

Only two legal methods exist for U.S. compliance with an arms control treaty: The treatymaking provision of the Constitution must be exercised, or in the case of an executive agreement on arms control, there must be further affirmative legislation enacted by the Congress.

Section 33 of the 1961 Arms Control and Disarmament Act specifies these two methods for constraining U.S. military forces to comply with an arms control treaty or an executive agreement on arms control.

Now, Mr. President, several aspects of my amendment deserve comment in light of these constitutional and legal facts. In regard to the deactivation of 292 U.S. missile and bombers counted in SALT II, I am aware of no further affirmative legislation which either authorizes or appropriates funds specifically for the deactivation of these SALT II-constrained forces. It is my understanding that general operations and maintenence funds of the Defense Department are being used to achieve these deactivations, and these funds should be better utilized to enhance U.S. military readiness and operational capabilities.

Second, in regard to the canceled deployment of our stockpiled Minuteman III ICBM's, there is further affirmative legislation which is both the fiscal year 1981 and fiscal year 1982 Defense authorization bills, specifying the deployment of these stockpiled ICBM's. Yet this deployment was canceled, and the Reagan administration has actually admitted that this cancellation occurred in order to comply with SALT II. Thus both the treaty making powers and the further affirmative legislation proviso of section 33 of the Arms Control Act are being defied by this cancellation.

Third, the funds for modification of our ALCM-equipped B-52's to carry "strakelets," which are "observable differences" required by SALT II, are being explicitly authorized and appropriated by Congress, despite the inconsistency of this modification with the treatymaking provision of the Constitution.

Finally, the reduction of the number of warheads and throw weight of the new MX ICBM in order to comply with SALT II is, to my knowledge, not authorized or covered by further affirmative legislation.

In conclusion, I would also point out that the March 1980 guidance from the Defense Department to the military services to comply with the unratified SALT II Treaty, is also inconsistent with section 33 of the ACDA Act and with the treaty-making provision of the Constitution.

The argument for my amendment is thus compelling. We must comply with our Constitution and our laws, and we must safeguard our national security. U.S. uniliateral compliance with the unratified SALT II Treaty, especially in light of substantial and conclusive evidence of Soviet violatons of SALT II, is both unconstitutional and illegal, as well as dangerous.

Mr. President, this is a historic moment for the Senate and the Nation. For almost 4 years now the powers and prerogatives of the Senate have been ignored and the United States has unilaterally complied with an unratified treaty.

The time is long overdue for the Senate to correct this improper situation, and either give its advice and consent to ratification or end U.S. compliance. The Senate has been inactive on this question since early January 1980, when then-President Jimmy Carter requested that the debate on the SALT II Treaty be deferred pending a thorough review of Soviet intentions after their brutal invasion of Afghanistan. President Carter's request to defer Senate debate and action on SALT II was fortuitous for some Senators, who did not wish to have to take a position and vote on such a momentous issue. However, prolonged Senate inaction on this treaty is an affront to the duty and responsibility of the Senate, and to its prerogatives.

A complete review of Soviet intentions and behavior was never undertaken by the Carter administration, even though President Carter confessed that Brezhnev had lied to him in explaining the Soviet invasion of Afghanistan. Soon after he took office in January 1981, President Reagan also stated that the Soviets would "lie, cheat, and commit any crime" to achieve their objectives. At the time, many foreign policy pundits scoffed at what they thought was too harsh a portrayal of Soviet behavior, but the recent Soviet lies, and counter lies, and retractions regarding the facts about the Korean airliner massacre have vindicated President Carter's and President Reagan's skepticism about whether the Soviets are capable of

good faith, and civilized diplomatic behavior.

Moreover, the new memoirs of former Secretary of State Vance and former National Security Adviser Brezinski both reveal that the President had accused Soviet Foreign Minister Gromyko of lying to him several times.

In sum, a thorough study of Soviet-arms-control intentions and behavior is long overdue. Such a study would be useful to the Senate in its concern over how best to deal with the Soviet Union. I would hope that the Reagan administration would review the files of the national security departments and agencies in order to determine whether some classified studies on Soviet arms control behavior might not already exist. I think there might be a study which showed how Brezhnev lied to the United States in SALT I and SALT II, just as Andropov has lied to us about the Soviet role in the Korean airliner massacre. It would seem that Soviet SALT violations, and Brezhnev's and Andropov's repeated lies would tend to vindicate those analysts of Soviet foreign policy who have been skeptical of détente and SALT.

Mr. President, I ask unanimous consent that excerpts from the Senate Armed Services Committee report, "Committee Analysis and Conclusions on the SALT II Treaty," published on December 4, 1980, be printed in the RECORD. This material shows why the SALT II Treaty is "unequal" and "not in the national security interest of the United States." I also ask unanimous consent that a pamphlet entitled "Arms Control and U.S. Foreign Policy, Fatal Flaws of SALT II", by David S. Sullivan, published by the Foreign Affairs Council in November 1980, also be printed in the RECORD. This book analyzes in detail the main flaws of SALT II and provides some recommendations for U.S. strategic programs.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

EXCERPTS FROM, MILITARY IMPLICATIONS OF THE PROPOSED SALT II TREATY RELATING TO THE NATIONAL DEFENSE

COMMITTEE ANALYSIS

For the first time in the history of the nuclear age, and as a decade of arms control negotiations comes to an end, the United States now faces the near-certainty that a significant element of its strategic deterrent will be vulnerable to preemptive attack by the Soviet Union. As the Senate convenes its debate on the ratification of the SALT II Treaty signed at Vienna on June 18, 1979 it is faced with incontrovertible evidence that the Soviet Union will have the capacity to destroy virtually the entire U.S. land-based missile force by directing against it a fraction of its own vastly more powerful force of offensive intercontinental ballistic missiles. The United States does not have, and will not acquire during the period of the treaty, a comparable capability. The President of the United States must therefore deal with the Soviet Union around the world with the knowledge that, in a crisis, the United States is at a strategic nuclear disadvantage that carries with it profound political implications.

While the United States still retains awesome strategic nuclear power, its bombing capability is based on an aging fleet of B-52 aircraft built, on average, some 25 years ago and unlikely to be effective in timely retaliation against hardened/defended military targets—even with the addition of cruise missiles. The U.S. fleet of strategic nuclear submarines, the least vulnerable component of our deterrent, carries missiles that lack the combination of accuracy and yield necessary to destroy hardened military targets. And at any given time, the large part of that fleet normally in port is vulnerable.

Thus, a decade after the U.S. negotiators departed for the first SALT discussions in Helsinki, we face a strategic balance more adverse than ever before—a strategic balance that is increasingly uncertain and unstable and which no longer offsets the undisputed Soviet advantages in the areas of conventional and theater nuclear forces.

This state of affairs is, to a significant degree, the consequence of a sustained Soviet military buildup accompanied by a decline, in real terms, in the level of U.S. defense spending and an undue reliance on negotiations with the Soviets as an alternative to our own efforts to assure a military balance.

Current U.S. plans are not adequate to close the gap that has been permitted to develop, either in the conventional, theater nuclear or strategic nuclear area. The committee believes that an essential precondition to effective U.S. action to close the widening military gap is a full appreciation of the extent to which years of Soviet military expansion have placed the United States at a disadvantage. Unwarranted notions about Soviet cooperation, the unfounded assumption that SALT treaties reflect Soviet restraint and forebearance, and overly optimistic hopes that the Soviet threat to our security is being lessened are inconsistent with the facts and undermine efforts to summon the resolve to arrest the decline in our military posture.

In our judgment the SALT II treaty presently before the Senate fails to meet the criteria laid down in 1972 when the Congress adopted an amendment to the resolution authorizing the interim agreement that called for equality in any future SALT Treaty. That amendment, which was the subject of several weeks of debate in the Senate, stated, in what became Public Law 92-448, that:

"The Congress . . . urges and requests the President to seek a future treaty that, inter alia, would not limit the United States to levels of intercontinental strategic forces inferior to the limits provided for the Soviet Union. Public Law 92-448.)".

Debate on the interim agreement turned on adoption of this amendment, which was subsequently approved by the House and signed into law. A review of that debate establishes clearly that the Congress insisted on equal numbers of intercontinental strategic forces taking account of throw-weight. That has not been done in the present treaty, in which the levels are unequal in favor of the Soviet Union and the Soviet 1972 advantage in throw-weight has actually increased.

The treaty is unequal because it confers on the Soviet Union the right to deploy modern, large ballistic missiles with multiple warheads, a right denied to the United States.

It is unequal because it permits the continued deployment, outside the treaty ceiling, of a Soviet bomber (the Backfire) that has the capability to operate over intercontinental distances against targets in the United States.

It is unequal because it permits the Soviets to deploy more warheads on their strategic missiles than we are able to deploy on ours.

It is sometimes said in defense of these inequalities that the United States does not desire to do the things that the Soviets alone are permitted to do. But the Senate, in 1972 did not insist on equality only with respect to options that a particular administration might wish to pursue. It did insist on equality in the weapons limited by the treaty—ICBMs, SLBMs, and heavy bombers—for broader reasons: to avoid imposing a lasting handicap on the United States in future arms negotiations and to reject the political implications of codified inferiority. The treaty before us does not provide the equality that Public Law 92-448 envisioned.

In receiving over four volumes of testimony from 29 witnesses in and out of government, the committee has sought to understand clearly and completely the rights and obligations that will be incurred by the parties under the treaty and its protocol and to assess the military impact of these rights and obligations. This first task, which is difficult at best, is complicated by the considerable ambiguity surrounding many of the treaty's terms and provisions. Moreover, the frequent resort by the United States negotiators to unilateral assertions as to the meaning of ill-defined terms and the refusal of the Administration to accept clarifying amendments has left the committee unable to conclude precisely what the treaty means on a number of important points. The committee has, therefore, identified a number of definitional issues and ambiguities to which the Senate should turn its attention before final action on the treaty.

The following brief analysis does not attempt to deal with every issue; rather it is centered on several issues important to an appreciation of the treaty as a whole: the balance in land-based intercontinental ballistic missiles; heavy bombers and the Backfire; theater forces in general, and the land and sea-based cruise missiles in particular; qualitative constraints on strategic forces; and verification.

* * * * *

CONCLUSIONS

After extensive examination of the military implications of the treaty, the committee concludes that the SALT II Treaty, as it now stands, is not in the national security interests of the United States of America. The committee reaches this conclusion in view of the inadequacies discussed in the foregoing analysis.

We believe that major changes to the treaty are essential if the treaty is to serve our national security and be in the best interests of the common defense policy. Moreover, we believe that a number of ambiguities must be clarified before the rights and obligations of the parties can be fully understood and agreed.

Among the changes which should be considered in strengthening our national security interests are:

1. Remedying such inequalities as the Soviet advantage in ICBM throwweight, the permitted Soviet possession of modern,

large ballistic missiles, the exclusion of the Backfire bomber, the inclusion of Western theater nuclear forces, and decisively addressing the unwarranted precedents which have been set by the protocol.

2. Closing loopholes in connection with the limitation on the testing and deployment of new types of ICBMs.

3. Obtaining agreement to such measures as may be necessary to assure our ability to monitor Soviet compliance.

4. Clarifying by agreement ambiguities as to the rights and obligations of the parties. Examples of such ambiguities are the following:

(a) Permitted Backfire improvements;

(b) Encryption of telemetry;

(c) Constraints on "modifications" to existing ICBM types;

(d) Verification terms and procedures;

(e) Permitted basing modes for mobile ICBMs; and

(f) Sharing of technology/weapons with allies;

COMMITTEE ACTION

In accordance with paragraph XXVI 7(c) of the Standing Rules of the Senate, following is the tabulation of the vote to submit a report on this matter:

In favor: Senator Jackson, Cannon, Byrd of Virginia, Tower, Thurmond, Goldwater, Warner, Humphrey, Cohen, and Jepsen.

Voting present: Senators Stennis, Nunn, Culver, Hart, Morgan, Exon, and Levin.

ARMS CONTROL AND U.S. FOREIGN POLICY—FATAL FLAWS OF SALT II

(By David S. Sullivan)

SUMMARY

Soviet spokesmen now are openly admitting that the U.S.S.R. has exloited the 1969-1980 decade of détente and SALT to mislead the West into complacency, while using the Western credits, trade, technology and grain derived from détente to pursue a relentless strategic buildup. Key top American leaders have also publicly conceded recently that Kremlin oligarchs deceived them in Moscow in 1972 on all the key issues of the SALT I agreements. Since as early as 1971, Moscow has been steadily outpacing America in the accumulation of military power, despite SALT negotiations. It is clear that an historic shift in the balance of military power occurred during the 1970s, the decade of détente and SALT, and the shift continues.

By 1975, the Ford Administration finally realized the danger of the growing Soviet strategic buildup, and President Ford wisely planned an American strategic buildup, and President Ford wisely planned an American strategic buildup sufficient to match the Soviet threat. He decided to fully fund the new MX Intercontinental Ballistic Missile (ICBM), the new Trident submarine, the new B-1 bomber, and the new air launched crusie missiles. These programs were all of top priority and were included in Ford's Fiscal Year 1976 Defense Budget, the first American defense budget to fund a real increase in defense spending since the mid-1960s (exclusive of Vietnam war spending). Had the Ford schedule been carried out, the U.S. might have regained strategic parity by their deployment before the early 1980s.

Due to the seriousness of the growing Soviet threat, in 1976 President Ford also ordered the CIA to conduct its first experiment in competitive intelligence estimating. He organized the famous "A Team—B Team" competitive analysis of the objectives and scope of the Soviet strategic buildup. The B Team was composed of outside experts on the Soviet threat. The CIA was the A Team. In late 1976, the B Team soundly concluded that U.S. Soviet strategic parity was eroding in Soviet favor, and that growing Soviet strategic superiority was due to their accelerating deployment of multiple (MIRV) warheads on their new missiles, and also to their rapid improvement in the accuracy of their new missiles. In 1976, the B Team realistically projected that the rapidly growing Soviet counterforce capability threatening American strategic forces could cause the United States to be strategically inferior to the U.S.S.R. by as early as 1980. The A Team or CIA estimate was in contrast decidedly optimistic, reportedly projecting a delayed Soviet counterforce threat only after 1985.

In early 1977, the new Carter Administration rejected the ominous conclusions of the sound and realistic B Team estimate. Instead President Carter believed the CIA and chose to ignore the compelling evidence of the seriously worsening strategic trends, asserting complacently that strategic parity was permanent and would not erode.

Carter's Presidential Review Memorandum 10 of early 1977 expressed the hope that arms control would somehow solve our strategic problems and preserve parity with the Soviets. One Carter national security advisor even openly advocated U.S. surrender of any remaining strategic advantages we possessed. Based upon these naive views, the Carter Administration unilaterally cutback both existing and planned U.S. strategic forces so drastically that we have now reached a posture of inferiority and minimum deterrence, while ignoring the relentless Soviet strategic buildup. Carter also ignored continued Soviet deception and duplicity in negotiating SALT II. The resulting Carter SALT II Treaty signed in June 1979 was therefore understandably unequal, destabilizing, and largely unverifiable. SALT II, like SALT I before it, merely codified a growing strategic imbalance in favor of the Soviets.

The Chairman of the Joint Chiefs of Staff and the Commander of the Strategic Air Command recently confirmed the validity of the B Teams's realistic estimate 1976. Our military leaders now publicly concede that since the Carter Administration came to power in 1977, the United States has become inferior to the Soviet Union in strategic forces. Our military also states that America may not be able to overcome this strategic inferiority during the next decade.

In sum, we must conclude that the Carter Administration bears the responsibility for the present dangerous American strategic inferiority to the Soviets, for the following reasons:

Suppressing accurate intelligence estimates of the growing Soviet threat, while believing unrealistic optimistic intelligence assessments now proven wrong. Top Carter Administration defense officials have recently publicly confessed that in 1977 they grossly underestimated the rapidity of both Soviet MIRV missile deployments and accuracy improvements. They concede the grave consequences of their misjudgment.

Pursuing vague hopes for arms control as the sole solution to the immediate and growing U.S. strategic deficiencies.

Cutting back unilaterally U.S. strategic forces massively, to the extreme of inferiority and minimum deterrence, while asking for no quids pro quo in SALT negotiations with the Soviets.

Allowing the United States to forfeit strategic "essential equivalence" to the Soviets in 1977, while deliberately creating the long term "window" of our strategic vulnerability lasting from 1980 to 1990.

Negotiating a fatally flawed SALT II Treaty which would codify American inferiority and vulnerability beyond 1985, and dangerously constrain U.S. strategic options to redress the strategic balance.

Tolerating large scale Soviet disinformation and hostile propaganda campaigns, Soviet negotiating deception in SALT II, and Soviet violations of SALT I, SALT II, and other arms control agreements.

In January 1980, unanticipated Soviet aggression in Afghanistan finally caused President Carter to ask for an indefinite delay in the U.S. Senate's ratification debate on his fatally flawed SALT II Treaty. President Carter also surprisingly admitted that he had at least learned about the dangers of Soviet diplomatic duplicity and aggressive intentions from the Afghan crisis. He nevertheless believed that the United States still has an international legal obligation to fully comply with all the provisions of SALT II. In effect, this policy decision has meant Presidential ratification of SALT II without the advice and consent of the U.S. Senate. The Soviets, in contrast, have authoritatively announced that they will not comply with SALT II until the United States ratifies the Treaty, and their continuous violations of SALT I, SALT II, and the other arms control treaties are consistent with this posture. The Soviets thus have all the benefits of U.S. ratification of SALT II, while themselves accepting none of SALT II's obligations.

SALT II thus continues to impose defacto constraints on all U.S. stragetic forces, despite the fact that this Presidential compliance policy lacks affirmative legislative support and is contrary to Section 33 of the Arms Control and Disarmament Act of 1961. Unilateral U.S. compliance ordered by President Carter has inevitably caused the debate over the merits and flaws of SALT II to continue. SALT II is dead only as it applies to the Soviets, however, because necessary U.S. programs continue to be constrained by it. Since the election of President Reagan and a Republican Senate, it is now clear that the SALT II Treaty will be withdrawn since President Reagan favors complete renegotiation of SALT II in a new form.

The many important fatal flaws of SALT II need to be more fully analyzed since they form the basis for renewed negotiations with the Soviets. There are at least eight fatal flaws of SALT II, of which the four most important are:

The longstanding Soviet monopoly in heavy ICBMs;

The allowed growth in the already overwhelming Soviet counterforce threat;

The failure to limit stockpiled Soviet missiles capable of rapid refire; and

The exclusion of the intercontinental Backfire bomber.

Correction of all eight flaws (see below) must be achieved in SALT III.

Far more significant even than the fatally flawed provisions of SALT II are the harmful effects of the Treaty and the SALT negotiating process upon the sound planning of U.S. strategic forces. SALT II has severely damaged American security, but the scope of the damage is still not well known.

Due to the SALT II negotiating process and to Carter Administration unilateral strategic cutbacks, the United States has forfeited well over 6,000 strategic nuclear warheads previously planned by the Ford

Administration, and Carter has also cutback 710 strategic delivery vehicles.

In contrast, the Soviets already have over 785 more strategic delivery vehicles than the United States, and have been adding over 1,000 new strategic warheads each year since 1974, an increase of over 6,000. They have almost equalled the United States in our one last remaining advantage, number of warheads. Further, they will be able to legally add over 6,000 more warheads to their forces by 1985 to achieve superiority even in warheads.

Before 1985, fully within the terms of SALT II, the Soviets can legally increase their already dangerous strategic counterforce capability and their strategic superiority. They can have over 14,500 mostly large counterforce warheads, compared to the presently planned U.S. total of only 11,900 mostly vulnerable small warheads. They will also have succeeded in excluding from SALT II second-line strategic forces far more numerous than their first-line forces, about 3,000 strategic delivery vehicles (some with multiple warheads) unaccountable in SALT II and unmatched by the United States.

The optimum time to improve U.S. strategic posture, 1976, has long ago passed, and the urgency of strategic force improvement is clear. We must rapidly improve our strategic forces while we attempt to negotiate an equitable and stabilizing SALT III Treaty with the Soviets. Due to the destabilizing geopolitical dangers inherent in present U.S. strategic inferiority and vulnerability, the Congress should also agree to urgently fund the following ten more reasonable, cost effective, and beneficial rapid strategic force improvements:

1. Rebasing part of our Minuteman ICBM force immediately in many new vertical multiple protective structure (MPS) silos. Further, also deploying some 100 extra Minuteman II ICBMs, replaced by 100 presently stockpiled MIRVed Minuteman III ICBMs, in a truck mobile, garrison-based mode. These launchers could be able to move out rapidly onto our interstate highway system within 12 hours of strategic warning;

2. Acceleration of MX ICBM development for rapid replacement of the Minuteman force in new vertical MPS silos;

3. Immediate deployment of a mobile and also hardsite ABM defense for both Minuteman and MX;

4. Initiation of a massive, Manhattan-Project style program to develop and deploy as soon as possible a space-based chemical laser ABM defense;

5. Immediate increased alert rates and immediate inland basing of our B-52 bomber force;

6. Immediate mass production of a modified B-1A multi-purpose, stealthy bomber;

7. Acceleration of Air-Launched Cruise Missile (ALCM) mass production and deployment on B-52s, B-1As, and fighter-bombers;

8. Immediate construction of an operational Extremely Low Frequency communications system to improve Submarine-Launched Ballistic Missile (SLBM) survivability;

9. Retention of our ten Polaris submarines for rapid conversion into Submarine-Launched Cruise Missile (SLCM) platforms; and

10. Acceleration of Trident submarine construction and rapid expansion of Trident I missile retrofit to all 31 of our Poseidon submarines.

The net effect of the above ten rapid strategic force improvements will be to quickly and significantly enhance the survivability of American strategic forces by as early as 1983. They will also add to the lethality and hence to the deterrent effect of our now dangerously weakened strategic posture.

INTRODUCTION: THE DAWNING OF THE NEW AGE OF SOVIET NUCLEAR BLACKMAIL

This statement is now a commonplace assessment of detente and arms control in the West. It is a quotation from the West German centrist leader K. Biedenkopf. What is unusual is that such a statement can be quoted approvingly by the Soviets themselves. It appeared in Kommunist of July 1980 (pp. 70-81) as an example of the persistence of detente despite the increasingly realistic assessment of detente's dangers in the West. The Soviets believe that even though many Westerners now realize that detente has gravely weakened the West, it is so mortally weakened that there is now no alternative to detente and further appeasement.

As a Soviet writer stated as long ago as 1971: "In fact, a nation's diplomatic activity becomes a part of those non-military means of policy implementation which, . . . are contained within the concept of the content of *war.*" (*Voenya Misyl,* No. 7, 1971, V. Dimetriyev, emphasis added.) To the Soviets, diplomacy is a facet of war.

Former President Nixon recently conceded that he was deceived in Moscow in 1972 on the key provisions of SALT. The Soviets must have conducted SALT I negotiations like war, to gain advantages. Nixon admitted this year: "First, they (the Soviets) try to deceive us, in order to disguise their intentions and make us relax our will . . . in some cases, such as substitution of the heavy SS-17 and SS-19 ICBMs for the light SS-11s, Soviet force modernization exploited loopholes in the SALT I agreement contrary to our understanding of that agreement." (The Real War, Richard Nixon, Warner, New York, 1980, pp. 48, 171.)

Soviet public statements indicate clearly that they believe that the world balance of power (the "correlation of forces") shifted decisively in Soviet favor as early as 1971, a whole year before SALT I was signed.

In early 1979, the U.S. Joint Chiefs of Staff finally conceded ominously that the strategic nuclear balance had long ago shifted against America, because of the unrelenting Soviet strategic buildup after SALT I. Because of President Carter's cutbacks and delays in all our strategic programs, the JCS also warned that the strategic balance could not be improved by our delayed MX, ALCM and Trident strategic modernization programs until the mid-1980s.

In February 1980, General Ellis, Commander of the Strategic Air Command, finally echoed the omnious JCS warning with an even more grim revelation. Ellis testified to the Senate that since 1977 we have lost strategic "essential equivalence" to the Soviet Union. But essential equivalence itself has long been recognized by most experts as a euphemism for the American strategic inferiority that has existed through the last 8 years under SALT I. So General Ellis, too, was conceding long-standing American military inferiority to the Soviets.

In January 1980, the JCS predicted more soberly that we will not be able to restore strategic parity until the late 1980s. More pessimistically, General Ellis believes that parity cannot be restored by as late as 1990, even after our planned MX, ALCM and Trident modernization programs are fully deployed.

American strategic inferiority thus has long been an unfortunate reality. It manifests itself in several forms, one of which is vulnerability.

Both the U.S. SALT I unilateral statement of May 9, 1972 and the Jackson Amendment to SALT I made it clear that enhancing the survivability of U.S. strategic forces was to be the fundamental, paramount U.S. goal in seeking a SALT II Treaty. As Senator Jackson precisely stated in regard to SALT I: "The intent of the (SALT I) agreements is to enhance our security by enhancing the survivability of our deterrent." Yet SALT I has allowed U.S. strategic vulnerability to become unprecedented. SALT II has again failed to solve the problem of maintaining survivable U.S. strategic forces.

Beyond American numerical inferiority, Soviet strategic forces of 1980 have already opened a "window of vulnerability" on all U.S. strategic forces, and this window will gape open all the wider throughout SALT II. The SALT process itself has contributed to U.S. strategic vulnerability by offering the false promise that somehow the Soviets would agree to limit their threat to American land-based missiles. Meanwhile, while vainly hoping that the SALT process would solve our ICBM vulnerability problem by encouraging Soviet restraint, we failed to unilaterally solve our own problem through either mobility, active defense, or proliferation of aim points. Now the adverse strategic and military trends against us are unmistakable, and will surely make the 1980s a perilous decade for Americans. The "window of vulnerability" once again leaves America open to Soviet nuclear blackmail, as in the period of Khrushchev's rocket rattling in the 1950s and early 1960s.

But before we analyze SALT II, we need to examine a simplified numerical comparison of United States and Soviet strategic forces. (See chart.)

U.S.-Soviet Strategic Force—Numerical comparisons, 1980-1985

Delivery vehicles 1980: U.S., 1,865; Soviet, 2,650 SALT II accountable (about 2,720 second-line, excluded from SALT II).

Warheads 1980: U.S. 9,000; Soviet, about 8,000.

Delivery vehicles under SALT II 1985; U.S., 2,009; Soviet, 2,250 SALT II accountable (about 3,100 second-line forces excluded from SALT II).

Warheads under SALT II 1985: U.S., 11,900; Soviet, About 14,500 (about 4,400 excluded from SALT II).

Sources: "U.S.-Soviet Military Balance" by John Collins, McGraw-Hill, 1980. "The Military Balance, 1980-81," International Institute of Strategic Studies, 1980. "Analysis and Compliance Enforcement in SALT Verification" by Senator Gordon Humphrey, International Security Review, Spring 1980.

The eight fatal flaws of SALT II

There are at least eight flaws in SALT II, each of which by itself was fatal to the Treaty's ratification. Each fatal flaw will be analyzed and explained in sequence in order of its importance.

The most serious flaw allows the Soviets to neutralize the credibility of the entire U.S. strategic deterrent posture by merely continuing to build the capability for threatening to destroy most U.S. strategic forces in a counterforce first strike. It also entails failure to achieve the equal force levels, including throw-weight, called for by the Jackson Amendment to SALT I.

First, SALT II preserves the existing gross inequalities favoring the U.S.S.R. in both "very heavy" and "heavy" intercontinental ballistic missiles (ICBMs), as measured by their throw-weight (or payload). By exploiting MIRV (multiple, independently targetable re-entry vehicles) technology and equalling the United States in accuracy, the Soviets have dangerously translated their huge throw-weight advantage into massive counterforce capability for threatening the complete destruction of all our land-based missile, bombers, and in-port submarines in a first strike.[1]

SALT I already granted the Soviets superiority in number of missiles and throw-weight since 1972. SALT I also allowed the Soviets a monopoly in very heavy missiles. But the Soviets are granted the same exclusive right to have very heavy SS-18 ICBMs again under SALT II lasting through 1985. In SALT II the United States is again forbidden to have any very heavy ICBMs whatsoever. The Soviets have a permanent monopoly on very heavy ICBMs. We have thus conceded for the second time in eight years the principle that we can be legally inferior to our most dangerous adversary in a decisively significant military capability. The Soviets will also have a de facto monopoly on heavy SS-19 sized ICBMs until 1986, throughout SALT II. These U.S. concessions are already being perceived world-wide as continued U.S. acquiescence in Soviet strategic superiority.

The Soviet SS-18 force of super missiles alone, all by itself, carries more megatonnage or explosive power than the combined total of all U.S. land- and sea-based ballistic missiles. This is a measure of the enormous military significance, and therefore the geopolitical weight, of granting a monopoly on SS-18s to the Soviets.

The Soviet SS-19 force of heavy ICBMs is almost equally formidable. The SS-19 force too can destroy most U.S. strategic forces in a first strike all by itself.

It should be no comfort to Americans that under SALT II the Soviets now have two, independent, first strike forces, one composed of 308 SS-18s, and another made up of about 400 SS-19s. Thus the Soviet monopoly on very heavy SS-18 super missiles, together with their nearly as lethal monopoly on heavy SS-19 missiles, will neutralize the deterrent effect of U.S. strategic forces. These combined forces are simply a measure of the gravity of the Soviet threat endangering strategic stability. But the Carter Administration argued incredibly that since the SS-19 force is almost as deadly as the SS-18 force, we somehow need not worry about either.

The Carter Administration has also argued that the Soviet heavy ICBM monopoly does not matter, because the U.S. military has never desired to have heavy ICBMs. This argument is incorrect for four reasons. First heavy ICBMs are in fact militarily useful, because they can be used to threaten the other side's military forces. Second, from 1960 through 1963, the U.S. Air Force planned to deploy 250 Titan I and Titan II heavy ICBMs. This is a militarily significant number. But a civilian, Defense Secretary McNamara, cut these plans back to only 54 Titan IIs. Third, as late as 1970, even Dr. Henry Kissinger wanted to maintain the right for the United States to have 250 heavy ICBMs in the SALT I agreement then under negotiation. Of course, Kissinger later conceded on this point in May 1972 and the Russians were allowed over 300 heavy ICBMs in SALT I to none for the United States. Finally, the U.S. MX ICBM was designed in 1973 by the Air Force to be a very heavy throw-weight ICBM. All these facts contradict the Carter Administration claim that the U.S. military has never wanted heavy ICBMs.

These unpleasant facts mean that our strategic forces are now being "checkmated." Aggressive Soviet behavior all around the world demonstrates that our deterrent forces are already in the process of being neutralized politically and this will increasingly erode deterrence at intercontinental, theatre nuclear, and conventional levels. Our nuclear umbrella intended for extended deterrence, vital to the security of NATO, our allies in the Middle East, and Japan, is steadily losing credibility. Even Dr. Kissinger himself has recently conceded the geopolitical significance of Soviet counterforce superiority.

In effect, within the terms of SALT II, we are allowing the Soviets to build with impunity precisely the numbers and types of strategic weapons which will enable them to completely defeat our entire deterrent strategy. Thus, the Soviets can threaten nuclear blackmail in order to further their aggressive aims.

As if the existing Soviet SS-18 and SS-19 heavy ICBM forces were not bad enough, the second and even more dangerous fatal flaw of SALT II also deals with counterforce. SALT II allows the already overwhelming Soviet ICBM counterforce threat to grow even further. This counterforce growth is permitted by several loopholes in SALT II's provisions.

The Soviets can reasonably be expected to maximize their warhead capabilities by legally putting ten multiple, independently targetable re-entry vehicle (MIRV) warheads on each of their allowed 820 SS-18, SS-19, and SS-17 MIRVed ICBMs—giving them an allowed total of 8,200 highly accurate counter force warheads. The Soviets can thus upgrade their heavy SS-19 force from six to ten MIRVs each, and their SS-17 force from four to ten MIRVs each.

Moreover, there is no agreement in the Treaty on the specific launch-weight and throw-weight data necessary to define a heavy ICB, thereby allowing Soviet deployment of many more heavy ICBMs. (This point will be addressed in more detail below.)

Further, "new type" Soviet ICBMs are not really limited. Despite the lessons of SALT I, there is also no agreement on the specific missile qualitative characteristic baseline data necessary to measure and verify the allowed increases in missile throw-weight, launch-weight, and volume, and also, silo volume. The SALT II constraints on "new type" ICBMs are too imprecise to be meaningful. These loopholes, together with the allowed encryption (or encoding) of Soviet missile telemetry signals, make it clear that there are no effective constraints on "new type" Soviet missiles. Thus, with one of their new missiles already legally exempted, the Soviets will be able to legitimately deploy all five of their new missiles known to be under deployment.

This "new type" deployment will provide even greater counterforce capabilities than the existing SS-18 and SS-19 forces, which are already devastating. Despite Carter Administration claims that the factionation (MIRVing) limits of SALT II comprise effective constraints, the Soviets will be able to greatly increase their ICBM warhead number under SALT II. They can add over 6,000 ICBM warheads legally under SALT II, which cannot be construed as restraint.

The third fatal flaw deals with the famous Backfire bomber. The intercontinental-ranged, refuelable Soviet Backfire bomber is not counted in the Soviet strategic delivery vehicle aggregate of 2250. But all U.S. intelligence agencies agree that Backfire has the unrefueled range to strike all of the United States on a one-way mission. Range is the key criterion for SALT purposes. Indeed, the Backfire has better range then the oldest variants of the U.S. B-52 and all Soviet Bison bombers, which are counted.

Range is the most important SALT criterion for bombers because all U.S. B-52 bombers are programmed for one-way (or range) missions against the U.S.S.R. Thus, Backfire's one-way mission, intercontinental range capability, should cause it to count in SALT II like all U.S. B-52s, which also have one-way, range missions.

But Backfire also has refueling capability and sufficient tankers are available for it. With refueling and Arctic basing, Backfire can even strike the United States and return to the U.S.S.R. on a round trip radius mission, which gives it better capabilities than most U.S. bombers.

Further, the upgrade of Backfire's already intercontinental range capabilities is totally unverifiable. The Soviets have spurned all of our attempts to limit Backfire range upgrade, and also constraints on basing and operations.

Additionally, even 220 unflyable, mothballed U.S. B-52s count in SALT II, but all 400 eventual Backfires, 220 Soviet bomber variants (and 1300 Soviet stockpiled missiles) do not count. These Soviet exemptions are totally inequitable.

Finally, due largely to Soviet insistence on excluding Backfire, there is no clear, equitable definition of a heavy bomber in SALT II. But there are three additional "new type" Soviet heavy bombers already known to be under development, whose status, under SALT II, is recklessly left unclear. The status of these new Soviet bombers will require further negotiation in the Standing Consultative Commission for determination of whether or not they count. But our negotiating leverage will be greatly weakened by the precedent of Backfire's exclusion.

To add insult to injury, the Soviets have falsely told us that they will not give Backfire an intercontinental or refueling capability, but we know it already has both. Such blatant falsifications are an indication of Soviet duplicity.

The strategic significance of not counting Backfire in SALT II is that this force alone can deliver about 30 percent of the present huge Soviet megatonnage advantage, making Backfire a formidable second strike force. This inequity is compounded by the fact that the United States has no effective air defenses against Backfire. Hence all Soviet bombers would have a "free ride" against the United States.

The fourth flaw, which also will be analyzed in more detail below, relates to how SALT II hinders solution of our prime strategic problem. SALT II constrains all U.S. options to make our land-based missiles survivable. Such options as the "shell game" multiple protective structure (MPS) deceptive basing mode, and truck mobility for our ICBMs are either temporarily or perma-

[1] See Strategic Review, Fall, 1979, "A SALT Debate: Continued Soviet Deception," by David S. Sullivan, pp. 36, 37; Soviet SALT Deception, by David S. Sullivan, Coalition For Peace Through Strength, November 1979, pp. 12, 13.

nently precluded, despite the allowed growth of the already alarming Soviet counterforce threat. SALT II bans both additional fixed ICBM launchers and mobile ICBMs. These restrictions are due to the Treaty's too restrictive definition of what constitutes a fixed ICBM launcer, combined with the constraints on mobile ICMB deployment in the Protocol. The U.S. conceptual designs for the canisterized MX missile do not sufficiently distinguish the moveable canister from its fixed, multiple protective structure. The MX is either a mobile ICBM, in which case the Protocol bans its deployment, or it is launched from multiple fixed positions, in which case the additional fixed positions are banned.

Further, Soviet leaders have already given us an arrogant ultimatum that the new U.S. MX ICBM is unverifiable and inconsistent with SALT II deployed in any basing mode. Despite their arrogance, the Soviet interpretation of SALT II is reasonable. Moreover the Soviets have already challenged our MX even though MX will not be deployed until 1986, well after the Treaty expires. These SALT II constraints on U.S. ICBM options are destabilizing, especially in view of the allowed growth in Soviet counterforce capability.

The fifth fatal flaw also relates to unequal constraints on U.S. options, and this too will be treated in more detail below. The SALT II Protocol contains unequal constraints on new U.S. long-range weapons for the NATO theatre. U.S. ground- and sea-launched, long-range cruise missiles—GLCMs and SLCMs—now under development are constrained and cannot be deployed until after 1981. But a huge Soviet buildup in SS-20 intermediate range ballistic missiles, and other medium- and short-range theatre nuclear missiles and fighter-bombers, is totally unconstrained.

This massive Soviet theatre strategic buildup against Europe began years ago and is still ongoing. There is no end of the Soviet buildup in sight. It is inequitable for U.S. theatre deployment options to be constrained, but not comparable ongoing Soviet deployment programs. Moreover, these constraints on U.S. cruise missiles are still negotiable in the proposed SALT III negotiations, and could well establish a permanent precedent, particularly in light of the fact that ratification of SALT II would put the United States in a grossly inferior position from which to bargain in all future arms control negotiations.

Sixth, it is significant that SALT II limits only launchers, but not missiles or nuclear warheads themselves. The Treaty fails to control the production of all types of missiles and their warheads. Further, the stockpiling of missiles is not banned. Hence stockpiled missiles and extra warheads are fully legal and could easily be used for refire. Moreover, rapid reload and rapid refire capabilities are inadequately defined and constrained. The recent Soviet testing of a rapid reload and rapid refire capability with their SS-18 reported in Aviation Week (22 September 1980, p. 14) is not only a clearcut violation of the terms of SALT II, but it also illustrates well the danger of the huge Soviet missile stockpile (over 1,300 ICBMs) allowed under SALT II. Moreover, even counting only launchers, the United States faces a huge disadvantage under SALT II. The Soviets have 785 more launchers now.

Seventh, there is still no definition of a heavy ICBM in SALT II. The most surprising and significant fatal flaw in SALT II is the continued Soviet refusal to agree to a definition of a heavy ICBM. This is a loophole of major proportion. Soviet refusal to agree to specific, precise provisions indicates that they are protecting dangerous new heavy ICBM programs. It is ironic that this failure to define a heavy ICBM is also widely recognized as the single most significant flaw of SALT I in 1972 and again of SALT II through Vladivostok in 1974. This SALT II failure to define a heavy ICBM is especially dangerous because it means that other "new type" Soviet ICBMs could be even larger and more deadly than their famous heavy SS-19. The Soviets could also increase the size of the SS-18 follow-on, and because there are no agreed SS-18 baselines, the burden would be on the U.S. to prove violations.

The Carter Administration claims that a U.S. unilateral statement not contradicted by the Soviets is somehow agreed. This is precisely the status of the heavy ICBM definition in SALT II. The United States on August 16, 1977 unilaterally provided U.S. data on the launch-weight and throw-weight of the Soviet SS-19 ICBM in an attempt to define the parameters of a U.S. heavy ICBM. This was also an attempt to define a heavy ICBM for both sides. The Soviets, however, did not agree. They did not even respond. The Carter Administration evidently believed that this is another strange case in which Soviet "non-contradiction" constitutes agreement, because despite the facts the Administration nevertheless claimed that there is a "clear, agreed" definition of heavy ICBMs. But this non-agreed heavy ICBM definition must be deemed even weaker than the more explicit and positive U.S. SALT I unilateral heavy ICBM definition of 1972. In 1972, we at least told the Soviets that we would regard any new ICBM significantly larger than their SS-11 to be a violation of SALT I. We have said nothing similarly positive in SALT II. No good corporate lawyer negotiates key aspects of any commercial contract on this kind of "assent by silence" basis. It is obvious that Soviet silence can always be broken with impunity with grave consequences for the United States. Moreover, the Soviets have already told us repeatedly that they would not be bound by U.S. unilateral statements, emphasizing the unreality and danger of U.S. trust in the strange diplomatic device of "non-contradiction."

The eighth fatal flaw relates to the least important issue, verification. Like SALT I, SALT II fails to prevent the already massive, nationwide Soviet camouflage, concealment, and deception program from growing further, and from continuing to hinder U.S. intelligence monitoring and verification. This Soviet program reportedly grew in scope and scale under SALT I, despite the fact that it was deliberate and was, therefore, a violation. Soviet camouflage, concealment, and deception has clearly already hindered verification. The recent losses, compromises, funding reductions, and withholdings in U.S. intelligence collection capabilities, coupled with the more difficult to monitor qualitative constraints of SALT II and the allowed encryption of Soviet telemetry, altogether make SALT II largely unverifiable. For example, we cannot verify the "new type" ICBM provisions, the range of cruise missiles, the upgrade of Backfire, Soviet ICBM fractionation, rapid reload and refire capability, stockpiled missiles, with anywhere near "adequate" confidence.

Any one of these eight fatal flaws in SALT II impairs U.S. national security, and each was cause enough for the Treaty to be voted down in the Senate. Combined, they clearly have made the Treaty unequal, unbalanced, destabilizing, largely unverifiable, and harmful to our NATO, Middle East, and Asian allies.

Some technical SALT II flaws

But in addition, there are several almost equally significant but somewhat more esoteric technical fatal flaws. For example, about 250 mobile Soviet SS-20 intermediate range missile launchers are capable of launching intercontinental missiles, and they have reportedly launched mobile SS-16 ICBMs.[2] The provisions of the Treaty state clearly that any launcher which has launched an ICBM is defined as an ICBM launcher. These Soviet mobile SS-20 launchers therefore explicitly should count. But inexplicably, none of the 250 SS-20 mobile launchers count, although they are capable of being quickly loaded with stockpiled SS-16 ICBMs and then launching them. And a large number—about 100—of SS-16 mobile ICBMs are known to have been already produced and stockpiled, making them readily available for rapid launch by SS-20 launchers.[3]

Secondly, there are inadequate verification rules for determining which old and new ICBM or SLBM launchers will house which types of new missiles in the future. The Treaty does not require "functionally related observable differences" for each launcher type, but these distinctions are necessary for verification.

Moreover, new Soviet SLBMs could easily, covertly circumvent all SALT II testing and deployment restrictions on new ICBMs. Merely by testing ICBMs in the guise of SLBMs, the Soviets could completely avoid all "new types" restrictions.

And finally, the Soviets are allowed to preserve and even increase their already huge advantage in so-called "test and training" missile launchers which do not count, even though these launchers are known to be part of their operational missile force. For example, the Soviets maintained 18 SS-9 Fractional Orbital launchers at a test range for years under SALT I, but these ICBMs did not count. The Soviets reportedly have over 100 test and training launchers which still do not count in SALT II, a significant number.

SALT II in balance

In sum, before 1985, the Soviets can easily achieve a warhead superiority of at least 14,500 to the U.S. planned total of 11,900 warheads, and surpass U.S. missile accuracy, fully within the terms of the SALT II Treaty. Again, they will have overwhelming throw-weight, megatonnage, and counterforce advantages. But the Soviets have excluded significant forces from SALT II. The Soviets can still keep 400 Backfire bombers, about 350 old submarine launched ballistic and cruise missiles, about 220 intercontinental bomber variants, over 100 ICBM test and training launchers, over 350 mobile ICBM launchers, over 1,300 stockpiled old ICBMs totally exempted. Moreover, the Soviets are free to continue to produce excess ICBMs at

[2] William T. Lee, How CIA Estimates Went Astray (National Strategy Information Center, 1976), p. 43.

[3] The New York Times, 2 November 1977, "Pentagon Aides Say Moscow has Mobile Missiles Able to Reach US," by Bernard Weintraub.

their three very active ICBM factories for additional stockpiling.[4]

The Soviets thus actually will have exempted strategic forces more numerous than their first line forces which are counted in SALT II. They now have 2,650 delivery vehicles, compared to 1,865 for the United States. They are allowed 2,250 strategic delivery vehicles under SALT II, but they also will have about 2,720 second-line strategic delivery vehicles totally outside of SALT II. Many of these could also be MIRVed. So the Soviets really have up to 5,370 strategic delivery vehicles, compared to only 1,865 for the United States.

Thus the question of whether SALT II constrains the Soviets is moot and irrelevant. The Soviets already have superiority in almost all strategic measures. Moreover, the Soviets are already producing new strategic weapons on a mobilization, nearly wartime footing. There is strong evidence that they have already negotiated the terms of SALT II to fit their long-term force programming contained in their 1981–1985 five-year defense plan, and their force programming in any case provides them clearcut, overall superiority by 1985.[5] We therefore do not need to worry about even more extreme Soviet threats which could exist in the absence of SALT II. The Soviet threat to the United States allowed within SALT II terms is already so dangerous as to jeopardize U.S. supreme national interests. This is one reason why the Senate Armed Services Committee report on SALT II of December 1979 stated without qualification that the Treaty was not in the national security interest of the United States.

U.S. strategic posture is already approaching minimum deterrence

Many alarming conclusions have emerged from Senate SALT II hearings during 1979 regarding U.S. strategic force posture:

1. All of our ICBMs are already, in 1980, totally vulnerable to first strike from relentlessly improving Soviet ICBM counterforce capabilities. This accelerated U.S. vulnerability is due partly to the fact that U.S. Intelligence has repeatedly under-estimated the growth of the qualitative Soviet counterforce threat throughout the 1970s much as U.S. Intelligence under-estimated all Soviet quantitative strategic deployments through the 1960s.

2. Most U.S. strategic bombers are likewise, even now, vulnerable, and by 1985 all will be vulnerable, due to relentless Soviet advances simultaneously in SLBM and air defense capabilities. Already about 70 percent of our bombers are vulnerable on the ground, and the initially survivable 30 percent on alert face ever diminishing prospects of penetrating the already quite formidable and improving Soviet air defenses.

3. The Carter Administration concedes that our ICBMs and bombers are already vulnerable. With two legs of our strategic Triad now almost totally vulnerable, the vulnerability of our strategic forces is at an all-time high. Indeed, our command and control systems are also unprecedentedly vulnerable. We are clearly facing a window of vulnerability, which provides the Soviets with irresistable geopolitical opportunities. Our most urgent objective therefore should be to enhance the number and capabilities of our survivable strategic forces.

4. Due to the dangerous erosion of ICBM and bomber survivability, we are now and will continue throughout the 1980s to be unduly reliant on the third leg of our Triad, sea-based SLBM force, for most of our deterrence.

5. The SLBM leg of the Triad should therefore be enlarged and made as survivable as possible. But instead of increasing the size of the SLBM leg, the Carter Administration is actually reducing this crucial leg by deactivating ten Polaris submarines with 160 SLBMs. One quarter of our sea-based megatonnage, is being deactivated. This is a strategic force larger than either the entire British, French, or Chinese strategic forces.

The survivability of our submarine missile force is a function of several factors: number of submarines deployable, number of missile launch tubes, range of missiles, quietness, speed, and depth of patrol. But our missile sub fleet is deficient in all categories except quietness, as compared to the Soviets.

6. In addition, President Carter has consistently refused for four years to deploy the Extremely Low Frequency (ELF) submarine communications system. ELF would greatly enhance the survivability of all our missile (and attack) submarines. At present our subs are vulnerable to Soviet detection and destruction because they must patrol near the surface in order to stay in communication. ELF would allow them to patrol fast and deep under full national control. The vital ELF submarine communications system could have been operational by now. Instead, our reduced SLBM force still remains dangerously vulnerable to detection and destruction.

7. For the last 13 years, we have had 41 ballistic missile submarines with 656 SLBMs. But because of Polaris deactivation we now have only 31, with only 496 milliles. These are our lowest force levels since 1964, dangerously increasing force vulnerability. In contrast, the Soviets have over 90 ballistic missile submarines carrying over 1,000 nuclear missiles. Our long delayed first new Trident submarine will not be operational until early 1982, and the second Trident will not be ready until late 1982, so we are prematurely deactivating all Polaris subs well before they can be replaced. Moreover, we will be at greatly reduced sub and SLBM levels for a significant period, for over three years, from 1980 to beyond 1983.

8. While it is true that we are increasing slightly the number of warheads carried on remaining Poseidon subs, we are also reducing the number that will be carried on Poseidon subs retrofitted with longer-ranged Trident I missiles. These factos offset each other. Moreover, the increased range of the Trident I missiles will not significantly enhance overall, force wide survivability until well after 1983, when all 12 retrofitted Poseidon subs will be operational with this missile. Thus each of our remaining 31 subs is a much more lucrative target. Instead of the 656 SLBMs we have had for 13 years, we now have less than 400 SLBMs deployable and available for patrolling. The fact that many subs are off-line is due to the concurrency of Trident I missile retrofits, normal ship overhauls, and deactivation of the Polaris fleet prematurely before any Trident subs are available. Of these 400 SLBMs currently deployable, only about 50 percent reportedly are at sea patrolling at any one time. Thus by drastically decreasing our number of deployable submarines, deployable SLBMs and warheads, and by failing to build ELF, the Carter Administration has dramatically reduced SLBM survivability. Even counting the few new Trident submarines available after 1983, we are putting more nuclear eggs in fewer baskets. We are loading somewhat more warheads onto a significantly smaller force. Finally, while Navy spokesmen concede all the above points publicly, they claim that SLBM force reductions can be temporarily compensated for by our ICBM and bomber forces. But we have already seen that these forces are themselves also unprecedentedly vulnerable.

9. Even more dangerously, only about half of the small number of about 200 SLBMs on patrol reportedly may be able to receive communications at any one time. So our actual deterrent now may consist of possibly less than about 25 percent of our already reduced deployable SLBM force, or only about 100 SLBMs on patrol able to receive communications. Of these 100, about half are reportedly under control of NATO, and are thus dedicated to targets in the Warsaw Pact. So our real strategic deterrent may be more like only 50 SLBMs, only three boat loads on patrol.

10. But the Soviets reportedly are spending about three times more than the United States on Anti-Submarine Warfare (ASW), and they have well over twice as many attack (ASW) submarines as the United States. These 50 SLBMs probably constituting our actual strategic deterrent could therefore suddenly become vulnerable to an unanticipated Soviet breakthrough in ASW, one that we would be unlikely to be able to detect.

In sum, the entire U.S. strategic deterrent could soon be vulnerable, and worse, we might not even know until it was too late to react. Given the inherent difficulty of estimating Soviet ASW capabilities and the clear record of U.S. Intelligence underestimation of the Soviet threat for over 20 years, we simply cannot affort to risk our national security by allowing all of our strategic forces to be so unprecedentedly vulnerable. Without even considering President Carter's cutbacks in our strategic forces, to be discussed below, it is clear that Carter has allowed an extraordinarily dangerous deterioration in our posture.

Why? President Carter stated emphatically in January 1979 that all America needs for deterrence is one single Poseidon submarine. Further, early in his Administration, Carter seriously considered whether U.S. strategic forces could unilaterally be reduced to very low levels, such as to only 200 warheads. This is about as many warheads as are carried on one Poseidon sub. Moreover, most of his top arms control advisors are known to favor a U.S. strategic posture of "minimum deterrence." Deployed against over 5,370 Soviet strategic missiles and bombers and almost 20,000 Soviet warheads, one Poseidon submarine with 16 missiles would adequately fulfill President Carter's vision of minimum deterrence. But minimum deterrence is a dangerous posture for any nation. It is untenable for a nation which has assured many allies of the protection of the American "nuclear umbrella."

SALT II constrains the U.S. much more than the Soviets

We cannot avoid facing the facts that under SALT II the Soviets by 1985 will achieve complete strategic superiority and a dangerous first strike capability. But while SALT II would not prevent Soviet superiority and will allow the continued development

[4] The Washington Post, 9 December 1979, "How We Spy on the Russians and Monitor SALT," by Nicholas Daniloff.

[5] See Strategic Review, Winter, 1979, "The Legacy of SALT I: Soviet Deception and US Retreat," by David S. Sullivan, p. 29.

of their dangerous first strike capability, it in fact would constrain the U.S. ability to cope with that threat, both directly and indirectly. The more important question, therefore, is how SALT II constrains U.S. strategic programs. No experts have yet adequately exposed how dangerously SALT II hinders U.S. programs.

Our most serious strategic problem is the vulnerability of our ICBM force. Yet the best option for preserving the survivability of our ICMBs—anti-ballistic missile (ABM) defense of ICBM silos—is precluded by the constraints in the recently extended 1972 SALT I ABM Treaty. In fact, the U.S. ABM program, which consisted of four sites planned or under construction in 1972, has been abandoned, largely because of the ABM Treaty. It is clear that even a limited two site ABM system defending U.S. ICBMs would have hopelessly confounded Soviet counterforce strike planning, yet even this was prohibited by the terms of the SALT I ABM Treaty.

In 1972, the United States actually had a two site ABM system for ICBM defense under construction with two more planned, but the terms of the ABM Treaty required us to dismantle one of the sites under construction. Then in 1974, the Protocol amending the AMB Treaty limited the United States and the U.S.S.R. to only one site each.

After 1974, we were left with an allowed level of only 100 ABM launchers at our one site, a non-optimal number. And the terms of the ABM Treaty prevent us from deploying mobile ABMs capable of defending our new mobile MX ICBM. But in 1976, we unilaterally deactivated completely even our one allowed ABM complex.

The ABM Treaty in effect destroyed all political support for any American ABM capability whatsoever. Thus the ABM Treaty has ruled out both fixed and also even mobile ABM defenses of our ICBMs.

As noted above, the second best option to make our ICBMs survivable is to use deceptive basing or mobility. Yet both the "shell game," multiple protective structure, deceptive ICBM basing mode and the truck mobile basing mode are precluded under SALT II. The option of using existing Minuteman ICBMs in a "shell game" vertical protective structure deceptive basing mode in existing Minuteman deployment field is:

Technically most feasible;

Most survivable;

Least costly;

Least disruptive environmentally and politically;

Could be begun immediately and completed much more rapidly than MX as currently envisioned;

And, was in December 1978 the first choice of the Air Force, especially because the new MX ICBM could also be made compatible to eventually replace Minuteman.

But SALT II prohibits new fixed ICBM launcher construction or their relocation, which is what the Soviets quite reasonably interpret MPS deployment to entail. This means that truck mobile ICBMs are the only option left.[6] Yet all mobile ICBM deployment and even testing is prohibited by the Protocol until after 1981. But by then, the Soviet counterforce threat of the our ICBMs will already have long been total, and it may well be too late to make our ICBMs survivable.

[6] Summit Statement of Soviet Defense Minister Dmitri Ustinov, June 1979, Wall Street Journal, June, 1979.

Thus we have allowed SALT II to paint us into a dead-end corner. SALT II allows the already dangerous Soviet counterforce threat to our forces to grow, but blocks all U.S. options for making our own forces survivable. This is an absolutely absurd result for a negotiating process which was intended at its outset to ensure the survivability of U.S. forces.

We should also recognize that the MX mobile ICBM is not a panacea. It is important, but it is only a long-term solution to our ICBM survivability problem. But there are four caveats here even. MX will not become operational in even small numbers until 1986 at the earliest, well after SALT II's ostensible limits on Soviet ICBM fractionation expire, and will not be fully operational and thus fully effective and survivable until at least 1989. Thus MX should not really be considered a factor in our debate over the security risks of SALT II, because it will be deployed well outside SALT II's time-frame. Further, the SALT II Protocol's prohibition of mobile ICBMs and the Joint Principles for SALT II both indicated that MX is still a SALT "bargaining chip" which could easily be traded away before its initial deployment in 1986. Since vertical MPS, we have already seen the trench, race track, and now grid deployment modes. Moreover, there are severe environmental, political, survivability, and cost problems with deploying the MX, especially in the hastily devised hybrid horizontal shelter, grid mobile-deceptive mode currently in vogue. These problems could easily combine to eventually cause the United States to cancel the MX unilaterally anyway, just as the Carter Administration has unilaterally cancelled so many other strategic programs.

Finally, the Soviets have already issued several intimidating ultimata that MX in any envisioned basing mode is unacceptable, on both verification and compliance grounds. Thus those who believe that MX could make SALT II acceptable are deluding themselves. With or without MX, the frightening reality is that the Carter Administration planned to somehow live with significant and unprecedented ICBM vulnerability through the late 1980s.

As noted, the Protocol constrains the two best U.S. theatre balance improvement options, SLCMs and GLCMs, while comparable Soviet theatre systems such as the SS-20 intermediate range mobile ballistic missile are totally unconstrained. Moreover, it is simply not true that U.S. cruise missile programs could not have been ready for deployment before 1981, irrespective of SALT. Office of Management and Budget documents indicate that the SLCM program was unilaterally slowed for over three years by the Carter Administration, pending the negotiation of the Protocol constraints. The production of long-ranged SLCMs also was unilaterally cutback. The GLCM program has similarly been deliberately delayed over three years for reasons related to SALT II. Our ALCM programs too were delayed over three years in order to provide for an unnecessary fly-off competition. (The fly-off essentially competed fuel tanks, since all other elements of the competing designs were the same). Thus having already slowed all our cruise missile programs for over three years in order to fit them into the Protocol, the Carter Administration argued that the Protocol does not constrain our programs. But the SLCM, GLCM, and ALCM programs all could have been deployed three years ago if we had wanted to do so.

We should recall that in 1960, the United States deployed large numbers of our first generation SLBMs and ICBMs after only three years of crash development in the late 1950s. Yet our much cheaper and less complex cruise missile programs are *still* in development after over seven years. But America remains capable of launching high priority programs for developing new strategic weapons, if there is consensus on the threat and national leadership with the will to defend our country.

The MX ICBM, also begun in 1973, has likewise been delayed and purposely constrained unilaterally by the Carter Administration to conform to the launch and throw-weight of what became the SS-19. In 1973, the MX was originally being designed by the Air Force to be a very heavy throw-weight ICBM carrying 14 warheads.[7] It is restricted now to much lower throw-weight and to only ten warheads, despite the fact that even the Soviet press still reports that it was designed to carry 14. Moreover, well over 250 MX ICBMs were originally planned by the Defense Department for deployment. What has not been sufficiently realized is that in cutting back from 14 to ten warheads, we have already lost four warheads per missile. We have thus forfeited 1,000 MX warheads. Further, in cutting back from 250 to 200 MX missiles, we have lost another 500 warheads. We have thus lost a total of at least 1,500 warheads on MX. (This is a deliberately conservative estimate. The Air Force at one time planned 400 MX missiles each with 14 warheads, so the warheads forfeited could be calculated to be almost twice as high, or 2,100.)

We should also note that the MX underway since 1973 was planned for an Initial Operational Capability (IOC) in 1983 or even earlier by the Ford Administration. But the Carter Administration has delayed the IOC by three years, until 1986.

Moreover, it is not true that the U.S. military has never wanted heavy ICBMs. Over 250 Tatan I and II ICBMs were planned by the Air Force in the early 1960s, until a civilian, Secretary McNamara cut them back to 54. Even Dr. Kissinger tried to preserve the U.S. right to 250 heavy ICBMs as late as 1970 in SALT I.

The 1200 ceiling on MIRV missiles will constrain presently planned U.S. Trident submarine deployment, despite the fact that this was a U.S. proposed limit. The 1200 ceiling will restrict us to deploying only six Trident submarines, yet at the present Trident construction schedule, the United States will have at least seven Trident submarines completed by 1985, the year that SALT II expires. But the only way we can deploy more than six Trident submarines is to dismantle some of our most modern MIRVed ICBMs or SLBMs, which we should not be forced to do.

There are even further problems with the related 1320 ceiling on MIRVs and ALCM carriers, another U.S. proposed ceiling. This problem involves the Carter Administration's concession that ALCM-equipped U.S. bombers would count within the 1320. Originally at Vladivostok, U.S. ALCM-equipped bombers were not going to be counted at all within the 1320. Despite the fact that the United States in 1975 originally planned 250 ALCM-equipped B-52s, and then later 150, we are now allowed only 120 within the 1320

[7] Soviet SALT Deception op. cit. p. 10.

ceiling. We have thus already lost a total of 130 ALCM-equipped B-52s under SALT II. Because each B-52 would carry 20 ALCMs, we have thus forfeited 2,600 ALCMs. The ultimate irony is that the Carter Administration is not even planning to have the allowed 120 ALCM-equipped B-52s by 1985, and moreover those that we will have will not even carry the 20 maximum allowed number of cruise missiles. Each ALCM-equipped B-52 will instead carry only 12 through 1985. Thus we have forfeited at least 960 more cruise missiles.

It is doubly ironic that the United States proposed on its own initiative both the 1200 and the 1320 SALT II ceilings which limit MIRVs and ALCM carriers. This is because further analysis of the combined effect of these ceilings shows that they have already impacted adversely upon long-term U.S. force plans.

Few analysts realize the magnitude of U.S. unilateral restraint already embodied in these two SALT II ceilings. In 1974, under the Ford Administration, the United States planned to build 11 Trident submarines by 1985. The 1320 MIRV launcher ceiling proposed by the United States was predicated in large part upon this U.S. plan for 11 Trident submarines by 1985. This plan would have given the United States a total of 1310 MIRVed launchers by 1985, including both ICBMs and SLBMs. The Soviets even realized this. As noted, at that time, the United States also proposed to completely exclude all our ALCM-equipped B-52s from the 1320 ceiling. Since 1974, however, because of our construction delays, funding cuts, and other U.S. SALT proposals, we have reduced our Trident plans to only seven submarines through 1985. We then proposed the overly restrictive 1200 MIRV launcher ceiling in May 1977. Further, later, in 1977, we strangely agreed to count all ALCM-equipped B-52 bombers within the 1320. These were major U.S. unilateral reductions and concessions, which seriously degrade our forces. But we neither even asked for not received any quid pro quo in Soviet restraint.

Moreover, the Carter Administration was unilaterally deactivating all ten of our Polaris submarines beginning this year. These ten submarines carry a total of 160 missiles with 160 clustered warheads. So we are forfeiting still more of our strategic power at the very moment the Soviet strategic threat is at its gravest menace ever.

What are the combined results of these U.S. cutbacks and concessions? We have thus lost 5 Trident boat-loads of MIRVed SLBMs, or 120 SLBMs, 10 boat-loads of Polaris SLBMs, or 160 SLBMs, and 130 ALCM carriers. Assuming that we should not have to deactivate any MIRVed ICBMs or MIRVed SLBMs, the combined effect of the 1320-1200 ceilings and unilateral U.S. constraints in force planning has therefore already deprived the United States of 120 MIRVed SLBMs, 160 un-MIRVed SLBMs, and 130 ALCM-equipped B-52s. Counting at least 50 more cancelled MX ICBMs, and 250 cancelled B-1 bombers, we have thus already lost a total of 710 delivery vehicles.

Here are our forfeited delivery vehicles:

	Vehicles
SLBM's on 5 delayed Trident submarines	120
SLBM's on 10 deactivated Polaris submarines	160
ALCM carriers, B-52's for eventual deactivation	130
MX ICBM's canceled	50
B-1 bombers canceled	250
Forfeited delivery vehicles	710

U.S. MIRV and ALCM forces planned by the Ford Administration before Vladivostok in 1974 for 1985 have thus been vastly cutback by SALT II constraints and by U.S. unilateral restraint. Since 1974, the SALT process and U.S. unilateral restraint has cost us well over 6,000 warheads which we would otherwise have had by 1985.

Here is a summary of our already forfeited warhead total, which we would have had in 1985 under the Ford plan:

	Warheads
On down-loaded and fewer MX	1,500
On 5 delayed Trident submarines	960
On 130 dropped ALCM-equipped B-52's	2,600
By not maximizing planning B-52 ALCM loading	960
On deactivated Polaris	160
Forfeited warheads	6,180

The B-1 bomber force of 250 was planned to carry 5,000 more ALCMs, and be additive to B-52 ALCM carriers, so the forfeited warhead total could be almost twice as high, or 11,180. This is the high cost to U.S. national security of putting arms control negotiations at a higher priority than sound defense planning. We have unilaterally cutback over 710 strategic delivery vehicles and well over 6,000 warheads, in the vain hope of reciprocal Soviet restraint.

But, at the same time, the Carter Administration openly conceded that under the 1200 MIRV ceiling, the Soviets will be able legally to add at least 6,000 new warheads by 1985.[*] Indeed, there is reason to believe that the 1320 ceiling actually accelerated Soviet plans for MIRVed SLBMs at the time of Vladivostok in November 1974. Further, the Soviets can be expected to add many more than 6,000 warheads by exploiting all their options. They will probably add at least about 8,000 warheads merely on SALT accountable launchers to reach over 14,500 by 1985.

Summary of Carter's strategic cutbacks

Since 1974, the Soviets have reportedly been adding an average of about 1,000 new warheads to their strategic forces each year, a rate which will continue through 1985.

But under the strategic program of President Carter since 1977, no additional U.S. strategic warheads have been added. Indeed, our warhead level has been frozen until this year, when Carter began deactivating Polaris submarines. The strategic forces of the United States have been cutback by over 6,000 fewer warheads and 710 fewer delivery vehicles by 1985 than were planned by the Ford Administration. And those thousands of additional warheads under the Ford plan would have been carried by the most modern of our strategic delivery systems.

Here is a recapitulation of the Carter strategic cutbacks, which has entailed unilateral disarmament:

President Carter killed the B-1 bomber, acknowledged by our military leaders as the best penetrating bomber in the world, while the Soviets are mass producing the intercontinental Backfire bomber and are reportedly developing three new bombers. Several squadrons of B-1s could have been operational by now.

Carter cut funding and delayed development and deployment of the MX ICBM by over four years, and reduced the number of missiles and warheads, while the Soviets are developing five new lethal ICBMs with many warheads each.

Carter delayed air, ground, and sea-launched cruise missile development and deployment by four years, while the Soviets are developing two new types of cruise missiles and have had many types operational for over 20 years. Carter cancelled the ALCM A deployment program entirely.

Carter delayed Trident submarine construction for over four years and cut the building rate by one third, while the Soviets have had the equivalent to the Trident I missile operational since 1973.

Carter refused timely development of the Trident II missile to maximize the capabilities of the expensive Trident sub, while the Soviets are producing two types of new SLBMs and developing two others.

Carter terminated Minuteman III ICBM production, while the Soviets are currently mass producing eight types of ICBMs.

Carter cancelled plans to deploy 50 additional MIRVed Minuteman III ICBMs, and has actively opposed plans to deploy 100 extra MIRVed Minuteman III missiles, while the Soviets have been deploying over 200 new MIRVed ICBMs each year.

Carter actually destroyed or dispersed the tooling for the Minuteman III production line, the only ICBM production line in the Free World, requiring over four years to resume production.

He ended Minuteman II ICBM modernization, while the Soviets are modernizing all of their single warhead ICBMs.

He ended the production of the Short Range Attack Missile (SRAM), while the Soviets continue to produce similar missiles.

Carter unilaterally deactivated 400 nuclear armed Hound Dog stand off bomber missiles used with the B-52 in 1979, while the Soviets have kept similar missiles in service.

President Carter cancelled the neutron warhead (bowing to Soviet propaganda), cancelled the Lance I missile, negated Lance II, delayed GLCM and SLCM, while the Soviets have opened a two to one superiority in Theatre Nuclear Forces by deploying their SS-20, other short range missiles and new fighter-bombers.

Carter unilaterally withdrew 1,000 U.S. nuclear warheads from Europe, at a time when the Soviet theatre nuclear buildup was accelerating.

Carter opposed ELF submarine communications to enahance SLBM survivability, when the Soviets may have such a capability themselves.

Carter unilaterally deactivated 160 Polaris SLBMs, while the Soviets keep their own obsolete subs and missiles.

He opposed for three and one half years even minimal U.S. nuclear testing and building minimal nuclear weapons production facilities, while the Soviets have been testing and building nuclear weapons at an unprecedented rate.

Under President Carter, our strategic posture has suffered severely. As even Joint Chiefs of Staff Chairman General Jones conceded in June 1980, "Senator Tower, I don't think there is any question but that we are worse off today than we would have been had we had these programs." Thus President Carter is directly responsible for U.S. strategic inferiority and American loss of "essential equivalence" to the Soviets.

With these facts exposed, which side is engaged in an "arms race?" The United States

[*] SALT II Questions and Answers, The White House, Spring, 1979.

has long exercised deliberate, unilateral restraint, but the Soviets have just kept right on building for over 17 years since 1963. There is in fact no "arms race," because the United States have been moving backwards.

The Carter Administration therefore acknowledged that the Soviets will be able to continue their massive MIRV buildup through 1985 completely within the 1200–1320 ceiling. But it is self-defeating that these U.S. proposed 1200–1320 ceilings have already resulted in depriving the United States of about as much strategic capability as the Soviets are allowed to add.

To re-emphasize, under these SALT II 1320–1200 ceilings, we have already forefeited over 6,180 warheads and 710 delivery vehicles, while the Soviets can still add over 6,000 warheads.

But we will also still have to dismantle some MIRVed ICBMs or MIRVed SLBMs anyway if we want to deploy our 7th and 8th Tridents in 1985, or more than 120 B–52 ALCM carriers. Indeed, we may have to dismantle as many as 65 existing MIRVed missile launchers by 1985 in order to deploy our 7th and 8th Trident submarines. If these 65 launchers turn out to be Poseidon SLBM tubes, they would carry about 650 warheads. This could put the U.S. warhead forfeiture total at over 6,830. It is therefore shocking that both these 1,320–1,200 U.S. proposed ceilings actually significantly constrain previous and present U.S. force plans, but not Soviet plans. The Soviets are still building up to the 1,200 MIRVed missile ceiling, which is fully consistent with their future MIRVed missile plans.

In contrast, by deactivating 160 Polaris tubes, under SALT II the United States will never even reach our allowed SALT II level of 2,250 delivery vehicles, which the Soviets have long been well above. The Soviets now have well over 2,650 SALT accountable delivery vehicles, compared to only 1,865 for the United States. Even if the Soviets come down to 2,250 by 1981, the United States will never go up to 2,250. Is this parity or equality in the aggregate ceiling, especially considering the fact that the Soviets have about 2,720 non-SALT accountable, second line strategic delivery vehicles?

Paradoxical SALT intelligence estimates

There are two other important contradictions that relate to SALT II's constraints on U.S. programs in the arguments used by the Carter Administration in its defense of SALT II. First, the CIA has publicly estimated that SALT II will not result in any significant reduction in Soviet defense spending. SALT II will change Soviet defense spending only a miniscule 1.5 percent through 1985, according to the CIA.[9] This clearly implies minimal additional strategic spending by the Soviets in the absence of SALT II. Nevertheless, despite this estimate, the Carter Administration continues to argue that SALT II will prevent the Soviets from adding about 1,000 additional missile launchers.[10] This was the same fallacious overestimate agrument used to justify SALT I by claiming an ostensible constraint on the Soviets. In 1972, the Nixon Administration claimed that there would be 1,000 more Soviet ICBMs without SALT I.

There is an obvious contradiction between the economic estimate that the Soviets will not spend much more on strategic forces in the absence of SALT II, and the concurrent deployment overestimate that they would build about 1,000 more missiles without SALT II. A thousand Minuteman ICBMs cost the United States over 30 billion dollars to procure, and would cost the Soviets at least that much. The Administration must believe that the many projected new missiles and launchers would be extraordinarily cheap. Either CIA's estimate of future Soviet defense spending is wrong, or SALT II's constraints on Soviet programs are illusory.

Moreover, we need to ask why the Soviets might want to build 1,000 more new missiles in the first place, when they are already allowed clearcut superiority fully within SALT II's terms and have major forces exempted. And the Soviets are already spending over 13 to 16 percent of their much smaller Gross National Product on military programs. Their economy is already on close to a wartime footing, and there is very little room for more Soviet spending to finance additional strategic forces. Having already programmed strategic superiority within SALT II, they do not need any more strategic forces in any case.

Secondly, Defense Secretary Brown has argued publicly that SALT II will save the United States about 30 to 100 billion dollars in strategic spending over the next ten years. But Secretary Brown also argues that no U.S. strategic programs are constrained by SALT II, and all can go forward as presently planned. How can SALT II save us money while allowing us to go forward with our programs? It is only because we have already unilaterally cutback our progams drastically to fit below the SALT II ceilings. This kind of paradoxical argument begs the question of whether the Carter Administration ever planned to do what is necessary to counter the Soviet strategic threat, irrespective of SALT II. We thus evidently hope to use SALT II to aid us in avoiding measures to offset the threat. But we have already allowed Soviet superiority within SALT II. And we have already shown the alarming degree to which we have unilaterally reduced our own programs since 1977 in anticipation of SALT II.

These two Carter Administration arguments are therefore mutually contradictory. The Administration has unwittingly put itself into the untenable position of arguing that SALT II constrains Soviet programs but not Soviet spending, while simultaneously arguing that SALT II does not constrain U.S. programs but does constrain U.S. spending. This is the height of illogic, and it is contrary to all the evidence and analysis above. The truth is that SALT II constrains both U.S. programs and U.S. spending, but neither Soviet programs nor spending. The Soviet negotiators were wise and stubborn enough to make certain that their pre-existing and ambitious long-term plans were either exlcuded from SALT II provisions or already consistent with all SALT II ceilings. The U.S. negotiators, on the other hand, unilaterally constrained our forces and then cut them further to fit will beneath the SALT II ceilings.

SALT II codifies Soviet superiority

To sum up, SALT II's significant constraints on vital U.S. options and force levels alone made it intolerable. The facts that SALT II contains so many unilateral advantages for the Soviets, has so many ambiguities, loopholes, and exclusions, all favoring the Soviets, does not contain agreed qualitative missile baseline data, is largely unverifiable, does not constrain Soviet programs, and allows legal Soviet superiority by 1985, combine to make the Treaty anathema.

The fatal flaws of SALT II merely reflect and codify the shifting strategic balance. The strategic balance has already shifted against us long ago during the 1969–1979 SALT decade. Since 1969, the Soviets have added over 1,000 new operational missile launchers and over 250 Backfire bombers, while the United States has maintained a constant but lesser number of missile launchers and has deactiviated over 250 B–52 bombers. The Soviets are now far ahead of us in missile launchers and bombers. By about 1981, the Soviets will also have added over 6,000 warheads, and will have overtaken the United States in warhead numbers and accuracy by 1985. Because most Soviet warheads are large and are on accurate ICBMs, they are much more lethal. Well before 1985, they will be ahead in all strategic measures. The shifting strategic balance makes SALT II unenforceable, even if it were verificable, which it is not. The shifting balance also will reduce U.S. bargaining leverage in any SALT III negotiations.

This Soviet thrust to strategic superiority has been expensive. Since about 1969, the Soviets reportedly have also spent a total of over $100 billion more than the United States on strategic forces, a yearly investment rate of 250 percent more than the United States. The Soviets have spent over $250 billion more than the United States on defense since 1969. While the Soviets spend more than 16 percent of their much smaller Gross National Product on defense, the United States spends only 5 percent. Of this small fraction, the United States spends only a miniscule .005 percent of our GNP on strategic forces.

In sum, fully within the terms of both the SALT I and II agreements, the Soviets have managed first to quadruple and then even to quintuple their counterforce threat to U.S. ICBMs, while removing the best U.S. option to redress their counterforce threat—ABM defenses of ICBMs and mobile ICBMs. The SALT I agreements were not a good bargain. Resting upon this unsound foundation, the SALT II Treaty is likewise even more dangerous to us, because it allows the Soviets to continue building precisely the types and numbers of strategic weapons capable of completely defeating our deterrent strategy.

In May 1972, a significant U.S. unilateral statement said that a permanent offensive limitation treaty would have to be reached in five years, by 1977. We went on to say that if a severe threat to the survivability of our strategic forces developed in the meantime, this could consitute grounds for abrogation of both the SALT I agreements—the ABM Treaty and the Interim Agreement—on the basis of jeopardy to our supreme national interests. Moreover, the Jackson amendment to SALT I of 1972 called for equal force levels in SALT II. This meant equality in throw-weight and heavy missiles in SALT II. The Jackson amendment re-emphasized that failure to constrain the Soviet threat to the survivability of our forces in SALT II would make such a treaty unacceptable.

SALT II clearly does not meet these fundamental U.S. SALT II objectives as established in 1972.

SALT II does not provide equality in either numbers of delivery vehicles, numbers of warheads, counterforce capability, heavy missiles, or in throw-weight. SALT II does not help our survivability problem.

[9] CIA, *Estimated Soviet Defense Expenditures, 1978–1985*, unclassified, June 1978.
[10] *Op. cit.* #8.

Indeed, it allows the Soviet counterforce threat to grow and it hinders the solution of our vulnerability problem. SALT II has further jeopardized our supreme national interests. Therefore, SALT II must be rejected. Further, the SALT I ABM Treaty must be modified to allow mobile ABMs or be abrogated, and U.S. compliance with the SALT I Interim Agreement should be abandoned.

U.S. failure in long-term strategic planning

A fundamental U.S. problem has been our failure to accomplish effective long-term strategic planning. The unfavorable strategic trend has been well recognized for well over five years, but nothing was done to reverse it. This is partly because we have a "rolling" five year defense plan which is never fulfilled—a new long-term plan each year. In practice, due to the Congressional appropriations cycle, this becomes a one-year, short-term plan. Moreover, the difficulties of U.S. short-term planning are compounded by our documentable tendency noted above to accommodate our own defense plans to our own or to Soviet SALT proposals. This U.S. behavior can be termed "pre-emptive compliance." It is a form of unilateral disarmament, and it has exacerbated the already noble U.S. unilateral restraint in new strategic launcher deployments since 1967. Another problem is the tendency to assume that detente in general, and arms control in particular, will solve our strategic deficiencies. This has proven a wholly unrealistic basis for national security policy.

Predominance of the Soviet military

The Soviet military, in contrast, carefully controls all Soviet defense planning, which is long-term and rather rigid. The Soviet five year defense plan entails long-term commitments, and it is not readily altered. The Soviet military's dominance of defense planning also gives them the decisive role in Soviet SALT decision making. The practical effect of the political power of the Soviet military in both defense planning and SALT decision-making is that arms control takes second place to Soviet defense plans. Restated, the Soviet military formulates its defense plans many years in advance, and then carefully negotiates the terms of SALT agreements to protect from constraint the ongoing strategic programs to which they are committed.

Declining U.S. bargaining leverage

Another U.S. handicap is the fact that the U.S. has always been the diplomatic demandeur in the SALT process; we initiated the entire process and over the years we have made most of the concessions and accommodations. As the strategic balance has shifted against us, we have lost bargaining leverage in SALT negotiating, and enforcement leverage in SALT compliance. Our primary motivation for SALT has been to try to use the process to solve bilaterally what is rather really a unilateral strategic problem: The growing vulnerability of our ICBMs and other strategic forces in the face of the expanding Soviet counterforce threat. But it has proven futile to try to constrain the Soviets instead of building up our own strategic forces to maintain at least parity. SALT I did not constrain the Soviets, and SALT II will not either.

It is clear that arms control negotiations have not solved the U.S. vulnerability problem; only unilateral strategic programs will protect our national security. Indeed, even sound arms control arrangements will be dependent upon our doing for ourselves what is necessary. Otherwise there will be no Soviet incentive to negotiate. Experience shows that the Soviets will use the SALT process to improve and maximize their own strategic advantages. The violations of SALT I and the flaws of SALT II show that they play SALT to win significant unilateral strategic advantages. They stubbornly seek to constrain or delay U.S. strategic programs, while advancing their own.

The opening threat window

The danger of the impending unstable strategic balance is finally becoming well understood and of increasing concern in the United States. As noted above, most strategic experts agree that the U.S. land-based missile force is even now dangerously vulnerable to a Soviet counterforce first strike. Equally severe vulnerabilities also exist, however, in our bomber forces, warning systems, command and control systems, and even our submarine forces. The threat of the Soviet counterforce capability has opened a destabilizing "window of vulnerability" on the United States, and this Soviet capability has profound geopolitical significance. To make matters even worse, the Soviets will easily be able to gain overall strategic superiority before 1985, fully within the terms of SALT II. Moreover, the Soviets have already achieved clear theatre nuclear and conventional superiority against NATO, and are rapidly approaching naval supremacy as well.

Need for new U.S. strategic doctrine

U.S. foreign policy has always placed heavier reliance on strategic forces than Soviet foreign policy. Indeed, flexible response and extended deterrence, still our ostensible strategic doctrines, have always required U.S. strategic superiority in order to control escalation and be credible. But with U.S.-Soviet strategic parity having declined for parity to first sufficiency, then to strategic inferiority, then to essential equivalence, we must rethink our entire strategic and military doctrine.

One of the problems is that American defense planners have not realized that all U.S. military strategy is still predicated upon our original intercontinental strategic superiority. This superiority long deterred war not only at the intercontinental level, but also at the theatre nuclear and conventional levels. NATO's flexible response nuclear strategy, designed to offset the continuous Soviet conventional superiority through nuclear escalation dominance, is still based upon the presumption of both U.S. theatre nuclear and intercontinental strategic superiority. But U.S. ssperiority is gone at all three levels—intercontinental, theatre nuclear, and conventional. The deterrent credibility of the U.S. "nuclear umbrella" over our NATO, Middle Eastern, and Japanese allies is now understandably being questioned. Because U.S. strategic doctrine is still essentially predicated upon the assumption of U.S. superiority, however, we can conclude that Mutual Assured Destruction (MAD) and "Flexible Response" are obsolete strategies. We can conclude that we have no military strategists worthy of the name. Formulation of new U.S. strategy is long overdue, but the fiscal year 1980 Defense Department report's "countervailing strategy" is only a first and unsatisfactory step in this direction.

One concept for a new U.S. strategic doctrine might be "assured surviving counterforce." But such a strategic doctrine requires more surviviable and more lethal strategic forces, which are not now even being programmed. It also requires a rethinking of the entire U.S. strategic posture.

The purposes of U.S. strategic doctrine should be reformulated to transcend mere deterrence. Mutual Assured Destruction is a long obsolete, unfounded, and totally inadequate objective. U.S. stragegic forces should instead be designed for multiple purposes, such as:

To pose a severe counterforce threat to the Soviets;

To create uncertainty that possessing a counterforce capability, the United States might strike first;

To be able to control escalation at each level in general nuclear war;

To control escalation in limited nuclear war;

To possess selective nuclear options for different geographical areas with different levels of intensity;

To ease deterrence of theatre nuclear war and conventional war by reestablishing the credibility of the U.S. nuclear umbrella; and

To be able to actively defend U.S. strategic forces from a Soviet first strike and assure their survivability.

Achievement of these purposes would in effect re-establish U.S. strategic superiority, thereby enabling the United States to tolerate imbalances at the theatre nuclear or conventional levels. "Assured surviving counterforce" would be a good way to describe such a new doctrine, but much work needs to be done in conceptualizing, formulating, and refining it.

Rapid force improvements

Some strategic experts believe that with or without ratification of the SALT II Treaty, there is little that the United States can do between now and 1985 to avoid the destabilizing dangers of strategic inferiority to the U.S.S.R. The Carter Administration created the 1980-1985 window of vulnerability, and then planned to accept if for the entire decade of the 1980s. The Strategic Alternatives Team's book, Strategic Options for the Early Eighties: What Can Be Done? edited by W. Scott Thompson and William Van Cleave, (National Strategy Information Center, Inc., 1979), however, provides the analytical basis for a different view. The Strategic Alternatives Team believes that there is ample evidence to reject the notion that there is little that can be done in time to arrest the strategic pendulum and swing it back to equilibrium. The book sets forth several options for quickly correcting the deficiencies of our strategic nuclear forces.

As noted, the Soviet ten year investment advantage in strategic forces alone is over $100 billion since 1969. If only a fraction of this were invested by the United States, it could easily restore equilibrium to the overall military balance by about 1983. The irony of the U.S. strategic decline is that the United States is still the world's leading technological, industrial, and economic power. As noted, in 1960, we deployed massive missile forces after only three years of R & D. If the American people understood the grave threat, and developed the national political consensus, we could gain readily concentrate more resources upon strategic forces to capitalize on our national advantages, and simultaneously enhance deterrence of lower level conflicts. The funds required are very small, compared to the Soviet outlay, the danger, and the huge American Gross National Product.

In sum, the massive Soviet buildup of military forces has compelled us to find effective strategic solutions much more rapidly

and vigorously than planned. We need both rapid force improvements and long-range programs. While the MX ICBM, ICBM, ALCMs, and the Trident submarine and missiles are necessary for our future security, they are all nevertheless long-term programs for the mid and late 1980s not relevant to what has become a near-term period of grave national peril. Our past inadequacies in planning have created an immediate security gap. As the fiscal year 1981 military posture statement recognizes, most of our strategic modernization programs now underway will not be completed until very late in the 1980s, if even by then, but meanwhile, our threat window of dangerous vulnerability is 1980 to at least 1986 and beyond. Already, each leg of the strategic triad is unacceptably vulnerable, the Soviets will have overall strategic supremacy, essential equivalence will have been absent since 1977, and we will have only a minimum deterrence posture relying on a few patrolling submarines. At a minimum, we must accelerate our MX, ALCM, and Trident long-term modernization programs.

But at the same time and without disrupting the acceleration of our long-term programs, it is on near-term, "quick fixes" that we must concentrate. Some criteria for evaluating our rapid force improvement options should be:

Strategic and political soundness;
Crisis stability;
Improved survivability;
Countering a Soviet capability;
Allied support;
Relative cheapness;
Technical and operational feasibility;
Re-utilizability of previous R & D investment and existing industrial capability; and,
Achievable quickly, by 1982-83.

We can no longer continue to allow the better long-term options to drive out the merely good short-term options, because our strategic situation is growing desperate. Of the above criteria, survivability and quick achievement are the most crucial. The strategic triad is the core of our entire military posture of deterrence, and it provides redundancy by design. We must quickly provide for the short-term survivability of each element of our triad as a top priority, no matter what the cost. What we need are survivable strategic forces which are at least equal in number and capability to Soviet forces. If any of the most attractive "quick fix" options are in conflict with the SALT II Treaty or the SALT I ABM Treaty or the SALT I Interim Agreement, then the Soviets have forced us to seek a way to modify both Treaties to accommodate our vital national security requirements.

Our objective should be to thoroughly frustrate Soviet conterforce capabilities. Thus we need to proliferate lauch points, increase mobility, increase CN[3] survivability, add active defense, and increase readiness.

But even before most of our quick fix or long-term options can be achieved, we need urgently to increase our capability to produce and test nuclear warheads. We simply must completely upgrade our nuclear weapons complex, at a cost of over 5 billion dollars.

The following listing assembles our most reasonable and attractive rapid force improvement options, which have been carefully selected because they meet most of the above criteria. They are listed in order of priority.

ICBM Rapid Improvement Options

1. Rebasing part of our Minuteman III ICBM force immediately in new vertical multiple protective structure silos. Further, some extra Minuteman ICBMs could also be deployed in a truck mobile, garrison-based mode, able to scramble on our interstate highway system with 12 hours of strategic warning, Initial Operational Capability (IOC) by 1982.

2. Accelerate MX ICBM development, to deploy MX to replace Minuteman in vertical MPS, possibly with "split basing," IOC by 1983, Full Operational Capability with 400 missiles and 4600 MPS by 1986.

3. Develop zero CEPs for Minuteman and MX, IOC by 1983.

4. Accelerate air-borne launch control system and batteries, and add to entire force, IOC by 1982.

5. Accelerate mobile ABM R & D. Abrogate the SALT I ABM Treaty, and deploy mobile, hard site ABM defense of Minuteman and MX in vertical MPS or grid, IOC by 1983.

6. Start a massive, Manhattan-project style program to deploy a spacebased chemical laser ABM system, IOC by 1985.

Bomber Rapid Improvement

1. Accelerate production and deployment of ALCMs on B-52s, and increase total deployment, IOC 1981, full ALCM deployment by 1983.

2. Rebase B-52s and FB-111s inland, IOC by 1981.

3. Increase B-52 alert rates, especially for those equipped with ALCMs, IOC by 1981.

4. Start immediate production of a modified, multi-purpose B-1A, including adapting Stealth techniques, IOC by 1983.

5. Mass production of both competing ALCMs, for deployment on fighter-bombers and a modified 747 Cruise Missile Carrier, IOC by 1982.

6. Accelerate production of the KC-10 tanker and accelerate KC-135 reengining, IOC by 1982.

SLBM Rapid Improvement Options

1. Proceed immediately with the austere ELF communications facility in either Wisconsin or Michigan, IOC by 1982.

2. Extend life of Polaris submarines and convert to SLCM platforms, IOC by 1981. This will increase sea-based nuclear firepower by about one third, target coverage by five-fold, at the cost of 1 Trident submarine.

3. Accelerate SLCM production for Polaris, 688 class SSNs, and deployment on all surface ships, IOC on 688 class 1982.

4. Accelerate C-4 Trident I missile production and expand retrofit to all 31 boats, full capability by 1984.

5. Accelerate Trident submarine construction.

6. Accelerate D-5 Trident II missile R & D to achieve increased accuracy capability, IOC by 1984.

7. Plan a Poseidon ship life extension program (SLEP), IOC 1984 to extend to 1995.

8. Restudy Hydra launch of ballistic missiles from surface warships.

Theatre Nuclear Rapid Improvement

1. Accelerate GLCM deployment, IOC by 1981.

2. Accelerate Pershing II, R & D and deployment, IOC by 1981.

3. Deploy ALCMs on NATO fighter-bombers, IOC by 1981.

4. Deploy SLCMs on NATO surface ships and attack submarines, IOC BY 1981.

Strategic Defense Rapid Improvement

1. Counter Backfire by increased F-15 interceptor, AWACS, and new SAM production, IOC 1981.

2. A massive civil defense program, IOC by 1981.

3. Improve strategic C[3]1, ASAT, and early warning capabilities, IOC by 1982.

Approximate costs of rapid strategic improvement options, fiscal year 1981

	Billions
ICBM:	
1. Minuteman III vertical MPS redeployment and truck mobile mode	$4.0
2. Acceleration of MX R&D	.4
3. Airborne launch control system acceleration	.5
5. Hard site ABM to defend MPS or grid MX	2.0
Reactivate Grand Forks ABM	.1
Accelerate mobile ABM R&D	.5
6. Space-based Laser ABM, Manhattan project priority	1.0
Bomber:	
1. ALCM production and deployment acceleration on B-52	1.0
2. Rebase B-52's, FB-111 inland	1.0
3. Increase B-52's alert rate	1.0
4. Immediate production of modified B-1A	2.0
5. CMC for ALCM's in mass production	1.0
6. Accelerated production of KC-10	.5
SLBM:	
1. Austere ELF	.1
2. SLEP Polaris and convert to SLCM	.3
3. SLCM production acceleration	1.0
4. Increase and accelerate Trident I C-4 retrofit	1.0
5. Accelerate Trident sub production	1.0
Total	18.4

NOTE.—Increase above fiscal year 1981 strategic budget of $12,500,000,000. Sum total of $30,000,000,000 in fiscal year 1981 for strategic forces.

SOVIET SALT DECEPTION

(By David S. Sullivan)

In the summer debate in the Senate over SALT II, much attention was focused on the issue of verification. The Members of the Senate and their staff assistants wanted to know about the capabilities of U.S. intelligence-gathering satellites and about the importance of the facilities in Iran that were lost as a result of the revolution. The Senate Intelligence Committee was asked to provide a report on the subject, which has recently been published.

In the course of this investigation, no one questioned the intentions of the Soviets or their skills in frustrating U.S. attempts at verification.

A review of the record of SALT I will show a pattern of deception by the Soviet Union, both during the negotiations and afterwards. Moreover, the deception employed during the negotiating phase of SALT I has been repeated by the Soviets during the negotiating phase of SALT II. Therefore, it is logical to anticipate continued Soviet deception during the operational phase of SALT II.

Several months ago, I released a short paper to the press and published an article in the January 1979 issue of Strategic Review describing Soviet deception during SALT I. In the course of time, the proponents of SALT II responded with rebuttals of that paper.

Unintentionally, those rebuttals amounted to indictments of the SALT I documents. Those rebuttals rested their case heavily on the point that the Soviets had noted violated the terms of the agreements. But the

lack of precision and explicitness in the terms was carefully engineered by the Soviets and constituted part of the Soviet deception. Those rebuttals ignored altogether the obvious violations by the Soviets of the intent and purpose of the agreements. To no small degree, those rebuttals amounted to apologies for Soviet noncompliance with SALT I.

There is a fundamental philosophical disagreement between the authors of those rebuttals and those who believe, as I do, that the Soviets have engaged in purposeful deception throughout the SALT process. At issue is the political significance of strategic nuclear power. Those who have defended Soviet compliance with SALT I have in the process revealed a willingness to accept the loss of strategic parity by the U.S. in favor of a posture of minimum deterrence.[1] Those of us who question Soviet compliance with SALT I believe that the U.S. should emphasize strategic power, in order to maximize U.S. technological superiority and best ensure deterrence against a nuclear or conventional attack at the theater level. We also hold that if U.S. strategic superiority is to be abandoned forever, then the maintenance of world peace demands that the U.S. have nothing less than strict equality, precisely applied, to all strategic measures.

CONFIRMATION OF SOVIET NEGOTIATING DECEPTION IN SALT I

The crux of the case regarding Soviet deception in the SALT I negotiations can be found in the issue of the SS-99. The SS-19's deployment is one of the chief factors in the growth of the Soviet counterforce threat, because it comprises about half of this threat. The Soviet SS-19ICBM carries six highly accurate, large, hard-target warheads, and about 300 to 400 will be operational by the early 1980's. The SS-19 is thus a key U.S. national security issue. Those who assert that in May 1972 there was no Soviet negotiating deception regarding the SS-19 argue that the Soviets told us in May 1972 "quite precisely," "quite clearly," and "explicitly" about the large size and heavy throwweight of the SS-19. Ambassador Gerard Smith, for example, chief of the SALT I delegation, made this claim in a New York Times article of January 16, 1976.[2] Assistant Secretary of Defense Walter Slocombe is another who has gone to great lengths to apologize for the Soviets and to try to explain away both Soviet deception and U.S. gullibility.

THE SS-19 DECEPTION

Denials of Soviet deception fly in the face of all of the evidence. Dr. Henry Kissinger's 1972 and 1975 statements on the SS-19, cited in my original article, clearly indicate that he did not know about the large size of the SS-19 in May 1972. If, of course, Dr. Kissinger did know of the SS-19's large size in May 1972, as Assistant Secretary Slocombe claims, then Dr. Kissinger's 1972 and 1975 statements suggest that he not only misled Congress by incorrectly implying that the U.S. Unilateral definition of a heavy ICBM would bind the Soviets, but that he also knew in 1972 that the Soviets would later violate the U.S. heavy ICBM definition by deploying the SS-19. The issue thus could become the old Watergate question: What did Kissinger know and when did he know it? Mr. Slocombe's own analysis raises the unpleasant question of whether there was an attempt during SALT I to suppress critical intelligence information, a Watergate within Watergate, regarding the coverup of bona fide national security issues. Slocombe's description of the SS-19 case therefore implies a much more serious criticism of Dr. Kissinger than that he was simply duped by the Soviets and that he incorrectly assured the Congress that the U.S. unilateral heavy ICBM definition was binding on the Soviets. Slocombe's analysis implies that Kissinger knowingly misrepresented U.S. knowledge of the SS-19 to the Congress in 1972 and again in 1975. Further, Slocombe's analysis could also imply that Kissinger suppressed information on the SS-19 in order to delay widespread recognition of the true facts.

However, we need not settle these troubling questions here. There is additional evidence which shows clearly that U.S. SALT I negotiators were simply naive and did not know about the large size and throwweight of the SS-19 in May 1972.

The key lesson for us to learn from the SS-19 is that when the Soviets refuse to agree to a constraint or a precise definition, they are defending a program. Equally obvious, to claim that a U.S. unilateral statement will have a constraining effect on the USSR is foolish. Nevertheless, neither of these lessons was followed in negotiating Article IV of SALT II, as we shall see.

Ambassador Smith's *New York Times* article contains only half of an important story. Strangely, the facts have been suppressed and distorted. It is true that in early May 1972, the Soviets informally told U.S. SALT negotiators that they had two new missiles, now known as the SS-19 and SS-17, both of which were somewhat larger than the SS-11.

How much larger and how committed the Soviets were to these new missiles were the crucial questions, however. On these two key points, it is clear that the Soviets actively misled the U.S.[3] I would like to make several points to support this contention. First, the Soviets implied that the SS-19 was *not* much larger than the SS-11, when in fact they knew the SS-19 *was* much larger. By suggesting that it was not their intention to *approach the mid-point* in volume between the SS-11 and the SS-19 with their new missiles, as Smith reveals, they exploited U.S. uncertainties about the volumes of their earlier missiles as well as the complete U.S. ignorance of the volume of the SS-19, which at that point had not been flight-tested. The SS-19 had been under development since the mid 1960's; the Soviets clearly knew all along that the SS-19 was a heavy ICBM. *In fact, the SS-19's volume is closer to the mid-point between the volumes of the SS-9 and the SS-11 than it is to the SS-11's volume.*[4]

Second, the Soviets tried in May 1972 to justify their refusal to agree to a definition of a heavy ICBM by arguing that such a definition was unnecessary because both sides already knew which ICBMs were heavy and light. The Soviets said *repeatedly* in May 1972 at the Moscow Summit:

"There was no need for a definition of a heavy ICBM since *the Soviet approach fully precluded conversion of launchers for other types of ICBMs covered by the agreement into launchers for heavy ICBMs* [Article II]. It was the Soviet view that *both* sides had a *clear* understanding of what light and heavy ICBMs were and that there was no reason to believe that during the period of the Interim Agreement *this understanding would not continue to prevail.*[5]" (Emphasis added.)

This Soviet position was precisely the opposite of the true situation and a camouflage of their true intentions. They regarded the SS-19 as a heavy ICBM all along and as the prime candidate to replace the light SS-11. Hence the above Soviet statements were directly deceptive and misleading. They were a deliberate Soviet effort to circumvent Article II's prohibition against replacing light ICBMs with heavy ICBMs, and to deceive the U.S. about their intentions.

Third, the Soviets also hinted that they might be willing to agree to a total ban on any larger missile replacing the SS-11. This suggestion was, however, likewise diametrically the opposite of their true intentions, as revealed by their later large scale deployment of the SS-19. Contrary to Slocombe's account, the Soviets implied the opposite of their true plans. All three of these little-known Soviet ploys were deliberately misleading, and each constituted a negotiating deception. They comprise clearcut evidence of an active, deliberate Soviet intention to mislead.

Was U.S. intelligence deceived? In 1971, U.S. Air force intelligence warned of the likelihood that the Soviets would replace their small SS-11 missile with a much larger, heavier missile. This accurate USAF warning went unheeded, and in 1971 the U.S. intelligence community wrongly estimated that the SS-11 replacement missile would be a "new small ICBM." This judgment persisted through the May 1972 negotiations.

In the fall of 1972, even after SALT I was ratified and before the large SS-19 was flight-tested, U.S. intelligence was still wrongly referring to the SS-19 as the "new small ICBM." The SS-19 was not flight-tested until early 1973; so there probably was no feasible way that the U.S. could have known about its true size or throwweight throughout 1972.

Were senior Nixon Administration policymakers also deceived about the SS-19 in 1972? As noted, Dr. Kissinger assured Senator Henry Jackson and Congress on June 15, 1972, that: "There is the safeguard that no missile larger than the heaviest light missiles now existing can be substituted," and that we had "adequate safeguards against a substantial substitution of heavy missiles for light missiles."[6]

All policy statements to the Congress during the summer of 1972 SALT I ratification hearings are fully consistent with Kissinger's "safeguard" assurances. For example, on June 6 and July 24, 1972, Defense Secretary Melvin Laird said this about volumetric constraints on new Soviet ICBMs:

"Senator Jackson . . . I believe that any growth of light missiles, in either diameter or depth, that exceeds 10 to 15 percent would be a violation of the agreement. . . . In no case would it be possible for the Soviet Union to retrofit their SS-11 silos with a new significantly larger missile. . . . I believe that up to a 30 percent volume increase in one dimension could be possible and I believe anything over and above that would be a violation under the most liberal interpretation of the agreement."[7] (Emphasis added.)

Ambassador Smith said on June 28, 1972 to the Senate: "Well, [what] our position stated unilaterally was if they tried to deploy in SS-11 holes a missle substantially larger in volume than the SS-11, that would be considered a heavy missile and would count, and would be a violation of the nonconversion provision." When asked what the limits were on the size of new missiles, Smith then conceded, "We have no specific

Footnotes at end of article.

benchmark. I think we will have to look at what comes along." [8] (Emphasis added.)

Finally, Admiral Elmo Zumwalt advocated clearer and stricter standards. He put the following statement into the Senate Hearing's record on July 21, 1972:

"It is my view that the same 10 to 15 percent understanding . . . should be applied also to the term "significantly greater" in Unilateral Statement D [i.e., the U.S. Unilateral Statement defining the volume of a heavy ICBM as any missile significantly greater in volume than the SS-11.][9]" (Emphasis added.)

Thus any Soviet ICBM from ten to fifteen percent larger in volume than the SS-11 was to have been prohibited according to the U.S. unilateral definition as it was clearly explained to Congress. But the SS-19 turned out to be fifty to sixty percent larger in volume than the SS-11, however, and has four to five times the SS-11's throwweight.

We can therefore conclude that Dr. Kissinger, Secretary Laird, Ambassador Smith, and Admiral Zumwalt would clearly not have made these precise statements to the Congress in 1972 if they had known then that the SS-19 was in fact fifty to sixty percent larger than the SS-11 and at least 400 percent heavier in throwweight. Through a combination of our own sloppy negotiating and Soviet duplicity, the USSR was able to wrest a clear strategic advantage from SALT I. My belief is that Dr. Kissinger was duped by the Soviets and misled the Congress by implying that the U.S. unilateral definition could bind the Soviets. Although some contend that the SS-19's deployment does not violate the SALT I Agreement in international legal terms, the fact cannot be denied that it violates the Interim Agreement as it was explained to the Congress.

Further evidence of U.S. ignorance of the SS-19 in 1972 comes from Defense Secretary James Schlesinger in March 1974:

"What we were unprepared for was the enormous expansion of Soviet throwweight represented by the SS-X-19 as the potential replacement for the SS-11. Earlier versions of the SS-11 were of lesser throwweight but the SS-X-19 has a throwweight of 2 to 3 times as much as even the SS-11 Mod 3. . . . In recent years the USSR has been pursuing a vigorous strategic R & D program. This we had expected. But its breadth, depth, and momentum as now revealed come as something of a surprise to us. During the past year alone, the Soviets have tested four new ICBMs SS-X-16, SS-X-17, SS-X-18, and SS-X-19 . . . the new ICBMs are of special interest. Three of the four have been flown with MIRVs, and all of them are being designed for increased accuracy. . . . The SS-X-17 and SS-X-19 are considered as successors to the relatively light SS-11. They have from three-to-five times the throwweight of the earlier model SS-11s. . . .[10]" (Emphasis added.)

Dr. Schlesinger added in a 1974 press conference that the SS-17 and SS-19 "can no longer be treated as light missiles." Nevertheless, it took the U.S. as long as until early 1975, after the signing of the Vladivostok Accords, to raise the question with the Soviets about the SS-19 for the first time. And even then, the U.S. did not bring a charge of SALT violation; instead, the U.S. abjectly conceded to the Soviets that the SS-19 counterforce, first-strike weapon was really a light missile and not a heavy one after all. This was the surprising resolution of an issue at the core of U.S. national security.

In sum, even Dr. Kissinger reluctantly had to admit on August 12, 1979, that he had been outfoxed" in SALT I by the Soviets:

"In 1972, the Soviet Union had two missiles that we were aware of. The SS-11 and the SS-9. The SS-9 was a heavy missile. At that time, the biggest worry that we had—in fact, the only worry we had about substitution—was the emplacement of the SS-9 into the SS-11 silos, and we thought that we had sufficient assurance that the SS-9—that is to say, the heavy missile—would not be emplaced into the SS-11 silo. What we did not understand at that time *and on which we had no evidence whatever at the time, because it didn't exist,* was that the Soviet Union would construct a missile [i.e., the SS-19] which was *sort of halfway between the SS-11 and SS-9;* that is, technically it did not violate the limitations of a fifteen percent increase [i.e., silo size], . . . using all the fine points of the print, [it] was technically within the agreement. It was simply our lack of knowledge that such a missile existed or could be build. . . . I would call it *sharp practice* [i.e., by the Soviets].[11]" (Emphasis added.)

Kissinger thus explicitly conceded that he had been deceived by the Soviets in SALT I.

The CIA has concluded that "we cannot exclude the possibility that the Soviet leaders, if they believed they could succeed, would approve a program of concealment and deception designed to help gain a strategic advantage over the U.S."[12] We can now be more certain than the CIA. The Soviet leadership perpetrated the SS-19 deception, and this deception achieved a significant Soviet strategic advantage by dramatically increasing the Soviet counterforce threat. In sum, the Soviets actively misled the U.S. about the SS-19's size by suggesting that it was only slightly larger than the SS-11, and by suggesting that a large SS-11 replacement missile might be banned. They also falsely argued that there was no need for a heavy ICBM definition and that they did not intend to replace light missiles with heavy ones.[13]

Finally, we can conclude that the failure to anticipate a Soviet SS-11 replacement missile as large as the SS-19 was a massive U.S. intelligence failure as significant as the continuously worsening underestimates of Soviet strategic deployments during the 1960's.

THE SLBM DECEPTION

In addition to the SS-19 deception, the Soviets executed a quite complex deception regarding SLBMs in May of 1972. This deception consisted of four false elements:

The Soviet-proposed level of 62 submarines/950 missile-launchers was, in fact, the *Soviet planned level* for 1977, although the U.S. did not realize this. The thirty old SLBMs on nuclear H-class subs were also hidden within the 950. This, too, was not known to the U.S. in 1972.

The Soviets actively *falsified* their claim of 48 subs with 768 SLBMs operational and under construction in May 1972 in order to minimize the number of old ICBMs they would have to deactivate. The U.S. only discovered this fact in 1978.

The agreed compromise level of 740 was also probably significantly higher than the actual Soviet level, still allowing them to minimize the required deactivation.

Most significantly, the whole Soviet rationale for such a high level of 62/950 was completely undercut by the existence of the long-range SS-N-8 SLBM which existed but was not demonstrated until after the May 1972 SALT I summit.

Since that summit, the Soviets have physically concealed submarine hull sections under construction, have built dummy submarines, have camouflaged subs, and have constructed berthing tunnels to conceal them. Thus there has been active physical deception related to all SALT I submarine issues, and this physical deception clearly aided the May 1972 negotiating deception.[14]

Those who defend Soviet compliance of SALT usually concede the SLBM deception. They generally admit that Soviet SLBM deployment was not frozen, but they argue that U.S. negotiators knew in 1972 that Soviet SLBMs were not really frozen. The main supporting evidence for the judgment that 62 subs with 950 missiles was the originally planned Soviet program through 1977 comes from Ray Garthoff. Garthoff wrote that the 62/950 was the highest level estimated in 1972 for 1977, and that this level provided no real restraint. From 1969 to 1972 Garthoff was a key member of the U.S. SALT I negotiating team. He made his analysis during the period 1972-77, with the benefit of hindsight and also the freedom to criticize the faulty submarine overestimates of 1972.

More significantly, all senior U.S. officials testified to Congress in 1972 that Soviet SLBM construction would be stopped by SALT I. They argued then unanimously in Senate testimony that in the absence of the ostensible SALT I 62/950 "freeze" on the Soviet SLBMs, the Soviets could have had eighty to ninety strategic submarines by 1977. Both Garthoff and John Newhouse point out, however, that this eighty to ninety boat estimate was exaggerated and was not a national intelligence estimate.[15] It was a deliberate overestimate, concocted by the National Security Council staff after the 62/950 was agreed upon, in order to make this level look like a major constraint of about eighteen to twenty-eight boats.

Finally, it should be clear to all that the SS-N-8's long range of over 4,300 n.m. completely undercut the rationale for allowing the Soviets their SALT I superiority of twenty-one more submarines than the U.S. This rationale was the "geographical asymmetry" argument. This was a Soviet, not a U.S. argument. The long range of the SS-N-8, however, demonstrated only after SALT I was signed, falsifies the Soviet argument for allowing Soviet superiority, and amounts to another clear-cut case of Soviet deception. Dr. Kissinger's public acceptance of the Soviet geographical asymmetry argument in May and June 1972 proves that the U.S. was deceived.

Americans need to understand clearly that the negotiations have been almost exclusively conducted using U.S. data for both sides. Even the SALT II quantitative data exchange, which some think is a breakthrough in traditional Soviet secrecy, can be faulted. Judging from the Data Exchange memoranda of SALT II, the Soviets merely provided data about the numbers of their own systems which could easily have been derived from the U.S. press. It should not surprise us that these data, of U.S. origin, are consistent with the U.S. intelligence data they are used to confirm. As long as the U.S. continues to provide essentially the data on the numbers and characteristics of the weapons for *both* sides, the U.S. will be at a crippling disadvantage. The Soviets have obviously been able to exploit this wholly one-sided negotiating environment quite well. It can reasonably be argued that the U.S. should negotiate no further arms limitation agreements with the Soviets until

they provide all of their own data, especially qualitative data, in detail. Otherwise they will continue to exploit and even manipulate U.S. intelligence. The intelligence asymmetry is an extremely important Soviet advantage in the negotiations which has persisted thoughout SALT I and II.

Finally, the Soviets could be charged with still another violation of SALT I. They reportedly now have more than their 62 allowed strategic missile submarines, but Defense Secretary Laird and Admiral Zumwalt both said in 1972 that simply having, even under construction, more than 62 strategic submarines by the end of SALT I would be a violation.[16]

THE MOBILE ICBM BUILDING DECEPTION

On mobile ICBMs, the Soviets not only ignored the U.S. Unilateral Statement against mobile ICBM *deployment*, but, more important, the Soviets violated Brezhnev's pledge to President Nixon not to "*build*" mobile ICBMs. The Soviets nevertheless have "built," tested, and stockpiled mobile ICBMs—a large number, over 100 SS-16s.[17] The testing, production and stockpiling of the SS-16 ICBMs were also *thoroughly concealed*, through active Soviet camouflage.[18]

Although it may be argued that the SS-16s have not been deployed, this status is in fact even *more dangerous* than if they were overtly deployed. Deployment could now occur suddenly in a crisis and dramatically shift the strategic balance. Moreover, the mobile SS-20 ICBM launcher is *identical* to the mobile SS-16 ICBM launcher, and the missiles are so similar that it would be very difficult under any circumstance to prove that SS-16s are *not* deployed.

Further, there is still *more* evidence of deception regarding mobile ICBMs. According to Ambassador Gerard Smith, the Soviets told us in SALT I that the Interim Agreement was a freeze on "ongoing programs," and that "neither side had mobile ICBMs." The Soviets added: ". . . therefore it was inappropriate to include them in a freeze."[19] Yet, on the contrary, the Soviets did have an ongoing mobile SS-16 ICBM program. This is another example of active Soviet falsification.

Finally, there has been continued deception in SALT II on mobile ICBMs. The Soviets were able to agree to SALT II's constraints on mobile ICBMs because they had probably already tested and produced as many as they needed. The U.S. has again been deceived into believing that SALT II constrains Soviet mobile ICBMs, when in fact it is the less advanced U.S. mobile M-X ICBM program which is constrained by the SALT II Protocol. And the ban on Soviet mobile SS-16 ICBM production is totally unverifiable.

THE OFFENSIVE "FREEZE"

The contention that the Interim Agreement did not constrain Soviet ICBM and SLBM programs is easily supported. There is good evidence that there was no restraint in SALT I on Soviet SLBMs. As we have noted, the originally planned Soviet SLBM program through 1977 was actually codified in SALT I, not limited. If SLBMs were not constrained, then it would seem unreasonable for the Soviets to have accepted constraints only on their ICBM deployment, the most important component of their strategic forces.

Why, then, have the Soviets halted the increase in their ICBM inventory? The following seven factors, not attributable to SALT, indicate that the Soviets themselves decided to stop adding additional ICBM launchers and to switch to MIRVing in 1970-1971:

The Soviets had already exceeded the long-frozen U.S. ICBM launcher number of 1,054.

The U.S. was at the same time emphasizing qualitative improvements—adding more warheads rather than launchers, through MIRVing.

Soviet ICBM factory production capabilities could not provide enough missiles for both new launchers and the retrofitting of old ones; and new MIRVed ICBMs had been under development since 1965, implying some dedication of production capability.[20]

U.S. ABM and MIRV deployments in early 1970, concurrent with U.S. SALT proposals designed to constrain Soviet ICBM MIRVs, combined to give the Soviets strong incentives to shift from quantitative to qualitative MIRV deployments themselves. An April 1970 Brezhnev speech also suggests this.[21]

In July 1970, the Soviets reportedly proposed that they might accept being allowed only 300 to 350 heavy ICBMs. These numbers probably reflected their original SS-9/SS-18 plans, because they bracket the 313 SS-9s allowed in SALT I.[22]

The Soviets reportedly started SS-19 and SS-18 silos in late 1970, and these were intended for MIRVed ICBMs.

The Soviet 1971-1975 five-year plan was approved in February 1971, just after the time the Soviets began construction of new silos for MIRVed ICBMs in 1970, suggesting that the emphasis in the 1971-1975 plan was upon MIRVing rather than additional launchers.

Garthoff sums up the situation of early 1970:

". . . having surpassed the U.S. in number of ICBMs, the Soviet leaders decided to cease the buildup of ICBM launchers. After SALT began, no additional groups of ICBM silos were begun for a year. Indeed, three groups of SS-9s in early construction were abandoned in 1970. . . . The Soviet cessation of its ICBM buildup was, in my view, intended as a "signal" in SALT, although it also reflected a Soviet intention to shift to a new generation of ICBMs . . . construction began [in 1970] on some 80 new ICBM launcher silos. . . ."[23]

Garthoff adds that these new silos were for the MIRVed SS-18 and SS-19, and the abandonment of the old SS-9 silos at the same time reinforces the conclusion that a shift in ICBM generations was occurring then. The decision by the Soviets to shift from increasing the number of launchers to MIRVing, i.e., increasing the numbers of RVs, was reached well before SALT I was signed.

Finally, we need to consider U.S. overestimates of Soviet forces used to justify SALT I. In mid-1972, the President, the Joint Chiefs of Staff, and the National Security Council did estimate that without the ostensible constraints of SALT I, the Soviets might have had as many as 2,400 ICBMs and eighty to ninety strategic missile submarines by 1977. These levels are obviously much higher than the Soviet SALT I levels of 1,408 ICBMs and 62 subs with 950 SLBMs. However, the Department of Defense conceded in 1972 that:

"A growth of 1,000 in the Soviet ICBM force over the period 1972-77 is not projected in any NIE [National Intelligence Estimate]. The President was alluding to Soviet capabilities. The Soviets have demonstrated a capability to deploy some 200 ICBMs per year. . . . At a production rate of eight [i.e., strategic missile submarines] a year [i.e., the maximum demonstrated rate], the Soviets could have about 67 [strategic submarines] operational at the end of the five-year period."[24]

Thus the overestimates were made by the White House, and were not agreed, coordinated NIEs. Moreover, by 1972 the Soviets had already stopped adding ICBMs, and the eighty to ninety submarine level was much higher even than the "maximum" level of 67. This evidence indicates that there were deliberate overestimates to justify SALT I, and a failure to recognize MIRVed ICBM retrofit as the Soviet intention.

Finally, since there has been widespread discussion of a highly classified CIA study by the present writer, it seems only fair to cite this evidence that SALT I did not constrain Soviet programs.

"The study . . . cites specific, documented instances when the late Marshal A. A. Grechko—until his death in 1976, the Soviet Defense Minister—issued dictates to Brezhnev concerning what was not acceptable to the Soviet military in the Politburo's SALT posture . . . the Soviet military five-year plan predetermines Moscow's SALT negotiating positions in a binding way. . . ."[25]

The Soviet military did not allow any SALT constraints on their strategic programs.

THE SOVIET BOAST OF SALT VICTORIES

A number of defense officials have admitted to being puzzled about the purposes underlying Soviet deception and their massive strategic buildup. Assistant Secretary Slocombe, for example, declared, "Exactly why the Soviets are pushing so hard to improve their strategic nuclear capabilities is uncertain."[26] But, the Soviets are not uncertain; they clearly seek strategic and geopolitical supremacy over the U.S.

Unusual and striking evidence of aggressive Soviet intentions in SALT I and II has recently reached the West. A senior researcher on U.S. military policy, affiliated with the Institute of the USA and Canada (IUSAC), Rostislav G. Tumkovskiy, published the following frank description of SALT I and II in the Soviet historical journal (*Voprosy Istorii*) intended for *internal* Soviet dissemination:

"In essence, signing of the Interim Agreement . . . affirmed the effectiveness of the USSR's *reciprocal measures* to strengthen its defense and deter imperialist nuclear aggression. *The political significance of this victory of the Soviet Union in the arms race . . . can hardly be overevaluated . . .* [the] 1972 Moscow agreements, *like the Vladivostok agreement of 1974* [i.e., the basis for SALT II], noted the *defeat of the American strategic arms race policy.*"[27] (Emphasis added.)

Tumkovskiy's unusual forthrightness about SALT I and SALT II through Vladivostok is surprising, especially given the timing of its publication just prior to the U.S. Senate's SALT II debate. Such a statement would indeed be unlikely to appear in the IUSAC's journal *USA*, which is intended for American readers.

Tumkovskiy does not mention strategic parity as a possible Soviet SALT goal. In fact, he states elsewhere that parity had to exist *before* SALT could begin. Nor does he deny that the Soviets seek superiority. He therefore implies that defeat of a presumed U.S. intention to preserve superiority left the way open for a Soviet attempt to go beyond parity. The recognition of Soviet victory in the arms race thus strongly implies the Soviet intention to achieve strategic superiority. Moreover, his references to

Soviet reciprocal military measures apply to the massive Soviet military buildup now *in fact* heading for strategic superiority. The appearance of these statements suggests that the Soviets have confidence that the "correlation of forces" (including political, economic, social, psychological, as well as military factors) has shifted sufficiently in Soviet favor for them to express their stark SALT objectives more candidly. Further, the IUSAC is known to have close ties to the Soviet Politburo, so Tumkovskiy's views can be assumed to have reached the leadership. Indeed, their publication suggests that they were authorized by the leadership.

Tumkovskiy also exposes a highly competitive Soviet view of SALT, in contrast to the widespread Western view that SALT is a cooperative, *non* "zero-sum" game in which both sides and the whole world can win through mutual concessions and mutual advantages. Under the rules of detente, agreed to in May 1972 in the Declaration of Principles of U.S.-Soviet relations, seeking unilateral advantages in diplomacy is supposed to be illegitimate. Tumkovskiy reflects the Marxist dialectical, "zero-sum" approach to all negotiations, however, in which one side must win and the other must lose. Unilateral advantages at the expense of the other side are the standard Marxist goal.

Tumkovskiy's boast also implies that, as in SALT I, the Soviet leadership would only sign a SALT II Treaty in which it believes it has again won important unilateral advantages at U.S. expense. Just as he provides evidence that the leadership believes that it "won" in SALT I and through Vladivostok, he also implies that the leadership may believe that it has won again *since* Vladivostok in SALT II. By defeating ostensible U.S. aims for "superiority" in SALT I, they surely recognize that they have achieved quantitative strategic superiority, at least in the explicitly acknowledged category of number of "strategic delivery vehicles." Soviet SALT I quantitative superiority of 648 ICBMs and SLBMs is indisputable. His statements support the judgment that the Soviets will continue to try to increase their superiority even within the terms of SALT II, that they believe they have achieved the upper hand. Would Americans like to have the SALT II Vienna Agreement described as another Soviet victory in a few years?

Further evidence of Soviet recognition of their unilateral advantages and superiority from SALT I comes from an earlier volume of the same Soviet historical journal. Another Soviet strategic expert acknowledged with satisfaction the facts that the SALT I agreements directly resulted in a cutback of 200 in U.S. strategic delivery vehicles and also a cutback in U.S. strategic expenditures.[28] In contrast, it is well known that the massive Soviet strategic buildup in additional SLBMs and new MIRVed ICMS continued uninterrupted throughout the 1972 period, and Soviet strategic spending has consistently risen throughout SALT I and II. In fact, the Soviets have spent over $100 billion more than the U.S. during the 1969-1979 SALT decade on strategic forces, about two and one half times more each year. During the 1969-1979 SALT decade, the Soviets have added over 1,000 new operational missile launchers and 150 Backfire bombers, while the U.S. has maintained a constant number of missile launchers and unilaterally deactivated over 250 B-52 bombers.

Finally, Tumkovskiy's recent statement can be contrasted with the May 26, 1972, statement of Soviet TASS Director, Leonid Zamyatin:

"In the opinion of the Soviet leaders, the concluded agreements should help us to avoid a new round of the strategic arms race . . . the agreements signed today are based on the recognition of the principle of equal security for both parties and do not give unilateral advantages to either side. . . .[29]"

But there was a new Soviet round in the arms race after SALT I, and a Soviet "victory" in SALT I can only be a unilateral advantage. Zamyatin's false 1972 assurance is merely another example of Soviet deception.

THE SOVIET THRUST TO SUPERIORITY THROUGH SALT

After ten years of detente and SALT, there is now sufficient evidence to conclude that the Soviets have been exploiting the SALT negotiating process to retard U.S. weapons programs and to lull the U.S. into complacency, while they complete their broadly-based military buildup and try to achieve overall geopolitical supremacy. The chief architect of detente and SALT Dr. Kissinger, finally publicly recognized the relentless aggressive thrust of Soviet military and foreign policy. He said in 1979:

". . . The 1980's could turn into a period of great instability . . . for a period five to seven years the Soviets may develop an advantage in power useful for political ends . . . we could be heading into a period of maximum peril . . . by some time in the early 1980's the Soviet Union will have the capability to destroy with a reasonable degree of confidence most of our land-based ICBMs. In the same period of time we will not be able to destroy the Soviet ICBM force. This creates a gap in the design to the two forces that is bound to have a geopolitical consequence, especially since we are clearly inferior in forces capable of local intervention. . . . The present Treaty [SALT II] comes up for ratification at a time of grave danger to our national security and to the global equilibrium. The military balance is beginning to tilt ominously against the United States in too many significant categories of weaponry . . . the immediate future is a period of great peril." [30]

William Hyland, a former Kissinger deputy, also said recently. "We are already witnessing the political consequences resulting from a shift in the overall military balance." [31] These are disturbing forecasts from those who were SALT I's negotiators and defenders. The principal cause of the shift in the strategic balance was SALT I. This shift will not be arrested by SALT II. Given the long lead times required for strategic weapons, it may be almost too late for the U.S. to avoid the opening Minuteman vulnerability "threat window" of the early 1980's. By 1985, fully within the terms of SALT II, the Soviets will have achieved strategic supremacy.

In terms of Marxist dialectics, the shift in the "correlation of forces" is inevitable to the Soviets. The shift reflects their belief in the determination of history. The Soviets and their proxies have already been exploiting this shift, as their relentless foreign policy achievements reflect:

SALT I, which the Soviets regard as a great "victory";

The Soviets' "Great Grain Robbery" of 1972;

The "face down" of the U.S. in the Yom Kippur crises, 1973;

Angola, 1974-76;

Zaire, 1976, 1978;

Viet Nam, 1972-75;

Laos, 1975;

Cambodia, 1975;

Ethiopia, 1976-77;

South Yemen (PDRY), 1976-1979;

Afghanistan, Iran, 1977-1978;

Nicaragua, 1979;

Economic and trade relations with the West, 1971-1979, in which the Warsaw Pact has run up a credit debt to the West of about $60 billion. This is an indirect Western subsidy to the Soviet defense effort.

These expansionist and provocative activities by the Soviet Union in this era of detente provide a framework for a look at the more specific violations and falsifications of arms control agreements and related diplomatic provocations by the Soviet Union:

Questionable compliance with all major provisions of both SALT I agreements, most notably the failure to deactivate old ICBMs on time, testing air defense missiles and radars in an ABM mode, and massive circumvention of the ban on deliberate camouflage, concealment and deception through their nationwide camouflage program;

Encryption of telemetry in all SS-20 and in recent SS-18 ICBM tests;

Falsification of the number of ABM test launchers deactivated in 1973;

Falsification of the number of SS-7/8 ICBM's being deactivated during 1976, three times. They may not have been in compliance for as long as two years between 1976 and 1978; [32]

Keeping eighteen SS-9 Fractional Orbital ICBMs clandestinely operational at a test range throughout SALT I, circumventing SALT I's implicit limit on the number of Soviet ICBMs; [33]

The maintaining of eighteen Fractional Orbital Bombardment Systems (FOBS) in the Soviet operational inventory is also a violation of both U.N. Resolution 1884, October 17, 1963, and the Outer Space Treaty of October 10, 1967. Both agreements forbad the placing in space of weapons of mass destruction. The Soviet argument, when challenged on FOBS, namely, that the agreement forbad their being "placed in orbit" but not their development, is a classic example of Soviet deception and of U.S. acquiescence in that deception.

Failure to notify the U.S. in advance as required about their new ABM radar at Kamchatka;

Reportedly providing false and misleading data on the range of the Backfire bomber during SALT II negotiations in Geneva, 1975-1976; [34]

The presence of an SS-11 ICBM canister and ground support equipment at an SS-4 MRBM silo, and sighting of large numbers of old SS-7 ICBMs at an unidentified installation,[35] suggesting that their 1,200 stockpiled old ICBMs may be used as a strategic reserve circumventing SALT I's numerical limits;

The fact that Brezhnev's SALT II statement on the Backfire bomber implies that it does not have intercontinental and refueling capabilities. But the Backfire, in fact, does have both intercontinental and refueling capabilities already; [36]

Soviet falsification of their conventional force levels in the MBFR negotiations;

Recently exceeding the 150 kiloton limit in at least five underground nuclear tests, likely Soviet violations of the Threshhold Nuclear Test Ban Treaty, together with many reported venting violations of the 1963 Limited Nuclear Test Ban Treaty; [37]

The successful, unprecedented, Soviet propaganda campaign against U.S. deployment of neutron warheads in NATO;

Recently resuming microwave bombardment of the U.S. Embassy in Moscow;

Using components from the Western-exported Kama River truck factory for military purposes contrary to the intent of Western exporters; [38]

Reneging recently on the previous Soviet agreement to allow U.S. seismic sensors on Soviet soil for monitoring a Comprehensive Nuclear Test Ban Treaty; [39]

Faulty compliance with the Helsinki (CSCE) agreements;

Reportedly sending "G" class diesel submarines carrying long-range sea-launched ballistic missiles to Cuba twice in 1974, in violation of the secret 1962 Cuban Missile Crisis agreement and the 1970-71 Cienfuegos agreement. Also, the reported presence of an "E" class nuclear submarine carrying long-range cruise missiles in Cuba. And the recent completion at the Soviet Cienfuegos submarine base of a nuclear warhead and missile handling facility. Moreover, recently deploying nuclear-capable MiG-23 fighter-bombers in Cuba in 1978, and maintaining a Soviet combat brigade in Cuba. And, the Soviet manning of Cuban air defenses since 1974; [40]

Finally, laying down an intimidating ultimatum to the U.S. Senate that no amendments to the SALT II Treaty would be tolerated.

The above list is merely a brief recitation of some Soviet challenges to the U.S. Soviet provocation and deception in foreign policy is nothing new, however. They are merely behaving like the same familiar opportunists they have always been, probing Western resolve and exploiting our weakness wherever possible, all the while expanding their spheres of influence.

The SALT negotiations are only another arena for competition, albeit an important one. Arms control negotiations are not an abstract exercise in legal compromise. SALT is an integral element of Soviet military policy, and the Soviet military clearly dominates their SALT decisionmaking. Their negotiators have no concept of mutual accommodation and concession which could lead to a mutually satisfactory middle ground. Their objective, based upon Marxist-Leninist ideology, is to gain unilateral advantages, which once achieved, are stubbornly defended. They seek to induce complacency and raise false hopes. They provide false information in the negotiations to bolster their negotiating positions. Their patience and tenacity are well known. The history of Soviet foreign policy contains many examples of falsifications, forgeries, and negotiating deceptions. The duplicity of Soviet diplomacy and their noncompliance with international agreements are notorious. Moreover, traditional Soviet military camouflage, concealment, and deception remain routine. After all, Stalin once said:

"Words must have no relations to actions—otherwise what kind of diplomacy is it? words are one thing, actions another. Good words are a mask for concealment of bad deeds." [41]

This attitude toward diplomacy helps to explain Stalin's greatest diplomatic deception of the West, the surprise Nazi-Soviet Non-Aggression Pact of August 1939. In a similar vein, Khrushchev used Sputnik, missile production boasts, and rocket rattling threats to perpetrate the 1957-1961 "Missile Gap" deception on the U.S. And, in October 1962, Soviet Foreign Minister Gromyko *twice* personally lied to President Kennedy, denying the presence of Soviet offensive missiles in Cuba. Is this the same Gromyko who participated in SALT I and personally negotiated much of SALT II?

SOVIET "GOOD FAITH" IN SALT I?

Dr. Kissinger said to Congress in 1972 that:

"The possibility always exists that the Soviets will treat the Moscow [SALT I] agreements as they have sometimes treated earlier ones, as just another tactical opportunity in the protracted conflict. *If this happens, the United States will have to respond. . . .* If this agreement were being *circumvented*, obviously we would have to take compensatory steps in the strategic field . . . the two countries have a unique opportunity right now to move into an entirely different relationship of building *additional trust*. . . . If it turns out that through legalistic interpretations of provisions of the agreement or through *failing to specify numbers* about which we have left absolutely no doubt as to our interpretation . . . if it should turn out that those numbers are being challenged in any significant way at all, then this would cast a doubt. It would not only threaten disagreement, but it would threaten the whole basis of this new relationship. . . ." [42]

On August 12, 1979, Kissinger finally confessed, "I think the Soviets have pressed against the legal limits of SALT I," and, as we have seen, he conceded that the Soviet approach to defending the SS-19 from SALT I constraints was "sharp practice." [43] The conclusive evidence of Soviet negotiating deception in SALT I should raise serious and legitimate questions about their "good faith" in the entire SALT and arms control negotiating process.

Nevertheless, President Carter has averred several times in speeches that the Soviets negotiated both SALT I and II in "good faith." Moreover, Soviet spokesman Georgiy Arbatov (IUSAC Director) also reaffirmed recently, "I would like to reiterate that we conducted [SALT] negotiations in good faith with representatives of three U.S. administrations." [44] But beyond the equally difficult problems of trusting or verifying Soviet SALT compliance, can we trust the sincerity and validity of their negotiating positions?

In fact, however, the clearest evidence of Soviet "shyster" behavior in SALT negotiations and compliance should completely undermine the "good faith" basis of the entire arms control negotiating agenda, from SALT, TTBT, CTBT, MBFR, to ASAT negotiations. How can we even negotiate with a nation which deliberately misleads and falsifies basic data and which violates solemn agreements?

LEGACIES OF SALT I FOR SALT II

SALT I in fact codified U.S. strategic inferiority, which will persist throughout SALT II. The quantitative levels of about 2,650 Soviet to 2,060 U.S. delivery vehicles under SALT I and presently existing are indisputable, as are the massive Soviet advantages in ICBM and overall throwweight. While SALT II does provide, by 1981 various equal levels of 2,250, 1,320, and 1,200, the Soviet Backfire bomber force, numbering about 375 by 1985 will be completely excluded, while U.S. Poseidon SLBMs dedicated to NATO are included in all U.S. SALT II aggregates. Moreover, the U.S. is going to deactivate unilaterally ten Polaris submarines carrying 160 SLBMs. We may never reach our allowed level of 2,250, and we will never have our allowed 820 MIRVed ICBMs, 550 being our ceiling.

Further, the Soviets will, under SALT II, be able to preserve their monopoly on heavy ICBMs. Their 308 SS-18 heavy ICBMs carry at least 3,080 warheads. The Soviet SS-18 force, by itself, carries more megatonnage than the entire U.S. missile force of ICBMs and SLBMs, about 2,618 megatons to 1,814 megatons.[45] The SS-18 force, by itself, can thus neutralize or checkmate all U.S. strategic forces, thereby giving this force profound geopolitical importance. Moreover, the SS-19 force of 300 to 400 heavy ICBMs carrying at least 1,860 warheads can also by itself, threaten all U.S. strategic forces. The Soviets thus have two independent first-strike forces. Their remaining ICBM, SLBM, and bomber forces would comprise a formidable second-strike capability.

Further, the last remaining U.S. advantages, warhead number and accuracy, will be gone by 1985, with or without SALT II. By then, the Soviets could realistically have about 14,500, mostly large, accurate warheads, compared to a U.S. total of, at most, 11,900, half of which would be relatively small and inaccurate SLBM warheads. Their warhead superiority could be achieved fully within the terms of SALT II and with 375 Backfires excluded. By exercising their "new type" exemption option to put ten MIRVed warheads on the entire force of 820 MIRVed ICBMs (which the U.S. has conceded is both feasible and legal and which the Soviets are likely to exploit), and by legally putting fourteen MIRVed warheads on each of 380 allowed SLBMs, the Soviets could achieve a force of about 8,180 counterforce, hard-target ICBM warheads and 5,320 retaliatory SLBM warheads by 1985. In addition, by 1985 they could have over 1,000 unMIRVed ICBM and SLBM warheads, for a probable likely total, approved and authorized by SALT II, of about 14,500 warheads.

But further, large numbers of Backfires, heavy bomber variants, G and H class SLBMs, stockpiled SS-16s, SS-20s, E class SLCMs, test and training ICBM launchers, and older stockpiled SLBMs and ICBMs would be *totally excluded* from the 2,250/14,500 Soviet SALT II force levels. They have as many as 1,200 stockpiled older ICBMs.

Both Defense Secretary, Harold Brown, and Chairman of the JCS, General David Jones, have testified recently about this issue, General Jones declared:

"In some areas, they [the Soviets] have already *surpassed* us, and we are concerned because their momentum will allow them to gain advantage over the United States in *most of* the static indications of strategic force by the early 1980's . . . because of the lead times in modern weapons, this progressive *shift in the military balance* will continue into the *mid-1980's with or without SALT.*[46] "

Defense Secretary Brown confirmed that statement, noting that the already declining U.S. strategic posture will get *worse* before it can get better:

". . . The [strategic] balance will be *less favorable* in the early 1980's than it is now . . . our position will get worse between now and 1981 or 1982 . . . the growing vulnerability of our land-based missile force in the early 1980's could, if not corrected, eventually produce a significant element of U.S. disadvantage and contribute to a perception of U.S. strategic inferiority.[47] "

Secretary Brown does not acknowledge that the reason for this further U.S. decline goes far beyond the Soviet counterforce "threat window" to Minuteman opening in 1980. We will have no significant increase in strategic capabilities until about 1982, when a few air-launched cruise missiles and Trident submarines begin to come into the force. Further, the combination of prema-

ture Polaris SLBM deactivation, Trident submarine delays, and Trident I missile replacement all occurring concurrently in the early 1980's will severely reduce the number of our *deployable* retaliatory SLBMs from 656 to less than 400. This alarming SLBM drawdown in the 1980's will occur precisely when the threat to our ICBMs is at its highest peak ever, and when we will most need our sub-based, survivable deterrent. Far fewer than even these minimal 400 SLBMs will be at sea at any one time, giving us a very thin sea-based leg of the Triad indeed. An international perception of further declining U.S. strength will inevitably result from the unilateral deactivation of our Polaris SLBMs during a period of growing vulnerability.[48]

More significantly, Under Secretary of Defense William Perry admitted in 1979 Senate hearings that, *in addition* to the severe SLBM drawdown in the early 1980's, *the other two legs of our strategic Triad will become vulnerable during the 1979–1985 term of the SALT II Treaty.* He said that our ICBMs will be vulnerable by 1982 (really 1980) and our bombers by 1985.[49] Thus, by 1985, we will be relying totally *on only part of one leg of our Triad*—patrolling SLBMs. We will lose "essential equivalence" and *we will in fact have a dangerous "minimum deterrence" posture under SALT II.* This is the thinking underlying the President's statement that all we need is one Poseidon submarine.

Probably most alarming is this 1979 JCS statement:

"The Soviets have been outspending us in this area [*i.e.*, strategic forces] by a factor of between two and three for many years and they may well believe that they can achieve a margin of superiority over us in the early 1980's. It is now generally accepted by most defense analysts that, *regardless of U.S. actions,* Soviet strategic capability will increase relative to that of the U.S. through the mid-1980's, *with or without a SALT agreement.*[50] " (Emphasis added.)

SALT II FLAWS

Pro-SALT advocates assert that SALT II permits the Soviets to deploy only one ICBM of a "new type" and make only "minor modifications" to others. But we have seen that the Soviet modernization and replacement allowed under SALT I exceeded expectations and went well beyond "minor modifications." Again, the SS-19 and the SS-N-8 were much more capable than expected. Yet the Soviets have again negotiated deceptively to achieve the ambiguous language in SALT II's Article IV on "new type" ICBMs. Their provocative, continued use of encrypted telemetry on recent deceptive SS-18 tests indicates clearly that they still have many capabilities to hide. There is sufficient ambiguity in both Articles IV (on new type ICBMs) and XV (on verification) to ensure that the Soviets will be able to test and deploy all five of their reported new fifth-generation ICBMs and SLBMs within the terms of SALT II. The Soviet insistence on this lack of precision and ambiguity in Article IV and their refusal to agree to specific baselines constitute negotiating deception. Just as at the time SALT I was signed the Soviets had convinced U.S. negotiators that what became the fourth-generation SS-19 ICBM would be banned, they have again succeeded in convincing U.S. negotiators that their new missiles will be constrained.

The Administration claims publicly that SALT II will prevent the Soviets from deploying more than one of their five new ICBMs. Nevertheless, the CIA Director reportedly has testified correctly in secret to the Senate Intelligence Committee that the Soviets could deploy all five of their new missiles legally within the terms of the SALT II Treaty.[51] Moreover, a defense official reportedly said privately that *U.S.* SALT II negotiators *"know* that the Russians deliberately negotiated Article IV so that they could go ahead and test and deploy all their new missiles without violating the Treaty." [52]

The massive new Soviet ICBM R&D and deployment activity is not likely to halt, even if SALT II is ratified. There is evidence, reportedly, of three new type test silos for the new fifth-generation Soviet ICBMs. As in the cases of the SS-19 and SS-N-8 in SALT I, the characteristics of the five new fifth-generation ICBMs and the new Typhoon SLBM will surprise us. Indeed, Dr. Kissinger sorrowfully said in August 1979:

"We have to count on the fact that the Soviet Union is likely to push to the very limits of the [SALT II] agreement and do things that we cannot now foresee that would be technically legal but are now unforeseeable.[53] "

Moreover, U.S. intelligence, especially the CIA, has a well-documented track record of underestimating both the quantity and quality of Soviet strategic forces, as well as the level of Soviet defense expenditures.[54] The CIA is also capable of overestimating Soviet forces on White House command to show how SALT agreements ostensibly constrain them. This scandalous track record should affect CIA's credibility regarding how SALT II "constrains" Soviet programs, and also U.S. verification capability.

A counter line one occasionally hears from SALT advocates is that U.S. military leaders never wanted heavy ICBMs. In fact, the USAF actually did have plans in the early 1960's for a total of about 250 Titan I and II heavy ICBMs. But a *civilian,* Defense Secretary Robert S. McNamara, cut those plans back to fifty-four. Moreover, in 1973 the M-X ICBM was originally planned to be a heavy throwweight ICBM carrying about fourteen warheads. The Soviet press *still* takes note of these early U.S. plans for fourteen RVs on the M-X. The designed throwweight and RV number of ten for the M-X has in fact been scaled down to fit into the SALT II defintion of a "light" ICBM—the launch weight and throwweight of the SS-19. Most significantly, in 1970 the U.S. wanted to maintain the right in SALT I to have *250 heavy ICBMs* while restricting the Soviets to the same number.[55] Hence, it has never been the case that the U.S. had no plans or military need for heavy ICBMs.

THE BACKFIRE FLAW

The proponents of SALT II also charitably accept the Soviet position on the Backfire. That position deserves analysis.

First, judgments about the mission of the Backfire are inferential, and its basing patterns are subject to rapid change.

Second, the Soviet concession in 1974 at Vladivostok to drop their insistence on counting U.S. "Forward Based Systems" (FBS) in SALT II is cited by the Administration as having been given in exchange for U.S. dropping of our insistence that Soviet heavy ICBMs be constrained. But, the Administration also argues that U.S. FBS were exempted from SALT II in exchange for exempting Backfire. U.S. exemption of our FBS was thus paid for by allowing both a Soviet monopoly on heavy ICBMs as well as a Soviet exclusion of Backfire. The U.S. has, in fact, paid *twice* for exempting our own FBS. Moreover, U.S. FBS already have Functionally Related Observable Differences (FROD) to fully justify their exclusion, and are also inferior in both number and quality to massive and growing Soviet theater nuclear forces. Finally, U.S. FBS are *still negotiable* in SALT III.

Third, counting three B-1s used only for flight tests and about 220 mothballed, unflyable B-52 hulks, while exempting 120 "un-FRODed" Soviet TU-142 Naval Bears, 30 "un-FRODed" Bison tankers, and 375 Backfires is hardly equitable, especially when over 1,200 stockpiled Soviet *missiles* are also exempted.

Fourth, Backfire's *one-way* range capability reportedly allows it to cover the entire U.S. on mission profiles *exactly* like those used on most B-52 and FB-111 missions, which are in fact *one way* missions recovering in third countries. But Backfire also reportedly has the capability for *two-way* coverage of the entire U.S. with refueling and Arctic basing. It also has the necessary refueling probes, and sufficient tankers for Backfire are probably available.[56]

Fifth, Backfire has capabilities superior to some of those heavy bombers which do count, the Bison and B-52. For example, the Backfire probably has a range superior to that of the Bison.

Sixth, by declaring that Backfire will not be given intercontinental or refueling capability, the Brezhnev Backfire statement contradicts the well-known facts that Backfire already has both capabilities. These Brezhnev falsifications are another example of Soviet negotiating deception.

Seventh, Backfire probably has further range growth potential, and its range upgrade is probably going to be difficult if not impossible to determine. Installation of long-range ALCMs on Backfire will probably also be difficult to detect. Further, there are no constraints on Backfire basing and training, another U.S. concession.

Finally, in the course of the negotiations, in 1975 and 1976 the Soviets also provided the U.S. with falacious and inconsistent range data on the Backfire. These Soviet data were questioned and quietly withdrawn, but they are another example of Soviet negotiating deception—active disinformation.[57]

In addition to Backfire, three more Soviet heavy bomber types are reported under development. Their status and exclusion will be dangerously left to further negotiations, where the U.S. will have reduced bargaining leverage.

FAILURE TO DEFINE HEAVY ICBMS

That the proponents of SALT II accept the current definition of a heavy ICBM is of equal if not greater significance than their acceptance of the Soviet Backfire position. There is a similar need for analysis of the definition of the heavy ICBM. One would think that the difficulties for the U.S. growing out of the imprecise terminology in SALT I would have demanded an exceedingly precise definition of the heavy ICBM. It is interesting to note that Walter Slocombe has declared that in negotiating SALT II, the U.S. has learned from our hard lessons of SALT I. He says that "the most important lesson was to be as specific and precise as possible in drafting treaty language constraining Soviet option." Nevertheless, during the course of SALT II we have twice repeated the most important mistake of SALT I—failure to define a heavy ICBM.

First, at Vladivostok in November 1974, we preserved the key SALT I prohibition on heavy ICBMs, but again as in SALT I, we did so without an agreed definition of a heavy ICBM.

In recognition of our lack of success with our 1972 Unilateral Statement on a definition of a heavy ICBM (and most of our other 1972 unilaterals), former SALT II chief negotiator Paul Warnke clearly ruled out U.S. unilateral statements in SALT II during his February 1977 Senate Confirmation hearings:

"My conviction is that with regard to any agreement which is entered into at this time on control of offensive nuclear weapons, that we could not afford to have unilateral declarations. The trouble with the unilateral declaration is that you say, "I am now about to say something which you refuse to say." So that is almost a built-in formula for disagreement, and I don't think that in the kind of arms control agreement that we ought to use to replace the interim agreement, we ought to have that kind of a situation.[58]" (Emphasis added.)

Second, there is nevertheless an important U.S. unilateral statement in the SALT II Treaty. Again, unbelievably, the unilateral statement involves the troublesome definition of a heavy ICBM. Paragraph 7 of Article II partially defines heavy ICBMs as any missile larger in launch weight and throwweight than the SS-19, but, as we learned in SALT I, a clear, agreed distinction between light and heavy ICBMs must be established.

The Administration has conceded that the purpose of defining a heavy ICBM is to provide three key constraints in Article IV of the Treaty: 1) the freeze on the numbers of fixed launchers for modern heavy ICBMs, 2) the obligation that the one permitted new type ICBM be a light ICBM, and 3) the ban on mobile launchers of heavy ICBMs, on heavy SLBMs, and on heavy ASBMs. A heavy ICBM definition is thus again the key definition of SALT II.

The SS-19 is to be the baseline between light and heavy ICBMs. In order to be effective, however, the definition must have clear, specific, agreed data on the SS-19's launch weight and throwweight. Here is the full negotiating record for these specific weights:

"On August 16, 1977, in a plenary statement, the United States informed the Soviet Union that ". . . for planning purposes, with respect to ICBMs it might develop, test or deploy in the future, the United States considers the launchweight limit on light ICBMs to be 90,000 kilograms and the throwweight limit to be 3,600 kilograms." These figures are based on our estimates for the SS-19. The Soviet Union did not respond to this statement. The United States will regard these figures as the limits for the one new type of light ICBM permitted to the United States under Paragraph 9 of Article IV.[59]" (Emphasis added.)

Thus the U.S. unilaterally defined only U.S. heavy ICBMs in terms of the SS-19. But we evidently did not even try to get the Soviets to agree to such a definition for Soviet ICBMs. The above statement thus only implies unilaterally that any ICBM on the Soviet side with a launch weight greater than 90,000 kilograms (198,000 lbs.) and a throwweight greater than 3,600 kilograms (7,937 lbs.) will be regarded by the U.S. to be a heavy ICBM.

Not only did the Soviets not agree to these vital specific baseline data, they did not even respond to them. Despite this, the U.S. State Department in July 1979 still claimed; "The U.S. and USSR delegations agreed in the SALT II Treaty on a clear demarcation in terms of missile launch weight and throwweight, between light and heavy ICBMs." This Administration claim is fallacious and shows wishful thinking. The Administration advances the strange idea that Soviet silence in the face of U.S. unilateral statements somehow confirms their agreed status.

The State Department claim notwithstanding, there is in effect a U.S. unilateral statement defining a heavy ICBM, just as in May 1972, the U.S. defined a heavy ICBM unilaterally. The only difference is that in 1972 we explicitly called it a unilateral statement. Indeed, our present SALT II unilateral definition is even weaker than our more explicit and more positive 1972 heavy ICBM unilateral statement.

Thus, there is still not agreed definition of a heavy ICBM in SALT II, well recognized as the major and most dangerous flaw in both the SALT I Interim Agreement and also the November 1974 Vladivostok Accord.[60]

One step the U.S. might have taken somewhere in the SALT II negotiations was to suggest a three-tiered classification for ICBMs: light, medium, and heavy ICBMs or light, heavy, and very heavy. Such a distinction would have facilitated the SALT II negotiations and the implementation of the "equal aggregates" provision of the Vladivostok Accord.

But, as Slocombe himself stated, "The Soviets should be presumed to be protecting something when they refuse to agree to a specific limitation." In 1976, Slocombe also said: "The lesson drawn from this episode [i.e., the SS-19 problem] by U.S. officials is the need for *explicit* and *precise acknowledgement by the USSR* on even the most technical *details* of these issues."[61] (Emphasis added.) Slocombe and other U.S. negotiators ignored this advice in negotiating SALT II.

It is curious that the new pro SALT II history of the negotiations, by "SALT supporter" Strobe Talbott recognizes that the Soviets "had exploited the failure of SALT to define heavy missiles."

Talbott nevertheless goes on to describe the strange U.S. use of the new diplomatic device of Soviet "noncontradiction" in SALT II:

"This rather contorted procedure, involving a Soviet lacuna filled by American "unilateral interpretation" in turn *confirmed* by Soviet 'noncontradiction,' had for a long time been a curious but common feature of the negotiating ritual in SALT. . . . the Russians would assent by their silence . . . it had become a mutually accepted practice in SALT that if one side confronted the other with an explicit, unilateral interpretation and the second side did not object, then the interpretation was considered agreed and became enshrined in the negotiating record. . . . according to diplomatic practice, Gromyko's 'noncontradiction' would be considered tantamount to assent, and it would become part of the negotiating record that would accompany and amplify the treaty. . . .[62]"

Thus the Administration claims that a U.S. unilateral statement not contradicted by the Soviets is somehow agreed. This is precisely the status of the heavy ICBM definition in SALT II. The U.S. on August 16, 1977 unilaterally provided U.S. data on the launch weight and throwweight of the Soviet SS-19ICBM. This was an attempt to define a heavy ICBM. The Soviets, however, did not agree. *They did not even respond.* The Carter administration evidently believes that this is another case in which Soviet "noncontradiction" constitutes agreement, because the Administration claims that there is a clear, agreed definition of heavy ICBMs.

Talbott himself recognizes the danger inherent in such U.S. wishful thinking, however:

"One trouble with the diplomatic device of noncontradiction is that an understanding arrived at by the silence of one party is easily undone; all that party has to do is break silence.[63]"

Would a good lawyer negotiate key aspects of a commerical contract on this kind of "assent by silence" basis? Moreover, the Soviets have told us repeatedly that they would not be bound by U.S. unilateral statements, emphasizing the unreality and danger of U.S. trust in the strange diplomatic device of "noncontradiction."

The significance of the continued failure to define a heavy ICBM is that it continues to allow dangerous Soviet deployment options. No launch weight or throwweight baselines for heavy ICBMs means that the Soviets can test and deploy new ICBMs somewhat heavier than the heavy SS-19. If the U.S. would complain or charge noncompliance, the Soviets can be expected to reply simply that they never agreed to the U.S. supplied baseline data on the SS-19, and that these data are in any case wrong. They could then supply their own "correct" data. Hence, the road is open for continued Soviet deception and noncompliance.

Moreover, all constraints on testing and deploying new ICBMs, which are no more than five percent larger or smaller than existing Soviet ICBMs, also rely upon U.S. baseline data on the launch weights and throwweights. The same is true of the data on Soviet silo dimensions which would comprise the baseline data from which to measure the inexplicable increase of up to thirty-two percent in silo volume allowed in Article IV. But in all these cases, we have reportedly not revealed our data to the Soviets. They have thus not yet had the chance to avoid response, and it is equally unlikely that they would agree with our data.

In sum, there are significant U.S. unilateral statements and unilateral baselines in SALT II, despite Warnke's disclaimer and our own hard experience in SALT I. Dr. Kissinger conceded on August 12, 1979, in his first explicit criticism of SALT II, that the failure to achieve an agreed definition of the SS-19 "was a weakness in the drafting" of SALT II.[64] Indeed, it could be a fatal weakness. How can Article IV constrain the new Soviet ICBMs without agreed baselines from which to measure five percent variances? Are we going to rely only on Soviet uncertainties about what U.S. baseline data are and on our increasingly weakening enforcement leverage?

The U.S. thus did not learn the main lesson of SALT I.

We should not have to tolerate Soviet secrecy in SALT. The proposition that we can somehow outsmart the Soviets about the status and capabilities of their own secret programs, and then somehow induce them to agree to constrain themselves through SALT is preposterous. Moreover, as we have seen, the Soviets made many significant false and deceptive statements to the U.S. during SALT I and II, but because they have never been called to account for them, they have gotten away with them all.

SUMMARY OF SALT II'S MAJOR FLAWS

In sum, we have not yet learned from Soviet negotiating deception in SALT I. Soviet deception, together with their exploitation of the intelligence asymmetry advantage and the superior negotiating leverage provided by their much more dynamic programs, have resulted in the following six additional fatal flaws in the SALT II Treaty beyond the failure to agree to heavy ICBM and heavy bomber definitions and baseline data:

The gross inequalities allowed in heavy ICBMs, throwweight, and counterforce capabilities. The Soviet monopoly on heavy SS-18 ICBMs, together with their potent heavy SS-19 force, will neutralize or checkmate all U.S. strategic forces, and reduce deterrence at intercontinental, theater nuclear, and conventional levels. And SALT II allows the Soviet counterforce threat to continue to grow dangerously;

The failure to include the intercontinental Backfire in the Soviet aggregate;

The destabilizing constraints, even if temporary and negotiable, on vital U.S. ICBM survivability options (MPS or mobility) in the face of the allowed growth in the Soviet counterforce threat;

The grossly unequal constraints on theater systems such as the U.S. GLCM and SLCM, while the Soviet SS-20 and Backfire run free;

The failure to adequately control ballistic or cruise missile production, stockpiling, excess missiles, and refire capabilities;

And the failure to prevent the nationwide Soviet camouflage, concealment, and deception program from hindering verification.

Totally within SALT II's provisions, the Soviet Union will have superiority in total warheads and accuracy, the last remaining U.S. advantages, by 1985. They will probably have 14,500 warheads compared to 11,900 for the U.S. They will have more than four times the U.S. ICBM throwweight, and more than two times the U.S. total throwweight (including bomber payload equivalent).

On balance, the present and growing Soviet counterforce capability is what is most dangerous to U.S. national security, because by threatening Minuteman and the other legs of the Triad, the strategic situation in the 1980's will be highly unstable. The Soviets can checkmate or neutralize all U.S. strategic forces, puncturing the U.S nuclear umbrella over NATO and Japan. Deterrence will be eroded, and U.S. foreign policy is already on the global defensive.

Contrary to all assertions, SALT I and II are in large part responsible for the Minuteman vulnerability problem. The SALT I ABM Treaty denied the U.S. an adequate four- or even two-site ABM defense of Minuteman, which would have unilaterally solved our most serious strategic problem—the vulnerability of our ICBMs. The ABM Treaty does not allow the U.S. even "hard site" defense of ICBMs. We tried to constrain Soviet mobile ICBMs in SALT I, but in doing so we compromised our own option to make ICBMs mobile and therefore more survivable.

Further, both the U.S. Unilateral Statement of May 9, 1972, and the Jackson Amendment to SALT I made it clear that enhancing the survivability of U.S. strategic forces was the fundamental U.S. goal in SALT II.[65] It is obvious that SALT II has not achieved this U.S. goal; so in this sense SALT itself is responsible for the vulnerability of U.S. ICBMs. SALT II is thus unbalanced, unequal, and destabilizing. And it actually increases U.S. vulnerability. We should not have tried to use SALT to solve what were U.S. unilateral strategic problems.

Allowing the Soviets to achieve an overwhelming counterforce capability and overall strategic superiority through negotiations is indeed a severe indictment of SALT.

FOOTNOTES

[1] Walter Slocombe, *The Political Implications of Strategic Parity* (London: International Institute of Strategic Studies, May 1971), Adelphi Paper No. 77.

[2] Ambassador Gerard C. Smith, "Wrestling with the Plowshare Problem," The *New York Times*, January 16, 1976.

[3] *Ibid.;* Jack F. Kemp, "The SS-19 and the New Soviet ICBMs Vis-a-Vis SALT II," *Congressional Record*, August 2, 1979, p E4076.

[4] Colin Gray, *The Future of Land Based Missile Forces* (London: International Institute of Strategic Studies, 1979), Adelphi Papers, pp 32-36; *National Review*, June 22, 1979, p 795.

[5] *Air Force Magazine*, November 1979, p 22.

[6] *Military Implications of the Treaty on the Limitations of Anti-Ballistic Missile Systems and the Interim Agreement on Limitation of Strategic Offensive Arms*, Hearings before the Committee on Armed Services, United States Senate, 92nd Congress, June-July 1972, pp 128-129.

[7] *Military Implications*, op cit., pp 165 and 548; in addition, Senator Jackson asked the following questions for the record in July 1972, and Defense Secretary Laird and the Defense Department supplied the following answers: *Question:* "The largest part of the Soviet land-based ICBM force is in the SS-11 silos. If the Soviets were to retrofit their SS-11 silos with a new missile, how much could they (a) increase the volume of those silos, and (b) increase the *volume* of the *missiles* that go into those silos." *DOD Answer:* "Up to about *30 percent in both* cases. This volume increase is not sufficient to permit installation of an SS-9 class missile in an SS-11 silo." [Author's note: The SS-19 is 50-60 percent larger in volume than the SS-11 and can thus be considered an SS-9 class missile.] *Question:* "Why in your view did the Soviets refuse to agree to a prohibition on the deployment of ICBMs larger than 70 cubic meters [in excess of 313 permitted "heavy" launchers]?" *DOD Answer:* "In my view the Soviets might have decided they wanted to retain the option to deploy a *slightly* larger version of the SS-11." (Emphasis added), *Military Implications*, op. cit., pp 565, 566; in December 1974 former Defense Secretary Laird wrote: "There is no question that if information is available indicating that the SS-X-19 missile deployment will go forward in 1975 with a volume 50 percent greater than the SS-11, such deployment would be in violation of the 1972 Interim Agreement . . . unless amended." Admirals Elmo Zumwalt and Worth Bagley, "Soviets Cheat and We Turn Our Backs," *Washington Star*, August 10, 1975.

[8] *Military Implications;* op.cit., pp 341, 342.

[9] *Military Implications*, op. cit., p 511.

[10] Report of the Secretary of Defense James R. Schlesinger to the Congress on the FY 1975 Defense Budget and FY 1975-1979 Defense Program, March 4, 1974, p 5; See also, "News Conference with Secretary of Defense James Schlesinger and Dr. Fred C. Ikle, Director, Arms Control and Disarmament Agency." (Washington: Department of Defense, 1974), p 12; Senate Foreign Relations Committee, *U.S.S.R. Strategic Policies*, 1974, pp 4-5, in which Defense Secretary Schlesinger said: "Subsequent to the signing of the agreement [SALT I] we see a Soviet research and development program of *astonishing depth and breadth.* This is not to say that they deceived us in the agreement or that the program had been designed to emerge after the agreement. Obviously, these developments were in the cards years in advance because the Soviets have the same kind of lead time problems that we have. But I think it is fair to say that many people, particularly people in the arms control community, have been *surprised* by the strength of those programs." Emphasis added. Later evidence has allowed the judgment that the Soviets in fact did deceive the U.S. with the SS-19, SS-16, and SS-N-8, and that the flight-tests of these programs may have been timed or conducted with the status of SALT I in mind.

[11] NBC-TV, "Meet the Press," Sunday, August 12, 1979, p 9; "Kissinger Says Soviets Will Exploit SALT II," *Baltimore Sun*, August 13, 1979, p 2.

[12] Jack Anderson, "Soviet Subterfuge a SALT Concern," *Washington Post*, May 22, 1979.

[13] Assistant Secretary of Defense, Walter Slocombe, in his rebuttal to an earlier article of mine, "The Legacy of SALT I: Soviet Deception and U.S. Retreat," *Strategic Review*, Winter 1979, erroneously describes the U.S. Unilateral Statement D (defining a heavy ICBM) as a "Common Understanding" implying Soviet agreement. This suggests that Slocombe is unfamiliar with the basic facts of SALT I.

[14] *Washington Post*, September 27, 1973; Michael B. Donley, ed., *The SALT Handbook* (Washington, D.C.: The Heritage Foundation, 1979); Senator Jake Garn, "The SALT II Verification Myth," *Strategic Review*, Summer 1979, pp 19-20.

[15] John Newhouse, *Cold Dawn: The Story of SALT* (Boston: Little Brown, 1973), pp. 244-247.

[16] *Military Implications*, op. cit., p. 544.

[17] Bernard Weintraub, "Pentagon Aides Say Moscow has Mobile Missiles Able to Reach Us," *New York Times*, November 2, 1977.

[18] See footnote 14.

[19] *Military Implications*, op. cit., p. 381.

[20] *Military Implications*, op. cit., June 28, 1972, pp. 319, 320, 583. Senator Jackson also said: "Ambassador Smith, is it correct that an aggressive Soviet program of qualitative upgrading in which they were to replace SS-9 missiles with a followon and the SS-11s with a followon *could absorb virtually the entire Soviet ICBM production capability as we have seen that capability demonstrated in the past? . . . Could they retrofit over 1200 missiles and at the same time add on to their total numbers in connection with their ICBM program?" Mr. Smith:* "I think that I know of no retrofitting operation of the dimensions you are talking about in the past. As far as I know, they might just go ahead and build new missiles of this type rather than retrofit."

[21] Raymond L. Garthoff, "SALT I: An Evaluation," *World Politics*, October 1978, p. 15; Raymond L. Garthoff, "SALT and the Soviet Military," *Problems of Communism*, p. 30.

[22] *Military Implications*, op. cit., July 25, 1972, p. 581, in which Professor William Van Cleave further said: ". . . It is clear that for the past two years expected *modernization* of Soviet forces has been regarded as the *most likely contingency* and the greatest matter of concern to us and this is not at all stopped by the agreements." Also, *Military Implications*, op. cit., June 15, 1972, in which Dr. Henry Kissinger said: "The field in which it is *most likely* at they the Soviets will make progress is in the *modernization* of the missiles that are permitted under the agreement. That is, they will not violate the numbers of the agreement, but *they will improve the quality, accuracy, number of warheads, and this is what will represent a threat to our strategic forces."* Also, *Military Implications*, op. cit., p. 245: "There is no evidence that they plan to deploy missiles beyond the new starts they had already made."

[23] Raymond L. Garthoff, "SALT and the Soviet Military," *Problems of Communism*, p. 30.

[24] *Military Implications*, op cit., p 565.

[25] *Air Force Magazine*, December 1978, p 25; *Air Force Magazine*, January 1978, p 17.

[26] Mr. Walter Slocombe, Public Statement on SALT II, March 21, 1978.

[27] Rostislav Tumkovskiy, *Voprosy Istorii* [Problems of History] (Moscow), April 1979.

[28] Georgiy Svyatov, *Voprosy Istorii* [Problems of History] (Moscow), February 1978, pp 66-92.

[29] *Military Implications*, op. cit., p 104.

[30] Interview with Dr. Henry Kissinger, *The Economist* (London), February 3, 1979, p 17; Dr. Henry Kissinger, Statement to Senate Foreign Relations Committee on July 31, 1979, pp 3, 28.

[31] *Intelligence Digest Weekly Report*, November 22, 1978, p 3. Helmut Sonnenfeldt, the other of Kissinger's key deputies added to the Senate Foreign Relations Committee on July 25, 1979 (p 9, Statement): "There is serious 'concern that at both the theater and intercontinental levels, the ability to control escalation may be shifting to the Soviet side—that our strategic forces may be "decoupled" from our and the allies' other forces." And as Zbigniew Brzezinski wrote in *Newsweek* in 1971 (quoted by George Will in the *Washington Post*, July 8, 1979): "My concern is that the Soviet leaders—particularly the Soviet military—may be deliberately exploiting SALT to attain military 'superiority' over the United States. In that context SALT serves as a useful tactic, inhibiting U.S. efforts to improve . . . the U.S. defense potential, and strengthening the hand of those in the U.S. who

argue for a lower U.S. defense posture as a means of promoting an eventual arms control agreement with the Soviet Union."

[32] Garn, op. cit., Rowland Evans and Robert Novak, "A Pattern of Selective Cheating," *Washington Post*, October 3, 1979.

[33] Senator Jake Garn, "The Suppression of Information Concerning Soviet SALT Violations by the U.S. Government," *Policy Review*, Summer 1979, p 23.

[34] See footnote 22.

[35] *Air Force Magazine*, September 1979, p 24.

[36] The White House, *SALT II Reference Guide*, questions and answers.

[37] Washington Post, June 28, 1979, p A-14; *Air Force Magazine*, September 1979, p 22; Rowland Evans and Robert Novak, "Violations of the Test Ban?" *Washington Post*, September 5, 1979; *Congressional Record*, September 5, 1979, p H7354.

[38] "Soviet Truck Plant Linked to Military," the *New York Times*, May 24, 1979.

[39] Congressman Jack Kemp, Press Release, July 13, 1979.

[40] Senate Foreign Relations Committee, *Hearings on SALT II*, July 11, 1979, afternoon, pp 92, 93, 95; the *New York Times*, August 6, 1979; ABC News, July 20, 1979; Rowland Evans and Robert Novak, "Latin Dominoes," *Washington Post*, August 6, 1979, p A-21; William Safire, "the MiGs of April," the *New York Times*, April 1979; Dr. Henry Kissinger, Statement to Senate Armed Services Committee, July 1979; *Air Force Magazine*, September 1979, p 22; "Soviet Brigade: How the U.S. Traced it," The *New York Times*, September 13, 1979; ABC World News Tonight, October 4, 1979.

[41] In 1839 the Marquis de Custine stated: "The Russians' Byzantine policy, working in the shadow, carefully conceals from us all that is thought, done, and feared in their country. We proceed in broad daylight; they advance under cover; the game is one-sided. The ignorance in which they leave us blinds us; our sincerity enlightens them. We have the weakness of loquacity; they have the strength of secrecy. There, above all, is the cause of their cleverness." *Custines Eternal Russia*, Monographs in International Affairs (Washington, Advanced International Affairs Studies Institute, 1976), p 114. Also quoted by Foy D. Kohler, *SALT II: How Not to Negotiate with the Russians*, Monographs in International Affairs, Advanced International Affairs Studies Institute, 1979, p 3.

[42] *Military Implications*, op. cit., p 128.

[43] NBC-TV, "Meet the Press", Sunday, August 12, 1978, p 8.

[44] *Newsweek*, May 28, 1979, p 50.

[45] Seymour Shwiller and Adam Klein, *Strategic Missile Counterforce Capability, U.S. vs. USSR*, House Armed Services Committee unclassified staff paper, 1978.

[46] Hearings before the Senate Foreign Relations Committee, afternoon, July 11, 1979, p 5.

[47] Hearings before the Senate Foreign Relations Committee, morning, July 11, 1979, pp 23, 109.

[48] Statement by Senator Lloyd Bentsen, *Congressional Record*, July 11, 1979, p S9538.

[49] Hearings before the Senate Foreign Relations Committee, morning, July 11, 1979, p 64.

[50] General David C. Jones, *U.S. Military Posture for FY 1980*, overview p V.

[51] *Baltimore Sun*, August 10, 1979, p 1.

[52] Rowland Evans and Robert Novak, "SALT Soviet Style," *Washington Post*, August 10, 1979.

[53] NBC-TV, "Meet the Press," Sunday, August 12, 1979, pp 9-10.

[54] Albert Wohlstetter, *Legends of the Strategic Arms Race*, U.S. Strategic Institute, USSI Report 75-1; William T. Lee, *Understanding the Soviet Military Threat: How CIA Estimates Went Astray*, National Strategy Information Center, 1977; Amb. Ellsworth and Kenneth Adelman, "Foolish Intelligence," *Foreign Policy*, Fall 1979.

[55] *Military Implications*, op. cit., p. 297, *Air Force Magazine*, September 1979, p. 45.

[56] *Jane's All the World's Aircraft;* Mr. Paul Nitze, Statement to the Senate Foreign Relations Committee, July 12, 1979, p. 5.

[57] See footnote 22.

[58] Paul C. Warnke, Hearings before the Senate Armed Services Committee, February 1977, p. 53.

[59] State Department Document 12A. *SALT II Treaty*, p. 13.

[60] Rowland Evans and Robert Novak, "The SS-19 Loophole," *Washington Post*, July 23, 1979.

[61] Walter Slocombe, "Learning from Experience: Verification Guidelines for SALT II," *Arms Control Today*, February 1976, p. 5.

[62] Strobe Talbott, Endgame (Harper and Row, New York, 1979), pp. 14-15, 18, 172-173, 242.

[63] Ibid., p. 257.

[64] NBC-TV, "Meet the Press," Sunday, August 12, 1979, p. 10.

[65] Defense Secretary Laird said on July 24, 1972: "I believe that if the Soviet Union goes forward with a program and that we receive evidence that they are proceeding in a direction which goes beyond normal modernization and which appears to be a concerted attempt to undermine the survivability of the minuteman deterrent force, we would view this with great concern. In my view, such a program would be contrary to the intent of the agreements that have been arrived at in SALT." Emphasis added. See also Military Implications, op. cit., p. 588. Further, Senator Jackson said, "The intent of the agreements is to enhance our security by enhancing the survivability of our deterrent. So you would view Soviet behavior that threatens the survivability of our deterrent as a violation of the intent of the agreements?" Secretary Laird answered, "I would agree." Ibid., p 563. Emphasis added. William Hyland concedes that, "The main criticism of SALT II, however, is likely to be that it fails to make a dent on the problem of ICBM survivability." "SALT and Soviet-American Relations," International Security, Fall 1978, p. 160.

Mr. SYMMS. Mr. President, I rise in support of Senator McCLURE's Amendment ending U.S. unilateral compliance with the unratified SALT II Treaty. I have been arguing that this should be done for over a year. I ask unanimous consent that a pamphlet entitled "Soviet SALT Deception," by David S. Sullivan, published in October 1979 by the Coalition For Peace Through Strength, be printed in the RECORD. This pamphlet presents substantial arguments that the Soviets have negotiated deceptively in both SALT I and SALT II in order to achieve substantial unilateral advantages over the United States and overall strategic superiority.

I also ask unanimous consent that an article by myself and one of my aides entitled "Soviet Violations of Existing Arms Control Treaties May Make Future Treaties Ineffective," be printed in the RECORD. This article will be published in a forthcoming book, but it is appropriate to make available to colleagues now.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SOVIET VIOLATIONS OF EXISTING ARMS CONTROL TREATIES MAY MAKE FUTURE TREATIES INEFFECTIVE

(By U.S. Senator Steve Symms and David Sullivan, Legislative Assistant)

INTRODUCTION: ARMS CONTROL'S LAST CHANCE?

Some observers are now arguing that the present arms control negotiations underway with the Soviet Union—in particular START (Strategic Arms Reduction Talks) and INF (Intermediate Range Nuclear Forces) talks in Geneva—are the world's last chance for meaningful arms control. They fear that the world is on the brink of new U.S. and Soviet strategic modernization programs which, if unconstrained before deployment by new arms control treaties, will make the world increasingly dangerous and thus perhaps remove the possibility of arms control agreements forever. These fears for the prospects of arms control surely exaggerate its past effect, however, because the world is already exceedingly endangered by an altogether unprecedented and highly destabilizing Soviet military build-up, largely in violation of a whole panoply of existing arms control agreements.

The increasing popular pressure for progress in arms control negotiations with the Soviets is curious, in light of the fact that the Soviets are violating all existing arms control agreements with varying degrees of provocativeness and certainty. The respected columnist, George Will, stated on television recently that world public opinion was not at all a deterrent to Soviet violation of arms control treaties, because the U.S. has explicitly accused the Soviets of violating several important arms control treaties, yet there has been neither an outburst of international public outrage nor a cessation of the Soviet violations. Will argued that previously many American arms control enthusiasts had posited that arms control agreements with the Soviets would be self-enforcing, due to Soviet reluctance to be publicly accused before the world of even possible violations.

This concept now must be abandoned, because not only do U.S. accusations of Soviet arms control violations not deter further Soviet violations, but they do not even effect the arms control negotiations process itself. U.S. and world public opinion evidently assumes that, despite Soviet violations of all existing arms control treaties, some concrete security gains can be forthcoming in continued negotiations for further scraps of treaty paper. Thus if existing arms control agreements are worthless because they are not being kept by the Soviets, perhaps some future agreement will somehow nevertheless bring security and peace.

Accompanying this wishful thinking is a strange example of circular reasoning: the U.S. should not insist too firmly on accusations of Soviet arms control violations, for fear that these U.S. accusations of Soviet arms control violations will preclude further agreements. Always there is the noble but forlorn hope that, despite the historical record of Soviet arms control negotiating deception and treaty non-compliance, somehow the Soviets will eventually become "good faith" partners in arms control accords of the future.

Also implicit in this wishful thought-world is the idea that nuclear weapons and other weapons of mass destruction are just so horrible and uncivilized that their reality must be denied and they must be negotiated away. Forgotten is the fact that a nuclear balance has deterred general war for over 38 years, but that this balance of deterrence is increasingly tenuous due to Soviet gains. The utility and value of negotiated arms control treaties is therefore nil if the compliance of all parties cannot be enforced. Indeed, unenforceable arms control treaties can even be counterproductive to security and peace if they provide a license for one party to cheat, while convincing the other complying party that the current arms control agreement, while faulty, cannot be sacrificed over current violations charges without also foreclosing the prospects for future agreements.

One analogy worth noting relates to the fact that in a bipolar power relationship, one party can be indisputably sincere in its quest for equitable and verifiable arms control agreements, while the other can be just as disagreeable and duplicitous as possible. Due to the bipolar relationship, the sincere power will indefinitely tolerate and even encourage continued treachery by the other power. A recent movie, The Duelists, contained the analogy of a noble Napoleonic officer continuing to be forced to duel with a

constantly duplicitous, aggressive fellow officer, who was oblivious to all attempts at peacemaking from the first. Thus the Soviets can be as hostile an arms control partner as they want to be, because the bipolar nature of world power means they are the only power around to negotiate with, and arms control is the only alternative to cold war.

THE SAD RECORD OF SOVIET TREATY COMPLIANCE

There are 14 reported examples of Soviet negotiating deception in SALT I and II. Former Arms Control Agency Director Eugene Rostow has confirmed that the Soviets negotiated deceptively in SALT I. Henry Kissinger has charged the Soviets with "sharp practice" in SALT I, and a top Reagan White House official has accused the Soviets of "sharp practice" in SALT II. There are more than 30 reported violations or circumventions of SALT I and II and other arms control agreements, as well as over 50 examples of Soviet treaty violations, disinformation and diplomatic duplicity. (See *The Bitter Fruit of SALT, A Record of Soviet Duplicity,* by David S. Sullivan, The Texas Policy Institute, 1982.) For example, in May 1920, the Soviets signed a treaty with the independent Georgian Republic pledging non-interference in its internal affairs. Less then one year later, Soviet troops invaded the country and incorporated it into the USSR. The Soviets signed similar non-aggression bilateral treaties with Czechoslovakia, Lithuania, Estonia, Latvia, Poland, Romania, and Afghanistan. Eventually, the Soviet Union took military action against all of these treaty partners and imposed new Soviet-dominated governments on all of them.

An official U.S. State Department Soviet Affairs Note published in 1959 stated:

"Few nations can match the USSR in vociferous protestations of loyalty to international obligations. However, such declarations—which are typical of Soviet propagandists and scholars alike—diverge widely from actual Soviet practice. In the years since the Bolshevik Revolution the Soviet government, while consistently accusing others of bad faith in international dealings, has not hesitated to violate its own treaty obligations when such action appeared to be in its interest."

It is indisputable that there have been many Soviet treaty violations. The Soviets use international law, like warfare and subversion, as an instrument of policy. A Soviet international legal expert succinctly confided:

"Those institutions of international law which can facilitate the accomplishment of the stated tasks (of Soviet foreign policy) are recognized and applied in the USSR; those which contradict these aims in any way are rejected."

Soviet foreign policy explicitly serves the objectives of world revolution and world domination.

The above official 1959 State Department document authoritatively concluded that:

"The history of the last 40 years provided numerous examples of deliberate treaty violation by the Soviet regime. A cursory examination of the public conventions entered into by the Soviet Union during this period reveals well over *50 violations.* The USSR has disregarded treaty provisions inconvenient to itself, has unilaterally denounced conventions to which it was a party, has threatened abrogation as a means of intimidation, and has on several occasions attacked fellow signatories to treaties of friendship and nonaggression." (Emphasis added.)

An *official* U.S. government book entitled *Soviet Treaty Violations* was published by the Department of Defense on November 5, 1962. This official book also describes over 50 Soviet treaty violations since 1917. In the view of early Soviet theorists, the purpose of treaties "was not to stabilize world order, or world peace, but rather to function as a temporary armistice in the movement towards the world revolution." (Grzybowski, *Soviet Theory of Treaties,* in S. Agrawala, *Essays on the Law of Treaties,* p. 198 (1972)). As V. I. Lenin declared frankly in 1918 in regard to the March 1918 Soviet-German Brest-Litovsk peace treaty: "Yes, of course we are violating the treaty. We have already violated it 30 or 40 times." The Soviets then went on to assist the German Weimar Republic in violating the disarmament provisions of the Versailles Treaty. The Soviets violate their own Constitution. They violate the Litvinov Agreement of 1933 establishing U.S.-Soviet relations.

A. Soviet SALT violations

An advisor to President Reagan, Laurence Beilenson, stated in a recent book:

We consider ourselves sagacious in staking our survival on treaties with the USSR, whose ideology blesses cheating as a virture."

And as Reagan's National Security Advisor, Judge William Clark, stated, "Historically, Soviet behavior does not give us great confidence in their willingness to live up to their word."

Analysis of Soviet compliance with Strategic Arms Limitation Treaties (SALT) has long been complicated by the ambiguity of many of the provisions of the agreements. But this ambiguity was deliberately intended by the Soviets and is the direct result of Soviet negotiating deception to create loopholes to protect their strategic programs from constraints. Analysis of Soviet SALT compliance is also hindered by the well known ambiguity of U.S. intelligence data and judgments. But this ambiguity also stems largely from Soviet behavior. Since 1972, the Soviets have engaged in a massive camouflage, concealment, and deception program involving all Soviet strategic forces. This program has deliberately and clearly interfered with U.S. national technical means of verification. The harmful effects of Soviet camouflage, concealment, and deception can be recognized in the role it had in misleading U.S intelligence estimates of both the basic Soviet Intercontinental Ballistic Missile (ICBM) and Submarine Launched Ballistic Missile (SLBM) levels during SALT I. These were the key verification parameters of SALT I, and U.S. intelligence miscounted and underestimated both of them.

Thus the Soviets deceptively negotiate ambiguous SALT provisions, and then try to confound U.S. monitoring and analaysis of their compliance behavior by throwing sand in our eyes. To add injury to insult, the Soviets often deliberately circumvent and even violate arms control treaties and other treaties. Nevertheless, the Soviets have had the gall to claim frequently that the U.S. should "trust" the Soviets to comply with SALT agreements, and in one case, to even wrongly accuse the U.S. of a SALT violation.

Both the SALT I ABM Treaty and the SALT I Interim Agreement on Strategic Offensive Arms explicity stated in their preambles that their purpose included the "Strengthening *'trust'* between states." Dr. Kissinger also emphasized several times in May and June of 1982 that SALT I was supposed to strenthen U.S.-Soviet *"trust."* The Soviets themselves have also stated that trust was important in SALT:

"The SALT II agreement presupposes *Mutual trust* and the creation of an atomosphere of *good will* which would promote the improvement of relations between the USSR and the United States." (Emphasis added.)

"Trust" was therefore an important concept in SALT. However, recently published analyses of Soviet negotiating deception in May 1972, together with the massive Soviet comouflage and concealment effort since 1972, and the Soviet record of non-compliance with important provisions of SALT I, cast certain doubt on the concept of "trust" and "good faith" in the SALT negotiations.

In fact, the Carter Administration was ambivalent about trust in SALT. In the State Department SALT Compliance White Paper released in 1978, the Carter Administration contradicted itself on the issue of "trust." On page 8 the documents stated: ". . . confidence and *trust* . . . are *important* to mutual efforts to establish and maintain strategic arms limitations." Five pages later the same document stated: ". . . The United States does not rely on *trust,* on Soviet intentions . . . inassessing whether verification of a SALT agreement is adequate."

Probably because the Carter Administration did not want to admit the fact that there was substantial evidence of Soviet deception and bad faith in SALT negotiating in compliance, the preamble to the SALT II Treaty contained absolutely *no* reference at all to "trust." This omission is remarkable, and should raise important questions about our ability to verify the Treaty. The Carter Administration conceded that although we cannot trust the Russians, we could still "adequately" monitor, verify, and enforce Soviet compliance with SALT II. But the question of Soviet negotiating and operational deception was ignored by the Administration, as were the problems of defining a violation and enforceing compliance.

The conclusion that the Soviets have violated SALT treaties should not be suprising, however, when viewed against the background of the history of Soviet diplomatic duplicity and treaty violations since the Bolshevik Revolution of 1917. Moreover, the conclusive evidence of Soviet negotiating deception throughout the SALT negotiations is a good indication of Soviet compliance behavior. This pattern of negotiating deception, operational camouflage and concealment, and treaty violations and circumventions is part of a much larger Soviet effort in diplomatic duplicity which involves propaganda, disinformation ploys, and "active measures" of covert action and subversion designed to totally defeat the West. Marxist-Leninist ideology justifies and rationalizes all Soviet foreign policy behavior, from treaty violations to progaganda, and "active measures" such as forgeries. The Soviets are merely behaving like the same Russians of the Cold War era.

The record of Soviet non-compliance with arms control treaties suggests that evasion, circumvention, and violation are endemic to Soviet ideology and diplomatic behavior. The SALT negotiating and compliance record confirms that the Soviets have entirely different and hostile objectives in arms control which are fundamentally incompatible with those of the U.S. These Soviet arms control objectives are derived directly from Marxist-Leninist ideology.

Thus the Soviets have found evasion, circumvention, and violation of arms control agreements to be in their interest and have behaved accordingly. They have circumvented, evaded, or violated SALT agreements in order to further the shift in the correlation of forces in their favor. Yet thus far the U.S. has failed to respond with compensatory strategic programs or even to challenge Soviet SALT violations. The ultimate irony is that Soviet peace propaganda has successfully obfuscated Soviet SALT cheating, and instead made the U.S. seem to be the main villain and obstacle to successful arms control.

The Soviet Union is guilty of more than 30 reported violations or circumventions of the SALT I ABM Treaty, SALT I Interim Offensive Weapons Agreement, SALT II, and other arms control agreements. The SALT violations "coverup" began under the Nixon Administration and was orchestrated by Dr. Henry Kissinger, who continued to perpetuate the coverup under the Ford Administration. It was continued and expanded under the Carter Administration, which extended the coverup to Soviet violations of SALT II. The Nixon, Ford, Carter Administrations and now even the Reagan Administration either suppressed these Soviet SALT violations and circumventions from the American people, or distorted or misleadingly presented them. The arms control violations and circumventions are as follows:

1. SALT I Violations and Circumventions—Anti-Ballistic Missile (ABM) Treaty

Soviet SAM testing in ABM mode for Surface to Air missile (SAM) upgrade for nationwide defense;

Soviet deployment of ABM Battle Management Radars for nationwide defense;

Soviet ABM camouflage and concealment;

Soviet falsification of ABM deactivation;

Soviet creation of anew ABM Test Range without required prior notification;

Soviet development of a rapidly deployable, mobile ABM, also for nationwide defense.

2. SALT I Violations and Circumventions—Interim Agreement

Soviet deployment of the heavy SS-19 ICBM as the replacement of the light SS-11, which is the most dangerous and demonstrable of all Soviet SALT violations or circumventions;

Soviet failure to deactivate old ICBMs on time, and continuous falsification of official deactivation reports;

Bringing back ICBM equipment to deactivated ICBM complexes;

Keeping 18 SS-9 ICBMs at an ICBM test range illegally operational;

Soviet deployment of "IIIX" silos with a configuration too similar to a missile-launch silo;

Soviet massive use of deliberate camouflage, concealment, and deception which actualy increased after 1972;

Encryption of missile telemetry (electronic encoding of signals sent during flight testing);

Camouflage of ICBM testing, production, deployment;

Concealment of SLBM submarine construction, berthing, dummy subs, construction of berthing tunnels;

Constructing over 68 strategic submarines, when only 62 were allowed;

SS-20 Intermediate Range Ballistic Missile (IRBM) deployment, which should count as ICBM deployment;

Violation of Brezhnev's pledge not to build mobile ICBMs;

Deploying SS-11 ICBMs at SS-4 Medium Range Ballistic Missile (MRBM) sites, probably having a covert soft lauch capability;

Keeping about 1,300 to several thousand old ICBMs stockpiled for both covert soft launch and rapid reload of silos for refire.

As former Director of the U.S. Arms Control and Disarmament Agency Eugene Rostow stated on October 20, 1981: ". . . The SALT I Agreements and the process of negotiating SALT II did not prevent the worst decade of the Cold War or the extraordinary buildup of the Soviet nuclear arsenal." According to Under Secretary of Defense Richard DeLauer in the Fical Year 1984 Defense R&D Report, "The Soviets, in fact, never slowed or even perturbed their strategic development and deployment programs in spite of detente, active arms control negotiations, or the SALT agreements."

3. Four Other Arms Control Violations

There have been over 15 Soviet underground nuclear tests over 150 kilotons, in clearcut violation of the 1974 Threshhold Test Ban Treaty put into effect in 1976. Several of these high yield underground tests are unambiguous violations; indeed, the Soviets actually tested more weapons above 150 kilotons after 1976 than before. President Reagan stated at a Press Conference on March 29, 1983, in a reference to the TTBT: "We have reason to believe that there have been numerous violations . . ." of the TTBT. As former ACDA Director Rostow testified to the Senate on July 29, 1982: ". . . We have real concerns about a number of tests conducted by the Soviets since the TTBT and PNET Agreements were signed." Defense Secretary Weinberger stated on August 11, 1982 that some Soviet tests have been big enough "to raise serious questions about compliance" with the 150 kiloton threshhold of the TTBT.

There have been over 30 unambiguous Soviet ventings of radioactive debris from underground nuclear tests in clearcut violation of the 1963 Limited Test Ban Treaty. These ventings are all unequivocal, and resulted in the spread of radioactive debris outside of Soviet borders.

In addition to the Soviet Combat Brigade deployed in Cuba, there has been Soviet deployment to Cuba since 1970 of Golf and Echo class submarines carrying long-range nuclear missiles. There has been deployment to Cuba of nuclear-capable MiG-23 fighter bombers to Cuba, and deployment of longrange Bear bomber type aircraft capable of carrying nuclear bombs and missiles, all in direct violation of the 1962 and 1970 Agreements Prohibiting Offensive Weapons and their support facilities in Cuba. This clearcut arms control violation is even more serious than SS-19 deployment. President Reagan and 3 other top officials have directly accused the Soviets of violating the Kennedy-Khrushchev Agreement of 1962.

CIA Director William Casey was asked in *U.S. News and World Report* of March 8, 1982 "Does what is happening now in Cuba violate the 1962 Kennedy-Khruschev Agreement ending the missile crisis?" CIA Director Casey answered: "Oh sure it does, because the 1962 agreement said the Soviets would send no offensive weapons, and it also said there would be no export of revolution from Cuba. The agreement has been violated for 20 years."

On March 8, 1982, Congressman Jack Kemp asked the then Chairman of the Joint Chiefs of Staff: ". . . Is it not true that . . . there is a *de facto*, if not a *de jure* violation by the Soviet Union of understandings that this country has had with them?" General Jones answered: "We interpret . . . Soviet actions in Cuba as a violation . . . In my judgment, they the Soviets have gone beyond the 1962 accords . . ." (Emphasis added.)

On March 11, 1982, Under Secretary of Defense for Policy Fred Ikle confirmed that the Soviets had bases in Cuba capable of nuclear attack, and testified to Congress that the 1962 Kennedy-Khrushchev Agreement "had been eroded away to nothing" by Soviet actions.

In May, 1982, President Reagan stated in a nationally televised press conference that: "The only place he [i.e., the late Soviet President Brezhnev] could install them [Soviet nuclear weapons] in this hemisphere would be in Cuba, which is his [Brezhnev's] satellite now . . . But this would be in total violation [i.e., of the 1962 Kennedy-Khruschev Agreement]. You know there's been other things we could think are violations, also of the 1962 agreements." If the Soviets are violating the very agreement that settled the Cuban-Missile Crisis, then the world must be back in a crisis situation. Indeed, the Soviet threat from Cuba is today greater than it was in 1962.

There is also the now confirmed April 1979 germ warfare accident of Sverdlovsk, indicating conclusive Soviet violation of the 1975 Convention banning germ warfare. Moreover, there is now also conclusive evidence of illegal Soviet use of biological toxins and chemical agents in Southeast and Southwest Asia. And the Soviets also have an intercontinental delivery capability for Biological Warfare (BW) weapons. These clearcut Soviet arms control treaty violations are easily understandable, and all by themselves have graphically demonstrated the duplicitous Soviet approach to arms control. President Reagan has twice explicitly accused the Soviets of violating the 1975 Biological and 1925 Chemical Warfare Conventions. For example, on January 26, 1983, President Reagan stated that there is "overwhelming evidence of Soviet violations of international treaties concerning chemical and biological weapons." He stated at the United Nations on June 17, 1982 that: "The Soviet Union and their allies are violating the Geneva Protocol of 1925, . . . and the 1972 Biological Weapons Convention. There is conclusive evidence . . ." The State Department has also directly accused the Soviets of violating the BW and CW Conventions. (But in 1977, Soviet Foreign Minister Gromyko even hypocritically told the UN that BW weapons were "cruel and barbaric.")

There has long been more than adequate evidence to challenge Soviet SALT violations. The shift in the strategic balance in Soviet favor, and U.S. advocacy of a minimum deterrence posture in which Soviet strategic advantages are deemed meaningless, are the principal causes for U.S. acquiescence in the Soviet SALT violations. Soviet circumventions and violations have shifted the strategic balance further in Soviet favor, which in turn has made it more provocative and dangerous for the United States to challenge these violations. It is now almost impossible for the U.S. to enforce Soviet arms control compliance, and the Soviets know that this U.S. paralysis gives them added incentive to continue to violate arms control treaties, while hypocritically continuing negotiations for further arms control treaties.

Ambassador Seymour Weiss, former Director of the State Department's Office of

Political-Military Affairs, has succinctly explained the problem of Soviet SALT violations for the U.S.:

"Once a democracy has committed itself to a major, formal arms control treaty, a treaty seen as the linchpin of a broader policy of detente, finding the partner in violation of that treaty tends to undermine its own foreign policy. It amounts to an admission of past failure. Violations—and their political as well as military implications—must be explained to the electorate and to one's allies. This means that further arms control proposals will be difficult if not impossible to advance. The consequences are almost endless and all bad, from the point of view of those supporting arms control and those who insist agreements must be and in fact are verifiable. The violation must be made to go way. It did not occur, or if it did it was a passing aberration, of no military or political consequences, unworthy of open discussion. At all costs, the process of arms control must be protected. These are not overstatements. It is this pressure of political events that bears most heavily on verification, that causes even relatively clearcut violations to be rationalized away. Unfortunately, our failure to confront the Soviets can only be interpreted by them on one way: as proof that the massive shift in the "correlation of forces" away from capitalism and toward socialism has left the leaders of the West no choice but to accommodate themselves to the Soviet position that no violations have occurred. This, in their view, is a "forced concession" caused by Soviet possession of superior power. The Soviet world view allows them no other interpretation of our acquescence in the face of *overwhelming objective evidence that the Soviets have violated SALT and other arms control agreements* and the West has taken no action to repudiate or modify them." (Emphasis added.)

Ambassador Weiss has thus answered the question of why the United States has not acted upon Kissinger's 1972 warning that the United States would abrogate SALT if the Soviets were circumventing or cheating. Detente and continuing the SALT process are evidently more important than U.S. unilateral actions to preserve U.S. national security.

Probably the most authoritative accusation of Soviet SALT violations ever made has been completely ignored. According to the *Washington Times* on September 15, 1982, Dr. Henry Kissinger stated: "On actual [Soviet SALT] violations, I am familiar with one . . ." Kissinger went on to describe this Soviets SALT violation as testing SAMs in an ABM mode. Thus by explicit admission of the chief architect of detente, Henry Kissinger, the Soviets have violated SALT Treaties.

Another authoritative accusation was made by Ambassador Paul Nitze, who is now Chief U.S. Negotiator for International Range Nuclear Force Negotiations. He was asked by Senator Zorinsky during Senate Foreign Relations Committee SALT II hearings in 1979: "Do you know of any violations that have come before the SALT I Standing Consultative Commission that were not resolved under SALT I?" Ambassador Nitze replied: "No, but how were they resolved? *They were resolved by accepting what had been done in violation.*" (Emphasis added.) Thus, Paul Nitze, one of our most knowledgeable and experienced SALT negotiators, has strongly bolstered the thesis that the Soviets have violated SALT agreements.

Roberta Wholstetter has also written that:

"The cheater in an arms agreement and the side cheated . . . both need to preserve the illusion that the agreement has not been violated. The British fear of an arms race (i.e., in the 1930s) so skillfully manipulated by Hitler, led to a (1935) naval agreement, in which the British . . . tacitly revised the Versailles Treaty. And British fear of an arms race prevented them from recognizing violations of the new agreement."

VERIFICATION HANDICAPS

One indication of the unreliability of our intelligence and verification process is the fact that the historical record of Soviet activities in SALT can be tampered with for political reasons by the White House. Both evidence and analysis of SALT verification issues have on occasions been suppressed within the U.S. intelligence community. As the Pike Congressional Committee reported in 1975:

"The spectre of important information, suggesting Soviet violation of strategic arms limitations, purposely withheld for extended periods of time from analysts, decision-makers, and Members of Congress, has caused great controversy within the Intelligence Community."

And, as Admiral Elmo Zumwalt clearly demonstrated in a January 1976 Aviation Week article:

". . . in six cases cited by Chairman Pike, key intelligence items were withheld at Kissinger's direction for periods in excess of two months—in one case for almost six months."

Moreover, Congressman Jack Kemp has noted recently that key Communications Intelligence evidence related to the large size of the Soviet SS-19 ICBM and the Soviet commitment to its large scale deployment was intercepted by the U.S. in May 1972. Kemp then notes the contradictions between Dr. Kissinger's assurances to Congress in June 1972, that the Soviets could not deploy heavy ICBMs the size of the then still secret SS-19 in place of light ones, and the intercepted evidence.

Kemp goes on to ask: "Was any vital evidence ever suppressed within the intelligence community, and did Dr. Kissinger have any role in this?"

The public statements of Dr. Kissinger in June 1972, juxtaposed against Congressman Kemp's analysis of the intercepted COMINT evidence suggest either the suppression of intelligence information, the failure of intelligence analysis, or both.

The official unclassified report of the Senate Select Committee on Intelligence published on October 4, 1979, concerning the verifiability of SALT II confirms that:

"It is clear from the SALT I record that intelligence of possible Soviet violation of the Treaty [sic] *was*, in some cases, and for a time, *withheld* from Executive branch officials who had a need for such information." (Emphasis added.)

A fundamental problem with verification is the need to restore the integrity of the intelligence analysis and dissemination process. This is inherently a very fragile process, and damage to its integrity, timeliness, and accuracy is extremely dangerous. Intelligence evidence should never be suppressed. Competing and dissenting analysis must instead be brought to the attention of our policymakers. Common sense, the "American way," and the need for duplication of functions and debate within the intelligence community suggest that dissent and competitive analysis should be encouraged, rather than being penalized as is so often the case. Evidence that is withheld distorts intelligence analysis, and delays in reporting findings prevent recognition of Soviet deceptions, as the record of SALT I verification efforts clearly indicates.

But the Senate Intelligence Committee has so far failed to require procedural changes in the Executive branch which would prevent intelligence from being withheld in the future from Executive offices with a "need to know." Moreover, there are still no procedures to prevent information on Soviet SALT violations from being withheld from Congress. There have also been public reports that Dr. Zbigniew Brezinski has participated in the Carter Administration's suppression of a highly-classified CIA study on Soviet SALT deception. Taken with the evidence presented above, one cannot avoid concluding that elements within the U.S. government have suppressed intelligence concerning Soviet noncompliance with all of the SALT-related accords. This suppression, in the opinion of some Senators, constitutes a clear and present danger to our national security.

Second, even without considering the suppression and distortion of intelligence regarding Soviet compliance with SALT, it is readily apparent that the record of U.S. intelligence collection and analysis in counting the numbers of both Soviet ICBMs and SLBMs, the main quantitative constraints of SALT I, is not good. In fact, U.S. intelligence miscounted both of these levels during SALT I, and the bias was to underestimate as throughout the 1960's. These heretofore unrevealed miscounts were the result mostly of bad analysis. Our declining collection capabilities suggest that such errors are all too likely to be repeated in the future.

Third, there are long delays in the analysis of Soviet SALT compliance. Collection, analysis, and enforcement are in fact not prompt, despite Carter Administration claims. In three cases it took respectively seven, three, and two and one-half years after detection to "resolve" a compliance question. Of even greater importance, after these long delays, final resolution of *all* significant compliance problems amounted to U.S. acquiescence in Soviet circumvention or violation. The Soviets themselves have also falsified basic data in SALT negotiations, treaties, and compliance questions, and they have officially lied to the U.S. several times. The U.S. has only once challenged Soviet falsification, but the Soviets evidently never corrected the record or rectified the situation.

Former Arms Control Agency Director Eugene Rostow stated to the U.N. on February 9, 1982:

"Troubling questions have arisen about Soviet compliance with international agreements concerning chemical and biological warfare . . . they cast a shadow over the possibility of verifying Soviet compliance with treaties on the control of other arms, *particularly nuclear arms.*" (Emphasis added.)

In the same speech, Rostow directly accused the Soviet Union of Flagrantly violating both the UN Charter and the Helsinki Final Act by intimidating the Polish people. Rostow was willing to accuse the Soviets of violating vaguely worded agreements, but not precisely worded SALT agreements. The closest Rostow has apparently come to questioning Soviet SALT compliance is the following statement also made on October 20, 1981:

"During the last ten years we have had many shocks and surprises in attempting to follow and anitcpate the growth of the

Soviet nuclear arsenal, and to monitor Soviet compliance with existing arms control agreements. Officials . . . (are) troubled about the effectiveness of verification and of our procedures for ensuring the enforcement of arms control treaties and disturbed about the implications of their experience. *Their concern is easy to understand.*" (Emphasis added.)

Rostow added realistically, however, that the American public have "a healthy skepticism about what the Soviets are up to."

SOVIET SALT II VIOLATIONS: A U.S. NATIONAL SECURITY AND CONSTITUTIONAL CRISIS

This section provides evidence that the Soviet Union is flagrantly violating the second Strategic Arms Limitation Treaty—SALT II—in seven significant cases, as well as other arms control agreements. As noted above, there are also massive Soviet violations of the Biological and Chemical warfare conventions (the "Yellow Rain" situation), and also Soviet violation of the Thresh-hold Nuclear Weapons Test Ban and the Kennedy-Khrushchev Cuba Agreement of 1962. The Reagan Administration (and the President himself) has officially charged the Soviets with violations of the Biological and Chemical Warfare Conventions, with violation of the Yalta and Potsdam Agreements, and with violating the Kennedy-Khrushchev Agreement, while stating its grave concern over probable Soviet violations of the Thresh-hold Test Ban Treaty. This dangerous Soviet noncompliance gravely threatens U.S. national security and the preservation of world peace, because it contributes to the strengthening of Soviet strategic superiority. In stark contrast to this ongoing Soviet strategic buildup in violation of SALT II, the U.S. is complying strictly and unilaterally with the unratified SALT II Treaty. U.S. strategic forces have been constrained in nine significant but little publicized cases in order to comply unilaterally with the unratified SALT II Treaty. Further, this U.S. unilateral compliance with SALT II is occurring in violation of the U.S. Constitution and law.

The Soviets thus have all the benefits of U.S. SALT II compliance, while themselves accepting no obligations. This situation is allowing already significant Soviet strategic superiority to grow dangerously, further shifting the world balance of power against the U.S.

A. Soviet SALT II violations

In his recently published memoirs, "Keeping Faith," former President Carter declared that there was: "an erroneous belief . . . that the Soviet leaders have habitually violated earlier [SALT] agreements, but that their defaults were somehow concealed by disloyal American leaders." (p. 214)

But in the same book, Carter contradictorily quotes former Secretary of State Henry Kissinger as conceding that the Soviets have violated or circumvented SALT Treaties:

"He [Kissinger] added that the Soviets . . . would honor the letter of an understanding, but that one had to be very careful because they would probe for every loophole in the language in order to gain some advantage, even if it violated the intent of the original deal." (p. 188)

Carter was acknowledging Soviet SALT circumventions by so citing Kissinger.

As noted, according to the Washington Times of September 15, 1982, Henry Kissinger stated, "On actual violations, I'm familiar with one . . .". This Soviet SALT violation was SAM testing in an ABM-mode. Thus, according to Jimmy Carter, the Soviets have at least circumvented SALT Treaties, and by explicit admission of the chief architect of detente and SALT, Henry Kissinger, the Soviets have actually violated SALT Treaties. Many other American leaders have authoritatively accused the Soviets of SALT violations, ranging from INF negotiator Paul Nitze, former Defense Secretary Melvin Laird, retired Admiral Elmo Zumwalt, Senators Jake Garn, Gordon Humphrey, Jesse Helms, Steve Symms, former Senator James Buckley, former Congressman David Emery, defense analyst Colin Gray, and Ambassador Seymour Weiss.

The clear fact of massive Soviet violation of SALT Treaties under Carter and Kissinger was recognized by President Reagan's 1980 Republican Party Platform. The 1980 Republican Platform twice explicitly accused the Carter Administration of a "coverup" of Soviet violations of SALT I, II, and other arms control agreements:

The Republican party deplores the attempts of the Carter Administration to *cover-up* Soviet non-compliance with arms control agreements, including the now overwhelming evidence of blatant Soviet violation of the Biological Warfare Convention by secret production of biological agents at Sverdlovsk . . . *We pledge to end the Carter cover-up of violations of SALT I and II,* to end the coverup of Soviet violation of the Biological Warfare Convention. . . ." (Emphasis added.)

The Soviets have been violating the SALT II Treaty ever since they signed it in 1979. President Reagan himself recognized the existence and danger of Soviet SALT II violations when he stated on May 9, 1982:

"So far, the Soviet Union has used arms control negotiations primarily as an instrument to restrict U.S. defense programs, and in conjunction with their own arms buildup, as a means to enhance Sovet power and prestige. *Unfortunately, for some time suspicions have grown that the Soviet Union has not been living up to its obligations under existing arms control treaties.*" (Emphasis added.)

Defense Secretary Weinberger added in the fiscal year 1984 Defense Posture Statement that:

"Our experience with the effects of some previous arms control agreements has not been positive. They had the effect of limiting our own forces while enabling the Soviets to continue a massive arms buildup. *Despite the SALT accords, the Soviet Union has steadily increased its nuclear arsenal,* making our missile forces much more vulnerable and our deterrent capability less stable and secure." (Emphasis added.)

This statement is tantamount to an official Reagan Administration acknowledgement of at least Soviet circumvention of SALT I and SALT II.

President Reagan's and Defense Secretary Weinberger's suspicions of Soviet SALT II circumventions and violations are well founded. A top Reagan Administration verification official has testified to Congress that he has "grave concerns about Soviet compliance with SALT I and SALT II."

Another set of factors suggests that the Reagan Administration should move toward charging Soviet violations of SALT II. Soviet diplomatic behavior has been officially linked to Soviet arms restraint under the SALT II Treaty. Even before the Soviet Combat Brigade in Cuba was discovered and the Soviet invasion of Afghanistan occurred in late 1979, the leadership of the Senate realized that SALT II could not be passed. Since then, the Soviets have continued their repression in Afghanistan, intimidated the Polish people, and have increased their arms shipments to Cuba threefold over the rate of 1962. Moreover, four top officials of the Reagan Administration have confirmed that the Soviets have violated the Kennedy-Khrushchev Agreement ending the 1962 Cuban Missile Crisis.

These aggressive Soviet actions totally contradict the 1972 agreement on Basic Principles of U.S.-Soviet Relations. This agreement states that the principles of "cooperation"; "peaceful co-existence"; "equality"; "avoidance of military confrontation"; "restraint"; "mutual accommodation"; "no efforts to obtain unilateral advantages"; "and renunciation of the use or threat of force", are the basis of the U.S.-Soviet relations. Soviet agressive actions in Cuba, the Caribbean, Poland, Afghanistan, and elsewhere in the world totally contradict the principles of the 1972 agreement.

But the Preamble to the SALT II Treaty explicitly states that the SALT II treaty "proceeds" from the 1972 agreement.

Thus the very foundation of the SALT II Treaty is being violated by the Soviets.

The Soviets have been violating or circumventing the SALT II Treaty flagrantly. The following examples of Soviet SALT II violations or circumventions have been widely reported in the press, and are well known:

First, the reported Soviet rapid reload and refire exercises for their giant SS-18 cold-launched ICBM. This violates or circumvents all the SALT II ceilings on launchers, and also specific provisions prohibiting such a capability. It enormously increases the already overwhelming Soviet counterforce capability.

Second, the reported Soviet covert deployment of 100 to 200 camouflaged and concealed mobile SS-16 ICBMs at the Plesetsk test range. This activity explicitly violates several provisions of SALT II specifically prohibiting SS-16 deployment and prohibiting operational use of test range launchers. It also violates the SALT II Data Exchange, an integral part of the Treaty. It is similar to the Soviet illegal deployment of 18 SS-9 ICBMs at the Tyuratam test range during SALT I. It provides the Soviets with a significant, covert strategic reserve force. (See SALT II Agreement, U.S. Department of State, Selected Document No. 12B, 18 June 1979, p. 37.) The Arms Control and Disarmament Agency has reportedly recently done a study confirming Soviet deployment of SS-16s in violation of SALT II, and Assistant Defense Secretary Perle on November 27, 1982 stated in regard to the SS-16 that there "was some considerable evidence that could well have indicated a violation." On October 3, 1982, former ACDA Director Rostow stated "certainly evidence has come along that causes great concern about whether the SS-16 provisions of SALT II are being respected."

Third, the Soviet deployment of AS-3 "Kangaroo" long-range air-to-surface missiles on 100 TU-95 Bear intercontinental bombers, in explicit violation of several provisions and launcher ceilings of SALT II. An official Defense Department publication, Soviet Military Power (October, 1981) establishes the fact of this violation. This is also a Soviet falsification of the Data Exchange, an integral part of the Treaty, calling into question all Soviet supplied data.

Fourth, Soviet deployment of long-range air-to-surface missiles on the intercontinental Backfire bomber. This deployment explicitly violates several provisions and

launcher ceilings of SALT II, as well as the Brezhnev Backfire Statement, another integral part of the Treaty. Moreover, according to Congressional testimony by Under Secretary of Defense DeLauer on March 4, 1983, the Soviets are producing more than 30 Backfires per year, which also violates the Brezhnev Backfire Statement.

Fifth, as reported in the Congressional Record, p. S 15698, December 20, 1982, and May 13, 1982, p. S.5164, the continued almost total encryption (or encoding) of telemetry signals from the following Soviet missile programs: the SS-NX-20 SLBM, the SS-NX-19 SLCM, the SS-18 Mod X ICBM, the SS-20 IRBM, and now reportedly even the new Soviet medium-heavy ICBM equivalent to the U.S. MX ICBM. Moreover, 4 more new Soviet ICBMs are reportedly ready for flight-testing at any time. These new missiles will surely be almost completely encrypted as well. This almost complete Soviet encryption is in clearcut, flagrant, conclusive violation of several provisions of SALT II, as will be seen below.

Sixth, the fact that the massive Soviet strategic camouflage, concealment, and deception program is intended to deliberately interfer with U.S. National Technical Means of SALT verification—satellite reconnaissance—and therefore constitutes another SALT II violation. This violation is confirmed by a Soviet military dictionary dated as early as 1966, which states explicitly that all Soviet interference with U.S. satellite reconnaissance is deliberate, thereby proving the violation. Moreover, there are recent reports in the New York Times and Aviation Week and Space Technology that the Soviets damaged a U.S. digital imaging satellite by beaming a laser weapon on it. This is another flagrant SALT violation.

Explanation of the Soviet camouflage, deception, and telemetry encryption violations is straightforward. The SALT II Treaty states in paragraph 3 of Article XV:

"Each Party undertakes *not* to use *deliberate* concealment measures which impede verification by national technical means. . . ." (Emphasis added.)

More specifically, the Second Common Understanding to paragraph 3 states further that:

"Each Party is free to use various methods of transmitting telemetric information during testing, including its encryption, except that, in accordance with the provisions of paragraph 3 of Article XV of the Treaty, neither Party shall engage in deliberate denial of telemetric information, such as through use of telemetry encryption, *whenever such denial impedes verification of compliance with the provisions of the Treaty.*" (Emphasis added.)

In regard to the new Soviet missiles now undergoing testing, the text of the SALT II Treaty itself specifies that the U.S. needs to be able to verify: launch-weight; throw-weight; number of warheads; number of stages; length; type of propellant; diameter of stages; and procedures for releasing warheads.

All of these characteristics of the new Soviet missiles now reportedly being flight-tested are being concealed from U.S. verification monitoring by the almost total Soviet telemetry encryption.

The Carter Administration pledged that it would have immediately challenged as SALT II violations Soviet telemetry encryption as complete as is now reported on the new Soviet medium-heavy ICBM and the SS-NX-20 Typhoon SLBM. The Soviets are reportedly encrypting 95 percent of the telemetry on these missiles. (See Evans and Novak, The Washington Post, December 15, 1982, "Of Hostages and Cheats," and New York Post, December 15, 1982, "Soviets Black Out New Missile Tests".) As former President Carter stated to a Joint Session of Congress on 18 June, 1979 after returning from the Vienna SALT II Summit:

"It is the SALT II agreement itself which forbids concealment measures . . . [it] forbids the encryption or the encoding of crucial missile test information. *A violation* of this part of the agreement—which we would quickly detect—*would be just as serious as a violation of the limits on strategic weapons themselves.*" (Emphasis added.)

Carter's statement means that complete Soviet encryption must be regarded as being just as serious a SALT II violation as exceeding the launcher ceilings, which the Soviets are also doing. Telemetry encryption would be irreversible and would defeat the object and purpose of SALT II, according to Robert F. Turner ("Legal Implications of Deferring Ratification of SALT II," Virginia Journal of International Law, Summer, 1981). The U.S. thus has compelling grounds for declaring the SALT II Treaty null and void.

Moreover, a Carter Administration State Department White Paper on SALT II verification published in August 1979 stated:

"Deliberate concealment efforts are themselves a *violation*, and if detected *could be grounds for abrogating the Treaty*, even if we are not certain what activity is being concealed . . . concealment measures designed to impede verification would themselves be violations." (Emphasis added.)

The Senate Foreign Relations Committee, by a 15 to 0 vote in 1979, adopted an understanding to the SALT II Treaty proposed by Senator Biden. This understanding stated that telemetry encryption that impedes verification "will be raised by the United States in the Standing Consultative Commission and, if the issue is not resolved to the satisfaction of the U.S., the U.S. reserves the right to exercise all other available remedies, including but not limited to the right to withdraw from the treaty." Thus Senator Biden was concerned about Soviet encryption of telemetry in 1979.

Thus, the Carter Administration and the Senate Foreign Relations Committee in 1979 pledged to abrogate SALT II if the Soviets used concealment measures such as almost complete telemetry encryption. The Reagan Administration, in contrast, mysteriously tolerates and covers up Soviet SALT II violations, while charging the Soviets with violations of the no less significant BW and CW Conventions, the Kennedy-Khrushchev Agreement, and the Threshold Test Ban Treaty.

There is now overwhelming evidence of a seventh significant violation of the SALT II Treaty. According to the recent Human Events of February 26, 1983, p. 4:

". . . The Soviet fired a new intercontinental ballistic missile which many in the U.S. intelligence community believe is a *'triple violation'* of the SALT II Treaty. . . . On February 8, the Soviets tested a small, solid-fuel missile from Plesetsk in northern Russia that has alarmed members of the intelligence community. Known as PL-5 (Plesetsk Range 5), it has four MIRV warheads and is mobile. Its radio signals . . . telemetry . . . which the SALT II pact says are supposed to be uncoded so the U.S. can determine critical ICBM performance characteristics—were *'100 percent encrypted'* says Defense Department intelligence. The information known about the test, according to intelligence information circulating at the Pentagon, establishes the following three violations of SALT II . . . (1) As an SS-16 derivative, the PL-5 violates the prohibition on SS-16 testing, development, production and deployment contained in SALT II and its protocol (i.e., Common understanding to point 8 of Article 4, and Article I of the Protocol); (2) The PL-5 is a *second new type* of Soviet ICBM tested since SALT II, yet Article II [Sic. i.e., Article IV] of SALT II allows the U.S. and the Soviets to build only *one* new type of ICBM. The U.S. confirmed last year that the Soviet Union had flight-tested a new type of ICBM in October. In December, amid reports that the Soviets were preparing for another missile test, State Department spokesman Alan Romberg said that, *'if they begin to test another new type of ICBM, this would conflict with the terms of SALT II.'*; (3) The 100 percent encryption of the PL-5's telemetry signals conclusively violate [Sic. i.e., violates] SALT II's article XV prohibiting encryption from interfering with U.S. verification. As a Defense intelligence summary says, 'This new Soviet missile, coming on the heels of the new Soviet PL-4 medium-heavy ICBM with 10 MIRVed warheads and 98 percent telemetry encryption, makes the Reagan Administration's policy of not undercutting the unratified SALT II Treaty as long as the Soviets show "equal restraint" *untenable.* The Soviets are undercutting SALT II by violating its provisions conclusively, thereby showing no restraint at all.'" (Emphasis added.)

According to Evans and Novak (New York Post, February 24, 1983) President Reagan himself has confirmed this Soviet SALT II violation. They report: "Regarding Moscow's February 8 missile test, Reagan virtually accused the Russians of breaking an informal agreement to obey the unratified SALT II treaty's provisions."

President Reagan stated at the press breakfast on February 23, 1983, that:

". . . There have been hints (i.e., of Soviet SALT II violations) and yet so far and up until this last case . . . *you could say I'm convinced that these are violations,* but it would have been very difficult to find the hard evidence to make it hold up in court. *This last one comes closest to indicating that it is a violation* . . . but there is no question that while there was a kind of informal agreement that since the (i.e., SALT II) Treaty had not been ratified but was still in existance there, having been signed, that both sides would agree in good faith that they would observe the things that they had arrived at in that (i.e., SALT II) Treaty. *This one, (i.e., the second new Soviet ICBM test) I think, makes it plain. The Soviet Union has really continued its buildup . . .*" (Emphasis added.)

Thus the President himself has indeed virtually accused the Soviets of violating the SALT II Treaty. The President evidently believes that a mobile SS-16 follow-on is prohibited by SALT II, that the Soviets are only allowed one new type ICBM under SALT II, and that almost complete telemetry encryption is inconsistent with SALT II. The President's interpretation of the Provisions of SALT II and the intelligence evidence is sound. The Carter Administration repeatedly emphasized that SALT II allowed the Soviets only one new type ICBM, and the U.S. put the Soviets on notice during the SALT II negotiations that we would challenge the testing of more than one new type in the SCC.

But, as noted, the Soviets stated in Izyestia of May 6, 1979 that:

"The SALT II Agreement presupposes *mutual trust* and the creation of an atmosphere of *good will* which would promote the improvement of relations between the USSR and the United States." (Emphasis added.)

B. Unconstitutional U.S. compliance with the unratified SALT II treaty

In December, 1979, the U.S. Senate Armed Services Committee stated that the SALT II treaty was not in the U.S. national security interest, because it was deemed unequal, unbalanced, destabilizing, and unverifiable.

Regettably, former President Carter and President Reagan have both defied the U.S. Senate's prerogatives in contravention of the Treaty-making power of the Constitution. Both Carter and President Reagan committed the U.S. to compliance with the SALT II Treaty, without the advice and consent of the Senate.

This U.S. SALT II compliance policy began under the Reagan Administration in March, 1981, with a State Department announcement that the U.S. would not "undercut" the SALT II Treaty, as long as the Soviets "showed equal restraint." But the U.S. Senate is supposed to have a voice in U.S. compliance with treaties. Moreover, the U.S. SALT II compliance policy is conditioned upon reciprocal Soviet behavior. But the U.S. Constitution says nothing about giving the Soviets a role in deciding whether or not the U.S. complies with a treaty.

Further, despite his suspicions of Soviet violations of "existing arms control treaties" expressed on May 9, on May 30, 1982 President Reagan himself stated:

"As for existing strategic arms agreements, we will refrain from actions which undercut them, so long as the Soviet Union shows equal restraint." (Emphasis added.)

The above listing of seven Soviet SALT II violations or circumventions clearly indicates that the Soviets are not showing any restraint at all. SALT II is an existing strategic arms agreement, although it is an unratified Treaty. The U.S. Consitution states that: "He [the President] shall have power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the Senators present concur. . . ."

This constitutional language is being contradicted by President Reagan's policy that the U.S. not undercut the unratified SALT II Treaty contingent upon similar Soviet retraint. Logically, in order not to undercut SALT II, the U.S. should do nothing to defeat its object and purpose. This means that the U.S. should abide precisely with all its provisions. Indeed, the Secretary of State has testified to Congress that the "no undefeat" policy means full U.S. compliance. This concept could even be further interpreted to mean that the U.S. is bound to comply not only with the precise provisions of SALT II, but also with the undefined "spirit" of SALT II, as interpreted by the President or even by the Soviets. Thus the President's policy of not undercutting SALT II is in effect Presidential ratifiction of the SALT II Treaty, committing the U.S. to complete compliance with all of SALT II's precise provisions. But not only have the Soviets officially never informed the U.S. that they will not undercut SALT II, they are themselves in fact flagrantly undercutting SALT II with their many SALT II violations. Moreover, the Soviets have authoritatively informed the U.S. several times that they will not comply with SALT II until it is ratified. (The Soviet propagandist Zamyatin told Time magazine in 1981 that the USSR would not undercut SALT II as long as the U.S. did not, but this was not an official USSR statement in a Soviet publication.)

Thus, the Soviets have all the benefits of U.S. compliance with SALT II, while they themselves have accepted no obligations.

The President's policy of compliance with the unratified SALT II Treaty has official, formal status as Department of Defense Directives 5100.7, 5100.72 and Air Force Regulation 28-1, which require U.S. compliance with the unratified SALT II Treaty. Further, these directives require quarterly reports from the military services on U.S. compliance with the unratified SALT II Treaty. Indeed, these directives even require U.S. compliance with the Unilateral Statements of SALT. Meanwhile, the Soviets have directly violated five of the seven U.S. Unilateral Statements attached to SALT I, which were misleadingly presented to Congress as integral parts of SALT I.

There are many significant examples of U.S. unilateral compliance with the unratified SALT II Treaty during the Reagan Administration. The following is only a partial listing:

First, the U.S. unilateral deactivation of 292 strategic delivery vehicles—160 Polaris SLBMs, 54 Titan II ICBMs, 80 B-52D bombers—counted in the unratified SALT II Treaty and in its Data Exchange, an integral part of the Treaty. These delivery vehicles constitute about 13% of the delivery vehicles allowed the U.S. under SALT II, and they carry over 500 warheads. They constitute about 33% or one third of existing U.S. deliverable nuclear firepower (megatonnage). Hence, this U.S. SALT II unilateral deactivation is extremely significant. Meanwhile, as the Reagan Administration has cut these 292 delivery vehicles, the USSR has added almost 100 more delivery vehicles and twice as many warheads.

Second, U.S. cancellation of deployment of 50 (or 100) stockpiled Minuteman III MIRVed ICBMs, in compliance with the unratified SALT II Treaty's ceiling of 1,200 MIRVed missiles. This extremely cheap deployment costing only about $50 million was originally intended to partially compensate for the Titan II ICBM deactivation, and it would have increased U.S. counterforce capability by about 15%. Hence, here is another extremely significant case of U.S. unilateral compliance with the unratified SALT II Treaty.

Third, the U.S. modification of B-52 bombers to carry "strakelets" on those models which are being equipped with air-launched cruise missiles. These rather expensive "strakelets" costing about $80 million are supposed to be "Functionally Related Observable Differences" (FRODs) required by the unratified SALT II Treaty. This action demonstrates that the U.S. is willing to spend large sums to comply with the unratified SALT II Treaty, but not to increase U.S. strategic capabilities in the case of the cancelled Minuteman III deployment.

Fourth, the redesigning by the U.S. of the B-1B bomber in order to carry 2 fewer air-launched cruise missiles—20 instead of the 22 each bomber is capable of carrying, in unilateral compliance with the unratified SALT II Treaty. This is about an 11% reduction in the B-1B's payload, a fairly significant constraint of an expensive system.

Fifth, the U.S. limitation of the throw-weight of the MX ICBM to only somewhat above 3,600 kilograms, in compliance with the unratified SALT II Treaty.

Sixth, the U.S. limitation of the launch-weight of the MX ICBM to 90,000 kilograms, in compliance with the unratified SALT II Treaty.

Seventh, the U.S. limitation of the number of warheads on the MX ICBM to 10, instead of the 14 originally intended in 1973, in compliance with the unratified SALT II Treaty. This constitutes a reduction in the payload of the already expensive MX ICBM of about 30%, an extremely significant constraint. Meanwhile, in 1982 the Soviets deployed more MX type warheads than the U.S. plans to deploy on the MX between 1987 and 1989—1000. The Soviets have been deploying warheads at this yearly rate since 1975.

Given the above seven examples, President Reagan's November 22, 1982, decision to deploy the MX ICBM in the "Dense Pack" basing mode is not surprisingly being justified as being in full compliance with the unratified SALT II Treaty. This is the eighth case of U.S. unilateral SALT II compliance.

Both Defense Secretary Weinberger and Assistant Defense Secretary Perle argue that MX Dense Pack does not violate the unratified SALT II Treaty. The Reagan Administration argues (unconvincingly) that the MX canister, not its silo, is the launcher, and that this launcher is mobile. The SALT II Treaty allows deployment of mobile ICBMs after 1981. Thus, in sum, the U.S. has already constrained its strategic forces in at least 8 significant ways. Over 33% of the capability of our existing strategic forces has been cut-back, and about 46% of the capability of our modernized strategic forces has been cut-back.

Given the fact that the U.S. has already constrained its strategic forces in 8 important ways, in unilateral compliance with the unratified SALT II Treaty, we should again not be surprised even by a recent ninth example.

On December 20, 1982, Senator Gary Hart (Democrat of Colorado and Presidential Candidate) offered an amendment to the Fiscal Year 1983 Extended Continuing Resolution Appropriations Bill. This amendment, which passed by voice vote, is the ninth case of U.S. unilateral compliance with SALT II. Senator Jake Garn and Senator Steve Symms (R-Idaho) were the only senators to speak and vote against the Hart Amendment. The Hart amendment states:

". . . no initial flight test of the MX missile may be conducted until *after* both Houses of the Congress have agreed . . . [to] a basing mode for such missile." (Emphasis added.)

The Congress may not agree by 1 March 1983 or at all on a basing mode for MX. Hence, MX flight-testing under the Hart amendment is delayed indefinitely and may in fact be completely prevented from ever beginning. The Hart amendment will delay MX flight testing indefinitely due to the U.S. unilateral policy of complying with the unratified SALT II Treaty. While the wording of the Hart amendment itself does not specifically mention the unratified SALT II Treaty as the reason for delaying indefinitely the first flight test of the MX ICBM, it is clear that the intent and purpose of the Hart amendment is to comply with SALT II. In his December 16, 1982 Senate speech justifying the Hart Amendment, Senator Hart stated that under SALT II, ". . . each side was limited to the testing of one new ICBM type." Article IV of SALT II limits both the U.S. and the USSR to only one new type ICBM each. This was what the Carter Ad-

ministration told the Congress that SALT II achieved. Indeed, the Carter Administration argued that the main constraint of SALT II was the prohibition on no more that one new type ICBM on a side. Senator Hart argued correctly that the MX ICBM was the one new type ICBM allowed for the U.S., and that any "common missile" or road mobile missile would not be allowed to the U.S.

Indeed, the sole and only reason for the Hart amendment is to comply with the unratified SALT II Treaty. This is because under the second agreed statement to paragraph 9 of Article IV of the unratified SALT II Treaty, the U.S. should not flight test a "new type" ICBM type to be flight-tested. In other words, once the U.S. initially flight tests the first MX—with its four stages—we could not under SALT II then legally test launch a second new ICBM type with three stages, which would probably be the number of stages on a small mobile ICBM.

For the past six years, the first flight test of the MX ICBM has been scheduled for January 1983. Now, under the Hart amendment, this test is delayed indefinitely, and perhaps permanently, all because of continued U.S. compliance with the unratified SALT II Treaty.

Beyond the above constitutional, legal, and political problems, the Hart amendment would also have the following deleterious effects on the MX program:

First, it delays MX R&D indefinitely, which previously the Congress, the President, and the Joint Chiefs of Staff had all agreed should go forward as soon as possible as a top priority.

Second, it will increase the cost of the MX program.

Senator Garn stated on December 16, 1982 in a speech against the Hart Amendment: "I said to the Senator from Colorado the Soviets are testing two or three [new type ICBMs] right now. Under Senator Hart's interpretation, right now the Soviets are in absolute violation [of SALT II] three or four times over for the new generation of missiles they are testing." Thus, the Soviets are violating SALT II by testing at least two new type ICBMs, while the U.S. is prohibited from testing even one new type ICBM. The Soviets reportedly also have 4 more new type ICBMs ready for testing at any time. In sum, SALT II is not affecting Soviet ICBM testing, but it is affecting U.S. ICBM testing.

The Hart amendment is probably unconstitutional, as is each of the other 8 cases of U.S. unilateral compliance with the unratified SALT II Treaty presented above. The evidence is growing ever greater that the constitutional treaty-making power and prerogatives of the U.S. Senate are being contravened and circumvented by the U.S. "interim" SALT II compliance policy. Someday, U.S. Senators may begin to challenge U.S. unilateral SALT II compliance directly, on the Senate floor.

In addition to being unconstitutional, the nine cases of U.S. unilateral compliance with the unratified SALT II Treaty contradicts Section 33 of the Arms Control and Disarmament Act of 1961. Section 33 states: "No action shall be taken under this or any other law that will obligate the U.S. to disarm or reduce or to limit the armed forces or armaments of the U.S., except pursuant to the treaty-making power of the President under the Constitution, or unless authorized by further affirmative legislation by the Congress of the U.S."

The legislative history of this language makes it clear that Congress intended that it be consulted in any U.S. agreement or policy to comply with an arms control regime. Many of the 9 cases of U.S. SALT II compliance described above are not only occurring without the "further affirmative legislation" stated above, but in at least one case it is being done in defiance of affirmative legislation. Deployment of 50 to 100 MIRVed Minuteman III ICBMs was authorized by Congress in both Fiscal Years 1981 and 1982, yet it is not being done, in order to comply with SALT II.

The 1980 Republican Party Platform stated: "The Republican Party rejects the fundamentally flawed SALT II Treaty." Presidential candidate Reagan's own personal opposition to U.S. ratification of or compliance with the SALT II Treaty was made crystal clear to the whole world many times. The best example of Reagan's views was expressed during the climactic, nationally televised Reagan-Carter debate of October 30, 1980 in Cleveland, Ohio. In that debate, candidate Reagan stated that:

"SALT II is illegal, because the law of the land, passed by Congress, says we cannot accpet a treaty in which we are not equal, and we're not equal in this treaty for one reason alone: our B-52 bombers are considered to be strategic weapons; their Backfire bombers are not." (Emphasis added.)

Reagan was referring to the "Jackson Amendment" to SALT I, or Public Law 92-448, which required equal force levels in any SALT II Treaty. (SALT II not only excluded the intercontinental Backfire, but gave the Soviets a monopoly over the U.S. on heavy and very heavy ICBMs, and a great advantage in ICBM throw-weight and counterforce capability.)

Another good example of candidate Reagan's views on the SALT II Treaty was supplied to the Arms Control Association by the Reagan Campaign Committee in May 1980. Reagan's answer to a question on SALT II compliance stated: "I believe the SALT II Treaty should be withdrawn, and I especially believe that the U.S. should *not abide* by its terms prior to ratification. To abide by the terms of the proposed agreement would *violate* Article XXXIII of the Arms Control and Disarmament Act of 1961." (Emphasis added.)

On September 17, 1979, candidate Reagan stated this about SALT II: "I believe the Senate should declare that this treaty, fatally flawed as it is, be shelved . . ."

On August 18, 1980, candidate Reagan added that: "I cannot, however, agree to any treaty, including the SALT II Treaty, which, in effect, *legitimizes the continuation of a one-sided arms build-up."* (Emphasis added.)

On May 25, 1982, former Arms Control Agency Director Eugene Rostow stated that the Soviet lead over the U.S. in missile capabilities is the most profound and difficult foreign policy problem America faces. Professor Rostow also stated in London on November 30, 1981: "The fruits of SALT I and SALT II have turned to ashes in our mouths."

Rostow added in an article published in 1979 by the Committee On the Present Danger that the SALT II Treaty was an act of "appeasement" and as such actually increased the danger of world war. (See below.)

In a letter to President Reagan of 21 May, 1981, a bi-partisan group of 23 Senators led by Senators Garn and Stevens stated that the Soviets "continue with a standard practice which contradicts the very spirit of SALT." Yet President Reagan somehow believes that the Soviets are showing "equal restraint" to the U.S. in their strategic programs.

In a Committee on the Present Danger paper published on July 25, 1978 entitled "SALT II—A Soft Bargain, A Hard Sell," former ACDA Director Eugene Rostow stated in regard to continued U.S. compliance with SALT I:

"We have had a SALT [I] agreement with the Soviet Union since 1972. It expires in 1977, but we and the Soviet Union announced simultaneously that its terms remain in effect, despite the provisions of an American statute [i.e., Section 33 of the ACDA Act] which specifies that *the U.S. can undertake arms limitation obligations only by treaty or statute.* Far from stabilizing world politics, SALT I has been part of the most turbulent and dangerous period of the Cold War." (Emphasis added.) This statement confirms that President Reagan's SALT I and SALT II compliance policy, like President Carter's, is illegal in Rostow's view.

In regard to SALT II, Rostow stated in the same 1978 paper: "The kind of SALT [II] agreement the [Carter] Administration is so frantically trying to sell the country is not a step toward detente or toward peace, but an act of *appeasement* which can only invite more Soviet pressure and more risk. It would *freeze* us in a position of *inferiority,* deny us the opportunity to redress the balance, weaken our alliances, and isolate us. It [the SALT II Treaty] would be a step toward *war,* not peace." (Emphasis added.)

Such pre-Reagan Administration statements as the above from former ACDA Director Eugene Rostow further suggest that the Reagan Administration will eventually be forced by events to reject U.S. unilateral compliance with SALT II and declare Soviet SALT violations.

C. Conclusion: The Soviets violate SALT II while the U.S. violates its own laws to comply with SALT II

In sum, we have seen how President Carter's denial that there had been a U.S. cover-up of Soviet SALT violations has been first charged by the 1980 Republican platform, but then the SALT violations cover-up itself has at least until very recently been perpetuated under President Reagan. Carter at least told Congress that extensive Soviet telementry encryption was as serious a violation of SALT II as breach of the weapons ceilings themselves. In contrast, President Reagan is still allowing both Soviet complete missile testing encryption, as well as breach of the weapons ceilings in the form of SS-18 rapid refire and covert SS-16 capabilities. President Reagan is also allowing Soviet violation of SALT II's prohibition on more than one new type of ICBM. Thus, Carter pledged strong enforcement of Soviet compliance with SALT II, while Reagan also pledged strong enforcement, but instead has at least until recently continued the cover-up of the seven Soviet SALT II violations and engaged in no SALT II enforcement.

The nine cases of significant U.S. compliance with the unratified SALT II Treaty are indisputable, and the evidence for most of the seven Soviet SALT II violations ranges from strong to conclusive. Thus, we have two concurrent crises: one involving safeguarding U.S. national security and the other involving compliance with the Constitution.

Resolution of the national security crisis is simple, but difficult enough. We could simply expose the many example of Soviet SALT cheating, and begin to rebuild American strategic power to at least equality with the Soviets. The difficulty here is that challenging Soviet violations in order to enforce compliance is extremely provocative. The Soviets will react with extreme hostility, and even with nuclear blackmail threats. We must then be prepared to stand up to the Soviets, and to live without SALT, in order to enforce their compliance with SALT.

Resolution of the Constitutional crisis is also simple but even more difficult—all the Senate has to do is vote its advice and consent to ratify the SALT II Treaty, or alternatively, vote to send the treaty back to the President as unratifiable. Such a weighty vote would be dramatic, but the U.S. Senate has ample reason to send the unequal, destabilizing, fatally flawed SALT II Treaty back to the President, even beyond the seven Soviet violations of SALT II.

As President Reagan himself stated so eloquently before the United Nations General Assembly on June 17, 1982: "Simply collecting agreements will not bring peace. Agreements genuinely reinforce peace only when they are kept. Otherwise we are building a paper castle that will be blown away by the winds of war."

EPILOGUE

Since the main text was written, both the U.S. House of Representatives and the U.S. Senate have voted to produce and test the MX ICBM. Hence, the constraining Hart Amendment has been negated.

Also, since the main text was written, there have been press reports confirming that the new Soviet PL-5 ICBM is indeed over 200% heavier than the old SS-13 ICBM in throw-weight. Thus there is confirmation of Soviet violation of Article IV Paragraph 9 of the SALT II Treaty, the most significant constraint of SALT II. In fact, the PL-5 violates SALT II in at least 5 significant provisions.

In recognition of these Soviet SALT II violations, Secretary of State Shultz has made some recent firm statements. In testimony to the Senate Foreign Relations Committee on June 15, 1983, Secretary Shultz criticized "Moscow's continuing practice of stretching a series of treaties and agreements to the brink of violation *and beyond.*" (Emphasis added.) Shultz added that the United States is "becoming increasingly concerned about Soviet practices—including the recent testing of ICBMs—that raise questions about the validity of their claim of compliance with existing SALT agreements."

We must now address the questions posed to us by the editors. First, "Can the examples of non-compliance be considered as attempts to explore the limitations, of the [SALT] treaties, or should they be considered so severe that they represent a major obstacle to any further agreement?"

It is clear that the Soviets do both. First, they use negotiating deception to negotiate SALT treaties which do not constrain their proviously planned strategic programs. Then they engage in attempts to explore the limitations of the agreements. Then the Soviets go on to circumvent the SALT agreements. Still finding no American challenge, they begin to violate the SALT agreements. The U.S. response has always been to acquiese in Soviet negotiating deception, circumvention, and violation. These Soviet actions do represent a major obstacle to further arms control agreements, because they result in unequal agreements which are not enforceable. U.S. "law of the land" on American arms control objectives, the 1972 Jackson Amendment to SALT I, requires U.S.-Soviet equality in any future arms control treaties. The Soviets will not agree to equality, because their behavior already demonstrates the they seek unilateral advantages.

The second question is: "What kind of verification provisions could be incorporated in future INF and START treaties to make them unambiguously clear if violations occur?"

The premise of this question assumes that perfect or near perfect verifiability is possible or attainable. This is of course a false premise. Intelligence collection and analysis is an art form, and verification, especially the decision to challenge and enforce compliance, is a political process. Violations are seldom "unambiguously clear." However, we should strive to incorporate as much verifiability as possible in each arms control treaty being negotiated. We should look in the future more to supplements to National Technical Means of Verification, such as data exchange, cooperative measures and confidence building measures, and even on-site inspection. On-site inspection itself is not a panacea, because it can be successfully evaded, but it would be a useful aid to NTMs, expecially in synergyism with other supplements.

Question three is: "From Western Europe one gets a feeling that the question of Soviet violations is more a matter of American politics than a question of real violations. For example, Presidents Nixon, Ford, and Carter have always said that the Soviet Union complied with the arms control agreements. Even President Reagan has not made any positive statement to date that the Soviet Union is in violation.

Furthermore, President Reagan has stated that the U.S. would continue to abide by SALT II so long as the Soviet Union abides by this agreement. Recently, Senator Glenn, who was deeply concerned with the verification issues of SALT II, stated that the U.S. should now ratify the SALT II treaty. Is verification a technical or a political process? Is it possible to separate the technical matters from the political issues?"

Real Soviet SALT violations have occurred, and have been pointed out by over 12 prominent American leaders. As noted, President Reagan has in effect accused the Soviets of violating SALT II, the TTBT, the Kennedy-Khrushchev Agreement, the BW Convention, and the CW Protocol. President Reagan's so called "interim no undercut" SALT II compliance policy is arguably un-Constitutional. Senator Glenn has indeed called for ratification of SALT II, but he has also conceded that between 1979 and 1981 the U.S. NTMs were ineffective and the U.S. was partially "blind." Glenn's revelations about the malfunctioning of our NTMs confirms his own skepticism of the verifiability of SALT II. Finally, as noted, verification is both a technical and a political process, in which political factors usually predominate. Thirty-four Republican Senators, including 5 of the leadership and the Republican National Committee Chairman, sent a letter to the President on June 22, 1983. These 34 Senators expressed their strong support for President Reagan's verification and compliance studies, and represent a potential bloc able to successfully kill any new arms control treaty on grounds of Soviet violations.

Question four is: "It is our understanding that the SALT II limits were such that they permitted all the force modernization programs that the U.S. and the USSR were planning. Since the USSR could implement its currently planned modernization within the constraints of the agreement, why should the Soviet Union violate the agreement?"

It is true that the SALT II limits did not constrain Soviet programs at all. SALT II allowed an enormous Soviet buildup. The Soviet violations of SALT II are explainable largely as Soviet willingness to contemptuously exploit American appeasement. They will get away with what the traffic will bear.

Question five is: "Do you not discuss possible violations with the Soviet Union in the Standing Consultative Commission (SCC)? Have compliance issues been resolved in this commission?"

The answer is that most SALT II compliance issues have not been discussed in the SCC, for fear of giving legitimacy to the unratified SALT II Treaty and also raising U.S. constitutional problems. Some SALT I compliance issues were discussed in the SCC, but as Ambassador Paul Nitze has testified, the U.S. acquiesced in the Soviet violation in each case. Moreover, those Soviet SALT I violations which were discussed took as long as seven years to come before the SCC after which the U.S. acquiesced in the Soviet violation.

Question six is: "Even if one were to accept your evaluation of Soviet compliance, it is clear that the Soviet Union has respected the major provisions of the SALT agreements. For example, they have not exceeded the ICBM and SLBM launcher limits. Under such conditions, is it not better to have agreements even with some borderline violations, rather than no agreement which would allow the Soviet Union to increase their nuclear forces without any limitation? Why could a new round in the arms race be better than just some marginal increases at the limits of current agreements?"

The Soviets have, in fact, exceeded the ICBM and SLBM launcher limits of both SALT I and SALT II. This question contains a non-sequitur, because major violations are incompatible with the belief that the major provisions have been respected. There are both Soviet borderline violations and major violations. The Soviets are in fact "breaking out" of both SALT II and the SALT I ABM Treaty, and increasing their strategic nuclear forces without any limitations. There is in fact no arms race, because the U.S. has in fact been moving backward. Since 1969, when SALT I negotiations began, the U.S. has deactivated or cancelled over 710 missile launchers and bombers either deployed or planned, carrying over 6,000 nuclear warheads. In contrast, since 1969, the Soviets have added over 1,000 missile launchers and over 250 intercontinental bombers, carrying over 6,000 warheads.

A final question was posed: "In the USA there are political groups with different views. What do those groups, which are engaged advocates of a general arms control and disarmament politics, say about your accusations towards the USSR?"

The Carnegie Endowment for International Peace is the only political group which has commented on the recent charges of Soviet SALT violations, and then not directly. The Carnegie Endowment recently merely reiterated the Carter Administration's official apologies for Soviet SALT compliance behavior. The Washington Post

of July 18, 1983 contained the following statement on this problem:

". . . Another potentially explosive issue faces both sides, i.e., the U.S. and the USSR. It concerns allegations of Soviet cheating on previous agreements on chemical and biological weapons and testing of new missiles and encoding the test date. Many conservative Senators, and one high ranking official in the U.S. Arms Control and Disarmament Agency in particular, are pressing the White House to accuse Moscow openly of violations. A top-level White House group is studying this, and Reagan has not made such accusations. The issue is difficult because *the view is widespread,* even among Administration moderates, that the Soviets are *skirting* past agreements. But the wording of the agreements, in the missile area, is extremely vague." (Emphasis added, p. A21.)

This statement ignores the above cited Reagan accusations, but does point out that there is increasing consensus in the U.S. on the fact of Soviet SALT violations.

Finally, we should like to discuss briefly four areas of arms control verification where better quantitative methodologies could be usefully introduced.

First, probability analyses of the likelihood that possible signs of violations are real could be beneficial. Such analyses might focus on the likelihood that evidence of violations might be false or the result of unintended actions. Alternatively, such analyses might focus on the net probability that a perceived pattern of activity might indeed be a series of related violations.

Second, there could usefully be quantitative analyses of the potential advantages gained by cheating. What is the military significance of various violations, in quantitative terms?

Third, we could use analyses of the probabilities that certain prohibited activities could be actually detected. Thus various cheating scenarios could be analyzed quantitatively.

Finally, better quantitative methods could be developed to help strategic analysts to better portray the strategic balance. For example, more creative and explanatory ways to show Soviet strategic advantages are clearly possible. Alternatively, ways to measure the relative stability in the strategic balance need to be devised.

AMENDMENT NO. 2225

(Purpose: To express the sense of the Senate that the President should request the resignation of the Secretary of Interior, Mr. James Watt)

The PRESIDING OFFICER. The minority leader is recognized.

Mr. BYRD. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from West Virginia (Mr. BYRD) for himself and Mr. RIEGLE proposes an amendment numbered 2225:

Strike all after the word "that:" in the first line and insert in lieu thereof the following:

Since the Secretary of the Interior James Watt in his recent remarks characterized the membership of the Commission on Fair Market Value Policy for Federal Coal Leasing in a manner which was insensitive and insulting to all Americans;

Since the Secretary of the Interior James Watt has made public statements which question the patriotism of American citizens with whom the Secretary disagrees;

Since such remarks and statements are totally unbefitting a senior cabinet member of the United States government;

Since these remarks and statements seriously impede his ability to function effectively in his dealings with the United States Congress and the public at large; and

Since Mr. Watt's policies and personal style have promoted a polarization in the Nation which has frustrated the achievement of consensus necessary to execute policies which both preserve our spectacular natural heritage and carefully develop our abundant natural resources.

Now, therefore, It is the sense of the Senate that the President should, without delay, request the resignation of Secretary James Watt.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The minority leader is recognized.

Mr. BYRD. Mr. President, I take note of a UPI wire story which is as follows:

Maureen Reagan said Friday if Interior Secretary James Watt is loyal to President Reagan, he should resign for his faux pas on cripples and minorities. The President's daughter, who is serving as a consultant on women's issues to the Republican National Committee, made the statement during a Chamber of Commerce program broadcast by cable and satellite to television stations around the country. "If he"——

Apparently there is a line left out of the wire story. The wire story reads as follows:

"If he was truly * * * this resignation," Miss Reagan stated. She was asked if she was offended by Watt's joking comment that an advisory committee looking into his coal leasing company was made up of "a black, a woman, two Jews and a cripple." It was made Wednesday at the Chamber of Commerce headquarters.

"I can't imagine anyone who didn't find what he said offensive," she said. "I would be very shocked to hear someone who didn't feel that line was just totally off the wall and not in keeping with the traditions of this country. My sadness about Mr. Watt is that in the last couple of years, he must have said enough apologies to the President to paper a wall. Why doesn't he just send in his resignation."

Mr. President, I yield the floor.

Mr. McCLURE. Mr. President, I suppose it would be inevitable to assume that somebody would wish to speak with respect to Secretary Watt and might even utilize the existing measure as a vehicle to create a debate on that issue.

I think it is particularly inappropriate and particularly unfortunate that the minority leader has chosen this particular time and this particular manner in which to do it.

I assume that the minority leader is aware of the substance of the amendment he now seeks to strike. I know that the minority leader will certainly regard the question of the service of the distinguished Secretary of the Department of the Interior, Mr. Jim Watt, as a matter of seriouness and a matter of concern. I do not question the sincerity of motivation in dealing with that question, both in personal and in political terms. But it seems to me to be unfortunate to treat so lightly the question of U.S. compliance with SALT II and whether or not we, in the Senate of the United States, ought to comply with our constitutional responsibility of dealing with the ratification issue of the SALT II treaty.

That matter has been before us for a long time. I know we will not resolve it this afternoon, and the offering of my amendment this afternoon was not intended to be a final resolution of that very, very serious matter. But I do believe it deserves some attention by itself, without diversion. I believe it requires the serious attention of the Senate without the side trip down a different alley.

I hope the Senator from West Virginia might withdraw his second-degree amendment and reoffer it at another time, after the pending amendment has been disposed of.

Mr. BYRD. Mr. President, will the Senator yield?

Mr. McCLURE. I am happy to yield to the distinguished Senator from West Virginia.

Mr. BYRD. Mr. President, I think the Senator has stated my case very well. He has indicated that my amendment has been offered at a time, perhaps, when there needs to be more Senators here and considerably more discussion of the matter. I would say the same about his amendment, most respectfully.

It is an amendment that ought to have the attention of the Senate. There ought to be debate, and there ought to be more Senators around. I think it should be debated carefully and thoroughly.

So I do not feel that this is the point in time that an amendment of such far-reaching significance—although it is a sense-of-the-Senate amendment—should be discussed. I am not prepared to withdraw my amendment at this time, partially for the same reasons that I am not prepared to vote on the Senator's amendment this afternoon, with so many Senators being absent on both sides of the aisle.

I say this respectfully, but in response to his statement.

I believe that the responsibility of the Senate of the United States to exercise its constitutional responsibility with respect to the ratification or failure to ratify that treaty is also a matter that deserves serious consideration.

I also believe that the question of the U.S. administration's compliance with a treaty which is not the law of the land and whose very compliance requires a violation of at least two statutes of this country and subse-

quent action by the Congress of the United States is also something that should be considered seriously.

I regret that it is late on a Friday afternoon. I regret that many of our colleagues have already found it necessary, for many very legitimate reasons and because of expectations of legislative scheduling, to be absent from the Senate at this hour.

I cannot quarrel with any Senator—I would not quarrel with the minority leader under any circumstances—about the right to have this considered at an appropriate time and in an appropriate manner. But this has been languishing in a desultory fashion for a long, long time—desultory because, although we know it is happening, we never really address it. Not because anybody thinks it is not important. It is simply that we have allowed it to go along in a course of events without really taking hold of that course of events and attempting here to modify it.

Mr. McCLURE. Mr. president, maybe I am reading between the lines. I inadvertently or accidently read the real reason, and perhaps the Senator from West Virginia stated that real reason—that the amendment was not really concerned about Secretary Watt but was concerned about the amendment of the Senator from Idaho.

If indeed that is the reason, I am perfectly willing to entertain a discussion with respect to the timing of the debate and the nature of the debate with respect to the SALT II Treaty.

When I offered the amendment, I anticipated that there would be a number of people who would say, "Hey, wait a minute. That's an important subject. But let's don't talk about it now. Let's don't talk about that subject now."

I am perfectly willing to enter into that discussion on the record or off the record, as various Members might desire. However, I had not anticipated that it would be treated in quite the manner it has been, by trying to divert attention away from the underlying amendment.

I think the issue of the SALT II Treaty, the issue about U.S. compliance with SALT II Treaty, is, of itself, a matter of grave importance to the security of this Nation and of the whole world.

I suspect that the difference may lie in the constitutional majorities required for ratification, as differentiated from legislative actions, and that, therefore, one can be achieved, whereas another could not be, because of the difference in constitutional majorities. But those are issues which need to be explored, explained, and exposed to the view of the people of this country as we look at what is actually happening in a world in which the Soviet Union is increasingly free to violate the terms of ordinary commerce between nations, where they are increasingly permitted to violate the terms of solemn agreements and the ordinary standards of human conduct, and increasingly we do little or nothing about it.

I think it is worthwhile to look at what is happening to the U.S. security as a result of that action by the Soviet Union and the actions by our own Government. I think the American public is intitled to that view.

Mr. BYRD. Mr. President, I may or may not join the Senator in support of his resolution at some point, but I do not think that this afternoon is the time to discuss that very weighty matter. Many Senators from both sides have left the Hill.

So I hope that the Senator would not automatically read into my having offered an amendment to his amendment that I am opposed to the amendment. I may very well support it. It would not be beyond the stretch of one's imagination that I might do that.

However, I do not think this is the right time to discuss or to vote on the Senator's resolution. I think he has made a very good argument, incidentally, for careful consideration of the War Powers Act by this body and the fact that that is a law and should not be ignored by the administration downtown. It seems to me that some of the things the distinguished Senator has said would support the argument I have been making with respect to the War Powers Act.

So it is perfectly all right with me if Senators want to have a tabling vote on my amendment this afternoon. It is all right with me if the majority leader wants to send us home. It is all right with me if the majority leader wants to pull the bill down—whatever he wishes to do.

So I think there is just as much reason—and more so—to debate the matter I have now placed before the Senate as there is reason to debate the matter offered by the distinguished Senator from Idaho.

I say this respectfully to him. He is the chairman of the Appropriations subcommittee on which I sit as the ranking member. He is always very fair and considerate.

But it seems to me there is just as much reasoning or more so in what he has said about my amendment than would apply to his own amendment.

I think mine is a very important amendment, especially when it comports with the remarks of the President's daughter, Maureen Reagan. She fully agrees with me 100 percent, and I just wish that somehow we could hear more from that lady on this subject at this moment because I think I would find myself totally in agreement with what she said and perhaps others in the Senate on both sides of the aisle would, for that matter.

I can see that the majority leader is here and he has that usual twinkle in his eye and he is smiling, and I expect that something is about to happen once I give up the floor—if I do give up the floor.

And I am just trying to imagine what I would do if I were in his place in a situation of this kind. There are several avenues of action open to him, and I fully respect him in whatever he does.

I am just pondering whether or not I should give up the floor.

Mr. BAKER addressed the Chair.

Mr. BYRD. Mr. President, I have the floor.

I yield to the distinguished majority leader, or he may prefer to wait to get the floor in his own right, but if he wants me to yield to him I will be glad to.

Mr. BAKER. Mr. President, I ask the Senator if he will yield.

Mr. BYRD. I certainly will yield.

Mr. BAKER. I am gratified.

Mr. President, I was sitting in my office listening, and it suddenly dawned on me that I did not recognize a debate on the State Department authorization bill and that perhaps I should come to the floor and find out what is going on.

I think what is going on is Friday afternoon, and I think that what I have said so many times has proven true once more, and that is there is not a man or a woman alive who can make the Senate do something it does not want to do.

I think what I heard on the squawk box in my office was the Senate saying we adjourned, and I wondered how long it will take BAKER to find out. [Laughter.]

I think that is what happened.

Mr. President, I do not like to say this, but I do not think there is any way we are going to finish this bill today, and as I look at the manager on this side and the manager on the minority side, I do not see any energetic shaking of the head to the contrary. So it looks to me, Mr. President, like we pretty well finished and as soon as the minority leader yields the floor, if he yields the floor, and, of course, if intellect and eloquence do not compel him to do so at some point physical conditions will, but when he yields the floor as surely he must do at some point, I would presume even to offer one word of advice to my friend, the chairman of the Energy Committee, the chairman of the subcommittee of this Appropriations Committee, that perhaps he withdraw this amendment and if that is done, I rather expect that the Chair would rule that at this juncture at least the amendment in the second degree of the minority leader would go with it and that would leave us back to square 1.

And as soon as we finish the war powers resolution I am confident that the Chair would lay before the Senate the unfinished business which would then be the State authorization bill on Wednesday or Thursday of this week.

That is what I heard on the squawk box in my office.

And when and if the minority leader decides to yield the floor and when my friends and colleagues on both sides consider carefully the wisdom of the suggestion I have made, if there is an assent to that, it would be my purpose then to ask the Senate to adjourn until Monday noon, adjourning, of course, based on our ability to get the usual and necessary protective language for that purpose.

I thank the Senator for yielding.

Mr. GARN. Mr. President, will the Senator yield?

Mr. BYRD. I yield to the distinguished Senator without losing my right to the floor and for the purpose only of his asking a question or making a statement if he wishes.

Mr. GARN. I wish to make a statement.

Mr. BYRD. May I say, before I yield, I will soon yield to the majority leader for the purpose that he has indicated.

Mr. GARN. Let me just say that as I entered the Chamber the purpose for coming to the Chamber, and I was surprised to find that we were on something different than the McClure amendment, and I have always known the minority leader to be very fair and very patient, and I suppose I was a little bit surprised with the brief time that the McClure amendment had been up that the minority leader acted in any fashion to try and see that it did not come up today.

The only reason I mention that is I think in discussing it with the Senator from Idaho we discussed this amendment earlier and I fully support his amendment and was called to the Chamber for the sole purpose of stating my support of that amendment and then suggesting that the Senator from Idaho withdraw it with his agreement for the sole purpose that it is a very important issue and certainly there are Senators who are missing from both sides of that debate. So there was simply no intention, I say to the minority leader, for the Senator from Idaho or the Senator from Utah to push this to a vote today.

It was to discuss it for a relatively short period of time and then I would suggest that it be brought down so that it could have the full discussion, so if the minority leader had exercised his normal patience in allowing the debate to run, the debate probably would have been over by now and the amendment would have been withdrawn. I came to the Chamber for that purpose to make a statement and then have the amendment withdrawn for another day so that it could have proper discussion and have Senators on both sides of the aisle and both sides of the argument have adequate time to discuss.

I thank the minority leader for yielding.

Mr. BYRD. The Senator is welcome. Does the Senator wish me to yield?

Mr. McCLURE. Mr. President, will the Senator from West Virginia yield to the Senator from Idaho for a brief statement and possibly action with his concurrence, without losing his right to the floor?

Mr. BYRD. Mr. President, I ask for the yeas and nays on my amendment.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. BYRD. Mr. President, I ask for the yeas and nays on the basic amendment.

The PRESIDING OFFICER. It will take unanimous consent to order the yeas and nays on the McClure amendment.

Mr. BYRD. I doubt that I would get that.

I ask unanimous consent that it be in order to order the yeas and nays on the amendment by Mr. McClure.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. BYRD. Now, Mr. President, I yield to the distinguished Senator with the understanding that I do not lose my right to the floor and with the further understanding that I yield only for a question or for a statement.

Mr. McCLURE. Mr. President, I thank the Senator for yielding.

I am a little troubled by the precaution that he thought it was necessary to take that the Senate take action so that I could not ask the amendment be withdrawn because in my first remarks I addressed to the Senate when I asked him to yield I said possibly action with his concurrence because I have no intention to try to take some action that in any way would offend him or seek to take him by surprise or put him at any disadvantage, since he was courteous enough to yield to me for this statement.

Mr. BYRD. Mr. President, I think I can satisfy the Senator on that point. I did not realize that the Senator wanted to withdraw his amendment.

I ask unanimous consent that if the Senator wishes to withdraw his amendment he may do so without my losing my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCLURE. Mr. President, I thank the Senator from West Virginia. He does properly understand the direction in which I am moving and the intention that I have.

I thank the Senator from Utah for the statement that he made. I fully recognize, as I did before I offered this amendment, that this is not the kind of a subject matter which is going to be fully dealt with this afternoon. I had no illusions when I offered it that the managers on both sides, without careful reading or with careful reading, would say, "Hey, that is all right; let's go ahead and do it." It is more portentous than that and is intended to be. I intend it to be dealt with seriously, the subject matter and the question of U.S. compliance with all of the provisions of SALT II at a time when the Soviet Union is not. I think that requires some very serious consideration on the part of the Senate.

That is the reason I offered the amendment, to give the Senate both the opportunity and the motive to discuss those issues.

Mr. President, I withdraw my amendment.

The PRESIDING OFFICER. The amendment is withdrawn.

Mr. BYRD. Mr. President, I thank the Senator for withdrawing his amendment. And I am not stating an untruth when I say that, in the final analysis, I may or may not support such an amendment.

I would like to know if the Soviets are violating the SALT treaty, which was never ratified by this body. I think there is some indications that they may be. I would like to know. I think they should be called upon to answer some questions.

AMENDMENT NO. 2226

(Purpose: To express the sense of the Senate that the President should request the resignation of the Secretary of the Interior, Mr. James Watt)

Mr. BYRD. Mr. President, I reoffer my amendment.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from West Virginia (Mr. BYRD) proposes an amendment numbered 2226.

Strike all after the word "that" in the first line and insert in lieu thereof the following:

Since the Secretary of the Interior James Watt in his recent remarks characterized the membership of the Commission. . . .

Mr. BYRD. Mr. President, without losing my right to the floor, I will change the verbiage so it will comport with the basic bill that is before the Senate.

The PRESIDING OFFICER. The clerk will report the modified amendment.

The legislative clerk read as follows:

At the end of the bill, insert the following new section:

Since the Secretary of the Interior James Watt in his recent remarks characterized

the membership of the Commission on Fair Market Value Policy for Federal Coal Leasing in a manner which was insensitive and insulting to all Americans;

Since the Secretary of the Interior James Watt has made public statements which question the patriotism of American citizens with whom the Secretary disagrees;

Since such remarks and statements are totally unbefitting a senior cabinet member of the United States government;

Since these remarks and statements seriously impede his ability to function effectively in his dealings with the United States Congress and the public at large; and

Since Mr. Watt's policies and personal style have promoted a polarization in the Nation which has frustrated the achievement of consensus necessary to execute policies which both preserve our spectacular natural heritage and carefully develop our abundant natural resources.

Now, therefore, It is the sense of the Senate that the President should, without delay, request the resignation of Secretary James Watt.

Mr. BYRD. Mr. President, being a man of few words, I yield the floor.

The PRESIDING OFFICER. The majority leader.

Mr. BAKER. Mr. President, I yield to the distinguished Senator from Idaho of a request.

Mr. McCLURE. Mr. President, I was suggesting that perhaps the Senator should not yield to me for that purpose because what I am about to say may cause more excitement than it is worth.

It crossed my mind that it might be a useful device for me to send my amendment to the desk as a second degree amendment to the amendment of the Senator from West Virginia, but I shall not do that.

ROUTINE MORNING BUSINESS

Mr. BAKER. Mr. President, before this goes any further, I ask unanimous consent that there now be a period for the transaction of routine morning business of 1 minute in length, in which Senators may speak.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR MONDAY

Mr. BAKER. Mr. President, I have a request that I would like to make in respect to the convening of the Senate on Monday.

Mr. President, I ask unanimous consent that, if the Senate adjourns today, when it reconvenes it do so on Monday, September 26, 1983, under the conditions that the reading of the Journal be dispensed with, no resolutions come over under the rule, the call of the calendar be dispensed with and, following the recognition of the two leaders under the standing order there be special orders in favor of Senators as follows: Mr. GORTON for not to exceed 15 minutes and Mr. WILSON for not to exceed 15 minutes; to be followed by a period for the transaction of routine morning business not to exceed 30 minutes in length, with Senators permitted to speak therein for not more than 5 minutes each; and provided further that the morning hour be deemed to have expired.

Mr. BYRD. Mr. President, reserving the right to object, and I will not object, will the distinguished majority leader change the 30 minutes to 60 minutes?

Mr. BAKER. Mr. President, I modify the request in that respect.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. BAKER. Mr. President, I would propose now to call up H.R. 3871 for routine action if the minority leader concurs.

Mr. BYRD. Yes, I have no objection.

AMENDMENTS TO OMNIBUS BUDGET RECONCILIATION ACT OF 1982—H.R. 3871

Mr. BAKER. Mr. President, I ask the Chair to lay before the Senate H.R. 3871.

The PRESIDING OFFICER. Is there objection?

Mr. BAKER. Mr. President, I ask unanimous consent that H.R. 3871 be held at the desk until the close of business on Monday.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, let me say that it is not my intention ordinarily to take up measures that do not appear on the calendar, at least for 1 day on the printed calendar.

Now, since matters held at the desk do not ordinarily appear on the printed calendar, I am going to ask now that the Secretary of the Senate and the Parliamentarian confer with representatives of the two leaders to devise for some way for the calendar to show items that are held at the desk. That is already done, I believe, on resolutions coming over under the rule, rule XIV, and the like. But things held by unanimous consent do not appear anywhere on the calendar.

I urge some provision be made for that and that we begin on Monday by showing this bill at some point on the printed calendar.

Mr. BYRD. Mr. President, I think the majority leader's suggestion is a good one.

Mr. BAKER. I thank the minority leader.

THE DEATH OF CONGRESSMAN LARRY McDONALD

Mr. THURMOND. Mr. President, since paying tribute on September 14, 1983, to Congressman Larry McDonald of Georgia, who was a victim of the Soviet destruction of Korean flight 007, two additional newspaper articles have come to my attention.

In an effort to share more about this outstanding Member of Congress with my colleagues, I ask unanimous consent that the articles, one from Neighbor Newspapers and another from Neighbor Want Ads, be printed in the RECORD at the conclusion of my remarks.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Neighbor Newspapers, Sept. 8, 1983]

LOSS OF McDONALD IS OUTRAGE

Communist atrocities certainly are nothing new. However, the Wednesday murder of 7th District Congressman Larry McDonald and 268 others aboard a Korean jetliner brings such actions closer to home—far too close to home.

We join everyone in Cobb and across the nation in expressing shock and anger over the almost certain death of those aboard the jetliner destroyed by a missile-firing Soviet MiG fighter plane.

Once again, the Soviet Union has demonstrated its belligerent nature and total lack of regard for human life, despite its leaders' frequent assertions to the contrary.

According to reports, the Soviets tracked the commercial airliner for some 2½ hours. The Soviet planes were in constant contact with Soviet ground control, according to U.S. State Department officials. Later, the Soviet pilot reported that he fired a missile and the target was destroyed.

However, no explanation has been offered by the Soviets for the murderous international act. TASS, the official news agency of the Soviet Union, said that warnings to the aircraft were ignored, assistance was refused and the plane continued its flight.

However, U.S. officials say monitoring of radio transmissions emanating from the Soviet and Korean planes showed there were no exchanges between the passenger plane and the fighter which shot it down.

As usual in situations where the Soviets are caught red-handed, their propaganda machine is stonewalling; they won't admit what is clearly evident to the rest of the world as an act of aerial terrorism.

It is ironic that the most notable victim of this tragedy is Larry McDonald, probably this nation's most outspoken foe and critic of communism. He continually fought what he saw as a worldwide communist menance, not only as a member of the U.S House of Representatives but also as a leader of ultra-conservative, anti-communist organizations such as the John Birch Society, of which he was national chairman.

Our nation's government must act swiftly and decisively to let the Soviets know that the United States will not tolerate such abominable acts as the downing of the KAL plane. The Soviets must realize that the civilized nations of the world will not stand by while an unarmed civilian plane is blasted from the skies in an unprovoked attack by a sophisticated military warplane.

Whatever sanctions can be brought to bear short of military retaliation would be welcomed by all Americans—and, indeed, people of all nations—who are outraged by this tragedy.

State House Majority Leader Al Burruss, D-Marietta, expressed the mood of all of us. Burruss, who was among the Georgians scheduled to participate in the Friendship Force trip to the Soviet Union next week,

said, "I'm not going to any country on a friendship mission when they kill a friend of mine."

We share the feelings of McDonald's widow, Kathy, who said Thursday, "This is a typical action of communists and the Soviet Union. It was against this type of behavior that my husband spoke out so loudly and so long. I only hope we will finally discover the truth about this and action will be strong."

McDonald was viewed as a deeply patriotic American not only by those who shared his views but by almost everyone. McDonald will always be thought of as an articulate and knowledgeable advocate of old-fashioned, basic constitutional beliefs. Although he was a genial individual, he was known as one who would not compromise his beliefs for political gain. McDonald was elected to Congress five times—showing people respected him for holding on to those beliefs. He never was afraid to express his opinion or give his assessment of a situation. In many areas, such as Central America, his warnings unfortunately were correct—and he probably will be proven correct in still others.

We shall miss him and, along with all Cobb Countians and Georgians, extend our deepest sympathies to the McDonald family.

[From the Neighbor Want Ads, Sept. 8, 1983]

LARRY MCDONALD: A MAN WITH MANY ATTRIBUTES

Seventh District Congressman Lawrence Patton McDonald, 48, was first elected to the U.S. House of Representatives in November 1974.

The conservative Georgia Democrat first sought the 7th District seat in 1972, but was narrowly defeated by incumbent John Davis of Rome. In 1974, McDonald defeated Davis in the Democratic primary and went on to win election to the congressional seat.

He won re-election in 1976, 1978, 1980 and 1982, despite a large number of challengers.

McDonald was named national chairman of the John Birch Society in March. In an interview last week with The Marietta Daily Journal, he described the society as "a constitutionalist education-action organization.

McDonald, born in Atlanta, graduated from Darlington School in Rome in 1951.

He completed premedical training at Davidson College, N.C., in 1953 and received his doctor of medicine degree from Emory University in 1957.

McDonald spent four years in the U.S. Navy, completing his tour of duty at the rank of Lieutenant Commander. He is a captain in the U.S. Naval Reserve.

After spending a two-year residency in general surgery at Atlanta's Grady Memorial Hospital, McDonald did a three-year residency in urology at the University of Michigan Hospital in Ann Arbor.

McDonald is from a family of physicians. His father, Dr. Harold McDonald, who died in July, was the senior member of the McDonald Urology Clinic in Atlanta, and his brother, Dr. Harold McDonald, Jr., is a member of the clinic.

McDonald's grandfather, Dr. Paul McDonald, was in general practice in Bolton, Ga., for more than 50 years.

McDonald is a member of the Cobb County Chamber of Commerce and the Smyrna Rotary Club, where he is an honorary member. He has served on dozens of committees and boards of conservative groups throughout the country.

He is the president and the chairman of the board of the Western Goals Foundation, a conservative organization that publishes works critical of communism.

McDonald and his wife Kathy have two children, Lawrence Patton McDonald Jr., age 2, and Lauren Aileen McDonald, born Christmas Day 1982.

They reside in Fairfax County, Va.

McDonald also has three older children, Trygve, a University of Georgia student; daughter Callie, a Georgia Southern College student; and daughter Mary Beth, who lives with her mother, McDonald's former wife Anna, in Vinings.

The congressman also serves on the board of the Southern Medical Research Foundation.

McDonald was one of the key House members seeking approval of the Lockheed C-5B transport plane after it had been defeated in the Senate. The House approved the plane by a 3 to 1 margin and the Senate went on to concur with the House and to approve the aircraft.

McDonald was the only member of Congress to speak out against the proposed Martin Luther King Jr., national holiday.

In July, testifying before the House Ways and Means Committee, McDonald said he was against "most favored nation" status for Romania, Hungary and Red China.

This summer McDonald was named one of the most admired conservatives in Congress in a national poll conducted by the Conservative Digest magazine.

The congressman in January called for a congressional investigation into an alleged coverup of Russian KGB involvement in the attempted assassination of Pope John Paul II in 1981.

McDonald serves on the House Armed Services Committee. Among the conservative groups he is a member of are: the Committee for Survival of a Free Congress, American Conservative Union, American Security Council Conservative Caucus, National Federation of Independent Business, Committee for a Free China and the National Rifle Association.

McDonald is the author of several books and articles.

"We Hold These Truths" is a review of the U.S. Constitution. McDonald also wrote "Trotskyism and Terror: The Strategy of Revolution," published by the American Conservative Union's Education and Research Institute.

He is a contributing editor to American Opinion magazine, a weekly publication by the Birch Society.

Other committee and association memberships include:

Movement to Restore Decency.

Georgia Right to Life Committee.

National Pro Life Political Action Committee.

National Committee to Keep and Bear Arms.

The Second Amendment Foundation.

American Civil Defense Association.

Joseph McCarthy Foundation.

Conservatives Against Liberal Legislation.

National Federation of Independent Business.

McDonald is a member of Northside Independent Methodist Church. He is an ex-officio member of the Georgia Democratic Committee and a member of the Floyd County Democratic Association.

The National Taxpayers Union has presented McDonald the "Most Frugal Member of Congress" award for his voting record against wasteful and inflationary government spending.

McDonald was the U.S. representative to the World Freedom Day Rally on Taiwan in 1976 at the request of the World Anti-Communist League.

McDonald was a member of a special Armed Services Committee Panel that investigated Western defenses in Japan. Taiwan and South Korea in 1978.

He was the chairman of a House delegation that studied civil defense operations in Norway, Ireland, Switzerland, Egypt and Israel during the winter of 1979.

MARTIN LUTHER KING HOLIDAY BILL

Mr. PERCY. Mr. President, yesterday the majority leader notified the Senate that the Senate would take up the Martin Luther King holiday bill on Monday, October 3. I am pleased that we now have a time certain for taking up this important matter.

Two days ago I was visited by a good friend of mine, Mr. Ronald Taylor of Chicago. Ron is a Republican ward committeeman in Chicago, representing the 16th ward. He was kind enough to share with me a copy of a resolution adopted earlier this week by the National Black Republican Council (NBRC) urging the Senate to enact the Martin Luther King holiday legislation.

I ask unanimous consent that the NBRC resolution be printed in the RECORD and urge my colleagues to review it.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

RESOLUTION

To the United States Senate:

Be it resolved, That the National Black Republican Council in conference assembled this 19th day of September, 1983, does hereby urge the Senate of the United States of America to pass forthwith the Martin Luther King Holiday Bill. This measure commemorates a great American who courageously led the struggle for freedom, dignity and opportunity on behalf of all Americans, black and white. It is fitting that the United States of America set aside one day each year to continue Martin Luther King's dream and pledge that we will make that dream a reality in our lifetime.

AMENDMENT TO SUSPEND ALGERIAN IMPORT AUTHORIZATION

Mr. PERCY. Mr. President, just about a year ago consumers in central Illinois and other parts of the Midwest began receiving very expensive liquefied natural gas from Algeria. This LNG was being sold at over $7 per mcf, while plenty of domestic gas was available at less than half that amount.

In March, consumers in the Midwest began paying for this exorbitantly priced gas. These are the same consumers who have experienced up to 50 percent hikes in their gas rates over the past year. These are the same consumers who have been hit hard by the

recession. We are not talking about small change here. We are talking about people's jobs, their daily lives, sometimes even their choice between eating and keeping warm.

Yet, despite the awareness by virtually everyone involved that this gas is vastly overpriced in today's market, little has changed over the past year. I and a number of my colleagues from affected States have tried to encourage regulatory agencies to solve this problem. But to date we have seen no concrete results in terms of relief for consumers. Both the FERC and the ERA have acknowledged in their proceedings that the price of this LNG is well above market levels and should be renegotiated. In addition, the FERC this summer issued a show cause order requesting an explanation of why the import license for the project should not be revoked given an apparent failure by the parties involved to fulfill the provisions of the contract. However, this case is still pending before the FERC after a full year. The regulatory process has simply been too slow to bring a remedy to the consumers in my State and across the Midwest.

In the past, Sonatrach, the Algerian oil and gas company, and others of our gas trading partners have not hesitated in pressing for higher gas prices during tight gas markets. Now that markets are soft, it is only fair—and in the interest of our long-term trade relations—that prices come down to a more reasonable level or that other actions be taken to reduce the current problems associated with this high-priced gas.

I have personally raised this concern to Ambassador Yaker and other representatives of the Algerian Government. It has become a central issue in United States-Algerian relations. The LNG issue was a primary agenda item for the Vice President's recent visit to Algeria.

In my discussions with the Algerians, I told them that the current LNG contract with Trunkline is far too one-sided. It is not mutually beneficial. It is not the way for us to develop a strong, long-term bilateral trading relationship. By contrast, Algeria's LNG contract with Distrigas, serving customers in New England, is mutually beneficial. It is the kind of contract that can help foster a solid bilateral trading relationship. But as long as the Trunkline situation festers, overall economic relations are bound to suffer. Rather than let this happen, I would rather put the matter to rest. Let us give it a cooling-off period. That is why I am today introducing, with nine cosponsors, a bill to suspend Trunkline's LNG import authorization.

This bill will simply place a moratorium on the sales of Trunkline LNG to the United States—let me make clear, it will have no effect on LNG imported by Distrigas—by suspending Trunkline's license to import this LNG for a period of at least 18 months. After this period, the Department of Energy will determine whether or not it is in the public interest to reissue the import authorization. Such a moratorium will allow a period of time for LNG prices to adjust to market conditions, while preserving the rights of all parties to resume these imports in the future.

Reflecting the deep concern this issue has generated throughout the Midwest, I am pleased to announce that Senators DIXON, LUGAR, DOLE, DANFORTH, KASSEBAUM, EAGLETON, LEVIN, METZENBAUM, and RIEGLE are original cosponsors of this bill. They, like myself, feel that the consumers of Illinois, Indiana, Ohio, Michigan, Missouri, and Kansas should no longer have to pay exorbitant prices for Algerian LNG.

I feel now, as I have always felt, that legislation of this kind is a last resort—a matter to pursue if all else fails. We have so far seen no tangible results from direct party-to-party renegotiation. Nor have we seen final action from regulatory agenies with the authority to suspend these imports.

However, Secretary Hodel has given me his personal assurance that the Department of Energy will resolve this matter before the onset of winter—another winter in which many, many Midwesterners will have a great deal of difficulty affording their energy bills. Just today, the Department of Energy is taking action which shows that it does indeed take this matter seriously.

Today, the Department is reopening the Trunkline proceeding it suspended last February. In approximately 2 months, we will receive a final order from the Department that will address the issue of whether this LNG is fairly priced, and, if not, whether these LNG imports should be suspended or other appropriate action taken, until Trunkline and Algeria negotiate contract terms consistent with the public interest.

I am pleased with this recent development. However, this bill will state clearly for all concerned what action I and my Midwestern colleagues will seek if necessary.

JAMES F. BERE

Mr. PERCY. Mr. President, James F. Bere, chairman and chief executive officer of the Borg-Warner Corp. in Chicago, and recent Chairman of the Advisory Council on Japan-United States Economic Relations has guided his company through hard economic times without sacrificing growth or innovation. At the same time he has maintained and actually increased earnings during the recession.

The August 15, 1983, issue of Forbes magazine carried an excellent article on Mr. Bere, with an eye-catching heading: "Healthy Smokestacks." The article notes at the onset that "Here's a midwestern manufacturer whose earnings were scarcely dented last year. What's Borg-Warner doing that's right?"

Mr. President, this Forbes article lays out Mr. Bere's enormous contribution to his company and his community. I ask unanimous consent that it be included in the RECORD at the close of my remarks.

As the chief executive officer at Borg-Warner, a company which specializes in the production of chemicals, plastics, and automotive and industrial air conditioners, Mr. Bere has overseen the diversification of his company into financial services and industrial and residential protection. In doing so Mr. Bere has demonstrated an executive ability that has won him respect both here and abroad. This can be seen in his appointment as Chairman of the Advisory Council on Japan-United States Economic Relations. The Council was formed to provide a national forum to propose solutions to problems within the Japan-United States economic relationship which may limit trade and investment between the two countries. As Chairman, Bere testified last year before the Senate Foreign Relations Committee on United States-Japanese trade and the yen/dollar relationship.

Mr. Bere's company has worked closely with the Japanese, most recently in the joint production of a turbocharger with the Japanese manufacturer IHI. Underscoring his commitment to United States-Japanese trade, and the importance of economic cooperation, Mr. Bere comments:

Whatever the long-term manufacturing position of the American in Japan will be, there is, and will be a market. We are determined in Borg-Warner to command a larger share of that market for our products. I sense a growing intent in many American companies to become busier in the very lively Japan market.

I have known Jim Bere for many years and was pleased to see the Forbes piece on him and his company. At a time when there is much debate in Washington about our smokestack industries, Jim Bere and Borg-Warner show how successful our basic industries can be with the right talent. I commend this article to my colleagues and ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From Forbes Magazine, Aug. 15, 1983]

HEALTHY SMOKESTACKS

(By Ellyn Spragins)

One day in 1966 ten division presidents of Borg-Warner's automotive group walked

into the conference room at the Rockford, Ill. plant. They expected a routine meeting with their boss, Jim Beré. But Beré, just over a year on the job as group vice president, had a surprise in store. In outright violation of a company rule against disclosure of certain financial data, Beré revealed all ten divisions' sales and profits or losses. Beré wasn't fired, as some of the managers thought he would be. His boss was upset. Yet two years later B-W plucked Beré, at the age of 45, from a group of older and more experienced candidates and promoted him to the B-W presidency. The board that picked him had realized the very openness which had once gotten Beré into trouble was a great virtue in leadership. Because he was so frank, people trusted him and would do what he asked.

The board had chosen wisely. Beré has transformed a collection of ill-fitting industrial operations into a conglomerate that really works. Beré shucked off B-W business lines with nearly $1 billion in sales and acquired new ones, heavy on the service side, with over $500 million in sales. Just one comparison shows the striking effect on the company's finances. In the recession before last, the 1973-75 slump, B-W's earnings shrank by 37 percent. But in 1982 the shrinkage, to $167 million in earnings on sales of $3.2 billion, amounted to only 3 percent from the prior year, and earnings were actually up 33 percent from 1980.

B-W, headquartered in Chicago, remains a place where employees spend their entire working lives, where the president still stops by the dining room kitchen to chat with the staff and where, despite diversification, smokestack industry still accounts for 71 percent of business. B-W's gritty side consists of manufacturing chemicals and plastics, air conditioners and equipment for the automotive and energy industries. The diversification managed by Beré—now chairman and chief executive—has thrust the company into financial services and industrial and residential protection, which together contributed 34 percent to 1982 earnings.

Yet Beré doesn't sneer at smokestack America. Industrial manufacturing, he says, will never account for less than roughly half of B-W's business. "I think mob psychology is very prevalent among CEOs," he says. "Everyone is going after electronics companies. Prior to that they were all chasing insurance companies." But he draws no sharp distinction between manufacturing and service businesses. "When you are manufacturing something," he says, "the whole essence of business is to serve."

Take B-W's oldest business, founded on metal-bending to make automobile and other parts. Beré dumped the lines that weren't consistently profitable. He stuck with parts that automobile manufacturers can less easily make for themselves. That meant getting out of automatic transmissions, for example, and closing plants. B-W has wound up with its warehouses filled with proprietary products like the Hy-Vo chain, used in front-wheel-drive transmissions, for which service—in the form of engineering and design—can add value and profitability. Although the biggest recent drop in U.S. auto production was about 25 percent, in 1980, B-W's sales to the auto industry that year fell only 16 percent.

B-W's chemicals and plastics division found a way to increase its service to customers last year by becoming a broker of other producers' resins. Now B-W's small wholesale customers, such as Mike Schuitt at Keco Inc. in Oklahoma City, place more business with B-W; he orders five times as much, in fact, as he used to. "I get much better service now," he says. "Monsanto and Dow only go after the larger accounts. Borg-Warner saw this void and stepped in."

Illustrative of B-W's approach is a device developed by the air-conditioning group. This device embodies some of Beré's most ambitious plans for Borg-Warner's industrial businesses—to marry brains to machines. It's the Turbo-Modulator, a box that "senses" the coolness of water returning through an air conditioner and tells the machine how fast to run the motor in order to hit a desired air temperature. Nothing too fancy, but customers can add it to their systems and save energy immediately. "We don't want to automate the factory like GE," Beré says. "We want to make the components people can buy to automate themselves."

Despite his dedication to manufacturing, Beré has not hesitated to go outside his industries for knowhow. Under Beré, B-W has bought 5 percent and 10 percent interests in small electronics and software companies, to gain their expertise, and has entered into several joint ventures to acquire technology. "It became obvious that the global turbocharger market was going to take off," says Scott Merlis, an analyst for Shearson/American Express. "How does Borg-Warner develop a turbocharger overnight? They signed a joint venture with IHI, a Japanese manufacturer, and now Warner-Ishi turbochargers will be in the new Ford Escort models."

Beré's ability to enter productive partnerships is also evident in B-W's three major equity interests in other companies. Rather than sell off B-W businesses outright, Beré chose to swap three of them for stock. Thus did B-W end up with substantial stockholdings in Hughes Tool, Echlin and Amedco. B-W's 1.8 million shares of Amedco, originally worth $7.5 million, are now worth $44 million. B-W's 19 percent interest in Hughes Tool, while currently depressed in price, is a jewel many companies would gladly buy if B-W were to offer it for sale. But such a sale is unlikely even to finance the purchase of another service business Beré wants. It is estimated that divestitures of other operations could fetch $100 million to $150 million in cash, and B-W's debt amounts to only 24 percent of equity. Beré is as modest as he is open. He takes little credit for B-W's specific innovations. He does accept the credit for helping motivate the people who innovate. "If you communicate with people, you can release their creativity," he says. "They can go to work and be part of the decision tree."

Call it good communications, call it good leadership, Beré's style produces results. Old-time employees say they know more now than they ever did before about what must be done to help the company compete. Even a union official says that he came to trust senior management under Beré. "A few years ago," he says, "I sat down with management and said, 'I'm not going to lie to you anymore.' " Says one officer, "Beré is the kind of guy who, if he asks you to do something, you say, 'Watch out, five-foot-thick brick wall, because I'm coming through.' "

No amount of employee zeal can strengthen sick markets, of course, and B-W would be doing much better if it weren't for weakness in Europe, in oil drilling, in air-conditioning and in other divisions. Nevertheless, in the first half of 1983, although total earnings slipped slightly, operating profit from manufacturing groups rose by 30 percent and for the full year B-W is headed for an earnings record. If smokestack America is dying, you wouldn't guess it here.

UNDER SECRETARY FOR AGRICULTURAL AFFAIRS

Mr. HEFLIN. Mr. President, I strongly recommend to my colleagues the creation of a new position within the Department of State to be entitled the Under Secretary for Agricultural Affairs.

We need to be sure that there is at least one high level State Department official who is an expert on the relationship between agricultural and foreign policy since, increasingly, our agricultural policy is being set by officials in the State Department. For example:

In the past decade there have been four embargoes of agricultural goods, and in the wake of the Korean airliner incident, calls for yet another grain sanction against the Soviets. It is clear that the only party injured by such embargoes is the United States since the Soviets have plenty of other suppliers to choose from. Moreover, the embargoes have critically harmed America's reputation as a reliable supplier and reduced prospects for future sales.

Agricultural products account for 20 percent of all U.S. exports and contribute $26 billion to the balance of trade. Agricultural exports account for $95 billion of our domestic economic activity and provide 1.2 million jobs. Each extra $1 billion in exports creates as many as 35,000 new jobs.

State Department employees are stationed in nearly every nation around the globe and are in an excellent position to monitor economic conditions and promote trade. Aggressive U.S. export policies will expand trading partnerships, especially in the developing nations, and where trade increases, so does U.S. influence.

Agricultural issues have become a sticking point with several of our traditional allies, and Foreign Service personnel are in a position to help reduce trade barriers and resolve agricultural subsidy disputes.

Other agriculture-related issues that must be dealt with by our foreign policy establishment, on a bilateral or multilateral basis, include Commodity Credit Corporation guarantees to the Eastern bloc, matters relating to the Caribbean Basin Initiative, Food For Peace, agricultural exchange programs and general economic trends.

Today the American farmer has little or no access to the makers of our foreign policy. We need to provide a permanent, specialized conduit for the concerns of the farmer, who has borne the brunt of many of our foreign policy decisions.

50TH ANNIVERSARY OF AMERICAN TRUCKING ASSOCIATIONS

Mr. HOLLINGS. Mr. President, this week the American Trucking Associations is celebrating its 50th anniversary of distinguished service to the American motor carrier industry and to the Nation as a whole.

ATA is a federation with affiliated associations in every State and the District of Columbia, plus 12 national conferences. In the aggregate, it represents every type and class of motor carrier operation in the country, both for-hire and private.

ATA was incorporated on September 22, 1933, amid the despair and confusion of a devastating national depression. Yet the founders of this organization saw through this chaos. They were men of vision, men of boundless optimism, men of immense energy. They were eager to meet the many challenges head on. Today that same spirit still is alive within the trucking industry.

When ATA was founded, the motor carrier industry was just beginning to show signs of strength. The truck had proven its value and capabilities in the rugged campaigns of World War I. Those World War I trucks—labeled surplus—found their way into American industry and the great saga of the motor carrier was underway.

These early trucks were not much by today's standards. They had solid tires and a top speed of 18 miles an hour. Often, the trucks were improvised wagons mounted on old car bodies.

In 1916, there were but 250,000 trucks in the United States. Four years and one World War later, the number had quadrupled to 1,108,000. This growth has continued apace. Today there are nearly 34.5 million trucks operating in America.

The trucking industry is by nature a highly responsive, flexible and specialized industry. It hauls everything from potatoes to electrical generators, from paper to the King Tut exhibit. It does so safely and efficiently. The greatest tribute that can be paid to it is the degree to which we take it for granted. Nearly everything we eat, wear or use comes at least part of the way by truck.

Perhaps more importantly, trucking has played an integral role in the Nation's economic development. When ATA was founded in 1933, railroads were the dominent freight transporation mode. Today, trucks haul 83.2 percent of all fresh fruits and vegetables, 73 percent of all clothing, 73.6 percent of all toys, amusement and athletic goods, and 63 percent of all televisions and radios. In short, trucks haul nearly 60 percent of all manufactured goods.

It is not accidental that the rise of the trucking industry paralleled the great economic growth that has taken place in this country. Trucks allow businesses and people the freedom to locate in any area no matter how small without fear of prejudicial rates or services.

America's trucking industry works for all of us. On behalf of my colleagues in the Senate, I want to take this opportunity to congratulate ATA on its 50th anniversary and to send my best wishes for the future.

ARMY WINS GOLDEN FLEECE AWARD FOR SEPTEMBER

Mr. PROXMIRE. Mr. President, I gave my Golden Fleece Award for the month of September to the Department of the Army for spending about $20,000 to prepare 30,000 fancy, multicolored pamphlets explaining how to play "King of the Hill"—that is right—the old playground game. The Army has made a mountain out of a molehill but the poor taxpayer has taken the financial tumble.

The pamphlet contains a preface, four pages of detailed rules, and a multicolored diagram of an "earthen mound" to be used when playing the game. The Army states that the purpose of the pamphlet is to "incorporate leadership, strategy-planning, and decision-making skills into the physical fitness training program."

I believe this statement is bottled-in-bond nonsense and here is why.

First, while the U.S. Army is practicing "King of the Hill," the Russian Army practices blitzkrieg tactics, massed infantry attacks, chemical warfare, and subversion. Our playing "King of the Hill" will not keep Defense Minister Ustinov awake nights.

Second, "King of the Hill" has little resemblance to the modern battlefield, which is fluid, makes use of high technology weapons including remote targeting and attack, and is not bound by detailed rules. Whatever lessons about strategy which can be learned from "King of the Hill" will be useless on the battlefield.

Third, the rules of "King of the Hill" can be easily learned. Children have been doing so for decades if not centuries. Drill instructors are notably proficient at keeping the troops fit. If these instructors want to play "King of the Hill" to improve fitness, they do not need a Defense Department pamphlet filled with silly rules.

Fourth, the pamphlet is written like a second grade "Dick and Jane" reading primer. Here are some direct quotes from the pamphlet:

> King of the Hill uses a defending team and an attacking team.
>
> The game is played under the supervision of three referees. One of them is designated chief referee. All referees have whistles.
>
> When possible, senior NCOs and/or officers from other units or sections should be used as officials. It is important that their authority not be questioned during play. If it is, the game quickly gets out of hand.
>
> Unsportsmanlike conduct is called for abusive or insulting language directed at a referee or language determined to be excessive or blatant.

The rules also provide that the defending team leader cannot be attacked by anyone but the attacking leader as long as the defender remains in an "inner circle." Ordinary soldiers are expendable but the leaders are exalted personages only to be attacked by others of equal rank. Is this a lesson the Army wants to teach?

Mr. President, I believe physical fitness should be a goal for every American. It is especially important that our soldiers be fit. But using "King of the Hill" to teach strategy and decision-making strikes me as an exercise in futility.

URGENTLY NEEDED: A TOUGH ANTINUCLEAR PROLIFERATION POLICY

Mr. PROXMIRE. Mr. President, we have so sharply focused our gaze on the threat of a nuclear attack by the Soviet Union that we have become transfixed, unable to see the far more likely threat of a nuclear war. Listen to the New York Times columnist, William Safire, for example. No one has more consistently recognized the military threat the Soviet Union represents to our country than Safire. And few if any have counseled a tougher or more uncompromising policy of vigorous and forthright opposition to the Soviet Union, including strategic and conventional military strength, feed grain embargo and the termination of all trade that might even indirectly strengthen the Soviet military strength. Now what would you assume that Safire would regard as the most serious threat of nuclear war? A strike against this country by the U.S.S.R.? No.

Last Sunday Safire wrote in the New York Times: "The spread of nuclear weapons to additional nations is the likeliest road to world war." And Safire is right. This country will spend at least $50 billion this year and at least $250 billion over the next 5 years to build a bigger, more lethal and less vulnerable nuclear arsenal for the purpose of deterring an attack by the Soviet Union. This Senator agrees that we need much but not all of that nuclear military strength. That immensely costly build-up will do nothing to prevent the spread of nuclear weapons which—as Safire observes—represents a more likely road to nuclear war. And how much are we spending to halt this proliferation? Answer: Nothing. We not only are devoting none of our resources to stopping this road to a nuclear holocaust, we as a nation are actually in the process of aiding and abetting the proliferation. Argentina has refused to sign the non-

proliferation pact which would pledge her to shun attempts to develop nuclear weapons. Safire points out that "with a two paragraph announcement in the Federal Register, the United States recently slipped Buenos Aires 143 tons of heavy water." And Safire also reports that "according to one U.S. intelligence analysis, a secret plan is afoot in Buenos Aires to divert a ton of uranium from one of the Argentine atomic energy plants to make enough plutonium for a bomb, with no international inspection agency the wiser." And Safire adds: "This analysis, circulated widely in our Government since May, evaluates the supposed plan with a curt 'can be done.' Plant has a 150-ton annual capacity. One ton could be done by bookkeeping error."

Now, Mr. President, all of us can recall that it was only a few months ago that Argentina was locked in mortal combat with the United Kingdom in a war over the Falkland Islands which Argentina had invaded and then was defeated by the United Kingdom with conventional arms. Let us entertain the shuddering thought that Argentina had the bomb at that time. Would she then have accepted that humiliating defeat as she did? Would she have threatened the United Kingdom with a nuclear bomb explosion in the heart of London if Britain did not withdraw its armada from the Falklands? Think of it—a nuclear bomb—made courtesy of a U.S. export to Argentina of heavy water, made in spite of our full knowledge of Argentina's refusal to sign the nonproliferation treaty, and in spite of our further knowledge that Argentina had every intention of diverting enough plutonium from its reactor to make a bomb. But an Argentine nuclear attack on London? The United Kingdom after all is a nuclear power. It has not one nuclear warhead but 1,500. It also has the capability of delivering its nuclear missiles by air and sea and land. Some will argue that Argentina would be engaging in an act of transparent idiocy to threaten a nuclear explosion against the United Kingdom—a mouse threatening to bite an elephant. But could the United Kingdom take the gamble of calling Argentina's bluff and if it did would the Argentinians in desperation and humiliation take the chance that the United Kingdom would achieve nothing by retaliation even after being nuked and if the United Kingdom did retaliate where would the nuclear madness end?

Mr. President, admittedly the Argentine-United Kingdom example would probably not bring a nuclear war. What would be the odds? Ten to one against, thirty to one against. But the odds shorten considerably when we consider the likely fruits of our total policy in spreading nuclear armed goodies around like pennies from heaven. Consider our record: We have sent nuclear materials or equipment to Pakistan, to India, to South Africa. And so we have had no grounds for protest when the French have provided nuclear capabilities to Iraq and Iran or when the Germans, the Japanese, and even the Swiss—none of whom either have a nuclear arsenal or appear to have any interest in developing one—nevertheless sell nuclear know-how to other countries.

Safire reports that the State Department has been salivating about selling nuclear reactors to China—noting that China has been a nuclear power for some time but is helping to give a nuke power to Pakistan which is also helped along the nuclear road by Israel.

Mr. President, survival is crying out for a nonproliferation policy on the part of our Government that should be tough, uncompromising and have a priority over everything else. We should start as Safire suggests with this: "The U.S. Government should make clear to Argentina and other allies that our help in atomic energy development is available only to countries willing to pledge to forego the bomb."

One of the concrete reforms that the Congress can take to stem the tide of dangerous U.S. nuclear equipment and materials exports is to pass the Proxmire Non-Proliferation Act Amendments bill, S. 475. That legislation puts teeth into the exports controls governing sensitive U.S. technology. Mr. WOLPE of Michigan is the House sponsor of the companion bill.

Mr. President, I ask unanimous consent that the article from the Sunday, September 18 issue of the New York Times by William Safire headlined: "Atoms for Argies" be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

ATOMS FOR ARGIES

(By William Safire)

WASHINGTON.—The Argentines may be busily building themselves an atomic bomb. With such a weapon, Argentina would be able to deal with Great Britain on the Falkland Islands as a nuclear equal, as well as menace Chile in the dispute over islands at the tip of South America.

According to one U.S. intelligence analysis, a secret plan afoot in Buenos Aires is to divert a ton of uranium from one of Argentina's atomic energy plants to make enough plutonium for a bomb, with no international inspection agency the wiser. This analysis, circulated widely in our Government since May, evaluates the supposed plan with a curt "can be done. Plant has a 150-ton annual capacity. One ton could be done by bookkeeping error."

State Department officials dispute this interpretation, and other intelligence analysts argue that no credible evidence has come our way to suggest that the Argentina nuclear program—by far the most extensive in Latin America—has been diverting nuclear fuel to produce a bomb.

That brouhaha among spooks may be academic; as Philip Boffey of The New York Times reports, Argentina mines is own uranium and is building a plant that could turn out bomb material with nobdoy the wiser.

Here comes the controversy: Since Argentina refuses to sign the Nuclear Non-Proliferation Treaty, should the United States help that nation develop its nuclear potential by selling it heavy water and computers?

That question is slanted to elicit a no. But the Reagan Administration argues that our previous policy of refusing to cooperate on anything nuclear with non-signing countries did not stop their development, and left us with no connective tissue. That is why, in the dead of night, with a two-paragraph announcement in the Federal Register, the U.S. recently slipped Buenos Aires 143 tons of heavy water; now the Argies will at least talk to us about safeguards. Isn't some progress, and contact that might lead to more, better than a sterile all-or-nothing posture?

That is the way the Reagan men slant the question to elicit a yes, but the answer is still no. Old détenteniks still hope that trade and aid to foes and friends will somehow make them dependent or grateful; that naive approach does not work. The way to discourage any nation not now a member of the nuclear club from building a bomb is to bring our diplomatic, intelligence and economic pressure to bear to stop it.

The temptation to a proud people, recently humiliated in war, to convert atomic facilities to bomb production is obvious. Argentines, with inflation approaching 500 percent, are flirting with bankruptcy. With abundant coal and hydroelectric energy resources, billions spent on atomic development are misdirected. They need our economic help; we should link that help to their willingness to join the nations willing to submit to close inspection of all atomic facilities.

Blackmail? You bet. Is it unfair for the nuclear nations to insist that other nations stay out of their club? Yes. But the need to stop the spread of nuclear weapons into more hands overrides all equity.

Argentina is now preparing for democratic elections next month, which will be the military junta's Good Deed. Although the middle-class candidate is getting most of the international media buildup, keep your eye on Italo Luder, the Peronist candidate, who is in the pocket of the unions. When Peronists are allowed to run, they win; they pioneered the "third position" in international affairs; over half the trade in Argentina today is with the Soviet Union. If Professor Luder wins, the U.S. will be holding out its nuclear carrots to a neutralist nation.

Fortunately, proliferation is one of those rare cases in which superpower interests are parallel. The U.S. should join with the U.S.S.R. in leaning against the pursuit of the bomb by the new government in Buenos Aires. Although we will be competing with the Russians for influence in Argentina, on that subject Moscow and Washington can agree to a superpower priority: Keep the nuclear club exclusive.

The same overriding concern should apply to our dealings with China, long a nuclear power, on matters atomic. Foggy Bottom has been smacking its lips at the prospect of selling Westinghouse reactors to Peking. But China is helping its ally, Pakistan, build the Islamic bomb, and we cannot count on Israel to nonproliferate the Pakis as they did the Iraqis. Before we agree to deal with

China, the U.S. should require a promise of safeguards on all its atomic exports and bomb-making data to other nations, complete with international inspection of Chinese civilian nuclear facilities.

First things first. The spread of nuclear weapons to additional nations is the likeliest road to world war. The U.S. Government should make clear to Argentina and other allies that our help in atomic energy development is available only to countries willing to pledge to forgo the bomb.

JUDAIC EXHIBIT SERVES AS A REMINDER OF THE NEED FOR RATIFICATION OF THE GENOCIDE CONVENTION

Mr. PROXMIRE. Mr. President, in November a cultural event of transcending importance will occur in Washington, D.C. The Smithsonian Institution will open an exhibit of Judaic treasures from the Czechoslovak state collections.

The negotiations to bring a portion of the collection, which has never been shown outside of Czechoslovakia, to the United States began with the discovery of its existence by a former colleague, Congressman Charles Vanik, during a visit to Prague in 1968. It is due to the perseverence of Mark Talisman, Vanik's former administrative assistant, and the efforts of many others that the Czech Government finally agreed to permit the exhibit to be shown here.

These cultural treasures, the story of how they were collected, and the decision of the Czechoslovakian Government to allow the exhibit to be shown in the United States form a remarkable chapter in the history of men's indomitable spirit.

The items to be shown at the Smithsonian are a small fraction of a huge collection of Jewish religious objects, art, and cultural items assembled during the Nazi occupation of Prague. That city had been for almost 900 years one of the great centers of Jewish culture. Because it was a city world famous for Jewish life, the Nazis decided to turn it into a monument of Jewish death.

The Nazi plan was to scour central Europe for Jewish art and artifacts, add them to the existing collections in Prague, and turn them into one vast museum of an extinct race. It was intended to document the successful annihilation of an entire people.

Mr. President, the ghoulish story represented by this collection, which has been described in recent press reports, is both distrubing and haunting. I was particularly moved by its sensitive portrayal on the September 19 edition of the MacNeil-Lehrer report.

In listening to their broadcast I was constantly reminded how impossible it is to comprehend the Nazi mentality: Driven to commit the most heinous crime known to man—genocide—and driven just as relentlessly to painstakingly document and memorialize their unspeakable crime.

The Nazi brutality and insensitivity is mind-numbing. But the reaction which this broadcast evokes—and I am confident that this important exhibit will magnify—is the spontaneous, human cry of "Never again."

Mr. President, former Congressman Vanik, Mark Talisman, the Smithsonian Institution, and the many individuals responsible for this exhibit have done all of us an important service by bringing this collection to America.

But is this collection merely serves as a reminder of one of the darkest chapters in mankind's history then it has only been partially effective. It needs to serve as a catalyst to America, and the world, to take every step possible to prevent the reoccurrence of genocide.

Here in the Senate we have one very concrete step we can take—ratification of the Genocide Convention. By giving our advice and consent to this important human rights treaty we can help to assure that there will never be another museum to an "extinct race" assembled as long as we have the ability to act.

Mr. President, just after this collection opens in November at the Smithsonian the world will mark the 35th anniversary of the adoption of the Genocide Convention by the General Assembly of the United Nations.

That anniversary and this exhibit provide an ideal opportunity for the Senate to ratify the Genocide Convention. We can not procrastinate any longer. We must make use of this opportunity to express the feelings of tens of thousands of Americans who will see or read about the Smithsonian exhibit and cry "Never again."

Mr. President, let us not waste that opportunity.

Mr. President, I ask unanimous consent that the transcript from the September 19 edition of the MacNeil-Lehrer news hour be reprinted in the RECORD, as well as news articles from the Washington Post on September 19 and the New York Times on September 20, which describe the exhibit.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

PRICELESS CZECH JUDAICA TRACES THE HISTORY OF A PEOPLE

ROBERT MACNEIL. Finally today, there was news of an unusual cultural event. The Smithsonian Institution announced that after 15 years of negotiations, the Czech government has agreed to lend part of the state Jewish museum collection in Prague. The collection was assembled during the Nazis' destruction of the centuries-old Czechoslovak Jewish community. One of those making the announcement at a Washington press conference was Anna Cohn, project director of the exhibition, called Precious Legacy.

ANN COHN, (project director). The Precious Legacy tells the story of a museum turned upside down in a world gone mad. The Precious Legacy first as a major international loan exhibition which makes available to American audiences for the first time one of the largest and most important collections of ethnic art in the world.

MACNEIL. The Prague collection is unique. It is the largest and most significant collection of Jewish religious art anywhere. But what is haunting about it is the story of how it came to exist, and what the Nazis' purpose was—to actually create a museum to an extinct race. It is one of the strangest stories to come out of World War II and the Holocaust. It begins centuries ago in one of the most beautiful cities of Europe.

Prague—for nearly 900 years, a center of Jewish culture. In the Middle Ages, it was called the Jerusalem of Europe. In the solemn streets of modern Prague, only the architectural landmarks recall the cultural diversity and richness of the city's past. Prague was the Paris of the east, the golden city. From the tenth century through the Renaissance until 1939, it was one of the artistic and economic centers of the world.

The Jewish community was fully integrated into the life of the city. They lived grouped around the synagogues, centers of learning and religious life. The Altneuschul synagogue, built 700 years ago, is still in use.

The high synagogue illuminates the craftsmanship and wealth of the community in the 18th century; the Spanish synagogue from the late 19th century, ornate and elegant; the Pinchas, where archaeologists have found the remains of an 11th century ritual bath. A statue of Rabbi Loew, mystic and spiritual Jewish leader, stands outside the old Czech town hall.

The well preserved gravestones in the ancient Jewish cemetery carry the epitaphs of scholars, doctors, vintners, shoemakers, lawyers, a testimony to the diversity of Jewish life. It wasn't always simple; there were many persecutions of the Jews.

But from the turn of the century, the Jews in Prague enjoyed a period of extraordinary peace and development, fully integrated into Czech and German culture. Jews enrolled in Czech schools and universities, traded freely and practiced all professions. Bourgeois and secure, the intellectual community flourished. Jewish minds sparked ideas that changed the way we see the world.

Freud, born in Bohemia, was a student in Prague. Einstein made his discoveries at the university in Prague. Gustav Mahler began to write music in Prague. Kafka wrote in Prague. In 1939, it all ended.

JIRI LAUCHER (Holocaust survivor). And when the Germans came to occupy this country, we knew sooner or later something would happen.

Dr. BEDRICH NOSECK, (Curator, Czech State Jewish Museum). In Czech lands, we know that the peaceful cooperation between Jews and non-Jews was very useful. But for the first time that idea was a false idea.

IRMA LAUCHER (Holocaust survivor). We had to give up, at first warm things, keys, shoes . . .

Mr. LAUCHER. They took our wireless set and our sewing machines and next week all the optical instruments and next week all the animals, one week all the surgeon's instruments, and every week something else, and we were informed what we had to do.

MACNEIL. From the beginning, all the way to the showers at Auschwitz, the Nazis' process involved systematic method and elaborate illusions of normalcy. It began with the elimination of legal rights and proceeded to the confiscation of Jewish proper-

ty—objects of use to the Nazis, objects of value.

The Jews, fearing the dispersal and loss of their religious objects, proposed to the Nazis that they be gathered into a small existing Jewish museum. For the Nazis, it was a means of further confiscation, a way to use the Jews. And they saw another use for the museum after the war.

Mr. LAUCHER. People say they wanted after the war to make a museum of the destroyed nation.

NOSECK. It was a little perversity of Nazis, because Prague was known as one of the well-known Jewish centers in Europe, and that's why the Nazis wanted to create here an anti-Semitic center.

Mrs. LAUCHER. Here was a center, and here was already the first embryo of a museum because the Jews wanted to save the culture of their ancestors.

NOSECK. And the aim of the Jewish specialists was contradictory to the aim of Nazis. They wanted to save Judaic items against the Nazis for future generations.

MACNEIL. Housed in the unused synagogues all over Prague, the collection grew like a cancer. Did the Nazis merely appreciate the value of the objects? Did they need to understand the culture they despised? Or were they exorcising ghosts by cataloging, organizing, controlling the artifacts of the lives they were destroying?

In 1943, systematic exhibition work began at the Gestapo central Jewish museum in Prague. The Jewish curators set up regular exhibitions about Jewish life for the Nazis. They worked hard. They hoped to touch them with the exhibitions. In 1944, the museum staff was deported.

The Jews of Prague were sent to Terazin, a walled town 60 miles from the city. It was described by the Nazis as a model city for the Jews in the Third Reich, another step in the awful deception. It was, in fact, a way station to Auschwitz and Dachau. Built for 18,000 people, it housed over 60,000 Jews. They were humiliated and starved and tortured and finally deported.

As they had forced the Jews to organize the confiscation of their property, the Nazis forced the Jewish committee of elders to make up the lists of transports to Auschwitz.

Mr. LAUCHER. We got to—we saw a postal card with signs, best regards from your mother. It means best regards from your dead, in Hebrew. We didn't want to believe it. It's impossible they are killing people by gas. We didn't know what happened in Auschwitz, we knew only the transports to go to the east go to a bad place.

Dr. DESIDR GALSKY (Head, Prague Jewish Community). We had about 350,000 Jews in the year 1939. In the whole country, only five percent of Czech Jews survived the Second World War.

MACNEIL. After the war, the evidence of what had happened to the Jews of Czechoslovakia was revealed—the thousands deported, the few who survived. Of the 15,000 children sent to Terazin, 94 survived. There were reminders of the horror, and in the enormous collection of Jewish artifacts in Prague, reminders of the glory of the life that was destroyed.

Hundreds of thousands of priceless historical objects—fabric, glass, silver. There were 2,500 exquisitely made Torah curtains, 400 Torah mantels, 600 Torah plates, 100,000 rare books, nearly 1,000 Torah finials in silver. Thousands of objects representing the details of Jewish life for hundreds of years.

The decimated Jewish community could not afford to care for the collection, they offered it to the Czech government which created the Czechoslovakia State Jewish Museum. Including the cemetery and housed in six synagogues, the museum is a center of attraction in Prague.

Given the limited resources available, the conservation and preservation of the collection by the Czech authorities has been excellent, and as few people get to Prague, it has been a lost or hidden treasure.

After years of negotiations, in an unusual opening up, 350 of the objects are coming to the United States under the auspices of SITES of the Smithsonian. The preparation of the exhibition created important relationships between Czech and American curators and scholars. The objects reveal the quality and values of the culture and the close relationship between daily life and spiritual life.

Certain of the objects are moving for their lack of value—half-burned Havdalah candles, used to symbolize the end of the Jewish sabbath. Others are of splendid sophistication—this Eastern-influenced 19th century spice box; a very simple thing, a matzo rolling pin; ancient burial society tools from the 1600's; elaborate textiles from the 17th and 18th centuries; extraordinary silver work on an 18th century burial society cup; a simple pewter Passover plate, inscribed by the child Zonn in the 1800's; a very personal Torah mantle, made for the birth of a boy.

Mr. LAUCHER. In Hebrew, mei hatikva ish chai—from the hope, the men keeps the life, and we tried to believe and we tried it, we tried all to do to survive.

GALSKY. This is, you know, for us, for our generation, we are coming from the time before the Second World War, the history, the heritage is very important, and this is the power for us and also a stimulation, you know, for the activities here now. But what about the future? The average age of this community is very high.

MACNEIL. That exhibition will open in Washington in November and will later be seen in Miami Beach, New York, San Diego, Detroit and Hartford.

[From the Washington Post, Sept. 19, 1983]

TREASURES OF A LOST WORLD: JUDAIC ART FROM A NAZI COLLECTION

(By Charles Fenyvesi)

After 15 years of negotiations with the Czechoslovak government, nearly 400 objects from a vast collection of Judaica assembled by the Nazis for a "Museum of the Extinct Race" have arrived in Washington for a major exhibition at the Smithsonian Institution.

"The Precious Legacy: Judaic Treasures From the Czechoslovak State Collections" is a sampling of 500 years of Jewish art and life gathered and shipped to Prague just as the Jews themselves were being sent to death camps. The experts who catalogued the collection—everything from pianos to cut-glass pitchers, from the prayer books of a village synagogue to sheaves of medieval manuscripts—were Jews who, upon completion of their task, were deported and killed. In 1950 the Czech government took over the collection and created the State Jewish Museum in Prague.

The loan exhibition will be shown for the first time outside Czechoslovakia when it opens Nov. 9 at the Evans Gallery at the Museum of Natural History, where it will be on view through Dec. 31. It will then travel to Miami Beach, New York, San Diego, Detroit and Hartford, Conn.

The process by which the exhibition came to the United States began in 1968, when Charles Vanik, a Roman Catholic congressman of Czech descent, visited Prague's medieval Jewish quarter, accompanied by his legislative aide Mark Talisman, and broached the idea of an exhibition in the United States. The Czechs agreed in principle, but implementation then had to be worked out with the many-layered state bureaucracy.

"Between 1968 and 1979, the project was laid on the shelf," said Vanik. "Mark [Talisman, now the Washington representative of American Jewish communal institutions] went through one agony after another. He'd deal with one person and then someone else intervened. The professional diplomats wanted the project, but had to work their way through the system. I can't answer who held it up." Vanik, who speaks Czech and has devoted much time to promoting better U.S.-Czechoslovak relations, pressed his proposal during half-a-dozen visits to Prague during the 1970s.

"The Czechs are the most frozen Stalinists, three times worse than the Russians," said one foreign service officer, a frequent visitor to Eastern Europe, who asked for anonymity. "Normally, the Czech government wants to keep the lowest possible profile here. To send out the treasures of the Prague Jewish Museum means that the fate of the Jews and the Czech regime gets reviewed, which opens up too many questions."

Asked for his explanation for the delay, Talisman said, "Let's just say that Czechoslovakia is not your typical international cultural loan country."

Jaroslav Kubista, of the Czechoslovak Embassy here, had this explanation: "The idea was developing a long time. At the beginning, neither side had a perfect idea. Some political questions are involved."

In 1979, Vanik was told by the Czech foreign minister that the exhibit had been approved. He promptly telephoned Talisman, who was on vacation—the call had to be patched through from the American Embassy in Prague to a laundromat in Cape Cod. Forty-eight hours later, Talisman was on his way, accompanied by two American Judaica experts.

The storage rooms were unlocked and the Americans were shown the entire collection. For the first time, they were allowed to take photographs.

"Seeing the material was mind-boggling," said Linda Altshuler of the B'nai B'rith Klutznick Museum here, who went five times to Prague. "They have their exhibits and storage areas in as many as seven buildings. In one old synagogue are all the textiles, another old synagogue has all the silver. Attics, basements are full, and the items are clean and meticulously catalogued. There are case after case of similar objects.

"One gets the feeling of confiscated property—it is all so wholesale. You walk up three flights of stairs and open a locked door, and there are, from the floor to the ceiling, cases of Torah finials. Or charity boxes. Or Torah ark curtains. You start thinking how many people the objects represent. I work in a small museum where we consider ourselves fortunate to have several dozen Torah finials. In Prague they have hundreds, even thousands."

Experts estimate the Holocaust destroyed 90 percent of European Jewry's liturgical

objects. Yet the Prague museum has rooms crammed with hundreds of Torah mantles, many of them executed with stunning craftsmanship, and Sabbath wine cups, circumcision knives, seven-branched candelabras and other necessaries of Jewish religious life. There are also the finest quality 19th-century oil paintings of luxuriantly bearded rabbis and dignified merchants, and children's drawings of trees and butterflies from the Nazi concentration camp of Theresienstadt.

After World War II, ownership of the collection reverted to the Jewish community—those few thousand Czech Jews who returned from the camps—which set up a museum in 1946 in synagogues of the medieval Jewish quarter. Following the Communist takeover in 1948, the state took title to the museum; in exchange, it paid the curators and maintained the collection.

In a 1968 book, Vilem Benda, then director of the museum, describes how this transfer took place: "The Council of Jewish communities, as the highest organ of the surviving Jewish community, occupied with worries to provide materially for its members, discovered before long that it was beyond their powers to finance the establishment of the museum. At its session in November 1949 they discussed a proposal to offer the museum premises and the entire collections to the Czechoslovak state as a gift. The Government of the Czechoslovak Republic discussed the proposal at its meeting on April 4th, 1950 and generously decided to accept the gift . . . The museum ceased to exist in isolation and became an equal partner of all Czechoslovak museums helping to educate the new generations in the spirit of socialism."

Thus the relics of centuries of Jewish piety collected by the Nazis came under the guardianship of a staunchly atheistic communist government. It was a transaction worthy of Franz Kafka, who was himself a Prague Jew.

There may be as many as 15,000 Jews left in Prague, but only 2,000 attend synagogues. The Jewish Museum, however, is one of the city's great tourist attractions, with 800,000 visitors a year—the great majority not Jewish and the largest single group among them Germans.

"I was overwhelmed by the beauty and the wisdom of the people who created and used the items," Talisman said. "This is not a collection in which the viewer is expected to descend into a grave. The drawings of children in the concentration camp of Theresienstadt is the greatest collection of optimistic art." (These drawings will be shown in a companion exhibition at B'nai B'rith's Klutznick Museum.)

For Talisman, it was one thing to learn from history books that there had been 400,000 Czech Jews before World War II. But the finality of their death was expressed for him when he saw cases full of Havdalah candles with blackened wicks—burned briefly at the end of the Sabbath—that would never be used again.

Talisman was shown a drawer full of knives ritual slaughterers used. He tested one, a huge knife from the 18th century, and cut his thumb. "What a klutz I am," he remembers thinking. "But what an incredible privilege it is to hold such a knife in your hand!"

Talisman and Anna Cohn, the Smithsonian's project director for the exhibit, have lost count of the number of times they visited Prague, but they say their visits have changed them.

"I now think it's immaterial where I come from," said Cohn. "In another life, I'll be from Prague. Of all the places I know, Prague is the closest solution to my soul."

"I have become the most patient person," reflected Talisman. "The wisdom of Prague seeps from those stones.

"The Czech curators were wonderful. But the government officials were skittish: This is their national treasure, lovingly maintained, and they have the right to decide about it."

"Throughout the negotiations, the preeminent Czechoslovak concern was security, but as to the security of what, we never got an answer," said Ron Neitzke, who was the State Department's director of Czechoslovak affairs in the 1980s, until the final stages of the negotiations this summer.

"Since the items were heavily insured, there was never any question of monetary loss," said Neitzke. "We had to develop a secure feeling in the Czech government that the items would be returned."

Neitzke believes that the main stumbling block was the 18.4 metric tons of Czechoslovak gold reserves, entrusted to the Western allies by the democratic Czech government during World War II and finally returned to Prague in February 1982. Negotiations over the gold went on for years, and at one point, in 1974, the U.S. government pulled back at the last minute.

"We had a heritage of perceived bad faith on both sides," Neitzke said, "and no major accomplishments. There were moments when we had doubts if the exhibit will ever come off. That we got it through was nearly a miracle."

In 1982, the American Embassy cabled Talisman that the Czechs were ready.

"I was buoyant," Talisman says. But just before he was due to leave for Prague, he developed chest pains and failed a stress test. His doctor strongly advised him not to go.

Talisman flew to Prague. A special U.S. Air Force medical plane was kept in readiness in Frankfurt in case he had to be sent home.

But Talisman was lucky. "My heart held out," he recalls, "and the Czechs agreed to a two-year exhibit traveling through the United States, to a joint selection process and to an opening at the Smithsonian in the fall of 1983. Within 20 minutes they granted everything I asked for. I couldn't believe it."

Philip Morris Inc. agreed to become the corporate sponsor with a contribution of $350,000. The cost of presenting the exhibit is more than $1 million; most of it is being paid by private donors.

Talisman said he could accept the reality of the exhibit only after the items arrived in the West.

Cohn said she always had faith that the exhibit would happen—"a rational faith," she said, based on "the tremendous good will" among Czechoslovak curators and cultural affairs specialists. She said she felt "reassured" by "the old world craftsmanship" of the movers, employes of the German firm Hassenkamp, which also packed the King Tut exhibit that came to the United States in 1976. They cut special, acid-free foam rubber padding for each item, then came layers of bubble paper and foam packing—all to be placed in a cardboard box protected by a padded wooden crate. She felt "heartened" by the cooperation of the Czech customs officers and cultural ministry officials who checked each item as it was packed.

"In the end it was like clockwork," Cohn said. "It took the moving company five days to pack the exhibit. All was done by Friday 5 p.m. Before sunset. I checked and saw that everything was packed. Then I took a broom and swept the synagogue where the crates were kept. The workmen tried to take the broom from me.

"They didn't know that it is one of the highest honors in Jewish life to clean a synagogue."

[From the New York Times, Sept. 20, 1983]

TROVE OF JUDAICA PRESERVED BY NAZIS TO TOUR UNITED STATES

(By Bernard Weinraub)

WASHINGTON, September 19.—A landmark exhibit of centuries of Jewish artistic and historical objects, which were preserved by Nazi Germany to create a "museum of an extinct race," is to appear in New York City next year as part of a nationwide tour, the Smithsonian Institution announced today.

The showing, "The Precious Legacy," will mark the first time the religious and secular objects, now stroed in the State Jewish Museum in Prague, will appear in the United States. The collection is scheduled to be shown at the Jewish Museum in New York from April 15 to Aug. 26.

Mark E. Talisman, director of the Washington Office of the Council of Jewish Federation, who negotiated for nearly a decade with the Czechoslovak Government to bring the exhibit to the United States, said: "The collection will be a landmark in the Jewish and general art world. It is unprecedented in its depth, breadth and richness of cultural history."

VIBRANCY OF JEWISH LIFE

Mr. Talisman, as well as officials of the Smithsonian Insitution, which is organizing the national tour, said that the more than 400 objects to be shown illustrate both the vibrancy of European Jewish life from the Middle Ages to the 20th century as well as the devastation that occurred at the hands of the Nazis.

The items include an embroidered silk flag, dated 1628, of the messianic pretender, Solomon Molcho, as well as portraits, centuries-old coffee grinders, molds and ladles, 18th-century manuscripts, kitchen equipment, tablecloths and wine cups, satin and silk Torah mantles, skull caps and prayer shawls.

"What we will have here is a major international exhibition which makes available one of the largest and most important collections of ethnic art in the world," said Anna Cohn, the project director.

Also on display will be children's objects of the Terezin concentration camp, including drawings, a "deportation suitcase," a sports medal and charms. Of the 15,000 children in Terezin under the age of 15, only 100 survived the Holocaust, in which the Nazis set out to exterminate the Jewish people.

NATIONAL TOUR PLANNED

The exhibition will be open at the Smithsonian's National Museum of Natural history in Washington, D.C., Nov. 9-Dec. 31. It will also appear at museums in Miami Beach, San Diego, Detroit and Hartford.

Although portions of the little-known collection have been on loan to museums in Manchester, England, The Hague and Vienna over the last two decades, there has been nothing on this scale in memory from the State Jewish Museum in Prague, which has housed the Jewish objects. Attending today's press conference was an official, Jar-

oslav Kubitsa, of the Czechoslovak Embassy here.

The show, which will cost $1.4 million, is being underwritten by several corporations as well as individuals. Philip Morris Inc., which contributed $350,000, is the key corporate sponsor, Mr. Talisman said.

According to Mr. Talisman, as well as American curators of the exhibit and Smithsonian officials, more than 145,000 artifacts of Jewish religious and cultural life have been stored in the State Jewish Museum in Prague since World War II.

GOAL SET BY THE NAZIS

At that time Germany, which expected to use the Prague Museum as a way of documenting the Nazis' "final solution" to "the Jewish question," began amassing objects confiscated from Jews in Bohemia, Moravia and elsewhere in Central Europe. The task, taken up by Reinhard Heydrich, Hitler's chief officer in the region, was designed to offer evidence of a culture that Nazi Germany intended to ridicule in a "Central Jewish Museum" dedicated to an "extinct race."

By the time the Nazis were defeated in 1945, they had amassed more than 100,000 items filling eight buildings in Prague's Jewish quarter and 50 warehouses throughout the city.

"The purpose of the museum reflected Nazi pathology," said Miss Cohn. "They wanted to explore in bizarre and minute detail that which was to be killed and also to have a means of documenting in detail the so-called success of the destruction."

German officers employed eight Jewish curators, most of whom were later killed, to preserve and document the items. "These were people of extraordinary courage who waged their own resistance," said Mr. Talisman. "They were unable to save lives, so they endeavored to salvage, with tremendous care, the legacy that was left to them."

After World War II, the museum was placed under the control of Prague's remaining Jewish community but they had neither the money nor the people to maintain the vast collection. In 1950, the Czechoslovak Government took over the museum as a memorial and a research institute, which employs more than 40 curators and historians.

Because of Czechoslovak concern about security and the fragility of most of the items, the exhibitors arranged for a United States Air Force cargo plane to fly the artifacts to the United States. The Air Force was reimbursed for the flight.

Mr. Talisman paid tribute to State and Defense Department officials who were especially helpful in arranging the move, as well as Charles Z. Wick, director of the United States Information Agency, and Jack Matlock, former United States Ambassador to Prague and currently on the White House National Security Council staff.

SENATOR HENRY M. JACKSON

Mr. FORD. Mr. President, I ask unanimous consent to have printed in the RECORD certain editorials from Kentucky, and that they be included in the Senate document that is being prepared in honor of our former colleague, Senator Henry M. Jackson.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

[From the Ashland Independent, Ashland, Ky., Sept. 8, 1983]

THE CHANGING SENATE

Scoop Jackson is gone. Howard Baker and John Tower are leaving. The face of the United States Senate is changing—and not necessarily for the good.

With the sudden death last week of Henry M. "Scoop" Jackson, D-Wash., the Senate lost one of its most respected elder statesmen, a specialist in defense matters who preferred the broad sweep of issues to the technical details. During his 42 years in Congress—30 of them in the Senate—Jackson proved to be one of the more reasoned senators. His death creates a huge void in the Democratic leadership of the Senate.

Jackson's death follows announcements by Senate Majority Leader Howard Baker, R-Tenn., and Sen. John Tower, R-Texas, to not seek reelection. Both confessed to tiring of the routine of Senate politics and the difficulty in getting significant legislation approved by Congress.

Baker and Tower, along with Sen. Robert Dole, R-Kan., Sen. Pete Domenici, R-N.M., and a few others, formed the nucleus of Senate Republicans who have often served to save President Reagan from his own policies. On more than one occasion, they have provided a moderate voice to balance the excesses of Reagan-backed policies.

Jackson, Tower and Baker all shared a common trait which helped them be such effective national legislators. Because all three enjoyed immense popularity in their home states, they could afford the luxury of concentrating on long-range national issues rather than constantly worrying about getting reelected.

Unfortunately for our government, the younger senators who will assume the leadership posts of Jackson, Tower and Baker have yet to exhibit the skill and wisdom of the three elder statesmen.

[From the Advocate Messenger, Danville, Ky., Sept. 7, 1983]

HENRY M. JACKSON

Sen. Henry M. (Scoop) Jackson, who died unexpectedly Thursday at the age of 71, was one of America's best known senators, a forceful spokesman for a strong defense and twice a presidential contender.

The Washington Democrat was third in seniority in the Senate, where he had served since 1952. Until his election to the Senate he served in the House, to which he was elected for the first time in 1938, making him a 45-year congressional veteran.

Jackson cast his 11,000th roll call vote as a Senator in July, when he drew an ovation from his colleagues. The vote was in the majority on a 50–49 decision to kill an effort to delete funds for nerve gas production.

The ranking Democrat on the Senate Armed Services Committee, Jackson was sometimes called the "Senator from Boeing" for his support of interests dear to the heart of the aerospace industry, much of which is centered in Washington.

But his admirers called him "the last cold warrier" for his hard-line stands on defense issues.

Jackson was elected to office for the first time at the age of 26 when he was chosen prosecuting attorney of his native Snohomish County. He sought the Democratic presidential nomination in 1972 and 1976, losing to George McGovern and Jimmy Carter. He served as chairman of the Democratic National Committee in 1960 and 1961.

Funeral services were to be held today in Everett, Wash. where he died Thursday. An autopsy performed Tuesday attributed cause of death to a burst blood vessel instead of a heart attack as had been earlier reported.

His death comes as a surprise since he had been considered in excellent health and was still a dynamic leader, denouncing the Soviet attack on a South Korean jetliner hours before he was stricken. Jackson's view of the Soviet threat may, in fact, gain further acceptance in the wake of the unprovoked attack and loss of civilian lives.

[From the Herald-Leader, Lexington, Ky., Sept. 4, 1983]

USUAL LABELS DIDN'T FIT JACKSON

Democratic Sen. Henry M. "Scoop" Jackson leaves behind a legacy of faithful service to state and nation—service marked by a consistency that was maintained regardless of the political climate in Washington.

Jackson died Thursday. He was twice an aspirant for the Democratic nomination for president. He served 44 years in Congress, 12 as a representative, the rest as a senator.

Because of the airline industry in his state, Jackson frequently was referred to as the "senator from Boeing." He was much more, however.

Jackson was liberal on matters of civil rights, a conservative on relations with the Soviet Union and a hawk on military questions. As ranking Democratic member of the Senate Armed Services Committee, his views there greatly helped shape American policy.

Perhaps because of his views on military issues, Jackson was a liberal who could communicate with conservatives. His stature in Washington was such that his counsel was sought by presidents of both parties and advoctes of all ideologies. President Nixon considered asking him to be secretary of defense; two decades before, President Truman wanted him as an under-secretary of the interior.

He first gained national recognition when, with two other seantors, he resigned temporarily from the Senate's permanent investigating subcommittee to protest the investigation methods of Sen. Joseph McCarthy.

Jackson first defined the "missile gap" between the United States and Russia, an issue that later was an integral part of President Kennedy's campaign. The senator also was a leader in supporting the Navy's nuclear submarine program. He was a consistent supporter of Israel and a fervant advocate of Russian Jews, tying Soviet emigration policies toward them to any U.S. deals with that nation.

Jackson also was floor manager for Alaska and Hawaii statehood bills.

Last July he cast his 11,000th roll call vote as a senator.

Jackson will be missed as a senator. More importantly he will be mised as a leader, a counselor whose advice was based on stature, experience and a dedication to his state and his country.

[From the Paducah Sun, Paducah, Ky., Sept. 8, 1983]

PUBLIC LIFE ENRICHED BY SENATOR JACKSON

(By George Will)

WASHINGTON.—A silly person once said that only silly persons have heroes. But only exceptionally small people will not acknowledge the exceptionally large persons among us. Heroes make vivid the values by which we try to live.

I say, with many others: Henry Jackson was my hero.

He was an insoluble problem for the image-tinkers and a splendid puzzle for the label-makers who infest contemporary politics. Because he was uninterested in the cosmetics of politics, dull persons considered him dull. Discerning persons considered his kind of character as exciting as it is rare. Persons who, under the pressure of fashion, are as flexible as fly rods found Jackson incomprehensible. They came to the absurd conclusion that he had departed from the liberal tradition.

He was a pioneer of environmentalism. He was the preeminent champion of civil rights. He fought for the full domestic agenda and authored legislation that put teeth into U.S. pronouncements on behalf of Jews and others persecuted by the Soviet regime. And if Jackson's proposals for substantial force reductions had been adopted, we might have had arms limitation agreements that actually limit arms.

Jackson was one of those persons—Felix Frankfurter was another—whose constancy was mistaken for change. He never wavered from his party's traditional belief that there is no incompatibility between government with a caring face at home and government with a stern face toward adversaries.

From Wilson confronting Lenin and FDR confronting Hitler, through Truman confronting Stalin, Kennedy confronting Castro and Johnson confronting Ho Chi Minh, the Democratic Party has been the foremost opponent of this century's foremost evil—totalitarianism. Jackson was an anchor against weariness, wishful thinking and apostasy in the world's oldest party.

He nurtured in this Republic something without which no republic can long endure: a sense that problems are tractable. To be in his presence was to experience the wholesome infection of a reviving spirit. This was especially remarkable because he, more than any contemporary, looked unblinkingly at, and spoke uncomfortingly about, the terrors of our time. He taught less clear-sighted, less brave persons how to combine realism and serenity.

He missed the ultimate prize of our politics, perhaps because he lacked the crackling temperament that marks persons who burn on the surface with a hard, gem-like flame. If his political metabolism seemed uncommonly calm, that is because he had the patience of a mature politician—a gift for planning, thirst for detail, and a sense of ripeness in issues. He had a flame, but he had depth in which he kept it.

In committees and on the Senate floor, he was a cannon loaded to the muzzle with knowledge born of diligence. His unrivaled effectiveness was a rebuke to the less industrious and a refutation of the theory that fancy footwork is necessary and sufficient.

A legislature is a face-to-face society, where character and moral force tell. What Jackson did in committees and on the floor was awesome. But it was only a small fraction of the work he did during four decades of 18-hour days, working with one member after another, one member at a time, building coalitions of common sense.

His legendary energy flowed as much from his spirit as from his physiology. His biography is an essay on the sources of American vitality. He was the son of immigrants, and of the American West. His parents crossed not only an ocean but a continent, seeking an open future in our most open region.

For longer than I have been alive, Congress has been embellished by his presence. And for longer than I live, public life shall be enriched by the radiating force of his character.

If you wonder who real leaders are, find out who has real followers—persons who follow a leader onto a path of life, who adopt careers where they navigate by stars he taught them to see. The social geology of this city is layer upon layer of persons pulled into public life by the example of lives worth emulating. In numerous public offices, and in law and journalism, there is a thick layer of Henry Jackson's men and women.

There are those, and they are legion, who call themselves "Jackson Democrats." I can say with absolute authority that there is such a thing as a "Jackson Republican."

Henry Jackson mastered the delicate balance of democracy, the art of being a servant to a vast public without being servile to any part of it. He was the finest public sevant I have known.

STEADFASTNESS BRED LOYAL CONSTITUENCY

(By Joseph Kraft)

WASHINGTON.—Any number of senators can replace Scoop Jackson in such specialized areas as energy, defense, civil liberties and Great Power politics. But nobody else can draw all these themes together in ways that make things happen.

So his untimely death represents a genuine national loss. The more so as it comes against a general decline in the caliber of public servants.

The Scandinavian heritage marked Jackson in palpable fashion. He was a self-reliant individual, not, as so many politicos, a groupie. He liked to work things out for himself. While not a subtle or deep thinker, his convictions, once established, held firm.

Much fuss has been made as to whether he was a liberal or a conservative. In fact, his shaping political experience was the New Deal. Like all New Dealers, he believed in the power of government to solve problems. He looked to government to redress the balance between rich and poor, to protect the rights of labor and minorities, to make available cheap power and abundant water and recreation. He also counted on government to manage national security in a robust way.

Because his views were so steadfast, he developed over time a personal constituency of extraordinary depth and reach. He won six terms as a congressman from the state of Washington, and six as a senator—the last with 69 percent of the vote. No one was closer to the Jewish community in this country. Nor to labor. So unlike almost all other senators and congressmen, Jackson did not merely speak for himself. He commanded big battalions.

His New Deal connections, moreover, carried him beyond narrow support of the congressional prerogatives to a presidential perspective. He knew the ins and outs of the federal agencies better than most of their leaders. He sought the White House twice himself, and worked hand in glove with two Democratic presidents—Kennedy and Johnson. A Republican, Richard Nixon, offered him the post of secretary of defense.

Because he had troops and a feel for the presidential viewpoint, he exerted extraordinary influence on the course of events. He practically determined energy policy. He shaped basis legislation on the environment and the development of water resources. His insistence on tying relations with Russia to explicit guarantees on Jewish emigration frustrated the policy of detente undertaken by Henry Kissinger under Nixon and Ford.

Most important, he personified bipartisan support for a strong defense. Other senators—notably John Tower, the Texas Republican who now heads the Armed Services Committee, and Sam Nunn, the Georgia Democrat—set as much store by efficient military force as Jackson. But he alone crossed ideological lines. He fostered trust between the Pentagon and the unions. He kept labor patriotic, and the generals in touch with ordinary people. He thus served as a potent factor in the building of national consensus.

Had he lived slightly longer, the true extent of his influence might have been made manifest. For the chances are the Democrats will carry the Senate in 1984. Jackson would have become chairman of the Armed Services Committee. He would have dominated the Appropriations Committee, for the likely chairman, John Stennis of Mississippi, is over 80 and not in the pink. The combination would have given Jackson far more power than any senator has held since Richard Russell some 30 years ago.

He was the last of a breed. New senators are made on television, and in an age where ideological fashion is turned against government. They do not build loyalties quietly from within. They go for the evening news, usually by profiling themselves, from right or left, against the powers that be. More and more, the Senate is a collection of egos.

The corrosive forces at work in the Senate operate throughout government. The quality of Cabinet officers, and governors, and mayors, has slipped. private satisfaction exerts, particularly for intelligent people, a stronger appeal than public glory.

[From the Kentucky Post, Sept. 6, 1983]

HENRY (SCOOP) JACKSON

The death of Sen. Henry Jackson removes one of the giants from the national legislature.

The Democrat from the state of Washington was not among those flamboyant legislators who are more froth than substance. He was solid, hardworking, honest—one of those members who form the backbone of Congress.

It was a mark of the respect in which he was held that he had strong support from elements ranging across the political spectrum. Organized labor, the Jewish community, civil rights activists, hardliners on defense, staunch anti-communists—all liked the cut of his jib. Democratic and Republican presidents alike sought his counsel.

Jackson's diligence accounted for the acquisition of his nickname. As a 15-year-old in Everett, Wash., he delivered so many copies of the hometown newspaper without complaint from subscribers that they started calling him "Scoop."

Many of his political colleagues thought Jackson was among the most qualified Americans for the presidency. But that job eluded him, though he tried for it a couple of times.

He was an expert on energy matters, a staunch supporter of Israel, a friend of organized labor. He was a strong supporter of civil rights; it was typical of Jackson that he quietly sent his children to public integrated schools while many other politicians who bragged about their civil rights records sent their children to private schools.

Perhaps he is best known for his support of a strong defense. He knew the nation needed it in a world in which one of the su-

perpowers was the Soviet Union. He once said the Soviet leadership reminded him of "burglars walking down a hotel hallway, trying every door."

A friend who is a heart specialist said that Jackson's anger over the Soviet's downing a Korean commercial airliner may have contributed to his fatal heart attack. Just hours before, he had appeared at a press conference in Everett to denounce the Soviet attack.

Jackson's presence will be missed on Capitol Hill. He was a superb legislator. He also was one swell fellow.

HENRY JACKSON FORGED COALITIONS OF COMMON SENSE

(By George F. Will)

WASHINGTON.—A silly person once said that only silly persons have heroes. But only exceptionally small people will not acknowledge the exceptionally large persons among us. Heroes make vivid the values by which we try to live. I say, with many others: Henry Jackson was my hero.

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He was a pioneer of environmentalism. He was the pre-eminent champion of civil rights. He fought for the full domestic agenda and authored legislation that put teeth into U.S. pronouncements on behalf of Jews and others persecuted by the Soviet regime. And if Jackson's proposals for substantial force reductions had been adopted, we might have had arms limitation agreements that actually limit arms.

Jackson was one of those persons—Felix Frankfurter was another—whose constancy was mistaken for change. He never wavered from his party's traditional belief that there is no incompatibility between government with a caring face at home and government with a stern face toward adversaries.

From Wilson confronting Lenin and FDR confronting Hitler, through Truman confronting Stalin, Kennedy confronting Castro and Johnson confronting Ho Chi Minh, the Democratic Party has been the formost opponent of this century's foremost evil—totalitarianism. Jackson was an anchor against weariness, wishful thinking and apostasy in the world's oldest party.

He nurtured in this Republic something without which no republic can long endure: a sense that problems are tractable. To be in his presence was to experience the wholesome infection of a reviving spirit. This was especially remarkable because he, more than any contemporary, looked unblinkingly at, and spoke uncomfortingly about, the terrors of our time. He taught less clear-sighted, less brave persons how to combine realism and serenity.

He missed the ultimate prize of our politics, perhaps because he lacked the crackling temperament that marks persons who burn on the surface with a hard, gem-like flame. If his political metabolism seemed uncommonly clam, that is because he had the patience of a mature politican—a gift for planning, thirst for detail, and a sense of ripeness in issues. He had a flame, but he had depth in which he kept it.

In committees and on the Senate floor, he was a cannon loaded to the muzzle with knowledge born of diligence. His unrivaled effectiveness was a rebuke to the less industrious and a refutation of the theory that fancy footwork is necessary and sufficient.

A legislature is a face-to-face society, where character and moral force tell. What Jackson did in committees and on the floor was awesome. But it was only a small fraction of the work he did during four decades of 18-hour days, working with one member after another, one member at a time, building coalitions of common sense.

His legendary energy flowed as much from his spirit as from physiology. His biography is an essay on the sources of American vitality. He was the son of immigrants, and of the American West. His parents crossed not only an ocean but a continent, seeking an open future in our most open region.

For longer than I have been alive, Congress has been embellished by his presence. And for longer than I live, public life shall be enriched by the radiating force of his character.

If you wonder who real leaders are, find out who has real followers—persons who follow a leader onto a path of life, who adopt careers where they navigate by stars he taught them to see. The social geology of this city is layer upon layer of persons pulled into public life by the example of lives worth emulating. In numerous public offices, and in law and journalism, there is a thick layer of Henry Jackson's men and women.

There are those, and they are legion, who call themselves "Jackson Democrats." I can say with absolute authority that there is such a thing as a "Jackson Republican."

Henry Jackson mastered the delicate balance of democracy, the art of being a servant to a vast public without being servile to any part of it. He was the finest public servant I have known.

[From the Cincinnati Enquirer, Sept. 3, 1983]

HENRY JACKSON—THE WASHINGTONIAN WAS A LIBERAL WHO BELIEVED IN A STRONG AMERICA

Henry M. Jackson went to Washington the same year Franklin D. Roosevelt won his-third term. First as a member of the House, and then, for 30 years, as a senator, he was one of the most respected figures in Washington and one of the most influential.

The congressional system gives great weight to seniority. So Senator Jackson was the beneficiary of his long service. But his influence stemmed from considerably more than longevity. It stemmed to an even greater extent from personal and political integrity, from consistency, from dogged courage.

Senator Jackson came upon the national scene at a time when a powerful coalition was in the making—a coalition whose creators recognized the dangers that beset the United States and resolved to meet them.

During the years of World War II, through the Cold War years, Democrats and Republicans argued long and hard about domestic issues but stood remarkably together in forging and implementing such audacious initiatives as the Marshall Plan, the Truman Doctrine, the North Atlantic Treaty.

Eventually, in the mid-1960s, that consensus began to erode. But Henry Jackson, to his credit, stood his ground. Despite all the lures of detente, he continued to see the Soviet Union as a burglar at large in a hotel corridor—a burglar tried every door. If the door was locked, he moved on; if it was unlocked he made away with everything in sight. History is likely to demonstrate that his diagnosis was on the mark.

Ultimately he stood almost alone in believing that it is possible to espouse liberal domestic policies and still believe in an adequate national defense and a vigilant foreign policy.

On two occasions Senator Jackson sought the Democratic nomination for President. In 1972, he ran as a supporter of the Kennedy-Johnson administration's policies in Vietnam. But his party had already moved away from the foreign-policy coalition of the postwar years, and the prize went to South Dakota's George McGovern.

He tried again in 1976, but that proved to be a year when the party and the country wanted a non-Washingtonian in the White House.

His disappointments subtracted nothing from his zeal or his convictions. He remained, until his last breath, a dedicated lawmaker and a respected participant in the national debate. The Senate is diminished by his sudden death.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. DOMENICI, from the Committee on the Budget, without recommendation without amendment:

S. Res. 193: An original resolution waiving section 402(a) of the Congressional Budget Act of 1974 with respect to the Consideration of S. 1090 (Rept. No. 98-235).

S. Res. 195: An original resolution waiving section 402(a) of the Congressional Budget Act of 1974 with respect to the consideration of S. 1009 (Rept. No. 98-236).

S. Res. 196: An original resolution waiving section 402(a) of the Congressional Budget Act of 1974 with respect to the consideration of S. 1513 (Rept. No. 98-237).

S. Res. 197: An original resolution waiving section 402(a) of the Congressional Budget Act of 1974 with respect to the consideration of S. 242 (Rept. No. 98-238).

By Mr. DOMENICI, from the Committee on the Budget, without amendment:

S. Res. 208: An original resolution waiving section 402(a) of the Congressional Budget Act of 1974 with respect to the consideration of S. 1267 (Rept. No. 98-239).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. HELMS:

S. 1881. A bill to amend the Federal Election Campaign Act of 1971 to prohibit the use of compulsory union dues for political purposes; read the first time.

By Mr. PERCY (for himself, Mr. DIXON, Mr. LUGAR, Mr. DOLE, Mr. DANFORTH, Mrs. KASSEBAUM, Mr. QUAYLE, Mr. EAGLETON, Mr. LEVIN, Mr. METZENBAUM, and Mr. RIEGLE):

S. 1882. A bill relating to the suspension of trunkline LNG import authorization; to the Committee on Energy and Natural Resources.

By Mr. PERCY:

S. 1883. A bill entitled the "Federal Unemployment Compensation Program Extension Act"; to the Committee on Finance.

By Mr. DOMENICI:

S. 1884. A bill to relieve the Elephant Butte Irrigation District of certain repayment obligations and for other purposes; to the Committee on Environment and Public Works.

By Mr. METZENBAUM (for himself and Mr. DIXON):

S. 1885. A bill to provide special relief for the payment of Federal income taxes and interest on income attributable to a new home which was won in a radio contest and which was specially designed for the handicapped child of the winner; to the Committee on Finance.

By Mr. GRASSLEY:

S. 1886. A bill to amend the Tariff Schedules of the United States to suspend for a 3-year period the duty on a certain chemical intermediate; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. PELL (for himself and Mr. CHAFEE):

S. Res. 228. Resolution wishing good luck to the "Liberty"; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. PERCY:

S. 1883. A bill entitled the "Federal Unemployment Compensation Program Extension Act"; to the Committee on Finance.

FEDERAL UNEMPLOYMENT COMPENSATION PROGRAM EXTENSION ACT

Mr. PERCY. Mr. President, I am introducing legislation which would extend the Federal supplemental unemployment compensation program (FSC) for another 18 months, and provide additional relief to areas of the country which have been hardest hit by unemployment. This bill was introduced by the distinguished House Republican leader, Congressman MICHEL, earlier this week.

I am confident that we have turned the corner on high unemployment, and are heading for a sustained recovery. However, while the national unemployment rate is dropping, unemployment in some areas continues to be far higher than the national average. In Illinois, for example, unemployment is 11.5 percent, and remains even higher in some cities. For example:

Rockford—18.7 percent; Joliet—23 percent; Danville—17.4 percent; Decatur—16.5 percent; Kankakee—16.1 percent; Moline—17.1 percent; and Peoria—18.2 percent.

It is of paramount importance that these areas and others in similar situations elsewhere receive special help. We must recognize that it will take longer for these cities, where just a few months ago unemployment topped 25 percent, to get back on their feet again. While it is difficult for many Americans to find work, in these areas it can be next to impossible considering that one out of every four to five persons is searching for employment.

The bill I am introducing would provide 26 weeks of FSC benefits for unemployed persons living in areas with 15 percent or higher unemployment rates. Those residing in areas with 14- to 15-percent unemployment would be eligible for 21 weeks, and areas with 13- to 14-percent unemployment would provide its unemployed workers with 16 weeks of FSC benefits.

Mr. President, according to preliminary estimates provided by the Department of Labor, targeting benefits in this way will cost only an additional $50 to $100 million over the cost of the current program. This 5-percent increase in the cost of FSC is a small price to pay for the tremendous relief that would be brought to hundreds of thousands of unemployed individuals across the country.

The House has already passed a 45-day extension of the FSC program, providing up to 16 weeks of FSC benefits. However, their proposal does not target benefits to the areas needing the help the most, and costs over $1 billion more than the current system—if extended over the entire fiscal year. When the Senate takes up the FSC extension bill, it will have a unique opportunity to make important improvements to the program to bring relief directly to those areas needing it the most, and reduce the amount of money spent on FSC in the House version.

Mr. President, I ask unanimous consent that a more detailed explanation of this legislation be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

A BILL PROVIDING TARGETED UNEMPLOYMENT BENEFITS TO HIGH UNEMPLOYMENT AREAS

Extend the current Federal Supplemental Compensation Benefits Program for 18 months, through March 31, 1985.

Provide for the payment of 26 weeks of supplemental benefits to unemployed individuals residing in targeted areas of 15% or greater unemployment, 21 weeks of benefits to individuals in targeted areas of between 14 and 15% unemployment, and 16 weeks of benefits to individuals in targeted areas of between 13 and 14% unemployment.

"Targeted Areas" are defined as Metropolitan Statistical Areas, when compromised solely of complete counties, and counties when counties do not fall within such Metropolitan Statistical Areas.

A targeted area's eligibility would be determined quarterly, beginning October 1, 1983. Should a targeted area become ineligible at the beginning of a subsequent quarter, all extra benefit payments under the program would cease for that quarter and the area would be treated the same as the rest of the state with respect to supplemental benefits. Should such an area then become ineligible in a later quarter, an eligible individual's extra benefits would resume where they left off.

An individual's eligibility would be based on place of residence. An individual would be eligible for targeted benefits if he exhausts other unemployment benefits during the period that his place of residence is eligible for targeted benefits, or if he exhausted other unemployment benefits within 6 months of the time that his area initially triggers on to the targeted program.

The Bureau of Labor Statistics currently collects county and Metropolitan Statistical Area unemployment statistics every month. Such statistics would be the basis of determining an area's eligibility for targeted benefits. Such statistics reflect the total unemployment rate, not the insured unemployment rate. Targeted benefits thus would be based on the total unemployment rate.

Targeted benefits would depend solely on the area's unemployment rate. The state unemployment rate would be irrelevant. A state with a low unemployment rate might have pockets of high unemployment. Such pockets would be eligible for targeted benefits.

At present, most states are ineligible for the extended benefits program. Consequently, the unemployed in such states are eligible for 26 weeks of regular benefits plus between 8 and 14 weeks of supplemental benefits, for a total of between 34 and 40 weeks of benefits. Under this bill, individuals in targeted areas of 15% or more unemployment would be eligible for a total of 52 weeks of benefits. In targeted areas of between 14 and 15% unemployment, they would be eligible for 47 weeks of benefits, and in targeted areas of between 13 and 14% unemployment, they would be eligible for 42 weeks of benefits.

If such individuals in targeted areas have received, or are receiving, extended benefits, they would be eligible for up to 26 weeks of supplemental benefits, for a total of 65 weeks in areas of 15% or more unemployment.

The estimated cost of the targeted benefits is between $50 and $100 million a year.

By Mr. DOMENICI:

S. 1884. A bill to relieve the Elephant Butte Irrigation District of certain repayment obligations and for other purposes; to the Committee on Energy and Natural Resources.

RELIEF OF ELEPHANT BUTTE IRRIGATION DISTRICT

● Mr. DOMENICI. Mr. President, today I introduce a bill that will correct a situation which occurred when operation of a Federal water project was turned over to local project users following their repayment of the money used to finance the construction of the project.

Under the terms of the agreement, which turned maintenance and upkeep of the Elephant Butte irrigation project over to the local district, certain expenses were paid by the Federal Government while others were assumed by the irrigation district.

In as much as a few Federal workers were displaced by the change in control of this project, the Federal Government required the irrigation dis-

trict to assume the costs associated with the displacing of those workers.

Use of a special fund which the district maintained derived from grazing fees charged to ranchers grazing on parcels of the water project land was contemplated.

Unfortunately, under the laws and regulations of the Bureau of Reclamation that fund, which should rightly go to the irrigation district now operating the project, cannot be used for such a purpose. Simply stated, that money cannot be touched. It increases each year but cannot be used by the irrigation district. Rather than change the entire generic law that governs the use of the funds, this legislation instead allows for money from that fund to be transferred to cover the fees the district owes the Federal Government when the changeover occured.

In reality, all this bill does is make bookkeeping corrections. Once the district obligation of roughly $60,000 is taken care of the fund reverts back to its former state.

I would remind people that in the case of this water district the project costs have been repaid by the project beneficiaries. They have also taken over the operation of the irrigation district and finally, and most importantly, the bill does not cost the Federal Government any money. It only gives the district the right to use a fund that they should have access to since they are one of the few completely paid off water projects in the West.

I think our Nation can be proud of the Elephant Butte Irrigation District because I know our State of New Mexico is. They are the symbol of what Theodore Roosevelt was attempting to build when he pushed through the 1902 Reclamation Act.

Today hundreds of family farms are found in that irrigation district in southern New Mexico. Those families have served their local communities, have served their State, and have served their Nation well over the years, while at the same time providing our country with food and fiber at a reasonable cost.●

By Mr. METZENBAUM (for himself and Mr. DIXON):

S. 1885. A bill to provide special relief for the payment of Federal income taxes and interest on income attributable to a new home which was won in a radio contest and which was specially designed for the handicapped foster child of the winner; to the Committee on Finance.

RELIEF FROM TAXES IN A CERTAIN INSTANCE

Mr. METZENBAUM. Mr. President, on behalf of Senator DIXON and myself, I am today introducing legislation designed to bring to an end a harsh, painful, and unnecessary confrontation between a needy family and the Internal Revenue Service.

Tony Zocchi, a Chicago teenager, was born with one kidney and a bad heart. Heart surgery at age 7 left Tony partially paralyzed—he cannot walk, but he is able to move his legs enough to crawl.

When Tony was 10, his mother, who was herself a diabetic, could no longer care for him. Rosann York, Tony's aunt, became his foster mother.

But there were problems.

The building in which Tony's foster mother lived had halls too narrow to accommodate a wheelchair. As a result, Tony had to crawl.

He told a reporter that it made him "feel like a dog."

In 1980, however, it seemed that the fortunes of Tony and his stepmother were about to change for the better.

In a contest sponsored by a radio station, Rosann York won a new trilevel house in the suburbs. And when the developer learned of Tony's hardship, he built for the family a special single-level house designed to meet Tony's special needs.

It seemed to be a dream come true. But the dream turned into a nightmare when Rosann York learned that her prize was subject to a tax bill of $26,000.

Ms. York, who earns $14,000 a year as a school computer operator, was unable to find a bank willing to give her a mortgage to pay the taxes.

When the IRS placed a lien on her home she tried to work out a repayment schedule. She negotiated a $108-a-month payment. But it was voided by an IRS supervisor.

Then she negotiated a $200-a-month payment plan, and it too was rejected by an IRS supervisor.

Today, with interest and penalty charges, the bill has grown to $45,000. And the IRS has given Rosann York and Tony 3 months to sell their house before foreclosing. By the time the IRS takes its share, the real estate agent collects a fee, and the capital gains taxes on the home are paid, Rosann and Tony will have nothing left.

Mr. President, I am one who believes that everyone should pay their taxes. But I also believe that by negotiating repayment schedules, Ms. York has demonstrated her willingness to comply fully with the tax laws. I do not think that anyone's interest is served by throwing these two people out of their home and depriving Tony of his barrier-free environment.

Mr. President, the bill I am introducing today on behalf of myself and Senator DIXON does not relieve Rosann York of her obligaton to pay her taxes. It does, however, give her a fair chance to comply by instructing the IRS to accept an agreement under which she will pay $200 per month.

I hope that in the interests of fairness and compassion, the Senate will move rapidly to enact this legislation.

I ask for its referral to the appropriate committee.

ADDITIONAL COSPONSORS

S. 123

At the request of Mr. INOUYE, the names of the Senator from Michigan (Mr. LEVIN), and the Senator from Arkansas (Mr. BUMPERS) were added as consponsors of S. 123, a bill to amend titles XVIII and XIX of the Social Security Act to provide that clinical psychologist services shall be covered under part B of medicare and shall be a required service under medicaid.

S. 400

At the request of Mr. MATHIAS, the name of the Senator from Kansas (Mr. DOLE) was added as a cosponsor of S. 400, a bill to designate the birthday of Martin Luther King, Junior, a legal public holiday.

S. 702

At the request of Mr. DANFORTH, the name of the Senator from South Carolina (Mr. THURMOND) was added as a cosponsor of S. 702, a bill to correct any misinterpretation in the classification of textile fabrics, articles, and materials, coated, filled, or laminated with rubber or plastics.

S. 722

At the request of Mr. HUDDLESTON, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 722, a bill to amend the Foreign Trade Zones Act to exempt bicycle component parts which are not reexported from the exemption from the customs laws otherwise available to merchandise in foreign trade zones.

S. 1047

At the request of Mr. MELCHER, the name of the Senator from Michigan (Mr. RIEGLE) was added as a consponsor of S. 1047, a bill to direct the President to impose certain limitations on the amount of milk protein products that may be imported into the United States.

S. 1145

At the request of Mr. DENTON, the name of the Senator from Lousisiana (Mr. JOHNSTON) was added as a cosponsor of S. 1145, a bill to recognize the organization known as the Catholic War Veterans of the United States of America, Inc.

S. 1163

At the request of Mr. GLENN, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 1163, a bill to amend title 5 of the United States Code to provide death benefits to survivors of Federal law enforcement officers and firefighters, and for other purposes.

S. 1498

At the request of Mr. SPECTER, the name of the Senator from New Jersey (Mr. BRADLEY) was added as a cospon-

sor of S. 1498, a bill to amend title 23, United States Code, to modify the apportionment formula for resurfacing, restoring, rehabilitating, and reconstructing the Interstate System.

S. 1691

At the request of Mr. ARMSTRONG, the name of the Senator from New Mexico (Mr. DOMENICI) was added as a cosponsor of S. 1691, a bill to amend the Social Security Act to recognize effective program administration in the financing of State programs of child support enforcement, to improve the ability of States to collect child support for non-AFDC families, and othewise strengthen and improve such programs and for other purposes.

S. 1716

At the request of Mr. GRASSLEY, the name of the Senator from Oklahoma (Mr. NICKLES) was added as a cosponsor of S. 1716, a bill to clarify the personal injury and death provisions of section 844 of title 18, United States Code, relating to arson.

S. 1749

At the request of Mr. THURMOND, the names of the Senator from Virginia (Mr. WARNER), and the Senator from Tennessee (Mr. SASSER) were added as cosponsors of S. 1749, a bill to grant the consent of the Congress to the Southeast Interstate Low-Level Radioactive Waste Management Compact.

SENATE JOINT RESOLUTION 112

At the request of Mr. INOUYE, the name of the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of Senate Joint Resolution 112, a joint resolution to proclaim the month of March 1984 as National Social Work Month.

SENATE JOINT RESOLUTION 155

At the request of Mr. WILSON, the names of the Senator from South Dakota (Mr. ABDNOR), and the Senator from Kentucky (Mr. HUDDLESTON) were added as cosponsors of Senate Joint Resolution 155, a joint resolution designating the week beginning November 6, 1983, as "National Disabled Veteran's Week."

SENATE CONCURRENT RESOLUTION 62

At the request of Mr. MATTINGLY, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of Senate Concurrent Resolution 62, a concurrent resolution to direct the Commissioner of Social Security and the Secretary of Health and Human Services to develop a plan outlining the steps which might be taken to correct the social security benefit disparity known as the notch problem.

AMENDMENT NO. 2205

At the request of Mr. HUMPHREY, the names of the Senator from Illinois (Mr. PERCY), and the Senator from New York (Mr. D'AMATO) were added as cosponsors of Amendment No. 2205 proposed to S. 1342, an original bill authorizing appropriations for fiscal years 1984 and 1985 for the Department of State, the U.S. Information Agency, and the Board for International Broadcasting, and for other purposes.

AMENDMENT NO. 2208

At the request of Mr. PERCY, the names of the Senator from Rhode Island (Mr. PELL), and the Senator from New York (Mr. MOYNIHAN) were added as cosponsors of Amendment No. 2208 proposed to S. 1342, an original bill authorizing appropriations for fiscal years 1984 and 1985 for the Department of State, the U.S. Information Agency, and the Board for International Broadcasting, and for other purposes.

AMENDMENTS SUBMITTED

EXPORT-IMPORT BANK ACT AMENDMENTS

GORTON AMENDMENT NO. 2209

Mr. GORTON proposed an amendment to the bill (S. 869) to amend the Export-Import Bank Act of 1945, as follows:

On page 17, immediately after line 16, add the following new section:

COMPETITIVE INSURANCE

SEC. 108. Section 2 of the Export-Import Bank Act of 1945 is amended by adding at the end thereof the following:

"(d)(1) In carrying out its responsibilities under this Act, the Bank shall work to ensure that United States companies are afforded an equal and nondiscriminatory opportunity to bid for insurance in connection with transactions assisted by the Bank.

"(2) In furtherance of that effort, the Chairman of the Bank shall review Bank policies and programs in regard to this issue, and in coordination with the United States Trade Representative and the appropriate agencies of the Department of State, the Department of the Treasury, and the Department of Commerce, undertake actions designed to promote equal and nondiscriminatory opportunities to bid for insurance in connection with all aspects of international trade activities.

"(3) The Bank shall report to the Committee on Banking, Finance and Urban Affairs of the Senate not later than May 15, 1984, regarding—

"(A) the existing obstacles to equal and non-discriminatory bidding for insurance related to transactions assisted by the Bank;

"(B) the efforts that the Bank has taken in addressing such problems; and

"(C) any recommendations for additional action by the appropriate agencies of the executive branch or the Congress."

HEINZ AMENDMENT NO. 2210

Mr. HEINZ proposed an amendment to the bill S. 869, supra, as follows:

On page 15, strike lines 20 and 21, and insert in lieu thereof the following:

"by the President for such an increase in its authority as he deems appropriate.";

On page 29, line 2 strike "and" and insert in lieu thereof, "or";

On page 15, line 9, strike out "7(b)(2)" and insert in lieu thereof, "7(a)(2)";

On page 19, line 10, strike "adequatehy" and insert in lieu thereof, "adequately".

On page 21, between lines 15 and 16, insert the following new section:

"TECHNICAL AMENDMENTS

"SEC. 111. (a) Section 2(b)(1)(B) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(b)(1)(B)) is amended by striking out "businessmen" and inserting in lieu thereof "business concerns".

"(b) Section 2(b)(4) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(b)(4)) is amended by striking out "he" wherever it appears and inserting in lieu thereof "the Secretary".

"(c) Section 3(e) of the Export-Import Bank Act of 1945 (12 U.S.C. 635a(e)) is amended by inserting after "his", "or her" and by inserting after "he", "or she".

"(d) Section 4 of the Export-Import Bank Act of 1945 (12 U.S.C. 635b) is amended by striking out "he" and inserting in lieu thereof "the President".

"(e) Section 7(b) of the Export-Import Bank Act of 1945 (12 U.S.C. 635e(b)) is amended by striking out "he" wherever it appears and inserting in lieu thereof "the President".

"(f) Section 1912(a)(2) of the Export-Import Bank Act Amendments of 1978 (12 U.S.C. 635a-3(a)(2)) is amended by striking out "he" and inserting in lieu thereof "the Secretary".

"(g) Section 1912(b) of the Export-Import Bank Act Amendments of 1978 (12 U.S.C. 635a-3(b)) is amended by striking out "he" and inserting in lieu thereof "the Secretary".".

DANFORTH AMENDMENT NO. 2211

Mr. DANFORTH (for himself, Mr. CHAFEE, and Mr. DOLE) proposed an amendment, subsequently modified, to the bill S. 869, supra, as follows:

On page 20, on line 7, after "shall" add the following "simultaneously refer the request to the International Trade Commission for a determination, of material injury and shall."

On page 21, line 5, after "and" add the following: ", following an affirmative preliminary determination of material injury by the International Trade Commission by the forty fifth day after referral of the request and subsection (b) of this section." On page 21, line 9, add the following: "By the nineteenth day following the preliminary determination by the International Trade Commission, the Commission shall make a final determination of material injury. If the determination is affirmative, the Commission shall assess a duty on the goods equal to the amount of the subsidy determined by the Secretary under subsection (c)(1) of this section. If the determination, is negative, the Secretary shall direct the Commission to remove the prohibition on the entry of goods or services into the United States.

On page 21, line 2, strike "and" and strike line, 3 and 4.

On page 20, line 25, add the word "and" after the semicolon.

On page 19, line 25, after the word "interested" strike the word "person" and substitute the words "party as, defined in section 771 of the Tariff Act as amended."

On page 20, line 10, delete the word "thirty" and substitute therefor "forty".

KASTEN (AND OTHERS) AMENDMENT NO. 2212

Mr. KASTEN (for himself, Mr. LEVIN and Mr. HEINZ) proposed an amendment, subsequently modified, to the bill, S. 869, supra, as follows:

On page 15, between lines 21 and 22 insert the following:

"(B) If the Bank finds that the amount of direct loan authority or guarantee authority available to it for any fiscal year exceeds the amount which will be necessary to carry out its functions consistent with the availibility of qualified applications and limitations imposed by law during such year, it shall promptly transmit to the Congress a request for legislation to eliminate the amount of such excess direct loan or loan guarantee authority. Upon the expiration of a period of 45 days after the date on which the Bank makes such request, the Bank shall make the amount of such excess authority available for commitment unless the Congress has completed action on legislation eliminating or reducing the excess amount. For the purpose of computing the 45-day period under the preceding sentence, there shall be excluded any days on which either House of Congress is not in session because of an adjournment of more than 3 days."

BOSCHWITZ (AND OTHERS) AMENDMENT NO. 2213

Mr. BOSCHWITZ (for himself, Mr. MATTINGLY, Mr. SASSER, Mr. D'AMATO, Mr. PRESSLER, Mr. GLENN, Mr. HATCH, Mr. GRASSLEY, Mr. TSONGAS, Mr. EAST, Mr. COHEN, Mr. HUDDLESTON, Mr. HELMS, Mr. HEFLIN, Mr. KASTEN, Mr. LUGAR, Mr. DURENBERGER, Mr. RANDOLPH, Mr. PELL, Mr. DECONCINI, Mr. DOMENICI, Mr. TOWER, Mr. PERCY, Mr. HEINZ, Mr. LEVIN, Mr. BUMPERS, Mr. BENTSEN, and Mr. PROXMIRE) proposed an amendment to the bill, S. 869, supra, as follows:

On page 13, between lines 14 and 15, insert the following:

(c) Section 2(b)(1)(B) of such Act is amended by inserting "export trading companies," after "independent export firms," in the third sentence, as amended by subsection (b).

On page 13, line 23, after the period, insert the following: "Not less than three members appointed to the Advisory Committee shall be representative of the small business community.".

On page 15, between lines 7 and 8, insert the following:

(c)(1) Section 3(c) of such Act is amended by adding at the end thereof the following: "Of the five members of the Board appointed by the President, not less than one such member shall be selected from the small business community and shall represent the interests of small business.".

(2) In order to carry out the amendment made by paragraph (1), the first member appointed by the President of the United States to the Board of Directors of the Export-Import Bank of the United States after the date of the enactment of this section shall be selected from among the small business community and shall represent the interests of small business.

On page 19, strike out lines 8 through 11, and insert in lieu thereof the following.

"(iii) The Director appointed to represent the interests of small business under section 3 (c) shall ensure that

On page 19, line 15, strike out the close quotation marks and the final period.

On page 19, between lines 15 and 16, insert the following.

"(iv) To assure that the purposes of subparagraphs (i) and (ii) are carried out, the Bank shall make available, from the aggregate loan, guarantee, and insurance authority available to it, an amount to finance exports by small business concerns (as defined under section 3 of the Small Business Act) which shall be not less than 6 per centum of such authority for fiscal year 1984, 7 per centum of such authority for fiscal year 1985, 8 per centum of such authority for fiscal year 1986, 9 per centum of such authority for fiscal year 1987, and 10 per centum of such authority for fiscal year 1988 and thereafter. The Bank shall utilize the amount set aside pursuant to the preceding sentence to offer financing for small business exports on terms which are fully competitive with regard to interest rates and with regard to the portion of financing which may be provided, quaranteed, or insured. Financing under this subparagraph shall be available without regard to whether financing for the particular transaction was disapproved by any other Federal agency.

"(v) The Bank shall utilize a part of the amount set aside pursuant to subparagraph (iv) to provide lines of credit or guarantees to consortia of small or medium size banks, export trading companies, State export finance agencies, export financing cooperatives, small business investment companies as defined in section 103 of the Small Business Investment Act of 1958, or other financing institutions or entities in order to finance small business exports. Financing under this subparagraph shall be made available only where the consortia or the participating institutions agree to undertake processing, servicing, and credit evaluation functions in connection with such financing. To the maximum extent practicable the Bank shall delegate to the consortia the authority to approve financing under this subparagraph. In the administration of the program under this subparagraph, the Bank shall provide appropriate technical assistance to participating consortia and may require such consortia periodically to furnish information to the Bank regarding the number and amount of loans made and the credit worthiness of the borrowers.

"(vi) In order to assure that the policy stated in subparagraph (1) is carried out, the Bank shall promote small business exports and its small business export financing programs in cooperation with the Secretary of Commerce, the Office of International Trade of the Small Business Administration, and the private sector, particularly small business organizations, State agencies, chambers of commerce, banking organizations, export management companies, export trading companies, and private industry.".

On page 19, lines 18 and 19, strike out "designated to assure that such policy is carried out" and insert in lieu thereof "appointed to represent the interests of small business".

On page 19, between lines 19 and 20, insert the following:

(c) Section 9 of such Act is amended by adding at the end thereof the following:

"(c) The Bank shall include in its annual report to the Congress a report on the allocation of the sums set aside for small business exports pursuant to section 2(b)(1)(E). Such report shall specify the total number and dollar volume of loans made from the sums set aside, the number and dollar volume of loans made through the consortia program under subparagraph (v) of such section, the amount of guarantees and insurance provided for small business exports, the number of recipients of financing from the sums set aside who have not previously participated in the Bank's programs, the number of commitments entered into in amounts less than $500,000, and any recommendations for increasing the participation of banks and othr institutions in the programs authorized under section 2(b)(1)(E). For the purpose of this subsection, the Bank's report shall also be referred to the Committees on Small Business." .

On page 17, line 16, strike out the quotation marks and the period.

On page 17, between lines 16 and 17, insert the following:

"(E) The Bank shall urge the Foreign Credit Insurance Association to provide coverage against 100 per centum of any loss with respect to exports having a value of $100,000 or less.".

HEINZ AMENDMENT NO. 2214

Mr. HEINZ proposed an amendment to the bill, S. 869, supra, as follows:

On page 21, between lines 15 and 16, insert the following new section:

"SPECIAL FACILITIES IN SUPPORT OF UNITED STATES EXPORTS TO BRAZIL AND MEXICO

"SEC. 110. (a) The Export-Import Bank of the United States is authorized to establish facilities not to exceed 18 months duration consisting of guarantees and insurance in support of export transactions to Brazil and Mexico in the aggregate amount of $1.5 billion and $500 million respectively.

"(b) Section 2(b)(3) of the Export-Import Bank Act of 1945 is amended by inserting after "no loan or financial guarantee" in the first sentence "or general guarantee or insurance facility".

"(c) Section 2(b)(3)(A) of the Export-Import Bank Act of 1945 is amended to read as follows:

"(A) in the case of a loan or financial guarantee a brief description of the purposes of the transaction, the identity of the party or parties requesting the loan or financial guarantee, the nature of the goods or services to be exported, and the use for which the goods or services are to be exported, and in the case of a general guarantee or insurance facility, a description of the nature and purpose of the facility, the total amount of guarantees or insurance, the reasons for the facility, and its methods of operation; and".".

ARMSTRONG AMENDMENT NO. 2215

Mr. ARMSTRONG proposed an amendment to the bill, S. 869, supra, as follows:

On page 13, line 9, after the period, insert the following: "For the purpose of the preceding sentence, rates and terms and conditions need not be equivalent to those offered by foreign countries, but should be established so that the effect of such rates, terms, and conditions for all the Bank's programs, including those for small businesses and for medium term financing, will be to

neutralize the effect of such foreign credit on international sales competition.".

PERCY AMENDMENT NO. 2216

Mr. HEINZ (for Mr. PERCY) proposed an amendment to the bill, S. 869, supra, as follows:

At the bottom of page 24, add the following:

(e) Concessional financing or grants offered by the Agency for International Development for the purposes of the mixed financing program established under this section shall be made available in accordance with the provisions of subsections (c), (d), and (e) of section 205 of this Act.

On page 26, line 17, after "Funds." insert the following new sentence:

"The Administrator of the Agency for International Development is authorized to establish a fund, as necessary, for carrying out a mixed credit financing program as described in this section."

On page 27, line 4, by striking out "shall" and inserting in its place "is authorized to."

HEINZ AMENDMENT NO. 2217

Mr. HEINZ proposed an amendment to the bill, S. 869, supra, as follows:

On page 15, strike lines 1 through 3, and on line 4 strike "(3)" and insert in lieu thereof "(2)".

HELMS (AND RANDOLPH) AMENDMENT NO. 2218

Mr. HELMS (for himself and Mr. RANDOLPH) proposed an amendment to the bill S. 869, supra; as follows:

On page 29, after line 4, add the following:

TITLE IV—IMF LENDING POLICY

SEC. 401. The President shall instruct the United States Executive Director of the International Monetary Fund to oppose actively any credit drawings on the Fund or any of its facilities by any country which practices Communist dictatorship.

FOREIGN RELATIONS AUTHORIZATION, 1984

MATHIAS AMENDMENT NO. 2219

Mr. MATHIAS proposed an amendment to the bill (S. 1342) to authorize appropriations for the fiscal years 1984 and 1985 for the Department of State, the U.S. Information Agency, and the Board for International Broadcasting, and for other purposes; as follows:

On page 24, after line 19, insert the following new section:

SEC. 122. Section 5 of the joint resolution entitled "Joint Resolution to authorize participation by the United States in parliamentary conferences of the North Atlantic Treaty Organization," approved July 11, 1956 (22 U.S.C. 1928e), is amended by inserting immediately after the first sentence the following: "In addition to the amounts authorized by section 2, there is authorized to be appropriated $450,000 for fiscal year 1984 to meet the expenses incurred by the United States group in hosting the thirty-first annual meeting of the North Atlantic Assembly."

PELL (AND OTHERS) AMENDMENT NO. 2220

Mr. PELL (for himself, Mr. PERCY, Mr. GLENN, and Mr. CHAFEE) proposed an amendment to the bill S. 1342, supra, as follows:

At the end of the bill add the following new title:

"TITLE VII—INTERNATIONAL ENVIRONMENTAL PROTECTION"

SEC. 701. This title may be cited as the "International Environment Protection Act of 1983".

ENDANGERED SPECIES

SEC. 702. The Foreign Assistance Act of 1961, as amended, is amended further by adding the following new section:

"SEC. 119. ENDANGERED SPECIES.—(a) The Congress finds the survival of many animal and plant species is endangered by overhunting, by the presence of toxic chemicals in water, air, and soil, and by the destruction of habitats. The Congress further finds that the extinction of animal and plant species is an irreparable loss with potentially serious environmental and economic consequences for developing and developed countries alike. Accordingly, the preservation of animal and plant species through the regulation of the hunting and trade in endangered species, through limitations on the pollution of natural ecosystems, and through the protection of wildlife habitats should be an important objective of the United States development assistance.

"(b) In order to preserve biological diversity, the President is authorized to furnish assistance under this part to assist countries in protecting and maintaining wildlife habitats and in developing sound wildlife management and plant conservation programs. Special efforts should be made to establish and maintain wildlife sanctuaries, reserves, and parks; to enact and enforce anti poaching measures; and to identify, study, and catalog animal and plant species, especially in tropical environments.

"(c) The Administrator of the Agency for International Development, in conjunction with the Secretary of State, the Secretary of Interior, the Administrator of the Environmental Protection Agency, the Chairman of the Council on Environmental Quality, and the heads of other appropriate Government agencies, shall develop a United States strategy, including specific policies and programs, to protect and conserve biological diversity in developing countries.

"(d) Each annual report required by section 634(a) of this Act shall include, in a separate volume, a report on the implementation of this subsection. Not later than one year after the date of enactment of this section, the President shall submit a comprehensive report to the Speaker of the House of Representatives and the Chairman of the Committee on Foreign Relations of the Senate on the United States strategy to protect and conserve biological diversity in developing countries.".

ENVIRONMENTAL EXCHANGES

SEC. 703. Section 102 of the Mutual Educational and Cultural Exchange Act of 1961, as amended, is further amended by striking the final ".", inserting in lieu thereof a ";" and adding the following:

"(11) interchanges and visits between the United States and other countries of scientists, scholars, leaders, and other experts in the fields of environmental science and environmental management.".

SEC. 704. Of the amount by which expenditures for the Fullbright Academic Exchange Programs, for the Humphrey Fellowship Program, and the International Visitor Program for fiscal year 1984 and for fiscal year 1985 exeeds the expenditures for these programs in fiscal year 1982, five per centum shall be used to finance programs carried out pursuant to section 3 of the Act.

PELL AMENDMENTS NOS. 2221 AND 2222

Mr. PELL proposed two amendments to the bill S. 1342, supra, as follows:

AMENDMENT 2221

On page 24, after line 19, insert the following new section:

UNITED STATES CONSULATES

SEC. 122. Section 103 of the Department of State Authorization Act, Fiscal Years 1982 and 1983 (Public Law 97-241) is amended by adding the following language at the end of subsection (b):

", to the extent authorized to do so by each foreign government involved. A report shall be made to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives concerning the extent to which such foreign government authorization has been received, and the progress achieved with respect to the reopening of consulates in those respective countries."

At the appropriate place in the bill, add the following new section:

SEC. . Section 5928 of title 5, United States Code, is amended by adding at the end thereof the following: "The presence of nonessential personnel or dependents shall not preclude payment of an allowance under this section. In each instance where an allowance under this section is initiated or terminated, the Secretary of State shall inform the Speaker of the House of Representatives and the Committee on Foreign Relations of the Senate of the action taken and the circumstances justifying it.".

STEVENS AMENDMENT NO. 2223

Mr. STEVENS proposed an amendment to the bill S. 1342, supra, as follows:

On page 25, line 4, strike "$636,000,000 for fiscal year 1984" and insert in lieu thereof "$644,000,000 for fiscal year 1984".

On page 32, line 8, insert:

"SEC. 210. In addition to the amount already authorized for Tsukuba, Japan Exposition 1985, $8,000,000 shall be available for the United States Information Agency for the fiscal year 1984 for use in connection with the Exposition. These funds shall remain available until appropriations are made, and when the funds are appropriated they are authorized to remain available until expended.".

McCLURE AMENDMENT NO. 2224

Mr. McCLURE proposed an amendment to the bill S. 1342, supra, as follows:

At the end of the bill add the following new sections:

1. (a) The Congress finds that since the SALT II Treaty was signed in 1979 the U.S. is deactivating 292 ICBM's, SLBM's and B-52 bombers all of which are counted in the SALT II Date Exchange; the United States

has cancelled deployment of stockpiled Minuteman III MIRV'd ICBM's; the United States has modified B-52 bombers equipped to carry ALCM's with "strakelets", as "observable differences"; and the United States has reduced the potential number of warheads and throw-weight of the MX ICBM.

(b) The Congress finds that the Defense Department guidance issued in March 1980 not to take programmatic actions which would violate the unratified SALT II Treaty is still in effect.

(c) The Congress finds that the Senate Armed Services Committee has determined that the SALT II Treaty is "unequal", unbalanced, destabilizing, and "not in the national security interest of the United States."

(d) The Congress finds that there has been constructive notice of the intention of the United States Government not to ratify the SALT II Treaty by the initiation of Strategic Arms Reduction Talks, and the prolonged inaction on the Treaty by the United States Senate.

2. It is therefore the Sense of the Congress that no national defense program involving the national security of the United States shall be terminated, impeded, delayed, or affected in any way in order to comply with the terms of the SALT II Treaty, unless and unitl the Senate has given its advice and consent for the President to ratify the Treaty under the Treaty-making provision of the Constitution.

BYRD AMENDMENT NO. 2225

Mr. BYRD proposed an amendment to the amendment No. 2224 to the bill S. 1342, supra, as follows:

Strike all after the word "that:" in the first line and insert in lieu thereof the following:

Since the Secretary of the Interior James Watt in his recent remarks characterized the membership of the Commission on Fair Market Value Policy for Federal Coal Leasing in a manner which was insensitive and insulting to all Americans;

Since the Secretary of the Interior James Watt has made public statements which question the patriotism of American citizens with whom the Secretary disagrees;

Since such remarks and statements are totally unbefitting a senior cabinet member of the United States government;

Since these remarks and statements seriously impede his ability to function effectively in his dealings with the United States Congress and the public at large; and

Since Mr. Watt's policies and personal style have promoted a polarization in the Nation which has frustrated the achievement of consensus necessary to execute policies which both preserve our spectacular natural heritage and carefully develop our abundant natural resources.

Now, therefore, it is the sense of the Senate that the President should, without delay, request the resignation of Secretary James Watt.

BYRD AMENDMENT NO. 2226

Mr. BYRD proposed an amendment, subsequently modified, to the bill, S. 869, supra, as follows:

At the end of the bill insert the following:

Since the Secretary of the Interior James Watt in his recent remarks characterized the membership of the Commission on Fair Market Value Policy for Federal Coal Leasing in a manner which was insensitive and insulting to all Americans; Since the Secretary of the Interior James Watt has made public statements which question the patriotism of American citizens with whom the Secretary disagrees;

Since such remarks and statements are totally unbefitting a senior cabinet member of the United States government; Since these remarks and statements seriously impede his ability to function effectively in his dealings with the United States Congress and the public at large; and

Since Mr. Watt's policies and personal style have promoted a polarization in the Nation which has frustrated the achievement of consensus necessary to execute policies which both preserve our spectacular natural heritage and carefully develop our abundant natural resources.

Now, therefore, it is the sense of the Senate that the President should, without delay, request the resignation of Secretary James Watt.

NOTICES OF HEARINGS

COMMITTEE ON RULES AND ADMINISTRATION

Mr. MATHIAS. Mr. President, the Committee on Rules and Administration will hold a hearing on media and the regulation of campaign finance on Thursday, September 29, 1983. The hearing will begin at 9:30 a.m., in room 301 of the Russell Senate Office Building.

Senators and other interested individuals who wish to testify or to submit a statement for the record should contact committee staff at 224-3448.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON FOREIGN RELATIONS

Mr. HEINZ. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Friday, September 23, until 1 p.m., to consider Senate Joint Resolution 166, relating to the War Powers Act and the situation in Lebanon.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

EL SALVADOR: THE VIEW FROM WASHINGTON

● Mr. BOSCHWITZ. Mr. President, Elliott Abrams, the Assistant Secretary of State for Human Rights, recently appeared at the London School of Economics and delivered a significant speech entitled "El Salvador: The View from Washington."

Mr. Abrams traces the genesis of the Latin American conflict, along with the origins of the groups and individuals who now vie for power in El Salvador, and he explains the basis for our Government's policies toward the region.

Whatever one's view may be concerning those policies, I believe anyone with a keen interest in them will find it worthwhile to read Mr. Abrams' comments. Accordingly, I ask that they be printed in the RECORD.

The speech follows:

EL SALVADOR: THE VIEW FROM WASHINGTON

It is a pleasure and a privilege for me to be here this evening. As a student at the LSE nearly fifteen years ago, I often came here to use the library for research, and all too often sat staring out the window at the beauty of St. James Square. This is a hazard any visiting American must face, and one I fondly recall my failure to overcome.

More recently, in a lecture delivered here at Chatham House last spring, former Secretary of State Henry Kissinger drew attention to what he called an "ironic reversal" in European-American relations. In the past, he pointed out, we Americans have tended to believe that our lack of involvement in European power politics was a mark of superior moral virtue. Protected by two oceans which, in turn, were secured by the Royal Navy, we were in the happy position of being able to denounce our European friends for their preoccupation with power politics, their alleged indifferences to moral norms. But today, Secretary Kissinger continued, it is the United States that often stands accused by some of its European friends of being obsessed with power politics and indifferent to moral norms. This "march by each side toward the philosophical positions vacated by the other," Kissinger concluded, is especially pronounced on issues having anything to do with the so-called Third World.

Although former Secretary Kissinger did not, in his presentation here last year, offer any concrete examples to back up his "ironic reversal" thesis, the current controversy between the Reagan Administration and some of our European friends over American policy in El Salvador illustrates his argument rather nicely. As we see it, our purpose in El Salvador is twofold: to encourage the process of reconciliation through democracy and economic and political reform and to assist the army in fighting the guerrillas. For if one thing is certain in El Salvador, it is this: guerrillas armed and led by communists who are allied with Moscow, Havana, and Managua are not fighting for human rights. They are fighting for power, and we know from the models they seek to emulate that they mean power for themselves, power never to be shared with the people of El Salvador.

A substantial number of our European critics, however, don't see things this way. On the contrary, they accuse the United States of being dangerously "obsessed" by "East-West" issues, of being hopelessly wedded to an archaic and unjust status quo, and of being indifferent—if not actually hostile—to the cause of peace, social justice and reform in El Salvador. Today, I would like to address some of these charges. First, though, I think a general observation about Central America is in order.

James Reston of the New York Times once commented that some Americans seemed willing to do anything for Latin America except read about it and try to understand it. Much the same observation, I'm afraid, might be made of some Europeans. Too often, your image of the region is dominated by stereotypes. There is, for example, the stereotype of a Central America gov-

erned by mustachioed men on horseback who gallop in and out of the presidential palace with comic-opera regularity. Then there is the sterotype of the poor but happy peasant taking a siesta or dancing gaily in the streets. A more recent stereotype is that of a poor but unhappy peasant laying down his hoe and taking up his rifle on behalf of "the revolution." None of these stereotypes, of course, has much to do with reality. Like the rest of Latin America, Central America is characterized by an immense diversity. Perhaps the only generalization which applies to every state in the region is that all are caught up in a process of profound social change, and all are trying to devise institutional mechanisms to cope with that change.

Of all the states in Central America, perhaps El Salvador has been hardest hit by this process of change. Indeed, the people of El Salvador are today engaged in an effort of extraordinary difficulty. They are attempting to complete a thoroughgoing economic reform that has broken the power of the old oligarchy. Simultaneously, they have underway perhaps the most difficult transformation any society faces—the transformation from dictatorship to democracy. And most extraordinary of all, they are trying to do this in the midst of a bloody guerrilla war. To understand the nature of this guerrilla war, and also to understand where things stand today in El Salvador, we must examine where El Salvador has been and where it is going.

El Salvador is Central America's smallest and most densely populated nation. Since its independence in 1821, the country has experienced chronic political instability and repression, widespread poverty, and concentration of wealth and power in the hands of a few families. On January 22, 1932, a peasant uprising led by Augustin Farabundo Marti and his embryonic Communist Party turned into a ghastly massacre. Thousands die in a few days of bloody confrontation in which quarter was neither asked nor given. The savagery of 1932 was interpreted by the ruling groups to mean that only strong governments could maintain order. The president at the time of the uprising, General Maximiliano Hernandez Martinez, remained in power until 1944. The army became El Salvador's strongest institution, and military commanders dominated succeeding governments in concert with the landed wealthy.

During the 1950s and 1960s, political violence in El Salvador was rare. Economic growth averaged more than five percent a year, outstripping population growth, which averaged about 3.5 percent a year. Export-oriented agribusinesses and small manufacturing enterprises boomed. But there were no new lands to be developed, and most of the population lived at subsistence levels.

By the 1970s, El Salvador's situation began to worsen. Rising energy costs and unstable coffee prices exacerbated problems of unemployment and income maldistribution, and sharply reduced economic growth—but not population growth. One result was a mass emigration, in which hundreds of thousands of Salvadorans sought opportunity outside their country. By the early 1970s, a quarter to a half-million Salvadorans had arrived in the United States illegally. The legitimate grievances of the poor and landless, and the growing aspirations of the expanding middle class, met increasingly with repression. Traditional authority structures, already eroded by social changes and development problems, began to disintegrate under pressure from left and right wing terrorism.

It was in this atmosphere of increasing social polarization that a group of young, middle-grade army officers overthrew the government of General Carlos Romero on October 15, 1979 and expelled two-thirds of the officers over the rank of major from the armed forces. The Army's Revolutionary Proclamation denounced abuses of power by government officials, committed the new government to free elections, a democratic political system, fundamental economic and social reforms, peace with Honduras, and the taking of steps to end political killings by the security forces. Underlying the commitment by the new army leadership to this body of reforms was the conviction that the army's dominant role in Salvadoran politics between 1932 and 1979 had been bad for the country, bad for the Army, and bad for most of the officers. The new leadership believed that the alliance between the army and the landed oligarchy should be terminated, and that the army should become professionalized. In January 1980 the Christian Democratic Party, the traditional major left wing opposition party in El Salvador, entered into a tenuous partnership with the army, which had denied Napoleon Duarte his presidential electoral victory in 1972 and sent him into 7 years of exile in Venezuela. Together they formed the Revolutionary Governing Junta. Many believed this marriage would never last. Nevertheless it did and enacted a drastic and wide ranging set of economic and social reforms, including one of the most massive land redistribution programs in the history of Latin America, and led the country to free elections in March of 1982.

At the very moment that these reforms were being enacted, five Salvadoran Marxist-Leninist groups were coming together, with the help of Fidel Castro, to form the Farabundo Marti People's Liberation Front [FMLN], and to establish an international network of political supporters and military suppliers. The FMLN succeeded, somehow, in persuading a handful of prominent Salvadoran democrats, some of whom had been in the first revolutionary government with the army, to join the front, having in mind that their inclusion would promote the image of a responsible and moderate movement. The democrats, who wield no power whatsoever within the insurgency at home, have been dispatched to Latin America, Europe, and the United States to generate international support. The FMLN commands the guerillas, acquires arms, funds and training through its links with Havana, Moscow, Managua and the PLO, and is dedicated to establishing a revolutionary Marxist-Leninist state oriented toward the Soviet bloc. And let there be no illusions here: the FMLN's commanders are indeed Leninists. Shafik Handal is head of the Communist Party of El Salvador, and Cavetano Carpio, founder of the "Revolutionary Army of the Poor," is a former Communist Party chief who left the Party to protest its insufficient commitment to the use of violence.

The founding of the FMLN in May of 1980 can be taken as the start of the current strife in El Salvador. The FMLN, it must be emphasized, launched its war after the Revolutionary Governing Junta came to power, after the land reform began, and after the government committed itself to a democratic political system. And the principal factor behind the insurrection was surely the FMLN's recognition that the reforms being promulgated by the government threatened to make the far left completely irrelevant to the future of El Salvador.

The U.S. Agency for International Development, using United Nations statistics, reports that prior to 1979 the top 10 percent of the Salvadoran population owned about 78 percent of the land, while lowest 10 percent owned only 0.4 percent of the land. It is easy to see how the discontent produced by such a skewed distribution of land would provide the extreme left with popular support and a recruitment base. It is equally easy to see how an effective land reform program would deprive the extreme left of popular support and a recruitment base. Indeed, in societies like El Salvador, where the majority of the population is non-urban, a land-owning peasantry is perhaps the most effective barrier to a Communist takeover. And a land-owner peasantry is precisely what the new government of El Salvador set out to create. In the face of such a threat, is it any wonder that the five communist groups which constitute the FMLN felt compelled to bury their doctrinal differences and unite in order to overthrow the government before its programs were fully implemented?

The FMLN's motives for plunging El Salvador into a bitter war had nothing to do with the legitimate grievances of the Salvadoran people. They had everything to do with the desire of a handful of fanatics on the totalitarian left to gain absolute power, on the model of their backers in Cuba and the Soviet Union, and despite whatever amount of violence or economic damage might result.

The former American Ambassador to El Salvador, Robert White, an outspoken opponent to military aid for El Salvador, has several times described the FMLN guerrillas as Latin American Khmer Rouge. This is a chilling comparison—for surely Ambassador White was mindful when he made it of the twenty percent of the Cambodian population who perished at the hands of the Khmer Rouge. Even the Sandinistas have been heard to remark in private that the leadership of the FMLN is a bit too bloody-minded. But perhaps Ambassador White is overly pessimistic. As numerous students of communism have pointed out, not every communist government features slave labor, engineered famines, forced migrations, forced separation of families, massive executions, torture and all the other horrors which at one time or another have characterized the Soviet Union, Cambodia, Afghanistan and Vietnam. Not all have imprisoned tens of thousands of their own citizens, as did Stalin and Castro. But neither has a single communist regime ever evolved into a democracy; nor produced personal liberty or economic development; nor permitted a free press, free elections, free speech, or free trade unions. Not one.

Thus the US Government by 1981 was faced with a major policy decision: Should we or should we not provide military assistance to the Salvadoran government. Some of our friends in the Socialist International urged us not to "intervene" in Salvadoran politics. Let the Salvadoran people decide their future by themselves, we were told. Now, over a century ago John Stuart Mill pointed out that, "the doctrine of non-intervention, to be a legitimate principle of morality, must be accepted by all governments. The despots must consent to be governed by it as well as the free states. Unless they do, the profession of it by free countries comes but to this miserable issue, that the wrong side may help the wrong, but the right side

must not help the right." Because the Salvadoran people were not being allowed to decide their future by themselves; because Cuba, Nicaragua, the PLO, Ethiopia, North Korea, Libya, Vietnam, and the Soviet Union were all supporting the FMLN; and because the wrong side in the Salvadoran conflict was receiving massive amounts of military assistance, training, and logistical support, the United States recognized a moral obligation to help the right side—the new Salvadoran government. Nothing that has occurred since 1981 makes that moral obligation any less compelling. Indeed, the results of last year's election make it more compelling.

On March 28, 1982 the Salvadoran people went to the polls and experienced a historical event unique in their troubled and violent history. They participated in a free and honest election that brought them the government they collectively desired. Almost 1.5 million people voted, probably more than 80 percent of the eligible electorate.

The people frequently voted their tremendously difficult conditions. The Marxist leadership decided to conduct a concerted and bloody campaign to prevent the exercise of the popular will. Guerrillas blew up scores of buses during the two weeks before the election, sought to prevent distribution of gasoline to the eastern part of the country, and threatened to kill any bus or truck drivers who were so bold as to carry voters to the polls. The guerrillas attacked polling places and the Electoral Commission's headquarters and increased bombings of electrical power installations. Guerrilla radio stations ordered voters to stay home and threatened—through letters, printed propaganda, and wall slogans—to kill or mutilate any voter who exercised his rights on election day. Guerrillas controlled the streets of the departmental capital of Usulutan and prevented voting in that city. Still, despite all obstacles, the Salvadoran people went to the polls in numbers that surprised the experts. Because of guerrilla violence, voters often walked miles to safer polling places or waited in line under fire for the chance to make their choice for El Salvador's future.

This popular reaction constituted a rejection of the guerrilla attempt to prevent the election. Of the 1.5 million Salvadorans who voted, more than 88 percent cast their ballots for one of the six participating parties. Everyone now knows that the Christian Democratic Party received the largest single percentage—40 percent—of the vote, with the five parties to its right receiving the collective majority. As a result of agreement between El Salvador's political parties, a Government of National Unity was formed, and the Constituent Assembly chose as provisional president the independent and highly respected banking expert, Alvaro Magano. Three provisional vice presidents, representing the three largest parties, were also chosen. It is President Magano's freely elected government that must now face the threat of violent overthrow by well-armed, externally supported, Marxist-Lennist guerrillas.

The election has been attacked. Given the highly charged political atmosphere in El Salvador and persistent misperceptions about events in that country, criticism was to be expected. Such criticism as has arisen, however, including charges of massive fraud and inflated voting, has been entirely refuted by serious observers of the situation in El Salvador. Jose Napoleon Duarte, who lost his office as a result of the vote, has stated that these allegations are part of a campaign to denigrate the elections. International observers were invited to monitor the campaign and election. More than 200 observers from more than 40 countries were present and more than 700 journalists served as de facto observers as well. These observers found that the electoral process was orderly, fair, and, except for the guerrilla attacks, peaceful. While charges of government pressure have been made, Archbishop Rivera y Damas remarked of the voting that, "If there was any pressure, it was not from the government but from those who did not want the elections."

The elections have been further disparaged on the grounds that parties representing the FMLN were not on the ballot. In fact, both President Duarte and the head of the independent Central Elections Committee, Dr. Jorge Bustamante, repeatedly invited the communist-front Democratic National Union [UDN], and the Socialist International affiliate, the National Revolutionary Movement [MNR], and the guerrillas' political front, the FDR, to participate in the elections. Arguing, however, that conditions were not "appropriate" for the holding of elections, and expressing doubts about their personal security should they take part in the elections, even in the face of a government offer to negotiate adequate security guarantees, these groups refused the government's offer. It is clear, then, that what they most feared—and the election results dramatically justified their fears—was a public affirmation of the FMLN's unpopularity in El Salvador.

By refusing to heed the FMLN's warnings to stay away from the polls, by risking their lives, in fact, to vote in the March 28 elections, the Salvadoran people, in their vast majority, clearly demonstrated that they reject the violent alternatives offered by the Marxist-Leninist insurgents, and that they believe an elected government, and not a dictatorship run by a Communist elite, offers the best possible hope for the protection of their basic human rights.

And progress in human rights, though slow in coming, has been registered.

Cilvilian deaths attributable to political violence from all sides have fallen from roughly 800 a month in late 1980 to 200 a month in the last six months of 1982. Shortcomings in internal military discipline are slowly being countered by human rights training, improved communication, and command directives that emphasize respect for noncombatants. Representative institutions, created through universal adult suffrage, are guiding the drafting of a modern constitution and preparations for presidential elections later this year.

In fact, after a brief visit to that country last summer, I came home surprised, not that progress has been so slow, but that the Salvadorans have been able to make any progress at all.

El Salvador has always been desperately poor, and in the course of the two-year-old insurgency the gross national product has declined by a further 25 percent. Population growth is 3.5 percent per year in an already overpopulated land. Reform is frequently resisted in landowners, in part because they have received no compensation for their losses. Road travel is extremely hazardous. The judicial system, never strong, has broken down. Judges and legal officials are regularly suborned or intimidated. Very few of us would have the courage to stand up to the threats that criminals have made against the safety of judicial officials and their families.

Communications within the country are rudimentary. A typical National Guard post, for example, consists of 10–15 men, under the command of a poorly educated corporal or subsergeant, stationed in a small town. There is no telephone communication with national headquarters, sometimes even no radio contact with the commander of the department in which the men are stationed. If their sergeant is conscientious, he will have them patrol on foot, with no support from any other unit, and beyond any kind of control or regulation except that of their unit leader. If the sergeant is a decent man, perhaps his men will enjoy good relations with the people of the area they patrol. But in an atmosphere of guerrilla threats and violence, abuses occur. Adequate means of redress for the victims are virtually nonexistent, since the unit is effectively a power unto itself. This is the kind of situation that government and its Christian Democratic predecessor have been trying to change.

Yet it should be obvious that as long as the insurgency continues, progress will continue to be measured in inches rather than miles. The civil strife begun by the FMLN in May of 1980 has set off a chain reaction of violence and counterviolence which has engulfed the whole of Salvadoran society and has vastly increased the magnitude of human rights violations in El Salvador. If this chain reaction is to be brought under control, then the fighting must be brought under control.

Some of the Reagan Administration's critics have demanded that we force the government of El Salvador to enter into immediate negotiations with the FMLN to end the war. Never mind, they say, that the guerrillas started the killing. Never mind, they say, that the guerrillas tried to sabotage the elections. Never mind, they say, that the guerrillas do not command a substantial following in El Salvador. They have offered to negotiate, and if the Salvadoran government will only agree, the killing will stop.

But the recent history of Southeast Asia alone has taught us a bitter lesson about negotiations with Communists. If we were to force the Government of El Salvador to negotiate with the guerrillas as equals we would risk its collapse. And if the resulting anarchy were to culminate in a guerrilla victory, we know for a certainty that the fate of the Salvadoran people would be a life devoid of liberty, without the promise of a true respect for their human rights.

The guerillas are counting on the likelihood that the United States, under mounting pressure from our Western European friends, will eventually force the Government of El Salvador into negotiations. This is what the FMLN's strategy of guerra prolongada is all about. First, alarmed by the determination of the Government of El Salvador to launch a program of major reforms, they began a guerrilla war. Then, recognizing that the army of El Salvador had not yet become a fully professionalized military force, they tried, often successfully, to provoke the undisciplined security forces into grave military errors and continuing human rights violations. Then, as Western indignation over these human rights abuses mounted, the communists offered to negotiate. They are now persuaded that if only they keep up the military pressure "enlightened" Western public opinion—the deus ex machina of the extreme left—will eventually hand them the victory they could never dream of getting at the polls. And the guerrillas have encouraging models to follow: once victory is theirs, they know, the pas-

sionate Western interest in the human rights situation in El Salvador will flicker out. How interested, after all, is "enlightened" Western public opinion these days in the human rights situation in Cuba? In Vietnam? In Cambodia? Surely no thoughtful person could argue that guerrilla victories in these countries marked an end to slaughter.

But there is a way to end the killing in El Salvador. The directorate of the FMLN, which began the war in 1980, could end it just as easily in 1983. It could declare a ceasefire. It could agree to participate in the forthcoming elections. It could send its forces back to their bases and training camps in Nicaragua. It could accept the amnesty proposals which the recently appointed Salvadoran Peace Commission is preparing. It could give the government of El Salvador the chance to complete the reforms it has begun.

Do I think it likely that the FMLN will make such decisions? As long as "enlightened" Western public opinion continues to press the Reagan Administration to force the Government of El Salvador into negotiations, I do not. Under these circumstances, the FMLN has no incentive to end the guerra prolongada.

Which brings me back to the point with which I began my remarks, the "ironic reversal" of which Henry Kissinger spoke so astutely here last year. I am very much afraid that in judging current United States policy in El Salvador, many of our critics, even our friendly critics, have adopted a kind of selective morality. The United States and the Government of El Salvador are held to the most exacting set of human rights standards while the FMLN and its allies are excused from meeting any standards at all. The fact is that we in the United States actually believe that it is our duty to try to live up to such ideals—but we also think that standards must be applied indiscriminately. Indeed, as long as they are not, they remain arbitrary political choices dressed up in the guise of human rights.

A generation ago Stephen Spender came to the same realization while the tragic civil war raged in Spain. At first his sympathies lay entirely with the Republican side. Yet in the course of several trips to that country he recognized that atrocities were not a monopoly of one side only; they were all too common on both sides. And to his everlasting honor, he wrote: "It came to me that unless I cared about every murdered child indiscriminately, I didn't really care about children being murdered at all."

We do care about all the children. And we are trying to help build a democratic system in El Salvador in which they can live their lives in peace. There are all too many people with guns in El Salvador, but the guns of one side protect voting booths while the guns of the other side shoot at them. Can we really hesitate about which side we must be on?●

WE NEED SECRETARY WATT

● Mr. HATCH. Mr. President, I do not excuse and I do not condone the words so imprudently spoken by Secretary Watt. I know they were wrong. You know they were wrong and, more importantly, Secretary Watt knows they were wrong. Secretary Watt made a serious mistake.

In each of our lives there are things we have done and words we have spoken which we profoundly regret and wish with all our heart that we could erase from our lives and, more importantly, erase from the lives of those we may have hurt by our imprudent acts.

I am certain Secretary Watt profoundly and from the bottom of his heart wishes he could erase these words he spoke so imprudently. Not just for himself, but for the benefit of all who were hurt and offended by them.

But, Mr. President, we live in a world of imperfect men and we cannot let this mistake of the Secretary overshadow all the good done by Secretary Watt. The people of the State of Utah and this Nation are better off and will continue to be better off because Jim Watt is the Secretary of Interior.

I, and all the people of Utah I represent, urge that careful consideration be given to all the positive good things he has done for the people of this Nation before harsh judgment is passed.

I know Jim Watt. I know his poor choice of words do not reflect the true measure of the man. I urge that he be supported in the many, many contributions he has made and can make to this country.

I want to point out that before Secretary Watt became Secretary of the Interior, the people in the State of Utah practically were an armed camp in their disputes with the Department of the Interior. They were fighting the Bureau of Land Management. They were fighting the Park Service. They were fighting all the agencies. They were so distressed and angry that the sagebrush rebellion was born. Today I get letters like the one I received today directed to the BLM expressing appreciation from the commissioners of San Juan County for the cooperation and assistance they have received. Talk about the sagebrush rebellion has been silenced by the work and policies of James Watt as Secretary of the Interior.

Our parks are better managed. We have energy resources from our public lands. We are all much better off because of Secretary Watt.

I hear the hue and cry for his resignation or that he be fired. I will be deeply distressed and the citizens of this Nation will suffer and be distressed if we lose the services of this man who is so making such a great contribution to our country. The loss of the contribution of this great man is too high a price to pay for an imprudent remark.

I hope the President will continue to support Secretary Watt. We, in the public domain States need him. I believe the country needs him.

He is a moral, upright, and decent man. I hope we can forgive his mistakes and look to the good he has done.●

THIRTIETH ANNIVERSARY OF THE INTERCOLLEGIATE STUDIES INSTITUTE.

● Mr. JEPSEN. The Intercollegiate Studies Institute is celebrating its 30th anniversary this year. Founded in 1953 to spark thought in individuals and encourage intellectual exchange, the institute has been addressing scholarly issues of the conservative intellectual movement in the academic community, thus keeping scholarly debate interesting and varied.

I.S.I.'s activities include scholarships, summer schools, speaking tours, and such publications as the Political Science Reviewer, the Intercollegiate Review, and Modern Age.

As in most States, I.S.I. has had an impact in Iowa when officers of I.S.I. have visited many Iowa colleges and universities.

During the 1982–83 school year, these include Grandview College and Drake University in Des Moines; University of Dubuque, Loras College, and Clarke College in Dubuque; and Indian Hills Community College in Ottumwa. Also, in 1982–83, I.S.I. provided speakers at Dordt College in Sioux Center.

I.S.I. has faculty associates at the University of Northern Iowa in Cedar Falls and the University of Iowa in Iowa City and has lectures scheduled this year at Dordt College and the University of Iowa.

Congratulations, I.S.I. founders and members, on 30 years of outstanding service to the academic community and the conservative movement. Please continue your quality work at furthering the intellectual pursuits on our Nation's campuses.●

ORDER OF PROCEDURE

Mr. BAKER. I am told now that the distinguished Senator from Illinois (Mr. DIXON) wishes to speak on a special order which he had planned to do this morning and, pursuant to our request, postponed it until this afternoon.

Therefore, I make the following unanimous-consent request.

I ask unanimous consent that the Senator from Illinois be recognized on a special order of not to exceed 15 minutes. I further ask unanimous consent that, at the end of that speech, without any further business being transacted, the Chair then place the Senate in adjournment until the hour of 12 noon on Monday next.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

RECOGNITION OF SENATOR DIXON

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. DIXON. Mr. President, I thank the majority leader.

WAR POWERS ACT

Mr. DIXON. Mr. President, when I asked earlier today for a special order to make these remarks, I did not know that my warm friend and colleague, the distinguished senior Senator from Hawaii, would be speaking today on the same subject. But I am sure that many Members heard the excellent remarks by Senator Inouye concerning the question of the War Powers Act.

I rise again, Mr. President, to address that critical issue that has been before us for some weeks and on which, it appears, we may finally be asked to cast a vote in the near future.

Since August 29—nearly 4 weeks ago—U.S. military personnel have been involved in a state of hostility in Lebanon. There can be absolutely no doubt of that fact.

It follows, then, that there can be no doubt of the fact that the law passed by the Congress in 1973, known as the War Powers Act, has been in effect since that day when U.S. marines were killed.

As I have said before on this floor, it troubles me immensely that the President of the United States has thus far refused to acknowledge the validity of that law, and to send to the Congress the written report required by that law. Specifically, he has failed to tell us the circumstances which made it necessary to introduce the marines into Lebanon, the constitutional and legislative authority under which that introduction took place, and the estimated scope and duration of the hostilities or involvement.

Now, Mr. President, the Congress seems to be moving rather quickly in the direction of passing a resolution, Senate Joint Resolution 166, which legitimizes the President's refusal to honor the law of the land—the War Powers Act.

Senate Joint Resolution 166 is the product of negotiation and compromise between the White House and some leaders of Congress of both parties. Negotiation and compromise usually represent a reasonable approach to legislative questions.

In this case, however, the end product—Senate Joint Resolution 166—is a wholly inadequate and even dangerous piece of legislation. It is one which circumvents, rather than honors, the spirit and letter of the War Powers Act, and it is one about which I hold the gravest reservations.

The resolution gives the President congressional approval to keep our troops in Lebanon for 18 months. That is a long, long time.

It lets him do that without ever having complied with the requirements of the War Powers Act.

But, incredibly enough, the President, is not even being a very gracious recipient of this congressional generosity. He says he will sign Senate Joint Resolution 166 "reluctantly," as if he is doing us and the country a favor.

There are no favors being done here—only disservice.

I fear we have forgotten the extraordinary emotional experience of the Vietnam war that brought about the War Powers Act. Never have Americans and their Government undergone such a wrenching, introspective evaluation of their country's role in the world, as the one that produced the War Powers Act.

Have we learned nothing from that experience?

It is significant that on November 7, 1973, the House of Representatives overrode President Nixon's veto of the act by a vote of 284 to 135? Or that on that same day, the Senate overrode the veto by 75 to 18?

Those overrides were not entered into lightly. They put on the books a law designed to prevent any President from getting us into a war we did not think necessary.

It is almost, as Garry Wills wrote yesterday in the Chicago Sun Times, a redundant law. "It restates," Will writes, "as mere statute, what is clearly in the Constitution already,"—that Congress has the warmaking powers in this Nation.

Senate Joint Resolution 166 skirts this issue in the name of compromise. Well, I say today, as I said earlier this week—if every Chief Executive—Republican or Democrat—claims he is free to act without reference to the War Powers Act, then a very serious situation exists, indeed.

We are not talking only about the Middle East. We are taking about every world trouble spot, now and forever—Central America, Chad, you name it.

We must follow a careful, thoughtful course. Not a precipitous one. No matter how much time may have been spent working out the deal that produced Senate Joint Resolution 166, it is a piece of legislation that places us in far greater danger of a precipitous conflict than honoring the War Powers Act does.

I am certain that the Congress supports a U.S. presence in Lebanon. To this point, I would agree that the presence of the peacekeeping force has helped to limit the expansion of hostilities in this troubled area.

But, again, I say, Senate Joint Resolution 166 represents a grave and dangerous step for the conduct of future American foreign policy. It laughs at the law and it laughs at the Constitution.

Next week, Mr. President, when we debate this resolution on the floor, I intend to offer amendments to improve it, and to move us onto the course intended by law.

I hope my colleagues will give some thought to the concerns I have voiced. I want to share the concerns voiced by my friend and distinguished colleague, the Senator from Hawaii, Senator Inouye.

For their further consideration, I ask unanimous consent that the complete text of the Garry Wills article to which I referred be reprinted in the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Chicago Sun-Times, Sept. 22, 1983]

REAGAN'S NOT OUR COMMANDER IN CHIEF

(By Garry Wills)

Conservative Americans like William Buckley refer to the president as their commander in chief. It is a grand-sounding title, one that General Haig used on William Ruckelshaus during the "Saturday Night Massacre."

But the president is not Ruckelshaus' commander in chief, nor is he Buckley's. He is not my commander in chief and he is not yours—unless you are in the armed services. Embracing that title reduces the citizen to the soldier, and makes obedience the highest republican virtue.

The title that sounds so grand now is actually quite humble in origin. It was given to one officer going into a theater where there might be a jumble of ranks, regular and militia, or where men of equal rank might have to join forces. The title gave field authority to one man, even if his rank was not higher than that of others on the scene, or who may not have been in a normal chain of command with auxiliary forces.

So, in 1775, the Continental Congress made General Washington commander in chief of the motley revolutionary armies. This gave him no political power at all, and less military power than many theater commanders would have in modern times.

When the Constitution made the president commander in chief of the armed forces, this military title had nothing to do with the political power to declare war—a right reserved to Congress. It was not, at the outset, thought that a large standing army would exist on a permanent basis. Only when Congress had declared war would the commander in chief's power come into play.

The early constitutional history is clear. Even to repulse pirate raids, Thomas Jefferson asked for congressional authorization. Andrew Jackson would not respond to Spanish provocations until he asked permission from Congress, since—as he put it—"Congress alone is constitutionally invested with the power of changing our condition from peace to war."

So those who talk about Congress encroaching on the president's constitutional power as commander in chief, in the Lebanon situation, are talking nonsense. The president is in charge of military conduct; but he has no right to commit our troops in the first place. The Constitution was designed specifically to prevent that, according to one of its principal designers, James Wilson: "This system will not hurry us into war; it is calculated to guard against it. It will not be in the power of a single man, or a single body of men, to involve us in such dis-

tress; for the important power of declaring war is vested in the legislature at large."

The real problem with the War Powers Act is not the one now being discussed, the idea of a "congressional veto" that may or may not be involved in a recall of troops. The real problem with that act is its redundancy. It restates, as mere statute, what is clearly in the Constitution already.

The act was passed in response to modern presidents' quibbles on the meaining of the word "war," beginning with Truman's etymological dance around the Korean "police action." But the proper response should have been a reassertion of the Constitution, not a mere statute.

If the president has power to put troops in a dangerous situation—exactly parallel to Jefferson's treatment of pirates, or Jackson's treatment of Spanish marauders—he has power to involve us in wars without ever declaring war, an unconstitutional procedure. Congress should cut off all funds to the Marines in Lebanon until the president begins to obey the document he swore to uphold. The military commander in chief is subordinate to the civil law of the land.

Mr. DIXON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. BAKER. Mr. President, I have discussed this with the minority leader. I inadvertently omitted the provision for one more piece of business to be dealt with by the two Senators from Rhode Island. I ask unanimous consent that they may now proceed for 2 minutes for the purpose of introducing a resolution and ask for its immediate consideration, notwithstanding the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PELL. Mr. President, I thank the majority leader. It is my fault for presenting it so late in the day, not his fault for omitting it.

WISHING GOOD LUCK TO THE "LIBERTY"

Mr. PELL. Mr. President, I send a resolution to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will state the resolution by title.

The legislative clerk read as follows:

A Senate Resolution (S. Res. 228) Wishing Good Luck To The Liberty.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. PELL. Mr. President, tomorrow is a very historic occasion to Rhode Island because the seventh race in America's Cup series is being sailed there. To the best of my knowledge, it has been many, many years, I believe in this century, since there was such a long series of races and the result was undecided. What this resolution does is say that it is the sense of the Senate that the Senate wishes the best of luck to the *Liberty*, its skipper and crew, in tomorrow's America's Cup Race.

On behalf of Senator CHAFEE and myself, I hope very much that my colleagues will approve this resolution.

Mr. CHAFEE. Mr. President, I just want to say I heartily join in this resolution. As the distinguished senior Senator from Rhode Island has said, never has this series gone this long. Each of the vessels—well-skippered, well-crewed, good boats, both of them—has won three races. Now comes the raceoff in Block Island Sound, R.I. The fleet out there watching this will be the largest fleet ever assembled since the invasion of Normandy in 1944. It will not have the firepower, but it will have plenty of fire water aboard all vessels, I am sure.

Mr. President, this is a crucial event. The Australians have conducted themselves in admirable fashion. We wish them good health, we wish them happiness with their families, but we do wish the *Liberty* wins this race tomorrow. Mr. President, I urge the passage of the resolution.

The PRESIDING OFFICER. Is there any further discussion? The Chair hears none.

The question is on agreeing to the resolution.

The resolution was agreed to, as follows:

S. RES. 228

Resolved, That it is the sense of the Senate that the Senate wishes the best of luck to the *Liberty*, its skipper and crew, in tomorrow's America's Cup Race.

Mr. BAKER. Mr. President, I commend the Senators from Rhode Island. I commend and wish our team well and good luck and our congratulations to the Australian team.

ADJOURNMENT UNTIL MONDAY, SEPTEMBER 26, 1983

Mr. BAKER. Mr. President, that completes the business of the Senate for today. I have already announced that there will be no further business transacted today. Therefore, I move, in accordance with the order previously entered, that the Senate stand in adjournment until 12 noon on Monday.

The motion was agreed to and, at 3:42 p.m., the Senate adjourned until Monday, September 26, 1983, at 12 noon.

EXTENSIONS OF REMARKS

H.R. 3231—WEST-WEST TRADE

HON. ED ZSCHAU

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 22, 1983

● Mr. ZSCHAU. Mr. Speaker, one of the most important sections of the Export Administration Act reauthorization is the one that streamlines and focuses the control procedures for trade with our NATO allies and Japan. Although referred to as "West-West trade," it is restricted to our most trusted allies.

Section 106(b) of H.R. 3231 provides for the shipment of goods and technology to our NATO allies plus Japan without license except in those cases of shipments to end users who represent a risk of diversion. It does not permit any of the allies to reexport sensitive goods or technology without prior U.S. approval. And it specifically permits our Government to require exporters to give full and complete notice of all such shipments so that our Government will know where within NATO sensitive goods and technology are being shipped. This "paper trail" will allow U.S. law enforcement authorities to prosecute anyone who violates U.S. laws concerning such shipments.

Following is a series of the most commonly asked questions about decontrolling West-West trade and their answers:

Q. With all the talk I've heard about technology transfer and the loss of sensitive technology to the U.S.S.R. why should we remove any export licensing requirements?

A. That's a good question. To begin with, this section of the bill only reduces licensing requirements for export to countries that cooperatively maintain controls over the same goods and technologies that we do. These are the NATO countries (except Iceland) in COCOM plus Japan. Since we've all agreed to control export of the same goods to the same countries, we must ask why we should control the shipment of those same goods to each other. It makes no sense.

In fiscal year 1982, the Commerce Department reviewed 21,154 export licenses for shipments to our COCOM partners. Of this number, only 23 license applications were denied. That's less than one tenth of one percent! Clearly such controls of shipments to our allies are not justified.

Q. If this section becomes law, we would be the only Cocom member that did not require an export license for shipments to other Cocom countries. Wouldn't this cause serious problems within Cocom and hurt our efforts to harmonize licensing and enforcement procedures?

A. I do not see how placing additional trust in our allies can be considered harmful by them. There is no reason that elimination of intra-Cocom licenses could not be part of our harmonization efforts. They are probably as willing as we are to reduce the paperwork burden placed on government and industry. The section of the bill that reduces controls on West-West trade permits a system of notification to be worked out that would allow tracking of shipments for intelligence purposes.

Q. Doesn't the elimination of export licenses for these shipments destroy the "paper trail" necessary for effective enforcement and tracking down those who might try to divert technology to communist countries?

A. No it doesn't. A clear paper trail will still be available for exports to countries maintaining cooperative export controls with the U.S. Section 106(b) of H.R. 3231 says that the Secretary (of Commerce) may require by regulation a notification by the exporter of any exports made under the new procedures. The form and detail required in this notification will be left up to the Secretary to determine by regulation.

I've met with Justice and Commerce Department lawyers to discuss their needs to establish adequate paper trail and am convinced that the notification of shipment that the Secretary may require will satisfy their needs.

Q. I've heard that if this section becomes law, we will lose our right to control the reexport of sensitive goods and technology and will have to depend upon our Cocom partners to enforce re-export controls, some of whom are not as diligent in their enforcement and licensing efforts as we are. Is this true?

A. First, we currently do not control re-exports. Our Cocom partners do. Second, any re-exports of the most sensitive goods from our Cocom partners to a Communist bloc country must come before Cocom for evaluation and approval. Using this procedure, the United States would have the opportunity to block any sale of which we did not approve.

If the goods are not sensitive, yet are still controlled by Cocom and eligible to be exported at the individual members' discretion, the United States would know of any shipment since that country is required to report such shipments. Since we have agreed with our Cocom partners that such items pose so little threat to our national security that they can be exported without general Cocom approval, it really doesn't matter who issues the final export license—the United States or one of our allies.●

PUBLIC FORUM ON INF

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 22, 1983

● Mr. MARKEY. Mr. Speaker, last week we held an important public forum on INF and the upcoming deployment of Pershing II and ground-launched cruise missiles in Europe. During this forum a distinguished group of European parliamentarians presented their views on the Euromissle question. These are Europeans who are deeply concerned about the planned U.S. deployment in Europe.

I commend to my colleagues the testimony of one of the European leaders who attended the forum, Mr. Egon Bahr, who is chairman of the Arms Control and Disarmament Parliamentary group of the Social Democratic Party of West Germany. Mr. Bahr has held a number of government positions including Minister of Economic Cooperation under Chancellor Helmut Schmidt.

STATEMENT OF EGON BAHR ON THE INF PUBLIC FORUM IN THE U.S. CONGRESS, September 15, 1983

The West German Social Democratic Party (SPD) decided to support NATO's dual-track decision at a Party Conference in Berlin, in December 1979. The heart of the dual-track decision is to reduce Soviet SS-20's and avoid the start of a new arms race which threatens the security of Central Europe. This was a few days before NATO officially adopted the decision at its meeting in Brussels. It re-affirmed this course of policy and its expectations about negotiations at the 1982 Party Conference in Munich and the 1983 Conference in Dortmund. This policy remains valid today.

A large majority of the SPD shared Helmut Schmidt's view that the SALT process, which limits intercontinental armaments must be supplemented by agreements which keep eurostrategic weapons under control. This operating principle also still prevails today.

We accepted the dual track decision of 1979 as an instrument to carry out this requisite extension of arms limitation and arms control.

Like Helmut Schmidt, I was in favour of the dual-track decision from the beginning because it provided an opportunity to bolster the acceptance of the SALT II Treaty; preventing an evasion of the provisions of the Treaty by shifting the atomic arms race to nuclear medium-range weapons; and inducing the U.S. to sit down at the negotiating table.

For me, the aim of the negotiations as formulated in the Brussels communiqué was acceptable. The objective consisted in ensuring that the Soviet Union would dismantle the additional eurostrategic nuclear weapons which had been targeted on Western Europe following the introduction of the SS-20's. There was no mention in the dual-track decision that a successful outcome of the negotiations involved the elimination of the entire medium-range Soviet armament built up since the Sixties. On the contrary, the Alliance's concern appropriately related to the build-up of these arms which had become apparent since 1977.

The SPD has voiced the demand since 1979—and still does today—that there must

be a radical reduction in the number of Soviet SS-20's with the goal of rendering the deployment of American missiles superfluous. That was our zero option. It did not call for any zero on the part of the Soviets; but it did insist upon a removal of the additional Soviet intermediate forces. The German Federal Government under Helmut Schmidt also interpreted the dual-track decision in this way and quite rightly designated the American formulation of the zero option (based on a zero-zero solution for both sides) as an extreme starting position. Clearly, agreement could only emerge in Geneva if the Soviet and American sides abandoned their initial stances and moved towards a compromise.

With a view to enhancing both sides' willingness to compromise, and as part of the dual-track decision, the SPD opposed from the very beginning automatic deployment. Helmut Schmidt as Chancellor also supported this position. We are keeping our decision open until the end of the negotiations in order to maintain pressure on both sides. In the meantime, the two sides have shown some movement and they have modified their position. The Soviet Union has offered to reduce its number of medium-range missiles to 162 if NATO, in turn, renounces the deployment of missiles. The USA has declared its willingness to deploy only as many missiles as the Soviet Union intends to maintain.

The central issue in Geneva lies in the existence of French and British nuclear weapons which can reach the Soviet Union and, indeed, which are targeted on that country. The SPD acknowledges that the United States cannot negotiate with the Soviet Union about French and British weapon systems. By the same token, it realizes the importance of these weapons for the balance between East and West.

For this reason, the SPD has advocated that ways should be found in the Geneva negotiations of ensuring that the existence of British and French nuclear weapons do not become an obstacle to a Soviet and American agreement.

We believe that a solution of this set of problems would prove easier if the INF negotiations were connected with the START negotiations on this point. This also accords with the dual-track decision which at that time stated that the limitation of American and Soviet LRTNF's should be bilaterally negotiated, step by step, within the framework of SALT III.

The final round of the Geneva negotiations for the current year has been in progress since September 6. The SPD supports the argument that the U.S. missiles should not be automatically deployed at the end of this round of negotiations if no agreement is reached. Certainly the linking of INF with START will require additional time. A rigid adherence to the time-schedule decided four years ago would not be justifiable since all the available opportunities have not been exhausted. They have not been exhausted because no sustained effort has been made to combine START and INF negotiations. Now is the time to make a full-scale effort. It would be imprudent to jeopardize a possible successful outcome by adopting an excessively formal and rigid time approach. Two years have already been lost for the negotiations. Therefore, it would be prudent to extend the period of negotiations to explore further opportunities for compromise.

When NATO took its decision in December 1979, it could assume that the problems of strategic arms would have meanwhile been resolved and that the problems of eurostrategic armaments only represented residual problems capable of resolution within a relatively short period of time. Today, the situation requires a successful negotiation of the Euro-missile issue. The increased relevance of this requires ample time for negotiation, particularly in the absence of a START agreement.

The revision of a position held for four years must not constitute a question of prestige: it must be a question of a rational security policy. The SPD has welcomed President Reagan's decision to revise the American negotiating positions in the START negotiations. What applies for START cannot, in principle, be ruled out for INF.

On the basis of the above, the SPD will advocate the following standpoints:

(a) At our special party conference in November, we shall decide about our attitude in the Geneva negotiations, i.e. a "yes" or a "no" to the deployment of missiles.

(b) We are convinced that it is technically possible to conclude an agreement by then if both sides show sufficient flexibility.

(c) We have no doubt at all that the Soviet Union would station new missiles with a shorter range (SS-22's) in the GDR (East Germany) and Czechoslovakia if the United States were to begin deploying their missiles. The SS-22's flying time of two-and-a-half minutes raises the question as to their first use, and sharpens the threat to Central Europe even more. Hence this would bring less security instead of more!

(d) It would be illusory to believe that the INF negotiations would become easier after the deployment of U.S. missiles had commenced. On the contray, they would become more difficult and probably only resume in the wake of new deployments in areas of the Warsaw Pact states, i.e. on a fresh basis and in the course of 1984. That is another reason why it would be worthwhile to concentrate on a successful conclusion to the present round of negotiations in Geneva-negotiations which must produce agreement on stopping the introduction of shorter-range missiles in East and West.

(e) If a successful outcome of the negotiations appears feasible or if the START and INF negotiations are merged together, the requisite time for negotiations during which no deployments should take place must be granted.●

TRIBUTE TO SAL IACCIO

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 22, 1983

● Mr. BIAGGI. Mr. Speaker, I want to take this opportunity to pay a heartfelt tribute to Sal Iaccio, a champion of labor, fellow New Yorker, and good friend. Sal died on August 15 at the relatively young age of 61. Yet, while we are deeply saddened by that fact, those of us who knew Sal are also very grateful for his loyal friendship, his accomplishments, and for the inspiration his memory will serve to provide.

Mere words are never enough when it comes time to honor a man of Sal Iaccio's stature, but we can always hope they will help stir some fond memories for those who knew him, or maybe plant some fruitful seeds in those who did not have the pleasure.

The son of an Italian immigrant carpenter who settled in Manhattan and served 40 years in the Carpenters Union, Sal's early influences were to have a profound effect on his entire life. Like his father, Sal joined a trade union at a young age and he spent nearly his entire working life in the New York City area.

In 1946, Sal joined the International Association of Machinists and Aerospace Workers—IAM Local 556. Just 10 years later, he was elected to his first full-time union job, as representative for IAM District 15 in New York City. He quickly earned a reputation as a tough, yet fair, union leader and was appointed an IAM general vice president in the union's northeast territory on January 1, 1973. He was subsequently reelected in 1977, and to another 4-year term in 1981, which he was serving until the time of his death.

Sal's numerous other contributions to the labor movement included serving as president of the New York State Council of Machinists; vice president of the New York State AFL-CIO; delegate to the New York City Central Labor Council; vice president of the State Allied Printing Trades Council; member of the Board of Educational Vocational Training for the City of New York; trustee of the Empire State College of New York; member of the State Manpower Planning Council; board member of the Port Maritime Trades Council; and cochairman of the American Trade Union Council for Histadrut.

IAM President William Winpisinger recently remarked:

Sal Iaccio was a true leader of and for workers. He served workers inside the labor movement at the local, district, state and international levels, and outside the labor movement in all aspects of education, government and private endeavors. He was a tough, fair, rational leader who was respected and admired because of his vision and his effectiveness in moving toward accomplishment of that vision.

These are cherished words for a man who was greatly cherished, both inside and outside of the labor movement. No man has a right to be any more proud than Sal Iaccio—proud of how he lived, proud of what he accomplished, and proud of what he left behind; namely, his many friends, his lovely wife, Mary, and a fine son, John, with whom I have developed close personal and professional ties over the past several years.●

SERVING MANKIND AND THE COUNTRY

HON. JAMES M. JEFFORDS

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 22, 1983

● Mr. JEFFORDS. Mr. Speaker, today it is my pleasure to share with the Members of the House the words from two songs composed by Dr. Arwin G. Sexauer of East Montpelier, Vt.

The spirit of serving mankind and our country that is contained in "Our Congressmen Pray" is one that all of us must frequently consider. "One Last Coin for Brotherhood" is particularly poignant in light of the current situation in Lebanon.

Dr. Sexauer is a world-renowned composer. She founded the Music Mission in 1963 which, in her words, "has been a 20-year pilot project testing ecumenical hymnody and intergenerational spirit as a continuing contribution toward world peace and brotherhood through the universal art and language of poetry."

Her songs have received commendations from countless world leaders and are in archival deposits around the world. She has received over 170 international and American awards and honors, including three George Washington Honor Medals for writing and public speaking, the "Virgilio-Mantegna" medal for being 1 of 10 finalists in the 1982 International Lyricists Competition, a Richard Rodgers musical award, 14 ASCAP Annual Popular Panel Awards, and many, many more.

ONE LAST COIN FOR BROTHERHOOD

One last coin for brotherhood,
Will need the dove's goodwill—
When Islam and the Protestant,
The cup of love shall fill.

One last coin for brotherhood,
Will take the meeting minds—
When struggling Jew and Moslem,
Can live in peace that binds.

One last coin for brotherhood,
And the good time will come—
Though each hears a different drummer;
Each yielding up the sum.

"Cast your bread upon the waters"
The future reaps today.
For God within planetal peace
With your last coin—pray.

OUR CONGRESSMEN PRAY

Our Congressmen of manhood fine;
each fills a needed post,
With strength of heart and thoughts divine
erase the idle boast.

Their lips are closed in silent prayer,
hands clasped beneath the rod;
Two signs which note that Faith is there
when they give thanks to God.

They daily serve their Country's need,
the Flag within the Hall,
And scorn the narrow-minded Creed
with Peace of Love on all.

Their Unity not pride's display,
can make for Hope that's True
And bind the Brethren of this day
by what they say or do.

No matter what the Cause may be
in politics or clan—
Who goes to Chapel shows that he
will serve his Fellow Man.●

PRESIDENT REAGAN SHOULD SEEK WATT'S OUSTER

HON. DON SUNDQUIST

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 22, 1983

● Mr. SUNDQUIST. Mr. Speaker, I am sure I was not alone in my dismay this morning as I read Interior Secretary James Watt's characterization of a handicapped member of the embattled coal-leasing program as a "cripple."

Unfortunately, this comment can come as little shock to Americans who have watched with alarm as Watt has made embarrassing blunders which cast aspersions on his ability to be a leading advocate of America's environmental protection laws. As a conservative who appreciates Secretary Watt's views on a number of issues, it saddens me to call upon President Reagan to request Secretary Watt's resignation.

After hearing of Secretary Watt's distasteful remarks yesterday before the U.S. Chamber of Commerce, I have concluded that he is a liability to the administration. Although I do not question the Secretary's managerial abilities, I firmly believe that his inability to exercise restraint in his public comments has been detrimental. The American public no longer has faith in the Interior Department to be a trustworthy caretaker for public lands. Whether the basis for this feeling is right or wrong, the distrust is a reality.

President Reagan has proven that he can restore faith in environmental policy, as evidenced by his appointment of William Ruckelshaus as Director of the Environmental Protection Agency. The replacement of Anne Burford should serve as a reminder that personalities do make a significant difference in the public's perception of government.

Mr. Watt has shot himself in the foot one too many times. If we are to restore faith in our ability to properly care for our public lands, Mr. Watt must first be removed.●

HOME CARE—AN ALTERNATIVE TO THE NURSING HOME

HON. DON BONKER

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 22, 1983

● Mr. BONKER. Mr. Speaker, I would like to bring to the attention of my colleagues a book written by Florine DuFresne, a longtime friend and constituent. Her book, entitled "Home Care—An Alternative to the Nursing Home," is an informational guide for those who want to meet the health care needs of their loved ones at home. The message of the book is that it is possible for families to provide excellent care for an aging or chronically ill loved one.

Many books on the delivery of home health care services have been written by and for professionals. Mrs. DuFresne's book is different. She learned, with the help of professionals, how to take care of her dying husband's needs at home. In her book she shares that information with the reader in a clear, straightforward manner.

A portion of the book is devoted to an intensely personal description by Mrs. DuFresne of her own care-giving experience which she calls an adventure in love. It reveals a quiet strength and courage derived from her deep faith in God and her love and devotion to her husband of 40 years that is truly inspirational.

To my knowledge, "Home Care" is the first book of its kind to be published for nationwide distribution. I think many of my colleagues in the House would benefit from reading it and informing their constituents of its availability. My staff on the Aging Committee's Subcommittee on Housing and Consumer Interests will be happy to let you know how copies of the book may be obtained.●

PERSONAL EXPLANATION

HON. RICHARD H. LEHMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 22, 1983

● Mr. LEHMAN of California. Mr. Speaker, last Thursday, September 15, I was unable to cast my vote on the amendment to H.R. 3391, as offered by Congressman FRENZEL, rollcall No. 340. Had I been present, I would have voted "no" on this amendment.

At the time that the vote was taken I was attending a briefing at the Federal Deposit Insurance Corporation and was unable to return to the House floor in time to cast my vote.●

PREVENTING DRUG THEFTS FROM PHARMACIES

HON. THOMAS A. LUKEN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 22, 1983

● Mr. LUKEN. Mr. Speaker, I am introducing a bill to amend the Controlled Substances Act in order to close a serious loophole in Federal drug statutes. Under current law, it is

a Federal criminal offense to manufacture, distribute, dispense, or obtain narcotics or other controlled substances except through properly registered channels, or to obtain such substances by misrepresentation, fraud, forgery, deception, or subterfuge.

Under the current Federal law, however, it is not a criminal offense to obtain narcotics or controlled substances by robbing or burglarizing a pharmacy. Since 1973, more than 10,000 pharmacies have been robbed to obtain controlled substances, and more than 2,300 people have been killed or injured in such robberies. In addition, the rate of these robberies is increasing dramatically—up 113 percent between 1976 and 1981. Burglary and theft of controlled substances from pharmacies also increased significantly.

The bill I am introducing is a simple one, to close the loophole in the Federal Controlled Substances Act and make robbery and burglary of controlled substances from retail pharmacies a violation of the act.

The bill has been drafted to take into account suggestions made by the Department of Justice about similar proposals. The Department has indicated that it will support a bill that incorporates these suggestions about sentencing, coordination with State authorities, and reporting requirements.

First, the bill provides a maximum penalty of 20 years imprisonment and a $10,000 fine, as well as mandatory minimum imprisonment of 5 years or more for carrying or using a weapon in such a robbery, and mandatory imprisonment of 20 years if the robber or burglar kills or maims another person while committing the offense.

Second, the bill assures proper coordination with State law enforcement agencies by assuring that the Attorney General or an Assistant Attorney General approves such prosecutions. The Attorney General may also delegate such approval authority to selected U.S. attorneys where provision is made for coordination with State authorities.

Finally, reporting requirements for the Department are reduced to a bare minimum. The Department should simply include in its annual report to Congress statistics on indictments returned and convictions obtained under this section. The FBI should use statistics already gathered by the Drug Enforcement Administration in order to report robberies and burglaries of controlled substances in the "Uniform Crime Reports." It is not the intent of this bill to require the FBI to undertake its own collection of data about these offenses.●

THE FOURTH ANNIVERSARY OF THE GRAPEVINE

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 22, 1983

● Mr. LIPINSKI. Mr. Speaker, when Chicago city officials hear the name Ray Hanania, they think of insightful, accurate and, often, no-holds-barred political reporting. Ray started with the Daily Southtown Economist newspaper in 1978 as a community reporter, but his extensive involvement with Chicago city government began in 1979 when he was sent to city hall to cover Chicago politics for the Economist.

In the fall of 1979, during Jane Byrne's term as mayor, Ray started the Grapevine a twice-weekly column that covers the politics of Chicago and suburbs. On September 20, Ray is celebrating 4 years of writing the Grapevine. The Grapevine sometimes deals with several topics, or treats one issue in depth. But the column always deals with people, examining the complex personalities that make up Chicago politics.

Ray attracted attention from local politicians as soon as the Grapevine made its appearence. Jane Byrne was particularly outspoken in her dislike of the column. In fact, the Grapevine once so angered Byrne that her husband threatened to punch Ray Hanania in the nose. Frequently, Byrne would not speak to reporters for days after items appeared in the Grapevine.

But as all reporters know, scorn by public officials is a good indication that they are doing their job right. Ray Hanania is certainly worthy of the praise that he has received in the 4 years that he has been writing the Grapevine. He has earned his reputation for thoughtful, direct reporting, and the readers of the Daily Southtown Economist are fortunate to have Ray Hanania telling them the "inside story" of Chicago politics. I congratulate Ray on 4 years of writing the Grapevine, and hope he continues with his column for years to come.●

DECLARATION OF THE INFRINGEMENT OF RELIGIOUS RIGHTS IN CZECHOSLOVAKIA

HON. CLEMENT J. ZABLOCKI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 22, 1983

● Mr. ZABLOCKI. Mr. Speaker, Czechoslovakia as a signatory to the Final Act of the Conference on Security and Cooperation in Europe at Helsinki pledged to respect human rights and fundamental freedoms, including freedom of thought, conscience, religion, or belief. Theoretically, at least, freedom of religious belief and freedom to practice religion are guaranteed by the Czechoslovak Constitution. In sharp contrast to these assurances is the reality of the condition of the Catholic Church in Czechoslovakia.

Mr. Speaker, on June 24, 1983, on the occasion of the dedication of the Czech National Chapel in the Shrine of the Immaculate Conception, a conference of Czech hierarchy, clergy, and laity published a declaration of the infringement of religious rights in Czechoslovakia which details that government's systematic violation of basic human rights involving religion. Mr. Speaker, given the importance we as a nation assign to such basic values and the requirements that other nations adhere to fundamental principles of human rights as well, I would like to share this important document in its entirety with our colleagues, as follows:

Declaration of the infringement of religious rights in Czechoslovakia at the conference of the Czech Catholic Hierarchy. Clergy and Laity abroad on the occasion of the dedication of the Czech National Chapel of our Lady of Hostyn in honor of St. John Neumann in the National Shrine, Washington, D.C. held on June 24, 1983, at the Washington Hilton Hotel, Washington, D.C.

As on the occasion of the Forty-first International Eucharistic Congress in Philadelphia in 1976 (August 1-8), when the Czechs in America and elsewhere endorsed a declaration entitled, "The Catholic Manifesto for Religious Freedom and its Restoration in Czechoslovakia," which was the first historical document as well as a contemporary evaluation of the life of the Church in our native country, so today, seven years later, we wish to address a situation of the Church and its life that is still very difficult and unresolved. We desire also to address ourselves to conditions in which human rights are being violated by the Communist regime in Czechoslovakia.

In this solemn moment when we, sons and daughters of the Czech nation, are gathered from all over the world in this Shrine dedicated to Mary, Mother of God, we cannot but think of our nation and the people of God within it who are being severely tested in these days.

It was through the Church that our nation received not only the happy news of Christ's Resurrection, but also the most basic form of culture, the writing on which every form of communication depends, brought to us by the co-patrons of contemporary Europe, Saints Cyril and Methodius. This Church has been condemned to annihilation in an unjustifiable decision by the regime which assumed power in 1948. Such is the official policy of the regime which today controls the fate of our nation. Those who hold power in the State have been acting according to this doctrine for many years.

For thirty-five years now, Christ's Church in our nation has been practically bereft of bishops, most of whom were interned or imprisoned. Those few who are free today are shackled with so many restrictions that they are unable to fulfill their sacred offices. For thirty-five long years the Church

has been totally deprived of the possibility of Religious Life, which is one of the most precious sources of its spiritual energy. In the course of one night, all the men and women of Religious Orders were rounded up and deported to concentration camps. Thus was Religious Life condemned to death by illegal governmental verdict!

At that time the Church, stripped of all its resources, became the paid employee of government, which asks her to carry out only one task—by her external facade, the Church should witness to the world that in this State all is in order, and all are enjoying religious liberty. In fact, the Church is being forced to cooperate in its own violation and gradual path to extinction. Under these conditions, the Church is for all practical purposes outside the authority of its rightful leaders, who have been effectively beaten and eliminated from consideration. The Church is now under the jurisdiction of the so-called "church secretaries", who are nothing but functionaries of the government. It is also controlled by the pseudo-church organization of Catholic Clergymen called Pacem in Terris. This group is supposedly "working for peace", while in reality it is slavishly conforming to the regime and helping in its efforts to destroy the Church.

During these same years, all Catholic seminaries were closed, with two exceptions: one for Bohemia and Moravia, and one for Slovakia. But even these are, in every sense of the word, institutions of the State, for the real Shepherds of the Church, the bishops, have nothing to say about how they are run. They have no authority to determine who and how many seminarians should be accepted (numerus clausus), nor what should be taught, nor who should teach it. All of this—content of curriculum, selection of faculty, and limitation on the number of students to be accepted—is determined by the Communist regime. The seminarians themselves are under extreme pressure from State police who attempt to plant their clandestine agents everywhere.

The situation of the priests in the parishes is no better, for they are without protection of the bishops. Over their heads at all times hangs the Sword of Damocles; state permission is required for them to be able to function in a pastoral capacity, and this can be taken from them at any moment. We must not forget that, in the Communist State, the priest is first of all an employee of the State. Sufficient reason for his permit to be withdrawn would exist if he appeared more energetic than most, or was more effective in infuencing the faithful, or, worst of all, was able to succeed with young people. One such success would be enough for him to be transferred elsewhere. When not even multiple transfers would dull his enthusiasm and effectiveness, State permission would simply be withdrawn from him and he would be sent away to take his turn at "building the industrial might" somewhere in the factories or collective farms.

The religious education of children has become almost completely impossible because of the administrative red tape and the tremendous pressure exerted upon their parents. Children who manage to attend religious education classes despite the pressures find that they are not able to continue their education; they are denied acceptance for higher education. Moreover, their parents lose their jobs or cannot get better ones. Any "secret" religious education is extremely risky, as a result of the State's "watch on religious activities." Any unauthorized activity is unlawful and subject to serve punishment. As has happened many times, people are arrested and imprisoned for such "subversive" activity.

The religious press has been drastically curtained in Czechoslovakia. Those few publications which are left have been subjected to severe State censorship. Evidence of this truth is the recently published letter by Cardinal Frantisek Tomasek, Archbishop of Prague, to Kotolicke Noviny. (In this letter the Cardinal objected that the newspaper should not call itself "Catholic" because it was not serving the goals of the Church; moreover, it has repeatedly refused to publish the Cardinal's own official communications as Archbishop of Prague. The contents of the letter became known only when it was published outside of Czechoslovakia). Publication of Christian philosophy, theology, or literary works remains completely outside the realm of possibility.

Public expression of faith in any form is cause for all manner of difficulties in obtaining work or in the pursuit of an education. Very often young persons, because of their faith, are completely excluded from opportunities for advanced education. They are not allowed to become teachers and are not even considered for the higher positions in society. Such persons are condemned to become and to remain "second-class" citizens.

Religious symbolism of any kind is systematically eliminated from public life. The thoroughness used in this attempt to rid the people's life of religious symbols borders on the ridiculous: even the cross worn around the neck of the TV anchor-women must be taken away. As a consequence, the regime attempts to replace the religious ceremonies with state ceremonies, so that religious signs of commitment would be eliminated, and eventually Christianity itself would disappear. The Christian sacraments are being replaced by civil ceremonies. Christianity must become invisible.

This obsessive animosity toward religion in general and the Catholic Church in particular goes to such lengths that they do not even stop short of rewriting national history and distorting that unique expression of national consciousness and conscience which is the national literature. How many great representatives of our national life have been erased from the textbooks, thrown out of the libraries, and prevented from entering the consciousness of young people! How many histocial events have been buried in silence, distorted, and even falsified by the ideologists of the regime!

And how could we forget the immense suffering which came in the wake of the so-called socio-political revolution: the expropriation of the whole nation's property, particularly that of the farmers; the hard labor camps, and "military" units for hard labor; the concentration camps, prisons and torture chambers; the staged public trials, with so many people beaten to death or unjustly executed! Foreign observers and reporters concur in the opinion that in the Soviet dominated areas, the persecution of religion, above all the Catholic Church, is currently most cruel in Czechoslovakia. There the Church is considered the most dangerous opponent of the atheistic concepts and plans of the regime. This attack on the Catholic Church is directed by Soviet advisors.

Present days are not rosy by comparison. The courageous defenders of human rights—those gathered in Charter '77 or outside of it—are subjected to all kinds of harassment and intimidation. Muggings, beatings, threats of automobile accidents, threats to parents warning of death to their children—these are the methods used by the "anonymous callers" whose purpose is to terrorize people into submission.

The founders of the "Committee for the Defense of Those Unjustly Persecuted" include the writer Vaclav Havel, mathematician Vaclav Benda, J. Dienstbier, Otka Benadrova, Petr Uhl. These real and courageous humanitarians, willing to defend their persecuted brethren, were themselves imprisoned for several years. Fr. Frantisek Lizna, Rudlef Smahel, Josef Adamek, Jan Krumpholc, and Josef Vlcek were found guilty and sentenced to prison terms of several years for no other crime than the printing and distribution of religious literature. That, after all, was the real reason for their imprisonment, not the crime of conducting business without a license, as is libelously stated in the court records.

Priests who, in spite of everything, were brave enough to celebrate Mass in youth camps were sent to prison. Fr. Jan Barta, who with such sacrifice and greatness was trying to renew religious life, was hounded to his death. Just weeks ago, some of his fellow Franciscans became the victims in a new wave of state arrests.

What can one say about Cardinal Trochta and Bishop Hlouch? These, too, were hounded to their deaths by the so-called "church secretaries." There is neither time nor space enough to list the names of all those persecuted or fallen into jeopardy because of the faith they profess. One last recognition must be recorded: that of Cardinal Beran. His bodily remains, buried in the Basilica of St. Peter in Rome, are even now in exile and cannot be laid to rest where they truly belong—in the Cathedral of Prague. Exiled from his homeland even after death! Eloquent symbol of an unnatural situation!

The Church does not ask for privileges. She wants only justice and liberty for all. She does not want freedom for vice and crime, but for virtue, compassion, love and all true values. Experienced in the understanding of humanity (esperta nell umanita), the Church knows that "no tree can grow into the heavens," and that "everything has its time; only God has eternity," as is expressed in the folk wisdom of the Czech people.

The Church knows too that the triumph of evil is complete only when one evil is opposed by another. That is why she preaches what she herself is trying to do: Do not live a lie. Be rooted in the Truth. Serve your neighbor. Defend the basic rights of every human being. Support the national culture (because one can become fully human only through the culture). Proclaim and strengthen the values necessary for a "civilization based on love," envisioned by Popes Paul VI and John Paul II.

The Church is not disturbed by the hurricane forces that rage about her because she knows that God permits the storm only to purify and make her stronger in love. At the same time she knows that these raging powers are caused by our sinfulness and will not pass away without our effective penance and action for good. That is why the Church is calling for reconciliation everywhere.

If we Czech Catholics are turning to people in the free world, we are doing so because by this Declaration we want to give voice to those who themselves cannot speak. We want to inform the citizens of the free world about a situation which cannot but

shake the conscience of all who are genuinely concerned with the fate of the human race as this second millenium comes to a close.

We are convinced that our nation, bearing the burden of this ordeal through which it is now passing, is maturing toward a new freedom—one which is the gift of God's Spirit. We are asking, therefore, of all people of good will: Do not forget your brothers and sisters who are struggling to gain their most basic human rights. Do not betray them by yourselves succumbing to materialism, isolationism, and selfishness; rather support them in their quest for true humanity. Help them by your own affirmation of human and spiritual values. Aid them to grow toward that truth which liberates, toward the truth of the Lord about which the Czech national motto proclaims: "Truth is victorious."

(Presiding: Bishop John L. Morkovsky, S.T.D. Bishop of Galveston-Houston. Bishop Jaroslav Skarvada, S.T.D., for Czechs abroad with residence in Rome.)

(Coordinating: Professor Peter Esterka.)

(Chairman: Professor Msgr. Ludvik Nemec, Chestnut Hill College, Philadelphia.)●

TRIBUTE TO MENACHEM BEGIN

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 22, 1983

● Mr. BIAGGI. Mr. Speaker, the August 28 announcement by Israeli Prime Minister Menachem Begin of his resignation signaled the end of a long and distinguished career. At that time the Israeli people lost a courageous and dedicated leader and the United States lost a loyal and valuable friend.

Just last year I had the memorable pleasure, along with my son, Mario, Jr., of meeting with Prime Minister Begin in Israel. It was one of several times I had the honor of meeting the Prime Minister. The visit took place during my trip to the Middle East to witness the PLO withdrawal from Lebanon, a particularly significant event during Prime Minister Begin's career. The visit was captured in a treasured photograph I have next to my desk. The visit convinced me more than ever of the wisdom and strength of Menachem Begin.

The saga of Menachem Begin began when, as a young Polish Jew, he witnessed and experienced the horrors of Nazi persecution. Begin's family, and most of his friends were murdered for no other reason than that they were Jewish. It was from this nightmare that Menachem Begin's dream of a sovereign Jewish State was born.

The young Menachem Begin led the courageous and daring struggle for a free and independent Jewish State. When his dream was realized by the creation of modern Israel in 1948, Begin continued his devotion for 35 years as a member of the freely elected Democratic Government of Israel.

Menachem Begin's belief that a Jewish State was the only way for survival of the Jewish people never wavered. For 29 years Begin remained in the background of Israeli politics holding fast to his beliefs and commitment to the State of Israel and the sovereignty of the Jewish people.

In 1977 Menachem Begin rose to power in the first non-labor government since 1948 when the State of Israel was formed. Begin then proceeded to make his indelible mark on Israeli and world history.

It is difficult to fully express the value of Menachem Begin for the 6 years he headed the Israeli Government; which is longer than any Prime Minister in Israeli history.

As a leader Begin demonstrated courage, devotion, and resolve. The courage of the Camp David accords is unprecedented and will undeniably be forever recorded as one of the most dramatic and thoughtful commitments to peace and stability in world history. This devotion to a peaceful life for the people of Israel, and the Middle East, won Begin the Noble Laureate for Peace in 1978.

In a time when the faces of those friendly to the United States changed quite often, Menachem Begin's Israel stood fast as a dependable and trusted ally. In a region where internal violence and political unrest are commonplace, Israel, under Begin, maintained the cornerstones of democracy: freedom, equality, justice, and stability. In an era when emotion and demagoguery oftentimes replace traditional values, Begin maintained his integrity and belief in God.

At age 70 Menachem Begin is ready to pass the torch of Israel on to a successor. However, the flame that Menachem Begin nurtured for most of his adult years will continue to burn bright. In its illumination the people of Israel will see their dream of freedom and peace and the United States will see a loyal friend in a new light.

I invite my colleagues to join with me in a tribute to a courageous freedom fighter and a champion of democracy, Menachem Begin.●

MAJORITY LEADER CONTRASTS CHINA AND TAIWAN AND DESCRIBES VALUABLE LESSONS FROM ASIA TRIP

HON. SHERWOOD L. BOEHLERT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 22, 1983

● Mr. BOEHLERT. Mr. Speaker, there are many observations one could make about an economic system based on Communist ideology, but perhaps one of the most pertinent is the fact that it simply does not work very well.

At least that has seemed to be the case in the People's Republic of China. Finally realizing that their rigid and inflexible economic system was strangling productivity, more pragmatic leaders in China have begun to experiment with incentives to reward individual effort and initiative. These reforms fall far short of introducing a free market economy, but the changes are nonetheless significant.

As one member of a bipartisan delegation to five countries in the Far East, I was privileged to spend a number of days last month in China. During the trip, the House majority leader JIM WRIGHT, wrote down his observations in a series of articles which appeared in Texas newspapers. I am inserting into the RECORD two of Mr. WRIGHT's articles—one contrasting Communist China with capitalist Taiwan. The second sums up some valuable lessons we can learn from Asia.

I commend Mr. WRIGHT's comments to our colleagues' serious attention.

The articles follow:

[From the Dallas Morning News, Aug. 27, 1983]

CHINA, TAIWAN: A CONTRAST

(By Representative Jim Wright)

TAIPEI, TAIWAN.—To walk through the streets of Shanghai on the China mainland and then through the streets of Taipei on Taiwan is to see the vivid contrast of two economic systems.

All the dull statistics like gross national product and average family income take on human form and parade before you.

In Shanghai at any time of day the broad streets teem from curb to curb with bicycles and foot traffic. There are few cars. To either side run narrow alleyways which disappear among low buildings that house small shops and crowded tenements.

Driven outdoors for breathing space, people sit shirtless on sidewalks in front of their six-to-a-room habitations and seek surcease from the sultry summer.

Shanghai is China's most prosperous city—also its most westernized. There in the last century the French and British established their "Paris of the East," bastion of Western capitalism.

After the communists took over in 1949, Maoist puritanism slowly rid the city of its crime, prostitution, drug addiction and other festering vices.

"Degrading dregs of Western colonialism," Chinese purists called them. Everyone was assigned a place to live, crammed with other families into already overcrowded quarters.

The government took over all commerce and industry. It was forbidden to own an automobile, and for a time, a radio. Everyone dressed alike. The regime tried to make everyone think alike. Outisde contact was forbidden. It was though a new wall of China had been erected.

Now, with the new opening to the West proclaimed by Deng Ziao-ping, there is a gradual liberization of domestic policy as well. Members of Congress who visited Shanghai three years ago see some encouraging differences.

Instead of the formless blue uniforms everyone wore during the Mao tse-Tung years, there is now some individuality in dress. Most men wear short-sleeved sport shirts today and dresses among women are as common as pants.

Little shops have opened, and sidewalk vendors spread their wares where two years ago they would have been prohibited. While the state still owns most retail outlets, lease arrangements now permit the operator to keep a part of the profit after an assigned quota has been paid to the state.

The new incentive approach is working in agriculture, communes had failed to get from the land its full potential. That meant continuing hunger in that sprawling country which must feed a billion mouths, four times the U.S. population, on only one-third the tillable land available to us.

Many communes have been broken into little plots doled out by family size. A six-member family may have one acre to itself. The result is intense cultivation—gardening, not farming.

En route by train to Suzbou, 77 miles, I saw scarcely an inch of idle land. Soil, hand-cultivated and irrigated up to the rail tracks themsleves, has yielded an impressive increase in China's food production.

Charles Freeman, chief counselor for our embassy, says, "Even the most dedicated communist ideologues are having to admit individual incentive works."

But there still is a long way to go for mainland China. An age separates people there from the spectacular success their expatriates have achieved on Taiwan.

At 7 o'clock in the morning the Taipei streets are already crowded. American-made cars predominate. Shops are opening to display their seductive merchandise.

On this island of 14,000 square miles, poor in resources, 20 million people enjoying an elected parliament and boasting an educated work force have achieved for two decades a steady economic growth rate of almost 10 percent each year.

In Taipei, most homes have telephones and one in two has access to an automobile. Young men ride motor scooters, nowhere seen in communist China.

In all the China mainland, Freeman tells me that for 1 billion Chinese there are probably no more than two million telephones, hardly more than in the Dallas-Fort Worth metropolitan area.

Nowhere are the failures of communism more apparent than here in the Orient. Just as in Korea, where people in the Western-oriented south enjoy annual incomes roughly four times those endured in the spartan communist north, the people on Taiwan live better by a factor of five or six than their kinsmen in communist China.

Communist regimes, embarrassed by these startling comparisons, have tried in such places as North Korea and East Germany to seal off their borders from traffic to avoid the comparisons. Internally, it makes matters worse. Progress languishes in air-tight compartments.

Chinese leaders, after three decades of self-imposed isolation, are trying to break out of that intellectual cocoon. The thaw in relations with the West can be a good thing for China, and for the rest of us as well.

In Malaysia, Foreign Minister Ghazali Shafie, a fierce anti-communist, told us we are doing the right thing in opening more avenues of understanding with mainland China.

"A desperate and poor China is dangerous to the future of Asia," he said. "A China concentrating upon its economic development and better relations instead of military conquests is much safer for all of us."

There are 12,000 Chinese from the mainland studying in U.S. schools this year. These come in contact with the 20,000 students from Taiwan who share their ancient culture.

From them they learn the truth. A free enterprise society can work, as well for Orientals as for Americans.

Freeman thinks it is a great opportunity for U.S. interests. "We are training the entire future elite of this enormous country, an opportunity that doesn't come often with a nation as important to the world as China."

The whole Chinese politburo has kids studying in the United States, according to Freeman. Obviously, he reasons, Chinese leaders intend their new relations with our country to last.

It is also evidence they are admitting to themselves, however guardedly, that communism just simply hasn't worked.

[From the Fort Worth Star-Telegram, Aug. 28, 1983]

Asia Offers Mysteries of Value to America

(By Jim Wright)

(Editor's Note: House Majority Leader Jim Wright returned on Aug. 18 from a five-nation Asian tour. He was invited by the Japanese Diet to visit that country, and in addition, represented the United States at the request of the U.S. State Department on a fact-finding and diplomatic mission. This article is an exclusive analysis of what he observed.)

There are at least 10,000 Japanese business representatives in the U.S. All speak English. American businesses have no more than 900 agents in Japan. Fewer than 100 speak Japanese.

These figures explain in part why we suffer a $21 billion trade deficit with Japan. More profoundly, they reflect the low priority we've assigned to our relations with the people of Asia.

In Singapore, Prime Minister Lee Kwan Yew is mystified that American diplomatic intelligence—in spite of warnings given by himself and others—could not foresee the explosion brewing in Iran among the native Moslem population in time to salvage things.

Of 60 American Embassy personnel in Tehran in 1978, only six had a minimal command of Farsi, the language of most Iranians.

"You're good with the chopsticks," the political chieftain of the Chinese city of Suzhou exaggerates politely as I struggle ineptly to grapple with a baked sparrow. "Most Americans won't even try," he adds with a wistful smile.

Acting Prime Minister Musa Hitam is proud of Malaysia's impressive educational advances. "Most Malaysian children can name the states and principal cities of America," he says. "They know about your form of government and even the principal products you produce." As he talked I wondered how many American students could name the capital of Malaysia or even locate the country on a map.

Since 1950, we have spent 112,000 American lives in two Asian wars. But we've invested too little time and effort to understand the region's potential, its peril and its promise.

Asia is many things. Depending on how you define it, it is home to more than half the world's people. Every fourth infant born on earth is Chinese.

Asia rapidly is becoming this country's most important market. Already we buy and sell more than we do in Europe.

But for most of Americans, Asia remains a mystery. In popular lore it is Shangri La and Madame Butterfly and rickshas. It is the Road to Mandalay where a Burmese girl sits waiting. It is kimono-clad Gieshas, or the King of Siam. It is steaming rice paddies and water buffaloes.

These are stereotypes which stunt our notions of Asia. They are the phantom figures, no doubt, which Malaysian Foreign Minister Ghazali Shafie had in mind when he faced U.S. congressmen in Kuala Lumpur.

"Your are the first congressional delegation to come here in four years," he said. "There is so much I've been saving up to tell you, and I hardly know where to start."

Maybe we must begin with three things. Until we comprehend these basic facts, our attempts to deal with complex Asian realities which are products of a convoluted history may be as awkward as a Sumo wrestler attempting a minuet.

The first thing for us to appreciate is the growing importance of Asia. Twenty-one nations proud of both their distinctive identities and their intertwining cultures probably hold the balance in the world power struggle.

The region's economy, with its diversity, is growing faster than that of Europe, Africa, Latin America or the United States. Last year we sold 32 percent of our total farm exports to East Asian nations, and China was our largest purchaser of wheat. The region buys well over half our exports of cotton, beef, citrus fruits, logs and lumber.

We depend on East Asia for astronomical quantities of raw materials, including tin, timber, plywood, bauxite—and 90 percent of our natural rubber. "I hope you thought of that when your plane landed smoothly on our runway," Ghazali said jokingly.

Five countries with parliamentary governments and a combined population close to our own—Indonesia, Malaysia, Thailand, Singapore and the Philippines—have formed an Association of South East Asian Nations (ASEAN) to defend their own freedom and form a bulwark against communist expansion.

China alone, if it ever attains a normal standard of living for its billion people, will be the world's most lucrative market for consumer goods of every type. Now Deng Xiaoping and pragmatic Chinese leaders are struggling to introduce elements of incentive and free enterprise into China's smothered economy.

In Shanghai, China's richest city, a typical state-owned "apartment" consists of one room and houses six people. Most have no plumbing. The average apartment has 660 watts of electric energy, hardly enough to operate a radio, a TV set or a hair dryer. Per capita income in China's wealthiest city comes to $900 a year.

But trade between our two countries is growing. There is a determined drive to double the nation's energy supplies. Offshore drilling activities could reach $20 billion in the next decade. Texas industry could benefit immensely. American engineering and construction firms could participate in China's drive to extend its telephone system and expand its road network.

Asia is, in short, what Marco Polo insisted it was to his incredulous 14-century listeners—a treasure house of unrealized opportunity.

The second thing we need to learn from Asia is the use and importance of patience. Not resignation, not complacent acceptance of the inevitable. We need to learn persever-

ence, persistence, how to set a long-term goal and pursue it.

"Americans always want everything in a hurry," mused Madame Sun-Yun-Hsuan, wife of Taiwan's premier. "You have instant coffee and instant news analysis. Your microwave ovens cook instantly. It is only natural that you'd want instant solutions. to world problems."

The unspoken sequel is that there is no such thing. Paticularly in Asia. A Chinese proverb, "Patience is power," probably speaks for the Oriental mind.

Leaders throughout Asia, I discovered, are eager for our friendship, but reluctant to depend on our staying power in a protracted common effort.

"Don't try to change the world overnight, nor think you can re-make others in your exact image," advised Singapore's Lee Kwan Yew. "Remember you governed the Philippines for 50 years. Yet your influence there is an thin as a coat of varnish."

While proud that our democracy has lasted 200 years, we need to reflect that in China one dynasty alone survived four times that long. In the shadow of a towering pagoda in Suzhou, you can look across the Grand Canal, realize that it's the world's longest inland waterway and was built 1,000 years before Columbus set sail. Suzhou itself was founded 500 years before Christ. Patience.

The ASEAN approach to freeing Cambodia from Vietnamese occupation relies on patience. It is one of slow, steady pressures on the invading force to make the military occupation more costly than the Vietnamese economy can afford.

The emergence of Singapore itself from a cobweb of poisonous ethnic hostilities to a united people with a common language is a lesson in patience.

With the coming of independence in 1965, large segments of the ethnically diverse population spoke Chinese, Malay and Tamil. Each group wanted its language as the official tongue.

Achieving by indirection what he could not have done by decree, Prime Minister Lee created one system of schools to teach Chinese and English, another to teach Malay and English, and yet a third to teach Tamil and English. Today Lee's dream is a reality: English is the de facto official language.

Our country must accept that some things can't be done overnight. We must learn to set long-term goals and pursue them, in spite of changing administrations and sporadic campaign rhetoric.

The third and final lesson is one of which Americans should not have to be reminded, for it is as indispensable to our society as water to a river. It is respect for diversity.

Americans too easily assume that everyone wants to be like us. Asian leaders whom we met in five very different countries this month echoed the plea that we be less eager to remake them into carbon copies of ourselves. While wanting very much to be our friends, they'd like us to respect their values.

Leaders in three countries expressed dismay at our efforts to impose upon them our highly refined formulas of civil rights and judicial restraint. In Signapore it is a prison offense to try to turn one ethnic group against another. In Malaysia and elsewhere, being caught with commercial quantities of illegal drugs invokes a mandatory death sentence.

Harsh? Yes. But strictly legal. And absolutely necessary, these countries are convinced, to the survival of a civil society. Such practices have been publicly criticized, to the chagrin of our Asian allies, by, official American human rights experts.

"You need to remember," one Asian jurist told me, "that even Abraham Lincoln abolished habeas corpus when the life of your country was threatened."

Too often Americans abroad engage in social incest, dealing with only the upper crust of local society. We avoid the people who have no shoes. We must be at greater pains to know them, for people change governments more often than governments change people.

We need training programs for all Americans, military and civilian, who go to live and work in foreign countries. They should be given insight into the land's religious beliefs, its governmental system, its dominating folk habits and cultural taboos.

In Islamic nations, with strong traditions against liquor, Americans drinking in public breed hostility. An American woman shopping in a tennis dress innocently flaunts her disregard for the traditions of some Asian countries.

Fifteen years ago, in Iran, I was with a group of Americans on a guided tour of the majestic blue Mosque of Isfahan. This was a place of worship. Here and there Iranians knelt silently on their prayer rugs. Obliviously, our guide strode through the sanctuary, pointing to historic art objects, describing the place to the group as though it were a tourist attraction.

One Moslem, his face and arms outstretched before him in the prone position of prayer, suddenly rose to a sitting position. His devotions interrupted, he turned his head and looked. Just for a second, I could see in his eyes the disgust he felt in our insensitivity.

What, then, is good Asian policy? Recognize that region's importance. Accept with patience the limits of our infallibility. Respect the values and sensitivities of those unlike ourselves. Perhaps, after all, it is no more nor less than the Golden Rule.●

KOREAN AIR LINES FLIGHT 007

HON. THOMAS M. FOGLIETTA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 22, 1983

● Mr. FOGLIETTA. Mr. Speaker, there was no more outrage and disgust over the Soviet Union's shooting down of Korean Air Lines flight 007 than in Philadelphia's Korean Community.

I have received a letter signed by Mr. Mahn Suh Park, publisher of the Korea Guardian and chairman of the board of directors of the Korean-American Friendship Society, Mr. Oh Young Lee, president of the Korean-American Friendship Society, Mr. Chang Chae Im, president of the Korean Association of Greater Philadelphia, and Mr. Kyu Chong Cho, president of the Korean Businessmen's Association of Philadelphia, vividly outlining the Philadelphia Korean Community's reaction of the flight 007 tragedy.

Mr. Speaker, I think it is most appropriate to insert this letter into the CONGRESSIONAL RECORD.

SEPTEMBER 5, 1983.

We speak for all the Korean Community in Philadelphia, in protesting the brutal and barbaric action of the Soviet Union.

In shooting down the civilian airliner KAL Flgt. 007 the Soviet Union shows us yet another example of their inhumanity. Through this savage and atrocious act the Soviet Union again demonstrates their insincerity to the Free World.

Nothing the Soviet Union does now can save the lives of the 269 innocent civilian passengers on board flight 007. Nothing the Soviet Union does now could make amends for the atrocity perpetrated against those 269 men, women, and children. Nothing the Soviet Union does now can adequately compensate the family members of the 269 people lost forever. We can only pray that a tragedy like this never occurs in the future.

We, the Korean Community of Phila., demand that the Soviet Union take full responsibility for their action.

We demand full compensation for the families of those lost.

We demand guarantees from the Soviet Union that this will never happen again.●

AN INSOLENT ATTEMPT TO SENSATIONALLY PROMOTE THE ACCEPTANCE OF A LASCIVIOUS PUBLICATION IS REJECTED

HON. JOSEPH D. EARLY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 22, 1983

● Mr. EARLY. Mr. Speaker, I am greatly troubled and deeply distressed that my name, along with the names of all Members of Congress and other prominent public officials, has been inexplicably added to the mailing list of a magazine that may, at its very best, be described as grossly offensive. This, of course, has been done without my knowledge or permission and I have requested that the publisher of this contemptible and disgraceful magazine permanently remove my name from its mailing list.

Mr. Speaker, I am greatly offended as an individual and am left with a profound sense of sorrow, regret, and remorse that the U.S. Congress as a whole should be subjected to such pitiful attempts to garner publicity. This monumental example of the depths of immorality to which certain individuals would have this Nation reach is distasteful, despicable, and deplorable. I join with my colleagues in Congress to express our condemnation of this act and fervently hope that it will not be repeated in the future.●

ONE HUNDRED YEARS OF ACHIEVEMENT

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 22, 1983

● Mr. HOYER. Mr. Speaker, more than 4,500 people will gather in Baltimore today for a 4-day meeting marking the 100th anniversary of the founding of the Maryland State Dental Association. This is an important event in Maryland and national history, for its marks the first attempts by the leaders of the dental profession in 1883 to weed out the charlatans, the barbers who offered "tooth extraction," as a sideline to a shave and a haircut, and the quacks, while lacking training and experience, viewed the dental profession as a lucrative calling and so practiced on innocent patients.

Maryland has long been in the forefront of American dentistry.

The first native-born educated American dentist of record was a Marylander, Benjamin Fendall, born in Charles County in 1753.

The first license to practice dentistry was issued to Horace H. Hayden of Baltimore, architect of the American system of dental education. He was licensed by the Medical and Chirurgical Faculty of the State of Maryland in 1810.

The first lectures in dentistry, on the physiology and pathology of teeth, were delivered to students of medicine by Dr. Horace H. Hayden, in Davidge Hall, University of Maryland at Baltimore, in 1819.

The first dental college in the world was established in Maryland. It was called the Baltimore College of Dental Surgery. Hayden was its first president, Chapin H. Harris its first dean. It was chartered in 1840.

The first national association of dentists, the American Society of Dental Surgeons, was organized by Hayden in Baltimore. Hayden served as its first president from 1840 to 1844.

The first dental graduate was a Baltimorean. Robert Arthur received the D.D.S. degree from the Baltimore College of Dental Surgery in 1841. He later went on to become the dean of the Pennsylvania College of Dental Surgery in 1856.

The first dental journal, called the American Journal of Dental Science was founded in 1839. The journal was edited and published in Baltimore by Chapin Harris until his death in 1860.

And finally, the Maryland Bridge, which was a vastly improved technique for the restoration of lost or damaged teeth, was developed and refined at the University of Maryland's Baltimore College of Dental Surgery.

As you can see, Maryland dentists, from the earliest times to the present, have made numerous contributions to the oral health of Maryland and of this country. This centennial meeting emphasizes the important historical contributions made by Maryland dentists. But it also provides a forum for current achievements and the projections for future success. A number of nationally recognized leaders in the dental profession will report on the technological advances and research being done within the State.

The Maryland State Dental Association is certainly to be commended for providing the framework for these achievements. It was organized and chartered in 1883 by Ferdinand J. S. Gorgas, and through its leadership has insured the safety and health of generations of Marylanders. Mr. Speaker, I commend the Maryland State Dental Association and offer my best wishes on their centennial celebration.●

BETTER HEALTH CARE ACCESS FOR THE RURAL ELDERLY

HON. TOM HARKIN

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 22, 1983

● Mr. HARKIN. Mr. Speaker, individuals living in rural areas, particularly the elderly, face many challenges as they attempt to cope with rising health care costs and decreasing availability of health care services in their local communities. I am introducing legislation today which will help address these problems by changing Federal regulations to allow small rural hospitals to provide long term skilled nursing care—care which is currently difficult to obtain in rural areas.

In an effort to keep health care costs down we have seen an increasing emphasis on reviewing the records of patients to insure that they are receiving the level of care that they need. This practice is known as utilization review. It helps keep health care costs down by making sure that a patient who has recuperated sufficiently does not remain in the hospital. If continued recuperative care is needed, the patient must go to a facility that will provide the skilled nursing care necessary for long term recovery. This review process helps save money since hospital care is far more expensive than skilled nursing care.

Because of the increased emphasis on utilization review, the demand for skilled nursing beds has greatly increased. However, many patients are having trouble finding placement in skilled nursing facilities—particularly in rural areas where few exist. Therefore, many patients are having to travel long distances to find the appropriate level of care. This is taking its toll on both the patients and their families. The travel from the hospital to the skilled nursing facility is often traumatic for the patient, particularly the elderly. Furthermore, the families must either find accommodations in the area or travel long distances in order to be close by.

The lack of skilled nursing beds contributes to higher medical bills because often the patient is reluctant to make the shift to a skilled nursing bed far away, and therefore may choose to pay the higher cost of hospital care out of their own pocket. Or, more commonly, the patient may not be able to find a skilled bed to move to and therefore is forced to stay in the hospital until a bed can be found.

The families of patients confronted with this problem face a difficult choice. They must decide whether to move the patient home and risk the possibility that they will not receive the level of care they need, or see loved ones moved far away. The last possibility is to pay for the patient to stay in the hospital, thereby creating a major financial hardship on the patient and family.

This problem was first brought to my attention by the families of four patients in Cass County in my district. These patients were being required to transfer to skilled care beds. At the time the Cass County Hospital was only half full and was willing to care for the patients. But Federal regulations prohibited them from using the same hospital bed for skilled nursing care. One of the patients, a man terminally ill with brain cancer, had to travel over 50 miles to find a skilled nursing bed. Another patient facing this move was instead transferred to a nearby nursing home where she died the next day. The other two patients returned to their homes instead of traveling such a long distance, but their conditions worsened and within 2 weeks they were readmitted to the hospital.

When Congress passed the Omnibus Reconciliation Act of 1980, it included a provision for rural hospitals which allowed them to use the same beds for either acute or skilled care, depending upon need. This was referred to as the "swing bed" provision. The swing bed concept is excellent, with one major exception. Current regulations allow only small rural hospitals with less than 50 beds to participate. Because of this 50 bed limit only a few hospitals can participate. This ceiling was selected somewhat arbitrarily at the time, and it has become clear that it is just too low. The result of this low ceiling is that few hospitals can participate in the program, and therefore, this is the major reason why there are few skilled nursing beds in rural areas.

The only other way a hospital with more than 50 beds can provide skilled nursing care is to designate some of

their beds specifically for this purpose, and use them for nothing else. Because of this lack of flexibility and the current medicare reimbursement rate, most hospitals cannot afford to designate some of their beds as solely skilled nursing beds. However, if they could participate in the swing bed program, they could provide skilled nursing care.

The legislation which I am introducing today would raise the ceiling for rural hospitals from 50 to 125. This would allow more hospitals to participate in the swing bed program, thereby, helping to provide more skilled nursing beds at the local level where they are needed the most.

Rural hospitals provide a tremendous service to their communities. Their proximity to health care needs makes their continued service a priority. We all know of the problems that rural hospitals face. Many have an excess capacity of beds, and because of the current 50 bed ceiling for the swing bed program, these hospitals cannot provide this badly needed service by utilizing their empty beds for skilled nursing care. Clearly, it is urgent that Federal regulations be changed.

After discussing this problem with the health care community in my home State of Iowa we are convinced that this small change will have many benefits, and it has their wholehearted support. Rural Iowans, particularly the elderly, rely on rural hospitals to provide needed health care services. By raising the ceiling for eligibility for the swing bed program for small rural hospitals from 50 to 125 beds, we can help insure that patients are better served closer to home. At the same time, costs will be reduced by providing cost efficient skilled nursing care. Finally, rural hospitals will be aided in their continuing effort to provide access to the type of quality health care that local residents have come to expect, and indeed deserve.●

PUBLIC DEMANDS WE PUT OUR ECONOMIC HOUSE IN ORDER

HON. BUDDY MacKAY

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 22, 1983

● Mr. MACKAY. Mr. Speaker, during the August district work period I held town hall meetings in 20 cities and towns across my district in north central Florida. In virtually every one of those meetings, the message was the same—the need to get our economic house in order was the top priority—and that means reducing the staggering $200 billion deficits.

My constituents, and I have a very high percentage of retirees, indicated a willingness to share the burden of coping with the deficit—as long as that burden is applied fairly and across the board.

Several of my freshman colleagues and I are seriously concerned that with the diversions of Lebanon and Central America, no meaningful action on the deficits will occur in this session of the Congress. These international crises demand our attention, of course, but our domestic economic crisis is just as urgent.

Two positive approaches are available. I believe they will work well together.

First, I believe we should consider an across-the-board cut in allocations for discretionary programs, both defense and nondefense—the so-called 2-percent solution—coupled with the enactment of the revenue proposals currently being considered by the Ways and Means Committee. I am convenced that my constituents will accept such a program if applied across the board. Such a cut would yield significant deficit reductions and would result in a deficit smaller than under the President's budget.

Those deficits reductions will provide a sound point form which to begin a pay-as-you-go system such as the one proposed by our colleague from California, GEORGE MILLER.

Pay-as-you-go is based upon the fundamental principle that when the Congress creates new programs or expands existing ones, the final test is whether we have the courage to go to the American people and to ask them to pay the cost of these programs up front. Pay-as-you-go tells a President or a Member of Congress that when he proposes a new program, whether it is to fight the war on poverty or an expansion in defense spending, he must be willing to pay for the policy up front.

This is a new approach. In the past we have never had to set priorities because we were able to fund all of our priorities by spending the money, and passing the bill along to our children. What we are presently experiencing is a legacy of a failed economic policy written by both liberal and conservative spending.

I support this program as the framework for controlling spending and controlling the deficit. Pay-as-you-go is a budget process that all Americans can understand. Combined with the 2-percent solution, it will go a long way toward restoring our economy.●

IN A TOWN NEARBY

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 22, 1983

● Mr. MARKEY. Mr. Speaker, once again Secretary James Watt has told a joke that is not funny. Once again, Mr. Watt has demonstrated that his insensitivity and disrespect is not limited to the Nation's natural resources, but extends to his critics and his own colleagues alike. For Mr. Watt, intolerance and profound bigotry has no bounds.

Yesterday the Secretary insulted the respected members of his recently appointed Coal Commission by stating that its members included "a woman, a black, two Jews, and a cripple." With such a reckless statement, Mr. Watt has insulted and embarrassed all Americans.

This is the same Secretary that held a private Christmas party in the middle of Arlington National Cemetery. It is he who has questioned the patriotism of fishermen who want their fishing grounds to remain unpolluted. Mr. Watt has described American Indians as "failed Socialists." And he has divided people into two groups which he labeled "liberals and Americans."

With Secretary Watt in the Cabinet, it is no wonder that President Reagan has a minority gap, a gender gap, an environmental gap, and a credibility gap. Surely the time has come to create the Watt gap by arranging a temporary vacancy in the Office of the Secretary of the Interior to be filled by someone who is responsible and effective.

While the attention today is focused on Secretary Watt's most recent ill-considered remarks, I want to bring to the attention of my colleagues another statement Mr. Watt recently made which contained similar examples of intolerance and insensitivity.

On August 13, 1983, while the Congress was in recess, Secretary Watt made a speech to the General Council of the Assemblies of God in Anaheim, Calif. Although some of the speech was reported in various media stories, many Members were out of Washington in their districts and may have missed reading about this interesting oratory. Therefore, I am taking this opportunity to reprint the Secretary's speech in its entirety.

The speech follows:

"... IN A TOWN NEARBY"

Thank you for the prayer support you have given to my wife and me. We feel that support and are grateful for it. The President frequently requests the people of America to pray for the Nation's leaders because he, too, bears witness to the sustaining power that comes when the people of God pray. Thank you.

As Secretary of the Interior, I am responsible for the stewardship over one-third of America's land mass—750 million acres. The decisions we make are important for us now and for the generations yet to come. As we prepare for the 21st Century and beyond, we are deeply concerned about the environment and the management of our natural resources. We have made major changes in the way our natural resources are managed.

As a result, I am able to report that all the Federal lands are in better condition and better managed than they were when we inherited responsibility for them almost three years ago.

The natonal parks are now being restored—the national wildlife refuges are being improved and the coastal barriers, wetlands, forests, deserts and mountains are now under good stewardship.

As important as these responsibilities are, there is yet a more basic battle, a more important responsibility in which I am involved. The real struggle, the real fight, is over the form of government under which we will live and the form of government we will pass on to those of the 21st Century. Will it be a government that recognizes the dignity of the individual? Or will it be a government that elevates the institutions of a centralized authority above the rights of individual persons?

As we look through the pages of history, we will see that men and women have been engaged in a struggle that comes from their hearts. That struggle is a yearning for the right to live and associate and work as we want—to be free to govern ourselves and to protect our neighbors. It is a yearning that flows from the heart like a stream of life—a stream of life crying out for political liberty.

Out of the same pages of history, we see that it is excessive government that seeks to limit and destroy our political liberty—whether it is government by a dictator, a monarch, a warloard, a czar or the Gestapo.

Those same history books also tell us of another cry that comes from the heart—a cry that calls for the freedom to worship God, the freedom to assemble with those of like precious faith—the freedom to commit our lives to a doctrine and a belief in the one true God. This call for spiritual freedom also flows from the heart, like a stream of life.

Again, it is excessive government that seeks to oppress spiritual freedom, just as it oppresses political liberty.

These two streams of life—one calling for political liberty and one calling for spiritual freedom—have flowed through the ages. The history books are replete with the stories of successes and failures, but there is one glorious moment where these two streams have come together in the destiny that God provided. They have come together to form a mighty river called America. And, yet, here in America the same enemies of political liberty and spiritual freedom continue to use government in an effort to snuff out the flow of life from the hearts of men and women.

That is our battle today. It is a battle to enhance political liberty and spiritual freedom. It is a battle that will continue. It is a battle that will require us to be vigilant at all times. Freedom is not free.

One of the responsibilities I have as Secretary of the Interior is the privilege of caring for the Nation's memorials and monuments. In that capacity, I have become involved in the development of a United States Holocaust Living Memorial in Washington, D.C. In December 1982, I was asked to swear in new members to the U.S. Holocaust Memorial Council.

In preparing for the ceremony, I read the briefing books which alerted me to the fact that many of those to be present at the luncheon were survivors of the Nazi death camps. But nothing prepared me to meet one who has survived the atrocity of man against man. I struggled with my emotions. Words failed me, as I shook hands with Dr. Elie Wiesel, Chairman of the U.S. Holocaust Memorial Council, and also a survivor. To explain the impact, my wife and I shared with him this story told by a visitor to an underground church behind the Iron Curtain.

A Pastor was returning to his church after years of torture and deprivation in a Communist prison. When he entered the back of the room, the singing stopped. None would have questioned the silence, for his physical appearance was appalling—pitiful. With barely the strength to maneuver to the front, the Pastor turned to face the crowd; the silence deepened. No one moved. In suffering sentences, he greeted his flock and shared how Christ had strengthened him, had enabled him to endure. He thanked them for their prayers.

Exhausted, the Pastor concluded and painfully shuffled his way to the exit. The continued silence was embarrassing to the visitor. There had been no welcome. No sound. No applause. Yet all their faces were soaked with tears. At the appropriate time, the visitor asked why the congregation had not responded or even acknowledged the presence of the Pastor. With tears continuing to flow, the hushed answer came, ". . . what does one say in the presence of someone who has suffered so much?"

Dr. Wiesel nodded his understanding.

After the ceremony and the luncheon, Dr. Wiesel escorted us to the elevator. He was expressing his gratitude for the role the Department of the Interior was playing in providing a living memorial to the Holocaust. It seemed so little to do. In parting, I hesitated a moment longer as we shook hands and I admitted to Dr. Wiesel that I felt the impact of his survival deeply. Entering the elevator, I heard my wife say to him, "In the presence of one who has suffered so much, what can anyone say?" I turned to see the tears in my wife's voice meet those in his eyes.

I was but a child when the atrocities of Hitler raged through Europe. The meeting with Dr. Wiesel and the purpose of the U.S. Holocaust Memorial Council captured my interest. I started reading and thinking and reflecting on what was going on today in America and, in fact, the free world.

The story of the Holocaust is frightening. While is was historically and socially unique, the forces that created the Holocaust still exist. Other minority groups could be the subject of an attack on their spiritual freedom and political liberty.

The story does not start with the criminal torture, abuse, and destruction of a people. But, first with an attack on the moral and spiritual values of life. For religious rights are the basis for human rights.

The German people were conditioned to hate and be intolerant of the Jewish people before the methodic killing and destruction of human life began. Spiritual freedom and political liberty were not honored or protected. There was apathy toward evil and evil prevailed.

"Good people" lived in the towns nearby, but they did not get involved to stop Auschwitz. They did not concern themselves with Dachau or any of the other places of human destruction.

The apathy and noninvolvement of the "good people"—the church people—in the Nazi government activities of the 1930's made it easy not to smell the burning stench of human flesh in the 1940's.

Ignoring the educational process of discrimination in the 1930's allowed the minds of the "good people"—the church people—to be closed to the realities of torture, murder, and abuse of the 1940's. The surprise of the Hitler era was not that one man could be so evil, but that so many failed to do good.

How could the German people live with all the evidence that would point to the massacre of 6 million Jews? You wonder—how could it happen? How could people live in the town nearby smelling the stench and not do something about it? How could they see the thousands of peoples hauled by trains or marching through their towns never to return and not do something about it? How coud they live next door to people who worked in those installations of death without doing something about it?

And yet today, here in America, we see millions of Americans doing nothing about forces mounting in this land to deny us our life, our hopes, and our purpose. What is mankind without political liberty and spiritual freedom?

While it's easy to get indignant about the inhumane, the diabolical action of Hitler, we in America today are denying life to one and a half million aborted babies each year. Oh, there are a few people who protest—a few people who try to change the law, a few people who march and write letters—but where is the voice of the Christian church? Where is the Jewish community? What are the silent people doing while this destruction of human life is carried out? It is murder—let's call it murder.

Where is the social conscience of America? Where are the people who cherish and hold life so dear? In a historical perspective, we are the ones now living in the towns nearby just as those Germans were in the late 1930's and the early 1940's. We are blaming legislators, the Supreme Court, the hospitals. But it is we who have allowed the selfishness of America to demand the destruction of life for the convenience of the moment.

There are other issues in America where we see millions of silent people living in the towns nearby—not getting involved, not being committed, not standing for what is right. And, yet, as those issues continue their march, there is the erosion of our political liberty and spiritual freedom.

We should talk about schools and education. We all believe in education. It is critical to America. And, yet, the monopolistic public school systems have deteriorated year after year. Too many of our children are almost illiterate—boys and girls are graduating from high schools when they can't read sufficiently well to fill out an applicaton for a job. To many children have low moral values—school boards do not allow the teaching of right from wrong. We have allowed our classrooms to be taken over in some instances by secular humanists who believe that man and not God is at the center of all things and who do not share the fundamental commitments of America to assure political liberty and spiritual freedom.

What do most Americans do? Most Americans live in the town nearby and are too busy to be concerned with those political matters. We don't serve on the schoolboard, nor do we vote in the schoolboard elections. In too many instances, we simply surrender the right to run the schools to those activists who would seek to implement philosophies and programs that bring about the deterioration of our public school systems. Thus, our public schools become government schools weakening political liberty and spiritual freedom.

In the early days of the Republic, public schools were to be encouraged in America because we believed that all people were entitled to an education. The states carried out the responsibilities of seeing that all Americans had an opportunity for an education. And in that framework, we taught the values of America—we taught patriotism, we encouraged religious commitment. We started the day in many of our schools with the pledge of allegiance to the flag and a prayer to God.

And yet today, through actions of state legislatures, the United States Supreme Court, and the Congress of the United States, the right of the children to have organized voluntary prayer is denied. The fundamental values of religious teachings are denied. The teaching of patriotism that is critical to the survival of a national spirit and the continuation of a strong country is diminishing. And what do the parents of the children do? We live in a town nearby. We don't recognize the stench or the marching of the enemy.

Today, America is confronted with yet another controversy that threatens our very existence—the nuclear freeze movement.

The free people of the world do have an enemy—Communism. Many argue that the Communists don't seek to dominate and control the world—they argue that the Communist leaders want peace and can be reasoned with.

The facts are to the contrary. The atheistic forces of Communism proclaim that they will dominate and rule the world. Their relentless march of oppression hammers out their determination.

The spokesmen of the present nuclear freeze movement have failed to review history. In 1939, there was only one Communist country—Russia—accounting for about 7 percent of the earth's population. After the great victory in World War II, the Iron Curtain fell. Millions of people lost their freedom and liberty to a government of oppression. The hammering march took Albania, Bulgaria, Yugoslavia, Poland, Romania, Czechoslovakia, North Korea, Hungary, East Germany and Mainland China. All lost to the Communist forces in the late 1940's. Then came the loss of Tibet in 1951, North Vietnam in 1954, Cuba in 1960, Cambodia, Laos, and South Vietnem in 1975, and Afghanistan and Nicaragua in 1979. Add Mozambique, Angola, South Yemen, and Ethiopia to the list. As a result, the Communist governments now control more than a third of the world's population.

In spite of these historical facts, respected spokesmen call for a nuclear freeze that would give Communist forces throughout the world a clear advantage.

It is important that those of us who are evangelical and fundamental in our faith take a position on this moral issue and not surrender the political debate to the liberal spokesmen of the religious communities.

I do not intend to argue the merits. The proper conclusion, as seen from my perspective, is very clear. We must champion peace—and peace only comes with strength. We must never allow this great stronghold of spiritual freedom to agree to a freeze of its military capabilities at a level of inferiority.

In the last 50 years, the role of the government in our private lives has escalated in unprecedented dimensions. As the Government itself grows stronger, the citizen's participation in that Government grows weaker. With less involvement and a more dominating government, the threats to liberty and freedom are much greater.

It is time for renewal. It is time for recommitment. When I was a young boy, the common teaching was that, to be socially acceptable, you didn't speak about religion or politics. That is wrong on both counts. Unfortunately, that is still the way many in America are taught. As a consequence, we have a hurting Nation.

Let us come out of our silence. Let us be bold to stand. Let us dare to speak. We need to speak about the Judeo-Christian commitment of this country. We need to talk about our spiritual freedom and our political liberty. We need to get involved.

It is wrong for the Jews and the Christians of America to stay out of political issues. We must get involved if we are to fight for the fundamental freedoms, the fundamental principles and the fundamental commitments to faith. We must not abandon those principles which are based upon absolutes. There are absolutes in this world. And, to deny it is to deny God. Without God, this Nation cannot and will not survive, nor does it deserve to.

We must see to it that our people are active in community affairs. We can encourage their involvement by example, from the pulpit, with special committees, through education, with action groups or by other means. But we must be successful in involving moral people in politics and government activities. To live in America means every adult should be responsible for the course of our Nation.

We must see that the faithful are involved in the school system. We must see that the faithful are involved in private welfare and charity programs of this Nation. We must see to it that the faithful must be active in political activities—not as a church or synagogue, but as individuals who are aware of their spiritual freedom and their political liberty.

If the Christians and Jews are not also active in politics, they will lose that which is critically important to America. My challenge to the Cristians and Jews is to get involved—to be involved in politics—to make the decisions that count—and to do whatever is necessary to see to it that there is a balanced perspective as we seek to champion and defend those forces that would guarantee us our liberty and our freedom.

I am not indicating that there will, or should, be a monolithic voice. The strength of America is the pluralistic society that allows the several divisions in the Protestant Church, the Catholic Church and the Jewish community. We must even tolerate those who stand against all of the fundamental principles.

The same is true in the political world. Not every Christian will be committed to the same political resolution. But every Christian should be committed to a political resolution. In our democracy, the pluralistic society must be championed and protected. The worst option available to America is non-involvement by the spiritually inclined. For all legislation is based on moral values and moral values should be weighed by the fundamental teachings of the religious perspective.

To pretend that you may not mix religious and political activities is an hypocrisy that can no longer be afforded in this country.

The constitutional provisions were set up so that the state could not dictate the existence of a national church. Its purpose was to protect spiritual freedom and not put the force of government behind any one expression of religious activity. The objective was to protect a pluralistic society. It was never meant to exclude those who follow God. That constitutional principle has been prostituted severely by the enemies of spiritual freedom in an effort to curtail the expression of religious freedom. We must fight and resist in every possible way those forces which seek to limit our spiritual freedom.

My mind shifts back to January of this year, when my wife and I stood hand in hand in the Simon Wiesenthal Holocaust Memorial Center in Los Angeles. We studied the pictures on the walls of that memorial—pictures that portrayed the unfolding of the history of the hatred and discrimination that swept across Europe in the 1930's leading to the death and destruction of eleven million human beings—six million of them Jews. On one of the walls of the memorial is a picture of a survivor of a German death camp pointing with shame at pictures of the world political and religious leaders fo the 1930's and 1940's.

Below the picture of the survivor are the words which have been seared in my mind forever:

"Here is to the world that did not care. Those that had eyes but would not see; those that had ears but would not hear; those that had mouths but would not speak."

As I read those words, I renewed my life's commitment to the battle for spiritual freedom and political liberty.

Let it never be said of us that we would not see, or would not hear or would not speak. We must courageously defend those principles that are America. No price is too great.

Thank you.●

NO SELECTIVE EMBARGOES

HON. BILL EMERSON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 22, 1983

● Mr. EMERSON. Mr. Speaker, I am pleased today to offer a concurrent resolution stating it is the sense of the Congress that agricultural products should not be singled out to be embargoed by the United States. I have found this necessary due to the recent appearance of legislation that would, once again, place the entire economic burden of U.S. foreign policy decisions on our farmers.

Past selective embargoes have proven to be ineffective in the sense that they cause as many, probably more, hardships to ourselves as they do to the country being embargoed. In addition, the 1980 embargo did not make the Soviet Union any less belligerent anywhere in the world, especially Poland and Afghanistan.

By selling agricultural products to the Soviets we are, indeed, enhancing our own defense capabilities, because they are receiving perishable commodities and we are receiving hard currency from the Soviet economy that could, and probably would, otherwise be used to further strengthen their war-making capabilities.

Mr. Speaker, in a truly bipartisan nature, over 30 of my colleagues have joined with me to offer this resolution. We would certainly welcome any other Members who would like to join with us as cosponsors of this resolution.●

INTRODUCTION OF H.R. 3970, A BILL TO ESTABLISH A NATIONAL OFFSHORE OPERATORS SAFETY ADVISORY COMMITTEE

HON. WALTER B. JONES

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 22, 1983

● Mr. JONES of North Carolina. Mr. Speaker, I am today introducing, along with Mr. FORSYTHE, Mr. BREAUX, Mr. YOUNG of Alaska, and Mr. STUDDS, a bill to establish a National Offshore Operators Safety Advisory Committee to advise the Coast Guard on issues concerning safety in offshore oil and gas exploration and production activities. This bill is identical to a measure introduced in the 97th Congress by Mr. BREAUX (H.R. 6648).

Section 208 of the Outer Continental Shelf Lands Act Amendments assigned to the Coast Guard four separate responsibilities pertaining to the safety of oil and gas operations conducted on the Outer Continental Shelf (OCS). First, the Coast Guard, in conjunction with the Department of the Interior, is given a broad mandate to examine the safety regulations and technology available in the field of offshore energy development. Second, the Coast Guard must require the use of the safest practicable technology in the development of these energy resources. Third, it must regulate hazardous working conditions on the OCS. Finally, it is required, in consultation with the Department of Commerce and the National Institute of Occupational Safety and Health, to examine the safety of underwater diving techniques and equipment.

The Coast Guard's ability to fulfill these requirements depends on its ability to understand and work effectively with the offshore oil industry.

This legislation creates a forum through which the Coast Guard can meet with individuals who have expertise in offshore oil and gas development activities, to discuss safety issues. The Advisory Committee will be appointed by the Secretary of Transportation and will be composed of 13 members, selected according to the following criteria:

Two members will be from companies engaged in oil production;

Two members from offshore drilling companies;

Two members from offshore supply boat companies;

One member from an offshore rig construction company;

One member from a diving company;

One member from a company offering petroleum-related helicopter services;

One member from organized labor;

One member from an environmental organization; and

Two members from the general public.

This bill requires the Coast Guard to meet with the Committee at least once a year and to consult with the Committee before taking any significant actions affecting the safety of operations associated with offshore oil development.

The only Federal expenditures required by this legislation will be that needed for travel of Committee members and for clerical expenses.

The Coast Guard has worked well with advisory committees in other areas subject to its regulatory authority. The establishment of the advisory body recommended in this bill will cost the Coast Guard very little and will give that agency an opportunity to acquire on a regular basis the information it needs to carry out its legal responsibilities in the area of OCS safety. Accordingly, I hope that prompt and favorable action on the bill will be taken.●

H.R. 1234—A VITAL STEP FORWARD

HON. RICHARD A. GEPHARDT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 22, 1983

● Mr. GEPHARDT. Mr. Speaker, I believe this legislation is needed now to help preserve America's industrial base and to promote balance in international trade.

Some people wrongly admit that the conditions justifying this legislation no longer exist. They think that the recent rebound in auto sales and possible Japanese export restraint will take care of the problems that have prompted the bill. This bill is needed as much today as when comparable legislation was first introduced in December 1981.

Before the Congress convenes in 1985, the auto companies that dominate the U.S. market will make critical decisions about where they will locate parts production and assembly of new small cars. The consensus of industry experts indicates a rapidly increasing volume of imported small cars or their components. Thus, auto-related employment will continue to erode unless we take decisive action.

All auto companies with large volume sales here should be investing and creating jobs in the United States. Most Americans support local content according to recent polls by Lou Harris—57 percent favored, 39 percent did not—and by Garth/Penn Schoen—74 percent to 20 percent. Editorials by both Business Week and Automotive News have supported the concept of local-content legislation for the U.S. auto industry. Ichiro Shioji, president of the Japanese Auto Workers, has advocated for several years that Japanese auto companies make significant investments in countries where they have large markets, notably the United States.

Media attention focused upon increased auto sales and profits has led many to assume that employment in the industry is increasing significantly. But this is not correct. Increased imports threaten to continue to aggravate already high unemployment rates. Late last year the industry had only 506,000 production workers, as domestic vehicle sales plunged below 8 million. Between 1978 and 1982, auto sales dropped 39 percent and direct auto production jobs skidded 276,000, for a decline of 35 percent.

This year's sales recovery has restored only a quarter of the 1978–82 job loss. Sales in the first 8 months of 1983 amounted to an annual rate of 9.2 million, 29 percent below 1978. As a result, the latest employment figures—577,000 jobs in June—indicate employment still 26 percent below 1978.

Domestic vehicle sales are running almost 4 million units below 1978 due primarily to a weak economy—in earlier years, domestics' sales were also hurt by the failure of the U.S. companies to anticipate the rapid change in the auto market toward vehicles with higher gas milage. Domestic auto sales would now be running 1 million units higher, however, if imported vehicles had not increased their share of the market from 15 percent in 1978 to 24 percent this year. This increase has caused serious injury to the domestic auto industry.

Productivity increases will largely wipe out the potential for increased job opportunities with increased sales. In fact, over the last 2 years auto productivity has improved an average 4.3 percent. The imperative to improve competitiveness will insure that auto's traditionally high rates of productivity growth will continue. With sales growth and productivity increases each offsetting each other, auto-related employment will decrease with any further increases in import penetration.

Industry experts predict that imports of vehicles and parts will climb sharply in coming years. By 1990, the import share is predicted to be 35 to 40 percent by Commerce Department's auto analysts, 40 percent by Merrill Lynch Economics, 35.8 percent by Chase Econometrics, and as much as 65 percent under one scenario considered by a National Academy of Engineering panel. A General Motors

spokesman predicted last fall that the import share could reach 40 percent as soon as 1985—the year after GM expects to begin receiving small imported cars from Isuzu and Suzuki.

In the case of parts, the evidence points to a similar escalation. When the accounting firm Arthur Andersen surveyed management at auto companies this year, it found a consensus that the percentage of imported parts would rise to the range of 20 to 25 percent by 1990.

The provisions of H.R. 1234 are designed to assure a healthy and competitive domestic auto industry. The bill recognizes the critical power of a few giant manufacturers to decide where production will take place to supply the U.S. market. Under H.R. 1234, all companies with annual sales here of over 100,000 vehicles would be required to locate some production here, hire workers here, and buy auto parts here. After a 1-year grace period, the requirements would be phased in over the next 3 years. The content requirement would be based on a vehicle manufacturer's trade balance in automotive products. For example, a 90-percent content requirement would permit a company to have net automotive imports—imports minus exports—worth up to 10 percent of its wholesale auto sales here. A company's content requirement would be based on a smooth scale that starts at 100,000 vehicles, then rises until 900,000 where it levels off. From model year 1987 onward, the content percentage—up to a maximum of 90 percent—would be derived by dividing sales by 10,000. Thus, sales of 355,000 entail a 35.5-percent content requirement. A "safety net" provision prevents a company from reducing its content ratio by more than 10 percent below the 1983 model year. Thus, AMC/Renault which is currently about 80-percent domestic content could not fall below 70 percent.

By 1990, H.R. 1234 would create or preserve more than 1 million jobs, including 193,000 auto jobs, and 456,000 supplier jobs. At stake is whether the United States will continue substantial parts production and assembly of smaller vehicles. Our current policy of accepting 1-year-at-a-time commitments from Japan to limit exports to the United States cannot give us much assurance about the longer term. The auto companies are making decisions now that will determine the location of production several years from now. Plans being made by GM during the last 2 years of restraint do not bode well for our production in this growing segment of the market. According to GM's announced plans, its U.S. dealerships will soon sell annual imports of 90,000 Suzukis and 200,000 Isuzus, plus 200,000 U.S.-assembled cars with 50-percent imported value from Toyota. Ford is reported to be considering the assembly of subcompacts in Mexico with major parts from Toyo Kogyo in Japan and selling them here.

The number and significance of supplier jobs must be emphasized. The auto industry is among the major purchasers of steel (21 percent of U.S. production) malleable iron (50 percent), synthetic rubber (60 percent), zinc (34 percent), copper (13 percent), primary aluminum (12 percent), and high tech industrial robots (30 percent). Continued decline in the U.S. auto production base will cripple those industries as well.

U.S. automotive production currently amounts to about three-quarters of the value of new cars and trucks sold here. Imported vehicles and parts in excess of U.S. automotive exports account for the remaining quarter of our market. By requiring U.S. production and purchases by all companies with large sales here, this bill would stabilize the future ratio of U.S. production to sales at roughly three-quarters. By the end of the decade, in the absence of the local-content law, U.S. automotive production as a share of the market can be expected to fall to about one-half of U.S. auto sales. A fall in U.S. production from three-quarters to one-half of the auto market would eliminate the jobs of more than 193,000 auto workers—and at least 5.5 times that many outside the auto industry.

To stabilize U.S. auto production relative to the market, the bill addresses imports of both vehicles and parts. Instead of rising to their predicted 40-percent share of the market, many vehicles which would otherwise have been imported will instead be built or assembled here. The overall domestic value added of foreign companies would rise to roughly 50 percent of the value of their sales here, instead of remaining at about 15 percent. In addition, net foreign sourcing by the largest U.S. companies would be capped at 10 percent of their sales here, and prevented from rising to an otherwise probable 20 percent by 1990.

Stemming the tide of imported vehicles and parts will not cost this economy jobs as some have alleged. Some analysts have focused on particular jobs in trucking, at dealerships, and on the docks. Since the bill means that companies would be making more cars here and importing fewer, the total number of jobs in trucking parts and vehicles should increase. Employment at dealerships should not be affected by where the vehicles are built. The 7,000 auto-related jobs on the docks should be little changed since increased exports and imports of parts should largely offset the effect of lower vehicle imports.

Still other critics who have used economic models to estimate a net job loss have tended to assume: (1) that workers and capital equipment are always fully employed and infinitely flexible; and (2) that if one job is destroyed, another pops up to take its place. Under those conditions, anything the Government does will only make things worse. In the real world, however, 10.7 million people are looking for work—2.8 million more than in July 1981. Moreover, the auto import share is expected to soar while plans by the U.S. auto companies call for increased foreign outsourcing and reduced U.S. jobs. If the auto industrial base is allowed to continue spiraling downward, the job loss there cannot possibly be offset by additional exports in other industries.

Enactment of H.R. 1234 would have minimal adverse effect on prices and quality, and potentially a positive effect on quality of the vehicles available to the American consumer. Studies which project significant price increases have assumed a major reduction of market share by foreign companies. But evidence from other countries indicates that the auto companies use every effort to maintain market share. Thus, rather than walk away from this market, all the major auto companies would invest and purchase here in an attempt to maintain and increase their market shares. With such competition, prices will be kept in line.

The price of new cars has risen less than the overall consumer price index in each of the last 5 years. The auto industry can sustain lower than average price increases because of its remarkable productivity growth. Over the last 25 years, the industry has averaged productivity increases of 3.2 percent annually—well above the average for all of manufacturing. Indeed the industry's productivity has climbed an average 4.3 percent over the last 2 years.

Product quality is justifiably of utmost concern to consumers. The U.S. companies have been making great strides in improving what is known as the fits and finishes aspect of quality, and we sense a serious commitment by corporate management to continue progress in this area. If anything, that commitment would be strengthened after more foreign companies increased their investment here. At the same time, American-made vehicles have been and would continue to be the leaders in other aspects of quality such as durability and safety.

A domestic content law would also retain competition among the world's auto companies to provide the American consumer with a wide variety of innovative products built with the most efficient technologies available. The U.S. producers would continue to be pressured by the discipline of the design and engineering innovations of foreign-based manufacturers.

GM, Ford, and Chrysler have domestic content levels that now exceed the maximum 90-percent content level. In recent years, the big three have been making long-term commitments that will increase their foreign outsourcing in coming years. If they are free to continue to make such commitments, they will fall substantially below the 90 percent floor in the next several years.

As noted above, AMC/Renault has a domestic content level above that which would be required by the bill.

VW and Honda operate auto assembly plants in Pennsylvania and Ohio, respectively. Both can attain the requisite domestic content by assembling a sufficient number of vehicles with enough U.S.-made parts. VW already does that by operating two parts plants in Texas and West Virginia and purchasing many other parts here.

Nissan—maker of Datsun—has begun assembling trucks at a site in Tennessee which has room for expansion. Japanese press reports indicate that Nissan management is now seriously considering an additional car assembly plant next to the truck plant. Nissan and affiliated Fuji—maker of Subarus—will have to go beyond that to achieve the content percentage necessary to maintain its current sales level.

As the company that has made the least effort to build vehicles here, Toyota would be the most pressed by enactment of this bill. As early as 1978 in private meetings in Japan and public USTR statements in 1979, U.S. trade officials have made clear that Japanese auto companies should be investing here; 3 years ago, Toyota commissioned three investigations of the feasibility of investing in the United States and held meetings to discuss a joint venture with Ford. Toyota's recent agreement to assemble cars in a joint venture with GM inaugurates only the first of the requisite steps for Toyota to achieve the appropriate level of U.S. content in its cars.

Finally, Mitsubishi—selling through Chrysler's dealers and independently—and Toyo Kogyo—maker of Mazdas—also currently make more than 100,000 vehicles sold in the U.S. market each year. At their current sales volume, each could meet the content percentage by embarking on substantial parts procurement or production here.

The auto industry has been a centerpiece of the industrial strategy of most industrial countries. World trade in automotive products today bears no resemblance to the textbook world of free trade. In fact, H.R. 1234 seems quite moderate when compared to the measures imposed by the governments of all other major auto-producing nations, including Japan, Germany, Sweden, Britain, France, and Italy.

H.R. 1234 applies to a single industry in serious import jeopardy. Moreover, it phases in over a reasonable period. Perhaps most importantly, in this case the United States would not be firing the first shot but would be the last to raise a shield. Finally, it does not isolate the American economy from involvement with other nations, but integrates foreign companies into the U.S. economy.

Other than American companies, the few companies substantially affected by this bill are based in Japan. What is the likely response of those companies and the Japanese Government? In the first place, Japan has never brought a GATT complaint, much less retaliated, against the dozens of countries which restrict Japanese auto exports much more stringently than would H.R. 1234. Indeed, to achieve or maintain their market presence, Japanese auto companies have invested in many of those countries.

As a practical matter, Japan has a very limited capacity to take action against the United States even if it were to go to the GATT and prevail. The GATT procedures require that Japan first meet with the United States to try to iron out difficulties before a formal complaint is filed. If Japan were to file a formal complaint, the United States could file countercharges against the auto policies of Japan.

For many products, the United States is Japan's predominant supplier; and of those imports for which Japan does have alternative sources, those source countries have auto policies far more restrictive to Japanese auto imports than H.R. 1234. Australia, Argentina, Brazil, Indonesia for foodstuffs and raw materials; European countries for manufactured goods. Japan could retaliate against modest U.S. auto content legislation only by buying less from us and more from countries with auto policies which limit their exports even more severely than would H.R. 1234.

We strongly believe that heightened international economic tensions warrant our concern. The experience of the 1930's has important parallels and lessons. At that time the United States had extremely high real interest rates and the world economy was experiencing volatile exchange rates and general economic decline. These conditions were primarily responsible for shrinking trade then and are again today. Our international economic distress calls for an international commitment to reflation, repudiation of tight monetary policies, a more orderly exchange rate regime, and expanded credit to countries in balance-of-payments problems. These, not doctrinaire free trade, were both the policy prescriptions of Keynes after the debacle of the 1930's and the hallmarks of the post war boom in the international economy.

The United States must decide whether to leave the fate of its industrial structure to the policy decisions of foreign governments or to adopt its own policy. Trade with Japan poses the most serious challenge because of its size, aggressive exports, and ambitions in key industries.

Contrary to many reports in the American media, we do not have trade problems because the Japanese worker is somehow inherently superior to the American worker. With the proper equipment and working environment, the American worker can produce as well as or better than the competition.

The remarkable success of Japanese exports instead depends heavily on the dualism of the Japanese economy. On the one hand, the export sector has technological parity with its competitors in other advanced countries. On the other hand, most other sectors of the Japanese economy have very low productivity which brings down the pay scale of the entire country. In a wide open market, the Japanese industry will displace the counterpart U.S. industry by merely keeping pace with our technology. In other words, despite the best efforts of the U.S. industry, Japanese export industries have a critical edge due to the low productivity and concomitant lower pay of the Japanese economy as a whole.

The Japanese Government has used credit allocation, import restrictions, subsidies, corporate restructuring, et cetera, to assist civilian industries in achieving technological parity and large scale production. To one degree or another, the successful Japanese export industries—including auto—have benefitted from such targeting measures.

The Japanese export sector has also benefited from the key resources and skilled manpower that are more available to it in part because Japan devotes a much lower percentage of its economy to defense than does the United States.

The case of Japan flatly contradicts the thesis that potentially overwhelming import competition is the sine qua non for keeping an industry on its toes in technology and investment. Japan has maintained domestic competition while holding imports at bay.

The exchange rate of the Japanese yen is now undervalued for trade purposes due to capital flows out of Japan. Japan's protected low-interest capital market coupled with high U.S. interest rates accounts for this yen-depressing outflow. According to experts both here and in Japan, measures can and should be taken to raise the value of the yen by 20 percent or more. An appropriately valued yen would raise the landed cost of a $5,000 Japanese vehicle to $6,000 wiping out two-thirds of the often-claimed $1,500 Japanese advantage.

Enactment of H.R. 1234 would put Japanese economic policymakers on notice that they can no longer expect U.S. passivity when Japanese industry adds substantial capacity with the potential to displace hundreds of thousands of U.S. jobs.

We recognize that responsibility falls on labor and management in the industry to take resolute action. Progress is being made. Despite an enormous drop in revenues, the auto companies have been plowing $9 to $10 billion a year into new products and equipment. The companies are also improving product quality.

Unfortunately, these actions will not suffice to assure the stability and vitality of this industry. If the U.S. Government does not take action to stabilize the long-term employment in our auto industry that is threatened with continued disastrous erosion for the remainder of the decade.

The time has come for the U.S. Government to decide that it will maintain a competitive auto industry. That decision would bring the United States into conformity with the pattern of auto policies around the world. That policy is supported by a wide majority of the American people.

We believe this legislation is needed now to help preserve America's industrial base and to promote balance in international trade.●

HEALTH CARE FOR CERTAIN NOAA EMPLOYEES

HON. WALTER B. JONES

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 22, 1983

● Mr. JONES of North Carolina. Mr. Speaker, today I am introducing H.R. 3968, a bill to insure continued health care for eligible employees of the National Oceanic and Atmospheric Administration. The bill is cosponsored by the gentleman from New Hampshire (Mr. D'AMOURS) and the gentleman from New Jersey (Mr. FORSYTHE).

As a result of the phaseout of Public Health Service (PHS) hospitals (Public Law 97-35; 42 U.S.C. 248b) and related fiscal adjustments, the National Oceanic and Atmospheric Administration (NOAA) must obtain new administrative authority to insure that NOAA employees who are commissioned officers or work on NOAA ships, entitled to health care from the PHS, are able to continue to have this care provided on a contract basis. This bill will assure that eligible NOAA employees continue to receive necessary health care services by: One, authorizing NOAA to provide and budget for their care; and two authorizing this care to be provided in contract facilities.

Section 326 of the Public Health Service Act, as amended (42 U.S.C. section 253), and section 1 of Public Law 88-71 (42 U.S.C. section 253a), require the Public Health Service to provide medical and dental care to active duty and retired commissioned officers, ships' officers, and members of the crews of vessels of NOAA as well as to their dependents. Under the provisions of chapter 55 of title 10, United States Code, the Secretary of Health and Human Services is responsible for providing medical and dental care to active duty and retired members of the corps of NOAA—as successor to the Environmental Science Services Administration—as well as their dependents and survivors. This care has been provided in part through PHS hospital and clinics, and in part through PHS contract services.

In the past, the PHS budgeted for the cost of providing to NOAA personnel this health care. Subsequent to passage of Public Law 97-35, the Omnibus Budget Reconciliation Act of 1981, phasing out PHS hospitals and other facilities, the administration determined that fiscal accountability would be improved if NOAA and other affected agencies such as the Coast Guard each made provision in their budgets for health care services for that agency's personnel.

For fiscal year 1983, NOAA received an appropriation for these health care services as part of the joint resolution for further continuing appropriations for fiscal year 1983 (Public Law 97-377). Pursuant to the Federal Economy Act and a memorandum of understanding between NOAA and the PHS, the PHS is now providing health services to eligible NOAA personnel on a reimbursable basis.

Section 1 of my bill would provide permanent authority for the Secretary of Commerce to budget for dental and medical care to which NOAA personnel are entitled under titles 10 and 42, United States Code. The Secretary of Commerce could provide this care by contracting directly with private facilities or by reimbursing another agency—including PHS—qualified to provide care either directly or by contract with private facilities. Section 1 of the bill changes no basic entitlements and is virtually identical to authority given to the Coast Guard by the Coast Guard Authorization Act of 1982 (Public Law 97-322, title I, section 115(c); 14 U.S.C. 93) to meet the same need.

Section 2 of the bill contains technical amendments to clarify that NOAA personnel eligible for the dental, medical, and hospitalization care specified in 42 United States Code 253a are entitled to this care without regard to whether care is provided in PHS facilities or by contract with private hospitals and facilities.

Section 2 provides relief to approximately 165 career NOAA employees—or retired NOAA employees—and dependents whose hospitalization benefits were inadvertently terminated by closure of PHS facilities and by interpretations of 42 United States Code 243a that hospitalization at "facilities of the Public Health Service" does not include private facilities providing services to the PHS by contract.

Retired ships' officers and crewmembers, and eligible dependents of active duty and retired personnel have been entitled to medical and dental treatment and hospitalization at PHS facilities since 1939. On July 19, 1963, Public Law 88-71 (42 U.S.C. 253a) limited eligibility for these services to employees retired on or prior to that date or in continuous active service from July 19, 1963, until retirement—and their dependents. Retirement health care for persons employed after July 19, 1963, is provided through the Federal employees health benefits program.

The impact of loss of hospitalization therefore falls on a small group of older Federal employees who have been either retired or in continuous active service for at least 20 years. Because they relied upon the entitlements of 42 United States Code 253a, these personnel have foregone other health care options and they are now without feasible health care alternatives. As a group, they are not members of a "uniformed service" for the purpose of the health care entitlements of chapter 55 of title 10, United States Code; as Federal employees they are not eligible for social security medicare. Nor are they eligible to participate in the Federal employees health benefits program because of restrictions regarding participation prior to retirement (5 U.S.C. 8905); and private health care coverage is not financially feasible for persons of this age.

I do not believe that Congress intended to eliminate the entitlements of 42 United States Code 253a by passage of Public Law 97-35. By contrast, Congress specifically repealed health care entitlements at PHS facilities for private merchant seaman. Public Law 97-35, section 986. Under the circumstances, the Federal Government has an obligation to provide hospitalization and other specified services to these employees and their dependents.

To achieve this objective, the bill eliminated from 42 United States Code 243a references to "facilities" of the PHS, thereby enabling the PHS to provide hospitalization and other entitlements, by contract with private facilities. NOAA would reimburse the PHS for services provided, pursuant to the existing memorandum of understanding between the agencies regarding health care services for NOAA personnel. Because of the small number of personnel involved, NOAA does not anticipate a need for appropriations in addition to those requested in the

NOAA fiscal year 1984 budget submission in order to provide these health care services.

The legislation affects approximately 385 members of the commissioned corps on active duty and 130 retired officers—plus their dependents and survivors. In addition, approximately 600 to 650 wage marine employees—20 to 30 percent of whom are temporary employees—are entitled to health care while employed on active duty by NOAA.●

MARY PEREZ IS HONORED FOR 41 YEARS OF SERVICE TO SAVANNA SCHOOL DISTRICT

HON. JERRY M. PATTERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 22, 1983

● Mr. PATTERSON. Mr. Speaker, I invite my colleagues to join me in commending a constitutent of mine who has been a positive influence in the lives of many students in the Savanna School District.

Mary Perez is being honored on September 28, 1983, for her 41 years of continous service as a school custodian. The Mary Perez School was dedicated on November 29, 1967. This was the first school in California to be named for a classified employee.

Miss Perez has exemplified the spirit of the Savanna School District to both fellow workers and students. Mary Perez has always been a loyal, efficient, and conscientious employee. Her dedicated efforts have earned her the highest respect from all of those who have had the pleasure of working with her.

On behalf of both the students and fellow employees of Savanna School District, Mary Perez is to be highly commended. Mr. Speaker, it is with pride that I ask my colleagues to join me and my community in honoring Mary Perez for her 41 years of loyal service.●

DEFICITS, ONE-HANDED ECONOMISTS, AND CELESTIAL TOWERS

HON. JOHN J. LaFALCE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 22, 1983

● Mr. LaFALCE. Mr. Speaker, recent Washington press has focused on another one of those all-too-common disputes between the Nation's chief administration policymakers. This time we learn that the President's top economic advisers—both men with admirable credentials for figuring out what our financial markets are up to—are quite publicly contradicting one another about the economic impact of record high budget deficits, particularly the impact of the deficit on interest rates.

Treasury Secretary Don Regan, who often jokes that he understands Harry Truman's wish for one-handed economists who would not be tempted to respond to questioning with "on the one hand" and "on the other hand" kind of advice, was caught in a classic case of "the right not knowing what the left is doing" when he announced last week that high deficits are not necessarily linked to high interest rates—an announcement that came on the same day that Marty Feldstein, Chairman of the Council of Economic Advisers, argued persuasively that "the reason for the very high level of long-term real interest rate is undoubtedly the unprecedented level of the budget deficits that are now predicted for the years ahead." For Mr. Regan, who has been contradicted by most professional economists and a barrage of would-be analysts, the dispute with Mr. Feldstein may be an embarrassment. For the country, it may be much worse because the disagreement reflects the kind of divisiveness in the administration that is resulting in a dangerous paralysis on the deficit issue.

Wthout going through the entire excercise of projecting budget deficits in the coming years, the scope of the problem is indicated by the fact that current projections for fiscal year 1984 show that we will be carrying a deficit of close to $200 billion and a public debt of $1.6 trillion, or nearly $6,000 for every man, woman and child in the country. Over the next 5 years, 53 percent of America's savings will be absorbed by the Government in financing the deficit. It does not take a professional economist to understand, as Mr. Feldstein has pointed out, that getting the public to finance the deficit by purchasing Government securities "requires a rise in interest rates and it is this rise that is reflected in the current high real interest rates."

Because we are to be plagued with high deficits in years to come, we are also risking the economic recovery now under way. Recovery traditionally results in increased credit demand from the private sector—businesses need money for expansion and capital equipment, and consumers borrow to finance those delayed purchases. If this recovery proceeds in a traditional manner, we can expect that at the minimum private financing requirements next year will clash with the needs of the Government in financing its debt, thus pushing interest rates up as the demand for credit goes up. We may see a worst-case scenario where Government demand for credit crowds out private borrowers who—unable to afford credit—reduce purchases, expansion, and capital investment. A hint of those problems has already been seen. The prime interest rate has risen from 10½ percent to 11 percent, retail sales dropped in July, and the housing boomlet has come to a halt. real interest rates—the rate of interest after adjustments for expected inflation—remain unacceptably high with little hope of a reduction without action on the deficit, says Mr. Feldstein, and it is real interest rates that determine activity in the credit makets.

Secretary Regan, who obviously disagrees with this assessment, said that "Economists who continue to claim that deficits make for high interest rates should climb down from their celestial observatories and acquaint themselves with terrestial fact." Even if one can admire the Star Wars imagery, it seems to me that terrestial fact should take into account the danger that both high deficits and high interest rates can pose to our economy. The Treasury Secretary's pooh-poohing of this potential harm is unhealthy in its simplicity, and it is unhealthy in its impact upon deliberations within the administration. If the Secretary of the Treasury buries his head in the sand, chances are that the President will do likewise.

President Reagan is in danger of abrogating his leadership on this important issue because he is not willing to discuss the possibilities. Digging his heels in on the defense spending issue, opposing revenue increases except for the politically unpopular standby tax proposal and avoiding further discussion of uncontrolled entitlement spending, the President has built for himself a celestial observatory that makes inaction almost a certainty.

In my view it is not the number of hands one finds on an economist, or the height of the tower they inhabit that counts. What does matter is that the President and his appointed officials do all that they can to assess dangers and opportunities in the land of reality.●

RECENT BOOK "CENTRAL AMERICA IN CRISIS"

HON. MANUEL LUJAN, JR.

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 22, 1983

● Mr. LUJAN. Mr. Speaker, as each of us attempt to better understand the complex social, economic, and political issues which frame our relations with our neighbors in Central America, let me call to your attention a recent book, "Central America in Crisis," published by the Washington Institute for Values in Public Policy. It very usefully addresses this controversial subject and region, and serves as an excellent background reference to the current situation.●

WIN COTTRELL'S REMARKABLE ABILITY TO INSPIRE OTHERS

HON. BARBARA BOXER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 22, 1983

● Mrs. BOXER. Mr. Speaker, on September 10, 1983, the San Francisco Gray Panthers held a luncheon in San Francisco, Calif., to honor one of the city's most committed social activists: Win Cottrell.

During the past several years, Win Cottrell's name has been closely connected with a wide spectrum of organizations and movements committed to achieving social and economic justice. Win has served on the board of directors of such groups as the San Francisco Gray Panthers and North of Market Planning Coalition, and has been an active participant and member of such groups as the Legislative Council on Older Americans, the Older Women's League, the Sierra Club and Options for Women Over 40.

What has made Win Cottrell special over the past several years is more than her activism; rather it is her ability to inspire others to become activists themselves. Hearing Win speak at a demonstration, at a legislative hearing or even a small Gray Panther committee meeting has a stirring effect on those present. People could sense the feelings of justice and anger in Win's voice, and became convinced that if this older woman could give her life for what she believed in, then they certainly could as well.

It would take volumes to detail all of the battles that Win Cottrell took part in over the past years in San Francisco. Her leadership in the Tenderloin community's battle to defeat the construction of three luxury hotels within its borders would surely be near the top of the list; so would her efforts to improve conditions in local nursing homes. The essence of Win's commitment, however, is that, to paraphrase Steinbeck's description of young Tom Joad: Wherever there is a battle for justice, Win is there. Wherever there is active resistance by the poor to abusive treatment by the rich, Win is there. And whenever the young and old unite in a struggle to preserve their homes and community, you can be sure of one thing: Win Cottrell will be there.●

TOM CARVER "MAN OF THE YEAR" BY SALVATION ARMY IRONBOUND BOYS AND GIRLS CLUBS

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 22, 1983

● Mr. RODINO. Mr. Speaker, it is a great privilege for me to recognize Mr. Tom D. Carver, who has been selected as 1983's "Man of the Year" by the Salvation Army Ironbound Boys' and Girls' Clubs in Newark.

Mr. Carver, an executive with the Port Authority of New York and New Jersey, is being honored for his distinguished service to the Ironbound community. He has been active in a number of civic activities for many years, and I am very pleased to see him being cited by such a fine organization for his outstanding work.

His long and distinguished career in airport services includes positions as assistant to the director of aviation, manager of the International Arrival Building at John F. Kennedy Airport, supervisor of aviation public services, and as a community representative with the port authority. He is presently manager of Airport Services Division at Newark International Airport. An attorney, Mr. Carver is a former president of the Ironbound Manufacturers' Association.

The Salvation Army Ironbound Boys' and Girls' Clubs and Senior Citizens will present Mr. Carver with the "Man of the Year" Award at a dinner on September 27 in Newark. I wish them the best of luck for a successful event, and send my congratulations to Mr. Carver on receiving this honor.●

BENIN, TOGO OFFER CONTRASTING PICTURES

HON. LES AuCOIN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 22, 1983

● Mr. AuCOIN. Mr. Speaker, this is the fourth in a series of six recently published articles on sub-Saharan Africa written by Nicholas D. Kristof, a Rhodes scholar from Yamhill, Ore.

(By Nicholas D. Kristof)

COTONOU, BENIN.—The only thing that flourishes here is poverty, and that abounds. Little children wander naked or half-clothed in the dirt streets, their stomachs bloated from malnutrition, and haggard old women sleep on the ground, their bare breasts withered from the incessant suckling of their many children.

Less than 100 miles away, in Lome, Togo, the children—adequately fed, clothed and scrubbed—file along the sidewalk and disappear inside their schools. People are still poor, but vigorous economic development has dulled the keenest edge of poverty.

The difference is striking: from wrenching destitution to getting by. The intriguing point is that this difference in quality of life mirrors a difference in economic systems. Benin is a Marxist state, sometimes called the "Cuba of West Africa." Togo is a remarkably competitive, capitalist state.

It might be tempting to chalk up a point for capitalism and assume that Togo prospered because it paid homage to Adam Smith rather than Karl Marx. There is some truth to that, but the picture is more complex and also reveals some warts on Togo's system—principally political repression.

If a political scientist or economist were looking for two countries with which to experiment, he could hardly do better than Togo and Benin. Both countries are narrow slivers running north from palm-lined beaches on the Atlantic Ocean, situated between Ghana and Nigeria. Both are former French colonies that received their independence in 1960 and then went through a succession of governments.

But Togo since 1967 and Benin (formerly Dahomey) since 1972 have had the same leaders, and they have followed diametrically different paths of development. It is as if an ecomomics faculty had designed the experiment: Take two very similar countries, allow them to develop in fundamentally different ways, and see what has happened 10 years later.

In Benin, not much has happened. Statistics here are more or less pulled from a hat, but the World Bank calculated that in the 1960s and 1970s, per capita income grew by only 0.6 percent per year. Life expectancy is thought to be about 46 years, and adult literacy is still only about 11 percent.

The economy has stagnated, foreign investors have shield away and agriculture has suffered so that less food is produced per inhabitant now than a decade ago. About the only thriving business in Benin is smuggling goods into Nigeria. Consumer goods arrive at Benin's port and then are smuggled through the long and porous border with Nigeria to avoid high customs duties.

Despite posters and banners covered with revolutionary rhetoric and avowals of commitment to Marxism-Leninism, Benin's pink hue seems to be fading. The government of Lt. Col. Mathieu Kerekou seems to want to warm its relations with the West and move more toward a free-market economy. A local French saying calls it "Eating on the right and thinking on the left." It may have something to do with the oil recently found offshore.

Togo doesn't have oil, but it nonetheless has emerged as one of West Africa's few success stories. Its economy has averaged nearly 5 percent annual growth in the last two decades, and tremendous strides have been made in health, education and the economy.

The key to Togo's success has been its reliance on a free-market system and its thriving private sector. The country has no significant export or import restrictions, and foreign investment is encouraged. A free port, industrial zones and tax incentives lure foreign business, and tourists have been sought for the magnificent beaches. The only drawback of the beaches is that they serve conspicuously as public toilets.

Ironically, Togo's boom has permitted massive expenditures for human development, so that even by the Marxist standards of Benin, Togo has done better. The number of inhabitants per physician has dropped from 35,000 to 17,000 since independence; in

Benin, the number increased from 23,000 to 26,000. Adult literacy in Togo has approximately doubled in the last 20 years; in Benin, the percentage of literate adults declined slightly.

Much of the government revenue—more than a quarter of the total national budget—has been reinvested in education in Togo. Togo has one of the highest primary school enrollment rates in Africa, while Benin's enrollment rate is below the average even for sub-Saharan Africa. At independence, in both Benin and Togo, 2 percent of the potential students attended high school; now the figure is 12 percent in Benin and 25 percent in Togo.

In short, Togo has been able to afford improvements in the standard of living, while Benin has been unable to provide such services even though it ostensibly is the government of the people.

But if Togo's economic system has achieved wonders, the progress has not seeped into the political system. Both Benin and Togo are essentially police states run by military dictators.

"Both countries are very much in the trappings of Hitler youth groups," said one diplomat with experience in both Lome and Cotonou, "but the personality cult is greater in Togo."

Togo's president, Maj. Gen. Etienne Gnassingbe Eyadama, is perhaps the only head of state to have been resurrected. It happened in 1974 when his plane crashed, killing four passengers but leaving him unscathed. Eyadama re-emerged seven days later in Lome, dressed in white. The date of his reappearance is a national holiday, and a shrine has been built around the wrecked plane, which now has been pulverized to make it appear that no one could possibly have survived the crash.

If Eyadama and his style of government are a blemish on Togo, the economy is a beauty mark. And while there are some differences between it and Benin—Togo's greater phosphate resources, for example—if ever it were fair to compare two countries, it is fair here.

Togo has moved ahead by every measure, and, like Africa's other success stories—Malawi and Ivory Coast, among others—it is ruthlessly capitalist. Maybe the best indications of its success are the signs that Benin's government wants to make a right turn and move closer to Togo's model.●

DIXBORO UNITED METHODIST CHURCH CELEBRATES 125TH ANNIVERSAY

HON. CARL D. PURSELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 22, 1983

● Mr. PURSELL. Mr. Speaker, on September 24 and 25, the Dixboro United Methodist Church in Dixboro, Mich., will celebrate its 125th anniversary.

The picturesque, New England-style church, completed in 1858 is listed in the National Registry of National Buildings and Places. Construction on the original church took 1 year and cost $2,241. Two more additions have been made to the church, representing the members' devotion. In 1951, members and friends donated over 6,000 hours to help build the first expansion.

Since World War II there has been a steady influx of new members from the nearby cities of Ann Arbor, Ypsilanti, Plymouth, and Canton. Today the church has over 377 members and can boast that at least 7 of its members have either entered or are currently pursuing studies toward ordination.

The church will celebrate its anniversary with a variety of ceremonies, including the recreation of a play depicting the first meeting of the church's board of trustees in 1857.

In closing, I would like to congratulate the Dixboro United Methodist Church and its members on this historic occassion, and wish them another 125 years of continued success.●

A NEW COURSE FOR AMERICAN EDUCATION

HON. NICHOLAS MAVROULES

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 22, 1983

● Mr. MAVROULES. Mr. Speaker, as more and more attention is focused on education and the Nation's public schools, I am becoming increasingly convinced that we as a nation are facing a serious crisis.

Teachers, parents, administrators, and students alike have expressed their disappointment with the growing decline in the quality of education presently offered in a majority of our country's public schools. We are embarking on an era that will undoubtedly confront us with a great many new and profound challenges. New technological and scientific developments are unfolding rapidly in an attempt to remedy some of our already existing social and economic problems. I feel, however, that in the near future, Americans will not have the capabilities to deal with this new technological age. More importantly, it is inevitable that we will not have the ability to make further strides in essential areas, because of the lack of education we are providing to the "America of Tomorrow."

Last April, the President's Commission on Excellence in Education presented their report to the President and the American public. What they found, and what many Americans are feeling today are mirror images of each other. There is no doubt in my mind, that we must address the current educational problems facing us. We need to act promptly to improve the quality of education that our children receive. While we were focusing on questions dealing with nuclear arms and a poor economy, the subject of education has slipped away from our grasp. It is now the time to deal with this crisis. If we ignore it any longer, our place as the leader of the free world, will surely be jeopardized.

I believe few things are more important than a good education. Because of education, this country has made great strides over the course of our 200 years. As a nation we are inarguably better than we were 100 years, 50 years ago, or even 10 years ago. However, as one education analyst so vividly stated:

> For the first time in the history of our country, the educational skills of one generation will not surpass, will not equal, will not even approach those of their parents.

The average graduate of our schools and colleges today is not as well educated as the average graduate 25 or 35 years ago. What makes this fact more important is that 25 or 35 years ago, a much smaller proportion of students completed high school and college.

Considering America's reputation for excellence in so many areas, these facts on education may seem hard to believe. The Commission's report, however, points out many important things. Of the 250 million people living in America today, 23 million adults, or one-tenth of the population, are functionally illiterate in reading, writing, and comprehension. This is supplemented by the fact that over the last 20 years the average combined SAT score had dropped 90 points. Although there was a slight increase in the scores last year, that increase will have to be repeated for more than a decade before we achieve the levels of the mid-sixties again.

If we examine the statistics further, we are hit by an alarming fact. The average achievement of high school students on most standardized tests is lower today than 26 years ago when Sputnik was launched. If we as a nation were concerned in 1957 with falling behind the Russians, we should be nothing less than alarmed with these figures today.

If we try to determine the source of the decline in our schools, we can find many reasons for the deterioration. Our children, in comparison to students in other countries, spend less time in school. Furthermore, American children spend less time learning than do their peers in foreign countries. In England and other industrialized nations, it is not unusual for academic high school students to spend 8 hours a day at school, 220 days per year. In the United States by contrast, the typical school day lasts for 6 hours and the school year is only 180 days.

While in school, fewer than 1 in 10 American students now study physics. Only 16 percent take 1 year of high school chemistry, while fewer than one-half of the Nation's public schools require more than a year of science and mathematics for graduation.

Japan, on the other hand, with a population only about half the size of ours, graduates from its universities more engineers than we do. In Japan, specialized study of mathematics, biology, and physics start in the sixth grade. In the U.S.S.R. Soviet students learn the basic concepts of algebra and geometry in elementary school; they get 4 additional years of mathematics in high school.

The next problem that we face is the quality of teachers that are in the Nation's classrooms. If we do not have top-notch teachers to educate our children, how can we expect them to learn? There are too many teachers who have been drawn from the bottom quarter of graduating high school and college classes. In addition, many teachers who instruct in specialized areas, are not qualified to teach that subject; and of those who are, many have been certified on an emergency basis.

The underlying reason for such mediocre teaching in the classroom is directly related to the salary we pay our teachers. The average wage after 12 years of experience is ony $17,000 and many teachers are required to supplement their income with part-time and summer employment. I honestly wonder how many of us, here in Congress, would run for office if our salary were only $17,000 to $20,000.

It is also imperative that schools start expecting students to perform at higher levels of excellence. Too many people feel that education means doing the minimum work necessary for the moment, and then coasting through life on knowledge acquired during the first 20 years. We must expect schools to have genuinely high standards rather than minimum ones; along with parental support to encourage their children to make the most of their talents and abilities.

Mr. Speaker, I maintain that we are facing a national dilemma. America must address their crisis. The Federal Government has a distinct responsibility to all students to insure that they receive a quality education, so that they may successfully take on the responsibility as the future leaders of this great Nation. The President feels that this can be achieved by "welcoming God back into our schools and setting an example for children by striving to abide by His Ten Commandments and the Golden Rule." However, as the wise gentleman from Texas (Mr. WRIGHT) said, "We can not just pray for better schools; we must be willing to pay for better schools."

The time has now come for those of us in Congress to face this problem and confront it head on. We have let it slip too far out of hand. The only way to overcome this disasterous decline in our educational system is to have a discussion or forum, on the national level, addressing this pressing issue. We need to give our undivided attention to finding a solution. The Congress has debated nuclear arms, Central America, and crime, but we have yet to devote time to the subject of education. It seems to me that if we want to continue being the great Nation that we are, now is the time to address this issue, and dispense with the mediocrity that plagues our Nation's classrooms.●

OVERSEAS AG CONSULTING GROWS DESPITE WEAK WORLD ECONOMY

HON. CHARLES W. STENHOLM

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 22, 1983

● Mr. STENHOLM. Mr. Speaker, in a period when the importance of agricultural exports continue to assume tremendous importance to the American agricultural producer and virtually all segments of the American economy, the role of private agricultural consultants in expanding foreign commodity sales is often overlooked.

In recognition of the contributions made by members of the American Society of Agricultural Consultants, I submit for my colleagues' perusal the following article from that group's May 1983 newsletter:

OVERSEAS AG CONSULTING GROWS DESPITE WEAK WORLD ECONOMY

The leadership role of U.S. agricultural consultants in developing food production and distribution systems throughout the world has come into sharp focus in a survey recently conducted by the American Society of Agricultural Consultants (ASAC). Society members reported consulting assignments in forty-five countries around the world, covering 115 different development projects. U.S. exports could increase by as much as $420 million in goods and services necessary to support the projects underway with U.S. private agricultural consulting assistance.

The ability of U.S. agricultural consultants to successfully translate management and technology into efficient food supply systems was an important factor in the strong demand for their services, despite the continuing weakness of the world economy and intense competition from other nations' service industries. Six times as many respondents to the ASAC survey reported increases in overseas business in the past twelve months as reported decreases.

Although substantial gains were registered in foreign consulting assignments by the U.S. industry, ASAC members reported several obstacles to further increases in overseas projects. A number of potential U.S. consulting assignments were lost to government-backed competition from members of the European Community and eastern bloc nations. EC and eastern bloc nations provide a variety of government assistance in the form of subsidies or low cost financing to service industries competing for foreign business. A number of U.S. government agencies and the Congress have recently begun to investigate the effect on the U.S. economy of service business lost to U.S. firms by subsidized foreign competition.

The potential value of exports resulting from U.S. consulting assignments abroad rose by $1.6 million per consultant between 1982 and 1983 according to the ASAC survey. Each U.S. consultant was involved in development projects having an average annual potential of $10.2 million dollars in U.S. exports. This includes the actual business services provided, and the value of the construction, maintenance and supply equipment, as well as the breeding stock feed grains and other agricultural products needed to successfully operate modern food and fiber systems, which could be provided by other U.S. firms. The multiplier effect of agricultural consulting is often many times the value of the basic services provided, as foreign buyers generally turn to the country which conducted the feasibility studies for assistance with the construction, and maintenance of the project.

The 1983 ASAC survey also indicates the growing private sector role of foreign and U.S. agribusiness in world food development as government budgets are strained and nationally-financed projects are delayed or cancelled. In the past year, 60 percent of the consulting assignments reported were sponsored by private firms—39 percent by foreign businesses, and 21 percent by American firms. Reported U.S. government sponsorship of foreign assignments using private U.S. agricultural consultants rose to 12 percent of the total while foreign government sponsorship was 28 percent according to the survey.

Africa continues to be the leading market for U.S. agricultural consultants according to the survey, followed by Asia and the Far East, Europe, other North American countries, the Middle East, Latin America, the Caribbean and the South Pacific.

In addition to subsidized foreign competition, agricultural consultants often cited weak world economic conditions as a major factor in keeping business from growing faster. Many noted that currency devaluations around the world had affected their business, while others indicated that decreasing foreign government development budgets and lack of financing proved to be obstacles. However, many consultants told ASAC that the demand for agricultural development services remains strong. Declining oil prices and continuing need for foreign nations to learn how to turn U.S. agricultural technology into bottom line performance were often cited as signs of future increases in U.S. agricultural consulting overseas.●

NATURAL GAS PRICES: UP OR DOWN?

HON. JOHN J. LaFALCE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 22, 1983

● Mr. LAFALCE. Mr. Speaker, within the past 3 weeks western New Yorkers welcomed a natural gas price decrease and bemoaned projections of continued skyrocketing natural gas prices.

National Fuel of Buffalo, N.Y., announced a price reduction of 4.3 percent for our fall and winter gas bills. But 2 weeks later FERC Commissioner David Hughes, speaking at a workshop sponsored by the Niagara Frontier

Consumers Association, predicted that natural gas prices would increase as much as 40 percent.

Mr. Hughes added that his projections assumed that Congress would not act to protect consumers, and lower natural gas prices.

These mixed signals to western New Yorkers should send a clear signal to Congress: We are fast approaching the deadline for congressional action if we are going to help consumers in the 1982-83 heating season. The time to act is now.

Last year, western New Yorkers' gas bills increased 35 percent despite the unusually mild winter. We simply cannot tolerate additional price hikes in line with those projected by Mr. Hughes. Another 35 percent coupled with a normal western New York winter would be absolutely devastating.

At this point, I submit an article appearing in the Buffalo News detailing Mr. Hughes' address be printed in the RECORD.

The article follows:

[From the Buffalo News, Sept. 16, 1983]

ENERGY PANELIST PREDICTS HIKE OF 40 PERCENT IN PRICE OF NATURAL GAS

(By Michelle Williams)

A member of the Federal Energy Regulatory Commission said Thursday that skyrocketing natural-gas prices will take a toll on consumers for the second consecutive winter unless Congress provides assistance.

"It could be catastrophic," said David Hughes, who was in Buffalo to address a workshop at Buffalo State College sponsored by the Niagara Frontier Consumers Association and 20 other groups. "It could be disastrous."

Last winter, monthly gas bills leaped 30 to 40 percent throughout Western New York and the Northeast as a result of the controversial decontrol of natural-gas prices, and this winter should be no different, Mr. Hughes said.

Predicting a marked rise in gas prices, Mr. Hughes said, "The best evidence that I have seen is 35 to 40 percent," although they may be only 25 percent.

The Federal Energy Regulatory Commission oversees a number of energy-related issues including the decontrol of natural gas.

Mr. Hughes said consumers should urge lawmakers to assist in alleviating the strain that gas decontrol is causing. He also suggested the implementation of "social policies" that would aid consumers unable to meet the rising costs.

During an hourlong address before a group of 75 persons—including utility company representatives, consumer advocates and representatives from federal, state and local government agencies—Mr. Hughes discussed the role of federal regulatory policy making and its impact at the local level.

He said consumers are able to make an impact in policy-making matters and stressed the importance of consumers keeping informed and banding together.

"It is so important that you build coalitions," he said.

The address was followed by three workshops on rate setting and intervention, the divestiture of American Telephone & Telegraph Co. and energy-conservation education.●

BRING THE BREEDER TO A VOTE

HON. RICHARD L. OTTINGER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 22, 1983

● Mr. OTTINGER. Mr. Speaker, yesterday, within the short span of 8 hours, I and several of my colleagues collected the signatures of more than 120 Members of this body requesting the Rules Committee to allow a vote on the Clinch River Breeder Reactor project when the supplemental appropriations bill and the continuing resolution comes to the floor. These Members, some of whom have supported the Clinch River project in the past, recognize the importance of letting the House work its will on this complex and controversial issue.

This overwhelming show of support was found in a deep concern that proponents of the project plan to attach a new financing scheme to the supplemental or continuing appropriations bill in the Senate in an effort to avoid a vote in the House. This is totally unacceptable and circumvents the expressed will of the House to follow proper legislative procedures.

Last December, as part of the fiscal year 1983 continuing resolution, Congress directed the administration to develop a plan that "would reduce Federal budget requirements" for the Clinch River breeder reactor project. The requirement for a cost-sharing plan was part of a compromise which permitted Clinch River funding despite a vote in the House to terminate the project. In May of this year, the House voted 388 to 1 to prohibit further funding until an acceptable cost-sharing plan had been enacted.

The administration produced a plan, but it was hardly what Congess asked for. Recent analyses performed by the Congressional Budget Office, the General Accounting Office and the Congressional Research Service reveal that it is nothing more than a gold-plated, Government guaranteed, no-risk tax shelter.

Congress cannot allow this plan to be pushed through by some parliamentary sleight-of-hand. We must be allowed to vote so that we are not foreclosed in a late-night deal on the eve of the new fiscal year.

Mr. Speaker, I have attached a copy of the letter sent to the Rules Committee, with a list of the Members who signed the amendment, and an outline of the legislative strategy that appeared in a publication of the American Nuclear Society.

HOUSE OF REPRESENTATIVES,
Washington, D.C., September 21, 1983.

Hon. CLAUDE PEPPER,
Chairman, Committee on Rules,
Washington, D.C.

DEAR MR. CHAIRMAN: We are writing to request that the Rules Committee make in order an amendment to the resolution for continuing appropriations for Fiscal Year 1984 and the supplement appropriations bill for Fiscal Year 1984 regarding the Clinch River Breeder Reactor. Specifically, the amendment would prohibit the expenditure of any funds for the continuation of the Clinch River Breeder Reactor Project or for the implementation of an alternative financing arrangement unless the Congress explicitly authorizes funds for that purpose.

The purpose of the amendment is to implement the intent of the Brown-Schneider language that was approved by the Committee on Science and Technology and overwhelmingly approved by the House during consideration of the DOE authorization bill (H.R. 2587) on May 12. The Brown-Schneider amendment was intended to bar further spending for the Clinch River Project until the authorizing committees had the opportunity to review an alternate financing proposal from the Department of Energy and until the House had the opportunity to debate and vote on the measure.

We are now nine days away from the end of this fiscal year and legislation has not yet been introduced on the financing plan, much less reported by the appropriate legislative committees. The proposal submitted to Congress on August 1 by Secretary of Energy Donald P. Hodel raises serious concerns and does not meet the requirement reached by conferees on FY 1983 continuing resolution that the project's impact on the Federal budget be reduced. In fact, a recent Congressional Budget Office analysis of the financing scheme states that the plan will cost the Treasury more over the life of the project than if the project were directly funded by the government.

Our request is made to you because of our concern that the financing scheme will be attached to the continuing or supplemental appropriations bill in the Senate. We call your attention to the article on legislative strategy for the financing plan that appeared in a recent copy of "Nuclear Report", a publication of the American Nuclear Society. In addition, in his letter to Speaker O'Neill proposing the plan, Secretary Hodel spoke of working to develop "appropriations language" to fund the project. We are concerned that the House will not have another opportunity to work its will if this strategy is followed.

We believe our amendment is consistent with the intent of the continuing resolution adopted last year and with the Brown-Schneider amendment adopted by the House this year.

Thank you for your consideration of our request.

Sincerely.

Tom Harkin, Richard Ottinger, Rick Boucher, Larry Coughlin, Howard Wolpe, Stan Lundine, George Brown, Claudine Schneider.

Tom Harkin, Howard Wolpe, Richard Ottinger, Stan Lundine, Rick Boucher, George Brown, Larry Coughlin, Claudine Schneider, Thomas M. Foglietta, Elliott H. Levitas, Donald J. Pease, Peter W. Rodino, Jr., Jim Bates, Norman D. Dicks, Dennis E. Eckart, Ronald V. Dellums, Jim Moody, Barney Frank, Robert E. Wise, Jr., Jim Slattery,

Gus Hawkins, Richard A. Gephardt, Katie Hall, William R. Ratchford, Robert T. Matsui, John Bryant, Morris K. Udall.

Paul Simon, Ted Weiss, William Hughes, Don Edwards, Gerry Studds, Henry A. Waxman, Al Swift, James Shannon, Mike Lowry, Parren J. Mitchell, Bob Edgar, John Seiberling, Robert Kastenmeier, Barbara Boxer, Edward R. Roybal, William H. Gray, Thomas J. Downey, Robert J. Mrazek, James Jeffords, Mickey Leland, Mel Levine, Vin Weber, George Miller, Barbara B. Kennelly, Gus Savage, James L. Oberstar, Vic Fazio.

George W. Crockett, Jr., Leon E. Panetta, Barbara A. Mikulski, Mike Synar, Bob Traxler, Dale E. Kildee, Tom Lantos, John Conyers, Ron Wyden, James McClure Clarke, William Lehman, Berkley Bedell, Doug Walgren, Dan Glickman, Geraldine A. Ferraro, Charles E. Schumer, Patricia Schroeder, Lawrence J. Smith, Howard L. Berman, Robert Garcia, Edward J. Markey, Timothy E. Wirth, Gerry Sikorski, John M. Spratt, Jr., Norman Sisisky, Ron Paul, Stewart B. McKinney.

Newt Gingrich, Bill Green, Carl D. Pursell, Judd Gregg, Benjamin Gilman, Hank Brown, Thomas J. Ridge, Thomas J. Tauke, Stephen J. Solarz, Marcy Kaptur, Esteban Edward Torres, Andrew Jacobs, Jr., Henry Gonzales, Sander M. Levin, Harold L. Volkmer, Walter Fauntroy, Nicholas Mavroules, Major R. Owens, Bob Walker, Bruce F. Vento, Mary Rose Oakar, John D. Dingell, Donald Joseph Albosta, Jim Leach, Brian J. Donnelly, Solomon Ortiz, Jerry M. Patterson.

Nick Rahall, Mario Biaggi, James McNulty, Les AuCoin, Glenn English, Dave McCurdy, W. Henson Moore, Edolphus Towns, Lynn Martin, Pat Williams, Thomas A. Daschle, James Weaver, John J. Lafalce, Steny H. Hoyer, Pete Stark, Joel Pritchard, Olympia A. Snowe, F. James Sensenbrenner, Jr., Philip M. Crane.

AMENDMENT TO H.J. RES. — (CONTINUING APPROPRIATIONS RESOLUTION) OFFERED BY MR. COUGHLIN

At the end of the bill, add the following new section:

SEC. 111. No part of any appropriation contained in this Act may be obligated or expended for the continuation of the Clinch River Breeder Reactor Project or, except to the extent specifically authorized in legislation hereafter enacted, for the implementation of an alternative financing arrangement with respect to such Project.

NUCLEAR REPORT, VOL. VI, NO. 7, AUGUST 4, 1983

Hodel sent the CRBR alternative financial proposal to Capitol Hill on August 1, in time for it to be available to all Members of Congress, giving them an opportunity to discuss it with their constituents during the summer congressional recess, which begins this week and ends after Labor Day. (See *NR* of July 6 for a more detailed discussion of the proposal). The current strategy is to have the plan before the Congress for a suitable period, with public hearings on it scheduled for the middle of September. The proposal's legislative vehicle will be the continuing resolution to be prepared by the appropriations committees and submitted during the last few days of this fiscal year (before October 1) to appropriate FY-1984 money for ongoing programs not covered by previously enacted appropriations bills. A full appropriation of about $1.4 billion to cover seven years of construction (to project completion) will be offered in the continuing resolution. The CRBR item, most probably, will first be voted up or down in the Senate, where a scant majority in favor of project completion is believed to exist. Such a maneuver could seek to avoid a vote in the House, where "closed" rules often preclude votes on individual items in continuing resolutions.●

SCHOOL FACILITIES CHILD CARE ACT

HON. PATRICIA SCHROEDER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 22, 1983

● Mrs. SCHROEDER. Mr. Speaker, I am proud to introduce the School Facilities Child Care Act today in the House because it is an important women's issue, children's issue, and family issue.

Women work out of economic necessity. If women are married, their income substantially contributes to the economic well-being of the family. If they are a single parent, their paycheck is the economic well-being of the family. Adequate day care is a crucial support service for working women. Often overlooked are services for the 6 million children between the ages of 6 and 13 who take care of themselves when they return home from school—the "latchkey" children.

The bill I am introducing in the House and that was introduced in the Senate in June is a cost-effective, commonsense approach to this growing problem. Basically, the bill directs HHS to make grants to public agencies and private nonprofits for child care in public school facilities. The community decides on the program based on their needs.

There are many of these programs already existing. There are approximately 125 programs in 33 States. In Denver, we have had tremendous success with an afterschool program in Gilpin School, a public school. It is a self-supporting program with a high degree of parental involvement. Here in the Washington, D.C., area, Fairfax and Arlington counties have had an active aftercare program.

The money in this legislation, $15 million each year for 3 years, would go to those communities who wanted to start similar programs. It promotes grassroots activity instigated and administered by parent or community groups.

I am also proud to say that in this proposal no child would be turned away because he or she are too poor to participate. The legislation requires that each proposal include a sliding fee scale. This is extremely important for families who earn less than $10,000 per year. These are families who hardly have any child care options open to them. In fact, CBO estimated that only 7 percent of families in this category were able to take advantage of any of the child care tax credits in the law.

Working parents need more child care options. I think this bill goes a long way toward expanding these options.●

SALUTE TO DENISE GEORGES AND LITO VALLS

HON. RON de LUGO

OF THE VIRGIN ISLANDS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 22, 1983

● Mr. DE LUGO. Mr. Speaker, the most recent edition of the National Parks magazine features the U.S. Virgin Islands, where we are proud to have some of the most beautiful parks in the world. The magazine also features an article on two St. Johnians who are tremendous assets to the NPS and veritable experts on the history of the islands and the flora and fauna of the NPS land. A tour under their direction is an unforgetable experience that brings the park to life with their descriptions of the history, customs, and heritage of our islands. The NPS is rightly proud of their services, and I am pleased that Denise Georges and my very good friend Lito Valls have been singled out for this well-deserved recognition in the National Parks magazine.

I would like to share this article with my colleagues in the House.

CULTURAL AMBASSADORS IN VIRGIN ISLANDS NATIONAL PARK

(By Susan Vreeland)

It's not just the tropical flavor of the natural environment that makes Virgin Islands National Park so special. Its Caribbean culture reflects a vastly different history from that of the fifty states. The job of park ranger becomes more expansive here. Beyond sharing natural history and teaching respect for the environment, national park interpreters give visitors an insight into a history marked by slave revolts and plantation economy, a culture enriched by island Creole and carnival that seems exotic to most Americans.

It takes special people to transmit this cultural and linguistic heritage lightly, comfortably, and meaningfully. Virgin Islands National Park has two especially gifted people who do just that. Visitors come away having learned and grown, but without feeling that they've been to school.

Denise Georges is not so much a lecturing ranger as an island spirit, dancing her trail of visitors through the bush. As she picks her way through the extraordinary foliage, her speech skips back and forth between melodic island Creole and impeccable English. This bilingualism reflects her dual role: Georges the teacher, instructing visitors how to avoid dangers like the poisonous manchineel tree, jack spaniard wasps, and the stinging nettle; and Georges the island native, proudly sharing, Caribbean lore and the islanders' simple yet elegant solutions to the problems of survival.

She explains that at this remote end of the U.S. supply line, West Indians have had to be creative in using what they had available to them. For example, dried anthurium leaves make excellent scouring pads, and stinging nettles make a hair rinse. Strangler fig leaves used to be used as stationery for love letters, and its blossoms provide glue for caulking boats. Natural perfumes of bay rum, wild cinnamon, and hog plum abound in the park.

Drawing from her childhood, Georges tells how West Indian children tease each other with friction-heated scorcher beans from the prickly pod on the nicker tree and how they make flutes from papaya stems and maracas from gourds of the calabash tree. To a West Indian child, mango seeds are really doll's eyes.

Slipping into Creole, Georges tells of the island's herbal medicines: "When yoh have a little baby and say he belly gripin', den yoh use da soursop tea wit da natural vanilla essence for to sweeten it and den he sleep so quiet." Spontaneous and engaging in her relations with visitors, her use of Creole delights and her warmth eases the racial gap. She teases white visitors about the "tourist nose tree," which, she says, has bark that turns red and peels, "just like a tourist's nose." After a campfire talk, Georges is apt to say, "Before we gone, I want all a yoh to meet me mudda." She puts her arms around a middle-aged white woman, a dear friend and neighbor. Some visitors, both captivated and perplexed, sense the joke from the laughter of others.

Georges' duties take her on seashore walks where she leads visitors wading far out into a shallow bay to discover marine life. She also instructs snorkelers and often dives deep to bring a sea biscuit or sea urchin up to the surface. She takes visitors to places where they might see a moray eel fighting with its mortal enemy, the octopus.

At campfire talks Georges sometimes brings her nine-foot stilts, for she is a much admired moko jumbee dancer on the island. Like most Caribbean islands, St. John has a carnival, this one celebrating the emancipation of slaves on July 3, 1848. Capitalizing on U.S. Independence Day, at 4:30 a.m. on July 4, all St. Johnians come outside dressed in pajamas and diapers and other crazy attire for j'ouvert (from the French jour ouvert, opening or break of day). Everyone dances around town until sunrise, when the parade begins and moko jumbee dancers get a chance to show off their skill.

The tradition of stilt dancing, Georges says, comes from West Africa at the time of harvest, as a celebration to the gods. Dancers representing medicine men (moko) or spirits of natural elements and ghosts (jumbee) dressed in gala costumes, skip, hop, and do acrobatics—all high in the air. The stilts support only the arch of the foot, and toes and heels are unsupported. Only in 1978 did a few women start performing as moko jumbees. Now Georges is learning to "play the pans" (steel drums); she is the first to combine that with stilt dancing.

Although Georges' effortless blending of languages and culture may exemplify the island's modern times, Ranger Lito Valls gives it historical perspective. No one is better suited to do this, for Valls is known to St. Johnians as the island historian. He maintains a 3,000-volume library on natural and cultural Virgin Islands history at the national park's visitor center in Cruz Bay. Researching local and national archives, interviewing islanders, and exploring old ruins, he has added immensely to the store of Virgin Islands history.

Much information comes from periods long before the United States purchased the islands in 1917. "Danish records were excellent and thorough," Valls says. "On a plantation, if a child even fell down and broke his leg, it was recorded in the plantation log." A philosopher at heart, Valls' historical tales reflect on human follies and achievements that transcend cultural barriers.

On the park's popular historical tour, Ranger Valls takes visitors in an open-air safari bus to the seldom-visited eastern end of the island. En route, island history unrolls like a brightly colored cloth on which cultural patterns mingle. "The first sugar plantation slaves were white—exiles from Danish prisons—and the most wealthy planter was a man of color," he explains.

Valls points out the spot where the first slave insurrection started at Coral Bay in 1733. "The insurrection occurred," he explains, "not because of the drought in that year and the subsequent lack of food, not because of hurricanes, and not even because slavery was reprehensible, but because the slaves had been nobility in Africa and were used to having slaves themselves."

At the Moravian church he stops to share his personal appreciation of the humanitarian impulses of significant island figures. The Moravians—the first Protestants to consider that blacks had souls to save—sent two missionaries to St. John in 1732. One of the converts, Brother Cornelius, a slave, taught himself engineering, architecture, and masonry in order to build the Moravian church still being used today. His own language being Dutch Creole, Brother Cornelius learned English, Danish, Dutch, and German so he could preach in whatever language was necessary.

Slaves on the islands had free time on Saturday nights, Sunday afternoons, and moonlit nights. Brother Cornelius worked during these times to buy the freedom of his mother, his wife, and his eight children before he bought his own. He was instrumental in bringing about the translation of the New Testament into Dutch Creole as well as establishing, in 1782, a free public education system, the first in the New World. It was open first for blacks and only the following year for whites, who had other educational advantages. "They don't make them like Cornelius anymore!" Valls remarks.

Valls tells a story about another historical figure, one who started life as an "outside child"—the gentle Creole term for illegitimate child. This child's mother had been steered into marrying an older planter on St. Croix, who was later granted a divorce from her. However, she was not considered divorced and therefore could never remarry. But she did bear a child out of wedlock. At fourteen, her son was successfully managing two businesses; and when his financial aptitude was discovered, he was sent to New York for education. His name? Alexander Hamilton, our first Secretary of the Treasury.

One of Valls' major contributions is his island Creole dictionary, What a Pisturkle!—a title that, like many island phrases, needs the dictionary for explanation. "Pistarkle" means rampant confusion, and, to the first-time vistor, that might accurately describe the island dialect. But in ruraveling the origins of the language, we discover island attitudes and character.

Creole, Valls explains, comes from the Spanish criar, meaning "to bring up or to rear." The term was used especially in reference to children born in the New World, with the connotation that they were not quite authentic or pure. Later, Creole came to mean mixed blood.

"While English is the language of our heads, Creole is the language of our hearts," Valls explains. The dialect makes this park piquantly different from any other in the National Park System. Park staff use it. Menus use it. "Kribishee with jumbee parasols" is shrimp with mushrooms. Island fauna and flora reflect it. The "monkey-no-climb" is a tree with sharp thorns on its trunk; the "woman tongue" is a tree with dry pods that rattle incessantly.

"One one" or one by one and little by little, stateside visitors undergo a "mine tu'n"—a mind turn, or a change of mind—and drop their "alien talk" to pick up Creole phrases, but not without curious questions. At a campfire talk, when asked what language is spoken on St. John, Georges allowed a pregnant pause and then quietly said, "English"—cementing the link between islanders and continentals.

Both Georges and Valls are cultural ambassadors who serve with love for their visitors, their island's natural gifts, and their people's traditions. Together they make the Virgin Islands National Park experience instructive, respectful, and as warm as the tropic breeze that plays over the islands.●

FORMER NIH DIRECTOR OPPOSES H.R. 2350

HON. EDWARD R. MADIGAN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 22, 1983

● Mr. MADIGAN. Mr. Speaker, on September 14, 1983, my colleague RICHARD SHELBY of Alabama placed in the RECORD a substitute amendment which he will offer with JIM BROYHILL and myself when H.R. 2350 is considered by the House. The Shelby substitute reauthorizes for 3 fiscal years the expiring authorities of the National Institutes of Health (HIH), creates a new National Institute of Arthritis and Musculoskeletal Disease and 25 centers for research in disease prevention and health promotion. Funding levels in the substitute are exactly the same as those in H.R. 2350 and represent increases over the 1983 appropriations of 15 percent except for the cancer authority which would receive a 35-percent increase.

Unlike the Waxman bill, the Shelby substitute is free of the highly detailed and restrictive mandates, line item authorizations for research in specific disease areas, and significant changes to NIH's organizational structure and administrative framework. In offering this substitute we believe we are giving NIH the vote of confidence it justly deserves. The substitute provides a funding increase which insures the continued growth of our Nation's biomedical research endeavors while maintaining the flexibility dictated by the scientific environment.

Recently, I received a letter of opposition of H.R. 2350 from one scientist who knows directly the detrimental impact of this legislation. Dr. James Shannon, the Director of NIH from 1955 through 1968, expressed his concerns on this legislation most eloquently. I want to share this letter with my colleagues.

The letter follows:

PORTLAND, OREG.,
September 9, 1983.

Hon. EDWARD R. MADIGAN,
Subcommittee on Health and the Environment, Committee on Energy and Commerce, U.S. House of Representatives, Washington, D.C.

DEAR MR. MADIGAN: When in Washington this week at the invitation of the National Academy of Sciences' Institute of Medicine to discuss that organization's ongoing study on the structure of the NIH, former colleagues brought me up-to-date on the status of legislation related to the NIH. Specifically, I was able to review proposals now before the Congress and to read the debate that occurred in the House on July 25, 1983, as it appeared in the Congressional Record. When secretarial assistance—a luxury not regularly available to me these days—was offered, I decided to communicate my views on this matter to you.

Let me first of all assure you of my enormous respect for the Congress of the United States. During my thirteen years as Director, NIH, under Presidents Eisenhower, Kennedy, and Johnson, I invariably found the legislature warmly receptive and supportive. There was never a doubt in my mind that members of both sides of the aisle in both the House and Senate were deeply committed to the programs to which they had given such major impetus and which they had entrusted to the stewardship of the NIH. Members were thoroughly sympathetic and responsive to the problems that the NIH, from time to time, brought to their attention. The Congress as a whole deserves enormous credit for the very significant achievements of the NIH over the last 35 years.

Against this background, I regret that I must say that the revisions of the Public Health Service Act proposed in H.R. 2350, would be highly distressing to me if I were still the Director, NIH. Moreover, their justification on the basis of the present size and complexity of the operation is not persuasive.

The last appropriation request in whose development I participated before my retirement in the summer of 1968 was that for FY 1969; it resulted in an appropriation of about $1.1 billion. In terms of its purchasing power, the current year's appropriation of $4.004 billion is only about 30% larger than that for FY 1969. Compared to the 1150% increase in appropriations, corrected for inflation, that occurred between FYs 1956 to 1969, the additional growth of 30% over the following 15 years strikes me as relatively unimpressive, hardly warranting very major revisions in the statutory authorities that served so effectively during the period of rapid growth.

Despite the relative fiscal stability of the last fifteen years, it should be noted that biomedical science has advanced briskly along a very broad front. Understanding of biological phenomena has deepended significantly, opportunities—the leads and clues—for progress have increased many fold, and the complex nature of human disease has become increasingly apparent. This being the case, the effective use of federal funds would clearly seem to require that the most sophisticated, objective, and discerning scientific expertise be brought to bear upon funding allocation decisions and that federal managers be allowed to exercise broad judgment in the administration of programs.

In my opinion, the effect of H.R. 2350 would be quite contrary to the needs of the times. For expert technical decisions by the agency with the assistance of its advisory apparatus, the bill proposes highly specific Congressional mandates with respect to scientific priorities; and it limits, rather than encourages, administrative and managerial discretion.

In these times of rapid scientific advance, when significant developments are as likely as not to arise from completely unexpected quarters and when the discreteness of time-honored categories such as cancer and arthritis is becoming blunted, the most important role for the Congress, in my opinion, is to review—frequently, carefully, and minutely—the processes used by the NIH in setting its priorities, making its program decisions, and selecting its projects. If these processes are designed and operated so that the highest degree of competence, objectivity, and fairness is brought to bear upon the identification of targets and the allocation of funds, I am convinced that the rate of progress against disease will be maximized and that the scientific community of the country will be reasonably well satisfied. By contrast, when any categorical or subcategorical group gains special advantage as the result of a political process rather than solid scientific justification, scientists will become disillusioned and escalate unreasonable and self-serving demands.

I continue to believe that the statutory authorities under which the NIH operated from 1944 until passage of the National Cancer Act of 1971 are the most appropriate for a federally funded national research effort in biomedicine. As a corollary, I am convinced that changes subsequent to 1971 have not served the program well. Moreover, these have made the Congress much more vulnerable to special pleadings that it must find difficult both to evaluate and to ignore. In the long run, however, the accumulation of ad hoc responses to such pleadings, no matter how humanely motivated, will turn the nation's biomedical research enterprise into a shambles and thereby deny the American people the outcomes they so strongly want and deserve.

The views expressed in this letter are, I believe, entirely consistent with those I expressed in 1971 in a letter to Dr. Holly Smith that was later published in the Senate Hearing Record on the Conquest of Cancer Act, 1971. I would be happy to expand on them either in person or by letter, if such would be helpful.

I have sent the same letter to Representative Waxman.

Sincerely,

JAMES A. SHANNON.●